

**ROSCOMMON COUNTY COUNCIL**

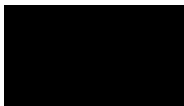
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Angelika Forst & Wolfgang Langen,



Reference Number: DED 575

Application Received: 19<sup>th</sup> June, 2023

Location: Fallsollus, Ballaghaderreen, Co. Roscommon.

WHEREAS a question has arisen as to whether the construction of an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, Co. Roscommon is or is not development and 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 Acts 2000 (as amended);
- b) Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 1 and Class 50 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 (as amended);
- e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (1) The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- (2) The proposed development consisting of the construction of an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, Co. Roscommon is exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.

**NOW THEREFORE:**

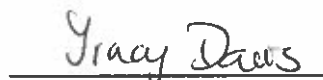
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that **the construction of an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, Co. Roscommon is development and 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 Council:

A handwritten signature in black ink, appearing to read "Tracy Davis", is written over a horizontal line.

Senior Executive Planner,  
Planning.

Date: 29<sup>th</sup> September, 2023

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

**Reference Number:** DED 575

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, County Roscommon

**Applicant:** Angelika Forst & Wolfgang Langen

**Date:** 29<sup>th</sup> September 2023

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WHEREAS a question has arisen as to whether the construction of an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, 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 and Class 50 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 existing cottage is located in Fallsollus, Ballaghaderreen, County Roscommon and is accessed off the L55516 Local Tertiary Road. The subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated sites are Lough Gara SPA and Callow Bog SAC, which are approximately 2.7km from the subject site.

The proposed development consists of the construction of an extension (39.55sqm) to the rear of the existing cottage (62.92sqm). As per the submitted details, the structure will be finished externally in slate (roof) and lime plastering (external walls). The existing 4.6sqm extension to the rear of the cottage will be removed.

**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 cottage constitutes development, as defined in Section 3 of the said Act.

The proposed extension to the rear of the existing cottage 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 proposed demolition of the existing extension, as indicated on the submitted details, has been considered within the scope of Class 50 of the Planning and Development Regulations, 2001 (as amended).

Description of Development	Conditions and Limitations
<i>Class 50</i> (a) 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.	<ol style="list-style-type: none"><li>1. No such building or buildings shall abut on another building in separate ownership.</li><li>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.</li><li>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</li></ol>

Further information was requested in order to advance the assessment of this application under Section 5 of the Planning and Development Acts 2000 (as amended). The submitted response to **point 1** of the further information letter indicates the back kitchen to be demolished was constructed later but it is unknown when. The response to **point 2** outlines how the kitchen is highlighted in green, as previously submitted. The presented details state the complete kitchen area will be demolished; no parts will be left. The submitted response to **point 3** is noted. While the presented plans are difficult to accurately interpret, the Planning Authority are satisfied that, based on the submitted annotations, the extent of the proposed extension is less than 40sqm. The submitted response to **Point 4** is noted. While the submitted further information response in this instance lacks requested detail, it is considered adequate for the Planning Authority to conclude the assessment of this application under Section 5 of the Planning and Development Acts 2000 (as amended).

The construction of an extension to the rear of the existing cottage in this case is considered to be exempted development. The proposed demolition of the existing extension, as indicated on the submitted details, is exempted development within the scope of Class 50 of the Planning and Development Regulations, 2001 (as amended).

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered 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 EIA or AA does not apply with respect to the current referral 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 of 39.55sqm to existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, 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 and Class 50 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

**AND WHEREAS I have concluded that**

- a) The works are development.

- b) The construction of an extension to the rear of the existing cottage (39.55sqm) 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:** 29<sup>th</sup> September 2023

**Sharon Kelly**

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**From:** Customer Service  
**Sent:** Thursday 28 September 2023 09:42  
**To:** Planning Department  
**Subject:** FW: KG23278 Site Plan 1-500 with Dimensions.pdf  
**Attachments:** KG23278 Site Plan 1-500 with Dimensions.pdf

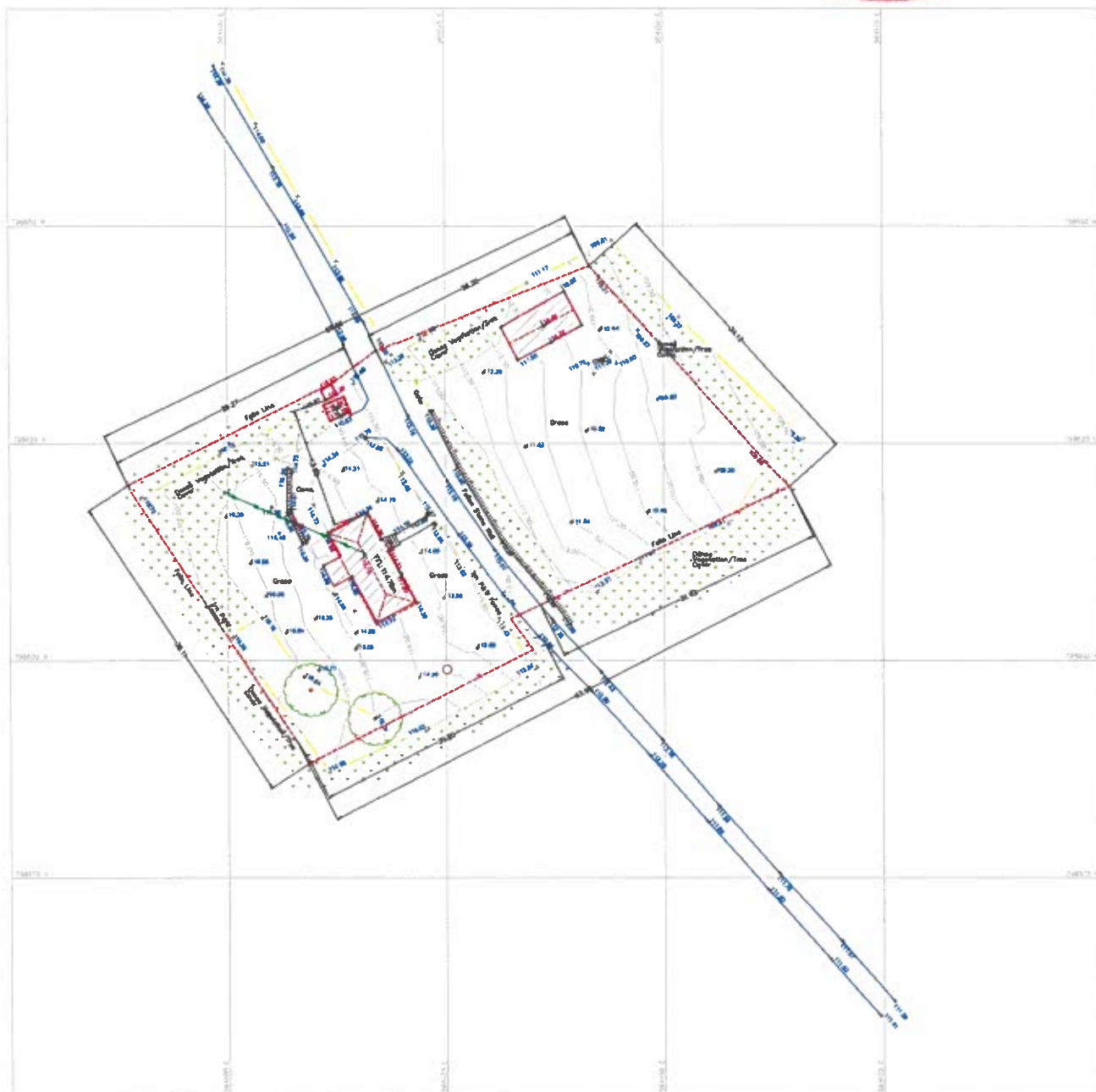
**From:** Angelique Angel [REDACTED]  
**Sent:** Thursday 28 September 2023 09:22  
**To:** Customer Service <customerservice@roscommoncoco.ie>  
**Subject:** KG23278 Site Plan 1-500 with Dimensions.pdf



