



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Owen Dunne & Aisling Nash

Applicant's Address: Ballinagarde, Ballyneety, Co. Limerick
V94 X9HC

Telephone No. [REDACTED]

Name of Agent (if any): Kevin Holmes - Holmes Architecture
Address: 78 O'Connell Street, Limerick, V94 8X68

Telephone No. 087 4170378

Address for Correspondence:
Holmes Architecture
78 O'Connell Street, Limerick, V94 8X68

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

18 Merval Park, Clareview, Limerick, V94 D2TF

Description of Proposed development:

The proposed extension to the house at 18 Merval Park involves the conversion of the existing Garage, Boiler House and store into a WC, Utility Room and extension to a new combined Kitchen Dining area.

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

Schedule 2, Part 1, Class 1 -extension of a house

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

Applicant's interest in site: Owners

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

2514-P01 Existing & Proposed 1:100 Ground Floor Plans

2514-P02 Existing & Proposed Front & Rear Elevation Photomontage

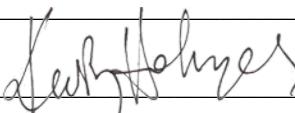
Site Location Map

2514-P03 1:200 Site 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)



Kevin Holmes - Holmes Architecture for & on behalf of Owen Dunne & Aisling Nash

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**

Planning Pack Map



0 9.5 19 28.5 38 Metres
0 10 20 30 40 50 Feet

OUTPUT SCALE: 1:1,000



CENTRE
COORDINATES:
ITM 556060,658030

PUBLISHED: ORDER NO.:
26/11/2025 50504846_2
MAP SERIES: MAP SHEETS:
1:1,000 4682-16

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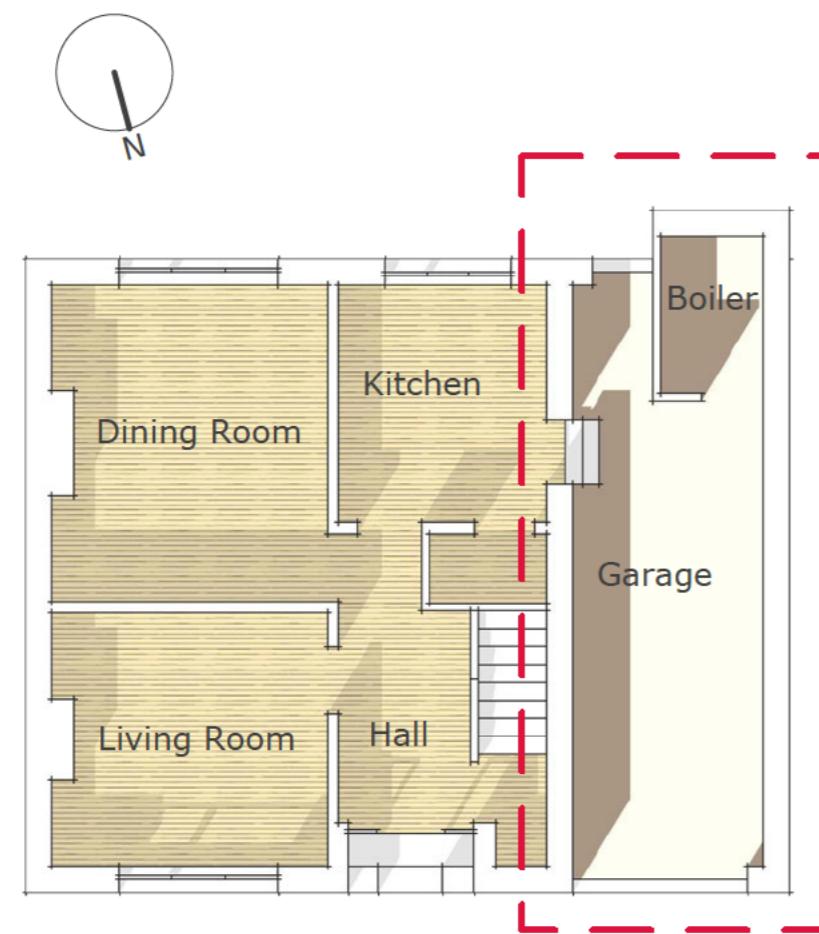
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Existing Ground Floor Plan 1:100



Proposed Ground Floor Plan 1:100

Section 5 application for a proposed extension to the house at 18 Merval Park, Clareview, Limerick, V94 D2TF

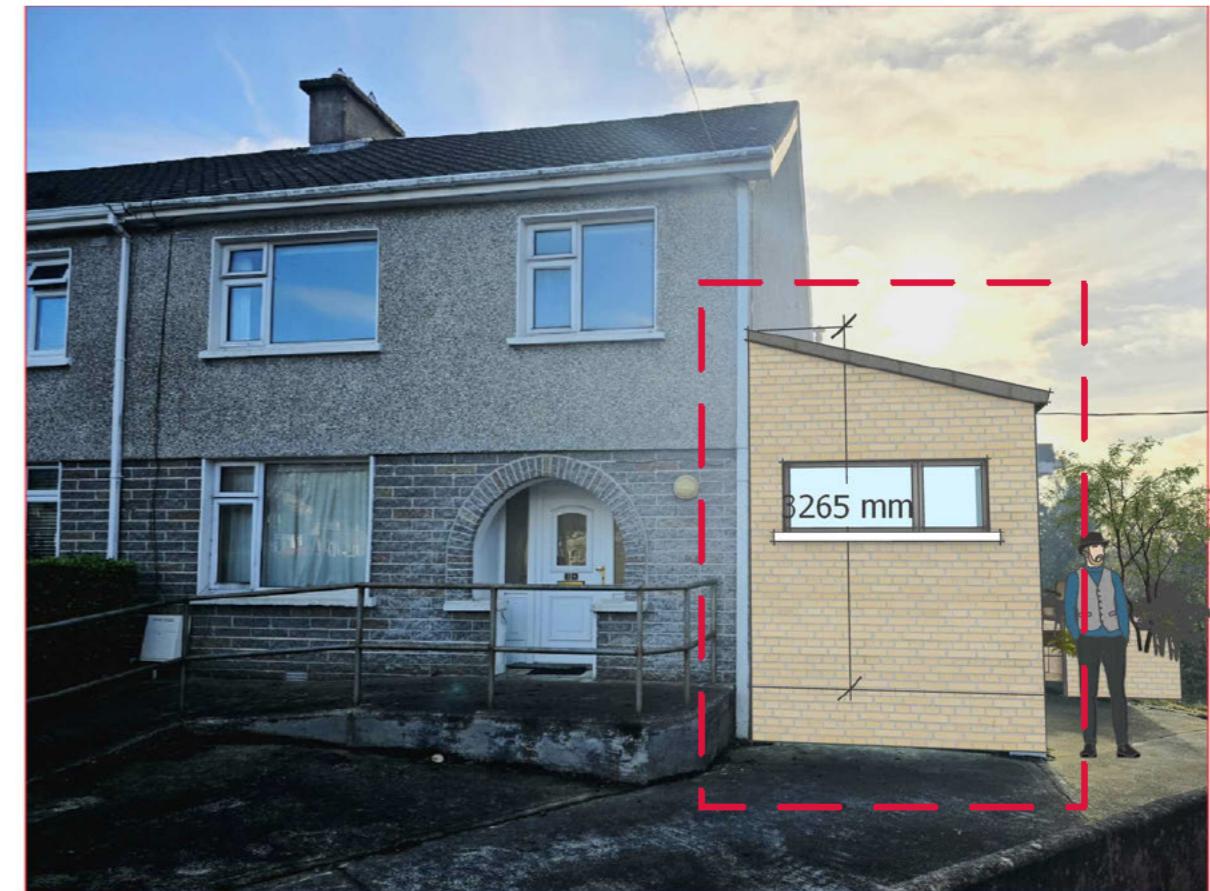
The proposed extension to the house at 18 Merval Park involves the conversion of the existing Garage, Boiler House and store into a WC, Utility Room and extension to a new combined Kitchen Dining area.

