

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Brendan Finnegan,



Reference Number: DED 703
Application Received: 2nd May 2024
Name of Applicants: Brendan Finnegan
Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the change of use from a garage to a living room at Buckill, Frenchpark, Co. Roscommon., is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The proposed change of use from a garage to a living room to the side of a dwelling house as described in this case is an exempted development.
- (c) The proposed change of use from a garage to a living room to the side of a dwelling house as above fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:
development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development **for the change of use from a garage to a living room at Buckill, Frenchpark, 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:

A handwritten signature in blue ink, appearing to read 'Alan O'Connell', is written over a horizontal line.

Alan O'Connell
Senior Executive Planner,
Planning.

Date: 17th June 2024

cc agent via email: James Lohan Consulting Engineers Ltd
james@jlce.ie

Carmel Curley

From: Carmel Curley
Sent: Tuesday 18 June 2024 14:04
To: James Lohan
Subject: DED703 - Brendan Finnegan
Attachments: DED703 - Notification of Decision.pdf

Hi James,

Please see attached Notification of Decision for DED Application 703 – Brendan Finnegan. A hard copy will issue to the applicant 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 703
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development of the change of use from a garage to a living room.
Name of Applicant:	Brendan Finnegan
Location of Development:	Buckill, Frenchpark, Co. Roscommon
Site Visit:	12/06/2024

WHEREAS a question has arisen as to whether the following works; regarding exempted development of the change of use from a garage to a living room at the above address is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

Site Location & Development Description

The subject site is located Buckill, Frenchpark, Co. Roscommon. The subject site contains a bungalow dwelling house with what seems to be a single story, flat roof extension to the rear. Along with the dwelling house, there is an attached domestic garage in which this application is in relation to the change of use of said garage to additional living space.

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

Archaeological and Cultural Heritage

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

Appropriate Assessment

The closest European sites to the site of the development are Lough Glinn PNHA (Site Code 001644) which is located circa 2.7km to the southwest and Bellanagare Bog SPA/PNHA (Site Codes 004105/000592) which is located circa 4.8km to the southeast of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Planning History

As per the Roscommon County Council's Planning Registry, no recent planning history has been traced relating to the subject site.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3. -(1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) of the Act defines certain types of development as being 'exempted development'. Of potential relevance is section 4(1)(h) which provides as follows:

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

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;

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

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

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

Description of Development	Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p>CLASS 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<ol style="list-style-type: none"> 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres. 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres. 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary. 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house. (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling. 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres. 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. 388 (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces. 7. The roof of any extension shall not be used as a balcony or roof garden.

Assessment:

The proposed development of the change of use from a garage to a living room to the side of a dwelling house which, it is stated as having floor space of 31.9m².

From reviewing the drawings provided the existing extension has an area of 7.6m².

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

1. House has previous extension to the rear therefore N/A.
2. a. House has previous extension of 7.6m². Proposed work is stated as 31.9m², total area of all extensions to the dwelling is 39.5m².
b. House is detached, therefore N/A.
c. Proposed area is only on ground floor level.
3. Proposed area is only on ground floor level.
4. a. Rear wall does not exceed this height.
b. Rear wall does not exceed this height.
c. Roof height of extension is not higher than the existing house.
5. Extension does not reduce the open space to less than 25m²
6. a. Window is greater than 1m from the boundary it faces.
b. Proposed work is only on ground floor level.
c. Proposed work is only on ground floor level.
7. Existing house is a bungalow type house therefore can not be used as such.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the change of use from a garage to a living room as described in this case is considered an exempted development.

The proposal includes the change of use from a garage to a living room. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed works are deemed an exempt development.

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

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

Recommendation

WHEREAS a question has arisen as to whether the change of use from a garage to a living room in Buckill, Frenchpark, Co. Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Act, 2000, as amended
- (e) The planning history of the site

AND WHEREAS I have concluded that

- a) The works are development.
- b) The proposed change of use from a garage to a living room to the side of a dwelling house as described in this case is an exempted development.
- c) The proposed change of use from a garage to a living room to the side of a dwelling house as above fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

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

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

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



Signed:

Date: 17th June 2024

Civil Technician



Signed:

Date: 17th June 2024

Senior Executive Planner









Carmel Curley

From: Carmel Curley
Sent: Friday 3 May 2024 09:03
To: James Lohan
Subject: DED703
Attachments: DED 703 - Ack letter & receipt.pdf

Dear James,

Please see attached Acknowledgement Letter & Receipt for DED Application 703 for Brendan Finnegan.

