


**LIMERICK CITY & COUNTY COUNCIL****PLANNING AND ENVIRONMENTAL SERVICES****SECTION 5 APPLICATION****DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

Applicant's Name: Ide O'Brien

Applicant's Address: 4 Mount Vincent Terrace, O'Connell Avenue, Limerick

 Name of Agent (if any): Michael O'Connor, praxis architecture

Address: 64 O'Connell St., Limerick. V94 886V

Telephone No. 087-2672064/ 061-314848

Address for Correspondence:

64 O'Connell St., Limerick. V94 886V

Location of Proposed development:

4 Mount Vincent Terrace, O'Connell Avenue, Limerick

Description of Proposed development:

The construction of a garden room / storage room and associated site works.

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:

praxis architecture Drawings :

25.05-400D Site Location Map
25.05-401D Site Layout Plan
25.05-402D General Arrangement Drawings
25.05-403D Contiguous Elevation

Have any previous extensions/structures been erected at this location YES/NO

If Yes please provide floor areas of all existing structures:

20 Sq.m. rear extension to dwelling

Signature of Applicant (or Agent)



Michael O'Connor
on behalf of Ide O'Brien

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 _____

praxis architecture

64 O'Connell St., Limerick. • Tel: +353 61 314848 • E-Mail: info@praxisarc.com

Our Ref : 25.05-DA01

Planning Department
Limerick City & County Council,
County Hall,
Dooradoyle,
Co. Limerick.

Date : 3rd September 2025

Re : Section 5 Declaration Application for the construction of a single storey storage / garden room building at the rear of the existing garden and all ancillary site works at No. 4 Mount Vincent Terrace, O'Connell Avenue, Limerick.

Dear Sir / Madam,

Please find within our online submission the following documents in support of our above application:

- (1) Completed application form
- (2) Praxis Architecture drawings No.'s 25.05-400D, 401D, 402D & 403D.

If you have any queries please do not hesitate to contact the undersigned.

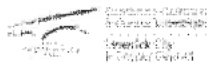
Yours faithfully,



Michael O'Connor B Arch FRIAI RIBA CA
praxis architecture



Copy



LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
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CO LIMERICK

04/09/2025 15:52:03
Receipt No.: LA25/25181164
Customer Address:
MICHAEL O'CONNOR
84 O'CONNELL ST
LIMERICK
RE IDE O'BRIEN

Code	Ref	Qty	Price	Amount	VAT
	EXEMPTION		80	80.00	0.00
PL041	CERTIFICAT	1	EUR	EUR	EUR
	E				

Paid with: Credit / Debit Card
Subtotal: 80.00 EUR
Tax (VAT): 0.00 EUR
Total: 80.00 EUR
Tendered: 80.00 EUR

From: CASH OFFICE HQ
VAT Reg No: 3267368TH

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Planning Pack Map

25.05 -400D Site Location Map 1:1000@A4



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**CENTRE
COORDINATES:**
ITM 556962,656027

PUBLISHED: 26/03/2025
ORDER NO.: 50456916_1

MAP SERIES: 1:1,000
MAP SHEETS: 4743-07

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
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LEGEND:
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OUTPUT SCALE: 1:1,000



