

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

John Freeman, [REDACTED]
[REDACTED]

Reference Number: DED 596

Application Received: 9th August, 2023

Location: Lisananny, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether for an extension to dwelling house at Lisananny, 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 Act 2000 (as amended)
- (e) The planning history of the site

AND WHEREAS Roscommon County Council has concluded that:

- a) The works are development.
- b) The extension to the dwelling house at Lisananny, Castlerea, Co. Roscommon is exempted development. (I recommend that a declaration to that effect should be issued to the applicant).

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 **an extension to dwelling house at Lisananny, 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.

ADVICE NOTE

- The applicant has stated the proposed extension will be connecting into the existing septic tank. The existing wastewater treatment system has not been assessed. It may not be adequate and may be required to be upgraded in such circumstances planning permission would be required.

Signed on behalf of the Council:

Tracy Davis

Senior Executive Planner, Planning.

Date: 4th September, 2023.

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

Reference Number:	DED 596
Development Description:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for an extension to dwelling house
Name and Address of Applicant:	John Freeman, Lisananny, Castlerea, Co. Roscommon.
Date:	29 th August 2023

WHEREAS a question has arisen as to whether for an extension to dwelling house at Lisananny, Castlerea, Co. Roscommon.

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 in the rural townland of Lisananny, Castlerea, Co. Roscommon and is located c.4.5km north west of Castlerea Road and is served by the L-5623-0. There are no environmental or archaeological designations located on the subject site. An old two storey dwelling house and hayshed are situated on the subject site.

The question raised in this Declaration of Exempted Development is whether an extension to dwelling house at Lisananny, Castlerea, Co. Roscommon at Lisananny, Castlerea, Co. Roscommon, is or is not development and is or is not exempted development.

Planning History

No planning history attached to the subject site.

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". It is considered that an extension to dwelling house constitutes development, as defined in Section 3 of the Planning and Development Act 2000 (as amended).

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...." The proposed development is considered to be the carrying out of works.

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>Column 2 - Conditions and Limitations</p> <ol style="list-style-type: none"> 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. 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. 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

	<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 ^atwo storey extension to the rear of existing dwelling house, the gross floor area of the extension is stated is 31.8m². The external materials are proposed to be slates and plaster and will be painted white. The construction of an extension to the rear of the existing dwelling house in this case is considered to be exempted development.

The applicant has stated the proposed extension will be connecting into the existing septic tank. The declaration query posed does not pertain to wastewater treatment arrangements. The existing wastewater treatment system may not be adequate and it may be required to be upgraded. It is reasonable to advise the applicant of this.

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 site is located 1.7km away from Bellanagare Bog SAC and SPA. 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 an extension to dwelling house at Lisananny, 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 Act 2000 (as amended)
- (e) The planning history of the site

AND WHEREAS I have concluded that

- a) The works are development.
- b) ~~an~~ ^{The} extension to dwelling house at Lisananny, Castlerea, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.)

ADVICE NOTE

- The applicant has stated the proposed extension will be connecting into the existing septic tank. The existing wastewater treatment system has not been assessed. It may not be adequate and may be required to be upgraded in such circumstances planning permission would be required.

Signed: 

Assistant Planner

Date: 30th August 2023

DED596

site visit: 24th August 2023











Comhairle Contae
Ros Comáin
Roscommon
County Council



Mr. John Freeman,



Date: 16th August, 2023.

Planning Reference: DED 596

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

Development: Extension to dwelling house at Lisananny, Castlerea, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 9th 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. **L01/0/224072**

Note: Please note your Planning Reference No. is **DED 596**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis,
Senior Executive Planner,
Planning Department.



Comhairle Contae
Ros Comáin
Roscommon
County Council



Mr. John Freeman,

Date: 16th August, 2023.
Planning Reference: DED 596

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Development: Extension to dwelling house at Lisananny, Castlerea, Co. Roscommon.

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This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis,
Senior Executive Planner,
Planning Department.




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:	John Freeman
Address:	
Name & Address of Agent:	N/A
Nature of Proposed Works	Extension to dwelling house.
Location (Townland & O.S No.)	Lisananny, Castlereaa (53.8073799, -8.496719)
Floor Area	Floor area of proposed extension is 31.8m ²
Height above ground level	6.5m
Total area of private open space remaining after completion of this development	112.78m ²
Roofing Material (Slates, Tiles, other) (Specify)	Slates

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plaster (Painted White)
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 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	The property has been vacant for a number of years
Proposed use of land or structure	Living accommodation
Distance of proposed building line from edge of roadway	Existing house is 14m from the edge of the road, proposed building id to the rear of existing house.
Does the proposed development involve the provision of a piped water supply	Yes
Does the proposed development involve the provision of sanitary facilities	Yes

Signature:

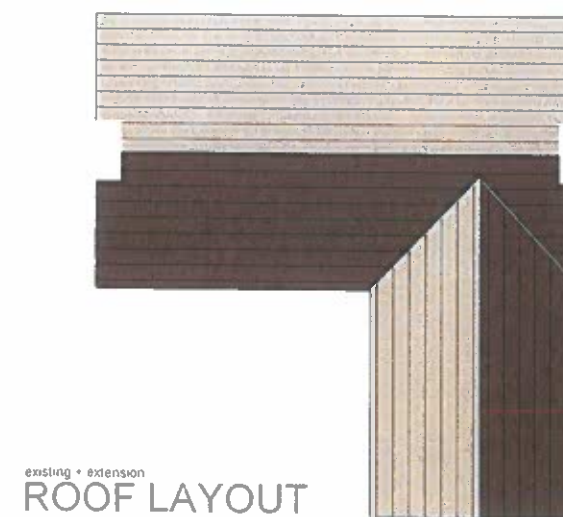
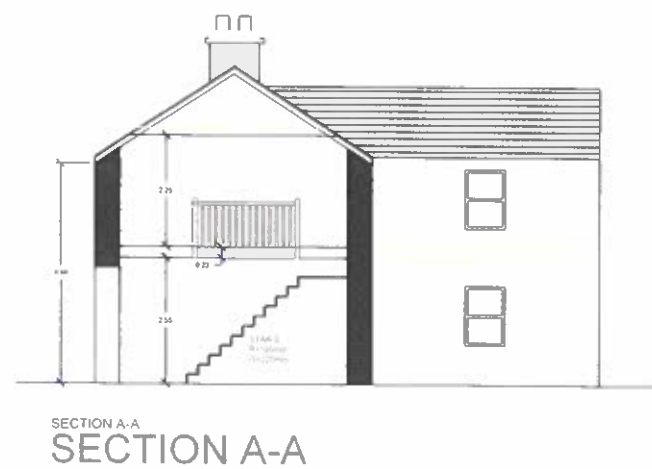
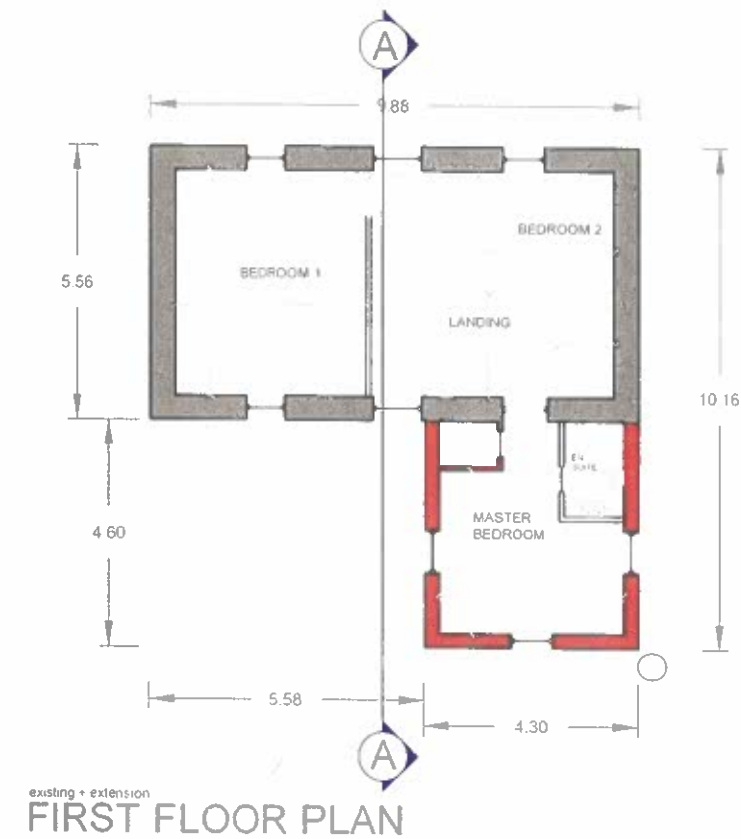
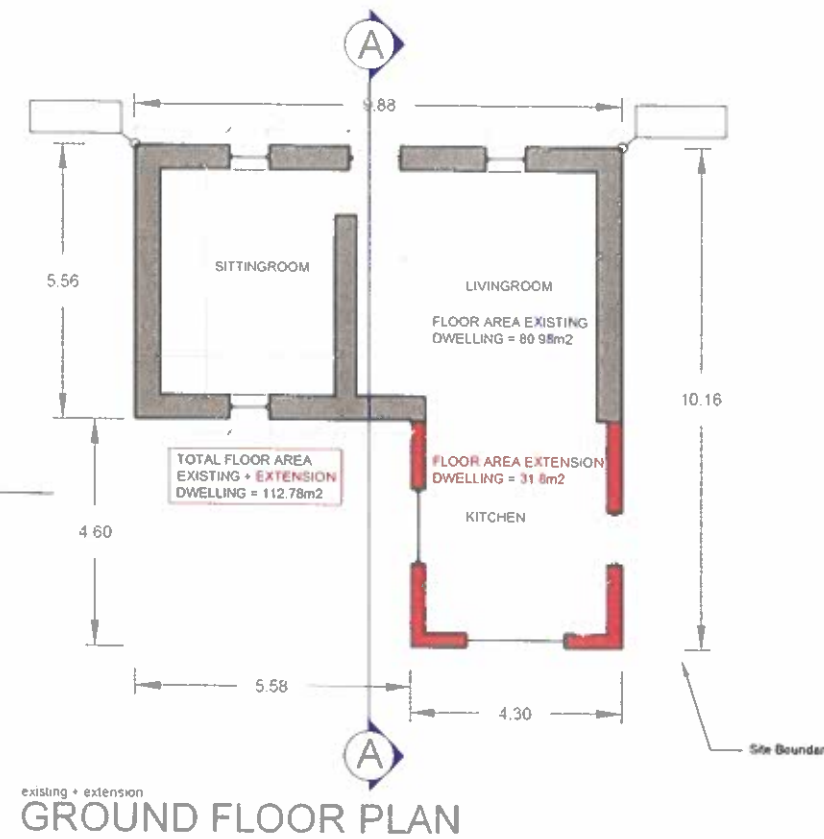


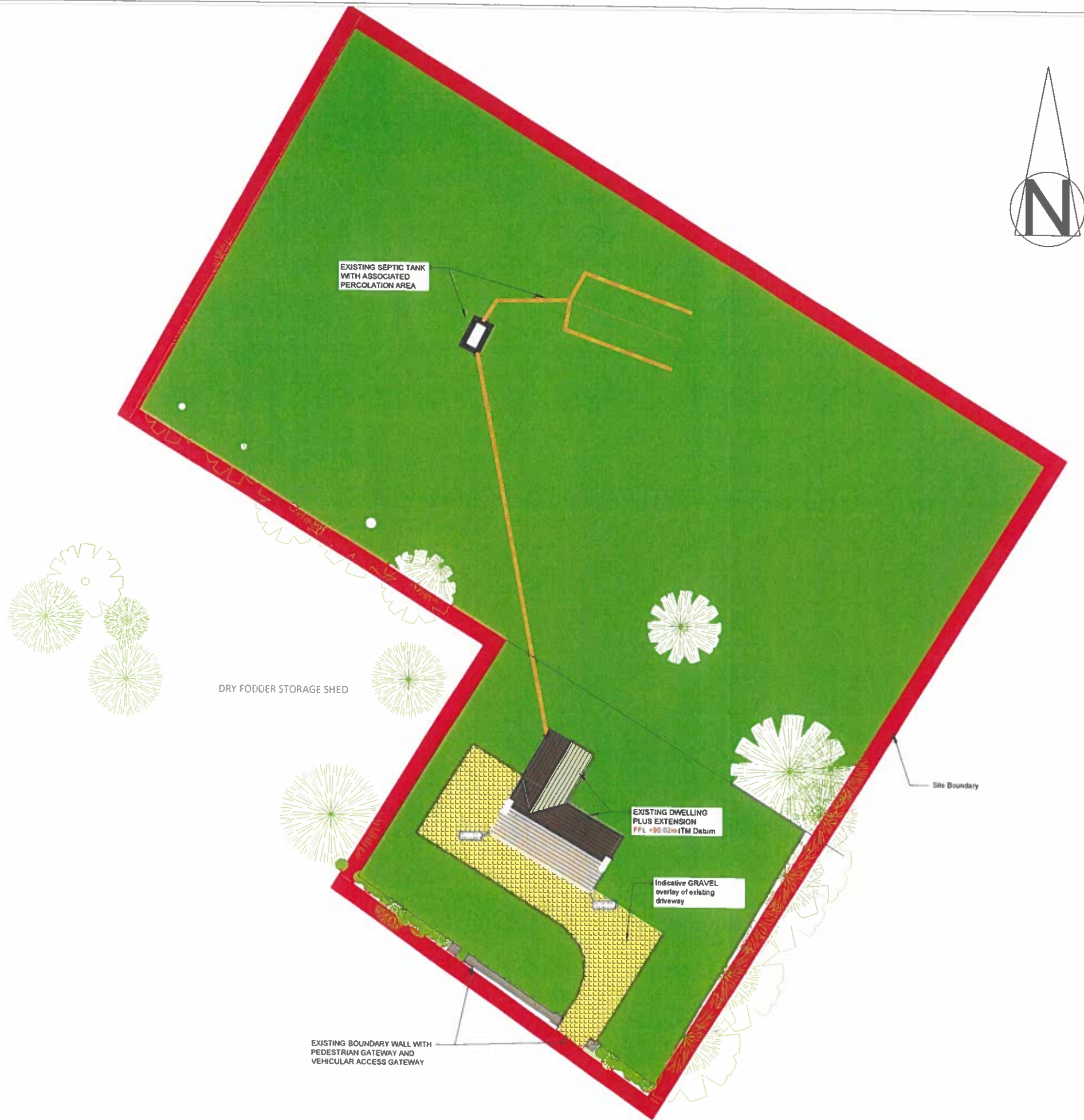
Date:

08-08-2023.

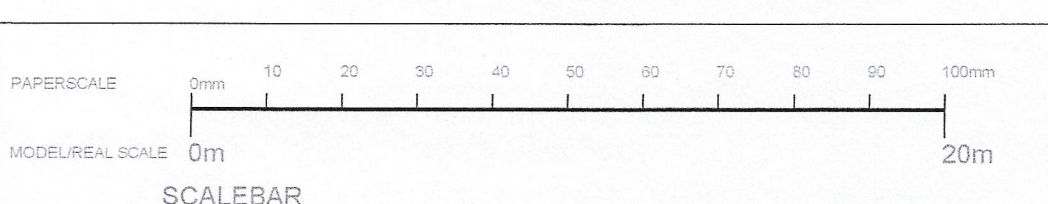
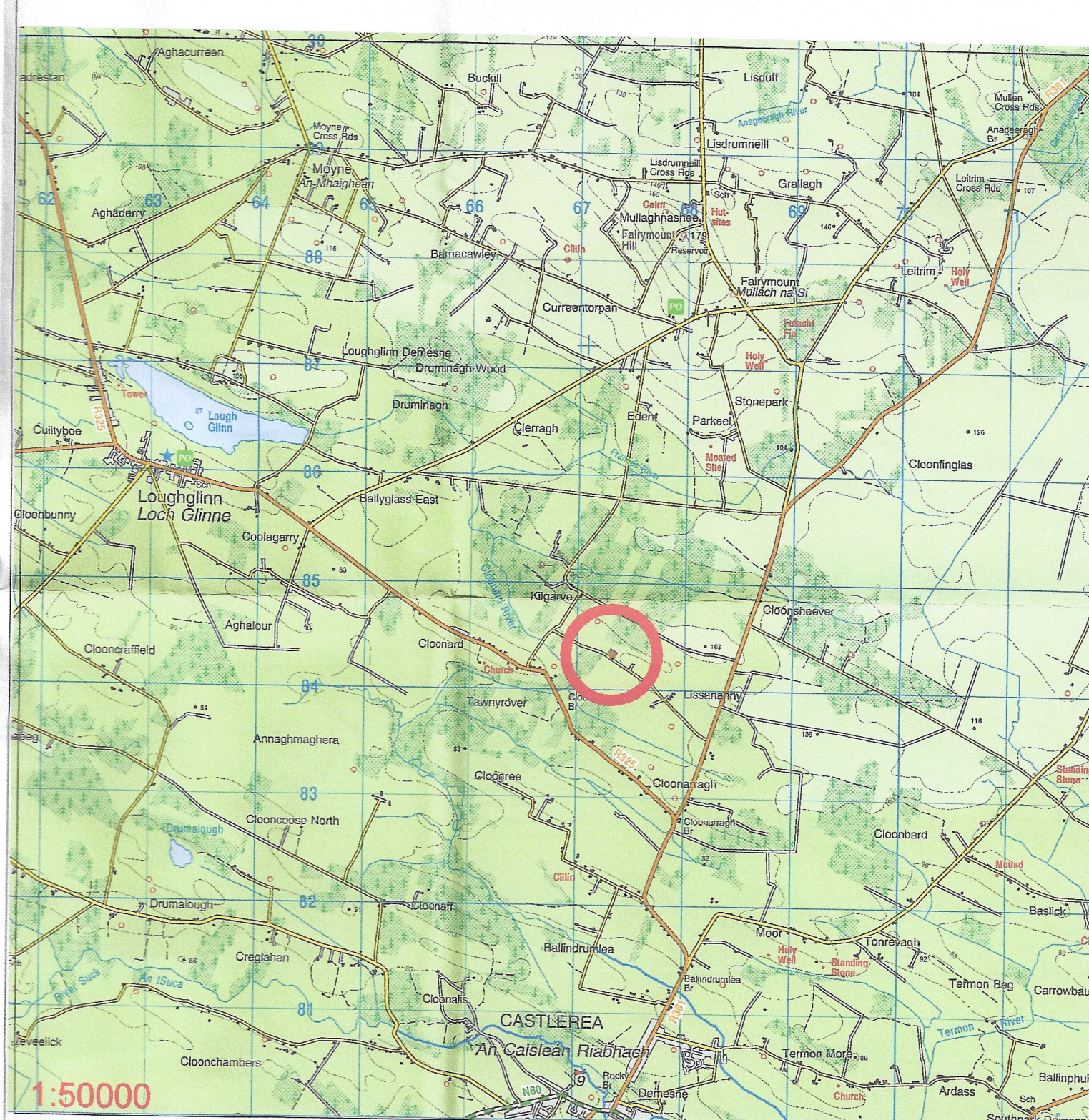
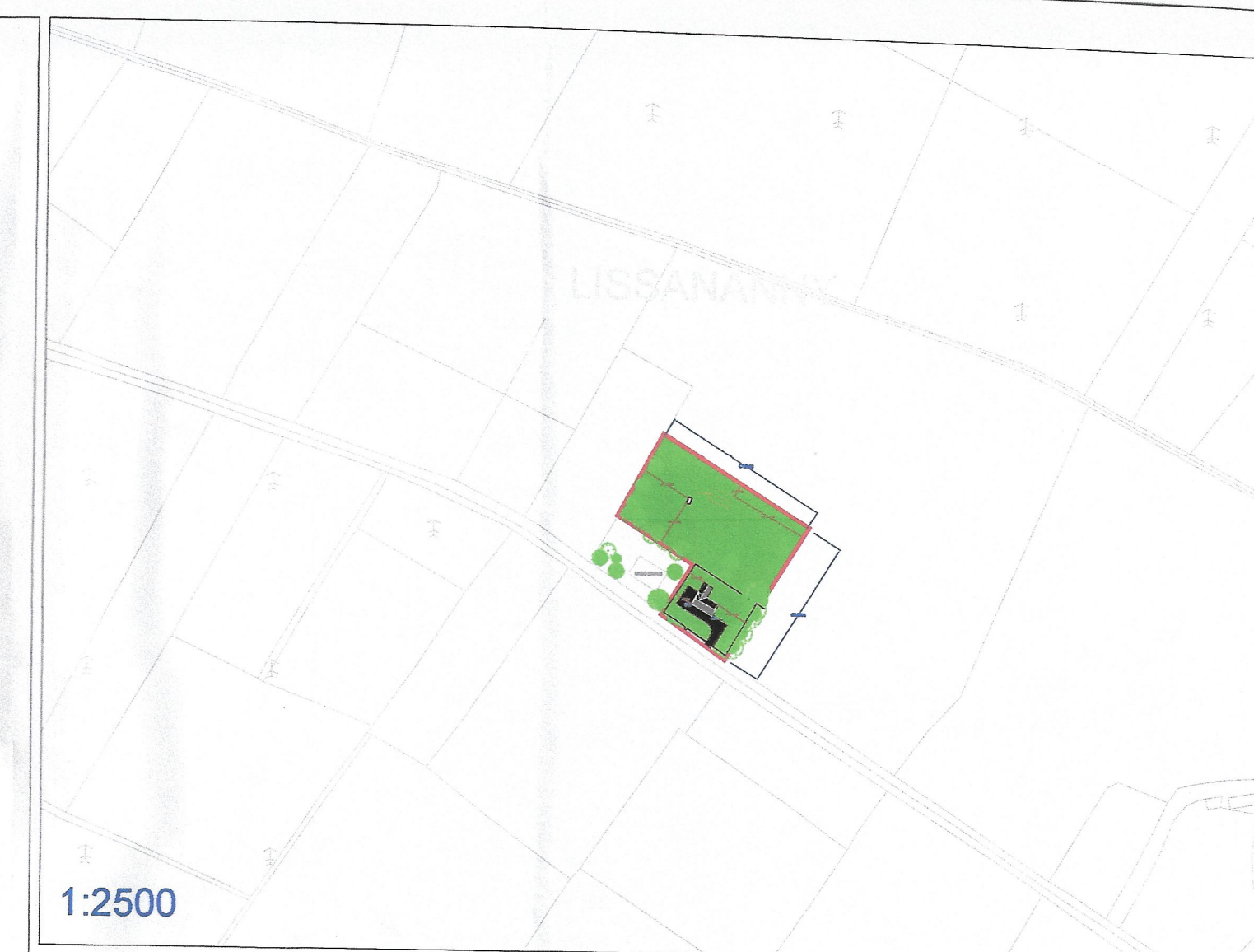
Note: This application must be accompanied by:-

