



Raymond & Carole Fenton,  
C/o Laura Bowen,  
The Barn Studio,  
Knockaulin,  
Kilcullen,  
Co. Kildare  
R56 T850

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# 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/1208.

**WHEREAS** a question has arisen as to whether the utility shed and boiler house structure to rear yard, screen and oil tank, addition of insulation to internal timber floor, inline slate roof vents and new internal door locations at 7 Canning Place, Newbridge, Co. Kildare, is exempted development,

**AS INDICATED** on the plans and particulars received by the Planning Authority on 14<sup>th</sup> March 2025

**AND WHEREAS** Raymond & Carole Fenton 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

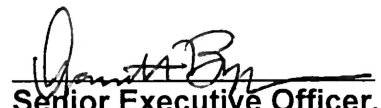
**AND WHEREAS** Kildare County Council has concluded that the development comprises works to which the provisions of the following applies:

- (a) Sections 2, 3, 4, 5 and 57 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 utility shed and boiler house structure to rear yard, screen and oil tank, addition of insulation to internal timber floor, inline slate roof vents and new internal door locations at 7 Canning Place, Newbridge, Co. Kildare ***IS development and IS EXEMPTED development pursuant to Section 57(1) and Section 4 (1) (h) 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.

11<sup>th</sup> April 2025

PP   
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/1208**

|                                 |   |
|---------------------------------|---|
| <b>Name Of Applicant(s):</b>    | Raymond & Carole Fenton   |
| <b>Address Of Development:</b>  | 7 Canning Place, Newbridge, Co. Kildare   |
| <b>Development Description:</b> | Utility shed and boiler house structure to rear yard, screen and oil tank, addition of insulation to internal timber floor, inline slate roof vents and new internal door locations |
| <b>Due date</b>                 | 11 <sup>th</sup> April 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 *utility shed and boiler house structure to rear yard, screen and oil tank, addition of insulation to internal timber floor, inline slate roof vents and installation of new internal door locations* constitute exempted development.

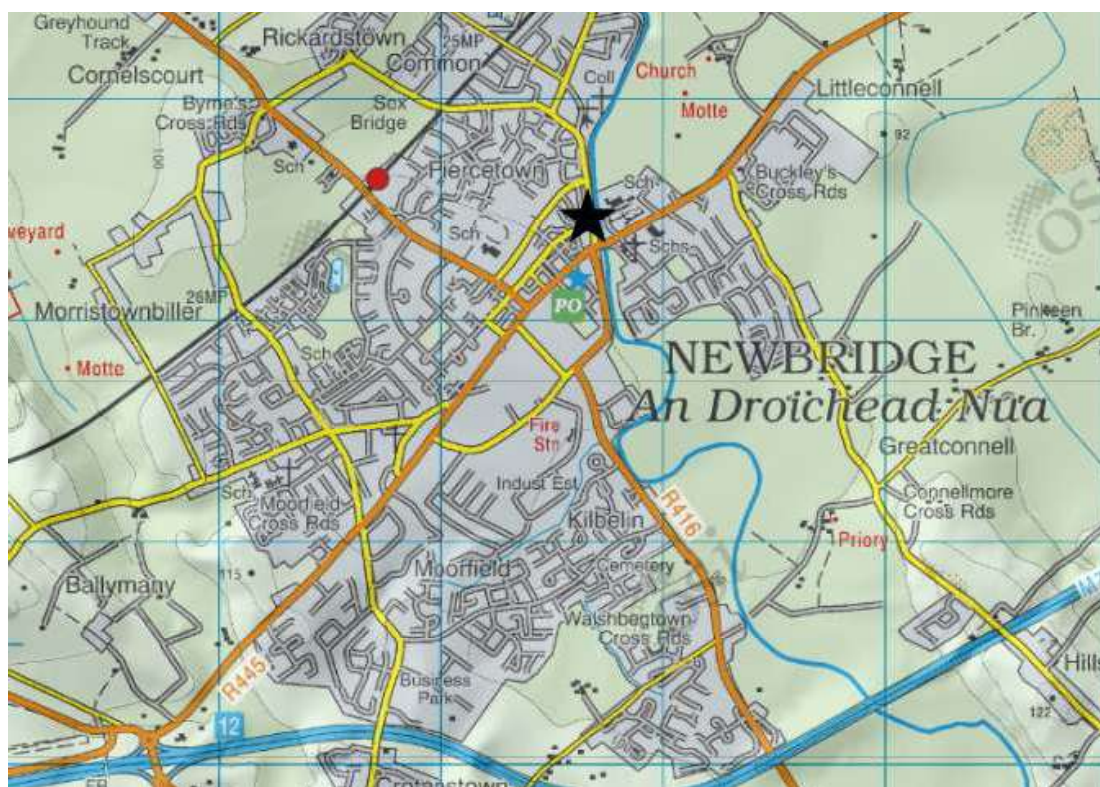
**Site Location**

7 Canning Place, Newbridge, Co. Kildare

**Description of Proposed Development**

*The construction of a utility shed and boiler house structure over a rediscovered historic well. The installation of a central heating oil tank and timber screen. The installation of insulation to internal timber floor, inline slate roof vents and installation of new internal door locations.*





**Fig 1:** Site Location and context



**Fig 2:** Aerial view of subject site (Google Images)



### **Planning History**

**16948** Permission **granted**. Development description: the part demolition of a rear boundary wall and the construction of new 3m wide vehicular entrance with modification works to public footpath and existing roadside kerb along with all associated site development and facilitating works. (a protected structure)

**ED/736** Exemption declaration issued. Development description: Restoration and refurbishment of protected structure dwelling.

