

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

John Doorly,



Reference Number: DED 638

Application Received: 19th December, 2023

Name of Applicants: John Doorly

Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house under the Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, 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) 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.
- (d) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development
- (b) Removal of 2 no. internal timber stud walls, floors and ceilings is exempted development.
- (c) Placing new ceiling joists and stud work internally and plaster board and skim is exempted development.
- (d) Re-wire is exempted development.
- (e) Re-plumb is exempted development.
- (f) Second fix, paint and decorate internally is exempted development.
- (g) 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.

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 development **to refurbish a derelict house under the Croi Conaithe Grant at Corner House, Lanesborough Street, Roscommon Town, Co. Roscommon., is development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

A handwritten signature in black ink, consisting of two large, overlapping loops, positioned above a horizontal line.

**Alan O'Connell
Senior Executive Planner,
Planning.**

Date: 14th March 2024

**cc via email: James Lohan Consulting Engineers Ltd
Unit 5, Ballypheason House,
Circular Road,
Roscommon.**

Carmel Curley

From: Carmel Curley
Sent: Thursday 14 March 2024 14:06
To: James Lohan
Subject: DED638 - John Doorly
Attachments: DED638 - Notification of Decision.pdf

Dear James,

Please see attached Notification of Decision for DED 638 Application for John Dooly.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



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

Reference Number: DED 638

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish derelict house under the Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, County Roscommon

Applicant: John Doorly

Date: 13th March 2024

WHEREAS a question has arisen as to whether the refurbishment of a derelict house under the Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, County 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) 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
- (d) The planning history of the site

Site Location & Development Description

The subject dwelling house is located on Corner House, Lanesborough Street, Roscommon Town on lands zoned Core Town Centre in the Roscommon Local Area Plan 2014 – 2020. The house forms part of the National Inventory of Architectural Heritage (Registration Number 31817006) and forms part of the Roscommon Architectural Conservation Area. The house is also within the Zone of Archaeological Notification (R184453) associated with a number of structures.

The subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated site is Lough Ree SAC (Site Code: 000440), which is approximately 3.8km from the subject site.

In the Nature of Proposed Works section of the presented Section 5 Declaration Application Form submitted it states “refurbish derelict house under Croi Conaithe Grant Scheme – see attached report showing condition of property and list of works to be completed along with plans for same”. However, no such report has been submitted and in particular, it is not considered that the submitted documentation provides a clear list of the proposed works in this Application for a Declaration under Section 5 of the

Planning & Development Act, 2000, as amended. Chimney repair, internal repairs to the roof and an internal fit-out renovation with internal structural works are indicated. No extension is proposed.

Planning History

PD 04 1644 – Permission *granted* to demolish derelict structures and (a) for the refurbishment/conversion of existing outhouse and for the change of use from commercial to residential use; (b) to build two storey dwelling including all associated site works on premises.

PD 03 1534 – *withdrawn*

PD 00 954 – Permission *granted* for internal alterations to existing shop/bar and to improve existing toilets within the existing structure.

Relevant Legislation

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.

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 4(1)(h): The following shall be exempted developments for the purposes of this Act—*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*

Article 6:

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and limitations specified in column 2 of Part 1.

Article 9 (1) applies:

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

(a) if the carrying out of such development would —

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

Assessment

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: “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”. The proposed development is considered to be the carrying out of works. Works are defined in the Act as; “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....”. It is considered that said refurbishment of the dwelling house constitutes development, as defined in Section 3 of the said Act.

As requested in a further information letter dated 17th January 2024, details of the proposed development has been submitted. The submitted particulars set out how there is no external demolition works proposed and the elevations will not be altered/amended. The schedule of works includes the following:

1. Removal of 2 no. internal timber stud walls, floors and ceilings
2. Placing new ceiling joists and stud work internally and plaster board and skim
3. Re-wire
4. Re-plumb
5. Second fix, paint and decorate internally

These works are considered exempted development in the context of Section 4 (1)(h) of the Act, 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.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that 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 need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

WHEREAS a question has arisen as to whether the refurbishment of a derelict house under the Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, County 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) 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
- (d) The planning history of the site

AND WHEREAS I have concluded that

- (a) The works are development
- (b) Removal of 2 no. internal timber stud walls, floors and ceilings is exempted development
- (c) Placing new ceiling joists and stud work internally and plaster board and skim is exempted development
- (d) Re-wire is exempted development
- (e) Re-plumb is exempted development
- (f) Second fix, paint and decorate internally is exempted development
- (g) 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 I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Assistant Planner

Date: 13th March 2024



Planning Dept,
Roscommon Co.Co.
Aras An Chontae,
Roscommon.

Ref: DED 638 for Property at Lanesborough Street, Roscommon Town Co Roscommon

Schedule Of Works.

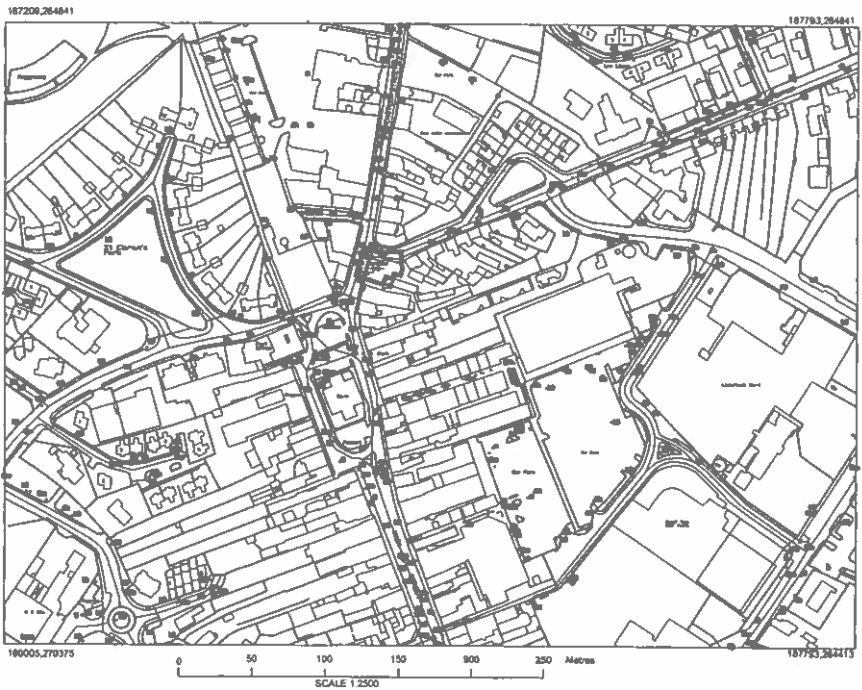
The property is being stripped out back to its original walls and from there it will be renovated and put back into dwelling house. The works involved are as follows:

- 1) Strip out walls, floors and ceilings.
- 2) Place new ceiling joists and stud work internally and plaster board and skim
- 3) Re-wire
- 4) Re-Plumb
- 5)
- 6) Second fix and paint and decorate internally.

See attached updated drawings showing works to rear elevation.

Kind Regards

James Lohan BEng MIEI



CORNER HOUSE
LAHESBROUGH STREET
ROSCOMMON CO
ROSCOMMON
SITE AREA OUTLINED
REF = 0.38 MILE
BLUE LANT HOLDING
JAMES LOHAN CONSULTING ENGINEER
XY 587422,764692



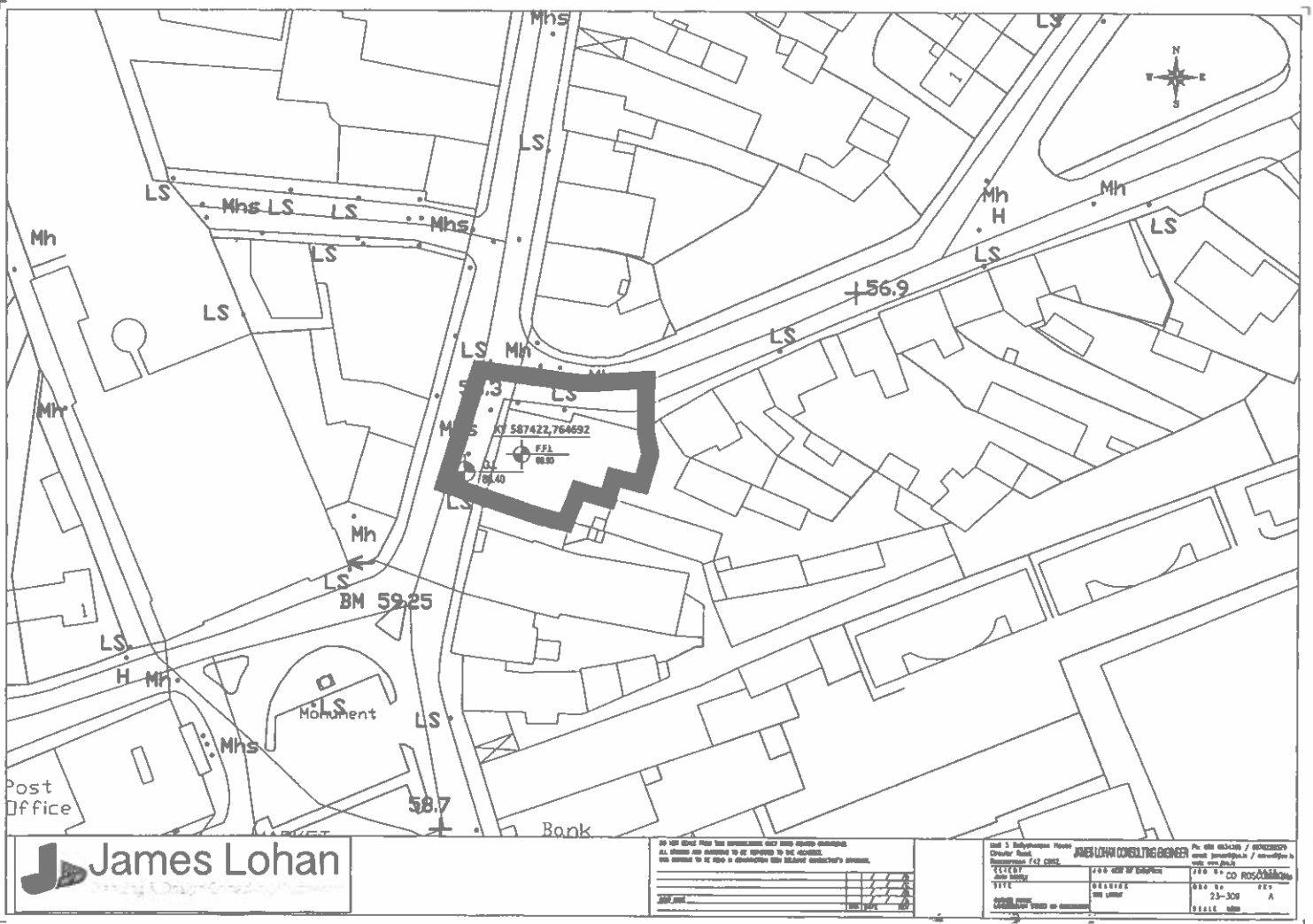
OS NO.
RN 2550-05



DO NOT SCALE FROM THIS INFORMATION ONLY REFER TO THE ORIGINAL
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AND DIMENSIONS TO BE SHOWN TO BE ACCURATE TO THE DIMENSIONS

DATE	1/1/2005
BY	JL

JAMES LOHAN CONSULTING ENGINEER		Ph: 090 5634300 / 090 5634300
100 000 OF DISTANCE		100 000 OF DISTANCE
CITY	ROSCOMMON	CO. ROSCOMMON
25-300	A	





