



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

**Conor & Lucinda Sheehan  
C/o Tom Hannon  
OBB Consulting Engineers Ltd  
Unit 2  
Blackberry Business Park  
Dock Road  
Co. Limerick  
V94 FDH2**

**25th October, 2024**

**Section 5 referral Reference R24-76 – Conor & Lucinda Sheehan**

**Is the construction of an extension to the rear of the existing dwelling development and if so, is it exempted development?**

A Chara,

I refer to your application received on 30th September 2024 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](http://www.pleanala.ie)

Mise, le meas

  
**Colette Coakley  
Assistant Staff Officer  
Planning Department  
Economic Development Directorate**

**An Roinn Pleanála  
An Stúirthóireacht 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: 84387  
Reference Number: R24-76  
Date Referral Received: 30th September 2024  
Name of Applicant: Conor & Lucinda Sheehan  
Location of works in question: Sandy Bank, O'Brien's Bridge, Co. Clare

**Section 5 referral Reference R24-76 – Conor & Lucinda Sheehan**

Is the construction of an extension to the rear of the existing dwelling 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 construction of an extension to the rear of the existing dwelling at Sandy Bank, O' Brien's Bridge, 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 construction of an extension to the rear of the existing dwelling at Sandy Bank, O' Brien's Bridge, Co. Clare is not exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 as follows:
  - o Limitation 1(b) – the floor area of the extension above ground level exceeds 12 square metres.

- Limitation 2(a) – the house was previously extended under application P93/281. The floor area of the extension, taken together with the floor area of the previous extension, exceeds 40 square meters.
- Limitation 2(b) – the floor area of the extension above ground level, taken together with the floor area of the previous extension above ground level, exceeds 12 square metres.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of an extension to the rear of the existing house at Sandy Bank, O' Brien's Bridge, Co. Clare is development and is not exempted development.

**ORDER:** Whereas by Chief Executive's Order No. HR 152 dated 9<sup>th</sup> 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 construction of an extension to the rear of the existing dwelling at Sandy Bank, O'Brien's Bridge, Co. Clare is considered development which is not exempted development.

**Signed:**

  
\_\_\_\_\_  
**GARETH RUANE**  
**SENIOR EXECUTIVE PLANNER**

**Date:** 25th October, 2024

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

**Reference No.: R24-76**



Comhairle Contae an Chláir  
Clare County Council

**Section 5 referral Reference R24-76**

**Is the construction of an extension to the rear of the existing dwelling development and if so, is it exempted development?**

**AND WHEREAS, Conor & Lucinda Sheehan** 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 construction of an extension to the rear of the existing dwelling at Sandy Bank, O'Brien's Bridge, Co. Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended
- (a) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (b) The said construction of an extension to the rear of the existing dwelling at Sandy Bank, O'Brien's Bridge, Co. Clare is not exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 as follows:
  - Limitation 1(b) – the floor area of the extension above ground level exceeds 12 square metres.

Limitation 2(a) – the house was previously extended under application P93/281. The floor area of the extension, taken together with the floor area of the previous extension, exceeds 40 square meters.

Limitation 2(b) – the floor area of the extension above ground level, taken together with the floor area of the previous extension above ground level, exceeds 12 square metres.

**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 construction of an extension to the rear of the existing dwelling at Sandy Bank, O'Brien's Bridge, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

  
**Colette Coakley**  
**Assistant Staff Officer**  
**Planning Department**  
**Economic Development Directorate**

**25th October, 2024**

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

<b>FILE REF:</b>	R24-76
<b>APPLICANT(S):</b>	Conor and Lucinda Sheehan
<b>REFERENCE:</b>	Whether the construction of an extension to the rear of an existing dwelling is or is not development and is or is not exempted development.
<b>LOCATION:</b>	Sandy Bank, O' Brien's Bridge, Co. Clare
<b>DUE DATE:</b>	25 <sup>th</sup> October 2024

**Site Location**

The subject site is located in the village of O' Brien's Bridge on lands zoned Existing Residential. The site comprises a two-storey semi-detached dwelling to which an extension has recently been added to the rear. While the dwelling is semi-detached in nature, the attached dwelling and the subject site are not identical, and the attached dwelling is single storey in nature.

The subject dwelling is located on a large site, with a lengthy garden to the rear.

**Planning History**

P93/281 – Christopher Murphy granted permission to retain existing structure and provide extension to dwelling at Sandybank, O' Brien's Bridge.

**Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Conor and Lucinda Sheehan. 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 the construction of an extension to the rear of a 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.*

Planning & Development Regulations, 2001, as amended

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1

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



(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 subject dwelling is a semi-detached structure.

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 house was previously extended under grant of permission 93/281. The floor area of the permitted extension was 690 square feet (approx. 64m<sup>2</sup>). The floor area of the extension as currently proposed is 39.1m<sup>2</sup>. This limitation of the exemption is exceeded.

(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 extension built under grant of permission P93/281 added two additional bedrooms to the first floor of the house. The first floor extension was c.30m<sup>2</sup>. The first floor area of the extension as currently proposed is 12.3m<sup>2</sup>. This limitation of the exemption is exceeded.

(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.*

Not applicable. The dwelling is a semi-detached structure.

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

This limitation is not exceeded.

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.*

This limitation is not exceeded. The rear walls of the extension are the same height as the rear walls of the existing dwelling.

*(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.*

This limitation is not exceeded.

*(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 limitation is not exceeded.

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 25m<sup>2</sup> 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.*

This is complied with.

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

The design does not facilitate the use of roof areas as a balcony or roof garden.

Having regard to the above I consider that the extension as constructed is not 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 extension is located to the rear of a residence, located within the settlement of O' Brien's Bridge. There is very limited visibility of the subject extension from the public road. The development does not interfere with the character 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,*

Recorded Monument CL054-005 Cist is located on the opposite side of the public road from the proposed development and the Zone of Notification associated with the monument extends into the front garden of the proposal site. The rear of the dwelling, where the proposed works have taken place, are not within the ZoN.

*(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 site is located in close proximity to the Lower River Shannon SAC. However, the development is of a small, domestic scale and has taken place on a brownfield site with an established residential use, connected to available public service in the village.

In the absence of connectivity to a European Site, no Appropriate Assessment issues arise and I do not consider that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site.

Appropriate assessment is not therefore required.

*(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 the construction of an extension to the rear of the existing dwelling at Sandy Bank, O' Brien's Bridge, 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 construction of an extension to the rear of the existing dwelling at Sandy Bank, O' Brien's Bridge, 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 construction of an extension to the rear of the existing dwelling at Sandy Bank, O' Brien's Bridge, Co. Clare is not exempted development having regard to Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 as follows:
  - Limitation 1(b) – the floor area of the extension above ground level exceeds 12 square metres.
  - Limitation 2(a) – the house was previously extended under application P93/281. The floor area of the extension, taken together with the floor area of the previous extension, exceeds 40 square meters.
  - Limitation 2(b) – the floor area of the extension above ground level, taken together with the floor area of the previous extension above ground level, exceeds 12 square metres.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of an extension to the rear of the existing house at Sandy Bank, O' Brien's Bridge, Co. Clare is development and is not exempted development.



