

Date: 6th November 2024.

Our Ref: ED/1153.

Yi Kam Lau, 6 College Grove, Newbridge, Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 6 College Grove, Newbridge, Co. Kildare.

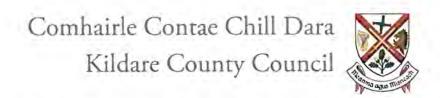
Dear Sir/Madam,

I refer to your correspondence received on 12th September 2024 in connection with the above.

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/1153.

WHEREAS a question has arisen as to whether a garage conversion into living space at 6 College Grove, Newbridge, Co. Kildare is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 12<sup>th</sup> September 2024

**AND WHEREAS** Yi Kam Lau 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 2, 3, 4, and 5 of the Planning and Development Act 2000 (as amended);
- (b) 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 conversion of the front part of a garage to living space with a wheelchair accessible bathroom
- the replacement of the current garage door with a composite front entrance door and double size window and
- the installation of a fully insulated dry lined enclosure within the garage, a raised floor for drainage and a stepped landing with a handrail and a roof canopy at the front entrance,

at 6 College Grove, Newbridge, Co. Kildare

**IS development and IS NOT 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.

6th November 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)

R	eference No. ED/1153
Name Of Applicant(s):	YI KAM LAU
Address Of Development:	6 College Grove, Newbridge, Co. Kildare
<b>Development Description:</b>	Garage conversion into living space

#### **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,

- A) to convert the front part of a garage to living space with a wheelchair accessible bathroom,
- B) to replace the current garage door with a composite front entrance door and double size window,
- C) to install
  - I. a fully insulated dry lined enclosure within the garage,
  - II. a raised floor for drainage,
- III. a stepped landing with a handrail and a roof canopy at the front entrance, is or is not exempted development.

#### **Site Location**

The site is 0.05ha and is located in the College Grove Estate in Newbridge c. 1.05km northeast of the town centre. The houses in College Grove are detached gable-fronted dwellings. The River Liffey and a subsidiary steam are east of the site and Newbridge College is to the south.

#### **Description of Proposed Development**

The development consists of the conversion of the front part of a garage to living space with a wheelchair accessible bathroom, the replacement of the current garage door with a composite front entrance door and double size window, the installation of a fully insulated dry lined enclosure within the garage and the raising of the floor level for drainage

- A) to conversion the front part of a garage to living space with a wheelchair accessible bathroom,
- B) the replacement the current garage door with a composite front entrance door and double size window,
- C) the installation of
  - I. a fully insulated dry lined enclosure within the garage,
  - II. a raised floor for drainage,
  - III. a stepped landing with a handrail and
  - IV. a roof canopy at the front entrance.



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



Fig 2: Aerial view of subject site (GIS)

#### **Planning History**

No relevant planning history on site.

#### 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.

#### CLASS 7

The construction or erection of a porch outside any external door of a house.

#### Change of use CLASS 14

Development consisting of a change of use—

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

#### 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—
- (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.

#### **Assessment**

The Applicant seeks to convert the front part of a garage to living space with a wheelchair accessible bathroom, to replace the current garage door with a composite front entrance door and double size window and to install

- 1. a fully insulated dry lined enclosure within the garage,
- 2. a raised floor for drainage and
- 3. a stepped landing with a handrail and a roof canopy at the front entrance

Section 3 of the Planning and Development Act 2000 defines 'development' as '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 2 of the Planning and Development Act 2000 defines 'works' as '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.'

It is considered that the conversion of the garage to living space, the replacement of the garage door with a front door and window and the various internal installations would involve the carrying out of 'works' and therefore constitutes development.

#### **External Changes**

The removal of the garage door and replacing it with a composite front entrance and window shall alter the front elevation of the dwelling. The Applicant(s) proposes to install an extract fan outlet above the garage for ventilation. This outlet shall alter the external appearance of the dwelling. The Applicant also proposes to install a protruding polycarbonate RF canopy over the new front entrance as well as a wheelchair ramp. Both of these aspects of the proposal shall project outwards from the existing structure. It is submitted that the wheelchair ramp shall be ahead of the front building line of the existing structure. The canopy shall be behind the front building line. Nonetheless it is the opinion of the Planning Authority that both the canopy and ramp shall alter the appearance of the front exterior of the structure.

