

From: Planning Department
Sent: Tuesday 18 April 2023 19:07
To: 'Iulia Anton'
Subject: DED 549 Notification of Decision on Section 5 Declaration.
Attachments: DED 549 Section 5 Declaration Notification Of Decision.pdf

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 549 Section 5 Declaration.

I am also forwarding a hard copy by post.

Mise le meas,

Mary Dolan, Administrative Officer, Planning,
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.
☎ (090) 6637176 ✉ marydolan@roscommoncoco.ie
Please address all e-mail correspondence to planning@roscommoncoco.ie

🌐 www.roscommoncoco.ie



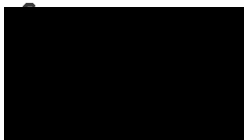
Comhairle Contae
Ros Comáin
Roscommon
County Council



Correspondence issuing from the Planning Section in Roscommon County Council will generally be in electronic form only, except in instances where an e-mail address has not been provided.

ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DECISION

Julia Anton,



Reference Number: DED 549

Application Received: 20th March, 2023

Location: Cornagea, Ballyfarnon, Boyle, Co. Roscommon F52 AX56

WHEREAS a question has arisen as to whether the improvement and enlarging of the existing extension to house at Cornagea, Ballyfarnon, Boyle, 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) 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) 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 exempted development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.

NOW THEREFORE:

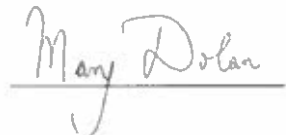
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of **improvement and enlarging of the existing extension to house at Cornagea, Ballyfarnon, Boyle, Co. Roscommon, constitutes development that is 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.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Mise le meas,

A handwritten signature in cursive script, appearing to read 'Mary Dolan', written over a horizontal line.

**Administrative Officer,
Planning.**

Date: 14th April, 2023

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

Reference Number:

DED 549.

Name and Address of Applicant:

Iulia Anton, [REDACTED]

WHEREAS a question has arisen as to whether the improvement and enlarging of the existing extension at Cornagrea, Ballyfarnon, Boyle, 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) The planning history of the site.

1.0 Site Location and Description

The subject site is located in the rural townland of Cornagrea, Ballyfarnon, Boyle, Co. Roscommon, the subject site is located on the western side of the L5016 and an old two storey dwelling and number of sheds/outbuildings occupy the site. The existing dwelling house is inhabited.

In terms of Natura 2000 sites, Lough Arrow SAC and SPA is 4.1km 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	Conditions and Limitations
<p>Development within the curtilage of a house</p> <p>CLASS 1</p> <p>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</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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.</p>

	<p>(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.</p> <p>(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.</p> <p>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.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</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 declaration is whether the improvement and enlarging of the existing extension to the rear at Cornagrea, Ballyfarnon, Boyle, 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 proposal includes the replacement of roof to the existing extension and the installation of roof lights is considered to be exempted development under the provisions of the Planning & Development Act, 2000 (as amended).

From reviewing the plan titled "replacement of existing roof with new one that contains 3 windows", it is clear that the proposed extension (to the rear of dwelling), combined with the existing extension to dwelling house is under the exemption threshold as set out in Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and therefore the proposal in question is considered to be exempted 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, 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. From reviewing the documentation submitted an anomaly is identified within the plans and particulars submitted and the floor areas of the existing rooms within the existing dwelling house is unclear. It is necessary to request further information requiring revised plans and particulars clear identifying the floor areas of each of the rooms within the existing dwelling house and proposed floor areas in each. Furthermore, it is unclear if any demolition works are proposed. This matter is requested to be clarified also.

5.0 Recommendation

Recommendation

WHEREAS a question has arisen as to whether the improvement and enlarging of the existing extension at Cornagrea, Ballyfarnon, Boyle, 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 Acts 2000 as amended
- (b) Articles 6 of the Planning and Development Regulations 2001 as amended
- (c) Article 9 of the Planning and Development Regulations 2001 as amended
- (d) Class **1** 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 Acts 2000 as amended

AND WHEREAS I have concluded that

- The works are development
- The falls within the classes of development listed in Schedule 2 of the Planning & Development Regulations.
- Given that the development is within the conditions and limitations for Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations, I have concluded that the proposal is exempted development.