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](#)





Comhairle Contae
Ros Comáin
Roscommon
County Council



Brendan Finnegan,


Date: 2nd May 2024
Planning Reference: DED 703

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission for change of use (from a garage to a living room) under the Planning & Development Act (Exempt Development) Regulations 2018 at Buckill, Frenchpark, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 2nd May 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. L01/0/228403 dated 2nd May 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 703**.
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: James Lohan Consulting Engineers Ltd
james@jlce.ie

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

02/05/2024 13:59:19

Receipt No. : L01/0/228403

BRENDAN FINNEGAN
C/O JAMES LOHAN CONSULTING ENGINEERS LTD
UNIT 5 BALLYPHEASON HOUSE
CIRCULAR ROAD
ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 703	

Total :	80.00 EUR
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Tendered :	
Cheque	80.00
500341	

Change	0.00
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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 (as amended), regarding Exempted Development

Name of Applicant(s)	Brendan Finnegan
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Change the use from a garage to a living room in accordance with the Planning and Development Act (Exempt Development) Regulations 2018
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BUCKILL FRENCHPARK CO. ROSCOMMON F45 RK 28 OS.No 2036 XY: 560754, 776324 Townland BUCKILL
Floor Area: a) Existing Structure b) Proposed Structure	a) Ground floor area: 78.2Sqm –Garage 31.9Sqm b) Ground Floor area : 110.1Sqm
Height above ground level:	Floor level- between 150mm - 260mm above ground level (Ridge height existing ground floor 5.26m above ground level & Ridge height existing garage 2.85 above ground level)
Total area of private open space remaining after completion of this development	0.155 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof and Flat Roof membrane over garage area.

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	Change of use of domestic garage into kitchen / living room with a floor area of 31.9sq.m located at side of house
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	Existing Dwelling House with adjoining garage.
Proposed use of land or structure	Additional Living space
Distance of proposed building line from edge of roadway	Existing -11.648 from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature:



Date:

01-05-2024

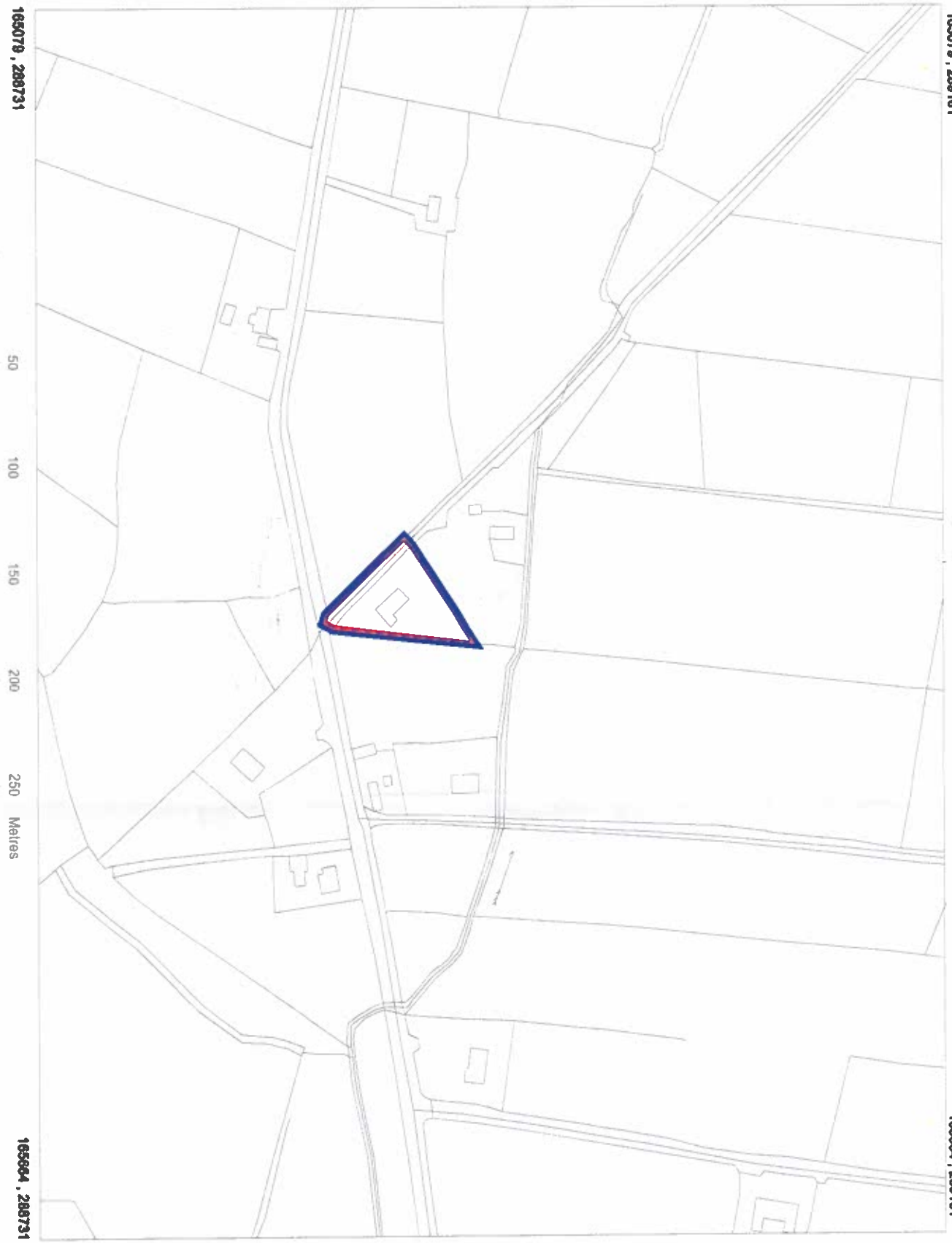
Note: This application must be accompanied by: -

