



Registered Post

COMHAIRLE
CONTAE AN CHLÁIR

CLARE
COUNTY COUNCIL

**Deirdre Foran
Lisdoonvarna
Co. Clare**

RL 5660 3330 3IE

Your Client: Maree Vaughan

28th June, 2022

Section 5 referral Reference R22-36 – Maree Vaughan

Is the replacement of the flat roof with a pitched roof over the projection to the front of the building at 'Clarina', Lahinch, Co. Clare V95 A5W0, considered to be development and if so, is it exempted development?

A Chara,

I refer to your application received on 02nd June 2022 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

**Josephine Connors
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.: R22-36



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R22-36

Is the replacement of the flat roof with a pitched roof over the projection to the front of the building at 'Clarina', Lahinch, Co. Clare V95 A5W0, considered to be development and if so, is it exempted development?

AND WHEREAS, Maree Vaughan 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 and 4 of the Planning and Development Act, as amended.

And whereas Clare County Council has concluded:

(a) that the works would result in a material change to the building in terms of its overall form and height, and therefore the works proposed to be undertaken constitute development that is not exempted by reason of the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

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 the replacement of the flat roof with a pitched roof over the projection to the front of the building at 'Clarina', Lahinch, Co. Clare is considered to be development, but it is not considered to be exempted development as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

**Josephine Connors
Staff Officer
Planning Department
Economic Development Directorate**

28th June, 2022

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: 80032
Reference Number: R22-36
Date Referral Received: 02nd June 2022
Name of Applicant: Maree Vaughan
Location of works in question: 'Clarina', Lahinch, Co. Clare

Section 5 referral Reference R22-36 – Maree Vaughan

Is the replacement of the flat roof with a pitched roof over the projection to the front of the building at 'Clarina', Lahinch, Co. Clare V95 A5W0, considered to be 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 and 4 of the Planning and Development Act, as amended.

AND WHEREAS Clare County Council has concluded:

(a) that the works would result in a material change to the building in terms of its overall form and height, and therefore the works proposed to be undertaken constitute development that is not exempted by reason of the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

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 Gareth 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 the replacement of the flat roof with a pitched roof over the projection to the front of the building at 'Clarina', Lahinch, Co. Clare is

considered to be development, but it is not considered to be exempted development.

Signed:



**GARETH RUANE
SENIOR EXECUTIVE PLANNER**

Date:

28th June, 2022

**CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT**

FILE REF:	R22-36
APPLICANT(S):	Maree Vaughan
REFERENCE:	Is the replacement of the flat roof with a pitched roof over the projection to the front of the building at 'Clarina', Lahinch, Co. Clare, V95 A5W0, considered to be development and if so, is it exempted development?
LOCATION:	'Clarina', Lahinch, Co. Clare, V95 A5W0
DUE DATE:	28 th June 2022

Site Location

The site is located on the Miltown Malbay Road (N67) in Lahinch.

Recent Onsite Planning History

There is no recent planning history on site.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Maree Vaughan, the owner of the property.

The applicant is seeking a Section 5 Declaration as to whether the replacement of the flat roof with a pitched roof over the projection to the front of the building is considered to be development and if so, is it exempted development?

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)(h) of the *Planning and Development Act* states that 'development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or 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;'

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the replacement of the flat roof with a pitched roof over the projection to the front of the building is considered to be development and if so, is it exempted development.

Particulars of the Development

Having reviewed the file, I consider that the proposal would not fall within the definition of works which are exempt under the provisions of Section 4(1)(h) of the Act in that the replacement of the flat roof with a pitched roof would materially affect the external appearance of the structure.

Conclusions

WHEREAS a question has arisen as to whether the replacement of the flat roof with a pitched roof over the projection to the front of the building is considered to be development and if so, is it exempted development?

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

(a) Sections 2, 3 and 4 of the *Planning and Development Act*, as amended.

AND WHEREAS Clare County Council has concluded that the works to be undertaken constitute development that is not exempted by reason of the provisions of Section 4(1)(h) of the *Planning and Development Act 2000* (as amended).

would result in a material change to the building in terms of its overall form & height, and therefore the works proposed

NOW THEREFORE Clare County Council in exercise of its powers conferred on it by Section 5(2) of the Planning & Development Act 2000 (as amended) hereby decides that the replacement of the flat roof with a pitched roof over the projection to the front of the building at 'Clarina', Lahinch, Co. Clare is considered to be development, but it is not considered to be exempted development. A planning application would be required for this proposed development.



Graduate Planner
Date: 28/06/2022



Senior Executive Planner
Date: 28/06/2022

Planning Pack Map

CENTRE COORDINATES:
ITM 509496,887531

PUBLISHED:
03/03/2021

ORDER NO.:
50175888_1

MAP SERIES:
1:2,500

MAP SHEETS:
4083-C

*SITE LOCATION MAP
MARIE VAUGHAN
'CLARINA' LEHINCH
1/1000 30.05.2022*

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

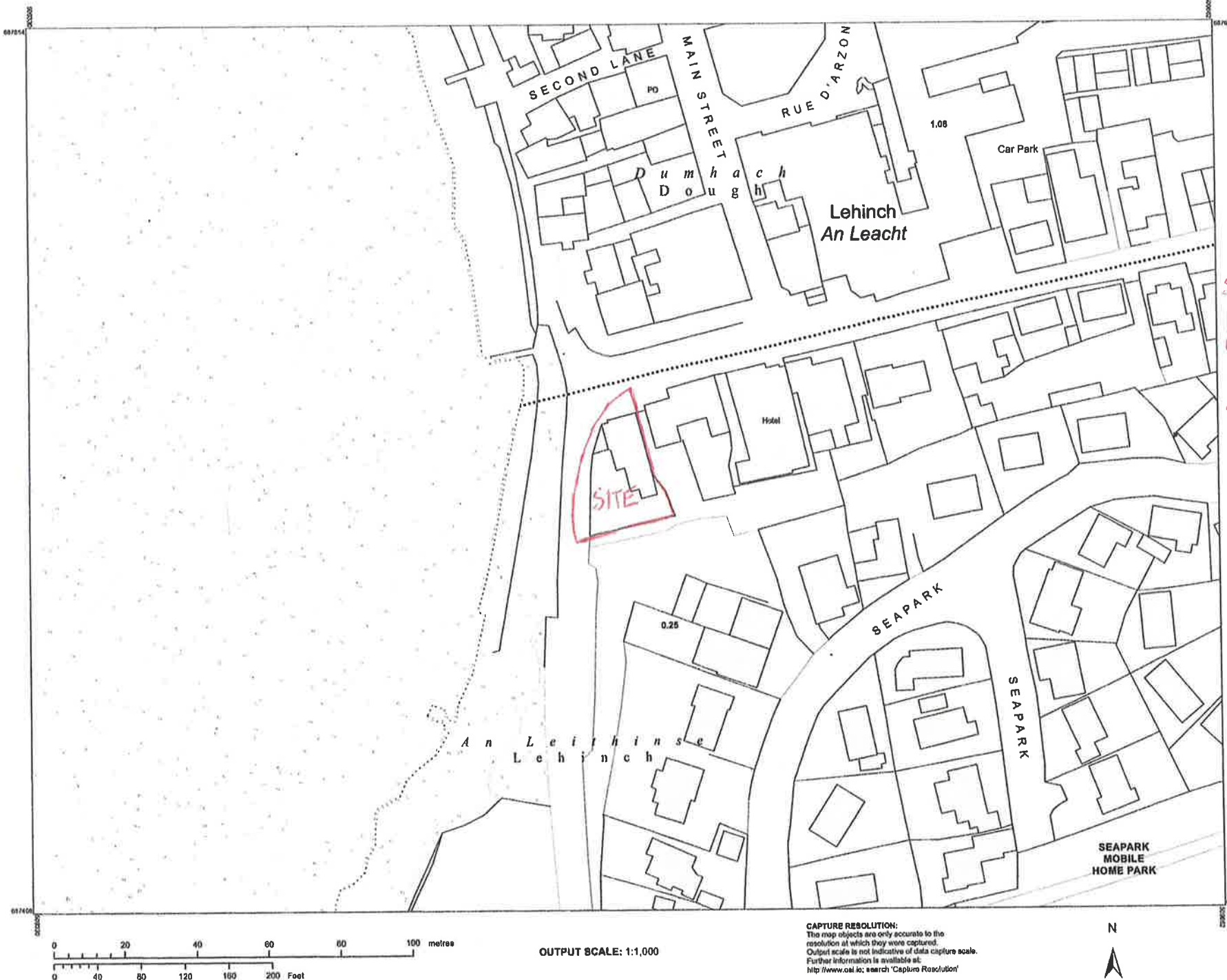
Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

