MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order

22/25

Number:

Reference Number: KA/S52498

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

2022

Name of Applicant: Pauric Reilly

Address: C/O Smith & Associates

Hall Street Kingscourt Co Cavan



Nature of Application: Proposed two-storey extension to rear of existing vacant dwelling,

internal refurbishment, with all ancillary and associated site works.

Location of Towas, Kilmainhamwood, Kells, Co Meath

Development:

<u>DECLARATION:</u> 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: 🔼

On Behalf of Meath County Council

DATE: 1001 202



MEATH COUNTY COUNCIL

Planning Department Buvinda House Dublin Road Navan Co Meath 046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: Pauric Reilly

C/O Smith & Associates

Hall Street Kingscourt Co Cavan



PLANNING REFERENCE NUMBER: KA/S52498 **APPLICATION RECEIPT DATE:** 04/12/2024 **FURTHER INFORMATION DATE:** N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-proposed development is EXEMPT, in accordance with the documents submitted namely:

Proposed two-storey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works at Towas, Kilmainhamwood, Kells, Co Meath is development and is EXEMPTED DEVELOPMENT.

frul Youry.
On Behalf of Meath County Council Date: 08.01.25

NOTE:

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.

Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by 2. 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: Teresa O' Reilly, Senior Executive Planner

From: Donal Farrelly, Executive Planner

Date: 13/12/2024

MCC File Number: KAS5/2498

Applicant: Pauric Reilly

Development Address: Towas, Kilmainhamwood, Kells, Co. Meath

Application Type: Section 5 of the Planning & Development Acts 2000-

2022: Declaration on Development/Exempted

Development.

Development Description: Proposed two-storey extension to rear of existing

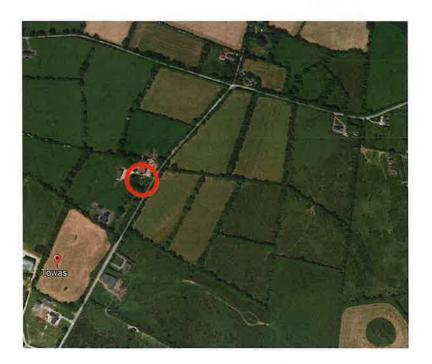
vacant dwelling, internal refurbishment, with all

ancillary and associated site works

Date Decision Due: 10/01/2025

1.0 Site Location & Description

The application site is located in Towas, Kilmainhamwood, Kells, Co. Meath. Surrounding land uses include residential and agricultural. The site is zoned RA (low development pressure area) and is located on a transportation referral corridor.



2.0 Proposed Declaration

The applicants describe the development in the completed application form as 'Proposed twostorey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works. The Planning Authority is considering this question as:

Whether a Proposed two-storey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works, is or is not development and is or is not exempted development.

The completed application form and submitted documents indicate that the extent of works proposed.

3.0 Planning History

None

4.0 Internal, External and Prescribed Bodies

None

5.0 Relevant National Legislation

In order to assess whether or not the works described in Section 2.0 of this report is or is not development or is or is not exempted development regard must be had to the following national legislation set out below.

5.1 Section 2 of the Planning & Development Acts 2000-2022

Section 2 of the Planning & Development Acts 2000-2022 provides the following interpretations which are relevant:

"development" has the meaning assigned to it by section 3, and "develop" shall be construed accordingly;

"exempted development" has the meaning specified in section 4;

"structure" means inter alia any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate; and

"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.

5.2 Section 3 of the Planning & Development Acts 2000-2022

Section 3(1) of the Planning & Development Acts 2000-2022 defines "development" as follows:

"Development 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."

5.3 Section 4 of the Planning & Development Acts 2000-2022

Section 4(1) of the Planning & Development Acts 2000-2022 provides a list of statutory exempted development including:

"(h) 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) of the Planning and Development Acts 2000-2022 provides for the making of regulations relating to exempted development. The Planning & Development Regulations 2001-2024 give effect to section 4(2).

Section 4 (2) (a) (i)

'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..'

Section 4 (4)

'Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.'

5.4 Section 5 of the Planning & Development Acts 2000-2022

Section 5 of the Planning & Development Acts 2000-2022 provides inter alia:

- (1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.
- (2) (a) Subject to paragraph (b), a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under subsection (1), and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.
 - (b) A planning authority may require any person who made a request under *subsection* (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.
 - (c) A planning authority may also request persons in addition to those referred to in paragraph (b) to submit information in order to enable the authority to issue the declaration on the question.

