



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Brian O'Connor
37 Ballycasey Manor
Shannon
Co. Clare
V14 K296

8th August 2025

Section 5 referral Reference R25-51 – Brian O'Connor

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development?

A Chara,

I refer to your application received on 24th June 2025 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 Coimisiún Pleanála of the required fee, refer a declaration for review by An Coimisiún 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.

Advice Note to Applicant

The Planning Authority notes details in respect of party wall issues with the referrer's neighbours, however, such detail is not considered by the Planning Authority under this referral and same is considered to be a civil matter.

Mise, le meas


Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúirthóireacht 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: 86077

Reference Number: R25-51

Date Referral Received: 24th June 2025

Date Further Information Received: 25th July 2025

Name of Applicant: Brian O'Connor

Location of works in question: 8 Corrovorrin Drive, Ennis, Co. Clare

Section 5 referral Reference R25-51 – Brian O'Connor

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive 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) Class 1 of Part 1 of Schedule 2 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 change of use of the attached side garage to living space, the replacement of substandard flat roof with a pitched roof and the installation of windows and doors on the front elevation 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 alterations to roof and front elevation are exempted, having regard to the existing nature of similar conversions in the surrounding area which would not render the external works to be inconsistent with the surrounding area is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- (d) The change of use of the garage to living space as defined by the information submitted, would form an integral part of the existing dwelling which is less than 40sqm in area and would not exceed the height of the existing dwelling. Therefore, the works are exempted having regard to Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, 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 the attached garage into a living space at 8 Corrovorrin Drive, Ennis, Co. Clare is **considered development** which is **exempted development**.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER 

Date:

8th August 2025

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

Reference No.: R25-51



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R25-51

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development?

AND WHEREAS, Brian O'Connor 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended;
- (d) The works as indicated in submitted documents from the referrer.

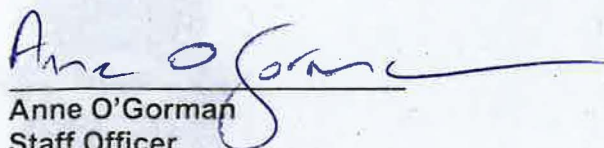
And whereas Clare County Council has concluded:

- (a) The change of use of the attached side garage to living space, the replacement of substandard flat roof with a pitched roof and the installation of windows and doors on the front elevation 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 alterations to roof and front elevation are exempted, having regard to the existing nature of similar conversions in the surrounding area which would not render the external works to be inconsistent with the surrounding area is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- (d) The change of use of the garage to living space as defined by the information submitted, would form an integral part of the existing dwelling which is less than 40sqm in area and would not exceed the height of the existing dwelling. Therefore, the works are exempted having regard to Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the conversion of the attached garage into a living space at 8 Corrovorrin Drive, 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

8th August 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

| | |
|----------------------|--|
| FILE REF: | R25-51 |
| APPLICANT(S): | Brian O'Connor, 37 Ballycasey Manor, Shannon, Clare |
| REFERENCE: | Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development? |
| LOCATION: | 8 Corrovorrin Drive, Ennis, Co Clare |
| DUE DATE: | 13 th August 2025 |

Site Location

The subject site is located in Ennis, at 8 Corrovorrin Drive, on lands zoned 'Existing Residential'. The site is located at no. 8 Corrovorrin Drive, a residential area to the north of Ennis town centre and to the west of Kevin Barry Avenue and the Tulla Road. The site comprises a semi-detached residential dwelling with a front garden and off-street parking area. The site backs onto the River Fergus and is located within an area of flood risk denoted as flood zone A.

The site is not located within any European Sites and nor are there any protected structures or recorded monuments in the vicinity of the site, with the closest being to the south of the river, approximately 38m from the site.

Recent Planning History

None.

Background to Referral

This referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Brian O'Connor, the owner of the subject site.

The applicant is seeking a Section 5 Declaration as to the following:

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development?

The applicant has stated that they are seeking to convert the existing garage, which has a damaged flat roof as a result of water pooling, to a living space including a new pitched roof. The works proposed include the removal of the garage door on the front elevation and replacement with a door and window. It is stated in the Further Information Response that this conversion would be incorporated into the existing dwelling as a new living room or playroom.

The floor area of the garage is stated to be approximately 11.55sqm, with the utility area stated to be approximately 6.86sqm. Images of the existing structure have also been included.

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.

S.4.—(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 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

Development within the curtilage of a house

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.

Conditions and Limitations:

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 above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

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

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

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

(vii) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.”

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to the following:

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development?

Planning and Development Act, 2000 (as amended)

In accordance with Sections 2 and 3(1) of the Planning and Development Act 2000 (as amended) (hereafter referred to as 'the Act'), the items listed above do fall under the definition of 'works' and are, resultingly, characterised as 'development'.

S.4(1)(h) of the Act states that development consisting of works for the alteration of any structure, which affects 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 would be exempted development.

It is noted that the interior of the structure would result in the change of use of the garage to living space, which I do not consider to be works to the interior of the structure which are exempted under this specific section of the act.

However, it is also noted that external works are proposed which include the alteration of the front elevation and the development of a pitched roof in place of the flat roof. While it is noted that there are a number of such developments in the surrounding area, it is considered such works would not materially alter the external appearance of the structure so as to render it inconsistent with the surrounding area and would, therefore, be exempted under this section of the Act.

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

Development within the curtilage of a house

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

The applicants are seeking to convert an attached garage on the side of the house to a living space. The Further Information submitted states that this space would be incorporated into the existing dwelling to act as an additional room within the house, i.e. living room or playroom.

I am satisfied that the proposal meets this definition and is considered to be exempted development provided the conditions and limitations set out below are met.

There are a number of conditions and limitations to this exemption, which are assessed as follows:

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

The house is not noted to have been previously extended. While this proposal relates to the conversion of the garage (11.55sqm) and utility (6.86sqm), which totals 18.4sqm Therefore, the conversion/house extension does not exceed 40sqm.

(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*

N/A

(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 house is semi-detached; however, the extension does not relate to internal extensions above ground level.

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.

N/A.

(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.

N/A.

(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.

N/A.

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

N/A.

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.

N/A – The works relate to the conversion of the side attached garage.

(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.

N/A.

(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.

While it is proposed to include a pitched roof on the existing garage, it is stated that the roof shall increase by approximately 58cm, which will 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.

N/A – No extensions proposed which would affect the private open space of the dwelling.

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

N/A.

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

N/A.

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

N/A.

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

N/A.

Noting the above and the Further Information provided, it is evident that the proposal would be exempted under the above Schedule 2, Part 1, Class 1.

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

- (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,*

Not applicable – the site is located within the curtilage of a dwelling and no alterations to the parking area or footpath are noted.

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

Not applicable – the site is located within the curtilage of a dwelling and no alterations to the parking area, road or footpath are noted.

- (iv) *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 site is located on zoned land within a settlement and in the curtilage of an existing residential estate and the works relate to residential development to an existing dwelling. The development does not have a negative impact on the visual amenities of the area.

- (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 in this instance.

- (vi) *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 in this instance

(vii)

- a. *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,*

This is not applicable in this instance.

- b. *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,*

No likely significant effects on European Sites.

- c. *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."*

This is not 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,*

This is not applicable in this instance.

- (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,*

This is 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,*

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is 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.*

This is not applicable in this instance.

Recommendation

The following questions have been referred to the Planning Authority:

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive 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) Class 1 of Part 1 of Schedule 2 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 change of use of the attached side garage to living space, the replacement of substandard flat roof with a pitched roof and the installation of windows and doors on the front elevation 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 alterations to roof and front elevation are exempted, having regard to the existing nature of similar conversions in the surrounding area which would not render the external works to be inconsistent with the surrounding area is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- (d) The change of use of the garage to living space as defined by the information submitted, would form an integral part of the existing dwelling which is less than 40sqm in area and would not exceed the height of the existing dwelling. Therefore, the works are exempted having regard to Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

Recommendation

Now therefore Clare County Council (Planning Authority), hereby decides that:

1. The conversion of the attached garage into a living space at 8 Corrovorrin Drive is development and is exempted development.



