

ROSCOMMON COUNTY COUNCIL

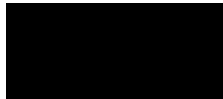
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Alan Lambe,



Reference Number: DED 694
Application Received: 10th April 2024
Name of Applicants: Alan Lambe
Agent: N/A

WHEREAS a question has arisen as to whether the change of covering of flat roof extension, addition of roof vents and resizing of 1 kitchen windows and the addition of 1 rear external door at Aughalustia, Ballaghaderreen, 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, 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 change the covering of flat roof extension, addition of roof vents and resizing of 1 kitchen windows and the addition of 1 rear external door at Aughalustia, Ballaghaderreen, 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:

Brian Farragher
Senior Executive Planner,
Planning.

Date: 6th June 2024

ADVICE NOTE

It was noted in the course of the review of the application and site inspection that a caravan is located on the subject site, which does not have the benefit of Planning Permission.

Carmel Curley

From: Carmel Curley
Sent: Thursday 6 June 2024 14:01
To: A O'Luain
Subject: DED694 - Notification of Decision
Attachments: DED694 - Notification of Decision.pdf

Dear Alan,

Please find attached Notification of Decision for your DED Application 694. 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 | 🌐 www.roscommoncoco.ie

MAP LOCATION



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

Reference Number:	DED 694
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to change covering of a flat roof extension, addition of roof vents, resizing of 1 kitchen window and the addition of 1 rear external door.
Name of Applicant:	Alan Lambe
Location of Development:	Aghalustia, Ballaghaderreen, Co. Roscommon
Site Inspection:	28/05/2024

WHEREAS a question has arisen as to whether the following works; to change covering of a flat roof extension, addition of roof vents, resizing of 1 kitchen window and the addition of 1 rear external door 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 subject site comprises a detached dwelling house and is located at Aghalustia, Ballaghaderreen, Co. Roscommon. The proposed development consists of the change covering of a flat roof extension, addition of roof vents, resizing of 1 kitchen window and the addition of 1 rear external door.

The dwelling house is not a Protected Structure. There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Archaeological and Cultural Heritage

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

Appropriate Assessment

The closest European sites to the site of the proposed development are Lough Glinn PNHA (Site Code 001644) which is located circa 4km to the south and Tullaghanrock Bog PNHA (Site Code 002013) which is located circa 4.5km to the north 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

No planning history on site as per the RCC GIS system, previous recent DED file 663 associated with proposed 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,

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 change covering of a flat roof extension, addition of roof vents, resizing of 1 kitchen window and the addition of 1 rear external door. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed works are deemed an exempt development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

WHEREAS a question has arisen as to whether a proposed development to refurbish internally, and replace gutters, windows and doors chimney of a property at Aghalustia, 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 change covering of a flat roof extension, addition of roof vents, resizing of 1 kitchen window and the addition of 1 rear external door as outlined above at Aghalustia, Ballaghaderreen, Co. Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

ADVICE NOTE

It was noted in the course of the review of application and site inspection that a mobile home is located on the subject site, which does not have the benefit of planning permission.

Signed: 

Date: 29th May 2024

Civil Technician

Signed: 

Date: 30th May 2024

Senior Executive Planner





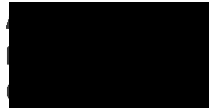




Comhairle Contae
Ros Comáin
Roscommon
County Council



Alan Lambe,



Date: 15th April 2024

Planning Reference: DED 694

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to change covering of flat roof extension, addition of roof vents and resizing of 1 kitchen window and the addition of 1 rear external door under the Planning & Development Act (Exempt Development) Regulations 2018 at Aughalustia, Ballaghaderreen, 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. L01/0/228025 dated 12th April 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 694**.
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
09088 37100

12/04/2024 11:45:26

Receipt No L01/0/228025

ALAN LAMBE

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 694	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
5594

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:	ALAN LAMBE
Address:	[REDACTED]
Name & Address of Agent:	N/A
Nature of Proposed Works	CHANGE OF COVERING TO FLAT ROOF EXTENSION. ADDITION OF ROOF VENTS. RE-SIZING OF 1 KITCHEN WINDOW. ADDITION OF 1 REAR EXTERNAL DOOR
Location (Townland & O.S No.)	AVONALISTIA E563632/N791006
Floor Area	67 sqm
Height above ground level	4.6m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	EXISTING SLATES. NEW 'TROPICAL' COVERING TO FLAT ROOF EXTENSION
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	EXISTING BRICKWORK
Is proposed works located at front/rear/side of existing house.	FRONT, REAR & SIDE



