Tracy Davis

From: Tracy Davis

Sent: Wednesday 23 August 2023 10:53

To: adam@apc.ie

Subject:DED 594 Notification of Decision on Section 5 DeclarationAttachments:DED 594 Notification of Decision - Exempted Development.pdf

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED 553 Section 5 Declaration .

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 Notification of Decision is provided to the applicant.

Mise le meas,

Tracy Davis | Planning Department

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

🕿 (090) 6637100 🖾 planningenforcement@roscommoncoco.ie

www.roscommoncoco.ie



Comhairle Contae Ros Comáin Rosconniún 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

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Patrick Lavin,



Reference Number:

DED 594

Application Received:

1st August, 2023

Location:

Cloonfower Td, Co. Roscommon.

WHEREAS a question has arisen as to whether works consisting of the refurbishment of an existing dwelling and proposed extension with an internal floor area of 39sq.m at Cloonfower, Castlerea, 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 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 an existing dwelling and proposed extension with an internal floor area of 39sq.m at Cloonfower, Castlerea, 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:	
Tracy Davis	
	_ Date: 23 rd August, 2023.
Senior Executive Planner,	
Planning.	

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

Reference Number:

DED 594

Re:

1.

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:

Patrick Lavin

Location of Development:

Cloonfower, Castlerea, 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 the rural area of Cloonfower, northwest of Castlerea town in County Roscommon. The subject site contains the applicant's detached cottage style dwelling house with what appears to be a very small rear extension.

Question arising: Whether a proposed extension with an internal floor area of 39sqm 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.

Section 4(1) of the Act defines certain types of development as being 'exempted development'.

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,

Class 1 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
Development within the curtilage of a house	(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-
CLASS 1	detached, the floor area of any extension above ground level shall not exceed 12 square metres.
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	(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.
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.	 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 semidetached 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

- (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. 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.
- 7. The roof of any extension shall not be used as a balcony or roof garden.

Assessment:

Unsolicited information was received via email by the planning authority from the applicant's agent on August 16th 2023 stating that the existing minor rear extension was of pre-64 construction.

With regard to the proposal for the construction of a rear single storey extension measuring a stated 39m2, 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 to the rear however this occurred prior to October 1st 1964.
- 2. The proposed extension will be single storey in nature and the internal floor area will not exceed 40sqm.
- 3. Existing wall heights will not be exceeded by the proposed extension.
- 4. The proposed extension will not result in the reduction of rear private open space to below 25m2.
- 5. Any window will be at least 1m from any boundary it faces.
- 6. The roof of the extension will not be used as a balcony or roof garden.

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.

Recommendation

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 Cloonfower, Castlerea, 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.

WHEREAS a question has arisen as to whether a proposed development to construct an extension to a dwelling house at Cloonfower, Castlerea, 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 Cloonfower, Castlerea, 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 Cloonfower, Castlerea, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed Executive Plagner

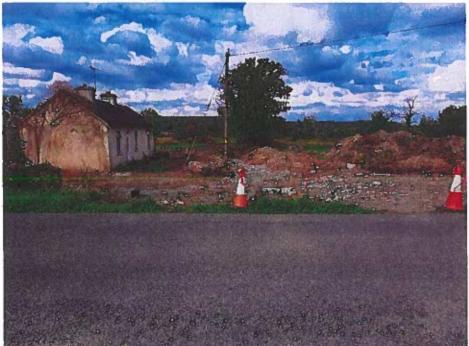
Date: 17th August 2023



(







Barry Freeman

From: Mervyn Walsh

Sent: Thursday 17 August 2023 12:11

To: Barry Freeman

Subject: FW: DED 594 Patrick Lavin Cloonfower Castlerea Co Roscommon

From: Adam Dybkowski <adam@apk.ie>
Sent: Wednesday 16 August 2023 11:40

To: Planning Department < Planning@roscommoncoco.ie>

Cc:

Subject: DED 594 Patrick Lavin Cloonfower Castlerea Co Roscommon

Can you please add the following information to DED 594 application for my client Patrick Lavin Cloonfower, Castlerea Co Roscommon.