### **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.

**Section 57.**—(1) F479[Notwithstanding section 4(1)(a), (h), (i), F480[(ia)] (j), (k), or (l) and any regulations made under section 4(2),] the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

(2) An owner or occupier of a protected structure may make a written request to the planning authority, within whose functional area that structure is situated, to issue a declaration as to the type of works which it considers would or would not materially affect the character of the structure or of any element, referred to in subsection (1)(b), of that structure.

#### 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**

Under the KCDP2023-2029, the subject site at Canning Place, Newbridge, Co. Kildare Greatconnell is listed as a protected structure (B23-29).

It is considered that the proposed works constitutes development. It is considered that the restoration works to the existing dwelling and the alteration of the door opening location does not materially alter the special character of the protected structure. In this regard the provisions of Section 4(1)(h) and Section 57 (1) apply.

The works to preserve the rediscovered well are well-intentioned, serving to preserve the well structure, and the construction of the utility shed and relocation of the heating fuel storage tank are within the provisions of Class 3 and Class 2 (a) of Article 6 Schedule 2 Part 1 respectively. It is considered that the works do not materially alter the special character of the protected structure. In this regard the provisions of Section 4(1)(h) and Section 57 (1) apply.

##### **Conclusion**

Having regard to:

- Sections 2, 3, 4, 5 and 57 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*.

A handwritten signature in black ink, appearing to read "James Kelly". The signature is fluid and cursive, with the first name "James" and last name "Kelly" clearly distinguishable.

Signed:  
James Kelly,  
Assistant Planner

Date: 10/04/2025

A handwritten signature in black ink, appearing to read "Martin Ryan". The signature is fluid and cursive, with the first name "Martin" and last name "Ryan" clearly distinguishable.

Martin Ryan  
Senior Executive Planner  
10/04/2025



## **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 utility shed and boiler house structure to rear yard, screen and oil tank, addition of insulation to internal timber floor, inline slate roof vents and new internal door locations

**AS INDICATED** on the plans and particulars received by the Planning Authority on 14/03/2025

**AND WHEREAS** Raymond & Carole Fenton 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 and 57 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 utility shed and boiler house structure to rear yard, screen and oil tank, addition of insulation to internal timber floor, inline slate roof vents and new internal door locations*

***IS development and IS EXEMPTED development pursuant to Section 57(1) and Section 4 (1) (h) 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.

Signed: \_\_\_\_\_

## **Appendix 1: Appropriate Assessment Screening**



## APPROPRIATE ASSESSMENT SCREENING REPORT AND DETERMINATION

| (A) Project Details  |  |
|--|--|
| <b>Planning File Ref</b>   | ED1208   |
| <b>Applicant name</b>  | Raymond & Carole Fenton  |
| <b>Development Location</b>  | 7 Canning Place, Newbridge, Co. Kildare                              |
| <b>Site size</b>   | 0.55Ha   |
| <b>Application accompanied by an EIS (Yes/NO)</b>  | NO   |
| <b>Distance from Natura 2000 site in km</b>  | Pollardstown Fen SAC is located 2.36 km west of the application site |
| <b>Description of the project/proposed development –</b><br><i>the utility shed and boiler house structure to rear yard, screen and oil tank, addition of insulation to internal timber floor, inline slate roof vents and new internal door locations</i> |  |

| (B) Identification of Natura 2000 sites which may be impacted by the proposed development |  |  |   |
|---|--|--|---|
|   |  |  | <b>Yes/No</b><br><b>If answer is yes, identify list name of Natura 2000 site likely to be impacted.</b> |
| <b>1</b>  | <b>Impacts on sites designated for freshwater habitats or species.</b><br><br><u>Sites to consider:</u> River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake | <i>Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment (upstream or downstream) of same?</i> | <b>NO</b>   |



|          |   |   |           |
|----------|---|---|-----------|
| <b>2</b> | <b>Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.</b><br><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> | <b>NO</b> |
| <b>3</b> | <b>Impacts on designated terrestrial habitats.</b><br><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>              | <b>NO</b> |
| <b>4</b> | <b>Impacts on birds in SPAs</b><br><u>Sites to consider:</u> Poulaphouca Reservoir  | <i>Is the development within a Special Protection Area, or within 5 km of same?</i>   | <b>NO</b> |