**Name: Caroline Balfe**

**Executive Planner**

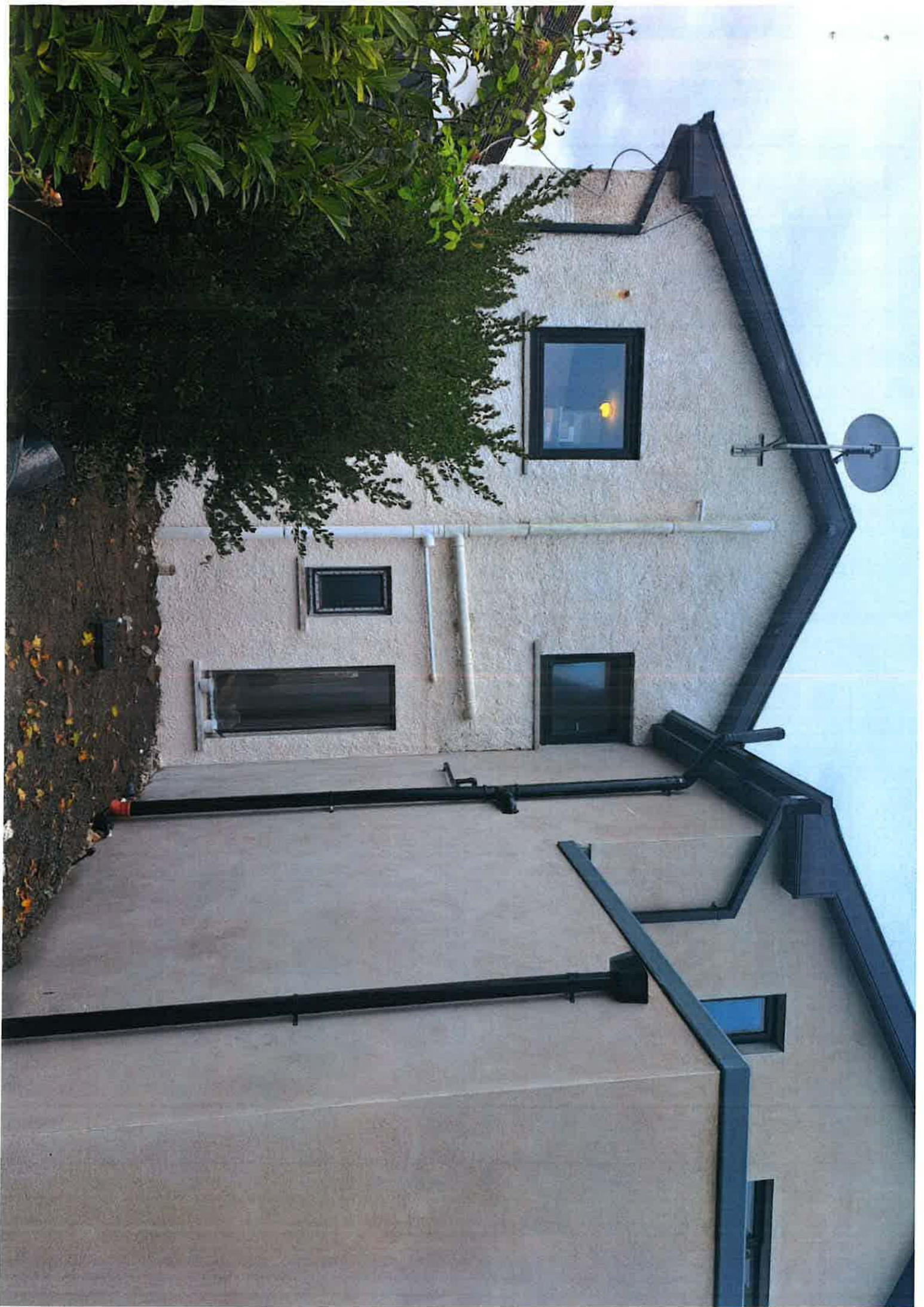
**Date: 25/10/2024**



**Name: Garreth Ruane**

**Senior Executive Planner**

**Date 25/10/2024**





















COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

Conor & Lucinda Sheehan  
C/o Tom Hannon  
OBB Consulting Engineers Ltd  
Unit 2  
Blackberry Business Park  
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V94 FDH2

30/09/2024

**Section 5 referral Reference R24-76 – Conor & Lucinda Sheehan**

Is the construction of an extension to the rear of the existing dwelling development and if so, is it exempted development?

A Chara,

I refer to your application received on 30th September 2024 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 Stiúrtóireacht Forbairt Gheilleagrach**

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

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



V94 DY9H

P07

**CLARE COUNTY COUNCIL  
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,  
Economic Development Directorate,  
Clare County Council,  
New Road, Ennis,  
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R24-76

**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*

<b>1. CORRESPONDENCE DETAILS.</b>	
(a) Name and Address of person seeking the declaration	Conor & Lucinda Sheehan, O'Briens Bridge, Co Clare
(b) Telephone No.:	-
(c) Email Address:	-
(d) Agent's Name and address:	Tom Hannon OBB Consulting Engineers Ltd., O'Briens Bridge, Co Clare, V94 RK8P Unit 2, Blackberry Business Park Doct Road, Limerick



**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?*

Construction of an Extension to the rear of the  
existing dwelling

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

Construction of an Extension to the rear of the  
existing dwelling

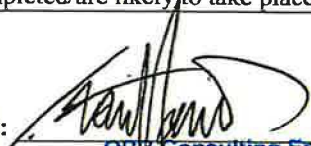
(c) List of plans, drawings etc. submitted with this request for a declaration:

