ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Padraig Meares,



Reference Number:	DED 654
Application Received:	30 th January 2024
Name of Applicants:	Padraig Meares
Agent:	James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house and the construction of a small extension under 40sq.m. at Culleenoolagh, Dysart, Ballinalsoe, Co. Roscommon, H53 CD90, 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, and 4 of the Planning and Development Acts 2000 (as amended).
- (b) Article 6 & 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:

- (a) The works are development.
- (b) The proposed works are exempted development.

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 and construct a small extension under 40sq.m. at Culleenoolagh, Dysart, Ballinasloe, Co. Roscommon, H53 CD90, is development that is <u>exempted development</u> 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: 2nd April 2024

Carmel Curley

From: Sent: To: Subject: Attachments: Carmel Curley Tuesday 2 April 2024 12:17 James Lohan DED654 - Notification of Decision DED 654 - Notification of Decision.pdf

Dear James,

Please see attached Notification of Decision for DED 654 - Padraig Meares.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 2: (090) 6637100

⊠: planning@roscommoncoco.ie | ⊕ www.roscommoncoco.ie MAP LOCATION





Refe ice Number:

DED 654

Name of Applicant:

Padraig Meares

AGENT:

NA

WHEREAS a question has arisen as to whether 'to refurbish derelict house and rear extension and a small extension under 40 sqm' at Culleenoolagh, Dysert, Ballinasloe, Co Roscommon is or is not development and is or is not exempted development:

	Introduction		

NOTE: This report has been prepared following receipt of a response to the Planning Authority's request for further information. This report should be read in conjunction with the planning officers' original report of 28th February 2024 which amongst other matters details and considers:

- Development proposal and site assessment
- Relevant statutory provisions
- Planning history on site

Further information requested: 29th Feb 2024

Further information response received: 13th March 2024

3.0 Planning Assessment following receipt of Further Information

Summary of issues on which further information was sought:

Item 1:

Clarify how vehicles will be accommodated.

Item 2:

Clarify details of refurbishment woks

<u>ltem 3:</u>

Revised correctly labelled plans and elections.

Assessment of further information received:

<u>ltem 1:</u>

A revised site layout has been submitted which indicates a vehicular access and details where vehicles will park within the site. This is considered acceptable for accessing the proposed development in terms of article 9 of the Planning and Development Regulations as amended however this DED application does not extend to considering this vehicular access.

<u>ltem 2:</u>

The applicant has clarified what refurbishment works are proposed and the planning Authority is satisfied that they will not materially alter the external appearance of the dwelling and are acceptable under the provisions of 41h of the Planning and Development Act 200 as amended.

Item 3:

Revised plans and elevation have been submitted which clearly identifies the proposed extension.

Final assessment:

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

- (a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- (b) Article 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);

Having regard to the above, I am satisfied that the general question raised in this referral 'to refurbish derelict house and rear extension and a small extension under 40 sqm' at Culleenoolagh, Dysert, Ballinasloe, Co Roscommon can be determined as follows:

- The works are development
- The proposed works are exempted development.

Recommendation

I have concluded that 'to refurbish derelict house and rear extension and a small extension under 40 sqm' at Culleenoolagh, Dysert, Ballinasloe, Co Roscommon is development and **IS** exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Advice note: For the purposes of clarity this Declaration of Exempted Development does not extend to the vehicular access indicated on the site layout plan submitted on the 13th March 2024.

P Comanyfut

Signed

Date: 27th March 2024

Paula Connaughton Executive Planner

f.C

Carmel Curley

From:	Camila Zen <camila@jlce.ie></camila@jlce.ie>
Sent:	Wednesday 13 March 2024 10:40
То:	Carmel Curley
Cc:	James Lohan
Subject:	Re: DED 654 - Further Information Request
Attachments:	24-365-FI-003-Front Elevation.pdf; 24-365-FI-001-site layout.pdf; DED 654 - Further
	Information Response Padraig.pdf

Hi Carmel,

I am attaching the response to the request for further information: Ref: DED 654 for Property at Culleenoolagh, Dysart, Ballinasloe, Co. Roscommon, H53 CD90

I am pleased to answer any further questions or queries you may have.

Kind regards Camila

----- Forwarded message -----From: **Carmel Curley** Date: Thu, 29 Feb 2024 at 14:38 Subject: DED 654 - Further Information Request To: James Lohan <james@jlce.ie>

Dear James,

I refer to the DED Application Reference No: 654 for Padraig Meares – please see attached Further Information Request.

