

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Azmat Sattar,



Reference Number: DED 693
Application Received: 10th April 2024
Name of Applicants: Azmat Sattar
Agent: Adrain Turner

WHEREAS a question has arisen as to whether the construction of a disabled wheelchair accessible bathroom, WC & wet room at 24 Woodstream, Castlerea, Co. Roscommon, F45 FW53, 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 proposed works in principle fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- (c) Whilst Article 9(1)(a)(viii) of the Planning and Development Regulations (2001) applies; the applicant's agent has advised of the structure's permeant removal from site.
- (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 construct a disabled wheelchair accessible bathroom, WC & wet-room at 24 Woodstream, Castlerea, Co. Roscommon, F45 FW53., 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: 1st August 2024

cc agent via email: Adrian Turner
turnerdesign20@gmail.com

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

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

Reference Number:	DED 693
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Azmat Sattar
Location of Development:	No. 24 Woodstream, Castlerea, F45 FW53
Site Visit:	08/07/2024

WHEREAS a question has arisen as to whether the following works “to construct disabled access bedroom, WC & wet-room” under the provision of the Planning & Development Act (Exempted Development) Regulations 2018” 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, Description of Development & Nature of Proposed Development

Site Location:

The subject site and property thereon forms part of the ‘Woodstream’ residential estate, which is accessed off the N-60, onto the L-65545 and is situated in the townland of ‘Arm’.

Description of Development:

The existing development is a semi-detached, two-storey, slated pitched-roof dwelling that is gable-ended and features a singular chimney flue. Proportionate fenestration with portrait transoms also feature and ground-floor access is by way of a front door and a back door.

Nature of Proposed development:

The nature of the proposed works includes the construction of a “disabled wheelchair accessible bathroom, WC and wet-room”.

Geographic Information Systems [GIS]

European Sites:

As per a review of Roscommon County Council’s Geographic Information Systems, there are no European designated sites in, adjoining, or in proximity to the subject site.

➤ Appropriate Assessment

The closest designated sites include; “Cloonchambers Bog” *Special Area of Conservation* (SAC) (Site Code: 000600) which is located circa 2km west of the subject site, and “Drumalough Bog” SAC (Site Code: 002338) which is also a SAC located 3.7km north-west of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given 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, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, there are no architectural and/or archaeological heritage sites/structures in proximity to the subject site or property thereon.

➤ Assessment of Architectural & Archaeological Heritage

The property is not a protected structure; further, the closest structure listed by the National Monuments Service includes a 'hut site' (SMR Number RO026-022----) located 0.3km north-west of the site and a ringfort (SMR Number RO026-026----) located 0.4km north-east of the site.

Planning History

As per Roscommon County Council's Planning Registry, a review of the planning history of the subject site and the property thereon yielded the following applications that pertain to the original site folio of Woodstream estate, of which the subject site & property form part thereof.

- Planning register reference 00/1287 [Outline Permission]
- Planning register reference 04/837 [Permission, Conditional]

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)

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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. The principal regulations made under this provision are the Planning and Development Regulations.

Article 6 (1)

Subject to article 9, development of a class specified in column 1; *Class1: Development within curtilage of a house* of Part 1 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 1.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

- (a) If the carrying out of such work would -
 - (i) *Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under 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.*

Planning Assessment

In accordance with the Planning and Development Act, 2000, section 2(1) “works” include “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 proposed works constitute “works”, as defined in section 2 of the said Act.

In accordance with the Planning and Development Act, 2000, section 3(1) “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”. It is considered that said works constitute development, as defined in section 3 of the said Act.

These works have been 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*”.

- On review of the submission particulars, under the provision of Section 4(1)(h), it is considered that the proposed works, comprising of the “*construction of a disabled access bedroom, WC & wet-room*”, would not adversely impact the architectural character of the building, or neighbouring structures, as such, they are considered to fall under the provision of section 4(1)(h).

Article 6 applies, subject to Article 9, as the proposed works, comprising of the “*extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house (...)*” constitute development of a class specified in under *Class 1, Part 1 of Schedule 2*, of the Planning & Development Regulations 2001, and as such, shall in principle 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 1 [Column 2, 1-7].

On review of the particulars, and further to a site visit where a substantial storage container was observed in the rear garden (which appeared to be providing storage facilities ancillary to the household) regard was had to the provisions on exemptions for development that fall under *Class 3, Part 1 of Schedule 2*. A request for Further Information in relation to DED-693 was issued on foot of this site visit; thereafter the structure was identified on a supplementary ‘*Existing Site Layout Plan*’ [Drawing no. 7] by the applicant’s agent, who advised of the “*permanent removal of the Storage Container*” which was “*temporarily installed to provide storage of household equipment and furniture, during the Applicant’s re-location to the proposed site*”. Further, regard was had to the limitations of Condition no. 5 of *Class 1, Part 1 of Schedule 2* of the regulations, wherein it states:

"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".

The specification of works has been detailed in a suite of plans & particulars submitted as part of this application [Drawing no.'s 01 – 07]. Again, further information was sought in relation to the matter of the existing site layout, in particular, the presence on-site of a large storage container/shed, which, in tandem with the proposed development, had the potential to significantly reduce the availability of private open space to the rear of the property. Accordingly, the clients agent was requested to submit a revised Site Plan to demonstrate unequivocally that 25m² of private open space remained available [to the rear of the property] for the occupants of the household. Drawings 02A outlines that 58m² of private open space will be available to the occupants of the household on the removal of the storage container from the site and on completion of the proposed works.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; *"to construct disabled access bedroom, WC & wet-room"* under the provision of the Planning & Development Act (Exempted Development) Regulations 2018, at the site located at no. 24 Woodstream, Castlerea, F45 FW53, 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 proposed works in principle fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- Whilst Article 9(1)(a)(viii) of the Planning and Development Regulations (2001) applies; the applicant's agent has advised of the structure's permeant removal from site.
- 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 proposing to *"construct (a) disabled access bedroom, WC & wet-room"* at the site located in "No. 24 Woodstream, Castlerea, F45 FW53", under the Planning & Development Act (Exempted Development) Regulations 2018, constitutes exempted development, and that a declaration to that effect should be issued to the applicant.

Signed:

Blaithín Kinsella

Assistant Planner

Date: 31/07/2024

Signed:

Alan O'Connell

Senior Executive Planner

Date: 31/07/2024





ENDS.

TURNER DESIGN SERVICES

Architectural Consultants, Surveyors & Project Managers

Castle View House,

Castle St,

Roscommon Town,

Co Roscommon,

Date :- 24th-07-2024

Mob :- 087 9022193.

E-mail:-turnerdesign20@gmail.com

To:- Roscommon Co Council
Planning Department
Aras an Chontae,
Roscommon Town.

**Re:- Application for Certificate of Exemption to Construct Disabled access
Bedroom, WC & Wetroom, at No 24 Wood stream, Castlerea F45FW53 for
Azmat Sattar.**

Application Ref No DED 693

Dear Mr O'Donnell

I am in receipt of your correspondence dated 22nd July 2024 requesting points of relevance to the abovementioned Application to which I respond as follows:-

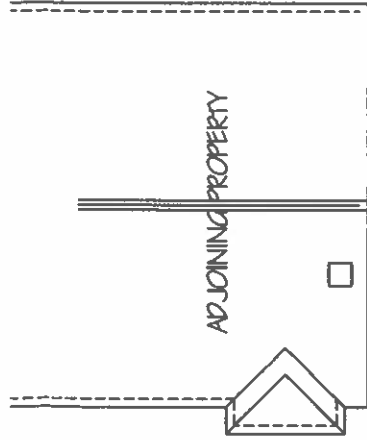
- (a) Refer to attached Drawing No 07 showing the Existing Development Site.
- (b) Refer to attached Revised Site Plan, Drawing No 02A showing the Proposed extent of Private Rear Open Space of Total 58.50Sq Mts, and as outlined in Colour "Yellow".

Please Note that the Rear Garden Space will be increased in Area, due to the permanent Removal of the Storage Container, that was temporarily installed to provide Storage of household Equipment and Furniture, during the Applicants relocation to the Proposed Site.

