



Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: Wendy and Timmy O Connor

Applicant's Address: 1 Bushy Park Road,

Rathgar,

Dublin 1

Telephone No. [REDACTED]

Name of Agent (if any): Donal Brosnan Architectural Design and Development

Address: Brosna Tralee Co. Kerry

Telephone No. 068 44 242 087 206 77 28

Address for Correspondence:
Donal Brosnan Architectural Design and Development
Brosna Tralee Co. Kerry

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

The Hill, Abbyfeale, Co. Limerick. V94V2P4

Description of Proposed development:

To construct an extension, single storey to the rear of an existing ^{DRAWING} (GREEN + PURPLE)
cottage measuring 4.500m X 4.000m in size. + REAR WINDOW
AS WELL AS SIDE WINDOW TO GABLE

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

Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001

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

YES/NO No

Applicant's interest in site: Owner

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

Ground floor plan, elevations, sections, OSI map and 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:

No

Signature of Applicant (or Agent)

David Broome

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**

Surveyed 2000
Revised 2006
Levelled

Rural PLACE Map



112438
124826

112843
124826

ABBEYFEALE EAST MAINISTIR NA FÉILE THOIR

ITM CENTRE PT COORDS

512610,624550

DESCRIPTION

MAP SHEETS

Digital Map
5342

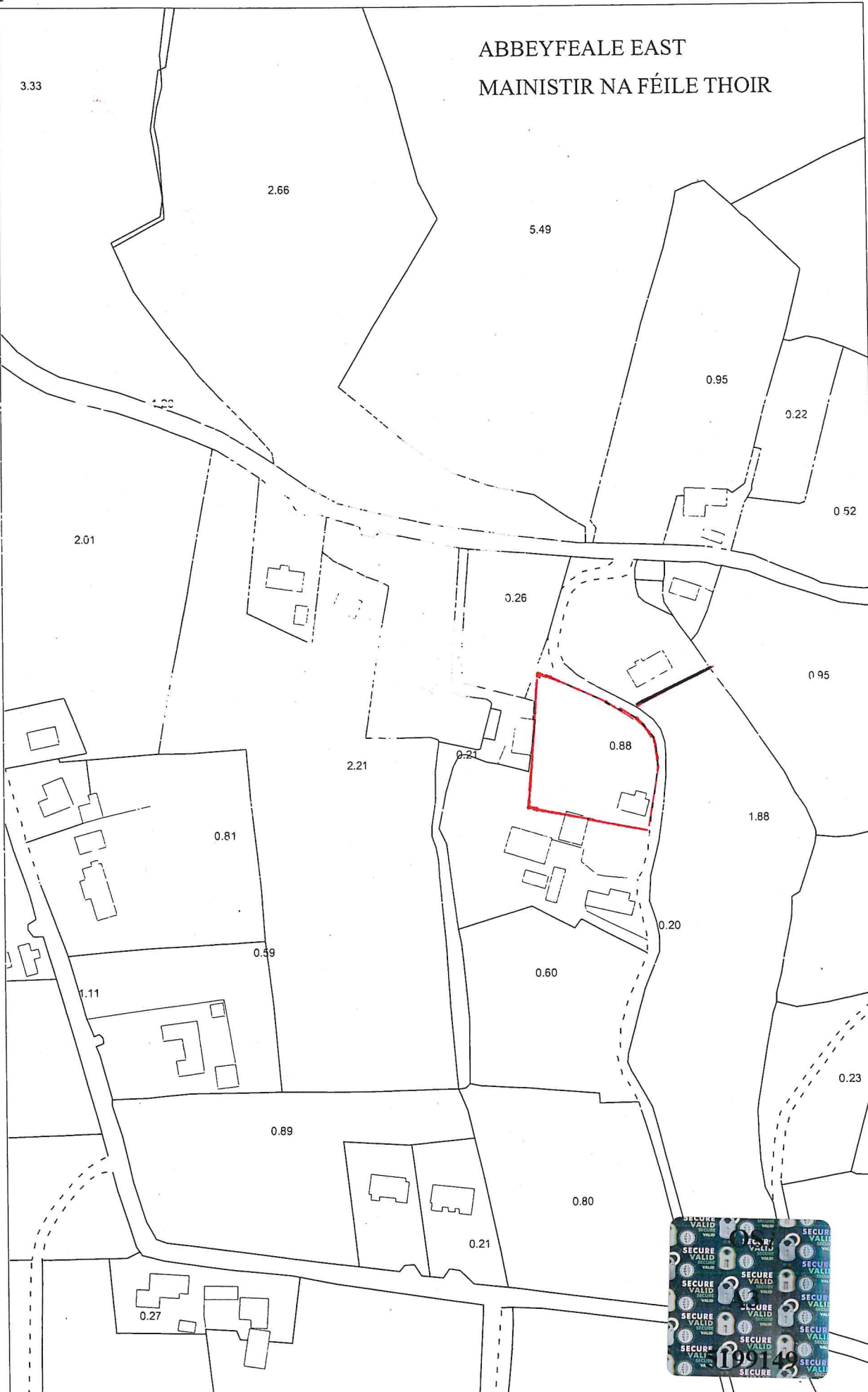


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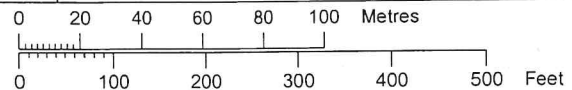
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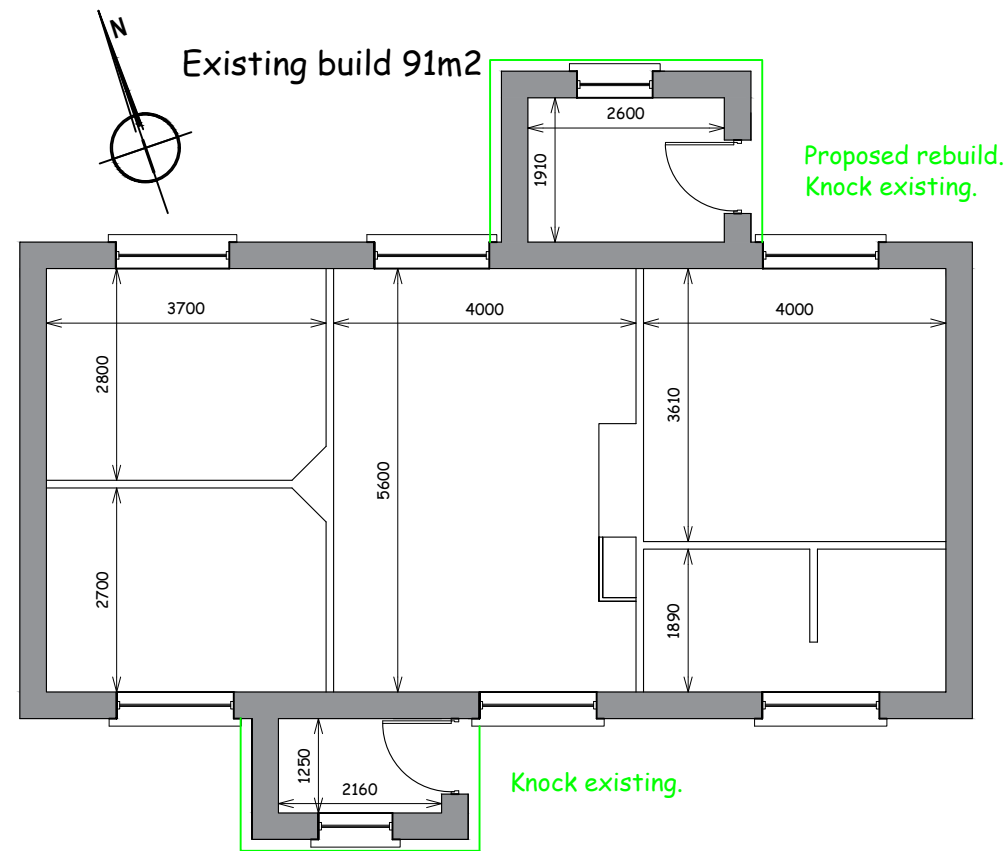
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Scála: - 1:2,500



Plot Ref. No. 1384349_1_2
Plot Date 03-NOV-2009

124173
112438

124173
112843



Existing Floor Plan
Scale 1 to 100.

