

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Denise McDonagh,



Reference Number: DED 691  
Application Received: 10<sup>th</sup> April 2024  
Name of Applicants: Denise McDonagh  
Agent: Christy Dempsey, Foxford, Co. Mayo.

WHEREAS a question has arisen as to whether the renovation of an existing house at 28 Hollywood Grove, Ballaghaderreen, Co. Roscommon, F45 P683, 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 28 Hollywood Grove, Ballaghaderreen, Co. Roscommon, F45 P683, **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: 6<sup>th</sup> June 2024

cc agent via email: Christy Dempsey  
[Dempseychris5@gmail.com](mailto:Dempseychris5@gmail.com)

## Carmel Curley

---

**From:** Carmel Curley  
**Sent:** Thursday 6 June 2024 13:58  
**To:** [REDACTED]  
**Cc:** 'dempseychris5@gmail.com'  
**Subject:** DED691 - Notification of Decision  
**Attachments:** DED691 - Notification of Decision.pdf

Dear Denise,

Please see attached Notification of Decision for your DED Application 691. A hard copy will follow in the post today.

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](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

MAP LOCATION



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

<b>Reference Number:</b>	DED 691
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development of the renovation of a house.
<b>Name of Applicant:</b>	Denise McDonagh
<b>Location of Development:</b>	28 Hollywood Grove, Ballaghaderreen, Co. Roscommon (F45 P683)
<b>Site Visit:</b>	28/05/2024

**WHEREAS a question has arisen as to whether the following works of the renovation of a 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 detached single story house with a small shed to the rear of the property at 28 Hollywood Grove, Ballaghaderreen, Co. Roscommon. The property is in zoned land (Roscommon County Development Plan 2022-2028 – Existing Residential). The proposed development consists of the renovation of a house including the replace/upgrade of windows & doors, relocation of boiler and oil tank to the rear, potentially upgrading the external finish and internal works.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

**Archaeological and Cultural Heritage**

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

**Appropriate Assessment**

The closest European site to the site of the proposed development is Tullaghanrock Bog PNHA (Site Code 002013) which is located circa 3km to the 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 as follows.

- 03/1607 – Change of house plans in estate

## **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 a 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) (viiiB) 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 a house as outlined above at 28 Hollywood Grove, Ballaghaderreen, Co. Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

**AND WHEREAS I have concluded that**

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

**AND WHEREAS** I have concluded that the said development of the renovation of a house as outlined above at 28 Hollywood Grove, Ballaghaderreen, Co. Roscommon is an exempted development provided replacement of any windows/doors are uPVC and similar style to the existing and replacement external plaster is pebble dash to match existing and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 29<sup>th</sup> May 2024

Civil Technician

Signed:



Date: 30<sup>th</sup> May 2024

Senior Executive Planner













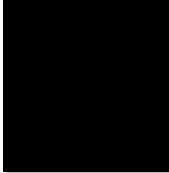




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Denise McDonagh,



**Date:** 10<sup>th</sup> April 2024

**Planning Reference:** DED 691

**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 28 Hollywood Grove, Ballaghaderreen, Co, Roscommon., F45 P683

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 10<sup>th</sup> 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. **L01/0/227994** dated 10<sup>th</sup> April 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 691**.  
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 14:47:39

Receipt No : L01/0/227994

DENISE MCDONAGH

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 691

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
8904

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## **Roscommon County Council**

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

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

Name of Applicant(s)	Denise McDonagh
Name of Agent	Dempsey Mechanical & Construction Foxford Co. Mayo
Nature of Proposed Works	*Please see notes attached*
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	28 Hollywood Grove, Ballaghaderreen, Co. Roscommon F45 P683
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>90.9SQ.M / 979.SQ.FT</u> b) <u>90.9SQ.M / 979.SQ.FT</u>
Height above ground level:	N/A
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	N/A

## 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.	N/A
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Private residence
Proposed use of land or structure	Private residence
Distance of proposed building line from edge of roadway	N/A
Does the proposed development involve the provision of a piped water supply	N/A
Does the proposed development involve the provision of sanitary facilities	N/A

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

Signature:



Date:

10 APR 2024

**Note:** This application must be accompanied by: -

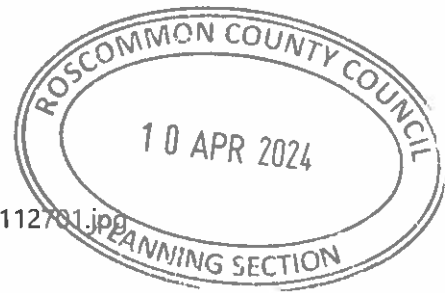
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



## Carmel Curley

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**From:** Mervyn Walsh  
**Sent:** Wednesday 10 April 2024 13:06  
**To:** Marguerite Croghan  
**Cc:** Carmel Curley  
**Subject:** FW: 28 Hollywood Grove  
**Attachments:** 2024-04-10 12-51.pdf; IMG\_20240410\_112701.jpg



**From:** Denise Mac [REDACTED]  
**Sent:** Wednesday 10 April 2024 13:01  
**To:** Carmel Curley <CCurley@roscommoncoco.ie>; Planning Department <Planning@roscommoncoco.ie>  
**Subject:** 28 Hollywood Grove

Hi Carmel,

Thank you for your email, hopefully making progress!

