

COMHAIRLE CHONTAE CEATHARLOCHA
CARLOW COUNTY COUNCIL

C A R L O W
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: Caitriona Sheehan

2. Address of applicant: [REDACTED]

3. Name and address for correspondence: James Kealy, Planning & Design Services,
Carlow Gateway Business Centre, Athy Rd., Carlow

Tel. No: 085/1002200 & 087/6213686 Fax No: N/A E-mail: jkplanning@outlook.com

4. Location of Development: Townland: Slate Row, Hacketstown, Co. Carlow

Postal Address: (if different from Townland): N/A

5. Name and Address of Agent: James Kealy
Planning & Design Services, Carlow Gateway Business Centre,
Athy Rd., Carlow

6. Outline clearly the description of the development / proposal: Applicant wishes to apply for
construction of a single storey extension to the rear of the existing dwelling, with a floor
area of less than 40 m²

7. Is this a Protected Structure or within the curtilage of a Protected Structure:

N/A

8. List any previous applications relating to the site: Previous granted planning – 22/356

9. Are you aware of aware of any enforcement proceedings relating to this site :

N/A

10. Please state applicant's interest in this site: Owner

11. List of plans, drawings etc. submitted with this application:

* Site location maps 1:1,000 / 1:10,560

* Plans elevation section 1:50

* Site layout 1:500

Signed: DocuSigned by:
Caitiona Sheehan
3FD8211BB6C14B2...
(Signature of Applicant)

Date: 15/03/2023

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

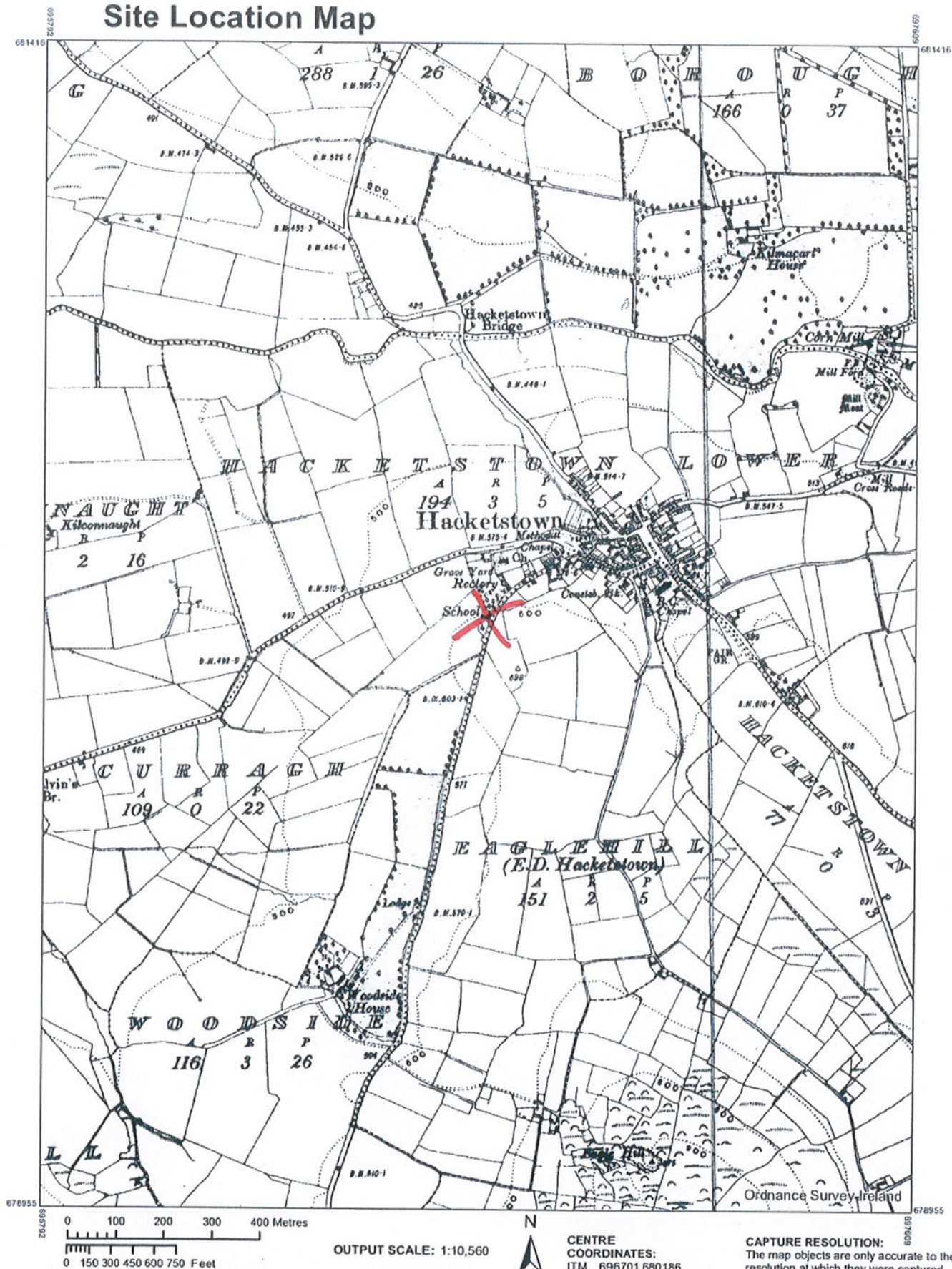
Date Received: _____

Date Decision Due: _____

Date of Decision: _____

Recommendation: _____

Site Location Map



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CENTRE
COORDINATES:
ITM 696701,680186

PUBLISHED:
23/09/2022

MAP SERIES:
6 Inch Raster
6 Inch Raster
6 Inch Raster
6 Inch Raster

ORDER NO.:
50293007_1

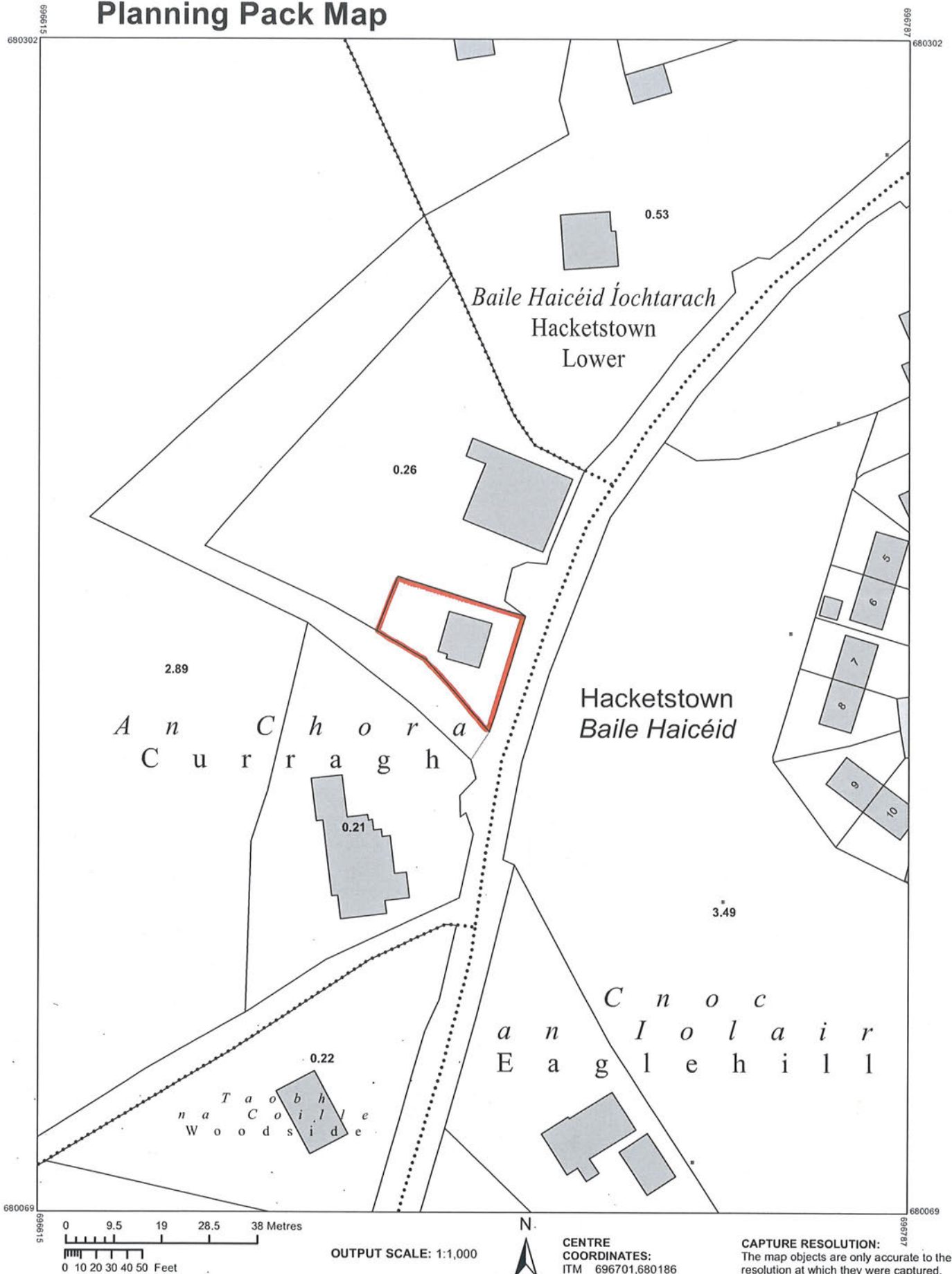
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CW004
CW005
WW032
WW033

