

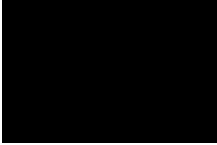
**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

John Farrell,



Reference Number: DED 599

Name of Applicant: John Farrell

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

WHEREAS a question has arisen as to whether the construction of a 40sq.m. extension to rear of existing cottage at Midgefield House, Midgefield, Strokestown, Co. Roscommon, F42 Y018, 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 and 50 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:

1. The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.
2. The proposed extension (39.9sqm) to the rear of existing dwelling is exempted development, as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.
3. The demolition of internal walls and those to facilitate new rear extension, re-tiling of existing roof with clay tiles or similar, and re-plastering of external walls with nap plaster is exempted development, as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.
4. The demolition of chimney is NOT exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.
5. The replacement of the existing windows from timber to uPVC is NOT 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 in respect of **the construction of a 40sq.m. extension to rear of existing cottage at Midgefield House, Midgefield, Strokestown, Co. Roscommon**, having regard to the definitions and exempted development provisions contained within the Planning and Development Act 2000 (as amended) and associated Regulations that the said works as detailed in **2 & 3 above constitute development that is exempted development** and that the said works as detailed in **4 & 5 above constitute development that is not exempted development**.

**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 and it may not be adequate and may be required to be upgraded in such circumstances planning permission would be required.

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**

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Signed on behalf of the Council:



Senior Executive Planner,  
Planning.

Date: 26<sup>th</sup> October, 2023.

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 599

**Development Description:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of a 40sq.m. extension to rear of existing cottage

**Name and Address of Applicant:** John Farrell, [REDACTED]  
[REDACTED]

**Date planning report 1 was prepared:** 05<sup>th</sup> September 2023

**Date planning report 2 was prepared:** 24<sup>th</sup> October 2023

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**Planning Report 1**

WHEREAS a question has arisen as to whether the construction of a 40sq.m. extension to rear of existing cottage at 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 and 50 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 Midgefield and is located c.5.4km south west of Strokestown and is served by the L-14237-0. A single storey cottage is situated on the subject site. There are no environmental on the subject site. It is noted that a protected structure, a farm building (site code: 02900761) adjoins the application site to the south.

The question raised in this Declaration of Exempted Development is whether the extension to rear of existing cottage at Midgefield, Strokestown, 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 the conservatory at rear of cottage, septic tank direct replacement for original unit 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><b>CLASS 1</b></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>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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>
<p>Class 50</p> <p>(a) The demolition of a building, or buildings, within the curtilage of—</p> <p>(i) a house,</p> <p>(ii) an industrial building,</p> <p>(iii) a business premises, or</p> <p>(iv) a farmyard complex.</p> <p>(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with</p>	<p>1. No such building or buildings shall abut on another building in separate ownership.</p> <p>2. The cumulative floor area of any such building, or buildings, shall not exceed:</p> <p>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</p> <p>(b) in all other cases, 100 square metres.</p> <p>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</p>

a permission for an extension or porch under the Act.	
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The question raised in this application of Declaration under Section 5 of Planning and Development Act 2000 relates to the construction of an extension to the rear of the existing dwelling house. It is stated that the gross floor area is 40m<sup>2</sup>. The internal dimensions stated are 4.9\*8.1= 39.69 sq.m. The external dimensions are stated to be 5.6 \* 8.5= 57.6sq.m. Clarification of the gross floor area was necessary.

From site inspection it was noted that there are two chimneys an old extension to the rear of the existing cottage which are not delineated on the plans and particulars submitted. Furthermore, on the floor plans it is demarcated that there is proposed to be a "new window opening" and "new window in the existing window opening" and on the front elevational drawing states "tiles or similar approved". The question posed does not relate to any of the works illustrated on the plans and particulars submitted with the applications. In the interests of clarity it is necessary to clarify the extent of works proposed.

Furthermore, it appears that there may be asbestos materials on the slates of the existing dwelling house. It is necessary clarify if this is the case by way of further information.

The applicant states that the extension will rely on the existing WWTP arrangements on the subject site, which may not be adequate, it is considered sufficient to attach an advisory note to make applicant aware of this matter.

#### **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 5.5km away from Annaghmore Lough (Roscommon) SAC. 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**

*It was recommended the following further information was requested:*

1. During the site inspection, it was noted that there are two chimneys and an old extension to the rear of the existing cottage which are not delineated on the plans and particulars submitted. Furthermore, the floor plans demarcate a "new window opening" and "new window in the existing window opening" and on the front elevational drawing states "tiles or similar approved". The question posed does not relate to any of the works illustrated on the plans and particulars submitted with the applications. Please submit the following:
  - a. Plans and particulars for the existing and proposed.
  - b. Clarify the exact extent of works proposed to take place to the dwelling house.
2. Please confirm that the slates on the roof are asbestos free.
3. Please confirm the gross floor area of the proposed extension.

## **Planning Report 2- Planning Assessment following receipt of Further Information**

Further information requested: 06<sup>th</sup> September 2023

Further information response received: 17<sup>th</sup> October 2023

### **Assessment of further information received:**

#### **FI Point 1**

Revised plans and particulars have been submitted, it is stated in the cover letter that the existing plans and particulars were submitted. It is proposed to remove one chimney and reflow the second chimney. I consider the proposed demolition of the second chimney will materially alter the character of the structure, therefore it is **not** exempted development.

It is proposed to replace the existing timber windows to uPVC and I consider that this will materially alter the character of the structure, therefore it is **not** exempted development.

Furthermore, it is noted that the applicant proposes to retile the roof, with tiles or a similar materials, and one new window to be inserted into the rear gable to the south west of the new extension, along with demolition of internal walls. From reviewing Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) it is considered that these works (i.e. retile the roof with clay tiles or a similar material, nsp plaster finish to the external walls and demolition of internal walls) to be exempted development.

Further works include the rear extension to be demolished, which are considered to be exempted development Class 50(b) of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

#### **FI Point 2**

The cover letter states that there are clay tiles on the roof and there is no asbestos on them.

#### **FI Point 3**

The gross floor area has been confirmed to be 39.9sq.m. It is considered that this is under the threshold of Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, (as amended).

### **Recommendation**

WHEREAS a question has arisen as to whether the construction of a 40sq.m. extension to rear of existing cottage at 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 and 50 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**

- a) The works are development.
- b) The proposed extension (39.9sqm) to the rear of existing dwelling is exempted development.
- c) The demolition of internal walls and those to facilitate new rear extension, re-tiling of existing roof with clay tiles or similar, and re-plastering of external walls with nap plaster is exempted development.
- d) The demolition of chimney is not exempted development.
- e) The replacement of the existing windows from timber to uPVC is not exempted development.

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 and it may not be adequate and may be required to be upgraded in such circumstances planning permission would be required.

Signed:   
Assistant Planner

Date: 25th October 2023





Planning Dept,  
Roscommon Co.Co.  
Aras An Chontae,  
Roscommon.

Ref: DED 599 for Property at Midgefield, Strokestown, Co. Roscommon F42 Y018.

1) During the site inspection, it was noted that there are two chimneys and an old extension to the rear of the existing cottage which are not delineated on the plans and particulars submitted. Furthermore, the floor plans demarcate a "new window opening" and "new window in the existing window opening" and on the front elevational drawing states "tiles or similar approved". The question posed does not relate to any of the works illustrated on the plans and particulars submitted with the applications. Please submit the following:

- a. Plans and particulars for the existing and proposed.
- b. Clarify the exact extent of works proposed to take place to the dwelling house.

