

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Walter Gibbons,


Reference Number: DED 579

Application Received: 26th June, 2023.

Location: Cornashinnagh, Four Mile House, Co. Roscommon

WHEREAS a question has arisen as to whether the construction of an extension to existing cottage and new roof and windows and all site works at Cornashinnagh, Four Mile House, Co. Roscommon, is or is not development or is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- a) Sections 2, 3, 4 and 5 of the Planning and Development Act 2000 (as amended).
- b) Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 1 of Part 1, 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:

- a) The proposed works constitute development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.
- b) The proposed development is not exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.

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 an extension to existing cottage and new roof and windows and all site works at Cornashinnagh, Four Mile House, Co. Roscommon, constitutes development that is not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

Signed on behalf of the Council:



Tracy Davis, Senior Executive Planner,
Planning.

Date: 14th July, 2023

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

Reference Number: DED 579

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development the construction of an extension to existing cottage and new roof and windows and all site works at Cornashinnagh, Four Mile House, Co. Roscommon.

Applicant: Walter Gibbons

Date: 13th July 2023

WHEREAS a question has arisen as to whether the construction of an extension to existing cottage and new roof and windows and all site works at Cornashinnagh, Four Mile House, Co. Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) 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 northern side of the L-60974-0. A single storey dwelling house occupies the subject site. There are no environmental designations attached to the subject site. The question raised in this Declaration of Exempted Development is whether the construction of an extension to existing cottage and new roof and windows and all site works. *are exempted development.*

Planning History

~~PD16/17 Planning permission to construct extension to existing dwelling house and all associated site works. Granted permission subject to 5 conditions.~~

04/13/17 *Permission to erect an extension to existing dwelling house and all associated site works at Cornashinnagh Td, Four Mile House. Granted subject to 5 conditions. Expired 30/3/2010.*

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 existing cottage and new roof and windows and all site works constitutes development, as defined in Section 3 of the said Act.

PART 1 - Article 6 - Exempted Development – General

Description of Development	Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p>CLASS 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p>

	<p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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It is proposed to construct ~~an~~ an extension to existing cottage and new roof and windows and all site works. The plans and particulars which have been submitted with this Section 5 Declaration of Exempted Development are the same documents submitted under planning application 04/1397. No floor area of the extension has been stated on the Section 5, on the application form for 04/1397 the existing floor area of the dwelling house was stated to be 88.23sq.m. and the proposed extension was stated to have a gross floor area of 92.75sq.m. The maximum height of the extension is stated on the plans and particulars submitted under the Section 5 application to be 7.3m.

From site inspection and conducting a review of satellite imagery (see attached) it is evident that the extension to the dwelling house has recently been constructed and there is evidence of construction materials on the site. The substantial extension has been constructed to the side of the existing dwelling and considerably alters the appearance of it. It is clear that the gross floor of the extension is over the 40m² specified in Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, (as amended). Therefore, it is considered that the proposal is not exempted development as it is not in compliance with the conditions and limitations set out under the exemption.

It was not considered to be a copy of the planning permission.

Furthermore, it is considered necessary to attach an advice note to make the applicant aware that the WWTP on site may require to be upgraded as the extension to the dwelling house appears to provide for additional bedroom and bathroom.

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 nearest Natura 2000 site is.
The site is located 6km away from Corbo Bog 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 the construction of an extension to existing cottage and new roof and windows and all site works at Cornashinnagh, Four Mile House, Co. Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (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) The construction of an extension to existing cottage and new roof and windows and all site works at Cornashinnagh, Four Mile House, Co. Roscommon is not exempted development and I recommend that a declaration to that effect should be issued to the applicant.

ADVICE NOTE

- No details have been provided for the wastewater arrangements, it would appear that there has been an increase in the number of bedrooms/ bathrooms in the dwelling house. It is considered that the existing wastewater treatment system may not be adequate and may be required to be upgraded in such circumstances planning permission would be required.

