ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Elizabeth Kilduff,



Reference Number:

DED 535

Application Received:

21st December, 2022.

Location:

Grange Townland, Four-Mile-House, Co. Roscommon.

WHEREAS a question has arisen as to whether works consisting of the demolition of existing two storey annex, out house/sheds, utility and other ancillary rooms to the rear of the existing dwelling and the construction of a proposed 34.1m² extension on the footprint of the existing kitchen/utility and the two storey annex to the rear of the existing dwelling at Grange Townland, Four-Mile-House, Co. 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) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- d) Class 50 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 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 the demolition of existing two storey annex, out house/sheds, utility and other ancillary rooms to the rear of the existing dwelling and the construction of a proposed 34.1m² extension (by reason of the interlinkage of the proposed construction with the aforementioned demolition works), at Grange Townland, Four-Mile-House, Co. 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:

Administrative Officer,

Planning.

Date: 26th January, 2023

c.c. Killian Consulting Engineers,

Northgate St., Athlone,

Co. Westmeath.



<u>Planner's Report on application under Section 5 of the</u> <u>Planning and Development Act, 2000, as amended</u>

Number:	Reference
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DED 535.

Name and Address of Applicant:

Elizabeth Kilduff,

AGENT:

Killian Consulting Engineers

WHEREAS a question has arisen as to whether to demolish existing two storey annex, out house/ sheds, utility and other ancillary rooms to the rear of the existing dwelling and construction of proposed 34.1m² extension on the footprint of other ancillary rooms to the rear of dwelling at Grange Townland, Four-Mile-House, Co. 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 Act 2000, (as amended).
- (b) 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).
- (c) Article 6 of the Planning and Development Regulations 2001, (as amended).
- (d) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (e) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (f) Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (g) The planning history of the site.

1.0 Site Location and Description

The subject site is located in the rural townland of Grange, Four-Mile-House, Co. Roscommon, the subject site is located on the southern side of the N61. A two storey dwelling and number of sheds/ outbuildings occupy the site. The existing dwelling house is inhabited.

In terms of Natura 2000 sites, Mullygollan Turlough SAC is 6.1km northwest of the application site.

2.0 Planning History

None identified on the Council planning register.



3.0 Relevant Legislation

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.

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 (as amended)

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.

Schedule 2, Part 1 Class 1



Description of Development

Development within the curtilage of a house

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

Conditions and Limitations

- 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.

Class 50

The demolition of a building, or buildings, within the curtilage of—

- (i) a house,
- (ii) an industrial building,
- (iii) a business premises, or
- (iv) a farmyard complex.
- (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Conditions and Limitations

- 1. No such building or buildings shall abut on another building in separate ownership.
- 2. The cumulative floor area of any such building, or buildings, shall not exceed:
- (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
- (b) in all other cases, 100 square metres.
- 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.



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 declaration is whether to demolish existing two storey annex, out house/ sheds, utility and other ancillary rooms to the rear of the existing dwelling and construction of proposed 34.1m² extension on the footprint of other ancillary rooms to the rear at Grange Townland, Four-Mile-House, Co. 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 aforementioned forms of development constitute works and is therefore development.

Section 4(1) of the Act defines certain types of development as being 'exempted development'. The proposed does not fall within any of the categories identified in this section. I am satisfied that the development in question is not considered to be exempted development under the provisions of the Planning & Development Act, 2000 – 2015.

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.

It is noted that there is no planning history attached to the site is noted.

From reviewing the documentation submitted with the file it would appear the extent of the demolition works are 58m² which exceeds the threshold set out in Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended). Therefore, it is considered that the demolition works are not exempted development.

Furthermore, the construction of proposed 34.1m2 extension (by reason of the interlinkage of the proposed construction with the aforementioned demolition works) exceeds the threshold set out Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended) and therefore the works are not exempted development.

5.0 Recommendation

Recommendation:

WHEREAS a question has arisen as to whether to demolish existing two storey annex, out house/sheds, utility and other ancillary rooms to the rear of the existing dwelling and construction of proposed 34.1m² extension on the footprint of other ancillary rooms to the rear of dwelling at Grange Townland, Four-Mile-House, Co. 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 Act 2000, (as amended).
- (b) 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).



