



MCKEVITT KING
ARCHITECTS

50 NORTH ROAD, DROGHEDA

CO. LOUTH, IRELAND, A92 W725

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H227/JMcK/CR

19th May 2026

Planning Office,
Louth County Council,
Town Hall,
Crowe Street,
Dundalk,
Co. Louth,
A91 W20C

Re: Section 5 Declaration Application for development at Dublin Road, Drogheda, Co. Louth, A92 E89H for Sharon Heffernan.

Dear Sir/ Madam,

On behalf of our client, we submit this application in relation to a Declaration of Exempted Development at Dublin Road, Drogheda, Co. Louth, A92 E89H.

Drawings and Documents included in this application are as follows:

- Section 5 Declaration Application Form
- €80 Application Fee (cheque)
- 2 No. copies of Site Location map, Drawing No. H227_PE-01
- 2 No. copies of Site Layout Plan, Drawing No. H227_PE-02
- 2 No. copies of Architects Drawings Nos. H227_PE-03, PE-04, PE-05, PE-06, PE-07, SU-01, SU-02, SU-03, SU-04, SU-05, SU-06

Trusting all of the foregoing to be in order we now await to hear from you in due course. If you have any queries, please do not hesitate to contact the undersigned.

Yours faithfully,



James McKevitt MRAI
McKevitt King Architects
Enc:





Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read "Guidance Notes" before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.
 - (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.
 - (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.
 - (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.
2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.
3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.
4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

Sharon Heffernan

Dublin Road, Drogheda, Co. Louth, A92 E89H

Phone Number: E-Mail:

2. Name and address of agent (if any):

McKevitt King Architects

50 North Road, Drogheda, Co. Louth, A92 W725

Phone Number: 041 9832950 E-Mail: info@mckevittking.ie

3. Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)

As per Agent above

4. Interest in site of the person seeking declaration:

Owner

(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

5. Location and full address of development referred to in Question 7

Dublin Road, Drogheda, Co. Louth, A92 E89H

6. Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at <https://irish.gridreferencefinder.com>

A92 E89H

7. Question for determination under Section 5 (See Note 1 above).

The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:

The proposed development will consist of the following:

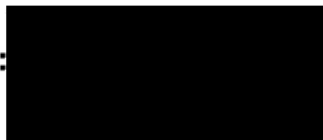
- a) Construction of new garden canopy to rear of existing dwelling
- b) Alterations to rear elevation including alterations to window & door types
- c) Construction of new chimney stack to rear of existing dwelling
- d) All associated site works

8. Does the development consist of works to be carried out to an existing or proposed protected structure? Yes ☐ No ☒

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

I certify that the aforementioned is correct.

Signature of Applicant:



Date 19/05/2026

Please include one copy of the following documents with this application form:

- Site Location Map: (Scale 1:1000)
- Site Layout Map: (Scale 1:200 or 1:500)
- Floor Plans & Elevations: (Scale 1:50, 1:100 or 1:200)
Existing & Proposed, where applicable
- Application fee: (€80)

Completed Application Form & Fee of €80.00 may be sent to:

**Planning Office, Louth County Council, Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C
OR**

by email to planninggroup@louthcoco.ie with contact details to arrange payment of fee.

Do not scale off this drawing - Figure dimensions only to be taken from drawings.

All dimensions and/or levels to be checked on site before work commences.

McNeill King Architect to be informed of any discrepancies or variations between drawings & site conditions.

Drawings to be read in conjunction with all relevant architectural, structural, civil, environmental, energy, life safety, mechanical and/or electrical drawings/specifications.

All work is to comply with the current Building Regulations.

Copyright of this drawing is vested in the Architect and must not be copied or reproduced without consent.

O.S. REF. NO. 2319_18 & 2319_23

PROJECT
KEY ACTIVITIES
CLIENT

STAGE	UNRECORDED	
DATE	SCALE	REF
FILED IN	FILED IN	
BOOK 18	NOTED IN	TRAINING INC
CHUCKID 8	H227	PE-01





EXISTING SOUTH EAST ELEVATION (SIDE)
SCALE 1:50 @ A1



EXISTING NORTH WEST ELEVATION (REAR)
SCALE 1:50 @ A1

GENERAL NOTES		
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REV.	REVISION	DATE

SURVEY



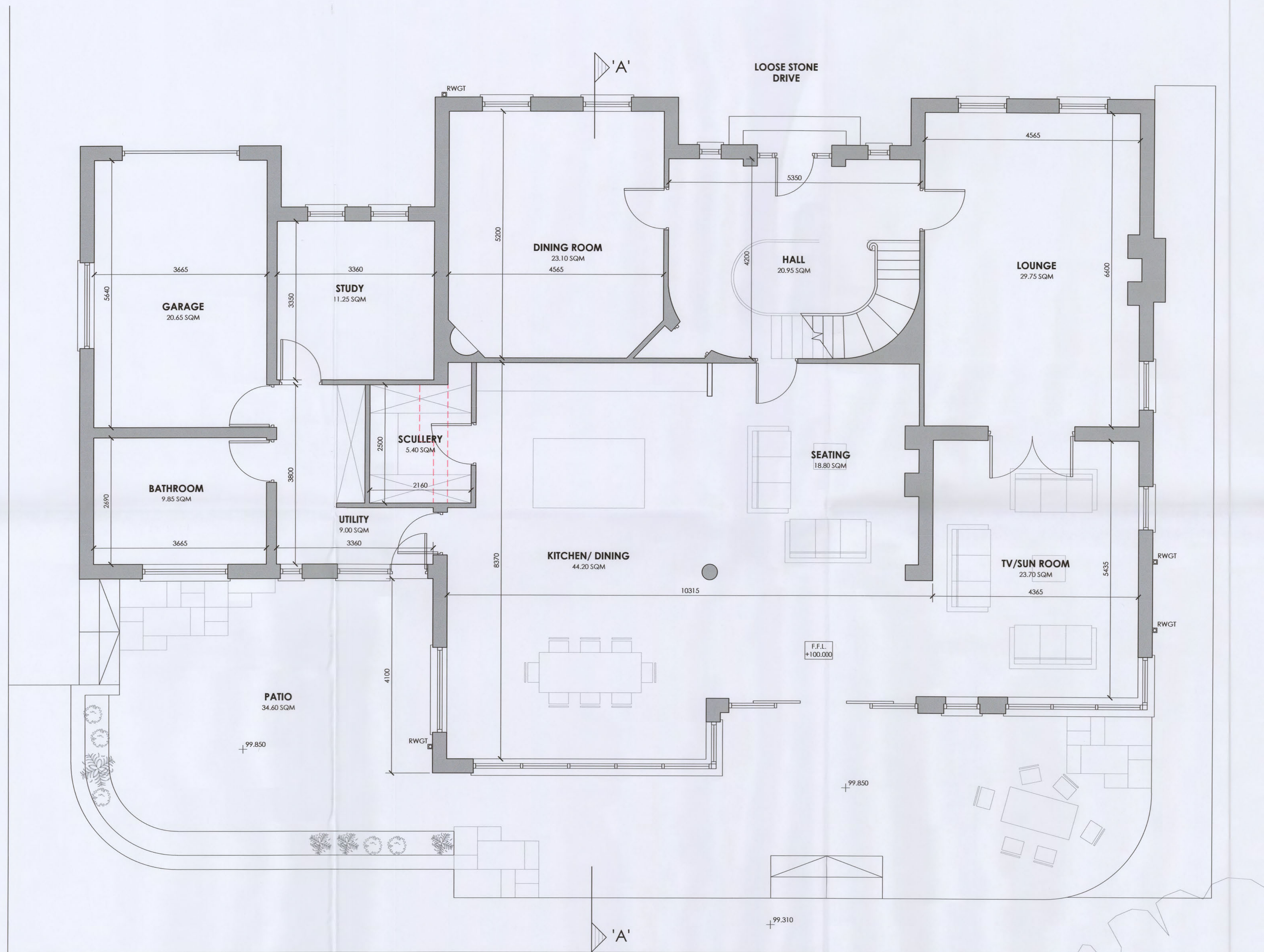
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PROJECT: RENOVATIONS TO EXISTING DWELLING		
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E8PH		
CLIENT: SHARON HEFFERNAN		

