



Leitrim County Council Planning Report

Reference No:	ED25-31
Applicant:	Kevin Byrne
Location:	Cloncoose, Annaghmore, Co. Leitrim, N41 XN90
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 to the rear of a house, measuring 40m² and not higher than the existing house, constitutes development and, if so, whether such development is or is not exempted development.
Revised Proposal (further to site inspection)	Declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether the construction of an extension to the front of a house, measuring 40m² and not higher than the existing house, constitutes development and, if so, whether such development is or is not exempted development.
Date of Site Inspection:	15/08/2025
Due Date:	05/09/2025

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 to the rear of a house, measuring 40m² and not higher than the existing house, constitutes development and, if so, whether such development is or is not exempted development at Cloncoose, Annaghmore, Co. Leitrim. However, further to a site inspection, the elevation which the applicant refers to as the rear elevation, is in fact the front elevation. The description of the referral question has therefore been changed to reflect the above.

Further to a site inspection, this referral case concerns the question as to whether the construction of an extension to the front of a house, measuring 40m² and not higher than the existing house, constitutes development and, if so, whether such development is or is not exempted development at Cloncoose, Annaghmore, Co. Leitrim.

The subject application was received by the Planning Authority on 27th of June 2025.

Site Location and Context

The subject site is located in the townland of Clooncoose, close to the Longford border. The site in question is accessed off a narrow public road the L-15763-0 (which is a cul de sac) via a private laneway. There are agricultural sheds located to the rear of the dwelling. The area is rural in character with a number of agricultural buildings and rural dwellings noted in the vicinity of the site.

Contrary to that submitted with the application, the works are proposed to the front of the dwelling and not to the rear elevation. As the photographs below clearly show, the elevation which the applicant is referencing as the front elevation is in fact the rear elevation and what is being referenced as the rear elevation is actually the front elevation. The dwelling fronts onto the public road and the elevation, which the applicant is referring to as the rear elevation, has a front porch entrance which can clearly be seen in Fig. 1 below. Refer to Fig. 5 showing the dwelling relative to the public road.

The dwelling is not currently inhabited.



Fig. 1 This is the front elevation of the dwelling. The location of the proposed extension is highlighted above – the applicant is referencing this elevation as the rear elevation in the documentation submitted.



Fig. 2 This is the rear elevation. The applicant is referencing this as the front elevation.



Fig. 3. The agricultural sheds to the rear of the property and the entrance to the dwelling which is located off the private laneway to the rear of the property



Fig. 4 – The side elevation and private laneway

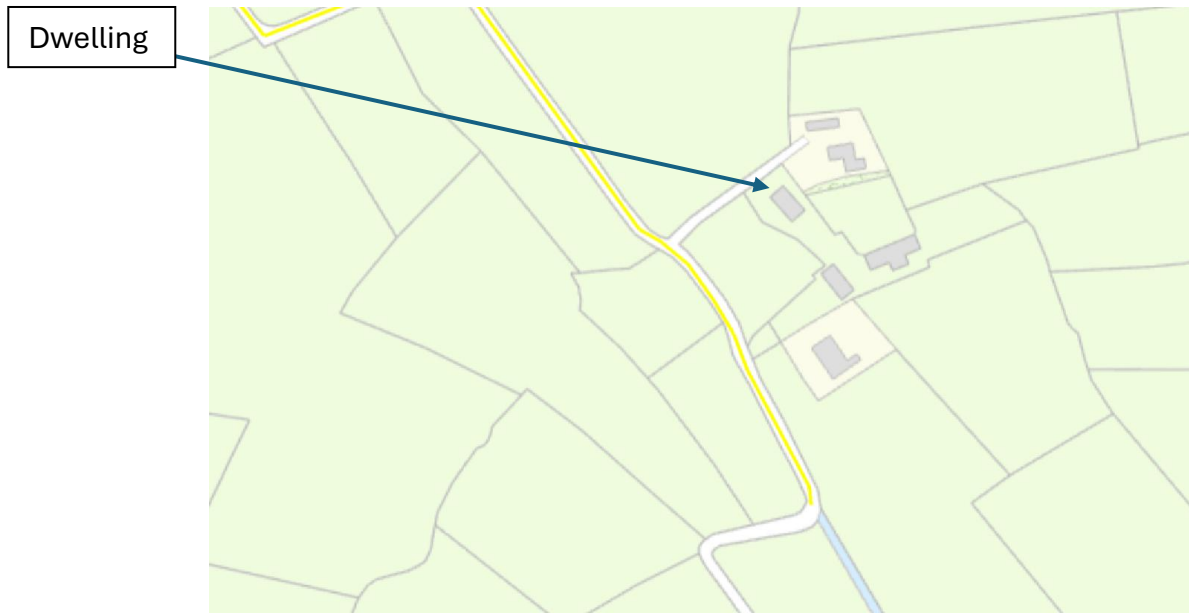


Fig. 5 Location of the property relative to the public road (in yellow)

The nearest Natura 2000 site is Clooneen Bog Special Area of Conservation (SAC Site Code: 002348) which is located approximately 14km south of the subject site.

The nearest nationally designated site is Lough Errew a proposed Natural Heritage Area (pNHA Site Code: 001807) which is located approximately 7km west of the subject site.

Planning History

Part of the site was the subject of a planning application for a four bay bedded shed, covered manure pit, lay concrete aprons & associated works – P.23/73 refers. No decision was made on this application as it was declared withdrawn as a response to the Further Information request that issued was not responded to within the 6 month time period.

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.

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.

