



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Eamonn Scanlan & Idoia Mateo Scanlan
c/o John Scanlan
30 Cuilfuine
Lisloose
Tralee
Co. Kerry
V92 CP5C**

25th July 2023

Section 5 referral Reference R23-48 – Eamonn Scanlan & Idoia Mateo Scanlan

An existing attic has been converted for storage and has 3 no. rooflights to the rear. Would the proposed single storey extension to the rear be considered development and if so is it exempted development?

A Chara,

I refer to your application received on 10th July 2023 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



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:

82/32

Reference Number:

R23-48

Date Referral Received:

10th July 2023

Name of Applicant:

Eamonn Scanlan & Idoia Mateo Scanlan

Location of works in question:

3 Clondrina, Crusheen, Co. Clare

Section 5 referral Reference R23-48 – Eamonn Scanlan & Idoia Mateo Scanlan

An existing attic has been converted for storage and has 3 no. rooflights to the rear. Would the proposed single storey extension to the rear be 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 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The conversion of the existing attic for storage, the addition of 3no rooflights to the rear of the dwelling and the addition of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, 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 conversion of the existing attic for storage and the addition of 3no. rooflights to the rear of the dwelling are exempted development having regard to Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).
- (d) The said construction of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, Co. Clare is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001.

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 (a) the conversion of the existing attic for storage; (b) the addition of 3 no. rooflights to the rear of the dwelling; and (c) the addition of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, Co. Clare is considered development which is exempted development.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date: 25th July 2023

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

Reference No.: R23-48



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-48

An existing attic has been converted for storage and has 3 no. rooflights to the rear. Would the proposed single storey extension to the rear be considered development and if so is it exempted development?

AND WHEREAS, Eamonn Scanlan & Idoia Mateo Scanlan 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 –

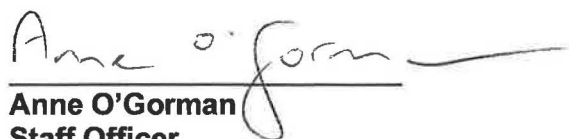
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, as amended.
- (d) The works as indicated in submitted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

And whereas Clare County Council has concluded:

- (a) The conversion of the existing attic for storage, the addition of 3no rooflights to the rear of the dwelling and the addition of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, 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 conversion of the existing attic for storage and the addition of 3no. rooflights to the rear of the dwelling are exempted development having regard to Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).
- (d) The said construction of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, Co. Clare is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001.

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; (a) the conversion of the existing attic for storage; (b) the addition of 3 no. rooflights to the rear of the dwelling; and (c) the addition of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, Co. Clare constitutes development which is 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

25th July 2023

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R23-458
APPLICANT(S):	Eamonn and Idoia Mateo Scanlon
REFERENCE:	Whether (a) the conversion of the existing attic for storage; (b) the addition of 3no. rooflights to the rear of the dwelling; and (c) the addition of a single storey extension to the rear of the dwelling is or is not development and is or is not exempted development.
LOCATION:	3 Clondrina, Crusheen, Co. Clare
DUE DATE:	4 th August 2023

Site Location

The subject site is located on lands zoned Existing Residential in the village of Crusheen. The subject dwelling forms part of the Clondrina housing development. However, the site is on the west side of the development and is accessed directly from the local road (L-4074) rather than from the internal road within the estate.

The site comprises a detached two storey dwelling with a single storey element to the side.

Planning History

No recent planning applications on the proposal site.

Overall estate – permissions 99/2533 and 00/2670 refer.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Eamonn and Odoia Mateo Scanlon. They state that they are the owners of the dwelling which is the subject of this referral.

The applicants are seeking a Section 5 Declaration as to whether (a) the conversion of the existing attic for storage; (b) the addition of 3no. rooflights to the rear of the dwelling; and (c) the addition of a single storey extension to the rear of the dwelling is or is not development and is or is not 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, 2000 (as amended)

(1) The following shall be exempted developments for the purposes of this Act –

(h) 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

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 3 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 3 opposite the mention of that class in the said column 1.

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

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

4. *(a)*

Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

6. *(a)*

Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b)

Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c)

Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

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,

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vii) 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 applicants are seeking a Section 5 Declaration as to whether (a) the conversion of the existing attic for storage; (b) the addition of 3no. rooflights to the rear of the dwelling; and (c) the addition of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, Co. Clare is or is not development and is or is not exempted development.

Particulars of the Development

- Floor area of existing house: 126m²
- Proposed ground floor extension: 14m²
- Attic conversion: 20m²

Assessment of the following elements of the works:

- The conversion of the existing attic for storage and the addition of 3no rooflights to the rear of the dwelling.

The applicants state that the attic has been converted for storage. Unless otherwise stated/permitted, it can reasonably be assumed that the attic space in most houses is used for storage purposes. I do not consider this to be a conversion in the traditional sense i.e. a change from one use to another. Based on the submitted details and drawings, the applicants appear to have carried out works to increase the accessibility and functionality of the attic space.

Stairs have been added between the first floor of the house and the attic area. A small roof light has been added over the stairway. Within the main attic area, two larger roof lights have been added.

All 3 roof lights are located to the rear of the dwelling. Due to the layout of the Clondrina estate, they are visible from the internal road in the estate. They are an unobtrusive feature, flush with the roof of the house.

The majority of the alterations affect only the interior of the structure. The rooflights affect the exterior of the structure but they have not resulted in a material change to the exterior of the building and the house remains consistent with the character of the neighbouring dwellings.

I consider the conversion of the attic space for storage and the addition of 3no rooflights to the rear of the dwelling to be development which is exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).

Assessment of the following elements of the works:

- The addition of a single storey extension to the rear of the dwelling.

The applicants have submitted both proposed floor plans and elevation drawings for the proposed extension. This element of the development is considered in the context of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations.

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

The extension is located to the rear of the existing dwelling house.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

The house has not been previously extended. The floor area of the proposed ground floor extension is 14m².

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

The house is detached.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

The extension is located on the ground floor.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The floor area of the proposed extension is 14m². The works to attic are indicated to be for the provision of storage space rather than additional living space in the dwelling. Notwithstanding this, the attic floor area is 20m². Therefore, the additional floor space remains less than 40m².

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

The house is detached.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or

erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

The proposed extension is located on the ground floor area only.

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

Not applicable – extension is at ground floor level.

4. (a)

Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

Not applicable.

- (b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

Not applicable.

- (c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

This is complied with.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

In excess of 25m² remains.

6. (a)

Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

This is complied with.

(b)

Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

Not applicable.

(c)

Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

Not applicable.

7. *The roof of any extension shall not be used as a balcony or roof garden.*

Not applicable.

Having regard to the above I consider that the proposed extension is exempt under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Article 9 of the Planning and Development Regulations 2001, as amended

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

The proposal does not contravene a condition of any previous permission.

(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,

No access points onto the public road network are affected by the proposal.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

The proposal does not create a traffic hazard or obstruct road users in the area.

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

The proposal site is not located in a solar safeguard zone.

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line 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,

No applicable to the proposal

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies

Not applicable to this proposal

(vi) 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.

The subject dwelling is located within a housing development, on zoned lands in the village of Crusheen. The proposed will not have a negative impact on the character or visual amenities of the area.

(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,

Not applicable to this proposal

(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,

There are no known archaeological features in the vicinity of the proposal site.

(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,

The proposed development will not have a significant effect on European sites.

A screening for Appropriate Assessment and determination is attached to this report.

(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."

No applicable in this instance

(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,

Not applicable to this proposal

(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,

Not applicable in this instance

(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,

Not applicable in this instance

(xi) obstruct any public right of way,

Not applicable in this instance

(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.

