

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Timothy Joyce,



Reference Number: DED 620

Application Received: 19th September, 2023.

Applicant: Timothy Joyce

Location: Clooncan, Ballinlough, Co. Roscommon.

Agent: N/A

WHEREAS a question has arisen as to whether an extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters at Clooncan, Ballinlough, 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) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended);
- d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act 2000 (as amended);
- e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- a) The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations;
- b) The proposed development of an extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters as well as the installation of a new roof is not exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of **an extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters as well as the installation of a new roof at Clooncan, Ballinlough, Co. Roscommon, is development that is not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

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:



**Tracy Davis,
Senior Executive Planner,
Planning.**

Date: 13th October, 2023

**Planner's Report on application under Section 5 of the
Planning and Development Acts 2000 - 2011**

Reference Number: DED 620

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for an extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters at Clooncan, Ballinlough, County Roscommon

Applicant: Timothy Joyce

Date: 10th October 2023

WHEREAS a question has arisen as to whether an extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters at Clooncan, Ballinlough, 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 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (e) The planning history of the site

Site Location & Development Description

The existing dwelling house is located in Clooncan, Ballinlough, County Roscommon and is accessed off the L5599 Local Secondary Road. The subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated site is Carrowbehy/Caher Bog SAC (Site Code: 000597), which is approximately 876m east of the subject site.

The proposed development consists of an extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters. As per the submitted details, the proposed works are to the rear, the proposed external walling is plaster and the roofing material is grey box profile/corrugated cladding sheeting.

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

PART 1 - Article 6 - Exempted Development – General

Development within the curtilage of a house

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.

Column 2 - Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
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.
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

Assessment

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 construction of an extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters constitutes development, as defined in Section 3 of the said Act.

The proposed extension to the rear of the existing dwelling house has been considered within the scope of Class 1 of Part 1 of Article 6 - *Exempted Development General* of the Regulations. As per Column 2 - Conditions and Limitations of Class 1, 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. Based on the submitted details and an inspection of the site, raising the back/rear roof below the ridgeline with an apex of 3 meters constitutes development that is not exempted development.

Furthermore, Column 2 - Conditions and Limitations of Class 1 (c) states 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. Class 1, 7. states the roof of any extension shall not be used as a balcony or roof garden. The subject dwelling house has no roof.

While not specifically listed in the proposed works, installing a new roof on the structure has been considered in the context of Section 4 (1)(h) of the Act, it is development and does not constitute exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered 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 EIA or AA does not apply with respect to the current referral 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 an extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters at Clooncan, Ballinlough, 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 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended

- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 – 2011
- (e) The planning history of the site

AND WHEREAS I have concluded that

- (a) The works are development.
- (b) Extension of 39.41sqm and raising the back/rear roof below the ridgeline with an apex of 3 meters in this case is not exempted development.
- (c) Installing a new roof is not exempted development.
- (d) 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: 12th October 2023





Mr. Timothy Joyce,

Date: 20th September, 2023.

Planning Reference: DED 620

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

Development: Permission for extension of 39.41 m.sq. and raising the back/rear roof below the ridgeline with an apex of 3 metres at Clooncan, Ballinlough, Co. Roscommon

A Chara,

I wish to acknowledge receipt of your application received on the 19th 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. **L01/0/224668** dated 19th September, 2023 refers, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 620**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis,
Senior Executive Planner,
Planning Department.

DED 620

Sharon Kelly

From: Tim Joyce [REDACTED]
Sent: Tuesday 12 September 2023 13:04
To: Planning Department
Subject: DED form
Attachments: DED Form - Extension.pdf

Categories: Blue Category

Hi there,

Will the attached form suffice?.

Can you please let me know if my measurements are alright for the extension to be exempt and roof height is alright?. Thanks.

--

Sincere Regards,

Tim Joyce

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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:	Timothy Joyce
Address:	
Name & Address of Agent:	
Nature of Proposed Works	1.Extension of 39.41m ² 2.Raising the back/rear roof below the ridgeline with an apex of 3 meters
Location (Townland & O.S No.)	Timothy Joyce, Clooncan, Ballinlough, Co. Roscommon, F45 VE81
Floor Area	Extension 39.41m ² internal
Height above ground level	5.99 m
Total area of private open space remaining after completion of this development	About 73.51 m ² internal
Roofing Material (Slates, Tiles, other) (Specify)	Grey box profile/corrugated cladding sheeting
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plaster
Are proposed works located at front/rear/side of existing house.	Rear



Roscommon County Council

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

Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	DED 292
Existing use of land or structure	Farm and dwelling house/Principle Private Residence
Proposed use of land or structure	Farm and dwelling house/Principle Private Residence
Distance of proposed building line from edge of roadway	About 6.98 to 8.4 meters
Does the proposed development involve the provision of a piped water supply	No, already there.
Does the proposed development involve the provision of sanitary facilities	No, already there.

