

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Niall Greene,



Reference Number: DED 672
Application Received: 1st March 2024
Name of Applicants: Niall Greene
Agent: N/A

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling house; work including new windows & doors, plumbing, electrical, painting (internal & external) and decorating at No. 12 Ard Na Griene, Athlone Road, 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, 9 and 10 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 outlined above are development.
- (b) The works fall within the provisions of 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;
- (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 refurbish an existing dwelling house; work including new windows & doors, plumbing, electrical, painting (internal & external) and decorating at No. 12 Ard Na Griene, Athlone Road, 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: 16th May 2024

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

Reference Number:	DED 672
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish an existing dwelling.
Name of Applicant:	Niall Greene
Location of Development:	No.12, Ard Na Griene, Athlone Road, Roscommon Town, Co. Roscommon (F42 YP22)
Site Visit:	15/05/2024

WHEREAS a question has arisen as to whether the following works to refurbish an existing dwelling 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, 9 and 10 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 property is a semi-detached two-story townhouse at No.12, Ard Na Griene, Athlone Road, Roscommon Town, Co. Roscommon. The property is in zoned land (Local Area Plan Zoning: Existing Residential). The proposed development consists of the refurbishment of the townhouse including the replacing of windows & doors, external painting and internal works.

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.

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 site to the site of the proposed development is Lough Ree PNHA (Site Code 000440) which is located circa 2.7km to the east of the subject site.

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.

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'. Of potential relevance is section 4(1)(h) 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;

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,

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 works constitute development, as defined in Section 3 of the said Act.

The proposal includes the refurbishment of an existing dwelling. These works have considered 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. The proposed works are deemed an exempt development.

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 a proposed development; to refurbish an existing dwelling as outlined above at No.12, Ard Na Griene, Athlone Road, Roscommon Town, 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, 9 and 10 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

- The works outlined above are development.
- The works fall within the provisions of 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;

- 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 an existing dwelling as outlined above at No.12, Ard Na Griene, Athlone Road, Roscommon Town, Co. Roscommon is an exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 16th May 2024

Civil Technician



Signed:

Date: 16th May 2024

Senior Executive Planner







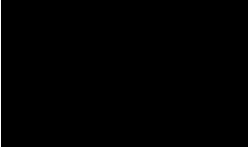




Comhairle Contae
Ros Comáin
Roscommon
County Council



Niall Greene,



Date: 1st March 2024

Planning Reference: DED 672

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

Development: Permission to refurbish existing dwelling – works include new windows and doors, plumbing, electrical, painting (internal & external) and decorating under the Planning & Development Act (Exempt Development) Regulations 2018 at No. 12 Ard Na Griene, Athlone Road, Roscommon Town, Roscommon, F42 YP22.

A Chara,

I wish to acknowledge receipt of your application received on the 1st 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. **L01/0/227369** dated 1st March 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 672**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

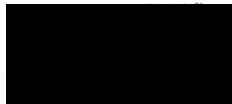
Alan O'Connell
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

01/03/2024 14:22:48

Receipt No. : L01/0/227389

NIALL GREENE



PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED672	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
0505

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office

Carmel Curley

From: Mervyn Walsh
Sent: Thursday 29 February 2024 17:19
To: Carmel Curley
Subject: FW: Section 5 Declaration | 12 Ard Na Griene, Roscommon Town | F42 YN22
Attachments: Additional info - Section 5 declaration - completed. ISSUED 28.2.2024.pdf; site location maps 1-2500.pdf; Site Layout Plan A3 - 12 Ard na Griena, F42YN22.pdf

From: niall greene [REDACTED]
Sent: Thursday 29 February 2024 17:16
To: Planning Department <Planning@roscommoncoco.ie>
Subject: Section 5 Declaration | 12 Ard Na Griene, Roscommon Town | F42 YN22

Dear Sir, Madam

I am [REDACTED] and as part of the application they have requested me to prepare and submit an Section 5 so as to confirm the works planned are exempt from planning.

As per the attached scope of works, I am not planning to amend / alter or extend the current house externally / internally or any works to roof or external lawns/ driveway.

Attached:

1. Cover Letter and Section 5 Application including drawings and scope of works
2. Site location plan - scale 1:2500
3. Site Layout plan scale 1:500

I trust the attached application is acceptable.

Look forward to hearing from you

Regards

Niall

[REDACTED]

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours



Áras an Chontae,
Roscommon,
Co. Roscommon.