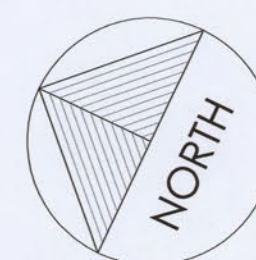
STAGE: SURVEY	DRAWING TITLE: EXISTING EAST & WEST ELEVATIONS	
DATE: MAY 2026	SCALE: 1:50 @ A1	
PLOT DATE: 06.05.2026	REVISION: —	
DRAWN BY: CR	PROJECT NO.: H227	DRAWING NO.: SU-05
CHECKED BY: JMcK		



EXISTING GROUND FLOOR PLAN
SCALE 1:50 @ A1

- GENERAL NOTES
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GRASSED AREA

SURVEY



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PROJECT: RENOVATIONS TO EXISTING DWELLING
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H
CLIENT: SHARON HEFFERNAN

STAGE: SURVEY	DRAWING TITLE: EXISTING GROUND FLOOR PLAN
DATE: MAY 2026	SCALE: 1:50 @ A1
PLOT DATE: 06.05.2026	REVISION: -
DRAWN BY: CR	PROJECT NO.: H227
CHECKED BY: JMCK	DRAWING NO.: SU-02



EXISTING NORTH EAST ELEVATION (FRONT)
SCALE 1:50 @ A1



EXISTING SOUTH WEST ELEVATION (REAR)
SCALE 1:50 @ A1

- GENERAL NOTES
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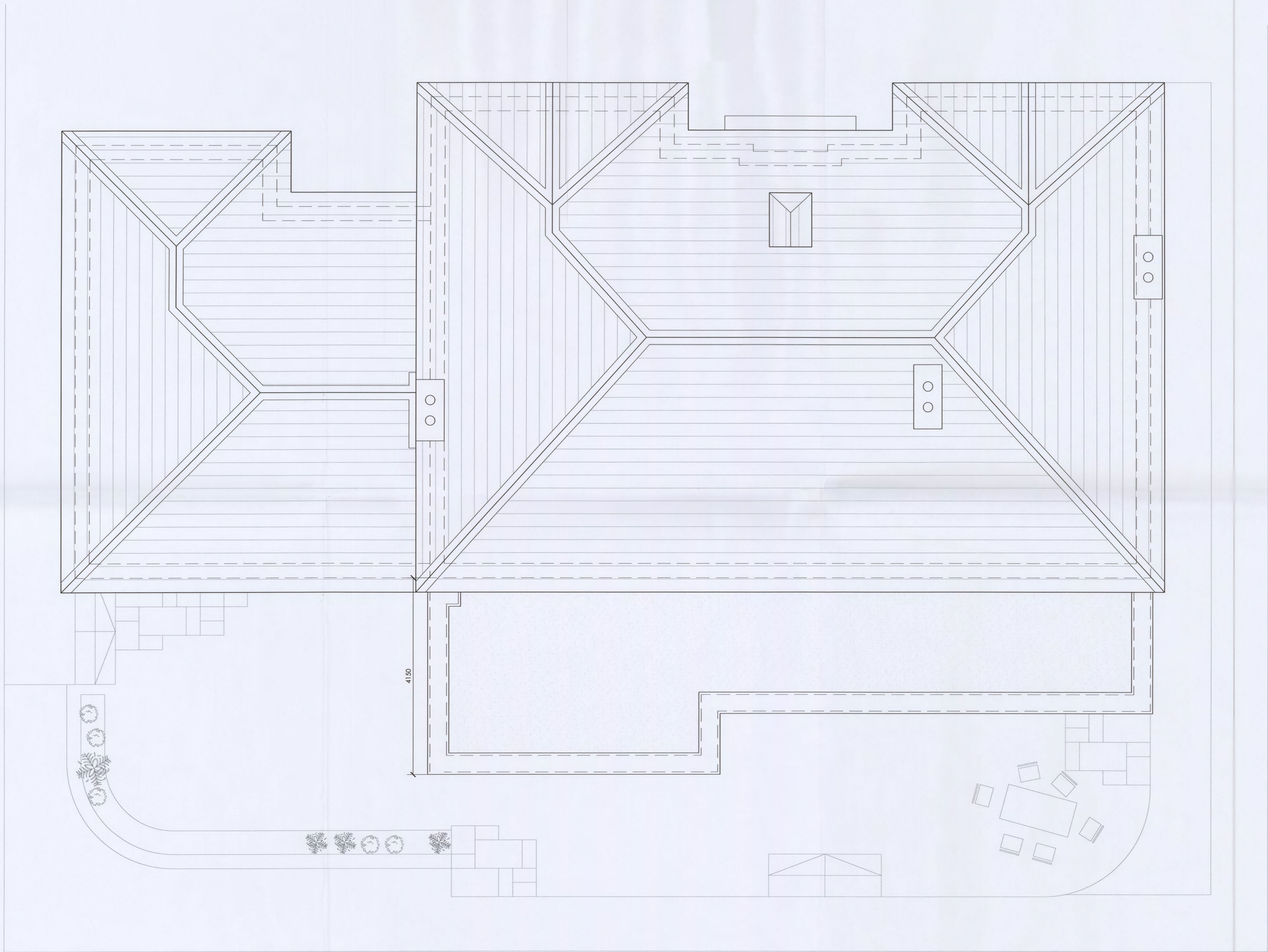
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PROJECT: RENOVATIONS TO EXISTING DWELLING
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H
CLIENT: SHARON HEFFERNAN

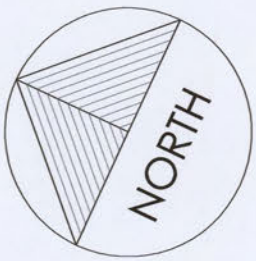
STAGE: SURVEY	DRAWING TITLE: EXISTING NORTH & SOUTH ELEVATIONS
DATE: MAY 2026	SCALE: 1:50 @ A1
PLOT DATE: 06.05.2026	REVISION: —
DRAWN BY: CR	PROJECT NO.: H227
CHECKED BY: JMcK	DRAWING NO.: SU-04