Signed: *Karen Dunleavy*
Assistant Planner

Date: 13th July 2023

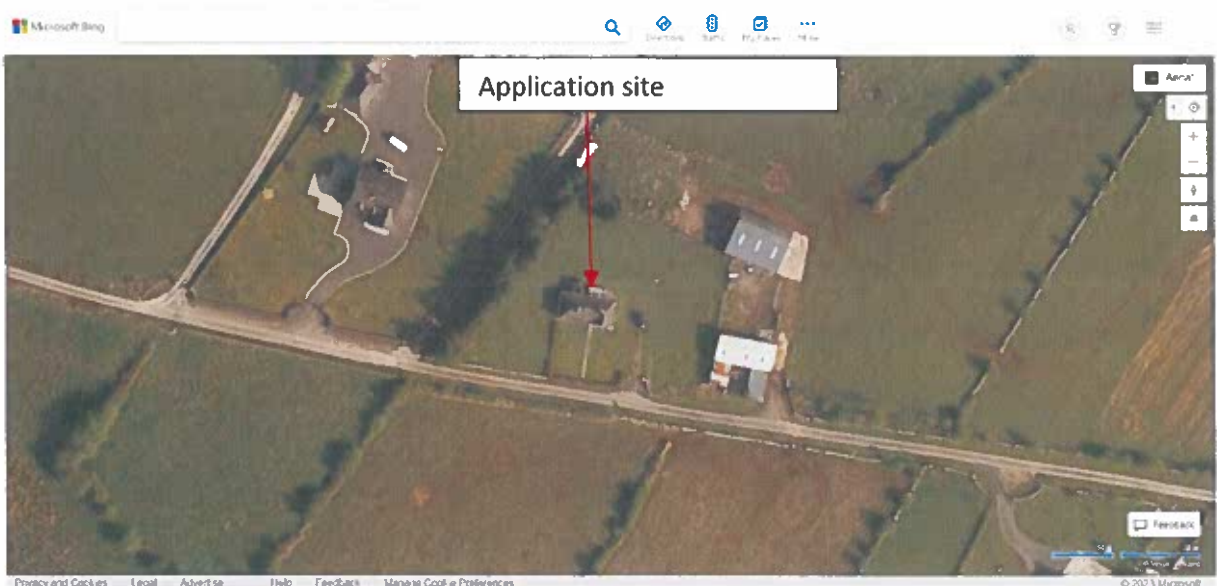
Street view and Maps of DED579

Google Maps street view- May 2009





RCC GIS viewer- Digital Globe 2011-2013



Bing Maps 2023 Imagery

DED579
7/7/23



DED579
7/7/23



DED579
7/7/23



DED579

7/7/23

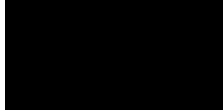




Comhairle Contae
Ros Comáin
Roscommon
County Council



Walter Gibbons,



Date: 26th June, 2023.

Planning Reference: DED 579

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

Development: To build an extension to existing cottage, new roof and windows and all site works at Cornashinnagh, Four Mile House, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 23rd 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. L01/0/223394 dated 23rd June, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 579.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Administrative Officer,
Planning.

cc. John Lohan,
Tonamaddy,
Creggs,
Co. Roscommon.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

23/06/2023 12:31:24

Receipt No : L01/0/223394

WALTER GIBBONS

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED 579

Total 80.00 EUR

Tendered :
Cheque 80.00
000018

Change 0.00

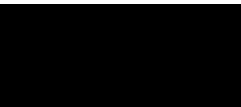
Issued By : Bernadine Duignan
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council



Walter Gibbons,



Date: 19th June, 2023

Re: Request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)

A Chara,

I refer to your application form for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) received on 15th June, 2023.

I wish to advise that as no fee or maps were enclosed with your applications form, it cannot be considered as a valid application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended).

In order to apply for a Section 5 Declaration, it is necessary for you to submit the following:

- Application Form
- Site Location map to a scale of 1:2500 clearly identifying the location
- Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- Detailed specification of development proposed
- €80.00 fee

The planning authority shall issue the declaration, within 4 weeks of receipt of the request. The planning authority may require further information to be submitted to enable the authority to issue the declaration. In this regard, a declaration shall issue within three weeks of the receipt of this further information.

I am returning herewith your correspondence received on 15th June, 2023. On receipt of the information as outlined above, your request will be considered further.

Míse le meas,

Mary Dolan,
Administrative Officer,
Planning.



