

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Edward and Jennifer Payne,



Reference Number: DED 630

Application Received: 22nd November, 2023

Name of Applicants: Edward and Jennifer Payne

Agent: Seamus Murray, Project Managers, Engineers & Surveyors, 2 Cherryside Business Park, Castle Street, Roscommon.

WHEREAS a question has arisen as to whether the refurbishment of existing dwelling house and construction of a 4.86m² extension at the rear of the house at Ogulla, Tulsk, 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 Acts 2000 (as amended);
- b) Articles 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);
- 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 the refurbishment of existing dwelling house and construction of a 4.86m² extension at the rear of the house, is exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.

NOW THEREFORE:

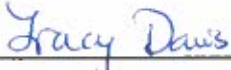
By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said works the **the refurbishment of existing dwelling house and construction of a 4.86m² extension at the rear of the house at Ogulla, Tulsk, 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 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:

A handwritten signature in blue ink, reading "Tracy Davis", is written over a horizontal line.

Senior Executive Planner,
Planning.

Date: 20th December, 2023

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

Reference Number:	DED 630
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the refurbishment of existing dwelling house and construction of a 4.86m ² extension at the rear of the house
Name of Applicant:	Edward and Jennifer Payne
Location of Development:	Ogulla townland, Tulsk, Co. Roscommon

WHEREAS a question has arisen as to whether the following works; the construction of an extension to a dwelling house at the above address is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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 site is located in the townland of Ogulla, c. 0.5km west of the village of Tulsk and is directly served by the R367. The subject site contains a detached cottage style dwelling house with ancillary buildings.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Question arising: Whether the proposed extension is or is not development and is or is not exempted development.

- Floor Area of proposed extension: 4.86²

Planning History

No Planning history

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

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

Section 3. -(1)

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

Section 4(1) of the Act defines certain types of development as being ‘exempted development’.

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

Planning and Development Regulations, 2001 as amended

Article 6 (1)

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

Article 9 (1) applies:

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

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

Class 1 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<i>Development within the curtilage of a house</i> 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.	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.

	<p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4.</p> <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> <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.</p> <p>(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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Assessment:

With regard to the proposal for the construction of a rear single storey extension measuring a stated 4.86m², the following (relevant factors) sets out how this proposal complies with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Development within the curtilage of a house) as set out in the table above:

1. The dwelling has been extended previously to the rear however the proposed extension, along with the existing extension will not exceed 40sqm.
2. Existing wall heights will not be exceeded by the proposed extension. It is single storey only.
3. The proposed extension will not result in the reduction of rear private open space to below 25m².
4. Any window will be at least 1m from any boundary it faces.
5. The roof of the extension will not be used as a balcony or roof garden.

The internal refurbishment work falls under Section 4(1)(h) of the Planning & Development Act 2000 (as amended) which provides as follows:

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

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Recommendation

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

- The works are development.
- The works comprising the refurbishment of existing dwelling house and construction of a 4.86m² extension at the rear of the house at Ogulla, Tulsk, Roscommon falls within Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.
- The proposal constitutes exempted development.

WHEREAS a question has arisen as to whether a proposed development to refurbish the existing dwelling house and the construction of a 4.86m² extension at the rear of the house at Ogulla, Tulsk, 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 as amended.
- (e) The planning history of the site

AND WHEREAS I have concluded that

- The works to refurbish the existing dwelling house and the construction of a 4.86m² extension at the rear of the house is development.
- The works to refurbish the existing dwelling house and the construction of a 4.86m² extension at the rear of the house Ogulla, Tulsk, Roscommon fall within Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations.
- Given that the development complies with the conditions and limitations of Class 1 of Part 1 of Schedule 2 of Planning and Development Regulations, I have concluded that the proposal is exempted development.
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

AND WHEREAS I have concluded that the said development to refurbish the existing dwelling house and the construction of a 4.86m² extension at the rear of the house at Ogulla, Tulsk, Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed 
Executive Planner

Date: 19th December 2023

DED 630



F45 + D65
TVst









Ed & Jennifer Payne,

Date: 28th November, 2023.
Planning Reference: DED 630

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

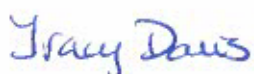
Development: Proposed refurbishment of existing dwelling house and construction of a 4.86m²
extension at the rear of the house at Ogulla Townland, Tulsk, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 23rd 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. **L01/0/225762** dated 22nd November, 2023 refers.

Note: Please note your Planning Reference No. is **DED 630**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,



Tracy Davis,
Senior Executive Planner,
Planning Department.

c.c. Seamus Murray,
Project Managers, Engineers & Surveyors,
2 Cherryside Business Park,
Castle Street,
Roscommon.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

24/11/2023 11:57:58

Receipt No L01/0/225762

ED & JENNIFER PAYNE
C/O SEAMUS MURRAY
PROJECT MANAGERS, ENGINEERS
2 CHERRYSIDE BUSINESS PK
CASTLE ST. ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 630	

