

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Alexandra Christy,

Reference Number: DED 625

Application Received: 2<sup>nd</sup> October, 2023

Applicant: Alexandra Christy

Location: Cottage No.2, Cloghnashade, Four Roads, Co. Roscommon F42 EA49

Agent: N/A

WHEREAS a question has arisen as to whether 'a rear extension and repairs to current structure' at Cottage No. 2, Cloghnashade, Four Roads, 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, and 4 of the Planning and Development Acts 2000 (as amended);
- (b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- (c) Class 1, Part 1, Schedule 2 of the 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);

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 'a rear extension and repairs to current structure' at Cottage No. 2, Cloghnashade, Four Roads, Co Roscommon is not exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.

**NOW THEREFORE:**

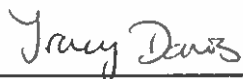
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and, having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works consisting of 'a rear extension and repairs to current structure' at Cottage No. 2, Cloghnashade, Four Roads, 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: 27<sup>th</sup> October, 2023

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

**Reference Number:**

**DED 625**

**Name and Address of Applicant:**

**Alexandra Christy**



**AGENT:**

**NA**

**WHEREAS a question has arisen as to whether 'a rear extension and repairs to current structure' at Cottage no. 2, Cloghnashade, Four Roads, Co Roscommon is or is not development and is or is not exempted development:**

**1.0 Site Location and Description**

The site is located on a local road c 1.3k north east of the settlement of Four Roads. The site consists of a detached traditional hipped roof cottage which is currently uninhabited and in a state of disrepair.

**2.0 Planning History**

No recent relevant planning history.

**3.0 Relevant Legislation**

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- (b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- (c) Class 1, Part 1, Schedule 2 of the 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);

**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.

Sub section 4 (1) (h) provides that development shall be exempt development if it consists 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

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

## Schedule 2, Part 1

Column 1 Description of Development	Column 2 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>	<ol style="list-style-type: none"> <li> <p>(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</p> </li> <li> <p>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> </li> <li> <p>Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> </li> <li> <p>(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> </li> </ol>

	<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.  (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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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#### 4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether ‘a rear extension and repairs to current structure’ is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that ‘a rear extension and repairs to current structure’ constitute works and is therefore development. For the purposes of this assessment the development will be assessed in 2 parts i) the extension and ii) repairs to current structure as different Section/Articles of the Act and Regulations apply.

##### i) The extension

Having considered the definition of both “works” and “development” outlined above, I would deem that the aforementioned form of development constitute works and is therefore development. To assess whether these works are exempt development consideration was given to Class 1 Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended). While no floor plans of the extension have been submitted, it is considered that sufficient information to assess the application can be derived from the elevations submitted and a site visit. The extension proposed exceeds the height of the existing traditional cottage and would therefore be contrary to the ‘Conditions and Limitations’ set out in Class 1 Schedule 2, Part 1 of the Planning and Development Regulation 2001 as amended. It is however difficult to ascertain without floor plans if the extension satisfies other ‘Conditions and Limitations’, but in light of the fact that it is evident that at least one of the conditions and limitations are not complied and therefore the extension is not exempt, it is futile to request floor plans.

Having considered all of the information presented I am satisfied that the extension as indicated on the site layout plan and information submitted does not falls within the remit of class one outlined above as it does not satisfy the conditions and limitations set out in column 2.

i) **The repairs to current structure.**

The applicant has provided no details in relation to the intended repairs to the proposed structure so in the absence of same the development cannot be considered under 4(1)h of the Planning and Development Act 2000 as amended.

**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 site is located 2km away from Four Roads Turlough 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 and not of a nature set out in Article 9 (1)(a) of the Planning and Development Regulations 2001 as amended.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows: **'a rear extension and repairs to current structure' at Cottage no. 2, Cloghnashade, Four Roads, Co Roscommon**, is development and is NOT exempted development:

**5.0 Recommendation**

WHEREAS a question has arisen whether **'a rear extension and repairs to current structure' at Cottage no. 2, Cloghnashade, Four Roads, Co Roscommon**, is development and is exempted development, and is or is not exempted development:

**I have considered this question, and I have had regard particularly to –**

- a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 1, Part 1, Schedule 2 of the 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);

**AND WHEREAS I have concluded that**

**'a rear extension and repairs to current structure' at Cottage no. 2, Cloghnashade, Four Roads, Co Roscommon** is development and is NOT exempted development and I recommend that a declaration to that effect should be issued to the applicant.



**Signed:** \_\_\_\_\_ **Date:** 27th Oct 2023

Paula Connaughton

South Roscommon Area Planner.











## Map Viewer Printout

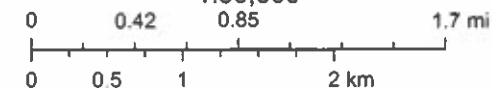


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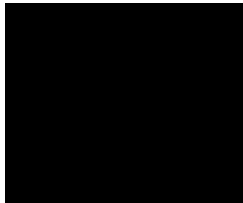
County Boundary

1:50,000



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Alexandra Christy,



Date: 10<sup>th</sup> October, 2023.