To whom it may concern,

Attached you will find a Map  
1:500 included dimensions  
Please attach it to my application DED575  
Kind regards  
Angelika Forst

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours

[illegible]

## Valerie Mangan

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**From:** Valerie Mangan  
**Sent:** Monday 18 September 2023 10:11  
**To:** Jennifer Foy  
**Cc:** Tracy Davis  
**Subject:** Emailing: DED 575FI RECD  
**Attachments:** DED 575FI RECD.pdf

Hi Jennifer,

Copy of F.I. received on 11th September, 2023 in respect of DED 575, for your information and attention,

Regards,

Valerie.

**Sharon, Kelly**

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**From:** Valerie Mangan  
**Sent:** Monday 11 September 2023 10:08  
**To:** Sharon Kelly  
**Subject:** FW: Application response DED575  
**Attachments:** KG23278 Floor Plan.pdf; KG23278 Topo.pdf; KG23278 Topo Ortho.pdf

Sharon,

This will need to be recorded and printed.

Thanks,

Valerie.

**From:** Tracy Davis <TDavis@roscommoncoco.ie>  
**Sent:** Monday 11 September 2023 09:45  
**To:** Valerie Mangan <VMangan@roscommoncoco.ie>  
**Subject:** FW: Application response DED575

**From:** Geraldine Farry <GFarry@roscommoncoco.ie>  
**Sent:** Monday 11 September 2023 09:39  
**To:** Planning Department <Planning@roscommoncoco.ie>  
**Subject:** FW: Application response DED575

Dear All

The attached appears to be for the Planning Office.

Regards  
Ger

**From:** Customer Service <customerservice@roscommoncoco.ie>  
**Sent:** Monday 11 September 2023 09:24  
**To:** Housing Department <Housing@roscommoncoco.ie>  
**Subject:** FW: Application response DED575

**From:** Angelique Angel [REDACTED]  
**Sent:** Saturday 9 September 2023 16:52  
**To:** Customer Service <customerservice@roscommoncoco.ie>  
**Subject:** Re: Application response DED575

To whom it may concern,  
In response of your letter from the 06.07.23 (see attached)

I will answer the questions in order for application DED575

1) the kitchen was constructed later I found out now but nobody can tell me when.

2)

The kitchen is high lighted in green (already in your file)

3) the plan is attached

4) I contacted a Land souvior and attached all the plans he send me with measurements

b)and c) the complete kitchen aera will be demolished no parts will be left.

