APPLICATION FORM – DECLARATION ON DEVELOPMENT & EXEMPTED DEVELOPMENT

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

1. **Name:** Ross Mc Gonigle

   Address: Gormanstown Road . Stamullen Co Meath K32Px99.

   [redacted]

2. **Address for correspondence:**

   Address: " "

   Phone No: " **E-Mail:** "

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

4. **Description of Development:** Extension 41 m^2

   Side - rear

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:** 4.2 m.

8. **State in square metres the floor area of the proposed development:** 41 m^2

9. **List of plans / drawings etc. submitted:** Architects Drawings

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:

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RECEIVED PLANNING DEPT 22 SEP 2026 AS526139 Counter Reference No

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: Ross McGonigle **DATE:** 21st September 2026.

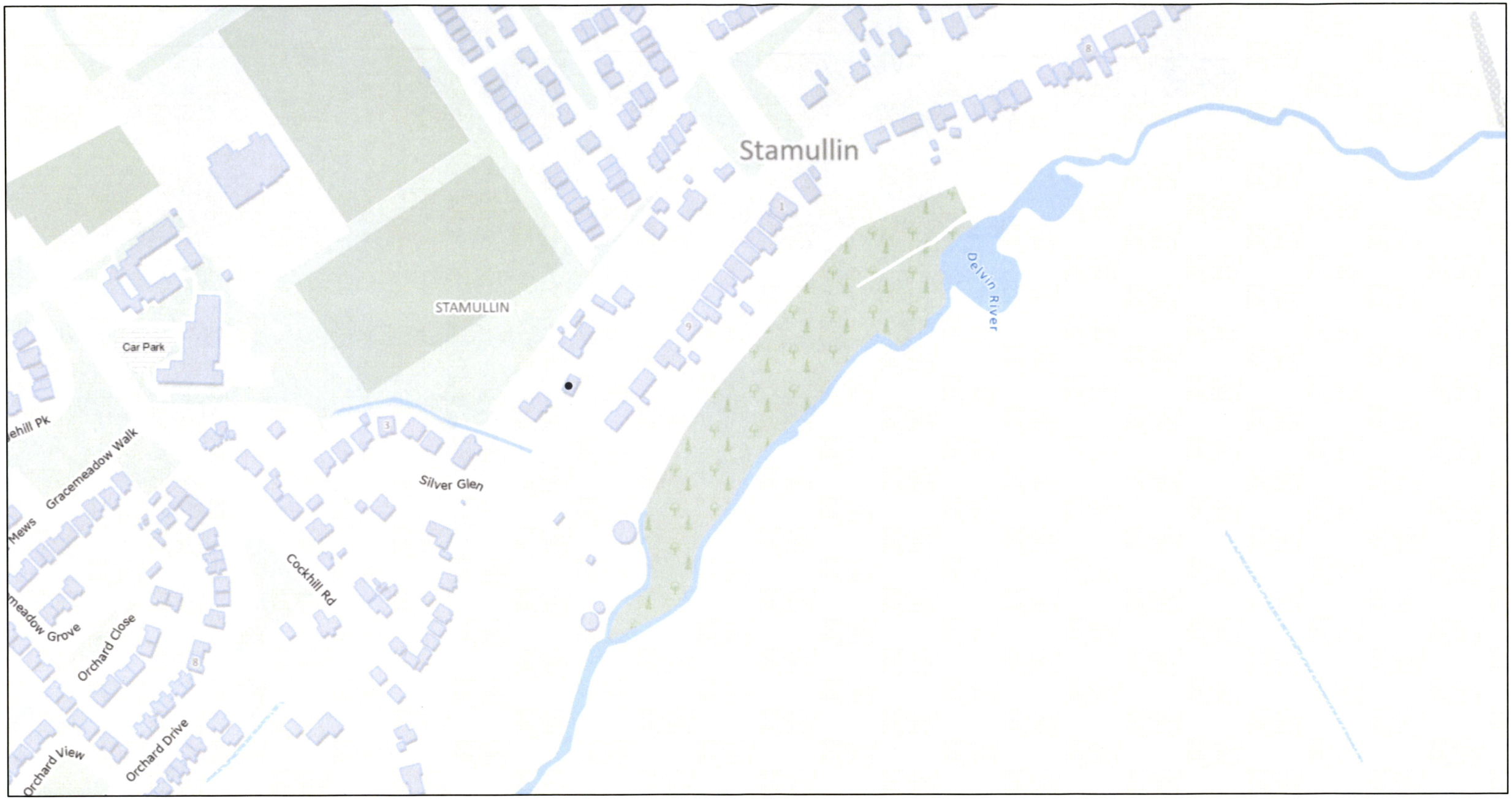
NOTES

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

GeoHive Map



9/22/2026, 1:43:21 PM

1:2,500

0 0.03 0.06 0.12 mi

0 0.05 0.1 0.2 km

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22 SEP 2026
NS526139
POST REFERENCE NO.

GeoHive
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OSI Ordinance Survey Map.

