

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Laura Coyle,

Reference Number: DED 608

Name of Applicant: Laura Coyle

Agent: Murtagh Building & Engineering Ltd., Corraun, Tarmonbarry,
Co. Roscommon N39 DT62.

WHEREAS a question has arisen as to whether the internal renovation and repair to an existing derelict dwelling at Knockhall Td., Rooskey, 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 5 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 (a) Internal renovation and repair to the existing derelict dwelling as indicated on annotated Drawing Number 204 – Proposed Plans, Sections and Elevations is development and is exempted development; and,
- (b) Construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary is development and is exempted development.
- 2 (a) Replacement of the corrugated metal roof finish with slate is development and is not exempted development; and,
- (b) Upgrading or replacing the septic tank and percolation area, is development and is not exempted development.

NOW THEREFORE:

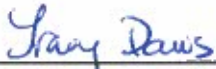
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared in respect of the said works at **Knockhall Td., Rooskey, 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 1 (a) & (b) above **constitutes development that is exempted development** and that the said works as detailed in 2 (a) & (b) above **constitutes development that is not exempted development**.

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: 29th September, 2023.

CC: Murtagh Building & Engineering Ltd.,
Corraun,
Tarmonbarry,
Co. Roscommon N39 DT62.

**Planner's Report on application under Section 5 of the
Planning and Development Acts as amended**

Reference Number: DED 608

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for internal renovation and repair to an existing derelict dwelling. Replacement of the corrugated metal roof finish with slate. Construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary at Knockhall Townland, Rooskey, County Roscommon

Applicant: Laura Coyle

WHEREAS a question has arisen as to whether internal renovation and repair to an existing derelict dwelling. Replacement of the corrugated metal roof finish with slate. Construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary at Knockhall Townland, Rooskey, County 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 5 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

Site Location & Development Description

The subject dwelling house is located in Knockhall Townland, Rooskey, County Roscommon. Accessed off the L1408 Local Primary Road, the subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated site is Clooneen Bog SAC (Site Code: 002348), which is approximately 5.1km from the subject site.

The proposed development includes internal renovation and repair to an existing derelict dwelling, replacement of the corrugated metal roof finish with slate, and construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary.

Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

Relevant Legislation

Planning and Development Act, 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 (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 4(1)(h): The following shall be exempted developments for the purposes of this Act—*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*

Article 6:

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and limitations specified in column 2 of Part 1.

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—
(a) if the carrying out of such development would—

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

CLASS 5 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Conditions and Limitations

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.
2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
3. No such structure shall be a metal palisade or other security fence.

Assessment

In accordance with the Planning and Development Act, 2000 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". The proposed development is considered to be the carrying out of works. 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....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposed works include the following:

1. Internal renovation and repair to an existing derelict dwelling

As indicated on annotated Drawing Number 204 – Proposed Plans, Sections and elevations, the internal renovation and repair to the existing derelict dwelling includes existing wet dash finish to be retained and repaired where necessary, internal walls to be removed (shown in purple lines) and the existing outhouse (which forms part of the structure) to be converted to an office/study. These works are considered exempted development in the context of Section 4 (1)(h) of the Act, 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.

2. Replacement of the corrugated metal roof finish with slate

The replacement of the corrugated metal roof finish with slate would effectively render the appearance of the roof inconsistent with the character of the structure and is not therefore exempted development.

3. Construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary

The construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary is considered to represent demarcating the existing front boundary and entrance to the property and is exempted development under Class 5.

4. Repair and renovation of the existing sanitary facilities

It is noted that the submitted Section 5 Declaration Application Form indicates the works involve the repair and renovation of the existing sanitary facilities and states the existing derelict dwelling is served by a septic tank and percolation area. Due to the age of the cottage is unlikely that the existing septic tank and percolation area will be functioning and appropriate for the use of the renovated cottage. Upgrading or replacing the septic tank and percolation area is not exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that 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 need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

WHEREAS a question has arisen as to whether internal renovation and repair to an existing derelict dwelling. Replacement of the corrugated metal roof finish with slate. Construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary at Knockhall Townland, Rooskey, County 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 5 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) Internal renovation and repair to the existing derelict dwelling as indicated on annotated Drawing Number 204 – Proposed Plans, Sections and elevations is exempted development.
- (b) Replacement of the corrugated metal roof finish with slate is not exempted development.
- (c) Construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary is exempted development.
- (d) Upgrading or replacing the septic tank and percolation area is not exempted development.

