

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Seán Leydon,

Reference Number: DED 522

Application Received: 4th July, 2022.

Location: Goff Street, Roscommon.

WHEREAS a question has arisen as to whether the erection of outside lighting on house at Goff Street, 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:

- (1) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended);
- (2) Article 9 of the Planning and Development Regulations 2001 (as amended).
- (3) 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:

- 1) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.
- 2) The proposed development is not exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.

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 **the erection of outside lighting on house at Goff Street, 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: 28th July, 2022

**Planner's Report on application under
Section 5 of the Planning and Development Act 2000-2015**

Reference Number:	DED 522
Re:	Application for a Declaration under Section 5 of the Planning and Development Act 2000 as amended, regarding Exempted Development to fit lights on house.
Name and Address of Applicant:	Sean Leydon
Location of Development:	Goff Street, Co Roscommon.

WHEREAS a question has arisen as to whether the erection of outside lighting on house at Goff Street, Roscommon

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 9 of the Planning and Development Regulations 2001 (as amended);
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 (as amended);

Site Location & Development Description

The proposed development is located at the junction of Goff Street and Athlone Road in the centre of Roscommon Town. The site consists of a town house with a stone finish. The site is zoned peripheral Town Centre in the Roscommon Local Area Plan 2014-2020 and is located within an Architectural Conservation Area in Roscommon Town.

Planning History: No recent relevant planning History

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2.-(1)

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3.-(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.

Sub section 4 (1) (h) provides that development shall be exempt development if it consists 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

Planning and Development Regulations 2001 (as amended)

Article 9 (1) applies;

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—

(vii) 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,

Assessment

The question to be determined in this Section 5 referral is whether the erection of outside lighting on house at Goff Street, Roscommon

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 erection of outside lighting on house

constitute works and is therefore development.

Section 4 (1) h of the Planning and Development Act 2000 as amended states that development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure is exempt development. However, this exemption is subject to the Article 9 of the Planning and Development Regulations 2001 as amended which states if a such development ‘*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*’, it is considered that the proposal does not qualify for this exemption.

Having regard to the fact the subject site is located in Roscommon ACA which is an area defined as ‘*a place, area, group of structures or townscape, taking account of building lines and heights, that is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest in its own right*’ it is considered that the building subject of this application has ^{historical} archaeological and archaeological significance. *area where the building is located*

Roscommon County Council therefore has a duty to protect the historic fabric of this building and ensure that any additional features be historically-appropriate. In this regard potential impacts on the ACA as a result of the proposed development cannot be ruled out and therefore I am satisfied, therefore, that the development in question is not considered to be exempted development under the provisions of the Planning & Development Act 2000 as amended and planning and Development Regulations as amended 2001.

Final assessment:

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

the erection of outside lighting on house at Goff Street, Roscommon is development and not exempted development.

Recommendation

I have concluded that the said 'the erection of outside lighting on house at Goff Street, Roscommon' is development and not exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed


Paula Connaughton
Executive planner

Date:



Signed

Senior/ Senior Executive Planner

Date:







Roscommon County Council
Aras an Contae
Roscommon
09066 37100

04/07/2022 12:46:14

Receipt No : L01/0/217733

SEAN LEYDON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED522	

Total : 80.00 EUR

Tendered :
Cheque 80.00
502816

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

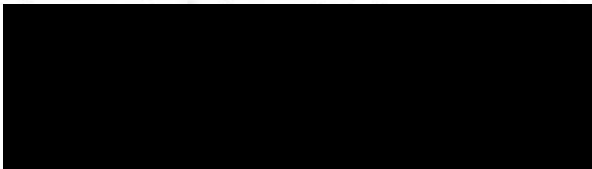
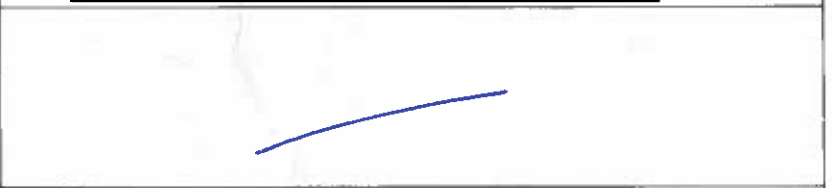
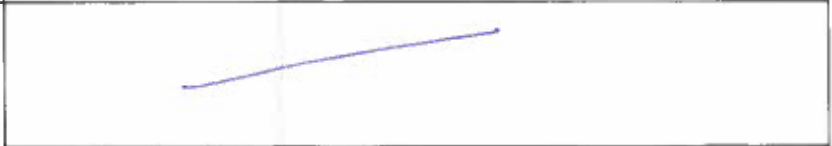
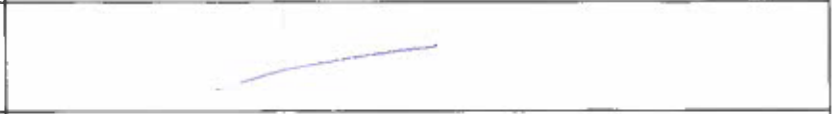

