



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

**Xiu Zhang Chi
C/o Pat Kelly Surveyors
Unit 10, Shannon Business Centre
Shannon
Co. Clare
V14 K448**

3rd December 2025

Section 5 referral Reference R25-78 – Xiu Zhang Chi

Is the construction of a 32m² single storey extension to the rear of the dwelling house development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th September 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.

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:

86766

Reference Number:

R25-78

Date Referral Received:

15th September 2025

Date Further Information Received:

14th November 2025

Name of Applicant:

Xiu Zhang Chi

Location of works in question:

17 Cluainin, Tullyvarraga, Shannon,
Co. Clare

Section 5 referral Reference R25-78 – Xiu Zhang Chi

Is the construction of a 32m² single storey extension to the rear of the dwelling house development and if so, is it exempted development?

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

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents from the referrer as received by the Planning Authority on 15th September 2025 and the further information received on 14th November 2025
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and the conditions and limitations as apply to same, with particular regard to condition and limitation no. 5 which states that: '*The construction or erection of any such extension shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to less than 25m²*' and condition and limitation no. 6 (a) which states that; '*Any window at ground floor level in any such extension shall not be less than 1m from the boundary it faces*'.
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Clare County Council has concluded:

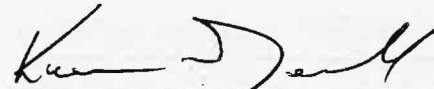
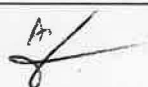
- (a) Having regard to the extension as proposed and the area of private open space that would remain for the exclusive use by the residents of the house, which would be less than 25m², and having regard to the proposed location of a window on the proposed southern elevation, to be located at a point less than 1m from the boundary it faces, the extension as proposed is considered to be development and is **not exempted development**, as the proposed development does not meet the requirements of the conditions and limitations 5

Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and 6(a) of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

ORDER: Whereas by Chief Executive's Order No. CE / 25/18 dated 7th October 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 construction of a 32m² single storey extension to the rear of the dwelling at 17 Cluainin, Tullyvarraga, Shannon, Co. Clare is **considered development** which is **not exempted development**.

Signed:


KIERAN O'DONNELL
ADMINISTRATIVE OFFICER 

Date:

3rd December 2025

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

Reference No.: R25-78



Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R25-78

Is the construction of a 32m² single storey extension to the rear of the dwelling house development and if so, is it exempted development?

AND WHEREAS, Xiu Zhang Chi 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 –

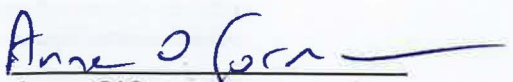
- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) The works as indicated in submitted documents from the referrer as received by the Planning Authority on 15th September 2025 and the further information received on 14th November 2025,
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and the conditions and limitations as apply to same, with particular regard to condition and limitation no. 5 which states that: ' *The construction or erection of any such extension shall not reduce the area of private open space , reserved exclusively for the use of the occupants of the house, to less than 25m²*' and condition and limitation no. 6 (a) which states that; ' *Any window at ground floor level in any such extension shall not be less than 1m from the boundary it faces*'.
- (d) Part 9 'Restrictions on Exempted Development' of the Planning and Development Regulations 2001 (as amended).

And whereas Clare County Council has concluded:

- (a) Having regard to the extension as proposed and the area of private open space that would remain for the exclusive use by the residents of the house, which would be less than 25m², and having regard to the proposed location of a window on the proposed southern elevation, to be located at a point less than 1m from the boundary it faces, the extension as proposed is considered to be development and is **not exempted development**, as the proposed development does not meet the requirements of the conditions and limitations 5 Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and 6(a) of Schedule 2, Part 1, Class 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 construction of a 32m² single storey extension to the rear of the dwelling at 17 Cluainin, Tullyvarraga, Shannon, Co. Clare constitutes development which is not 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

3rd December 2025

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF: R25-78
APPLICANT(S): Xiu Zhang Chi
REFERENCE: Is the construction of a 32m2 single storey extension to the rear of the dwelling house development, and, if so, is it exempted development.
LOCATION: 17 Cluainin Tullyvarraga, Shannon, County Clare.
Further Information requested; 10/10/25
Further Information received 14/11/25
DUE DATE: 4th December 2025

Site Location

The subject property is located within the Tullyvarraga housing development at Shannon and the subject dwelling is a two-storey semidetached dwelling. The rear garden of the property has a concrete surface.



Figure 1: Aerial view of property-

Planning History on subject site.

None specifically relating to this site.

The permission for the overall housing development at this site was granted under.
P 05- 1724

Jim Woods Building Contractor Ltd	Tullyvarraga Shannon Co. Clare	for development which will consist of the construction of 46 No. dwelling houses, 25 No. apartments, 1 No. three bedroom apartment, ancillary site works and connection to public services	
--------------------------------------------	--------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Enforcement file on this site.

UD 25-103

This file related to the unauthorized construction of a structure in the rear garden of no. 17 Cluainin Tullyvarragh Shannon (subject property). An Enforcement notice was issued to the property owner on 25th August 2025. In September 2025 a Chartered Building Surveyor acting on behalf of the landowners wrote to the enforcement section of Clare County Council and advised that the landowners were unclear in terms of what is exempted development and what is not and were prepared to demolish the subject structure.

As per correspondence from the Chartered building surveyor submitted to the Planning Authority on 8th September 2025, photos were submitted which show that the subject structure was being demolished and on 10th September 2025, photos were submitted to show that the structure has been demolished, and building materials were being stored in the back garden.

As per an email from Pat Kelly Chartered building Surveyors on 12th September 2025 and photos submitted, the Surveyor confirmed that the unauthorized structure at this site has been removed in full.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Xiu Zhang Chi, who is the owner of the subject property/

The applicant is seeking a Section 5 Declaration as to whether the construction of a single storey rear extension of 32m² to the rear of 17 Cluainin, Shannon County Clare is development and if so, if this exempted development.

On the application form as submitted, the referrer provides the following information.

- Floor plans of the proposed development, which is to be to the rear of the dwelling, will have a floor area of 32m², will be flat roofed in nature and have a maximum height of 3.1m and will have a render external wall finish.
- Elevation drawings of the proposed development
- It is stated that the proposed extension will not be less than 1m from the site boundary.
- Site Location map
- Land registry details for the subject property

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

S.3.(1) In this Act, "*development*" means, except where the context otherwise requires, ***the carrying out of any works on, in, over or under land*** or the making of any material change in the use of any structures or other land.

'Works are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

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

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

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square meters.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

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

4. (a)

Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b)

Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c)

The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

6. (a)

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

(b)

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

(c)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other

structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

(xi) obstruct any public right of way,

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

Assessment 09th October 2025 (before FI was sought)

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a single storey rear extension of 32m² to the rear of 17 Cluainin, Shannon County Clare is development and if so, if this exempted development.

Matters considered:

The Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 1 have been considered in full and the consideration can be outlined as follows.

"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.

Assessment: The extension is to be located to the rear of the existing dwelling house

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square meters"

Assessment: The floor area of the extension is less than 40sqm (it is 32m²), and the house has not been extended previously, this is acceptable.

(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.

Assessment: The house is semi-detached. The proposed extension is at ground level only.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square meters.

Assessment: The subject property is semidetached, and the proposed extension is single storey only.

