



Comhairle
Chontae
Liatroma | Leitrim
County
Council

Leitrim County Council Planning Report

Reference No:	ED25-11
Applicant:	John Dugdale & Helen Dugdale
Location:	Drumdart Eslinbridge Carrick on Shannon Co. Leitrim N41N7C9
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether the construction of an extension, not exceeding 40m², to the rear of the dwelling constitutes development and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	02/04/2025
Due Date:	17/04/2025

Introduction

This is a request for a Declaration under Part 1, Section 5 of the Planning and Development Act 2000, as amended, as to whether a development is or is not exempted development. This referral case concerns the question as to whether the construction of an extension, not exceeding 40m², to the rear of the dwelling constitutes development and if so, whether it is or is not exempted development. The subject application was received by the Planning Authority on 21st of March 2025.

Site Location and Context

The site is located along a private cul de sac road off local primary road LP-3441-1, approximately 1.2km southwest of Eslinbridge. The site contains an existing habitable single storey dwelling and a small detached shed to the rear. The rear and lateral boundaries of the subject site comprise of mature trees.

Lough MacHugh is located to the west of the subject property. Other surrounding land uses comprise of forestry, agricultural lands, and one-off rural housing.

The nearest Natura 2000 site is Clooneen Bog SAC (Site Code 0002348) which lies c.13km south of the subject site.

The nearest nationally designated site is Lough Rinn proposed Natural Heritage Area (pNHA Site Code: 001417) which is located approximately 5km southeast of the subject site.

There are no national monuments proximate to the subject site.

The subject site is not located within any landscapes designated for amenity value in the Leitrim County Development Plan 2023-2029.