- (e) 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 I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Assistant Planner

Date: 29th September 2023

DED 608





Laura Coyle,

Date: 5th September, 2023.
Planning Reference: DED 608

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Internal renovation and repair to an existing derelict dwelling. Replacement of the corrugated metal roof finish with slate. Construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary at Knockhall Td., Rooskey, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 4th September, 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. **L01/0/224424** refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 608**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,



Tracy Davis,
Senior Executive Planner,
Planning Department.

cc. Murtagh Building & Engineering Ltd.,
Consulting Engineers,
Corraun,
Whitehall,
Tarmonbarry,
CO. ROSCOMMON.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

05/09/2023 09:16:48

Receipt No : L01/0/224424

LAURA COYLE



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 608	

Total : 80.00 EUR

Tendered	
Credit/Debit Card	80.00
6598	

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office

Our ref: 23.066

Friday, 01th Sept 2023



DED 608

Section 5 Planning Fee €80.00

Please contact the [REDACTED] for card payment details on the number below.





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

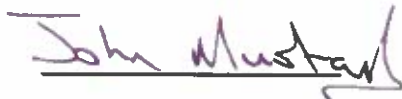
Name:	Laura Coyle
Address:	<div style="background-color: black; width: 100%; height: 30px;"></div>
Name & Address of Agent:	Murtagh Building & Engineering Ltd, Corraun, Tarmonbarry, Co. Roscommon, N39 DT62
Nature of Proposed Works	Internal renovation & repair of an existing derelict dwelling. Replacement of the corrugated metal roof finish with slate. Construction of a 1.2m high timber post and rail fence with entrance gates at the front (north-east) boundary.
Location (Townland & O.S No.)	Knockhall Townland - O.S Map Series: 2045 Centre X,Y= 602643.5392,788308.1213
Floor Area	79.6m.sq. Not effected by proposed works
Height above ground level	Single storey dwelling. FFL +0.15m, E.L 2.7m, R.L 5m
Total area of private open space remaining after completion of this development	906m.sq. private open space. (Not effected by proposed works)
Roofing Material (Slates, Tiles, other) (Specify)	Existing corrugated metal pitched roof to be replaced with slate. Existing flat roof to be repaired
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing wet dash finish to be retained and repaired where nessecary
Is proposed works located at front/rear/side of existing house.	Please refer to attached drawings

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	Vacant/ Derelict Property
Proposed use of land or structure	Residential: Dwelling
Distance of proposed building line from edge of roadway	The existing building is approx 4m from the road edge. (Not effected by proposed works)
Does the proposed development involve the provision of a piped water supply	The existing dwelling is connected to the public mains water supply.
Does the proposed development involve the provision of sanitary facilities	The works involve the repair and renovation of existing the sanitary facilities. The existing derelict dwelling is served by a septic tank & percolation area.

Signature:



Date:

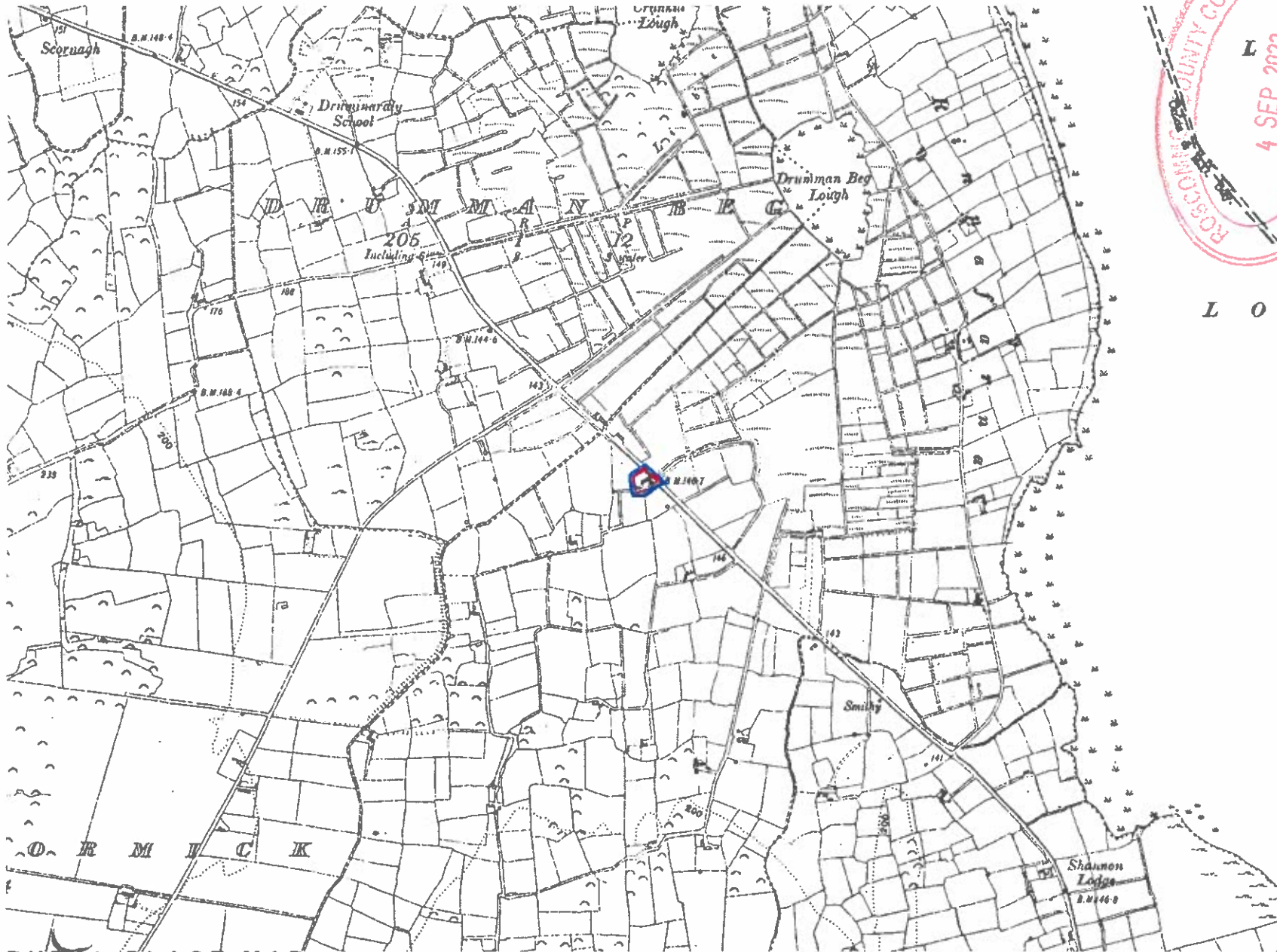
25/08/23

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) Details specification of development proposed



Ordnance Survey Ireland/Government of Ireland
Copyright:
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RURAL PLACE MAP
SCALE: 1:10,560

Site Outlined in Red
Land Ownership in Blue



Murtagh
SPECIALISTS IN
LAND SURVEYING & PLANNING

Customer: **Knockhall Townland, Rooskey, Co. Roscommon**
Contact: **LAURA COYLE**

