

Date: 10th September 2024.

Our Ref: ED/1140.

loan Kallo, 8 The Close, Ledwill Park, Kilcock, Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 8 The Close, Ledwill Park, Kilcock, Co. Kildare.

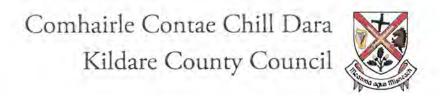
Dear Sir,

I refer to your correspondence received on 22nd July 2024 in connection with the above. Please find enclosed Receipt no. FIN1/0/502210 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/1140.

WHEREAS a question has arisen as to whether a home office/gym at side and rear of 8 The Close, Ledwill Park, Kilcock, Co. Kildare is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 22nd July 2024

AND WHEREAS loan Kallo 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

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

- (a) Sections 2, 3, 6 and 9 of the Planning and Development Act 2000 (as amended).
- (b) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001 (as amended).
- (c) 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 a home office/gym at side and rear of 8 The Close, Ledwill Park, Kilcock, Co. Kildare

IS development and IS NOT EXEMPTED development pursuant to Section 2 and 3 of the Planning and Development Act 2000 (as amended) and Article 6 and Article 9 of the Planning and Development Regulations 2001 (as amended) and Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001 (as amended) for the following reason:

 the proposed external finishes contravene the limitations as set out in Part 1, Class 3, Schedule 2 of the Planning and Development Regulations 2001 (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.

10th September 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/1140						
Name Of Applicant(s):	Ioan Kallo					
Address Of Development:	8 The Close, Ledwill Park, Kilcock, Co. Kildare					
Development Description:	Detached Structure- Home Office/Storage/Gym					

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 which will consist of the construction of a detached home office / storage / gym.

Site Location

The subject site is located in the recently constructed Ledwill Park, approximately 1km south east of Kilcock town centre. There is an existing semi detached 2 storey dwelling present on site. Development in the vicinity consists of dwellings of similar scale, type and site size.

Description of Proposed Development

The proposed development consists of the construction of a home office / storage / gym located to the rear garden and side of the dwelling. The footprint of the building will be 25sqm and remaining open space will be 245sqm. The height of the proposed monopitch structure will be less than 3m.



Fig 1: Site Location and context



Fig 2: Site layout

Fig 3: Subject structure

Planning History

20/97: Permission granted to Glenveagh Homes for amendments to the south-eastern part (1.9 ha of Phase 3) of a larger residential development permitted under KCC Reg. Ref. 16/1345. The proposed amendments include revisions to the south-eastern boundary of the

permitted development arising from the reduction in the overall area of the permitted development by 0.14 ha, together with a consequential minor reduction in a public open space area along the eastern boundary (-246 sqm), and a revised housing mix resulting in an increase in the number of permitted units. It is proposed to revise the previously permitted housing mix through the replacement of 85 no. previously permitted house units (11 no. 2storey, two bed houses; 63 no. 2-storey, three bed houses; 9 no. 2.5 storey, four bed houses and 2 no. 2.5 storey, five bed houses) with 75 no. houses (16 no. 2-storey , two bed houses; 58 no. 2-storey, three bed houses and 1 no. 2.5 storey, four bed house), and 20 no. 2-storey, one bed maisonette units. These proposed amendments result in an increase in the number of permitted units in the overall residential development from 430 to 440 (an increase of 10 no. units). 3 sqm sheds are provided in the rear garden amenity spaces of the proposed house units and 1.5 sqm sheds are provided in the rear garden amenity spaces of the proposed maisonettes. Other works include ancillary car parking provision and the integration of the proposed units with the roads, pedestrian footpaths and infrastructure permitted under KCC Reg. Ref. 16/1345, together with all associated site and development works

