



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

Planning Services

RECEIVED DATE: 24/06/2025

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [MARTINA PARKE \(PLANNING\)](#)
Subject: FW: Section 5 Application Diane Harvey
Date: 24 June 2025 12:22:34
Attachments: [section-5-application-form Diane Harvey.pdf](#)
[Site Layout Map 1 500.pdf](#)
[Site Location Map.pdf](#)
[Plans Elevations.pdf](#)

From: Martin (M Friel Architects) <martin@mfrielarchitects.ie>

Sent: 24 June 2025 11:10

To: planning mailbox <Planning@Donegalcoco.ie>

Subject: Section 5 Application Diane Harvey

CAUTION: This email originated from outside of Donegal County Council. Do not click links or open attachments unless you recognise the sender and are sure that the content is safe.

RE: 25 Harbour View Drive, Killybegs, Co. Donegal, F94 V329

Please see attached the follownig as a Section 5 Application for Diane Harvey

- Section 5 Application Form
- Site Location Map
- Site Layout
- Drawings Plans Elevation of new development

A fee of €80 was paid to the cash office and the receipt number is: **1029958**

If you need anything further please let me know.

Kind Regards,

Martin Gallagher

Michael Friel Architects & Surveyors Ltd
West End House, Ardara, Co. Donegal
Tel: 0749541853



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Donegal County Council

Planning Services

RECEIVED DATE: 24/06/2025



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Donegal County Council

SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

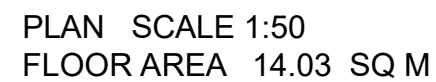
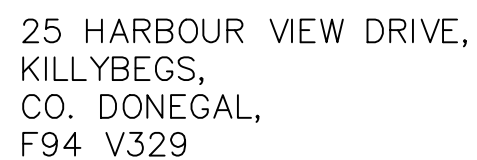
Completed application form & supporting documentation to be returned to the
Planning Authority by email to planning@donegalcoco.ie


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



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

I hereby certify that the information provided is true and accurate	
Signature of Applicant/Agent:	
Date:	



Notes: NOTES	Job Title: JOB TITLE		Drawing Title: DRAWING TITLE		<div>PLANNING DRAWING</div> <div> <div>RIAI</div> <div> <div>Registered Architect</div> <div>2022</div> </div> <div> <div>Architect Accredited in Conservation</div> <div>G3</div> </div> <div> <div>PSDP Accreditation</div> <div>P</div> </div> </div>	 <div> Michael Friel Architects & Surveyors Ltd Creeslough, Co. Donegal. Tel - 074 91 38814 Mob - 087 2869658 E-mail: michael@mfielarchitects.ie </div>
	Date: JAN 2021	Job No: 21---	Client: CLIENT DIANE HARVEY			
	Scale: 1:500 @ A3	Dwg No: 02				

