



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

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**Con & Joan Ryan
C/o Brian Foudy & Associates Ltd
Osprey House
Carmody Street
Ennis
Co. Clare
V95 F720**

13th February 2024

Section 5 referral Reference R24-3 – Con & Joan Ryan

Can the construction of rear 1st floor dormer windows be considered exempted development OR can the construction of rear 1st floor dormer windows be considered a minor amendment to the granted plans under P07-1855?

A Chara,

I refer to your application received on 19th January 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas

**Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate**

**An Roinn Pleanála
An Stúirthóireacht Forbairt Gheilleagrach**

Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

**Planning Department
Economic Development Directorate**

Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No: 83142
Reference Number: R24-3
Date Referral Received: 19th January 2024
Name of Applicant: Con & Joan Ryan
Location of works in question: Moyriesk, Quin, Co. Clare

Section 5 referral Reference R24-3 – Con & Joan Ryan

Can the construction of rear 1st floor dormer windows be considered exempted development OR can the construction of rear 1st floor dormer windows be considered a minor amendment to the granted plans under P07-1855?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The construction of rear first floor dormer windows to replace permitted velux roof windows at Moyresik, Quin, Co, Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended,
- (b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
- (c) The said construction of rear first floor dormer windows to replace permitted velux roof windows is not exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended) because:
 - i. The alteration changed the appearance of the rear of the dwelling from a bungalow style to a 1.5 storey style which is material change to the external appearance and character of the structure; and
 - ii. The works in question were carried out during the construction phase of the dwelling for which planning permission was granted on the basis of drawings and specifications which did not include dormer style windows to the rear of the dwelling.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the construction of rear first floor dormer windows to replace permitted velux roof windows at Moyriesk, Quin, Co. Clare is **considered development** which is **not exempted development**.

Signed:



GARETH RUANE
SENIOR EXECUTIVE PLANNER 

Date: 13th February 2024

**DECLARATION ISSUED UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)**

Reference No.: R24-3



**Comhairle Contae an Chláir
Clare County Council**

Section 5 referral Reference R24-3

Can the construction of rear 1st floor dormer windows be considered exempted development OR can the construction of rear 1st floor dormer windows be considered a minor amendment to the granted plans under P07-1855?

AND WHEREAS, Con & Joan Ryan has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

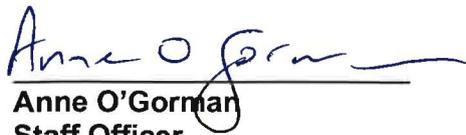
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The construction of rear first floor dormer windows to replace permitted velux roof windows at Moyresik, Quin, Co, Clare constitutes “works” which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended,
- (b) The said works constitute “development” which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
- (c) The said construction of rear first floor dormer windows to replace permitted velux roof windows is not exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended) because:
 - i. The alteration changed the appearance of the rear of the dwelling from a bungalow style to a 1.5 storey style which is material change to the external appearance and character of the structure; and
 - ii. The works in question were carried out during the construction phase of the dwelling for which planning permission was granted on the basis of drawings and specifications which did not include dormer style windows to the rear of the dwelling.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the construction of rear first floor dormer windows to replace permitted velux roof windows at Moyriesk, Quin, Co. Clare **constitutes development** which is **not exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.



Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

13th February 2024

CLARE COUNTY COUNCIL
SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R24-3
APPLICANT(S):	Con & Joan Ryan
REFERENCE:	Whether the construction of rear first floor dormer windows to replace permitted velux roof windows is or is not development and is or is not exempted development.
LOCATION:	Moyreisk, Quin, Co. Clare
DUE DATE:	14 th February 2024

Site Location

The subject site is located in a rural area approximately 3.5km northwest of Quin. The site comprises a detached 1.5 storey dwelling with detached garage to the side. The dwelling forms part of a line of roadside dwellings at this location.

Planning History

P07/1855 – Neill Ryan granted permission to construct a dwelling house, private garage and waste water treatment system.

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Con & Joan Ryan. They state that they are the owners of the dwelling which is the subject of this referral.

The applicants are seeking a Section 5 Declaration as to whether the construction of rear first floor dormer windows to replace permitted velux roof windows is or is not development and is or is not exempted development.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

S.3.(1) In this Act, “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.

‘Works’ are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

“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 4(1)(h) of the Planning and Development Act, 2000 (as amended)

(1) The following shall be exempted developments for the purposes of this Act –

(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

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that 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.

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iiia) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vii) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000."

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Assessment

Basis of Referral

The applicants are seeking a Section 5 Declaration as to whether the construction of rear first floor dormer windows to replace velux roof windows at Moyreisk, Co. Clare is or is not development and is or is not exempted development.

Planning permission was granted for a dwelling on this site under application P07/1855. As part of the assessment of that planning application, further information was requested and a revised dwelling design was submitted in response that request.

The drawings submitted with this Section 5 referral, on which the dormer windows are hand-drawn, are not accurate. They are copies of the original house design lodged with the planning application and not the revised design as approved under the grant of permission P07/1855.

I note that a photograph of the back of the house has been provided with the referral which provides a clear view of the works that have been undertaken. While the submitted drawings are not accurate, I am satisfied that consideration of this referral can proceed. The basis of the referral is whether the replacement of velux window with dormer style windows is or is not development and is or is not exempted development. The principle of this matter can be assessed irrespective of inaccuracies in the submitted documents.

- The construction of rear first floor dormer windows to replace permitted velux roof windows.

Having regard to Section 2 and Section 3 of the Planning and Development Act respectively, I am satisfied that the construction of first floor dormer windows constitutes *works* and the carrying out of said works constitutes *development* in accordance with the definitions set out in said Act.