5.5 Section 32 of the Planning & Development Acts 2000-2022

Section 32 of the Planning & Development Acts 2000-2022 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development which is unauthorised, for the retention of that unauthorised development.

5.6 Article 6 of the Planning & Development Regulations 2001-2024

Article 6 of the Planning & Development Regulations 2001-2024 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2024) for the classes of exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.

Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024 provides an exemption for:

"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 (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. The proposed extension is 39.88m2
- (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. N/A. House is detached.
- (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. The first floor extension is 16.57m2.
- 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. No previous extension.
- (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. N/A. House is detached.
- (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. **No previous extension.**

- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary. The house is not adjacent to any properties.
- 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 house contains gable walls.**
- (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. The walls do not exceed the side walls of the existing 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 flat roof extension only includes a ground floor element.
- 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. **Private amenity space exceeds 25m2**
- 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 extension is 2m from the adjacent site boundary.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. A first floor bathroom window is located approximately 2m from trees/ hedging which are being removed (Google August 2024), however the site boundary extends to 23.6m to the north of the proposed extension.
- (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 first floor extension is 16.57m2.
- 7. The roof of any extension shall not be used as a balcony or roof garden. None proposed.

5.7 Article 9 of the Planning & Development Regulations 2001-2023

Article 9 of the Planning & Development Regulations 2001-2024 imposes specific restrictions on development of classes specified in Parts 1, 2 and 3 of Schedule 2 and in effect de-exempts certain classes of development that would be exempt under normal circumstances.

6.0 Assessment

In essence, the question has arisen as to whether the Proposed two-storey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works is or is not development and is or is not exempted development. In this regard, it is necessary to consider the question of "development" and "exempted development" as provided for in statute and summarised above.

6.1 "Development"

It is considered that the Proposed two-storey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works as outlined above falls within the statutory interpretation of "works" within the section 3(1) Planning & Development Acts 2000-2022 definition of development. Whether the works are development and exempted development or development and not exempted development requires an assessment of each of the component elements against the provisions of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024.

6.2 "Exempted Development"

In terms of whether the development is exempted development, the applicants propose to extend and refurbish the structure.

Having regard to Section 4(1)(h) of the Planning and Development Acts 2000-2022 with regard to exempted development, it is considered that the internal development to be carried out at the subject property is for the improvement of the structure. The works relating to the refurbishment only impact the interior of the structure.

The proposed extension is considered exempted development.

7.0 Appropriate Assessment

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site.

The site is c. 13km to the northeast of the nearest Natura site, River Boyne and River Blackwater SPA (Site Code: IE0004232) which are part of the Natura network. The applicant has not submitted an AA Screening Report in respect of the possible ecological impacts of the proposal on the nearest Natura site(s).

The Planning Authority's Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in

the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

8.0 Environmental Impact Assessment/ Flood Risk

- 8.1 The development does not fall within the categories of Schedule 5 as set out in the Planning and Development Regulations 2001-2024 or require a sub-threshold EIA under Schedule 7.
- **8.2** The location of the development is in a Flood Zone C with low risk of flooding.

9.0 Conclusion and Recommendation

- **9.1** I conclude that the 'Proposed two-storey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works' at Towas, Kilmainhamwood, Kells, Co. Meath is development and is exempted development.
- **9.2** I recommend that the application for an exempted development certificate is **GRANTED** for the following reason:

WHEREAS the question has arisen as to whether the 'Proposed two-storey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works' at Towas, Kilmainhamwood, Kells, Co. Meath is or is not development and is or is not exempted development.

AND WHEREAS the said question was referred to Meath County Council by the applicant, Pauric Reilly.

AND WHEREAS Meath County Council, in considering this reference, had particular regard to:

- (a) Sections 2, 3, 4, 5 and 32 of the Planning & Development Act 2000-2022 and articles 6 and 9 of the Planning & Development Regulations 2001-2024;
- (b) The definition of "development" in section 3 of the Planning & Development Act 2000-2022 and
- (c) The provisions under Section 4(1)(h) of the PDA 2000-2022.
- (d) The provision under Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001-2024

AND WHEREAS Meath County Council has concluded that:

(a) 'Proposed two-storey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works' at Towas,

- Kilmainhamwood, Kells, Co. Meath comprises works and is development under section 3(1) of the Planning & Development Act 2000-2022 and
- 'Proposed two-storey extension to rear of existing vacant dwelling, internal (b) refurbishment, with all ancillary and associated site works' at Towas, Kilmainhamwood, Kells, Co. Meath is exempted development under the provisions of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2024, and under Section 4(1)(h) of the PDA 2000-2022.

