Carmel Curley

From: Carmel Curley

Sent: Wednesday 26 June 2024 15:16

To: Ignatius Gaynor

Subject: DED698 - Dominick Gillooly

Attachments: DED698 - Notification of Decision.pdf

Dear Ignatius,

Please find attached Notification of Decision for DED Application 698 for Dominick Gillooly.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

2: (090) 6637100







ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST
Dominick Gillooly,

Reference Number:

DED 698

Application Received:

16th April 2024

Name of Applicants:

Dominick Gillooly

Agent:

Gaynor Architectural & Design Services Ltd

WHEREAS a question has arisen as to whether the renovation of an existing dwelling house at Ballinaboy, Kilteevan, 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 **do not** fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- (c) The specific classes of exempted development outlined in the Planning & Development Regulations 2001, does not include for the installation of new Waste Water Treatment System (WWTS). WWTS must comply with the Environmental Protection Agency (EPA) 'Code of Practice' for Waste Water Treatment Systems, which sets out guidelines for site suitability, system design, installation and maintenance. Accordingly, under the provisions of Article 6(1) and Article 9(1)(a)(i) of the Planning & Development Regulations 2001, the installation of a new WWTS with ancillary percolation area, as set out within the application, are not deemed to constitute exempted development.
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to renovate an existing dwelling at Ballinaboy, Kilteevan, Co. Roscommon., is development that is not 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: 26th June 2024

cc agent via email: Gaynor Architectural & Design Ltd

gaynorarchitects@gmail.com

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

eference Number: DED 698

Re: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended, regarding Exempted Development

Name of Applicant: Dominick Gillooly

Location of Development: Ballinaboy, Kilteevan Co. Roscommon

Site Visit: 21/06/2024

WHEREAS a question has arisen as to whether the following works; "to renovate an existing dwelling under the Planning & Development Act 2000 (Exempt 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 & Development Description

Site Location:

The subject site is located at Ballinaboy, Kilteevan Co. Roscommon; the dwelling thereon, for which a section 5 referral has been made, is situated to the north extent of the N63, and the west extent of the L1806, where the two roads intersect. Within the application boundary, the subject dwelling is situated to the south extent of the site and is abutted by a residential dwelling to the west and the ruins of an "old stores demolished" to the east extent.

Development Description:

A site visit conducted on Friday the 21st of June confirmed that the derelict dwelling is in ruinous condition, with no roof in place and the substantial collapse of interior ceilings, as well as the removal of external walls (to the rear of the dwelling). The condition of the dwelling at present would suggest that works have commenced on site to clear the dwelling of mechanical & electrical items, as well as the removal of various building materials. As stated, the dwelling is in ruinous condition, having been exposed to the elements for several years – see site photos in Appendix.

Proposed Works:

As submitted by the applicant's agent on the 3rd of April 2024, the proposed development works include the following:

- 1. Replace complete Roof structure and replace with new wall plate, timber rafters, ridge-board and collar ties. Tyvec roof membrane, battens and Tegral Thrutone slates and ridge capping.
- 2. New PVC fascia, soffit, gutters and rwp's.
- Replace existing chimneys and flue liners, new lead flashings and make good to flue liners.
- 4. New pvc framed windows, triple glazed and front screen/door and rear doors.
- Footpath around perimeter of dwelling
- 6. Remove existing concrete floors and hardcore to a depth of 450mm to allow for insulation on radon barrier, blinded hardcore sub-floor and finish with concrete floor screed

- 7. New internal doors, door frames, skirting, architraves and ironmongery
- 8. All new ceilings 38mm insulated Gypsum board, slim finish, painted
- 9. Rockwool, 400mm to all flat ceilings and 150 Metec insulation to sloped ceilings
- 10. New concrete floors and insulation to dwelling for under floor heating
- 11. All new flooring
- 12. Painting and decorating
- 13. Total new electrical installation to current ETCI Standard and regulations
- 14. Total new plumbing services and sanitary fittings
- 15. Dry-limning internal face of external walls with Gypsum 60mm insulated boards with skim finish and painted
- 16. New waste water treatment system and percolation area required (existing old type septic tank to be decommissioned)
- 17. Total new kitchen and utility room fittings and appliances required
- 18. Total new under floor heating system with specified heat pump/hot water cylinder and associated pipe/work equipment etc.
- 19. Site development works and services.

