

**ROSCOMMON COUNTY COUNCIL**

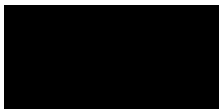
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Muhammad Arfan,



Reference Number: DED 684  
Application Received: 2<sup>nd</sup> April 2024  
Name of Applicants: Muhammad Ardan  
Agent: N/A

**WHEREAS** a question has arisen as to whether the renovation of an existing house at Greevy's Flat, Pound Street, Ballaghaderreen, 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, 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 renovate an existing house at Greevy's Flat, Pound Street, Ballaghaderreen, 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: 14<sup>th</sup> May 2024

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

<b>Reference Number:</b>	DED 684
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development of the renovation of an existing house.
<b>Name of Applicant:</b>	Muhammad Arfan
<b>Location of Development:</b>	Greevy's Flats, Pound St, Ballaghaderreen, Co. Roscommon (F45 FH48)
<b>Site Visit:</b>	13/05/2024, no access to rear of the property

**WHEREAS a question has arisen as to whether the following works of the renovation of an existing 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, 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 an attached two-story townhouse at Greevy's Flats, Pound St, Ballaghaderreen, Co. Roscommon. The property is in zoned land (Roscommon County Development Plan 2022-2028 – Town Core). The proposed development consists of the refurbishment of the townhouse including the replacing of windows & doors, repair/replace roof, repair/replace fascia, soffit, gutters 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 Tullaghanrock Bog PNHA (Site Code 002013) which is located circa 2.3km to the west 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,

## Assessment

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 renovation of an existing house. 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;** of the renovation of an existing house as outlined above at Greevy's Flats, Pound St, Ballaghaderreen, 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 of the renovation of an existing house as outlined above at Greevy's Flats, Pound St, Ballaghaderreen, Co. Roscommon is an exempted development provided replacement roof finish is natural slate and I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 14<sup>th</sup> May 2024

Civil Technician



Signed:

Date: 14<sup>th</sup> May 2024

Senior Executive Planner





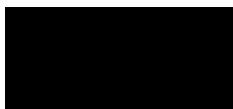




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Muhammad Arfan,



Date: 2<sup>nd</sup> April 2024

Planning Reference: DED 684

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to renovate existing house under the Planning & Development Act (Exempt Development) Regulations 2018 at Greevy's Flat, Pound Street, Ballaghaderreen, Co. Roscommon, F45 FH48.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 28<sup>th</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. **L01/0/227837** dated 28<sup>th</sup> March 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 684**  
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  
08086 37100  
\*\*\*\*\*

28/03/2024 11:28:13

Receipt No: 101/0/227837

MUHAMMAD ARFAN  
[REDACTED]

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED684	

Total 80.00 EUR

Tendered  
Credit/Debit Card 80.00  
6981

Change 0.00

Issued By: Bernadine Duignan  
From: Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

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 (as amended), regarding Exempted Development

Name of Applicant(s)	Muhammad Arfan
Name of Agent	N/A
Nature of Proposed Works	Renovation of Existing House <ul style="list-style-type: none"> <li>• Strip out and Internal Refurbishment</li> <li>• New Electrical &amp; Plumbing Installations</li> <li>• New Bathrooms and Kitchen Installations</li> <li>• Replacing Doors &amp; Windows</li> <li>• Drylining, Floor Covering, and Paint works</li> <li>• Repair/Replace Facia, Soffit, and Gutters</li> </ul>
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Greevy's Flats Pound St, Ballaghaderreen Co. Roscommon, F45 FH48
Floor Area: a) Existing Structure b) Proposed Structure	a) 116M <sup>2</sup> b) N/A
Height above ground level:	8.3m
Total area of private open space remaining after completion of this development	
Roofing Material (Slates, Tiles, other) (Specify)	Existing

## Roscommon County Council

### Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing
Is proposed works located at front/rear/side of existing house.	Front and Rear
Has an application been made previously for this site	Not that I am aware of
If yes give ref. number (include full details of existing extension, if any)	NA
Existing use of land or structure	Residential
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	2m
Does the proposed development involve the provision of a piped water supply	Existing
Does the proposed development involve the provision of sanitary facilities	Existing

