

Your ref:

Our ref: 23/111/ABP/July 2024
(When replying please quote our reference)

An Bord Pleanála,
64 Marlborough Street,
Dublin 1,
D01 V902

4th July 2024

Re: **Michael O'Leary**
Section 5 Appeal at Scart, Castlecove, Co. Kerry.

Dear Sirs,

We wish to confirm that we act as Consulting Engineers for the above-mentioned client.

Applicant: Michael O'Leary

Address: Scart, Castlecove, Co. Kerry.

Site Address: Scart, Castlecove, Co. Kerry.

Description: Construction of extension to the existing dwelling house

Local Authority: Kerry County Council

Application No: EX1222

Agent: Donagh O'Regan BEng CEng MIEI
Reeks Consulting Engineers,
Unit 4 Level 1,
The Reeks Gateway,
Rock Road,
Killarney,
Co. Kerry

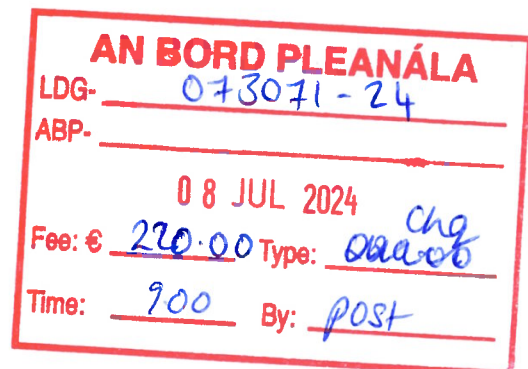


REEKS CONSULTING ENGINEERS
CIVIL & STRUCTURAL ENGINEERS

Unit 4, Level 1,
The Reeks Gateway, Rock Road,
Killarney, Co. Kerry V93 WP82

T: +353 (0) 64 6633412
F: +353 (0) 64 6635387

E: asheehan@reeksce.ie
E: doregan@reeksce.ie
W: www.reeksce.ie



Directors:
Adrian Sheehan Dip. Eng M.I.E.I
Donagh O'Regan B. Eng C. Eng M.I.E.I

Registered in Ireland No: 9853955D



Appeal

We are appealing a Section 5 decision issued by Kerry County Council on the 11th June 2024. We submitted a Section 5 application on the 27th May 2024 to Kerry County Council in relation to a development to an existing dwelling at Scart, Castlecove, Co. Kerry.

Previous Application No: EX1200

We previously applied for a Section 5 application on the 10th April 2024 to Kerry County Council for an extension to the existing dwelling. We located this extension to what we were of the opinion was the rear of the dwelling. The decision on this section 5 application was that it was not exempted development. KCC were calling the rear, the side of the house. We are attaching a copy of the application and the KCC decision for this application.

Current Application No: EX1222

As a result of the Application No : EX1200 being classed as development, we then reapplied to KCC for a new Section Application.

We relocated the extension to the opposite end of the dwelling for the new application. Unfortunately, KCC issued a decision on this application on the basis it was again to the side of the house and classed as development.


Conclusion

We are of the opinion KCC are incorrect in their interpretation of the front and rear of the dwelling. We are of the opinion that the gable facing the road should be classed as the side of the house and that our extension has been proposed to the rear of the dwelling. We are now asking An Bord Pleanala to overturn the KCC decision and class the proposed works as exempted development.

We are also enclosing the fee of €220.00

If you have any further queries please do not hesitate to contact me.

Yours sincerely,



Donagh O'Regan, BEng CEng MIEI



Kerry County Council,
County Buildings, Tralee, Co. Kerry.
Tel: (066) 7183582 Fax: (066) 7120328
E-mail: plan@kerrycoco.ie

Comhairle Chontae Chiarraí,
Aras an Chontae, Trá Lí, Co. Chiarraí.
Gutháin: (066) 7183582 Faics: (066) 7120328
Web: <http://www.kerrycoco.ie>

28th May 2024

Reeks Consulting Engineers
Reeks Gateway
Rock Road
Co Kerry

**Re: Declaration and Referral on Development and Exempted
Development under and in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

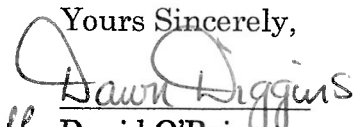
Dear Sir/Madam,

I wish to acknowledge receipt of your application for a Section 5 Declaration on behalf of Michael O'Leary.

Register No. **EX1222** refers and the Planning Authority will be in touch with you in due course.

