



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Bridget O'Donnell
Mayfield
Liscannor
Co. Clare
V95 YW89

2nd October 2023

Section 5 referral Reference R23-72 – Bridget O'Donnell

Is the addition of extra velux windows to a roof that already has 2 velux windows installed at Mayfield, Liscannor development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th September 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



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

Reference No.: R23-72



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R23-72

Is the addition of extra velux windows to a roof that already has 2 velux windows installed at Mayfield, Liscannor development and if so, is it exempted development?

AND WHEREAS, Bridget O'Donnell 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) The details received by the Planning Authority.

And whereas Clare County Council has concluded:

- (a) The installation of 4 no. additional roof lights is considered development, which is exempted development, as it would not materially affect the external appearance of the dwelling so as to render it inconsistent with the character of the dwelling itself and of the neighbouring structures.

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 installation of 4 additional roof lights on a roof that has 2 existing roof lights at a dwelling in Mayfield, Liscannor, 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

2nd October 2023

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:

82494

Reference Number:

R23-72

Date Referral Received:

12th September 2023

Name of Applicant:

Bridget O'Donnell

Location of works in question:

Mayfield, Liscannor, Co. Clare, V95 YW89

Section 5 referral Reference R23-72 – Bridget O'Donnell

Is the addition of extra velux windows to a roof that already has 2 velux windows installed at Mayfield, Liscannor 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) The details received by the Planning Authority.

AND WHEREAS Clare County Council has concluded:

- (a) The installation of 4 no. additional roof lights is considered development, which is exempted development, as it would not materially affect the external appearance of the dwelling so as to render it inconsistent with the character of the dwelling itself and of the neighbouring structures.

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 installation of 4 additional roof lights on a roof that has 2 existing roof lights at a dwelling in Mayfield, Liscannor, Co. Clare is considered development which is exempted development.

Signed:


GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date:

2nd October 2023

CLARE COUNTY COUNCIL

SECTION 5 REFERRAL

Reference No: 23/ 72

Applicant: Bridget O Donnell

Location: Mayfield Liscannor

Proposal: Whether the addition of extra velux roof lights to a roof that already has 2 velux windows installed at Mayfield Liscannor is or is not development and is or is not exempted development .

Due Date: 06/ 10/ 23

This proposal is a request for a declaration under Section 5 of the Planning and Development Act, 2000 as amended to determine whether or not the following constitutes exempted development:

Whether the addition of extra velux roof lights to a roof that already has 2 velux windows installed at Mayfield Liscannor is / is not development and is or is not exempted development.

Zoning

The site is zoned existing residential.

Planning history

96/ 302 David and Stephen Hopper. Permission granted to construct dog kennels at Mayfield.

02/ 2158 Stephen Hopper. Permission granted to RETAIN extension to dog kennels

01/ 1267 Michael Hegarty. Permission granted to construct a dwellinghouse, garage, associated site works and connections to public services

Details Submitted

- Completed application form.
- Site Map scale
- Original house elevation

- Existing and proposed velux drawing
- Google lmao image of Mayfield. (and distance from road- 200m)
- Image from road showing existing velux
- Image from road of proposed velux.
- Front elevation drawing showing the proposed location of the roof light.
- Written description of the proposal.

The existing dwelling has two centrally located roof lights in the front roof elevation. It is proposed to instal four more roof lights , two on the right hand site and two on the left hand side of the existing roof lights. Total no. of roof lights will be 6.

Considerations

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

S.2 '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.

Is or Is Not Development?

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.

Section 4(1)(h) of the Act provides for exempted development as:

"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."

I refer to Schedule 2 Article 6 Part 1 Exempted Development General, Development within the curtilage of a house, Planning and Development Regulations 2001, as amended. The installation of a roof light is not listed as one of the exempted development classes of works/development.

Background and Assessment

The applicant has advised that the house was purchased recently. The roof lights are required to improve daylight in areas of the house that are dark. The dwelling is set back 200m from the public road and does not over look any other property. The dwelling adjacent does not have roof lights.

- Having regard to section 2 of the Act it is considered that the proposed development falls under the definition of works being an 'alteration' to the structure.
- Having regard to section 3 of the Act it is considered that the proposal falls under the definition of development being 'works' to the structure.
- Having regard to Schedule 2 Article 6 Part 1 Exempted Development General, Development within the curtilage of a house, Planning and Development Regulations 2001, as amended it is noted that the installation of a roof light(s) in dwelling is not included in this category of exemption.
- Having regard to Section 4 (1) (h) of the Planning and Development Act 2000 as amended, it is considered that the proposed roof lights would 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 because the proposed development comprises 4no. additional roof lights on the west facing roof elevation where there are two roof lights already provided. It is therefore not considered that in this context the additional roof lights are visually inconsistent with the character of the structure or neighbouring structures.