AND WHEREAS I have concluded that

the improvement and enlarging of the existing extension and is development and is exempted development.

and I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Karen Dunleavy

12th April 2023

Date: _____

Name: Karen Dunleavy

Job title: Assistant Planner

Lulia Anton,

Date: 23rd March, 2023.
Planning Reference: DED 549

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

Development: Improvement and enlarging of the existing extension at Cornagrea, Ballyfarnon, Boyle, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 20th March, 2023, 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. **L01/0/221840** dated 21st March, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 549**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,



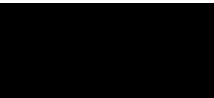
Administrative Officer,
Planning.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

21/03/2023 12:54:01

Receipt No : L01/0/221840

IULIA ANTON



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 549	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
8213

Change 0.00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

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

Name:	Iulia Anton
Address:	<div></div>
Name & Address of Agent:	
Nature of Proposed Works	Improvement and enlarging of the existing extension
Location (Townland & O.S No.)	Cornagrea
Floor Area	30 sq meters
Height above ground level	3.5m
Total area of private open space remaining after completion of this development	300 sq meters
Roofing Material (Slates, Tiles, other) (Specify)	Slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Same as the main house: 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,
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	Kitchen
Proposed use of land or structure	Kitchen and Bathroom
Distance of proposed building line from edge of roadway	18 m
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

