ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Liam Browne,



Reference Number:

DED 690

Application Received:

10th April 2024

Name of Applicants:

Liam Browne

Agent:

N/A

WHEREAS a question has arisen as to whether the renovation of an existing house at Mountain, Ballinlough, 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) 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.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The proposed extension to rear of a dwelling house as described in this case is an exempted development.
- (c) All other works listed above 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;
- (d) 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 Mountain, Ballinlough, 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: 11th June 2024

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

Reference Number:

DED 690

Re:

Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development

to renovate an existing house.

Name of Applicant:

Liam Browne

Location of Development:

Mountain, Ballinlough, Co. Roscommon

Site Visit:

06/06/2024

WHEREAS a question has arisen as to whether the following works; regarding exempted development to renovate 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development General), as amended
- (d) 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.
- (e) The planning history of the site

Site Location & Development Description

The subject site is located in Mountain, Ballinlough, Co. Roscommon. The subject site contains a single story dwelling house with what seems to be a single story, flat roof extension to the rear. Along with the dwelling house, there are a number of agricultural sheds to the side and rear of the dwelling. The proposed development consists of a number of items,

- Extension to the rear of the dwelling, which is, formed each side of the existing extension. This includes the removal of the existing flat roof to the existing extension and construction of a new pitched roof over the whole extension.
- Removal of one chimney.
- Construction of a Velux window to the existing dwelling.
- New facia, soffit, downpipes and gutters.
- · New windows, doors and window cills.
- Various 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 development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the development.

Appropriate Assessment

The closest European sites to the site of the development are Lough O'Flynn PNHA (Site Code 001645) which is located circa 0.25km to the west and Cloonchambers Bog SAC/ PNHA (Site Code 000600) which is located circa 2.3km 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, no recent planning history has been traced relating to the subject site.

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,

Class 1 of Part 1 of Schedule 2: Exempted development - General

Description of	f Devel	opment
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Development within the curtilage of a house

CLASS 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
- (b) Subject to paragraph (a), where the house is terraced or semidetached, the floor area of any extension above ground level shall not exceed 12 square metres.
- (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
- 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
- (b) Subject to paragraph (a), where the house is terraced or semidetached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

1964, including those for which planning permission has been

obtained, shall not exceed 20 square metres.

- 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
- (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
- 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. 388 (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

Assessment:

The proposed development of an extension to each side of an existing extension to the rear of a dwelling house which, it is stated as having floor space of 8m².

From reviewing the drawings provided the existing extension has an area of 9m².

With regard to the compliance with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

- 1. House has previous extension to the rear therefore N/A.
- 2. a. House has previous extension of 9m². Proposed work is stated as 8m², total area of all extensions to the dwelling is 17m².
 - b. House is detached, therefore N/A.
 - c. Proposed work is only on ground floor level.
- 3. Proposed work is only on ground floor level.
- 4. a. Rear wall does not exceed this height.
 - b. Rear wall does not exceed this height.
 - c. Roof height of extension is not higher than the existing house.
- 5. Extension does not reduce the open space to less than 25m²
- 6. a. Window is greater than 1m from the boundary it faces.
 - b. Proposed work is only on ground floor level.
 - c. Proposed work is only on ground floor level.
- 7. Roof is not flat and therefore can not be used as such.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the conservatory to rear of a dwelling house as described in this case is considered not an exempted development.

The proposal includes removal of one chimney, construction of a Velux window to the existing dwelling, new facia, soffit, downpipes and gutters, new windows, doors and window cills and various 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 that on the basis of the information available, it is considered 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 EIA or AA does not apply with respect to the current referral case.

I am satisfied that an Environmental Impact Assessment Report or Natura Impact Statement 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 a NIS is required.

Recommendation

WHEREAS a question has arisen as to whether to renovate an existing house in Mountain, Ballinlough, 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) 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
- (e) The planning history of the site

AND WHEREAS I have concluded that

- a) The works are development.
- b) The proposed extension to rear of a dwelling house as described in this case is an exempted development.
- c) All other works listed above 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;

d) 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 I recommend that a declaration to that effect should be issued to the applicant.

