

Comhairle Chontae na Mí

Roinn Pleanáil,
Teach Buvinda, Bóthar Átha Cliath,
An Uaimh, Contae na Mí, C15 Y291
Fón: 046 – 9097500/Fax: 046 – 9097001
R-phost: planning@meathcoco.ie
Web: www.meath.ie



Meath County Council

Planning Department
Buvinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
Tel: 046 – 9097500/Fax: 046 – 9097001
E-mail: planning@meathcoco.ie
Web: www.meath.ie

APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2021, as amended

1. Name: James Shanley

Contact details: to be supplied at the end of this form (Question 13)

2. Name of person/ agent acting on behalf of the applicant, if applicable

JAMES SHANLEY & ASSOCIATES

Contact details: to be supplied at the end of this form (Question 14)

3. Location of Development and/or Subject Site: 11 BRIDGE STREET, NAVAN.

4. Description of Development: EXISTING LOWER GROUND FLOOR EXTENSION TO REAR OF ORIGINAL DWELLING

5. Will/Does the development take place within the curtilage of a dwelling house?

Please tick as appropriate: NO YES

6. Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?

Please tick as appropriate: NO

6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES NO

7. State overall height of structure if applicable: 8.092m

8. State in square metres the floor area of the existing/proposed development:

Existing Floor Area of Lower Ground Floor Extension = 19sq.m.

9. List of plans / drawings etc. submitted: 2 copies of site location map 1:2500. 2 drawings to scale of existing development. 2 Site Layout Plans



10. Please state applicants interest in this site

FREEHOLD

If applicant is not the owner of site, please provide name & address of owner:

N/A.

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: NO

11 (b), If "YES" please supply details:

12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: NO

12 (b), If "YES" please supply details:

SIGNED:



DATE: 14.03.24.

NOTES

1. Application Fee of €80
2. Application shall be accompanied by:
 - 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
 - Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.

Contact Details: Phone: 046 9097500 Fax: 046 9097001

Email: planning@meathcoco.ie

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 474/24

Reference Number: NA/S52417

Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2022

Name of Applicant: James Shanley

Address: C/O James Shanley & Associates
Unit 3 Church Hill
Navan
Co. Meath

Nature of Application: Existing lower ground floor extension to rear of original dwelling.

Location of Development: 11 Bridge Street, Navan, Co Meath

DECLARATION: This development is **EXEMPT** from Planning Permission.

ORDER:

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **EXEMPTED DEVELOPMENT**.

SIGNED: UBagnall
On Behalf of Meath County Council

DATE: 05.04.24

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: James Shanley
C/O James Shanley & Associates.
Unit 3 Church Hill
Navan
Co. Meath

PLANNING REFERENCE NUMBER: NA/S52417

APPLICATION RECEIPT DATE: 14/03/2024

FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 05-04-24 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **existing lower ground floor extension to rear of original dwelling at 11 Bridge Street, Navan, Co Meath** is development and is exempted development.

Date: 05-04-24


On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2022 may be made to An Bord Pleanala by the applicant **WITHIN FOUR WEEKS** beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

For more information on Appeals you can contact An Bord Pleanala at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie Web: www.pleanala.ie