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.

Assessment: Noted, this is complied with. The house has not been extended previously.

(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.

Assessment: The house has not been extended previously and is semi-detached and the extension is single storey only.

(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.

Assessment: The proposed extension is located on the ground floor only and the house is a semi-detached house.

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

Assessment: Not applicable – the proposed extension is at ground floor level only.

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.

Assessment: Complied with.

- (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.

Assessment: Complied with.

- (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.

Assessment: It is not clear if this has been complied with as the referrer has not submitted full elevation drawings of the overall proposed extended house. **Further Information shall be sought from the referrer.**

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 meters.*

Assessment: From the details submitted it is not clear if this has been complied with. The referrer has not submitted a site layout plan to show the overall layout of the site when the proposed extension is constructed, and it has not been possible to see what area of private open space will remain. **Further Information shall be sought in relation to this.**

6. (a)

Any window proposed at ground level in any such extension shall not be less than 1 meter from the boundary it faces.

Assessment; This is complied with.

(b)

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

Assessment. Not applicable as the proposed extension is single storey in form.

(c)

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

Assessment; Not applicable.

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

Assessment: This has been complied with.

Article 9 of the Planning and Development Regulations 2001, as amended.

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

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

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

The proposal does not contravene a condition of any previous permission.

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

No access points onto the public road network are affected by the proposal.

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

The proposal does not create a traffic hazard or obstruct road users in the area.

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

The proposal site is not located in a solar safeguard zone.

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

No applicable to the proposal

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

Not applicable to this proposal

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

The proposed extension is located to the rear of the dwelling and there is limited visibility of same from the public road. The proposed will not have a negative impact on the character of visual amenities of the area.

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

plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.

Not applicable to this proposal.

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

There are no known archaeological features in the vicinity of the proposal site.

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

The proposed development will not have a significant effect on European sites.

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

No applicable in this instance

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

Not applicable to this proposal. It is noted that there is a recent unauthorized development file relating to this property, Reference UD 25-103, however the development which was the subject of this unauthorized development file has been removed in full.

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

Not applicable in this instance

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

Not applicable in this instance

(xi) obstruct any public right of way,

Not applicable in this instance

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

The development site is not within an Architectural Conservation Area.

Conclusion

Having regard to the details submitted and my assessment of this Section V Referral, Further Information is required

Recommendation 09th October 2025

I recommend that the following **further information** be sought from the referrer:

The proposed extension is being considered in terms of potential compliance with the form of exempted development as is set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

In order to allow for a full assessment, the following further information is required:

- (1) A site layout plan of the proposed site area is required. This detail is required in order to allow for determination as to whether or not the construction of the proposed extension to the rear of the house will 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 meters.
- (2) A side and rear elevation drawing of the overall proposed extended dwelling is required. This detail is required in order to determine if the height of the highest

part of the roof of the proposed extension will exceed, in the case of a flat roofed extension (as is proposed) , the height of the eaves or parapet of the dwelling onto which the extension is to be constructed, as per condition and limitation 4(c) that applies to the class of exempted development under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Please submit details in order to address the above points.

Applicants' response to request for FI

On 14th November 2025 the agent for the applicant responded to the requests for further information as follows'

- (1) A site layout for the proposed development at an appropriate scale (1: 500 at A3) has been submitted. From the proposed layout plan submitted I can see that the remaining rear garden area after the extension is constructed would be 19.8m² (width of 6.6 x length of 3m) and this is not in keeping with the exempted development as is set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) as the remaining rear garden space does not meet the standards set out under Column 2 'Conditions and Limitations' no. 5, wherein an extension cannot reduce the area of private open space to the rear of the house by use by the occupants to below 25m².
- (2) The agent for the applicant has submitted a side and rear elevation drawing of the proposed extension and from this it can be seen that the height of the highest part of the roof of the proposed extension (which is flat roofed) will not exceed, the height of the eaves or parapet of the dwelling onto which the extension is to be constructed, as per condition and limitation 4(c) that applies to the class of exempted development under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Assessment of FI received.

The details submitted in response to the requests for FI have been considered in full.

Having regard to the very limited area of private open space that would remain after the extension was constructed, which would be 19.8m², the development as proposed does not meet Condition and Limitation no. 5 of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended). Accordingly, the proposed development is not exempted development.

In addition, consideration has been given to the proposed location of windows on the side elevation of the proposed extension. As per Condition and limitation no. 6(a) that any window proposed at ground level in any such extension shall not be less than 1m from the boundary it faces. In this case, the proposed windows on the southern side elevation of the proposed single storey extension is proposed to be located less than 1m from the southern boundary of this site, and hence the proposed development does not meet the specifications of this condition and limitation.

Conclusion

Having regard to the above, I consider that the stated works to be development and to be development that is **not exempted development**.

Recommendation

The following question has been referred to the Planning Authority:

The applicant is seeking a Section 5 Declaration as to whether the construction of a single storey rear extension of 32m² to the rear of 17 Cluainin, Tullyvarraga, Shannon County Clare is development and if so, is this 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 as received by the Planning Authority on 15th September 2025 and the further information received on 14th November 2025
- (c) The forms of exempted development as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and the conditions and limitations as apply to same, with particular regard to condition and limitation no. 5 which states that: '*The construction or erection of any such extension shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to less than 25m²*' and condition and limitation no. 6 (a) which states that; '*Any window at ground floor level in any such extension shall not be less than 1m from the boundary it faces*'.
- (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:

Having regard to the extension as proposed and the area of private open space that would remain for the exclusive use by the residents of the house, which would be less than 25m², and having regard to the proposed location of a window on the proposed southern elevation, to be located at a point less than 1m from the boundary it faces, the extension as proposed is considered to be development and is **not exempted development**, as the proposed development does not meet the requirements of the conditions and limitations 5 Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and 6(a) of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

A. McCarty 02/12/25

Annemarie Hennelly

Executive Planner

Date: 02/12/25

GR

Garreth Ruane

~~A/S~~ Senior Executive Planner

Dat 02/12/25



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

FI Received

Xiu Zhang Chi
C/o Pat Kelly Surveyors
Unit 10, Shannon Business Centre
Shannon
Co. Clare
V14 K448

10/10/2025

Section 5 referral Reference R25-78 – Xiu Zhang Chi

Is the construction of a 32m² single storey extension to the rear of the dwelling house development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th September 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) A site layout plan of the proposed site area is required. This detail is required in order to allow for determination as to whether or not the construction of the proposed extension to the rear of the house will 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 meters.
- (2) A side and rear elevation drawing of the overall proposed extended dwelling is required. This detail is required in order to determine if the height of the highest part of the roof of the proposed extension will exceed, in the case of a flat roofed extension (as is proposed), the height of the eaves or parapet of the dwelling onto which the extension is to be constructed, as per condition and limitation 4(c) that applies to the class of exempted development under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Mise, le meas

