

REGISTERED POST

Michael McHugh,



Reference Number: DED 643

Application Received: 11th January 2024

Name of Applicants: Michael McHugh

Agent: Martin Dowd, Rathcroghan Designs, Ballyconboy, Ballinagare, Castlerea, Co. Roscommon.

WHEREAS a question has arisen as to whether the refurbishment of the existing dwelling and construction of an extension to rear at Ballinvoher Townland, Breedeogue, Frenchpark, 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 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 Roscommon County Council has concluded that:

- a) The works to refurbish the existing dwelling house and the construction of a stated 16.11m² extension at the rear of the house is development.
- b) The works to refurbish the existing dwelling house and the construction of a 16.11m² extension at the rear of the house at Ballinvoher Townland, Breedougue, Frenchpark, Co. Roscommon fall within Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations.
- c) Given that the development complies with the conditions and limitations of Class 1 of Part 1 of Schedule 2 of Planning and Development Regulations, and have concluded that the proposal is exempted development.
- d) 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 the existing dwelling and construct an extension to rear at Ballinvoher Townland, Breedeogue, Frenchpark, 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:



Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 7th February 2024

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

Reference Number:	DED 643
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 extension to the rear.
Name of Applicant:	Michael McHugh
Location of Development:	Ballinvoher townland, Breedogue, Frenchpark, Co. Roscommon

WHEREAS a question has arisen as to whether the following works; the refurbishment of existing dwelling house and construction of an extension to the rear 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 Ballinvoher, c. 6km northeast of Frenchpark and is directly served by the L1248. The subject site contains a detached cottage style dwelling house.

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: c. 16m². The dwelling house has been extended to the rear previously by means of a flat roof add-on, that measures c. 18m²

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 a rear single storey extension measuring a stated 16.11m², 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 proposed 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;

APPROPRIATE ASSESSMENT

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. Cloonshanville Bog SAC (Site Code 000614) is the nearest Natura designated site c. 3km southeast of the subject site..

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 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 Ballinvoher townland, Breedougue, Frenchpark, 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 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 stated 16.11m² extension at the rear of the house is development.
- The works to refurbish the existing dwelling house and the construction of a 16.11m² extension at the rear of the house at Ballinvoher townland, Breedougue, Frenchpark, Co. 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.

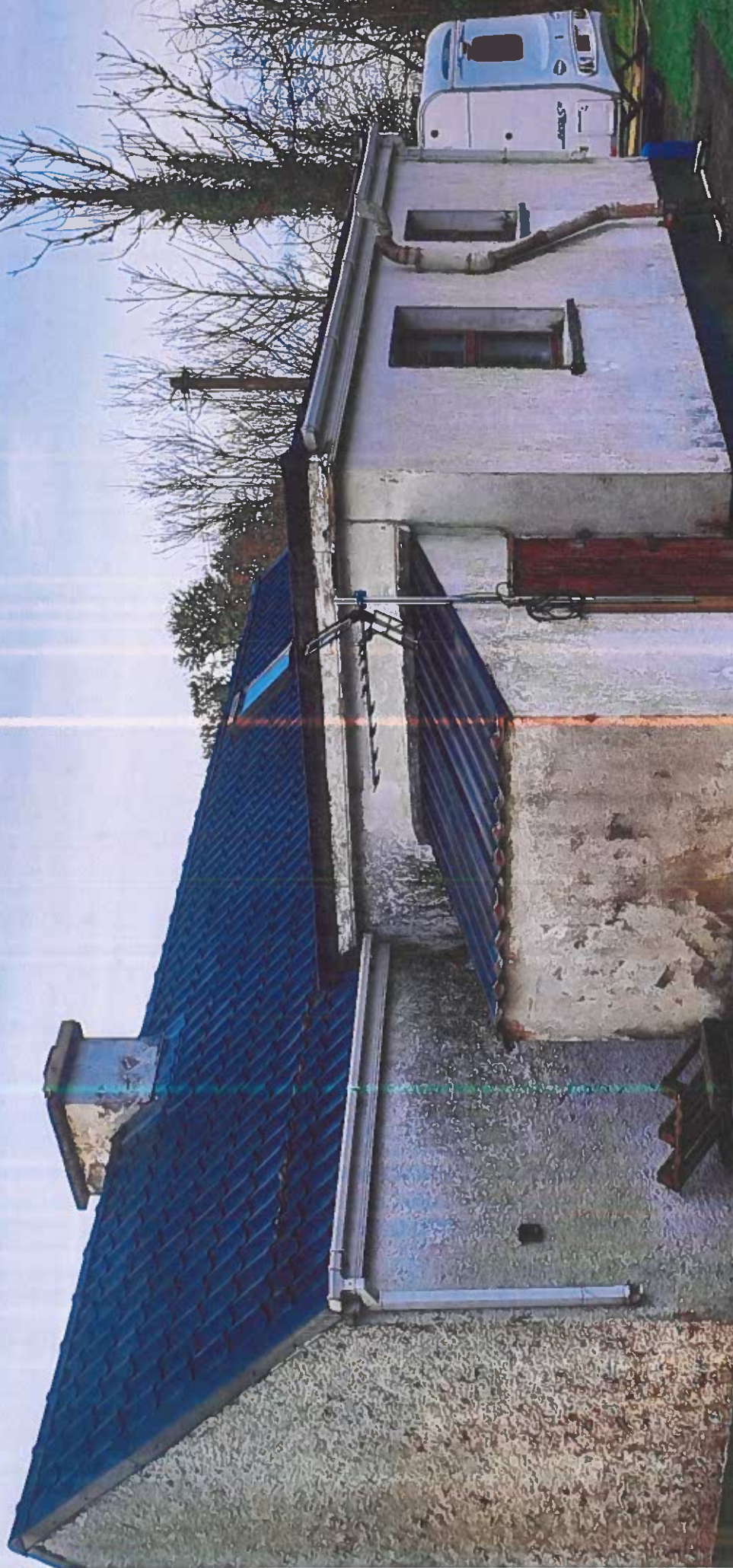
AND WHEREAS I have concluded that the said development to refurbish the existing dwelling house and the construction of a stated 16.11m² extension at the rear of the house at Ballinvoher townland, Breedougue, Frenchpark, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed 
Barry Freeman
Executive Planner

