

**MEATH COUNTY COUNCIL**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 758/25

**Reference Number:** KS525047

**Subject:** Declaration under Part 1, Section 5, Planning and Development Act 2000-2022

**Name of Applicant:** Mary Coffey

**Address:** c/o Adrian Rourke,  
7 Maudlin Court,  
Cherryhill,  
Kells,  
Co. Meath  
A82W1W0

**Nature of Application:** Conversion of attached domestic garage to a bedroom & ensuite and replace the existing garage door to a window.

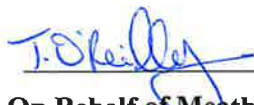
**Location of Development:** 42 Sycamore Avenue, Kells, Co. Meath

**DECLARATION:** This development is **EXEMPT** from Planning Permission.

**ORDER:**

Being satisfied that all requirements relating to the Application have been complied with and to consider the proper Planning and Development of the County Meath Health District, IT IS HEREBY DECIDED, in pursuance of the above Act to declare that this is **EXEMPTED DEVELOPMENT**.

**SIGNED:**



On Behalf of Meath County Council

**DATE:**

01/05/2025

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2022**

**DECLARATION**

**To: Mary Coffey  
c/o Adrian Rourke  
7 Maudlin Court,  
Cherryhill,  
Kells,  
Co. Meath  
A82W1W0**

**PLANNING REFERENCE NUMBER: KS525047**

**APPLICATION RECEIPT DATE: 08/04/2025**

**FURTHER INFORMATION DATE: N/A**

**In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2022, Meath County Council has by order dated 01/05/2025 decided to Declare the proposed development is EXEMPT, in accordance with the documents submitted namely:**

Conversion of attached domestic garage to a bedroom & ensuite and replace the existing garage door to a window at 42 Sycamore Avenue, Kells, Co. Meath **is EXEMPTED DEVELOPMENT.**

Date: 01/05/2025

Triona Keating  
**On Behalf of Meath County Council**

**NOTE:**

1. Any appeal against a Declaration of a Planning Authority under Section 5, sub-section 3(a) of the Planning and Development Act 2000-2022 may be made to An Bord Pleanala by the applicant WITHIN FOUR WEEKS beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Bord Pleanala, 64 Marlborough Street, Dublin 1. An appeal by the applicant should be accompanied by this form. The fee for an appeal against a Declaration of the Planning Authority is € 220.

**For more information on Appeals you can contact An Bord Pleanala at:**

Tel: 01 - 8588100 or LoCall: 1890 275 175

Fax: 01 - 8722684

E-mail: [bord@pleanala.ie](mailto:bord@pleanala.ie) Web: [www.pleanala.ie](http://www.pleanala.ie)

# Meath County Council



## Planning Report

|                                 |   |
|---------------------------------|---|
| <b>To:</b>                      | Teresa O'Reilly, Senior Executive Planner   |
| <b>From:</b>                    | Nathan Cooney, Executive Planner  |
| <b>Date:</b>                    | 22/04/2025  |
| <b>MCC File Number:</b>         | KS525047  |
| <b>Applicants:</b>              | Mary Coffey   |
| <b>Development Address:</b>     | 42 Sycamore Avenue, Kells, Co. Meath  |
| <b>Application Type:</b>        | Section 5 of the Planning & Development Acts 2000<br>- 2023: Declaration on Development/ Exempted Development.  |
| <b>Development Description:</b> | Conversion of attached domestic garage to a bedroom & ensuite and replace the existing garage door to a window. |
| <b>Date Decision Due:</b>       | 06/05/2025  |

### **1.0 Site Location & Description**

The subject site is located at No. 42 Sycamore Avenue, Kells, Co. Meath, and contains a two-storey semi-detached house in an established residential area. The subject site is not listed on the Record of Protected Structures and is not located within an Architectural Conservation Area. There are no National Monuments within or adjoining the application site. The site is not within Flood Zone A or B. The site area is zoned A1 – Existing Residential in the Meath County Development Plan 2021 – 2027, which has the objective *to protect and enhance the amenity and character of existing residential communities*. Residential use is indicated in the Meath County Development Plan 2021 to 2027, as a *'permitted use'*. The applicant states that they are the owners of the subject property. The proposed works have already been carried out. The attached neighbouring property has also converted their garage.

