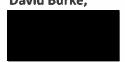
ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST David Burke,



Reference Number:

DED 685

Application Received:

28th March 2024

Name of Applicants:

David Burke

Agent:

N/A

WHEREAS a question has arisen as to whether the renovation of an existing dwelling at Killerr, Ballintubber, 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 dwelling house at Killerr, Ballintubber, 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: 14th May 2024

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

Reference Number: DED 685

Re: 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.

Name of Applicant: David Burke

Location of Development: Killerr, Ballintubber, Co. Roscommon.

Site Visit: 13/05/2024

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 a bungalow house with a small extension to the rear, with a store/shed to the rear of the property in Killerr, Ballintubber, Co. Roscommon. Access to the property via the L-6646, local road. The proposed development consists of the refurbishment of the house including the replacing of windows & doors, repair/replace roof including facia, soffit, gutters, demolition of one chimney 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 sites to the site of the proposed development are Newtown Turlough PNHA (Site Code 001646) which is located circa 2.3km to the north east and Rathnalulleagh Turlough PNHA (Site Code 000613) which is located circa 2.7km to the north 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, recent planning history application 07/173 in relation to the construction of a septic tank and percolation area.

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 in Killerr, Ballintubber, 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 Ac. 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 in Killerr, Ballintubber, Co. Roscommon is <u>an exempted development</u> and I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Date: 14th May 2024