Planning Reference: DED 625

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

**Development:** The proposed rear extension and repairs to current structure at Cottage No. 2, Cloghnashade, Four Roads, Co. Roscommon, F42 EA49.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 2<sup>nd</sup> October, 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. **L01/0/224852** dated 2<sup>nd</sup> October, 2023 refers, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 625**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

A handwritten signature in cursive script that reads "Tracy Davis".

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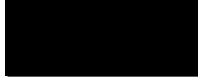
Tracy Davis,  
Senior Executive Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

02/10/2023 14 20 12

Receipt No : L01/0/224852

ALEXANDRA CHRISTY



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 625	

Total : 80 00 EUR

Tendered :  
Credit/Debit Card 80 00  
2644

Change : 0 00

Issued By : Louis Carroll  
From : Central Cash Office






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:	ALEXANDRA CHRISTY
Address: (PROPOSED PROPERTY)	COTTAGE No2 CLOGHNASHADE FOUR ROADS Co. ROSCOMMON F42 EA49
Name & Address of Agent: (HOME ADDRESS)	
Nature of Proposed Works	REAR EXTENSION REPAIRS TO CURRENT STRUCTURE
Location (Townland & O.S No.)	CLOGHNASHADE <del>2104A</del>
Floor Area	40m <sup>2</sup>
Height above ground level	7100 mm
Total area of private open space remaining after completion of this development	$\frac{1}{2}$ ACRE
Roofing Material (Slates, Tiles, other) (Specify)	SLATES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	<del>BRICK</del> (TO MATCH CURRENT) SOLID CONCRETE DASHED FINISH
Is proposed works located at front/rear/side of existing house.	REAR



## Roscommon County Council

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

Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	VACANT PROPERTY
Proposed use of land or structure	HOME
Distance of proposed building line from edge of roadway	30.3 m
Does the proposed development involve the provision of a piped water supply	YES
Does the proposed development involve the provision of sanitary facilities	NO

Signature:

Ally

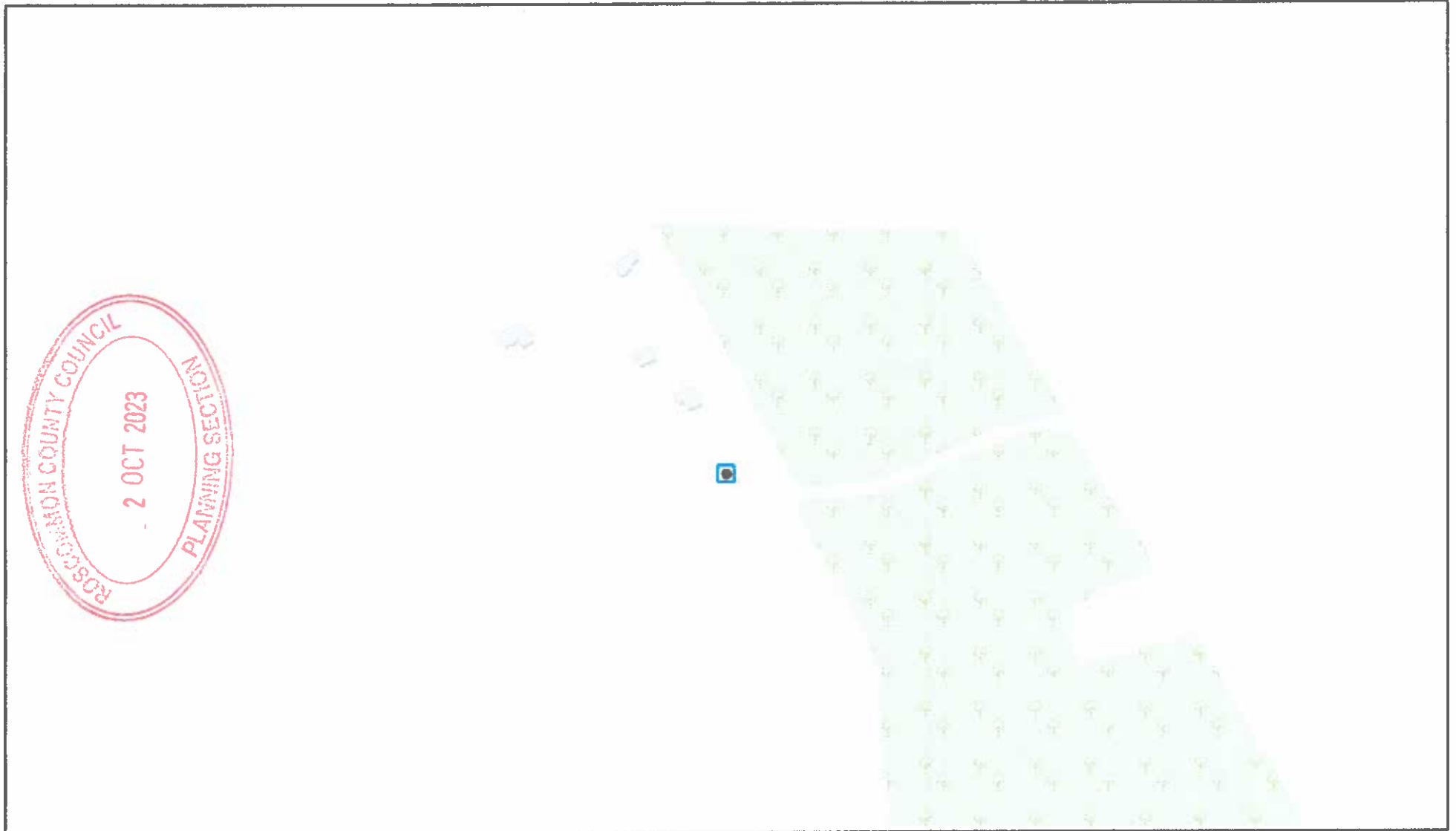
Date:

