

From: Planning Department
Sent: Wednesday 17 May 2023 16:11
To: [REDACTED]
Subject: DED 554 Notification of Decision on Section 5 Declaration.
Attachments: DED 554 Declaration on Development and Exempted Development - Notification of Decision.pdf

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 554 Section 5 Declaration .

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

Michael Coleman,


Reference Number: DED 554

Application Received: 19th April, 2023

Location: Cornameelta, Boyle, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of a 39.8m² extension to the rear of the existing property at Cornameelta, 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) Articles 6 and 9 of the Planning and Development Regulations, 2001 (as amended);
- (c) Class 1 of Part 1 Article 6 Schedule 2 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 (as amended);
- (e) 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:

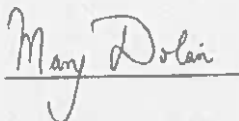
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of **the construction of a 39.8m² extension to the rear of the existing property at Cornameelta, 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.

Signed on behalf of the said Council

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

**Administrative Officer,
Planning.**

Date: 16th May, 2023

**Planner's Report on application under Section 5 of the
Planning and Development Acts 2000 - 2011**

Reference Number: DED 554

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of an extension to the rear of the existing property at Cornameelta, Boyle, County Roscommon

Applicant: Michael Coleman

Date: 15th May 2023

WHEREAS a question has arisen as to whether the construction of an extension to the rear of the existing property at Cornameelta, Boyle, County 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) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 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 Acts 2000 – 2011
- (e) The planning history of the site

Site Location & Development Description

The subject residential property is located in Cornameelta, Boyle, County Roscommon and is accessed off the L10368 Local Tertiary Road. The proposed development consists of the construction of an extension to the rear of the existing dwelling house. As per the submitted details, the proposed extension is 39.8sqm. The structure will be finished externally in plaster and slates to match the existing property. The proposed works are located at the rear of the existing house.

The subject site is not in, adjoining or in close proximity to any European designated sites. Having regard to the scale of the proposed development and the separation distances between the site and the Natura 2000 network, it is considered that the conservation objectives of the network will not be impacted.

Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

Assessment

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "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". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said construction of an extension to the rear of the dwelling house constitutes development, as defined in Section 3 of the said Act.

The proposed extension to the rear of the existing dwelling house has been considered within the scope of Class 1 of Part 1 of Article 6 - *Exempted Development General* of the Regulations.

PART 1 - Article 6 - Exempted Development – General

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.

Column 2 - 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.

The construction of an extension to the rear of the existing dwelling house in this case is considered to be exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, 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 AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment 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 EIA 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 AA is required.

Recommendation

WHEREAS a question has arisen as to whether the construction of an extension to the rear of the existing property at Cornameelta, Boyle, County 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 –

- (f) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (g) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended

- (h) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (i) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (j) The planning history of the site

AND WHEREAS I have concluded that

- a) The works are development.
- b) The construction of an extension to the rear of the existing property is exempted development.
- 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 that the requirement for AA or EIAR does not apply with respect to the current case.

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

Signed:



Assistant Planner

Date: 15th May 2023





Mr. Michael Coleman,

Date: 24th April, 2023.

Planning Reference: DED 554

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

Development: Construct extension to the rear of existing property at Cornameelta, Boyle, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 19th April, 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. **L01/0/222259** dated 20th April, 2023 refers, receipt enclosed herewith for the attention of the agent.

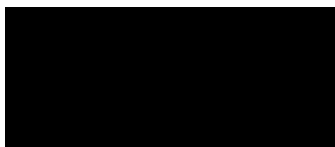
Note: Please note your Planning Reference No. is **DED 554**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,



Administrative Officer,
Planning.



Roscommon County Council
Aras an Chontae
Roscommon
09068 37100

20/04/2023 09:00:28

Receipt No : LD1/0/222259

MICHAEL COLEMAN
[REDACTED]

RE: EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 554	

Total : 80.00 EUR

Tendered	80.00
Credit/Debit Card	
5803	

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



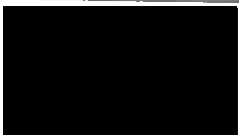

Comhairle Contae
Ros Comáin
Roscommon
County Council



Aras an Chontae,
Roscommon,
Co. Roscommon
Phone: (090) 66 37100
Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	Michael Coleman
Address:	
Name & Address of Agent:	
Nature of Proposed Works	39.8 Sqm Extension to the rear of existing property
Location (Townland & O.S No.)	Cornameelta FN11529F
Floor Area	31.7sqm
Height above ground level	4.3 meters
Total area of private open space remaining after completion of this development	1500 sqm
Roofing Material (Slates, Tiles, other) (Specify)	slates to match existing property
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plaster to match existing property
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)	N/a
Existing use of land or structure	Garden
Proposed use of land or structure	Living space / Housing
Distance of proposed building line from edge of roadway	20 meters to each roadway
Does the proposed development involve the provision of a piped water supply	Yes
Does the proposed development involve the provision of sanitary facilities	No

