

AN BORD PLEANÁLA

LDG- _____
ABP- _____

29 APR 2022

Fee: € 220 Type: Chg
Time: _____ By: RegPost

Ballynalahessery North
Dungarvan
Co. Waterford
X35 X261
28th March 2022

An Bord Pleanála
64 Marlborough Street
Rotunda
Dublin1
D01 V902

Re: Waterford City and County Council file reference: (D5 2022 4)

Dear Sirs,

(1) I wish to make a referral under Sect 5(3)(b) of the Planning Acts in respect of a request I made to Waterford City and County Council for a declaration that development I proposed was Exempted Development in accordance with Sect 4.1(h) of the Planning and Development Act 2000.

I lodged the request at the Dungarvan office on 2nd March 2022. I received an acknowledgment dated 7th March 2022 (copy attached) but requesting that I fill in a form so that they could progress my application further. The reference code on that letter appears to be BO'K/DM/D5/2022/4. I posted the completed form back to the council on 9th March 2022. I did not receive an acknowledgement of receipt of that completed form. However when I sent a complaint to the council on 21st March (copy attached) I got two email replies (copies attached) neither of which denied that that the completed form had been received by the council. As I did not receive an acknowledgement that the form had not been received and the email replies did not mention it either, I am left in limbo as to being able to state the actual date the completed request had actually been finalised. I can only guess that it could have been the 11th or 14th of March. (Letters seem to take an extra day for delivery to and from Dungarvan.) I have received no other communications on the matter other than what is submitted here, least of all the required Declaration. I sent a further message (copy attached) referenced to Mr. Damien Maguire emphasising that time was of the essence in the matter. I got no further reply from him.

It appears to me that the Councils whole approach to this matter has been dealt with in a most lackadaisical manner, especially since the e-mail to the planner is stated to be a request for "an update" instead of a request for a report or recommendation on the declaration issue.

(2) Name and Address of person making the referral: Thomas Gibson, Ballynalahessery North, Dungarvan, Co. Waterford, Eircode X35 X261.

(3) The subject matter of the referral is that a request was made to Waterford City and County Council for a declaration that proposed development of two extensions to the dwelling house which I own and occupy as my only place of residence, at the Ballynalahessery North address, is Exempted Development in accordance with the Planning and Development Acts and Regulations and for which no Declaration has been received to date.

(4) The grounds of referral are in the main set out in the request letter submitted to Waterford County Council (copy attached) on 2nd March 2022. I make the further detailed arguments in support of my plea that the proposed extensions are Exempted Development.

Sect 4(1)(h) of the Act requires that "works of improvement or other alteration" shall "not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures".

I submit that I have taken care to ensure that my proposal complies with that requirement. The main elevation of the proposed extension to the front, visible from the public road and further afield, will match the existing front elevation in colour and texture in having the walls and fenestration as similar as possible with the existing. The overall outline to the front includes a gable which is a reflection of the neighbouring house, while the roof angle will be identical with that of my existing house itself. It should be noted that the adjoining house was originally identical with mine except handed the other way. Two subsequent extensions, both approved by Waterford County Council, were subsequently added to that house. These extensions brought the building line of that house forward by approximately 6.5m. My proposal will bring the building line of mine forward by 3.5m i.e. 3.0m less than my neighbours. The new building line will still be approximately 54.5m removed from the public road adjoining my property. The floor area of the front extension to the existing lounge will be 9.0m². This extension will also an external covered patio area in front of the present front door of 7.7m².

The proposed extension to the rear will extend out 4.5m from the existing back wall and will have an area of 27.88m². It is designed as a sunroom with a considerable amount of glazing to the rear and south east elevations. These elevations are not visible from any area to which the public have access. Since the existing house is sunken into the sloping topography it will be sunken into the ground by at least 1m and deepening as it extends backwards. While this elevation is visible from the adjoining field level upwards the proposal will have minimal effect on the prospect from the public road as it curves around some 200 m to the north. There is also a hedge on the boundary between the field and my property which is approximately 1.6m from the house gable. Again care is taken to ensure that the colours and fenestration will match the existing. The roof to this proposed extension will be a monopitch design just showing the eaves finish towards the distant public road. That will be covered in ribbed powder coated metal of dark brown colour to blend in with the existing weathered brown roof tiles. The other two elevations of this proposed extension will not be visible from public areas as it is an open field to the rear.

An additional window is proposed in the existing gable wall to provide natural daylight to the existing dining room as the proposed extension to the rear will block a considerable amount of daylight presently coming from the patio doors which will be enclosed in the new extension. Under the Planning and Development Regulations Art.6 and Class 1 of the second schedule the proposal complies with those requirements as exempted development.