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

Signature: M. O'Sullivan

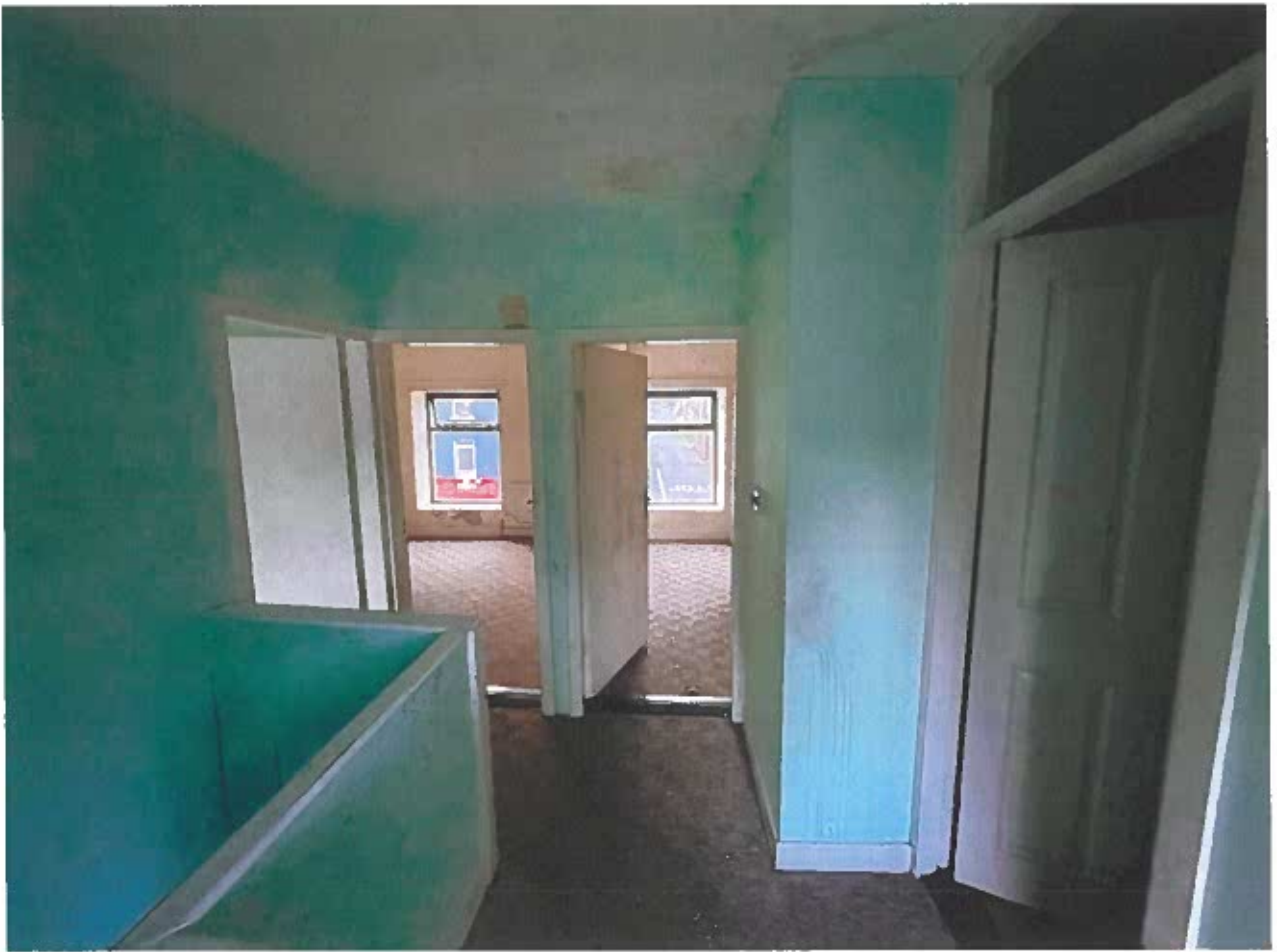
Date: 28/03/2024

Note: This application must be accompanied by: -

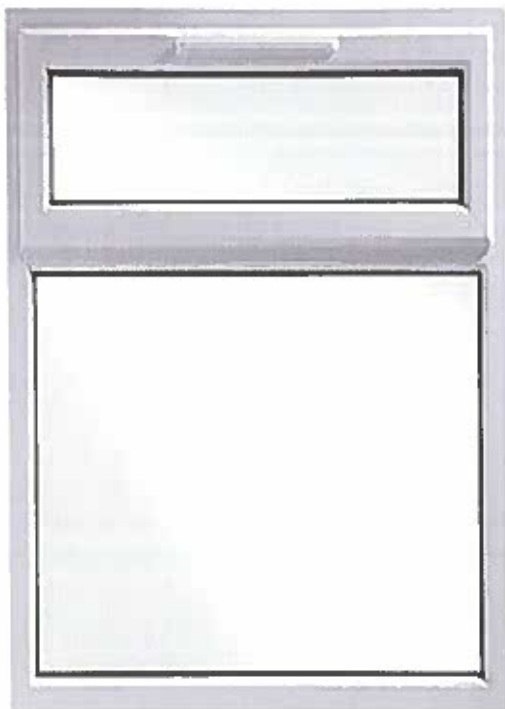
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed





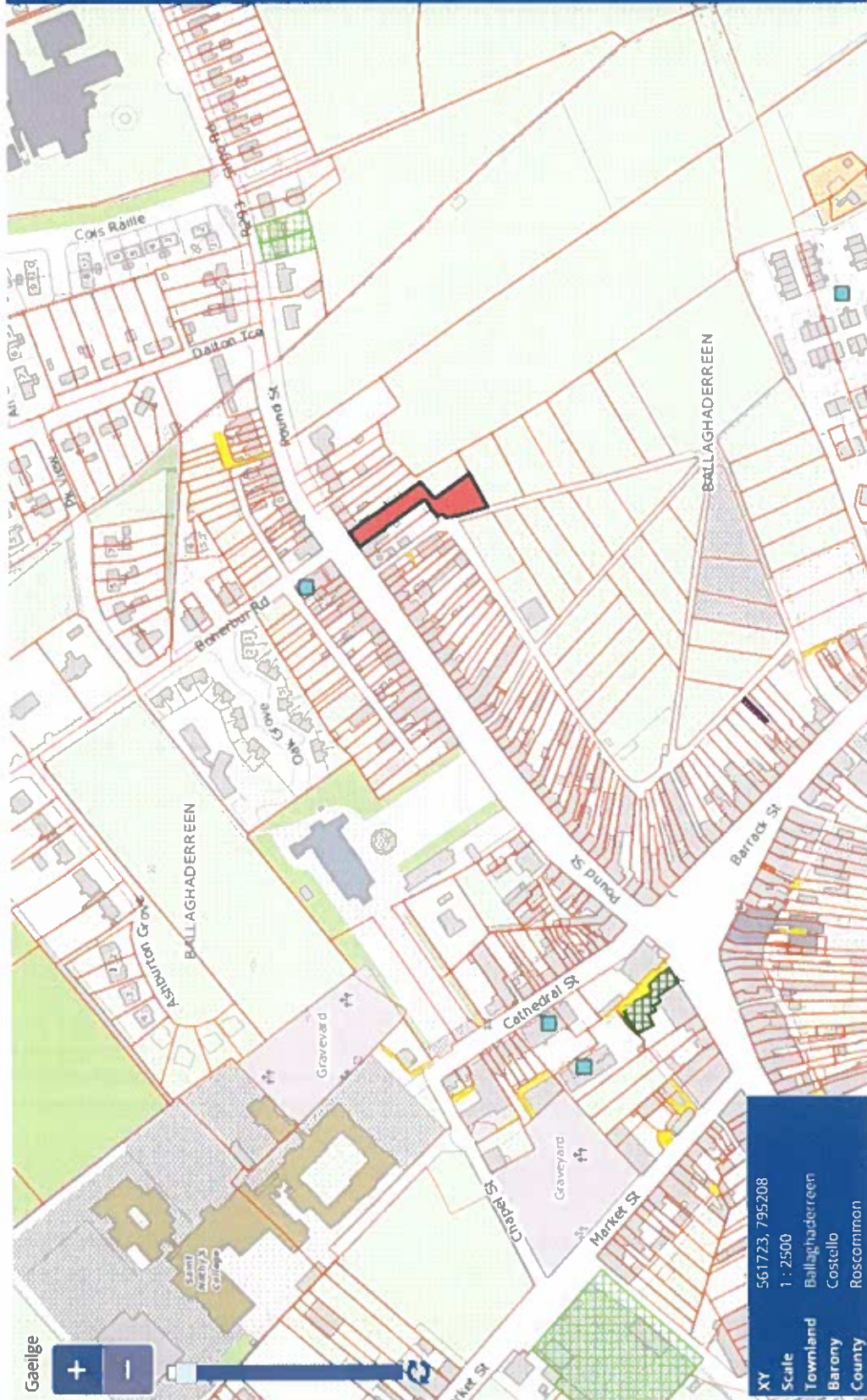








Existing Timber Doors and Windows to be replaced with New Composite External Doors and White uPVC Double Glazed Windows.


