

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL

CARLOW
COUNTY COUNCIL
COMHAIRLE CHONTAE CEATHARLOCHA



COUNTY BUILDINGS, ATHY ROAD, CARLOW.

Tel: Phone: 059-9170300/ Fax: 059-9170836

Website: www.carlow.ie

Application Form for Section 5 Declaration on Development & Exempted Development

1. Name of applicant: CHYANNE CHANDLER

2. Address of applicant: [REDACTED]

3. Name and address for correspondence: CHYANNE CHANDLER

[REDACTED]

Tel. No: [REDACTED] Fax No: [REDACTED] E-mail: [REDACTED]

4. Location of Development: Townland: AOBHA MUINE BHEAG, CO. CARLOW

Postal Address: (if different from Townland): R21 X003

5. Name and Address of Agent: [REDACTED]

Chyanne Chandler - owner

6. Outline clearly the description of the development / proposal: 37.2m² extension to existing cottage and renovation of existing cottage.

7. Is this a Protected Structure or within the curtilage of a Protected Structure: No
8. List any previous applications relating to the site: None known
9. Are you aware of any enforcement proceedings relating to this site: No
10. Please state applicant's interest in this site: To live permanently
11. List of plans, drawings etc. submitted with this application: General Arrangement,
Site Layout 1, Site Layout 2, Section A-A, Site Map, Site Location
Map.
(Extension in E.A. drawing is labelled in blue).

Signed: [Signature] [Signature] Date: 19/01/2023
(Signature of Applicant)

Note: This application must be accompanied by:

Payment of Fee: This application must be accompanied by the statutory fee of €80

Lodgement: The application should be forwarded to:
Planning Department
Carlow County Council
Athy Road
Carlow

OFFICE USE ONLY

Date Received: _____ Date Decision Due: _____
Date of Decision: _____ Recommendation: _____

Advice Note:

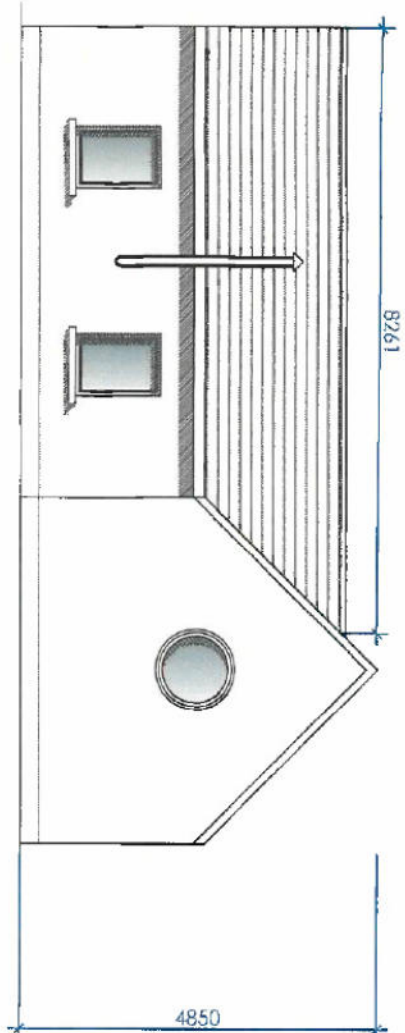
This is a non-statutory advice note prepared by Carlow County Council for the purposes of advising applicants what information is required for a decision to be made under Section 5 by the Planning Authority.

Under Section 5 of the Planning and Development Act 2000 as amended any person may request in writing from the Planning Authority as declaration as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Planning and Development Act 2000 as amended.

The Planning Authority is required to make a decision within 4 weeks of receipt of a Declaration Request under Section 5, along with the prescribed fee, however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.

Therefore, it is advised that the following information should be submitted to enable the Planning Authority to make a qualified decision within the prescribed period:

- A site location map (Scale 1:2500 in rural area and 1:1000 in an urban area), with the site clearly outlined in red.
- Site Layout Map (Scale 1:500) in compliance with Article 23 of the Planning and Development Regs 2001 as amended.
- Drawings (Scale 1:50) Where development involves any construction of a new structure, increase in size of existing structure or alterations to an existing structure, scaled floor plans and elevations. Drawings should differentiate between the original building, all extension and proposed development.