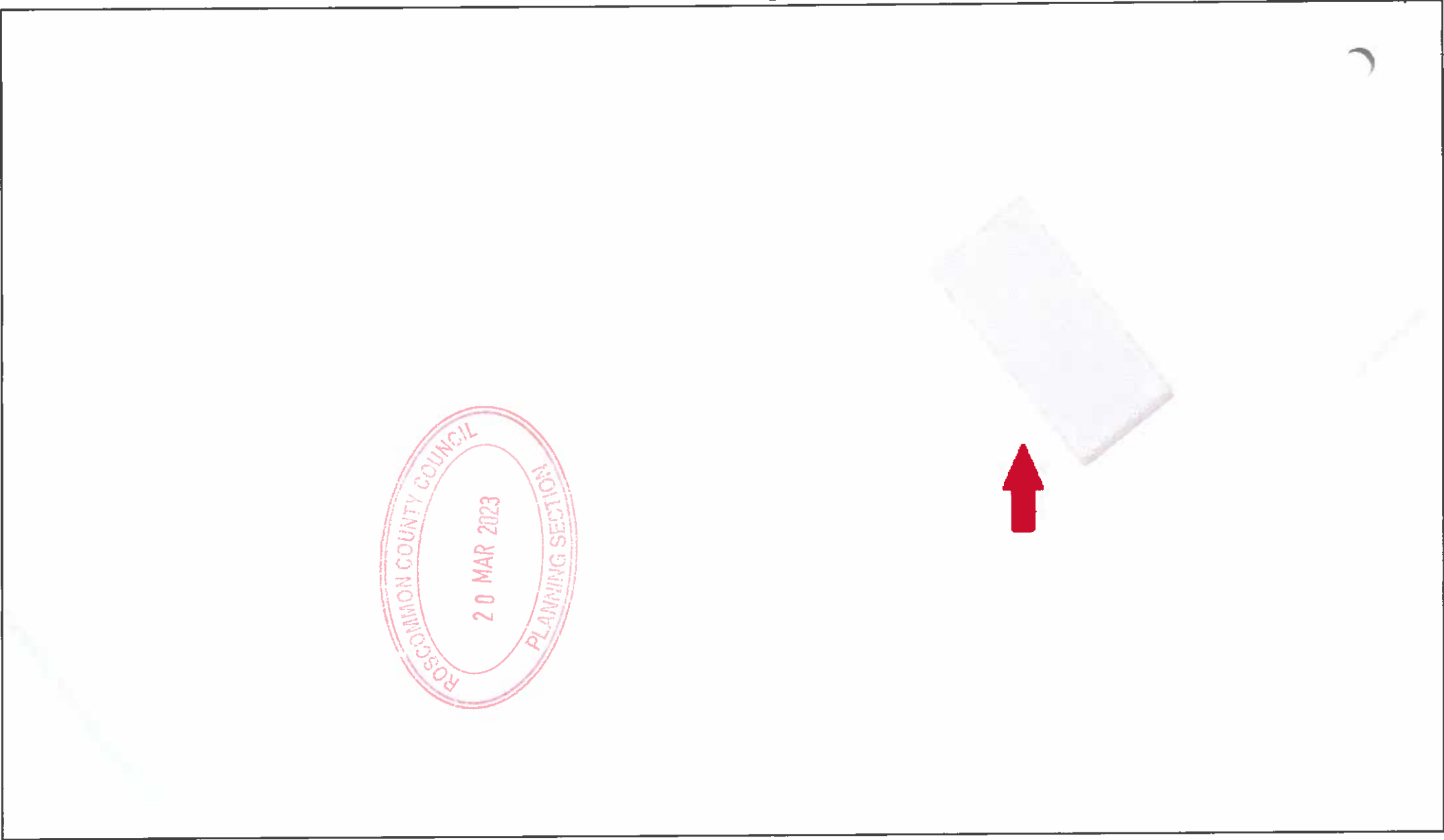
Signature: Julia Anton

Date: 20 March 2023

Note: This application must be accompanied by:-

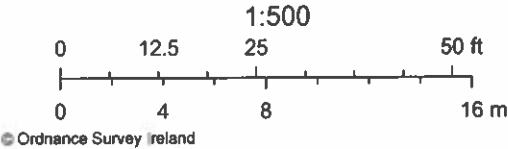
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed

Roscommon Planning Applications



28/2/2023, 15:54:45

 County Boundary



586100 mE, 809930 mN

The Property
Registration Authority
An tÚdaráis
Clárúcháin Maoine



Folio: RN43239F

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.pral.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(centre-line of parcel(s) edged)

— Freehold

— Leasehold

— SubLeasehold

Burdens (may not all be represented on map)

— Right of Way / Wayleave

— Turbary

— Pipeline

○ Well

● Pump

■ Septic Tank

▤ Soak Pit

A full list of burdens and their symbology can be found at:
www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:2500 Scale



