

**From:** [CARMEL KELLY](#) on behalf of [planning mailbox](#)  
**To:** [JADE PEARSON](#)  
**Subject:** FW: SECTION 5 APPLICATION - Oxana Rosko-Donnelly, Sessiaghoneil, Ballybofey, Co. Donegal.  
**Date:** 20 February 2026 12:39:57  
**Attachments:** [image001.png](#)  
[Oxanna Rosko Donnelly Section 5 Form.pdf](#)  
[AP-101 -Location Map, Existing And Proposed Site, Floor Plans, Elevations, Sections & 3D Views \(P01\).pdf](#)  
[image002.png](#)

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**From:** Christopher Birney <[christopher@carrandco.ie](mailto:christopher@carrandco.ie)>  
**Sent:** 20 February 2026 12:16  
**To:** [planning mailbox](mailto:planning mailbox) <[Planning@Donegalcoco.ie](mailto:Planning@Donegalcoco.ie)>  
**Cc:** Tony Carr <[tony@carrandco.ie](mailto:tony@carrandco.ie)>  
**Subject:** SECTION 5 APPLICATION - Oxana Rosko-Donnelly, Sessiaghoneil, Ballybofey, Co. Donegal.

You don't often get email from [christopher@carrandco.ie](mailto:christopher@carrandco.ie). [Learn why this is important](#)

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## CARR ARCHITECTS

Unit 1 • Northern Point Business Park  
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[christopher@carrandco.ie](mailto:christopher@carrandco.ie) • [info@carrandco.ie](mailto:info@carrandco.ie)

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A Chara,

Please find enclosed the documentation in support of a Section 5 application, as referenced above. Kindly see a list of the proposed main changes below, which we believe to be exempt. Our Section 5 application seeks your confirmation of this. I paid the related €80.00 fee to Donegal County Council on the 19th February 2026 reference number 667397.

See Drawing No. AP-101 – Location Map, Existing And Proposed Site, Floor Plans, Elevations, Sections & 3D Views for the following proposed changes:

1. Construction of a 38.88m2 rear extension to an existing dwelling house.
2. New tiled pitched roof extension to match existing dwelling.
3. White uPVC rainwater goods to match the existing dwelling.
4. External wet dash render to match the existing dwelling house.
5. Triple glazed passiv uPVC windows & double doors
6. Relocation of the main bedroom and a new ensuite within the new extension.
7. Partial demolition of existing dwelling southern external wall, ceiling, and roof to link to the new extension creating a new Living Room and Snug.

Le Meas,

**Christopher Birney**

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## 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)	



<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 - list any relevant planning application reference numbers:</b>		
<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 Applicant/Agent:</b>	
<b>Date:</b>	

