

Planning & Design Services

Address : Carlow Gateway Business Centre,
Athy Rd., Carlow.
Mobile: (085)1002200 & (087)6213686
E- mail: jkplanning@outlook.com

Planning Dept.
Carlow Co. Council,

Dear Sir/Madam,

Please find attached Application Form for Section 5
Declaration on Development & Exempted Development, for Sharon
McManus.

The applicant wishes to make this application in order to construct a
single storey extension to the rear of this existing dwelling, the floor area
of the proposed will be less than 40m².

Please find attached the necessary drawing & documents to support this
application.

Hoping all is to your satisfaction and should you have any query please do
not hesitate to contact me.

Yours Sincerely,
James Kealy

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: Sharon McManus
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: 33 St. Patrick's Ave., 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
exempt works to construct a single storey extension to the rear of this existing dwelling
which would have a floor area of less than 40m²

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: N/A

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

* Plans elevation section 1:100

* Site layout 1:250

Signed: Sharon Mc Manus.

Date: 08/08/2023

(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: _____

Ordnance Survey
Ireland
National Mapping Agency

LEGEND:
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search 'Lar'



OUTPUT SCALE: 1:10,560

Planning Pack Map

CENTRE COORDINATES:
ITM 672964,676657

PUBLISHED: 06/10/2020
ORDER NO.: 50146387_1

MAP SERIES: 1:1,000
MAP SHEETS: 4357-12

Site IN

Red

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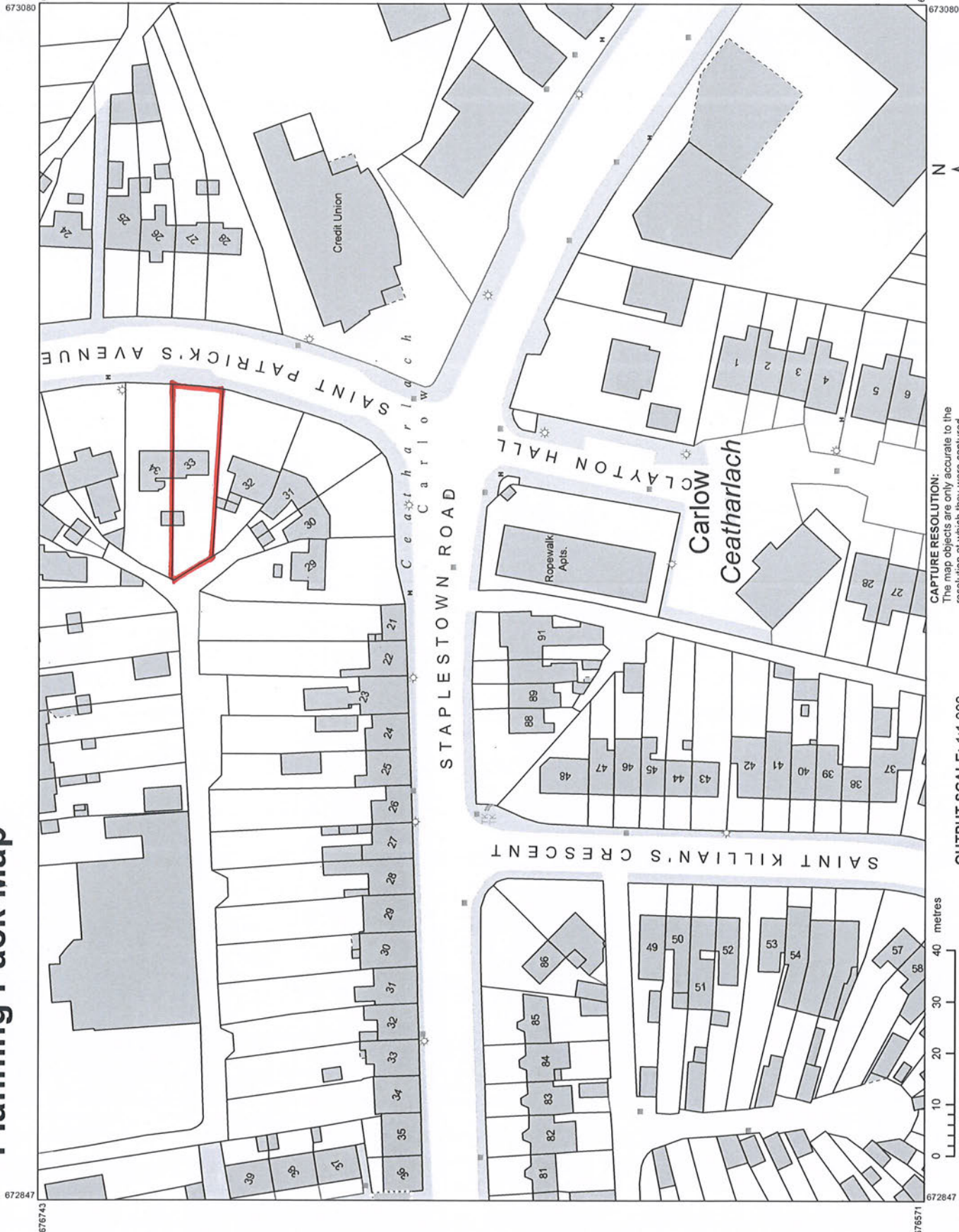
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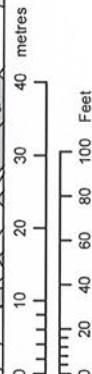
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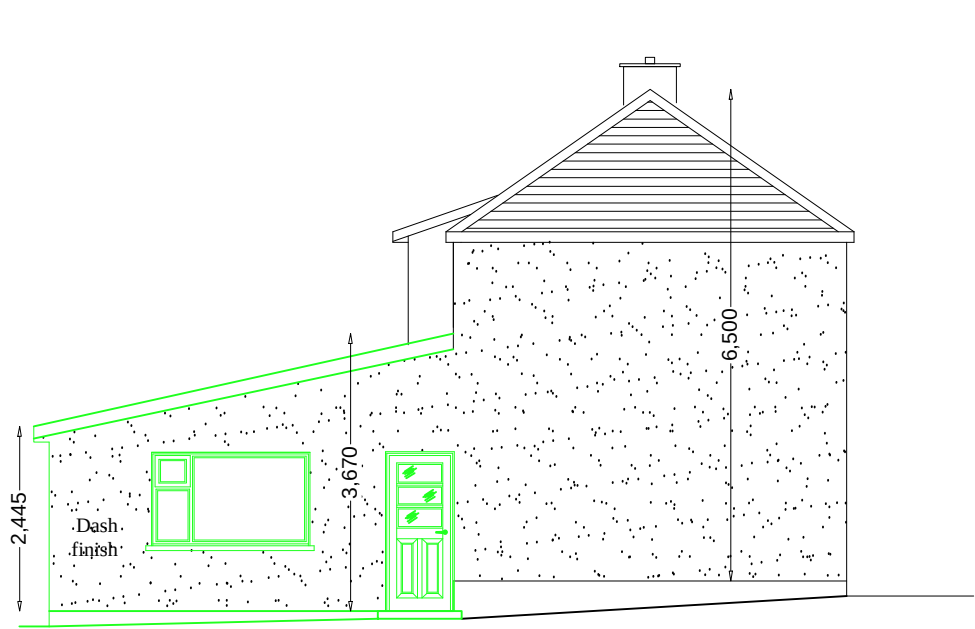
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search "Large Scale Legend"