**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**.

| <b>(G) SCREENING CONCLUSION STATEMENT</b>   |  |          |
|---|--|----------|
| <i>Selected relevant category for project assessed by ticking box.</i>                          |  |          |
| <b>1</b>  | AA is not required because the project is directly connected with/necessary to the conservation management of the site                                     |          |
| <b>2</b>  | No potential significant affects/AA is not required  | <b>X</b> |
| <b>3</b>  | Significant effects are certain, likely or uncertain.<br>Seek a Natura Impact Statement<br>Reject proposal. (Reject if potentially damaging/inappropriate) |          |
| <b>Justify why it falls into relevant category above (based on information in above tables)</b> |  |          |
| The development is unlikely to have a significant negative impact on an SAC or SPA              |  |          |
| <b>Name:</b>  | James Kelly  |          |
| <b>Position:</b>  | Assistant Planner  |          |
| <b>Date:</b>  | 10/04/2025   |          |



# 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:** DO57998 **Section:** Planning

**SUBJECT:** ED1208 Raymond & Carole Fenton, c/o Laura Bowen, The Barn Studio, Knockaulin, Kilcullen, Co. Kildare. Exempt Development Application for utility shed and boiler house structure to rear yard, screen and oil tank, addition of insulation to internal timber floor, inline slate roof vents and retention of new internal door location at 7 Canning Place, Newbridge, Co. Kildare

**SUBMITTED:** ED1208 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 11<sup>TH</sup> DAY  
OF APRIL YEAR 2025

SIGNED: Alan Dunney  
DIRECTOR OF SERVICES



## Kildare County Council

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



Incomplete application forms will  
be deemed invalid and returned

All responses must be in block  
letters

#### Section 1

#### Details of Applicants

1. Name of Applicant(s) A. **Raymond and Carole** Surname...**Fenton**.....  
Forenames **Carole & Raymond**.....  
Phone **[REDACTED]**..... Fax No...**N/A**.....  
2. Address ...  
4 **Baroda Court, Newbridge, Co. Kildare**

#### Section 2

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

1. Name of Person/Agent: Surname...**Bowen**..... Forenames... **Laura**.....  
Phone; No **087 6867940**..... Fax No.....  
2. Address...**The Barn Studio, Knockaulin Kilcullen, Co. Kildare...R56T850**.....  
.....

#### Section 3

#### Company Details (if applicable)

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

#### Section 4

#### Details of Site

1. Planning History of Site **Planning permission for rear access modifications 16/948 Section 5**  
**Application...2019 ED- 736**  
2. Location of Proposed Development.....**7 Canning Place, Newbridge Co. Kildare**.....  
.....  
3. Ordnance Survey Sheet No...**3603-11**.....  
4. Please state the Applicants interest in the site  
.....**Owner**.....  
.....

5. Please state the extent of the proposed development.....Retention of Utility Shed and Boiler house structure to rear yard, screen and oil tank., addition of insulation to internal timber floor, inline slate roof vents and retention of new internal door locations.....

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*).....

..... PART 1 SECTION 4 ‘EXEMPTED DEVELOPMENT’ – PART 4 (H) UNDER THE PLANNING AND DEVELOPMENT ACT 2000. THIS STATES THAT DEVELOPMENT IS EXEMPT WHERE THE “DEVELOPMENT CONSISTING OF THE CARRYING OUT OF WORKS FOR THE MAINTANCE, IMPROVEMENT OR OTHER ALTERATIONS 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”

THE PROPOSED WORKS CONSIST OF THE REFURBISHMENT OF ELEMENTS OF THE EXISTING STRUCTURE (LISTED BRIEFLY AT 5 AND IN MORE DETAIL TO MATCH ORIGINALS AND THEREFORE WE ARE PROPOSING THAT THE WORKS ARE EXEMPT AS THE WORKS DO NOT MATERIALLY AFFECT THE EXTERNAL APPEARANCE OF THE STRUCTURE SO AS TO RENDER THE APPEARANCE INCONSISTENT WITH THE CHARACTER OF THE STRUCTURE.

WETHEREFORE RESPECTFULLY REQUEST THAT THE PLANNING AUTHORITY CONSIDER THIS GENUINE APPLICATION FOR A SECTION 5 DECLARATION OF EXEMPT DEVELOPMENT.

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

..... **Retention of utility shed and boiler house structure to rear yard, addition of screened oil tank., minor internal changes; addition of insulation to internal timber floor and salvaged floorboards, inline slate roof vents and retention of modified internal door locations.**

|                  |  |
|------------------|--|
| <b>Section 5</b> | <b>The following must be submitted for a valid application</b> |
|------------------|--|

|    |   | (Please Tick) |
|----|---|---------------|
| 1. | Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)   | X             |
| 2. | A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended         | X             |
| 3. | Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended | X             |
| 4. | All drawings to differentiate between the original building, all extensions and proposed development                                | X             |
| 5. | Fee of 80 Euro  | X             |

|                  |                    |
|------------------|--------------------|
| <b>Section 6</b> | <b>Declaration</b> |
|------------------|--------------------|