02 OCT 2023

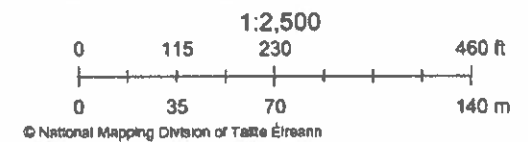
Note: This application must be accompanied by:-

- (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

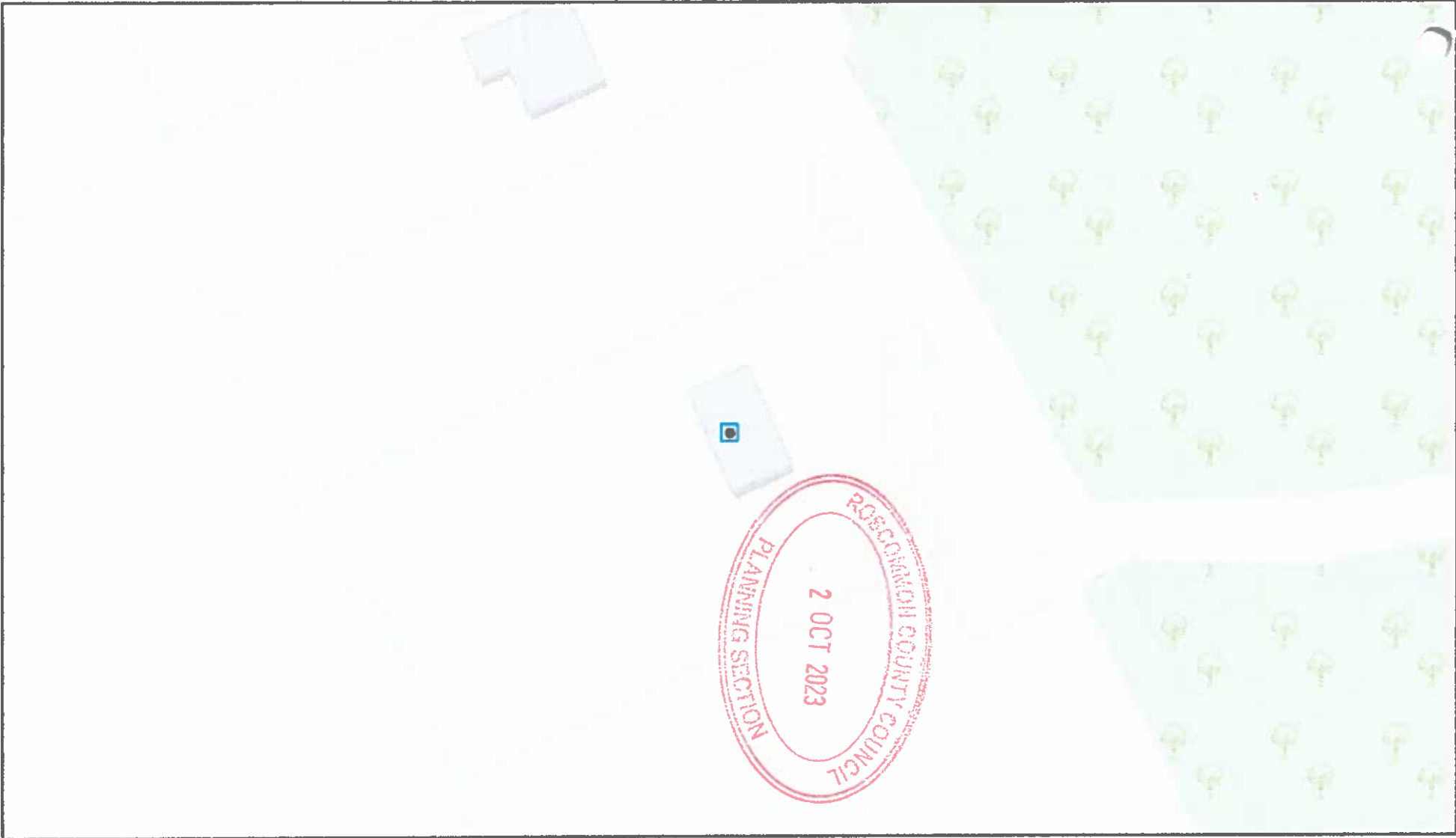
# GeoHive Map



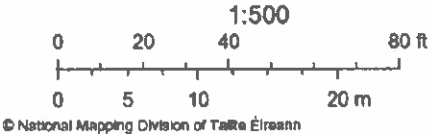