Áine Bourke
Executive Planner
Date: 06/08/2025



Helen Quinn
Senior Planner
Date: 7-08-2025

***Advice Note to Applicant:**

The Planning Authority notes details in respect of party wall issues with the referrer's neighbours, however, such detail is not considered by the Planning Authority under this referral and same is considered to be a civil matter.



FW: Section 5 referral reference R25-51

From Planning Office <planoff@clarecoco.ie>

Date Fri 25/07/2025 12:51

To Brian Fahy <bfahy@clarecoco.ie>

9 attachments (4 MB)

2A HOUSE PLAN DRAWINGS.pdf; 2B No 8 Corrovorin Drive Ennis Co. Clare.pdf; 3 Proposed Works.JPG; 3B.jpeg; 3A.jpeg; 3C.jpeg; Roof A.JPG; Roof C.JPG; Roof B.JPG;

From: Alana O'Connor <brian.alana21@gmail.com>

Sent: Friday 25 July 2025 10:56

To: Elaine McNamara <emcnamara@clarecoco.ie>

Cc: Planning Office <planoff@clarecoco.ie>

Subject: Section 5 referral reference R25-51

Hi Elaine,

I am writing on behalf of myself and Brian (Homeowners of 8 Corrovorrin Drive, Ennis) regarding a letter we received from your colleague, Anne O'Gorman, asking for more information for our Section 5 request, reference R25-51.

She asked for the below:

1. *Provide details of the nature of the works proposed in respect of whether the proposed living space would be incorporated into the existing dwelling or whether it is intended to create a separate dwelling unit/annex/granny flat.*
 - This garage conversion would be incorporated into the existing dwelling, i.e., to act as an additional room to the house like a playroom or second sitting room.
2. *Provide details of the floor area of the garage in question and confirm whether any additional extensions have been carried out to the dwelling in the past.*



- Please see attached files 2A and 2B. The file named 2A shows the floor plan of the entire house. The garage is not included in that floor plan but the proposed works would cover the utility (280CM L, 245CM W, 225CM H) and garage space (468CM L, 247 CM W, 225CM H).

The file named 2B is our survey report completed for the house. On page 5 you can find confirmation that "there have been no extensions or alterations made to the property since its original construction that would warrant a planning application".

3. *Provide drawings of the proposed works including principal dimensions.*

- Please find attached file "3 Proposed Works". This is a rough draft which we will get done professionally if planning permission is required. It shows the roof increase by 58cms and the removal of the garage door for a door and window. We had a builder look at this for us and he has recommended a rubber pitched roof with the water running to the back of the house.

We explained why we couldn't include drawings in our initial email, stating that our neighbours completed a garage conversion about 15 years ago and are denying access to the party wall. We didn't know where to go from there as the point of the party wall that we need to access in order to do our works is blocked by the neighbours garage conversion (Please see photos 3A, 3B and 3C).

Our issue is that our garage roof is collapsing from water damage (please see photos Roof A, Roof B and Roof C, in which you can see the dip in the ceiling) as it has not been touched in over 30 years. There is also a gap of 8 inches from main house level to the utility/garage floor and we want it to be flush. So in order to do that, we need to bring the roof up slightly so that we can raise the floor.

I hope I have provided all you need in order to review our application. Please don't hesitate to ring myself (0851381237) or my partner Brian (0852009671) if you have any questions or concerns. We would really appreciate any help at all that you can give as this work is halting our move in date and we would love the chance to move in as soon as possible.

All the best,

Alana Clancy

Homeowner of 8 Corrovorrin Drive, Ennis, Co. Clare.

REPORT
ON
BUILDING INSPECTION
OF
No. 8 Corrovorrin Drive
Ennis
Co. Clare
V95 P8VP
FOR Mr. Brian O'Connor

DATE: 15th July 2024



INTRODUCTION

The subject property comprises a three-bedroom semi-detached dwelling with garage to side of house. The house is of concrete hollow block construction with pitched tiled roof and flat roof to garage.

The house was constructed in the early 1970's or thereabouts. The weather was generally dry and sunny during our inspection.

The purpose of our inspection was to report on the general condition of the house as part of the purchase of the property by private treaty.

SCOPE OF INSPECTION

The inspection took the form of a superficial survey of the main structure, including roof, walls and finishes both internally and externally. Where parts of the structure were unexposed or inaccessible no opinion can be given as their condition. No opening up works were carried out during our inspection nor were carpets or floor coverings lifted. It must be appreciated therefore that defects such as woodworm and dry rot may be present without our knowledge.

No tests were carried out on the electrical, plumbing, heating or drainage installations and we would therefore recommend that you have an Electrician and Plumber carry out these tests.

Minor items of routine maintenance and replacements are disregarded in this report.

No test was carried out to establish the presence of Radon, Radon Barrier, Sumps and the presence of any form of Asbestos or Pyrite/Mica. No comment was made with regard to the presence of Japanese Knotweed.

USE OF REPORT

This report is for the sole use of Mr. Brian O'Connor. No responsibility is accepted to any third party or in the event that this report is used for any other purpose.

ROOF

The main roof was viewed from ground floor level and comprises interlocking tiled roof on pitched timber construction with one shared chimneystack with adjoining house. On inspection of roof at ground level there appears to be no evidence of sagging or bowing to the roof. Noted that there is clear evidence of cracking evident on this chimneystack externally. Refer to photograph below. Whilst currently no evidence of water ingress this cracking on chimneystack should be repaired.

PVC fascia, soffit and guttering all have been upgraded in recent years.

Flat felt roof to garage and utility to the side of the house. This flat roof was inspected using step ladder and noted that as with all felt roofs, re-felting is required every 10 to 15 years or thereabouts. Solar reflective paint that has worn that is applied to the felt covering. On close inspection of this felt covering it is noted that the felt is blistering and cracking and allowance should be made for re-felting this flat roof in the near future. Noted chip board timber decking evident to the garage on the underside.

ROOF VOID

Access was gained to the attic space from trap door on first floor landing. The roof is of timber truss construction with sarking felt roof membrane placed over the roof covering. The roof structure and roof membrane appear to be in good condition however noted that the sarking felt is torn in a few areas and should be repaired. Refer to photograph below.

This attic is very poorly insulated. Fit 300mm insulation over entire attic floor.

Insulate PVC water tank in attic and fit sealed lid to this water tank. Note also that the header tank for the heating system is of galvanised and concern here that this tank could leak. This tank should be upgraded to a PVC tank similar to the mains water tank for the house.

The fire stopping on the party wall is not adequate. See photograph below of gaps at the top of the blockwork on the party wall with adjoining house that should be filled to prevent possible fire spread.

WALLS

All walls to the Corrovorrin Estate are of concrete hollow block construction. Hollow block offers poor form of insulation; hence these walls cannot be pumped with insulation.

Moisture meter readings taken on the internal face of all these walls do not indicate excessive signs of dampness. Nevertheless, in order to improve the insulation of the house it would be necessary to fit external wrap insulation or alternatively all walls to be drylined internally.

WINDOWS & EXTERNAL DOORS

Double glazed PVC front hall door that appears to have been upgraded in recent years with similar double glaze PVC door to rear from utility.

All windows to front of the house were upgraded to double glaze PVC windows in 2006 as per manufacturers date on window frames. Note however windows to the rear of the house are merely double glaze older PVC coated aluminium windows. These windows are clearly worn and windows to the rear in need of upgrading. Note also that these windows to the rear do not comply with Part B of the Building Regulations with regard to adequate means of fire escape.

VENTILATION

This house was constructed prior to the introduction of Building Regulations. As part of the upgrade ensure either wall vents or trickle vents are fitted in all rooms for ventilation purposes.

INTERNALLY

CEILINGS

All plaster board ceilings throughout, skimmed and painted over. Noted some hairline cracking evident in some rooms e.g., in sitting room that should be filled and repaired.

