



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:

NIOREL LEONARD MACESANU

Applicant's Address:

THE COTTAGE MAIN STREET

Telephone No.

PALLASKENRY

V94 KW9



Name of Agent (if any):

Address:

Telephone No.

Address for Correspondence:

V94 KW9 THE COTTAGE

MAIN STREET PALLASKENRY

Location of Proposed development (Please include Eircode):

THE (ORLAND MAIN STREET PALLASKENNY
V9 4 KW9

Description of Proposed development:

A - FOR VACANT GRANT DECLARATION OF EXEMPTION
DEVELOPMENT

B - COMPLETE TOTAL REFURBISHING WORK
EXTERIOR INSULATION/INTERIOR RENOVATION

C
B - I WANT TO CONVERT THE SHED ON LIVING SPACE
I WANT TO BUILD ENTRANCE PORCH 2.1 m

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

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

Applicant's interest in site: _____

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

Plan 1, Plan 2, +

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**

OFFICE USE ONLY

Ref. No. _____

Date Received _____

Fee Received

Date Due _____

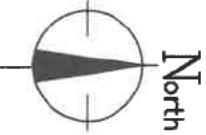


Hi

- I I APPLY FOR VACANT HOUSE AND ~~DEAD~~ DECLINATION UNDER SECTION 5 IS EXEMPT DEVELOPMENT
- II I HAVE TO DO TOTAL RENOVATION
I HAVE TO DO EXTERIOR INSULATION ONE WALL IS PART OF STREET BEFORE WAS FOOT PATH BUT WHEN THEY TAKE THE STREET THE FOOT PATH WAS COVER (I HAVE PICTURE ON GOOGLE MAP)
- III BUILD PORCH 2 1/1 m
- IV HOW DO I KNOW WHERE IS MY BACK HOUSE TO APPLY FOR UNDER 400 MM CONSTRUCTION
- V CHANGE SHED ON LIVING PLACE

Regards Leonard,





North



Limerick City & County Council
28 APR 2025

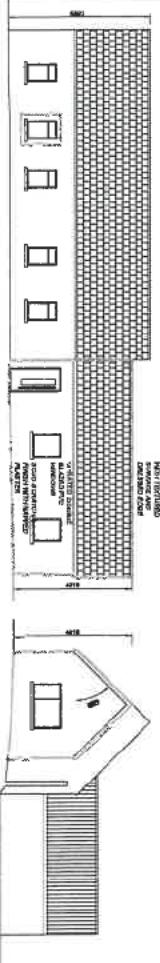
Planning

Summarize

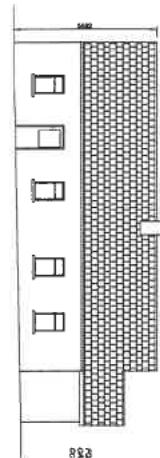
Beta



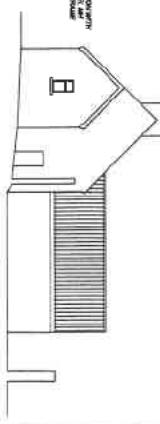
DRAWING OF PROPOSED NEW LAYOUT



WEST ELEVATION



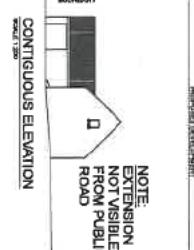
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