Regards,

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Carmel

Planning Department, Roscommon County Council,

Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

2: (090) 6637100

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⊠: <u>planning@roscommoncoco.ie</u> | ⊕ <u>www.roscommoncoco.ie</u> <u>MAP LOCATION</u>





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<u>Camila Zen, Designer</u> B.Arch (Hons)

James Lohan Consulting Engineer Ltd, Unit 5, Ballypheason House, Circular Road Roscommon F42 C982 Ph: (085) 177 1286 E: camila@ilce.ie Web: www.jlce.ie





RESPONSE TO FURTHER INFORMATION

Ref DED654

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

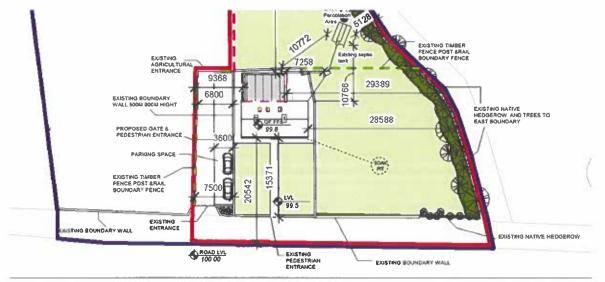
Development: refurbishment of a derelict house and the construction of a small extension under 40sq.m. at Culleenoolagh, Dysart, Ballinasloe, Co. Roscommon., H53 CD90,

1. Please clarify how vehicles associated with the development are accommodated.

Response:

There is a driveway along the western boundary of the property, offering ample lateral space for accommodating cars within the premises, measuring 3.6 meters in width. Importantly, this driveway does not obstruct access to the adjacent gate, which provides entry to a rural entrance.

The area between the wall and the existing fence spans from 7.5 to 6.8 meters in width, serving as a turning space for vehicles exiting the property



Drawing: Existing driveway (3.6m wide) along west boundary. Gate access to rural driveway. Turning area between wall and fence: 7.5-6.8m wide.

2





Screenshot of the front of the house

2. Please provide details in relation to the intended refurbishment of the structure.

Response:

Schedule Of Works.

The property is being renovated and extended as per proposed plans. The internal works involved are as follows:

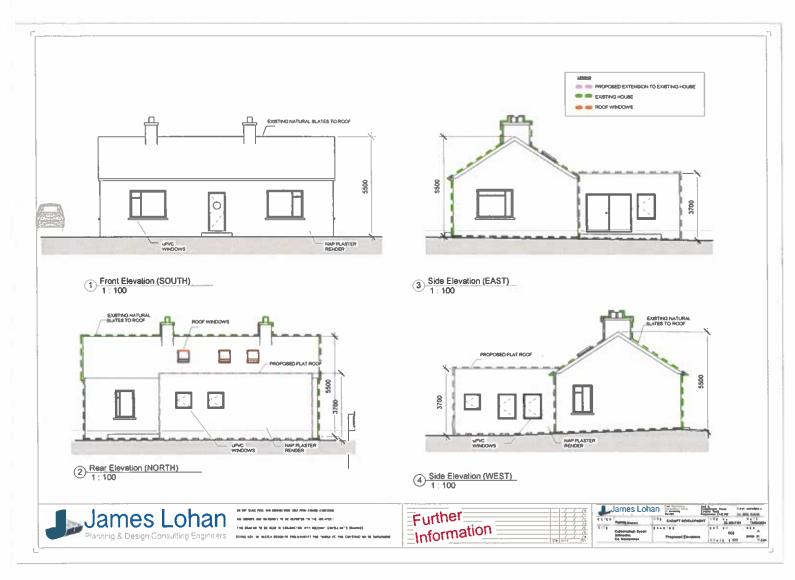
- 1) Strip out old drylining and replace with ventilated stud and insulation.
- 2) Insulate attic space and replace ceilings.
- 3) New ground floor with radon barrier, insulation and screed.
- 4) Re-wire
- 5) Re-Plumb
- 6) Re-Slate roof.
- 7) Second fix and paint and decorate internally.

3 Please submit revised elevations which correctly labels the proposed extension.

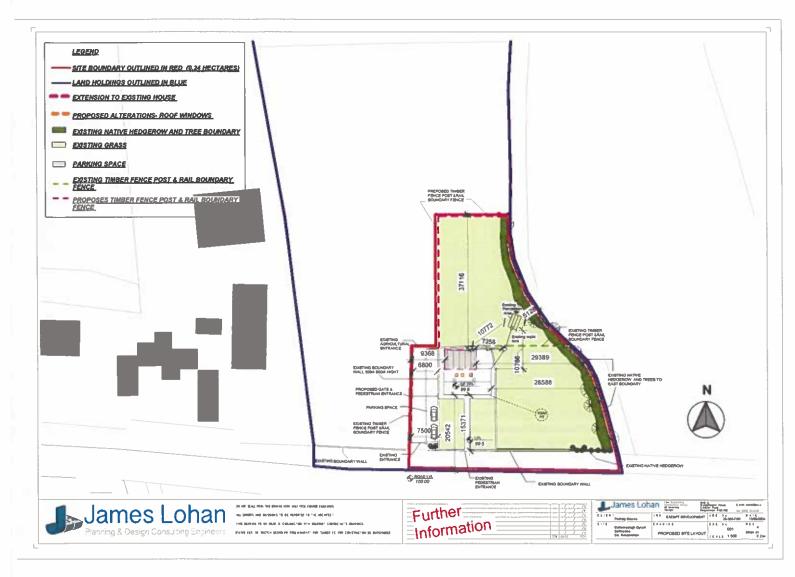
See attached updated drawings showing works to rear elevation.

