Limerick City and County Council

Planning Department

Section 5 Application

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

Applicant's Name: _____

Applicant's Address: _____

_____

_____

Telephone No. [redacted]

Name of Agent (if any): _____

Address: _____

_____

_____

Telephone No. _____

Address for Correspondence:

_____

_____

_____

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

_____

_____

_____

Description of Proposed development:

_____

_____

_____

_____

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

_____

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

Applicant's interest in site:_____

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

_____

_____

_____

_____

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) _____

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.

****

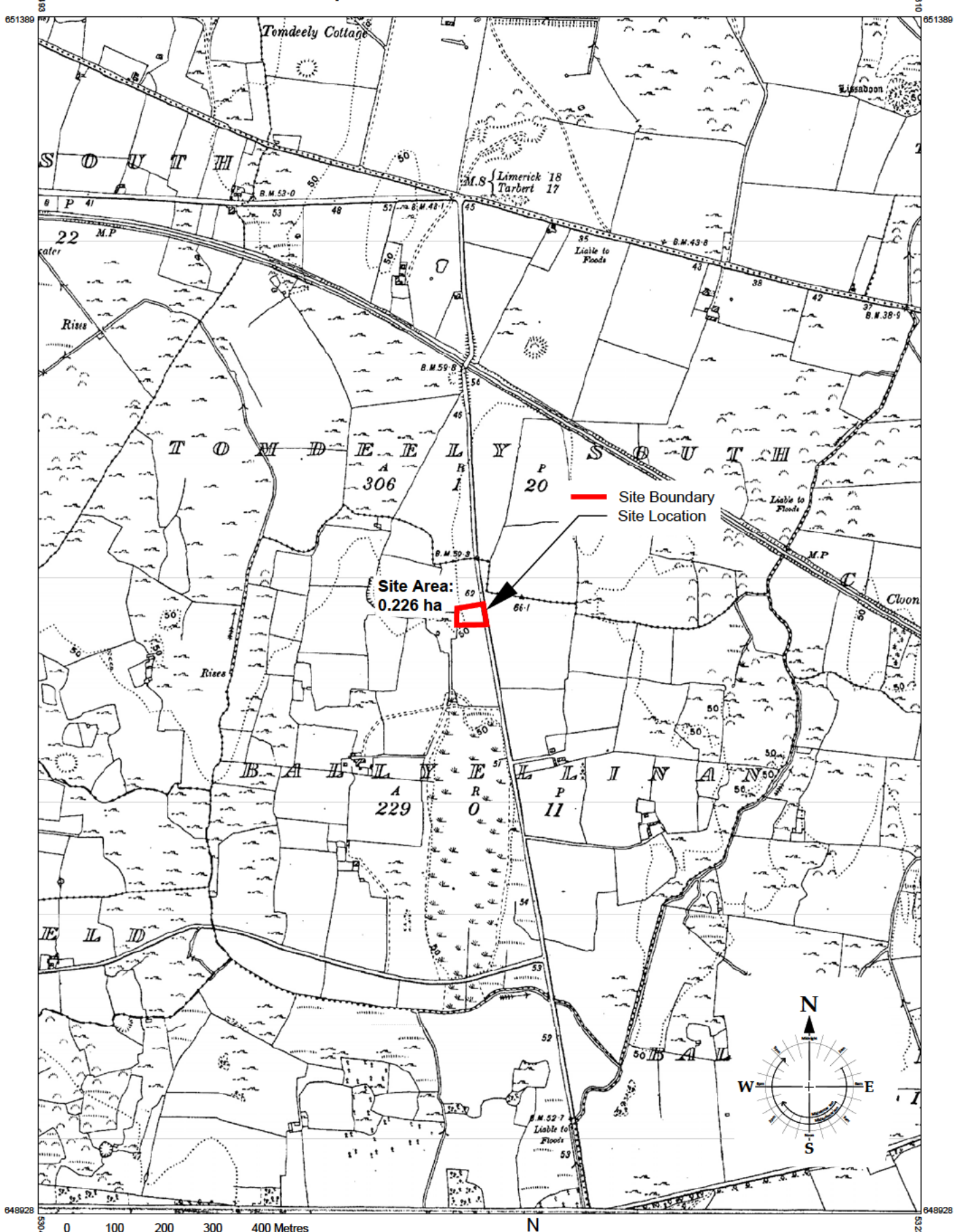
Application to be forwarded to:

Planning Department,
Limerick City & County Council,
Dooradoyle,
Limerick,
V94 XF67

