

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 24/94

NAME OF APPLICANT: JUSTIN MCCABE

ADDRESS FOR CORRESPONDENCE: CANAL LINE, TULLAMORE, CO. OFFALY, R35 KD34

NATURE OF APPLICATION: request for declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether or not the removal of external kitchen wall and construction of new internal living space between existing rear extensions is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: 18 PARK AVENUE, TULLAMORE, CO. OFFALY

WHEREAS a question has arisen as to whether the proposed removal of external kitchen wall and construction of new internal living space between existing rear extensions at 18 Park Avenue, Tullamore, Co. Offaly, R35 Y940 is or is not development and is it or is it not exempted development.

AS INDICATED on the particulars received by the Planning Authority on the 5th September 2024 and 29th October 2024

AND WHEREAS Justin McCabe, Canal Line, Tullamore, Co. Offaly R35 KD34 requested a declaration on the said question from Offaly County Council.

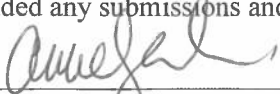
AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

- Section 2, 3(1) and 4(1)(h), 4(2)(a)(i) of the Planning & Development Act 2000, as amended.
- Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),
- Article 6 of the Planning and Development Regulations 2001 (as amended), and
- Article 9 of the Planning and Development Regulations 2001 (as amended)


AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that the proposed removal of external kitchen wall and construction of new internal living space between existing rear extensions **is development and is exempted development** at 18 Park Avenue, Tullamore, Co. Offaly, R35 Y940

MATTERS CONSIDERED In making its decision, the Planning Authority had regard to those matters to which, by virtue of the Planning and Development Acts and regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



Administrative Officer



Date

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

OFFALY COUNTY COUNCIL

Planning Report

Section 5 Declaration

File Reference:	Dec 24/94
Question:	Whether or not the removal of external kitchen wall and construction of new internal living space between existing rear extensions is or is not development, and is or is not exempted development.
Applicant:	Justin McCabe
Location:	18 Park Avenue, Tullamore, Co. Offaly, R35 Y940
Date received:	5 th September 2024

Second Report on this file

1. Review of Further Information

Further information was sought by the Planning Authority on 1st October 2024 and subsequently received by the Planning Authority on 29th October 2024. This report should be read in conjunction with the previous planner's report dated 1st October 2024. The following Further Information was sought and the response is as follows:

1. Please submit a rear elevation drawing at 1:100 scale which clearly indicates the overall height of the proposed extension so as to ascertain whether the same extension is exempted development under Class 1, in Part 1, of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Applicants Response: The Applicant has submitted a rear elevation which clearly indicates the overall height of the proposed extension is 2.625m

Planners Appraisal: The further information received in relation to item 1 was assessed by the Planning Authority and are satisfied the proposed extension complies with Class 1, in Part 1, of Schedule 2 of the Planning and Development Regulations 2001 (as amended),

APPROPRIATE ASSESSMENT SCREENING:

The subject site is located 1.98km from SAC 000571– Charleville Wood SAC

Having regard to nature of the development which consists of the removal of an external kitchen wall and construction of new internal living space between existing rear extensions at 18 Park Avenue, Tullamore, Co. Offaly, R35 Y940 and due to lack of any pathway to a European site given that the proposal connects to a public sewer it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

EIA SCREENING:

No screening required, see appendix A

CONCLUSION:

Having assessed the Further Information received and the previous planning report on file, it is considered the proposed removal of external kitchen wall and construction of new internal living space between existing rear extensions is development and is exempted development.

Michael Duffy

Michael Duffy

Executive Planner

12th November 2024

Ed Kelly

Ed Kelly

ASEP

13th November 2024

Declaration on Development and Exempted Development

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether the proposed removal of external kitchen wall and construction of new internal living space between existing rear extensions at 18 Park Avenue, Tullamore, Co. Offaly, R35 Y940 is or is not development and if so is it or is it not exempted development

AND WHEREAS Justin McCabe, Canal Line, Tullamore, Co. Offaly R35 KD34 requested a declaration on the said question from Offaly County Council;

AS INDICATED on the particulars received by the Planning Authority on the 5th September 2024 and 29th October 2024

AND WHEREAS Offaly County Council, in considering this declaration request, had regard particularly to:

- (a) Section 2, 3(1) and 4(1)(h), 4(2)(a)(i) of the Planning & Development Act 2000, as amended.
- (b) Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended),
- (c) Article 6 of the Planning and Development Regulations 2001 (as amended), and
- (d) Article 9 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS Offaly County Council has concluded that the proposed works is development and is exempted development.

NOW THEREFORE Offaly County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that:

- The proposed removal of external kitchen wall and construction of new internal living space between existing rear extensions **is development and is exempted development** at 18 Park Avenue, Tullamore, Co. Offaly, R35 Y940

Please note that any person issued with a declaration under subsection 2(a) of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Bord Pleanála within 4 weeks of the issuing of the decision.

Appendix A

Establishing if the proposal is a ' <i>sub-threshold development</i> ':	
Planning Register Reference:	DEC 24-94
Development Summary:	Residential Extension
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
No, the development is not a project listed in Schedule 5, Part 2	No Screening required