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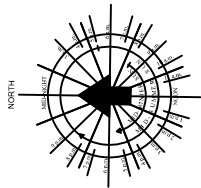
OUTPUT SCALE: 1:1,000



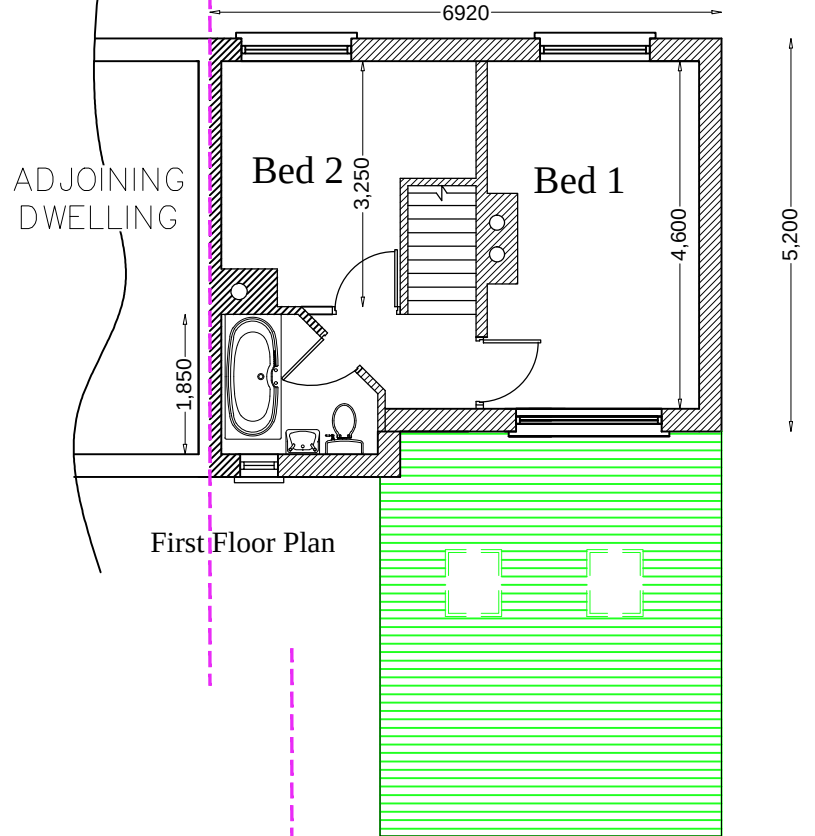


Side Elevation

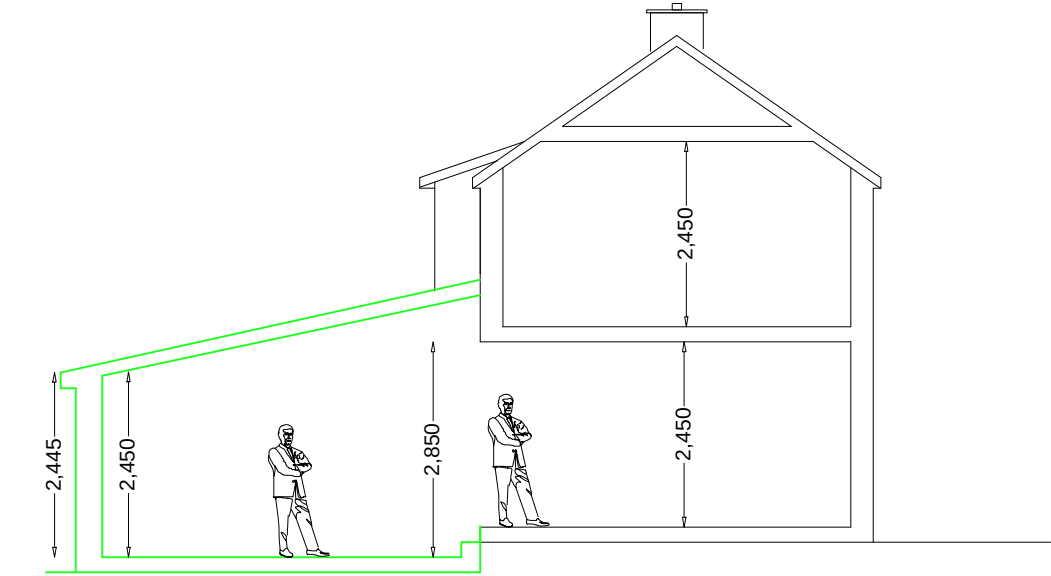
All finishes to proposed extension to match existing dwelling where possible



