



Leitrim County Council Planning Report

Reference No:	ED 25-42
Applicant:	Mel Gavin
Location:	Mullanaskeagh, Dromahair, Co. Leitrim, F91 CD98.
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 a replacement roof (of part of the dwelling) and the construction of an extension to the rear of a house, measuring 4.5m², constitutes development and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	13/10/2025
Due Date:	04/11/2025

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:

- The provision of a replacement roof (of part of the dwelling), and
- The construction of a ground floor extension to the rear of the property measuring 4.5m² (external area measuring 6.1m²)

constitutes development and, if so, whether such development is or is not exempted development at Mullanaskeagh, Dromahair, Co. Leitrim, D91 CD98.

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 8th of October 2025.

Site Location and Context

The subject site is located in the townland of Mullanaskeagh, close to the Sligo border. The site in question is accessed off a tertiary road, the L-8255-1, which connects to the regional road R 287-9. The area is rural in character. In addition to the main dwelling house, there are several sheds and outbuildings on the property, and they are rural dwellings within vicinity of the site.

The works are proposed to the front and rear of the dwelling. Photographs below show the existing dwelling. It is noted that work has commenced on site; with soil being dug out around the house and the rear door widened to accommodate the proposed extension.

The dwelling is not currently inhabited.



Fig. 1 The front elevation of the dwelling



Fig. 2 This is the rear elevation



Fig. 3 The western elevation



Fig. 4. The eastern elevation

The nearest Natura 2000 site is Lough Gill Special Area of Conservation (SAC Site Code: 001976) which is located approximately 550m east of the subject site. This site is also designated as a proposed Natural Heritage Area (pHNA Site Code: 001976).

Planning History

P.768 - In January 1968, planning permission was granted to Mr. Stewart Gilmore, to erect a bathroom and internal water and sewerage system at Mullanakeagh, Domahir, Co. Leitrim. This was granted under manager's order 68/201. This permission was for 15m² of floorspace. The submitted layout plans showing where the extension was proposed to be located on-site, is illustrated below.

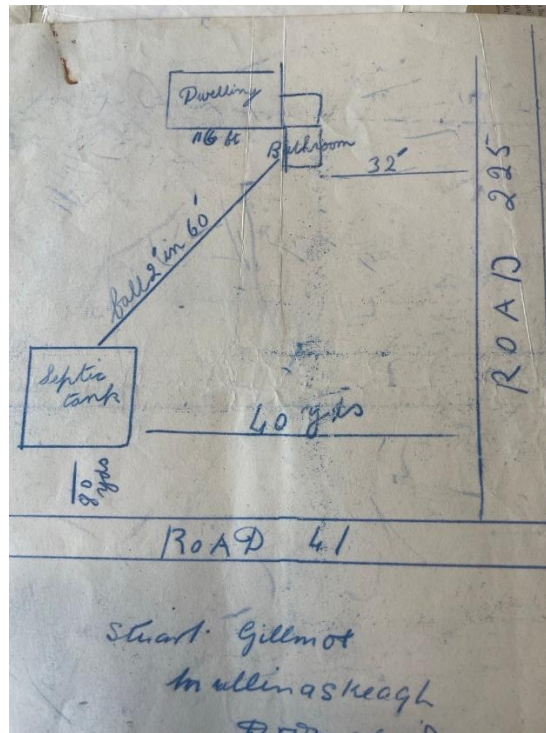


Fig. 5: Permitted extension

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...'.

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.

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.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

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.

Assessment

Referral Question

Having carried out a site inspection and reviewed all of the documents relating to this referral, I consider the question to be based simply on whether the:

- a) The provision of a replacement roof (of part of the dwelling), and
- b) The construction of a ground floor extension to the rear of the property measuring 4.5m² (external area measuring 6.1m²)

constitutes development and, if so, whether such development is or is not exempted development.

Is or is not development.

The first element of this proposal is for the removal of a leaking small flat roof (2.5 metres x 3.5 metres). There is an existing adjacent pitched roof that is being recovered with a standing seam system suitable for the 15 degree pitch which will be maintained. The submitted application documentation states that the current slates are in need of replacement, and the pitch is not suitable for slates. The treatment will extend to cover the removed flat roof area. The proposals are shown below.