CAPTURE RESOLUTION:
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resolution at which they were captured.
Output scale is not indicative of data capture
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Further information is available at:
<http://www.osi.ie>; search 'Capture Resolution'
LEGEND:
<http://www.osi.ie>; search 'Large Scale Legend'



Site in Red

Planning Pack Map



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OUTPUT SCALE: 1:1,000



CENTRE COORDINATES:
ITM 696701,680186

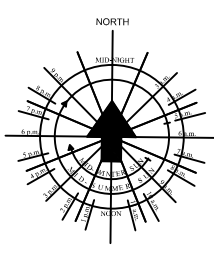
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site in Red

Site Layout
Scale 1:500



Site Area 0.044 ha.

Original dwelling when first constructed 88.89m² pre 1960
Existing Rear extension added post 1964 (6.3m²)
Total Existing floor area at present 95.19m²
Proposed new extension 32.66m²
Total floor area when new extension is constructed 127.85m²
total increase of area = 38.96m² since original construction.

Original Dwelling

Existing extension

Proposed extension

= Site Boundary.

Neighboring buildings

Sewer

Mains Water

All Drawings Are Solely For Purposes Of Seeking Planning Permission & are NOT yet Finalised all measurements are approximate & have yet to be validated, and while every effort has been made to produce drawings as accurate as possible the Architect does NOT accept any responsibility for any inaccuracy that may be found therein.

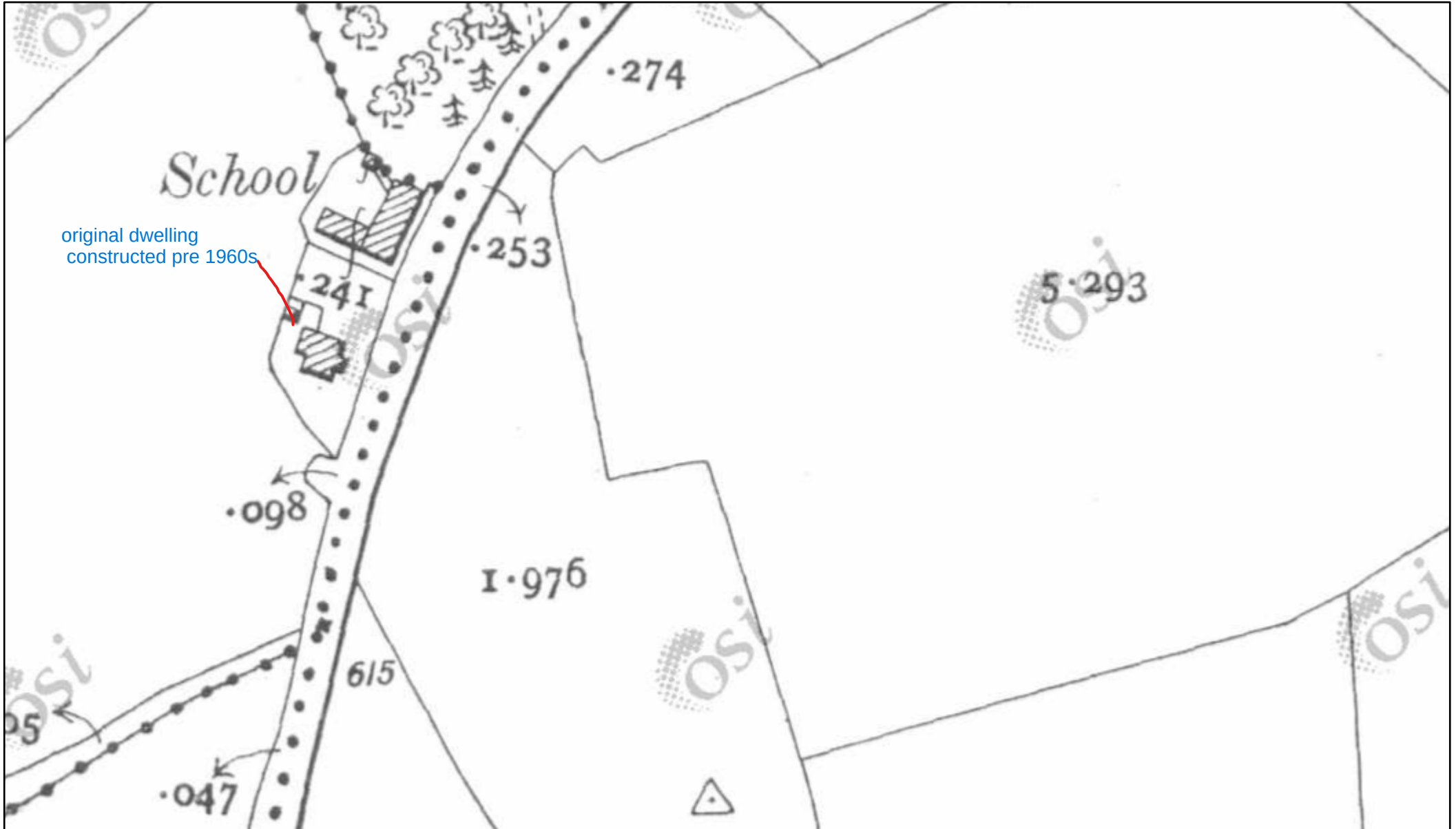
	Planning Meeting/:		NONE
	Drawing Description/:	Proposed Plans	
ISSUE		DATE	

Planning & Design Services
Gateway Business Centre Athy Road Carlow
Ph: (059) 91 39484 mob: 085 100 2 200

CLIENT: Caitriona Sheehan		DRAWN BY: Jiabin Zhang	
PROJECT: Exempt development at Slate Row, Hacketstown, Co. Carlow			
TITLE: Site layout			
DATE: Feb 2023	SCALE: 1:500 A3	DRAWING NO: 01-09-CS-22	
PURPOSE:			
AUTHORITY: Carlow Co. Council			
REVISION:			
Do Not Scale from this Drawing. Check All Dimensions on Site.			