Enquiries:
Telephone: 061-556556
E-Mail: planning@limerick.ie

****

Site Location Map



OUTPUT SCALE: 1:10,560

CENTRE COORDINATES:
ITM 531402,650159

PUBLISHED: 22/07/2026
ORDER NO.: 50548903_2

MAP SERIES: 6 Inch Raster, 6 Inch Raster
MAP SHEETS: LK010, LK019

CAPTURE RESOLUTION:
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LEGEND:To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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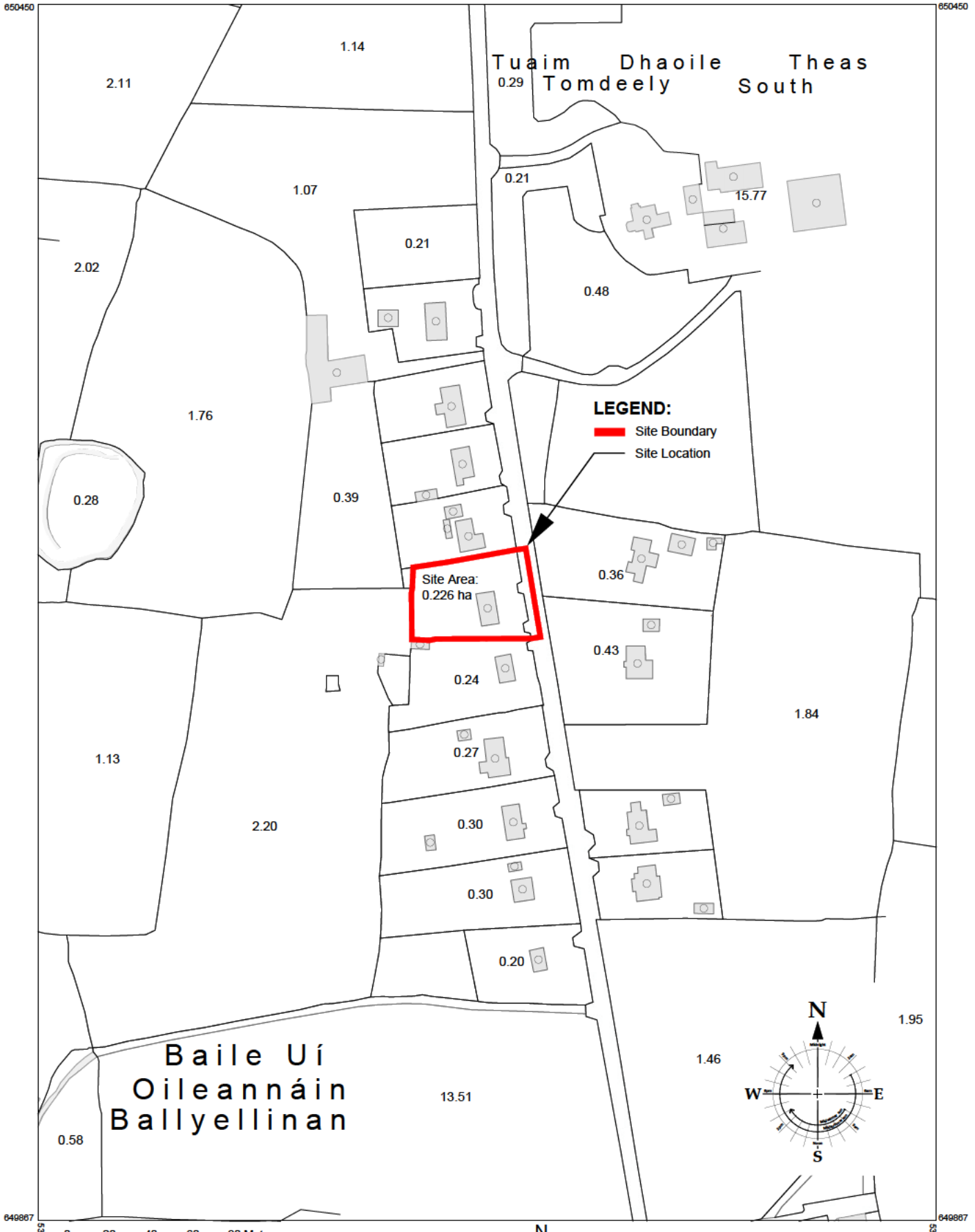
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Planning Pack Map



OUTPUT SCALE: 1:2,500

CENTRE COORDINATES:
ITM 531402,650159

PUBLISHED: 22/07/2026

ORDER NO.: 50548903_2

MAP SERIES: 1:2,500

MAP SHEETS: 4859-B

CAPTURE RESOLUTION:
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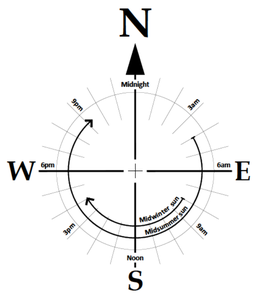
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Site Plan, Existing
1 : 500



Site Plan, Proposed
1 : 500

LEGEND

xx.xx Levels

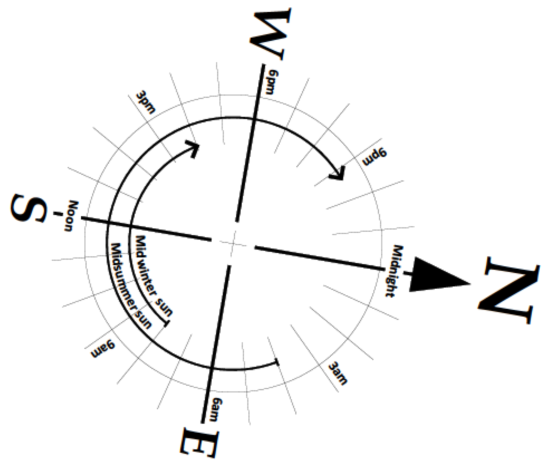
Site Boundary

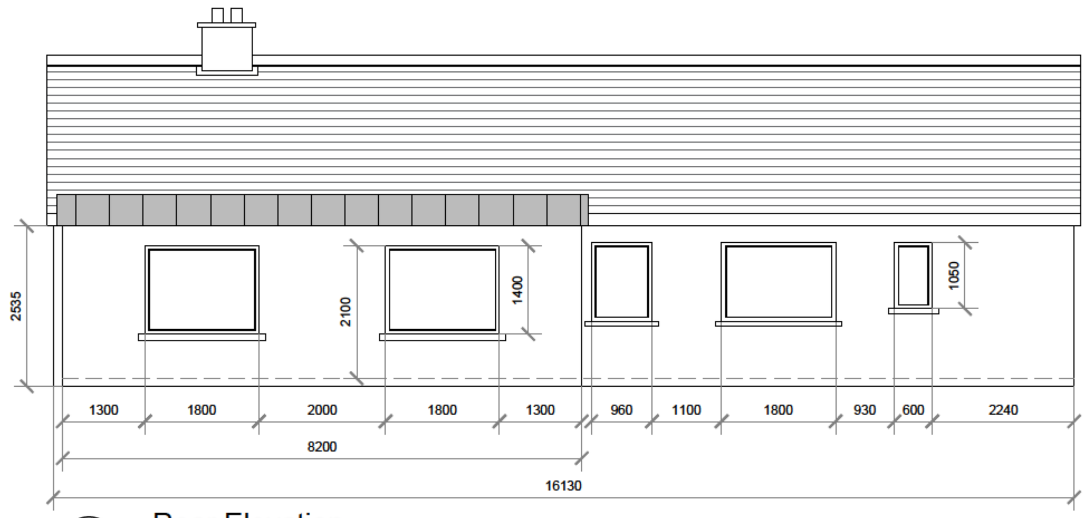
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CHRIS CASEY ENGINEER