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 'Proposed two-storey extension to rear of existing vacant dwelling, internal refurbishment, with all ancillary and associated site works' at Towas, Kilmainhamwood, Kells, Co. Meath is development and is exempted development.

Donal Forrelly

Donal Farrelly Executive Planner

Date: 13/12/2024



Teresa O' Reilly

Senior Executive Planner

Date: 08/01/2024



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

PLANNING DEPT

RECEIVED

<u>APPLICATION FORM - DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT</u>

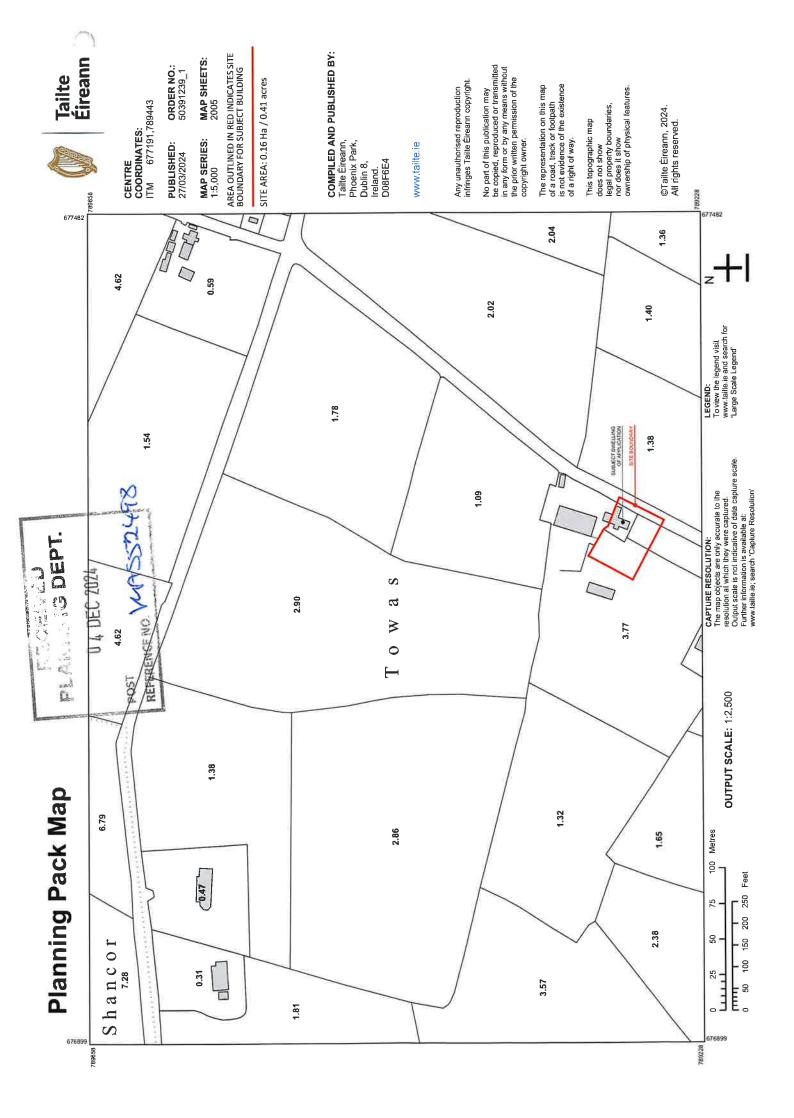
Part 1 Section 5 of Planning and Development Act 2000-2021, as amended

