

Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Mairead Hennessy

Applicant's Address: BOOLA HILLS

DOOLA,

CO. LIMERICK

Telephone No.



Name of Agent (if any): LIAM O'DWYER

Address: COOLACROSSANE,

DUNDROM,

CO. TIPPERARY E34 PV26

Telephone No. 086 739 2266

Address for Correspondence:

COOLACROSSANE

DUNDROM

CO. TIPPERARY, E34 PV26

email: liam.novacon@gmail.com

Location of Proposed development (Please include EIRCODE):

BALLYLAHIFF

OOLA

CO. LIMERICK, E34 E046

Description of Proposed development:

Single Story Rear Extension

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

Development / extension 40m² or less
2 front porch 2m² or less

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

~~YES~~ ☒ NO

Applicant's interest in site: owner of property

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

- Site Layout
- Site Location Map
- Plan Drawing
- Elevation Drawing

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

If Yes please provide floor areas of all existing structures:

N/A

Signature of Applicant (or Agent)

Sean O'Dwyer

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**

**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**

Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 583705,640676

PUBLISHED:
25/03/2025

ORDER NO.:
50456686_1

MAP SERIES:
1:2,500
1:2,500
1:2,500
1:2,500

MAP SHEETS:
5054-B
5054-D
5055-A
5055-C

COMPILED AND PUBLISHED BY:
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Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

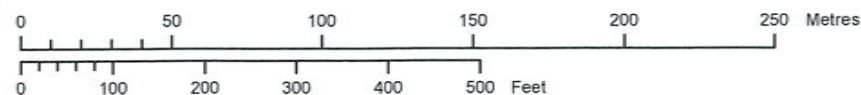
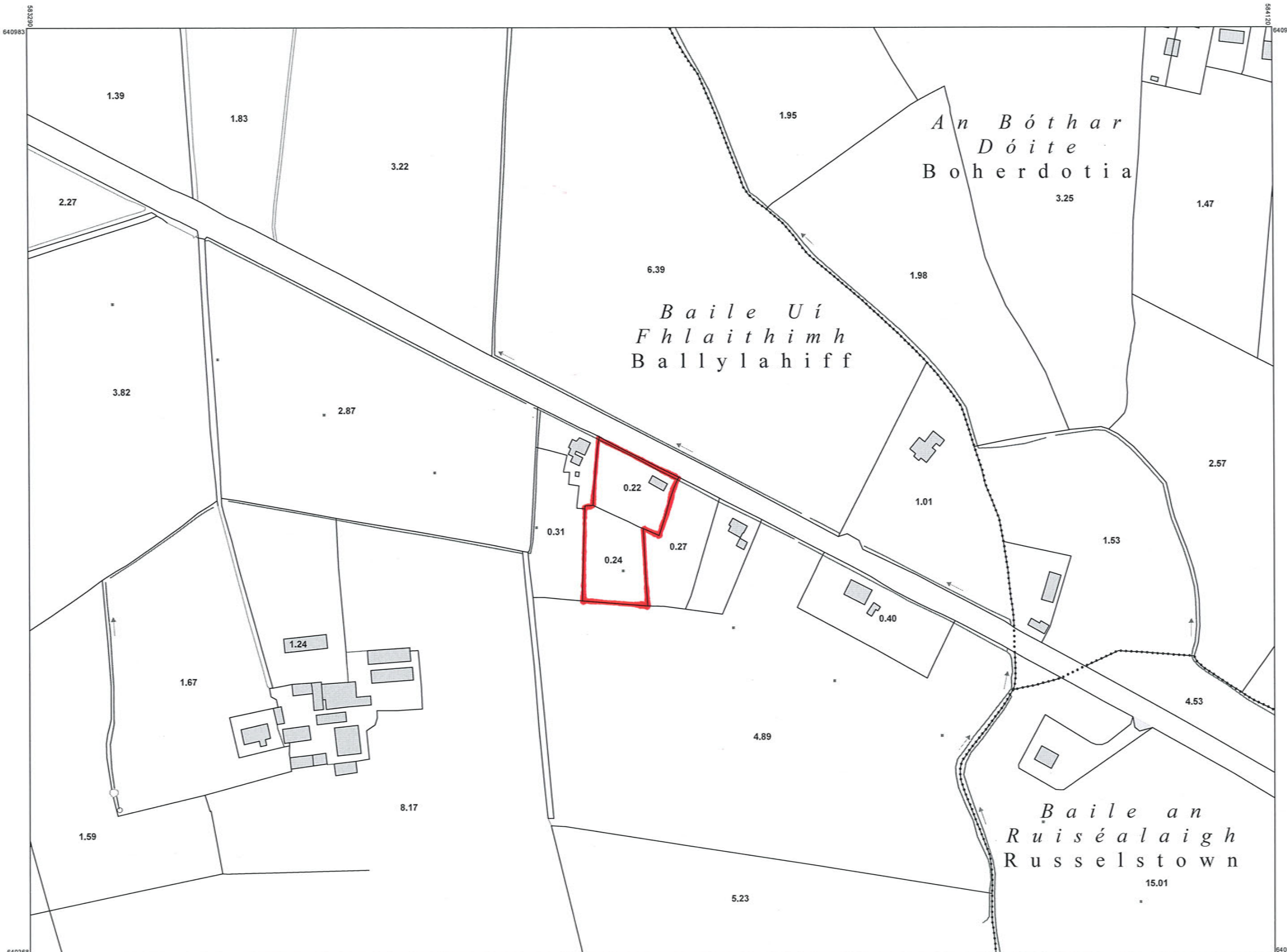
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LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'





