



Planning Department
Galway City Council
City Hall, College Road
Galway
H91 X4K8

RE: SECTION 5 DECLARATION - 114 BOHERMORE, GALWAY CITY, H91 K8X8

Applicant: Peter Kenny

Request: Declaration as to exempted development - rear extension, attic conversion and rear dormer roof extension

Planning Officer (Galway City Council),

We act on behalf of Peter Kenny, owner of 114 Bohermore, Galway City. Please find enclosed a request for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) in respect of defined domestic works to the existing dwelling. The property is identified by Eircode H91 K8X8 and the submitted location and site layout drawings.

1. Precise Section 5 question

Whether the following works to the existing principal dwelling constitute development and, if so, whether they are exempted development: (a) construction of a 27.8 m² single-storey extension to the rear; (b) internal conversion/adaptation of the existing attic to habitable residential accommodation; and (c) construction of a dormer roof extension and dormer window to the rear roof plane, all as shown on the enclosed Section 5 drawings.

IMPORTANT - WORKS EXCLUDED FROM THIS SECTION 5 QUERY: The proposed front dormer and the proposed alterations to the front door/window arrangement shown on Drawing 1 are included for contextual coordination only. They are not relied upon as exempted development in this request and are intended to be addressed separately through the planning process.

2. Existing property and submitted particulars

Site: 114 Bohermore, Galway City, H91 K8X8. **Site area:** 186 m² (0.0186 ha). **Existing dwelling floor area:** 66.62 m².

Applicant/Owner: Peter Kenny.

The existing drawings show a ground floor and existing attic/first-floor space. No earlier extension is identified on the supplied existing drawings. The applicant states that the property is an established residential dwelling, although it has in recent years been used temporarily for storage and as an election office. No planning permission is relied upon for a permanent change from the residential use of the property.

3. Proposed residential accommodation

The proposed internal layout provides an open-plan kitchen/living/dining area, laundry, two ground-floor bedrooms and sanitary accommodation, with two further bedrooms at first-floor/attic level. The submitted drawings annotate the bedroom areas and demonstrate the proposed residential layout. The property is intended to remain a single dwelling house and is not proposed to be subdivided into separate self-contained dwelling units.

For clarity, the applicant may let the dwelling to students during the academic term. This Section 5 request is confined to the continued use of the property as one residential dwelling and to the building works described above.

4. Planning exemption - rear extension (Class 1)

The Planning and Development (Exempted Development (Act of 2000)) Regulations 2026 (S.I. No. 338 of 2026), in force from 27 July 2026, substituted Class 1 of Part 1 of Schedule 2 and increased the maximum cumulative floor area for an exempted rear house extension from 40 m² to 45 m², subject to the stated conditions and limitations.

Class 1 consideration	Submitted proposal	Comment
Maximum rear extension floor area	27.8 m ²	Below the current 45 m ² Class 1 ceiling.
Previous extensions	None identified on supplied existing drawings	No cumulative earlier extension area is shown in the submitted particulars.
Private open space	85.4 m ² remaining	Substantially exceeds the 25 m ² minimum private open space requirement.
Height / roof	Single-storey rear addition, as drawn	The proposed roof is below the main dwelling roof and is not proposed as a balcony or terrace.
Windows / boundaries	Ground-floor openings shown primarily to rear	Submitted layout is to be read subject to the Class 1 boundary-distance conditions.
Principal dwelling	Works are to the existing principal house	The Class 1 exemption is being relied upon only for the principal dwelling.

5. Planning exemption - rear dormer (new Class 1B)

S.I. No. 344 of 2026 inserted Class 1B into Part 1 of Schedule 2. Class 1B applies to a dormer roof extension and dormer window to the side or rear of a house. The statutory limitations are that the internal volume of the development, alone or together with other dormer roof extensions, **must not exceed 30 cubic metres;** the dormer must not be higher than the roof ridge; and there must be at least a 20 cm eaves setback.

The submitted proposal is a rear dormer to the principal dwelling and is shown below the existing ridge. The design is submitted on the express basis that the completed dormer will maintain a minimum 200 mm setback from the eaves and will not exceed the 30 m³ cumulative internal-volume limit. We respectfully request that the Planning Authority confirm the application of Class 1B to the dormer as shown.



6. Internal attic conversion

Section 4(1)(h) of the Planning and Development Act 2000 provides an exemption for works for the maintenance, improvement or other alteration of a structure where the works affect only the interior, or do not materially affect the external appearance so as to render it inconsistent with the character of the structure or neighbouring structures. The internal conversion of the existing attic is therefore submitted as exempted development in its own right, with the external dormer element addressed separately under Class 1B above.

7. Heritage / conservation screening

A desktop check of Galway City Council's published Record of Protected Structures for Bohermore identifies protected structures at Nos. 86, 88 and 120 Bohermore, together with the Cemetery Lodge/Mortuary Chapels; No. 114 is not listed. Bohermore is also not included in the Council's published list of the eleven designated Architectural Conservation Areas. On the published information reviewed, no protected-structure or ACA status is apparent for No. 114. This is, of course, subject to the Planning Authority's own records and confirmation.

8. Request for declaration

Having regard to the modest scale and rear location of the extension, the substantial retained rear amenity area, the new Class 1B dormer exemption now in force, and the internal nature of the attic conversion works, we submit that the defined works fall within the relevant exempted development provisions. We respectfully request a formal declaration under Section 5 confirming that planning permission is not required for the works described in Section 1 of this letter, subject to compliance with the statutory conditions and limitations.

All works will remain subject to the Building Regulations, Building Control Regulations and Fire Safety requirements as applicable. The Section 5 declaration is not relied upon as a substitute for those separate statutory requirements.

9. Enclosures

- Completed Galway City Council Declaration of Exempted Development Form (Section 5).
- Drawing 5 - Site Location Map (1:1000).
- Drawing 3 - Site Layout (site area clarified as 0.0186 ha / 186 m2).
- Drawing 4 - Existing Drawings.
- Drawing 1 - Proposed Floor Plans and Elevations.
- Drawing 2 - Proposed Section.
- Photographic record of the existing rear of the property (Appendix A to this letter).
- Application fee: EUR 80 to accompany lodgement.

Yours faithfully,

Frank O Reilly Chartered Fellow Engineer and Surveyor

For PROFE Building Engineering & Planning

Agent for the Applicant



APPENDIX A - PHOTOGRAPHIC RECORD

Existing rear condition - 114 Bohermore, Galway City. Photographs supplied with the Section 5 request and used to illustrate the existing rear elevations, yard, boundaries and ancillary structures.



Photograph 1 - Existing rear elevations and yard, viewed towards the rear of the dwelling.



Photograph 2 - Wider existing rear view showing the two pitched rear gables and adjoining boundary conditions.



Photograph 3 - Existing rear view from further back within the site, showing surrounding roofscape and rear boundaries.



Photograph 4 - Wider rear-site context showing the existing yard/garden area, boundary walls and ancillary structure to the right.