Comhairle Contae
Ros Comáin
Roscommon
County Council

ROSCOMMON COUNTY COUNCIL

15 JUN 2023

HOUSING

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	WALTER GIBBONS
Address:	[REDACTED]
Name & Address of Agent:	JOHN LOHAN TOMMANY CRESS Co Roscommon
Nature of Proposed Works	TO BUILD AN EXTENSION TO EXISTING COTTAGE AND NEW ROOF AND WINDOWS AND ALL SITE WORK
Location (Townland & O.S No.)	
Floor Area	
Height above ground level	
Total area of private open space remaining after completion of this development	
Roofing Material (Slates, Tiles, other) (Specify)	SLATES NEW ROOF
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	PLASTERED
Is proposed works located at front/rear/side of existing house.	NEW CHIMNEY NEW ROOF NEW WINDOWS INSULATION

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	YES PD/04/1397
If yes give ref. number (include full details of existing extension, if any)	BUILDING A NEW DORMER ON SHED OF OLD HOUSE
Existing use of land or structure	
Proposed use of land or structure	
Distance of proposed building line from edge of roadway	
Does the proposed development involve the provision of a piped water supply	YES MID ROSCOMMON WATER SCHEME SOCIETY LTD
Does the proposed development involve the provision of sanitary facilities	YES

Signature:

[Handwritten Signature]

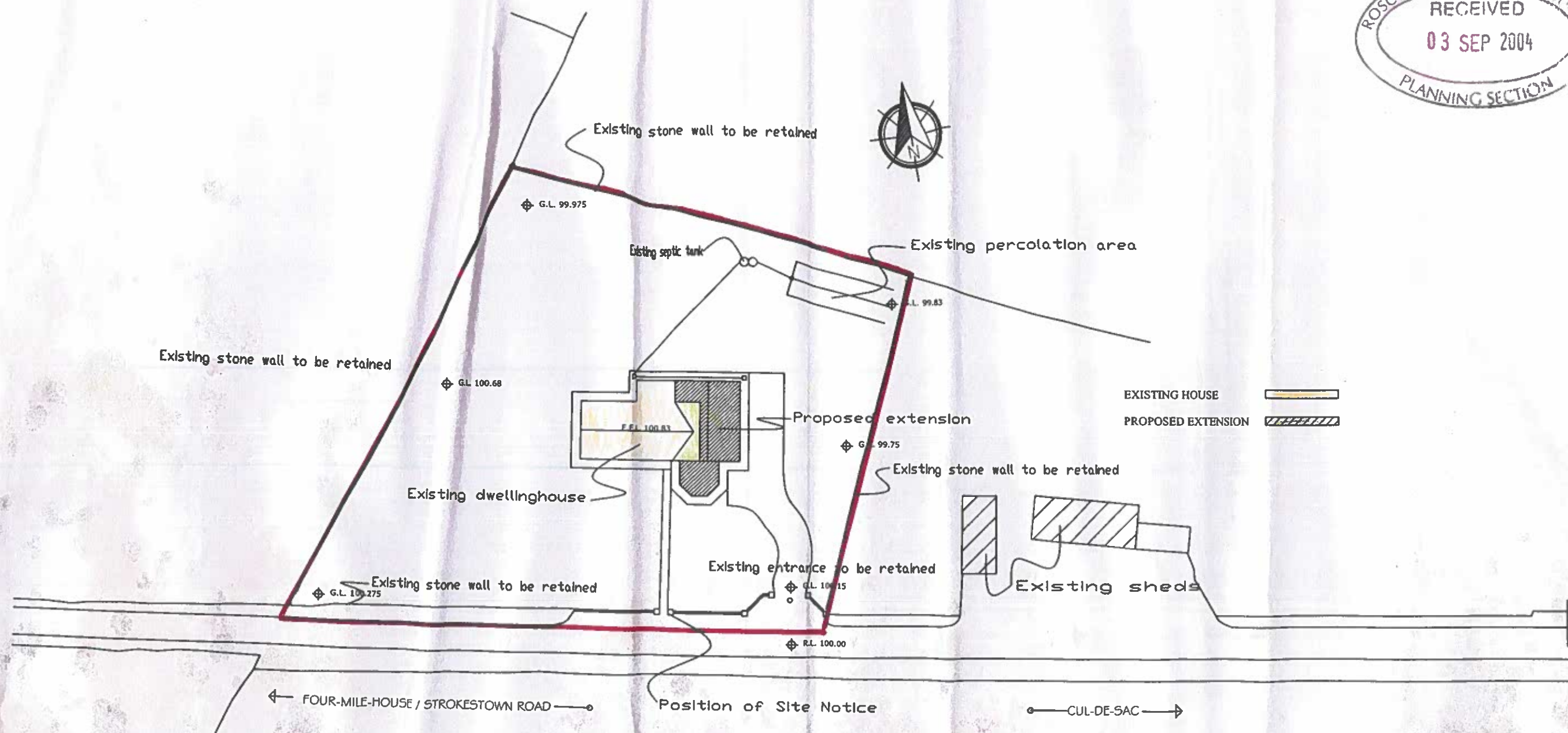
Date:

08.06.2023

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) Detailed specification of development proposed





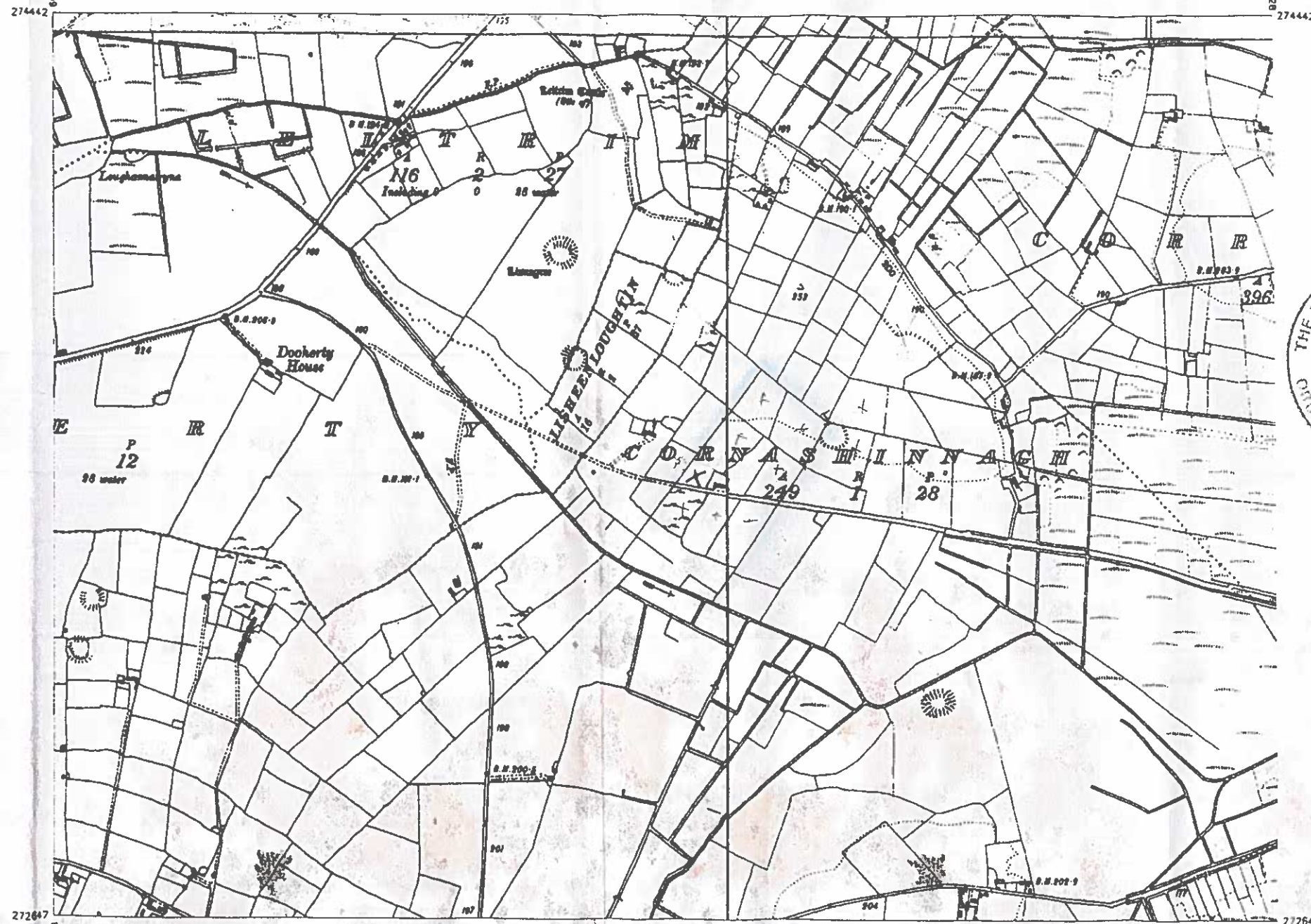
SITE LAYOUT PLAN Scale 1:500

Prepared by:
Lo-Homes Limited,
Tonamaddy,
Creggs,
Co. Roscommon.