Niall Greene



By Email: planning@roscommoncoco.ie

27th February 2024

For the Attention of Roscommon County Council

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

Refurbishment of Existing Dwelling, located at F42, YP22

Dear Sir, Madam

I am currently applying the RCC for the vacant property grant and have been requested to completed the attached form.

Please note that the works proposed to this property are only refurbishment only including new windows, doors, external painting and new electrical and plumbing works internally.

We are not proposing any extension / addition to the property or an alternation to the external walls or roofs.

I trust we have completed the application correctly and look forward to hearing from you.

Yours sincerely.

A handwritten signature in black ink, appearing to read 'Niall Greene'.

Niall Greene





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)	Niall Greene
Name of Agent	Not applicable
Nature of Proposed Works	I am applying for the [REDACTED] to refurbish the house. The works will include new windows and doors, plumbing, electrics and interior and exterior painting and decoration. There will be <u>no modification/ extensions</u> to either the internal or external works
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	No. 12 Ard Na Griene, Athlone road, Roscommon town, Eircode F42 YP22
Floor Area: a) Existing Structure b) Proposed Structure	a) 160Sqm b) <u>Not Applicable—no additions / modifications</u>
Height above ground level:	Full height of house from ground level to roof pitch is a total of 6.2m
Total area of private open space remaining after completion of this development	There is no change to current open space as there is no addition / extensions planned.
Roofing Material (Slates, Tiles, other) (Specify)	Tiles (Original) which are not going to be replaced / modified in any way

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Please note that there will be no change to the external walls other than the paint color change from cream to white
Is proposed works located at front/rear/side of existing house.	As above—no new works are planned
Has an application been made previously for this site	No. not applicable
If yes give ref. number (include full details of existing extension, if any)	Not applicable
Existing use of land or structure	The existing house was residential and will remain as residential once fully refurbished.
Proposed use of land or structure	Not applicable— all will remain as is. No changes
Distance of proposed building line from edge of roadway	Not Applicable—there is no new building / extension proposed.
Does the proposed development involve the provision of a piped water supply	Not Applicable—no new works to the house water supply are planned to the existing house.
Does the proposed development involve the provision of sanitary facilities	No. the current house is connected to the existing town sewer. No new works planned

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

Signature:



Date:

27.2.2024

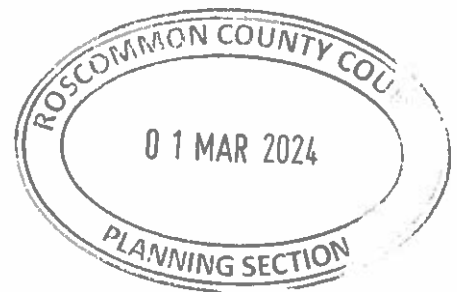
Note: This application must be accompanied by: -

- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location [Appendix A](#)
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development [Appendix B](#)
- (d) Detailed specification of development proposed [Appendix c](#)



APPENDIX A

Site Location Map 1:2500



Planning Pack Map



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CENTRE COORDINATES:
ITM 588386,763093

PUBLISHED: 29/02/2024
ORDER NO.: 50380041_1
MAP SERIES: 1:2,500
MAP SHEETS: 2551-A

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
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D08F6E4

