

**ROSCOMMON COUNTY COUNCIL**

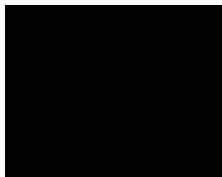
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Aisling Hughes,



Reference Number: DED 710  
Application Received: 22<sup>nd</sup> May 2024  
Name of Applicants: Aisling Hughes  
Agent: N/A

**WHEREAS** a question has arisen as to whether the re-roofing of a dwelling house and the removal of an existing patio area at Parkmore, Creagh, Ballinasloe, 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) Class 6 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.


**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed removal of existing patio area and replace with a lower finish level concrete slab as described in this case is an exempted development provided the rainwater is allowed to soak in to the ground.
- (c) The reroofing of the dwelling house 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 **to re-roof a dwelling house and the removal of an existing patio area at Parkmore, Creagh, Ballinasloe, 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:**



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**Alan O'Connell**  
**Senior Executive Planner,**  
**Planning.**

**Date: 25<sup>th</sup> June 2024**

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

<b>Reference Number:</b>	DED 710
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to reroof dwelling house & remove existing patio area.
<b>Name of Applicant:</b>	Aisling Hughes
<b>Location of Development:</b>	Parkmore, Creagh, Ballinasloe, Co. Roscommon.
<b>Site Visit:</b>	18/06/2024

**WHEREAS a question has arisen as to whether the following works; to reroof dwelling house & remove existing patio area 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 6 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 property is detached single story house in Parkmore, Creagh, Ballinasloe, Co. Roscommon. The property is access via the L-75991 road. The proposed development consists of the reroofing of the dwelling house which is stated to not to be changing the roof design and reusing the old slates & remove existing patio area to the rear of the house to reduce the patio area 400mm in height.

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 Cranberry Lough PNHA (Site Code 001630) which is located circa 4.3km to the west and Suck River Callows NHA (Site Code 000222) which is located circa 1km to the 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 Planning Registry, no recent planning history found.

## **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,



Description of Development	Conditions and Limitations
<p><b>CLASS 6</b></p> <p>(a) <i>The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</i></p> <p>(b) <i>Any works within the curtilage of a house for—</i></p> <p><i>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</i></p> <p><i>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</i></p>	<p>The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p> <p>Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,</p> <p>or</p> <p>if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.</p>

**Assessment:**

The proposed development of the removal of existing patio area and replace with a lower finish level concrete slab, which has a scaled area of approx. 27.5m<sup>2</sup>.

With regard to the compliance with the conditions and limitations of Class 6 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

- a) It is stated that the finish level of the patio area will be reduced by 400mm and following site inspection, it seems the new finish level will be approximately level with the adjoining ground.
- b) Area of new patio area has a scaled area of approx. 27.5m<sup>2</sup>, therefore applicant must allow the rainwater to soak into the ground.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the removal of existing patio area and placement with a lower finish level concrete slab as described in this case is considered an exempted development.

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 of the reroofing of the dwelling house. 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 reroof dwelling house & remove existing patio area as outlined above at Parkmore, Creagh, Ballinasloe, 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) Class 6 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

**AND WHEREAS I have concluded that**

- The works outlined above are development.
- The proposed removal of existing patio area and replace with a lower finish level concrete slab as described in this case is an exempted development provided the rainwater is allowed to soak in to the ground.
- The reroofing of the dwelling house 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 reroof dwelling house & remove existing patio area as outlined above at Parkmore, Creagh, Ballinasloe, Co. Roscommon is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

**Signed:**



**Date:** 19<sup>th</sup> June 2024

Civil Technician



**Signed:**

**Date:** 19<sup>th</sup> June 2024

Senior Executive Planner













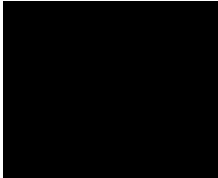




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Aisling Hughes,



Date: 23<sup>rd</sup> May 2024  
Planning Reference: DED 710

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to reroof dwelling house & remove existing patio area under the Planning & Development Act (Exempt Development) Regulations 2018 at Parkmore, Creagh, Ballinasloe, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 22<sup>nd</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. **L01/0/228716** dated 23<sup>rd</sup> 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 710**.  
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