EXISTING ROOF PLAN
SCALE 1:50 @ A1

- GENERAL NOTES
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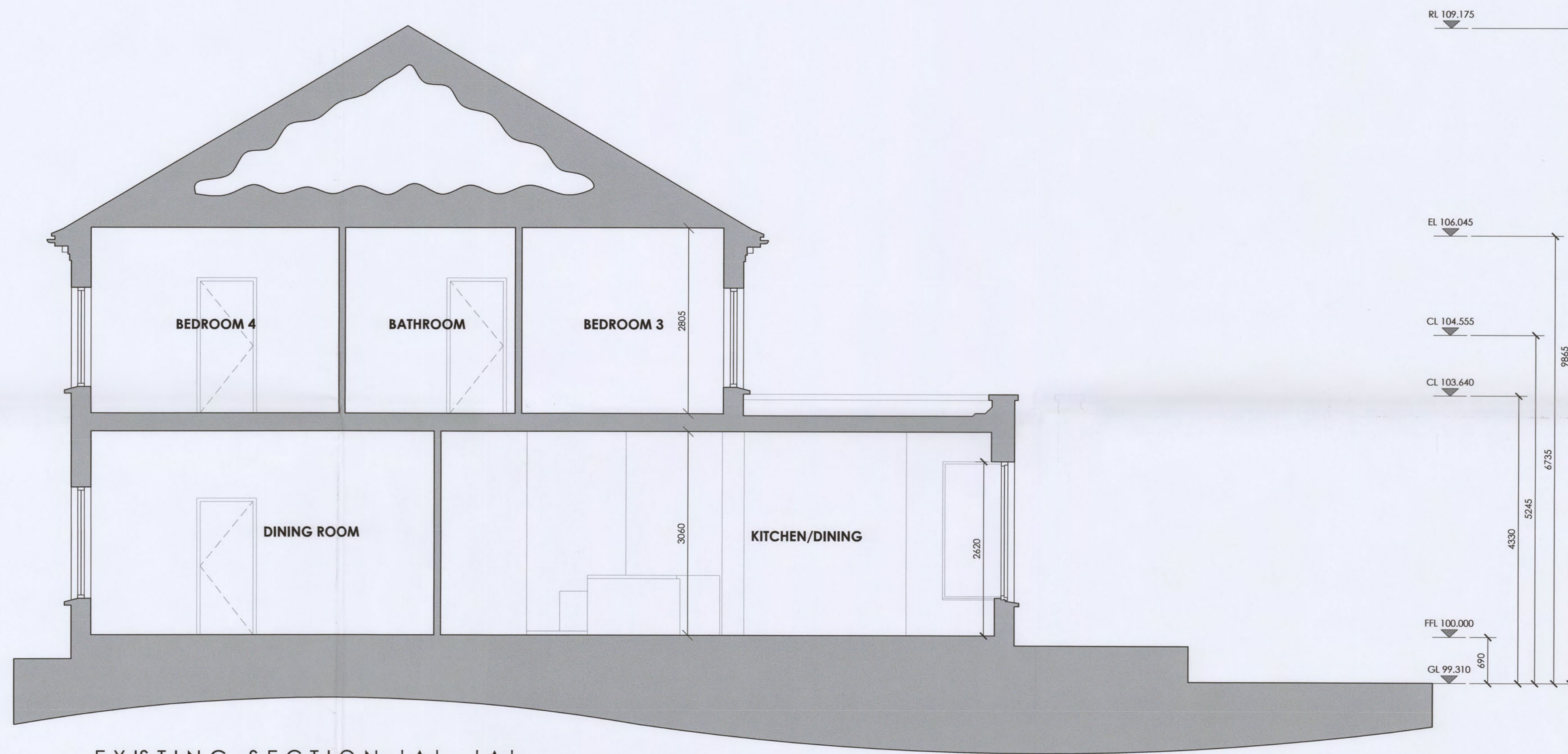
SURVEY

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PROJECT: RENOVATIONS TO EXISTING DWELLING	
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H	
CLIENT: SHARON HEFFERNAN	

STAGE: SURVEY		DRAWING TITLE: EXISTING ROOF PLAN	
DATE:	MAY 2026	SCALE:	1:50 @ A1
PLOT DATE:	06.05.2026	REVISION:	—
DRAWN BY:	CR	PROJECT NO.:	H227
CHECKED BY:	JMcK	DRAWING NO.:	SU-03



EXISTING SECTION 'A' - 'A'
SCALE 1:50 @ A1

GENERAL NOTES		
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REV.	REVISION	DATE

SURVEY



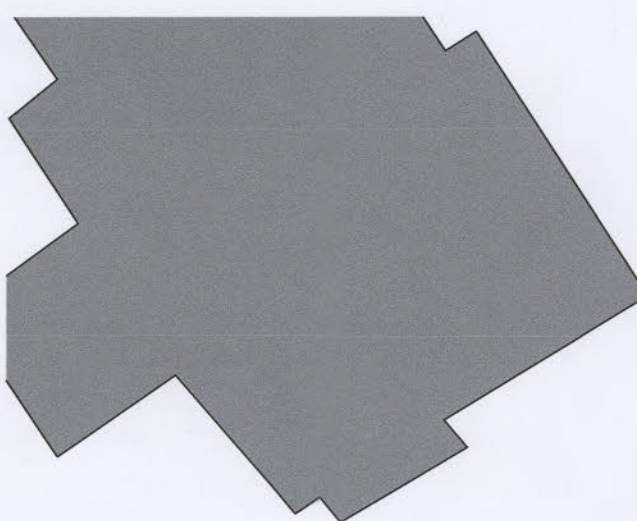
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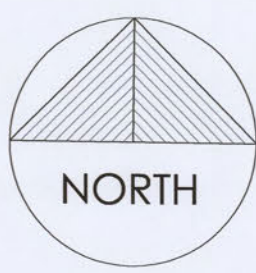
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PROJECT: RENOVATIONS TO EXISTING DWELLING	
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H	
CLIENT: SHARON HEFFERNAN	

STAGE: SURVEY	DRAWING TITLE: EXISTING SECTION		
DATE: MAY 2026	SCALE: 1:50 @ A1	REVISION: —	
PLOT DATE: 06.05.2026	PROJECT NO.: H227	DRAWING NO.: SU-06	
DRAWN BY: CR	CHECKED BY: JMCK		



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EXISTING SITE LAYOUT PLAN
SCALE 1:200 @ A1

SURVEY

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PROJECT: RENOVATIONS TO EXISTING DWELLING		
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H		
CLIENT: SHARON HEFFERNAN		
STAGE: SURVEY	DRAWING TITLE: EXISTING SITE LAYOUT PLAN	
DATE: MAY 2026	SCALE: 1:200 @ A1	
PLOT DATE: 06.05.2026	REVISION: --	
DRAWN BY: CR	PROJECT NO.: H227	DRAWING NO.: SU-01
CHECKED BY: JMcK		



PROPOSED SOUTH EAST ELEVATION (SIDE)
SCALE 1:50 @ A1



PROPOSED NORTH WEST ELEVATION (REAR)
SCALE 1:50 @ A1

- GENERAL NOTES
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REV.	REVISION	DATE

LEGEND

- INDICATES AREAS OF PROPOSED NEW DEVELOPMENT
- INDICATES EXTENT OF REMOVAL OF ITEMS

SECTION 5

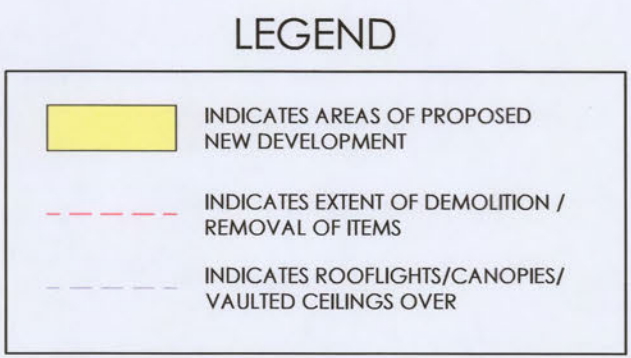


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PROJECT: RENOVATIONS TO EXISTING DWELLING	
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H	
CLIENT: SHARON HEFFERNAN	

STAGE: SECTION 5	DRAWING TITLE: PROPOSED EAST & WEST ELEVATIONS		
DATE: MAY 2026	SCALE:	1:50 @ A1	
PLOT DATE: 19.05.2026	REVISION:	--	
DRAWN BY: CR	PROJECT NO.:	H227	DRAWING NO.: PE-06
CHECKED BY: JMcK			