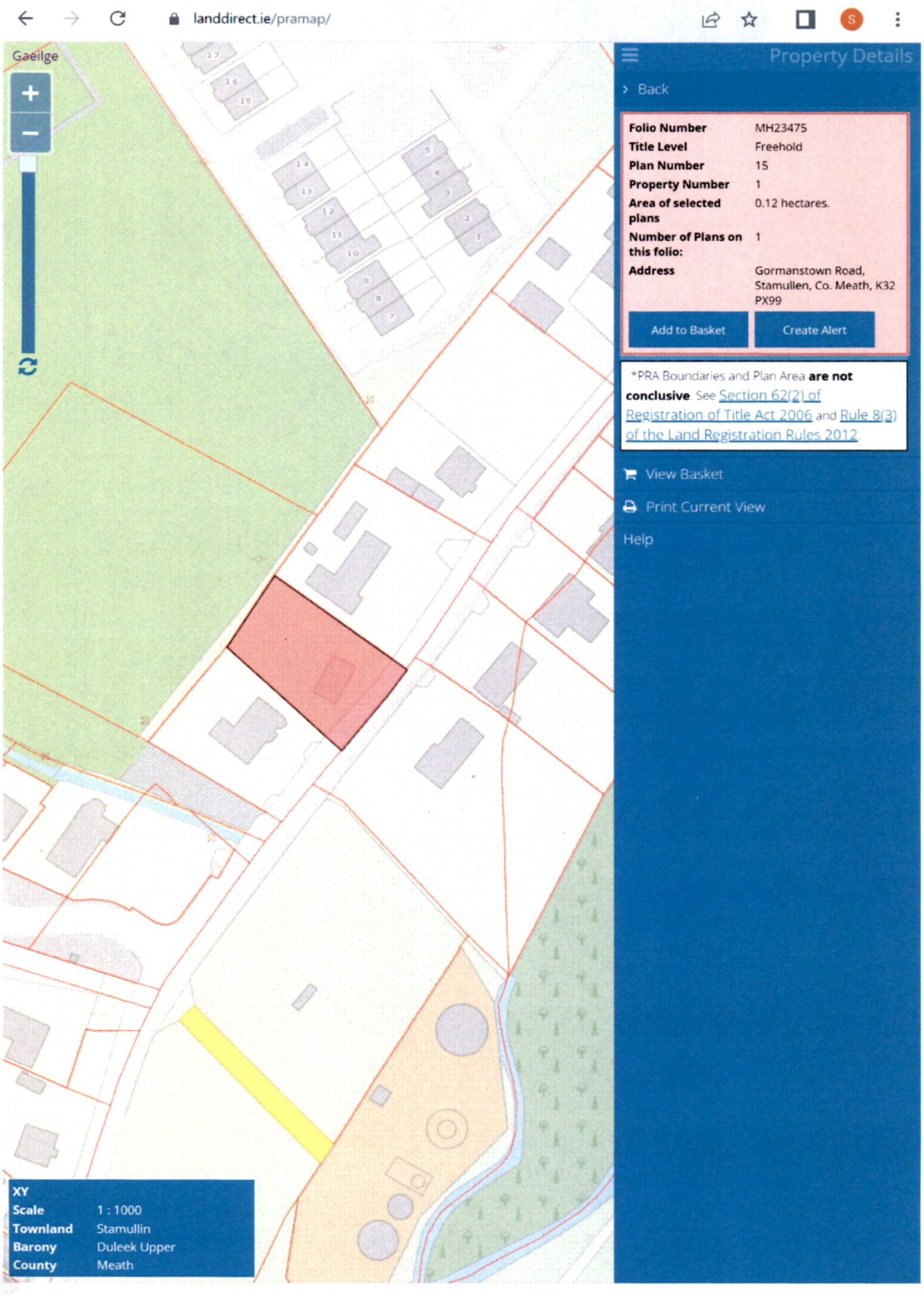

Photo 38 Borders as per land direct map, boundaries too overgrown to inspect,

INSPECTED BY STEVE WHITE

RECEIVED PLANNING DEPT.
22 SEP 2026
AS526 139
POST REFERENCE NO.

MEATH COUNTY COUNCIL

CHIEF EXECUTIVE ORDER

Chief Executive Order Number:	1757/26
Reference Number:	AS5/26139
Subject:	Declaration under Part 1, Section 5, Planning and Development Act 2000-2023
Name of Applicant:	Ross McGonigle
Address:	Gormanstown Road, Stamullen Co. Meath
Nature of Application:	Extension 41m2 side-rear
Location of Development:	Stamullen, Co. Meath
DECLARATION:	**This development is not exempted development and therefore is development requiring 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 development is NOT EXEMPTED DEVELOPMENT and therefore is DEVELOPMENT REQUIRING PLANNING PERMISSION**.

SIGNED: SLarrie

On Behalf of Meath County Council

DATE: 16.10.26

MEATH COUNTY COUNCIL

Planning Department

Buvinda House

Dublin Road

Navan, Co Meath

046 - 9097500

Planning & Development Act 2000- 2023

DECLARATION

To: Ross McGonigle
Gormanstown Road,
Stamullen
Co. Meath

PLANNING REFERENCE NUMBER: AS5/26139
APPLICATION RECEIPT DATE: 22/09/2026
FURTHER INFORMATION DATE: N/A

In pursuance of the powers conferred upon them by the Planning and Development Act 2000-2023 Meath County Council has by order dated 16/10/2026 decided to Declare the proposed development is development and is NOT EXEMPTED DEVELOPMENT therefore is DEVELOPMENT REQUIRING PLANNING PERMISSION, in accordance with the documents submitted namely: Extension 41m2 side-rear at Stamullen, Co. Meath

Date: 16.10.26

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 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

comhairle chontae na mí
meath county council

Meath County Council

Planning Report

To:	Sandra Carrie, A/ Senior Executive Planner
From:	Niall Togher, Executive Planner
Date:	09/10/2026
MCC File Number:	AS526139
Applicants:	Ross ~~McMongle~~ McGonigle
Development Address:	Gormanston Road, Stamullen, Co. Meath K32 PX99
