

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Noel and Cathrina Kelly,

Reference Number: DED 633

Application Received: 29th November, 2023

Name of Applicants: Noel and Cathrina Kelly

Agent: N/A

WHEREAS a question has arisen as to whether an extension to the rear of dwelling and internal upgrade of units/fittings at Ballyglass, Knockcroghery, 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 an extension to the rear of dwelling and internal upgrade of units/fittings, 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 of **an extension to the rear of dwelling and internal upgrade of units/fittings at Ballyglass, Knockcroghery, 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:



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 633
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of a proposed extension to the rear of dwelling and internal upgrade of units/fittings
Name of Applicant:	Noel and Catherina Kelly
Location of Development:	Ballyglass, Knockcroghery, Co. Roscommon

WHEREAS a question has arisen as to whether the following works; the construction of an extension to the rear of dwelling and internal upgrade of units/fittings 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 Ballyglass, c. 3.2km southwest of the village of Knockcroghery and is directly served by the Local Road L7512. The subject site contains a detached cottage style dwelling house with an ancillary building to the rear.

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 construction of an extension to the rear of dwelling and internal upgrade of units/fittings is or is not development and is or is not exempted development.

- Floor Area of proposed extension: c27m²

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

	<p>1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p> <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 an extension of 27m² to the rear of dwelling and internal upgrade of units/fittings, 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 not been extended previously.
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. While it appears that the curtilage of the house would not allow for a remaining 25m² post construction of the extension, the site size is considerable in this instance, and therefore ample amenity space is available to the rear (west) of the existing wall behind the dwelling on site.
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 to construct an extension to the rear of dwelling and internal upgrade of units/fittings at Ballyglass, Knockcroghery, 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 construct an extension to the rear of dwelling and internal upgrade of units/fittings at Ballyglass, Knockcroghery, 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 construct an extension to the rear of dwelling and internal upgrade of units/fittings is development.
- The works to to construct an extension to the rear of dwelling and internal upgrade of units/fittings house and associated works at Ballyglass, Knockcroghery, 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 to construct an extension to the rear of dwelling and internal upgrade of units/fittings at Ballyglass, Knockcroghery, Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

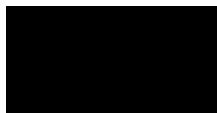
Signed 
Executive Planner

Date: 19th December 2023





Noel & Cathrina Kelly,



Date: 1st December, 2023.

Planning Reference: DED 633

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

Development: Proposed extension to rear of dwelling and internal upgrade of units / fittings at
Ballyglass, Knockcroghery Co Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 29th 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. **L01/0/225684** dated 20th November, 2023 refers.

Note: Please note your Planning Reference No. is **DED 633**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis,
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09086 37100

20/11/2023 15.18.43

Receipt No. L01/0/225684
***** REPRINT *****

CATHRINA KELLY

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED629	

Total :	80 00 EUR
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Tendered .	
Credit/Debit Card	80 00
4807	

Change .	0 00
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Issued By Bernadine Duignan
From : Central Cash Office

Sharon Kelly

From: Sharon Kelly
Sent: Tuesday 21 November 2023 11:16
To: [REDACTED]
Subject: RE: Link to free maps

Hi Cathrina,

Please find link attached as mentioned.

Please re-submit Site Layout map and Site Location map to planning@roscommoncoco.ie

On receipt of same we will proceed with your application.

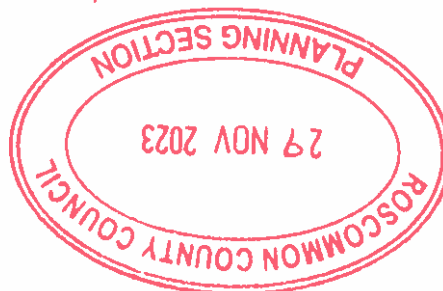
Regards,
PLANNING.

Sharon Kelly | Assistant Staff Officer / Planning Department | Roscommon County Council
☎: Direct: (090) 6632535 | ✉: skelly@roscommoncoco.ie | www.roscommoncoco.ie
Aras an Chontae, Roscommon, Co. Roscommon. F42 VR98 **MAP LOCATION**

🌐 www.roscommoncoco.ie



Comhairle Contae
Ros Comáin
Roscommon
County Council



Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras 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:	Noel & Catherine Kelly
Address:	[REDACTED]
Name & Address of Agent:	N/A
Nature of Proposed Works	Extension to rear of Dwelling & Internal upgrade of units / fittings.
Location (Townland & O.S No.)	Ballyglass
Floor Area	27m ²
Height above ground level	4.756
Total area of private open space remaining after completion of this development	1.5 0.5 Acres
Roofing Material (Slates, Tiles, other) (Specify)	Tiles
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Dash
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

