



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Aoife O Connell, Fionn McGrath

Applicant's Address: 4 Shannonview Terrace,

Clancy Strand Limerick

Telephone No.

Name of Agent (if any): Feeney McMahon Architects Ltd

Address: Old School, Bishop Street , Limerick

Telephone No. 085 1515518

Address for Correspondence:

Old School, Bishop Street , Limerick

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

7 O Dwyer Villas, Thomondgate, Limerick

V94 PC5D

Description of Proposed development:

extension to the rear of dwelling

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

see architects report attached

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

YES/~~NO~~

Applicant's interest in site: Owner

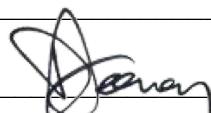
List of plans, drawings, etc. submitted with this application:

S57 AB 01

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)



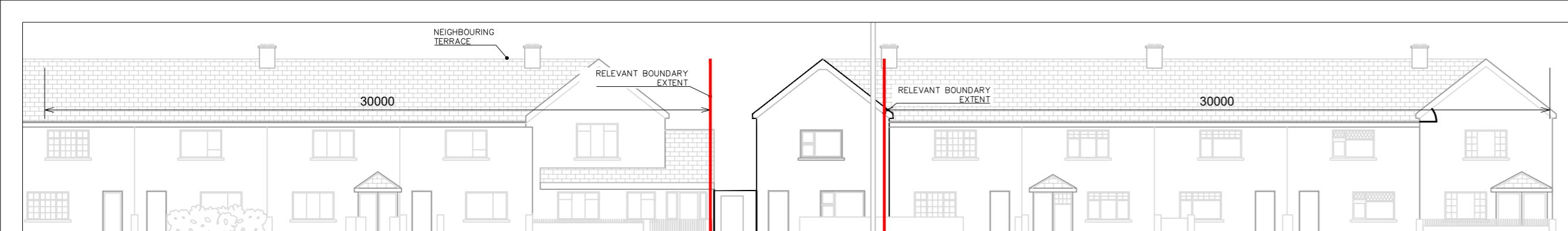
NOTES: Application must be accompanied by:

- (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.

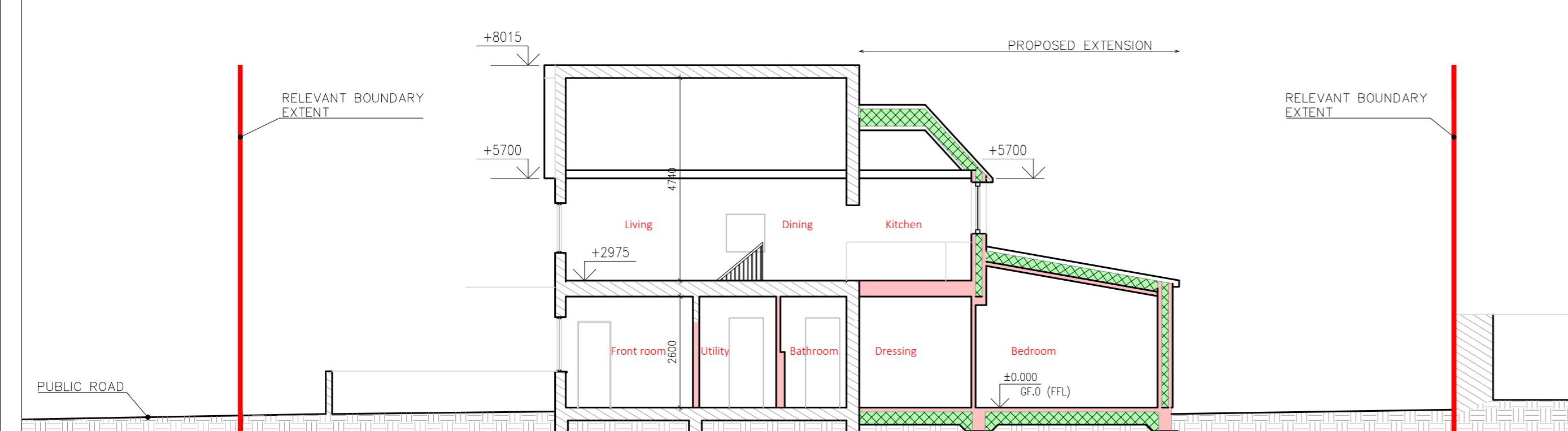
Application to be forwarded to:

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

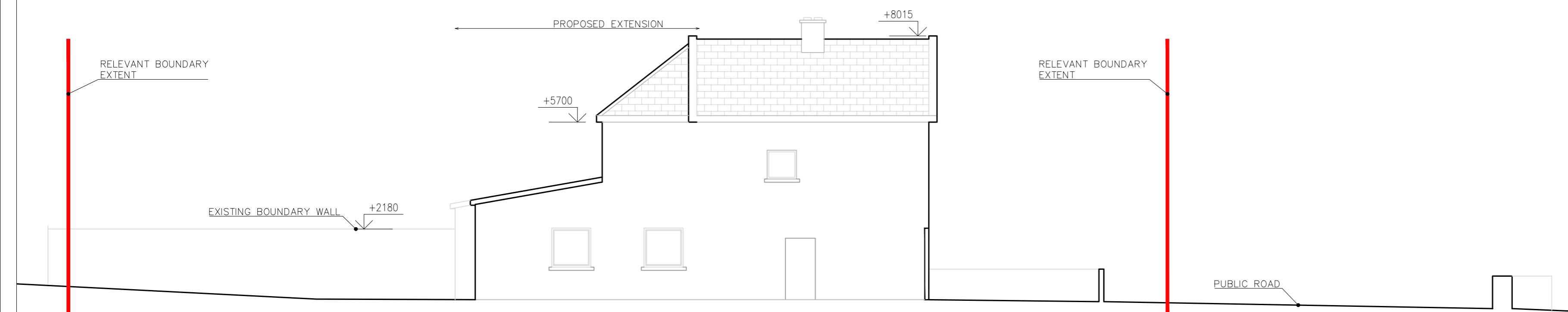
**Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie**



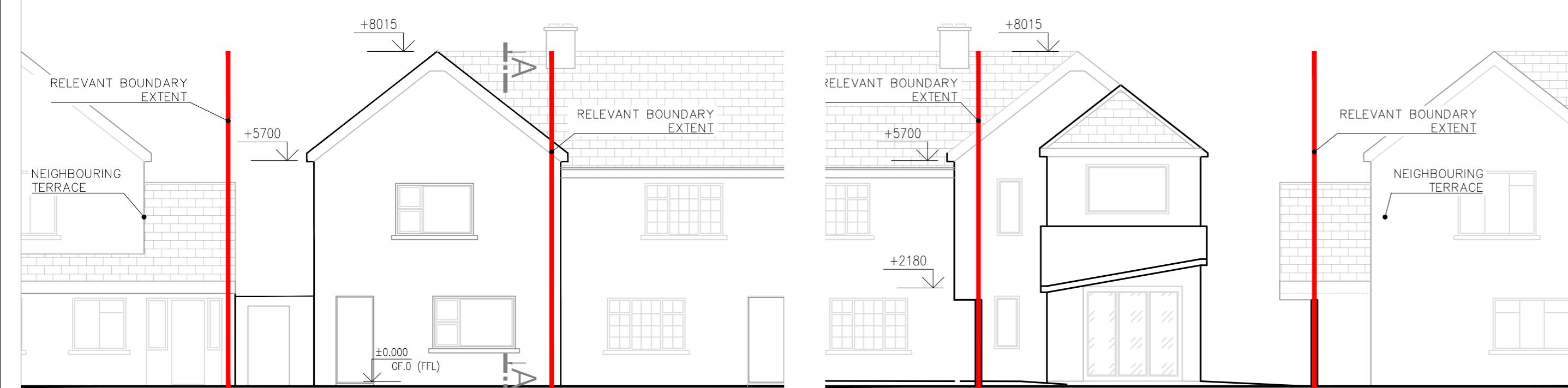
ELEVATION - EXISTING (1:200) : contiguous along Browns Quay



SECTION A - PROPOSED (1:100) :