1.	Name:			
	Pauric Reilly			
	Contact details: to be supplied at	the end of this	form (Question '	13)
2.	Name of person/ agent acting on I	pehalf of the ap	plicant, if applic	able:
	Smith & Associates Architects (P	reviously know	n as Niall Smith	Architects)
	Contact details: to be supplied at	the end of this	form (Question	14)
3.	Location of Development and/or S	ubject Site:		
	Towas, Kilmainhamwood, Kells, C	o. Meath		
4.	Description of Development:			
	Proposed two-storey extension to with all ancillary and associated s		vacant dwelling	, internal refurbishment,
5.	Will the development take place w	rithin the curtila	age of a dwelling	house?
	Please tick as appropriate:	YES N	0	
6.	Will / does development take plac a Protected Structure?	e in / on a Prote	ected Structure	or within the curtilage of
	Please tick as appropriate:	YES	NO 🗸	
6(I	b) If "YES", has a Declaration under 2014, as amended, been requeste			
	Please tick as appropriate:	YES	NO	
		RECEIVED PLANNING DEP 0 4 DEC 2024 Counter		O 4 DEC 2024 Reference No
		Course V		

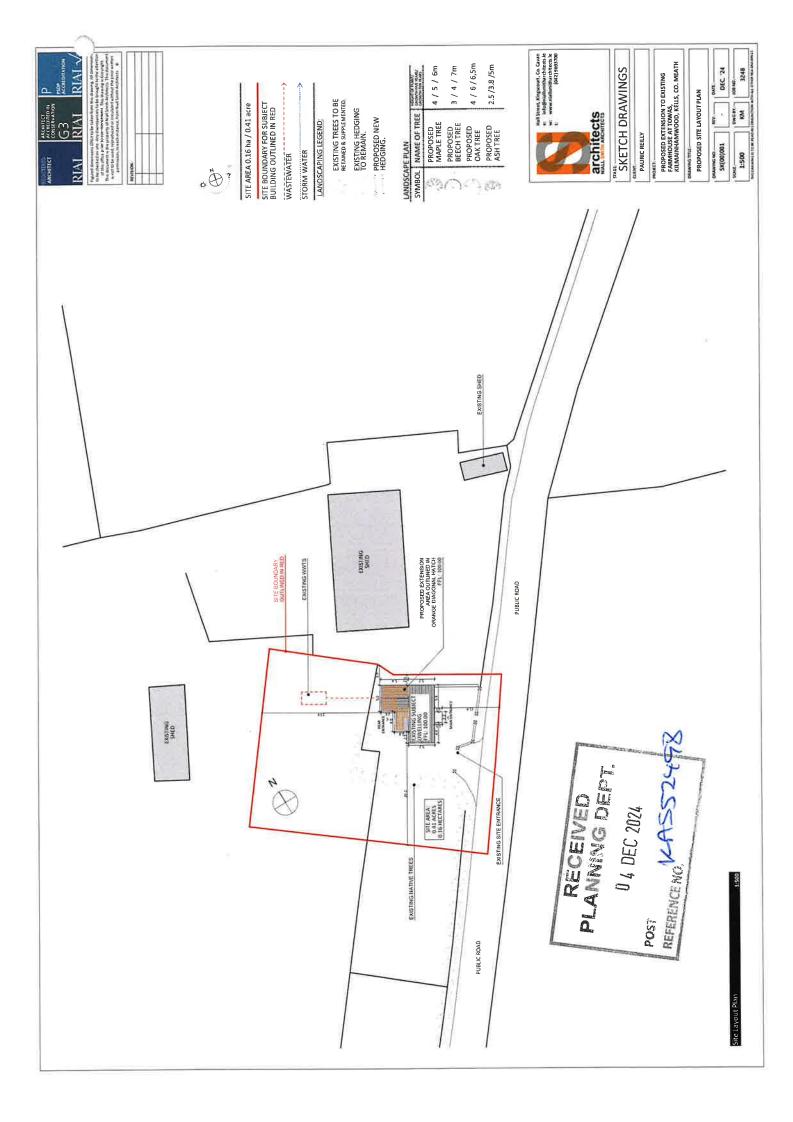
Reference No

6.42 m
8. State in square metres the floor area of the proposed development:
39.9 m
9. List of plans / drawings etc. submitted:
- SITE LOCATION MAP
-SO(00)001 EXISTING SITE LAYOUT PLAN
-SO(00)002 EXISTING GROUND & FIRST FLOOR PLAN -SO(00)003 EXISTING SECTIONS
-SO(00)003 EXISTING SECTIONS -SO(00)004 EXISTING ELEVATIONS
-SK(00)001 PROPOSED SITE LAYOUT PLAN
-SK(00)002 PROPOSED GROUND & FIRST FLOOR PLAN
-SK(00)003 PROPOSED SECTIONS
-SK(00)004 PROPOSED ELEVATIONS
10. Please state applicants interest in this site:
Applicant is owner of site.
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: YES NO <u>√</u> _
11 (b), If "YES" please supply details:
N/A
12. Are you aware of any previous planning application/s on this site?
Please tick as appropriate: YES NO/_
12 (b), If "YES" please supply details:
N/A
SIGNED: DATE: 04/12/2024