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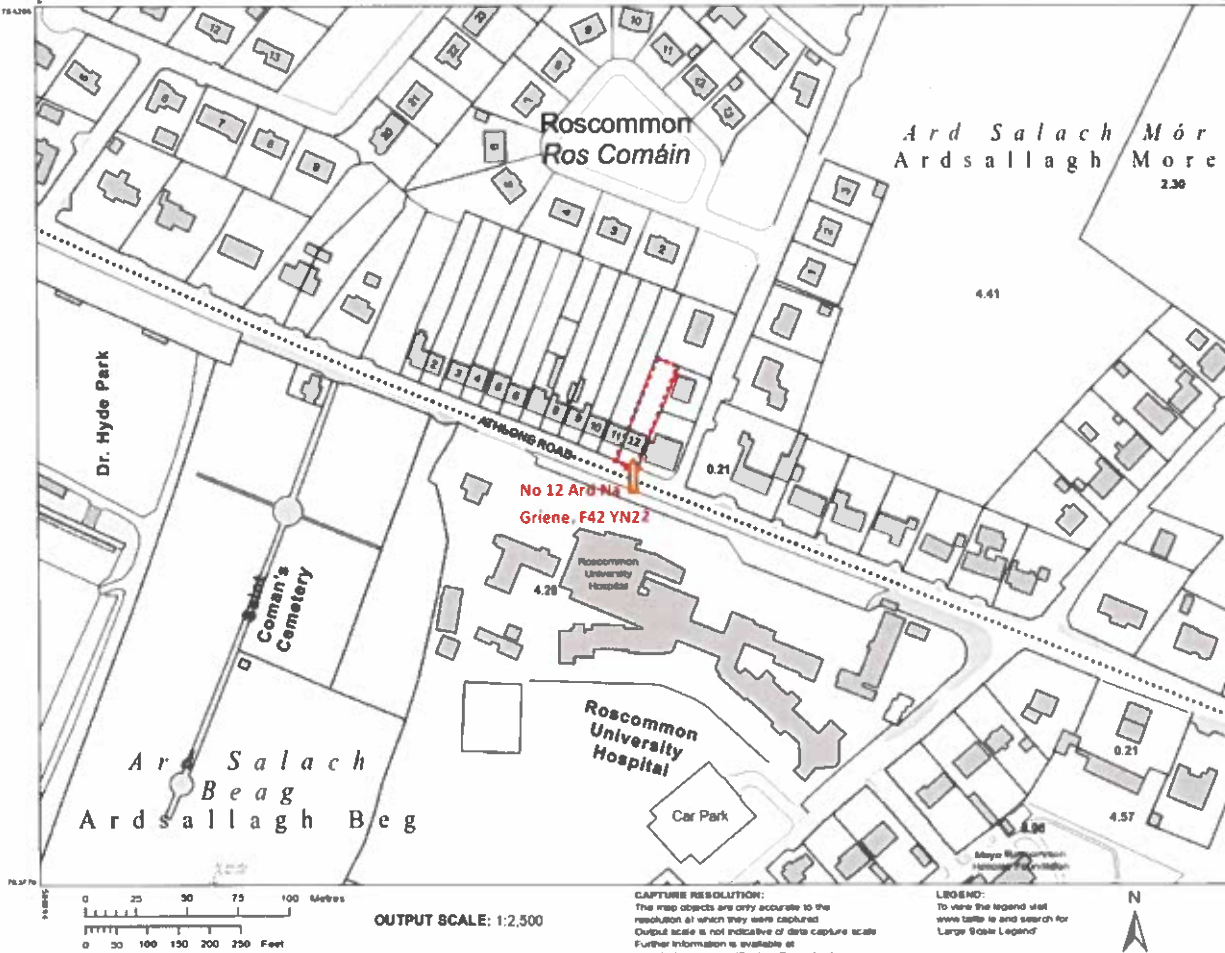
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APPENDIX B

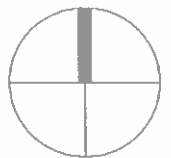
Site Layout Map 1:500



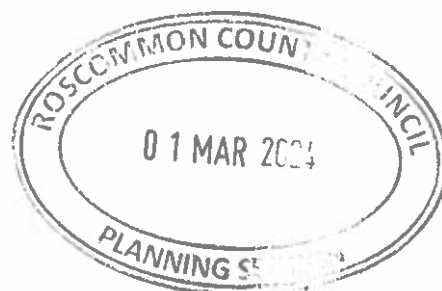
Please Note there is NO additional development / extension or any alteration to the existing house internally or externally on this house F42 YN22

No 12 Ard Na Griene, F42 YN22

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PROJECT	PROJECT STATUS
SITE LAYOUT PLAN	REVISION



APPENDIX C

Detailed Specification of Development Proposed.



Detailed Specification

As per the notes above, all works associated with this house are refurb only. No new works will be added in terms of alternations or additions to the existing house as it currently stands.

Works - External Walls & Windows.

1.0	Windows & Doors	Remove existing Aluminum Windows and PVC Doors and replace with double glazed UPV windows and doors. Grey in colour
2.0	External Painting	The exterior walls of the house will be painted with 2 coats of exterior emulsion paint with reveals, cills and plinths painted with a grey emulsion - 2 coats.
3.0	Existing Hedges / Open Spaces	All Hedges will be pruned back and tidied up. All
4.0	Roofing	The existing roof / facia and gutters will be washed. No replacement required.

Works - Internally

5.0	Plumbing	Remove al existing plumbing and sanitary ware and replace with new pipework, rads and heating boiler.
6.0	Electrical	The house will be completely rewired to regulations
7.0	Painting	All walls and joinery will be painted with 2 coats of paint throughout.
8.0	Kitchen	Remove and place existing kitchen
9.0	Flooring	Install new flooring and skirtings through out.
10.0	Internal walls	Install insulated boards to the internal face of the external walls and finishing a skim plaster finish.