1 NORTH ELEVATION
1 : 100



2 EAST ELEVATION
1 : 100

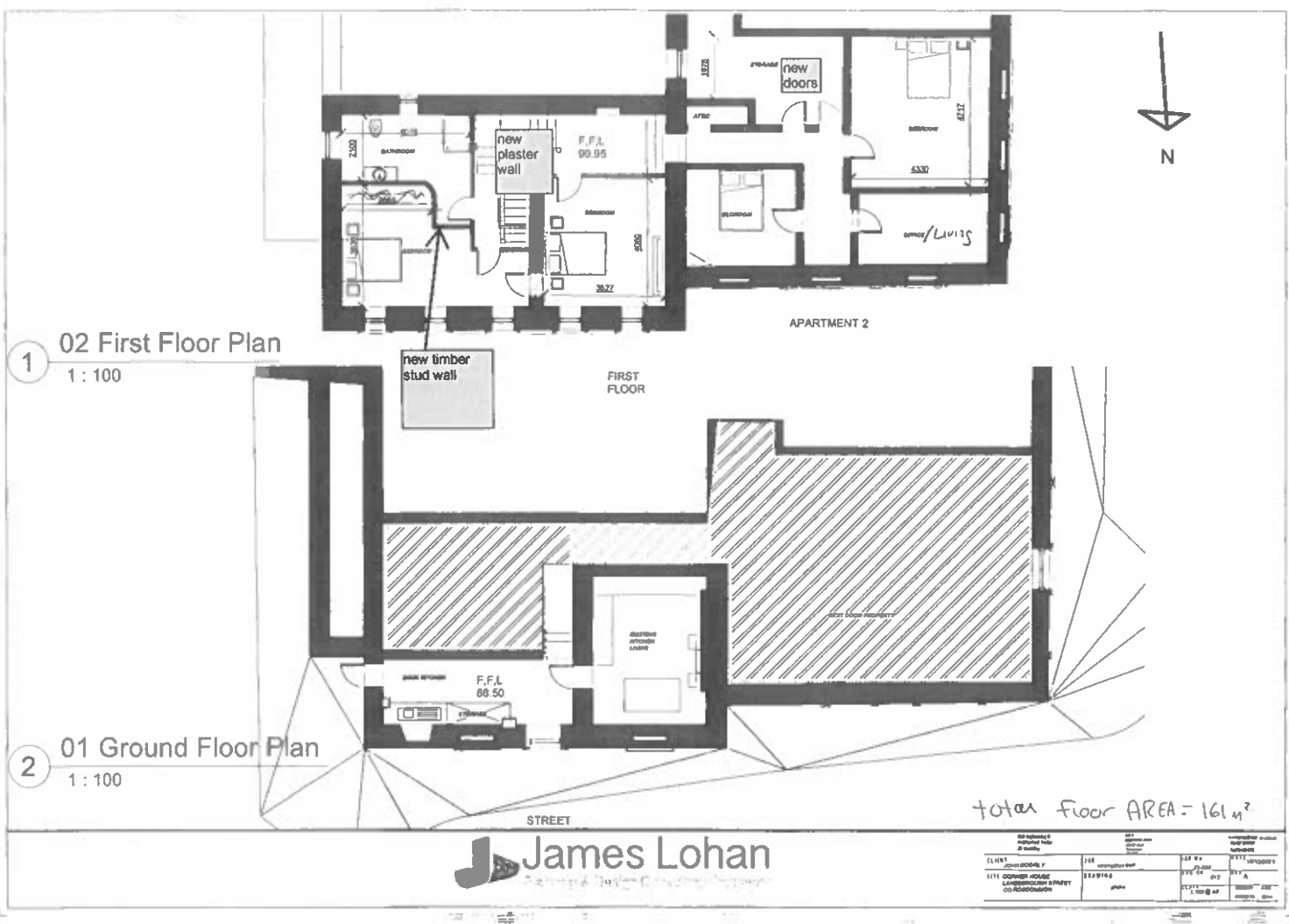
James Lohan
Architect & Designer

Architect	James Lohan	Scale	1:100
Client	James Lohan	Scale	1:100
Project	James Lohan	Scale	1:100
Site	James Lohan	Scale	1:100
Notes	James Lohan	Scale	1:100
Drawn	James Lohan	Scale	1:100
Check	James Lohan	Scale	1:100
Issue	James Lohan	Scale	1:100
Date	James Lohan	Scale	1:100



James Lohan
Drawing & Design Coach, Film Educator

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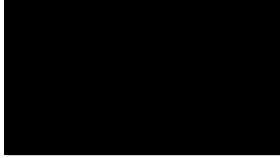




Comhairle Contae
Ros Comáin
Roscommon
County Council



John Doorly,



Date: 17th January 2024
Ref: DED 638

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

Development: WHEREAS a question has arisen as to whether the refurbishment of a derelict house under the Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, Co. Roscommon is or is not development and is or is not exempted development.

A Chara,

Further to your application received on the 19th December 2023 and in order for the Planning Authority to determine as to whether the refurbishment of a derelict house under the Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, Co. Roscommon., is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Please submit a detailed scope of works to be undertaken inclusive of any proposed demolition, and provide suitably scaled annotated drawings in plan and elevation to indicate these proposed works.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 638**.

Note: Replies to this communication must be by way of original documents.

Mise le meas,

Tracy Davis
Senior Executive Planner,
Planning.

cc via email: James Lohan Planning & Design Consulting Engineers Ltd

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

Reference Number: DED 638

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish derelict house under the Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, County Roscommon

Applicant: John Doorly

Date: 17th January 2024

WHEREAS a question has arisen as to whether the refurbishment of a derelict house under the Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, County 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) 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
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Site Location & Development Description

The subject dwelling house is located on Corner House, Lanesborough Street, Roscommon Town on lands zoned Core Town Centre in the Roscommon Local Area Plan 2014 – 2020. The house forms part of the National Inventory of Architectural Heritage (Registration Number 31817006) and forms part of the Roscommon Architectural Conservation Area. The house is also within the Zone of Archaeological Notification (R184453) associated with a number of structures.

The subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated site is Lough Ree SAC (Site Code: 000440), which is approximately 3.8km from the subject site.

