

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

Sinead Conry,



Reference Number: DED 568

Application Received: 1<sup>st</sup> June, 2023

Location: Steil Td., Tulsk, Co. Roscommon.

WHEREAS a question has arisen as to whether proposed works to “refurbish existing dwelling and construct extension to the rear 39.1m<sup>2</sup> in floor area and all associated site works” at Steil Td., Tulsk, 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 4, 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 2000 (as amended)
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- i) The works are development.
- ii) The proposed works to “refurbish the existing dwelling” are not exempted development.
- iii) The proposed construction of an extension to the rear of the structure on site is not exempted development.

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 in respect of the said works at Steil Td., Tulsk, Co. Roscommon, having regard to the definitions and exempted development provisions contained within the Planning and Development Act 2000 (as amended) and associated Regulations that the said works constitute development that is not exempted development.

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 said Council

Administrative Officer,  
Planning.

Date: 28<sup>th</sup> June, 2023



**EMAIL**

**Martin Dowd,  
Rathcroghan Designs,  
Ballyconboy, Ballinagare,  
Castlerea, Co. Roscommon.**



## Mary Dolan

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**From:** Planning Department  
**Sent:** Wednesday 28 June 2023 17:18  
**To:** 'rathcroghandesigns@gmail.com'  
**Subject:** DED 568 Notification of Decision on Section 5 Declaration.  
**Attachments:** DED 568 Section 5 Declaration Notification of Decision.pdf

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 568 Section 5 Declaration .

Given that an e-mail address has not been provided by the applicant we would be obliged if you could ensure that a copy of this Notification of Decision is provided to the applicant.

Mise le meas,

**Mary Dolan, Administrative Officer, Planning,**  
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.  
☎ (090) 6637176 ✉ [marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)  
**Please address all e-mail correspondence to [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)**  
🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



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**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.**

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

**Reference Number:** DED 568

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish existing dwelling and construct extension to the rear 39.1m<sup>2</sup> in floor area and all associated site works at Steil Td. Tulsk, Co. Roscommon.

**Applicant:** Sinead Conry

**Date:** 20<sup>th</sup> June 2023

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WHEREAS a question has arisen as to whether to refurbish existing dwelling and construct extension to the rear 39.1m<sup>2</sup> in floor area and all associated site works at Steil Td. Tulsk, 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) 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 2000 (as amended)
- (e) The planning history of the site

**Site Location & Development Description**

The subject site is located on the southern side of the N5, a national road. The applicant states that the nature of the works include the refurbish existing dwelling house and construct extension to the rear of 39.1m<sup>2</sup> and all associated site works. From site inspection it is clear substantial works have been carried out to the existing dwelling house, including demolition of majority of the existing house and roof and rebuild dwelling house and construction of extension to the rear. The front wall of dwelling house has been left and all other walls have been rebuilt and an extension constructed to rear. The intent to undertake works which do not represent a typical 'refurbish' of the existing dwelling house. It is clear from site inspection and review of plans and particulars submitted that the works represent the development of a replacement dwelling house. From reviewing Google Maps it is evident the property has been vacant for a significant period of time.

**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, (as amended) 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.

Section 4 (1)(h) of the Act, being development consisting 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. The proposal under this application is works to an 'existing dwelling house', however observation made during site inspection it is noted that the former dwelling house has been substantially demolished and has been rebuilt, the extent of the works that have been carried out cannot be considered in the context of Section 4 (1)(h) of the Act, as the works which have been completed has materially affected the external appearance of the structure and therefore the appearance of the works completed to the structure is inconsistent to the character of the structure.

The proposed extension to the rear of the structure has been considered in the context Class 1 of Part 1 of Article 6 - *Exempted Development General* of the Regulations.

### PART 1 - Article 6 - Exempted Development – General

Description of Development	Conditions and Limitations
<i>Development within the curtilage of a house</i>  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

	<p>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>
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	<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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There are two questions arising from this declaration, (1) "to refurbish existing dwelling" and (2) "construct extension to the rear 39.1m<sup>2</sup>" is or is not development and is or is not exempted development.

In accordance with the Planning and Development Act, 2000 Section 3. (1) the proposed development is considered to represent the carrying out of works.