Further to the above, on the 16th of April 2024, the client's agent submitted confirmation of specific particulars for the proposed works, detailing as follows:

- 1. The existing floor or ground levels will not be changed.
- 2. Complete new roof structure, Tegral slates on timber battens on roofing grade breathable on traditional cut timber roof structure to same profile as original dwelling.

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.

As per a review of Roscommon County Council's Geographic Information Systems, there are no known heritage related sites/structures in proximity to the subject site.

Archaeological and Cultural Heritage

There are no protected structures or structures listed in the National Inventory of Architectural Heritage in the likely zone of influence of the proposed development.

Appropriate Assessment

The closest designated sites include; "Carbo Bog SAC" which is a Special Area of Conservation (SAC) (Site Code: 002349) located 2.9 km to the north-east of the subject site, and "Lough Ree" SAC (Site Code: 000440), located some 2.7km from the 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.

Planning History

As per Roscommon County Council's Planning Registry, the following site history pertains to the subject site:

- Historical Maps [25" Historic 1897-1913]
 - A review of the historical 25" maps indicate that the now derelict dwelling is a pre-63 structure, having been erected prior to the enactment of the Planning and Development Act 1963.
- PD/03/889
 - A submission for permission to "demolish an existing shed and to construct a dormer style dwelling house, garage, septic tank and percolation area" was received by the planning authority on the 21/07/2003. Further Information was requested on foot of same, which was

received by the planning authority on the 30/10/2003. A decision to refuse the application was mandated on the 26/11/2003. A site visit confirmed that an agricultural shed still stands on the site today.

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.

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)

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.

Assessment

Details of the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

A 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". The proposed development is considered to comprise the carrying out of works. Under section 2(1) of the Act, "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 works constitute development, as defined in section 3 of the said Act.

The proposal includes permission to renovate an existing derelict dwelling under the Planning & Development (Exempt Development) Regulations 2028 at the site located in Ballinaboy, Kilteevan Co. Roscommon

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 case-specific particulars, the proposed works are deemed not to constitute exempted development for the following reasons:

Details of works to be carried out:

Section 41(h): A site inspection on the 21st of June 2024 confirmed that the derelict dwelling is in ruinous condition; a review of the street maps for this area confirmed that the dwelling has been without a roof structure for several years, and as such, the property has endured prolonged exposure to the elements. It is my opinion that any development and/or works to render this building habitable once more, would necessitate substantial refurbishment works that go far beyond the scope or threshold for exempted development under the provision of Section 4(1)(h) of the Act.

Required: New Domestic Waste Water Treatment System: Item 16 in the application includes for the provision of a "New waste water treatment system and percolation area" (underlined in previous section) and outlines that the "existing old type septic tank to be decommissioned". The 'Site Layout Plan' does not indicate where the existing, or proposed, septic unit and/or percolation area is located. Under the Planning and Development Act 2000 and associated regulations, the installation of a wastewater treatment system is considered a form of development. The installation of a new wastewater treatment system must comply with the Environmental Protection Agency (EPA) Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10). This includes guidelines on site suitability, system design, installation, and maintenance, which would form part of an application for permission for full 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 renovate an existing dwelling under the Planning & Development Act 2000 (Exempt Development) Regulations 2018" at the site located in Ballinaboy, Kilteevan Co. Roscommon, 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 **do not** fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- The specific classes of exempted development outlined in the Planning & Development Regulations 2001, does not include for the installation of new Waste Water Treatment System (WWTS). WWTS must comply with the Environmental Protection Agency (EPA) 'Code of Practice' for Waste Water Treatment Systems, which sets out guidelines for site suitability, system design, installation and maintenance. Accordingly, under the provisions of Article 6(1) and Article 9(1)(a)(i) of the Planning & Development Regulations 2001, the installation of a new WWTS with ancillary percolation area, as set out within the application, are not deemed to constitute exempted development.
- 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 to "renovate an existing dwelling under the Planning & Development Act 2000 (Exempt Development) Regulations 2018" at the site located in Ballinaboy, Kilteevan Co. Roscommon, under the provision of section 5 of the Planning and Development Act, does not constitute exempted development.