PROPOSED
PORCH

6.200

4.790

PROPOSED
EXTENSION

Drawn By

NOVACON TECHNICAL SOLUTIONS LTD

E: iam.novacon@gmail.com
T: +353 086 7392266

Development

PROPOSED EXTENSION TO EXISTING
DWELLING, BALLYLAHIF
OOLA, CO. LIMERICK

Client

MAIREAD HENNESSY

Title

SITE LAYOUT PLAN

Drawn LOD Scale 1:500 @ A3

Check LOD Date 03/2025

Apprd Status Planning

Drawing Number

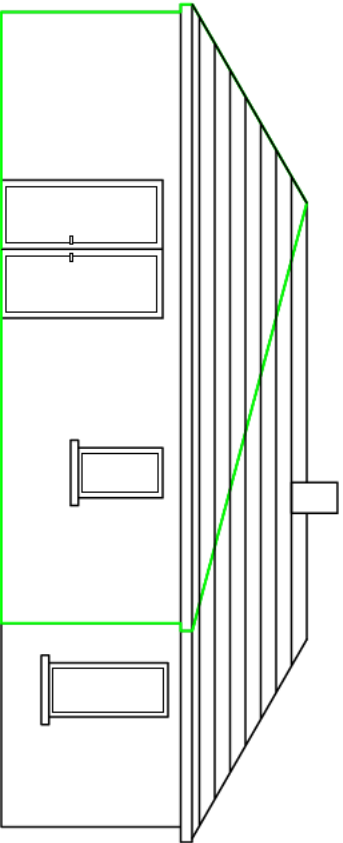
MH-01

Rev.

