



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

**Registered Post**

John Barry  
9 Shannon Banks  
Corbally  
Co. Clare  
V94 ACP0

5th August 2025

**Section 5 referral Reference R25-53 – John Barry**

Is planning permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use?

A Chara,

I refer to your application received on 25th 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](http://www.pleanala.ie).

**Note;** The Applicant is advised to have full regard to the conditions and limitations as apply in terms of placing solar panels on the roof space of a house, as set out under Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended) in order to ensure that the conditions and limitations are not exceeded.

Mise, le meas

  
Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

An Roinn Pleanála  
An Stiúrthóireacht Forbairt Gheilleaghrach

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: 86060

Reference Number: R25-53

Date Referral Received: 25th June 2025

Date Further Information Received: 22nd July 2025

Name of Applicant: John Barry

Location of works in question: 9 Shannon Banks, Corbally, Co. Clare

**Section 5 referral Reference R25-53 – John Barry**

is planning permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use?

**AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –**

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents from the referrer and received on 25<sup>th</sup> June 2025 and as further information on 23 July 2025.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

**AND WHEREAS Clare County Council has concluded:**

- (a) The stated works are development within the meaning of the Planning and Development Act 2000 (as amended) and are exempted development in keeping with the provisions of Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended) and the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

**ORDER:** Whereas by Chief Executive's Order No. HR 343 dated 19<sup>th</sup> 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 addition of velux windows and solar panels to the roof space of the subject dwelling and the use of attic space for residential use at 9 Shannon Banks, Corbally, Co. Clare is considered development which is exempted development.

Signed:

  
KIERAN O'DONNELL  
ADMINISTRATIVE OFFICER 

Date:

5th August 2025



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

**Reference No.: R25-53**



**Section 5 referral Reference R25-53**

**Is planning permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use?**

**AND WHEREAS, John Barry** has requested a declaration from Clare County Council on the said question.

**AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –**

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents from the referrer and received on 25<sup>th</sup> June 2025 and as further information on 23 July 2025.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

**And whereas Clare County Council has concluded:**

- (a) The stated works are development within the meaning of the Planning and Development Act 2000 (as amended) and are exempted development in keeping with the provisions of Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended) and the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (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 addition of velux windows and solar panels to the roof space of the subject dwelling and the use of attic space for residential use at 9 Shannon Banks, Corbally, 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

5th August 2025

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

**FILE REF:** R25-53  
**APPLICANT(S):** John Barry  
**REFERENCE:** Is planning permission required to add a velux window in the attic space at front of subject property at 9 Shannon Banks Corbally County Clare.  
**RE-WORDED REFERENCE** *"Is Planning Permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use ?"*  
**LOCATION:** 9 Shannon Banks Corbally County Clare

**Further information**

Further Information was sought from the referrer on 21/07/25 and the referrer responses to this on 23/07/25. The following is the further information as was sought ( in italics);

*"Having regard to the details submitted with this Section V referral at Section 2 (b ) of the application form submitted, the specific question for which a referral is sought , has been changed to the following;*

*"Is Planning Permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use ?"*

*In order to facilitate the Planning Authority in its assessment of the issues regarding which a declaration is sought, you are required to submit the following additional information:*

- (a) To scale drawings of the subject dwelling showing the intended placement and size of the proposed skylights.*
- (b) Scale drawings of the subject dwelling showing the intended placement and size of the proposed solar panels".*

**Applicants response;**

In response to the request for FI, the referrer has submitted the following details;

- Details as to the proposed positioning of the proposed velux windows on the roof space and details as to the proposed location of proposed solar panels.
- The dimensions of the proposed solar panels are as follows:

1762 x 1134 x 30 mm.

- The specification sheet of the proposed solar panels has been submitted.
- The dimensions of the proposed velux windows are as follows:

1. 550 x 980 mm
2. 780 x 980 mm
3. 780 x 980 mm

- An aerial image of the subject house, showing where the proposed solar panels and proposed Velux windows ( 3 windows) are to be located on the roof space, has also been submitted.

**Assessment**

The details as received in response to the request for further information are noted. It is acknowledged that to scale drawings of the house have not been submitted, however details as to the dimensions of the proposed Velux windows and the dimensions of the proposed roof lights have been submitted and a imagine of the roof of the house, indicating where the proposed Velux and solar panels are to be located has been submitted.

The details as have been submitted are now considered to be sufficient in order to allow for a determination to be made in this case.