I attach receipt no. 92809 in respect of same.

Yours Sincerely,


David O'Brien
AO Planning



COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Guthán | Tel 066 7183582 Facs | Fax 066 7120328 Rphost | Email plan@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Application No: EX1222

Decision Date: 11th June 2024

Registration Date: 27th May 2024

Applicant: Michael O'Leary, Scart, Castlecove, Co Kerry.

Agent: Reeks Consulting Engineers, Reeks Gateway, Rock Road, Co Kerry.

Development Location: Scart, Castlecove, Co Kerry.

Development Description: Construct a single-storey extension to the side of house.

DECLARATION ISSUED UNDER AND IN ACCORDANCE WITH SECTION 5 OF THE
PLANNING AND DEVELOPMENT ACTS, 2000 – (as amended)

In pursuance of its functions under the Planning & Development Acts 2000 (as amended), Kerry County Council, being the Planning Authority for the County Health District of the County of Kerry, has by order dated 11th June 2024 authorised the issue of a declaration under the provisions of Section 5 of the Planning & Development Acts, 2000 (as amended) in accordance with plans and particulars submitted on 27th May 2024 I hereby certify that, the Planning Authority considers that the works, the subject of the referral under the said Section 5 namely **construct a single-storey extension to the side of house at Scart, Castlecove, Co Kerry DOES NOT** constitute exempted development under the Planning & Development Acts 2000 (as amended) having regard to the considerations inserted hereunder:-

Schedule 1

- (a) The proposed development would constitute works that would come within the scope of Section 2(1) of the Planning and Development Act 2000 (as amended),
- (b) The said works would constitute development that comes within the scope of Section 3(1) of the said Act,
- (c) The nature and extent of the proposed works comprising the construction of a single-storey extension to the house would not fall for consideration under exemption at Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as the proposed extension is located to the side of the house.

Therefore, the proposed works would constitute development which is not exempted development.

An Appeal against the decision of the Planning Authority under Section 5 of the Planning & Development Act 2000 may be made to An Bord Pleanála within four weeks beginning on the date of the issuing of the declaration by the Planning Authority. An Appeal should be addressed to: An Bord Pleanála, 64 Marlborough Street, Dublin and should be accompanied by the appropriate fee.

Signed on behalf of Kerry County Council

Date 11th June 2024





Kerry County Council,
County Buildings, Tralee, Co. Kerry.
Tel: (066) 7183582 Fax: (066) 7120328
E-mail: plan@kerrycoco.ie

Comhairle Chontae Chiarraí,
Aras an Chontae, Trá Lí, Co. Chiarraí.
Gutháin: (066) 7183582 Faisc: (066) 7120328
Web: <http://www.kerrycoco.ie>

28th May 2024

Reeks Consulting Engineers
Reeks Gateway
Rock Road
Co Kerry

**Re: Declaration and Referral on Development and Exempted
Development under and in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

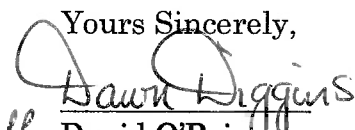
Dear Sir/Madam,

I wish to acknowledge receipt of your application for a Section 5 Declaration on behalf of Michael O'Leary.

Register No. EX1222 refers and the Planning Authority will be in touch with you in due course.

I attach receipt no. 92809 in respect of same.

Yours Sincerely,


David O'Brien
AO Planning



Comhairle Contae Chiarraí
Kerry County Council

CC-P27
09-2013_BG

FOIRM IARRATAIS ALT 5 SECTION 5 APPLICATION FORM

IARRATAS MAIDIR LE DEARBHÚ AR FHORBAIRT AGUS
AR DÍOLÚINE FORBARTHA (Alt 5 den Acht um Pleanáil
agus Forbairt leasaithe)

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

TÁILLE €80 FEE

All personal data collected is in compliance with the requirements of the General Data Protection Regulation (GDPR) 2016, and Data Protection Acts 1988 to 2003. Individual privacy notices for each section/service are available at www.kerrycoco.ie

Ainm MICHAEL O' LEARY Name

Seoladh SCART Address

CASTLECOVE

CO. KERRY

Teil. 087 237 1904 Tel:

R-phost brendanoleary24@hotmail.com Email

Ainm/Seoladh Gníomhaire REEKS CONSULTING Name/Address of Agent
ENGINEERS,
REEKS GATEWAY,
ROCK ROAD,
KILLARNEY

Teil. 064 66 33 412 Tel:

Láthair an Suímh Ábhartha SCART, CASTLECOVE Location of Subject Site

An Struchtúr Cosanta é nó 'bhfuil sé laistigh
de chúirtealáiste Struchtúir Chosanta? NO

Is this a Protected Structure or within the
cartilage of a Protected Structure?