**See enclosed full drawings with existing and proposed plans**

2. Please confirm that the slates on the roof are asbestos free.

**There are clay tiles on the roof and there is no asbestos in these.**

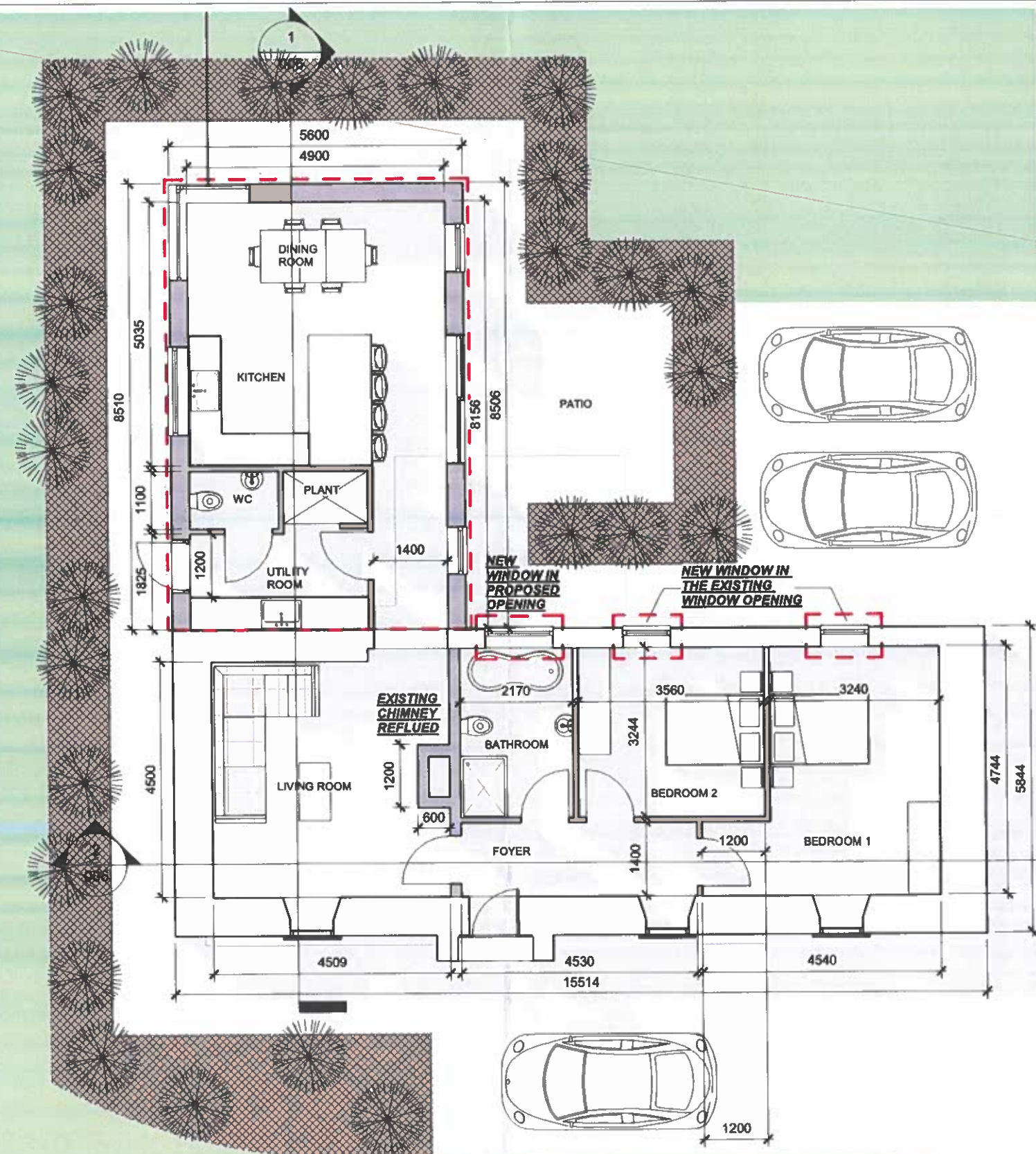
3. Please confirm the gross floor area of the proposed extension.

**Floor area of the extension is 39.9 sq.m.**

Regards

James Lohan BEng MIEI

16-10-2023



EXISTING FLOOR AREA - 65M<sup>2</sup>  
PROPOSED EXTENSION AREA - 40M<sup>2</sup>  

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PROPOSED GROSS FLOOR AREA - 105M<sup>2</sup>



STATUS KEY: SK SKETCH      PR      FT FOR      FC FOR      SS

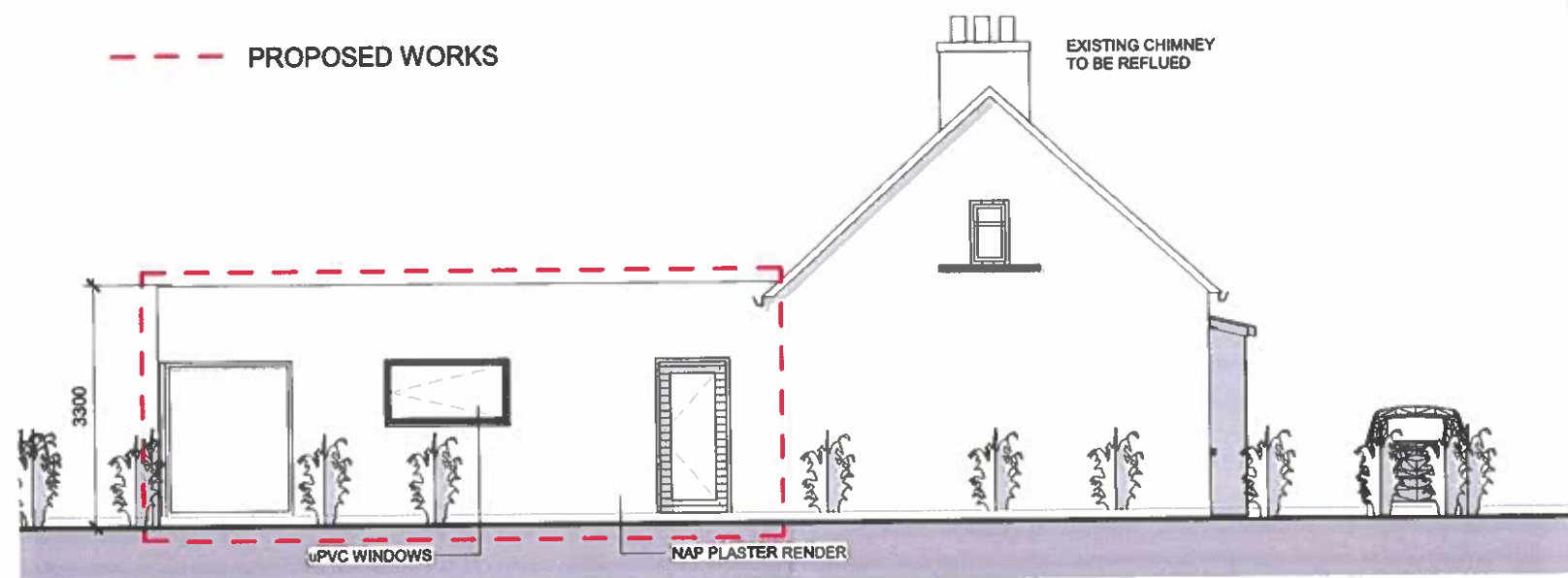
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CLIENT		JOB	JOB No	DATE
JOHN FARRELL		EXTENSION UNDER 40 MSQ	23-276-SK	02-08-2023
SITE		DRAWING	ORA No	SLV
MIDGEFIELD, STROKES TOWN, CO. ROSCOMMON, E42 Y018		GROUND FLOOR PLAN	002	
			SCALE	1:100
			DRAWN BY: ELM	







EXISTING CHIMNEY TO BE REFLUED

PROPOSED WORKS

NAP PLASTER RENDER

UPVC WINDOWS

The drawing shows a side elevation of a house. On the left is an existing chimney with three pots, labeled 'EXISTING CHIMNEY TO BE REFLUED'. The main part of the house has a gabled roof and a wall labeled 'NAP PLASTER RENDER'. To the right, a section of the house is outlined with a red dashed line, labeled 'PROPOSED WORKS'. This section includes a wall labeled 'UPVC WINDOWS' and a large window. There are two small trees in front of the house, one to the left of the chimney and one to the right of the proposed works section.

**2 Side Elevation (EAST)**  
1 : 100

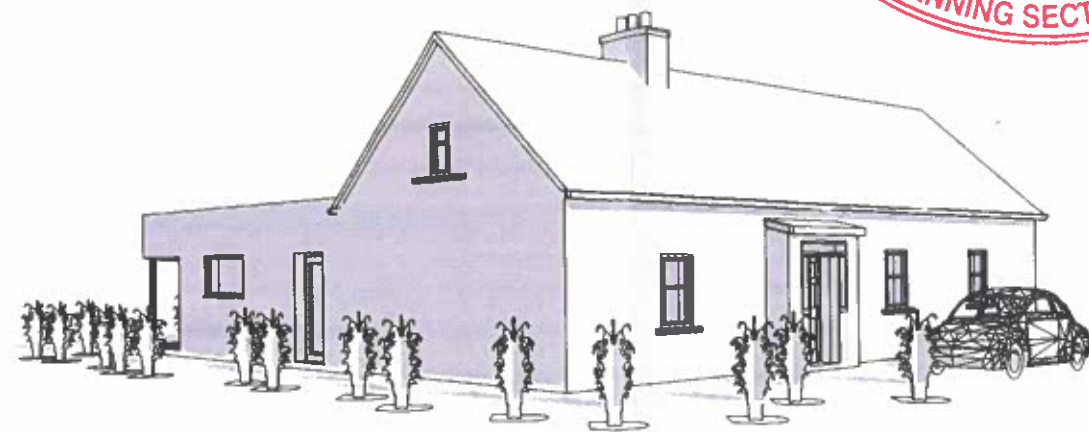


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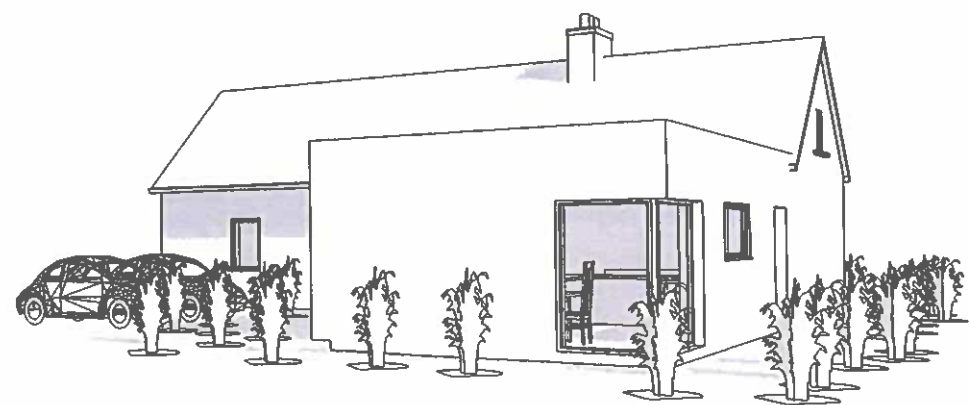
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 Td:099 6434385