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	YES
If yes give ref. number (include full details of existing extension, if any)	OED 663
Existing use of land or structure	RESIDENTIAL
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	30.4m FROM SIDE OF HOUSE TO MAIN ROAD 14.9m FROM FRONT OF HOUSE TO ACCESS ROAD
Does the proposed development involve the provision of a piped water supply	YES IN EXISTENCE
Does the proposed development involve the provision of sanitary facilities	YES IN EXISTENCE

Signature: [Signature]

Date: 4/4/24

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



Existing flat roof extension with pitch of 10 degrees



Proposed new Trocal roof covering



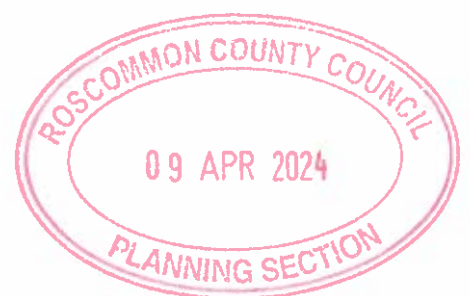


Proposal for vents to front, rear and extension roofs





Proposed additional rear door from kitchen
~2000 x 900



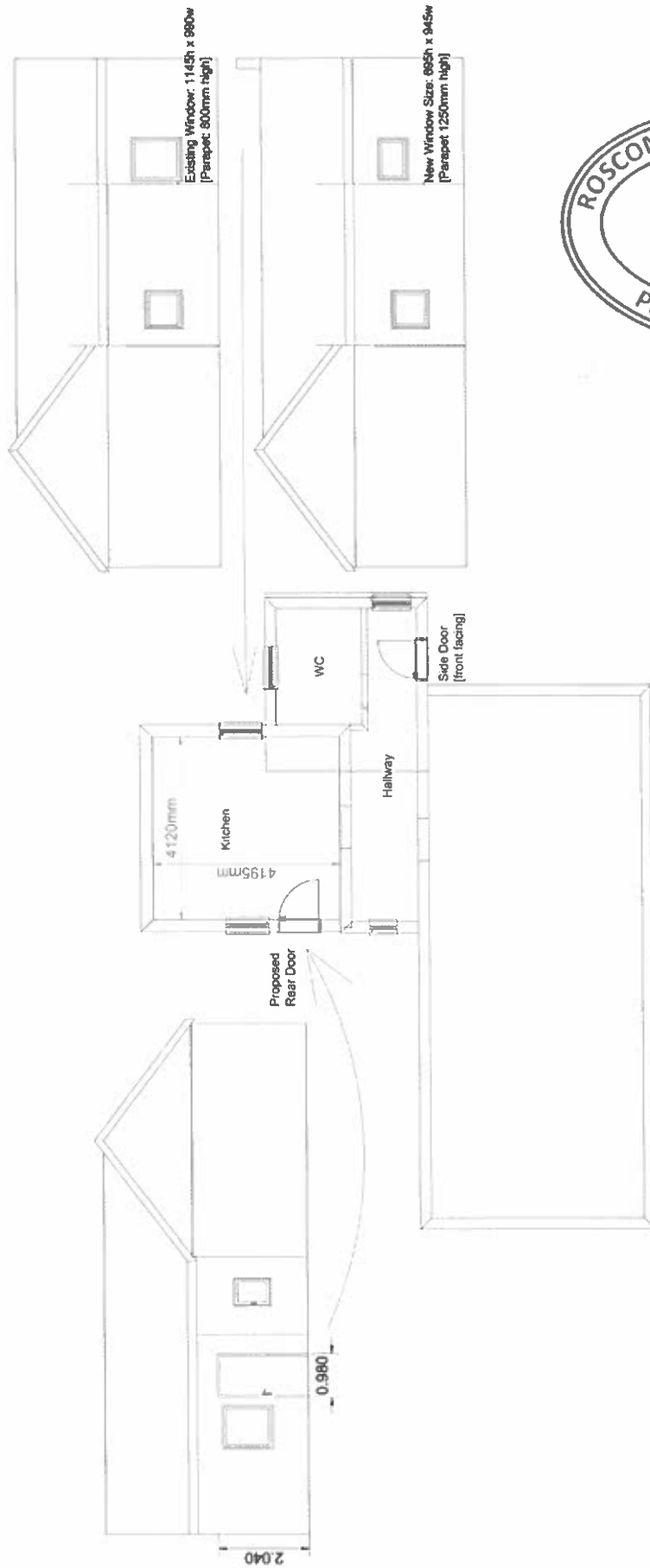
New height of
~1250mm

Current height from
Floor to bottom of
window 815mm



Proposed re-sizing of kitchen window to accommodate kitchen counter of ~1000mm high