Email: planning@roscommoncoco.ie



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Roscommon County Council

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

Name:	SEAN LEYDON
Address:	
Name & Address of Agent:	
Nature of Proposed Works	Fit lights on House in Goff St.
Location (Townland & O.S No.)	Goff St.
Floor Area	N/A.
Height above ground level	6m.
Total area of private open space remaining after completion of this development	
Roofing Material (Slates, Tiles, other) (Specify)	
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	
Is proposed works located at front/rear/side of existing house.	

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.
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	
Proposed use of land or structure	
Distance of proposed building line from edge of roadway	
Does the proposed development involve the provision of a piped water supply	
Does the proposed development involve the provision of sanitary facilities	

Signature:

Brian Weydow

Date:

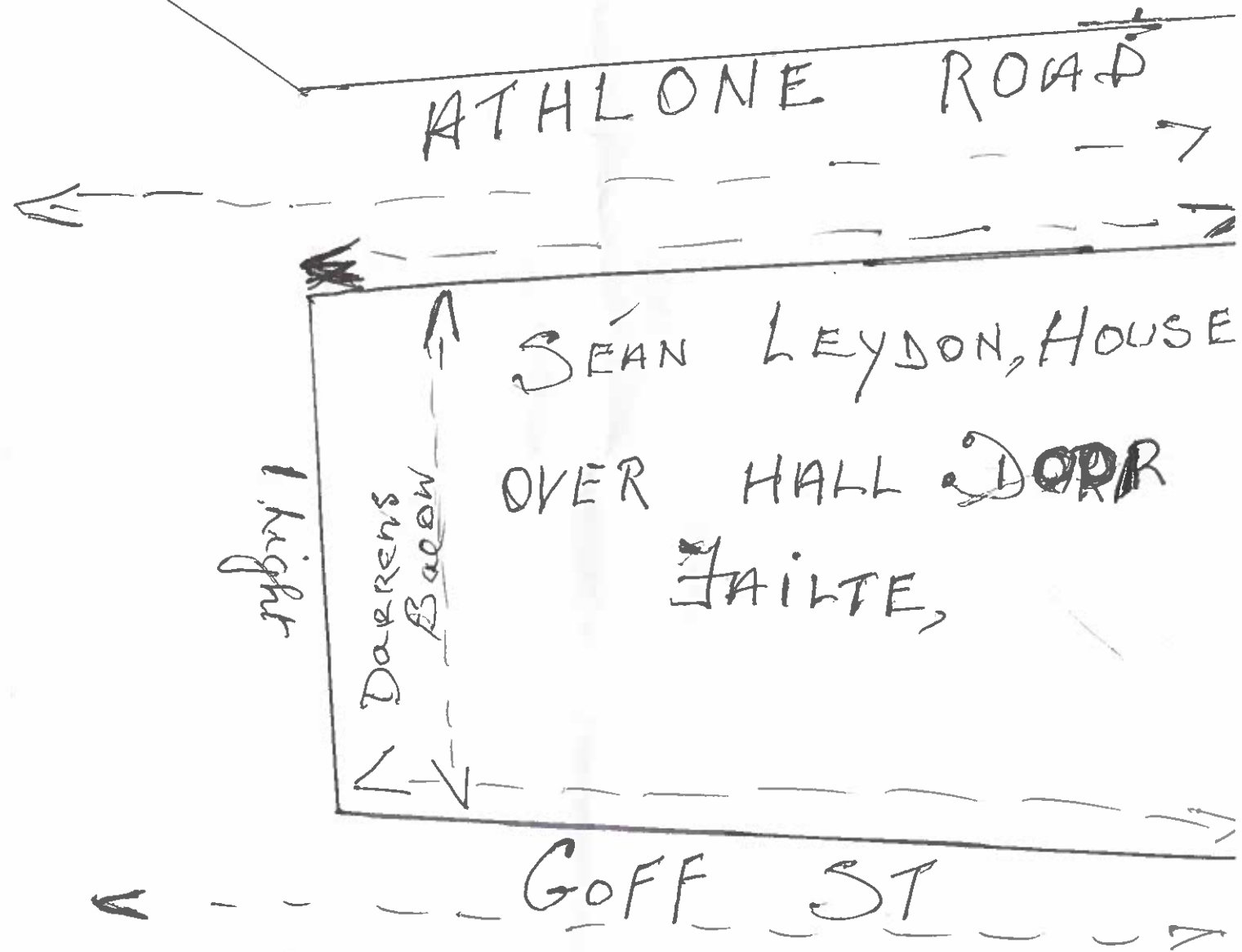
21-6-2020

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



21/6/22
4 lights on each side
1 do over Darren's Door.

