

Planning Department

Limerick City & County Council

5 Mount Park,

New Street,

Limerick.
10.2.2025

RE: Application from Perpetua Downes to consider Exempt Development of kitchen extension at the rear of 5, Mount Park, New Street, Limerick, V94F38X

Dear Sir / Madam,

In support of my application for exempt development, the completed Section 5 Application Form and all the required maps, drawings and details are attached.

The houses at Mount Park, New Street were built in the 1930s. The kitchen extension with an internal floor area of 6.73 square metres was completed around 1983 to supplement the tiny kitchen of the original house.

My mother, Anna Downes, wrote to Limerick City Planning Department on the 2 Dec 1991 concerning the status of a garden shed and the kitchen extension referred to. A copy of the reply from the Planning Department, dated 13 December 1991, is attached. While the garden shed was considered exempt development, the kitchen extension would have required Bye Law Approval. A note by my mother on the letter from the Planning Department, refers to advice my brother John Downes received when he called to the planning office. He still maintains that the advice he received indicated that a full planning approval at the time may only be relevant if the house was for sale and that the Planning Department would not pursue the matter.

I am now the owner and occupier of the house and wish to ensure that any outstanding planning matters are settled. The small kitchen extension would seem completely exempt under current Planning Regulations especially as it is entirely contained in the rear garden and does not affect any neighbouring property as it is separated by a private (shared) right of way.

I will resolve this in any way you stipulate and please advise if you need further information for your assessment.

Yours sincerely,

Perpetua Downes

Perpetua Downes.

**Limerick City & County
Council**

14 FEB 2025

Planning



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: *Perpetua Downes*

Applicant's Address: *5 Mount Park,
New Street
Limerick.
Eircode: V94 F38X*

Telephone No.



Name of Agent (if any): *John Ryan*

Address: *36, Russell Court,
Ballykeeffe,
Limerick.*

Telephone No. *087 2941638*

Address for Correspondence:

*Perpetua Downes,
5 Mount Park,
New Street,
Limerick.
Eircode: V94 F38X*

Location of Proposed development (Please include Eircode):

*5, Mount Park,
New Street,
Limerick.
Eircode: V94 F38X*

Description of Proposed development:

Single storey kitchen extension at the rear of the house. The extension, with an internal floor area of 6.73 square metres, was completed in 1983 to supplement the existing kitchen of 5.5 sq. m. The extension is of concrete block construction on a concrete strip foundation with a flat roof. The extension is entirely contained within the rear garden and does not adjoin a neighbouring property.

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

Planning & Development Regulations 2001 as amended. Section 5

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

Applicant's interest in site: *Owner*

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

- *Drg. No. 2.25A Authorised OS Place Map to scale of 1:1000.*
- *Drg. No. 2.25B Site Plan to scale of 1:100 showing ground floor plan of house and extension, front garden, right of way at side and rear garden.*
- *Drg. No. 2.25C Ground Floor Plan to scale of 1:50.*
- *Drg. No. 2.25D Elevations of extension and rear of house & extension.*
- *Drg. No. 2.25E Photographs of existing structures to facilitate assessment.*
- *Cover letter and a copy of a letter from Limerick City Planning Department dated 13 December 1991.*
- *Receipt for fee of €80.*