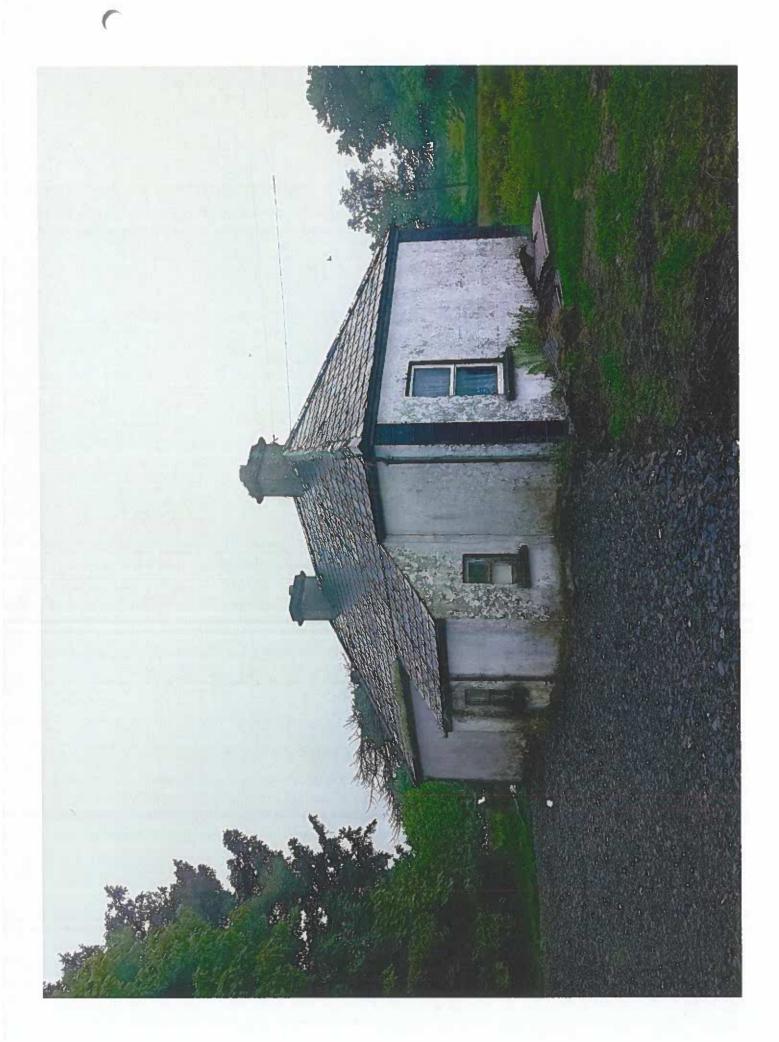
Civil Technician

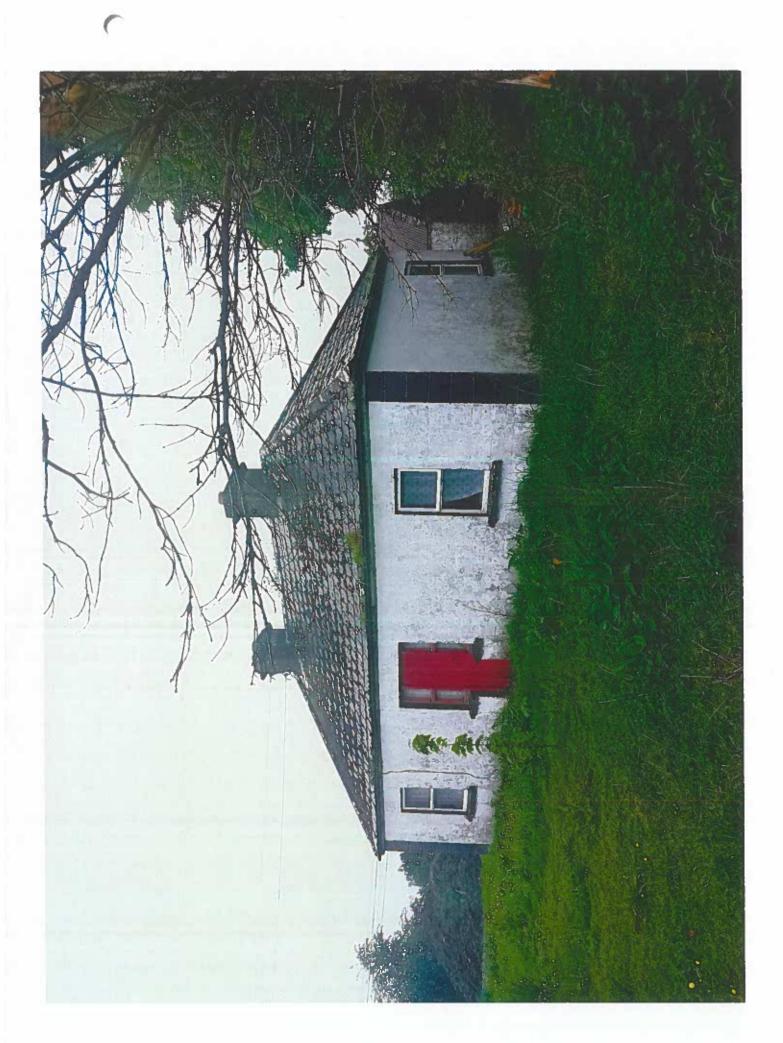
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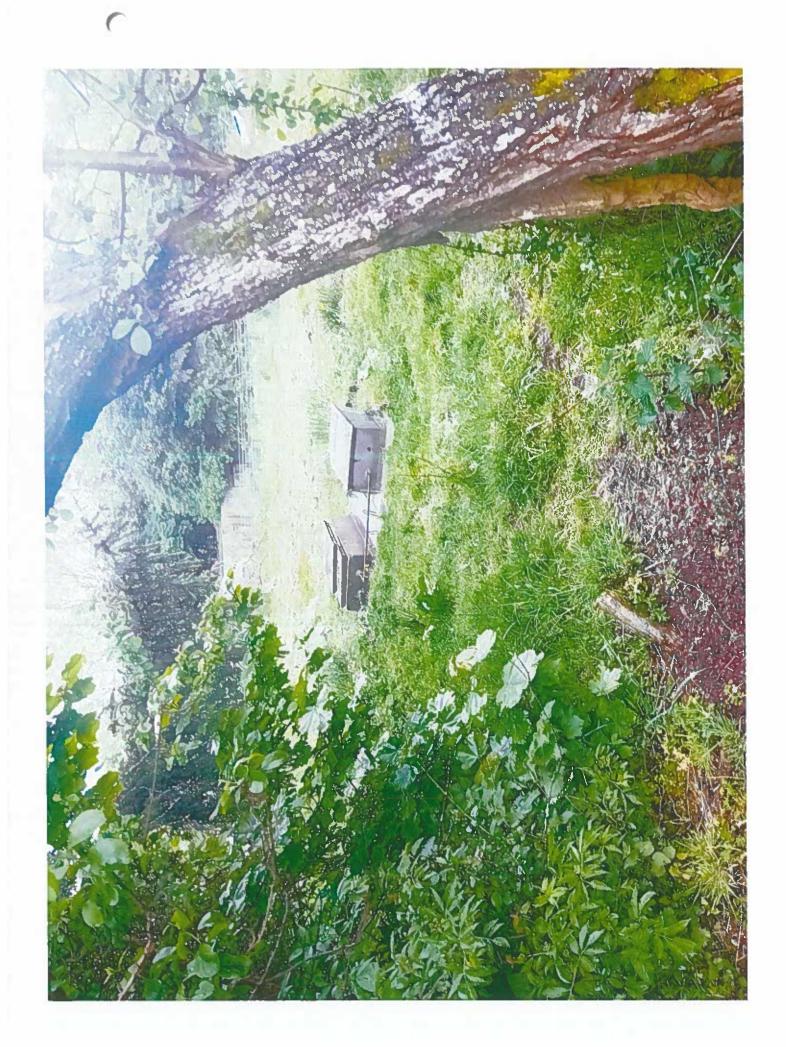
Signed:

Date: 14th May 2024

Senior Executive Planner







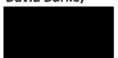




Comhairle Contae Ros Comáin Roscommon County Council



David Burke,



Date:

2nd April 2024

Planning Reference:

DED 685

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 Killerr, Ballintubber,

Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 28th 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. L01/0/227841 dated 28th March 2024, receipt enclosed herewith.

Please note your Planning Reference No. is DED 685

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

28/03/2024 11.46 41

Receipt No L01/0/227841

DAVID BURKE

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 685

80.00

Total

80.00 EUR

Tendered Credit/Debit Card 5175

80 00

Change :

0.00

Issued By : Bernadine Duignan From : Central Cash Office



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 <u>Exempted Development</u>

Name of Applicant(s)	David Bulce
Name of Agent	
	None.
Nature of Proposed Works	
	as described on plans
Location & Address of Subject Property	Killer
to include, Eircode (where applicable), Townland &	Ca Roscomon.
O.S No.	Ca Kocamon.
Floor Area:	
a) Existing Structure	b) No change.
b) Proposed Structure	b) No change.
Height above ground level:	
Total area of private open space remaining after	No change to
completion of this development	No change to existing dwelling
Roofing Material (Slates, Tiles, other) (Specify)	Slates

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No charge
Is proposed works located at front/rear/side of existing house.	No change.
Has an application been made previously for this site	Yes PD07/173
If yes give ref. number (include full details of existing extension, if any)	PD 07/17-3
Existing use of land or structure	Residental
Proposed use of land or structure	Residental No Chare
Distance of proposed building line from edge of roadway	No chope
Does the proposed development involve the provision of a piped water supply	No chare
Does the proposed development involve the provision of sanitary facilities	No charge.

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

Signature:

Date:

2603/24

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

- No chapes papased to

hause opact

knocking

honey to roof level



Old Church Road, Williamstown, Co. Galway Email: info@hubertdeane.com Web: www.hubertdeane.com

Tel: 094 9643079

BUILDING INSPECTION SURVEY REPORT

ON

DWELLING HOUSE

AT

Killerr, Ballintober, Co Roscommon.

CLIENTS: David Burke.

DATE OF INSPECTION: 06-09-2023.

Date of Report 11-09-2023.

Planning Consultants - Building Engineers - Building Surveyors - Assigned Certifiers

Deane Building Engineers Limited trading as Deane Associates registerted under CRO no. 603718

1. INTRODUCTION & INSTRUCTION

I, Hubert Deane, C.BuildE.FCABE.PEng.ICIOB.MRPSA. A Chartered Building Engineer and a Registered Building Surveyor of Deane Building Engineers Ltd, T/a Deane Associates have been retained by David Burke to carry out a visual condition survey report on a dwelling house at Killerr, Ballintober, Co Roscommon.

The brief was to; Visit the site, carry out detailed internal & external inspection of the property to form an appraisal of the main parts of the structure including roof, walls, floors, ceilings, and finishes, internal and external, arising out of a visual inspection only and to determine whether there are any defects present which could potentially have a major cost implication to repair or could be a risk to Health & Safety. I visited the site on the 6th September 2023 and conducted a visual survey of the dwelling and site.



2. PROPERTY SUMMARY.

Address: Killerr, Ballintober, Co Roscommon.

Property Description: The property is a 3-bedroom detached bungalow dwelling situated on a site in a rural setting. The property has been unoccupied for many years and is in poor condition.

Year Built: The dwelling was constructed Pre 1963 and consists of kitchen/dining room, sitting room, bathroom, 3 bedrooms and a utility room.

Inspection Date: 6th September 2023.

Weather: Fine

Occupancy: Unoccupied.