#### Refurbish existing dwelling

In relation to the 'refurbish existing dwelling house' as described on the submitted documentation, constitutes 'development' as per Section 3 (1) of the Planning and Development Act 2000 (as amended). The works proposed under this proposal to refurbish 'existing dwelling house' is assessed under Section 4 (1)(h) of the Planning and Development Act 2000 (as amended). From a site inspection (see photos attached to the end of this report) it is evident that substantial works have been completed to the dwelling house essentially the works which have been completed is a creation of a new replacement dwelling house. Therefore, the 'development' detailed does not constitute a 'refurbishment' of the existing structures and does not constitute exempted development.

#### Construct extension to dwelling house

The construction of an extension to the rear of the structure with a stated gross floor area of 39.1m<sup>2</sup>, the plans and particulars submitted state that the externals are concrete block, no details have to the finished have been illustrated. From reviewing Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, (as amended), it is considered that the proposal cannot be considered under this Class as the structure (a former dwelling) has been substantially demolished and is currently being reconstructed, therefore the extension to the rear of a structure does not constitute exempted development.

No details have been provided on the wastewater treatment arrangement, however the declaration query posed does not pertain to wastewater treatment arrangements. The existing wastewater treatment system may not be adequate and it may be required to be upgraded.

**Environmental Considerations:**

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination for EIAR is not required.

The site is located 3.3km away from Mullygollan Turlough SAC. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to and distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development. A screening determination is not required.

**Recommendation**

WHEREAS a question has arisen as to whether to refurbish existing dwelling and construct extension to the rear 39.1m<sup>2</sup> in floor area and all associated site works at Steil Td. Tulsk, 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 –

- (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, (as amended)
- (j) The planning history of the site

**AND WHEREAS I have concluded that**

- a) The works are development.
- b) To refurbish existing dwelling and construct extension to the rear 39.1m<sup>2</sup> in floor area and all associated site works is not exempted development.

Signed:   
Assistant Planner

Date: 20<sup>th</sup> June 2023



















































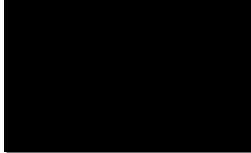




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Sinead Conry,



Date: 8<sup>th</sup> June, 2023.

Planning Reference: DED 568

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

**Development:** To refurbish existing dwelling and construct extension to the rear 39.1m<sup>2</sup> in floor area and all associated site works at Steil Td. Tulsk, Co. Roscommon.

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A Chara,

I wish to acknowledge receipt of your application received on the 1<sup>st</sup> June, 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. **L01/0/223037** dated 2<sup>nd</sup> June, 2023 refers, receipt attached herewith.

**Note:** Please note your Planning Reference No. is **DED 568**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

**Administrative Officer,  
Planning.**

cc. **EMAIL**

**Martin Dowd,  
Rathcroghan Designs,  
Ballyconboy, Ballinagare,  
Castlereagh, Co. Roscommon.**

Page 1 of 1



**Mary Dolan**

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**From:** Planning Department  
**Sent:** Friday 16 June 2023 14:39  
**To:** rathcroghandesigns@gmail.com  
**Subject:** FW: RCC Planning Ref. No. DED 566 - Acknowledgement of Request for Declaration under Section 5 of the Planning & Development Act.  
**Attachments:** DED 568 Ack. Applic..pdf; DED 568 Receipt.pdf

A Chara,

Please find attached, letter of acknowledgement in respect of your request for a declaration under Section 5 of the Planning & Development Act 2000 (as amended), reference no. DED 568.

Given that an e-mail address has not been provided by the applicant we would be obliged if you could ensure that a copy of this acknowledgement is provided to the applicant.

Mise le meas,

**Mary Dolan, Administrative Officer, Planning,**  
Áras an Chontae, Roscommon, Co. Roscommon, F42 VR98.  
☎ (090) 6637176 ✉ [marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)  
🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