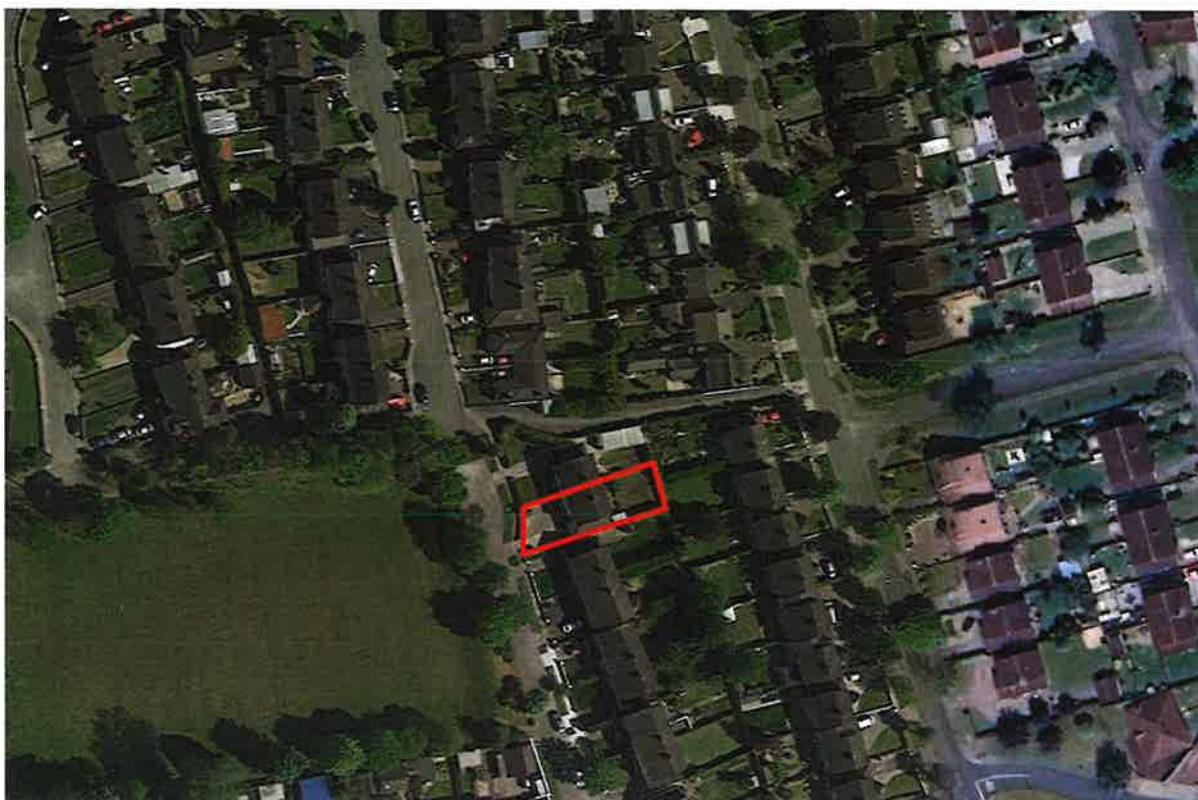


Fig. 1.0: Aerial image of the subject lands to which the application relates (outlined in red).

## **2.0 Proposed Declaration**

The applicants describe the development in the completed application form as ‘*Conversion of attached domestic garage to a bedroom & ensuite and replace the existing garage door to a window*’. The Planning Authority is considering this question as:

***Whether the conversion of attached domestic garage to a bedroom & ensuite and replacing the existing garage door to a window is or is not development and is or is not exempted development.***

The completed application form and submitted documents indicate that the extent of works proposed.

## **3.0 Planning History**

A review of the Meath County Council Planning Register indicates no planning history readily associated with the subject site.

## **4.0 Internal, External and Prescribed Bodies**

None.