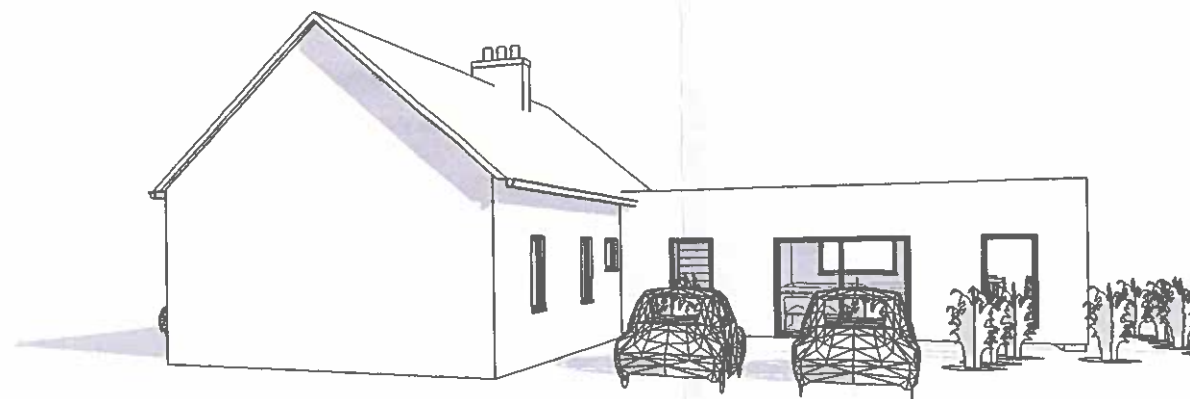
CLIENT		JOB	JOB No	DATE
JOHN FARRELL		EXTENSION UNDER 40 MSQ	23-276-SK	02-08-2023
SITE	DRAWING	DWG No	REV	
MIDGEFIELD, STROKESTOWN, CO. ROSCOMMON, E42 Y01B	SIDE ELEVATIONS	004	SCALE 1:100	DRAWN BY: ELIALLY



## 2 3D View 2



### 3 3D View 3



#### 4 3D View 4



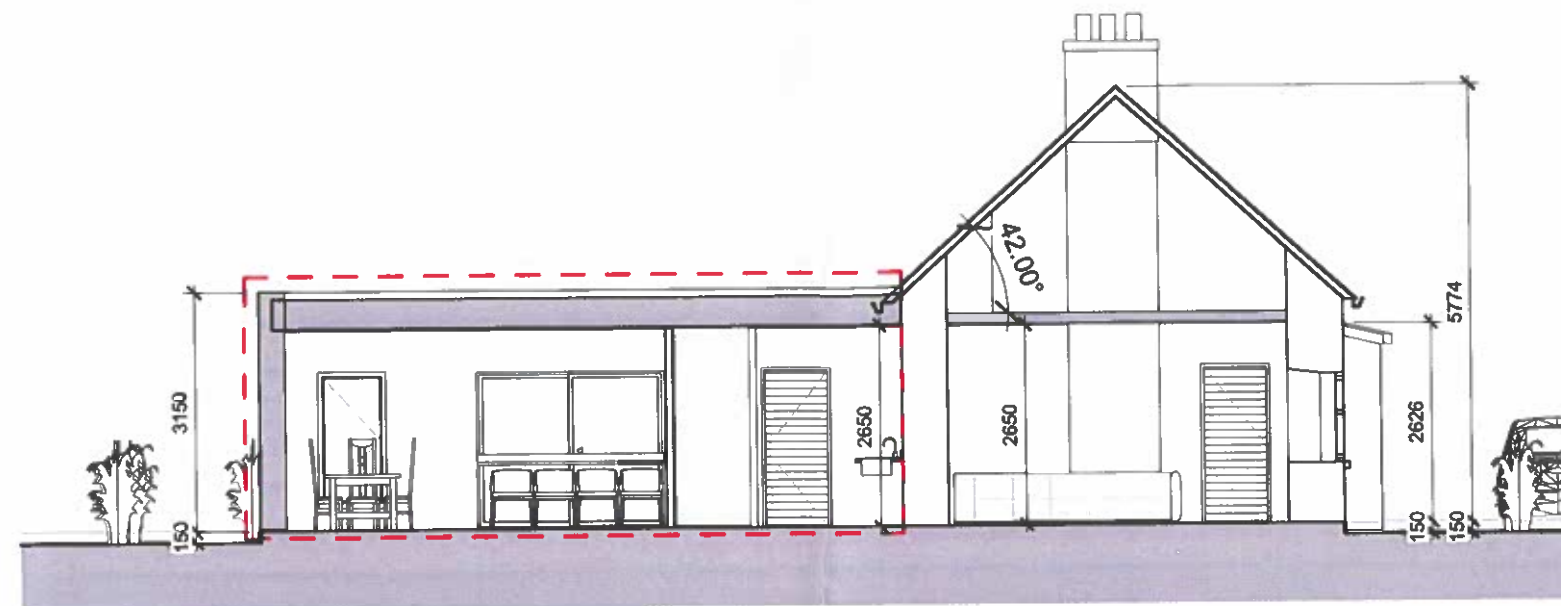
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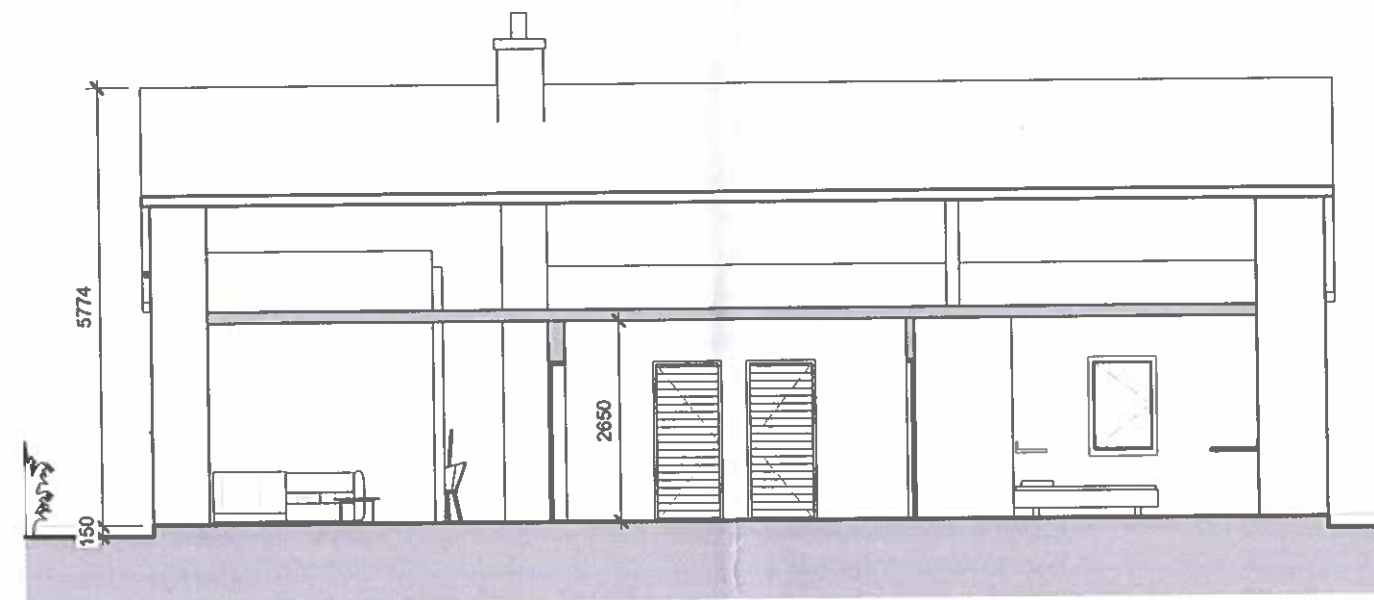
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SITE	MIDGEFIELD, STROKESTOWN, CO. ROSCOMMON, F42 Y018	DRAWING	3D VIEWS	DWG No	005	REV	
				SCALE	N/A	DEVISION BY:	ELAN



