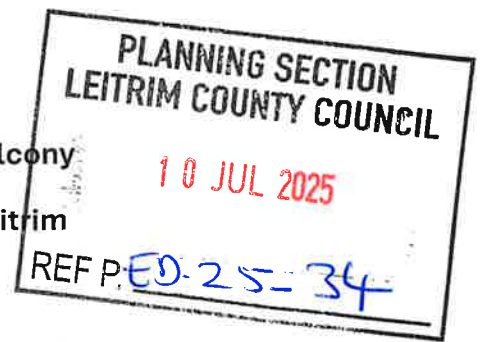


Section 5 Referral for New Doors and a Balcony

5 The Waterfront, Dromod Harbour, Co Leitrim

Planning Statement



1. Introduction

The Waterfront Holiday Village is a private development located at Dromod More, Co Leitrim. It comprises 25 dormer bungalow dwellings laid out in 6 clusters on a c5ac site. All are 3-bedroom units, with 2 differing styles, Type A & B. Michael and Mary Hand own No 12, one of 16 Type B style units, which is the middle house of a 3-house cluster, located in the middle of the development - see Fig 1. As such, it is located some 60m from the public road.



Fig 1 – Nr 12 Front Elevation

The purpose of this Section 5 Referral is to seek the Council's view on whether our proposal to add new doors and a balcony to the front elevation of No 12 is exempted development. More specifically, we request a declaration by the Council under Section 5 of the Planning & Development Act 2000-2018 as to whether our proposals constitute development and, if so, whether or not these works constitute exempted development.

2. Planning History

Elsworth Construction Ltd applied for Planning Permission to Leitrim County Council for '27 dormer holiday homes' and this was granted, with conditions, in June 1999 (Ref: P.14578). However, this decision was appealed, by a third party, to An Bord Pleanála which granted Permission for a reduced number of 25 units in March 2002 (Ref: PL 12.112297). Specifically, they omitted 5 units in front of the Harbour public car park so that 'the land thus freed from development shall be laid out as open space'. They allowed for 3 of the omitted houses to be re-located to the south-west end of the site – becoming No's 4 to 6. The reason given by the Bord was 'in the interest of residential and visual amenity'. A number of other conditions were imposed concerning parking, landscaping and house finishes, 'in the interests of visual

amenity'. The lands were subsequently sold to Seasons Construction Ltd who completed the development in 2003 in compliance with the planning permission.

All houses in The Waterfront were sold on the basis that the purchaser was only buying the footprint of the house and had no private garden areas. As the houses were built without private gardens, the designated public open space in the development is for the communal use of all residents. Dromod Property Management Ltd. is the legal owner of the common space in the complex and is responsible for the care and maintenance of the development. Each householder has a share in that company and participates in the orderly management of the estate in accordance with the Multi-Unit Development Act.

3. Proposed Works

The proposal is to add new doors and a balcony to the front elevation of No 12. More specifically, this would involve:

- Breaking out a 2m wide x 2.2m high opening from the first-floor bedroom – install French double doors
- Removal of existing Velux rooflight and construction of a pitched roof extension using similar materials to the existing roof
- Erection of a 3m x 1m steel balcony, similar to and matching the existing balcony.

The primary purpose of the works is to enhance the functionality of an existing first floor bedroom. This room currently has low natural light levels provided by a North facing window and 2 x 0.5 sq m rooflights. This is significantly below the desirable, particularly in winter. Further, the addition of French doors and the balcony will provide additional useable space while enhancing the aspect and views from the room. A total of 6 houses in the estate have already completed similar enhancement and an example is shown in Fig 2 below. Our proposal is to match these.



Fig 2 – Typical Post Works Front Elevation

4. Submission

The referral question is based on whether the proposed new doors and a balcony to the front elevation of an existing dwelling house, to include roof modifications, is or is not development and whether it is or is not exempted development. These are discussed separately herein.

1) Is or is not development? - In relation to whether the proposed works are development, Section 3(1) of the Planning and Development Act 2000, as amended, 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...". Having regard to the definition of "works" as set out in Section 2 of the Planning and Development Act 2000, as amended, the proposed works constitute development within the meaning of the Act.

2) Is or is not exempted development? - In consideration of the proposed works to the dwelling, regard is to be had to the provisions of Section 4(1)(h) of the Planning and Development Act 2000, as amended, which states: (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*; It is noted that a number of neighbouring dwellings have already made this modification. Based on the on-site conditions, the existing and proposed roof and front façade finishes, the degree of conformity the proposed works will have in comparison to neighbouring dwellings, it is submitted that these works would be within the definition of section 4(1)(h) in relation to the maintenance, improvement or other alteration of the structure and 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. Fig 3 shows the adjacent cluster of houses with completed balcony modifications on 2 units. Accordingly, these proposed works are considered to be development that is exempted development.



Fig 3 – Typical Cluster with Completed New Balcony Works on Nr 15 & 16.

In relation to the proposed internal works arising, it is submitted that these are clearly in compliance with the provisions of Section 4(1)(h) of the Act and will not materially affect the external appearance of the structure and is therefore considered to be development that is exempted development.

5. Conclusion

In conclusion, some 40% of the Type B houses in The Waterfront development have already executed the works which are proposed. Having regard to these on-site precedents, the existing and proposed balcony and roof finishes will be in conformity with existing house and neighbouring dwellings. Accordingly, it is submitted that the proposed works 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. Accordingly, it is considered that the proposed works which are the subject of this application under Section 5 of the Planning and Development Act 2000, as amended, is development and is exempted development.

Michael Hand

Chartered Engineer

8th July 2025