The development site is not within an Architectural Conservation Area.

Conclusions

The following question has been referred to the Planning Authority:

Whether (a) the conversion of the existing attic for storage; (b) the addition of 3no. rooflights to the rear of the dwelling; and (c) the addition of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, Co. Clare is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

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

And whereas Clare County Council (Planning Authority) has concluded:

- (a) The conversion of the existing attic for storage, the addition of 3no rooflights to the rear of the dwelling and the addition of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, 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 conversion of the existing attic for storage and the addition of 3no. rooflights to the rear of the dwelling are exempted development having regard to Section 4(1)(h) of the Planning and Development Act, 2000 (as amended).
- (d) The said construction of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, Co. Clare is exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001.

Now therefore Clare County Council (Planning Authority), hereby decides that (a) the conversion of the existing attic for storage; (b) the addition of 3no. rooflights to the rear of the dwelling; and (c) the addition of a single storey extension to the rear of the dwelling at 3 Clondrina, Crusheen, Co. Clare is development and is exempted development.



Executive Planner

Date: 25/07/2023



Senior Executive Planner

Date: 25/07/23

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	R23-48
(b) Brief description of the project or plan:	Whether (a) the conversion of the existing attic for storage; (b) the addition of 3no. rooflights to the rear of the dwelling; and (c) the addition of a single storey extension to the rear of the dwelling at and is or is not exempted development. At 3 Clondrina, Crusheen, Co Clare.
(c) Brief description of site characteristics:	Detached two storey dwelling in the Clondrina estate in the village of Crusheen
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
(e) Response to consultation:	N/A

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

The proposal involves works to an existing dwelling which is located on zoned and serviced land within a settlement.

Having regard to the nature and scale of the proposed development, the likely zone of impact is no greater than 0.5km

There are no European sites within 0.5km of the proposed development site. There are no pathways between the development site and the European site.


Step 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

No likely direct or indirect effects due to the nature and scale of the proposed development and the characteristics of the proposal site.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	 25/07/2023	
Signature and Date of the Decision Maker:		





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Eamonn & Idoia Mateo Scanlan
c/o John Scanlan
30 Cuilfuine
Lisloose
Tralee
Co. Kerry
V92 CP5C

10/07/2023

Section 5 referral Reference R23-48 – Eamonn & Idoia Mateo Scanlan

An existing attic has been converted for storage and has 3 no. rooflights to the rear. Would the proposed single storey extension to the rear be considered development and if so is it exempted development?

A Chara,

I refer to your application received on 10th July 2023 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

Brian Fahy
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



AN CHLÁIR

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

10/07/2023 13:37:52

Receipt No: L1CASH/0/351628
***** REPRINT *****

EAMONN SCANLAN & IDOIA MATEO SCANL
C/O JOHN SCANLAN
30 CUILFUINE
LISLOOSE
TRALEE
CO. KERRY
R23/48

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

Total : 80.00 EUR

Tendered :
CHEQUES 80.00

Change : 0.00

AN CHLÁIR

P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

R23-48

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



Comhairle Contae an Chláir
Clare County Council

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	Eamonn Scanlon + Idaia Mateo Scanlon 3 clondrina crusheen Co. Clare V95 E8D7
(b) Telephone No.:	c
(c) Email Address:	
(d) Agent's Name and address:	John Scanlon JS Design 30 cuilfuine Lisboose Tralee Co. Kerry V92 CP5C

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?

Existing attic has been converted for storage and has ³no rooflights to rear. It is now proposed to add a single storey extension to the rear
Can this be considered exempted development?

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

The existing attic that has been converted for storage, has a floor area of 20 sq.m. The space also has ³no rooflights to the rear. A small single storey flat roof extension is proposed at ground floor level. The area of this proposed extension is 16 sq.m.

Both the attic conversion + ground floor extension is less than the permitted 40 sq.m.

Can this work be deemed exempted development?

(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)

OS map, 001 - Existing floor plan, 002 - Existing Elevations + section
100 - proposed Ground floor plan, proposed 1st + 2nd floor plan, proposed elevations
200 - proposed sections

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT

(a) Postal Address of the Property/Site/Building for which the declaration sought:	<u>3 Clondrina</u> <u>crusheen</u> <u>Co. Clare V95 E8D7</u>
(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?	<u>No</u>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	<u>Applicants are the owners</u>
(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>	<u>N/A</u>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	<u>yes</u>
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	<u>No</u>
(g) Were there previous planning application/s on this site? If so please supply details:	<u>No, Just original as part of overall housing development</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>abtic conversion completed 2016 2016</u> <u>proposed extension work to begin 2024</u>

SIGNED: John Scully (Agent)DATE: 04/07/2023

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:.....			

Planning Pack Map

CENTRE COORDINATES:
ITM 539815,687690

PUBLISHED: 19/08/2022
ORDER NO.: 50286479_1

MAP SERIES: 1:2,500
1:5,000
MAP SHEETS: 4090-D
4091

Eamonn Scanlan
Idoia Mateo Scanlan
3 Clondrina
Crusheen, Co. Clare

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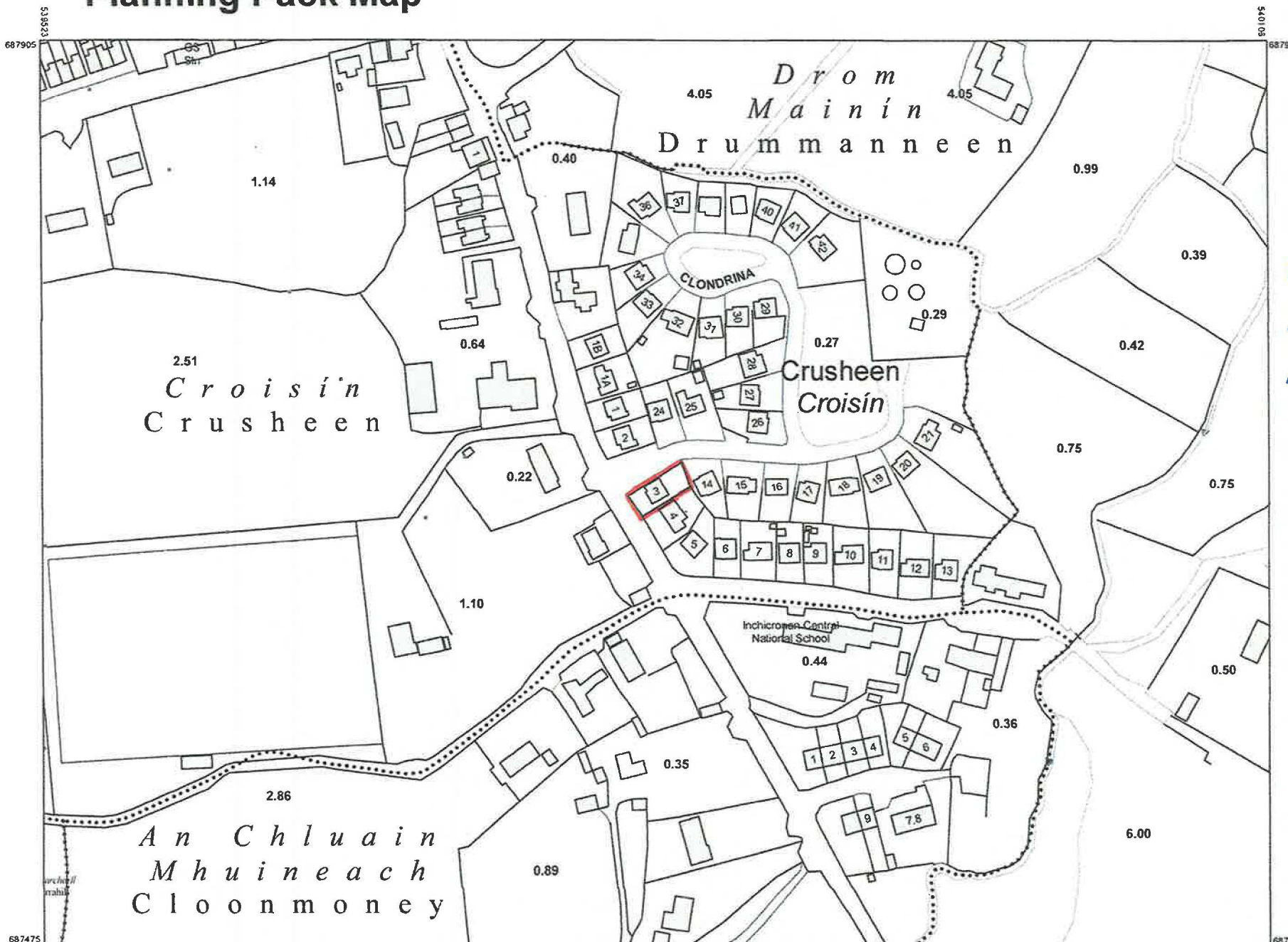
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LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'



OUTPUT SCALE: 1:2,500

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'

All drawings are for Planning Application purposes only.

All building works shall be carried out in accordance with current Building Regulations.

The client is reminded of their duty to appoint a Project Supervisor for the Design Process as required by Regulation 6(1) (a) of the Safety Health and Welfare at Work (Construction) Regulations 2013 S.I. No.291

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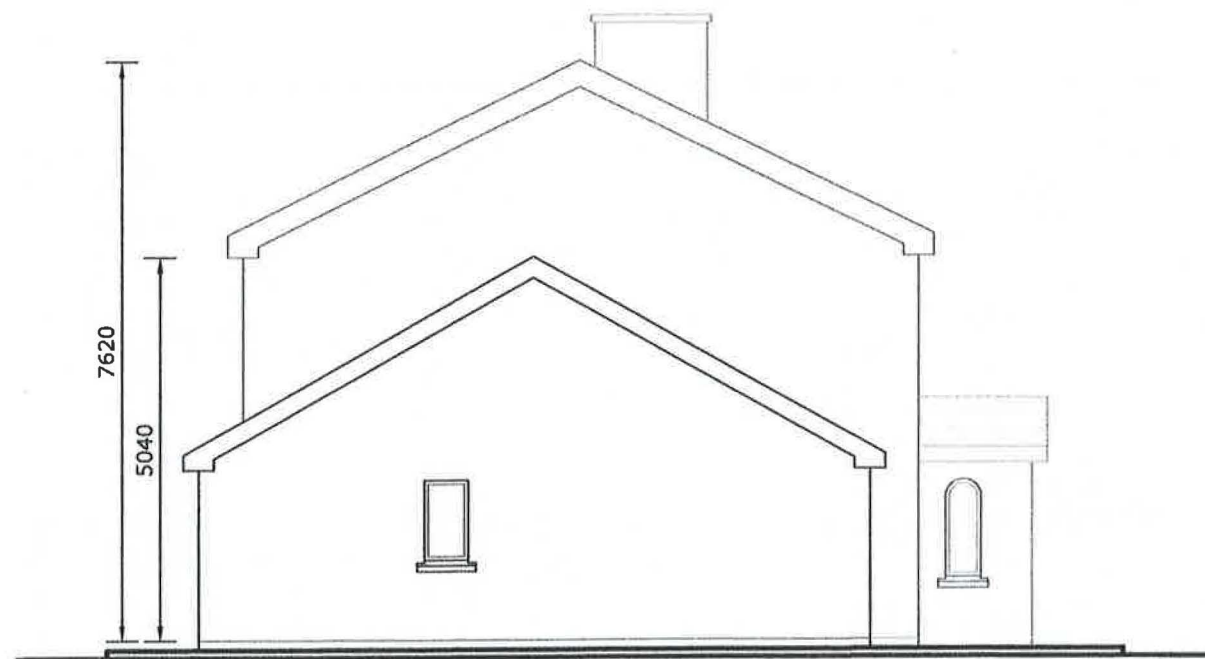
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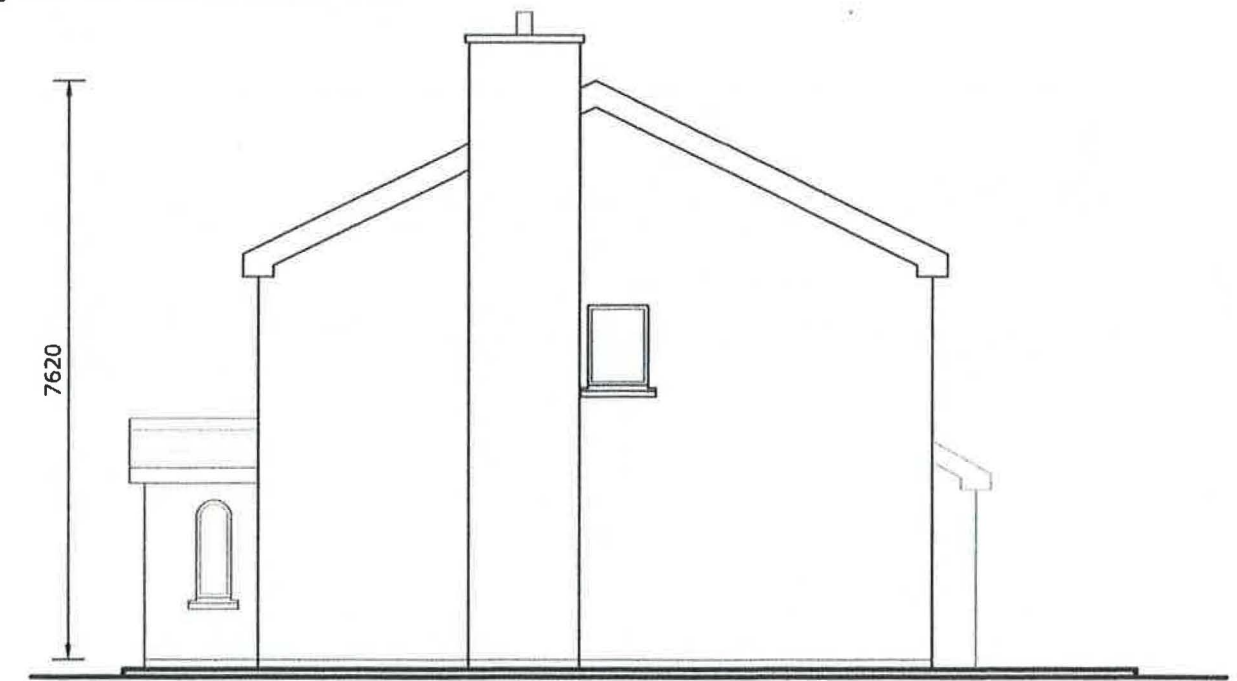
Existing Front Elevation 1:100