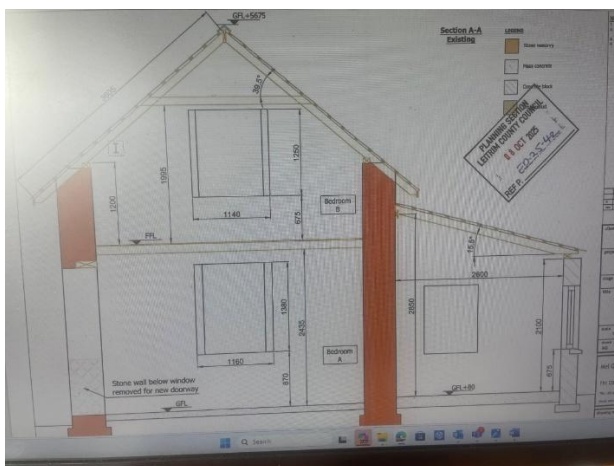


Fig. 6: Proposed roof changes

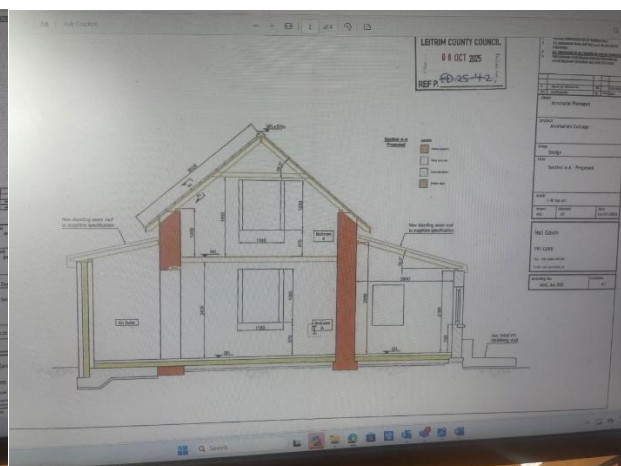


Figure 7: Proposed roof changes and side extension

The second element of this proposal relates to the provision of a rear extension measuring circa 4.5m² of floorspace to accommodate a new bathroom.

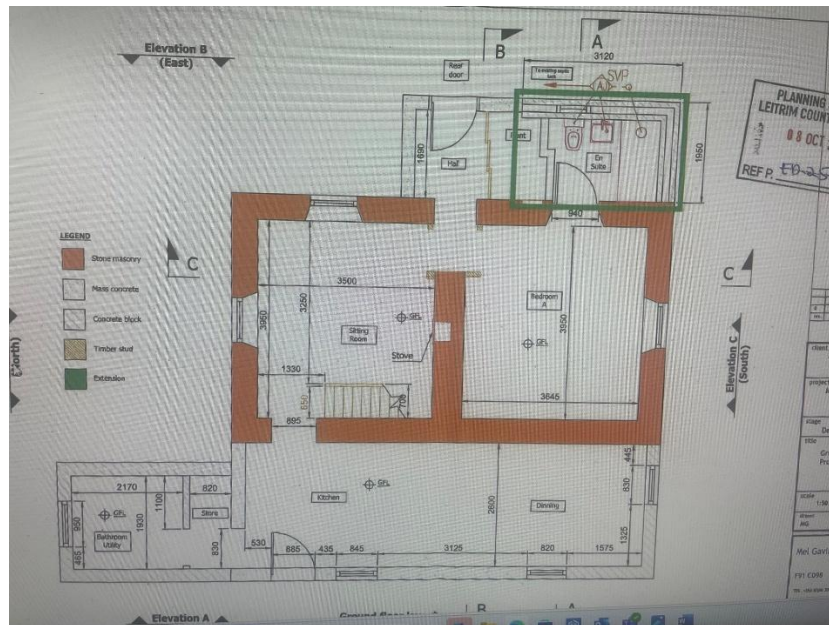


Figure 8: Proposed extension

With reference to whether the proposed works constitute development, regard is had to Section 3(1) of the Planning and Development Act 2000, as amended, which states that ‘development’, except where the context otherwise requires, “*means the carrying out of any works on, in, over or under land....*”.

Section 2(1) of the Act provides an interpretation of 'works' as including any “*act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...*”.

Therefore, the proposal to carry out the works as identified in the referral question above is development within the meaning of the Act.

Is or is not exempted development.

In relation to the proposed replacement roof works, including the change of roofing material from slate to standing seam material and the extension of this proposed roof profile in place of the existing flat roof adjoining this front elevation element of the dwelling, regard is had to the provisions of Section 4(1)(h) of the Planning and Development Act 2000, as amended. In this regard, it is considered that proposed roofing finish would not materially affect the external appearance of the structure in question so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

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 4.5m², therefore satisfying condition/limitation 2(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, the proposed rear extension would not 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.