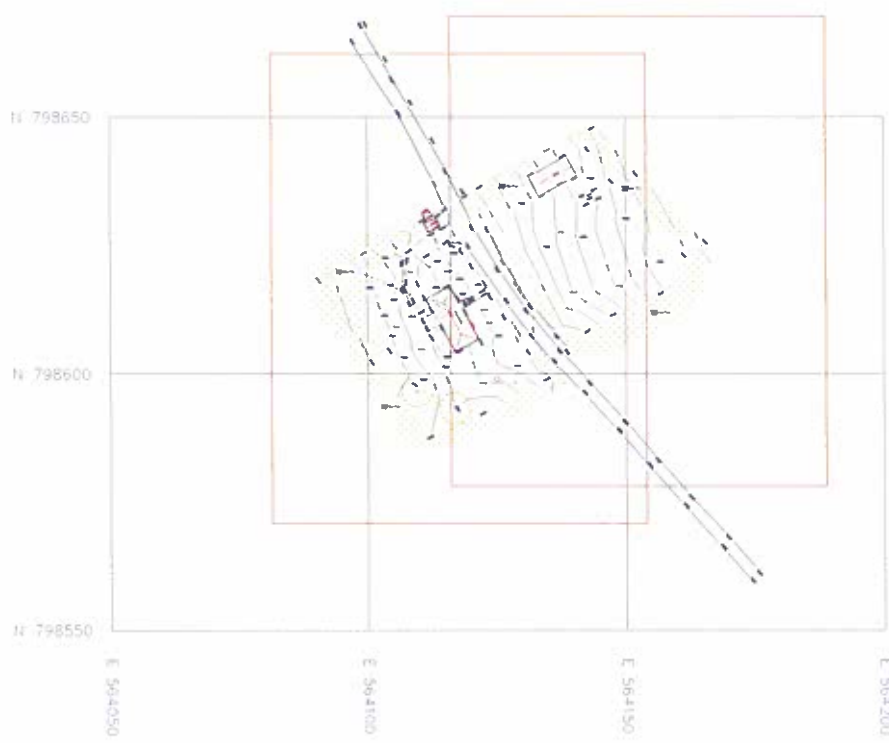
Kind regards

Angelika Forst

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours







### LEGEND

Survey Point	+	Manhole (Openers)	○	Survey Point Level	100.00
Canal	—	Stone Wall	—	Survey Point Level	200.00
Fencing	—	Ford Water	—	Depress (30' dia)	
Gate	—	Access Junction	—	Photo Setup	
Building / Structure	—	Shut Valve	—	Setout Coordinates	
Wall	—	Free Handing	—	Door	
Water	—	Water Meter	—	Structural H Beam	
Water Edge	—	Telephone Pole	—		
Curbed Road	—	ESS Pole	—		
Path / Track	—	Lamp Pole	—		
Blanking / Chute	—	Overhead TV	—		
Detail	—	Overhead Telephone	—		
Overhead Detail	—				
Vegetation	—				
Tree Trunk	—				
Tree Spread	—				



<b>Client</b> Angela Fort	<b>Survey Type</b> Topographic	<b>Drawing No</b> (KP)	<b>Project No</b> KG23278	<b>Project Location</b> Ballaghaderreen, Co. Roscommon		
<b>Horizontal Datum</b> ITM IRENTR5 / EPSG 2157	<b>Scale</b> OGGM15	<b>Level Datum</b> 1 1000 A3	<b>Surveyed By</b> 1.B	<b>Survey Finish Date</b> 25/08/2023	<b>Drafted By</b> RE	<b>Issue Date</b> 31/08/2023
<b>Survey Notes</b>				<b>Indications</b>		
<p>There were large areas of dense vegetation over materials on this site that would need to be cleared before surveying accurately.</p> <p>Any boundaries shown may not define the legal boundary between properties.</p> <p>It is strongly recommended that a CCTV/PIR survey is undertaken in order to locate any underground services that are not visible/accessable from the surface.</p> <p>Please report any anomalies to the HCSS office for rectification.</p>				<p>Date</p> <p>Rev.</p>		

Thomas Street, Castlebar, Co. Mayo, Ireland, F23 H978. Tel : +353 (0) 94 901 0103 - Email : [info@kgss.ie](mailto:info@kgss.ie) - Web : [www.kgss.ie](http://www.kgss.ie)

**Geo Spatial Solutions:    Topographic Services    |    Engineering Surveying    |    Legal Mapping    |    Monitoring Solutions**



#### LEGEND

Survey Point	Manhole (General)	Survey Point (Level 100.00)
Cartoon	Storm Water	Roof / Wall Level
Fencing	Foul Water	Falso Setout
Gate	Access Junction	Digested / Old
Building / Structure	Blotch Valve	Falso Setout
Wall	Fire Hydrant	Setout Coordinate
Road Edge	Water Meter	Window
Marked Road	Telecom Pole	Door
Path / Track	ESB Pole	Structural H Beam
Boundary / Drain	Line Post	
Detail	Overhead ESB	
Overhead Detail	Overhead Telecom	
Vegetation		
Tree Trunk		
Tree Spread		



Client  
Angela Forst  
Horizontal Datum  
ITM IRENET95 / EPSG 2157

Survey Type  
Topographic  
Level Datum  
OSGM15

Drawing No  
(1)  
Scale  
1:250 A3

Project No  
KG23278  
Surveyed By  
LB

Project Location  
Ballaghaderreen, Co. Roscommon  
Survey Finish Date  
25/08/2023  
Drafted By  
RE  
Issue Date  
31/08/2023

Survey Notes  
There were large areas of dense vegetation on the site that would need to be cleared before surveying accurately.  
Any boundaries shown may not define the legal boundary between properties.  
It is strongly recommended that a CCTV/GPR survey is undertaken in order to locate any underground services that are not visible/accessible from the surface.  
Please report any anomalies to the KGSS office for rectification.

Revisions	Date	Rev

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LEGEND			
Survey Point	-	Manhole (Covers)	□
Contour	~	Storm Water	□
Fencing	—	Foot Water	□
Gate	—	Access Junction	□
Building / Structure	—	Street Valve	□
Wall	—	Fire Hydrant	□
Road Edge	—	Water Meter	□
Yarbed Road	—	Telecom Pole	□
Path / Track	—	ESB Pole	□
Burrowing / Drain	—	Lamp Post	□
Detail	—	Overhead ESB	□
Overhead Outlet	—	Overhead Telecom	□
Vegetation	—		
Tree Trunk	—		
Tree Spread	—		



Client  
Angelika Forst  
Horizontal Datum  
ITM IRENET05 / EPSG 2157

Survey Type  
Topographic  
Level Datum  
OSGM15

Drawing No  
(KIP)  
Scale  
1:1000 A3

Project No  
K032278  
Surveyed By  
LB

Project Location  
Ballaghaderreen, Co. Roscommon  
Survey Finish Date  
25/08/2023  
Drafted By  
RE  
Issue Date  
31/08/2023

Survey Notes  
There were large areas of dense vegetation on the site that would need to be cleared before surveying accurately.  
Any boundaries shown may not define the legal boundary between properties.  
It is strongly recommended that a CCTV/GPS survey is undertaken in order to locate any underground services that are not visible/accessible from the surface.  
Please report any anomalies to the KGSS office for rectification.

Modification	Date	Rev.