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



165079, 288161

165064, 288161



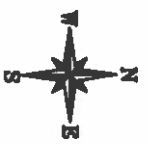
SITE ADDRESS:
BUCKILL
FRENCHPARK
CO. ROSCOMMON

LEGEND

— **SITE AREA OUTLINED IN RED**
= 0.155 HECTARES

— **LAND HOLDING OUTLINED IN BLUE**

OS MAPS: 2036



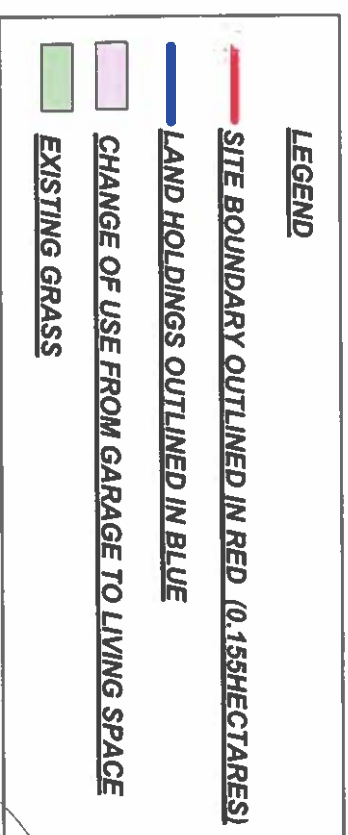
SITE LOCATION MAP
1:2500



**EXEMPT
DEVELOPMENT**

DO NOT SCALE FROM THIS DRAWING. ONLY FROM FIGURED DIMENSIONS. ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT. THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.			
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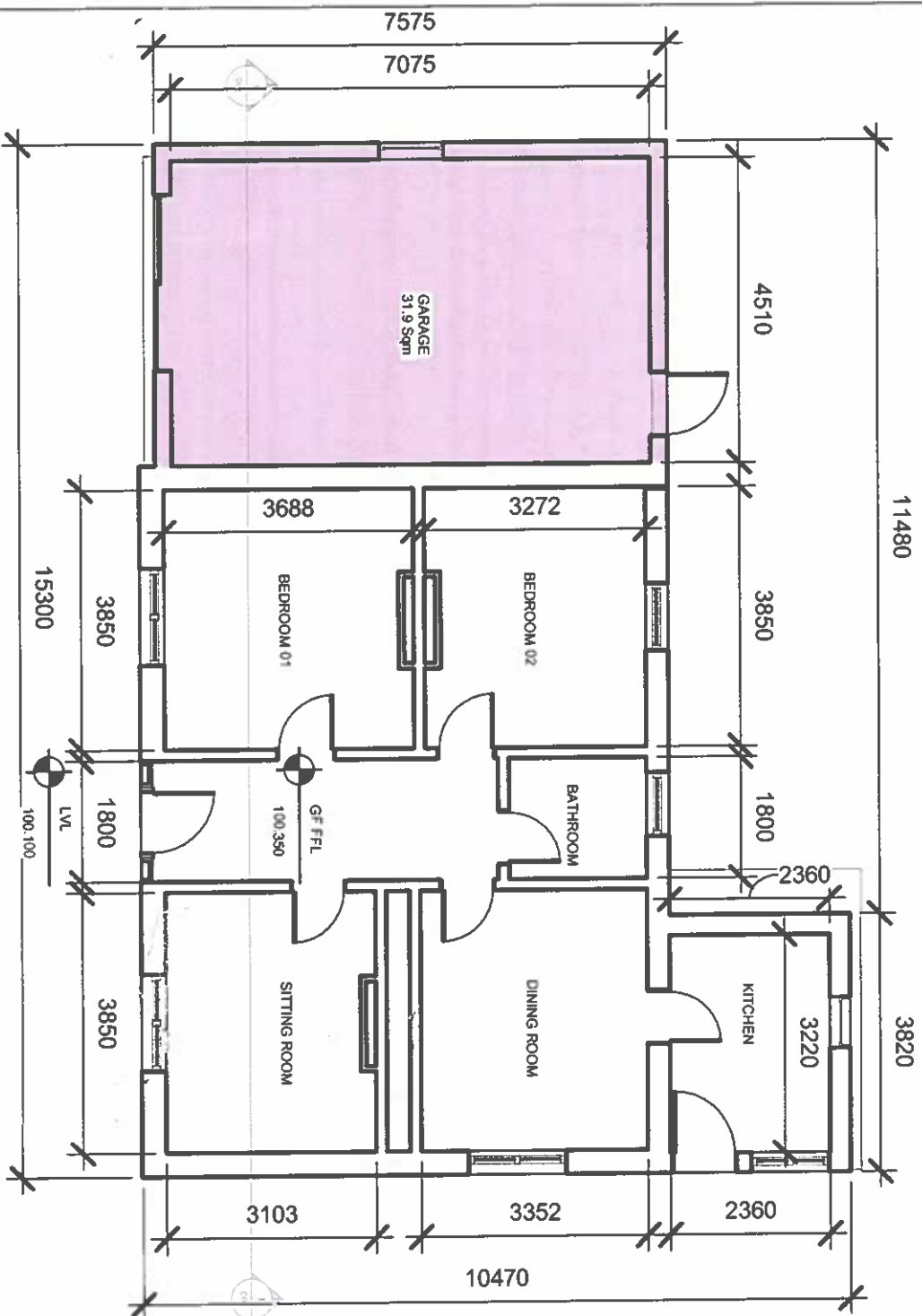
Planning & Design Consulting Engineers

DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM INDICATED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STATUS KEY: SK SKETCH DESIGN PR PRELIMINARY FT FOR TENDER FC FOR CONSTRUCTION SS SUPERSEDED

EXEMPT
DEVELOPMENT

 James Lohan Planning & Design Consulting Engineers		Civil Engineering 30 Macquarie Drive Sydney NSW 1570 Australia		Unit 5 15 Macquarie Drive, Macquarie Park NSW 1570 Australia Tel: (0061) 02 9634 385		E-mail: james@jlohan.com.au Fax: (0061) 02 9634 386	
CLIENT	BRENDAN FINNEGAN	JOB	EXEMPT DEVELOPMENT	JOB NO	2-006	DATE	01/05/2007
SITE	BUCKILL FRENCHMARE CO. ROSCOMMON	DRAWING	SITE LAYOUT	DRAW NO	001	REV A	DRAWN BY CZC
				SCALE	1:500		