Having regard dot the details received, further consideration has been given to the proposed works as follows;

**(1) Proposed Velux windows**

Having regard to the details received as regards the dimensions of the proposed Velux windows and the proposed placement of the Velux windows on the roof, the proposed Velux windows are considered to be exempted development in keeping with Section 4(1)(h) of the Planning and Development Act, 2000 (as amended)

**(2) Proposed solar panels**

Having regard to the details received as regards the dimensions of the proposed solar panels and their proposed placement on the roof, the proposed solar panels are considered to be exempted development in keeping with Schedule 2, Part 1, Class 2 ) ( c) of the planning and development regulations 2001 ( as amended) which provides for the following class of exempted development;

*“(c) The placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation.*



*Conditions and limitations;*

- 1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.*
- 2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.*
- 3. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the house.*
- 4. The total aperture area of any freestanding solar photo-voltaic and solar thermal collector panels taken together with any other such existing freestanding panels shall not exceed 25 square metres.*
- 5. The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation shall not reduce the remaining area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.*
- 6. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.*
- 7. The placing or erection of a solar photovoltaic or solar thermal collector installation on any wall shall not be exempted development.*
- 8. The placing or erection of any freestanding solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.*
- 9. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority”.*

**Conclusion**

It is now deemed appropriate that the stated development be deemed to be development and to be exempted development.

## Recommendation

**The following question has been referred to the Planning Authority:**

*"Is Planning Permission required in order to add Velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use?"*

The question has been asked as to whether the above stated work is development and if so, is it exempted development.

**The Planning Authority in considering this referral had regard to:**

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents from the referrer and received on 25<sup>th</sup> June 2025 and as further information on 23 July 2025.
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended)
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

And whereas Clare County Council (Planning Authority) has concluded that the stated works are development within the meaning of the Planning and Development Act 2000 (as amended) and are exempted development in keeping with the provisions of Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended) and the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

*A McCarthy* 01/08/25  
**Name: Annemarie McCarthy**

**Executive Planner**

**Date 01/08/25**

*Garreth Ruane*  
**Name: Garreth Ruane**

**Senior Executive Planner**

**Date 01/08/25**

**Note;** The referrer is advised to have full regard to the conditions and limitations as apply in terms of placing solar panels on the roof space of a house, as set out under Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended) in order to ensure that the conditions and limitations are not exceeded.



Outlook

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**FW: Clarification of Section 5 Reference R25-53 - John Barry**

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**From** Planning Office <planoff@clarecoco.ie>**Date** Wed 23/07/2025 09:21**To** Brian Fahy <bahy@clarecoco.ie> 3 attachments (3 MB)

Council Letters.pdf; JKM420-440N-54HL4R-B-F1.3-EN.pdf; Screenshot of Solar and Velux Windows Locations.jpeg;

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**From:** John Barry <johnbarry\_irl@hotmail.com>**Sent:** Tuesday 22 July 2025 18:24**To:** Planning Office <planoff@clarecoco.ie>**Subject:** Clarification of Section 5 Reference R25-53 - John Barry

To Whom it may concern,

I refer to your request of clarification of application R25-53 - John Barry which i submitted on the 25-June-2025. I have attached the letters for your reference including the councils reply on the 21-July-2025.

The application R25-53 - John Barry which was sent in on the 25-June-2025 was if i required planning permission to install a velux window in the front of the dwelling. The reply i received on the 21-July-2025 has been updated by the planning council to include the addition of installation of solar panels and the use of the attic as residential dwelling.

The original request was to confirm installation of a Velux window was allowed in the front of the dwelling without the requirement for planning permission as per confirmation letter dated on the 25-June-2025.

For clarity please see proposed positioning of Velux windows and proposed location of solar panels.

Location of the proposed solar panels can be viewed in the attached image below.

Response to FI request



The dimensions of the solar panels are as follows:

1762 x 1134 x 30 mm.

I have the spec sheet of the proposed solar panels attached for your reference.

I was under the assumption that planning permission was not required for solar panels installation.

Location of the proposed Velux windows can also be viewed in the attached image below. Titled 1, 2 & 3 in red writing

The dimensions of the velux windows are as follows:

1. 550 x 980 mm

2. 780 x 980 mm

3. 780 x 980 mm

The response from the planning council indicated scale drawings to be submitted, as the original request was for a Velux window to be allowed installed on the front of the dwelling without the requirement for planning permission, scale drawings are not available as this is not a new build or an extension.