I confirm that the utility room to the rear of the house is part of the original house construction. The wall type of the utility consists of 400mm random rubble and mass concrete which is same as the remainder of the house. The house was constructed circa 1948. We propose to construct an extension to the property with a Floor area of 39 m2 to the rear of the existing House

Regards,

Adam Dybkowski

Director,

M.Sc. Eng. Arch. Reg. Architect, MRIAI, Dip. Mangt.

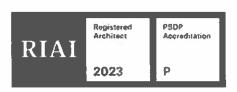


ROSCOMMON OFFICE

A: Cloontrask, Castlerea, F45WV81, Co. Roscommon

M: 086-2102190 P: 090-6665832 E: adam@apk.ie W: apk.ie





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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

Tracy Davis

From:

Planning Department

Sent:

Wednesday 2 August 2023 11:03

To:

adam@apc.ie

Subject:

RCC Planning Ref. No. DED594 - Acknowledgement of Request for Declaration

under Section 5 of the Planning & Development Act

Attachments:

DED 594 Receipt.pdf; DED 594 Acknowledgement Letter.pdf

A Chara,

Please find attached, letter of acknowledgement in respect of your request for a declaration under Section 5 of the Panning & Development Act 2000 (as amended), reference no. DED 574.

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,

Tracy Davis | Planning Department

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

(090) 6637100 Danningenforcement@roscommoncoco.ie

www.roscommoncoco.ie



Comhairle Contae Ros Comáin Roscomhlion 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



Comhairle Contae Ros Comáin Roscommon County Council



Patrick Lavin,



Date: 2nd August, 2023.

Planning Reference: DED 594

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000

(as amended), regarding Exempted Development.

Development: The refurbishment of an existing house and 39m² rear extension at Cloonfower Td, Co.

Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 1st August, 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. **L01/0/223986** dated 1st August, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 594.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis

Tracy Davis,
Senior Executive Planner,
Planning Department.

cc. APK Architects & Engineers,

Cloontrask, Castlerea,

Co. Roscommon,

F45 WV81.





Roscommon County Council Aras an Chontae
Roscommon
09066 2 0

01/08/2023 12:01:46

Receipt No. L01/0/223986

PATRICK LAVIN

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES GOODS 80,00 VAT Exempt/Non-vatable DED 594 80.00

Total:

80-00 EUR

Tendered :

Cash

60.08



Comhairle Contae Ros Comáin Roscommon County Council Áras an Chontae, Roscommon, Co. Roscommon

Phone: (090) 66 37100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	PATRICK LAVIN
Address:	
Name & Address of Agent:	APC ARCHITECTS + ENgineers 1/2 Cloon NEWS K CASTLEREA CO POSCOMMON
Nature of Proposed Works	CASTLEREA Co POSCOMON Refurbishment of Existing House + 39 n rear extension
Location (Townland & O.S No.)	Cloonfase 2093 - 2094 Cloonfase 2155 - 2156
Floor Area	EXICTING 61 m2 Proposed Extersion 392
Height above ground level	+150 nm above existing GL
Total area of private open space remaining after completion of this development	O. Sha
Roofing Material (Slates, Tiles, other) (Specify)	State blue/black Colour
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing wall finish
Is proposed works located at front/rear/side of existing house.	REAR of existing house

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)	NIA
Existing use of land or structure	House + Garden
Proposed use of land or structure	As above
Distance of proposed building line from edge of roadway	Existing House = 11.9m Proposed extension = 11.8m
Does the proposed development involve the provision of a piped water supply	Existing Public water Supply in house
Does the proposed development involve the provision of sanitary facilities	Existing functioning Septhetank and Soukpit on site

Signature:

Date:

31-07-2023

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





ROSCOMMON OFFICE

A: Cloontrask, Castlerea, Co. Roscommon, F45WV81 W: apc.ie P: 090 6665832 / 094 9620712 E: adam@apc.ie pat@apc.ie

DUBLIN OFFICE

ITECTS & ENGINEERS At Unit 6 Willsborough Business Park, Clonshaugh, Dublin, D17 AF51

Patrick Lavin

APK ref:

PL23SM

Your ref:

Code:

EC

Date:

31/07/2023

RE: Declaration under Section 5 Exempted Development for house at Cloonfower Castlerea Co Roscommon, F45 CD79

See below details of proposed works to above property that are subject to this application.

- 1. Main roof structure, slates and felt to be removed and replaced with similar slate blue black finish in colour
- 2. One Existing defective chimney (North one) with nap plaster finish to be removed and rebuilt to current building regulations. The new chimney will be same dimensions as existing chimney with same simple concrete cap and plain flue. The finish of the chimney will be same nap plaster finish as existing Chimney.
- 3. The north gable wall of house is random rubble stone. It needs to be part removed, underpinned and rebuilt with nap plaster finish
- 4. Existing defective internal concrete floors to be removed and reinstalled with damproofing and insulation to current building regulations. U value 0.13 W/m2k
- 5. New single storey extension to rear elevation of house to be constructed. Floor area of extension to be 39m2
- 6. New footpaths to east, west, south and north elevations of house. 1 meter wide concrete footpaths are proposed. See attached site layout 09/01 scale 1/500. Proposed footpaths highlighted in green
- 7. Existing stone finished car parking hardstand to be resurfaced with Stone Mastic Asphalt. all surface water to be piped to soakpit on site See attached site layout 09/01 scale 1/500. Car parking hardstand highlighted in Magenta

See attached

- 1. existing floor plans, elevations, and section on dwg 08/00,
- 2. Proposed floor plans, elevations, and section on dwg 08/00b
- 3. Site layout scale 1 500 on dwg 09/01
- 4. Site location map scale 1/2500.

8.0 APPENDICES 1. PI Insurance, Details existing house and Existing septic tank onsite

yours sincerely,

Adam Dybkowski





8.0 APPENDICES

- Professional Indemnity Insurance APC Architects & Engineers Contract number B1715PFO22621 Valid from 14 09 2023 to 1 09 2023
- Photographic evidence of structural defects

Professional Indemnity Insurance Schedule

Policy Number:

Item 1

Policyholder

Apc Architects & Engineers Ltd

Cioontrask Castletres

Profession

Architect

Policy Period Item 2

Inception Date:

03/09/2022

Expiry Date:

02/09/2023

Both days inclusive local standard time at address in Item 1

Hem 3 Limit of Liability

A. € 750,000 any one Claim except however, in respect of:

Asbestoe, the Limit of Liebility is

€ 1,000,000 or 50% of the amount specified in Item 3.A. whichever is the less, both in respect of any one Claim and in the aggregate for the Policy Period

C. Pollution, the Limit of Liability is

€ 1,000,000 or 50% of the amount specified in Item 3.A. whichever is the less, both in respect of any one Claim and in the aggregate for the Policy Period

D. III. Extensions B. Lost Documents, the Limit of Liability is

 ${\rm @500,000}$ or 50% of the amount specified in item 3.A. whichever is the less, both in the aggregate for the Policy Period

E. Itt. Extensions C. Statutory Regulation, the Limit of Liability is

€ 150,000 in the aggregate for the Policy Pariod or the amount applicable to II. Cover A. Professional Indemnity, whichever is less

F. III. Extensions D. Legal Representation Costs, the Limit of Liability is

€ 350,000 in the aggregate for the Policy Period or 50% of the amount specified in Item 3.A. whichever is the less, both in the aggregate for the Policy Period

Cover under II. Cover C. Defence Costs does not form part of and will not erode the Limit of Liability in respect of 3.A - 3.F. above.