Total 80.00 EUR

Tendered
Cheque 80.00
338

Change 0.00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

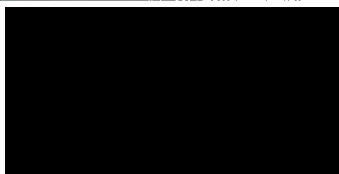
DEU 030



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:	ED + JENNIFER PAYNE.
Address:	
Name & Address of Agent:	SEAMUS MURRAY PROJECT MANAGER, ENGINEERS + SURVEYORS 2 CROMMYSIDE BUSINESS PARK, CASTLE VEST, ROSCOMMON. 087 2222874 Seamusmurray602@gmail.com
Nature of Proposed Works	REFURBISHMENT OF EXISTING DWELLING HOUSE + CONSTRUCTION OF A 4.86m ² EXTENSION AT THE REAR OF THE HOUSE. AS PER ATTACHED DRAWINGS.
Location (Townland & O.S No.)	OBULLA, 2161-D, F45 XD65
Floor Area	EXISTING HOUSE = 86m ² PROPOSED EXTENSION = 4.86m ²
Height above ground level	EXISTING = 5.50m. EXTENSION = 3.0m
Total area of private open space remaining after completion of this development	0.195 HA.
Roofing Material (Slates, Tiles, other) (Specify)	EXISTING HOUSE - NATURAL SLATES EXTENSION - TROCAL OR SIMILAR.
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	ACRYLIC PLASTER, WHITE/PORTLAND.
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 HOUSE.
Proposed use of land or structure	DWELLING HOUSE.
Distance of proposed building line from edge of roadway	10 m
Does the proposed development involve the provision of a piped water supply	EXISTING.
Does the proposed development involve the provision of sanitary facilities	EXISTING. A PLANNING APPLICATION IS BEING PREPARED FOR THE UPGRADE OF THE TREATMENT SYSTEM

Signature:



Date:

22/11/2023

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 **SEE DRAWINGS.**



Land Registry Compliant Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 582581,781121

PUBLISHED: 08/11/2023
ORDER NO.: 50367240_1

MAP SERIES: 1:2,500
MAP SHEETS: 2161-D

COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland
D08F6E4

www.tailte.ie

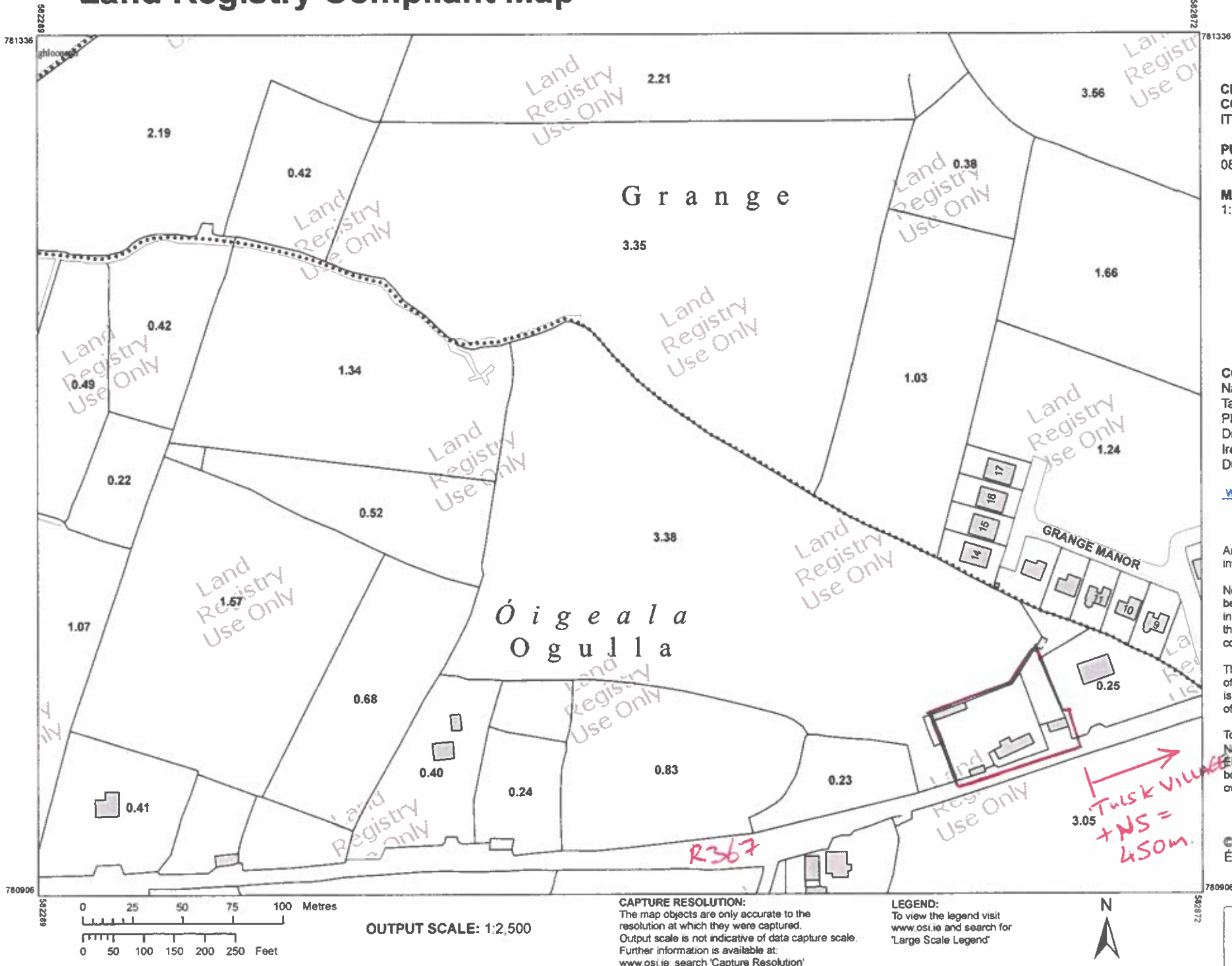
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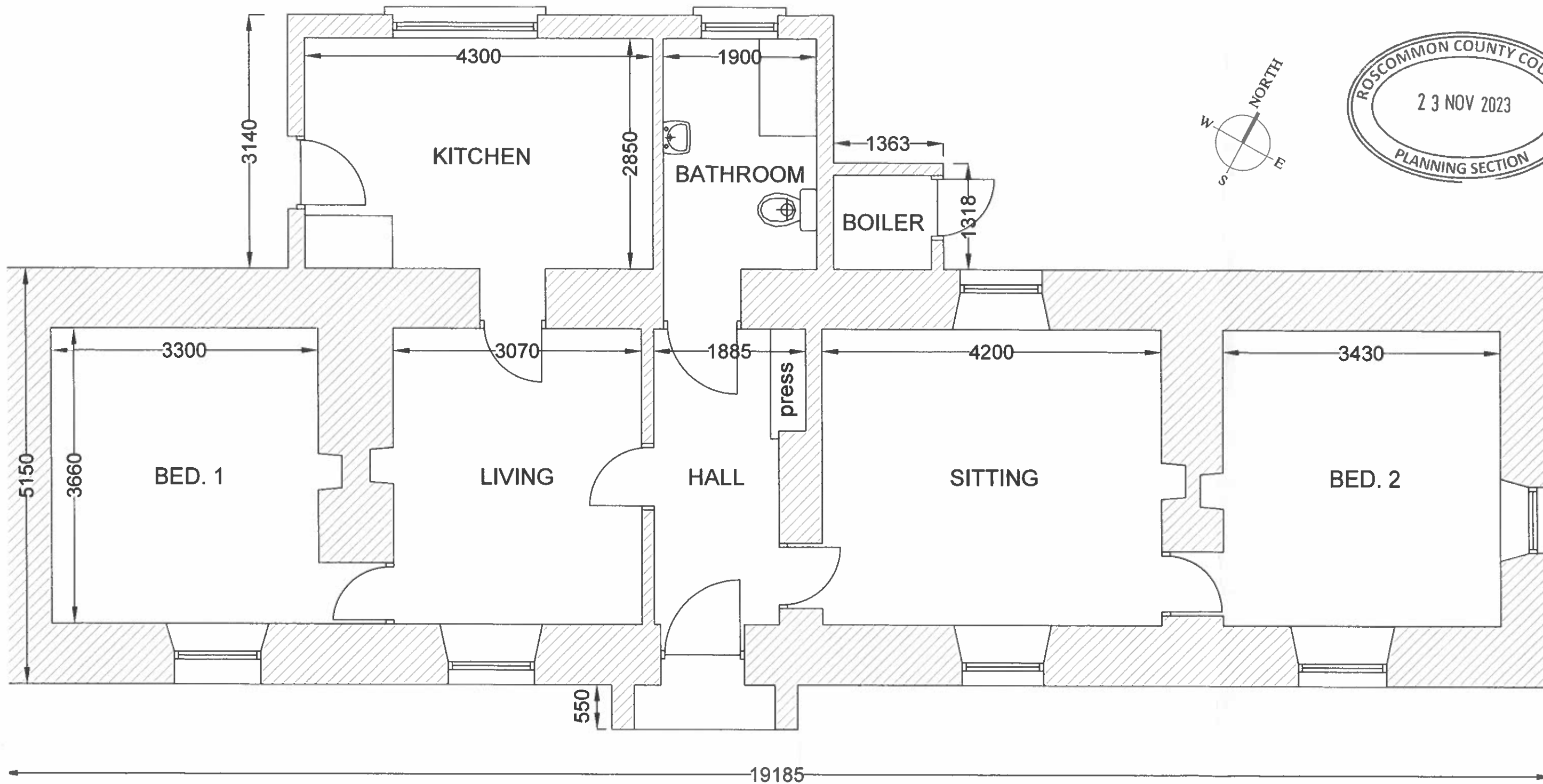
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FLOOR PLAN
 scale 1:50
 floor area = 86 sq.m