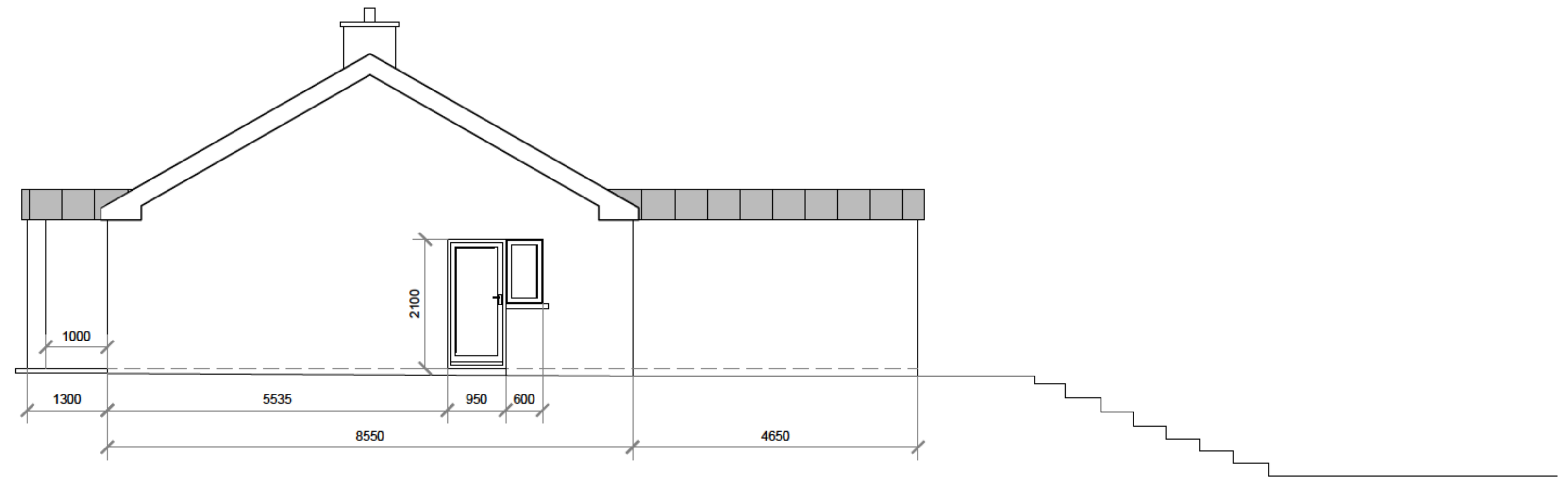
C Casey Consulting Engineers Ltd

PROJECT:	Ballyellinan, Askeaton, Co. Limerick		
CLIENT:	Alan O'Shaughnessy		
DRAWING TITLE:	Site Layout Plan		
JOB REF:		DRAWN: BO'C	DRAWING NO: P03
STAGE:	Planning	APPROVED: CC	
DATE:	26/05/2026	SCALE: @ A1	REV:

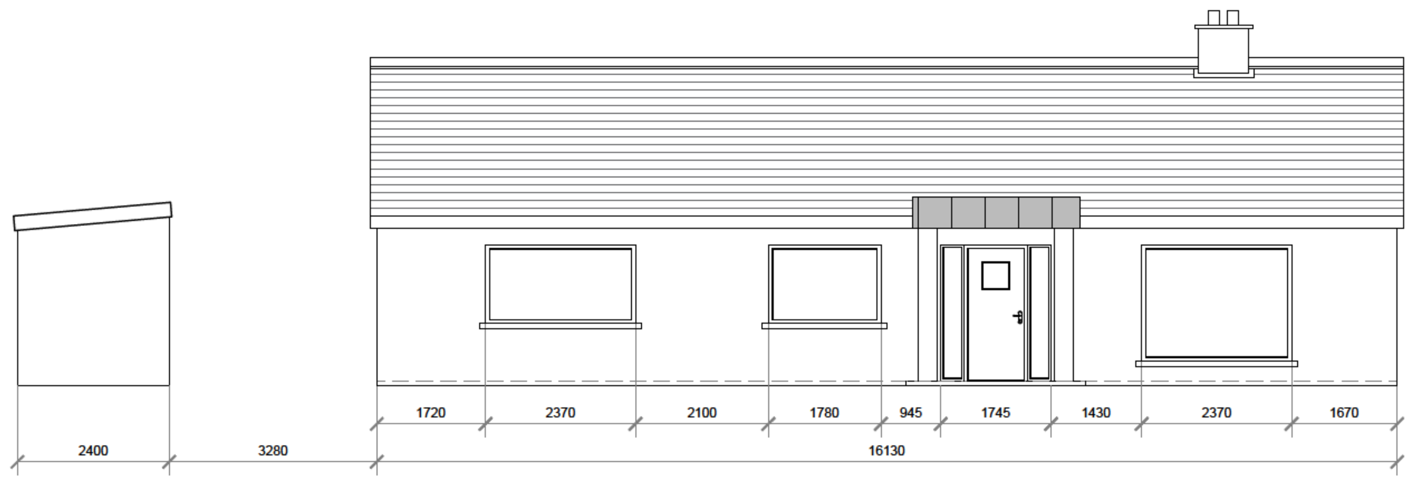




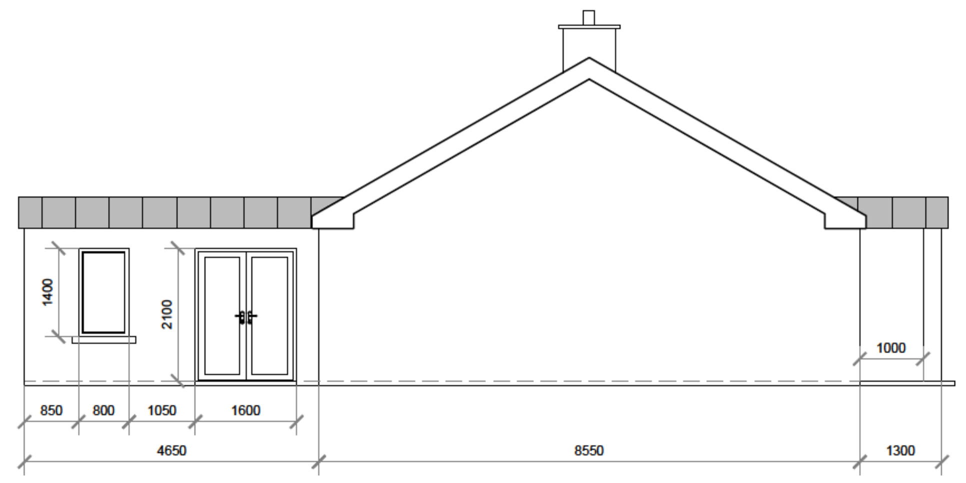
Rear Elevation
Scale 1:100



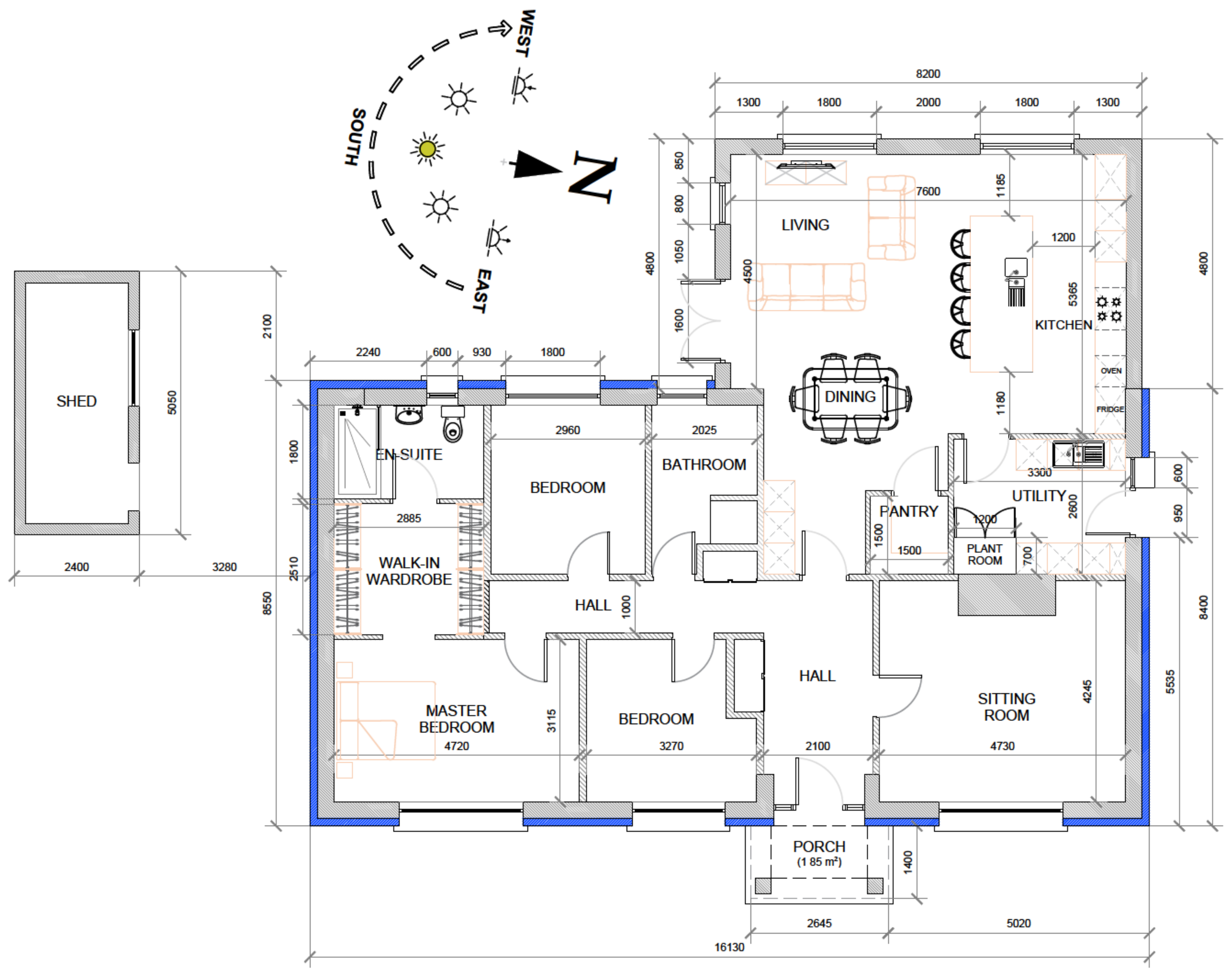
Side Elevation
Scale 1:100



Front Elevation
Scale 1:100



Side Elevation
Scale 1:100

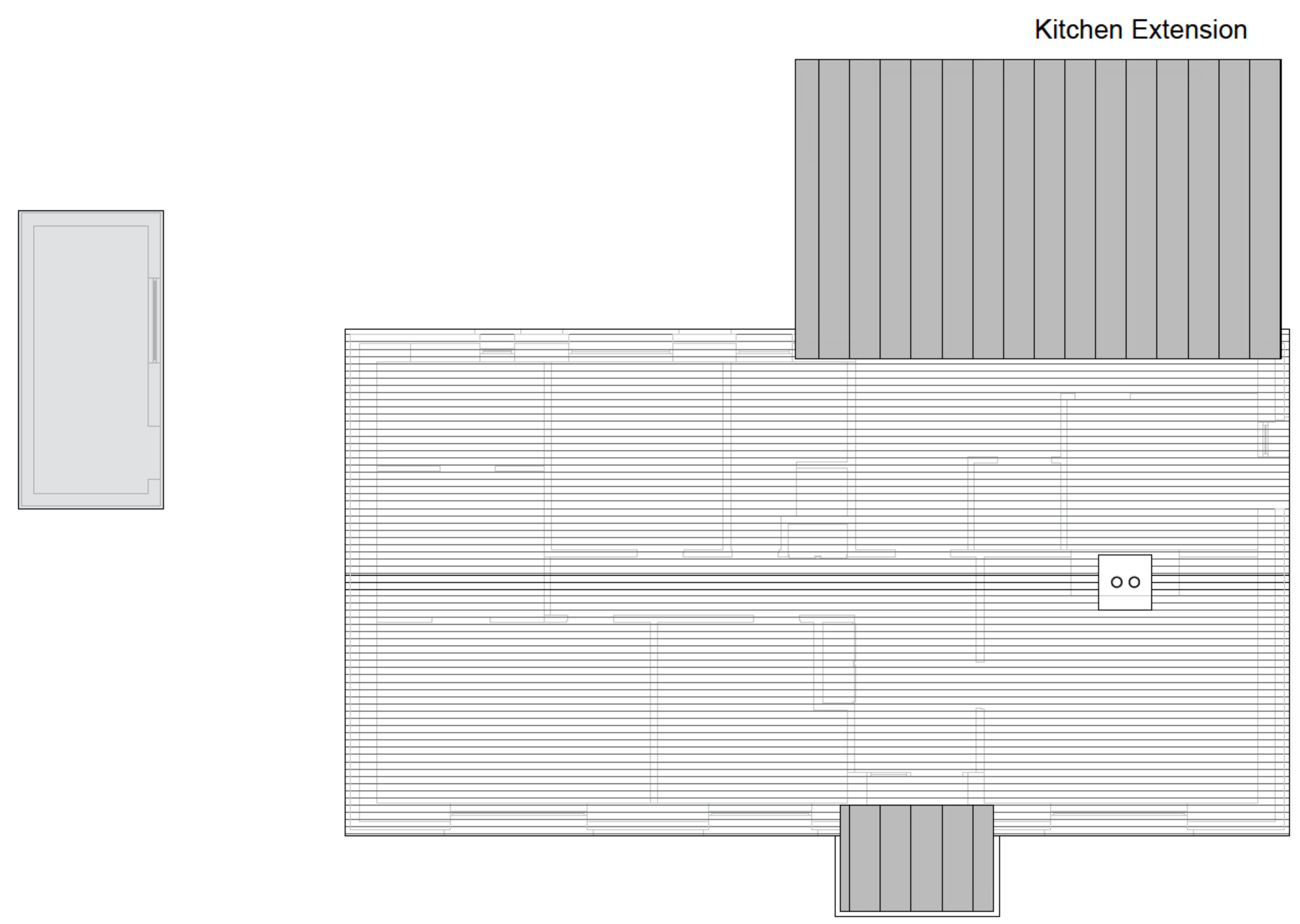


Floor Plan
Scale 1:100

Ground Floor Area: 116 m² (1249 ft²)

Kitchen Extension Floor Area: 34.2 m² (368 ft²)

Front Porch Floor Area: 1.85 m² (19.9 ft²)



Roof Plan
Scale 1:100

LEGEND

External Insulation

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CHRIS CASEY
ENGINEER
C Casey Consulting Engineers Ltd

PROJECT: Ballyellinan, Askeaton, Co. Limerick			
CLIENT: Alan O'Shaughnessy			
DRAWING TITLE: Proposed Floor Plans & Elevations			
JOB REF:	DRAWN: BO'C	DRAWING NO:	
STAGE: Planning	APPROVED: CC	P04	
DATE: 26/05/2026	SCALE: @ A1	REV:	

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

File Reference number	EC-128-26
Applicant(s)	Alan O' Shaughnessy
Location	Ballyellinan, Askeaton, Co. Limerick V94 D8EK

Description of Site and Surroundings:
The subject site is a single storey dwelling with a front and rear garden. It is located in a rural area in the townland of Ballyellian around 2.5 km away from Askeaton. The site can be accessed from the L1220 road which is just off the N69.

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 applicant is proposing to construct a single storey rear extension to the existing kitchen and to construct a small entrance porch to the front of the dwelling.

This Section 5 declaration includes the following:

- Application form
- Site elevations
- Site layout maps

Planning History:

Subject site:
98/1083 Outline Permission Withdrawn - Construction of a dwellinghouse, entrance, septic tank, percoaltion area, 14 no boarding kennels and assoc siteworks

Adjacent:
92/940 Conditional Permission - Erection of bungalow, garage, boundary walls, entrance and septic tank at

07/942 Conditional Permission - construction of a dwelling house, garage, septic tank, percolation area, entrance, boundary walls and all associated site works

19/378 Conditional Permission - a dwelling house, domestic garage, installation of a packaged wastewater treatment system and polishing filter and vehicular entrance

Enforcement History:
N/A

Relevant An Coimisiún Pleanála referrals:
N/A
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 concerns, to construct a single storey rear extension to the existing kitchen and to construct a small entrance porch to the front of the dwelling**, constituting 'works' and 'development'.**

Is the proposal exempted development?
To assess whether the proposed development is exempted development, the construction of a single storey rear extension and all associated site development works will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The construction of the porch to the front of the dwelling will be assessed under Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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

The extension is to the rear of the house.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 45 square metres.

The floor area will not exceed 45 square metres.

(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 dwelling is not terraced or semi-detached and not above ground level, this condition does not apply.

(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 dwelling is not above ground level; 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 45 square metres.

The floor area shall not exceed 45 square metres.

(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 extension is not above ground level; this 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.

The extension is not above ground level; this condition does not apply.

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

The extension is not above ground floor; this 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 of the house does not include a gable. The height of the walls of the extension do 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.
