



LIMERICK CITY & COUNTY COUNCIL

PLANNING AND ENVIRONMENTAL SERVICES

SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: _____

Applicant's Address: _____

Telephone No. _____

Name of Agent (if any): _____

Address: _____

Telephone No. _____

Address for Correspondence:

Location of Proposed development:

Description of Proposed development:

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:

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:

Limerick City & County Council,
Planning and Environmental Services,
City & County Council Offices,
Dooradoyle Road,
Limerick.

OFFICE USE ONLY

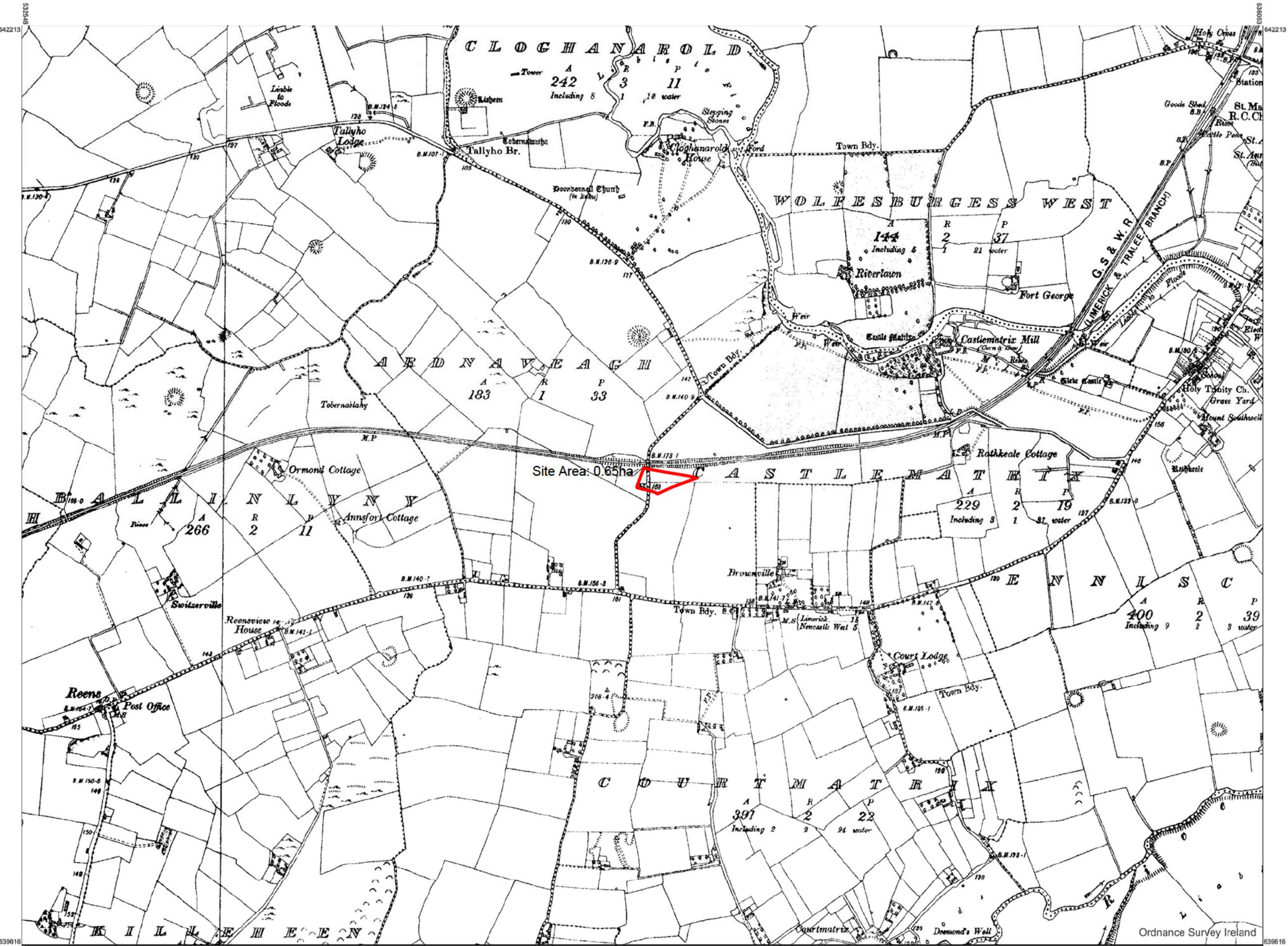
Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____

