

Comhairle Contae Chill Dara
Kildare County Council



Date: 14th June 2024.
Our Ref: ED/1126.

Margaret Reilly,
c/o Brian Connolly & Associates,
The Studio,
Woods Way,
Clane,
Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 3 Rath Avenue, Prosperous, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 14th May 2024 in connection with the above. Please find enclosed Receipt no. FIN1/0/499678 in relation to fee paid.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

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/1126.

WHEREAS a question has arisen as to whether single storey domestic extension at 3 Rath Avenue, Prosperous, Co. Kildare is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 14th May 2024

AND WHEREAS Margaret Reilly 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 proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) - Exempted Development – "Development within the curtilage of a house" "Development within the curtilage of a house" and
- (d) The nature, extent and purpose of the works,

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 the construction of a single storey extension to the rear of the existing dwelling.

IS development and IS EXEMPTED development pursuant to Section 2, 3, 4 and 5 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

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.

14th June 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. ED1126

Name Of Applicant(s):	Margaret Reilly
Address Of Development:	3 Rath Avenue, Prosperous, Co. Kildare.
Development Description:	Single storey extension to the rear of existing dwelling
Due date	11/06/2024

Introduction

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000 (as amended) to establish whether under Section 5 of the Act the works to construct a single storey domestic extension to the rear of a detached bungalow at 3 Rath Avenue is or is not exempted development.

Site Location

The site is located in the Rath Avenue Estate of the town of Prosperous, County Kildare. The estate consists of all single storey detached/semi-detached bungalows. The site is adjacent to Rath Avenue which then connects to the R403 which runs east to west through the centre of the town. The shared green space within the residential area is a ringfort. The ringfort is a protected structure (B13-07) which is c. 5 meters from the boundary of site and existing dwelling. The site is c. 915m from the Ballynafagh Bog SAC.

Description of Proposed Development

The proposed development consists of the construction of a single storey extension to the rear of the existing dwelling. The extension shall have a floor area of 39.97sqm and comprises a new living area and an additional bedroom with an en-suite bathroom. Having regard to the documents submitted to the Planning Authority it is shown that the extension shall have a flat roof. The north face of the extension shall have 1 small window, there is a large bedroom window and patio door access proposed on the east-facing sections and 2 windows on the south sides of the extension. There are plans to include 2 roof windows to the rear of the existing dwelling.