16/1345: Permission granted to BHG Property for 450 no. residential units comprising of 54 no. 'Type A' 4 bed house of 169.1m2 (16 detached and 38 semi-detached); 83 no. 'Type B1' optional 2 or 2.5 storey, 3 or 4 bed houses of 111.7 or 147.4m2 (5 detached, 70 semi-detached and 8 end of terrace); 93 no. Type B2 optional 2 or 2.5 storey 3 or 4 bed houses of 111.6sqm or 148.5sqm; 5 detached, 76 semi-detached & 12 end of terrace; 54 no. 'Type B3' optional 2 or 2.5 storey, 3 or 4 bed houses of 110.8m or 147.4m2 m (2 detached, 44 semi-detached and 8 end of terrace); 49 no. 'Type C' 2 storey, 3 bed semi-detached houses of 107.1m2; 43 'Type C1' 2 storey 3 bed semi-detached houses of 111.9m2; 14 no. 'Type D' 2 storey, 3 bed mid-terrace houses of 101.4m2; 14 no. 'Type E' 2 storey, 2 bed mid-terrace houses of 89.2m2; 24 no. 'Type F' 2 storey, 3 bed houses of 102.6m2 (2 semi-detached, 22 end of terrace); 11 no. 'Type G' 2 storey, 3 bed mid-terrace houses of 93.1m2; 11 no. 'Type H' 2 storey, 2 bed mid-terrace houses of 80.4m2; 1 no. two storey crèche with floor area of 569m2; a 230m long boulevard/link road along the northern boundary of GAA lands linking to Penwell Lodge that connects to Molly Ware St; and ancillary site development work.

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 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—....(15 items)

Schedule 2 Part 1

CLASS 3 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.

- 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.

<u>Assessment</u>

The proposed development is considered 'works' and' development' within the definition of same having regard to Section 2(1) and 3(1) of the Planning and development Act 2000, as amended. The Applicant is seeking an exemption under Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001, as amended. Having regard to the limitations of the Class 3 and based on the details submitted with the application, the subject development appears to comply as follows:

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

Due to the configuration of the site, the structure is located partially to the rear and side of the dwelling.

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.

The structure is 25sqm.

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.

245sqm of rear private open space shall remain.

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.

The external finish appears to consist of a wood finish, which differs substantially from the finishes of the existing dwelling. It is therefore considered that limitation no. 4 has not been met.

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.

The structure will have a maximum height of 3m.

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.

The proposed use is incidental to the enjoyment of the house.

While the proposed use of home office and gym is not explicitly indicated in the description of uses - 'tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure' - it can be considered a 'similar structure' for a purpose incidental to the enjoyment of the house.

Conclusion

On the basis of the information provided, it is considered that the proposed development would constitute the carrying of 'works' as indicated above and would therefore constitute development within the meaning given in the Planning and Development Act, 2000, as amended. However, it is not considered that the proposal meets all requirements under Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001, as amended, and is therefore not exempt.

Recommendation

It is recommended that the applicant be advised that the development as described in the application *is development and is NOT exempted development*.

Signed:

A/Senior Executive Planner

06/09/2024

d-svanger

Aoife Brangan A/SP

09/09/24

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 construction of a 25sqm home office / store / gym in the rear garden of a dwelling house 22/07/24 at 8 The Close, Ledwill Park, Kilcock, Co. Kildare.

AS INDICATED on the plans and particulars received by the Planning Authority on

AND WHEREAS loan Kallo 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, 6 and 9 of the Planning and Development Act 2000 (as amended);
- (b) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001 (as amended);
- (c) 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 -

Construction of a 25sqm home office / store / gym in the rear garden of a dwelling house 22/07/24 at 8 The Close, Ledwill Park, Kilcock, Co. Kildare.

IS development and IS NOT EXEMPTED development pursuant to Section 2 and 3 of the Planning and Development Act as amended and Article 6, Article 9 of the Planning and Development Regulations as amended and Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001, as amended for the following reason:

the proposed external finishes contravene the limitations as set out in Part 1, Class
 Schedule 2 of the Planning and Development Regulations 2001 (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.
Signed:

Appendix 1: Appropriate Assessment Screening



APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

(A) Project Details	
Planning File Ref	ED1140
Applicant name	Ioan Kallo
Development Location	8 The close, Ledwill Park, Kilcock
Site size	NA
Application accompanied	No
by an EIS (Yes/NO)	
Distance from Natura 2000	5.7km west of Rye Water Valley/Carton SAC
site in km	
Description of the project/pr	oposed development –
Home office/gym/store	

(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 be to impacted. Impacts on sites designated Is the development within a for freshwater habitats or Special Area of species. Conservation whose no qualifying interests include freshwater habitats and/or Sites to consider: River Barrow and Nore, Rye Water/Carton species, or in the

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

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**.