Page 8 of 8



585300 mE, 809280 mN
Data Printed: 07/09/2022

Creation Date: 07 September 2022 16:17:29

Application Number: P2022LR104862K

House details

4 bedrooms, 1 bathroom, detached old house,
approx. 150 sq meters

- Front of the house



- Back of the house

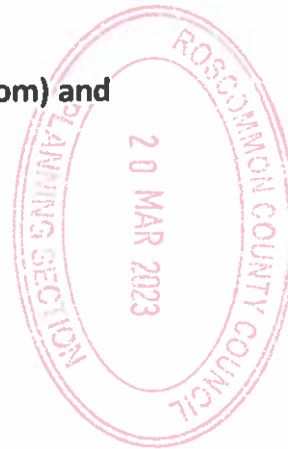


- Map

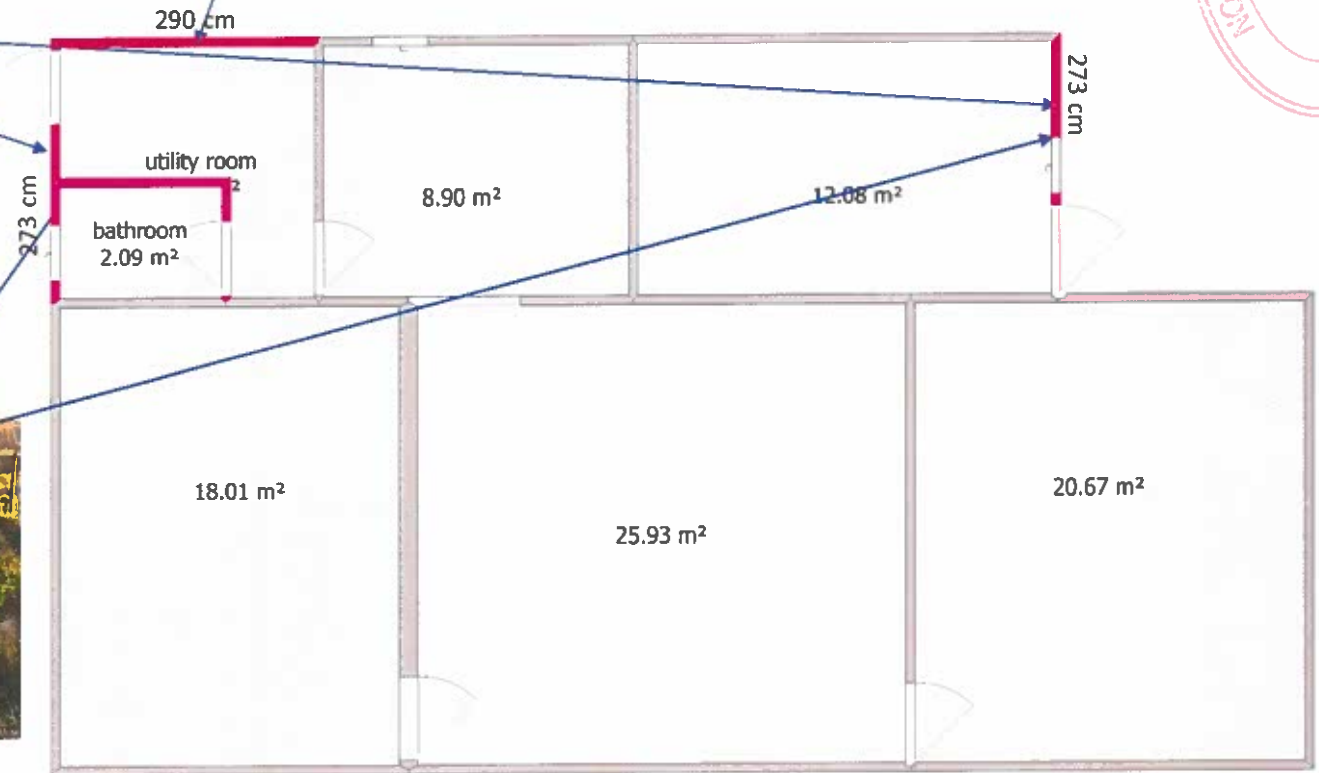
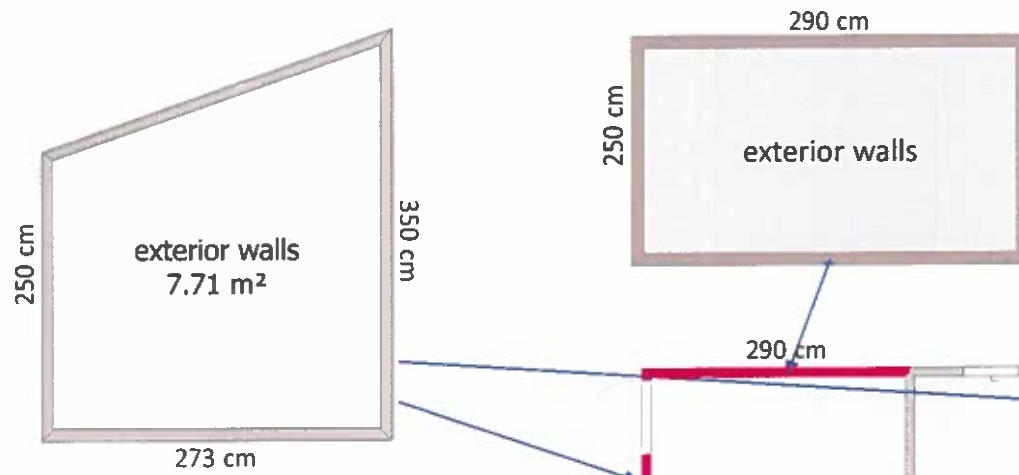