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

Signature of Applicant *Perpetua Donnell*

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 _____

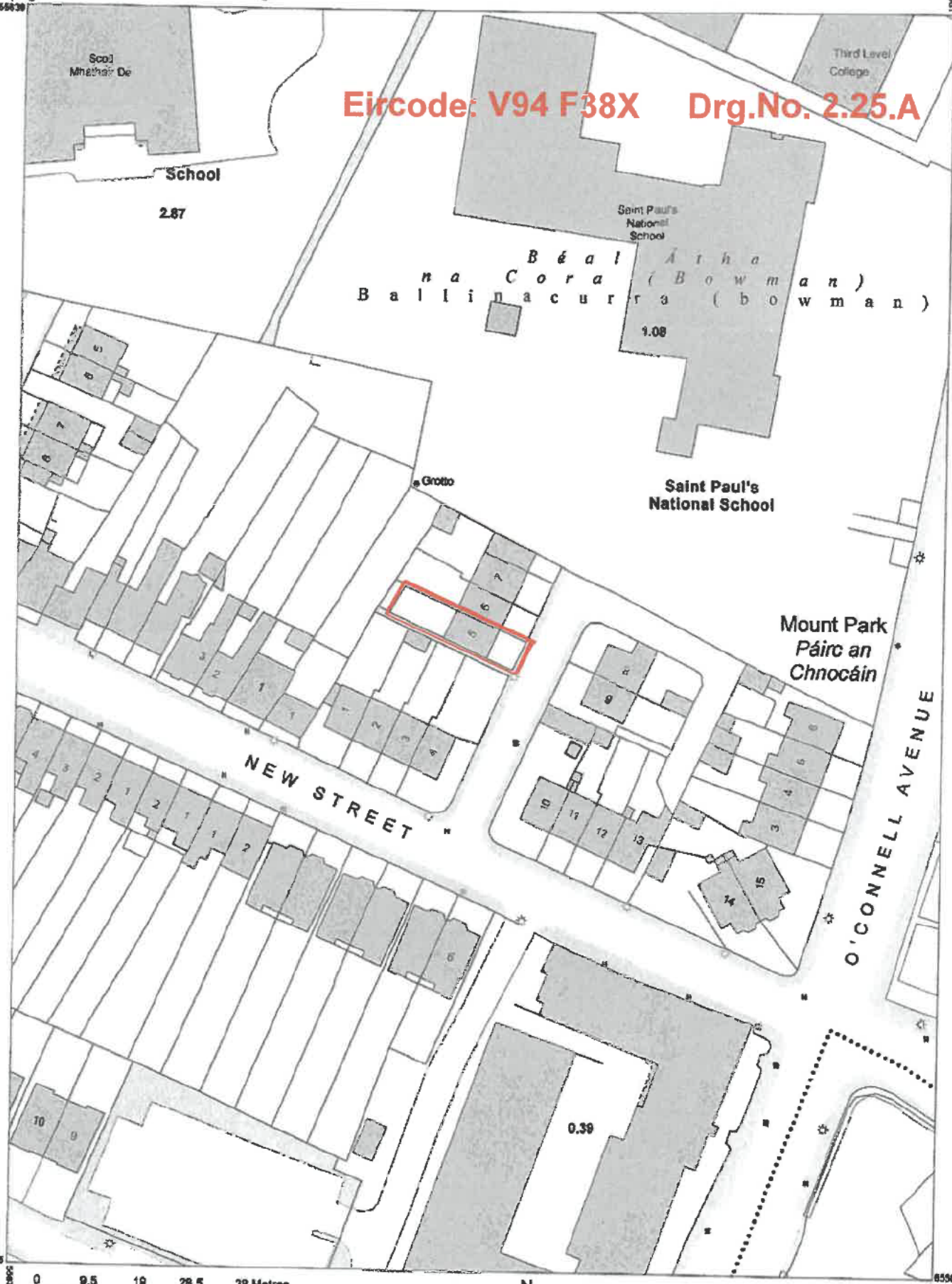
Fee Received _____

Date Due _____

PLACE Map

5 Mount Park, New Street, Limerick.

Eircode: V94 F38X Drg.No. 2.25.A