25th January 2022

Date:

- (c) Article 6 of the Planning and Development Regulations 2001, (as amended).
- (d) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (e) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (f) Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- (g) The planning history of the site.

AND WHEREAS I have concluded that

- The works are development.
- The works to demolish existing two storey annex, out house/ sheds, utility and other ancillary rooms to the rear exceeds the limits set out Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, (as amended).
- The works to demolish of existing two storey annex, out house/sheds, utility and other ancillary rooms
 to the rear of the existing dwelling and the construction of a proposed 34.1m2 extension (by reason of
 the interlinkage of the proposed construction with the aforementioned demolition works).
- This proposal is therefore considered to be not exempted development.

AND WHEREAS I have concluded to demolish existing two storey annex, out house/ sheds, utility and other ancillary rooms to the rear of the existing dwelling and construction of proposed 34.1m² extension on the footprint of other ancillary rooms at Grange Townland, Four-Mile-House, Co. Roscommon is not exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Name: Karen Dunleavy

Job title: Assistant Planner





DED535 Site visit 25th January 2023



















Date: 22nd December, 2022. Planning Reference: DED 535

Re: Application for a Declaration under Section 5 of the Planning &

Development Act 2000 (as amended), regarding Exempted Development. 35m² Extension to the rear of the existing dwelling at Grange Townland,

Development: 35m² Extension to the rear of the Four-Mile-House, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 21st December, 2022, for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development along with the appropriate fee in the sum of €80.00 Receipt No. dated 21/12/2022 refers, copy of receipt attached herewith.

Note: Please note your Planning Reference No. is DED 535.

This should be guoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer,

Planning.

CC: Killian Consulting Engineers,

Brideswell Street, Dublin Road, Athlone,

Co. Westmeath N37 T223









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The Planning Department,
Roscommon County Council,
Áras an Chontae
Roscommon
Co. Roscommon
F42 VR98

20/12/2022

22013-LT-01

RE: Description of proposed 34.1m² extension to the existing dwelling at Grange Townland, Four-Mile-House, Co. Roscommon including demolition works,

Dear Sirs,

We act as consultants on behalf of our client Mrs Elizabeth Kilduff. Elizabeth is the owner of the existing dwelling at Grange Townlands, Four-Mile-House, Co. Roscommon. Our client wishes to clarify with the Planning authority and obtain a section 5 declaration on the following demolition and proposed works,

- Demolition of the existing two-storey annex, out house/ sheds, utility, and other ancillary rooms to the rear of the existing dwelling, as shown in drawing no. 22013-KCE-EK-ZZ-DR-A-00-0003. Also described in the attached photos.
- 2. The construction of a proposed 34.1m² extension on the footprint existing kitchen/utility and the two-storey annex, to the rear of the existing dwelling. The proposed extension will include a ground floor living room and w/c, as shown in the proposed plans (drawing no. 22013-KCE-EK-ZZ-DR-A-00-0004), and proposed elevations (drawing no. 22013-KCE-EK-XX-DR-A-00-0005) attached.

Can the Planning authority confirm that the above items 1-2 are exempted development.

We would be most grateful for your comments on the above.

Yours Faithfully,

Ronan McAlary B.Arch
Killian Consulting Engineers



Roscommon County Council Aras an Chontae Roscommon 09066 37100

21/12/2022 11:37:01

Receipt No. L01/0/220450

ELIZABETH KILDUFF

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES GOODS 80 00 GOODS VAT Exempt/Non-vatable DED 535

80.00 EUR

80.00

Tendered:

Cheque 207

Total:

80.00

Change :

0.00

Issued By Louis Carroll From Central Cash Office





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, regarding Exempted Development for the construction of a 35 sem extension to the reservoir the existing of

for the construction of a 35 sqr	n extension to the rear of the existing dwelling
Name:	Elizabeth Kilduff
Address:	
Name & Address of Agent:	Killian Consulting Engineers Brideswell St., Dublin Rd., Athlone, Co.Westmeath. N37 T223
Nature of Proposed Works	35m2 extension to the rear of the existing dwelling
Location (Townland & O.S No.)	Grange Townland, RN028, 2288
Floor Area	35m2
Height above ground level	To match existing dwelling
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Slates Scommon County Cou
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	External wall plaster 2 1 DEC 2022
Is proposed works located at front/rear/side of existing house.	Rear SANNING SECTION

