

From: [planning.mailbox](#)
To: [MICHAEL MC ELWAIN](#)
Subject: FW: Section 5 Application (Stranorlar MD)
Date: 20 August 2025 11:17:18
Attachments: [image001.png](#)
[Section 5 - Cover Letter.pdf](#)
[Section 5 Application Form.pdf](#)

Regards

Michael McElwaine
SO Planning Donegal County Council

From: McCullagh Architecture <info@mccullagh.ie>
Sent: 20 August 2025 09:23
To: planning mailbox <Planning@Donegalcoco.ie>
Subject: FW: Section 5 Application (Stranorlar MD)

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Re: Section 5 Application (Declaration on Exempted Development)
Applicant: Martin O'Reilly – Property at 96 Admيران Park, Stranorlar, Co. Donegal
Eircode: F93 EF8R
Previous Planning Ref: 98/3147

Dear Ciara,

Please find attached a section 5 application relating to the above property on behalf of our client Martin O'Reilly.

We await your acknowledgement and advice in due course with many thanks.

Kind regards

Barry McCullagh

 MCCULLAGH ARCHITECTURE & SURVEYING	Mc Cullagh Architecture & Surveying Limited Architectural Design & Building Surveying Registered Loss Assessors & Access Auditors Glenfinn Road T: 074 9132994 Ballybofey F: 074 9130971 Co. Donegal E: info@mccullagh.ie www.mccullagh.ie
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**Comhairle Contae
Dhún na nGall**
Donegal County Council



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

Planning Services

RECEIVED DATE: 20/08/2025

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**

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:	



**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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E: info@donegalcoco.ie
W: www.donegalcoco.ie
W: www.ccdhunnangall.ie

Planning Services
E: planning@donegalcoco.ie

Our Ref.: S525/72

by email to: info@mccullagh.ie

25/08/2025

Martin O'Reilly
c/o McCullagh Architecture & Surveying
Glenfin Road
Ballybofey
Co Donegal
F93 A520

**Re: Section 5 - Application for proposed development at
No. 96 Admيران Park, Stranorlar, Co. Donegal F93 EF8R**

A Chara,

I wish to acknowledge receipt of your application received on 20th August, 2025 in relation to the above.

Mise, le meas,

Donegal County Council
Planning Services



Ms Ciara Condon
Executive Planner
Planning Department
Donegal County Council
County House
Lifford
Co. Donegal



Comhairle Contae
Dhún na nGall
Donegal County Council

Planning Services

RECEIVED DATE: 20/08/2025

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18th August 2025

Re: Section 5 Application (Declaration on Exempted Development)

Applicant: Martin O'Reilly – Property at 96 Admiran Park, Stranorlar, Co. Donegal

Eircode: F93 EF8R

Previous Planning Ref: 98/3147

Dear Ciara,

We refer to the above application and enclose the following;

- 1 no. Section 5 Application Form
- Planning Fee: € 80 - **Receipt no: 665877**
- Details below of proposed amendments included below; Images 1 and 2.

The applicant is making quite minor alterations to the dwelling house which include the following;

1. Convert the existing integral garage into part of the dwelling house which we understand is exempted development under the Planning and Development Acts.
2. Removed existing white pvc windows and doors and provide new triple glazed black / anthracite grey windows and doors.
3. Provide stone cladding to part of the front elevation illustrated.

In our opinion given that the above works enhance the property visually and do not detract from the development and considering that window upgrading and other amendments to dwelling houses within the housing development have been carried out, that the proposed works referenced herein are rooflights do not detract from the dwelling house design or risk impact on third parties rather than seek a formal Planning Permission we hoped these works may be considered under a Section 5 Application as exempted development.

GLENFINN ROAD
BALLYBOFEY
CO. DONEGAL

T: 074 9132994

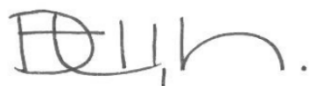
F: 074 9130971

E: INFO@MCCULLAGH.IE

W: WWW.MCCULLAGH.IE

Should you have any queries or require any further information please don't hesitate to contact the undersigned, we await your decision in due course.

Many thanks
Yours sincerely



Barry McCullagh
McCullagh Architecture and Surveying Ltd

Encl
Details of Existing and Proposed Works below

GLENFINN ROAD
BALLYBOFEY
CO. DONEGAL

T: 074 9132994
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Image 1 (existing front elevation)



GLENFINN ROAD
BALLYBOFEY
CO. DONEGAL

T: 074 9132994

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E: INFO@MCCULLAGH.IE

W: WWW.MCCULLAGH.IE

Image 2 (proposed front elevation)



GLENFINN ROAD
BALLYBOFEY
CO. DONEGAL

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E: INFO@MCCULLAGH.IE

W: WWW.MCCULLAGH.IE

SECTION 5 REFERRAL REPORT – Ref. No: S5 25-72

1.0 BACKGROUND

1.1 Location:

No. 96 Admiran Park, Stranorlar, Co. Donegal F93 EF8R

Applicant: Martin O'Reilly

1.2 Planning History:

No recent planning history

-Parent permission 98/3147- CONSTRUCTION OF 14 NO. DETACHED HOUSES AS PART OF PHASE 6 OF THIS DEVELOPMENT AND TO DEMOLISH EXISTING DWELLING HOUSE.