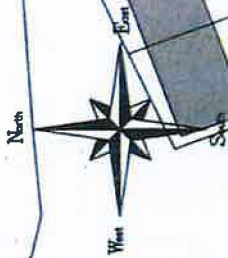


Anne O'Gorman
Staff Officer
Planning, Placemaking & Economic Development

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

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2





Site Boundary

Site Notice Location

2290

1,150

7,420

3,140

27.75m²

3,140 X 7,420

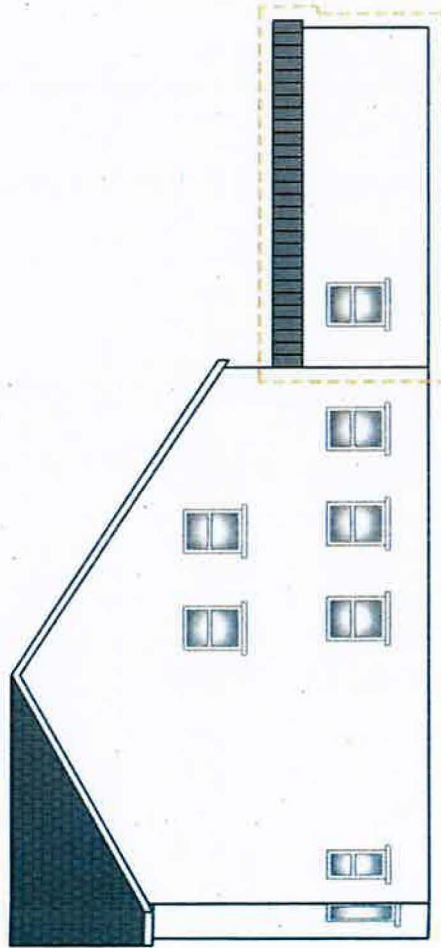


Project:
Part 5 Planning Application @ 17 Clahm,
Shannon, Co. Clare

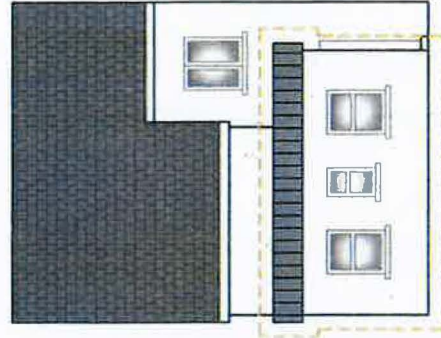
Drawn:
Site Layout

Date: 29/10/2025
Scale: 1:500 @ A3

Client:
Xu Zhang CH



(01) PROPOSED SIDE ELEVATION
SCALE 1:100



(02) PROPOSED REAR ELEVATION
SCALE 1:100

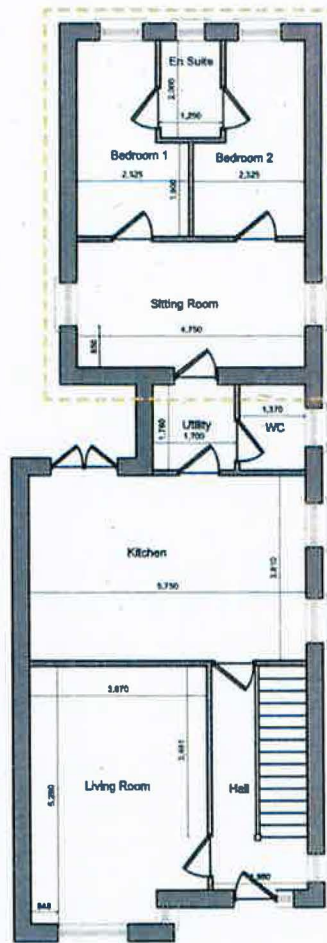


Project: Part 8 Planning Application @ 17 Quenneville, Shannon, Co. Clare	PAT KELLY CHARTERED BUILDING SURVEYORS	LEGEND: --- PROPOSED EXTENSION NOTE 300MM OFFSET
Drawn by: Proposed Rear & Side Elevations		
Client: Xin Zhang CH	Date: 29/10/2025 Scale: 1:100 @ A3	