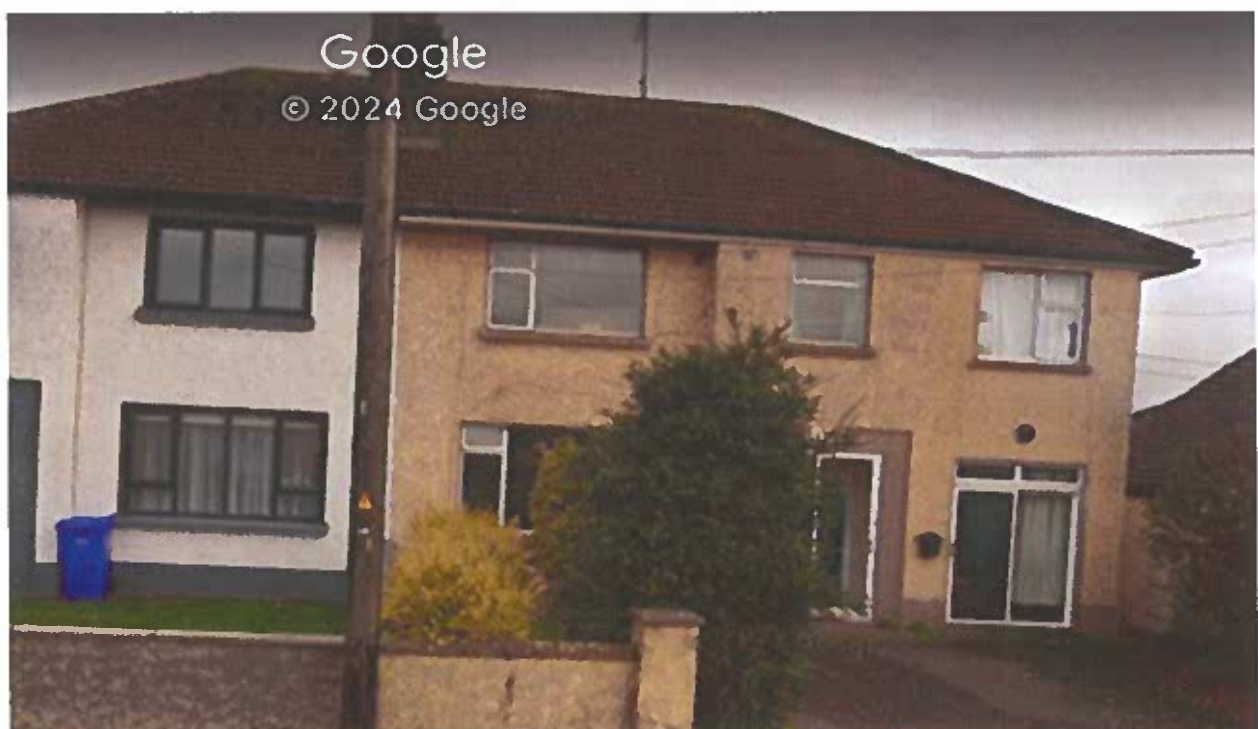
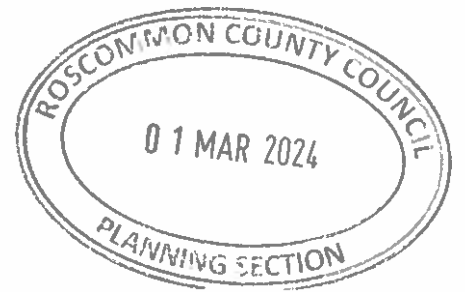
APPENDIX D

Photos of the Existing House and Site



NO 12 Ard Nas Griene, F42 YP22

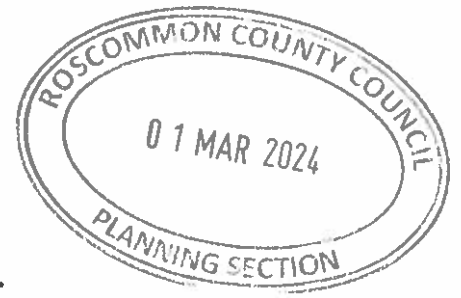
Front Elevation

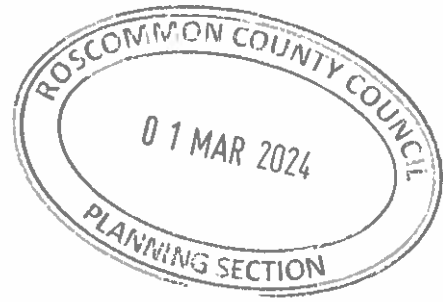


NO 12 Ard Nas Griene, F42 YP22

Rear Elevation

Note no new works are planned to the rear of the house.





