



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Mr Declan Kinnane

Applicant's Address: An Teachin Iseal, Lewistown,
Naas,
Co.Kildare
W91YT6K

Telephone No.



Name of Agent (if any):

Address:

Telephone No.

Address for Correspondence:

An Teachin Iseal, Lewistown,
Naas,
Co.Kildare
W91YT6K

Location of Proposed development (Please include Eircode):

Crean, Bruff, Co Limerick

V35 XR68

Description of Proposed development:

The demolition of part of an existing dwelling and the construction of a new
two storey rear extension

Section of Exempted Development Regulations and/or section of the Act
under which exemption is claimed:

Article 6 – Schedule 2, CLASS 1

Is this a Protected Structure or within the curtilage of a Protected Structure.
YES/NO

Applicant's interest in site: Owner

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

1. Site Location Map

2. Site Plan

3. Existing Plans and Elevations

4. Proposed Plans and Elevations

Have any previous extensions/structures been erected at this location YES/NO

If Yes please provide floor areas of all existing structures:

Original Dwelling	Ground Floor		76.7 sq.m.
	First Floor	(to be converted to Storage)	13.0 sq.m.
Existing Extensions (assumed pre 1963)	Ground Floor	(to be demolished)	21.4 sq.m.
Proposed New Extension	Ground Floor		27.0 sq.m.
	First Floor		27.0 sq.m.
Nett increased floor area	Ground Floor		5.6 sq.m.
	First Floor		14.0 sq.m.
			<hr/> 19.6 sq.m.

Signature of Applicant (or Agent) Peter Kim

NOTES: Application must be accompanied by:

- (a) Fee of €80
- (b) Site location map
- (c) Site layout plan
- (d) Dimensioned plans and elevations of the structure and any existing structures.
- (e) Where the declaration is in respect of a farm building, a layout identifying the use of each existing building together with floor area of each building.

Application to be forwarded to:

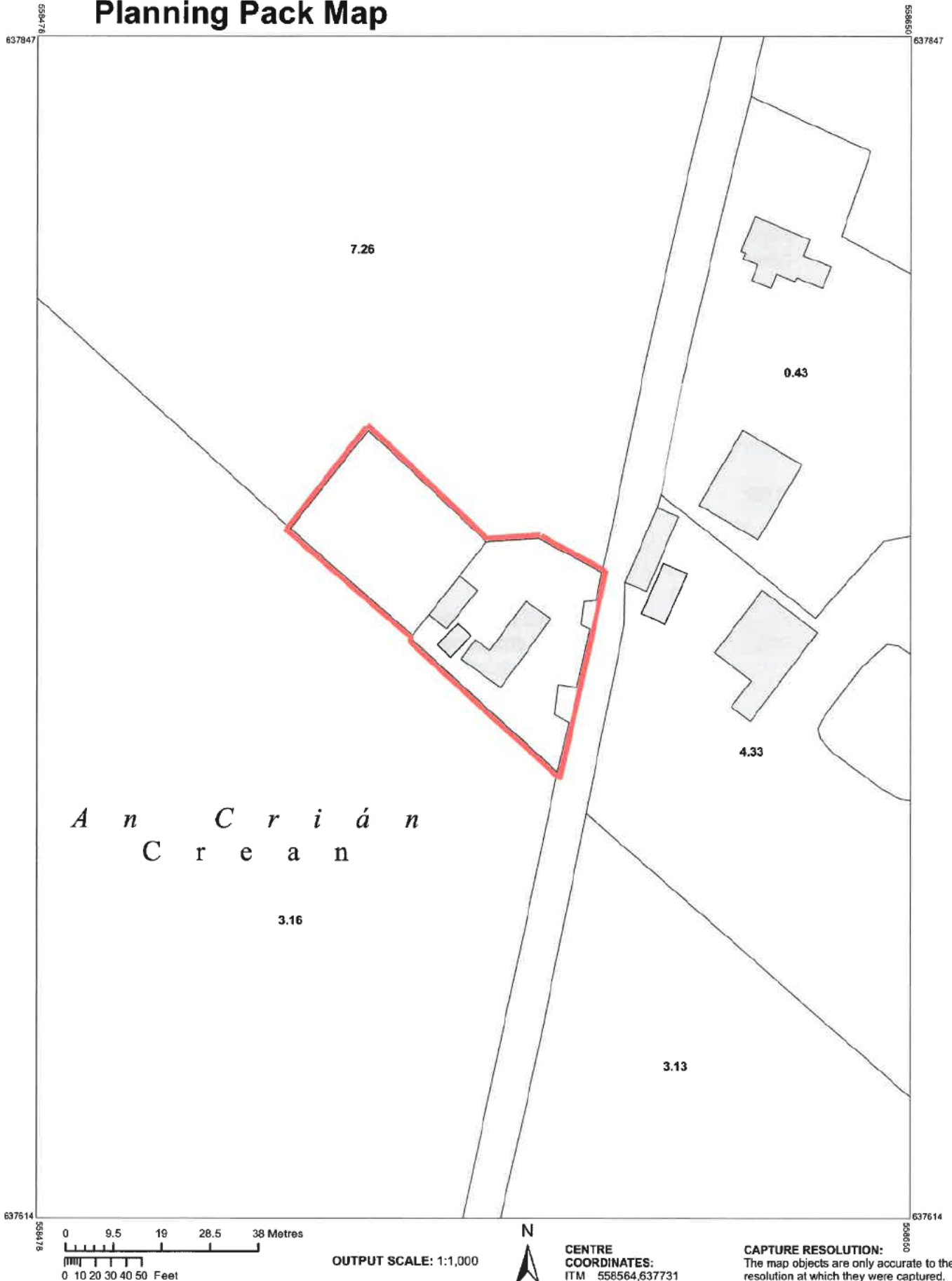
**Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67**

OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____

Planning Pack Map



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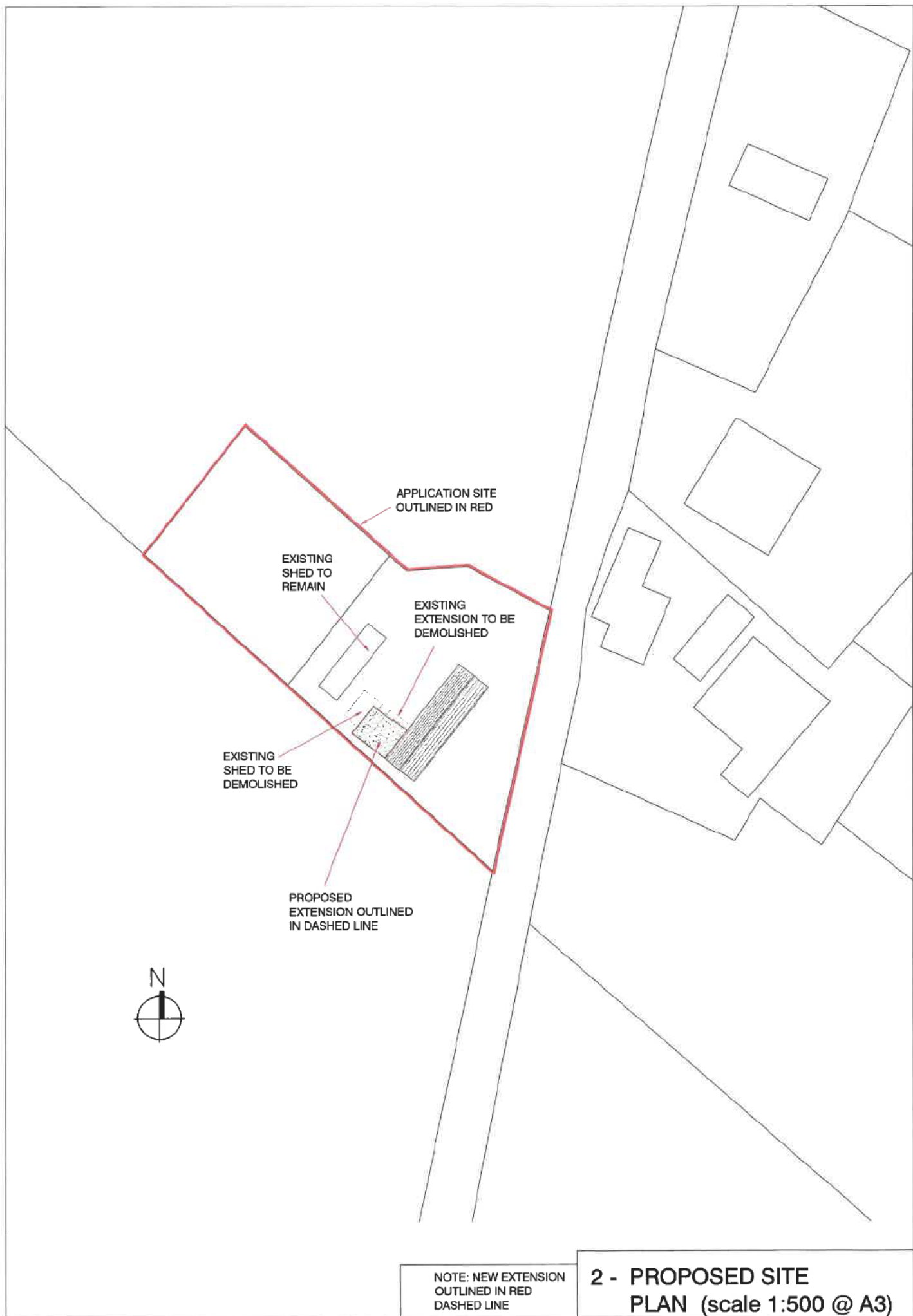
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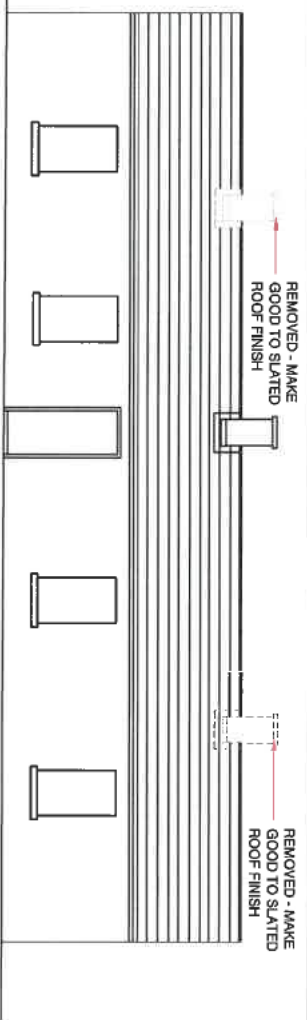
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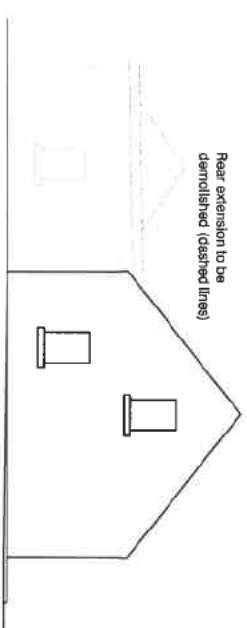
**Tailte
Éireann**