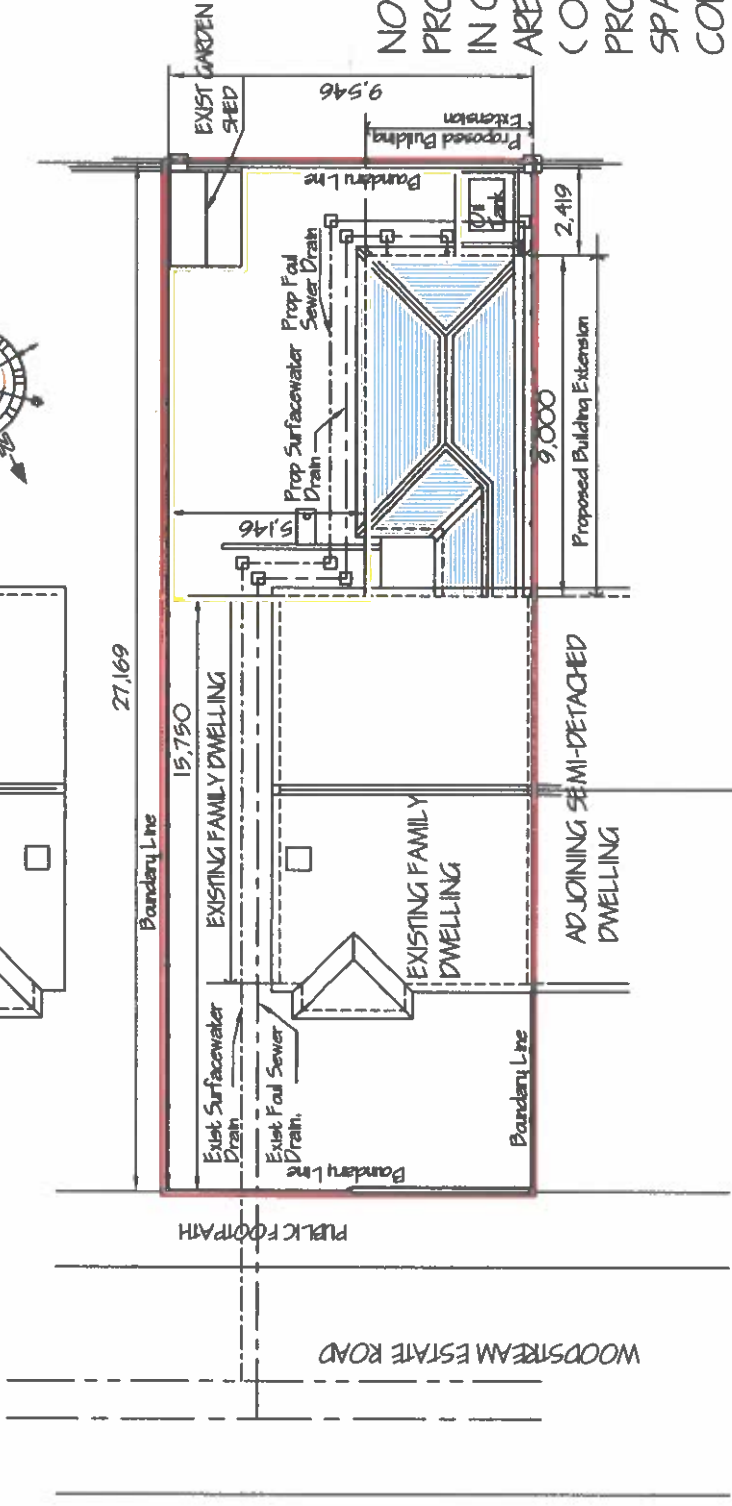
Trusting that the aforementioned is sufficient to address your queries on the points of Further Information

Yours Sincerely


Adrian Turner.

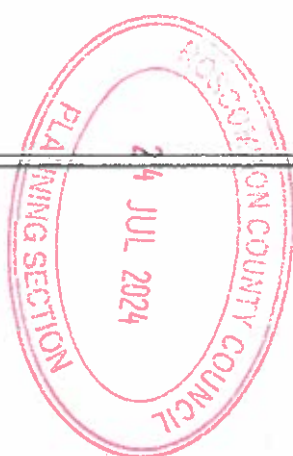


NOTE:-
 PROPOSED SITE OUTLINED
 IN COLOUR "RED"
 AREA = 0.0645 ACRES
 (0.0267Ha)
 PROPOSED PRIVATE OPEN
 SPACE OUTLINED IN
 COLOUR "YELLOW"
 (58.50 Sq Mts)



 ARCHITECTS, SURVEYORS & PROJECT MANAGERS CAROL KENY-HOLDS CAROL M. ROSCOMMON MOB: 087 9022293	CLIENT AZMAT SATTAR	DRAWING SITE PLAN.	SCALE 1:200	DATE 27th March 2024	DRAWN A.M. TURNER	CAD REF 02A	JOB NO 02A	JOB TITLE Proposed Disabled W.C & Shower Room at No 24 Woodstream, Caeltrees, Co Roscommon	REVISIONS A AT July '24 Ext. nt of Private Open Space Indicated	NO BY DATE NO BY DATE
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NOTES



WOODSTREAM ESTATE ROAD

PUBLIC FOOTPATH

ADJOINING PROPERTY

27.669

SIDE ENTRANCE

2.921

FRONT GARDEN

6.000

EXIST LIVING AREA

HALL

KITCHEN

UTILITY

EXIST DINING AREA

ADJOINING SEMI-DETACHED DWELLING

LINEAR SURFACE WATER DRAIN

EXISTING REAR GARDEN

EXISTING STORAGE CONTAINER

EXIST GARDEN SHED

EXIST OIL TANK

11.419

9.546

EXISTING SITE LAYOUT
SCALE 1:100

AZMAT SATTAR

PROPOSED DISABLED
W.C & SHOWER ROOM

EXISTING SITE LAYOUT

SCALE 1:100

DATE 25th July 2024

DRAWN A.M. Turner

CAD B27

JOB NO

07

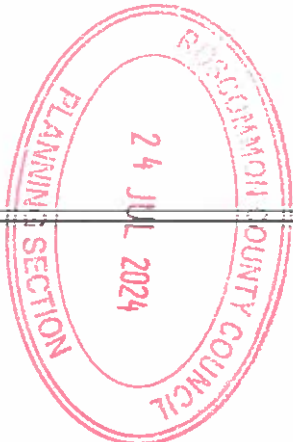


FOSTER DESIGN
SERVICES
Architects, Surveyors
& Project Managers
COURT 1, NEW HOLE
CHURCH ST
BOSCOMBON
PL - 0800 6637445

REVISIONS

NO BY DATE

NOTES



ADJOINING PROPERTY

27.669

SIDE ENTRANCE

2.921

FRONT GARDEN

6.000

EXIST LIVING AREA

HALL

KITCHEN

UTILITY

EXIST DINING AREA

ADJOINING SEMI-DETACHED DWELLING

LINEAR SURFACE WATER DRAIN

EXISTING REAR GARDEN

EXISTING STORAGE CONTAINER

EXIST GARDEN SHED

EXIST OIL TANK

9.546

11.419

WOODSTREAM ESTATE ROAD

PUBLIC FOOTPATH

EXISTING SITE LAYOUT
SCALE 1:100

NOTES

24 JUL 2024

PLANNING SECTION

REVISIONS

NO BY DATE



TURNER DESIGN SERVICES
Architects, Surveyors & Project Managers
CARLE NEW HOUSE
100, ST. JOHN'S STREET
WALSINGHAM
PH: 01207 663744

CLIENT
AZMAT SATTAR

JOB TITLE
PROPOSED DISABLED W/C & SHOWER ROOM

DRAWING
EXISTING SITE LAYOUT

SCALE
1:100

DATE
23rd July 2024

DRAWN
A.M. Turner

CAD BY

JOB NO

DWG NO

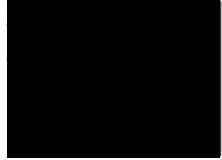
07



Comhairle Contae
Ros Comáin
Roscommon
County Council



Azmat Sattar,



Date: 22nd July 2024
Ref: DED 693
Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: WHEREAS a question has arisen as to whether the construction of a disabled wheelchair accessible bathroom, WC & wet-room at 24 Woodstream, Castlerea, Co. Roscommon, F45 FW53, is or is not development and is or is not exempted development.