Ground floor area: 78.2m²
Garage: 31.9m²
Total floor area: 110.1m²

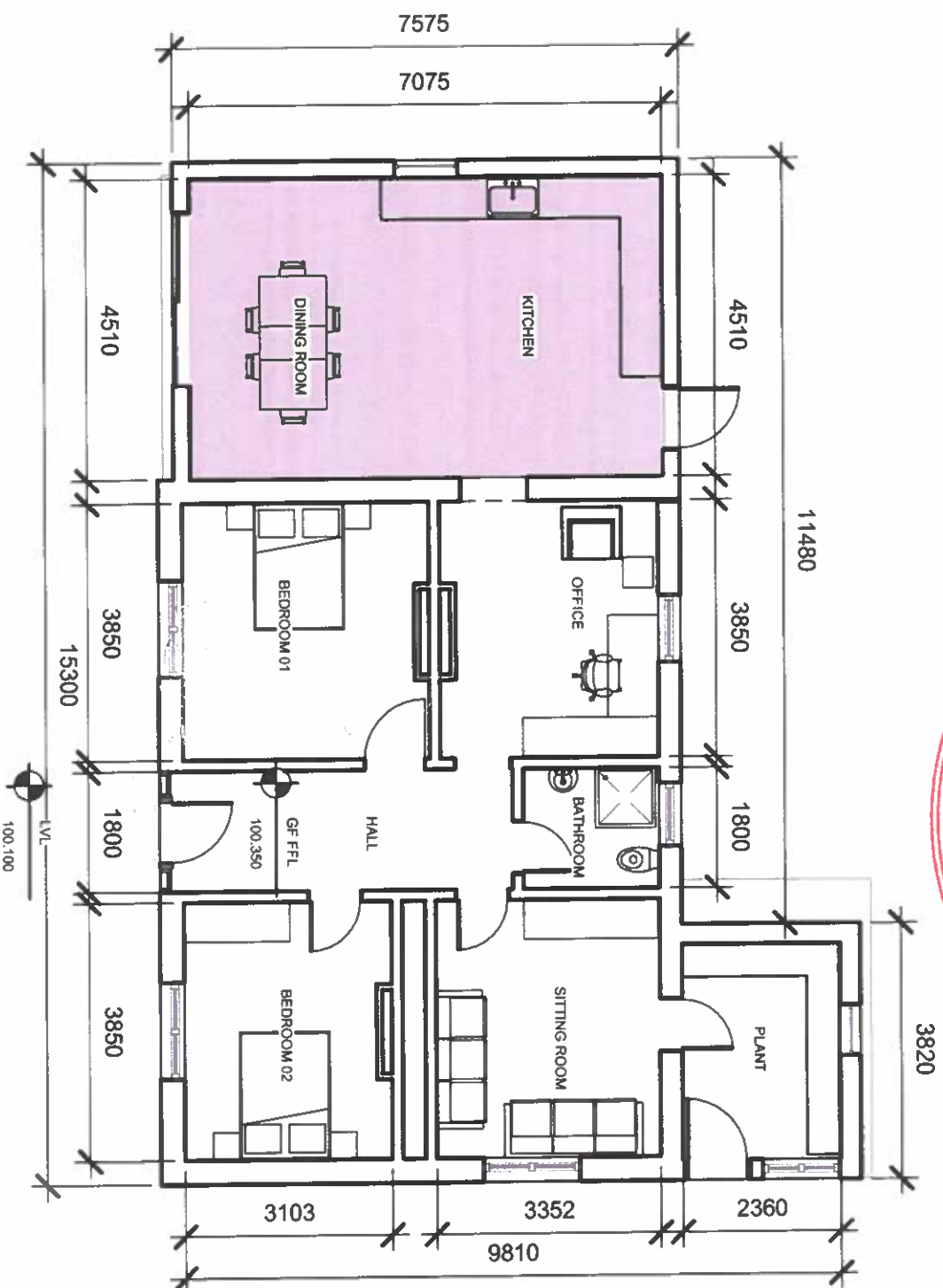


1 01-Existing Ground Floor Plan
1 : 100



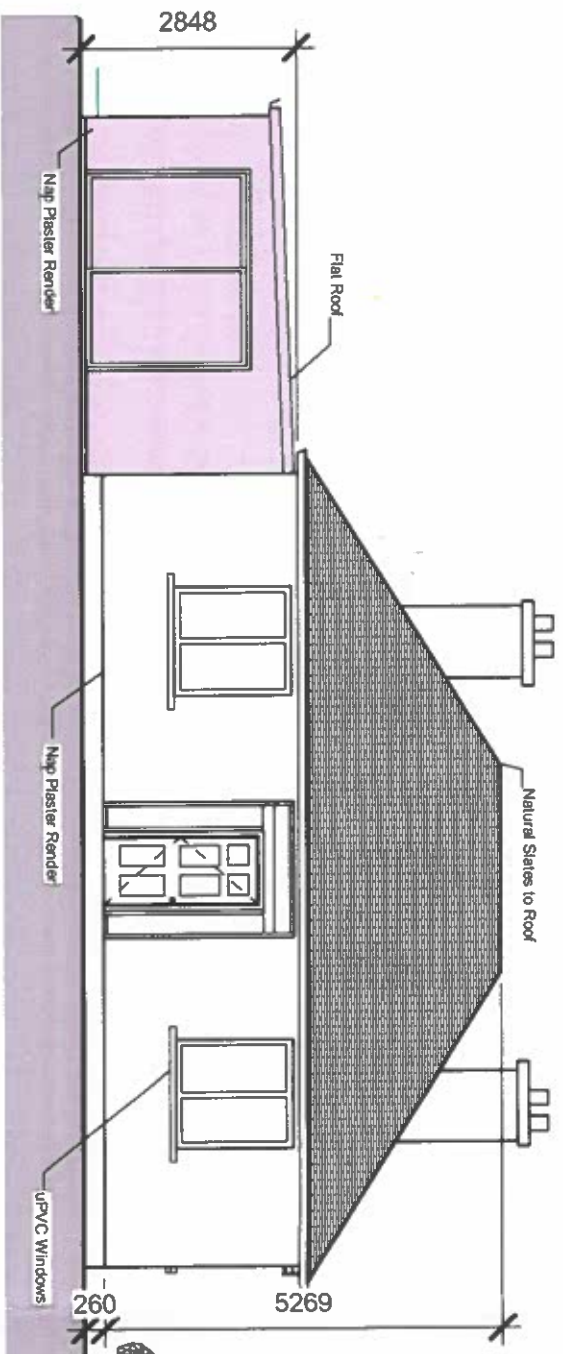
