

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Noel Nerney,



Reference Number: DED 635

Application Received: 8<sup>th</sup> December, 2023

Name of Applicant: Noel Nerney

Agent: Ignatius Gaynor, Gaynor Architectural and Design Services Ltd., Architects,  
Fallon Ave., Roscommon

WHEREAS a question has arisen as to whether a *'proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted', new flooring to be laid, insulation required throughout the house, new air to water system to be installed and 21m<sup>2</sup> extension to the rear of the building'* at Doonahaha, Curraghroe, Co Roscommon is or is not development and is or is not exempted development.

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000 (as amended);
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001 (as amended);
- (c) Class 1, Part 1, 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);

AND WHEREAS Roscommon County Council has concluded that:

1. The proposed works constitute development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.
2. The 'proposed renovation of dwelling house' specifically the following works:
  - 'interior walls to be rebuilt and plastered on both sides,
  - all interior walls to be painted',
  - new flooring to be laid, insulation required throughout the house,
  - new air to water system to be installed
  - 21m<sup>2</sup> extension to the rear of the building',

is development and is exempted development as defined in the Planning and Development Act 2000 (as amended) and associated Regulations.

3. A 'proposed renovation of dwelling house' to include but not, limited to the following works:
  - the altered roof profile,
  - the new slate roof installed,
  - the square front porch removed,
  - the window opens altered and the timber sliding sash windows replaced with a more modern style windows.
  - the removal of a chimney
  - external insulation installed

is development and is **NOT 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 in respect of whether a *'proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted', new flooring to be laid, insulation required throughout the house, new air to water system to be installed and 21m<sup>2</sup> extension to the rear of the building'* at Doonahaha, Curraghroe, Co Roscommon having regard to the definitions and exempted development provisions contained within the Planning and Development Act 2000 (as amended) and associated Regulations that the said works as detailed in (2) above **constitute development that is exempted development** and that the said works as detailed in (3) above **constitute development that is NOT exempted development**.

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**

Further to the above determination the applicant is also advised that any proposal to install or upgrade a waste water system is considered development but NOT exempt development as per the Planning and Development Regulations 2001 and Planning and Development Act 2000 and requires planning permission.

Signed on behalf of the Council:



Senior Executive Planner,  
Planning.

Date: 15<sup>th</sup> January, 2024.

c.c.     Gaynor Architectural & Design Services,  
         Fallon Avenue,  
         Roscommon,  
         CO. ROSCOMMON.

**Planner's Report on application under  
Section 5 of the Planning and Development Act 2000-2015**

<b>Reference Number:</b>	DED 635
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning and Development Act 2000 as amended, regarding Exempted Development for <i>'proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted', new flooring to be laid, insulation required throughout the house, new air to water system to be installed and 21m2 extension to the rear of the building'</i> .
<b>Name and Address of Applicant:</b>	Noel Nerney
<b>Location of Development:</b>	Doonahaha, Curraghroe, Co Roscommon.

WHEREAS a question has arisen as to whether a *'proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted', new flooring to be laid, insulation required throughout the house, new air to water system to be installed and 21m2 extension to the rear of the building'* at Doonahaha, Curraghroe, Co 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 Acts 2000 (as amended);
- (b) Article 6 and 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);

**Site Location & Development Description**

The application site is located on a Regional Route c6km north of the settlement of Ballyleague. The site consists of a two storey dwelling which is currently undergoing renovation works and a number of traditional outbuildings. The applicant is proposing to renovate this house and has applied for this section 5 declaration to determine if the works proposed are development and if so are they exempt development. In the application they proposed the following works:

- *interior walls to be rebuilt and plastered on both sides,*
- *all interior walls to be painted',*
- *new flooring to be laid, insulation required throughout the house,*
- *new air to water system to be installed*
- *21m2 extension to the rear of the building*

It was evident from a site inspection on the 11<sup>th</sup> January 2024 that works had commenced on site and that these works not only pertained to what was detailed in the section 5 application but works to the external fabric of the structure had also been carried out. When the images taken during the site visit were compared to imagery available to the Planning Authority dated 2009 , it was evident that the following works to the structure but not limited to these work had been carried out:

- the roof profile altered,
- a new slate roof installed.
- the square front porch removed
- the removal of a chimney
- the window opens altered and the timber sliding sash windows replaced with a more modern style windows.