**EXISTING**



**EXISTING SITE PLAN**  
1 : 500

Existing shed less than 25m<sup>2</sup> floor area and less than 4m in height

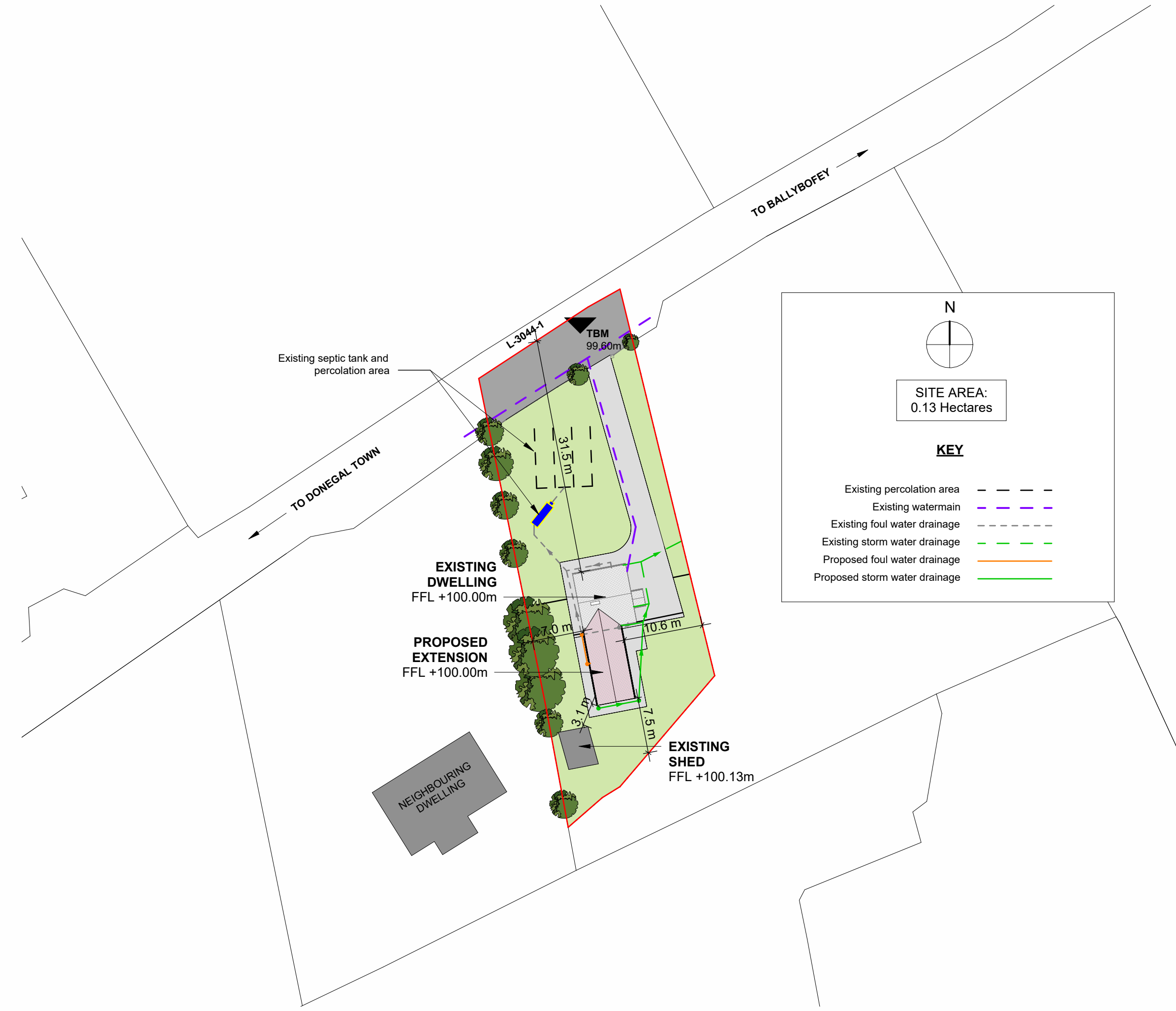


**EXISTING 3D VIEW FROM THE EAST (FOR CLARITY)**



**EXISTING 3D VIEW FROM THE NORTH WEST (FOR CLARITY)**

**PROPOSED**



**PROPOSED SITE PLAN**  
1 : 500

Existing shed less than 25m<sup>2</sup> floor area and less than 4m in height