**Please address all e-mail correspondence to [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)**

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Roscommon County Council

An Chontae

Common

09088 37100

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02/08/2023 09:36:33

Receipt No : L01/0/223037

RATHCROGHAN DESIGNS  
C/O MARTIN DOWD  
BALLYCONBOY  
BALLINAGARE  
CASTLEREA  
CO. ROSCOMMON

PLANNING APPLICATION FEES 80 00  
GOODS 80 00  
VAT Exempt/Non-vatable  
DED 568

Total : 80 00 EUR

Tendered :  
Credit/Debit Card 80 00  
8238

Change 0 00

Issued By : Bernadine Duignan  
From : Central Cash Office

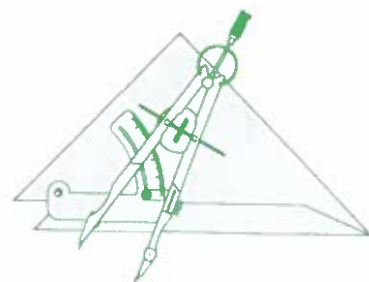


DED 568

# Rathcroghan Designs

BALLYCONBOY, BALLINAGARE, CASTLEREA,  
CO. ROSCOMMON

MOBILE : 086 2328484 TEL/FAX : 071 9639983



Planning Authority  
Roscommon County Council  
Aras An Chontae  
Roscommon.



June 1<sup>st</sup> 2023

Dear sir or madam,

Please find enclosed application for declaration of exempted development on behalf of Sinead Conry. I wish to pay the application by card and I would be obliged if you could contact me on this number 086 2328484 at your convenience so that I can give you card details in order to make payment

Many Thanks

Martin Dowd  
Rathcroghan Designs  
Ph. 086 2328484



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

01 JUN 2023



## Roscommon County Council

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

Name:	SINEAD CONRY
Address:	[REDACTED]
Name & Address of Agent:	MARTIN DOUD RATHCROGHAN DESIGNS BALKINAGARE, CASTLEBT Co. ROSCOMMON
Nature of Proposed Works	TO REFURBISH EXISTING DWELLING AND CONSTRUCT EXTENSION TO THE REAR 39.1 m <sup>2</sup> IN FLOOR AREA AND ALL ASSOCIATED SITE WORKS.
Location (Townland & O.S No.)	STEIL T.D. TUBK Co. Roscommon OS NO RN022
Floor Area	39.1 m <sup>2</sup>
Height above ground level	5.541 to RIDGE HEIGHT.
Total area of private open space remaining after completion of this development	0.28 HA
Roofing Material (Slates, Tiles, other) (Specify)	SLATES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP 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)	N/A
Existing use of land or structure	RURAL ONCE OFF DWELLING
Proposed use of land or structure	RURAL ONCE OFF DWELLING
Distance of proposed building line from edge of roadway	EXISTING BUILDING LINE TO BE MAINTAINED 10.1 m.
Does the proposed development involve the provision of a piped water supply	YES - EXISTING CONNECTION
Does the proposed development involve the provision of sanitary facilities	NO - SANITARY FACILITIES IN EXISTING DWELLING.

Signature:

Martin Del (AGENT)

Date:

01/06/2023

**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



# Site Location Map



**Tailte  
Éireann**

**CENTRE  
COORDINATES:**  
ITM 582217,782076

**PUBLISHED:** 30/05/2023  
**ORDER NO.:** 50337714\_1

**MAP SERIES:** 1000  
**MAP SHEETS:** 1000



**COMPILED AND PUBLISHED BY:**  
National Mapping Division of  
Tailte Éireann,  
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D08F6E4