81.9m2

[illegible]

North Elevation

[illegible][illegible]

client: **Edgar Valavicius & Cheyenne Chondler**

project: **PROPOSED DEVELOPMENT AT
AUGHA,
CO. CARLOW.**

scale:

1-100

drawn: _____
chucked: _____
date: _____

JB 17-01-2023

B
BURGESS
CONSTRUCTION SERVICES LTD.
DESIGN • BUILD • RENOVATE

Raheen,
Kildavin,
Buncloody,
Co. Wexford, Ireland.
Mob: +353-(0)87-2718855
E-mail: info@burgesssc.ie

General Arrangement

drawing no: **222.21.02** issue: **Construction**



Reinforced Concrete Strip Foundations to all Walls, All Foundations to Engineers design & specification. Individual ground conditions shall govern type and size of foundations used.

Protection against Radon Gas to comply with TGD C of the current Building Regulations, Radon Barrier and Sump to be installed in strict accordance with manufacturers instructions. Radon Barrier to be carried over the external wall cavity forming a stepped detail. Contractor to allow for settlement of floor slab while forming this step.

50mm screed to underfloor heating pipework on 150mm Kingspan Kooltherm K3 insulation or similar on 100mm precast concrete floor slabs with A142 mesh, approved with 30mm vertical insulation to perimeter of slab, on Radon Barrier, on 50mm Sand Blinding, all on 200mm min well compacted Hardcore.

350mm cavity wall construction consisting of: 100mm Concrete block outer leaf, 50mm cavity with 150mm Kingspan Kooltherm K8 insulation or similar approved. Self Coloured Napped plaster finish externally and insulated plasterboard with skimcofite finish internally.

Pre-stressed concrete lintels and galvanized steel lintels to Engineers Design & Specification, or 150mm thick Granite clips used throughout.

Generally 65mm insulated Plasterboard ceilings with skimcoat and paint finish throughout.

Solid internal doors with paint finish throughout. Heavy duty stainless steel hardware throughout.

Double Glazed thermally broken uPVC doors and windows as per External Door & Window Schedule with a maximum U-Value of 1.5w/m². Trickle vents required to all windows.

Selected blue black slates on 44 x 44 battens on breathable membrane on 150mm rafters (or pre fab roof trusses) on 100 x 75 wall plates

This building is to comply with Part M of the Building Regulations 2010.

Ventilation of the Building to be in strict accordance with Part F of the current Building Regulations.

This building is to be constructed in strict accordance with Part B of the current Building Regulations.

Full Electrical installation to be carried out by reputable R.E.C. approved Electrical Contractor.
Refer to the Mechanical & Electrical drawings for details and locations of installations.

Full Mechanical Installation as per the Mechanical & Electrical drawings which indicates details and locations of services, radiators and other installations.

External Plaster
Self Coloured Napped plaster finish in selected colour.

Noting: The drawing and specification take into account the current building codes and/or the current building regulations, and is to be used as a guide to the work. The contractor shall include all work identified or necessary, regardless they may not necessarily be specified in the drawing or specification. All necessary specifications shall be set out in the contract documents, each to their own limits. Subcontractors are ultimately responsible for their own compliance with the regulations with their own staff. At work, however, the definition and methods of working and safety in it, with a current building regulations and relevant codes of practice of the firm of construction, the means construction should monitor the work with regard to the regulations of all firms. Drawings to be checked on the fly. The contractor's duty of care shall commence. Attached to be determined on the day of the drawing, signed a statement only to be taken from the drawing, and not the contract.

The point of the drawing is the introduction of a transfer in a contract as shown in a contractual system of any nature without the payment of copyright holder except as agreed for use on the project for which the document was originally issued.

PROPOSED DEVELOPMENT AT
AUGHA,
CO. CARLOW.