In the Nature of Proposed Works section of the presented Section 5 Declaration Application Form submitted it states “refurbish derelict house under Croi Conaithe Grant Scheme – see attached report showing condition of property and list of works to be completed along with plans for same”. However, no such report has been submitted and in particular, it is not considered that the submitted documentation provides a clear list of the proposed works in this Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended. Chimney repair, internal repairs to the roof and an internal fit-out renovation with internal structural works are indicated. No extension is proposed.

Planning History

PD 04 1644 – Permission *granted* to demolish derelict structures and (a) for the refurbishment/conversion of existing outhouse and for the change of use from commercial to residential use; (b) to build two storey dwelling including all associated site works on premises.

PD 03 1534 - *withdrawn*

PD 00 954 – Permission granted for internal alterations to existing shop/bar and to improve existing toilets within the existing structure.

Relevant Legislation

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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 (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 4(1)(h): The following shall be exempted developments for the purposes of this Act—*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*

Article 6:

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and limitations specified in column 2 of Part 1.

Article 9 (1) applies:

Development to which article 6 relates shall not be exempted development for the purposes of the Act—
(a) if the carrying out of such development would—

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

Assessment

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "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". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said refurbishment of the dwelling house constitutes development, as defined in Section 3 of the said Act.

Insufficient details have been submitted to clearly identify the proposed internal and external works in this case. In order to advance the assessment of this application under Section 5 of the Planning and Development Acts (as amended), it is recommended that further information is requested.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that 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 need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

Request the following further information

1. In order for the Planning Authority to advance the assessment of this application under Section 5 of the Planning and Development Act 2000 (as amended), please submit a detailed scope of works, ^{to be} undertaken inclusive of any proposed demolition, and provide suitably scaled annotated drawings in plan and elevation to indicate these proposed works.

Signed:

Assistant Planner



Date: 17th January 2024



DED 638



John Doorly



Date: 8th January, 2024

Ref: DED 638

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

Development: To refurbish derelict house under Croi Conaithe Grant Scheme at Corner House, Lanesborough Street, Roscommon Town, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 19th 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. **L01/0/226221** dated 20th December, 2023 refers.

Note: Please note your Planning Reference No. is **DED 638**.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Tracy Davis,
Senior Executive Planner,
Planning Department.

CC: James Lohan Planning & Design Consulting Engineers Ltd.,
Unit 5, Ballypheason House,
Circular Road,
Roscommon,
Co. Roscommon, F42 C982.

Roscommon County Council
Aras an Chontae
Roscommon
08008 37100

20/12/2023 09:49.42

Receipt No : L01/0/226221

JOHN C. DOORLY

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 638	

Total : 80.00 EUR

Tendered :
Cheque 80.00
42

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office

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	EXISTING HOUSE
Proposed use of land or structure	REFURBISH HOUSE
Distance of proposed building line from edge of roadway	EXISTING 4.7M
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING PUBLIC SEWER

Signature:

Ara Gu

Date:

18/12/2024

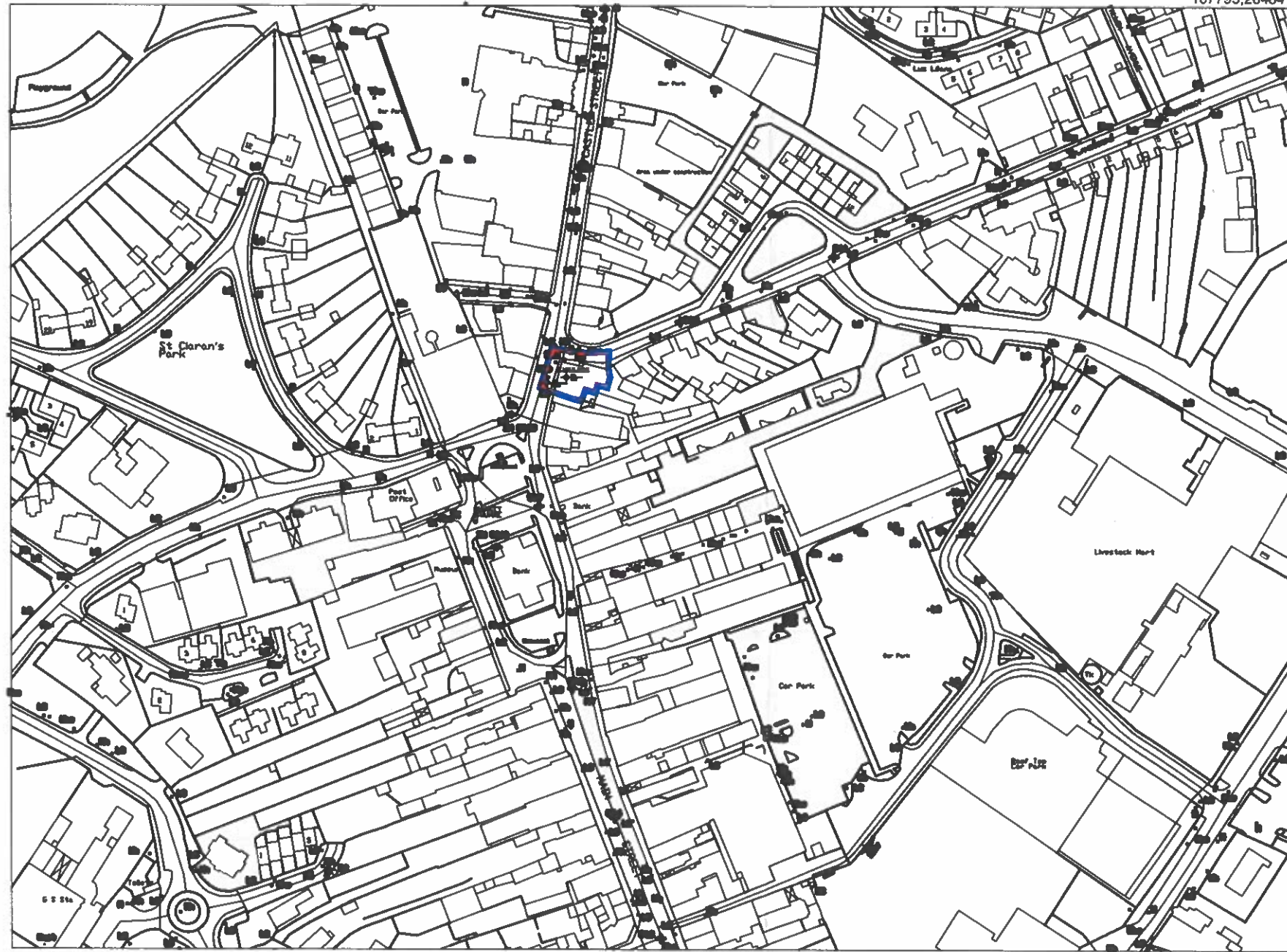
Note: This application must be accompanied by:-

