

From: [Patrick McGowan](#)
To: [planning mailbox](#)
Subject: Re: .query regarding a porch
Date: 02 August 2024 0:13:56
Attachments: [DOC-20231006-WA0002..pdf](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Hi Carmel,

Thanks for your email. I'm very grateful of your prompt response.

I have attached the filled in Section 5 form to this email along the old site plan and elevations of the property that were done previous to this old property being built.

I will ring and pay €80 this morning.

I hope this what you are looking for. Apologies I am all new to this and I appreciate any help you can provide.

Thanks,
Patrick

On Thu, 1 Aug 2024, 07:27 planning mailbox, <Planning@donegalcoco.ie> wrote:

Dear Patrick,

Subject to site location, planning history and particulars, you can build a porch without planning permission as long as it does not exceed 2 square metres in area and is more than 2 metres from any public road or footpath. Where the porch has a tiled or slated pitched roof, it must not exceed 4 metres in height, or 3 metres for any other roof type. A front porch within these limits is the only type of development allowed to extend beyond the front wall of the building (the building line) and still remain exempted,

You may also opt to receive a formal declaration on whether the development is exempted development or otherwise from the Planning Authority under Section 5 of the planning Act – blank form attached. The completed form can be returned to the Planning Office via this mailbox. Note the fee of €80.00 can be paid through the cash office by ringing 074 9153900 and note the receipt number on the correspondence when returning same.

Please also include (i) site location map, (ii) site layout plan and (iii) elevations (if applicable). The application will then be considered further.

Kind regards

Carmel

From: Patrick McGowan <[REDACTED]>
Sent: Wednesday, July 31, 2024 6:31 PM
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: .

You don't often get email from [REDACTED] [Learn why this is important](#)

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.

Hi,

I have a query regarding a porch on a house that I recently purchased. It had an existing porch. It was leaking and I had to repair it.

I did some of my own research and citizens advice said that I didn't require planning providing it was within a certain size.

I just would prefer to be complaint and above board. I was hoping you could advise

See above pictures before and after for reference. The roof tiles were replaced as was the fascia and soffit.

I would appreciate any advice or help you can offer me.

Kind Regards,

P

[Email Disclaimer](#)

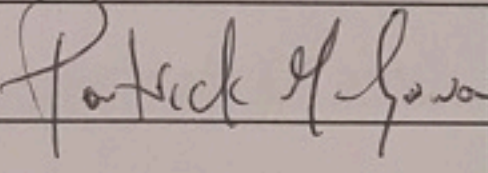
[Clásal Séanta Ríomhphoist](#)



SECTION 5 APPLICATION

DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

1.	Applicant's Name	PATRICK Mc GOWAN	
<i>Contact details must be supplied at the end of this form</i>			
2.	Name of Agent		
<i>Contact details must be supplied at the end of this form</i>			
3.	Location of Proposed Development:	DROMORE LETTERKENNY CO. DONEGAL	
4.	Description of Proposed Development:	Rebuilding of old damaged Porch area.	
5.	Is development a Protected Structure or within the curtilage of a Protected Structure?	Yes	
	(Indicate as appropriate)	No	
6.	If the answer to question no 5 is yes has a declaration under Section 57 of the Planning and Development Act 2000(as amended) been requested or issued in respect of the property by the Planning Authority		
7.	Applicants Interest in site:	OWNER	
	If applicant is not the owner of the site please provide the Name and Address of the owner		
8.	List of plans, drawings etc. submitted with this application:	ATTACHED TO EMAIL	
9.	Are you aware of any enforcement proceedings connected to the site? If so please supply details	NO	

10.	Please provide details of works (where applicable) or proposed development (Only works listed and described under this section will be assessed under this section 5 application)	
	<p>The said works is rebuilding a Porch structure that was attached to a house I purchased last year 2023. (see attached photos). The porch was leaking. It had to be re-roofed and the bricks replaced. In the process I bricked up both sides and moved the door to the front of the porch. where it was previously on the side of the porch area.</p>	
11.	Signature of Applicant (or Agent):	
12.	Dated: 01/8/24	

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

NOTES: (a) Application Fee - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.

- (b) Application must be accompanied by:
- (i) site location map,
 - (ii) site layout plan,
 - (iii) elevations (if applicable).

.....

OFFICE USE ONLY	
Ref. No.	
Date Received	
Fee Paid	
Receipt Number	

ADDITIONAL CONTACT INFORMATION (Section 5 Application)

NOT TO BE MADE AVAILABLE WITH APPLICATION

Please note:

- 1) The applicant's address must be submitted on this page.
- 2) It would be beneficial if telephone numbers were provided here as there are times when the applicant/agent needs to be contacted urgently
- 3) This page will not be published as part of the planning file and the public will not have access to same.

Person/Agent acting on behalf of the Applicant (if any):

Address	
Eircode	
Telephone No. (See note 2 above)	
Email Address	
Fax No.	

Should all correspondence be sent to the agent's address? (Where an agent has been listed on page 1)