Application Type:	Section 5 of the Planning & Development Acts 2024 (Declaration on Development/ Exempted Development.
Development Description:	"Extension 41M2 side – rear"
Date Decision Due:	19/10/2026

1.0 Site Location & Description

The subject site is located on the Gormanston Road, Stamullen, Co. Meath. The subject site comprises of a single storey detached cottage 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.



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

2.0 Proposed Declaration

The applicants describe the development in the completed application form as an "extension 41m2 side-rear"

The applicant has provided a cover letter, a site location map, a site layout map, and drawings of the proposed development.

The Planning Authority is considering this question as:

Whether "***an extension of 41 metres square to the side and rear of an existing dwelling***" is or is not development and is or is not exempted development.

3.0 Planning History

No record of planning history on subject site.

4.0 Internal, External and Prescribed Bodies

None.

5.0 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.

5.1 Section 2 of the Planning & Development Acts 2024

Section 2 of the Planning & Development Acts 2024 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 2024

Section 3(1) of the Planning & Development Acts 2024 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 2024

Section 4(1) of the Planning & Development Acts 2024 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 2000-2022 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 Act 2024

Section 5 of the Planning & Development Acts 2024 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 2024

Section 32 of the Planning & Development Acts 2024 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 2026

Article 6 of the Planning & Development Regulations 2026 provides (subject to the restrictions in article 9 of the Planning & Development Regulations 2026) 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.