We look forward to hearing from you and sincerely hope that there is a positive decision in relation to this application.

Kind Regards, James Lohan BEng MIEI 12-03-2024



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Carmel Curley

From:	Carmel Curley
Sent:	Thursday 29 February 2024 14:39
То:	James Lohan
Subject:	DED 654 - Further Information Request
Attachments:	DED 654 - Further Information Request.pdf

Dear James,

I refer to the DED Application Reference No: 654 for Padraig Meares – please see attached Further Information Request.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 T: (090) 6637100 D: planning@roscommoncoco.ie | @ www.roscommoncoco.ie MAP LOCATION ROS common Council And Counci





Comhairle Contae Ros Comáin Roscommon County Council



Padraig Meares,



Date:	29 th February 2024
Ref:	DED 654
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 refurbishment of a derelict house and the construction of a small extension under 40sq.m. at Culleenoolagh, Dysart, Ballinasloe, Co. Roscommon., H53 CD90, is or is not development and is or is not exempted development.

A Chara,

Further to your application received on the 30th January 2024 and in order for the Planning Authority to determine as to whether the refurbishment of a derelict house and the construction of a small extension under 40sq.m. at Culleenoolagh, Dysart, Ballinasloe, Co. Roscommon., H53 CD90, is or is not development or is or is not exempted development, you are requested to submit the following further information:

- 1. Please clarify how vehicles associated with the development are accommodated.
- 2. Please provide details in relation to the intended refurbishment of the structure.
- 3. Please submit revised elevations which correctly labels the proposed extension

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 654**.

Page 1 of 1

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

Mise le meas,

Alan O'Connell Senior Executive Planner, Planning.

cc via email: James Lohan Consulting Engineers Ltd





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

Reference Number:	DED 654
Name of Applicant:	Padraig Meares
AGENT:	NA

WHEREAS a question has arisen as to whether 'to refurbish derelict house and rear extension and a small extension under 40 sqm' at Culleenoolagh, Dysert, Ballinasloe, Co Roscommon is or is not development and is or is not exempted development:

1.0	Site Location and Description		a carron terretaria and
	A LONG THE REPORT OF A LONG		

The site is located on a Regional Road r363 c 3km east of the settlement of Dysart and consists of a detached traditional single storey cottage.

anning History
o recent relevant planning history.
-

3.0 Relevant Legislation

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

- (a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- (b) Article 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);

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.

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)

Column 1	Column 2	
Description of Development	Conditions and Limitations	
Development within the curtilage of a house	 (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. 	
CLASS 1 The extension of a house, by the construction or erection of an extension (including a	(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	
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.	 Any extension above ground level shall not exceed 20 square metres. (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 previous extension active 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 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. 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary. 4. (a) Where the rear wall of the house does not include a gable, the height of the valls of any such extension shall not exceed the height of the valls of any such extension shall not exceed the height of the valls of any such extension shall not exceed the height of the valls of the house. (c) The height of the highest part of the roof of any such extension shall not exceed the height of the highest part of the roof of any such extension shall n	

Schedule 2, Part 1

C	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.
	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.
	 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. (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 metres from the boundary it faces.
	7. The roof of any extension shall not be used as a balcony or roof garden.

4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether 'to refurbish derelict house and a small extension under 40 sqm' at Culleenoolagh, Dysert, Ballinasloe, Co Roscommon' is or is not development and is or is not exempted development. Having considered the definition of both "works" and "development" outlined above, I would deem that 'to refurbish derelict house and rear extension and a small extension under 40 sqm' constitute works and is therefore development. For the purposes of this assessment the development will be assessed in 2 parts i) the extension and ii) refurbish derelict house, as different Section/Articles of the Act and Regulations apply.

i) The extension

Having considered the definition of both "works" and "development" outlined above, I would deem that the aforementioned form of development constitute works and is therefore development. To assess whether these works are exempt development consideration was given to Class 1 Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended). There appears to be a rear return on the existing dwelling which the proposed extension will replace. The extension proposed does not exceed the height of the eves on the existing traditional cottage, maintains a 2 m distance to the adjacent boundary and does not exceed the maximum floor area permitted of 40 sqm. However there is an error in the elevations submitted which have not correctly identified the extension, this will have to be addressed via request for further information. Having considered all of the information presented I am satisfied that the extension as indicated on the site layout plan and information submitted falls within the remit of class one outlined above and also satisfies the conditions and limitations set out in column 2.