Client(s): Wendy and Timmy O Connor

Date: February 2026

Scale: 1 in 100

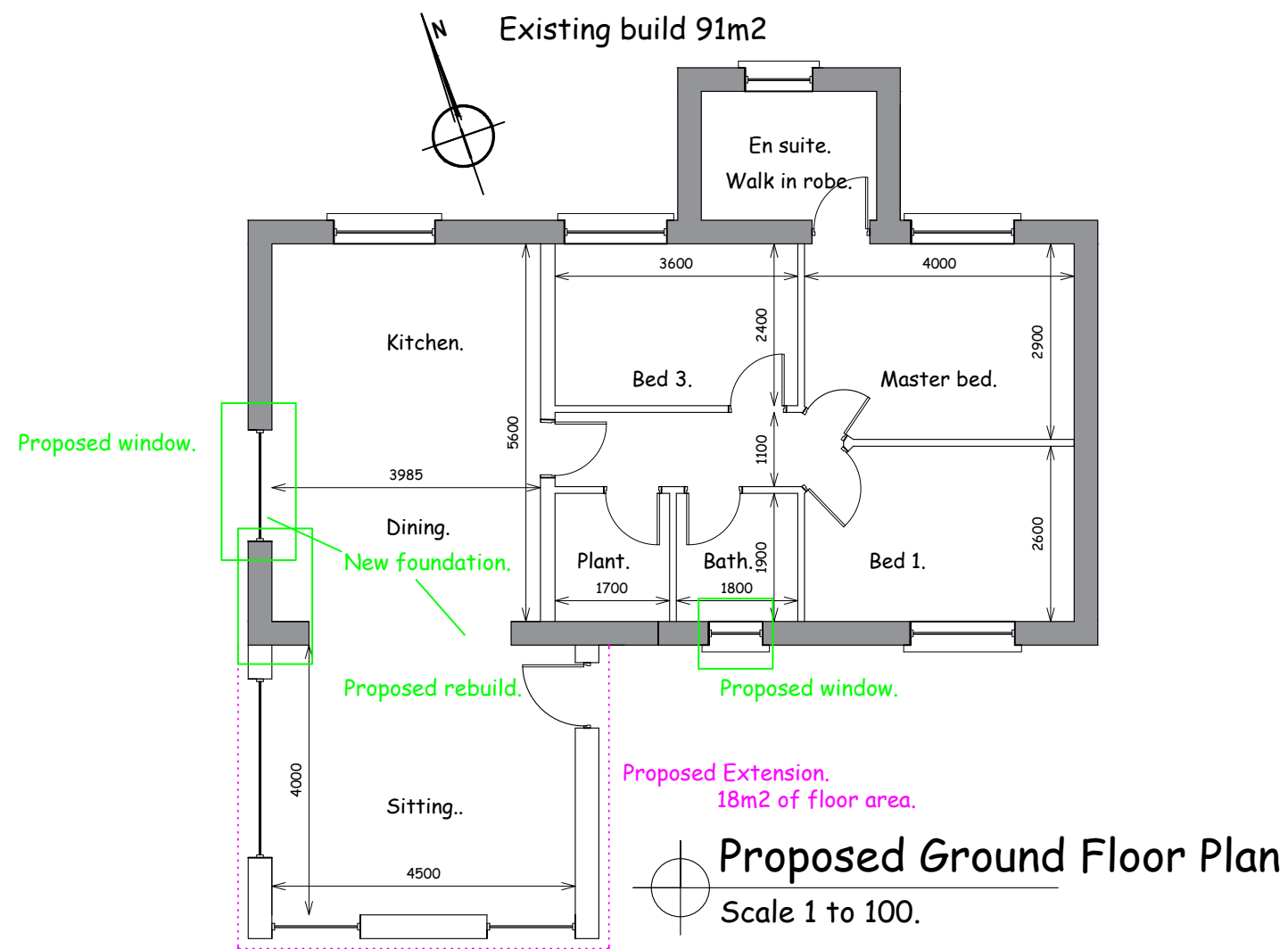
Drawing No: 1327-01 Rev. A

Drawings of existing cottage and proposed extension to rear at The Hill, Abbeyfeale, Co. Limerick.

Prepared By: Donal Brosnan
Donal Brosnan
Architectural Design & Development Ltd.
Brosna, Tralee, Co. Kerry
Web: www.architectural.ie
Email: donalbroshan01@gmail.com

Note(s)

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- 4) Report any discrepancies to the Architect or Engineer at once.



Client(s): Wendy and Timmy O Connor

Date: February 2026 Scale: 1 in 100

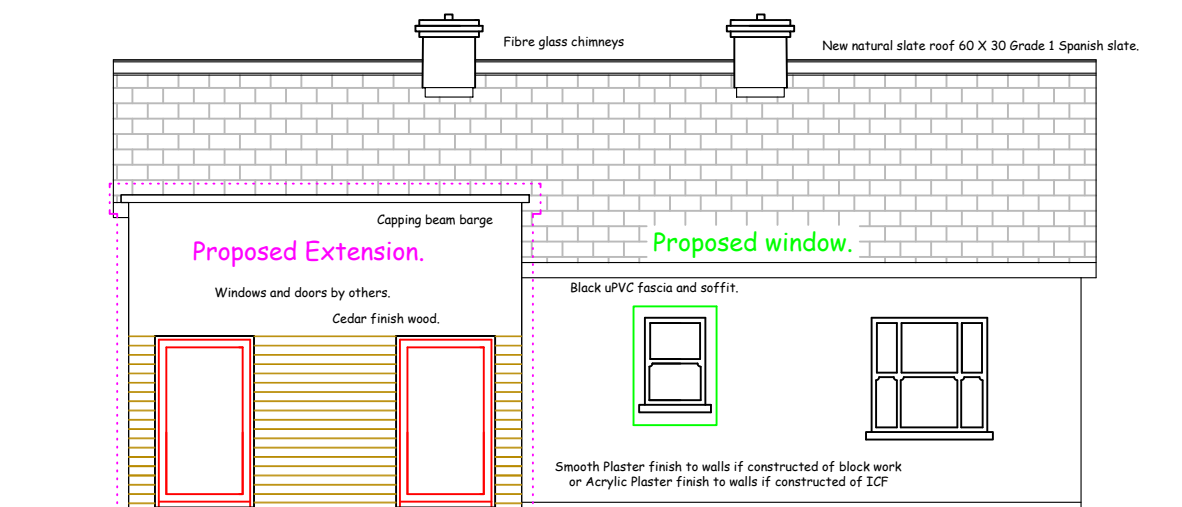
Drawing No: 1327-10 Rev. A

Drawings of existing cottage and
proposed extension to rear at
The Hill, Abbeyfeale, Co. Limerick.