Date: 6th February 2024

 SEP
7-2-24







Carmel Curley

From: Carmel Curley
Sent: Tuesday 16 January 2024 16:37
To: rathcroghandesigns@gmail.com
Subject: DED 643 - Acknowledgement
Attachments: DED 643 - Acknowledgement.pdf

Categories: Section 5 - DED

Dear Martin,

Please see attached acknowledgement for Application for Declaration under Section 5 of the Planning & Development Act 2000 (as amended) regarding Exempted Development – reference number DED 643.

Regards,

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](#)

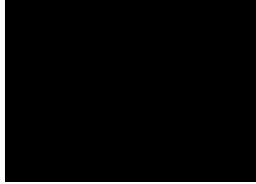




Comhairle Contae
Ros Comáin
Roscommon
County Council



Mr. Michael McHugh,



Date: 16th January, 2024

Planning Reference: DED 643

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to refurbish the existing dwelling and construct extension to rear under the Planning & Development Act (Exempt Development) Regulations 2018 at Ballinvoher TD, Breedeogue, Frenchpark, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 11th January 2024, 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. **L01/0/226514** dated 15th January 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 643**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

CC via email: Martin Dowd,
Rathcroghan Designs,
Ballyconboy,
Ballinagare,
Castlerea,
Co. Roscommon.

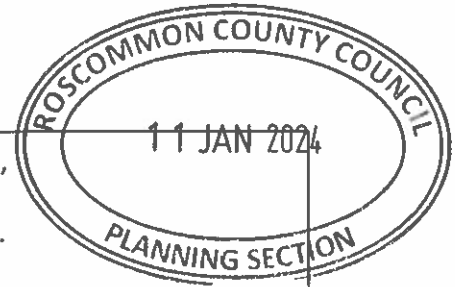


Comhairle Contae
Ros Comáin
Roscommon
County Council

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 (as amended), regarding Exempted Development

Name of Applicant(s)	MICHAEL MCHUGH
Name of Agent	MARTIN DOWD
Nature of Proposed Works	TO REFURBISH THE EXISTING DWELLING AND CONSTRUCT EXTENSION TO REAR.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BALLINVOHER TD BREDEOGUE, FRENCH PARK CO. ROSCOMMON
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>55.18 m²</u> b) <u>16.11 m²</u>
Height above ground level:	3.07m
Total area of private open space remaining after completion of this development	
Roofing Material (Slates, Tiles, other) (Specify)	TROCAL - Waterproof membrane