©Súirbhéireacht Ordnála Éireann, 2021
©Ordnance Survey Ireland, 2021

www.osi.ie/copyright

LEGEND:

<http://www.osi.ie>;
search 'Large Scale Legend'



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie>; search 'Capture Resolution'



Plan Residential House Date

SKETCH

PROJECT

Maree Vaughan Extension
Clarina, Lahinch, Co.Clare

TITLE

3D Axo view_Option 2

SKETCH NUMBER						REVISION
XXX-	-	-	-	-A-	-	
DATE	Part 1	Part 2	Part 3	Part 4	Part 5	PROJECT NUMBER
						XXX
						Author

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	MAREE VAUGHAN CLARINA LAHINCH CO CLARE V95 A5W0
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	DEIRDRE FORAN LISDOONVARNA CO CLARE



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 REPLACEMENT OF THE FLAT ROOF WITH A PITCHED ROOF OVER THE PROJECTION TO THE FRONT OF THE BUILDING DEVELOPMENT AND IF SO IS IT EXEMPTED DEVELOPMENT?

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

THE DWELLING HAS A FLAT ROOF OVER A SECTION TO THE FRONT OF THE HOUSE, IT IS INTENDED TO REPLACE THIS WITH A PITCHED ROOF SIMILAR TO THE ROOF OF THE PROJECTION BESIDE IT.

- (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)

ELEVATIONS; PLANS; PHOTOGRAPHS; MAPS

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	'CLARINA' LAHINCH CO CLARE V95 A5W0
(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):	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>	
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	YES
(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>	NOT KNOWN
(h) Date on which 'works' in question were completed/are likely to take place:	THIS SUMMER

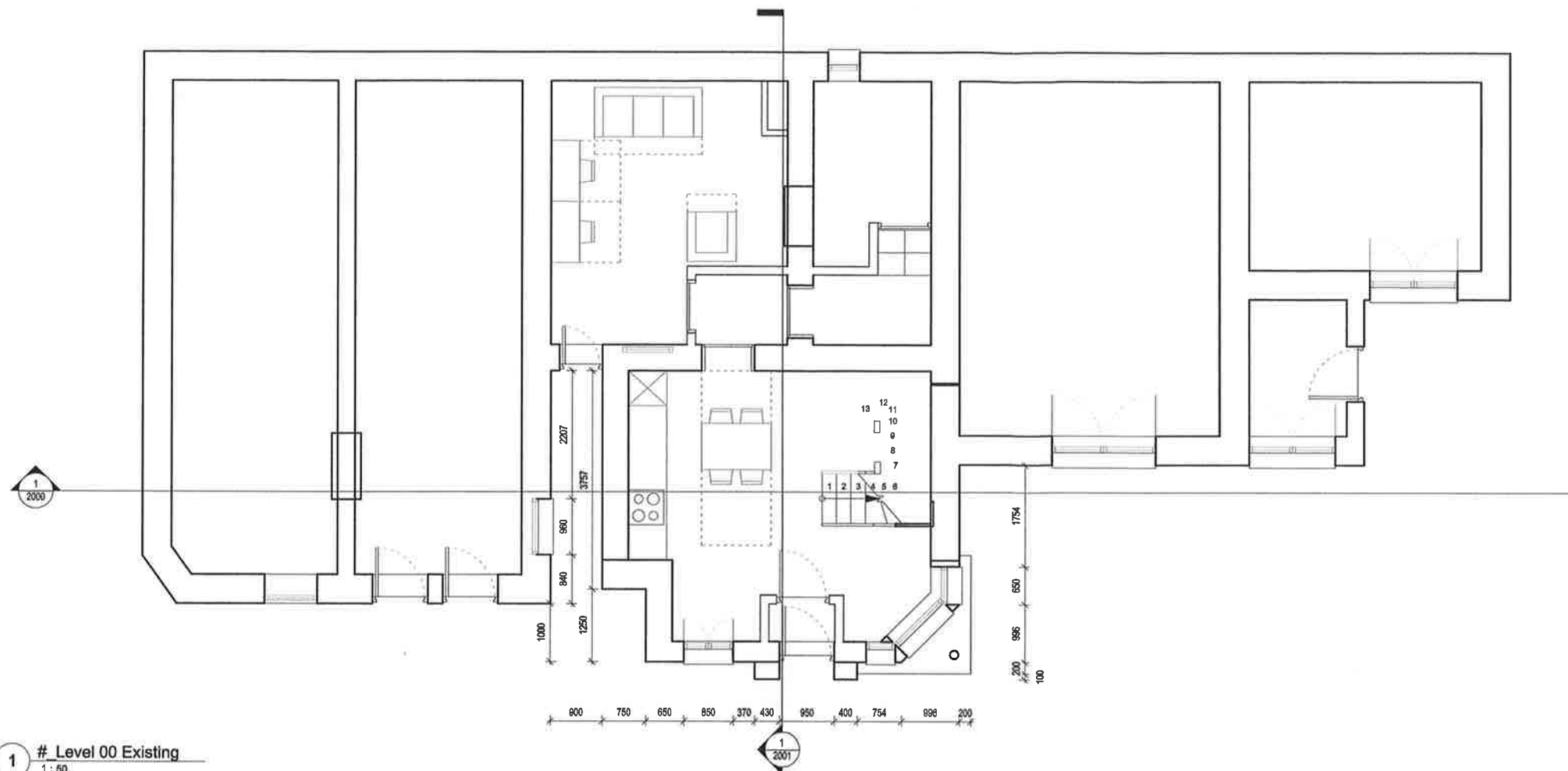
SIGNED: Dendie Foran (Agent) DATE: 30TH MAY 2022