Más é, 'bhfuil Dearbhú faoi Alt 57 den Acht
um Pleanáil agus Forbairt 2000 iarrtha nó
eisisithe don fhorbairt ag an tÚdarás Pleanála?

If yes, has a Declaration under Section 57 of
the Planning and Development 2000 been
requested or issued for the property by the
Planning Authority?

Luaigh leas an iarratasóra sa suíomh le do thoil

Please state applicants interest in this site

OWNER

Luaigh ainm agus seoladh an
úinéara murar é/í an
t-iarratasóir

If applicant is not the owner
please provide owner's name
and address

Tabhair faoi deara go n-eiseofar cóip den Dearbhú ar
Fhorbairt agus ar Díolúine Forbartha de réir Alt 5(2a)
den Acht um Pleanáil agus Forbairt 2000 don úinéir/
áititheoir.

Please note that in accordance with section 5(2a) of the
Planning & Development Act 2000 the owner/ occupier
of the site will be issued with a copy of the Declaration
on Development and Exempted Development.

Liosta pleananna, líníochtaí srl
curtha ar fáil leis an iarratas seo.

List of plans, drawings, etc
submitted with this application

- | | |
|-------------------------|-------------------------|
| 01. SITE LOCATION MAP | 05. PROPOSED FLOOR PLAN |
| 02. SITE LAYOUT PLAN | 06. PROPOSED ELEVATIONS |
| 03. EXISTING FLOOR PLAN | 07. PROPOSED SECTION. |
| 04. EXISTING ELEVATIONS | |

Tabhair tuairisc ar na h-oibreacha (má
bhaineann) nó ar an bhforbairt beartaithe.

(Tabhair faoi deara: Is iad na h-oibreacha atá liostaithe
agus sonraithe, agus sin amháin, a dheinfear measúnú
orthu fé Alt 5. Úsáid leathanaigh breise más gá)

Please provide details of works (where
applicable) or proposed development.

(Note: only works listed and described under this
section will be assessed under this Section 5
application. Use additional sheets if required)

Proposing to construct a new extension at rear of
existing dwelling and new porch extension
at front of existing dwelling.

An eol duit aon imeachtaí
forfheidhmithe ar an suíomh seo?
Má tá, tabhair sonraí le do thoil

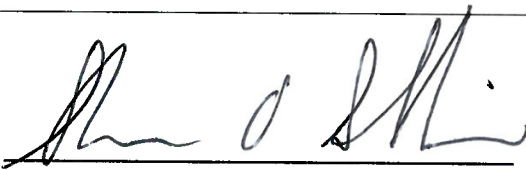
Are you aware of any enforcement
proceedings connected to this site?
If yes, please supply details

An raibh iarrata(i)s pleanála ar an suíomh seo
cheana? *Má bhí, tabhair sonraí led' thoil*

Were there previous planning application(s)
on this site? *If yes, please supply details*

YES, PLANNING FILE NO: 2360063

Sínithe:
Signed



Dáta:
Date

27/5/2024

NÓTAÍ:

Ní mór 4 cóip de léarscáil den láthair shuímh
leis an suíomh imlínithe go soiléir i ndearg a
chur ar fáil agus táille €80 leis. Cuir 2 cóip de
phleananna/tuairiscí breise srl. a theastaíonn
uait bheith mar chuid den iarratais.

NOTES:

Application shall include 4 copies of the Site
Location Map with the site clearly outlined in
red and a fee of €80. Please submit 2 copies
of any additional plans/reports etc you may
wish to be included as part of the application.

Seol na h-iarratais líonta go 'n seoladh thíos:

Send your completed applications to:

An Roinn Pleanála,
Comhairle Contae Chiarraí,
Ráth Teas, Trá Lí, Co. Chiarraí.

T. (066) 7183582
F. (066) 7120328
www.kerrycoco.ie

Planning Department,
Kerry County Council,
Rathass, Tralee, Co. Kerry.