please tick appropriate box

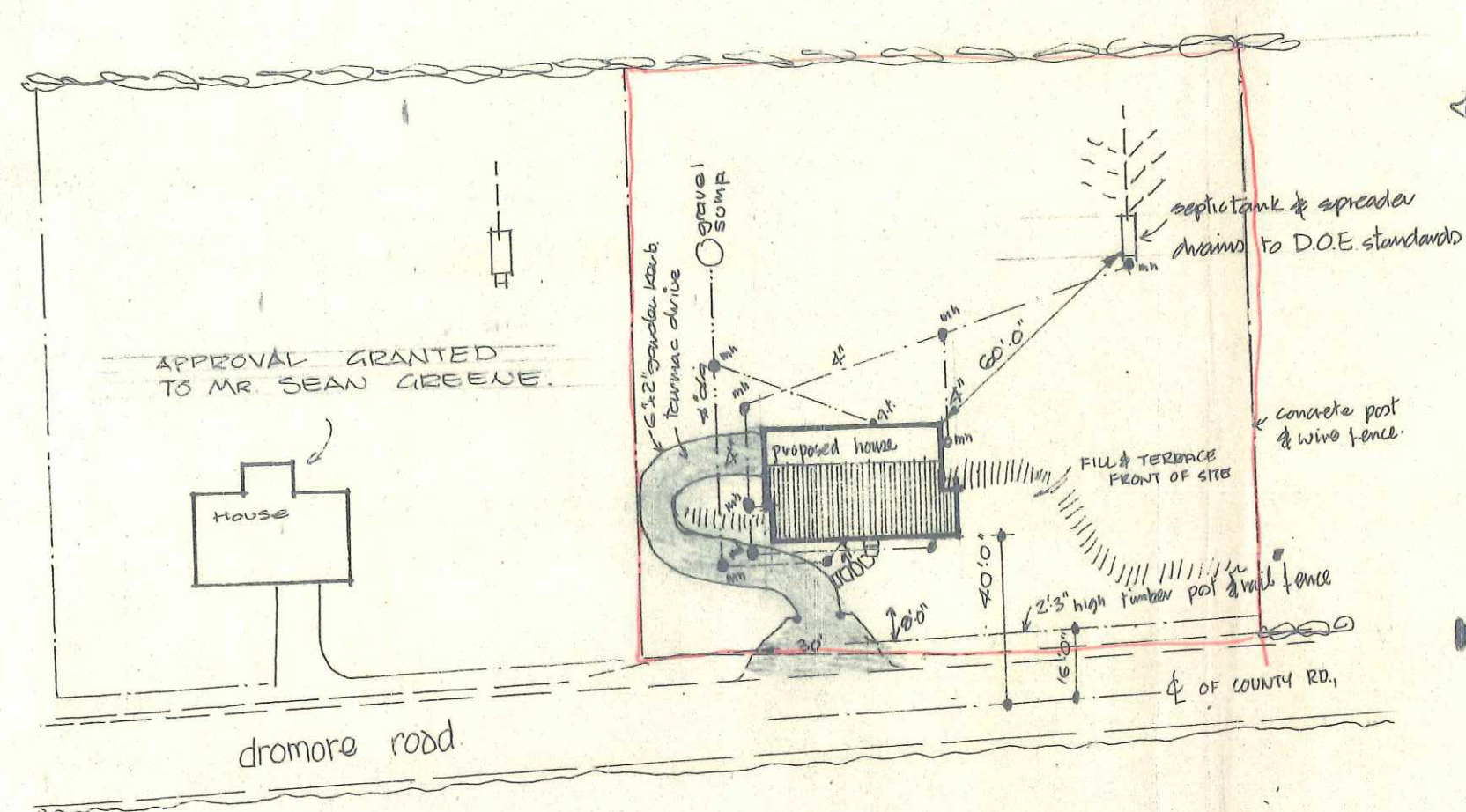
Yes

No

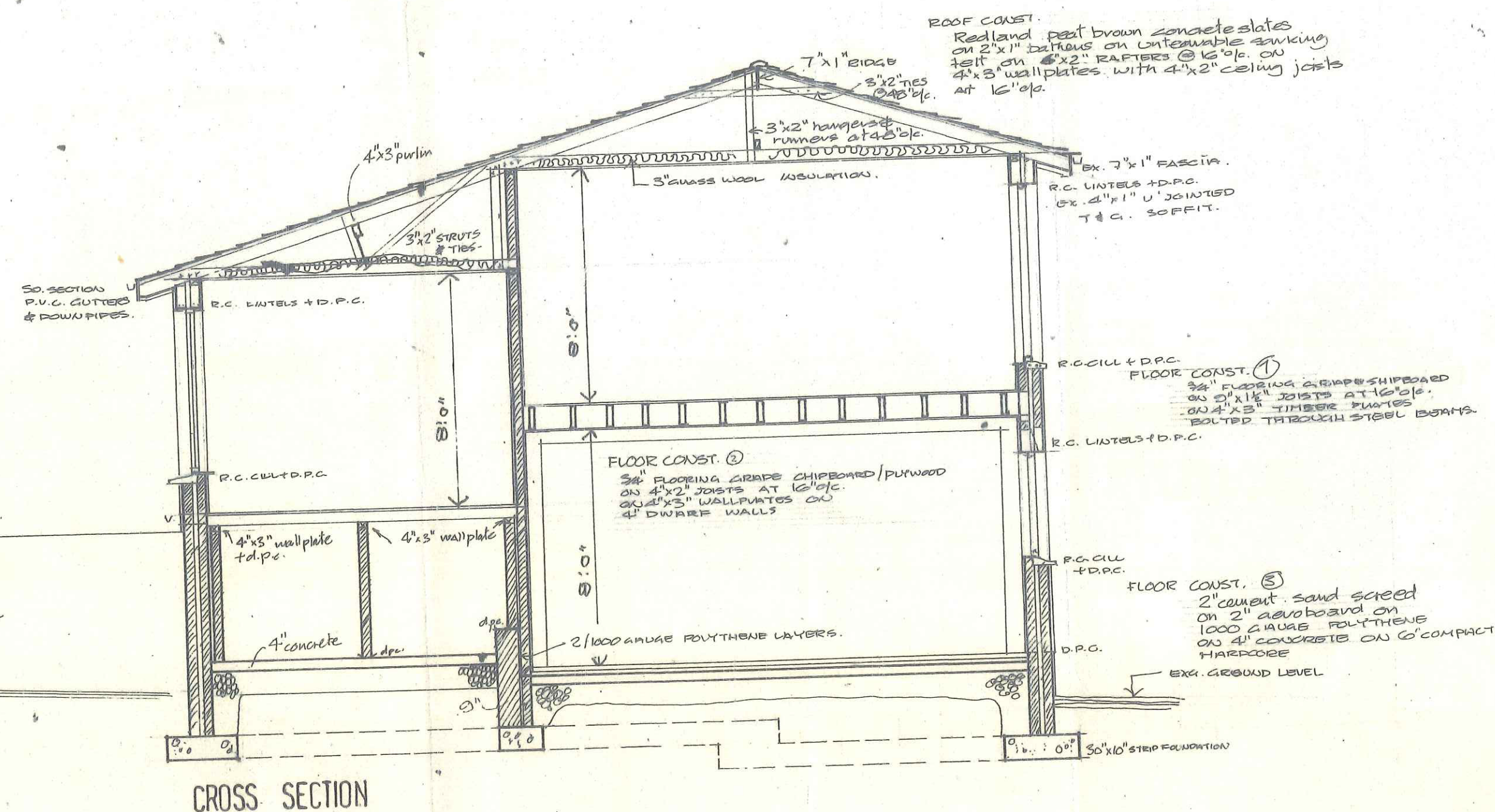
(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)

