

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 24/114

NAME OF APPLICANT: William and Oonagh Russell

ADDRESS FOR CORRESPONDENCE:

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the renovations and small extension to existing dwelling is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: 7 St. Broughan's Terrace, Clonbullogue, Co. Offaly, R45 RH48.

WHEREAS a question has arisen as to whether or not the renovations and small extension to existing dwelling is or is not development and is or is not exempted development at 7 St Broughan's Terrace, Clonbullogue, Co. Offaly, R45 RH48.

AS INDICATED on the particulars received by the Planning Authority on the 7th November 2024 and 7th January 2025.

AND WHEREAS William and Oonagh Russell have requested a declaration on the said question from Offaly County Council.

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to -


- Section 2(1), 3(1), 4(1)(h) and 4(2)(a) of the Planning and Development Act 2000 (as amended).
- Article 6 of the Planning and Development Regulations 2001 (as amended).
- Class 1 (Development within the curtilage of a house) of Schedule 2 – Exempted Development, Part I of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the renovations and small extension to existing dwelling is development and is exempted development.

NOW THEREFORE Offaly County Council, 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 renovations and small extension to existing dwelling at 7 St Broughan's Terrace, Clonbullogue, Co. Offaly, R45 RH48 **is development and is exempted development**.

MATTERS CONSIDERED In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and regulations made thereunder, it was required to have regard. Such matters include any submissions and observations received by it in accordance with statutory provisions.


Administrative Officer


Date

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

Planning Report

Section 5 Declaration

File Reference:	Dec. 24/114
Question:	Whether or not the renovations and small extension to existing dwelling is, or is not, development and is, or is not, exempted development.
Applicant:	William and Oonagh Russell
Correspondence Address:	[REDACTED]
Location:	7 St Broughan's Terrace, Clonbullogue, Co. Offaly, R45 RH48.

1. Introduction

The question has arisen as whether renovation and a small extension to an existing dwelling is, or is not development, and if so, is it exempted development.

2. Review and Evaluation of Further Information

Further information (FI) was sought by the Planning Authority on the 7th November 2024 and a response was subsequently received by the Planning Authority on the 7th January 2025.

The following FI was sought, and the response is as follows:

1. *Having regard to the conditions and limitations of Class 1 (Development within the curtilage of a house) of Schedule 2 – Exempted Development, Part I of the Planning and Development Regulations 2001 (as amended), the Applicants are required to provide the following information:*

- a) *Confirm the gross floor area of both the existing and proposed extensions to the dwelling.*

The Applicants have advised that the floor area of the existing dwelling is 91m² and that of the proposed extension is 14.8m², giving a total completed floor area of 105.8m².

- b) *Confirm that the height of the walls of the proposed extension shall not exceed the height of the rear wall of the house.*

The Applicants have advised that the proposed new wall heights do not exceed the height of the existing wall height.

- c) *Clarify the exact height and details of the proposed extension's roof.*

The Applicants have provided detailed drawings of the proposed extension which is acceptable.

- d) *Confirm that the roof of the proposed extension shall not be used as a balcony or roof garden.*

The Applicant have confirmed that no part of the proposed extension shall be used as a balcony or roof garden.

The Applicants may consider submitting an elevation drawing of the proposed extension to address 1(b) and (c).

The Applicants submitted additional drawing as part of the further information received.

3. Appropriate Assessment

A screening exercise for an appropriate assessment has been carried out and it has been concluded that the existing development is unlikely to have significant effects on any European sites. Please see attached report under Appendix A.

9. Environmental Impact Assessment Screening

The proposed development does not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the *Planning and Development Regulations 2001 (as amended)* and therefore is not subject to EIA requirements.

10. Conclusion and recommendation

Having assessed the further information received and the previous planning report on file, it is considered that the proposed extension and associated works at the subject site **is development and is exempted development.**

Development and Exempted Development

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether or not the renovations and small extension to existing dwelling is or is not development and is or is not exempted development at 7 St Broughan's Terrace, Clonbullogue, Co. Offaly, R45 RH48.

AS INDICATED on the particulars received by the Planning Authority on the 7th November 2024 and 7th January 2025,

AND WHEREAS William and Oonagh Russell have requested a declaration on the said question from Offaly County Council;

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to -

- (a) Section 2(1), 3(1), 4(1)(h) and 4(2)(a) of the *Planning and Development Act 2000 (as amended)*.
- (b) Article 6 of the *Planning and Development Regulations 2001 (as amended)*.
- (c) *Class 1 (Development within the curtilage of a house) of Schedule 2 – Exempted Development, Part I of the Planning and Development Regulations 2001 (as amended)*.

AND WHEREAS Offaly County Council has concluded that the renovations and small extension to existing dwelling is **development and is exempted development**.

NOW THEREFORE Offaly County Council, 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 renovations and small extension to existing dwelling at 7 St Broughan's Terrace, Clonbullogue, Co. Offaly, R45 RH48 is **development and is exempted development**.

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.



Enda Finlay
Graduate Planner

9th January 2025



Ed Kelly
ASEP

27th January 2025

Appendix A

Establishing if the proposal is a 'sub-threshold development':	
Planning Register Reference:	DEC24/114
Development Summary:	Renovations of existing dwelling and rear extension
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
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)	
No, the development is not a project listed in Schedule 5, Part 2	No Screening required



Enda Finlay
Graduate Planner

9th January 2025