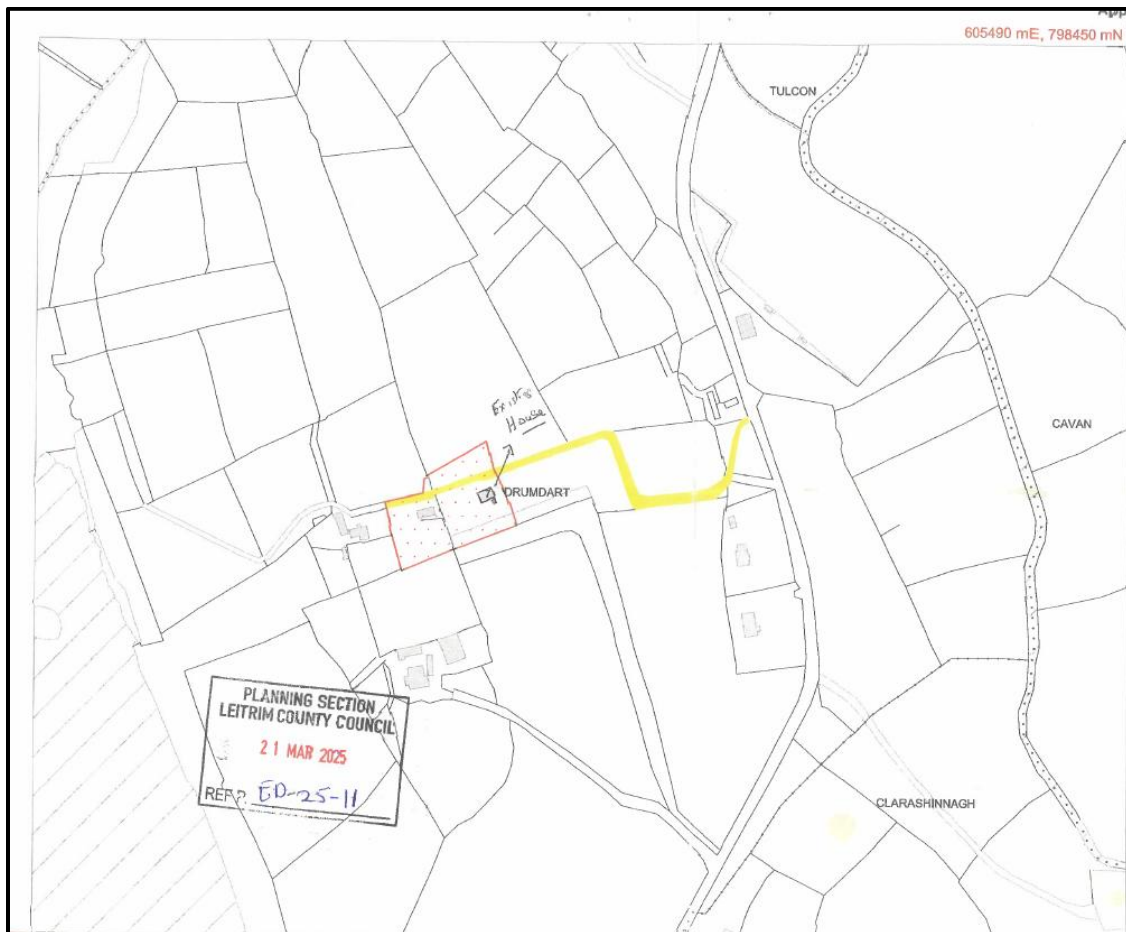


Fig 1: Site location map as submitted.

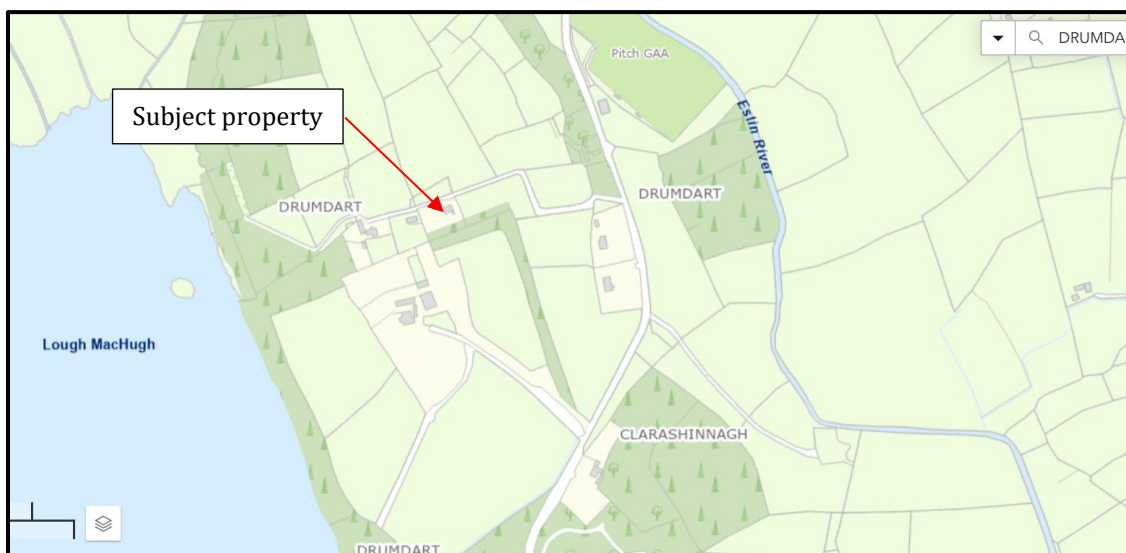


Fig 2: Site location

Photographs of subject property taken 2nd of April 2025



Fig 3: Front elevation of subject property



Fig 4: Rear elevation of subject property showing shed to be demolished to facilitate proposed extension



Fig 5: Front & side elevation of subject property



Fig 6: shed to be demolished to facilitate construction of proposed extension.

Planning History

A planning search revealed no recorded planning history associated with the subject property.

Relevant Legislation

Planning and Development Act, 2000 (as amended)

Section 2 Interpretation

Section 2(1) of the Planning and Development Act, 2000 (as amended) provides an interpretation of 'works' as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...'. An "alteration" includes '...the replacement of a door, window or roof... that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures...'.

Section 3 Development

Section 3 (1) In this Act 'development' means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land.

Section 4 Exempted Development

S.4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(b) Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

Planning and Development Regulations, 2001 (as amended)

Article 6(1) of the Planning and Development Regulations 2001, as amended, states that:

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) of the Planning and Development Regulations 2001, as amended, identifies restrictions on exemptions. Of relevance in this case would be the following:

(a) if the carrying out of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act

(iii) endanger public safety by reason of traffic hazard or obstruction or road users

(vi), interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.

Class 1 of Schedule 2 Part 1 of Exempted Development – General allows for the following exemption subject to conditions and limitations as set out in column 2;

Description of Development:

Development within the curtilage of a house

CLASS 1 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.

