

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Michael Clabby,

Reference Number: DED 671  
Application Received: 1<sup>st</sup> March 2024  
Name of Applicants: Michael Clabby  
Agent: PJ Moran, Highfield, Four Roads, Co. Roscommon.

WHEREAS a question has arisen as to whether the erection of a domestic extension to the rear of an existing dwelling house at Clare, Strokestown, 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 of 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 Act, 2000, as amended.
- (e) The planning history of the site.

**AND WHEREAS Roscommon County Council has concluded that:**

- (a) The works are development.
- (b) The construction of domestic extension as described in this case is an exempted development.
- (c) 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 erect a domestic extension to the rear of an existing dwelling house at Clare, Strokestown, 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: 1<sup>st</sup> May 2024

cc agent via email: PJ Moran

## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Wednesday 1 May 2024 15:40  
**To:** pjmoraneng@gmail.com  
**Subject:** DED671 - Notification of Decision  
**Attachments:** DED671 - Notification of Decision.pdf

Dear PJ,

Please see attached Notification of Decision for DED Application 671 for Michael Clabby.

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](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

MAP LOCATION



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

<b>Reference Number:</b>	DED 671
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the erection of a domestic extension at rear of dwelling house.
<b>Name of Applicant:</b>	Michael Clabby
<b>Location of Development:</b>	Clare, Strokestown, Co. Roscommon.
<b>Site Visit:</b>	30/04/2024

**WHEREAS a question has arisen as to whether the following works; for the erection of a domestic extension at rear of dwelling house 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 Clare, Strokestown, Co. Roscommon. The subject site contains the applicant's dwelling house with what appears to be a very modest rear extension.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures on the subject site, as per the Roscommon County Council GIS.

Question arising: Whether a proposed 11.5sqm recent extension is or is not development and is or is not exempted development.

#### **Archaeological and Cultural Heritage**

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

#### **Appropriate Assessment**

The closest European sites to the site of the proposed development is Ardakillin Lough PNHA (Site Code 001617) which is located circa 1.5km to the north.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

### **Planning History**

As per the Roscommon County Council's Planning Registry, no recent planning history has been traced relating to the subject site.

### **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
<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.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</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. 388 (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at</p>

	<p>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 proposed erection of a domestic extension at rear of dwelling house, it is stated as having floor space of 11.5m<sup>2</sup>.

With regard to the compliance with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. House appears to have a previous extension; therefore N/A.
2.
  - a. House appears to have a previous extension to the rear of 22.75m<sup>2</sup>; proposed extension is 11.5m<sup>2</sup>, total extensions is 34.25m<sup>2</sup> and less the 40m<sup>2</sup>.
  - b. Proposed extension is only on ground floor level.
  - c. Proposed extension is only on ground floor level.
3. Proposed extension is only on ground floor level.
4.
  - a. Rear wall does not exceed this height.
  - b. Rear wall does not exceed this height.
  - c. Roof height of extension is not higher than the existing house.
5. Extension does not reduce the open space to less than 25m<sup>2</sup>
6.
  - a. Windows are greater than 1m from the boundary it faces.
  - b. Proposed extension is only on ground floor level.
  - c. Proposed extension is only on ground floor level.
7. Not indicated that the extension roof will be used as a balcony or roof garden.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, for the erection of a domestic extension at rear of dwelling house as described in this case is considered to be exempted development.

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

I am satisfied that an Environmental Impact Assessment Report or Natura Impact Statement 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 a NIS is required.

## Recommendation

**WHEREAS a question has arisen as to whether the erection of a domestic extension at rear of dwelling house in the townland of Clare, Strokestown, 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 of 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 Act, 2000, as amended
- (e) The planning history of the site

## **AND WHEREAS I have concluded that**

- a) The works are development.
- b) the construction of domestic extension as described in this case is an exempted development.
- c) 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: 

Date: 1<sup>st</sup> May 2024

Civil Technician



Signed:

Date: 1<sup>st</sup> May 2024

Senior Executive Planner





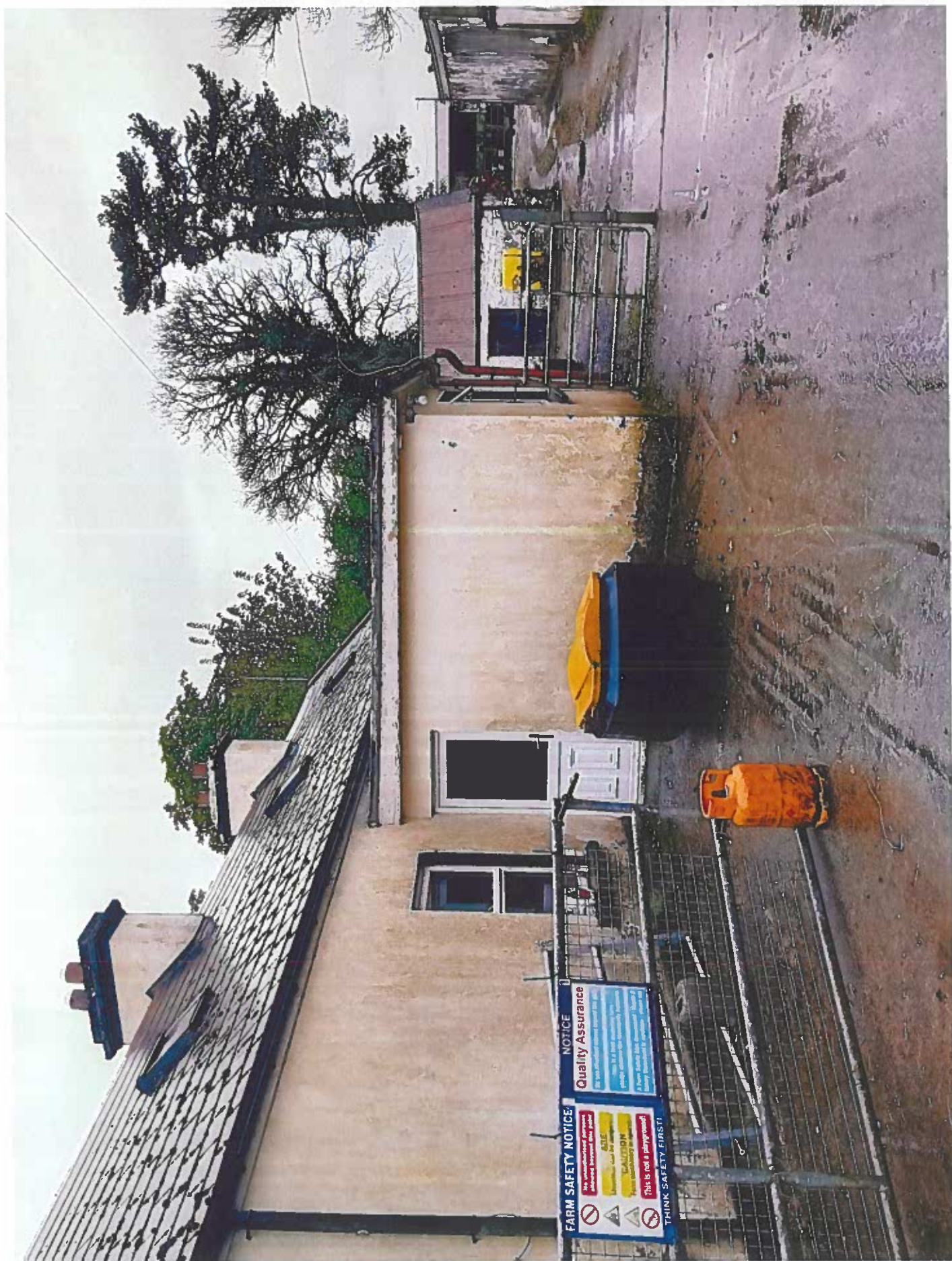












## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Friday 1 March 2024 14:27  
**To:** pjmoraneng@gmail.com  
**Subject:** DED 671 - Michael Clabby  
**Attachments:** DED 671 - Ack Letter & Receipt.pdf

Dear PJ,

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 671 for Michael Clabby.

