

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Jerome & Orna Kilbride,

Reference Number: DED 709
Application Received: 21st May 2024
Name of Applicants: Jerome & Orna Kilbride
Agent: N/A

WHEREAS a question has arisen as to whether the energy retrofitting & refurbishment of an existing dwelling at Boyle Road, Cloonskeveen, Carrick-on-Shannon, 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 Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended and 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;

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 energy retrofit and refurbish an existing dwelling at Boyle Road, Cloonskeveen, Carrick-on-Shannon, 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: 25th June 2024

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

Reference Number:	DED 709
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to energy retrofit and refurbish an existing dwelling, along with associated proposed structural and site works as per details lodged.
Name of Applicant:	Jerome and Orna Kilbride
Location of Development:	Boyle, Road, Cloonskeeven, Carrick-on-Shannon, Co. Roscommon
Site Visit:	24/06/2024

WHEREAS a question has arisen as to whether the following works to energy retro fit and refurbish an existing dwelling, along with associated proposed structural and site works as per details lodged 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 a detached bungalow situated on the outskirts of Carrick-on-Shannon, accessed directly off the N4 road. The proposed development consists of the energy retrofit and general refurbishment of the existing dwelling, with works principally comprising the following:

- External insulation
- Changing existing PVC windows to upgraded uPVC windows
- Changing existing PVC doors to upgraded uPVC doors
- Low level fencing to lateral and rear boundaries

Archaeological and Cultural Heritage

No RMP have been recorded in the vicinity 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

There are no European designated sites adjoining nor 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.

The closest European site to the site of the proposed development is Lough Arrow SPA/sac which is located circa 14.2km to the north west 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 GIS Planning Registry – PD – 99-264 – planning permission granted for a dwelling and garage.

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 primarily comprises the refurbishment of an existing dwelling. 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.

The erection of the proposed lateral and rear boundary fencing accords with Article 6, Class 5 of the Planning and Development Regulations, which facilitates such works within the curtilage of the dwelling house.

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 energy retrofit and refurbish an existing dwelling, along with associated proposed structural and site works as outlined above at Boyle, Road, Cloonskeeveen, Carrick-on-Shannon, 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 Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended and 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;

AND WHEREAS I have concluded that the said development to energy retrofit and refurbish an existing dwelling and carry out proposed structural and site works as detailed in submissions lodged, as outlined above at Boyle, Road, Cloonskeeveen, Carrick-on-Shannon Co. Roscommon is development that is exempted development.

Recommendation

I recommend that a declaration to this effect i.e. the proposed development to energy retrofit and refurbish an existing dwelling, along with associated proposed structural and site works as per details lodged, at Boyle, Road, Cloonskeeveen, Carrick-on-Shannon, Co. Roscommon is development and is exempted development.

Signed:



Date: 25th June 2024

Senior Executive Planner

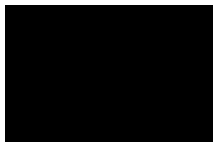




Comhairle Contae
Ros Comáin
Roscommon
County Council



Jerome & Orna Kilbride,



Date: 22nd May 2024
Planning Reference: DED 709

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to energy retrofit & refurbish existing dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at Boyle Road, Cloonskeveen, Carrick-on-Shannon, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 21st 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. L01/0/228688 dated 21st 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.

Note: Please note your Planning Reference No. is **DED 709**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Brian Farragher,
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

22/05/2024 09:41:53

Receipt No : L01/0/228688

JEROME & ORNA KILBRIDE

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED709	

Total : 80.00 EUR

Tendered :
Postal Order 80.00
191640

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

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)	Jerome & Orna Kilbride
Name of Agent	N/A
Nature of Proposed Works	Energy retrofit insulation and "Vacant Homes" grant works. (Appendix 1)
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Boyle Road, Coongkeveen, Carrick-on-Shannon N41 AK76
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>117.62 m²</u> b) <u>117.62 m²</u>
Height above ground level:	Bungalow
Total area of private open space remaining after completion of this development	No change
Roofing Material (Slates, Tiles, other) (Specify)	Slate (Black)