**LEGEND**

Survey Point (General)  
 Contour  
 Fencing  
 Gate  
 Building  
 Wall  
 Road  
 Road Line  
 Karted Road  
 Path / Track  
 Boundary / Fence  
 Canal  
 Overhead (Utility)  
 Vegetation  
 Tree Trunk  
 Tree Spread

Manhole (General)  
 Storm Water  
 Foot Water  
 Access Junction  
 Storm Valve  
 Fire Hydrant  
 Water Meter  
 Telecom Pole  
 ESB Pole  
 Lamp Post  
 Overhead ESB  
 Overhead Telecom

Survey Point Level  
 Roof / Wall Level  
 Digested (30) data  
 Second (30) data  
 Warden  
 Door  
 Structural H Beam

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**1 SEP 2023**

**PLANNING SERVICES**



<b>Client:</b> Angela Forst	<b>Survey Type:</b> Topographic	<b>Drawing No:</b> (1)	<b>Project No:</b> KG23278	<b>Project Location:</b> Ballaghaderreen, Co. Roscommon		
<b>Horizontal Datum:</b> ITM IRENE T80 / EPSG: 2157	<b>Level Datum:</b> OSGM15	<b>Scale:</b> 1:250	<b>Surveyed By:</b> LB	<b>Survey Finish Date:</b> 25/08/2023	<b>Drafted By:</b> RE	<b>Issue Date:</b> 31/08/2023
<b>Survey Notes</b> There were large areas of dense vegetation/other materials on this site that would need to be cleared before surveying accurately. Any boundaries shown may not define the legal boundary between properties. It is strongly recommended that a CCTV/GPR survey is undertaken in order to locate any underground services that are not visible/accessible from the surface. Please report any anomalies to the KGSS office for rectification.						

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**LEGEND**

Survey Point	Manhole (General)	Survey Point Level
Contour	Storm Water	100.00
Fencing	Foul Water	200.00
Gate	Access Junction	
Building / Structure	Service Valve	
Wall	Fire Hydrant	
Road Edge	Water Meter	
Field Road	Telecom Pole	
Path / Track	ESB Pole	
Banking / Drain	Lamp Post	
Ortal	Overhead ESB	
Overhead Detail	Overhead Telecom	
Vegetation		
Tree Trunk		
Tree Spread		



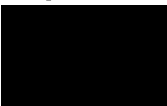
**Client:** Appleton Farm  
**Horizontal Datum:** ITM / IRM 1995 / EPSG: 2157  
**Survey Type:** Topographic  
**Level Datum:** OSGM15  
**Drawing No:** 01  
**Scale:** 1:250  
**Project No:** KG23278  
**Surveyed By:** LB  
**Survey Finish Date:** 25/08/2023  
**Drafted By:** RE  
**Issue Date:** 31/08/2023

**Survey Notes:**  
 There are large areas of dense vegetation on the site which would need to be cleared before  
 any boundaries shown may not define the legal boundary between properties  
 it is strongly recommended that a CCTV/GPR survey is undertaken in order to locate any underground  
 services that are not visible from the surface  
 Please report any corrections to the KGSS office for rectification

**1.1 SEP 2023**

**REGISTERED POST**

**Angelika Forst & Wolfgang Langen,**



**Date: 12/07/2023**

**Ref: DED 575**

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

**Development: To construct an extension of 39.55sq.m. to existing building (cottage, 62.92sq.m.) at Fallsollus, Ballaghaderreen, Co. Roscommon, F45 XD86.**

\*\*\*\*\*

A Chara,

I refer to the above matter and in particular to planning layout map received from Angelika Forst on 10<sup>th</sup> July, 2023. I am returning the map herewith for your attention.

Please note that the said map, which is not scaled adequately, does not constitute a full response to the request for Further Information dated 6<sup>th</sup> July, 2023.

Please note that this application may not progress until a single response has been received in respect of all items.

Consideration of the application is being deferred pending compliance with the request for Further Information dated 6<sup>th</sup> July, 2023.

**Note: Replies to this communication must be by way of original documents.**

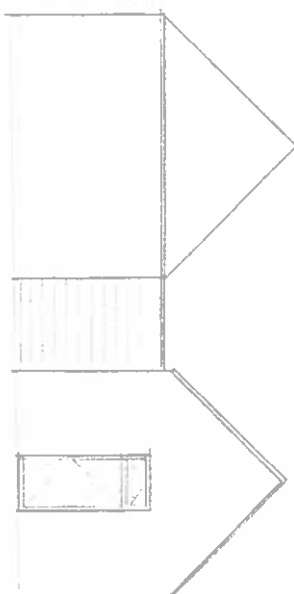
**Note:** Please note your Planning Reference No. is **DED 575**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