Please find attached updated section 5, I have removed the pebble dash work as advised and attached a picture of the current boiler and tank location, the intention is to move it closer to the garden wall in picture approx 2 foot. Again if this is not possible it's no problem to remove.

I have attached details of proposed works at the end of the section 5 as follows ;  
Please be advised no development is planned to the existing structure.

The work planned is;

- \*Relocating boiler and oil tank within the current garden to maximize space
- \*Upgrade \ replace windows and doors as required \ necessary
- \*Install new kitchen
- \*Upgrade current bathrooms
- \*Upgrade flooring and decorating
- \*Upgrade plumbing and electrical systems
- \*Upgrade insulation to internal walls (dry lining)

Again Carmel I really am so grateful for your help and guidance with this and look forward to hearing from you.

Kind regards

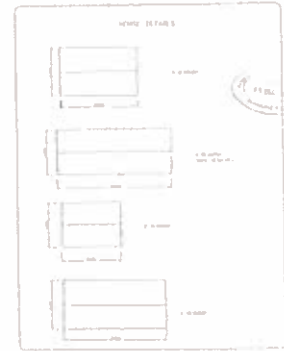
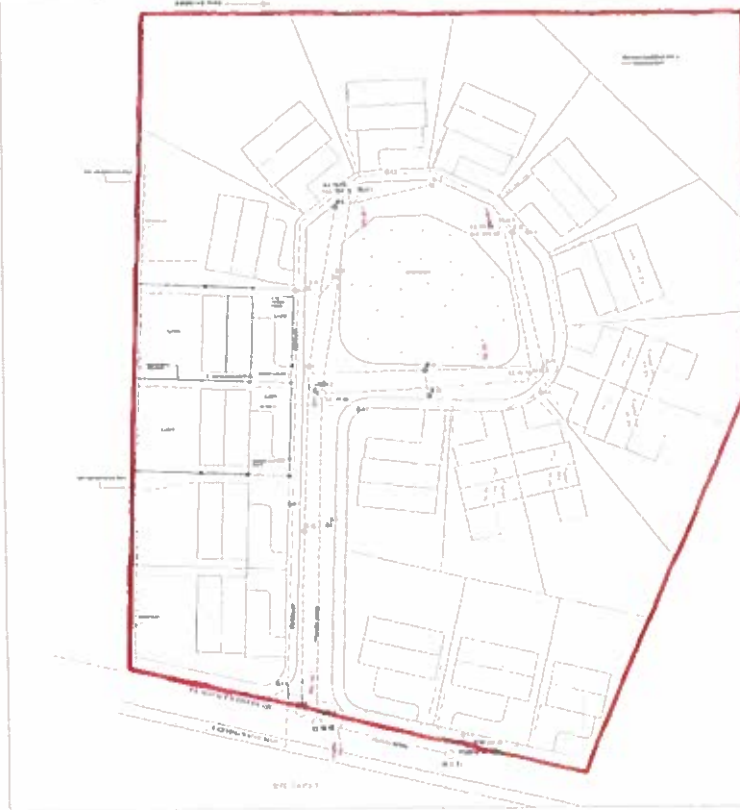
Denise McDonagh

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





Fit to Window



No.	Description	Value
<b>MR. BERT GREEN &amp; ASSOCIATES</b>		
<b>DEVELOPER &amp; PLANNING CONSULTANTS</b>		
<b>1000 WEST 10TH AVENUE, SUITE 100</b>		
<b>PHILADELPHIA, PA 19107</b>		
<b>TEL: 215.555.1234</b>		
<b>FAX: 215.555.5678</b>		
<b>WWW.BERTGREEN.COM</b>		
<b>Client:</b>		
<b>MR. BERT GREEN &amp; ASSOCIATES</b>		
<b>1000 WEST 10TH AVENUE, SUITE 100</b>		
<b>PHILADELPHIA, PA 19107</b>		
<b>TEL: 215.555.1234</b>		
<b>FAX: 215.555.5678</b>		
<b>WWW.BERTGREEN.COM</b>		
<b>Planning Table:</b>		
<b>Approved: [Signature]</b>		
<b>Date: [Date]</b>		
<b>Project: [Project Name]</b>		
<b>Location: [Location]</b>		
<b>Scale: [Scale]</b>		
<b>Sheet: [Sheet Number]</b>		







