

Limerick City and County Council

Planning Department

Section 5 Application



DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Dr. MICHAEL O'BRIEN, Ms. HANNAH JANSEN

Applicant's Address: Curragh
Castle mahon

Y412 HX5B

Telephone No.

[REDACTED]

Name of Agent (if any): N/A

Address: Curragh
Castle mahon

Telephone No. _____

Address for Correspondence:

Applicant's address

Location of Proposed development (Please include EIRCODE):

Curragh
Castlemahon
52.41724, -8.99045



Description of Proposed development:

The proposed development is the ~~construction~~ of a single-story extension to the rear of the existing dwelling of which the total internal area does not exceed 40m² and the roof height will not exceed the roof height of the existing building.

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

Section 5 of the planning & development act 2000

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

YES NO

Applicant's interest in site: Son of owner site is in process of being gifted to applicant for purpose of primary dwelling.

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

Floor plan + elevations

Site layout

Site location

Current Owner permission for application.

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

If Yes please provide floor areas of all existing structures:

Signature of Applicant (or Agent)



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





Date Extraction Date: 01-Feb-2015
Source Date Release: 01-Feb-2015
Data S Release: V1.0A.19
Product Version: 1.4
Version: 1.4

Area of land marked "P" in Red is 0.1 Hectare
S B-94-1
Maurice Meekell MC008
19/02/2005

Ordnance Survey Ireland Licence no: EN0092420

Planning Exemption Application

Curragh, Castlemahon, Co. Limerick
52°25'02.0"N 8°59'25.7"W
52.41724, -8.99045

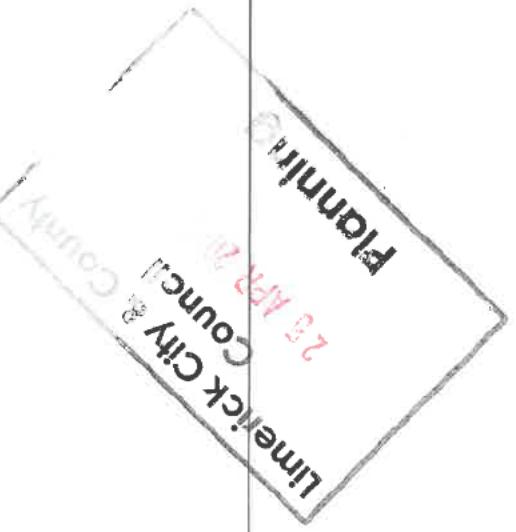
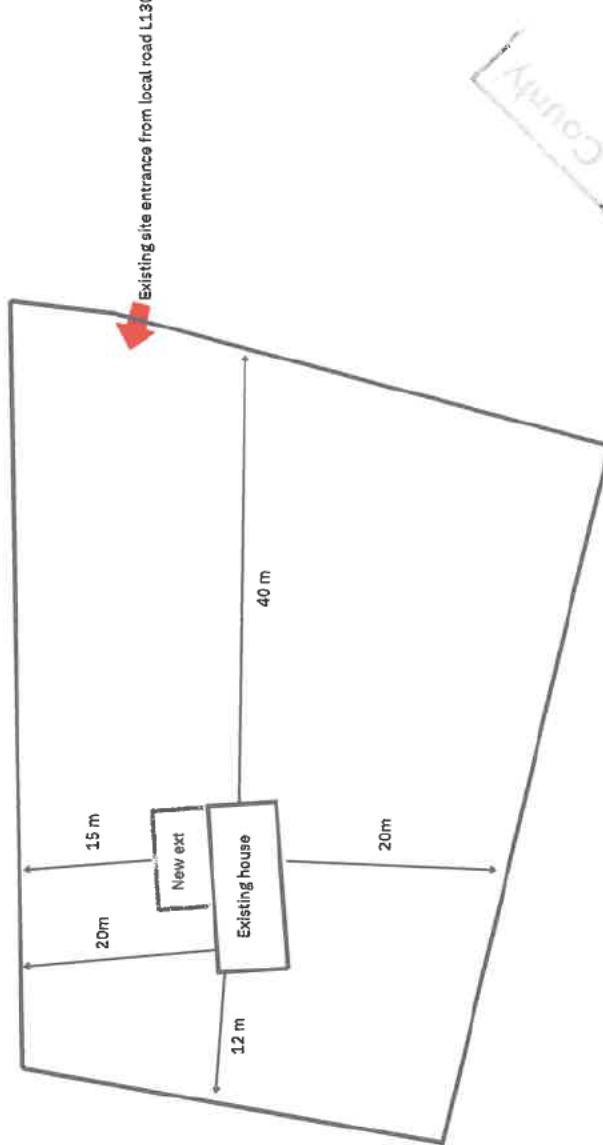
Site Layout Plan

