



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Mubin Merchant

Applicant's Address: 8 CLONMORE
KILTERAGH
DOORADOYLE,
LIMERICK, V94 NH5F

Telephone No. _____

Name of Agent (if any): Adam Kearney

Address: Millside
Mill Road
Corbally, Limerick

Telephone No. 0866887402

Address for Correspondence:

As per Agent

Location of Proposed development (Please include **EIRCODE**):

8 CLONMORE

KILTERAGH

DOORADOYLE,

LIMERICK, V94 NH5F

Description of Proposed development:

construction of a single storey flat roof extension to the rear with an internal floor area of less than 40m2. Proposed Height of extension is 3.32m. Private Open Space to rear remaining is 26m2. There are no other extensions on the property permitted or otherwise.

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

Schedule 2, Part 1, Class 1 - Developmenet within the curtilage of a house

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

YES NO

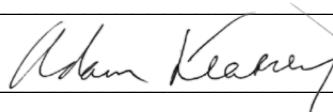
Applicant's interest in site: Owner

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

Floor Plan/Layout plan), Elevations, Location Map

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**



LIMERICK CITY & COUNTY COUNCIL
CIVIC OFFICES
MERCHANTS QUAY
LIMERICK

02/05/2025 13:13:01

Receipt No./
Uimhir Admhála : RC6/0/2079293

Adam Kearney
Mill Road Corbally
Re Applicant Mubin Merchant
Kilteragh

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Credit / Debit Card 80.00
VISA

0926

Change/Sóinseáil : 0.00

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

Land Registry Compliant Map

CYAL50419675
©Taitte Éireann – Surveying.



Taitte
Éireann

654351

556874

557107

CENTRE
COORDINATES:
ITM 556991,654265
PUBLISHED: ORDER NO.:
22/04/2025 50461980_1
MAP SERIES: MAP SHEETS:
12,500 4743-C

SITE EDGED IN RED
LAND OWNERSHIP EDGED IN BLUE

1.64

COMPILED AND PUBLISHED BY:
Taitte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.taitte.ie

Any unauthorised reproduction
infringes Taitte Éireann copyright.
No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

This topographic map
does not show
legal property boundaries,
nor does it show
ownership of physical features.

©Taitte Éireann, 2025.
All rights reserved.

654179
556874
0 10 20 30 40 50 60 70 80 90 100 Feet

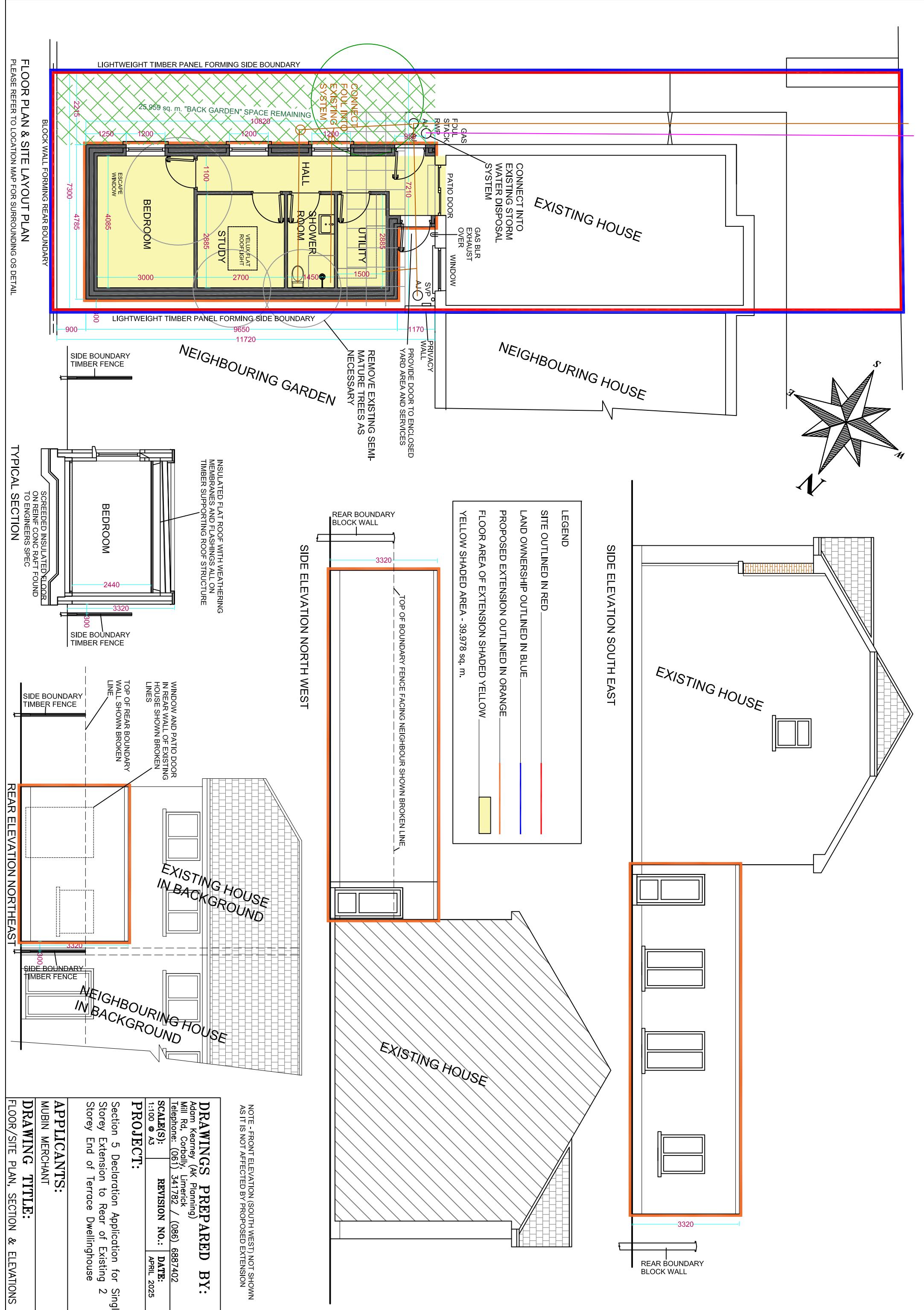
0 20 40 60 80 100 Metres
OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.taitte.ie, search 'Capture Resolution'