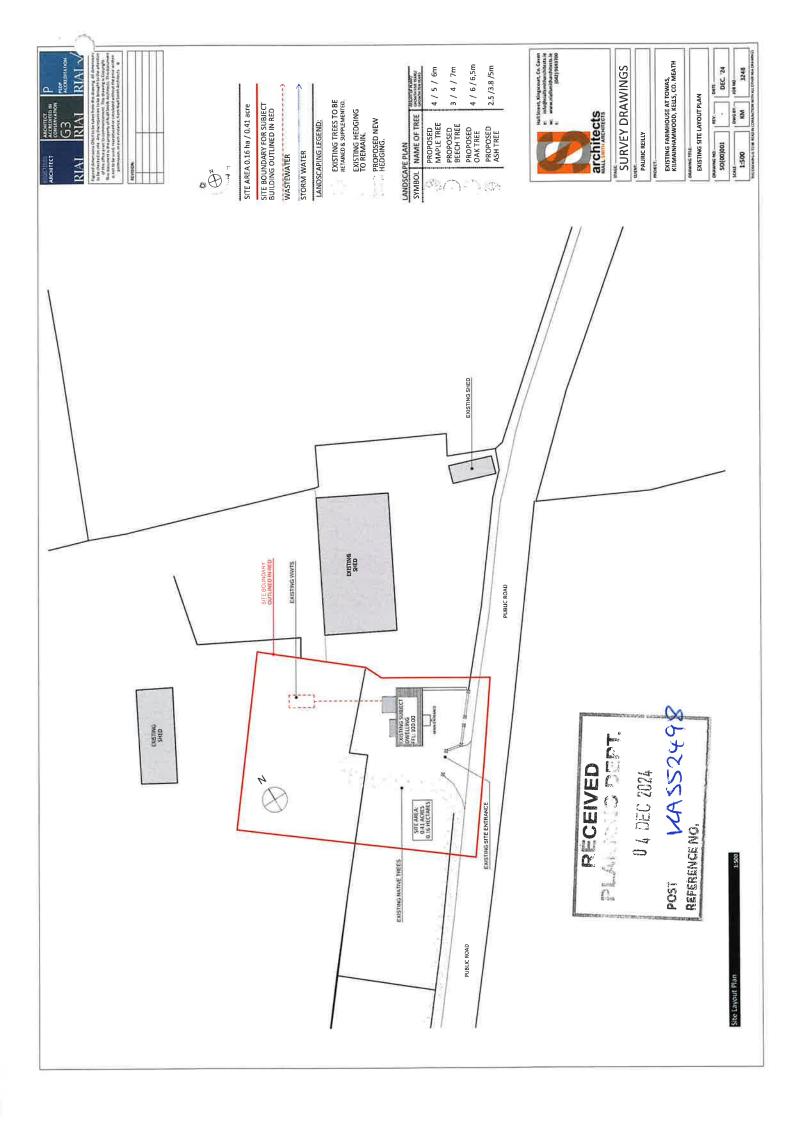
7. State overall height of structure if applicable:





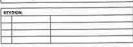












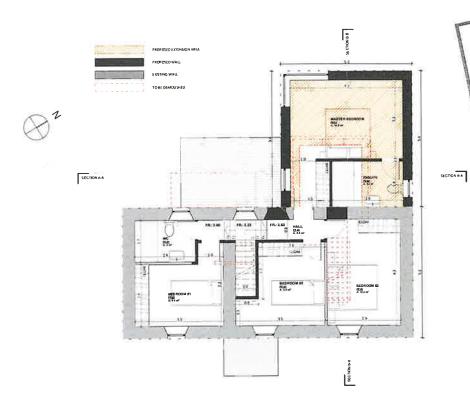
ROOM SCHED		
ID	Room Name	Area
Ground Floor		
GF.01	SITTING ROOM	14 70
GF 02	HALL	10 03
GF 03	LIVING ROOM	18.27
GF 04	KITCHEN / DINING ROCM	24.81
GF 05	UTILITY	5.04
GF 06	wc	3.36
First Floor		
FF 01	wc	3.96
	BESDS 511 #4	18/46