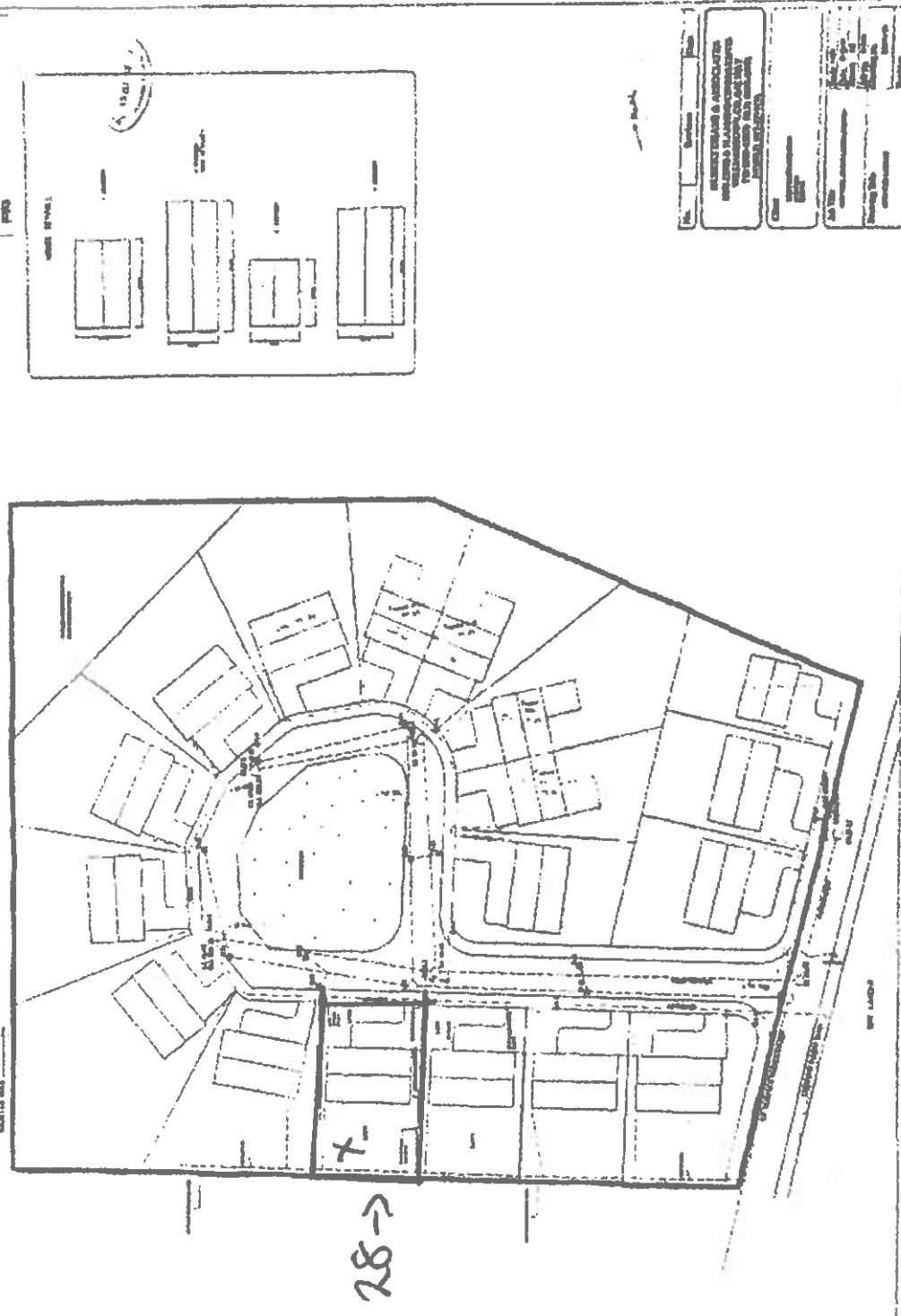
Next File

10

PREVIOUS FILE

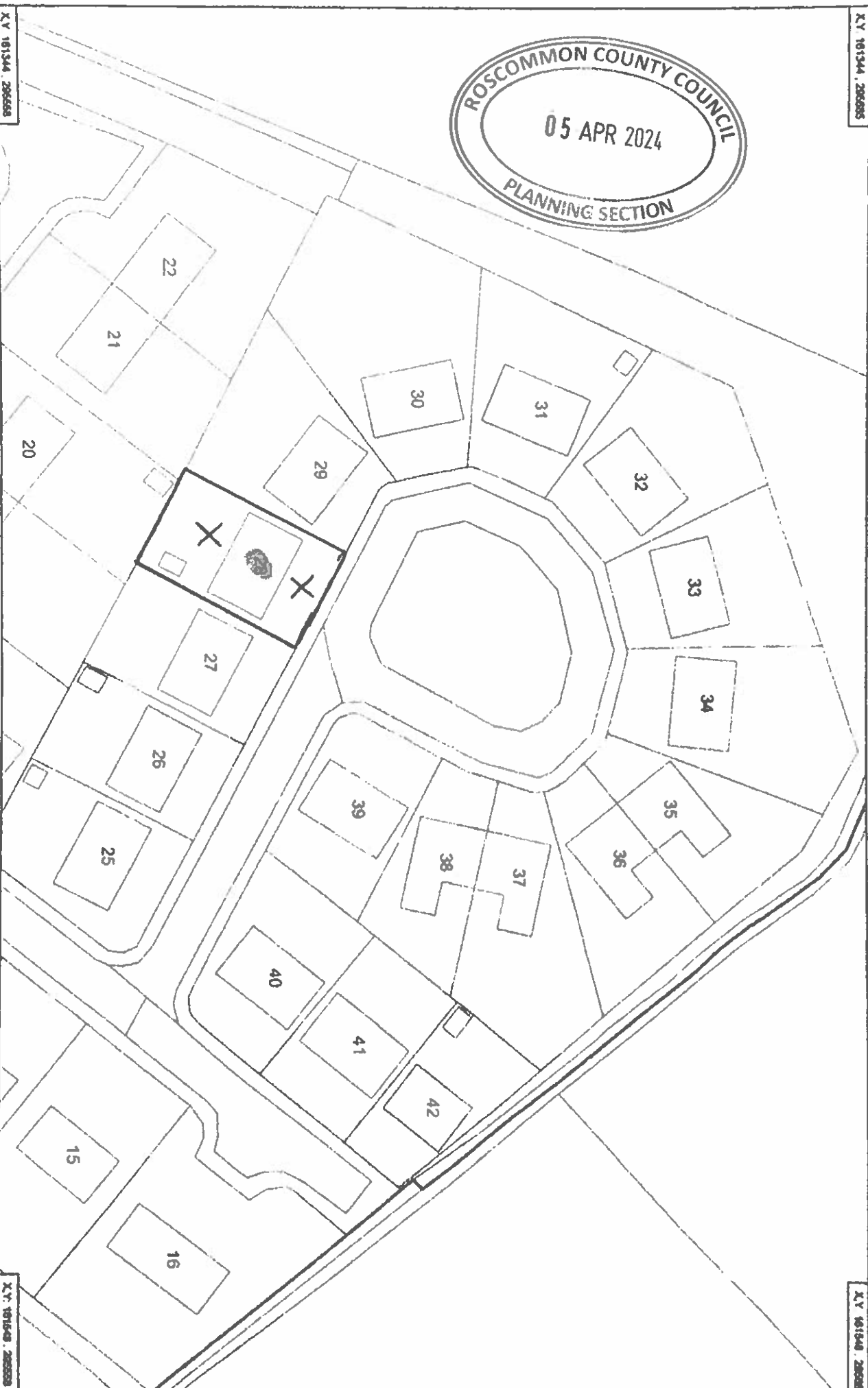
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1/10 4 CA: 23




X.Y 161344, 286085

X.Y 161348, 286085



X.Y 161344, 286085

X.Y 161348, 286085

	
DRG NO.	NOTES
MM NO: 56789 G/DESIGNER ID: 186186 STATION NO. SCALE: 1:500 DATE: 28-Mar-2024	
ESB CONTACT: GARVEY, G ESB ADDRESS: TELEPHONE:	
DEVELOPER: ADDRESS: TELEPHONE:	
SITE ADDRESS: Hollywood Grove TELEPHONE:	
<small>Not to be used for any purpose other than that for which it was issued. Copyright Reserved. ESB Networks Limited. All Rights Reserved.</small>	



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

Talita Eirasov (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 mesocall.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to Land Registry maps, see [www.britainis.com](http://www.britainis.com).

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(centre-line of percentile) adopted)

**Freehold**

## Leasehold

## SubLeasethold

## 'S' Register

(see Section 8(b)(ii) of Registration of 2006 Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

**Burdens (may not all be represented on map)**

**Flight of Way / Wayleave**

## Turbary

Pyperazine

Wed

**Pump**

Septic T...

### Soak Ptn

A full list of burdens and their symbology can be found at: [www.landmark.ie](http://www.landmark.ie)



The T&E Registration map identifies non-conclusive boundary system. The T&E Registration map identifies properties not boundaries meaning neither the description of land in a bill of sale nor its identification by reference to a T&E Registration 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 Land and Title Act 2000.