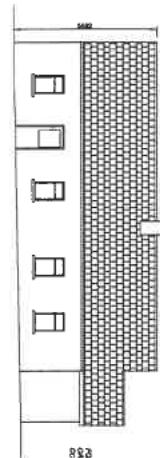
CONTIGUOUS ELEVATION



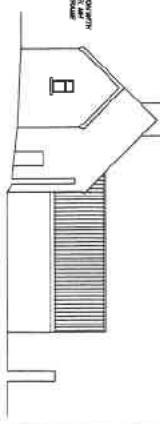
NOTE
EXTENSION
NOT VISIBLE
FROM PUBLIC
ROAD

NORTH (ROAD) ELEVATION

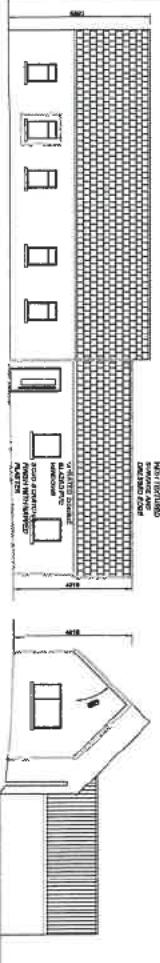
DRAWING OF EXISTING HOUSE



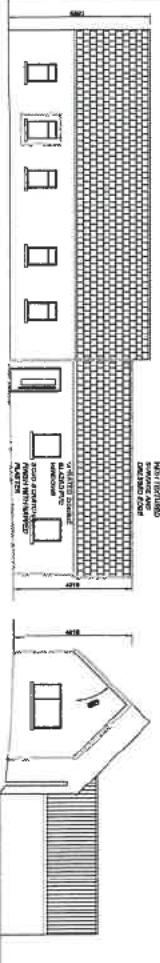
EAST ELEVATION



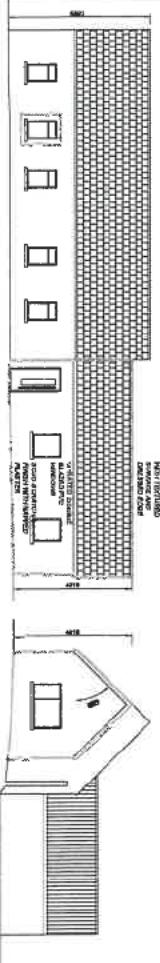
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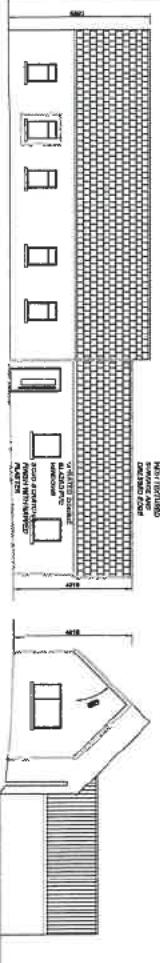
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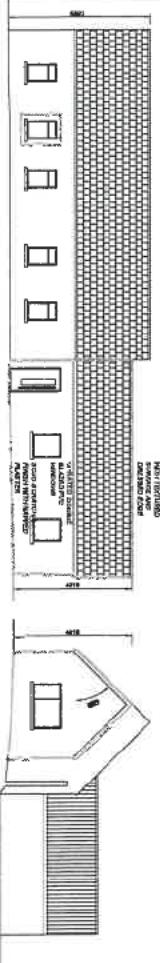
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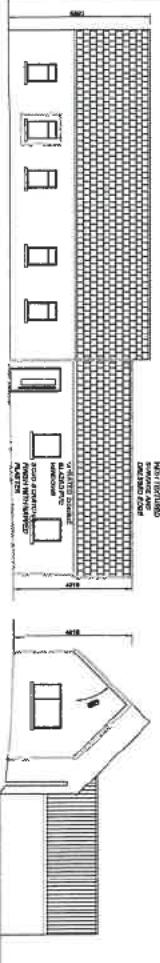
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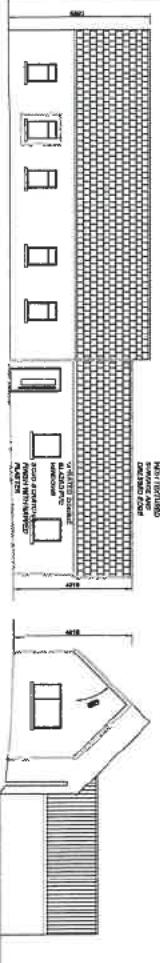
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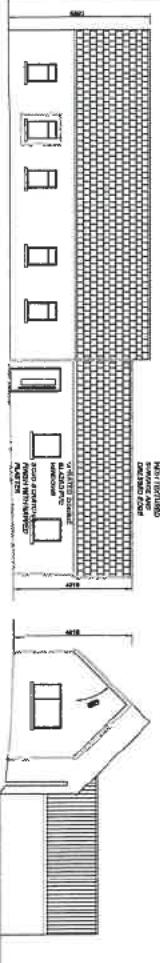
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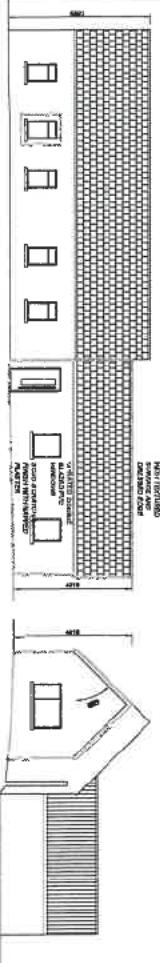
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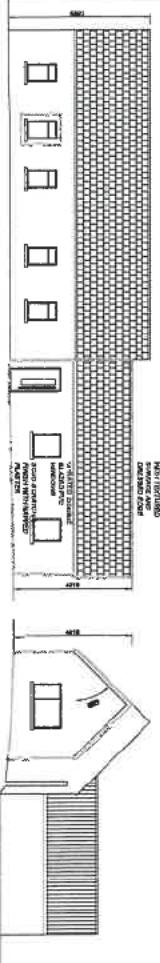
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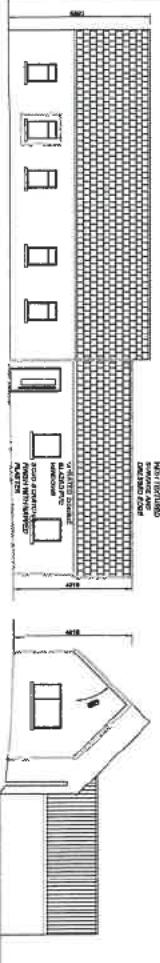
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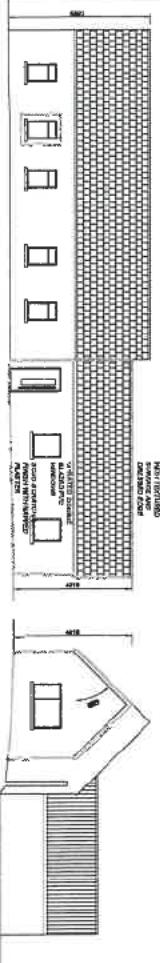
