

Comhairle Chontae Atha Cliath Theas

PR/0781/22

Record of Executive Business and Chief Executive's Order

Register Reference: ED22/0014
Correspondence Name & Address: Andrew Sheehan 33, St. Enda's Drive,
Rathfarnham, Dublin 14, D14N5Y0
Development: The change of a size of a window on the front
elevation of the existing dwelling, 39mm in
height.
Location: 33, St. Enda's Drive, Rathfarnham, Dublin 14,
D14N5Y0
Applicant: Andrew Sheehan

(CS)

Description of Site and Surroundings

The site is located within St. Endas Drive in Rathfarnham and forms a two storey end of terrace dwelling with a hipped roof with single storey side element and single storey rear extension. The streetscape in the immediate vicinity of the dwelling is characterised by dwellings of similar form and appearance with a mainly uniform building line

Proposal

This is an application requesting a Section 5 Declaration on whether works to 33 St. Endas Drive, Rathfarnham, Dublin 14 comprising:

- The change of a size of a window in the front elevation of the existing dwelling: 39mm in height.

is development and is or is not exempted development.

This Section 5 Declaration application includes: -

- Site Layout Plan
- Site Location Map
- Aerial Photographs
- PRA Map
- Floor Plans & Elevations

Relevant Planning History

None recorded for subject site.

Relevant Enforcement History

No relevant enforcement history found.

Pre-Planning Consultation

None found.

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)

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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 development as outlined above would constitute the carrying out of works, 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?

In order to assess whether or not the works relating to the following:

- The change of a size of a window in the front elevation of the existing dwelling: 39mm in height.

to be carried out at 33 St. Endas Drive, Rathfarnham, Dublin 14 constitutes exempted development, regard must be had to the following:

Section 4 (1)(h) of the Planning and Development Act 2000 (as amended) states:

4(1)(h)The Following shall be exempted development for the purposes of this Act-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.

The drawings submitted provide details of the following:

- Elevations of the proposed window whereby the window height of the single storey side element will be raised from 114mm to 153mm to match the height of the ground floor front window of the main dwelling.

Having regard to the proposed works it is considered that the works detailed above would constitute the carrying out of works for the maintenance, improvement or alteration of the structure being works *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 development would therefore comply with the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended) and would constitute exempted development.

Conclusion

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Having regard to the provisions of the Planning and Development Act 2000 (as amended), and the Planning and Development Regulations 2001 (as amended), it is considered that the following works:

- The change of a size of a window in the front elevation of the existing dwelling: 39mm in height.

to be carried out at 33 St. Endas Drive, Rathfarnham, Dublin 14 as detailed in the documentation submitted,

(A) is development

and

(B) is exempted development.

Recommendation

A Section 5 Declaration of Exemption should issue for the reasons set out above.



Jim Johnston
Senior Executive Planner

ORDER: That the applicant be informed that the proposed development of:

The change of a size of a window on the front elevation of the existing dwelling, 39mm in height. at 33, St. Enda's Drive, Rathfarnham, Dublin 14, D14N5Y0

is considered to be exempted development under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) and therefore **does not** require planning permission.

Date: 21/6/22



Eoin Burke, Senior Planner