



Comhairle Contae Chill Dara

Kildare County Council

Date: 28th February 2025.
Our Ref: ED/1167.

Cian Bolger & Claire Murphy,
c/o John Taylor,
39 North Avenue,
Mount Merrion,
Co. Dublin

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 21 River View, Abbey Farm, Celbridge, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 7th November 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.





Comhairle Contae Chill Dara

Kildare County Council

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

ED/1167.

WHEREAS a question has arisen as to whether the addition of a single storey extension to rear of the dwelling at 21 River View, Abbey Farm, Celbridge, Co. Kildare, is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 7th November 2024

AND WHEREAS Cian Bolger & Claire Murphy 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
- (c) Documentation received with the application

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 & 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 single storey extension of 21.5m² to the rear of the dwelling along with modifications to the roof and some minor internal alterations, ***IS development and IS EXEMPTED development pursuant to Section (2,3,4 & 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.

28th February 2025


**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/1167

Name Of Applicant(s):	Cian Bolger & Claire Murphy
Address Of Development:	21 River View, Abbey Farm, Celbridge, Co. Kildare
Development Description:	Single storey extension to the rear of the house
Due date	5 th December 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 of a single storey extension of 21.5m² to the rear of the dwelling. The extension proposed to be established onto an existing single storey part of the dwelling. The proposed is to also include modifications to the roof, along with some minor internal alterations. Internally the extension will consist of an extension to the existing kitchen/dining room.

Subject Site



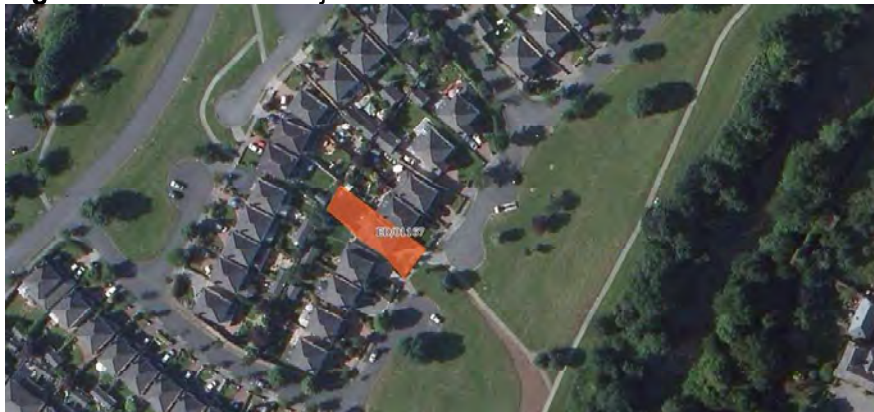
Description of Proposed Development

The proposed include addition of a single storey extension of 21.5m² to the rear of the dwelling. The extension proposed to be established onto an existing single storey part of the dwelling. The proposed is to also include modifications to the roof, along with some minor internal alterations.

Fig 1: Site Location and context

The site is located within the Riverview housing estate in southwestern Celbridge town c. 1.1km southwest of the main street. The area is characterised by residential developments all consisting of 2 storey dwellings.

Fig 2: Aerial view of subject site



Planning History

None.

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.

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—

(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,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified 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 erect a single storey extension onto a single storey element of the 2-storey dwelling consisting of a total floor area of 25.1m².

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 construction of a mezzanine area would involve the carrying out of 'works' and therefore constitutes development.

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)

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 existing house does not appear to have been extended previously. The floor area of the subject single storey extension is 25.5sqm.

(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.

Not applicable as the subject extension is a single storey.

(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.

Not applicable as the subject extension is a single storey.

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.

Not applicable as the house has not been extended previously.

(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.

Not applicable – detached dwelling.

(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.

Not applicable as the subject extension is a single storey.

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

Not applicable as the subject extension is single storey.

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.

The subject extension is a single storey extension to the rear of an existing two storey dwelling. Therefore, the height of the walls of the subject extension does not exceed the height of the rear wall of the existing 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.

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 subject extension is a single storey extension to the rear of an existing two storey dwelling, the height of the roof does not therefore extend beyond that 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.

It does not appear that the development reduces the area of private open space, reserved exclusively for the use of the occupants of the houses, 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.

Proposed kitchen window greater than 1m from the boundary they face.

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

Not applicable as the subject extension is single storey.

(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.