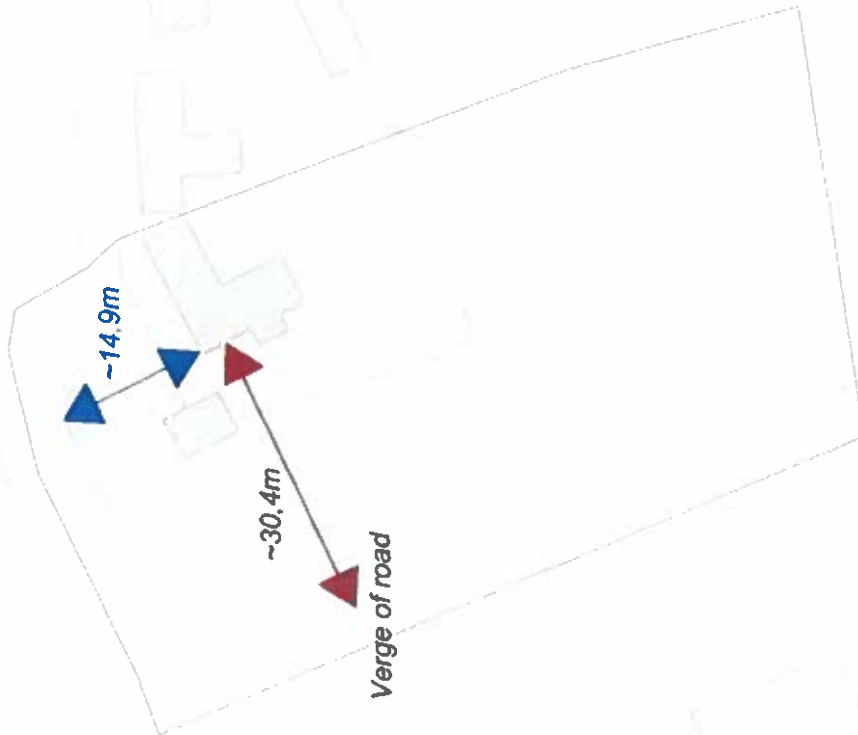


Ballygadenreen
Co. Roscommon
R44 F3B8
Tel: 089-2288911
F&C

Date 10.04.2024
Designer
Scale 1:100 - A3

Alan Lambe
Aughalustia

This drawing is prepared under copyright. It is not to be used, in whole or in part, for any other project without the written permission of the author.

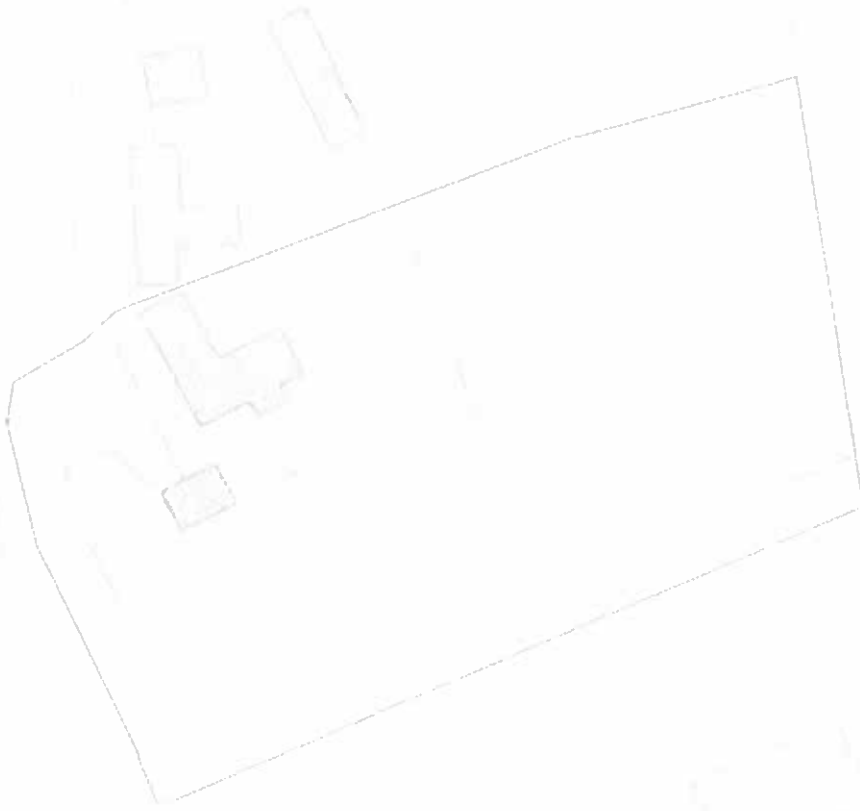
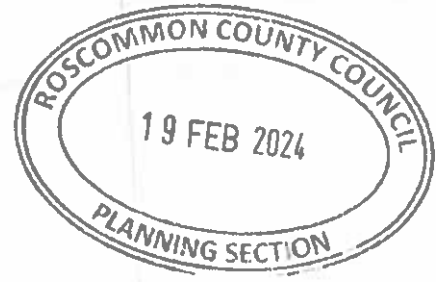