PROJECT: **EXISTING DWELLING RENOVATION
AT KNOCKHALL TOWNLAND,
ROOSKEY, CO. ROSCOMMON.**

DATE: **LAURA COYLE**

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LEGEND: **NOT PLAIN**

Description: **NOT PLAIN**

Digital Landscape Model (DLM): **NOT PLAIN**

Publisher / Source: **NOT PLAIN**

Ordnance Survey Ireland (OSI): **NOT PLAIN**

Date Source / Reference: **NOT PLAIN**

File Format: **NOT PLAIN**

Autodesk AutoCAD (DWG, R2013): **NOT PLAIN**

File Name: **NOT PLAIN**

Version: **NOT PLAIN**

Clip / User / Area of Interest (AOI): **NOT PLAIN**

U.L.A. L11+ 602552 0392.788093 1213

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Projection / Spatial Reference: **NOT PLAIN**

Projection: **NOT PLAIN**

Center Point Coordinates: **NOT PLAIN**

X, Y: **NOT PLAIN**

Reference Index: **NOT PLAIN**

Map Series / Map Sheet: **NOT PLAIN**

Scale: **NOT PLAIN**

Date of Issue: **NOT PLAIN**

Issue: **NOT PLAIN**

Source Data Release: **NOT PLAIN**

DCMS Release V1.187.116

Product Version: **NOT PLAIN**

Version: **NOT PLAIN**

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STATUS: **NOT PLAIN**

SS PLANNING SUBMISSION

DATE: **NOT PLAIN**

RURAL PLACE MAP

PROPOSED BY: **NOT PLAIN**

DATE: **NOT PLAIN**

SCALE: **NOT PLAIN**

DATE: **NOT PLAIN**

DATE: **NOT PLAIN**

DATE: **NOT PLAIN**

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EXISTING DWELLING RENOVATION
AT KNOCKHALL TOWNLAND,
ROOSKEY, CO. ROSCOMMON

CUDA
LAURA COYLE

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LEGEND: KEY PLAN
Description:
Digital Landscape Model (DLM)

Publisher / Source:
Ordnance Survey Ireland (OSi)

Data Source / Reference:
PDS02

File Format:
Autodesk AutoCAD (DWG, R2013)

File Name:
_30151530_1.dwg

Clip Extent / Area of Interest (AOI):
EASTING: 602352.0392, 788093.1213
NORTHING: 602352.0392, 788093.1213
ULX: 602352.0392, 788523.1213
ULY: 602352.0392, 788513.1213

Projection / Spatial Reference:
Projection: BENEKT95 Irish Transverse Mercator

Centre Point Coordinates:
A.T. 602841.5392, 788308.1213

Reference Index:
Map Series: 1 Map Sheet
1:5,000 | 2005

Data Extraction Date:
Date: 25 Aug 2021

Source Data Release:
DCLM Release V3.167.116

Product Version:
Version: 1.4

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REV	DATE	DESCRIPTION	BY



S5 PLANNING SUBMISSION

SITE LOCATION MAP

DESIGN	DATE	BY	NO.
JM	25/08/2023	JM	22.066
PROJECT	201	PROJECT	201



SITE LOCATION MAP
SCALE: 1:2,500

Site Outlined in Red
Land Ownership in Blue





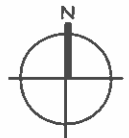
PROJECT
**DERELICT DWELLING
RENOVATION AT, KNOCKHALL TD,
ROOSKEY, CO.ROSCOMMON.**