Land Registry Compliant Map

CENTRE COORDINATES:
ITM 571172,876643

PUBLISHED: 17/06/2022
ORDER NO.: 50275080_1

MAP SERIES: 1:1,000
1:1,000
1:2,500
MAP SHEETS: 0556-20
0556-24
0556-D

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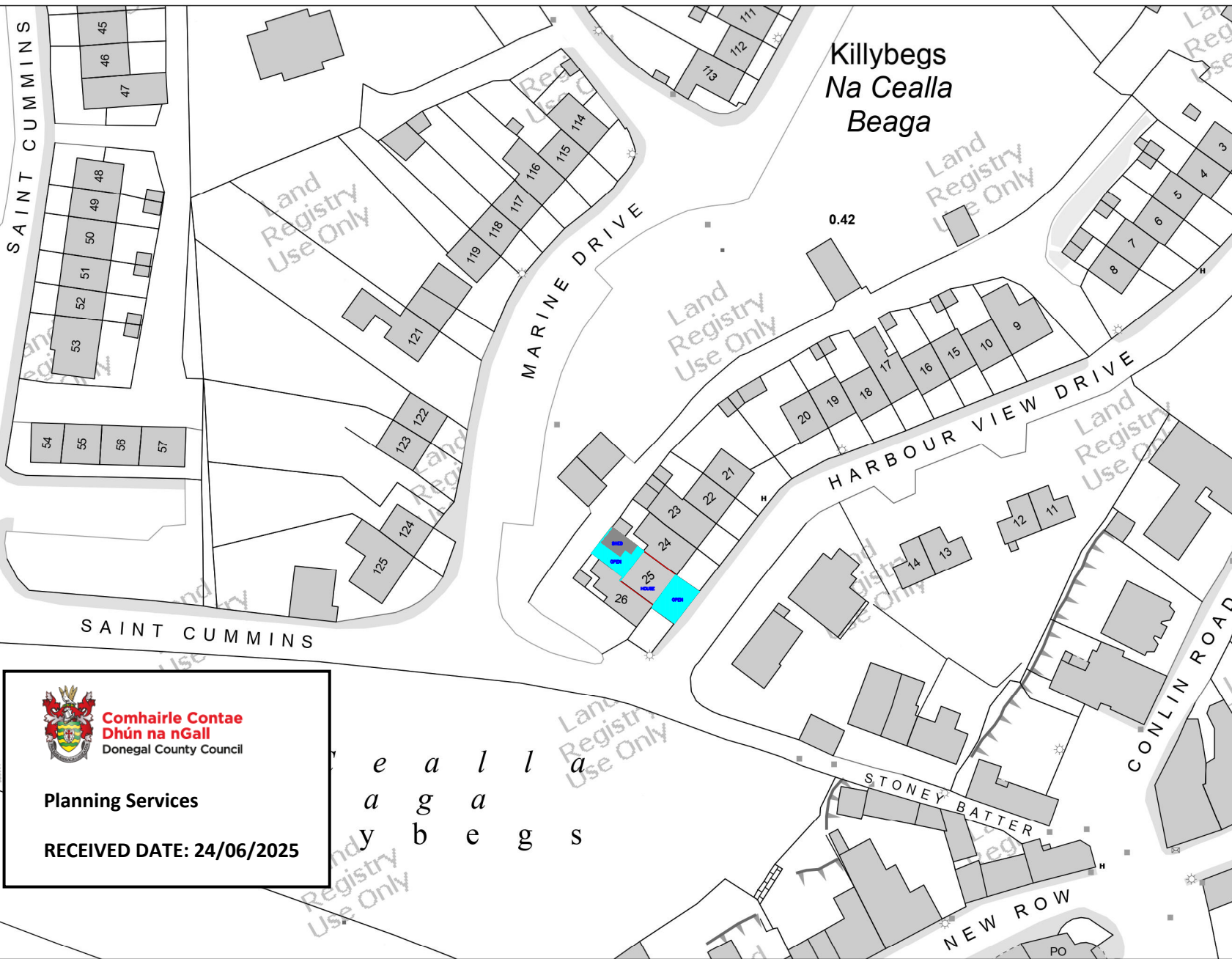
The representation on this map
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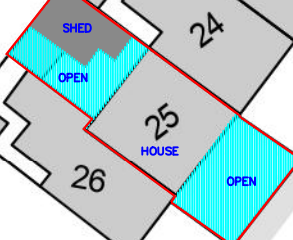




**Comhairle Contae
Dhún na nGall**
Donegal County Council

Planning Services

RECEIVED DATE: 24/06/2025



0.42

HARBOUR VIEW DR



**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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W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

E-mail: martin@mfrielarchitects.ie

Our Ref: S525/59

25th June, 2025

Diane Harvey
C/o Michael Friel Architects & Surveyors Ltd.

Re: Section 5 - Application for development at 25 Harbour View Drive Killybegs, Co Donegal for Diane Harvey.

A Chara,

I wish to acknowledge receipt of your application received on 24th June, 2025 in relation to the above.

Yours sincerely,

Martina Parke

Donegal County Council
Planning Services



SECTION 5 REFERRAL REPORT – Ref.No: 25/59

Donegal County Council

1.0 COMMENTS

The subject site is a mid terrace two storey dwelling house located at Harbour View, Killybegs. The proposed works constitute one element as follows:

1. Construction of a replacement shed 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 (Killybegs) Local Area Plan 2018-2024 (as varied).