B
BURGESS
CONSTRUCTION SERVICES LTD
DESIGN • BUILD • RENEWAL

Roheen,
Kildayn,
Buncldy,
Co. Wexford, Ireland.
Mobile: +353-1018-2718995
E-mail: info@burgess.ie

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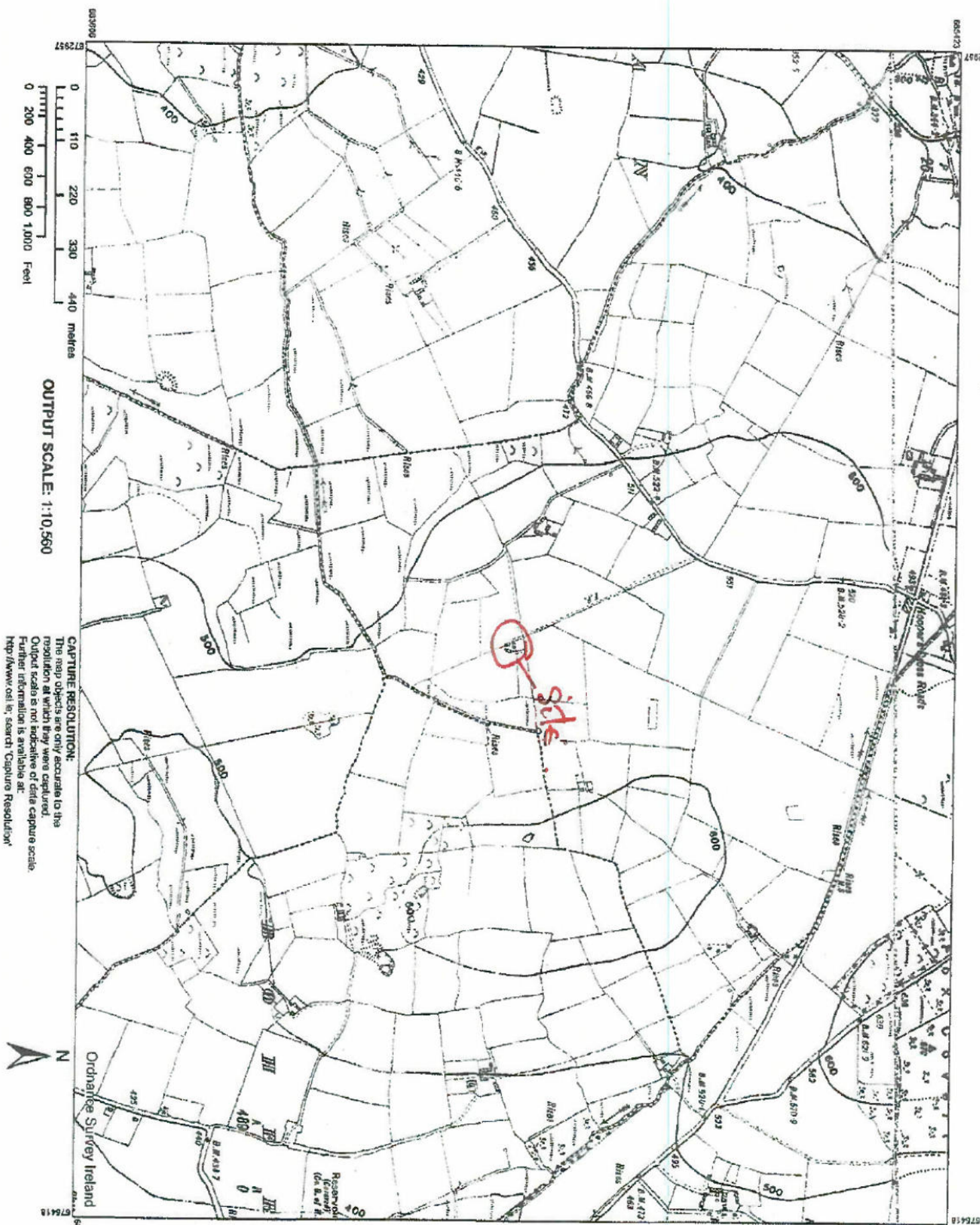
client: Edgar Valavicius & Chyanne Chardle
project:

scale:	3-100
drawn:	date:
JB	17-01-2023

Rathen,
Kildavin,
Buncbody,
Co. Wexford, Ireland,
Mob: +353(0)87-271855
E-mail: info@burgesscyle

drawing no: 222.21.02A issue: Construction

Site Location Map



CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie>, Search 'Capture Resolution'