FLOORS

All floors to ground floor are raised timber floors, on timber joists with external wall vents. This type of flooring offers poor form of insulation and consideration could be given to upgrading, although not essential.

Suspended timber floors to first floor with stained flooring to first floor landing and carpet floor covering to bedrooms. Floor covering in poor condition and in need of upgrading.

DOORS & JOINERY

All panelled flush doors throughout. All are aged and need of upgrading.

Similarly, all skirting and architrave throughout the house should be upgraded.

Stained timber stairs with gaps of circa 170mm between steps leading to first floor. Also noted that gaps between balustraded railing is circa 180mm. Note that these stairs would not comply with current regulations with regard to child safety.

INTERNAL PARTITIONS & WALL FINISHES

100mm solid block internal dividing walls with lightweight stud partition walls to first floor.

NOTE RE INTERNAL DIVIDING WALLS: Client has request clarification on whether the dividing wall between the kitchen and rear dining room can be removed. On inspection of the floor joists on first floor it is noted that this internal dividing wall between the kitchen and the rear dining room is a support wall for the timber joists overhead. In summary, if this dividing wall is to be demolished a reinforced steel beam would be required to be supported on the rear wall of the house with the internal dividing wall of the front hallway/sitting room.

SERVICES

The services installations were not tested; however, the following observations were made.

“Firebird” oil boiler located externally. This boiler is aged and clearly not operational. Note also that there was no oil in the oil tank. Noted that radiators throughout the house are also aged and also noted that there appears to be a leakage from the radiator to front small bedroom. In summary, entire new heating system required throughout the house.

Copper cylinder located on first floor built-in press. Noted corrosion clearly evident from this tank and also noted that gun barrel piping used here. Upgrading of this hot cylinder is required, plus replacement of all the gun barrel piping that is used here in the hot press.

Bathroom fittings on first floor in need of upgrading.

Property is connected to mains sewer. Manhole cover on rear footpath was lifted and toilets flushed and there was no evidence of blockages or poor sewer flow.

A trip switch distribution board is located in utility. This fuse board is aged and circa 50 years old or thereabouts and note all fuse boards have an average lifespan of 50 years. Consideration should be given to upgrading this fuse board and also total rewiring of the house.

OUTSIDE

Property is constructed below the level of the Estate Road and whilst gully to front concern that at times of heavy rain there may be some ponding to front. An Acco drain should be fitted parallel to the front footpath to prevent possible water ponding here.

BOUNDARIES/PLANNING

Folio map **CE11629F** was reviewed and compared to the boundaries of the property on the ground. I confirm that the entire property is fully comprised within the boundaries outlined in Red on this Folio map.

I confirm that there have been no extensions or alterations made to the property since its original construction that would warrant a planning application.

CONCLUSION & GENERAL RECOMMENDATIONS

This property is in need of substantial refurbishment and upgrading. The following is a summary of issues that should be addressed:

1. Note as with all Corrovorrin Estate houses, the blockwork to this house is of concrete hollow block which offers poor form of insulation. Note that concrete hollow block walls cannot be pumped with insulation. Consideration should be given to fitting external wrap insulation or alternatively 100mm insulated board on the internal face of all external walls to improve the insulation of the house.
2. Flat felt roof to garage/utility is worn and on close inspection noted that the felt covering is cracking. Re-felting of this flat roof is required.
3. There is clear evidence of cracking evident on this chimneystack externally. Refer to photograph below. Whilst currently no evidence of water ingress this cracking on chimneystack should be repaired.
4. Note that all windows to front were upgraded in 2006, however windows to rear in need of upgrading. Also ensure windows comply with Part B of the Building Regulations with regard to adequate means of fire escape.
5. As part of the upgrade ensure either wall vents or trickle vents are fitted in all rooms for ventilation purposes.
6. The heating system is clearly aged and failed to operate on day of inspection. All radiators throughout the house are also aged and also in need of upgrading. In summary, entire new heating system is required.
7. Clearly staining and corrosion from hot cylinder on first floor with gun barrel piping evident here. Gun barrel piping has a limited lifespan and must be upgraded. This hot cylinder should be upgraded and also ensure that all gun barrel piping used in this hot press is also upgraded.
8. All internal doors are panelled flush doors, all in need of upgrading. Also, upgrade all skirting and architraves throughout the house.
9. All floors to ground floor are raised timber floors, on timber joists with external wall vents. This type of flooring offers poor form of insulation and consideration could be given to upgrading all of the ground floor floors to modern concrete floors with 100mm insulation fitted underneath the concrete floors.
10. A trip switch distribution board is located in utility. This fuse board is aged and circa 50 years old or thereabouts and note all fuse boards have an average lifespan of 50 years. Consideration should be given to upgrading this fuse board and also total rewiring of the house.

11. House is below level of the Estate Road and concern that water ponding may occur at times of heavy rain outside the front footpath/hall door. Consider fitting an Acco drain parallel to the front hall door to prevent possible ponding of water here.
12. Fit 300mm insulation over entire attic floor to comply with current guidelines. Also, fit sealed lid to PVC water tank in attic. Note also that the header tank for the heating system is an old, galvanised tank and this should be upgraded.
13. The fire stopping on the party wall with adjoining house is not adequate. See photograph's where there are gaps at the top of the blockwork on the party wall with adjoining house that should be filled to prevent possible fire spread.
14. The sarking felt roof membrane in the attic is torn and should be repaired. Refer to photograph below. Also, note that exposed concrete tiles to front corner (over garage roof). No roof membrane fitted here.

Note: This house appears to have been lying vacant for more than two years and therefore should qualify for the vacant homes grant of €50,000, subject to application to Clare County Council. The house should also qualify for SEAI energy upgrade grants of a further circa €25,000.

Should you have any queries with regard to any of the points raised please do not hesitate to contact the undersigned.

Refer to photographs below also.

Pat Kelly Dip. Bldg. Surv. MRICS, MSCSI
Chartered Building Surveyor

15th July 2024



Front & rear view



All fascia and soffit throughout the house have been upgraded in recent years. See plaster cracking evident on chimney stack externally, although no evidence of water ingress from inspection within the attic space. Nevertheless, this cracking and chimney stack should be repaired.



Flat felt roof to garage/utility is worn and on close inspection noted that the felt covering is cracking. Re-felting of this flat roof is required.



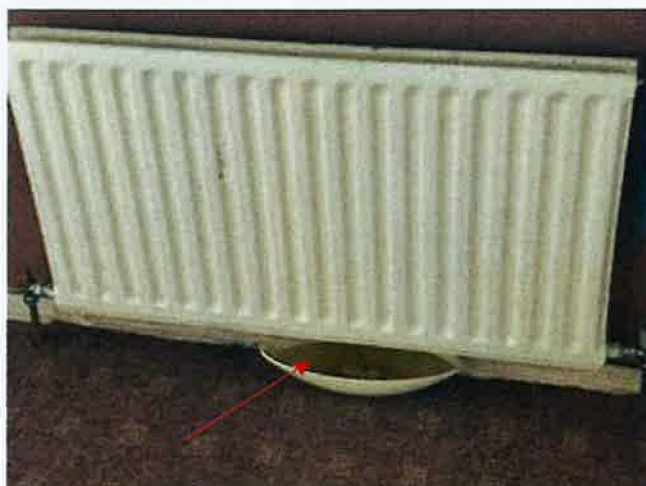
The house is built below the level of the estate road. Fit access drain parallel to the front footpath to prevent possible water ponding here.

Manhole cover to rear was lifted and toilets flushed and there was no evidence of blockages or poor sewer flow.



All internal doors are panelled flush doors, all in need of upgrading. Also, upgrade all skirting and architraves throughout the house.

Fuseboard in utility is aged and should be upgraded plus all wiring throughout the house should also be upgraded.



The heating system is clearly aged and failed to operate on day of inspection.