CLIENT
LAURA COYLE

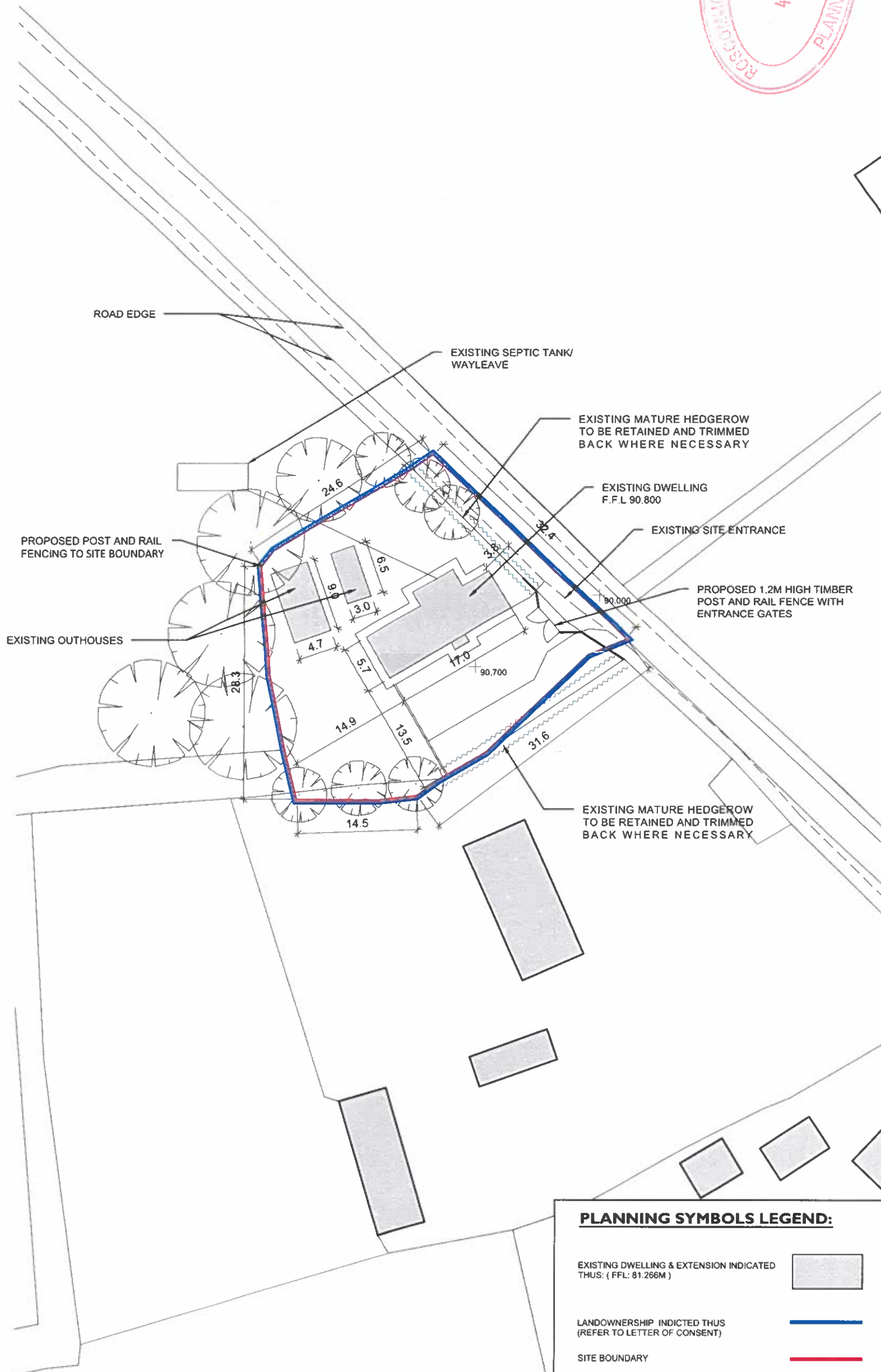
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LEGEND / KEY PLAN



KNOCKHALL TD



PROPOSED SITE LAYOUT PLAN
SCALE: 1:500

PLANNING SYMBOLS LEGEND:

EXISTING DWELLING & EXTENSION INDICATED
THUS: (F.F.L: 81.266M)



LANDOWNERSHIP INDICATED THUS
(REFER TO LETTER OF CONSENT)



