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Limerick City & Council

09 JUL 2025

Planning

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Limerick City and County Council

Planning Department

Section 5 Application

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DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

NOEL MALONE

Applicant's Address:

'CARRAIGROWAN HOUSE'
KILCORNAN
CO. LIMERICK .

Telephone No. _____

Name of Agent (if any):

DECLAN GILLEECE MRIA 1.

Address:

26 THE HERMITAGE MILL ROAD
CORBALLY. LIMERICK V91 W5YV

Limerick City & Council
Council

09 JUL 2025

Planning

Telephone No. 087 2671997.

Address for Correspondence:

26 THE HERMITAGE, MILL ROAD,
CORBALLY
LIMERICK V94 W5YV.

Location of Proposed development (Please include Eircode):

'OWENVILLE' 18 ST. JAMES'S COURT,
ENNIS ROAD, LIMERICK V94 ADX5.

Description of Proposed development:

EXISTING SINGLE RESIDENCE'

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

SECTION 5.

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

Applicant's interest in site: FULL OWNER.

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

- SITE LOCATION MAP
- SITE LAYOUT PLAN
- PLANS, & ELEVATIONS OF THE HOUSE.

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) Susan Gillease (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 Read,
Limerick,
V94 XF67**

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OFFICE USE ONLY

Ref. No. _____ Date Received _____

Fee Received _____ Date Due _____

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CITY & COUNTY
COUNCIL

LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
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CO LIMERICK

09/07/2025 12:37:02

Receipt No./
Uimhir Admhála : LA25/0/25179037

DECLAN GILLEECE
26 THE HERMITAGE
MILL ROAD
CORBALLY
LIMERICK
RE NOEL MALONE

EXEMPTION CERTIFICATES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total/Iomlán : 80.00 EUR