Kind regards,

John Barry



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John Barry  
9 Shannon Banks  
Corbally  
Co. Clare  
V94 ACP0

25/06/2025

**Section 5 referral Reference R25-53 – John Barry**

Is planning permission required to add a velux window in the attic space at front of dwelling?

A Chara,

I refer to your application received on 25th 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

An Roinn Pleanála  
An Stiúirthóireacht Forbairt Gheilleagrach  
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department  
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# Tiger Neo N-type 54HL4R-B

## 420-440 Watt

### ALL-BLACK MODULE

#### N-Type

Positive power tolerance of 0~+3%

IEC61215(2016), IEC61730(2016)

ISO9001:2015: Quality Management System

ISO14001:2015: Environment Management System

ISO45001:2018

Occupational health and safety management systems



## Key Features



#### SMBB Technology

Better light trapping and current collection to improve module power output and reliability.



#### PID Resistance

Excellent Anti-PID performance guarantee via optimized mass-production process and materials control.



#### Durability Against Extreme Environmental Conditions

High salt mist and ammonia resistance.



#### Hot 2.0 Technology

The N-type module with Hot 2.0 technology has better reliability and lower LID/LETID.



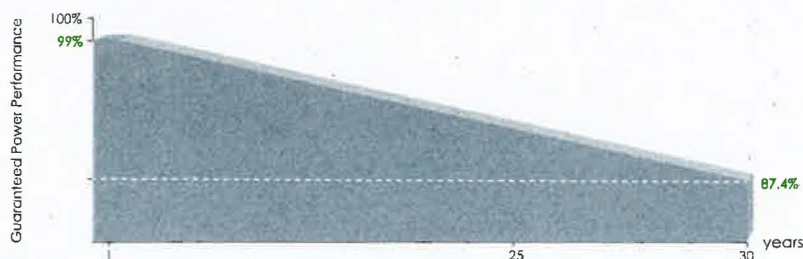
#### Enhanced Mechanical Load

Certified to withstand: wind load (4000 Pascal) and snow load (6000 Pascal).



POSITIVE QUALITY  
Certified by TÜV SÜD

## LINEAR PERFORMANCE WARRANTY



**25** Year Product Warranty

**30** Year Linear Power Warranty

**0.40%** Annual Degradation Over 30 years

## Engineering Drawings

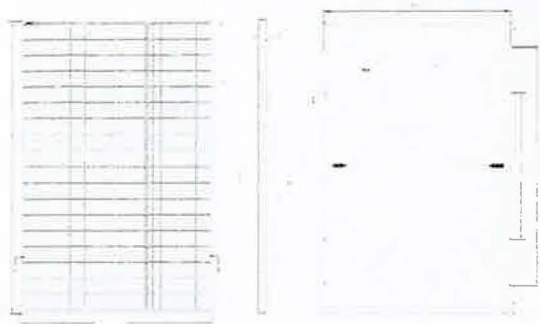
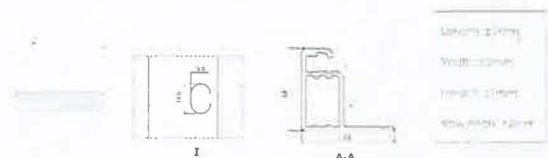


Figure 1 Front View Figure 2 Side View



\*This tolerance range applies only to the four-angle distance of the module as indicated above

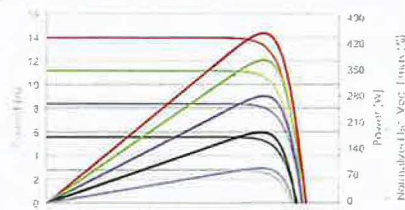
## Packaging Configuration

[ Two pallets = One stack ]

34pcs/pallet, 72pcs/stack, 936pcs/40HQ Container

## Electrical Performance & Temperature Dependence

Current-Voltage & Power-Voltage Curves (430W)



Temperature Dependence of Isc, Voc, Pmax



## Mechanical Characteristics

Cell Type	N type Mono-crystalline
No. of cells	108 (A=18)
Dimensions	1762×1134×30mm (69.36×44.65×1.18 inch)
Weight	22 kg (48.50 lbs)
Front Glass	3.2mm, Anti-Reflection Coating, High Transmission, Low Iron Tempered Glass
Frame	Anodized Aluminium Alloy
Junction Box	IP68 Rated
Output Cables	TUV 1×4.0mm <sup>2</sup> (+): 400mm (-): 250mm or Customized Length