San Murray

Signed:

Date: 10th June 2024

Civil Technician

Signed:

Date: 10th June 2024

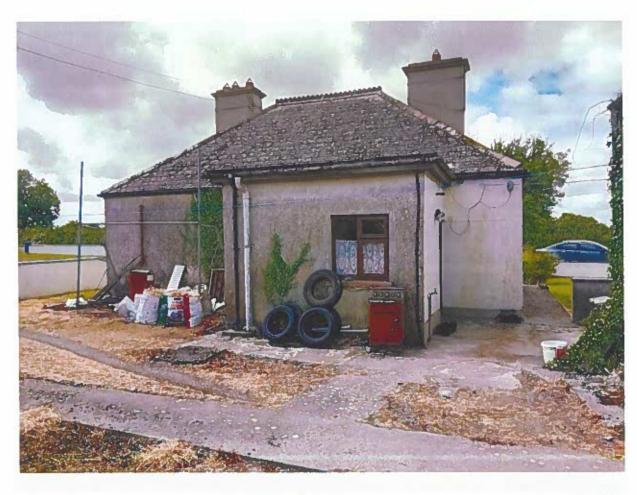
Senior Executive Planner

















Liam Browne,

Date:

10th April 2024

Planning Reference:

DED 690

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 Mountain, Ballinlough,

Co. Roscommon.

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. **L01/0/227984** dated 10th April 2024, receipt enclosed herewith.

Note:

Please note your Planning Reference No. is DED 690.

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 10 47:11

Receipt No.: L01/0/227984

LIAM BROWNE

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 690

80.00

Total :

80.00 EUR

Tendered Cheque 000056

80.00

Change:

0.00

Issued By : Bernadine Duignan From : Central Cash Office



Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100

Email: planning a roscommoncoco.ie

Ortania

Roscommon County Council

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

Name:	LAN BROWNE
Address:	*
Name & Address of Agent:	TOMMY & MEDERNOTT CLOONLOUGH, BACKIN LOUGH CO. ROSCONNION.
Nature of Proposed Works	REROSTING, Rewilt, Pluming, Windows, docks New Hools.
Location (Townland & O.S No.)	Houstain.
Floor Area	Haw House 10.9x 7-50 melses 3 x 36 melses
Height above ground level	2 Foot news.
Total area of private open space remaining after completion of this development	House to boundary side 82 metros Brek 14.5 metros side 3 metros
Roofing Material (Slates, Tiles, other) (Specify)	SLAFES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Ploter
Is proposed works located at front/rear/side of existing house.	REAR

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding <u>Exempted Development</u>

Has an application been made previously for this site	NO .
if yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	unoccopies duelling
Proposed use of land or structure	Penale dwelling
Distance of proposed building line from edge of roadway	9.8 udres.
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:

Date:

.)

11/3/2021

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



EXTERNAL WORKS New ROOF - disposed of slates, Removal or out chimity. Extension of Flat Roof to new Roof. new Facia, sollit, dampies and gutters. NEW windows doors, and window cills. EXTERNAL INSULATION. Internal works fewering of the house, new colings New internal doors new skirting, door Frontes and architeaux. Planeing Up grade control healing. ALL Rooms to be pointed and furnished. SCOMMON COUNTY C 1 0 APR 2024 LANNING SECTIO









DEIMHNIÚ CLÁRÚCHÁIN

Tagairt ID:

Uimhir chlárúcháin:	
Dáta clárúcháin: 23/10/2023	
Cláraithe chuig: Liam Browne	
Seoladh cláraithe:	
Seoladh cláraithe:	

Arna eisiúint den Acht um Sheirbhísí Uisce 2017.

Deimhnítear sa chaipéis seo gur cuireadh an córas cóireála fuíolluisce tí atá ceangailte le réadmhaoin ag an seoladh réamhluaite, agus atá cláraithe chuig an úinéir réamhluaite, ar an gclár um Chórais Cóireála Fuíolluisce Tís.