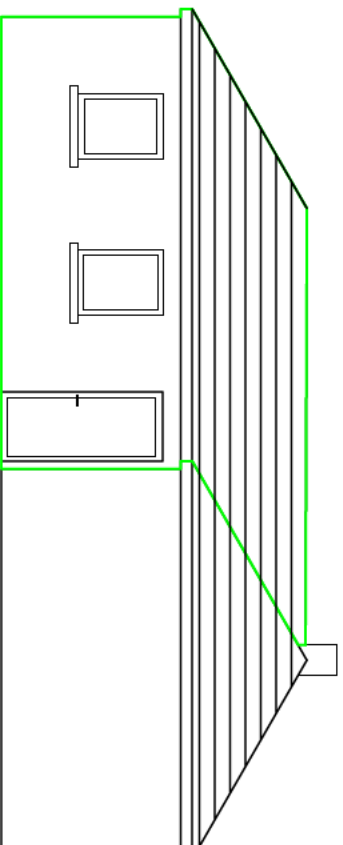
A

RENDER FINISH TO PROPOSED EXTENSION
AND PORCH

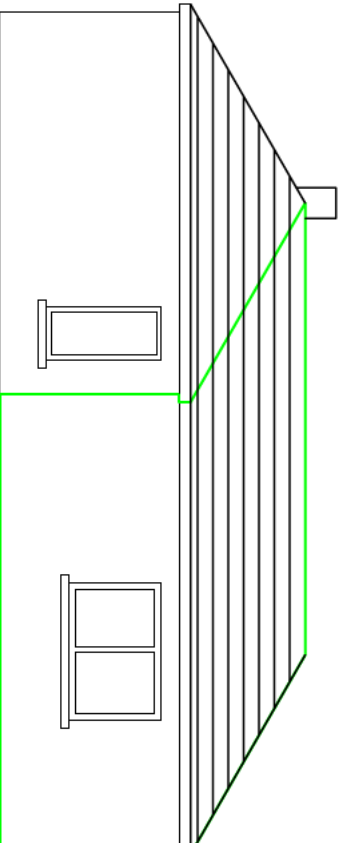
SLATE PROPOSED FOR ROOF



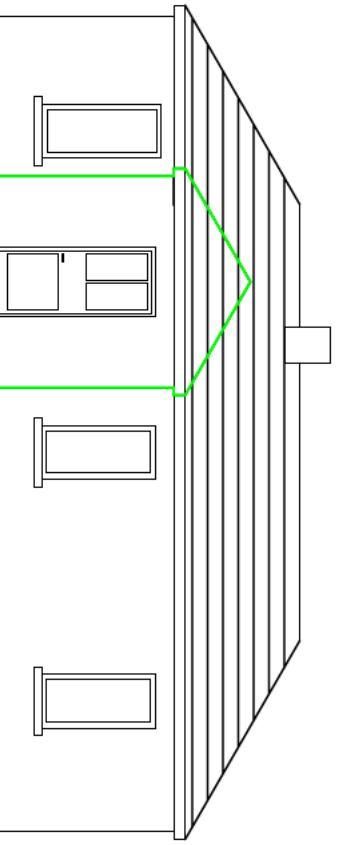
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