## SPECIFICATIONS

Module Type	JKM420N-54HL4R-B		JKM425N-54HL4R-B		JKM430N-54HL4R-B		JKM435N-54HL4R-B		JKM440N-54HL4R-B	
	STC	NOCT	STC	NOCT	STC	NOCT	STC	NOCT	STC	NOCT
Maximum Power (Pmax)	420Wp	316Wp	425Wp	320Wp	430Wp	323Wp	435Wp	327Wp	440Wp	331Wp
Maximum Power Voltage (Vmp)	32.16V	29.95V	32.37V	30.19V	32.58V	30.30V	32.78V	30.50V	32.99V	30.73V
Maximum Power Current (Imp)	13.06A	10.55A	13.13A	10.60A	13.20A	10.66A	13.27V	10.72A	13.34A	10.77A
Open-circuit Voltage (Voc)	38.74V	36.80V	38.95V	37.00V	39.16V	37.20V	39.36V	37.39V	39.57V	37.59V
Short-circuit Current (Isc)	13.51A	10.91A	13.58A	10.96A	13.65A	11.02A	13.72A	11.08A	13.80A	11.14A
Module Efficiency (STC, %)	21.02%		21.27%		21.52%		21.77%		22.02%	
Operating Temperature(°C)	-40°C~+85°C									
Maximum system voltage	1000VDC (IEC)									
Maximum series fuse rating	25A									
Power tolerance	0~+3%									
Temperature coefficients of Pmax	-0.29%/°C									
Temperature coefficients of Voc	-0.25%/°C									
Temperature coefficients of Isc	0.045%/°C									
Nominal operating cell temperature (NOCT)	45±2°C									

\*STC: Irradiance 1000W/m<sup>2</sup>

Cell Temperature 25°C

AM=1.5

NOCT: Irradiance 800W/m<sup>2</sup>

Ambient Temperature 20°C

AM=1.5

Wind Speed 1m/s





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21/07/2025

**Section 5 referral Reference R25-53 – John Barry**

Is planning permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use?

A Chara,

I refer to your application received on 25th 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:

- (a) Scale drawings of the subject dwelling showing the intended placement and size of the proposed skylights.
- (b) Scale drawings of the subject dwelling showing the intended placement and size of the proposed solar panels.

Mise, le meas

Anne O'Gorman  
Staff Officer  
Planning Department  
Economic Development Directorate

An Roinn Pleanála  
An Stiúirtheoireacht 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**

<b>FILE REF:</b>	<b>R25-53</b>
<b>APPLICANT(S):</b>	John Barry
<b>REFERENCE:</b>	Is planning permission required to add a velux window in the attic space at front of subject property at 9 Shannon Banks Corbally County Clare.
<b>RE-WORDED REFERENCE</b>	<i>"Is Planning Permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use?"</i>
<b>LOCATION:</b>	9 Shannon Banks Corbally County Clare
<b>DUE DATE:</b>	<b>22/07/25</b>

**Site Location**

The subject dwelling is located in the settlement of Corbally and is within the Shannon Banks Housing development and is on lands zoned Existing Residential. No 9 Shannon Banks is a two storey semidetached, end of terrace house.



**Figure 1;** No. 9 Shannon Banks .

### **Planning History**

No recent planning applications on the proposal site.

### **Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by John Barry. Avril Hayes with an address at 9 Shannon Banks is the stated owner of the property.

The referral question as has been asked as per the application form submitted is:

*"Is Planning permission required to add a velux window in the attic space at the front of property"*

In terms of a full description, the following details are provided;

- The property owner is planning to convert the attic space in this house to a room
- The property owner intends to add some solar panels to the roof space, on the back roof space.
- It is intended to construct three velux windows on the roof space of the house – one at the front roof space and two at the rear roof space.

Having regard to the full description of the intended works as submitted on the application form and in the interest of clarity, it is appropriate that the development description be changed to the following;

*"Is Planning Permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use ?"*

### **Appropriate Assessment**

The subject dwelling is located within an established residential area and is surrounded by residential uses. In this case a referral is sought as to whether the use of the attic space of the dwelling as part of the house, and the installation of Velux windows and solar panels on the roof space of the dwelling constitutes development or not and if so, is this development exempted development or not. Having regard to:

- The small scale and domestic nature of the development,
- The existing residential use on this site and on surrounding sites.