SITE BOUNDARY



POSITION OF SITE NOTICE



SITE AREA

1145m²
0.1145 Ha
0.282 Acres

EXISTING LEVELS
INDICATED THUS

+90.000

REV	DATE	DESCRIPTION	BY

ISSUE / REVISION

PRODUCED BY

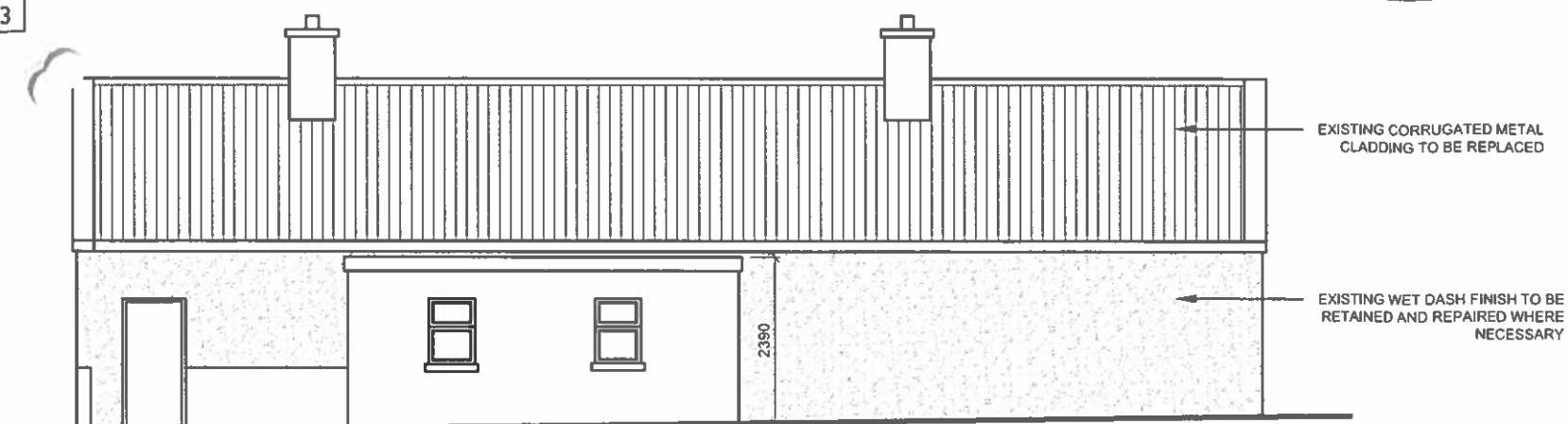
STATUS

PLANNING PERMISSION

SHEET TITLE

SITE LAYOUT PLAN

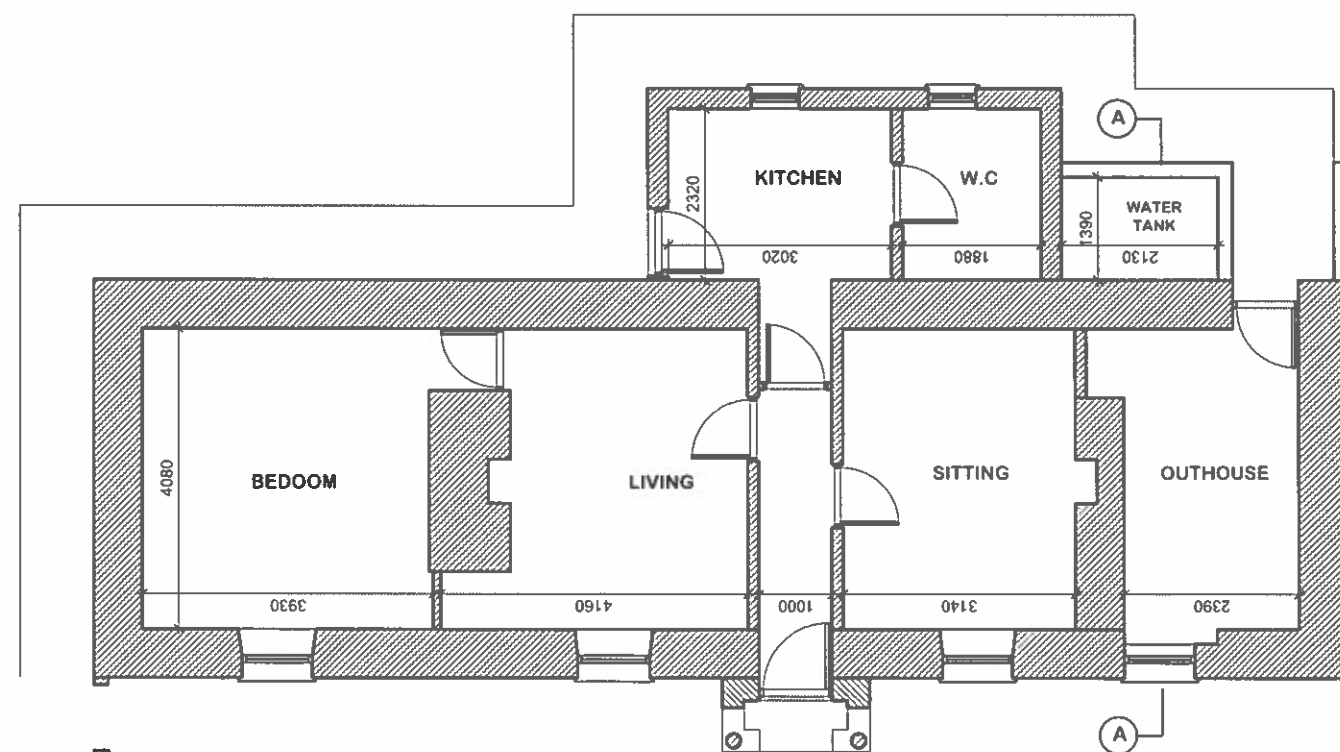
DRAWN	CHK	REVISION
JM	JM	
DATE	SCALE	
30.08.2023	1:500@A3	
PROJECT NUMBER	DRAWING NUMBER	
22.066	202	

