

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

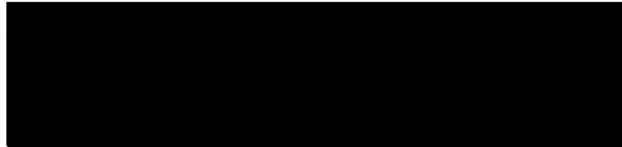
**Application Form for Section 5 Declaration on Development &
Exempted Development**

1. Name of applicant: Alan Price

2. Address of applicant:



3. Name and address for correspondence:



Tel. No:



Fax No:

E-mail:



4. Location of Development: Townland: Moneybeg, Co. Carlow

Postal Address: (if different from Townland): 1 Bachelor's Walk, Bagenalstown, Co. Carlow

R21 PX04

5. Name and Address of Agent: Alan Price (the applicant, above)

6. Outline clearly the description of the development / proposal:

Small extension to current kitchen extension at rear for property of approx. 2.5m x 2.9m. This extension will allow for the relocation of the current kitchen and thus make room for the addition of a down stairs bathroom and utility area

7. Is this a Protected Structure or within the curtilage of a Protected Structure: The house is not protected however the back wall of the yard is on the boundary of the curtilage of a listed structure.
8. List any previous applications relating to the site: None
9. Are you aware of any enforcement proceedings relating to this site: No
10. Please state applicant's interest in this site: Owner
11. List of plans, drawings etc. submitted with this application:
- House location map X 2
 - Current ground floor layout
 - Proposed ground floor layout including intended extension
 - Rear, side and front elevations

Signed: Alan Price
(Signature of Applicant)

Date: 8.6.23

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.



The Property Registration Authority An tÚdarás Clárúcháin Maoin

Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see www.prai.ie.