## **5.0 Relevant National Legislation**

In order to assess whether or not the works described in Section 2.0 of this report is or is not development or is or is not exempted development regard must be had to the following national legislation set out below.

### **5.1 Section 2 of the Planning & Development Acts 2000-2023**

Section 2 of the Planning & Development Acts 2000-2023 provides the following interpretations which are relevant:

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

“exempted development” has the meaning specified in Section 4;

“structure” means *inter alia* 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 where the context so admits, includes the land on, in or under which the structure is situate; and

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

### **5.2 Section 3 of the Planning & Development Acts 2000-2023**

Section 3(1) of the Planning & Development Acts 2000-2023 defines “development” as follows:

*“Development 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.”*

### **5.3 Section 4 of the Planning & Development Acts 2000-2023**

Section 4(1) of the Planning & Development Acts 2000-2023 provides a list of statutory exempted development including:

*“(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”.*

Section 4(2) of the Planning and Development Acts 2000-2023 provides for the making of regulations relating to exempted development. The Planning & Development Regulations 2001-2023 give effect to section 4(2).

#### Section 4 (2) (a) (i)

*'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, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or..'*

#### Section 4 (4)

*'Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.'*

### **5.4 Section 5 of the Planning & Development Acts 2000-2023**

Section 5 of the Planning & Development Acts 2000-2023 provides *inter alia*:

- (1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.
- (2) (a) Subject to *paragraph (b)*, a planning authority shall issue the declaration on the question that has arisen and the main reasons and considerations on which its decision is based to the person who made the request under *subsection (1)*, and, where appropriate, the owner and occupier of the land in question, within 4 weeks of the receipt of the request.  
  
(b) A planning authority may require any person who made a request under *subsection (1)* to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information.  
  
(c) A planning authority may also request persons in addition to those referred to in *paragraph (b)* to submit information in order to enable the authority to issue the declaration on the question.

## **5.5 Section 32 of the Planning & Development Acts 2000-2023**

Section 32 of the Planning & Development Acts 2000-2023 sets out a general obligation to obtain planning permission in respect of any development of land, not being exempted development, and in the case of development, which is unauthorised, for the retention of that unauthorised development.

## **5.6 Article 6 of the Planning & Development Regulations 2001-2025**

Article 6 of the Planning & Development Regulations 2001-2025 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2001-2025) for the classes of exempted development under column 1 of Parts 1, 2 and 3 of Schedule 2, subject, where applicable, to the conditions and limitations imposed upon such classes as set out in column 2.

Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025 provides an exemption for:

*“The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of a house or by the conversion for use as part of the house of a garage, store, shed or other similar structure attached to the rear or to the side of the house”.*

Subject to the following Conditions and Limitations (column 2):

*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.*

## **5.7 Article 9 of the Planning & Development Regulations 2001-2025**

Article 9 of the Planning & Development Regulations 2001-2025 imposes specific restrictions on development of classes specified in Parts 1, 2 and 3 of Schedule 2 and in effect de-exempts certain classes of development that would be exempt under normal circumstances.

## **6.0 Assessment**

The question has arisen as to 'Whether the conversion of attached domestic garage to a bedroom & ensuite and replacing the existing garage door to a window' is or is not development and is or is not exempted development as provided for in statute and summarised above.



## **6.1 “Development”**

It is considered that the proposed extension of garage conversion to bedroom and ensuite with change of garage door to window falls within the statutory interpretation of works and therefore within the section 3(1) PDA 2000 definition of development.

## **6.2 “Exempted Development”**

In terms of whether the development is exempted development, the applicant has converted their attached garage to a bedroom with ensuite and have changed the garage door to a window. It is considered that the garage conversion would fall under Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025 and complies with the conditions and limitations. It is considered that the change of the garage to a new window materially changes the front of the dwelling. However, there are a number of dwellings in the area who have also completed these works, and therefore, it is considered that the development would not change the character of the area and would be exempt under Section 4(1)(h) of the Planning & Development Acts 2000-2023. On that basis, the Planning Officer considers that the development is exempted development in this instance.