APCA01Pi01 PI Schedule Version 2021_07_01

Page 1 of 6

14/09/2022



CERTIFICATE OF INSURANCE

Effected through:

Arachas Corporate Brokers Limited t/a Arachas, Capital Insurance Markets, Capital IM, Covercentre (the Coverholder).

9 Eastgate Avenue Eastgate Business Park Little Island Cork T45 YN92

Telephone:

01 213 5000

Website: www.arachas.ie

This is to Certify that, in accordance with the authorisation granted under Contract No. B1715PFDO22621 to the undersigned by certain underwriters at Lloyd's Insurance Company SA and other insurers (hereinafter referred to as the 'Insurers') whose names and the proportions underwritten by them are shown in the Schedule attached hereto, and in consideration of the premium specified herein, the said Insurers are hereby bound, each for his own part and not one for another, their Executors and Administrators, to indemnify the Insured in accordance with the terms and conditions of Insurance attached hereto.

Provided that the liability of the Insurers shall not exceed the Limit of Liability as set forth in the Schedule.

The Insured is requested to read this Certificate and if it is not correct, return it immediately to the Coverholder for appropriate alteration.

In Witness whereof, this Certificate has been signed by the Coverholder and on the date specified below.

Date: 14/09/2022

Conor Brennan
Arachas Corporate Brokers Limited

Martin Adams
Arachas Corporate Brokers Limited

PLEASE NOTE - This notice contains important information. PLEASE READ CAREFULLY

The liability of an insurer under this contract is several and not joint with other insurers party to this contract. An insurer is liable only for the proportion of liability it has underwritten. An insurer is not jointly liable for the proportion of liability underwritten by any other insurer. Nor is an insurer otherwise responsible for any liability of any other insurer that may underwrite this contract.

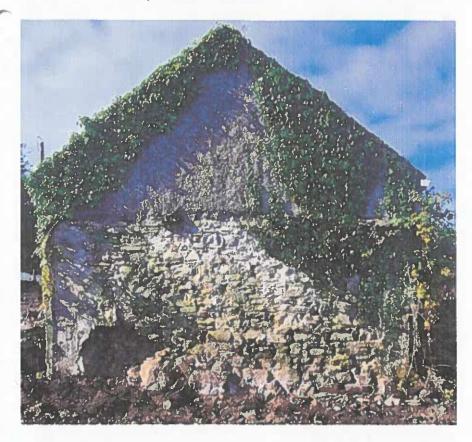
The proportion of liability under this contract underwritten by an insurer (or, in the case of a Lloyd's syndicate, the total of the proportions underwritten by all the members of the syndicate taken together) is shown in this contract.

In the case of a Lloyd's syndicate, each member of the syndicate (rather than the syndicate itself) is an insurer. Each member has underwritten a proportion of the total shown for the syndicate (that total itself being the total of the proportions underwritten by all the members of the syndicate taken together). The liability of each member of the syndicate is several and not joint with other members. A member is liable only for that member's proportion. A member is not jointly liable for any other member's proportion. Nor is any member otherwise responsible for any liability of any other insurer that may underwrite this contract. The business address of each member is Lloyd's, Lloyd's Brussels, Bastion Tower, Floor 14, 5 Place du Champs de Mars, 5 Marsveldplein, 1050 Brussels. The identity of each member of a Lloyd's syndicate and their respective proportion may be obtained by writing to Market Services, Lloyd's, at the above address.

Although reference is made at various points in this clause to "this contract" in the singular, where the circumstances so require this should be read as a reference to contracts in the plural

APCA01PI01 PI Schedule Version 2021_07_01 Page 6 of 6

14/09/2022 E.& O.E. External photo of structural defective wall side elevation - north to be part removed , to be stabilized , underpinned and rebuilt



External photo of Side elevation - South





External photo of front elevation - East



External photo of Rear elevation - West





Existing Defective north chimney



Existing 6m3 capacity 2 chamber fully functional Septic tank and soakpit onsite, house in background





