

## Registered Post

James & Edel Bluet C/o Deirdre Woodrow O'Gorman Architectural Services 4 Showgrounds View Ennis Co. Clare V95 W27H

28th April 2025

## Section 5 referral Reference R25-26 - James & Edel Bluet

Is the roof mounted velux window in the front of the subject dwelling considered development and if so, is it exempted development?

A Chara.

I refer to your application received on 1st April 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** 

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

An Roinn Pleanála An Stiúrthóireacht Forbairt Gheilleagrach

**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.: R25-26



#### Section 5 referral Reference R25-26

Is the roof mounted velux window in the front of the subject dwelling considered development and if so, is it exempted development?

**AND WHEREAS, James & Edel Bluet** 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) 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 incorporation of a roof light 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 of the Planning and Development Act being an alteration which does 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.

**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 roof mounted 'velux' window in the front of the subject dwelling at Cloona, Corofin, Co. Clare **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Anne O'Gorma

Staff Officer

**Planning Department** 

**Economic Development Directorate** 

28th April 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:

85368

Reference Number:

R25-26

Date Referral Received:

1st April 2025

Name of Applicant:

James & Edel Bluet

Location of works in question:

Cloona, Corofin, Co. Clare

## Section 5 referral Reference R25-26 - James & Edel Bluet

Is the roof mounted velux window in the front of the subject dwelling considered 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, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) 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 incorporation of a roof light 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 of the Planning and Development Act being an alteration which does 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.

ORDER:

Whereas by Chief Executive's Order No. HR 46 dated 1<sup>st</sup> January 2025, Carmel Kirby, Interim Chief Executive for Clare County Council, did, pursuant to the powers conferred on her by Section 154 of the Local Government Act 2001, delegate to Garreth 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, Garreth Ruane, Senior Executive Planner, hereby declare that the roof mounted 'velux' window in the front of the subject dwelling at Cloona, Corofin, Co. Clare is considered development which is exempted development.

Signed:

GARRETH RUANE SENIOR EXECUTIVE PLANNER

Date:

28th April 2025

## SECTION 5 DECLARATION OF EXEMPTION APPLICATION

FILE REF:

R25-26

APPLICANT(S):

James and Edel Bluett

REFERENCE:

Whether the roof mounted velux window in the front of the subject

dwelling is considered development and if so is it exempted

development.

LOCATION:

Cloona Corrofin.

**DUE DATE:** 

28/04/25

## Site Location

The site is located in Cloona.

## **Planning History on Site**

99/ 202 James & Edel Bluett. Permission granted construct a dwelling house, septic tank, entrance and ancillary site works

## **Background to Referral**

This Referral under Section 5(3)(a) of the Planning and Development Act 2000 (as amended)
The referral question is as follows- .

Whether the roof mounted 'velux' window in the front of the subject dwelling is considered development and if so is it 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*.

Section 2(1) - Interpretation

In this Act, except where the context otherwise requires –

"structure" as any building, structure, excavation or other thing constructed or made on, in or under any land, or part of a structure so defined, and where the context so admits, includes the land on, in or under which the structure is situate "use", in relation to land, does not include the use of the land by the carrying out of any works thereon.

'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.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.

## 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 roof mounted 'velux' window in the front of the subject dwelling is considered development and if so is it exempted development.

## Particulars of the Development

- Drawings of House plans and elevations showing the roof light in the context.
- Planning permission granted under 99/202.

#### Assessment;

The following question has been referred to the Planning Authority:

"Whether the roof mounted 'velux' window in the front of the subject dwelling is considered development and if so, is it exempted development".

In this case regard is had to the provisions of Section 4 of the Act wherein development consisting of the carrying out of works for the alteration of any structure, being 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 is considered exempted development. In this case the provision of one additional roof light adjacent to an existing one on the front elevation is not considered to 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.

## Conclusion

Having regard to the above it is considered that the proposed development constitutes both 'works' and 'development' which are exempted development.

#### Recommendation

The following questions have been referred to the Planning Authority:

Whether the roof mounted 'velux' window in the front of the subject dwelling is considered development and if so, is it exempted development development.

The Planning Authority in considering this referral had regard to:

- (a) Sections 2 and 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) 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 of the incorporation of a roof light 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 the Section 4 of the Planning and Development Act being alteration which do not affect the materially the external

appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Now therefore Clare County Council (Planning Authority), hereby decides that the roof mounted 'velux' window in the front of the subject dwelling is development and is exempted development in accordance with the drawings and details received by the Planning Authority, at Cloona, Corrofin, Co. Clare.

