



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Alan Queally
21 MacNamara Park
Turnpike Road
Ennis
Co. Clare
V95 KX2F**

16th October 2023

Section 5 referral Reference R23-74 – Alan Queally

Is the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 velux windows on the roof development, and if so is it exempted development?


A Chara,

I refer to your application received on 20th 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



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:

82566

Reference Number:

R23-74

Date Referral Received:

20th September 2023

Name of Applicant:

Alan Queally

Location of works in question:

21 MacNamara Park, Turnpike Road, Ennis,
Co. Clare

Section 5 referral Reference R23-74 – Alan Queally

Is the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 velux windows on the roof 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) The works as indicated in submitted documents from the referrer.
- (d) Relevant An Bord Pleanála Cases / Decisions – of similar development, namely:
 - **Case Number: RL2520** – The Board decided in August 2008, that the installation of 4 no. roof lights (Velux type windows) in Cork, was exempted development as it did not render the external appearance inconsistent with the character of the structure or neighbouring structures and that there was no contravention of conditions, in terms of its original grant of planning permission.
 - **Case Number: DEC458** - In April 2018, the Board decided that the alteration of a roof space for habitable accommodation is exempted development in Clifden, Co. Kilkenny by way of the development undertaken comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, as it comprises works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and that it did not come within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended.
 - **Case Number: RL2477** – The Board decided in March 2008 that an extension to the rear of a dwellinghouse and conversion of a garage (to become part of the house) was exempted development as it did not contravene any planning conditions pertaining to the original grant of permission and also that the area of the extension was below 40sqm.

AND WHEREAS Clare County Council has concluded:

(a) The conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof at 21 MacNamara Park, Turnpike Road, Ennis, 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 development of the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof at 21 MacNamara Park, Turnpike Road, Ennis, Co. Clare, is considered exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended). Having regard to proposal as received by the Planning Authority, taking into account the internal conversion and the installed Velux windows to the rear of the dwelling, would not materially affect the external appearance of the structure to render the appearance inconsistent with the character of the structure and of neighbouring structures and as such there are no overlooking / overshadowing concerns.

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 Kieran O'Donnell, Administrative Officer, 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, Kieran O'Donnell, Administrative Officer, hereby declare that the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof (to the rear) at 21 MacNamara Park, Turnpike Road, Ennis, Co. Clare is considered development which is exempted development.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER 

Date: 16th October 2023

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

Reference No.: R23-74



Section 5 referral Reference R23-74

Is the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 velux windows on the roof development, and if so is it exempted development?

AND WHEREAS, Alan Queally 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) The works as indicated in submitted documents from the referrer.
- (d) Relevant An Bord Pleanála Cases / Decisions – of similar development, namely:
 - **Case Number: RL2520** – The Board decided in August 2008, that the installation of 4 no. roof lights (Velux type windows) in Cork, was exempted development as it did not render the external appearance inconsistent with the character of the structure or neighbouring structures and that there was no contravention of conditions, in terms of its original grant of planning permission.
 - **Case Number: DEC458** - In April 2018, the Board decided that the alteration of a roof space for habitable accommodation is exempted development in Clifden, Co. Kilkenny by way of the development undertaken comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, as it comprises works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and that it did not come within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended.
 - **Case Number: RL2477** – The Board decided in March 2008 that an extension to the rear of a dwellinghouse and conversion of a garage (to become part of the house) was exempted development as it did not contravene any planning conditions pertaining to the original grant of permission and also that the area of the extension was below 40sqm.

And whereas Clare County Council has concluded:

- (a) The conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof at 21 MacNamara Park, Turnpike Road, Ennis, 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 development of the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof at 21 MacNamara Park, Turnpike Road, Ennis, Co. Clare, is considered exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended). Having regard to proposal as received by the Planning Authority, taking into account the internal conversion and the installed Velux windows to the rear of the dwelling, would not materially affect the external appearance of the structure to render the appearance inconsistent with the character of the structure and of neighbouring structures and as such there are no overlooking / overshadowing concerns.

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 conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof (to the rear) at 21 MacNamara Park, Turnpike Road, Ennis, 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

16th October 2023

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

File Ref:	R23-74
Applicant:	Alan Queally
Location:	21 MacNamara Park, Turnpike Road, Ennis, Co. Clare
Referral:	Whether the conversion of an attic into 2 bedrooms and a small toilet and the installation of 2 Velux windows on the roof, is development and if so, is it exempted development?
Due Date:	16th October 2023

Site Location

The site is located at 21 MacNamara Park, Turnpike Road, Ennis, Co. Clare which fronts onto L-4508. The site comprises of an existing, semi- detached dwellinghouse with front vehicular entrance.

Recent Onsite Planning History

There is no recent planning history on site.

Environmental Impact Assessment

In assessing this application I have had regard to the provisions of EU Directive 2014/52/EU (which amends EU Directive 2011/92/EU), and which has been transposed into Irish legislation by the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (SI No. 296 of 2018). The subject development does not fall within the mandatory requirements for EIA as set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. I therefore consider that the Section 5 referral constitutes a sub-threshold development and note the requirements of Article 103 (1)(a) and (b) of the Planning and Development Regulations 2001, as amended. As such having regard to the nature and scale of the development and the nature of the receiving environment I consider that there is no real likelihood of significant effects on the environment arising from the development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Background to Referral

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

The applicant is seeking a Section 5 Declaration as to whether the conversion of an attic into 2 bedrooms and a small toilet and the installation of 2 Velux windows on the roof, is development and if so, is it exempted development?