The rear wall of the house does not include a gable.

(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 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 extension will not reduce the area of private open space of 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.

The extension is not 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.

There is no above ground level extension, this 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.

There is no above ground level extension, this condition does not apply.

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

There is no implication that the extension will be used as a balcony or roof garden.

Class 7:
The construction or erection of a porch outside any external door of a house.

The porch is proposed to be at the front of the house.

1. Any such structure shall be situated not less than 2 metres from any road.

The porch will not be situated less than 2 metres from the road.

2. The floor area of any such structure shall not exceed 2 square metres.

The floor area will be 1.85 sqm.

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

The height of the porch will not exceed 3 metres.

Article 9 Restrictions

Planning and Development Regulations 2001 – 2025 **Article 9(1)** **Development to which article 6 relates shall not be exempted development for the purposes of the Act—** **(a) if the carrying out of such development would—**	
(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,	N/A
(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,	N/A
(iii) endanger public safety by reason of traffic hazard or obstruction of road users,	N/A
(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,	N/A
(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	N/A
(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which	N/A

class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,	
(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	N/A
(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,	N/A
(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,	N/A
(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,	N/A
(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.	N/A
(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,	No planning history searchable on planning register or provided by applicant.
(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other	N/A

structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,	
(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,	N/A
(xi) obstruct any public right of way,	N/A
(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,	N/A
(b) in an area to which a special amenity area order relates, if such development would be development:—	
(i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or	N/A
(ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or	N/A
(iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or	N/A
(iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,	N/A
(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these	N/A

Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,	
(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.	N/A
Article 9(2) Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises.	N/A
Article 9 (3) For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply.	N/A

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.

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

The proposal, to construct a single storey rear extension to the existing kitchen and to construct a small entrance porch to the front of the dwelling can be considered development.

However, under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), the proposed rear extension does not comply with condition 4 (c), as the height of the highest part of the roof of the proposed extension exceeds the height of the eaves or parapet of the dwelling.

Therefore, this proposal does not fall under the scope of exempted development.