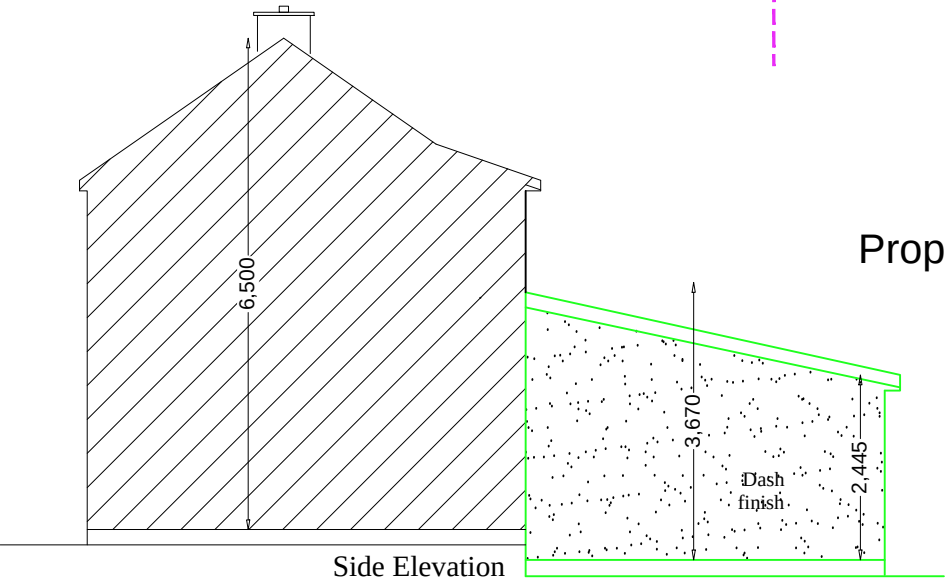
Rear Elevation



First Floor Plan

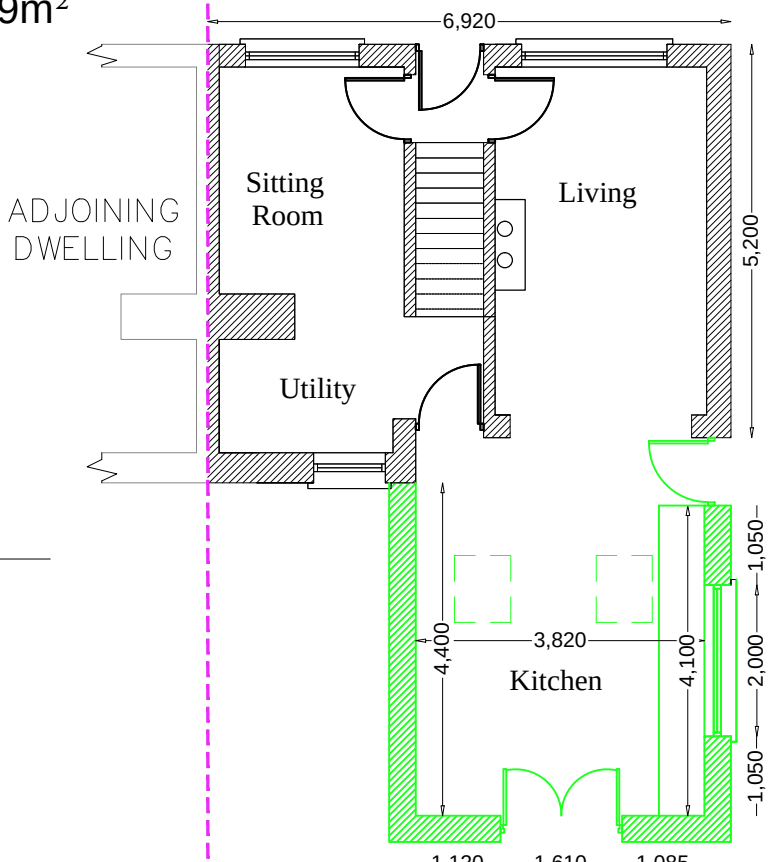


Section



Side Elevation

Existing Floor Area
61.7m²
Proposed Extension (in green) 19.09m²



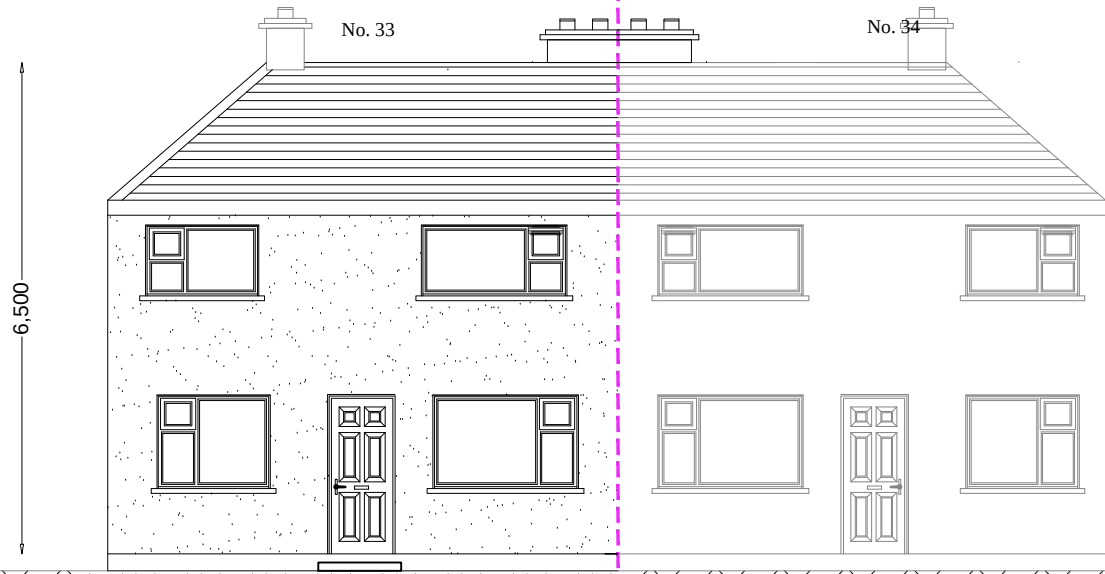
Ground Floor Plan

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

ADJOINING SITE APPLICATION SITE ADJOINING DWELLING



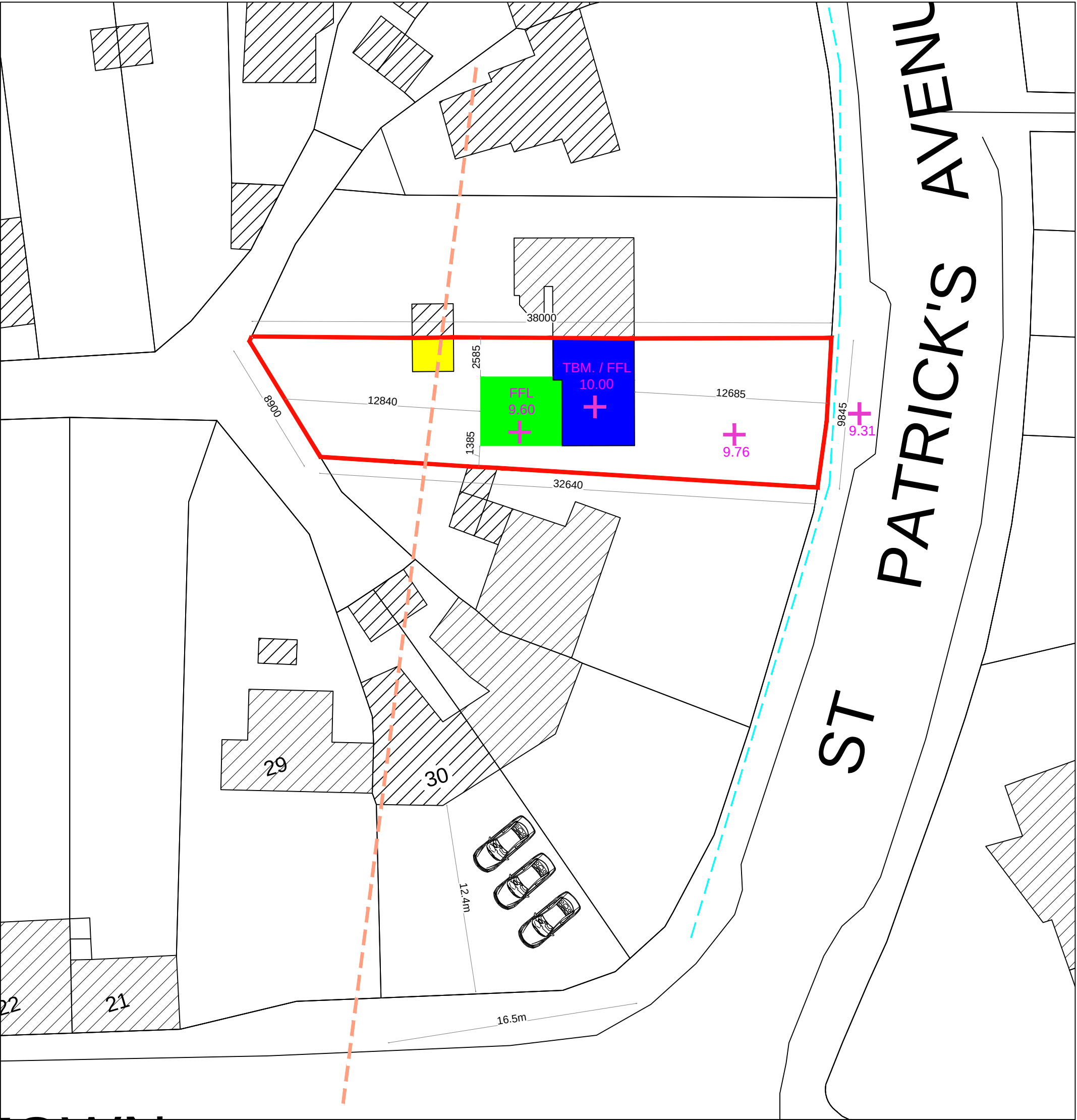
Front & Contiguous Elevation



6,500

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: Sharon McManus		DRAWN BY: James Kealy
PROJECT: Exempted Development at 33 St. Patricks Ave., Co. Carlow.		
TITLE: Plans, Elevations	SCALE: 1:100 A2	DRAWING NO: 01-10-SM-23
DATE: July 2023		
PURPOSE:		
AUTHORITY: Carlow Co. Council		
REVISION:		
Do Not Scale from this Drawing. Check All Dimensions on Site.		