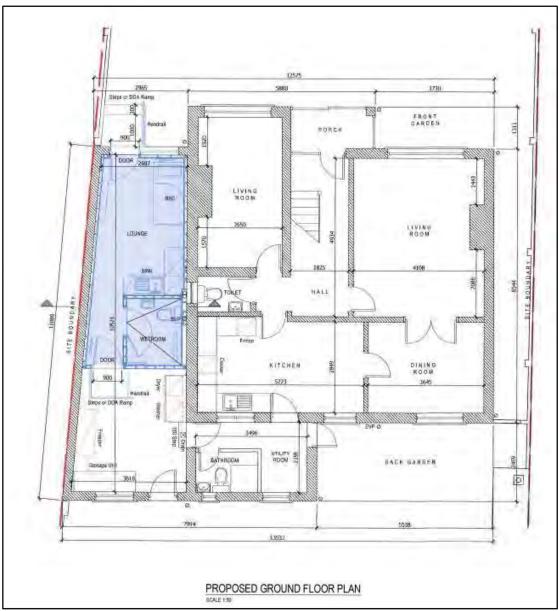
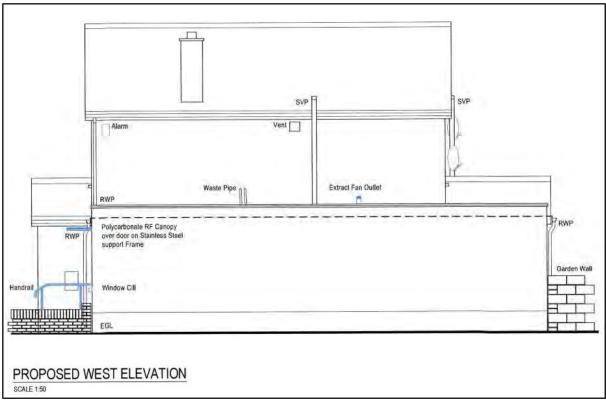


Fig 3: Plan of site showing new living space in blue with access ramp at front of the building.

#### **Change of Use to Living Space**

In the plans submitted it appears that the proposed living space shall be independent to the main house. This change of use from a garage to an independent living space shall require planning permission. From the documents submitted the proposal is akin to a Family Flat as per the guidelines set out in Section 15.2.14 of the Kildare County Council Development Plan. As the proposal is a subdivision of the existing dwelling unit it shall require planning permission and therefore is not exempt development.



**Fig 4:** West elevation of proposal with items in blue projecting outside of the existing garage structure.

### Conclusion

Having regard to:

- Sections 2, 3, 4 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
- The nature, extent and purpose of the works;

it is considered that the proposed works **constitute development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and **is not 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 NOT exempted development.

Signed: 2 Planner: Cian Buckley Date: 18/09/2024

Signed:

05/11/2024

#### **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 conversion of the front part of a garage to living space with a wheelchair accessible bathroom, the replacement of the current garage door with a composite front entrance door and double size window, and various interior installations is or is not development or is or is not exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 12/09/2024

**AND WHEREAS** YI KAM LAU 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) 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 conversion of the front part of a garage to living space with a wheelchair accessible bathroom,
- -the replacement of the current garage door with a composite front entrance door and double size window and
- -the installation of a fully insulated dry lined enclosure within the garage, a raised floor for drainage and a stepped landing with a handrail and a roof canopy at the front entrance,

IS development and <u>IS NOT</u> 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

(A) Project Details	
Planning File Ref	ED1153
Applicant name	Yi Kam Lau
Development Location	6 College Grove, Newbridge, Co. Kildare, W12 TX95.
Site size	0.05ha
Application	No
accompanied by an EIS	
(Yes/NO)	
Distance from Natura	Site is c. 1.55km south of Mouds Bog Special Area of
2000 site in km	Conservation (SAC)

#### Description of the project/proposed development -

The development consists of the conversion of the front part of a garage to living space with a wheelchair accessible bathroom, the replacement of the current garage door with a composite front entrance door and double size window, the installation of a fully insulated dry lined enclosure within the garage and the raising of the floor level for drainage

- A) to conversion the front part of a garage to living space with a wheelchair accessible bathroom,
- B) the replacement the current garage door with a composite front entrance door and double size window,
- C) the installation of
  - V. a fully insulated dry lined enclosure within the garage,
  - VI. a raised floor for drainage,
  - VII. a stepped landing with a handrail and
  - VIII. a roof canopy at the front entrance.

, ,	Identification of Natura 2000	) sites which may be impa	cted by the
	, , , , , , , , , , , , , , , , , , ,		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.  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 freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?	NO
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  ${f No}$ , 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**.