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



Signatu\_\_\_\_\_

Date: 13/03/2025



# Comhairle Contae Chill Dara

## Kildare County Council

### Data Protection Act 2018

### PRIVACY STATEMENT

#### Who are we?

Kildare County Council (the Council) is the democratically elected unit of Local Government in County Kildare and is responsible for providing a range of services to meet the economic, social and cultural needs of the people of our County. In order to provide the most effective and targeted services to meet the needs of the citizens, communities and businesses of County Kildare we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being offered, information sought may include 'personal data' as defined by the Data Protection Acts and the General Data Protection Regulation (GDPR) and may relate to current, past and future service users; past; current and prospective employees; suppliers; and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect process and use certain types of personal data to comply with regulatory or legislative requirements or to carry out functions in the public interest.

#### Why do we have a Privacy Statement?

This privacy statement has been created to demonstrate the Council's commitment that personal data you may be required to supply to us, to enable us to provide services, is;

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, identified and legitimate purposes
- Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Personal data collected and processed must be accurate and (where necessary) kept up to-date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

More detail is available in our Data Protection Policy at

<http://kildare.ie/CountyCouncil/DataProtection/> or you can request a hard copy at 045 980 200.

#### What is the activity referred to in this Privacy Statement?

Kildare County Council performs the role of Planning Authority for the County. The planning application process is a statutory requirement which allows for the relevant parties and public to participate in the proper development of the lands in the County.



# Comhairle Contae Chill Dara

## Kildare County Council

### **What is the basis for making the processing of this personal data lawful?**

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Kildare County Council in accordance with Article 6(1)(e) of the General Data Protection Regulation, 2016. Specifically the lawful basis for this process is the Planning & Development Acts 2000- 2017 and the Planning and Development Regulations 2001 - 2017. In addition there are also certain delegated functions under the local Government Reform Act 2014.

### **We require contact details**

In order to communicate with you, you will be asked for contact details. You do not have to provide all contact details but providing more, such as email, phone, address, makes it easier to communicate. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data. These contact details may also be used to verify your identity.

### **What other types of personal data do we need to undertake this activity?**

(a) Data subject - Name, address, contact number, copy of payment receipt, local needs information & supporting documentation which may include documents such as birth certificate, baptismal certificate, credit union details, copy of driving licence, copy of passport, school documentation etc.

(b) Third parties related to the land - name, address, land ownership

(c) Third parties - information related to submissions made to the Planning Authority (Elected Representatives)

Medical records and potentially other sensitive data can be processed under the rural housing local need aspect of this activity. This information is not requested; however it may be voluntarily submitted as part of the application.

### **What will happen if the personal data is not provided?**

All information requested as part of the application process, (excluding the **rural housing** local need information) is mandatory as part of the application process and is required for the application to be considered valid. Any application deemed invalid will not proceed. If the local need information is not submitted, the planner may refuse or request further information on the file in order to satisfy the Planning Authority that the applicant is compliant with the Rural Housing policy of the Kildare County Development Plan 2017-2023

### **Am I the only source of this personal data?**

In some instances to assist with the delivery of the activity or to comply with regulatory or legislative requirements personal data is sourced from a third party. This **may apply** to this activity.





# Comhairle Contae Chill Dara

## Kildare County Council

Data may be sourced during the planning application process from public sources such as the Property Registration Authority and other publically available information that Kildare County Council may hold.

### Is personal data submitted as part of this activity shared with other organisations?

The Council may, to fulfil statutory or regulatory obligations or in the public interest, from time to time, have to share personal data with other organisations or entities (in Ireland or abroad). Where this is required the Council shall have regard to your rights, to the security and integrity of the data and will minimise the data shared.

Sharing **APPLIES** to this activity.

As part of this process, the planning application data which is publicly available may be forwarded to external agencies/consultees such as ESB, Irish Rail, etc. to review and make a submission if they wish. If an application is to be appealed Kildare County Council are required under the Planning and Development Acts to give all details submitted as part of the planning application to An Bord Pleanála, who then become the joint data controller for the information they hold.

Data **IS NOT** transferred to another country.

Data is transferred to (if there are no countries listed, it is not intended to transfer the personal data abroad)

### How long is my data kept for?

The Council has a detailed record retention policy which outlines time periods for which your personal data will be retained and what will happen to it after the required retention period has expired. A copy of Record Retention Policy can be accessed via the following link:

[http://www.lgma.ie/sites/default/files/2002\\_national\\_retention\\_policy\\_for\\_local\\_authority\\_records\\_2.pdf](http://www.lgma.ie/sites/default/files/2002_national_retention_policy_for_local_authority_records_2.pdf)

### Do you need to update your records?

Kildare County Council must take reasonable steps to ensure that personal data we have about our customers is correct and up to date.

In addition, if the data held by us is found to be inaccurate you have the right to rectify/correct this.

