



Comhairle Contae Chill Dara

Kildare County Council

Date: 28th February 2025.
Our Ref: ED/1184.

Brendan Tyrrell,
15 Griffin Rath Manor,
Maynooth,
Co. Kildare.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 15 Griffin Rath Manor, Maynooth, Co. Kildare.

Dear Sir/Madam,

I refer to your correspondence received on 21st January 2025 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/1184.

WHEREAS a question has arisen as to whether a single storey extension to the rear of existing dwelling, with a flat roof and floor area consisting of 25.25m² at 15 Griffin Rath Manor, Maynooth, Co. Kildare is exempted development,

AS INDICATED on the plans and particulars received by the Planning Authority on 21st January 2025

AND WHEREAS Brendan Tyrrell 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, 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) - 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 single storey extension to the rear of existing dwelling, with a flat roof and floor area consisting of 25.25m² at 15 Griffin Rath Manor, Maynooth, Co. Kildare ***IS development and IS EXEMPTED development pursuant to Sections 2,4 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.

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/1184

Name Of Applicant(s):	Brendan Tyrrell
Address Of Development:	15 Griffin Rath Manor, Maynooth, Co. Kildare
Development Description:	Single storey extension to the rear of the existing dwelling with flat roof and floor area of 25.25m ²
Due date	18 th February 2025

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 consisting of a single storey extension to the rear of the dwelling is exempt development.

Site Location

The subject site is located within the town of Maynooth, within Griffin Rath Manor housing estate which is located to the southeast of the town. Access to the estate is off the Regional Road, the R405. The subject house is a dormer style detached dwelling and a site with a stated area of 0.108ha



Figure 1: Site Location (Outlined in Red)

Description of Proposed Development

The proposed development is described as follows:

'Single storey extension to the rear of existing dwelling, with a flat roof consisting of 25.25m²'

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 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)

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.

“Single storey extension to the rear of existing dwelling. Flat roof construction and consisting of 25.25m²”

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 25.25sqm.

(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 as the subject extension is single storey.

(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.

As above.

(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.

There are no windows less 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 and the existing dwelling is a semi-detached dwelling.

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);
- 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*” and
- The nature, extent and purpose of the works;

it is considered that the subject 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*.

A handwritten signature in black ink, appearing to read 'D. Waldron'. The signature is written in a cursive, flowing style with a large initial 'D'.

Signed:

Daniel Waldron A/Assistant Planner 10/02/2025

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:

'Single storey extension to the rear of existing dwelling, with a flat roof consisting of 25.25m²'

AS INDICATED on the plans and particulars received by the Planning Authority on 21/02/2025

AND WHEREAS Brendan Tyrrell 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, 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) - 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 -

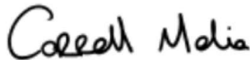
'Single storey extension to the rear of existing dwelling, with a flat roof consisting of 25.25m²'

IS development and IS EXEMPTED development pursuant to Sections 2,4 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.


A handwritten signature in black ink, appearing to read 'D. Waldron'. The signature is stylized with a large, circular initial 'D'.

Signed:
Daniel Waldron A/Assistant Planner 10/02/2025

A handwritten signature in black ink, appearing to read 'Carroll Melia'. The signature is written in a cursive, flowing style.

Signed:
Carroll Melia Senior Executive Planner 28/02/2025

Appendix 1: Appropriate Assessment Screening

	APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION
---	--

(A) Project Details	
Planning File Ref	ED1184
Applicant name	Brendam Tyrrell
Development Location	15 Griffin Rath Manor, Maynooth
Site size	0.108ha
Application accompanied by an EIAR (Yes/NO)	No
Distance from Natura 2000 site in km	Approx. 2.4km from Rye Water Valley/Carton SAC
Description of the project/proposed development – Extension – 25.25m ²	

(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,	<i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment</i>	No

	Pollardstown Fen, Ballynafagh lake	(upstream or downstream) of same?	
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 Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	<i>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?</i>	No
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	X
3	Significant effects are certain, likely or uncertain. Seek a Natura Impact Statement Reject proposal. (Reject if potentially damaging/inappropriate)	
Justify why it falls into relevant category above (based on information in above tables)		
Having regard to the proximity of the nearest SAC and given the location, nature and extent of the proposed development it is not considered there would be potential to affect the ecological integrity and conservation objectives of the site.		
Name:	Daniel Waldron	

Position:	A/Assistant Planner
Date:	10/02/2025

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: DO57327 **Section:** Planning

SUBJECT: ED1184 Brendan Tyrrell, 15 Griffin Rath Manor, Maynooth, Co. Kildare. Exempt Development Application for a single storey extension to the rear of the dwelling, with a flat roof consisting of a floor area of 25.25m² at 15 Griffin Rath Manor, Maynooth, Co. Kildare.