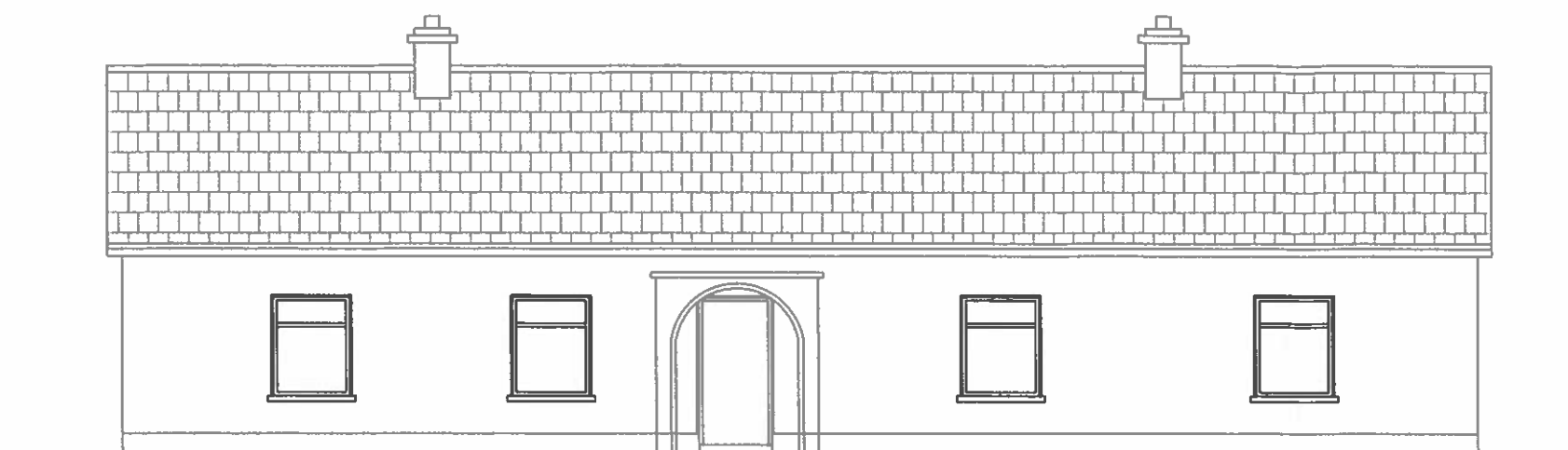
SEAMUS MURRAY
 Project Managers, Engineers & Surveyors
 2 CHERRYSIDE BUSINESS PARK,
 CASTLE STREET,
 ROSCOMMON.
 TEL: 087 2222874
 E.Mail: seamusmurray60@gmail.com

CLIENT
 Edward and Jennifer Payne.