If you find that personal data we have about you is inaccurate or needs to be updated (for instance, you may have changed your name, address, contact details etc.) then please contact us so that we can correct it. You can do this by:



# Comhairle Contae Chill Dara

## Kildare County Council

**Writing to us at:** Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F

**Emailing us at** [customercare@kildarecoco.ie](mailto:customercare@kildarecoco.ie)

When making a request to update your record please provide evidence to support this - for example a copy of a document containing your new address – utility (Gas, Electricity, Phone) bill etc.

### Your rights:

You have the right to obtain confirmation as to whether data concerning you exists, to request access to personal data held about you, to be informed of the content and source of data and check its accuracy.

If the data held by us is found to be inaccurate you have the right to rectify/correct this – see above on how to update your records.

You also, subject to certain conditions being met, have the right to object to or seek restriction of the processing of personal data and to request the erasure of personal data held by the Council.

Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data.

To exercise these rights logon to <http://kildare.ie/CountyCouncil/DataProtection/> , use one of the forms at our Counter or contact us.

### Kildare County Council - Access to Information Officer

|                       |  |
|-----------------------|--|
| <b>Phone</b>          | 045 982 200  |
| <b>E-mail</b>         | <a href="mailto:dataprotection@kildarecoco.ie">dataprotection@kildarecoco.ie</a> or <a href="mailto:customercare@kildarecoco.ie">customercare@kildarecoco.ie</a> |
| <b>Postal Address</b> | Áras Chill Dara,<br>Devoy Park,<br>Naas,<br>Co Kildare. W91 X77F.  |

### Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received by the Council you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you. The Data Protection Commissioner's website is [www.dataprotection.ie](http://www.dataprotection.ie) or you can contact their Office at:





# Comhairle Contae Chill Dara

## Kildare County Council

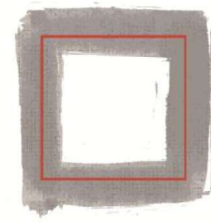
|                       |   |
|-----------------------|---|
| <b>Lo Call Number</b> | 1890 252 231  |
| <b>E-mail</b>         | <a href="mailto:info@dataprotection.ie">info@dataprotection.ie</a>                                |
| <b>Postal Address</b> | Data Protection Commissioner<br>Canal House<br>Station Road<br>Portarlinton, Co. Laois. R32 AP23. |

### Changes to Privacy Statement

We may make changes to this Statement. If we make any changes they will be posted on this page and we will change the "Last Updated" date below.

Last Updated 25 May 2018.

Attn. Anne Lowe  
Conservation Section,  
Planning Department,  
Kildare County Council,  
Aras Chill Dara, Naas,  
Co. Kildare



**Laura Bowen**  
architects

March 13 th 2025

Job ref 81500-137

**Re: Enclosure letter for Section 5 Application for 7 Canning Place, a protected structure ref no B-23-29 for retention of utility boiler/ pump house and oil tank to rear yard, and minor changes to section 5 application ED/736 for Mr. Raymond Fenton Newbridge Co. Kildare.**



Dear Sir or Madam

I enclose the following documentation in relation to the above, application for a Section 5 exemption from planning for construction of boiler house and utility 7sqm to rear garden of no 7 Canning Place. The construction of this shed was not covered by a previous section 5 application. Mr. Raymond Fenton is presently the owner who is selling the property and is trying to rectify legal documentation in relation to this. I was not involved in the oversight of the refurbishment works which were to the drawings and documentation provided by Fitzgibbon McKinley Architects.

### **Planning history**

A planning application was granted to the previous owner **16/948** for modification of rear entrance wall and installation of a widened gate.

Laura Bowen Architects  
'The Barn Studio' - Knockaulin - Kilcullen - Co. Kildare  
t: 045 482 881 e: [lbowenarchitect@gmail.com](mailto:lbowenarchitect@gmail.com)

f: 045 482 819

It has previously applied and granted for Built Heritage Grant Scheme in **2019** and **2020** for works to historic joinery and roof. A Section 5 for exemption development was lodged and granted under **ED/736**. The methodology for this referred to ancillary works to the rear and front yard without the reference to location of this new masonry shed structure.

### **Reason for Application/ Discovery of historic well**

Erection of a shed ancillary to a house within the limits of standard planning exemption; no other previous extension etc. less than 25sqm ( 7sqm) and to the rear would normally be exempt for a non-protected structure. The shed does not impact on the character of the protected structure as it is not attached to the rear elevation. It was built to incorporate the discovery of a historic well possibly originally shared between both properties, it had been back filled under a later modified structure that had long collapsed. This brick lined well is approx. in 3m depth and has an oak lined concave base which has been relined with a membrane and loose stone. This clearing and recording was made by the owner himself and the utility and access to the well was added to secure the well opening for safety reasons. It is aesthetic purposes only, but the water level is very consistent and remains at about 500mm deep. The side of this shed was initially built to incorporate an oil tank on a raised concrete platform but the discovery and the reinstatement the well as a feature meant that another oil tank location was needed to ensure distance from the well. This is indicated on the drawing.