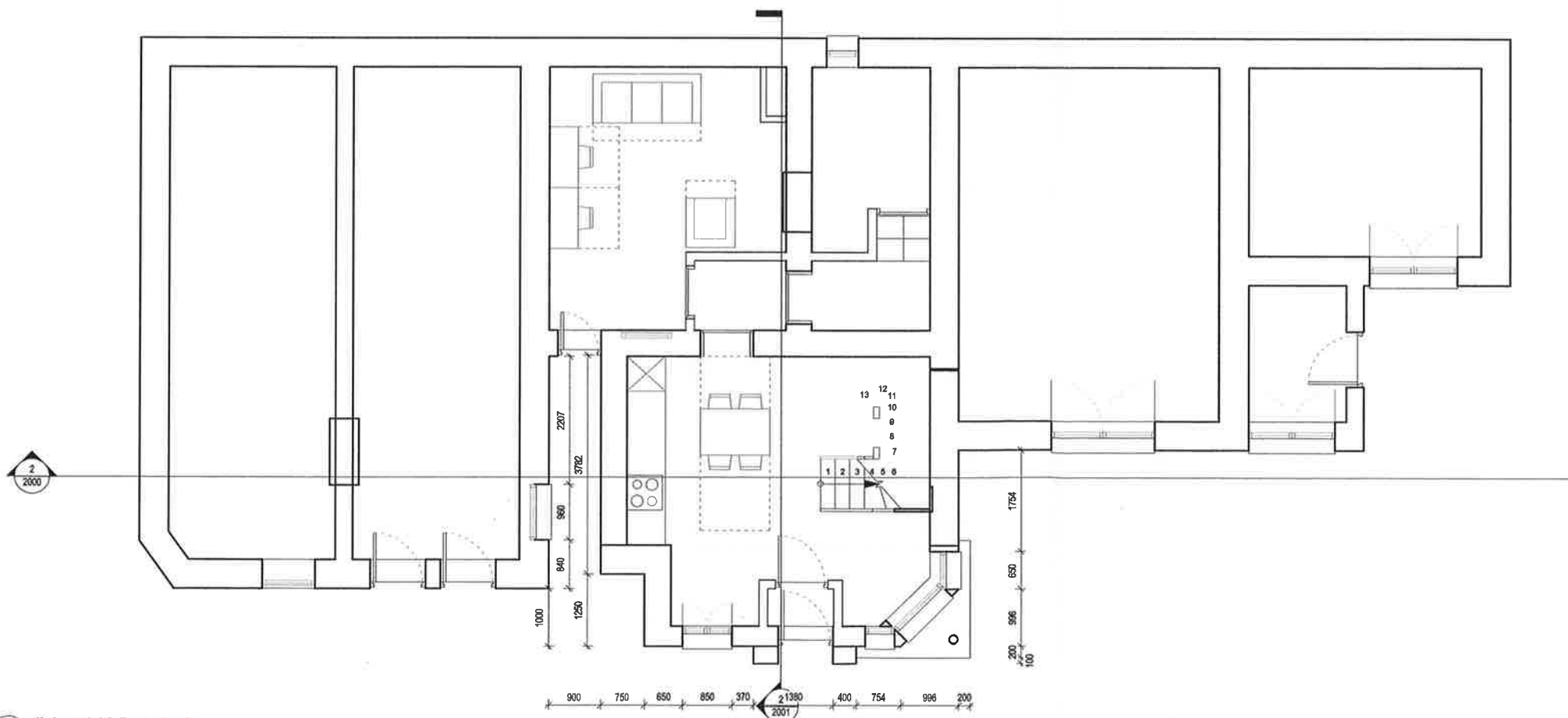
MAPEE VAUGHAN. 1 ACHINCH - EXISTING FLAT ROOF



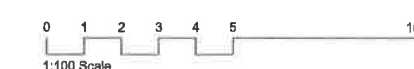
MAREE VAUGHAN LAHINCH - PROPOSED PITCHED ROOF.