Meath County Council



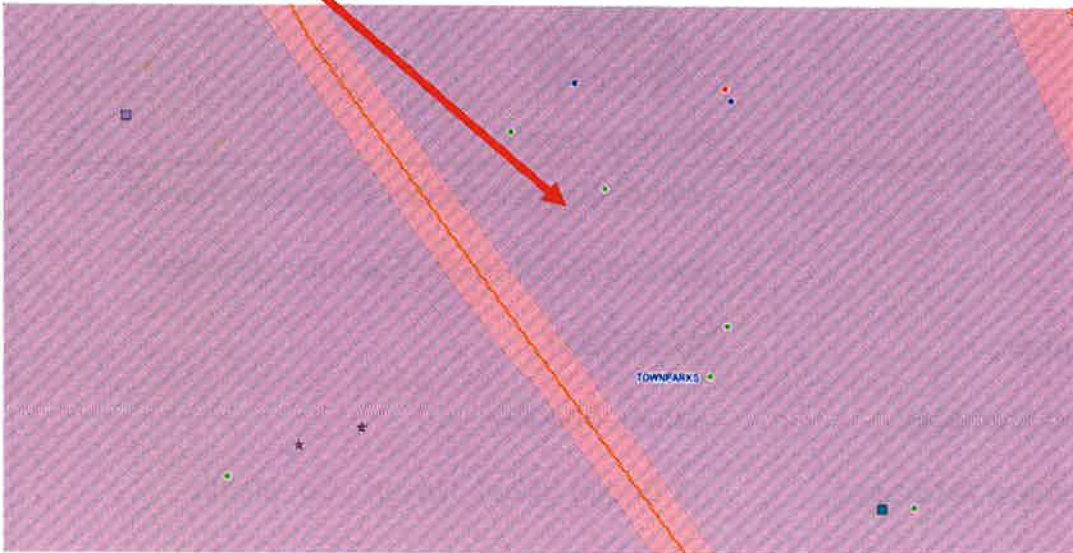
Planning Report

To:	Wendy Bagnall, Senior Executive Planner
From:	Sandra McCormack, Executive Planner
File Number:	NAS5/2417
Applicant Name(s):	James Shanley
Development Address:	11 Bridge Street, Navan , Co. Meath
Inspection Date:	04/04/2024
Application Type:	Section 5 of the Planning & Development Act 2000- 2022 Declaration on Development/Exempted Development
Development Description:	<i>Existing</i> ↑ Lower ground floor extension to rear of original dwelling.
Date of Report:	04/04/2024
Decision Due Date:	11/04/2024

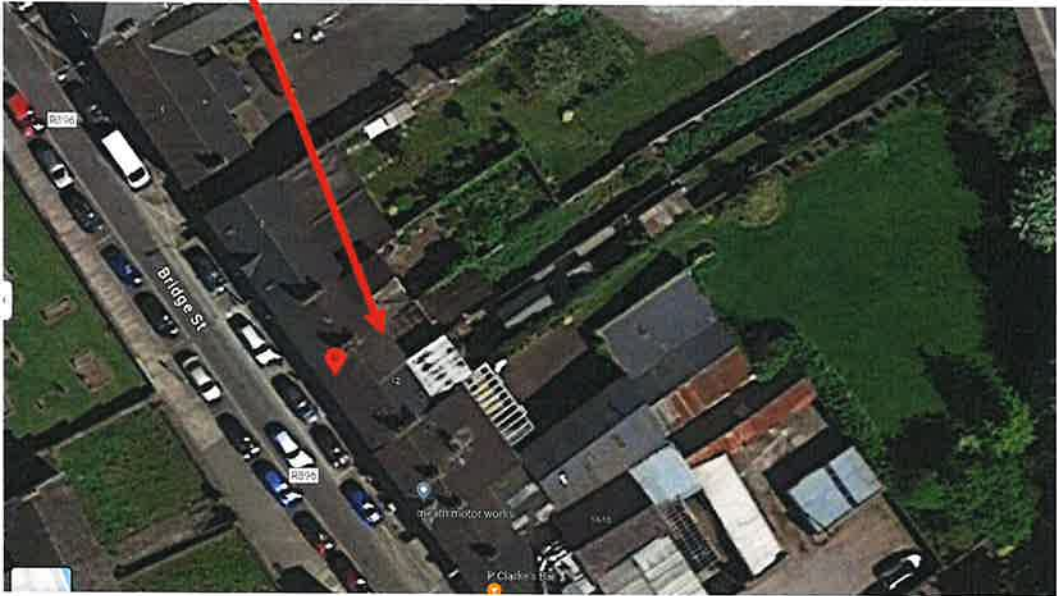
1.0 SITE LOCATION & DESCRIPTION:

The site relates to an existing terraced dwelling located at 11 Bridge Street, Navan, Co. Meath which is located within Navan Historic Core and MCC Architectural Conservation Area R172294. The site is located within Flood Zone B which is at moderate risk of flooding.

Site location:



Site location:



Subject dwelling



2.0 PROPOSED DEVELOPMENT/ DECLARATION SOUGHT:

The referrer seeks a Section 5 declaration as to whether; “a ground floor extension with a floor area of 19 sq.m.” at 11 Bridge Street, Navan, **is or is not development and is or is not exempted development.**

3.0 PLANNING HISTORY:

Subject site

NT30048: Planning permission refused to Oliver Shanley & Co. Solicitors for extension and renovations of offices including construction of offices, toilets, canteen and file storage at basement, ground floor and first floor level at rear of existing offices.

Reasons for Refusal

1. Having regard to the height, scale and location of the proposed extension immediately adjacent to the existing dwellings & rear amenity space located on either side of the application site, it is considered that the proposed development would injure the amenities of adjacent properties by reason of visual obtrusiveness/dominance and overshadowing. The proposed development would, therefore, be contrary to the proper planning and development of the area.

Neighbouring site to the south

NT900079: Planning permission granted to Christopher and Ann Duignan for retention of rooflight overlooking the bridge street elevation.

4.0 LEGISLATIVE CONTEXT

The legislative framework regarding the proposal is set out in this section of the report.

Planning & Development Act 2000-2022

In this Act, except where the context otherwise requires –

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)

"Development" in this Act 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 developments for the purposes of this Act (4)(1)(a)-(l). (inclusive).

Section 4(2)(a)

"The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that –

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (ii) "the development is authorised, or is required to be authorised, by or under any enactment...."*

Section 4(2)(b)

"Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations."