*Shed in question containing enclosure for discovered well.*



*Decorative pump and utility sink.*



*Brick lined well*



*New oil tank.*

It is my opinion as a conservation professional that the retention of the pump house structure does not impact on the character of the curtilage of no. 7 Canning Place and the reinstatement of the historic well has enhanced the historic character of the overall development.

There are some minor internal changes/ additions outside the original Section 5 Declaration of exempt under 57 declaration to the main house but they are of a minor nature and do not detract from the building's character

Insulation of the suspended timber floor

Reuse of new salvaged timber floorboards.

Addition of Vent inline slates to roof attic space to rear roof plane.

Modification of location internal door openings in existing wall

original layout maintained. see plan

*In accordance with Section 57.—(1) Notwithstanding section 4(1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—*

*(a) the structure, or*

*(b) any element of the structure which contributes to its special*

*Architectural, historical, archaeological, artistic, cultural,*

*Scientific, social or technical interest.*

Documentation Included:

1. Completed Section 5 Form 2025 with signed declaration.
2. Drawings site layout no S5-01, SA-02, SA-03, Location map and site layout, Elevations plan and section of shed to rear and location of oil tank
3. Cheque for €80

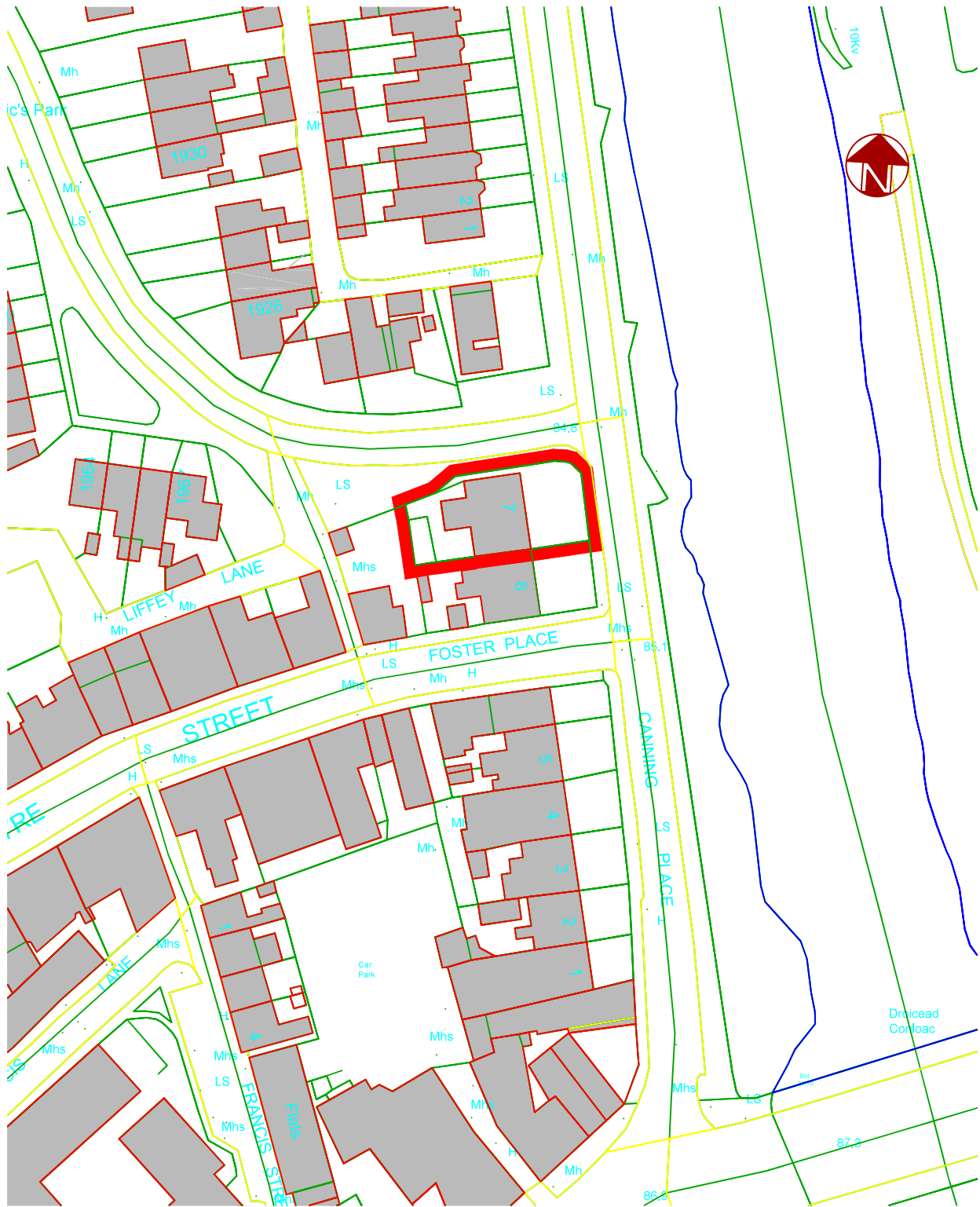
Yours Sincerely,



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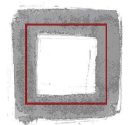
Laura Bowen  
B. Arch, M.R.IAI, MUBC





