

Comhairle Cathrach
& Contae Lúimnigh
Limerick City
& County Council



Limerick City and County Council

Planning Department

Section 5 Application

Limerick City & County
Council

08 OCT 2025

Planning

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name:

PHILIP O'BRIEN

Applicant's Address:

27 MARIAN AVENUE

ROXBORO ROAD

LIMERICK

Telephone No.



Name of Agent (if any):

—

Address:

N/A.

—

—

Telephone No.

—

Address for Correspondence:

27 MARIAN AVENUE,

ROXBORO ROAD

LIMERICK

Location of Proposed development (Please include EIRCODE):

27 MARIAN AVENUE.

ROXBORO ROAD

LIMERICK V94 VHK2

Description of Proposed development:

Kitchen extension to rear of house.

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

Section 5 of Planning and Development Act 2000.

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

~~YES~~/NO

Applicant's interest in site: Own House

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

Site location map

Site layout plan.

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) Philip O'Brien



LIMERICK CITY & COUNTY COUNCIL
CASH OFFICE
CIVIC OFFICES
DOORADOYLE
CO LIMERICK

08/10/2025 10:43:18

Receipt No.: LA25/25182066

Customer Address:

Philip O'Brien
27 Marian Ave
Roxboro Rd
Limerick

| Code | Ref | Amount | VAT |
|-------|-------------|-----------|----------|
| | EXEMPTION | | |
| PL041 | CERTIFICATE | 80.00 EUR | 0.00 EUR |
| | S | | |

Paid with: CASH

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

Please retain this receipt for your records

Please do not reply to this email

Planning Pack Map



Prepared by:
Gerard Molony,
40, Abbeyvale,
Corbally,
Limerick.
Tel: (061)341773 (087) 6557300

OUTPUT SCALE: 1:1,000

CENTRE
COORDINATES:
ITM 558212,655931

PUBLISHED:
03/02/2021

MAP SERIES:
1:1,000
1:1,000

ORDER NO.:
50169637_1

MAP SHEETS:
4743-08
4743-13

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The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale.
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LEGEND:
<http://www.osi.ie>; search 'Large Scale Legend'



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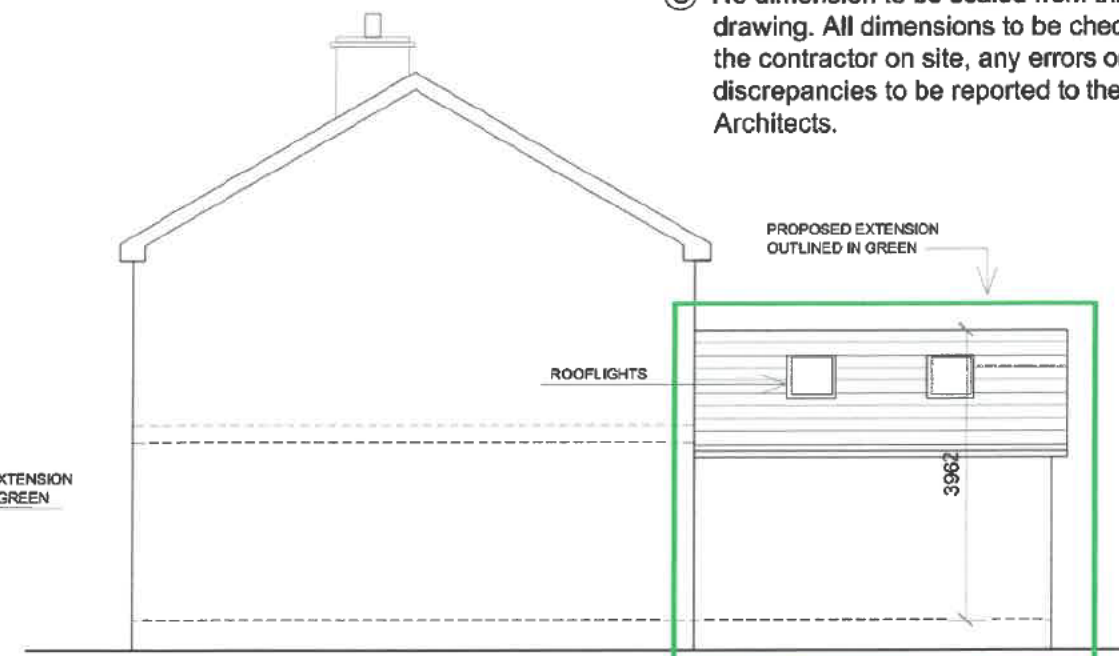
© No dimension to be scaled from this drawing. All dimensions to be checked by the contractor on site, any errors or discrepancies to be reported to the Architects.



