

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

### PR/1414/21

**Reg. Reference:** ED21/0065                      **Application Date:** 05-Oct-2021  
**Application Type:** Declaration of                      **Registration Date:** 05-Oct-2021  
Exemption Section 5

**Correspondence Name and Address:** Tony Reynolds 4-5, St. Mary' s Terrace, Dunboyne, Co. Meath

**Proposed Development:** Replacement of windows to the rear of the property

**Location:** 5, Willsbrook Grove, Willsbrook Park, Lucan, Co. Dublin

**Applicant Name:** John & Lisa Smith

(EW)

#### **Description of Site and Surroundings:**

The subject site is located on cul-de-sac within an established residential area in Lucan, Co. Dublin. The site accommodates a semi-detached, two storey dwelling with front and rear garden and gated side access. The area is characterised by similar dwellings, mostly of a uniform type. The N4 national road is located to the northwest of the site.

#### **Zoning:**

The subject site is subject to zoning objective RES - *'To protect and/or improve residential amenity'* in the South Dublin County Development plan 2016-2022

#### **Proposal:**

This is an application requesting a Section 5 Declaration on whether the following works are or are not exempted development:

- Replacement of windows to the rear of the property

This Section 5 Declaration application includes:

- Application form

Noted that the application does not include:

- site location map.
- site layout plan including all existing structures on site.
- scaled floor plans and elevations.
- supporting photomontages.

#### **Relevant Planning History:**

None recorded.

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### **Pre-Planning**

None recorded.

### **Relevant Enforcement History**

None recorded.

### **Assessment**

Consideration as to whether a development constitutes exempted development or not is governed by Sections 3, 4 and 5 of the Planning and Development Act 2000, as amended and Articles 5, 6, 7, 8, 9, 10 and 11 of the Planning and Development Regulations 2001, as amended.

#### *Is the proposal development?*

Section 3(1) 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*'. The term 'works' is defined in Section 2(1) of the 2000 Act as '*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*'.

It is considered that the proposed works would constitute the carrying out of works by way of 'construction' and 'alteration' of a structure, and therefore can be considered to comprise 'development', as defined in Section 3(1) of the Planning and Development Act 2000.

#### *Is the proposal exempted development?*

Noted that the applicant has not submitted a site location map or provided scaled floorplans and a dimensioned rear elevation showing the proposed works.

The applicant outlines that the proposal is a replacement of windows to the rear of the property. Further information is required having regard to the lack of supporting drawings submitted with the application. This is required to inform the assessment of the proposal and consider if Part 1 of Schedule 2 – Exempted Development – General of the Planning and Development Regulations (as amended) is applicable.

### **Conclusion:**

It is considered that further information is required to assess this Exempted Declaration request.

### **Recommendation:**

The applicant should be requested to:

1. Provide a site location map.
2. Provide scaled floorplans and a dimensioned rear elevation showing the proposed works.
3. Before and after photographs.

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I recommend that **Additional Information Requested** be requested from the applicant with regard to the following:

1. The applicant is requested to submit the following:
  1. site location map.
  2. scaled floorplans and a dimensioned rear elevational drawing showing the proposed works.
  3. before and after photographs clearly notating the changes/modifications to be assessed for this Section 5 application.



**Tracy McGibbon**  
**A/Senior Executive Planner**

**Comhairle Chontae Atha Cliath Theas**


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**Register Reference: ED21/0065**

**ORDER:** That **ADDITIONAL INFORMATION** be requested from the applicant as set out above and that notice thereof be served on the Agent/Applicant.

**Date:**

1/11/21

  
**Eoin Burke, Senior Planner**