# **ROSCOMMON COUNTY COUNCIL**

# PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

# SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

# **NOTIFICATION OF DECISION**

# Mary Martin,



Reference Number: DED 586

Application Received: 29<sup>th</sup> June 2023.

Location: Borefield, Strokestown, Co. Roscommon.

WHEREAS a question has arisen as to whether the following works; the construction of an extension to back of the house to relocate the existing bathroom at Borefield, Strokestown, 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 Acts 2000, (as amended).
- (b) Article 6 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 (as amended).
- (d) Article 9 of the Planning and Development Regulations 2001, (as amended).
- (e) 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).
- (f) 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 **an extension to back of the house to relocate the existing bathroom at Borefield, Strokestown, Co. Roscommon, constitutes development that is <u>not</u> 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:

Jracy Davis

Senior Executive Planner, Planning.

Date: 24<sup>th</sup> July, 2023

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

Reference Number:	DED 586
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:	Mary Martin
Location of Development:	Borefield, Strokestown, 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 in Borefield, Strokestown, Co. Roscommon. The subject site contains the applicant's dwelling house with rear extension(s). There appears to have been a recent extension constructed comprising c.21m2 to accommodate internal layout changes, as stated in the application.

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 the most recent extension constructed is or is not development and is or is not exempted development.

• Floor Area of extension in question: 21sqm

# **Planning History**

13638 (Year 1981)– Planning Permission was granted to Vincent T Kelly for the erection of a back kitchen, bathroom, and two bedrooms as well as the construction of a septic tank. As per the application form a 51sqm extension was constructed.

# 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

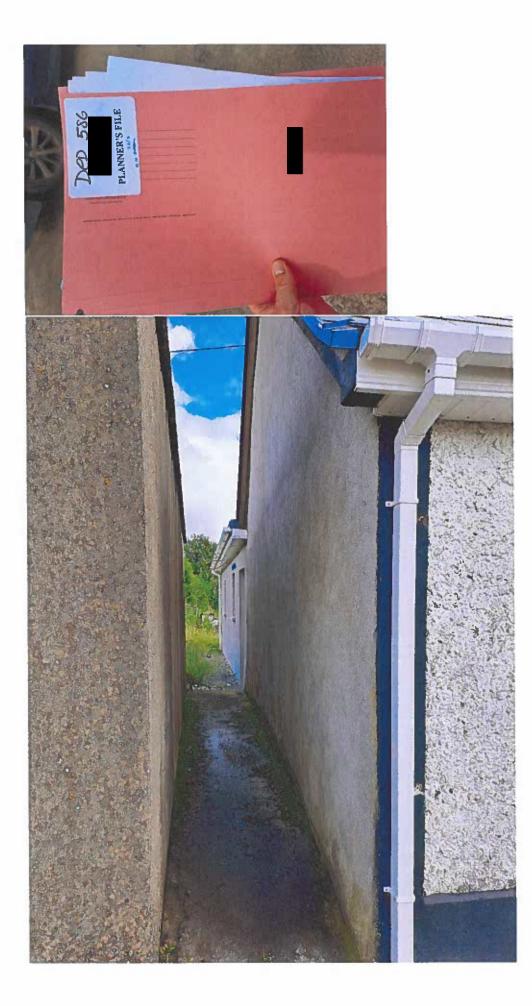
	1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
	3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
	4. (a) Where the rear wall of the house does not include a gable, the height of the walls 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.
	<ul> <li>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</li> <li>(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.</li> </ul>
	7. The roof of any extension shall not be used as a balcony or roof garden.

The question to be determined in this Section 5 referral is whether the development of an extension to a dwelling house comprising 21sqm at Borefield, Strokestown 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.

# Assessment of information received:

With regard to the proposal for the construction of an extension to a dwelling house, together with associated site works, and its compliance with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted Development - General) the following sets out how these apply to the current proposal:





**Comhairle Contae Ros Comáin** Roscommon County Council



# Mary Martin,



Date:	5 <sup>th</sup> July, 2023.
Planning Reference:	DED 586
Re:	Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development:	Extension to back of the house to relocate the existing bathroom at Borefield, Strokestown, Co. Roscommon F42 RF34

A Chara,

I wish to acknowledge receipt of your application received on the 29<sup>h</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. **L01/0/223508** dated 29<sup>th</sup> June, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 586. This should be quoted in all correspondence and telephone queries.

Mise le meas,

Trang Davis

Tracy Davis, Senior Executive Planner, Planning Department.