Not applicable the subject extension is single storey

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

The subject works do not include a balcony or roof garden

Conclusion

Having regard to:

- Sections 2, 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
- 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.

Recommendation

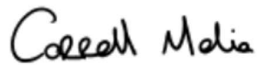
It is recommended that the applicant be advised that the development as described in the application *is development and is exempted development*.

Signed:



Planner: Thomas Paul Mooney
Tomás Ó Maonaigh
Graduate Planner

Date: 06/02/2025



Carroll Melia

Senior Executive Planner

28th February 2025

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 addition of a single storey extension to a single storey element of a two-storey dwelling **AS INDICATED** on the plans and particulars received by the Planning Authority on 07/11/2024.

AND WHEREAS Cian Bulger and Claire Murphy 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 & 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 -

A single storey extension of 21.5m² to the rear of the dwelling. The extension proposed to be established onto an existing single storey part of the dwelling. The proposed is to also include modifications to the roof, along with some minor internal alterations. Internally the extension will consist of an extension to the existing kitchen/dining room.

IS development and IS EXEMPTED development pursuant to Section (2,3,4 & 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	ED1167
Applicant name	Cian Bolger and Claire Murphy
Development Location	21 River View, Abbey Farm, Celbridge, Co. Kildare
Site size	0.028h
Application accompanied by an EIAR (Yes/NO)	No
Distance from Natura 2000 site in km	5.17km southwest of the Rye River /Carton Valley SAC.
Description of the project/proposed development – Single storey extension to the rear of the house.	

(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> Rye Water/Carton Valley, River Barrow and Nore, 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	<i>Is the development within a Special Area of</i>	No

	habitats - bogs, fens, marshes and heath. <u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>Conservation whose qualifying interests include wetland habitats (bog, 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**.

(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	
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)		
Name:	Thomas Mooney	
Position:	Graduate Planner	
Date:	06/02/2025	

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: DO57329 **Section:** Planning

SUBJECT: ED1167 Cian Bolger & Claire Murphy, 21 River View, Abbey Farm, Celbridge, Co. Kildare. Exempt Development Application for a single storey extension to the rear of the dwelling at 21 River View, Abbey Farm, Celbridge, Co. Kildare.

SUBMITTED: ED1167 with recommendation from the Senior Executive 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 28th DAY
OF February YEAR 2025

SIGNED: 
DIRECTOR OF SERVICES 

Kildare County Council

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

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 BOLGER / MURPHY Forenames CIAN / CLAIRE
Phone No. [REDACTED] Fax No. [REDACTED]
2. Address 21 RIVER VIEW ABBEY FARM CARBRIDGE CO. KILDARE

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

1. Name of Person/Agent: Surname TAYLOR Forenames JOHN
Phone No. 087 2851411 Fax No. [REDACTED]
2. Address 39 NORTH AVENUE MOUNT MERRION CO. DUBLIN

Section 3 Company Details (if applicable)

1. Name of Company N/A
Phone No. [REDACTED] Fax No. [REDACTED]
2. Company Reg. No. [REDACTED]
3. Address [REDACTED]

Section 4 Details of Site

1. Planning History of Site [REDACTED]
2. Location of Proposed Development 21 RIVER VIEW ABBEY FARM, CARBRIDGE, CO. KILDARE
3. Ordnance Survey Sheet No. [REDACTED]
4. Please state the Applicants interest in the site OWNERS
5. Please state the extent of the proposed development SINGLE STOREY EXTENSION TO THE REAR OF THE HOUSE.

6. Under what Section of the Planning and Development 2000 and/or what provision of the Planning and Development Regulations 2001 is exemption sought (specific details required) EXEMPTION UNDER CLASS 1, PART 1, SECOND SCHEDULE OF PLANNING & DEVELOPMENT REGULATIONS 2001

7. Please give a detailed description of the Proposed Development (Use separate page if necessary) SINGLE STORY EXTENSION AT 21.5 SQ.M TO THE REAR OF THE HOUSE. THE EXTENSION IS BEYOND AN EXISTING SINGLE STORY PART OF THE ORIGINAL HOUSE. THE WORKS INCLUDE MODIFICATIONS TO THE ROOF OF THE EXISTING SINGLE STORY ELEMENT ALONG WITH SOME MINOR INTERNAL ALTERATIONS.