Planning Pack Map



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ITM 588386,763993

PUBLISHED: 29/02/2024 ORDER NO.: 50386041_1
MAP SERIES: 1:2,500 MAP SHEETS: 2551-A

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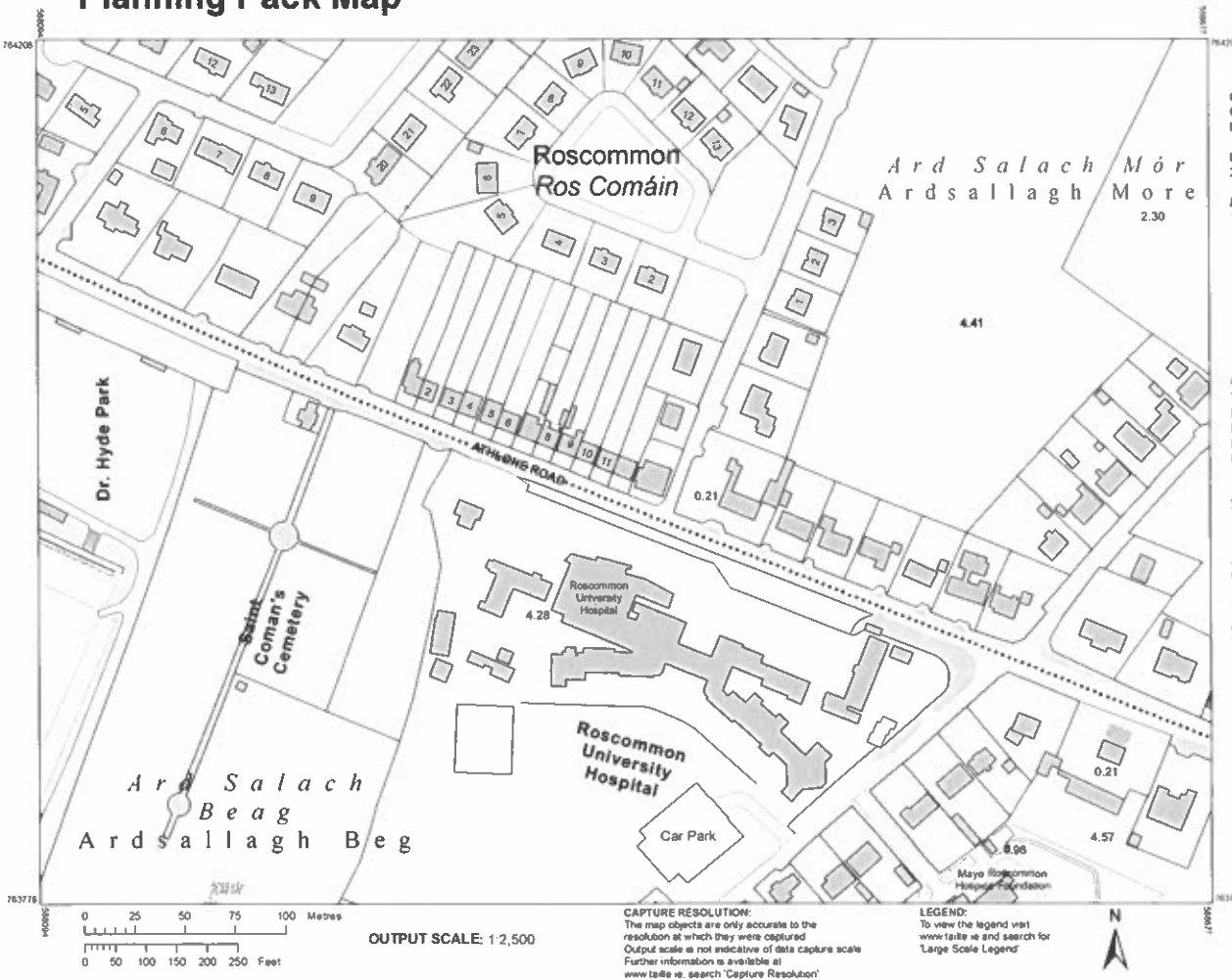
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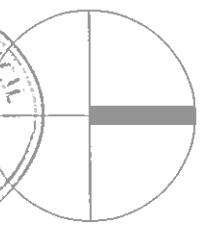
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