



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Gerard Cantrell
1A Marine Parade
Kilkee,
Co Clare**

29th September, 2021

Section 5 referral Reference R21-55 – Gerard Cantrell

If the change of design of proposed Varanda Extension circled in red on enclosed drawings PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 & PDBC 2228/4 from the design as granted under planning permission reference 18/504 as shown circled in red on enclosed drawings DKA/1130/1 & DKA/1130/2 is considered development and if so, is it exempted development?

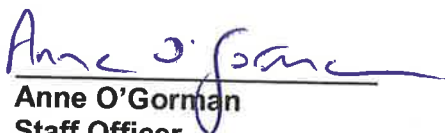
A Chara,

I refer to your application received on 2nd September 2021 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas


Anne O'Gorman

**Staff Officer
Planning Department
Economic Development Directorate**

An Roinn Pleanála

An Stiúrthóireacht Forbairt Gheilleagrach

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department

Economic Development Directorate

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R21-55



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R21-55

If the change of design of proposed Varanda Extension circled in red on enclosed drawings PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 & PDBC 2228/4 from the design as granted under planning permission reference 18/504 as shown circled in red on enclosed drawings DKA/1130/1 & DKA/1130/2 is considered development and if so, is it exempted development?

AND WHEREAS, Gerard Cantrell has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (d) The works as indicated in submitted documents from the referrer.
- (e) The planning history of the site.


And whereas Clare County Council has concluded:

- (a) The proposed change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare is not exempted development having regard to Section 4(1)(h) and Section 82 of the Planning and Development Act, 2000 (as amended), as said change of design would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and would also materially affect the character of the Kilkee Architectural Conservation Area.

- (d) Furthermore, having regard to Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, since the floor area of the varanda extension exceeds the maximum floor area of two square metres for a porch outside any external door of a house, it is considered that the porch would not constitute exempted development, and would in any event contravene condition no. 1 of planning permission reference 18/504.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare, **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

29th September, 2021

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:

78457

Reference Number:

R21-55

Date Referral Received:

2nd September 2021

Name of Applicant:

Gerard Cantrell

Location of works in question:

Well Road, Marine Parade, Kilkee, Co. Clare

Section 5 referral Reference R21-55 – Gerard Cantrell

If the change of design of proposed Varanda Extension circled in red on enclosed drawings PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 & PDBC 2228/4 from the design as granted under planning permission reference 18/504 as shown circled in red on enclosed drawings DKA/1130/1 & DKA/1130/2 is considered development and if so, is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (d) The works as indicated in submitted documents from the referrer.
- (e) The planning history of the site.

AND WHEREAS Clare County Council has concluded:

- (a) The proposed change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare is not exempted development having regard to Section 4(1)(h) and Section 82 of the Planning and Development Act, 2000 (as amended), as said change of design would

materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and would also materially affect the character of the Kilkee Architectural Conservation Area.

- (d) Furthermore, having regard to Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, since the floor area of the varanda extension exceeds the maximum floor area of two square metres for a porch outside any external door of a house, it is considered that the porch would not constitute exempted development, and would in any event contravene condition no. 1 of planning permission reference 18/504.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Garreth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare, constitutes development which is not exempted development.

Signed:



GARRETH RUANE
SENIOR EXECUTIVE PLANNER *As of*

Date:

29th September, 2021

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF: R21 55

APPLICANT(S): Gerard Cantrell

REFERENCE: If the change of design of proposed Varanda Extension circled in red on enclosed drawings PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 & PDBC 2228/4 from the design as granted under planning permission reference 18/504 as shown circled in red on enclosed drawings DKA/1130/1 & DKA/1130/2 at a dwellinghouse at Well Road / Marine Parade, Kilkee, Co. Clare is considered development and if so, is it exempted development?

LOCATION: Well Road / Marine Parade, Kilkee, Co. Clare

DUE DATE: 29th September 2021.

Site Location

The site is a dwellinghouse located at Well Road / Marine Parade, Kilkee, Co. Clare. The subject elevation is the southeast elevation on Well Road.

DESIGNATION/ZONING

The site is within the settlement boundary of Kilkee and is zoned Existing Residential in the Kilkee Settlement Plan (Clare County Development Plan 2017 -2023, Volume 3D West Clare Municipal District).

- The Site is within an Architectural Conservation Area (ACA).

Clare County Development Plan 2017 -2023 Objective 15.5: Architectural Conservation Areas

It is an objective of the development plan:

- a) To ensure that new developments within or adjacent to an ACA respect the context of the area and contribute positively to the ACA in terms of design, scale, setting and material finishes;
- b) To protect existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture and paving, which are considered to be intrinsic elements of the special character of the ACA, from demolition or removal and non-sympathetic alterations;
- c) To ensure that all new signage, lighting, advertising and utilities to buildings within an ACA are designed, constructed and located in a manner that is complementary to the character of the ACA;
- d) To ensure that external colour schemes in ACAs enhance the character and amenities of the area and reflect traditional colour schemes.

Planning History

This Site:

20/869: Permission Refused (by An Bord Pleanála (Ref No. 309898) following an appeal of a grant of permission by Clare County Council) to build an extension to existing ground floor

bedroom at the North Eastern side of existing dwelling house and for planning permission for change of design of the porch previously granted under planning permission P18/504 to the South Eastern side of existing dwelling house with all necessary ancillary works. Refusal Reason as follows:

Having regard to the zoning provisions of the Clare County Development Plan 2017-2023 and the West Clare Municipal District plan for the area, together with the design of the proposed extensions to the house located within the Kilkee Architectural Conservation Area, it is considered that the design of the proposed porch is inappropriate for this prominent corner site and would not integrate with the existing streetscape. In addition, the Board is not satisfied that the proposed extension to the Marine Parade facade satisfactorily respects, or is sensitive to, the character of the building or the existing bay window features of the wider terrace. The proposed extensions would, therefore, seriously injure the visual amenities of the area, would materially and adversely affect the character and integrity of the architectural conservation area and would be contrary to the proper planning and sustainable development of the area.

D P L S

19/312: Permission granted for alterations to existing first floor bay windows on northeast elevation.

18/504: Application for:

- (a) construction of new porch to southeast elevation facing Well Road;
- (b) alterations to existing first floor bay windows on northeast elevation, facing Marine Parade.

A Split Decision issued, granting permission for the new porch and refusing permission for the alterations to the existing first floor bay windows.

93/118: Permission granted for a change of use of portion of premises by retaining existing take-away and extending it within the existing premises.