Surveyed 1837
Revised 1912 - 1925
Levelled 1911 - 1923

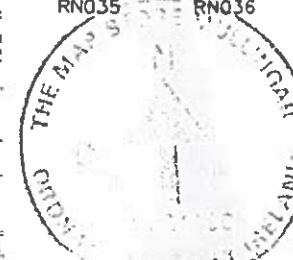
Record PLACE Map



DESCRIPTION

MAP SCALES

6inch
RN028
RN035
RN029
RN036



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On behalf of Ordnance Survey Ireland
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Scale: - 1:10560
Scála: - 1:10560

500 400 300 200 100 0
1000 500 0
500 Metres
1000 Feet

Plot Ref. No. 12472_2
Plot Date 27-FEB-200

SITE LOCATION MAP
EXTRACT ROSCOMMON OSS 35 & 36
CORNASHINNAGH Td.,
SCALE 1:10560

ORDNANCE SURVEY IRELAND LICENCE No. EN 0010902
© ORDNANCE SURVEY IRELAND GOVERNMENT OF IRELAND

PREPARED BY:
Tom O'Brien Consulting Engineers Ltd.,
11 Abbey Street,
Roscommon.



Surveyed	1890
Revised	1912 - 1923
Levelled	1911 - 1912

Rural PLACE Map



DESCRIPTION

MAP SCALE

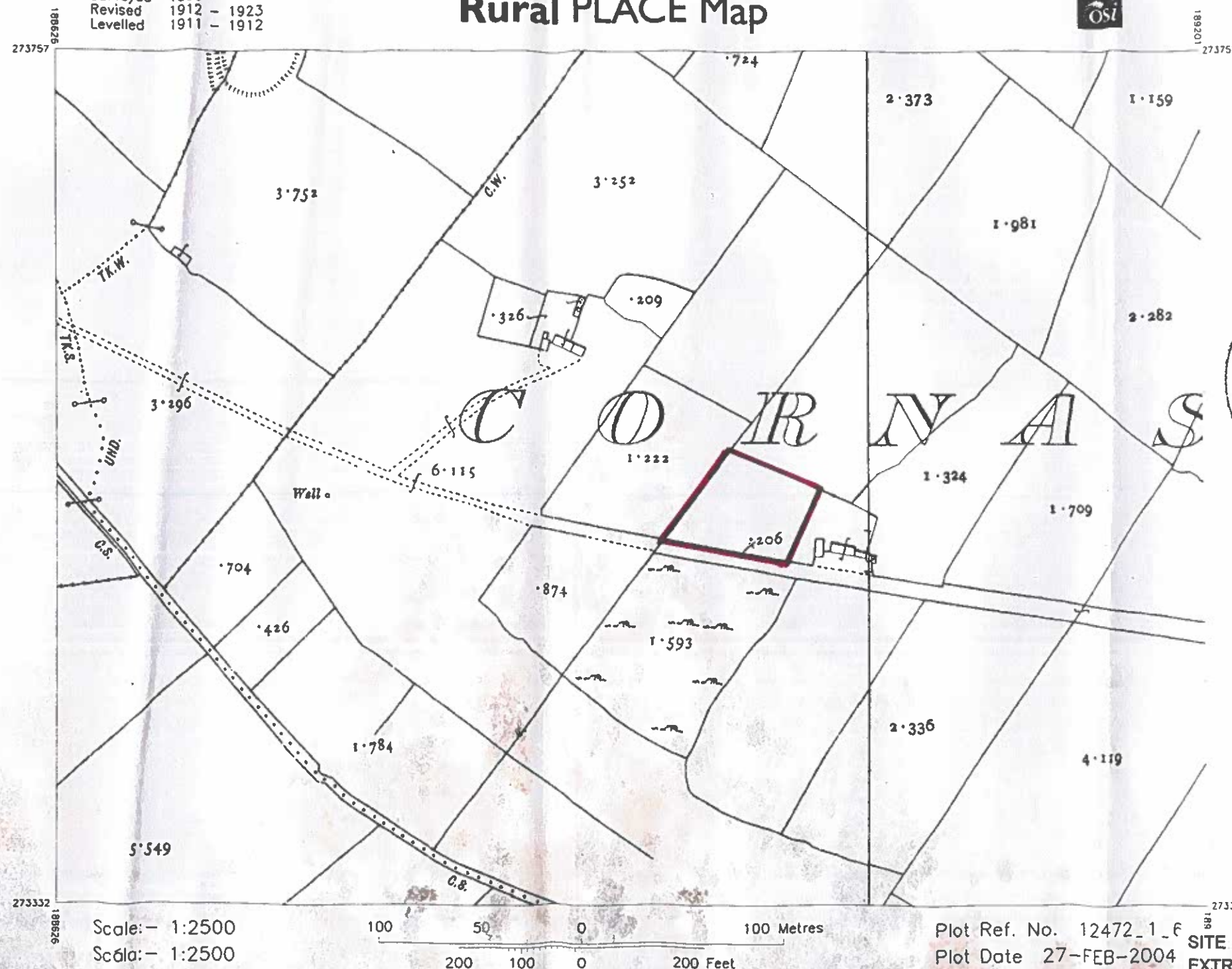
25inch
RN036-01 RN035-04



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Plot Ref. No. 12472_1_6
Plot Date 27-FEB-2004

SITE LOCATION MAP