- (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



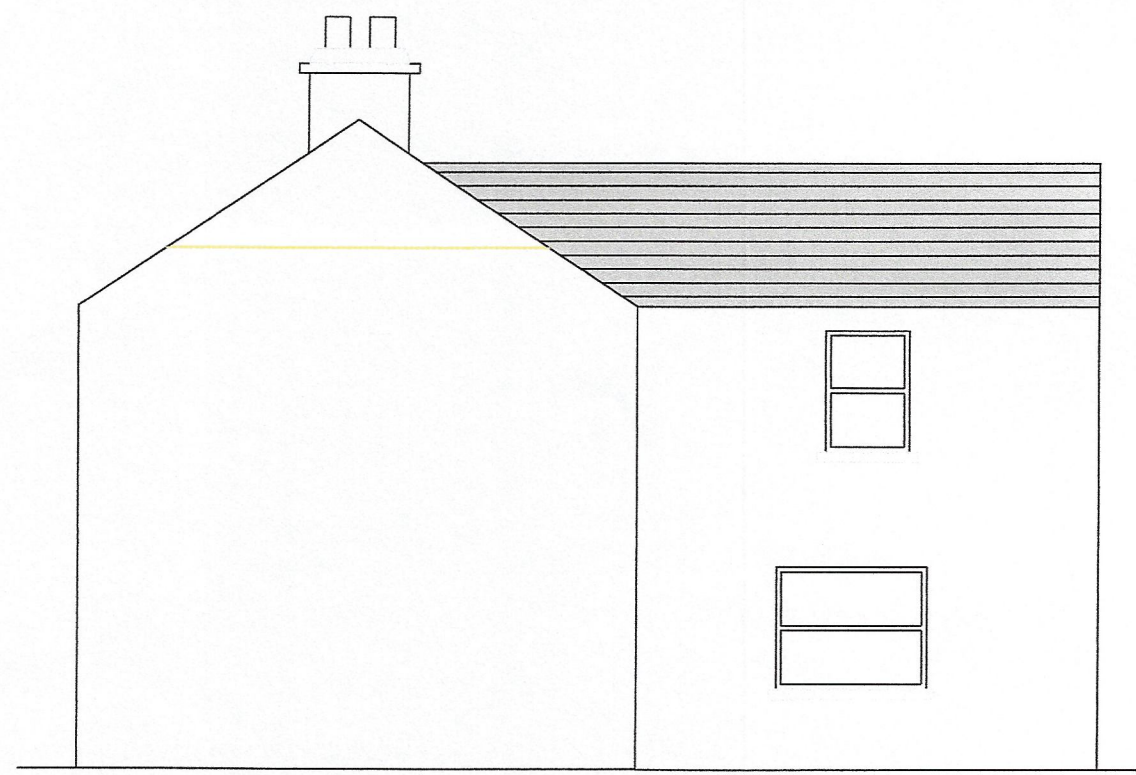


drawn by: JOHN FREEMAN
date: 26.07.2023 scale: various
project: Dwelling for Croi Conaithe grant submission at Lissananny, Castlerea
title: Site Layout Drawing



