

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 627

Application Received: 10th November, 2023

Name of Applicant: Alexandra Christy.

Agent: N/A

WHEREAS a question has arisen as to whether a rear extension 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 and 3 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 to current structure, 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 said works the **proposed rear extension to current structure at Cottage no. 2, Cloghnashade, Four Roads, Co Roscommon, is development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

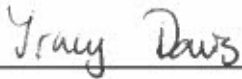
Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTES

The existing septic tank may not be functioning effectively and require upgrading or replacement. In such circumstances planning permission is required.

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: 7th December, 2023

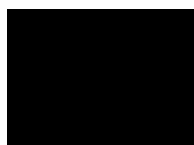
**Planner's Report on application under Section 5 of the
Planning and Development Act, 2000, as amended**

Reference Number:

DED 627

Name and Address of Applicant:

Alexandra Christy



AGENT:

NA

WHEREAS a question has arisen as to whether 'a rear extension 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 and 3 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.

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>CLASS 1</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"> 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 2. 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.

	<p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether ‘a rear extension 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 to current structure’ constitute works and is therefore development.

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 does not exceed the height of the existing traditional cottage and is below the 40 sqm limit and therefore is compliant with the ‘Conditions and Limitations’ set out in Class 1 Schedule 2, Part 1 of the Planning and Development Regulation 2001 as amended.

Having considered all of the information presented I am satisfied that the extension as indicated on the site layout plan and information submitted does falls within the remit of class one outlined above as it satisfies the conditions and limitations set out in column 2.

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 to current structure' at Cottage no. 2, Cloghnashade, Four Roads, Co Roscommon,** is development and exempted development:

5.0 Recommendation

WHEREAS a question has arisen whether **'proposed rear extension 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 and 3 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

'proposed rear extension to current structure' at Cottage no. 2, Cloghnashade, Four Roads, Co Roscommon is development and is exempted development and I recommend that a declaration to that effect should be issued to the applicant.



Signed: _____ **Date:** 5th Dec 2023

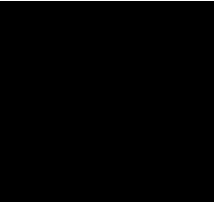
Paula Connaughton

South Roscommon Area Planner.





Alexandra Christy,



Date: 13th November, 2023.

Planning Reference: DED 627

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

Development: Proposed rear extension 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 10th November, 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. **L01/0/225543** dated 10th November, 2023 refers.

Note: Please note your Planning Reference No. is **DED 627**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

A handwritten signature in cursive script, reading "Tracy Davis".

Tracy Davis,
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

10/11/2023 14:40:02

Receipt No 1.01/0/225543
***** REPRINT *****

ALEXANDRA CHRISTY

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED627

Total : 80.00 EUR

Tendered

WED 6/27



Comhairle Contae
Ros Comáin
Roscommon
County Council

Aras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: 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:	NO. 2 CLOGHINASHADE FOUR ROADS CO. ROSCOMMON F42 EA49
Name & Address of Agent: (HOME)	[REDACTED]
Nature of Proposed Works	REAR EXTENSION (VACANT PROPERTY REFURBISHMENT GRANT)
Location (Townland & O.S No.)	CLOGHINASHADE
Floor Area	NEW : 39.88 m ²
Height above ground level	NO CHANGE : MIN 3m TO EXISTING MAX POINT OF ROOF 6.45m
Total area of private open space remaining after completion of this development	$\frac{1}{2}$ ACRE
Roofing Material (Slates, Tiles, other) (Specify)	SLATE (NO CHANGE)
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	BLOCK WALL PLASTERED AND PAINTED TO MATCH EXISTING
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	YES , REFUSED EXEMPTION SO WE AMMENDED PLANS TO CONFORM
If yes give ref. number (include full details of existing extension, if any)	DED 625 (NO WORK TOOK PLACE)
Existing use of land or structure	VACANT PROPERTY
Proposed use of land or structure	HOME
Distance of proposed building line from edge of roadway	23.4 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:

Achille

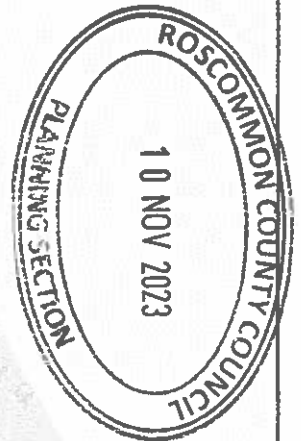
Date:

10 NOV 2023

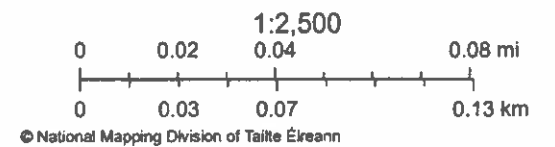
Note: This application must be accompanied by:-

