



COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Registered Post

Eileen Haller
Lisín
Limerick Road
Ennis
Co. Clare
V95 D25X

3rd June 2025

Section 5 referral Reference R25-36 – Eileen Haller

Is the replacement of front door of dwelling house development and if so is it exempted development?

A Chara,

I refer to your application received on 8th May 2025 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 Stiúirthóireacht 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



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

Reference No.: R25-36



Comhairle Contae an Chiar
Clare County Council

Section 5 referral Reference R25-36

Is the replacement of front door of dwelling house development and if so, is it exempted development?

AND WHEREAS, Eileen Haller 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 and 3 of the Planning and Development Act 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (c) The details and drawing as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

- (a) The development consisting of the replacement of a front door constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development falls within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended.

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 replacement of the front door in a dwelling house in accordance with the drawings and details received by the Planning Authority at 37 Ashfield Park, Gort Road, Ennis, Co. Clare, V95 E8C2 **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

A handwritten signature in blue ink, appearing to read 'Anne O'Gorman', is written over a horizontal line.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

3rd June 2025

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: 85604

Reference Number: R25-36

Date Referral Received: 8th May 2025

Name of Applicant: Eileen Haller

Location of works in question: 37 Ashfield Park, Gort Road, Ennis,
Co. Clare, V95 E8C2

Section 5 referral Reference R25-36 – Eileen Haller

Is the replacement of front door of dwelling house development and if so, is it exempted development?

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

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (c) The details and drawing as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

- (a) The development consisting of the replacement of a front door constitutes “works” and “development” which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- (b) The said development falls within the scope of Section 4(1)(h) of the Planning and Development Act 2000, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 343 dated 19th May 2025, Gordon Daly, 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 Kieran O'Donnell, Administrative Officer, 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, Kieran O'Donnell, Administrative Officer, hereby declare that the replacement of the front door in a dwelling house in accordance with the drawings and details received by the Planning Authority at 37 Ashfield Park, Gort Road, Ennis, Co. Clare, V95 E8C2 is **considered development** which is **exempted development**.

Signed:



KIERAN O'DONNELL
ADMINISTRATIVE OFFICER



Date:

3rd June 2025

SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:	R25-36
APPLICANT(S):	Eileen Haller
REFERENCE:	Is the replacement of the front door of a dwelling house development and if so, is it exempted development?
LOCATION:	no 37 Ashfield Park, Gort Rd Ennis.
DUE DATE:	04/06/25

Site Location

The dwelling is located in Ashfield Park. There are detached dwellings of similar type on either side. The site is zoned existing residential. The house is not a protected structure and not located in an ACA.

Planning History

No recent history

Background to Referral

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended) has been made by Eileen Haller.

The referral question is as follows- whether the replacement of the front door of a dwelling house development and if so, is it exempted development.

Statutory Provisions

(1) 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.

Exempted Development

4.—(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.

Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the replacement of front door of a dwelling house is considered development and if so, is it exempted development.

Particulars of the Development

- The dwelling is currently being renovated. The existing door is draughty and ill-fitting and is to be replaced with a door and side glass panel to match the windows (white PVC) .
- Drawing to scale of proposed door.

Assessment

The following question has been referred to the Planning Authority:

“ Whether the replacement of a front door of a dwelling house is development and if so, is it exempted development”.

In this case the proposed development falls under the scope of Section 4 (1) (h) because the works are considered to be maintenance/ improvement works 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. It is noted in this regard that the estate in which the dwelling is situated has a mixture of window and door types which are predominantly uPVC .

Conclusion

Having regard to the above it is considered that the proposed development constitutes both ‘works’ and ‘development’ which is exempted development. Regard has been had to Section 4 (1) (h) of the Planning and Development Act 2000 as amended.

Recommendation

The following questions have been referred to the Planning Authority:

Whether the replacement of a front door of a dwelling houses is development and if so, is it exempted development development.

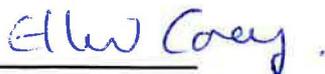
The Planning Authority in considering this referral had regard to:

- (a) Sections 2 and 3 of the Planning and Development Act 2000, as amended,
- (b) Section 4(1) (h) of the Planning and Development Act 2000, as amended,
- (c) The details and drawing as indicated in submitted documents from the referrer.