93/905: Permission granted to build an extension to the rear and a porch at the front of dwelling house.

99/894: Permission granted to change of use from shop to laundry services.

04/1697: Permission granted to reconvert existing dwelling into 2 no. dwellings.

11/341: Permission Refused to remove two existing bay windows and build an extension to the front of the existing building with all necessary ancillary services. Refusal Reasons (in summary):

- proposed front gable projection would negatively impact on the character of an Architectural Conservation Area (ACA);
- adverse impact on visual and residential amenities of the area notably neighbouring residential properties to the northwest.

12/295: Permission Refused (by An Bord Pleanála following an appeal of a grant of permission by Clare County Council) for:

- two ground floor extensions (at Marine Parade and Well Road elevations), with a change in window design to the ground floor northeast (Marine Parade) elevation; and
- replacement of existing bay windows in northeast elevation with windows stated to be of the same character as existing *plus* replacement of block wall between two existing bay windows with a glass section.

Refusal Reason as follows:

Having regard to the zoning provisions of the development plan for the area and the design of the proposed extensions within an architectural conservation area, it is considered that the said extensions would seriously injure the visual amenities of the area, would materially and adversely affect an architectural conservation area and would, therefore, be contrary to the proper planning and sustainable development of the area.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.3.(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4(1) of the Planning and Development Act 2000, as amended states the following shall be exempted development

(h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which materially affect only the interior of the structure and which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

Section 82 of the *Planning and Development Act 2000* states the following

(1) *Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.*

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 7

The construction or erection of a porch outside any external door of a house.

- 1. Any such structure shall be situated not less than 2 metres from any road.*
- 2. The floor area of any such structure shall not exceed 2 square metres.*
- 3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

- (a) *if the carrying out of such development would –*
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*
 - (ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
 - (iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the*

variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is

located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the change of design of proposed Varanda Extension circled in red on enclosed drawings PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 & PDBC 2228/4 from the design as granted under planning permission reference 18/504 as shown circled in red on enclosed drawings DKA/1130/1 & DKA/1130/2 at a dwellinghouse at Well Road / Marine Parade, Kilkee, Co. Clare is considered development and if so, is it exempted development?

Particulars of the Development

The development has not yet commenced. Section 3 (h) of the Declaration Request form states this to be the case.

Assessment

Permission exists to construct a porch on the southeast elevation facing Well Road, under P18/504. This permission expires on 14th September 2023. I note that the porch which is subject of the current request is described within this declaration request as a 'varanda extension' but the same proposed structure was described within a recent refused planning application (P20/869 / ABP-309898) as a porch, and shown on the .

In relation to the potential scenario whereby the landowner would not construct the permitted porch but would seek to construct the alternative porch, the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 7 state:

The construction or erection of a porch outside any external door of a house.

1. Any such structure shall be situated not less than 2 metres from any road.

The drawings submitted with P20/869 show a distance of 1.985m from the porch structure to the roadside boundary wall.

2. The floor area of any such structure shall not exceed 2 square metres.

The floor area of the structure is c. 5 sqm.

3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The height of the porch structure, which has a pitched tiled/slated roof, is 3.47m.

As outlined above, the alternative porch design breaches the limitations under Class 7 Exempted Development, in respect of the distance from the public road, and the maximum floor area.

In relation to the potential scenario where the declaration request seeks to characterise the proposal as only the works that are additional or different to the porch for which permission exists at this site under P18/504, the porch for which permission exists is 3.4m-wide along the front elevation, projects 2m out from the existing front elevation and would have a lean-to slated roof of 3.56m in height where it meets the wall of the house. The alternative design projects out c.2.5m from the existing front elevation, would be 3.47m in height at the roof ridge and would have a half-hexagonal pitched-roof arrangement. I consider that the works required to change the design of the porch from that permitted would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure (in accordance with Section 4 (1) (h) of the Planning and Development Act 2000). Additionally, having regard to Section 82 of the Planning and Development Act 2000 ("the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area"), I consider that the works would not be exempt.

Conclusion

Having regard to the above I consider that if the development that is intended to be undertaken by the landowner is characterised as only the works that are additional or different to the porch for which permission exists at this site under P18/504, then the conclusion is that it constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended, that the works constitute "development" which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended, and that the works are not considered exempted development under Section 4 (1) (h) and Section 82 of the Planning and Development Act 2000, as amended.

If the development that is intended to be undertaken by the landowner is characterised as a new proposed porch, for which permission does not exist, then it is assessed with regard to the Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 7, and since the porch would be less than 2 metres from the public road boundary and would exceed 2 square metres in area.

Having regard to the description of the development provided in the Declaration Request, the Planning History of the site, as well as the applicable sections of the Planning and Development Act and the applicable parts of the Planning and Development Regulations, I consider that the development subject of the declaration request is development and is not exempted development. I recommend that the attached draft Order is issued in respect of the Declaration Request.

DRAFT ORDER:

If the change of design of proposed Varanda Extension circled in red on enclosed drawings PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 & PDBC 2228/4 from the design as granted under planning permission reference 18/504 as shown circled in red on enclosed drawings DKA/1130/1 & DKA/1130/2 at a dwellinghouse at Well Road / Marine Parade, Kilkee, Co. Clare is considered development and if so, is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended;
- (c) Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (d) The works as indicated in submitted documents from the referrer.
- (e) The planning history of the site.

AND WHEREAS Clare County Council has concluded:

- (a) The proposed change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare constitutes “works” which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended;
- (b) The said works constitute “development” which comes within the scope of section 3(1) of the Planning and Development Act 2000, as amended;
- (c) The said change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare is not exempted development having regard to Section 4(1)(h) and Section 82 of the Planning and Development Act, 2000 (as amended), as said change of design would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and would also materially affect the character of the Kilkee Architectural Conservation Area.
- (d) Furthermore, having regard to Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, since the floor area of the varanda extension exceeds the maximum floor area of two square metres for a porch outside any external door of a house, it is considered that the porch would not constitute exempted development, and would in any event contravene condition no. 1 of planning permission reference 18/504.

NOW THEREFORE Clare County Council hereby declares that change of design of Varanda Extension from the design as granted under planning permission reference 18/504 at Well Road / Marine Parade, Kilkee, Co. Clare, constitutes development which is not exempted development.



Tadhg MacNamara,
Area Planner,
28th September 2021.



Garreth Ruane
Senior Executive Planner
Date: 28/09/21 .