1 # Level 00 Existing
1:50
Ref. 2000



2 # Level 00 Proposed
1:50
Ref. 2000



KEY PLAN

CLIENT

Owner

NOTES

Rev

Reason for issue

Date

PROJECT

Maree Vaughan Extension
Clarina, Lahinch, Co.Clare

TITLE

Ground Floor Plan

DRAWING NUMBER

XXX- - - -A-

REVISION

STATUS

Planning

REVISION DATE

02/05/21

DRAWN BY

Author

CHECKED BY

Checker

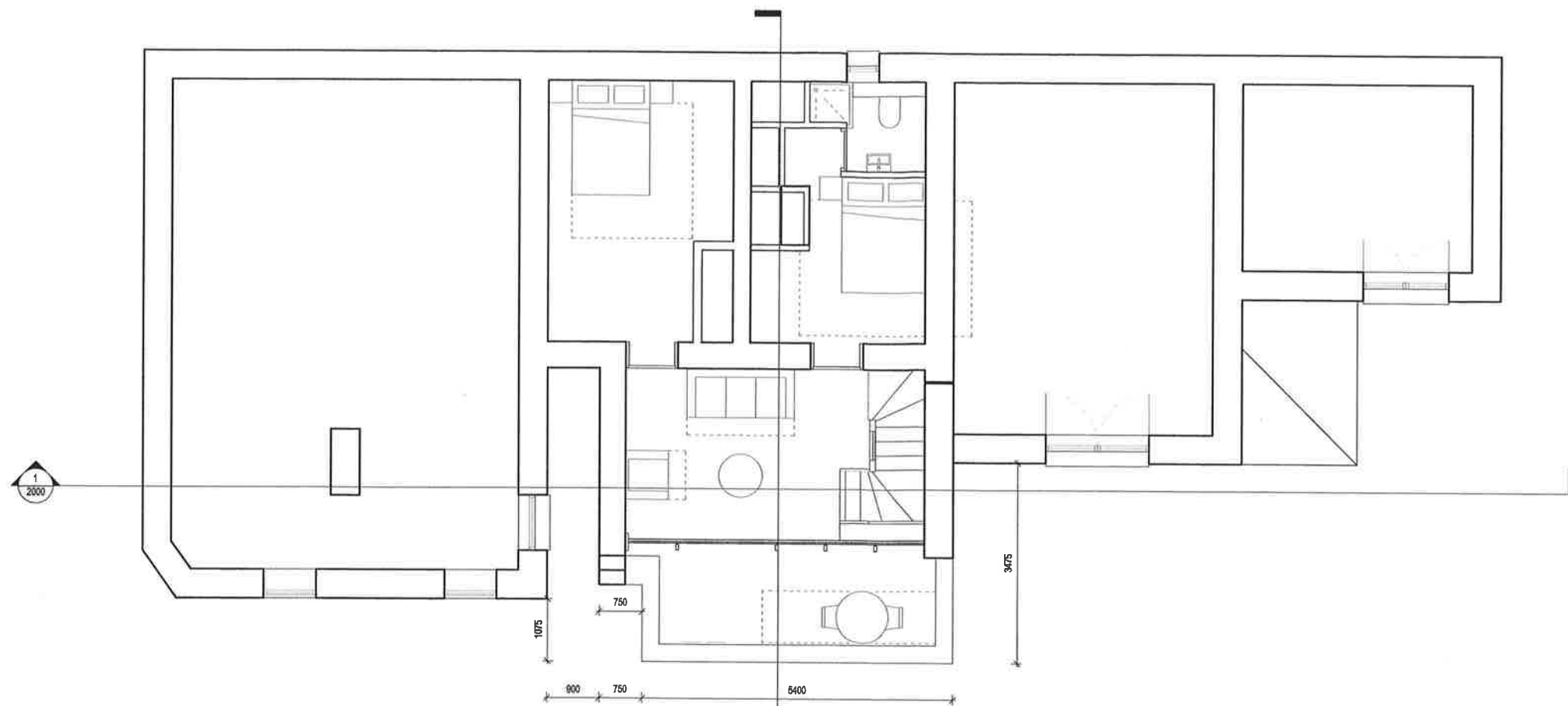
SCALE

1:50 @ A1

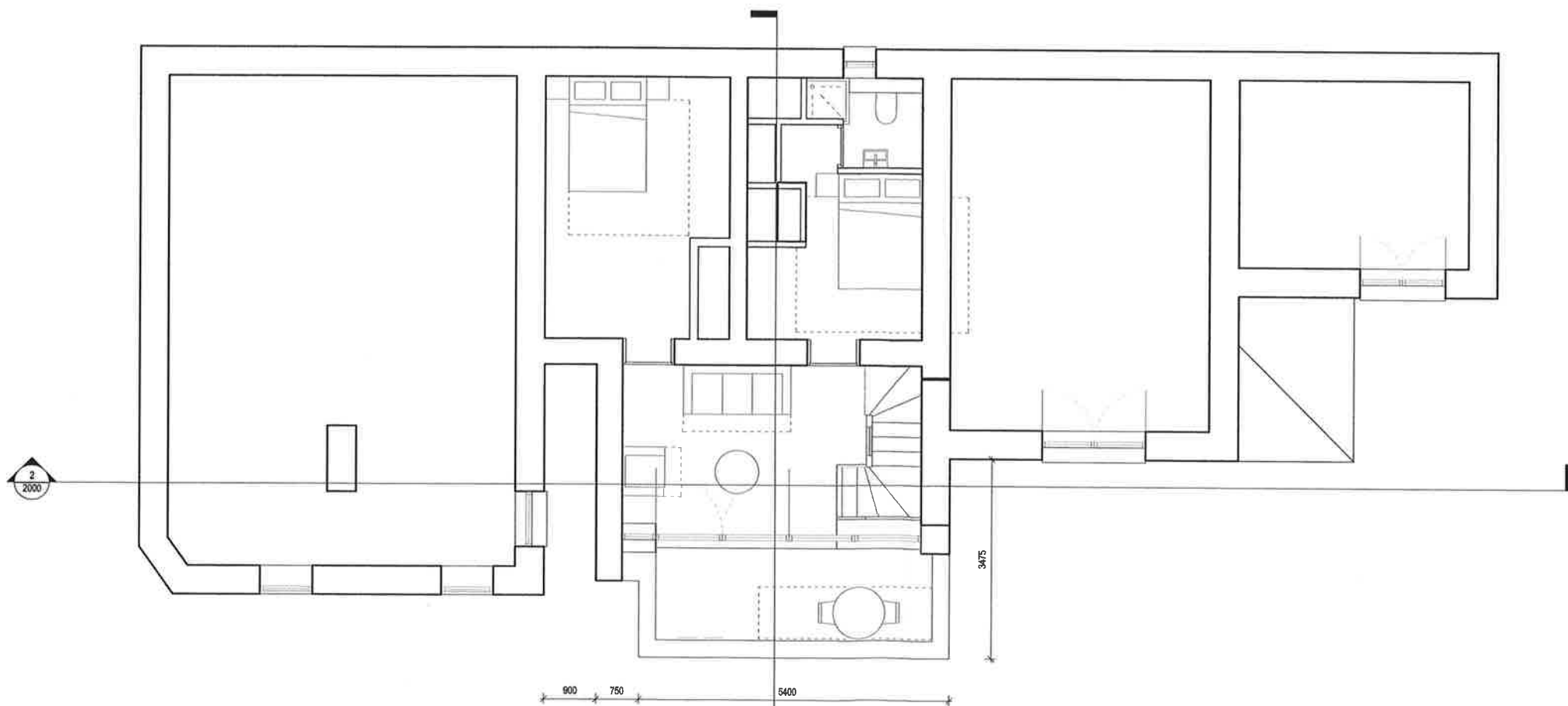
PROJECT NUMBER

XXX

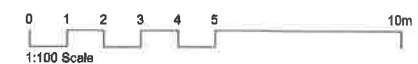
DRAFT



1 Existing Plan - Level 01
1:50
Ref. 2000



2 Proposed Plan - Level 01
1:50
Ref. 2000



REV PLAN
REPLACE REV PLAN

CLIENT
Owner

NOTES

Rev Reason for Issue Date

PROJECT
Maree Vaughan Extension
Clarina, Lahinch, Co.Clare