*(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)*

24/102-501 - Floor Plans, 24/102-503 Elevations, 24/102-505 Site Layout Plan

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	<hr/> Sandy Bank, O'Briens Bridge, Co Clare <hr/> <hr/> <hr/>
(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 <hr/> <hr/> <hr/>
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Owner <hr/> <hr/>
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	n/a <hr/> <hr/> <hr/>
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	No
(h) Date on which 'works' in question were completed/are likely to take place:	Complete October 2024

SIGNED: \_\_\_\_\_



**OBB Consulting Engineers**  
 O'Briens Bridge  
 Co Clare  
 tomghannon@gmail.com  
 086 3141076



DATE: 19/09/2024 \_\_\_\_\_

**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*

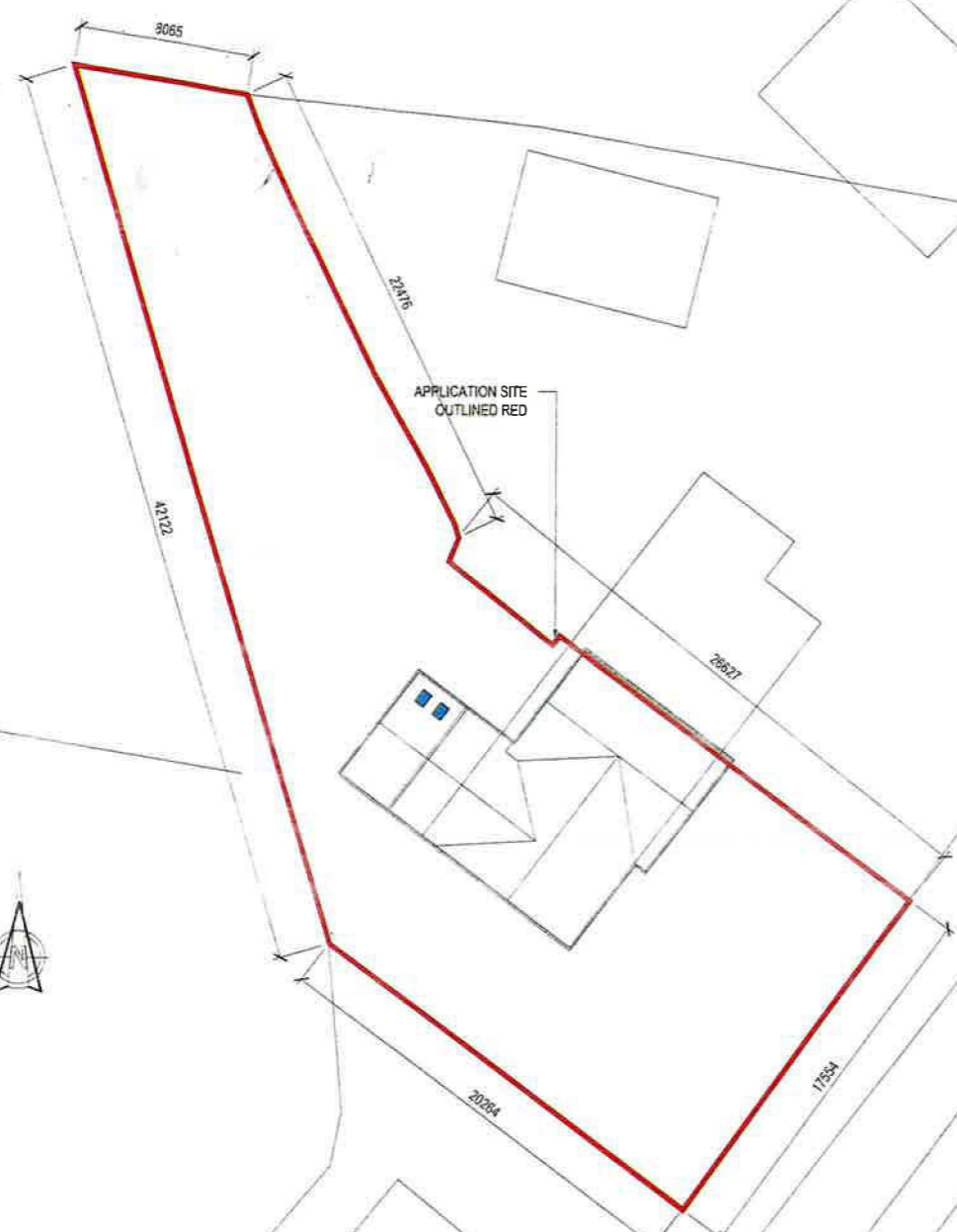
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration 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