- (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



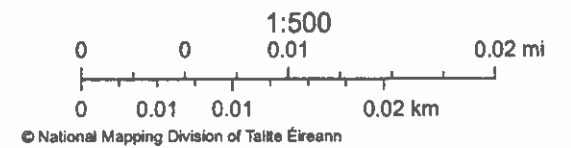
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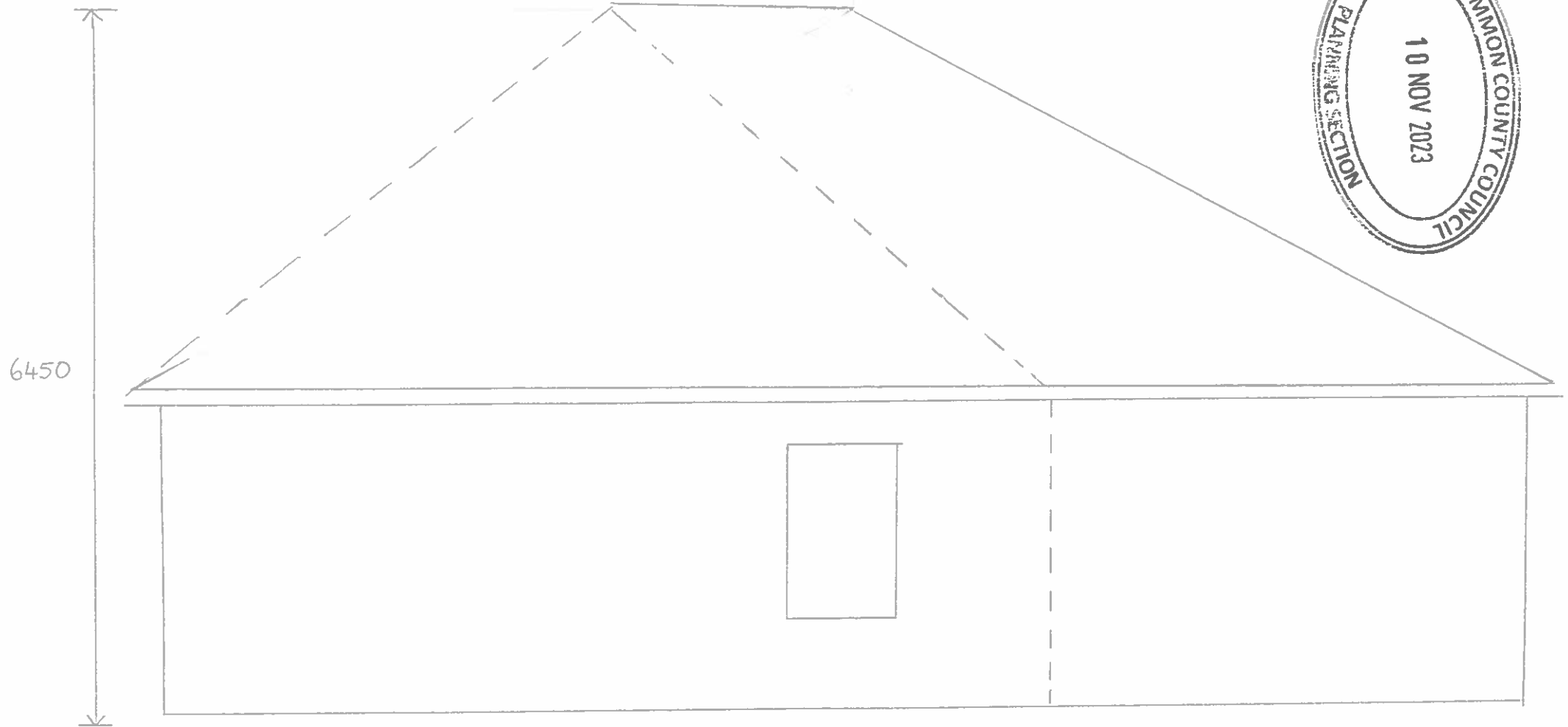
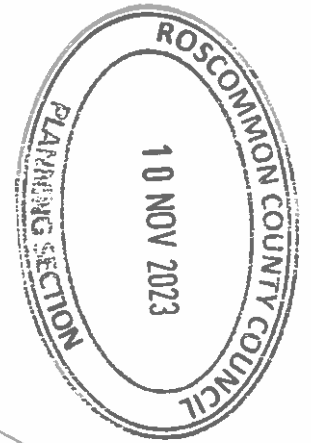
GeoHive Map



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SIDE VIEW
(BACK EXTENDED 4m)
(ROOF HEIGHT UNCHANGED)





BACK VIEW

(CHIMNEYS REMOVED)

9970

SLIDING DOOR
(NEW BACK WALL)

4000

(ORIGINAL BACK WALL)

7995



TOP DOWN VIEW