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

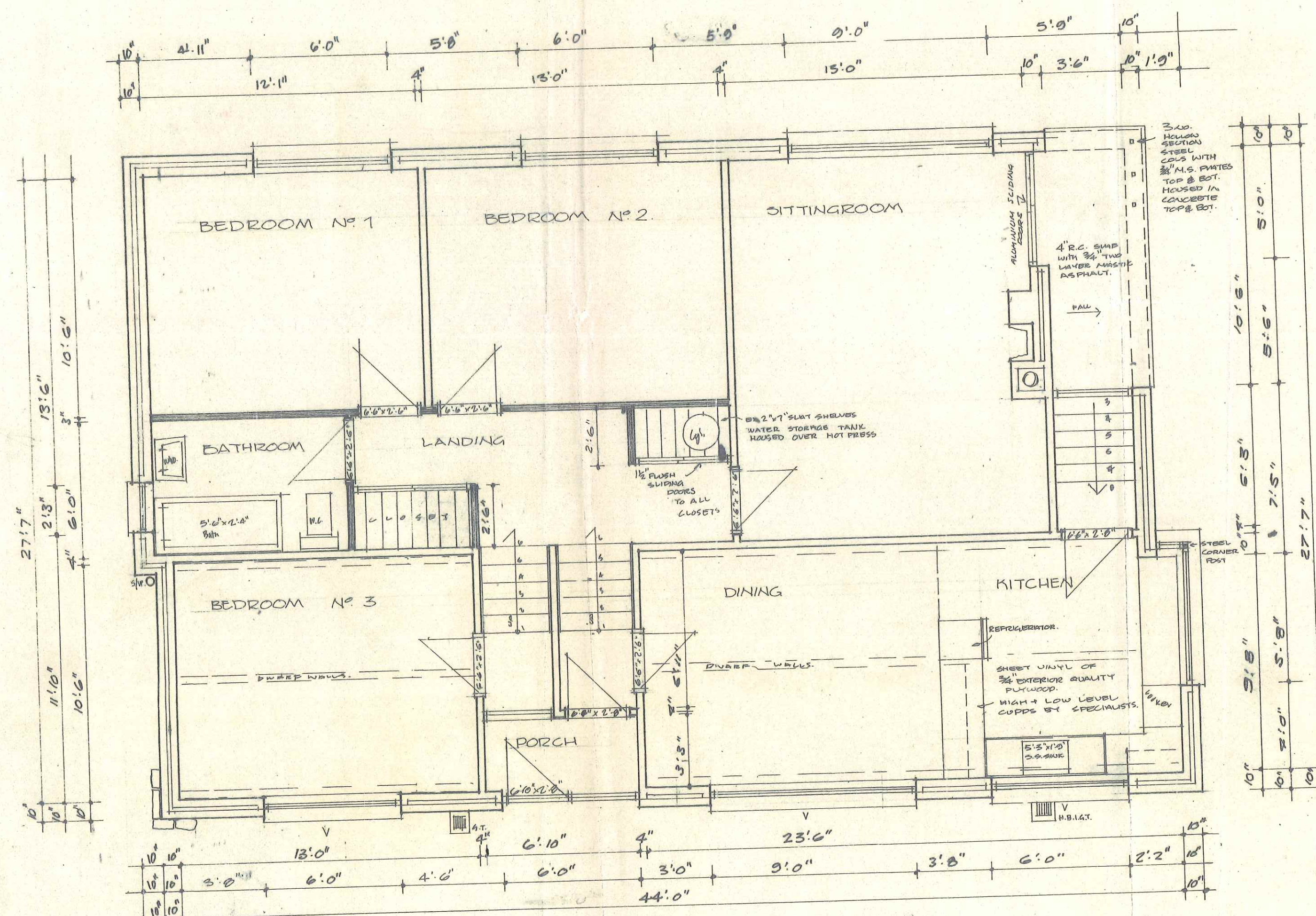
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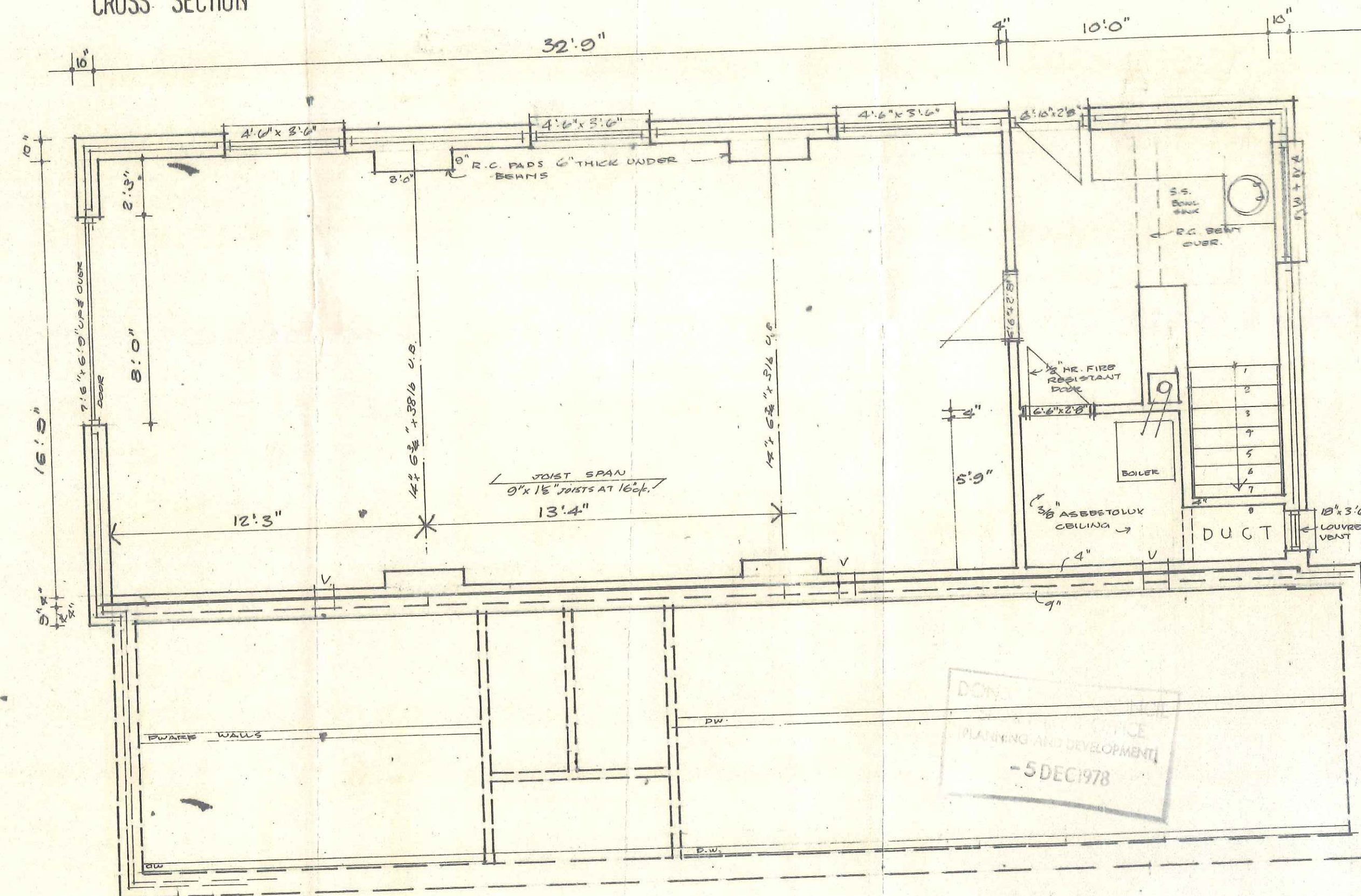
SITE PLAN 1:500