Executive Planner
Date: 24/04/25

**Senior Executive Planner** 

Date:

25/04/25.



James & Edel Bluet C/o Deirdre Woodrow O'Gorman Architectural Services 4 Showgrounds View **Ennis** Co. Clare V95 W27H

01/04/2025

## Section 5 referral Reference R25-26 - James & Edel Bluet

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A Chara,

I refer to your application received on 1st April 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 Stiúrthóireacht 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



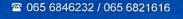












## O'GORMAN ARCHITECTURAL SERVICES

4 Showgrounds View, Ennis, Co. Clare

Mobile: 085 120 7565 E-mail: woodrowdeirdre@yahoo.ie

31 March 2025

The Secretary
Planning Department
Clare County Council
Aras Contae an Chlair
New Road, Ennis
Co. Clare.



A Chara,

Re:

Request for a Declaration on Development & Exempted Development (Section 5 of the

Planning & Development Act 2000 (as amended)).

**Applicants:** 

James & Edel Bluett

Address:

Cloona, Corofin, Co. Clare V95 E729

**Development/Exempted Development:** 

Velux roof window to front elevation

Enclosed please find 2 copies of the following documentation in respect of the above request;

- Completed Application Form
- Site Location Map, Scale 1:2500, site outlined in RED
- Annotated First Floor Plan & Front Elevation, Scale 1:100
- Fee €80.00

Is mise le meas

Deirdre Woodrow

Deirche

I. Eng. B.Sc. (Hon.s), M.I.E.I.

cc James & Edel Bluett, Cloona, Corofin, Co. Clare V95 E729

Woodser

Enc.

County Council

Clare County Council
Aras Centae an Chlair
New Road
Ennis
Co Clare OMHAIRLE

01/04/2025 15:04:48

Receipt No. L1CASH/0/377208 \*\*\*\*\* REPRINT \*\*\*\*\*

JAMES & EDEL BLUETTI A IR
C/O DEIRDRE WOODROW
O'GORMAN ARCHITECTURAL SERVICES
4 SHOWGROUNDS VIEW
ENNIS, CO. CLARE

SECTION 5 REFERENCES GOODS 80,00

VAT Exempt/Non-vatable

Tendered \_\_\_\_

Total:

CREDIT CARDS

Change:

0.00

nOidh

80.00 EUR

80.00

COMHAIDIR

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

0 1 APR 2025

Received Planning Section



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 DETA	1. CORRESPONDENCE DETAILS.				
(a) Name and Address of person seeking the declaration	JAMES + EDEL BLUET  CLOONA  COROFIN  CO. CLARE  V95 E729				
(b) Telephone No.:					
(c) Email Address:	1				
(d) Agent's Name and address:	DER DRE WOODROW  O' GORMAN ARCHITECTURAL SERVICES  4 SHOWGROUNDS VIEW  ENNIS  W. CLARE V95 W27H				

## 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?

OF THE SUBJECT DWELLING CONSIDERED TO BE 'DEVELOPMENT'S

AND IF IT IS 'IS IT CLASSIFIED AS EXEMPTED DEVELOPMENT'S

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

DWELLING (99/60) OF CONSTRUCTION OF APPLICANTS HOUSE THE FITTED AN VELUX WINDOW IN THE FRONT UF THE DWELLING PROVIDE SOME ADDITIONAL FIRST FLOOR BEDROOM VELUX WINDOW IS THE SUBTECT THIS APPLICATION, I.E. CAN DEEMED (CLASSIFIED DEVELOPMENT -1F INDEED CONSIDERED TO BE DEVELOPMENT?

(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)

SITE LOCATION MAP, SCALE 1: 2500

	3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT				
(a)	Postal Address of the Property/Site/Building for which the declaration sought:	CLOONA  COROFIN  (O. CLARE  V95 E729			
(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:  Note: Observations in relation to a referral may be	NIA			
	requested from the owner/occupier where appropriate.				
(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? If so please supply details:	No			
(g)	Were there previous planning application/s on this site? If so please supply details:	P99/202			
(h)	Date on which 'works' in question were completed/are likely to take place:	COMPLETED IN 1999/2000			