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

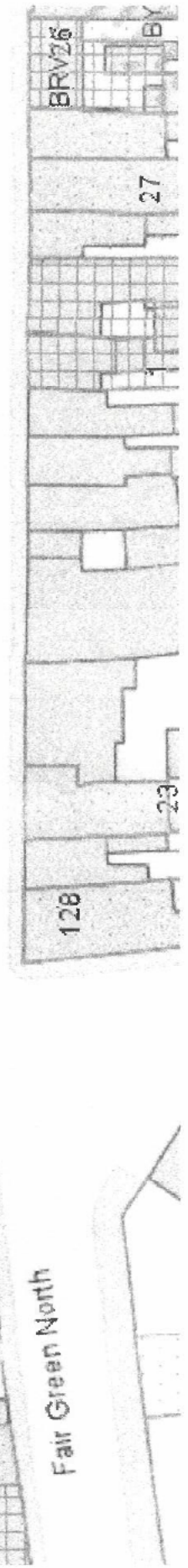
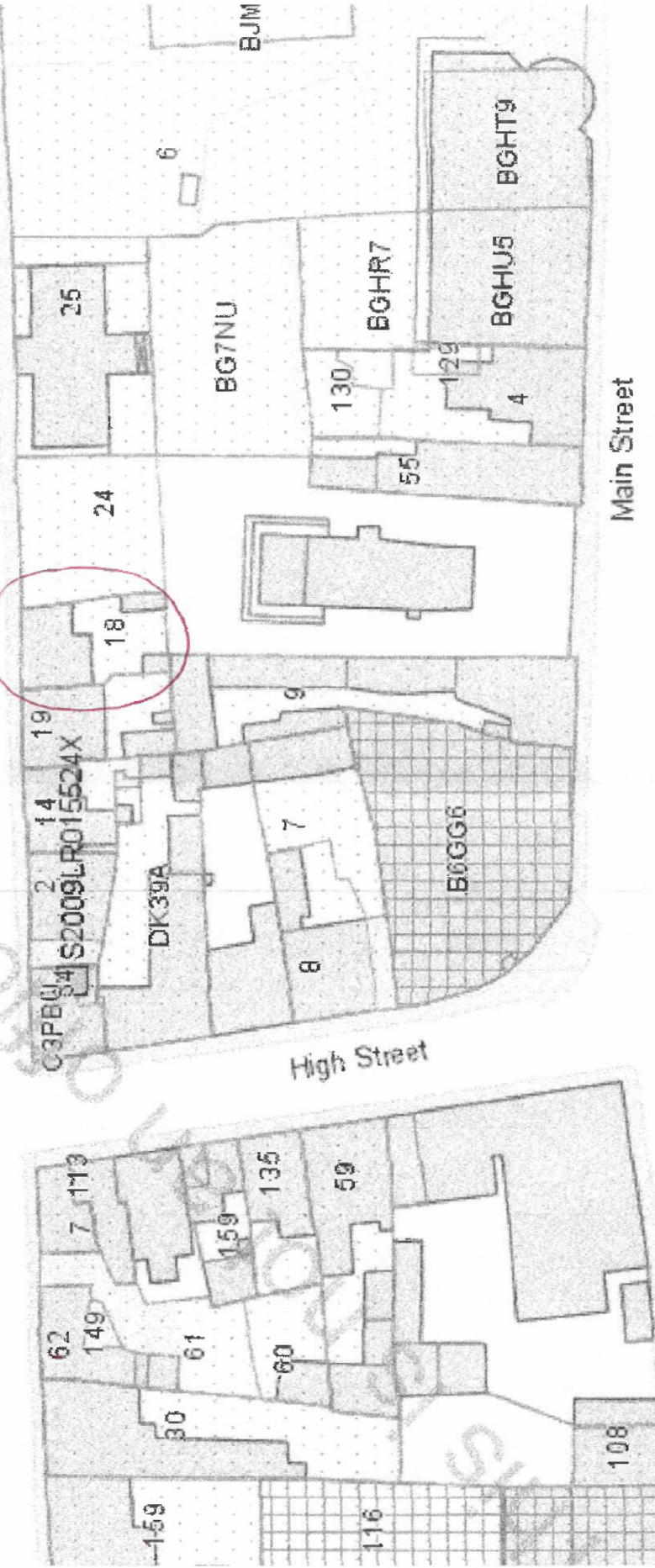
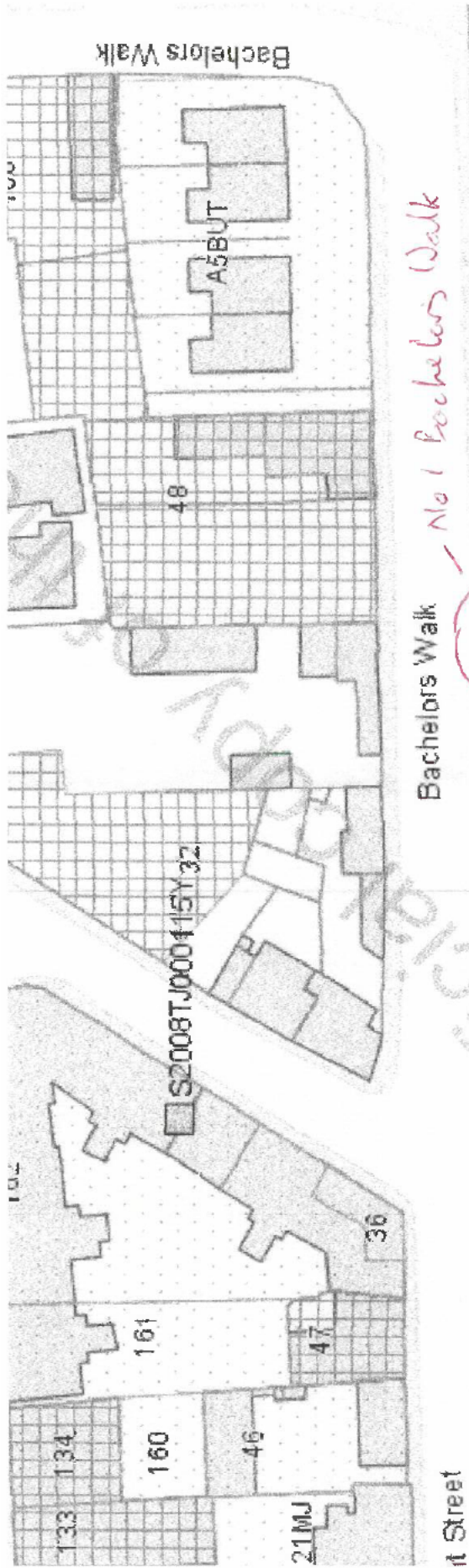
Soak Pit