Assessment

File History

I refer to my earlier planning report dated 2nd of July 2025 and the following request for further information as issued to the applicant on the 3rd of July 2025.

- 1. You are requested to submit a site location map (scale 1:2500) clearly identifying the site of the dwelling that you wish to extend.*

Response: *The applicant submitted the above*

- 2. You are requested to submit an accurate site layout plan, drawn to a scale, of not less than 1:500 (which should be indicated thereon), with the site boundary clearly outlined in red with roads, laneways, entrances, field boundaries, dwellings, location of effluent treatment system and percolation area and all other structures on, adjoining and in the vicinity of the site indicated thereon. The site layout plan should clearly show the location of the proposed extension.*

Note: All dimensions given must be accurate.

Response: *The applicant submitted a site layout plan, scale 1:400) that could not be read and in any event does not provide the details as required above.*

- 3a. Submit floor plans and elevations of the proposed extension. The dimensions, to include overall height, should be to scale and in metric.*

Response: *The applicant submitted the elevations that have been referenced as 'proposed extension' though would appear to include existing dwelling, however, this is not clear from the plans submitted. No floorplans have been provided.*

- 3b. Submit an elevation of the proposed extension in the context of the existing dwelling, to scale and in metric.*

Response: *The applicant submitted the elevations that have been referenced as 'proposed extension' though would appear to include existing dwelling, however, this is not clear from the plans submitted as no distinction has been made between the proposed extension and the existing dwelling.*

The applicant responded to the above on the 5th of August. However, the information supplied in response to the Further Information request remained insufficient to facilitate an assessment of the referred question and I refer to my earlier report in this regard of the 11th of August 2025.

Due to the incomplete response to the further information requested, the following letter issued to the applicant on the 11th of August 2025.

The response to Item No. 2 of further information requested on the 3rd of July 2025 as received on the 5th of August 2025 was not clear and legible and did not include all the information as requested. The submitted Site Layout Plan does not clearly identify the location of the existing dwelling, the location of the proposed extension to the existing dwelling, the location of all other dwellings and other structures on the site and in the vicinity of the site.

The reasons for Items No.3a and 3b of further information request was to provide information on the proposed extension relative to the existing dwelling. From the details submitted, the extent of the proposed extension has not been detailed.

Please be advised that until such time as the required information has been submitted, the 3 week period in which the Planning Authority is required to make a decision on this matter remains suspended.

In accordance with the provisions of Section 5(2)(b) of the Planning & Development Act 2000 (as amended), the following further information remains outstanding as required to enable the Planning Authority to issue a declaration:

- 2.** *You are requested to submit an accurate site layout plan, drawn to a scale, of not less than 1:500 (which should be indicated thereon), with the site boundary clearly outlined in red with roads, laneways, entrances, field boundaries, dwellings, location of effluent treatment system and percolation area and all other structures on, adjoining and in the vicinity of the site indicated thereon. The site layout plan should clearly show the location of the proposed extension.*

Note: All dimensions given must be accurate.

Response: *The applicant submitted a legible site layout plan with the relevant information detailed on it.*

- 3 a & b.** *You are requested to distinguish between the existing dwelling and the proposed extension – highlight the proposed extension in a different colour to the existing dwelling on both the elevations and on the floorplans. Note the floorplans and the elevations need to be to scale 1:100*

Response: *The applicant submitted plans which now distinguish between the existing dwelling and the proposed extension.*

The applicant responded to the above request on the 15th of August 2025. It is noted that the elevations of the existing dwelling are not entirely accurate.

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 construction of an extension to the front of a house, measuring

40m² and not higher than the existing house, constitutes development and, if so, 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 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 ‘alteration’ as including ‘(a) *plastering or painting or the removal of plaster or stucco, or (b) 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 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 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 a site inspection, the proposed works are located to the front of the dwelling and so do not satisfying the conditions and limitations set out in Class 1(a).

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, the absence of any connectivity to any sensitive location and the likely emissions therefrom 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 the construction of an extension to the front of a house, measuring 40m² and not higher than the existing house, constitutes development and whether it is or is not exempted development.

AND WHEREAS the said question was referred to Leitrim County Council by Kevin Byrne on the 27th of June 2025;

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

- (a) Sections 2(1) and 3(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) 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 construction of an extension to the front of a house, measuring 40m² and not higher than the existing house is considered to be development and is not exempted development as per Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) of the Planning and Development Act 2000 (as amended).

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:

- (b) the construction of an extension to the front of a house, measuring 40m² and not higher than the existing house is development and is not exempted development.

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

While the application made refers to an extension to the rear of the house, the location of the proposed extension, as confirmed during a site inspection, is to the front of the dwelling and not the rear.

Aoife Mulcahy
Executive Planner
Date: 20/08/2025

Bernard Greene
Senior Planner
Date: 21/08/2025



Appropriate Assessment Screening and Determination

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

(a) File Reference No:	ED 25-31
(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
Clooneen Bog SAC (002348)	https://www.npws.ie/protected-sites/sac/002348	14km	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.)
<p>Construction phase e.g.</p> <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.
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> 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) 	No significant potential impacts.

<ul style="list-style-type: none"> 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 style="text-align: center;"><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 style="text-align: center;"><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 style="text-align: center;"><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:	<div style="display: flex; align-items: center;">  <div style="border: 1px solid black; padding: 5px;"> Date: 20/08/2025 </div> </div>												



Environmental Impact Assessment (EIA) Pre-Screening

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

File Reference No:	ED 25-31
Development Summary:	As per Section 5 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 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 checked="" type="checkbox"/> 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?

<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input checked="" 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>		No