Section 5	The following must be submitted for a valid application
-----------	---

(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	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001	✓
4.	All drawings to differentiate between the original building, all extensions and proposed development	✓
5.	Fee of 80 Euro	✓

Section 6	Declaration
-----------	-------------

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

Signature: John Taylor

Date: 06 NOVEMBER 2024

Planning Pack Map



CENTRE COORDINATES:
ITM 696501, 732164

PUBLISHED: 04/1/2024

ORDER NO.: 50432048_1

MAP SERIES: 1:1,000

MAP SHEETS: 3259-21

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

Any unauthorised reproduction infringes Tailte Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

The representation on this map of a road, track or loop path is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

©Tailte Éireann, 2024.
All rights reserved.

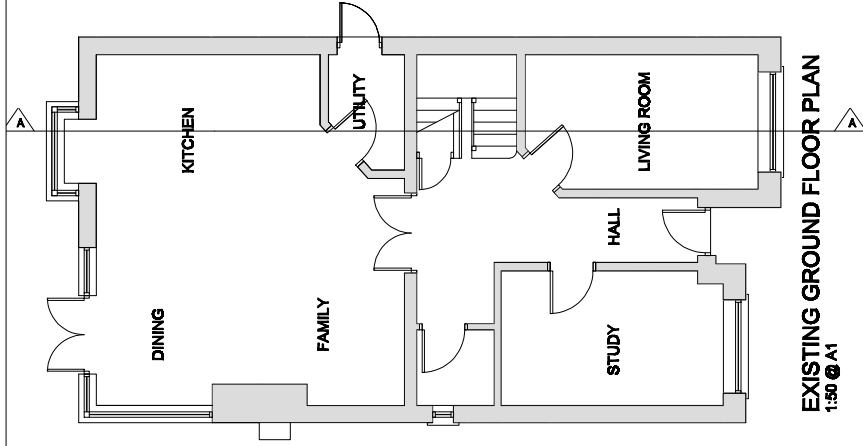


CAPTURE RESOLUTION:

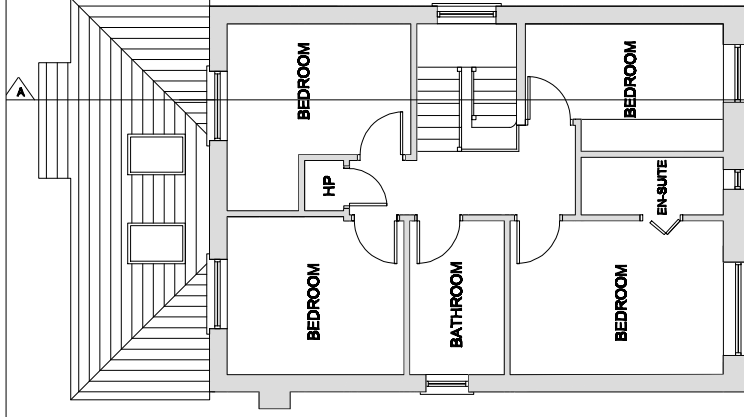
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie, search 'Capture Resolution'

LEGEND:

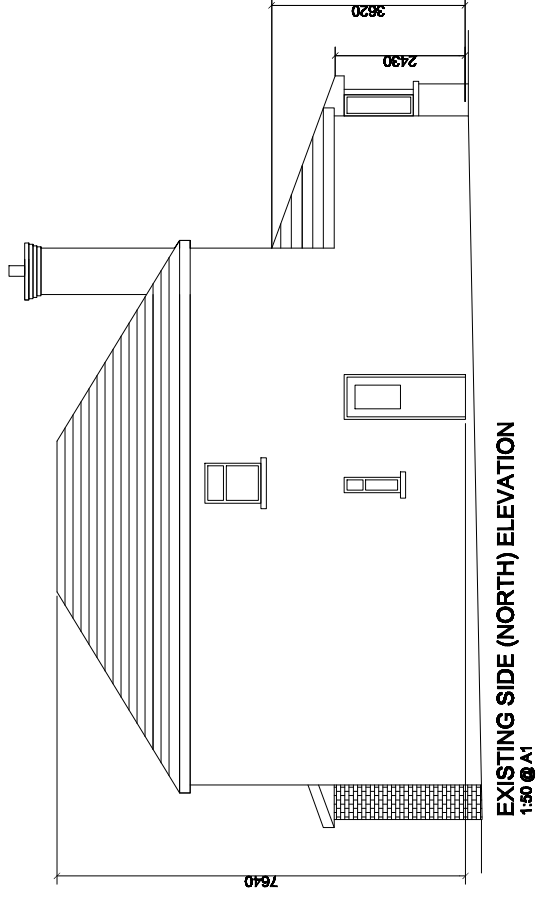
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