23/05/2024 11.03 08

Receipt No. L01/0/228716

AI SLING HUGHES

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 710	

Total :	80.00 EUR
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Tendered	
Cheque	80.00
3000	

Change :	0.00
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Issued By : Louis Carroll  
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:	AI SLING HUGHES
Address:	[REDACTED]
Name & Address of Agent:	
Nature of Proposed Works	<del>RENOVATION</del> Reroofing house Remove existing patio & lowering it to formation level
Location (Townland & O.S No.)	BALLINASLOE
Floor Area	10m x 10m
Height above ground level	80cm
Total area of private open space remaining after completion of this development	10m x 10m
Roofing Material (Slates, Tiles, other) (Specify)	Slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	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	Yes, information was missing in application
If yes give ref. number (include full details of existing extension, if any)	Application deemed not valid
Existing use of land or structure	Patio area
Proposed use of land or structure	Patio area
Distance of proposed building line from edge of roadway	N/A
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	NO

Signature:

*A. Hughes*

Date:

15/5/24

Note: This application must be accompanied by:-

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



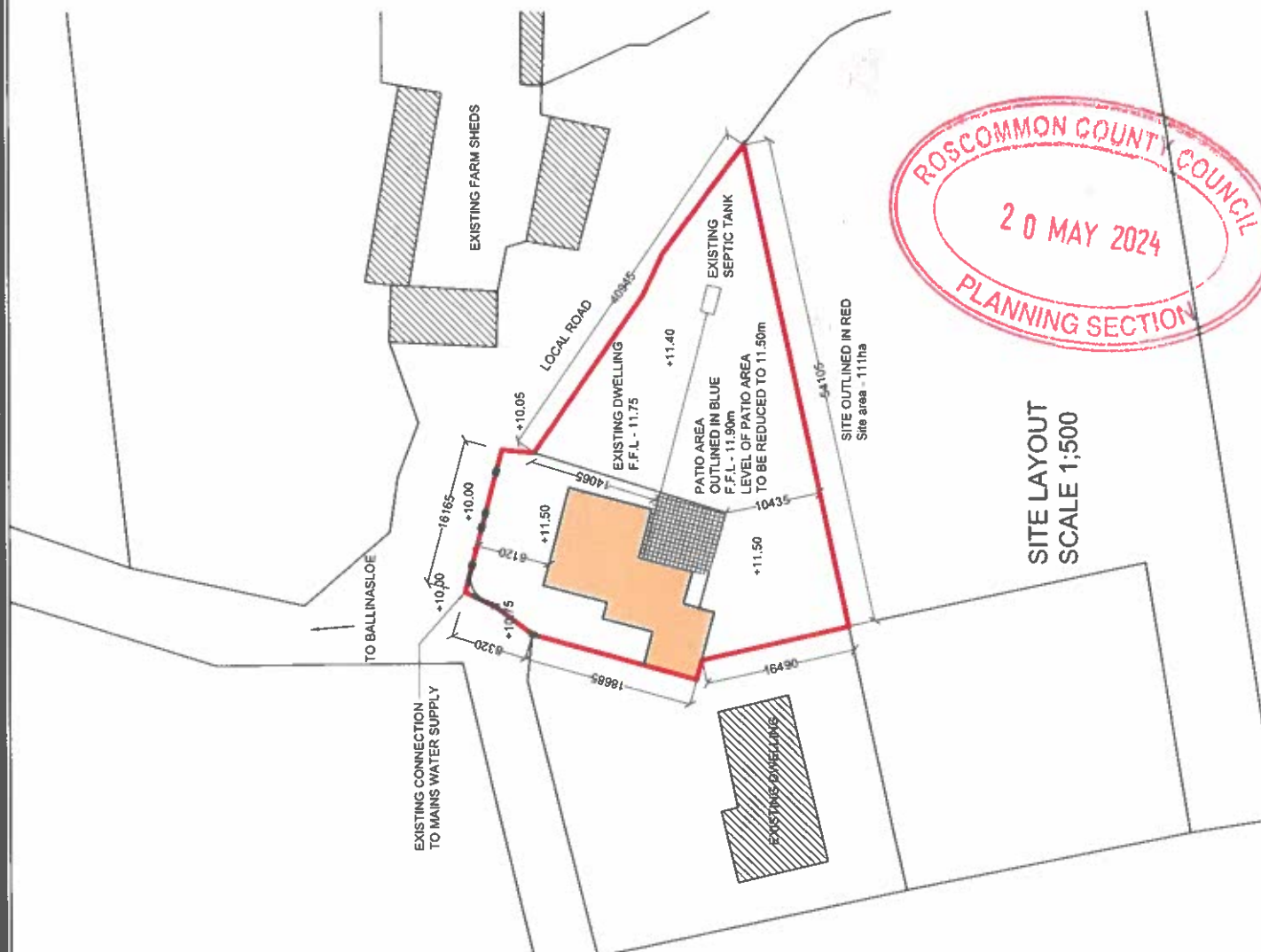
**Parkmore, Ballinasloe, Co. Roscommon**