A full list of burdens and their symbology can be found at www.landdirect.ie

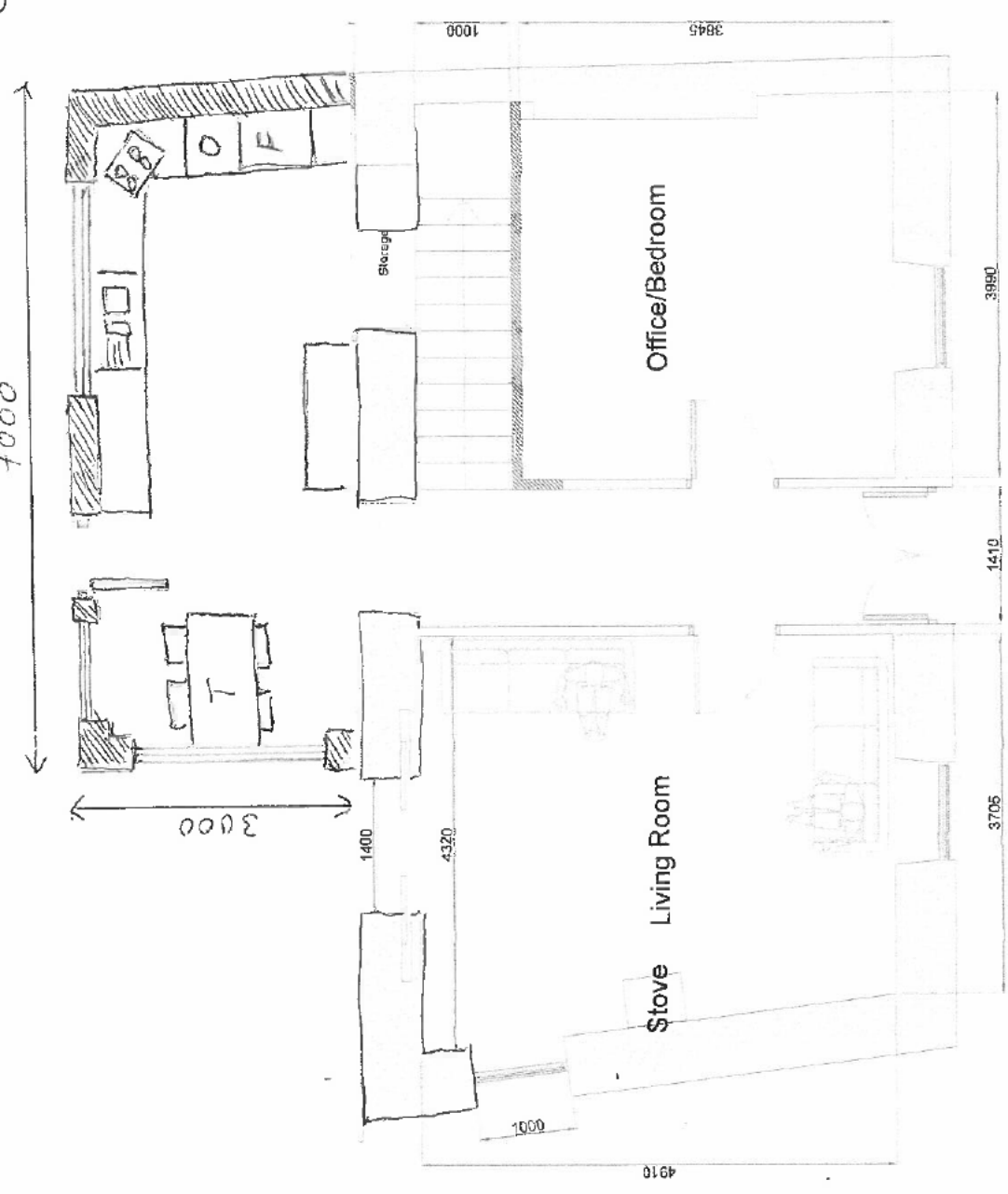
The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.