Coinnigh an chaipéis seo le do thoil.

- D'fhéadfadh sé go n-iarrfaí ort é seo a thabhairt do dhuine údaraithe arna cheapadh ag an údarás seirbhísí uisce.
- Nuair a dhíolann nó nuair a aistríonn tú úinéireacht do réadmhaoine tabhairt cóip den deimhniú seo le do thoil don úinéir úr. Beidh an t-úinéir úr freagrach as athruithe ar an úinéireacht a chur in iúl don údarás seirbhísí uisce. Níos mó eolas faoi athrú úinéara ar fáil ag www.protectourwater.ie.

Láithreán Gréasáin: www.protectourwater.ie

Teileafón: 1890 800 800

Ríomhphost: support@protectourwater.ie

Seoladh: Cosain Ár nUisce, Bosca PO 12204, Baile Átha Cliath 8









Reference ID:

CERTIFICATE OF REGISTRATION

Registration number:	
Date of registration: 23/10/2023	
Registered to: Liam Browne	
Registered address:	
Water services authority: Roscommon County Council	

Issued under the Water Services Act 2017.

This document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.

Please retain this document.

- You may be requested to present this document to an authorised person appointed by the water services authority.
- When selling or transferring ownership of your property please provide a copy of this certificate
 to the new owner. The new owner will be responsible for notifying the water services authority
 above of the change in ownership. For more information on change of ownership please visit
 www.protectourwater.ie.

Website: www.protectourwater.ie Telephone: 1890 800 800

Email: support@protectourwater.ie Address: Protect Our Water, PO Box 12204, Dublin 8

Land Registry

County Roscommon

Folio 8026F

Part 2 - Ownership

Title of property no. 4 POSSESSORY 25-JUL-1969
Title of property no. 1, 2, 3 ABSOLUTE
Title of property no. 5, 6 POSSESSORY 30-NOV-1982

No.	The dev	volution of the property is subject to the provisions of Part II of the Succession Act, 1965
1	29-JAN-1998 98CR00551	LIAM BROWNE of MOUNTAIN, BALLINLOUGH, COUNTY ROSCOMMON is full owner.
		OWN COUNTY CO



Application Number: P2024LR031506H

Folio Number: RN8026F

Tailte Éireann

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

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(centre-line of parcel(s) edged)

