

**MEATH COUNTY COUNCIL**

**Planning Department**

**Buvinda House**

**Dublin Road**

**Navan Co Meath**

**046 - 9097500**

**Planning & Development Act 2000- 2023**

**DECLARATION**

**To: Joe & Mary Mitchell  
No. 166 Balreask Manor,  
Navan,  
Co. Meath  
C15RW5W**

NS525076

**PLANNING REFERENCE NUMBER:**

**APPLICATION RECEIPT DATE:**

27/06/2025

**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 24.07.25 decided to Declare the proposed development is **EXEMPT**, in accordance with the documents submitted namely: **Single-story extension to the rear of existing two-storey semi-detached dwelling at No. 166 Balreask Manor, Navan, Meath, C15RW5W.**

Date: 24.07.25

  
On Behalf of Meath County Council

**NOTE:**

1. Any appeal against a Declaration of a Planning Authority under Section 5, subsection 3(a) of the Planning and Development Act 2000-2023 may be made to An Bord Pleanála by the applicant WITHIN FOUR WEEKS beginning on the date of issue of the Declaration.
2. Appeals should be addressed to An Coimisiún Pleanála, 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 Pleanála 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**

**CHIEF EXECUTIVE ORDER**

**Chief Executive Order Number:** 1254/25

**Reference Number:** NS525076

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

**Name of Applicant:** Joe & Mary Mitchell

**Address:** No. 166 Balreask Manor,  
Navan,  
Co. Meath  
C15RW5W

**Nature of Application:** Single-story extension to the rear of existing two-storey semi-detached dwelling

**Location of Development:** No. 166 Balreask Manor, Navan, Meath, C15RW5W

**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:**



# Meath County Council



## Planning Report

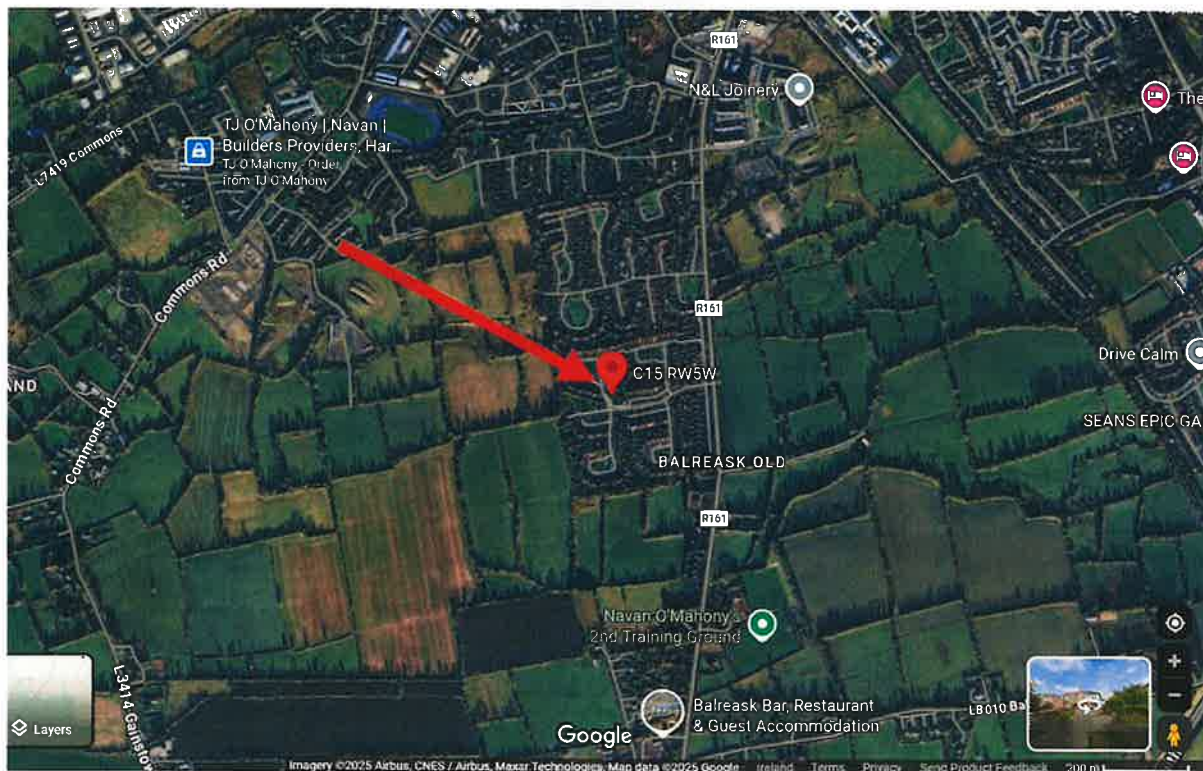
<b>To:</b>	<b>Wendy Bagnal, Senior Executive Planner</b>
<b>From:</b>	<b>Oisín Kerr, Assistant Planner</b>
<b>Date:</b>	<b>22/7/2025</b>
<b>MCC File Number:</b>	<b>NS525076</b>
<b>Applicants:</b>	<b>Joe and Mary Mitchell</b>
<b>Development Address:</b>	<b>No. 166 Balreask Manor, Navan, Meath, C15RW5W</b>
<b>Application Type:</b>	<b>Section 5 of the Planning &amp; Development Acts 2000 (as amended): Declaration on Development/Exempted Development.</b>
<b>Development Description:</b>	<b>Single-story extension to the rear of existing two-storey semi-detached dwelling.</b>
<b>Date Decision Due:</b>	<b>25/7/2025</b>