Signature: Timothy Joyce

Date: 12/09/2023

Note: This application must be accompanied by:-

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

(b)





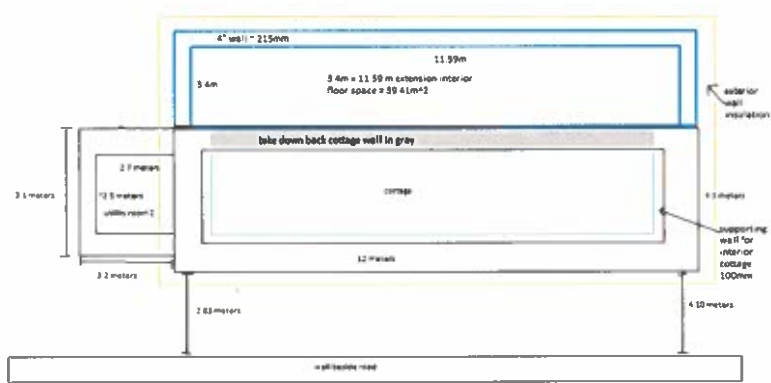
Postcode F45 VE81

https://www.google.com/maps/place/Clooncan,+Co.+Roscommon,+F45+VE81/@53.7865509,-8.6744212,66m/data=!3m1!1e3!4m6!3m5!1s0x485ea9e9e432d289:0xf9a11b3aa35609d4!8m2!3d53.7865392!4d-8.6740993!16s%2Fg%2F11c536k_if?authuser=0&entry=ttu

(c)



(d)





Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

19/09/2023 11 50 29

Receipt No. : L01/0/224668

TIMOTHY JOYCE

DED 620
RE PROPERTY @CLOONCAN BALLINLOUGH

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED620

Total : 80 00 EUR

Tendered
Credit/Debit Card 80 00
0916

Change : 0 00

Issued By : Aine McDermott
From : Central Cash Office

Shar Kelly

From: Tim Joyce [REDACTED]
Sent: Thursday 14 September 2023 07:10
To: Planning Department
Subject: Re: DED form
Attachments: site location map clooncan.pdf



Hi

Please find the Site location map attached.

If I have the extension measurements fine, and everything else is ok, please let me know when to phone to pay the fee.

Thanks
Tim

On Tue, 12 Sept 2023 at 13:03, Tim Joyce [REDACTED] wrote:
Hi there,

Will the attached form suffice?.

Can you please let me know if my measurements are alright for the extension to be exempt and roof height is alright?. Thanks.