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





Current Kitchen extension



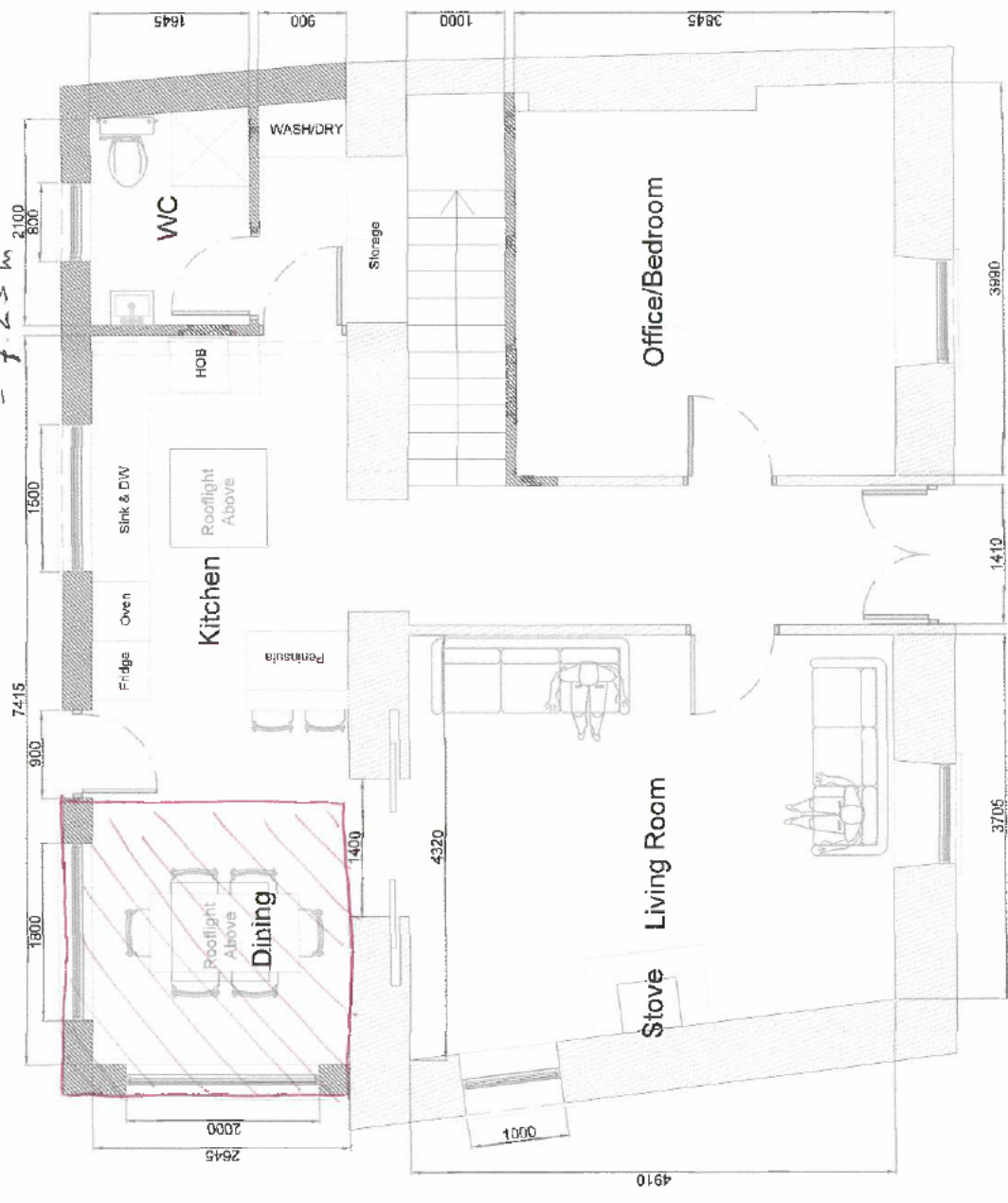
Ground Floor Plan
Scale: 1/50 on A3

Drawing Detail Sketch Drawings	Revised Date 02-02-22
Agent: Deirdre Cahill Arch. Tech. BSc Const. in Arch Tech 0851013369	Project: Renovation & Extension works @ No. 1 Bachelors Walk, Bagenalstown, Co. Carlow.
Client: Alan Price	Title: Proposed Layout
Drawing No. 001	Scale: 1:50 on A3

Additional kitchen

Proposed extension area $2.5m \times 2.9m$ approx
 $= 7.25m^2$

DRAFT DESIGN DRAWINGS ONLY



Ground Floor Plan
Scale: 1/50 on A3

Drawing Detail	Revised Date
Sketch Drawings	02.02.22
Agent: Deirdre Cahill Arch. Tech. BSc Const. In Arch Tech 0851013359	Project: Renovation & Extension works @ No. 1 Bachelors Walk, Bagenalstown, Co. Carlow.
Client: Alan Price	Title: Proposed Layout
Drawing No. 001	Scale: 1:50 on A3



CARLOW COUNTY COUNCIL

COMHAIRLE CHONTAE CHEATHARLOCHA

Alan Price - Green Party

Ballybrack, Ballymurphy, Borris, Co. Carlow.

