

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Anthony McCormack,

Reference Number: DED 584
Application Received: 28th June, 2023
Location: Rooskey, Co. Roscommon N41 A4E3.

WHEREAS a question has arisen as to whether works consisting of the refurbishment of a derelict house under Croi Conaithe grant scheme at Rooskey, Co. Roscommon N41 A4E3, 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 Acts 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 and Development Act 2000 (as amended) and associated Regulations;
- (b) The proposed development 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 said works **consisting of the refurbishment of a derelict house under Croi Conaithe grant scheme at Rooskey, Co. Roscommon N41 A4E3, constitutes development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

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

Signed on behalf of the Council:



Senior Executive Planner, Planning.

Date: 15th August, 2023.

c.c. James Lohan Consulting Engineer Ltd.,
Unit 5 Ballypheason House,
Circular Road,
ROSCOMMON F42 C982.

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

Reference Number:	DED 584
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of domestic extension
Name of Applicant:	Anthony McCormack
Location of Development:	Roosky, Co. Roscommon

Note – This report should be read in conjunction with the previous planner's report on file that requested further information.

Class 1 of Part 1 of Schedule 2: 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><i>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.</i></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. (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.</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. (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.</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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Assessment of information received:

The following further information request was made on 24th July 2023:

1. Please indicate on a suitably scaled site layout plan where the proposed 30m² extension is to be constructed, relative to the existing dwelling house on site.
2. Please provide evidence of the Pre-64 status of the entirety of the dwelling house, as it exists on site. This should be supported by evidence of the timeframe of the construction of the flat roof elements to the rear, which read as add-ons to the original structure.

Response:

1. A site layout plan has been submitted indicating the location of the single storey extension to the rear.
2. The applicant doesn't provide any documentary evidence as to the origins of the existing extensions to the dwelling house. However, it is stated that the mass concrete form is associated with the pre-64 era and the existing extensions were originally constructed with metal roofing material.

With regard to the proposal for the construction of a rear single storey extension measuring 30m², together with associated site works, the following sets out how this proposal complies with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Development within the curtilage of a house) as set out in the table above:

1. The dwelling has been extended previously.
2. The extension(s) were constructed prior to October 1st 1964.
3. The proposed extension will be single storey in nature.
4. Existing wall heights will not be exceeded by the proposed extension.
5. The proposed extension will not result in the reduction of rear private open space to below 25m².
6. Any window will be at least 1m from any boundary it faces.
7. The roof of the extension will not be used as a balcony or roof garden.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works to construct a rear single storey extension at Rooskey Co. Roscommon falls within Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.
- The proposal constitutes exempted development.

Recommendation

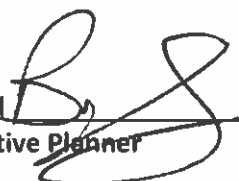
WHEREAS a question has arisen as to whether a proposed development to construct an extension to a dwelling house at Rooskey Co. Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (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 Acts 2000 as amended.
- (e) The planning history of the site

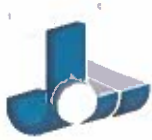
AND WHEREAS I have concluded that

- The works to construct an extension to a dwelling house is development.
- The works to construct an extension to a dwelling house and associated works at Rooskey Co. Roscommon fall within Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations.
- Given that the development complies with the conditions and limitations of Class 1 of Part 1 of Schedule 2 of Planning and Development Regulations, I have concluded that the proposal is exempted development.
- 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 WHEREAS I have concluded that the said development to construct an extension to a dwelling house at Rooskey, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed 
Executive Planner

Date: 14th August 2023



James Lohan

Planning & Design Consulting Engineers

James Lohan

Planning & Design

Consulting Engineers

Unit 5, Ballypheason House,

Circular Road,

Roscommon.

F42 C982.

Tel/Fax: +353 90-6634365

Mob: +353 87-822 8529

Email: james@jlce.ie

aaron@jlce.ie

Web: www.jlce.ie

Roscommon County Council

FOA : Tracy Davis

Planning Department

Aras An Chontae,

Roscommon

County Roscommon



01/08/2023

Planning Reference: DED 584

Planner,

It is confirmed that the from a construction type that the rear extension was constructed using 200mm solid mass concrete with a render finish. This was a common type of construction in the early 1950s -1960s before the use of concrete blocks became common place.