**FRONT ELEVATION**

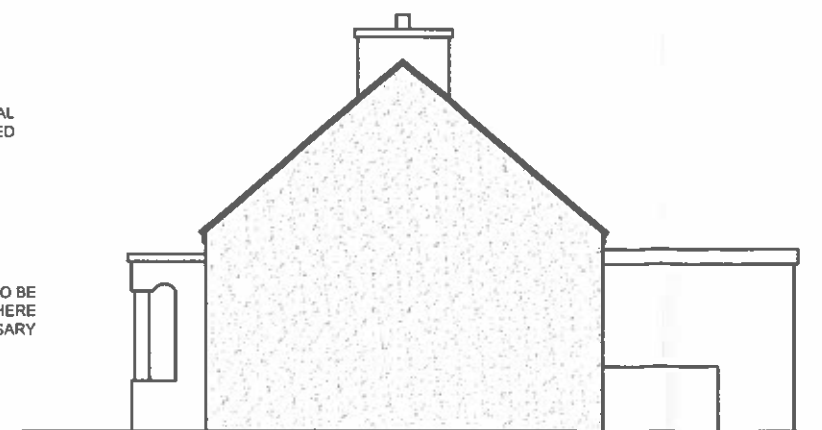
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**FRONT ELEVATION**

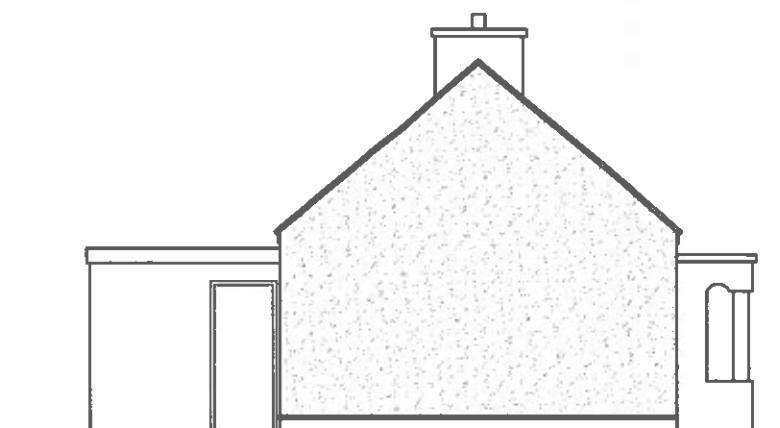
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**GROUND FLOOR PLAN**