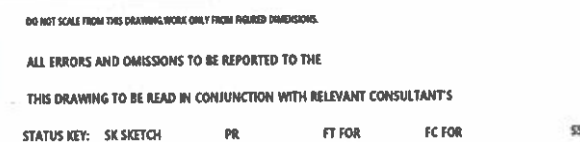


# 1 Section 1

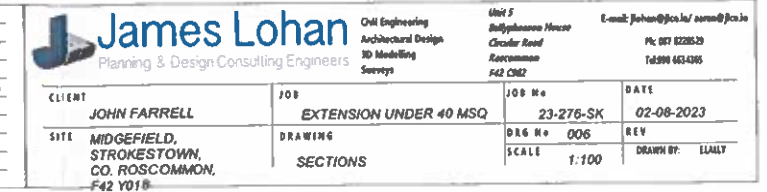
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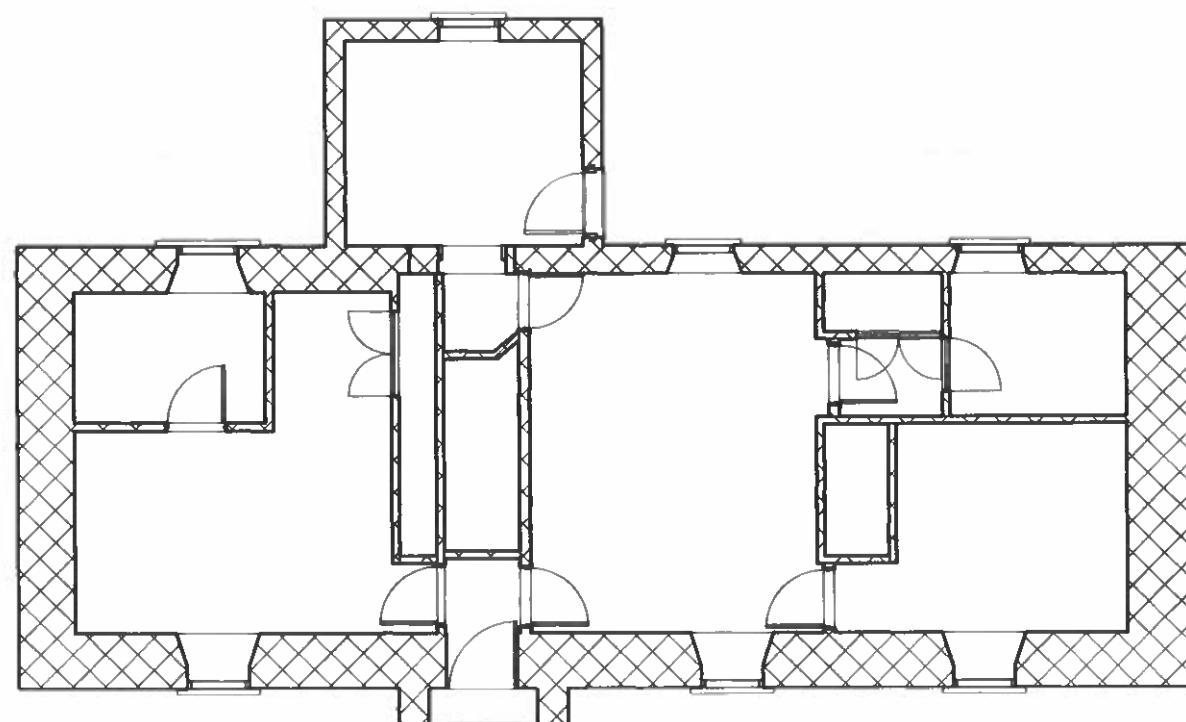


**2** **Section 2**  
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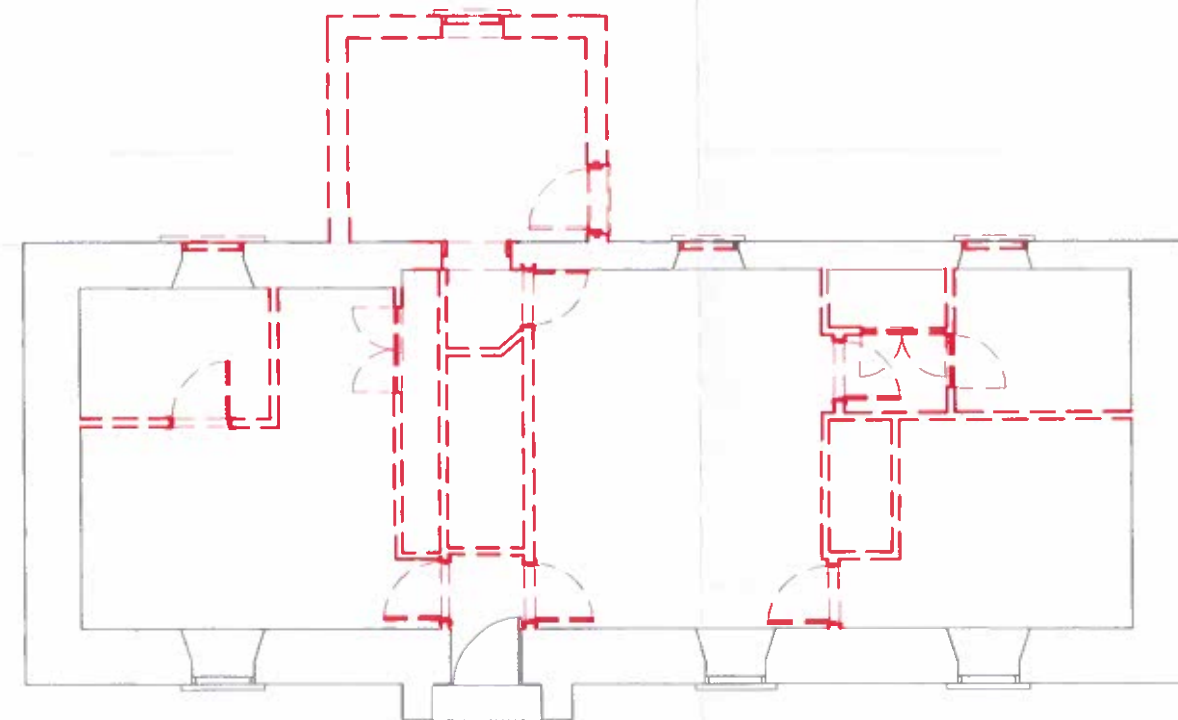


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# 1 EXISTING FLOOR PLAN



## 2 DEMO WORKS



5

[illegible]

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DRG No.	007	REV	
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**From:** Planning Department  
**Sent:** Wednesday 6 September 2023 11:44  
**To:** james@jlce.ie  
**Subject:** Planning Ref. DED 599 - Request for further information  
**Attachments:** DED 599 FI Request Letter.pdf

A Chara

Please find attached, letter dated 6<sup>th</sup> September 2023, requesting the submission of further information in respect of a declaration under Section 5 of the Planning and Development Act 2000 (as amended), ref. No. DED599.

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 request for further information 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](mailto:planningenforcement@roscommoncoco.ie)  
🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)



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*



**REGISTERED POST**

John Farrell,

Date: 06/09/2023

Planning Reference: DED 599

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 the construction of a 40sq.m. extension to rear of existing cottage at Midgefield House, Midgefield, Strokestown, Co. Roscommon F42 Y018 is or is not development and is or is not exempted development.

\*\*\*\*\*

A Chara,

Further to your application received on the 11<sup>th</sup> August, 2023 and in order for the Planning Authority to determine as to whether the construction of a 40sq. extension to rear of existing cottage at Midgefield House, Midgefield, Strokestown, Co. Roscommon F42 Y018 is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. During the site inspection, it was noted that there are two chimneys and an old extension to the rear of the existing cottage which are not delineated on the plans and particulars submitted. Furthermore, the floor plans demarcate a "new window opening" and "new window in the existing window opening" and on the front elevational drawing states "tiles or similar approved". The question posed does not relate to any of the works illustrated on the plans and particulars submitted with the applications. Please submit the following:
  - a. Plans and particulars for the existing and proposed.
  - b. Clarify the exact extent of works proposed to take place to the dwelling house.
2. Please confirm that the slates on the roof are asbestos free.
3. Please confirm the gross floor area of the proposed extension.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number DED 599.

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

Mise le meas,

*Tracy Davis*

Senior Executive Planner, Planning.

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 599

**Development Description:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of a 40sq.m. extension to rear of existing cottage

**Name and Address of Applicant:** John Farrell, [REDACTED]  
[REDACTED]

**Date:** 05<sup>th</sup> September 2023

---

WHEREAS a question has arisen as to whether the construction of a 40sq.m. extension to rear of existing cottage at 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

**Site Location & Development Description**

The subject site is located in the rural townland of Midgefield and is located c.5.4km south west of Strokestown and is served by the L-14237-0. A single storey cottage is situated on the subject site. There are no environmental <sup>designations</sup> on the subject site. It is noted that a protected structure, a farm building (site code: 02900761) adjoins the application site to the south.