Aughran
Ballyshannon
Co. Roscommon
Tel: 089-2288911
Fax: F45 F389

Date 19.02.2024
Designer Alan Lambe
Scale

Alan Lambe
Building Line to Road

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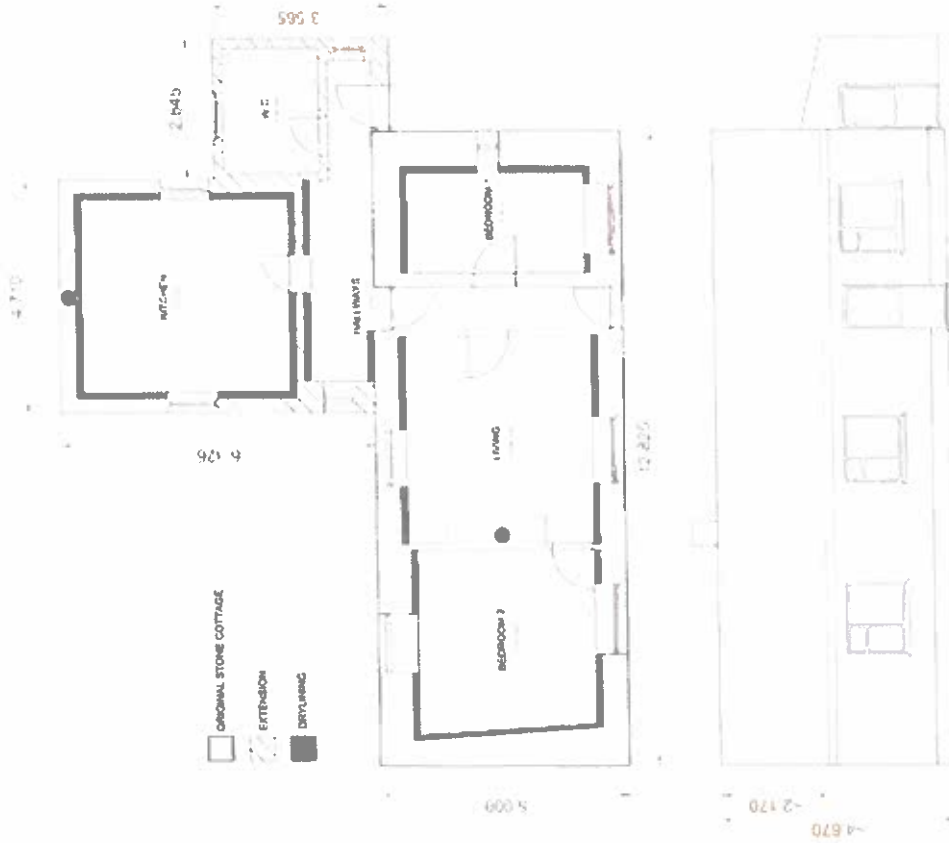
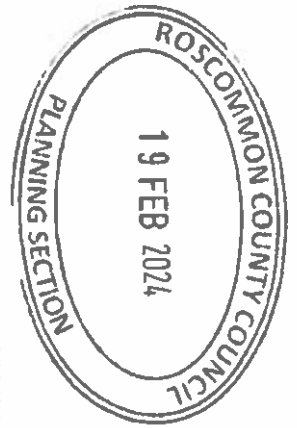