A Chara,

Further to your application received on the 10th April 2024 and in order for the Planning Authority to determine as to whether the construction of a disabled wheelchair accessible bathroom, WC & wet-room, at 24 Woodstream, Castlerea, Co. Roscommon, F45 FW53, is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Whilst the Planning Authority agrees in principle with the proposed provision of a “disabled access bedroom, WC and wet-room” at No. 24 Woodstream, Castlerea, due regard must be had the proper planning and sustainable development of the area in which the development would be situated. Compliance with the relevant conditions and limitations for this Class of development must be demonstrated. Please submit the following further information:
 - a. In addition to the proposed plans and particulars submitted as part of this application for development/works, please submit plans to adequately represent the *existing* on-site layout of the subject site, accurately depicting all structures thereon.
 - b. The proposed site layout plan should demonstrate unequivocally that 25m² of private open space remains available [*to the rear of the property*] for the occupants of the household.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 693**.

Note: Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell,
Senior Executive Planner,
Planning.

cc agent via email: **Adrian Turner**
turnerdesign20@gmail.com

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

Reference Number:	DED 693
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Azmat Sattar
Location of Development:	No. 24 Woodstream, Castlerea, F45 FW53
Site Visit:	08/07/2024

WHEREAS a question has arisen as to whether the following works “to construct disabled access bedroom, WC & wet-room” under the provision of the Planning & Development Act (Exempted Development) Regulations 2018” 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, Description of Development & Nature of Proposed Development

Site Location:

The subject site and property thereon forms part of the ‘Woodstream’ residential estate, which is accessed off the N-60, onto the L-65545.

Description of Development:

The existing development is a semi-detached, two-storey, slated pitched-roof dwelling that is gable-ended and features a singular chimney flue. Proportionate fenestration with portrait transoms also feature and ground-floor access is by way of a front door and a back door.

Nature of Proposed development:

The nature of the proposed works includes the construction of a “disabled wheelchair accessible bathroom, WC and wet-room”.

Geographic Information Systems [GIS]

European Sites:

As per a review of Roscommon County Council’s Geographic Information Systems, there are no European designated sites in, adjoining, or in proximity to the subject site.

➤ Appropriate Assessment

The closest designated sites include; “Cloonchambers Bog” *Special Area of Conservation* (SAC) (Site Code: 000600) which is located circa 2km west of the subject site, and “Drumalough Bog” SAC (Site Code: 002338) which is also a SAC located 3.7km north-west of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given 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, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, there are no architectural and/or archaeological heritage sites/structures in proximity to the subject site or property thereon.

➤ Assessment of Architectural & Archaeological Heritage

The property is not a protected structure; further, the closest structure listed by the National Monuments Service includes a 'hut site' (SMR Number RO026-022----) located 0.3km north-west of the site and a ringfort (SMR Number RO026-026----) located 0.4km north-east of the site.

Planning History

As per Roscommon County Council's Planning Registry, a review of the planning history of the subject site and the property thereon yielded the following applications that pertain to the original site folio of Woodstream estate, of which the subject site & property form part thereof.

- Planning register reference 00/1287 [Outline Permission]
- Planning register reference 04/837 [Permission, Conditional]

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)

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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. The principal regulations made under this provision are the Planning and Development Regulations.

Article 6 (1)

Subject to article 9, development of a class specified in column 1; *Class1: Development within curtilage of a house of Part 1 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 1.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

- (a) If the carrying out of such work would -
 - (i) *Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under 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.*

Planning Assessment

Hereunder, details the statutory provisions pertinent to this section 5 referral have been set out, they are as follows:

In accordance with the Planning and Development Act, 2000, section 2(1) “works” include “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 proposed works constitute “works”, as defined in section 2 of the said Act.

In accordance with the Planning and Development Act, 2000, section 3(1) “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”. It is considered that said works constitute development, as defined in section 3 of the said Act.

These works have been 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*”.

- On review of the submission particulars, under the provision of Section 4(1)(h), it is considered that the proposed works, comprising of the “*construction of a disabled access bedroom, WC & wet-room*”, would not adversely impact the architectural character of the building, or neighbouring structures, as such, they are considered to fall under the provision of section 4(1)(h).

Article 6 applies, subject to Article 9, as the proposed works, comprising of the “*extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house (...)*” constitute development of a class specified in under *Class 1, Part 1 of Schedule 2*, of the Planning & Development Regulations 2001, and as such, shall in principle 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 1 [Column 2, 1-7].

On review of the particulars, and further to a site visit where a substantial storage container was observed in the rear garden - which appeared to be providing storage facilities ancillary to the household - regard is had to the provisions on exemptions for development that fall under Class 3, Part 1 of Schedule 2. This structure has not been identified on any ‘Existing’ *Site Layout Plan* and as such, the size/floor area of this structure could not be determined. This is problematic as the Planning Authority could not deduce the total area (including ‘existing timber shed’) of all ancillary storage structures within the curtilage of the house, or whether such structures exceeded the permissible limitations of 25m².

Further regard is had to the limitations of Condition no. 5 of Class 1, Part 1 of Schedule 2 of the regulations, wherein it states:

"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".

The specification of works has been detailed in a suite of plans & particulars submitted as part of this application [Drawing no.'s 01 – 06]. Whilst this portfolio includes the provision of a proposed site plan [drawing no. 2] the matter of the existing site layout has not been addressed – in particular, the presence on-site of a large storage container/shed. Further, the proposed site plan [drawing no. 03] features an 'existing' garden shed (*currently situated to the south-west extent of the garden*), which, together with the proposed extension and the storage container/shed, would significantly reduce the availability of private open space to the rear of the property which could exceed the provision of the stated limitations. Accordingly, it is premature to return a decision on this application without the benefit of further information that addresses in the first instance, an accurate reflection of the existing site layout, and in the second, that 25m² of private open space remains available [to the rear of the property] for the occupants of the household.

Recommendation

Further Information

Further to the plans and particulars received by the Planning Authority on the 4th of June 2024, you are requested to submit the following further information. On receipt of your information, your application will receive further attention.

1. Whilst the Planning Authority agrees in principle with the proposed provision of a "disabled access bedroom, WC and wet-room" at no. 24 Woodstream, Castlereagh, due regard must be had the proper planning and sustainable development of the area in which the development would be situated. Compliance with the relevant conditions and limitations for this Class of development must be demonstrated. Please submit the following further information:
 - a. In addition to the proposed plans and particulars submitted as part of this application for development/works, please submit plans to adequately represent the *existing* on-site layout of the subject site, *Accurately depicting all structures thereon*.
 - b. The proposed site layout plan should demonstrate unequivocally that 25m² of private open space remains available [to the rear of the property] for the occupants of the household.

These matters will need to be satisfactorily addressed prior to the Planning Authority being in a position to advance the assessment of this current application.

ADVICE NOTE

1. This report primarily addresses the matter of development to which this section 5 referral relates. However, further to a site visit, additional development matters in relation to unauthorised development were recorded by a Planner from the Local Authority, and as such, the applicant is advised that such development may require regularisation.
 - a. The first matter concerns the boundary fence to the front of a property, which, as specified under Class 5, Part 1 of Schedule 2 of the Planning & Development Act 2001, appears to exceed the permissible heights for boundary fencing to the front of a property [limit states 1.2m]. Should the fencing be taller than the stated permissible height, this development will require regularisation.
 - b. An unauthorised storage container/structure is located in the rear garden, and appears to be used as an ancillary storage container for miscellaneous household items.

Signed:




Blaithín Kinsella

Assistant Planner

Date: 10th of July 2024

Signed:



Alan O'Connell

Senior Executive Planner

Date: 19th of July 2024

Appendix – Site Photos

Front Elevation of Property – taken outside/roadside of site boundary.



Boundary fencing [exceeding 1.2m]

Front/Side Elevation of Property – taken within site boundary.



Storage Container in rear garden;
not specified in an existing site
plan.

Rear of Property – taken inside site boundary.



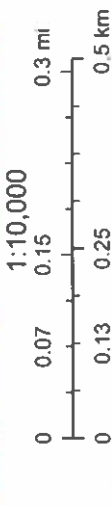
Storage Container in rear garden;
not specified in an existing site
plan.

ENDS.