If the answer is Yes refer to the relevant sections of C .									
(G) SCREENING CONCLUSION STATEMENT									
Selec	Selected 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	2 No potential significant affects/AA is not required								
3	Significant ef	fects are certain, likely or uncertain.							
	Seek a Natura Impact Statement								
	Reject proposal. (Reject if potentially damaging/inappropriate)								
Justify	Justify why it falls into relevant category above (based on information in above								
tables)								
Having	Having regard to the proximity of the nearest SAC and given the location, nature								
and ex	and extent of the proposed development it is not considered there would be								
potent	potential to negatively affect the ecological integrity or conservation objectives of								
the sit	the site.								
Name	Name: E. Donohoe								

Position:	A/Senior Executive Planner
Date:	06/09/24

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL



Director of Services Order

ORDER NO:

DO54689

Section:

Planning

SUBJECT:

ED1140.

Declaration of Development & Exempted Development under Section 5

of the

Planning and Development Act 2000 (as amended).

SUBMITTED:

File Ref. ED1140 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

BOX

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 not exempted

development.

MADE THIS

DAY

SIGNED

OF Se

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 <u>invalid</u> and <u>returned</u>

Details of Applicants

1. Name of Applicant(s) A. Surname: KALLO Forenames IOAN
Phone No.

Section 1



All responses must be in <u>block</u> <u>letters</u>

Section 2	Person/Agent acting on behalf of applicant (if applicable) - NOT APPLICABLE
	rson/Agent: Surname
Section 3	Company Details (if applicable) - NOT APPLICABLE
1. Name of Co	ompany
2. Company R	Phone No
2. Company R	

3. Ordnance Survey Sheet No 3125-A, 3125-C, 3191-A. REFER TO DRAWING CLS-IK-ZZ-ZZ-DR-S-1000

5. Please state the extent of the proposed development 25 sqm DETACHED GARDEN STRUCTURE

4. Please state the Applicants interest in the site OWNER LOOKING TO BUILD A HOME

OFFICE/STORAGE/GYM IN BACKYARD

TO DRAWING CLS-IK-ZZ-ZZ-DR-S-1000 ATTACHED

- 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 AS AMENDED. SCHEDULE 2 (PART 1) CLASS 3
- 7. Please give a detailed description of the Proposed Development (Use separate page if necessary

HOME OFFICE/STORAGE/GYM IN BACKYARD. REFER TO DRAWING CLS-IK-ZZ-ZZ-DR-S-2000 ATTACHED FOR DETAILS. THE STRUCTURE WILL BE LOCATED IN THE BACK GARDEN. THE FOOTPRINT OF THE BUILDING WILL BE 25sqm. THE PRIVATE OPEN SPACE RESERVED EXCLUSIVLY FOR THE USE OF THE OCCUPANTS OF THE MAIN EXISTING HOUSE WILL BE 245sqm. THE HEIGHT OF THE PROPOSED STRUCTURE WILL BE LESS THAN 3m. THE VISIBILITY OF THE PROPOSED STRUCTURE FROM THE ROAD WILL BE REDUCED. NO IMPLICATIONS ON THE CHARACTER OF THE AREA.

Section 5	The following must be submitted for a valid application	
	(Please 7	Tiel:

(Please Tick) Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas) 1. A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and 2. 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 All drawings to differentiate between the original building, all extensions and proposed 4. ✓ development 5. Fee of 80 Euro (refer to case number KCC-173288: Your case number KCC-173288 dated 27/03/2024 17:06 has been examined by the Planning Applications Processing Team in the Planning Department and the outcome is If you wish to obtain a Certificate of Exemption from the Planning Authority, you will need to submit the Section 5 application form (copy attached). Unfortunately we are unable to accept anything other than a planning application through the online planning portal. You can submit your Section 5 application via hard copy and enclose the required fee of 680 or alternatively you can email it to planded@kildeteccopie and someone can give you a call once received to take card details over the phone for the payment. I WILL UPDATE THIS SECTION ONCE I RECEIVE A CALL TO MAKE THE PAYMENT

Section 6	Declaration	

I,	IOAN KALLO	certify	that	all o	f the	above	information	is	correct	and	I have	submitted	all	the	required
d	ocuments as outl	ined at S	Sectio	n 6 a	bove.										