Roscommon County Council



Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Cover Pebbledash with external insulation (wrap)
Is proposed works located at front/rear/side of existing house.	All sides
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	99/264 (Mr. Edward Glynn)
Existing use of land or structure	Residential
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	No change (as original)
Does the proposed development involve the provision of a piped water supply	No Change
Does the proposed development involve the provision of sanitary facilities	No change (Town Sewage system)

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

Signature:

S. Kilduff

Date:

17/5/2024

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

Appendix 1 – (detailed) Nature of proposed works

Energy Retrofit includes:

External insulation known as 'The wrap'

Cavity wall pumping

Attic Insulation upgrade

Changing of heating system to Heat pump (Radiators)

Demand Control Ventilation system installed

Other Vacant homes works include:

Changing external white framed PVC windows to Grey uPVC triple glazed windows

Changing wooden front door to uPVC door

Changing rear PVC door to uPVC door

New kitchen units

Tiling kitchen

Bathroom tiles and units

4 ft high picket fencing installation on boundary excluding roadside

Removal of disability ramp to back door



Roscommon County Council

Courthouse, Roscommon.

Tel. 0903-37100



COUNTY ENGINEER: V. BRENNEN, B.E., C.Eng., F.I.E.I.

TRANSFER OF LAND

FROM: Edward Glynn TO: Roscommon County Council.
Area to be transferred outlined in black and red and shaded yellow.

TOTAL AREA TO BE TRANSFERRED: 0.365 Acres.

TOWNLAND: Cloonskeevan

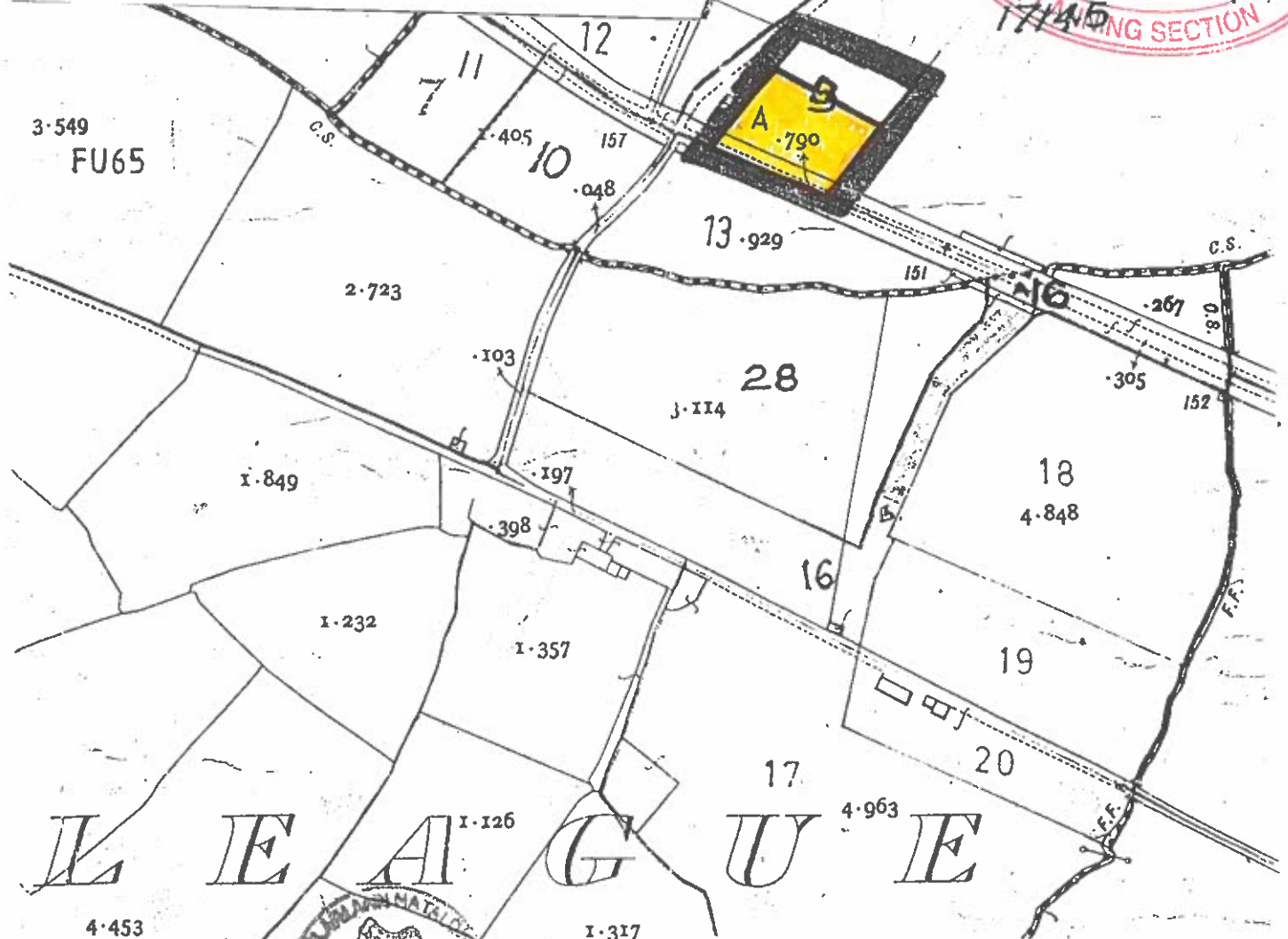
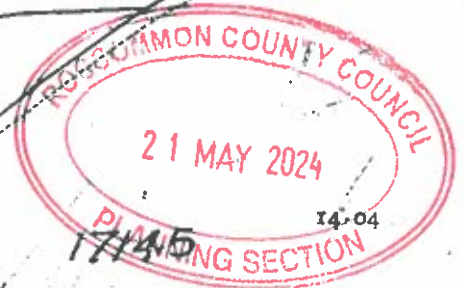
PLOT: A