#### **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.

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**

<b>Column 1 Description of Development</b>	<b>Column 2 Conditions and Limitations</b>
<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>	<p>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</p> <p>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,</p>

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

The question to be determined in this Section 5 referral is whether '*proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted, new flooring to be laid, insulation required throughout the house, new air to water system to be installed and 21m2 extension to the rear of the building*' at Doonahaha, Curraghroe, Co Roscommon is or is not development and is or is not exempted development. ~~The applicant is proposing new windows, external painting and internal renovations.~~

Having considered the definition of both "works" and "development" outlined above, I would deem that the '*proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted, new flooring to be laid, insulation required throughout the house, new air to water system to be installed and 21m2 extension to the rear of the building*' constitute works and is therefore development.

<sup>in this 10</sup>  
The second question to be determined declaration is whether a '*proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted, new flooring to be laid, insulation required throughout the house, new air to water system to be installed*' is or is not exempted development as outlined in 4 (1) (h) of the planning and development Act as amended.

There are 4 elements to the works carried out in the applicant's submission:

- interior walls to be rebuilt and plastered on both sides,
- all interior walls to be painted',

- new flooring to be laid, insulation required throughout the house,
- new air to water system to be installed

Having regard to the nature of these works it is considered that they will 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.

In order to determine whether a 21m<sup>2</sup> extension to the rear of the building is 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 or elevations of the extension has been submitted, it is considered that sufficient information to assess the application can be derived from the layout plan and a site visit. Having considered all of the information presented I am satisfied that the development as indicated on the site layout plan and information submitted falls within the remit of class one outlined above and satisfies the conditions and limitations set out in column 2.

When the site was inspected it was evident that the following works (but not limited to these works) were carried out to what was originally a traditional two storey cottage:

- the roof profile altered,
- a new slate roof installed,
- the square front porch removed,
- the window opes altered and the timber sliding sash windows replaced with a more modern style windows.
- a chimney removed,
- external insulation installed.

Having regard to the fact the nature of these works it is considered that they materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.

#### **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 c6 km away from Lough Ree SAC and SPA. 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 *'proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted', new flooring to be laid, insulation required throughout the house, new air to water system to be installed'* at Doonahaha, Curraghroe, Co Roscommon is **development and is exempted development:**

However, the works carried out to the external fabric of the dwelling to include but not limited to:

- the altered roof profile,
- the new slate roof installed,
- the square front porch removed,
- the window opes altered and the timber sliding sash windows replaced with a more modern style windows.
- the removal of a chimney

- external insulation installed.

is development and is NOT exempted development

## 1.0 Recommendation

WHEREAS a question has arisen as a “*proposed renovation of existing dwelling house consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted, new flooring to be laid, insulation required throughout the house, new air to water system to be installed*” at Doonahaha, Curraghroe, 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 –

- (e) Sections 2, 3, 4 and 5 of the Planning and Development Acts 2000 (as amended);
- (f) Article 6 and 9 of the Planning and Development Regulations 2001 as amended.
- (g) Class 1, Part 1, Schedule 2 of the of the Planning and Development Regulations 2001 (as amended)
- (h) 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 ‘*proposed renovation of dwelling house*’ at Doonahaha, Curraghroe, Co Roscommon specifically the following works:

- *‘interior walls to be rebuilt and plastered on both sides,*
- *all interior walls to be painted’,*
- *new flooring to be laid, insulation required throughout the house,*
- *new air to water system to be installed*
- *21m2 extension to the rear of the building’,*

is development and is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

B) A ‘*proposed renovation of dwelling house*’ at Doonahaha, Curraghroe, Co Roscommon to include but not, limited to the following works:

- the altered roof profile,
- the new slate roof installed,
- the square front porch removed,
- the window opes altered and the timber sliding sash windows replaced with a more modern style windows.
- the removal of a chimney
- external insulation installed.

is development and is NOT exempted development and I recommend that a declaration to that effect should be issued to the applicant.