The proposed front porch does fall under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and is 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, 9 & Class 1 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 23rd of July 2026

It is therefore considered that the proposed rear extension constitutes development but not exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and the proposed front porch extension constitutes development and is exempted development under Class 7 of Part 1 of Schedule 2 of the Planning

However, as per restriction on exemption under Article 9 (viii) *"consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,"* the applicant has not provided details of planning history for the existing dwelling and a search of the planning register there is no result for planning gpermission granted (ONLY reference is for 98/1083 withdraw).

Further information to be requested.

FURTHER INFORMATION REQUEST

1. Please confirm when the existing dwelling house on the site was constructed and submit documentary evidence of any relevant planning decisions.

Student Planner	Conor Deering	**Date: 27/07/2026**
Signature:		
Senior Executive Planner	Gráinne O'Keeffe	**Date: 18/08/2026**
Signature		

Appendix 1: AA PN01 Screening Form

STEP 1: Description of the project/proposal and local site characteristics:	
(e) File Reference No:	EC-128-26

(e) Brief description of the project or plan:	To construct a single storey rear extension to the existing kitchen and to construct a small entrance porch to the front of the dwelling.
(e) Brief description of site characteristics:	The subject site is a single storey dwelling with a front and rear garden. It is located in a rural area in the townland of Ballyellian around 2.5 km away from Askeaton. The site can be accessed from the L1220 road which is just off the N69.
(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
000432 Barrigone SAC	https://www.npws.ie/protected-sites/sac/000432	1.1 km	N/A	N
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	2.7 km	N/A	N
004077 River Shannon and River Fergus Estuaries SPA	Https://www.npws.ie/protected-sites/spa/004077	2.7 km	N/A	N
002279 Askeaton Fen SAC	https://www.npws.ie/protected-sites/sac/002279	5.4 km	N/A	N
000174 Curraghchase Woods SAC	https://www.npws.ie/protected-sites/sac/000174	8.3 km	N/A	N
004161 Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	https://www.npws.ie/protected-sites/spa/004161	9 km	N/A	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 - Storage of excavated/construction materials - Access to site - Pests	None. No direct encroachment or hydrological connection.
Operation phase e.g. - 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:	
Examples of the type of changes to give consideration to include: - 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	None. No direct encroachment or hydrological connection.

structure or ecological function of the site	

(a) (Are '*mitigation*' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?
☐ **Yes** ☒ **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. [AMEND]		
	Tick as appropriate:	Recommendation:
i. It is clear that there **is no likelihood** of significant effects on a European Site	☒	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	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
iii. **Significant effects** are likely	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	 27/07/2026	
Signature and Date of the Decision Maker:		

	18/08/2026

Appendix 2: EIA Screening

Establishing if the proposal is a *'sub-threshold development':*		
Planning Register Reference:	EC-128-26	
Development Summary:	to construct a single storey rear extension to the existing kitchen and to construct a small entrance porch to the front of the dwelling.	
Was a Screening Determination carried out under Section 176A-C?	Yes. no further action required No. Proceed to **Part A**	
A. Schedule 5 Part I - Does the development comprise a project listed in Schedule 5. **Part 1.** of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
	Yes. specify class: [insert here] _	**EIA is mandatory** No Screening required
X	No	Proceed to **Part B**
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, **Part 2**, of the Planning and Development Regulations 2001 (as amended) **and** does it meet/exceed the thresholds? (Tick as appropriate)		
X	No. the development is not a project listed in Schedule 5, Part 2	**No Screening required**
	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
	Yes the project is of a type listed **but** is *sub-threshold:* [insert here] _	Proceed to **Part C**
c. If Yes, has Schedule 7A information/screening report been submitted?		

Yes, Schedule 7A information/screening report has been submitted by the applicant	**Screening Determination required**
No, Schedule 7A information/screening report has not been submitted by the applicant	**Preliminary Examination required**
Signature and Date of Recommending Officer:  27/07/2026	
Signature and Date of the Decision Maker:  18/08/2026	

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Planning Department
Limerick City & County Council
Dooradoyle Road
Dooradoyle
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V94 WV78

t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

EC/128/26 **19 August 2026**

Alan O' Shaughnessy,
Bridge Street,
Newcastle West,
Co. Limerick.
V42X952

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. Please confirm when the existing dwelling house on the site was constructed and submit documentary evidence of any relevant planning decisions.

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/128/26.