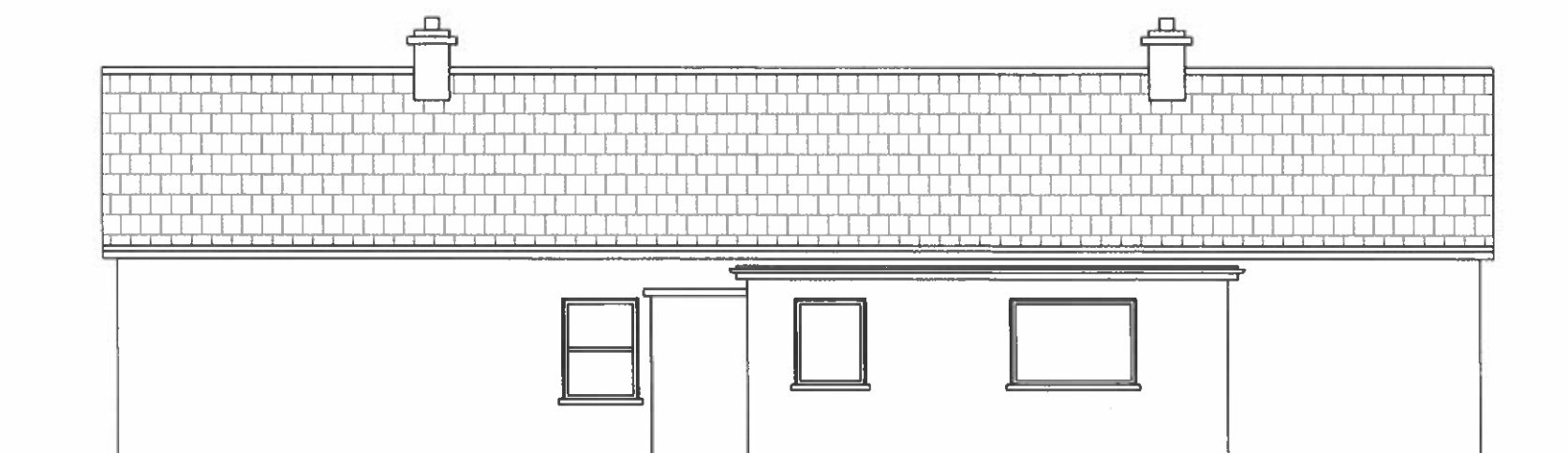
DRAWING TITLE
 Existing House Plan

PROJECT
 Existing House at
 Ogulla, Tulsk,
 Co. Roscommon. F45 XD65.

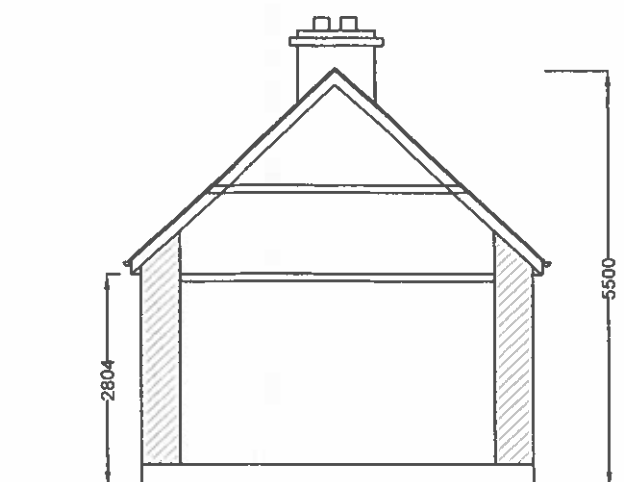
drawn by: S.D.	date: Sept. 2023	scale: 1:50	chk:
JOB No.	drg. no. 01	rev.	