Roscommon County Council

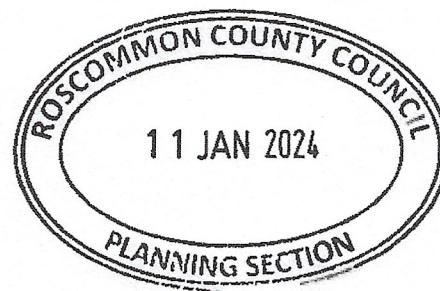
Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER
Is proposed works located at front/rear/side of existing house.	REAR
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	Dwelling
Proposed use of land or structure	Dwelling
Distance of proposed building line from edge of roadway	18.54 m
Does the proposed development involve the provision of a piped water supply	Yes - PRIVATE Well
Does the proposed development involve the provision of sanitary facilities	Yes - EXISTING Septic Tank

Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: Martin O'Neil (AGENT)

Date: 10/01/2024



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

Roscommon County Council
Aras an Chontae
Roscommon
08086 671 00

15/01/2024 13:57:09

Receipt No : L01/0/226514

MARTIN DOWD
BALLINCONBOY
BALLINAGARE
CASTLEREA
CO. ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 643	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
3106

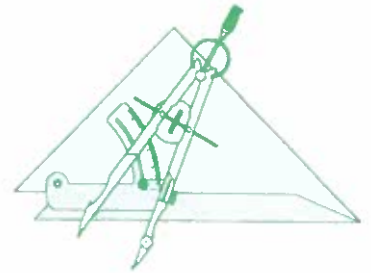
Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office

Rathcroghan Designs

**BALLYCONBOY, BALLINAGARE, CASTLEREA,
CO. ROSCOMMON**

MOBILE : 086 2328484



10/01/2024

Re – Exempted Developemtn fee

Dear Si/Madam

Please find anclosed Exempted Developmetn application for Michael McHugh Ballinavoher, Breedeogue, Frenchpark, Co Roscommon.

Please contact me at the details above, for card details in regard to payment of Exempted Development fee.

Best Regards

Martin Dowd

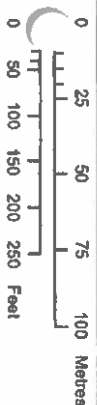


Planning Pack Map

Prepared By: Martin Dowd Rathcroghan Designs,
Ballinagare, Castlereagh, Co. Roscommon



Tailte Éireann



OUTPUT SCALE: 1:2,500

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CENTRE COORDINATES:
ITM 577117.795069

PUBLISHED: 15/12/2023
ORDER NO.: 50373908_1

MAP SERIES: 1:5,000
MAP SHEETS: 1861 1921

COMPILED AND PUBLISHED BY:
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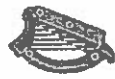
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Site Location Map

Prepared By: Martin Dowd Rathcroghan Designs,
Ballinagare, Castlereagh, Co. Roscommon



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11 JAN 2023

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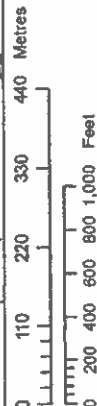
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OUTPUT SCALE: 1:10,560