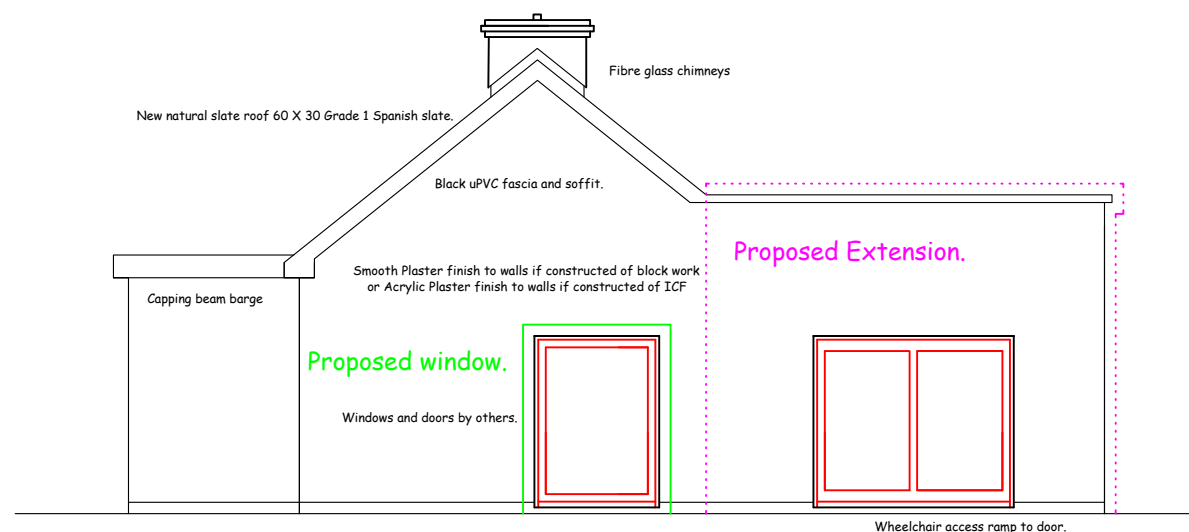
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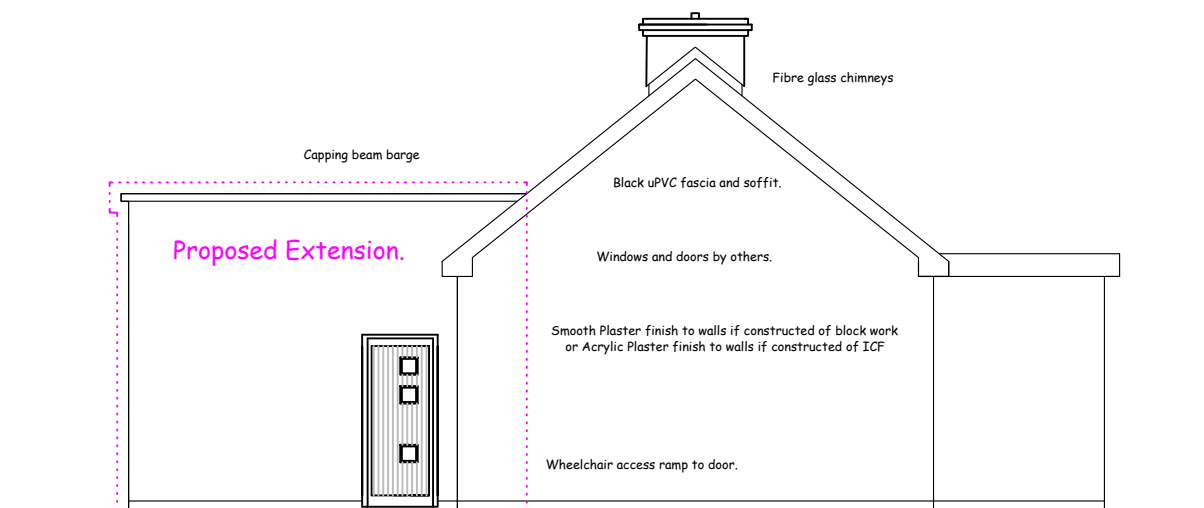
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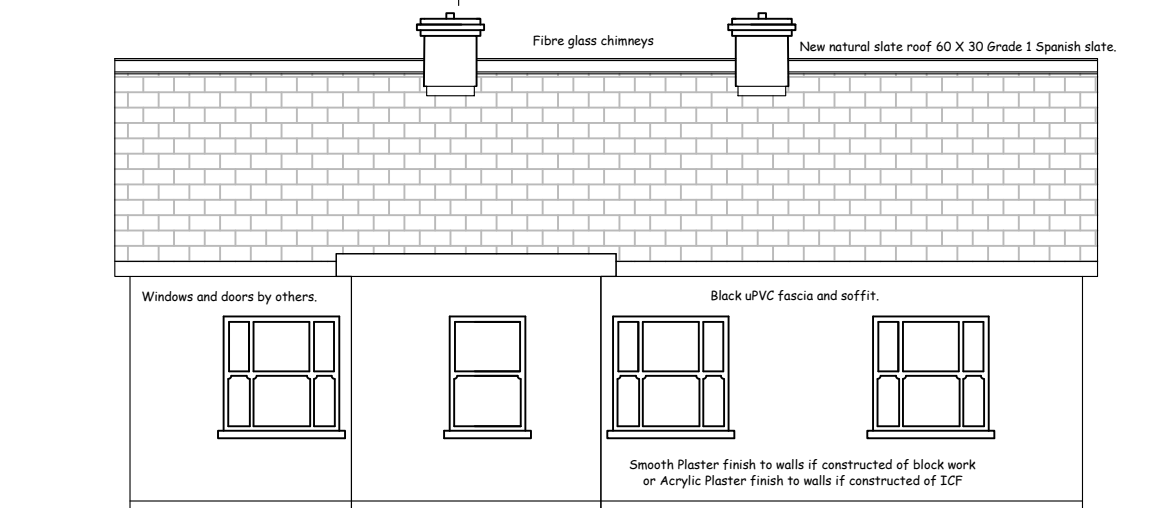
Rear Elevation.
Scale 1 to 100.



Side Elevation.
Scale 1 to 100.



Side Elevation.
Scale 1 to 100.



Front Elevation.
Scale 1 to 100.

