

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Catherine Watson,



Reference Number: DED 717
Application Received: 30th May 2024
Name of Applicants: Catherine Watson
Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house at Cuilglass, Bealnamulla, Athlone, 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 proposed 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 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 derelict house at Cuilglass, Bealnamulla, Athlone, 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: 10th July 2024

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

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

Carmel Curley

From: Carmel Curley
Sent: Thursday 11 July 2024 08:55
To: [REDACTED]
Cc: Camila Zen; James Lohan
Subject: DED717 - Notification of Decision
Attachments: DED717 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for your Declaration of Exempted Development Application – DED717.
A hard copy will issue 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 717
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish existing house.
Name of Applicant:	Catherine Watson
Location of Development:	Cuilglass, Bellanamullia, Athlone, Co. Roscommon
Site Visit:	08/07/2024

WHEREAS a question has arisen as to whether the following works; to refurbish existing house 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 two story country house with a flat roof front porch and flat roof extension to the rear with a garden area to the side and rear in Cuilglass, Bellanamullia, Athlone, Co. Roscommon. There is also storage sheds on the property and farm buildings next to the property accessed through a pedestrian gate. The property is accessed via a private lane off a local road off the R-362 road. The proposed development consists of the refurbishment of an existing house, which includes re-felting and re-tiling of the roof, new windows and doors 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 Castlesampson Esker PNHA/SAC (Site Code 001625) which is located circa 3.1km to the east and Carrickynaghtan Bog NHA (Site Code 001623) which is located circa 4km to the south 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,

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 an existing 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 refurbish existing house as outlined above in Cuilglass, Bellanamullia, Athlone, 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 proposed 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 existing house as outlined above in Cuilglass, Bellanamullia, Athlone, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 10th July 2024

Civil Technician



Signed:

Date: 10th July 2024

Senior Executive Planner





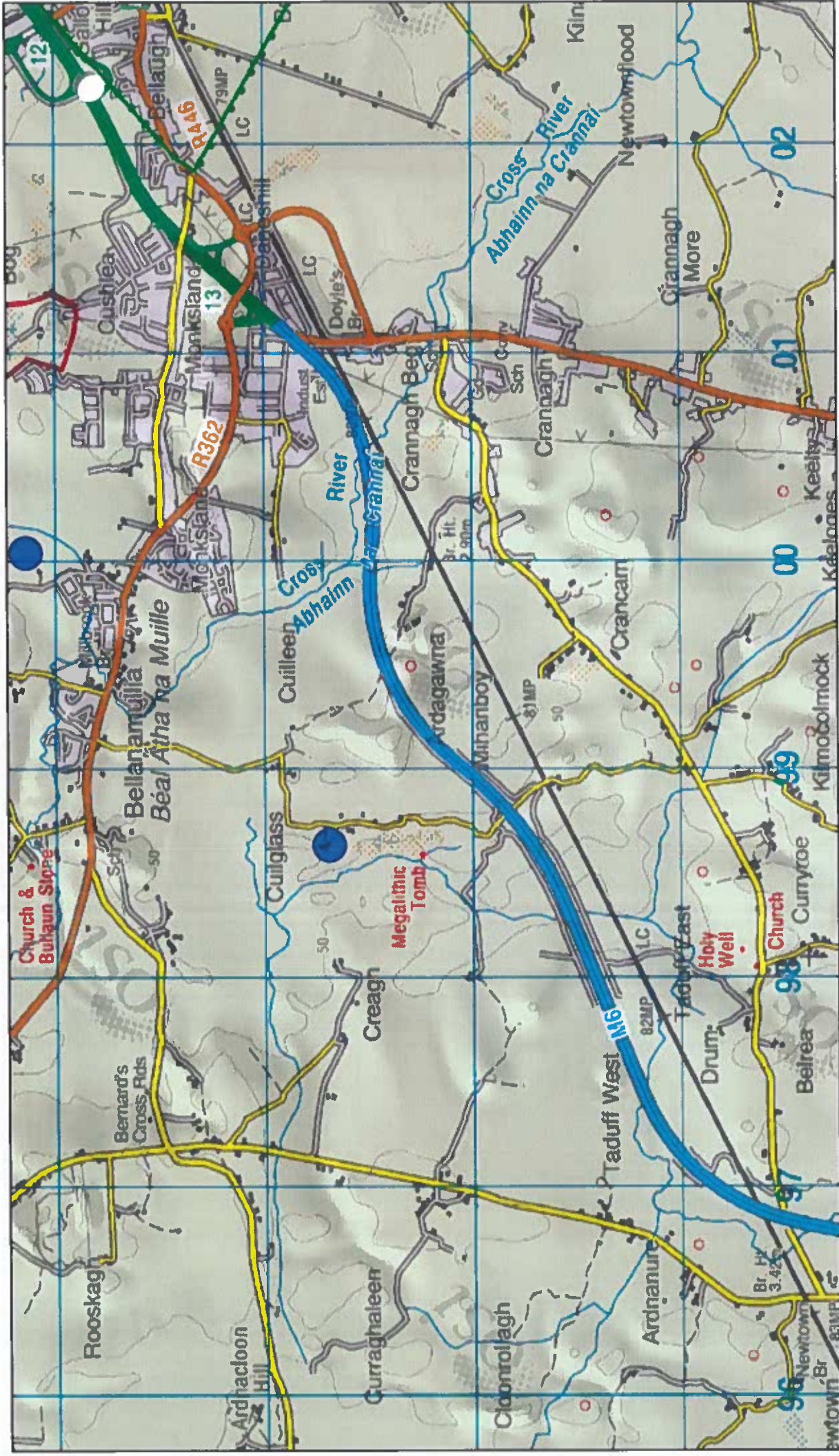




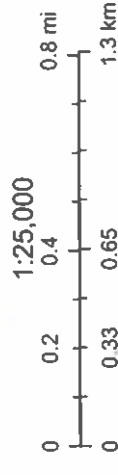




Map Viewer Printout

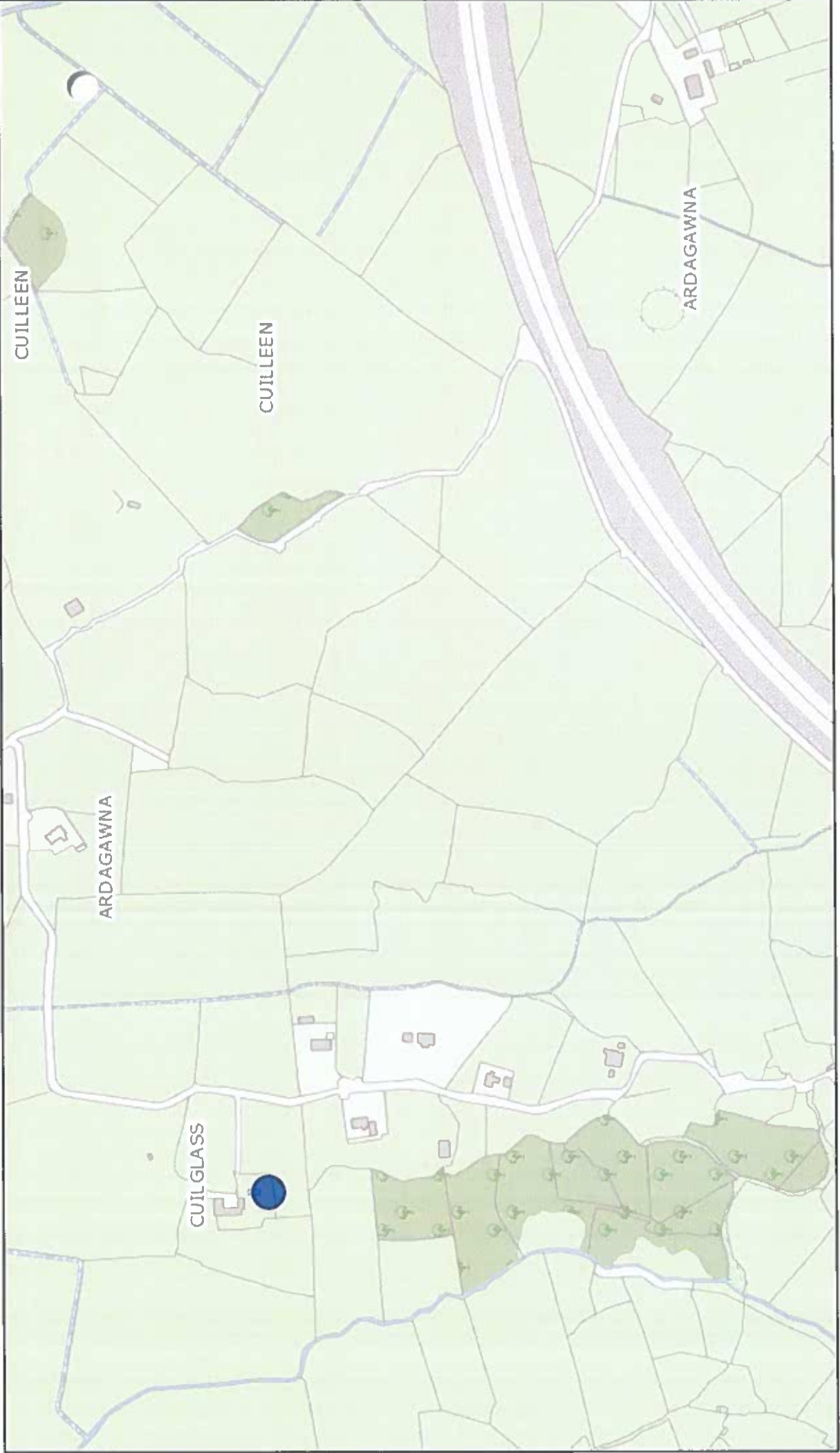


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 County Boundary

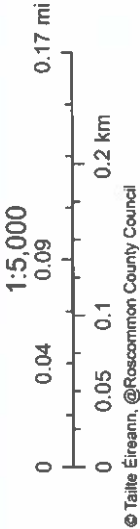
©Táille Éireann, @Roscommon County Council

Map Viewer Printout



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County Boundary

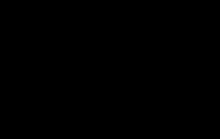




Comhairle Contae
Ros Comáin
Roscommon
County Council



Catherine Watson,



Date: 4th June 2024
Planning Reference: DED 717

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

A Chara,

I wish to acknowledge receipt of your application which was received on the 30th 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. L01/0/228879 dated 4th June 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 717**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Brian Farragher,
Senior Executive Planner,
Planning Department.

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

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

04/06/2024 10:21:38

Receipt No : L01/0/228879

CATHERINE WATSON
C/O JAMES LOHAN CONSULTING ENGINEERS LTD
BALLYPHEASON HOUSE
CIRCULAR RD, ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED717	

Total : 80 00 EUR

Tendered :
Cheque 80 00
500346

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)	Catherine Watson
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house 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.	CUILGLASS BEALNAMULLA ATHLONE CO. ROSCOMMON O.S No. 3102 XY: 598589, 740723 Townland Cuilglass