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](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

### MAP LOCATION

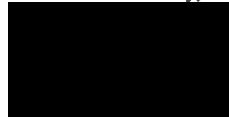




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Michael Clabby,



Date: 1<sup>st</sup> March 2024

Planning Reference: DED 671

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

Development: Permission to erect an extension to rear of dwelling house under the Planning & Development Act (Exempt Development) Regulations 2018 at Clare, Strokestown, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 1<sup>st</sup> March 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. L01/0/22732 dated 1<sup>st</sup> March 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 671**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
Senior Executive Planner,  
Planning Department.

cc agent via email: PJ Moran,  
Highfield,  
Four Roads,  
Co. Roscommon.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

01/03/2024 10:38 13

Receipt No : L01/0/227352

MICHAEL CLABBY

DED 871

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 671	

Total	80.00 EUR
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Tendered	
Credit/Debit Card	80.00
4807	

Change	0.00
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Issued By : Bernadine Duignan  
From : Central Cash Office





Ceathrú  
Rois Comáin



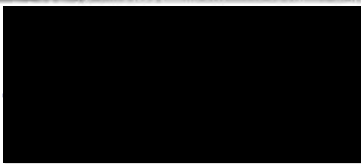
Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

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:	Michael CLABBY
Address:	
Name & Address of Agent:	P.J MORAN HighFIELD FOUR ROADS CO. ROSCOMMON
Nature of Proposed Works	ERECTION OR EXTENSION TO REAR OF DWELLING HOUSE (CURRENTLY VACANT BUT BEING REFURBISHED)
Location (Townland & O.S No.)	CLARE, STROKISTOWN, Co. ROSCOMMON
Floor Area	11.5 SQ. M.
Height above ground level	3m (to roof)
Total area of private open space remaining after completion of this development	• 4 HECTARE
Roofing Material (Slates, Tiles, other) (Specify)	ROOF IN BUILT UP FLAT ROOF CONSTRUCTION [SEE DRAWING]
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	RENDERED IN NAPPED PLASTER
Is proposed works located at front/rear/side of existing house.	TO REAR OF HOUSE [SEE PLAN]

## 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	RESIDENTIAL (CURRENTLY VACANT)
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	HOUSE LOCATED OFF ACCESS AVENUE
Does the proposed development involve the provision of a piped water supply	EXISTING
Does the proposed development involve the provision of sanitary facilities	EXISTING

Signature:

Date:

20/02/2024

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) Details specification of development proposed

(E) FLOOR PLAN - (SCALE 1:100)