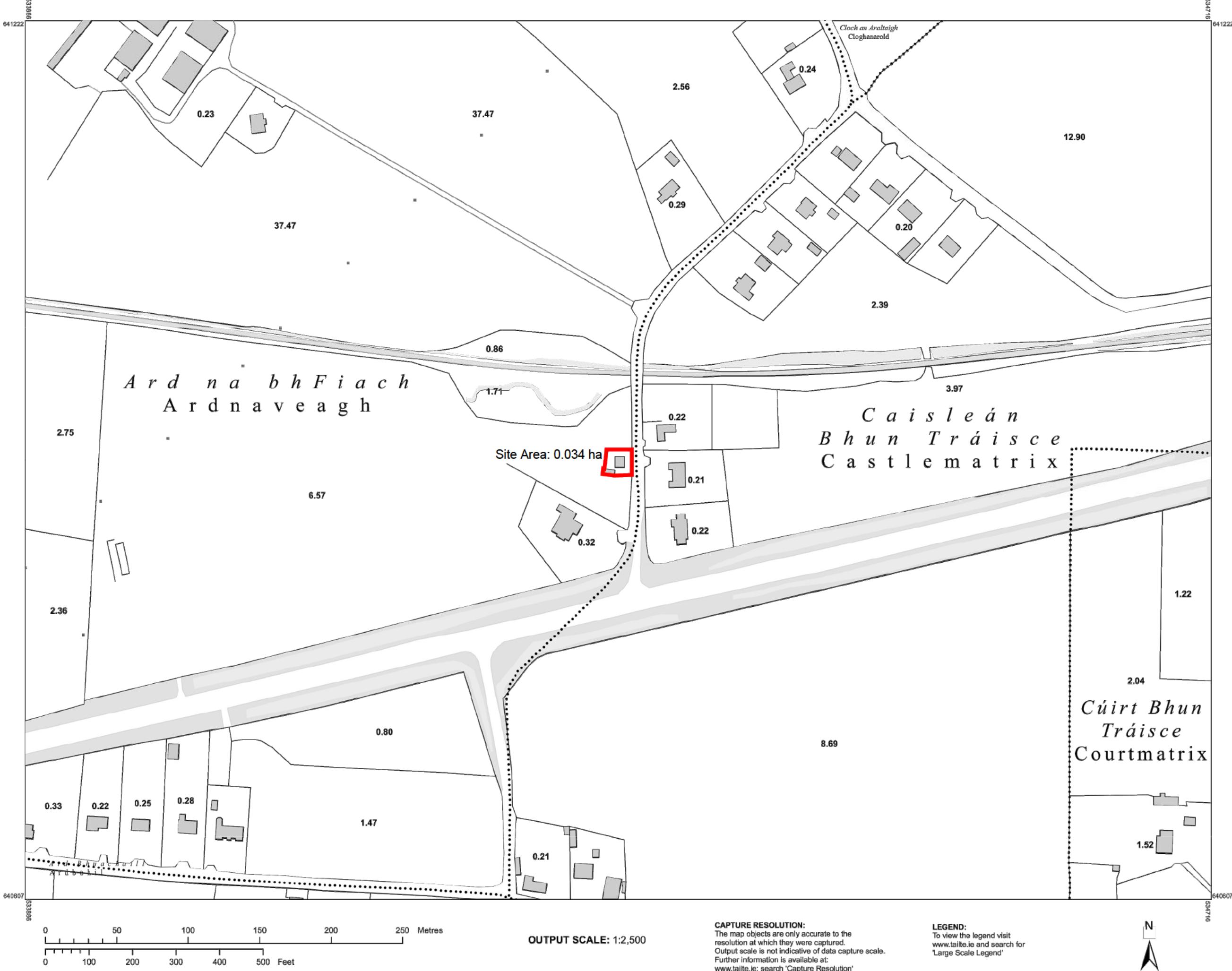
Site Location Map



Tailte
Éireann



Planning Pack Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 534301,640915

PUBLISHED: 24/10/2024 **ORDER NO.:** 50430135_1

MAP SERIES: 1:2,500 **MAP SHEETS:** 5042-A
1:2,500 5042-B

LEGEND

- Landholding (Blue line)
- Site Boundary (Red line)
- Site Notice Location (Red X)

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

www.tailte.ie

Any unauthorised reproduction
infringes Tailte 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.

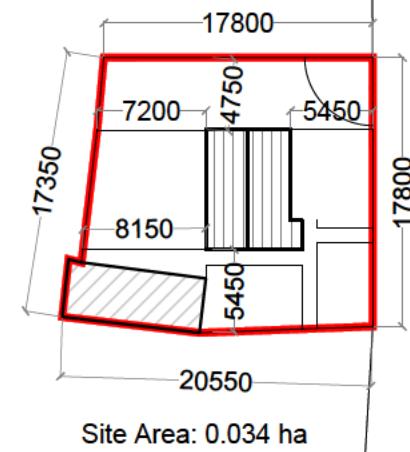
This topographic map
does not show
legal property boundaries,
nor does it show
ownership of physical features.

©Tailte Éireann, 2024.
All rights reserved.





