

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan

Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

To: David McCullough
1 The Crescent
Plunkett Hall
Dunboyne
Co Meath
A86 AY28

PLANNING REFERENCE NUMBER: RA/S52478
APPLICATION RECEIPT DATE: 15/10/2024
FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 11/11/2024 decided to Declare the proposed development is **development requiring planning permission**, in accordance with the documents submitted namely: **Whether or not filled in existing porch with 2 windows & door, walled at both sides is development and if so is or is not exempted development at 1 The Crescent, Plunkett Hall, Dunboyne, Co Meath, A86 AY28.**

Date: 11/11/2024 Triona Keating
On Behalf of Meath County Council

NOTE:

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000 may be made to An Bord Pleanala by the applicant WITHIN FOUR WEEKS beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

For more information on Appeals you can contact An Bord Pleanala at:

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: bord@pleanala.ie

Web: www.pleanala.ie

MEATH COUNTY COUNCIL
CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1572/24
Reference Number: RA/S52478
Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2022
Name of Applicant: David McCullough
Address: 1 The Crescent
Plunkett Hall
Dunboyne
Co Meath
A86 AY28

Nature of Application: Section 5 Declaration on Development / Exempted Development of filled in existing porch with 2 windows & door, walled at both sides

Location of Development: 1 The Crescent, Plunkett Hall, Dunboyne, Co Meath A86 AY28

DECLARATION: This development is development requiring Planning Permission.

ORDER:

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **DEVELOPMENT REQUIRING PLANNING PERMISSION.**

SIGNED: 
On Behalf of Meath County Council

DATE: 11th November 2024

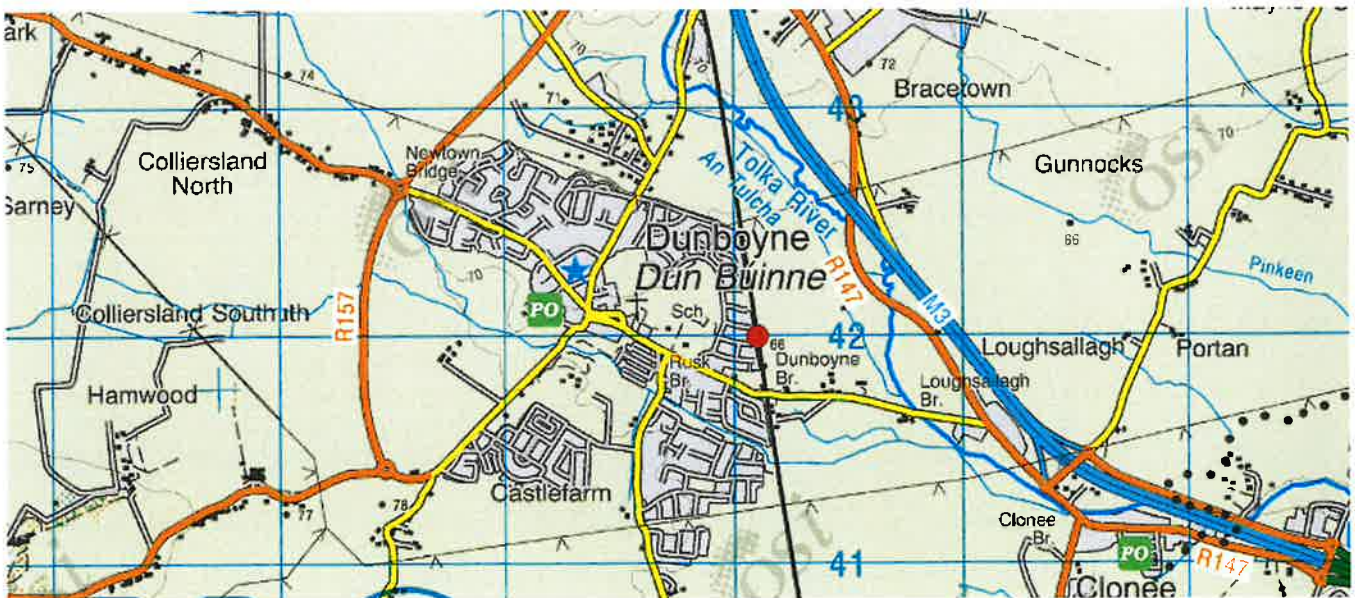
Meath County Council



Planning Report

To:	Dierdre Fallon, Senior Executive Planner
From:	Michael McKenna
Report Date:	05/11/2024
File Number:	RA/S52478
Applicant Name(s):	David McCullough
Development Address:	1 The Crescent, Plunkett Hall Dunboyne A86AY28.
Inspection Date(s):	N/a
Application Type:	Section 5 Exemption Certificate
Development Description:	Filled in existing porch with windows and door walled at both sides
Date Decision Due:	12/11/2024

1.0 Site Location



The application site is located in the settlement of Dunboyne Co. Meath. The lands are located on lands zoned as A1- Existing Residential. The site is access via the L-2228.



2.0 Proposed Declaration

The referrer seeks a declaration as to whether exemption from the requirement to obtain planning permission for *“Filled in existing porch with windows and door walled at both sides”*, **is or is not development and is or is not exempted development.**

3.0 Planning History

- None recorded on site.

4.0 Legislative Context

Planning and Development Act 2000 (as amended):

In this Act, except where the context otherwise requires –

Section 2(1)

“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...

Section 3(1)

“Development” in this Act means, except where the context otherwise requires, 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 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*
- (i) “the development is authorised, or is required to be authorised, by or under any enactment....”*

Section 4(2)(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.”

Section 4(2)(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 purposes being exempted development for the purposes of this Act”.

Section 177U(9)

“In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case maybe, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this Section.”

Planning and Development Regulations 2001 (as amended):**Article 6(1)**

“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)

“Development to which Article 6 relates shall not be exempted development for the purposes of the Act – 9(1)(a) – if the carrying out of such development would” conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations.

Schedule 2, Part 1 Exempted Development – General

Schedule 2, Part 1, Class 7 of the Planning and Development Regulations 2001 (as amended) relates to:

“The construction or erection of a porch outside any external door of a house”.

Conditions and Limitations (Column 2)

- “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”.*

5.0 Assessment

(i) Does the proposal constitute development:

Having regard to the definition of ‘development’ within the Planning and Development Act 2000 (as amended) it is considered the works detailed would constitute development i.e. “the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land”.

(ii) Does the proposal constitute exempt development:

Based on the drawings submitted the proposal would be assessed against the conditions and limitations of Schedule 2, Part 1, Class 7 of the Planning & Development Regulations 2001 (as amended) as outlined below:

The referrer seeks a declaration as to whether “Open porch extension to front of existing dwelling”, **is or is not development and is or is not exempted development.**

Class 7

The construction or erection of a porch outside any external door of a house.

- 1. Any such structure shall be situated not less than 2 metres from any road.*
 - The structure has not been constructed less than 2 metres from the adjoining road.
- 2. The floor area of any such structure shall not exceed 2 square metres.*
 - The floor area is stated as 4.4 sq. m which exceeds the 2 sq. m limit.
- 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.*

- The height of the structure is not stated.

I am not satisfied that the structure falls within the scope of Class 7 given that the applicant has not demonstrated the height of the structure and given that the works relate to retention of works carried out to an approved porch which has a floor area in excess of 2 sq. m. Therefore, the works cannot be declared exempt under Schedule 2, Part 1, Class 7 of the Planning & Development Regulations 2001 *(As amended)*

(i) Restrictions on Exemptions:

The restriction on exemptions under Article 9(1)(a)(i) – (xii) (inclusive) are not considered applicable in this instance.

(iii) Appropriate assessment:

Article 9(1)(a) (viiB) sets out that where a planning authority, as the competent authority in relation to appropriate assessment, considers that a development would be likely to have significant effect on the integrity of a European site then there is a restriction on exemption.