0 9.5 19 28.5 38 Metres
0 10 20 30 40 50 Feet

OUTPUT SCALE: 1:1,000



CENTRE
COORDINATES:
ITM 55875,655723

PUBLISHED:
27/01/2025

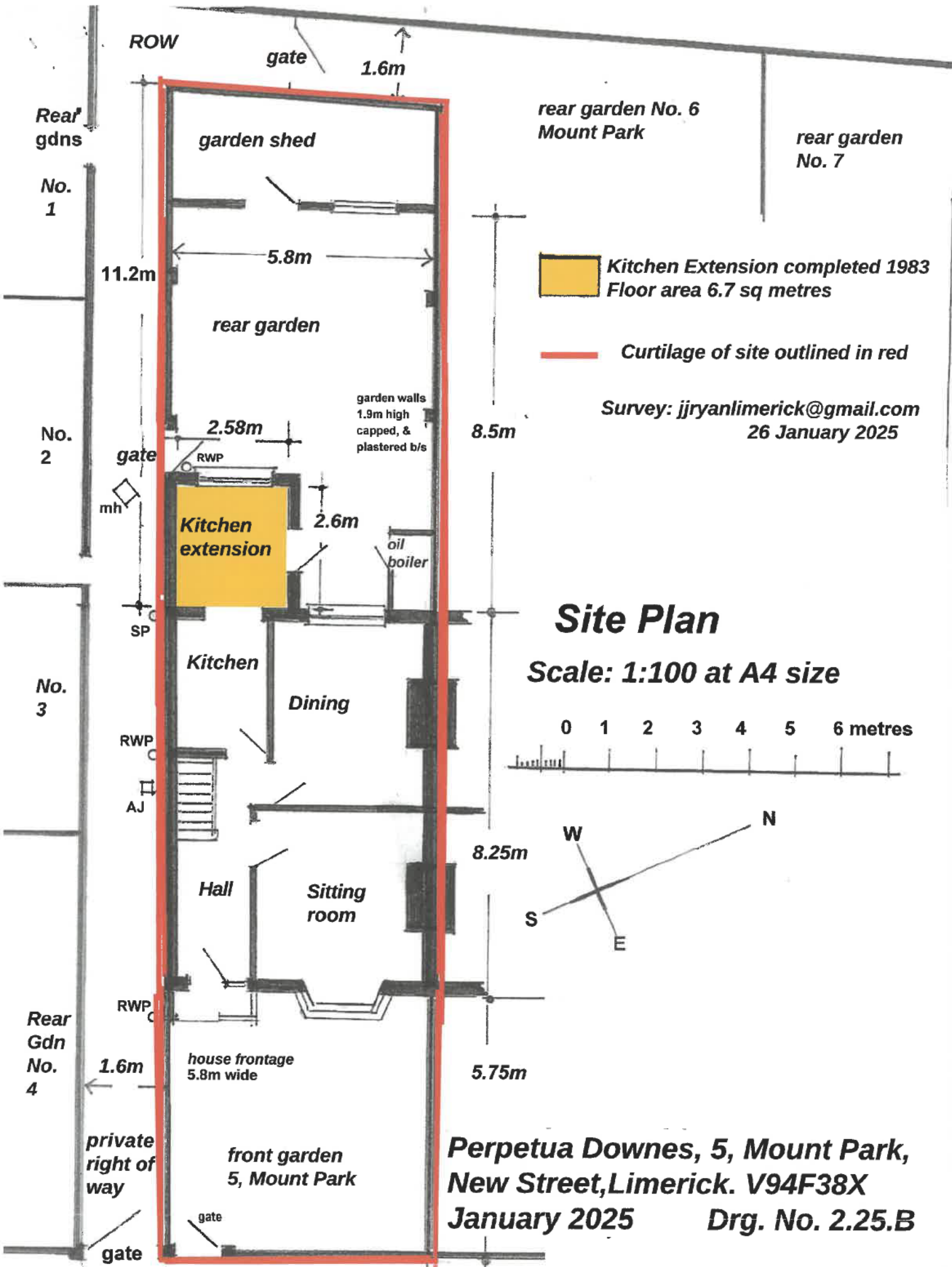
MAP SERIES: MAP SHEETS:

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.talis.ie; search 'Capture Resolution' LEGEND: To view the legend visit

