

ROSCOMMON COUNTY COUNCIL

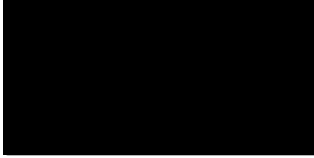
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Teresa Duffy



Reference Number: DED 593

Application Received: 25th July, 2023

Location: Main Street, Ballaghaderreen, Co. Roscommon.

WHEREAS a question has arisen as to whether the following works; rebuilding to include roof, joists, floors, plaster, plumbing, refit at Main Street, 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 Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) 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.

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 rebuilding to include roof, joists, floors, plaster, plumbing, refit at Main Street, Ballaghaderreen, Co. Roscommon is 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: 16th August, 2023.

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

| | |
|---------------------------------|--|
| Reference Number: | DED 593 |
| Re: | Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the refurbishment of a townhouse |
| Name of Applicant: | Teresa Duffy |
| Location of Development: | Main Street Ballaghaderreen, Co. Roscommon |

WHEREAS a question has arisen as to whether the following works; the refurbishment of a townhouse 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) 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.

Site Location & Development Description

The subject site comprises a mid-terrace dwelling house and is located in Main Street Ballaghaderreen, Co. Roscommon. The site is located outside the designated Architectural Conservation Area (A.C.A.) for Ballaghaderreen as per the provisions of the Roscommon County Development Plan 2022-2028. The proposed development consists of the refurbishment of a dwelling house. Proposed works are mainly internal however a new roof and new windows are proposed.

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.

Planning History

No planning history on site as per the RCC GIS system.

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.

Section 4(1) of the Act defines certain types of development as being ‘exempted development’. Of potential relevance is section 4(1)(h) which provides as follows:

- *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

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 refurbish of a townhouse at Main Street, Ballaghadereen, Co. Roscommon falls within Section 4(1)(h) of the Planning and Development Act as amended.
- The proposal constitutes exempted development.

Recommendation

WHEREAS a question has arisen as to whether a proposed development to refurbish a townhouse at Main Street, Ballaghadereen, 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) 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.

AND WHEREAS I have concluded that

- The works to refurbish a townhouse and associated works are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

- The 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 refurbish a townhouse at Main Street, Ballaghadereen, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed _____
Executive Planner

Date: 15th August 2023

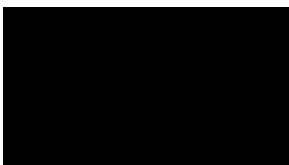




Comhairle Contae
Ros Comáin
Roscommon
County Council



Teresa Duffy,



Date: 31st July, 2023.

Planning Reference: DED 593

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

Development: Rebuilding to include roof, joists, floors, plaster, plumbing, refit at New Street, Ballaghaderreen, Co. Roscommon, F45 NN66.

A Chara,

I wish to acknowledge receipt of your application received on the 27th July, 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. L01/0/223924 dated 27th July, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 593**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis, Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
0906. 100

27/07/2023 12:09:25

Receipt No. : L01/0/223924

TERESA DUFFY


| | |
|---------------------------|-------|
| PLANNING APPLICATION FEES | 80.00 |
| GOODS | 80.00 |
| VAT Exempt/Non-vatable | |
| DED593 | |

Total : 80.00 EUR

Tendered :
Postal Order 80.00
880465

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office

25 JUL 2023

HOUSING



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

DED 593

Phone: (090) 6637100

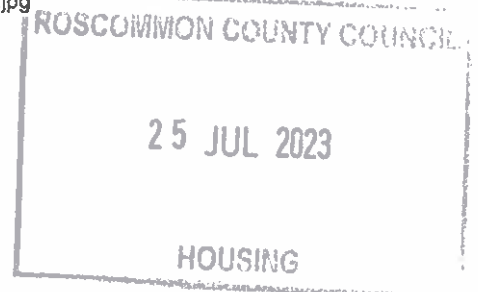
Email: planning@roscommoncoco.ie

Roscommon County Council

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

| | |
|--|--|
| Name: | TERESA DUTTY |
| Address: | [REDACTED] |
| Name & Address of Agent: | |
| Nature of Proposed Works | Re build to include roof, joists, floors, plaster, plumbing, refit |
| Location (Townland & O.S No.) | Folio 43944F |
| Floor Area | 150m ² |
| Height above ground level | 2 stories, town house |
| Total area of private open space remaining after completion of this development | 30ft Garden / Back yard 30ft x 30ft |
| Roofing Material (Slates, Tiles, other) (Specify) | slates |
| Proposed external walling (plaster, stonework, brick or other finish, giving colour) | Plaster, white |
| Is proposed works located at front/rear/side of existing house. | All of these |





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) | — |
| Existing use of land or structure | Town house |
| Proposed use of land or structure | Town house |
| Distance of proposed building line from edge of roadway | 4ft footpath |
| Does the proposed development involve the provision of a piped water supply | all ready in place |
| Does the proposed development involve the provision of sanitary facilities | all ready in place |

Signature: _____

Date: _____

[Handwritten Signature]
12/7/23

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

(d)



Detailed specification of development proposed

1. Roof needs to be completely replaced, timber, felt, slates and gutters.
2. Site clearance and strip out back yard
3. All internal walls, floors, wires, old timber, stairs removed and re built
4. New floors set
5. Install new heating
6. Install new windows
7. Concrete lintels to be installed inside
8. Install electrical wirings
9. All new plumbing required
10. Insulate and apply for any SEAI grants relevant
11. Re plaster, paint
12. Install new door frames and architrave
13. Comply with all fire, council and PRTB rental regulations





561860 mE, 794890 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: RN43944F

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.

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(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

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.

