

Date: 23rd January 2024. Our Ref: ED/1091.

Philip Kelly, 52 Carton Wood, Maynooth, Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 52 Carton Wood, Maynooth, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 15th December 2023 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard. Also enclosed is Receipt no. FIN1/0/494597 in relation to fee paid.

Yours sincerely,

Senior Executive Officer, Planning Department.



Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/001091.

WHEREAS a question has arisen as to whether a single storey 10.78sqm sloped roof extension to the side of the existing residential dwelling at 52 Carton Wood, Maynooth, Co. Kildare is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 15th December 2023

AND WHEREAS Philip Kelly requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

(a) Planning and Development Act 2000 (as amended) and

(b) Planning and Development Regulations 2001 (as amended);

AND WHEREAS Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

(a) Sections 3 and 5 of the Planning and Development Act 2000 (as amended);

(b) Schedule 2, Part 1, Class 3 (exempted Development – General – Development within the curtilage of a house) of the Planning and Development Regulations 2001 (as amended)

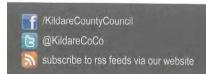
NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that a single storey 10.78sqm sloped roof extension to the side of the existing residential dwelling at 52 Carton Wood, Maynooth

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.

23rd January 2024.

Senior Executive Officer, Planning Department.



KILDARE COUNTY COUNCIL

PLANNING & STRATEGIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development & exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1091				
Name Of Applicant(s): Philip Kelly				
Address Of Development:	52 Carton Wood, Maynooth W23 H3A0			
Development Description:	Side panel covering not extending past front wall of house. Polycarbonate translucent roof sheeting. Hardwood door at both ends.			

1. Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether a single storey 10.78sqm sloped roof extension to the side of the existing residential dwelling at 52 Carton Wood, Maynooth W23 H3A0 is exempted development.

2. Site Location

The site is located adjacent at Carton Wood, Maynooth. It is a semi-detached residential dwelling.

3. Description of Proposed Development

10.78sqm sloped roof extension to the side of the existing residential dwelling. Hardwood doors and doors frame to front and rear with polycarbonate roof sheeting.

4. Relevant Planning History

No recent planning applications on the subject site.

09/08 – Permission granted for a residential scheme of 151 dwelling. Extended under REF 14/519.

5. Relevant Legislative Background

Planning and Development Act 2000 (as amended)

Section 2(1)

'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.

Section 3(1)

In this Act, 'development' means, except where the context otherwise requires, 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.

Planning and Development Regulations 2001 (as amended)

- Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development 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

- Schedule 2, Part 1

Class 1

Development within the curtilage of a house

"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."

There are a number of conditions and limitations (Column 2) attached to Class 1, which are assessed as follows:

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 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.
 - (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.
 - 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.
 - (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.
 - (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.
 - 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
 - 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.
 - (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.

- (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.
- 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.
- 6. (a) Any window proposed at ground level in any such extension shall not be 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.
 - (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.
- 7. The roof of any extension shall not be used as a balcony or roof garden.

3. Assessment under Class 1.

The construction of an extension to the side of a dwelling constitutes 'works' as defined by Section 2 of the Act and 'development' as defined by Section 3 of the Act.

The legislation provides for exempted domestic extensions in Article 6 and Schedule 2, Part 1, Class 1 of the Regulations (quoted above) where the extension is located to the <u>rear</u> of the house. The plans submitted with the Declaration indicate that the extension projects from the <u>side</u> of the dwelling only and therefore it is not located entirely or partly to the rear of the house. In this regard, Class 1 of Part 1 of Schedule 2 of the Regulations does not apply.

4. Class 3

Development within the curtilage of a house

"The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure."

There are a number of conditions and limitations (Column 2) attached to Class 3, which are assessed as follows:

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
- 3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
- 4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.

- 5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
- 6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

5. Assessment under Class 3.

When assessed against Class 3 and the 6 no. conditions contained therein, it is considered that the proposal does conform with the aforementioned conditions.

6. Conclusion.

Having regard to:

- Sections 3 and 5 of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and:
- Schedule 2, Part 1, Class 3 (exempted Development General Development within the curtilage of a house) of the Planning and Development Regulations 2001 (as amended);

It is considered that the proposal for a single storey 10.78sqm sloped roof extension to the side of the existing residential dwelling at 52 Carton Wood, Maynooth W23 H3A0 **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Recommendation

It is recommended that the applicant be advised that the development as described in the application is development and is exempted development.