(F) Site Layout Plan + Elevations

# Planning Pack Map

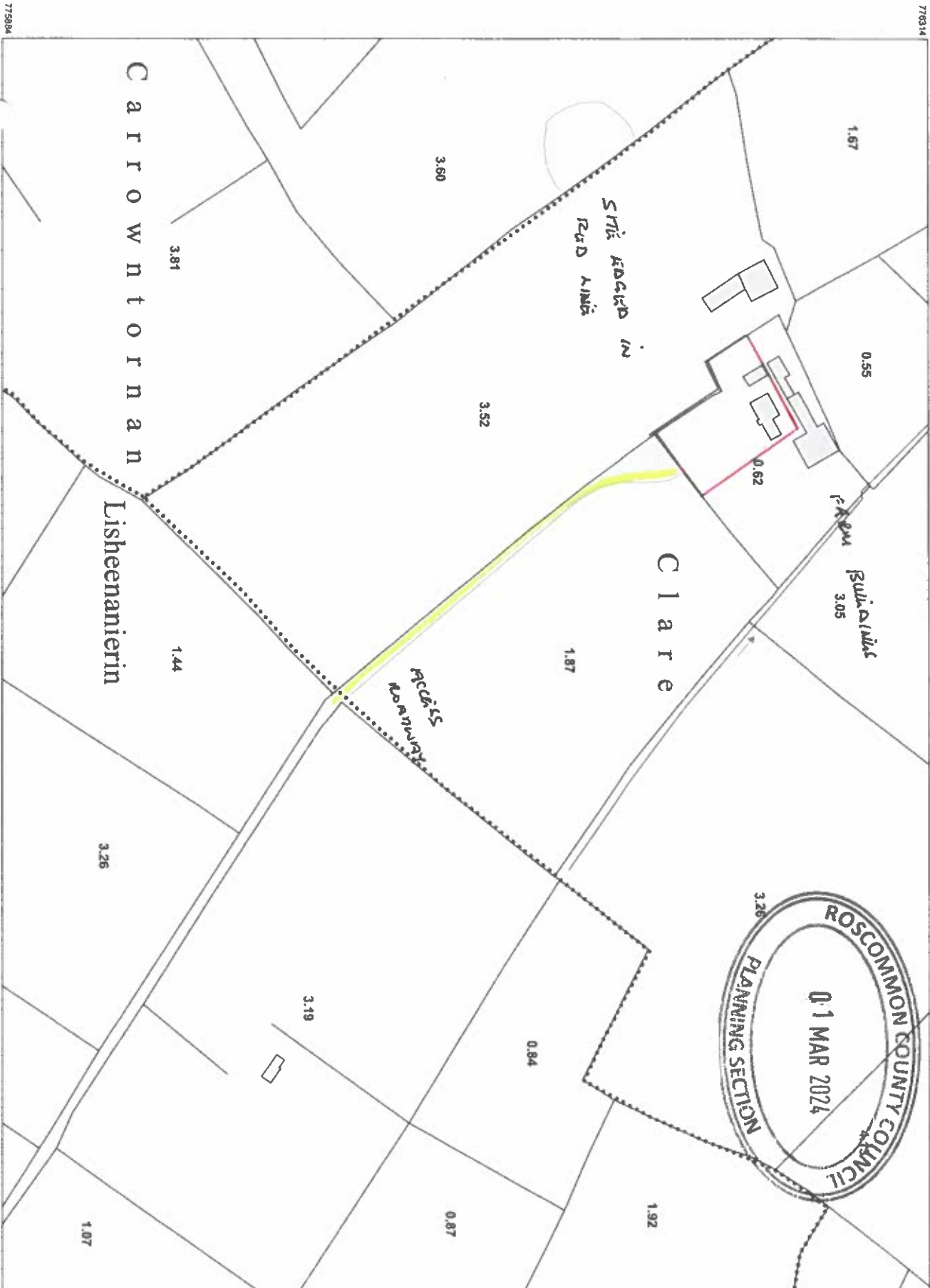


**CENTRE COORDINATES:**  
ITM 588780,776099  
**PUBLISHED:** 02/02/2024  
**ORDER NO.:** 50381100\_1  
**MAP SERIES:** 1.5.000  
**MAP SHEETS:** 2289

**COMPILED AND PUBLISHED BY:**  
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Phoenix Park,  
Dublin 8,  
Ireland.  
D08FGE4

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**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