EXTRACT ROCOMMON OSS 35-4 & 36-1
CORNASHINNAGH Td.,
SCALE 1:2500

ORDNANCE SURVEY IRELAND LICENCE No. EN 0010902-1
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PREPARED BY:
Tom O'Brien Consulting Engineers Ltd
11 Abbey Street,
Roscommon

041397
 ROSCOMMON COUNTY COUNCIL
 RECEIVED
 13 SEP 2004
 PLANNING SECTION

Selected slates to match existing



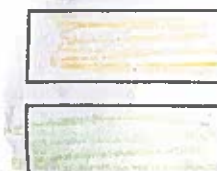
UPVC coated rwps, gutters, fascia and soffit

Plaster finish to match existing

SIDE ELEVATION SCALE 1:100

EXISTING HOUSE

PROPOSED EXTENSION



UPVC coated rwps, gutter fascia and soffit

Plaster finish to match existing

SIDE ELEVATION SCALE 1:100

PREPARED BY:
 John Lohan,
 Johnmaddy,
 Creggs,
 Co. Roscommon.



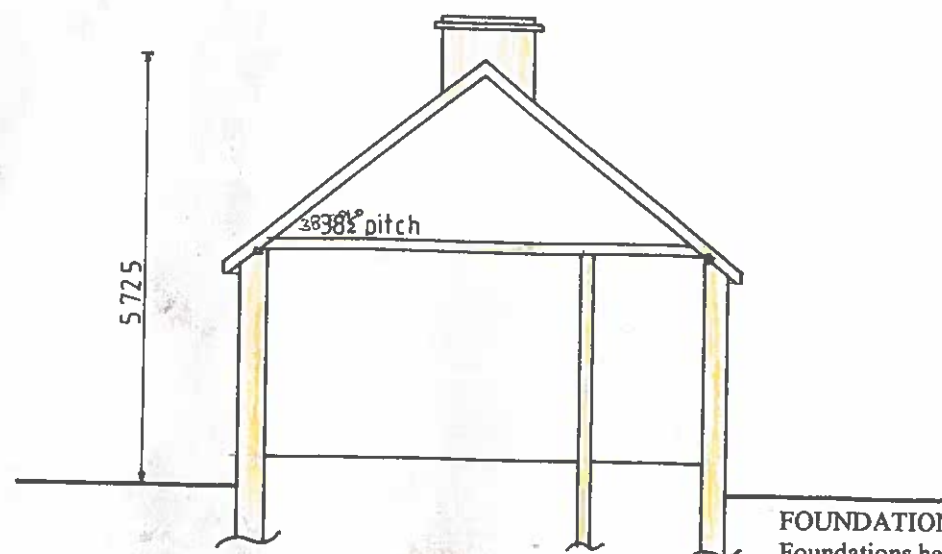
SIDE ELEVATION SCALE 1:100

EXISTING HOUSE

PROPOSED EXTENSION



SIDE ELEVATION SCALE 1:100



SECTION THRO' EXISTING HOUSE SCALE 1:100

FOUNDATIONS
Foundations below existing were not inspected and their size and dimensions can not be vouched for