Signed \_\_\_\_\_  
Paula Connaughton

Date: 12<sup>th</sup> January 2023

**Executive planner**

**Signed** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Senior/ Senior Executive Planner**



**Advise Note:**

Further to the above determination the applicant is also advised that any proposal to install or upgrade a waste water system is considered development but NOT exempt development as per the Planning and Development Regulations 2001 and Planning and Development Act 2000 and requires planning permission.





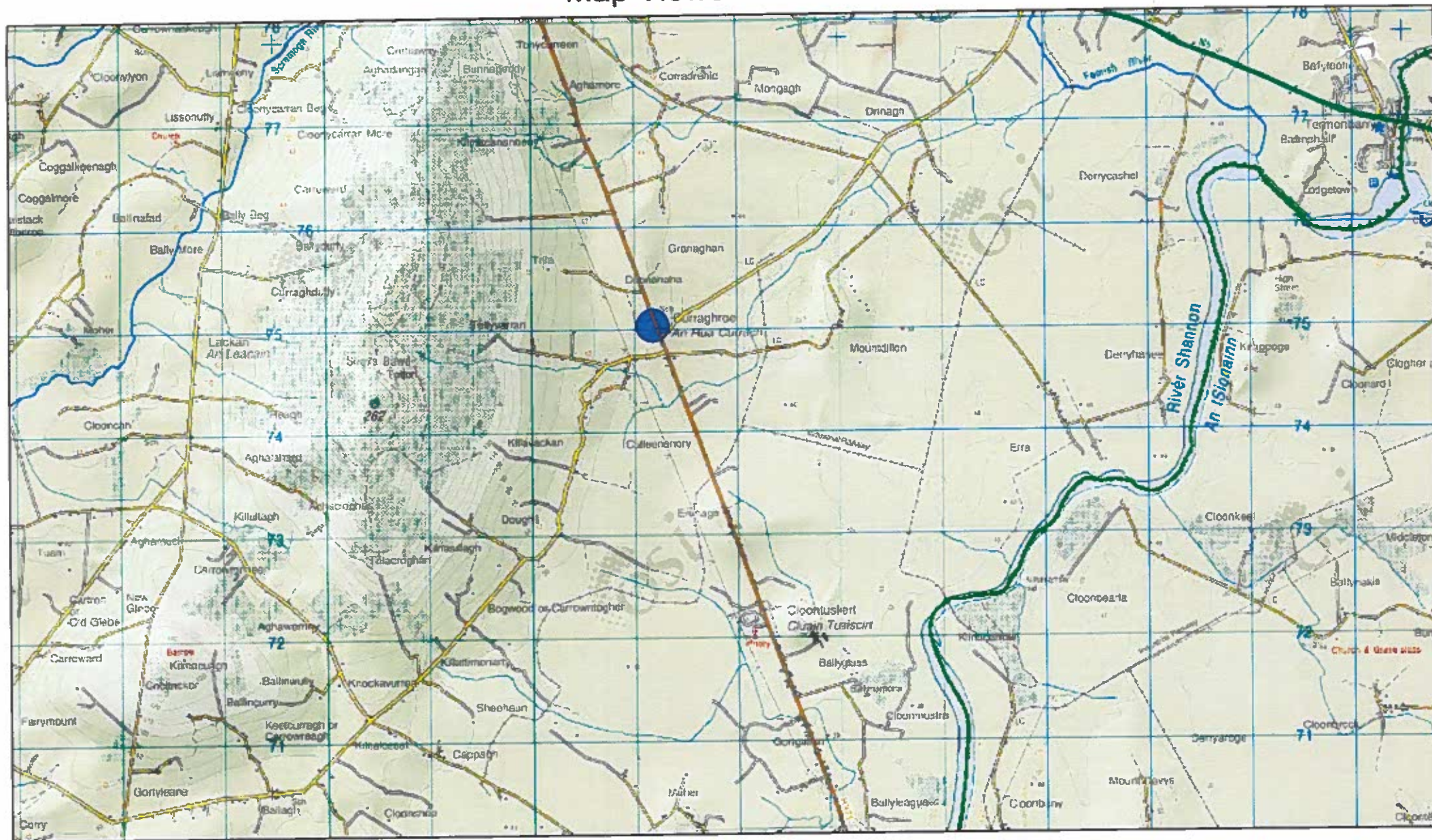






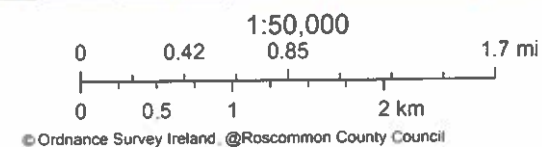


# Map Viewer Printout



1/11/2024, 10:06:07 AM

 County Boundary





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Karl Nerney,



Date: 18th December, 2023.

Planning Reference: DED 635

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

Development: Proposed renovation of existing dwelling consisting of interior walls to be rebuilt and plastered on both sides, all interior walls to be painted, new flooring to be laid, insulation required throughout the house, new air to water system to be installed and 21m<sup>2</sup> extension at the rear of the building at Doonahaha, Curraghroe, Roscommon, F42 N762.

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A Chara,

I wish to acknowledge receipt of your application received on the 8<sup>th</sup> December, 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. **L01/0/225973** dated 8<sup>th</sup> December, 2023 refers.

**Note:** Please note your Planning Reference No. is **DED 635**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

*Tracy Davis*

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Tracy Davis,  
Senior Executive Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

08/12/2023 10:28:50

Receipt No : L01/0/225973

KARL NERNEY

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 635

Total 80.00 EUR

Tendered .  
