

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan Co Meath

046 - 9097500

Planning & Development Act 2000- 2022

DECLARATION

**To: Eoin McNamara
5 Hermitage Glen
Kells
Co Meath
A82 C747**

PLANNING REFERENCE NUMBER: KS525080

APPLICATION RECEIPT DATE: 07/07/2025

FURTHER INFORMATION DATE:

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023, Meath County Council has by order dated 29/07/2025 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: Garage conversion with bay window at **5 Hermitage Glen, Kells, Co Meath, A82 C747**

Date: 29/07/2025

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 2000-2023 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 Web: www.pleanala.ie

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number: 1281/25

Reference Number: KS525080

Subject: Declaration under Part 1, Section 5, Planning and Development Act 2000-2023

Name of Applicant: Eoin McNamara

Address:
5 Hermitage Glen
Kells
Co Meath
A82 C747

Nature of Application: Garage conversion with bay window


Location of Development: 5 Hermitage Glen, Kells, Co Meath, A82 C747

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: 29/07/2025

Meath County Council

Planning Report

To: Wendy Bagnall, Senior Executive Planner

From: Shoaib Khan, Executive Planner

File Number: KS525080

Applicant: Eoin McNamara

Development Address: 5 Hermitage Glen, Kells, Co Meath.

Application Type: Section 5 of the Planning & Development Act 2000- 2023,
Declaration on Development/Exempted Development.

Date of Site Inspection: Not applicable.

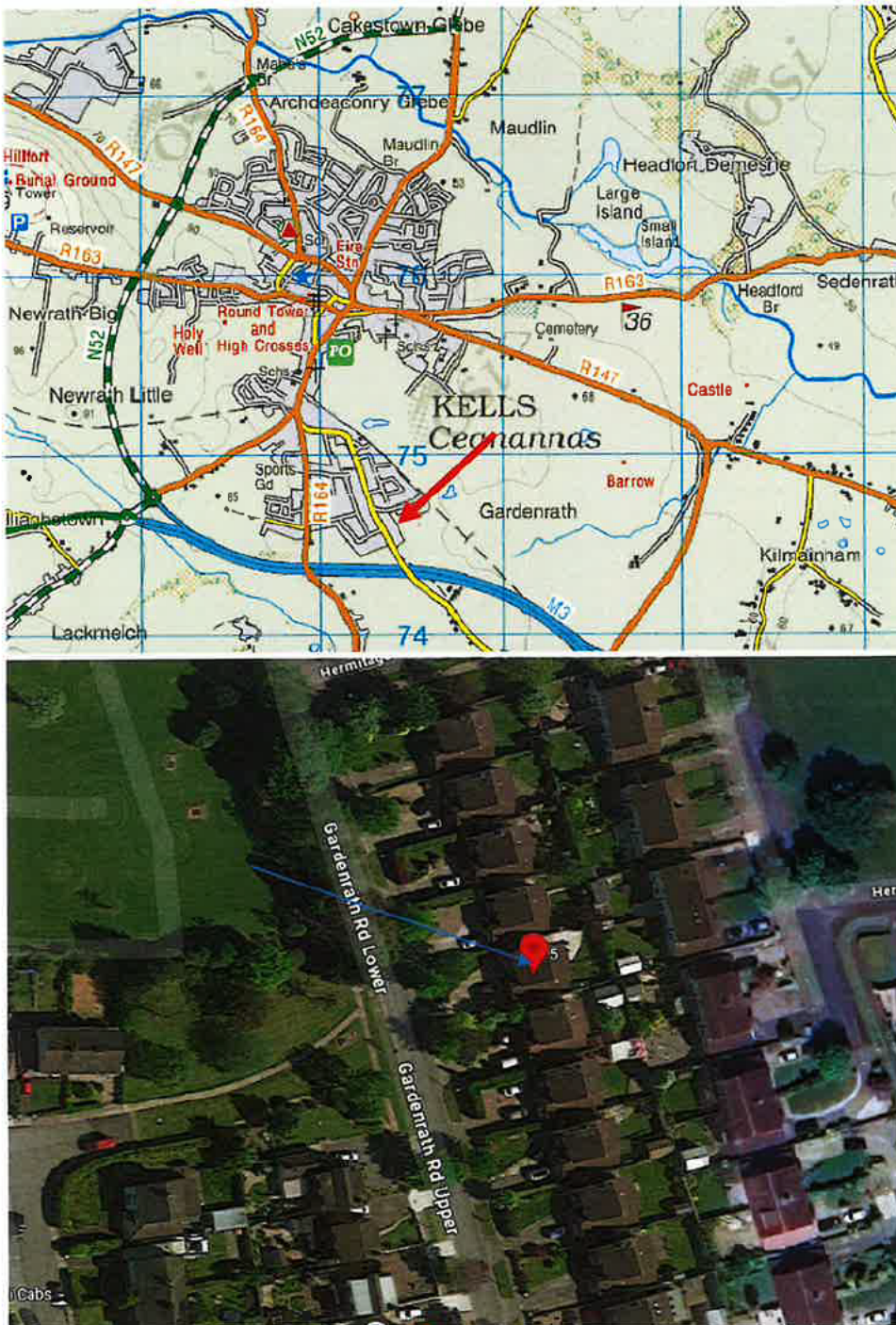
Date of Report: 28/07/2025

Date Decision Due: 04/08/2025

Development Description: Garage conversion with bay window.

