

**ROSCOMMON COUNTY COUNCIL**

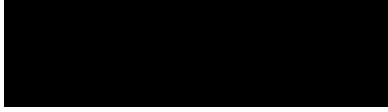
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Sharon & Bill Hislop,



Reference Number: DED 602

Application Received: 18<sup>th</sup> August, 2023

Location: Bogganfin, Ballymurray, Co. Roscommon.

WHEREAS a question has arisen as to whether the refurbishment of a dwelling house to include replacement of the roof, new windows and doors, electrics and heating at Bogganfin, Ballymurray, Co. Roscommon is or is not development and is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposed works constitute development as defined in the Planning and Development Act 2000(as amended) and associated Regulations:
- (b) The proposed development to refurbish a dwelling house 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 **refurbishment of a dwelling house to include replacement of the roof, new windows and doors, electrics and heating at Bogganfin, Ballymurray, Co. Roscommon is development and is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

A handwritten signature in cursive script, appearing to read 'Tracy Davis'.

Senior Executive Planner,  
Planning.s

Date: 12<sup>th</sup> September, 2023.

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

<b>Reference Number:</b>	DED 602
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the refurbishment of a dwelling house
<b>Name of Applicant:</b>	Sharon and Bill Hislop
<b>Location of Development:</b>	Boggafin, Ballymurray, Co. Roscommon

**WHEREAS a question has arisen as to whether the following works; the refurbishment of 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.

**Site Location & Development Description**

The subject site comprises a detached dwelling house and is located in Boggafin, Ballymurray, Co. Roscommon. The site is located on the LI8135 off the N61 and is a cul de sac that terminates at the railway line c.200m northwest of the site. The dwelling house is not a Protected Structure nor is it of any particular architectural merit. The proposed development consists of the refurbishment of the dwelling house. Proposed works are mainly internal however a new roof and new windows/doors are proposed. There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

**Planning History**

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

**Relevant statutory provisions**

**Planning and Development Acts 2000 (as amended)**

**Section 2. -(1)**

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

**Section 3. -(1)**

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

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

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

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

#### Planning and Development Regulations, 2001 as amended

##### Article 6 (1)

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

##### Article 9 (1) applies;

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

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

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works to refurbish a dwelling house at Boggafin, Ballymurray, Co. Roscommon falls within Section 4(1)(h) of the Planning and Development Act as amended.
- The proposal constitutes exempted development.

*to include  
replacement of the roof, new  
windows and doors, electrics and  
heating*

#### Recommendation

WHEREAS a question has arisen as to whether a proposed development to refurbish a dwelling house at Boggafin, Ballymurray, Co. Roscommon, is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.

#### AND WHEREAS I have concluded that

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

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

*is accepted development and falls*

- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

**AND WHEREAS** I have concluded that the said development to refurbish a dwelling house at Boggafin, Ballymurray, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed   
Executive Planner

Date: 12<sup>th</sup> September 2023











Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Sharon and Bill Hislop,



Date: 23<sup>rd</sup> August, 2023.

Planning Reference: DED 602

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

Development: The replacement of roof, new windows and doors, electrics and heating at Boggafin, Ballymurray, Co. Roscommon, F42 HY01.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 18<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. **L01/0/224184** dated 18<sup>th</sup> August, 2023 refers, receipt enclosed herewith.

Due to an administrative error, the reference number on the receipt is DED 601, however please note your Planning Reference No. DED 602. Apologies for any confusion caused.

**Note:** Please note your Planning Reference No. is **DED 602**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

*Tracy Davis*

---

Tracy Davis,  
Senior Executive Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

18/08/2023 14.11.11

Receipt No : L01/0/224184  
REPRINT

BILL HISLOP

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED601

Total : 80.00 EUR

Tendered  
Cash 80.00

Change : 0.00

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:	Sharon & Bill Hishop
Address:	[REDACTED]
Name & Address of Agent:	/
Nature of Proposed Works	Replacement of roof, new windows & doors, electrics & heating.
Location (Townland & O.S No.)	Bogganfin F42H401
Floor Area	11351 <sup>2</sup> Ft.
Height above ground level	20 Ft.
Total area of private open space remaining after completion of this development	same
Roofing Material (Slates, Tiles, other) (Specify)	Slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	same
Is proposed works located at front/rear/side of existing house.	Roof