Access: The house is on a site and is accessed off a local road which is in charge of Roscommon Co Co and is facing in a Southerly direction.

Report Date: 11th September 2023

Surveyor: Hubert Deane. CBuild.FCABE.PEng.ICIOB.MRPSA. A Chartered Building Engineer and a Registered Building Surveyor.

Limitations of Inspection.

This report is based on a visual inspection and therefore can only make comments on visible aspects and areas reasonably accessible. Internal access to the building was granted and the use of ladders etc was permitted. It is impossible to give exact analysis and recommendations on covered or concealed areas. This survey has taken the form of an appraisal of the main parts of the structure including roofs, walls, floors, and finishes internal and external arising out of a visual inspection only. Where parts of the structure are inaccessible or unexposed, no opinion can be given but is mentioned in the report where such situations have arisen. No opening up of works were carried out during my inspection nor were any floor coverings, floorboards, timber cladding, linings to walls or ceilings lifted and therefore it must be appreciated that defects such as woodworm or dry rot or wet rot may be present but cannot be conclusively identified. No tests were carried out on the electrical, plumbing, heating, or drainage installations. It would be recommended that a qualified electrician and heating specialist carry out tests on these services. No Environmental testing was carried out to materials or to the property generally for contaminants such as asbestos or radon gas. No investigation or enquiries were made with regard to the nature and quality of the materials used in the construction that are now concealed. No investigation or enquiries were made regarding the presence of materials containing reactive pyrites which can lead to the expansion of ground supported floors. No investigation or enquiries were made locally regarding the occurrence of mining or flooding in the area. Common areas and external grounds were not inspected in detail. This report is for the sole use of David Burke and his advisors. No responsibility is accepted to any third party or in the event that this report is used for any other purpose.

3. BUILDING INTERIOR.

3.1 Floors.

Generally, throughout the dwelling there are concrete screed floors. There is evidence of rising dampness (*Photograph 1 & 2*). I would recommend this floor be removed and a new floor provided with insulation.



Photo 1. Rising damp.



Photo 2. Rising damp.

3.2 Walls.

Walls internally are solid masonry construction plastered and skimmed plastered finish and decorated. All the walls are in poor condition. Dampness, flaking paintwork and hairline cracks are evident all through the dwelling (*Photograph 3, 4 & 5*).



Photo 3. Hairline crack on wall.



Photo 4. Damp stains on walls.



Photo 5. Flaking Paint.

The skirting board is in place and is in poor condition. The window boards are in place and are in good condition *(Photograph 6 & 7)*. I would recommend all joinery to be replaced.





Photo 6. Window board

Photo 7. Skirting

As the construction of this dwelling dates to pre 1963 the dwelling predates Building Control Regulations.

3.3 Ceilings.

The ceilings are timber sheeted and are in poor condition, dampness and mould growth are evident, and I would recommend all ceilings to be replaced (*Photograph 8, 9,10 & 11*).



Photo 8. Ceiling boards.



Photo 9. Mould growth.



Photo 10. Damp spot on ceiling.



Photo 11. Ceiling boards missing.

3.4 Ventilation.

There are no permanent background ventilation vents installed in the bedrooms. There are no permanent vents in the bathrooms. The roof is not ventilated.

I would recommend that mechanical vents be installed in the bathrooms and to have an over-run function, the roof to be ventilated and permanent vents installed in the bedrooms.

3.5. Roof Attic Space.

The roof is a timber roof structure with no felt and slate finish (Photograph 12).

It was noted that there are no purlins and inadequate support to the roof. I would recommend new purlins and support be provided (Photograph 13).

The attic space is not insulated, I would recommend the attic space to be fully upgraded to comply with current regulations (Photograph 14).

It is important that the insulation is pulled back from the eaves to allow for ventilation through the soffit to the attic space.

An attic trap door is positioned in the kitchen. (Photograph 15).

Note: Proper insulated attic space will help retain valuable heat and improve overall comfort levels. Heat loss through an un-insulated roof of a typical house can account for 30% of total heat loss.



Photo 12. Roof timbers with no felt.



Photo 14. Attic not insulated.





Photo 13. No Purlins and supports



Photo 15. Attic trap door.

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3.6.HEATING/HOT WATER SYSTEM/ELECTRICAL/SANITARY.

There is a solid fuel fireplaces in place. I would recommend that a new heating and plumbing system be installed *(Photograph 16)*.

There is no hot water cylinder provided.