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

"The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure".

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

4.0 PLANNING HISTORY

There is no planning history recorded for this site.

5.0 ASSESSMENT

5.1 Consideration of Proposed Development:

- (i) It is stated in the application form that an extension to the rear of the dwelling was demolished and a shed and fuel shed removed.
- (ii) The proposed replacement shed is located to the rear of the existing dwelling house and consists of a shed with a stated floor area of 14.03 sqm and a pitched roof height of 3.9m.
- (iii) The shed is stated to be in domestic use and for heating system plant storage.
- (iv) The shed is within the threshold with regard to scale and ridge height.
- (v) The rear garden area is stated to be 43.44sqm and with a reduction of 14.03sqm to accommodate the shed, results in an area of 29.41sqm.
- (vi) The shed measured externally is found to be 19.047sqm. Having regard to the external measurement, the garden area that remains is 24.39sqm. Given that rear amenity space of 25sqm is required to meet exemption from permission, it is considered to be reasonable to accept that construction of the shed permits the necessary rear amenity space to remain.
- (vii) Having regard to *Class 3 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 3 and can be considered as Development and as Exempted Development under Class 3.
- (viii) It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works, and is exempted development.

- (ix) Appropriate assessment is not a consideration in the assessment of this referral.

5.2 Conclusion:

It is considered that:

- (i) Construction of a replacement shed to the rear of the existing dwelling house constitutes “development” within the meaning of the Act, being works, and is exempted development under *Class 3 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.

5.3 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) Retain a replacement shed constructed 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 3 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 3 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

Signed: 

Position: Exec Planner

Date: 05/07/2025.



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
17/07/2025

Chief Executive's Order No: 2025PH2129

Planning and Development Acts 2000 (as amended)

SECTION 5:-

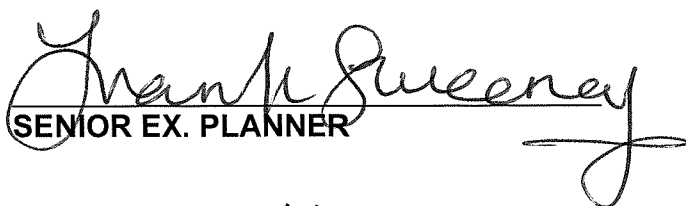
Request received 24th June 2025 from Diane Harvey c/o Michael Friel Architects & Surveyors Ltd., West End House, Ardara, Co. Donegal, F94 R97V in relation to the construction of a replacement shed to the rear of existing house at 25 Harbour View Drive, Killybegs, Co. Donegal, F94 V329.

SUBMITTED:-

Written request received 24th June 2025 as above and report dated 5th July 2025 from the Executive Planner (Ref. No: S5 25/59 refers).

ORDER:-

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Bord 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 17th DAY OF JULY 2025

Chief Executive's Order No: 2025PH2129

Ref.No: S5 25/59

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 3 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** as it comes within the scope of Class 3 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JS 17/07



**Comhairle Contae
Dhún na nGall**
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Planning Services
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Ref. No: S525/59

17th July 2025

DIANE HARVEY
C/O MICHAEL FRIEL ARCHITECTS & SURVEYORS LTD.
WEST END HOUSE
ARDARA
CO. DONEGAL
F94 R97V

Re: Construction of a replacement shed to the rear of existing house at 25 Harbour View Drive, Killybegs, Co. Donegal, F94 V329.

A Chara,

I refer to your request received on 24th June 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 Board 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: 2025PH2129

Reference No: S5 25/59

Name of Requester: DIANE HARVEY
C/O MICHAEL FRIEL ARCHITECTS & SURVEYORS LTD.
WEST END HOUSE
ARDARA
CO. DONEGAL
F94 R97V

Summarised Description of development the subject matter of request:

Construction of a replacement shed to the rear of existing house

Location: 25 Harbour View Drive, Killybegs, Co. Donegal, F94 V329.

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 3 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** as it comes within the scope of Class 3 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



For Senior Ex. Planner
Planning Services

Dated this 17th day of July 2025