

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Eamonn Keogh,

Reference Number: DED 705  
Application Received: 9<sup>th</sup> May 2024  
Name of Applicants: Eamonn Keogh  
Agent: N/A

**WHEREAS** a question has arisen as to whether the refurbishment of a townhouse at Bridge Street, Strokestown, Co. Roscommon., is or is not development and is or is not exempted development:

**AND WHEREAS** Roscommon County Council, in considering this application, has 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 works must include that the replacement roof finish is of natural slate and that the windows and doors shall be of timber effect with window joinery constituted of a single sash type transom only.
- (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 refurbish a townhouse at Bridge Street, Strokestown, 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:



Alan O'Connell,  
Senior Executive Planner,  
Planning.

Date: 14<sup>th</sup> May 2024

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

<b>Reference Number:</b>	DED 705
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish a townhouse.
<b>Name of Applicant:</b>	Eamonn Keogh
<b>Location of Development:</b>	Bridge Street, Strokestown, Co. Roscommon
<b>Site Visit:</b>	13/05/2024, no access to rear of the property

**WHEREAS** a question has arisen as to whether the following works; to refurbish a townhouse at the above address is or is not development and is or is not exempted development.

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

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

**Site Location & Development Description**

The property is an attached two-story inhabitable townhouse on bridge street, Strokestown, Co. Roscommon. The property is in the Strokestown ACA and is zoned land (Roscommon County Development Plan 2022-2028 – Town Core). The proposed development consists of the refurbishment of the townhouse including the replacing of windows/doors, new roof, plastering walls and internal works.

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

**Archaeological and Cultural Heritage**

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

**Appropriate Assessment**

The closest European sites to the site of the proposed development are Annaghmore Lough PNHA (Site Code 001626) which is located circa 2.3km to the north west and Kilglass And Grange Loughs PNHA (Site Code 000608), which is approximately 4.8km to the north east of the subject site.

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

## **Planning History**

As per the Roscommon County Council's Planning Registry, recent planning history application of 07/2153 in relation to the demolition of the townhouse which has expired on 18/09/2013.

## **Relevant statutory provisions**

### **Planning and Development Acts 2000 (as amended)**

#### **Section 2. -(1)**

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

#### **Section 3. -(1)**

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

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

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

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

### **Planning and Development Regulations, 2001 as amended**

#### **Article 6 (1)**

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

#### **Article 9 (1) applies;**

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

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

## Assessment

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposal includes the refurbishment of a townhouse. 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 a townhouse as outlined above on bridge street, Strokestown, 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 to refurbish a townhouse as outlined above on bridge street, Strokestown, Co. Roscommon is an exempted development provided replacement roof finish is natural slate and provided window and doors are timber effect with window joinery constituted of a single sash type transom only. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 14<sup>th</sup> May 2024

Civil Technician



Signed:

Date: 14<sup>th</sup> May 2024

Senior Executive Planner









Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Eamonn Keogh,



Date: 10<sup>th</sup> May 2024  
Planning Reference: DED 705

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to refurbish townhouse under the Planning & Development Act (Exempt Development) Regulations 2018 at Strokestown, Co. Roscommon.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 9<sup>th</sup> 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. L01/0/228515 dated 10<sup>th</sup> May 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 705**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
Senior Executive Planner,  
Planning Department.



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

10/05/2024 10:44:09

Receipt No : L01/0/228515

ELIS KEOGH

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 705

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
1548

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

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

### Roscommon County Council

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

Name:	EAMONN KEOGH [REDACTED]
Address:	[REDACTED]
Name & Address of Agent:	
Nature of Proposed Works	<del>WORKS</del> REFURBISHING OF TOWNHOUSE (SEE DETAILED SPECIFICATION ATTACHED).
Location (Townland & O.S No.)	STROKESTOWN FOLIO NO. 34648F.
Floor Area	1,000 SQ FEET.
Height above ground level	3.5 FOOT
Total area of private open space remaining after completion of this development	15 X 15 FOOT.
Roofing Material (Slates, Tiles, other) (Specify)	TILES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	PLASTER
Is proposed works located at front/rear/side of existing house.	FRONT AND 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)	
Existing use of land or structure	NONE - UNHABITABLE
Proposed use of land or structure	RENTED DWELLING.
Distance of proposed building line from edge of roadway	FOOTPATH WIDTH
Does the proposed development involve the provision of a piped water supply	WATER SUPPLY ALREADY THERE
Does the proposed development involve the provision of sanitary facilities	NO - ALREADY AVAILABLE

Signature: Eamon Keogh

Date: 29/04/2024

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



Detailed Specification Folio No 34648F

Exterior: Front

Plain white plastered walls

4 x uPVC double-glazed windows - 2 x top level  
2 x bottom level

1 x uPVC front door.



Exterior: Back

Plain white plastered walls

4 x uPVC double-glazed windows - 2 x top level  
2 x bottom level

1 x uPVC back door (1/2 frosted glass, 1/2 uPVC).

Garden and Paving

Roof: all new rafters, double latted, felted and flat-pan tile, ridge caps, new lead flashin and soakers.

Interior: Ground Level

- uneven floor surface to be dug out followed by 80+ and radon box, 4 inch sub-floor throughout ground floor level and radon barrier on top of that.
- 4 x 2 joiced out ground floor, plus 100mls Ballytherm insulation followed by waste pipe for toilet, toilet sink, kitchen sink and dishwasher.
- OSB sheets 8 x 4
- Timber flooring, white skirting and architrave mdf, doors
- Studded walls - insulation
- Plaster walls and paint white
- Storage heating



- spindle lighting and sockets
- kitchen

#### Interior: Upper Level

- Spindle Timber Stairs
- In-between rafters insulated and upstairs walls to be battened and insulated
- OSB sheets 8x4
- Newly joiced 9x2's
- Hot press
- Bathroom fully tiled, ceiling painted white, new toilet, new sink, new shower
- All white skirting and architrave mdf and doors.
- 2 x bedrooms - plastered white walls
- Spindle lighting and sockets
- storage heating





The Property  
Registration Authority  
An tÚdarás  
Clárúcháin Maoinne  
Folio: RN34648F

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- Subleasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit



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

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:1000 Scale