CROSS SECTION



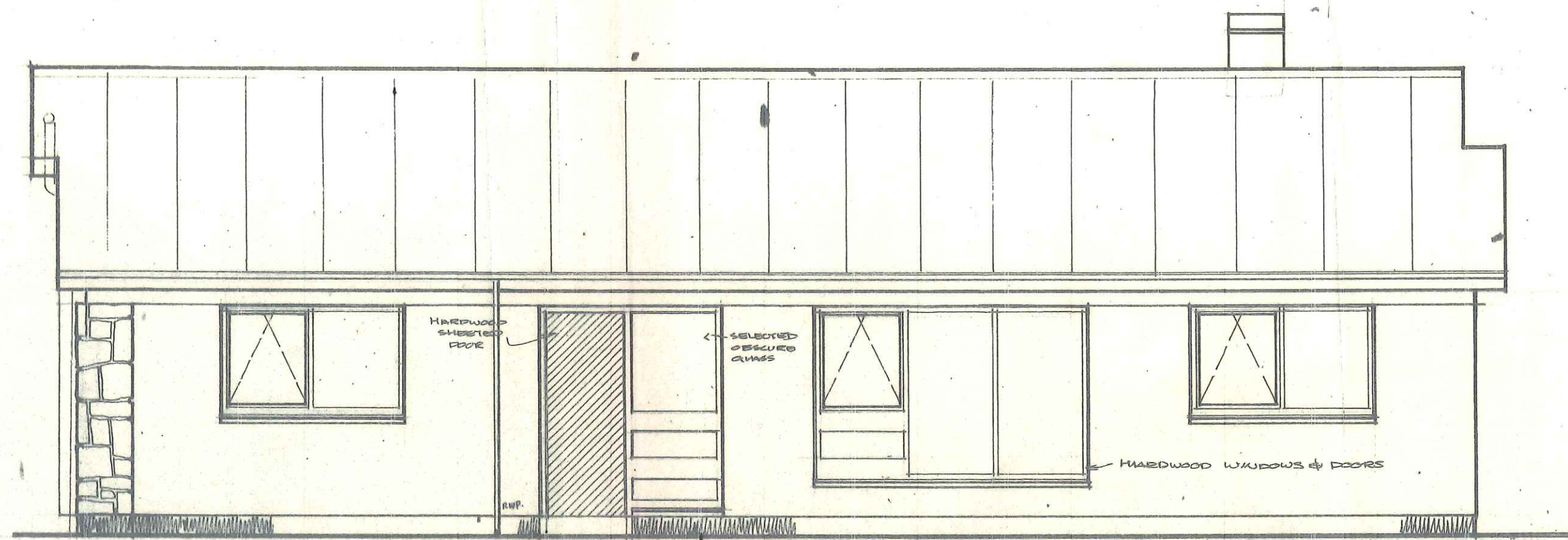
GROUND FLOOR PLAN



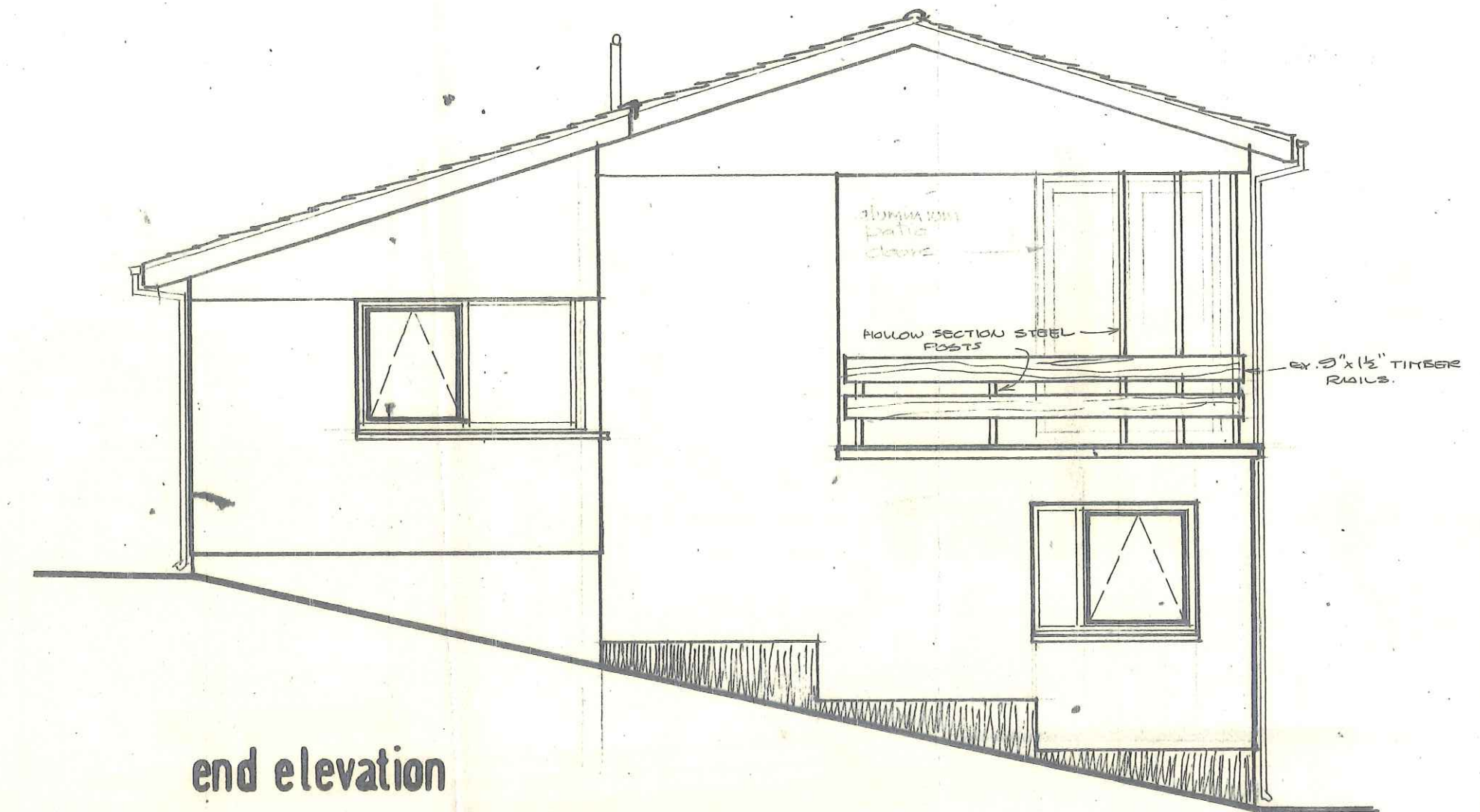
BASEMENT PLAN

M. MACKEY & CO.
ARCHITECTS.
LETTERKENNY.

client
MR. J. WALLACE.
job
proposed new residence at
dromore, letterkenny.
scale 1:200 & 1500 drawing [initials]
class no L: 858/2.