Ordnance Survey Ireland
National Mapping Agency

CENTRE COORDINATES:
ITM 674188.664515

PUBLISHED: ORDER NO.: 10012023 50310693_1

MAP SERIES: MAP SHEETS: 6 inch Raster CW012 6 inch Raster CW016 6 inch Raster KK016

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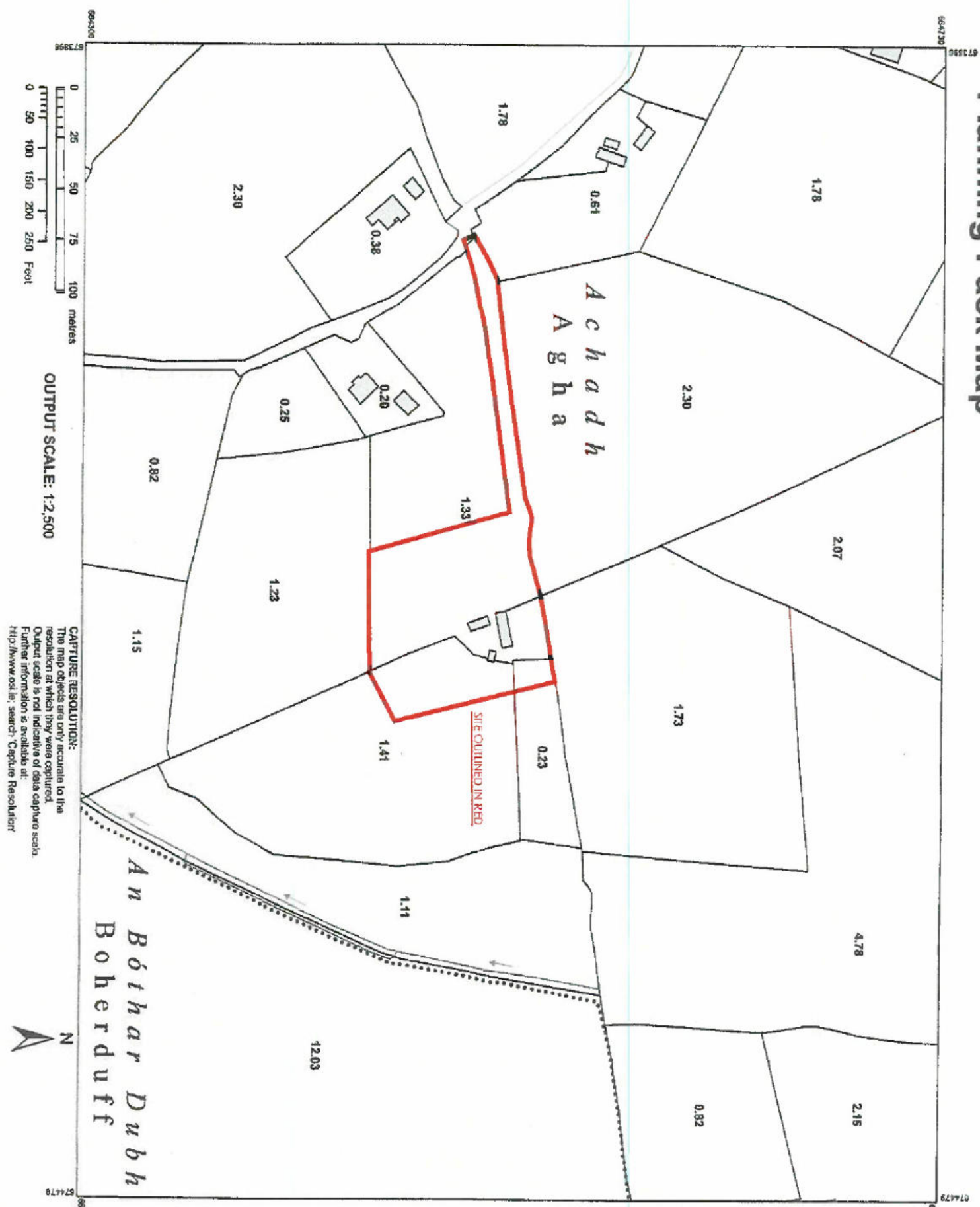
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Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