**Senior Executive Planner,  
Planning.**

NORTH-WEST VIEW

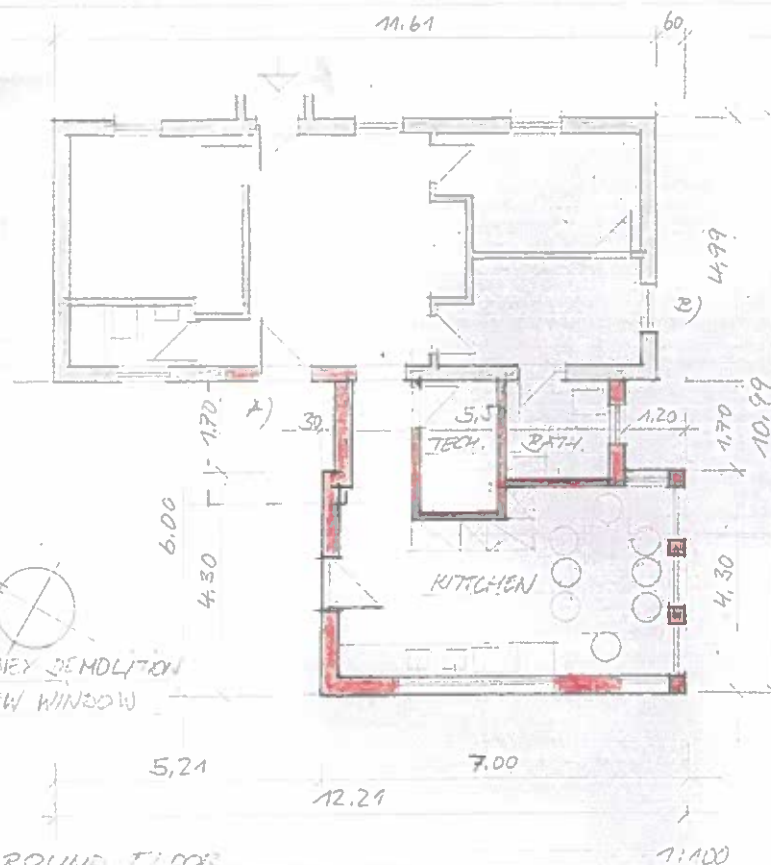
1:100



A: ANNEX DEMOLITION  
B: NEW WINDOW

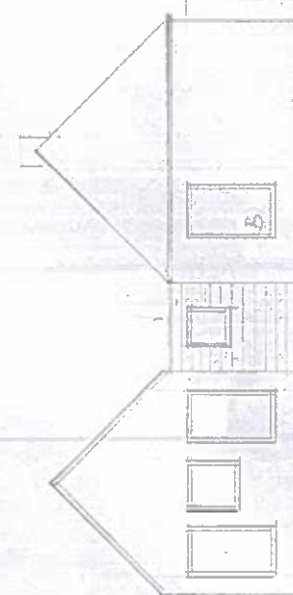


GROUND FLOOR



1:100

SOUTH-EAST VIEW



### NEW ROOM SPACES:

KITCHEN : 22,00 m<sup>2</sup>

BATH : 3,70 m<sup>2</sup>

TECHROOM : 3,75 m<sup>2</sup>

### NEW ANNEX MEASURES

$7,00 \times 4,30 + 5,50 \times 1,70$

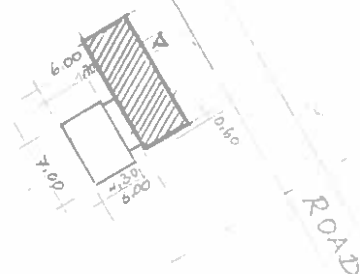
39,45 m<sup>2</sup>

DESIGNED FOR W. LANGEN

BY  
MARKUS KÖRTE DESIGNED BY  
SCHNEIDER NIMMELS 105/12/2022

FAUSOLUS PLAN OF SITE  
SCALE ~ 1:1500

SOUTH-WEST VIEW 1:100  
SIMILAR ROOF ANGLES & RIDGE HEIGHT



## Michaela Fallon

---

**From:** Geraldine Farry  
**Sent:** Monday 10 July 2023 12:16  
**To:** Planning Department  
**Subject:** FW: Application response DED575  
**Attachments:** 20230710\_111457.jpg; 20230710\_110259.jpg

Dear All

This appears to be correspondence for Planning.

Regards  
Ger

**From:** Customer Service <customerservice@roscommoncoco.ie>  
**Sent:** Monday 10 July 2023 12:07  
**To:** Housing Department <Housing@roscommoncoco.ie>  
**Subject:** FW: Application response DED575

**From:** Angelique Angel [REDACTED]  
**Sent:** Monday 10 July 2023 11:55  
**To:** Customer Service <customerservice@roscommoncoco.ie>  
**Subject:** Application response DED575



To whom it may concern,

In response of your letter from the 06.07.23 (see attached)

I will answer the questions in order for application DED575

1) the kitchen was constructed the same time the house was built in 1964 as my neighbor [REDACTED] who was a previous owner confirmed to me .

2) see the two plans attached

The kitchen is high lighted in green

3) I will bring in the original plan today

4) I contacted a land souvior to get all the exact measurements to all borders for you a) and d)

But it will take 3-4 weeks as he is busy

b)and c) the complete kitchen aera will be demolished no parts will be left.

Kind regards

Angelika Forst 9

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours



A hand-drawn floor plan of a house, oriented with the front at the top. The plan is drawn on a grid background. The overall dimensions are 4.97m wide and 6.64m deep. The layout includes a front porch (6.05m wide), a living area, a kitchen (2.33m wide), a dining area, and a back porch (2.96m wide). Various rooms and areas are labeled with dimensions and numbers. The plan is drawn with black ink on a light-colored paper.

**Dimensions and Measurements:**

- Overall Dimensions:** 4.97m (width), 6.64m (depth).
- Front Porch:** 6.05m wide.
- Living Area:** 2.97m wide, 2.13m deep.
- Kitchen:** 2.33m wide, 2.38m deep.
- Dining Area:** 2.13m wide, 2.13m deep.
- Back Porch:** 2.96m wide.
- Other Measurements:** 1.17, 1.36, 1.18, 1.19, 1.09, 1.08, 1.07, 1.06, 1.05, 1.04, 1.03, 1.02, 1.01, 1.00, 0.99, 0.98, 0.97, 0.96, 0.95, 0.94, 0.93, 0.92, 0.91, 0.90, 0.89, 0.88, 0.87, 0.86, 0.85, 0.84, 0.83, 0.82, 0.81, 0.80, 0.79, 0.78, 0.77, 0.76, 0.75, 0.74, 0.73, 0.72, 0.71, 0.70, 0.69, 0.68, 0.67, 0.66, 0.65, 0.64, 0.63, 0.62, 0.61, 0.60, 0.59, 0.58, 0.57, 0.56, 0.55, 0.54, 0.53, 0.52, 0.51, 0.50, 0.49, 0.48, 0.47, 0.46, 0.45, 0.44, 0.43, 0.42, 0.41, 0.40, 0.39, 0.38, 0.37, 0.36, 0.35, 0.34, 0.33, 0.32, 0.31, 0.30, 0.29, 0.28, 0.27, 0.26, 0.25, 0.24, 0.23, 0.22, 0.21, 0.20, 0.19, 0.18, 0.17, 0.16, 0.15, 0.14, 0.13, 0.12, 0.11, 0.10, 0.09, 0.08, 0.07, 0.06, 0.05, 0.04, 0.03, 0.02, 0.01, 0.00.

**Room Labels:**

- Front Porch:** 6.05m
- Living Area:** 2.97m, 2.13m
- Kitchen:** 2.33m, 2.38m
- Dining Area:** 2.13m, 2.13m
- Back Porch:** 2.96m

**Other Labels:**

- Back** (at the bottom right)
- 7 gm** (at the bottom center)





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Angelika Forst & Wolfgang Langen,



Date: 06/07/2023

Planning Reference: DED 575

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

Development: WHEREAS a question has arisen as to whether works to construct an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, County Roscommon is or is not development or is or is not exempted development.