The development undertaken does not fall within any of the classes of development set out in Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The sole consideration in this instance is therefore whether the development can be considered *exempted development* under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000. On this basis, a consideration of the development in the context of Article 9(1) of the Regulations does not apply.

Firstly, I note that the works undertaken affect the exterior of the structure. The alteration has essentially changed the appearance of the rear of the dwelling from a bungalow style to a 1.5 storey style. I consider this to be a material change to the external appearance and character of the structure.

Furthermore, it is possible that alterations were made to the ridge height or eaves level of the dwelling to facilitate the design change. This matter cannot be fully considered at this time due to the limited and inaccurate drawings submitted with this referral.

Based on the available imagery of the dwelling, it appears to the Planning Authority that the changes to the window design were made during the construction stage of the house, rather than a later alteration made to the fully completed dwelling. It must therefore be determined that the alterations made to the window design to the rear of the dwelling do not come within the scope of section 4(1)(h) of the Planning and Development Act 2000 (as amended) because the works in question were carried out during the construction of the houses for which planning permission was granted on the basis of

drawings and specifications which did not include the dormer windows in question. I refer to An Bord Pleanála determinations Refs. 29S.RF.0989 and RL.08.301584 in this regard.

Conclusions

The following question has been referred to the Planning Authority:

Whether the construction of rear first floor dormer windows to replace permitted velux roof windows at Moyreisk, Quin, Co. Clare is or is not development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council (Planning Authority) has concluded:

- (a) The construction of rear first floor dormer windows to replace permitted velux roof windows at Moyresik, Quin, Co, Clare constitutes "works" which come within the scope of section 2(1) of the Planning and Development Act 2000, as amended
- (b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
- (c) the said construction of rear first floor dormer windows to replace permitted velux roof windows is not exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2000 (as amended) because:
 - i. The alteration changed the appearance of the rear of the dwelling ~~from a bungalow style~~ to a 1.5 storey style which is material change to the external appearance and character of the structure; and
 - ii. The works in question were carried out during the construction phase of the dwelling for which planning permission was granted on the basis of drawings and specifications which did not include dormer style windows to the rear of the dwelling.

Now therefore Clare County Council (Planning Authority), hereby decides that the construction of rear first floor dormer windows to replace permitted velux roof windows at Moyreisk, Quin, Co. Clare is development and is not exempted development.



Caroline Balfe
Executive Planner
Date 13/02/2024



Garreth Ruane
Senior Executive Planner
Date 13/02/24





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Con & Joan Ryan
C/o Brian Foudy & Associates Ltd
Osprey House
Carmody Street
Ennis
Co. Clare
V95 F720

22/01/2024

Section 5 referral Reference R24-3 – Con & Joan Ryan

Can the construction of rear 1st floor dormer windows be considered exempted development OR can the construction of rear 1st floor dormer windows be considered a minor amendment to the granted plans under P07-1855?

A Chara,

I refer to your application received on 19th January 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Brian Fahy
Planning Department
Economic Development Directorate

An Roinn Pleanála
An Stiúthóireacht Forbairt Gheilleagrach
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Planning Department
Economic Development Directorate
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2



Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

19/01/2024 12:37:02

Receipt No. : L1CASH/0/359538
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CO CLARE

SECTION 5 REFERENCES 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

Issued By : L1CASH- Nollin Hayes
From : MAIN CASH OFFICE LODGEMENT AF
Vat reg No.0033043E

P07

**CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR**

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R24 = 3

**REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))**

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	Con & Joan Ryan C/O Brian Foudy & Associates Ltd <hr/> Moyriesk <hr/> Quin <hr/> Co. Clare <hr/>
(b) Telephone No.:	<hr/>
(c) Email Address:	<hr/>
(d) Agent's Name and address:	Brian Foudy & Associates Ltd <hr/> Osprey House <hr/> Carmody Street <hr/> Ennis, Co. Clare <hr/> V95 F720 <hr/>

2. DETAILS REGARDING DECLARATION BEING SOUGHT

(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

Can the construction of rear 1st floor dormer windows be considered exempt development OR
can the construction of rear 1st floor dormer windows be considered a minor amendment to the granted plans under P07-1855

(b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

See above

The dormers are contained to the rear of the property and were constructed to replace the velux roof windows as shown on the drawings

This property is being sold (sale agreed) and the inclusion of the dormers has been queried.

(c) List of plans, drawings etc. submitted with this request for a declaration:

(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

1 Site location map 2. Photo of rear elevation 3. Side & rear elevations 4. Site Layout

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Moyriesk Quin Co. Clare V95 PC97
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	Owner
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: <i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i>	N/A
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? <i>If so please supply details:</i>	No
(g) Were there previous planning application/s on this site? <i>If so please supply details:</i>	P07-1855
(h) Date on which 'works' in question were completed/are likely to take place:	2007

SIGNED: Brian Foudy

DATE: 17-01-2024

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
- (iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
- (iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

FOR OFFICE USE ONLY

Date Received:	.....	Fee Paid:	.....
Date Acknowledged:	.....	Reference No.:	.....
Date Declaration made:	.....	CEO No.:	.....
Decision:	.....	

Land Registry Compliant Map



CENTRE COORDINATES:
ITM 540581,677712

PUBLISHED: 06/06/2022
ORDE: 50272

MAP SERIES: 1:5,000
MAP #: 4324

COMPILED AND PUBLISHED BY:
Ordnance Survey Ireland,
Phoenix Park,
Dublin 8,
Ireland.