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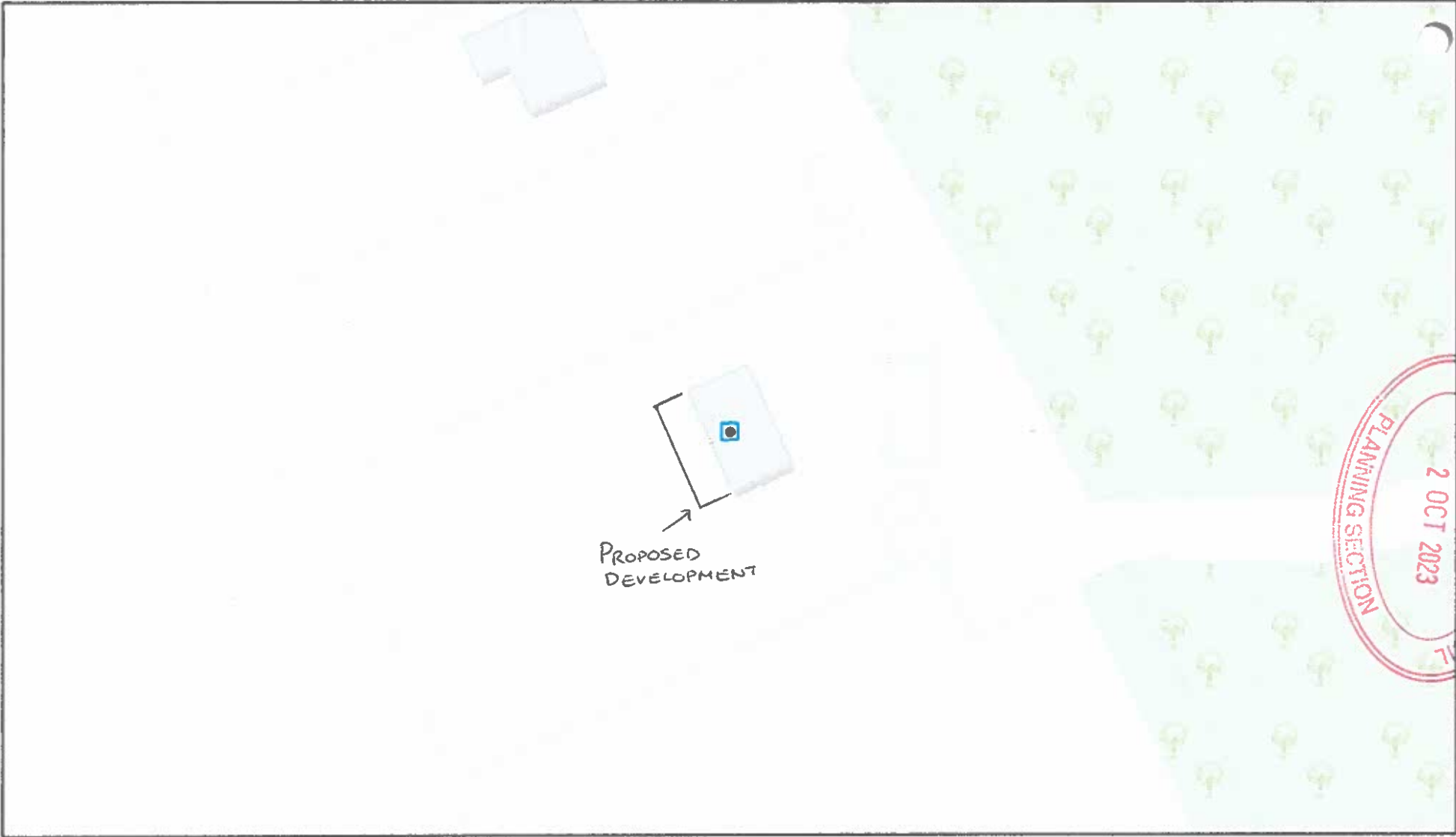




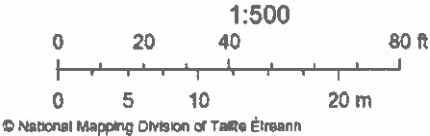


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**Proposed reconstruction and extension**

