



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council



Planning Services

RECEIVED DATE: 08/10/2025

## SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

**Completed application form & supporting documentation to be returned to the Planning Authority by email to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)**

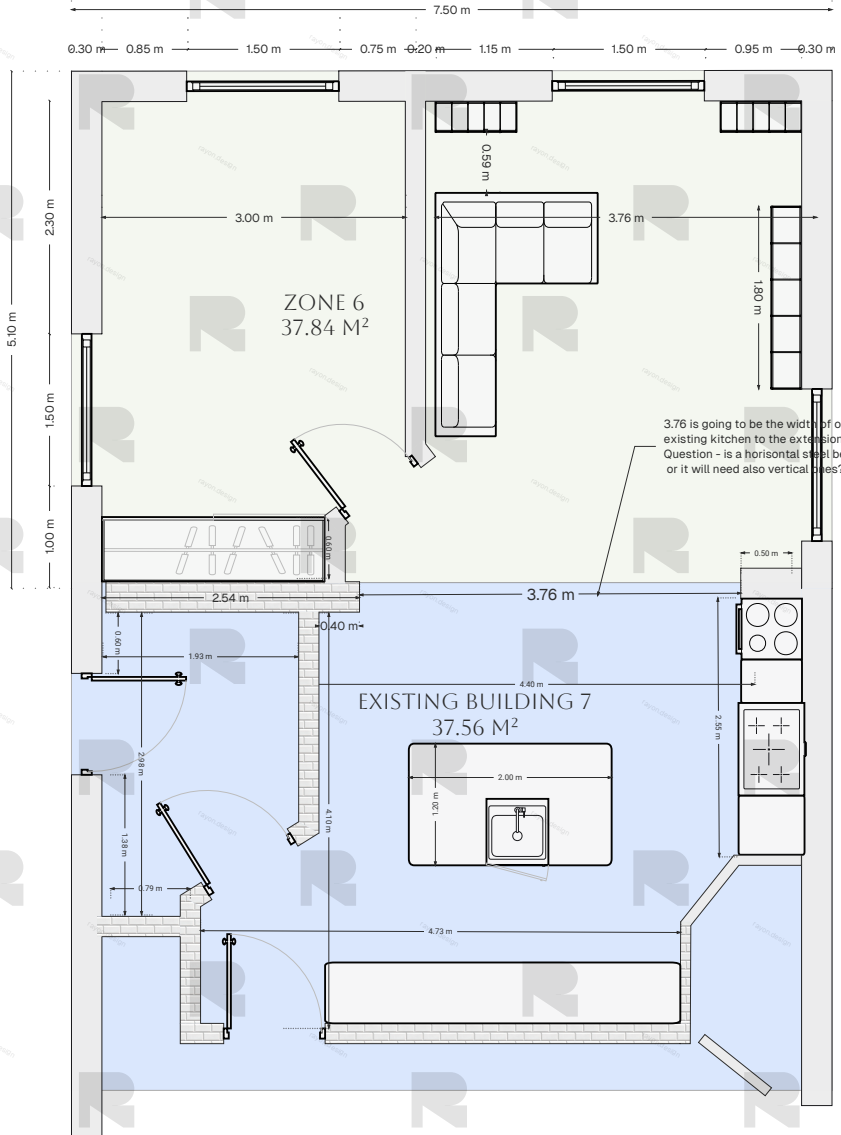
<b>Name of Applicant(s):</b>	
<b>Agent Name:</b> (if applicable)	
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will be assessed under <u>this</u> section 5 application)	



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<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
<b>Applicant(s) Interest in the site:</b>		
<b>If not the Owner of the site, please provide the name of the Landowner:</b>		
<b>Please list types of plans, drawings etc. submitted with this application:</b>		
<b>Planning History</b> - list any relevant planning application reference numbers:		
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>		

<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of <del>Applicant</del> Agent:</b>	<i>J. Martin McLaughlin</i>
<b>Date:</b>	



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Donegal County Council YouTube LFC Live - Liverpool... National Building... landdirect.ie Amazon.co.uk: Low... ShareFile - Where C... Local Government Ir... Home | Microsoft 365 PLACE Map Adobe Acrobat Architects cert new... All Bookmarks

No.7 Orchard Drive

DRUMROOSK WEST

Ashdon Brea

Orchard Drive

Lough Eask Road

O'Duignan Avenue

Sports Ground

XY 593231, 879085  
Scale 1 : 1000  
Townland Drumroosk West  
Barony Banagh  
County Donegal