FILED AND PUBLISHED BY:
Eireann,
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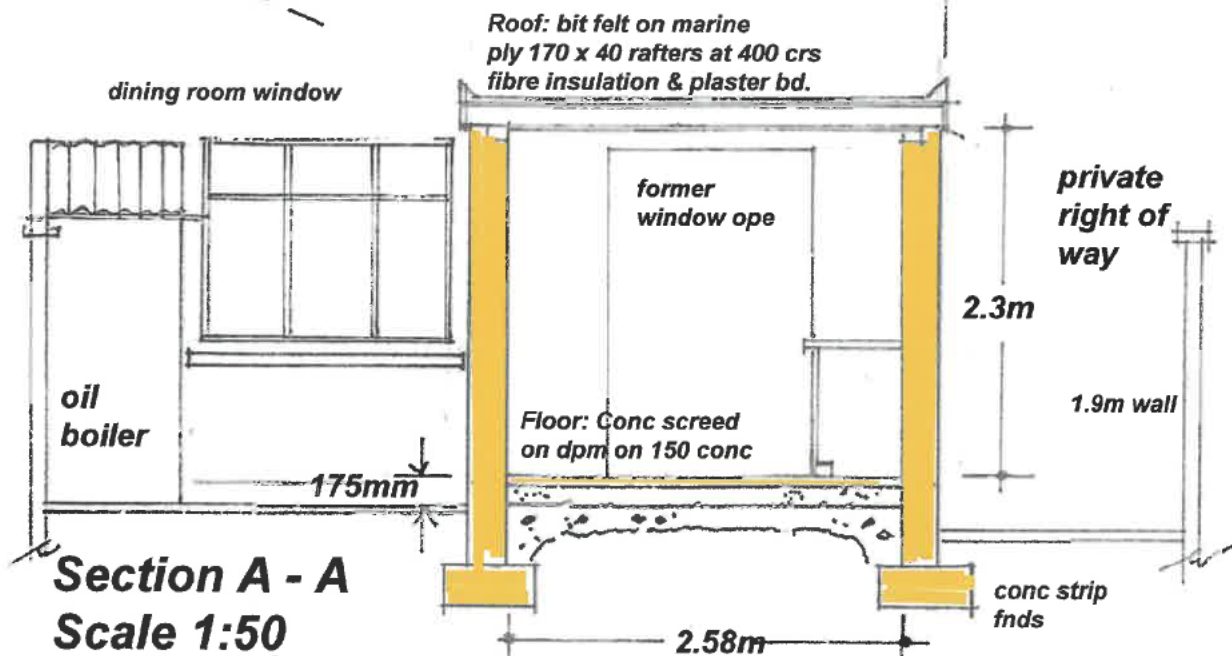