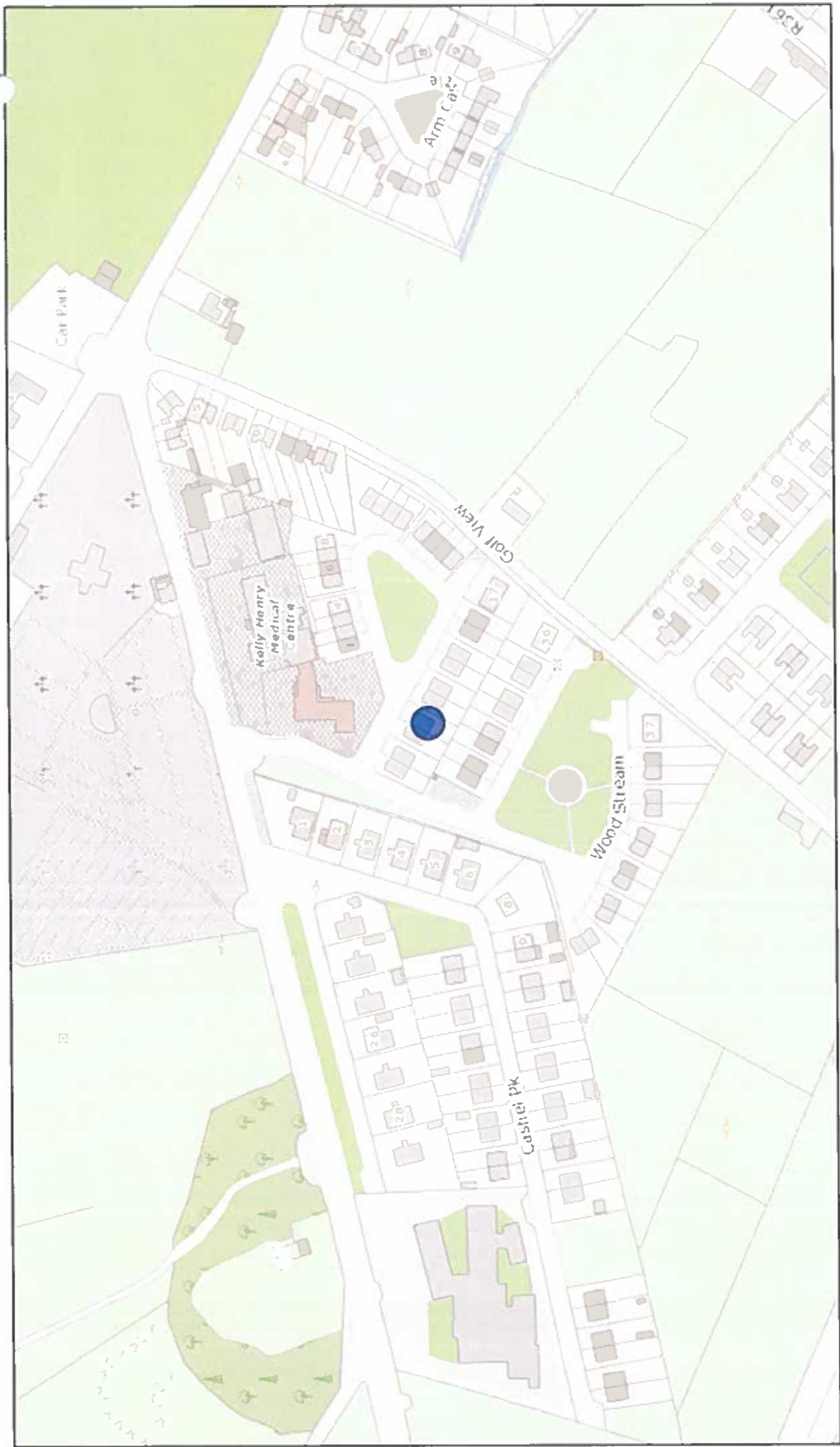


6/21/2024, 10:05:49 AM

 County Boundary



Map Viewer Printout



6/21/2024, 10:04:56 AM

County Boundary

1:2,500
0 0.02 0.04 0.08 mi
0 0.03 0.07 0.13 km
© Tailte Éireann, @Roscommon County Council

**CONFIDENTIAL
INFORMATION
REMOVED**



Comhairle Contae
Ros Comáin
Roscommon
County Council



Azmat Sattar,



Date: 11th April 2024

Planning Reference: DED 693

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to construct a disabled wheelchair accessible bathroom, WC & wet-room under the Planning & Development Act (Exempt Development) Regulations 2018 at 24 Woodstream, Castlerea, Co. Roscommon, F45 FW53.

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. L01/0/224027 dated 3rd August 2023, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 693**.
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

03/08/2023 14:52:26

Receipt No. : L01/0/224027

AZMAT SATTAR
[REDACTED]

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 595	

Total : 80.00 EUR

Tendered : 80.00
Cash

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	Ms Azmat Sattar
Telephone No :	[REDACTED]
Email Address :	[REDACTED]
Address:	[REDACTED]
Name & Address of Agent:	Adrian Turner c/o Turner Design Services, Castle View House, Castle St, Roscommon Town, Co Roscommon. Mob :- 087 9022193
Nature of Proposed Works	Construct Disabled Wheelchair Accessible Bedroom, WC & Wet-room.
Location (Townland & O.S No.)	Arm. O.S Sheet 2157-24
Floor Area	28.50 Sq Mts
Height above ground level	3.84 Mts
Total area of private open space remaining after completion of this development	147.00 Sq Mts. Front & rear Gardens
Roofing Material (Slates, Tiles, other) (Specify)	Concrete Roof , Ridge and Hip Tiles to Match Existing Elements
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Painted Nap Plaster Finishes to Match Existing Elements
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 Exempted Development

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	Residential
Proposed use of land or structure	Special Residential Use
Distance of proposed building line from edge of roadway	15.75 Mts
Does the proposed development involve the provision of a piped water supply	Yes- Extended from existing on-site Service
Does the proposed development involve the provision of sanitary facilities	Yes- Extended from existing on-site Service

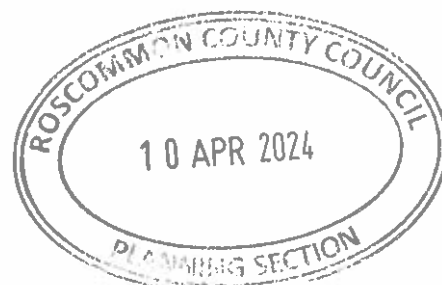
Signature:

Date:

10th April 2024

Note: This application must be accompanied by:-

- (a) €80 fee (Submitted as per previous Application Receipt No L01/0/224027). ✓
- (b) Site Location map to a scale of 1:2500, (1:1000) clearly identifying the location. ✓
- (c) Site Layout plan to the scale of 1:500 (1:200) indicating exact location of proposed development. ✓
- (d) Detailed specification of development proposed (Displayed on Drawings) ✓



TURNER DESIGN SERVICES

Architectural Consultants, Surveyors & Project Managers.

Castle View House,
Castle St,

Roscommon Town,
Co Roscommon,

Date :- 11th-April-2024

Mob :- 087 9022193.

E-mail:-turnerdesign20@gmail.com

To:- Roscommon Co Council
Planning Department
Aras an Chontae,
Roscommon Town.

Re:- Application for Certificate of Exemption to Construct Disabled access Bedroom, WC & Wetroom, at No 24 Woodstream, Castlerea F45FW53 for Azmat Sattar.

Dear Sir or Madam.

I wish to bring to your attention that I have been requested by Ms Azmat Sattar to attend to this Application and following on from the earlier Completed Application Form and Submission Fee of €80-00 being furnished to you back about 3rd August 2023.

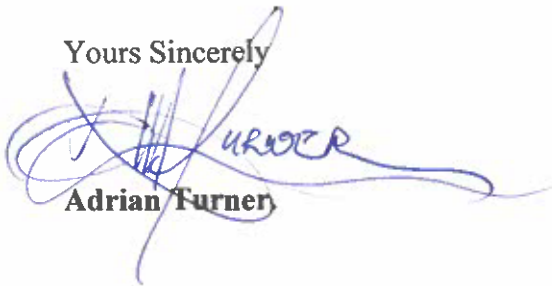
I hereby attach the following Documents to complete the Application as previously requested by your Authority from the Applicant

- OS Site Location Map -Scale 1:1000.
- Site Plan -Scale 1:200.
- Floor Plan of the Proposed Building – Scale 1:50.
- Elevations- Scale 1:100.
- Sections – Scale 1:50.

In addition, the following un-solicited documents

- "Letter of Consent" from the Applicant
- [REDACTED]
- Previous Receipt for Payment.

Yours Sincerely


Adrian Turner



From:- Yasin & Asmat Sattar

Date:-2nd April 2024.

To:- Roscommon Co Council
Planning & Housing Departments
Aras an Chontae,
Roscommon Town.
F42VR98.

Letter of Consent

We` Yasin & Asmat Sattar with to confirm that we are the Owners and reside at No 24 Woodstream ,Castlerea, and is our intention to Construct a Disabled WC & Wet room to the rear of our Residence and wish to apply for the Following:-

- [REDACTED]
- Application for Exempted Development Certificate

We further state, that we have engaged the services of Adrian Turner % Turner Design Services, Castle St ,Roscommon Town, as our Agent, to discuss all matters in relation to the proposed Extension with your Authority.

