

EXEMPTED DEVELOPMENT ASSESSMENT REPORT

SECTION 5 OF PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

REF: S5.35.26

Site Address: No. 9 Monivea Road

Description: Various - Rear extension, attic conversion, waste pipework and boundary issues.

Applicant: Fergus O'Conner of no. 10 Monivea Road

Planning History

No previous recent planning history. In view of the age of the Monivea Road housing estate, it is considered that no condition limiting exempted development rights was placed on the housing scheme.

AA Screening

Having regard to the location, nature and scale of the proposed development of a rear extension confined within an established residential property located within a built-up urban area, with connections to existing services, and the absence of connectivity to European sites it is concluded that no Appropriate Assessment issues arise as the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on these European sites.

EIA Screening

Having regard to the location, nature and scale of the proposed development of rear extension to an established residential property and the absence of any significant environmental sensitivity in the vicinity of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Description:

The applicant seeks a declaration of whether development to no. 9 Monivea Road¹ is exempted development or not. The application is for a few different elements and for ease of legibility, the assessment will follow the description of development in the application.

¹ For clarity the subject site is located opposite Crown Square as there are two occurrences of this same address in Geodirectory.

1. Rear extension and attic conversion (individual and joint floor area evaluation).

- The question relates to firstly the construction of a rear single storey extension whether it exceeds the maximum allowable stated 40m² in application but now 45m² floor area threshold under schedule 2, Class 1 of the Planning and Development Regulations 2001-2026 amended under S.I. No. 338 of 2026 Planning and Development Exempted Development (Act of 2000) Regulations 2026 enacted on 27th of July 2026 and;
- Secondly, a habitable attic conversion constitute development and is exempted development
- Both the extension and attic conversion collectively.

Class 1 of Schedule 2 Part 1 Exempted Development – General of the Planning and Development Regulations 2001-2026 amended under S.I. No. 338 of 2026 Planning and Development Exempted Development (Act of 2000) Regulations 2026 provides that the extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house is exempted development subject to the full compliance with prescribed conditions and limitations. It is not possible to deduce whether the subject rear single-story extension is exempted development or not as no scaled drawings of the development has been provided in the declaration of exempted development application.

Section 5 (1) of the Planning and Development Act 2000 (as amended) states that “if any question arises as to what in any particular case, is or is not development or is or is not an 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”. Hence, further information will be requested seeking site layout plans, internal floorplans, elevation and section drawings of appropriate metric scale of the rear extension and attic conversion with the principal dimensions of the extension and attic conversion presented thereon.

2.High level wastewater pipework and boundary setback breach.

- The application queries whether on-going construction of concrete footings/timber formwork directly on the party line constitute exempted development.

A land registry map exhibiting poor readability accompanies the application. It is noted that in relation to the boundary wall, Section 34 (13) Planning and Development Act 2000 (as amended), provides that “a person shall not be entitled solely by reason of a permission or approval under this section to carry out any development.” In this regard, it is pointed out that matters pertaining to title of property, including legal boundaries are not for the Planning Authority and An Coimisiún Pleanála to determine. The parties involved can have recourse to the Courts to settle any such questions.

The wastewater pipework is attached to side gable elevation of no.9, notably; the adjoining dwelling has also similar attached wastewater disposal pipework on its side elevation. Such provision is a standard typical requirement for the accommodation of sanitary services on houses. It is considered that this feature is exempted development under the provisions of Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) 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.

3. Boundary wall interference and works.

- Demolition of a pre-existing block boundary wall and on-going construction of concrete footings/timber formwork directly on the party line constitute exempted development.

CLASS 5 of Schedule 2 Part 1 Exempted Development – General of the Planning and Development Regulations 2001-2026 the construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete subject to prescribed conditions/limitations. In this instance, a boundary wall has been

demolished rather than erected to facilitate the rear extension at no. 9 Monivea Road. Issues relating to legal boundaries are not for the Planning Authority and An Coimisiún Pleanála to determine.

4. Underground drainage infrastructure and boundary alignment.

- Whether the laying of ground-level foul sewer pipework along the party boundary wall and pouring of concrete patios footing constitutes exempted development and/or Building Regulations (part H).

Again, there is a lack of specific detail regarding the query. The laying of a patio may be exempted development under Section 4 (1) (j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such. CLASS 6 of Schedule 2 Part 1 Exempted Development – General of the Planning and Development Regulations 2001-2026 stipulates that:

The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house. (b) Any works within the curtilage of a house for— (i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or, the level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground. (ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front.

Suitable scaled drawings in relation to the physical extent and height of the patio are required.

Matters raised in relation to the Building Regulations are adjudicated under separate building control legislation and regulatory code.

5. Material Change if Use through intensification

- Whether the internal structural re-configuration, partitioning and plumbing works designed to convert a single-family dwelling into multi-ensuite tenancy units constitutes a material change of use through intensification under Section 3 (1) of the Planning and Development Act 2000 (as amended) and requires the making of a planning application.

In adherence with the provisions of Section 5 (1) of the Planning and Development Act 2000 (as amended) previously cited, further information will be requested seeking internal floorplans, elevations and section drawings of appropriate metric scale of the dwelling house with the principal dimensions presented thereon for assessment purposes in order to assess whether a material changes of use or intensification of use has occurred in the dwelling.

Recommendation

It is recommended that further information be sought as follows:

Section 5 (1) of the Planning and Development Act 2000 (as amended) states that “if any question arises as to what in any particular case, is or is not development or is or is not an 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”.

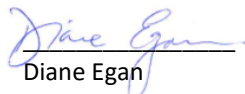
Therefore, please submit the following further information to enable to the Planning Authority to make its decision.

1. A site location plan metric scale 1:1000 clearly showing the location of the subject site, no. 9 Monivea Road.
2. A site layout plan (metric scale 1:200 or 1:500) clearly showing each item no. 1 to no. 5 inclusive in the Section 5 Declaration Application and the corresponding query item no. 1 – no. 5 clearly annotated thereon.

3. Site layout plan, internal floorplans, elevation and section drawings of appropriate metric scale (1:50 – 1:100) of the following:
 - a. Rear Single Storey Extension and
 - b. Attic Conversion

Drawings of rear extension and attic conversion should show the principal dimensions of the extension and attic conversion annotated thereon.

4. Internal floorplans, elevations and section drawings of appropriate metric scale (1:50 – 1:100) of the dwelling house, no. 9 Monivea Road with the principal dimensions presented thereon for assessment purposes.
5. A site layout plan (metric scale 1:200 or 1:500) showing the location and physical extent and dimensions of the patio showing the level of the ground and the proposed finished level of the patio given in mOD (Ordnance Datum).



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