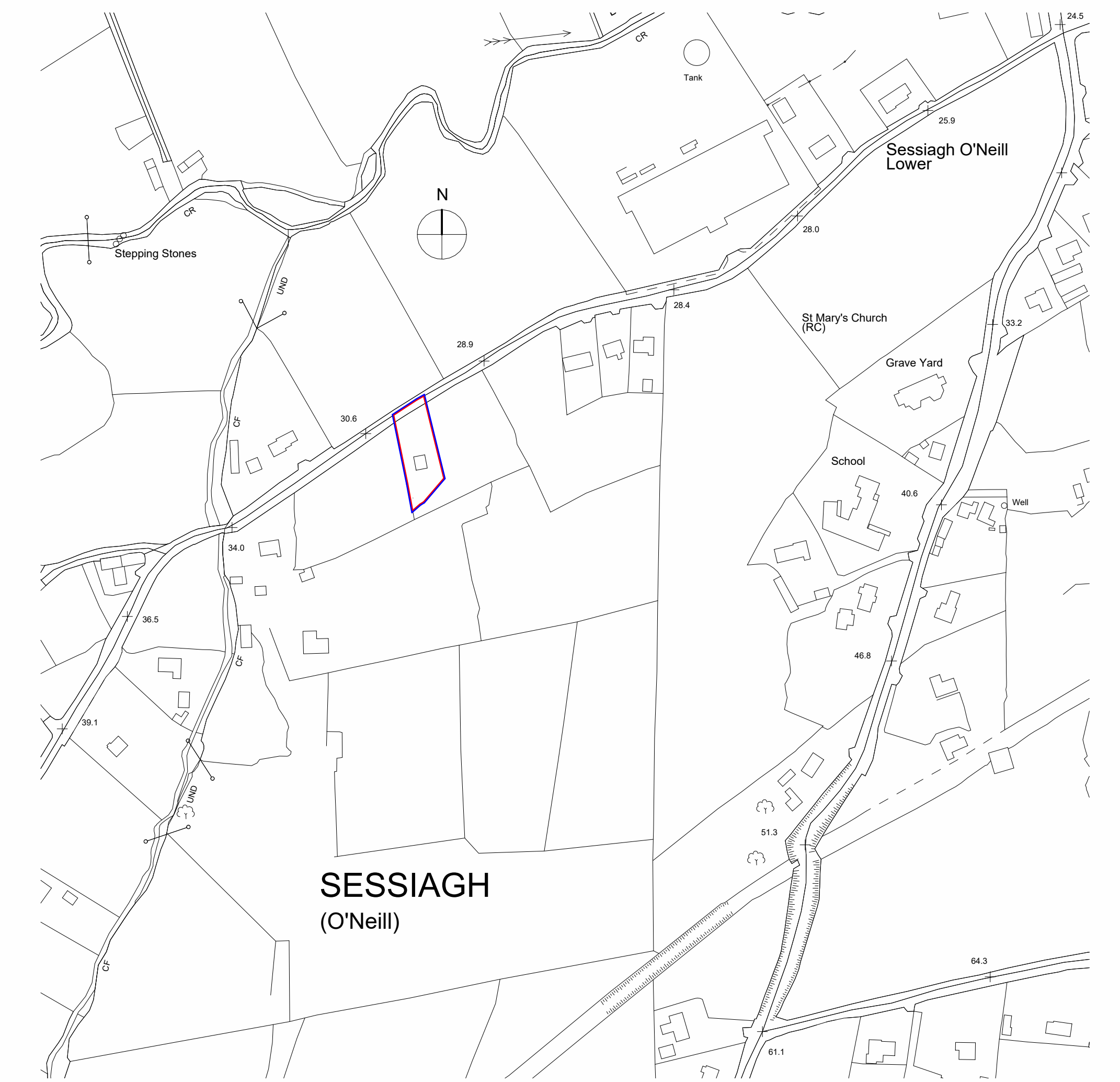


**PROPOSED 3D VIEW FROM THE EAST (FOR CLARITY)**



**PROPOSED 3D VIEW FROM THE NORTH WEST (FOR CLARITY)**

**LOCATION MAP**  
1 : 2500

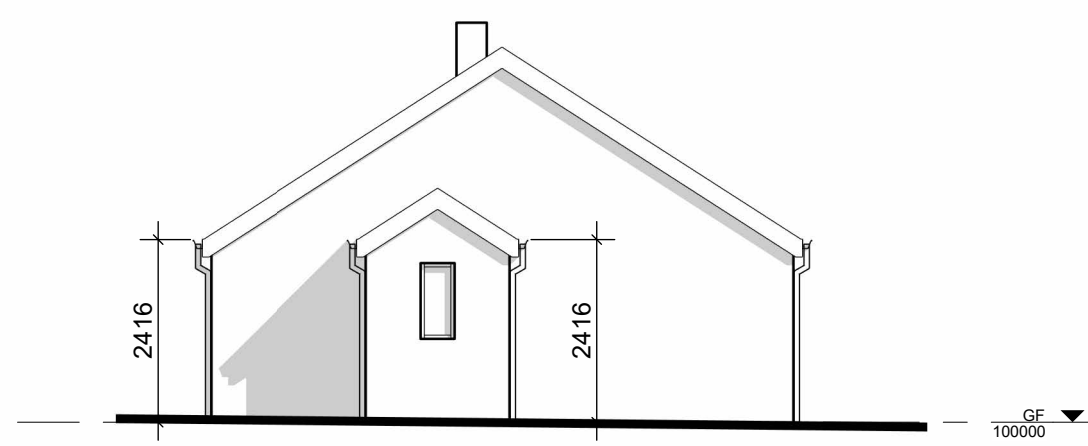


Planning Services

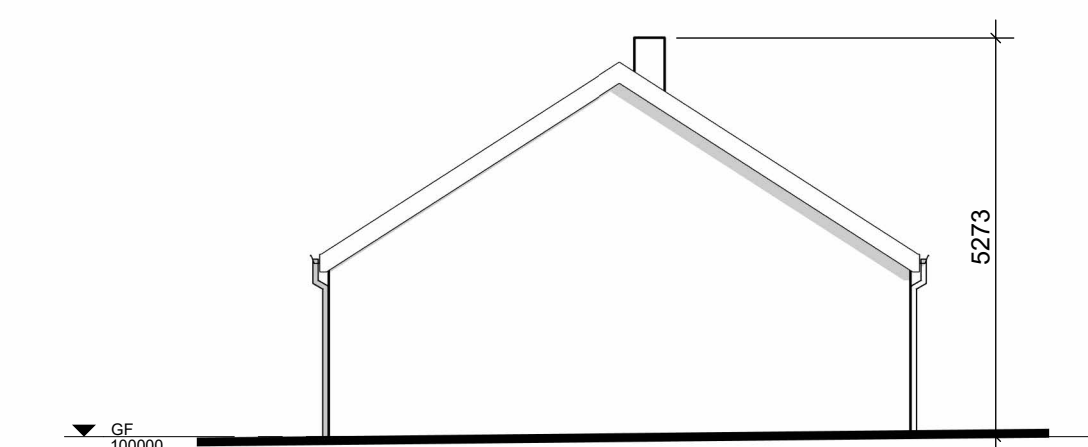
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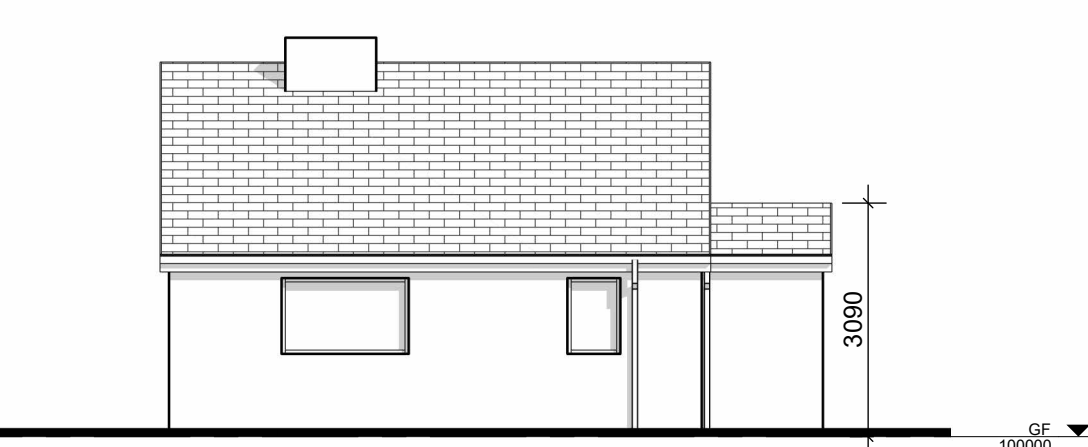
**EXISTING NORTH ELEVATION**  
1 : 100