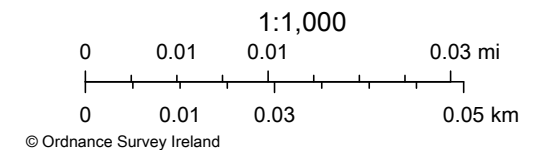
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GeoHive Map

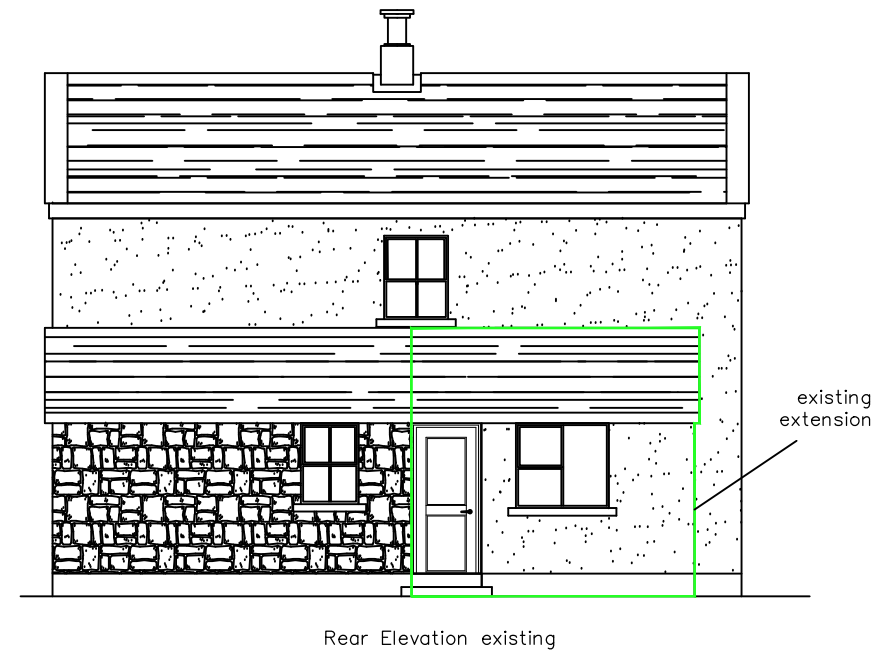
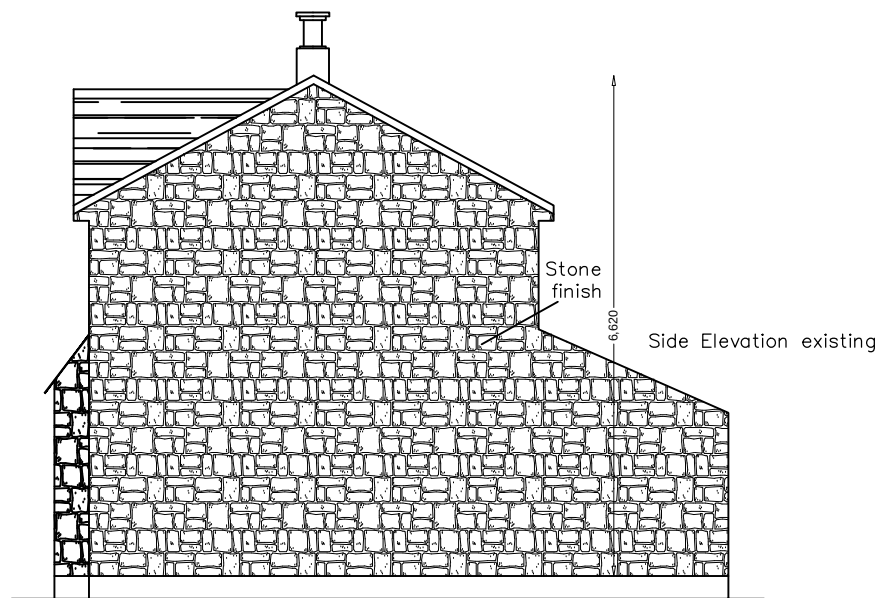
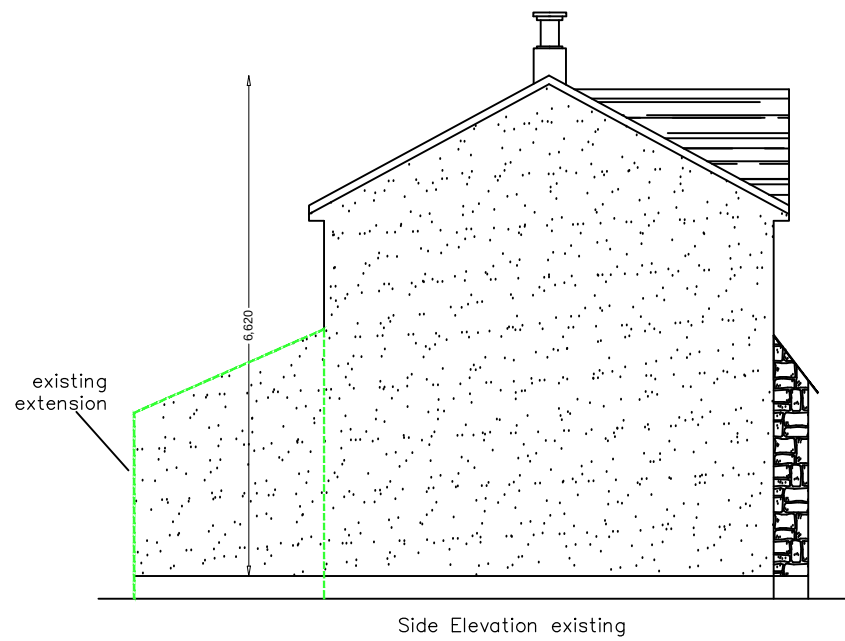


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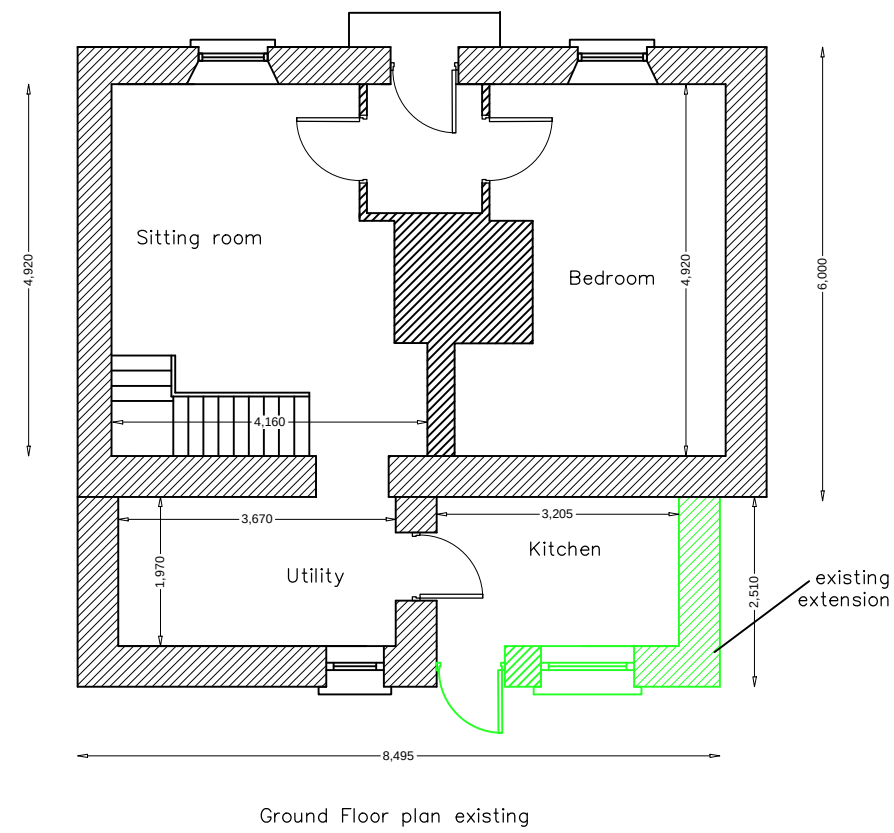
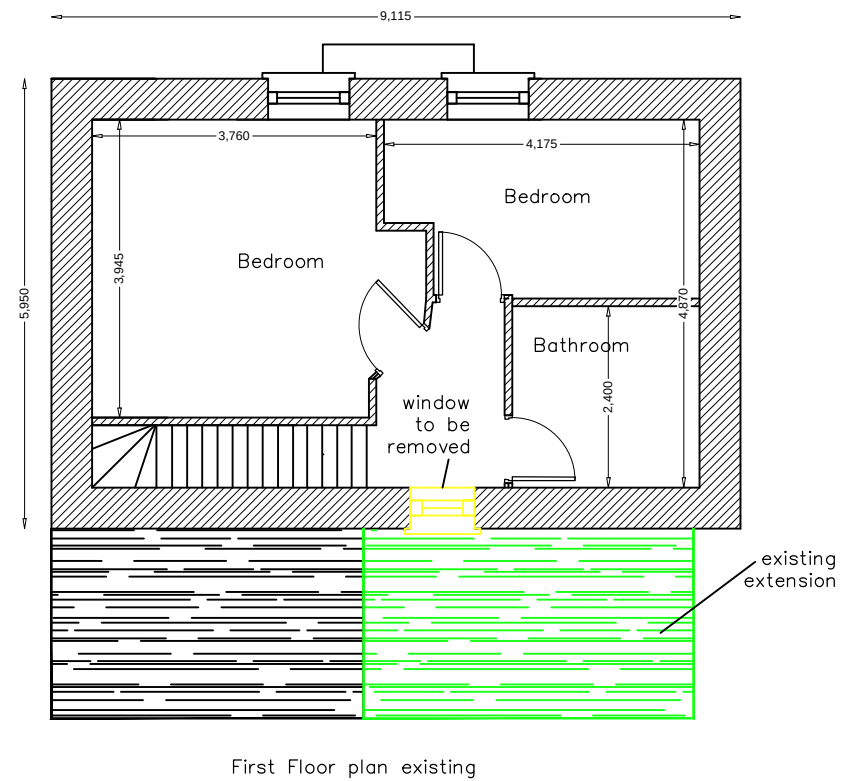
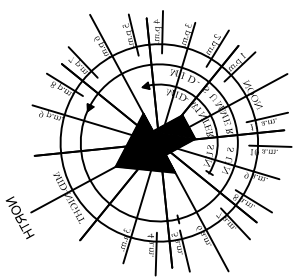
map geohive map
1:1000
25 inch series