**Roof:**  
Re-roofing to include the stripping of the existing slates and timber battens. Replace breather membrane and provide new timber battens and blue/black slates.

**Patio:**  
Remove existing concrete patio slabs to formation level. Provide 150mm of compacted hardcore and 100mm of a concrete slab and finish with stone effect concrete paving slabs.

**Roof:**  
Re-roofing to include the stripping of the existing slates and timber battens.  
Replace breather membrane and provide new timber battens and blue/black slates.

**Patio:**  
Remove existing concrete patio slabs to formation level. Provide 150mm of compacted hardcore and 100mm of a concrete slab and finish with stone effect concrete paving slabs.

[illegible]

**SITE LAYOUT**  
**SCALE 1:500**



# Land Registry Compliant Map



**CENTRE COORDINATES:**  
ITM 567076.732083

**PUBLISHED:**  
02/05/2024

**ORDER NO.:**  
50390173.1

**MAP SERIES:**  
1:2,500  
1:2,500  
3231-D  
3286-B

Aisling Hughes,  
Parkmore, Ballinasloe, Co. Roscommon.

Application for planning exemption  
for the re-roofing of existing dwelling  
and reduction in the level of the external  
patio area.

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

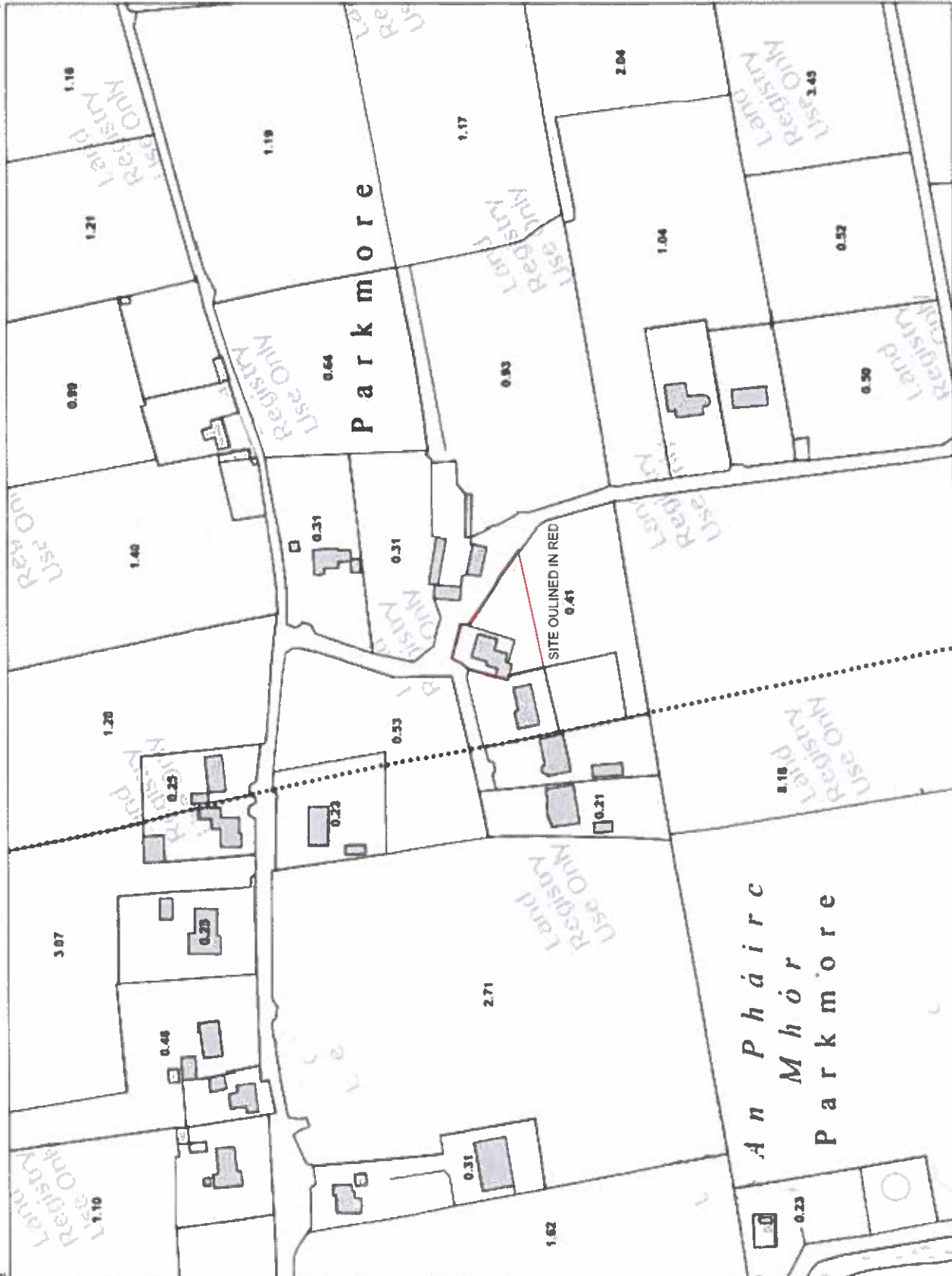
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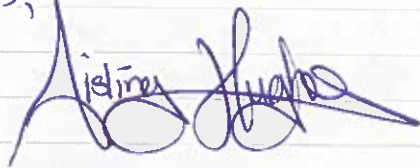


15/May/2024

To Whom It May Concern,

I would like to re-roof the house due to leakages.  
I am also looking to remove existing concrete patio  
slabs and lower patio level to formation level.

Regards,



AISLING HUGHES



**Carmel Curley**

---

**From:** Aisling Hughes [REDACTED]  
**Sent:** Wednesday 22 May 2024 10:30  
**To:** Carmel Curley  
**Subject:** Re: Declaration of Exempted Development

Good morning Carmel,

The roof design is not changing. The materials used will be a felt membrane, new batons and the old slates will be put back on.

Thanks,

Aisling

---

**From:** Carmel Curley <CCurley@roscommoncoco.ie>  
**Sent:** 21 May 2024 10:03  
**To:** aisling.hughes@hotmail.com [REDACTED]  
**Subject:** Declaration of Exempted Development

Dear Aisling,

I wish to acknowledge receipt of your Declaration of Exempted Development Application.

Before it can be validated could you please provide us with details of the Roof Finish/Roof Design and also details of the proposed material for the roof.

On receipt of same your application will be assigned a number and I can process the payment you enclosed.

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](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

**MAP LOCATION**



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