SIGNED: Deirave Woodow

DATE: 28/03/2025

## **GUIDANCE NOTES**

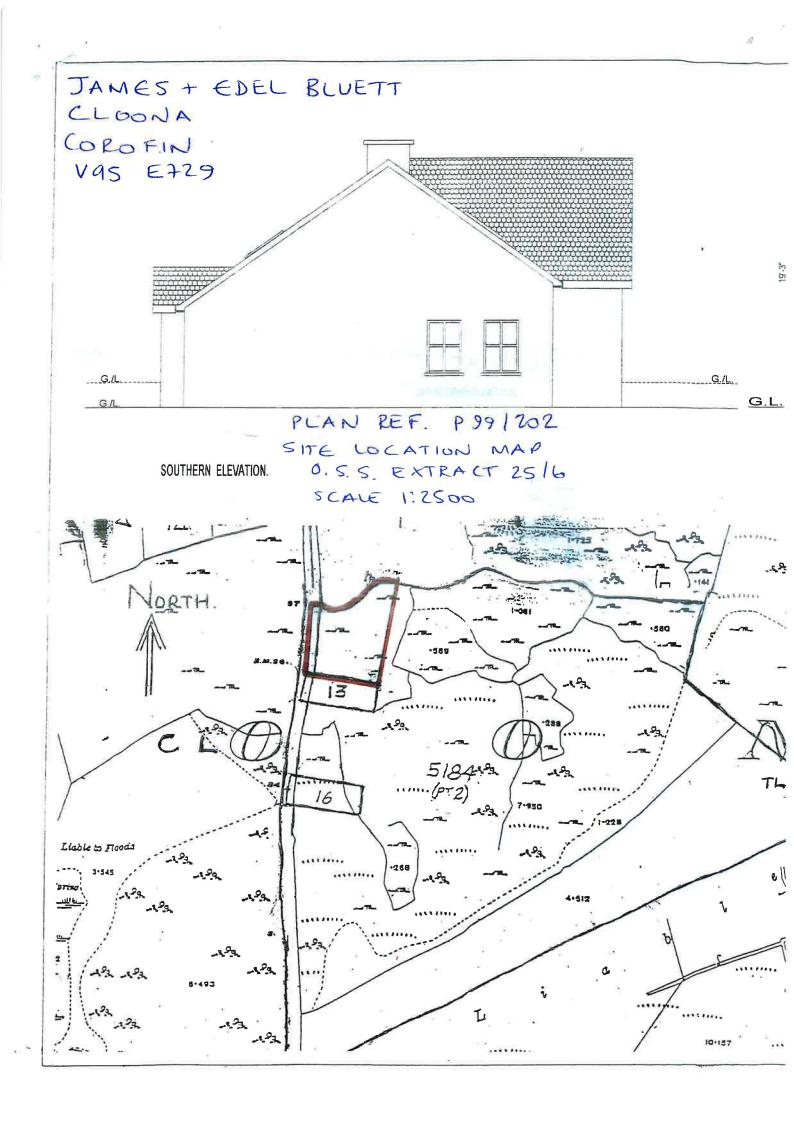
This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