First Floor		
FF 01	wc	3.96
FF 02	BEDROOM #1	9.42
FF 03	BEDROOM #2	9 54
FF 04	HALL	5 78
FF 05	BEDROOM #3	12 35
FF 06	ENSUITE	5.22
FF.07	MASTER BEDROOM	16 92

Existing Area	
EXISTING GROUND FLOOR AREA	57.80
EXISTING FIRST FLOOR AREA	51 55
	109.35 m
Proposed Area	
PROPOSED GROUND FLOOR AREA	23 31
PROPOSED FIRST FLOOR AREA	16.57
	39,88 m²

TOTAL PROPOSED & EXISTING AREA 149.23 m³

SECTION B-8 SECTION & A SECTIONALA ENING TANKO HALL EXPENSE EXPENSE WALL



PLA DEC 2021 972
POST KASSOLICAZ
RETESENCENO.

architects

SKETCH DRAWINGS

PAURIC REILLY

PROPOSED EXTENSION TO EXISTING FARMHOUSE AT TOWAS, KILMAINHAMWOOD, KELLS, CO. MEATH

PROPOSED GROUND & FIRST FLOOR PLAN

MAWING NO	AEV:	DATE:
SK(00)002		DEC. '24
CALE:	DWG BY.	108 NO:
1:100	KM	3248

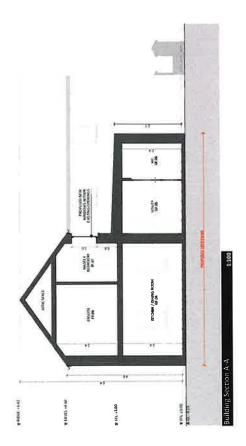
First Floor Plan 1:160

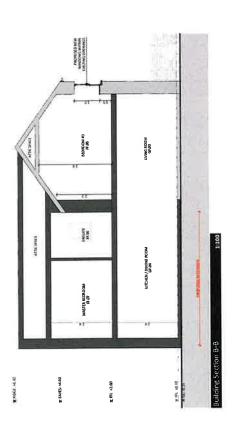
Ground Floor Plan





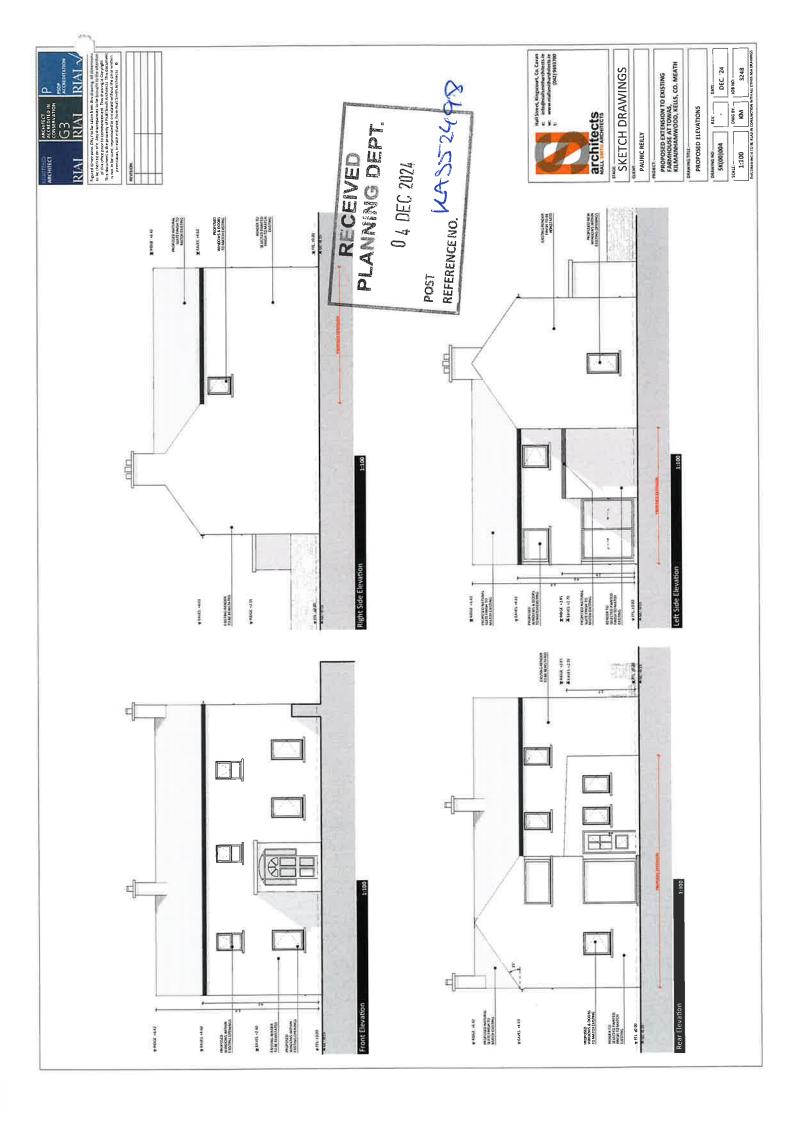




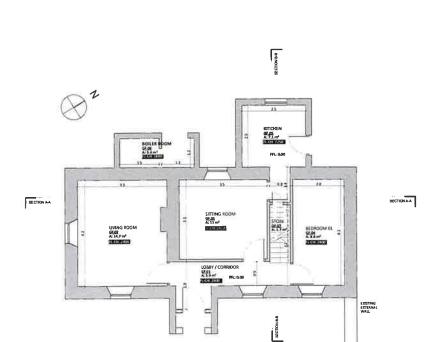












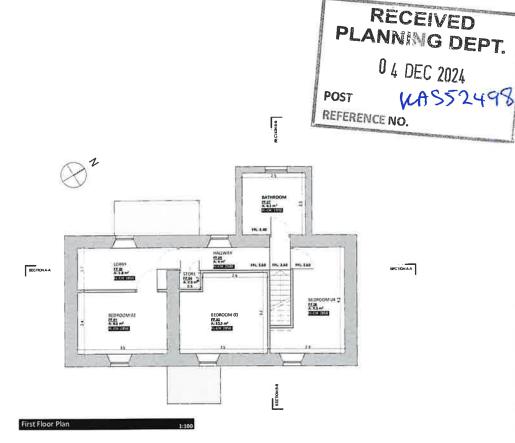
Ground Floor Plan



REVISION	