Signed:

Blaithín Kinsella

Alan O'Connell

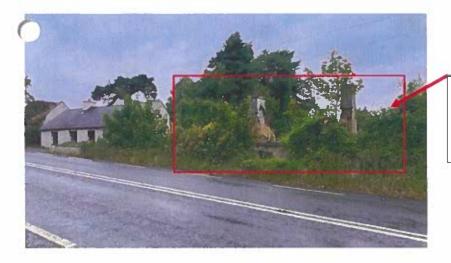
Assistant Planner

Signed:

Date: 21st June 2024

Senior Executive Planner

Appendix - Site Photos



 Road side view (from N63) of front elevation of derelict dwelling: within red-polygon.



Road side view [from N63] of front elevation of derelict dwelling: within red-polygon.



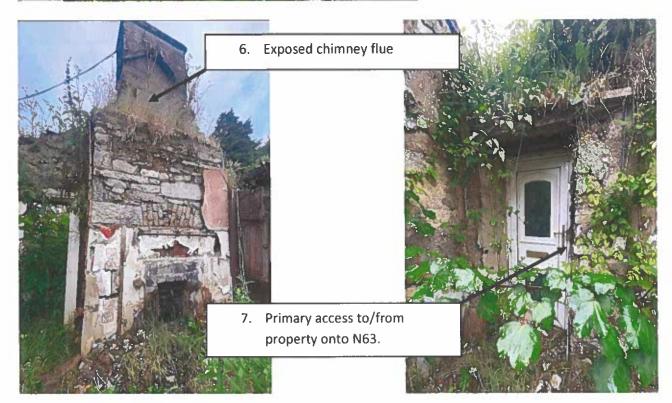
 Masonry blocks on-site; adjacent to decommissioned oil tank.



 Exposed interior walls from dwelling rear where external walls/building materials have since been removed.



5. Exposed dwelling interior in a state of decomposition with vegetation evident throughout.





9. Google maps view: 2019





END\$.



Comhairle Contae Ros Comáin Roscommon County Council



Dominick Gillooly,



Date:

17th April 2024

Planning Reference:

DED 698

Re:

Application for a Declaration under Section 5 of the Planning &

Development Act 2000 (as amended), regarding Exempted Development.

Development:

Permission to renovate existing dwelling under the Planning &

Development Act (Exempt Development) Regulations 2018 at Ballinaboy,

Kilteevan, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 16th 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. L01/0/228087 dated 17th April 2024, receipt enclosed herewith.

Please note that due to current resourcing issues, the processing of the Declaration of Exempted Developments has been curtailed at present and applicants will experience delays in the processing of same. We are currently reviewing internal work programmes with a view to resuming normal services as soon as possible, however we cannot provide a timeframe at present.

We sincerely apologise for any inconvenience caused. Once resumed all applications will be processed in chronological order.