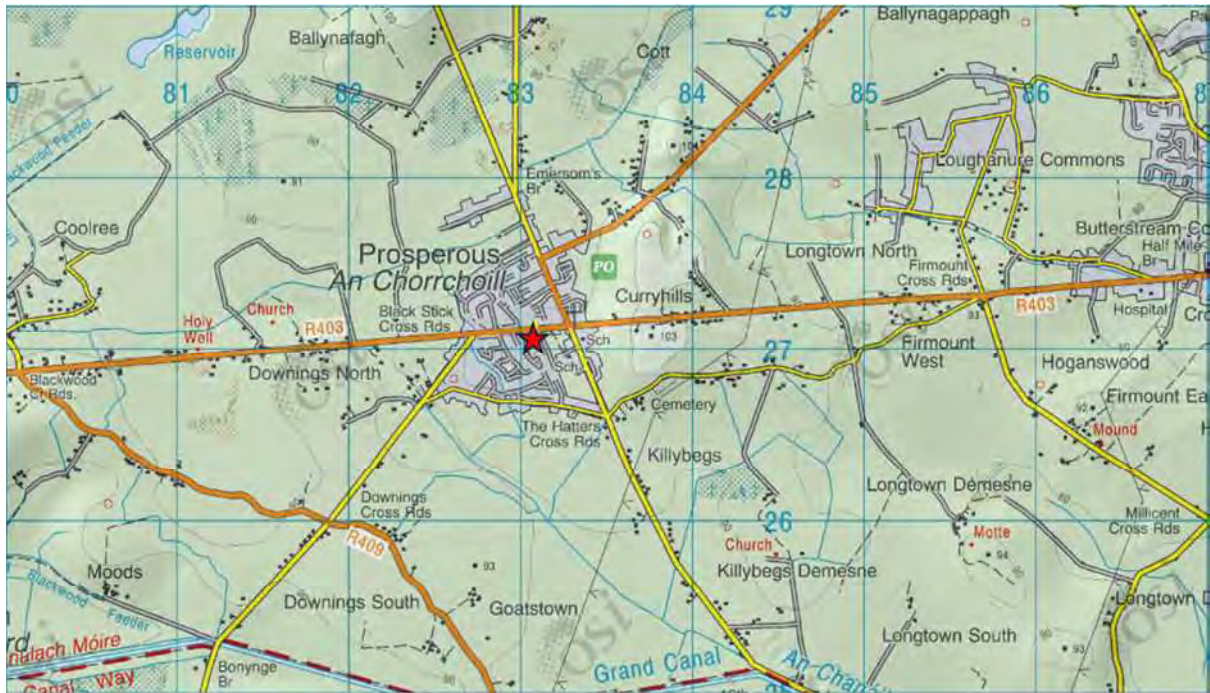


Fig 1: Site Location and context (site denoted by red star)



Fig 2: Aerial view of subject site (GIS)

Planning History

There is no recent planning history on the site however the following is noted in the same housing estate:

08/2148 -Permission granted with conditions to Sean O'Reilly at 4 Rath Avene, Prosperous for the following:

- (A) erection of a single storey extension to rear (west) elevation of existing house.
- (B) erection of a single storey extension to side (north) elevation of existing house.
- (C) attic conversion for domestic use with 4 no. velux roof windows to front (east) elevation and 7 no. velux roof windows to rear (west) elevation.

- (D) insertion of window for means of escape in side (north) elevation.

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.

Section 4(1)

*The following shall be exempted development for the purposes of the Act-
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

Section 5(7) EIA Screening

The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001(as amended). In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

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.

Article 9 (1)(a)(i)

Restrictions on exemption.

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.

(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,

Schedule 2 Part 1

Development within the curtilage of a house

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' shall be exempted,

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.*

Assessment

Having regard to definition of “development” under Section 3(1) of the Planning and Development Act 2000 (as amended), the subject works are considered to constitute development.

The application seeks a Declaration of Exempted Development on the basis of Article 6, which relates to development within the curtilage of a house.

The application has been assessed against each of the provisions of Class 1, column 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

Development within the curtilage of a house (as above)

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’ shall be exempted,

There are a number of conditions and limitations attached to Class 1, which have been assessed in the context of the extension 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.

The site does not appear to have been extended previously and according to documents submitted to the County Council the floor area of the proposed extension shall be 39.97sqm.

(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 existing dwelling is detached (not applicable).

(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 full extension will be at ground level (not applicable).

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The site/ house/ existing dwelling does not appear to have been extended previously (not applicable).

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

The house is a detached bungalow (not applicable).

(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 site/ house/ existing dwelling does not appear to have been extended previously (not applicable).

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

The full extension will be at ground level (not applicable).

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.

According to the documentation submitted, the height of the walls of the extension shall be equal to 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 existing structure does not include a gable (not applicable).

(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 extension will be 3.125 meters in height whereas the highest part of the roof of the current dwelling is 6.225 meters.

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.

According to the documentation submitted to the Planning Authority the remaining rear private open space following the completion of the works shall be well in excess of 25sqm.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

There shall be a distance of 3.5meters from the nearest window to the boundary wall on the North side of the extension. In addition there shall be a distance of 2.2 meters from the nearest window to the boundary wall on the South side of the extension.

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

The full extension will be at ground level (not applicable).

(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.

The full extension will be at ground level (not applicable).

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

Having regard to the documentation submitted to the Planning Authority there is no balcony nor any roof garden included in the proposal.