EXISTING GROUND FLOOR PLAN

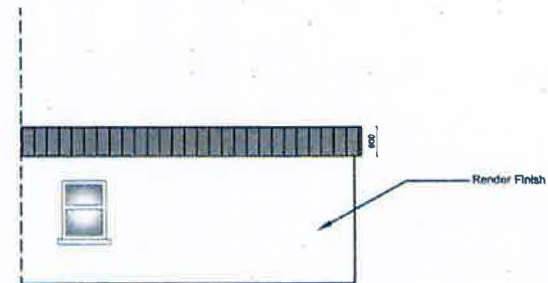
(01) SCALE 1:100



PROPOSED GROUND FLOOR PLAN

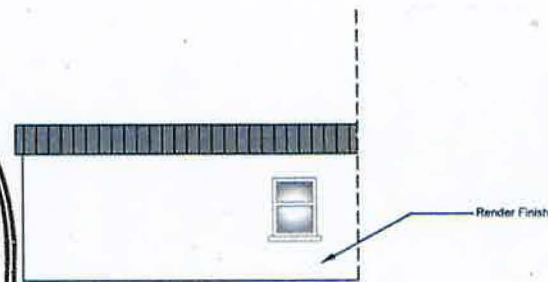
(02) SCALE 1:100

FLOOR AREA OF PROPOSED EXTENSION = 30.09M²



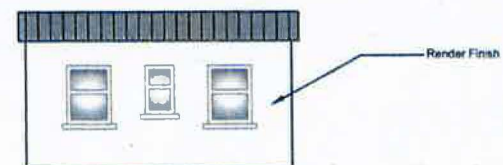
EXTENSION SIDE ELEVATION

(03) SCALE 1:100



EXTENSION SIDE ELEVATION

(04) SCALE 1:100



EXTENSION REAR ELEVATION

(05) SCALE 1:100

Project:
Part 5 Planning Application @ 17 Chaslin,
Shannon, Co. Clare

Drawing:
Existing Floor Plan and Proposed
Floor Plan & Elevations

Client:
Xiu Zhang Chl

PAT KELLY
CHARTERED
BUILDING
SURVEYORS

Date: 11/09/2025
Scale: 1:100 @ A3

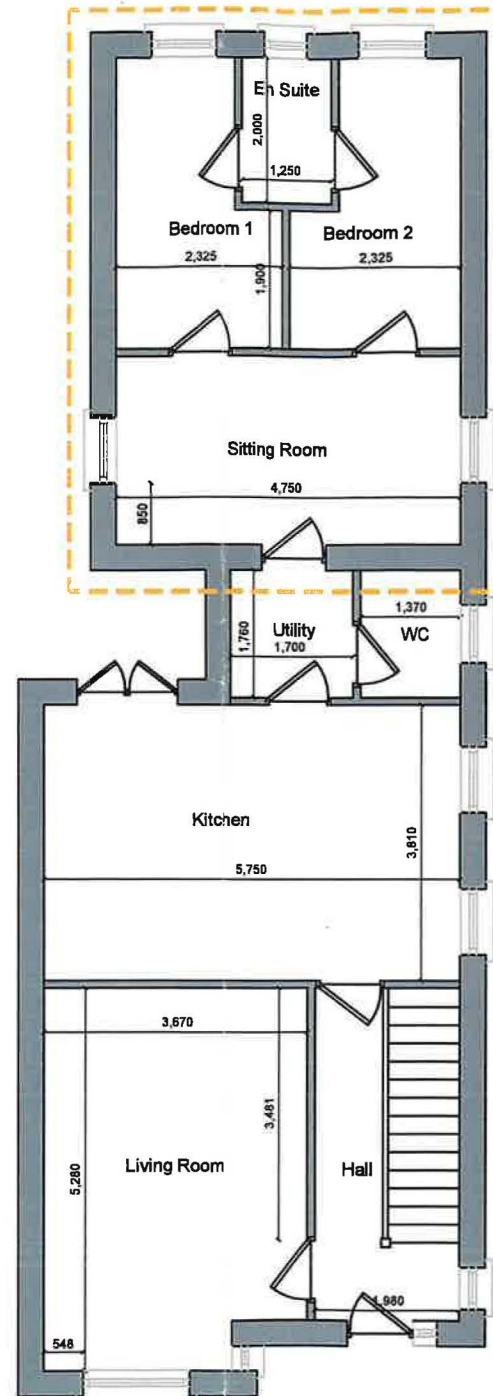
LEGEND

PROPOSED EXTENSION
NOTE 300MM OFFSET

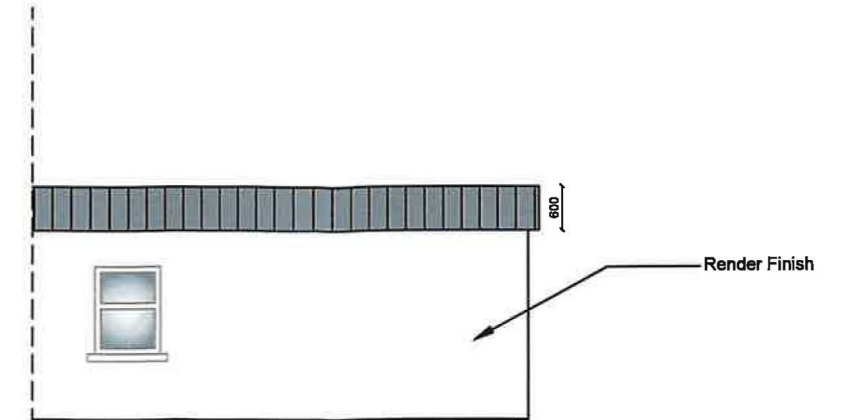


01 EXISTING GROUND FLOOR PLAN
SCALE 1:100

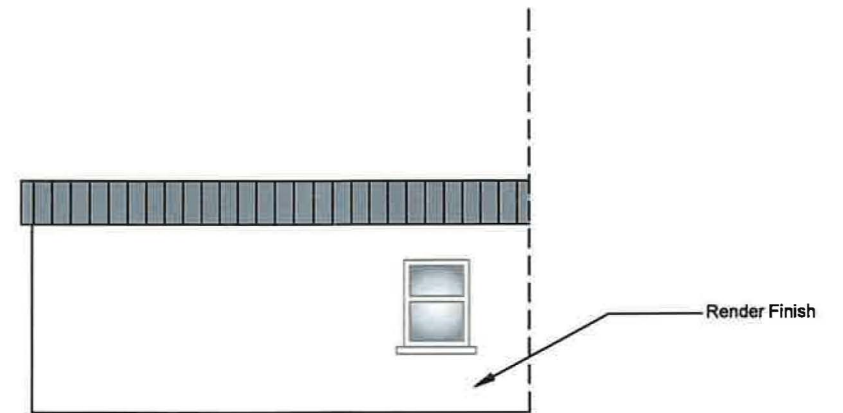
Note: Windows at ground level shall not less than 1 metre from the boundary.



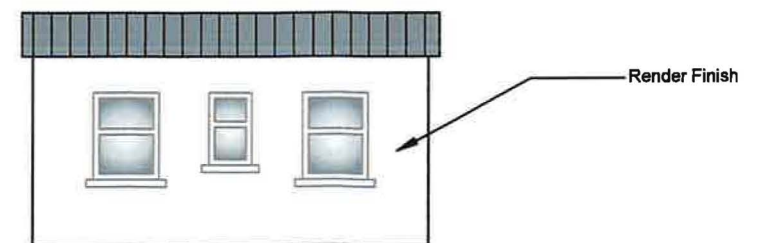
02 PROPOSED GROUND FLOOR PLAN
SCALE 1:100
FLOOR AREA OF PROPOSED EXTENSION = 30.99M²