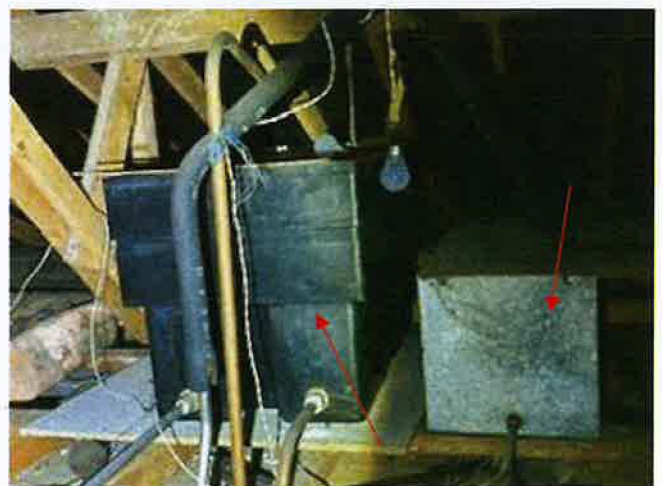
All radiators throughout the house are also aged and also in need of upgrading. In summary entire new heating system is required. See radiator to front bedroom is leaking.



Clearly staining and corrosion from hot cylinder on first floor with gun barrel piping evident here. Gun barrel piping has a limited lifespan and must be upgraded. In summary new hot cylinder required and all piping to hot cylinder is in need of replacement.



All windows to front were upgraded in 2006, however windows to rear in need of upgrading. Also ensure windows comply with Part B of the Building Regulations with regard to adequate means of fire escape.



Fit 300mm insulation over entire attic floor to comply with current guidelines.

Fit sealed lid to PVC water tank in attic. Note also that the header tank for the heating system is an old, galvanised tank and this should be upgraded.



The fire stopping on the party wall is not adequate. See gaps at the top of the blockwork on the party wall with adjoining house that should be filled to prevent possible fire spread.

The sarking felt roof membrane in the attic is torn and should be repaired. Also, note that exposed concrete tiles to front corner (over garage roof). No roof membrane fitted here.

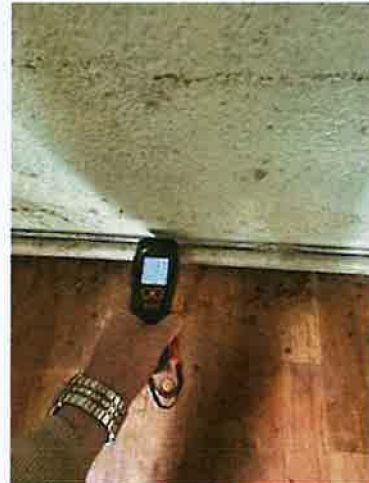


Old, galvanised water tank in the attic should be removed.

See gaps in the roof membrane to the front corner of the house where exposed daylight. Additional roof membrane should be fitted here.



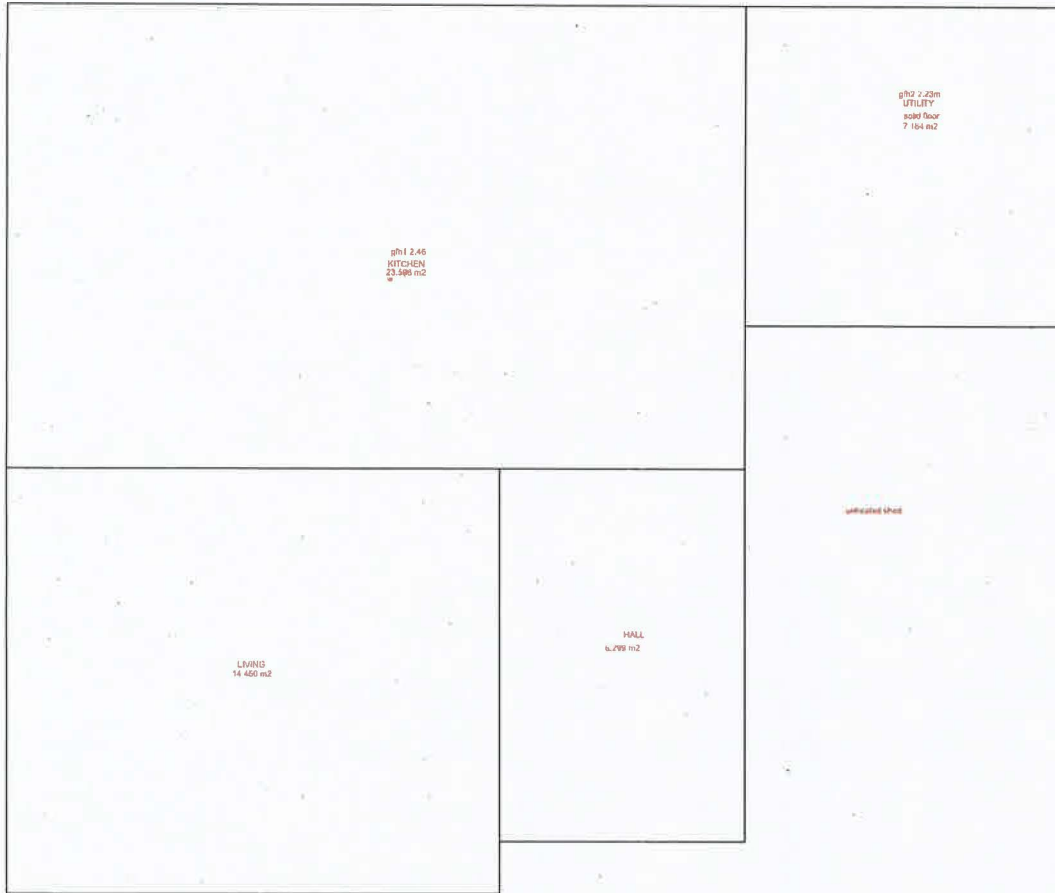
Bathroom fittings are aged and should be upgraded.



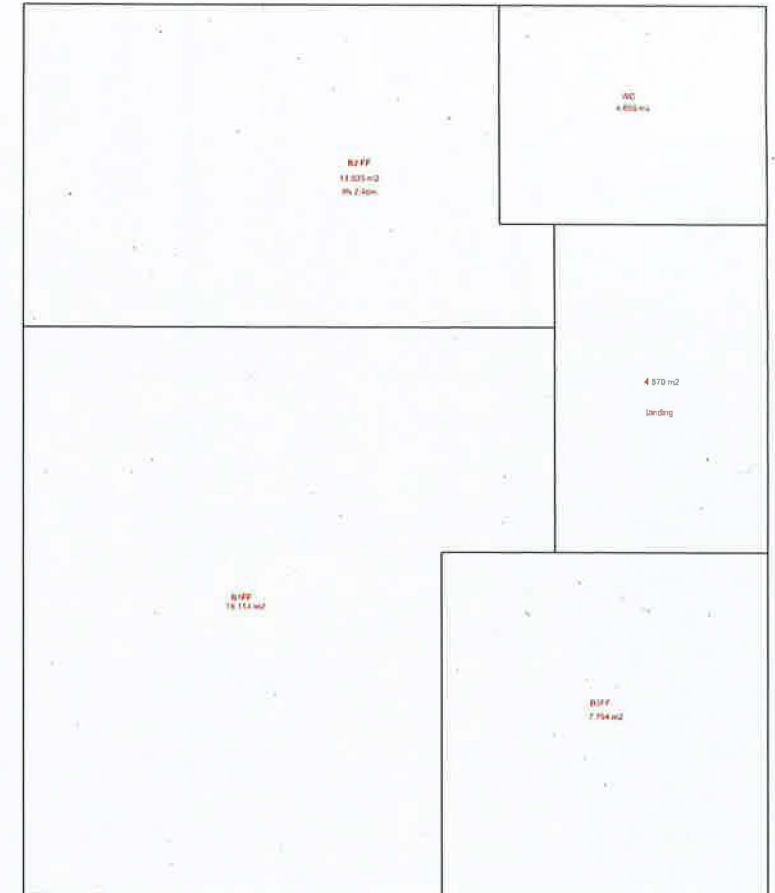
Moisture meter readings taken on the internal face of all these walls do not indicate excessive signs of dampness.