\*\*\*\*\*

A Chara,

Further to your application received on the 19<sup>th</sup> June, 2023 and in order for the Planning Authority to determine as to whether works a question has arisen as to whether works to construct an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, County Roscommon is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. You have indicated on the application form that you intend demolishing the back kitchen which exists on site. You are requested to indicate when this kitchen was constructed.
2. You are requested to provide the exact area of this kitchen, to annotate it in a different colour on the ground floor plan as an area to be demolished, and to clearly indicate if it is to be demolished in its entirety or whether some element will be retained, as you have indicated a flat roofed element in your side elevation plan.
3. You have provided a copy only of the scaled plans for the proposed development. You are requested to provide the original copy of the 1:100 scaled plan in order for the Planning Authority is accurately measure the extent of the extension.
4. There appears to be some discrepancy between the areas indicated in the application form and the figure document which you have provided. In order for the Planning Authority to determine whether the proposed development does constitute exempted development you are requested to provide the following figures:
  - (a) Area of existing cottage
  - (b) Area of back kitchen to be demolished
  - (c) Any area of back kitchen to be retained (if any)
  - (d) Area of extension to the dwelling

Consideration of your application is being deferred pending compliance with this request for further information.  
When replying please quote Planning Reference Number **DED 575**.

**Note:** Replies to this communication must be by way of original documents.

Mise le meas,

  
\_\_\_\_\_  
**Senior Executive Planner,  
Planning.**

**Senior Executive Planner Addendum Report  
for application under  
Section 5 of the Planning and Development Act 2000-2015**

<b>Reference Number:</b>	DED 575
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning and Development Act 2000, as amended, regarding Exempted Development to construct an extension of 39.55sqm to the existing building (cottage 62.92sqm) at Fallsollus, Ballaghaderreen, County Roscommon
<b>Name and Address of Applicants:</b>	Angelika Forst and Wolfgang Langen <span style="background-color: black; color: black;">[REDACTED]</span>
<b>Date:</b>	5 <sup>th</sup> July 2023

**Planning Assessment**

It appears that the dwelling has previously been extended to the rear to provide a back kitchen. This has been indicated on the application form but not annotated on the plans. The application form indicates that its area is 4.6m<sup>2</sup> but this does not tally with the figures provided in the page submitted of areas. It is also not clear whether it will be demolished in its entirety or whether some of it will be retained as the elevation drawing appears to indicate a flat roofed element connecting to a hipped roof extension to the rear.

The drawings provided are not to scale but appear to be a copy of one which is to scale. In order to accurately determine the size of the area to be extended a scaled drawing needs to be provided. The floor plan also needs to clearly highlight the area to be demolished in a contrasting colour.

The document indicating the figures relating to various areas is confusing and does not appear to correlate with the application form or the ground floor plan. From the ground floor plan it appears that the area of the existing cottage is 57.82m<sup>2</sup> and the area of the extension is 44.25m<sup>2</sup> which would make it larger than what is exempted under Class 1 of Part 1 Schedule 2 of the Planning and Development Regulations 2001 as amended. The application form and/or ground floor plans need to provide the following figures:

1. Area of existing cottage
2. Area of back kitchen to be demolished
3. Any area of back kitchen to be retained (if any)
4. Area of extension to the dwelling

**Recommendation**

It is recommended that the following **further information** is sought concerning the proposed development:

You have indicated on the application form that you intend demolishing the back kitchen which exists on site. You are requested to indicate when this kitchen was constructed.

You are requested to provide the exact area of this kitchen, to annotate it in a different colour on the ground floor plan as an area to be demolished, and to clearly indicate if it is to be demolished in its entirety or whether some element will be retained, as you have indicated a flat roofed element in your side elevation plan.

You have provided a copy only of the scaled plans for the proposed development. You are requested to provide the original copy of the 1:100 scaled plan in order for the Planning Authority to accurately measure the extent of the extension.

There appears to be some discrepancy between the areas indicated in the application form and the figure document which you have provided. In order for the Planning Authority to determine whether the proposed development does constitute exempted development you are requested to provide the following figures:

1. Area of existing cottage
2. Area of back kitchen to be demolished
3. Any area of back kitchen to be retained (if any)
4. Area of extension to the dwelling

*Tracy Davis*

Signed \_\_\_\_\_  
Senior Executive Planner

Date: 5<sup>th</sup> July 2023

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

**Reference Number:** DED 575

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to construct an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, County Roscommon

**Applicant:** Angelika Forst & Wolfgang Langen

**Date:** 30<sup>th</sup> June 2023

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WHEREAS a question has arisen as to whether the construction of an extension of 39.55sqm to the existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, 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 and Class 50 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 existing cottage is located in Fallsollus, Ballaghaderreen, County Roscommon and is accessed off the L55516 Local Tertiary Road. The subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated sites are Lough Gara SPA and Callow Bog SAC, which are approximately 2.7km from the subject site.

The proposed development consists of the construction of an extension (39.55sqm) to the rear of the existing cottage (62.92sqm). As per the submitted details, the structure will be finished externally in slate (roof) and lime plastering (external walls). The existing 4.6sqm extension to the rear of the cottage will be removed.

**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 cottage constitutes development, as defined in Section 3 of the said Act.

The proposed extension to the rear of the existing cottage 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 cottage in this case is considered to be exempted development.

The proposed demolition of the existing extension, as indicated on the submitted details, is exempted development within the scope of Class 50 of the Planning and Development Regulations, 2001 (as amended).

Description of Development	Conditions and Limitations
<b>Class 50</b> (a) 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.	<ol style="list-style-type: none"><li>1. No such building or buildings shall abut on another building in separate ownership.</li><li>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.</li><li>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</li></ol>

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered 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 EIA or AA does not apply with respect to the current referral 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 of 39.55sqm to existing building (cottage, 62.92sqm) at Fallsollus, Ballaghaderreen, 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 and Class 50 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 cottage 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:** 30<sup>th</sup> June 2023

See SEP addendum  
document



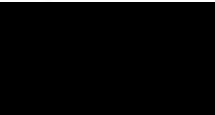




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Angelika Forst & Wolfgang Langen,



Date: 26<sup>th</sup> June, 2023.

