

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Gerry O' Hara,

Reference Number: DED 521

Application Received: 21st June, 2022.

Location: Ballybride Townland, Roscommon.

WHEREAS a question has arisen as to whether an extension to existing garage to increase storage space at 2 Quarry View, Ballybride Townland, Roscommon, is or is not development or is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- b) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- c) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000 (as amended);

AND WHEREAS Roscommon County Council has concluded that:

- a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.
- b) The proposed development is not exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.
- c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of **an extension to existing garage to increase storage space at 2 Quarry View, Ballybride Townland, Roscommon constitutes development that is not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

Signed on behalf of the Council:



Senior Staff Officer, Planning.

Date: 14th July, 2022

CC: BY EMAIL
AOL Design Ltd.,
Civil Engineers,
Killeenboy,
Kilteevan,
Co. Roscommon.

**Planner's Report on application under Section 5 of the
Planning and Development Act, 2000, as amended**

Reference Number: DED 521.

Name and Address of Applicant: Gerry O Hara. [REDACTED]

AGENT: AOL Design, Killeenboy, Kiltewan, Co. Roscommon.

WHEREAS a question has arisen as to whether to extend an existing garage at 2 Quarry View, Roscommon F42C851 is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, (as amended).
- (b) Article 6 of the Planning and Development Regulations 2001, (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (d) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).
- (f) The planning history of the site.

1.0 Site Location and Description

The subject site is located Quarry View and is zoned Existing Residential in the Roscommon Town Local Area Plan 2014-2020. The dormer bungalow on site has been extended previously and it currently provides a bed and breakfast service. The site has frontage onto two roads, R-366 and L-71104 which provides access to the wider residential development and the site. In relation to Natura 2000 sites, the closest is Lough Ree SAC which is 4.8km east of the site.

2.0 Planning History

PD/04/209 – Permission was granted subject to 2no. conditions to construct dormer extension to existing dwelling house and associated works.

PD/00/471 – Permission was granted subject to 7no. conditions to erect dormer bungalow on site no. 2.

3.0 Relevant Legislation

Planning and Development Act, 2000

Section 2 (1)

“works” include 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 (1)

In this Act, “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 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(viiB) comprise development in relation to which a planning authority or An Bord 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.

Class 3

Description of Development	Conditions and Limitations
The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.	<p>1. No such structure shall be constructed, erected or placed forward of the front wall of a house.</p> <p>2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.</p> <p>3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.</p>

	<p>4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.</p> <p>5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.</p> <p>6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.</p>
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It should also be noted that any development for which an Environmental Impact Assessment Report or Appropriate Assessment is required shall not be exempted development unless specifically exempted in Regulations where there is provision in other legislation for the carrying out of EIAR or AA. In addition, the restrictions on exemption, (Art. 9 (1)(a)(viiB)) exclude development, which would otherwise be exempted development under these regulations, where an Appropriate Assessment is required.

4.0 Planning Assessment

The question to be determined in this Section 5 referral to whether to extend an existing garage at 2 Quarry View, Roscommon F42C851 is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the proposed development constitutes works and is therefore development.

With Regard to Article 9 (1)(a)(viiB)) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for EIAR or AA does not apply with respect to the current referral case.

The applicant is proposing to develop an extension to the existing garage which has an area of approximately 20m² currently. It is noted that floor plans or a precise measurement of the area of the proposed extension has not been provided in the documentation received. Based on the dimensions provided, the extension would provide an additional 18m² of storage space. There is a provision in the Regulations for developments of this nature, the floor area of which cannot exceed 25m² in order to be considered exempt. On this occasion, the extension would result in a domestic garage with a floor area of just under 40m² and therefore this development cannot be considered exempt.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development

- To extend an existing garage at 2 Quarry View, Roscommon F42C851 does not fall within the limitations and conditions of Class 3 Part 1 of Schedule 2 of the Planning and Development Regulations 2001.
- The proposal does not constitute exempted development.