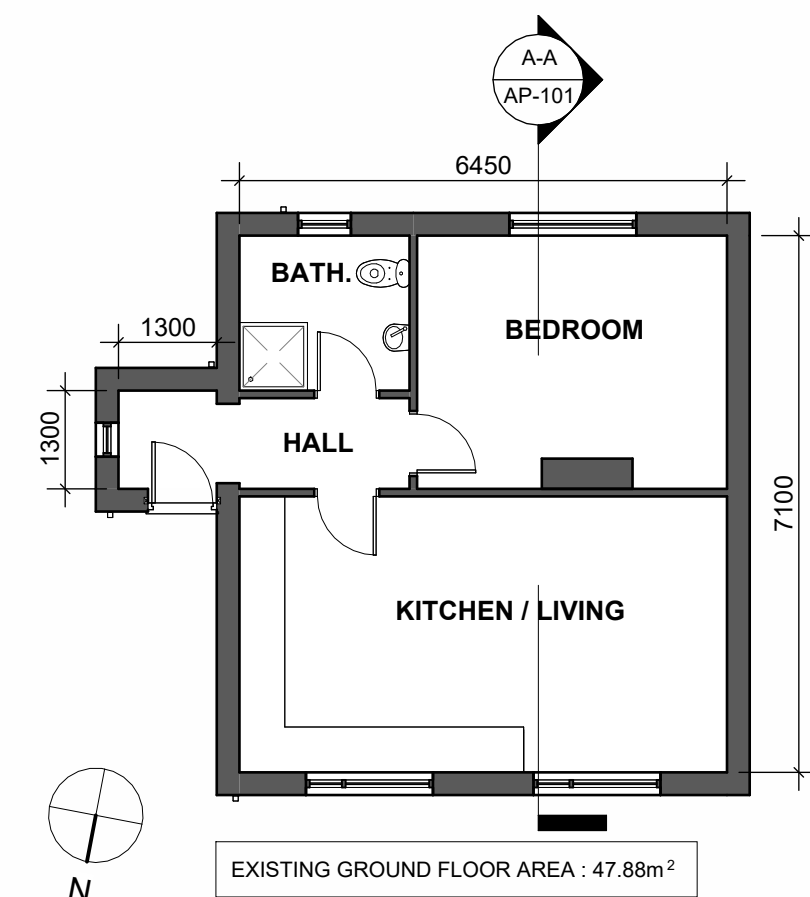
**EXISTING EAST ELEVATION**  
1 : 100



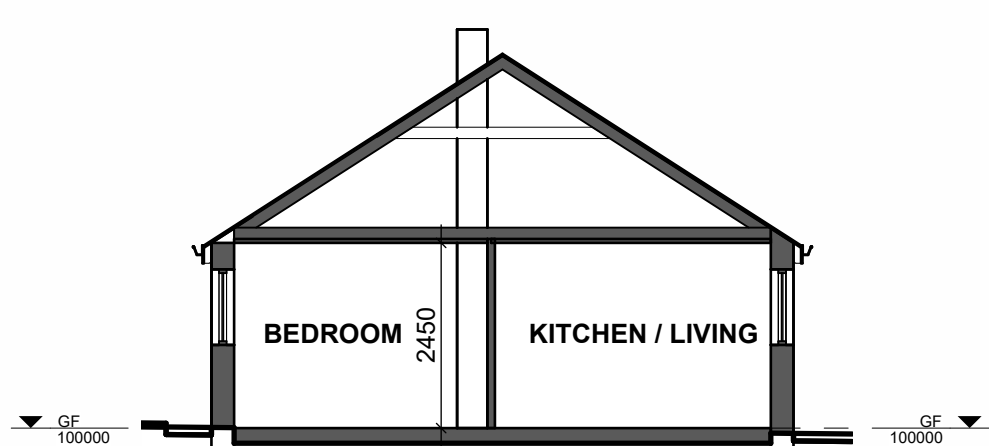
**EXISTING WEST ELEVATION**  
1 : 100



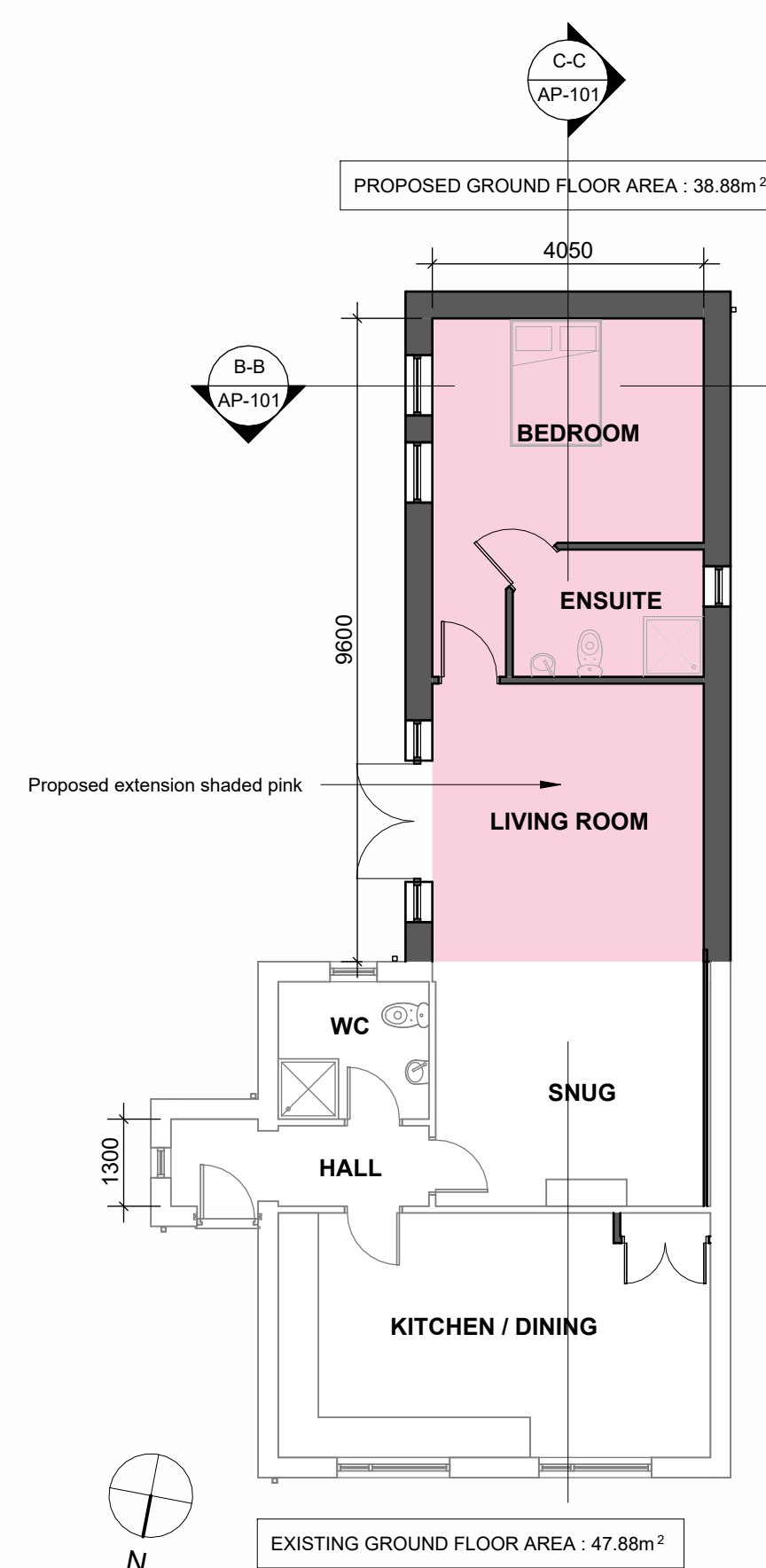
**EXISTING SOUTH ELEVATION**  
1 : 100



**GROUND FLOOR PLAN**  
1 : 100



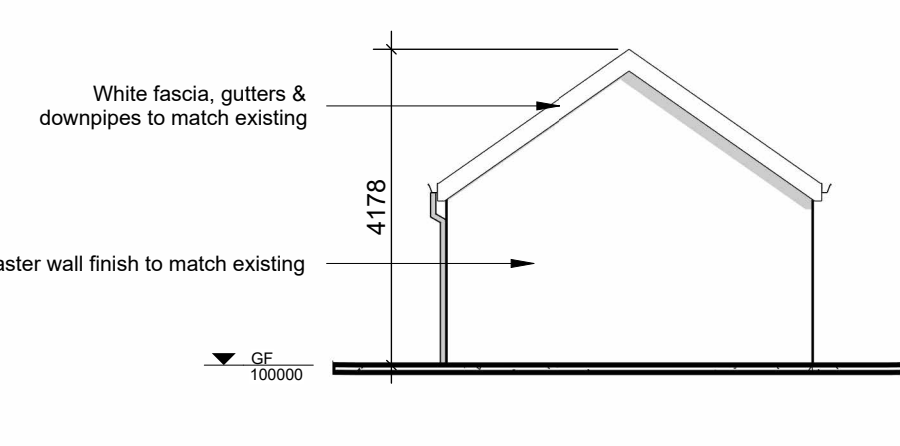
**EXISTING SECTION A-A**  
1 : 100



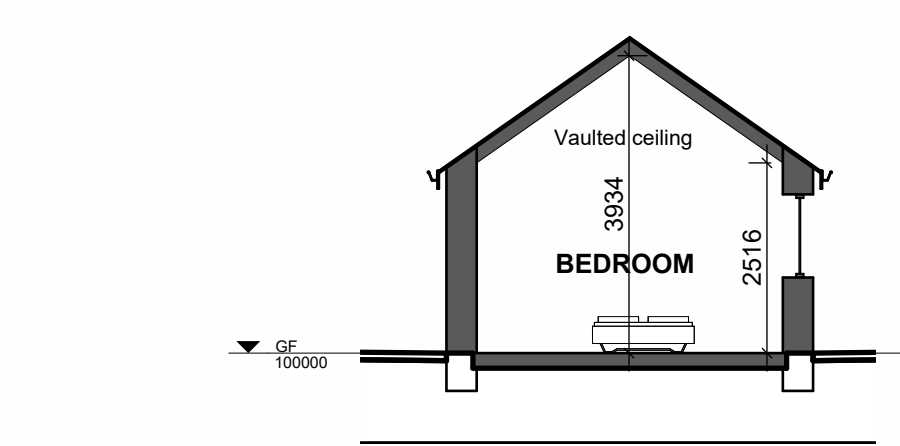
**GROUND FLOOR PLAN**  
1 : 100



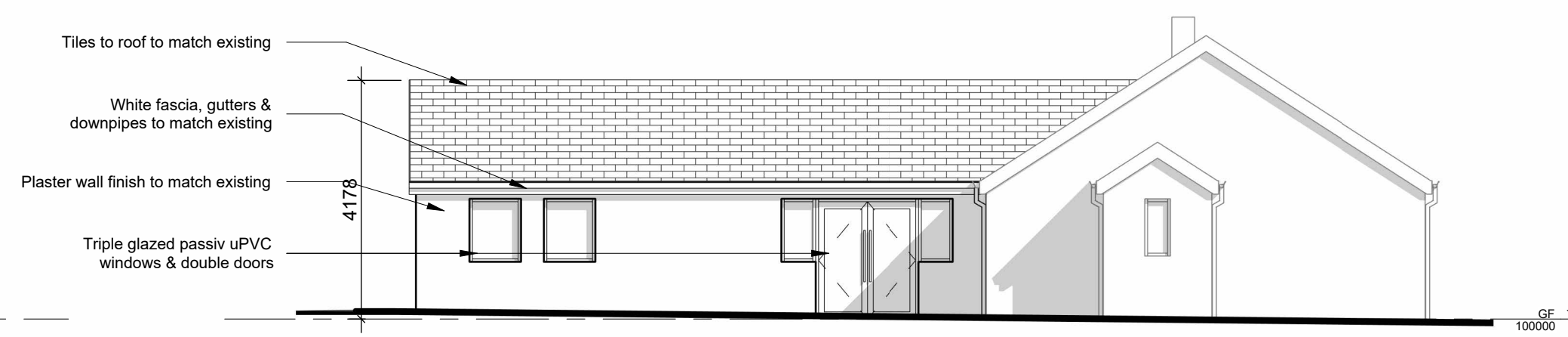
**PROPOSED NORTH ELEVATION**  
1 : 100



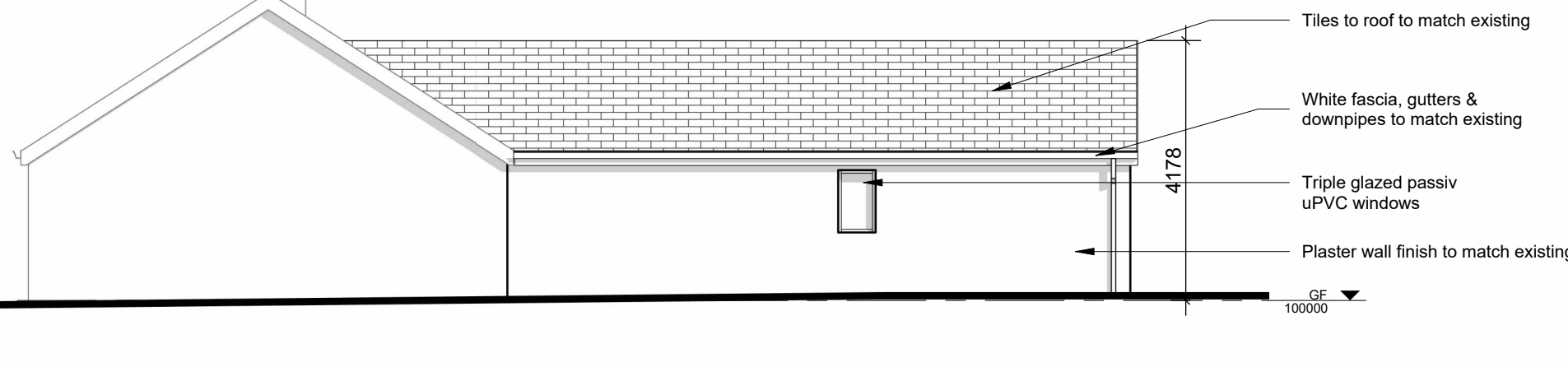
**SOUTH ELEVATION**  
1 : 100



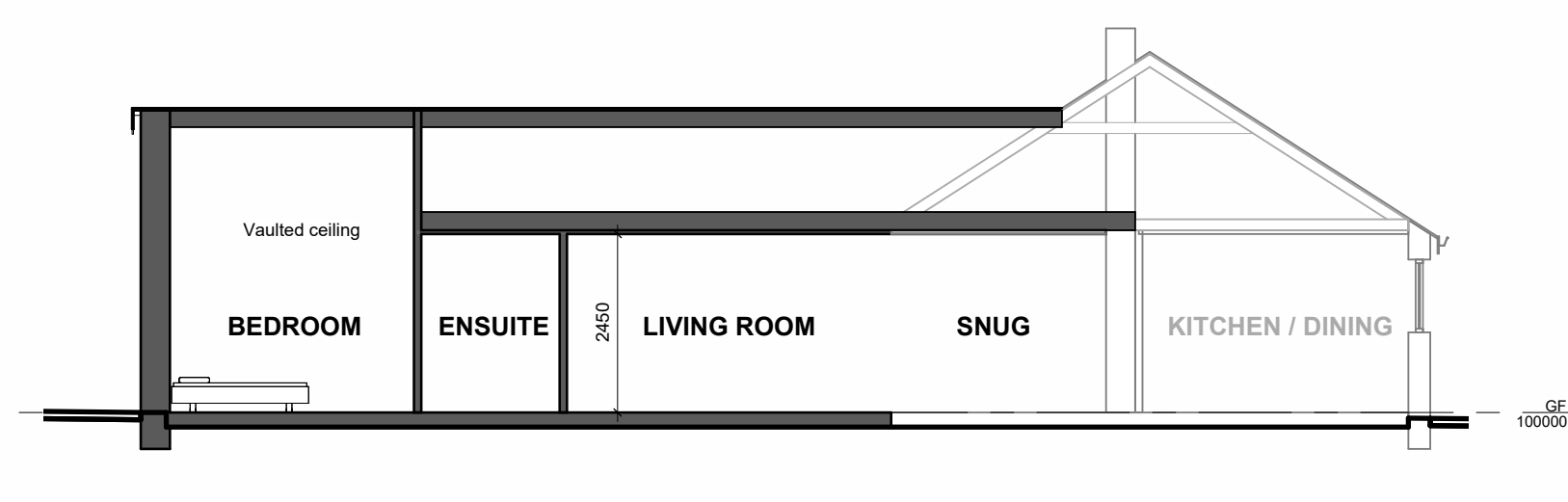
**PROPOSED SECTION B-B**  
1 : 100



**PROPOSED EAST ELEVATION**  
1 : 100



**WEST ELEVATION**  
1 : 100



**PROPOSED SECTION C-C**  
1 : 100

**SECTION 5 PLANNING**

Project: Extension to an existing dwelling house at sessiaghoneil, Ballybofey, Co. Donegal For Mrs. Oxana Rosko-Donnelly

Drawing: Location Map, Existing And Proposed Site, Floor Plans, Elevations, Sections & 3D Views

Job Number	Scale	Date	Revision
J26-01-1514	As Indicated	JAN 2026	P01

Drawing Num: AP-101