We there would be grateful if you could engage with Mr Turner as much as possible with regards any issues that may arise and Documentation to be submitted in bringing these Applications to fruition .

Signed By:-

Yasin Sattar *yasin sattar*.....

Date:- *9-4-24*.....

Signed by:-

Asmat Sattar *Asmat Sattar*.....

Date:- *9-4-24*.....



Land Registry Compliant Map

Tailte
Éireann



CENTRE COORDINATES:
ITM 566694,780118

ORDER NO.:
50391570_1

PUBLISHED:
28/03/2024

MAP SERIES:
1:1,000

MAP SHEETS:
2157-24

NOTE:-
PROPOSED SITE AREA
OUTLINED IN COLOUR
"RED"

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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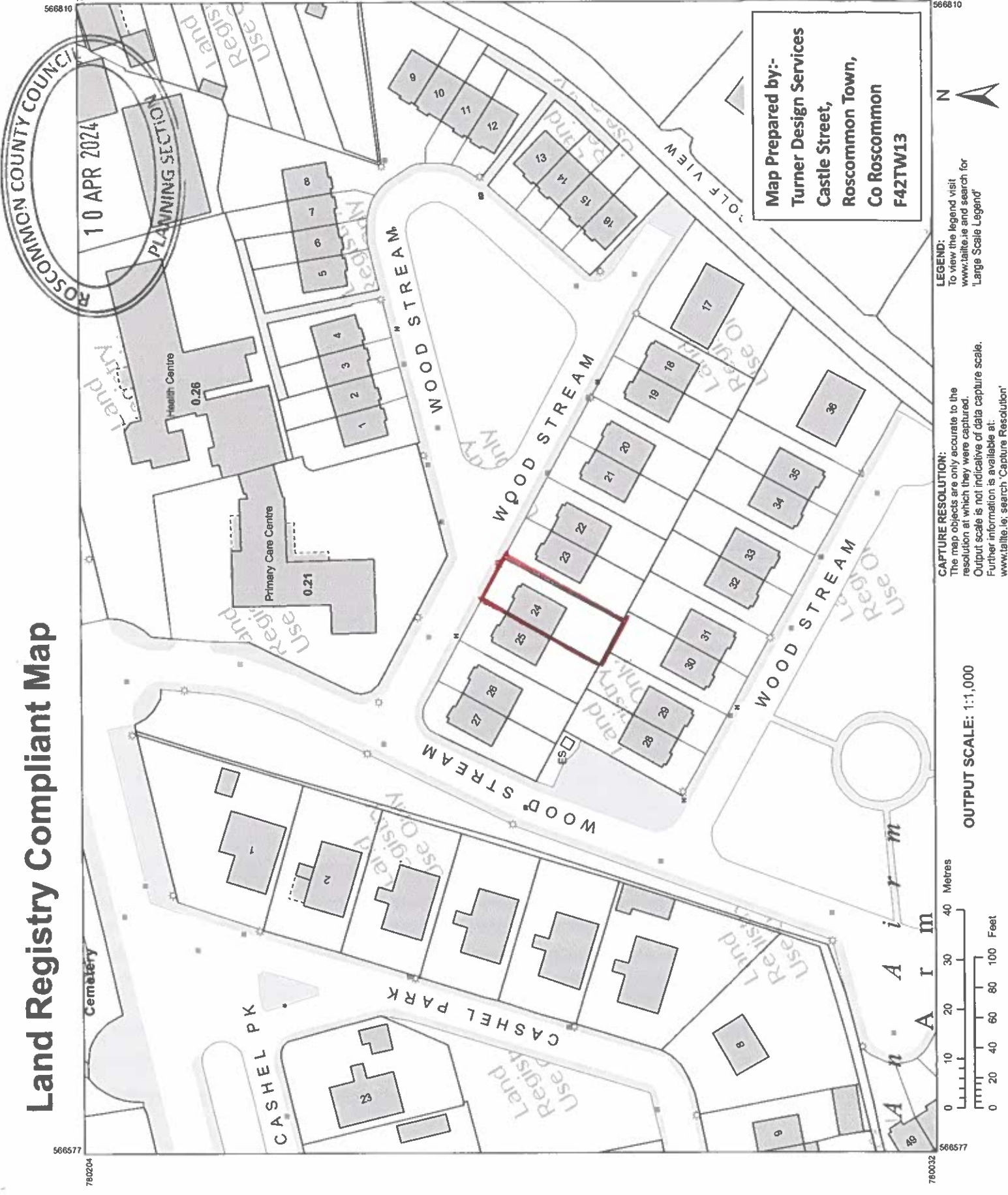
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The representation on this map
of a road, track or footpath
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This topographic map
does not show
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nor does it show
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01



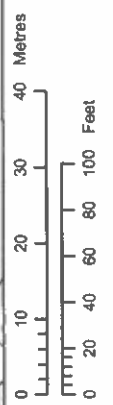
Map Prepared by:-
Turner Design Services
Castle Street,
Roscommon Town,
Co Roscommon
F42TW13

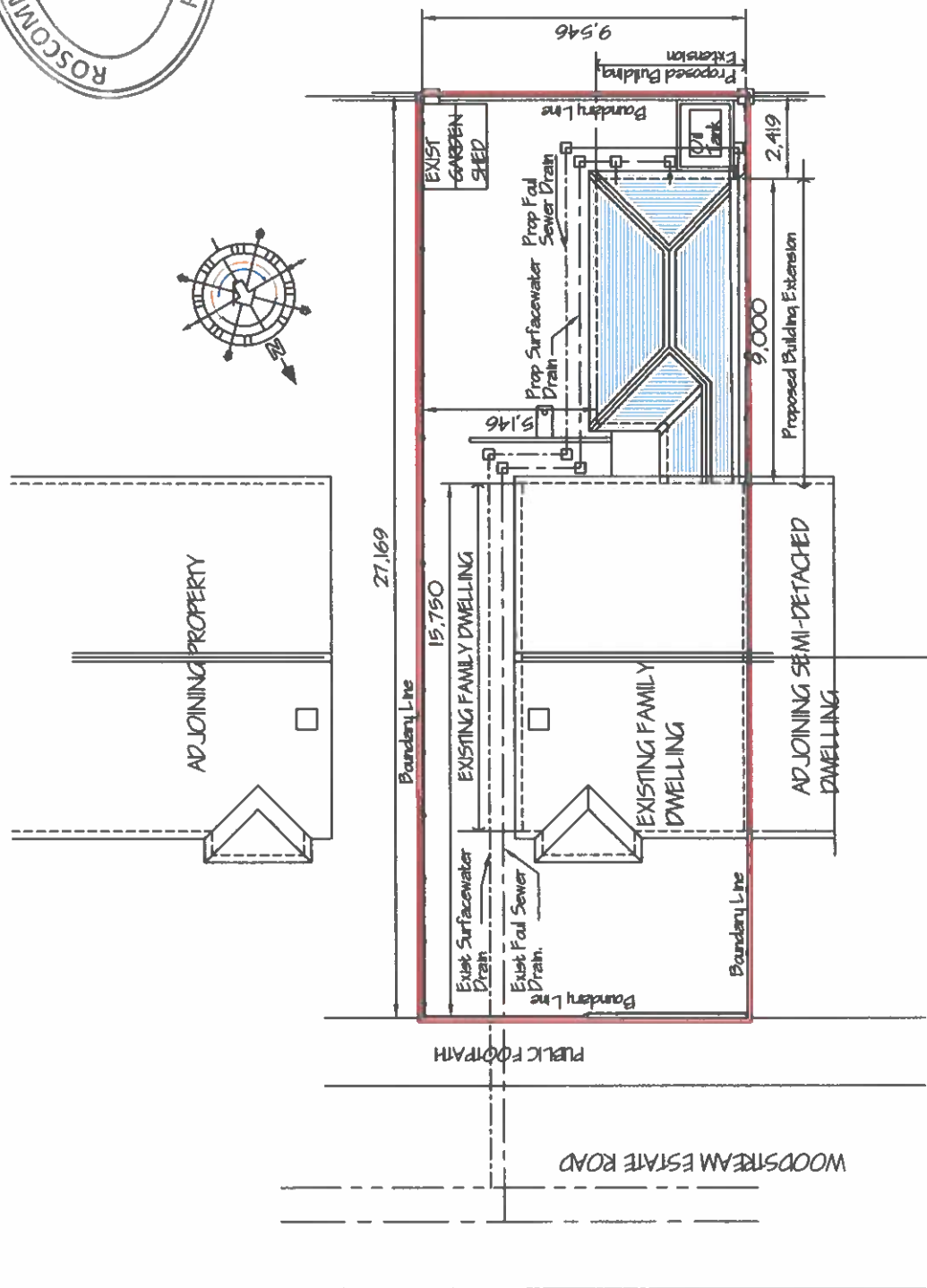


LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'


CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:1,000





NOTE:-
PROPOSED SITE OUTLINED
IN COLOUR "RED"
AREA = 0.0645 ACRES
(0.0267Ha)

 TURNER DESIGN SERVICES Architects, Surveyors & Project Managers	CLIENT AZMAT SATTAR	DRAWING SITE PLAN	SCALE	1:200	NO	BY	DATE	NO	BY	DATE
			DATE	27th March 2024						
JOB TITLE Proposed Disabled W.C & Shower Room at No 24 Woodstream, Castleree, Co Roscommon	JOB NO	CAP REF	DATE	27th March 2024	DRAWN	A.M Turner	CAP REF	JOB NO	DRAWING NO	02
			DATE	27th March 2024						
REVISIONS										

CADRE VIEW HOUSE
CADRE 3C
ROSCOMMON
NOB 087 802211P



NOTES

REVISIONS	
NO	DATE



TDS
TURNER DESIGN
SERVICES
Architects, Surveyors
& Project Managers
CARLE VIEW HOUSE
CARLE ST.
ROSCOMMON
M11 - OPWD 06271445

CLIENT
AZMAT SATTAR

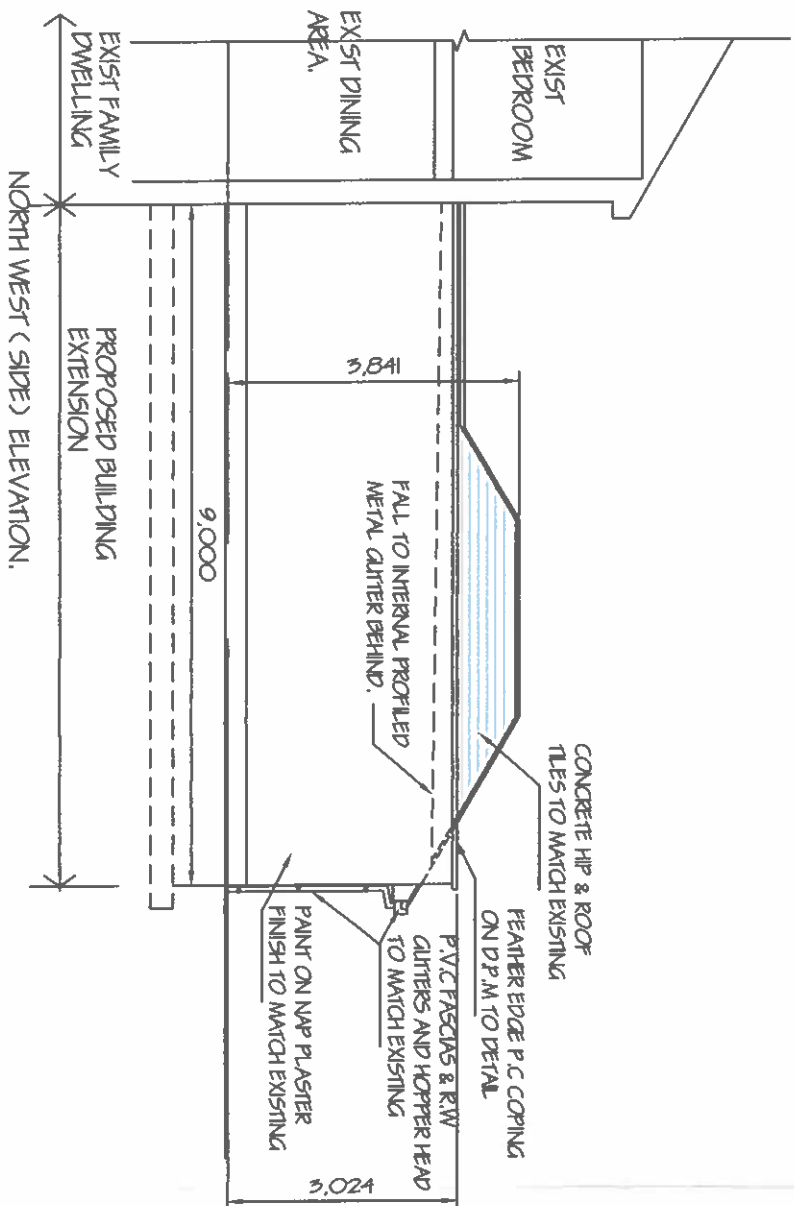
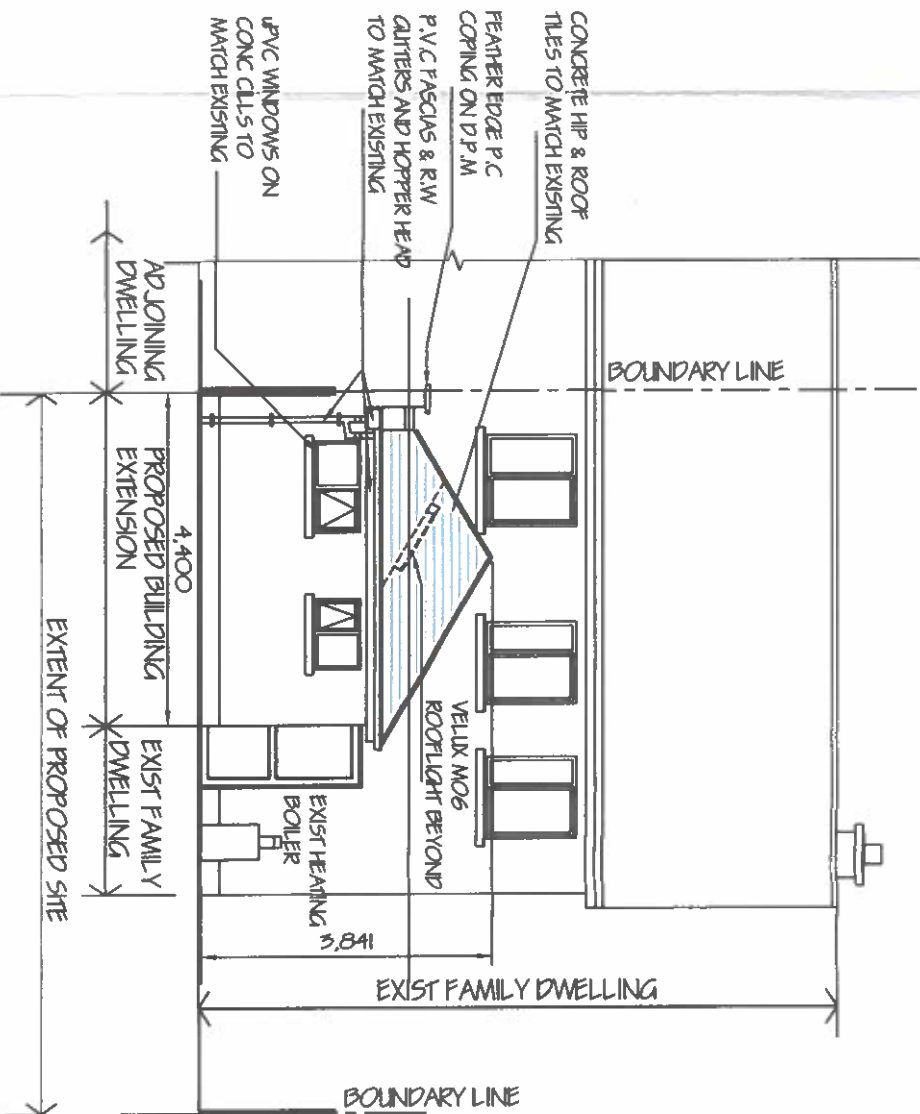
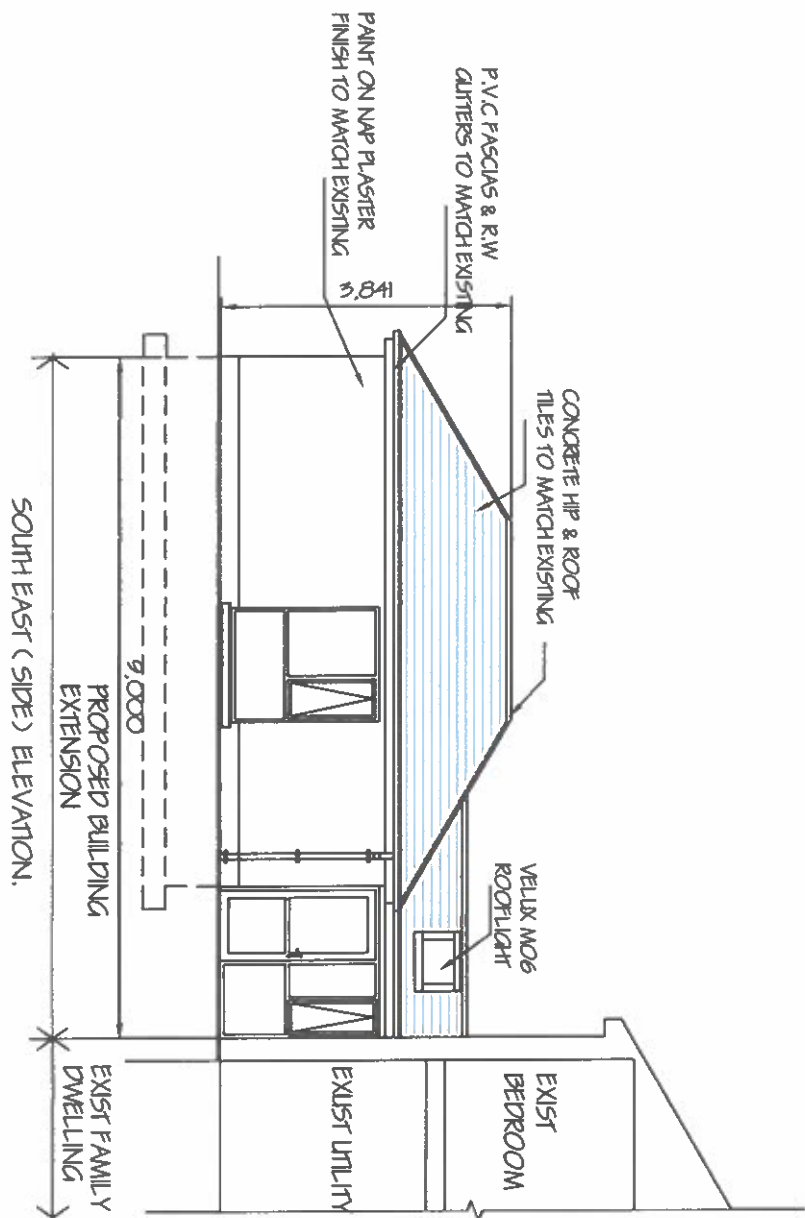
JOB TITLE
**PROPOSED DISABLED
W.C & SHOWER ROOM**