Client(s): Wendy and Timmy O Connor

Date: February 2026

Scale: 1 in 100

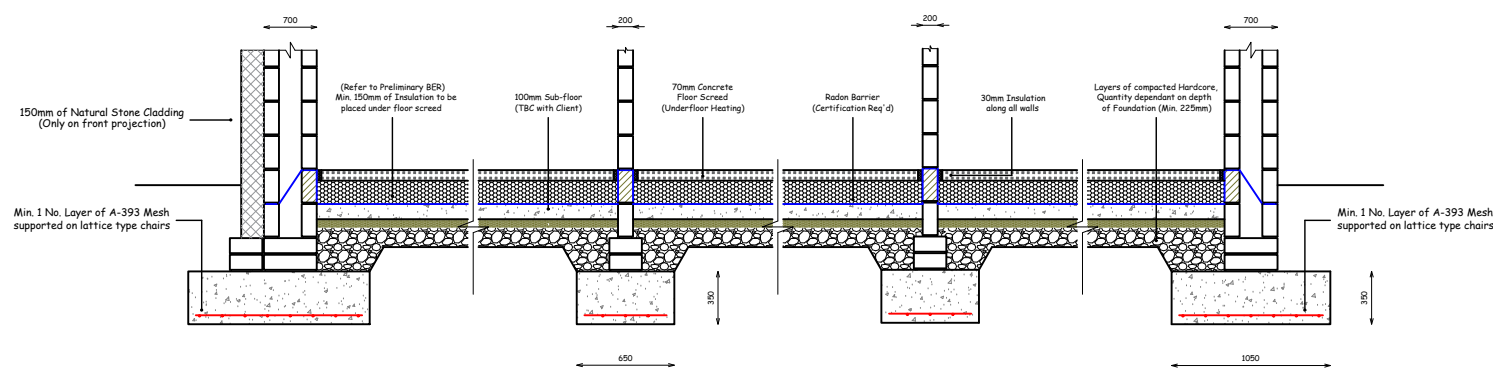
Drawing No: 1327-11 Rev. A

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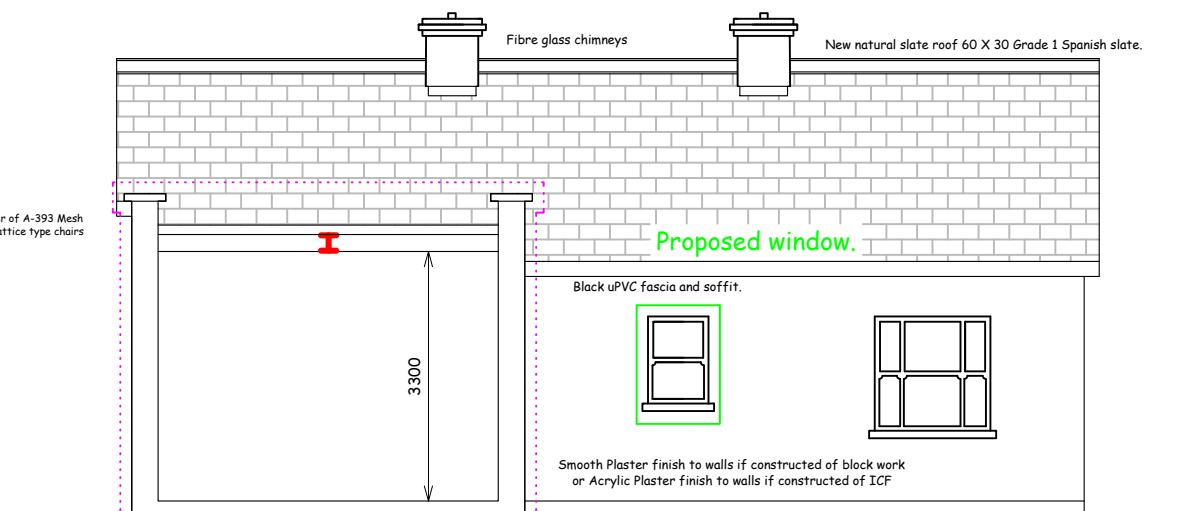
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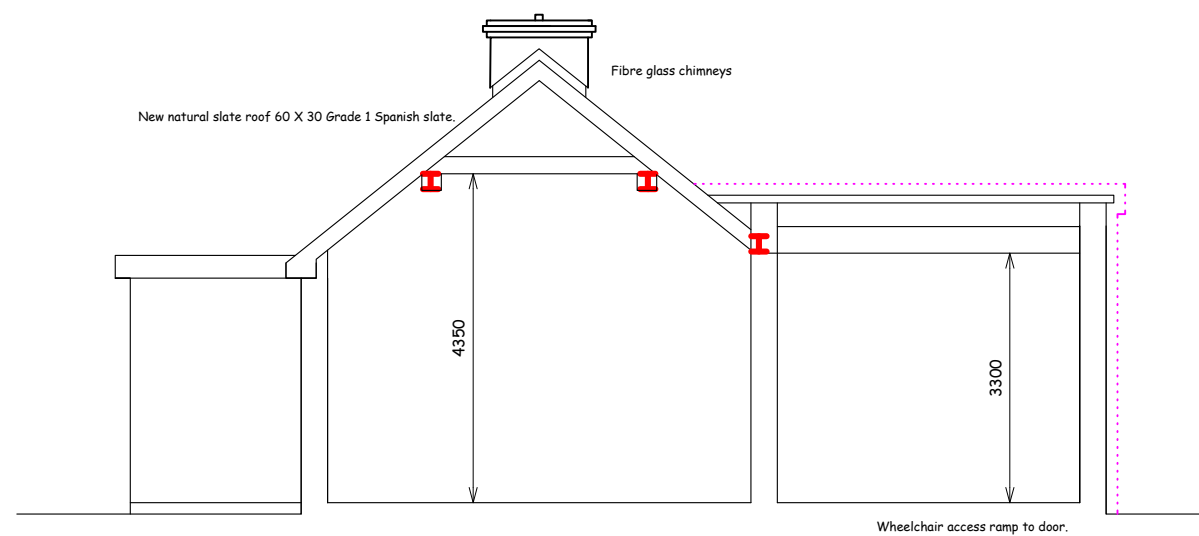
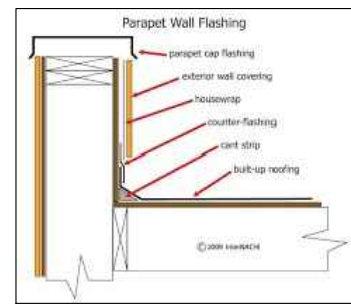
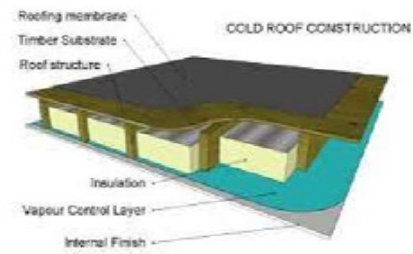
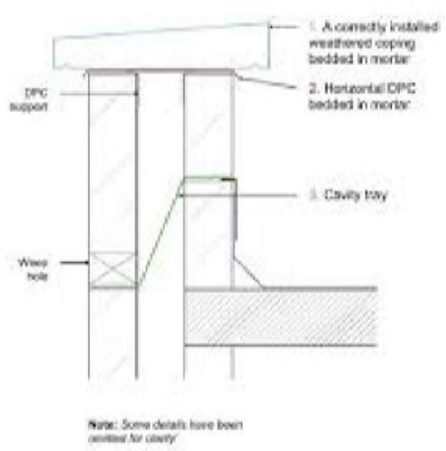
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Section through.
Scale 1 to 50.



Section through.
Scale 1 to 100.



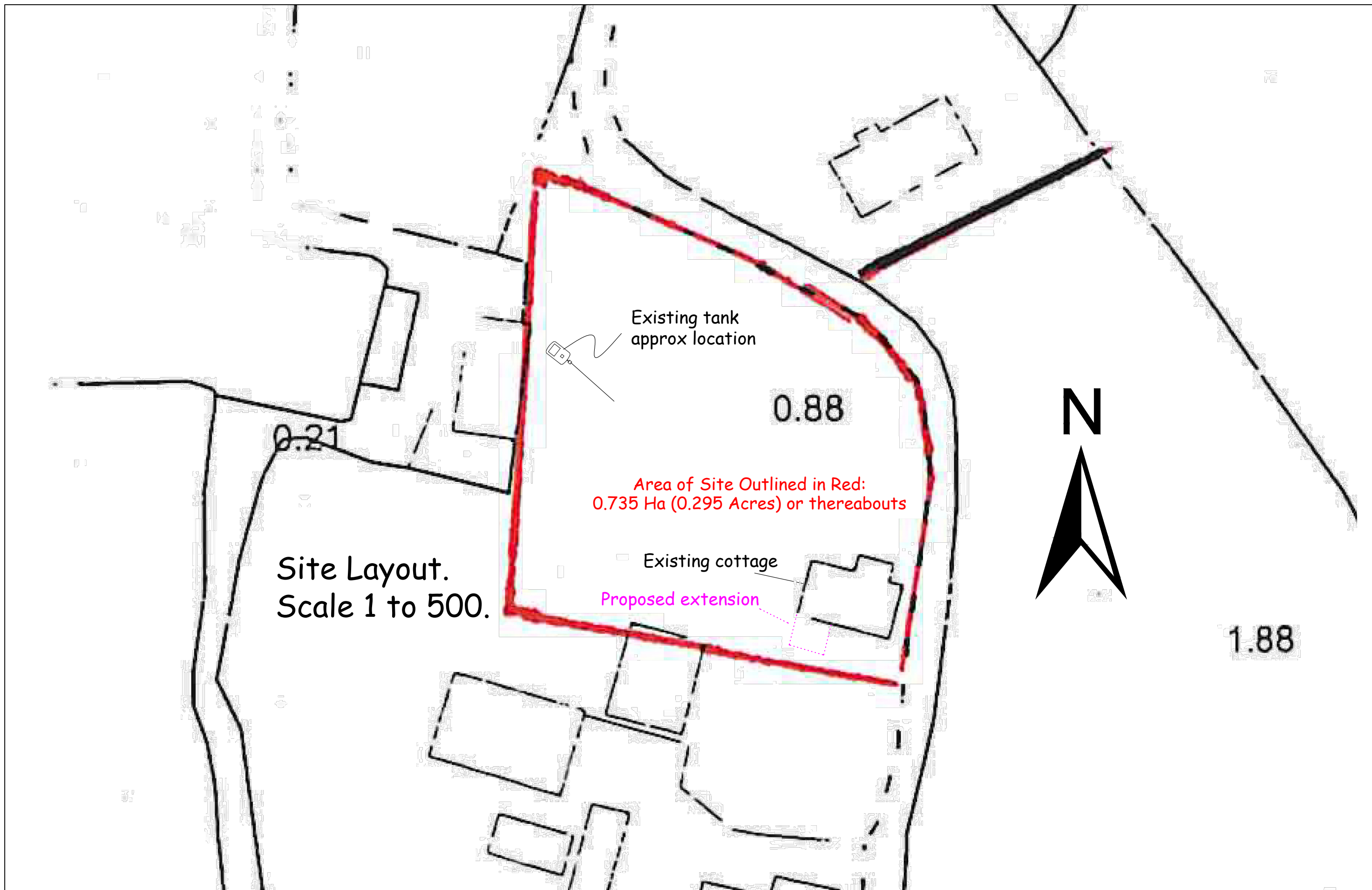
Section through.
Scale 1 to 100.

Client(s): Wendy and Timmy O Connor
Date: February 2026 Scale: 1 in 100
Drawing No: 1327-11 Rev. A

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Client(s): Wendy and Timmy O Connor

Date: February 2026

Scale: 1 in 500

Drawing No: 1327-09 Rev. A

Drawings of existing cottage and
proposed extension to rear at
The Hill, Abbeyfeale, Co. Limerick.