SCALE: 1:2500

DATE: 10-02-2000

Co. ROSCOMMON O.S. No.: 11-2

PREPARED BY: Marie Mulligan B.E.



LAND REGISTRY

County Roscommon

Folio 33049 O.S. 11/2

This map should be read in conjunction with the folio.
(Plan No. on 1st Page)

This Map does not show appurtenant or servient rights
It is not conclusive evidence as to the boundary or extent of
the land. (See Section 85 of the Registration of Title Act 1964)

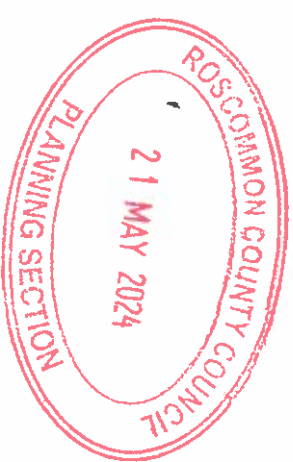
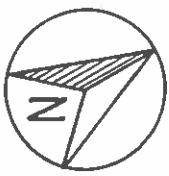
Where a boundary has been transferred from a smaller
scale map, accuracy is limited to that of the smaller scale.

This map, subject to the provisions of the L.R. Rules, is
acceptable for subdivision purposes.

CERTIFIED TO BE A TRUE COPY

FOR KEEPER OF RECORDS

E7F4 05 NOV 2000



Boyle

original house
to be demolished to
make way for
new road

4.0 m

5.0 m

proposed house

garage

SITE

23.0 m

new
road

for details of new road and
margin treatment see
Roscommon County Council drawings

Carrick-on-Shannon

original road - Boyle to
Carrick-on-Shannon.

SITE PLAN

For Approval

FERGAL GEOGHEGAN + CO.
CIVIL ENGINEERS
STROKESTOWN
CO. ROSCOMMON phone/fax (078) 33851

JOB :	NEW DWELLINGHOUSE		
CLIENT :	EDWARD CLYNN		
SCALE :	1:500	BY :	AB
DATE :	JAN 1999	NO :	1270-2