Mr McCormack, can recall his parents saying that the extension at the rear used to have a metal corrugated sheeting before replacing it torch and felt .

Signed :

Aaron Gill

0/08/2023

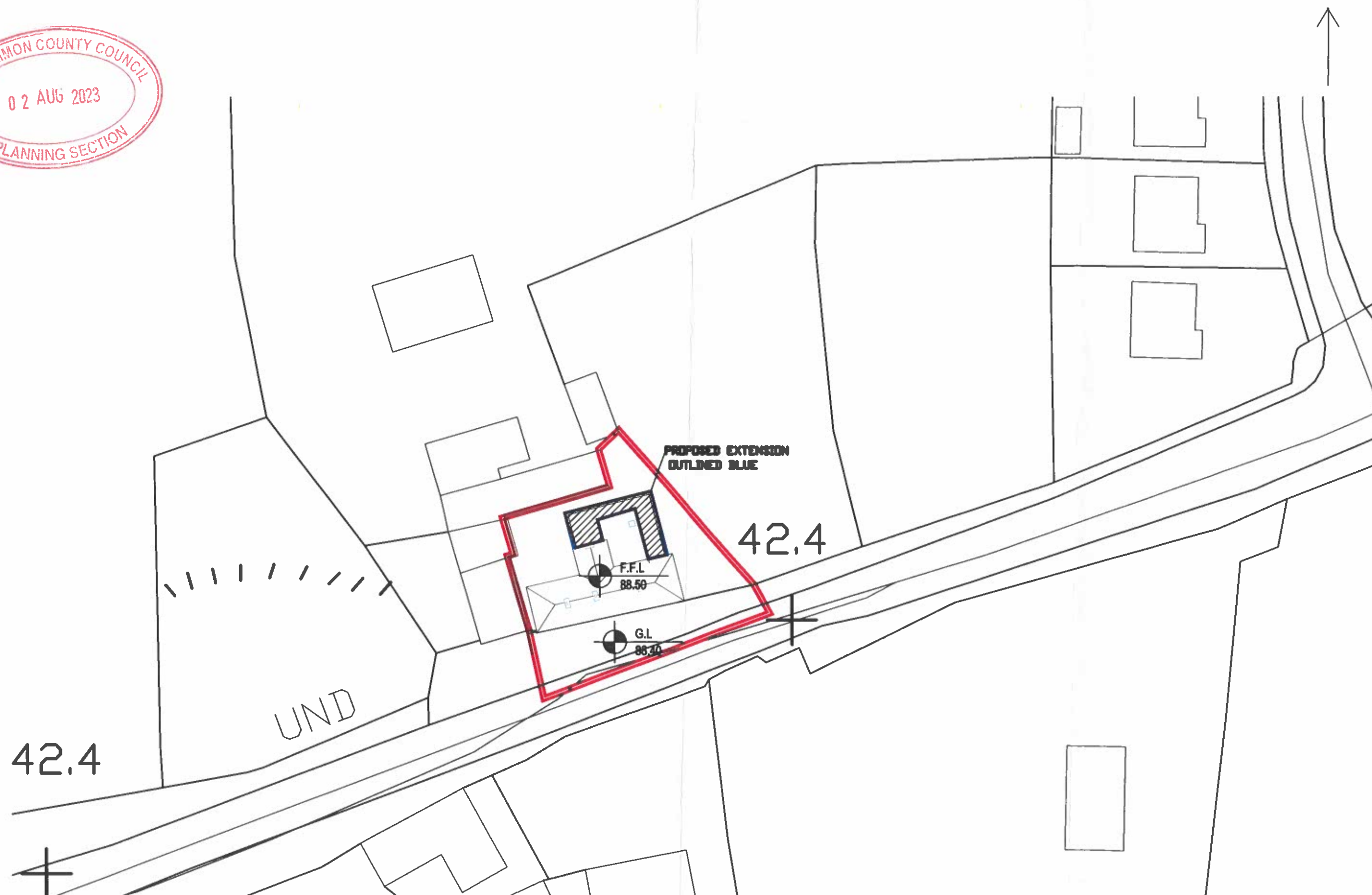
James Lohan Planning & Design Consulting Engineers

Unit 5, Ballypheason House, Circular Road, Roscommon.