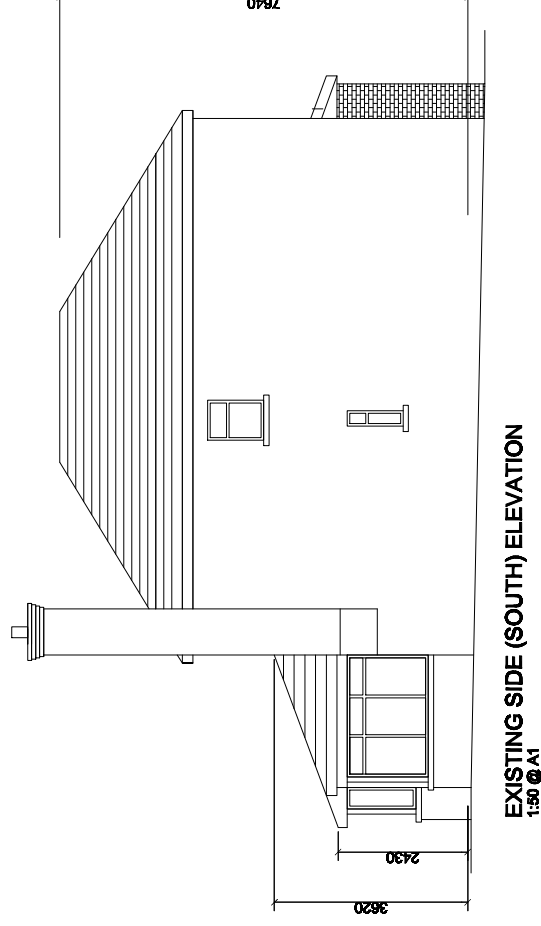
EXISTING GROUND FLOOR PLAN
1:50 @ A1



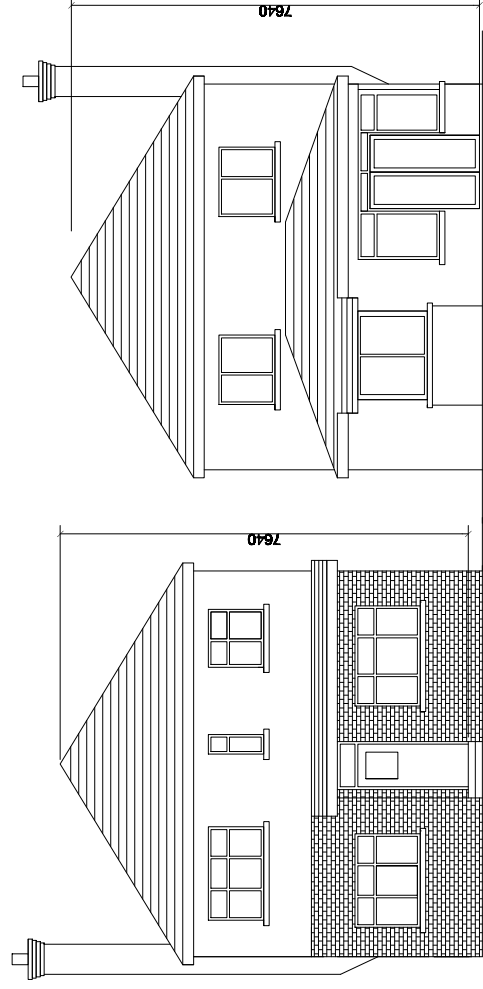
EXISTING FIRST FLOOR PLAN
1:50 @ A1



EXISTING SIDE (NORTH) ELEVATION
1:50 @ A1



EXISTING SIDE (SOUTH) ELEVATION
1:50 @ A1



EXISTING FRONT ELEVATION
1:50 @ A1

EXISTING REAR ELEVATION
1:50 @ A1



FINANCE CASH OFFICE
Kildare County Council
Aras Chill Dara
Devoy Park
Naas
Co. Kildare
08/11/2024 12:46:10

Receipt No. : FIN1/0/505908

John Taylor

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

Total : 80.00 EUR

Tendered :-
Credit Card 80.00
vd
8605

Change : 0.00

Issued By : Cherie Gammell Bank Rec
From : Financial Lodgement Area
Vat reg No.0440571C