Section 4(2)(c)

“Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a) provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purposes being exempted development for the purposes of this Act”.

Section 177U(9)

“In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section.”

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)

“Development to which Article 6 relates shall not be exempted development for the purposes of the Act – 9(1)(a) – if the carrying out of such development would” conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations.

Schedule 2, Part 1 Exempted Development – General

Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001-2023 relate to:

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.

subject to the following conditions and limitations.

Conditions and Limitations (Column 2)

1. (a) Where the house has not been extended previously, the floor area of any such extension shall **not exceed 40 square metres**.
(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.
(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
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.
(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
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**.
(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 side walls of the house.
(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.
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**.
6. (a) Any window proposed at ground level in any such extension shall **not be less than 1 metre from the boundary it faces**.
(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall **not be used as a balcony or roof garden**.

5.0 ASSESSMENT:

This section of the report provides an assessment of the proposal.

(i) Does the proposal constitute development:

Having regard to the definition of 'works' & 'development' in the Planning and Development Act 2000-2022 it is considered the works as indicated on the application form and plans and particulars received would constitute development. i.e. "the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land".

(ii) Does the proposal constitute exempt development:

Based on the drawings submitted the proposal would be assessed against be assessed against the conditions and limitations of Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001-2023 as outlined below:

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall **not exceed 40 square metres.***
(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.*
(c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

It is noted that the dwelling has been previously extended at upper ground floor level (street level). The floor area of the subject extension is 19 sq.m. and includes an extension at lower ground floor level to include a living area and dining area. The development therefore 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.*
(b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*
(c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level,*

taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

The dwelling has been extension previously to the rear elevation at upper ground floor level. It is noted that the combined floor area of all extensions is less than 40 sq.m. The development therefore 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 subject area relates to lower ground floor level. The development therefore complies with this condition.

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**.*
(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 side walls of the house.*
(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.*

The proposed extension is a flat roof extension with a ridge height of 3m. and does not exceed the height of the rear wall of the house or the height of the eaves or parapet. The development therefore 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 private amenity space remaining would exceed 25 sq.m. The development therefore 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**.*
(b) *Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*
(c) *Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.*

The floor plans show a sliding door and 1 window on the rear elevation. These are located in excess of 1m from the boundary they face. The development therefore complies with this condition.

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

It is not indicated on the plans and drawings that the roof of the extension is to be used as a balcony or roof garden. The development therefore complies with this condition.

(iii) Restrictions on Exemptions:

The restriction on exemptions under Article 9(1)(a)(i) – (xii) (inclusive) are not applicable in this instance.

(iv) Appropriate Assessment:

Article 9(1)(a)(viiB) sets out that where a planning authority, as the competent authority in relation to appropriate assessment, considers that a development would be likely to have significant effect on the integrity of a European site then there is a restriction on exemption.

The site is not located within a Natura 2000 site. I am not aware of any source/pathway/receptor routes between the site and these sites and so I consider that the current proposal would not have a significant effect upon any Natura sites.

Therefore, it is concluded that having regard to the nature and scale of the proposed development and the nature of the receiving environment (fully serviced urban area) no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

(v) Environmental Impact Assessment:

The works are not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001-2023 nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR and would not on its own or cumulatively with other projects result in significant effects on the environment. As such there is no real likelihood of significant effects on the environment arising from the relevant development and therefore an EIAR (Environmental Impact Assessment Report) is not required.

6.0 CONCLUSION

On the basis of the information provided, it is considered the Planning Authority is satisfied that the proposed development would constitute the carrying out of 'works' as indicated above and would therefore constitute development within the meaning given in the Planning and Development Act, 2000- 2022 However, this development falls within exempted development under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001-2023.

7.0 RECOMMENDATION

Accordingly, it is recommended an order along the following lines: -

WHEREAS a question has arisen as to whether

- "a ground floor extension with a floor area of 19 sq.m.", located at 11 Bridge Street, Navan, Co. Meath is or is not exempted development:

AND WHEREAS Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2(1), 3(1), 4(1) & 177U(9) of the Planning and Development Act 2000-2022,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001,
- (c) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001-2023
- (d) Information provided,

AND WHEREAS Meath County Council has concluded: -

- (a) "a ground floor extension with a floor area of 19 sq.m.", located at 11 Bridge Street, Navan, Co. Meath is exempted from the requirement to obtain planning permission as it does come within the scope of Schedule 2, Part 1, Class 1 (Exempted Development – General) of the Planning and Development Regulations, 2001-2023.

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000- 2022 hereby decides that the said development as detailed on particulars submitted 14th March 2024 is 'Development' and is 'Exempted Development'.

It is therefore recommended that a declaration of Exemption be *made* for the development set out hereunder.

Sandra M. McCormack

Sandra McCormack
Executive Planner

04/04/2024



Wendy Bagnall
Senior Executive Planner