**for**



**at**

**Cloghnashade,**

**Four Roads,**

**Co. Galway.**

**Scale: 1:50.**



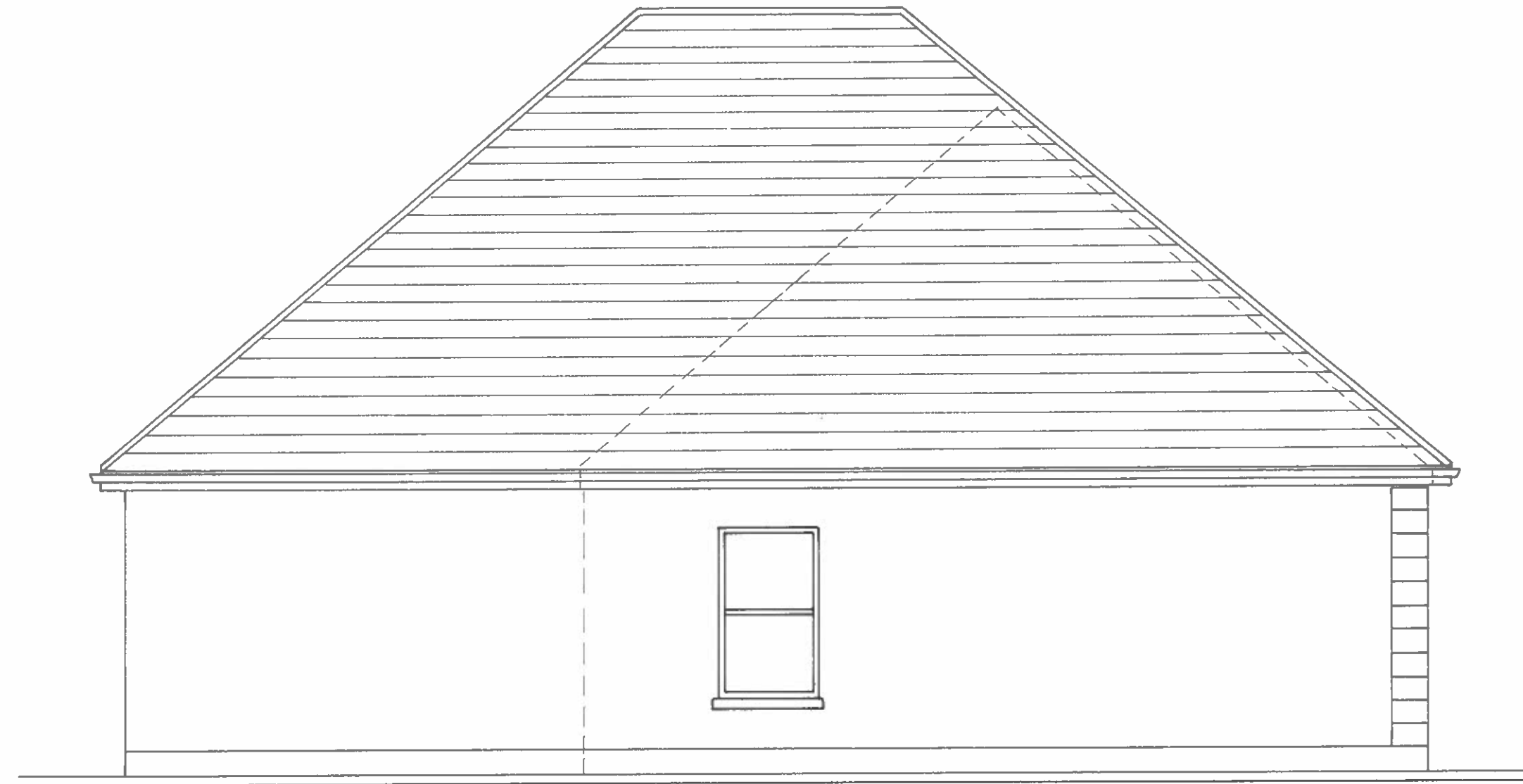
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**RUANE Survey, Design & Planning Ltd.**

**Fohenagh, Ahascragh, Ballinasloe, Co. Galway.**

**Phone/Fax: (090) 9688516. Mob: (087) 8188596. [www.oliverruane.ie](http://www.oliverruane.ie)**

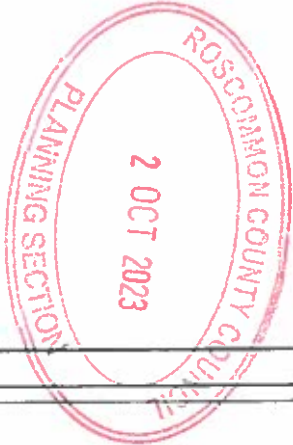




SIDE VIEW.



SIDE VIEW.