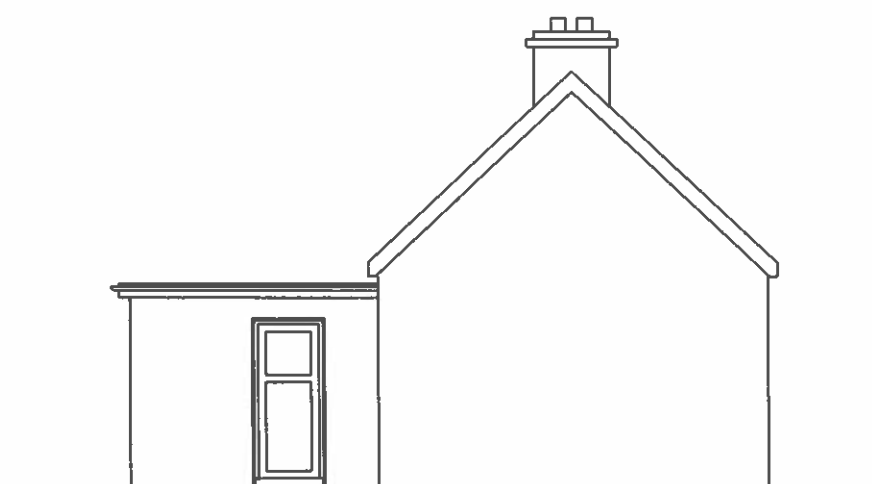
FRONT ELEVATION. 1:100



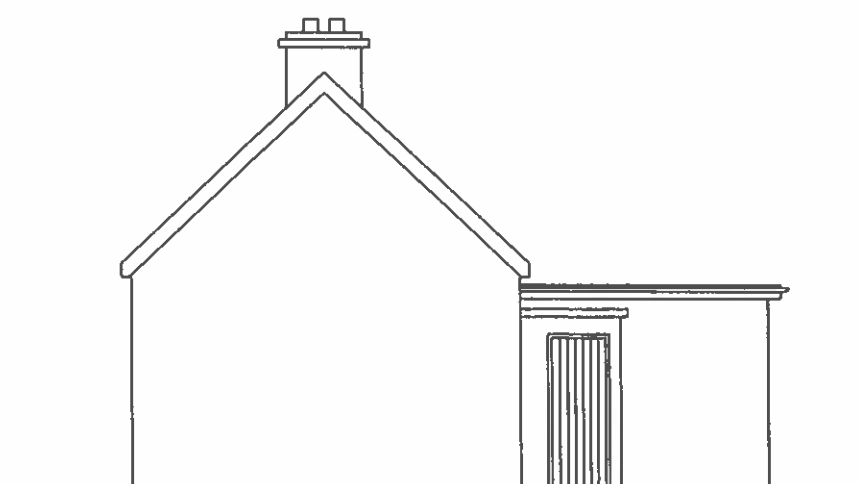
REAR ELEVATION. 1:100



CROSS SECTION 1:100



END ELEVATION. 1:100



END ELEVATION. 1:100

SEAMUS MURRAY
Project Managers, Engineers & Surve

2 CHERRYSIDE BUSINESS PARK,
CASTLE STREET,
ROSCOMMON.

TEL: 087 2222874
E-Mail: seamusmurray60@gmail.com

PROJECT
Existing House at
Ogulla, Tulsk,
Co. Roscommon. F45 XD65.

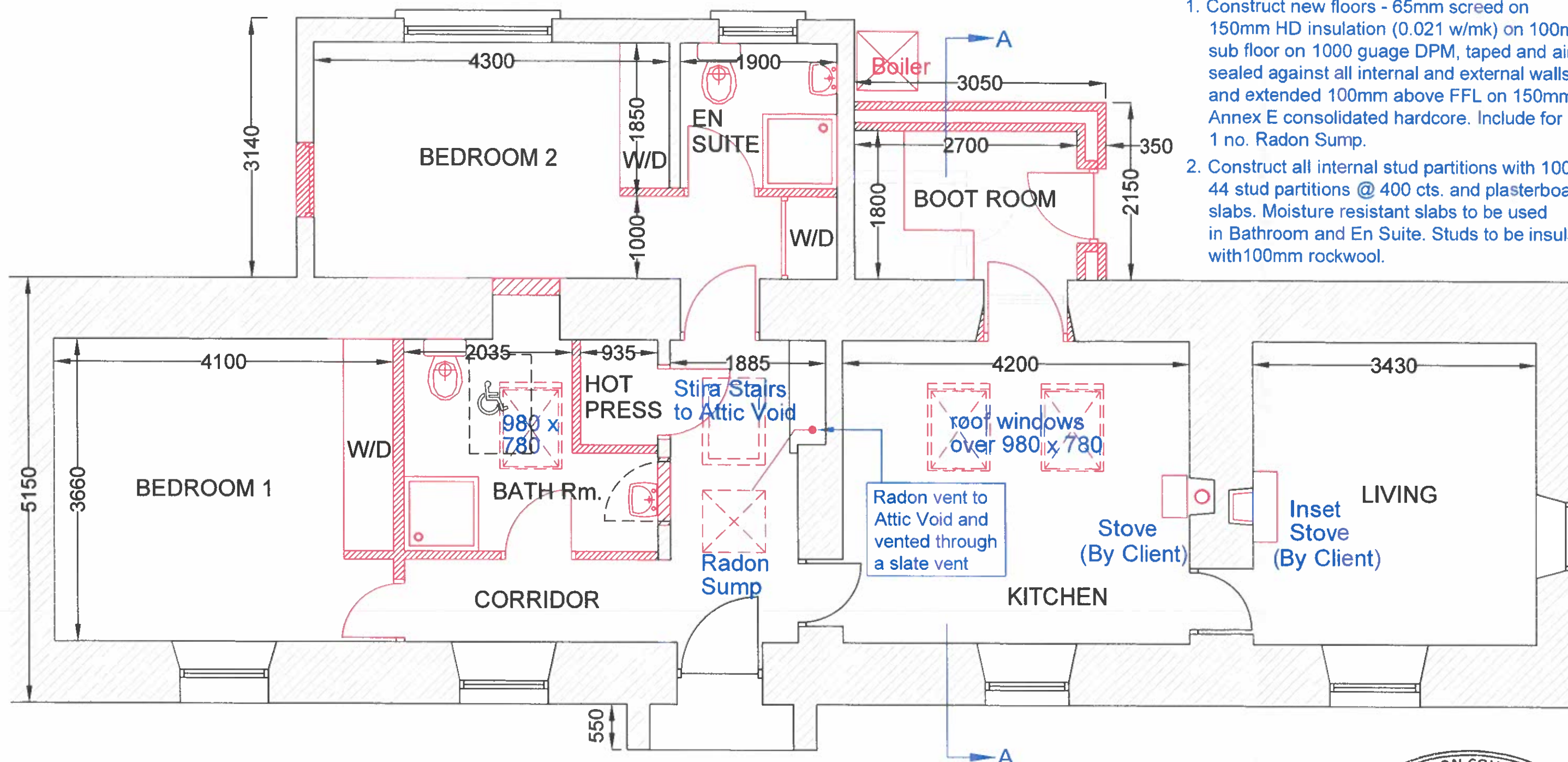
CLIENT
Edward and Jennifer Payne.