 **PROPOSED CONTIGUOUS ELEVATION**
SCALE: 1:100@A1

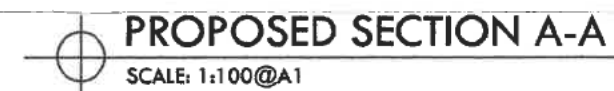
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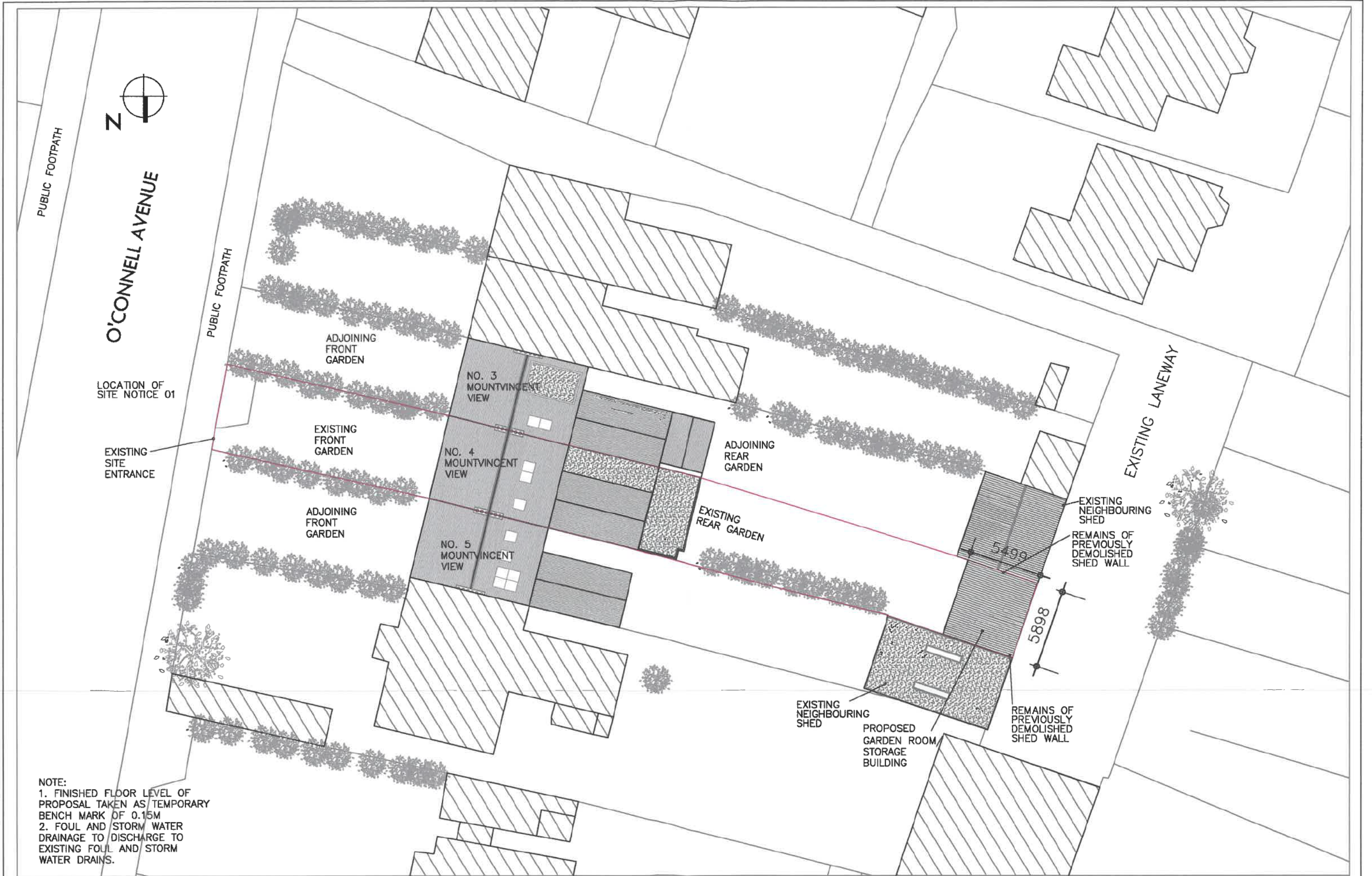
REF	REVISIONS	DATE

TITLE	PROPOSED STORAGE/GARDEN ROOM BUILDING AT THE REAR OF NO. 4 MOUNTVINCENT VIEW, O'CONNELL AVENUE, LIMERICK
CLIENT	IDE O'BRIEN
DRAWING TITLE	CONTIGUOUS ELEVATION
DRAWN	JK
CHECKED	MOC
SCALE	1:100@A3
DATE	AUG. 25
STATUS	DECLARATION APPLICATION
DRAWING NO.	25.05-403D

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64 O'CONNELL STREET, LIMERICK



NOTE:
1. FINISHED FLOOR LEVEL OF PROPOSAL TAKEN AS TEMPORARY BENCH MARK OF 0.15M
2. FOUL AND STORM WATER DRAINAGE TO DISCHARGE TO EXISTING FOUL AND STORM WATER DRAINS.

