

## 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)**

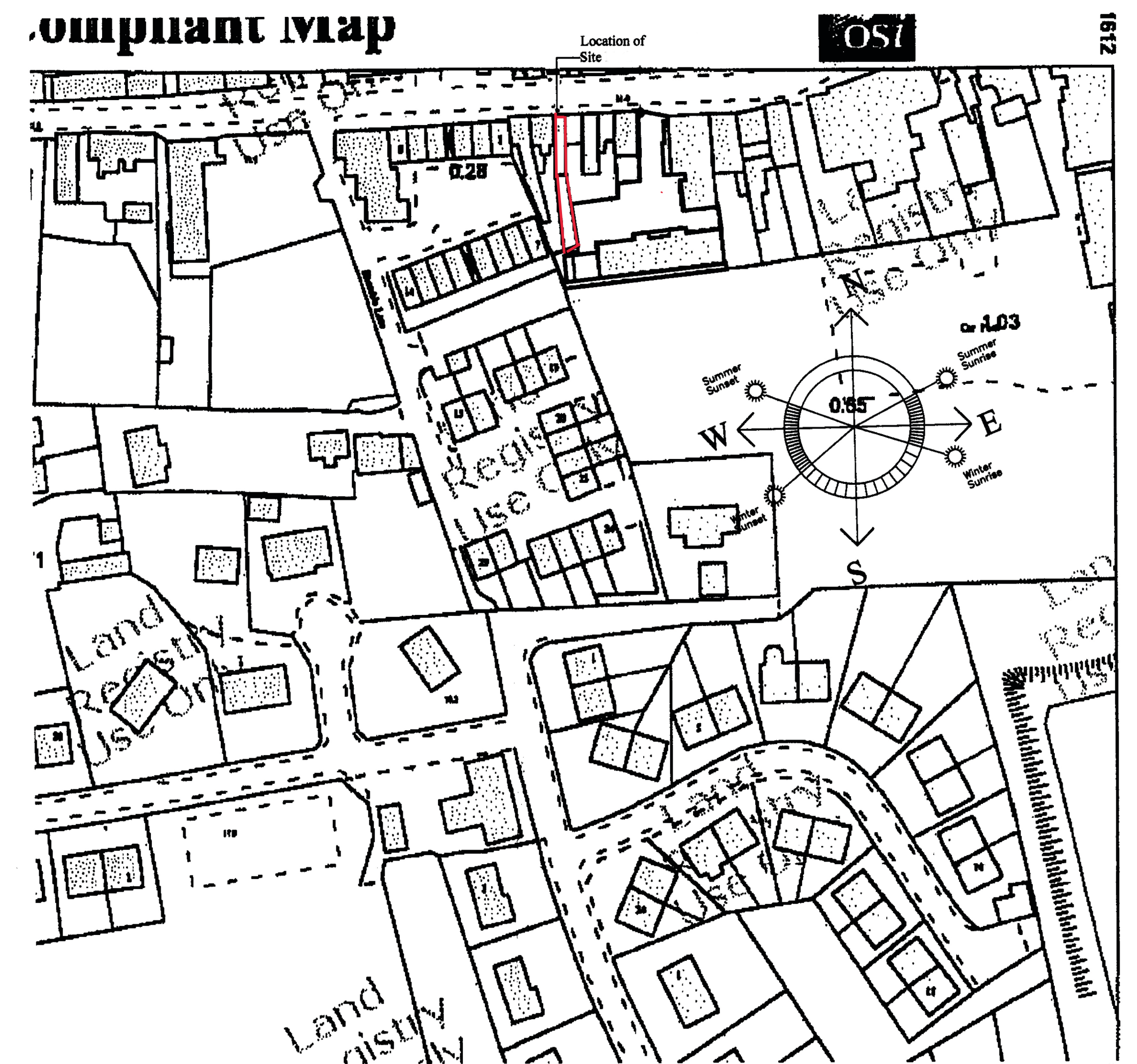
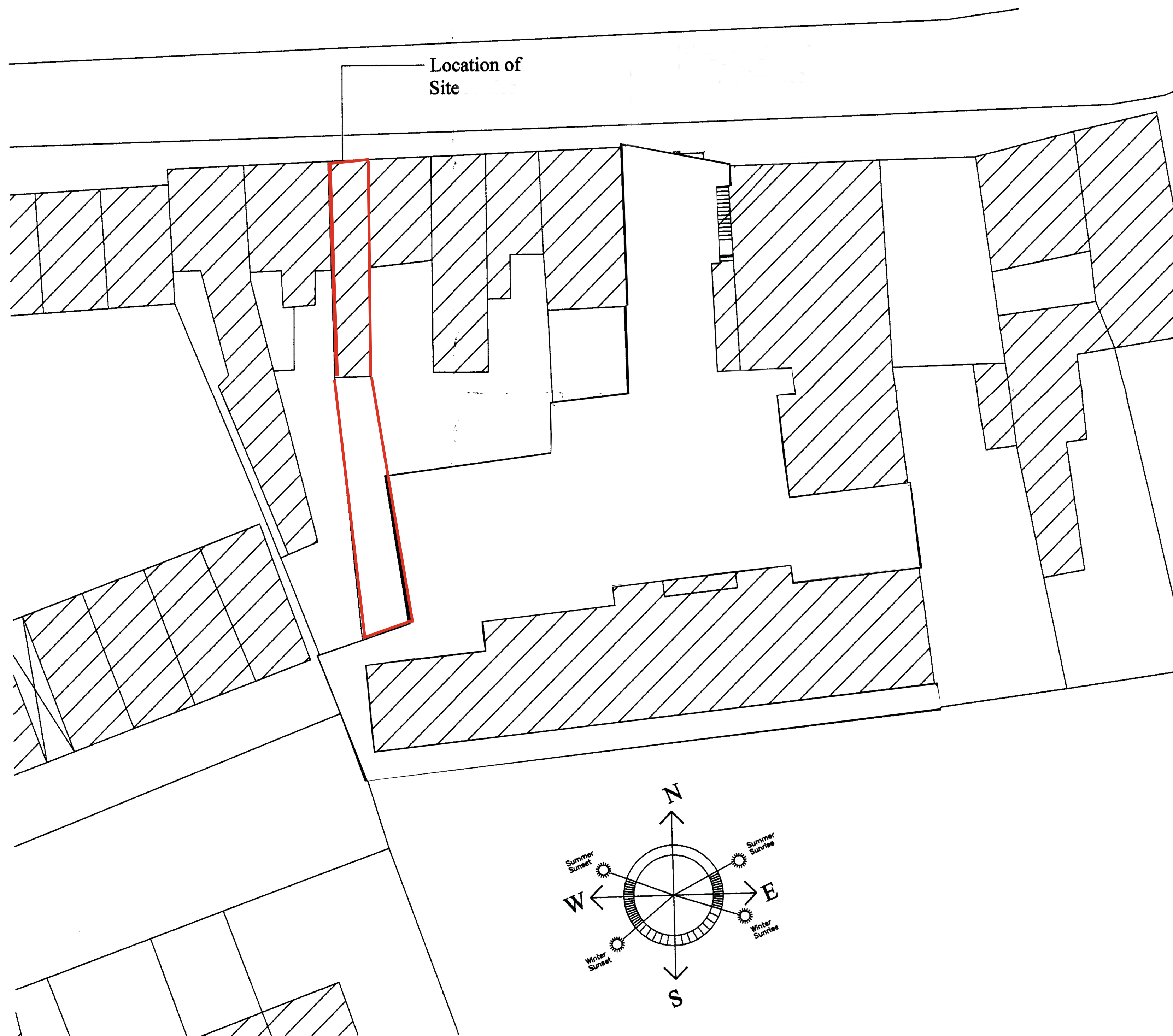
<b>Name of Applicant(s):</b>	
<b>Agent Name:</b> (if applicable)	
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will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