Page 1 of 1





Roscommon County Council Aras an Chontae Roscommon 09066 37100 ANDO 31 IAN

# 29/06/2023 14 59 22

Receipt No. L01/0/223508

MARY MARTIN



PLANNING APPLICATION FEES 80.00 GOODS 80 00 VAT Exempt/Non-valable DED586

80 00

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Total

80 00 EUR

Tendered Credit/Debit Card 80.00 6193

0 0 0 Change 🔅

Issued By Louis Carroll From Central Cash Office

# **Caroline Mockler**

From: Sent: To: Cc: Subject: Planning Department Friday 26 May 2023 17:18

**Planning Department** 

**RE: Completed form** 

Good evening Mary,

I refer to you application for a declaration under Section 5 of the Planning & Development Act 2000 (as amended).

I wish to advise that in order for your request to be progressed the following documentation as set out in the DED application form is required:

- 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 The drawing
  which accompanies your application is not sufficient for assessment and greater detail is required.

On receipt of the requested documents your application will be considered further.

Regards,

**Caroline Mockler** 

 Caroline Mockler | Senior Staff Officer | Roscommon County Council

 <sup>2</sup>: (090) 6637100 | <sup>1</sup>: planning@roscommoncoco.ie | www.roscommoncoco.ie

 Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98

 MAP LOCATION





From:

Sent: Wednesday 24 May 2023 09:53 To: Planning Department <Planning@roscommoncoco.ie> Subject: Completed form

Good morning, I have attached the completed form for planning exemption and been advised that someone will call me to take payment of the fee over the phone.

Kind regards Mary

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Kind regards Mary



\*\*\*

From: Sent: To: Subject: Attachments:

Wednesday 24 May 2023 09:53 Planning Department Completed form Planning scan.pdf

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Kind regards Mary



0		2 4 MAY 2023 PLANNING SECTION
	RECEIVE Combain Combain County Council	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 <u>Exempted Development</u>

Name:	Mary Martin
Address:	
Name & Address of Agent:	
Nature of Proposed Works	Extension to back of the house to relocate the existing bathroom
Location (Townland & O.S No.)	Borefield Strokestown Co.Roscommon F42 RF34
Floor Area	2.8 X 7.7 Metres
Height above ground level	2.7 Metres
Total area of private open space remaining after completion of this development	!/2 Acre plus approx 12 square metres beside shed area
Roofing Material (Slates, Tiles, other) (Specify)	slate
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plaster
Is proposed works located at front/rear/side of existing house.	Rear



# Roscommon County Council

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

Has an application been made previously for this site	Yes 43 years ago
If yes give ref. number (include full details of existing extension, if any)	13638
Existing use of land or structure	Vacant dwelling house
Proposed use of land or structure	Dwelling house for my own use
Distance of proposed building line from edge of roadway	19 metres
Does the proposed development involve the provision of a piped water supply	yes
Does the proposed development involve the provision of sanitary facilities	Yes relocation of existing bathroom

Signature:

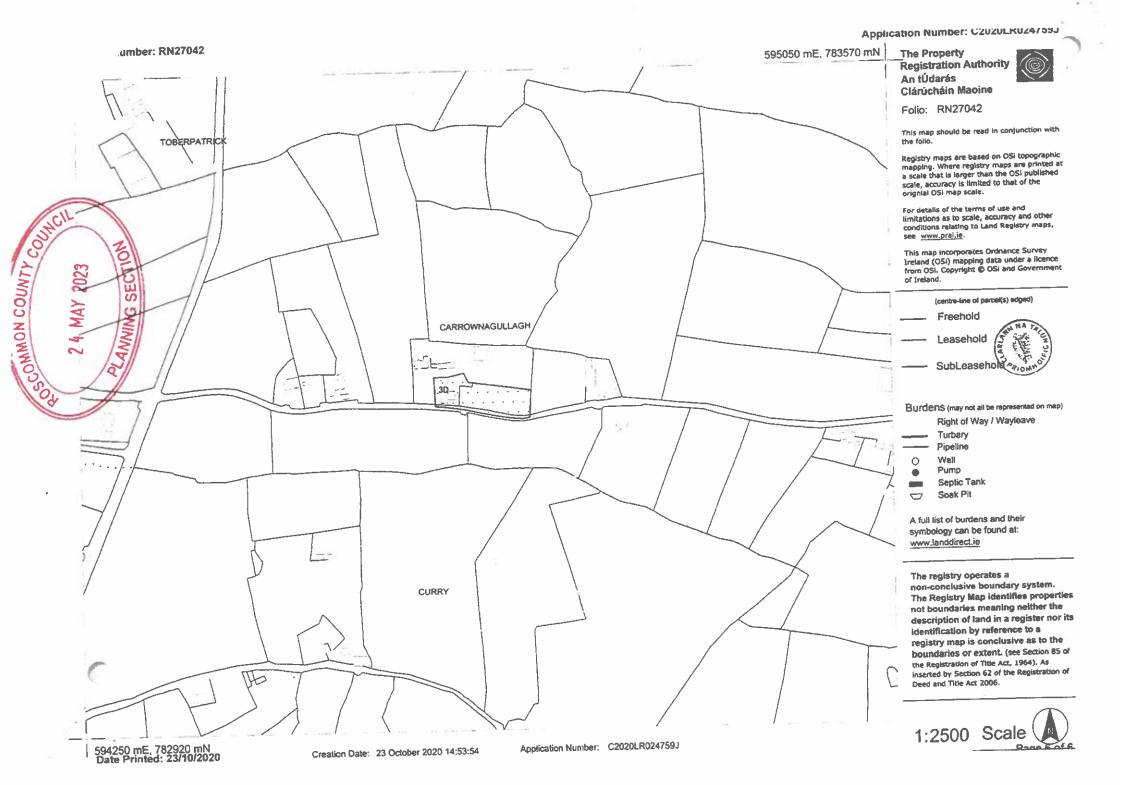
Date:

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\_23/05/2023\_\_\_\_\_

Note: This application must be accompanied by:-

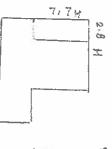
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Details specification of development proposed



Extension Site Location

•





Height 2.75M



# **Caroline Mockler**

From: Sent: To: Cc: Subject: Planning Department Wednesday 14 June 2023 09:34

Planning Department RE: Completed form

Good morning Mary,

I refer to your email dated 12/06/2023.

The site layout plan should provide details of structures and services such as the buildings, boundaries (nearby roads & properties), septic tank, bored well, and other features in the vicinity of the proposed development and should be to scale 1:500. The drawing should be of sufficient quality to allow the Planning Department to make a complete assessment of the application.

If you feel you can provide this drawing yourself, you may choose to do so, or, alternatively you may wish to engage a suitably qualified person to prepare it for you.

Regards,

**Caroline Mockler** 

 Caroline Mockler | Senior Staff Officer | Roscommon County Council

 <sup>(090)</sup> 6637100 | 
 <sup>(1)</sup> planning@roscommoncoco.ie | www.roscommoncoco.ie

 Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 MAP LOCATION







From: Sent: Monday 12 June 2023 15:06 To: Planning Department <Planning@roscommoncoco.ie> Subject: Re: Completed form

Good afternoon, I have attached a copy of the site location with the location of the property highlighted. can you tell me what exactly I need for the (Site Layout plan to the scale of 1:500 indicating exact location of proposed development)

is this something we can do ourselves or do I need a site survey completed.

Mary

# Good evening Mary,

I refer to you application for a declaration under Section 5 of the Planning & Development Act 2000 (as amended).

I wish to advise that in order for your request to be progressed the following documentation as set out in the DED application form is required:

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 Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 <u>MAP LOCATION</u>



From: Sent: Wednesday 24 May 2023 09:53 To: Planning Department <<u>Planning@roscommoncoco.ie</u>> Subject: Completed form

Good morning, I have attached the completed form for planning exemption and been advised that someone will call me to take payment of the fee over the phone.

## Kind regards Mary

This message is for the named person's use only. If you received this message in error, please immediately delete it and all copies and notify the sender. You must not, directly or indirectly, use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. Any views expressed in this message are those of the individual sender and not of 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

# **Caroline Mockler**

From:
Sent:
To:
Subject:
Attachments:

Monday 12 June 2023 15:06 Planning Department Re: Completed form Site plan.pdf

Good afternoon, I have attached a copy of the site location with the location of the property highlighted. can you tell me what exactly I need for the (Site Layout plan to the scale of 1:500 indicating exact location of proposed development)

is this something we can do ourselves or do I need a site survey completed.