## S5-01 Location map

|         |  |            |                 |
|---------|--|------------|-----------------|
| project | No. 7 Canning Place, Newbridge Co. Kildare |            |                 |
| client  | Mr. and Mrs Raymond Fenton                 |            |                 |
| drawing | Location map                               | rev.       | no. S5-01       |
| scale   | 1 : 1000 @ a4                              | date       | 11th March 2025 |
|         |  | drawn by   | Laura Bowen     |
|         |  | checked by | Laura Bowen     |



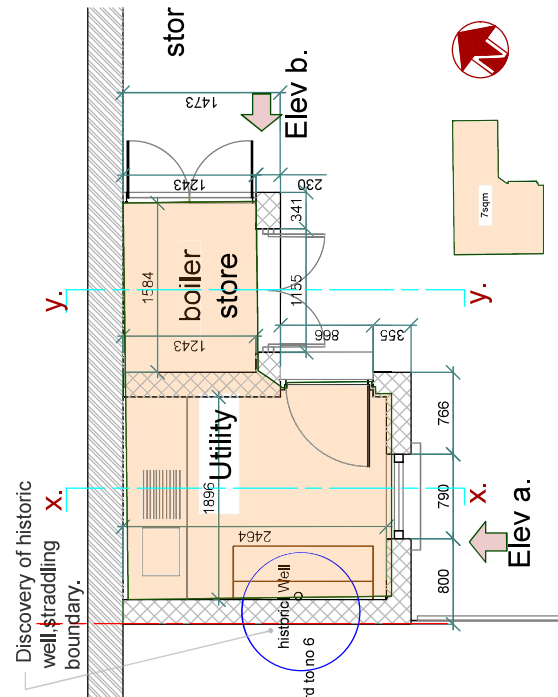
**Laura Bowen**  
architects

● This drawing is copyright. Figured dimensions only to be taken from this drawing. All dimensions to be checked on site. Architects to be informed immediately of any discrepancies before work proceeds

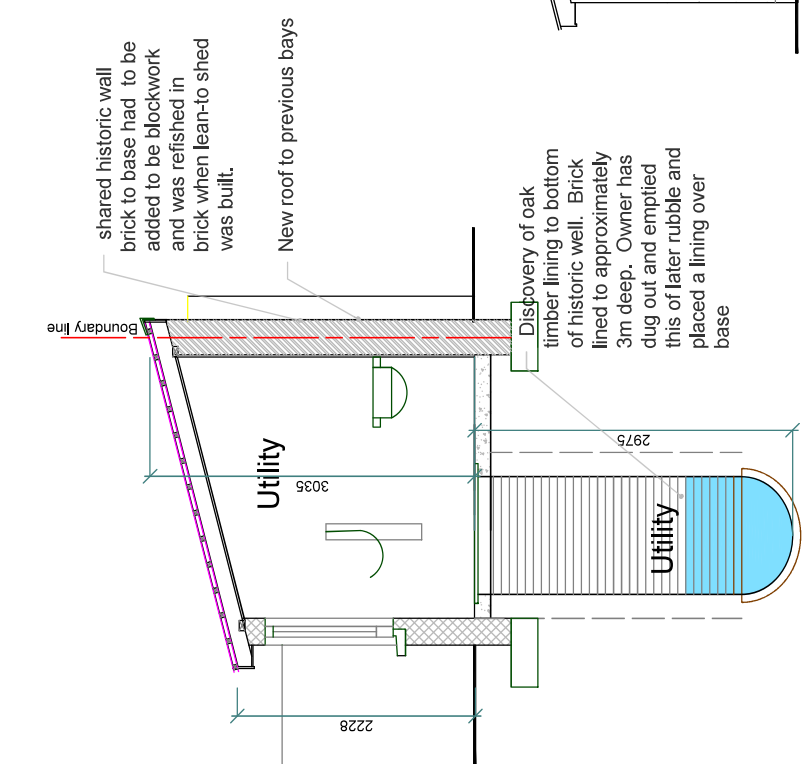
Laura Bowen Architects  
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 t: 045 482 881 e: [info@laurabowenarchitects.ie](mailto:info@laurabowenarchitects.ie) f: 045 482 819  
[www.laurabowenarchitects.ie](http://www.laurabowenarchitects.ie)