DRAWING
ELEVATIONS

SCALE	1:100
DATE	27th March 2024
DRAWN	A.M. Turner
CAD REP	

JOB NO

DWG NO
05



COMPLY WITH
ND11 TGD PART M
Clause 15A) &

CONC ROOF & HP TILES TO
MATCH EXISTING FIXED TO 50x52 TIMBER
BATTENS ON PRE-ATTACHED ROOF MEMBRANE
ON 14x44 TIMBER RAFTERS

30.0°

30.0°

PRE-PPRESSED ZINC INTERNAL GUTTER
ON FELT UNDERLAY ON 22MM
THK WBP SHEETING ON 52x222
BEARERS.

FEATHER EDGE P.C
CORING ON D.P.M.

150MM THK GLASS FIBRE
INSULATION ON GULLIES
AND 150MM THK
INSULATION ON GULLIES
PLACED ACROSS JOISTS.

2555

WC AREA

SHOWER AREA

ADJOINING
PROPERTY

SELECTED CERAMIC TILE FINISH ON
100mm THICK CONC FLOOR SLAB
ON 150mm THK HP INSULATION ON
RADON BARRIER ON
CONSOLIDATED H.CORE &
BLINDING.

SECTION A-A

EXIST FAMILY DWELLING

PROPOSED BUILDING EXTENSION

9,000

900 W x 500 D CONCRETE STRIP FOUNDATIONS WITH 5 NO 12MM TWIST STEEL REINFORCING.

EXIST DINING AREA

PROPOSED LINK

DISABLED BEDROOM

2,535

SHOWER

1,500

600

132

SELECTED CERAMIC TILE FINISH ON 100mm THICK CONC FLOOR SLAB ON 150mm THK HD INSULATION ON RADON BARRIER ON CONSOLIDATED H.CORE & BLINDING.

SECTION B-B

EXIST BEDROOM

150MM THK GLASS FIBRE INSULATION QUILT PLACED BETWEEN JOISTS AND 150MM THK INSULATION QUILT PLACED ACROSS JOISTS.

30.0°


144X44 TIMBER JOISTS @ 400MM CTS ON 100X72 TIMBER WALLPLATES WITH GALV HOLDING DOWN STRAPS AT 1200MM CTS.

30.0°

CONC ROOF & HP TILES TO MATCH EXISTING FIXED TO 50X52 TIMBER BATTENS ON BREAKER ROOF MEMBRANE ON 144X44 TIMBER RAFTERS

100mm WIDE CONC BLOCK INNER AND OUTER LEAVES WITH 100mm WIDE CAVITY WITH FULL FILL INSULATION WITH PAINT ON NAP PLASTER FINISH ON OUTER SURFACE TO MATCH EXISTING

NOTE:-
READ IN CONJUNCTION
WITH DRAWING No. 03 & 04

A circular stamp from Roscommon County Council Planning Section, dated 10 APR 2024. The stamp is located in the bottom right corner of the page.