Tendered/Tairgthe :
Credit / Debit Card 80.00
VISA
*****0409

Change/Sóinseáil : 0.00

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

Limerick City & Coun
Council

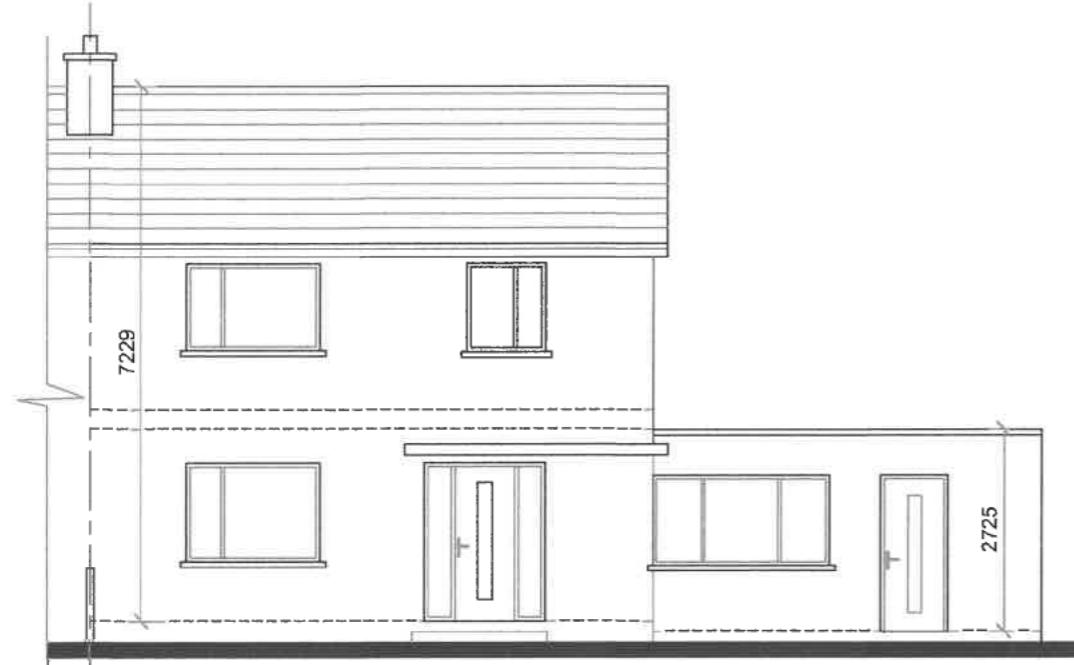
09 JUL 2025

Planning

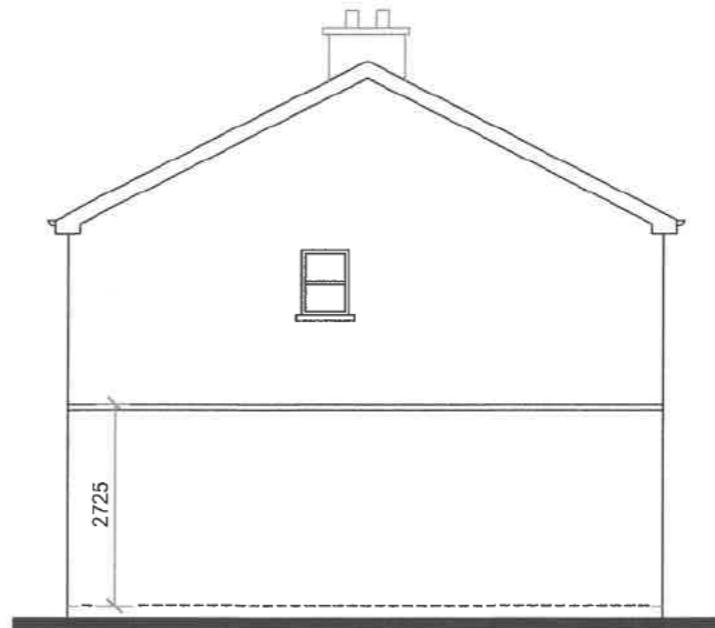
Planning Pack Map



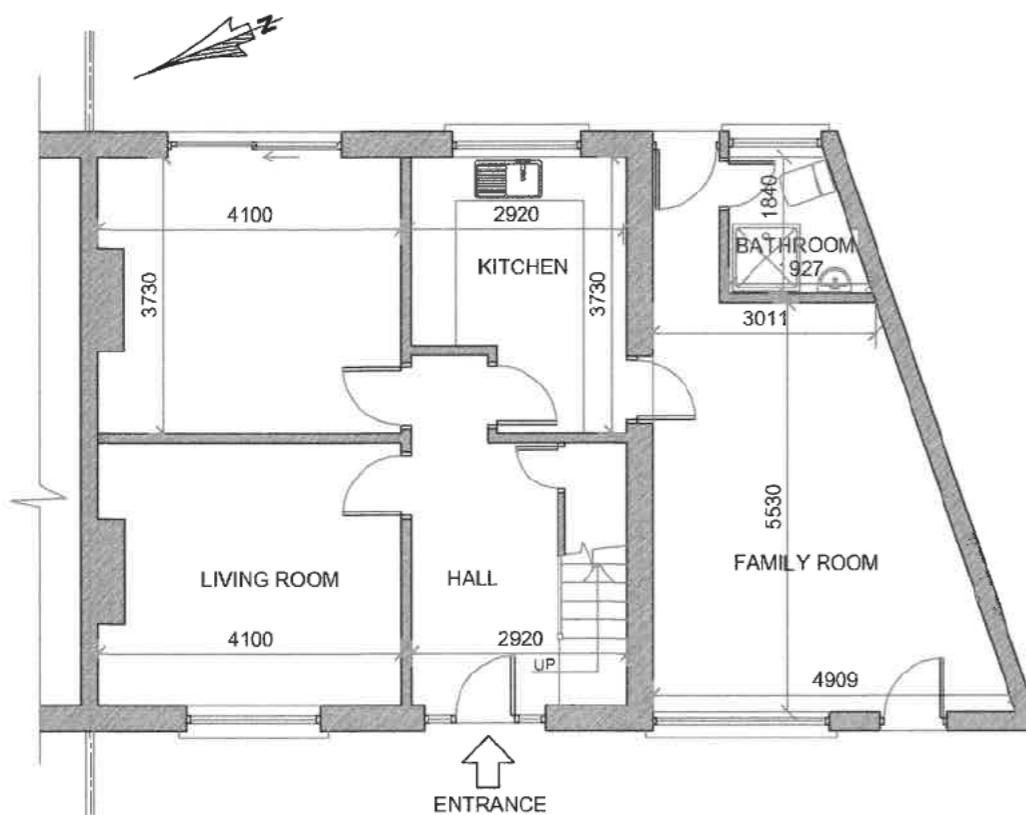
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 OTHERWISE.
 C: ALL DIMENSIONS TO BE CHECKED ON SITE
 PRIOR TO COMMENCEMENT, ANY
 DISCREPANCIES TO BE REPORTED
 IMMEDIATELY.
 D: ALL WORKS TO BE CARRIED OUT IN
 ACCORDANCE WITH CURRENT BUILDING
 REGULATIONS.



01 PROPOSED WEST (FRONT) ELEVATION
02 SCALE 1:100



02 PROPOSED SOUTH (GABLE) ELEVATION
02 SCALE 1:100



03 PROPOSED GROUND FLOOR PLAN
02 SCALE 1:100



04 PROPOSED EAST (REAR) ELEVATION
02 SCALE 1:100

A 02-07-25 Door reinstated between kitchen/
family room
Rev. Date Description

DRAWING STATUS:
Proposal

CLIENT:
Noel Malone

DECLAN GILLEECE

ARCHITECTS
26 The Hermitage, Mill Road,
Corbally, Limerick V94 W5YV

Mobile : 087 2671997
e : declan.gilleece@gmail.com
www : declangilleece.ie

PROJECT:
Owenville,
18 St. James's Court,
Ennis Road,
Limerick

DRAWING TITLE:
Proposed Ground Floor & Elevations

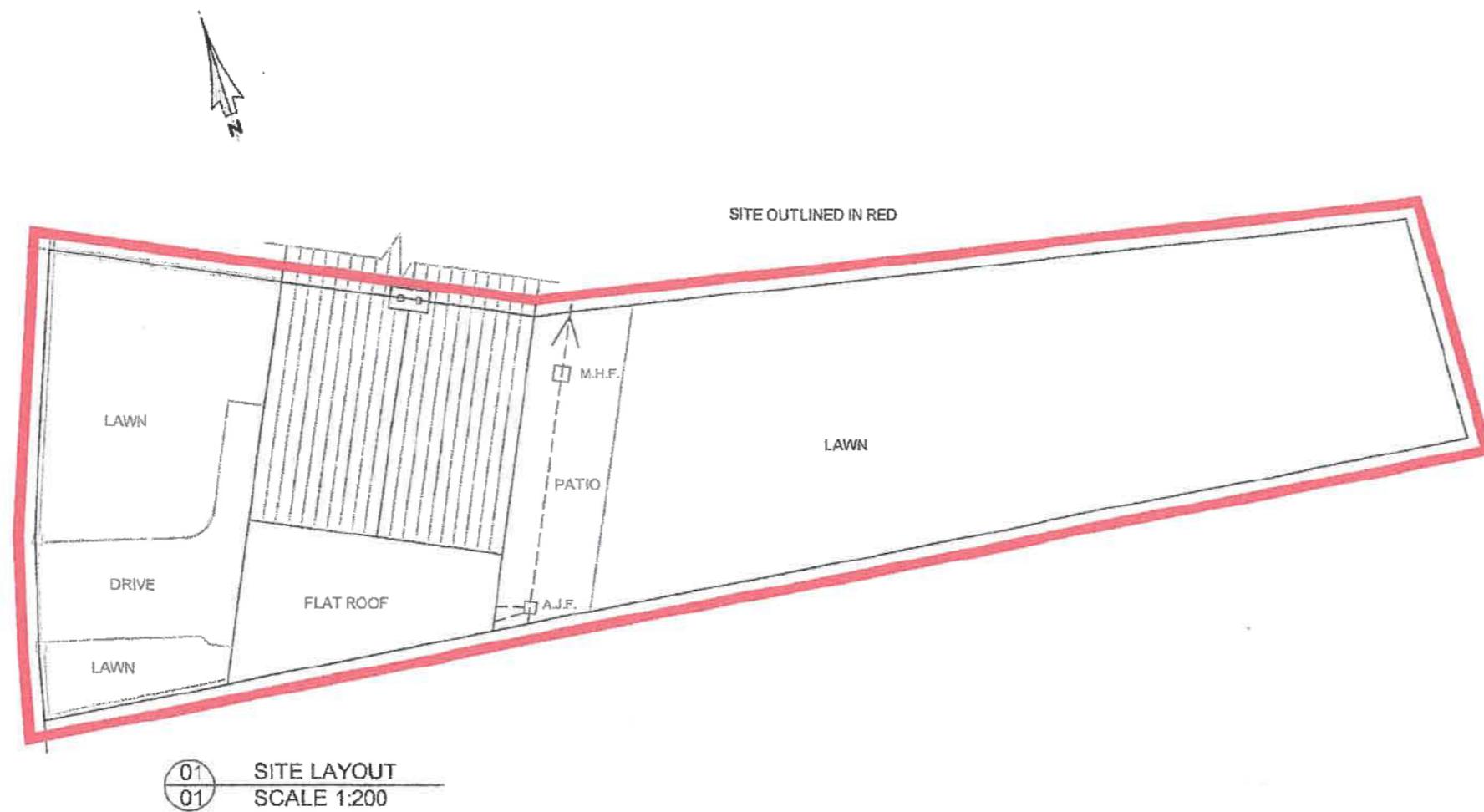
SCALE: 1:100

DRAWN: DATE: August 2024

DRG. No. REV.
2496-02 A



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 AND LEVELS IN METRES.
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 IMMEDIATELY.
 D: ALL WORKS TO BE CARRIED OUT IN
 ACCORDANCE WITH CURRENT BUILDING
 REGULATIONS.



Rev.	Date	Description
DRAWING STATUS:		
Survey		
CLIENT:		
Noel Malone		
DECLAN GILLEECE		
ARCHITECTS		
26 The Hermitage, Mill Road, Corbally, Limerick V94 W5YV		
Mobile : 087 2671997 e : declan.gilleece@gmail.com www : declangilleece.ie		
PROJECT: Owenville, 18 St. James's Court, Ennis Road, Limerick		
DRAWING TITLE: Site Layout		
SCALE: 1:200		
DRAWN: DATE: August 2024		
		DRG. No. 2496-01
		REV.



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

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

File Reference number	EC.145.25
Applicant	Noel Malone
Location	Owenville 18 St. James Court, Ennis Road, Limerick V94 ADX5

1.0 Description of Site and Surroundings:

The site is located in the residential neighbourhood of Fortmary Park located off the Ennis Road. On inspection, an existing traditional two-story semi-detached house was noted with works already carried out to convert a former garage to a habitable space. There is a driveway to the front of the property with a small garden adjacent, as well as a large garden to the rear of the main dwelling. The site is zoned Existing Residential.

2.0 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:

- Existing single residence

This Section 5 declaration includes the following:

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

3.0 Planning History:

EC-134-24 – Upgrading of existing vacant residence and conversion of existing garage to a liveable space is development and not exempted development

3.1 Enforcement History

None

4.0 Relevant An Bord Pleanála referrals

N/A

5.0 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).

5.1 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 *Existing single residence* constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

Generally, a proposal to convert an attached garage for use as part of a house would be assessed against Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

The question posed to the Planning Authority on the application form is ‘Existing single residence’. In the drawings submitted with the application it states that the garage conversion is being used as a family room and bathroom. Following a site inspection on the 5th of August (see images in Appendix 3), it was evident that the conversion of the existing garage is being used as a separate independent living unit as there is a bed and kitchen within the room. The garage conversion is being used as a self-contained living unit independent to the incidental enjoyment of the house.