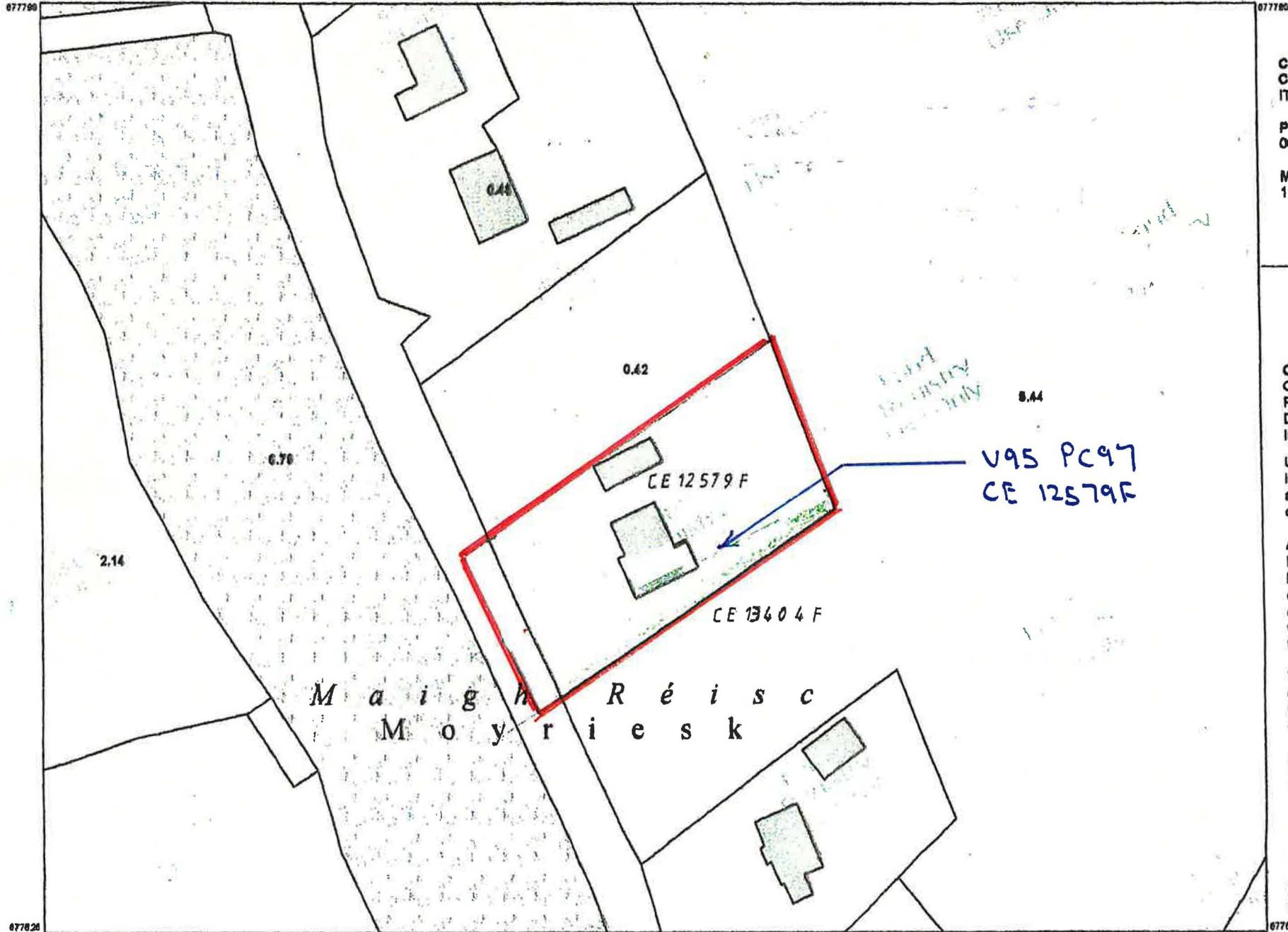
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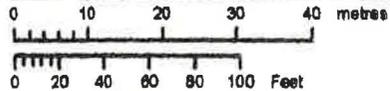
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V95 PC97
CE 12579F

Maigh Réisc
Moyriesk



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.



CLARE COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 – 2006 NOTIFICATION OF
GRANT FOR A PERMISSION (SUBJECT TO CONDITIONS) UNDER SECTION
34 OF THE PLANNING AND DEVELOPMENT ACT 2000

=====

TO: Neill Ryan
'Ash Haven',
Cranagher,
Quin,
Co. Clare.

Planning Register Number: P07/1855

Application Received on: 10/07/2007

Further Information Received on: 03/09/2007

Application of Neill Ryan, 'Ash Haven', Cranagher, Quin, Co. Clare. to construct a dwelling house, private garage and waste water treatment system at Moyriesk, Ennis, Co. Clare

Having regard to the nature and scale and intended use of the proposed development, the policies of the current Development Plan and the pattern of development in the area, it is considered that, subject to the conditions in schedule two, that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would otherwise accord with the proper planning and sustainable development of the area.

A PERMISSION has been granted for the development described above subject to the following 17 Conditions.

1. The proposed development shall be carried out in accordance with the plans and particulars submitted to the Planning Authority on the 10/7/07, as amended by the further information received on the 3/9/07, except where otherwise required by the conditions in this Schedule.
2. (a) The house, when completed, shall be first occupied, as a place of permanent residence, by the applicant and shall remain so occupied thereafter for a minimum of 5 years.

(b) The proposed dwelling shall be for permanent occupation only.
3. Notwithstanding any drawings submitted, the following schedule of materials/finishes only shall be used in the proposed development:

(a) All external doors shall be of solid painted timber. All external windows shall be of painted timber or uPVC/Aluminum

(b) The roof shall be finished in slate/flat tile black, dark grey or blue/black in colour. The colour of the ridge tile shall match the colour of the roof.