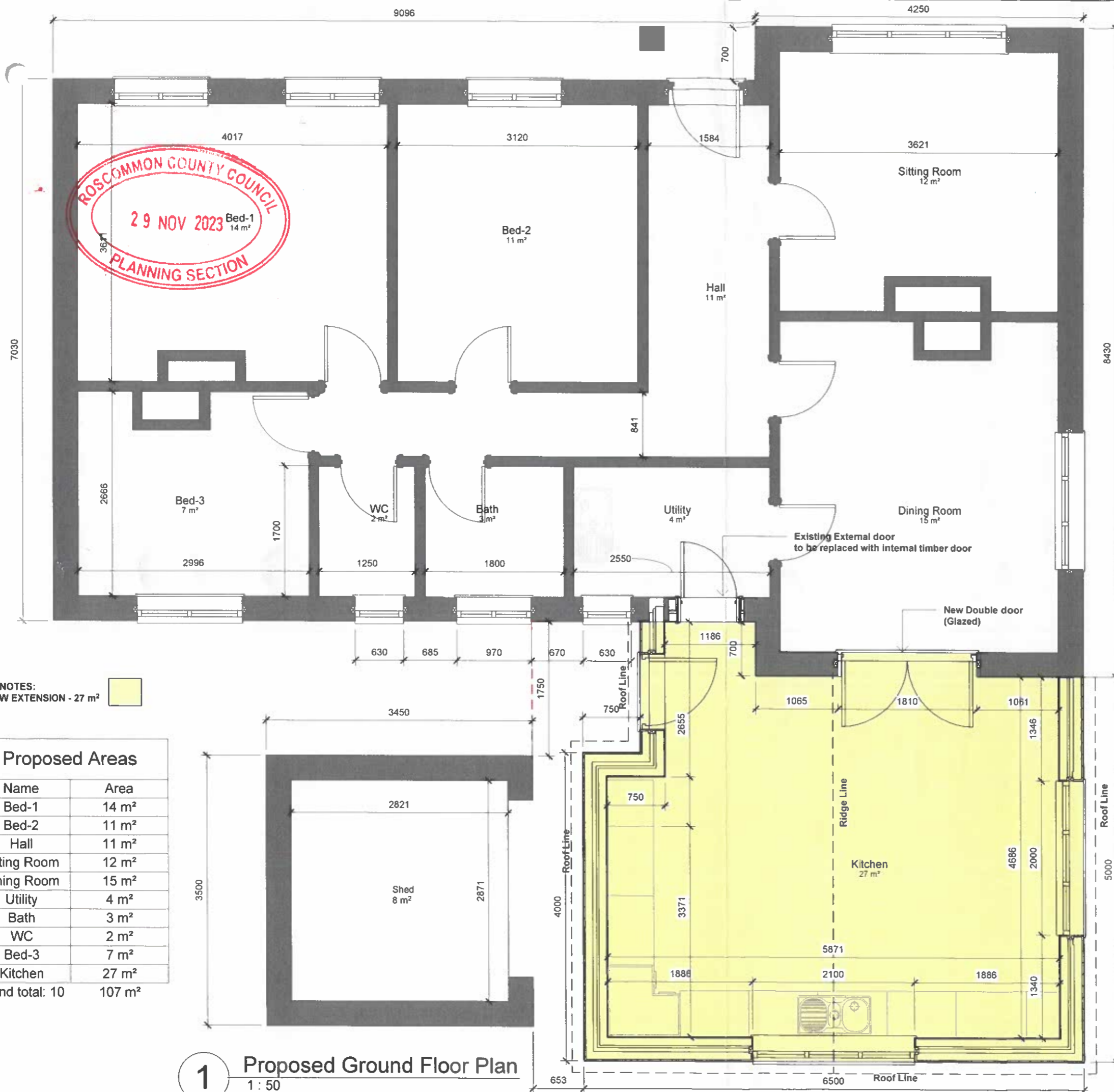
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	—
Existing use of land or structure	Vacant Dwelling
Proposed use of land or structure	Private Dwelling House
Distance of proposed building line from edge of roadway	33m
Does the proposed development involve the provision of a piped water supply	No — (Existing)
Does the proposed development involve the provision of sanitary facilities	No. — (Existing)