Planning Reference: DED 575

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: To construct an extension of 39.55sq.m. to existing building (cottage, 62.92sq.m.) at Fallsollus, Ballaghaderreen, Co. Roscommon, F45 XD86.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 19<sup>th</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. L01/0/223305 dated 19<sup>th</sup> June, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 575**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer,  
Planning.



DED 575



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

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

Name:	Angelika TORST, Wolfgang LANGEN	(where the property is)
Address:	[Redacted]	Fallsolles Ballaagherreen Co. Roscommon
Name & Address of Agent:	[Redacted]	
Nature of Proposed Works	EXTENSION of existing Building Cottage (62,912 sqm) existing Extension (39,55 planned) see attachment	
Location (Townland & O.S No.)	F45 X D 86 Ballagherreen Co. Roscommon	(338A O.P. 28P)
Floor Area	Ground Floor ①	
Height above ground level	Ca. 3m depends on the foundation	
Total area of private open space remaining after completion of this development	102,912 sqm	
Roofing Material (Slates, Tiles, other) (Specify)	Wood Frame Slate and	
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Hemp Blocks - Metal Frame lime plastering; Damp proof (white)	
Is proposed works located at front/rear/side of existing house.	rear of Building	



## 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	/
If yes give ref. number (include full details of existing extension, if any)	/
Existing use of land or structure	Concrete Terrace; Kitchen (4.6 m <sup>2</sup> ) will be removed Garden
Proposed use of land or structure	Extension ⇒ Kitchen; dining room service room; extended Bedroom
Distance of proposed building line from edge of roadway	11 m
Does the proposed development involve the provision of a piped water supply	Yes for the new Kitchen and service room can be connected to the existing water supply old kitchen
Does the proposed development involve the provision of sanitary facilities	No

Signature:

A. Forst

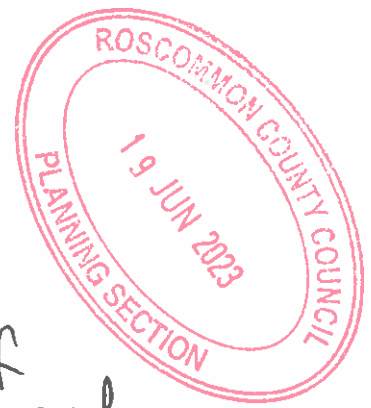
Date:

19/06/23

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) Detailed specification of development proposed

Angelika  
torst  
Wolfgang  
Langen



## Detailed Specification of Development Proposed

- Kitchen replacement  
old Kitchen Building removed  
new Kitchen as planned see plan
- service room for Heating system  
and washing machine
- extended bedroom
- dining room

A. Torst



# Fallsolus, County Roscommon

## Extension of Cottage

Existing ground area:

$$11,61 \text{ m} \times 4,98 \text{ m} = 57,82 \text{ sqm}$$

$$+ 2,64 \text{ m} \times 2,31 \text{ m} = 5,10 \text{ sqm}$$

$$\text{Total ground area} = 62,92 \text{ sqm}$$

$$\text{Max. extension} < 40,00 \text{ sqm}$$

$$\text{Max. after extension} = 102,92 \text{ sqm}$$

---

Ground area as planned:

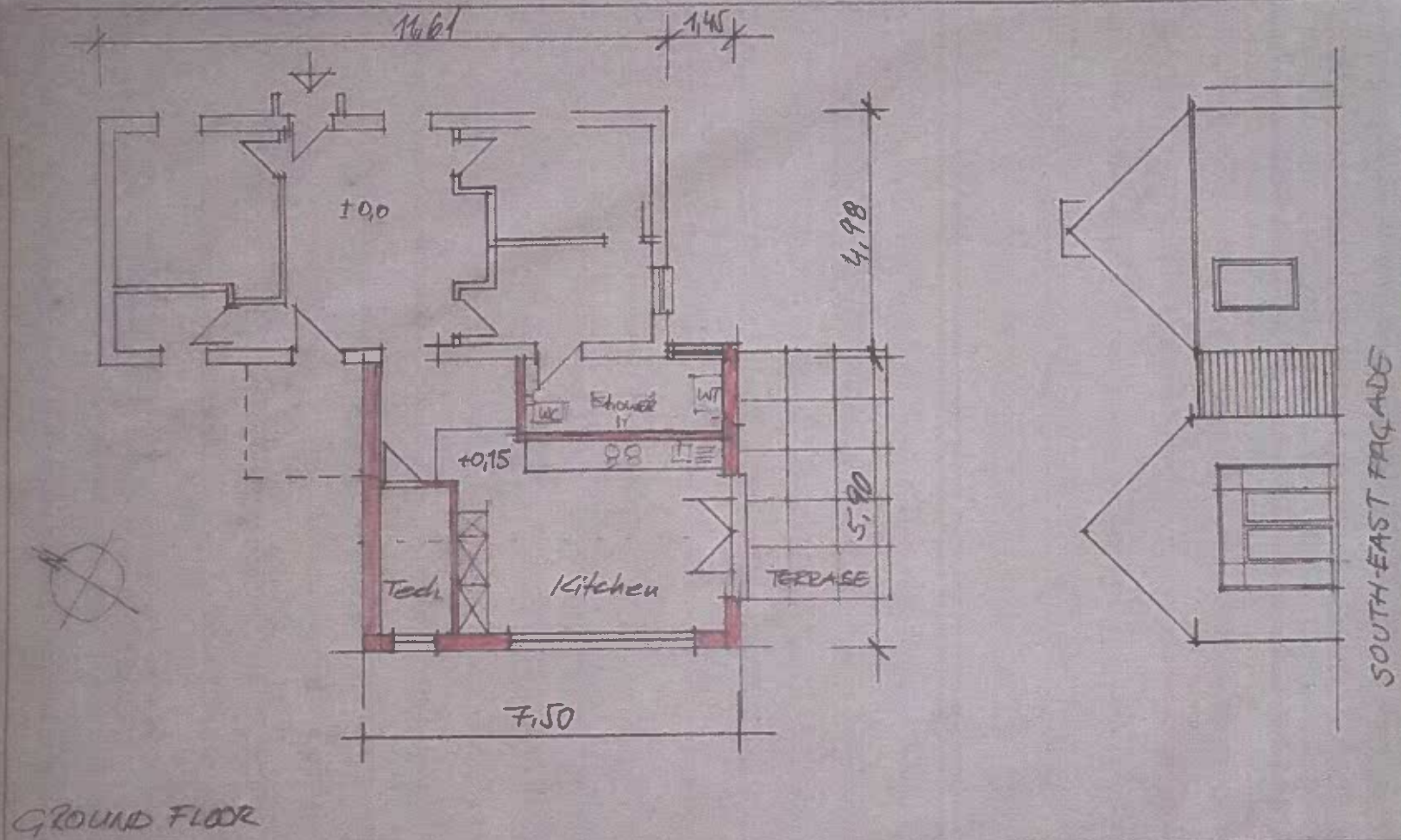
$$11,61 \text{ m} \times 4,98 \text{ m} = 57,82 \text{ sqm}$$