Facia, Soffits, Gutters will be repaired /replaced with similar materials




 Search


 View Folio


 Application Search


 Request Certified Copy

 Special Registration Map


 Official Map Search


 Form 17


 Registry of Deeds


 Print Current View


 Property Details

 Show / Hide Layers

 Account Maintenance

 Help

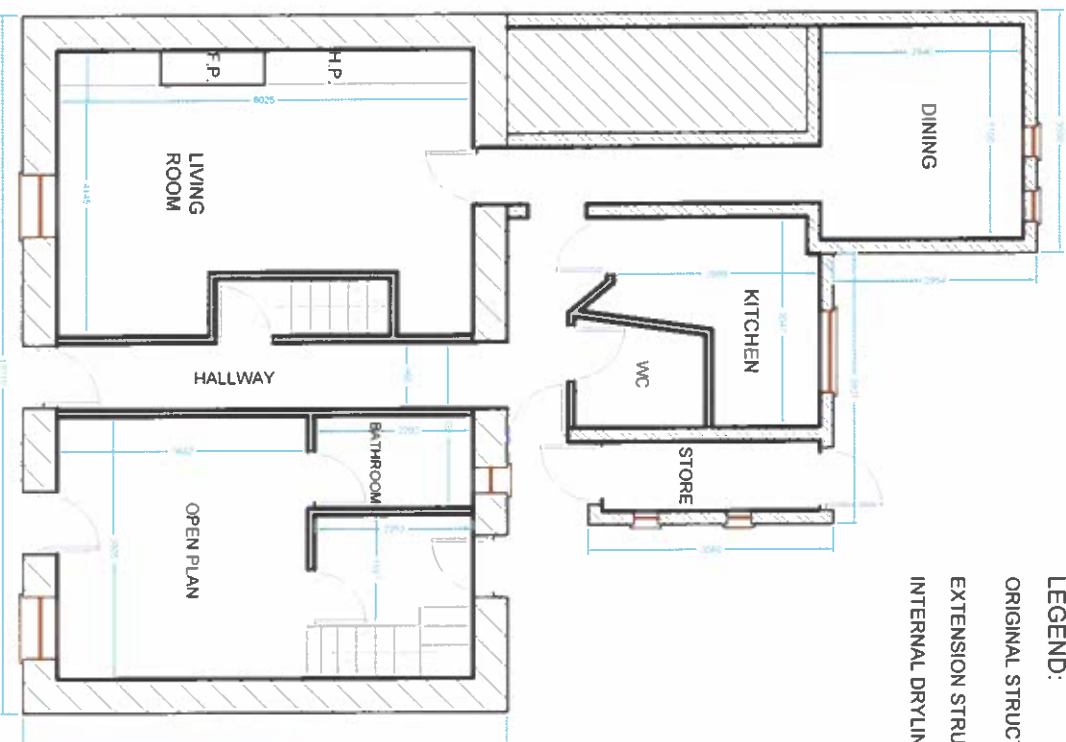
 Logout





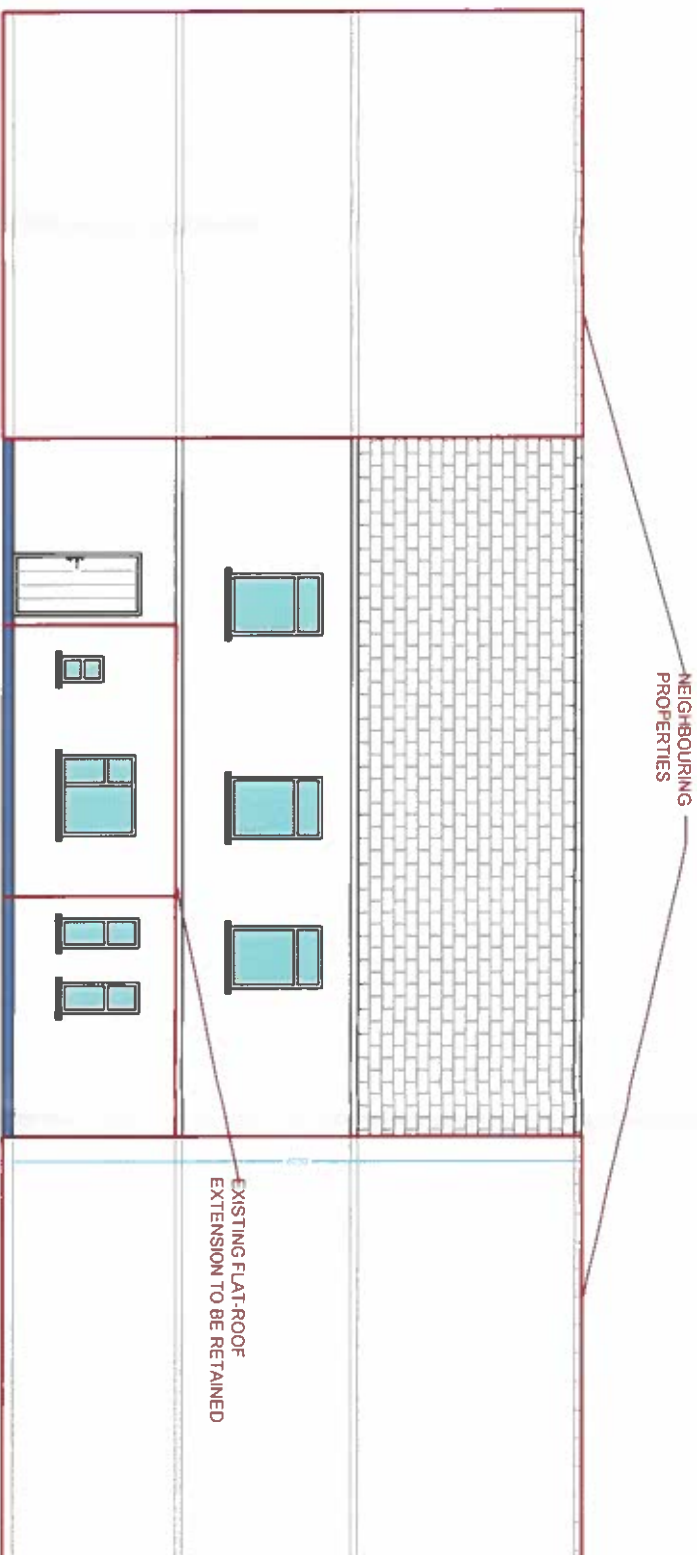


FIRST FLOOR PLAN

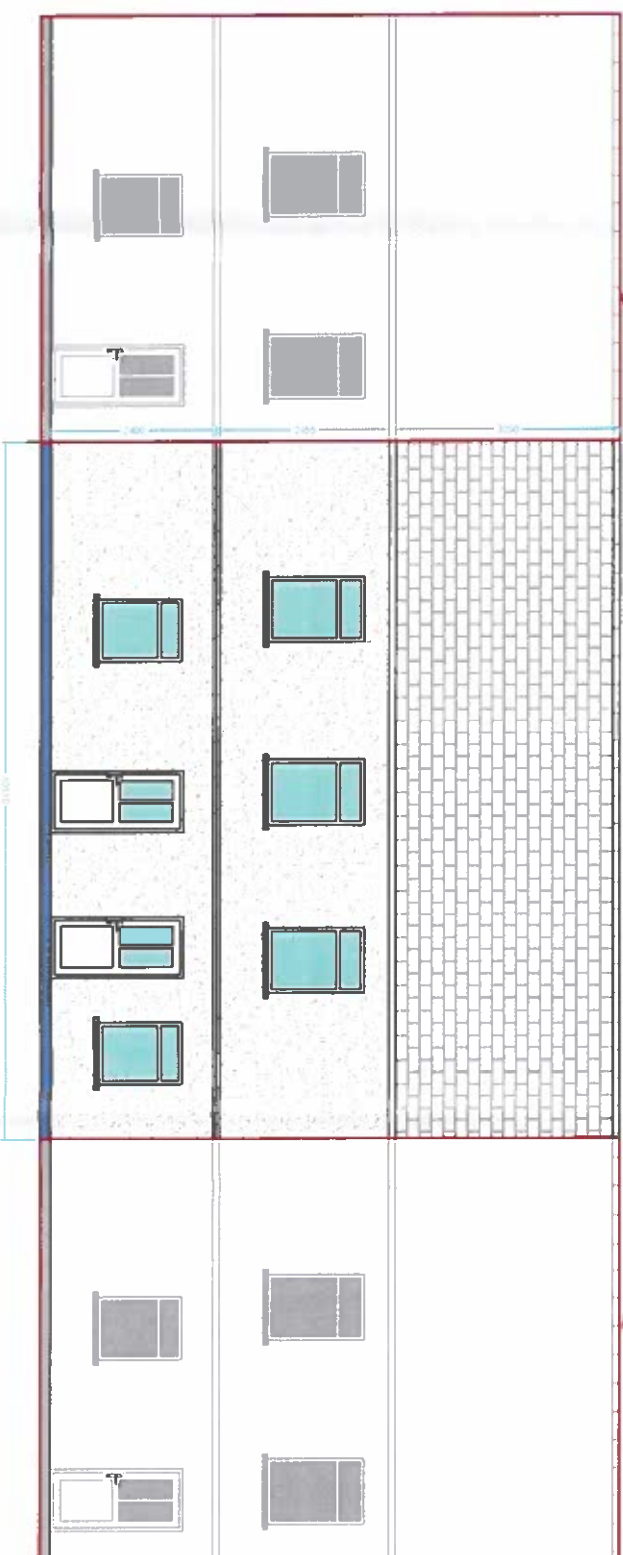


GROUND FLOOR PLAN

- LEGEND:
- ORIGINAL STRUCTURE
  - EXTENSION STRUCTURE