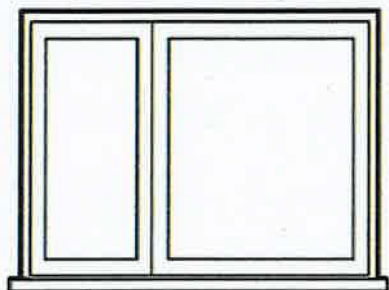
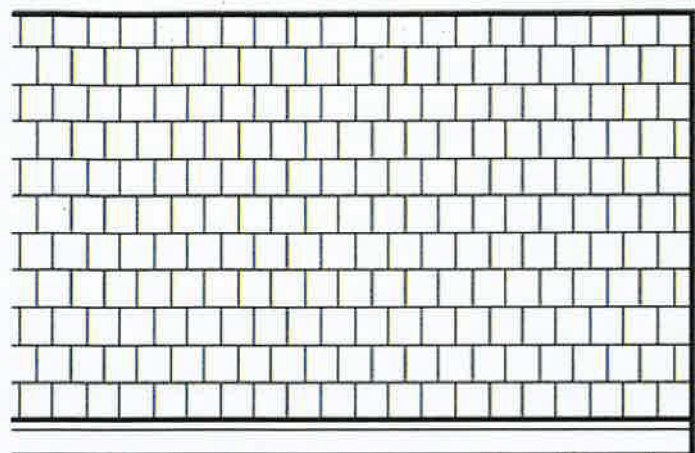
This dividing wall between the kitchen and the rear dining room is a support wall for the floor joist directly overhead. If this wall is to be demolished a steel support beam will be required here.



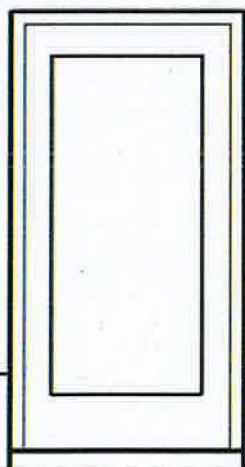
GROUND FLOOR - 51.529 m2



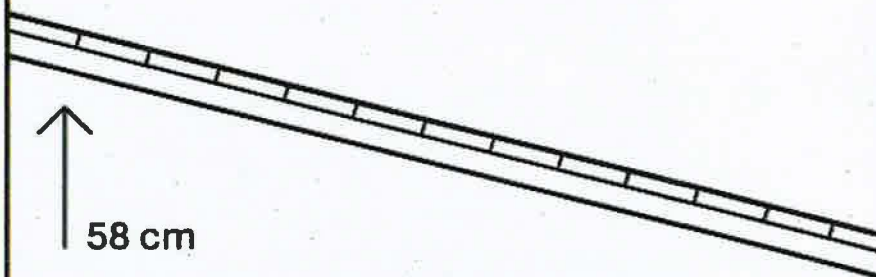
FIRST FLOOR 45.859 m2



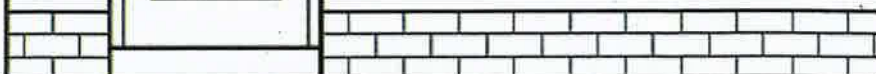
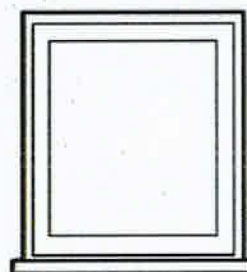
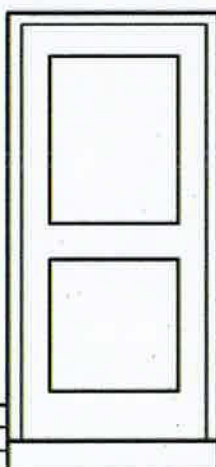
238 cm