Note: Please note your Planning Reference No. is DED 698.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell

Senior Executive Planner, Planning Department.

cc agent via email:

Gaynor Architectural & Design Services Ltd

gaynorarchitects@gmail.com





Roscommon County Council Aras an Chontae Roscommon 09088 37100

17/04/2024 11:54:00

Receipt No.: L01/0/228087

DOMINICK GILLODLY

AGENT: IGNATIUS GAYNOR, GAYNOR ARCHITECT

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 698

Total:

80.00 EUR

80.00

Tendered Cheque 004287

80.00

Change:

0.00

Issued By Bernadine Duignan 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 <u>Exempted Development</u>

	11/2/
Name:	DOMINICK GILLOCLY
Address:	
Name & Address of Agent:	LAHAFIUS GAMMUR GAMMOR AACHHECTS FALLOM ANGHUE EOSCOMMON FAT 4327
Nature of Proposed Works	SEE ATMEACED SCAEDULE OF WORKS.
Location (Townland & O.S No.)	BALLIHABOY ROSCOMMOH
Floor Area	
Height above ground level	5. ooc Mets.
Total area of private open space remaining after completion of this development	SEE SITE WEATHER MAP 2483
Roofing Material (Slates, Tiles, other) (Specify)	SIATES.
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER FINISH
Is proposed works located at front/rear/side of existing house.	EXTERE DIVELLING

16 App 334 CCSHOOL

Roscommon County Council

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

	7	
Has an application been	41.	
made previously for this site	No	
If yes give ref. number		
(include full details of	× /4	
existing extension, if		
any)		
Existing use of land or structure	BEREUCT BWELLING	
Proposed use of land or	The American	
structure	PRIVATE SWELLING	
Distance of proposed		
building line from edge	4.000 METS.	
of roadway		
Does the proposed		
development involve the	No.	
provision of a piped water supply		
Does the proposed		
development involve the	YES: A WHATE WATER PREATMENT SYSTEM &	
provision of sanitary	Perofusit System &	
facilities	FERCULATION AREA.	
Signature: WITHE COPIED OF DOMIHICK GILLOCKY		
Date: 3rd APRIC 2024 Registered Architect		
Note: This application must be accompanied by:-		
(a) €80 fee (b) Site Location map to a scale of 1:2500 clearly dentifying the location		
development Member No. 07078		
(d) Detailed specification of development proposed		

GAYNOR ARCHITECTURAL + DESIGN SERVICES LTD

ARCHITECTS

CEO Roscommon Co. Council Planning Section Aras an Chontae Roscommon

16th April 2024

20SCOMMON COUNTY COUNTY



Fallon Avenue Roscommon Co. Roscommon F42 W327 090 6626974

Fax: 090 6627353 Mobile: 086 8115449

Email: gaynorarchitects@gmail.com

For Alan O'Connell

Dwelling and site at Ballinaboy, Roscommon
Application for Vacant Property Refurbishment Grant
Dominick Gillooly: ref and Section 5 DED

Your letter dated 4th April refers to the above and the return of our Section 5 application

As our client has made application for Derelict House Grant Housing Section recommended that we submit a Section 5 DED

We will be in due course making formal application for total refurbishing of existing derelict dwelling including new waste water treatment system and percolation area, new roof structure and finish as per original dwelling, new extension to rear associated works and services (see attached photographs)

We are currently preparing drawing and details for planning application to be submitted shortly

In relation to our application for Section 5 application we wish to confirm the following:-

- 1. Existing floor or ground levels will not be changed
- 2. Complete new rof structure, Tegral slates on timber battens on roofing grade breathable on traditional cut timber roof structure to same profile as original dwelling (see attached photographs)

We return herewith our Section 5 DED application form and fee in the sum of €80.00