DRAWING TITLE
Existing House Elevations

drawn by: S.D.	date: Sept. 2023	scale: 1:100	chk
JOB No.	drg. no. 02	rev	

Proposed Works

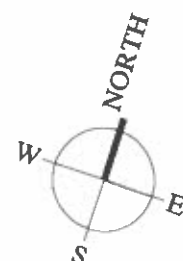
1. Construct new floors - 65mm screed on 150mm HD insulation (0.021 w/mk) on 100mm sub floor on 1000 gauge DPM, taped and air sealed against all internal and external walls and extended 100mm above FFL on 150mm Annex E consolidated hardcore. Include for 1 no. Radon Sump.
2. Construct all internal stud partitions with 100 x 44 stud partitions @ 400 cts. and plasterboard slabs. Moisture resistant slabs to be used in Bathroom and En Suite. Studs to be insulated with 100mm rockwool.



Proposed Works

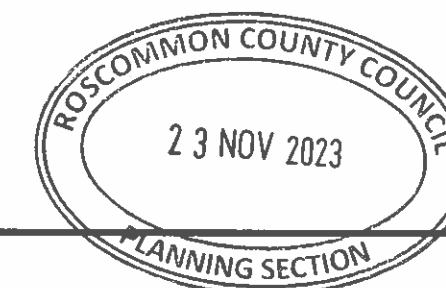
3. Re-line chimneys in kitchen and living room and leave ready for stoves.
 4. Bedroom 1 - Install 150 x 44 mm ceiling joists.
 5. Kitchen - Create vaulted ceiling (as per dwg. no. 6) with collar ties at 3.6m above FFL.
 6. In remainder of roof, fit collar ties on every third rafter.
 7. New ceilings throughout house, skim coat and plaster on 12.5mm foil backed plaster board.
- Kitchen ceiling as per detail.

FLOOR PLAN
scale 1:50



INDEX

Proposed Works shown Red..... 



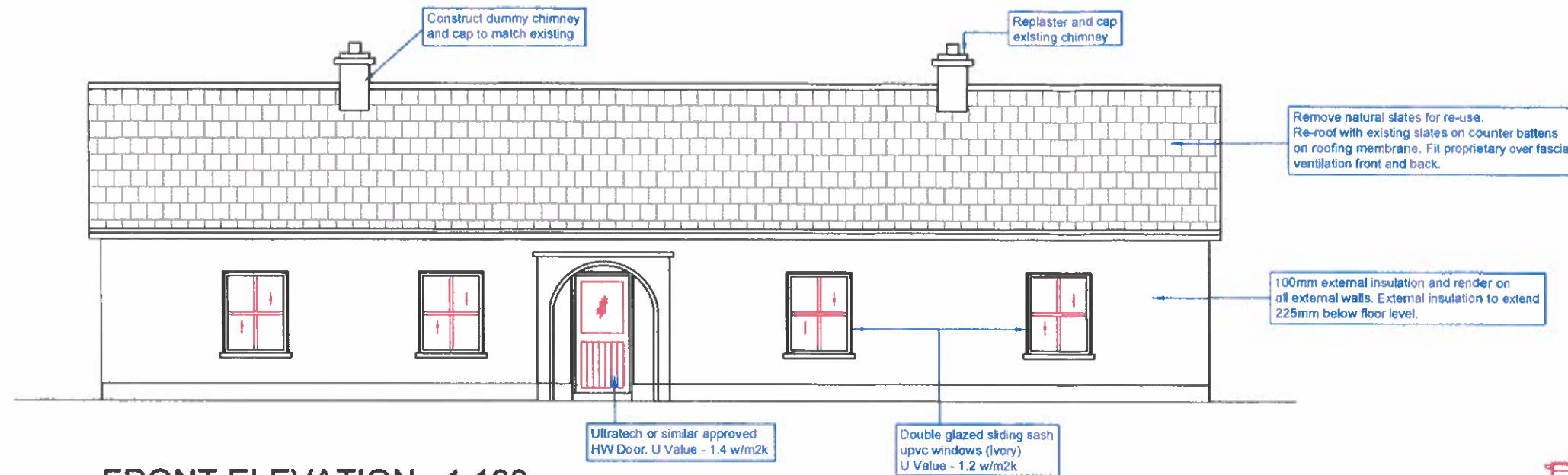
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TEL: 087 2222874
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PROJECT
Existing House at
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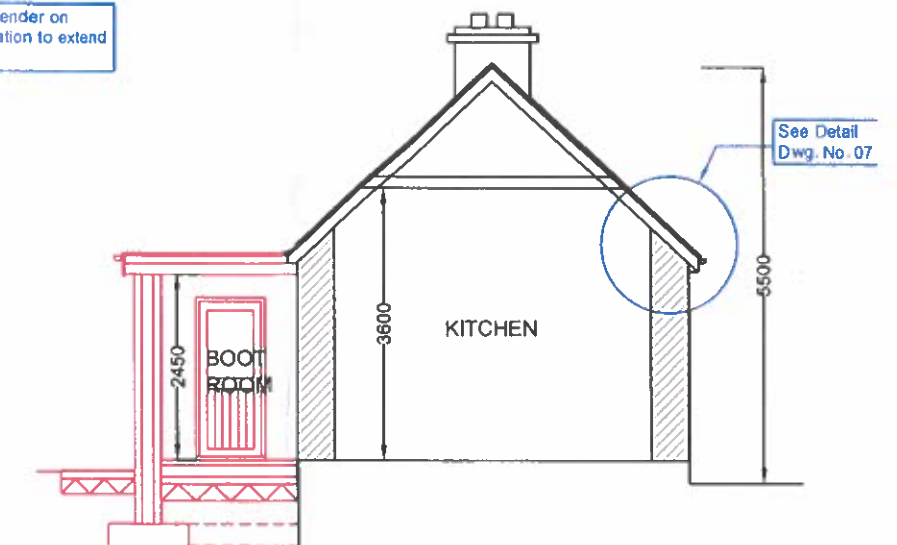
CLIENT
Edward and Jennifer Payne.