(See draft declaration included overleaf)

Januar Mulyrol

Damien McGrath Assistant Planner 11/01/2024

Kehinde Oluwatosin Senior Executive Planner 15/01/2024



Aoife Brangan A/SP 16/01/24

Declaration of Development & Exempted Development under

Section 5 of the

Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether a single storey 10.78sqm sloped roof extension to the side of the existing residential dwelling at 52 Carton Wood, Maynooth W23 H3A0 is exempted development.

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NOW THEREFORE Kildare 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 a single storey 10.78sqm sloped roof extension to the side of the existing residential dwelling at 52 Carton Wood, Maynooth W23 H3A0 *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

Signed:

APPROPRIATE ASSESSMENT SCREENING REPORT AND CONCLUSION STATEMENT

(A) Project Details				
Planning File Ref	ED1091			
Applicant name	Philip Kelly			
Development Location	52 Carton Wood, Maynooth W23 H3A0			
Site size	Approx. 0.02Ha			
Application accompanied by an EIS (Yes/NO)	No			
Distance from Natura 2000 site in km	Rye Water Valley Carton SAC ca. 4km southeast of site			
Description of the project/proposed development — single storey side extension				

(B) Identification of Natura 2000 sites which may be impacted by the proposed development				
		Yes/No		
			If answer is yes, identify list name of Natura 2000 site likely to be impacted.	
1	Impacts on sites designated for	Is the development within a Special Area of	No	

	freshwater habitats or species. Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?	
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?	No
3	Impacts on designated terrestrial habitats. Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?	No
4	Impacts on birds in SPAs Sites to consider: Poulaphouca Resevoir	Is the development within a Special Protection Area, or within 5 km of same?	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

No further assessment in relation to habitats or birds is required.

If the answer is **Yes** refer to the relevant sections of **C.**

	SCREENING CONCLUSION STATEMENT cted relevant category for project assessed by ticking box.	
1	AA is not required because the project is directly connected with/necessary to the conservation management of the site	
2	No potential significant affects/AA is not required	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	

Justify why it falls into relevant category above (based on information in above tables)

Having regard to the proximity of the nearest SAC sites, and the relatively small-scale nature and extent of the proposal, it is not considered a potential exists for significant effects on the Natura 2000 network.

Name:	Damien McGrath				
Position:	Assistant Planner				
Date:	11/01/2024				

COMHAIRLE CONTAE CHILL DARA





Director of Services Order

I, Alan Dunney, Director of Services, am duly authorised and delegated by Chief Executive's Order number: CE48043 to make the following Order in accordance with Section 154 of the Local Government Act, 2001, as amended.

ORDER NO:

DO50898

Section:

Planning

SUBJECT:

ED1091.

Application for a Declaration of Exempted Development under Section

5 of Planning and Development Act 2000 (as amended) for development at 52 Carton Wood, Maynooth, Co. Kildare.

SUBMITTED:

File Ref. ED1091 with recommendation from the A/Senior Planner and

reports from the Council's Technical Officers.

ORDER:

I hereby order the following Kildare 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 development is development and is exempted development.

SIGNED: Aland

MADE THIS

DAY

YEAR 2024

DIRECTOR OF SERVICES

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended

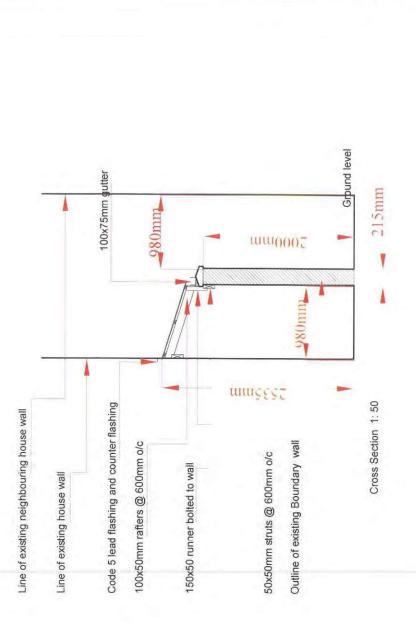
Incomplete application forms will be deemed invalid and returned