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Ordnance Survey Ireland

SITE





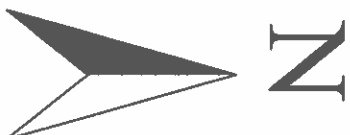
Client

Michael McHugh

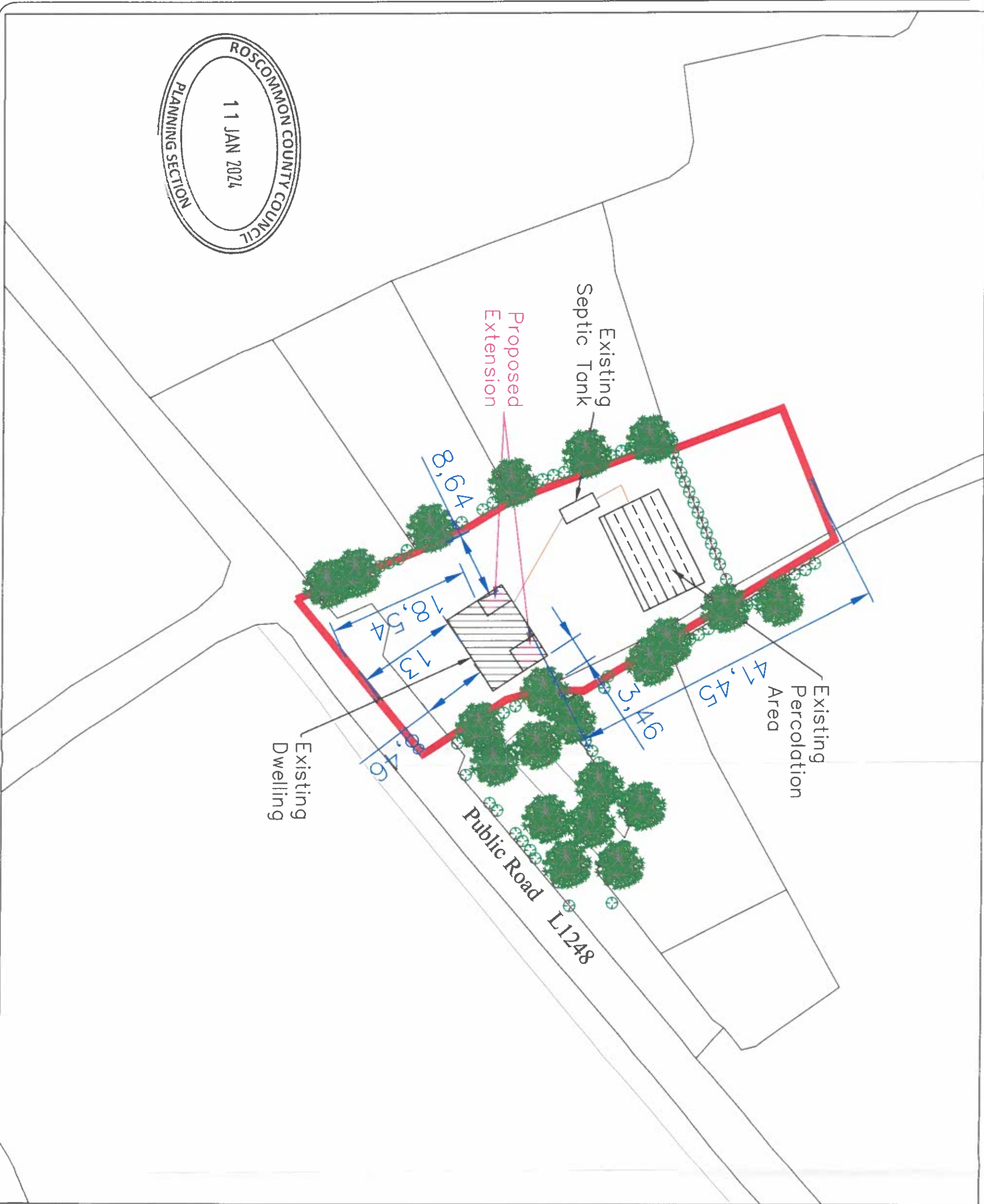
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Site Layout