  - INTERNAL DRYLING



REAR ELEVATION



FRONT ELEVATION

ALL DIMENSIONS AND LEVELS TO BE  
CONFIRMED ON SITE

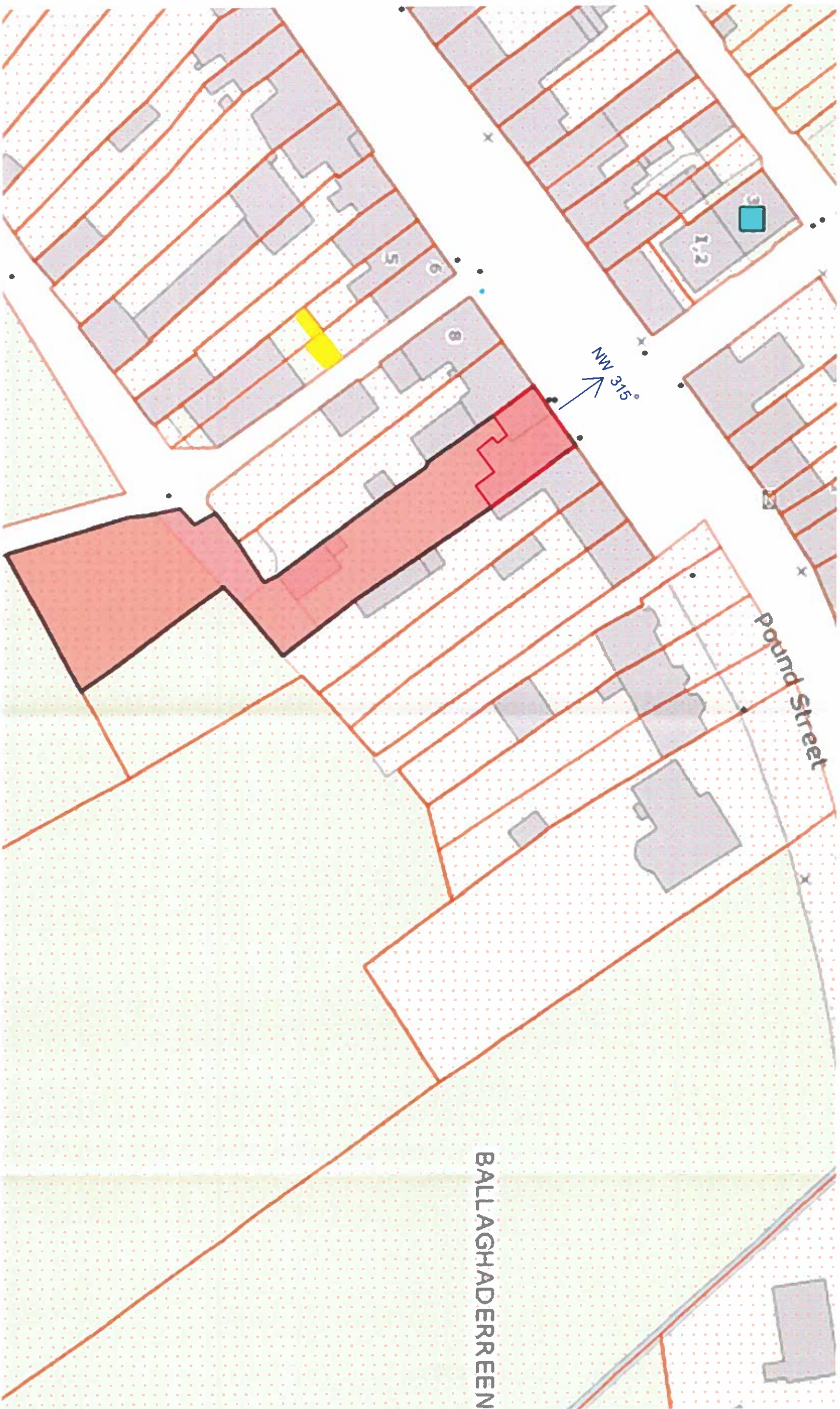
# PROPERTY LAYOUT

## EXISTING HOUSE LAYOUT

Scale 1: 100 A3

Title				
EXISTING LAYOUT - POUND ST, BALLAGHADERREEN				
Drawing	EXISTING LAYOUT			
Scale	1:100	Date	21/03/2024	Filename
Folio		Drawn	MA	Checked
				Drawing No





# SITE LAYOUT PLAN

SITE LAYOUT PLAN

Scale 1: 500 A3

Title SITE LAYOUT PLAN

Drawing EXISTING LAYOUT

Scale 1:500 Date 21/03/2024

Folio Drawn MA Checked MA

Filename

Drawing No