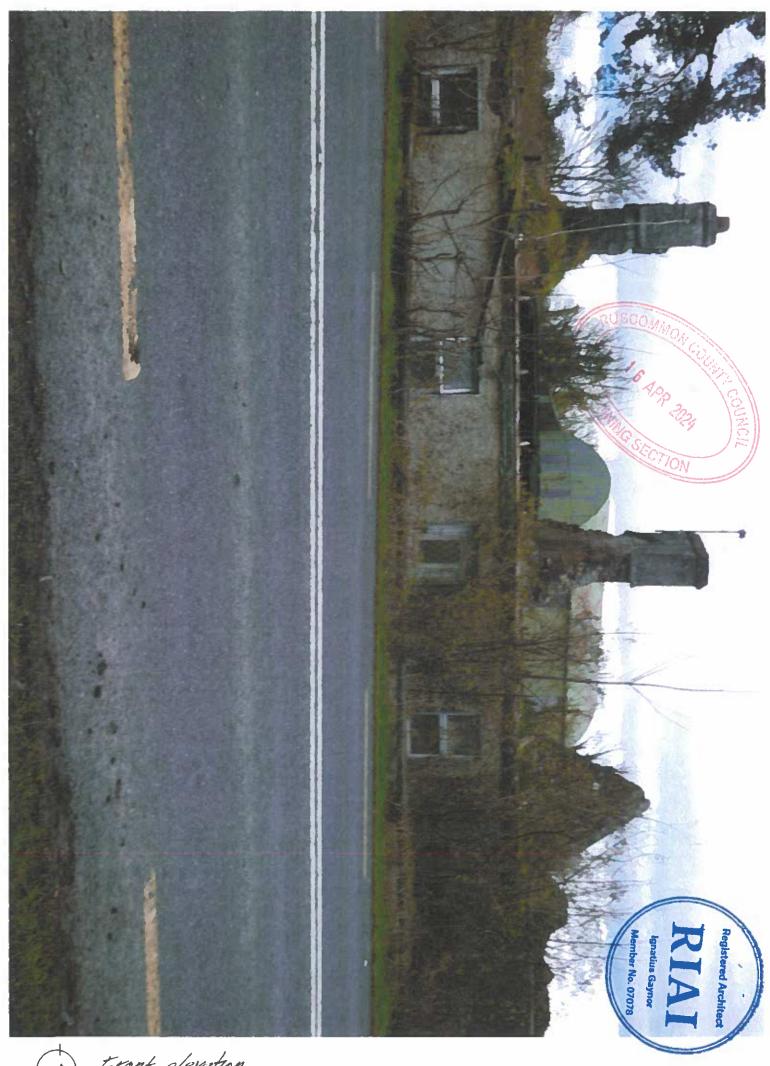
If this is not acceptable we will withdraw the section 5 application and just proceed with the formal planning application which in our opinion is more appropriate in this instance

Yours Sincerely

Ignatius Gaynor

copy to: Dominick Gillooly





Front elevation
April 2024



() Part front & side vlevation



(w) Part front elevation

GAYNOR ARCHITECTURAL + DESIGN SERVICES LTD

ARCHITECTS

CEO Roscommon Co. Council Vacant Property Refurbishment Grant Housing Section Aras an Chontae Roscommon 16 APR 3024



Fallon Avenue Roscommon Co. Roscommon F42 W327 090 6626974

Fax: 090 6627353 Mobile: 086 8115449

Email: gaynorarchitects@gmail.com

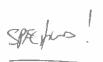
3rd April 2024

Details of work to be carried out

Dwelling and site at Ballinaboy, Roscommon
Application for Vacant Property Refurbishment Grant
Dominick Gillooly: ref

1. Replace complete roof structure.

and replace with new wall plate, timber rafters, ridge board and collar ties
Tyvec roof membrane, battens and Tegral Thrutone slates and ridge capping