F42 C982.



www.jlce.ie

[illegible]

Unit 5 Ballypheason House Circular Road, Roscommon F42 C982.		JAMES LOHAN CONSULTING ENGINEER		Ph: 090 6634365 / 0878228529 email: james@jce.ie / aaron@jce.ie web: www.jce.ie	
CLIENT ANTHONY MCCORMACK	JOB MAPS	JOB No	23-303	DATE	15/04/2003
SITE	DRAWING SITE LAYOUT	DWG No	23-303	REV	A
ROOSKY Co. Roscommon M41M63		SCALE 1:500			



Comhairle Contae
Ros Comáin
Roscommon
County Council



Anthony McCormack,

Date: 24/07/2023

Planning Reference: DED 584

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 consisting of the refurbishment of a derelict house under Croi Conaithe grant scheme at Roosky, Co. Roscommon N41 A4E3, is or is not development or is or is not exempted development.

A Chara,

Further to your application received on the 28th June, 2023 and in order for the Planning Authority to determine as to whether works consisting of the refurbishment of a derelict house under Croi Conaithe grant scheme at Roosky, Co. Roscommon N41 A4E3, is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Please indicate on a suitably scaled site layout plan where the proposed 30m² extension is to be constructed, relative to the existing dwelling house on site.
2. Please provide evidence of the Pre-64 status of the entirety of the dwelling house, as it exists on site. This should be supported by evidence of the timeframe of the construction of the flat roof elements to the rear, which read as add-ons to the original structure.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 584**.

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

Mise le meas,

Senior Executive Planner,
Planning.

CC: James Lohan Consulting Engineers Ltd.,
Unit 5, Ballypheason House,
Circular Road, Roscommon.

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

Reference Number:	DED 584
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of domestic extension
Name of Applicant:	Anthony McCormack
Location of Development:	Roosky, Co. Roscommon

WHEREAS a question has arisen as to whether the following works; the construction of an extension to a dwelling house at the above address 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 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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

Site Location & Development Description

The subject site is located just on the outskirts of Roosky village Co. Roscommon. The subject site contains the applicant's dwelling house with what appear as a rear extension(s) and outbuildings.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Question arising: Whether a proposed 30sqm recent extension is or is not development and is or is not exempted development.

Planning History

No Planning history

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3. -(1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

	<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. 388 (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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The question to be determined in this Section 5 referral is whether the development of an extension to a dwelling house comprising 30sqm at Roosky Co. Roscommon is or is not development and is or is not exempted development. Having considered the definition of both "works" and "development" outlined above, I would deem that the proposed development constitutes works and is therefore development.

With Regard to Article 9 (1)(a)(viiB)) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for EIAR or AA does not apply with respect to the current referral case.

Initial Planning Assessment:

It is unclear from the documentation submitted where the proposed extension of 30m² is to be located, relative to the existing dwelling house in situ. This will need to be determined via a further information request in order to ascertain whether or not the proposed exemption falls within the exempt development provisions as outlined above. Additionally, the existing flat roof elements of the dwelling to the rear appear to have been constructed as add-ons and no evidence of their pre-64 status (as claimed) has been provided. Further Information will be requested in this regard.

Recommendation:

Please request the following further information:

1. Please indicate on a suitably scaled site layout plan where the proposed 30m² extension is to be constructed, relative to the existing dwelling house on site.