## Roscommon County Council

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

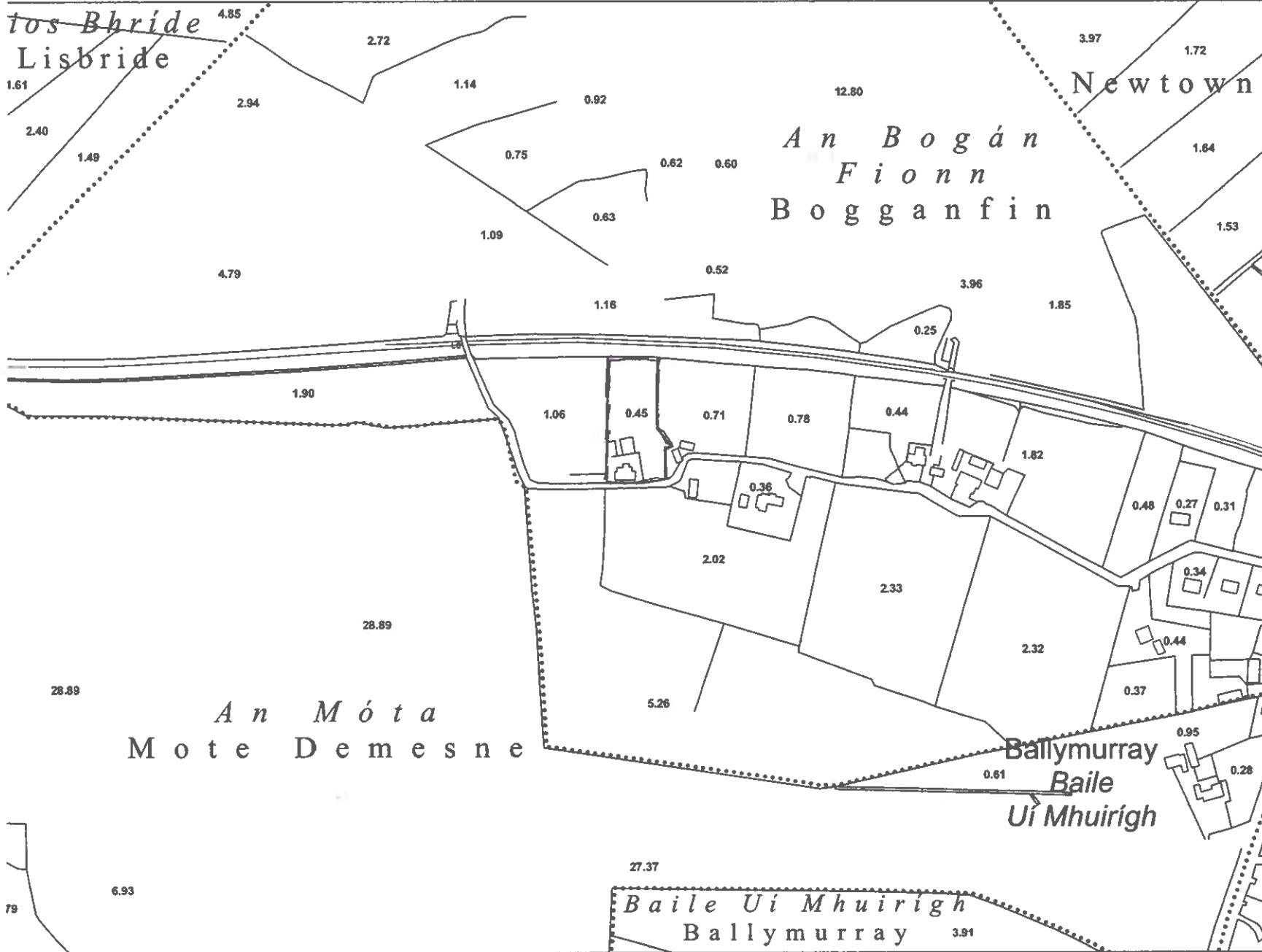
Has an application been made previously for this site	no
If yes give ref. number (include full details of existing extension, if any)	/
Existing use of land or structure	Residential
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	/
Does the proposed development involve the provision of a piped water supply	Has a well water supply
Does the proposed development involve the provision of sanitary facilities	Has a septic tank.