1:200

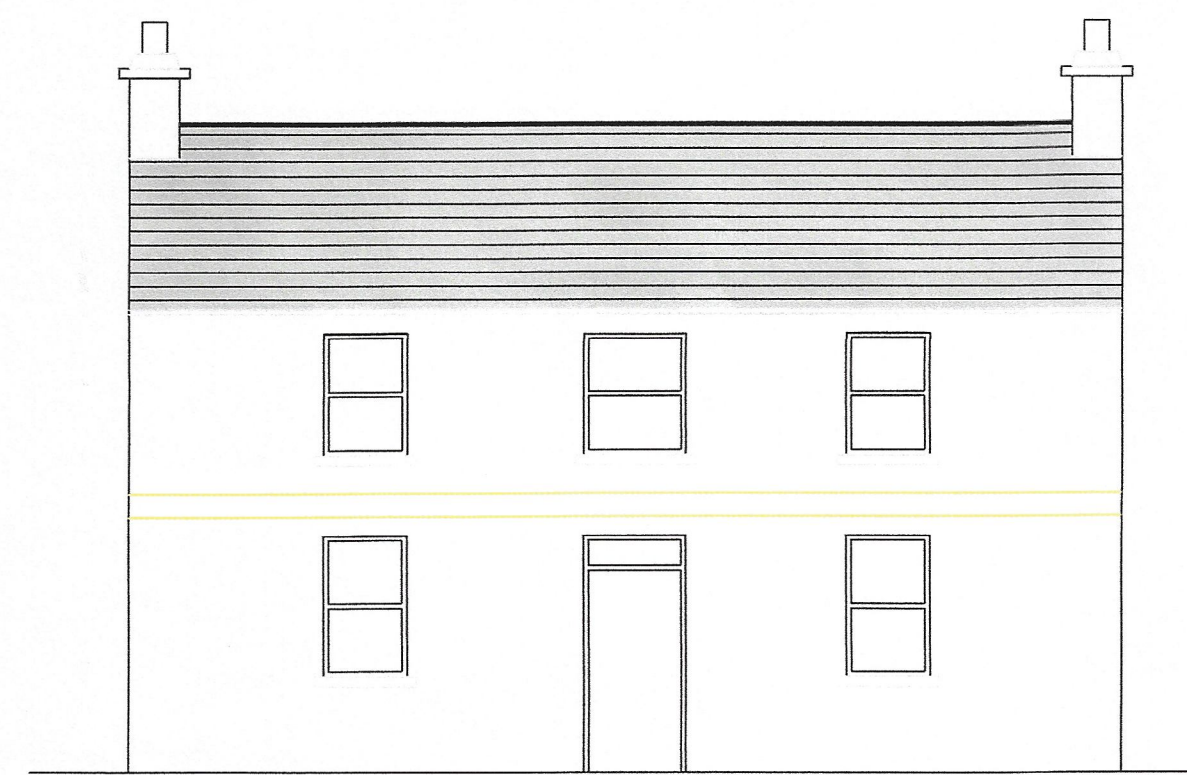
drawn by: JOHN FREEMAN
date: 26.07.2023 scale: 1:200 1:2500 1:10000 1:50000
project: Dwelling for Croi Conaithe grant submission at Lissananny, Castlere
title: Site Layout Drawing



SIDE ELEVATION existing + extension
SOUTH-EAST ELEVATION



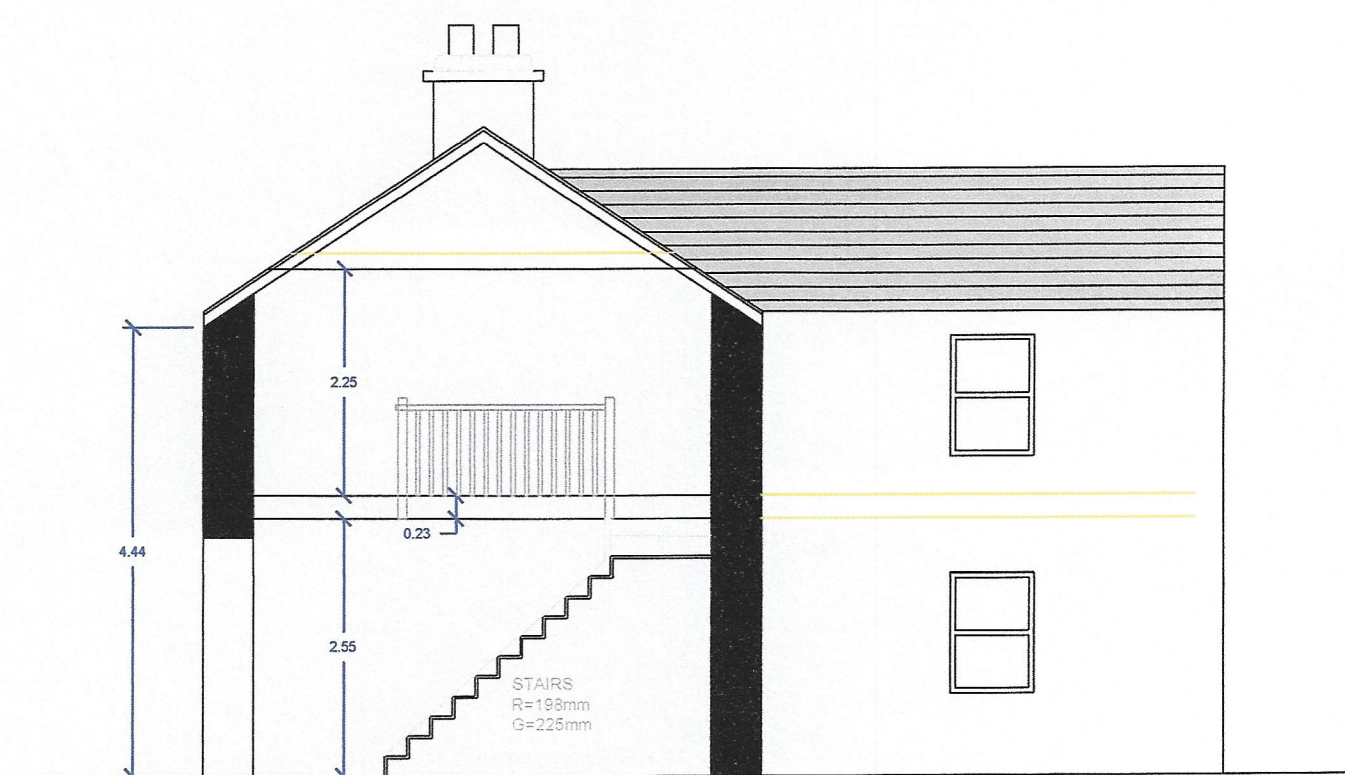
REAR ELEVATION existing + extension
SOUTH-EAST ELEVATION