(c) No changes are permitted to the agreed window sizes, materials or designs. No neo- Georgian style plastic glazing bars or other decorations are permitted.

(d) No changes are permitted to the agreed external wall finishes.

(e) Stone facing shall be of natural local stone only. All pointing shall be recessed or flush.

(f) The side and front facings of dormer windows shall have a painted plaster finish.

(g) No floodlighting of the proposed development is permitted.

4. The finished floor level of the proposed house shall be 10.60, as indicated on the site layout plan received on the 3/9/07, and shall not be modified in any way without the prior written consent of the Planning Authority.

5. (a) The proposed entrance shall be located at the extreme southern end of the site, as shown on the revised site layout plan received on the 3/9/07.

(b) The existing road boundary shall be retained in its entirety except where its removal is required for the construction of this new entrance to serve the dwelling. Side walls and piers of the proposed entrance shall be constructed of natural stone and shall be tied into the existing roadside boundary, all to the satisfaction of the Planning Authority.

(c) The entrance gate shall be recessed 2.4m. inside the line of the existing road boundary with wing walls not more than 1.1m in height splayed at an angle of 45 degrees or bellmouthed in a manner to give an entrance width of 13.5m. at the new fenceline.

(d) The finished level of the recessed entrance shall be the same as the road level opposite the entrance gates. The existing hedgerow/sod and stone ditch shall be repaired/supplemented as necessary.

6. Prior to the commencement of development the developer shall pay a contribution of **€2,359.60** to Clare County Council (Planning Authority) in respect of public infrastructure and facilities benefiting the development.

The amount of this contribution is calculated in accordance with the Council's prevailing Development Contribution Scheme and will be increased from January 1st next and annually thereafter (unless previously discharged) in line with the Wholesale Price Index – Building and Construction (published by the Central Statistics Office) unless the scheme is superseded by a further

Development Contribution Scheme adopted by the Council.

7. Surface water from site shall be prevented from running onto surface of road by provision of a concrete channel or a concrete grid with sump drained to local drain or soakaway. Soakaways shall be designed and constructed to the satisfaction of the Planning Authority. A concrete channel shall be constructed along the carriageway edge.

8. (A) The proposed Envirocare treatment system and soil polishing filter shall be located, installed and maintained in accordance with details received on the 10/7/07 and 3/9/07 and in accordance with 'Wastewater Treatment Manuals: Treatment Systems for Single Houses', EPA (2000) or any amended version of this document. No system other than the type agreed above and approved by this permission shall be installed unless otherwise agreed in writing with the Planning Authority.

(B) Certification by the system manufacturer that it has been properly installed and tested shall be submitted to the planning authority within 4 weeks of the date of installation.

(C) A person on the Clare Co. Council Register of independent, suitably qualified agents/consultants shall supervise the construction of the whole polishing filter and shall certify that it has been completed in accordance with the submitted details. This certification shall include suitable photographs to be submitted to the planning authority within 4 weeks of the completion of these works.

(D) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of 3 years from the first occupancy of the house and thereafter shall be kept in place **at all times**. Signed and dated copies of the contract shall be submitted to and agreed with the Planning Authority within 4 weeks of the date of installation.

(E) Surface water/storm water soakaways shall be located such that drainage from this area shall be diverted away from the location of the treatment unit and polishing filter.

9. A potable water supply to the dwelling shall be provided by connection to the public water main.

10. All surface water run-off from roofs, entrances and parking areas within the site shall be collected and disposed of within the site to soakpits/adjacent watercourses. It shall not be discharged to the treatment unit or soil polishing filter.

11. A combined household water meter and stopcock chamber shall be installed on the service pipe outside the curtilage of the house at a location to be agreed with the Planning Authority. A stopcock (round type) and a 125mm water meter shall be provided in the combined chamber. A separate stopcock or shut-off valve shall be provided within the house.

12. All existing tree/hedgerows on the site and its boundaries shall be retained and maintained unless their removal is necessitated by a condition of this permission. The trees/hedgerows and their roots shall be protected during the course of site construction by the erection of a 1m high fence around the tree(s)/hedgerow at a radius of not less than 3M from the trunk of any such tree.

13. The site shall be landscaped as follows:

The side and rear boundaries of the site shall be timber post and rail fencing planted with a new indigenous hedgerow.

Native trees (minimum size: Heavy standard 12-14cm girth) shall be planted in informal clusters in the area between the dwelling house and the public road.

This landscaping shall be implemented not later than the first planting season after commencement of the development. Any planting that is diseased or fails within 3 years of planting shall be replaced.

14. All service lines and cables servicing the proposed development shall be located underground except where otherwise agreed with the Planning Authority.

15. The proposed garage shall not be used for human habitation, or any commercial activity or for any other purpose than a purpose incidental to the enjoyment of the dwelling.