Signature: Sharon Walsh Bill Kislop  
Date: 18/8/23

Note: This application must be accompanied by:-

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





CENTRE  
COORDINATES:  
ITM 590897,761565

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ORDER NO.: 50351921\_1

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18 AUG 2023

ROSKOMMON COUNTY COUNCIL


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Folio: RN2069F

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edge(s))

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline



Well



Pump



Septic Tank



Soak Pit

A full list of burdens and their symbology can be found at:  
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1:2500 Scale



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MOTE DEMESNE



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E: [james@jlce.ie](mailto:james@jlce.ie) Web: [www.jlce.ie](http://www.jlce.ie)



# **BUILDING CONDITION ASSESSMENT**

## **DWELLING HOUSE AT**

Bogganfin,  
Ballymurray,  
Co. Roscommon.  
F42 HY01

Engineer: James Lohan BEng MIEI

Client: Bill Hislop

Date: 28<sup>th</sup> July 2023

Our Ref: 23-361



**CONTENTS PAGE:**

- (1.0) Introduction**
- (2.0) Description**
- (3.0) Construction and Condition**
- (4.0) Services**
- (5.0) Environmental and Other Issues**
- (6.0) Survey**
- (7.0) Engineers Overall Assessment**





## **1.0 INTRODUCTION**

### **1.01 Scope of Instructions**

We were commissioned by Bill Hislop, to attend a site that contains detached house and undertake a visual inspection. Specifically, we were asked to comment upon the following:

- Structure and state of the dwelling house

This report is for the private and confidential use of Bill Hislop for whom the report is undertaken and should not be reproduced in whole or part or relied upon by third parties without the express written authority of James Lohan Consulting Engineer Ltd.

No tests/survey were carried out on electrical, plumbing, sanitary, or heating installations.

### **1.02 Date of Inspection**

The property was inspected by James Lohan BEng MIEI on the 28<sup>th</sup> July 2023.

### **1.03 Weather**

The weather at the time of the inspection was warm and dry.

### **1.04 Limitations of Inspection**

The contents of this report are strictly confined to comments concerning those terms outlined in the clients brief above.

The report should not be construed as a valuation or home buyers report and is not an inventory of every single defect, some of which would not significantly affect the use of the property. If the report does refer to some minor defects, this does not imply that the building is free from other such defects. We did not expose any other part of the structure that was covered, unexposed or inaccessible and we are therefore unable to

We have not inspected the ground floor slab or foundations. The following is not intended to be an exhaustive list of minor defects and any purely significant structural defects apparent from a visual inspection will be addressed. Further defects may be encountered upon more extensive investigation, involving exposure of structural elements etc.



## **2.0 DESCRIPTION**

### **2.01 Orientation**

For ease of reference in the report I have assumed that the front of the property faces south.

### **2.02 Type and Age**

The property comprises a detached house which was constructed circa 1900's.

### **2.03 Accommodation**

The accommodation is as follows:

Floor Plan: Kitchen, Dining Room, Three Bedrooms, Living Room, Garage and Bathroom.

Outside: Drive to front and side with garden to rear.

### **2.04 Location**

On a large site off a local road.

### **2.05 Site and Surrounding Area**

The site is relatively flat. The geological survey map for the area indicates that the subsoil is of a gleys. However, because of the scale of the map and localized variations I was unable to confirm that the subsoil under the property is of this type.



### **3.0 CONSTRUCTION AND CONDITION**

#### **3.01 Main Roof**

The main roof is covered in asbestos sheeting. The sheeting, thatch and timbers need to be removed and replaced with a new roof.

#### **3.02 Other Roofs**

There is a flat roof to the rear of the property. The flat roof covering has been re upgraded

#### **3.03 Chlmney Stacks**

There are two large chimneys in the property. One of these chimneys is leaking and should be removed when the roof is being upgraded.

#### **3.04 Foundations and External Walls**

I was unable to inspect the foundations but due to age of house would doubt that they are present. External walls are stone in the original building and re block built in the rear extensions. The walls to the original cottage are showing signs of low level damp and all external walls will require damp remediation works.

#### **3.05 Damp Proof Courses**

There is no damp proof course fitted in this property and we would recommend that a DPM radon barrier fitted whilst renovation works are undertaken.

#### **3.06 Internal Walls and Partitions**

Internal walls are solid and are in need of redecoration

#### **3.07 Fireplaces and Chlmney Breasts**

N/A





### **3.08 Floors**

There is a solid concrete floor with various finishes throughout. Most floors are in need of repairs/ redecoration

### **3.09 Cellings**

All ceilings are in need of replacing.

### **3.10 Windows, Doors**

The windows and doors need to be replaced.



## **4.0 SERVICES**

### **4.01 General**

The inspection of the service installations was of a superficial nature and no tests have been arranged. These should be carried out by appropriate specialists if assurance as to the condition or capability is required.

### **4.02 Electrics**

The house needs to be completely rewired.

### **4.03 Heating**

There house needs to be completely re plumbed.