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>140.26Sqm</u>
Height above ground level:	Floor level- between 150mm - 220mm above ground level (Ridge height existing 6047mm above ground level)
Total area of private open space remaining after completion of this development	0.716Hectares
Roofing Material (Slates, Tiles, other) (Specify)	The roof will need to be re-felted and re-tiled to match the original

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.	Upgrade the windows, same size and shape as the original.
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
Proposed use of land or structure	Refurbish House to be lived
Distance of proposed building line from edge of roadway	Existing -89.52m 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:

Conleth M. R.

Date:

29/05/2024



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

Planning Dept,
Roscommon Co.Co.
Aras An Chontae,
Roscommon.

Detailed Specification Of The Development Proposed

Ref: Exempt Catherine Watsonfor Property at Cuilglass, Bealnamulla, Athlone Co. Roscommon

Schedule Of Works.

The property is being stripped out back to its original walls and from there it will be renovated and put back into use as it was originally a three-bed dwelling house. The works involved are as follows:

- 1) Strip out walls, floors and ceilings.
- 2) Place new ceiling joists and stud work internally and plaster board and skim
- 3) Re-wire
- 4) Re-Plumb
- 5) New windows and doors Upgrading UPVC windows white in colour
- 6) Re-Slate roof
- 7) Second fix and paint and decorate internally.