5.0 Recommendation

Recommendation:

WHEREAS a question has arisen as to whether to extend an existing garage at 2 Quarry View, Roscommon F42C851 is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000, (as amended).
- (b) Article 6 of the Planning and Development Regulations 2001, (as amended).
- (c) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (d) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (e) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000, (as amended).
- (f) The planning history of the site.

AND WHEREAS I have concluded that

- The works are development
- To extend an existing garage at 2 Quarry View, Roscommon F42C851 does not fall within the limitations and conditions of Class 3 Part 1 of Schedule 2 of the Planning and Development Regulations 2001.
- The proposal does not constitute exempted development.

AND WHEREAS I have concluded that to extend an existing garage at 2 Quarry View, Roscommon F42C851 is not exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 14th July 2022

John Wallace
Graduate Planner







Roscommon County Council
Aras an Chontae
Roscommon
09088 37100

21/06/2022 16:07:05

Receipt No.: L01/0/217510

GERARD O'HARA

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED521	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
4805

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office



DED 521

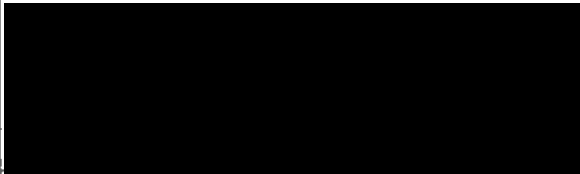
Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development

Name:	GERRY O'HARA
Address:	
Name & Address of Agent:	AOL DESIGN LTD (090)66 28184 Civil engineer Killeenboy Killeevan Co. Roscommon F42K400
Nature of Proposed Works	EXTENSION TO existing Garbage Garage to increase storage space
Location (Townland & O.S No.)	Ballybride
Floor Area	4 metres wide x 4.5 Long
Height above ground level	3.8 meters high
Total area of private open space remaining after completion of this development	910 Sq meters
Roofing Material (Slates, Tiles, other) (Specify)	slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plaster
Is proposed works located at front/rear/side of existing house.	REAR



Roscommon County Council

Application for a Declaration under Section 5 of the
Planning & Development Act 2000 (as amended), regarding Exempted Development

Has an application been made previously for this site	NO	00/471 HOUSE 04/209 EXTENSION TO HOUSE
If yes give ref. number (include full details of existing extension, if any)	—	
Existing use of land or structure	Backyard	
Proposed use of land or structure	Garden furniture (STORAGE)	
Distance of proposed building line from edge of roadway	30 meters	
Does the proposed development involve the provision of a piped water supply	NO	
Does the proposed development involve the provision of sanitary facilities	NO	

Signature:

Gerard O'Hara

Date:

21 JUNE 2022

Note: This application must be accompanied by:-

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed * marked in PINK on map

Surveyed 1891 - 1987
 Revised 1923 - 2003
 Levelled 1912 - 1985

Urban/Rural PLACE Map



186380
264427



1:1000
 2550-09
 25inch
 RN039-11 RN039-12

O.S. No
 39/11 & 39/12

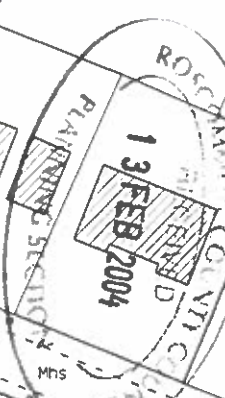


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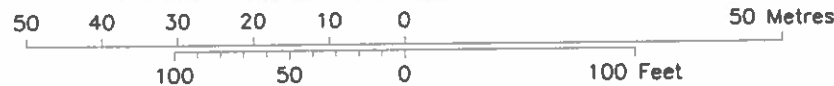
SITE OUTLINED IN RED.
 APPLICANTS PROPERTY
 IN BLUE.