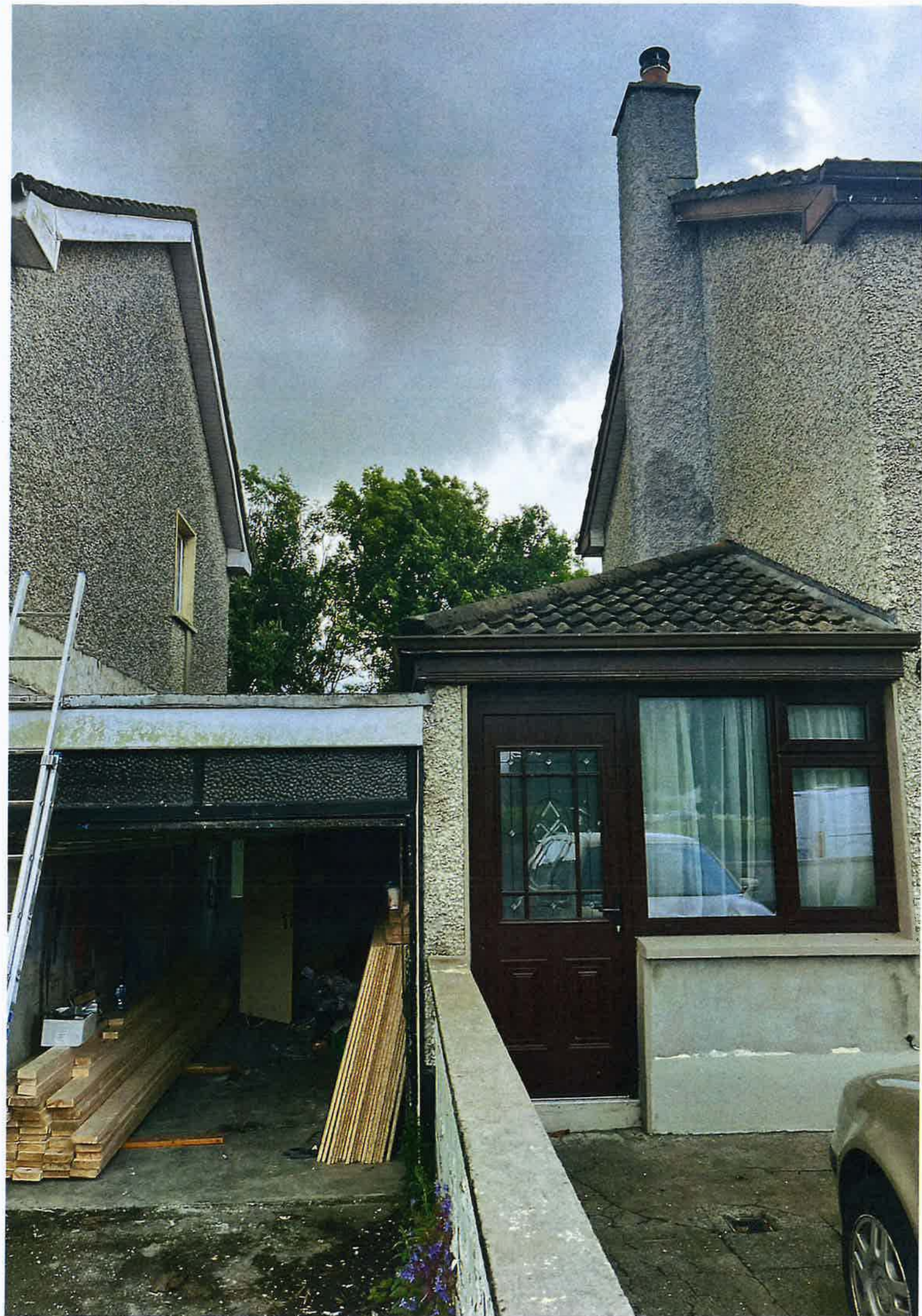


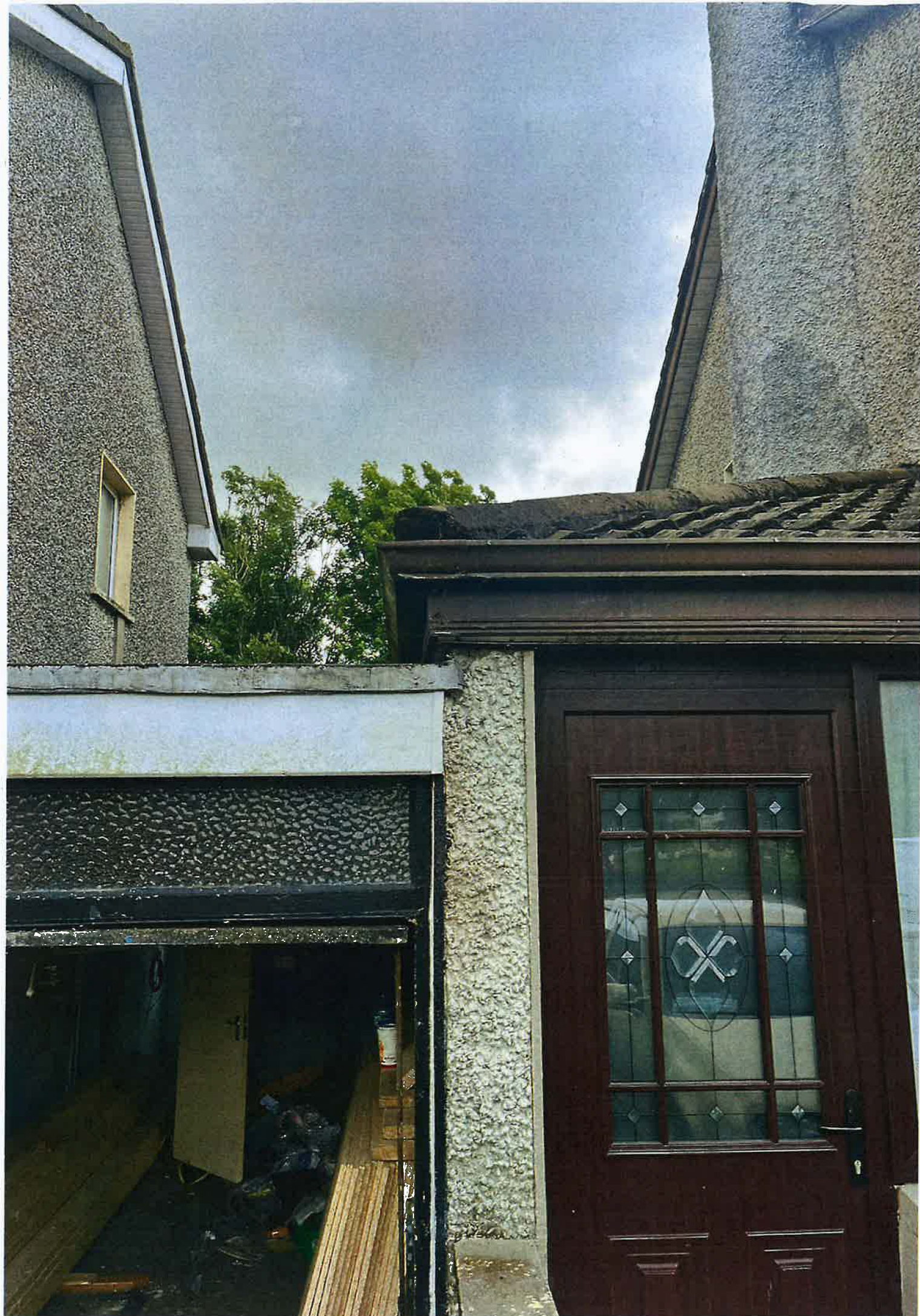
225 cm



58 cm

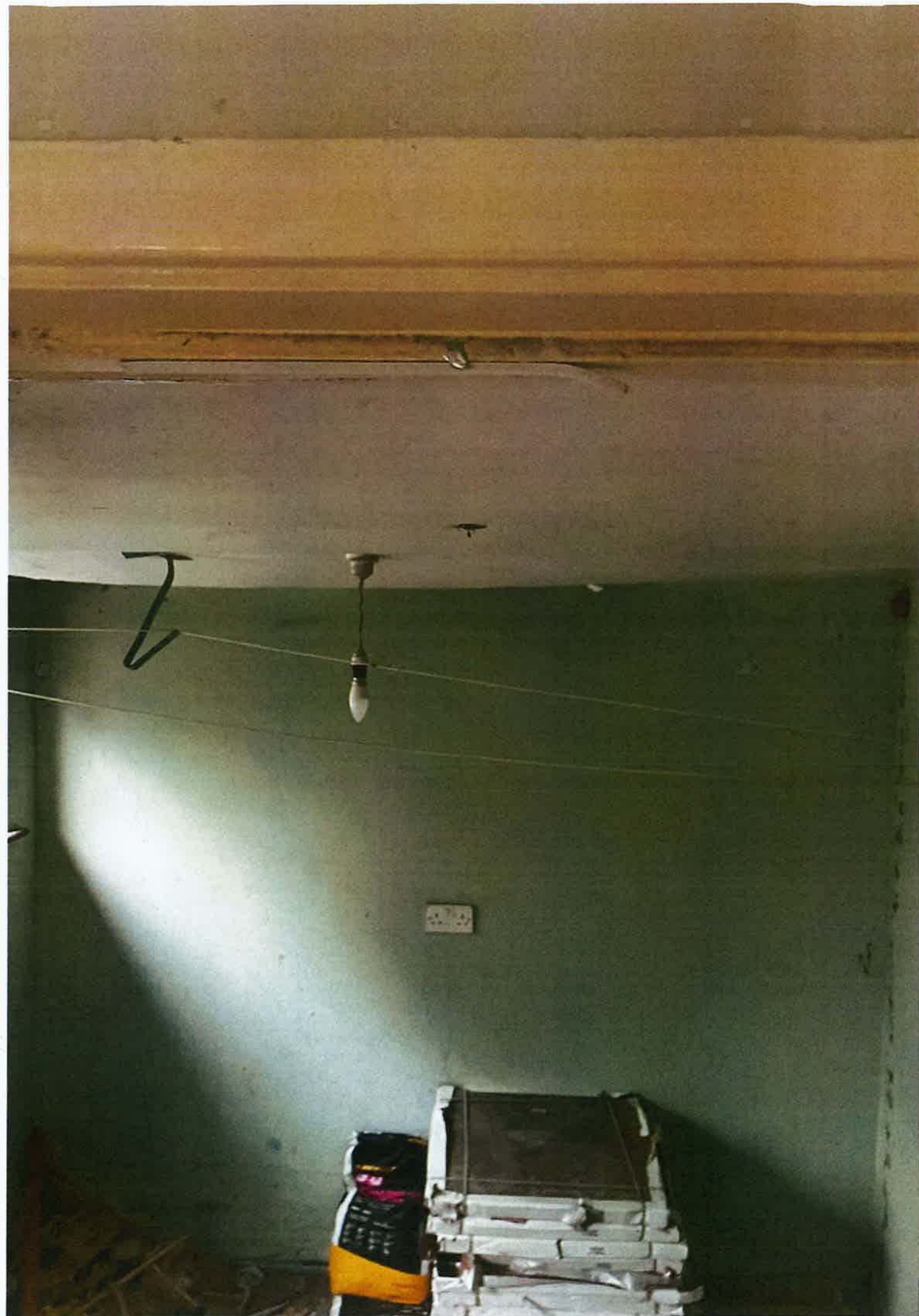


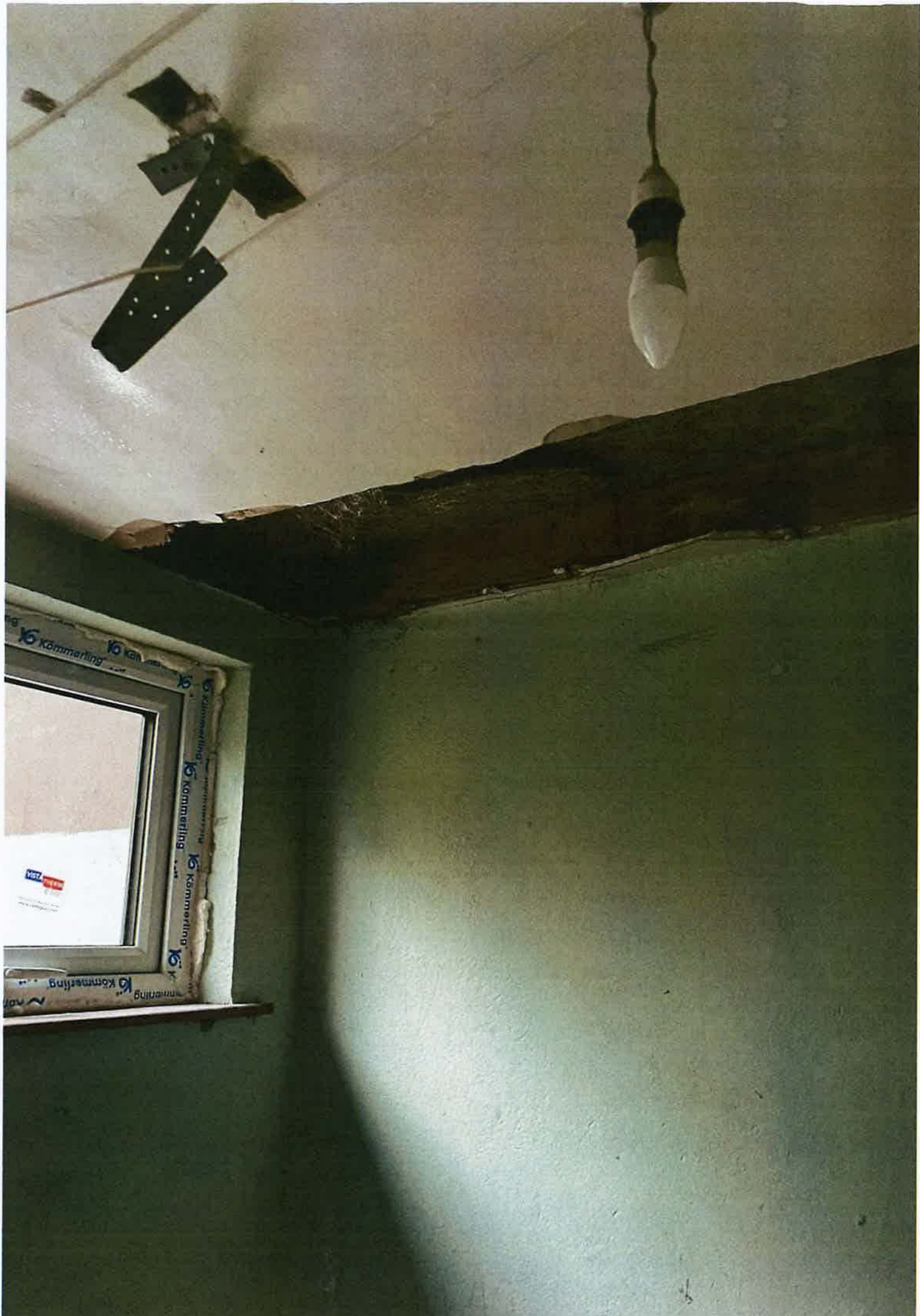














COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Brian O'Connor
37 Ballycasey Manor
Shannon
Co. Clare
V14 K296

18/07/2025

Section 5 referral Reference R25-51 – Brian O'Connor

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development?

A Chara,

I refer to your application received on 24th June 2025 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

I wish to advise that in accordance with Section 5 (2) (b) of the Planning & Development Act, 2000, as amended, the following further information is required:

- (1) Provide details of the nature of the works proposed in respect of whether the proposed living space would be incorporated into the existing dwelling or whether it is intended to create a separate dwelling unit/annex/granny flat.
- (2) Provide details of the floor area of the garage in question and confirm whether any additional extensions have been carried out to the dwelling in the past.
- (3) Provide drawings of the proposed works including principal dimensions.

Mise, le meas



Anne O'Gorman
Staff Officer
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
SECTION 5 DECLARATION OF EXEMPTION APPLICATION
PLANNERS REPORT

| | |
|----------------------|--|
| FILE REF: | R25-51 |
| APPLICANT(S): | Brian O'Connor, 37 Ballycasey Manor, Shannon, Clare |
| REFERENCE: | Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development? |
| LOCATION: | 8 Corrovorrin Drive, Ennis, Co Clare |
| DUE DATE: | 21 st July 2025 |

Site Location

The subject site is located in Ennis, at 8 Corrovorrin Drive, on lands zoned 'Existing Residential'. The site is located at no. 8 Corrovorrin Drive, a residential area to the north of Ennis town centre and to the west of Kevin Barry Avenue and the Tulla Road. The site comprises a semi-detached residential dwelling with a front garden and off-street parking area. The site backs onto the River Fergus and is located within an area of flood risk denoted as flood zone A.

The site is not located within any European Sites and nor are there any protected structures or recorded monuments in the vicinity of the site, with the closest being to the south of the river, approximately 38m from the site.

Recent Planning History

None.

Background to Referral

This referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by Brian O'Connor, the owner of the subject site.

The applicant is seeking a Section 5 Declaration as to the following:

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development?

The applicant has stated that they are seeking to convert the existing garage, which has a damaged flat roof as a result of water pooling, to a living space including a new pitched roof. The works proposed include the removal of the garage door on the front elevation and replacement with a door and window. It is not stated whether this conversion would result in a separate ancillary living unit or would be incorporated into the existing dwelling.

No details in respect of the floor area of the garage and no formal drawings have been included with this referral, however, images of the existing structure have been included.

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.

S.4.—(1) The following shall be exempted developments for the purposes of this Act—

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 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

Development within the curtilage of a house

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.

Conditions and Limitations:

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 above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