Prepared By: Donal Brosnan
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Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Pleanáil, Oidhreacht agus Corn Ryder
Comhairle Cathrach agus Contae Luimnigh
Bóthar Thuar an Daill
Tuar an Daill
Luimneach. V94 WV78

Planning, Heritage and Ryder Cup
Limerick City and County Council
Dooradoyle Road
Dooradoyle
Limerick. V94 WV78

t: +353 (0) 61 556 000

PLANNING, HERITAGE & RYDER CUP

REG POST:

**Wendy O'Connor and Timmy O'Connor,
c/o Donal Brosnan Architectural Design and Development,
Brosna,
Tralee,
Co. Kerry.**

EC/046/2026

10 April 2026

RE: Declaration under Section 5

Dear Sir/Madam,

I refer to the above Section 5 Application you are hereby requested to submit the following further information:

1. The submitted drawings indicate that the wall height and highest part of the proposed flat-roof extension exceed the height of the eaves and rear wall of the existing house, contravening limits set under Condition 4(a) and Condition 4(c) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The applicant is therefore advised to reconsider the design of the proposed extension in compliance with same. Revised drawings including clear dimensions to show the height of the existing dwelling and proposed extension should be submitted.
2. The submitted drawings do not clearly indicate whether the ground floor windows of the proposed rear extension maintain the required minimum 1 metre distance from the site boundary they face, as required under Condition 6(a) of Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended). Therefore, the applicant shall submit dimensioned site layout drawings or notated elevations/sections clearly showing same.

Your application will not be further processed until confirmation of the above is received. A complete response should be submitted.

I hereby give you notice that the statutory period of three weeks during which the Planning Authority is required to give a decision will date from the receipt of a satisfactory response to the notice seeking further information.

Please quote your planning reference number on all correspondence EC/046/26.

Yours sincerely,



**(for) Senior Planner,
Development Management**

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

File Reference number	EC-046-26
Applicant(s)	Wendy O'Connor and Timmy O'Connor
Location	The Hill, Abbeyfeale, Co. Limerick, V94 V2P4

Description of Site and Surroundings:

The site is located within the rural townland of Abbeyfeale East, along a private laneway accessed from the L-7090 local road. The site area is stated as 0.753 hectares and features an existing 91m² single-storey gable roof dwellinghouse with front and rear flat roof extension elements.

Proposal:

This is an application requesting a Section 5 Declaration on whether the following works are or are not development or are or are not exempted development:

- The applicants are proposing the demolition and rebuild of the front extension element, alongside the demolition of the rear extension element and construction of a single-storey 18m² flat-roof rear extension, with additional side and rear windows also proposed for the original dwelling structure

This Section 5 declaration includes the following:

- Application form
- Site location
- Elevations
- Floor plans

Planning History:

Subject site:

None found.

Adjacent:

03/1172 – Conditional Permission - Construction of a single storey dwelling with front boundary, entrance walls, wastewater treatment system and percolation area.

Enforcement History:

N/A.

Relevant An Coimisiún Pleanála referrals:

No relevant An Coimisiún Pleanála referrals found for the site.

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 and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

‘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 –

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

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 proposal for the demolition and reconstruction of the front extension element, the demolition of the rear extension element and construction of a single-storey 18m² rear flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure, constituting ‘works’ and ‘development’.

Is the proposal exempted development?

To assess whether the proposed development is exempted development, the demolition of the front and rear extension elements will be assessed under Class 50(b) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The rebuilding of the front extension and proposed 18m² rear extension will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The proposed changes to the side and rear fenestration of the original dwelling will be assessed under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Class 50(b)

The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act is considered Exempted Development, subject to the following Conditions and Limitations:

1. *No such building or buildings shall abut on another building in separate ownership.*

The rear and front extension elements do not abut another building in separate ownership.

2. *The cumulative floor area of any such building, or buildings, shall not exceed: (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres.*

The cumulative floor area of the elements to be demolished totals 7.67m² (4.97m² + 2.7m²).

3. *No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act*

The proposed demolition will not facilitate development of classes prescribed for the purposes of section 176 of the Act.

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.

- 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 existing extensions. Therefore, this condition does not apply

- (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 above ground level extension is proposed.

- (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.*

No above ground level extension proposed; this condition does not apply

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 floor area of the proposed rear extension combined with existing front and rear extension elements do not exceed 40m² in aggregate. Existing extensions to be demolished 7.67m² + proposed extensions 22.67m² (4.97m²+18 m²) = 30.34 m².

(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 house is detached and no above ground level extension proposed. The condition does not apply.

(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.

No above ground level extension proposed. The condition does not apply.

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

No above ground level extension proposed. The condition does not apply.

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 rear wall does not include a gable. The walls of the proposed flat roof extension exceed the height of the rear wall of the house. Further information should be requested in this regard.

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

The rear wall of the house does not include a gable. The condition does not apply.

(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 proposed rear flat-roof extension exceeds the height of the eaves 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.

The proposed extension does 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.

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 unclear from the submitted drawings whether the proposed rear extension windows at ground level are less or more than 1 metre from the boundary it faces. Further information should be requested in this regard.

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

No above ground level extension proposed. The condition does not apply.

(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.

No above ground level extension proposed; the condition does not apply.

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

The application and submitted drawings for the proposed extension does not mention or show any intended use of the roof of the extension as a balcony or roof garden.

Under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended), 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, shall be considered exempted development. In this regard, it is considered that the proposed additional window on the rear elevation of the original dwelling is appropriate in size and scale to the existing character of the dwelling. I note the proposed additional side window on the side elevation of the original dwelling is larger in size and differs in scale to those of the of the proposed extension, and is generally in not out of character with a typical modern rural dwelling.

Article 9 Restrictions

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

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, it is considered that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects, on a European Site. Appropriate Assessment is not required. An appropriate assessment screening report is appended to this report.



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.

Conclusion/Recommendation

It is recommended further information is requested as follows:

1. The submitted drawings indicate that the wall height and highest part of the proposed flat-roof extension exceed the height of the eaves and rear wall of the existing house, contravening limits set under Condition 4(a) and Condition 4(c) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The applicant is therefore advised to reconsider the design of the proposed extension in compliance with same. Revised drawings including clear dimensions to show the height of the existing dwelling and proposed extension should be submitted.
2. The submitted drawings do not clearly indicate whether the ground floor windows of the proposed rear extension maintain the required minimum 1 metre distance from the site boundary they face, as required under Condition 6(a) of Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended). Therefore, the applicant shall submit dimensioned site layout drawings or notated elevations/sections clearly showing same.

Graduate Planner	Isaac Cunningham	Date:
Signature:		07/04/2026
Senior Executive Planner	Jennifer Collins	Date:
Signature		09/04/2026

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-046-26
(e) Brief description of the project or plan:	The applicants are proposing the demolition and rebuild of the front extension element, alongside the demolition of the rear extension element and construction of a single-storey 18m ² rear flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure
(e) Brief description of site characteristics:	The site is located within the rural townland of Abbeyfeale East, along a private laneway accessed from the L-7090 local road. The site area is stated as 0.753 hectares and features an existing 91m ² one-storey gable roof dwellinghouse with front and rear flat roof extension elements.
(e) 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
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/00216	3.52	None	N
Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	https://www.npws.ie/protected-sites/spa/004161	4.28	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

<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 	
<p>Operation phase e.g.</p> <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.

(a) 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



(a) (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.



Given the sites size, no hydrological connection to any SAC/SPA, no encroachment on any SAC/SPA and the limited scale of the development proposed, an AA is not required.

Conclusion: AA 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/> Isaac Cunningham, Graduate Planner 07/04/2026	
Signature and Date of the Decision Maker:	 Jennifer Collins, Executive Planner 09/04/2026	

Appendix 2: EIA Screening

Establishing if the proposal is a ' <i>sub-threshold development</i> ':	
Planning Register Reference:	EC-046-26
Development Summary:	The applicants are proposing the demolition and rebuild of the front extension element, alongside the demolition of the rear extension element and construction of a single-storey 18m ² rear flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure.
Was a Screening Determination carried out under Section 176A-C?	<p style="text-align: center;">Yes. no further action required</p> <p style="text-align: center;">No. Proceed to Part A</p>
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] _
<input checked="" type="checkbox"/>	No
	EIA is mandatory No Screening required
	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
<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]_
<input type="checkbox"/>	Yes the project is of a type listed but is <i>sub-threshold</i> : [insert here] _
	No Screening required
	EIA is mandatory No Screening required
	Proceed to Part C
c. If Yes, has Schedule 7A information/screening report been submitted?	