Burdens (may not all be represented on map) Right of Way / Wayleave

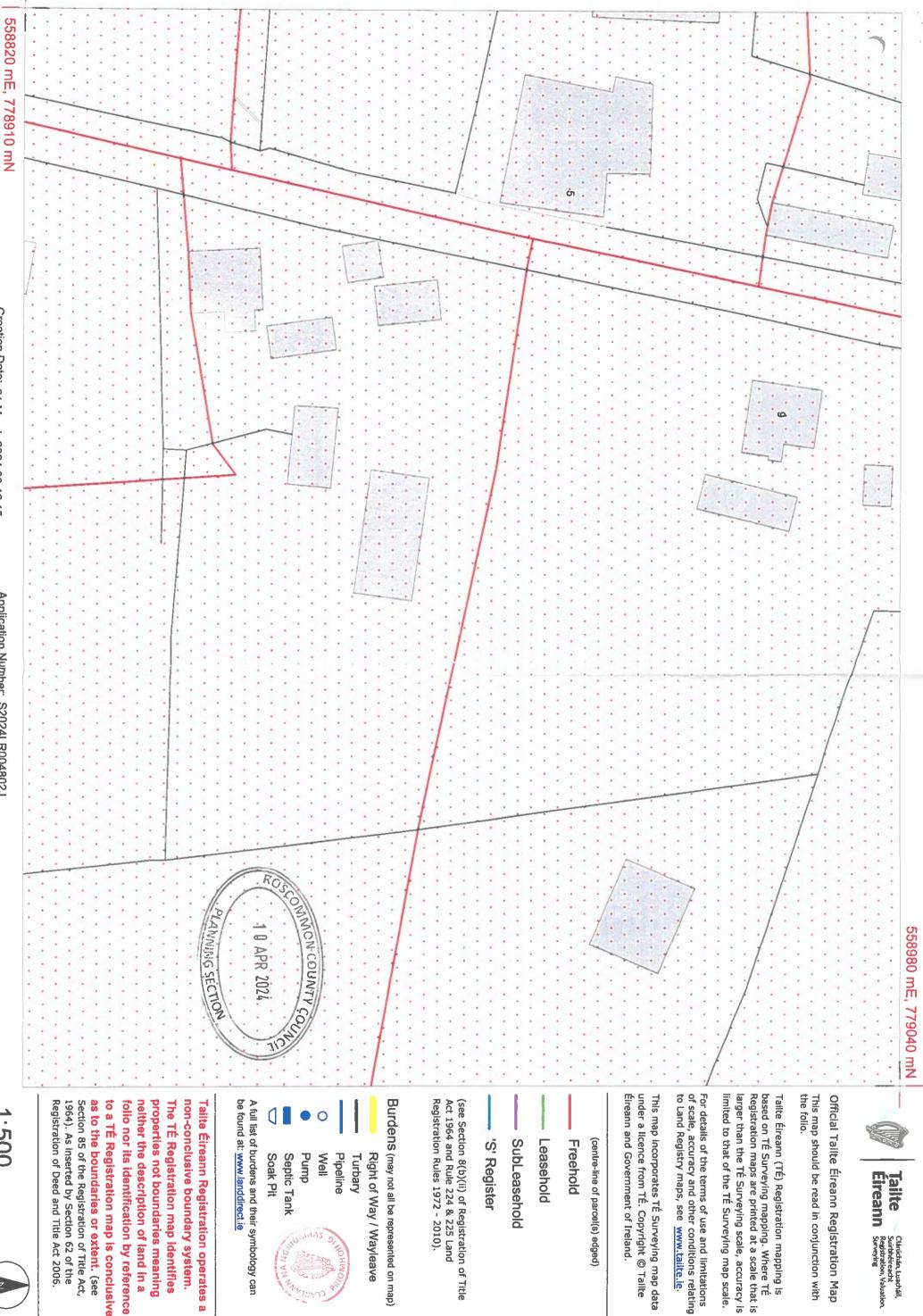
symbology can be found at: www.landdirect.ie A full list of burdens and their

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

558760 mE, 778860 mN Date Printed: 12/03/2024

Creation Date: 12 March 2024 08:11:21

Application Number: P2024LR031506H



Tailte Chirichán, Luacháil, Suirbhéireacht Registration, Valuation, Sun-eying

This map should be read in conjunction with the folio. Official Tailte Éireann Registration Map

For details of the terms of use and limitations of scale, accuracy and other conditions relating to Land Registry maps, see www.tailte.le. limited to that of the TÉ Surveying map scale. larger than the TÉ Surveying scale, accuracy is

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

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

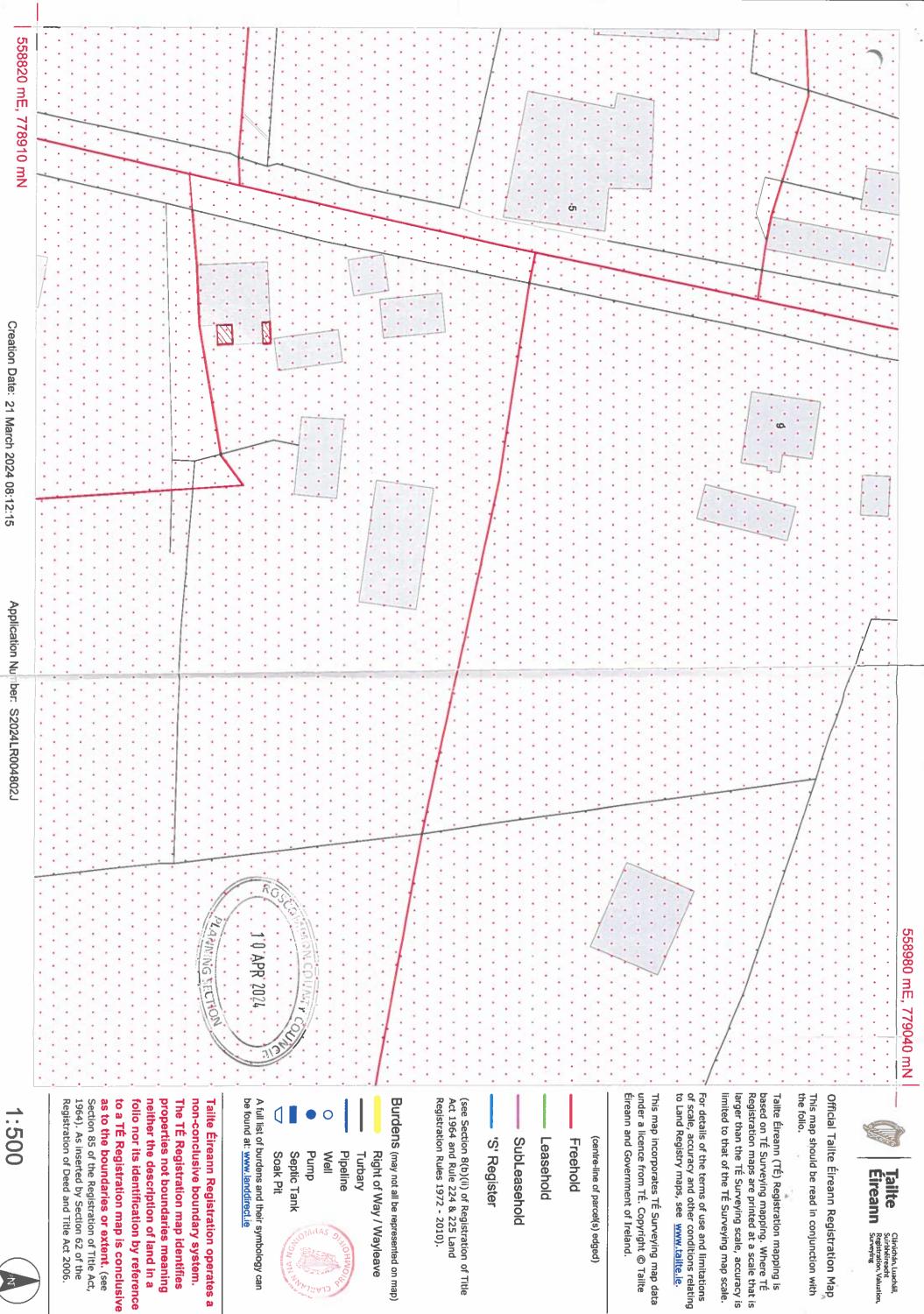
to a TÉ Registration map is conclusive neither the description of land in a non-conclusive boundary system. as to the boundaries or extent. (see properties not boundaries meaning The TÉ Registration map identifies Tailte Éireann Registration operates a Section 85 of the Registration of Title Act, folio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

1:500

Creation Date: 21 March 2024 08:12:15

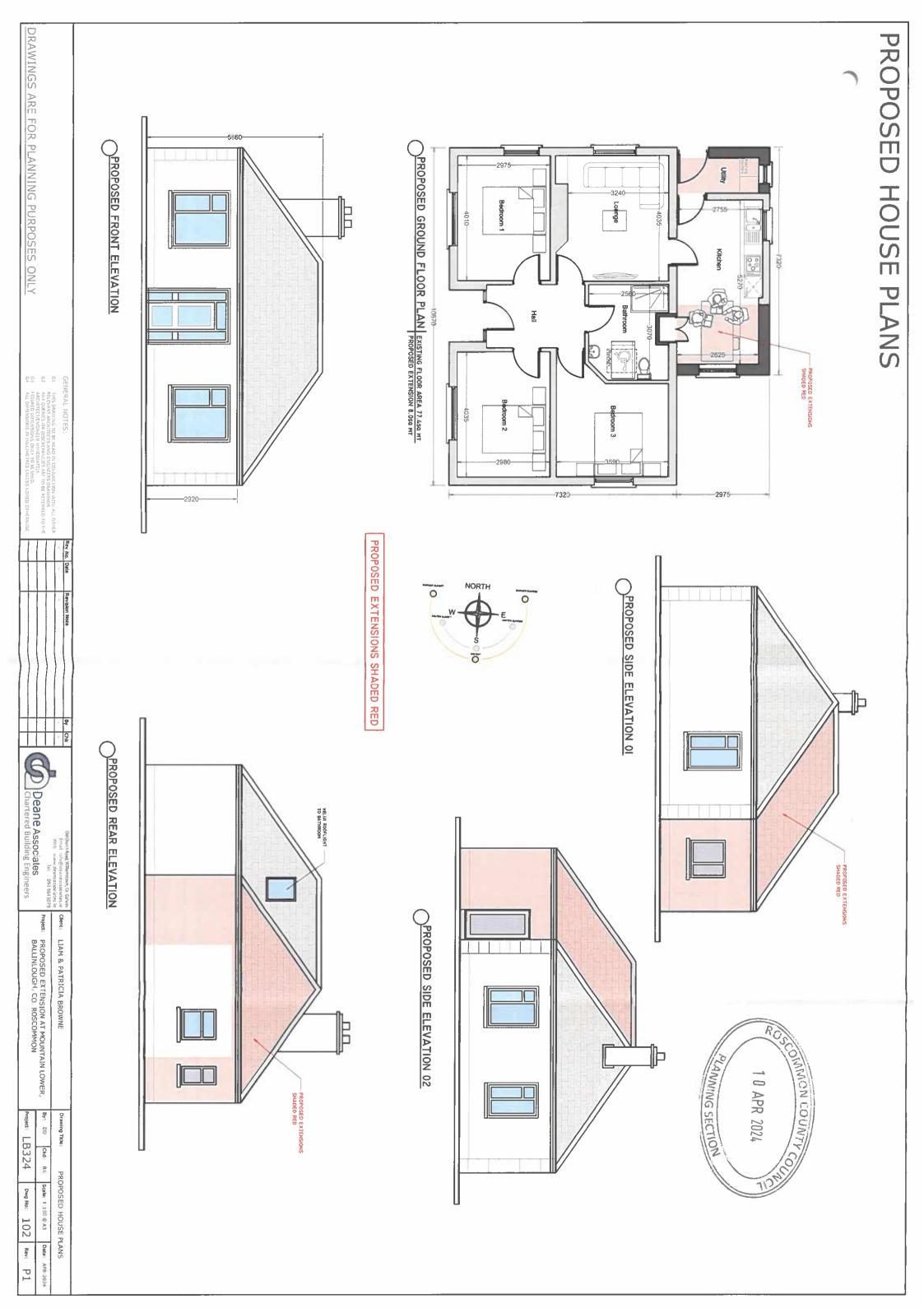
Application Number: S2024LR004802J

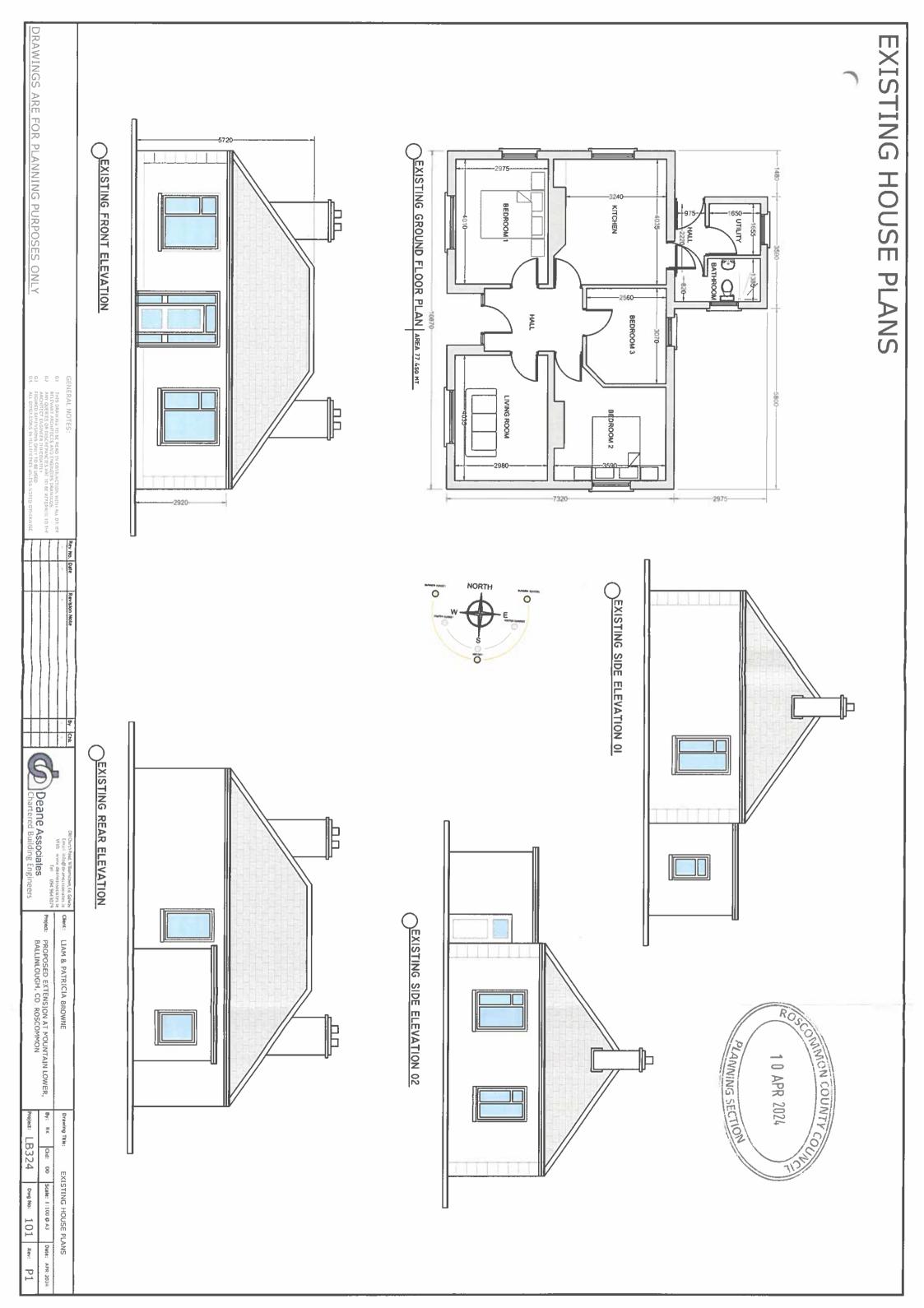




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Comhairle Contae Ros Comáin Roscommon County Council



Liam Browne,



15th March 2024 Date:

Re: Request for a Declaration under Section 5 of the Planning & Development Act 2000 (as

amended)

A Chara,

I refer to your application form for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended) received on 14th March 2024.

In order to apply for a Section 5 Declaration, it is necessary for you to submit the following:

- **Application Form**
- Site Location map to a scale of 1:2500 clearly identifying the location
- Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- **Detailed specification of development proposed**
- €80.00 fee

I wish to advise that the detailed specification of the development submitted with your application form is not sufficient and further details are required, e.g. plans, elevations and more specification of the proposed works and also we require a site layout plan to the scale of 1:500 indicating exact location of proposed development, therefore your application cannot be considered as a valid application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended).

I am returning herewith your correspondence and cheque received on 14th March 2024. On receipt of the detailed specification & site layout plan as outlined above, your request will be considered further.

Míse le meas,

Alan O'Connell, Senior Executive Planner, Planning.