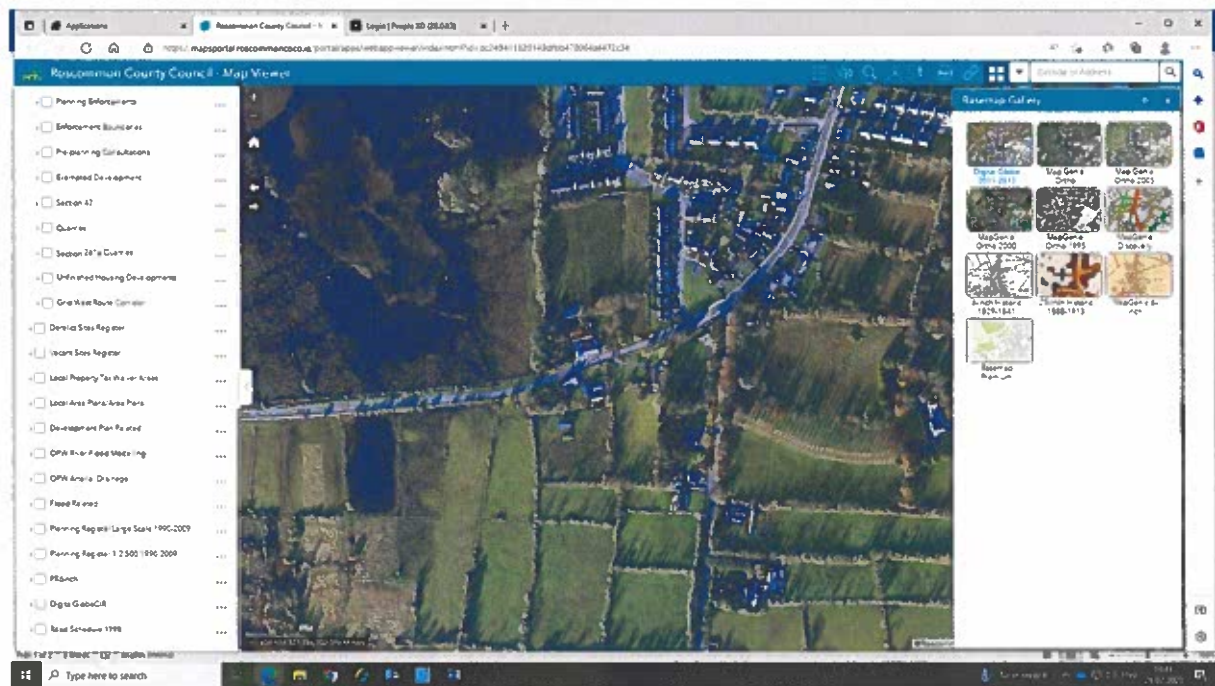
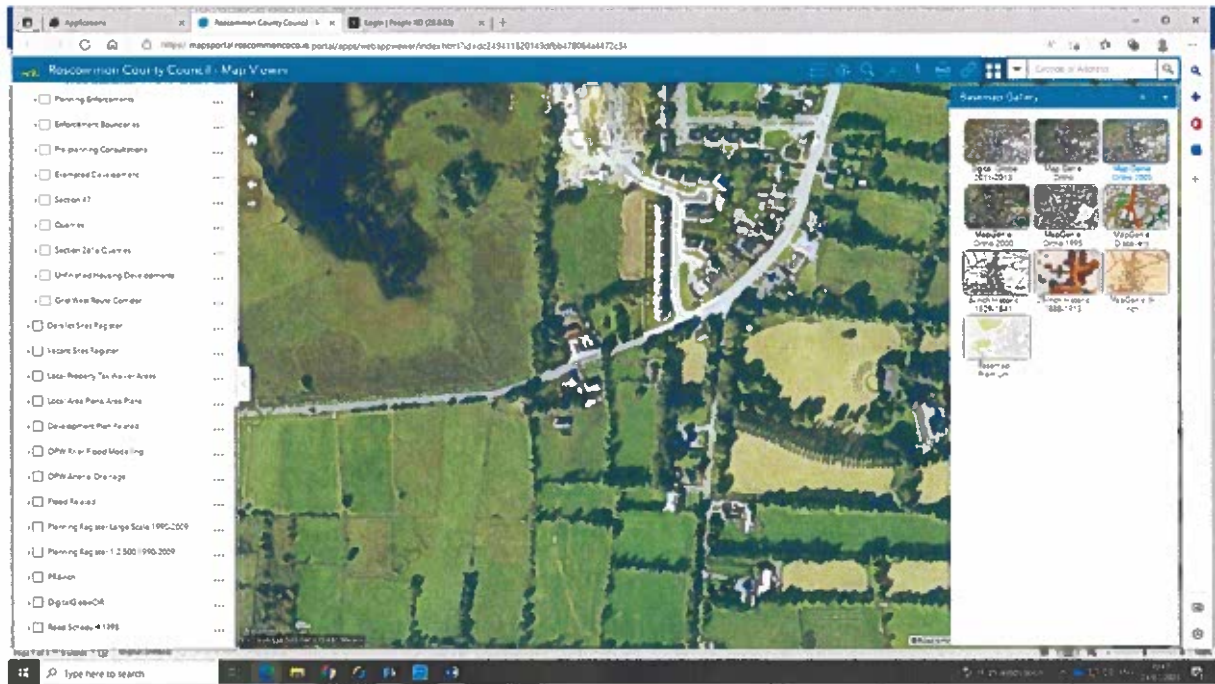
2. Please provide evidence of the Pre-64 status of the entirety of the dwelling house, as it exists on site. This should be supported by an approximate timeframe for the construction of the flat roof elements to the rear, which read as add-ons to the original structure.