TITLE
First Floor Plan

DRAWING NUMBER
XXX- - - -A- -

STATUS
Planning

REVISION DATE
FIRST ISSUED

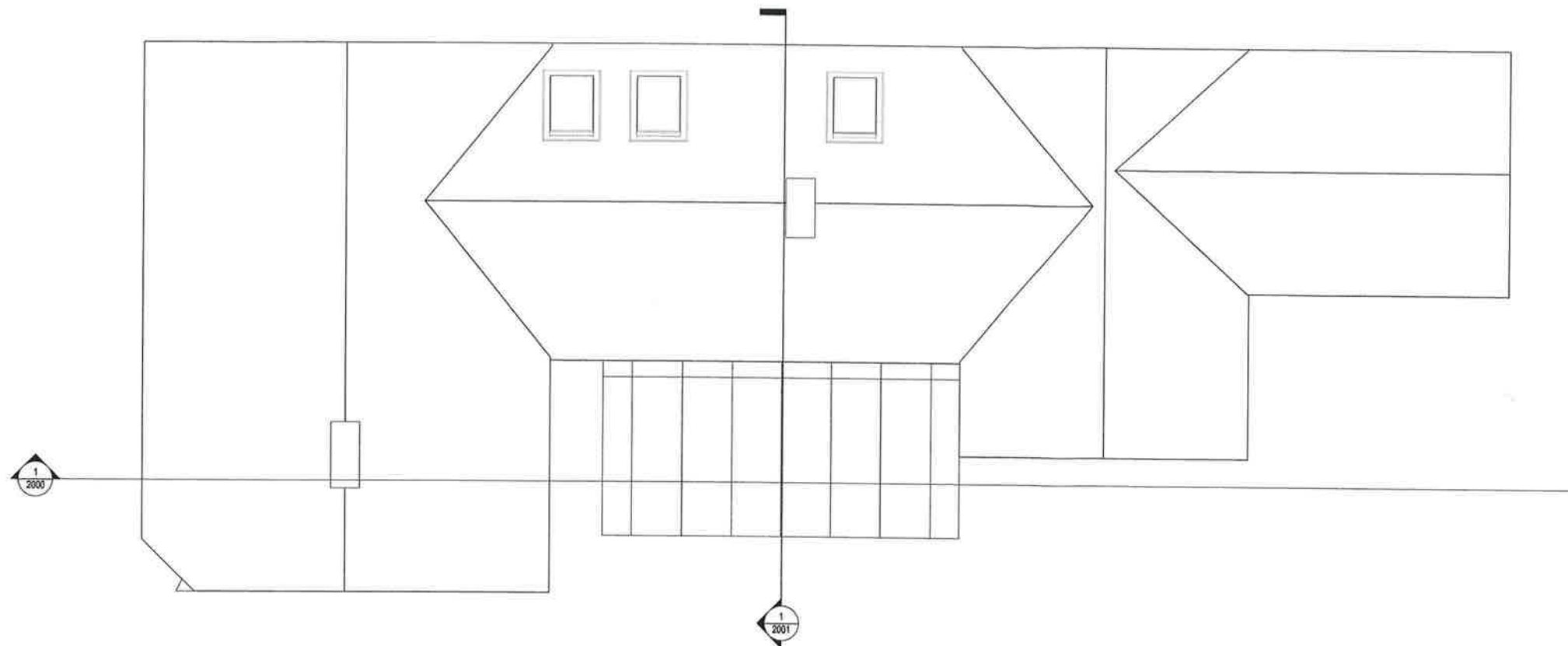
DRAWN BY
Author

CHECKED BY
Checker

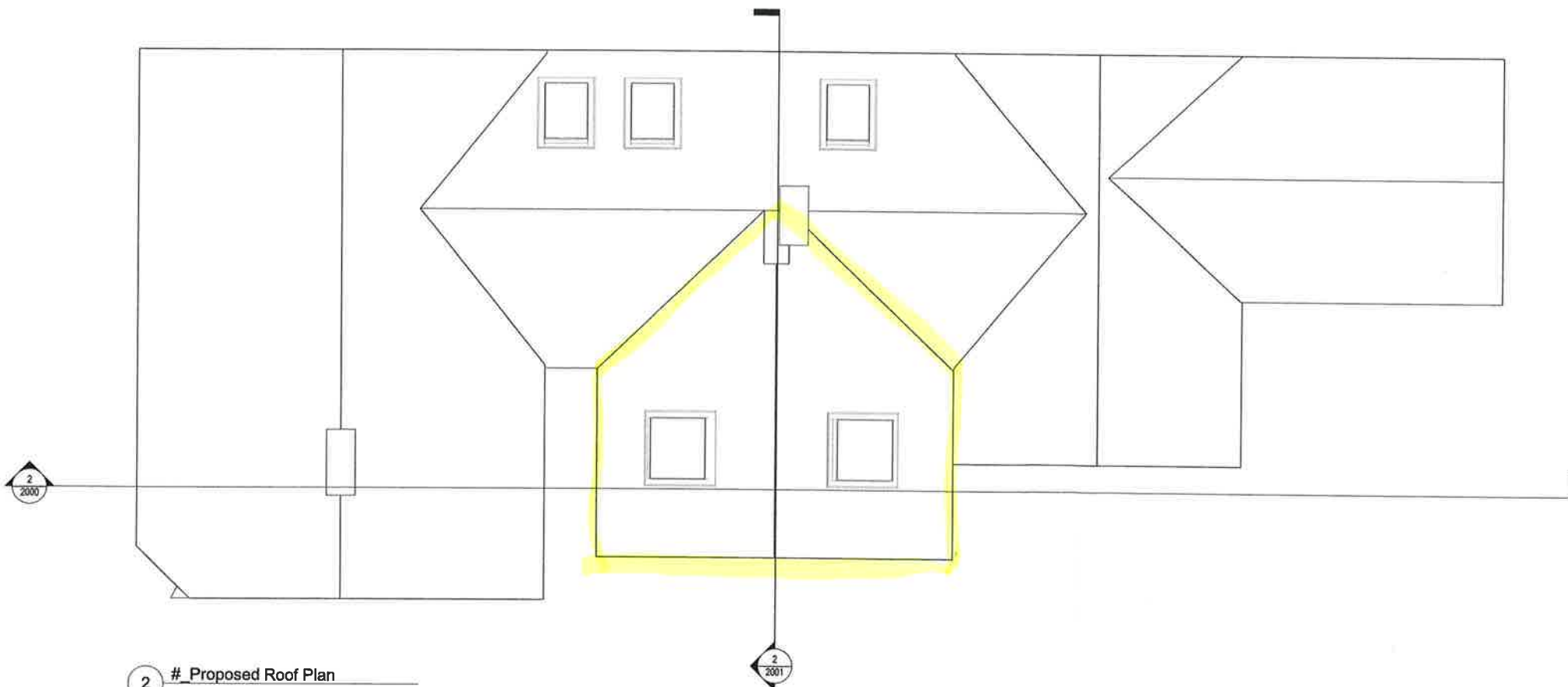
SCALE
1:50 @ A1

PROJECT NUMBER
XXX

DRAFT



1 # Existing Roof Plan
1:50
Ref. 2000

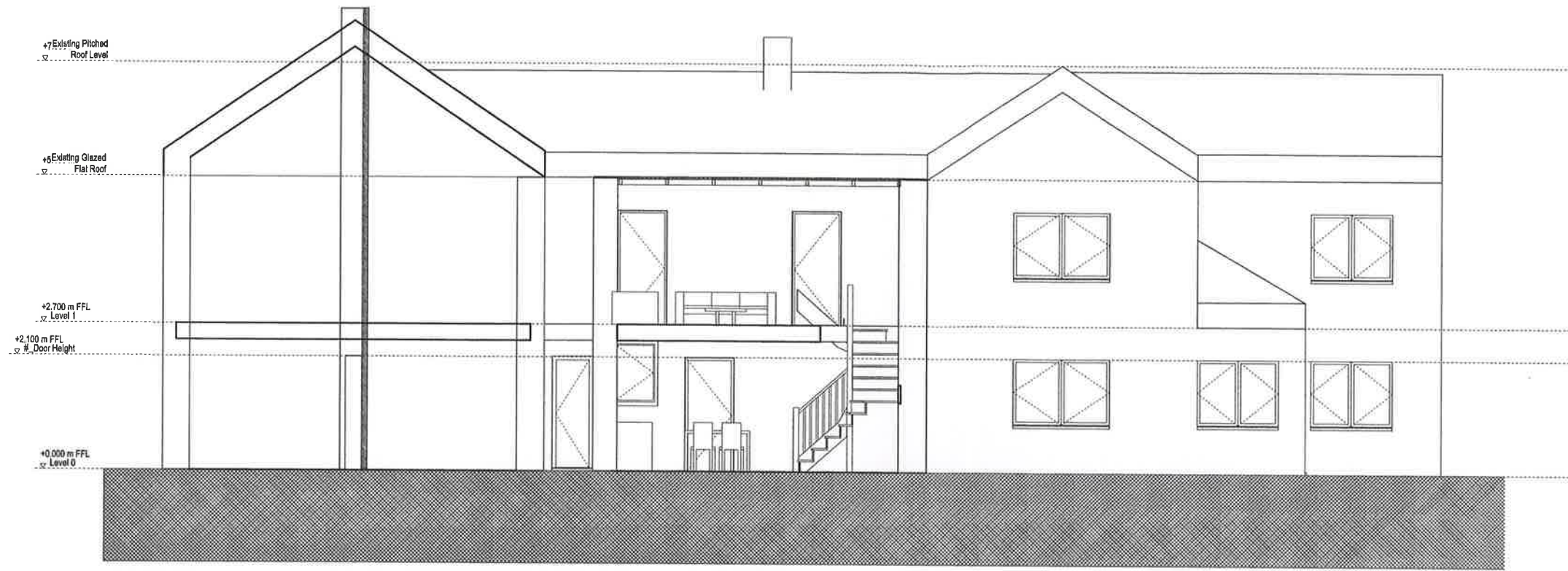


2 # Proposed Roof Plan
1:50
Ref. 2000

0 1 2 3 4 5 10m
1:100 Scale

KEY PLAN	REPLACE KEY PLAN	
CLIENT	Owner	
NOTES		
Rev	Reason for issue	Date
PROJECT	Maree Vaughan Extension Clarina, Lahinch, Co.Clare	
TITLE	Roof Plan	
DRAWING NUMBER	XXX- - - -A- -	REVISION
STATUS	Planning	
REVISION DATE	DRAWN BY Author	SCALE 1:50 @ A1
FINET ISSUED	CHECKED BY Checker	PROJECT NUMBER XXX