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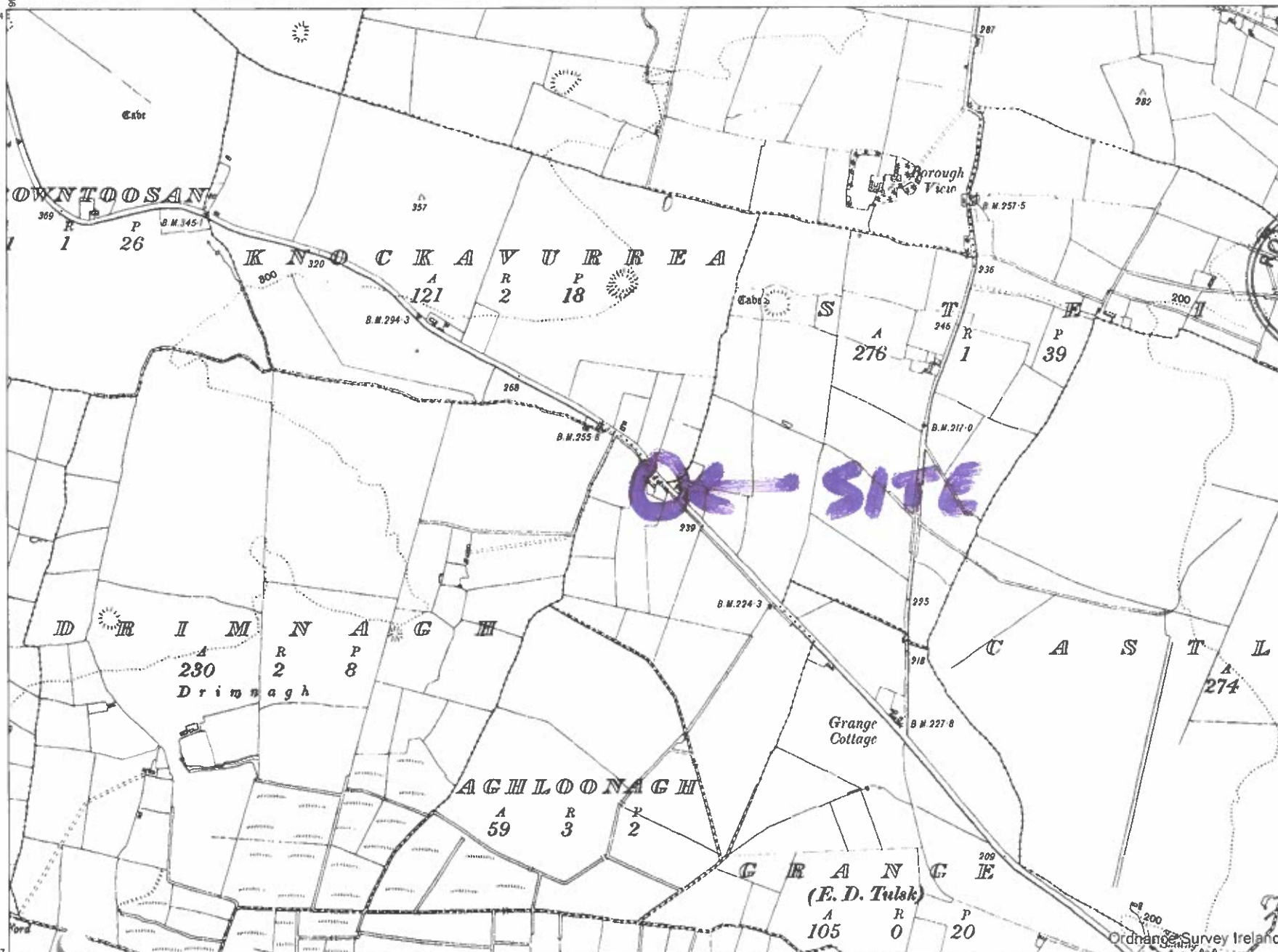
The representation on this map  
of a road, track or footpath  
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Ordnance Survey Ireland (OSI)



0 110 220 330 440 Metres

0 200 400 600 800 1,000 Feet

**OUTPUT SCALE: 1:10,560**

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.osi.ie](http://www.osi.ie) search 'Capture Resolution'