- No change to site entrance
- Road frontage to L13042
- No dwellings bound the site
- Site surrounded by family farm land
- Total site area ca. 1 ac

Note All dimensions in meters

18/03/2025

Site layout



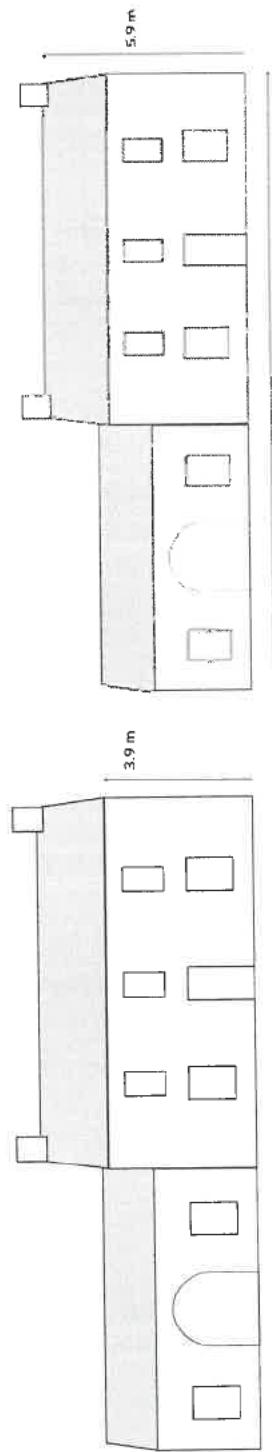
Planning Exemption Application

Curragh, Castlemahon, Co. Limerick
52°25'02.0"N 8°59'25.7"W
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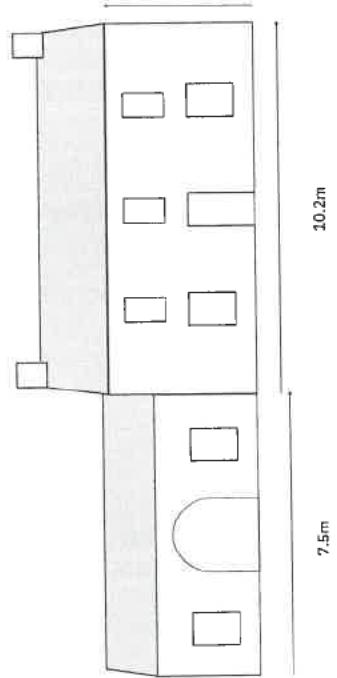
Drawing of front and rear elevation pre and post the proposed extension

- New extension to the rear (North) will not change the front elevation
- Total internal floor area will not be greater than 40m²
- The proposed extension is single storey
- The roof height will not exceed the roof height of the existing dwelling