The house is a single dwelling and even though one proposed extension is to the front Sect.4 of the Act clearly allows such an extension to the front.

The combined floor area of both extensions is within the required 40m² set out in the Regulations column 2 of the 2nd schedule (clauses 1(a) and 2(a)). It is noted that the Regulations - Schedule 2, Part 1, CLASS 1 of column 1 refers to proposals to the rear of the house. However Section 4 (1)(h) of the Act clearly also refers to exemptions to the front of a structure since it introduces the appearance of neighbouring structures into consideration and is not as restrictive as the specific exemptions set out in the Regulations.

Also the pitched roof to the front and the monopitch roof to the rear complies with the requirement of not exceeding the existing ridge height. In both cases the highest point is below that of the ridge. The proposed rear wall and the side walls to the front will be the same heights as the existing house front and rear walls. The spandrel areas of both roofs will of necessity exceed those heights.

The residual private open space to the rear of the house will be well in excess of the minimum

requirement of 25m².

Neither roof will be used as a balcony or roof garden.

The proposed two windows in the north facing gable will be over 1m from the property boundary.

Further the proposed extensions will be insulated to at least current standards and the existing oil fired boiler which is an efficient insulated, condensing boiler is just being relocated from within the dining room area to its new position in the rear extension which will have access only to the outdoors, thereby improving the indoor environment and the fire safety of the house.

The existing insulation standards of the house leave much to be desired and even though I have been steadily improving the insulation standards of the house since I purchased it, the much higher quality of insulation of the proposed extensions over that of the existing house will improve the overall insulation quality of the house considerably and reduce the heating needs of the combined structures.

As the house is situated in a rural area the restrictions of Art.9 of the Regulations do not apply to the proposed forward extension of the house as the roadway serving the house is not a street and no works are proposed which will affect the existing access to the public road.

In view of the above arguments and the letter and details submitted to the Council, I submit that the proposals comply with the Planning and Development Act and Regulations as being Exempted Development.

(5) As far as I can ascertain the appropriate fee for the referral to An Bord Pleanala is €220 and I enclose a cheque to that value herewith.

(6) In view of the lack of urgency which I perceive from the County Council I also wish to make a claim under Sect 145 for a direction to the Planning Authority to pay to me compensation for the added expense occasioned to me in relation to the referral and the additional construction expense occasioned by the delay incurred which arise from that lack of urgency and non-delivery of the declaration within the defined time limit.

(a) I wish to enter a claim for the additional cost (€220) of having to make this referral because the Council did not deal with my request in due time and,

(b) this referral delay will appreciably add to the cost of my having the extensions constructed as building cost inflation currently being experienced, (over 6% this year so far), will add at least that over what I was budgeting for. I have been quoted €1,300 per sq. metre for the construction. This inflation will have increased by considerably more by the time I get an adjudication on the referral. Because of my age (87 years) I will not be eligible for any loan financing as I even had difficulty eighteen years ago when I was purchasing this house. No financier will be prepared to issue me such finance due to my more advanced age and also the much changed economic situation in the country. Accordingly the cost must be met by me from whatever savings I can muster before commencing the development.

Yours sincerely



Thomas Gibson



BO'K/DM/D5/2022/4

07/03/2022

Thomas Gibson
Ballynalahessery North
Dungarvan
Co Waterford

RE: Location Details: Ballynalahessery North Dungarvan Co Waterford.


Section 5 Declaration

Dear Sir or Madam:

I wish to acknowledge receipt of your application for Section 5 Declaration relating to the above mentioned property and enclose receipt herewith.

I also enclose the Application Form for Section 5 Applications and would be obliged of you could fill it out and return so that we can progress your application further

Yours faithfully,


B. O'Kennedy,
Staff Officer.

Name

Thomas

First Name

Gibson

Surname

Email Address *

tgrudai@gmail.com

*email is removed on pressing
"submit"*

Phone Number

Please include a contact number if you wish us to contact you about your query.

Message *

Re Planning Acts, Section 5 Declaration.

On 2nd March 2022, I submitted a request for a Sect 5 Declaration. I received a letter dated 7th March from WCC Council for Application form for same to be completed. which I returned by post on 7th March. It is now over 4 weeks since my application was completed and I should have received my Declaration within that period but have not received that.

Please inform me why I have not received that Declaration as I am time limited on referring the matter to An Bord Planala.

Yours, Thomas Gibson

Submit



Thomas Gibson <tgrudai@gmail.com>

RE: Message via website, [Thomas Gibson]

1 message

Contact User <contact@waterfordcouncil.ie>
To: "tgrudai@gmail.com" <tgrudai@gmail.com>

Thu, Apr 21, 2022 at 2:58 PM

Hi Thomas,

Thank you for your email.