1st Floor





**Enlarge the existing extension (for a bathroom) and
a new wall**

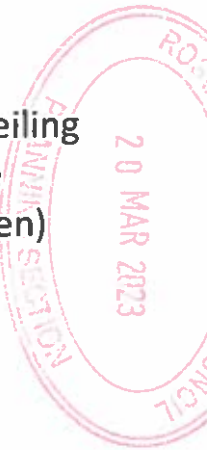
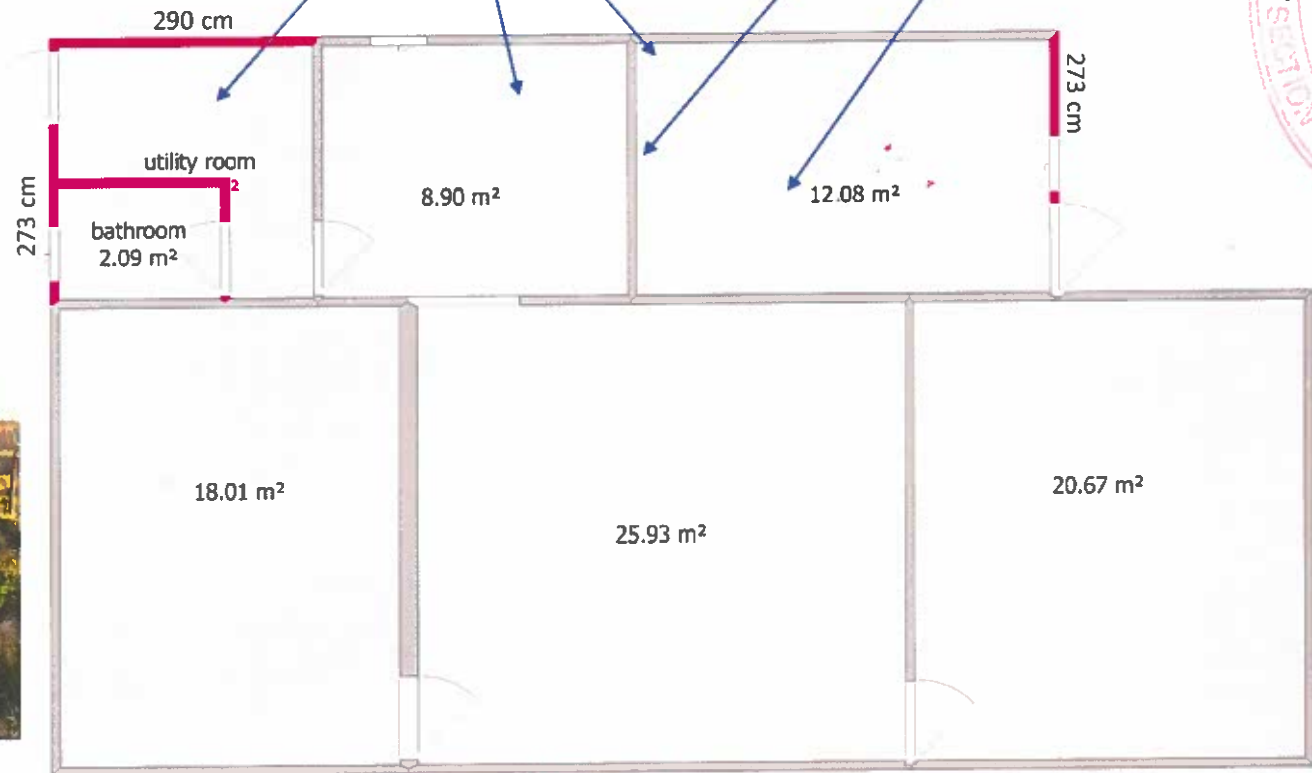


Extension decoration and works

Plumbing fittings for
the new extension and
kitchen

Remove
the wall

Add tiles and ceiling
(this will be the
extended kitchen)