<p>Yes, Schedule 7A information/screening report has been submitted by the applicant</p> <p>No, Schedule 7A information/screening report has not been submitted by the applicant</p>	<p>Screening Determination required</p> <p>Preliminary Examination required</p>
<p>Signature and Date of Recommending Officer:</p>	<p></p> <p>Isaac Cunningham, Graduate Planner 07/03/2026</p>
<p>Signature and Date of the Decision Maker:</p>	<p></p> <p>Jennifer Collins, Executive Planner 09/04/2026</p>



Client(s): Wendy and Timmy O Connor

Date: February 2026

Scale: 1 in 500

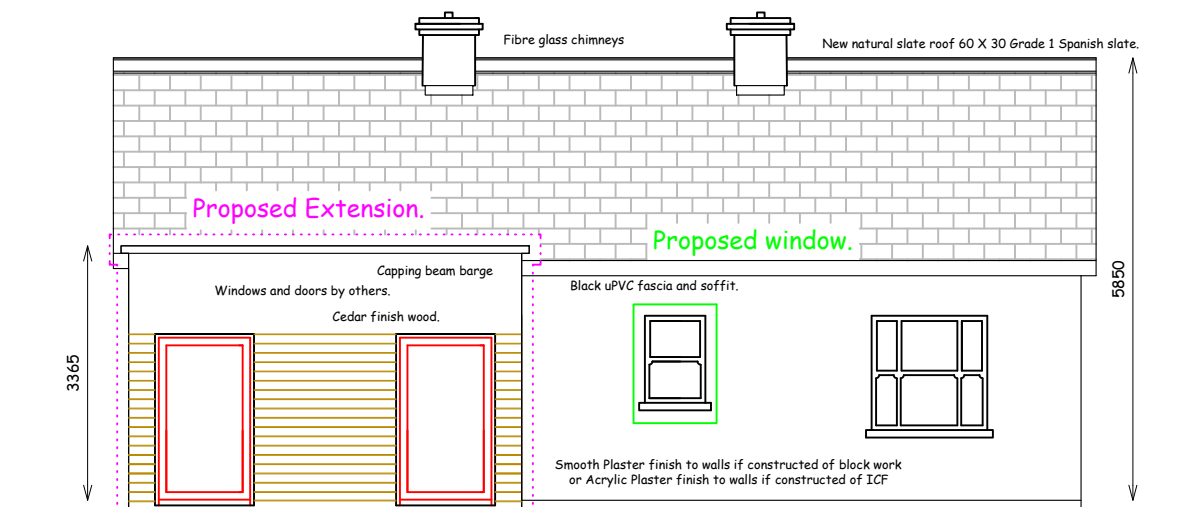
Drawing No: 1327-09 Rev. A

Drawings of existing cottage and
proposed extension to rear at
The Hill, Abbeyfeale, Co. Limerick.

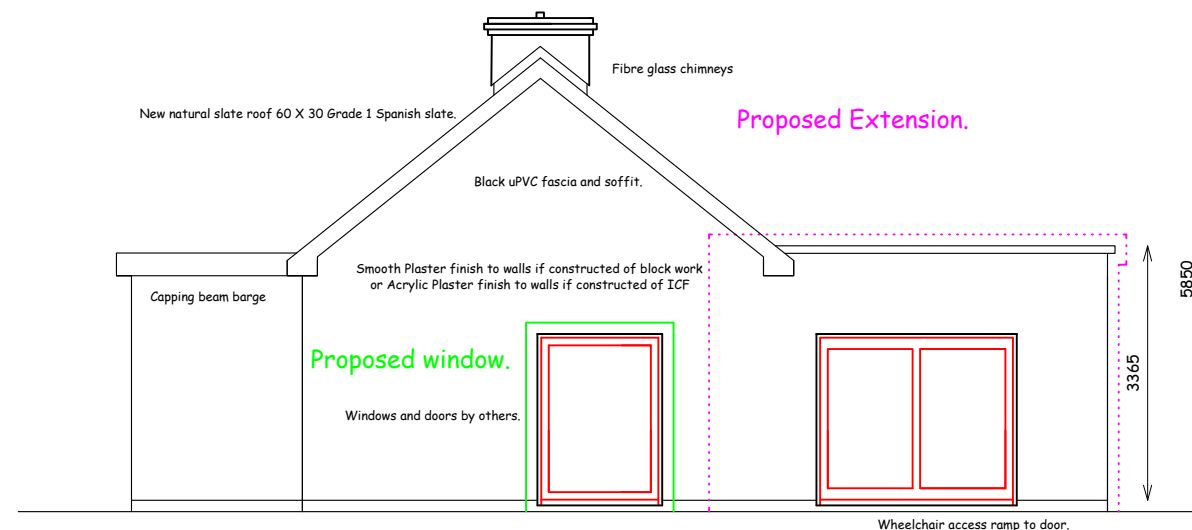
Prepared By: Donal Brosnan
Donal Brosnan
Architectural Design & Development Ltd.
Brosna, Tralee, Co. Kerry
Web: www.architectural.ie
Email: donalbroshan01@gmail.com

Note(s)

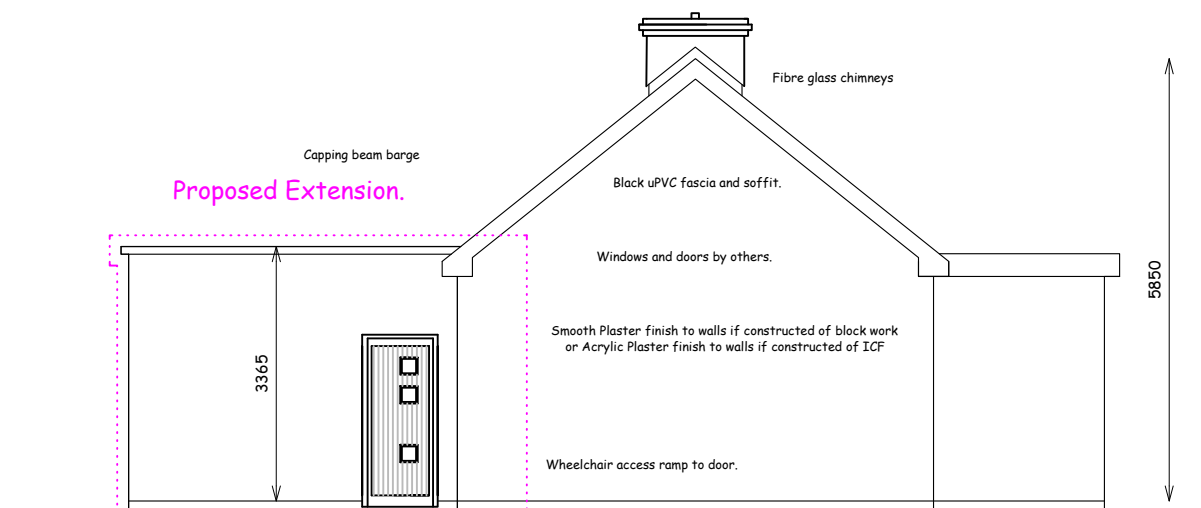
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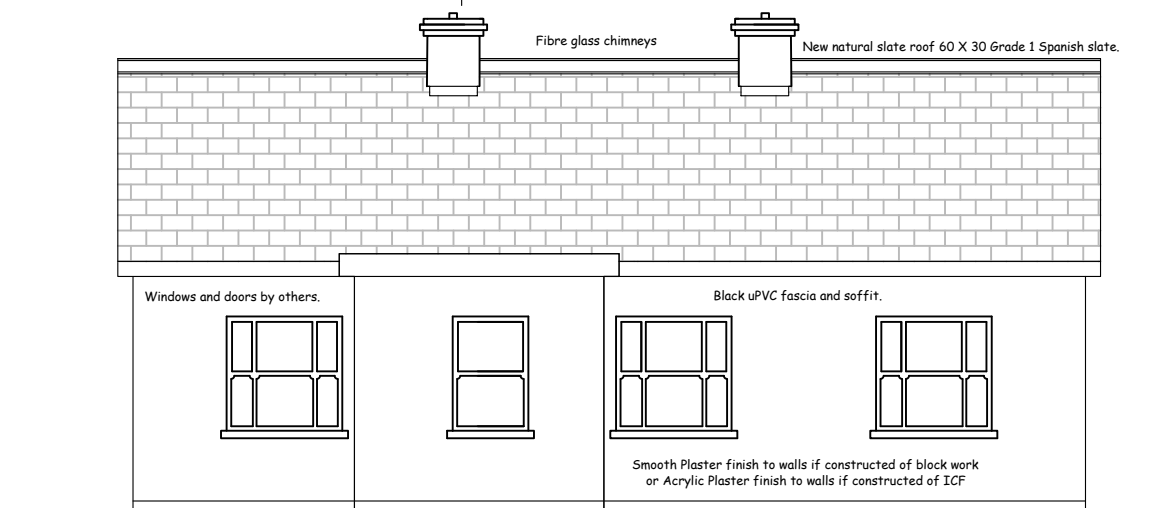
Rear Elevation.
Scale 1 to 100.