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Gerard Cantrell
1A Marine Parade
Kilkee
Co. Clare

07/9/2021

Section 5 referral Reference R21-55 – Gerard Cantrell

If the change of design of proposed Varanda Extension circled in red on enclosed drawings PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 & PDBC 2228/4 from the design as granted under planning permission reference 18/504 as shown circled in red on enclosed drawings DKA/1130/1 & DKA/1130/2 is considered development and if so, is it exempted development?

A Chara,

I refer to your application received on 2nd September 2021 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Tadhg Holmes

Tadhg Holmes
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



Section 5

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	Mr. Gerard Cantrell <hr/> 1A Marine Parade, Kilkee, Co. Clare <hr/> <hr/> <hr/>
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Project Design Building Consultants <hr/> O'Dea's Road <hr/> Kilrush, Co. Clare <hr/> <hr/>

2. DETAILS REGARDING DECLARATION BEING SOUGHT

- (a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

Is the change of design of proposed Varanda Extension circled in red on enclosed drawings PDBC/2228/1, PDBC/2228/2 PDBC/2228/3 & PDBC/2228/ 4 from the
 design as granted under planning permission reference 18/504 as shown circled in red on enclosed drawings DKA/1130/1 &DKA/1130/2 an exempted development

- (b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

The applicant wishes to construct a varanda at the South/East of his property as detailed on enclosed drawings PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 and PDBC/2228/4. This involves a change of design to that as granted under planning permission reference no 18/504 and detailed on enclosed drawings DKA/1130/1 & DKA/1130/2 and tagged as a porch on these drawings. The applicant is seeking a declaration of exemption for the change of design.

- (c) List of plans, drawings etc. submitted with this request for a declaration:
(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

Following schedule of drawings enclosed.

Drawings no's PDBC/2228/1, PDBC/2228/2, PDBC/2228/3 & PDBC/2228/4. DKA/1130/1 &DKA/1130/2. Development shown circled in red on all drawings.

Copy of OSI map scale 1/1000

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	1A Marine Parade, Kilkee, Co. Clare _____ _____ _____ _____
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No. _____ _____ _____
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Full owner _____ _____
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A _____ _____ _____
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	N/A
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	Yes Planning reference numbers: 20/869, 18/504 / 12/295, 11/341, 04/1697
(h) Date on which 'works' in question were completed/are likely to take place:	Works have not commenced

SIGNED:



DATE: 02-09-2021

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	Fee Paid:
Date Acknowledged:	Reference No.:
Date Declaration made:	CEO No.:
Decision:.....			

Urban PLACE Map

P.D.B.C.
Project Design & Building Consultants Ltd.
O'Dea's Road, Kilrush, Co. Clare.
Telephone: 065-9051600. Fax: 065-9051699

Site Location Map

**Showing Location of Site,
With Site Boundaries Edged in Red &
Location of Site Notice.**

For: Audrey & Gerry Cantrell.

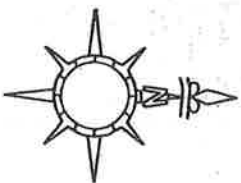
At: Marine Parade,
Kilkee,
Co. Clare.

Scale: 1 / 1,000.

From: Osi Map Sheets: 4604 - 25,
4665 - 01.

Ordnance Survey Ireland
Licence No. EN 0017311

© Ordnance Survey Ireland/Government of Ireland

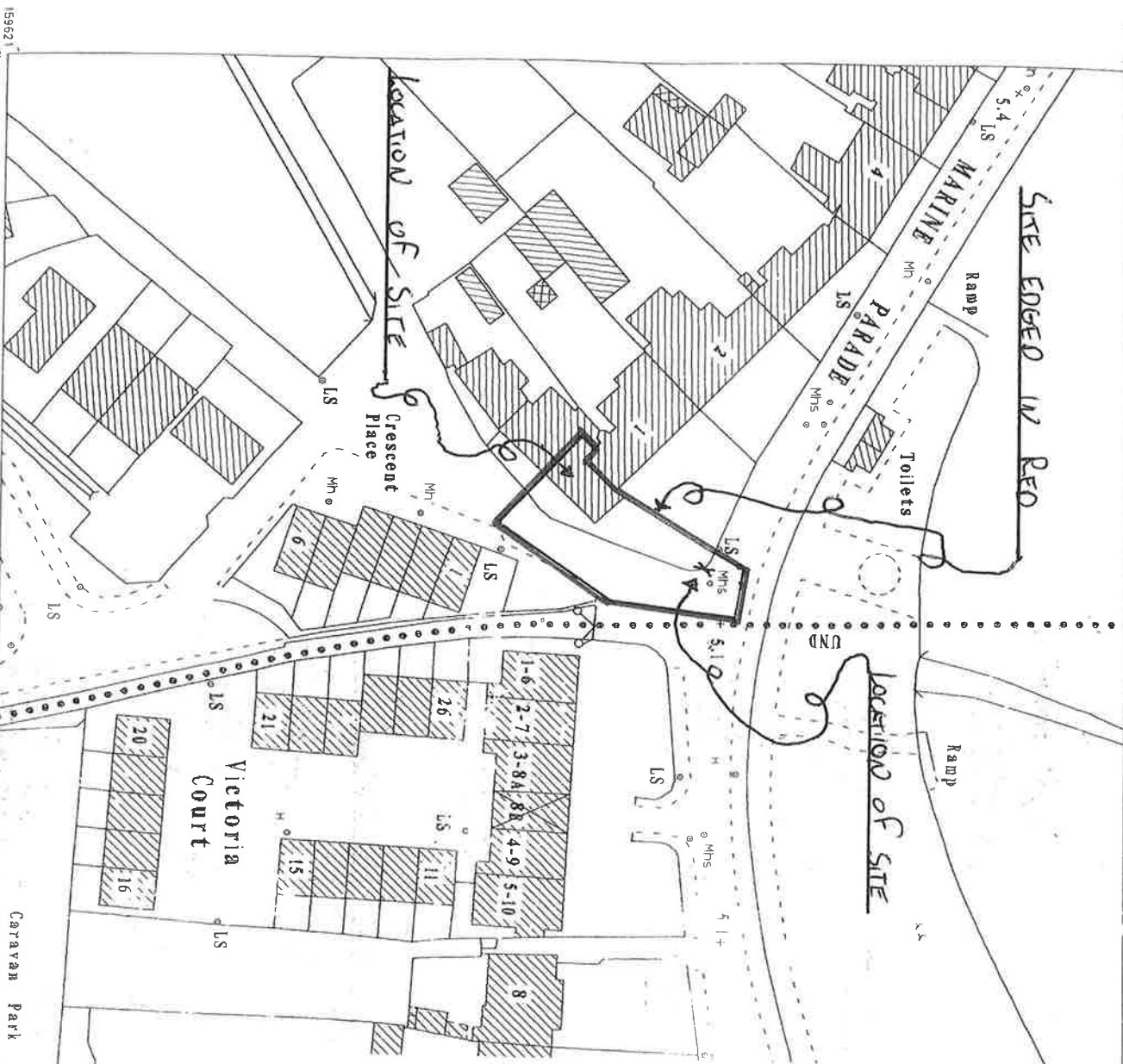
[illegible]