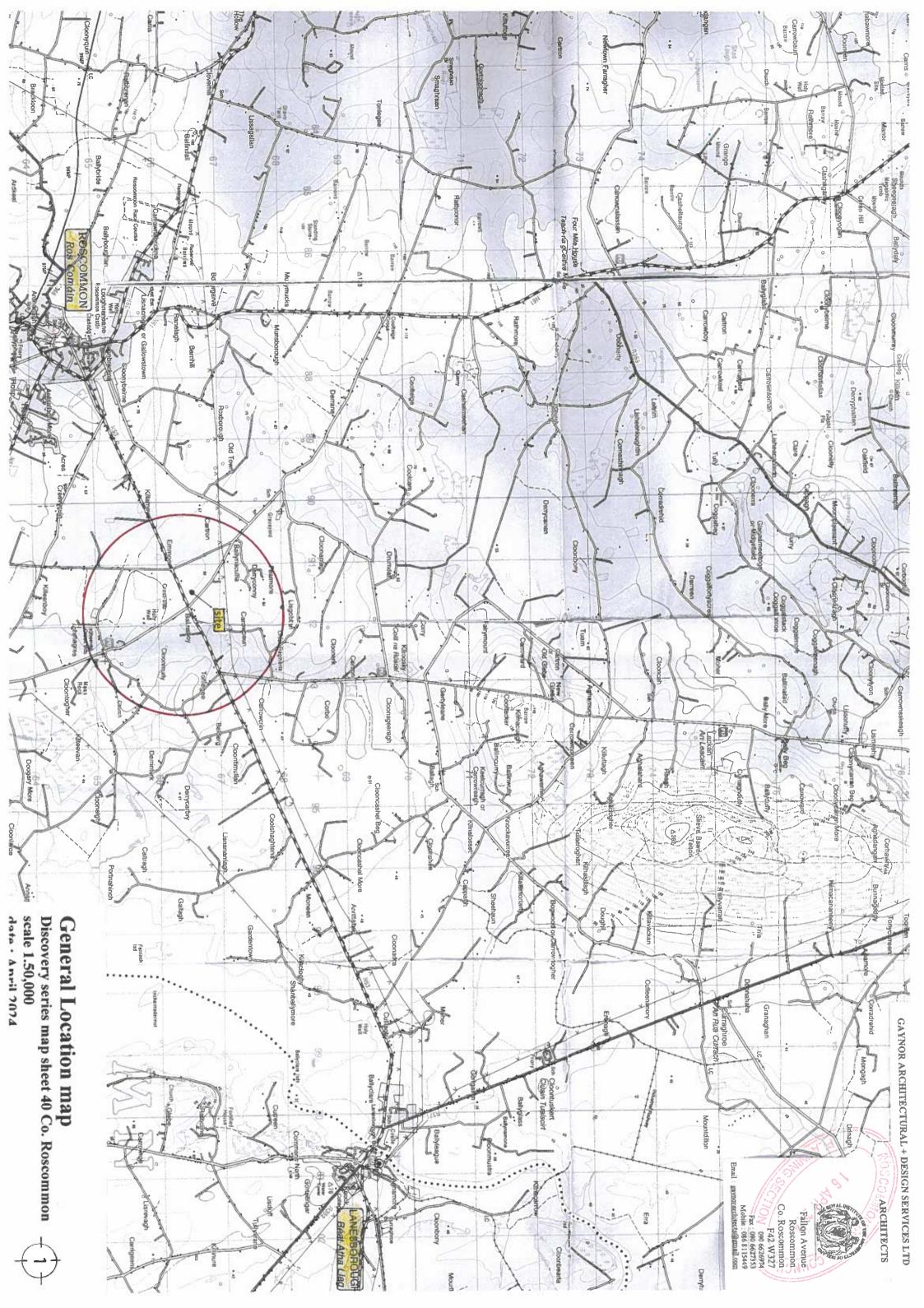
- 2. New pvc fascia, soffit, gutters and rwp's
- 3. Replace existing chimneys and flue liners, new lead flashings and make good to flue liners
- 4. New pvc framed windows, triple glazed and front screen/door and rear doors
- 5. Footpath around perimeter of dwelling
- Remove existing concrete floors and hardcore to a depth of 450mm to allow for insulation on radon barrier, blinded hardcore sub-floor and finish with concrete floor screed
- 7. New internal doors door frames, skirting, architraves and ironmongery
- 8. All new ceilings 38mm insulated Gypsum board, skim finish, painted
- 9. Rockwool, 400mm to all flat ceilings and 150 Metec insulation to sloped ceilings
- 10. New concrete floors and insulation to dwelling for under floor heating