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LEGEND:
<http://www.osi.ie>,
search 'Large Scale Legend'

Planning Pack Map



0 25 50 75 100 metres
0 50 100 150 200 250 Feet
OUTPUT SCALE: 1:2,500

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie>, search 'Capture Resolution'



CENTRE COORDINATES:
ITM 674186.064515
PUBLISHED: ORDER NO.: 100112023 50310693_1
MAP SERIES: MAP SHEETS: 1:5,000 4592

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<http://www.osi.ie>, search 'Large Scale Legend'

CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT

SECTION 5 DECLARATION



COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

Reg. Ref.	SEC5/23/04
Name of Applicant	Chyanne Chandler
Address of Development	Augha, Muine Bheag, Co. Carlow, R21 X003
Development Description	37.3m. sq extension to existing cottage and renovation of existing cottage

1) Site Location/Context

The Section 5 declaration relates to an existing uninhabited cottage located on a rural site at Augha, Muine Bheag. The cottage is accessed via a 0.5km private laneway the last 200m of which has been recently surfaced to serve the subject dwelling. There is a traditional stone-built cottage and a detached outbuilding on site. The cottage shows signs of recent renovation including new windows and doors. The roof is constructed from galvanised steel.

SITE LOCATION



2) Relevant Planning History

Nothing noted on IPLAN for the subject site

3) Description of the Referral/Proposal

The referral relates to an existing traditional stone-built cottage on a rural site. The applicant is seeking to

- i) renovate the existing cottage.
- ii) erect a 37.2m.sq rear extension to the cottage.

4) Relevant Legislative/Regulatory Provisions

Planning and Development Act 2000 (as amended)

- Section 2

“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.

- Section 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.

Planning and Development Regulations 2001 (as amended)

- Article 6(1)

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

-Article 9(1)

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 comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 meters in width,*
- (iii) endanger public safety by reason of a traffic hazard or obstruction of road users.*

Schedule 2, Part 1, Class 1 (Development within the curtilage of a house)

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

Conditions & Limitations

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

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

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

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

(b) Subject to paragraph (a), where the house is terraced or semidetached 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, any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house. (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

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

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

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

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

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

5) Assessment

Does the proposal constitute development?

Section 3 of the Planning and Development Act 2000 (as amended) defines development as “the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land”. The proposed works, which involve the erection of an extension to the rear of a dwelling house are deemed to constitute development within the meaning of this definition.

Does the proposal constitute exempted development?

Article 6 (1) of the Regulations state that subject to Article 9, development of a class specified in Part 1 of Schedule 2 of the Regulations shall be exempted development provided that such development complies with the conditions and limitations specified.

Class 1 of Part 1 of Schedule 2 is relevant in this instance and relates to the following development:

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

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

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

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

➤ *The existing cottage is detached. The proposed single storey extension has a total floor area of 37.2 m².*

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.

➤ *The proposal is to construct a single storey extension measuring 37.2sq.m.'s to the rear of the existing single storey dwelling house.*

➤ *The dwelling has not been extended previously.*

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

➤ **Single storey extension proposed. Boundaries are more than 2m away from proposed extension walls.**

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.

- The height of the walls of the proposed extension will not exceed the height of the rear wall of the house.

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.

- **There is sufficient open space remaining.**

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

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

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

- **The proposed extension will be more than 1m from any boundary.**
- **The proposed extension is single storey.**

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

- **A balcony or roof garden is not proposed as part of the subject referral.**

6) Conclusion

Having had regard to:

- Sections 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 5, 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended),

The Planning Authority consider that the development of a single storey rear extension as submitted to the Planning Authority on the **20th January, 2023** is development and is exempted development as the proposed extension is located at the rear of the existing dwelling house, meets the requirements of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and meets the conditions and limitations of this class.