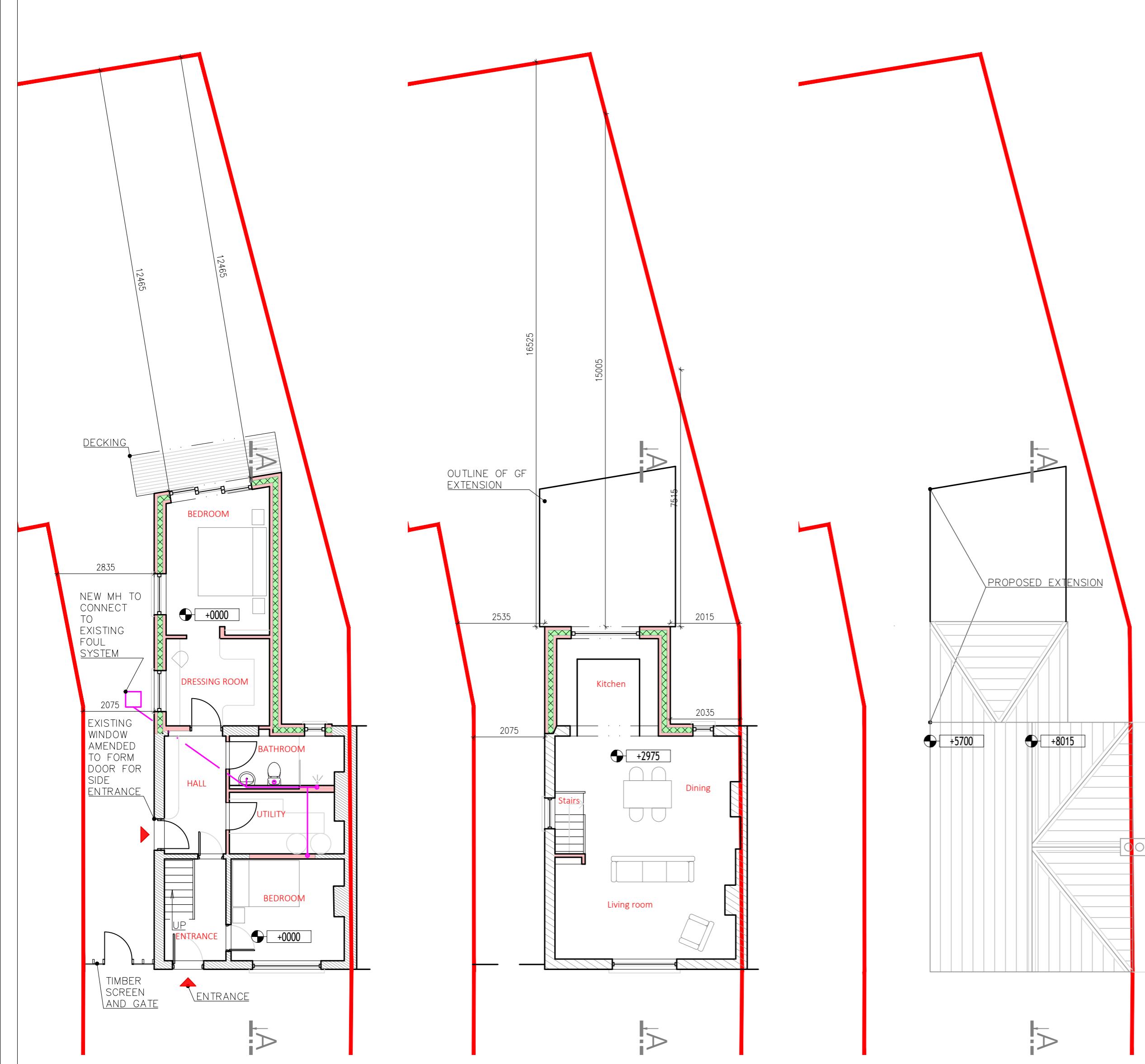


ELEVATION - PROPOSED (1:100) : side



ELEVATION - PROPOSED (1:100) : front

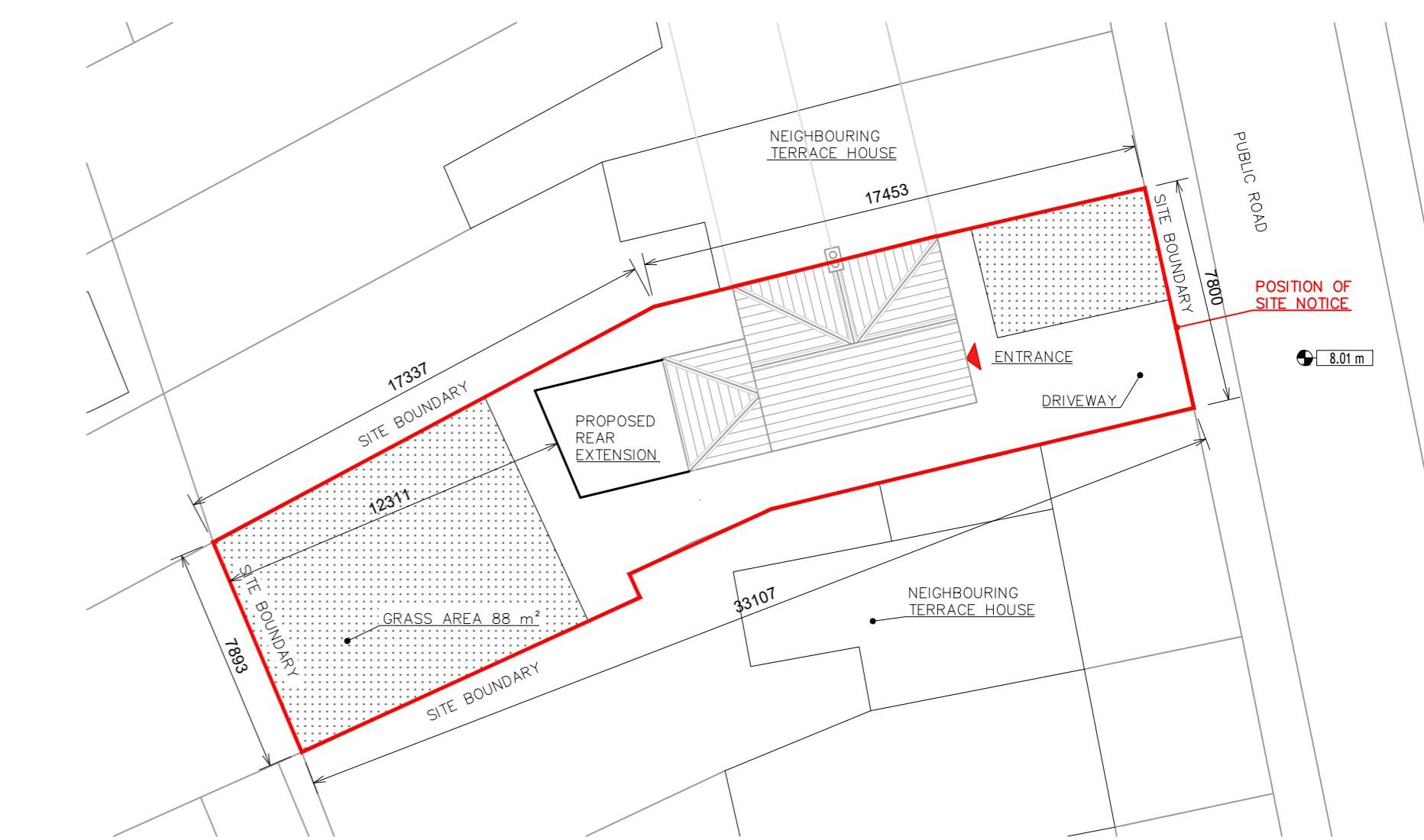
ELEVATION - PROPOSED (1:100) : rear



PLAN - PROPOSED (1:100) : gf

PLAN - PROPOSED (1:100) : ff

PLAN - PROPOSED (1:100) : roof



SITE PLAN - PROPOSED (1:200) :

| | Area |
|--------------------|------|
| Existing Building | 72.6 |
| Proposed Extension | 28.7 |

EXISTING GENERAL

EXISTING MASONRY

NEW MASONRY

NEW INSULATION

NOTE: All dimensions to be checked on site
Drawings are for the purpose of tendering
NOT APPROVED FOR CONSTRUCTION

FEENEY McMAHON ARCHITECTS

The Old School House, tel. 087 151518
Bishops St., Limerick

Job: 7 Dwyers Villas, Browns Quay, Limerick

Drawing: Section 57 Application

Plans, Elevations & Section - Proposed

Drawing Issue: 01R2

Drawing No: S57-AB-01

Scale: 1:100, @ A1

Date: 2025.04.11

Planning Pack Map



COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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OUTPUT SCALE: 1:1,000



CENTRE
COORDINATES:
ITM 557385,658053

PUBLISHED: ORDER NO.:
06/12/2024 50438209_1
MAP SERIES: MAP SHEETS:
1:1,000 4682-17

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'Large Scale Legend'