Conclusion

With reference to the above assessment, the proposed development can be considered exempted development for the purposes of Section 5.

Recommendation

WHEREAS a question has arisen as to whether the addition of extra roof lights (4no.) to a roof that already has 2 velux windows installed at Mayfield Liscannor is or is not exempted development and is exempted development

AND WHEREAS Clare County Council in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended;
(b) the details received by the Planning Authority.

AND WHEREAS Clare County Council has concluded that –

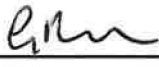
The installation of 4 no. additional roof lights is considered development, which is exempted development, as it would not materially affect the external appearance of the dwelling so as to render it inconsistent with the character of the dwelling itself and of the neighbouring structures.

NOW THEREFORE Clare County Council, in exercise of the powers conferred on it by section 5(2) (a) of the 2000 Act, hereby decides

The installation of 4 additional roof lights on a roof that has 2 existing roof lights at a dwelling in Mayfield, Liscannor . Co. Clare is considered development which is exempted development.

Signed Ellen Corey.
E.P.

Date 28-09-23

Signed 
~~BY~~ S.E.P.

Date 29/09/23

Appropriate Assessment & Determination

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	Section 5 R23/100
(b) Brief description of the project or plan:	Whether the addition of extra velux roof lights to a roof that already has 2 velux windows installed at Mayfield Liscannor is / is not development and is or is not exempted development.
(c) Brief description of site characteristics:	Dwelling on site
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Inagh River estuary SAC	Annex I Habitats • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-	2km	None	None

<p>Puccinellietalia maritimae) [1330] • Mediterranean salt meadows · Juncetalia maritime) [1410] • Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] • *Fixed coastal dunes along the shoreline with herbaceous vegetation (grey dunes) [2130]</p>			
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STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) 	None

<ul style="list-style-type: none"> • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None
In-combination/Other	None

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ Yes ☒ No

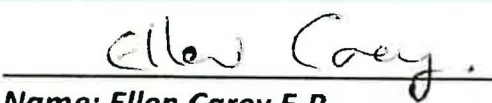
Step 4. Screening Determination Statement