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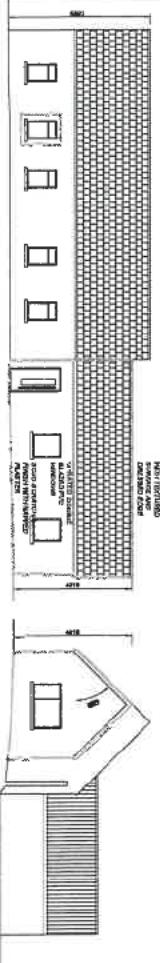
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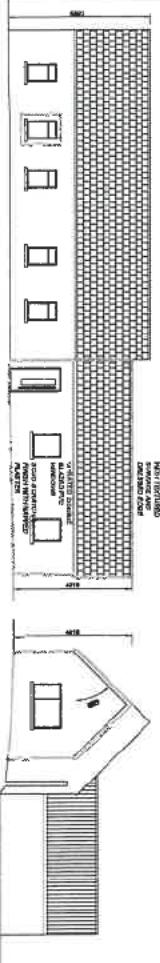
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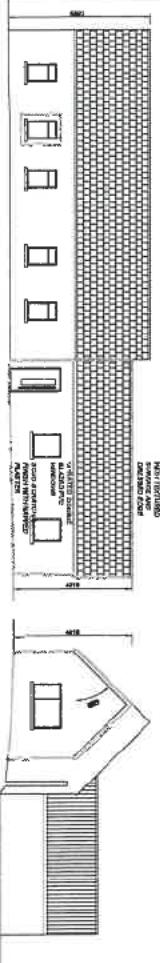
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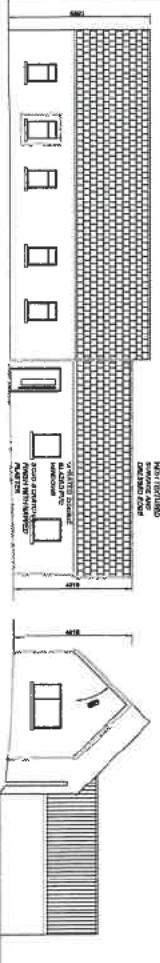
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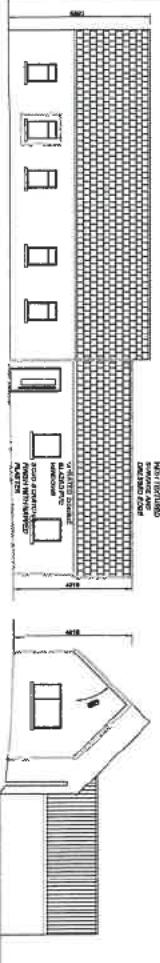
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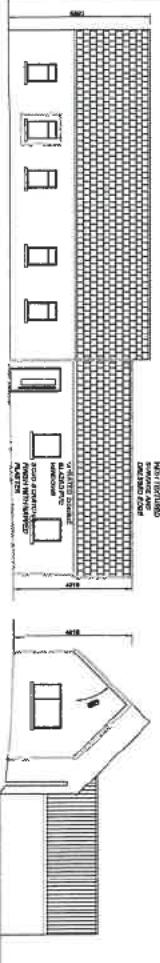
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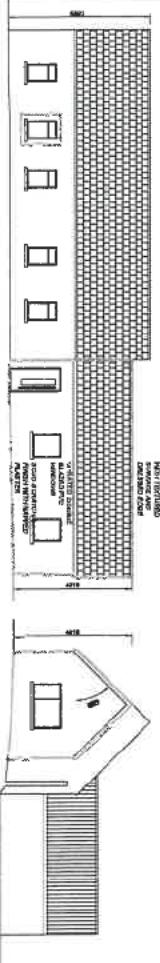
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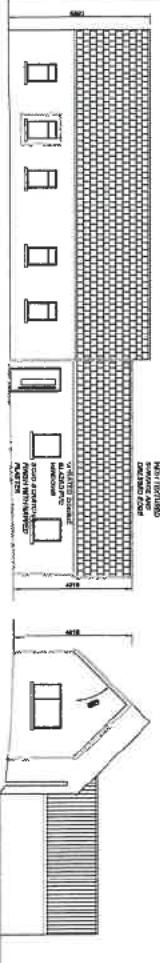
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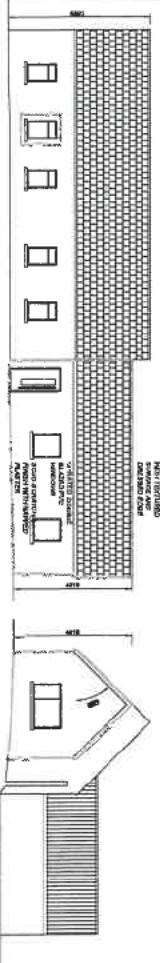
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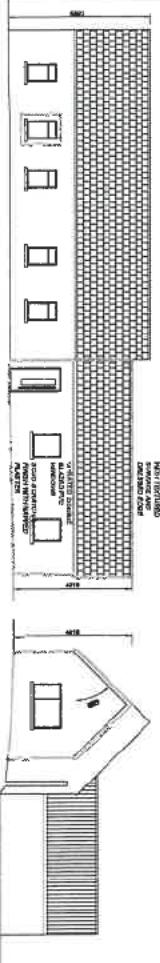
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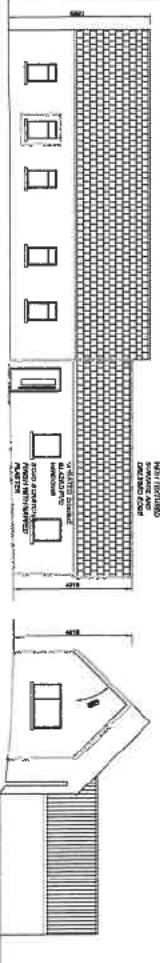
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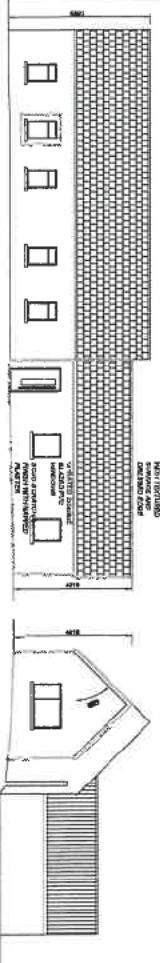