All responses must be in block letters

Section 1	Details of Applicants	
2 Address		PHILIP N/A
Section 2	Person/Agent acting on behalf of applicant (if applica	able)
1. Name of Po		
Section 3	Company Details (if applicable)	
	Phone No	
Section 4	Details of Site	RECEIVED
1. Planning H	listory of Site NONE, NEW BUILD	
***************************************		1AYNOOTH
3. Ordnance S	Survey Sheet No. 3192-B	
	e the Applicants interest in the site OWNER, OC	CUPIER
5. Please state	e the extent of the proposed development	AGE COVERING

and	Ider what Section of the Planning and Development 2000 as amended and/or what provision of the I Development Regulations 2001 as amended is exemption sought (specific SCHEOULE 2 (PART 1) CLASS 3 PLANNING & DEVELOPMENT REGULATIONS 2001 AS AMENDED	details
	ease give a detailed description of the Proposed Development (Use separate page if necessary)	
	SIDE PASSAGE COVERING NOT EXTENDING PAST FRONT WA	ILL
	POLY CARBONATE TRANSLUCENT ROOF SHEETING- HARDWOOD DOOR AT BOTH ENDS	
	•••••••••••••••••••••••••••••••••••••••	
Secti	on 5 The following must be submitted for a valid application	
1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	; Tick)
2.	A Site Layout Plan (Scalc 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	
4,	All drawings to differentiate between the original building, all extensions and proposed development	
5.	Fee of 80 Euro	
Sect	ion 6 Declaration	· · · · · · · · · · · · · · · · · · ·
	HILIP KELLY certify that all of the above information is correct and I have submitted documents as outlined at Section 6 above.	ed all the



Notes: All dimensions to be checked on site.

Do not scale from this Drawing.

Use figured dimensions in all cases.
Report all discrepancies to Architects immediately.

This drawing is to be read in conjunction with Architect's specification.

This Drawing is copyright.

And in Drawing is copyright.

Project

Project

Project

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Drawing: Elevation - Section

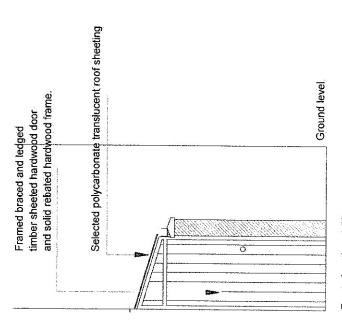
Scale 1:50

Drawn by P.Kelly

131223 / 02

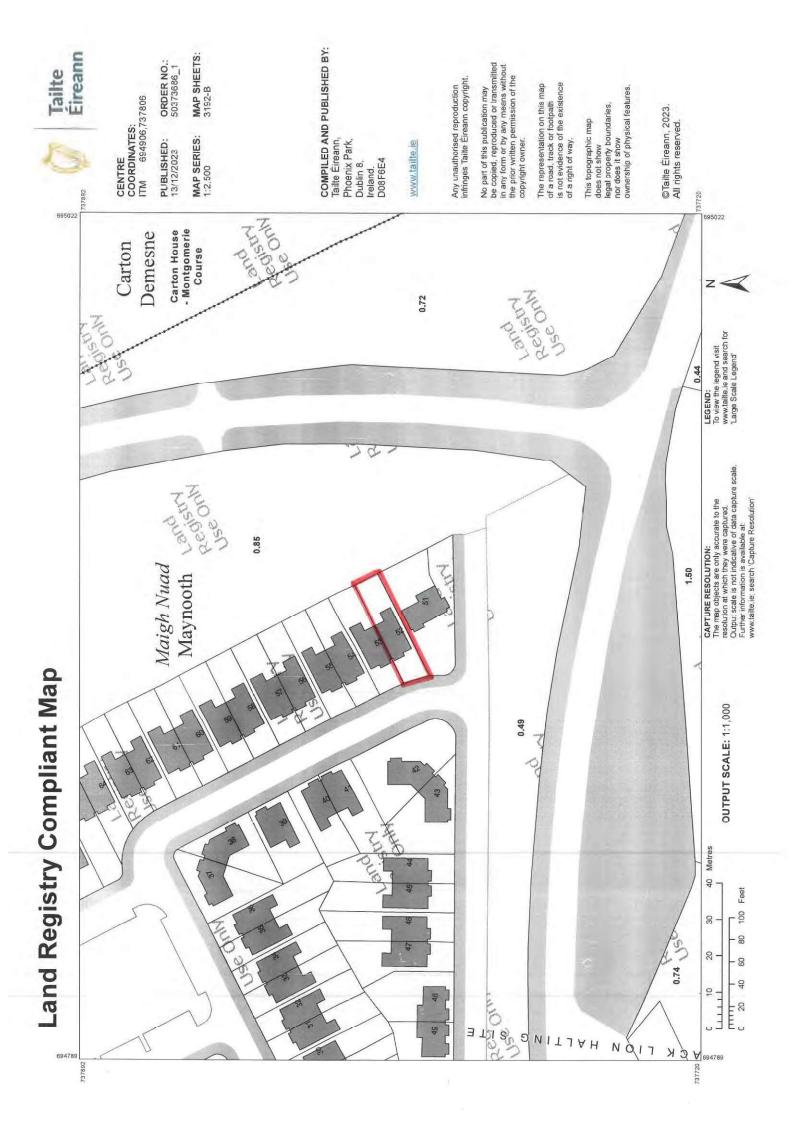
CAD Ref : Carlon Wood / Construction drawing