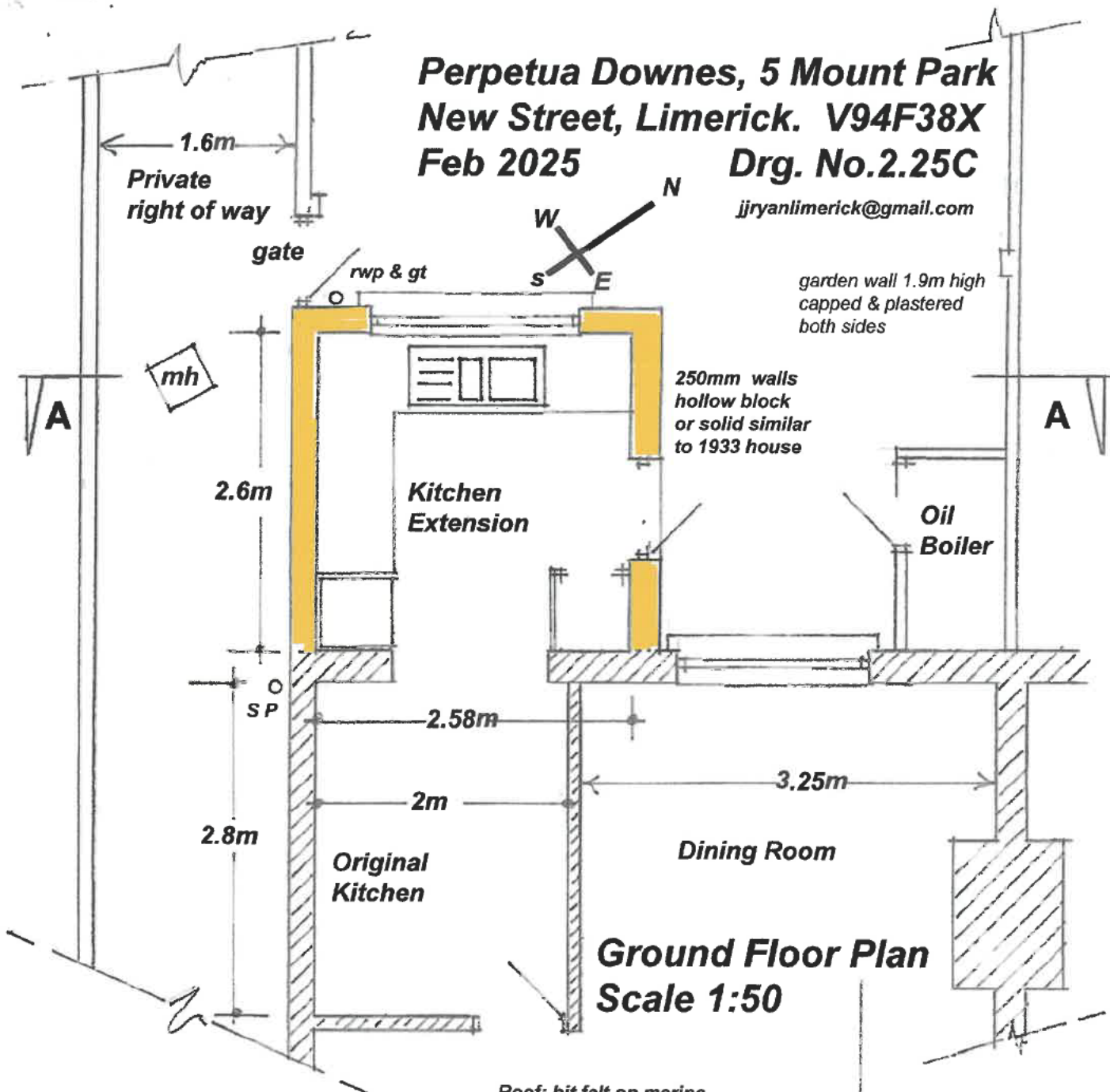
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This topographic map does not show
local authority boundaries



**Perpetua Downes, 5 Mount Park
New Street, Limerick. V94F38X
Feb 2025 Drg. No.2.25C**

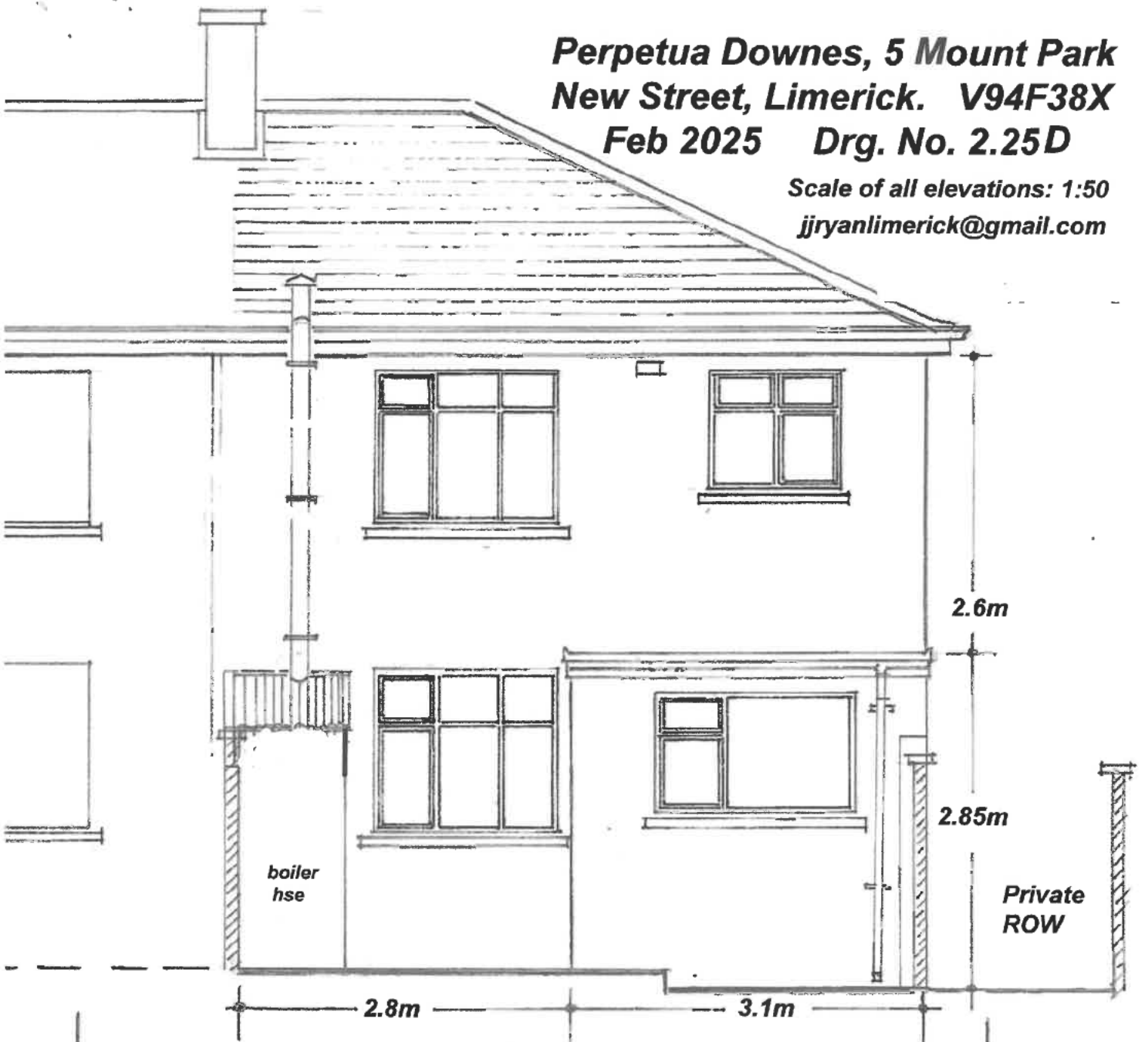
jjryanlimerick@gmail.com



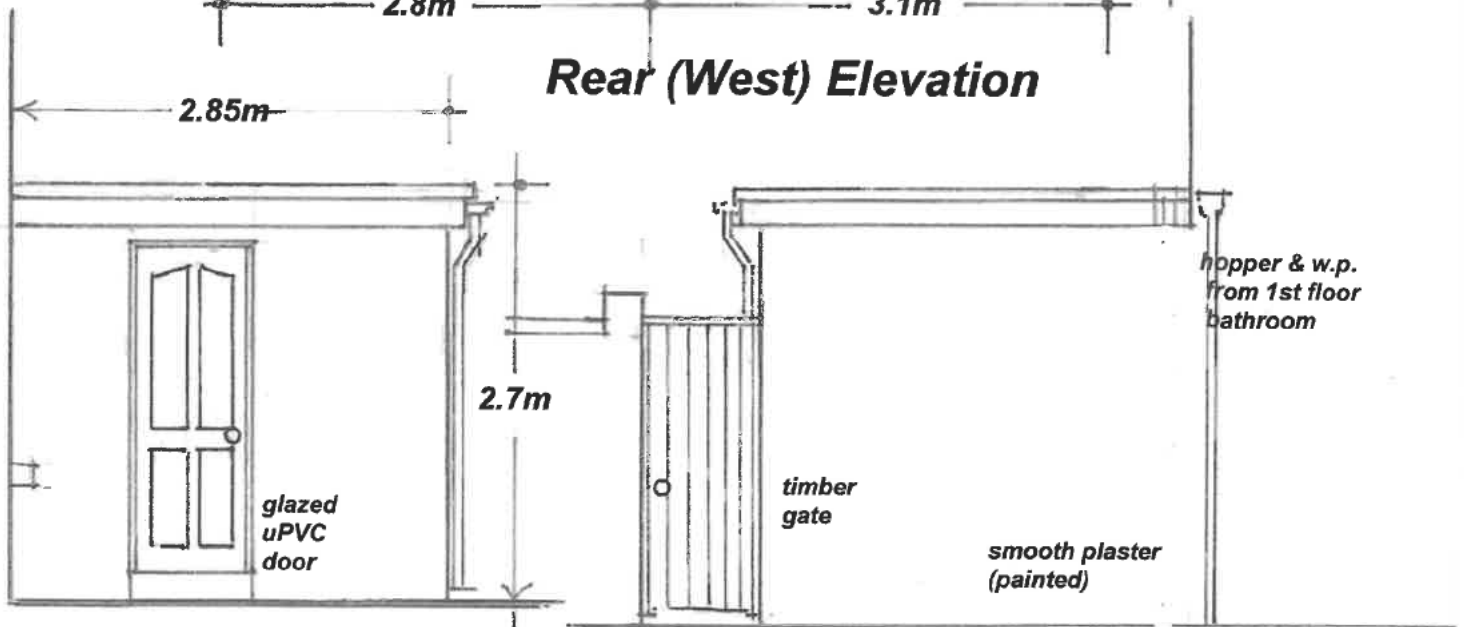
**Perpetua Downes, 5 Mount Park
New Street, Limerick. V94F38X
Feb 2025 Drg. No. 2.25D**

Scale of all elevations: 1:50

jjryanlimerick@gmail.com



Rear (West) Elevation



North Elevation

South Elevation (view from R.O.W.)

**Application for Exempt Development of kitchen extension
at 5 Mount Park, New Street, Limerick. V94F38X**



Photo 1: Front of 5 Mount Park



Photo 2: Private right of way



Photo 3: Kitchen extension rear elevation



**Photo 4: Kitchen extension view from
right of way**



27 Jan 2025 Photo 5: Kitchen extension general view Drg. No. 2.25.E



COMHAIRLE
CATHRACH & CONTAE
Luimnigh
Limerick
CITY & COUNTY
COUNCIL

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

04/02/2025 15:40:49

Receipt No./

Uimhir Admhála : LA25/0/25174238

***** **REPRINT** *****

PERPETUA DOWNES
5 MOUNT PARK
NEW STREET
LIMERICK

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Cash 100.00

Change/Sóinseáil : 20.00

Issued By/

Eisithe ag : John Harold

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-027-25

Name and Address of Applicant: Perpetua Downes
5 Mount Park
New Street
Limerick
V94 F38X

Agent: John Ryan
36 Russell Court
Ballykeeffe
Limerick

Location: 5 Mount Park
New Street
Limerick
V94 F38X

Description of Site and Surroundings:

The site is occupied by an existing two storey end of terrace dwelling at 5 Mount Park, off New Street.