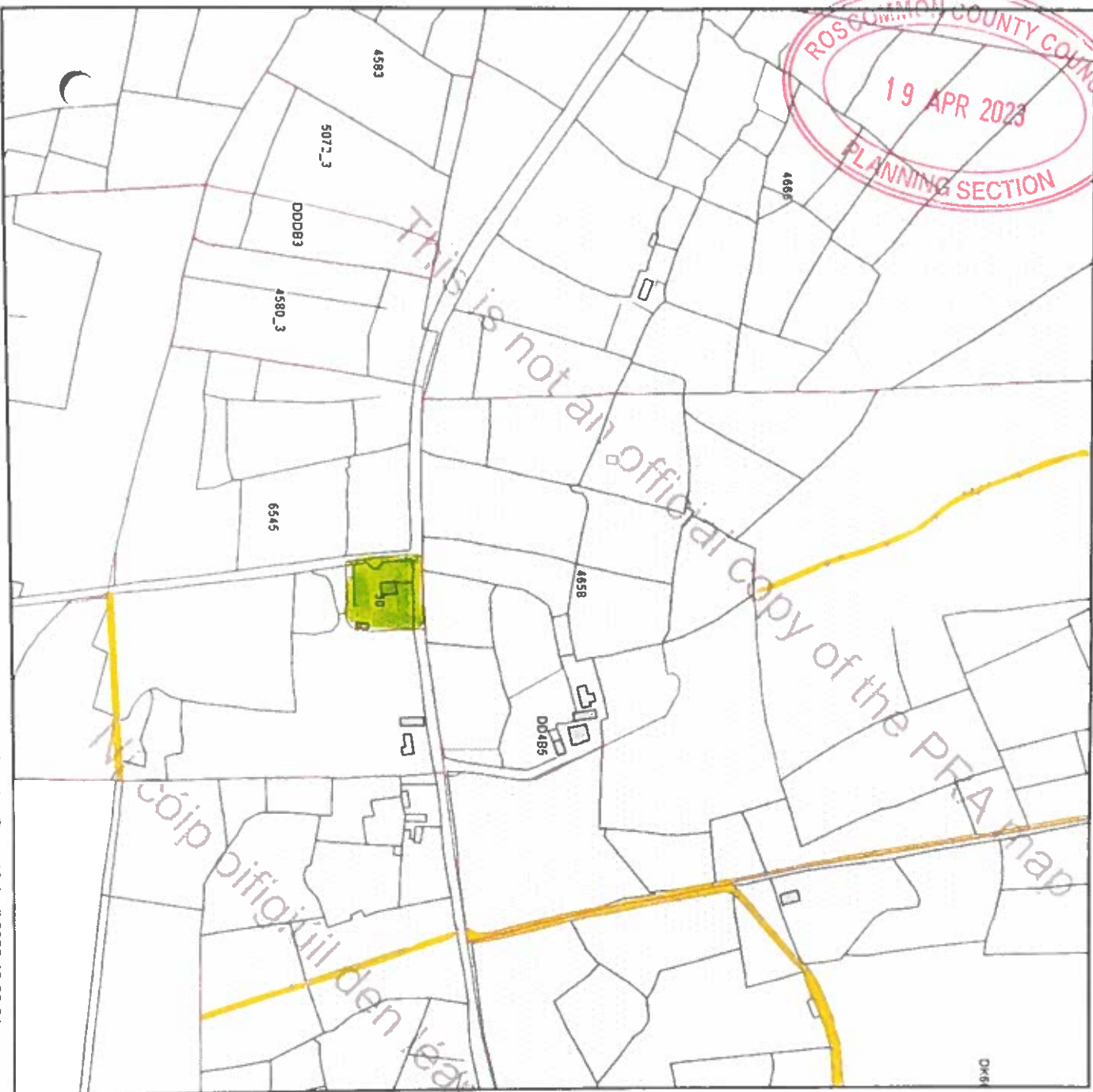
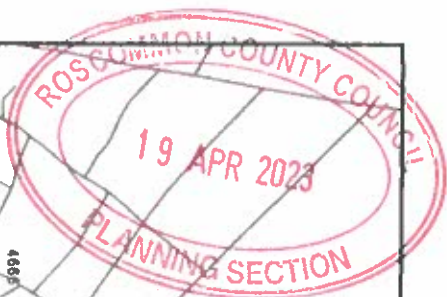
Signature:

Date:

19/04/23

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



The Property Registration Authority An tÚdarás Clárúcháin Maoinne



Official Property Registration Map

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.pra.ie.