FRONT ELEVATION
SOUTH-WEST ELEVATION

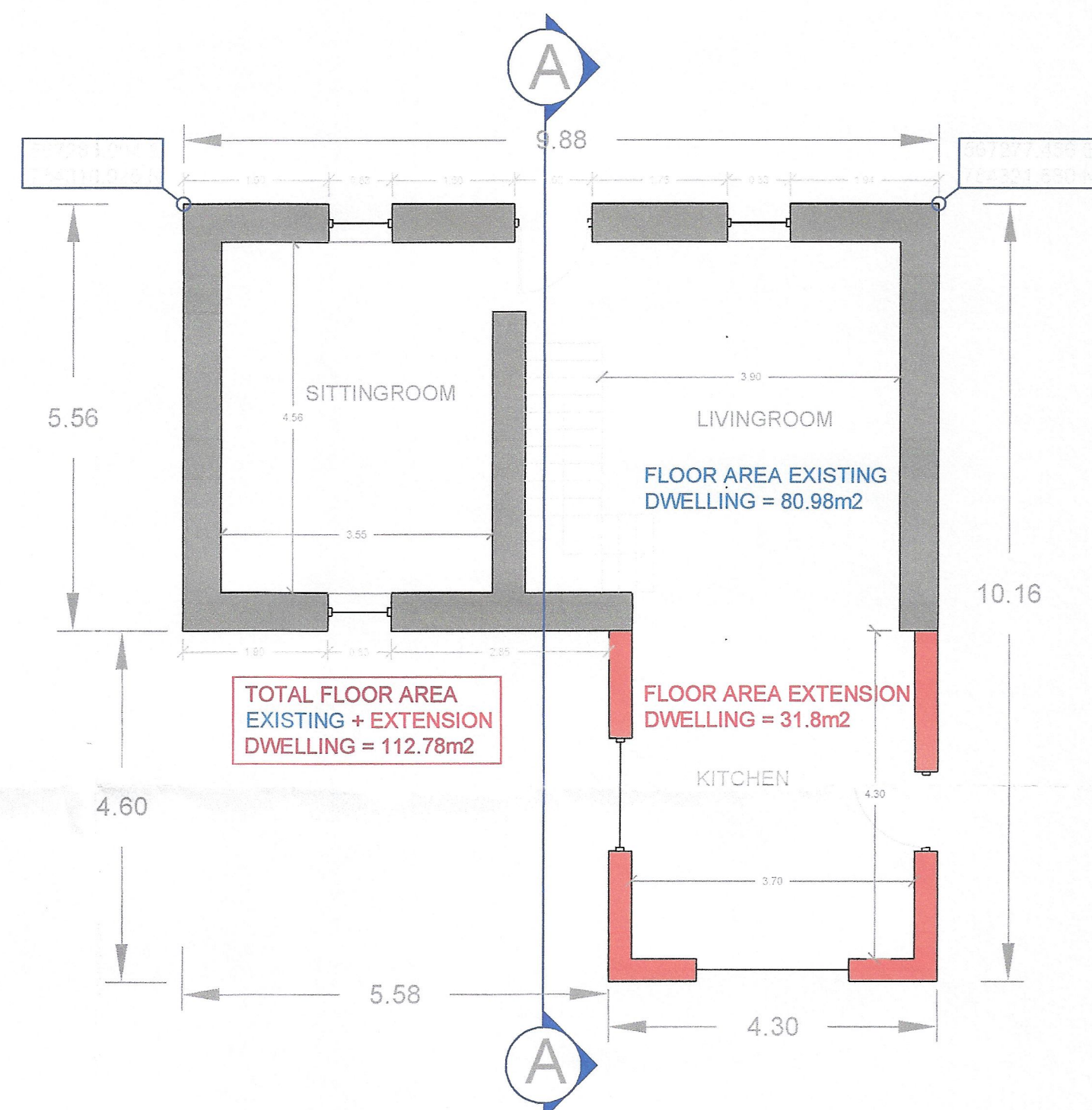


SIDE ELEVATION existing + extension
NORTH-WEST ELEVATION

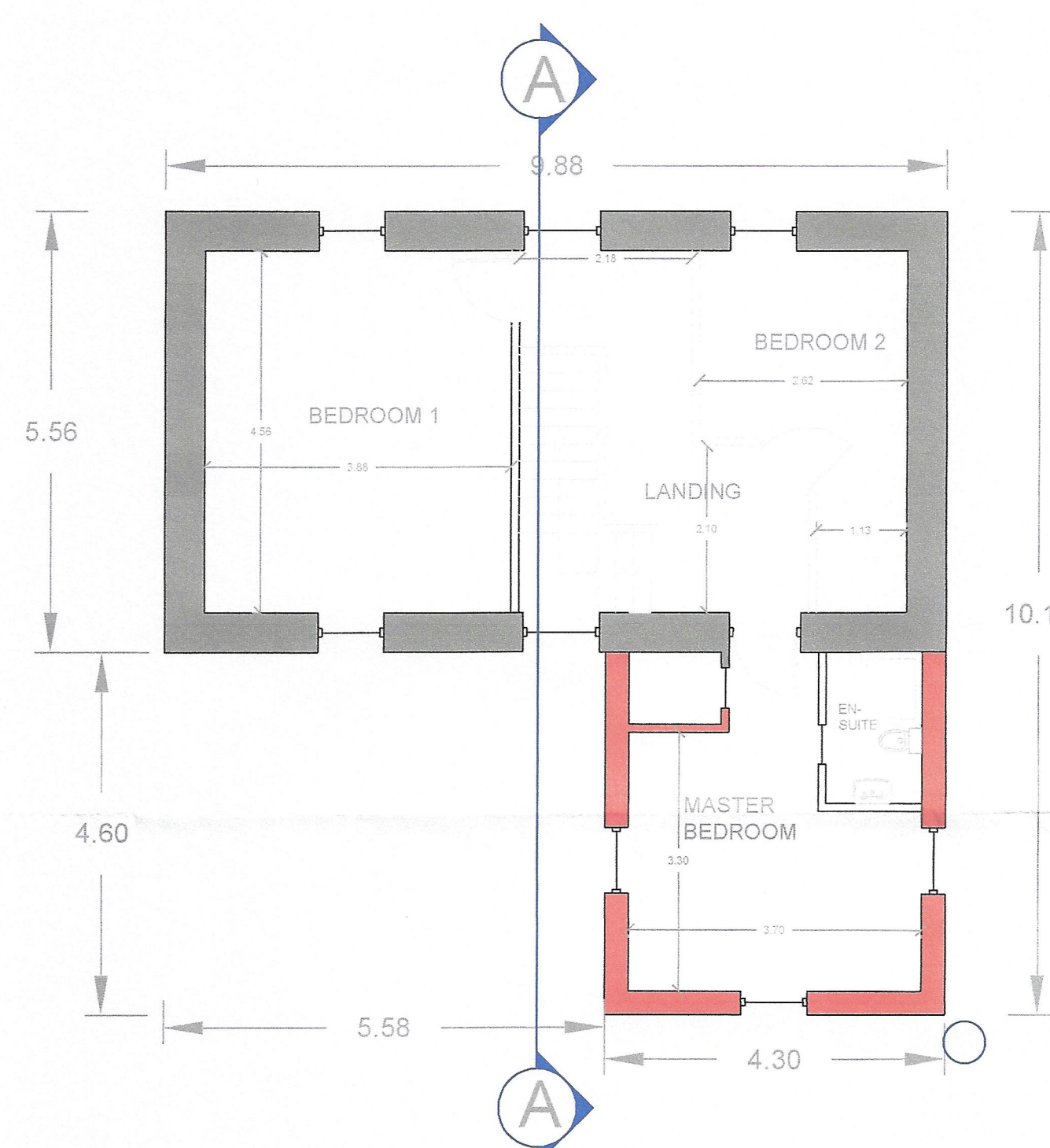


SECTION A-A