GENERAL NOTES:
ALL DRAWINGS AND DESIGNS REMAIN THE PROPERTY OF THE ARCHITECTS AND MAY NEITHER BE REPRODUCED, EXECUTED, OR COPIED WITHOUT WRITTEN CONSENT.

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THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT SPECIFICATION AND DRAWINGS.
ALL DIMENSIONS TO BE CHECKED ON SITE.

REF	REVISIONS	DATE

TITLE: PROPOSED STORAGE/GARDEN ROOM BUILDING AT THE REAR OF NO. 4 MOUNTVINCENT VIEW, O'CONNELL AVENUE, LIMERICK
CLIENT: IDE O'BRIEN
DRAWING TITLE: SITE LAYOUT

DRAWN: JK	CHECKED: MOC	SCALE: 1:250@A3	DATE: AUG. 25	STATUS: DECLARATION APPLICATION	DRAWING NO.: 25.05-401D
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praxis architecture

Tel: 061.314848 Email: info@praxisarc.com
64 O'CONNELL STREET, LIMERICK

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

Reference no. EC-184-25

Name and Address of Applicant: Ide O'Brien
4 Mount Vincent Terrace
O'Connell Avenue
Limerick City

Agent: Michael O'Connor
Praxis Architecture
64 O'Connell Street
Limerick

Location: 4 Mount Vincent Terrace
O'Connell Avenue
Limerick City

Description of Site and Surroundings:

The subject site is located at 4 Mount Vincent Terrace on O'Connell Avenue within Limerick City. The dwelling is a two storey terraced dwelling within the South Circular Road, New Street and O'Connell Avenue Architectural Conservation Area.

Zoning:

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:

- Construction of a garden room/storage room within the rear garden of the dwelling

This Section 5 declaration includes the following:

- Cover letter
- Site location map
- Site layout plan
- General arrangement drawings
- Contiguous elevation

Planning History:

25/60293: Permission refused for the construction of a 2 storey storage/garden room at the rear of the existing garden with garden/storage at ground floor and an en-suite bedroom/storage at first floor.

Enforcement History

None

An Bord Pleanála Case files

None

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 single storey monopitched roof structure containing a garden room/storage within the rear garden of the subject site is considered to constitutes 'works' and 'development'.

Is the proposal exempted development?

The proposal will be assessed against Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended and Section 4(1)(h) and 4(1)(j) of the Planning and Development Act, 2000, as amended.

Is the development within the curtilage of a house?

Yes, the development as proposed is within the curtilage of the house.

Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*

The structure is to the rear of the dwelling and not forward of the front wall of the house.

2. *The total area of such structure constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25sqm.*

The drawings as submitted indicate an internal floor area of 25sqm but has a total area measuring 32.4sqm which is above the 25sqm allowance. The proposed development therefore exceeds the 25sqm allowance.

3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25sqm.*

The site has the benefit of a large rear garden and the garage/garden room will not reduce the amount of open space to less than 25sqm.

4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house*

The structure has a plaster finish to external walls and a glazed bifolding door on the northeast elevation. The roof is slate/corrugated iron finish. The use of corrugated iron finish is not acceptable.

5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4m or in any other case 3m.*

The monopitched roof has a maximum height of 4m therefore compliant.

6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

The proposed room is indicated as being for storage and a garden room. No bathroom is included within same. It is considered that the proposal is compliant with Limitation 6 of Class 3.

Article 9 Restrictions

Development to which article 9 relates shall not be exempted development for the purposes of the Act if the carrying out of such development would '*further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area*'.

Per discussions with LCCC's Conservation Officer the documentation submitted is insufficient and further information is required in the form of photographs and information about the proposed material finish.