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

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 <del>Applicant</del> /Agent:	<i>J. Martin McLaughlin</i>
Date:	



This architectural elevation drawing shows a building facade with various elements and dimensions. The drawing includes a gabled roof on the left side, a central section with two windows, and a taller section on the right with two more windows. Dimensions are provided for the height and width of the building and its components.

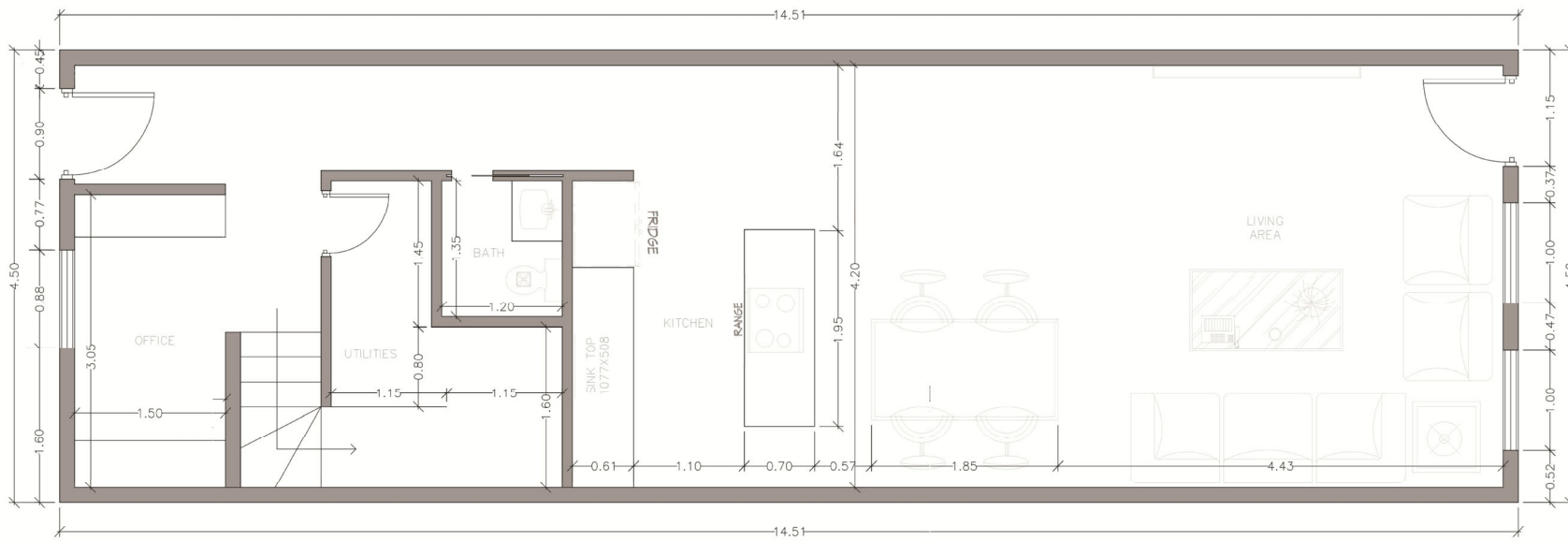
**Dimensions:**

- Overall height: 4.35
- Height of the central section: 1.43
- Height of the central section (lower part): 0.22
- Height of the central section (upper part): 1.43
- Height of the central section (lower part): 0.35
- Height of the central section (upper part): 5.20
- Width of the central section: 1.98
- Width of the central section (lower part): 0.50
- Width of the central section (upper part): 0.88
- Width of the central section (lower part): 0.75
- Width of the central section (upper part): 0.88
- Width of the central section (lower part): 0.00
- Width of the central section (upper part): 4.58