<u>Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2026 provides an exemption for:</u>

- *"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 45 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 2026
Article 9 of the Planning & Development Regulations 2026 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 '*an extension of 41 metres square to the side and rear of an existing dwelling*' 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.

6.1 "Development"
It is considered that '*an extension of 41 metres square to the side and rear of an existing dwelling*' 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 applicants propose to construct '*an extension of 41 metres square to the side and rear of an existing dwelling*'. The proposed extension would comprise a gross floor area of 41sqm. The submitted plans indicated the extended area as containing a perpendicular hallway to the original dwelling. From this hallway there is a separate bathroom, two bedrooms, one of which has an ensuite. The proposed works will also result in some internal alterations to the layout of the existing dwelling. The proposal also includes the provision of a new windows at first floor and ground floor level. It is noted that this entire extension while being located behind the front building line is located to the rear and side of the existing dwelling and therefore would not be considered exempt.

To benefit from an exemption under Class 1, Part 1, Schedule 2 of the Planning & Development Regulations 2001-2026, the proposed structure must accord with the listed conditions/limitations.

1. *(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 45 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.

From the submitted drawings received, it does not appear that the dwelling has been the beneficiary of a previous extension.

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 45 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.

From the application form and drawings received, it is stated that the floor area of the proposed extension does not exceed the threshold.

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

It appears that the proposed extension is not located within a distance less than 2 metres from any party boundary, given the size of the site. However, no site layout map has been submitted to the Planning Authority to strictly confirm this to be and therefore without this information being provided, the Planning Authority cannot make a determination without an site layout map.

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.

From the drawings received, the ridge height of the proposed extension does not exceed the ridge height of the original 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.*

From the drawings received it is clear exactly the overall area of the site. There is no site layout drawing submitted to the Planning Authority, that would depict the exact measurements of the overall site. From an overhead satellite image review, given the overall site area and context it is likely that the applicant would exceed the 25 square metre private open space, however but this has not been demonstrated to the Planning Authority and therefore is precluded from making this determination.

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

The applicant's proposed to have windows to the eastern elevation, serving one bedroom, one bathroom and one ensuite. It has not been possible to establish the distance from the proposed side extension to the boundary, as no site layout drawing has been submitted to the Planning Authority.

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

From the drawings submitted to the Planning Authority, it does not appear that the proposed extension shall be used as a balcony or roof garden.

On the basis of the details submitted with the application, the Planning Officer considers that the "*an extension of 41 metres square to the side and rear of an existing dwelling*" proposed does not meet the Conditions and Limitations set out under Column 2 of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001-2023 and is therefore not exempted development.

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:

- North West Irish Sea cSPA (site code: 004236)

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 **REFUSED** for the undertaking of *"an extension of 41 metres square to the side and rear of an existing dwelling"*. It is considered that these works do not comply with the exemption and conditions/limitations set out under Class 1, Part 1, Schedule 2 of the Planning & Development Regulations 2026, and therefore does require planning permission.

WHEREAS the question has arisen as to whether the proposal is or is not exempt development.

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

(a) Sections 2(1), 3(1), 4 & 177U of the Planning and Development Act 2024
(b) Article 6 & 9 of the Planning and Development Regulations, 2026
(c) Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2026

AND WHEREAS Meath County Council has concluded: -

(a) The Planning Authority considers *"an extension of 41 metres square to the side and rear of an existing dwelling"*, would not comply with the exemption and conditions and limitations set out under Class 1, Part 1, Schedule 2 of the Planning & Development Regulations 2026, and therefore does require planning permission.

NOW THEREFORE Meath County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2024 hereby decides that the said on the undertaking of "*an extension of 41 metres square to the side and rear of an existing dwelling*" as submitted on the plans and particulars submitted on 22nd September 2026 is considered development and IS NOT exempted development.

RECOMMENDATION ACCEPTED
16 OCT 2026
Signed: _____
Sandra Carrie

Niall Togher
Executive Planner
Date: 09/10/2026

A/ Senior Executive Planner
Date: 16/10/2026