## 1.0 Site Location & Description

The subject site is located in the Balreask Manor housing scheme No. 166, approx. 2.1 km south of Navan Town centre. The existing dwelling is a storey semi-detached.

The area is zoned A1 Existing Residential in the CDP.

There are no Protected Structures, National Monuments or Protected Views within or around the application site.



## 2.0 Proposed Declaration

The applicants describe the development in the completed application form as '*single story extension to the rear of an existing two-storey detached dwelling*'. The Planning Authority is considering this question:

***Whether the single-storey extension to the rear of an existing dwelling is or is not development and is or is not exempted development.***

*The completed cover letter and submitted documents indicate the extent of works proposed.*

### **3.0 Planning History**

None.

### **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.

#### **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 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) 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.’*

### 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.

#### 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.

#### 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.

*Exempted Development — General*

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b> 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.</p>	<ol style="list-style-type: none"> <li>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</li> <li>(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.</li> <li>(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.</li> <li>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.</li> <li>(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</li> </ol>



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.

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

Article 9 of the Planning & Development Regulations 2001-2024 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 proposed 40 sq. m. rear extension is or is not development and is or is not exempted development. In this regard, it is necessary to consider the question of "development" and "exempted development" as provided for in statute and summarised above.

##### "Development"

It is considered that the proposed extension is development and therefore falls within the section 3(1) PDA 2000 definition of development.

##### "Exempted Development"

In terms of whether the development is exempted development, the applicants propose to construct an extension to the rear and have referenced in Column 1, Class 1 (a), "*where a house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres*", is exempted development.

From a review of Article 6 of the Planning & Development Regulations 2001-2025, the Planning Officer considers that the proposed works comply with the conditions and limitations of class 1.

## **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 2299), 1 km east of the site.*
- *River Boyne And River Blackwater SPA (Site Code 4232), 1 km east of the site.*

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 and Recommendation**

It is therefore recommended that a declaration of Exemption be issued for the extension of 40 sq. m., which has been indicated on the submitted plans and particulars.

**WHEREAS** the question has arisen as to whether a 40 sq. m. rear extension at No. 166 Balreask Manor, Navan, Co. Meath, C15RW5W 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, & 177U (9) of the Planning and Development Act 2000 – 2023,
- (b) Article 6 & 9 of the Planning and Development Regulations, 2001-2025
- (c) Information provided.

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

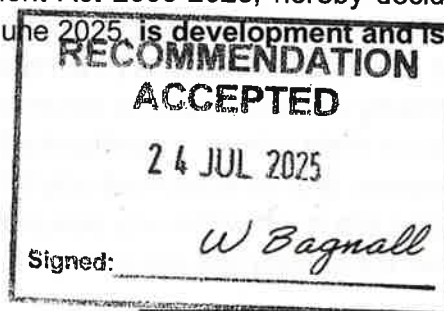
- (a) The proposal represents works and constitutes development having regard to Section 2 and 3 of the Planning and Development Act 2000-2023.
- (b) The proposal constitutes exempted development having regard to Schedule 2, Article 6 Part 1, of the Planning and Development Regulations, 2001-2025.

**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 the works and particulars submitted on the 27<sup>th</sup> of June 2025, is development and is exempted development.