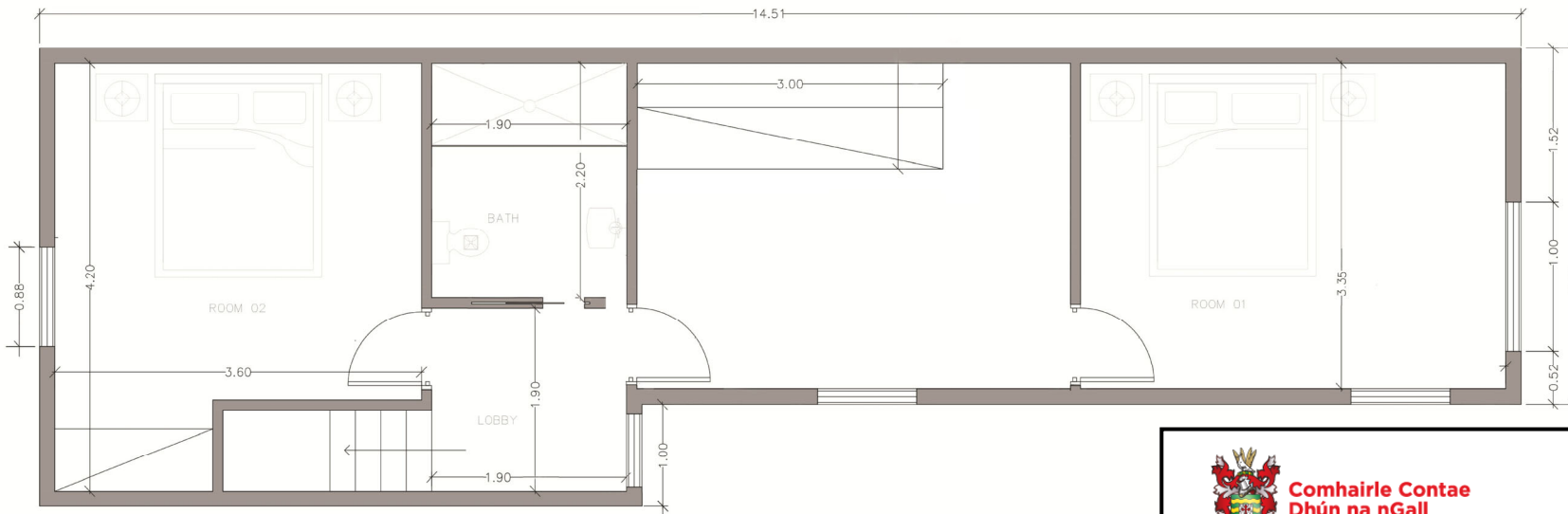
	0.50	0.88	0.75	0.88		1.00
	4.58					

A simple line drawing of a house. The house has a rectangular body with three vertical rectangular doors at the bottom. Above the doors is a single rectangular window. The roof is represented by a series of horizontal lines. A chimney is located on the left side of the roof, and a small trapezoidal object, possibly a vent or skylight, is on the right side of the roof.





**A GROUND FLOOR PLAN**  
AR-01 1:50



**A FIRST FLOOR PLAN**  
AR-01 1:50

DIANI



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

**Planning Services**

**RECEIVED DATE: 04/07/2025**

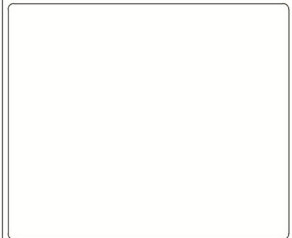
#### COVERED AREA

MAIN FLOOR AREA	62.29 sq-m
UPPER FLOOR AREA	37.80 sq-m

#### HEIGHT DETAIL

CEILING HEIGHT	2.5 METER

#### ORIENTATIAON



#### PROJECT

RESIDENTIAL HOUSE

#### CLIENT/CONSULTANT



#### DESIGNER INFO:

**MZM ARCHITECTURAL SERVICES**  
Design | Build | Remodel  
email: bilalstudio26@gmail.com

#### TITLE: PLANNING PHASE

SUB TITLE:	FLOOR PLANS
SCALE:	1:50 (A3 paper size)
DATE:	02 APRIL, 2025
DRAWING #	AR-01



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

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

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Lifford,  
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**E-mail:** [martin@octoberhouse.org](mailto:martin@octoberhouse.org)

**Our Ref: S525/61**

8<sup>th</sup> July, 2025

Alexsander Sasic  
C/o October House Design Ltd.

**Re: Section 5 - Application for proposed internal reconfiguration including new bathroom & kitchen layout at Carickfad, West End, Bundoran, F94 X9Y1.**

A Chara,

I wish to acknowledge receipt of your application received on 4<sup>th</sup> July, 2025 in relation to the above.

Yours sincerely,

*Martina Parke*

Donegal County Council  
Planning Services



## **SECTION 5 REFERRAL REPORT – Ref.No: 25/61**

### **Donegal County Council**

#### **1.0 COMMENTS**

The subject site is a mid-terrace two storey dwelling house located at West End, Bundoran. The proposed works constitute one element as follows:

1. Internal configuration of the existing dwelling including a new bathroom and kitchen layout.

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 Regeneration in the County Donegal Development Plan (Bundoran Area Plan) 2024-2030. Objective BN-REGEN-O-1 sets out *'To seek the development and renewal of areas within Bundoran that are in need of regeneration, and in particular the Regeneration Areas identified on the Bundoran land-use zoning map (map 20.1 refers) in order to prevent (i.) adverse effects on existing amenities in such areas, (ii.) urban blight and decay, (iii.) anti-social behaviour or (iv.) a shortage of habitable houses or of land suitable for residential use or a mixture of residential and other uses.'*

#### **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".

*Section 4 (1) (h) of Part 1 of the Planning and Development Act 2000, (as amended)*

'(h) 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'

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

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

1. The floor area of any such extension where the house has not been extended previously shall not exceed:
  - a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40sq.m.
  - 4 (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.
7. The roof of any extension shall not be used as a balcony or roof garden.