**OUTPUT SCALE: 1:2,500**

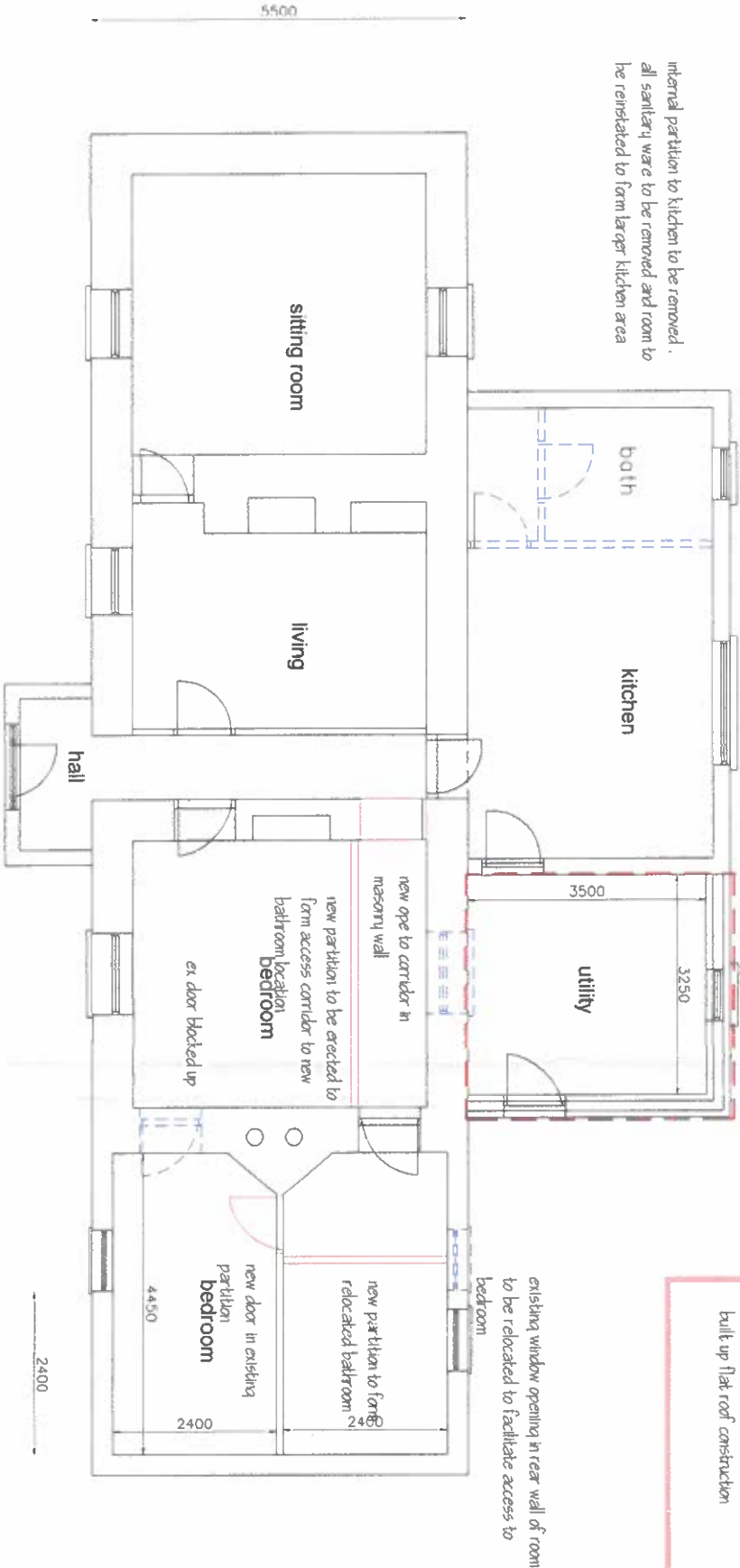


roof detail to house  
roof pitch to be 6° (flat roof construction)  
Traced build membrane on wpb deck  
on 150 insulation sheeting  
on 175 x 44 C16 ceiling joists classified in accordance with 15.127  
100 x 75 wall plate secured to top of wall with straps 900 in length at  
1800 mm centres to all external walls of the house  
175 x 44 C16 ceiling joists to span for width of house at full ceiling height  
all works on the roof construction of the dwelling house to comply with the  
standards as outlined in 15. EN 1995 Eurocode 5 "Design of Timber  
Structures"

Note  
existing dwelling house to be retained in its entirety  
proposed extension to form utility area to dwelling house  
shown edged in red line  
Area of extension 11.5 sq metres  
extension to be erected to rear of dwelling house, in  
built up flat roof construction