[illegible]

STAGE: SECTION 5		DRAWING TITLE: PROPOSED GROUND FLOOR PLAN	
DATE: MAY 2026		SCALE: 1:50 @ A1	
PLOT DATE: 19.05.2026		REVISION: --	
DRAWN BY: CR		PROJECT NO.: H227	DRAWING NO.: PE-03
CHECKED BY: JMcK			



PROPOSED NORTH EAST ELEVATION (FRONT)
SCALE 1:50 @ A1



PROPOSED SOUTH WEST ELEVATION (REAR)
SCALE 1:50 @ A1

- GENERAL NOTES
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LEGEND

INDICATES AREAS OF PROPOSED NEW DEVELOPMENT

INDICATES EXTENT OF REMOVAL OF ITEMS

SECTION 5



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PROJECT: RENOVATIONS TO EXISTING DWELLING
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H
CLIENT: SHARON HEFFERNAN

STAGE: SECTION 5	DRAWING TITLE: PROPOSED NORTH & SOUTH ELEVATIONS
DATE: MAY 2026	SCALE: 1:50 @ A1
PLOT DATE: 19.05.2026	REVISION: —
DRAWN BY: CR	PROJECT NO.: H227
CHECKED BY: JMCK	DRAWING NO.: PE-05

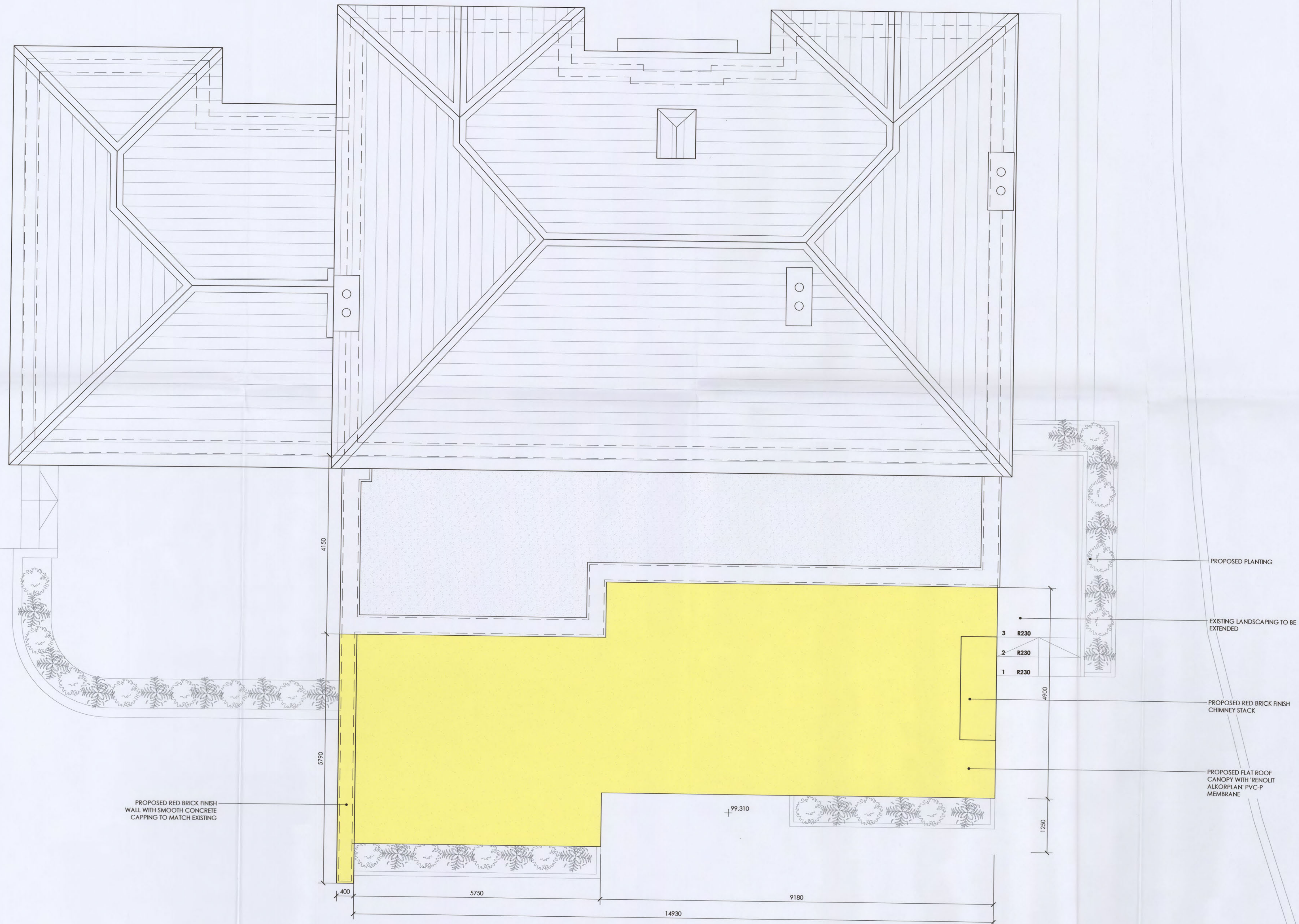
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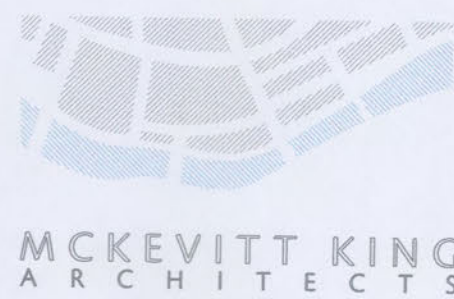