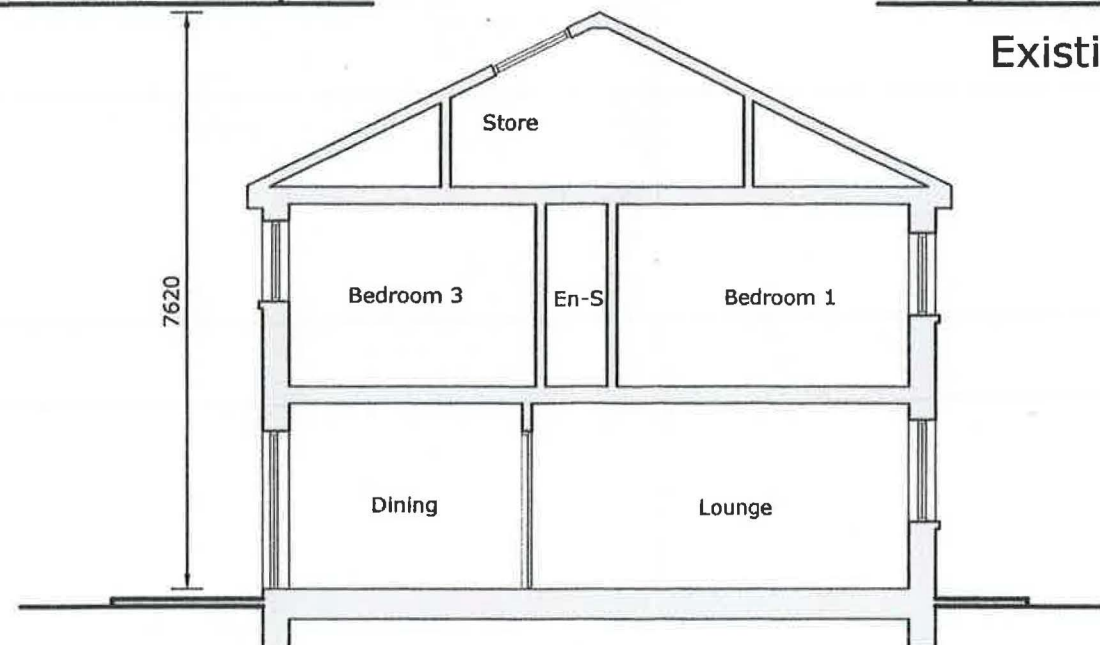
Existing Rear Elevation 1:100



Existing Side Elevation 1:100



Existing Side Elevation 1:100



Section A-A 1:100



JS Design - Architectural Solutions
Tralee, Co. Kerry
Mobile: +353 (0)872 037 237
Email: john@jsdesign.ie
www.jsdesign.ie

Planning Drawings Only

Not to be used as Construction Drawings

Drawn: Eamonn & Idola Scanlan

Project Address: 3 Clondra, Crusheen, Co. Clare V95 E807

Scale: 1:100 @ A3

Date: May 2022

Sheet: 21/48/P/002

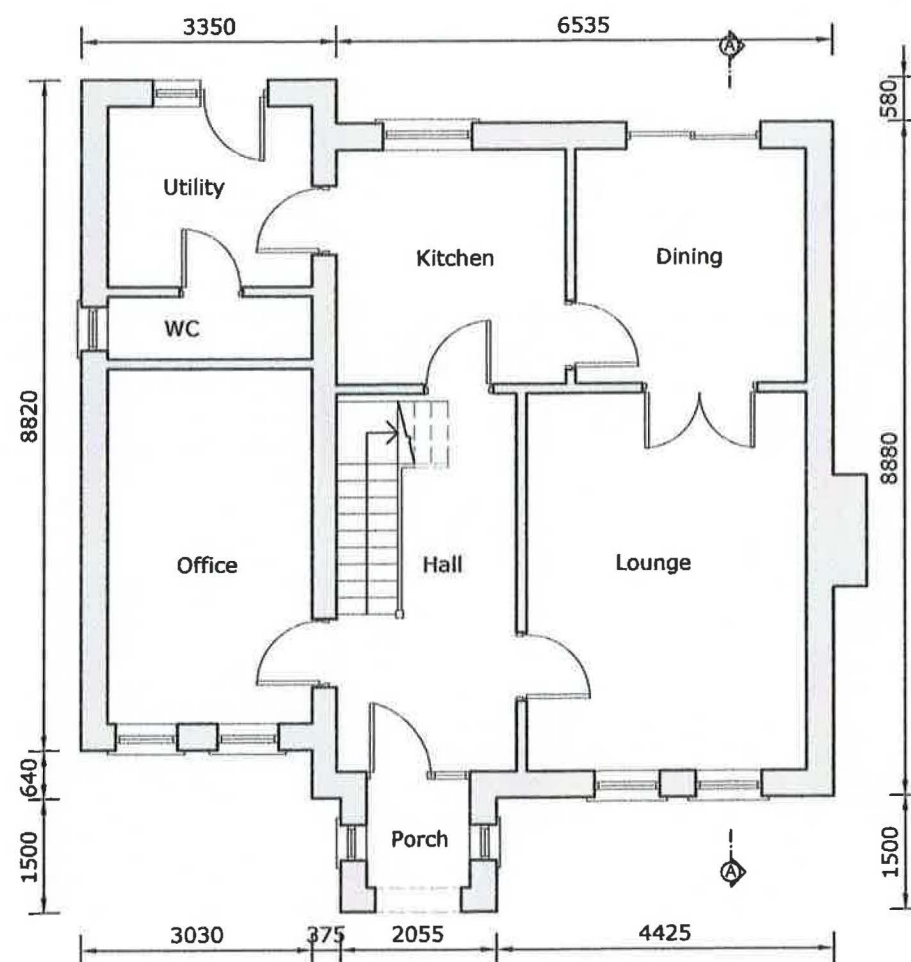
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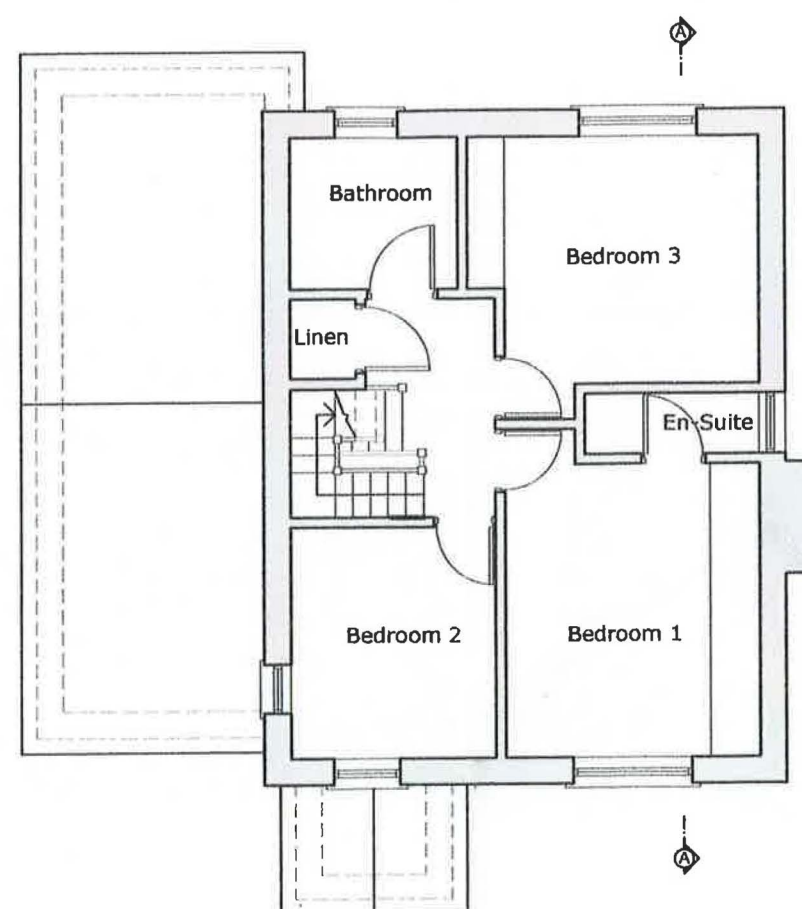
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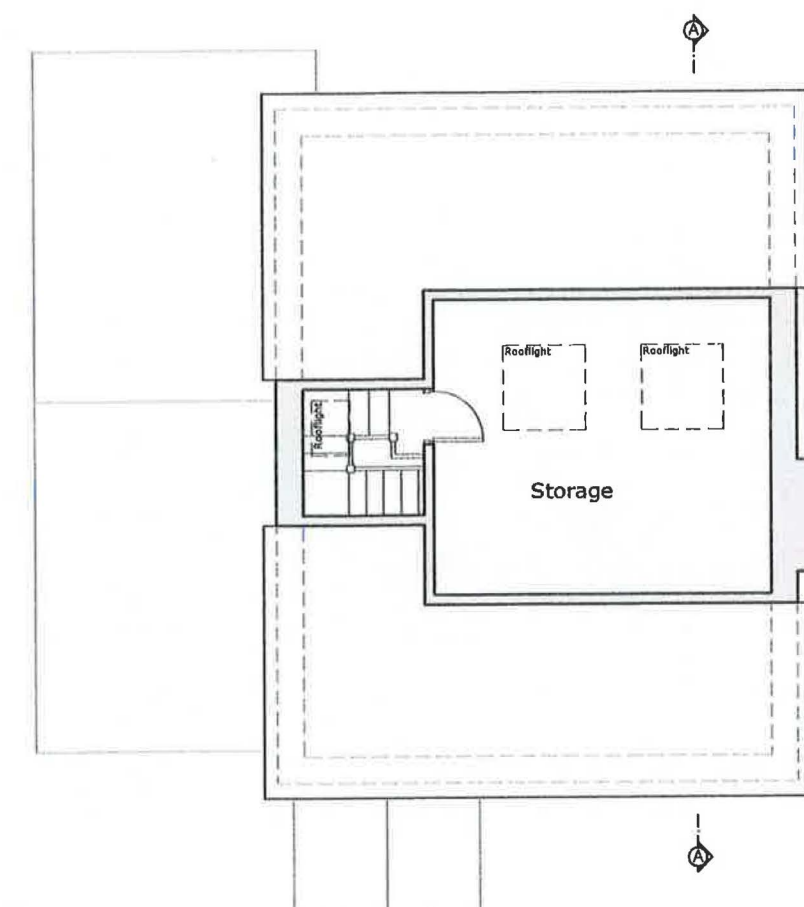
Existing Ground Floor Plan 1:100