Conclusion


Having regard to:

- Sections 2, 3, 5 , etc.. of the Planning and Development Act 2000 (as amended);
- Articles 6 and 9 and Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) - Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) - Exempted Development – “Development within the curtilage of a house “Development within the curtilage of a house” and
- The nature, extent and purpose of the works;

it is considered that the proposed works **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

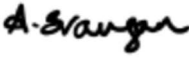
It is recommended that the applicant be advised that the development as described in the application **IS** development and **IS** exempted development.



Signed:
Planner: Cian Buckley Date: 31/05/2024



Kehinde Oluwatosin
Senior Executive Planner
13/06/2024



Aoife Brangan
A/SP
14/06/24

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 the construction of a single storey extension to the rear of the existing dwelling

AS INDICATED on the plans and particulars received by the Planning Authority on 14/05/2024

AND WHEREAS Margaret Reilly 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 proposal comprises of development to which the provisions of the following applies:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 in Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) - Exempted Development – “Development within the curtilage of a house” and “Development within the curtilage of a house” and
- (d) The nature, extent and purpose of the works,


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 -

The construction of a single storey extension to the rear of the existing dwelling,

IS development and IS EXEMPTED development pursuant to Section 2, 3, 4 and 5 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended.

Please note that any person issued with a declaration under Section 5 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.

Appendix 1: Appropriate Assessment Screening

	APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION
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(A) Project Details	
Planning File Ref	ED1126
Applicant name	Margaret Reilly
Development Location	3 Rath Avenue, Prosperous, County Kildare, W91 H50F
Site size	0.09
Application accompanied by an EIS (Yes/NO)	No
Distance from Natura 2000 site in km	871 meters
Description of the project/proposed development – The development consists of the construction of a single storey extension to the rear of the existing dwelling.	

(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 freshwater habitats or species. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i>	No
2	Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton	<i>Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog,</i>	Yes

	Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>marsh, fen or heath), or within 1 km of same?</i>	
3	Impacts on designated terrestrial habitats. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	<i>Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?</i>	No
4	Impacts on birds in SPAs <u>Sites to consider:</u> Poulaphouca Reservoir	<i>Is the development within a Special Protection Area, or within 5 km of same?</i>	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**.

(C) Identification of Potential Impacts on Habitats and Birds.		
1	Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species. <i>Answer the following if the answer to question 1 in table B was YES</i> <i>Does the development involve any of the following:</i>	
1.1	Works within the boundary of a Special Area of Conservation excluding small extensions/alterations to existing buildings.	N
1.2	Discharge to surface water or groundwater within 5km of SAC.	N
1.3	Abstraction from surface water or groundwater within 5km of SAC.	N
1.4	Removal of topsoil within 500m of watercourses	N
1.5	Infilling or raising of ground levels within 100m of watercourses	N
1.6	Construction of drainage ditches within 1km of SAC.	N
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500 m of watercourses	N
1.8	Construction within a floodplain or within an area liable to flood	N

1.9	Crossing or culverting of rivers or streams within 5km of SAC	N
1.10	Storage of chemicals, hydrocarbons or organic wastes within 1km of a watercourse	N
1.11	Development of a large scale which involves the production of an EIS	N
1.12	Development of quarries/mines	N
1.13	Development of windfarms	N
1.14	Development of pumped hydroelectric stations	N
1.15	Construction of roads or other infrastructure on peat habitats within 1km rivers, streams, lakes and fresh water dependant habitats	N
2	Impacts on designated wetlands - bogs, fens, marshes and heath. <i>Answer the following if the answer to question 2 in table B was YES</i> <i>Does the development involve any of the following:</i>	
2.1	Works within the boundary of a Special Area of Conservation excluding small extensions/alterations to existing buildings.	N
2.2	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a Natura 2000 site	N
2.3	Development of a large scale within 1km of bog, marsh, fen or heath habitat within a Natura 2000 site which involves the production of an EIS	N
3	Impacts on other designated terrestrial habitats (woodland, grasslands) <i>Please answer the following if the answer to question 3 in table B YES</i> <i>Does the development involve any of the following:</i>	
3.1	Works within the boundary of a Special Area of Conservation.	NA
3.2	Development within 200m of Natura 2000 site with woodland, grassland or coastal habitats.	NA
3.3	Development of a large scale within 1km of Natura 2000 site with woodland, grassland or coastal habitats which involves the production of an EIS.	NA
4	Impacts on birds in SPAs <i>Answer the following if the answer to question 4 in table B was YES</i>	