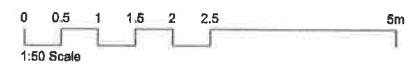
DRAFT



1 Existing Short Section
1 : 50
Ref. 1000



2 Proposed Short Section
1 : 50
Ref. 1000



KEY
PLAN



CLIENT
Owner

NOTES

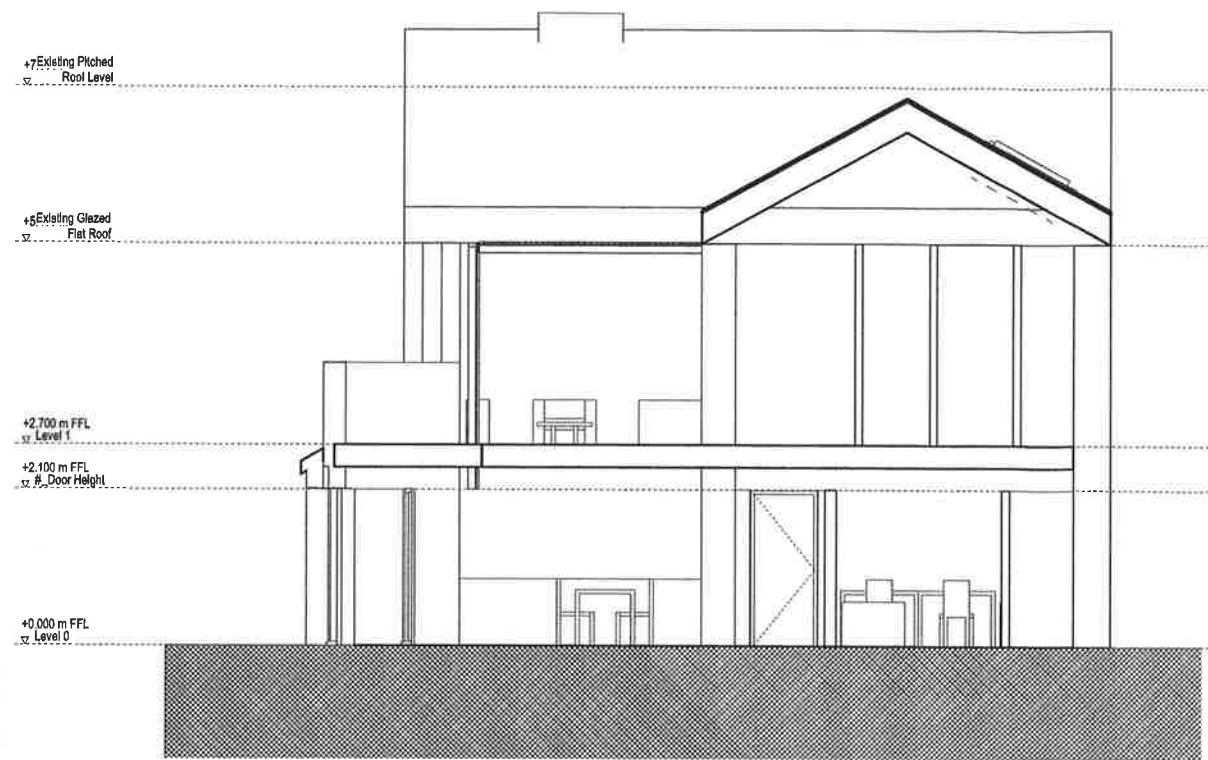
DRAFT

Rev. Reason for Issue Date

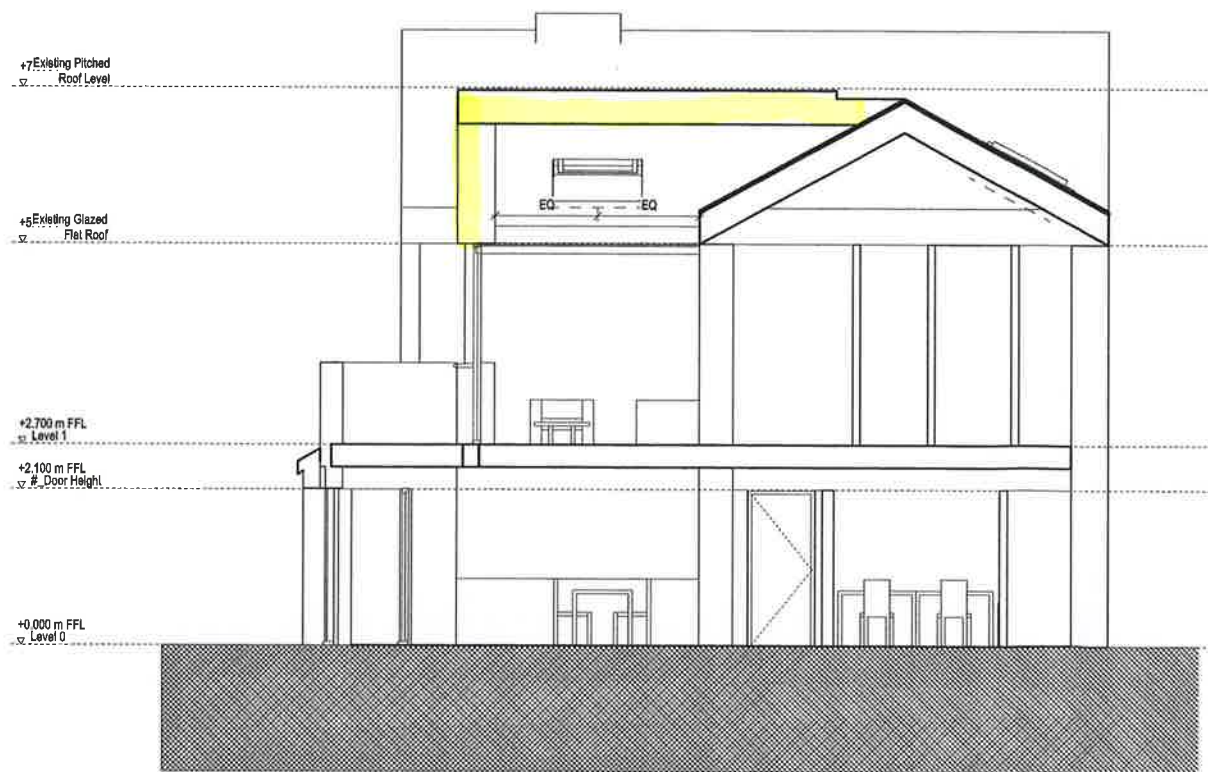
PROJECT
Maree Vaughan Extension
Clarina, Lahinch, Co.Clare

TITLE
Short Section

DRAWING NUMBER XXX- - - -A- -	REVISION
STATUS Planning	
REVISION DATE	DRAWN BY Author
FIRST ISSUED	CHECKED BY Checker
	SCALE 1 : 50 @ A1
	PROJECT NUMBER XXX



1 Long Section - Existing
1:50
Ref. 1000



2 Long Section - Proposed
1:50
Ref. 1000

KEY
PLAN



CLIENT

Owner

NOTES

DRAFT

Rev. Reason for Issue Date

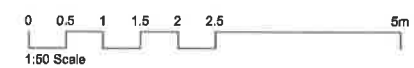
PROJECT
Maree Vaughan Extension
Clarina, Lahinch, Co.Clare