16. The finished floor level of the garage shall be the same as the proposed dwelling house.

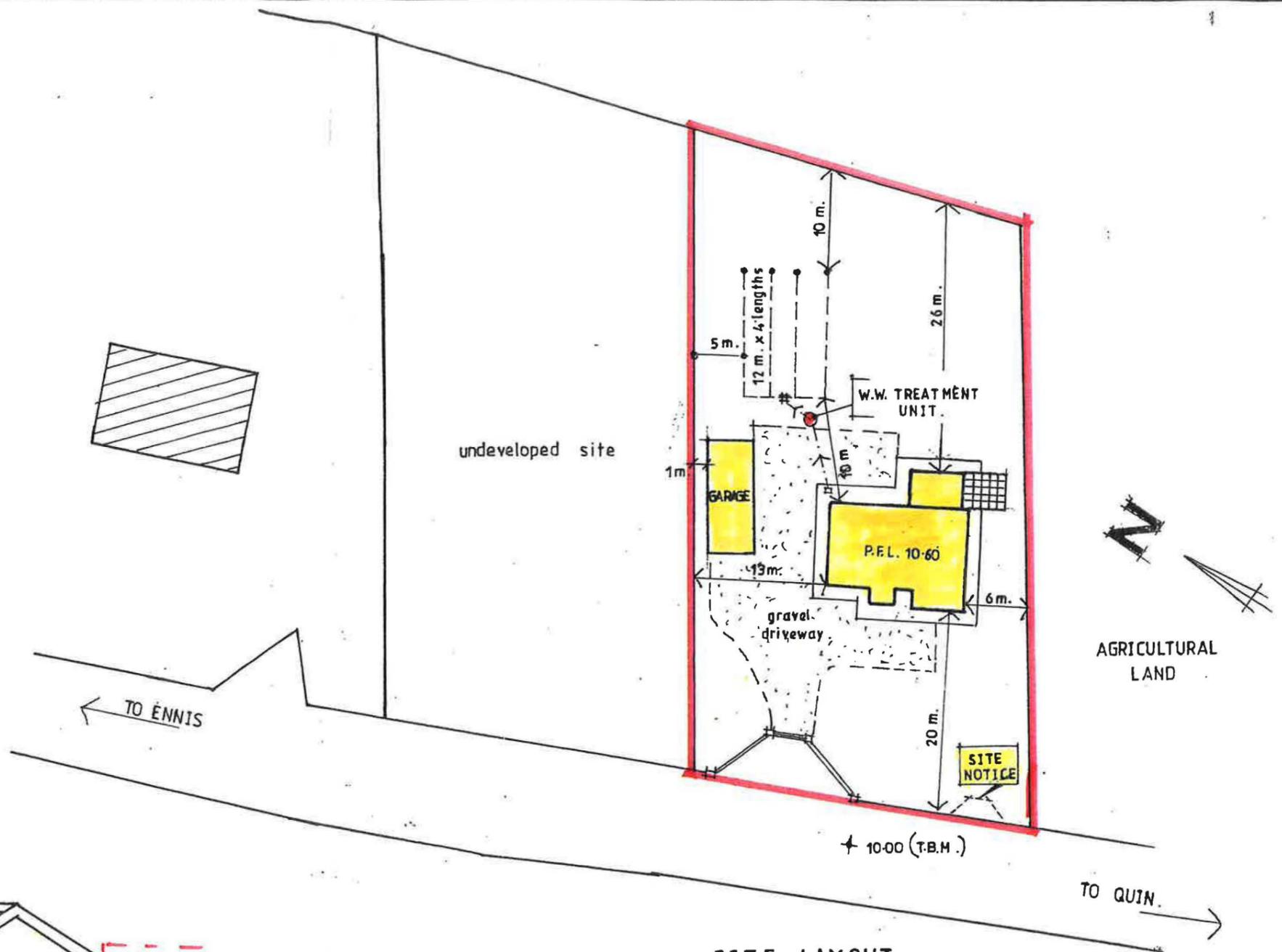
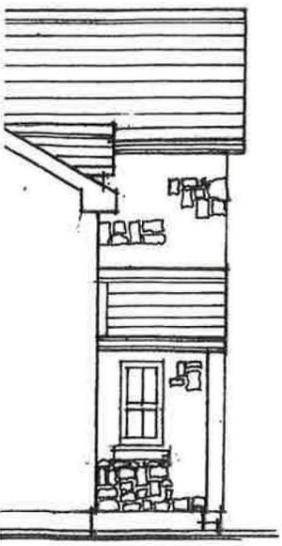
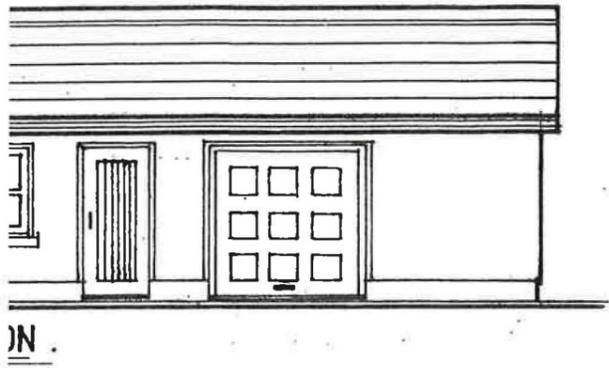
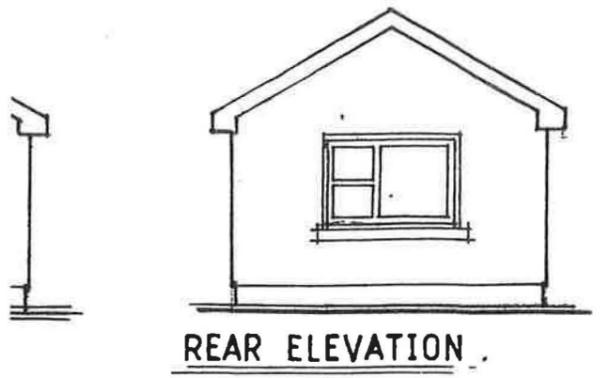
17. The external finishes of the proposed garage shall be consistent with those of the main dwelling house.

Signed on behalf of Clare County Council.