**1:500**

561340 mE, 795540 mN

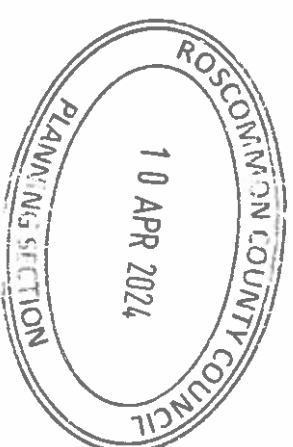
Creation Date: 08 April 2024 10:13:38

Application Number: S2024LR005639X









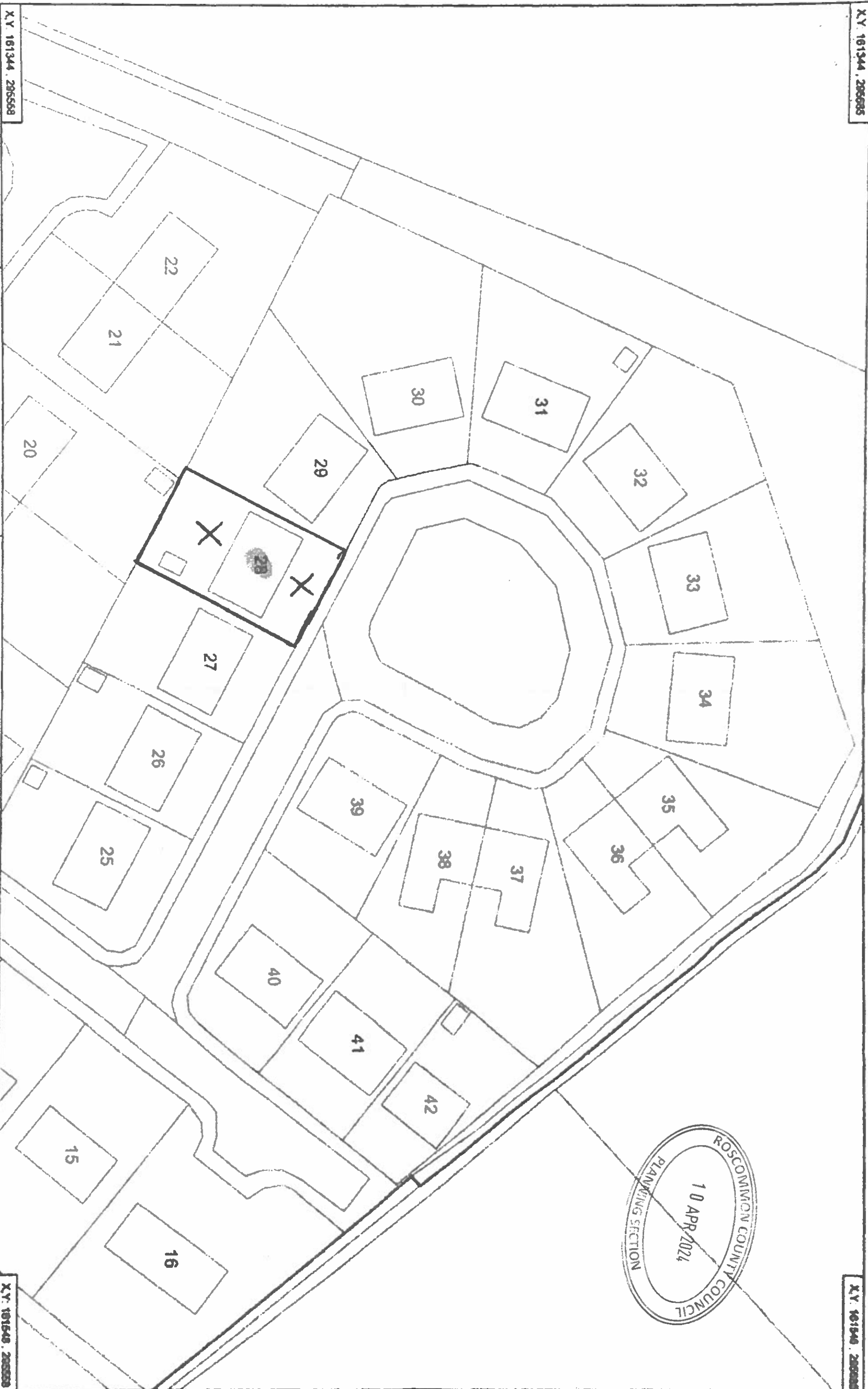
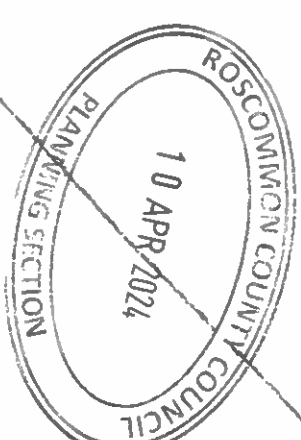