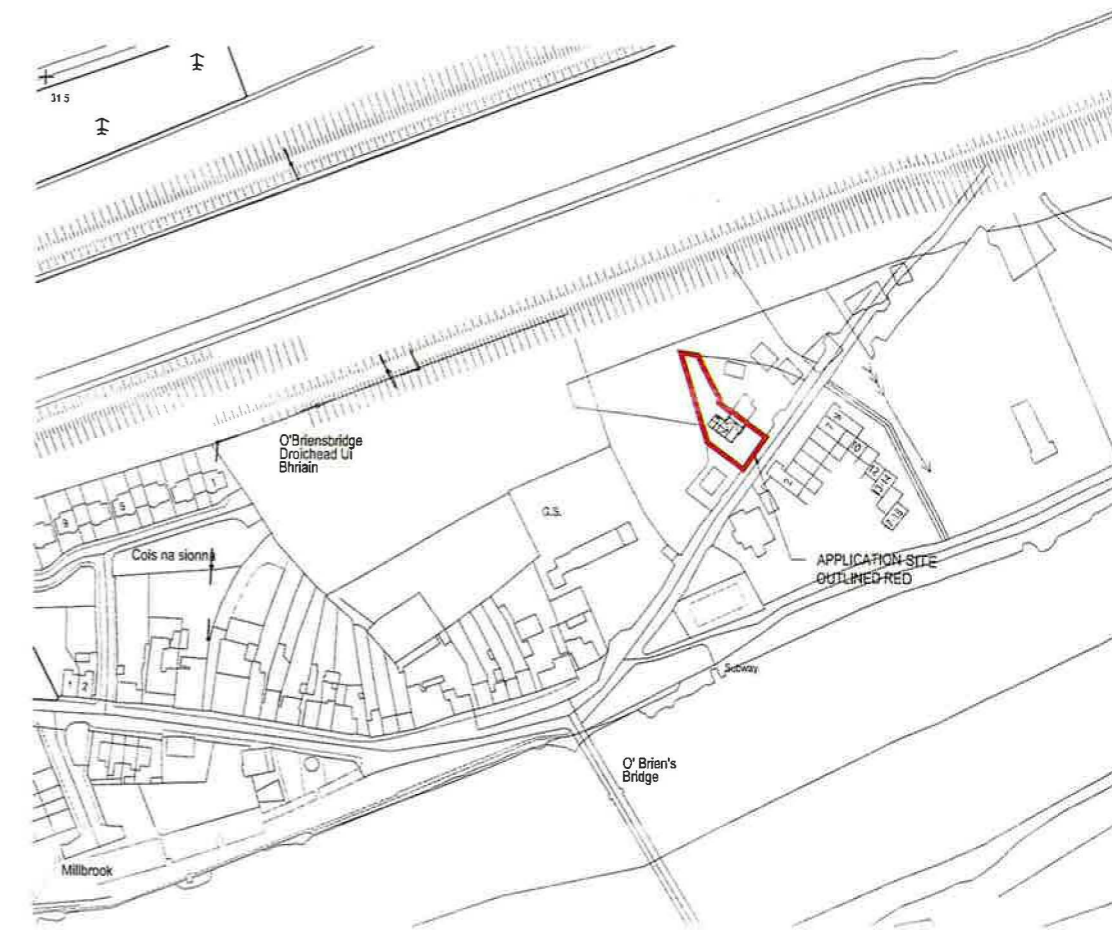
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information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



**1.01 SITE LAYOUT PLAN**  
24/102-505 1:250 (on A2)



**1.02 SITE LOCATION MAP**  
24/102-505 1:2500 (on A2)



**OBB Consulting Engineers Ltd.**

- tom hannon b.eng., c.eng MIEI
- o'briens bridge, co clare
- ph 061 581993
- mob 086 3141076
- email: tomghannon@gmail.com
- web: www.obbengineers.ie

**IMPORTANT NOTE:**  
Work to figured dimensions only - do not scale print.  
All setting out dimensions to be checked and confirmed on site prior commencement of work. Any inaccuracies should be brought to the attention of the Engineer and or Architect.  
If in doubt - ask!  
All construction methods, materials, services and installations to be in accordance with all Irish Building Regulations and codes of practice for construction. All sub-contractors are ultimately responsible for ensuring compliance with the regulations within their own trade.  
The drawing and specification take into account the 1990 Building Code and the Building Regulations 1997, 2000 & 2002, and are to be used for the works.  
This drawing is copyright to OBB Consulting Engineers Ltd. 2024