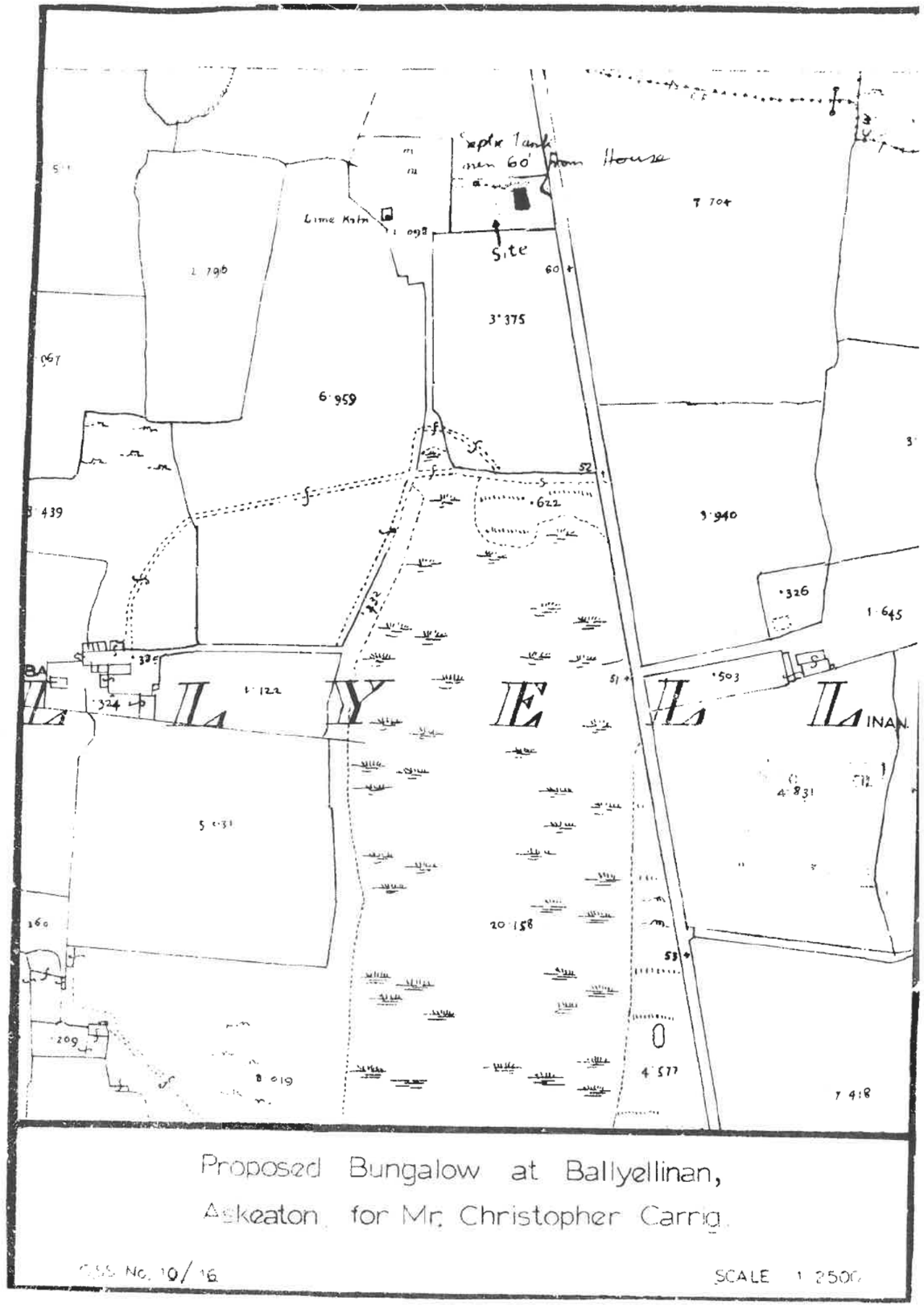
Yours sincerely,



(for) Senior Planner,
Development Management

Tuar an Daill, Luimneach
Dooradoyle, Limerick

customerservices@limerick.ie
www.limerick.ie
@LimerickCouncil
061 - 556 000

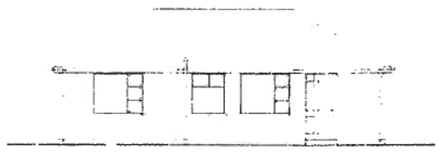


Proposed Bungalow at Ballyellinan,
Askeaton for Mr. Christopher Carrig.

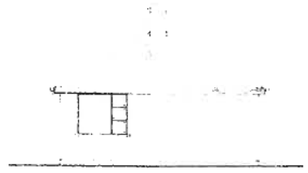
OSS No. 10/16 SCALE 1:2500



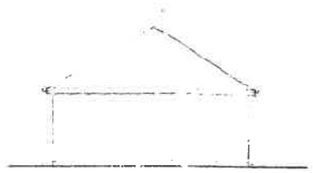
Front Elevation



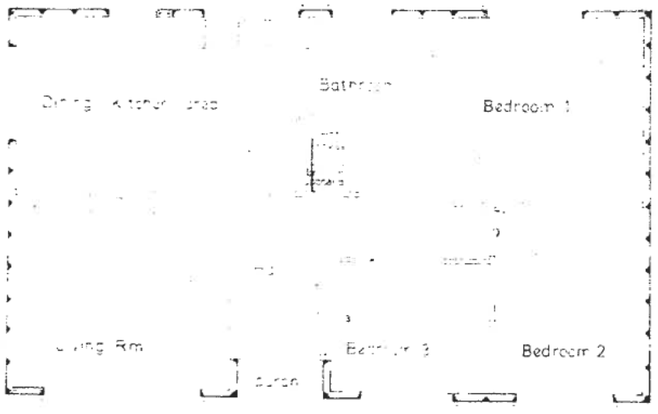
Rear Elevation



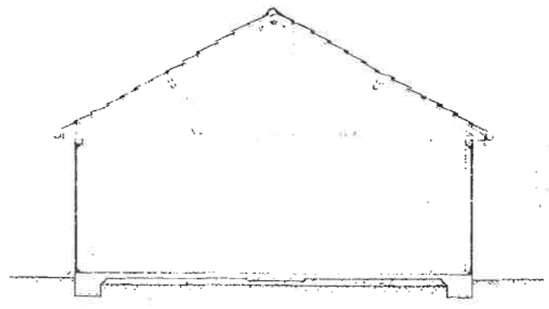
End Elevation



End Elevation



Plan



Section

KEN - DON **Buildings Ltd.**

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACT, 1963.

NOTIFICATION OF A GRANT OF A PERMISSION (SUBJECT TO CONDITIONS)

COUNCIL OF THE COUNTY OF LIMERICK

Mr. Christopher Carrig,

Kenedon Buildings Ltd., Little Island, Cork.

REFERENCE NUMBER IN PLANNING REGISTER 7040

APPLICATION BY Mr. Christopher Carrig, Kenedon Buildings Ltd., Little Island, Cork.

on 20th February and 12th March, 1973 for a permission for development of land, namely:-

at Erection of bungalow, piers drive and installation of septic tank at Ballyellinan, Askeaton.

A permission has been granted for the development described above, subject to the following conditions.

1. That existing front boundary wall be removed and that new wall be erected minimum of 16 ft. from road centreline.
2. That entrance gate be recessed 15 ft. behind new front boundary wall.
3. That walls and piers be plastered or dressed and capped.
4. That septic tank be central on site and minimum of 60 ft. from dwelling-house or public road.

Signed on behalf of the said Council .....

County Secretary.

Dated 24th April, 1973

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT, 1963.
NOTIFICATION OF DECISION TO GRANT A PERMISSION/APPROVAL
(SUBJECT TO CONDITIONS) UNDER SECTION 26 OF THE ACT

COUNCIL OF THE COUNTY OF LIMERICK

REFERENCE NUMBER IN PLANNING REGISTER 7010

APPLICATION RECEIVED 20th February, 1973 and 13th March, 1973

( )

Mr. Christopher Carrig,
Kendon Buildings Ltd., Little Island, Co.

( )

In pursuance of the powers conferred upon them by the above-mentioned Act, the Limerick County Council have by order dated 22nd March, 1973 decided to grant a permission/~~approval~~ for the development of land, namely:-

Erection of bungalow, piers, drive and installation of septic tank at Ballysallinan, Ashbaton.

SUBJECT TO the conditions set out in Column 1 of the Schedule hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the Schedule.