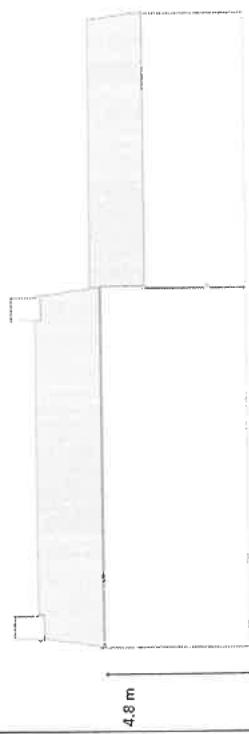
Front elevation post extension



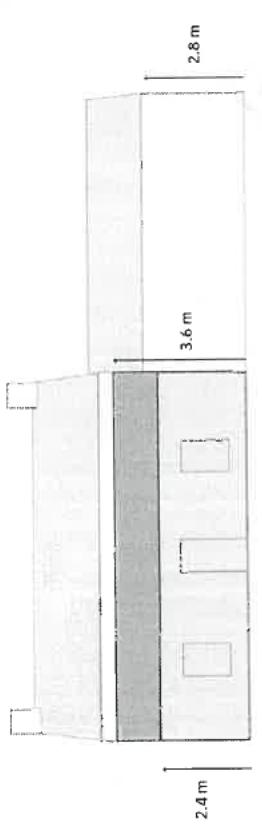
Front elevation



Rear elevation

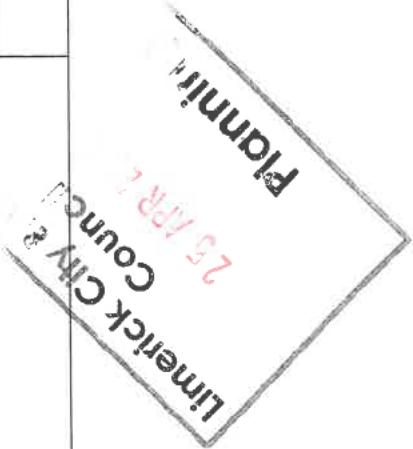


Rear elevation post extension



Note All dimensions in meters

18/03/2025
Existing & post extension front (north) & rear (south) elevations



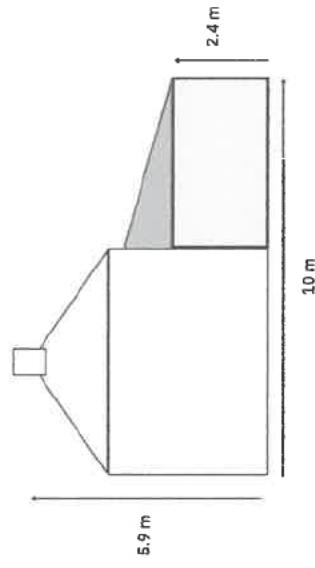
Planning Exemption Application

Curragh, Castlemahon, Co. Limerick
52°25'02.0"N 8°59'25.7"W
52.41724, -8.99045

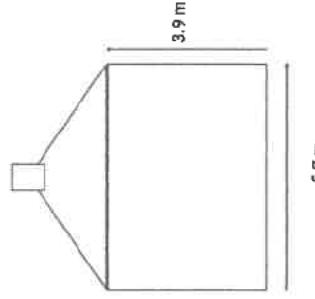
Drawing of westerly & easterly elevations pre- and post the proposed extension

- New extension will reset ca 7.6 m from the most westerly gable wall
- Extension roof is a lean-to style roof