--

Sincere Regards,

Tim Joyce



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Sincere Regards,

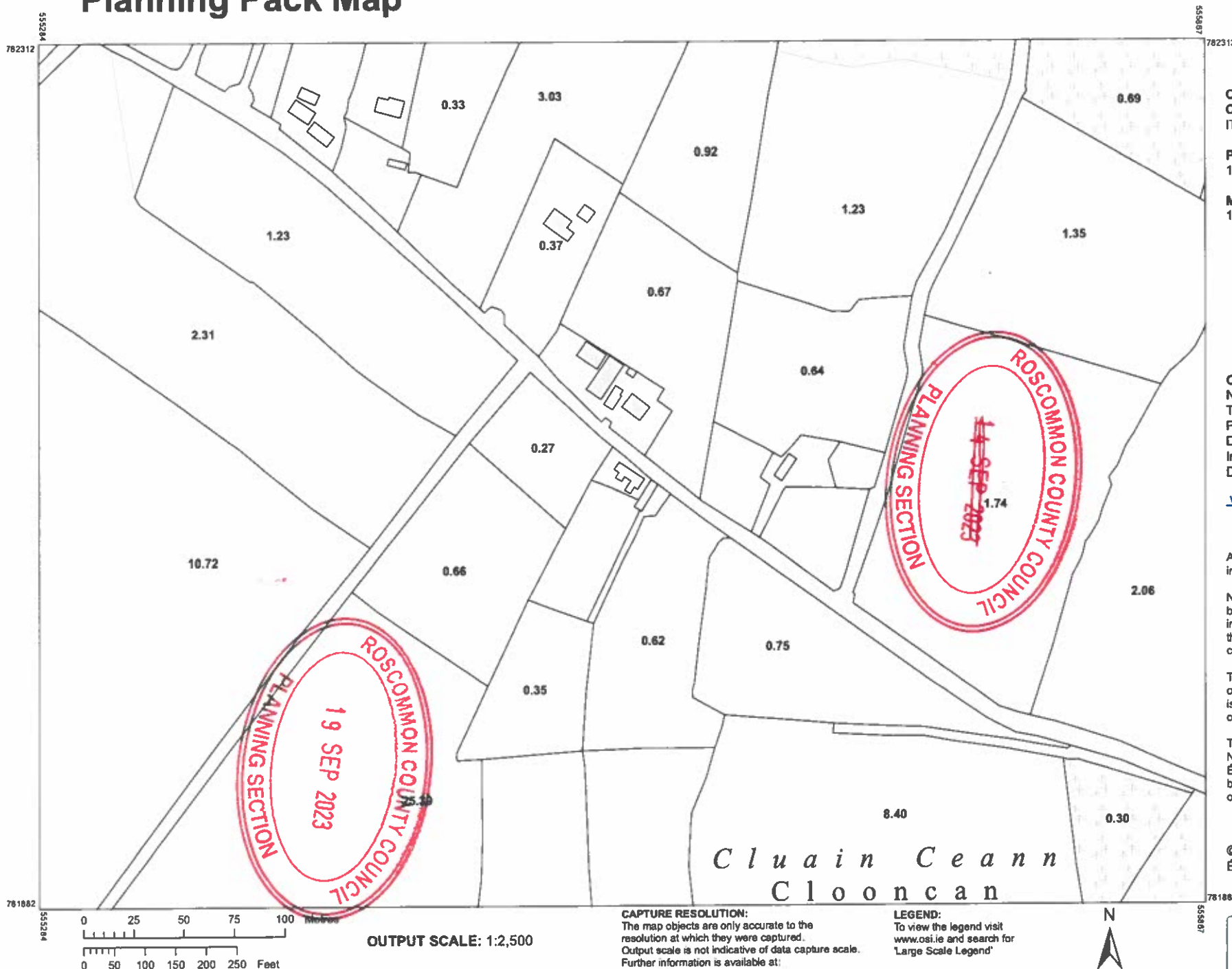
Tim Joyce

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Planning Pack Map



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ITM 555576,782097

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MAP SERIES: 1:5,000 **MAP SHEETS:** 2154

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Site Location Map



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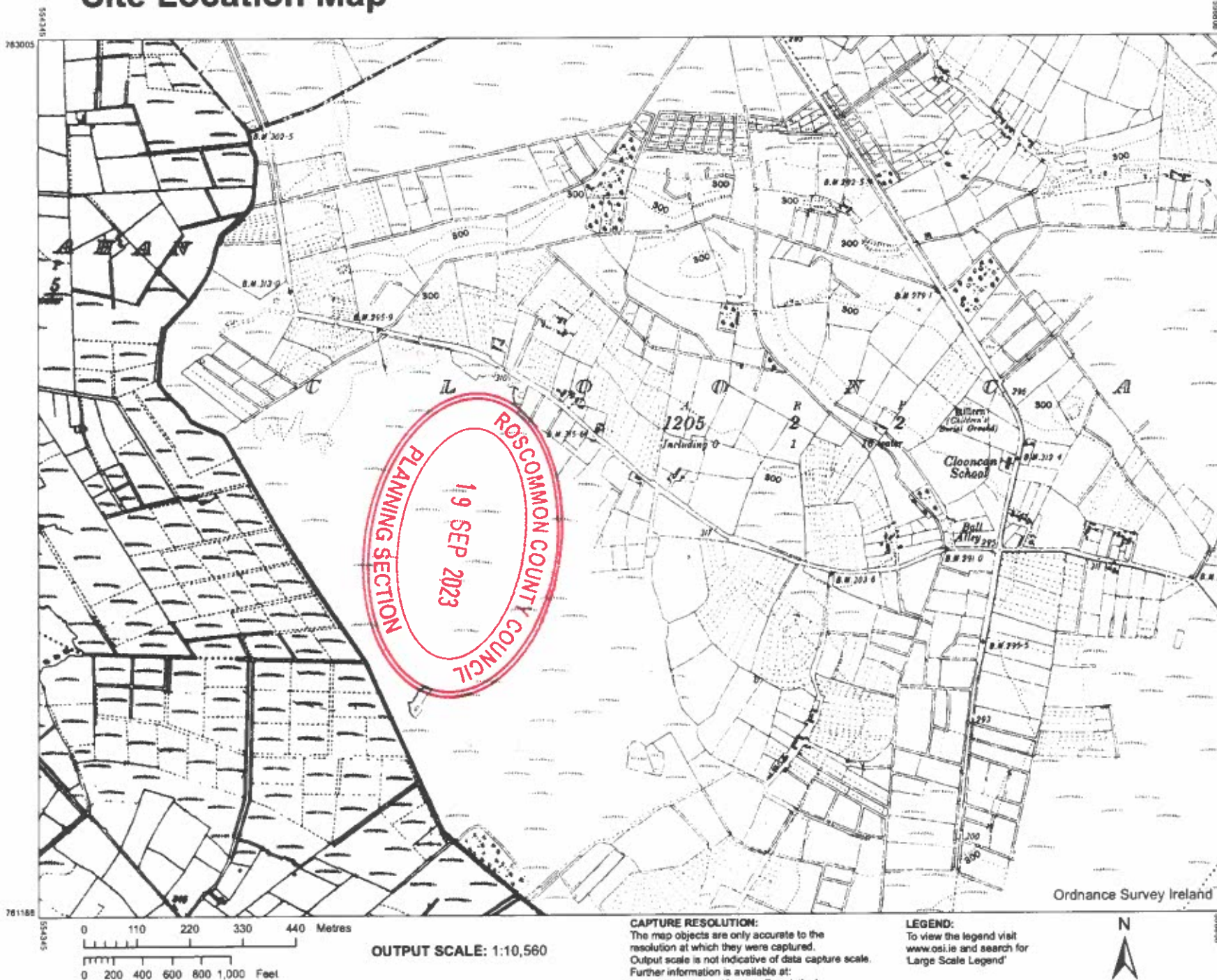
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'Large Scale Legend'