Original dwelling when first constructed 88.89m² pre 1960
Existing Rear extension added post 1964 (6.3m²)
Total Existing floor area at present 95.19m²
Proposed new extension 32.66m²
Total floor area when new extension is constructed 127.85m²
total increase of area = 38.96m² since original construction.



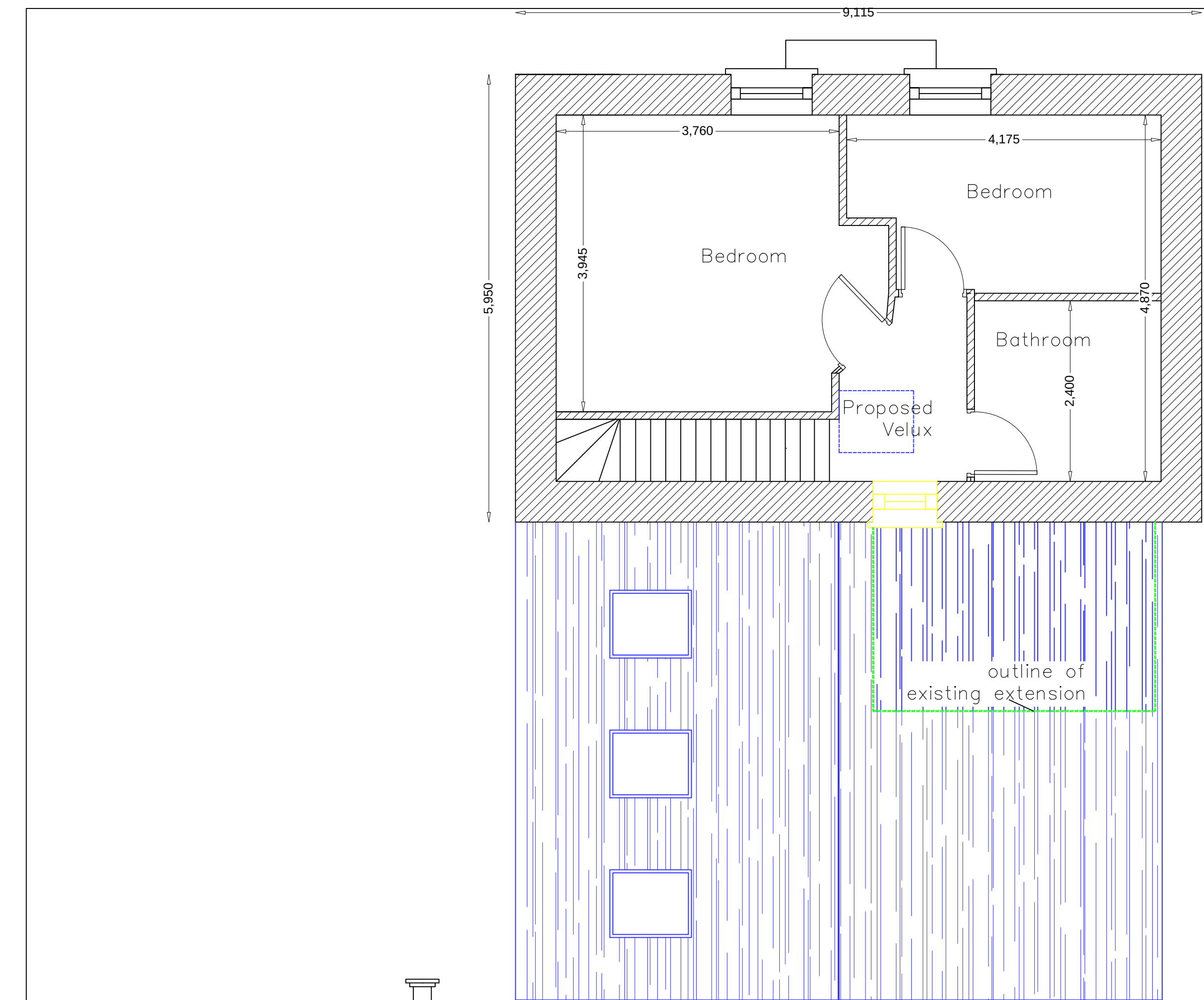
Plans, elevations
existing 1:100



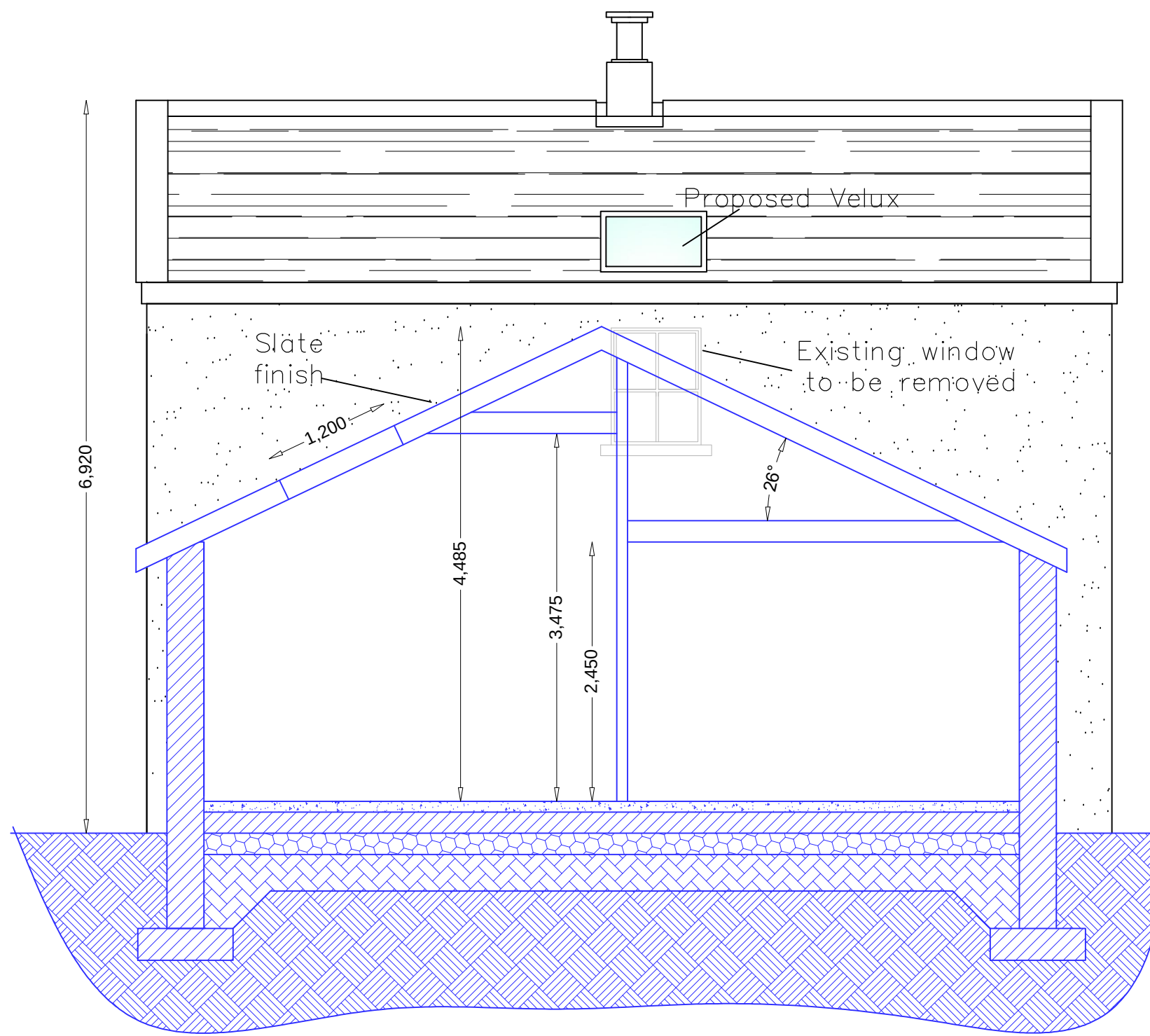
Fire Detection
Integrated Fire Alarm System to be Incorporated
through out Entire House in accordance with