As it is now

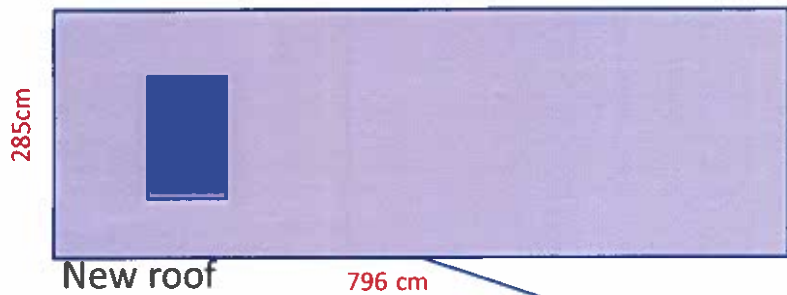


Walls building

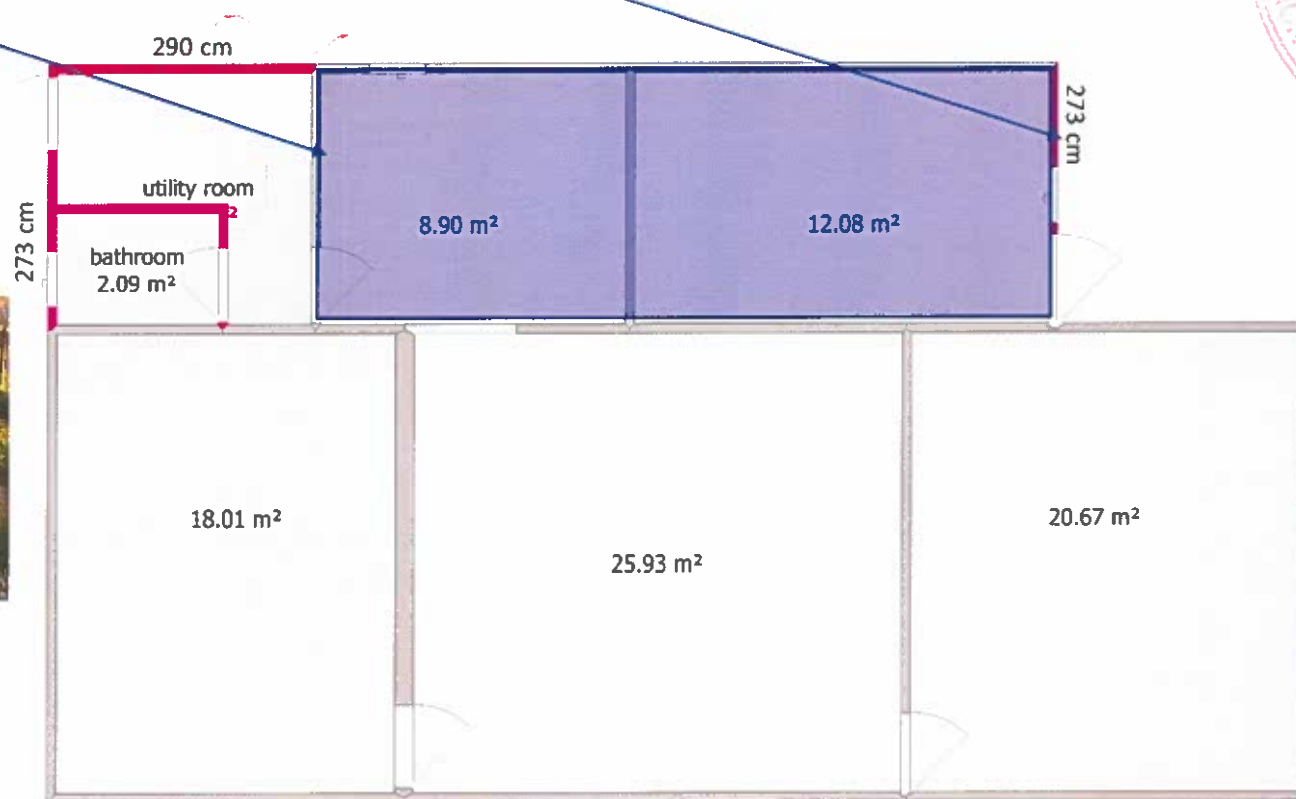
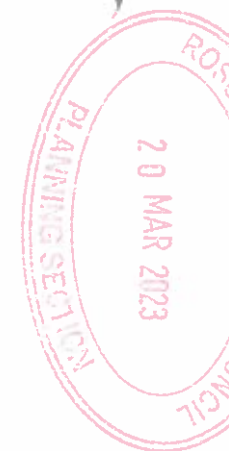


As we
want to be





Replacement of existing roof with a new one that contains 3 windows



Sharon Kelly

From: Iulia Anton [REDACTED]
Sent: Monday 20 March 2023 10:47
To: Planning Department
Subject: Cornagrea House - Section 5 declaration of Exempted Development
Attachments: map 1-500.pdf; Map 1 to 2500.pdf; Declaration under Section 5 Application form_CornagreaHouse.pdf; Cornagrea house extension_worksDescription.pdf

Good morning,

My name is Iulia Anton, and I am sending the documents required for applying to the Section 5 declaration of exempted development for my house: Cornagrea, Ballyfarnon, Boyle, Co. Roscommon, F52AX56.

Please let me know if any other documents are required. I will send you the proof of payment of the fee shortly after I have the reference number for my application.

Many thanks in advance,
Iulia Anton,
[REDACTED]