This will involve the replacement of the existing roof with a new insulated low pitch roof, replacing the existing garage door with a new window and alterations to the rear of the garage to create an opening onto a new patio.

The proposal is to drop the floor level of the new combined kitchen/dining area to bring it closer to the external garden levels as the site falls dramatically from the rear of the house.



Existing Front Elevation



Proposed Front Elevation



Existing Rear Elevation



Proposed Rear Elevation





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

File Reference number	EC.241-25
Applicant	Owen Dunne & Aisling Nash
Location	18 Merval Park, Clareview, Limerick, V94 D2TF

1.0 Description of Site and Surroundings:

The application site is a two storey semi-detached dwellinghouse located in an established residential estate Merval Park, Clareview. The application site is located circa 175m south of the R445.

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:

- Conversion of existing garage, boiler house and store into a WC, Utility House and extension to a new combined kitchen dining area.

This Section 5 declaration includes the following:

- Application Form
- Site location map
- Site layout plan
- Plans
- Elevations

3.0 Planning History:

None

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 Conversion of existing garage, boiler house and store into a WC, Utility House and extension to a new combined kitchen dining area constitutes ‘works’ and ‘development’.

5.2 Is the proposal exempted development?

The proposed development will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Is the development within the curtilage of a house?

Yes, the extension is for the conversion of an existing garage and 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 proposed floor area will not exceed 40sqm. The applicant has confirmed that there is no increase in footprint on site as a result of the proposed garage conversion however detailed drawings annotating the measurement of the existing garage have not been provided. The proposed conversion measures 18.7sqm.

(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.*

No development proposed above ground.

(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.

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 and no works are proposed above the ground floor.

(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 the house is not detached, has not been extended previously and no works are proposed above the ground floor.

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

N/A no works are proposed above ground floor.

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 as the proposed development is for a garage conversion.

(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 as the proposed development is for a garage conversion.

(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.

N/A as the proposed development is for a garage conversion.

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 25sqm of private open space would remain.

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 less than 1 metre from the boundary it faces.

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

N/A no above ground floor extension

(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.

Class 6

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

The proposal is for a patio area located within the curtilage of a house.

(b) Any works within the curtilage of a house for—

- (i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,*
- (ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.*

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front

The proposal is for a patio area located to the rear and side of the proposed garage conversion. It is unclear if the proposed development will not alter the ground by more than 1 metre above the level of the adjoining ground as no details/measurements have been

provided in the drawings submitted. Therefore, it is not possible to state if the proposal complies.

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

4(1)(h)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 proposed alterations to the dwelling house include the replacement of the garage door with a high-level window along the front elevation and change of roof type from flat roof to an insulated low pitch roof. It is considered that this amendment will 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 proposed high-level window along the front elevation is not a feature which is considered consistent with the existing fenestration of the dwellinghouse and/or of neighbouring structures. The proposed change in roof type from flat roof to a low pitch roof is also not considered consistent with the character of the structure and/or of neighbouring structures within the residential estate. The proposal is therefore not considered exempt under Section 4(1)(h) of the Planning and Development Act 2000 as amended.

6.0 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).

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 Recommendation/Conclusion

The proposed development detailed on the application and plans submitted is considered not to be within the scope of Class 1 and Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) as well as 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) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) 4(1)(h) of the Planning and Development Act 2000 (as amended)
- (e) The plans & particulars submitted with the application received on 27th of November 2025.

It is therefore considered that the said works are development and NOT exempted development under Class 1 and Class 6 of the Planning and Development Regulations 2001 (as amended) and 4 (1) (h) of the Planning and Development Act 2000 (as amended).