LEGEND

	INDICATES AREAS OF PROPOSED NEW DEVELOPMENT
	INDICATES EXTENT OF REMOVAL OF ITEMS



SECTION 5

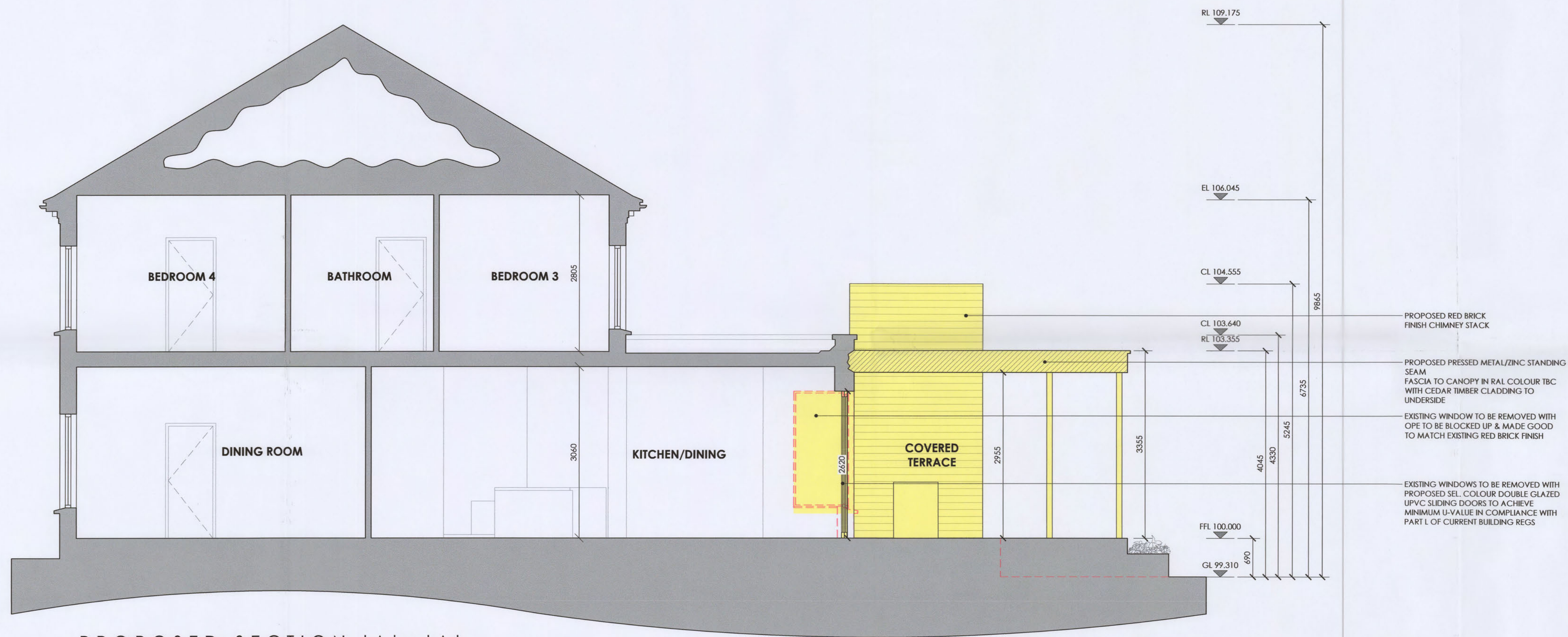


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PROJECT: RENOVATIONS TO EXISTING DWELLING
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H
CLIENT: SHARON HEFFERNAN

STAGE: SECTION 5	DRAWING TITLE: PROPOSED ROOF PLAN
DATE: MAY 2026	SCALE: 1:50 @ A1
PLOT DATE: 19.05.2026	REVISION: -
DRAWN BY: CR	PROJECT NO.: H227
CHECKED BY: JMcK	DRAWING NO.: PE-04



PROPOSED SECTION 'A' - 'A'
SCALE 1:50 @ A1

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LEGEND

- INDICATES AREAS OF PROPOSED NEW DEVELOPMENT
- INDICATES EXTENT OF REMOVAL OF ITEMS

SECTION 5



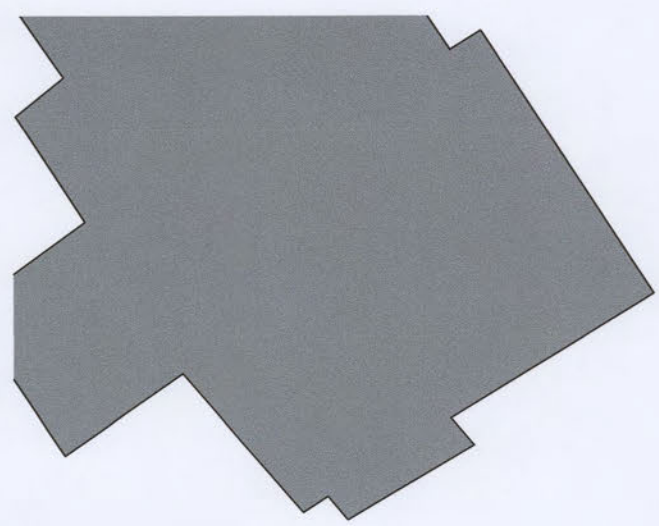
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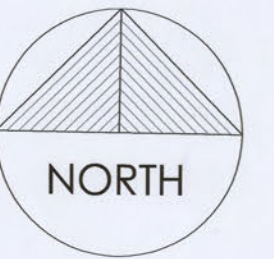
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PROJECT: RENOVATIONS TO EXISTING DWELLING
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H
CLIENT: SHARON HEFFERNAN

STAGE: SECTION 5	DRAWING TITLE: PROPOSED SECTION
DATE: MAY 2026	SCALE: 1:50 @ A1
PLOT DATE: 19.05.2026	REVISION: -
DRAWN BY: CR	PROJECT NO.: H227
CHECKED BY: JMCK	DRAWING NO.: PE-07



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LEGEND	
	SITE OUTLINE IN RED
	INDICATES AREAS OF PROPOSED NEW DEVELOPMENT
	INDICATES EXTENT OF DEMOLITION / REMOVAL OF ITEMS
	INDICATES EXISTING SPOT LEVEL



MOUNT
AUBURN

SECTION 5



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PROJECT: RENOVATIONS TO EXISTING DWELLING	
SITE ADDRESS: DUBLIN ROAD, DROGHEDA, CO. LOUTH, A92 E89H	
CLIENT: SHARON HEFFERNAN	

STAGE: SECTION 5	DRAWING TITLE: PROPOSED SITE LAYOUT PLAN
DATE: MAY 2026	SCALE: 1:200 @ A1
PLOT DATE: 19.05.2026	REVISION: -
DRAWN BY: CR	PROJECT NO.: H227
CHECKED BY: JMCK	DRAWING NO.: PE-02

PROPOSED SITE LAYOUT PLAN
SCALE 1:200 @ A1

Louth County Council
Section 5 Declaration

Planning Ref: S5 2026/34

Applicant's Name: Sharon Heffernan

Type of Application: Section 5 Declaration

Development: Is the (a) alterations to rear elevation of dwelling including alterations to window & door types, (b) construction of a new garden canopy to the rear of existing dwelling, (c) construction of new chimney stack to rear of existing dwelling and (d) all associated works development and is it or is it no exempt development

Site Location: Dublin Road, Drogheda, County Louth

Report Date 9th June 2026

Due Date: 15th June 2026

1.0 SITE LOCATION AND DESCRIPTION

The site is occupied by a large detached 2-storey red brick dwelling house off the Dublin Road, Drogheda. The dwelling is set in mature landscape grounds and surrounded by residential development and the R132 adjacent to the northeast of the site.



Above: General location of site outlined in red.

2.0 PLANNING HISTORY

87510153 – erection of dwelling house – Dublin Road, Drogheda for Victor Dwyer –
Granted permission 2nd June 1988.

3.0 DECLARATION SOUGHT

The applicant's submitted question for determination within Section 7 of the application form states:

The proposed development will consist of the following:

- (a) Construction of new garden canopy to rear of existing dwelling
- (b) Alterations to rear elevation including alterations to window & door types
- (c) Construction of new chimney stack to rear of existing dwelling
- (d) All associated site works.

The Planning Authority shall consider the submitted question in the following rephased format:

'Is the (a) alterations to rear elevation of dwelling including alterations to window & door types, (b) construction of a new garden canopy to the rear of existing dwelling, (c) construction of new chimney stack to rear of existing dwelling and (d) all associated works development and is it or is it no exempt development?'

The applicant has submitted the following details and particulars:

- Section 5 Declaration Application Form.
- Existing and Proposed Site Plans
- Existing and proposed Floor Plans and Elevations, section drawings, roof plans

4.0 EIA SCREENING AND DETERMINATION

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being granted. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017.

Based on information provided and having considered the nature, size and location of the subject development, I am satisfied that there is no real likelihood of significant effects on the environment and as such, an EIAR is not required.

5.0 APPROPRIATE ASSESSMENT

No screening report has been provided with this application. Having regard to the nature and scale of the subject (small scale domestic) development and the nature of the receiving environment, no appropriate assessment issues arise and it is not considered that the existing development would be likely to have a significant effect individually or in combination with other plans or projects on a European site (Special Area of Conservation or Special Protected Area) and as such an Appropriate Assessment (Stage 2 AA) is not required.