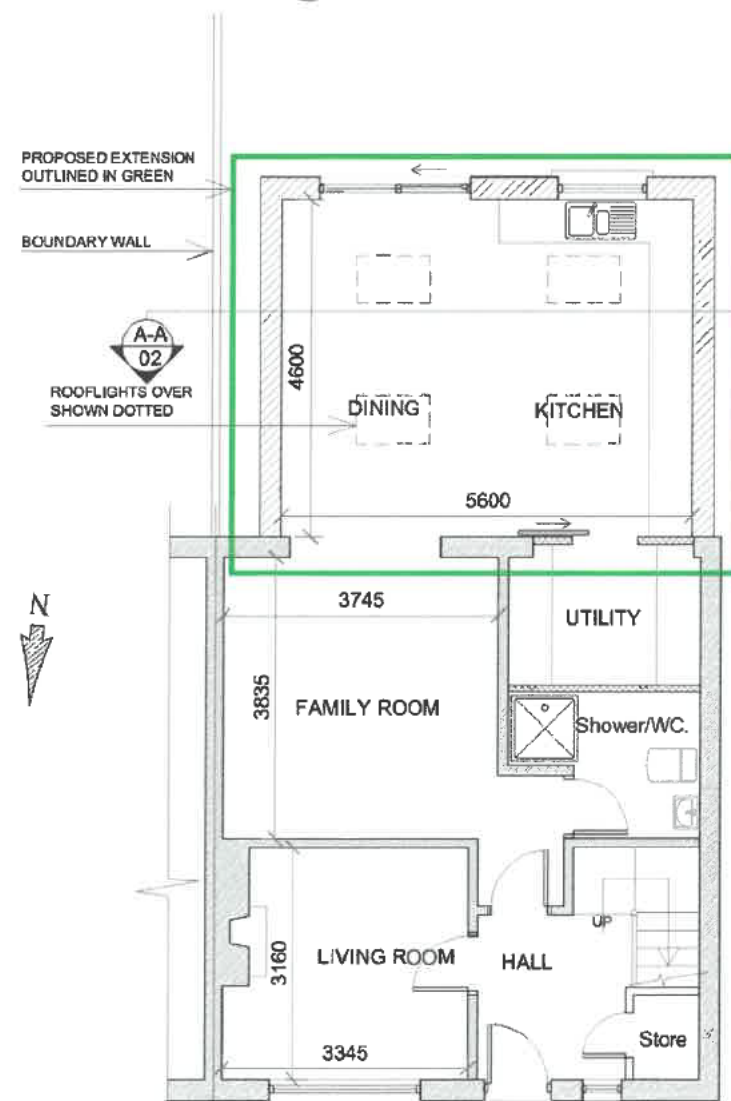
01 NORTH (FRONT) ELEVATION
02 SCALE 1:100



02 SOUTH (REAR) ELEVATION
02 SCALE 1:100



03 WEST (GABLE) ELEVATION
02 SCALE 1:100



04 GROUND FLOOR PLAN
02 SCALE 1:100

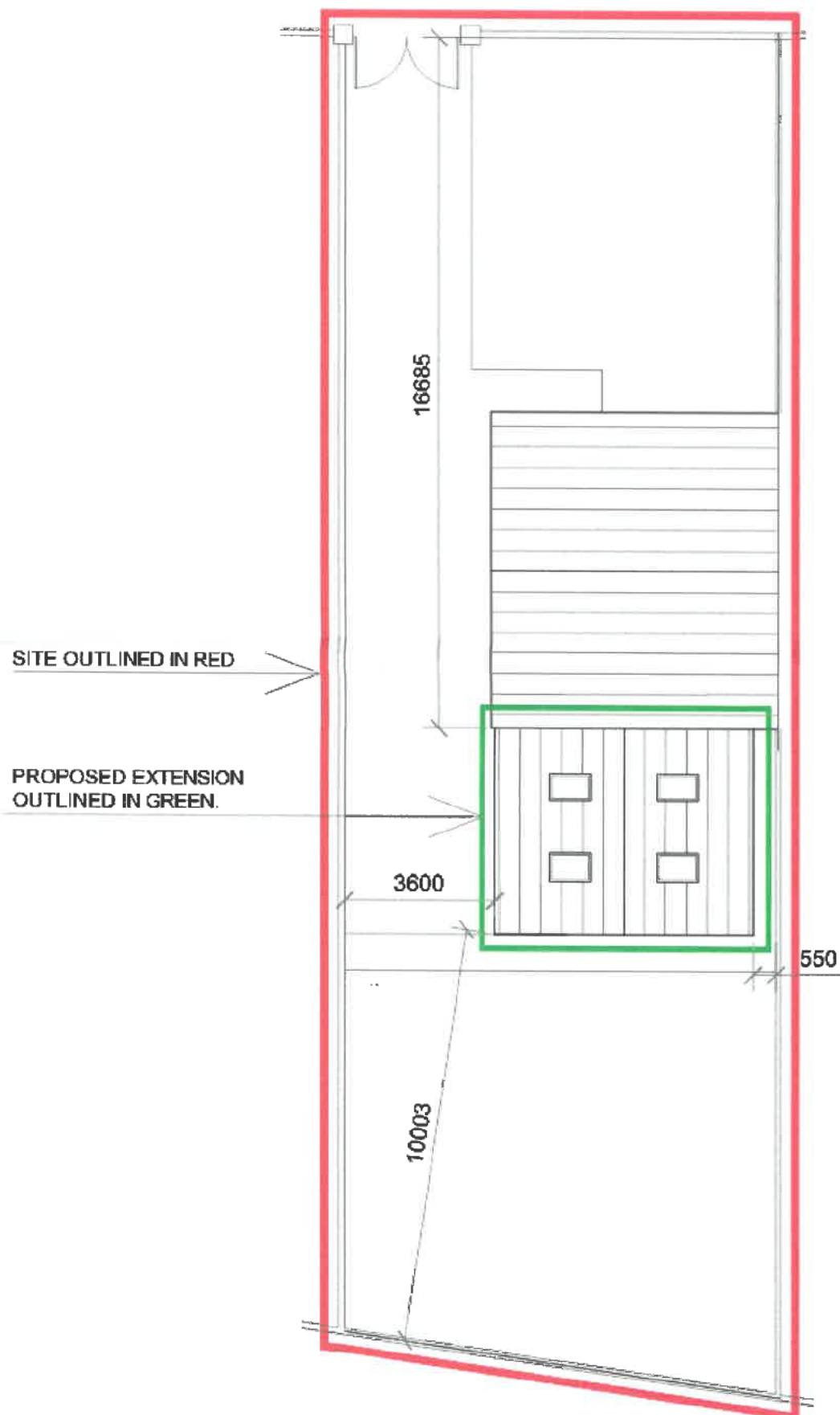


05 SECTION A-A
02 SCALE 1:100

| REV. | DATE | DESCRIPTION |
|---------------------------|------|------------------|
| DRAWING STATUS: Proposal | | |
| JOB | | Date |
| 27 Marian Ave., | | Oct. 25 |
| Roxboro Road, | | Drawn |
| Limerick. V94 VHK2 | | G.M. |
| | | Scale |
| | | 1:100 |
| | | Chk. |
| DESCRIPTION | | Job No. |
| Elevations, section A-A & | | 4041 |
| Ground floor plan, | | Dwg. No. |
| | | 02 |
| | | Rev. |
| CLIENT | | DRAWN BY |
| Philip & Amy O'Brien | | Gerard Molony |
| | | 40 Abbeyvale, |
| | | Corbally, |
| | | Limerick. |
| | | v94 cxc1 |
| | | Tel:(087)6557900 |

© No dimension to be scaled from this drawing. All dimensions to be checked by the contractor on site, any errors or discrepancies to be reported to the Architects.

MARIAN AVENUE



SITE OUTLINED IN RED

PROPOSED EXTENSION
OUTLINED IN GREEN.