Executive Planner	Ella O'Brien	Date: 16/12/2025
Signature:		
Senior Executive Planner	Grainne O'Keeffe	
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(a) File Reference No:	EC.241.25
(b) Brief description of the project or plan:	A section 5 application requesting a declaration on whether Conversion of existing garage, boiler house and store into a WC, Utility House and extension to a new combined kitchen dining area is or is not exempted development.
(c) Brief description of site characteristics:	Existing Two Storey semi-detached dwelling situated in existing residential estate.
(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/Species 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	Approxn 935m	None	N
004077-River Shannon and River Fergus Estuaries SPA	https://www.npws.ie/protected-sites/sac/004077	Approx. 1.2km	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
- Surface water runoff from soil excavation/infill/landscaping (including borrow pits)
- Dust, noise, vibration
- Lighting disturbance
- Impact on groundwater/dewatering

None. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance.

<ul style="list-style-type: none"> - Storage of excavated/construction materials - Access to site - Pests 	
Operation phase e.g.	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	N/A

(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. Works are minimal in nature and there is no hydrological connection or direct encroachment on the SAC and SPA due to separation distance.

(c) (Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?)	
<input type="checkbox"/>	Yes

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,

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/> Ella O'Brien, Executive Planner 16/12/2025	
Signature and Date of the Decision Maker:	 <hr/> Grainne O'Keeffe, Senior Executive Planner 16/12/2025	

Appendix 2: EIA Screening

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	EC.241.25	
Development Summary:	A section 5 application requesting a declaration on whether Conversion of existing garage, boiler house and store into a WC, Utility House and extension to a new combined kitchen dining area is or is not exempted development..	
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/>	Yes. no further action required
	<input checked="" type="checkbox"/>	No. Proceed to Part A
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
<input checked="" type="checkbox"/>		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 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
<input type="checkbox"/>	Yes the project is of a type listed but is sub-threshold: [insert here] _	No Screening required
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:	 _____ Ella O'Brien, Executive Planner 16/12/2025
Signature and Date of the Decision Maker:	 _____ Grainne O'Keeffe, Senior Executive Planner 16/12/2025

Appendix 3: Site visit 10/12/2025





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

Pleanáil, agus Cruthú Áite
Comhairle Cathrach agus Contae Luimních
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:

**Owen Dunne & Aisling Nash,
c/o Kevin Holmes – Holmes Architecture,
78 O'Connell Street,
Limerick,
V94 8X68**

EC/241/25

17 December 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/2025/1440

File Ref No. EC/241/25

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

RE: **A conversion of existing garage, boiler house and store into a WC, Utility House and extension to a new combined kitchen dining area at 18 Merval Park, Clareview, 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 Ella O'Brien, Executive Planner dated 16/12/2025, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Owen Dunne & Aisling Nash, c/o Kevin Holmes – Holmes Architecture, 78 O'Connell Street, Limerick to state that the works as described above is

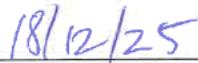
Development and is NOT Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING

Date



Certified to be a true copy of Approved Officer's Order, Planning & Development Order No. AOO/DC/2025/1440 dated 18/12/2025, pursuant to Section 151(7) of the Local Government Act 2001

Signed:

SENIOR EXECUTIVE PLANNER, PLANNING & PLACE-MAKING



SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/241/25

Name and Address of Applicant: Owen Dunne & Aisling Nash, Ballinagarde, Ballyneety, Co. Limerick.

Agent: Kevin Holmes – Holmes Architecture, 78 O’Connell Street, Limerick.

Whether the conversion of existing garage, boiler house and store into a WC, Utility House and extension to a new combined kitchen dining area at 18 Merval Park, Clareview, 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 27th of November 2025.

AND WHEREAS the Planning Authority has concluded that the conversion of existing garage, boiler house and store into a WC, Utility House and extension to a new combined kitchen dining area at 18 Merval Park, Clareview, Limerick **DOES NOT** come within the scope of exempted development under Class 1 and Class 6 of the Planning and Development Regulations 2001 (as amended) and 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 NOT Exempt Development.**

Signed on behalf of the said Council

C. Ó Siadhail

Date: 17/12/2025

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.