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CO LIMERICK

15/04/2025 10:32:30

Receipt No./
Uimhir Admhála : LA25/0/25176393

Finney Mc Mahon Architects,
The old school,
Bishops street
Limerick

Ref: Aoife O Connell

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe : 80.00
Credit / Debit Card
VISA
****4602

Change/Sóinseáil : 0.00

Issued By/
Eisithe ag : Carmel Ryan
From/Ó : CASH OFFICE
Vat reg No./C : 8TH

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

Reference no. EC-119-25

Name and Address of Applicant: Aoife O'Connell & Fionn McGrath
4 Shannonview Terrace,
Clancy Strand,
Limerick

Agent: Feeney McMahon Architects Ltd.,
Old School, Bishop Street,
Limerick

Location: 7 O'Dwyer Villas,
Thomondgate,
Limerick
V94 PC5D

Description of Site and Surroundings:

Existing derelict end of terrace dwelling situated on existing residential zoned lands at O'Dwyers Villas, Thomondgate.

Zoning:

Zoned: Existing Residential

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:

- Extension to the rear of dwelling

This Section 5 declaration includes the following:

- Application Form;
- Site location
- Elevations
- Floor plans

Planning History:

Pl. Ref 25/60087: Withdrawn – Permission sought by Aoife O'Connell & Fionn McGrath for a 2 story extension to the rear and a lean-to to the side of the existing 2 story dwelling and all associated ancillary work

Enforcement History

N/A

Assessment

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 rear extension constitutes 'works' and 'development'.

Is the proposal exempted development?

The proposed development will be assessed against Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended and Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) which is as follows:

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 the development within the curtilage of a house?

Yes, the proposed extension is within the curtilage of a house.

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 the stated floor area is 28.7sqm.

(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.*

The house is terraced. The proposed first floor extension measures 11.7sqm from measuring the drawing submitted. Therefore, the proposal complies.



(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 the house is not detached.

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

N/A. 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. The house has not been extended previously.

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

N/A.

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

The proposed first floor extension is situated 2.075m from the boundary to the south and 2.015m from the boundary to the north. Therefore, the proposal complies.

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.

N/A. The rear wall of the house includes a gable.

(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.

The rear wall of the house includes a gable. The height of the walls of the proposed extension will not exceed the height of the side walls of the house.

(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.

The height of the highest part of the roof shall not exceed the height of the 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.

More than 25 square metres of private open space to the rear of the house shall remain with the addition of the extension.

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.

The window proposed at ground floor level is 15m from the boundary it faces and therefore complies.

(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.

Section 4 (1) (h) of the Planning and Development Act 2000 (as amended)

Exempted development – “*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 plans show an existing window on the south side elevation at ground floor to be removed and the inclusion of a door in situ to create a side entrance. Additionally, the drawings annotate the inclusion of a timber screen and gate at the front elevation to secure the side access. These changes are considered works 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.

Article 9 Restrictions

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

Appropriate Assessment

An AA Screening examination was undertaken (see appendix 1). Overall, it is considered that the development as proposed should not exercise a significant effect on the conservation status of any SAC or SPA as there are no source-pathway-receptors and the site does not directly encroach on any Natura 2000 European Sites. Therefore, an Appropriate Assessment is not required in this instance.

Environmental Impact Assessment

An EIA Screening examination was undertaken (see Appendix 2). Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation

The two storey rear extension detailed on the application and plans submitted is considered to be within the scope of Class 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The alterations to the window at the side of the property and addition of timber screen and gate at the side access, is considered to be within the scope of 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) The plans & particulars submitted with the application received on 20th 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) and Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).

Elle O'Farrell

Ella O'Brien
Executive Planner
Date 29/05/2025

Agreed B. Henn
Barry Henn, S.E.P
Date: 30/05/2025

Appendix 1 – AA Screening

AA PN01 Screening Form

| STEP 1: Description of the project/proposal and local site characteristics: | |
|--|--|
| (a) File Reference No: | EC/119/25 |
| (b) Brief description of the project or plan: | Proposed two storey rear extension and ancillary site works. |
| (c) Brief description of site characteristics: | The site is an end of terrace two storey dwelling located in an urban area |
| (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 | https://www.npws.ie/protected-sites/sac/002165 | 34m | None | N |
| 004077-River Shannon and River Fergus Estuaries SPA | https://www.npws.ie/protected-sites/sac/004077 | 1.1km | None | 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: | 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 in nature and there is no hydrological connection or direct encroachment due to separation distance. |
| 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 in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance. |
| In-combination/Other | Works proposed will primarily affect internal structure therefore no likely significant in-combination effects are identified. |

| | |
|--|---|
| (b) Describe any likely changes to the European site: <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction or fragmentation in species density - Changes in key indicators of conservation status value (water or air quality etc) - Changes to areas of sensitivity or threats to QI - Interference with the key relationships that define the structure or ecological function of the site | None. The application site is not located adjacent to or within an EU site identified above. Therefore, there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ. |
|--|---|

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

Yes No

STEP 4: Screening Determination Statement

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 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.