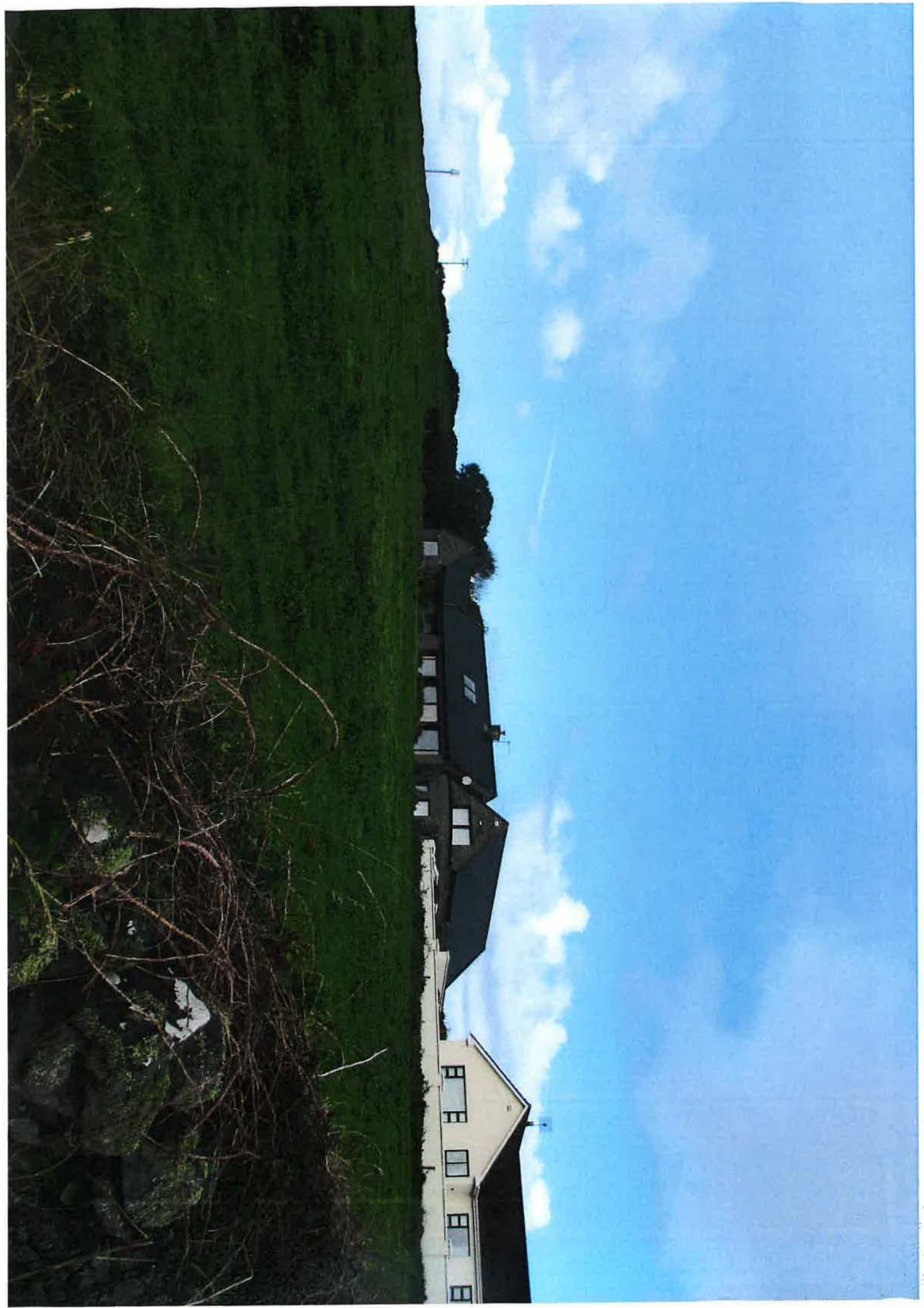
The assessment of significance of effects:

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.

Having regard to the nature of works proposed and the absence of direct or indirect hydrological path way between the subject site and the nearest European site, the proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.

Conclusion: The proposed development is not likely to have significant effects on European site(s) in view of its conservation objectives.

	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:	28/ 09/ 23	 Name: Ellen Carey E.P.
Signature and Date of the Decision Maker:		





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Bridget O'Donnell
Mayfield
Liscannor
Co. Clare
V95 YW89

14/09/2023

Section 5 referral Reference R23-72 – Bridget O'Donnell

Is the addition of extra velux windows to a roof that already has 2 velux windows installed at Mayfield, Liscannor development and if so, is it exempted development?

A Chara,

I refer to your application received on 12th September 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 Stiúarthóireacht 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
Aras Contae an Chláir
New Road
Ennis
Co Clare

13/09/2023 12:27:42

Receipt No L1CASH/0/354447
***** REPRINT *****

BRIDGET O'DONNELL
MAYFIELD
LISCANNOR
CO. CLARE
V95 YW89
R23/72

COMHAIRLE

CONTAE

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

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

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

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



R23-72



**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	<p>BRIDGET O'DONNELL</p> <p>MAYFIELD</p> <p>LISCANNOR Co. CLARE</p> <p>Eircode: V95YW89</p>
(b) Telephone No.:	()
(c) Email Address:	
(d) Agent's Name and address:	<p></p> <p></p> <p></p> <p>EIRCODE:</p>

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 addition of ^{extra} velux windows to a roof that already has 2 velux installed at Mayfield hiscannor considered exempted development?

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

We have just purchased this property "Mayfield hiscannor". It has a very large roof area. There are 2 existing velux windows on the roof. We would like to install 2 more identical velux windows to the left and 2 to the right of these existing windows. This will bring natural light into these areas as they are currently in darkness. The property is set back 200 meters from the public road and does not overlook any other property.