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding <u>Exempted Development</u>

Has an application been made previously for this site	N/A
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Dwelling
Proposed use of land or structure	Dwelling
Distance of proposed building line from edge of roadway	48.3 meters
Does the proposed development involve the provision of a piped water supply	N/A
Does the proposed development involve the provision of sanitary facilities	Yes

Signature:

Ronan McAlary

On Behalf of Killian Consulting Engineers

Date:

20/12/22

Note: This application must be accompanied by:-

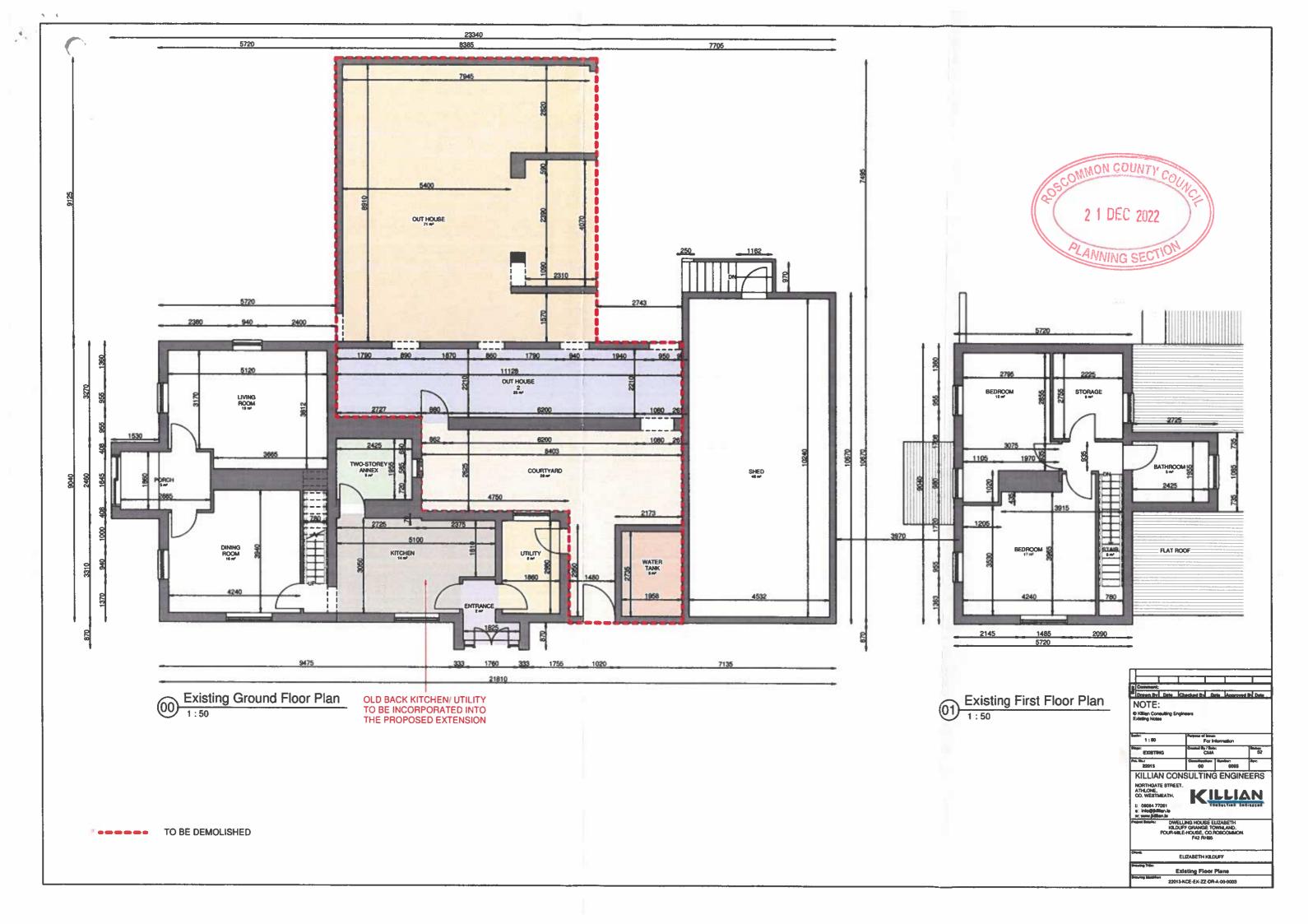
(a) €80 fee

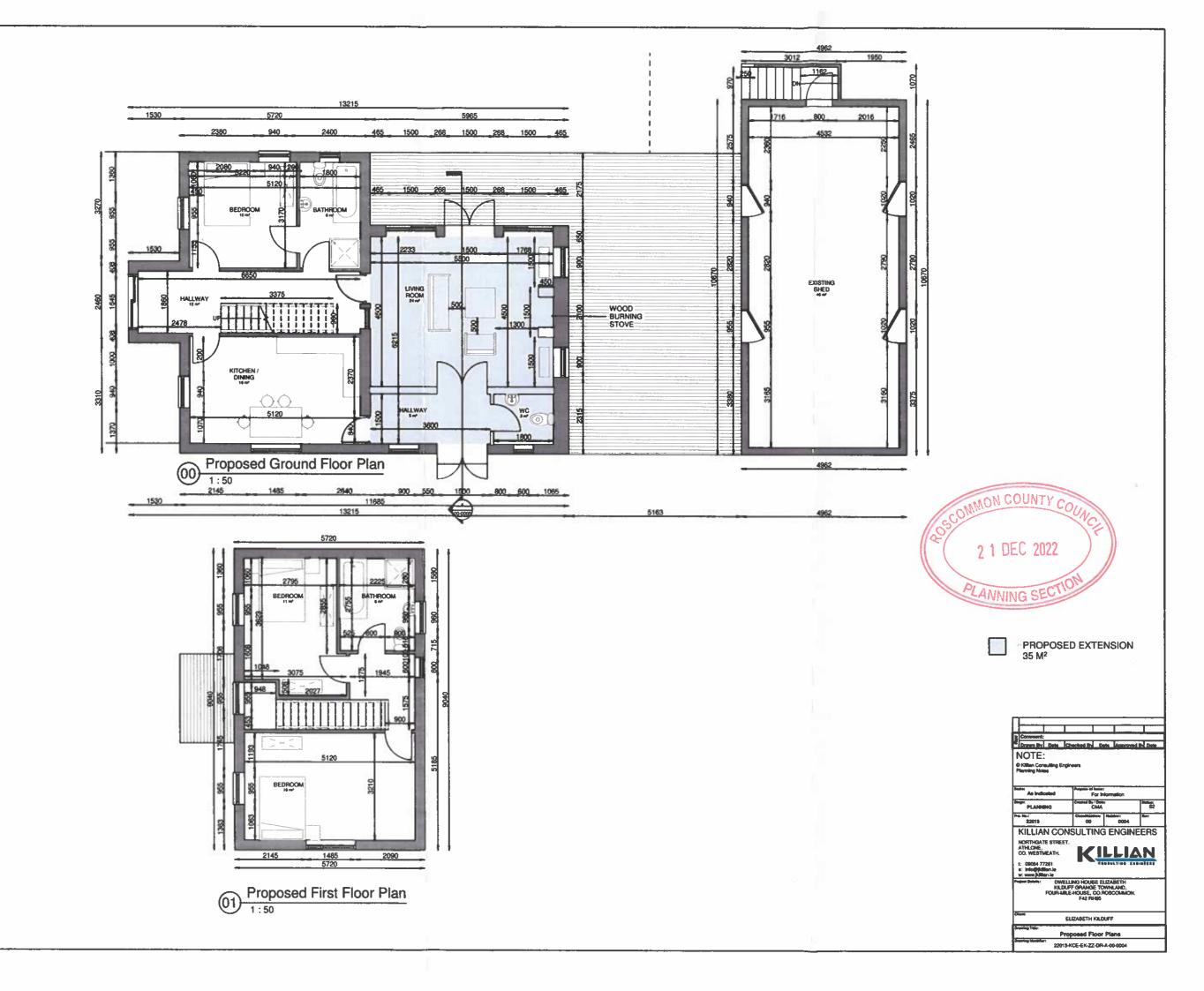
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed

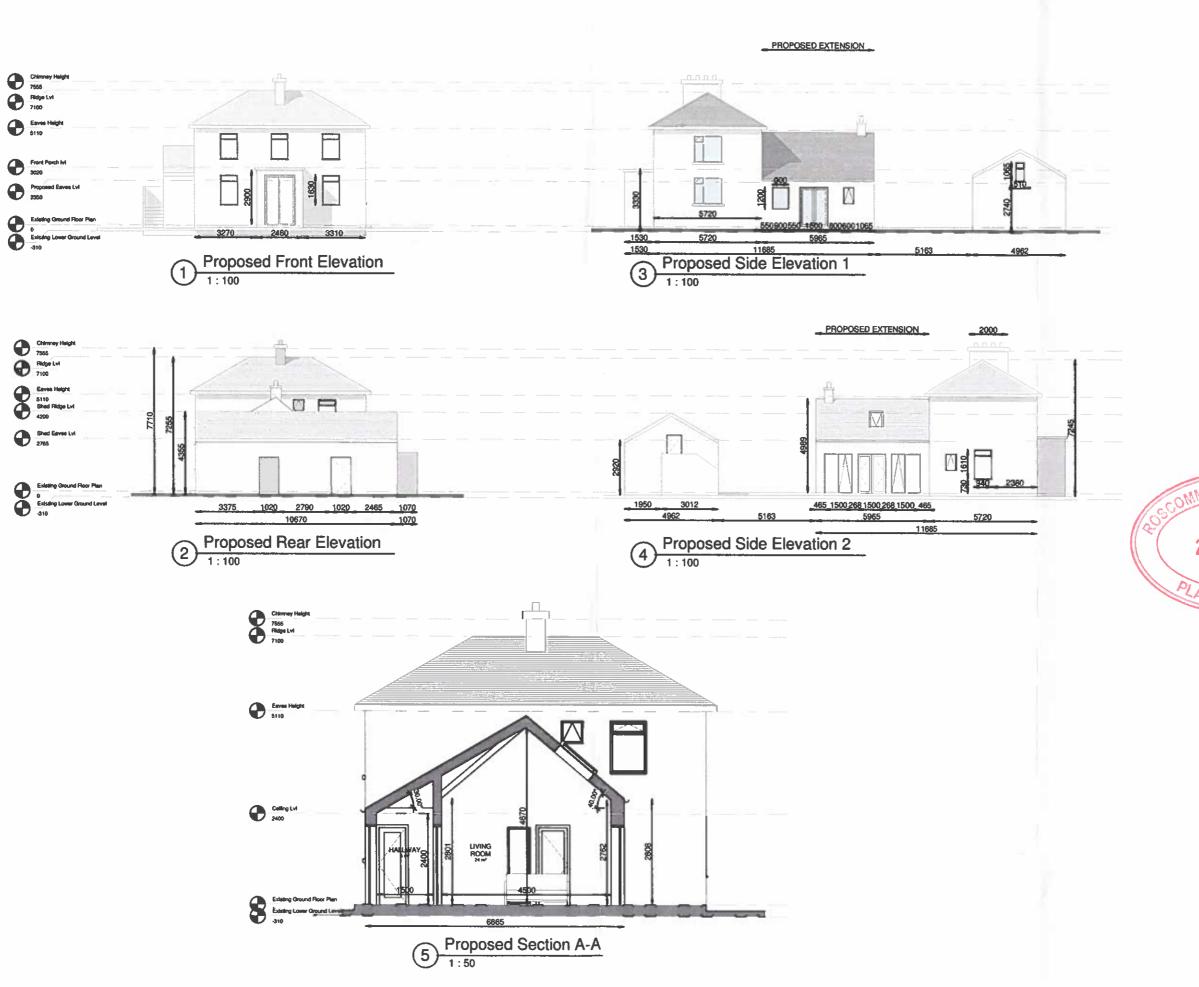


Planning Pack Map 776345 776345 National M., ping Killian Consulting Engineers Northgate Street, Athlone, Co. Westmeath Tel: +353 90 6477261 CENTRE Email: info@fkillian.le Web ; jkillian.le COORDINATES: ITM 585487,776130 Title: Dwelling House, Elizabeth Kilduff 3.26 Location: Grange, Four-Mile-House, Co. Roscommon ORDER NO .: PUBLISHED: Client: Elizabeth Kilduff Grange 20/12/2022 50308911 1 Drawing No. 22013-KCE-EK-00-DR-A-10-0001 Scale 1:2500 SITE BOUNDARY OUTLINED IN RED MAP SHEETS: MAP SERIES: AREA OF SITE# 6279.5 m 0.87 1:5,000 2288 1.12 3.37 2.42 0.25 COMPILED AND PUBLISHED BY: Ordnance Survey Ireland, Phoenix Park, Dublin 8. tretand. 0.23 Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland copyright. All rights reserved. No part of this publication may be copied, reproduced 6.02 or transmitted in any form 0.99 or by any means without the prior written permission of the copyright owners. 1.75 2.19 The representation on this map SCOMMON COUNTY COUNC of a road, track or footpath 0.24 is not evidence of the existence of a right of way. Ordnance Survey maps 2 1 DEC 2022 never show legal property 1.14 boundaries, nor do they show ownership of physical features. SHALING SECTION Ballyglass © Suirbhéireacht Ordanáis Éireann, 1.86 © Ordnance Survey Ireland, 2022 www.osi.ie/copyright 775915 CAPTURE RESOLUTION: N 75 100 metres 25 The map objects are only accurate to the resolution at which they were captured. LEGEND: **OUTPUT SCALE: 1:2,500** Output scale is not indicative of data capture scale. Further information is available at: http://www.osi.ie; 0 50 100 150 200 250 Feet search 'Large Scale Legend' http://www.osl.le; search 'Capture Resolution'