evidence of the

~~with supporting evidence~~

Signed
Executive Planner

Date: 24th July 2023





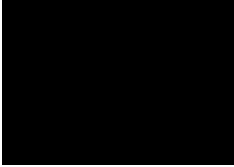




Comhairle Contae
Ros Comáin
Roscommon
County Council



Anthony McCormack,



Date: 5th July, 2023.

Planning Reference: DED 584

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

Development: The refurbishment of a derelict house under Croi Conaithe grant scheme at Roosky, Co.
Roscommon, N41 A4E3.

A Chara,

I wish to acknowledge receipt of your application received on the 28th 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. L01/0/223499 dated 29th June, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 584**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Caroline Mockler, Senior Staff Officer,
Planning Department.

cc. James Lohan Consulting Engineers Ltd,
Unit 5,
Ballypheason House,
Circular Road,
Roscommon.

Caroline Mockler

From: Planning Department
Sent: Thursday 6 July 2023 10:11
To: James Lohan
Subject: RCC Planning Ref. No. DED 584 - Acknowledgement of Request for Declaration under Section 5 of the Planning & Development Act.
Attachments: DED 584 Acknowledgement Letter.pdf; DED 584 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 584.

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,

Caroline Mockler | Senior Staff Officer | Roscommon County Council

☎: (090) 6637100 | ✉: planning@roscommoncoco.ie | www.roscommoncoco.ie

Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 [MAP LOCATION](#)



Comhairle Contae
Ros Comáin
Roscommon
County Council



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

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

29/06/2023 12:18.10

Receipt No : L01/0/223499

ANTHONY MCCORMACK

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 584	

Total : 80.00 EUR

Tendered :
Cheque 80.00
501406

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



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:	ANTHONY MCCORMACK
Address:	[REDACTED]
Name & Address of Agent:	James Lohan Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	REFURBISH DERELICT HOUSE UNDER CROI CONAITHE GRANT SCHEME – SEE ATTACHED REPORT SHOWING CONDITION OF PROPERTY AND LIST OF WORKS TO BE COMPLETED ALONG WITH PLANS FOR SAME
Location (Townland & O.S No.)	Roosky, Co. Roscommon, N41 A4E3 RN26270
Floor Area	131 SQ.M.
Height above ground level	0.12
Total area of private open space remaining after completion of this development	200SQ.M.
Roofing Material (Slates, Tiles, other) (Specify)	SLATES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	HOUSE IS TO BE EXTERNALLY INSULATED AND RENDERED
Is proposed works located at front/rear/side of existing house.	PROPOSED REAR EXTENSION EXEMPT UNDER 40 SQ METERS. JUST REPAIRS TO ROOF AT REAR FLATROOF, EXTERNALLY INSULATING AND RENDERING WITH NEW WINDOWS AND INTERNAL FITOUT TO BEING TO A3 RATED "30 Sq.m" Extension

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	EXISTING HOUSE
Proposed use of land or structure	REFURBISH HOUSE
Distance of proposed building line from edge of roadway	EXISTING 4.3M
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING SEWER

Signature:

Anthony M. McCormack

Date:

27/06/2023

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



1 FLOOR PLAN
1 : 100

EXISTING HOUSE
FLOOR AREA 131M²

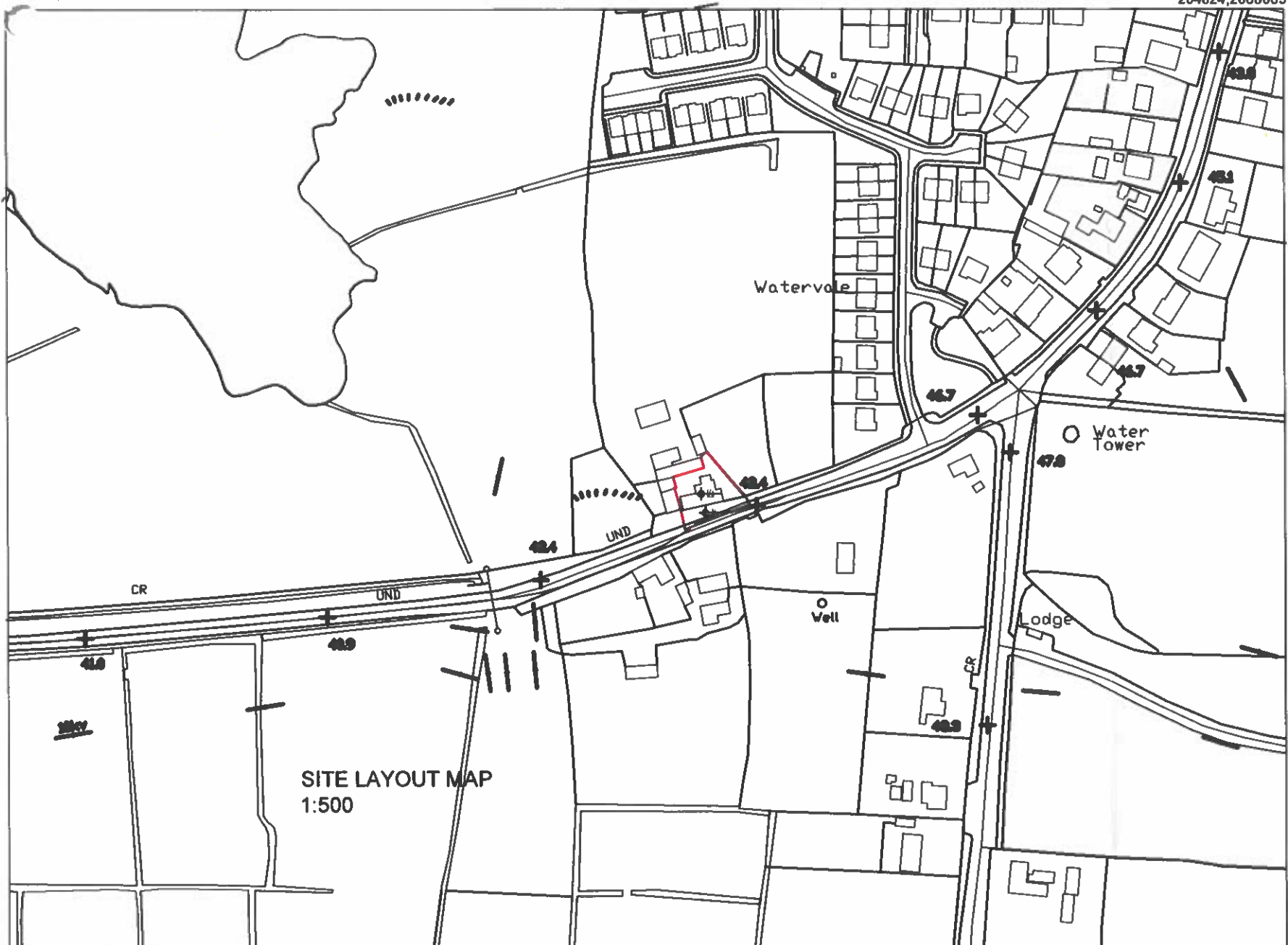


James Lohan
Planning & Design Consulting Engineers

<small> Civil Engineering & Architectural Design 3D Modelling </small>		<small> Bill 1 Anthony Lohan Owner/Architect 087 6228520 140000 624045 </small>	<small> Bill 2 Anthony Lohan Owner/Architect 087 6228520 140000 624045 </small>
CLIENT	ANTHONY MCCORMACK	JOB	GRANT APPLICATION
SITE	Rosely, Co. Roscommon, N11 A6E3	JOB No	001
		DWG No	23-030
		SCALE	1:100 @A3
		DATE	15-06-2023
		DESIGN BY	A-GL
		CHECKED BY	JLH

204240,286806

204824,2868063



204240,286379

0 50 100 150 200 250 Metres
SCALE 1:2500

SITE LOCATION MAP
1:2500

ROOSKY CO,
Roscommon
N41 A4E3
SITE AREA OUTLINED
RED = 0.263HECBLUE
LAND HOLDING
BLUE LANDHOLDING



OS NO.
RN 2046-C



SITE LAYOUT MAP
1:500

DATE	15/08/2023
REV	A
BY	AA
CHECKED	AA
DATE	15/08/2023