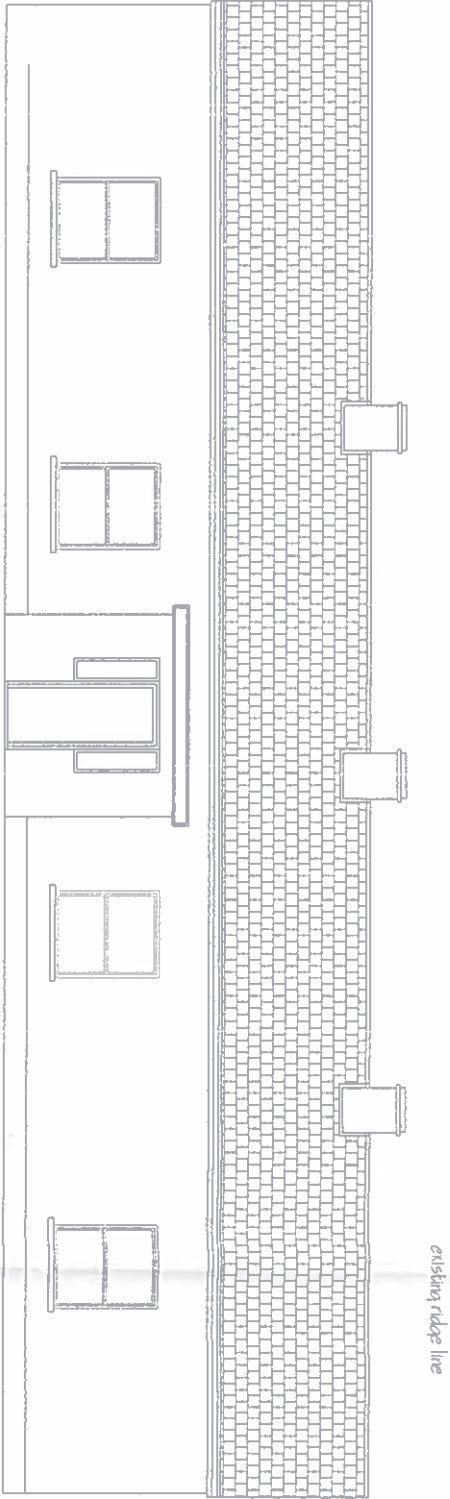
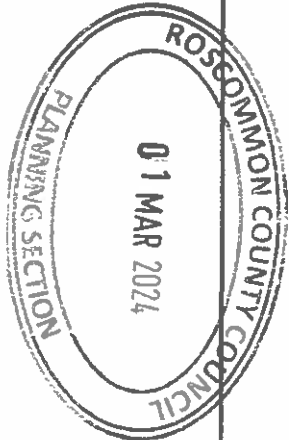
re modelled kitchen to be refurbished to  
include new floor and wall units

internal partition to kitchen to be removed.  
all sanitary ware to be removed and room to  
be reinstated to form larger kitchen area



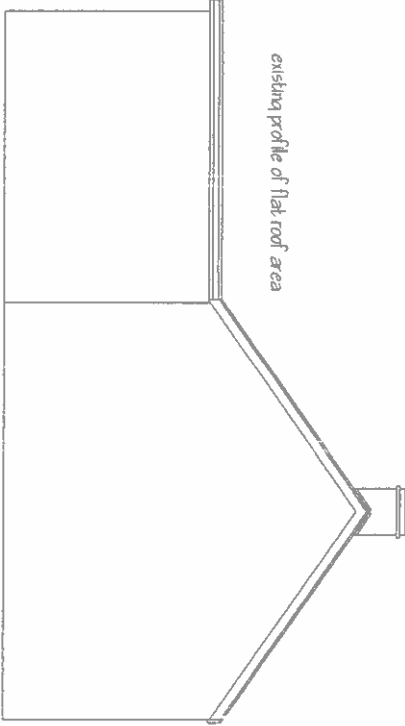
all existing details of floor plan layout retained  
elements of existing building to be demolished and reconstructed shown edged in  
blue line to include window opens to rear of building and internal re organization of  
the kitchen area  
new internal partitions, to re arrange internal layout detail shown edged in red line

P.J.Moran, B.E., C.Eng., M.I.E.I. Chartered Civil Engineer	
Highfield, Four Roads, Co Roscommon	
tel: 087 26716 email: p.j.moran@pjmoran.com	
Proposed	Dwelling house refurbishment
At:	Clare Td., Strokestown
Client:	Michael Gabby
scale: 1:100	dwg no. J/2592