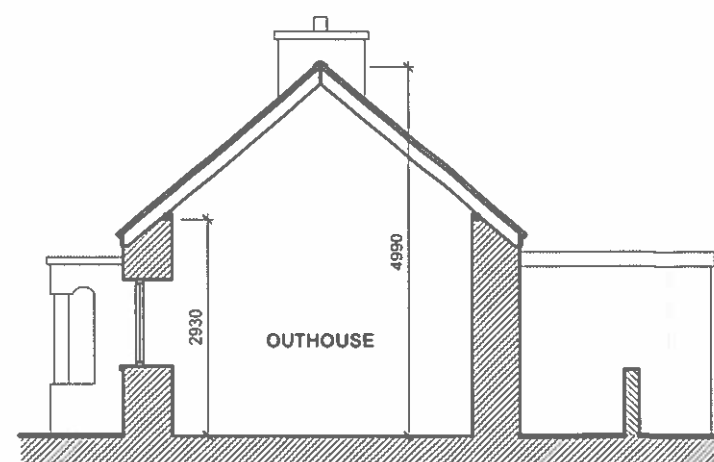
SCALE: 1:100@ A3

**SIDE ELEVATION**

SCALE: 1:100@ A3

**SIDE ELEVATION**

SCALE: 1:100@ A3

**SIDE ELEVATION**

SCALE: 1:100@ A3

PROJECT
DERELICT DWELLING
RENOVATION AT, KNOCKHALL TD,
ROOSKEY, CO.ROSCOMMON.

CLIENT
LAURA COYLE

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LEGEND / KEY PLAN

REV	DATE	DESCRIPTION	BY

ISSUE / REVISION

PRODUCED BY

STATUS

S5 PLANNING SUBMISSION

SHEET TITLE

EXISTING PLANS, SECTIONS,
& ELEVATIONS

DRAWN	CHK	REVISION
JM	JM	
DATE	SCALE	
30/08/2023	1:100 @A3	
PROJECT NUMBER	DRAWING NUMBER	
22.066	203	

Architectural elevation drawing of a building facade. The drawing shows a two-story structure with a pitched roof and a ground floor. The roof is labeled "EXISTING ROOF LIGHT TO ATTIC/STORE" and "PROPOSED SLATE FINISH TO ROOF". The ground floor features a central arched entrance and four rectangular windows, labeled "PVC WINDOWS". The wall finish is labeled "EXISTING WET DASH FINISH TO BE RETAINED AND REPAIRED WHERE NECESSARY". Dimensions are indicated on the right: 4960 for the total height and 2830 for the ground floor height.

Architectural floor plan of a house. The plan includes the following rooms and dimensions:

- KITCHEN:** 3020 (width) x 2320 (depth).
- W.C. (Water Closet):** 1860 (width) x 1390 (depth).
- WATER TANK:** 2130 (width) x 1390 (depth).
- BEDROOM:** 4080 (width) x 3930 (depth).
- LIVING:** 4160 (width) x 4000 (depth).
- SITTING / BEDROOM:** 3140 (width) x 4000 (depth).
- OFFICE / STUDY:** 2390 (width) x 4000 (depth).

Purple lines indicate walls to be removed.

EXISTING OUTHOUSE TO BE CONVERTED TO OFFICE/STUDY

A line drawing of a house. The house has a gabled roof with a chimney on top. The roof is filled with a dense, stippled texture. To the left of the main house, there is a smaller structure with a chimney. To the right, there is a lower, rectangular structure. The drawing is simple and uses black outlines on a white background.

Architectural cross-section drawing of a building. The drawing shows a chimney on the roof. A flat roof extension is indicated by a line and the text "FLAT ROOF TO EXISTING EXTENSION TO BE REPAIRED". The interior space is divided into an "ATTIC STORE" and an "OFFICE / STUDY". A vertical dimension of 2440 is shown for the office/study area. The drawing uses hatching to indicate structural elements like walls and floors.

DRAWN JM	CHK JM	REVISION
DATE 30/08/2023	SCALE 1:100 @A3	
PROJECT NUMBER 22.066	DRAWING NUMBER 204	