## **5.00 ENVIRONMENTAL AND OTHER ISSUES**

### **5.01 Thermal Insulation**

There is no insulation in the property. Walls and attic spaces will need to be insulated.

### **5.02 Ventilation**

There is no provision for ventilation and I would recommend fitting wall vents and mechanical vents.

### **5.03 Condensation**

Condensation is a problem found, to varying degrees, in most homes. It is the result of relatively high levels of moisture in the atmosphere of the rooms forming as water droplets on cold surfaces as the temperature falls. It tends to be most severe in properties that are poorly insulated, where temperatures fluctuate and high levels of water vapour are produced. Condensation problems will vary according to living conditions. It is relatively simple to eliminate and can normally be minimized by good insulation, fairly constant heat and adequate ventilation.



## **7.00 ENGINEERS'S OVERALL ASSESSMENT**

### **7.01 Summary of Defects**

For ease of reference I set out below a list of the main points mentioned in the report.

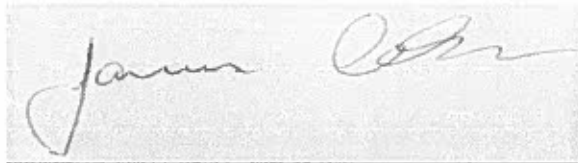
- 1) Roof to be stripped and replaced.
- 2) Walls to be insulated and re-rendered.
- 3) New ceilings.
- 4) Rising damp noted in external walls.
- 5) House needs to be rewired.
- 6) House needs to be re-plumbed.
- 7) Insulate attic space.
- 8) New windows and doors.

### **7.02 Engineers' Overall Opinion & Recommendations**

Based on visual inspection of the dwelling we comment as follows:

The dwelling for the most part is structurally sound. The new roof to the original cottage is essential and other items listed above should be considered by the owners.

Signed : James Lohan BEng MIEI



## **APPENDIX A: Limitations Applying to Our Professional service**

### **LIMITATIONS APPLICABLE TO PRE-ACQUISITION INSPECTIONS AND REPORTS**

#### **1. Concealed Parts**

If we observe evidence to suggest that concealed parts of the structure and fabric might be defective, we will advise you accordingly and make recommendations for further investigations. However, unless otherwise instructed by you, we will not open-up for inspection any permanently enclosed or concealed parts of the structure and fabric. Thus, as the inspection was visual and superficial only, no account could be taken of any work covered up or in inaccessible areas. It should be further noted that the author of this report did not supervise the construction of the above premises and no account could be taken of any structural detail or elements concealed within the premises/construction.

#### **2. Deleterious and Hazardous Materials**

We will advise you if we consider that there exists a significant possibility that deleterious or hazardous materials, as per Appendix B, exist at the property. Unless otherwise instructed, we will not undertake, or commission, inspections or laboratory tests to confirm the extent and precise nature of any deleterious and hazardous materials that might be present.

#### **3. Services Installations**

Our report on the services installations will be based on a cursory inspection only in order to include a general description. We will not test any of the installations. Unless otherwise instructed, we will not commission the inspection and testing of any installations by specialist consulting engineers. The complete electrical and mechanical system within the structure should be checked by a suitable qualified contractor to make sure they meet current standards.

A specialist inspection of the drainage system comprising hydrostatic testing and CCTV survey should be undertaken. This is recommended on all property purchases due to the risks to founding soils associated with defective drainage systems. Environmental investigation and appraisal is excluded.

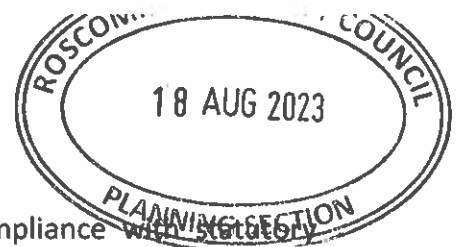
#### **4. Building Occupancy**

Access to some areas could be restricted or denied. If we find that our inspection has been excessively limited, we will advise you accordingly and seek your further instructions. Our report will list any significant internal and external areas that we are unable to inspect.

#### **5. Land Contamination**

We will not make any formal enquiries or carry out investigations into the potential contamination of the site or neighbouring land. If, after our inspection, we consider that further detailed investigation is appropriate, we will inform you accordingly.





## **6. Compliance with Legislation**

Our inspection will involve a general review of the state of compliance with statutory requirements such as the Building Regulations, Workplace Regulations, Fire Regulations and the Equal Status Act. However, compliance with these regulations often requires a more detailed study and involves the preparation of a detailed risk assessment. Such studies and risk assessments are beyond the scope of the type of inspection and report proposed.

