

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 406/24

Reference Number: AA/S52412

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

Name of Applicant: Manish Kumar Soni

Address: C/O Derek Aherne
APAC Ltd.,
Beaumont Court,
Beaumont,
Dublin 9.
D09 E891

Nature of Application: the development will consist of an attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony

Location of Development: 26 Churchfields Crescent, Ashbourne, Co. Meath, A84 YW63

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: W. Sugrue
On Behalf of Meath County Council

DATE: 25/03/2024

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: Manish Kumr Soni
C/O Derek Aherne
APAC Ltd.,
Beaumont Court,
Beaumont,
Dublin 9.
D09 E891

PLANNING REFERENCE NUMBER: AA/S52412

APPLICATION RECEIPT DATE: 26/02/2024

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 25/03/2024 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **the development will consist of an attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony at 26 Churchfields Crescent, Ashbourne, Co. Meath, A84 YW63** is development and is exempted development.

Date: 25/03/2024

Triona Keating
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:	Michael McKenna
Report Date:	22/03/2024
File Number:	AA/S52412
Applicant Name(s):	Manish Kumar Soni
Development Address:	26 Churchfields Crescent, Ashbourne, Co. Meath A84W63
Inspection Date(s):	N/a
Application Type:	Section 5 Exemption Certificate
Development Description:	An attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony.
Date Decision Due:	25/03/2024

1.0 Site Location



The application site is located in the settlement of Ashbourne Co. Meath. The lands are located on lands zoned as A1- Existing Residential.



2.0 Proposed Declaration

The referrer seeks a declaration as to whether exemption from the requirement to obtain planning permission for “An attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony.”, **is or is not development and is or is not exempted development.**

3.0 Planning History

- No planning history onsite.

4.0 Legislative Context

Planning and 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...

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).

Sub-section 4(1)(h) states that – “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;

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*
- (i) “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 2001-2023

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)

“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 (as amended) relates to:

“The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of a house or by the conversion for use as part of the house of a 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.

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.

Schedule 2, Part 1 Exempted Development – General

Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001-2023 relates to:

“The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure”.

Conditions and Limitations (Column 2)

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*
2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*
3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*
6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

5.0 Assessment

- (i) ***Does the proposal constitute development:***

Having regard to the definition of 'development' within the Planning and Development Act 2000 (as amended) it is considered the works detailed 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 the conditions and limitations of Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001-2023 as outlined below:

The referrer seeks a declaration as to whether "An attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony.", **is or is not development and is or is not exempted development.**

The applicant is seeking to construct a roofed glazed structure akin to a conservatory over the rear balcony area. The floor area of this element is taken as 20.94sq. m.

It shall not be placed forward of the front wall of the house; shall not exceed 25 sq. m; shall not reduce the private open space to less than 25 sq. m; is not to the side of the dwelling therefore does not need to match the roof of the dwelling; the height is stated as 2.4 which is within the exemption limit and the structure shall not be used as for human habitation or the keeping of animals. I am satisfied that this element complies with the conditions and limitations of Class 3 of the Planning and Development Regulations 2021-2023.

The applicant is proposing to convert the attic space into storage and to install 4no. roof lights to the rear roof profile. I am satisfied that these works, that is the conversion of the attic and the installation of rooflights shall fall in the exemption under Section 4(1) (h) of the Act relates to exempted development. Section 4(1)(h) relates to development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works that affect only the interior of the structure or do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

I am satisfied that the bulk of the work shall be internal and given that the roof lights are located to the rear represent small external change which does not represent a material change to the external appearance of the dwelling.

(i) Restrictions on Exemptions:

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

(iii) 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 within or directly adjoining any Natura 2000 site. A number of sites are within a 15-kilometre (approximate) distance of the site:

- Rogerstown Estuary SPA and SAC (Site Codes: IE0004015 & IE0000208)
- Broadmeadow/Swords Estuary SPA (Site Code: IE0004025)
- Malahide Estuary SAC (Site Code: IE0000205)

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 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.

(vi) Conclusion:

In conclusion, based on the information provided, *“An attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony”* is development and is exempted development as stated under Section 4(1)(h) of the Planning and Development Act 2000-2022 and Schedule 2, Part 1, Class 3 Exempted Development of the Planning and Development Regulations 2001-2023.

6.0 Recommendation

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

WHEREAS a question has arisen as to whether:

“An attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony”,

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, 2001-2023,
- (c) Schedule 2, Part 1, Class 3 of the Planning and Development Regulations 2001-2023,
- (d) Information provided,

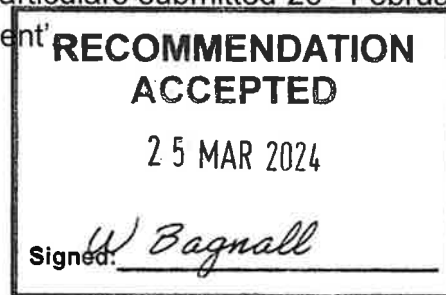
AND WHEREAS Meath County Council has concluded: -

To construct an *“An attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony”* on lands at 26 Churchfields Crescent, Ashbourne, Co. Meath A84W63 is not exempted from the requirement to obtain planning permission as comes within the scope of Section 4(1)(h) of the Planning and Development Act 2000-2023 and Schedule 2, Part 1, Class 3 (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 26th February 2024 is ‘Development’ and is ‘Exempted Development’.



Michael McKenna
Assistant Planner



Wendy Bagnall
Senior Executive Planner

Comhairle Chontae na Mí

*Roimn 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,
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APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

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

1. **Name:** Manish Kumar Soni

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**

Derek Aherne

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

3. **Location of Development and/or Subject Site:** 26 Churchfields Crescent, Ashbourne, County Meath, A84YW63

4. **Description of Development:** The development will consist of an attic conversion to storage and the construction of a wooden frame glazing unit to the rear of the existing balcony with a roof of 16mm polycarbonate transparent sheet over the full area of the balcony

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

Please tick as appropriate: YES NO

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

Please tick as appropriate: YES 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:** 5.616m (to height of balcony roof), 11.52m (height of dwelling)

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

33sqm for the proposed attic conversion



9. List of plans / drawings etc. submitted: x1 no. Site Location Map(PDF),x1 no. Composite Drawing (PDF)

10. Please state applicants interest in this site

Owner _____

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

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

Please tick as appropriate: YES _____ NO X

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

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

Please tick as appropriate: YES _____ NO X

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

SIGNED: Derek Aherne

DATE:

22/02/022

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