EXISTING HOUSE

PROPOSED EXTENSION



ROOF TIMBERS

175mm x 25mm ridge board
175mm x 50mm rafters at 400mm centres
125mm x 50mm ceiling joists
125mm x 50mm collars at every fourth rafter
225mm x 75mm purlins
100mm x 75mm struts max 2400mm apart
75mm x 50mm hangers and runners
100mm x 75mm wall plate

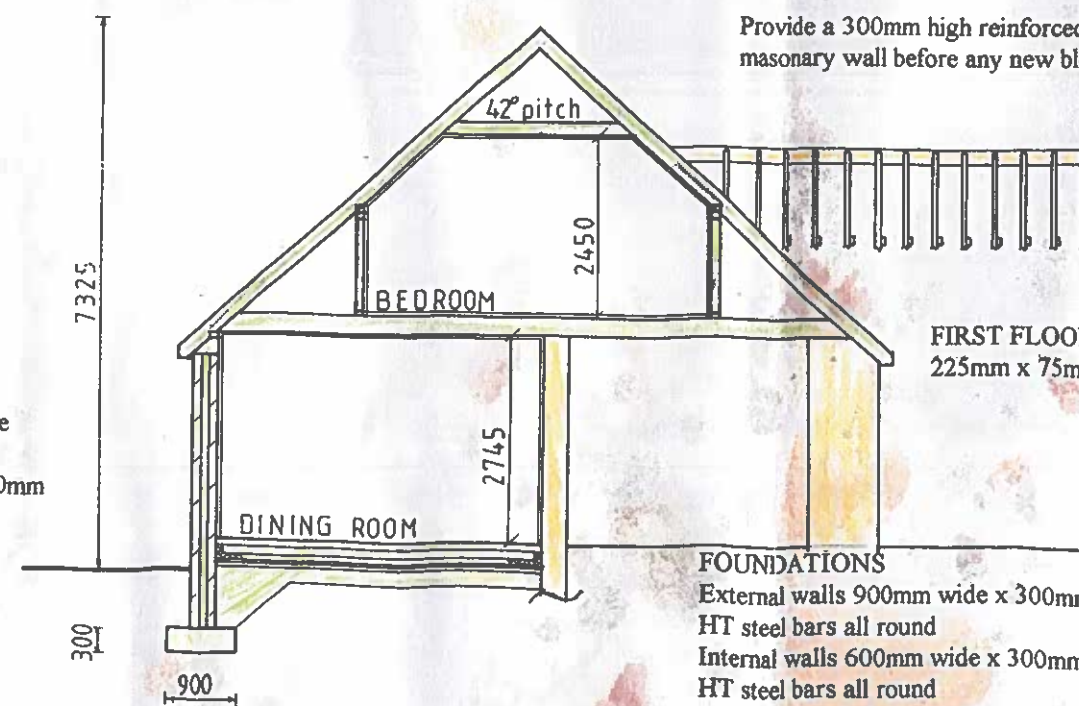
Note: Purlins to be supported at 2metres centres. Where a purlin cannot be propped onto a wall it may be propped on a specially designed timber, RSJ or UB

CAVITY WALL CONSTRUCTION

315mm wide cavity wall with
100mm concrete block inner leaf
115mm cavity with 60mm Kingspan Thermowall TW50 insulation
100mm concrete block outer leaf faced with natural stone on front
Wall vents to all habitable rooms min. 1/20 of floor area some Part of which must be 1750mm over floor
All windows that are less than 800mm above finished floor level to be fitted with toughened glass
Install windows with unobstructed opening not less than 850mm high x 500mm wide
Secured by fastenings which are readily openable from the inside to all bedrooms.
Bottom of window openings should be not more than 1100mm and not less than 800mm Above the floor of the room.

GROUND FLOOR CONSTRUCTION

75mm sand cement screed on 150mm concrete slab on Kingspan floor grade insulation on "Necoflex" radon barrier with underfloor ventilated sump on 50mm fine sand blinding on 225mm hardcore well compacted



SECTION THRO' EXTENSION SCALE 1:100

FIRST FLOOR CONSTRUCTION
225mm x 75mm timber joists

FOUNDATIONS
External walls 900mm wide x 300mm deep with 5no. 12mm dia. HT steel bars all round
Internal walls 600mm wide x 300mm deep with 4no. 12mm dia. HT steel bars all round
(To Structural Engineers details to suit ground conditions)

ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH
BUILDING REGULATIONS 1997 TECHNICAL GUIDANCE DOCUMENTS

PREPARED BY:
John Lohan,
Tonamaddy,
Creans