## **7. Liability and Confidentiality**

Our building inspection report may be relied upon by the client only and is to whom we owe a duty of care. Our report must not be passed for information, or for any other purpose, to any third party without our prior written consent, which consent will not be unreasonably withheld or delayed. Such consent shall not entitle the third party to place any reliance on the report and shall not confer on any third party any benefit or right.

As set out in the Conditions of Engagement Agreement RA 9101 to which this contract relates, the liability of the consulting engineer under or in connection with this Agreement whether in contract or in tort, in negligence, for breach of statutory duty or otherwise (other than in respect of personal injury or death) shall be limited. In the absence of such an agreement, such sum shall be deemed to be €635,000 or ten times the total fee under this Agreement, whichever is lesser. The said limit shall be in respect of a single act, omission or statement, other than with regards to claims in respect to pollution or contamination where the said limit shall be an annual aggregate limit. In regard to pollution or contamination liability as determined by the aggregate or balance thereof shall be further limited to the lesser of (i) the direct costs reasonable incurred by the Client in cleaning up the site of the project or the Works as the case may be or any part thereof or (ii) the amount, if any, recoverable by the Consulting Engineer under any professional indemnity insurance policy taken out by the Consulting Engineer.

The liability of the Consulting Engineer to the Client expires after the expiration of such period of time as is stated in the Agreement from the issue of the certificate of Practical Completion to the Contractor or, where there is no such certificate, from the issue of such other record stating or indicating that the Works are substantially complete unless in the mean time the Client has made claim in writing upon the Consulting Engineer, specifying the negligent act, omission or statement said to have caused the alleged loss or damage sustained or sustainable. If no such period of time is stated elsewhere in the agreement it shall be deemed to be 6 years.

## **8. Cracks, Settlement and Subsidence**

This report is the result of a survey carried out in one visit. Monitoring of crack movement was not part of the initial brief; hence it was not possible to determine if cracks, where they exist, are live. The structure was not monitored for settlement.

## **9. Wet & Dry Rot**

The exterior of the premises, including roof coverings was inspected from ground level only. No responsibility is accepted for conclusions drawn in respect of the presence or absence of dry rot, wet rot, woodworm and or beetle infestation in timbers or any other materials in the structure. A specialist firm should be engaged to address these issues, which may well involve opening works, permission for which would have to be provided by the

vendors/building owners.



## APPENDIX B: Deleterious Materials

Since the early 1980s the property and construction industry has evolved and adopted a list of materials, which, for one reason or another, have been labelled deleterious and/or hazardous to health and safety. Some of these materials only become deleterious and hazardous due to the particular circumstances of their use and are not inherently deleterious or hazardous in themselves. Materials that have been branded “deleterious” have usually been so classed because they either:

- (a) pose a direct risk to the health and safety of persons occupying or visiting a particular property (e.g. asbestos) or
- (b) can be detrimental to the structural performance of a building (e.g. High Alumina Cement in concrete) or
- (c) are generally perceived by the property investment market as undesirable features of a building, which can affect the liquidity of the property concerned (e.g. calcium silicate bricks) or, in the case of composite panels, its insurability.

Some deleterious materials might fall into more than one of the forgoing three categories above. Few of the deleterious materials given below can be detected with the naked eye alone. Sampling and testing of a component or element is required to confirm the presence, or absence of a material. As the inspection was visual and superficial only, no account could be taken of the existence of deleterious material within the structure.

At present, the list of deleterious and problematic materials comprises the following:

- Pyrite.
- Composite Cladding Panels to roofs and walls.
- Nickel Sulphide inclusions in toughened glazing.
- High Alumina Cement (HAC) when used in load-bearing concrete components and elements.
- Chloride additives when used in pre-cast or in situ cast concrete.
- Calcium Silicate Bricks or Tiles (also known as sand/lime or flint/lime bricks).
- Mundic Blocks and Mundic Concrete.
- Woodwool slabs when used as permanent shuttering to in situ cast structural concrete.
- Lead based in paint when the paint concerned could be used in locations that could result in the ingestion, inhalation or absorption of the material.
- Lead used for drinking water pipe work except when used as solder to pipe fittings.
- Sea dredged aggregates or other aggregates for use in reinforced concrete which do not comply with British Standard 882: 1992 and aggregates for use in concrete which do not comply with the provisions of British Standard Specification 8110: 1985.
- Asbestos in any raw form or asbestos based products.
- Manmade mineral fibres in materials when these fibres are loose and have a diameter of 3 microns or less and a length of between 5 and 100 microns.
- Urea Formaldehyde Foam