1.0 SITE LOCATION & DESCRIPTION

The application pertains to an existing detached residence located in the urban area of Kells. It is designated as an A1 existing residential zone, with access from the estate road. Surrounding properties include additional two-storey houses, with Kells town centre situated to the north and west, which accommodates various commercial establishments. This locality is included in the Southwest Lowlands Landscape Character Area, acknowledged for its moderate value and moderate sensitivity.



1.2 Planning Policy

- Meath County Development Plan 2021-2027

11.14.6 Land Use Zoning Categories

A1 Existing Residential

Objective: *To protect and enhance the amenity and character of existing residential communities.*

Lands identified as 'Existing Residential' are established residential areas. Development proposals on these lands primarily consist of infill developments and the extension and refurbishment of existing properties. The principle of such proposals is normally acceptable subject to the amenities of surrounding properties being protected and the use, scale, character and design of any development respecting the character of the area.

2.0 PROPOSED DECLARATION

The referrer seeks a declaration as to whether "Garage conversion with bay window." **is or is not development and is or is not exempted development.**

3.0 PLANNING HISTORY

None on site.

4.0 LEGISLATIVE CONTEXT

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.

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 situated; 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.

Section 3 of the Planning & Development Acts 2000-2023

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

"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 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)(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*
- (i) "the development is authorised, or is required to be authorised, by or under any enactment...."*

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 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.

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 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.

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.

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."

Planning and Development Regulations 2001-2025

Article 6(3)

"Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 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 – 9(1)(a) – if the carrying out of such development would” conflict with the restriction on exemptions as outlined between (i) – (xii) of the regulations.

5.0 ASSESSMENT

(i) Does the proposal constitute development:

Having regard to the definition of ‘development’ within the Planning and Development Act 2000 (as amended), “the carrying out of works on, in, over or under lands or the making of any material change in the use of any structures or other land”; It is considered the proposal detailed would constitute development in accordance with Section 3(1) of the Planning and Development Act 2000-2023. Therefore, the focus, is on whether or not the proposed development constitutes exempted development.

(ii) Does the proposal constitute exempt development:

Schedule 2, Part 1 Exempted Development – General

Schedule 2, Part 1, Class 1 (General) of the Planning and Development Regulations 2001 - 2025 relate to:

Development within the curtilage of a house

“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 (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.*

The site has not undergone any extension. Except as proposed in this application

(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.

The submitted floor plans indicate the floor area for the proposed conversion to be 17.1m² on the ground floor.

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.

A total area of 17.1 square meters on ground floor conversion of the garage.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

This application seeks declaration on conversion of an attached garage with no structural changes. The property is detached and maintains sufficient distance.

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.

Not applicable.

(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.

Not applicable.

(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.

Not applicable, as no structural changes are required except installation of a window at front elevation.

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.

Not applicable as no additional construction. It is not explicitly stated, but by measuring the distances from the site boundaries, it seems that the subject site will provide adequate open space exceeding the minimum requirement of 25m².

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

No windows are suggested to be placed within 1 meter of the adjacent property.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

Works sought for declaration relate to ground floor garage conversion only.

(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.

Not applicable.

7. The roof of any extension shall not be used as a balcony or roof garden.

Not applicable. Works sought for declaration relate to ground floor garage conversion only.

Based on the submitted documentation, it appears that the application would comply with the conditions and limitations of Class 1 to Part 1 of Schedule 2 of the Planning and Development Regulations, 2001-2025.

6.0 RESTRICTIONS ON EXEMPTIONS

The works are not restricted by virtue of Article 9(1)(a)(i) – (xii) (inclusive).

Article 9(3) reads as

Development shall not be exempted development for the purposes of this Act if an environmental impact assessment or an appropriate assessment of the development is required.

The development consists of a domestic extension. It is not considered the proposal would require an environmental impact assessment.

7.0 APPROPRIATE ASSESSMENT

Article 9(1)(a)(viiB) sets out that where a planning authority, as the competent authority in relation to appropriate assessment, considers that a development would be likely to have significant effect on the integrity of a European site then there is a restriction on exemption.

The site is not located within a Natura 2000 site. The nearest sites located within 15km of the subject site are as follows:



- River Boyne and River Blackwater SAC 002299
- River Boyne and River Blackwater SPA 004232

The Planning Authority considered the nature, scale and location of the proposed development and other plans and projects (where there could be potential for cumulative or in-combination effects), the conservation objectives/ qualifying interests of European Sites within the vicinity of the site and the distance to European Sites, any protected habitats or species, the WFD catchment location, the underlying aquifer type and vulnerability and the excavation works, emissions, transportation requirements and duration of construction and operation and cumulative impacts associated with the proposal.

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 CONCLUSION

On the basis of the information provided, I conclude that "Garage conversion with bay window" is development and is exempted development

9.0 RECOMMENDATION

It is therefore recommended that a **Declaration of Exemption be GRANTED** for the development set out hereunder.

WHEREAS the question has arisen as to whether "Garage conversion with bay window at 5 Hermitage Glen, Kells, Co Meath." is or is not development and is or is not exempted development.