DRAWING TITLE
Floor Plan - Proposed Works.

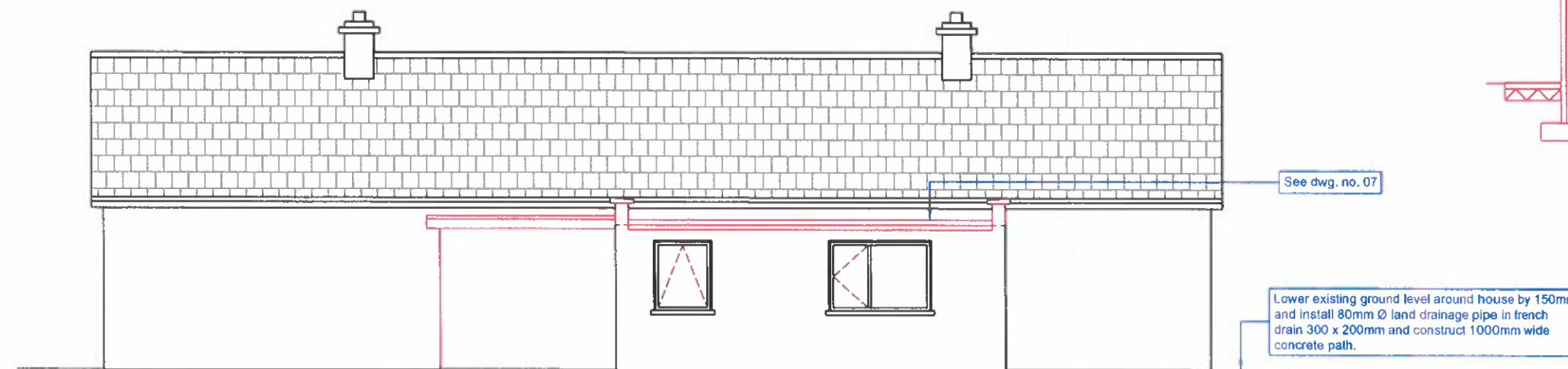
drawn by: S.D.	date: Oct. 2023	scale: 1:50	chk:
JOB No.	drg. no. 05	rev.	



FRONT ELEVATION. 1:100

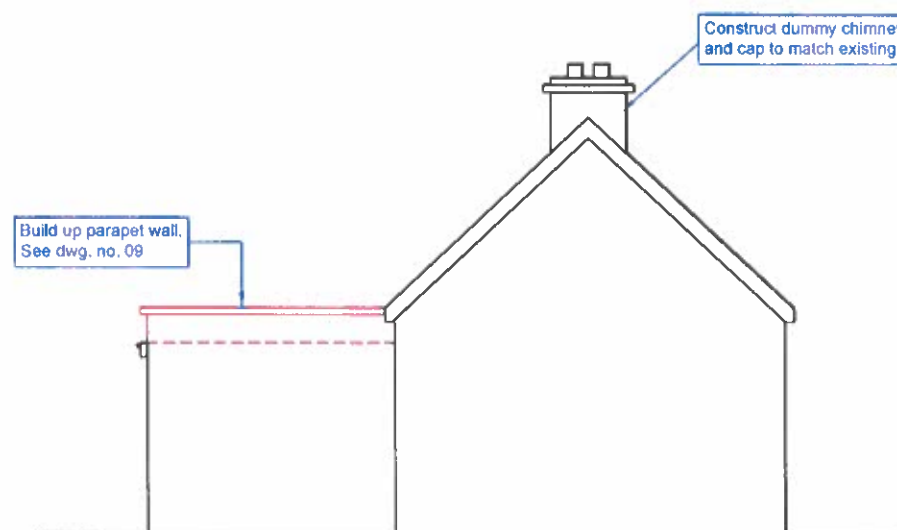


SECTION A-A 1:100

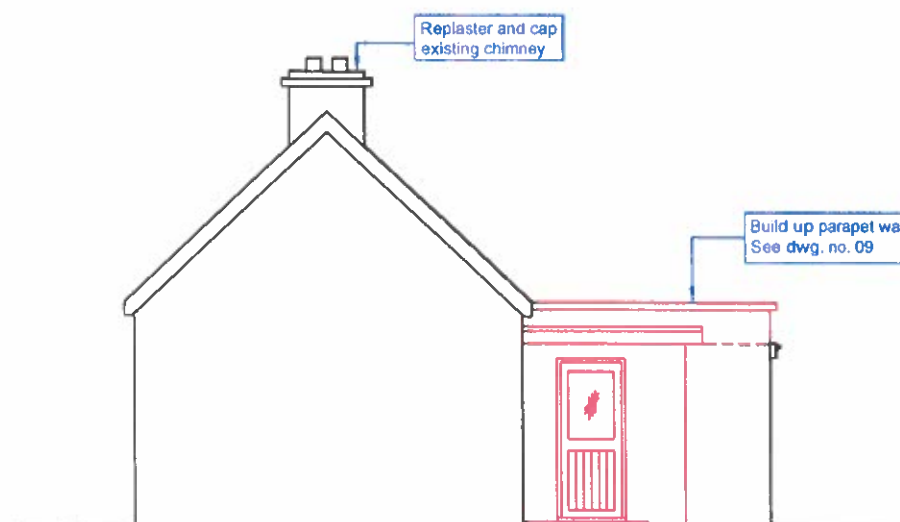


REAR ELEVATION. 1:100

INDEX
Proposed Works shown Red.....