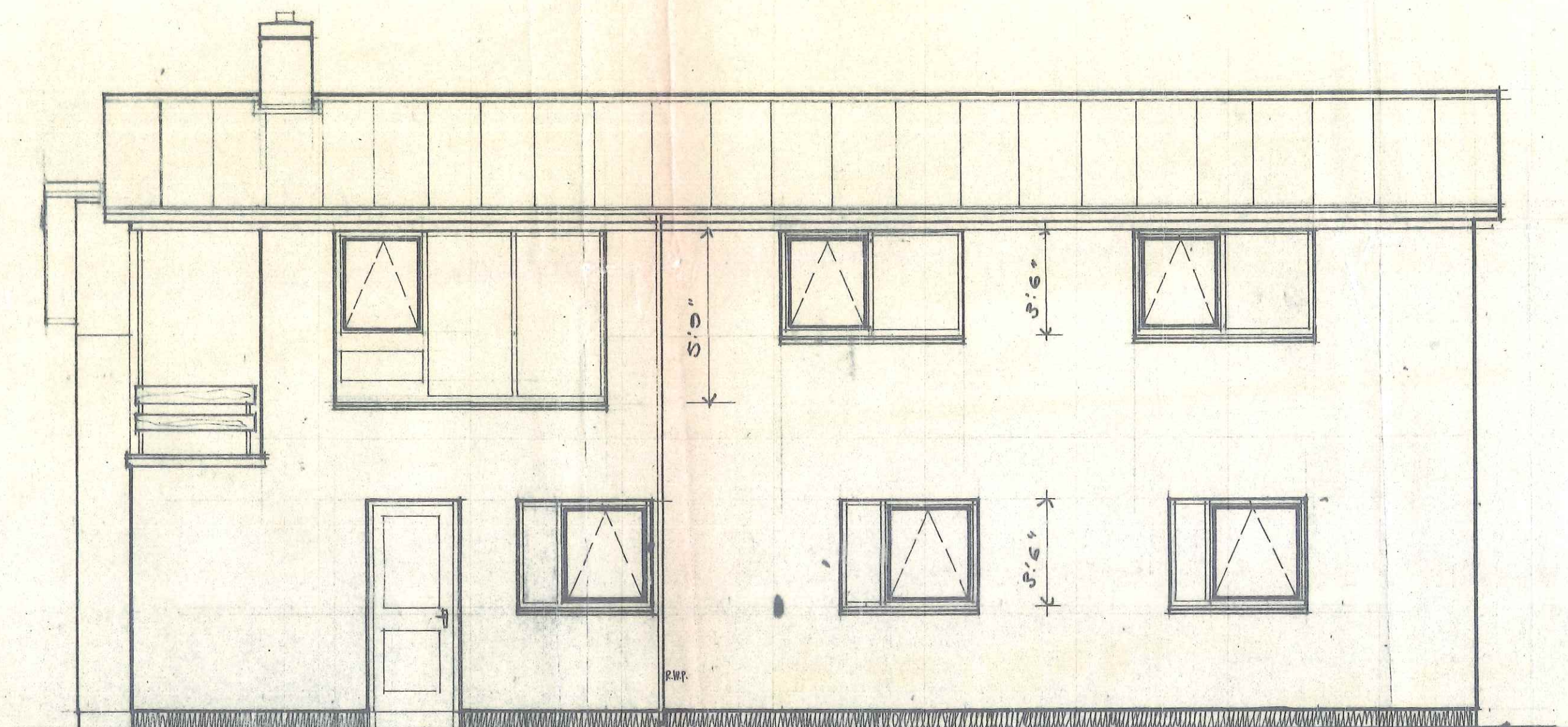


front elevation

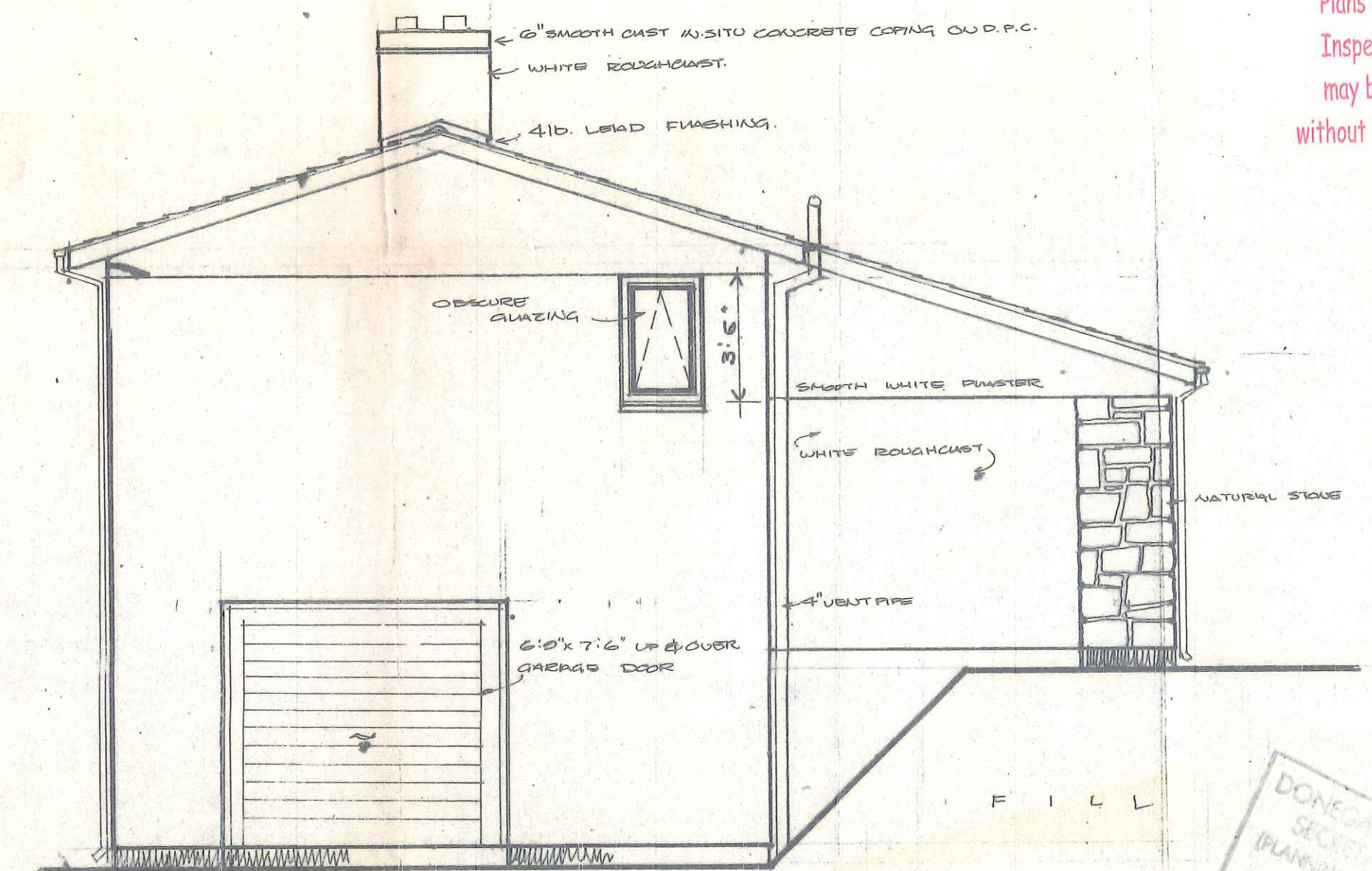


end elevation

site area 0.5 acres
total floor area: 1 250 sq. ft. excl. garage.