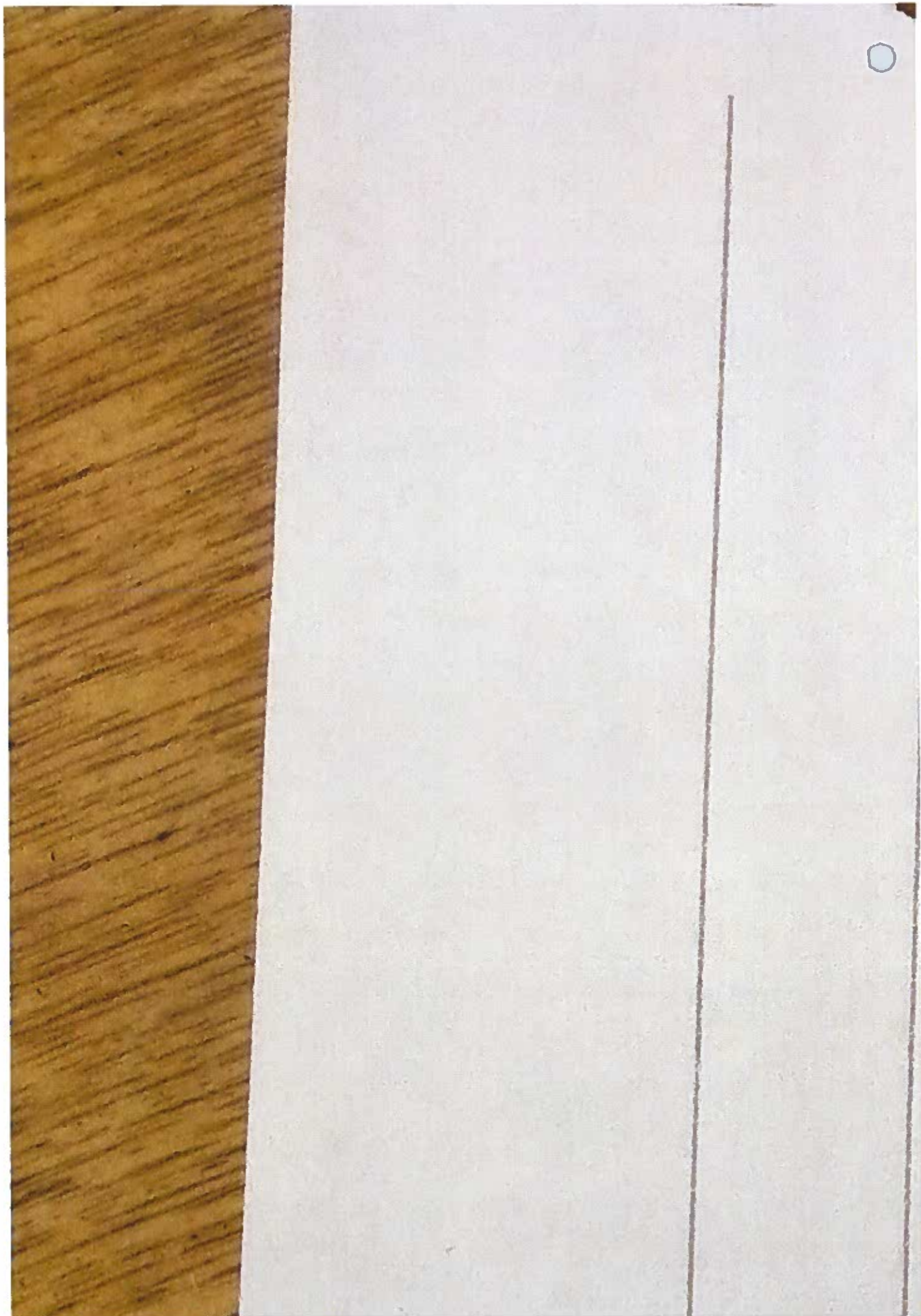


10 lights may be 7 or 9
Height approx 6m.













Rights re Sean Lydon's House

$$\frac{25}{4} \\ \hline 22.$$