Under Article 9 (1) of the same Regulations, development to which Article 6 relates shall not be exempted development for the purposes of the Act:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

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

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,
(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

(vii) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to the following:

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development?

Planning and Development Act, 2000 (as amended)

In accordance with Sections 2 and 3(1) of the Planning and Development Act 2000 (as amended) (hereafter referred to as 'the Act'), the items listed above do fall under the definition of 'works' and are, resultingly, characterised as 'development'.

S.4(1)(h) of the Act states that development consisting of works for the alteration of any structure, which affects 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 would be exempted development.

It is noted that the interior of the structure would result in the change of use of the garage to living space, which I do not consider to be works to the interior of the structure which are exempted under this section of the act.

However, it is also noted that external works are proposed which include the alteration of the front elevation and the development of a pitched roof in place of the flat roof. While it is noted that there are a number of such developments in the surrounding area, it is considered such works would not materially alter the external appearance of the structure so as to render it inconsistent with the surrounding area and would, therefore, be exempted under this section of the Act.

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

Development within the curtilage of a house

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

The applicants are seeking to convert an attached garage on the side of the house to a living space. However, it is unclear whether this would be for use as part of the house or whether it would be a separate unit with its own access and residents separate to the principal dwelling.

Should these works relate to the conversion of the garage to living space associated with the principal dwelling, it is considered to be exempted development provided the conditions and limitations set out below are met. However, should the works relate to a separate dwelling unit, it is not considered to be a conversion for use as part of the house and therefore would not be exempted under this class. Further Information will be required to confirm the intended nature of the use.

There are a number of conditions and limitations to this exemption, which are assessed as follows:

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

The house is not noted to have been previously extended. While this proposal relates to the conversion of the garage, it is not clear what the floor area of the garage, or any other potential extensions, are, and therefore, further information is required to clarify this.

(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

N/A

(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 house is semi-detached; however, the extension does not relate to internal extensions above ground level.

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.

N/A.

(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.

N/A.

(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.

N/A.

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

N/A.

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.

N/A – The works relate to the conversion of the side attached garage.

(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.

N/A.

(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.

