

Comhairle Chontae Atha Cliath Theas

PR/0033/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: ED21/0076 **Application Date:** 07-Dec-2021
Application Type: Declaration of **Registration Date:** 07-Dec-2021
Exemption Section 5

Correspondence Name and Address: Nicola Cowin 14, Oldchurch Park, Dublin 22
Proposed Development: Build kitchen extension
Location: 20, Monastery Gate Copse, Dublin 22
Applicant Name: Main Uddin

Description of Site and Surroundings

The streetscape is characterised by semi-detached dwellings of similar form and appearance, with token roof profiles. The subject dwelling faces a green area that backs onto the Monastery Road. The rear gardens back directly adjoin the rear gardens of the adjacent properties to the rear (north) of the site Woodford Rise.

Zoning

The subject site is subject to zoning objective RES - 'To protect and / or improve Residential Amenity'.

Proposal

This Section 5 Declaration application includes:

- Application Form.
- '*Site Visit Report – Architectural Services*' prepared by Grow Pad dated 3rd November 2021.

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

- As noted in the '*Site Visit Report – Architectural Services*' the proposal is comprised of a ground floor extension to rear, providing an enlarged kitchen with a Gross Floor Area of 28sq m.

This Section 5 Declaration did **not** include:

- Floor Plans
- Elevations
- Sections

It is noted from the submitted report from the Site Visit Report (page 4) that the proposal is currently under construction.

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Relevant Planning History

ED21/0071 – Section 5 Declaration of Exemption sought for a ground floor extension to the rear. **Additional Information requested.** To date, no additional information has been received.

Pre-Planning Consultation

None recorded.

Relevant Enforcement History

None recorded.

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 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 2(1) in this Act, except where otherwise requires –

'works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

'structure' as any building, structure, excavation, or other thing constructed or made on, in or under any land, or part of a structure so defined, and –

- (a) Where the context so admits, includes the land on, in or under which the structure is situated.

Section 3(1) 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 proposed development on site, comprising **construction** of a rear extension, constitutes **'works'** and is therefore deemed to be **'development'**.

Is the proposal exempted development?

Extensions to existing dwellings and within the curtilage of an existing house is laid out under **Class 1 of Part 1 of Schedule 2** of the Planning & Development Regulations 2001 (as amended) relates to development within the curtilage of a house. The development is within the curtilage of a house. **Class 1** sets out relevant development which is exempted development subject to conditions:

*'Class 1: The **extension** of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is considered 'Exempted Development', subject to conditions and limitations:*

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1. *(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres*

It does not appear that the house has been extended previously. However, a complete set of drawings has not been provided. As such, it is difficult to determine with certainty whether the dwelling has been extended previously. The proposed extension is less than 40 sq m and stated at 28 sq m. However, internal measurements cannot be clarified as sufficient information has not been submitted to carry out a full assessment, **ADDITIONAL INFORMATION** should be sought.

(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.

The house is semi-detached. Rear elevation drawings have not been submitted to carry out a full assessment, **ADDITIONAL INFORMATION** should be sought.

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.*

Owing to the deficiency in the information provided, it is difficult to determine with certainty whether or not the house has been extended.

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

The Site Visit Report states that the proposal is 2.2m from the boundary with No. 18 Monastery Gate and 1.1m from the boundary with No. 22 Monastery Gate. Rear elevation drawings were not submitted to carry out a full assessment, **ADDITIONAL INFORMATION** should be sought.

4. *(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 rear wall of the house.*

Rear elevation drawings were not submitted to carry out a full assessment, **ADDITIONAL INFORMATION** should be sought.

(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

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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.

Rear elevation drawings were not submitted to carry out a full assessment, **ADDITIONAL INFORMATION** should be sought.

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.*

The area of remaining rear garden is stated as 51 sq m resulting in adequate private open space reserved exclusively for the use of the occupants of the house to the rear of the house. The proposal therefore does comply with this condition.

6. *(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*

According to the Site Visit Report the proposed windows at the rear elevation are 8m from the boundary with No. 21 Monastery Gate to the north.

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

As the proposal appears to be for a single storey extension there are unlikely to be windows proposed above ground level. However, no elevations have been provided to determine whether any elevational amendments are proposed above ground level. Sufficient information has not been submitted to carry out a full assessment **ADDITIONAL INFORMATION** should be sought.

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

Not applicable to this proposal as per submitted drawing: 2124-AO.2.

The applicant outlines in the submitted Site Visit Report dated 3rd November 2021, that the proposal is in the process of being built and has a floor area of 28 sq.m and the area of remainder rear garden 51sq.m. However, no floor plans, elevational and sectional drawings have been submitted for the Planning Authority to make an informed decision and there is not enough information to assess the proposed development against Class 1 of Part 1 of Schedule 2. The Applicant should be requested to submit adequate **ADDITIONAL INFORMATION** to allow for a full assessment to be carried out. The Applicant should go through each of the Conditions and Limitations and demonstrate to the Planning Authority that the proposed extension comes within each of the five items

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laid out under Class 1.


Conclusion

Insufficient information has been submitted with this Application, which has resulted in the Planning Authority being unable to fully assess and make a determination on whether or not the development is exempted development. Additional information should be sought.

Recommendation:

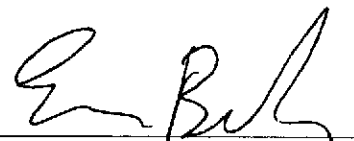
I recommend that **Additional Information Requested** be requested from the applicant with regard to the following:

1. Insufficient information has been submitted for the Planning Authority to fully assess the proposed development against Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, (as amended). The Applicant is therefore requested to submit:
 - (i) Scaled floorplans of the proposed extension
 - (ii) Fully dimensioned elevations showing the proposed works. All windows proposed in any of the elevations should be clearly shown
 - (iii) Fully dimensioned sections with an overall height.
 - (iv) The applicant is requested to go through each of the Conditions and Limitations, as outlined in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and satisfy both themselves and the Planning Authority that the proposed extension comes within each of the five items laid out under Class 1.


Tracy/McGibbon
A/Senior Executive Planner

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

Date: 12/1/22


Eoin Burke, Senior Planner