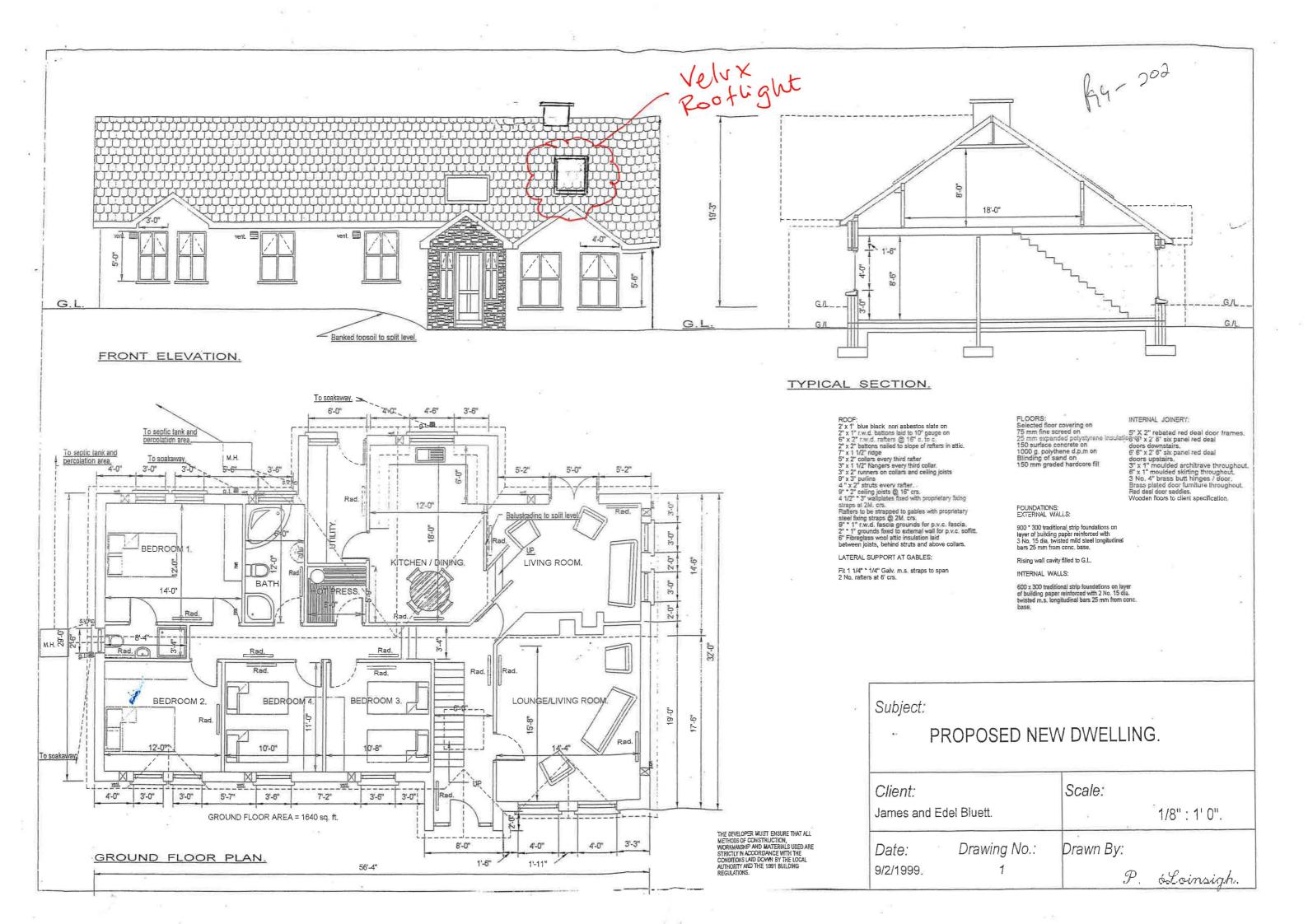
- (i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
- (ii) The request for a declaration 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 Countil
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

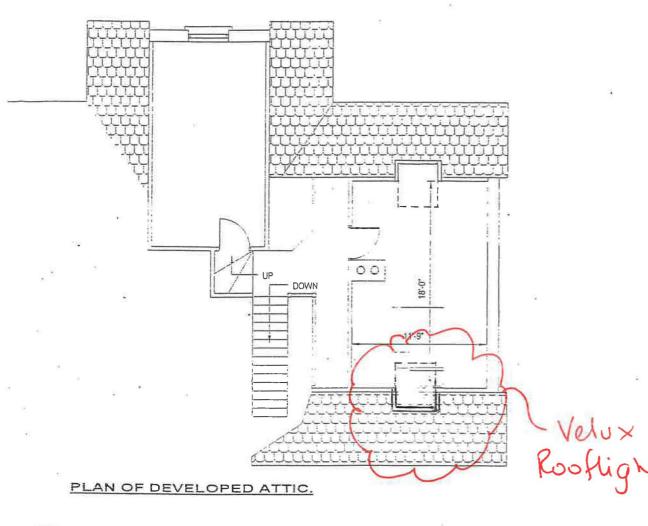
- (v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
- (vi) The Planning Authority may also request other persons to submit information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





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Roof Ventilation:
Ope at eaves at least equal to continuous strip 2\* wide.
Use a flyscreen to prevent insect infestation.
Ope at ridge at least equal to continuous strip 1/4\* wide.

Fit wall vents to all habitable rooms.