It is considered that the proposed development would not be likely to have a significant effect individually, or in combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required

## Statutory Provisions

### (1) Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to Section 3(1) 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.*

#### Assessment:

Having regard to the changes proposed to the house, the changes are considered to be both development and works.

### Section 4(1)(h) of the Planning and Development Act, 2000 (as amended)

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

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

#### Assessment:

##### (1) Change of use proposed

With regard to s.4(1)(h), the scope of the change of use proposed, being a change of use from attic space to residential use involves works that are all internal. No alterations to the external appearance of the dwelling are proposed for the change of use itself. The proposed change of use of the attic space to residential use is considered to be exempted development in keeping with Section 4(1) (h).

##### (2) Proposed velux windows

The referrer has not submitted any details as to the proposed sizes or dimensions of the proposed velux windows and hence it is not possible to determine if these proposed windows are exempted development in accordance with Section 4(1) (h) or not. Further Information is required from the referrer in this regard.



### (3) Proposed solar panels

Having regard to the details as submitted, it is considered that the placing of Velux windows and solar panels on the roof space of the subject house are works which are considered to be for the maintenance improvement or other alteration of the house. In this case as the applicant has not submitted any drawings or elevations or dimensions of the proposed velux windows or solar panels, it is not possible to determine if the proposed works would or would not materially affect the external appearance of the structure so as to render the structure inconsistent with the character of the structure or of neighboring structures. Further information is required from the referrer in this regard, in order to provide for a full assessment and consideration of the works as have been proposed.

### (2) Planning and Development Regulations 2001 ( as amended)

Consideration has been given to the following provisions of the Planning Regulations 2001 ( as amended)

CLASS 2	
<p>(c) The placing or erection on a roof of a house, or within the curtilage of a house, or on a roof of any ancillary buildings within the curtilage of a house (this class does not include apartments) of a solar photo-voltaic and/or a solar thermal collector installation.</p>	<ol style="list-style-type: none"><li>1. The distance between the plane of the roof and the solar photo-voltaic or solar thermal collector panels shall not exceed 50cm in the case of a flat roof or 15cm in any other case.</li><li>2. The solar photo-voltaic or solar thermal collector panels shall be a minimum of 50cm from the edge of a roof on which it is mounted.</li><li>3. Any free-standing solar photo-voltaic or solar thermal collector installation shall not be placed or erected forward of the front wall of the house.</li><li>4. The total aperture area of any free-standing solar photo-voltaic and solar thermal collector panels taken together with any other such existing free-standing panels shall not exceed 25 square metres.</li><li>5. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation shall not reduce the remaining area of private open space, reserved exclusively for the use of the occupants of the house, to the rear or to the side of the house to less than 25 square metres.</li><li>6. The height of any free-standing solar photo-voltaic or solar thermal collector installation shall not exceed 2.5 metres at its highest point above ground level.</li><li>7. The placing or erection of a solar photo-voltaic or solar thermal collector</li></ol>



installation on any wall shall not be exempted development.

8. The placing or erection of any free-standing solar photo-voltaic or solar thermal collector installation within an Architectural Conservation Area shall only be exempted development if those works would not materially affect the character of the area.
9. Development under this Class which causes hazardous glint and/or glare shall not be exempted development and any solar photo-voltaic or solar thermal collector panels which are causing hazardous glint and/or glare shall either be removed or be covered until such time as a mitigation plan to address the hazardous glint and/or glare is agreed and implemented to the satisfaction of the Planning Authority.

This property is not located within an ACA and it is considered that solar panels on a residential dwelling would not cause issues in terms of hazardous glint and glare and this property is not located within a solar safeguarding zone. The referrers have not submitted any details to show that the solar panels as proposed would be in keeping with the above class of exempted development, **further information** is required in this regard.

Class 1 of Part 1 of the Second Schedule states that (subject to a number of conditions and limitations) the following shall be exempted development:

*CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.*

In this case, the proposal to use the existing attic space as residential accommodation as part of the house is considered to come with the exempted development provisions as per Class 1 of Part 1, Schedule 2 of the Planning Regulations 2001 ( as amended).

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

- (a) if the carrying out of such development would –
  - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act
  - (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;**

I have considered the above restrictions on exempted development and none of the above restrictions apply in this case.