If there is no appeal against the said decision, ~~a~~ grant of permission~~/approval~~ in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to the Minister for Local Government. (See footnote).

It should be noted that until a grant of permission~~/approval~~ has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the said Council M. [illegible]

County Secretary.

Date 22nd March, 1973

SCHEDULE

Column 1 - Conditions	Column 2 - Reasons for Conditions
1. That existing front boundary wall be removed and that new wall be erected minimum of 16 ft. from road centreline.	1. In the interests of public safety and to provide for road widening.
2. That entrance gate be recessed 15 ft. behind new front boundary wall.	2. To provide for off-road parking.
3. That walls and piers be plastered or dashed and capped.	3. To present an acceptable appearance.
4. That septic tank be central on site and a minimum of 60 ft. from ~~dwelling-house~~ or public road	4. To comply with Local Government regulations.

NOTE: Any appeal against a decision of a planning authority under Section 26 of the Act of 1963 may be made to the Minister for Local Government. The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision. Appeals should be addressed to the Secretary, Department of Local Government (Planning Appeals Section), Custom House, Dublin. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person, the name of the applicant, particulars of the [illegible]

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

File Reference number	**EC-128-26**
Applicant(s)	**Alan O' Shaughnessy**
Location	**Ballyellian,** **Askeaton,** **Co. Limerick** **V94 D8EK**

Previous Assessment:

This application relates to the construction of a single storey rear extension to the existing kitchen and to construct a small entrance porch to the front of the dwelling. Previous assessment concluded that the Planning Authority was not in a position to determine whether the development falls within an exempted development class as there wasn't any evidence of when the existing dwelling house on the site was constructed and the applicant was asked to submit documentary evidence of any relevant planning decisions.

Submitted Documents:

The authorised agent of the applicant submitted the following as response to RFI:

In relation RFI point 1, the applicant has submitted evidence where they believe the original application for the dwelling is 73/7040. They have also attached a copy of the original application which is acceptable.

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 concerns, to construct a single storey rear extension to the existing kitchen and to construct a small entrance porch to the front of the dwelling **constituting 'works' and 'development'.**

Is the proposal exempted development?

To assess whether the proposed development is exempted development, the construction of a single storey rear extension and all associated site development works will be assessed under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). The construction of the porch to the front of the dwelling will be assessed under Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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

The extension is to the rear of the house.

1. *(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 45 square metres.*

The floor area will not exceed 45 square metres.

(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 dwelling is not terraced or semi-detached and not above ground level, this condition does not apply.

(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 dwelling is not above ground level; 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 45 square metres.*

The floor area shall not exceed 45 square metres.

(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 extension is not above ground level; this 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.

The extension is not above ground level; this condition does not apply.

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

The extension is not above ground floor; this 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 of the house does not include a gable. The height of the walls of the extension do 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.
The rear wall of the house does not include a gable.

(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 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 extension will not reduce the area of private open space of 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.

The extension is not 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 8 metres from the boundary it faces.

There is no above ground level extension, this 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.

There is no above ground level extension, this condition does not apply.

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

There is no implication that the extension will be used as a balcony or terrace.

Class 7:
The construction or erection of a porch outside any external door of a house.

The porch is proposed to be at the front of the house.

1. *Any such structure shall be situated not less than 2 metres from any road.*

The porch will not be situated less than 2 metres from the road.

2. *The floor area of any such structure shall not exceed 2 square metres.*

The floor area will be 1.85 sqm.

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

The height of the porch will not exceed 3 metres.

Conclusion/Recommendation

The proposal, to construct a single storey rear extension to the existing kitchen and to construct a small entrance porch to the front of the dwelling can be considered development.

However, under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), the proposed rear extension does not comply with condition 4 (c), as the height of the highest part of the roof of the proposed extension exceeds the height of the eaves or parapet of the dwelling.

Therefore, this proposal does not fall under the scope of exempted development.

The proposed front porch does fall under Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is 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, 9, Class 1 & Class 7 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 23rd of July 2026 and the 5th of October 2026.

It is therefore considered that the proposed rear extension constitutes development but not exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and the proposed front porch extension constitutes development and is exempted development under Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Student Planner	Conor Deering	**Date:**
Signature:		16/10/2026
Senior Executive Planner	Barry Henn	**Date:** 19/10/2026
Signature:		

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Planning Department
Limerick City & County Council
Dooradoyle Road
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Limerick
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t: 061 556 000

DEVELOPMENT MANAGEMENT, PLANNING

REG POST:

Alan O' Shaughnessy
c/o Chris Casey,
Chris Casey Engineer,
Bridge Street,
Newcastle West,
Co. Limerick.

EC/128/26 20 October 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/2026/1300

File Ref No. EC/128/26

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

RE: **Construction of a single storey rear extension & to construct a small entrance porch to the front of the dwelling at Ballyellian, Askeaton, Co. Limerick**

ORDER: Whereas by Director General's Order No. DG/2026/056 dated 25th May 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 Conor Deering, Student Planner dated 16/10/2026, hereby order that a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) be issued to Alan O' Shaughnessy, c/o Chris Casey, Chris Casey Engineer, Bridge Street, Newcastle West, Co. Limerick to state that the works as described above is

Development and is NOT Exempt Development – Rear Extension

Development and is Exempt Development – Front Porch

Signed B. Henn

SENIOR EXECUTIVE PLANNER, DEVELOPMENT MANAGEMENT, PLANNING

Date 20/10/2026

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SECTION 5 – DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

DECLARATION NO. **EC/128/26**

Name and Address of Applicant: Alan O' Shaughnessy, Bettyville House, Conigar Road, Lismakeera, Askeation, Co. Limerick.

Agent: Chris Casey, Chris Casey Engineer, Bridge Street, Newcastle West, Co. Limerick

Whether the construction of a single storey rear extension & to construct a small entrance porch to the front of the dwelling at Ballyellian, Askeaton, 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 23rd day of July 2026 and further information received on the 5th day of October 2026.

AND WHEREAS the Planning Authority has concluded that the construction of a single storey rear extension at Ballyellian, Askeaton, Co. Limerick **DOES NOT** come within the scope of exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), See Report attached.

AND WHEREAS the Planning Authority has concluded that the construction a small entrance porch to the front of the dwelling at Ballyellian, Askeaton, Co. Limerick **DOES** come within the scope of exempted development under under Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). See Report attached.