Signature: Catherine ~~Abel~~ Kelly

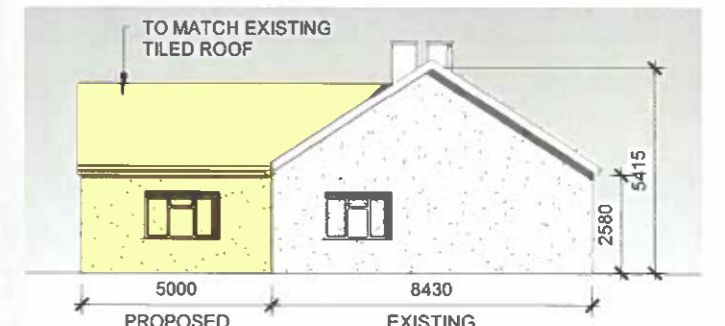
Date: 20/11/23

Note: This application must be accompanied by:-

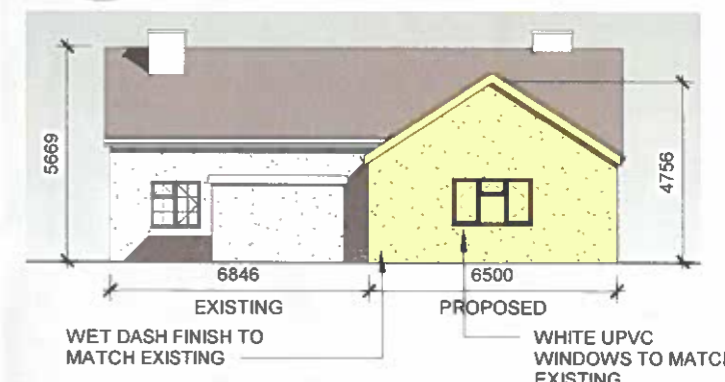
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



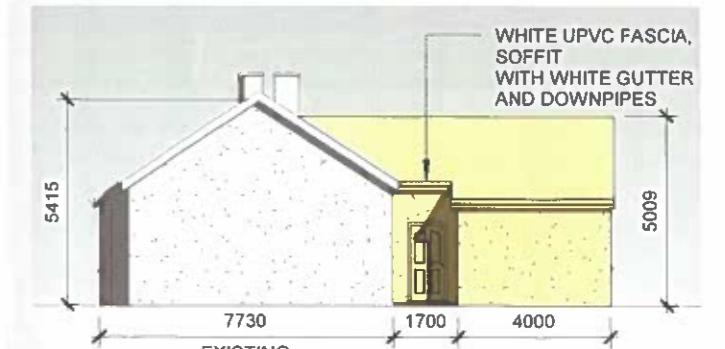
3 Proposed Front Elevation
1 : 200



2 Proposed Side Elevation
1 : 200



4 Proposed Rear Elevation
1 : 200



5 Proposed Side Elevation
1 : 200

1	Revision 1	ISSUED	Date 1	BY
REV	DESCRIPTION	ISSUED	DATE	BY
STATUS				
INFORMATION				
PROJECT				
Proposed House Extension				
DRAWING TITLE				
Proposed Plan & Elevations				
SCALE AT A3	DATE	DRAWN	CHECKED	
As indicated	11/08/23	BM	BM	
PROJECT NO	DRAWING NO	REVISION		
0023	A101	1		

**CONFIDENTIAL
INFORMATION
REMOVED**

592270 mE, 756180 mN

The Property
Registration Authority
An tÚdarás
Clárúcháin Maoine



Folio: RN10136

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.pra.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▒ Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:2500 Scale



Page 8 of 8



LISDAULAN

LISDAULAN

10136

BALLYGLASS

SCREGG

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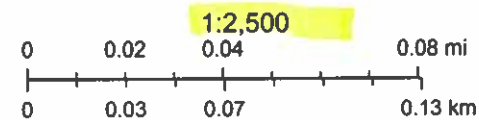
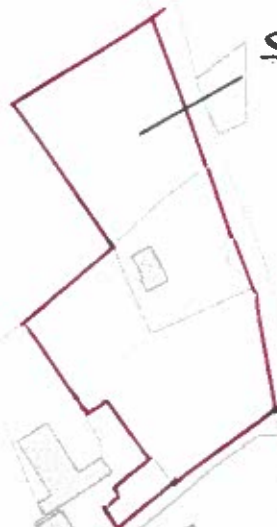
591470 mE, 755530 mN
Date Printed: 08/07/2022