SECTION A-A

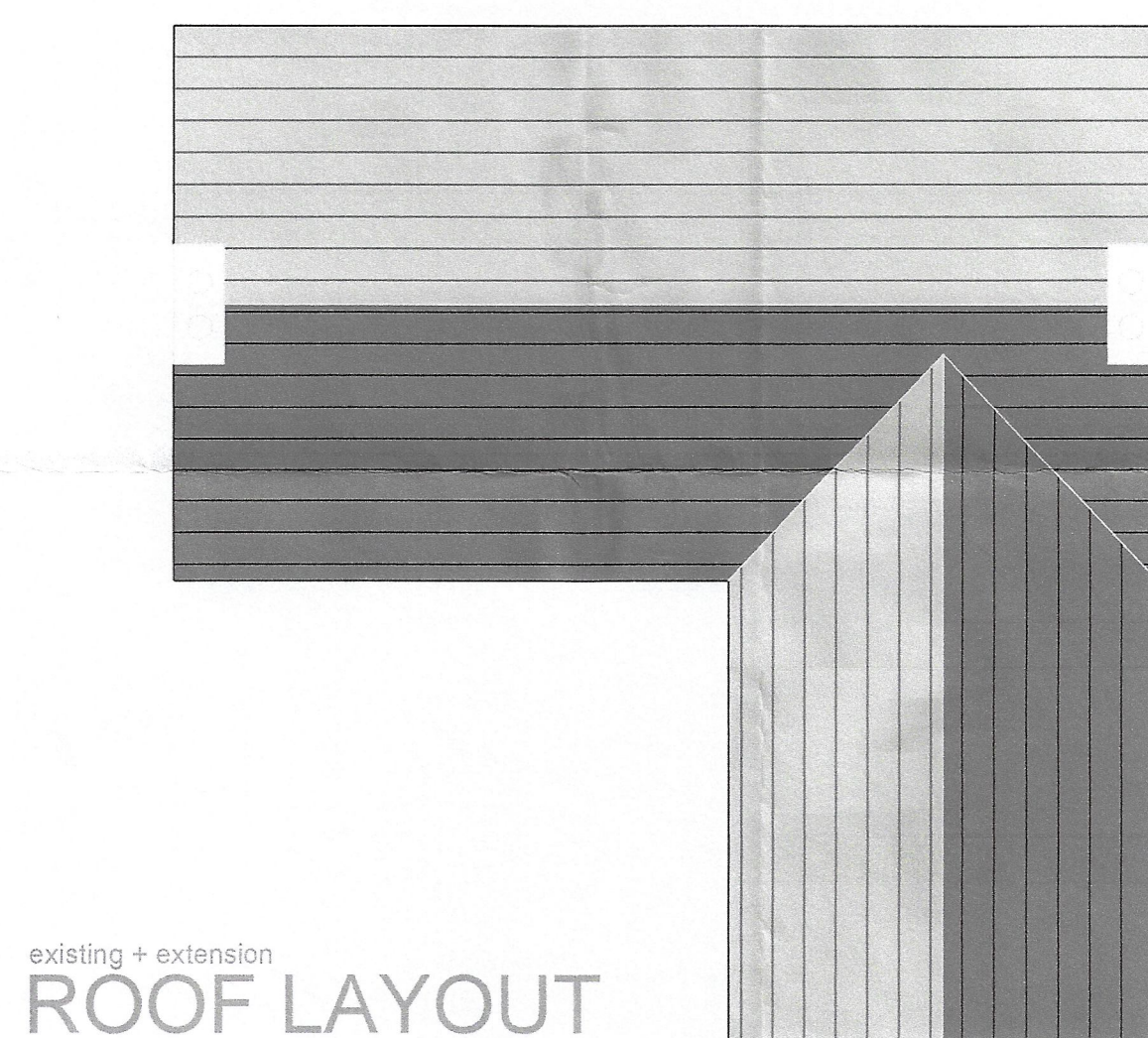
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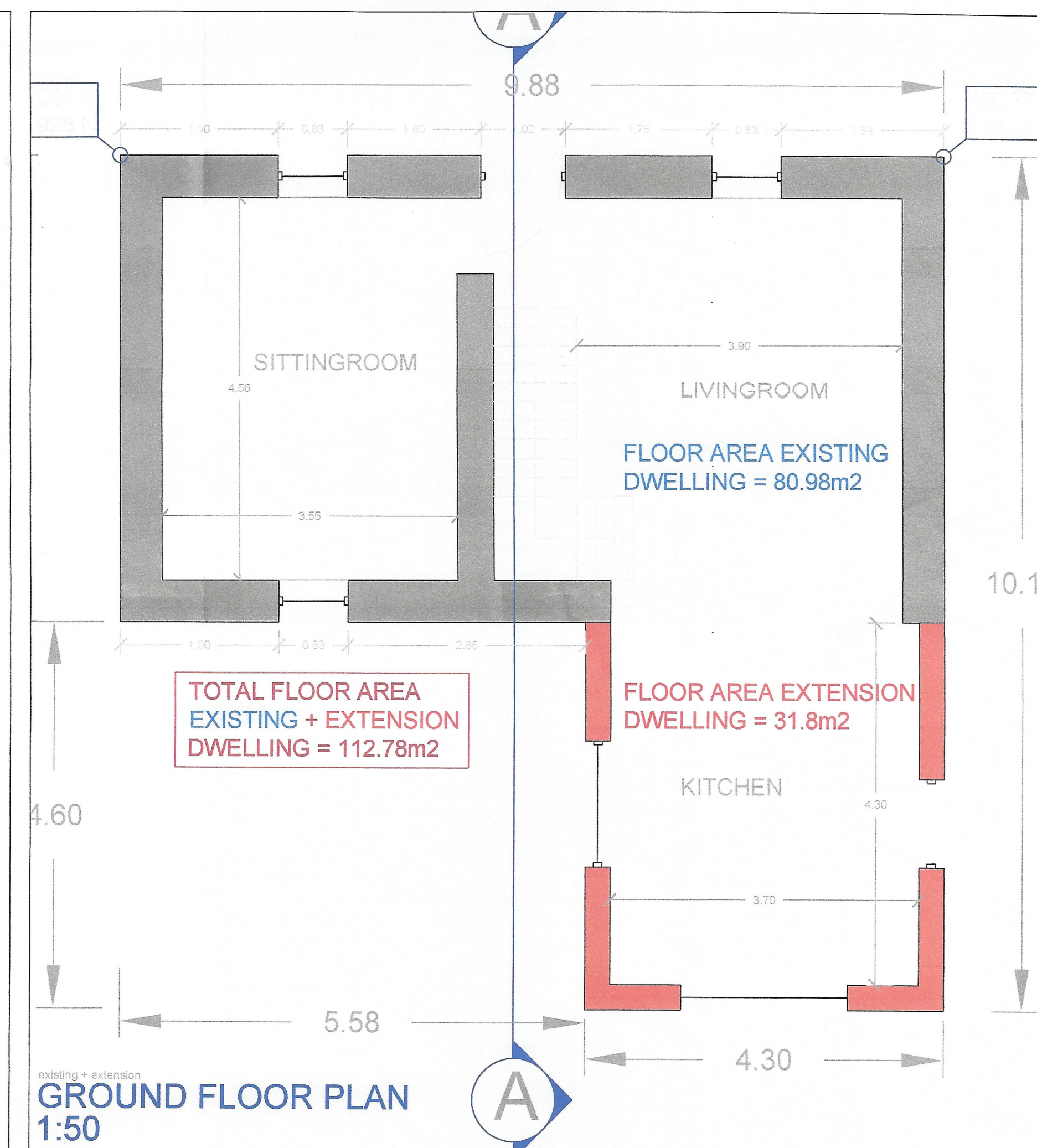
existing + extension
GROUND FLOOR PLAN