The site is not within or directly adjoining any Natura 2000 site. A number of sites are within a 15-kilometre (approximate) distance of the site:

- River Boyne and River Blackwater SAC (Site Code: IE0002299)
- River Boyne and River Blackwater SPA (Site Code: IE0004232)

The site is not located within a Natura 2000 site. I am not aware of any source/pathway/receptor routes between the site and these sites and so I consider that the current proposal would not have a significant effect upon any Natura sites.

Therefore, it is concluded that having regard to the nature and scale of the proposed development and the nature of the receiving environment no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

(v) Environmental Impact Assessment:

The works are not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001-2023 and therefore an EIA is not required.

(vi) Conclusion:

In conclusion, based on the information provided, "Filled in existing porch with windows and door walled at both sides" is development and is not exempted development as it would not comply with Schedule 2, Part 1, Class 7 of the Planning & Development Regulations 2001-2023.

6.0

Recommendation

It is therefore recommended that a declaration of Exemption be **REFUSED** for the development set out hereunder.

WHEREAS a question has arisen as to whether:

“Filled in existing porch with windows and door walled at both sides” on lands at 1 The Crescent, Plunkett Hall Dunboyne A86AY28 is or is not exempted development:

AND WHEREAS Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2(1), 3(1) & 177U (9) of the Planning and Development Act 2000-2022
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001-2023.
- (c) Class 7 of Part 1, Schedule 2 of the Planning and Development Regulations, 2001-2023,
- (d) Information provided,

AND WHEREAS Meath County Council has concluded: -

Retention of “*Filled in existing porch with windows and door walled at both sides*” on lands at 1 The Crescent, Plunkett Hall Dunboyne A86AY28 is not exempted from the requirement to obtain planning permission as it does not come within the scope of Schedule 2, Part 1, Class 7 of the Planning & Development Regulations 2001-2023.

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2022, hereby decides that the said development as detailed on particulars submitted 15th October 2024 is ‘**Development**’ and is ‘**Not Exempted Development**’.



Michael McKenna
Assistant Planner



Deirdre Fallon
Senior Executive Planner

REFUSAL

Comhairle Chontae na Mí

Roinn Pleanáil,
Teach Buvinda, Bóthar Átha Cliath,
An Uaimh, Contae na Mí, C15 Y291
Fón: 046 – 9097500/Fax: 046 – 9097001
R-phost: planning@meathcoco.ie
Web: www.meath.ie



Meath County Council

Planning Department
Buvinda House, Dublin Road,
Navan, Co. Meath, C15 Y291
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E-mail: planning@meathcoco.ie
Web: www.meath.ie

APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Part 1 Section 5 of Planning and Development Act 2000-2021, as amended

1. Name: David Mc Cullough

Contact details: to be supplied at the end of this form (Question 13)

2. Name of person/ agent acting on behalf of the applicant, if applicable

Contact details: to be supplied at the end of this form (Question 14)

3. Location of Development and/or Subject Site: 1 The Crescent, Pleasant Hill
DunBoyne AS6 AY 28

4. Description of Development: _____

FILLED IN existing porch with 2 windows + door

walled at both sides

5. Will the development take place within the curtilage of a dwelling house?

Please tick as appropriate: YES NO

6. Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?

Please tick as appropriate: YES NO

6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 – 2014, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES NO

7. State overall height of structure if applicable: Roof Existed

8. State in square metres the floor area of the proposed development:

4.4 Sq/mets



9. List of plans / drawings etc. submitted: Pics attached

10. Please state applicants interest in this site Part of House

If applicant is not the owner of site, please provide name & address of owner:

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES NO

11 (b), If "YES" please supply details:

12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES NO

12 (b), If "YES" please supply details:

SIGNED:  DATE: 12/10/2024

NOTES

1. Application Fee of €80
2. Application shall be accompanied by:
 - 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
 - 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
 - Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.
Contact Details: Phone: 046 9097500 Fax: 046 9097001
Email: planning@meathcoco.ie