I have referred this to planning for attention and reply.

Regards

Customer Services

From: Contact via the Website <notifications@zohoforms.eu>
Sent: Thursday 21 April 2022 12:53
To: Conan Power <CPower@waterfordcouncil.ie>; Contact User <contact@waterfordcouncil.ie>
Subject: Message via website, [Thomas Gibson]

Thomas Gibson tgrudai@gmail.com contacted us on 21-Apr-2022 12:53:17 to say :

Re Planning Acts, Section 5 Declaration.

On 2nd March 2022, I submitted a request for a Sect 5 Declaration. I received a letter dated 7th March from WCC Council for Application form for same to be completed. which I returned by post on 7th March. It is now over 4 weeks since my application was completed and I should have received my Declaration within that period but have not received that. Please inform me why I have not received that Declaration as I am time limited on referring the matter to An Bord Planala.
Yours, Thomas Gibson



Thomas Gibson <tgrudai@gmail.com>

Section 5 Declaration

1 message

Damien Maguire <DMaguire@waterfordcouncil.ie>
To: "tgrudai@gmail.com" <tgrudai@gmail.com>

Thu, Apr 21, 2022 at 5:16 PM

Good afternoon Thomas

I have sent an email to the planner who is dealing with your file (D5 2022 4) asking for an update and will revert to you immediately I receive a reply

Kind Regards

Damien Maguire

Planning Department

Name

Thomas

First Name

Gibson

Surname

Email Address *

tgrudai@gmail.com

Phone Number

Please include a contact number if you wish us to contact you about your query.

Message *

Attention of Mr Damien Maguire. Re file D5 2022 4. Dear sir, I note from your reply that you do not understand the question I was asking. The point I was politely making was that under the Planning Regulations I am due a Declaration from the County Council within 4 weeks and in the event of not getting that declaration I have a further 4 weeks to submit a reference to An Bord Pleanala to get a decision from them because of your failure to deal with the matter.
Yours, Thomas Gibson.

Submit

Ballynalahessery North
Dungarvan
Co Waterford.
X35 X261
02 / 03 / 2022

Director of Economic Development & Planning Services,
Waterford City & County Council
City Hall,
The Mall
Waterford.

Re: Planning and Development Act 2000 (as amended) and Exempted Development Regulations
2000 – 2022.

Dear Sir,

I am hereby making a request for a formal declaration under Sect 5 of the above Acts that work which I propose to carry out extending my house at the above address is Exempted Development under Section 4 of the above Acts and of the Exempted Development Regulations. The prescribed fee (of €80) will be paid to the Council at time of submission of the request.

I am the Registered Owner of this property.

The existing house is a detached single storey bungalow, 121.76m² in area. The external dimensions are 16.25m wide by 8.38m deep and 4.5m from ground level to ridge. The height, of the non-gable walls, is 2.75m. The bungalow is sited on a plot of approximately 0.2ha (½ acre). It is set back approximately 58m from the adjoining public road and is approximately 24m from the rear boundary. It is 1.6m and 5.0m respectively from the side boundaries. The long axis of the house lies on a line approximately South-east to North-west. The house has not been extended previously.

There is one neighbouring house to SE side of house and 6.6m away. That house is sited 6.5m closer to the public road than the subject house, i.e. 6.5m forward of the building line of my house. This establishes a building line for my house.

The Proposed Extensions (two in number) are to have a combined floor area less than 40m² and are as follows:-

(1) a lounge extension of 9.0m² floor area at ground level to the front of the house. The proposed new lounge extension will have external dimensions of 4.5m x 3.5m. with wall heights the same as the existing front (non-gable) wall of house (2.75m). The roof will be ridged and will also extend to provide an external covered patio area in front of the existing front door. The proposed roof will have the same slopes as the existing house roof and the ridge height is proposed to be 4.0m, with the gable facing forward. The roof will have a concrete tile finish. These will be the same as the existing, unless those tiles are no longer available, in which case, tiles similar in colour and texture will be used. Wall finishes and fenestration will be similar to that of the existing building. The existing front window and spandrel will be removed and the floor beneath made good to provide a combined open room area.