The applicant has advised that he bought the 2- bedroom house in 2015 and immediately converted the attic space into 2 bedrooms and a small toilet, making the house a 3- bedroom dwelling. He advised that there were no structural changes made to the outside of the house however three Velux windows were installed on the roof at the rear of the house.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

To assess this Section 5 Referral, regard must 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.

Planning and Development Act 2000 (as amended) Section 4(1)(h)

“The following shall be exempted developments for the purposes of this Act—

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.

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 applicant is seeking a Section 5 Declaration as to whether the conversion of an attic into 2 bedrooms and a small toilet and the installation of 2 Velux windows on the roof, is development and if so, is it exempted development?

Particulars of the Development

- Floor Area: Unknown
- Height: Single storey (*with now converted attic*)
- Development: Internal attic conversion and installation of 3 Velux windows to the rear of the dwelling.
- Status: Completed since around 2015.

The Velux windows are located to the rear of the dwellinghouse in a symmetrical arrangement.

Planning and Development Act 2000 (as amended) Section 4(1)(h)

"The following shall be exempted developments for the purposes of this Act—

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;"

In this assessment of a Section 5 Referral, which includes the completed conversion of the attic space to 2 bedrooms, a toilet and the installation of three Velux windows to the rear (west) of the existing dwellinghouse, it is considered that same does not materially affect the external appearance of the structure to render the appearance inconsistent with the character of the structure and of neighbouring structures. In addition, there are no overlooking concerns in this regard.

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 development does not appear to 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.

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

The referral 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 referral 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,

Not applicable.

(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.

(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.

Not applicable.

(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.

(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 referral 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,

Not applicable.

(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.”

Not applicable.

(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.

(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.

(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.

(xi) obstruct any public right of way,

Not applicable.

(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 referral site is not within an Architectural Conservation Area.

Conclusions

The following question has been referred to the Planning Authority:

“Whether the conversion of an attic into 2 bedrooms and a small toilet and the installation of 2 Velux windows on the roof, is development and if so, is it 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) The works as indicated in submitted documents from the referrer.
- (d) Relevant An Bord Pleanála Cases / Decisions – of similar development, namely:
 - **Case Number: RL2520** – The Board decided in August 2008, that the installation of 4 no. roof lights (Velux type windows) in Cork, was exempted development as it did not render the external appearance inconsistent with the character of the structure or neighbouring structures and that there was no contravention of conditions, in terms of its original grant of planning permission.
 - **Case Number: DEC458** - In April 2018, the Board decided that the alteration of a roof space for habitable accommodation is exempted development in Clifden, Co. Kilkenny by way of the development undertaken comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, as it comprises works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure and that it did not come within

the the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended.

- **Case Number: RL2477** – The Board decided in March 2008 that an extension to the rear of a dwellinghouse and conversion of a garage (to become part of the house) was exempted development as it did not contravene any planning conditions pertaining to the original grant of permission and also that the area of the extension was below 40sqm.

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

(a) the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof at 21 MacNamara Park, Turnpike Road, Ennis, 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 development of the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof at 21 MacNamara Park, Turnpike Road, Ennis, Co. Clare, is considered exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended). Having regard to the Section 5 referral and taking into account the internal conversion and the installed Velux windows to the rear of the dwelling, it is considered that same would not materially affect the external appearance of the structure to render the appearance inconsistent with the character of the structure and of neighbouring structures and as such there are no overlooking / overshadowing concerns.

Now therefore Clare County Council (Planning Authority), hereby decides that the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 Velux windows on the roof (to the rear) at 21 MacNamara Park, Turnpike Road, Ennis, Co. Clare is exempted development.



Graduate Planner
Date: 16th October 2023



Senior Executive Planner
Date: 16/10/23

R23-74 – Images dated 27th September 2023







COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Alan Queally
21 MacNamara Park
Turnpike Road
Ennis
Co. Clare
V95 KX2F

21/09/2023

Section 5 referral Reference R23-74 – Alan Queally

Is the conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 velux windows on the roof development, and if so is it exempted development?

A Chara,

I refer to your application received on 20th 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 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
Aras Contae an Chlair
New Road
Ennis
Co Clare



20/09/2023 12:29:55

Receipt No. : L1CASH/0/354735

***** REPRINT *****

ALAN QUEALLY
21 MacNamara Park
Turnpike Road
Ennis, Co Clare V95 KX2F
REF. R23-74

COMHAIRLE
CONTAE
AN CHLÁIR

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



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

**FEE: €80**

1. CORRESPONDENCE DETAILS.

(a) Name and Address of person seeking the declaration	ALAN QUEALLY 21 Macnamara Park Turnpike Rd, ENNIS CLARE Eircode: V95 KXZF
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	 EIRCODE:

SR. 14/55

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 conversion of an attic into 2 bedrooms and a small toilet and the installation of 3 velux windows on the roof 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.

I bought a 2 Bedroom house at the given address in 2015, I immediately converted the attic space into 2 Bedrooms and a small toilet, now making the house a 3 bedroom Semi D. No structural changes were made to the outside of the house. However 3 Velux Windows were put on the roof at the rear of the house. Does this work need any type of Clearance or exemption from the Council?

- (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)

No Drawings or plans, this work was done with a vision of making the space into 2 Bedrooms

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

(a) Postal Address of the Property/Site/Building for which the declaration sought:	21 Macnamara Park Turnpike Rd Ennis Clare V95 KX2F
(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):	NO
(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? If so please supply details:	NO
(g) Were there previous planning application/s on this site? If so please supply details:	not that I'm aware of now since I purchased it
(h) Date on which 'works' in question were completed/are likely to take place:	completed in August 2016

SIGNED: _____



DATE: _____

20/9/23

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:.....			

No. 21