© Sulchréireacht Ordánais Éireann, 2002
© Ordnance Survey Ireland, 2002

DESCRIPTION

MAP SCALES

1:1000 4665-01
4604-25



Scale:- 1:1000
 Scđla:- 1:1000

Plot Ref. No. 3997_1_6
Plot Date 06-AUG-2002

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reproduced or copied without written permission.

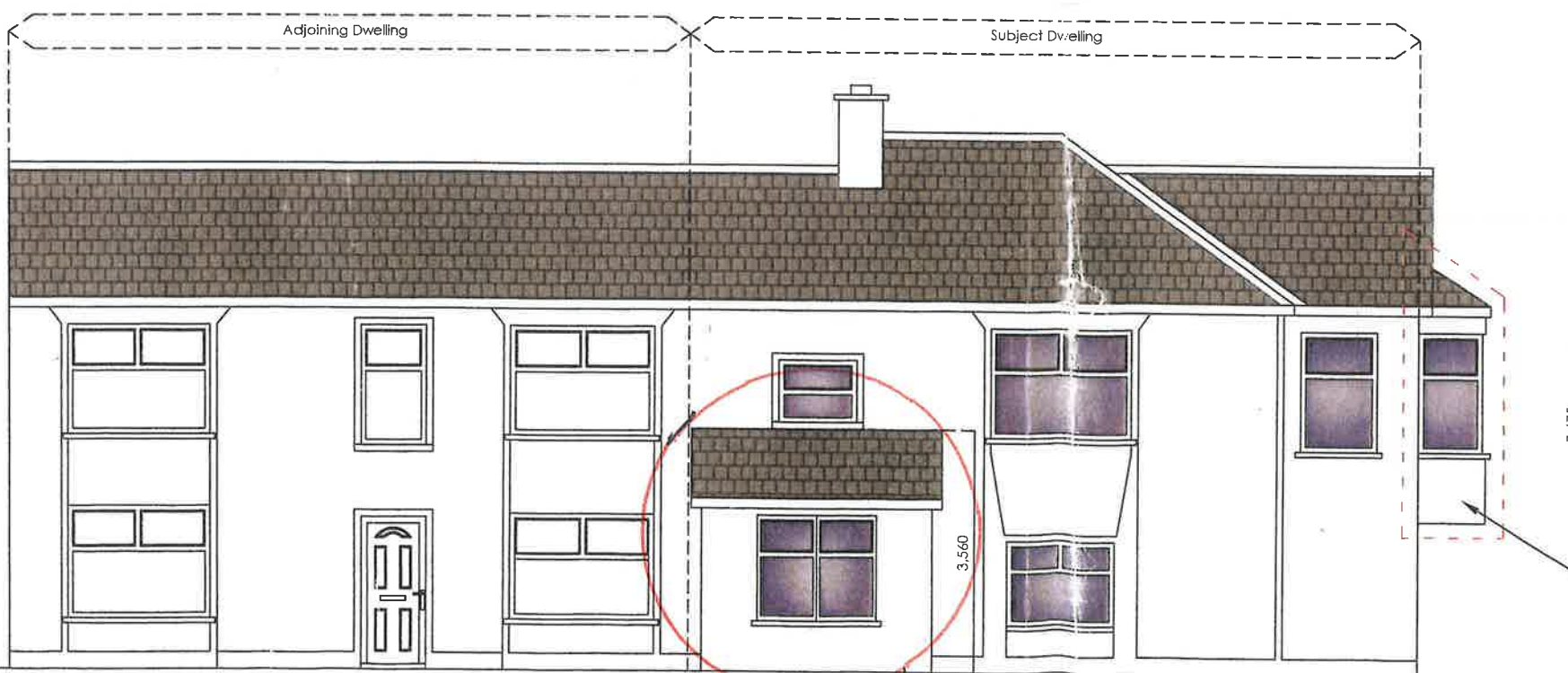
Proposed Alterations
Shown Thus



PROPOSED SIDE ELEVATION (NORTH EAST)

01
SCALE 1:100

Porch as previously granted under
P18/504 - not yet constructed



PROPOSED FRONT ELEVATION (SOUTH EAST)

02
SCALE 1:100

Porch as previously granted under
P18/504 - not yet constructed

Existing Double Bay Windows
To Be Connected Into One Single
Bay Window with 6 no. Vertical
Glazed Panels as Shown

DATE	REVISION	DETAILS	DRAWN

 **DIARMUID KEANE + ASSOCIATES LTD**
Architecture | Engineering | Surveying
O'Curry Street, Kilkee, Co. Clare.
T: 065-9083667 M: 087-4679682
E: info@diarmuidkeane.ie
W: www.diarmuidkeane.ie