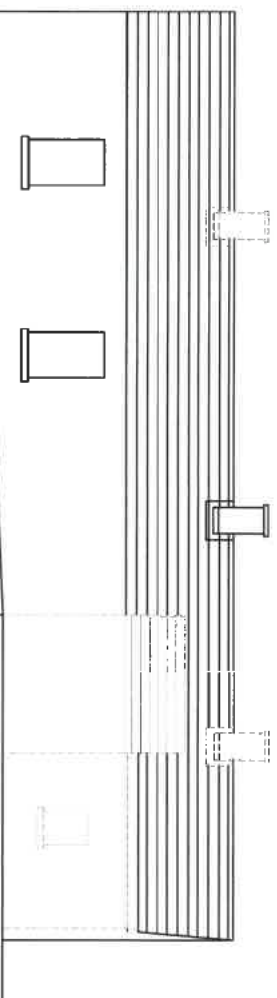
FRONT ELEVATION

SCALE: 1:100@A3



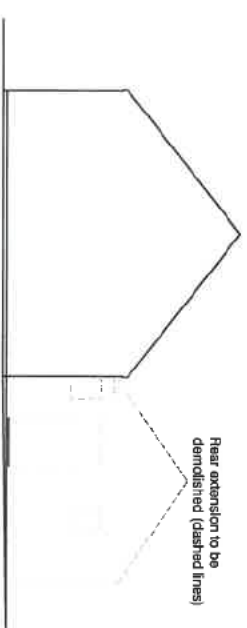
END ELEVATION 2

SCALE: 1:100@A3



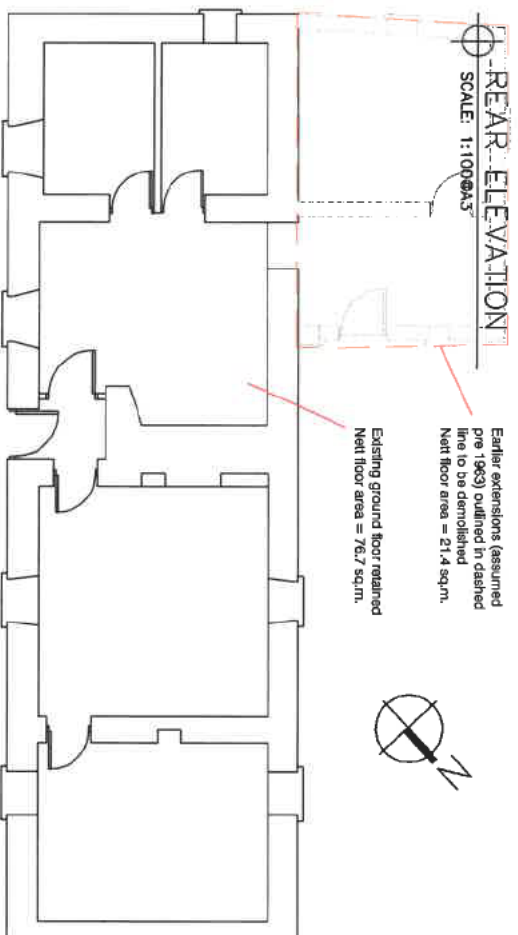
REAR ELEVATION

SCALE: 1:100@A3



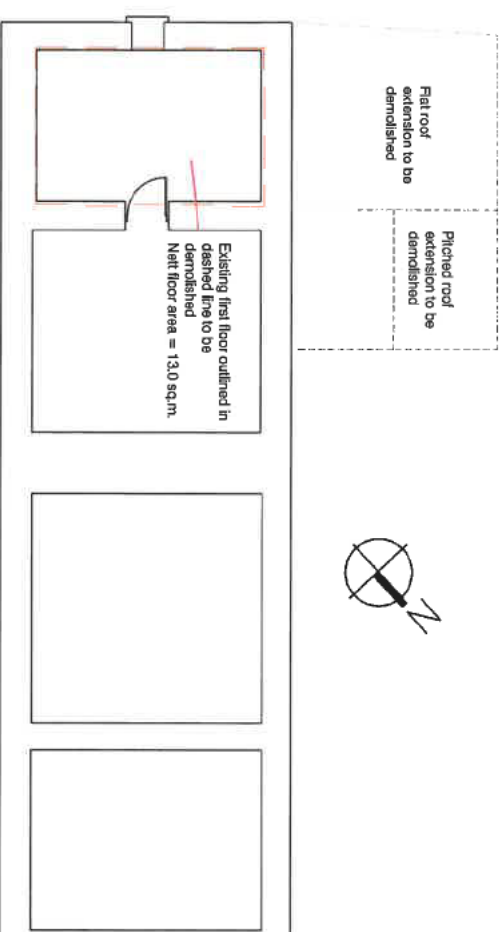
END ELEVATION 1

SCALE: 1:100@A3



GROUND FLOOR PLAN

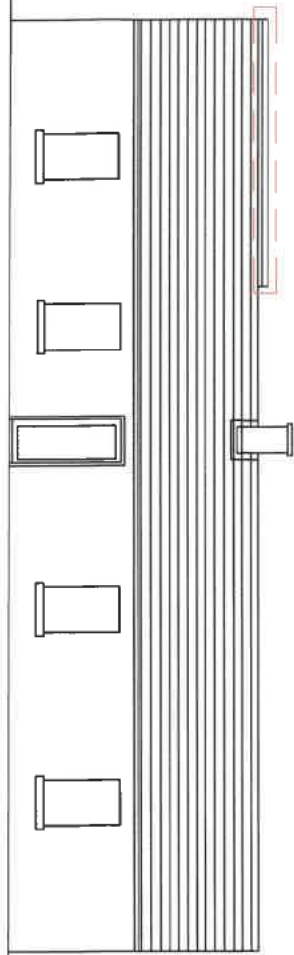
SCALE: 1:100@A3



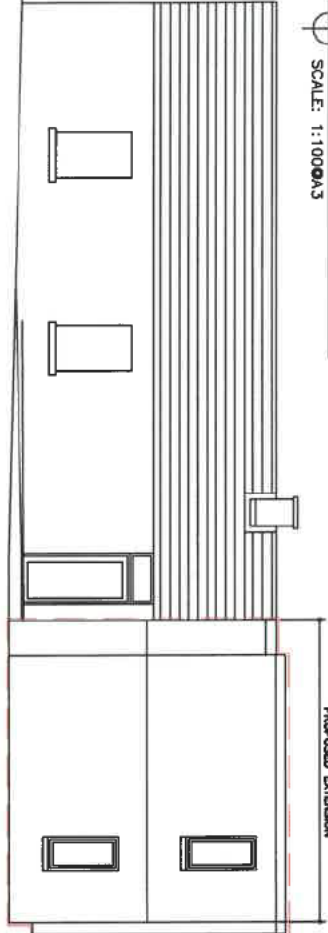