**Senior Staff Officer
Planning Department**

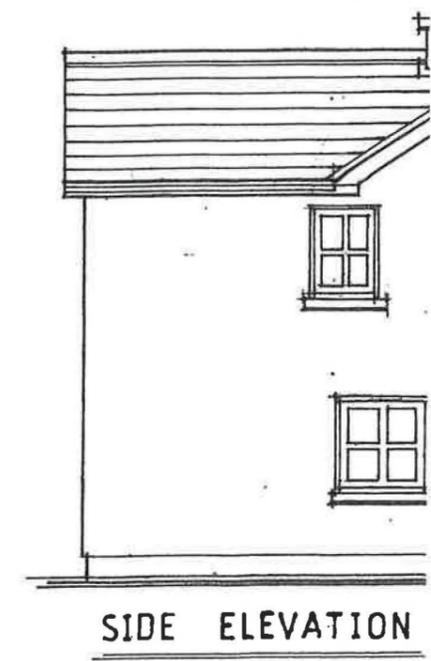
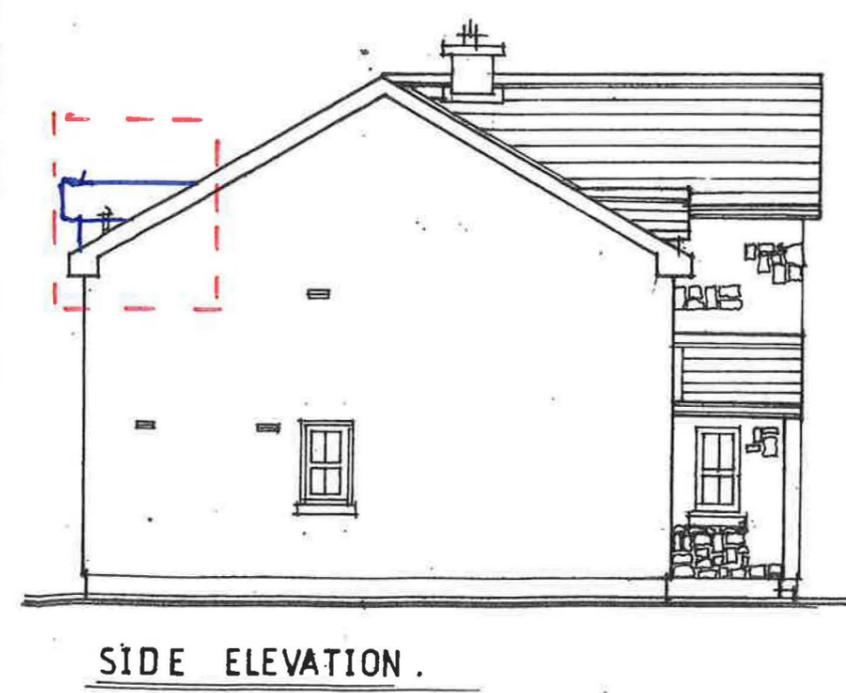
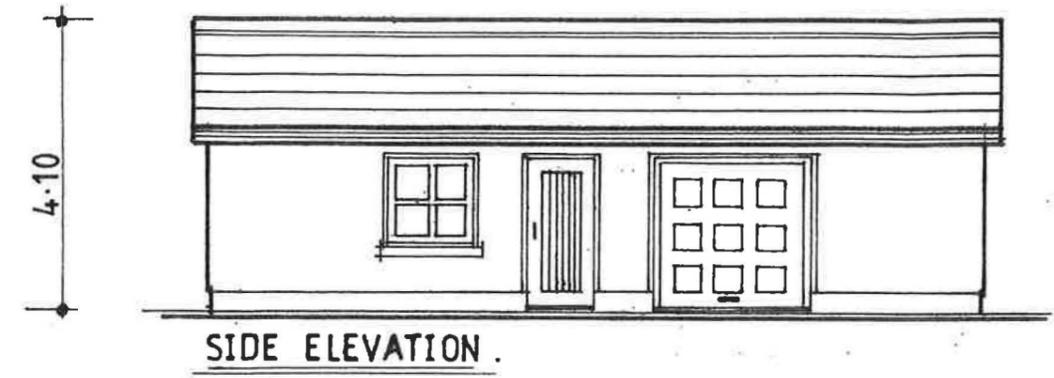
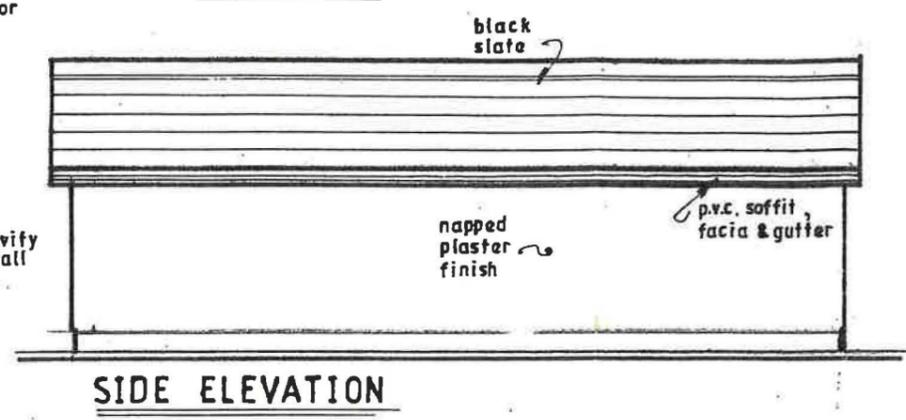