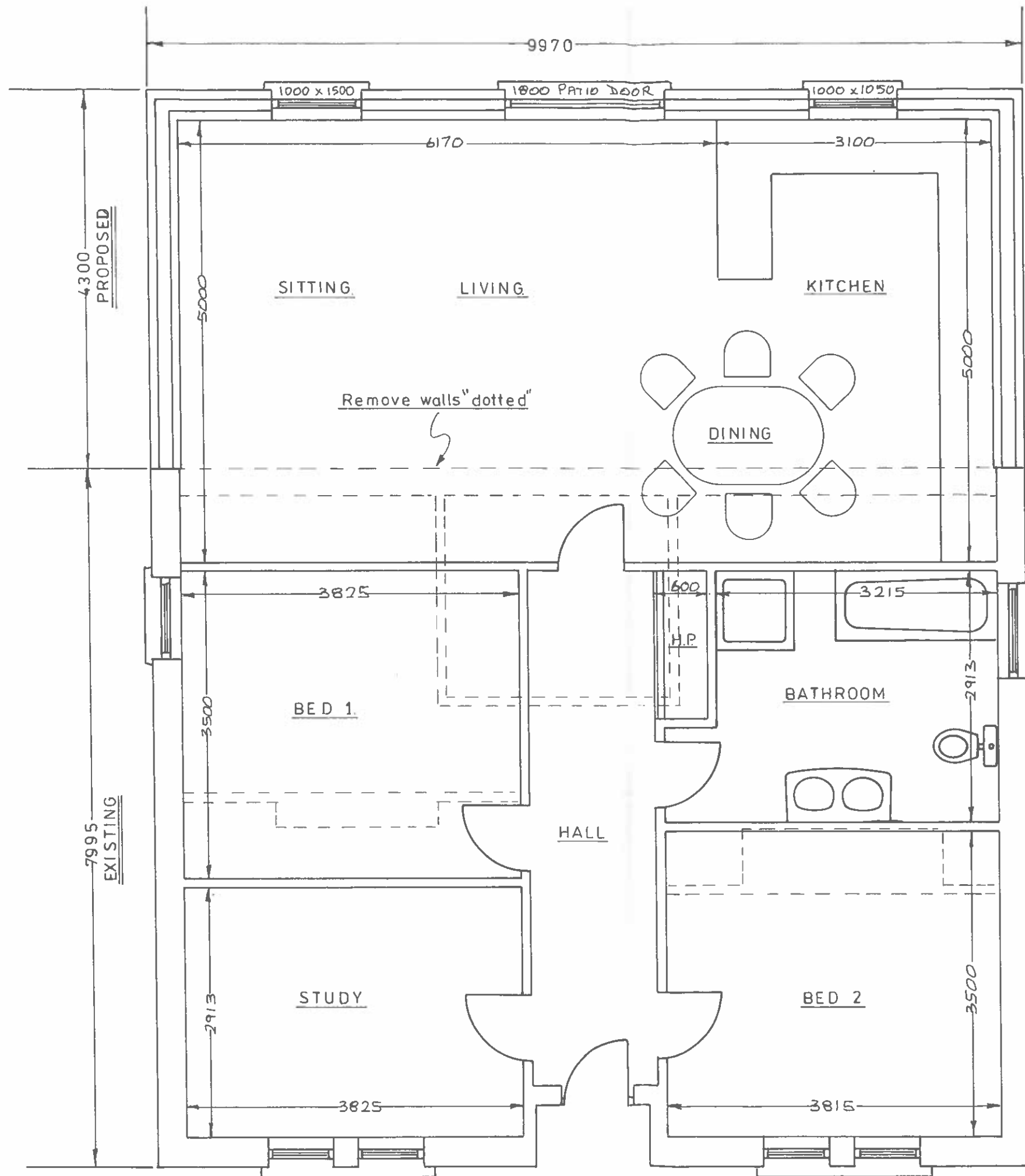




FRONT VIEW.