FIRST FLOOR PLAN

SCALE: 1:100@A3

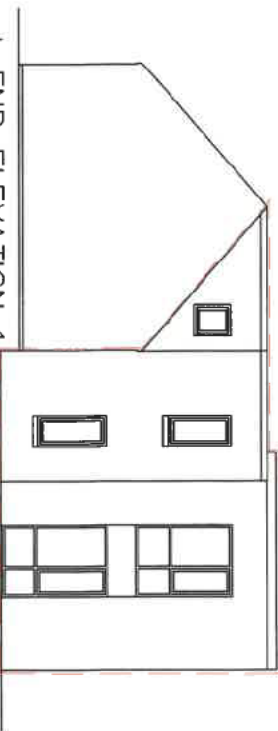
1 - EXISTING PLANS AND ELEVATIONS



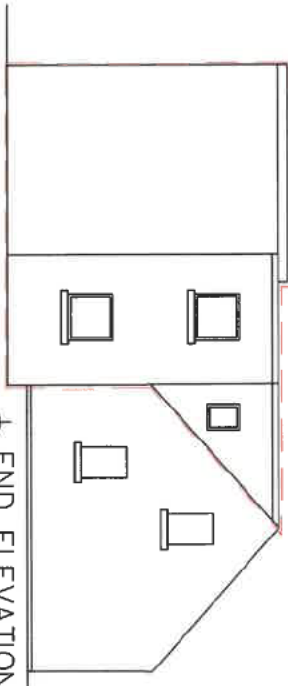
FRONT ELEVATION
SCALE: 1:100@A3



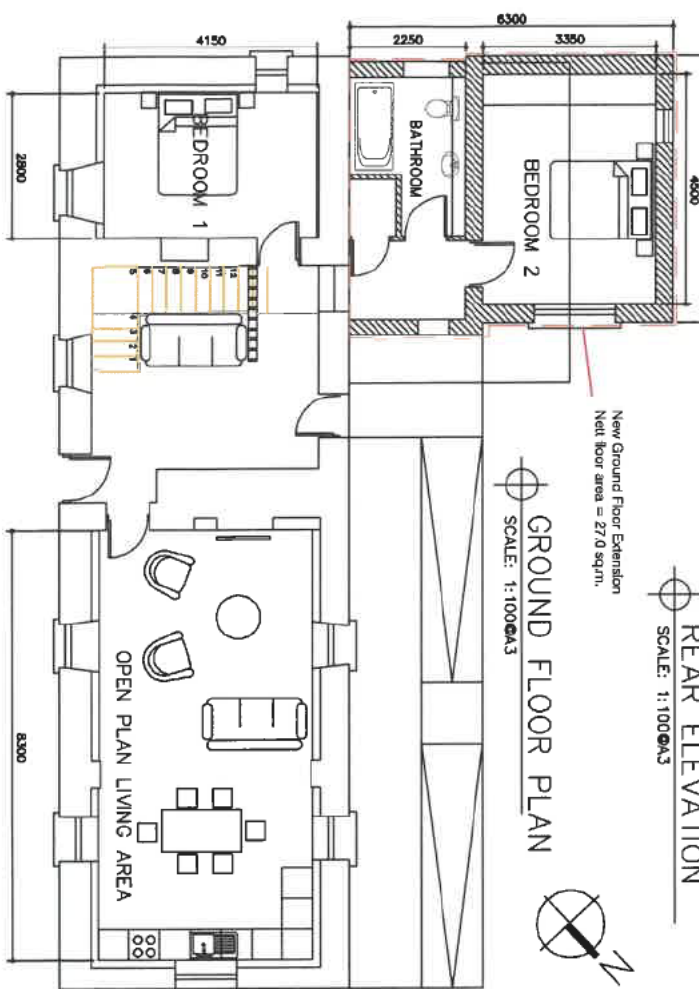
REAR ELEVATION
SCALE: 1:100@A3



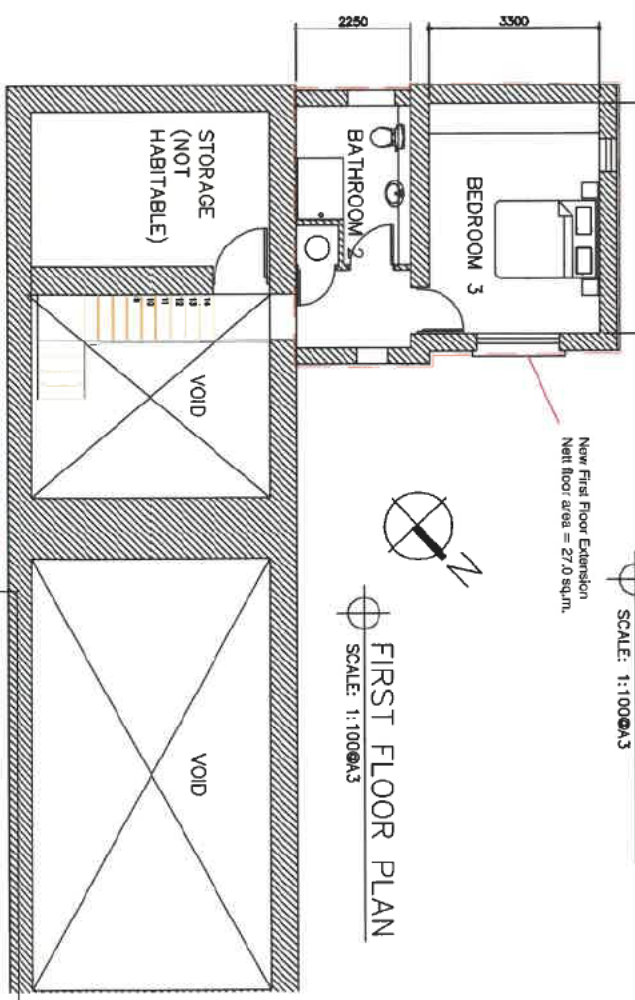
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SCALE: 1:100@A3



END ELEVATION 2
SCALE: 1:100@A3



GROUND FLOOR PLAN
SCALE: 1:100@A3



FIRST FLOOR PLAN
SCALE: 1:100@A3

NOTE: NEW EXTENSION
OUTLINED IN RED
DASHED LINE

4 - PROPOSED PLANS
AND ELEVATIONS

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK

24/02/2025 15:53:58

Receipt No./
Uimhir Admhála : LA25/0/25174825

JOHN MORRISSEY
CROAGH
CO. LIMERICK

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Credit / Debit Card 80.00
VISA
.....4402
.....