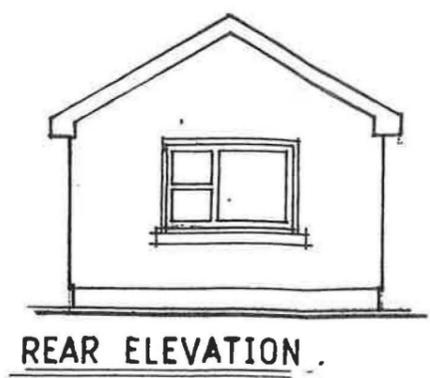
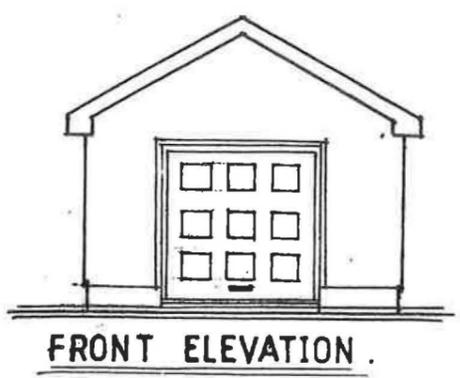
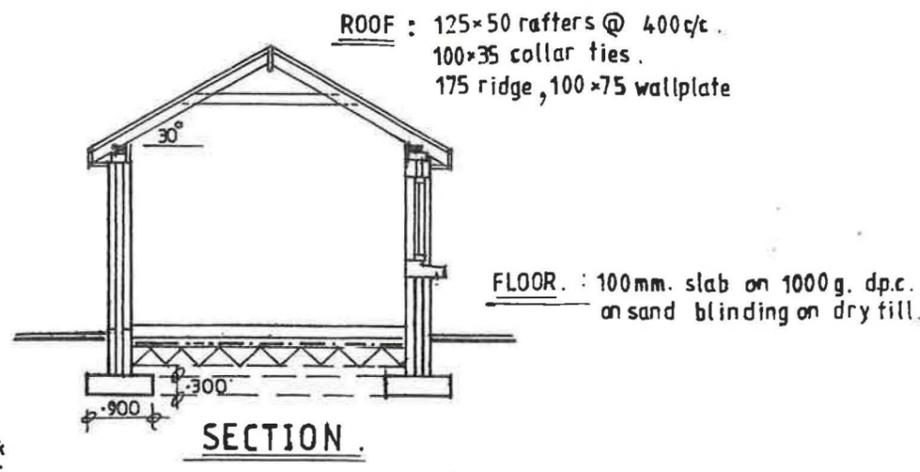
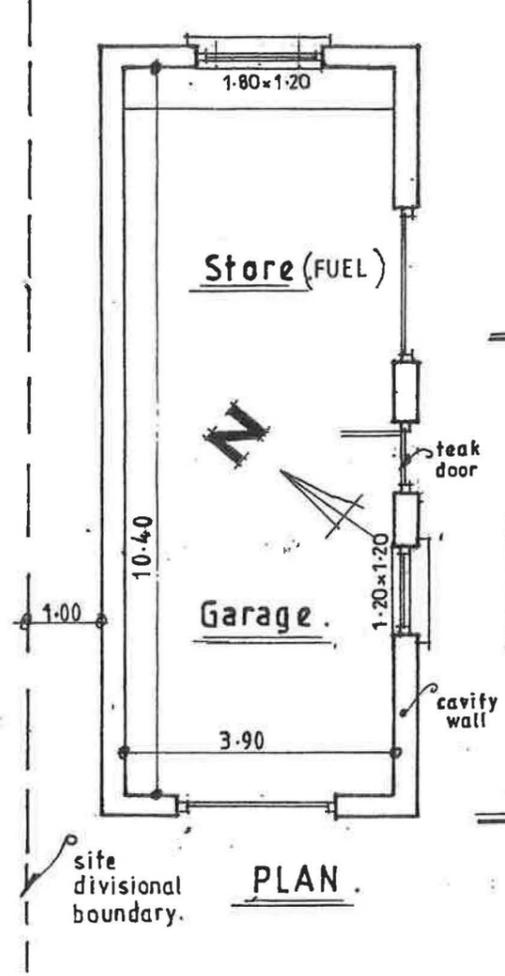
Dated: 26/10/2007