- 11. All new floor covering
- 12. Painting and decorating
- 13. Total new electrical installation to current ETCI Standard and regulations
- 14. Total new plumbing services and sanitary fittings
- 15. Dry-lining internal face of of external walls with Gypsum 60mm insulated boards with skim finish and painted
- 16. New waste water treatment system and percolation area required (existing old type septic tank to be decommissioned)
- 17. Total new kitchen units and utility room fittings and appliances required
- 18. Total new under floor heating system with specified heat pump/hot water cylinder and associated pipe work/equipment etc

19. Site development works and services

Ignatius Gaynor

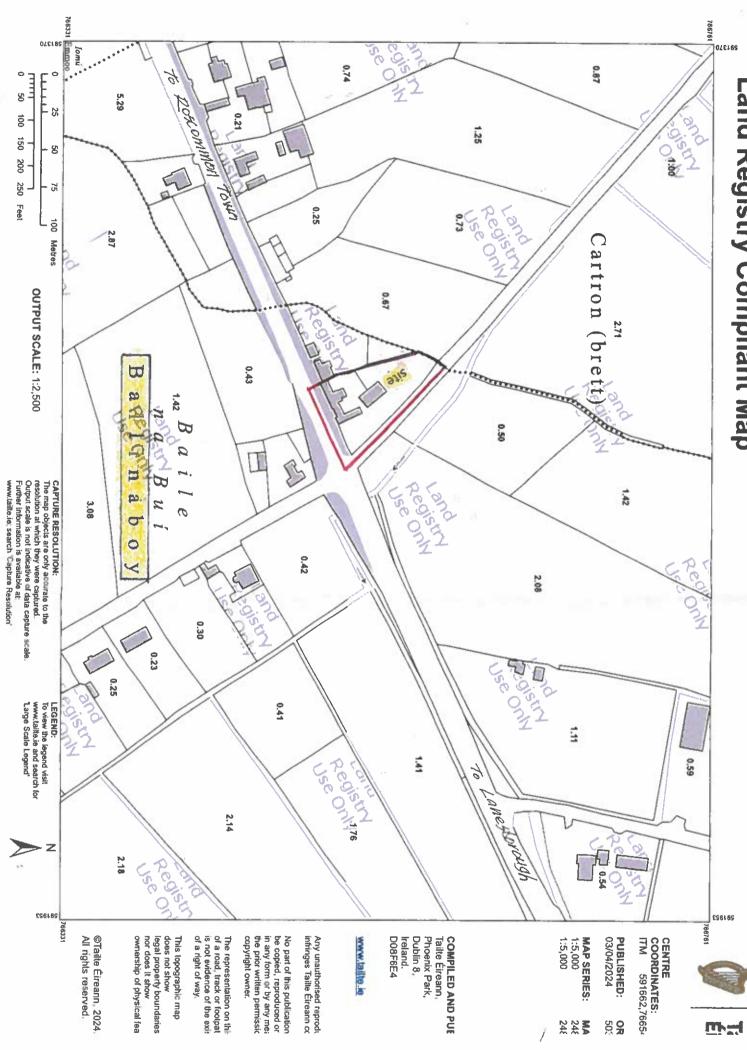
copy to: Dominick Gillooly



ARCHITECTS

Roscommon Co. Roscommon F42 W327 090 6626974 Fax: 090 6627353 Mobile: 086 8115449 Fallon Avenue