$$+ 7,50 \text{ m} \times 5,90 \text{ m} = 44,25 \text{ sqm}$$

$$+ 1,30 \text{ m} \times 0,30 \text{ m} = 0,40 \text{ sqm}$$

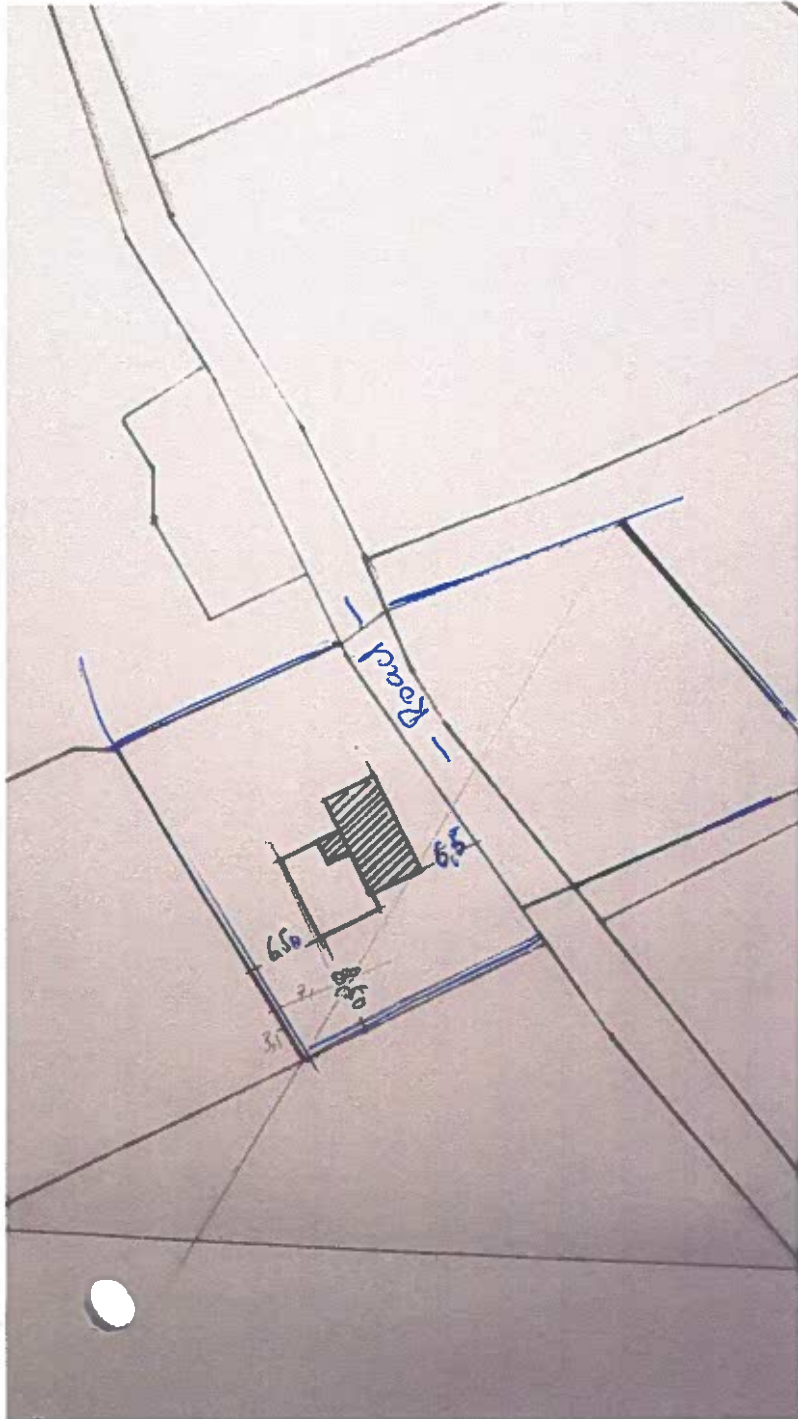
$$\text{New Total ground area} = 102,47 \text{ sqm} < 102,92 \text{ sqm}$$

The planned extension (39,55 sqm ) does not exceed 40 sqm.



GROUND FLOOR

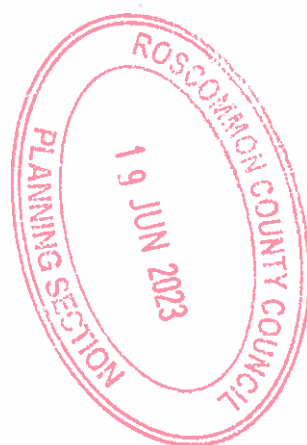
FALLSOLUS COTTAGE  
Extension 1:100  
M. M. 22.02.2023



20:08

VoWiFi  
LTE2.1

Map - Fall...    



564530 mE, 798940 mN

The Property  
Registration Authority  
An tÚdarás  
Clárúcháin Maoine



Folio: RN45075F

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](http://www.pra.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](http://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



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

19/06/2023 14:40.36

Receipt No. L01/0/223305  
REPRINT \*\*\*\*\*

ANGELIKA FORST & WOLFGANG LANGEN  


PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 575	

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 7598 80.00

Change : 0.00

Issued By : Bernadine Dughran  
From : Central Cash Office