The application site is located on a busy regional route and appears not to have a vehicular access/exit. In order to determine if the proposed development would endanger public safety by reason of traffic hazard as set out in article 9 of the Planning and Development Regulations 2001 as amended, further information will be requested in relation to the arrangements on site for accommodating vehicles.

ii) Referbish derelict house

The a_{r-r}^{t} icant has indicated the proposed installation of roof lights to the rear of the existing cottage however has provided no other details in relation to the intended refurbishment of the structure so in the absence of same the development cannot be assessed under 4(1)h of the Planning and Development Act 2000 as amended. Further information is required in relation to the exact nature of the refurbishment works proposed.

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 3km away from Lough Croan Turlough 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.

5.0 <u>Recommendation</u>

Request for further information

1.Please clarify how vehicles associated with the development are accommodated.

2.Please provide details in relation to the intended refurbishment of the structure.

3.Plase submit revised elevations which correctly identifies the proposed extension

LABELS

P Connaught

Signed: _____ Date: 28th Feb 2024
Paula Connaughton
South Roscommon Area Planner.

Signed:

Date: 28th Feb 2024

Alan O'Connell Senior Executive Planner



Comhairle Contae Ros Comáin Roscommon County Council



Padraig Meares,



Date:1st February 2024Planning Reference:DED 654Re:Application for a Declaration under Section 5 of the Planning &
Development Act 2000 (as amended), regarding Exempted Development.Development:Permission to refurbish derelict house and small extension under 40sq.m.
under the Planning & Development Act (Exempt Development) Regulations
2018 at Culleenoolagh, Dysart, Ballinasloe, Co. Roscommon., H53 CD90

A Chara,

I wish to acknowledge receipt of your application received on the 30th 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. L01/0/226800 dated 31st January 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 654 This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell Senior Executive Planner, Planning Department.

cc via email:

James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason House, Circular Road, Roscommon.





Roscommon County Council Aras an Chontae Roscommon 09086 37100 **************

31/01/2024 12:31:05

Receipt No: :: 101/0/226800

PADRAIG MEARES C/O JAMES LOHAN CONSULTING ENGINEERS LTD UNIT 5, BALLYPHEASON HOUSE CIRCULAR ROAD ROSCOMMON

60.08 PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED654

Total

Tendered Cheque 500336

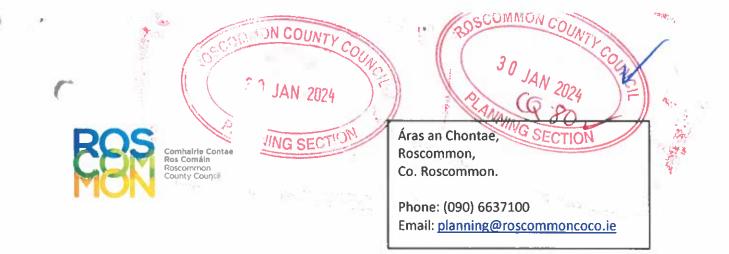
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Issued By Bernadine Duignan From Central Cash Office



Roscommon County Council

Application for a Declaration under Section 5 of the

Planning & Development Act 2000 (as amended), regarding <u>Exempted Development</u>

Name of Applicant(s)	Padraig Meares
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house and small extension under 40 sqm in accordance with the Planning and Development Act (Exempt Development) Regulations 2018
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Culleenoolagh, Dysart, Ballinasloe, Co. Roscommon, H53 CD90 Townland : Cuilleenoolagh OS Map no 2962
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>75 Sqm</u> b) <u>40 Sqm extension</u>
Height above ground level:	Floor level- between 150mm - 220mm above ground level (Ridge height existing 5.70m above ground level- Ridge height extension 3.70m)
Total area of private open space remaining after completion of this development	0.241 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof Proposed new flat roof (40 sqm) at the rear of the building into the new extension

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 to match existing
Is proposed works located at front/rear/side of existing house.	Proposed extension to the rear of the house, under 40 Sqm and lower than the existing building.
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 Dwelling House
Proposed use of land or structure	Refurbish House to be lived in by applicants
Distance of proposed building line from edge of roadway	Existing -20.5m from edge of road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature:

e: <u>Cambo Moraen ge</u> 301 01 1 202 3

Date:

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

James Lohan Consulting Engineer Ltd. Unit 5. Ballypheason House, Circular Road. Roscommon F42 C982 Ph: 0906634365 Mab: 0878228529