03 EXTENSION SIDE ELEVATION
SCALE 1:100



04 EXTENSION SIDE ELEVATION
SCALE 1:100



05 EXTENSION REAR ELEVATION
SCALE 1:100

Project:
Part V Planning Application @ 17 Cluainin,
Shannon, Co. Clare

Drawing:
Existing Floor Plan and Proposed Plan
& Elevations

Client:
Xiu Zhang Chi

PAT KELLY
CHARTERED
BUILDING
SURVEYORS

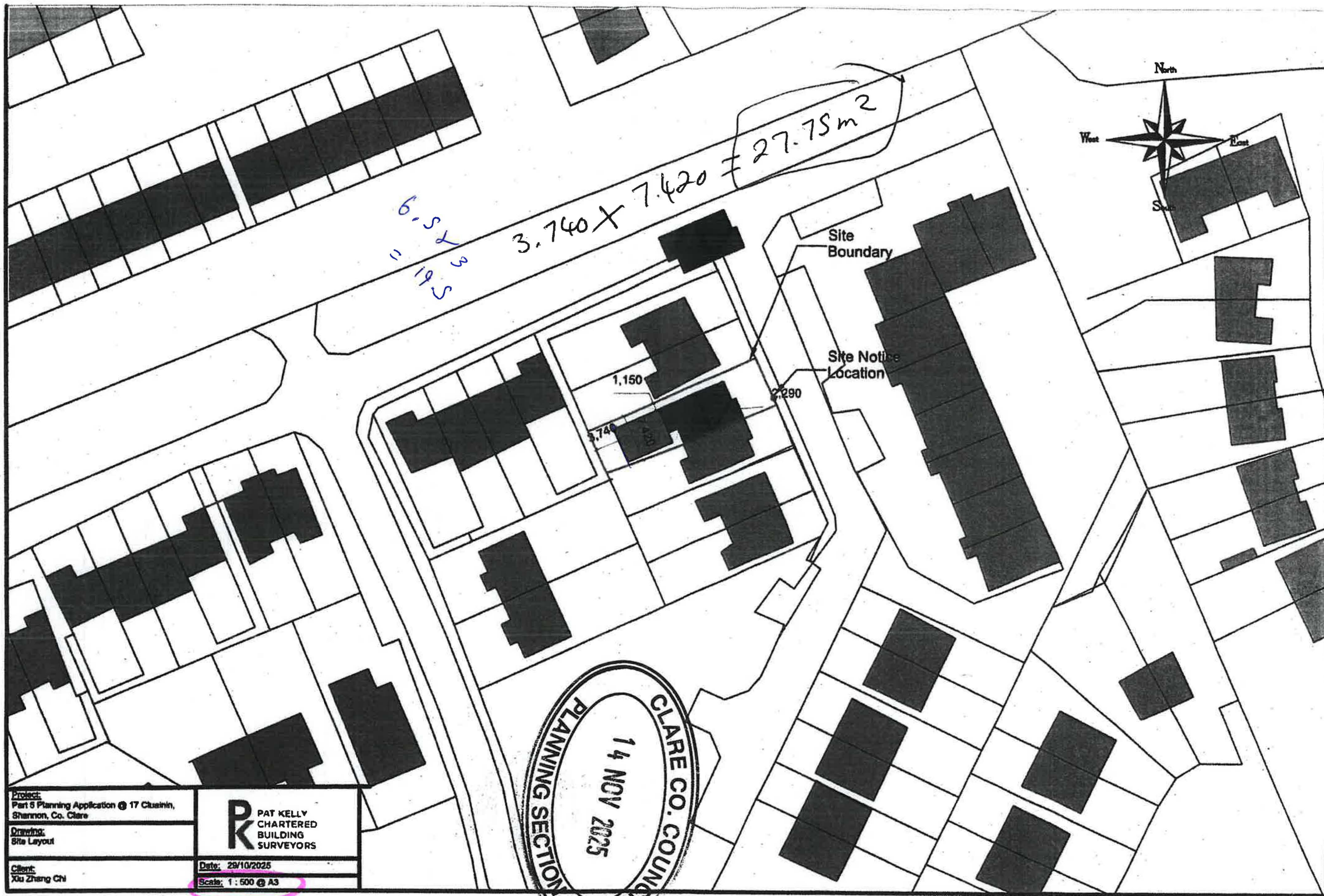
Date: 11/09/2025

Scale: 1 : 100 @ A3

LEGEND



PROPOSED EXTENSION
NOTE 300MM OFFSET



Project:
Part 5 Planning Application @ 17 Cluslin,
Shannon, Co. Clare

Drawing:
Site Layout

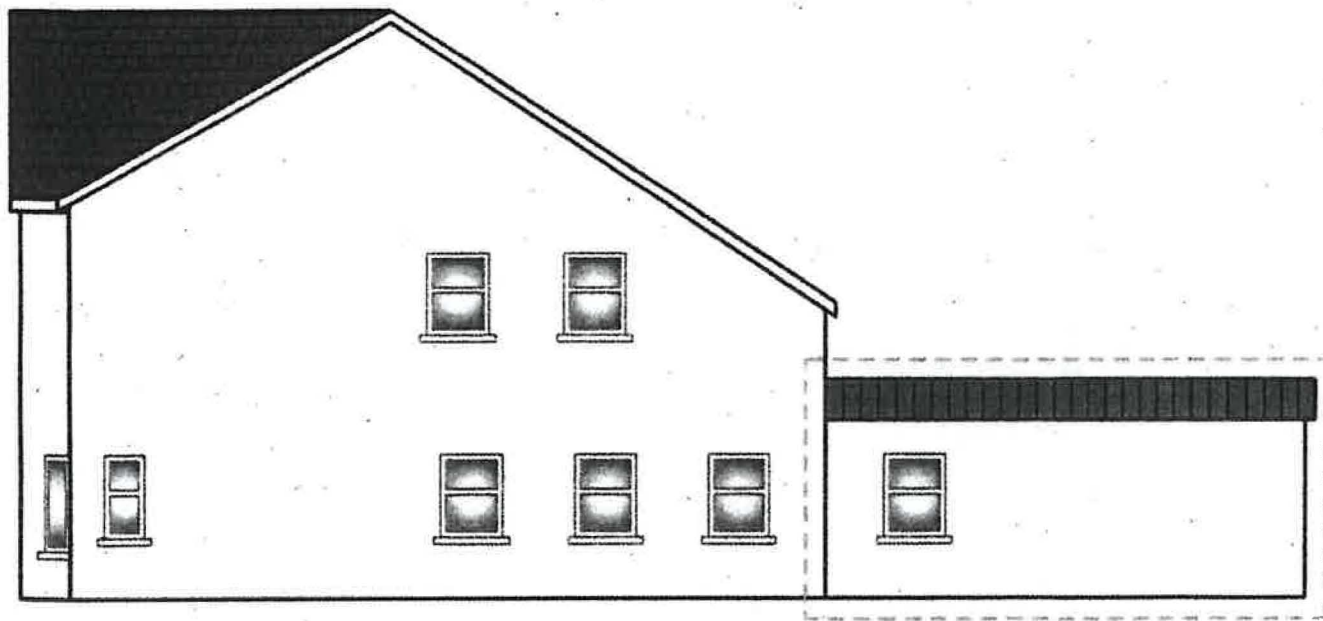
Client:
Xiu Zheng Chi

R PAT KELLY
CHARTERED
BUILDING
SURVEYORS

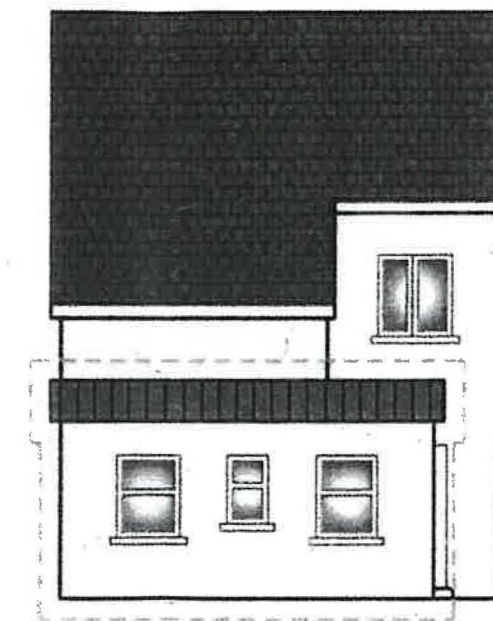
Date: 29/10/2025

Scale: 1 : 500 @ A3





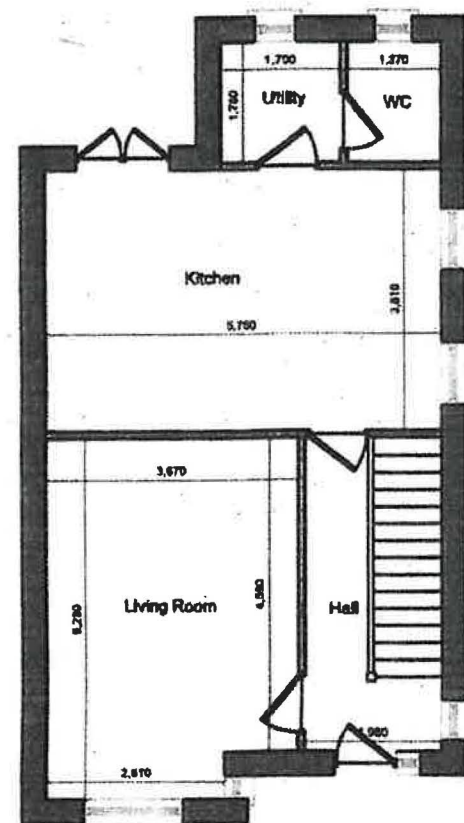
01 PROPOSED SIDE ELEVATION
SCALE 1:100



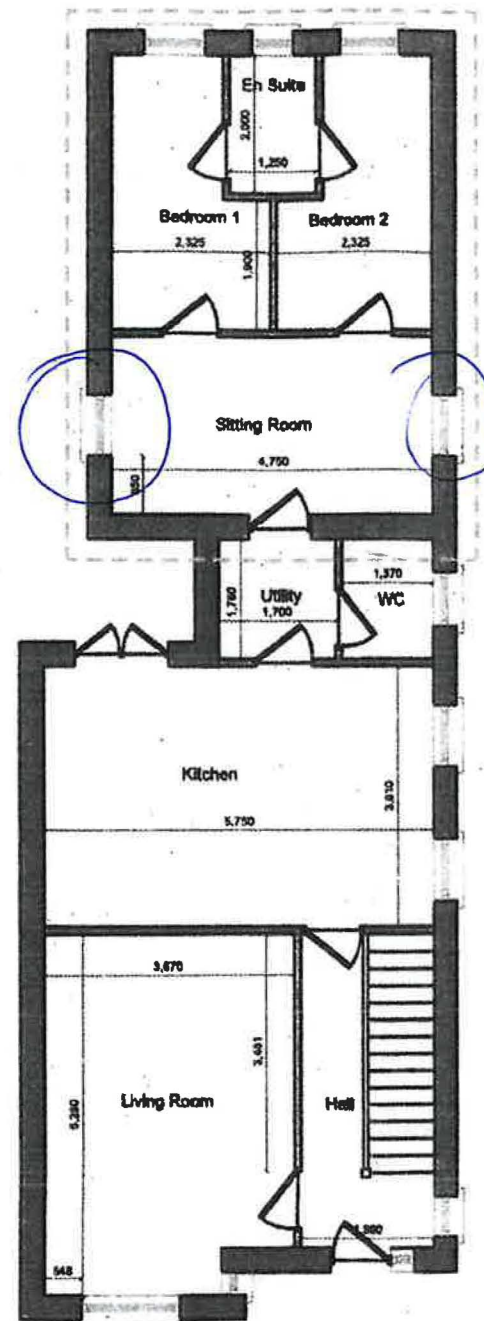
02 PROPOSED REAR ELEVATION
SCALE 1:100



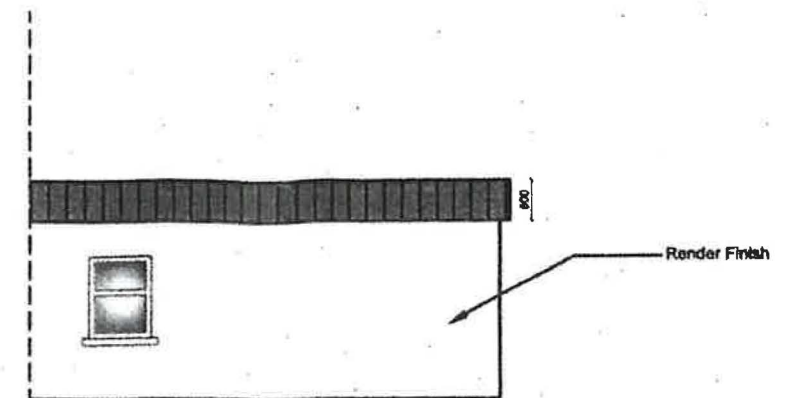
Project: Part 8 Planning Application @ 17 Cluainn, Shannon, Co. Clare	<div><div>R</div><div>PAT KELLY CHARTERED BUILDING SURVEYORS</div></div>	LEGEND <div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div><div></div></div>
------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



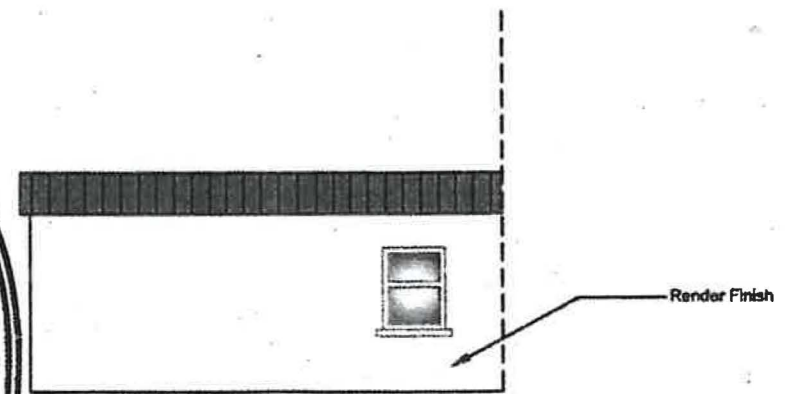
(01) EXISTING GROUND FLOOR PLAN
SCALE 1:100



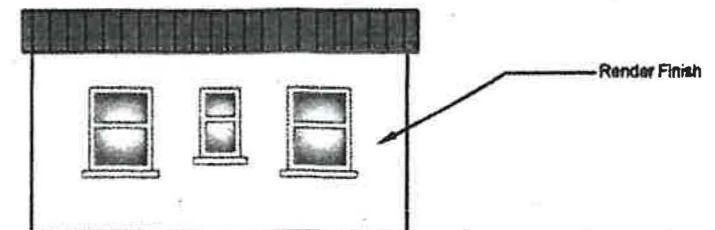
(02) PROPOSED GROUND FLOOR PLAN
SCALE 1:100
FLOOR AREA OF PROPOSED EXTENSION = 30.89M²



(03) EXTENSION SIDE ELEVATION
SCALE 1:100



(04) EXTENSION SIDE ELEVATION
SCALE 1:100



(05) EXTENSION REAR ELEVATION
SCALE 1:100

Project:
Part 5 Planning Application @ 17 Chaslin,
Shannon, Co. Clare

Drawing:
Existing Floor Plan and Proposed
Floor Plan & Elevations

Client:
Xiu Zhang Chi

R PAT KELLY
CHARTERED
BUILDING
SURVEYORS

Date: 11/09/2025

Scale: 1:100 @ A3

LEGEND

--- PROPOSED EXTENSION

PROPOSED EXTENSION
NOTE 300MM OFFSET



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Xiu Zhang Chi
C/o Pat Kelly Surveyors
Unit 10, Shannon Business Centre
Shannon
Co. Clare