Signature: ______ Date: <u>13/06/2024</u>



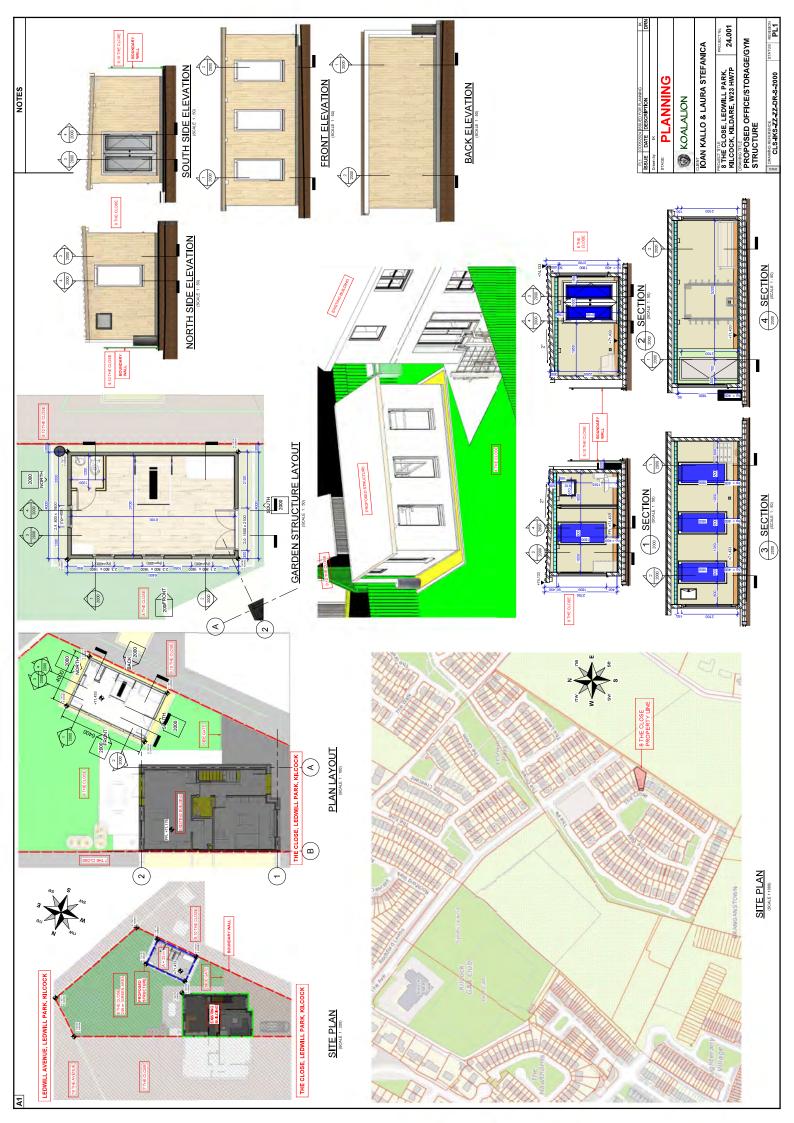
FOLIO: DX8D5, DX8D9 (8 THE CLOSE)

EXISTING BUILDING SITE BOUNDARY

PROJECT TITE
8 THE CLOSE, LEDWILL PARK,
KILCOCK, KILDARE, W23 HW7P SITE PLAN

24.001

DRAWING REFERENCE CLS-IK-ZZ-ZZ-DR-S-1000





FINANCE CASH OFFICE Kildare County Council Aras Chill Dara Devoy Park Naas Co Kildare 23/07/2024 13.22.59

Receipt No. FIN1/0/502210

IOAN KALLO PLANNING REF ED1140

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

Total:

80.00 EUR

Tendered Credit Card MC DEBIT 5739

80.00

Change

0 00

Issued By : Celine Brennan Finance Cash Office From : Financial Lodgement Area Vat reg No.0440571C