(G) S	SCREENING C	ONCLUSION STATEMENT	
Sele	cted relevant c	ategory for project assessed by ticking box.	
1	AA is not re	quired because the project is directly connected	
	with/necess	ary to the conservation management of the site	
2	No potential	significant affects/AA is not required	Х
3	Significant e	ffects are certain, likely or uncertain.	
	Seek a Natu	ıra Impact Statement	
	Reject prop	osal. (Reject if potentially damaging/inappropriate)	
Justif	y why it falls	into relevant category above (based on information	
in abo	ove tables)		
Nam	e:	Cian Buckley	
Posi	tion:	Graduate Planner	
Date	:	18/09/2024	

# **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:	DO55587	Section:	Planning
SUBJECT:	5 of Planning an	Declaration of Exempt d Development Act 200 6 College Grove, Newb	
SUBMITTED:		3 with recommendation orts from the Council's	from the A/Senior Executive Technical Officers.
ORDER:	the powers confe Development Ac	erred on it by Section 5	County Council, in exercise of 6(2)(a) of the Planning and nereby decides that the and is not exempted
MADE THIS	DAY YEAR 2024	CIGITED.	of Services

### Kildare County Council

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

tncomplete application forms will be deemed <u>invalid</u> and <u>returned</u>



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Planning Department
Letters
1.2 CED 2021

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Section 1	Details of Applicants	RECEIVED
2. Address	pplicant(s) A. SurnameLAU	No
Section 2	Person/Agent acting on behalf of applicant (i	if applicable)
2. Address	Phone No. For SurnameLAU	x No
Section 3	Company Details (if applicable)	
2. Company F 3. Address4	Reg. No731320 4-5 BURTON HALL ROAD, SANDYFORD, CO. I	No
Section 4	Details of Site	
1. Planning H	istory of SiteNONE	
	Proposed Development6 COLLEGE GROVE, N	
3. Ordnance S	Survey Sheet No3606-06	
	the Applicants interest in the siteOWNER	

5. Please state the extent of the proposed development...GARAGE CONVERSION INTO LIVING SPACE.

6. Un	der	what	Section of the	Planning and	Develo	pmen	t 2000 as	am	ended and	for what	provision	of the
Plann	ing	and	Development	Regulations	2001	as	amended	is	exemptio	n sough	t (specific	details
			SOUGHT UNDER	SECTION 5 OF T	THE PLA	NNIN	IG REGUL	ATIC	NS	*********	*********	

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

IT IS PROPOSED TO CONVERT THE FRONT PART OF THE GARAGE OF APPROX. 19.9 M2 INTO LIVING SPACE WITH A WET ROOM TOILET AND SHOWER FACILITY SUITABLE FOR DISABLED WHEELCHAIR ACCESS. THE CONSTRUCTION WILL COMPRISE OF RAISED FLOOR TO ENABLE DRAINAGE TO CONNECT INTO THE EXISTING. A FULLY INSULATED DRY LINED ENCLOSURE WITHIN THE GARAGE TO MODERN DAY STANDARDS. THE EXISTING GARAGE DOOR SHALL BE REPLACED WITH A NEW FRONT ENTRANCE COMPOSITE DOOR AND TRIPLE GLAZED DOUBLE WINDOW. THE STYLE SHALL BE GEORGIAN TO MATCH EXISTING. A ROOF CANOPY SHALL BE INCLUDED TO PROVIDE SOME SHELTER FROM RAIN AT THE FRONT ENTRANCE WHICH WOULD COMPRISE OF POLYCARBONATE ROOF SHEETS SUPPORTED FROM STAINLESS STEEL FRAME BOLTED TO THE FRONT OF GARAGE. CURRENT PROVISIONS FOR ACCESS SHALL INCLUDE A STEPPED LANDING TO REACH THE THRESHOLD OF THE FINISHED FLOOR LEVEL WITH A HANDRAIL/GUARDRAIL TO ONE SIDE. WHERE WHEELCHAIR ACCESS MAY BE REQUIRED AT A FUTURE DATE. A 1:12 SLOPED ACCESS RAMP MAY BE INSTALLED UNDER SAME EXEMPTION, I.E., DOES NOT REQUIRE FURTHER PLANNING FOR 2M LENGTH

The following must be submitted for a valid application

DDA RAMP.

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

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Declaration

I, MR. HON LAU certify that all of the above information is correct and I have submitted all the required documents as outlined at Section 6 above.