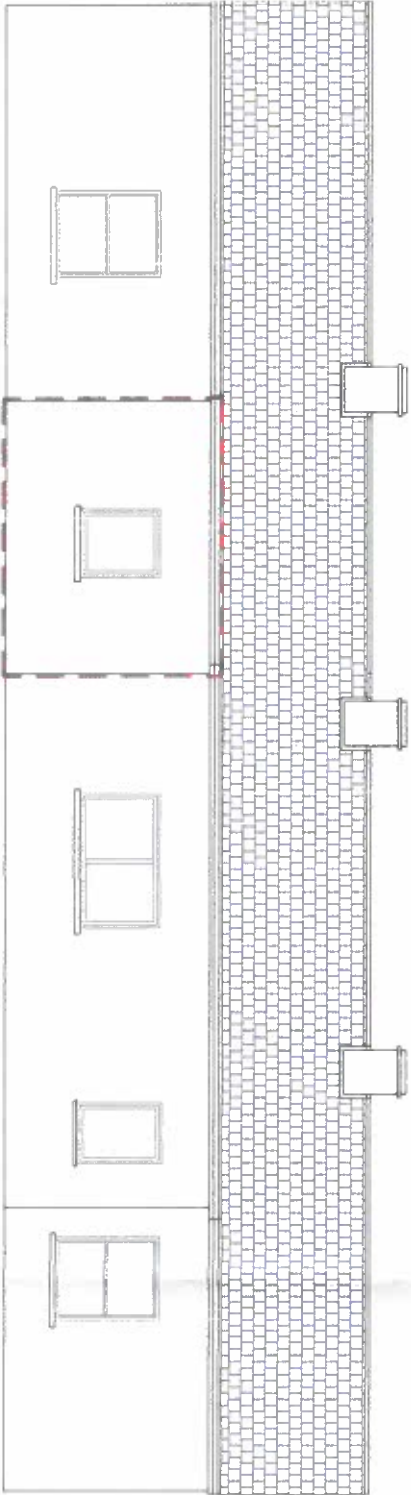
no alterations proposed to front of dwelling house  
existing front facade detail to be retained

front elevation



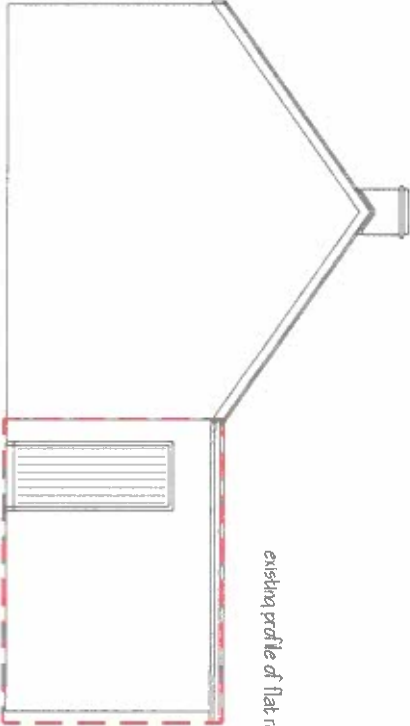
no alterations proposed to western side of house  
, inclusive of main dwelling house and existing  
extension

side elevation



propos extension to rear of house , to abut to  
existing flat roof area shown shaded in red line  
area of proposed extension 15 sq m

rear elevation



propos extension to rear of house to include new  
entrance door to utility area

side elevation

proposed extension which is subject of  
application shown edged in red line

P.J.Moran, B.E., C.Eng., M.I.E.I. Chartered Civil Engineer	
Highfield, Four Roads, Co. Roscommon	
tel 087 2617161 email p.j.moran@pcg.ie	
Proposed	Dwelling house refurbishment
At	Cleire Td., Strokestown
Client	Michaels Clabby
scale	1 : 100
dwg no - J/26922	





footprint of existing house as shown  
proposed extension , to rear of house shown edged in red  
line and hatched  
existing house to be retained

All mature trees and hedgerow within curtilage of site and on  
lands in vicinity of site to be retained and augmented

entrance gate to dwelling house located at end of public Road  
( cul de sac ) and dwelling house access by private avenue  
as shown  
See copy OS Site Location Map

boundaries of site are  
shown edge in red line

Site layout Plan  
scale 1 : 500