Floor Area:

Area of Existing Ground Floor: 75sq.m. / 807sq.ft
 Area of Existing First Floor: 51sq.m. / 549sq.ft
 Area of Existing Second Floor: 20sq.m. / 215sq.ft
 Total Area of Existing House: 146sq.m. / 1571sq.ft



Existing First Floor Plan 1:100



Existing Second Floor Plan 1:100

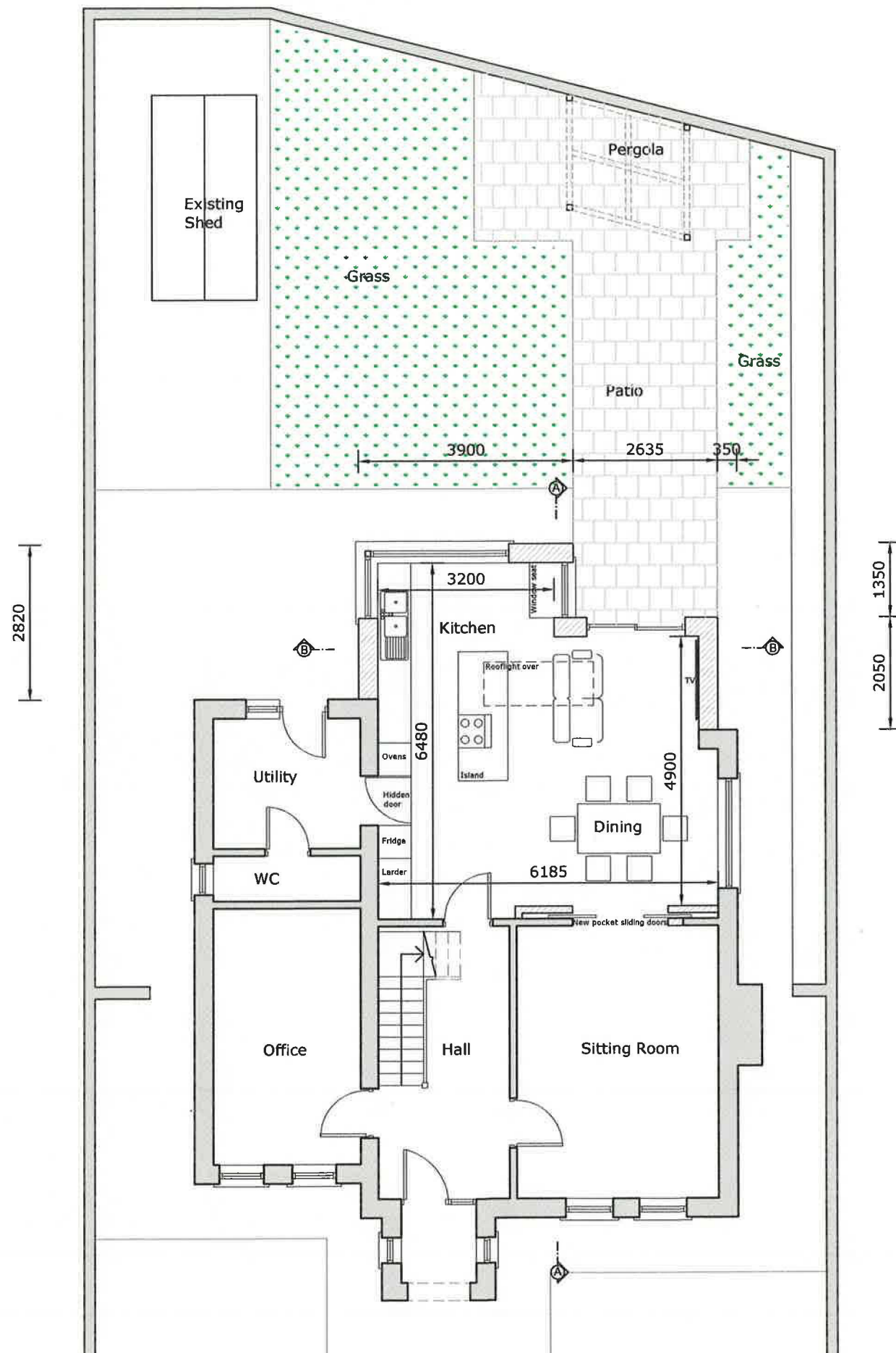
All drawings are for Planning Application purposes only.