Signature:

Date: 12TH SEPTEMBER 2024

#### DOCUMENTS INCLUDED AS FOLLOWS:-

- 1. PLANNING PACK MAP AT 1:1000 SCALE.
- 2. DRG 24-SCE-W12TX95-ZZ-DR-S-816-P01- SITE LOCATION & BLOCK PLAN.
- 3. DRG 24-SCE-W12TX95-ZZ-DR-S-817-P01- EXISTING GROUND FLOOR PLAN & TYP. SECTION.
- 4. DRG 24-SCE-W12TX95-ZZ-DR-S-818-P01- EXISTING FIRST FLOOR PLAN.
- 5. DRG 24-SCE-W12TX95-ZZ-DR-S-819-P01- EXISTING ELEVATIONS.
- 6. DRG 24-SCE-W12TX95-ZZ-DR-S-820-P01- PROPOSED GROUND FLOOR PLAN.
- 7. DRG 24-SCE-W12TX95-ZZ-DR-S-821-P01- PROPOSED ELEVATIONS & TYP. SECTION.

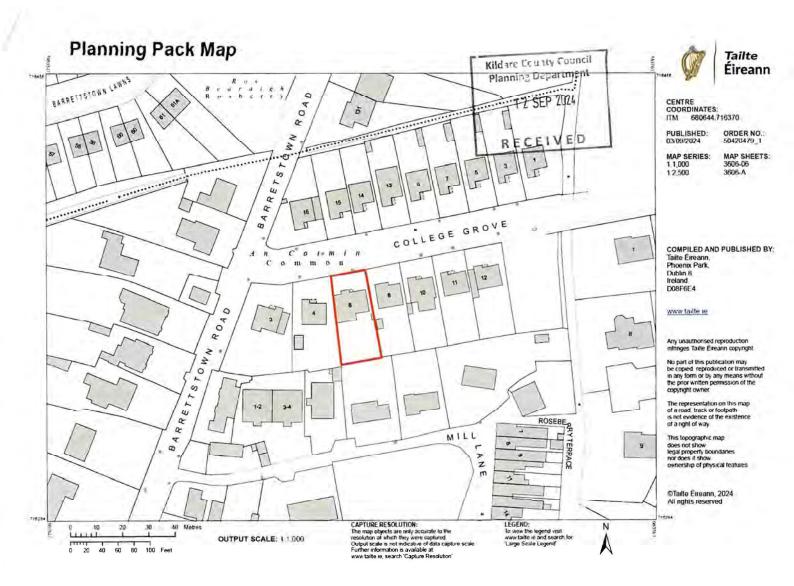
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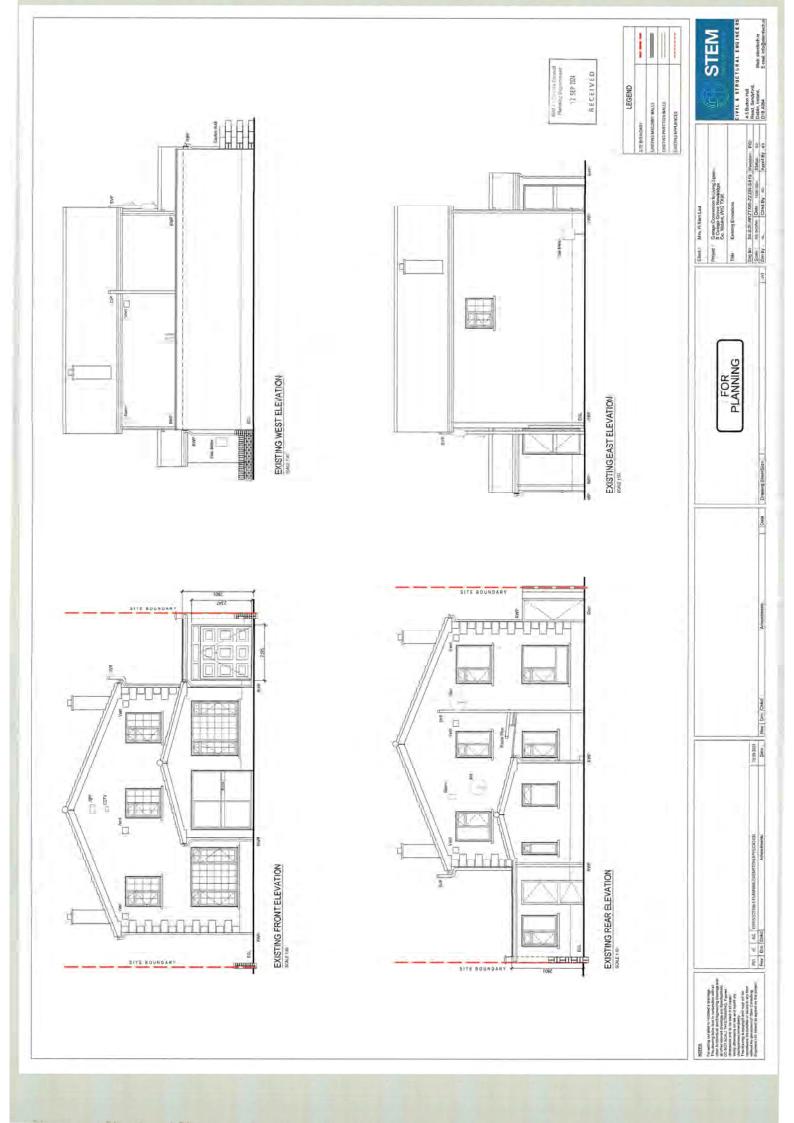
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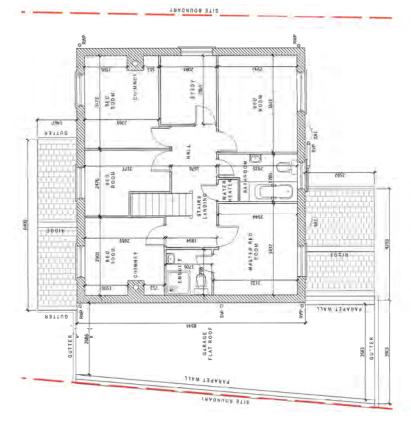