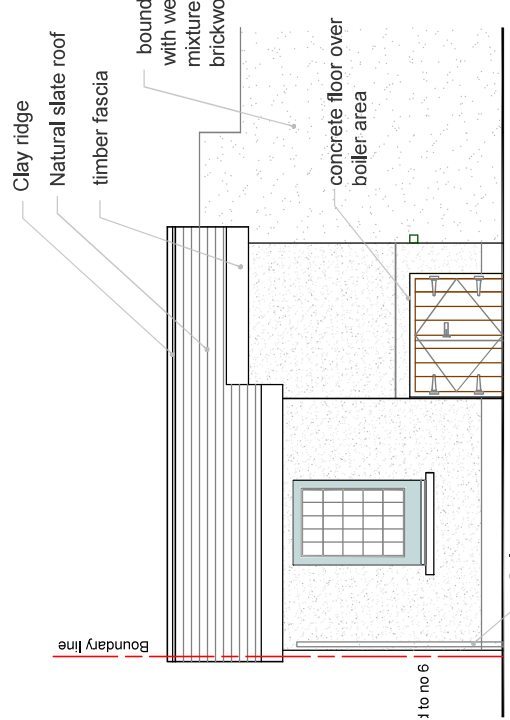




Scale 1 = 50

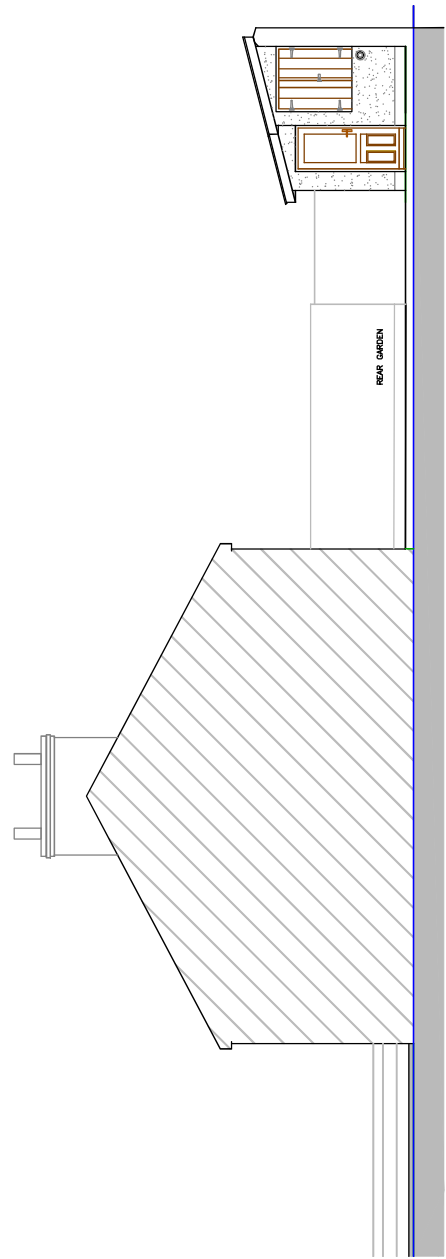


Section X-X Shed  
Scale 1 = 50

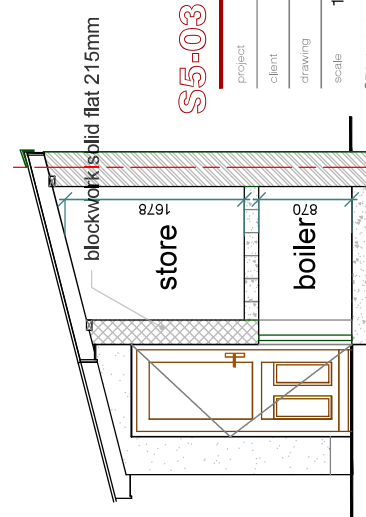


Elevation A-A  
Scale 1 = 50

Elevation B-B  
Scale 1 = 50



Section XI-Xi  
Scale 1 = 50



Section Y-Y Shed  
Scale 1 = 50

## S5-03 G.A. Drawings- section 5

|         |                                |             |                        |
|---------|--------------------------------|-------------|------------------------|
| project | No. 7 Canning Place, Newbridge |             |                        |
| client  | Mr. and Mrs Raymond Fenton     |             |                        |
| drawing | Details of ancillary shed      | rev.        | S5-03                  |
| scale   | 1 : 50 @ a3                    | date        | 11th March 2025        |
|         | drawn by                       | Laura Bowen | checked by Laura Bowen |
|         |                                | no.         | S5-03                  |

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|            |                   |                     |      |         |   |   |            |          |
|------------|-------------------|---------------------|------|---------|---|---|------------|----------|
| BOIHSR     | 365 SECTION 5 FEE | 80.00               | BANK | 1819747 | 1 | 0 | 14/03/2025 |          |
| 14/03/2025 |                   | 365 Section 5 fee R |      |         |   |   |            | + €80.00 |

Payee Name:

Payee IBAN:

Originator Name:

Amount:

Value Date:

Payment Reference:

Originator Reference Party:

ID code or Originating reference party:

Originator ID:

Purposes of the Credit Transfer:

Payee Reference Party Name:

ID code of Payee Reference Party:

Remittance Information:

Kildare Co. Council

IE69 BOFI 9012 3911 0668 06

CAROLE FENTON

+ €80.00

14/03/2025

365 Section 5 fee R

Not provided by sender

Not provided by sender

Not provided by sender

Not provided by sender

Not provided by sender

Section 5 payment Raymond and Carole Fenton for Application

2019ED-736