1.3 Proposed Development:

The development the subject of this Section 5 referral relates to whether the following works are exempted development?

Development works proposed as follows;

1. Convert the existing integral garage into part of the dwelling house which we understand is exempted development under the Planning and Development Acts.
2. Replacement of existing white pvc windows and doors and provide new triple glazed black/ anthracite grey windows and doors.
3. Provide stone cladding to part of the front elevation illustrated.

Details and pictures submitted for consideration regarding issues with the existing windows and doors.

Image 1 (existing front elevation)



Image 2 (proposed front elevation)



THE QUESTION

The referrer seeks a declaration that the above mentioned works to an existing detached dwelling are exempted development?

2.0 EVALUATION

2.1 Planning and Development Act, 2000 (as amended)

Section 2(1)

In this Act, except where the context otherwise requires –

“alteration” includes –

- (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;

“development” has the meaning assigned to it by Section 3, and development shall be constructed accordingly

“protection”, in relation to a structure or part of a structure , includes conservation , preservation and improvement compatible with maintaining the character and interest of the structure or part:

“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...
- (b) In relation to a protected structure or proposed protected structure, includes-

- (i) the interior of the structure
- (ii) The land lying within the cartilage of the structure
- (iii) Any other structures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (ii)

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

Section 3(1):

Section 3(1) of the Act states:

“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 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.”

2.2 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 -

Sub-paragraphs (i) – (xii) (inclusive)

Class 1 of Part 1 of Schedule 2 (*Exempted Development – General*) (*Development within the curtilage of a dwellinghouse*)

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.

3.0. **ASSESSMENT**

County Donegal Development Plan, 2018-2024 (as varied) applies.

3.1 **Development Plan**

The subject site is located within the Plan Boundary for Ballybofey Stranorlar on lands zoned as Established Development of the Ballybofey/Stranorlar Area Plan contained within the County Donegal Development Plan, 2024-30.

-No other relevant designation considerations. The subject dwelling is not listed on the RPS nor the NIAH buildings of Ireland.

3.2 **Consideration Of Proposed Development:**

3.2.1 Consideration in respect of the conversion of the garage again the conditions & limitations as detailed under

Class 1 of Part 1 of Schedule 2 (Exempted Development – General) (Development within the curtilage of a dwellinghouse) are as follows:

- 1(a) The house has not been extended previously.
- (b) N/A detached house

- (c) N/A- no proposals to increase floor area of any conversion above ground level.
- 2(a) N/A -the the house has not been extended previously,
- (2(a) N/A - the house has not been extended previously.
- (b) N/A the house is not terraced or semi-detached.
- (c) N/A The house is detached and has not been extended previously,.
- 3. N/A no extension to ground floor proposed.
- 4 (a) N/A- relates to front elevation.
- (b) N/A- relates to front elevation.
- (c) N/A no extension proposed.
- 5. N/A- relates to front elevation.
- 6(a) N/A- relates to front elevation.
- (b) N/A- relates to front elevation
- 7. N/A relates to conversion with no extension works proposed.

3.2.2 Consideration of the replacement of existing white pvc windows and doors with triple glazed black/ anthracite grey windows.

Condition number 2c) of the parent permission, (Ref 98/3147 refers) specified:

Roof to be blue/black and external walls white or as otherwise agreed by the Council in writing.

-No conditions were imposed in respect of window material or colour on either the conditions or on the submitted drawings. As such it does not materially contravene a condition of the permission.

-The estate comprises of a number of developments, constructed under different phases (this development is located in phase six and contains detached dwellings containing various designs). As such it is not inconsistent with the adjacent development pattern of varying designs and dwelling types.

3.2.3 Consideration of the addition of stone cladding to a portion of the front elevation.

-Condition number 2c) of the parent permission, (Ref 98/3147 refers) specified:

Roof to be blue/black and external walls white or as otherwise agreed by the Council in writing.

--This condition was open to written agreement regarding external finishes. The estate comprises of a variety of dwelling designs and this site is located within a

scheme of detached dwellings containing varying designs. As such it does not materially contravene a condition of the permission.

-The scale of the stone clad area relative to the area of the dwelling is minor. As such it is not inconsistent with the adjacent development pattern of varying designs and dwelling types.

4.0 Determination:

- 4.1 The Planning Authority is satisfied that the proposed development(as noted above) constitutes development within the meaning given in the Planning and Development Act, 2000 (as amended).
- 4.2 The conversion of the attached garage into part of the dwelling falls within the scope of Class 1 of Part 1 of Schedule 2.
- 4.3 There is no condition per se or clarification of approved drawings for the development regarding the external colour or materials for the windows. As such, the replacement of white pvc windows and doors and provide new triple glazed black/ anthracite grey windows and doors on this detached house falls within the scope of Section 4 (1) (h) as the alterations are relatively minor in nature.
- 4.4 The removal of dashed finishes with smooth render of a similar white colour is consistent with condition 2 a of the permission. Likewise, the addition of stone cladding to a portion of the dwelling is minimal relative to the overall scale of the dwelling falls within the scope of Section 4 (1) (h) as the alterations are relatively minor in nature.
 - (i) It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works, but is exempted development coming within the scope of Section 4- (1) (h) of the Planning and Development Act 2000, (as amended).
 - (ii) Regard has also been had to Section 177U(9) of the Planning & Development Act 2000 (as amended). A screening report will not be carried out in respect of the above mentioned works on the basis that development considered under Section 4(1)(h) cannot be de-exempted in respect of Section 177U(9).