01 Site Plan, Existing
1 : 500



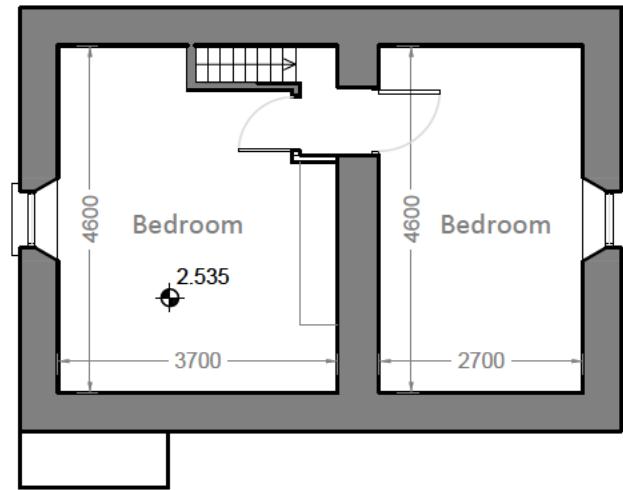
LEGEND

- xxx Levels, TBM @ 10.00
- X Site Notice Location
- Site Boundary
- Demolition, Existing Extension
- Proposed Extension

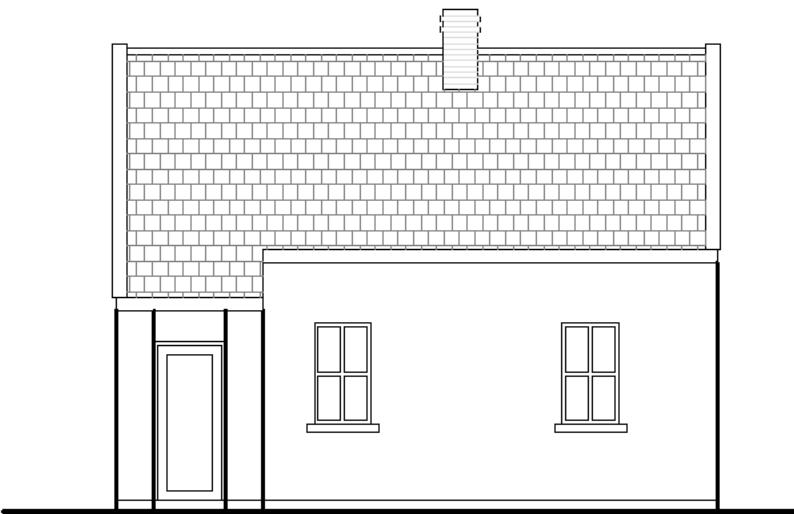
NOTES

All structural elements to be designed by a suitably qualified person.

PROJECT:	Extension at Ardnaveagh, Rathkeale, Co. Lmk	
CLIENT:	Garrett & Sandra Teskey	
DRAWING TITLE: Site Plan, Existing		
JOB REF:	DRAWN: CMcN	DRAWING NO:
STAGE: Section 5	APPROVED: CC	S5-01
DATE: 02/05/2025	SCALE: @ A3	REV:



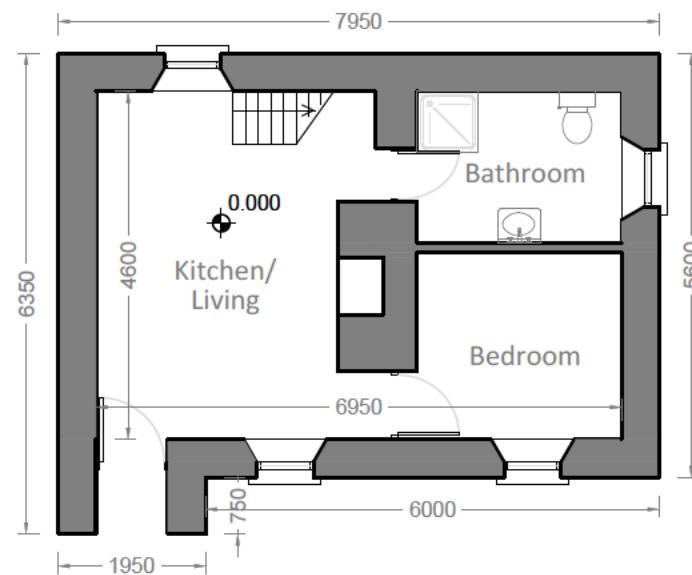
② Plan, First Floor
1:100 Area: 31.9m²



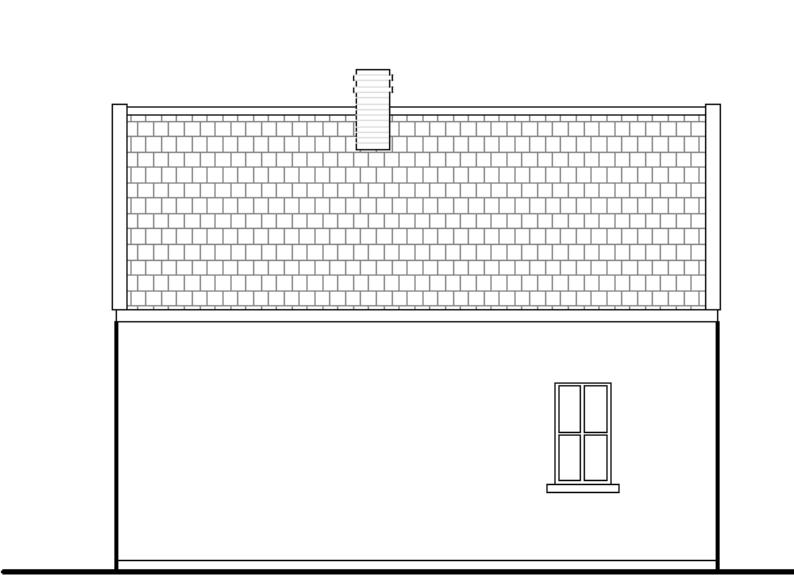
③ East (Front) Elevation
1:100



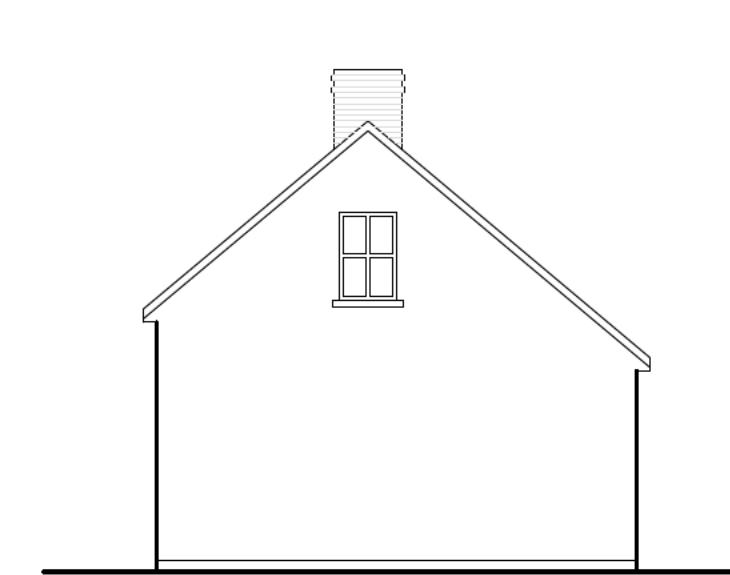
④ North Elevation
1:100



① Plan, Ground Floor
1:100 Area: 31.9m²



⑤ West (Rear) Elevation
1:100



⑥ South Elevation
1:100

LEGEND

- ◆ xxx Levels, TBM @ 10.00
- Original House
- Demolition, Existing Extension
- New Wall Construction

NOTES

All structural elements to be designed by a suitably qualified person.

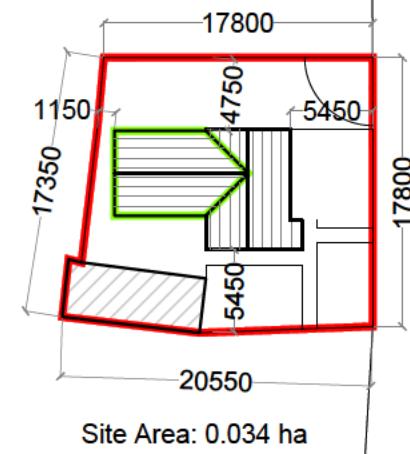


CHRIS CASEY
E N G I N E E R
C Casey Consulting Engineers Ltd

PROJECT:	Extension at Ardnaveagh, Rathkeale, Co. Lmk	
CLIENT:	Garrett & Sandra Teskey	
DRAWING TITLE: Survey, Existing GA Drawings		
JOB REF:	DRAWN: CMcN	DRAWING NO:
STAGE: Section 5	APPROVED: CC	S5-02
DATE: 02/05/2025	SCALE: @ A3	REV:



01 Site Plan, Proposed
1 : 500

**LEGEND**

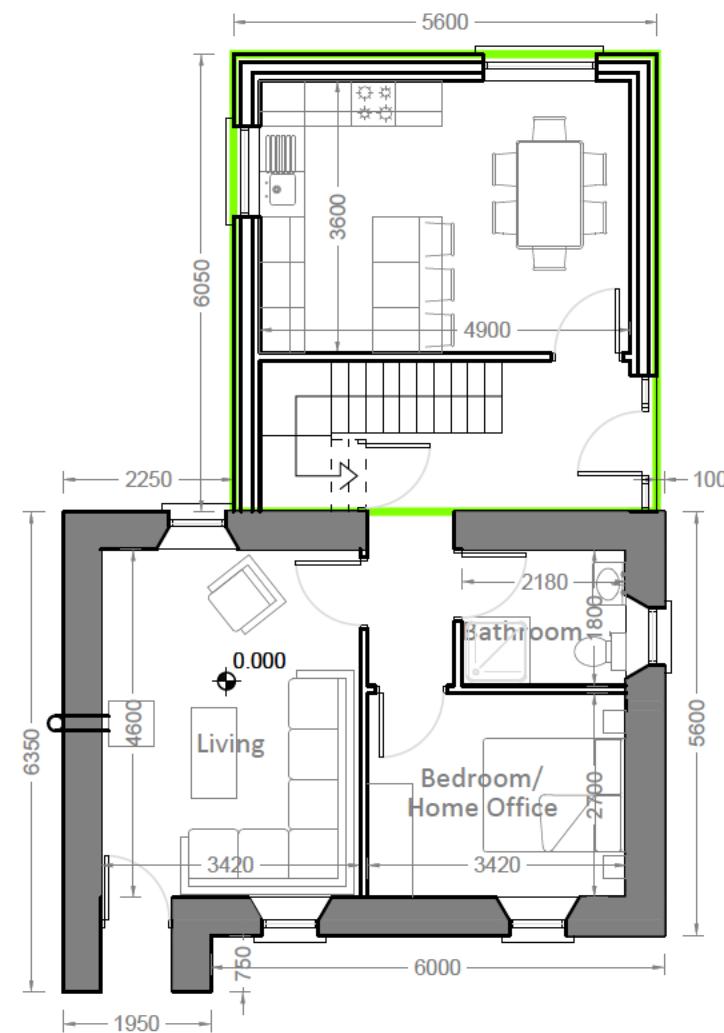
- Levels, TBM @ 10.00
- X Site Notice Location
- Site Boundary
- Demolition, Existing Extension
- Proposed Extension

