

Comhairle Chontae Atha Cliath Theas

PR/0822/22

Record of Executive Business and Chief Executive's Order

Register Reference: ED22/0017
Correspondence Name & Address: Brian Moore, Gavin Design & Build Shankill
Business Centre, Station Road, Shankill, Dublin
18
Development: Proposed new single storey extension to rear of
property – 28.81Sqm
Location: 20, Wainsfort Manor Crescent, Dublin 6w
Applicant: Marie O'Boyle

Description of Site and Surroundings

The subject site is a dwelling located within a predominantly residential area.

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.
- Cover letter, Gavin design and build
- Gavin design and build – brief specification of works
- Layout plan
- Existing front elevation, existing and proposed rear elevation
- Section, existing, proposed side elevation (north)
- Existing and proposed floor plan
- Site Location, Plans and Elevations Drawing.

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

Proposed new single storey extension to rear of property – 28.81Sqm

Relevant Planning History

None recorded.

Pre-Planning Consultation

None recorded.

Relevant Enforcement History

None recorded.

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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:

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

The house has been extended previously.

(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.*

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The proposal is for a single storey extension to the rear and does not include any extension above ground level and does not exceed 12 square metres. The proposal complies with this condition.

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.*

The application sets out that there is an existing extension of 8.64sq.m. The proposed extension, incorporating the previous extension would be 28. 81sq.m. The proposal complies with this condition.

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

The proposal is for a single storey extension only. This condition does not apply.

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 rear wall of the house does not include a gable. The proposal seeks to provide a single storey rear extension with a flat roof profile. The proposal does not exceed the height of the rear wall of the house. The proposal complies with this condition.

(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.

The rear wall does not include a gable. The proposal seeks to provide a single storey rear extension with a flat roof profile. The proposal does not exceed the height of the rear wall of the house. The proposal complies with this condition.

(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.

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The highest part of the roof of the single storey extension proposed does not exceed the height of the highest part of the roof of the dwelling. The proposal complies with this condition.

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 53.25 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 complies 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.*

The nearest window to the boundary it faces is located more than 1m from the nearest boundary. The proposal complies with this condition.

(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 to this proposal.

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

The plans indicate a flat roof and do not indicate that this area would be accessible as a balcony or would be used as a roof garden.

Article 9 restrictions

The proposed development is not restricted by any of the restrictions in Article 9 of the Planning and Development Regulations 2001 (as amended).

Conclusion

The proposed development is considered to constitute development by virtue of the nature of the works proposed. The proposed development is considered to be exempted development as it complies with the conditions and limitations set out within Class 1 of Part 1 of 2 of the Planning and Development Regulations, 2001 (as amended).

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Recommendation

The applicant should be written to and informed that the proposed development is considered to be development and exempted development and therefore would not require planning permission.



Sarah Watson
Executive Planner

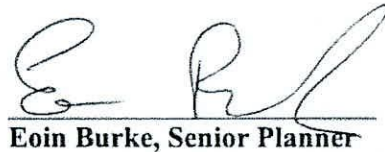
ORDER: That the applicant be informed that the proposed development of:

**Proposed new single storey extension to rear of property –
28.81Sqm at 20, Wainsfort Manor Crescent, Dublin 6w**

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:

29/6/22



Eoin Burke, Senior Planner