SUBMITTED: ED1184 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: Alan Dunney
DIRECTOR OF SERVICES [Signature]

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

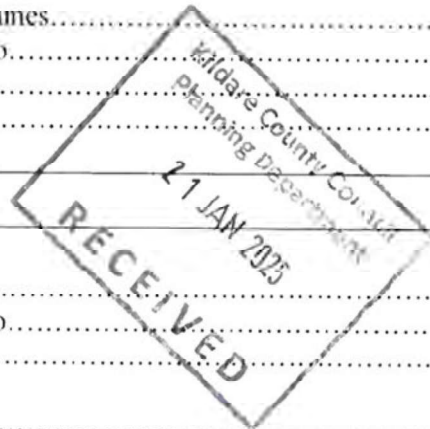
1. Name of Applicant(s) A. Surname... TYRRELL Forenames... BRENDAN
Phone No. [REDACTED] Fax No.
2. Address ... 15 GRIFFIN PATH MANOR
MAYNOOTH CO. KILDARE W23 3W8

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

1. Name of Person/Agent: Surname... N/A Forenames...
Phone No. Fax No.
2. Address.....

Section 3 Company Details (if applicable)

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



Section 4 Details of Site

1. Planning History of Site... ORIGINAL DEVELOPMENT PL REF. 12858
2. Location of Proposed Development... 15 GRIFFIN PATH MANOR, MAYNOOTH
CO. KILDARE
3. Ordnance Survey Sheet No. 3192 - D ITM: 694669, 736269
4. Please state the Applicants interest in the site ... OWNER ...
5. Please state the extent of the proposed development... SINGLE STOREY EXTENSION TO
REAR OF DWELLING AREA: 25.25m²

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)..... SECTION 4(1)(h) OF THE PLANNING AND DEVELOPMENT ACT
2000 (AS AMENDED).....

7. Please give a detailed description of the Proposed Development (Use separate page if necessary).....
SINGLE STOREY EXTENSION TO REAR OF EXISTING
DWELLINGS WITH FLAT ROOF CONSTRUCTION AND EXISTING
OF 25.25M² FLOOR AREA.....



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)	4 COPIES	
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	4 COPIES	
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	4 COPIES	
4.	All drawings to differentiate between the original building, all extensions and proposed development		
5.	Fee of 80 Euro		

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

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

Signature: Brendan Tyrrell

Date: 27/12/2024

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

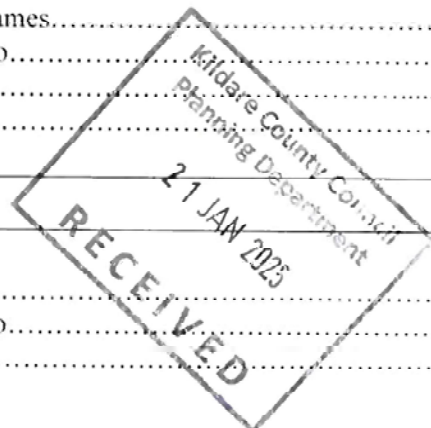
1. Name of Applicant(s) A. Surname... TYRELL Forenames... BRENDAN
Phone No... 086 3160202 Fax No...
2. Address... 15 GRIFFIN PATH MANOR
MAYNOOTH CO. KILDARE W23 5W8

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

1. Name of Person/Agent: Surname... N/A Forenames...
Phone No... N/A Fax No...
2. Address...

Section 3 Company Details (if applicable)

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



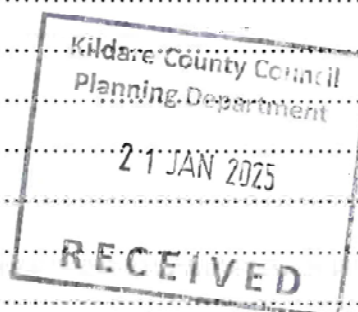
Section 4 Details of Site

1. Planning History of Site... ORIGINAL DEVELOPMENT PL REF 12858
2. Location of Proposed Development... 15 GRIFFIN PATH MANOR, MAYNOOTH
CO. KILDARE
3. Ordnance Survey Sheet No... 3192-D ITM: 694669, 736269
4. Please state the Applicants interest in the site... OWNER
5. Please state the extent of the proposed development... SINGLE STOREY EXTENSION TO
REAR OF DWELLING AREA: 25.25m²

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)..... SECTION 4(1)(h) OF THE PLANNING AND DEVELOPMENT ACT
2000 (AS AMENDED)

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

SINGLE STOREY EXTENSION TO REAR OF EXISTING
DWELLING, WITH FLAT ROOF CONSTRUCTION AND CONSISTING
OF 25.25m² FLOOR AREA.



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)	4 COPIES	
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	4 COPIES	
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	4 COPIES	
4.	All drawings to differentiate between the original building, all extensions and proposed development		
5.	Fee of 80 Euro		

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

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

Signature: Brendan Tyrrell

Date: 27/12/2024

Planning Pack Map

DRG. NO.: BT/REF-003
SITE LOCATION MAP.