- (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)

- | | |
|--|--------------------------------------|
| 1. APPLICATION FORM | 7. IMAGE FROM ROAD EXISTING VELUX |
| 2. SITE MAP | 8. IMAGE FROM ROAD OF PROPOSED VELUX |
| 3. ORIGINAL HOUSE ELEVATIONS | |
| 4. EXISTING & PROPOSED VELUX DRAWINGS | |
| 5. GOOGLE MAPS IMAGE OF MAYFIELD FROM ROAD | |
| 6. GOOGLE MAPS DISTANCE FROM ROAD IMAGE | |

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>MAYFIELD</u> <u>LISCANNOK</u> <u>Co. CLARE</u> <u>V95 YW89</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>Bridget and Roy O'Donnell</u> <u>property 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>Original house planning</u> <u>Ref: P01-1267</u>
(h) Date on which 'works' in question were completed/are likely to take place:	<u>Nov 2023</u>

SIGNED: Bridget O'Donnell
R. O'Donnell

DATE: 11/09/23

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:.....			



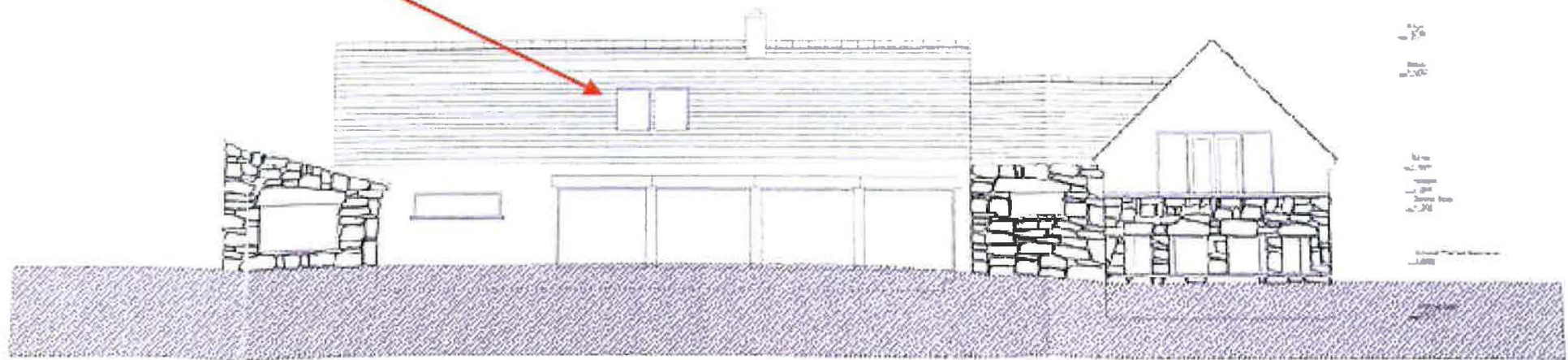
Rural PLACE Map



MAYFIELD
LISCANNOR
V9SYW89

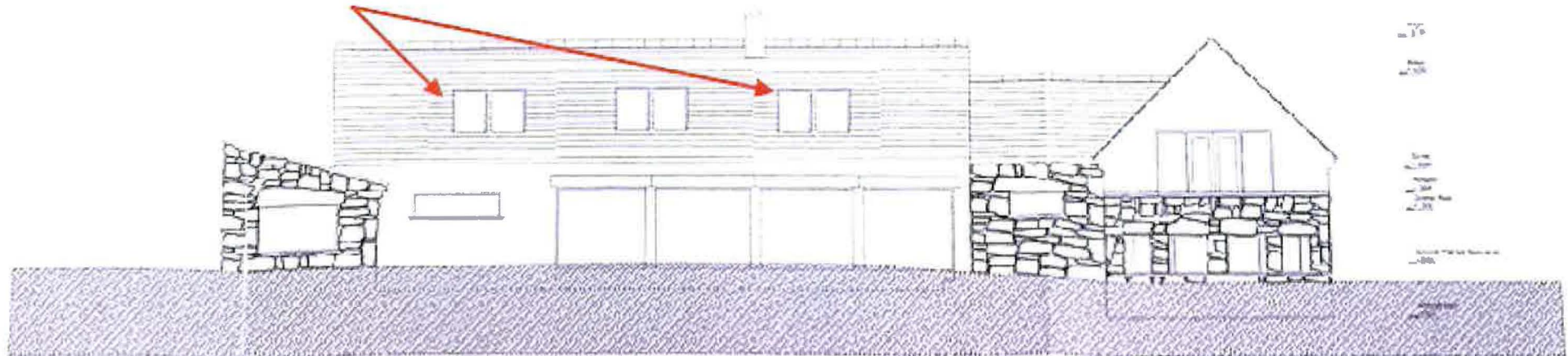
18RD13

Existing Velux windows 2001

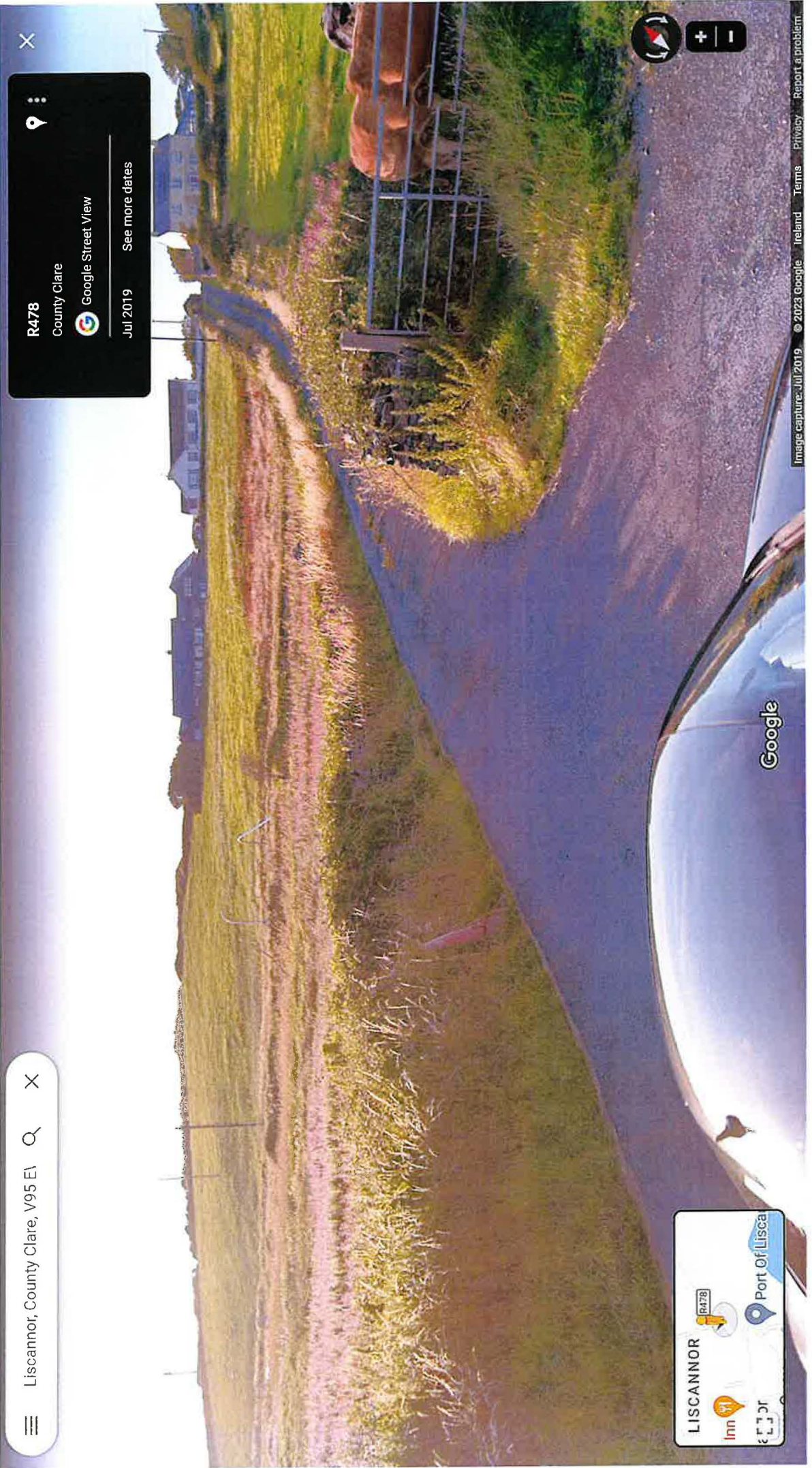


South Elevation - To Lecanor/Latinch Road + Harbour scale 1:100

Proposed Velux windows 2023



South Elevation - To Lecanor/Latinch Road + Harbour scale 1:100



☰ Lisconnor, County Clare, V95 E1 🔍 ✕

✕

R478

County Clare

 Google Street View

Jul 2019 [See more dates](#)

LISCONNOR

 Inn

 R478

 Port Of Lisca



Distance from Mayfield to
nearest property to the front.
As shown on Google Maps.

Measure distance
Click on the map to add to your path
Total distance: 202.77 m (665.26 ft)



Existing Velux windows