NOTES

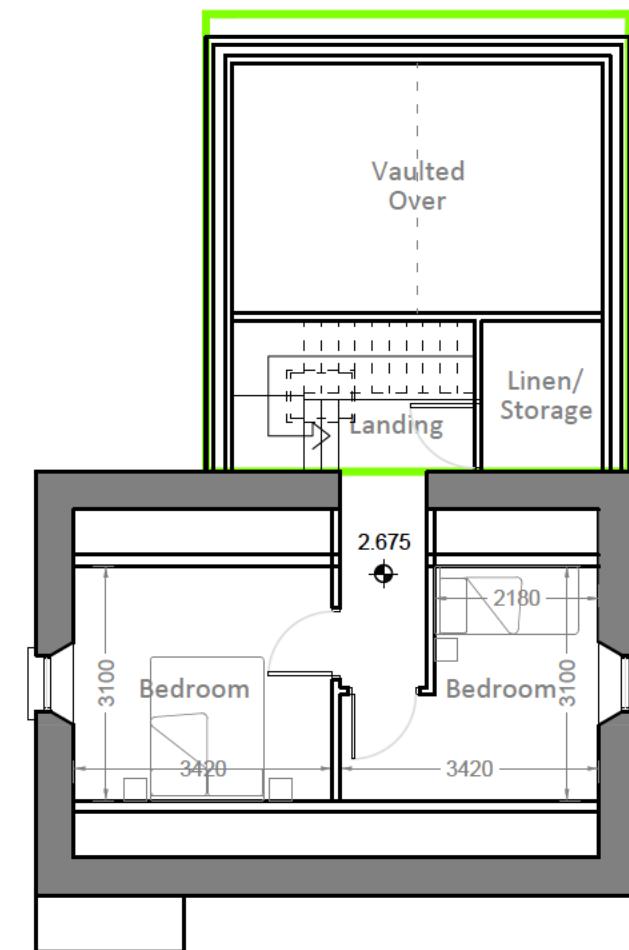
All structural elements to be designed by a suitably qualified person.

Note:
To be read in conjunction with Site Characteristics Test Report.

PROJECT:	Extension at Ardnaveagh, Rathkeale, Co. Lmk	
CLIENT:	Garrett & Sandra Teskey	
DRAWING TITLE: Site Plan, Proposed		
JOB REF:	DRAWN: CMcN	DRAWING NO:
STAGE: Section 5	APPROVED: CC	S5-03
DATE: 02/05/2025	SCALE: @ A3	REV:



01 Plan, Ground Floor
1:100 Area, Ex. House: 31.9m²
Area, Extension: 27.9m²



02 Plan, First Floor
1:100 Area, Ex. House: 31.9m²
Area, Extension: 9.8m²

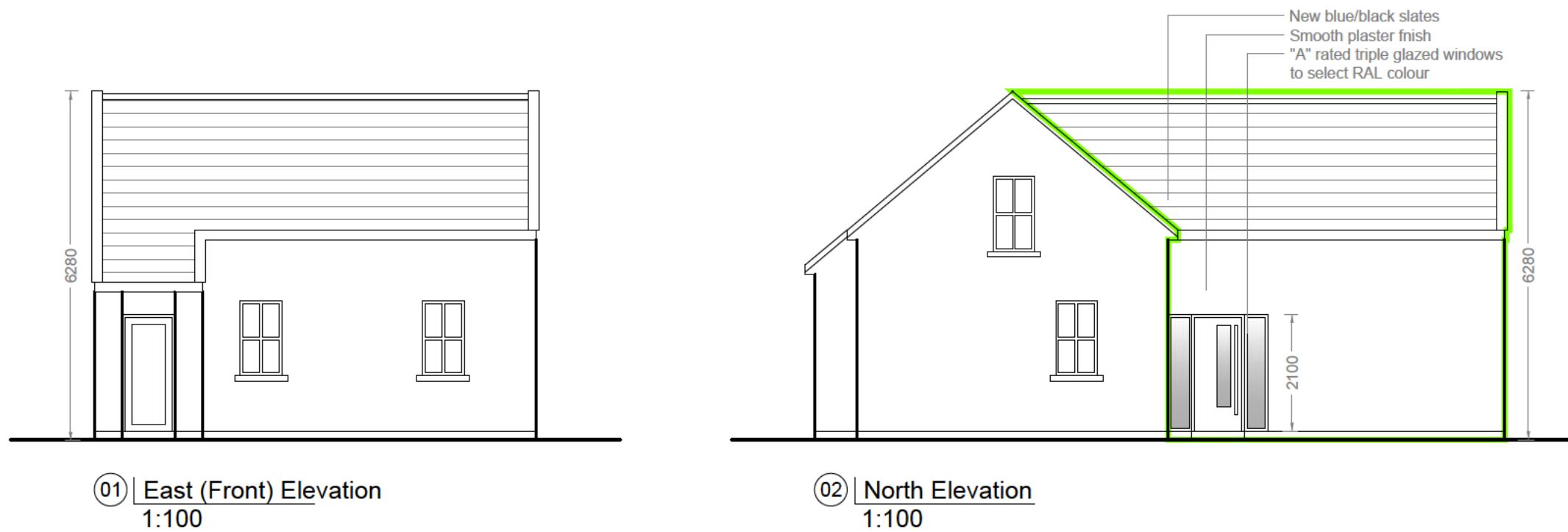
LEGEND

- Levels, TBM @ 00.00
- Original House
- Demolition, Existing Extension
- New Wall Construction
- Proposed Extension

NOTES

For Section 5 Purposes Only. All structural elements to be designed by a suitably qualified person.
All works to be carried out in accordance with the requirements of Fire Safety – Volume 2 – Dwelling Houses of the Technical Guidance Document B, Building Regulations 2017

PROJECT:	Extension at Ardnaveagh, Rathkeale, Co. Lmk	
CLIENT:	Garrett & Sandra Teskey	
DRAWING TITLE: Proposed Ground and First Floor Plans		
JOB REF:	DRAWN: CMcN	DRAWING NO:
STAGE: Section 5	APPROVED: CC	S5-04
DATE: 02/05/2025	SCALE: @ A3	REV:

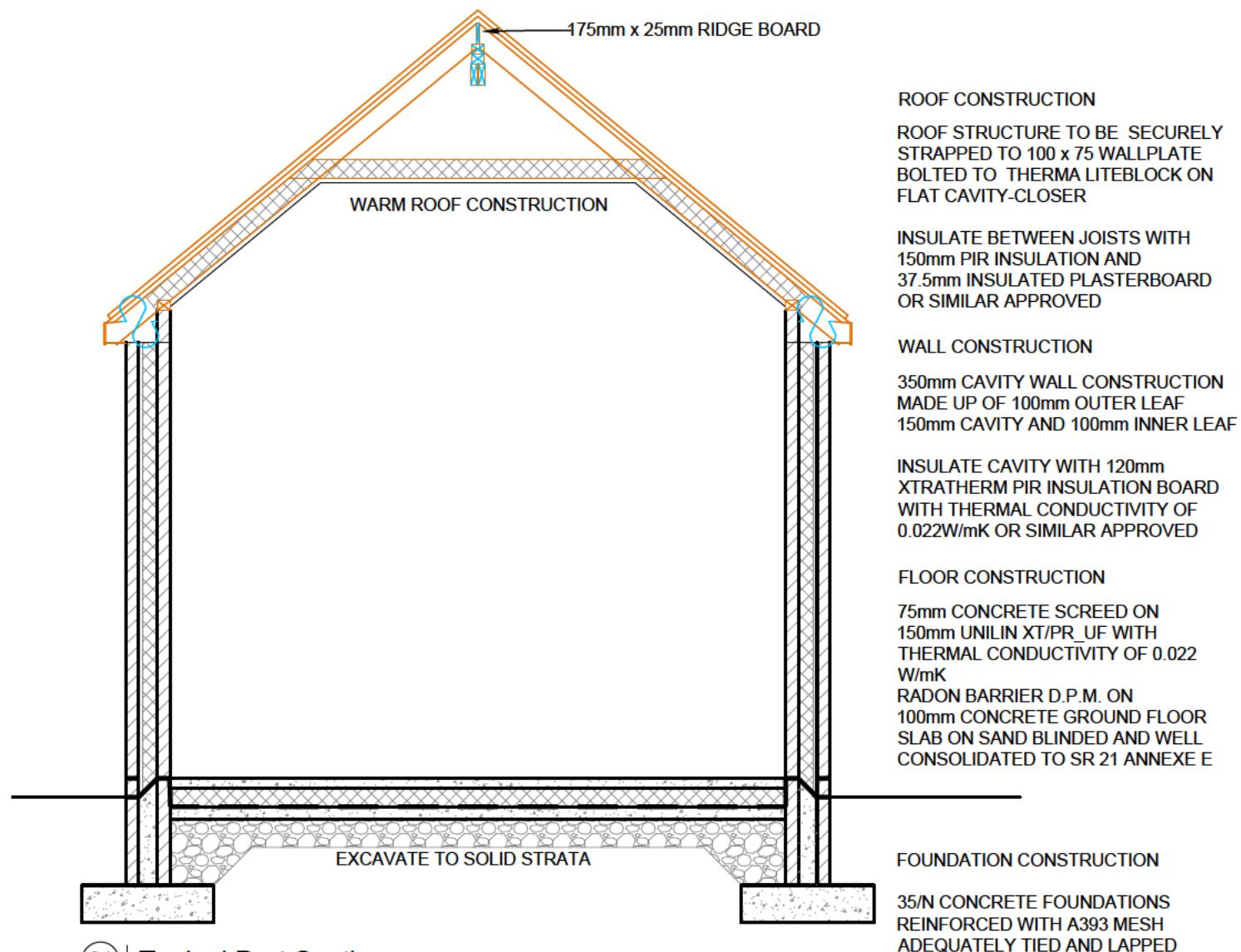


LEGEND	
xxx	Levels, TBM @ 00.00
■	Original House
■	Demolition, Existing Extension
■	New Wall Construction
■	Proposed Extension

NOTES

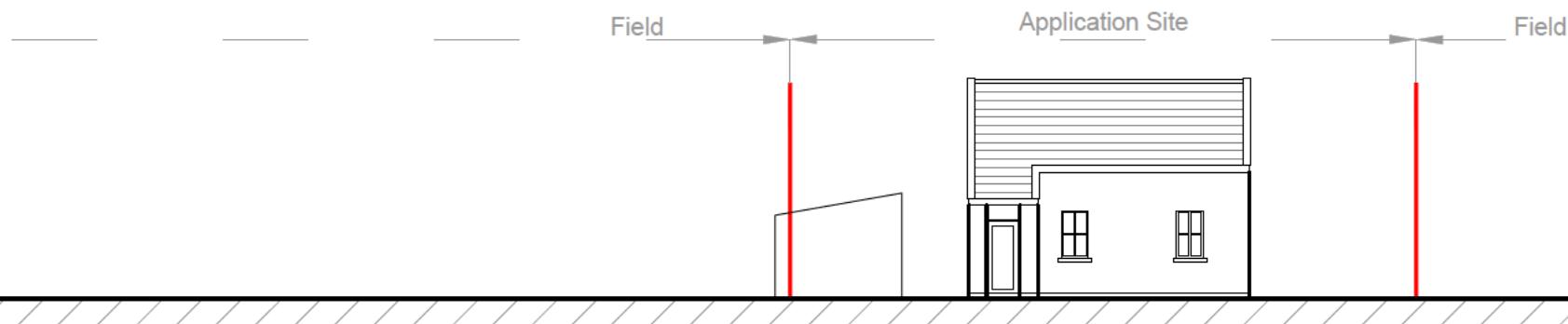
For Section 5 Purposes Only. All structural elements to be designed by a suitably qualified person.
All works to be carried out in accordance with the requirements of Fire Safety – Volume 2 – Dwelling Houses
of the Technical Guidance Document B, Building Regulations 2017

PROJECT:	Extension at Ardnaveagh, Rathkeale, Co. Lmk	
CLIENT:	Garrett & Sandra Teskey	
DRAWING TITLE: Proposed Elevations		
JOB REF:	DRAWN: CMcN	DRAWING NO:
STAGE: Section 5	APPROVED: CC	S5-05
DATE: 02/05/2025	SCALE: @ A3	REV:



45m to
next dwelling

175m to
next dwelling



LEGEND
xx.xx Levels
 Site Boundary

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

Reference no.

EC-109-25

Name and Address of Applicant:

Garrett and Sandra Teskey, Ardnaveagh, Rathkeale,
Co. Limerick

Agent:

Chris Casey Engineer, Bridge Street, Newcastle
West, Co. Limerick

Location:

Ardnaveagh, Rathkeale, Co. Limerick

Description of Site and Surroundings:

The site is an existing two storey traditional cottage fronting onto the L1243 Road. The subject dwelling is located in the townland of Ardnaveagh c. 2km south of Rathkeale town. The traditional cottage has a pitched roof with a small garden to the front and rear. Access to a rear field is provided along the Northern Gable.

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:

- Construction of a rear extension

This Section 5 declaration includes the following:

- Application Form
- Site location
- Elevations
- Floor plans

Planning History:

No recent planning history on file.

Enforcement History

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 the construction of a two-storey rear extension constitutes ‘works’ and ‘development’.

Is the proposal exempted development?

The proposal for the construction of an extension to rear of dwelling will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Is the development within the curtilage of a house?

Yes, the extension is to the rear of the house and within the curtilage.

Class 1

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

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

The house has not been extended previously, the floor area of the proposed extension measures 37.7sqm.

(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.

Above ground extension proposed, the floor area of which measures 9.8sqm.

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.

The 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

(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.

No previous extension constructed on site.