D	Room Name	Area
Ground Floor		
GF.01	LOBBY / CORRIDOR	5.91
GF 02	LIVING ROOM	14 70
GF.03	SITTING ROOM	11 02
GF.04	BEDROOM 01	8 57
GF 05	KITCHEN	7 13
GF 06	BOILER ROOM	3.42
GF 07	STORE	1.68
First Floor		
FF 01	BEDROOM 02	8.57
FF 02	LOBBY	5.78
FF.03	BEDROOM 03	10.49
FF 04	STORE	0.55
FF 05	HALLWAY	3 96
FF 06	BEDROOM 04	9.47
FF 07	BATHROOM	6 05

Existing Area	
FIRST FLOOR	51 55
GROUND FLOOR	57 80
	109.35 m²





SURVEY DRAWINGS

PAURIC REILLY

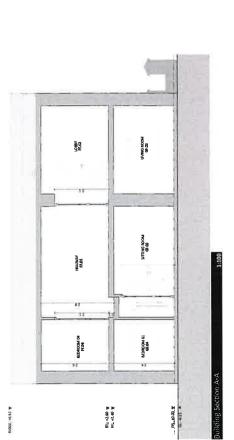
EXISTING FARMHOUSE AT TOWAS, KILMAINHAMWOOD, KELLS, CO. MEATH

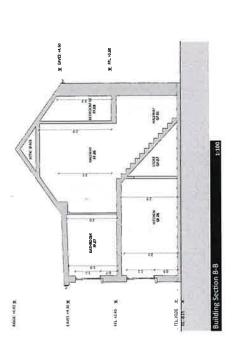
EXISTING GROUND & FIRST FLOOR PLANS

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, two er	JOH NO:	
KM	3248	
	twice ex	









Hall Street, Ringstotert, Co. Ceran e. info@elathmitharchitects.ie w: www.miallmitharchitects.ie u. (042) 9693 700

EXISTING FARMHOUSE AT TOWAS, KILMAINHAMWOOD, KELLS, CO. MEATH

EXISTING SECTIONS

SURVEY DRAWINGS

PAURIC REILLY

architects

DEC '24 DEC '24 3248

DwG 81 KM

SO(00)003 SO(00)003 SCALC 1:100





