

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Sean Hoban & Davia Hoban,



Reference Number: DED 688
Application Received: 10th April 2024
Name of Applicants: Sean Hoban & Davia Hoban
Agent: N/A

WHEREAS a question has arisen as to whether the renovation of an existing house at Ballymacurly South, Co. Roscommon, F42 EK15, 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 Ballymacurly South, Co. Roscommon, F42 EK15., **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:

Brian Farragher
Senior Executive Planner,
Planning.

Date: 6th June 2024

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

Reference Number:	DED 688
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate existing house.
Name of Applicant:	Sean Hoban & Daiva Hoban
Location of Development:	Ballymacurly south, Co. Roscommon. (F42 EK15)
Site Inspection:	28 th May 2024

WHEREAS a question has arisen as to whether the following works to renovate 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 two story detached house in Ballymacurly south, Co. Roscommon. The house is within 10m of the applicants own dwelling but has its own entrance and outdoor space. The proposed development consists of the renovation of the existing house including replacing external doors, refurbishing windows, plumbing and electrical works internally and various other 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 3.5km to the north west and Rathnalulleagh Turlough PNHA (Site Code 000613) which is located circa 4.2km to the north 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 found.

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 the existing house including replacing external doors, refurbishing windows, plumbing and electrical works internally and various other internal works. 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 renovate existing house, as outlined above in Ballymacurly south, 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 renovate existing house, as outlined above in Ballymacurly south, Co. Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 29th May 2024

Civil Technician

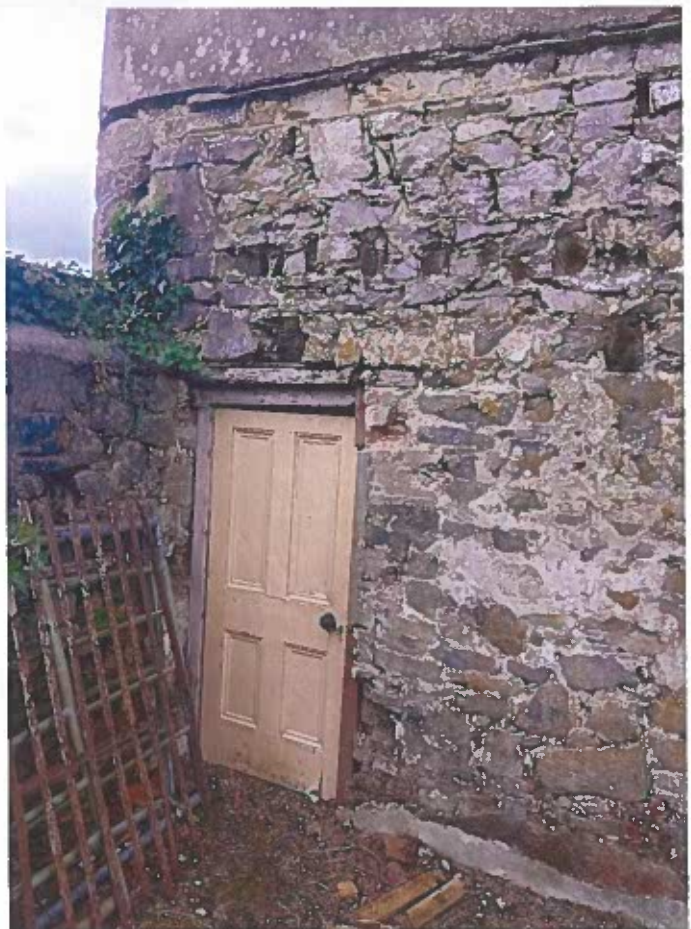
Signed:



Date: 30th May 2024

Senior Executive Planner







Comhairle Contae
Ros Comáin
Roscommon
County Council



Sean & Davia Hoban,



Date: 10th April 2024

Planning Reference: DED 688

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 Ballymacurly South, Co. Roscommon., F42 EK15.

A Chara,

I wish to acknowledge receipt of your application received on the 10th April 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. **L01/0/227987** dated 10th April 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 688**
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

10/04/2024 12:03:45

Receipt No.: L01/0/227987

SEAN HOBAN

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED 688

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
8745

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

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)	Sean Hoban & Daiva Hoban
Name of Agent	NA
Nature of Proposed Works	House being renovated under Vacant Property Refurbishment grant
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Ballymacurly South, Roscommon, F42 EK15
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>Footprint of house is 48m2 approx</u> b) <u>Same as above</u>
Height above ground level:	Two Story Farmhouse, approx height to ridge 7m
Total area of private open space remaining after completion of this development	The area around this house, yard and garden total 996m2
Roofing Material (Slates, Tiles, other) (Specify)	Roof is slate

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Already plastered and painted
Is proposed works located at front/rear/side of existing house.	Inside house
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	NA
Existing use of land or structure	House has been derelict since 1979 approx
Proposed use of land or structure	Refurbish house to habitable condition
Distance of proposed building line from edge of roadway	Current building line wont be modified but in any case it is 24 metres from nearest point of house to the road
Does the proposed development involve the provision of a piped water supply	There is already a water supply on site
Does the proposed development involve the provision of sanitary facilities	Already on site

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

Signature: Sean Hoban

Date: 05/04/2024



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



Site Boundary



F42 EK15. Red flag indicates house for exempted development

Property to be refurbished under vacant property refurbishment grant



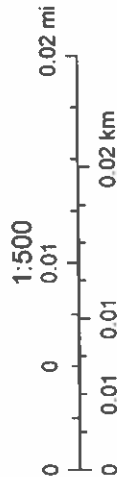
4/3/2024, 10:48:10 PM

Lines



Override 1

Override 1



© Tailte Éireann

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

Specification of Proposed Development at F42 EK15:

Date 05/ April / 2024

House to be refurbished to habitable state, works to include the following:

- Refurbishment of windows and doors, replacement where necessary
- Remove current concrete GF and replace with insulated floor
- Install 1st and 2nd fix heating system
- Install 1st and 2nd fix electrical system
- Replacement of joists to first floor where in poor condition
- Replace 1st floor floorboards and insulate
- 2nd fix carpentry (doors, skirting, architrave etc)
- Dryline / render internal walls and ceilings
- Install Kitchen
- Fit out bathroom with sanitaryware and tile
- Floor Finishes and wall finishes and Painting

? ? - SPECIFICITY REQUIRED



- Confirm internal works only?











Carmel Curley

From: Carmel Curley
Sent: Monday 8 April 2024 15:41
To: [REDACTED]
Subject: RE: Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding exempted development

Hi Sean,

Many thanks for your reply. Your application has been validated now and assigned a reference number **DED688**.

Please call the cash desk on 090-66-37108 and quote the reference number to pay the €80 fee.

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



From: [REDACTED]
Sent: Monday 8 April 2024 15:15
To: Carmel Curley <CCurley@roscommoncoco.ie>
Subject: RE: Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding exempted development

Hi Carmel,

Thanks,

1. No windows will be replaced as they are going to be refurbished. There are two external doors, one of which (north door) will definitely have to be replaced as in reality its an internal door that was fitted there sometime ago. The other door is in very poor condition and the frame is rotted and realistically this may have to be replaced. In any case, as you can see from the photo (East door), a sheet of manufactured board was applied to the outer face of the door many years ago, I would say because of the condition of the door. If any new external doors have to go in, they will be in keeping with the property in so far as possible.
2. Yes it will mainly be internal works, the only external works may be installation of a footpath, and some general repairs to the external wall on the North elevation of the house. Other than that and general tidying up, I don't think there would be any other external works.

Carmel Curley

From: [REDACTED]
Sent: Monday 8 April 2024 15:15
To: Carmel Curley
Subject: RE: Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding exempted development
Attachments: East.jpg; North External Door.jpg; North West.jpg; West.jpg; East Door.jpg

Hi Carmel,

Thanks,

1. No windows will be replaced as they are going to be refurbished. There are two external doors, one of which (north door) will definitely have to be replaced as in reality its an internal door that was fitted there sometime ago. The other door is in very poor condition and the frame is rotted and realistically this may have to be replaced. In any case, as you can see from the photo (East door), a sheet of manufactured board was applied to the outer face of the door many years ago, I would say because of the condition of the door. If any new external doors have to go in, they will be in keeping with the property in so far as possible.
2. Yes it will mainly be internal works, the only external works may be installation of a footpath, and some general repairs to the external wall on the North elevation of the house. Other than that and general tidying up, I don't think there would be any other external works.
3. I have attached some photographs.

Thanks,

Sean Hoban

From: Carmel Curley <CCurley@roscommoncoco.ie>
Sent: Monday, April 8, 2024 11:41 AM
To: [REDACTED]
Subject: FW: Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding exempted development

Dear Sean,

I wish to acknowledge receipt of your DED Application below & attached. Please note in order to validate the application the following information is required;

1. On the schedule of works you have listed; Refurbishment of Windows & Doors, replacement where necessary – please specify as to what windows & doors will be replaced, please also provide details of the proposed new windows & doors
2. Can you please confirm that it is only internal works that are being done
3. Can you please provide photographs of the property

On receipt of the above, your application will be considered further.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,

Carmel Curley

From: Carmel Curley
Sent: Monday 8 April 2024 11:41
To: [REDACTED]
Subject: FW: Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding exempted development
Attachments: 1 2500 Map F42EK15.png; declaration-under-section-5-application-form - Sean Hoban F42 EK15.pdf; Site Layout Map 1 500 F42 EK15.pdf; Specification of Works.pdf

Dear Sean,

I wish to acknowledge receipt of your DED Application below & attached. Please note in order to validate the application the following information is required;

1. On the schedule of works you have listed; Refurbishment of Windows & Doors, replacement where necessary – please specify as to what windows & doors will be replaced, please also provide details of the proposed new windows & doors
2. Can you please confirm that it is only internal works that are being done
3. Can you please provide photographs of the property

On receipt of the above, your application will be considered further.

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

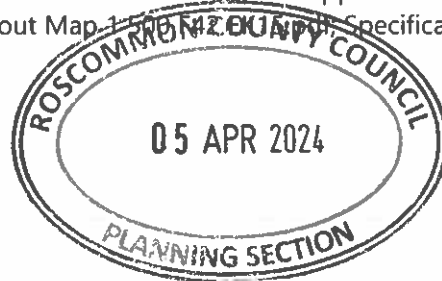


From: Mervyn Walsh <MWalsh@roscommoncoco.ie>
Sent: Friday 5 April 2024 10:54
To: Marguerite Croghan <MCroghan@roscommoncoco.ie>
Subject: FW: Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding exempted development

From: [REDACTED]
Sent: Friday 5 April 2024 10:52

Marguerite Croghan

From: Mervyn Walsh
Sent: Friday 5 April 2024 10:54
To: Marguerite Croghan
Subject: FW: Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding exempted development
Attachments: 1 2500 Map F42EK15.png; declaration-under-section-5-application-form - Sean Hoban F42 EK15.pdf; Site Layout Map 1 500 F42 EK15.pdf; Specification of Works.pdf



From: [REDACTED]
Sent: Friday 5 April 2024 10:52
To: Planning Department <Planning@roscommoncoco.ie>
Subject: Application for a Declaration under Section 5 of the Planning and Development Act 2000 (as amended) regarding exempted development

Hello,

I hope all is well.

Please see attached;

- 1 2500 Map F42EK15
- Declaration-under-section-5-application-form - Sean Hoban F42 EK15
- Site Layout Map 1 500 F42 EK15
- Specification of Works

My intention is to apply for the Vacant Property Refurbishment grant for this property,

Many thanks,

Sean Hoban

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