AND WHEREAS Meath County Council, in considering this question, has had regard particularly to:

- (a) Sections 2(1), 3(1), 4, & 177U(9) 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) of the Planning and Development Regulations, 2001-2025
- (d) Information provided.

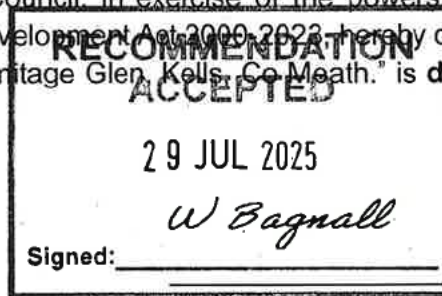
AND WHEREAS Meath County Council has concluded: -

- a) Garage conversion with bay window at 5 Hermitage Glen, Kells, Co Meath." comprises works and is development under section 3(1) of the Planning & Development Act 2000-2023 and
- b) "Garage conversion with bay window at 5 Hermitage Glen, Kells, Co Meath." is exempted development under the provisions of Class 1 of Article 6, Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2025.

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 Garage conversion with bay window at 5 Hermitage Glen, Kells, Co Meath." is **development** and is **Exempted Development**.



Shoaib Khan
Executive Planner
Date: 28/07/2025



Wendy Bagnall
Senior Executive Planner
Date:

Note: Declaration is made strictly on the information submitted with this application and the Case Officer's interpretation of the thresholds for exempted development as set out in the Planning & Development Act 2000-2023 and Regulations 2001-2025.

**APPLICATION FORM - DECLARATION ON DEVELOPMENT & EXEMPTED
DEVELOPMENT**

Part 1 Section 5 of Planning and Development Act 2000-2023, as amended.

1. Name: EOIN MC NAMARA
Address: [REDACTED]
Phone No: _____ E-mail : _____
2. Address for correspondence:
Address: [REDACTED]
Phone No: [REDACTED] E-Mail: [REDACTED]
3. Location of Development and/or Subject Site: KEUS, COMPANY
4. Description of Development: GARAGE CONVERSION WITH
BAY WINDOW
5. Will the development take place within the curtilage of a dwelling house?
Please tick as appropriate: YES ☒ NO ☐
6. Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?
Please tick as appropriate: YES ☐ NO ☒
- 6(b) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000 - 2018, as amended, been requested or issued for the property by the Planning Authority?
Please tick as appropriate: YES ☐ NO ☐
7. State overall height of structure if applicable: N/A
8. State in square metres the floor area of the proposed development:
17.1
9. List of plans / drawings etc. submitted:
FLOOR PLAN, SITE PLAN, COVER LETTER, DEVELOPMENT IMAGES



10. Please state applicants interest in this site

OWNER

If applicant is not the owner of site, please provide name & address of owner:

11. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES ☐ NO ☒

11 (b), If "YES" please supply details:

12. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES ☐ NO ☒

12 (b), If "YES" please supply details:

SIGNED: RM

DATE: 26/06/25

NOTES

1. Application Fee of €80

2. Application shall be accompanied by:

- 2 copies of site location map to scale 1:2500 clearly showing the site outlined in red and the extent of the site boundaries, the position of existing structures, etc., and the proposed work.
- 2 drawings to scale (1:200) of the proposed development (including floor plan and elevations), if appropriate.
- Two site layout plans to scale 1:500 if appropriate. Please submit 2 copies of any additional plans/reports etc. you may wish to include as part of the application.

Application shall be forwarded to: Meath County Council, Planning Department, Buvinda House, Dublin Road, Navan, Co. Meath.
Contact Details: Phone: 046 9097500 Fax: 046 9097001
Email: planning@meathcoco.ie

EOIN MC NAMARA
5 HERMITAGE GLEN
KELLS
CO MEATH
A82 C7H7

MEATH COUNTY COUNCIL,
PLANNING DEPARTMENT,
BUVINDA HOUSE,
DUBLIN ROAD,
NAVAN,
CO MEATH

Proposal: Seeking exemption for a garage conversion including a Bay Window for purpose of house sale.

Reasons:

Development complies with Class 1 exemption in the regulations under Column 2 subsections as follows:

Class 1 – section 1 (a) – the house has not been extended previously, floor area is under 40sq meters, and no extension exceeding 40sq meters is in place.

Class 1 – section 6 (a) – the ground level windows are not less than 1 meter from the boundary they face.

Class 1 – section 7 – the current roof is not used as a balcony or roof garden.

Also under Planning and Development Act 2023 Section 4 1 (h) : the 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. The window is in character with the dwelling and surrounding area, there are neighbouring houses with similar work carried out.

I have also included drawings, pictures and €80 fee.