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

- a) the development consisting the replacement of a front door constitutes "works" and "development" which come within the scope of sections 2 and 3 of the Planning and Development Act 2000, as amended.
- b) The said development falls within the scope of Section 4 (1) (h) of the Planning and Development Act 2000, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the replacement of a front door in a dwelling house in accordance with the drawings and details received by the Planning Authority, at 37 Ashfield Park, Gort Rd Ennis Co. Clare is development and is exempted development.



Ellen Carey
Executive Planner

Date: 30/05/25



Gareth Ruane
Senior Executive Planner

Date: 30/05/25

5-04
external photos
17/2/25





COMHAIRLE | CLARE
CONTAE AN CHLÁIR | COUNTY COUNCIL

Eileen Haller
Lisín
Limerick Road
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Co. Clare
V95 D25X

09/05/2025

Section 5 referral Reference R25-36 – Eileen Haller

Is the replacement of front door of dwelling house development and if so, is it exempted development?

A Chara,

I refer to your application received on 8th May 2025 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 Stiúrtóireacht 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

08/05/2025 13:53:07

Receipt No. : L1CASH/0/378727
***** REPRINT *****

EILEEN HALLER
LISIN
LIMERICK ROAD
ENNIS, CO. CLARE

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

Total : 80.00 EUR

Tendered : 80.00
Cash

Change : 0.00

Issued By : L1CASH - Noelette Barry
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

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Email: planoff@clarecoco.ie
Website: www.clarecoco.ie



R25-36

**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.	
<p>(a) Name and Address of person seeking the declaration</p> <p><i>currently living here.</i></p>	<p>EILEEN WALLER</p> <hr/> <p>37 ASHFIELD PARK LISIN</p> <hr/> <p>GORT ROAD Limerick Road</p> <hr/> <p>ENNIS Ennis Eircode: V95E802</p> <p>V95D25X.</p>
<p>(b) Telephone No.:</p>	<p> </p>
<p>(c) Email Address:</p>	<p> </p>
<p>(d) Agent's Name and address:</p>	<p> </p> <hr/> <hr/> <hr/> <p align="right">EIRCODE: _____</p>

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?*

Do I require planning permission for changing my front door?

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

I bought a house last year which I am renovating with help of the Vacant Home Grant. The house currently has a white UPVC sliding door as its main front entrance. It is too narrow and also draughty. I wish to replace with white UPVC triple glazed door and side window, see attached blue print. My windows are also white UPVC, so all would match. It would also provide better heat retention in the house and allow for better access.

(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)

Attached blueprint of proposed door.
 White UPVC.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
<p>(a) Postal Address of the Property/Site/Building for which the declaration sought:</p> <p>property being renovated under VHGs.</p>	<p>37 ASHFIELD PARK</p> <p>CORT ROAD</p> <p>ENNIS</p> <p>V958CZ</p>
<p>(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?</p>	<p>No.</p>
<p>(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):</p>	<p>No.</p>
<p>(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:</p> <p><i>Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.</i></p>	<p>NA.</p> <p>I am owner.</p>
<p>(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:</p>	<p>Unsure.</p>
<p>(f) Are you aware of any enforcement proceedings connected to this site? If so please supply details:</p>	<p>No</p>
<p>(g) Were there previous planning application/s on this site? If so please supply details:</p>	
<p>(h) Date on which 'works' in question were completed/are likely to take place:</p>	<p>within 2025 under VHGs.</p>

SIGNED: Oralle

DATE: 3/5/2025

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:

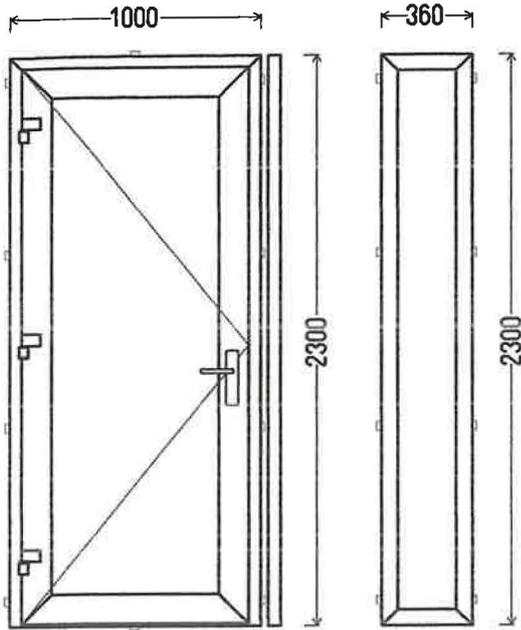
Planning Department,
Economic Development Directorate,
Clare County Council
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

- (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:	.....	