Mary

-----Original Message-----From: Planning Department <Planning@roscommoncoco.ie> To: CC: Planning Department <Planning@roscommoncoco.ie> Sent: Fri, 26 May 2023 17:17 Subject: RE: Completed form

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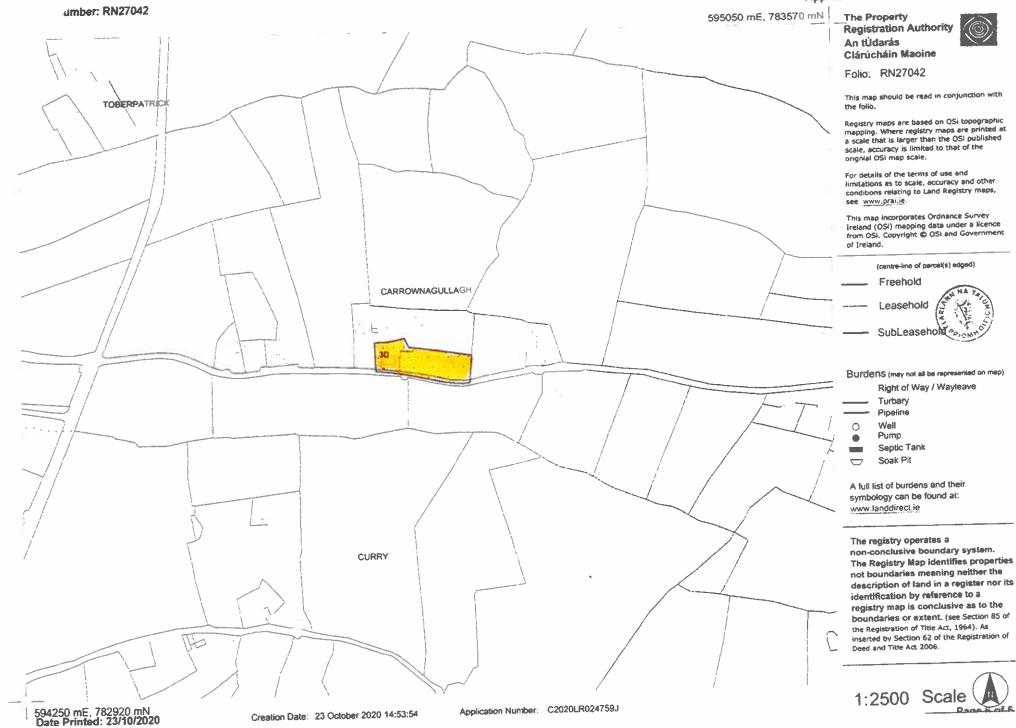
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# Sharon Kelly Sent: Name Sent: Friday 9 June 2023 11:21 To: Planning Department Subject: Re: Completed form

Good Morning, can I just ask about the site layout plan and what exactly you need? is this something we can draw a layout of ourselves or do I need a site survey?

Kind regards Mary

-----Original Message-----From: Planning Department <Planning@roscommoncoco.ie> To: CC: Planning Department <Planning@roscommoncoco.ie> Sent: Fri, 26 May 2023 17:17

Subject: RE: Completed form

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From: Sent: Wednesday 24 May 2023 09:53

# Sharon Kelly

From: Sent: To: Subject:

Tuesday 6 June 2023 15:29 Planning Department Re: Completed form

Good afternoon, can I just ask about the site layout plan and what exactly you need ? is this something we can draw a layout of ourselves or do I need a site survey ?

Kind regards Mary

-----Original Message-----

From: Planning Department <Planning@roscommoncoco.ie>

CC: Planning Department <Planning@roscommoncoco.ie> Sent: Fri, 26 May 2023 17:17 Subject: RE: Completed form



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From: Sent: Wednesday 24 May 2023 09:53

# To: Planning Department <Planning@roscommoncoco.ie> Subject: Completed form

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# Sharon Kelly

From: Sent: To: Subject: Attachments:

Tuesday 20 June 2023 08:42 Planning Department Re: Completed form Planning New.pdf

Good morning Caroline, it was nice to speak with you last Friday and thank you for your help and explanation. I have attached a scaled drawing which identifies the extension, septic tank, electricity and water sites. The property boundary is in red and the roads and nearby properties can be seen on the site maps. I hope this is sufficient, if there is anything else you need pleses let me know. Thank you again for your support.

Kind regards Mary

-----Original Message-----From: Planning Department <Planning@roscommoncoco.ie> To: CC: Planning Department <Planning@roscommoncoco.ie> Sent: Wed, 14 Jun 2023 9:33 Subject: RE: Completed form

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## From:

Sent: Monday 12 June 2023 15:06 To: Planning Department <Planning@roscommoncoco.ie> Subject: Re: Completed form

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Mary

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Caroline Mockler

 Caroline Mockler |Senior Staff Officer | Roscommon County Council

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 Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 | MAP LOCATION





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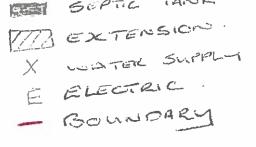
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SEPTIC TANK