THE UNIVERSITY OF CHICAGO

1950

Planning Pack Map

TITLE	CLIENT	DATE OF ISSUE	SCALE AS SHOWN	DRAWN BY	CHECKED BY	DRAWING No. 1	S&D 03	DRAWING TITLE
Extension to Existing House at Scait, Skehanagh, Co Kerry	Mr. O'Leary	MAY 2024	PRINT FORMAT: A4	ALBERT E. JONES				SITE LOCATION MAP



National Mapping Agency

CENTRE COORDINATES:
ITM 460494.560345

PUBLISHED: 10/02/2023
ORDER NO.: 50316885_1

MAP SERIES: 1:5,000
MAP SHEETS: 6521

JONES & KELLY M.R.I.A.I. ARCHITECTS
28 SUMMERHILL ROAD, SANDYCOWE, CO. DUBLIN
TEL: 2800378 / 9
FAX: 2800368

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

Unauthorised reproduction
infringes Ordnance Survey Ireland
and Government of Ireland
copyright.

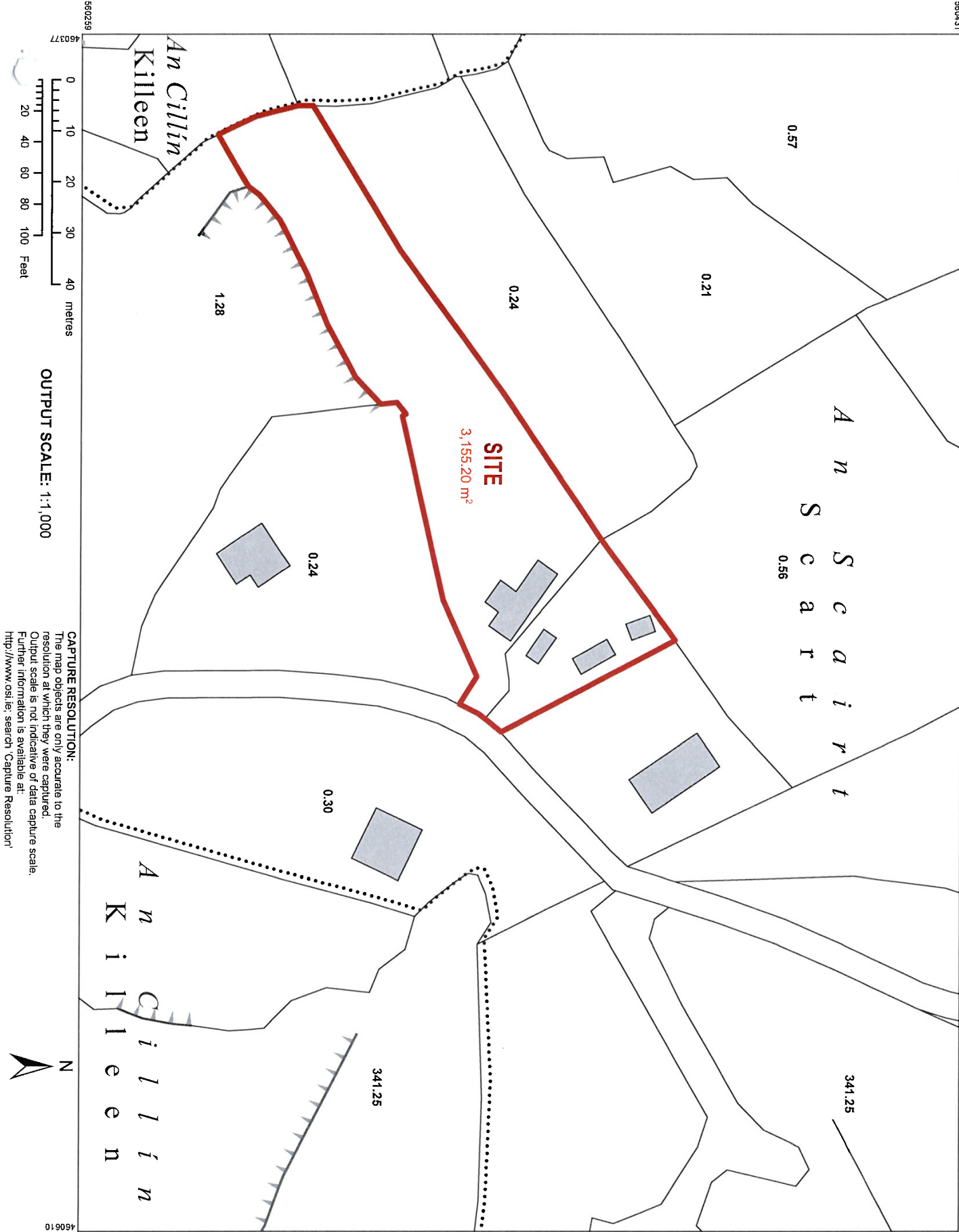
All rights reserved.
No part of this publication may
be copied, reproduced
or transmitted in any form
or by any means without the prior
written permission of
the copyright owners.