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EXISTING FIRST FLOOR PLAN

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COSTING APPLANCES	

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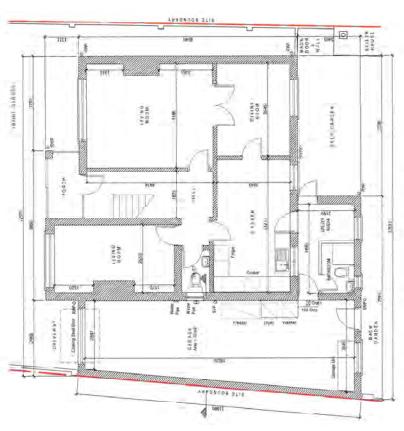


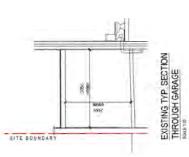
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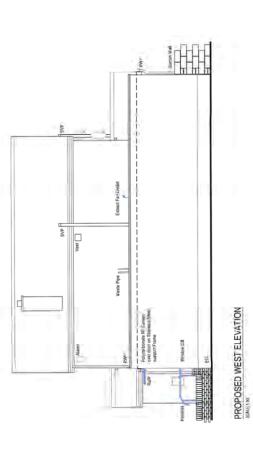
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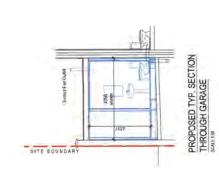
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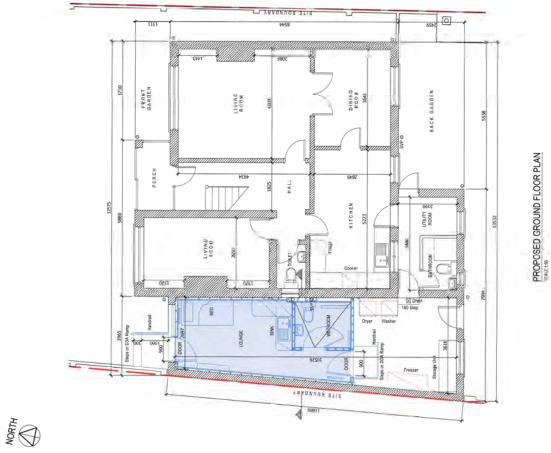
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# GENERAL NOTES

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   Safety, Insaft and Warfarr at Work (General Agriculton) Regulations, 2007
   Safety, Issaft and Wetfarr at Work (characteristic) Regulations, 2019
- All site development works state becamed out in state accordance with the or drawings, the inquirements of the Local Authority and the Department of the Recommendations for Site Development Works in lequaling areas.
- This drawing should be read in condrawings and specification

  Do not scall from this drawing use
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AREA 1,5m2

AREA 1997 AREA 13.8m

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FOR

12.09.2024 Barg | Den Child



FINANCE CASH OFFICE Kildare County Council Áras Chill Dara Devoy Park Naas Co. Kildare 12/09/2024 12:29:21

Receipt No. : FIN1/0/504044
\*\*\*\*\* REPRINT \*\*\*\*\*

ED1153 Yi Kam Lau

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

Total:

80.00 EUR

Tendered:

Cash

100.00

Change:

20.00

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