### **Conclusion**

#### **Basis of Referral**

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

*"Is Planning Permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use?"*

#### **Considerations**

- Details received from the referrer on 25<sup>th</sup> June 2025.
- Section 5(3)(a) of the Planning and Development Act 2000 (as amended)
- Sections 3, 4 and 5 of the Planning and Development Act 2000 (as amended)
- Schedule 2, Part 1, Class 2 (c) of the Planning and Development Regulations 2001 (as amended).
- Article 9 (1) of the Planning and development regulations 2001 (as amended).

### **Conclusions**

The proposal to use the attic space in the subject dwelling for residential purposes is considered to be exempted development in keeping with Section 4(1) (h) of the Planning Act 2000 ( as amended) and in keeping with Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 ( as amended).

In terms of the proposed solar panels and velux windows, further information is required in terms of the sizes of the windows and solar panels as proposed in order to determine if these elements are exempted development or not.

### **Recommendation:**

It is recommended that the following **FURTHER INFORMATION** is requested from the applicants.

Having regard to the details submitted with this Section V referral at Section 2 (b ) of the application form submitted, the specific question for which a referral is sought , has been changed to the following;

*"Is Planning Permission required in order to add velux windows and solar panels to the roof space of the subject dwelling and is planning permission required in order to use the attic space of the dwelling for residential use ?"*

In order to facilitate the Planning Authority in its assessment of the issues regarding which a declaration is sought, you are required to submit the following additional information:

- (a) ~~D~~ Scale drawings of the subject dwelling showing the intended placement and size of the proposed skylights.
- (b) Scale drawings of the subject dwelling showing the intended placement and size of the proposed solar panels.

*Annemarie McCarthy*

**Name: Annemarie McCarthy**

**Executive Planner**

**Date 21/07/25**

*Garreth Ruane*

**Name: Garreth Ruane**

**Senior Executive Planner**

**Date 21/07/25.**





COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

John Barry  
9 Shannon Banks  
Corbally  
Co. Clare  
V94 ACP0

25/06/2025

**Section 5 referral Reference R25-53 – John Barry**

Is planning permission required to add a velux window in the attic space at front of dwelling?

A Chara,

I refer to your application received on 25th 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

**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  
Aras Contae an Chláir  
New Road  
Ennis  
Co Clare

25/06/2025 14:26:04

Receipt No.: L1CASH/0/380737  
\*\*\*\*\* REPRINT \*\*\*\*\*

JOHN BARRY  
9 SHANNON BANKS  
CORBALLY  
CO. CLARE  
V94 ACP0  
REF: R25/53

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

Total : 80.00 EUR

Tendered :  
CREDIT CARDS 80.00

Change : 0.00

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

P07

**CLARE COUNTY COUNCIL**  
**COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,  
Economic Development Directorate,  
Clare County Council,  
New Road, Ennis,  
Co. Clare  
V95D.XP2

Telephone No. (065) 6821616  
Fax No. (065) 6892071  
Email: [planoff@clarecoco.ie](mailto:planoff@clarecoco.ie)  
Website: [www.clarecoco.ie](http://www.clarecoco.ie)



R25-53

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**  
**(Section 5 of the Planning & Development Act 2000 (as amended))**

**FEE: €80**

*This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority*

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	John Barry 9 Shannon Banks Corbally Co. Clare V94 ACPO
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	N/A





## 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 to add a velux window in the attic space at front of the property?

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

Planning to convert my attic space to a room and also add solar panels to roof space. House is south / south west facing, ideal location of solar panels is on back of the house on roof space. To get the best use of solar panels I would like to install them at back of the house but would still like to have 2 main velux windows and 1 velux window for stairway leading to attic space.

Am I able to install 1 main velux window in the front and 1 main velux window at the back on the roof space, this would allow more light for attic space plus more efficient use of solar panels.

- (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)

IMAGE of front + back of house



3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	9 Shannon Banks Corbally Co. Clare
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	No
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question:  <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A Aural Hayes 9 Shannon Banks Corbally Co. Clare
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Unsure
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	No
(g) Were there previous planning application/s on this site? If so please supply details:	No
(h) Date on which 'works' in question were completed/are likely to take place:	N/A

SIGNED:



DATE:

25-June-2025

### 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

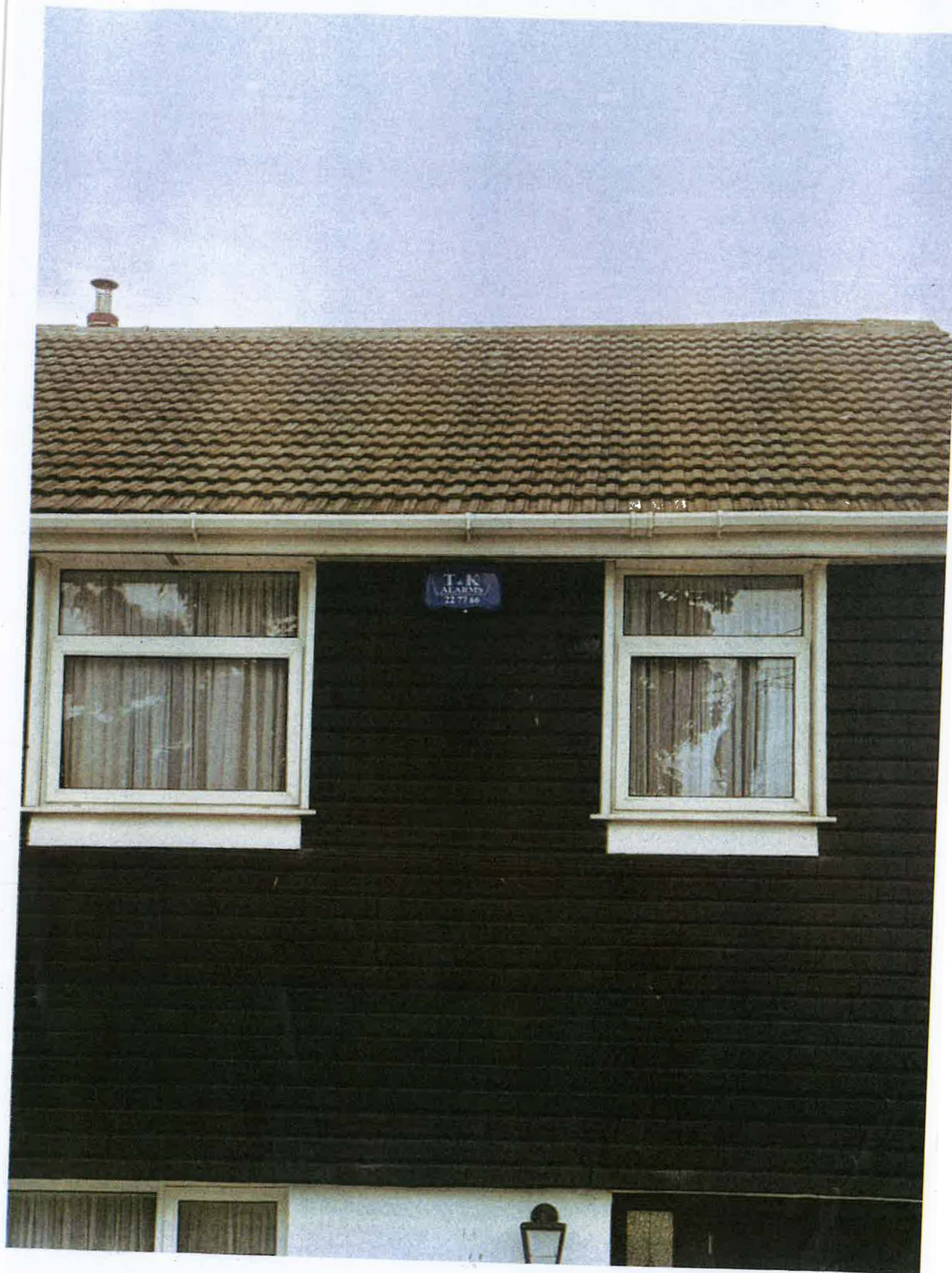
### FOR OFFICE USE ONLY

Date Received:	.....	Fee Paid:	.....
Date Acknowledged:	.....	Reference No.:	.....
Date Declaration made:	.....	CEO No.:	.....
Decision:.....			