Tailte
Éireann

CENTRE
COORDINATES:
ITM 594659, 736269

PUBLISHED:
29/09/2024
ORDER NO.:
50425336_1

MAP SERIES:
1:2,500
MAP SHEETS:
3192-D

BRENDAN TYRELL
15 GRIFFIN RATH
MANOR, MAYNOOTH
CO. KILDARE

COMPILED AND PUBLISHED BY:

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Phoenix Park,
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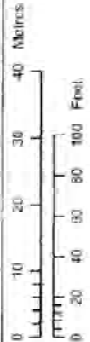
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www.tailte.ie and search for
Single Scale Legend

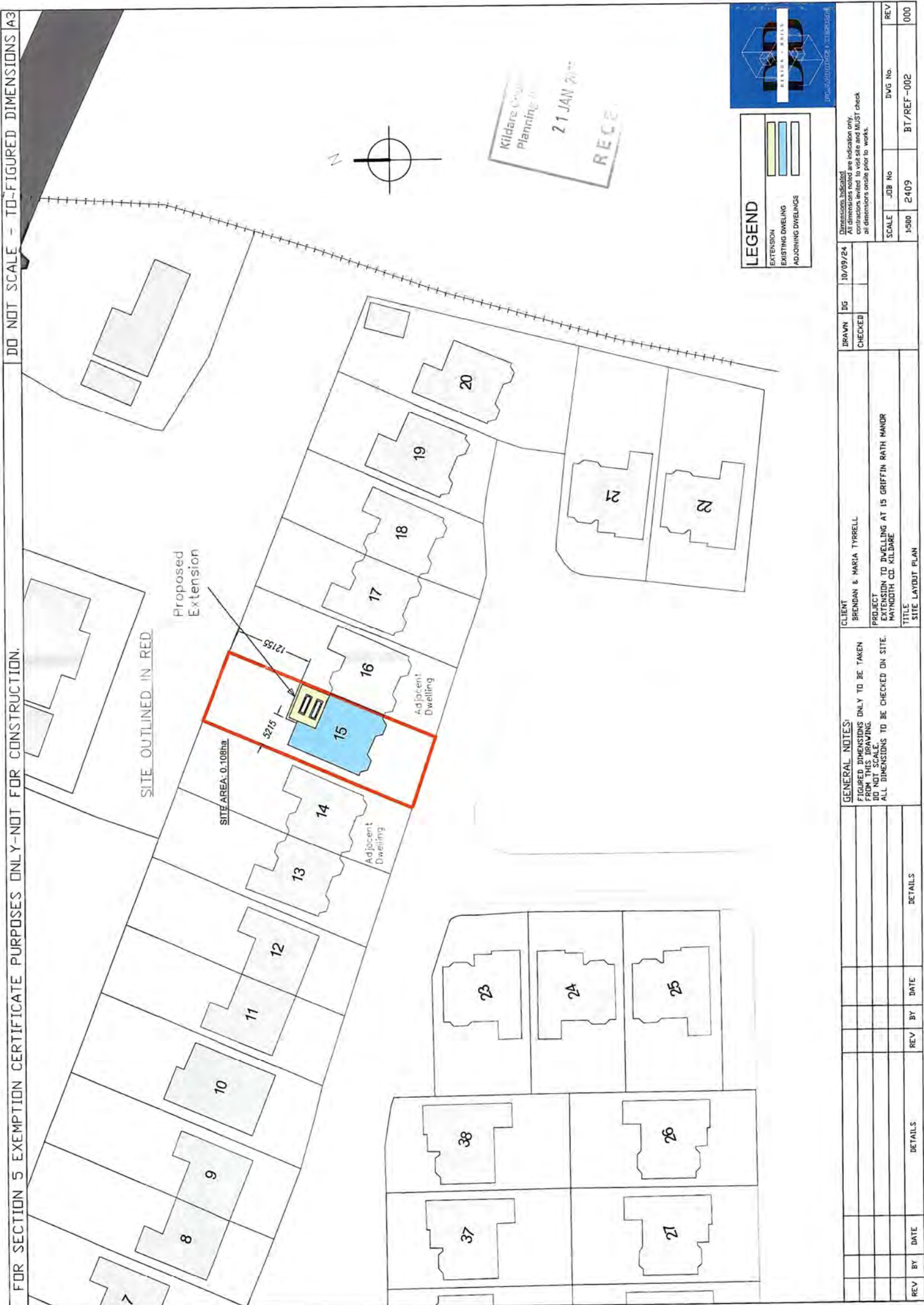
CAPTURE RESOLUTION:
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OUTPUT SCALE: 1:1,000



736183
694552







FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
22/01/2025 12:57:50

Receipt No. : FIN1/0/508034

ED 1184 BRENDAN TYRRELL

PLANNING EXEMPT DEVELOP FEES 90.00
GOODS 90.00
VAT Exempt/Non-vatable

Total : 90.00 EUR

Tendered
Cheque 90.00

Change 0.00

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