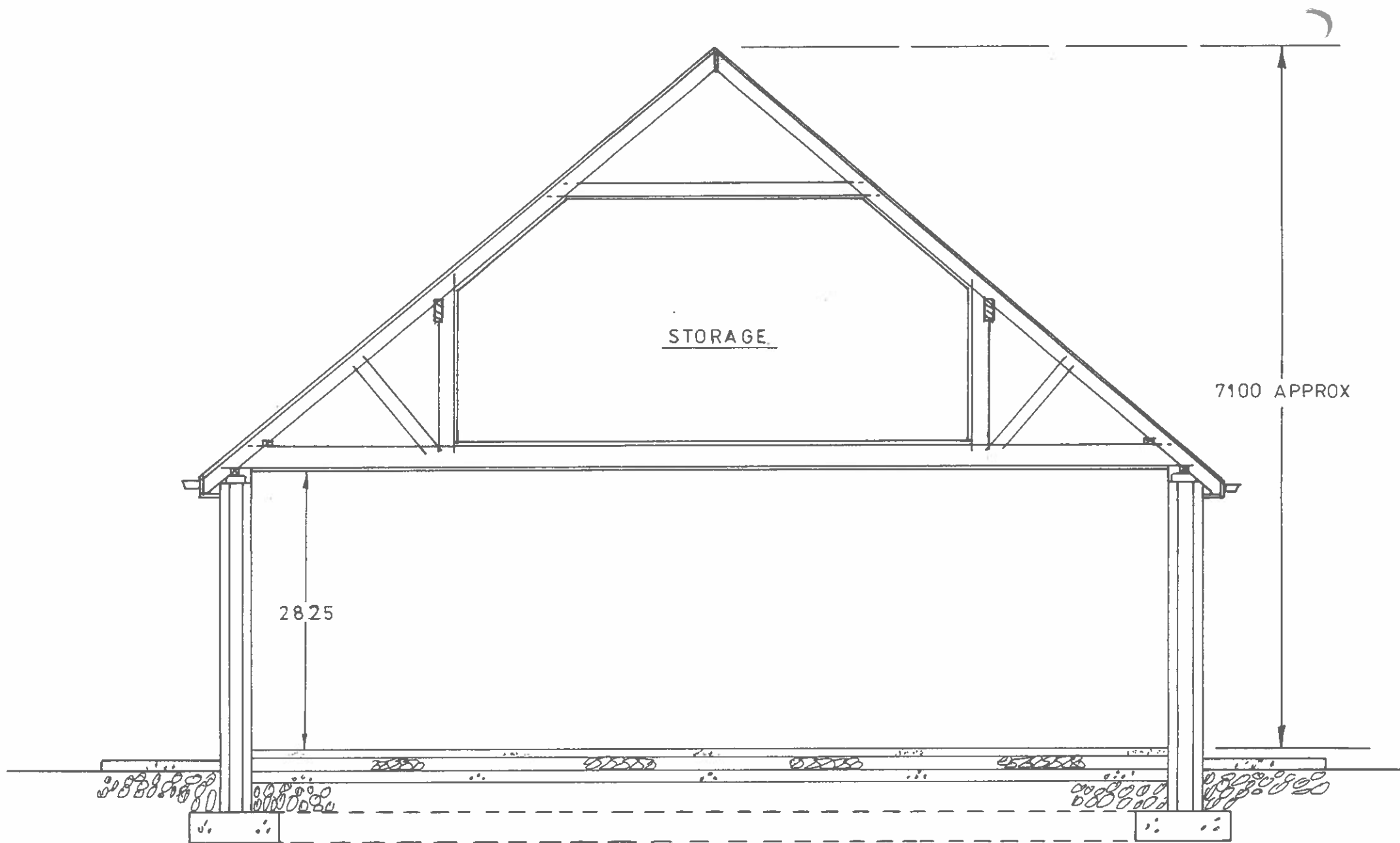


BACK VIEW.

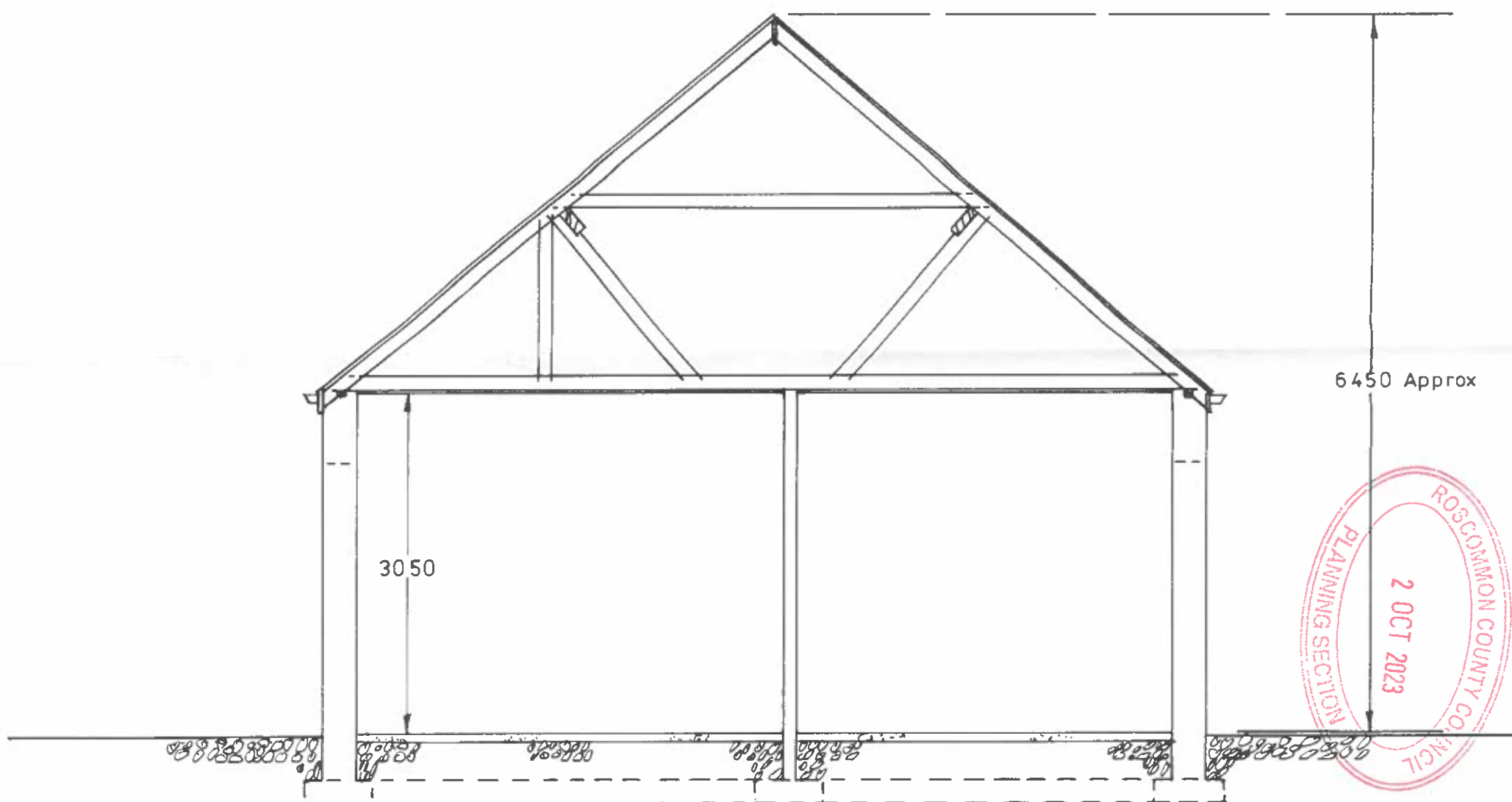


FLOOR PLAN.