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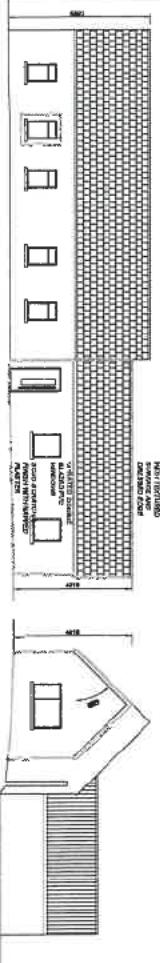
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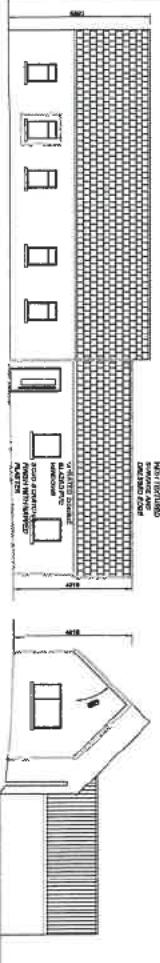
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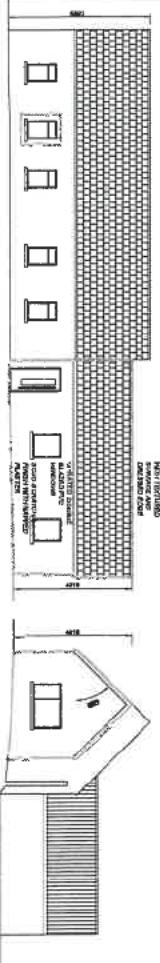
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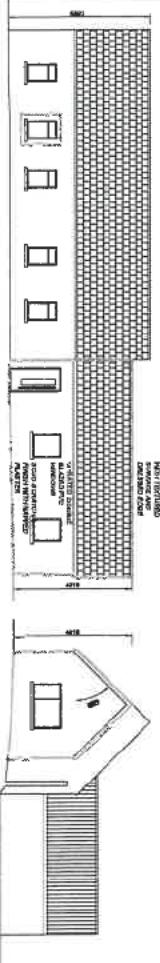
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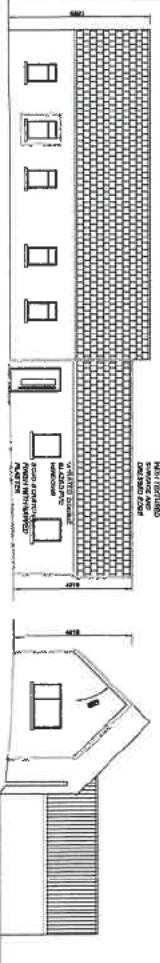
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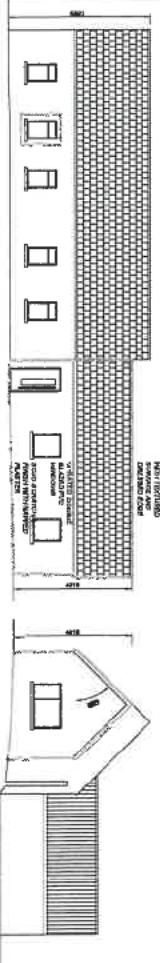
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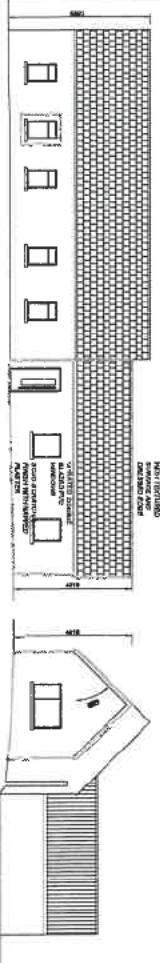
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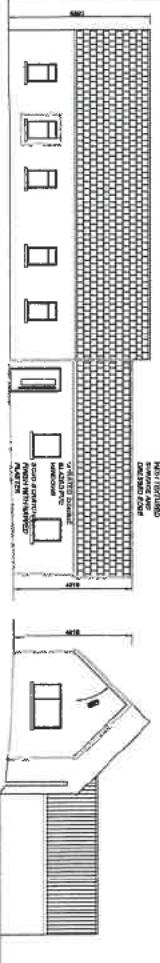
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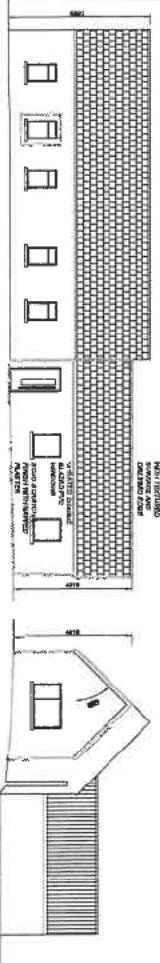
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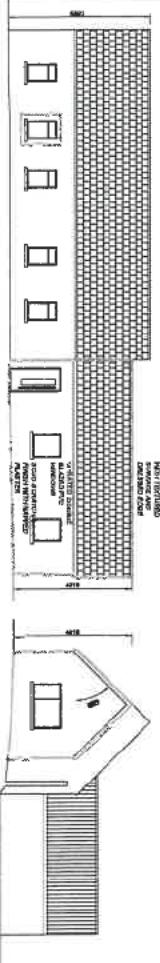
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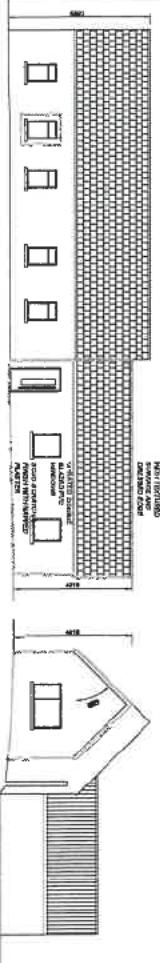
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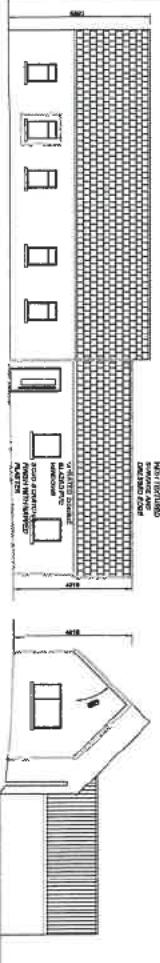
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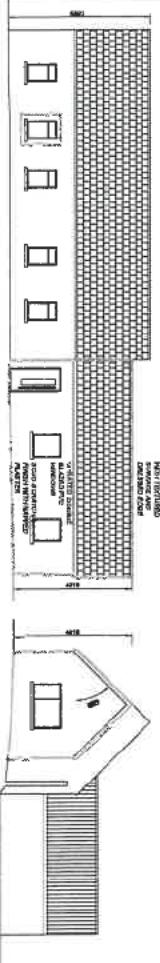