X.Y. 161344 . 206585

X.Y. 161546 . 206585

X.Y. 161344 . 206588

X.Y. 161546 . 206588



		DRG NO:	
NOTES		G/DESIGNER ID: 186186	
SCALE: 1:500		STATION NO:	
DATE: 28-Mar-2024		ESB CONTACT: GARVEY, G	
TELEPHONE:		ESB ADDRESS:	
TELEPHONE:		DEVELOPER ADDRESS:	
TELEPHONE:		SITE ADDRESS: hollywood grove	
<small>Map prepared by Roscommon County Council Planning Section. All rights reserved. Copyright Roscommon County Council. All rights reserved.</small>			

Previous File

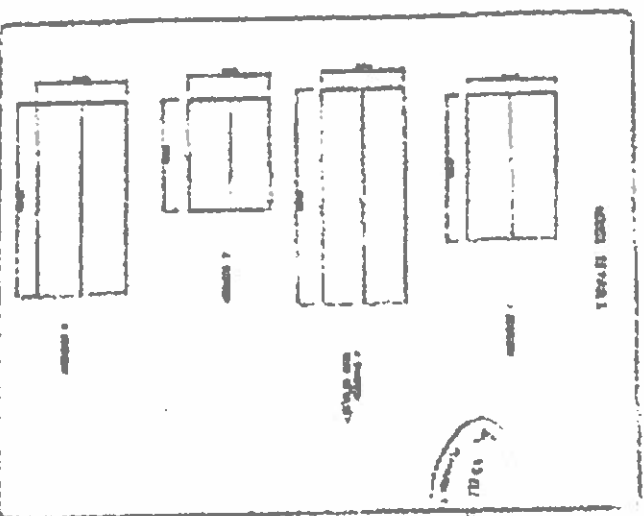
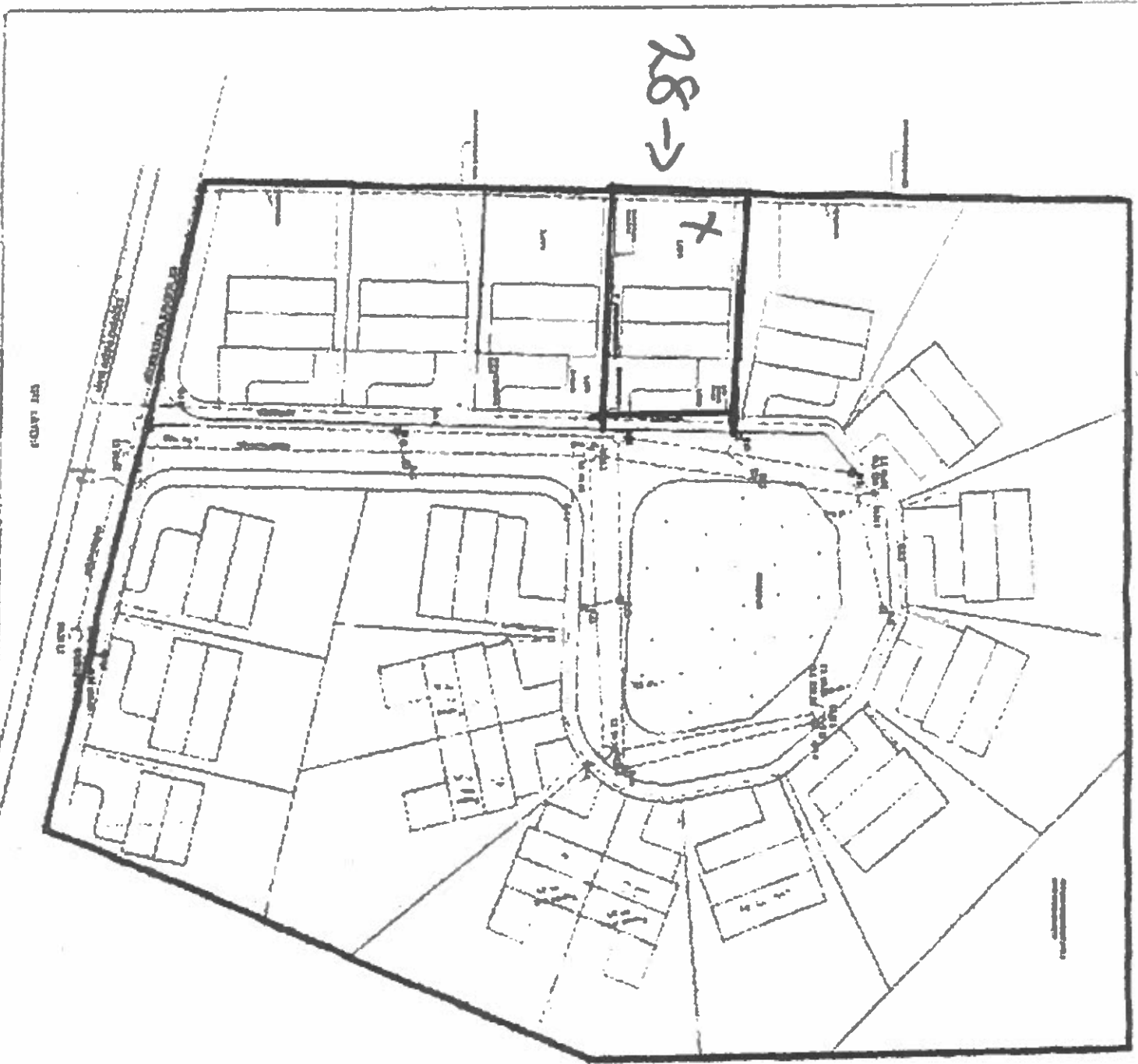
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Next File