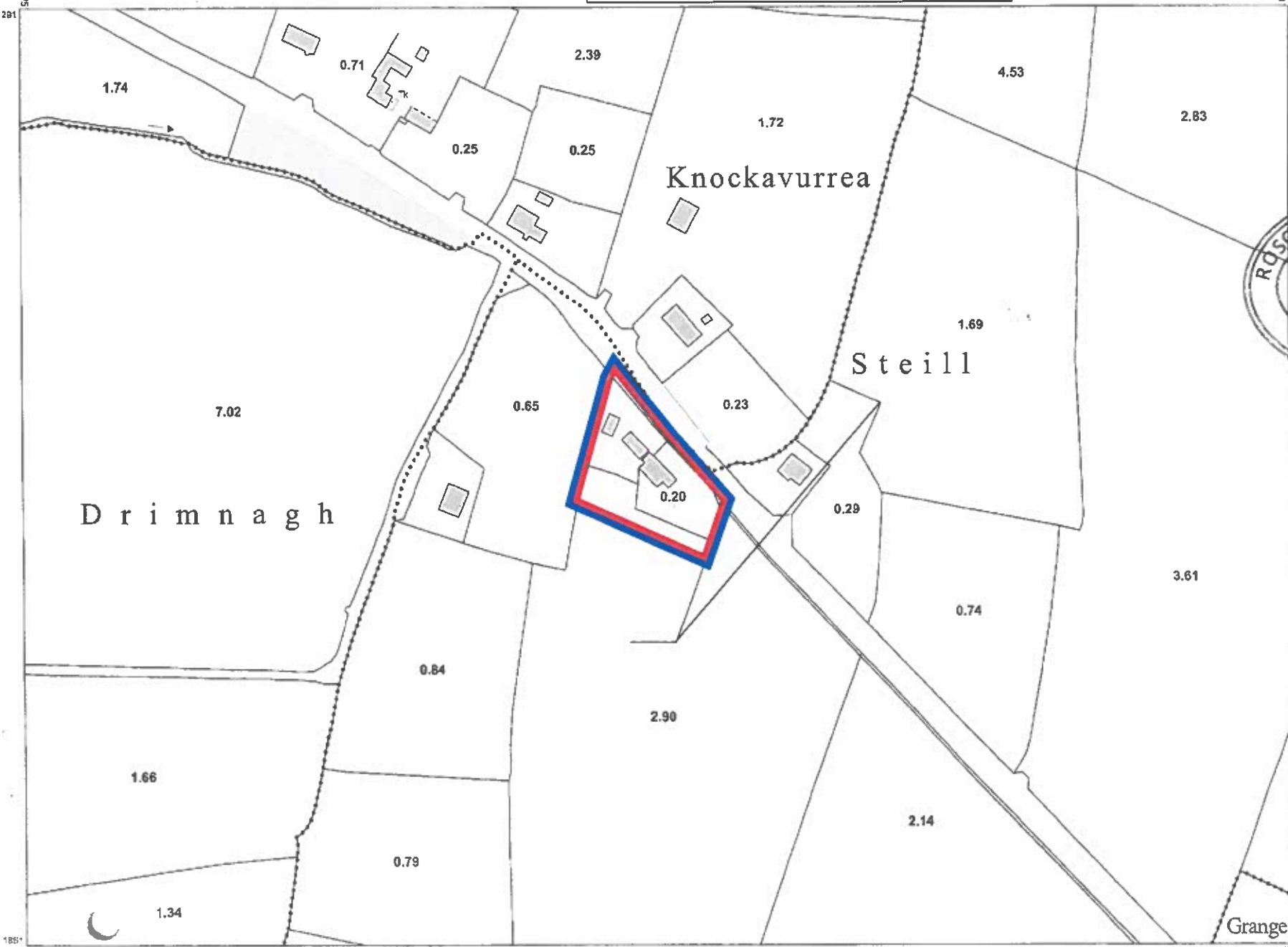
**LEGEND:**  
To view the legend visit  
[www.osi.ie](http://www.osi.ie) and search for  
'Large Scale Legend'



**Prepared By: Martin Dowd Rathcroghan Designs,  
Ballinagare, Castlereagh, Co. Roscommon**



This map was produced by the National Mapping Division of Tóilte Éireann, formerly Ordnance Survey Ireland (OSI).



**LEGEND:**  
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'Large Scale Legend'







**RATHCROGHAN DESIGN**  
Ballyconboy, Ballinagare, Castlerea, Co. Roscommon  
Ph: 086 2328484  
E-mail: rathcroghan@designs@gmail.com