(2) A sunroom extension is proposed at ground level to the rear of the house. It is proposed to have 27.88m² floor area, with external dimensions 7.5m x 4.5m., It will have a monopitch roof with the

slope across the narrower dimension. The wall heights will be the same as the existing rear wall of the house except where increased height is needed to fill the spandrel areas to sloped roof level. The external dimensions are to be 7.5m x 4.5m, with the long dimension parallel to the rear wall of the house. The proposed monopitch roof height will range from 2.75m at outer edge to 3.6m at the junction with the existing roof. As the present house is recessed to a depth of 1m into the ground at the rear and the ground rises a further 3+m to the rear boundary the resultant height will have considerably less visual impact than would normally occur on level ground. A boiler compartment is to be incorporated into this extension, to accommodate the existing condensing oil-fired boiler. It will only have external access, which will be to the side passage of the house.

In both cases the floor levels will be the same as the existing floor level of the house, and the roof heights will not exceed the height of the existing ridge. The North-west walls of both extensions are to be continuations each way of the existing gable wall. This wall is situated 1.6m from the side boundary. Therefore, the proposed windows in those walls will be further away from the side boundary than the minimum requirement of 1m in the Planning Regulations. A new window to the existing dining room is proposed in this gable wall to provide light to this room in lieu of that lost due to the proposed sunroom. External access ramps having a width of at least 900mm and maximum 6% gradient are proposed to sunroom doors and to front patio area as well as steps to that level from existing ground level. The remaining rear garden area after the construction of the proposed sunroom will be well in excess of the minimum space requirement of 25m². The roofs of the proposed structures will not be used as a balcony or roof gardens. Roof storm-water will be collected and piped to a soakaway in the front garden grass area.

A set of drawings showing the location of the proposal and details thereof is enclosed with this request.

I submit that the proposed structures will not materially affect the external appearance of the house so as to render it inconsistent with the appearance of the house or of the neighbouring house or structures. In fact the Gable elevation to the front will reflect a similar feature in the neighbouring house and bring it more into accord with the appearance of that house. Accordingly, I seek an affirmative early reply to my request.

Yours sincerely

Thomas Gibson. BE.
Chartered Engineer.



Comhairle Cathrach & Contae Phort Láirge
Waterford City & County Council

Waterford City and County Council, Planning Department, Menapiá Building, The Mall, Waterford.

Telephone : 0761 102020

Fax : 0761 099701

Email: planning@waterfordcouncil.ie

Application for Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000, as amended.

1. Name of Applicant: J THOMAS GIBSON

Address: BALLYNALAHESSEY NORTH, DUNGARVAN

2. Tel. No.: N/A Email Address: N/A

3. Postal Address of Site or Building: BALLYNALAHESSEY NORTH, DUNGARVAN

4. Applicant's interest in site: FREEHOLD
(If applicant is not freehold owner of the property in question, please provide name & address of owner)

5. Full Description of the proposed Development: Two extensions of total area 36.88 m². Ext 1. Extension of 9 m² to front of house to increase existing lounge area. External dimensions 4.5m x 3.5m. Gable roof 4.0m x ridge to also cover external patio area outside front door. Ext 2 is sunroom to rear of house with monopitch

6. If the proposed development is an extension to a dwellinghouse, please include the following floor areas:
(i) Proposed Extension (5) 36.88 Sq. metres (see over)
(ii) Existing Structure 121.76 Sq. metres
(iii) Rear private open space 460 Sq. metres

7. If the proposed development is for the erection of Garage/Shed/Store etc., Please include the following:
(i) Proposed Garage/Shed/Store etc. N/A Sq. metres
(ii) Existing Structure Sq. metres
(iii) Rear private open space Sq. metres

8. For any building(s) to be retained on site, or for a change of use of the property
(a) Please indicate the existing use DWELLING HOUSE
(b) Please indicate the proposed use DWELLING HOUSE

9. Documents to be included with this application form to be submitted to the Planning Department):
Site Location Map
Scale 1:1000 or 1:2500
Floor Plans & Elevations

Site Layout Map
Scale 1:200 or 1:500
Fee (€80.00)
} Submitted
02/03/2022

10. Site History: Planning reference number(s): NOT KNOWN
WALL REFERENCE BO'K DM/D5/2022/4

I hereby declare that the information given on this form is correct.

Signature of applicant/agent: Thomas Gibson Date: 9th March 2022

Description contd.

roof. Floor area $27.93 m^2$ and external dimensions $7.5m \times 4.15m$
roof height from $2.75m$ to $3.6m$ at junction with existing roof.
All external wall finishes and ridged roof to match as closely as
possible existing wall and roof finishes. Gable ends to also
match existing. Monopitch roof to be finished in PVC coated
metal sheeting of colour compatible with existing roof tiles.

It is also proposed to insert a new window in existing NW gable
to provide additional natural lighting to existing dining room.

For a fuller description please see my letter dated
02/03/2022 which accompanied the drawings submitted
on that date.

Thomas Gibson