Project:
Alterations to Bay Window @ Well Road, Kilkee, Co. Clare

Client:
Gerry & Audrey Cantell

Project Stage:
Planning Application

Drawing:
Proposed Front & Side Elevation

Drawing By:
Diarmuid Keane

Checked By:
Diarmuid Keane

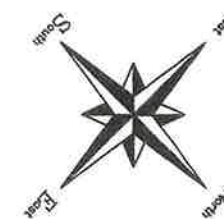
Client Ref No.:
DKA / 1130

Date: 17-04-2019

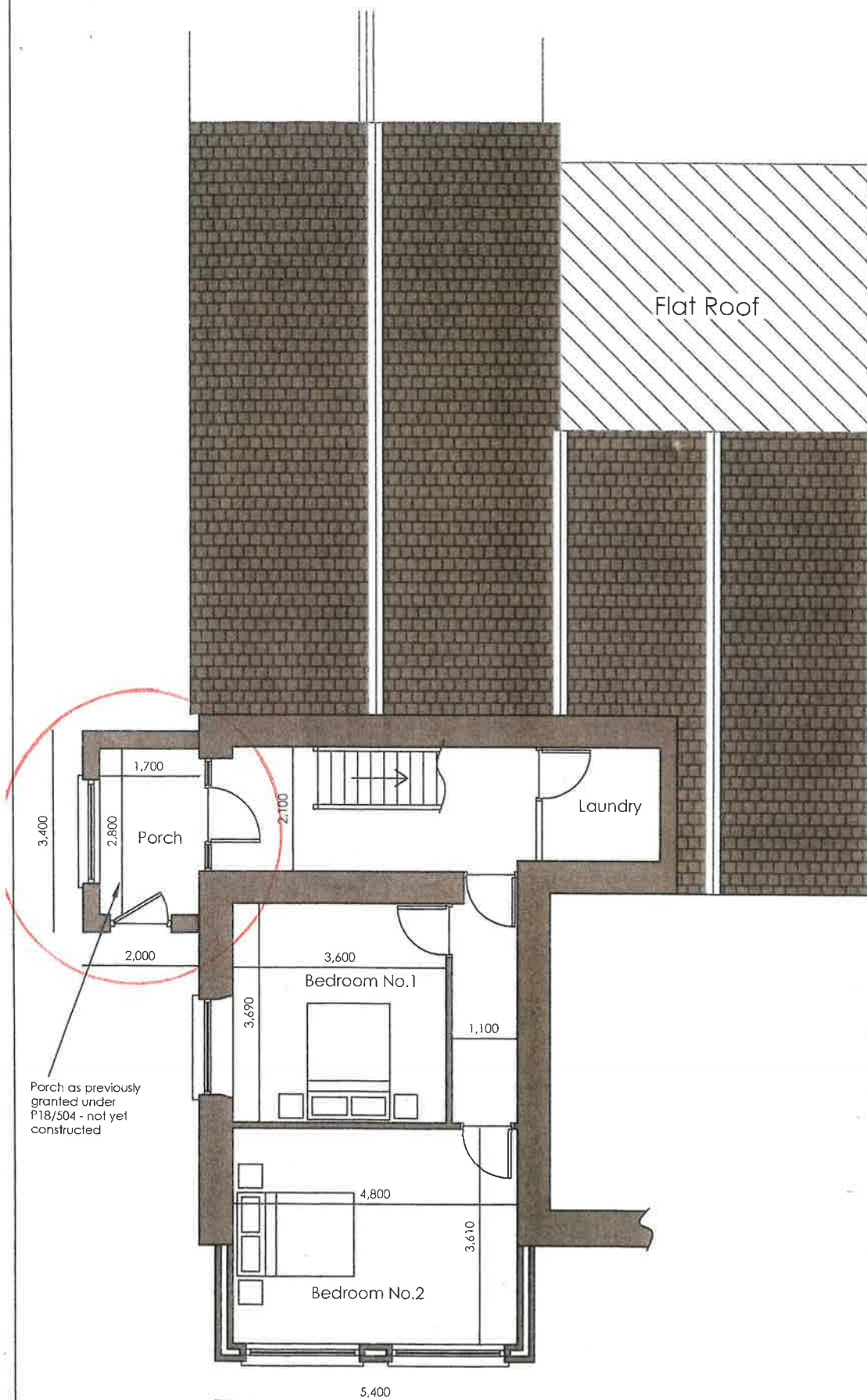
Scale: 1 : 100 @ A3

Drawing No.:
DKA / 1130 / 2

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----- Proposed Alterations
 Shown Thus