Conditions and Limitations:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above

ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

Class 50 (a) of Schedule 2 Part 1 of Exempted Development – General allows for the following exemptions;

Class 50

a) The demolition of a building, or buildings, within the curtilage of –

(i) a house

(ii) an industrial building

(iii) a business premises, or

(iv) a farmyard complex.

Conditions and Limitations:

1. No such building or buildings abut on another building in separate ownership.

2. The cumulative area of any such building, or buildings shall not exceed:

(a) In the case of a building, or buildings within the curtilage of a house, 40 square metres, and

(b) In all other cases, 100 square metres.

3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of Section 171 of the Act.

Assessment

Referral Question

Having reviewed all of the documents relating to this referral, I consider the question to be based simply on whether or not **the construction of an extension, not exceeding 40m², to the rear of the dwelling**, constitutes development and whether such development is or is not exempted development.

Is or is not development.

In relation to whether the proposed works constitute development, regard is had to Section 3(1) of the Planning and Development Act 2000, as amended, which defines 'development' as comprising of two possible components: "*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*".

Section 2(1) of the Act provides an interpretation of 'works' as "*the carrying out of any works on, in over, or under land*" including "*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...*".

Therefore, the proposal *to construct an extension to an existing dwelling is development* within the meaning of the Act.

Is or is not exempted development.

In order to ascertain whether or not the development works proposed constitute development which could be considered exempted development, the Planning Authority must consider whether the development will meet the conditions and limitations set out in Class 1 of Schedule 2 Part 1 of *Exempted Development – General* as set out above.

Based on the documentation submitted, the proposed extension is located to the rear of the dwelling and the floor area of the proposed extension does not exceed 40m², thereby satisfying the conditions and limitations set out in Class 1(a).

Furthermore, based on the documentation submitted and a site inspection, I consider that the development will meet the conditions and limitations set out in Class 1 of Schedule 2 Part 1 of *Exempted Development – General* as set out in Section 6 above, specifically, given the site size and the location of the proposed extension, the '*ground floor extension shall be a distance of not less than 2 metres from any party boundary, any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces and the construction of the extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres*'. The referee has also stated in the submitted documentation '*that the height of the walls of any such extension shall not exceed the height of the rear wall of the house*'.

With respect to the demolition of the existing shed (shown in Fig 6 above) to facilitate construction of the extension, it is clear that the demolition of the shed will meet the conditions and limitations set out in Class 50(a) of Schedule 2 Part 1 of *Exempted Development – General* as also set out in Section 6 above and is therefore exempted development.

Appropriate Assessment

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposed development has been screened for Appropriate Assessment (AA), and it has been determined that an AA is not required. See Appropriate Assessment (AA) screening report attached.

Environmental Impact Assessment

Having regard to the limited nature and scale of the proposed development and the fact that the development proposed is not of a development type or class set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, it is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development having regard to the criteria set out in Schedule 7 to the Planning and Development Regulations 2001, as amended. It is therefore concluded that EIA is not required.

Conclusion

Having examined the submission, inspected the site and reviewed all of the documents relating to this development, along with the relevant legislation, I consider the question to be based simply on whether or not **the construction of an extension, not exceeding 40m², to the rear of the existing property** constitutes development and whether such development is or is not exempted development.

The proposal, **the construction of an extension, not exceeding 40m², to the rear of the existing property**, is *development* within the meaning of the Act.

I have concluded that the extension proposed, is to the rear of the dwelling and therefore can be considered under Class 1 of Schedule 2 Part 1 of *Exempted Development – General*. On the basis of the details submitted, I have also concluded that the cumulative floor area of the extension proposed does not exceed 40m², thereby satisfying the conditions and limitations set out in Class 1(a).

The demolition of the existing detached small shed, located to the rear of the subject property, required to facilitate the construction of the new extension referred to above, are considered exempt pursuant to Class 50(a) of Schedule 2 Part 1 of *Exempted Development – General*.

I therefore conclude that the construction of an extension, not exceeding 40m², to the rear of the existing dwelling at Drumdart Td., Eslinbridge, Carrick-on-Shannon, Co. Leitrim, N41N7C9, is development and is exempted development.

Recommendation

Having regard to the foregoing I recommend that the Planning Authority issue the following Declaration under Section 5 of the Planning and Development Act 2000 (as amended):

WHEREAS a question has arisen as to whether the construction of an extension, not exceeding 40m², to the rear of the dwelling, constitutes development which is exempted development.