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of Planning and Development Act 2000 (as amended), hereby decides that the development of the extension as submitted is development and is exempted development.

**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)**

Reg. Ref: SEC5/23/04

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear of the existing dwelling house at Augha, Muine Bheag, Co. Carlow, R21 X003, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on **20/01/2023**;

AND WHEREAS Chyanne Chandler, Boggan, Kilbride, Co. Carlow, requested a declaration on the said question from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

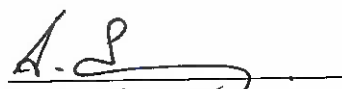
AND WHEREAS Carlow County Council has concluded that the 'construction of an extension 37.2 m.sq to the rear of the existing dwelling house' would come within the scope of Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal comprising the 'construction of a single storey extension 37.2 m.sq to the rear of the existing dwelling' at Augha, Muine Bheag, Co. Carlow, R21 X003, is development and is exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.


Executive Planner

Date: 21/2/23


Senior Planner

Date: 21/2/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/04		
A. DESCRIPTION OF PROJECT AND LOCAL SITE		
Site Location:	Augha, Muine Bheag, Co. Carlow, R21 X003	
Total Site Area :	c.1.2ha.	
Floor Area of Proposed Development:	37.2sq.m	
Identification of Natura 2000 site(s):	River Nore and River Barrow SAC	
Is the application accompanied by an EIS?	No.	
B. IDENTIFICATION OF RELVANT NATURA 2000 SITE(S):		
The reasons for the designation of the Natura 2000 site:(A site synopsis can be obtained from www.npws.ie)The conservation objectives/ qualifying interests of the site and the factors that contributes to the conservation value of the site:		
C. NPWS ADVICE:		
Summary of advice received in written form:	None Received.	
Advice received over the over phone:	None Received.	
D. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS		
(Purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).If answer yes to any of the questions, below then the effect is significant.		
1.1	Would there be any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance)	No.
1.2	Would there be a reduction in habitat area on a Natura 2000 site?	No.
1.3	Would there be direct/indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the Natura 2000 site?	No.
1.4	Would there be serious/ongoing disturbance to species/habitats for which the Natura 2000 site is selected (e.g. because of increased noise, illumination and human activity)?	No.
1.5	Would there be direct/indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?	No.
1.6	Would the project interfere with mitigation measures put in place for other plans/projects? (Look at in-combination effects with completed, approved but not completed, and proposed plans/projects. Look at projects/plans within and adjacent to Natura 2000 sites and identify/)	No.
E. SCREENING CONCLUSION		
At its closest point, the River Barrow and River Nore SAC is circa 4.93km west of the site. There is no connecting pathway (direct or indirect) between this site and the European site. The development as proposed has been assessed having regard to the requirements of the EU Habitats Directive. Given the proximity of the nearest European Site and the nature and extent of the development on the site and intervening land uses located in the area, it is considered reasonable to conclude on the basis of the information available, that the development on its own or in combination with other plans or projects, would not be likely to result in any potential significant effects on the European Site. Therefore, a Stage 2 Appropriate Assessment is not required.		
Signed:		
Position:	Executive Planner	Date:
		4/2/23



Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/04

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear of the existing dwelling house at Augha, Muine Bheag, Co. Carlow, R21 X003, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on **20/01/2023**;

AND WHEREAS Chyanne Chandler, [REDACTED] requested a declaration on the said question from Carlow County Council;

AND WHEREAS Carlow County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

- (a) Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

AND WHEREAS Carlow County Council has concluded that the 'construction of an extension 37.2 m.sq to the rear of the existing dwelling house' would come within the scope of Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),

NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal comprising the 'construction of a single storey extension 37.2 m.sq to the rear of the existing dwelling' at Augha, Muine Bheag, Co. Carlow, R21 X003, is development and is exempted development.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Signed:

Date:

14/02/2023.