## **7.0 Appropriate Assessment**

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora (‘the Habitats Directive’) requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site. The application site is not within any designated Natura 2000 site. The nearest sites located within 15km of the subject site are as follows:

- River Boyne and River Blackwater SAC (Site Code: 002299)
- River Boyne and River Blackwater SPA (Site Code: 004232)
- Girley (Drewstown) Bog SAC (Site Code: 002203)
- Killyconny Bog (Cloghbally) SAC (Site Code: 000006)

The Planning Authority’s Screening for Appropriate Assessment has considered the potential effects including direct, indirect and in-combination effects of the proposed development, individually or in combination with the permitted developments and cumulatively with other plans or projects on European Sites. The Planning Authority concludes that the proposed development (entire project), by itself or in combination with other plans and developments in the vicinity, would not be likely to have a significant effect on European Site(s). In light of this, it is considered that a Stage 2 Appropriate Assessment (Natura Impact Statement) is not required in this instance.

## 8.0 Environmental Impact Assessment

The works are not a development type listed under Part 1 or 2 of Schedule 5 of the Planning & Development Regulations (PDR) 2001 - 2025 nor is it considered a sub-threshold development for the purposes of Schedule 7 PDR and would not on its own or cumulatively with other projects result in significant effects on the environment. As such there is no real likelihood of significant effects on the environment arising from the relevant development and therefore an EIAR (Environmental Impact Assessment Report) is not required.

## 9.0 Conclusion and Recommendation

It is therefore recommended that a declaration of Exemption be issued for the development set out hereunder.

**WHEREAS** the question has arisen as to whether

- Whether the conversion of attached domestic garage to a bedroom & ensuite and replacing the existing garage door to a window is or is not development and is or is not exempted development.

**AND WHEREAS** Meath County Council in consideration of this question has had regard particularly to:

- (a) Sections 2(1), 3(1), & 4(1)(h) of the Planning and Development Act 2000 – 2023,
- (b) Article 6 & 9 of the Planning and Development Regulations, 2001-2025
- (c) Schedule 2, Part 1, Class 1 (Exempted Development – General) of the Planning and Development Regulations, 2001-2025
- (d) Information provided.
- (e) Surrounding character of the area.

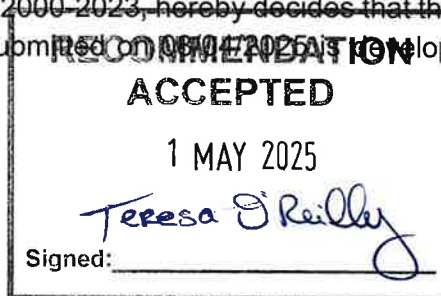
**AND WHEREAS** Meath County Council has concluded: -

- (a) 'The conversion of an attached garage to bedroom and ensuite and change of garage door to window' is exempted from the requirement to obtain planning permission under Section 4(1) of the Planning and Development Act 2000 -2023.

**NOW THEREFORE** Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000-2023, hereby decides that the said development as detailed on plans and particulars submitted on 08/04/2025 is development and is **EXEMPTED DEVELOPMENT**.



Nathan Cooney  
Executive Planner  
Date: 22/04/2025



Teresa O'Reilly  
Senior Executive Planner  
Date: 01/05/2025

## MEATH COUNTY COUNCIL

### APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

Section 5 of Planning and Development Act 2000-2023



comhairle chontae na mí  
meath county council

#### Part 1

##### 1. Name of Applicant

MARY COFFEY

Note: Address to be provided in Part 2 of this form.

##### 2. Name of Person/Agent acting on behalf of applicant (if any):

ADRIAN ROURKE

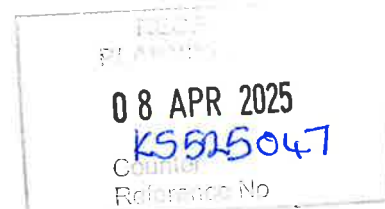
Note: Address to be provided in Part 2 of this form.