04-1-2009

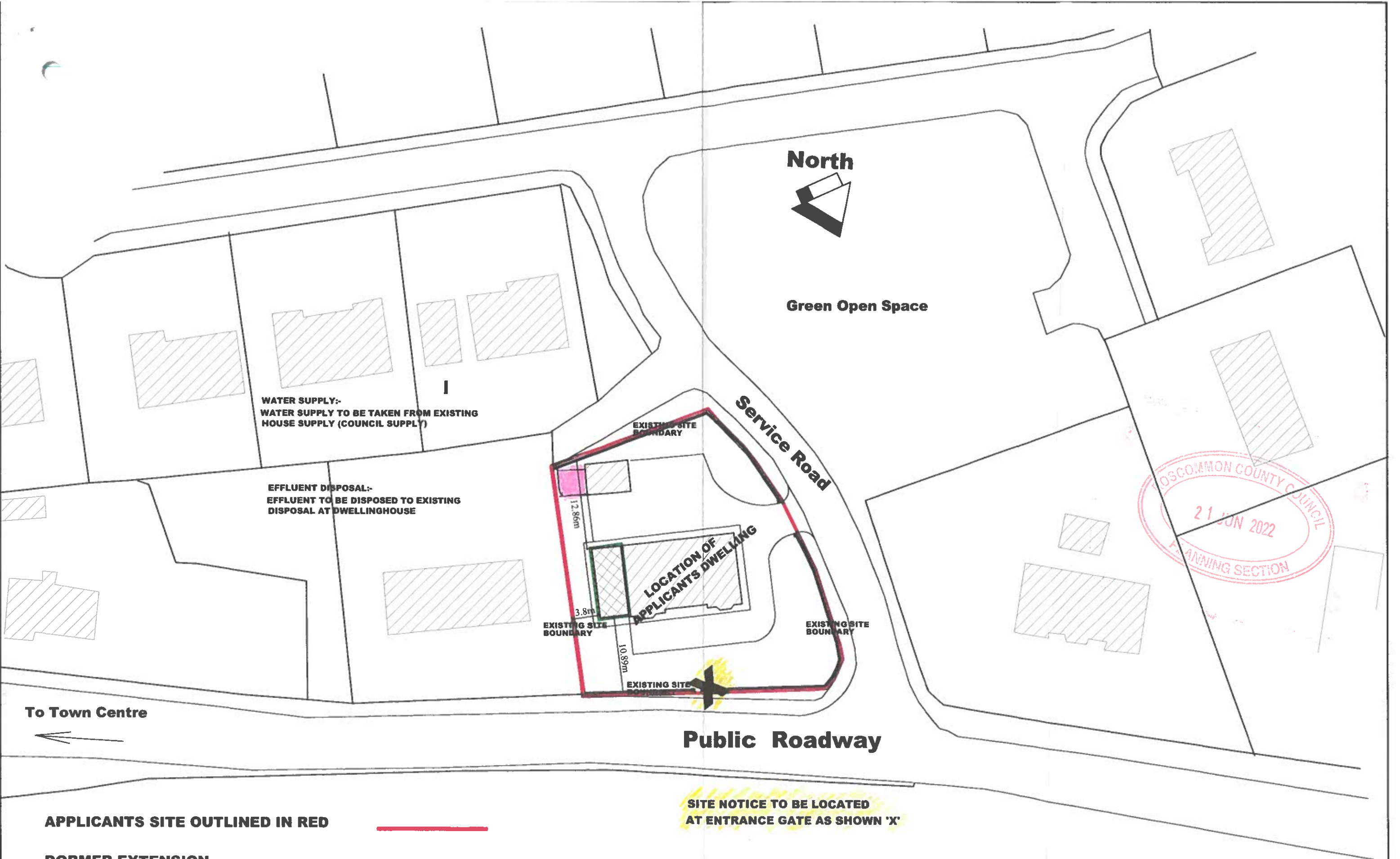
264257
186380

Scale:- 1:1000
 Scála:- 1:1000



Plot Ref. No. 12036_1_5
 Plot Date 09-FEB-2004

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Site Layout Plan
SCALE 1:500

Dwg By :- A Feely
Deerpark,
Carrick-on-Shannon,
Co Roscommon
Jan '04 Dwg No TOH04/3