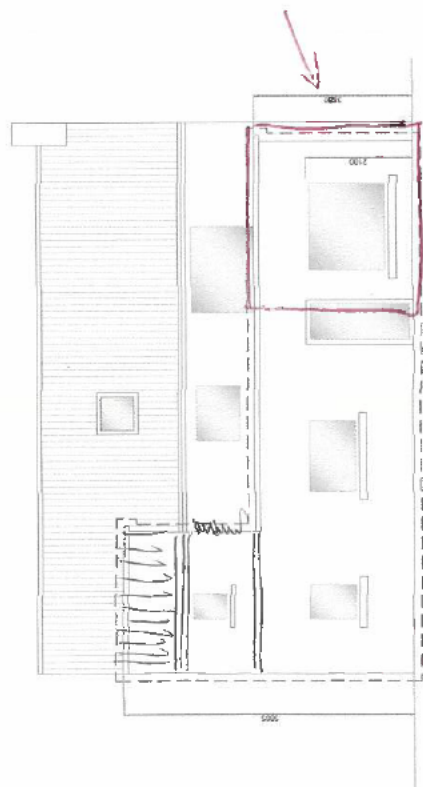
Mob: 087 6139605

Email: aprice@carlowcoco.ie

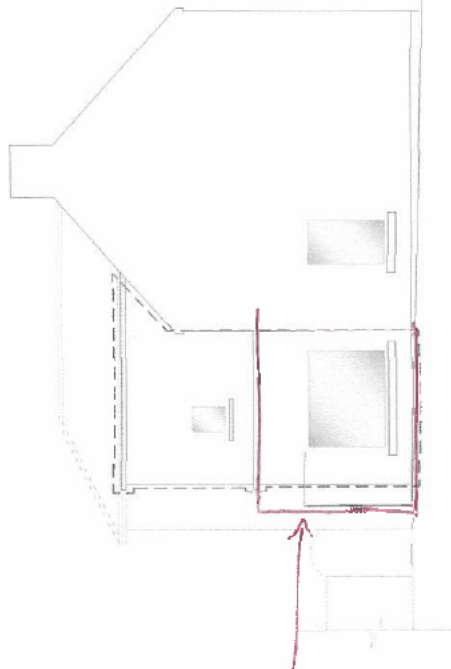
Web: www.carlow.ie



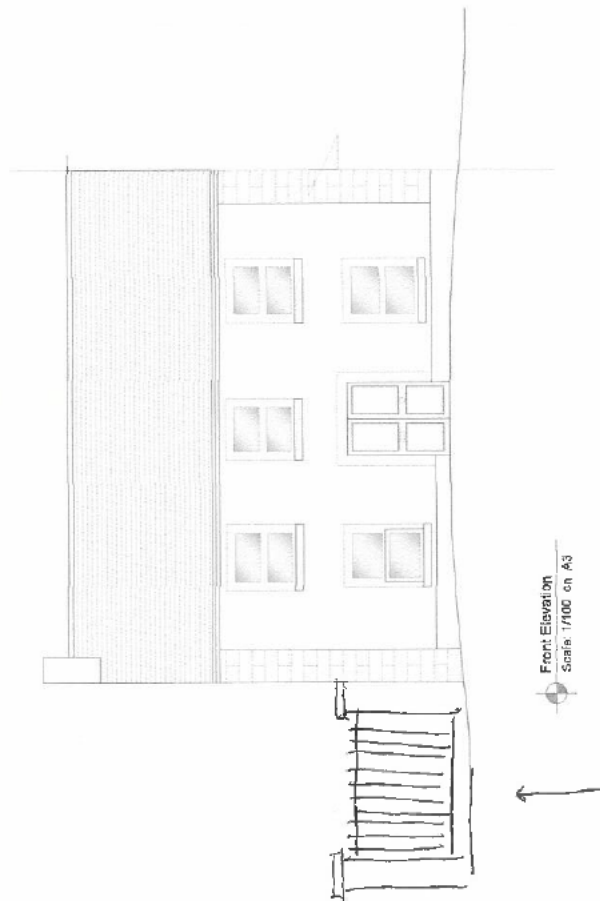
DRAFT DESIGN DRAWINGS ONLY



Rear Elevation
Scale: 1/4" = 1'-0"



Side Elevation
Scale: 1/100 on A3



Front Elevation
Scale: 1/100 on A3

Side entrance. Proposed extension not visible from street.