Credit/Debit Card 80.00  
5002

Change 0.00

Issued By : Louis Carroll  
From : Central Cash Office

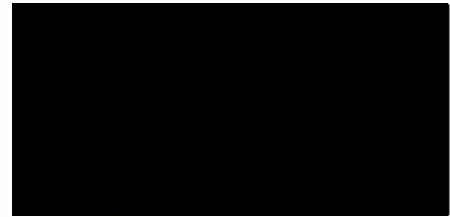


**Sharon Kelly**

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**From:** Karl Nerney [REDACTED]  
**Sent:** Thursday 7 December 2023 12:41  
**To:** Planning Department  
**Subject:** DED -Declaration-Under-Section-5-Application-Form  
**Attachments:** Copy of DED -Declaration-Under-Section-5-Application-Form.pdf

Hi,  
I have attached a DED -Declaration-Under-Section-5-Application-Form.  
Thanks.  
Regards,  
Karl Nerney





Comhairle Contae  
Roscommon  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
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:	Karl Nerney
Address:	[REDACTED]
Name & Address of Agent:	Ignatius Gaynor Gaynor Architectural and Design Services Ltd Architects, Fallon Avenue, Roscommon
Nature of Proposed Works	Renovation of existing dwelling. Interior walls to be rebuilt and plastered on both sides. All interior walls to be painted. New flooring to be laid. Insulation required throughout the house. New air to water system to be installed. 21m2 extension at the rear of the building
Location (Townland & O.S No.)	Doonahaha, Curraghroe, Roscommon. F42n762
Floor Area	175m2
Height above ground level	1m
Total area of private open space remaining after completion of this development	0.26ha
Roofing Material (Slates, Tiles, other) (Specify)	Natural slates (same slates thats on the main dwelling)



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plaster, Grey
Is proposed works located at front/rear/side of existing house.	Rear of existing house

## 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	Domestic Dwelling
Proposed use of land or structure	Domestic Dwelling
Distance of proposed building line from edge of roadway	Existing dwelling so no change. Building is 13m from the roadway.
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