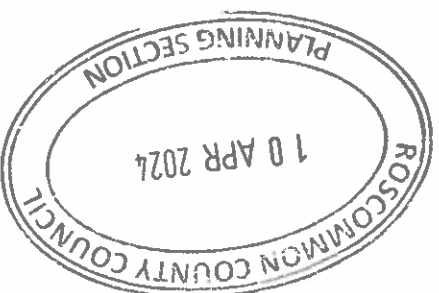
Fit to Window

1/10

38



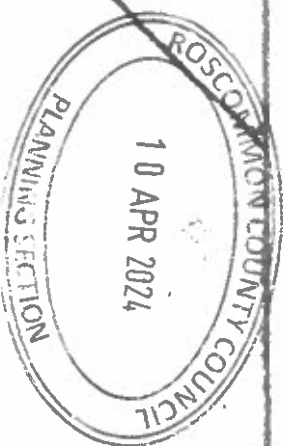
No.	Building	Date
RECENT DESIGN & ASSOCIATES DESIGN & PLANNING CONSULTANTS 100-1000 100-1000 100-1000 100-1000 100-1000 100-1000 100-1000 100-1000 100-1000		
Date		
100-1000 100-1000 100-1000		
100-1000 100-1000 100-1000		
100-1000 100-1000 100-1000		