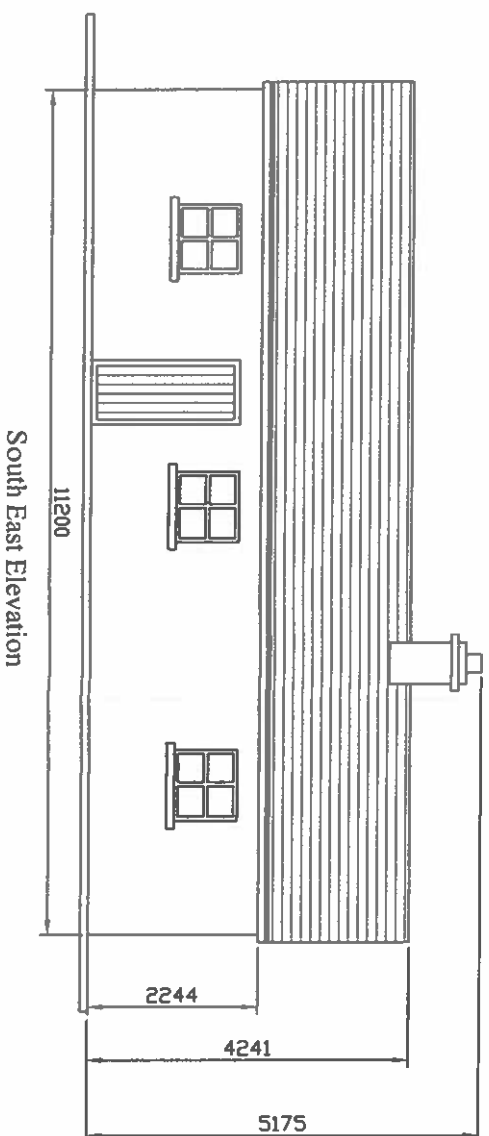
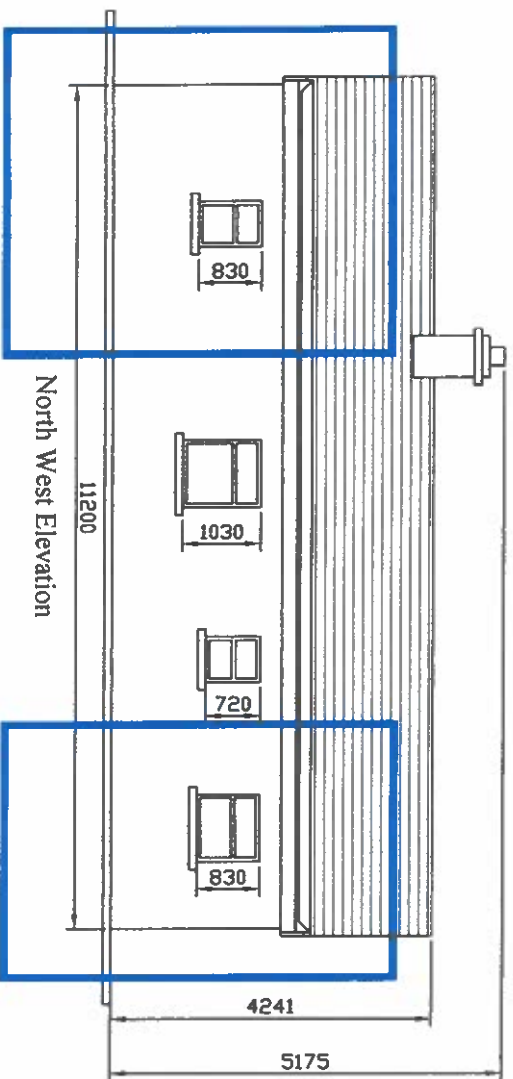
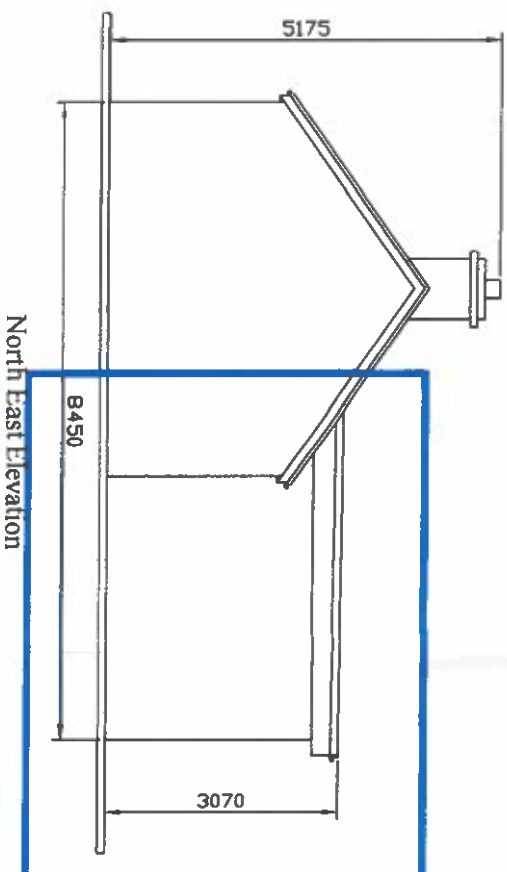