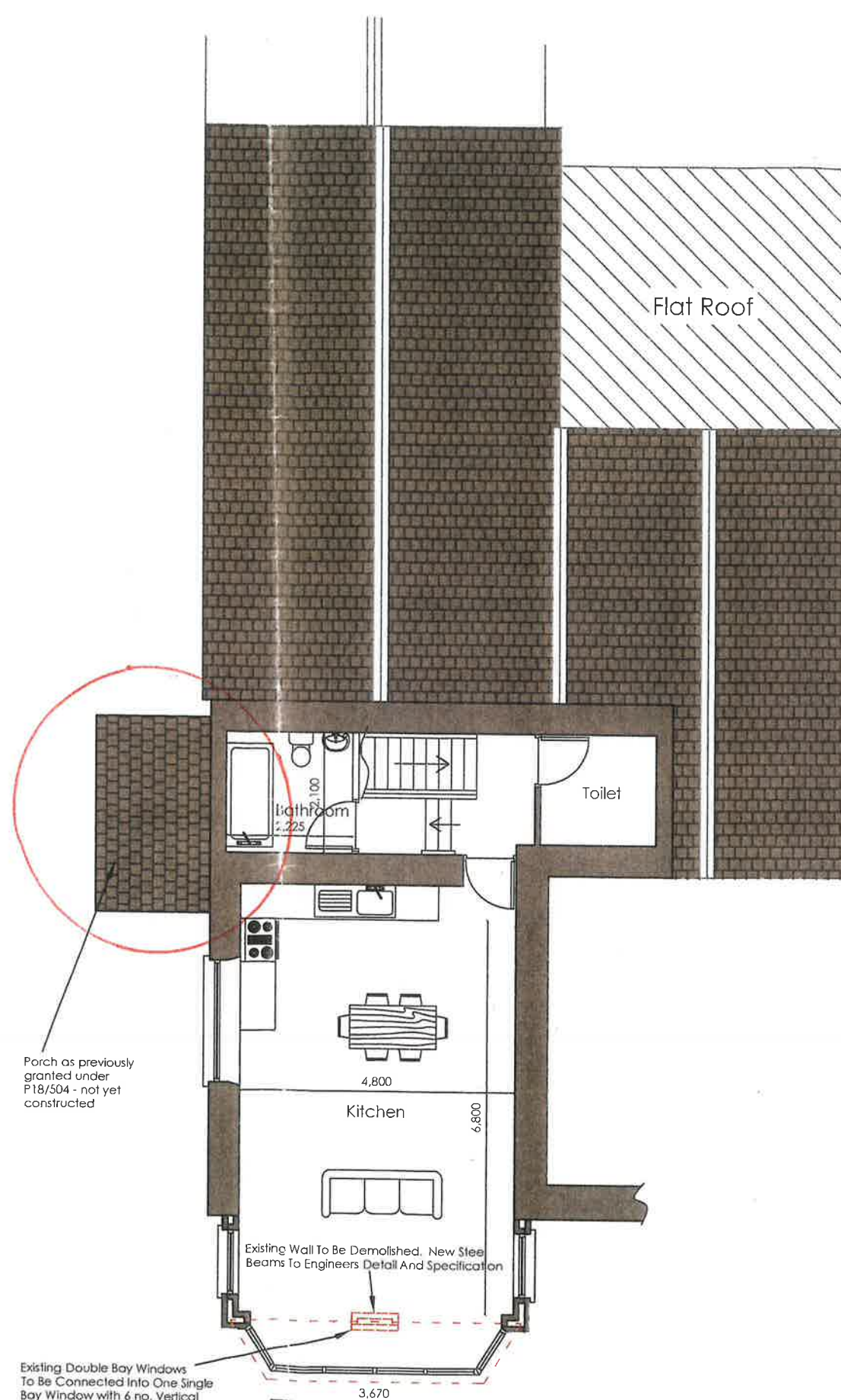


PROPOSED GROUND FLOOR PLAN

01

SCALE 1:100

EXISTING G.F. AREA = 53m²



PROPOSED FIRST FLOOR PLAN

02

SCALE 1:100

EXISTING F.F. AREA = 53m²

DATE	REVISION	DETAILS	DRAWN



DIARMUID KEANE + ASSOCIATES LTD
 Architecture | Engineering | Surveying

O'Curry Street, Killee, Co. Clare.
 T: 065-9083667 M: 087-4679682
 E: info@diarmuidkeane.ie
 W: www.diarmuidkeane.ie

Project:
 Alterations to Bay Window & Well Road, Killee, Co. Clare

Client:
 Gerry & Audrey Controll

Project Stage:
 Planning Application

Drawing:
 Proposed Ground & First Floor Plan

Drawing By:
 Diarmuid Keane

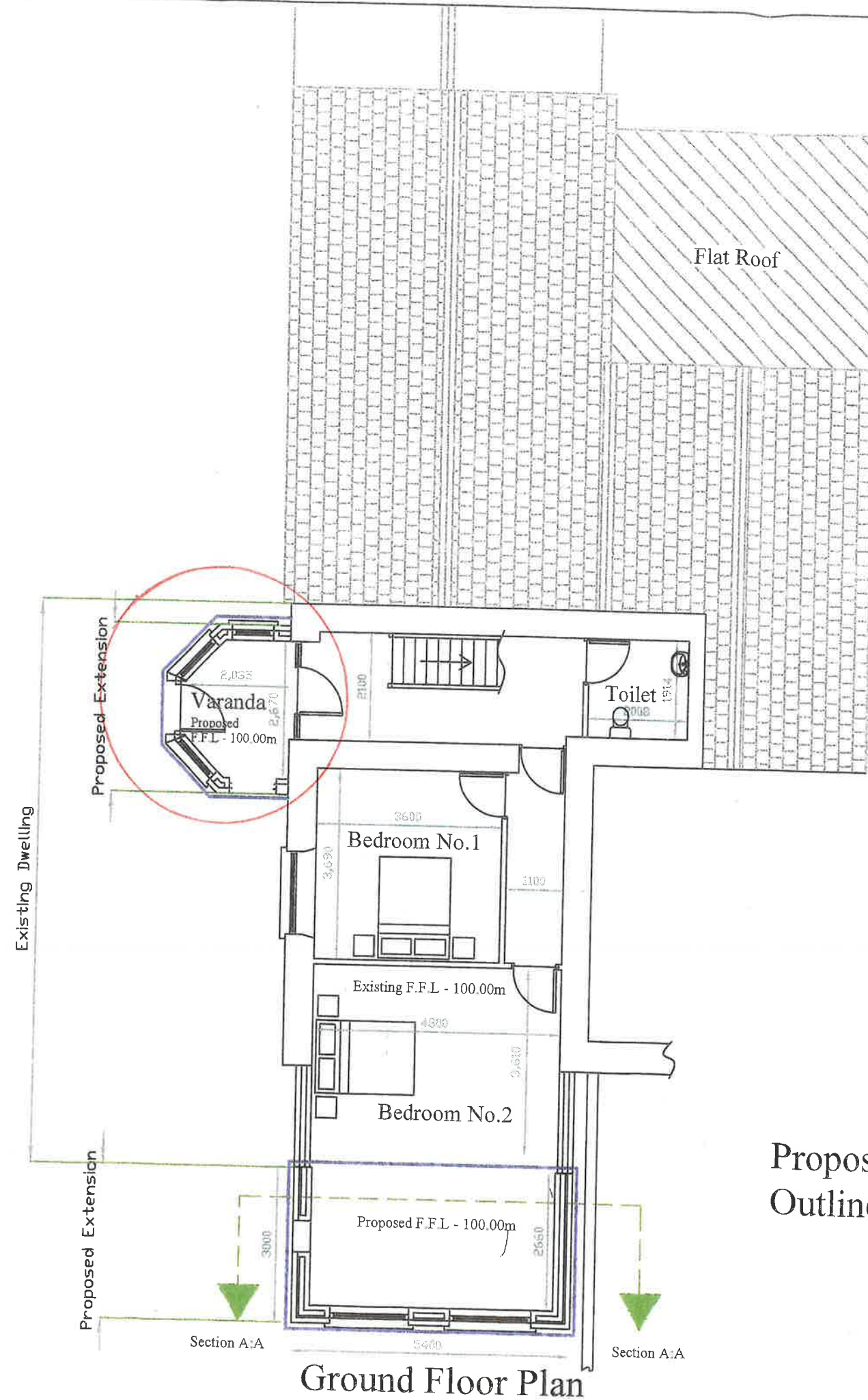
Checked By:
 Diarmuid Keane

Client Ref No.:
 DKA / 1130

Date: 17-04-2019

Scale: 1 : 100 @ A3

Drawing No.:
 DKA / 1130 / 1



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DATE	REVISION/DETAILS	DRAWN



Project Design & Building Consultants Ltd
Architects & Chartered Building Surveyors
D'Bea's Road, Killybeg, Co. Clare.
Phone: 065-9051600 Fax: 065-9051699 Mobile: 087-2203969

Project:
Proposed extension to existing bedroom.