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

Ordnance Survey maps
never show legal property
boundaries, nor do they
show ownership of
physical features.

© Suirbhéireacht Ordanáis Éireann,
2023
© Ordnance Survey Ireland, 2023
www.osi.ie/copyright

LEGEND:
<http://www.osi.ie/>
search 'Large Scale Legend'





COMHAIRLE CONTAE CHIARRAÍ
KERRY COUNTY COUNCIL

Guthán | Tel 066 7183582 Facs | Fax 066 7120328 Rphost | Email plan@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

Application No: EX1200

Decision Date: 25th April 2024

Registration Date: 10th April 2024

Applicant: Michael O'Leary, Scart, Castlecove, Co Kerry.

Agent: Reeks Consulting Engineers, Reeks Gateway, Rock Road, Killarney, Co Kerry.

Development Location: Scart, Castlecove, Co Kerry.

Development Description: Renovate and extend existing vacant single-storey dwelling house comprising the following works: (1) Construct a single-storey extension to the house and (2) construct new porch extension to front of house.

DECLARATION ISSUED UNDER AND IN ACCORDANCE WITH SECTION 5 OF THE PLANNING AND DEVELOPMENT ACTS, 2000 – (as amended)

In pursuance of its functions under the Planning & Development Act 2000 – (as amended), Kerry County Council, being the Planning Authority for the County Health District of the County of Kerry, has by order dated 25th April 2024 authorised the issue of a declaration under the provisions of Section 5 of the Planning & Development Acts, 2000 – (as amended) in accordance with plans and particulars submitted on 10th April 2024 I hereby certify that, the Planning Authority considers that the works, the subject of the referral under the said Section 5 as follows:- namely (1) **construct a single-storey extension to the house DOES NOT** constitute exempted development and (2) **construct new porch extension to front of house DOES** constitute exempted development all at Scart, Castlecove, Co Kerry having regard to the considerations inserted hereunder in schedule 1:

Schedule 1

(1) Construct a single-storey extension to the house, (floor area 39.9sqm).

- (a) The proposed development would constitute works that would come within the scope of Section 2(1) of the Planning and Development Act 2000 (as amended),
- (b) The said works would constitute development that comes within the scope of Section 3(1) of the said Act,
- (c) The nature and extent of the proposed works comprising the construction of a single-storey extension to the house would not fall for consideration under exemption at Class 1, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as the proposed extension is located to the side of the house.

Therefore, the proposed works would constitute development which is not exempted development.




(2) Construct new porch extension to front of house, floor area not exceeding 2sqm.

- (a) The proposed development would constitute works that would come within the scope of Section 2(1) of the Planning and Development Act 2000 (as amended),
- (d) The said works would constitute development that comes within the scope of Section 3(1) of the said Act,
- (e) The nature and extent of the proposed works comprising the construction of a front porch to the house would fall for consideration under exemption at Class 7, Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended), would comply with the conditions and limitations attached to said Class 7 and would not contravene the Restrictions on Exemption at Article 9 of the said Regulations.

Therefore, the proposed works would constitute development which is exempted development.

An Appeal against the decision of the Planning Authority under Section 5 of the Planning & Development Act 2000 may be made to An Bord Pleanala within four weeks beginning on the date of the issuing of the declaration by the Planning Authority. An Appeal should be addressed to: An Bord Pleanala, 64 Marlborough Street, Dublin and should be accompanied by the appropriate fee.