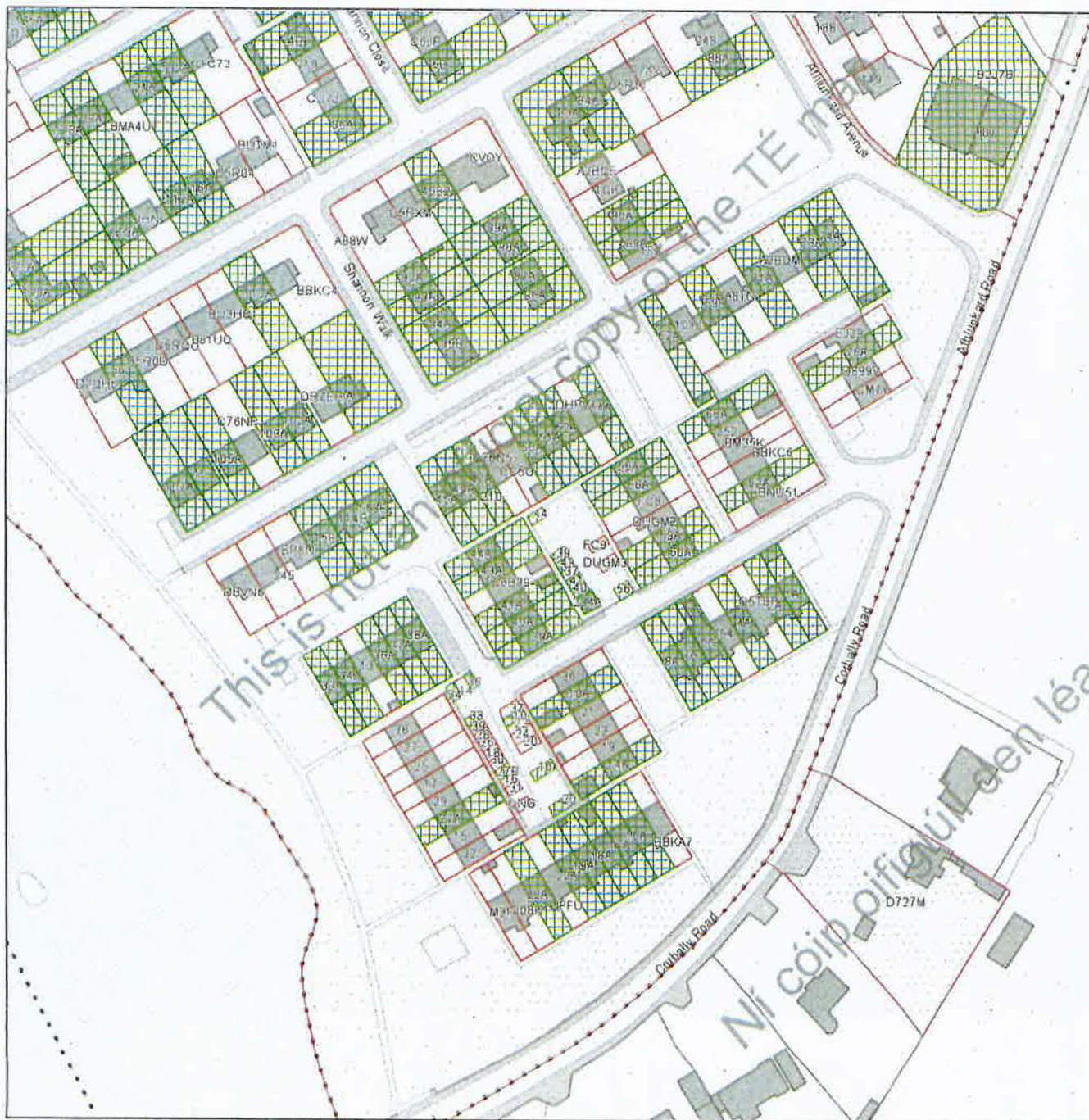












**Tailte  
Éireann**

Clárúcháin, Lúcháil,  
Suirbhéireacht  
Registration, Valuation,  
Surveying

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte Éireann (TE) Registration mapping is based on TE Surveying mapping. Where TE Registration maps are printed at a scale that is larger than the TE Surveying scale, accuracy is limited to that of the TE Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TE Registration maps, see [www.tailte.ie](http://www.tailte.ie)

This map incorporates TE Surveying map data under a licence from TE. Copyright © Tailte Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1954 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit

A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

Tailte Éireann Registration operates a non-conclusive boundary system. The TE Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TE Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006







File Number	CE28501
Title Level	Freehold
Plan Number	36
Property Number	1
Area of selected plans	Not available
Number of plans on this lot	2
Address	9 Shannon Banks Limerick Co. Clare ACPO

\*Taitte Éireann Registration Boundaries  
Area are not conclusive. See SECTION  
Registration of Title Act 2006 and E  
of the Land Registration Rules 20