Signature: Karl Nerney

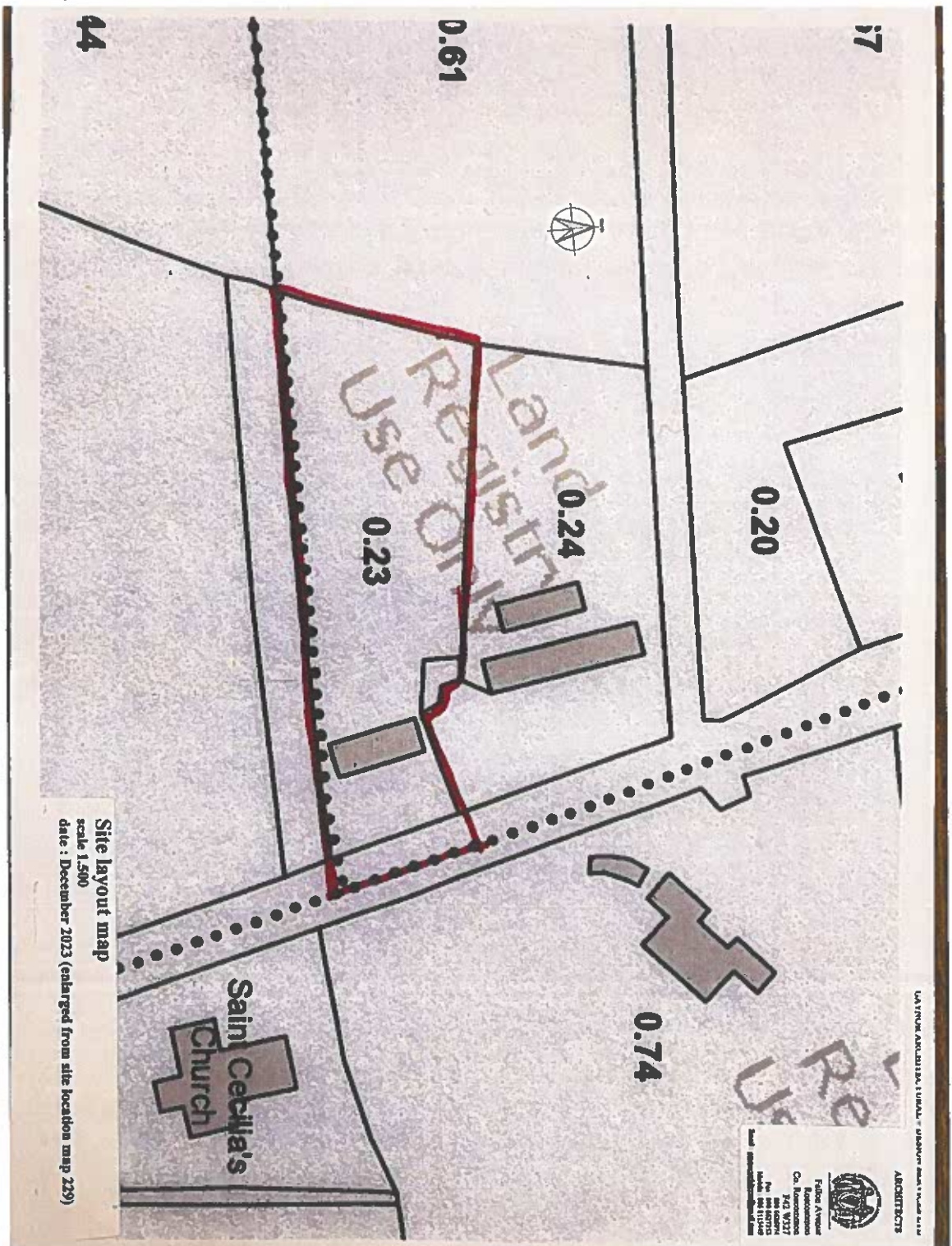
Date: 06/12/2023

Note: This application must be accompanied by:-

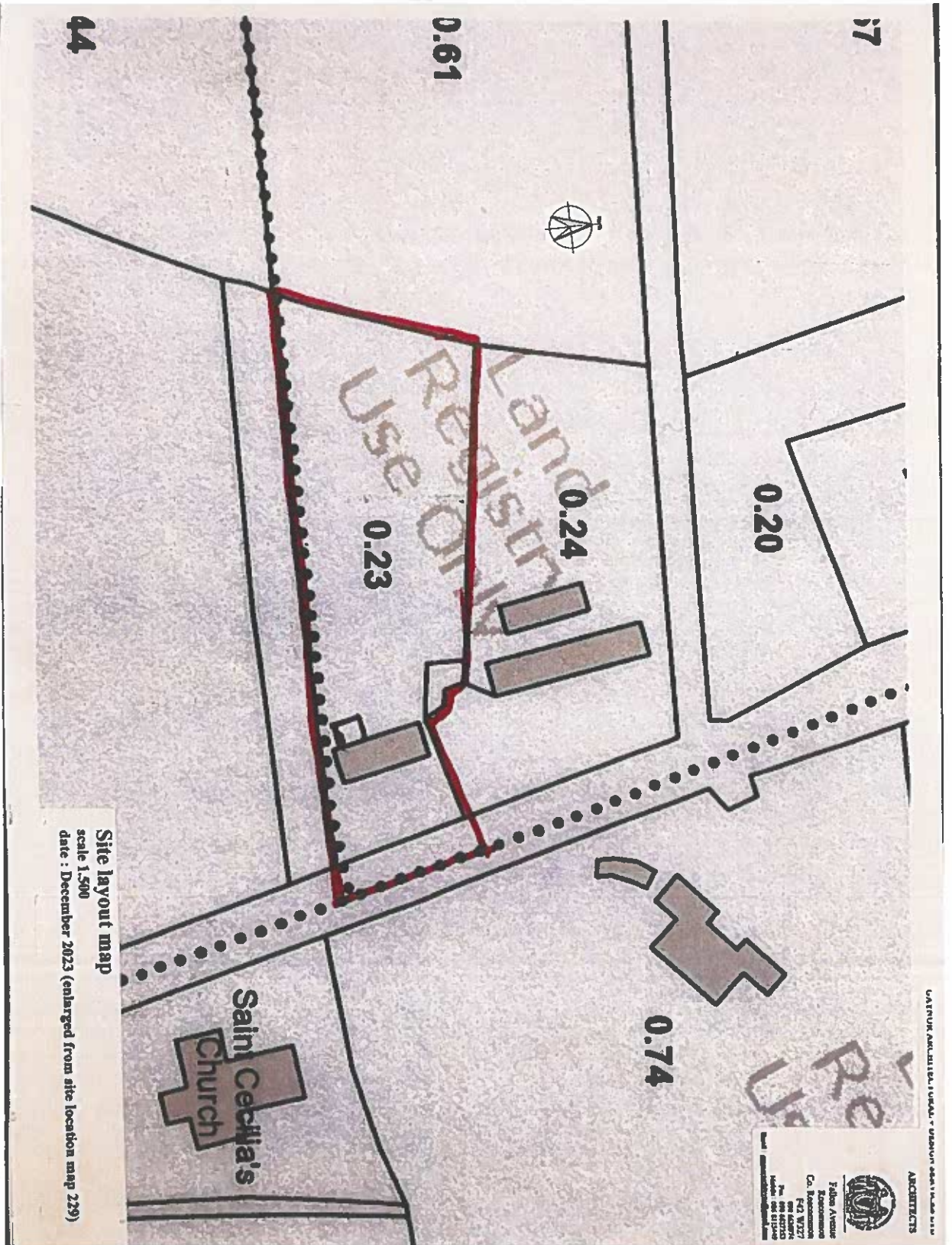
(a) €80 fee

[illegible]

(c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development







**(d) Details specification of development proposed**

- Renovation of existing dwelling.
- Interior walls to be rebuilt and plastered on both sides.
- All interior walls to be painted.
- New flooring to be laid.
- Insulation required throughout the house.
- New air to water system to be installed.
- 21m<sup>2</sup> extension at the rear of the building
  1. Groundworks, Foundation to be dug and poured.
  2. Single story wall to be built.
  3. An A roof with natural slates to match the existing building.
  4. Plastered on the outside leaf and finished in a grey colour.
  5. Subfloor to be poured with a radon barrier.
  6. 75mm finished floor with underfloor heating.
  7. 150mm floor insulation.
  8. Extension to be wired and plumbed.
  9. 350mm rockwool insulation in the ceiling.