Appropriate Assessment

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

Environmental Impact Assessment

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

Conclusion/Recommendation

The construction of a garden/store room to the rear of the property as detailed on the application and plans submitted is development and not exempted development as the structure has a total floor measurement of more than 25sqm. Furthermore, the site is located within an Architectural Conservation Area therefore Article 9 restrictions would be associated with same. The information submitted is considered insufficient for development to be carried out within an ACA.

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 4th September 2025.
- (c) Article 9 Restrictions
- (d) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

It is therefore considered that the said works are development and NOT exempted development under Class 3 (2) of Part 1 of Schedule 2 and Article 9(1)(xii) of the Planning and Development Regulations 2001 (as amended)



Áine Leland
Executive Planner

Date: 29/09/2025

Barry Henn, A/SP

Date: 29/09/2025

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC-184-25
(b) Brief description of the project or plan:	Section 5 Declaration on whether the construction of a stand alone storage/garden room is or is not exempted development.
(c) Brief description of site characteristics:	The subject site is located at No. 4 Mount Vincent Terrace, O'Connell Avenue
(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	885m	None	N
004077 - River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	790m	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 	None. No direct encroachment or hydrological connection.

<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. <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. No direct encroachment or hydrological connection.
In-combination/Other	N/A given the development proposed and the distance from European sites.

(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. 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

The assessment of significance of effects:


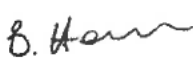
Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives

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:	 <hr/> Áine Leland, Executive Planner 29/09/2025	
Signature and Date of the Decision Maker:	 <hr/> Barry Henn, A/SP 29/09/2025	

Appendix 2 – EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC/184-25	
Development Summary:	Section 5 Declaration on whether the construction of a stand alone garden/storage room is or is not exempted development.	
Was a Screening Determination carried out under Section 176A-C?	<div style="display: flex; align-items: center;"> <input type="checkbox"/> Yes. no further action required <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> No. Proceed to Part A </div> </div>	
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"/> 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"/> 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:



Áine Leland, Executive Planner
29/09/2025

Signature and Date of the Decision Maker:



Barry Henn, A/SP
29/09/2025



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:

Ide O'Brien,
c/o Michael O'Connor
Praxis Architecture
64 O'Connell Street
Limerick.

EC/184/25

30 September 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/2025/1060

File Ref No. EC/184/25

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

RE: **A construction of a garden room/storage room within the rear garden at 4 Mount Vincent Terrace, O'Connell Avenue, Limerick City**

ORDER: Whereas by Director General's Order No. DG/2024/129 dated 15th September 2025, 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, A/Senior 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, A/Senior Planner, having considered the report and recommendation of Áine Leland, Executive Planner dated 29/09/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Ide O'Brien, c/o Michael O'Connor, Praxis Architecture, 64 O'Connell Street, Limerick to state that the works as described above is

Development and is NOT Exempt Development.

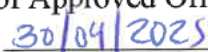
Signed



A/SENIOR PLANNER, PLANNING & PLACE-MAKING

Date



Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1060 dated , pursuant to Section 151(7) of the Local Government Act 2001

Signed:



A/SENIOR PLANNER, PLANNING & PLACE-MAKING



Comhairle Cathrach
& Contae Luimnigh
Limerick City
& County Council

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimnigh
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V94 WV78

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

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/184/25

Name and Address of Applicant: Ide O'Brien, 4 Mount Vincent Terrace, O'Connell Avenue, Limerick City

Agent: Michael O'Connor, Praxis Architecture, 64 O'Connell Street, Limerick

Whether the construction of a garden room/storage room within the rear garden at 4 Mount Vincent Terrace, O'Connell Avenue, Limerick City 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 04th of September 2025.

AND WHEREAS the Planning Authority has concluded that the construction of a garden room/storage room within the rear garden at 4 Mount Vincent Terrace, O'Connell Avenue, Limerick City **DOES NOT** come within the scope of exempted development under Class 3 (2) of Part 1 of Schedule 2 and Article 9(1)(xii) 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:

30/09/2025

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.