- (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 ✓



187209,264841

187793,264841



180005,270375

0 50 100 150 200 250 Metres
SCALE 1:2500

187793,264413

CORNER HOUSE
LANESBROUGH STREET
ROSCOMMON CO
ROSCOMMON
SITE AREA OUTLINED
RED = 0.50 HEC
BLUE LAND HOLDING
BLUE LAND HOLDING

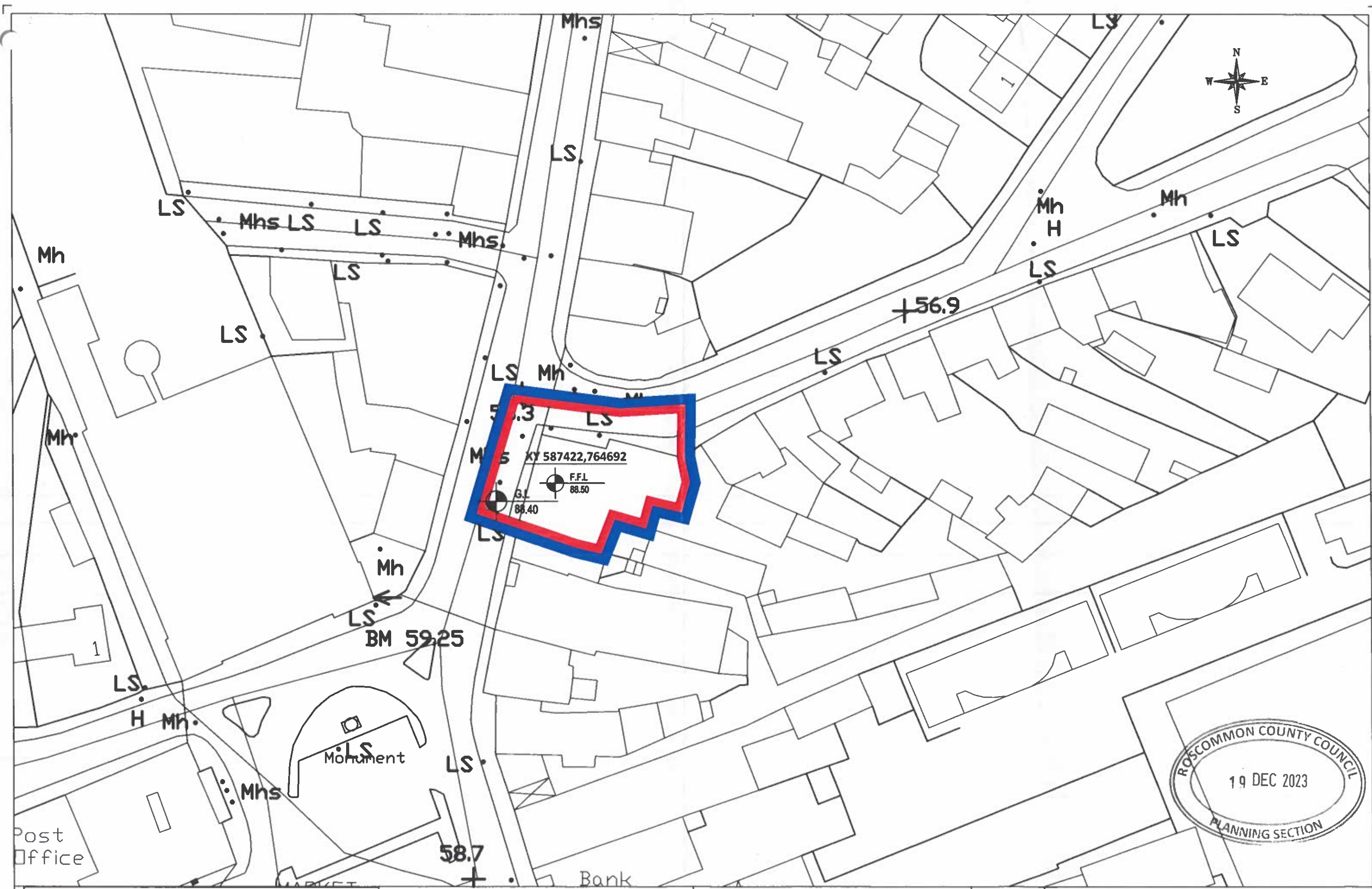
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DS NO.