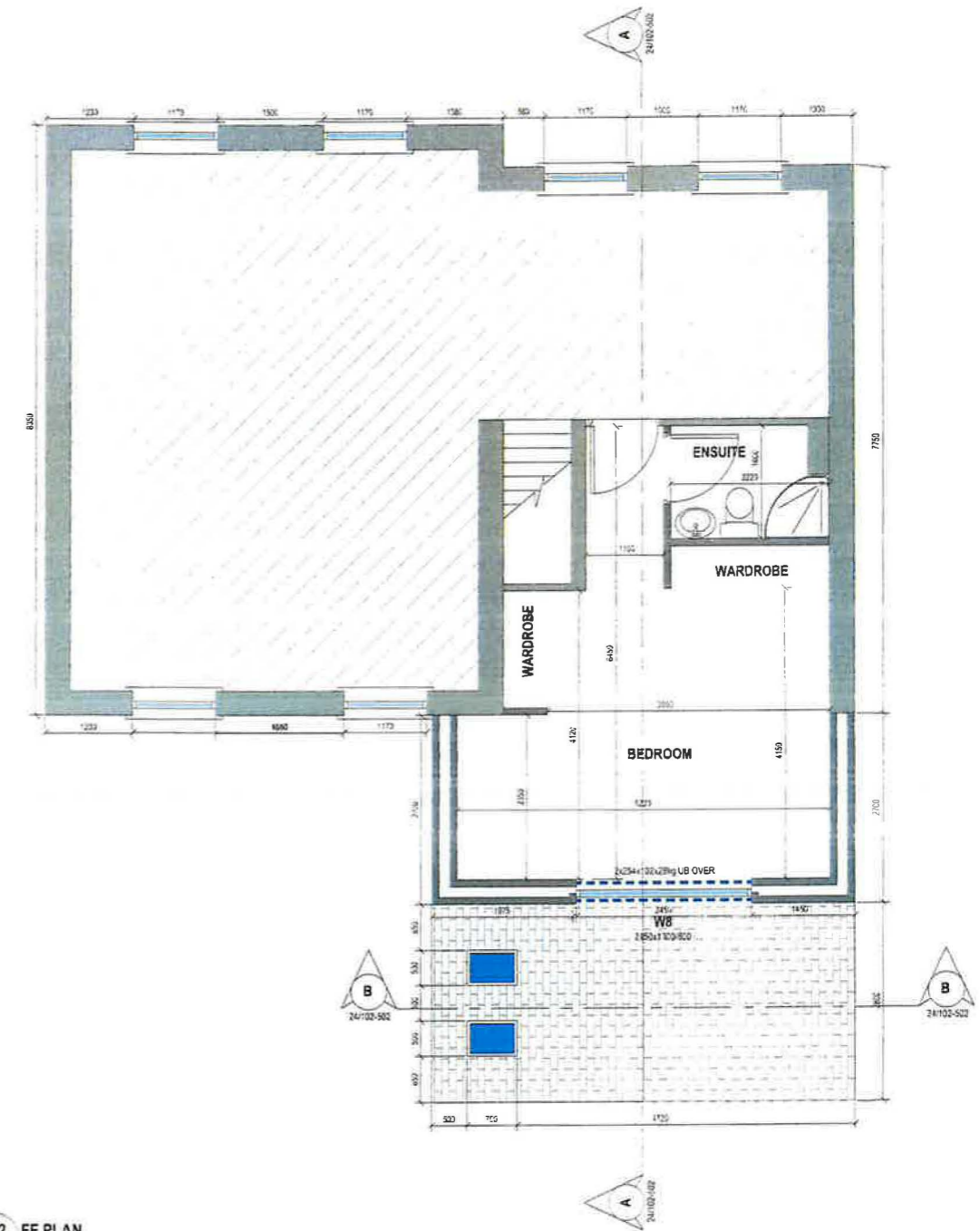
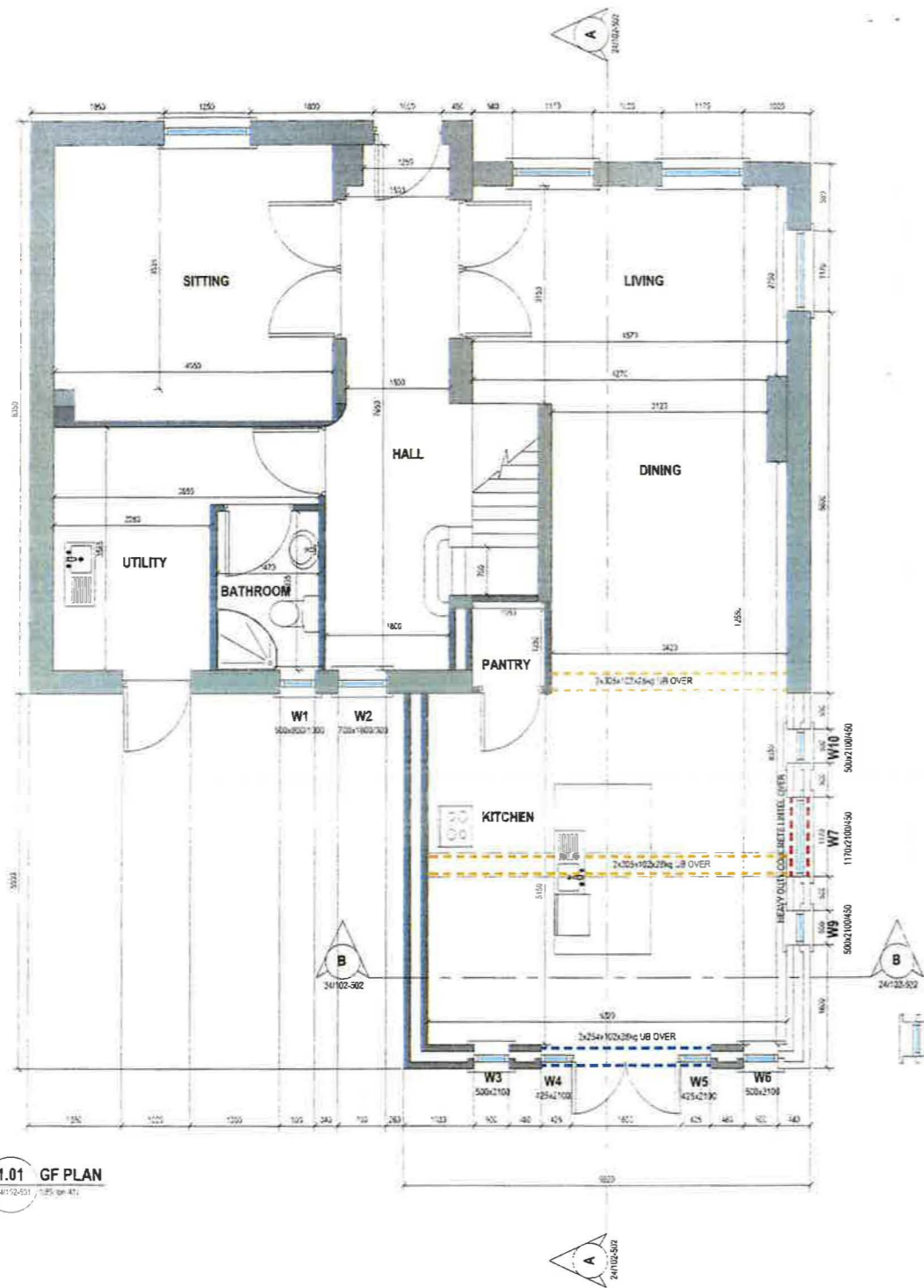
REV	DATE	DETAILS
ORIG	SEP 2024	ISSUE FOR SECTION 5.0 APPLICATION