Side Elevation.
Scale 1 to 100.



Side Elevation.
Scale 1 to 100.



Front Elevation.
Scale 1 to 100.

Client(s): Wendy and Timmy O Connor

Date: February 2026

Scale: 1 in 100

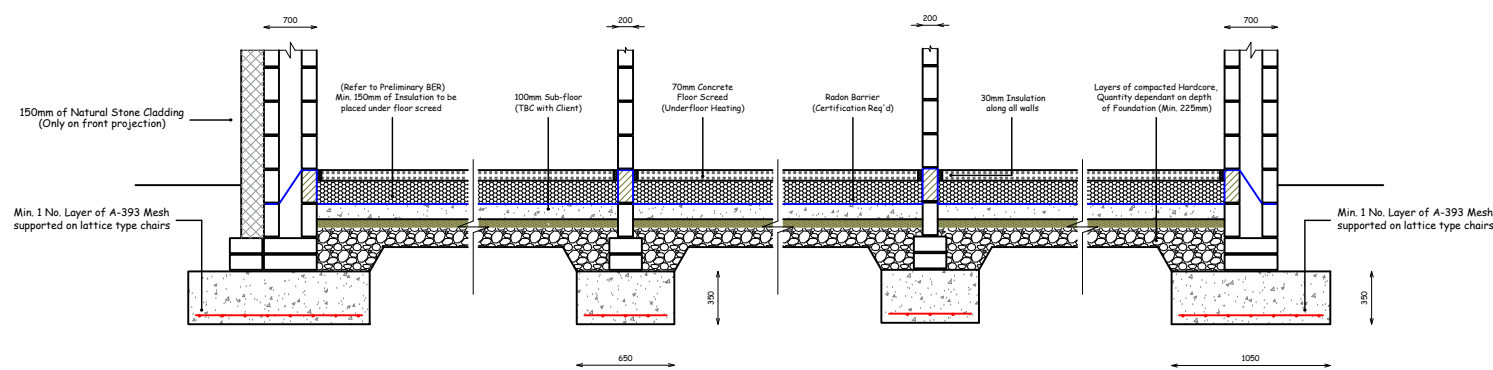
Drawing No: 1327-11 Rev. A

Drawings of existing cottage and proposed extension to rear at The Hill, Abbeyfeale, Co. Limerick.

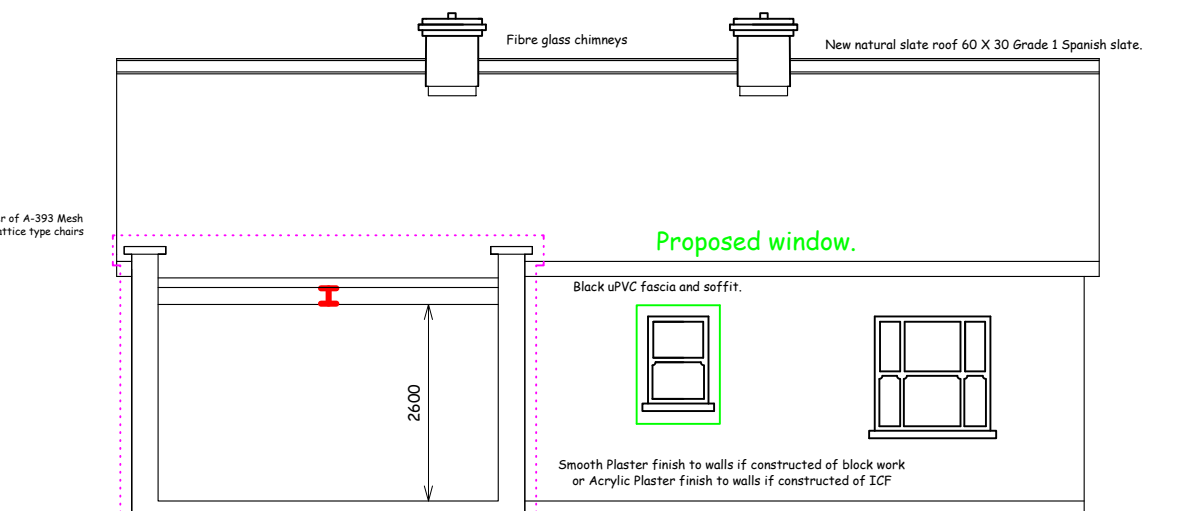
Prepared By: Donal Brosnan
Donal Brosnan
Architectural Design & Development Ltd.
Brosna, Tralee, Co. Kerry
Web: www.architectural.ie
Email: donalbrosnan01@gmail.com

Note(s)

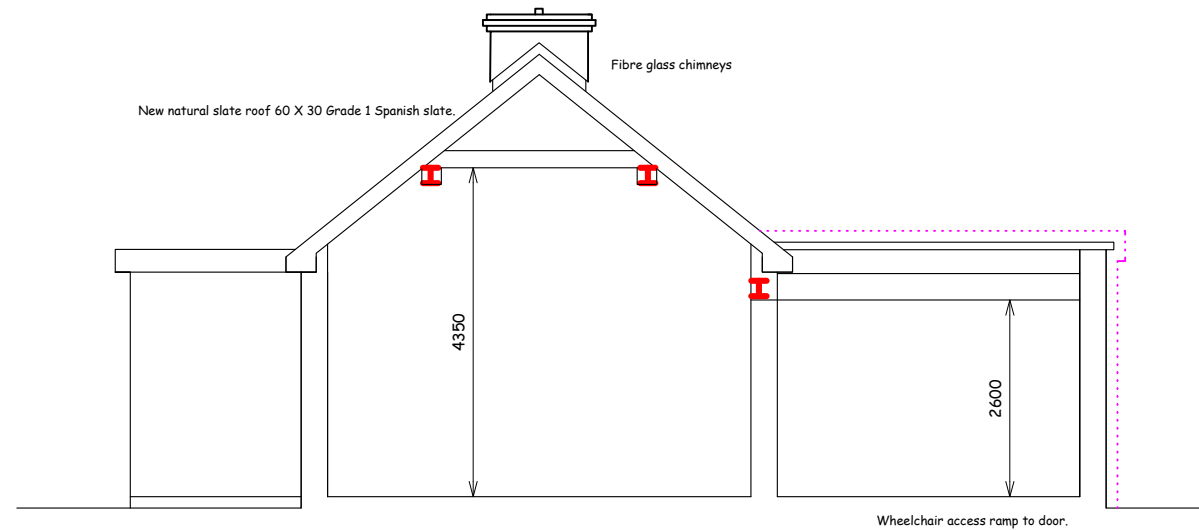
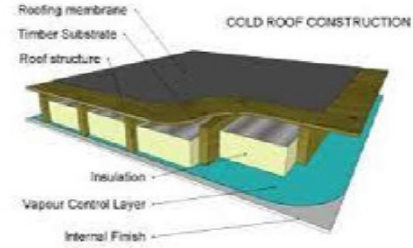
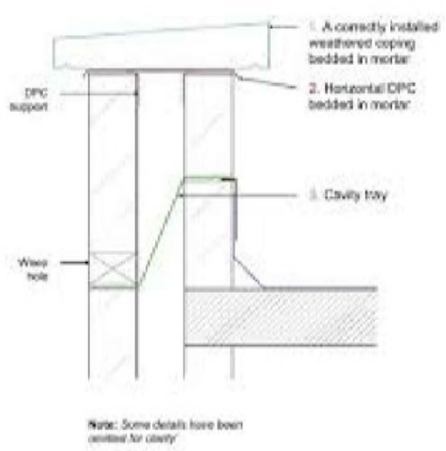
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Section through.
Scale 1 to 50.