ISO 9001 CERTIFIED

**CARR ARCHITECTS**

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Donegal County Council

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Leifear,  
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**E:** planning@donegalcoco.ie

---

**E- mail:** christopher@carrandco.ie

**Ref. No:** S526/27

20<sup>th</sup> February 2026

Oxana Rosko-Donnelly,  
C/o Carr Architects,  
Unit 1, Northern Point Business Park,  
Sessaighoneill,  
Ballybofey,  
Co. Donegal,  
F93 E6RX

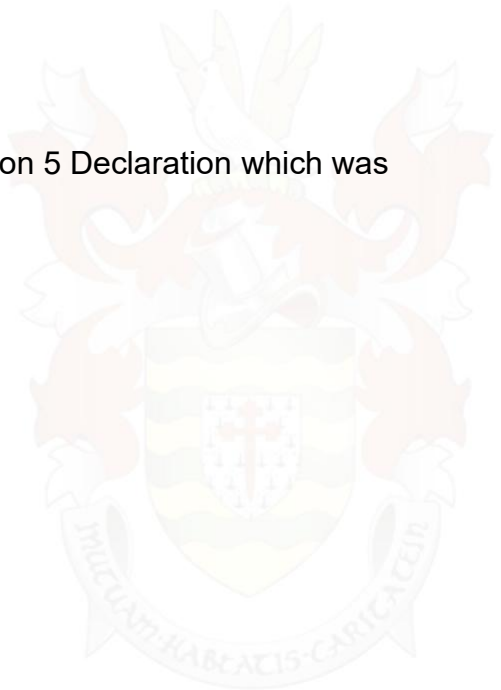
#### **DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT**

**Re: Application for a Section 5 Declaration – Partial demolition and construction of 38.88sq.m extension to existing dwelling with associated site works at Sessiaghoneill, Ballybofey, Co. Donegal, F93 W3RC**

A Chara,

I wish to acknowledge receipt of your application for a Section 5 Declaration which was received on 20<sup>th</sup> February 2026.

Donegal County Council  
Planning Services



## **SECTION 5 REFERRAL REPORT – Ref. No: S5 26/27**

### **1.0 BACKGROUND**

#### **1.1 Location:**

Sessiaghoneil, Ballybofey, Co Donegal, Ireland, F93 W3RC.