V14 K448

10/10/2025

Section 5 referral Reference R25-78 – Xiu Zhang Chi

Is the construction of a 32m² single storey extension to the rear of the dwelling house development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th September 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) A site layout plan of the proposed site area is required. This detail is required in order to allow for determination as to whether or not the construction of the proposed extension to the rear of the house will 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 meters.
- (2) A side and rear elevation drawing of the overall proposed extended dwelling is required. This detail is required in order to determine if the height of the highest part of the roof of the proposed extension will exceed, in the case of a flat roofed extension (as is proposed), the height of the eaves or parapet of the dwelling onto which the extension is to be constructed, as per condition and limitation 4(c) that applies to the class of exempted development under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Mise, le meas

Anne O'Gorman
Staff Officer

Planning, Placemaking & Economic Development

An Roinn Pleanála
An Stiúrthóireacht Forbairt Gheilleagrach

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

Planning Department
Economic Development Directorate

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



CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R25-78
APPLICANT(S):	Xiu Zhang Chi
REFERENCE:	Is the construction of a 32m2 single storey extension to the rear of the dwelling house development, and, if so, is it exempted development.
LOCATION:	17 Cluainin Tullyvarraga, Shannon, County Clare.
DUE DATE:	10 th October 2025

Site Location

The subject property is located within the Tullyvarraga housing development at Shannon and the subject dwelling is a two-storey semidetached dwelling. The rear garden of the property has a concrete surface.



Figure 1: Aerial view of property-

Planning History on subject site.