Regards,

Eoin Mc Namara –



K9525080

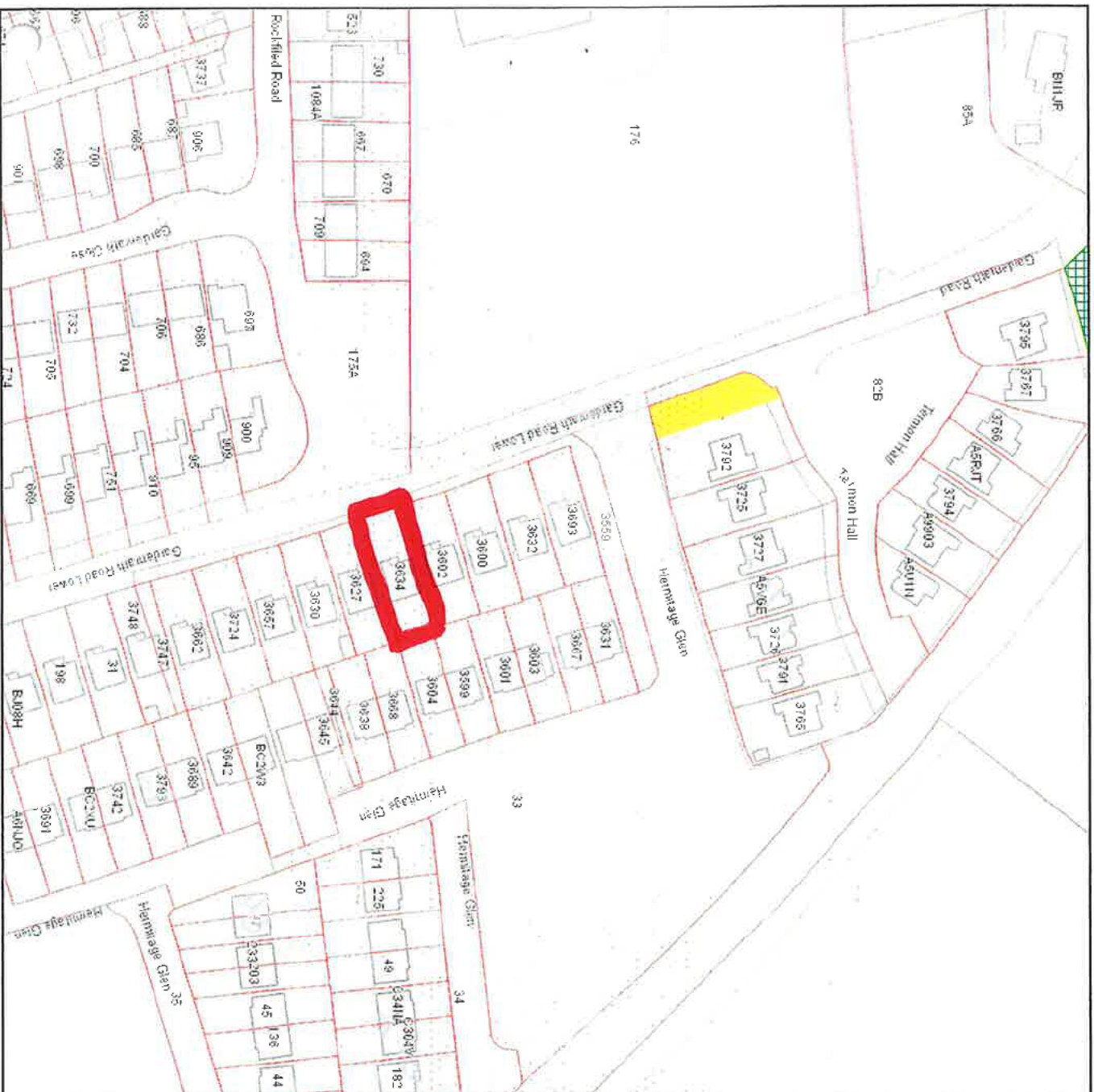
My nouse:



Neighbouring Houses – for purpose of showing it is in keeping with the surrounding area:



KSS 25080



**Tailte
Éireann**

Clárúchán, Lúchál,
Suirbhreacht
Registration, Valuation,
Surveying

Official Tailte Éireann Registration Map

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(centre-line of parcels(s) edged)

- Freehold
- Leasehold
- Subleasehold
- 'S' Register

(See Section 8(1)(f) of Registration of Title Act 1964 and Rule 224 to 225 Land Registration Rules 1977 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system.
The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

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KS525080





Taite Éireann

Clárúcháin Lúchál
Súbhreacht
Registreacha, Vairiáisiú
Súbhreacht

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(centre-line or parcel/edged)