In this regard, Section 3(3) of the Planning and Development Act, 2000, as amended, must be considered, as the conversion of a single dwelling into two dwellings constitutes a material change in the use of the structure. The proposal would therefore come within the definition of development, which is not exempt from planning permission. There are additional planning considerations that would need to be taken into account such as the standard of accommodation, impact on residential amenity and traffic considerations such as parking.

6.0 Article 9 Restrictions

No restrictions apply.

7.0 Appropriate Assessment

Having regard to the nature and scale of the proposed development and the absence of proximity or connectivity to a Natura 2000 European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. An appropriate assessment screening report and determination is attached to this report.

8.0 Environmental Impact Assessment

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

9.0 Conclusion/Recommendation

The development which consists of the conversion of a garage to living accommodation is considered to be development as it consists of material change of use is therefore NOT considered to be exempted development.

Regard has been had to –

- (a) Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (b) The plans & particulars submitted with the application received on the 9th of July 2025.

It is therefore considered that the said works are development and NOT exempted development under Section 3(3) of the Planning and Development Act 2000 (as amended).

Executive Planner	Ella O'Brien	Date: 06/08/2025
Signature:		
Senior Executive Planner	Barry Henn	Date: 06/08/2025
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-145-25
(b) Brief description of the project or plan:	Section 5 Declaration seeking whether an existing single residence is exempted or not exempted development
(c) Brief description of site characteristics:	The site is located in the residential neighbourhood of Fortmary Park located off Ennis Road. On inspection, an existing traditional two-story semi-detached house was noted with works already taken to the conversion of a former garage to a habitable space. There is a driveway to the front of the property with a small garden adjacent, as well as a large garden to the rear of the main dwelling. The site is zoned Existing Residential.
(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	650m	None	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	840m	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 - Vegetation clearance - Demolition	None. No direct encroachment or hydrological connection. Works to be undertaken to an existing structure.

<ul style="list-style-type: none"> - 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 	
Operation phase e.g.	None. No direct encroachment or hydrological connection.
<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 	
In-combination/Other	None given the level of development in the area

(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. No direct encroachment or hydrological connection.

(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
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<p>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</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. 		
<p>Conclusion: An appropriate assessment is not required.</p>		
	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:	 <hr/> Ella O'Brien, Executive Planner 28/07/2025	
Signature and Date of the Decision Maker:	<hr/> Barry Henn, SEP 06/08/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':

Planning Register Reference:	EC.145.25	
Development Summary:	Section 5 Declaration seeking whether an existing single residence is exempted or 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"/> 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:	 06/08/2025
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Signature and Date of the Decision Maker:	
	Barry Henn, SEP 06/08/2025

Appendix 3: Site visit 28/07/2025 and 05/07/2025











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:

Noel Malone
c/o Declan Gilleece **MRIA**,
26 The Hermitage,
Mill Rd,
Corbally,
Limerick.

EC/145/25

06 August 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 Galan
(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/2025/822

File Ref No. EC/145/25

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

RE: An existing single residence at Owenville, 18 St. James Court, Ennis Road, 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 Ella O'Brien, Executive Planner dated 06/08/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Noel Malone, c/o Declan Gilleece MRIA, 26 The Hermitage, Mill Rd, Corbally, Limerick to state that the works as described above is

Development and is NOT Exempt Development. *HL*

Signed

B. Henn

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

06/08/2025

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/822 dated *06/08/2025*, 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/145/25

Name and Address of Applicant: Noel Malone, Carraigrowan House, Kilcornan, Co. Limerick.

Agent: Declan Gilleece MRIA, 26 The Hermitage, Mill Rd, Corbally, Limerick.

Whether the existing single residence at Owenville, 18 St. James Court, Ennis Road, 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 09th of July 2025.

AND WHEREAS the Planning Authority has concluded that the existing single residence at Owenville, 18 St. James Court, Ennis Road, Limerick **DOES NOT** come within the scope of exempted development under Section 3(3) 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 NOT Exempt Development**.

Signed on behalf of the said Council

Karen Conlon
Date: *06/08/2025*

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.