None specifically relating to this site.

The permission for the overall housing development at this site was granted under P 05- 1724

Jim Woods Building Contractor Ltd	Tullyvarraga Shannon Co. Clare	for development which will consist of the construction of 46 No. dwelling houses, 25 No. apartments, 1 No. three bedroom apartment, ancillary site works and connection to public services	
--------------------------------------------	--------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Enforcement file on this site.

UD 25-103

This file related to the unauthorized construction of a structure in the rear garden of no. 17 Cluainin Tullyvarragh Shannon (subject property). An Enforcement notice was issued to the property owner on 25th August 2025. In September 2025 a Chartered Building Surveyor acting on behalf of the landowners wrote to the enforcement section of Clare County Council and advised that the landowners were unclear in terms of what is exempted development and what is not and were prepared to demolish the subject structure.

As per correspondence from the Chartered building surveyor submitted to the Planning Authority on 8th September 2025, photos were submitted which show that the subject structure was being demolished and on 10th September 2025, photos were submitted to show that the structure has been demolished, and building materials were being stored in the back garden.

As per an email from Pat Kelly Chartered building Surveyors on 12th September 2025 and photos submitted, the Surveyor confirmed that the unauthorized structure at this site has been removed in full.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Xiu Zhang Chi, who is the owner of the subject property/

The applicant is seeking a Section 5 Declaration as to whether the construction of a single storey rear extension of 32m² to the rear of 17 Cluainin, Shannon County Clare is development and if so, if this exempted development.

On the application form as submitted, the referrer provides the following information.

- Floor plans of the proposed development, which is to be to the rear of the dwelling, will have a floor area of 32m², will be flat roofed in nature and have a maximum height of 3.1m and will have a render external wall finish.
- Elevation drawings of the proposed development
- It is stated that the proposed extension will not be less than 1m from the site boundary.
- Site Location map
- Land registry details for the subject property

Statutory Provisions

Planning and Development Act, 2000 (as amended)

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

S.3.(1) In this Act, "development" means, except where the context otherwise requires, ***the carrying out of any works on, in, over or under land*** or the making of any material change in the use of any structures or other land.

'Works are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

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

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

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square meters.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a)

Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b)

Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c)

Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
4. (a)
Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- (b)
Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
- (c)
The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a)
Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b)
Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c)
Where the house is detached and the floor area of the extension aboveground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

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

- (a) if the carrying out of such development would –
 - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act
 - (ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
 - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,

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

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

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

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

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

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the construction of a single storey rear extension of 32m² to the rear of 17 Cluainin, Shannon County Clare is development and if so, if this exempted development.

Matters considered:

The Planning and Development Regulations 2001 (as amended) Schedule 2, Part 1, Class 1 have been considered in full and the consideration can be outlined as follows.

"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.

Assessment: The extension is to be located to the rear of the existing dwelling house.

1. (a)

Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square meters"

Assessment: The floor area of the extension is less than 40sqm (it is 32m²), and the house has not been extended previously, this is acceptable.

(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.

Assessment: The house is semi-detached. The proposed extension is at ground level only.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square meters.

Assessment: The subject property is semidetached, and the proposed extension is single storey only.

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.

Assessment: Noted, this is complied with. The house has not been extended previously.

(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.

Assessment: The house has not been extended previously and is semi-detached and the extension is single storey only.

(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.

Assessment: The proposed extension is located on the ground floor only and the house is a semi-detached house.

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

Assessment: Not applicable – the proposed extension is at ground floor level only.

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.

Assessment: Complied with.

(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.

Assessment; Complied with.

(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.

Assessment: It is not clear if this has been complied with as the referrer has not submitted full elevation drawings of the overall proposed extended house. **Further Information shall be sought from the referrer.**

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 meters.*

Assessment: From the details submitted it is not clear if this has been complied with. The referrer has not submitted a site layout plan to show the overall layout of the site when the proposed extension is constructed, and it has not been possible to see what area of private open space will remain. **Further Information shall be sought in relation to this.**

6. (a)

Any window proposed at ground level in any such extension shall not be less than 1 meter from the boundary it faces.

Assessment'; The agent for the applicant states that this has been complied with, however a site layout plan is required in order to confirm this.

- (b)

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

Assessment. Not applicable as the proposed extension is single storey in form.

- (c)

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

Assessment; Not applicable.

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

- 8.

Assessment: This has been complied with.

Article 9 of the Planning and Development Regulations 2001, as amended.

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

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

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

The proposal does not contravene a condition of any previous permission.

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

No access points onto the public road network are affected by the proposal.

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

The proposal does not create a traffic hazard or obstruct road users in the area.

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

The proposal site is not located in a solar safeguard zone.

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

No applicable to the proposal

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

Not applicable to this proposal

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

The proposed extension is located to the rear of the dwelling and there is limited visibility of same from the public road. The proposed will not have a negative impact on the character of visual amenities of the area.

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

Not applicable to this proposal.

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

There are no known archaeological features in the vicinity of the proposal site.

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

The proposed development will not have a significant effect on European sites.

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

No applicable in this instance

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

Not applicable to this proposal. It is noted that there is a recent unauthorized development file relating to this property, Reference UD 25-103, however the development which was the subject of this unauthorized development file has been removed in full.

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

Not applicable in this instance

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

Not applicable in this instance

(xi) obstruct any public right of way,

Not applicable in this instance

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

The development site is not within an Architectural Conservation Area.

Conclusion

Having regard to the details submitted and my assessment of this Section V Referral, Further Information is required

Recommendation.

I recommend that the following **further information** be sought from the referrer:

The proposed extension is being considered in terms of potential compliance with the form of exempted development as is set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

In order to allow for a full assessment, the following further information is required:

- (1) A site layout plan of the proposed site area is required. This detail is required in order to allow for determination as to whether or not the construction of the proposed extension to the rear of the house will 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 meters.
- (2) A side and rear elevation drawing of the overall proposed extended dwelling is required. This detail is required in order to determine if the height of the highest part of the roof of the proposed extension will exceed, in the case of a flat roofed extension (as is proposed), the height of the eaves or parapet of the dwelling onto which the extension is to be constructed, as per condition and limitation 4(c) that applies to the class of exempted development under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Please submit details in order to address the above points.

Annemarie McCarthy

Annemarie McCarthy

Executive Planner

Date: 09/10/25

Garreth Ruane

Garreth Ruane

Senior Executive Planner

09/10/25



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Xiu Zhang Chi
C/o Pat Kelly Surveyors
Unit 10, Shannon Business Centre
Shannon
Co. Clare
V14 K448

15/09/2025

Section 5 referral Reference R25-78 – Xiu Zhang Chi

Is the construction of a 32m² single storey extension to the rear of the dwelling house development and if so, is it exempted development?

A Chara,

I refer to your application received on 15th September 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 Stiúthóireacht 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

15 SEP 2025

Received
Planning Section

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

P07 Request for a Declaration on Development and Exempted Development (March 2017)

P07

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



Comhairle Contae an Chláir
Clare County Council

R25-78

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	Xin Zhang Chi, 17 Chuaínn, Tullyvarraga, Shannon, Co. Clare V14 F315
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Pat Kelly Surveyors Unit 10, Shannon Business Centre, Shannon, Co. Clare V14 KH48

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?