##### 3. Location of Development and/or Subject Site

42 SYCAMORE AVENUE, KELLS CO. MEATH

##### 4. Applicant's Interest in Site

OWNER



**5. Description of Proposed Development**

**THE CONVERSION OF ATTACHED DOMESTIC GARAGE TO A BEDROOM & EN SUITE ALSO, TO REPLACE THE EXISTING GARAGE DOOR TO A WINDOW**

**Floor area of proposed development (sq.m.)(if applicable)**

**11.5sqm**

**6. Protected Structure**

|  |            |  |           |   |
|--|------------|--|-----------|---|
| <b>Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?</b>  | <b>Yes</b> |  | <b>No</b> | ✓ |
| <b>If "YES", has a Declaration under Section 57 of the Planning &amp; Development Act 2000 – 2022 been requested or issued for the property by the Planning Authority?</b> | <b>Yes</b> |  | <b>No</b> |   |

**7. Section/Article of Planning and Development Act 2000-2023/Planning and Development Regulations 2001-2024 under which exemption is claimed (if known)**

|  |
|--|
|  |
|--|

**8. Development within the curtilage of a house**

|   | <b>SQ. M.</b>                  |
|---|--------------------------------|
| <b>Floor area of any existing extension (where application relates to an extension)</b> | <b>130sqm (existing house)</b> |
| <b>Floor area of proposed development</b>   | <b>11.5sqm</b>                 |
| <b>Area of rear garden space remaining</b>  | <b>141.9sqm</b>                |

**9. Agricultural development**

|  |            |  |           |          |
|--|------------|--|-----------|----------|
| <b>Are there any other similar structures within the same farmyard complex or within 100m of that complex?</b> | <b>Yes</b> |  | <b>No</b> | <b>✓</b> |
|  |            |  |           |          |
| <b>If, yes please state the type and total floor area of these structures?</b>                                 |            |  |           |          |
|  |            |  |           |          |

**10. Change of Use Applications**

|                                       |  |
|---------------------------------------|--|
| <b>Existing use of structure/land</b> |  |
| <b>Proposed use of structure/land</b> |  |

**11. List of plans, drawings etc submitted with this application**

|   | <b>Tick where submitted</b> |
|---|-----------------------------|
| <b>Site location map (must be submitted with all applications)(scale of 1:1000 in urban area, 1:2500 in rural area)</b>     | <b>✓</b>                    |
| <b>Site layout plan (must be submitted with all applications which relate to a structure)(scale not greater than 1:500)</b> | <b>✓</b>                    |
| <b>Floor plans (must be submitted for all buildings) (scale not greater than 1:200)</b>                                     | <b>✓</b>                    |
| <b>Elevations (must be submitted for all buildings/structures) (scale not greater than 1:200)</b>                           | <b>✓</b>                    |
| <b>Section drawings (scale not greater than 1:200)</b>  | <b>✓</b>                    |

**Note: All drawings must be to scale.**

**12. Planning History**

|   |            |  |           |          |
|---|------------|--|-----------|----------|
| <b>Are you aware of any previous planning application/s on this site?</b> | <b>Yes</b> |  | <b>No</b> | <b>✓</b> |
|---|------------|--|-----------|----------|

|                                       |  |  |  |  |
|---------------------------------------|--|--|--|--|
|                                       |  |  |  |  |
| <b>If, yes please provide details</b> |  |  |  |  |
|                                       |  |  |  |  |

### 13. Signature

|  |                              |
|--|------------------------------|
| <b>Signed<br/>(applicant / agent as appropriate)</b> | <b>Adrian Rourke (Agent)</b> |
| <b>Date:</b>   | <b>08.04.2025</b>            |