Section through.
Scale 1 to 100.



Section through.
Scale 1 to 100.

Client(s): Wendy and Timmy O Connor
Date: February 2026 Scale: 1 in 100
Drawing No: 1327-11 Rev. A

Drawings of existing cottage and proposed extension to rear at The Hill, Abbeyfeale, Co. Limerick.

Prepared By: Donal Brosnan
Donal Brosnan
Architectural Design & Development Ltd.
Brosna, Tralee, Co. Kerry
Web: www.architectural.ie
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4) Report any discrepancies to the Architect or Engineer at once.

Surveyed 2000
Revised 2006
Levelled

Rural PLACE Map



112843

124826

124826



ITM CENTRE PT. COORDS
512610,624550

DESCRIPTION

MAP SHEETS
Digital Map
5342



Produced by
Kerry County Council,
Town Hall, Kilmaley,
Co. Kerry
On behalf of Ordnance
Survey Ireland,
Phoenix Park, Dublin 8.

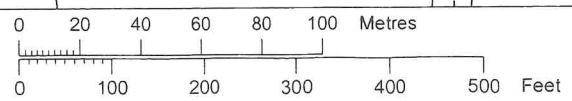
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124173

Scale: 1:2,500
Scála: 1:2,500



Plot Ref. No. 1384349_1_2
Plot Date 03-NOV-2009

124173

112843



Report on application under Section 5 of the Planning and Development Act 2000 (as amended) – Following Receipt of Further Information

File Reference number	EC-046-26
Applicant	Wendy O'Connor and Timmy O'Connor
Location	The Hill, Abbeyfeale, Co. Limerick, V94 V2P4

Previous Assessment:

The initial application, related to an existing 91m² single-storey gable roof dwellinghouse with front and rear elevation flat roof extension elements, located within the rural townland of Abbeyfeale East, along a private laneway accessed from the L-7090 local road, concerned the proposed demolition and rebuild of the front elevation extension element, alongside the demolition of the rear elevation extension element and construction of a single-storey 18m² flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure. The applicant was requested to provide further information on the following:

1. Clarification of compliance with Condition 4(a) & 4(c) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), relating to the relationship between the height of the eaves and rear wall of the existing house and the height of the proposed flat roof rear extension.
2. Clarification of compliance with Condition 6(a) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), relating to the minimum distances required from the proposed rear extension to the rear boundary it faces.

Submitted Documents:

1. The submitted revised elevation drawings show the proposed parapet of the flat roof above the height of the eaves, and higher than the height of the rear wall of the original dwelling structure.
2. The submitted site location and layout map shows an increased site area, indicating that the land to the rear is within the control of the applicants. However, it is noted that the text describing the site area measurements have remained the same.

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?

As previously assessed, it is determined that: the development proposal, comprising the demolition and rebuild of the front elevation extension element, alongside the demolition of the rear elevation extension element and construction of a single-storey 18m² flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure, constitutes 'works' and 'development', within the meaning given by the Planning and Development Act 2000 (as amended).

Is the proposal exempted development?

Following receipt of further information, it is noted that the proposal would remain non-compliant with Conditions 4(a) and 4(c) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), in that the height of the rear wall and the height of the highest part of the roof of the proposed extension would exceed the height of the rear wall and the eaves of the original dwelling.

However, while the proposed 18 m² flat-roof extension is shown on the rear elevation of the property, further inspection indicates that this elevation functions as the principal entrance to the dwelling. The submitted floor plans demonstrate that the proposed extension would contain the sole point of access to the house. In these circumstances, the proposed extension constitutes a front extension in functional planning terms. Accordingly, the development cannot be considered under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), as this class only applies to extensions to the rear or the conversion of part of the house to the side of the house. Furthermore, having regard to the scale and nature of the proposed works, the extension does not constitute a porch for the purposes of Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Article 9 Restriction

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

Appropriate Assessment

An AA Screening examination was carried out by Limerick City & County Council (see appendix 1 in previous report). 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 necessary (See appendix 1 for AA Screening Form).

Environmental Impact Assessment

An EIA Screening examination was carried out by Limerick City and County Council (see Appendix 2 in previous report). Based on a preliminary examination of the proposal there is no real likelihood of significant effects on the environment and EIA is not required.

Conclusion/Recommendation



It is satisfied that the development proposal, comprising the demolition and rebuild of the front elevation extension element, alongside the demolition of the rear elevation extension element and construction of a single-storey 18m² flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure, constitutes development within the meaning of the Planning and Development Act 2000 (as amended).

However, the development proposal cannot be considered under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), as the proposed extension relates to an elevation which would function as the principal entrance to the dwelling, and would therefore constitute a front extension in functional planning terms. Furthermore, having regard to the scale and nature of the proposed works, the extension would not constitute a porch for the purposes of Class 7 of Part 1 of Schedule 2. No other exempted development provisions are applicable, and the proposal cannot therefore be considered exempted development.

Regard has been had to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (b) Article 6 and Article 9, and Class 1 & 50(b) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (c) The plans and particulars submitted with the application received on the 19th of March 2026 and the 13th of April 2026.

It is therefore considered that the said works constitute development but not exempted development within the meaning of the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) and specifically Class 1 of Part 1 of Schedule 2.

Graduate Planner	Isaac Cunningham	Date: 15/04/2026
Signature:		
Senior Executive Planner	Barry Henn	Date: 21/04/2026
Signature		



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Pleanáil, Oidhreacht agus Corn Ryder
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Bóthar Thuar an Daill
Tuar an Daill
Luimneach. V94 WV78

Planning, Heritage and Ryder Cup
Limerick City and County Council
Dooradoyle Road
Dooradoyle
Limerick. V94 WV78

t: +353 (0) 61 556 000

PLANNING, HERITAGE AND RYDER CUP

REG POST:

**Wendy O'Connor and Timmy O'Connor,
c/o Donal Brosnan Architectural Design and Development,
Brosna,
Tralee,
Co. Kerry.**

EC/046/26

21 April 2026

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**

LIMERICK CITY & COUNTY COUNCIL

APPROVED OFFICER'S ORDER

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

No. AOO/DC/2026/456

File Ref No. EC/046/26

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

RE: **A demolition and rebuild of the front elevation extension element, alongside the demolition of the rear elevation extension element and construction of a single-storey flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure at The Hill, Abbeyfeale, Co. Limerick.**

ORDER: Whereas by Director General's Order No. DG/2026/033 dated 18th March 2026, 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 Isaac Cunningham, Graduate Planner dated 15/04/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Wendy O'Connor and Timmy O'Connor, c/o Donal Brosnan Architectural Design and Development, Brosna, Tralee, Co. Kerry to state that the works as described above is

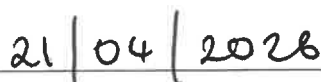
Development and is NOT Exempt Development.

Signed



SENIOR EXECUTIVE PLANNER, PLANNING, HERITAGE & RYDER CUP

Date





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& Contae Luimnigh

Limerick City
& County Council

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Limerick City and County Council
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Dooradoyle
Limerick. V94 WV78

t: +353 (0) 61 556 000

SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO.

EC/046/26

Name and Address of Applicant: Wendy O'Connor and Timmy O'Connor, 1 Bushy Park Road, Rathgar, Dublin 1

Agent: Donal Brosnan Architectural Design and Development, Brosna, Tralee, Co. Kerry

Whether the demolition and rebuild of the front elevation extension element, alongside the demolition of the rear elevation extension element and construction of a single-storey flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure at The Hill, Abbeyfeale, Co. 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 19th day of March 2026 and further information received 13th day of April 2026.

AND WHEREAS the Planning Authority has concluded that the demolition and rebuild of the front elevation extension element, alongside the demolition of the rear elevation extension element and construction of a single-storey flat-roof extension, with additional side and rear windows also proposed for the original dwelling structure at The Hill, Abbeyfeale, Co. Limerick **DOES NOT** come within the scope of exempted development under Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) and specifically Class 1 of Part 1 of Schedule 2. 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: 21.4.2026

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.