Drawing Detail	Revised Date
Sketch Drawings	02-02-22
Agent: Dairdre Cahill Arch. Tech. BSC Const. In Arch Tech 0851013359	Project: Renovation & Extension works @ No. 1 Bachelors Walk, Baginbstown, Co. Carlow.
Client: Alan Price	Title: Proposed Layout
Drawing No. 003	Scale: 1:100 on A3

The Property Registration Authority An tÚdarás Clárúcháin Maoine



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(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

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



**CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT**



**COMHAIRLE CONTAE
CHEATHARLACH**
CARLOW COUNTY COUNCIL

SECTION 5 DECLARATION

Reg. Ref.	SEC5/23/22
Name of Applicant	Alan Price
Address of Development	No. 1 Bachelor's Walk, Bagenalstown, Carlow, R21 PX04.
Development Description	A small extension to current kitchen extension at rear of property of approx. 2.5 x 2.9m.

1) Site Location/Context

The Section 5 declaration relates to a proposed extension to the rear of an existing end of terrace semi-detached two storey dwelling located at Bachelor's Walk in Bagenalstown. The rear boundary wall of the subject site faces the Courthouse a protected structure of regional importance (CW064). Mapping shows two existing sheds to the rear of the house. Access to the rear garden is via a gated side entrance. I could not gain access to the rear at the time of site inspection.

Site Location



2)Relevant Planning History

Nothing noted on IPLAN for subject site.

3)Description of the Referral/Proposal

The referral relates to a proposed extension to the rear of an existing dwelling. The applicant is seeking to further extend an existing single storey extension. The class of development for which the referral has been sought has not been stated however from the particulars it is clear the proposed is development within the curtilage of a house. The details submitted state that the dwelling has been extended previously (21m. sq at ground floor). An approximate floor area for the proposed extension has been given as 7.25m. sq. It is unclear from the rear and side elevation drawings submitted if the dwelling has also been extended at first floor level.

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) Further Information

The following Further Information was requested on the 27/06/2023:

1. In order to enable the Planning Authority to assess whether the proposed development falls within the scope of exempted development for Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), you are requested to submit the following further information.

- a) The exact floor area of the proposed extension.
- b) The exact floor area of the existing extension(s) including any existing first-floor extensions (if any).
- c) A site layout plan at a scale of not less than 1:200 of the subject site including all existing structures to the rear of the property, and which is annotated to show the existing and the proposed extension(s), distance to all site boundaries and the private open space provision once the proposed extension has been constructed.
- d) A drawing of the rear elevation of the existing dwelling and a separate drawing of the proposed rear elevation of the subject dwelling both at a scale of 1:50.

Response received 13/07/2023 as follows;

1. The applicant has submitted a cover letter which addresses items a-d in turn. A revised site layout plan and elevational drawings have also been submitted as requested.
 - a) The floor area of the proposed extension is stated as 11.3m. sq
 - b) The existing ground floor extension has a stated floor area of 20.5m. sq. There is no first floor extension.
 - c) A site layout plan has been provided at a scale of 1:50 which includes all existing structures to the rear of the property, and which is annotated to show the existing and the proposed extension(s), distance to all site boundaries and the private open space provision once the proposed extension has been constructed.
 - d) A revised elevational drawing has been submitted indicating the existing and the proposed works. Although not on separate drawings as requested the response is sufficient to enable the Planning Authority to assess the proposal for the purposes of Section 5.

6) Assessment

This referral is made under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended). The Planning Authority considers that the proposed works, which involve the erection of an extension to the rear of a dwelling house are deemed to constitute development as per Section 2 (1) of the Planning and Development Act 2000 (as amended) and is therefore development as set out in Section 3 of the Act.

For the subject development to avail of exemptions under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) the extension is required to meet several conditions and limitations set out in that class. The relevant provisions for the subject development are as follows;

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.