6.0 LEGISLATIVE CONTEXT

S.I. No. 662/2024 - The Planning and Development Act 2024 (Commencement) Order 2024

The Planning and Development Act 2024 (Commencement) Order 2024 states:

“The 2nd day of December 2024 is appointed as the day on which the following provisions of the Planning and Development Act 2024 (No. 34 of 2024) shall come into operation:

- (a) Sections 1 to 5;*
- (b) Part 26*

The Planning and Development Act 2024

Section 2 states:

“development” means—

- (a) the carrying out of works—*
 - (i) on, in, over or under land, or*
 - (ii) on, in, over or under the maritime area,*

or

- (b) the making of a material change in the use of—*
 - (i) land or any structure on land, or*
 - (ii) the sea, seabed or any structure, in the maritime area,**and includes the reclamation of land in the nearshore area;*

“exempted development” means—

- (a) development of a class prescribed under section 9, or*
- (b) development that is exempted development by virtue of section 152;*

“alteration” includes, in relation to a structure—

- (a) plastering or painting,
 - (b) the removal of plaster or stucco, and
 - (c) the replacement of a door, window or roof,
- that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

"Structure" means—

- (a) a building, edifice, construction, excavation, or other thing constructed or made on, in or under any land, or a maritime site, or any part thereof, or
- (b) the land or maritime site on, in or under which such building, edifice, construction, excavation, other thing or part is situated;

"Unauthorised development" means, in relation to land or a maritime site—

- (a) unauthorised works (including the construction, erection or assembly of an unauthorised structure), or
- (b) an unauthorised use;

"Unauthorised works" means any works on, in, over or under land or a maritime site, other than—

- (a) exempted development,
- (b) development carried out in accordance with—
 - (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
 - (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
 - (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
 - (iv) a permission granted under Part 4,
- (c) Chapter 6 State authority development within the meaning of Part 4,
- (d) development required by—
 - (i) a notice under section 339,
 - (ii) an order under section 341,
 - (iii) an enforcement notice under section 350, or
 - (iv) a planning injunction under section 351,

or

- (e) development carried out in accordance with—
 - (i) a licence under section 13, or
 - (ii) a licence under section 254 of the Act of 2000;

"Unauthorised use" means, in relation to land or a maritime site, a use that is a material change in use of the land or maritime site, other than—

- (a) exempted development, or
 - (b) development carried out in accordance with—
 - (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
 - (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
 - (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
 - (iv) a permission granted under Part 4,
 - (c) Chapter 6 State authority development within the meaning of Part 4,
 - (d) development required by—
 - (i) a notice under section 339,
 - (ii) an order under section 341,
 - (iii) an enforcement notice under section 350, or
 - (iv) a planning injunction under section 351,
- or
- (e) development carried out in accordance with—
 - (i) a licence under section 13, or
 - (ii) a licence under section 254 of the Act of 2000;

"unauthorised works" means any works on, in, over or under land or a maritime site, other than—

- (a) exempted development,
 - (b) development carried out in accordance with—
 - (i) a permission granted under Part IV of the Act of 1963 or deemed to be so granted under section 92 of that Act,
 - (ii) a permission granted under section 34, 37G, 37N or 293 of the Act of 2000,
 - (iii) a permission granted under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or
 - (iv) a permission granted under Part 4,
 - (c) Chapter 6 State authority development within the meaning of Part 4,
 - (d) development required by—
 - (i) a notice under section 339,
 - (ii) an order under section 341,
 - (iii) an enforcement notice under section 350, or
 - (iv) a planning injunction under section 351,
- or
- (e) development carried out in accordance with—
 - (i) a licence under section 13, or
 - (ii) a licence under section 254 of the Act of 2000;

"Works" includes an act or operation—

(a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site,

(b) consisting of the application of plaster, paint, wallpaper, tiles or other material to the surface of a protected structure or proposed protected structure or the removal of plaster, paint, wallpaper, tiles or other material from such surface, and

(c) consisting of the application of plaster, paint, wallpaper, tiles or other material to the exterior of a structure situated in an architectural conservation area or the removal of plaster, paint, wallpaper, tiles or other material from such exterior.

The Planning and Development Act, 2000 (as amended)

Section 5 states:

(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:

Section 32 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.

The Planning and Development Regulations 2001, (as amended)

Part 2, Article 6 (1) states:

(1) Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.

Part 2, Article 9: Restrictions on Exempted Development:

Article 9(1) sets out the restrictions on exemption and the instances whereby development to which article 6 relates shall not be exempted development for the purposes of the Act.

Planning and Development Act 2000 (as amended)

Section 4 (1) – Exempted Development – the following shall be exempted development for the purposes of this Act –

(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;

7.0 ASSESSMENT

Does the subject works constitute development?

In having regard to the definition of 'development' within Section 2 of the Planning and Development Act 2024 as being "*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,*" and whereby 'works' "*includes an act or operation—*

(a) of construction, excavation, demolition, extension, alteration, repair or renewal (including in relation to a protected structure, a proposed protected structure or a structure situated in an architectural conservation area), on, in, over or under land or a maritime site,"

the construction of a garden canopy, alterations to the rear elevation including to window and door types, the construction of a new chimney stack to the rear and all associated works within the existing residential curtilage of this dwelling house, constitutes 'works' on the existing land and therefore constitutes '**development**,' as defined in Section 2 above.

Do the works constitute exempt development?

Alterations To Rear Elevation Including Windows & Doors

The proposed amendments to the windows and doors to the existing ground floor section of the rear elevation are considered to be exempt under 4(1) (h) of the Planning and Development Act 2000 (as amended) as the alterations would not materially affect the external structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Construction Of New Garden Canopy

The submitted particulars include existing and proposed floor plans, elevations, site layout plans and roof plans. The covered garden canopy extension is to be attached to the rear of the existing dwelling and attached onto this detached dwelling and totals 72.44 sq.m. Having regard to the wording of Class 3 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 (as amended), it is not considered that this is applicable in this instance as the development is attached to the rear of the dwelling and not a stand along structure. It is therefore considered that, Class 1, Part 1 of Schedule 2 is applicable in this instance.

Part 1, Class 1 of Schedule 2 of the Regulations states:

CLASS 1

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.

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.

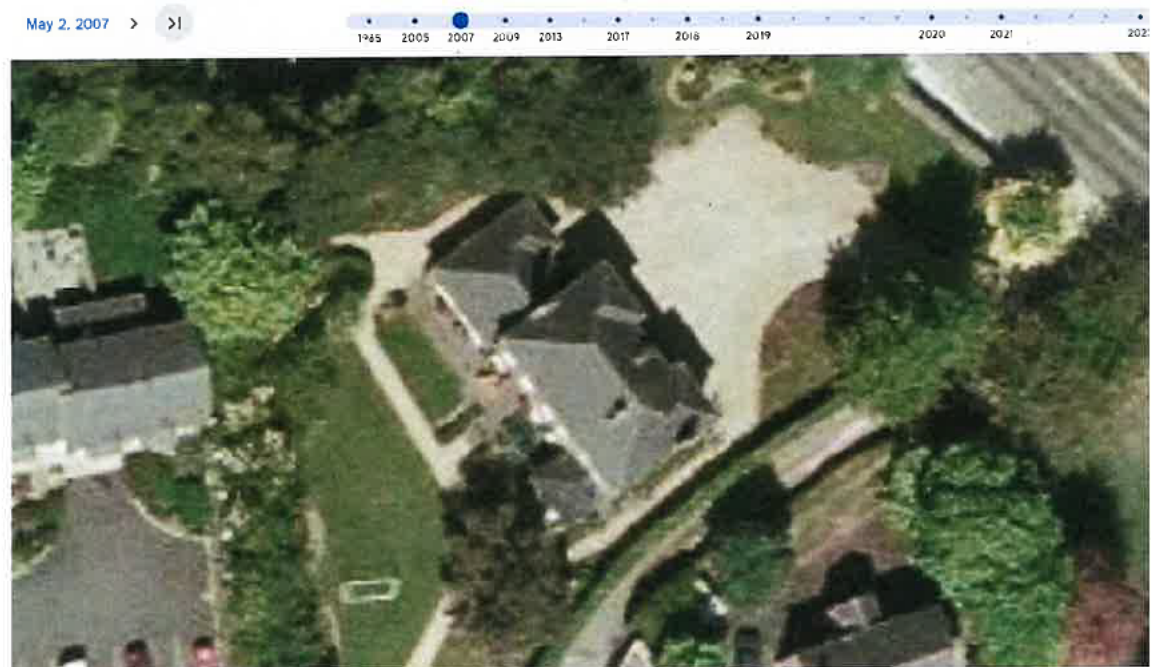
(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