01 SITE LAYOUT
01 SCALE 1:200

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
|------|------|-------------|

DRAWING STATUS: Proposal

| | | |
|---|----------|---------|
| JOB 27 Marian Ave., Roxboro Road, Limerick. V94 VHK2 | Date | Oct. 25 |
| | Drawn | G.M. |
| | Scale | 1:200 |
| | Chk. | |
| DESCRIPTION Site Layout | Job No. | 4041 |
| | Dwg. No. | 02 |
| | Rev. | |

| | |
|--------------------------------|--|
| CLIENT Philip & Amy O'Brien | DRAWN BY Gerard Molony 40 Abbeyvale, Corbally, Limerick. v94 cxc1 Tel:(087)6557900 |
|--------------------------------|--|



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-203-25 |
| Applicant | Philip O'Brien |
| Location | 27 Marian Avenue, Roxboro Road, Limerick V94VHK2 |

1.0 Description of Site and Surroundings:

Existing semi-detached dwelling on Marian Avenue, in proximity to Church of Our Lady, Queen of Peace.

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:

- Kitchen extension to rear of house.

This Section 5 declaration includes the following:

- Completed application form
- Site location & site layout map
- Elevation, Section and Floor plans

3.0 Planning History:

Adjacent planning history:

01770229 – Permission granted to Dave & Philomena O'Sullivan, for the Construction of a ground floor side and rear extension onto side of existing house. Extension is to consist of a bedroom, bathroom, utility and extended kitchen.

03770444 – Permission granted to Glen O'Brien to convert existing garage to dining room plus ancillary site works

3.1 Enforcement History

N/A

4.0 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 the construction of an extension to the rear of the house, constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

The proposed works fall under Class 1 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended):

“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.”

The following ‘Conditions and Limitations’ outlined in Column 2, apply to this class of exempted development and will be provide the basis for assessment.

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

The dwelling has not previously been extended, the proposed extension is 25.76sqm as shown on the submitted drawings.

- (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 proposed extension is ground floor only.

- (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.*

The proposed extension is ground floor only.

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 dwelling has not previously been extended.

(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.

The dwelling has not previously been extended.

(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.

The dwelling has not previously been extended.

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

The proposed extension is ground floor only.

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 height of the walls of the extension does not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

N/A.

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

The height of the highest part of the roof of the extension does 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.

I consider following development of the proposed there will be more than 25sqm 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.

It is proposed to have roof lights on the proposed extension. The location of the roof lights are more than 1m from the shared boundary wall, I also consider that the roof lights do not 'face' the boundary wall.

The window on the south elevation is approximately 10m removed from the boundary wall.

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

The proposed extension is ground floor only.

(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.

The proposed extension is ground floor only, and existing dwelling is semi-detached.

7. The roof of any extension shall not be used as a balcony or roof garden.

The proposed extension proposes a pitched roof and I consider that this is not the intention of the applicant.

5.0 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).

6.0 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.

7.0 Environmental Impact Assessment

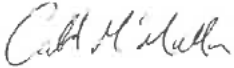

Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations it has been concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA,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

8.0 Conclusion

I consider that the proposed construction of the rear extension, as described in the application and accompanying documentation, fall within Class 1 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended).

9.0 Recommendation

The said works are development and are exempted development under Section 2,3 and 4 of the Planning and Development Act 2000 (as amended) and under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

| | | |
|---------------------------------|---|----------------------------|
| Assistant Planner | Cathal McMullan | Date: 24/10/2025 |
| Signature: |  | |
| Senior Executive Planner | Grainne O'Keeffe | Date: 24/10/2025 |
| Signature |  | |

Appendix 1: AA PN01 Screening Form

| STEP 1: Description of the project/proposal and local site characteristics: | |
|--|---------------------------------|
| (a) File Reference No: | EC-203-25 |
| (b) Brief description of the project or plan: | Construction of rear extension |
| (c) Brief description of site characteristics: | Existing semi detached dwelling |
| (d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW | N/A |
| (e) Response to consultation: | N/A |

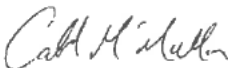

| STEP 2: Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives. | | | | |
|---|---|---|---|--|
| European Site (code) | List of Qualifying Interest/Special Conservation Interest ¹ | Distance 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 | 1,445m | N | N |
| 004077-River Shannon and River Fergus Estuaries SPA | https://www.npws.ie/protected-sites/sac/004077 | 1,445m | N | 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. No direct encroachment or hydrological connection. |

| | |
|--|--|
| 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 | None. No direct encroachment or hydrological connection. |