Site Layout
Scale 1: 250

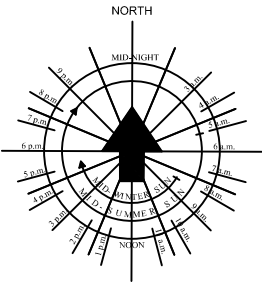
Neighboring
Buildings

Existing Sewer
Existing Mains Water
Site Red Bounded

Spot Level

Proposed Extension

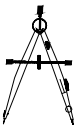
Applicants Existing
Dwelling



Site Area
0.03 ha.

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: Sharon McManus		DRAWN BY: James Kealy	
PROJECT: Exempted Development at 33 St. Patricks Ave., Co. Carlow.			
TITLE: Plans, Elevations			
DATE: July 2023	SCALE: 1:250 A3	DRAWING NO:	01-10-SM-23
PURPOSE:			
AUTHORITY:	Carlow Co. Council		
REVISION:			
Do Not Scale from this Drawing. Check All Dimensions on Site.			

CARLOW COUNTY COUNCIL
PLANNING DEPARTMENT

SECTION 5 DECLARATION

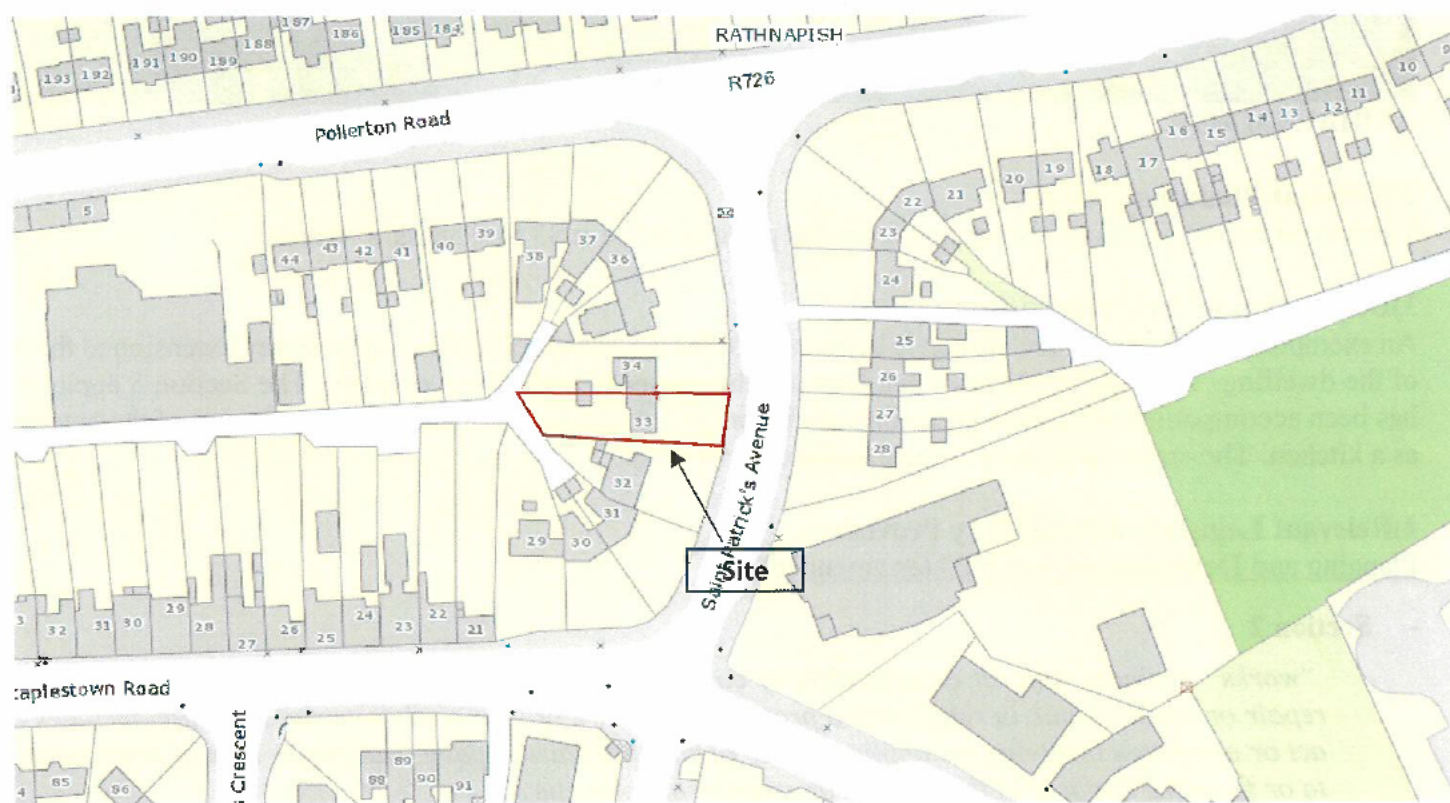


COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL

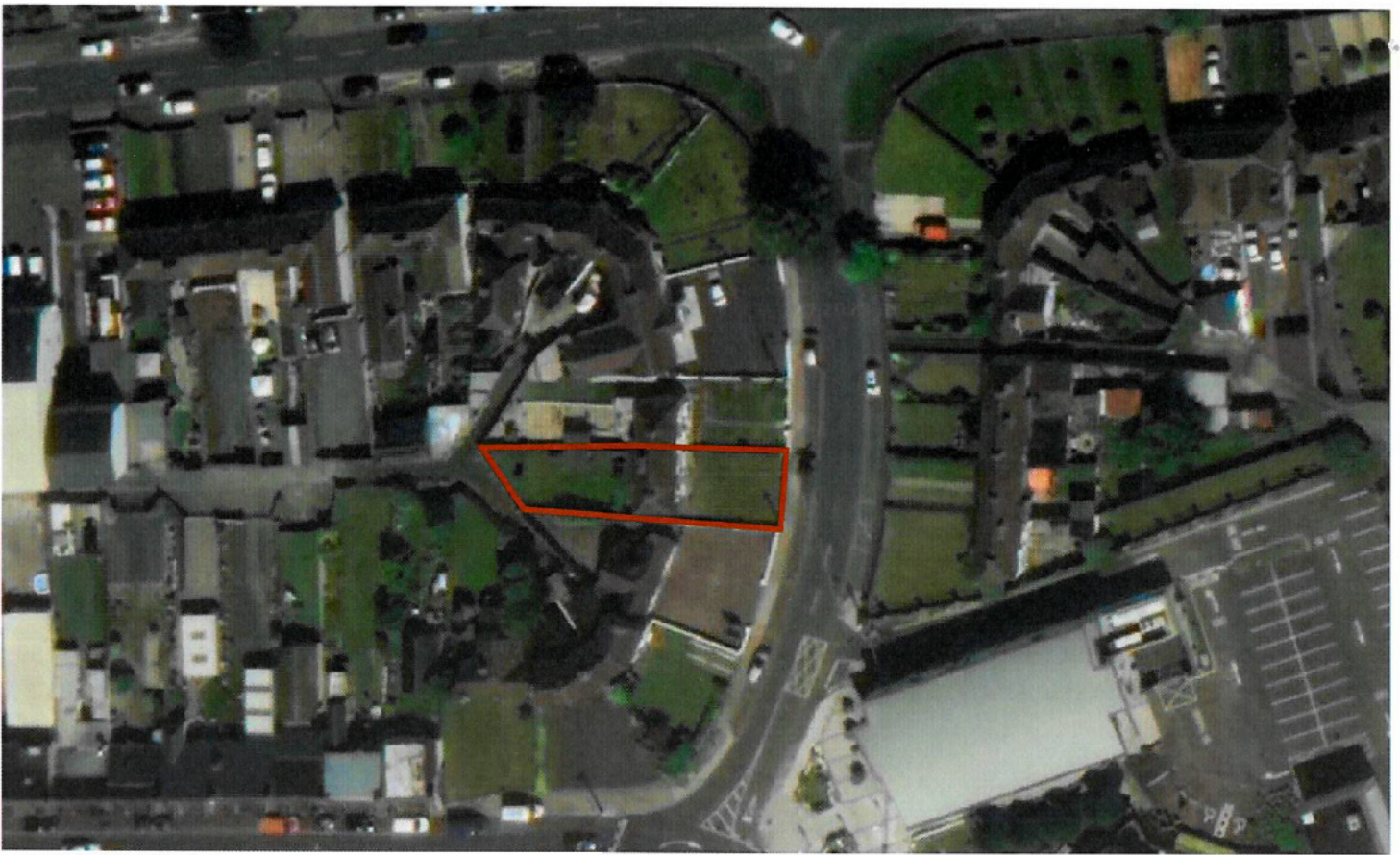
Reg. Ref.	SEC5/23/32
Name of Applicant	Sharon McManus
Address of Development	33 St. Patrick's Avenue, Carlow
Development Description	Single storey extension to the rear of dwelling.