Client:
Gerry & Audrey Cantrell

Project Stage:
Planning

Drawing:
Elevations

Drawing By:
Damien Linnen

Checked By:
Gerard McGrath

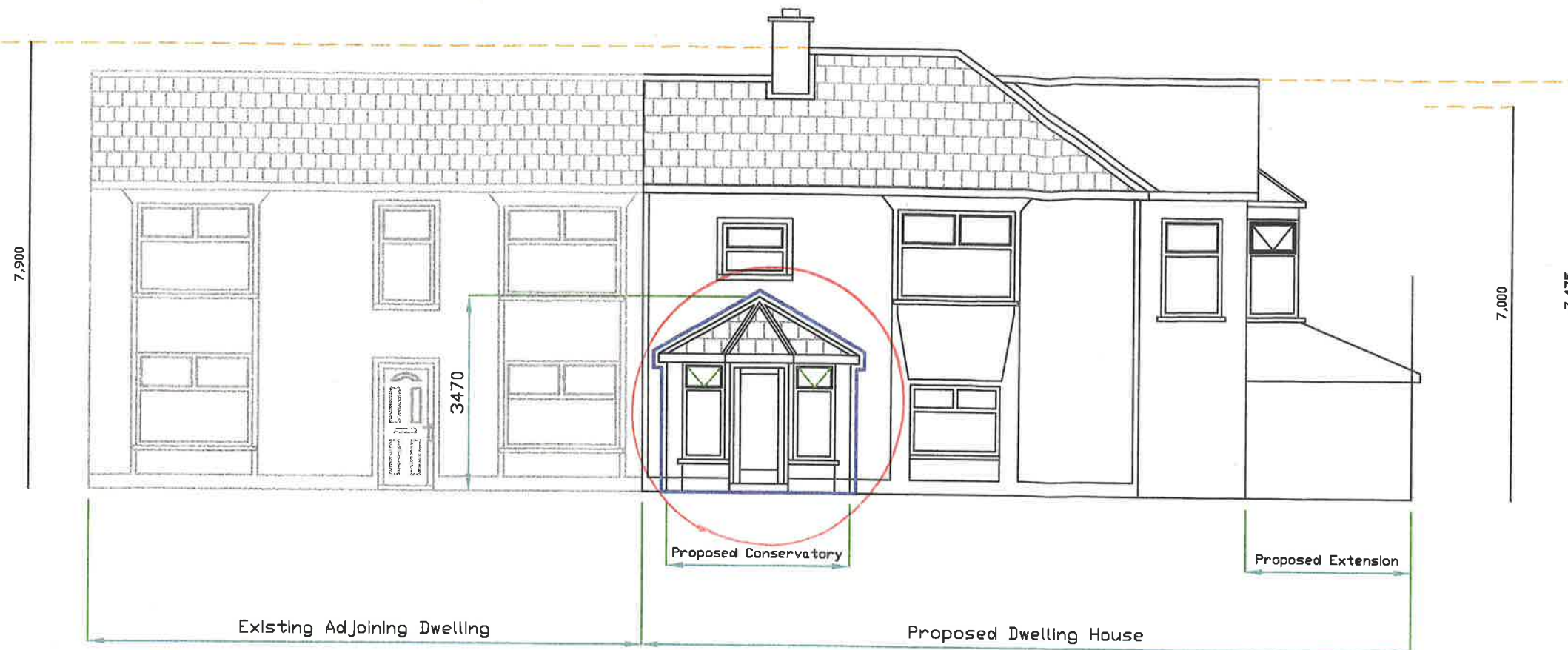
Client Ref No:
PDBC / 2228

Date: 10-06-2014

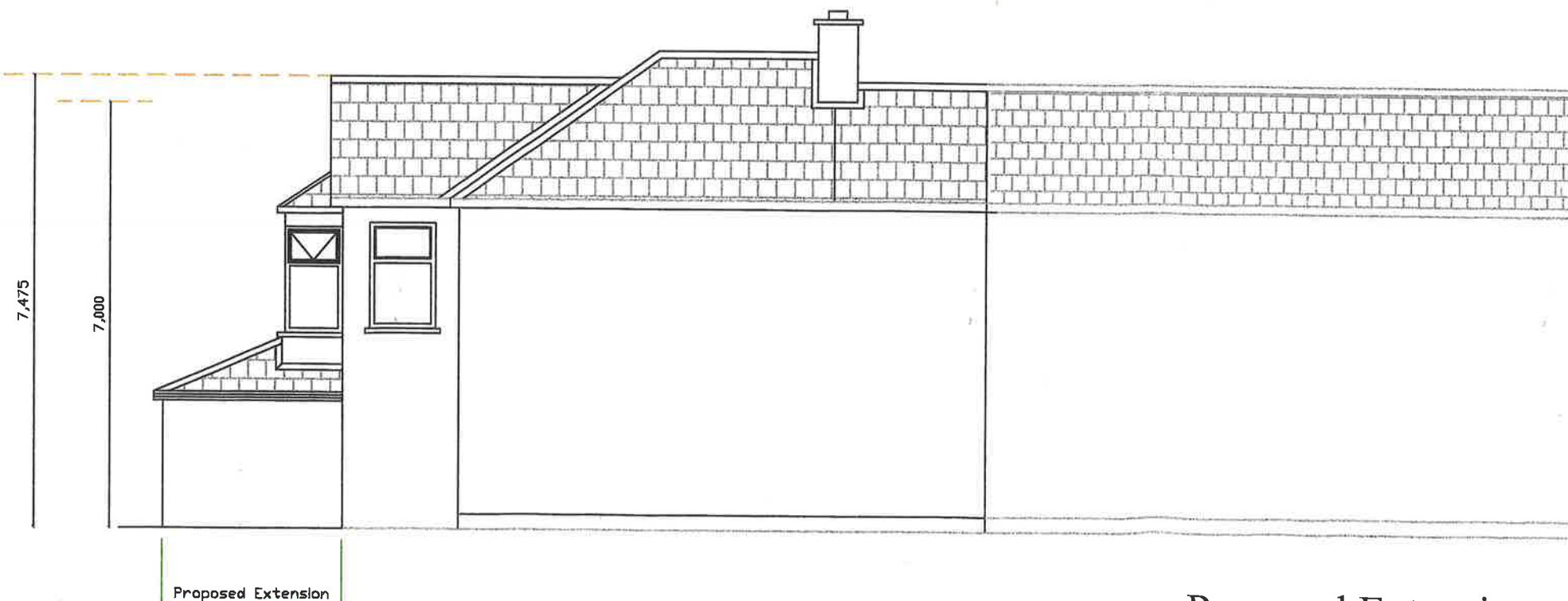
Drawing No:
PDBC/2228/1

Scale: 1 : 100 @ A3

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Proposed Side Elevation -South East



Proposed North West Elevation

Proposed Extensions
 Outlined in Blue

DATE	REVISION	DETAILS	DRAWN



architects

Project Design & Building Consultants Ltd.
 Architects & Chartered Building Surveyors
 O'Dea's Road, Killybeg, Co. Clare.
 Phone: 063-9031600 Fax: 063-9031699 Mobile: 087-2210960

Project:
 Proposed extension to existing bedroom.