### Property Details

Back

Folio Number	DL37211F
Title Level	Freehold
Plan Number	180
Property Number	1
Area of selected plans	Not available.
Number of Plans on this folio:	1
Address	7 Orchard Drive, Donegal, F94 T3Y7

View Folio PDF Request Certified Copy

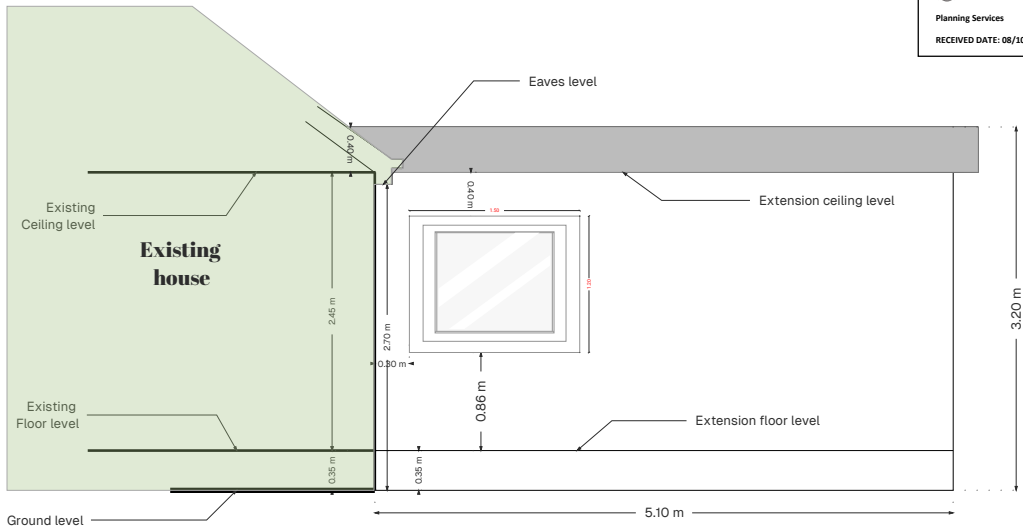
\*Taithe Éireann Registration Boundaries and Plan Area are not conclusive. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

Print Current View

Help

Please Note

Your current balance is €0





**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

Áras an Chontae,  
Leifear,  
Contae Dhún na nGall, F93 Y622

County House,  
Lifford,  
County Donegal, F93 Y622

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**Planning Services**  
**E:** planning@donegalcoco.ie

**Ref. No:** S52585

08 October

ATANAS KARINKOV  
C/O OCTOBER HOUSE DESIGNS LTD.  
CORLEA,  
BALLYSHANNON,  
CO.DONEGAL

**Re: Application for a Section 5 Declaration – Extension to rear of existing dwelling at  
7 Orchard Drive, Donegal Town**

A Chara,

I wish to acknowledge receipt of your application for a Section 5 Declaration which was  
received on 07/10/25

Donegal County Council  
Planning Services



## **SECTION 5 REFERRAL REPORT – Ref.No: 25/85**

### **Donegal County Council**

#### **1.0 COMMENTS**

The subject site is a detached one and a half dormer type dwelling located at 7, Orchard Drive, Donegal Town. The proposed works constitute one element as follows:

1. Construction of an extension to rear of the dwelling.

The existing dwelling is not on the Council's Record of Protected Structures nor is it included on the National Inventory of Architectural Heritage. The site is located in an area designated as Established Development in the Seven Strategic Towns (Donegal Town) Local Area Plan 2018-2024.

#### **2.0 EVALUATION**

In preparing the assessment for this reference, regard has been had to the following statutory provisions:

#### **3.0 Planning and Development Act, 2000 (as amended)**

##### **Section 2(1)**

In this Act, except where the context otherwise requires –

"**structure**" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and

- (a) where the context so admits, includes the land on, in or under which the structure is situate ...

"**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 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 may be, shall where appropriate, conduct screening for appropriate assessment in accordance with the provisions of this section".

Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001  
(as amended) – Exempted Development

"The extension of a house, by the construction or erection of an extension to the rear of the house".

1. The floor area of any such extension where the house has not been extended previously shall not exceed:
  - a) 40sq.m.
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.
7. The roof of any extension shall not be used as a balcony or roof garden.

**4.0 PLANNING HISTORY**

Permission granted under application ref. no. 96/358 for development of the residential estate.