Photo 16. Solid fuel fireplace

3.7. Fireplaces.

There is solid fuel fireplaces in the dwelling (Photograph 17).



Photo 17. Solid fuel stove.

3.8. Electrical.

The house is fully wired but is disconnected from the ESB network and I would recommend that the electrical installation be fully replaced by a qualified reputable electrician. I would also recommend installing mains operated smoke, heat, and carbon monoxide alarms to comply with the current building regulations.

3.9. Joinery.

There is standard 4 panel painted internal doors in place, all doors and hinges need to be checked and adjusted if necessary. Doors have evidence of mould growth, and I would recommend all joinery to be replaced (*Photograph 18*).



Photo 18. Internal doors

3.10 Sanitary Ware

There is no sanitary ware fitted.

4. **BUILDING EXTERIOR.**

4.1.Walls.

The external walls are masonry construction plaster finish. There are structural cracks on some external walls and require attention (*Photograph 19*).



Photo 19. Crack on wall.

4.2. Windows and external doors

Windows are double glazed PVC structure and are in reasonable condition. Some windows are of timber structure and will need replacing. The front and back door is of timber structure and

needs replacing. I would recommend that all windows and doors be replaced to comply with current regulations. (*Photograph 20, 21, 22 & 23*).



Photo 20. PVC windows



Photo 21. Timber window.



Photo 22. Front door

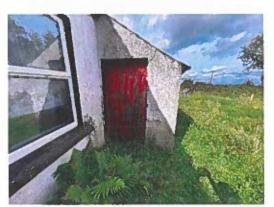


Photo 23. Back door

4.3. Chimneys.

There are 2 chimneys servicing the dwelling. The stacks are of masonry construction with napped plaster finish. The chimneys need to be replaced. (*Photograph 24 & 25*).

The Chimney was surveyed from ground level only.



Photo 24. Chimney



Photo 25. Chimney.

4.4. Roof.

The main roof is slate finish (*Photograph 26*) on timber battens with no felt on a timber roof structure. There is soffit & fascia in place and need replacing. The gutters are half round PVC and need replacing. (*Photograph 27 & 28*). I would recommend the roof be replaced and finished to current regulations.

The roof was viewed from ground level only.



Photo 26. Slate roof



Photo 27. Timber fascia.



Photo 28. PVC gutters.

4.5. Boundaries

The dwelling and associated services as constructed on the ground do conform to the Property Registration Authority map with a Folio number RN31970 (*Photograph 29*).



Photo 29. PRAI Folio RN31970

4.6. Drainage.

There are no rainwater gulley's traps in place. There is no evidence of soakpits.

4.7. Footpaths & Driveways.

There are no footpaths in place (Photograph 30).



Photo 30. No Concrete footpaths

4.8.Landscaping.

The area at the front and rear of the dwelling are overgrown and need attention (*Photograph* 31 & 32).



Photo 31. Lawn area to front.



Photo 32. Lawn area to rear.

4.9. Sewerage system.

There is a septic tank in place.

4.10 Garage/Shed.

There are sheds associated with the dwelling.

4.20 ESB & Cable.

The fuse board and ESB meter were located inside the dwelling and are disconnected (*Photograph 33*).

I would recommend that the house be fully rewired and reconnected to the network.



Photo 33. ESB disconnected.

5. PLANNING SEARCH

Planning reference No PD07/173: To construct 1 No septic tank & Percolation area at Killerr TD, Co Roscommon. Granted on the 4th May 2007.

6. **CONCLUSION.**

Our inspection was limited to a visual superficial inspection of those areas available for inspection without demolition, no opening up of surfaces was carried out and no indication can be given with regard to any defects which may exist underneath such surfaces i.e. paintwork or plasterwork.

I have not inspected woodwork or any part of the structure that is covered, unexposed or inaccessible and I am therefore unable to report that any such parts of the property are free from defects.

I have not carried out any testing of services in connection with this inspection, I did not check out the fixing of roof slates.

No tests were carried out on the electrical, heating, plumbing or drainage installations and I would recommend that you have a qualified electrician and plumber test those installations.

In my opinion this dwelling is in poor condition, and in my opinion would qualify for the Vacant/Derelict Property Refurbishment Grant.

Signed:

Hubert Deane. CBuildE.FCABE.PEng.ICIOB.MRPSA. Chartered Building Engineer & Registered Building Surveyor.

Deane Building Engineers Ltd, T/a Deane Associates. 11-09-2023