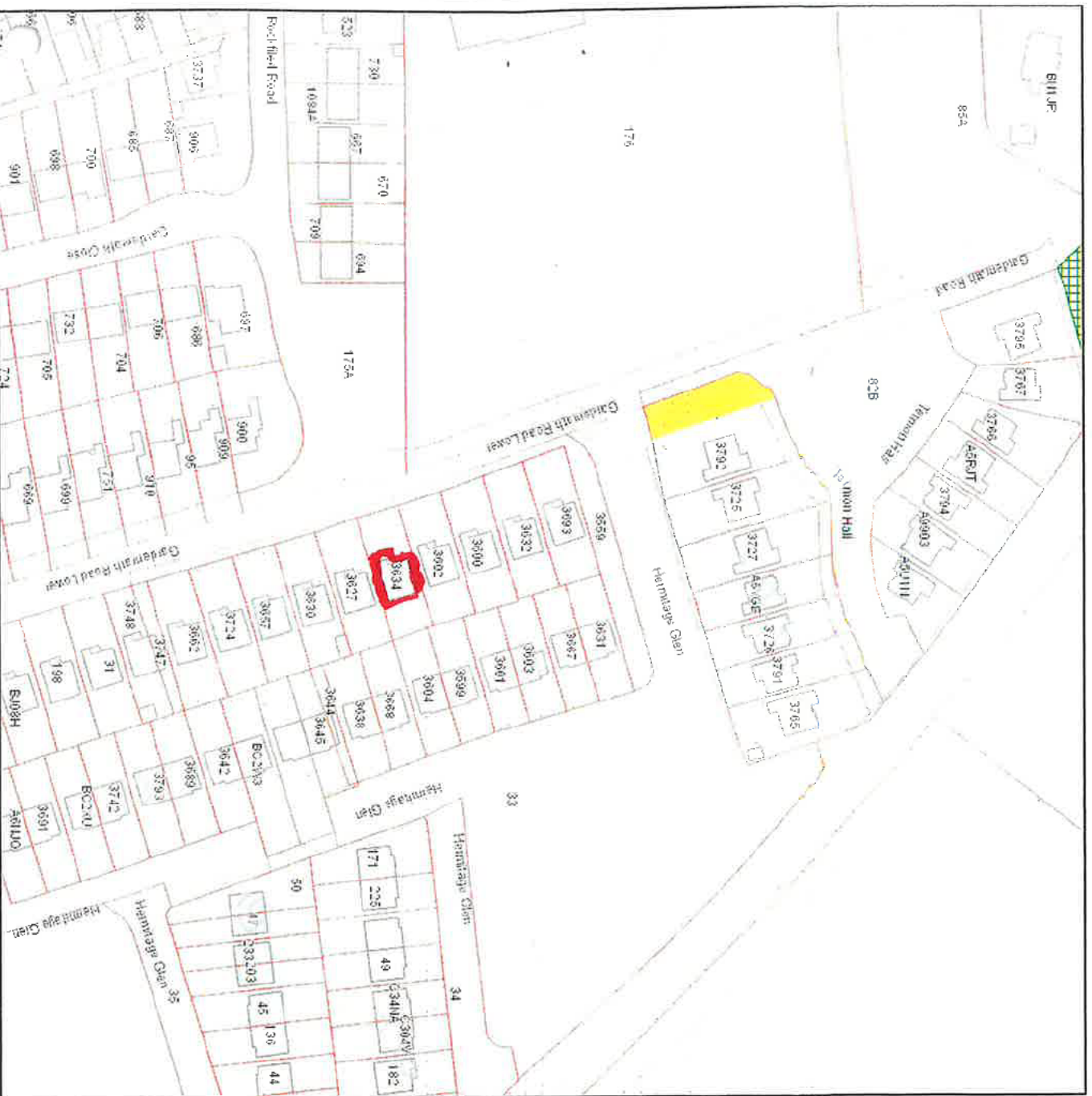
- Freehold
- Leasehold
- Subleasehold
- 'S' Register

(see Section 8(4)(ii) of Registration of Title Act 1904 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