AND WHEREAS the said question was referred to Leitrim County Council by John Dugdale & Helen Dugdale on 21st of March 2025

AND WHEREAS Leitrim County Council, in considering this referral, had regard particularly to –

- (a) Section 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000 (as amended)
- (b) Article 6 (1) of the Planning and Development Regulations 2001 (as amended)
- (c) Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended)
- (d) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended)
- (e) Schedule 2, Part 1, Class 50 of the Planning and Development Regulations 2001 (as amended)

AND WHEREAS Leitrim County Council has concluded that –

- a) The construction of an extension, not exceeding 40m², to the rear of the dwelling, constitutes development which is exempted development with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) applying in this instance, and;
- b) The demolition of the existing detached shed to facilitate construction of the aforementioned extension the provisions of Schedule 2, Class 1 & Class 50 of the Planning and Development Regulations 2001 (as amended) applying in this instance.

NOW THEREFORE Leitrim County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the 2000 Act, as amended, hereby declares that:

The construction of an extension, not exceeding 40m², to the rear of the dwelling, constitutes development which is **exempted development**.

As a separate addendum to the above declaration, I recommend that the referees be advised of the following:

The following limitations as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) are applicable to the exemption issued in respect of the provision of the extension to the rear of the dwelling:

- *The height of the walls of any such extension shall not exceed the height of the rear wall of the house.*
- *The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*
- *The roof of any extension shall not be used as a balcony or roof garden.*



Geraldine Coen
Assistant Planner
Date: 08/04/2025



Liam Flynn
Senior Executive Planner
Date: 08/04/2025



Appropriate Assessment Screening and Determination

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	ED25-11
(b) Brief description of the project or plan:	As per planning report
(c) Brief description of site characteristics:	As per planning report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/A


STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Clooneen Bog SAC (002348)	https://www.npws.ie/protected-sites/sac/002348	13km	None	No
Please Select				
Please Select				

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests 	No significant potential impacts.
Operational phase e.g. <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment Lighting disturbance Noise/vibration 	No significant potential impacts.

<ul style="list-style-type: none"> • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 													
In-combination/Other	No significant potential impacts.												
(b) Describe any likely changes to the European site:													
<ul style="list-style-type: none"> • Examples of the type of changes to give consideration to include: • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No significant potential impacts.												
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
Step 4. Screening Determination Statement													
The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.													
Having regard to the information on file, the nature and scale of the proposed development, its distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, either alone or in-combination with other developments, is not likely to have any significant effects on any European site in view of its conservation objectives.													
Conclusion:													
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
	Tick as Appropriate:	Recommendation:											
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.											
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission											
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission											
Signature of Recommending Planner:	<div>  </div> <div> Date: 08/04/2025 </div>												



Environmental Impact Assessment (EIA) Pre-Screening

Establishing if the proposal is a 'sub-threshold development'

File Reference No:	ED25-11
Development Summary:	As per Planning Report
Was a Screening Determination carried out under Section 176A-C?:	<input type="checkbox"/> Yes – No further action required <input checked="" type="checkbox"/> No – Proceed to Part A

Part A - Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)

<input type="checkbox"/> Yes – specify class:	EIA is mandatory No screening required
<input checked="" type="checkbox"/> No	Proceed to Part B

Part B - Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)

<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No screening required
<input type="checkbox"/> Yes, the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold):	EIA is mandatory No screening required
<input type="checkbox"/> Yes, the project is of a type listed but is <i>sub-threshold</i> :	Proceed to Part C

Part C – If yes, has Schedule 7A information/screening report been submitted?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

EIA Preliminary Examination:

The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

	Comment:	Yes/No/Uncertain:
Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i> <i>Will the development result in the</i>		

<i>production of any significant waste, or result in significant emissions or pollutants?</i>		
Size of the development: Is the size of the proposed development exceptional in the context of the existing environment? Are there cumulative considerations having regard to other existing and/or permitted projects?		
Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i> <i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i>		
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
<input type="checkbox"/> There is no real likelihood of significant effects on the environment. EIA is not required.	<input type="checkbox"/> There is real likelihood of significant effects on the environment. An EIAR is required.	<input type="checkbox"/> There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination. Proceed to Screening Determination.
Signature of Recommending Planner:		
Date: 08/04/2025		