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

(Indicative of parcel(s) edges)

- Freehold
- Leasehold
- Subleasehold
- 'S' Register

(see Section 8(1)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

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

Creation Date: 19 April 2023 13:32:01

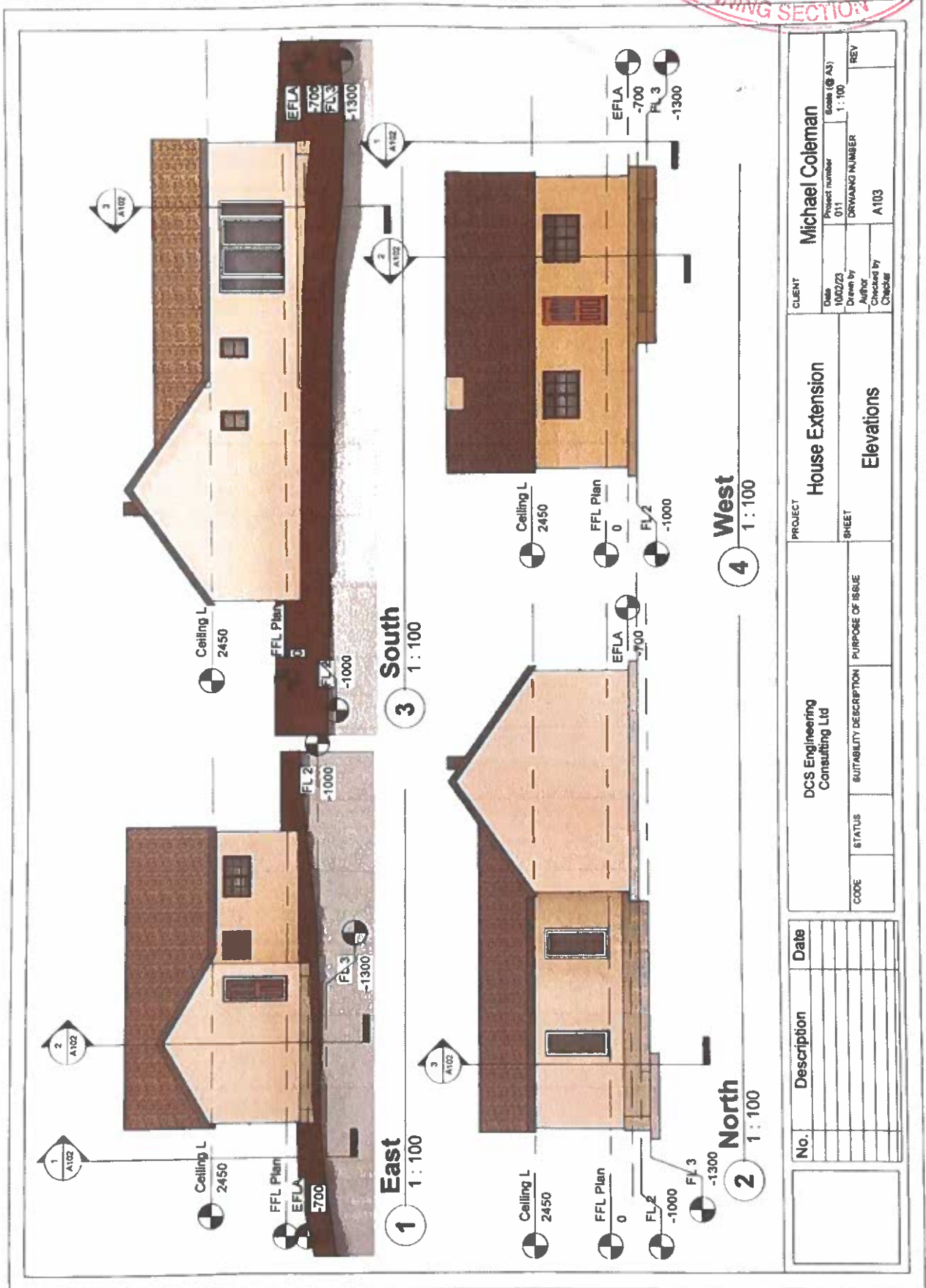




1:500

Green – Existing Development

Yellow – Proposed new under 40sqm Extension



- 1 All Construction temporary works are the responsibility of the Contractor
- 2 Structural concrete to be grade C30/37
- 3 Two layers of A393 steel reinforcement mesh to be placed in the foundation with 75mm cover
- 4 Foundation wall to align with 150 cavity for insulation
- 5 All works to be in compliance with Building Regulations Dec 2022



2 1:100

COOL

House Plan

DC _____
Checked by _____

Dear Reader

Please find attached my Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development

Detailed description: The development is an extension to an existing property located at Cornameelta, Boyle, Co Roscommon [REDACTED] The development is under 40sqm as can be seen in the attached drawings. The extension will be used as a kitchen dining area and utility room. All ground works needed to facilitate this will be done when the building takes place.

My contact details are :

Phone : [REDACTED]

Email : [REDACTED]

I look forward to hearing from you.

Kind Regards

Michael Coleman



Sharon Kelly

From: [REDACTED]
Sent: Wednesday 19 April 2023 14:36
To: Planning Department
Subject: Exempted development application Michael Coleman
Attachments: Planning ex 2023.pdf

Good afternoon

Please find attached my application for an exempted development.

My phone number is [REDACTED]

Kinda regards

Michael Coleman

[Sent from Yahoo Mail for iPhone](#)