The question raised in this Declaration of Exempted Development is whether the extension to rear of existing cottage at Midgefield, Strokestown, 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 the conservatory at rear of cottage, septic tank direct replacement for original unit 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
<i>Development within the curtilage of a house</i>  CLASS 1  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>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level,</p>

	<p>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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<p><b>Class 50</b></p> <p>(a) The demolition of a building, or buildings, within the curtilage of—</p> <p>(i) a house,</p> <p>(ii) an industrial building,</p> <p>(iii) a business premises, or</p> <p>(iv) a farmyard complex.</p> <p>(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.</p>	<p>1. No such building or buildings shall abut on another building in separate ownership.</p> <p>2. The cumulative floor area of any such building, or buildings, shall not exceed:</p> <p>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</p> <p>(b) in all other cases, 100 square metres.</p> <p>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</p>
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The question raised in this application of Declaration under Section 5 of Planning and Development Act 2000 relates to the construction of an extension to the rear of the existing dwelling house. It is stated that the gross floor area is 40m<sup>2</sup>. The internal dimensions stated are 4.9\*8.1= 39.69 sq.m. The external dimensions are stated to be 5.6 \* 8.5= 47.6sq.m. Clarification of the gross floor area is necessary.

From site inspection it was noted that there are two chimneys <sup>and</sup> an old extension to the rear of the existing cottage which are not delineated on the plans and particulars submitted. Furthermore, on the floor plans it is demarcated that there is proposed to be a "new window opening" and "new window in the existing window opening" and on the front elevational drawing states "tiles or similar approved". The question posed does not relate to any of the works illustrated on the plans and particulars submitted with the applications. In the interests of clarity it is necessary to clarify the extent of works proposed.

Furthermore, ~~it appears that~~ <sup>to</sup> there may be asbestos materials on the slates of the existing dwelling house. It is necessary to clarify if this is the case by way of further information.

The applicant states that the extension will rely on the existing WWTP arrangements on the subject site, which may not be adequate, it is considered sufficient to attach an advisory note to make applicant aware of this matter. <sup>the</sup>

#### **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 5.5km away from Annaghmore Lough (Roscommon) SAC. 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

It is recommended the following further information is requested:

- During the*
1. ~~From conducting a~~ site inspection, it was noted that there are two chimneys <sup>*and*</sup> an old extension to the rear of the existing cottage which are not delineated on the plans and particulars submitted. Furthermore, the floor plans demarcate a "new window opening" and "new window in the existing window opening" and on the front elevational drawing states "tiles or similar approved". The question posed does not relate to any of the works illustrated on the plans and particulars submitted with the applications. Please submit the following:
    - a. ~~Please submit~~ plans and particulars for the existing and proposed.
    - b. ~~Please~~ Clarify the exact extent of works proposed to place <sup>*tile*</sup> to the dwelling house.
  2. Please ~~submit confirmation that there is no asbestos materials on the slates of the existing dwelling house.~~ *that the slates on the roof are asbestos free*
  3. Please confirm the gross floor area of the proposed extension.

Signed: *Karen Durneary*  
Assistant Planner

Date: 05th September 2023

DED599

Date of Site Visit: 24th August 2023















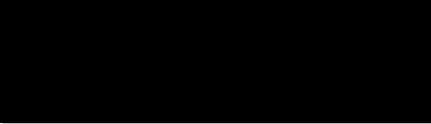




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



John Farrell,



Date: 17<sup>th</sup> August, 2023.

Planning Reference: DED 599

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

Development: Construction of a 40sq.m. extension to rear of existing cottage at Midgefield House, Midgefield, Strokestown, Co. Roscommon F42 Y018.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 11<sup>th</sup> 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. **L01/0/224130** dated 15<sup>th</sup> August, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 599**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

*Tracy Davis*

Tracy Davis,  
Senior Executive Planner,  
Planning Department.

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

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

15/08/2023 14:44:10

Receipt No : L01/0/224130

JOHN FARRELL  
C/O JAMES LOHAN CONSULTING ENGINEERS  
UNIT 5 BALLYPHEASON HOUSE  
CIRCULAR ROAD  
ROSCOMMON

PLANNING APPLICATION FEES        80 00  
GOODS                                80 00  
VAT Exempt/Non-vatable  
DED589

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Issued By : Bernadine Duignan  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

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

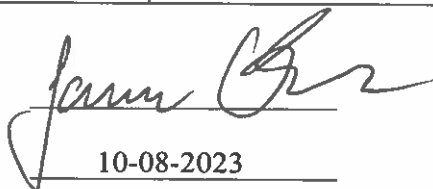
Name:	John Farrell
Address:	[REDACTED]
Name & Address of Agent:	James Lohan Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Construct a 40sq.m extension to rear of existing cottage.
Location (Townland & O.S No.)	Midgefield House, Midgefield, Strokestown, Co. Roscommon, F42 Y018RN-2041-B
Floor Area	63sq.m existing and 40sq.m Proposed
Height above ground level	0.15
Total area of private open space remaining after completion of this development	900SQ.M.
Roofing Material (Slates, Tiles, other) (Specify)	SLATES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	HOUSE IS TO RENDERED AND PAINTED WITH A NAP PLASTER RENDER
Is proposed works located at front/rear/side of existing house.	Extension Under 40sq.m. to rear OF EXISTING

## 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	DOMESTIC HOUSE
Proposed use of land or structure	DOMESTIC HOUSE
Distance of proposed building line from edge of roadway	15m
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING SEPTIC TANK

Signature:



Date:

10-08-2023

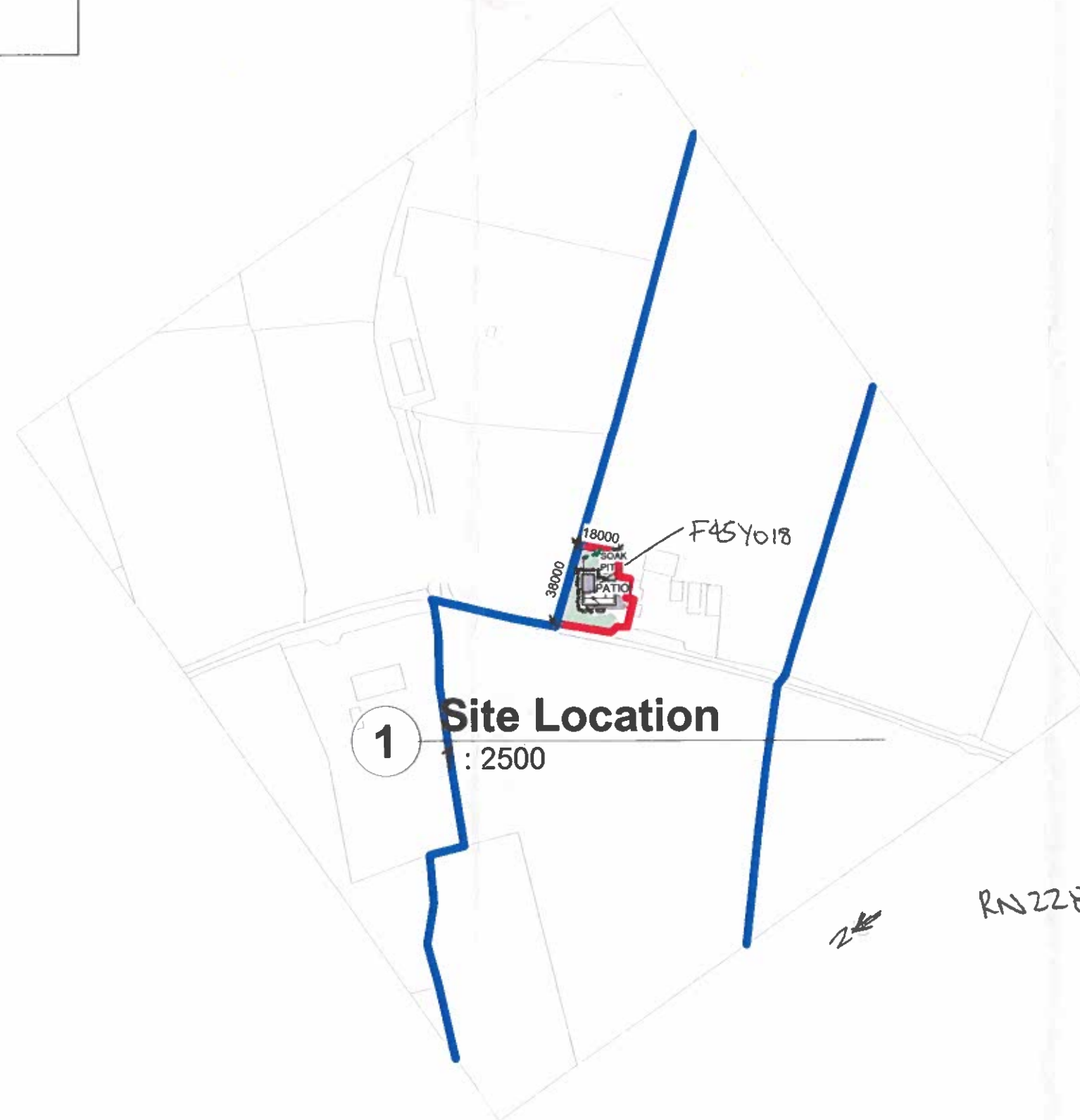
Note: This application must be accompanied by:-

- (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) Detailed specification of development proposed

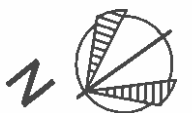
**LEGEND**

**- SITE BOUNDARY OUTLINED IN RED (0.10 HECTARES)**

**LAND HOLDINGS OUTLINED IN BLUE**



RN 2289



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ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE

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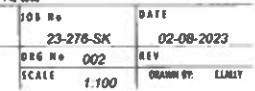
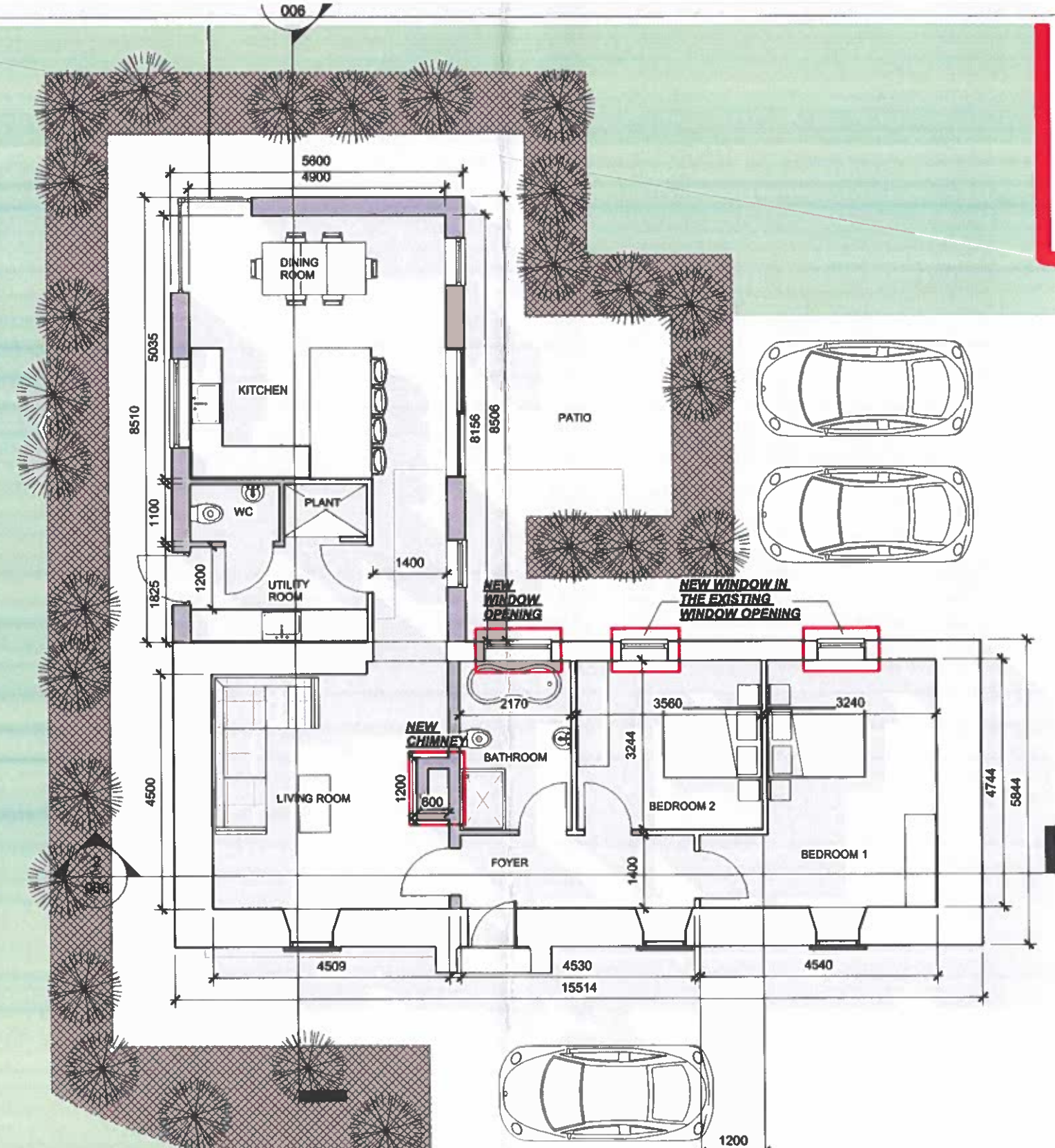
**Civil Engineering**  
**Architectural Design**  
**3D Modelling**  
**Summer**

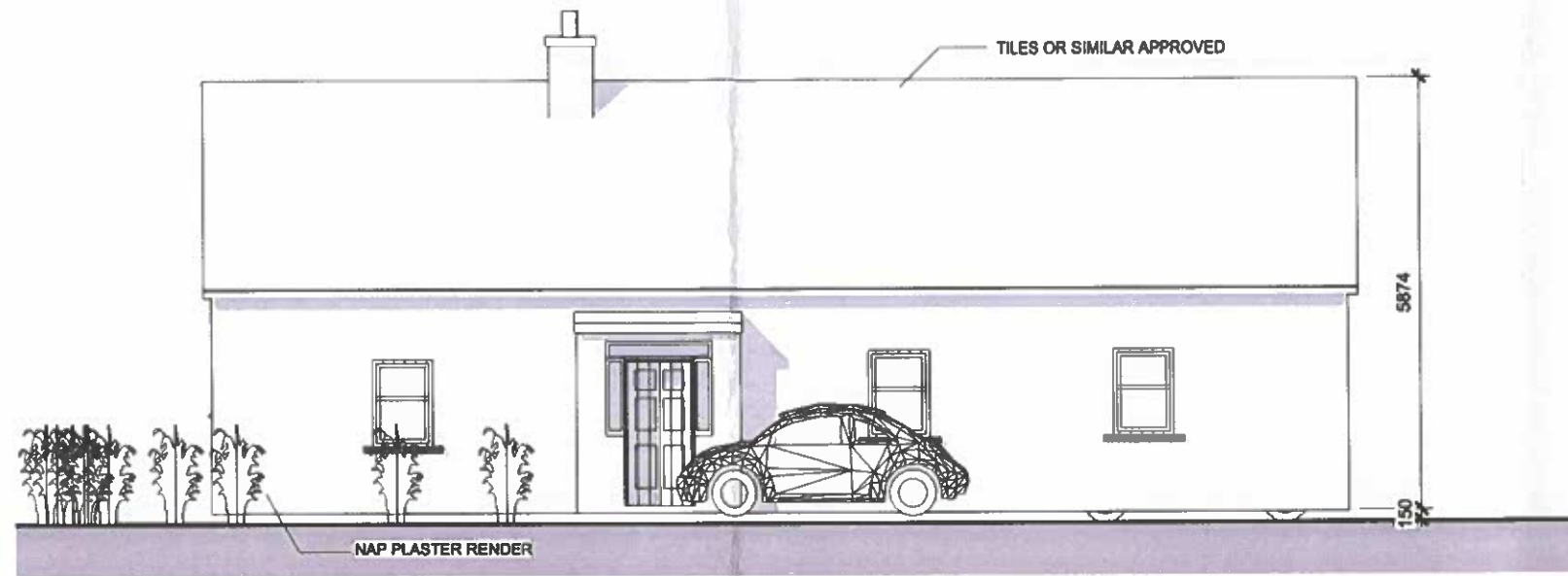
**Unit 5**  
**Sulphuric Acid**  
**Chlorine Gas**  
**Ammonia**

E-mail: [john@jica.ie](mailto:john@jica.ie) / [aron@jica.ie](mailto:aron@jica.ie)  
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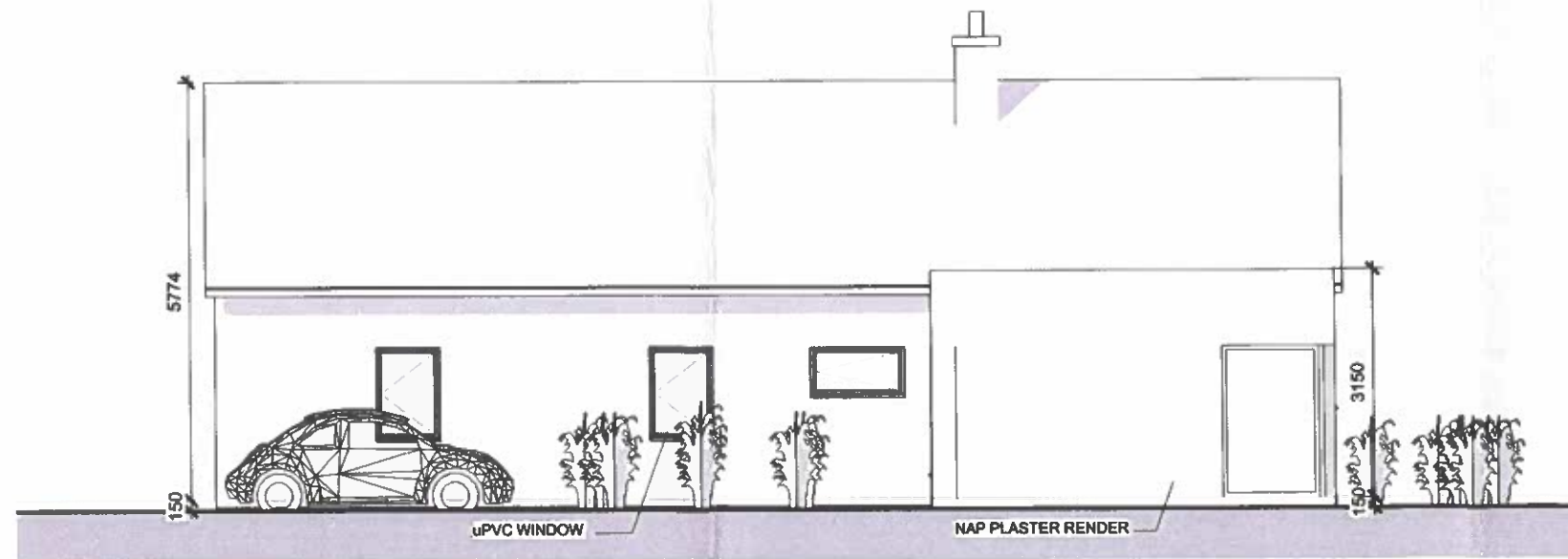
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MIDGEFIELD, STROKESTOWN, CO. ROSCOMMON, F42 Y018		SITE LOCATION	001A	
			SCALE	DRAWN BY: ELAULY
			1:2500	