ROOF:
2' x 1' blue black non asbestos slate on
2' x 1' r.w.d. battons laid to 10' gauge on
6' x 2' r.w.d. rafters @ 16' c. to c.
2' x 2' battons nailed to slope of rafters in attic.
7' x 1 1/2' ridge
5' x 2' collars every third rafter
3' x 1 1/2' hangers every third collar.
3' x 2' runners on collars and ceiling joists
9' x 3' purlins
4' x 2' struts every rafter.
9'' 2'' ceiling joists @ 16'' crs.
4 1/2'' 3'' wallplates fixed with proprietary fixing straps at 2M. crs.
Rafters to be strapped to gables with proprietary steel fixing straps @ 2M. crs.
9'' 1'' r.w.d. fascia grounds for p.v.c. fascia.
2'' 1' grounds fixed to external wall for p.v.c. soffitt.
6'' Fibregless wool attic insulation laid between joists, behind struts and above collars. LATERAL SUPPORT AT GABLES:

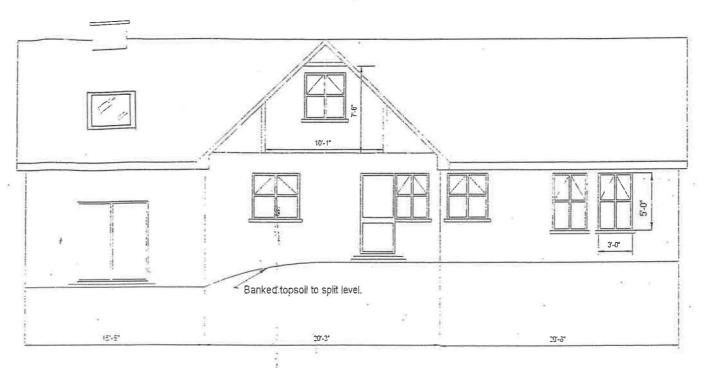
Fit 1 1/4" \* 1/4" Galv. m.s. straps to span 2 No. rafters at 5 crs.

LATERAL SUPPORT AT. GABLES:

Fit 1 1/4" 1/4" Galv. m.s, straps to span :

(1) 2 No.raftets at 6' crs. Anchor straps to uncul blocks. Pack and nog the rafters to the gable.

(2) 2 No. joists at 6 crs. as above at ceiting level.



## REAR ELEVATION.

FLOORS:
Selected floor covering on
75 mm fine screed on
25 mm expended polystyrene insulation on
150 surface concrete on
1000 g, polythene d.p.m on
Blinding of sand on
150 mm graded hardcore fill

INTERNAL JOINERY:

5° X 2" rebated red deal door frames. 6' 8" x 2' 8" six panel red deal doors downstairs. 5' 6" x 2' 6" six panel red deal doors upstairs.
3" x 1" moulded architrave throughout.
6" x 1" moulded skirting throughout.
3 No. 4" brass butt hinges / door.
Brass plated door furniture throughout.
Red deal door saddles.
Wooden floors to client specification. FOUNDATIONS: EXTERNAL WALLS:

900 \* 300 traditional strip foundations on layer of building paper reinforced with 3 No. 15 dia. twisted mild steel longitudinal bars 25 mm from conc. base.

Rising wall cavity filled to G.L.

INTERNAL WALLS:

600 x 300 traditional strip foundations on layer of building paper reinforced with 2 No. 15 dia. twisted m.s. longitudinal bars 25 mm from conc. base.

WALLS:

EXTERNAL:

310 mm cavity wall construction to exterior consisting of 100 mm conc. block inner leaf 60 expanded polystyrene cavity wall insulation 50 still air cavity 100 conc. block outer leaf. Limestone facing to front entrance hell.

GROUND FLOOR:

100 conc. block partitions to interior. 20 mm three coal plaster work to exterior. 15 mm two coal plaster to interior 3mm hardwall skim to interior.

 $4^{\circ}$  x 2° r.w.d. studs at 16° crs. with one set of noggings. 8' x 4' x 1/2° plasterboard slabs to partitions. 8' x 4' x 1/2° foil backed plasterboard slabs to studs. 8' x 4' x 3/8° foil backed plasterboard slabs to rafters and collars. 1/8" hardwall skim throughout.

#### PROPOSED NEW DWELLING.

Client: Date: 9/2/1999. James and Edel Bluett. Scale: 1:100. Drawn by: Policinsigh.

THE DEVELOPER MUST ENSURE THAT ALL
METHODS OF CONSTRUCTION,
WORKMANSHIP AND MATERIALS USED ARE
STRICTLY IN ACCORDANCE WITH THE
CONDITIONS LAID DOWN BY THE LOCAL
AUTHORITY AND THE 1991 BUILDING
REGULATIONS.