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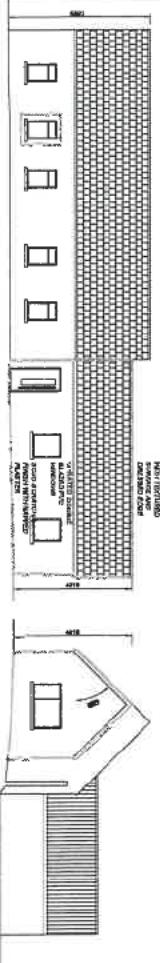
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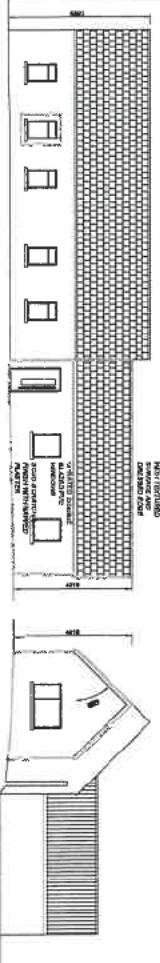
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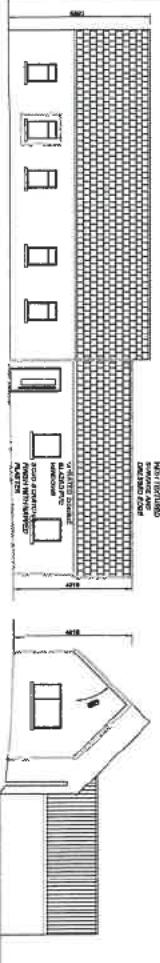
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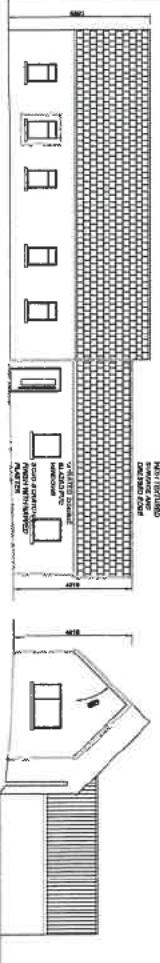
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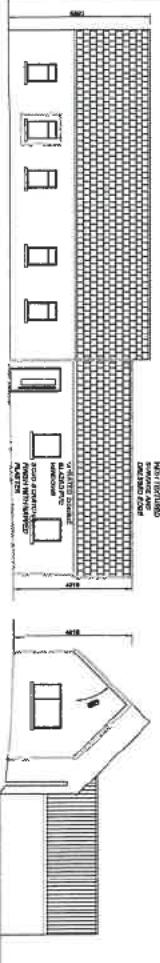
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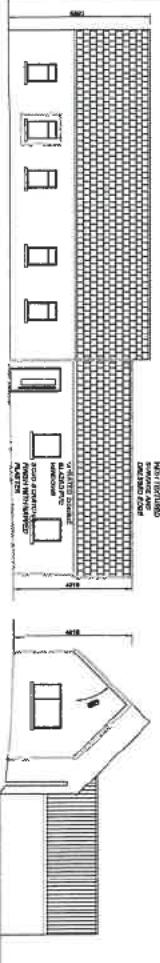
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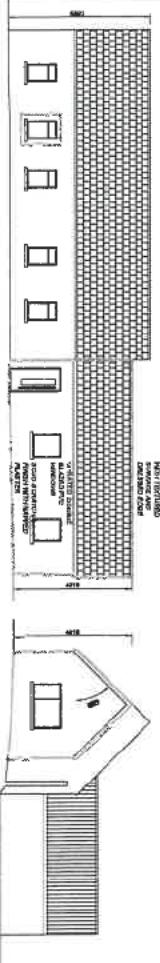
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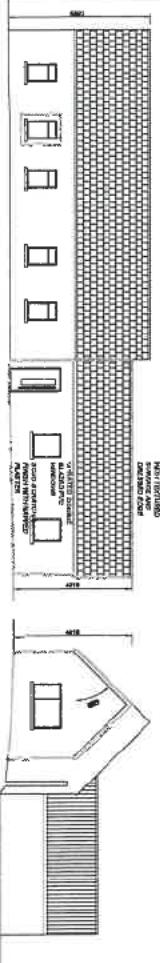
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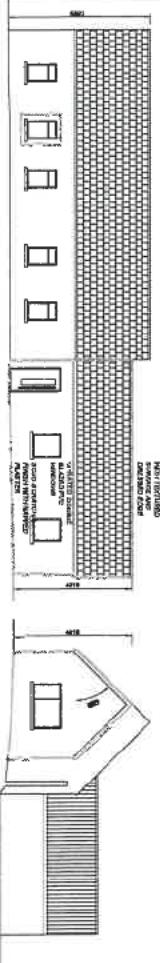
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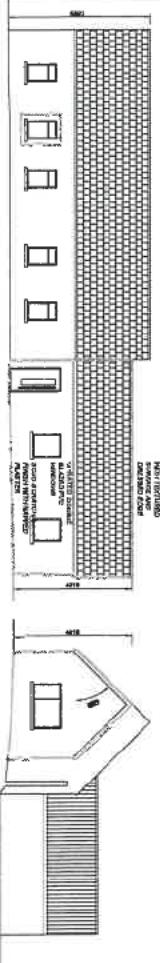
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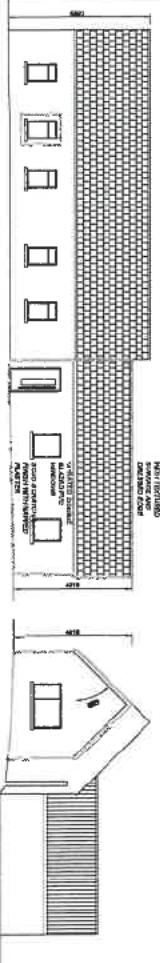
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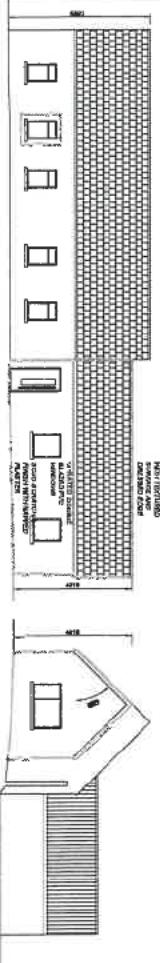