REVISIONS	NO	BY	DATE



**TURNER & SILAN
SERVICES,**
Architectural Services
& Project Management.

CALIF. VENT. HOUSE
CORP. 50
BROOKHAVEN,
PH. 1-800/663-7445

QIYAT
AZMAT SATTAR

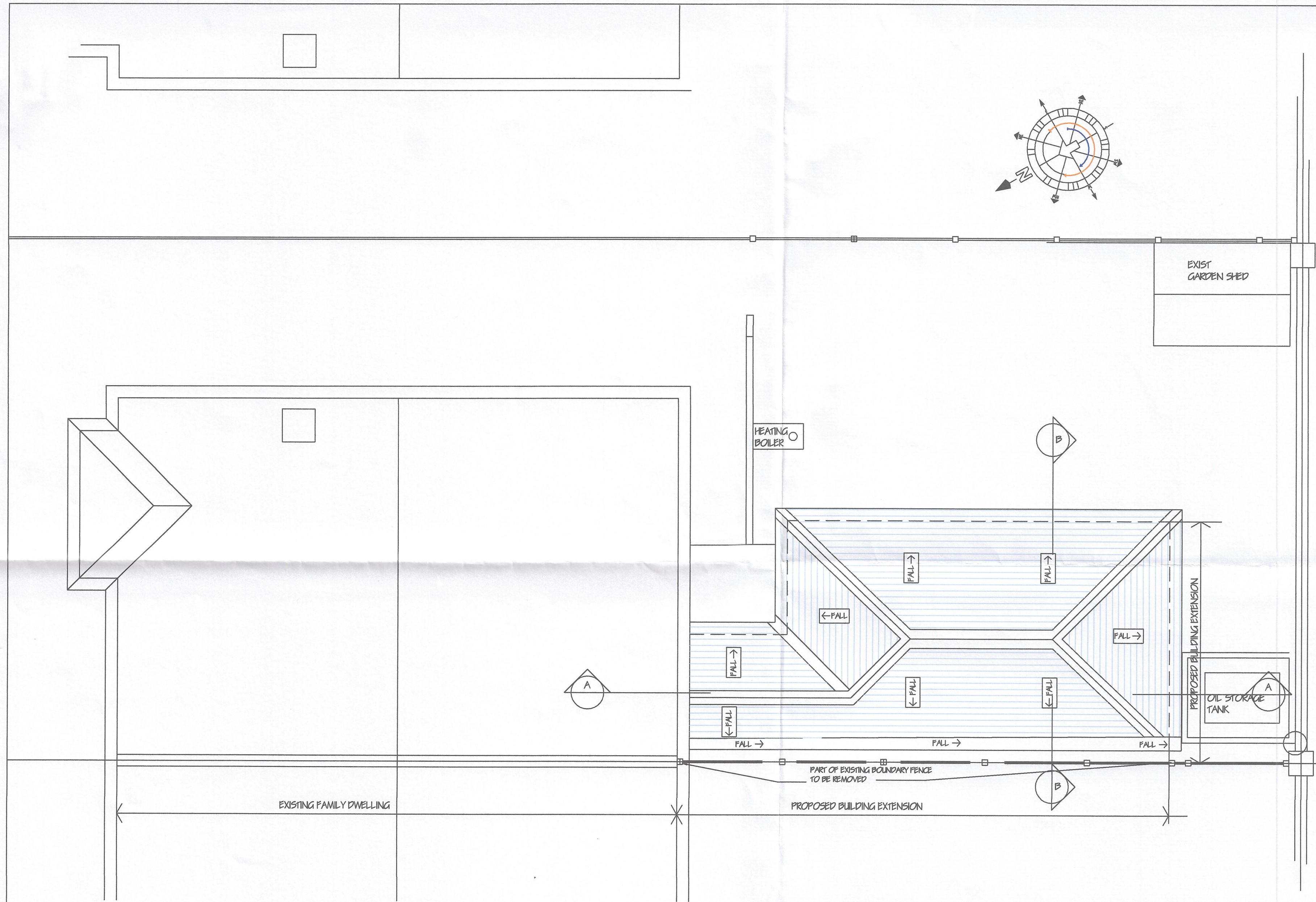
JOB TITLE
PROPOSED DISABLED
W.C. & SHOWER ROOM
SECTIONS A-A
& B-B
DRAWING

SCALE	1:50
DATE	27th March 2024
DRAWN	A.M Turner
CAD REF	

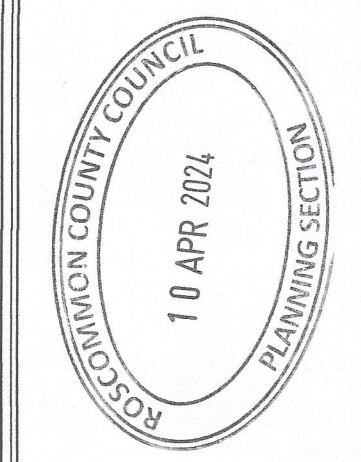
JOB NO

DWG NO

06



NOTES



NO BY DATE

REVISIONS

TDS
TURNER DESIGN
SERVICES.
Architects, Surveyors
& Project Managers.
CASTLE VIEW HOUSE
CASTLE ST,
ROSCOMMON,
PH: 090/6627443

CLIENT

AZMAT SATTAR

JOB TITLE

PROPOSED DISABLED
BEDROOM AND SANITARY
FACILITIES

DRAWING

ROOF PLAN

SCALE

1:50

DATE

3rd April 2024

DRAWN

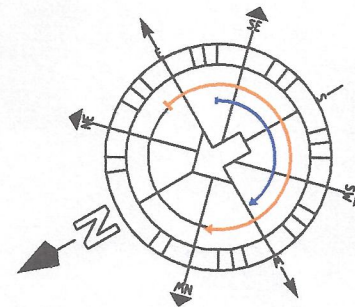
A.M. Turner

CAD REF

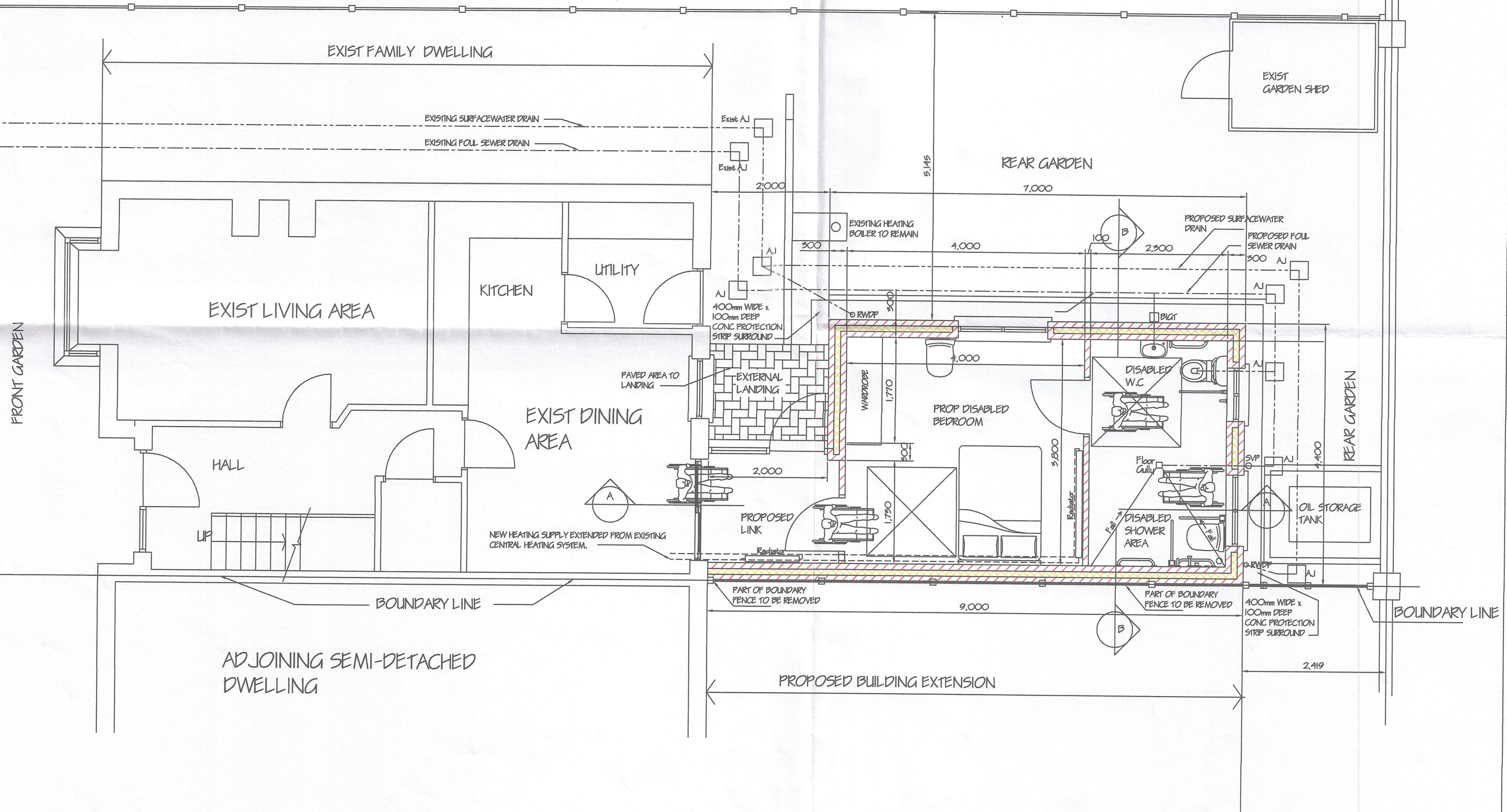
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DWG NO

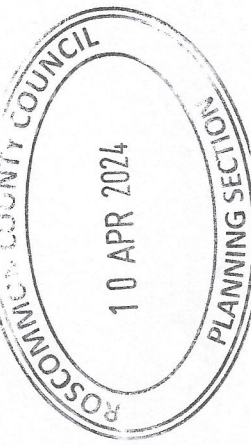
04



NOTE:-
PROPOSED STRUCTURE TO COMPLY WITH
"GOVERNMENT OF IRELAND" TGD PART M
SECTION 1 PART 1.4.5 (Diagram 15A) &
1.4.8 (Diagram 21)
PROPOSED FLOOR AREA = 28.50 Sq Mts.

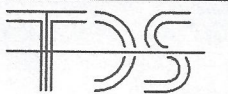


NOTES



NO BY DATE

REVISIONS



TURNER DESIGN
SERVICES.
Architects, Surveyors
& Project Managers.

CASTLE VIEW HOUSE
CASTLE ST.
ROSCOMMON,
PH: 090/ 6627445

CLIENT

AZMAT SATTAR

JOB TITLE

PROPOSED DISABLED
BEDROOM AND SANITARY
FACILITIES

DRAWING

FLOOR PLAN

SCALE

DATE

27th March 2024

DRAWN

A.M Turner

CAD REF

JOB NO

D.W.G NO

03