Ordnance **Site Location Map** 777038 777038 Killian Consulting Engineers National Mappin Northgate Street, Athlone, Co. Westmeath Tel: +353 90 6477261 CENTRE Email: Info@jkililan.ie Web: jkililan.ie CHASMAGANNY COORDINATES: Title Dwelling House Elizabeth Kilduff ITM 585487,776130 59 Location: Grange, Four-Mile-House, Co. Roscommon 0 Clashaganny Cettage Client: Elizabeth Kilduff PUBLISHED: **ORDER NO.:** Drawing No. 22013-KCE-EK-00-DR-A-10-0002 20/12/2022 50308911 1 Scale 1:10560 MAP SERIES: MAP SHEETS: RN028 6 Inch Raster Grange 0 4.232 7 COMPILED AND PUBLISHED BY: House Ordnance Survey Ireland, Phoenix Park Dublin 8. Ireland. Union & R.D. Bdy Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland 8 N 243-6 B# 2/3 3 copyright. IL. 1 T. SHOW AND ADDRESS OF THE PARTY O All rights reserved. No part of this publication may be copied, reproduced 493 or transmitted in any form Including a or by any means without the prior written permission of the copyright owners. SITE LOCATION SHOWN MMON COUNTY COUN The representation on this map of a road, track or footpath is not evidence of the existence of a right of way. 8 4 508 B DEC Ordnance Survey maps never show legal property Gronae Abbey boundaries, nor do they show ownership of physical features. INNING SA A Æ Suirbhéireacht Ordanáis Éireann, R3 32 1579 © Ordnance Survey Ireland, 2022 www.osi.ie/copyright Ordnance Survey Ireland 77522 CAPTURE RESOLUTION: 440 metres The map objects are only accurate to the resolution at which they were captured. LEGEND: **OUTPUT SCALE: 1:10,560** Output scale is not indicative of data capture scale. http://www.osi.ie: Further information is available at: 0 200 400 600 800 1,000 Feet search 'Large Scale Legend' http://www.osl.ie; search 'Capture Resolution'









Comment:
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