Easterly elevation post extension



Easterly elevation



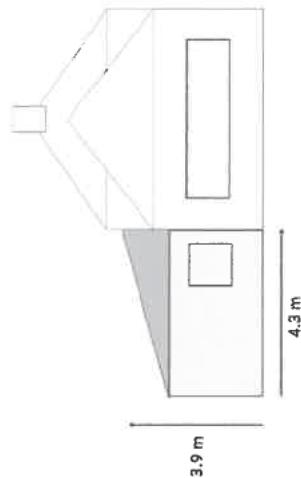
Wastewater elevation

Westerly elevation post extension

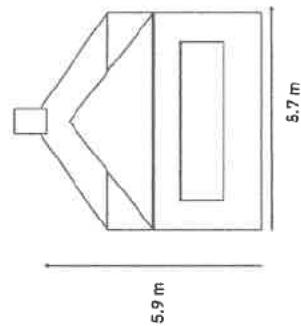
Note All dimensions in meters

19/03/2025

Existing & past extensions and fractal dimensions



57



601

Planning Exemption Application

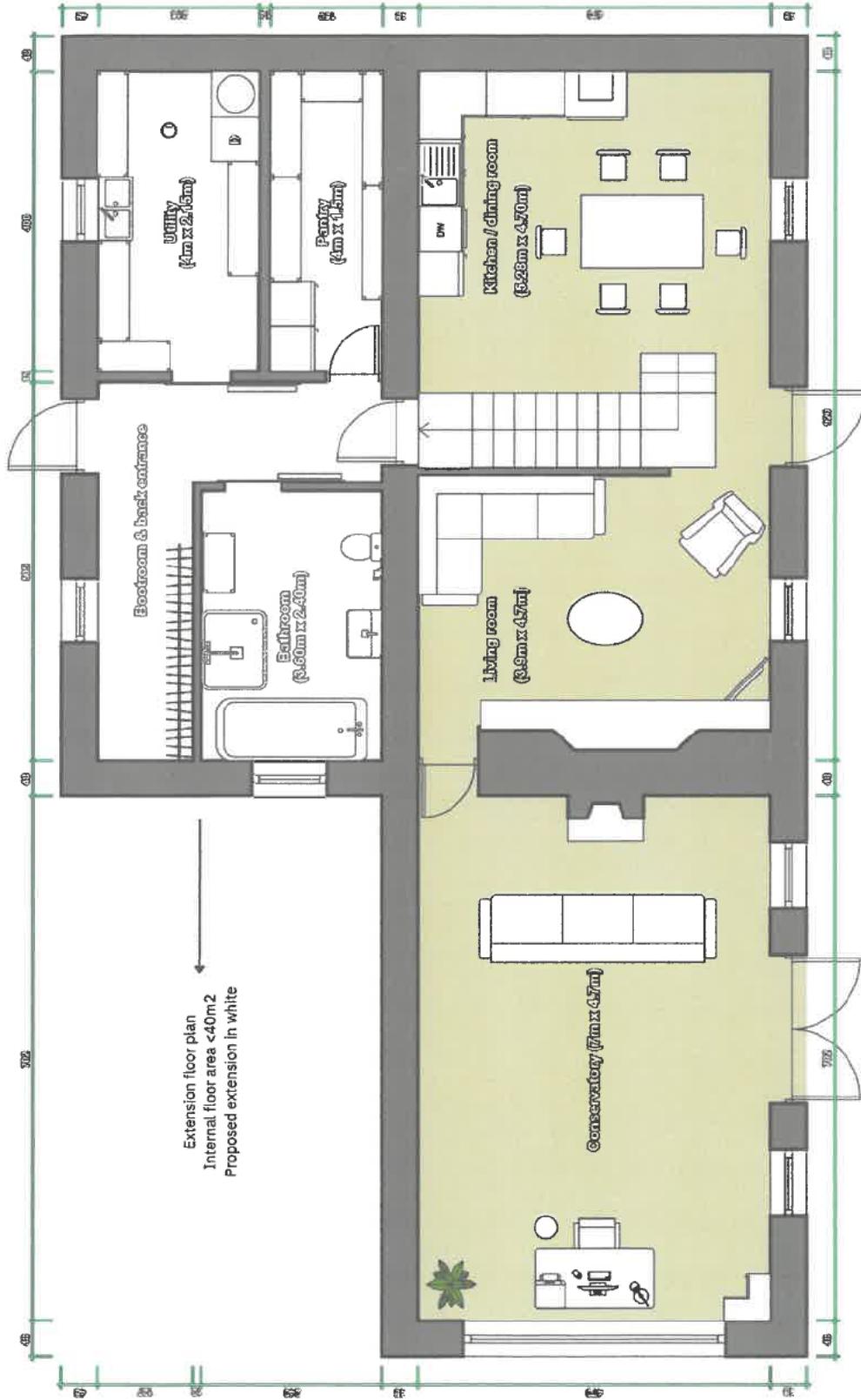
Curragh, Castlemahon, Co. Limerick
52°25'02.0"N 8°59'25.7"W
52.41724, -8.99045

Existing floor plan & extension floor plan

Note all dimensions in millimetres unless otherwise specified

Existing floor plan & new extension

18/03/2025



Owner written consent

12/04/2025

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

To whom it may concern,

In relation to planning exemption application by partys Dr Chael O Brien and Ms. Hannah Jansen of site located at 52.41724, -8.99045.