# Land Registry Compliant Map



Taithe  
Éireann



**CLIENT COORDINATES:**  
RTM 661458.700047

**PUBLISHED:** 04/04/2024  
**ORDER NO.:** 00000007\_1

**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 1057-C

## COMPILED AND PUBLISHED BY:

Taithe Éireann,  
Powers Park,  
Droghda,  
Dublin 1,  
Ireland.  
0007-0004

## TERMS AND CONDITIONS

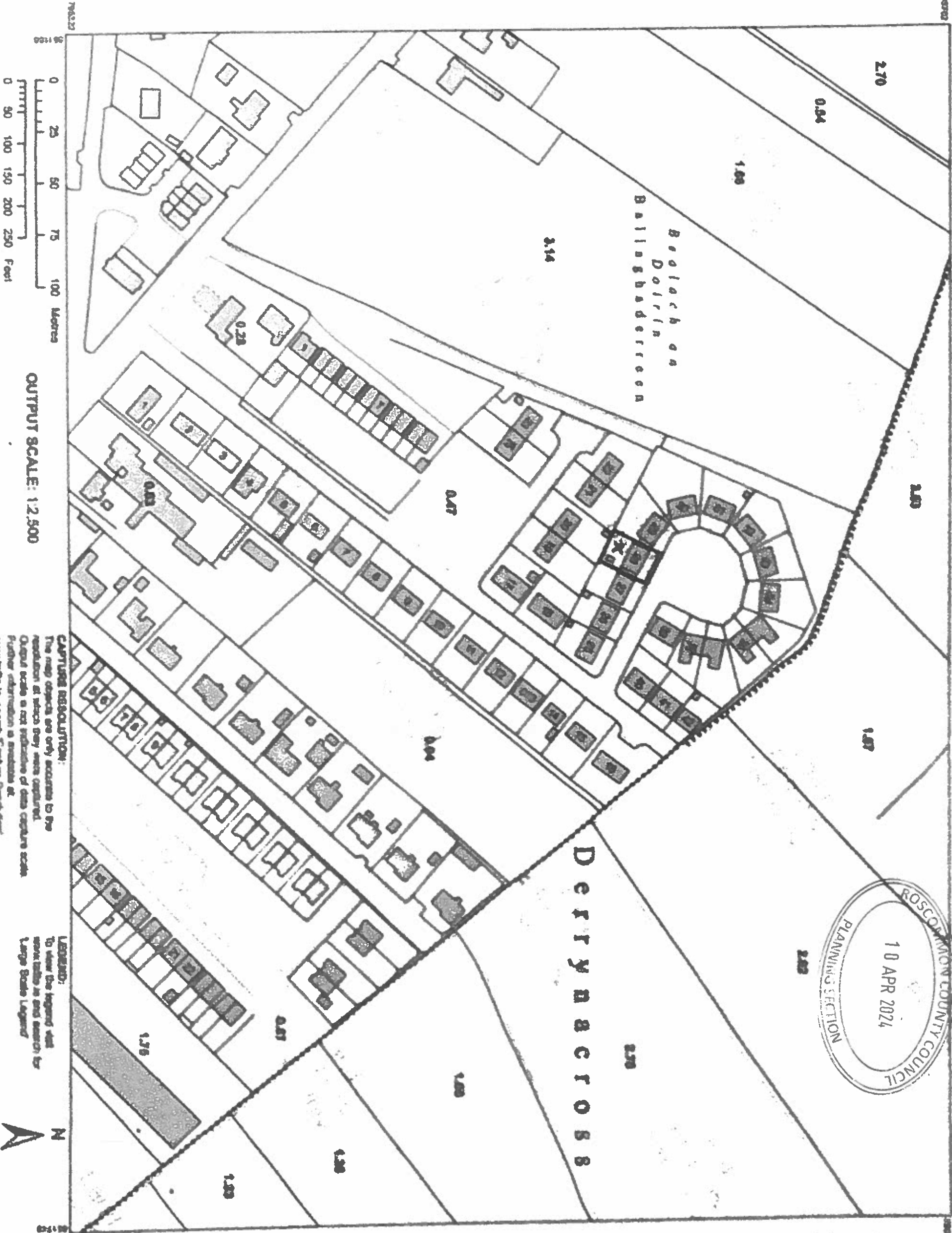
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The representation on this map of a road track or boundary is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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All rights reserved.



## Marguerite Croghan

---

**From:** Mervyn Walsh  
**Sent:** Friday 5 April 2024 10:02  
**To:** Marguerite Croghan  
**Subject:** FW: Section 5 Declaration of exemption  
**Attachments:** View Files.pdf; 2024-04-04 21-31.pdf



**From:** Denise Mac [REDACTED]  
**Sent:** Thursday 4 April 2024 21:47  
**To:** Planning Department <Planning@roscommoncoco.ie>; Carmel Curley <CCurley@roscommoncoco.ie>  
**Subject:** Section 5 Declaration of exemption

Hi Carmel,

Thank you so much for your time and assistance over the phone.

Please find attached as PDF

- \*Section 5 Declaration
- \*Site location map 1:2500
- \*Site layout plan

Also attached as separate PDF is the site layout plan.

Please also see below a link to same plan with planning ref number to be viewed as necessary.

<https://www.eplanning.ie/RoscommonCC/searchexact> planning ref: 031607

I have provided details for purposed work on the section 5. Please be advised no development is proposed.

I will contact your office to arrange for payment fee as necessary.

I look forward to hearing from you and hopefully all is in order.

Kind regards

Denise McDonagh

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

## Carmel Curley

---

**From:** Denise Mac [REDACTED]  
**Sent:** Monday 8 April 2024 15:22  
**To:** Carmel Curley  
**Subject:** Re: Section 5 Declaration of exemption  
**Attachments:** image001.png

Hi Carmel,

Thanks so much for the reply. I've also managed to get a map 1:500 at last from the mapping section of the land registry department which is currently in the post to me.

I had noted the proposed works at the end of the section 5 in very basic terms as follows;

Please note no development planned to the current structure.

The work planned is;

- \*Relocating boiler and oil tank within the current garden to maximize space
- \*Upgrade \ replace windows and doors as required \ necessary
- \*Install new kitchen
- \*Upgrade current bathrooms
- \*Upgrade flooring and decorating
- \*Upgrade plumbing and electrical systems
- \*Upgrade insulation to internal walls (dry lining)
- \*Potentially upgrade current pebble dash finish to a plaster finish on external wall.

Again Carmel thank you so much for your time , patience and assistance with questions over the phone.

I look forward to hearing from you again and will forward map as soon as it arrives.

Kind regards

Denise

On Mon, Apr 8, 2024, 10:11 Carmel Curley <[CCurley@roscommoncoco.ie](mailto:CCurley@roscommoncoco.ie)> wrote:

Hi Denise,

I wish to acknowledge receipt of your DED Application. Please note that the details of the proposed works was not attached, would you mind sending them over to me please.

Regards,

Carmel