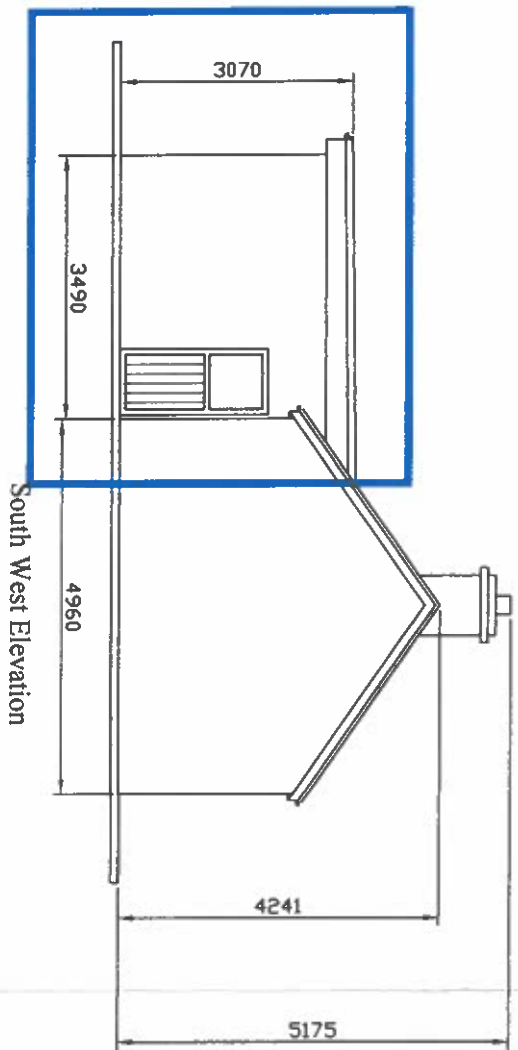
Scale: 1:500 UNLESS NOTED	Sheet	Dwg. No.
Drawn: MARTIN DOWD	1 OF 1	23-272
Date: 16-12-2023		



