

**OFFALY COUNTY COUNCIL
DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED**

REFERENCE: DEC 24/115

NAME OF APPLICANT: Susan and Martin Ginty

ADDRESS FOR CORRESPONDENCE: [REDACTED]

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as whether the proposed renovation of existing dwelling which comprises of: roof and chimney repairs; new PVS window and doors; remove lower floor ceilings and repair upstairs ceilings with plaster board; insulation; plumbing upgrade; electrical upgrade; carpentry upgrade; fitted kitchen, new bathroom suite and shower unit; floor coverings; internal and external painting; new gate and fencing to the rear of property; internal doors and framed architecture and skirting boards for all the rooms.

LOCATION OF DEVELOPMENT: 34 Marian Square, Clara, Co. Offaly, R35 YE28.

WHEREAS a question has arisen as to whether the proposed renovation of existing dwelling which comprises of: Roof & Chimney repairs; New PVC windows and doors; Remove lower floor ceilings and repair upstairs ceilings with plaster board; Insulation; Plumbing upgrade; Electrical upgrade; Carpentry upgrade; Fitted kitchen new bathroom suite and shower unit; Floor coverings; Internal & external painting; New gate & fencing to rear of property; Internal doors & framed architecture & Skirting boards for all rooms is or is not development and is or is not exempted development at 34 Marian Square, Clara, R35 YE28

AS INDICATED on the particulars received by the Planning Authority on the 5th November 2024 and 3rd December 2024

AND WHEREAS Susan & Martin Ginty, [REDACTED] 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 & Development Act 2000, as amended.
- (b) Article 6 (1) of the Planning and Development Regulations 2001 (as amended).
- (c) Schedule 2, Part 1, Class 5 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the proposed renovation of existing dwelling which comprises of: Roof & Chimney repairs; New PVC windows and doors; Remove lower floor ceilings and repair upstairs ceilings with plaster board; Insulation; Plumbing upgrade; Electrical upgrade; Carpentry upgrade; Fitted kitchen new bathroom suite and shower unit; Floor coverings; Internal & external painting; New gate & fencing to rear of property; Internal doors & framed architecture & Skirting boards for all rooms **is development and is exempted development.**

NOW THEREFORE Offaly County Council has concluded that the proposed renovation of existing dwelling which comprises of: Roof & Chimney repairs; New PVC windows and doors; Remove lower floor ceilings and repair upstairs ceilings with plaster board; Insulation; Plumbing upgrade; Electrical upgrade; Carpentry upgrade; Fitted kitchen new bathroom suite and shower unit; Floor coverings; Internal & external painting; New gate & fencing to rear of property; Internal doors & framed architecture & Skirting boards for all rooms is development and is exempted development at 34 Marian Square, Clara, Co. Offaly, R35 YE28.

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 included any submissions and observations received by it in accordance with statutory provisions.



Administrative Officer

18/Dec/24

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. 24/115
Question:	Whether the proposed renovation of existing dwelling which comprises of: • Roof & Chimney repairs, • New PVC windows and doors, • Remove lower floor ceilings and repair upstairs ceilings with plaster board, • Insulation, • Plumbing upgrade, • Electrical upgrade, • Carpentry upgrade, • Fitted kitchen new bathroom suite and shower unit, • Floor coverings, • Internal & external painting, • New gate & fencing to rear of property, • Internal doors & framed architecture & • Skirting boards for all rooms
Applicant:	Susan & Martin Ginty
Correspondence Address:	
Location:	34 Marian Square, Clara, R35 YE28

SECOND REPORT ON FILE

1. Review of Further Information

Further information was sought by the Planning Authority on 27th November 2024 and subsequently received by the Planning Authority on 3rd December 2024. This report should be read in conjunction with the previous planner's report dated 27th November 2024. The following Further Information was sought and the response is as follows:

1. The Applicants have stated an intention to install a *'new gate & fencing to the rear of the property'*. The Applicants are therefore required to provide further information on the height of the proposed gate and fence

For reference, please see a copy Class 5 of Schedule 2 – Exempted Development, Part I of the Planning and Development Regulations 2001 (as amended):

"The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete."

Conditions and limitations of Class 5 are as follows;

"1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.

2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.

3. No such structure shall be a metal palisade or other security fence."

Applicants Response: The Applicants have indicated the proposed fence at the rear of the property shall be approximately 6m in length and will not exceed 1.83 metre in height. Additionally the proposed gate will be 900mm in width. The Applicants have also included an photo of the proposed boundary fence.

Planners Appraisal: The further information received in relation to item 1 was assessed by the Planning Authority who are satisfied with the response.

APPROPRIATE ASSESSMENT (AA)

The subject site is located 2.48km from SAC 000572-Clara Bog

Having regard to nature of the proposed development which comprises of the proposed renovation of existing dwelling at 34 Marian Square, Clara, R35 YE28 and due to a lack of any pathway to a 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 and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

EIA SCREENING:

No Screening required, see appendix A attached.

CONCLUSION:

Having assessed the further information received and the previous planning report on file, it is considered the renovation of existing dwelling is development and is exempted development.

Declaration on Development and Exempted Development

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

WHEREAS a question has arisen as to whether the proposed renovation of existing dwelling which comprises of:

- Roof & Chimney repairs,
- New PVC windows and doors,
- Remove lower floor ceilings and repair upstairs ceilings with plaster board,
- Insulation,
- Plumbing upgrade,
- Electrical upgrade,
- Carpentry upgrade,
- Fitted kitchen new bathroom suite and shower unit,
- Floor coverings,
- Internal & external painting,
- New gate & fencing to rear of property,
- Internal doors & framed architecture &
- Skirting boards for all rooms

is or is not development and is or is not exempted development at 34 Marian Square, Clara, R35 YE28

AS INDICATED on the particulars received by the Planning Authority on the 5th November 2024 and 3rd December 2024

AND WHEREAS, Susan & Martin Ginty, [REDACTED] F26 Y6W3 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 & Development Act 2000, as amended.
- (b) Article 6 (1) of the Planning and Development Regulations 2001 (as amended).
- (c) Schedule 2, Part 1, Class 5 of the Planning and Development Regulations 2001 (as amended).

AND WHEREAS Offaly County Council has concluded that the proposed renovation of existing dwelling which comprises of:

- Roof & Chimney repairs,
- New PVC windows and doors,
- Remove lower floor ceilings and repair upstairs ceilings with plaster board,
- Insulation,
- Plumbing upgrade,

- Electrical upgrade,
- Carpentry upgrade,
- Fitted kitchen new bathroom suite and shower unit,
- Floor coverings,
- Internal & external painting,
- New gate & fencing to rear of property,
- Internal doors & framed architecture &
- Skirting boards for all rooms

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 proposed renovation of existing dwelling which comprises of:

- Roof & Chimney repairs,
- New PVC windows and doors,
- Remove lower floor ceilings and repair upstairs ceilings with plaster board,
- Insulation,
- Plumbing upgrade,
- Electrical upgrade,
- Carpentry upgrade,
- Fitted kitchen]new bathroom suite and shower unit,
- Floor coverings,
- Internal & external painting,
- New gate & fencing to rear of property,
- Internal doors & framed architecture &
- Skirting boards for all rooms

is development and is exempted development at 34 Marian Square, Clara, R35 YE28

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.

Michael Duffy

Michael Duffy

Executive Planner

16th December 2024

Ed Kelly

Ed Kelly

Acting Senior Executive Planner

17th December 2024

Appendix A

Establishing if the proposal is a ' <i>sub-threshold development</i> ':	
Planning Register Reference:	Dec24/115
Development Summary:	Renovations of existing dwelling
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