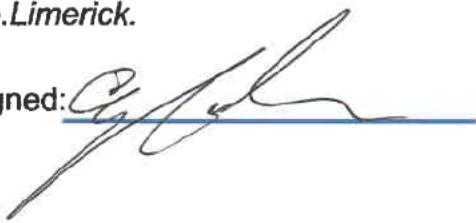
The above applicant Dr. Chael O Brien my son, has permission to apply for Planning exemption permission for construction of an extension under 40M² which does not alter roof height to the structure in question.

Legal proceedings are underway to transfer the Site in question to Dr. Chael O Brien which is due to be completed in the coming weeks.

Yours Sincerely,

*Gerard O Brien
Curragh, Castlemahon
Co.Limerick.*

Signed:





LIMERICK CITY & COUNTY COUNCIL
CIVIC OFFICES
MERCHANTS QUAY
LIMERICK

24/04/2025 15:53:24

Receipt No./
Uimhir Admhála : RC6/0/2079189

Chael O Brein & Hannah Jansen
Curragh
Castlemahon
Co Limerick V42 HX58

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Credit / Debit Card 80.00
VISA
7459
07/29

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Ger Malone
From/Ó : REVENUE CASH OFFICE 6 - MERCHANTS QUAY
Vat reg No./Cláruimhir CBL: 3267368TH

I agree to pay the final amount according to the card/merchant issuer agreement
CUSTOMER NOT PRESENT
SALE AMOUNT €80.00
*****7459 *
VISA SALE
RN: 51141490714 AUTH NO.: 371HPL
BATCH: 000674-008 INVOICE: 000142
DATE: 24/04/2025 TIME: 15:52
TERMINAL ID: *****9825
MERCHANT ID: *****9825
TERMINAL ID: *****2504
V44EH90
Limerick
Cash Office
CASH OFFICE MO
*****9825
SALE
*
*

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

Reference no. EC-091-25

Name and Address of Applicant: Dr. Chael O'Brien & Ms. Hannah Jansen

Curragh,
Castlemahon
Co. Limerick

Agent: N/A

Location: Curragh,
Castlemahon
Co. Limerick

Description of Site and Surroundings:

There is a detached single storey cottage on a large site located in the townland of Curragh.

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:

- A rear extension.

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 constitutes 'works' and 'development'.

Is the proposal exempted development?

The rear extension will have floor area of 40m². The proposal for an 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

(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 detached.

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.*

N/A - dwelling 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 - dwelling has not been extended previously.

(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 has not been extended previously.

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

N/A

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 of the house does not include a gable, and the height of the walls of the proposed extension will 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 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.*

N/A - The construction of the rear extension would not reduce the area of private open space to less than 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.*

N/A

(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 windows are proposed above ground floor level.

(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 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 (See appendix 1 for AA Screening Form).

Environmental Impact Assessment

An EIA Screening examination was 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 detailed on the application and plans submitted is considered to be within the scope 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) Article 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans & particulars submitted with the application received on 21st of March 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).