Client:
 Gerry & Audrey Cantrell

Project Stage:
 Planning

Drawing:
 Elevations

Drawing By:
 Damien Lineen

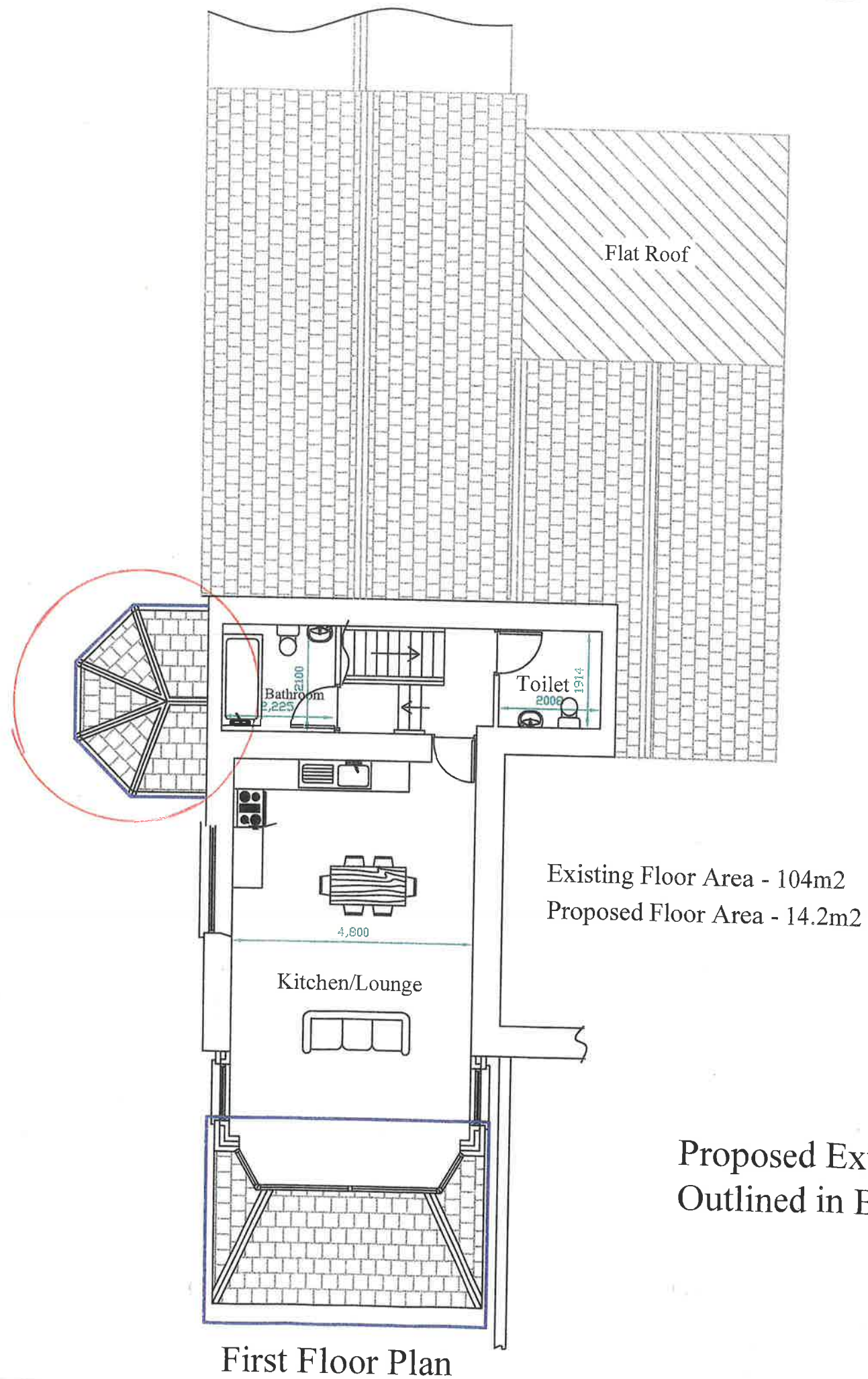
Checked By:
 Gerard McGrath

Client Ref. No.:
 PDBC/2228

Date: 02-11-2020

Scale: 1 : 100 @ A3

Drawing No.:
 PDBC/2228/4



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DATE	REVISION/DETAILS	DRAWN



architects

Project Design & Building Consultants Ltd.
Architects & Chartered Building Surveyors
O'Don's Road, Killybeg, Co. Clare.
Phone: 065-9051600 Fax: 065-9051699 Mobile: 087-2203960

Project:
Proposed extension to existing bedroom.

Client:
Gerry & Audrey Cantrell

Project Stage:
Planning

Drawing:
Elevations

Drawing By:
Damien Lineen

Checked By:
Gerard McGrath

Client Ref No:
PDBC / 2228

Date: 10-06-2014

Scale: 1 : 100 @ A3

Drawing No:
PDBC/2228/2

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Proposed North East Elevation



Proposed Section A:A

Proposed Extensions
 Outlined in Blue

DATE	REVISION	DETAILS	DRAWN



architects

Project Design & Building Consultants Ltd.
 Architects & Chartered Building Surveyors
 O'Dea's Road, Killybeg, Co. Clare.
 Phone: 065-9051600 Fax: 065-9051699 Mobile: 087-2203969

Project:
 Proposed extension to existing bedroom.

Client:
 Gerry & Audrey Cantrell

Project Stage:
 Planning

Drawing:
 Elevations

Drawing By:
 Damien Lineen

Checked By:
 Gerard McGrath

Client Ref No:
 PDBC/2228

Date: 10-06-2014

Scale: 1 : 100 @ A3

Drawing No:
 PDBC/2228/3

Clare County Council
Aras Contae an Chláir
New Road
Ennis
Co Clare

02/09/2021 11:03:51

Receipt No. : L1CASH/0/321571

REPRINT

GERARD CANTRELL
1A MARINE PARADE
KILKEE
CO. CLARE

SECTION 5 REFERENCES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total :

Tendered :
CREDIT CARDS

Change :

Issued By : L1CASH - DEIRDRE FRENCH



COMHAIRLE
CONTAE
AN CHLÁIR