Please provide detail of the exempt development

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

Construct a 32m² single storey extensional to the rear of the dwelling house.

(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)

Floor Plan, Elevations and Site Location Map

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	17 Cluainin, Tullyvarragga, Shannon, Co. Clare V14 F315
(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):	Owner
(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
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:	UD 25 - 103
(g) Were there previous planning application/s on this site? If so please supply details:	05 17 24
(h) Date on which 'works' in question were completed/are likely to take place:	27/10/25

SIGNED: S MulgrewDATE: 12/09/25

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:.....			

541630 mE, 662000 mN


**Talite
Éireann**

 Clárúcháin, Luacháil,
Súilbhéireacht
Registration, Valuation,
Surveying

Folio:

This map should be read in conjunction with the folio.

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

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.talite.ie.

This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Talite Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

— Freehold

— Leasehold

— SubLeasehold

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

Talite Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ 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.

 541310 mE, 661740 mN
Date Printed: 13/02/2024

Creation Date: 13 February 2024 10:01:02

Application Number: P2024LR018226Y

1:1000 Scale

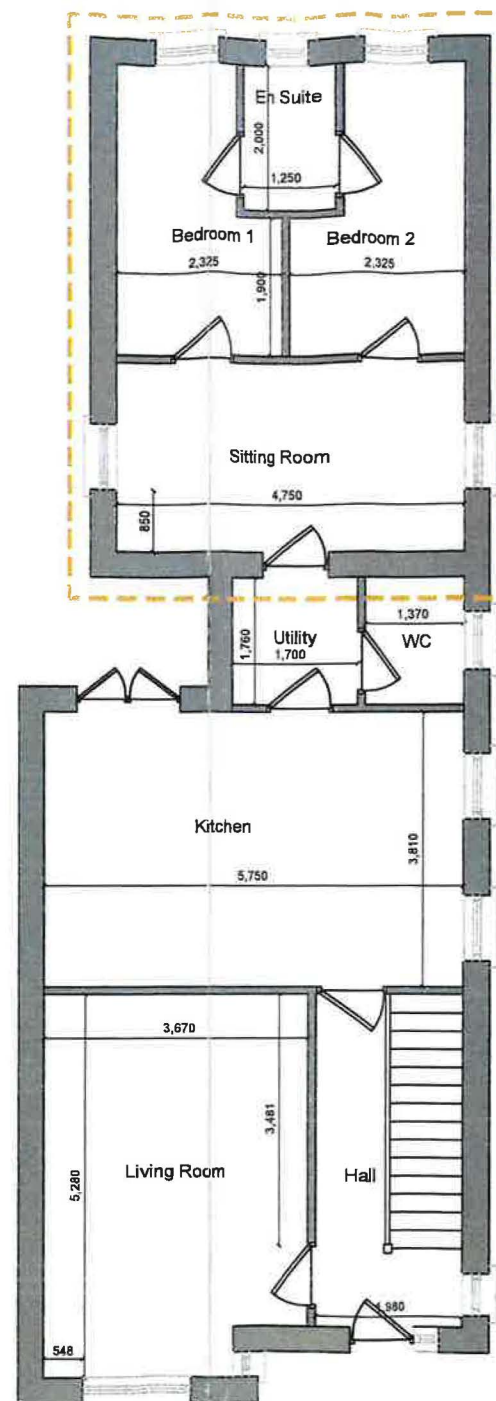


Page 6 of 6

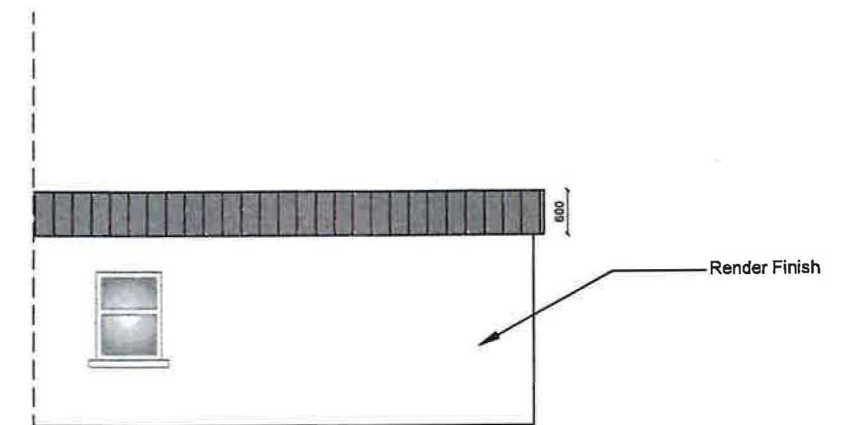


01 EXISTING GROUND FLOOR PLAN
SCALE 1:100

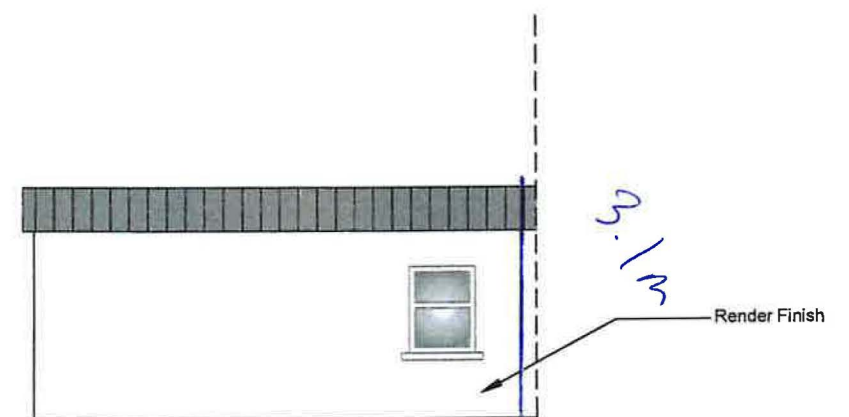
Note: Windows at ground level shall not less than 1 metre from the boundary.



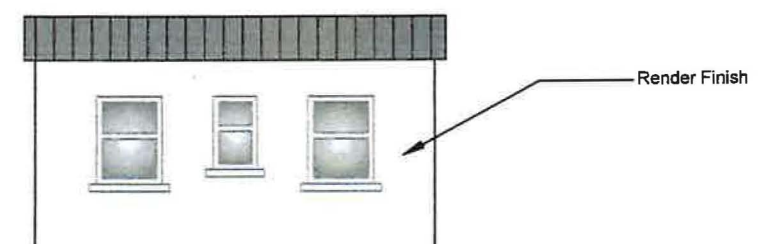
02 PROPOSED GROUND FLOOR PLAN
SCALE 1:100
FLOOR AREA OF PROPOSED EXTENSION = 30.99M²



03 EXTENSION SIDE ELEVATION
SCALE 1:100



04 EXTENSION SIDE ELEVATION
SCALE 1:100



05 EXTENSION REAR ELEVATION
SCALE 1:100

Project:
Part V Planning Application @ 17 Cluainin,
Shannon, Co. Clare

Drawing:
Existing Floor Plan and Proposed Plan
& Elevations

Client:
Xiu Zhang Chi

PAT KELLY
CHARTERED
BUILDING
SURVEYORS

Date: 11/09/2025

Scale: 1 : 100 @ A3

LEGEND

--- PROPOSED EXTENSION
NOTE 300MM OFFSET