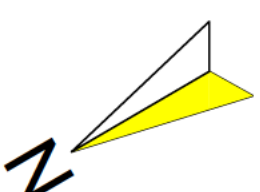


NORTH ELEVATION

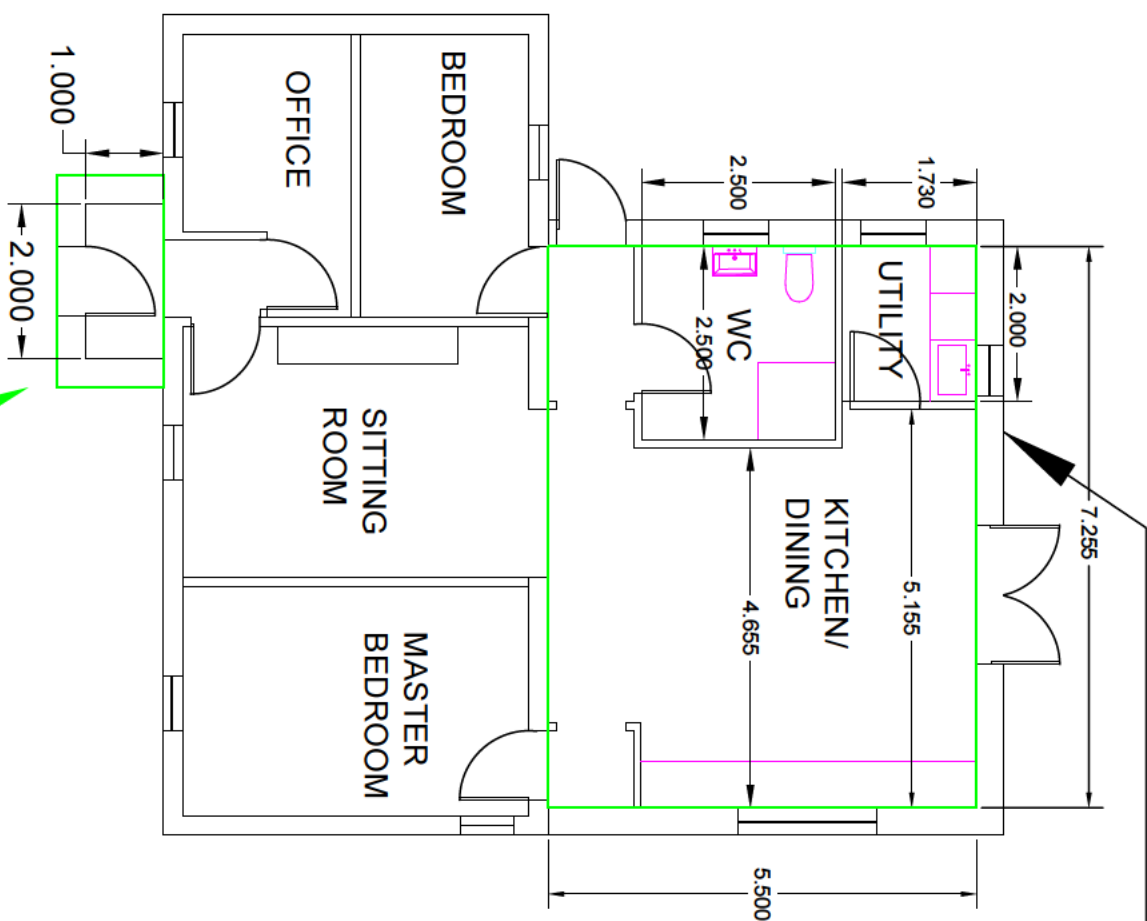
☐ DENOTES PROPOSED EXTENSION & PORCH

PROPOSED EXTENSION ELEVATIONS

Drawn	Scale 1:100 @	Drawing Number	Rev.
LOD	A3		
Chk.	Date		
LOD	03/2025		
Appt.	Status		
	Planning		
		MH-03	A



PROPOSED EXTENSION - 40m^2



PROPOSED PORCH 2m^2

Drawn By NOVACON TECHNICAL SOLUTIONS LTD	
Development PROPOSED EXTENSION TO EXISTING DWELLING, BALLYLAHIFF OOLA, CO. LIMERICK	
Client MAIREAD HENNESSY	
Title PROPOSED EXTENSION PLAN	
Drawn LOD	Scale 1:100 @ A3
Chk. LOD	Date 03/2025
Appt. Planning	Status Planning
Drawing Number MH-02	
Rev. A	

Payer details

Payer nameNOVACON TECHNICAL SOLUTIONS LIMITED
IBAN
BIC
Address

Recipient details

Recipient nameLimerick city & county council fund account No 1 A/C
Account number
BIC
ReferenceSection 5 Application Mairead Hennessy - C/O Novacon

Transfer overview

Amount€80
Fees€0
StatusCOMPLETED
TypeSEPA Instant Credit Transfer
Payment reference
ReferenceTo Limerick city & county council fund account No 1 A/C
Created29 Mar 2025, 13:59
Approved by Revolut29 Mar 2025, 13:59



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

Reference no. EC-060-25

Name and Address of Applicant: Mairead Hennessy
Ballylahiff,
Oola,
Co. Limerick
E34EO46

Agent: Liam O Dwyer,
Coolarossane,
Dundrum,
Co. Tipperary.
E34PV26

Location: Ballylahiff,
Oola,
Co. Limerick
E34EO46

Description of Site and Surroundings:

There is a hipped roof, single storey dwelling on site which is located in the townland of Ballylahiff, this is a short distance west of the county boundary with Tipperary. The site is accessed off the N24 national road.

Zoning:

None.

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:

- Development of a rear extension and front porch

This Section 5 declaration includes the following:

- Application Form
- Site location
- Proposed Elevations
- Proposed Floor plans
- Site layout

Planning History:

None.

Enforcement History

N/A

Relevant An Bord Pleanála referrals

N/A

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 and front porch constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal is for the construction of a rear extension with an area of 40m² and a front porch of 2m². Following a site inspection on the 2nd April 2025 it was noted that this is a single storey dwelling which appears to be uninhabited for some time. There are two elements to be assessed, which are identified under (A) and (B) below.

(A) The proposal for the construction of a rear extension 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 area of the rear extension proposed is 40m².

(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.*

N/A, dwelling is a single storey.

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.

A 40m² extension is proposed.

(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, dwelling is a single storey.

(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, dwelling is a single storey.

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

NA, single storey extension proposed.

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 walls of the proposed extension do not exceed the height of side walls.

(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.

NA, 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.

Height of eaves is not exceeded.

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.*

It appears 1m is achieved.

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

Dwelling is single storey.

(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.

Dwelling is a bungalow, single storey extension proposed.

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.

(B) The proposal for the front porch will be considered under Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Class 7

The construction or erection of a porch outside any external door of a house

1. Any such structure shall be situated not less than 2 metres from any road.

Submitted drawings show a separation distance of c.3 metres from the public road.

2. The floor area of any such structure shall not exceed 2 square metres.

Floor area proposed is two metres squared.

3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

Height of the porch is under 4m.

The proposal is therefore considered exempt development.

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 has been undertaken (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.

Environmental Impact Assessment

An EIA Screening examination has been undertaken (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 rear extension and front porch detailed on the application and plans submitted is considered to be within the scope of Class 1 of Part 1 of Schedule 2 and Class 7 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 of Part 1 of Schedule 2 and class 7 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 26th March 2025.