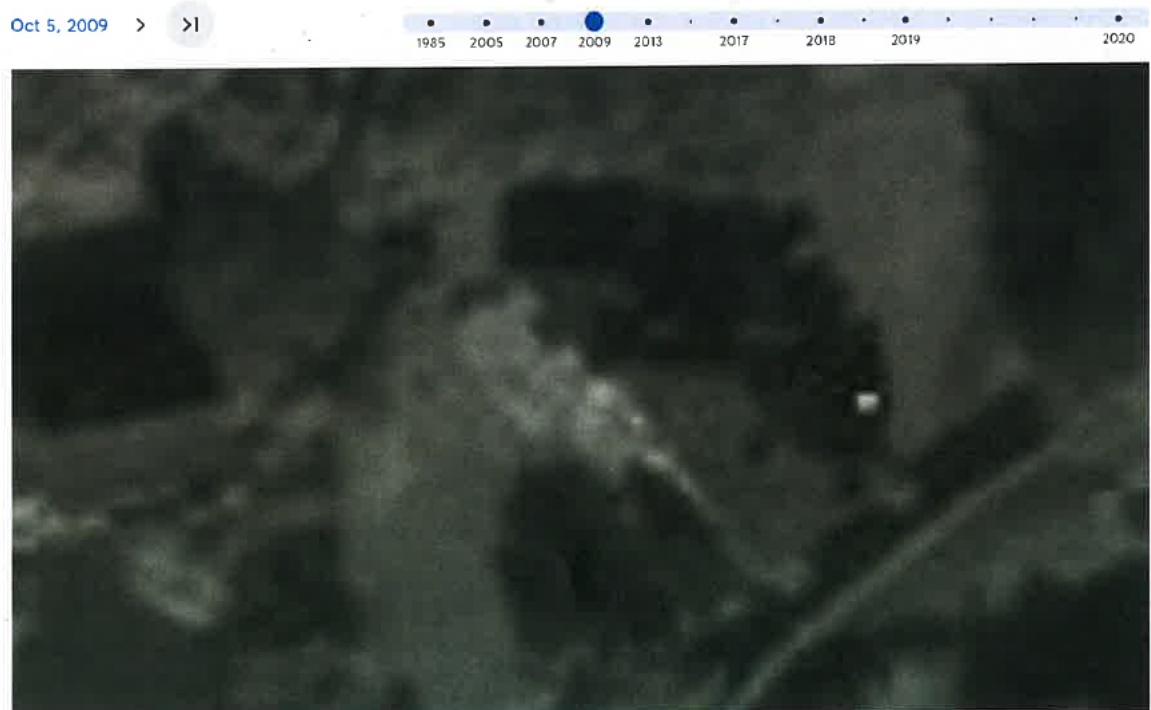
Having regard to Class 1, Part 1 of Schedule 2, the proposed development offends limitation 2(a) in that the existing detached dwelling has been previously extended sometime between 2007 and 2013 (as per google earth images below). Planning history records do not identify any planning approval or exemption through a section 5 declaration for the demolition of an existing conservatory granted under the original planning application 87510153 and the erection of a single storey extension onto the kitchen/dining/tv room as shown on the existing floor plans submitted. This extension has a floor area of 37.13 sq.m just under the 40 sq.m. Having regard to the proposal as per this section 5 declaration, the extended covered garden canopy would create an additional 72.44 sq.m of floor area. Limitation 2(a) states: -

Where a 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 1st October 1964, including those for which planning permission has been obtained, shall not exceed 40 sq.m.

The proposed extension at 72.44 sq.m plus that already built at 37.13 sq.m totals 109.75 sq.m. This far exceeds the 40 sq.m allowance under Class 1 and it is therefore considered to contravene limitation 2(a).



Above: Aerial image of subject dwelling taken 2nd May 2007 showing conservatory and no extension.



Above: Aerial image of subject dwelling taken 5th October 2009.



Above: Aerial image of subject dwelling showing extension added and conservatory removed 12th July 2013.

Chimney

Class 2 of Part 1, Schedule 2

This class states: -

The provision, as part of a central heating system of a house, of a chimney, boiler house or oil storage tank.

The chimney stack is not part of a central heating system of a house but as part of the external covered terraced area. It is considered that Class 2 is not applicable in this instance and the chimney is considered as part of the overall extension which it does not offend any of the limitations.

Restrictions on exempted development

In having regard to the restrictions on exempted development within Article 9(1) of the Regulations, the following comments are noted:

Article 9(1)(a):

- (i) The proposed development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act including the planning conditions attached to permission ref. 87510153,

- (ii) The proposed development would not consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) The proposed development would not endanger public safety by reason of traffic hazard or obstruction of road users,
- (iiia) The proposed development would not endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,
- (iii) The proposed development would not, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (iv) The proposed development would not consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (v) The proposed development would not interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (vi) The proposed development would not consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,
- (viiA) The proposed development would not consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section

14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(viiB) The proposed development would not comprise development in relation to which a planning authority or An Bord (now Coimisiún) Pleanála is the competent authority in relation to appropriate assessment, and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(vii) The proposed development would not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(viiC) The proposed development would not consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000. (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) the proposed development would not consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) The proposed development would not consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) The proposed development would not obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, the proposed development would not consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

Having regard to the original extension of 37.13 sq.m constructed sometime between 2009 and 2013, it is considered that this extension would satisfy Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations, 2001 (as amended). In order to complete that extension, the demolition of the conservatory granted under Planning Authority Reference no. 87510153 would have had to have been demolished which would have satisfied and Class 50 of the Planning and Development Regulations 2001, as amended.

Accordingly, it is considered that the proposed development would not contravene the limitations within Article 9(1)(a) whilst the provisions of Article 9(1)(b) are not applicable.

Therefore, in accordance with Part 2, Article 6 (1,) the proposed development is development that is not exempted development for the purposes of the Act, as it does not comply with all of the conditions and limitations specified in column 2 of the said Part 1 and in particular 2(a).

8.0 CONCLUSION AND RECOMMENDATION

Having regard to the foregoing, it is considered that the construction of the

(a) alterations to the rear elevation of dwelling including alterations to window and door types and works associated with the above

Constitutes development within the meaning of Section 2 of the Planning and Development Act 2024 (as amended), that comes within the scope of Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and is therefore **exempted development**.

Regarding the proposed

- (b) Construction of new garden canopy to rear of existing dwelling
- (c) Construction of new chimney stack to rear of existing dwelling
- (d) And works associated with the construction of the above

Constitutes **development** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended) that contravenes the conditions and limitation of 2(a) of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore development that is **not exempted** development.

Accordingly, it is recommended that an Order along the following lines is issued:

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether *'the (a) alterations to rear*

elevation of dwelling including alterations to window & door types (b) construction of a new garden canopy to the rear of existing dwelling (c) construction of new chimney stack to rear of existing dwelling (d) all associated site works development' at Dublin Road, Drogheda, A92 E89H is development and is it or is it not exempted development.

AND WHEREAS the said question was referred to Louth County Council by Sharon Heffernan

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

- (a) The definition of "*development*" in Section 2 of the Planning & Development Act 2024 (as amended).
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)
- (c) Class 1, Class 2, and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Section 4(1) (h) of the Planning and Development Act 2000 (as amended)
- (e) The plans and particulars submitted to the Planning Authority.
- (f) The Planning history pertaining to the site.

AND WHEREAS Louth County Council has concluded on the basis of the information submitted that the:

- (a) alterations to the rear elevation of dwelling including alterations to window and door types and works associated with this

Constitutes "*works*" which **constitutes "development"** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended), and that the said development having regard to Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) is **exempted development**.

And; the

- (b) Construction of new garden canopy to rear of existing dwelling
- (c) Construction of new chimney stack to rear of existing dwelling
- (d) And works associated with the construction of (b) and (c) above

Constitutes "**works**" which **constitutes "development"** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended) and that the said development contravenes the conditions and limitation of 2(a) of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore development that is **not exempted development**.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that *'the (a) alterations to the rear elevation of dwelling including alterations to window and door types and associated works' at Dublin Road, Drogheda, A92 E89H* is **development** that is **exempted development** and; the *(b) construction of a new garden canopy to the rear of existing dwelling (c) construction of new chimney stack to rear of existing dwelling (d) all associated site works development' at Dublin Road, Drogheda, A92 E89H* is **development** that is **not exempted development**.



Lisa Grant
Assistant Planner
Date: 10/06/2026



Turlough King
A/Senior Planner
Date: 11/06/2026



Thomas McEvoy
Director of Services
Date: 12/06/2026

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	439/2026
Reference No:	S5 2026/34
Date Application Received:	19/05/2026
Description of Development:	Whether the (a) alterations to rear elevation of dwelling including alterations to window & door types, (b) construction of a new garden canopy to the rear of existing dwelling, (c) construction of new chimney stack to rear of existing dwelling and (d) all associated works development and is it or is it no exempt development
Name of Applicant:	Sharon Heffernan
Location of Development	Dublin Road, Drogheda, Co Louth, A92 E89H

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether *'the (a) alterations to rear elevation of dwelling including alterations to window & door types (b) construction of a new garden canopy to the rear of existing dwelling (c) construction of new chimney stack to rear of existing dwelling (d) all associated site works development'* at Dublin Road, Drogheda, A92 E89H is development and is it or is it not exempted development.

AND WHEREAS the said question was referred to Louth County Council by Sharon Heffernan

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

- (a) The definition of "development" in Section 2 of the Planning & Development Act 2024 (as amended).
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)

- (c) Class 1, Class 2, and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Section 4(1) (h) of the Planning and Development Act 2000 (as amended)
- (e) The plans and particulars submitted to the Planning Authority.
- (f) The Planning history pertaining to the site.

AND WHEREAS Louth County Council has concluded on the basis of the information submitted that the:

- (a) alterations to the rear elevation of dwelling including alterations to window and door types and works associated with this

Constitutes "works" which **constitutes "development"** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended), and that the said development having regard to Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) is **exempted development**.

And; the

- (b) Construction of new garden canopy to rear of existing dwelling
- (c) Construction of new chimney stack to rear of existing dwelling
- (d) And works associated with the construction of (b) and (c) above

Constitutes "**works**" which **constitutes "development"** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended) and that the said development contravenes the conditions and limitation of 2(a) of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore development that is **not exempted development**.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that '*the (a) alterations to the rear elevation of dwelling including alterations to window and door types and associated works*' at Dublin Road, Drogheda, A92 E89H is **development** that is **exempted development** and; the '*(b) construction of a new garden canopy to the rear of existing dwelling (c) construction of new chimney stack to rear of existing dwelling (d) all associated site works development*' at Dublin Road, Drogheda, A92 E89H is **development** that is **not exempted development**.

LCP Order No. 439/2026

Reference No: S5 2026/34

SIGNED:  (P.P.)
Lisa Grant
Assistant Planner

Date: 11.06.2026

ORDER: In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a Declaration of Exemption be:

GRANTED for (a) alterations to the rear elevation of dwelling including alterations to window and door types and associated works at Dublin Road, Drogheda, A92 E89H

and

REFUSED for (b) construction of a new garden canopy to the rear of existing dwelling (c) construction of new chimney stack to rear of existing dwelling (d) all associated site works development at Dublin Road, Drogheda, A92 E89H **as detailed on the plans and particulars submitted on 19th May 2026.**

SIGNED: 
Thomas McEvoy
Director of Service

Date: 12th June 2026

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S. 201/25 dated 14th day of May 2025.

Sharon Heffernan
c/o McKevitt King Architects
50 North Road
Drogheda
Co Louth
A92 W725

12th June 2026

Re: Ref. S5 2026/34

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to whether the (a) alterations to rear elevation of dwelling including alterations to window & door types, (b) construction of a new garden canopy to the rear of existing dwelling, (c) construction of new chimney stack to rear of existing dwelling and (d) all associated works development and is it or is it no exempt development

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 19th May 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act 2000 (as amended) as to whether *‘the (a) alterations to rear elevation of dwelling including alterations to window & door types (b) construction of a new garden canopy to the rear of existing dwelling (c) construction of new chimney stack to rear of existing dwelling (d) all associated site works development’* at Dublin Road, Drogheda, A92 E89H is development and is it or is it not exempted development.

AND WHEREAS the said question was referred to Louth County Council by Sharon Heffernan

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

- (a) The definition of “*development*” in Section 2 of the Planning & Development Act 2024 (as amended).
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended.)
- (c) Class 1, Class 2, and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- (d) Section 4(1) (h) of the Planning and Development Act 2000 (as amended)
- (e) The plans and particulars submitted to the Planning Authority.
- (f) The Planning history pertaining to the site.

AND WHEREAS Louth County Council has concluded on the basis of the information submitted that the:

(a) alterations to the rear elevation of dwelling including alterations to window and door types and works associated with this

Constitutes “works” which **constitutes “development”** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended), and that the said development having regard to Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) is **exempted development**.

And; the

- (b) Construction of new garden canopy to rear of existing dwelling
- (c) Construction of new chimney stack to rear of existing dwelling
- (d) And works associated with the construction of (b) and (c) above

Constitutes “**works**” which **constitutes “development”** within the meaning of Section 2 of the Planning and Development Act 2024 (as amended) and that the said development contravenes the conditions and limitation of 2(a) of Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore development that is **not exempted development**.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that ‘*the (a) alterations to the rear elevation of dwelling including alterations to window and door types and associated works*’ at Dublin Road, Drogheda, A92 E89H is **development** that is **exempted development** and; the *(b) construction of a new garden canopy to the rear of existing dwelling (c) construction of new chimney stack to rear of existing dwelling (d) all associated site works development*’ at Dublin Road, Drogheda, A92 E89H is **development** that is **not exempted development**.

In Summary

A Declaration of Exemption is hereby:

GRANTED for the (a) alterations to the rear elevation of dwelling including alterations to window and door types and associated works at Dublin Road, Drogheda, A92 E89H and that

A Declaration of Exemption is hereby:

REFUSED for (b) construction of a new garden canopy to the rear of existing dwelling (c) construction of new chimney stack to rear of existing dwelling (d) all associated site works development at Dublin Road, Drogheda, A92 E89H **as detailed on the plans and particulars submitted on 19th May 2026.**

This decision may be referred by you to An Coimisiún Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,



Brian Duffy
Planning Section