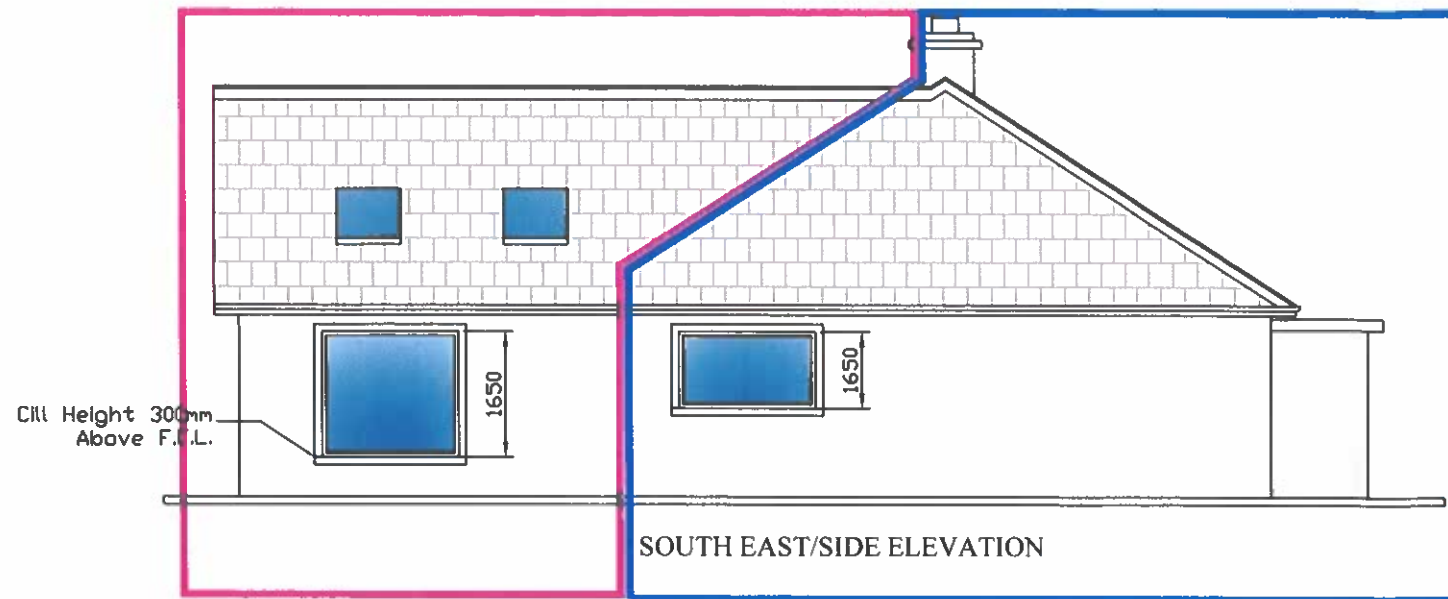
Client  
Sinead Conry

Title  
Site Layout

Scale: 1:500 UNLESS NOTED	Sheet	Draw. No.
Drawn: MARTIN DOWD	1 OF 1	23-114
Date: 22-02-2023		