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Oisín Kerr  
Assistant Planner,  
Date: 22/7/2025



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Wendy Bagnall  
Senior Executive Planner,



**Brendan English** NCEA Dip. Eng. M.I.E.I

Planning & Design Services. Sequoia Lodge, Nugentstown, Kells, Co. Meath  
Ph.086 1733814

Senior Administrative Officer  
Planning Department  
Meath County Council  
Buvinda House  
Dublin Road  
Navan  
Co. Meath

23<sup>rd</sup> June 2025

**Re: APPLICATION FOR DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT  
Part 1 Section 5 of Planning and Development Act 2000-2021, as amended.**

**Proposed single storey 40m sq. extension to rear of existing 2 storey semi detached dwelling at  
no. 166 Balreask Manor, Navan, Co. Meath, C15RW5W.**

**Applicant: Joe & Mary Mitchell**

Dear Sir/ Madam

At the request of my clients, Joe & Mary Mitchell, I herewith submit this application for declaration on development & exempted development.

The following drawings and documentation are enclosed (2 copies)

- Planning fee – cheque for the sum of €80
- Application form

The following drawings are contained in an A3 booklet for ease of reference:

- Site location plan 1 to 2500 (Drawing no. 2025-01)
- Existing site layout plan 1:100 (Drawing no. 2025-02)
- Existing ground & first floor plan (2025-03)
- Existing ground floor plan scale 1:50 (2025-04)
- Existing front (west) elevation (2025-05)
- Existing rear (east) elevation (2025-06)





- Existing side (south) elevation (2025-07)
- Existing typical section AA (2025-08)
  
- Proposed Site layout plan (2025-09)
- Proposed ground & first floor plan (2025-10)
- Proposed ground floor plan scale 1:50 (2025-11)
- Proposed front (west) elevation (2025-12)
- Proposed rear (east) elevation (2025-13)
- Proposed side (south) elevation (2025-14)
- Proposed typical section BB (2025-15)

I trust the enclosed application is satisfactory, however if you have any queries or require any further information in this regard please do not hesitate to contact the undersigned.

Yours faithfully

  
Brendan English  
086 1733814

**Comhairle Chontae na Mí**

Roinn Pleanáil,  
Teach Buvinda, Bóthar Átha Cliath,  
An Uaimh, Contae na Mí, C15 Y291  
Fón: 046 – 9097500/Fax: 046 – 9097001  
R-phost: [planning@meathcoco.ie](mailto:planning@meathcoco.ie)  
Web: [www.meath.ie](http://www.meath.ie)



**Meath County Council**

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

**Part 1 Section 5 of Planning and Development Act 2000-2021, as amended**

**1. Name: Joe & Mary Mitchell**

**Contact details: to be supplied at the end of this form (Question 13)**

**2. Name of person/ agent acting on behalf of the applicant, if applicable**

**Brendan English. Brendan English Planning & Design Services**

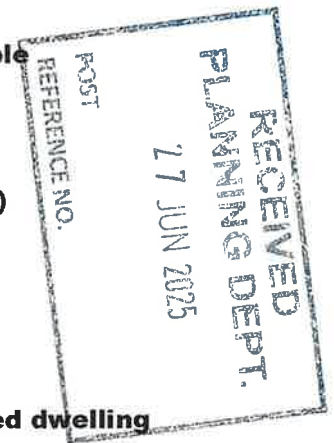
**Contact details: to be supplied at the end of this form (Question 14)**

**3. Location of Development and/or Subject Site:**

**No. 166 Balreask Manor, Navan, Co. Meath, C15RW5W.**

**4. Description of Development:**

**Single storey extension to rear of existing two storey semi detached dwelling**



**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 – 2014, 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: c.3.4m to ridge level \_\_\_\_\_**

**8. State in square metres the floor area of the proposed development:**

**40m sq. extension to rear**

**9. List of plans / drawings etc. submitted: (2 copies of the following drawings)**

N 5525076

- Site location plan 1 to 2500 (Drawing no. 2025-01)
- Existing site layout plan 1:100 (Drawing no. 2025-02)
- Existing ground & first floor plan (2025-03)
- Existing ground floor plan scale 1:50 (2025-04)
- Existing front (west) elevation (2025-05)
- Existing rear (east) elevation (2025-06)
- Existing side (south) elevation (2025-07)
- Existing typical section AA (2025-08)
  
- Proposed Site layout plan (2025-09)
- Proposed ground & first floor plan (2025-10)
- Proposed ground floor plan scale 1:50 (2025-11)
- Proposed front (west) elevation (2025-12)
- Proposed rear (east) elevation (2025-13)
- Proposed side (south) elevation (2025-14)
- Proposed typical section BB (2025-15)

10. Please state applicants interest in this site. Owner \_\_\_\_\_

If applicant is not the owner of site, please provide name & address of owner:  
Applicant is the 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:  DATE: 23-06-2025 \_\_\_\_\_  
For & on behalf of Joe & Mary Mitchell (applicants)

#### NOTES

1. Application Fee of €80
2. Application shall be accompanied by: