

ROSCOMMON COUNTY COUNCIL

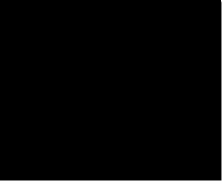
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Amanda Ralph,



Reference Number: DED 689

Application Received: 9th April 2024

Name of Applicant: Amanda Ralph

Agent: N/A

WHEREAS a question has arisen as to whether 'the removal of chimney' at Callowbeg, Clonown, Athlone, 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 and 9 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 Act, 2000, as amended

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The removal of chimney as described in this case is exempted development.
- (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 '**the removal of chimney' at Callowbeg, Clonown, Athlone, 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: 20th June 2024

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

Reference Number: DED 689

Name and Address of Applicant: Amanda Ralph

AGENT: As above

WHEREAS a question has arisen as to whether 'the removal of chimney' at Callowbeg, Clonown, Athlone, Co Roscommon is or is not development and is or is not exempted development:

1.0 Site Location and Description

The site is located on a local road c 4.5km south west of Cornafulla. The application site consists of detached single storey residential unit and a shed, set back c 50 m from the public road. The applicant has undertaken the works as described in the application i.e 'the removal of a chimney', another chimney remains situated on the ridge of the roof.

2.0 Planning History

No recent relevant planning history.

3.0 Relevant Legislation

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- (b) Article 6 & 9 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);

Planning and Development Act, 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.

Sub section 4 (1) (h) provides that development shall be exempt development if it consists 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

4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether ‘ Removal of chimney’ is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the Removal of chimney constitutes works and is therefore development.

The applicant has provided plans and elevations detailing the extent and types of works proposed and having regard to 4(1)h of the Planning and Development Act 2000 as amended I am satisfied that the above reference works will 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.

Environmental Considerations :

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended.

The site is located adjacent to Middle Shannon Callows SPA and River Shannon callows SAC. Having regard to the limited nature and scale of the proposed development, there is no real likelihood of significant effects on European sites arising from the proposed development and not of a nature set out in Article 9 (1)(a) of the Planning and Development Regulations 2001 as amended.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows: ‘ Removal of chimney’ at Callowbeg, Clonown, Athlone, Co. Roscommon is development and is exempted development.

5.0 Recommendation

WHEREAS a question has arisen as the ‘Removal of chimney’ at Callowbeg, Clonown, Athlone, Co. Roscommon is development and is exempted development.

I have considered this question, and I have had regard particularly to –

- a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 & 9 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);

AND WHEREAS I have concluded that

The ‘ Removal of chimney’ , at Callowbeg, Clonown, Athlone Co. Roscommon is development and is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

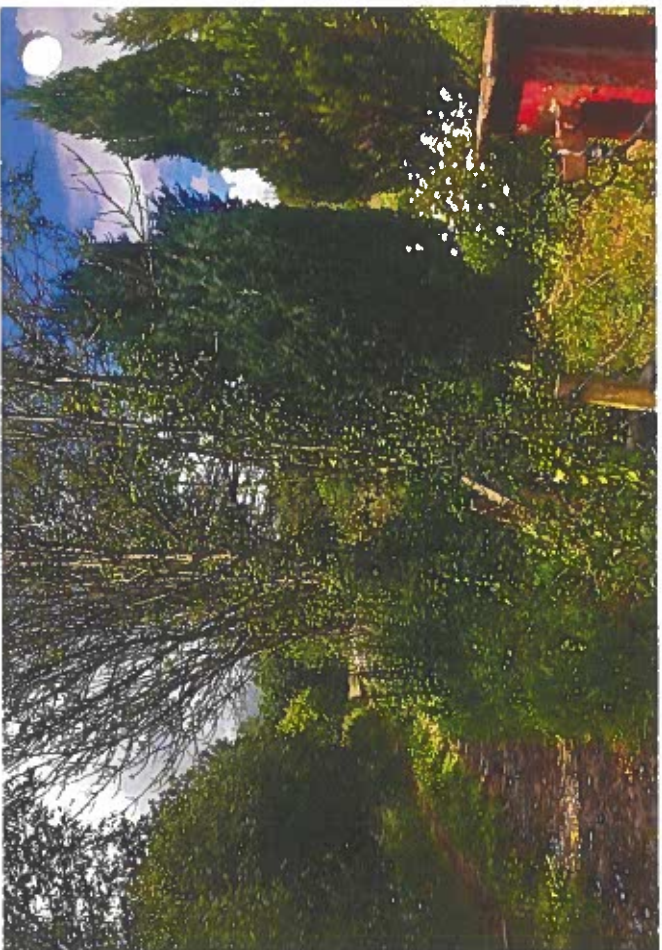


Signed: _____ Date: 19th June 2024

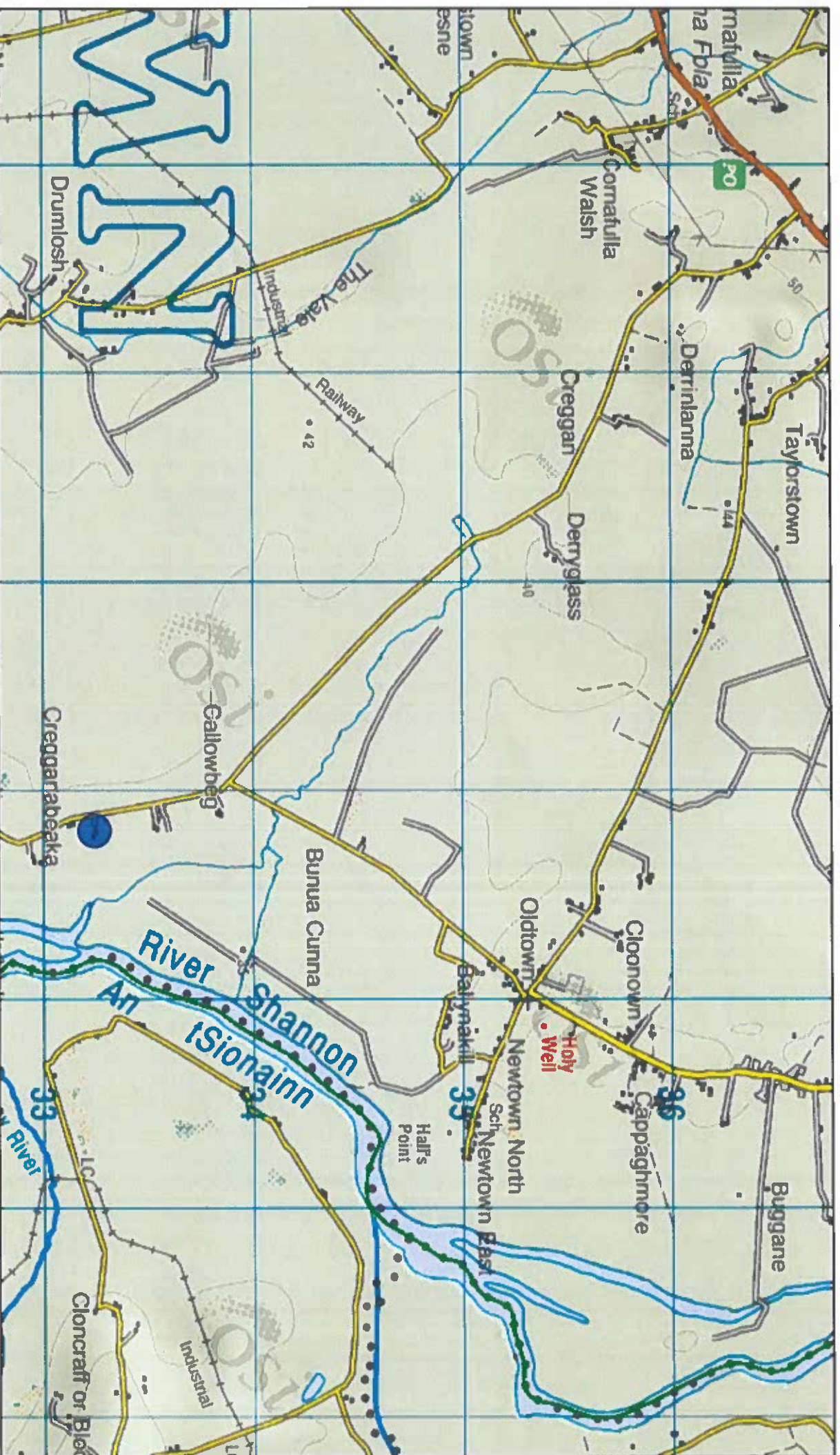
Paula Connaughton

South Roscommon Area Planner.

Acc
16.6.24



Map Viewer Printout



6/11/2024, 3:37:06 PM

 County Boundary

1:25,000
0 0.2 0.4 0.8 mi
0 0.33 0.65 1.3 km
© Tailte Éireann, © Roscommon County Council



Comhairle Contae
Ros Comáin
Roscommon
County Council



Amanda Ralph,



Date: 9th April 2024

Planning Reference: DED 689

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission for the removal of a chimney under the Planning & Development Act (Exempt Development) Regulations 2018 at Callowbeg, Clonown, Athlone, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 9th 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. **L01/0/227973** dated 9th April 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 689**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

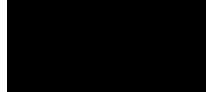
Alan O'Connell
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

09/04/2024 12:22:06

Receipt No L01/0/227973

AMANDA RALPH



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED689	

Total : 80 00 EUR

Tendered :
Credit/Debit Card 80 00
8150

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office

DES 689

Amanda Ralph



8 April 2024

Roscommon County Council
Áras an Chontae,
Roscommon
Co. Roscommon

Dear Sir/Madam

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

Please find attached my Application for a Declaration regarding Exempted Development in
regards to the removal of a chimney at my property.

Regards,

A handwritten signature in blue ink, appearing to read 'Amanda Ralph'.

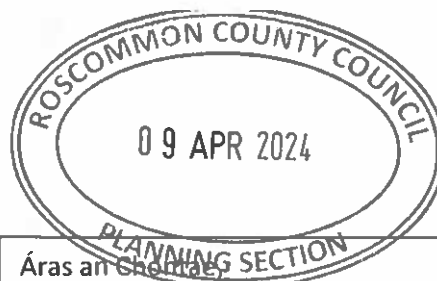
Amanda Ralph

Encs. Application for a Declaration form
Site Location map 1:2500 Scale
Site Location map 1:5000 Scale
Detailed specification of development proposed with house measurements drawing
Photos of building – from road and from rear - with chimney for removal indicated





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)	Amanda Ralph
Name of Agent	N/A
Nature of Proposed Works	Removal of chimney.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Callowbeg, Clonown, Athlone, Co. Roscommon. N37 FF10. Callowbeg Townland 603510 mE, 733610mN 25" 55:6 1:5000 3235
Floor Area: a) Existing Structure b) Proposed Structure	a) 53.59m ² b) N/A
Height above ground level:	Chimney cap is 5.3m above ground level.
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	Fibre Cement Slates.

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	Chimney sits on ridge of gable roof, so it is equally at front and rear of existing house.
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	16178 / 85 16178 A / 91 Permission granted but works never carried out.
Existing use of land or structure	Habitable dwelling.
Proposed use of land or structure	Habitable dwelling.
Distance of proposed building line from edge of roadway	68m
Does the proposed development involve the provision of a piped water supply	No.
Does the proposed development involve the provision of sanitary facilities	No.

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

Signature:



Date: 8 April 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



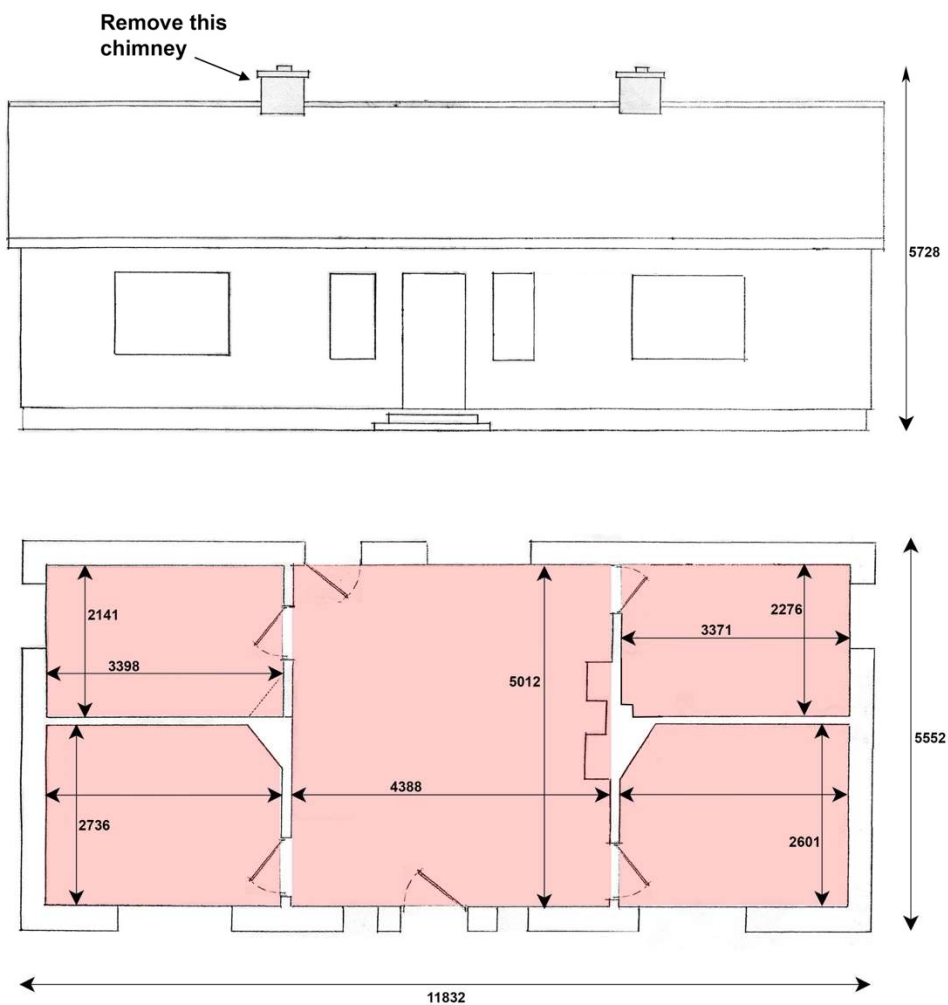
Detailed specification of development proposed - Callowbeg

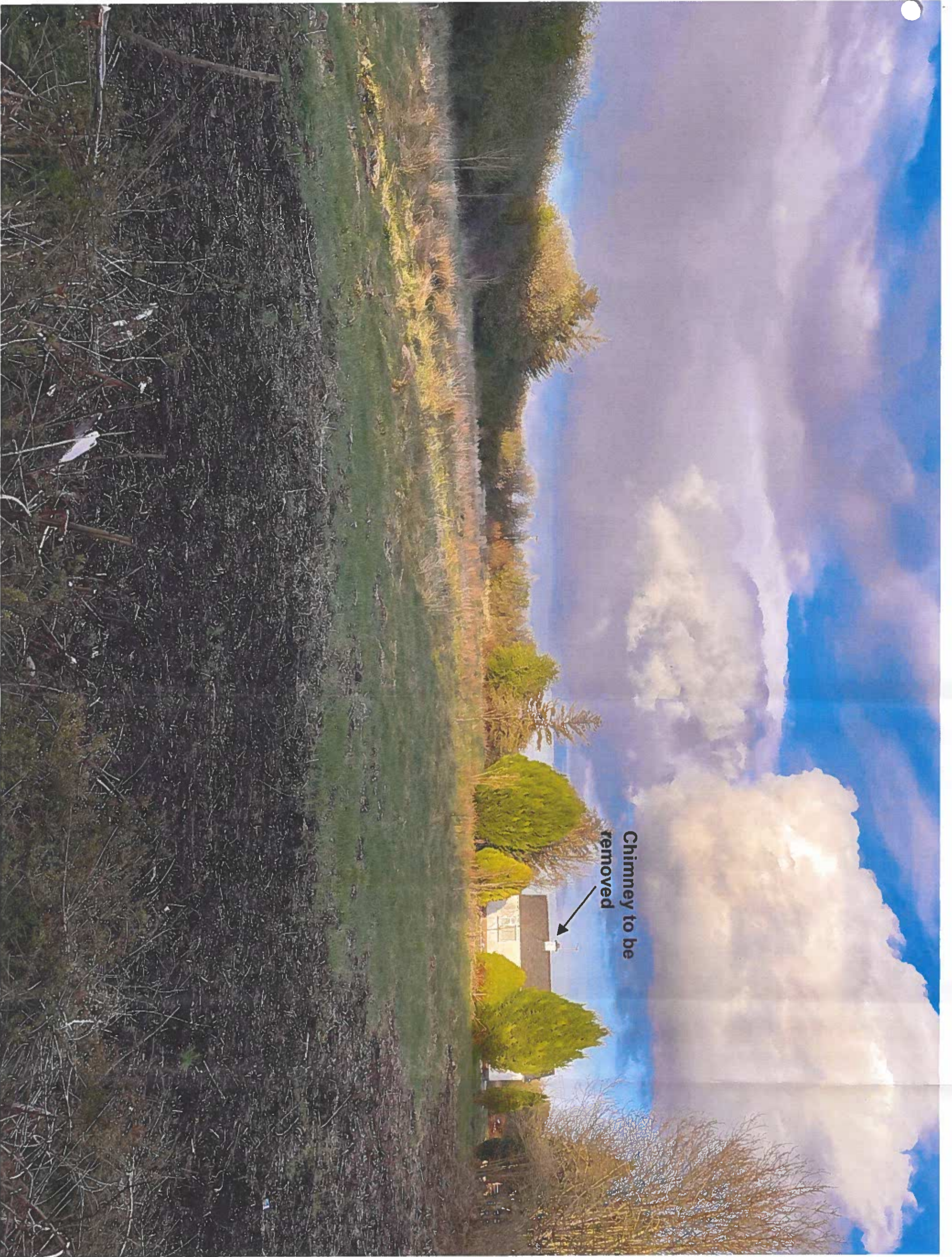
The proposal is to remove one chimney from a detached bungalow that is 68m from the road edge.

The chimney sits on the ridge of the gable roof. It is one of two chimneys but the proposal is to remove only the one indicated in the attached photos.

As part of improving insulation at the property, the proposal is to remove the unused chimney below the roof line and to vent the remaining stack both into the attic and to the room below. New ventilation through an external wall will also be installed in the room below.

The chimney cap is 5.3m above ground level. The old fibre cement slates are being removed and replaced with same.







Remove this chimney





**The Property
Registration Authority**
An tÚdarás
Clárúcháin Maoinne
Folio: RN20924F

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Subleasehold

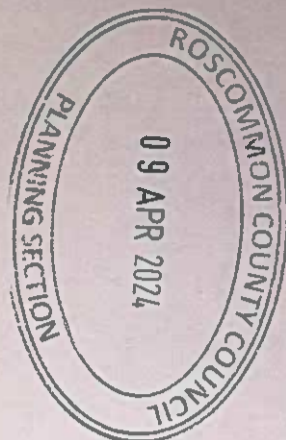
Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit



A full list of burdens and their symbology can be found at:
www.landdirect.ie

The registry operates a non-conclusive boundary system.
The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



CALLOWBEG

Bunna Curne



603510 mE, 733610 mN

The Property
Registration Authority



An tÚdaráis
Clárúcháin Maoinne
Folio: RN20925F

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

Freehold

Leasehold

Subleasehold

Burdens (may not all be represented on map)

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Turbary

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CREGGANABEAKA

CALLOWBEG

CLOONOWN