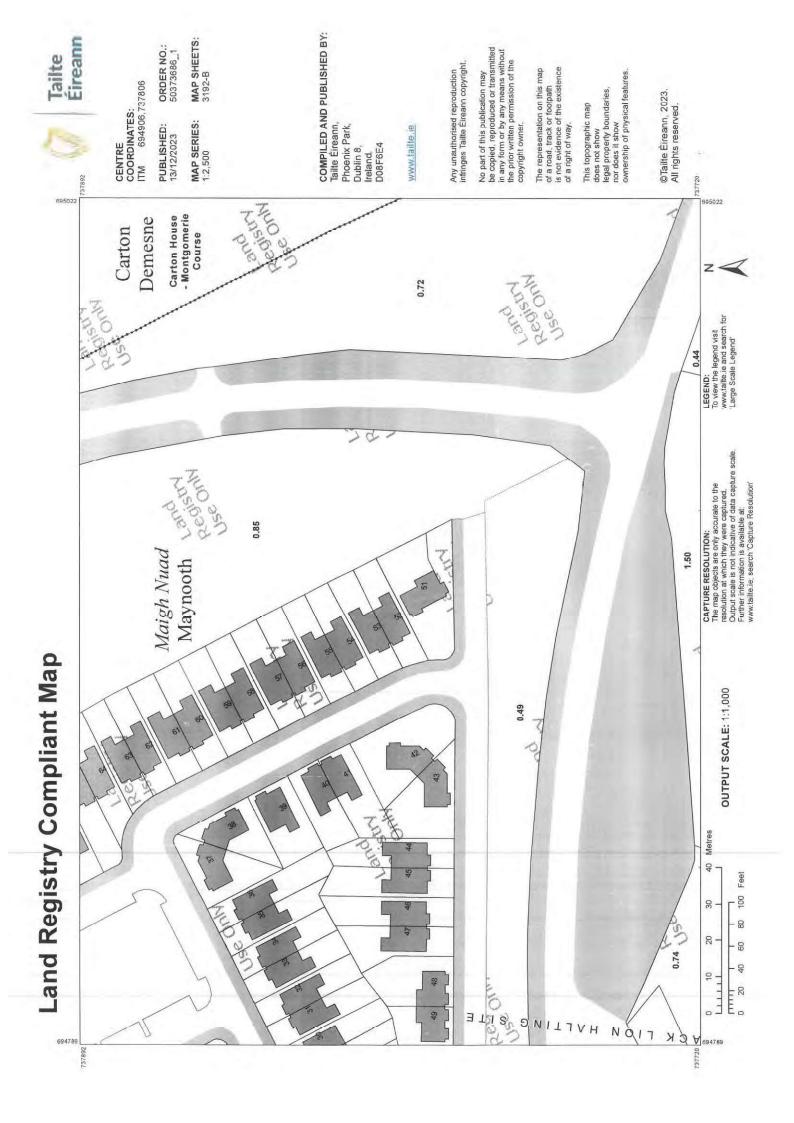
Structure is 11.0 m long set back 2.0m from the front of the house and running the full length of the gable wall.