Site Area 0.147Ha



Note
Proposed Extension Outlined in Blue



Client

Michael McHugh

Title

Proposed Refurbishment
to existing dwelling

Scale: 1:100 UNLESS NOTED

Drawn: MARTIN DUNN

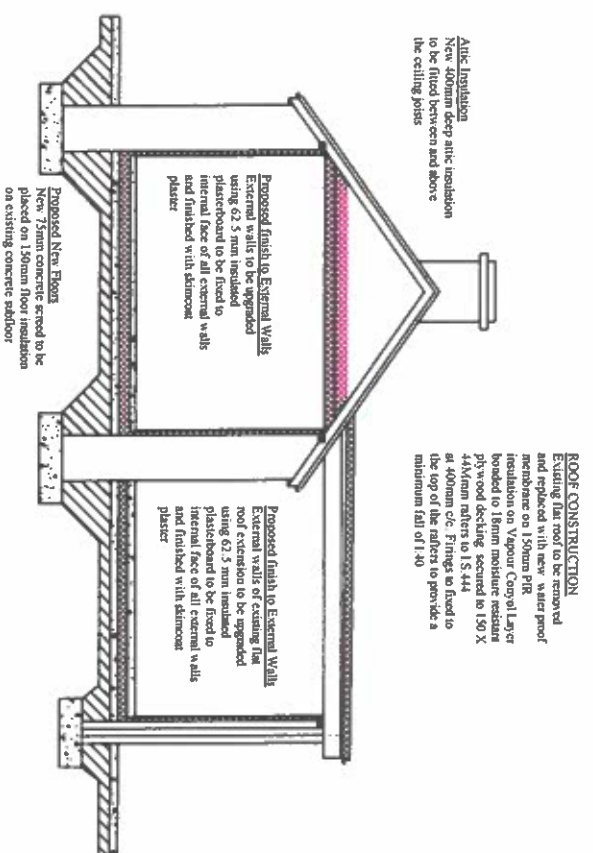
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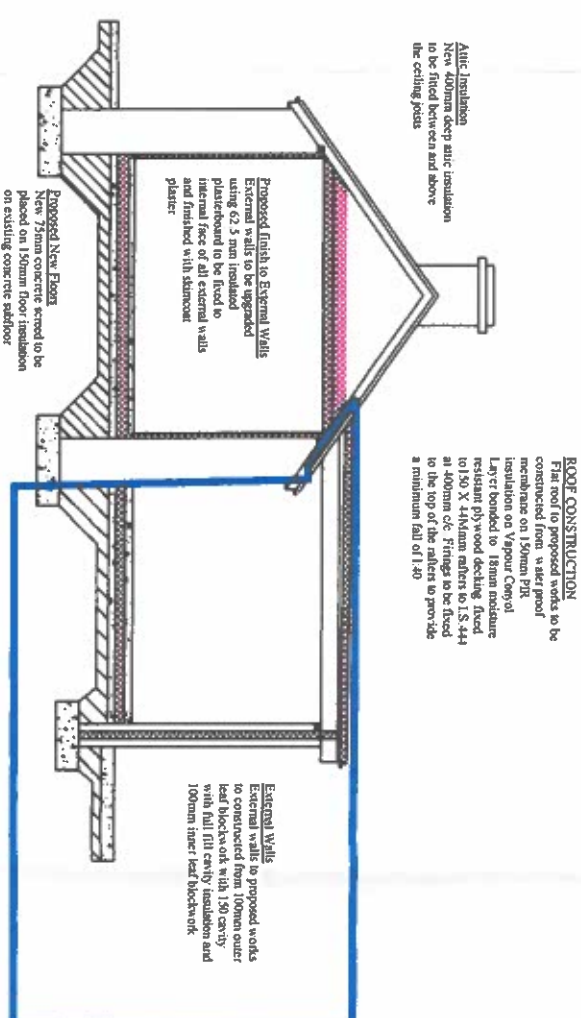
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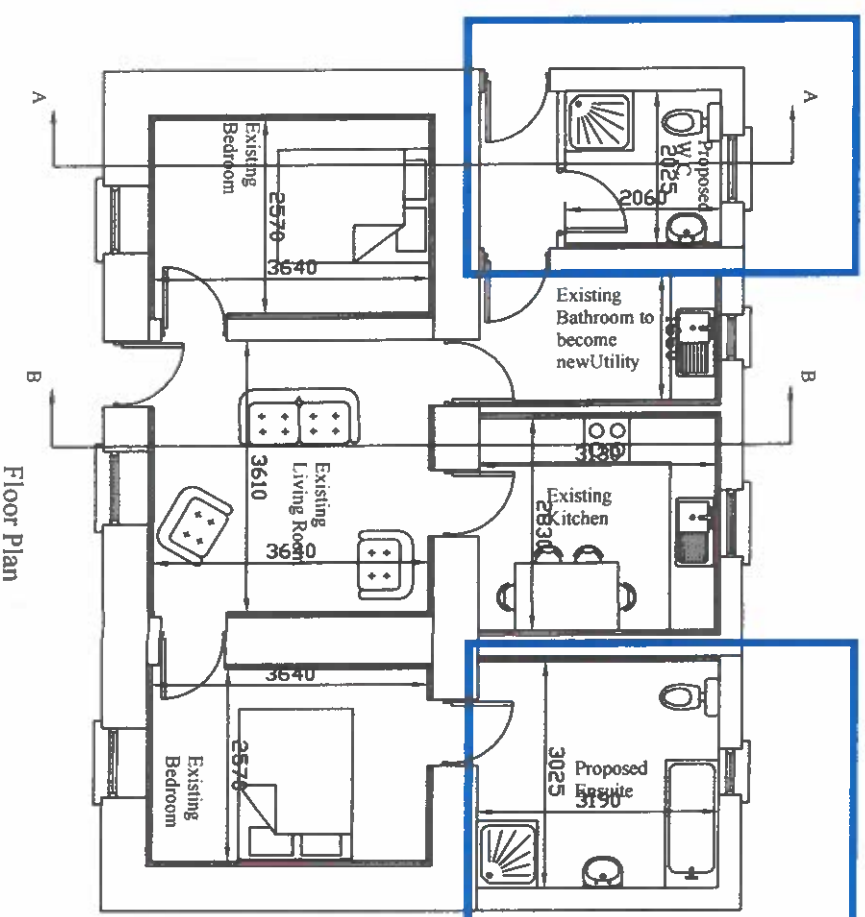
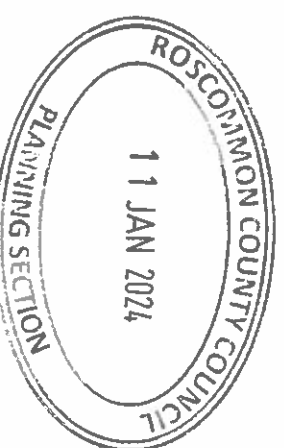
23-273



Section B-B



Section A-A



Note
Proposed Extension Outlined in Blue