#### **1.2 Site Description:**

The site is occupied by an existing single storey detached dwellinghouse. The site is located within an established residential site. Access into the site is provided to the north via the L-3044-1.



#### **1.3 Planning History**

- No recent Planning History.

### **2.0. THE QUESTION**

Tony Carr, Carr Architects on behalf of the applicant Oxana Rosko-Donnelly 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:

The partial demolition and construction of 38.88m<sup>2</sup> extension to existing dwelling with associated site works.

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

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 or 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.

#### **4.0. POLICY**

Development Plan:

##### **4.1** County Donegal Development Plan, 2024-2030 applies.

- The subject site is located within an area designated as an Area under Strong Urban Influence
- The subject site is now located within an area of Moderate Scenic Amenity (HSA).
- No other new significant policy consideration arises in the context of the County Donegal Development Plan 2024-2030.
- No archaeological monuments are within the subject site

#### **5.0 ASSESSMENT**

##### **5.1** The Planning Authority is satisfied that the proposed development constitutes the erection of a structure, by the carrying out of works and therefore constitutes development within the meaning given in the Planning and Development Act, 2000 (as amended).

- (i) The existing ground floor of the dwelling has a floor area of 47.88Sq.m. The floor area of the proposed extension is 38.88sq.m and is located wholly to the rear elevation of the existing dwelling. The associated roof line height of the proposed extension and the height of the walls does not exceed the height of the existing rear walls. There are no windows less than 1m from any facing boundary. The Planning Authority is satisfied that the proposed

extension complies with all conditions and limitations as set out in **Class 1 of Part 1 of Schedule 2.**

- (ii) The Planning Authority is satisfied that the proposed extension complies with all conditions and limitations as set out in Class 1.