SITE LAYOUT.
SCALE: 1:500

Proposed dwelling house & private garage at Moyriesk, Ennis, for Neill Ryan.

Drg. No. 2.
Scale: 1:100
1:500
DRAWN:
T. Lynch
Newpark
Ennis.



Folio:

This map should be read in conjunction with the folio. The description of the land on the folio and map is not conclusive as to the boundaries or extent of the land (see Section 85 of the Registration of Title Act, 1964), as substituted by Section 62 of the Registration of Deeds and Title Act 2006.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.prai.ie.

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Freehold (centre-line of parcel edge aligned)



Leasehold (centre-line of parcel aligned)



Burdens (may not all be represented on map)

 Right of Way / Wayleave

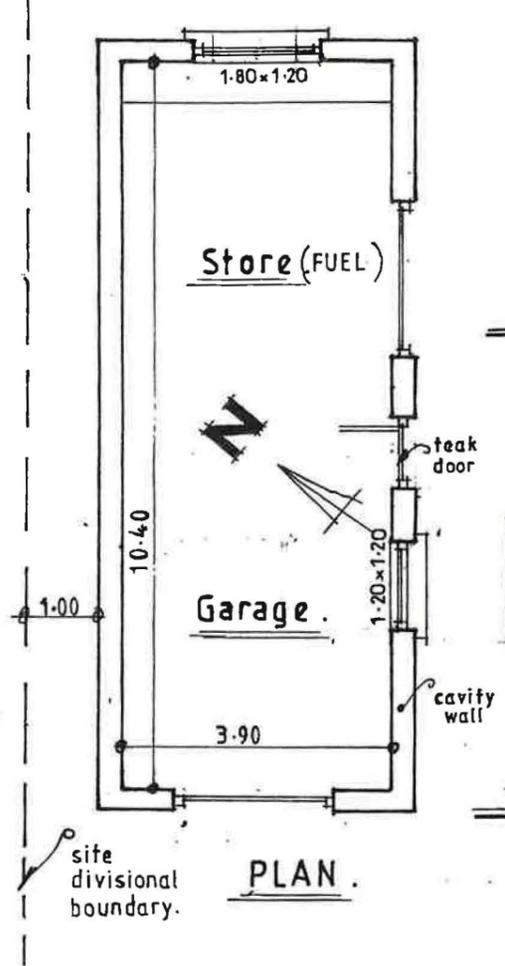
A full list of burdens and their symbology can be found at: www.landdirect.ie

For use by The Property
Registration Authority only

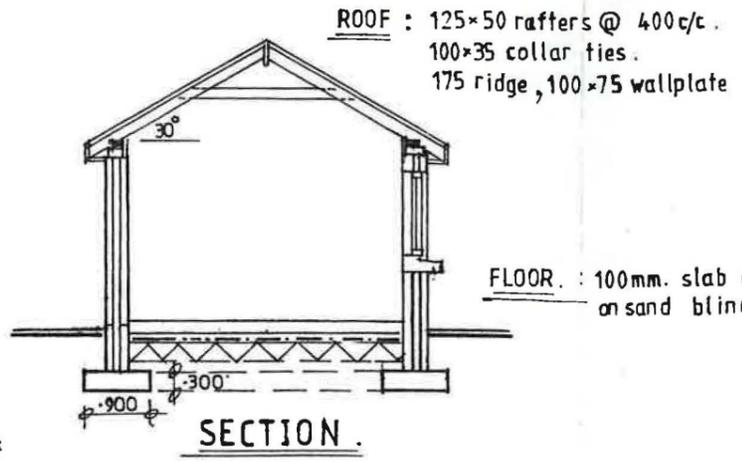


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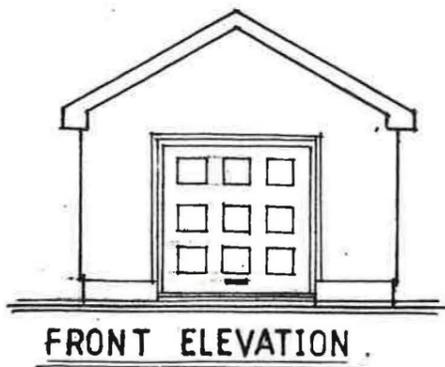




PLAN.



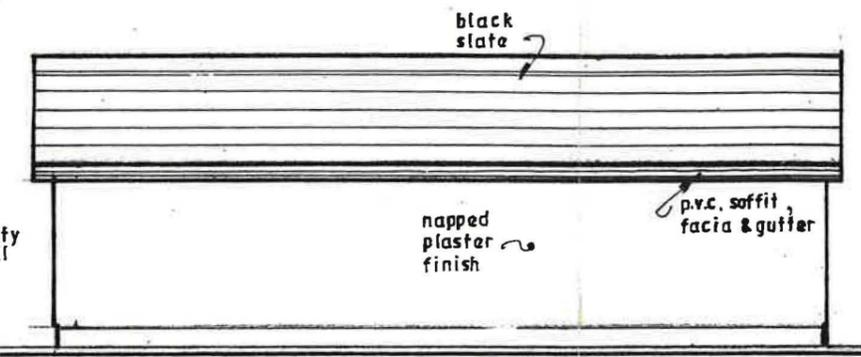
SECTION.



FRONT ELEVATION.



REAR ELEVATION.



SIDE ELEVATION

4.10

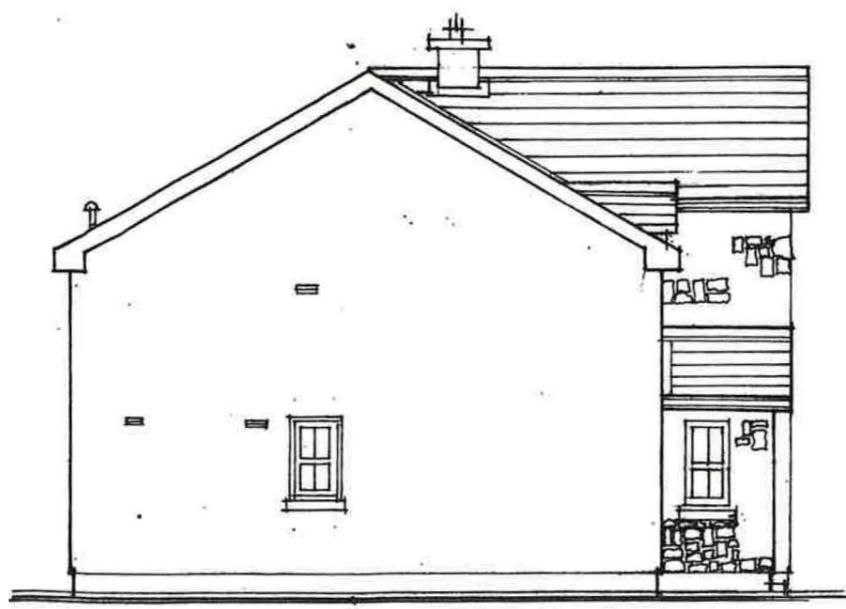


SIDE ELEVATION.



REAR ELEVATION.

7.40



SIDE ELEVATION.