RN 2550-05

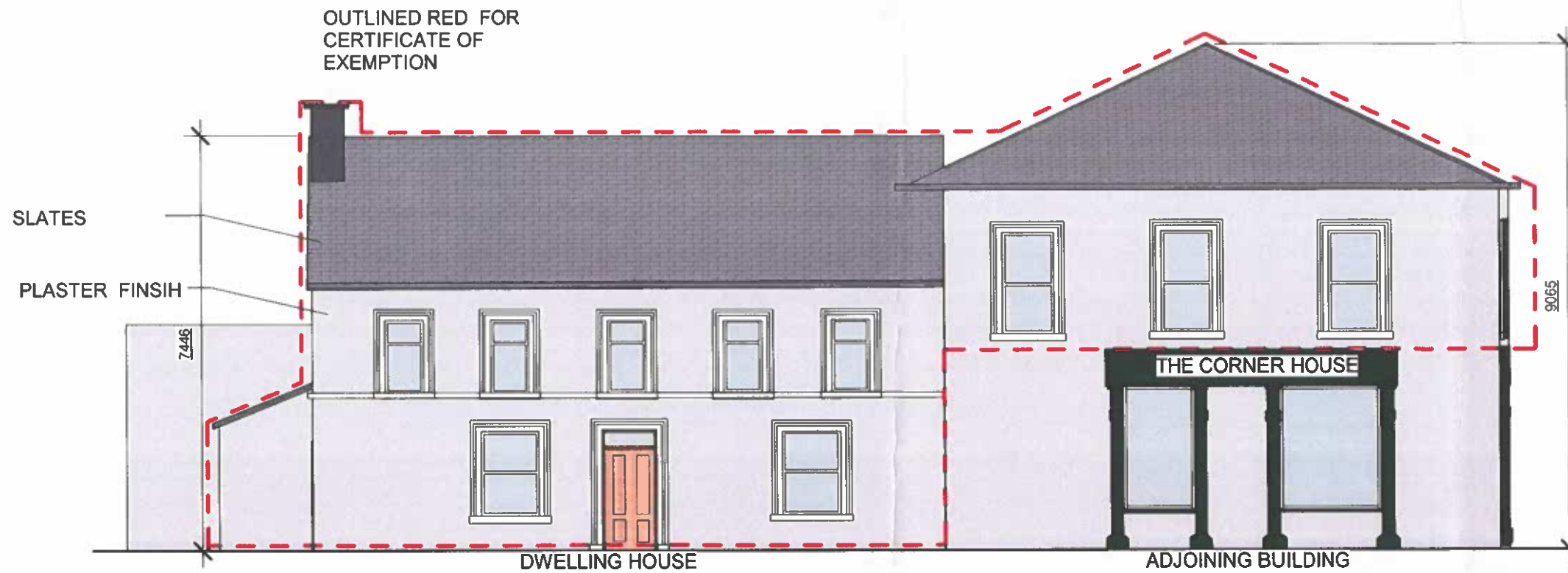




DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM FIGURED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

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Unit 5 Ballypheasant House Circular Road, Roscommon F42 C982.		Ph: 090 6634365 / 0878228529 email: james@jce.ie / aaron@jce.ie web: www.jce.ie	
CLIENT JOHN DOORLY	JOB CERT OF EXEMPTION	JOB NO. CO ROSCOMMON	DATE 23-309
SITE CORNER HOUSE LANESBROUGH STREET CO ROSCOMMON	DRAWING SITE LAYOUT	REV A	SCALE 1:500