**1 Front Elevation (NORTH)**  
1 : 100

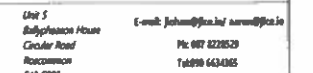


**2 Rear Elevation (SOUTH)**  
1 : 100

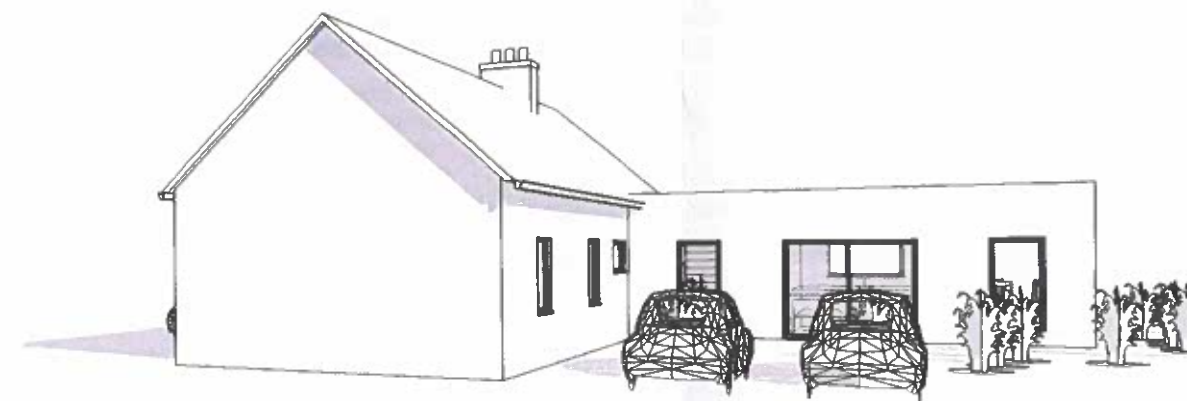
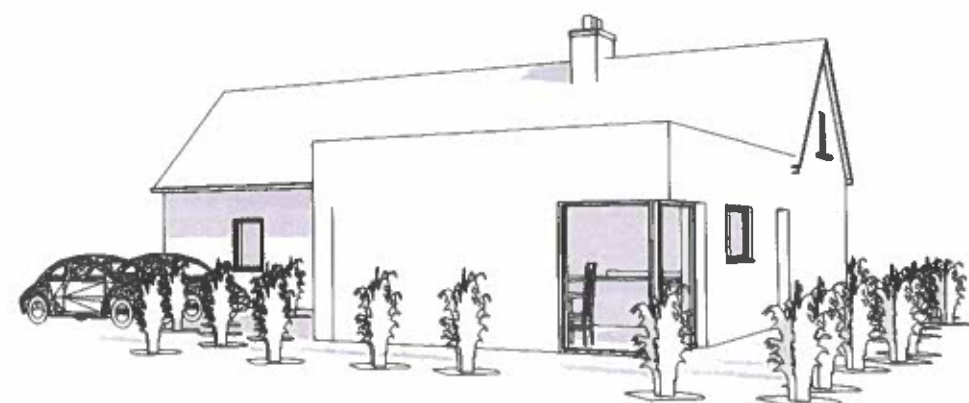
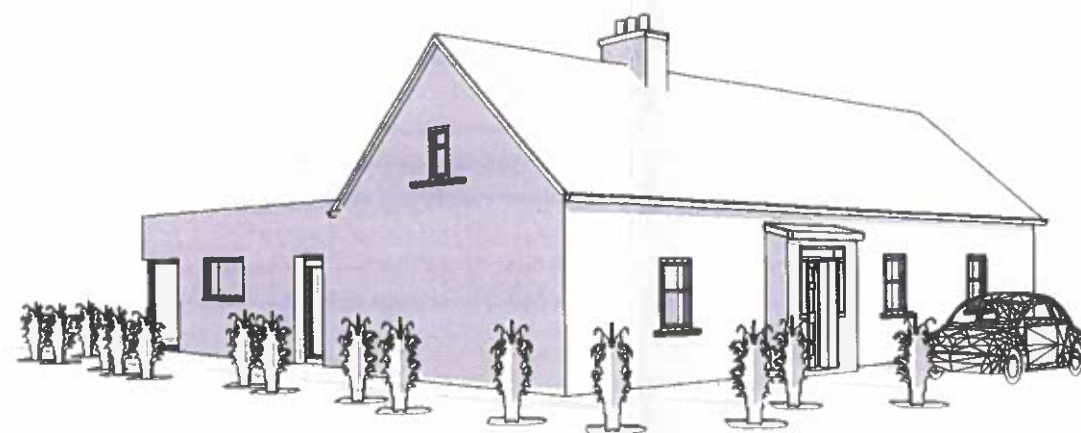
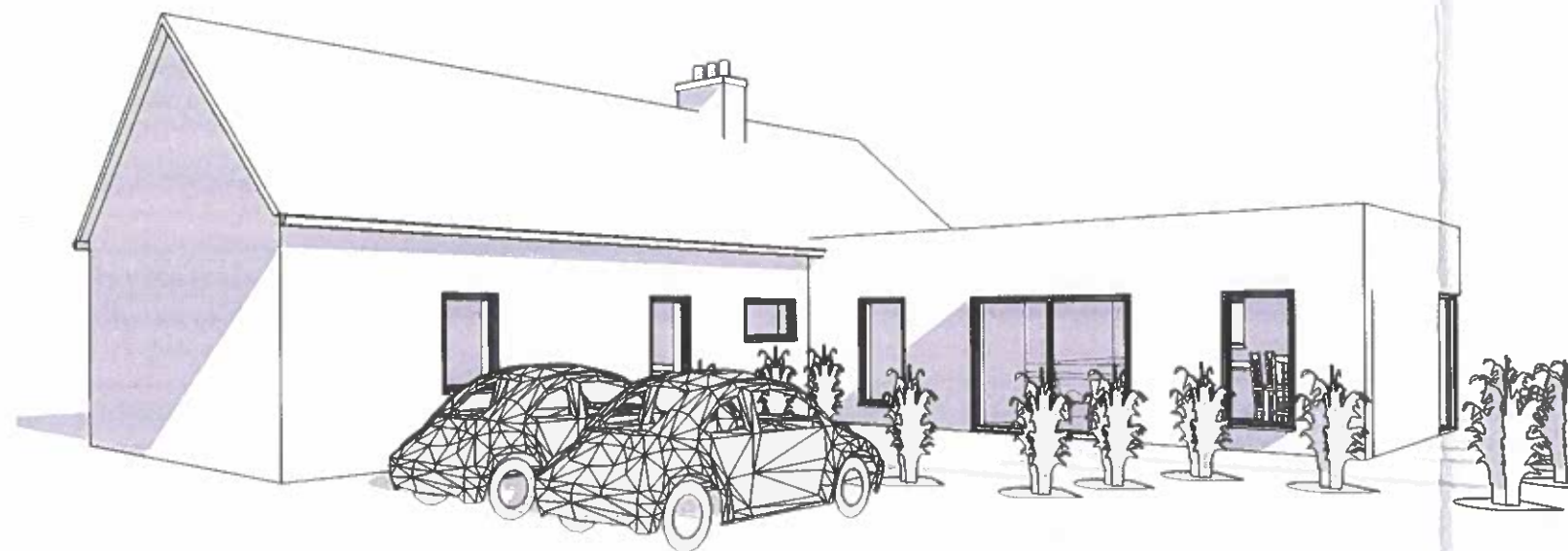