current regulations

Planning Meeting:	
Drawing Description:	Proposed Plans
ISSUE	DATE
Planning & Design Services	
Gateway Business Centre Athy Road Carlow	
Ph: (059) 91 39484 mob: 085 100 2 200	
CLIENT:	Caltriona Sheehan
DRAWN BY:	Jabin Zhang
PROJECT:	Exempt development at Slate Row, Hacketstown, Co. Carlow

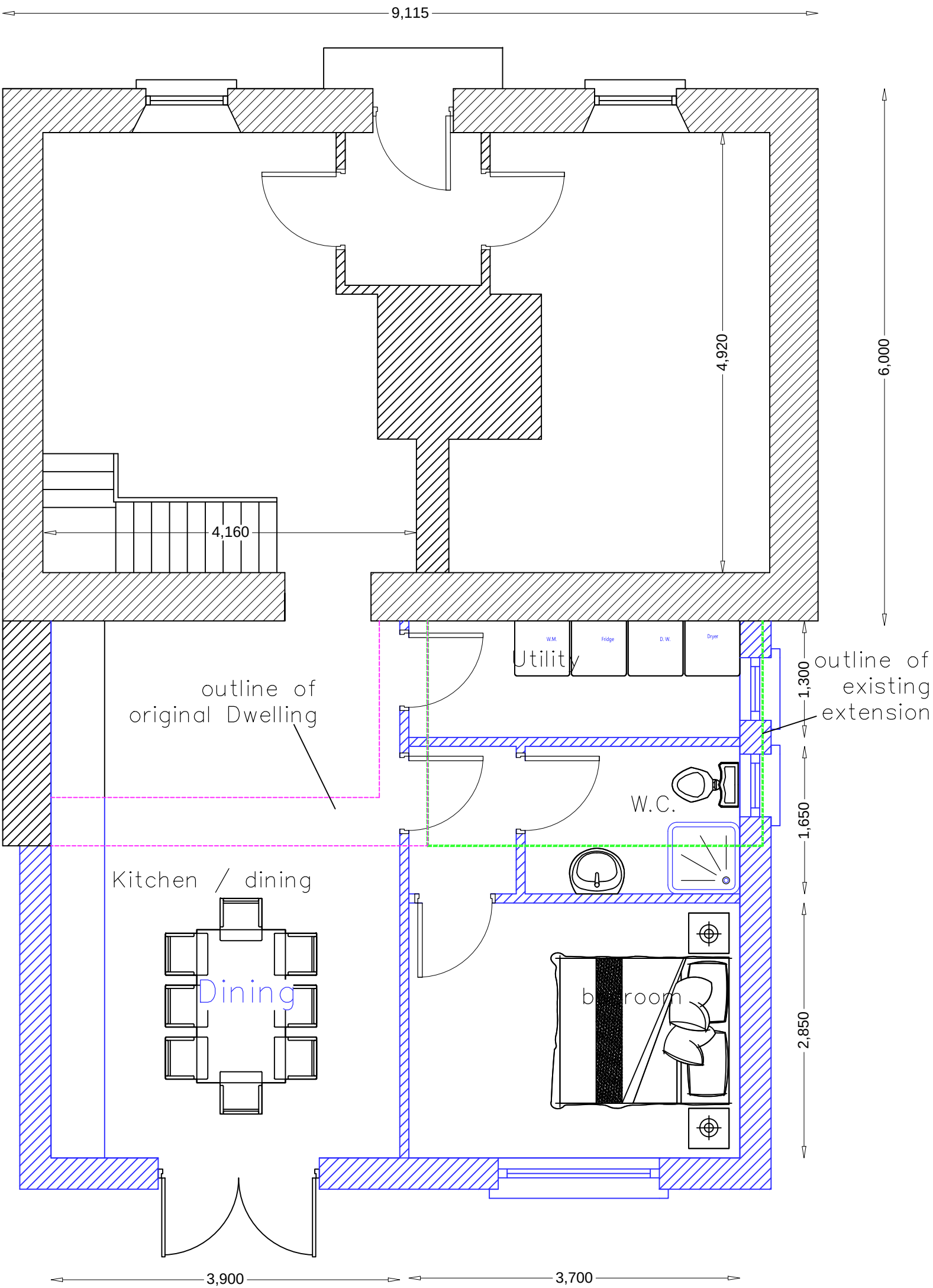
TITLE:	Plans, Elevations	
DATE:	Feb 2023	SCALE: 1:100 A2
PURPOSE:		DRAWING NO: 02-0
AUTHORITY:	Carlow Co. Council	
REVISION:		
Do Not Scale from this Drawing. Check All Dimensions on Site.		