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



3



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

Reference no. EC-107-25

Name and Address of Applicant: Mubin Merchant
8 Clonmore
Kilteragh
Dooradoyle
Limerick
V94 NH5F

Agent: Adam Kearney
Millside
Mill Road
Corbally
Limerick

Location: 8 Clonmore
Kilteragh
Dooradoyle
Limerick
V94 NH5F

Description of Site and Surroundings:

The site is a two storey semi-detached dwelling at 8 Clonmore, Kilteragh, Dooradoyle, Limerick. There is access from the front of the property with access to the rear via a side gate.

Zoning:

The site is zoned Existing Residential under the provisions of the Limerick Development Plan 2022-2028

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:

- Proposed extension to the rear of the property

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site Layout Plan
- Elevations & Floor Plans

Planning History:

None

Enforcement History

N/A

An Bord Pleanála referrals

RL 2506 - Whether a single storey, rear extension with a projection of 1.95 metres to the side, beyond the gable of the house is or is not exempted development.

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 an extension to the rear constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

An assessment of the proposed development will be carried out under Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)

Is the development within the curtilage of a house?

Yes, the extension is within the curtilage.

Class 1

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

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

The house has not been extended previously and stated floor area is 39.978sqm.

(b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*

N/A No development proposed above ground.

(c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

N/A No development proposed above ground

2. (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

House has not been extended previously.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

N/A no works proposed above ground floor.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

N/A no works proposed above ground floor.

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

N/A no works proposed above ground floor.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

The rear wall does not include a gable. The height of the walls of the extension would 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 would not exceed height of eaves or parapet or height of highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

I note that the amount of remaining open space is stated as 26sqm. However, it is considered that the extension has taken over the majority of the rear garden while the remaining open space is now considered to the side of the dwelling/extension. In assessing this declaration regard has been had to ABP referral RL 2506 which considered what was classified as being to the 'rear' of the house. The Inspector's report stated that:

“rear of the house” is confined to the area beyond the rear wall of the main house’

In this case the proposed extension would be located to the rear of the house leaving an area of only 4.3sqm of amenity space behind the proposed extension. The key wording in Class 1 (1)(5) is that the extension 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 (**our emphasis added**). The remaining space would be located to the side of the house with only 4.3sqm left to the rear which is not considered to comply with this condition/limitation.

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

No windows are proposed less than 1 metre from the boundary.

(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 above ground floor extension

(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 the house is semi detached.

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

The site is located approximately 2km from the Lower River Shannon SAC (002165) and approximately 2km from the River Shannon and River Fergus Estuaries SPA (004077). The site is located within an established urban area and is not hydrologically connected to either of the Natura 2000 sites mentioned above.