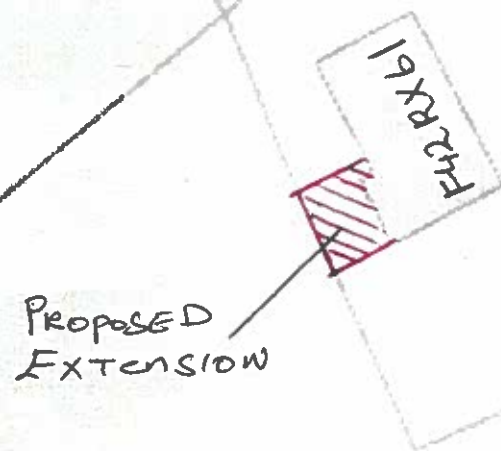
Creation Date: 08 July 2022 11:22:27

Application Number: P2022LR079336A

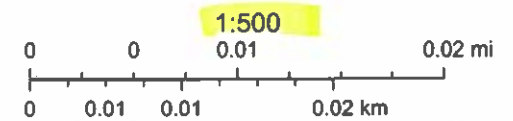


SITE





Proposed
Extension



Geographic Address

Postal Address



English | Gaeilge



BALLYGLASS

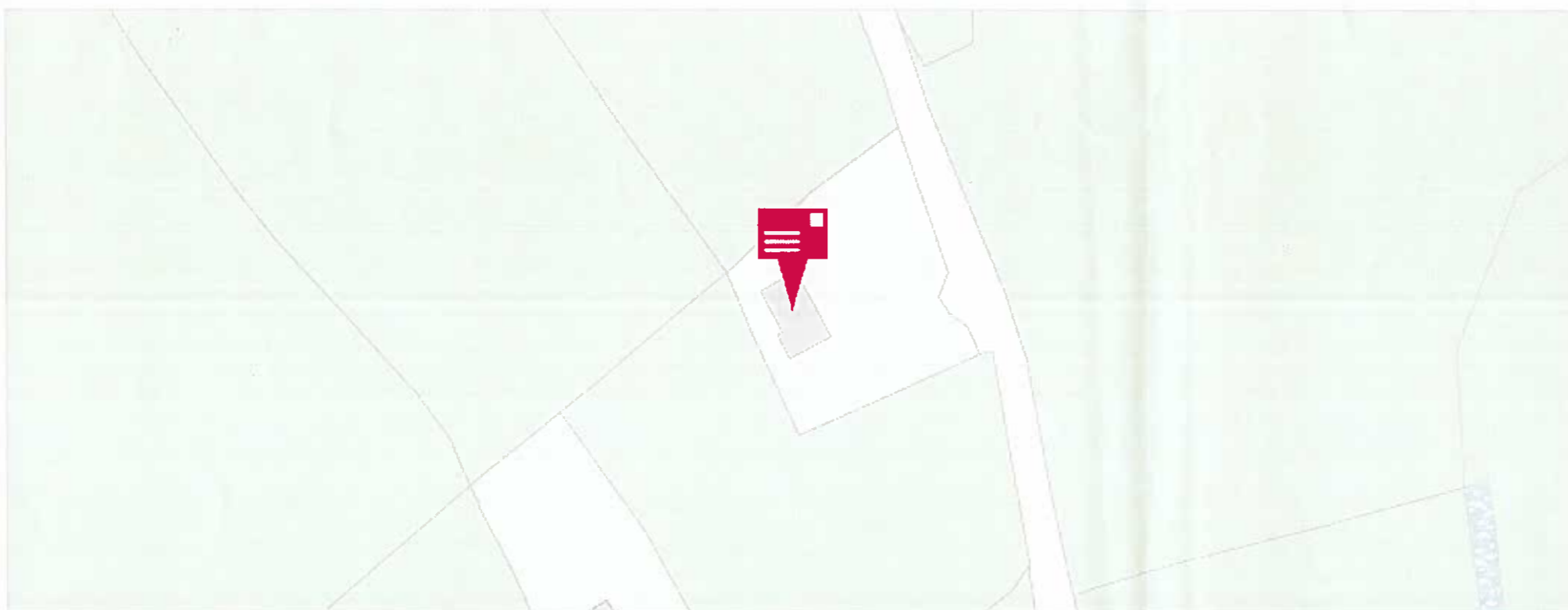
KNOCKCROGHERY

CO. ROSCOMMON

F42 RX61

Eircode found

[Address Query?](#)



View on Map



Print



Search



XY 59,015.755742
Scale 1:2500
Townland Ballyglass
Barony Achlone North
County Roscommon

Property Details

> Back

Folio Number RN10136
Title Level Freehold
Plan Number 10136
Property Number 1
Area of selected plans 0.75 hectares.
Number of Plans on this folio: 2
Address Ballyglass, Knockcroghery, Co. Roscommon, F42 RX61

Highlight All Plans

View Folio PDF

Request Certified Copy

The following Applications are Pending on this Folio

D2023LR042562X	Mapping
D2023LR161324X	Mapping

*Taille Éireann Registration Boundaries and Plan Area are not conclusive See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule 8\(3\) of the Land Registration Rules 2012](#).

Print Current View

Help