rear elevation



end elevation

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without licence of copyright holder



M. Mackay & Co.

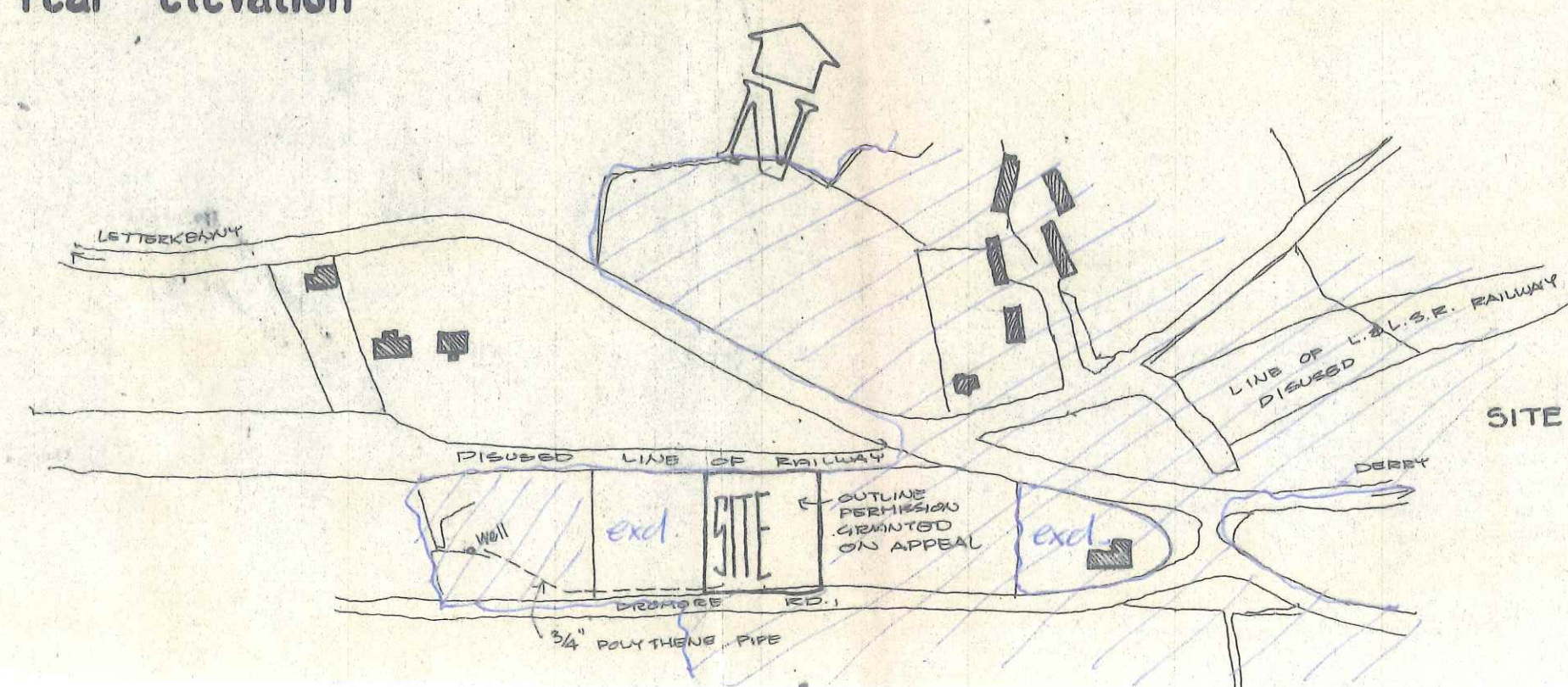
ARCHITECTS,
LETTERKENNY.

Client
MR. J. WALLACE.

Job
PROPOSED NEW RESIDENCE
AT DROMORE, LETTERKENNY.

Title
WORKING DRAWING D.

Scale
1/4\"/>



SITE LOCATION MAP Scale 1:2500

18269 (276)
281/77

SECTION 5 REFERRAL REPORT – Ref. No: S24/68

1.0 BACKGROUND

1.1 Location:

Dromore, Letterkenny, County Donegal

1.2 Site Description:

The site is occupied by an existing single storey detached dwelling house. The site is located within an established residential site, within the settlement of Letterkenny.

1.3 Planning History

- No recent Planning History.

2.0. THE QUESTION

The applicant, Patrick McGowan, has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development:

- i) The rebuilding of a porch

3.0 EVALUATION

3.1 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 define, 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 4(1):

Section 4(1) of the Act specifies a series of categories of development considered to be exempted development for the purposes of the Act.

Section 4(1)(h):

Section 4(1)(h) of the Act states that the following shall be exempted development for the purposes of the Act:

‘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’.

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.....”
- (ii) “the development is authorised, or is required to be authorised, by or under any enactment....”

Section 4(2)(b)

“Regulations under paragraph (a) maybe 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.”

3.2 Planning and Development Regulations, 2001 (as amended)

Article 6(1)

Subject to Article 9, development of 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 –

- (a) if the carrying out of such development would -
 - (i) – (xii) (inclusive)

Class 7 of Part 1 of Schedule 2 (*Exempted Development - General*)

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

Conditions and Limitations:

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.

4.0. POLICY

Development Plan:

4.1 County Donegal Development Plan, 2024-2030 applies.

- The subject site is located within the settlement framework of Letterkenny on land zoned as 'established development'.
- Significant policy consideration arises in the context of the County Donegal Development Plan 2024-2030. The site is located within the area zoned as 'Letterkenny TEN-T'
- No archaeological monuments are within the subject site.

5.0 ASSESSMENT

5.1 Having regard to the question subject of this Section 5 application, A site location plan dated 1978 has been submitted with this application. The plans submitted do not provide any detail on the location, floor area or elevational details of the porch subject of this section 5 application therefore the Planning Authority cannot carry out an informed assessment. It is considered that additional information is required.

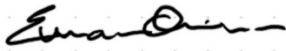
The subject site is located c.558m of Lough Swilly SAC and SPA. Due to the brownfield nature of the site, it is considered that the application does not require Appropriate Assessment.

6.0 Recommendation

- 6.1 In order to adequately assess the proposal, it is considered that further information be requested in accordance with Section 5(2)(b) & (c) of the Planning & Development Act, 2000 (as amended) as follows:
1. Applicant to submit the following:
 - a) An updated site layout plan drawn to a scale of 1:500 which illustrates the location of the porch within the site.
 - b) Elevational plans of the porch as constructed drawn to a scale of 1:100.
 2. Applicant to confirm the floor area of the porch as constructed.