Zoning:

Existing Residential

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:

- Single storey kitchen extension of 6.73sqm to the rear of the property

This Section 5 declaration includes the following:

- Application Form
- Cover Letter
- Site location
- photographs
- Elevations
- Floor plans

Planning History:

None

Enforcement History

None

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 existing extension on site constitutes 'works' and 'development'.

Is the proposal exempted development?

The proposal for the retention of an extension to 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 not been extended previously and stated floor area is 6.73sqm.

(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 No development has occurred or is proposed above ground.

(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.

N/A No development has occurred or is proposed above ground

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 has not been extended previously.

(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 no works have occurred or proposed above ground floor.

(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.

N/A no works have occurred or proposed above ground floor.

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

N/A no works have occurred 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 rear wall does not include a gable. The height of the walls of the extension do 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.

N/A

(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.

Height does not exceed height of eaves or parapet or height of 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 extension does 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.

No windows are located 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.

N/A no works have occurred or proposed above ground floor.

(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.

N/A

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 occurred 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

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 existing extension to rear of dwelling detailed on the application and plans submitted is considered to be within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2000 (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 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 14th February 2025.

It is therefore considered that the said works are development and exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)



Áine Leland
Executive Planner
Date 26/02/2025

Agreed 
Barry Henn, S.E.P

Date: 04/03/2025

AA PN01 Screening Form**STEP 1: Description of the project/proposal and local site characteristics:**

a. File Reference No:	EC/027/25
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether an extension to the rear of dwelling is or is not exempted development.
c. Brief description of site characteristics:	The site is located within the built environment of Limerick City. End of terrace dwelling
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
Lower River Shannon SAC 002165	Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	1.2km	None	N
River Shannon & River Fergus Estuaries SPA 004077	River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service (npws.ie)	1.5km	None	N

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 	NA, works have already occurred

<ul style="list-style-type: none"> • Pests 	
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. No direct encroachment or hydrological connection.
In-combination/Other	N/A given the level of development


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. No direct encroachment or hydrological connection.

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 existing extension 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:	 <hr/> Aine Leland Executive Planner 27/02/2025	
Signature and Date of the Decision Maker:	 <hr/> Barry Henn, Senior Executive Planner 04/03/2025	

Establishing if the proposal is a 'sub-threshold development':

Planning Register Reference:	EC-027-25	
Development Summary:	Whether the existing extension to the rear is or is not exempted development.	
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 <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Screening Determination required Preliminary Examination required
Signature and Date of Recommending Officer:		 Áine Leland, Executive Planner Date: 27/02/2025
Signature and Date of the Decision Maker:		

Barry Henn, Senior Executive Planner

Date: 04/08/2025

B. Henn

PLANNING & PLACE-MAKING

REG POST:

Perpetua Downes
5 Mount Park
New Street
Limerick
V94 F38X

EC/027/25

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/ 115

File Ref No. EC/027/25

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

RE: **The single storey kitchen extension of 6.73sqm to the rear of the property at 5 Mount Park, New Street, Limerick V94 F38X.**

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 Aine Leland, Executive Planner dated 26/02/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Perpetua Downes, 5 Mount Park, New Street, Limerick V94 F38X to state that the works as described above is

Development and is Exempt Development.

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

04/03/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/ 115 dated 04/03/25, 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 Daill
Tuar an Daill, 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/027/25

Name and Address of Applicant: Perpetua Downes, 5 Mount Park, New Street, Limerick V94 F38X

Agent: John Ryan, 36 Russell Court, Ballykeeffe, Limerick

Whether the single storey kitchen extension of 6.73sqm to the rear of the property at 5 Mount Park, New Street, Limerick V94 F38X 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 14th of February 2025.

AND WHEREAS the Planning Authority has concluded that the single storey kitchen extension of 6.73sqm to the rear of the property at 5 Mount Park, New Street, Limerick V94 F38X **DOES** come within the scope of exempted development as defined by 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 is **Development and is Exempt Development**.

Signed on behalf of the said Council

Date: 5/3/25

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.