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

- the nature and scale of the proposed development,
- 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.

Environmental Impact Assessment

The proposal does not meet any of the thresholds that would require mandatory EIA. Based on the nature of the development, its location in an established urban area and 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 development would result in the amount of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house, being less than 25 square metres.

The development is therefore contrary to Condition/Limitation (1)(5) of Class 1, 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 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on 2nd May 2025.
- (d) An Bord Pleanála referral RL 2506

It is therefore considered that the said works are development and not exempted development.



Aine Leland
Executive Planner
Date 07/05/2025

Agreed



Barry Henn,
Senior Executive Planner
Date: 27/05/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC/107/25
(b) Brief description of the project or plan:	Whether the construction of a rear extension to an existing dwelling is not exempted development.
(c) Brief description of site characteristics:	The site is occupied by a two storey semi detached dwelling within an existing housing estate
(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)	1.6km	Yes	Y
004077 – River Shannon and River Fergus Estuaries SPA	River Shannon and River Fergus Estuaries SPA National Parks & Wildlife Service (npws.ie)	2.3km	Yes	Y

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 	The rear of the site backs onto the Ballynacloagh River which connects to the Barnakyle River and which in turn connects to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. There is potential for surface water runoff from soil and impact on groundwater. However, given the scale of works proposed and the fact that a boundary wall is located between the water body and development area it is not considered that there would be a harmful impact.

<ul style="list-style-type: none"> - Pests <p>Operation phase e.g.</p> <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 	<p>The rear of the site backs onto the Ballynacloch River which connects to the Barnakyle River and which in turn connects to the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA. There is potential for surface water runoff. However, given the existing infrastructure in place and the boundary wall it is not considered there would be a harmful impact during this phase.</p>
In-combination/Other	None. There is no large scale development within the surrounding area.

<p>(b) Describe any likely changes to the European site:</p> <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 	
	Given the size of the development it is not considered that it would pose risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.

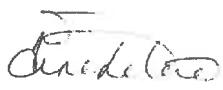
<p>(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p>	
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

<p>STEP 4: Screening Determination Statement</p> <p>The assessment of significance of effects:</p> <p>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>On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • the nature and scale of the proposed development, • 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.

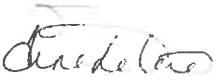
An appropriate assessment is not, therefore, required.

Conclusion:

	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:	 Aine Leland, Executive Planner 07/05/2025	
Signature and Date of the Decision Maker:	 Barry Henn, SEP 27/05/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC-107-25	
Development Summary:	Whether the construction of a rear extension to an existing dwelling is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/>	Yes. no further action required
	<input checked="" type="checkbox"/>	No. Proceed to Part A
A. Schedule 5 Part I - 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 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
<input type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here]		No Screening required
c. If Yes, has Schedule 7A information/screening report been submitted?		Proceed to Part C
<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:	 Aine Leland, Executive Planner 07/05/2025
Signature and Date of the Decision Maker:	 Barry Henn, SEP 27/05/2025



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:

**Mubin Merchant,
c/o Adam Kearney,
Millside,
Mill Road,
Corbally,
Limerick.**

EC/107/25

28 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,


Karen Conlon
(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/2025/553

File Ref No. EC/107/25

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

RE: **An extension to the rear at 8 Clonmore, Kilteragh, Dooradoyle, Limerick**

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

Now therefore pursuant to the delegation of the functions aforesaid, I, Barry Henn, Senior Executive Planner, having considered the report and recommendation of Aine Leland, Executive Planner dated 07/05/2024, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Mubin Merchant c/o Adam Kearney, Millside, Mill Road, Corbally, Limerick to state that the works as described above is

Development and is NOT Exempt Development. *BC*

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

28/05/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/553 dated *28/05/2025*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/107/25

Name and Address of Applicant: Mubin Merchant, 8 Clonmore, Kilteragh, Dooradoyle, Limerick.
V94 NH5F

Agent: Adam Kearney, Millside, Mill Road, Corbally, Limerick

Whether the extension to the rear at 8 Clonmore, Kilteragh, Dooradoyle, 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 2nd of May 2025.

AND WHEREAS the Planning Authority has concluded that the extension to the rear at 8 Clonmore, Kilteragh, Dooradoyle, Limerick **DOES NOT** come within the scope of exempted development under Class 1, 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 NOT Exempt Development**.

Signed on behalf of the said Council

Date: 28/05/2025

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.