	<i>Does the development involve any of the following:</i>	
4.1	Works within the boundary of a Special Protection Area excluding small extensions/alterations to existing buildings.	
4.2	Erection of wind turbines within 5km of an SPA.	NA
4.3	Proposed discharges directly to SPA	NA
4.4	Development of cycleways or walking routes within 100m of SPA	NA

(G) SCREENING CONCLUSION STATEMENT		
<i>Selected relevant category for project assessed by ticking box.</i>		
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 Natura 2000 site and given the nature and extent of the proposed development, it is not considered there would be potential for significant effects on the Natura 2000 network.		
Name:	Cian Buckley	
Position:	Graduate Planner	
Date:	31/05/2024	

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL



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: DO53191 **Section:** Planning

SUBJECT: ED1126.
Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 3 Rath Avenue, Prosperous, Co. Kildare.

SUBMITTED: File Ref. ED1126 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.

MADE THIS 14th DAY

SIGNED: Alan Dunney

OF June 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

1. Name of Applicant(s) A. Surname **REILLY** Forenames **MARGARET**
Phone No. [REDACTED] Fax No.
2. Address **KILLYBEGS, PROSPEROUS, CO. KILDARE (EIRCODE W91 V2T7).**

Section 2 Person/Agent acting on behalf of applicant (if applicable)

1. Name of Person/Agent: Surname **CONNOLLY** Forenames **BRIAN**
Phone No **045 892211** Fax No **N/A.**
2. Address **THE STUDIO, WOOD'S WAY, CLANE, CO. KILDARE.**

Section 3 Company Details (if applicable) **N/A.**

1. Name of Company **N/A.** Phone No Fax No
2. Company Reg. No
3. Address



Section 4 Details of Site

1. Planning History of Site **NOT KNOWN.**
2. Location of Proposed Development **3 RATH AVE., PROSPEROUS, CO. KE. (EIRCODE W91 H50F)**
3. Ordnance Survey Sheet No **KE 3383-D**
4. Please state the Applicants interest in the site **Owner**
5. Please state the extent of the proposed development **Single Storey Domestic Extension To The Rear Of A Detached Bungalow Type Dwelling.**
6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought (*specific details required*)
Planning and Development Regulations 2001, Schedule 2, Class 1.

7. Please give a detailed description of the Proposed Development (Use separate page if necessary).....

The subject property consists of a detached bungalow type dwelling, situated within a mature residential development in the town of Prosperous. The applicant intends to construct a single-storey extension of living space and a new bedroom to the rear of the originally approved dwelling. Confirmation of compliance with section 5 of the planning and development act for this relevant extension is sought in this application. Close consideration of planning regulations has been implemented into the design of the relevant house extension. It is single storey, with a floor area of 39.97m², and would be constructed with a materials palette in keeping with that of the original property, as specified on the relevant drawings. Care has been given to ensure that the subject works do not interfere with adjoining properties. The required separation distances to boundaries, and also provisions for the required levels of private open space, have been facilitated.

Section 5	The following must be submitted for a valid application
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(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	√
2.	A Site Layout Plan (Scale 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	√

Section 6	Declaration
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I, **Derek Malone** certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature: Derek Malone

Date: 09.05.2024



Brian Connolly
Chartered Engineer
BSc (Eng) MSc DIC Ceng MIEI

The Studio, Woods Way, Clane, Co. Kildare

13/05/2024

Planning Department
Kildare County Council,
Aras Chill Dara,
Devoy Park,
Naas,
Co. Kildare.