Existing Dwelling built Pre 1963 outlined in blue to be Fully Refurbished

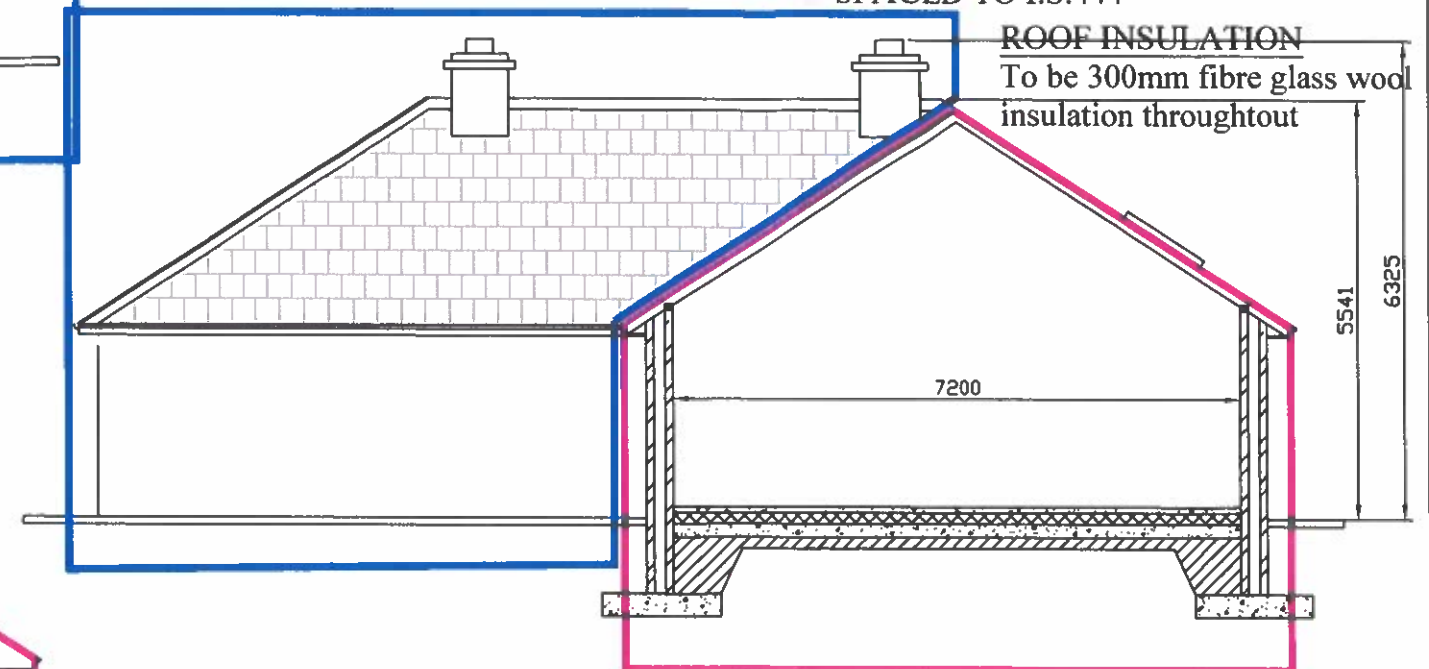
Proposed Extension Outlined in Magenta



**EXTERNAL WALLS**  
To be 100mm conc. block outer leaf 150mm cavity to contain 120mm polyurethane insulation. Inner leaf to be 100 mm conc. block.

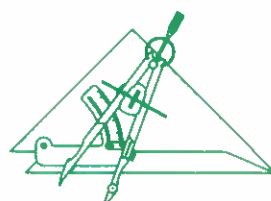
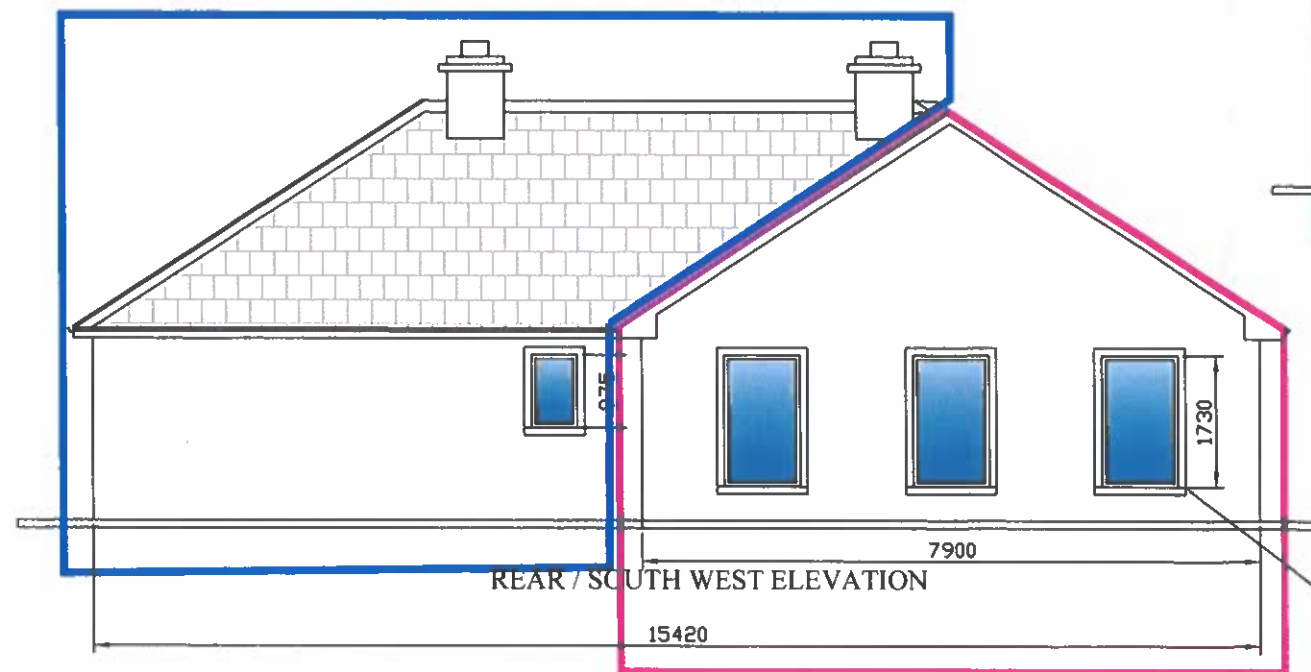
**ROOF CONSTRUCTION**  
TO BE PREFABRICATED RAFTERS BY SPECIALIST SUPPLIERS OR ALL TIMBERS TO BE GRADED AND SPACED TO I.S.444

**ROOF INSULATION**  
To be 300mm fibre glass wool insulation throughout



**Floor**  
To be 50mm screed on 100mm polystyrene floor insulation on 100mm concrete floor slab on 150mm compacted hardcore

