

ROSCOMMON COUNTY COUNCIL

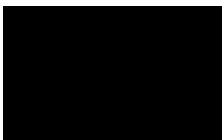
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Una Burke & Emmet Herbert,



Reference Number: DED 677

Application Received: 7th March 2024

Name of Applicants: Una Burke & Emmet Herbert

Agent: Fergal McGrane Associates Ltd

WHEREAS a question has arisen as to whether the renovation of an existing house; works including roof repairs, internal dry lining, replacement of doors & windows, upgrading heating system, internal decorating & finishes at Crossna, Knockvicar, Boyle, 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, 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.
- (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 renovate an existing house works including roof repairs, internal dry lining, replacement of doors & windows, upgrading heating system, internal decorating & finishes at Crossna, Knockvicar, Boyle, 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: 25th June 2024

cc agent:

Fergal McGrane Associates Ltd
Lisheenabrone,
Swinford,
Co. Mayo.



Carmel Curley

From: Carmel Curley
Sent: Tuesday 25 June 2024 13:01
To: fergalmcgrane@yahoo.co.uk
Subject: DED677 - Una Burke & Emmet Herbert
Attachments: DED677 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 677 for Una Burke & Emmet Herbert. A hard copy will issue to the applicant today.

Regards,

Carmel

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

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

[MAP LOCATION](#)



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

Reference Number:	DED 677
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate a detached, two-storey dwelling.
Name of Applicant:	Una Burke & Emmet Herbert
Location of Development:	Crossna, Knockvicar, Boyle, Co. Roscommon, F52 WN52
Site Visit:	12/06/2024

WHEREAS a question has arisen as to whether the following works; “making good to roofs, internal dry lining, replacement doors & windows, upgrading heating system, internal decorating and finishes 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 subject site is located at Crossna, Knockvicar, Boyle, Co. Roscommon. The dwelling, for which a section 5 referral has been made, is situated circa 10m to the east extent of Crossna Road. Within the red-line boundary of the site *[as demonstrated on the ‘Site Layout Plan’]* the dwelling sits to the north extent of the site. Ground-floor extensions have been added in recent years to the north-side elevation and south-side elevation. There are two detached sheds within the curtilage of the site boundary.

The proposed development works comprise the followings: “making good to roofs, internal dry lining, replacement doors & windows, upgrading heating system, internal decorating and finishes”. On site, it is readily apparent that refurbishment works are required, as detailed in the application, for the ongoing improvement and maintenance of the structure.

As per a review of Roscommon County Council’s Geographic Information Systems, there are no European designated sites in, adjoining, or in proximity to the subject site.

As per a review of Roscommon County Council’s Geographic Information Systems, there are no known heritage related sites/structures in proximity to the subject site.

Archaeological and Cultural Heritage

There are no protected structures or structures listed in the National Inventory of Architectural Heritage in the likely zone of influence of the proposed development. The subject site is outside the ‘Archaeological Zone of Notification’ to a ringfort (SMR: RO003-05) which is located 200m to the south-west of the site.

Appropriate Assessment

The closest designated sites include; “Lough Arrow” which is a Special Protection Area (SPA) (Site Code: 004050) and Special Area of Conservation (SAC) (Site Code: 001673) which is located 6.6km to the north-west of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given 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, can be excluded.

Planning History

As per Roscommon County Council's Planning Registry, planning history subject sit includes the following:

- PD/03/1003 [Retention Permission - Granted].

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)

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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. 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)

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

- (a) If the carrying out of such work would-
 - (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under 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.

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Assessment

Hereunder, details the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

In accordance with the Planning and Development Act, 2000, section 3(1) "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 comprise the carrying out of works. Under section 2(1) of the Act, "works" include "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 for the *"making good to roofs, internal dry lining, replacement doors & windows, upgrading heating system, internal decorating and finishes"* at the site located in Crossna, Knockvicar, Boyle, Co. Roscommon, F52 WN52. These works have been 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. On review of the case-specific particulars, the proposed works are deemed to constitute exempted development, provided that the refurbishment of any and all windows and doors are confined to existing ones only.

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.

On review of the plans and particulars submitted as part of this section 5 referral and further to an assessment of the historic planning file, following a site inspection conducted on the 12th of June 2024, the vacant/derelict dwelling house, as constructed, does not differ materially from the plans issued as part of an application for retention permission in June 2003 [PD/03/1003 - Retention Permission - Granted]. As such and having regard to the provisions of Article 9(1)(a)(viii), I am satisfied that the proposed development for the property in question, does not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

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; comprising the *"making good to roofs, internal dry lining, replacement doors & windows, upgrading heating system, internal decorating and finishes"* at the site located in Crossna, Knockvicar, Boyle, Co. Roscommon, F52 WN52, 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.
- 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 comprising the *"making good to roofs, internal dry lining, replacement doors & windows [within existing opes only], upgrading heating system, internal decorating and finishes"* at the site located in Crossna, Knockvicar, Boyle, Co. Roscommon, F52 WN52, under the provision of section 5 of the Planning and Development Act, constitutes exempted development.