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 being:

1. To convert the existing integral garage into part of the dwelling house.
2. Replacement of existing white pvc windows and doors with triple glazed black/ anthracite grey windows and doors.
3. Provide stone cladding to part of the front elevation (as illustrated).

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

- a) Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended),
- b) Article 6, 9 and Classes 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended)

And concluded that:

- A) The proposal being the conversion of the attached garage into part of the dwelling *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 1 of Part 1 of Schedule 2 'Exempted Development – General' of the Planning and Development Regulations, 2001 (as amended) and Section 4(1)(h) of the Planning & Development Act, 2000 (as amended).
- B) The proposal being the replacement of existing white pvc windows and doors with triple glazed black/ anthracite grey windows and doors *is* development within the meaning of the Planning and Development Act, 2000 (as amended) and *is* exempted development under Class 1 of Part 1 of Schedule 2 'Exempted Development – General' of the Planning and Development Regulations, 2001 (as amended).
- C) The proposal being the addition of stone cladding to part of the front elevation (as illustrated) *is* development within the meaning of the Planning and Development Act, 2000 (as amended) and *is* exempted development under Class 1 of Part 1 of

Schedule 2 'Exempted Development – General' of the Planning and 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 comes within the scope of under Section 4(1)(h) of the Planning and Development Act, 2000 – 2017 (as amended), be exempted development.

Signed:

Position: **Executive Planner**

Date: 15/09/2025



Frank Sweeney
Senior Executive Planner
Community Development & Planning Services
15/09/2025

Chief Executive's Order No: 2025PH2685

Planning and Development Acts 2000 (as amended)

SECTION 5:-

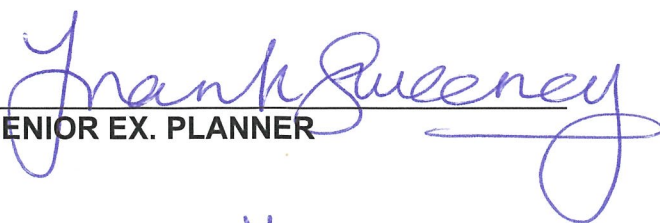
Request received 20th August 2025 from Martin O'Reilly C/o McCullagh Architecture & Surveying, Glenfinn Road, Ballybofey, Co. Donegal in relation to the (1) conversion of integral garage into part of the dwelling house, (2) installation of black/anthracite grey windows and doors and (3) add stone cladding to part of the front elevation at No. 96 Admيران Park, Stranorlar, Co. Donegal F93 EF8R.

SUBMITTED:-

Written request received 20th August 2025 as above and report dated 15th September 2025 from the Executive Planner (Ref. No: S5 25/72 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 16th DAY OF SEPTEMBER 2025

LMG.

Chief Executive's Order No: 2025PH2685

Ref.No: S5 25/72

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:

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended),
- Article 6, 9 and Classes 1 of Part 1 of Schedule 2 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 under Section 4(1)(h) of the Planning and Development Act, 2000 – 2017 (as amended), be exempted development.

JS 16/09



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

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Leifear,
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County House,
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Ref. No: S525/72

16th September 2025

MARTIN O'REILLY
C/O MCCULLAGH ARCHITECTURE & SURVEYING
GLENFINN ROAD
BALLYBOFEY
CO. DONEGAL

Re: (1) Conversion of integral garage into part of the dwelling house, (2) installation of black/anthracite grey windows and doors and (3) add stone cladding to part of the front elevation at No. 96 Admiran Park, Stranorlar, Co. Donegal F93 EF8R.

A Chara,

I refer to your request received on 20th August 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**

/jmcc

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

DECLARATION

Chief Executive's Order No: 2025PH2685

Reference No: S525/72

Name of Requester: MARTIN O'REILLY
C/O MCCULLAGH ARCHITECTURE & SURVEYING
GLENFINN ROAD
BALLYBOFEY
CO. DONEGAL

Summarised Description of development the subject matter of request:

(1) Conversion of integral garage into part of the dwelling house, (2) installation of black/anthracite grey windows and doors and (3) add stone cladding to part of the front elevation

Location: No. 96 Admiran Park, Stranorlar, Co. Donegal F93 EF8R.

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:

- Section 2, 3, 4 and 177U of the Planning and Development Act, 2000 (as amended),
- Article 6, 9 and Classes 1 of Part 1 of Schedule 2 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 under Section 4(1)(h) of the Planning and Development Act, 2000 – 2017 (as amended), be exempted development.



For Senior Ex. Planner
Planning Services

Dated this 16th day of September 2025