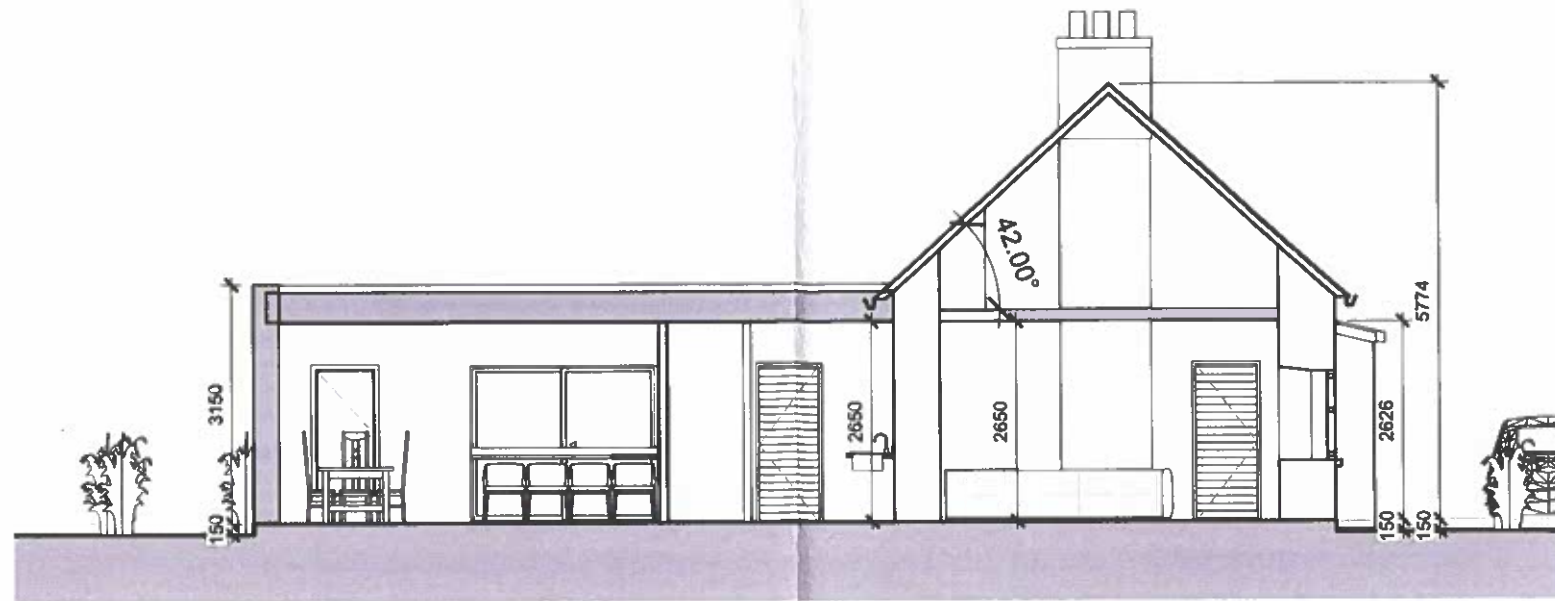


STATUS KEY:	SK SKETCH DESIGN	PR PRELIMINARY	FT FOR TENDER	FC FOR CONSTRUCTION	SS SUPERSEDED
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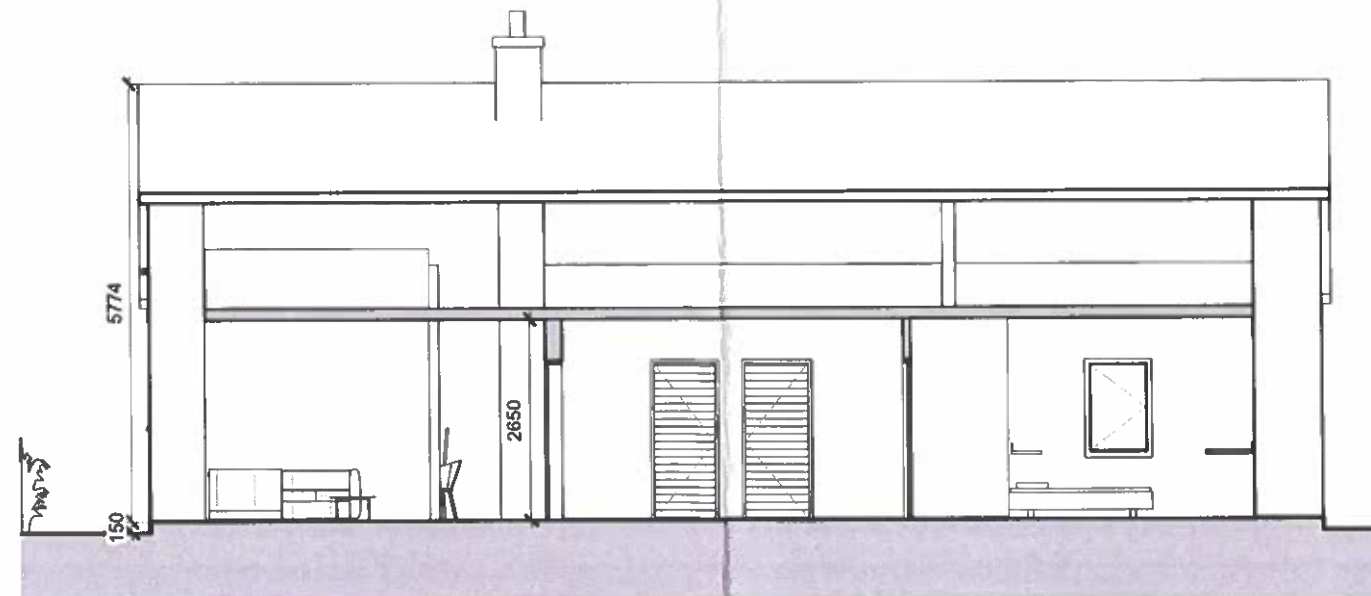
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CLIENT		JOB	JOB No	DATE
JOHN FARRELL		EXTENSION UNDER 40 MSQ	23-276-SK	02-08-2023
SITE		DRAWING	ORG No	REV
MIDGEFIELD, STROKES TOWN, CO. ROSCOMMON, F42 Y018.		SIDE ELEVATIONS	004	
			SCALE	1:100
			DRAWN BY: ELMELP	





**1 Section 1**  
1 : 100



**2 Section 2**  
1 : 100



## LEGEND

**SITE BOUNDARY OUTLINED IN RED (0.10 HECTARES)**

**LAND HOLDINGS OUTLINED IN BLUE**

## PLANT SCHEDULE

### Existing Trees

### Proposed Trees

No	Abbrev.	Botanical Name	Common Name	Girth/dia.	Height	Root zone
2no	Pr av	Prunus avium	Wild Cherry	25-30cm	2.5-3.0m	bare root
3no	Ma R-1	Malus "Rudolph"	Ornamental Crab Apple	18-20cm	2.5-3.0m	rootball

### Woodland understorey planting, planted @ 1.5m c/c's

20no	Ac ca	Acer campestre	Field Maple	90-120cm		bare root
20no	Be pe	Betula pendula	Birch	90-120cm		bare root
20no	Co av	Corylus avellana	Hazel	90-120cm		bare root
20no	Eu eu	Euonymus europaeus	Spiral	90-120cm		bare root
20no	Il aq	Ilex aquifolium	Holly	60-90cm		c/g
20no	Vi op	Viburnum opulus	Guelder Rose	90-120cm		bare root
-edged with:						
220no	Ce pe	Carex pendula	Pendulous Sedge	2L		c/g (3 per linear metre)

### New Native Hedgerow Mix- 84 linear metres, planted @ 5no per linear metre, double staggered row

252 no	Cr mo	Crataegus monogyna 60%	Hawthorn	90-120cm		bare root
21 no	Il aq	Ilex aquifolium 5%	Holly	60-90cm		c/g
84 no	Pr sp	Prunus spinosa 20%	Blackthorn	90-120cm		bare root
21 no	Ro ca	Rosa Canina 5%	Dog Rose	90-120cm		bare root
21 no	Sa ni	Sambucus nigra 5%	Elder	90-120cm		bare root
21 no	Vi op	Viburnum opulus 5%	Guelder Rose	90-120cm		bare root

### Proposed ornamental shrub planting, species to include (but not limited to), planted at 3no /sqm

Arbutus unedo, Viburnum opulus, Philadelphus coronarius, Rosa sp., Ceanothus sp., Lavandula, Geranium sp., Carex sp., Rudbeckia, Libertia, Agapanthus, Stipa, Verbena, Prunus "Otto Luyken", Spiraea, Tamarix sp., Syringa, vulgaris, etc.

### Proposed grassed area



1

## Site Layout

1 : 500



**James Lohan**  
Planning & Design Consulting Engineers

DO NOT SCALE FROM THIS DRAWING WORK ONLY FROM DIMENSIONS.

ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

STATUS KEY: SK SKETCH PR PRELIMINARY FT FOR TENDER FC FOR CONSTRUCTION SS SUPERSEDED

NO	DATE	REV
1	02-08-2023	1



**James Lohan**  
Planning & Design Consulting Engineers

Civil Engineering  
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Tel: 091 4630465

CLIENT	JOB	JOB No	DATE
JOHN FARRELL	EXTENSION UNDER 40 MSQ	23-278-SK	02-08-2023
SITE	DRAWING	DRG No	REV
MIDGEFIELD, STROKESTOWN, CO. ROSCOMMON, F42 Y018	SITE LAYOUT PLAN	001	1
		SCALE	1:500
		DRAWN BY	ELIAT