CHANGE OF USE FROM GARAGE TO LIVING SPACE

Total floor area: 110.1m²

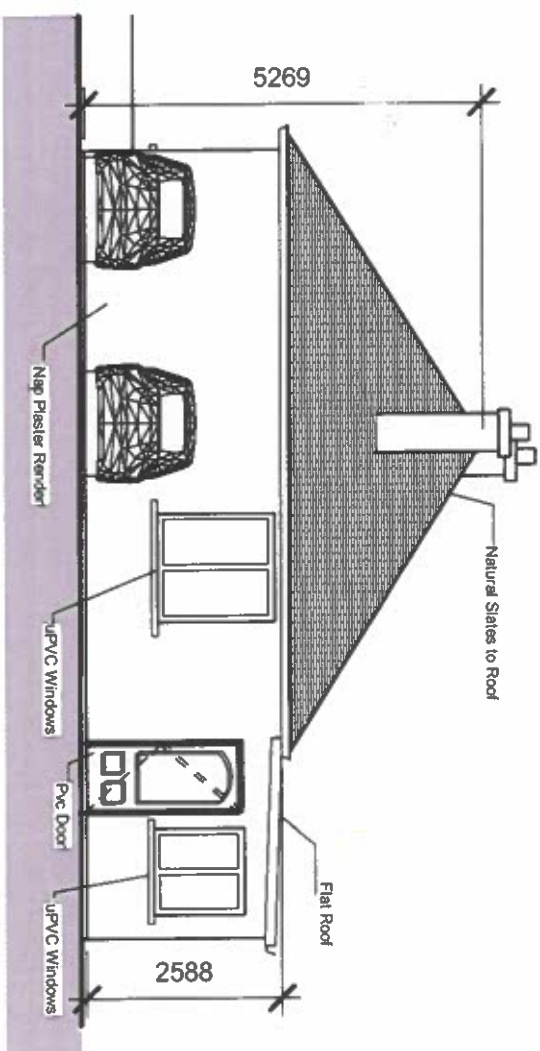


2 01-Proposed Ground Floor Plan
1 : 100

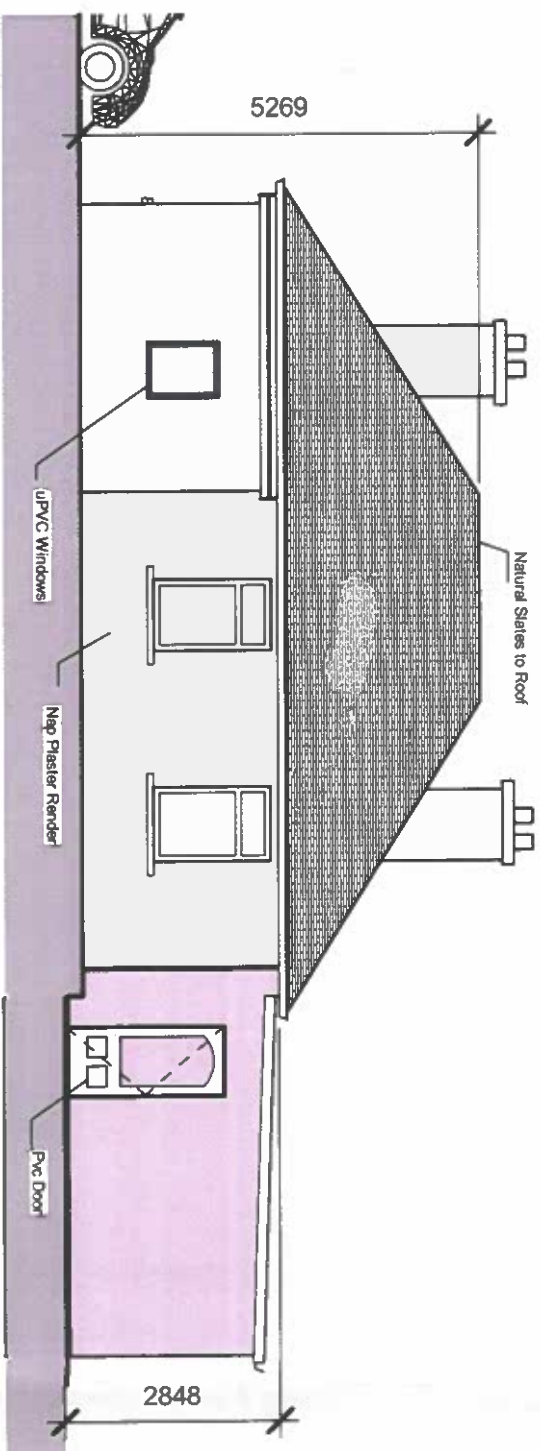




