



Leitrim County Council Planning Report

Reference No:	ED25-16
Applicant:	James Mitchell and Aisling Brennan
Location:	Annaghmacullen, Cloone, Co. Leitrim
Application Type:	Declaration under Section 5 of the Planning and Development Act 2000, as amended
Proposal:	Proposed single storey extension to rear of existing dwelling and the provision of a porch extension of area 2m².
Date of Site Inspection:	22/04/2025
Due Date:	13/05/2025

Introduction

This subject request for a declaration under Section 5 of the Planning and Development Act 2000, as amended, was received by the Planning Authority on the 16th of April 2025 and relates to whether the proposed works comprising of the provision of a single storey extension of floor area 39m² to the rear of an existing dwelling, to accommodate a kitchen, utility and shower room, and a proposed porch extension of 2m² at the same existing dwelling at Annaghmacullen, Cloone, Co. Leitrim is or is not development and whether it is or is not exempted development.

Site Location and Context

The subject site is located within the rural townland of Annaghmacullen, approximately 550m northeast of the village of Cloone. The subject site currently accommodates an existing two storey dwelling of traditional rural vernacular design, although the dwelling itself is in a state of disrepair and has been evidently vacant for a long period of time. Notwithstanding, the dwelling appears to be structurally sound. The subject site is accessed via two entrances onto a private lane that bounds the subject site to the east, with this private lane serving a number of separate properties and running north and east to join up with the R-201 Regional Road. Two separate shed structures are also located to the west of the subject dwelling within the site. The orientation of the dwelling presents the rear of the house towards the private lane with the front elevation not readily visible from this lane. The site has also been the subject of some recent clearance works, as evidence during the site inspection, but still retains a number of mature trees and hedgerows along its boundaries which screen the subject dwelling.

The nearest Natura 2000 site is Lough Oughter and Associated Loughs Special Area of Conservation (SAC Site Code: 000007) which is located approximately 14.6km northeast of the subject site.

The nearest nationally designated site is Lough Sallagh proposed Natural Heritage Area (pNHA Site Code: 001808) which is located approximately 6km southwest of 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 – Image of front elevation of subject dwelling



Fig. 2 – Image of rear of subject dwelling

Planning History

No documented planning history on file.

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

Section 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;

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 Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, 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

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 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, allows for the construction or erection of a porch outside any external door of a house to be exempt from requiring planning permission subject to conditions and limitations as set out in column 2 as follows:

1. *Any such structure shall be situated not less than 2 metres from any road.*

2. *The floor area of any such structure shall not exceed 2 square metres.*

3. *The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

Assessment

Referral Question

Upon inspection of the submitted application documentation relating to this referral, it is considered that referral question is based simply on whether the proposed works comprising of the provision of a single storey extension of floor area 39m² to the rear of an existing dwelling and the provision of a porch extension of 2m² at the same existing dwelling at Annaghmacullen, Cloone, Co. Leitrim is or is not development and whether it is or is not exempted development.

Is or is not development

In relation to whether the proposed works are 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...".

The issue of whether or not the proposed works constitute development is not disputed. Having regard to the definition of "works" as set out in Section 2 of the Planning and Development Act 2000, as amended, it is clear that the works constitute development within the meaning of the Act.

Is or is not exempted development

In consideration of the proposed rear extension, the Planning Authority notes from the submitted application documentation that this element will comprise of a single storey extension with an overall floor area of 39m², therefore satisfying condition/limitation 1(a) of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended. From a visual inspection of the subject dwelling and site, there appears to be no evidence that the dwelling was previously extended, nor would the proposed rear extension be less than 2m from any party boundary or lead to a reduction in private open space serving the dwelling to less than 25m². Moreover, the proposed rear extension will not give rise to any overlooking impacts on any neighbouring

property. Accordingly, it is considered that the proposed rear extension meets the applicable conditions and limitations set out in Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended.

In relation to the proposed 'porch extension', it is unclear as to whether this amounts to an extension of the existing porch on the front elevation of the dwelling to an area of 2m² or the provision of a new porch element of 2m² area onto the proposed rear extension. Regardless, it is clear under Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, the construction or erection of a porch outside any external door of a house is exempt from requiring planning permission subject to conditions and limitations as set out in column 2 of this Class, including the floor area limit of 2m² for such structures. On the basis of the information contained in the submitted application documentation, the proposed porch element is deemed to be in accordance with the provisions of Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, subject to compliance with the conditions and limitations set out therein.

Accordingly, it is considered that these proposed works would be development and would be 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.

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 proposed works comprising of the provision of a single storey extension of floor area 39m² to the rear of an existing dwelling and the provision of a porch extension of 2m² at the same existing dwelling at Annaghmacullen, Cloone, Co. Leitrim is or is not development and whether it is or is not exempted development;

AND WHEREAS the said question was referred to Leitrim County Council by James Mitchell and Aisling Brennan on the 16th of April 2025;

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

- (a) Sections 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (e) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- (a) the proposed single storey extension of floor area 39m² to the rear of the existing dwelling at Annaghmacullen, Cloone, Co. Leitrim constitutes development which is exempted development with the provisions of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended, applying in this instance, and;
- (b) the proposed porch extension of floor area 2m² to the same existing dwelling constitutes development which is exempted development with the provisions of Class 7 of Part 1, Schedule 2 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 proposed works comprising of the provision of a single storey extension of floor area 39m² to the rear of an existing dwelling and the provision of a porch extension of 2m² at the same existing dwelling at Annaghmacullen, Cloone, Co. Leitrim is development that is exempted development.



Liam Flynn
Senior Executive Planner
Date: 28/04/2025



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED25-16Error! Reference source not found.Error! Reference source not found.
(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
Lough Oughter and Associated Loughs SAC (000007)	https://www.npws.ie/protected-sites/sac/000007	14.6km	None	No
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 	No significant potential impacts.

<ul style="list-style-type: none"> Noise/vibration 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
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**Signature of Recommending
Planner:**

A handwritten signature in black ink, appearing to read "Lian Jia", is centered within a white rectangular box.

Date: 28/04/2025



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED25-16Error! Reference source not found.Error! Reference source not found.
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>		

<p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>		
<p>Size of the development:</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p> <p>Are there cumulative considerations having regard to other existing and/or permitted projects?</p>		
<p>Location:</p> <p><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></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>		
<p align="center">Preliminary Examination Conclusion:</p>		
<p>Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)</p>		
<p align="center"><input type="checkbox"/></p> <p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p align="center"><input type="checkbox"/></p> <p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p align="center"><input type="checkbox"/></p> <p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>
<p>Signature of Recommending Planner:</p>		<p>Date: 28/04/2025</p>