END ELEVATION. 1:100



END ELEVATION. 1:100

SEAMUS MURRAY
Project Managers, Engineers & Surve

2 CHERRYSIDE BUSINESS PARK,
CASTLE STREET,
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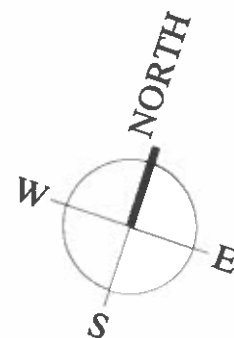
PROJECT
Existing House at
Ogulla, Tusk,
Co. Roscommon. F45 XD65.

CLIENT
Edward and Jennifer Payne.

DRAWING TITLE
Existing House Elevations

drawn by: S.D.	date: Oct. 2023	scale: 1:100	chk
JOB No.	drg. no. 06	rev	

Remove all conc. paths and lower existing ground level around house by 150mm and install 80mm Ø land drainage pipe in french drain 300 x 200mm and construct 1000mm wide concrete path.



SEAMUS MURRAY
Project Managers, Engineers & Survey

2 CHERRYSIDE BUSINESS PARK,
CASTLE STREET,
ROSCOMMON.

TEL: 087 2222874
E-Mail: seamusmurray60@gmail.com

PROJECT

Existing House at Ogulla,
Tulsk,
Co. Roscommon. F42 XD65.

CLIENT

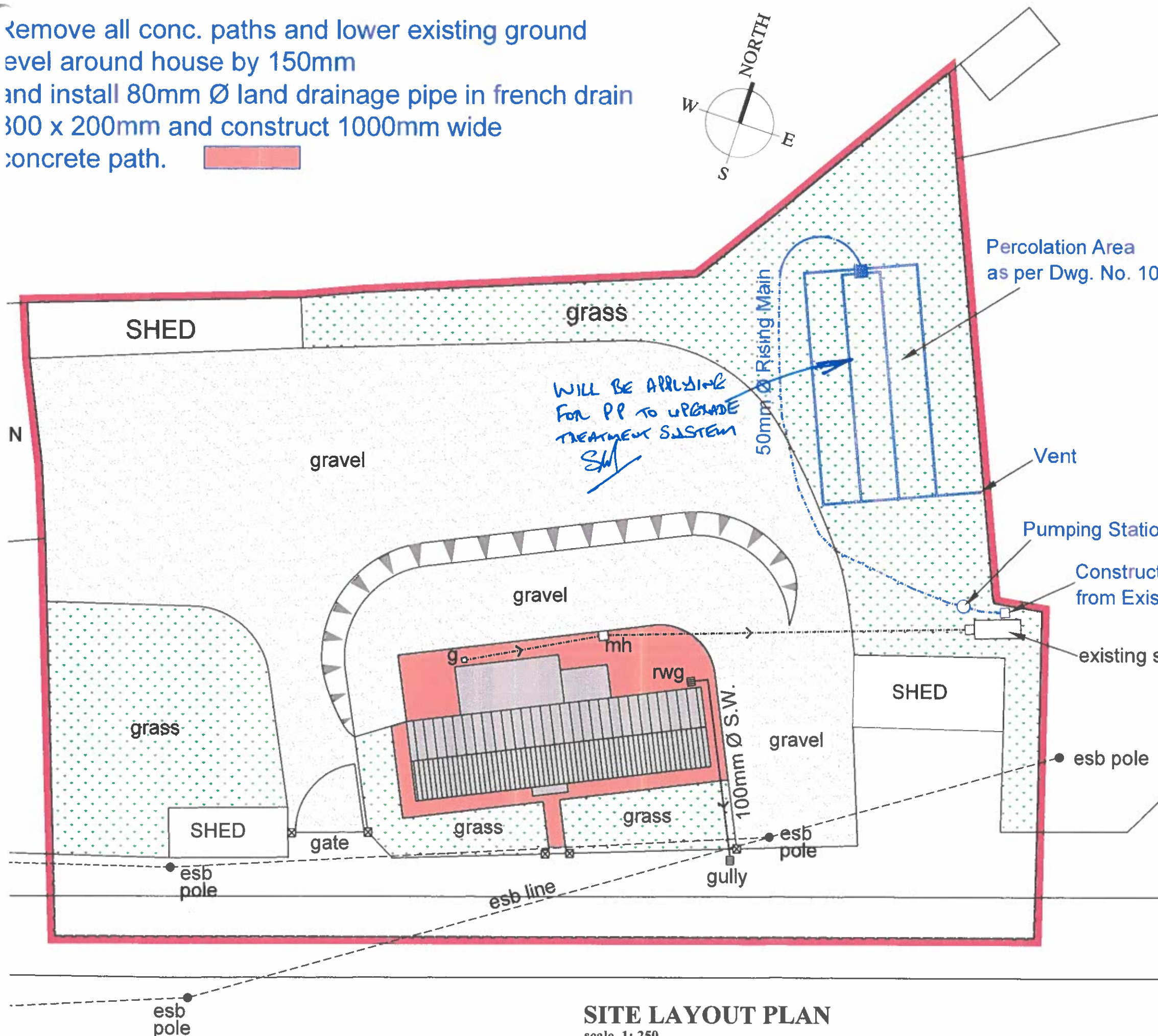
Edward and Jennifer Payne

DRAWING TITLE

Site Layout Plan.

drawn by: S.D.	date: Oct. 2023	scale: 1:250	chk:
JOB No.		drg. no. 11	rev.

N



SITE LAYOUT PLAN
scale 1: 250