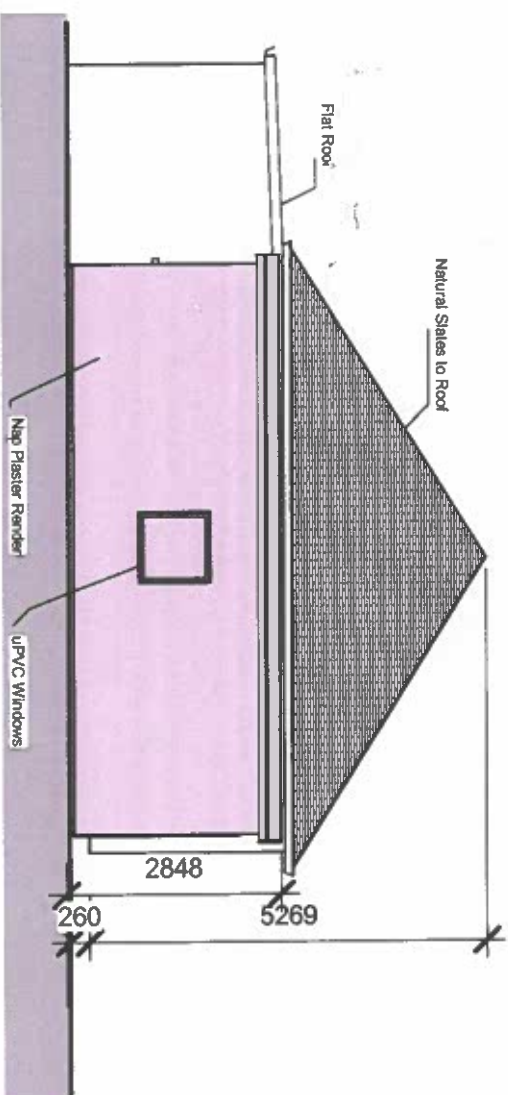
1 Front Elevation (SW)
1 : 100



3 Side Elevation (SE)
1 : 100



2 Rear Elevation (NE)
1 : 100



4 Side Elevation (NW)
1 : 100

CHANGE OF USE FROM GARAGE TO LIVING SPACE