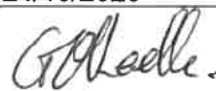
| | |
|--|--|
| (b) Describe any likely changes to the European site: | |
| <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> - Reduction or fragmentation of habitat area - Disturbance to QI species - Habitat or species fragmentation - Reduction 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 |
| <p>The assessment of significance of effects:</p> <p>Describe how the proposed development (alone or in-combination is/is not likely to have significant effects on European site (s) in view of its conservation objectives</p> <p>On the basis of the information submitted, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • the nature and scale of the proposed development, • the intervening land uses and distance from European sites, • the lack of direct connections with regard to the Source-Pathway-Receptor model, |

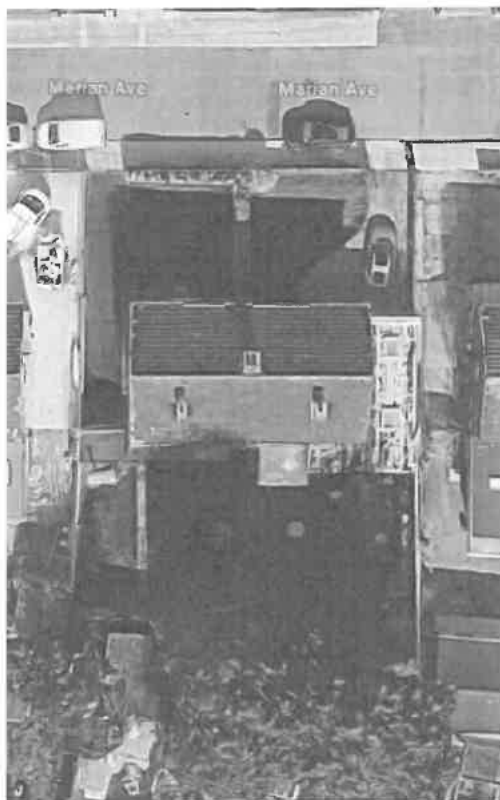
| | | |
|--|---|---|
| <p>it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.</p> | | |
| | 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: | Cathal McMullan  _____ 24/10/2025 | |
| Signature and Date of the Decision Maker: |  _____ 24/10/25 | |

Appendix 2: EIA Screening

| Establishing if the proposal is a 'sub-threshold development': | | |
|--|--|--|
| Planning Register Reference: | EC-203-25 | |
| Development Summary: | Construction of rear extension | |
| Was a Screening Determination carried out under Section 176A-C? | <input type="checkbox"/> Yes. no further action required <input checked="" type="checkbox"/> No. Proceed to Part A | |
| A. Schedule 5 Part 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: | Cathal McMullan | |

| | |
|--|--|
| |  <u>24/10/2025</u> |
| Signature and Date of the Decision Maker: |  24/10/25 |

Appendix 3: Site photographs





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

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

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

PLANNING & PLACE-MAKING

REG POST:

**Philip O'Brien,
27 Marian Avenue,
Roxboro Road,
Limerick.**

EC/203/25

29 October 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 Dail, Luimneach
Dooradoyle, Limerick

customer services@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/2025/1199

File Ref No. EC/203/25

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

RE: **A kitchen extension at 27 Marian Avenue, Roxboro Road, Limerick**

ORDER: Whereas by Director General's Order No. DG/2024/141 dated 07th October 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 Grainne O'Keeffe, 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, Grainne O'Keeffe, Senior Executive Planner, having considered the report and recommendation of Cathal McMullan, Assistant Planner dated 24/10/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Philip O'Brien, 27 Marian Avenue, Roxboro Road, Limerick to state that the works as described above is

de

Development and is Exempt Development.

Signed

G O'Keeffe

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date

29/10/25

Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1199 dated *29/10/25*, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

G O'Keeffe

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



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

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/203/25

Name and Address of Applicant: Philip O'Brien, 27 Marian Avenue, Roxboro Road, Limerick.

Agent: N/A

Whether the kitchen extension at 27 Marian Avenue, Roxboro 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 08th of October 2025.

AND WHEREAS the Planning Authority has concluded that the kitchen extension at 27 Marian Avenue, Roxboro Road, Limerick **DOES** come within the scope of exempted development under under Section 2,3 and 4 of the Planning and Development Act 2000 (as amended) and under Schedule 2, Part 1, Class 1 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

Date: 29.10.2025

NOTE: A Declaration on Development or Exemption issued by Limerick City & County Council may be referred to An Coimisiún Pleanála on payment of €220 for review within 4 weeks after the issuing of the declaration.