#### **4.0 PLANNING HISTORY**

There is no planning history recorded for this site.

#### **5.0 ASSESSMENT**

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

- (i) The proposed works consist of reconfiguration of the internal layout of the existing dwelling house
- (ii) The dwelling is in a state of disrepair and works include the replacement of a flat roof to the rear of the dwelling
- (iii) The rear garden area will be approximately 80sqm on completion of works.
- (iv) The proposed windows on the rear/southern elevation is shown to be 80m from the boundary.

- (v) Having regard to *Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001 (as amended)* the proposed development is in accordance with the criteria of that Class 1 and can be considered as Development and as Exempted Development under Class 1.
- (vi) Having regard to *Section 4 (1) (h) of Part 1 of the Planning and Development Act 2000 (as amended)* the works proposed are internal in nature and are not considered to materially alter the character of the dwelling house or impact negatively on any third parties
- (vii) It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works, and is exempted development.
- (viii) Appropriate assessment is not a consideration in the assessment of this referral.

#### **4.2 Conclusion:**

It is considered that:

- (i) Internal reconfiguration of an existing dwelling with replacement of deteriorated structures constitutes “development” within the meaning of the Act, being works, and is exempted development under *Section 4 (1) (h) of Part 1 of the Planning and Development Act 2000 (as amended)*
- (ii) It should also be noted that in determining the subject section 5 referral regard was had to recent Section 5 referrals to An Bord Pleanála for determination.

#### **5.0 RECOMMENDATION**

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

**IS Development**

**&**

## **IS Exempted Development**

### **WITHIN THE MEANING OF THE ABOVE ACT**

#### **The proposal for:**

Internal reconfiguration of an existing dwelling with replacement of deteriorated structures

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

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

#### **And concluded that:**

The proposal is development and is exempted development coming within the scope of Section 4 (1) (h) of Part 1 of the Planning & Development Act 2000 (as amended).

**Signed:** 

**Position:** Exec Planner

**Date:** 21/07/2025



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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
24/07/2025

**Chief Executive's Order No: 2025PH2190**

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

**SECTION 5:-**

Request received 4<sup>th</sup> July 2025 from Aleksandar Sasic c/o October House Designs Ltd., Corlea, Ballyshannon, Co. Donegal in relation to the internal reconfiguration of existing dwelling including new bathroom and kitchen layout at Carrickfad, West End, Bundoran, Co. Donegal, F94 X9Y1.

**SUBMITTED:-**

Written request received 4<sup>th</sup> July 2025 as above and report dated 21<sup>st</sup> July 2025 from the Executive Planner (Ref. No: S5 25/61 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 25<sup>th</sup> DAY OF JULY 2025

LMG.

**Chief Executive's Order No: 2025PH2190**

**Ref.No: S5 25/61**

**SCHEDULE**

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

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

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

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Section 4 (1) (h) of Part 1 of the Planning & Development Act 2000 (as amended).

JS 25/07



**Comhairle Contae  
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Donegal County Council

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**Planning Services**  
**E:** [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)

Ref. No: S525/61

25<sup>th</sup> July 2025

Aleksandar Sasic  
c/o October House Designs Ltd.  
Corlea  
Ballyshannon  
Co. Donegal

**Re: Internal reconfiguration of existing dwelling including new bathroom and kitchen layout at Carrickfad, West End, Bundoran, Co. Donegal, F94 X9Y1.**

A Chara,

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

Mise, le meas,



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

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

**DECLARATION**

**Chief Executive's Order No:** 2025PH2190

**Reference No:** S5 25/61

**Name of Requester:** Aleksandar Sasic  
c/o October House Designs Ltd.  
Corlea  
Ballyshannon  
Co. Donegal

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

Internal reconfiguration of existing dwelling including new bathroom and kitchen layout

**Location:** Carrickfad, West End, Bundoran, Co. Donegal, F94 X9Y1.

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

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

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

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

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** as it comes within the scope of Section 4 (1) (h) of Part 1 of the Planning & Development Act 2000 (as amended).

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

**Dated this 25<sup>th</sup> day of July 2025**