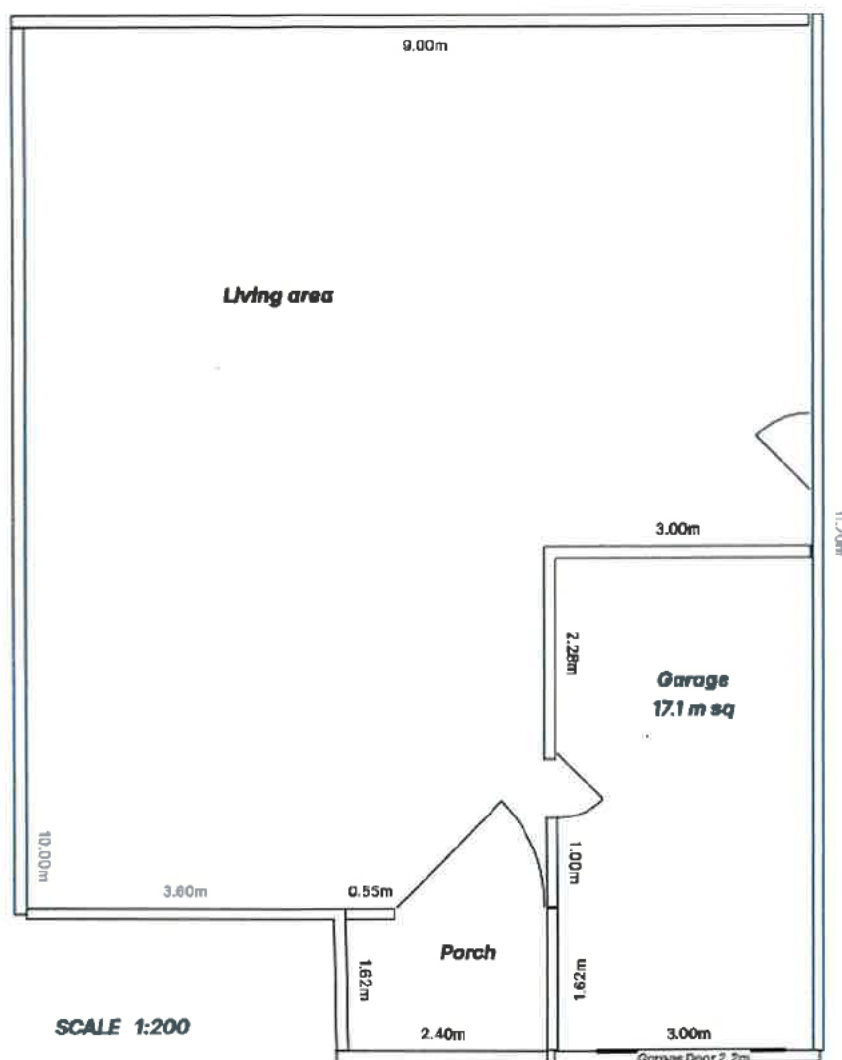
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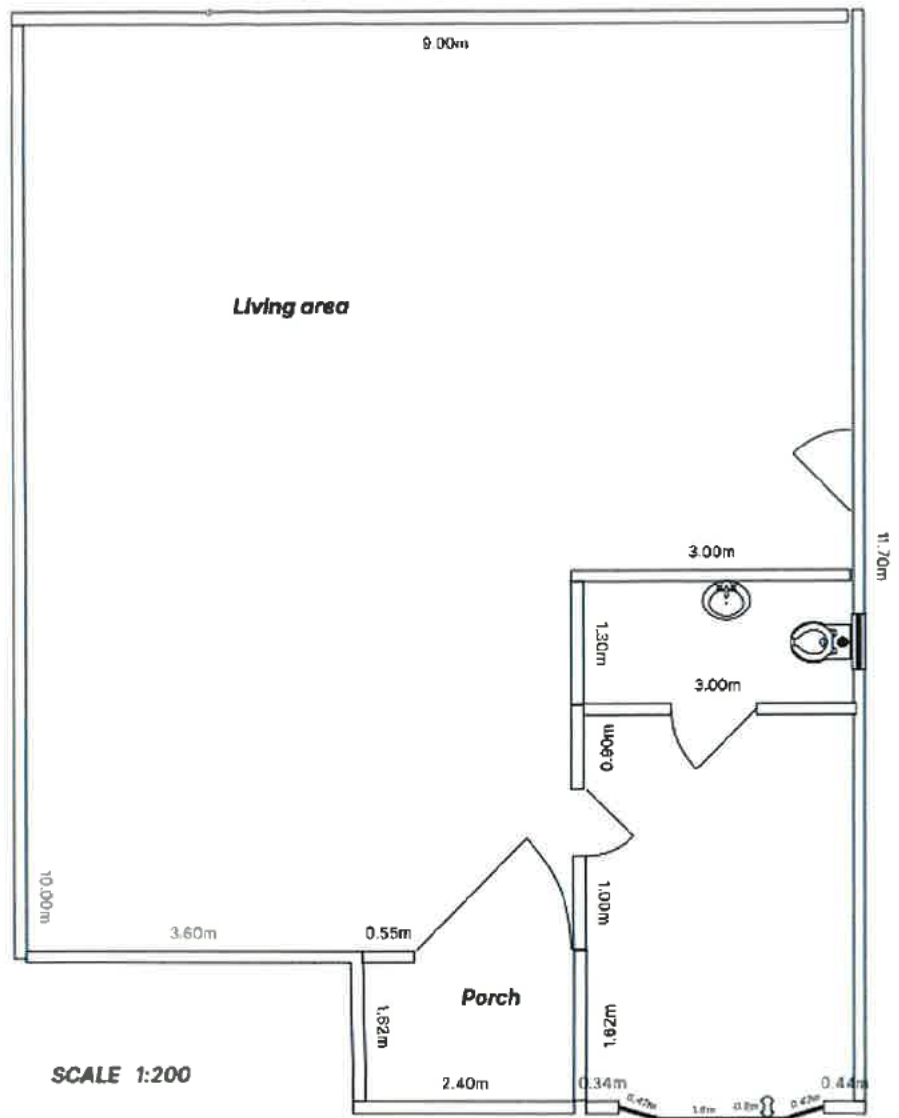


**ORIGINAL
FLOOR PLAN**



K5525080

**FLOOR PLAN
FOLLOWING
GARAGE
CONVERSION**



ZOOM IN OF WINDOW DIMENSIONS:



K5525080



Tailte Éireann

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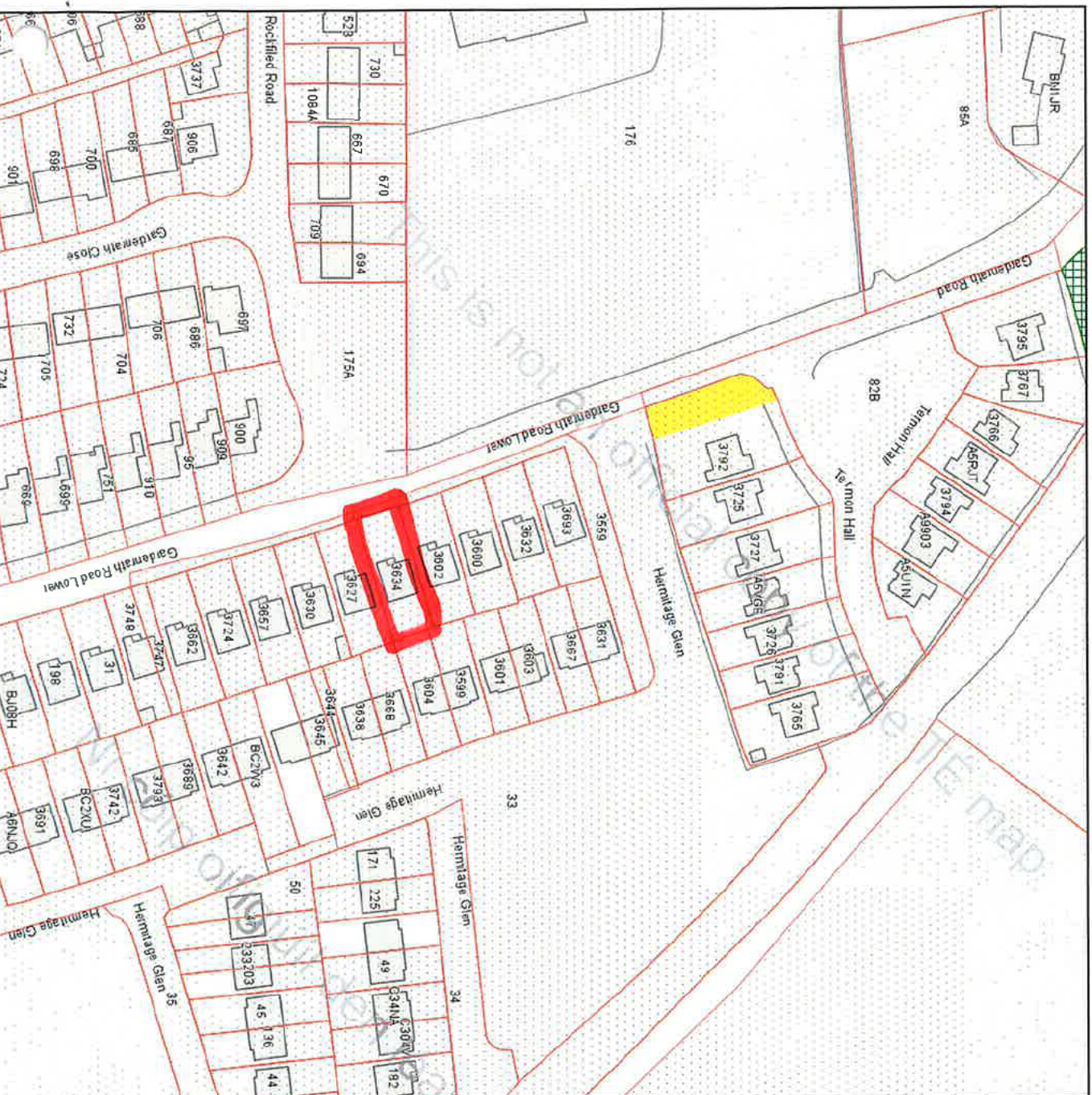
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- Right of Way / Wayleave
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Surbhíreacht,
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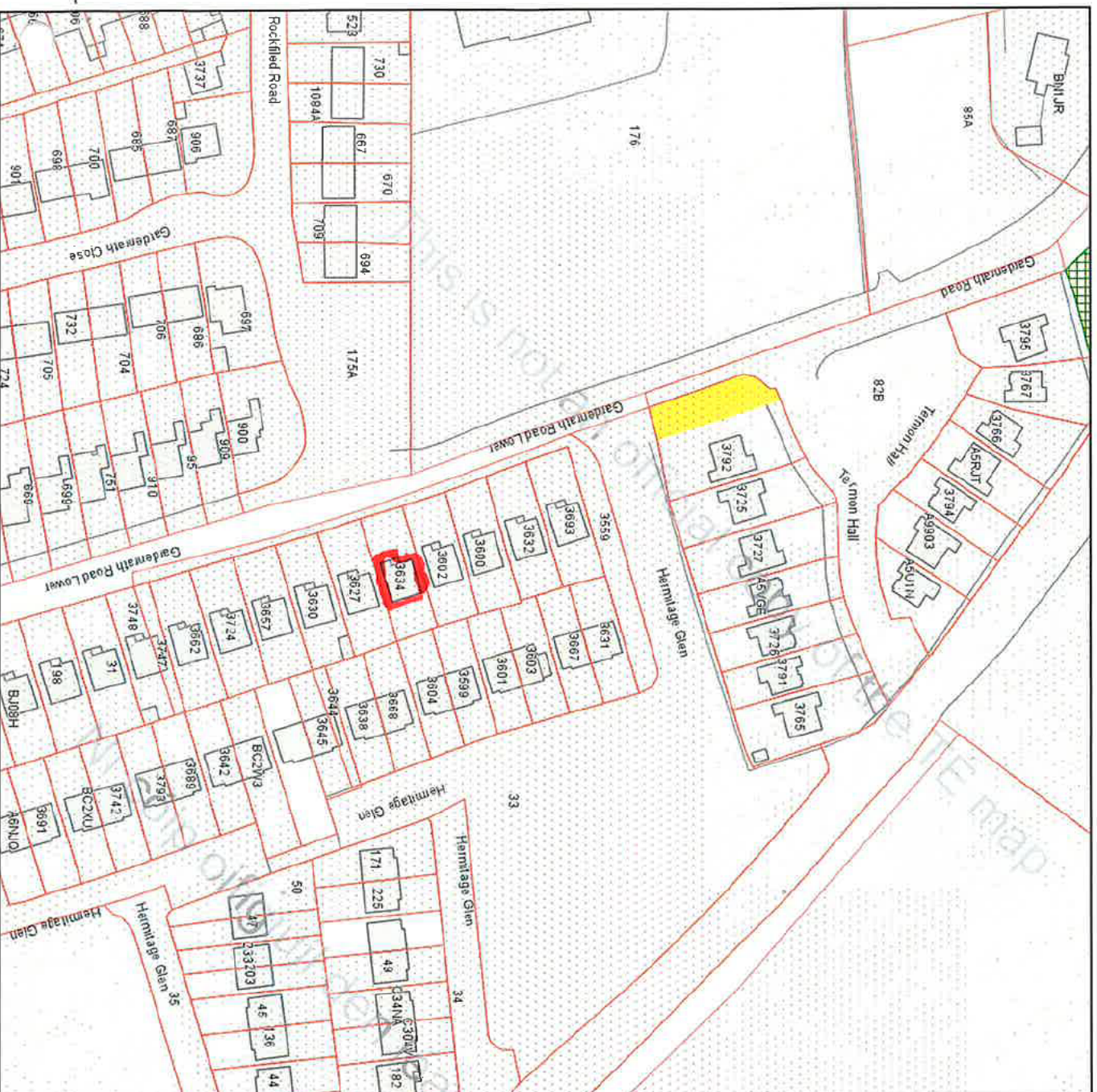
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Living area