**CONST**

<b>PROJECT:</b> EXTENSION TO DWELLING AT: O'BRIENS BRIDGE, Co CLARE	
<b>SCALE:</b> 1:250 & 1:2500	<b>DATE:</b> SEP 2024
<b>DRAWN:</b> TH	<b>CHECKED:</b> TH
<b>CLIENT:</b> Lucinda & Conor Sheehan	

<b>DRAWING ISSUE:</b> CONST
<b>PROJECT No. &amp; DWG. TITLE</b> <b>24/102</b> <b>24/102-505 SITE LAYOUT PLAN &amp; SITE LOCATION MAP</b>





REV	DATE	DETAILS
ORIG	JAN 2024	DRAFT TENDER/CONSTRUCTION
A	JAN 2024	CLIENT AMENDMENTS
B	FEB 2024	AMENDMENTS FOR CLIENT

PROJECT:	EXTENSION TO DWELLING AT: O'BRIENS BRIDGE, Co CLARE
SCALE:	1:50
DRAWN:	RM
CLIENT:	Lucinda & Conor Sheahan

DRAWING ISSUE:	CONST
PROJECT No. & DWG. TITLE	24/102 24/102-501 FLOOR PLANS



1.01 SIDE ELEVATION  
24/102-503 (1:50 on A1)



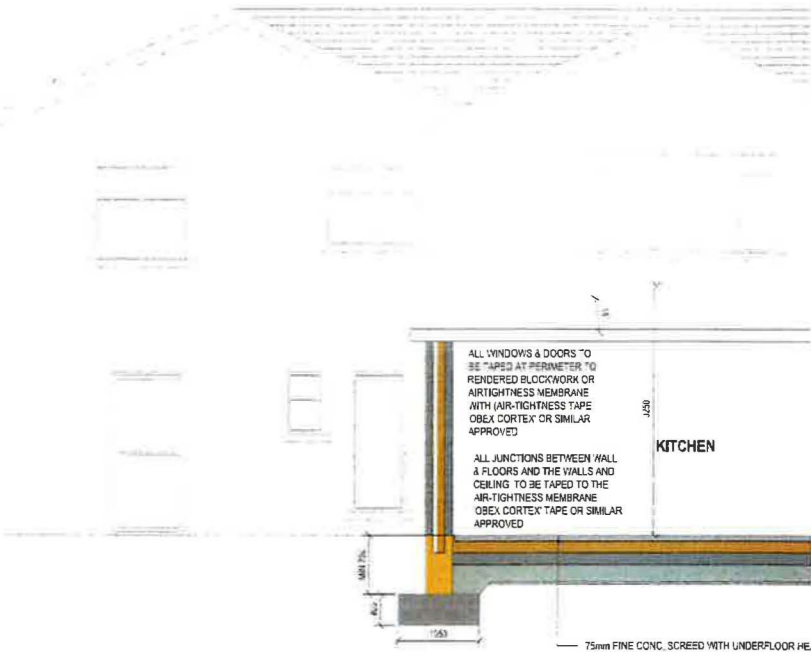
1.02 SIDE ELEVATION  
24/102-503 (1:50 on A1)



1.03 REAR ELEVATION  
24/102-503 (1:50 on A1)



1.04 FRONT ELEVATION  
24/102-503 (1:50 on A1)



1.05 ROOF PLAN  
24/102-503 (1:50 on A1)

75mm FINE CONC. SCREED WITH UNDERFLOOR HE 150mm KINGSPAN INSULATION (to meet current 300k FULL EXTENT OF BASE AND 50mm INS. TURNED UP MONARFLEX (PMB) APPROVED RADON BARRIER 3) BE INSTALLED TO FULL EXTENT OF GROUND FLOOR JOINTS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS ON 50mm A142 MESH REINFORCED MONOLITHIC CONCRETE SLAB 50mm SAND BED ON MIN. 25mm

**OBB Consulting Engineers Ltd.**  
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 • oh 061 581 993  
 • mob 086 3141076  
 • email: tomghannon@gmail.com  
 • web: www.obbengineers.ie

**CONST**



**IMPORTANT NOTE**  
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 This drawing and specification take into account the 1997 Building Control Act and the Building Regulations 1997, 2000 & 2002 and are to be used as a guide for the works.  
 This drawing is copyright to OBB Consulting Engineers Ltd 2024.

REV	DATE	DETAILS
ORIG	JAN 2024	DRAFT TENDER/CONSTRUCTION
A	JAN 2024	CLIENT AMENDMENTS
B	FEB 2024	AMENDMENTS FOR CLIENT
C	APR 2024	AMENDMENTS FOR CLIENT

PROJECT: EXTENSION TO DWELLING AT: O'BRIENS BRIDGE, Co CLARE	
SCALE: 1:50	DATE: APR 2024
DRAWN: RM	CHECKED: TH
CLIENT: Lucinda & Conor Sheehan	

DRAWING ISSUE: CONST  
 PROJECT No. & DWG. TITLE  
**24/102**  
**24/102-503 ELEVATIONS**  
**ROOF PLAN**