While it is proposed to include a pitched roof on the existing garage, it is not stated in the referral whether this new roof would exceed the height of the highest part of the roof of the dwelling. However, it is unlikely to be the case as the dwelling is two-storey in height while the garage proposed to be converted is single storey.

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.

N/A – No extensions proposed which would affect the private open space of the dwelling.

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

N/A.

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

N/A.

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

N/A.

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

N/A.

While the attached side garage conversion may be exempted under the above Schedule 2, Part 1, Class 1, the alterations to the dwelling proposed are unclear, along with the floor area of the garage to be converted. Therefore, it is considered that Further Information is required.

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

- (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,*

Not applicable – the site is located within the curtilage of a dwelling and no alterations to the parking area or footpath are noted.

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

Not applicable – the site is located within the curtilage of a dwelling and no alterations to the parking area, road or footpath are noted.

- (iv) *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 site is located on zoned land within a settlement and in the curtilage of an existing residential estate and the works relate to residential development to an existing dwelling. The development does not have a negative impact on the visual amenities of the area.

- (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 in this instance.

- (vi) *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 in this instance

(vii)

- a. *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,*

This is not applicable in this instance.

- b. *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,*

No likely significant effects on European Sites.

- c. *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."*

This is not 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,*

This is not applicable in this instance.

- (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,*

This is 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,*

This is not applicable in this instance.

- (xi) *obstruct any public right of way,*

This is 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.*

This is not applicable in this instance.

Recommendation

The following questions have been referred to the Planning Authority:

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive 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) Class 1 of Part 1 of Schedule 2 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 change of use of the attached side garage to living space, the replacement of substandard flat roof with a pitched roof and the installation of windows and doors on the front elevation 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 change of use of the garage to living space is not sufficiently defined so as to confirm whether the use would be an integral part of the existing dwelling or whether it would be a standalone unit. Further, the area of the unit proposed is not provided and therefore it cannot be determined whether said works would be less than 40sqm as required by Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).
- (d) The alterations to roof and front elevation are exempted, having regard to the existing nature of similar conversions in the surrounding area which would not render the external works to be inconsistent with the surrounding area is exempted development having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

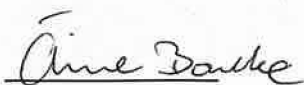
Recommendation

I recommend that **Further Information** be sought from the referrer, as follows.

Having regard to the details as submitted with this Section V Referral application, the following further information is required to allow for a full assessment of this referral:

- (1) Provide details of the nature of the works proposed in respect of whether the proposed living space would be incorporated into the existing dwelling or whether it is intended to create a separate dwelling unit/annex/granny flat.
- (2) Provide details of the floor area of the garage in question and confirm whether any additional extensions have been carried out to the dwelling in the past.
- (3) *Provide drawings of the proposed works including principal dimensions.*

Please submit these details to allow for continued assessment of this Section V Referral.



Aine Bourke
Executive Planner
Date: 16/07/2025



Gareth Ruane
Senior Executive Planner
Date: 16/07/25



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Brian O'Connor
37 Ballycasey Manor
Shannon
Co. Clare
V14 K296

25/06/2025

Section 5 referral Reference R25-51 – Brian O'Connor

Is the conversion of the attached garage into a living space at 8 Corrovorrin Drive development and if so, is it exempted development?

A Chara,

I refer to your application received on 24th June 2025 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

COMHAIRLE

CONTAE

AN CHLÁIR



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

25/06/2025 10:15:56

Receipt No. : L1CASH/0/380711
***** REPRINT *****

BRIAN O'CONNOR
37 BALLYCASEY MANOR
SHANNON
CO. CLARE
V14 K296
R25/51

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 - Noelette Barry
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



R25-51

FEE: €80

1. CORRESPONDENCE DETAILS.

| 1. CORRESPONDENCE DETAILS. | |
|--|--|
| (a) Name and Address of person seeking the declaration | Brian O'Connor 37 Ballycasey Manor Shannon Co. Clare <div style="float: right;">Eircode: V14 K296</div> |
| (b) Telephone No.: | [REDACTED] |
| (c) Email Address: | [REDACTED] |
| (d) Agent's Name and address: | _____ _____ _____ <div style="text-align: right;">EIRCODE: _____</div> |



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 planning permission required for conversion of attached garage at 8 Corrovarrin Drive?

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

We would like to convert the garage attached at 8 Corrovarrin Drive into living space.

As part of this conversion we would like to remove the garage door at the front & replace it with a door & window.

We would also like to like to add a pitched roof, as the flat roof currently there is damaged from water pooling on the roof.


(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)

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>8 Carravarrin Drive</u> <u>Ennis</u> <u>Co. Clare</u> <u>V95 P8VP</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>Owner</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? <i>If so please supply details:</i> | <u>No</u> |
| (g) Were there previous planning application/s on this site? <i>If so please supply details:</i> | <u>No</u> |
| (h) Date on which 'works' in question were completed/are likely to take place: | |

SIGNED:



DATE:

22/06/25

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: | | | |

Cc: [REDACTED]

Subject: Re: Section 5 // 8 Corrovorrin Drive V95 P8VP

Hi Elaine,

Please see completed form attached.

We have left the agent part blank and have no drawings as of yet although we have consulted with one at this time.

We would like to request a meeting with someone from the planning department as we have concerns with the job.

[REDACTED]

Please see photos attached also.

Best Regards,

Brian

From: Elaine McNamara <emcnamara@clarecoco.ie>

Sent: Thursday, June 19, 2025 3:01:56 PM

To: 'brianoc98@outlook.com' <[REDACTED]>

Subject: FW: Section 5

Brian

Form attached as requested.

Regards

Elaine

Elaine McNamara

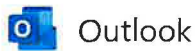
Clerical Officer

Planning Department, Economic Development Directorate

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

T: 065 6846397 | **E:** emcnamara@clarecoco.ie | **W:** www.clarecoco.ie

LOCAL AUTHORITY OF THE YEAR 2022



FW: Section 5 // 8 Corrovorrin Drive V95 P8VP

From Elaine McNamara <emcnamara@clarecoco.ie>

Date Wed 25/06/2025 09:06

To Brian Fahy <bfahy@clarecoco.ie>

 9 attachments (23 MB)

processed-4FB345DE-2A6B-4A36-BBCA-24EFF728249B.jpeg; processed-BE0F6162-20E6-44AA-84CB-06AE6ABEF3BC.jpeg; processed-B074A57B-0817-4BD1-A334-9B36A90CF95F.jpeg; processed-4F868E36-D349-4EC6-9221-642F55E9AA9D.jpeg; WhatsApp Image 2025-06-24 at 18.27.40 (4).jpeg; WhatsApp Image 2025-06-24 at 18.27.40.jpeg; WhatsApp Image 2025-06-24 at 18.27.40 (1).jpeg; WhatsApp Image 2025-06-24 at 18.27.40 (2).jpeg; WhatsApp Image 2025-06-24 at 18.27.40 (3).jpeg;

Brian

Section 5 for your attention.

Regards

Elaine

Elaine McNamara
Clerical Officer

Planning Department, Economic Development Directorate

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

T: 065 6846397 | **E:** emcnamara@clarecoco.ie | **W:** www.clarecoco.ie

LOCAL AUTHORITY OF THE YEAR 2022



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL



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Tá an t-eolas atá sa ríomhphost seo, agus in aon cheangaltán leis, rúnda, agus is d'aird agus d'úsáid an fhaighteora nó na bhfaighteoirí amháin nó eintiteas ainmnithe thuas atá sé. Murar tusa faighteoir beartaithe an ríomhphost seo nó aon chud de, níor chóir duit an teachtaireacht seo a úsáid, a nochtadh, a chóipeáil, a dháileadh nó a choinneáil. Más rud é gur trí bhotún a fuair tú an ríomhphost seo cuir sin in iúl don tseoltóir gan mhoill.

From: Brian O'Connor [REDACTED]

Sent: Tuesday 24 June 2025 18:41

To: Elaine McNamara <emcnamara@clarecoco.ie>