## **5.0 ASSESSMENT**

### **4.1 Consideration of Proposed Development:**

- (i) The proposed extension is located to the rear of the existing dwelling house and consists of a single storey extension with a stated floor area of 37.84 sq.m.
- (ii) The floor plan submitted details that the extension retains the building line of the existing dwelling. Therefore, it is considered that any windows on that elevation shall be more than 1m from the boundary.
- (iii) The rear garden area will be in excess of 25sqm on completion of works.
- (iv) Having regard to *Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)* the proposed development is in accordance with the criteria of that Class 1 and can be considered as Development and as Exempted Development under Class 1.
- (v) It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works, and is exempted development.
- (vi) Appropriate assessment is not a consideration in the assessment of this referral.

### **4.2 Conclusion:**

It is considered that:

- (i) Construction of an extension to the rear of the existing dwelling house constitutes “development” within the meaning of the Act, being works, and is exempted development under *Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)*.

It should also be noted that in determining the subject section 5 referral regard was had to recent Section 5 referrals to An Bord Pleanala for determination.

## **5.0 RECOMMENDATION**

IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE -

**IS Development**

**&**

**IS Exempted Development**

**WITHIN THE MEANING OF THE ABOVE ACT**

**The proposal to:**

- (i)** Construct an extension to the rear of the dwelling house

**The Planning Authority, in considering this referral, had regard particularly to:**

- (a) Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- (b) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001 (as amended)

**And concluded that:**

The proposal is development and is exempted development coming within the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

**Signed:** 

**Position:    Exec Planner**

Date:    28/10/2025.

A handwritten signature in black ink, appearing to be 'FS' or 'Sweeney'.

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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
28/10/2025

**Chief Executive's Order No: 2025PH3174**

**Planning and Development Acts 2000 (as amended)**

**SECTION 5:-**


Request received 8<sup>th</sup> October 2025 from Atanas Karinkov C/O Martin McLaughlin, October House Designs Ltd., Corlea, Ballyshannon, Co. Donegal, F94 HDT7 in relation to the construction of an extension to rear of existing dwelling less than 40m<sup>2</sup> at 7 Orchard Drive, Donegal Town, Co. Donegal, F94 T3Y7.

**SUBMITTED:-**

Written request received 8<sup>th</sup> October 2025 as above and report dated 28<sup>th</sup> October 2025 from the Executive Planner (Ref. No: S5 25/85 refers).

**ORDER:-**

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Coimisiún Pleanála. in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.

  
SENIOR EX. PLANNER

DATED THIS 31<sup>st</sup> DAY OF OCTOBER 2025

**Chief Executive's Order No: 2025PH3174**

**Ref.No: S5 25/85**

**SCHEDULE**

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Article 9 of the Planning and Development Regulations 2001 (as amended)

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** coming within the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JS 31/10



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

Áras an Chontae,  
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**E:** planning@donegalcoco.ie

Ref. No: S525/85

31<sup>st</sup> October 2025

ATANAS KARINKOV  
C/O MARTIN MCLAUGHLIN  
OCTOBER HOUSE DESIGNS LTD.  
CORLEA  
BALLYSHANNON  
CO. DONEGAL  
F94 HDT7

**Re: Construction of an extension to rear of existing dwelling less than 40m<sup>2</sup> at 7 Orchard Drive, Donegal Town, Co. Donegal, F94 T3Y7**

A Chara,

I refer to your request received on 8<sup>th</sup> October 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Coimisiún Pleanála. of such fee as may be prescribed, refer a Declaration for review by the Commission within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner**  
**Planning Services**  
/RMcC

***Planning and Development Acts, 2000 (as amended)***  
***(Declaration and Referral on Development and Exempted Development)***

**DECLARATION**

**Chief Executive's Order No:** 2025PH3174

**Reference No:** S525/85

**Name of Requester:** ATANAS KARINKOV  
C/O MARTIN MCLAUGHLIN  
OCTOBER HOUSE DESIGNS LTD.  
CORLEA  
BALLYSHANNON  
CO. DONEGAL  
F94 HDT7

**Summarised Description of development the subject matter of request:**

Construction of an extension to rear of existing dwelling less than 40m<sup>2</sup>

**Location:** 7 Orchard Drive, Donegal Town, Co. Donegal, F94 T3Y7

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Sections 2, 3, Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)
- Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Article 9 of the Planning and Development Regulations 2001 (as amended)

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** coming within the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

  
**For Senior Ex. Planner**  
**Planning Services**

**Dated this 31<sup>st</sup> day of October 2025**