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Proposed Ground Floor Plan 1:100

Floor Area:

Area of Existing Ground Floor: 75sq.m. / 807sq.ft
Area of Existing First Floor: 51sq.m. / 549sq.ft
Area of Existing Second Floor: 20sq.m. / 215sq.ft
Area of Proposed GF Extension: 14sq.m. / 150sq.ft
Total Area of Existing House: 160sq.m. / 1722sq.ft



Key:

Existing Construction:

Proposed Construction:

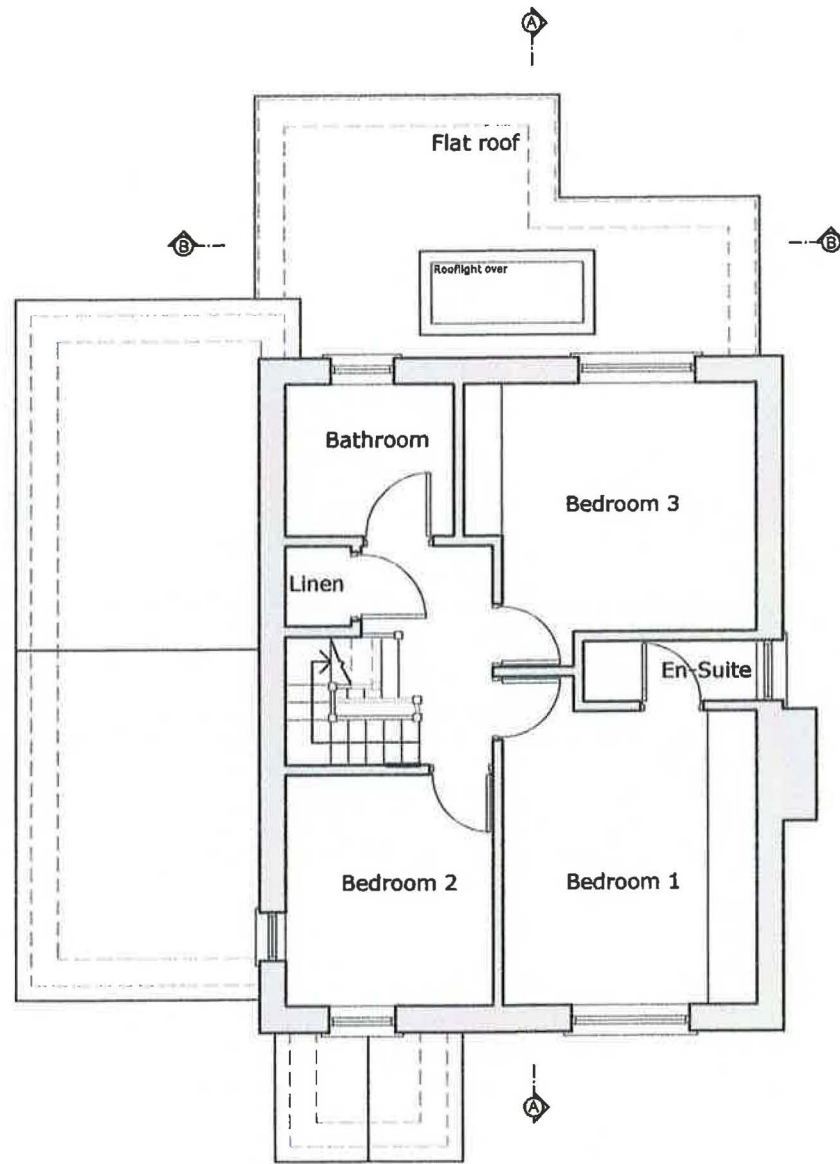


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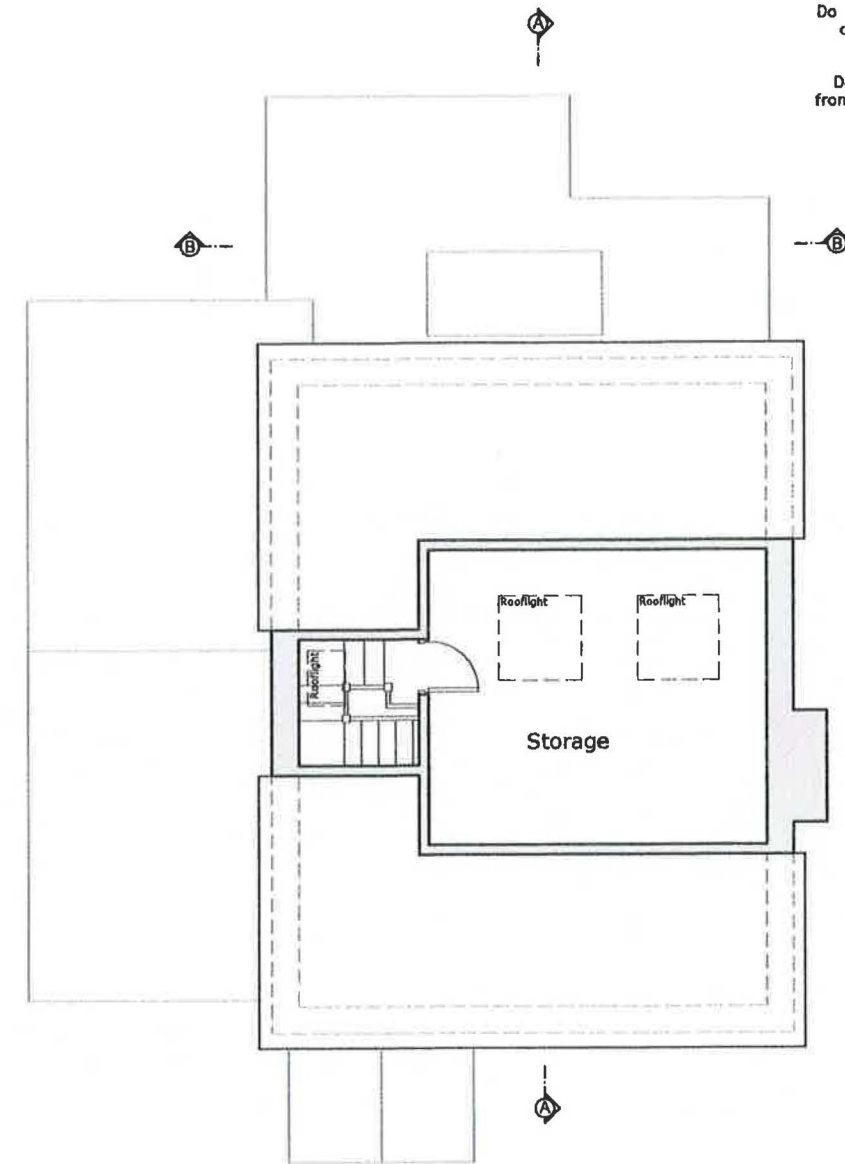
Planning Drawings Only
Not to be used as Construction Drawings
Client: Eamonn & Idola Scanlan
Project & Location: 3 Clondrina, Crusheen, Co. Clare
V05 EBD7

Sheet Content: Proposed Ground Floor Plan
Scale: 1:100 @ A3
Date: June 2022
Drawn: MH
Drawing No: 21/48/P/100

Note: no changes to 1st floor or 2nd floor plan, just the addition of the roof to the ground floor extension



Proposed First Floor Plan 1:100



Proposed Second Floor Plan 1:100



All drawings are for Planning Application purposes only.

All building works shall be carried out in accordance with current Building Regulations.