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

Above ground floor extension is not located adjacent to any party boundaries.

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. As the cottage is a dormer, it is arguable that the rear wall of the house extends to the roof ridge. As such I consider that the proposed extension would not exceed 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 the rear wall of the house does not include a gable.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

Height of the proposed extension 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.

The applicant has not provided details of the area of private open space to the rear of the dwelling.

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

The window proposed at ground floor level is a stated 1.15m from the boundary it faces.

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

N/A no windows 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.

The proposal complies with the limitations as set out under Class 1 of Part 1 of Schedule 2 of the Planning and Development regulations 2001, as amended.

Article 9 Restrictions

'The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended)'.

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1). Overall it is considered that the development as 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

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 construction of an extension to rear of dwelling detailed on the application and plans submitted is considered to come within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2000 (as amended).

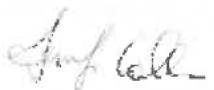
Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (c) The plans & particulars submitted with the application received on 8th May 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)


Eithne O'Brien
Assistant Planner
Date 26/05/2025

Agreed


Jennifer Collins,
A/Senior Executive Planner
Date: 29/05/2025

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/109/25
b. Brief description of the project or plan:	This is an application requesting a Section 5 Declaration on whether an extension to the rear of dwelling is or is not exempted development.
c. Brief description of site characteristics:	The site is an existing two storey traditional cottage fronting onto the L1243 Road. The subject dwelling is located in the townland of Ardnaveagh c. 2km south of Rathkeale town. The traditional cottage has a pitched roof with a small garden to the front and rear. Access to a rear field is provided along the Northern Gable.
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
002279 – Askeaton Fen Complex	Askeaton Fen Complex SAC National Parks & Wildlife Service	5km	No direct encroachment or hydrological connection.	N

STEP 3: Assessment of Likely Significant Effects

a. Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts: 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 	Possible Significance of Impacts: (duration/Magnitude etc) 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"> • Access to site • Pests 	
Operation phase e.g.	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 scale of development proposed.

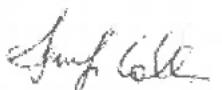
b. Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None. Works are minimal and will involve temporary construction works; therefore, no likely significant impact on the conservation objectives of the above named site.

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

STEP 4: Screening Determination Statement
The assessment of significance of effects:
Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives
On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: <ul style="list-style-type: none"> • the nature and scale of the 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"/>	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:	 Eithne O'Brien Assistant Planner 26/05/2025	
Signature and Date of the Decision Maker:	 Jennifer Collins, A/Senior Executive Planner 29/05/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/109/25	
Development Summary:	Whether the construction of a rear extension and internal modifications to an existing dwelling is or is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/>	Yes. no further action required
	<input checked="" type="checkbox"/>	No. Proceed to Part A
<p>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)?</p> <p>(Tick as appropriate)</p>		
<input type="checkbox"/> Yes. specify class: [insert here] _____		EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No		Proceed to Part B
<p>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?</p> <p>(Tick as appropriate)</p>		
<input checked="" type="checkbox"/> No. the development is not a project listed in Schedule 5, Part 2		No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): [specify class & threshold here]		EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _____		Proceed to Part C
<p>c. If Yes, has Schedule 7A information/screening report been submitted?</p>		
<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 26/05/2025	

**Signature and Date of the
Decision Maker:**



Jennifer Collins, A/Senior Executive Planner
29/05/2025



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:

**Garrett and Sandra Teskey,
c/o Chris Casey Engineer,
Bridge Street,
Newcastle West,
Co. Limerick**

EC/109/25

30 May 2025

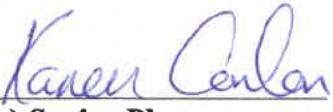
Re: Declaration under Section 5

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/2025/565

File Ref No. EC/109/25

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

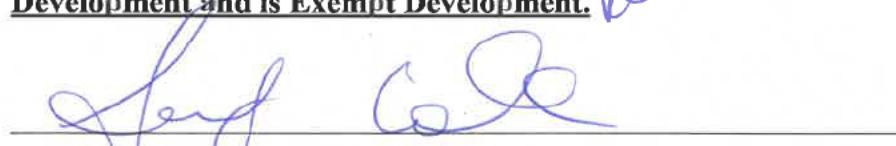
RE: A rear extension at Ardnaveagh, Rathkeale, Co. Limerick

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 Eithne O'Brien, Assistant Planner dated 26/05/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Garrett and Sandra Teskey, c/o Chris Casey Engineer, Bridge Street, Newcastle West, 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

30/5/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/565 dated 30/5/25 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/109/25

Name and Address of Applicant: Garrett and Sandra Teskey, Ardnaveagh, Rathkeale, Co. Limerick

Agent: Chris Casey Engineer, Bridge Street, Newcastle West, Co. Limerick

Whether the rear extension at Ardnaveagh, Rathkeale, Co. 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 8th of May 2025.

AND WHEREAS the Planning Authority has concluded that the rear extension at Ardnaveagh, Rathkeale, Co. 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: 30/05/2025

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.