Notwithstanding the above considerations, regard is had to Article 9(1)(viii) of the Planning and Development Regulations 2001, as amended, which states that development which would ordinarily be considered exempted development shall not avail of such exemptions if the carrying out of such development consists of or comprises

of the “*extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use*”. In the case of the subject property, it is noted that the development granted under P.768 appears not to have been built in accordance with this permission and is therefore considered to be unauthorised. Accordingly, the proposed works are considered to be development and not 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 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 and is sub-threshold of applicable development type/class set out in 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: (a) the provision of a replacement roof (of part of the dwelling); and (b) the construction of a ground floor extension to the rear of the property measuring 4.5m² (external area 6.1m²) at Mullanaskeagh, Dromahair, Co. Leitrim, D91 CD98, 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 Mel Gavin on the 8th of October 2025:

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

- (a) Sections 2(1), 3(1) and 4(1)(h) 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) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and
- (d) the documentation submitted as part of the referral;

AND WHEREAS Leitrim County Council has concluded that:

- (a) the proposed replacement roof works would not materially affect the external appearance of the structures in question so as to render its appearance inconsistent with the character of the structure itself or of the neighbouring structures as per the provisions of Section 4(1)(h) of the Planning and Development Act 2000, as amended;
- (b) the construction of an extension to the rear of a house, measuring 4.5m² is considered to be development and in accordance with the conditions and limitations prescribed in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, as amended; and
- (c) the development granted permission under P.768 appears not to have been built in accordance with this permission and is therefore considered to be unauthorised and therefore the provisions of Article 9(1)(viii) of the Planning and Development Regulations 2001, as amended, which states that development which would ordinarily be considered exempted development shall not avail of such exemptions if the carrying out of such development consists of or comprises of the “*extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use*”, apply 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 construction of an extension measuring 4.5 m² to the rear of a house and the proposed replacement roof works, including the change of roofing material from slate to standing seam material and the extension of this proposed roof profile in place of the existing flat roof adjoining this front elevation element of the dwelling at Mullanaskeagh, Dromahair, Co. Leitrim F91 CD98, is development that is not exempted development.



Claire Lynch
Executive Planner
Date: 24 /10/2025



Liam Flynn
Senior Executive Planner
Date: 24/10/2025

Please include the following as an advisory note for the applicant:

You are advised that the development granted under P.768 appears not to have been built in accordance with this permission and is therefore considered to be unauthorised. Accordingly, you are advised to regularise this issue by seeking retention permission for any unauthorised development on the subject site.



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED 25-42
(b) Brief description of the project or plan:	As per Section 5 report
(c) Brief description of site characteristics:	As per Section 5 report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	No
(e) Response to consultation:	N/A

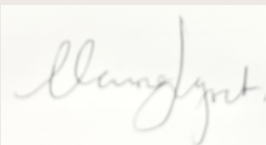
STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

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 Gill SAC (001976)	https://www.npws.ie/protected-sites/sac/002348	550m	None	No

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. - 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. - Direct emission to air and water - Surface water runoff containing contaminant or sediment - Lighting disturbance - 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	No significant potential impacts.

In-combination/Other	No significant potential impacts.	
(b) Describe any likely changes to the European site:		
• 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? ☐ Yes ☒ 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:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature of Recommending Planner:		Date: 24/10/2025



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED 25-42
Development Summary:	As per Section 5 Report
Was a Screening Determination carried out under Section 176A-C?:	☐ Yes – No further action required ☒ 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)

☐ Yes – specify class:	EIA is mandatory No screening required
☒ 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)

☐ No, the development is not a project listed in Schedule 5, Part 2	No screening required
☐ 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
☒ Yes, the project is of a type listed but is <i>sub-threshold</i> : [Schedule 5 Part 2 10 (dd) <i>All private roads which would exceed 2000 metres in length</i>]	Proceed to Part C

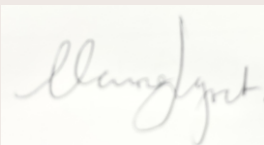
Part C – If yes, has Schedule 7A information/screening report been submitted?

☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☒ 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>		No

<i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i>		No
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?		No
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>		No
Preliminary Examination Conclusion:		
Based on a preliminary examination of the nature, size or location of the development. (Tick as appropriate)		
☒ There is no real likelihood of significant effects on the environment. EIA is not required.	☐ There is real likelihood of significant effects on the environment. An EIAR is required.	☐ 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:	24/10/2025