Signed:



Assistant Planner

Date: 19th June 2024

Signed:



Senior Executive Planner

Date: 19th June 2024

Appendix – Site Photos



Figure 5: Front of Elevation; From Roadside



Figure 4: Front Elevation from Front Garden



Figure 3: Side Elevation from Garden



Figure 1: Side/Rear Elevation from Garden



Figure 2: Rear Elevation from Garden

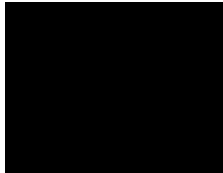
ENDS.



Comhairle Contae
Ros Comáin
Roscommon
County Council



Una Burke & Emmet Herbert,



Date: 7th March 2024
Planning Reference: DED 677

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to renovate house; works including roof repairs, internal dry lining, replacement of doors & windows, upgrading heating system, internal decorating & finishes under the Planning & Development Act (Exempt Development) Regulations 2018 at [REDACTED] Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 7th 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. L01/0/227466 dated 7th March 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 677**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

cc: Fergal McGrane Associates Ltd,
Lisheenabrone,
Swinford,
Co. Mayo.

Roscommon County Council
Aras an Chontae
Roscommon
00086 37100

07/03/2024 12:29:39

Receipt No: L01/0/227466

UNA BURKE & EMMETT HERBERT
C/O FERGAL MCGRANE ASSOCIATES LTD
LISHEENABRONE
SWINFORD
CO. MAYO

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 677	

Total : 80.00 EUR

Tendered
Cheque
500072 80.00

Change 0.00

Issued By : Bernadine Duignan
From : Central Cash Office

Fergal McGrane Associates Ltd

Civil & Structural Consulting Engineers

Lisheenabrone
Swinford
Co Mayo
Tel / Fax 094 9252821
Mobile 086 2339644

Email fergalmcgrane@yahoo.co.uk

Mr. Alan O'Connell
Senior Executive Planner
Planning Department
Aras an Chontae
Roscommon
Co. Roscommon
F42 VR98

06th March 2024

Dear Alan,

Re: Application for Section 5 Declaration of Exemption Certificate

I refer to the above and your recent correspondence dated 05th March 2024.

In relation to the proposed development the only works that are considered to have a planning implication are the replacement doors and windows and I now enclose a specification for same with the original application.

Trusting the above is in order, but should you have any queries please do not hesitate to contact me.

Yours sincerely,


Fergal McGrane
Chartered Engineer



Specification

Property at Croosna, Knockvicar, Boyle, Co. Roscommon

Una Burke & Emmett Herbert

Replacement doors and windows

Windows

- Munster Joinery triple glazed 'PassiV uPVC Windows'
- Dark woodgrain or white colour to match existing style
- Fire escape / rescue openings to all bedrooms.
- 0.5W/m²K U-value.

Doors

- Munster Joinery uPVC
- Dark woodgrain or white colour to match existing style.
- Front entrance door solid panel to lower section with glazed panels over including glazed sidelights.
- Patio Doors to rear – full glazing to match existing style.



VED 074




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, regarding Exempted Development

Name:	Una Burke & Emmett Herbert
Address:	
Name & Address of Agent:	Fergal Mc Grane Associates Ltd Lisheenabrone Swinford Co. Mayo
Nature of Proposed Works	Making good to roofs, internal dry lining, replacement doors & windows, upgrading heating system, internal decorating and finishes.
Location (Townland & O.S No.)	Centre Point Co-ordinates OS Map 587615.81, 807623.76
Floor Area	138 sq. meters approx
Height above ground level	6.0 meters approx to ridge (existing dwelling)
Total area of private open space remaining after completion of this development	1700 sq. meters approx
Roofing Material (Slates, Tiles, other) (Specify)	Existing Roofs Slates to pitch roof, felt to flat roofs
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing walls painted render / dash finish with terracotta colour
Is proposed works located at front/rear/side of existing house.	Proposed external works making good roofs, replacement doors and windows. Located to all elevations of existing.

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	Yes
If yes give ref. number (include full details of existing extension, if any)	03/1003 Retention of extensions and all associated site development works
Existing use of land or structure	Residential
Proposed use of land or structure	No change proposed - Residential
Distance of proposed building line from edge of roadway	Existing dwelling 7m approx from edge of roadway
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

Signature:

FMS

Date:

4th March 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



Fergal McGrane Associates Ltd

Civil & Structural Consulting Engineers

Lisheenabrone

Swinford

Co Mayo

Tel / Fax 094 9252821

Mobile 086 2339644

Email fergalmcgrane@yahoo.co.uk

Planning Department
Aras an Chontae
Roscommon
Co. Roscommon
F42 VR98

04th March 2024

Dear Sir / Madam,

Re: Application for Section 5 Declaration of Exemption Certificate

Please find attached application on behalf of Ms. Una Burke & Mr. Emmett Herbert in respect of their property at Crossna, Knockvicar, Boyle, Co. Roscommon.

The Exemption Certificate is required in order to process an application for the Croí Cónaithe (Towns) Fund Vacant Property Refurbishment Grant. I would therefore appreciate if you could issue a reference number for the application at your earliest convenience.

The following are enclosed for your attention:-

- Site Location Map & Site Layout Plan (Drawing No. 24_020_100)
- Completed Application form
- Cheque in the amount of €80.00

Trusting the above is in order, but should you have any queries please do not hesitate to contact me.

Yours sincerely,


Fergal McGrane
Chartered Engineer