Re: - Application for Declaration Of Exempt Development under Section 5 of the Planning and Development Act in relation to a single storey domestic extension as proposed to be constructed to the rear of an existing residential property at 3 Rath Avenue, Prosperous, Co. Kildare (Eircode W91H50F).

(Applicants: - M. & S. Reilly)

A chara,

Enclosed please find application documents for a development as described above, and on behalf of our clients. The subject property consists of a detached bungalow type dwelling, situated within a mature residential development in the town of Prosperous. The applicants wish to construct a single-storey extension of living space to the rear of the originally approved dwelling. Confirmation of compliance with section 5 of the planning and development act for this relevant extension is sought in this application. As demonstrated on the accompanying relevant drawings, close consideration of planning regulations was implemented into the design of the subject proposed house extension. The proposed house extension would be of single-storey, and have an overall height less than that of the originally constructed property. It would have a floor area of 39.9m², and would be constructed with a materials palette in keeping with that of the original property, as specified on the relevant accompanying drawings. Care has been given to ensure that the subject works would not interfere with adjoining properties. The required separation distances to boundaries, and also provisions for the required levels of private open space, have been facilitated.

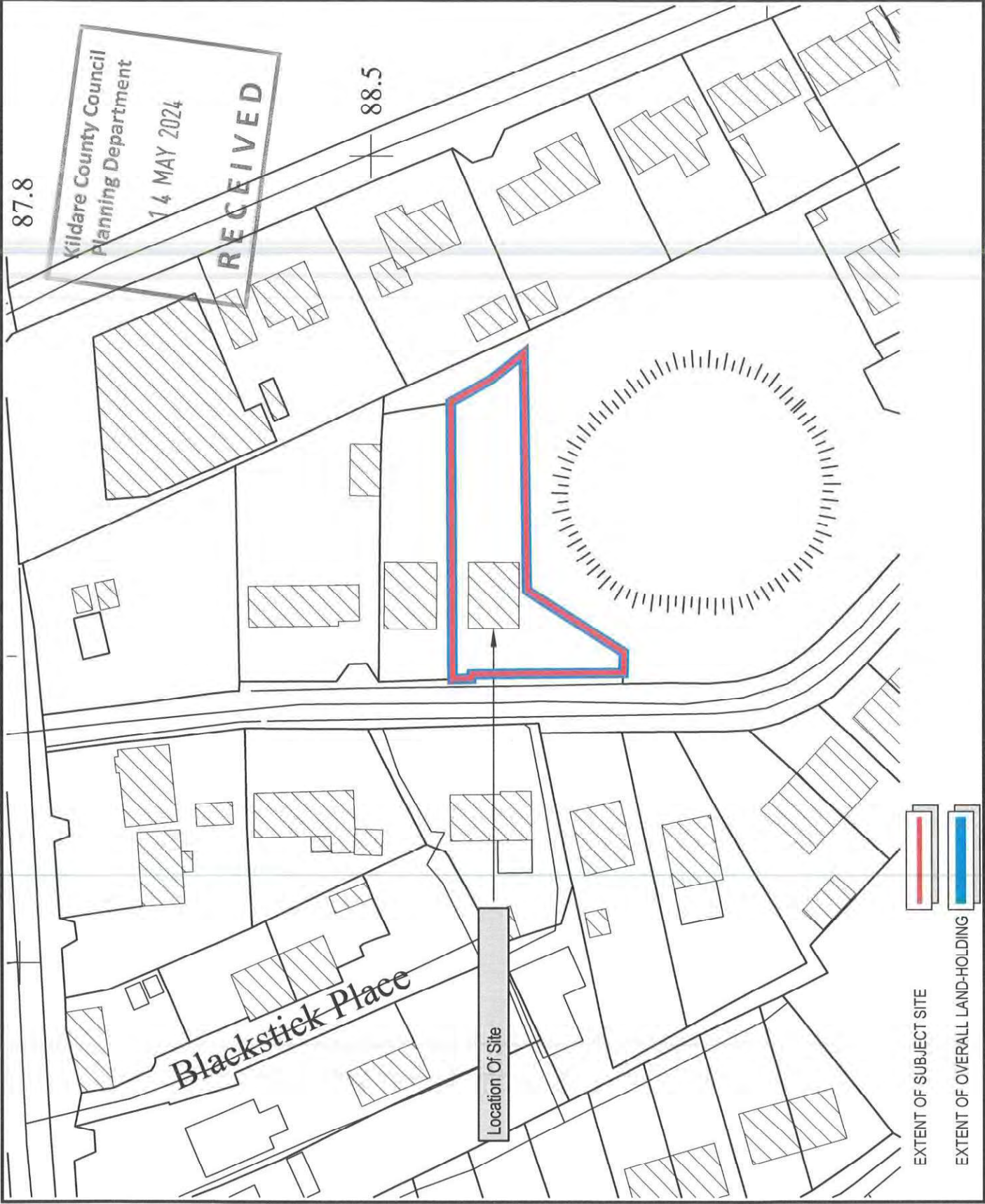
We trust this is in order. Should you require any further information, please contact us.