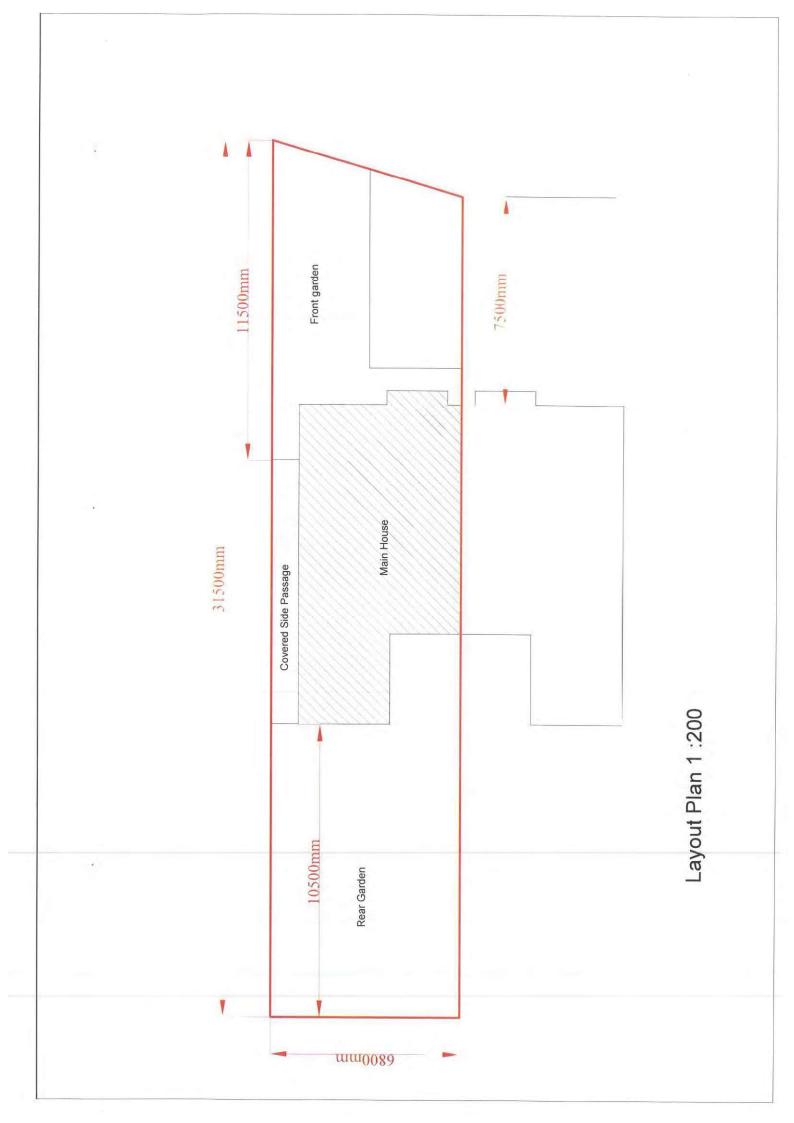


Front elevation 1:50

Notes: All dimensions to be checked on site. Do not scale from this Drawing. Use figured dimensions in all cases. Report all discrepanicles to Architects immediately. This drawing is to be read in conjunction with Architect's specification. This Drawing is copyright.	Ω m ∢ Z.	Philip Kelly	SZ Carton Włod. Mayooth, Co. Kildete. VZ3 H3A0.	Tel: Mob: 087 979 0776 erteil: phild2tp@hotmail.com	Project Proposed covered side enfrance to house at 52 Carton Wood Maynooyn, Co. Kildare.	Client : Philip Kelly	Drawing.: Elevation - Section	131223102	CAD Ref : Carton Wood / Construction drawing







FINANCE CASH OFFICE Kildare County Council Aras Chill Dara Devoy Park Naas Co. Kildare 15/12/2023 11:59:18

Receipt No.: FIN1/0/494597

ED1091 Philip Kelly

PLANNING EXEMPT DEVELOP FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable

80.00 EUR Total:

Tendered Cash

80.00

Change

0.00

Issued By : Sally Pallister Finance Section From : Financial Lodgement Area Vat red No 0440571C