The client is reminded of their duty to appoint a Project Supervisor for the Design Process as required by Regulation 6(1) (a) of the Safety Health and Welfare at Work (Construction) Regulations 2013 S.I. No.291

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of building engineers



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Mobile: +353 (0)872 037 237
Email: john@jsdesign.ie
www.jsdesign.ie

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Client: Eamonn & Idola Scanlan
Project: 3 Clondrina, Crusheen, Co. Clare
V05 E807

Scale: 1:100 @ A3
Date: June 2022
Drawing No: 21/48/P/101
Drawn: MH

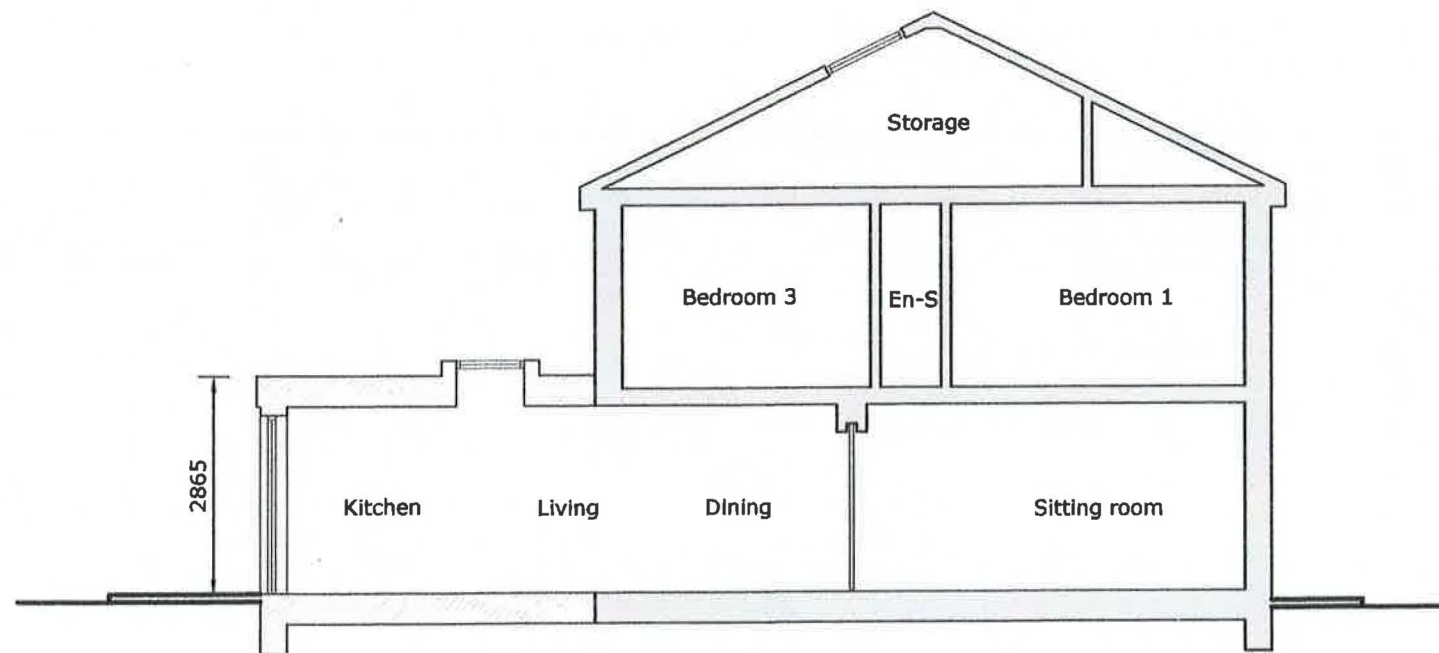
All drawings are for Planning Application purposes only.

All building works shall be carried out in accordance with current Building Regulations.

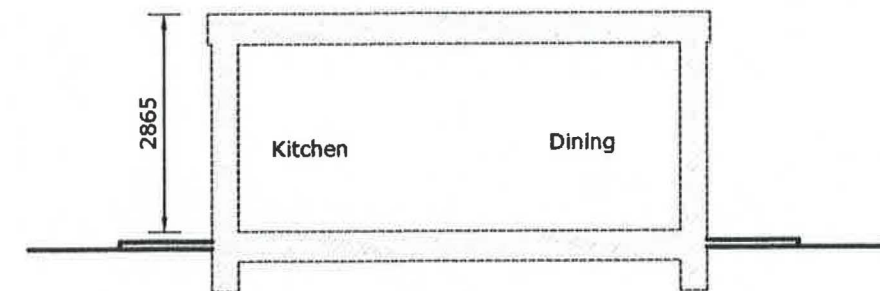
The client is reminded of their duty to appoint a Project Supervisor for the Design Process as required by Regulation 6(1) (a) of the Safety Health and Welfare at Work (Construction) Regulations 2013 S.I. No.291

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Section A-A



Section B-B



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Tralee, Co. Kerry

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Drawn: Eamonn & Idola Scallan

Project & Location: 3 Clondrina, Crusheen, Co. Clare

V05 E07

Proposed Sections A-A & B-B

Scale: 1:100 @ A3

Date: June 2022

Drawn: MH

21/48/P/200

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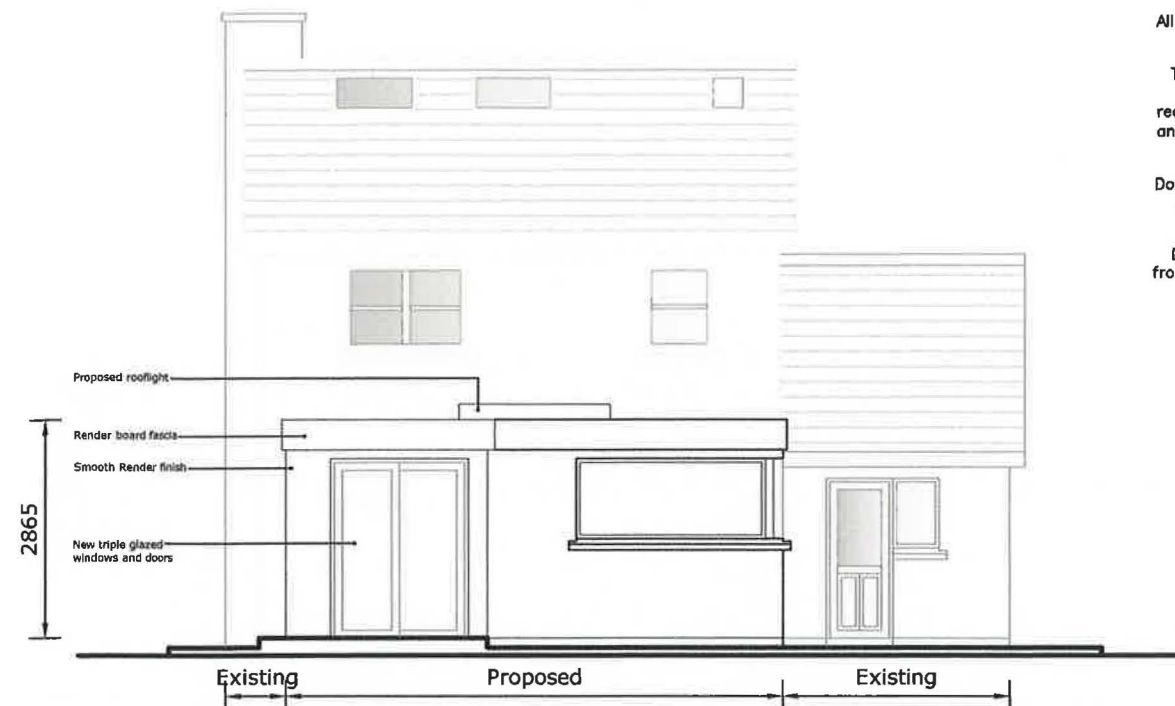
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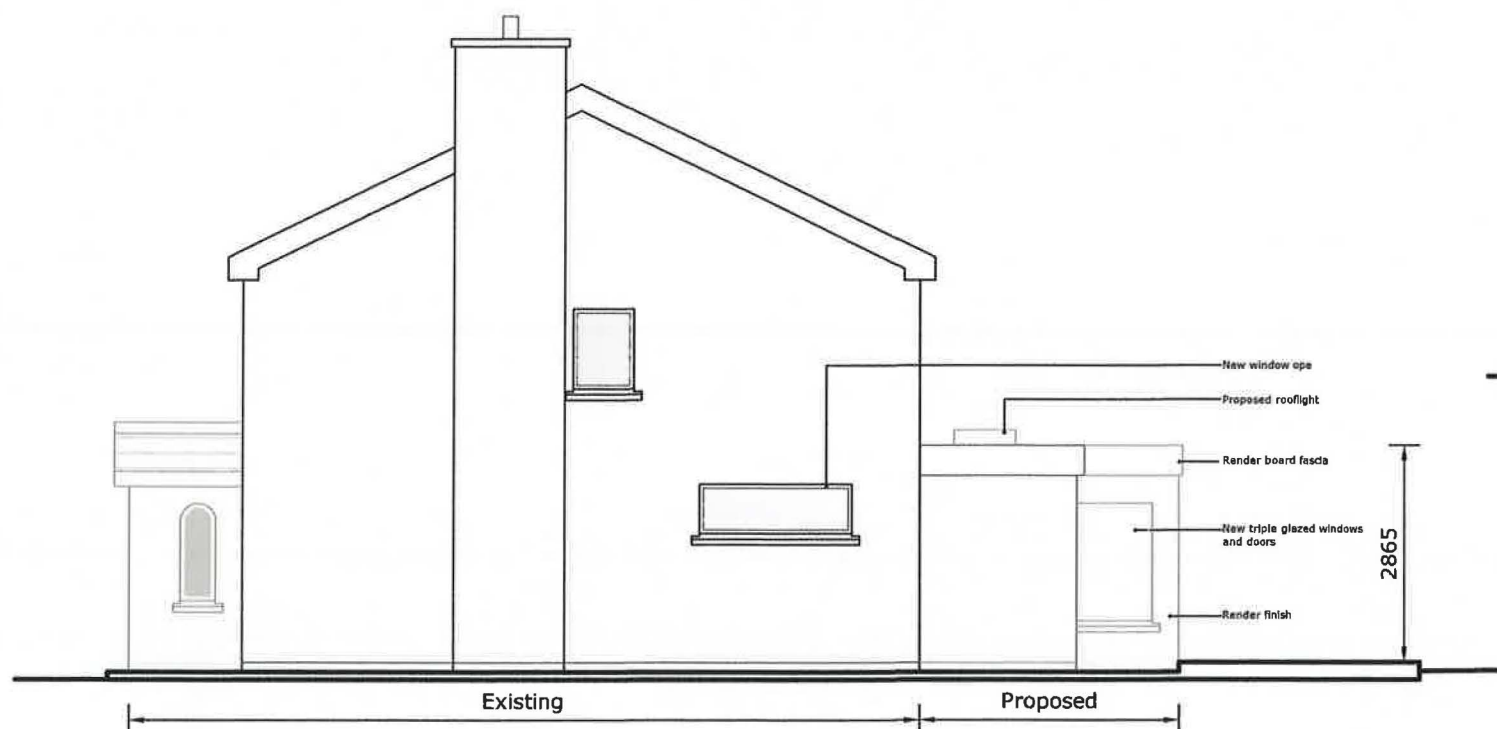
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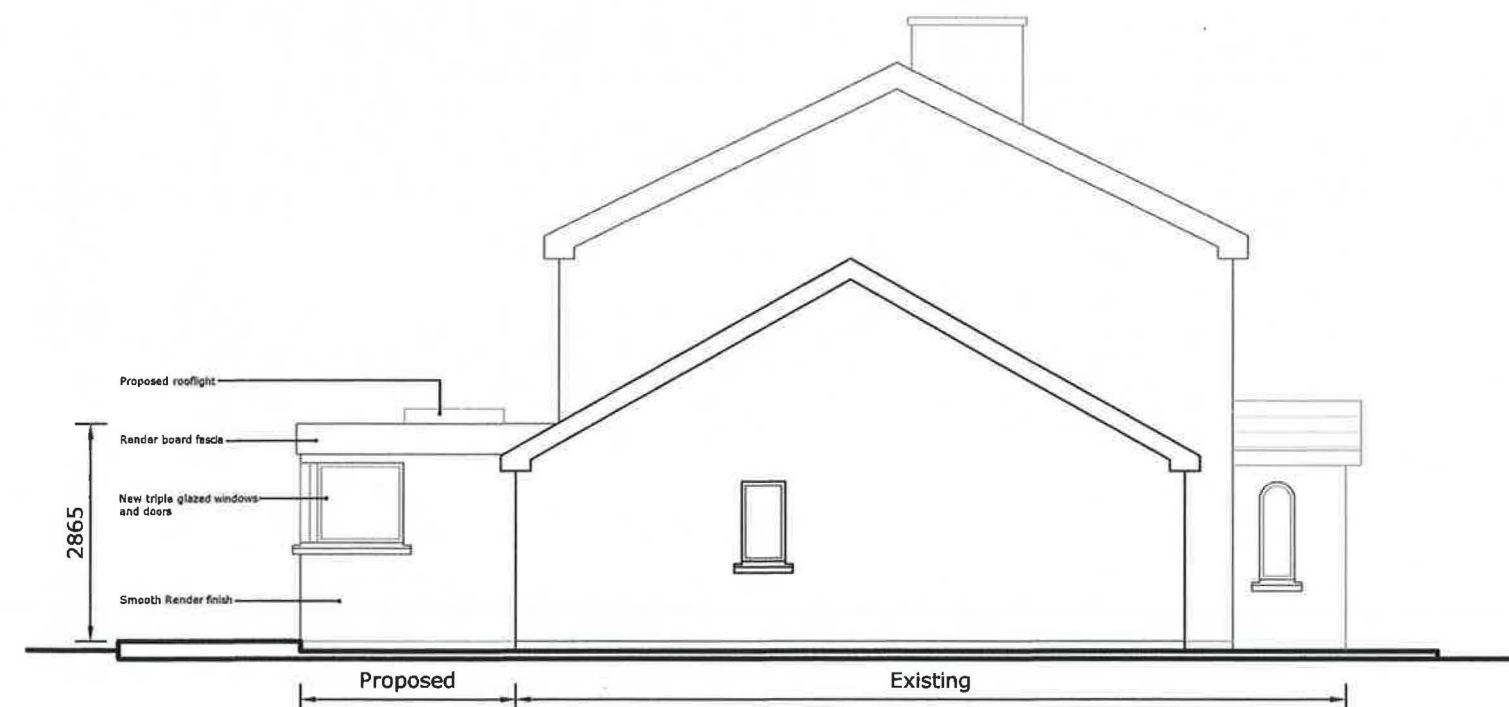
Existing Front Elevation (No change) 1:100



Proposed Rear Elevation 1:100



Proposed Side Elevation 1:100



Proposed Side Elevation 1:100



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Planning Drawings Only
Not to be used as Construction Drawings
Client: Eamonn & Idola Scanlan
Project & Location: 3 Clondrina, Crusheen, Co. Clare V95 E807

Sheet Content: Proposed Elevations
Scale: 1:100 @ A3
Date: June 2022
Drawing No: 21/48/P/300
Drawn: MH