**FOUNDATION**  
Foundation to be raft type foundation to engineers specification



Existing Dwelling built Pre  
1963 outlined in blue to be  
Fully Refurbished

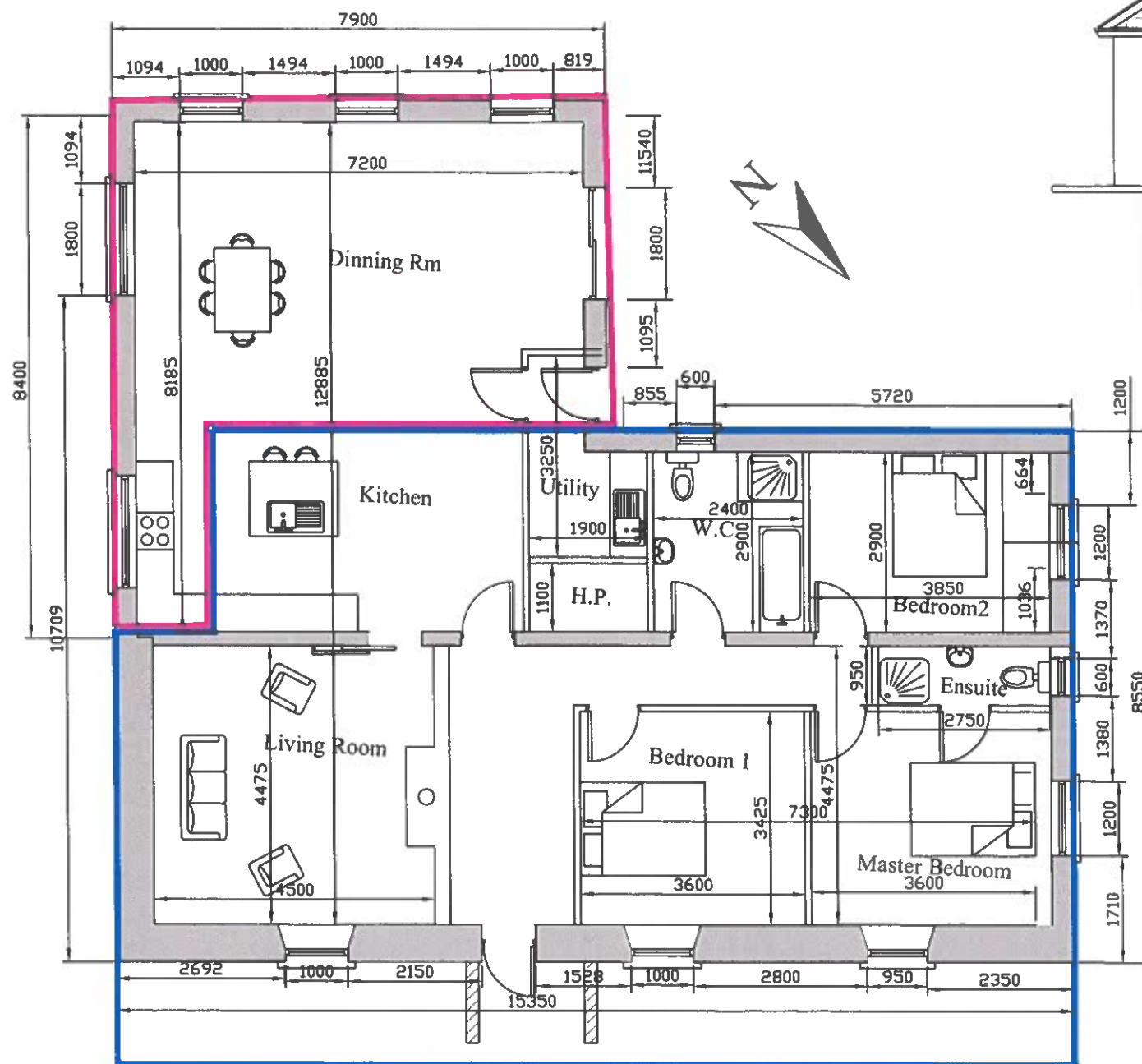
Proposed Extension  
Outlined in Magenta



NORTHEAST / FRONT ELEVATION



NORTHWEST / SIDE ELEVATION



GROUND FLOOR PLAN