Assistant Planner
Development Applications Unit
27/08/2024



29/08/2024

From: [CARMEL KELLY](#) on behalf of [planning mailbox](#)
To: [TERESA CONWAY](#)
Subject: FW: Ref. No: S5 24/68 (FAO - RMcC - Senior Ex. Planner)
Date: 06 February 2025 13:18:08
Attachments: [PLAN.pdf](#)
[SITE PLAN.pdf](#)

From: Patrick McGowan <[REDACTED]>
Sent: Thursday, February 6, 2025 12:43 PM
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: Ref. No: S5 24/68 (FAO - RMcC - Senior Ex. Planner)

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Hi,

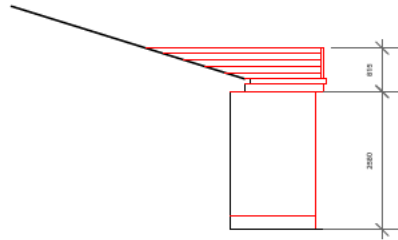
I hope this email finds you well. Happy New Year to you all.

Please find attached the additional documents requested by RMcC

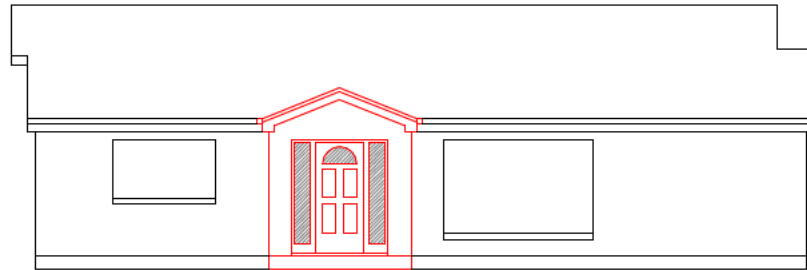
If there are any questions please do not hesitate to contact me.

Kind Regards,

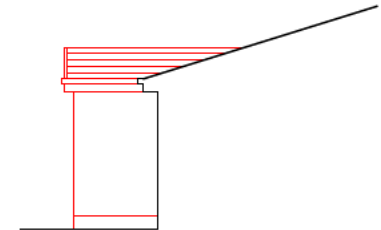
Patrick



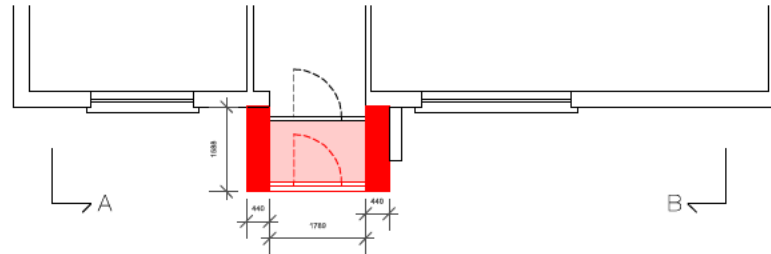
SECTIONAL ELEVATION A,A
(NEW PORCH SHOWN IN RED)



SOUTH ELEVATION TO ROADSIDE
(NEW PORCH SHOWN IN RED)



SECTIONAL ELEVATION B,B
(NEW PORCH SHOWN IN RED)



PARTIAL PLAN OF DWELLING
(NEW PORCH SHOWN IN RED)

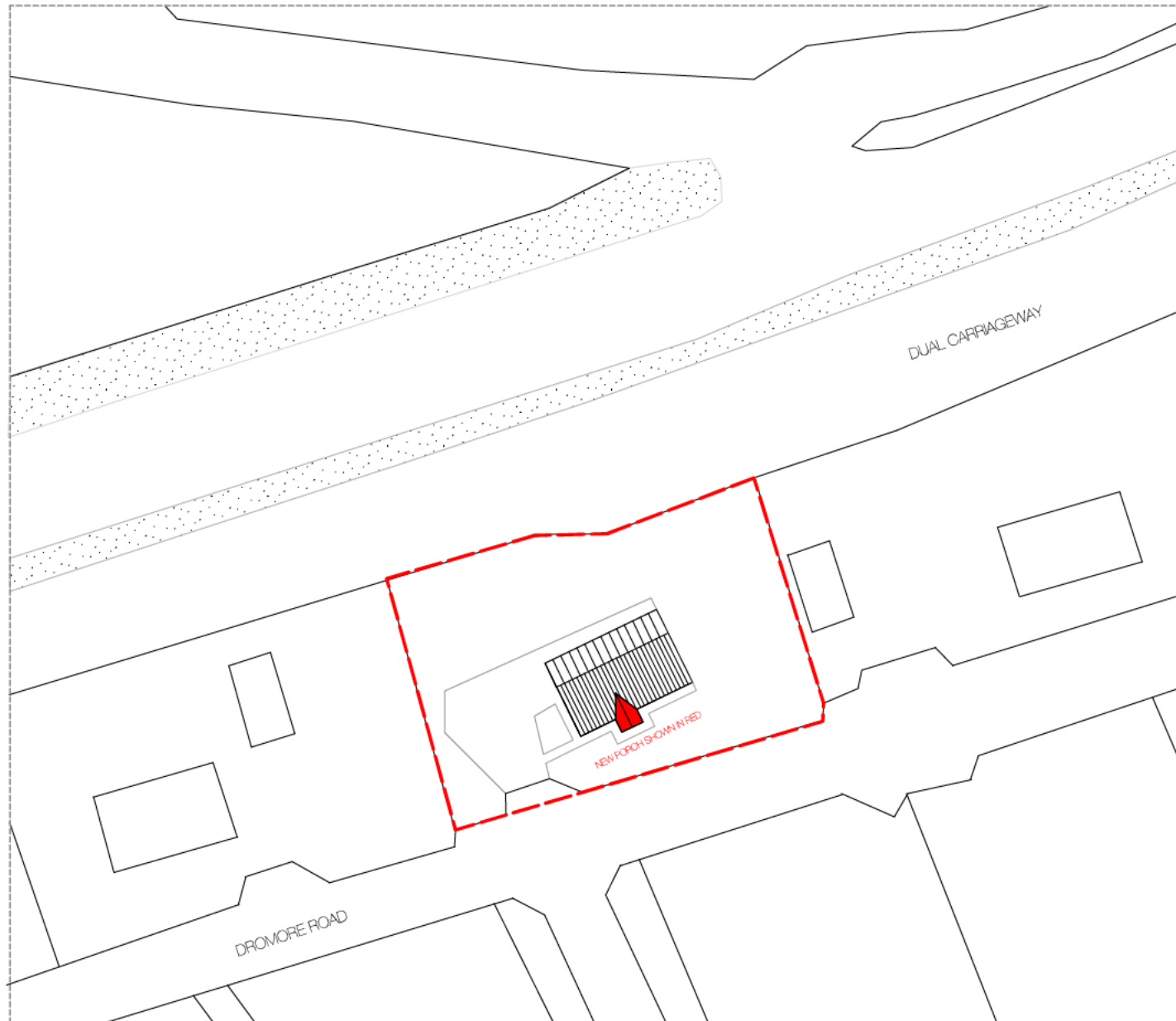
FLOOR AREA 2.0 SQ.M



OFFICE KEVIN DOHERTY

9 ROSEMOUNT TERRACE
LETTERKENNY CO DUBLIN | IRELAND
TELEPHONE | +00353876251938
EMAIL | office@kevindoherty.com

PROJECT: HOUSE AT DROMORE
DRAWING: PORCH PLAN & ELEVATIONS 1:100 @ A3
DATE: 17 / 01 / 2025



OFFICE KEVIN DOHERTY

9 ROSEMOUNT TERRACE
LETTERKENNY | CO DONEGAL | IRELAND
TELEPHONE | +353(0)97/6251938
EMAIL | office@kdohertry@gmail.com

PROJECT: HOUSE AT DROMORE
DRAWING: SITE LAYOUT PLAN 1:500 @ A3
DATE: 17 / 01 / 2025

SECTION 5 REFERRAL REPORT – Ref. No: S24/68
Further information response

1.0 THE QUESTION

1.1 The applicant, Patrick McGowan, has made a submission to Donegal County Council requesting that a Declaration be made under Section 5 of the Planning and Development Act, 2000 (as amended) as to whether or not the following is or is not development and is or is not exempted development:

- i) The rebuilding of a porch

2.0 Assessment To Date

2.1 For initial preamble see Planner's FI report on file dated 27/08/2024.

3.0 Further Information Request

3.1 Further information was requested for the following:

1. Applicant to submit the following:
 - a) An updated site layout plan drawn to a scale of 1:500 which illustrates the location of the porch within the site.
 - b) Elevational plans of the porch as constructed drawn to a scale of 1:100.
2. Applicant to confirm the floor area of the porch as constructed.

4.0 Further Assessment

4.1 Further information response was received on 10/02/2025:

1. Revised plans (site layout and elevational plans) have been submitted which detail the porch subject of this Section 5 application. The porch is located on the south facing elevation of the dwelling, is single storey and comprises a floor area of 2sqm.

Having regard to the conditions and limitations of Class 7 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended), the porch is not less than 2 metres from a road, the floor area does not exceed 2 square metres and the height of the porch (which is pitched) does not exceed 4 metres.

5.0 Recommendation

5.1 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:

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

- (a) Sections 2 (i), 3 (i), 4, 177U (9) of the Planning and Development Act 2000 (as amended) and
- (b) Articles 6(3), 9(1) and Class 7 of Part 1 of Schedule 2 of the Planning & 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 does come within the scope of Class 7 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).



Assistant Planner
Development Applications Unit
10/02/2025



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
24/02/2025

Chief Executive's Order No: 2025PH0547

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 2nd August 2024 from Patrick McGowan Dromore, Letterkenny, Co. Donegal, F92 HYW5 in relation to the rebuilding of an old, damaged porch at Dromore, Letterkenny, Co. Donegal.

SUBMITTED:-

Written request received 2nd August 2024 as above, FI response received 6th February 2025 and report dated 10th February 2025 from the Assistant Planner (Ref. No: S5 24/68 refers).

ORDER:-

Having considered the said request, the report of the Assistant 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 26th DAY OF FEBRUARY 2025

MMF

Chief Executive's Order No: 2025PH0547

Ref.No: S5 24/68

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 (i), 3 (i), 4, 177U (9) of the Planning and Development Act 2000 (as amended)
- Articles 6(3), 9(1) and Class 7 of Part 1 of Schedule 2 of the Planning & 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 does come within the scope of Class 7 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

JS 26/02



**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

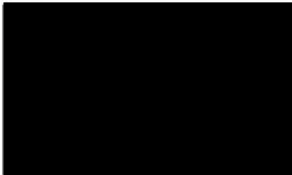
T: 074 91 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunngall.ie

Planning Services
E: planning@donegalcoco.ie

Ref. No: S524/68

26th February 2025

Patrick McGowan



Re: The rebuilding of an old, damaged porch at Dromore, Letterkenny, Co. Donegal

A Chara,

I refer to your request received on 2nd August 2024 under Section 5 of the Planning and Development Act, 2000 (as amended) and Further Information response received 6th February 2025. 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 Bord 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: 2025PH0547

Reference No: S5 24/68

Name of Requester: Patrick McGowan



Summarised Description of development the subject matter of request:

The rebuilding of an old, damaged porch

Location: Dromore, Letterkenny, Co. Donegal

.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 (i), 3 (i), 4, 177U (9) of the Planning and Development Act 2000 (as amended)
- Articles 6(3), 9(1) and Class 7 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it does come within the scope of Class 7 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended).

A handwritten signature in black ink, appearing to be 'P. McGowan', written over a horizontal line.

For Senior Ex. Planner
Planning Services

Dated this 26th day of February 2025

Chief Executive's Order No: 2024PH2162

Planning and Development Acts 2000 (as amended)

SECTION 5:-

Request received 2nd August 2024 from Patrick McGowan, [REDACTED] in relation to the rebuilding of old damaged porch area at Dromore, Letterkenny, Co. Donegal, F92 HYW5.

SUBMITTED:-

Written request received 2nd August 2024 as above and report dated 27th August 2024 from the Assistant Planner (Ref. No: S5 24/68 refers) recommending that further information be sought in accordance with Section 5 (2) (b) of the Planning & Development Act 2000 (as amended).

ORDER:-

Recommendation approved. Having considered the said request and the report of the Assistant Planner dated 27th August 2024, I hereby order, pursuant to Section 5 (2) (b) of the Planning & Development Act 2000 (as amended) that a request for further information be sought from the requester and the developer to submit the information/documents stipulated in the Schedule to this Order.


SENIOR PLANNER

DATED THIS 29th DAY OF AUGUST 2024

mmE

Ref. No: S5 24/68 – Chief Executive's Order No: 2024PH2162

SCHEDULE

1. Applicant to submit the following:
 - (a) An updated site layout plan drawn to a scale of 1:500 which illustrates the location of the porch within the site.
 - (b) Elevational plans of the porch as constructed drawn to a scale of 1:100.
2. Applicant to confirm the floor area of the porch as constructed.



**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

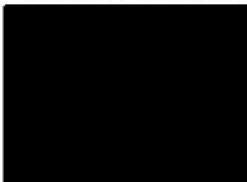
T: 07491 53900
E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Ref.No: S5 24/68

29th August 2024

Patrick McGowan



**Re: Rebuilding old, damaged porch area at Dromore, Letterkenny, Co. Donegal, F92
HYW5**

A Chara

I refer to your request received 2nd August 2024 under Section 5 of the Planning and Development Act, 2000 (as amended). Pursuant to Section 5 (2) (b) of the Planning & Development Act 2000 (as amended) you are hereby requested to submit the information/documents stipulated on the attached Schedule.

Mise le meas

**for Senior Ex. Planner
Planning Services**

/RMcC

Ref. No: S5 24/68 – Chief Executive's Order No: 2024PH2162

SCHEDULE

1. Applicant to submit the following:
 - (a) An updated site layout plan drawn to a scale of 1:500 which illustrates the location of the porch within the site.
 - (b) Elevational plans of the porch as constructed drawn to a scale of 1:100.
2. Applicant to confirm the floor area of the porch as constructed.