Aughrada
Ballaghadreen
Co Roscommon
V.R. 85-228911
P.B. 145 F388

Date 13.02.2024
Designer Alan Lambe
Scale 1:500

Alan Lambe
Site Layout Plan

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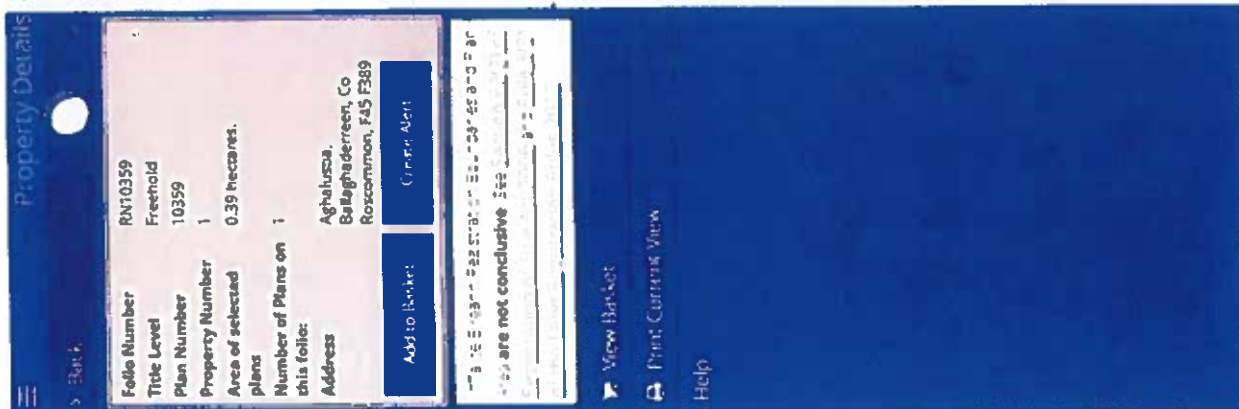


Aughakilla
Ballyphedermreen
Co. Roscommon
Tel: 088-2228811
Fax: 043-7336

Date: 13.02.2024
Designer: Alan Lambe
Scale: 1:100 @ A3

ALAN LAMBE
Existing Floor Plan

This drawing is for information only and is not to be used for any other purpose without the written permission of the author.



**Augustus
Bathodenean
Co. Rosemont
Tel. 069-2285911
Fax: F45 F389**

Date	13.02.2024
Designer	Alan Lambie
Scale	1:2500

Alan Lambe
Site Map

© 2000 Blackwell Science Ltd, *Journal of Internal Medicine* 247: 395–401

Marguerite Croghan

From: Mervyn Walsh
Sent: Wednesday 10 April 2024 15:38
To: Carmel Curley
Cc: Marguerite Croghan
Subject: [REDACTED]
Attachments: Alan Lambe Kitchen Plan Elevation.pdf



From: [REDACTED]
Sent: Wednesday 10 April 2024 15:35
To: Planning Department <Planning@roscommoncoco.ie>
Subject: [REDACTED]

Hello Carmel,

Please see attached plan and elevation covering the addition of the door in the kitchen and the resizing of the kitchen window.

Kind regards, Alan.

Sent with [Proton Mail](#) secure email.

On Tuesday, 9 April 2024 at 08:51, [REDACTED] wrote:

Hello Planning,

Please see attached details for application of Declaration of Exempted Development.

What we are looking to carry out for this application are as follows:

1. Resize kitchen window - existing window after kitchen counter relocation is lower than the counter itself, we need to reseat the window by making the lower edge higher. The window itself will not move position left/right, top edge will remain at the same height from floor.
2. Add rear door to Kitchen - Existing doors x2 are essentially front facing, we hope to add a door with direct access to the rear of the building.
3. Add roof vents - existing roof throughout the building does not have a waterproof breathable membrane fitted, the recommendation is to add vents to promote airflow. Vents to be fitted front and rear of building.
4. Replace flat roof - Currently the pitch of the flat roof extension is ~10degrees with slate covering which is not a proper functional covering for this pitch. The proposal is to apply a new Trolac covering.

If you need any further information please don't hesitate to contact me.

Kind Regards, Alan [REDACTED]

Sent with [Proton Mail](#) secure email.

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: Carmel Curley
Sent: Tuesday 9 April 2024 10:32
To: [REDACTED]
Subject: [REDACTED]
Attachments: Declaration of Exempted Development Alan Lambe 02.pdf; Declaration of Exempted Development Details Alan Lambe 02.pdf

Hi Alan,

I refer to your DED Application and acknowledge receipt of same.

Please note that in order to validate the application form we require plans & elevations showing the proposed new windows and doors.

On receipt of same, your application will be considered further.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION