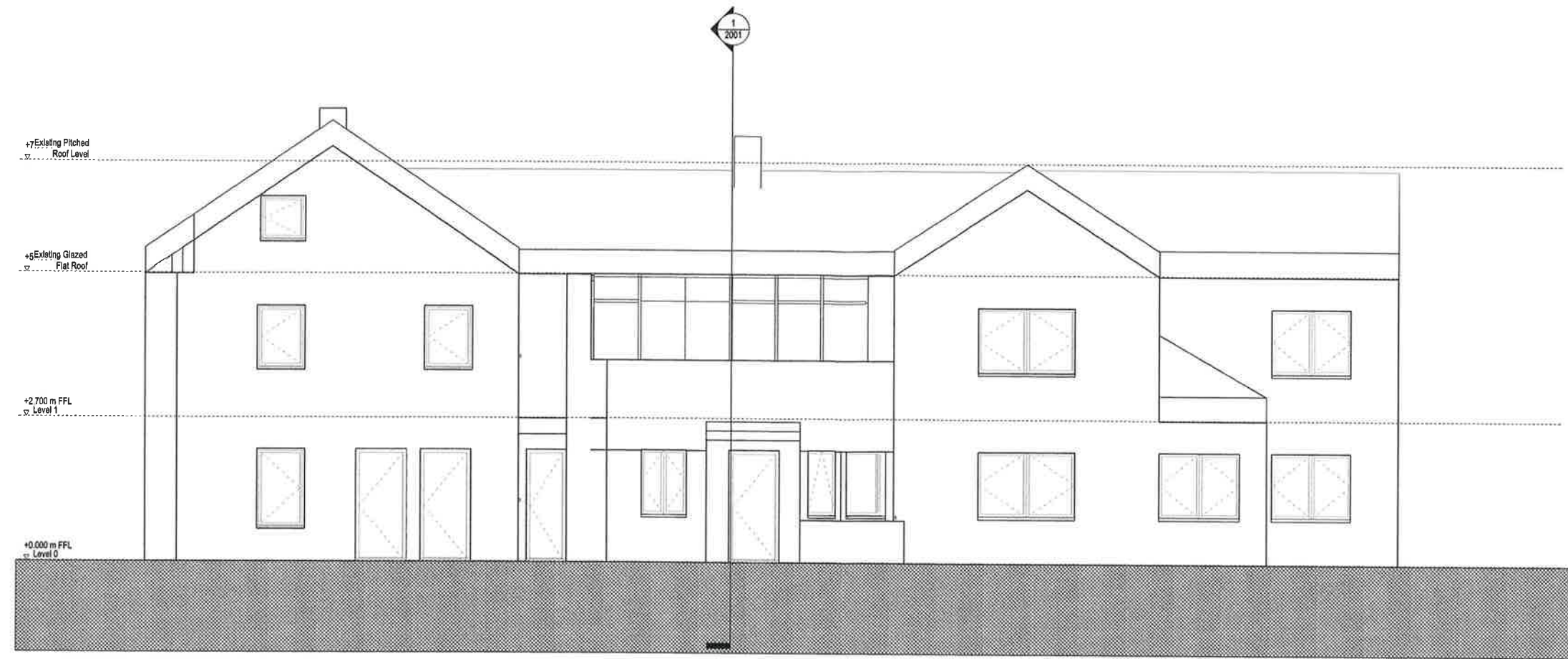
TITLE
Long Section

DRAWING NUMBER
XXX- - - -A- -

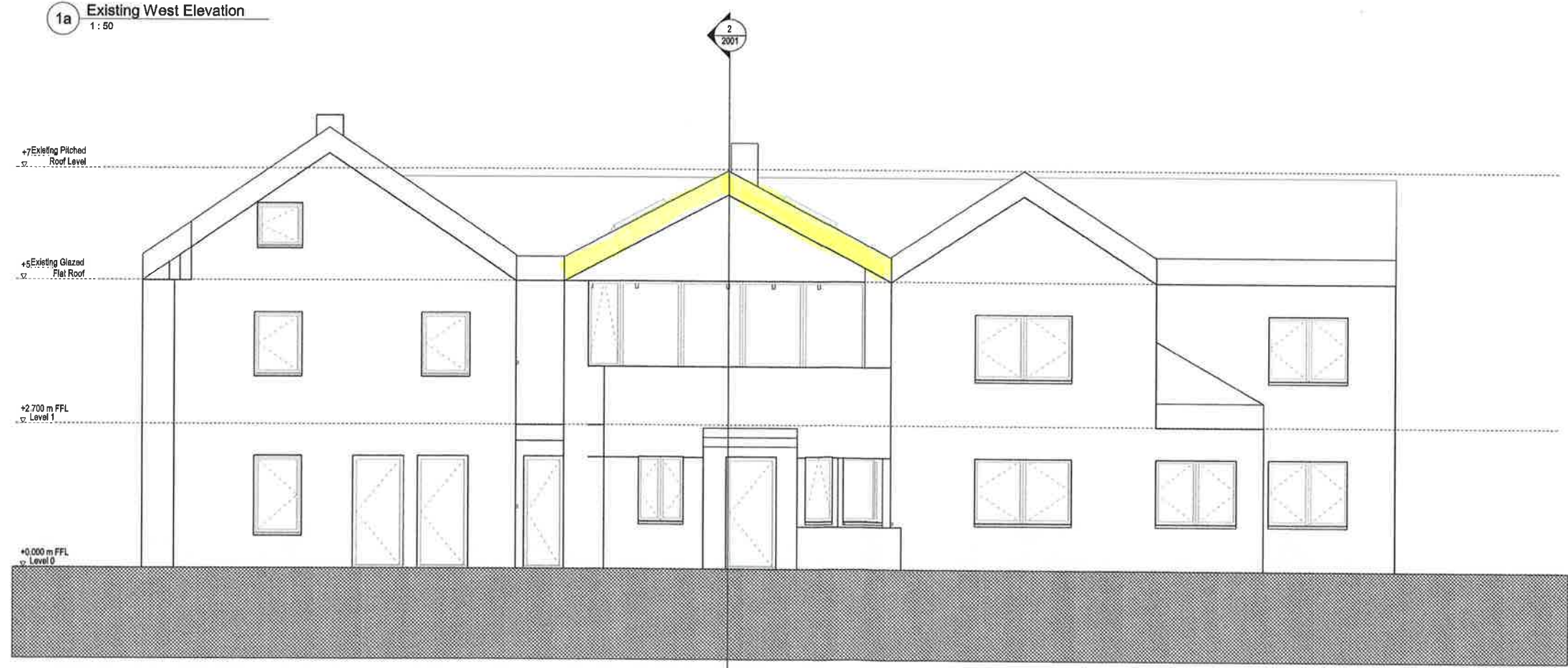
STATUS
Planning

REVISION DATE	DRAWN BY Author	SCALE 1:50 @ A1
FIRST ISSUED	CHECKED BY Checker	PROJECT NUMBER XXX

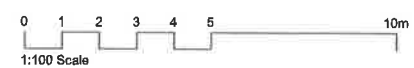




1a Existing West Elevation
1:50



1 Proposed West Elevation
1:50



REF: PLAN

REPLACE REVPLAN

CLIENT
Owner

NOTES

Rev Reason for Issue Date

PROJECT
Maree Vaughan Extension
Clarina, Lahinch, Co.Clare

TITLE
West Elevation

DRAWING NUMBER
XXX- - - -A- -

STATUS
Planning

REVISION DATE
FIRST ISSUED

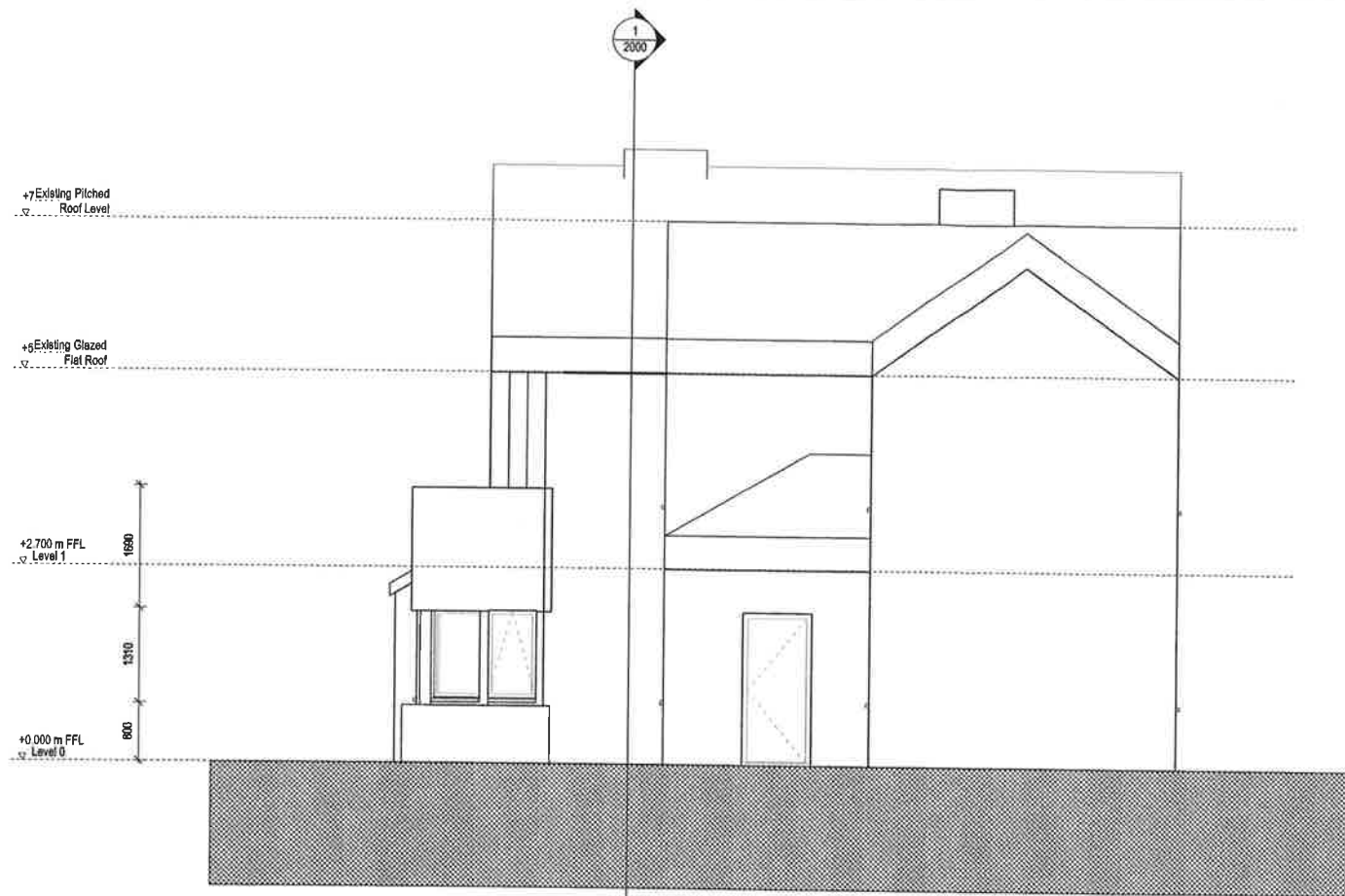
DRAWN BY
Author

CHECKED BY
Checker

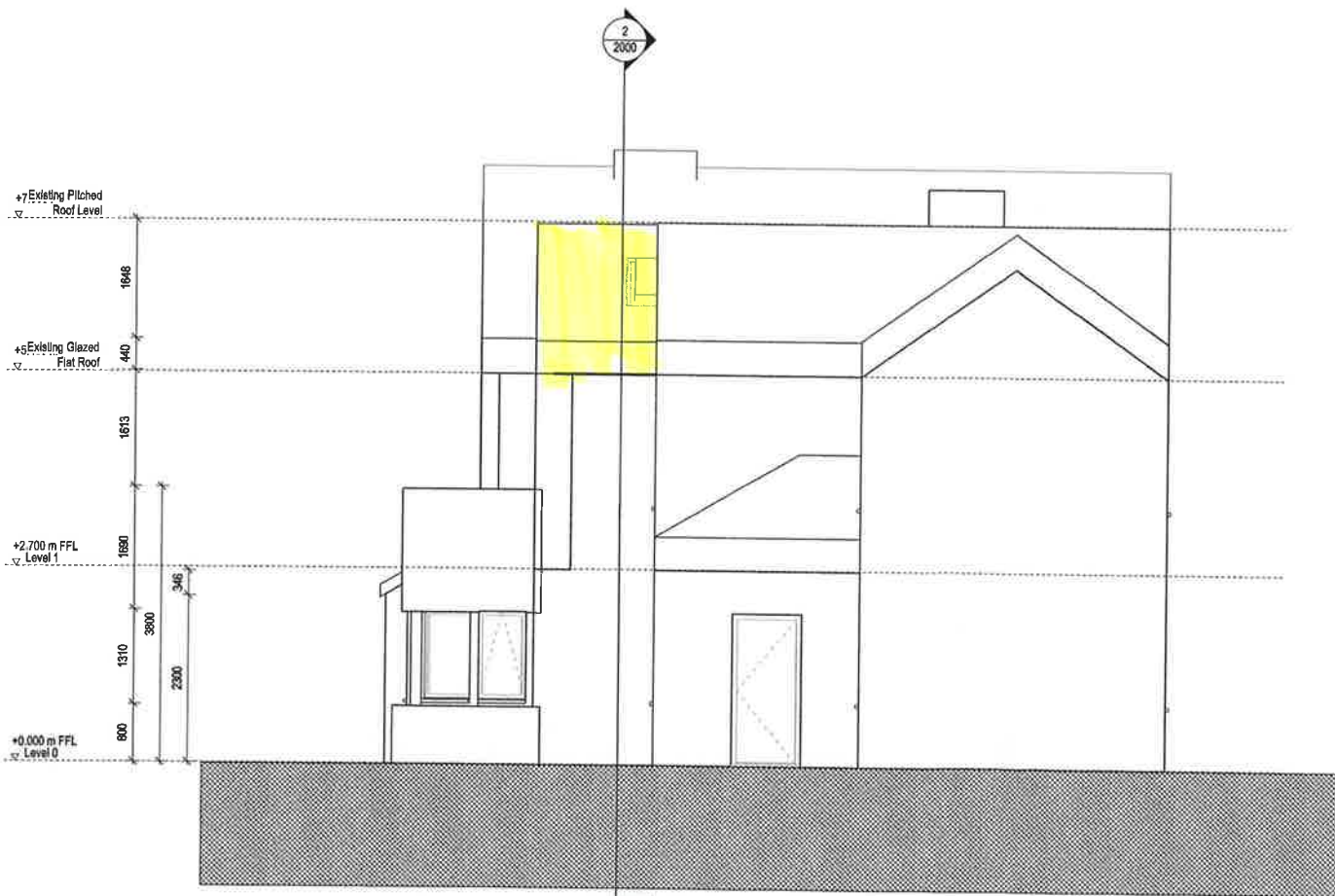
SCALE
1:50 @ A1

PROJECT NUMBER
XXX

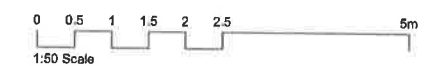
DRAFT



1 Existing South Elevation
1: 50



2 Proposed South Elevation
1: 50



KEY PLAN



CLIENT

Owner

NOTES

Rev

Reason for Issue

Date

PROJECT

Maree Vaughan Extension
Clarina, Lahinch, Co.Clare

TITLE

South Elevation

DRAWING NUMBER

XXX- - - -A- -

STATUS

Planning

REVISION DATE

FIRST ISSUED

DRAWN BY

Author

CHECKED BY

Checker

SCALE

1: 50 @ A1

PROJECT NUMBER

XXX

DRAFT



COMHAIRLE

CONTAE

AN CHLÁIR

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

02/06/2022 10:23:37

Receipt No. L1CASH/0/333414
***** REPRINT *****

MAREE VAUGHAN
C/O DEIRDRE FORAN
LISDOONVARNA
CO CLARE
REF. R22-36

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

Total : 80.00 EUR

Tendered :
BANK DRAFT 80.00

Change : 0.00

Issued By : L1CASH - Colm Murphy
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No. 0033043E