Yours Sincerely

Brian Connolly Associates.



THIS IS A COMPUTER GENERATED O.S. MAP



Title: Urban Place Map

Drawn By: Derek Malone
Address: Brian Connolly Associates
Wood's Way, Clane
Co. Kildare.



I.T.M. Coordinates 682983.727048
(O.S. Sheet No. 3383-D)

O.S.I. LICENCE NO.
EN 0008919

SCALE 1:1000

Client: S. & M. Reilly.	bca brian connolly associates CONSULTING ENGINEERS BSc Eng. MSc. DIC. C.Eng. M.E.I. The South, Wood's Way, Clane, Co. Kildare. T: 045 802711 F: 045 802620 e: bcaassoc@eircom.net
Job: Proposed Single-Storey Extension To The Rear Of An Existing Bungalow, & Ancillary Site-Works.	
Location: Rath Avenue, Prosperous, Co. Kildare.	
Drawing Title: Site Location Map	
Planning Issue	
job no. 24013	
date 09.05.2024	
scale 1:1000 @ A4	
drawn by Derek Malone	
cad ref no.	
planning ref no.	
fire ref no.	
drawing no. 24013-100	

THIS IS A COMPUTER GENERATED O.S. MAP



Title: **Record Place Map**

Drawn By: Derek Malone
Address: brian connolly associates
Wood's Way, Clane
Co. Kildare.



I.T.M. Coordinates 682983,727048

(O.S. Sheet No. 3383-D)

O.S.I. LICENCE NO.

EN 0008919

SCALE Do NOT Scale



Client:	S. & M. Reilly.
Job:	Proposed Single-Storey Extension To The Rear Of An Existing Bungalow, & Ancillary Site-Works.
Location:	Rath Avenue, Prosperous, Co. Kildare.
Drawing Title:	Record Place Map
bca brian connolly associates CONSULTING ENGINEERS	
BSc Eng. MSc, DIC, C.Eng. MIEI	
The Studio, "Wood's Way", Clane, Co. Kildare. T 045 852211 F 045 852420	
e: bcassoc@eircom.net	
Planning Issue	
job no	24013
date	06.05.2024
scale	Do NOT Scale
drawn by	Derek Malone
cad ref no	-
planning ref no	-
fire ref no	-
drawing no.	24013-101



FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
14/05/2024 15:17:06

Receipt No. : FIN1/0/499678

M&S Reilly

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

Total : 80.00 EUR

Tendered :
Cheque 80.00

Change : 0.00

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