9.00m

10.00m

3.60m

0.55m

1.62m

Porch

2.40m

3.00m

2.20m

Garage

17.1 m sq

1.00m

1.62m

3.00m

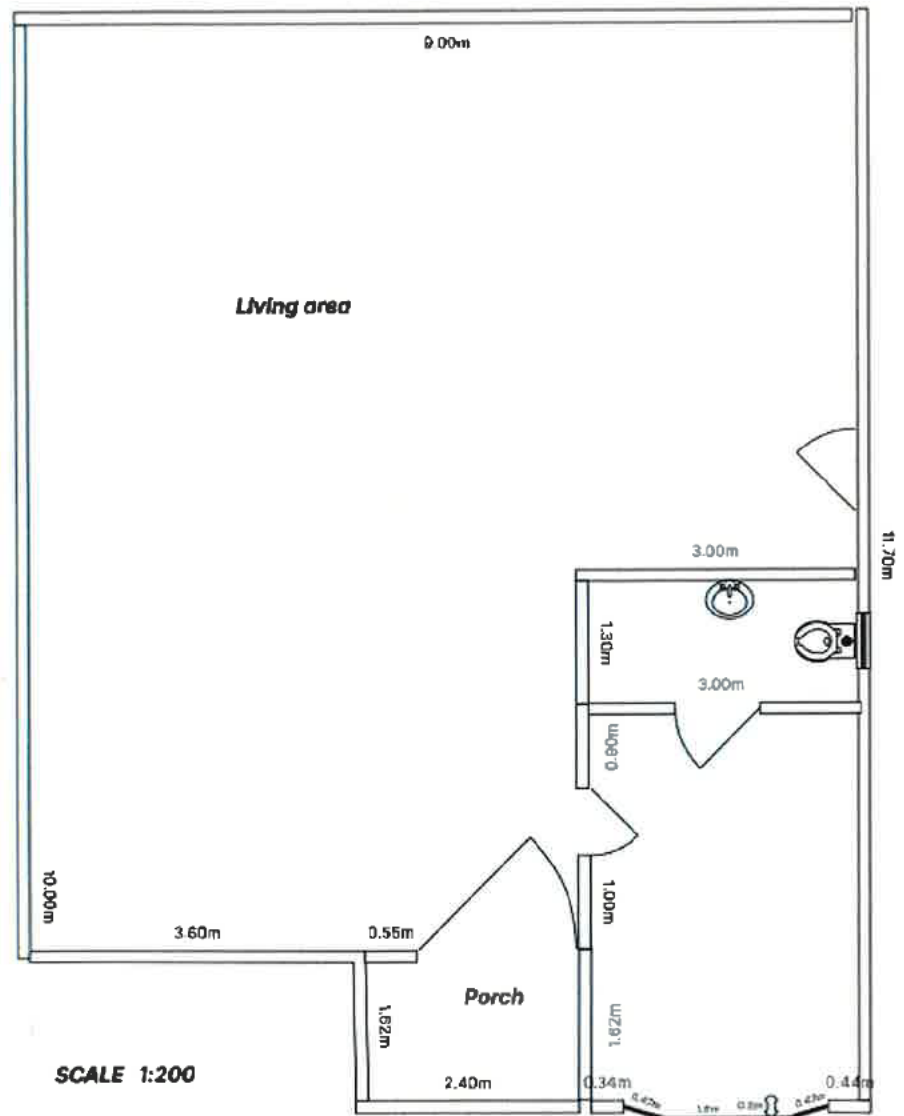
Garage Door 2.2m

SCALE 1:200

11.70m

K5525080

**FLOOR PLAN
FOLLOWING
GARAGE
CONVERSION**



ZOOM IN OF WINDOW DIMENSIONS:



KS5 250 80