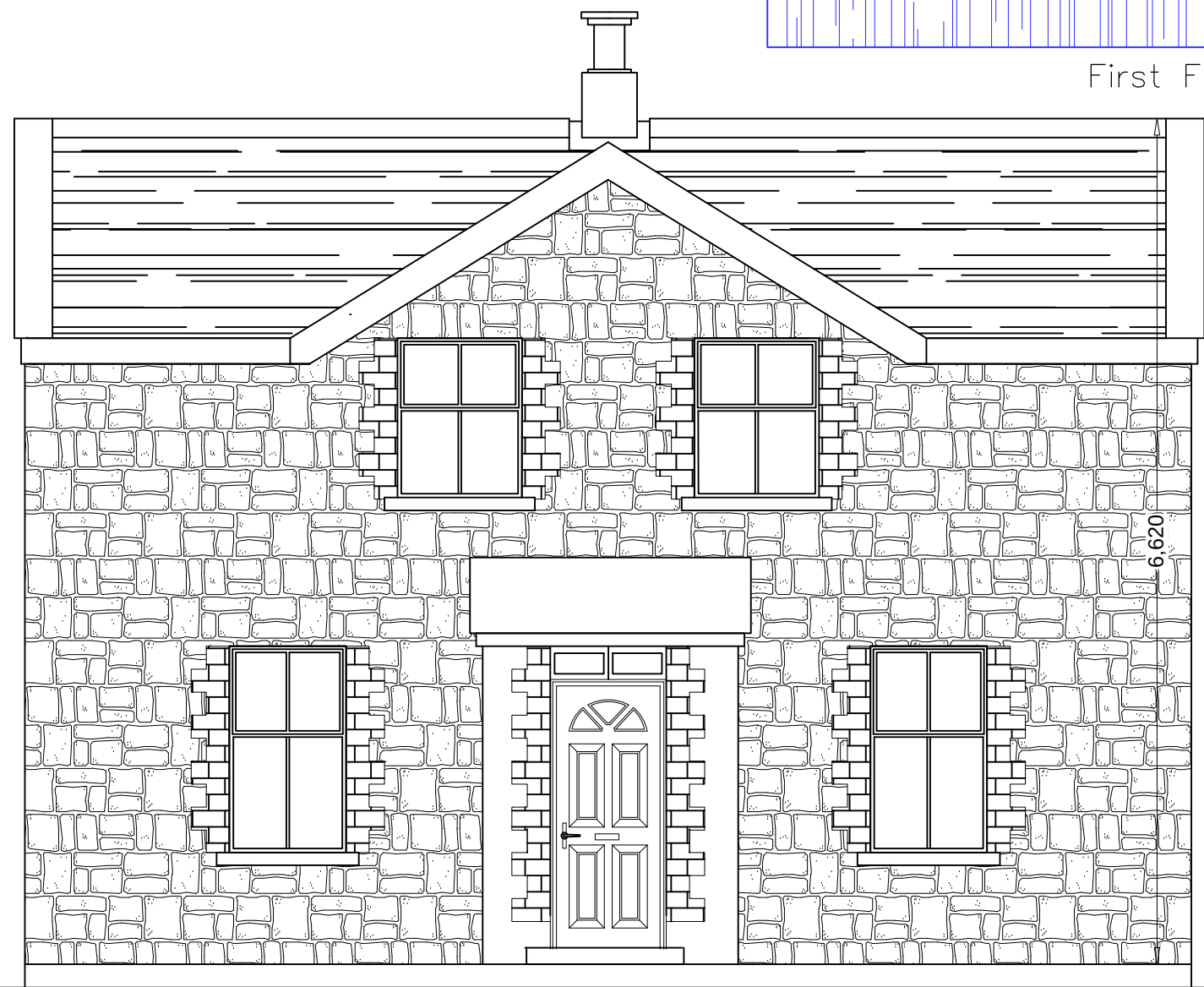
First Floor Plan proposed



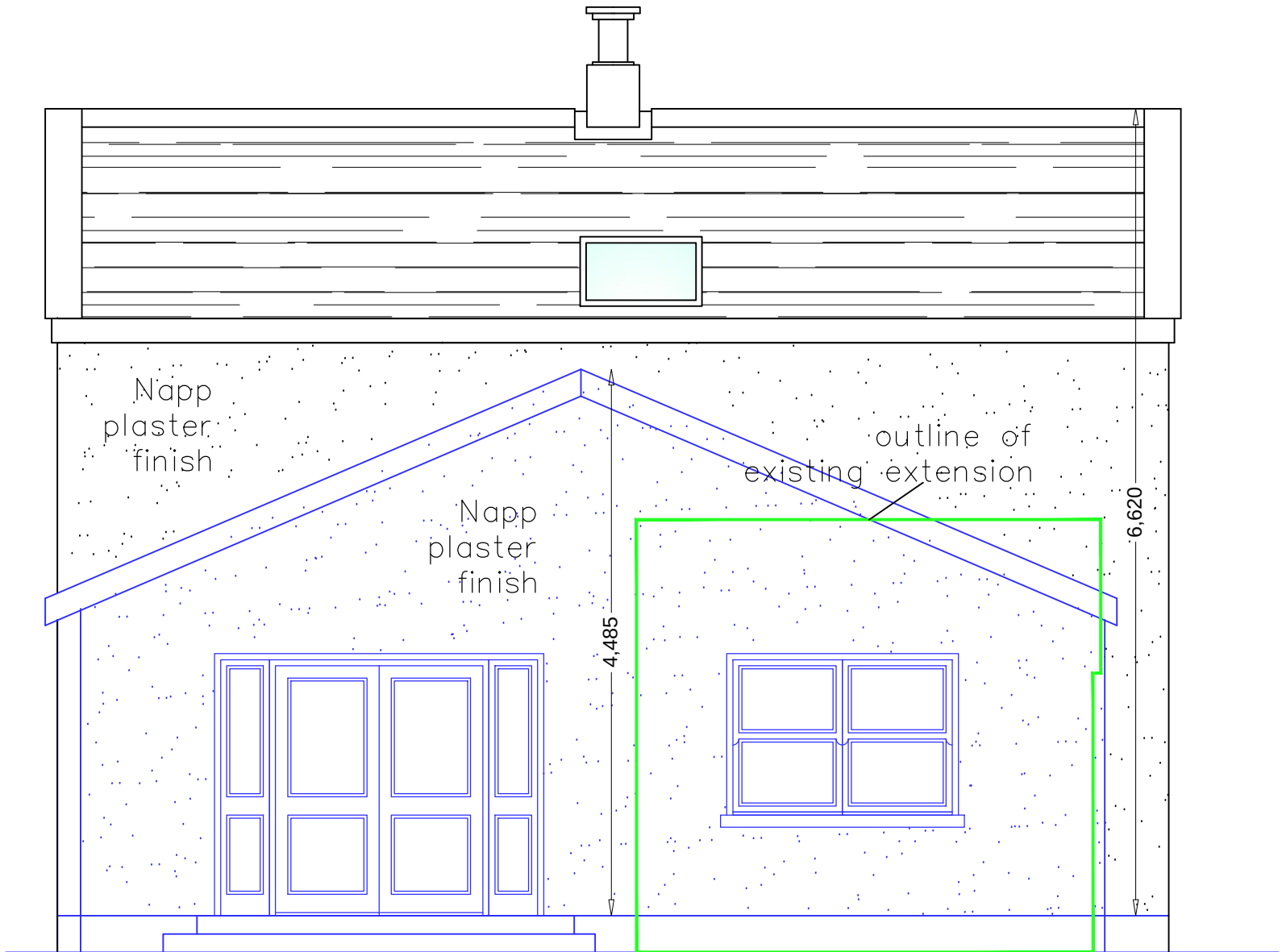
Section



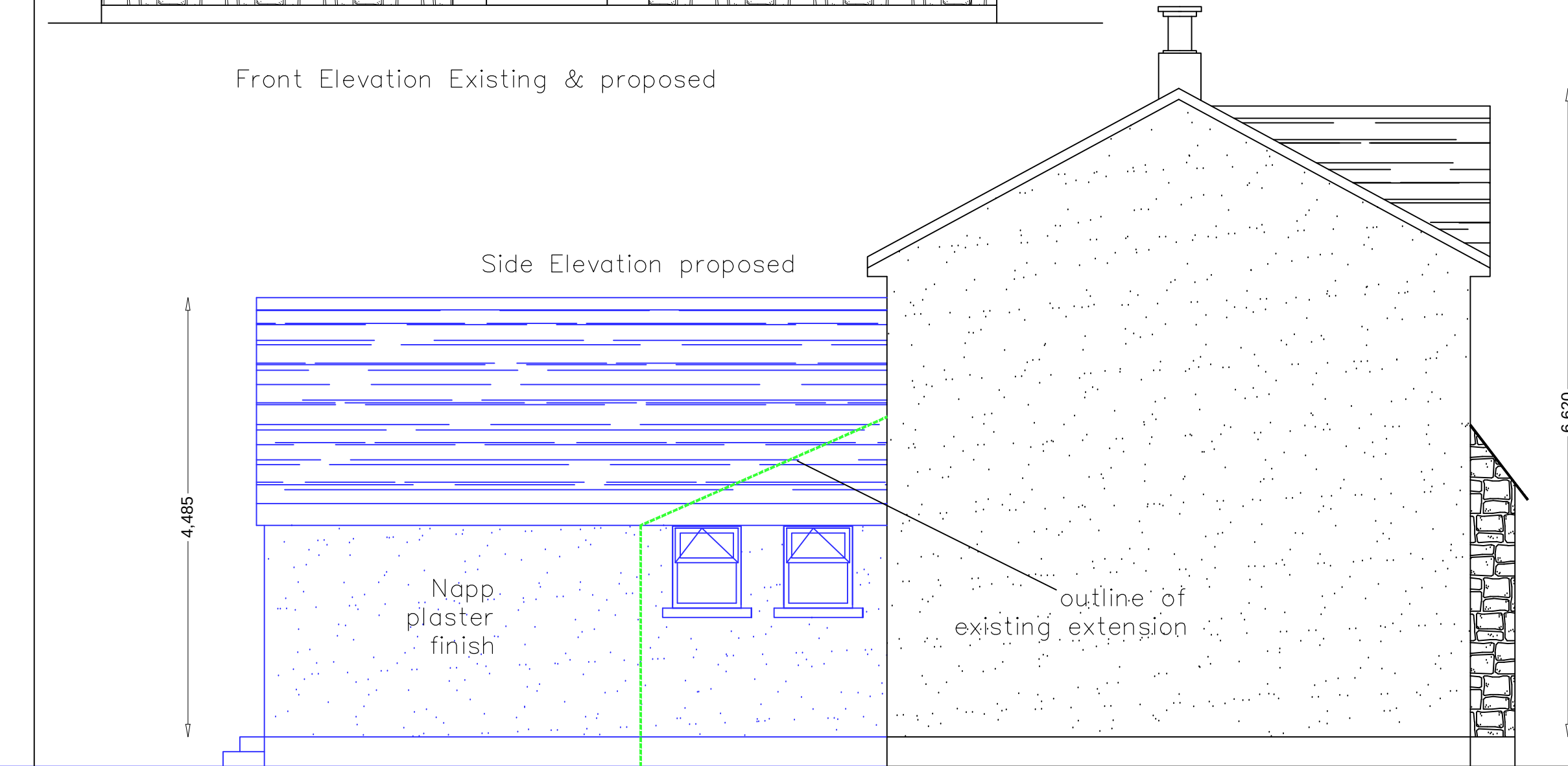
Ground Floor Plan proposed



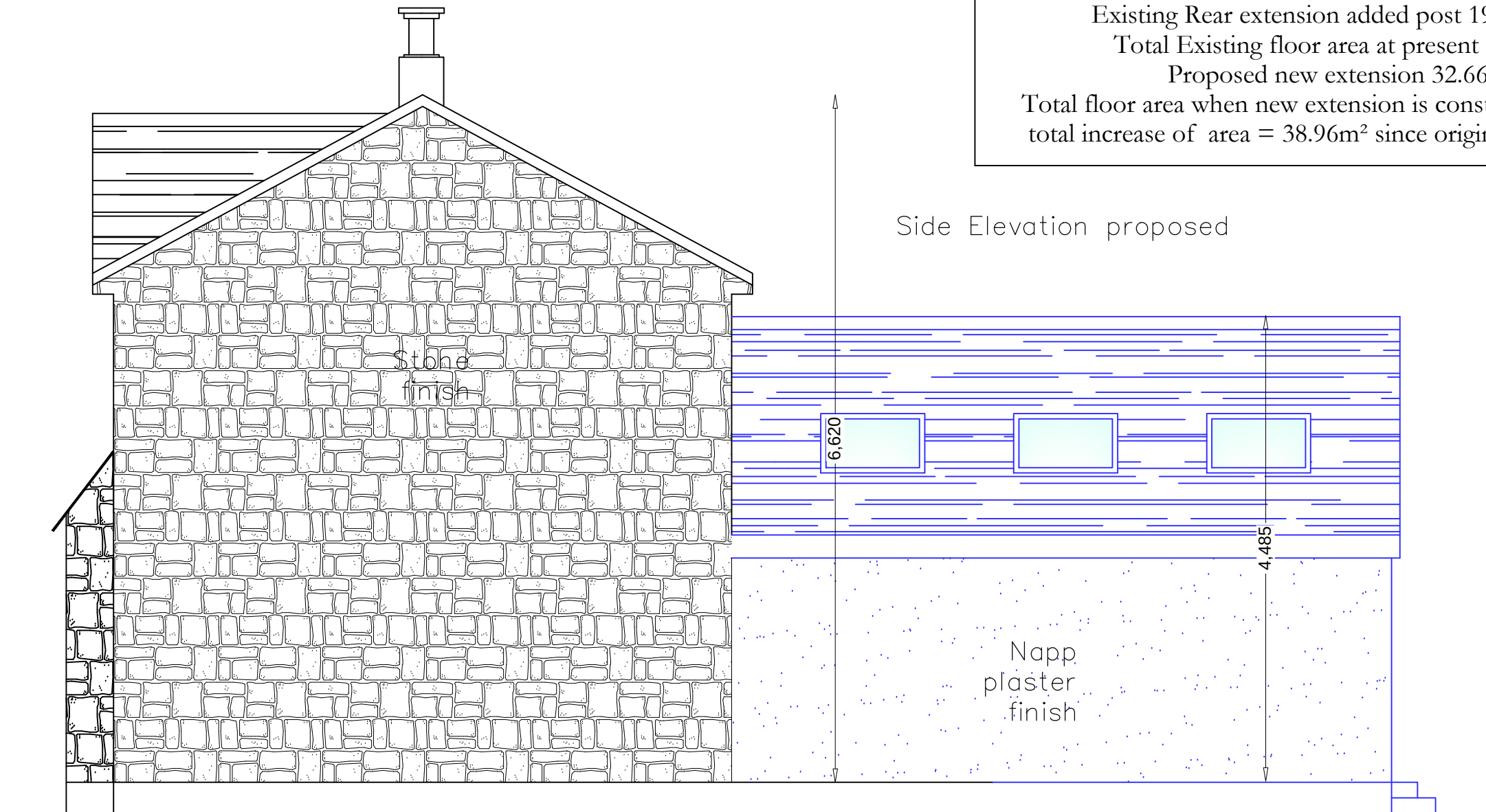
Front Elevation Existing & proposed



Rear Elevation



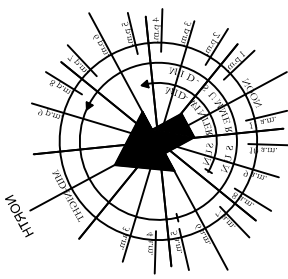
Side Elevation proposed



Side Elevation proposed

Original dwelling when first constructed 88.89m² pre 1960
Existing Rear extension added post 1964 (6.3m²)
Total Existing floor area at present 95.19m²
Proposed new extension 32.66m²
Total floor area when new extension is constructed 127.85m²
total increase of area = 38.96m² since original construction.

Proposed Plans, elevations & section 1:50



External Doors & Windows
Shall Be Selected By Client Supplied and fitted by reputable dealer. Generally Glazing Shall be approved Quality Double Glazing. Locks and Furniture to be selected by client. Bedroom Windows - Safety Oper. All Bedroom windows are to have an operable section, which can provide an unobstructed clear open area of at least 0.33 m² with a minimum width and height of 450 mm. Velux to Bedroom's to be Top Hung For Means of Escape in the event of Fire.

Plumbing
All Plumbing Works Shall Be Carried Out Using The Best Materials By Competent Plumbers and Shall Comply With Local Authority and Current Building Regulations.