Jennifer Mc Nulty

Executive Planner

Date: 21/05/25

Agreed



Jennifer Collins

A/Senior Executive Planner

Date: 21/05/2025

AA PN01 Screening Form

| STEP 1: Description of the project/proposal and local site characteristics: | |
|--|---|
| (a) File Reference No: | EC-091-25 |
| (b) Brief description of the project or plan: | This is an application requesting a Section 5 Declaration on whether a domestic dwelling extension is or is not exempted development. |
| (c) Brief description of site characteristics: | There is an existing dwelling on site. |
| (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 Interest¹ | Distance from proposed development² (km) | Connections (Source-Pathway-Receptors) | Considered further in screening Y/N |
| 002165 | Lower River Shannon SAC https://www.npws.ie/protected-sites/sac/002165 | Circa 9km | None | No |
| 004077 | River Shannon and River Fergus Estuaries SPA https://www.npws.ie/protected-sites/spa/004077 | Circa 25km | None | No |
| 002170 | Blackwater River SAC https://www.npws.ie/protected-sites/sac/002170 | Circa 12km | None | No |
| 004161 | Stack's to Mullaghareirk Mountains, West Limerick Hills & Mount Eagle SPA https://www.npws.ie/protected-sites/spa/004161 | Circa 9.2km | None | No |
| 002351 | Moanveanlagh Bog SAC https://www.npws.ie/protected-sites/sac/002351 | Circa 27km | None | No |

| 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 | No impact. |
| 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 | No impact. |
| In-combination/Other | N/A |

| (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 | N/A. House Extension |

| (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: |

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

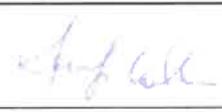
- the nature and scale of the proposed development on fully serviced lands,
- the intervening land uses and distance from European sites,

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 type="checkbox"/> | The proposal cannot be screened out: Appropriate Assessment 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: |  Jennifer Mc Nulty, Executive Planner 21/05/25 | |
| Signature and Date of the Decision Maker: |  Jennifer Collins, A/Senior Executive Planner 21/05/25 | |

APPENDIX 2 EIA SCREENING

| Establishing if the proposal is a 'sub-threshold development': | | |
|--|---|---|
| Planning Register Reference: | EC-091-25 | |
| Development Summary: | House 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 type="checkbox"/> x 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 type="checkbox"/> No. the development is not a project listed in Schedule 5, Part 2 | | No Screening required |
| <input checked="" type="checkbox"/> x 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 sub-threshold : [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: |  Jennifer Mc Nulty, Executive Planner 21/05/25 | |
| Signature and Date of the Decision Maker: |  Jennifer Collins, A/Senior Executive Planner 21/05/25 | |



Comhairle Cathrach
& Contae **Luimnígh**
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnígh
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

PLANNING & PLACE-MAKING

REG POST:

Dr. Chael O'Brien & Ms. Hannah Jansen
Curragh,
Castlemahon
Co. Limerick

EC/091/25

22 May 2025

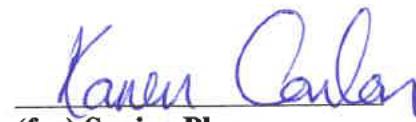
Re: Declaration under Section 5

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

Tuar an Daill, Luimneach
Dooradoyle, Limerick

customerservices@limerick.ie
www.limerick.ie
@LimerickCouncil
061 - 556 000

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2025/526

File Ref No. EC/091/25

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

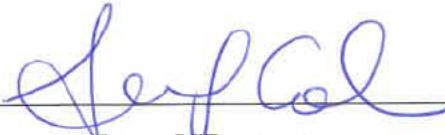
RE: **A rear extension at Curragh, Castlemahon, Co. Limerick.**

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 Jennifer Mc Nulty, Executive Planner dated 21/05/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Dr. Chael O'Brien & Ms. Hannah Jansen Curragh, Castlemahon, Co. Limerick to state that the works as described above is

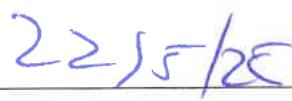
Development and is Exempt Development. 

Signed

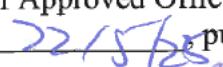


A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date



22/5/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/526 dated  pursuant to Section 151(7) of the Local Government Act 2001

Signed:



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/091/25

Name and Address of Applicant: Dr. Chael O'Brien & Ms. Hannah Jansen, Curragh, Castlemahon, Co. Limerick

Agent: N/A

Whether the rear extension at Curragh, Castlemahon, Limerick 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 25th of April 2025.

AND WHEREAS the Planning Authority has concluded that the rear extension at Curragh, Castlemahon, Limerick **DOES** come within the scope of exempted development under 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

Karen Conlon
Date: *22/05/2025*

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.