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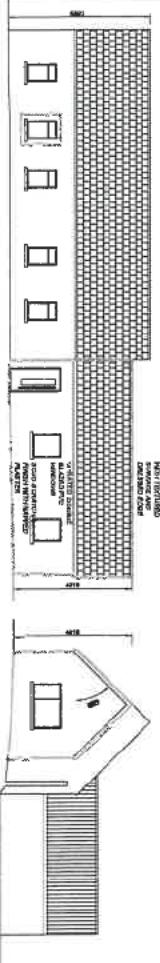
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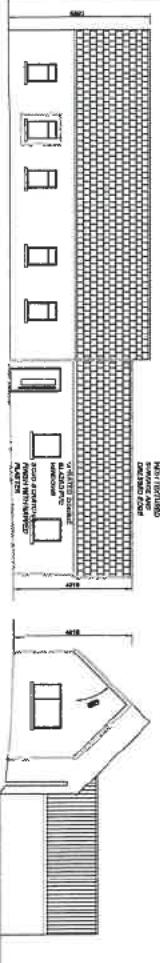
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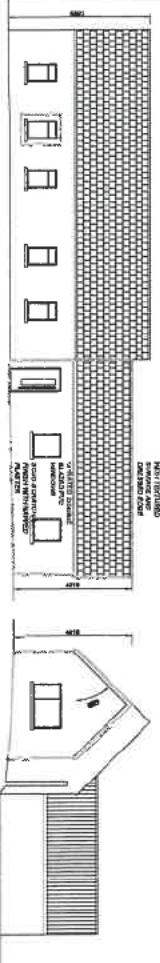
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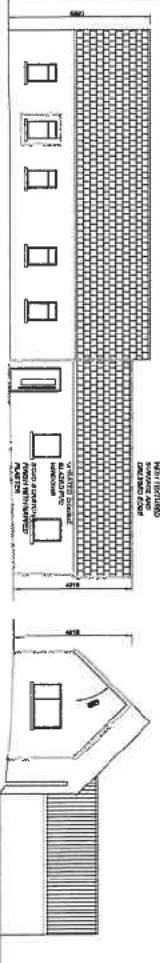
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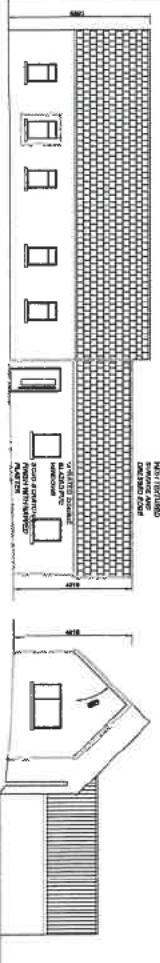
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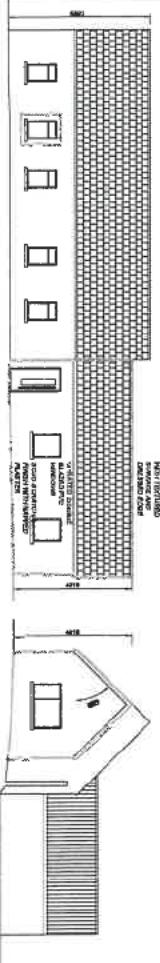
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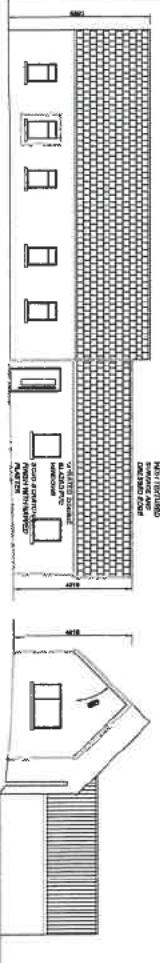
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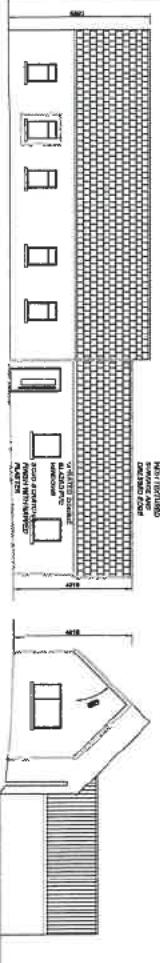
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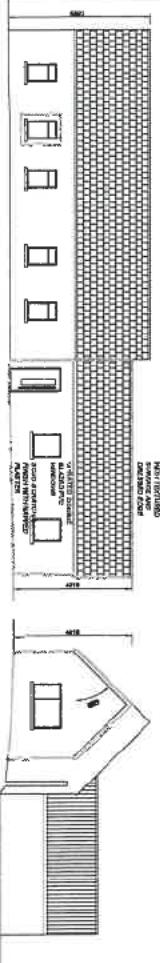
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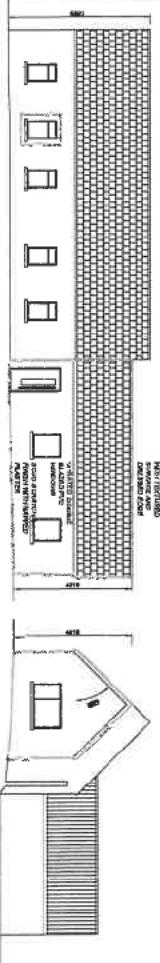
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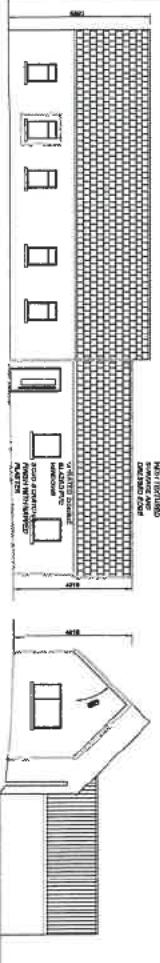
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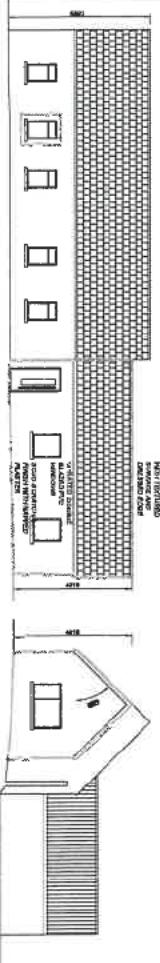
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WEST ELEVATION