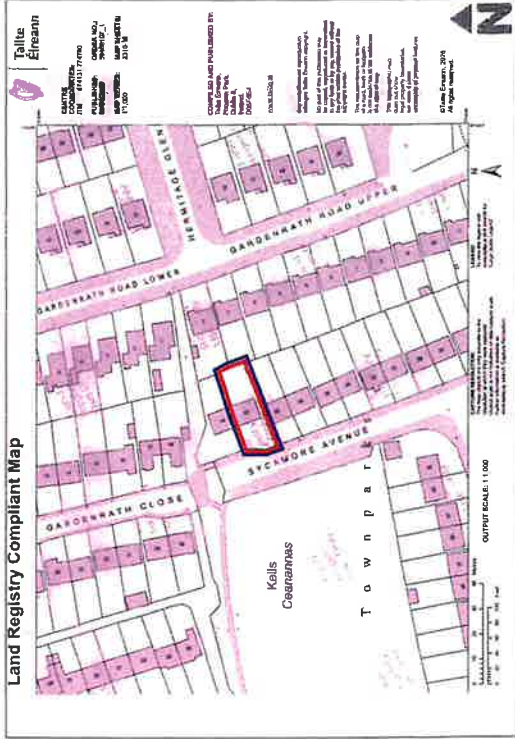
### NOTES

- 1. Application Fee of €80 must accompany all applications.**
- 2. Application shall be accompanied by 2 copies of all drawings and documentation.**

**Application to be sent to:**  
**Meath County Council, Planning Department,**  
**Buvinda House,**  
**Dublin Road,**  
**Navan,**  
**Co. Meath.**

**Phone: 046 9097500 Fax: 046 9097001**  
**Email: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)**

# Land Registry Compliant Map



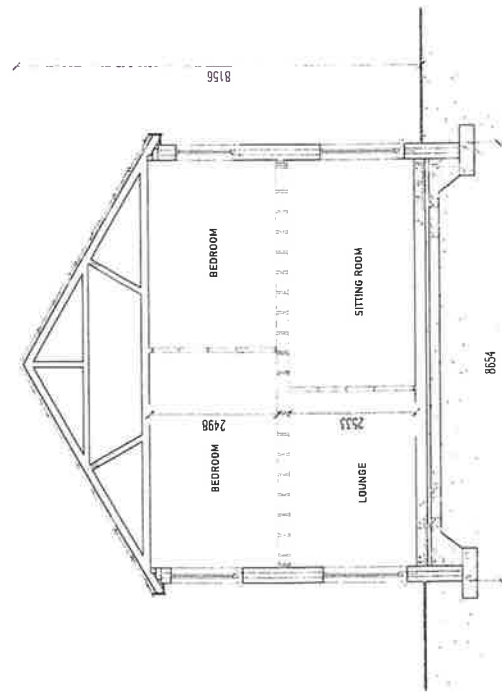
SITE OUTLINED IN RED  
FULL HOLDING IN BLUE

2 SITE LOCATION MAP  
SCALE 1:1000



SITE OUTLINED IN RED

1 SITE LAYOUT PLAN  
SCALE 1:200  
Site Area 0.035 Hec / 0.088 Acre



3 SECTION A A  
SCALE 1:50

| FOR EXEMPTION PERMISSION ONLY  |  |
|--|--|
| <p><b>GENERAL NOTES:</b></p> <p>At once to ensure the correct building regulations are followed, the site must be built in accordance with the relevant building regulations and the relevant planning permission.</p> <p>The site must be built in accordance with the relevant building regulations and the relevant planning permission.</p> <p>The site must be built in accordance with the relevant building regulations and the relevant planning permission.</p> <p>The site must be built in accordance with the relevant building regulations and the relevant planning permission.</p> <p>The site must be built in accordance with the relevant building regulations and the relevant planning permission.</p> | <p><b>APPLICANT:</b></p> <p>APPLICANT'S NAME: [Name]</p> <p>APPLICANT'S ADDRESS: [Address]</p> <p>APPLICANT'S CONTACT: [Contact]</p> <p>APPLICANT'S DATE: [Date]</p> <p>APPLICANT'S SIGNATURE: [Signature]</p> |
| <p><b>PROJECT DETAILS:</b></p> <p>PROJECT NAME: [Name]</p> <p>PROJECT ADDRESS: [Address]</p> <p>PROJECT CONTACT: [Contact]</p> <p>PROJECT DATE: [Date]</p> <p>PROJECT SIGNATURE: [Signature]</p>   | <p><b>EXEMPTION PERMISSION:</b></p> <p>EXEMPTION PERMISSION: [Yes/No]</p> <p>EXEMPTION PERMISSION DATE: [Date]</p> <p>EXEMPTION PERMISSION SIGNATURE: [Signature]</p>  |