1) Site Location/Context

The Section 5 declaration site relates to a residential property at 33 St. Patrick's Avenue, Carlow town. The site is located within an established residential housing estate and currently comprises a two-storey, semi-detached property.



SITE LOCATION



AERIAL IMAGE

2) Relevant Planning History

There is no recent planning history noted for this particular site at 33 St. Patrick's Avenue.

3) Description of the Referral/Proposal

An exempted development declaration is being sought for the construction of a single storey extension to the rear of the dwelling. The Applicant states that they are the owner of the subject property. The Section 5 application has been accompanied with scaled drawings of the proposed development and indicates the use of the extension as a kitchen. The stated floor area of the extension is 19.09m².

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 houses.

Conditions / Limitations

- 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.

5) Assessment

The submitted Section 5 Declaration application relates to the construction of a single-storey extension (comprising 19.09m²), to the rear of an existing dwelling. The extension is indicated on the submitted plans as a kitchen. Accordingly, the provisions of Class 1, Part 1, Schedule 2 would appear to be applicable.

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 an extension to the rear of a dwelling, 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 dwelling is a semi-detached dwelling which has not been previously extended. The proposed extension has a total (internal) floor area of c. 19m².*

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 above is not applicable as the house has not been previously extended.*

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

➤ **The proposed extension is single-storey in size. The above is therefore not applicable.**

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 proposed extension does not exceed the height of the rear wall 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 above condition has been met as the dwelling contains a large area of private open space to the rear of the house in excess of 25m².**

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.

➤ **New windows are to be provided on the rear (west) and side (south) elevations. These windows are c. 12m and c. 1m from their respective boundaries and are both at ground floor level. 2 no. rooflights are also proposed. The above condition / limitation is therefore considered to be complied with.**

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

➤ **The proposed extension does not appear to contain a balcony or roof garden, thus the above has been complied with.**

Accordingly, the proposed conversion is considered to be exempted development pursuant to Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

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 construction of a single storey extension to the rear of the dwelling, as submitted to the Planning Authority on the **24th August 2023** is development and is exempted development as the the development 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 proposed 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: SEC5/23/32

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear of the existing dwelling of less than 40m² at 33 St. Patrick's Avenue, Carlow, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 24/08/2023;

AND WHEREAS Sharon McManus, [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, 3 and 4 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 of the existing dwelling of less than 40m² as indicated on the plans and particulars received by the Planning Authority on 24/08/2023, would come within the scope of Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),

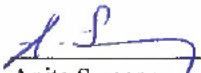
NOW THEREFORE Carlow County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposal comprising the 'construction of a single storey extension to the rear of the existing dwelling of less than 40m², as indicated on the plans and particulars received by the Planning Authority on 24/08/2023 at 33 St. Patrick's Avenue, 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.



Bryan Joyce
A/Executive Planner

Date: 29/08/2023



Anita Sweeney
Senior Planner

Date: 29/8/23

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT

Planning Application Reg. Ref: SEC5/23/32

A. DESCRIPTION OF PROJECT AND LOCAL SITE

Site Location:	33 St. Patrick's Avenue, Carlow
Total Site Area :	Not stated
Floor Area of Proposed Development:	Unknown total floor area (c. 19m ²)
Identification of Natura 2000 site(s):	River Barrow and River Nore cSAC.
Is the application accompanied by an EIAR?	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 is circa 1.3km west of the site which forms part of the River Barrow and River Nore SAC. 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:	A/Executive Planner
Date:	29 th August 2023



**Declaration on Development & Exempted Development
Section 5 of the Planning and Development Act 2000 (as amended)
Reg. Ref: SEC5/23/32**

WHEREAS a question has arisen as to whether the construction of a single storey extension to the rear of the existing dwelling of less than 40m² at 33 St. Patrick's Avenue, Carlow, is or is not exempted development;

AS INDICATED on the plans and particulars received by the Planning Authority on 24/08/2023;

AND WHEREAS Sharon McManus, [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, 3 and 4 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 of the existing dwelling of less than 40m² as indicated on the plans and particulars received by the Planning Authority on 24/08/2023, 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 of the existing dwelling of less than 40m², as indicated on the plans and particulars received by the Planning Authority on 24/08/2023 at 33 St. Patrick's Avenue, 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 Cawler

Date:

31/08/2023