Electrical
Shall be carried out by Specialist Electrical Contractors and all work shall be finished to current E.S.B. Standards. Fittings Shall Be Selected By Clients And Fixed In Position Indicated as Per Clients Requirements. (See Separate Electrical Layout For Details) Using The Best Materials By Competent Plumbers and Shall Comply With Local Authority and Current Building Regulations.

Ventilation
All habitable rooms to be provided with minimum 225 x 225mm room vents (in positions shown or in positions agreed on site) or permavents to comply with Local Authority requirements. Internal Bathrooms & Kitchens to be mechanically ventilated by means of interfacing with light switching and fan providing a minimum of 3 air changes per hour. Internal Lobbies to vented in accordance with the Building Regulations.

Fire Detection
Integrated Fire Alarm System to be Incorporated through out Entire House in accordance with current regulations.

Planning Meeting:		NOTED	
Drawing Description: Proposed Plans			
ISSUE		DATE	
Planning & Design Services Gateway Business Centre Athy Road Carlow Ph: (059) 91 38484 mob: 085 100 2 200			
CLIENT: Carriona Sheehan		DRAWN BY: Justin Zhang	
PROJECT: Exempt development at Slate Row, Hacketstown, Co. Carlow			
TITLE: Plans, Elevations		DRAWING NO: 03-09-CS-22	
DATE: Feb 2023		SCALE: 1:50 A1	
PURPOSE:			
AUTHORITY: Carlow Co. Council			
REVISION:			
Do Not Scale from this Drawing. Check All Dimensions on Site.			

Re: Sec 5/23/13 - Application for Exemption Certificate under Section 5 of the Planning and Development Act, 2000 (as amended) – Construction of a single storey extension to the rear elevation of existing dwelling at Slate Row, Hacketstown, Co. Carlow.

Applicant's: Caitriona Sheehan

Name and Address for Correspondence: Mr. James Kealy, Planning & Design Services, Carlow Gateway Business Centre, Athy Road, Carlow.

I refer to documentation submitted to the Planning Authority in relation to the above on the 23rd March, 2023 and site inspection carried out on the 30th March 2023.

Planning History

There are two number previous planning applications on the site.

PL. 02/210 – Permission for extension to the rear of existing dwelling at Slate Row, Hacketstown, Co. Carlow. Permission Granted on the 22/11/2002 subject to 6 number conditions.

Please Note: The undersigned can confirm from site inspection carried out on Thursday 30th March 2023 that the Granted storey and a half rear extension to the dwelling house as permitted under PL. 02/210 was not constructed.

PL. 22/356 – Permission for partial demolition of an existing boundary wall and the construction of a new vehicular entrance and all associated site works at Slate Row, Hacketstown, Co. Carlow. Permission Granted on the 19/01/2023 subject to 8 number conditions.

Archaeology/Protected Structures/Architectural Conservation Area

There are no registered Archaeological Monuments on site or in close proximity to the site.

There are no designated Protected Structures located in proximity to the site.

The site/building is not located within an Architectural Conservation Area.

There is a waterbody located approx. 355m to the east of the site which flows directly into the Slaney River Valley SAC located approx. 581m to the north of the site. It is determined that a Stage 1 Appropriate Assessment Screening Report is not required.

The site/building is not located within an identified Flood Risk Zone as identified under the CFRAM system nor under the Land Use Zoning Map contained within the Hacketstown Small Town Plan 2022-2028 contained within the Carlow County Development Plan 2022 - 2028.

The site and area is zoned Existing/Infill Residential in the Hacketstown Small Town Plan 2022-2028.

Unauthorized Development

There are no unauthorized development/enforcement files in relation to the property in question.

Considerations

The proposal will be assessed within the provisions of:

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

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 construction of a single storey extension to the rear elevation of an existing 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 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 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 meters.

(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.

➤ *The two-storey detached dwelling has been extended previously. This consists of a small rear single storey sloped roofed extension to part of the*

rear elevation of the existing two-storey detached dwelling which is of long standing with a stated gross floor space of 6.3m².

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 meters.

(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 meters.

(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 meters.

➤ ***The proposal is to construct a single storey extension measuring 32.66 sq.m.'s in floor area to the rear of the existing two storey detached dwelling house.***

➤ ***The two-storey detached dwelling has been extended previously. This consists of a small rear single storey sloped roofed extension to part of the rear elevation of the existing two-storey detached dwelling which is of long standing with a stated gross floor space of 6.3m².***

➤ ***The combined gross floor area of the existing single storey rear extension and the proposed single storey rear extension to the rear of the existing detached two storey dwelling measures 38.96m². The combined gross floor area does not exceed 40 square meters.***

➤ ***COMPLIANT***

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

➤ ***Existing single storey extension and proposed single storey extension.***

➤ ***COMPLIANT***

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.

➤ **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.**

➤ **COMPLIANT - The height of the walls of the extension do 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 meters.

➤ **There is sufficient open space remaining exceeding 25 square meters.**

➤ **COMPLIANT**

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

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

(c) Where the house is detached and the floor area of the extension 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.

➤ **COMPLIANT**

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

➤ **COMPLIANT**

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 following is concluded:

The development of the single storey rear extension as submitted on the **23rd March 2023** is considered to be Exempted Development as the proposed extension is located at the rear of the existing dwelling house which falls within the Class 1 of 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 Planning and Development Act 2000 (as amended), hereby decides that the development of the extension as submitted is development and is exempted development.

Signed

Paula Murphy

Exec. Planner

30th March 2023

Declaration on Development and Exempted Development

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear elevation of existing detached dwelling at Slate Row, Hacketstown, Co. Carlow, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on **23/03/2023**;

AND WHEREAS Caitriona Sheehan, C/o James Kealy, Planning & Design Services, Carlow Gateway Business Centre, Athy Road, 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);

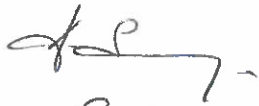
AND WHEREAS Carlow County Council has concluded that the 'construction of a single storey extension to the rear elevation of existing dwelling' would come within the scope of Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),

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 to the rear elevation of existing dwelling' at Slate Row, Hacketstown, Co. Carlow, 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

Paula Murphy
Exec. Plarthen
30th March 2023


S.P.
31/4/23

APPENDIX ONE

DESCRIPTION OF PROJECT AND LOCAL SITE

Section 5-23-13 - Proposed works, construction of a single storey extension to the rear elevation of existing dwelling at Slate Row, Hacketstown, Co. Carlow.

Site Location:

Slate Row, Hacketstown, Co. Carlow.

Site Size:

N/A

Floor area of proposed development:

32.66 m²

Identification of nearby Natura 2000 site(s): The River Nore and River Barrow SAC.

There is a waterbody located approx. 355m to the east of the site which flows directly into the Slaney River Valley SAC located approx. 581m to the north of the site.

It is determined that a Stage 1 Appropriate Assessment Screening Report is not required.

Is the application accompanied by an EIS?

No.

B. IDENTIFICATION OF THE RELEVANT 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 contribute to the conservation value of the site:

A site synopsis can be obtained from www.npws.ie

C. NPWS ADVICE

Advice received from NPWS over phone:

None

Summary of advice received from NPWS in written form:

None

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.

Would there be any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance)

No.

Would there be a reduction in habitat area on a Natura 2000 site?

No.

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.

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.

Would there be direct/indirect damage to the size, characteristics or reproductive ability of populations on the Natura 2000 site?

No.

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 them).

No.

E. SCREENING CONCLUSION

It is determined that a Stage 1 Appropriate Assessment Screening Report is **not required**.

Signed

Paula Murphy
Eco. Planner
30th March 2023



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

Reg Ref S5.23.13

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear elevation of existing detached dwelling at Slate Row, Hacketstown, Co. Carlow, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 23/03/2023;

AND WHEREAS Caitriona Sheehan, C/o James Kealy, Planning & Design Services, Carlow Gateway Business Centre, Athy Road, 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 a single storey extension to the rear elevation of existing dwelling' 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 to the rear elevation of existing dwelling' at Slate Row, Hacketstown, Co. Carlow, 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: Nicola Candler

Date: 17/04/2023.