Conclusion: An appropriate assessment 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: |  Ella O'Brien, Executive Planner 29/05/2025 | |
| Signature and Date of the Decision Maker: |  Barry Henn, Senior Executive Planner 30/05/2025 | |

Appendix 2 – EIA Screening

| Establishing if the proposal is a 'sub-threshold development': | | |
|---|--|--|
| Planning Register Reference: | EC/119/25 | |
| Development Summary: | A section 5 application requesting a declaration on whether a proposed two storey rear extension and ancillary site works is or is not exempted development. | |
| Was a Screening Determination carried out under Section 176A-C? | <input type="checkbox"/> <input checked="" type="checkbox"/> Yes. no further action required <input type="checkbox"/> <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"/> <input checked="" type="checkbox"/> Yes. specify class: [insert here] _ | | EIA is mandatory No Screening required |
| <input type="checkbox"/> <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 type="checkbox"/> <input checked="" type="checkbox"/> X No. the development is not a project listed in Schedule 5, Part 2 | | No Screening required |
| <input type="checkbox"/> <input checked="" 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"/> <input checked="" type="checkbox"/> Yes the project is of a type listed but is sub-threshold: [insert here] _ | | Proceed to Part C |
| C. If Yes, has Schedule 7A information/screening report been submitted? | | |
| <input type="checkbox"/> <input checked="" type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant | | Screening Determination required |
| <input type="checkbox"/> <input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant | | Preliminary Examination required |

| | |
|--|--|
| Signature and Date of Recommending Officer: |  Ella O'Brien, Executive Planner 29/05/2025 |
| Signature and Date of the Decision Maker: |  Barry Henn, SEP 30/05/2025 |

Appendix 3 – Site Visits Photographs









28 May 2025 08:38



28 May 2025 08:38



28 May 2025 08:38



28 May 2025 08:38



28 May 2025 08:39



28 May 2025 08:39



28 May 2025 08:39



28 May 2025 08:39



28 May 2025 08:39



28 May 2025 08:39



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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
Bothar Thuar an Daill
Tuar an Daill, Luimneach
V94 WV78

Planning and Place-Making
Limerick City and County Council
Dooradoyle Road
Dooradoyle, Limerick
V94 WV78

PLANNING & PLACE-MAKING

REG POST:

**Aoife O'Connell & Fionn McGrath,
c/o Feeney McMahon Architects Ltd.,
Old School,
Bishop Street,
Limerick.**

EC/119/25

03 June 2025

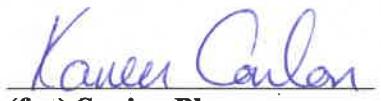
Re: Declaration under Section 5

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/2025/569

File Ref No. EC/119/25

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

RE: An extension to rear at 7 O'Dwyer Villas, Thomondgate, Limerick, V94 PC5D

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 Ella O'Brien, Executive Planner dated 29/05/2024, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Aoife O'Connell & Fionn McGrath c/o Feeney McMahon Architects Ltd., Old School, Bishop Street, Limerick to state that the works as described above is

Development and is Exempt Development. ✓

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

03/06/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/569 dated *03/06/2025*, 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/119/25

Name and Address of Applicant: Aoife O'Connell & Fionn McGrath, 4 Shannonview Terrace, Clancy Strand, Limerick

Agent: Feeney McMahon Architects Ltd., Old School, Bishop Street, Limerick

Whether an extension to the rear at 7 O'Dwyer Villas, Thomondgate, Limerick V94 PC5D 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 20th of May 2025.

AND WHEREAS the Planning Authority has concluded that the extension to the rear at 7 O'Dwyer Villas, Thomondgate, Limerick V94 PC5D **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) and 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**.

Signed on behalf of the said Council

Karen Conlon

Date: 03/06/2025

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.