EAST ELEVATION



WEST

CITY & COUNTY
CATHRACH & CONTAE
Luminigh
Limerick
CITY - COUNTY
COUNCIL

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

28/04/2025 12:42:06

Receipt No /
Uimhir Admhála : LA25/126176903

***** REPRINT *****

VIOREL MACESHAND
THE COTTAGE
MAIN STREET
PALLASKENRY
CO LIMERICK

EXEMPTION CERTIFICATE S 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/Iomáin : 80.00 EUR

Tendered/Tairgthe 80.00
Credit / Debit Card
VISA
*****8309

Change/Sóinseáil 0.00

Issued By/
Eisithe ag : John Haughton
From/Ó : CASH OFFICE HQ
Vat reg No./Clárulaithe CBL 3267368TH

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

Reference no. EC/099/25

Name and Address of Applicant: Leonard Macesanu, The Cottage, Main Street, Pallaskenry, V94 KWN9

Agent: n/a

Location: The Cottage, Main Street, Pallaskenry, V94 KWN9

Description of site and surroundings:

The site is an existing detached cottage located within Pallaskenry village accessed from local secondary road L-6016. The dwelling sits perpendicular to the roadway.

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:

- External modifications (insulation, and change of window ope to doorway) and a single story extension This Section 5 declaration includes the following:

Documentation

- Section 5 Declaration Application Form
- Site Location Map
- Site layout
- Elevations/Floor Plans

Planning History:

EC/114/24 – Section 5 declaration deemed the proposal for a single storey extension to the side of the existing dwelling as not exempt.

Enforcement History

No Planning Enforcement on site.

An Bord Pleanála Cases

ABP case ref. RL2620

The question here referred to whether the erection of a sunroom to the western gable of an existing house at Gort na Carraige, Slate, Newcastle, Co. Wicklow was or was not development etc. The Board decided that the erection of the sunroom was development and was not exempted development as it would be sited to the side of the house and would not come within

the scope of the exemption provided in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

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 external modifications (insulation, and change of window ope to doorway) and a single story extension to the side of the dwelling, constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal is for a single storey extension to the existing cottage. Following a desktop review of the site and the previous report on file, I note that the dwelling house is situated perpendicular to the road. The front of the house which is classified as where the front door of the property is, is located at a 90 degree angle to local secondary road L-6016. Having regard to the decision by An Bord Pleanala, ABP Case ref. RL2620, it was the view of ABP that while not always the case, the front elevation of a house is normally the elevation which includes the front door, and the rear elevation normally includes the rear door. Having regard to the dwelling in this instance, it is my view that the proposed extension extends from a side gable wall and therefore, does not come within the scope Class 1 of Part 1 of the Planning and Development Regulations 2001 (as amended).