Therefore, the Planning Authority is satisfied that the proposed development, constituting development, comes within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) and is therefore exempted development. In this assessment the Planning Authority is satisfied that the proposed development complies with the conditions and limitations of the said Class 1 of Part 1 of Schedule 2 and otherwise the ‘-de-exemptions’ set out in Article 9 of the Regulations do not apply.

## **5.2 Conclusion**

It is considered that:

- (1) The proposed construction of an extension, constitutes “works”, the erection of a “structure” and therefore is “development” within the meaning of the Act, and
- (2) The proposed construction of an extension 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 therefore is development and is exempted development.

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:**

- Construct the following;
- i) Extension to the rear of the existing dwelling house (38.88sq.m floor area)  
at Sessiaghoneil, Ballybofey, Co Donegal, Ireland, F93 W3RC.

**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), and
- (b) Article 6, 9 and Class 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 Class 1 of Part 1 of Schedule 2 'Exempted Development – General' of the Planning and Development Regulations, 2001 (as amended).

*Donna Callaghan*

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Executive Planner  
Development Applications Unit  
11/03/2026

*JS*

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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
11/03/2026

**DONEGAL COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)**

**Chief Executive  
Order No:**

2026PH0681

**Ref Number:**

S526/27

**Section 5:**

Request received 20<sup>th</sup> February 2026 from Oxana Rosko-Donnelly C/o Tony Carr, Unit 1, Northern Point Business Park, Sessiaghoneil, Ballybofey, Co. Donegal F93 E6RX in relation to the partial demolition and construction of an extension to existing dwelling with associated site works at Sessiaghoneil, Ballybofey, Co. Donegal F93 W3RC.


**Submitted:**

Written request received 20<sup>th</sup> February 2026 as above and report dated 11<sup>th</sup> March 2026 from the Planner (Ref. No: S5 26/27 refers).

  
STAFF OFFICER

**Order:**

Having considered the said request, the report of the 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 EXECUTIVE PLANNER

DATED THIS 13<sup>th</sup> DAY OF MARCH 2026

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), and
- Article 6, 9 and Class 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 Class 1 of Part 1 of Schedule 2 'Exempted Development – General' of the Planning and Development Regulations, 2001 (as amended).

js 13/03



**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

**Ref. No:** S526/27

13<sup>th</sup> March 2026

OXANA ROSKO-DONNELLY  
C/O TONY CARR  
UNIT 1  
NORTHERN POINT BUSINESS PARK  
SESSIAGHONEIL  
BALLYBOFEY  
CO. DONEGAL  
F93 E6RX

**Re: Partial demolition and construction of an extension to existing dwelling with associated site works at Sessiaghoneil, Ballybofey, Co. Donegal F93 W3RC.**

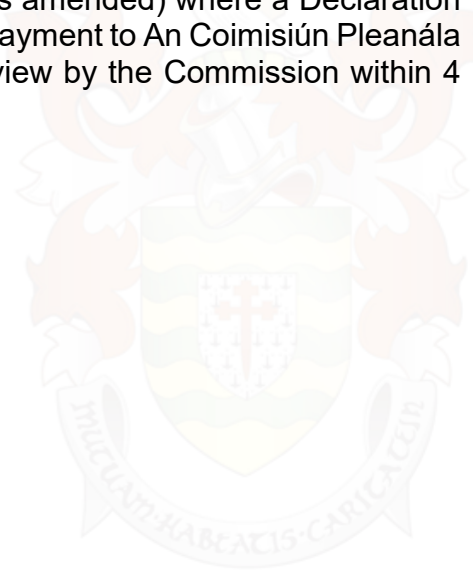
A Chara,

I refer to your request received on 20<sup>th</sup> February 2026 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 Executive Planner  
Planning Services**

/jmcc



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

**(Declaration and Referral on Development and Exempted Development)**

**DECLARATION**

**Chief Executive Order No:** 2026PH0681  
**Reference No:** S526/27  
**Name of Requester:** OXANA ROSKO-DONNELLY  
C/O TONY CARR  
UNIT 1  
NORTHERN POINT BUSINESS PARK  
SESSIAGHONEIL  
BALLYBOFEY  
CO. DONEGAL  
F93 E6RX

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

Partial demolition and construction of an extension to existing dwelling with associated site works

**Location:** Sessiaghoneil, Ballybofey, Co. Donegal F93 W3RC.

**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), and
- Article 6, 9 and Class 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 Class 1 of Part 1 of Schedule 2 'Exempted Development – General' of the Planning and Development Regulations, 2001 (as amended).



**For Senior Executive Planner  
Planning Services**

**Dated this 13<sup>th</sup> day of March 2026**

**From:** [JESSICA McCLURE](#)  
**To:** [Tony Carr](#)  
**Subject:** S526.27 Response  
**Date:** 13 March 2026 15:48:00  
**Attachments:** [S526.27 - Cover Letter & Declaration.pdf](#)  
[image001.png](#)

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A Chara,

Please find attached section 5 response.

Kind Regards,  
Jessica

**Jessica McClure**  
**Community Development & Planning Services**  
County House | Lifford | Co. Donegal  
E: [jmcclure@donegalcoco.ie](mailto:jmcclure@donegalcoco.ie)



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