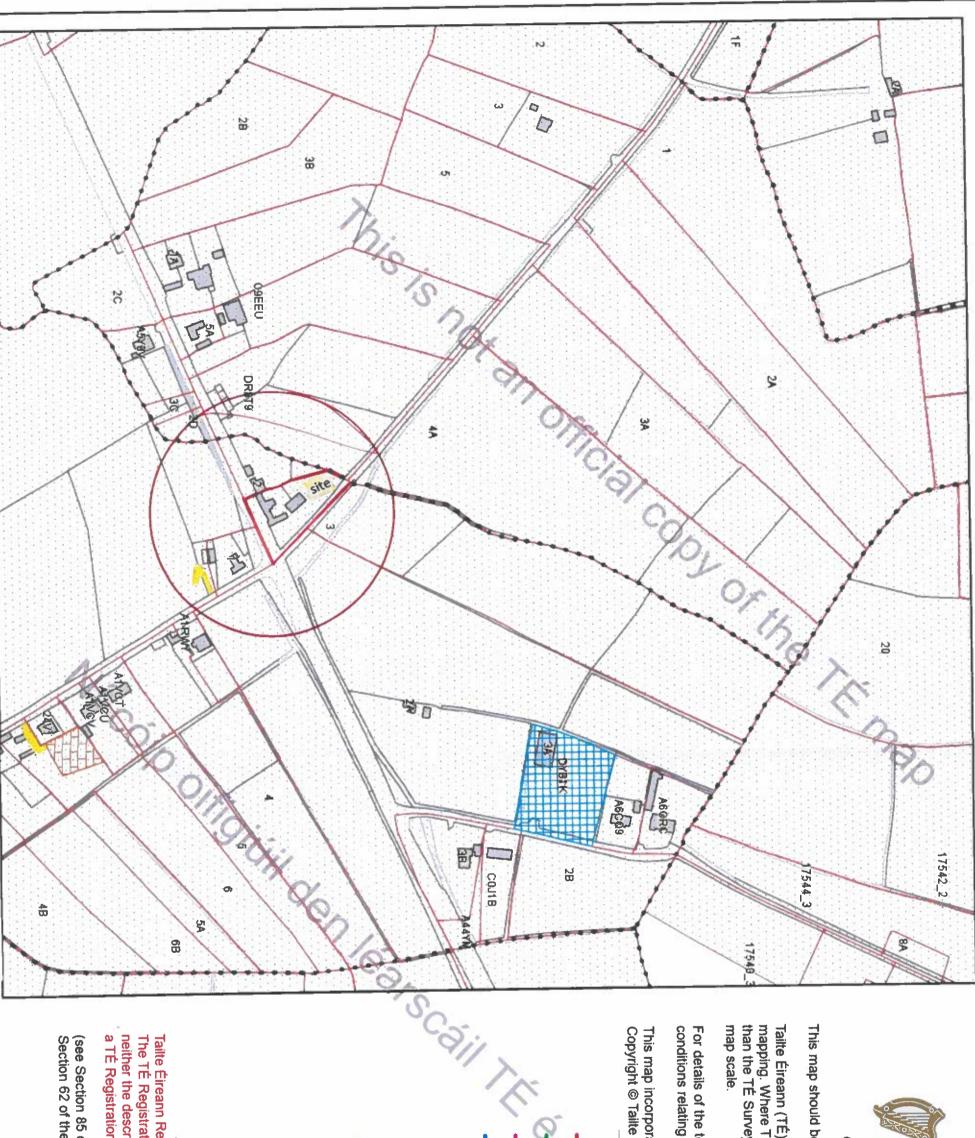
Land Registry Compliant Map





OS Digital map 2482 and 2483 scale 1.2500 Site location map April 2024







Eireann

Registration, Valuation, Surveying Suirbhéireacht Clárúchán, Luacháil,

Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

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Section 62 of the Registration of Deed and Title Act 2006. (see Section 85 of the Registration of Title Act, 1964). As Inserted by



Folio RN27425F: Ballinaboy, Roscommon, Co. Roscommon