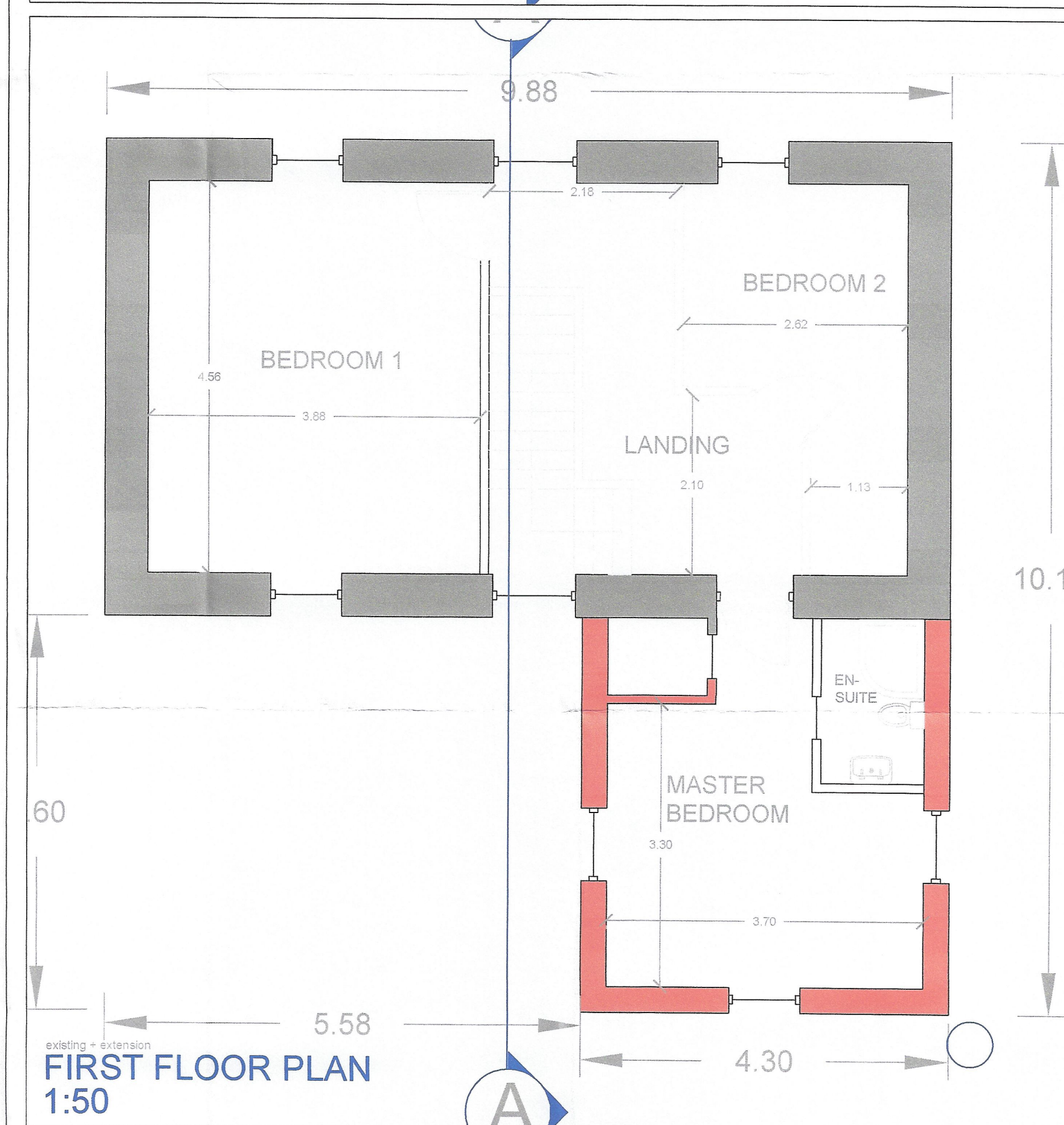
existing + extension
FIRST FLOOR PLAN



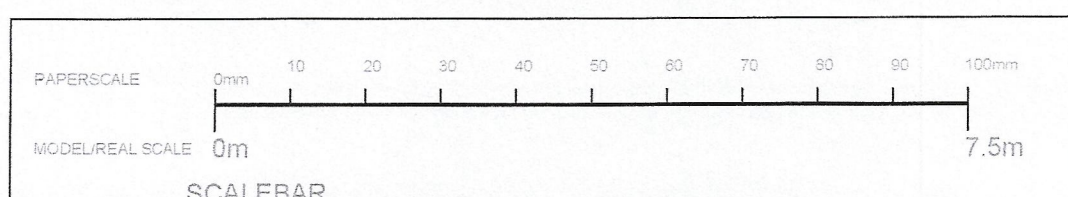
existing + extension
ROOF LAYOUT



existing + extension
GROUND FLOOR PLAN 1:50



existing + extension
FIRST FLOOR PLAN 1:50



1:75

drawn by: JOHN FREEMAN

date: 26.07.2023 scale: 1:75 (Main viewport) | 1:50 (2 number side panel vports)

project: Dwelling for Croi Conaithe grant submission at Lissananny, Castlerea

title: Floor Plans , Elevations, Section & Roof plan