Signed on behalf of Kerry County Council



25th April 2024



Comhairle Contae Chiarraí
Kerry County Council

CC-P27
09-2013_BG

FOIRM IARRATAIS ALT 5 SECTION 5 APPLICATION FORM

IARRATAS MAIDIR LE DEARBHÚ AR FHORBAIRT AGUS
AR DÍOLÚINE FORBARTHA (Alt 5 den Acht um Pleanáil
agus Forbairt leasaithe)

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

TÁILLE €80 FEE

All personal data collected is in compliance with the requirements of the General Data Protection Regulation (GDPR) 2016, and Data Protection Acts 1988 to 2003. Individual privacy notices for each section/service are available at www.kerrycoco.ie

Ainm MICHAEL O' LEARY Name

Seoladh SCART Address

CASTLECOVE

CO. KERRY

Teil. 087 237 1904 Tel:

R-phost brendanoleary24@hotmail.com Email

Ainm/Seoladh Gníomhaire REEKS CONSULTING Name/Address of Agent

ENGINEERS,

REEKS GATEWAY,

ROCK ROAD,

KILLARNEY

Teil. 064 66 33 412 Tel:

Láthair an Suímh Ábhartha SCART, CASTLECOVE Location of Subject Site

An Struchtúr Cosanta é nó 'bhfuil sé laistigh
de chúirtealáiste Struchtúir Chosanta? NO

Is this a Protected Structure or within the
cartilage of a Protected Structure?

Más é, 'bhfuil Dearbhú faoi Alt 57 den Acht
um Pleanáil agus Forbairt 2000 iarrtha nó
eisithe don fhorbairt ag an tÚdarás Pleanála? _____

If yes, has a Declaration under Section 57 of
the Planning and Development 2000 been
requested or issued for the property by the
Planning Authority?

Luaigh leas an iarratasóra sa suíomh le do thoil

Please state applicants interest in this site

OWNER

Luaigh ainm agus seoladh an
úinéara murar é/í an
t-iarratasóir

If applicant is not the owner
please provide owner's name
and address

Tabhair faoi deara go n-eiseofar cóip den Dearbhú ar
Fhorbairt agus ar Díolúine Forbartha de réir Alt 5(2a)
den Acht um Pleanáil agus Forbairt 2000 don úinéir/
áititheoir.

Please note that in accordance with section 5(2a) of the
Planning & Development Act 2000 the owner/ occupier
of the site will be issued with a copy of the Declaration
on Development and Exempted Development.

Liosta pleananna, líníochtaí srl
curtha ar fáil leis an iarratas seo.

List of plans, drawings, etc
submitted with this application

01. SITE LOCATION MAP
02. SITE LAYOUT PLAN
03. EXISTING FLOOR PLAN
04. EXISTING ELEVATIONS
05. PROPOSED FLOOR PLAN
06. PROPOSED ELEVATIONS
07. PROPOSED SECTION.

Tabhair tuairisc ar na h-oibreacha (má
bhaineann) nó ar an bhforbairt beartaithe.

(Tabhair faoi deara: Is iad na h-oibreacha atá liostaithe
agus sonraithe, agus sin amháin, a dheinfear measúnú
orthu fé Alt 5. Úsáid leathanaigh breise más gá)

Please provide details of works (where
applicable) or proposed development.

(Note: only works listed and described under this
section will be assessed under this Section 5
application. Use additional sheets if required)

Proposing to construct a new extension at rear of
existing dwelling and new porch extension
at front of existing dwelling.

An eol duit aon imeachtaí
forfheidhmithe ar an suíomh seo?
Má tá, tabhair sonraí le do thoil

Are you aware of any enforcement
proceedings connected to this site?
If yes, please supply details

An raibh iarrata(i)s pleanála ar an suíomh seo
cheana? *Má bhí, tabhair sonraí le do thoil*

Were there previous planning application(s)
on this site? *If yes, please supply details*

Yes, PLANNING FILE NO.: 2360063

Sínithe:
Signed



Dáta:
Date

03/04/2024

NÓTAÍ:

Ní mór 4 cóip de léarscáil den láthair shuímh
leis an suíomh imlínithe go soiléir i ndearg a
chur ar fáil agus táille €80 leis. Cuir 2 cóip de
phleananna/tuairiscí breise srl. a theastaíonn
uait bheith mar chuid den iarratais.

NOTES:

Application shall include 4 copies of the Site
Location Map with the site clearly outlined in
red and a fee of €80. Please submit 2 copies
of any additional plans/reports etc you may
wish to be included as part of the application.

Seol na h-iarratais líonta go 'n seoladh thíos:

Send your completed applications to:

An Roinn Pleanála,
Comhairle Contae Chiarraí,
Ráth Teas, Trá Lí, Co. Chiarraí.

T. (066) 7183582
F. (066) 7120328
www.kerrycoco.ie

Planning Department,
Kerry County Council,
Rathass, Tralee, Co. Kerry.