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Lisa Flynn
From/Ó : CASH OFFICE HQ
Vat reg No./Cláruimhir CBL: 3267368TH

Report on application under Section 5 of the Planning and Development Act 2000 (as amended)

Reference no. EC-026-25

Name and Address of Applicant: Declan Kinnane
An Teachin Iseal,
Naas,
Co. Kildare.

Agent: N/A

Location: Crean,
Bruff,
Co. Limerick
V35XR68

Description of Site and Surroundings:

There is existing detached property on site which is located to the northwest of Bruff. The site is accessed off a local road, L-51602 and this is a cul-de-sac.

Zoning:

N/A

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or not exempted development:

- Demolition of part of an existing dwelling
- Construction of a new two storey rear extension

This Section 5 declaration includes the following:

- Application Form
- Site location
- Existing floor plans
- Existing elevations
- Proposed Elevations
- Proposed Floor plans

Planning History:

None

Enforcement History

N/A

Relevant An Bord Pleanála referrals

RL2354 - Whether the demolition of part of a house and its replacement with an extension at 39 Rock Road, Blackrock, Co. Dublin, is or is not exempted development. The Board concluded that the development that had taken place does not come within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as the height of the walls of the subject extension exceed the height of the rear wall of the house, being the height of the rear wall of that part of the house that was demolished in order to construct the extension. It therefore does not comply with condition and limitation no. 4(a) as set out in column 2 of Class 1 of Part 1 of the Second Schedule

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 (as amended) and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001 (as amended).

Is the proposal development?

Section 2(1) in this Act, except where otherwise requires –

‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

‘structure’ as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

(a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) defines ‘development’ as ‘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’.

The proposed development on site, comprising Single storey extension to rear of existing dwelling constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal is for demolition of part of the house and a new two storey rear extension. Following a site inspection on the 5th March 2025 it was noted that this is a single storey dwelling with storage space on the first floor. There is a single storey rear extension that is presumed to be constructed prior to 1963 and this is proposed to be demolished, the area of same is 21.4m². Based on the information provided, it is considered this would fall within Class 50 of Part 1 of Schedule 2 as the area to be demolished is under 40m².

The proposal for the construction of a disability bathroom to the rear of dwelling will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Is the development within the curtilage of a house?

Yes, the extension is to the rear of the house and within the curtilage.

Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered Exempted Development, subject to the following Conditions and Limitations:

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

The house has been extended previously and the floor area proposed is 54m².

(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.*

N/A. The house is detached.

(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.*

First floor area proposed is 27m², proposal does not comply.

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.

House extended previously, assumed to be pre 1963.

(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.

N/A. House is detached.

(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.

Area of first floor extension proposed is 27m².

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

Separation distance to boundary not shown.

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 rear wall does not include a gable. The height of the walls of the extension would 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.

N/A. The rear wall of the house does not include a gable.

(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.

Two storey extension proposed and this exceeds the overall height 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 construction of the rear extension would not reduce the area of private open space to less than 25sqm.

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

Distance to boundary is not shown.

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

Distance to boundary is not shown.

(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.

Distance to boundary is not shown.

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

The submitted plans do not show a balcony or roof garden.

Article 9 Restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not necessary (See appendix 1 for AA Screening Form).

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City and County Council (see Appendix 2). Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation

The extension detailed on the application and plans submitted is considered not to be within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on the 24th February 2025.
- (d) An Bord Pleanála Case RL2354.

It is therefore considered that the said works are **development** and **not exempted development** under Condition and Limitations 1(a) and (c), 3, 4(a) and (c), 6(a), (b) and (c) of Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

John Wallace

John Wallace
Assistant Planner

Date 11/03/2025

Agreed

B. Henn

Barry Henn, S.E.P

Date:

19/03/2025

Appendix 1- AA Screening examination
AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
a. File Reference No:	EC/026/25
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether demolition of part of an existing dwelling and construction of a new two storey rear extension is or is not exempted development.
c. Brief description of site characteristics:	There is existing detached property on site which is located to the north west of Bruff. The site is accessed off a local road, L-51602 and this is a cul-de-sac
d. Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	N/A
e. Response to consultation:	N/A

STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptors)	Considered further in screening Y/N
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	14.5km	None	No
001430 Glen Bog SAC	https://www.npws.ie/protected-sites/sac/001430	6.5km	None	No
00439 Tory Hill SAC	https://www.npws.ie/protected-sites/sac/000439	7km	None	No


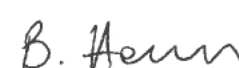
¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² if the site or part thereof is within the European site or adjacent to the European site, state here

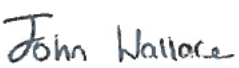
STEP 3: Assessment of Likely Significant Effects	
a. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/Magnitude etc)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
Operation phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g collision risk) • Potential for accidents or incidents 	None works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.
In-combination/Other	N/A given the level of development in the area


b. Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

c. (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

STEP 4: Screening Determination Statement		
The assessment of significance of effects: Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives		
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> the nature and scale of the proposed development on fully serviced lands, the intervening land uses and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.		
Conclusion: AA Screening is not required.		
	Tick as appropriate:	Recommendation:
i. It is clear that there is no likelihood of significant effects on a European Site	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment not required.
ii. It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
iii. Significant effects are likely	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	<div style="text-align: center;">  <hr/> John Wallace Assistant Planner 11/03/2025 </div>	
Signature and Date of the Decision Maker:	<div style="text-align: center;">  <hr/> Barry Henn, Senior Executive Planner 19/03/2025 </div>	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-026-25
Development Summary:	Demolition works and a new extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No. Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class: [insert here]_____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _[specify class & threshold here]_	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here]_____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required
Signature and Date of Recommending Officer:	<div style="text-align: center;">  _____ John Wallace, Assistant Planner </div>

	11/03/2025
Signature and Date of the Decision Maker:	 Barry Henn, Senior Executive Planner 19/03/2025

Appendix 3 – Site Inspection Photographs





PLANNING & PLACE-MAKING

REG POST:

Declan Kinnane
An Teachin Iseal,
Lewistown,
Naas,
Co. Kildare.

EC/026/25

19th March 2025

Re: Declaration under Section 5

Dear Sir/Madam,

I refer to the above application for Section 5 Declaration on Development and Exempted Development.

Please find herewith a copy of Council's decision on same.

Yours faithfully,

For Director of Services
Planning & Place-Making

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/273

File Ref No. EC/026/25

SUBJECT: Declaration under Section 5.
Planning and Development Act 2000 as amended
Planning and Development Regulations 2001 as amended

RE: **The demolition of part of an existing dwelling and construction of a new two storey rear extension at Crean, Bruff, Co. Limerick, V35XR68**

ORDER: Whereas by Director General's Order No. DG/2024/123 dated 27th November 2024, Dr. Pat Daly, Director General, Limerick City & County Council did, pursuant to the powers conferred on him by Section 154 of the Local Government Act, 2001, (as amended by the Local Government Reform Act, 2014 and the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act, 2024), delegate unto Barry Henn, Senior Executive Planner the functions as defined in the Local Government Acts, 1925 to 2024.

Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of John Wallace, Assistant Planner dated 11/03/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Declan Kinnane, An Teachin Iseal, Lewistown, Naas, Co. Kildare to state that the works as described above is

Development and is NOT Exempt Development *kl*

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

19/03/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/273 dated 19/03/25, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Dail
Tuar an Dail, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/026/25

Name and Address of Applicant: Declan Kinnane, An Teachin Iseal, Lewistown, Naas, Co. Kildare

Agent: N/A

Whether the demolition of part of an existing dwelling and construction of a new two storey rear extension at Crean, Bruff, Co. Limerick, V35XR68 is or is not Development or is or is not Exempted Development. The works as described on the plans submitted with the application on the 24th of February 2025.

AND WHEREAS the Planning Authority has concluded that the demolition of part of an existing dwelling and construction of a new two storey rear extension at Crean, Bruff, Co. Limerick, V35XR68 **DOES NOT** come within the scope of exempted development under Condition and Limitations 1(a) and (c), 3, 4(a) and (c), 6(a), (b) and (c) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). See Report attached.

NOW THEREFORE the Planning Authority 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 said development as described above **Development and is NOT Exempt Development.**

Signed on behalf of the said Council

Karen Conlen

Date:

19/03/2025

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Bord Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.