The proposal for upgrade works including exterior renovations including the replacement of an existing window ope with a door, application of external insulation and interior renovations will be assessed under Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

Section 4(1)(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

The applicant is proposing upgrade works including the replacement of an existing window ope with a door, application of external insulation and interior renovations. I note the cottage is not a protected structure nor is it located within an ACA. I consider that works as minor in nature and are considered improvement works that would not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

Article 9 Restrictions

The proposed development is restricted by in Article 9(1)(xii) 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 required in this instance.

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City & County Council (see appendix 2). Overall, it is considered that there is no real likelihood of significant effects on the environment. Therefore, an Environmental Impact Assessment is not required.

Recommendation

It is concluded that the proposed works for a single storey extension to the side of an existing cottage is development that is not exempted development having regard Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, (as amended).

The proposal for exterior upgrades including the replacement of an existing window ope with a door, the application of external insulation and internal renovations are considered development that is exempted development under Section 4(1)(h) of the Planning and Development Act, 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) Section 4(1)(h) of the Planning and Development Act, 2000 (as amended)
- (d) ABP case ref. RL2620
- (e) The plans & particulars submitted with the application received on 28th of April 2025

It is therefore considered that the development including the construction of an extension to an existing dwelling is development that is not exempted development.

The proposal for exterior upgrades including the replacement of an existing window ope with a door, the application of external insulation and internal renovations are considered

development that is exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

Eithne

Eithne O'Brien
Assistant Planner

Date: 14/5/2025

Agreed by: Jennifer

Jennifer Collins
A/Senior Executive Planner

Date: 16/05/2025

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/099/25
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether a Single storey extension is or is not exempted development and whether upgrade works to the exterior and interior of the dwelling is or is not exempted development.
c. Brief description of site characteristics:	The site is existing detached cottage located within Pallaskenry village accessed from local secondary road L-6016.
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	Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	2.5km	No	N
004077 River Shannon and River Fergus Estuaries SPA	River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service (npws.ie)	2.6km	No	N

STEP 3: Assessment of Likely Significant Effects

- 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

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 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

<ul style="list-style-type: none"> • Interference with the key relationships that define the structure or ecological function of the site 	
<p>c. (Are '<i>mitigation</i>' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)</p>	
<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:

- 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"/>	<p>The proposal can be screened out: Appropriate Assessment not required.</p>
ii. It is uncertain whether the proposal will have a significant effect on a European Site	<input type="checkbox"/>	<p><input type="checkbox"/> Request further information to complete screening</p> <p><input type="checkbox"/> Request NIS</p> <p><input type="checkbox"/> Refuse planning permission</p>
iii. Significant effects are likely	<input type="checkbox"/>	<p><input type="checkbox"/> Request NIS</p>

		<input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:		 Eithne O'Brien, Assistant Planner 14/05/25
Signature and Date of the Decision Maker:		 Jennifer Collins, A/Senior Executive Planner 16/05/25

Appendix 2 – EIA Screening - Establishing if Proposal is Sub-threshold

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-099-25	
Development Summary:	Single storey extension and upgrade works	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> x 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"/> 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 checked="" type="checkbox"/> x 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:	 Eithne O'Brien, Assistant Planner 14/05/2025
Signature and Date of the Decision Maker:	 Jennifer Collins, A/Senior Executive Planner 16/05/2025



Comhairle Cathrach
& Contae Luimníogh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimníogh
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:

Viorel Leonard Macesanu,
The Cottage,
Main Street,
Pallaskenry,
V94 KWN9

EC/099/25

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/2025/517

File Ref No. EC/099/25

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

RE: **The external modifications (insulation, and change of window open to doorway) and a single story extension at The Cottage, Main Street, Pallaskenry, V94 KWN9**

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 Eithne, Assistant Planner dated 14/05/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Viorel Leonard Macesanu, The Cottage, Main Street, Pallaskenry, V94 KWN9 to state that the works as described above is

Development and is Exempt Development – external upgrades including replacement of an existing window open with a door, the application of external insulation and internal renovations.

Development and is NOT Exempt Development – Side Storey Extension 

Signed



A/SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

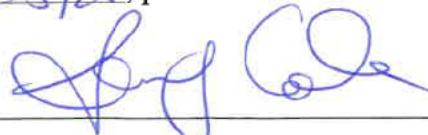
Date



22/05/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/517 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/099/25

Name and Address of Applicant: Viorel Leonard Macesanu, The Cottage, Main Street, Pallaskenry, V94 KWN9

Agent: N/A

Whether the external modifications (insulation, and change of window open to doorway) and a single story extension at The Cottage, Main Street, Pallaskenry, V94 KWN9 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 28th of April 2025.

AND WHEREAS the Planning Authority has concluded that the single story extension at The Cottage, Main Street, Pallaskenry, V94 KWN9 **DOES NOT** come within the scope of exempted development under Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, (as amended). The Planning Authority has concluded that the external upgrades including replacement of an existing window open with a door, the application of external insulation and internal renovations at The Cottage, Main Street, Pallaskenry, V94 KWN9 **DOES** come within the scope of exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, 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 – external insulation and internal renovations**
- **Development and is NOT Exempt Development – Single Storey Extension**

Signed on behalf of the said Council

Karen Callan

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.