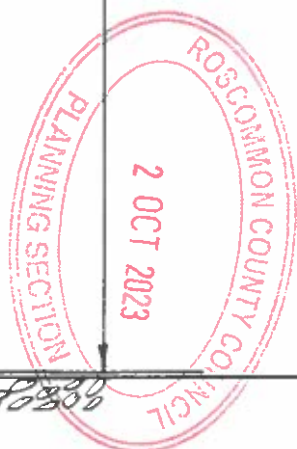




CROSS SECTION - PROPOSED.



CROSS SECTION - EXISTING.





## STANDARD BUILDING SPECIFICATION.

**IMPORTANT NOTE:** All works to be carried out in accordance with the latest building regulations including access for people with disabilities and strictly in accordance with planning authorities' instructions and conditions as set out in the grant of planning.

**Contractor:** The contractor shall be responsible for the setting out and carrying out of works in compliance with the latest building regulations and planning instructions and shall be responsible for any errors in dimensions which may occur, whether same occur on the drawings or not.

**Foundations:** All foundations to be checked after excavation and to be placed as per design engineers specification and drawings.

**Extensions:** extensions and reconstructions of existing buildings shall be carried out after a structural survey has been carried out by a structural engineer on the existing building.

**Radon barrier:** Fit radon barrier and an approved under floor sump connected to external proprietary vent to manufacturer's instructions.

**Floors:** 75mm screed to be placed on 125mm expanded polystyrene insulation to be laid on 100mm concrete sub-floor on radon barrier on a minimum of 300mm selected well compacted hard-core screened and blinder to required levels.

**Walls:** External walls to be constructed of 100mm internal block, 100mm external block with 150mm cavity to receive expanded polystyrene insulation. These may vary depending on client's specifications for various U values. Cavities to be kept clean from any mortar with wall ties to be stainless steel or galvanised and placed in accordance with I.S.268. All walls, lintels, beams and concrete floor slabs to design engineer's specification.

**Roof:** Selected colour slates or tiles to be fitted to manufacturer's instructions to laths nailed on untearable felt to rafters. Rafters to be 125mm x 50mm @ 400 centres with 175mm x 12.5mm ridge board, 125mm x 50 collar ties at every fourth rafter, 225mm x 75mm purlins with 100mm x 75mm @ 3.3m max. centres, 75mm x 50mm hangers, 75mm x 50mm runners and 100mm x 75mm wall plate. Fit 25mm fascia and soffit to required widths to receive p.v.c. of aluminium gutters and downpipes.

**Electrical works:** Installation and material to be strictly in accordance with the latest regulations of the E.S.B. and Institute of Electrical Engineers. Provide all points in proper locations in compliance with regulations. Where necessary wires shall be carried through holes bored in joists while avoiding any structural threat to the joists. Heavy duty proper conduit to be used where cable is buried and care to be taken not to damage cables while placing. Provide smoke and carbon monoxide alarms to the latest regulations at appropriate locations.

**Plastering:** All plaster work and finishes to be carried out in accordance with the specifications, air tightness, fire regulations and wishes of client. Care to be taken to ensure all materials and workmanship is of a high standard and precautions to be taken to avoid damage to all the surroundings. All works to be carried out in suitable weather conditions to avoid any risk of damage from frost or heavy rain especially external work.

**Plumbing:** All workmanship to be carried out to a high standard to ensure that the correct material and fittings are fitted to the manufacturer's instructions and guidelines. Renewable sources of heating shall be carefully planned and calculated prior to installation. All hot water pipes to be insulated.

**Drainage:** Trenches to be excavated to required depths, widths and falls to allow drainage pipes and percolation pipes to be laid to correct levels. Care to be taken when installing treatment units, man holes, soak pits, gully traps, pipework and fittings. All works to be tested for leaks prior to carefully covering over with a suitable filling.

**Glazier:** All external windows and doors shall be made to a high standard as per building regulations of timber, aluminium or p.v.c. frames fitted with approved glass units as described in drawings. Care to be taken when fitting to insure air tightness compliance. The design, material, colour and opening details shall comply with the planning permission and building regulations.

**Fire precautions:** All bedrooms windows to have a minimum of 850mm x 500mm opening sash to occur a maximum of 1100mm and a minimum of 800mm above floor level.

**Ventilation:** Each room should have an opening window area of at least one twentieth of the floor area. Roof ventilation to be provided by a continuous strip vent at eaves.

### **SPECIFICATION.**

**FOUNDATIONS.** Existing concrete foundations are constructed under walls.

**WALLS.** Wall are construction of solid concrete construction with dashed finish to exterior and plaster with skimmed finish to inside.

**FLOORS.** Concrete floors on well compacted hardcore blinded with gravel to required levels.

**Windows and doors.** Windows and doors fitted are timber. Glass is single glazed.

**ROOF.** Slates nailed 50mm x 25mm batons nailed to 150mm x 50mm rafters and collar ties with 100mm x 75mm wall plate secured to wall.

**HOUSE HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE SPECIFICATIONS AND BUILDING REGULATIONS AT THE TIME.**

Plumbing and wiring needs to be replaced fully.

The flat roof rear extension is of concrete construction with flat roof.