- proposed front door.
white UPVC to match
existing windows and rear
doors.



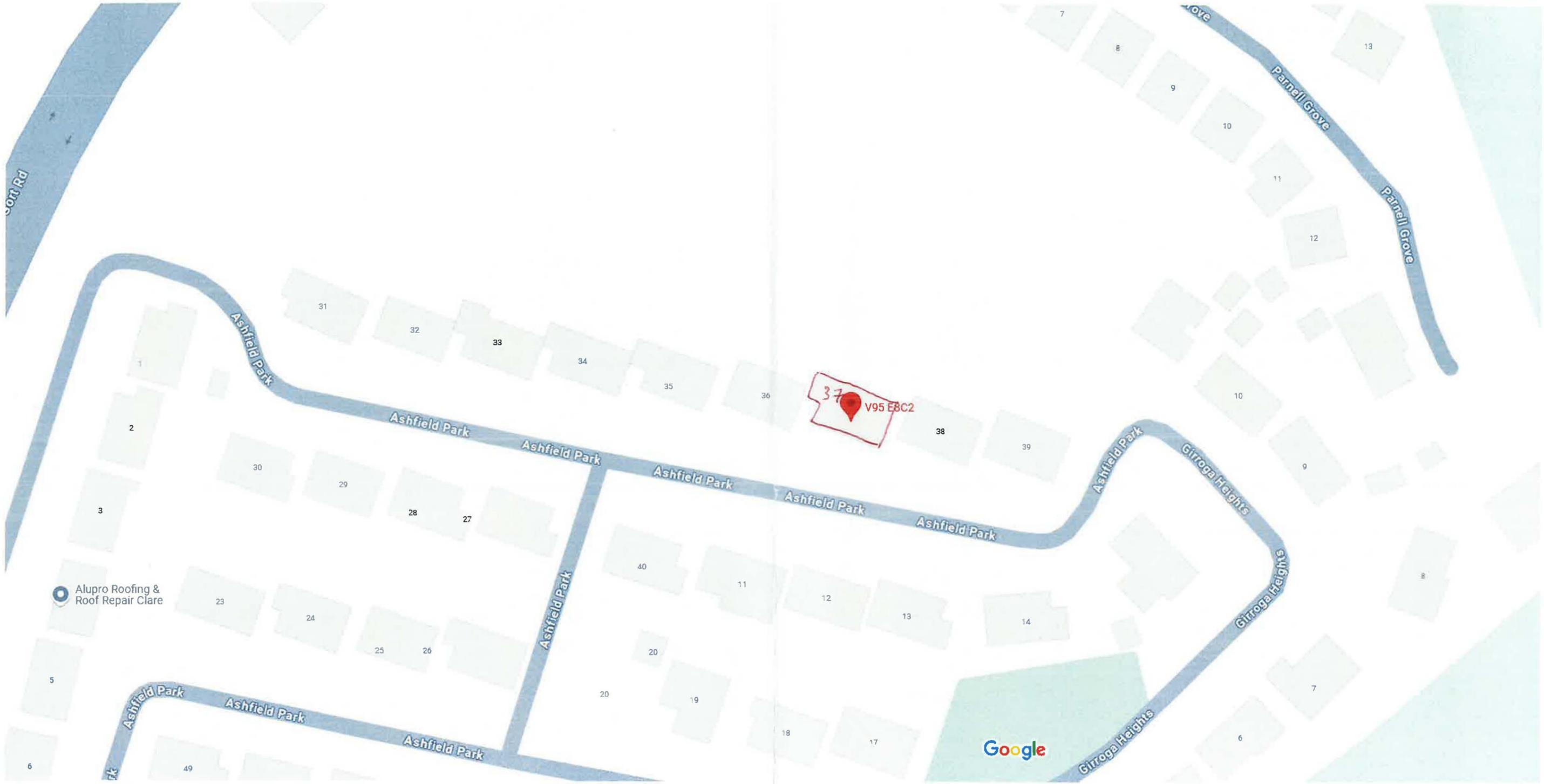
View from the inside
LD1 (1pcs)

View from the inside
V2 (1pcs)

UAB TERMO LANGAI
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