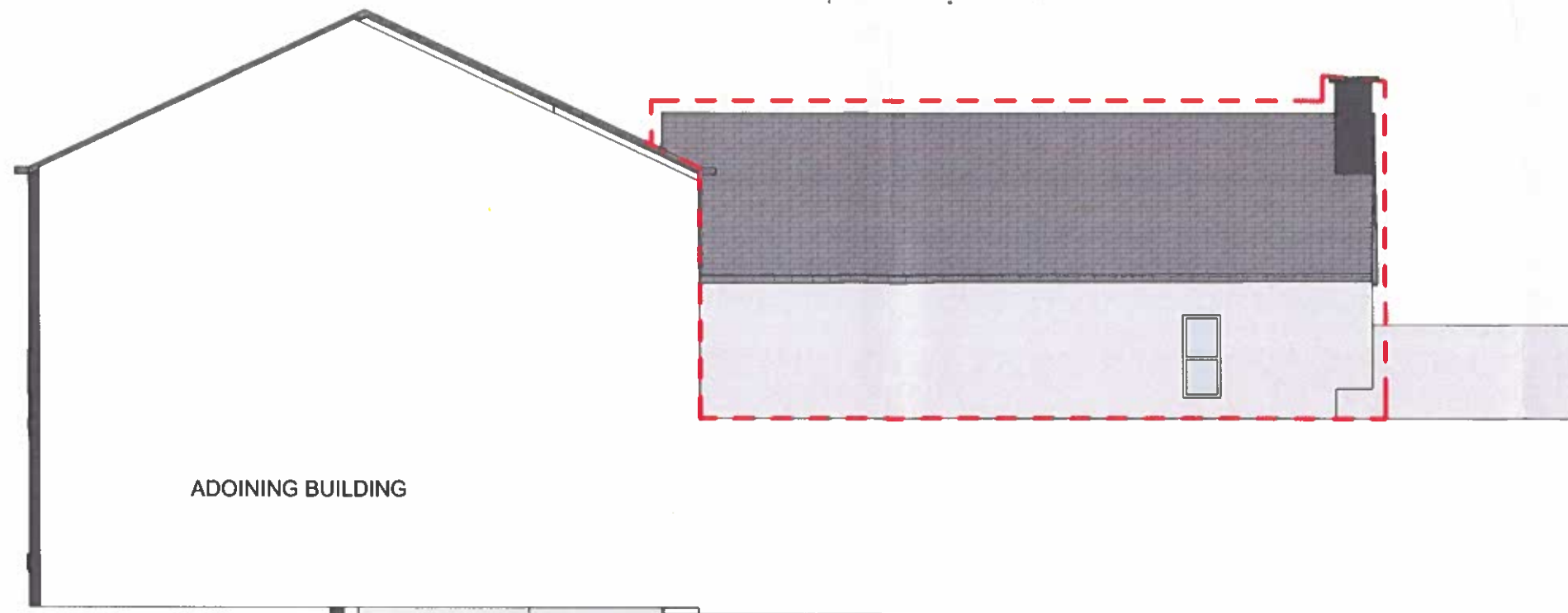


1 NORTH ELEVATION
1 : 100



2 EAST ELEVATION
1 : 100

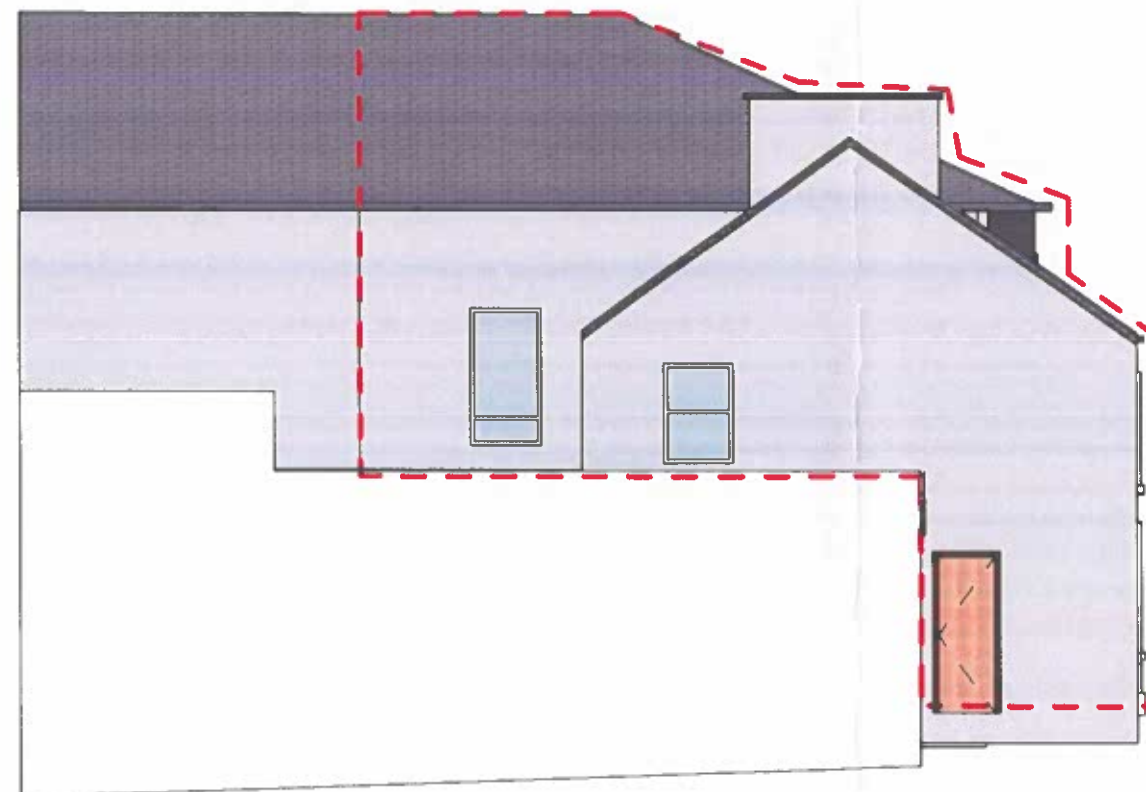




1

SOUTH

1 : 100



2

West ELEVATION BLANK

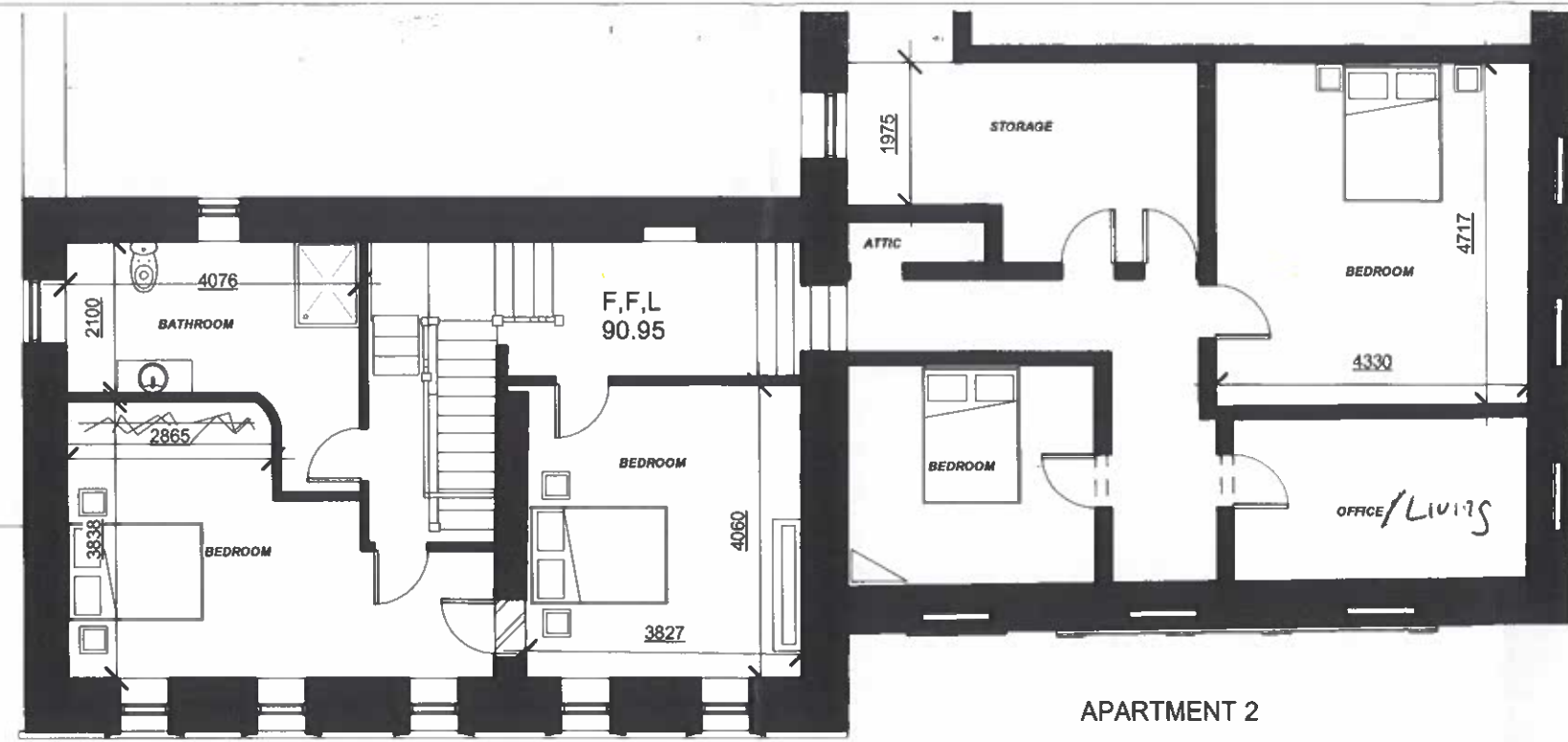
1 : 100



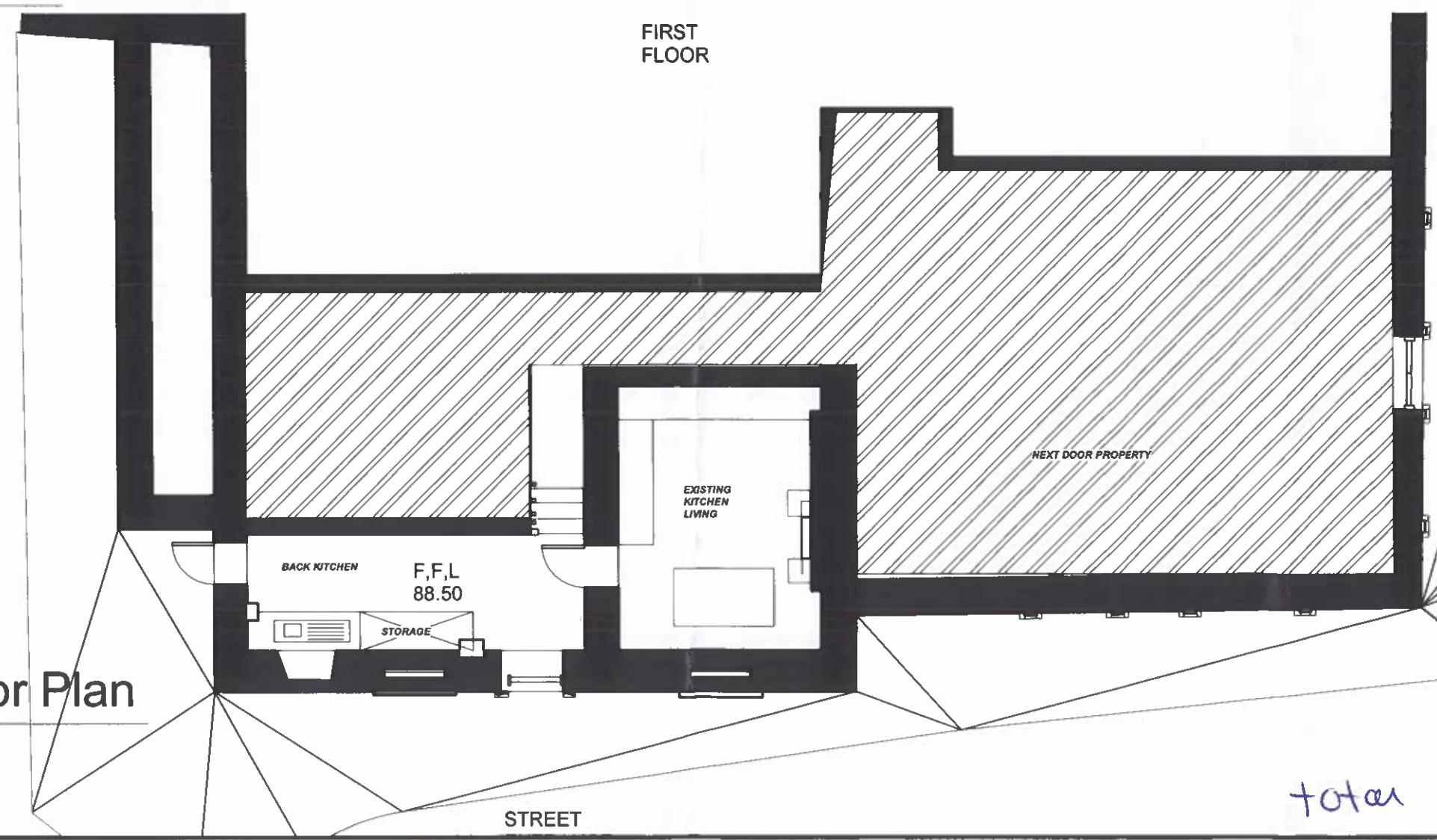
James Lohan
Planning & Design Consulting Engineers

<small>Civil Engineering & Architectural Design 3D Modelling</small>		<small>Plot & Submission Stamp Check and Resubmit Date:</small>	<small>Lead: John Lohan Tel: 087 022829 Tel: 090 664045</small>
CLIENT	JOHN DOORLY	JOB	exemption cert
SITE	CORNER HOUSE LANEBROUGH STREET CO ROSCOMMON	JOB No	23-300
		DRG No	012
		SCALE	1:100 @ A3
		DATE	15/12/2023
		REV	A
		DRAWN BY	S-ELL
		CHECKED BY	Lohan

1 02 First Floor Plan
1 : 100



2 01 Ground Floor Plan
1 : 100



total floor AREA = 161 m²

<small>Architectural Design 3D Modelling</small>		<small>Architectural Design 3D Modelling</small>	<small>Architectural Design 3D Modelling</small>
CLIENT	JOHN DOORLY	JOB	exemption cert
SITE	CORNER HOUSE LANESBROUGH STREET CO ROSCOMMON	JOB No	23-300
		DRG No	012
		SCALE	1:100 @ a3
		DATE	15/12/2023
		KEY	A
		DRAWN BY	A-GILL
		CHECKED BY	John