Existing and proposed extension = 31.8m. sq

(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.

There is no extension above ground floor.

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. **The extension will be 3.1m high and will not exceed the height of the rear wall 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 proposed will not exceed the height of the eaves and 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. **The rear yard/garden will have circa. 63.1m. sq of open space.**

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. No window will be less than 1m from the facing boundary. **The proposed dining room window in the eastern elevation will be circa. 3.6m from the facing boundary.**

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. **None proposed.**

(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. **Not applicable**

7. The roof of any extension shall not be used as a balcony or roof garden. **No such detail proposed.**

7) Conclusion

Having had regard to:

- Sections 2, and 3 of the Planning and Development Act 2000 (as amended),
- Articles 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 11.3m. sq as submitted to the Planning Authority on the **13th July, 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: SEC5/23/22

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear of the existing dwelling house at No. 1 Bachelor's Walk, Bagenalstown, Carlow, R21 PX04, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on **13/07/2023**;

AND WHEREAS, Alan Price, [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 11.3m.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 11.3 m.sq to the rear of the existing dwelling at No. 1 Bachelor's Walk, Bagenalstown, Carlow, R21 PX04, 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: 18/7/23


Senior Planner

Date: 18/7/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/22/22

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	1 Bachelor's Walk, Bagenalstown, Carlow.
Total Site Area :	N/a Circa 8sq.m
Floor Area of Proposed Development:	River Nore and River Barrow SAC
Identification of Natura 2000 site(s):	
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

The nearest SAC is the River Barrow and River Nore which is circa 0.1km north of the site. There is no watercourse within or adjoining the site hydrologically connecting this site to the SAC. The development proposed is minor in nature and is located on an urban brownfield site. The development has been assessed having regard to the requirements of the EU Habitats Directive. Given the location and proximity of the nearest European Site, and distance to the nearest watercourse, the domestic nature and scale of the proposed development, the location of the application site and intervening land uses between same and the European Site, it is considered reasonable to conclude on the basis of the information available, which is considered adequate to inform a screening determination, that the proposed 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, it is considered that Appropriate Assessment is not required.

Signed:

Position: Executive Planner

Date:

**CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT**



**COMHAIRLE CONTAE
CHEATHARLACH**
CARLOW COUNTY COUNCIL

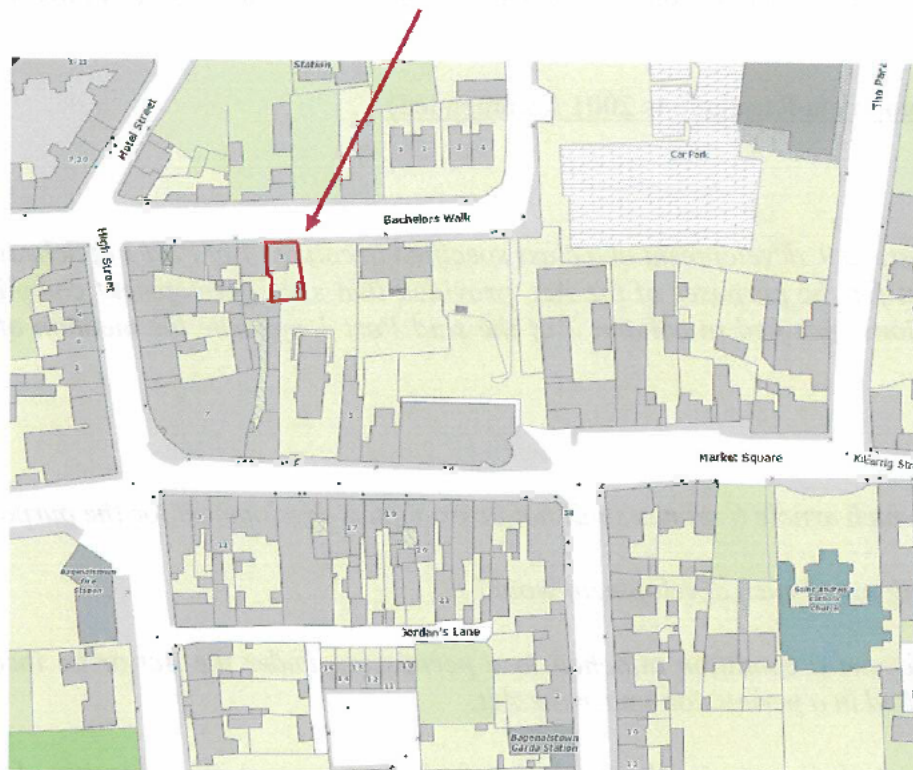
SECTION 5 DECLARATION

Reg. Ref.	SEC5/23/22
Name of Applicant	Alan Price
Address of Development	No. 1 Bachelor's Walk, Bagenalstown, Carlow, R21 PX04.
Development Description	A small extension to current kitchen extension at rear of property of approx.2.5 x 2.9m.

1) Site Location/Context

The Section 5 declaration relates to a proposed extension to the rear of an existing end of terrace semi-detached two storey dwelling located at Bachelor's Walk in Bagenalstown. The rear boundary wall of the subject site faces the Courthouse a protected structure of regional importance (CW064). Mapping shows two existing sheds to the rear of the house. Access to the rear garden is via a gated side entrance. I could not gain access to the rear at the time of site inspection.

Site Location



2) Relevant Planning History

Nothing noted on IPLAN for subject site.

3) Description of the Referral/Proposal

The referral relates to a proposed extension to the rear of an existing dwelling. The applicant is seeking to further extend an existing single storey extension. The class of development for which the referral has been sought has not been stated however from the particulars it is clear the proposed is development within the curtilage of a house. The details submitted state that the dwelling has been extended previously (21m. sq at ground floor). An approximate floor area for the proposed extension has been given as 7.25m. sq. It is unclear from the rear and side elevation drawings submitted if the dwelling has also been extended at first floor level.

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.

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(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,*
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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

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.

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.

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

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

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

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

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

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

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

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

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

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

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

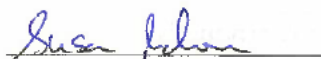
7. The roof of any extension shall not be used as a balcony or roof garden.

There is insufficient information included with the referral to assess the proposed development against the limitations and conditions set out in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). An exact floor area has not been provided for the proposed extension, the full extent of the existing extension(s) has not been clearly set out and the open space provision is not clear.

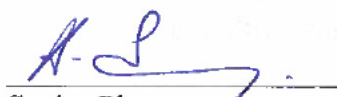
6) Recommendation

1. In order to enable the Planning Authority to assess whether the proposed development falls within the scope of exempted development for Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), you are requested to submit the following further information.

- a) The exact floor area of the proposed extension.
- b) The exact floor area of the existing extension(s) including any existing first-floor extensions (if any).
- c) A site layout plan at a scale of not less than 1:200 of the subject site including all existing structures to the rear of the property, and which is annotated to show the existing and the proposed extension(s), distance to all site boundaries and the private open space provision once the proposed extension has been constructed.
- d) A drawing of the rear elevation of the existing dwelling and a separate drawing of the proposed rear elevation of the subject dwelling both at a scale of 1:50.


Executive Planner

Date: 22/06/23


Senior Planner

Date: 22/6/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/22/22

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	1 Bachelor's Walk, Bagenalstown, Carlow.
Total Site Area :	N/a Circa 8sq.m
Floor Area of Proposed Development:	River Nore and River Barrow SAC
Identification of Natura 2000 site(s):	
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

The nearest SAC is the River Barrow and River Nore which is circa 0.1km north of the site. There is no watercourse within or adjoining the site hydrologically connecting this site to the SAC. The development proposed is minor in nature and is located on an urban brownfield site. The development has been assessed having regard to the requirements of the EU Habitats Directive. Given the location and proximity of the nearest European Site, and distance to the nearest watercourse, the domestic nature and scale of the proposed development, the location of the application site and intervening land uses between same and the European Site, it is considered reasonable to conclude on the basis of the information available, which is considered adequate to inform a screening determination, that the proposed 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, it is considered that Appropriate Assessment is not required.

Signed:	
Position:	Executive Planner
Date:	



**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/22**

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear of the existing dwelling house at No. 1 Bachelor's Walk, Bagenalstown, Carlow, R21 PX04, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 13/07/2023;

AND WHEREAS, Alan Price, [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 11.3m.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 11.3 m.sq to the rear of the existing dwelling at No. 1 Bachelor's Walk, Bagenalstown, Carlow, R21 PX04, 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 Lawler

Date:

20/07/2023