It is therefore considered that the said works are development and exempted development under the Planning and Development Regulations 2001 (as amended).

John Wallace

John Wallace
A/Executive Planner

Date 09/04/2025

Agreed

Jennifer Collins

Jennifer Collins
A/Senior Executive Planner

Date: 23/04/2025

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/060/25
b. Brief description of the project or plan:	<p>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:</p> <ul style="list-style-type: none"> Development of a rear extension and front porch
c. Brief description of site characteristics:	<p>There is a hipped roof, single storey dwelling on site which is located in the townland of Ballylahiff, this is a sort distance east of the county boundary with Tipperary. The site is accessed off the N24 national road.</p>
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
002137 Lower River Suir SAC	Lower River Suir SAC National Parks & Wildlife Service (npws.ie)	8.8km	None	No
004165 Slievefelim to Silvermines Mountains SPA	Slievefelim to Silvermines Mountains SPA National Parks & Wildlife Service (npws.ie)	12.4km	None	No
001847 Philipston Marsh SAC	https://www.npws.ie/protected-sites/sac/001847	7.3km	None	No
002165 Lower River	Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	5.2km	None	No

Shannon SAC				
002257 Moanour Mountain SAC	Moanour Mountain SAC National Parks & Wildlife Service (npws.ie)	9.5km	None	No
Galtee Mountains SAC	Galtee Mountains SAC National Parks & Wildlife Service (npws.ie)	13.6km	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. No direct encroachment or hydrological connection.
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 in the area.


(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <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 	<p>None. No direct encroachment or hydrological connection.</p>
--	---



(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)

☐ Yes ☒ No

STEP 4: Screening Determination Statement		
<p>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</p>		
<p>No effects have been identified on any designated sites</p>		
<p>Conclusion: Given the sites size, no hydrological connection to any SAC/SPA, the site does not encroach on any SAC/SPA and the scale of the development, An AA Screening is not required.</p>		
	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:		John Wallace

	<u>John Wallace, A/Executive Planner</u> 09/04/25
Signature and Date of the Decision Maker:	 Jennifer Collins, A/Senior Executive Planner 23/04/2025

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	EC-060-25
Development Summary:	Rear extension and Front porch
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:	 _____ John Wallace A/Executive Planner 09/04/2025
Signature and Date of the Decision Maker:	 _____ Jennifer Collins, A/Senior Executive Planner 23/04/2025

Appendix 3 – Site Inspection Photographs









RECYCLING
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WASTE
BIRMAN
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PLANNING & PLACE-MAKING

REG POST:

**Mairead Hennessy,
c/o Liam O Dwyer,
Coolarossane,
Dundrum,
Co. Tipperary.
E34PV26**

EC/060/25

24 April 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) Senior Planner,
Development Management**

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/402

File Ref No. EC/060/25

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

RE: **The development of a rear extension and front porch at Ballylahiff, Oola, Co. Limerick E34EO46**

ORDER: Whereas by Director General's Order No. DG/2024/122 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 Jennifer Collins, A/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, Jennifer Collins, A/Senior Executive Planner, having considered the report and recommendation of John Wallace, A/Executive Planner dated 09/04/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Mairead Hennessy, c/o Liam O Dwyer, Coolarossane, Dundrum, Co. Tipperary E34PV26 to state that the works as described above is

Development and is Exempt Development. *VL*

Signed

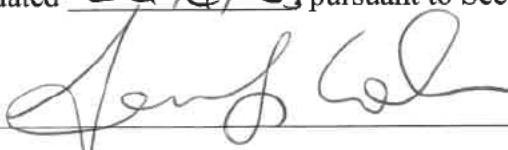

A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

26/4/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/402 dated 26/4/25 pursuant to Section 151(7) of the Local Government Act 2001

Signed:


A/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/060/25

Name and Address of Applicant: Mairead Hennessy, Oola Hills, Oola, Co. Limerick E34EO46

Agent: Liam O Dwyer, Coolarossane, Dundrum, Co. Tipperary. E34PV26

Whether the development of a rear extension and front porch at Ballylahiff, Oola, Co. Limerick E34EO46 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 31st of March 2025.

AND WHEREAS the Planning Authority has concluded that the development of a rear extension and front porch at Ballylahiff, Oola, Co. Limerick E34EO46 **DOES** come within the scope of exempted development as defined under Class 1 of Part 1 of Schedule 2 and Class 7 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

Karen Conlan

Date:

26/01/2025

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.