Kind Regards

Camila Zen

James Lohan Consulting Engineer Ltd,
Unit 5, Ballypheason House, Circular Road
Roscommon F42 C982

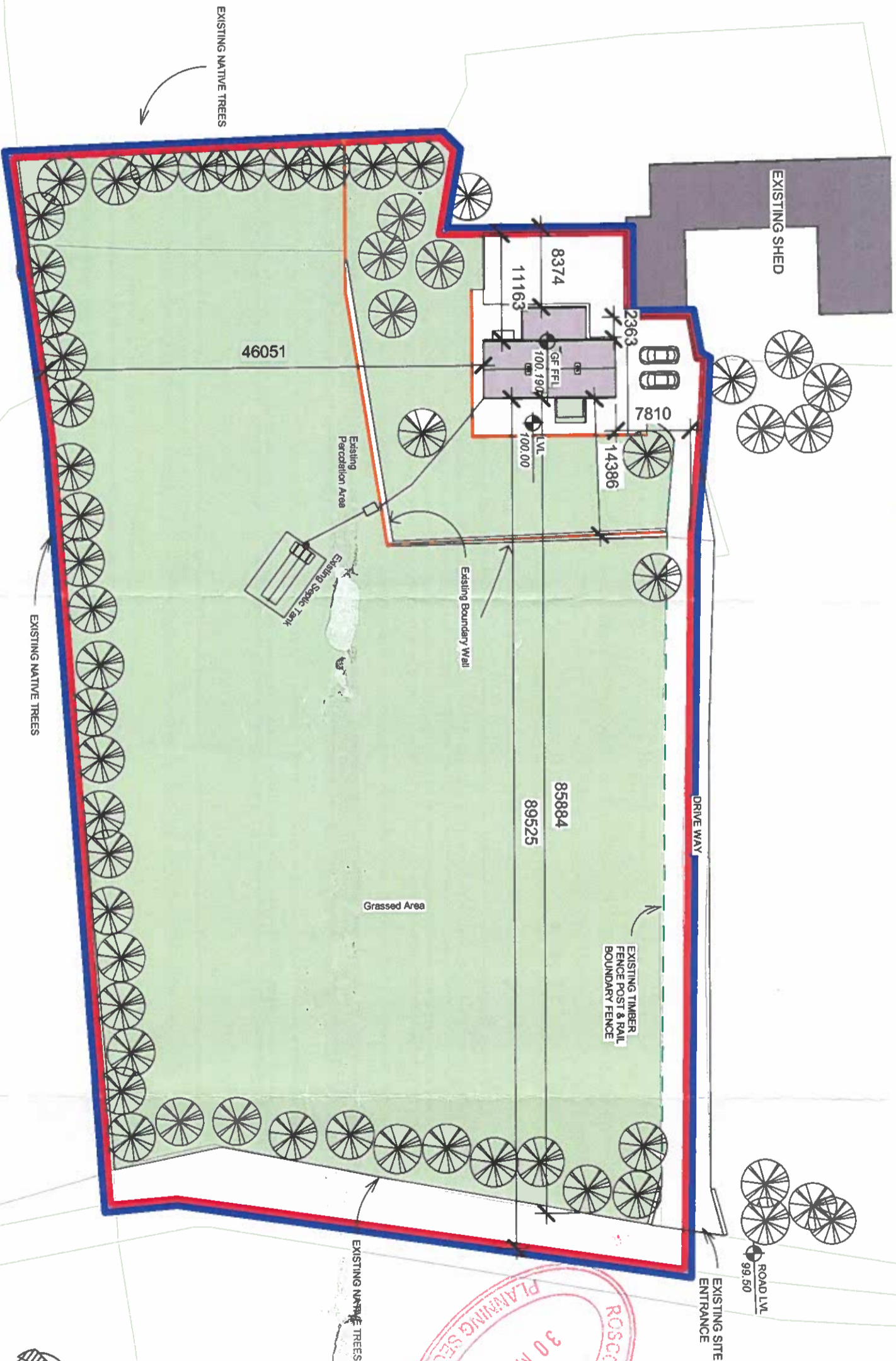


LEGEND

— SITE BOUNDARY OUTLINED IN RED (0.716 HECTARES)

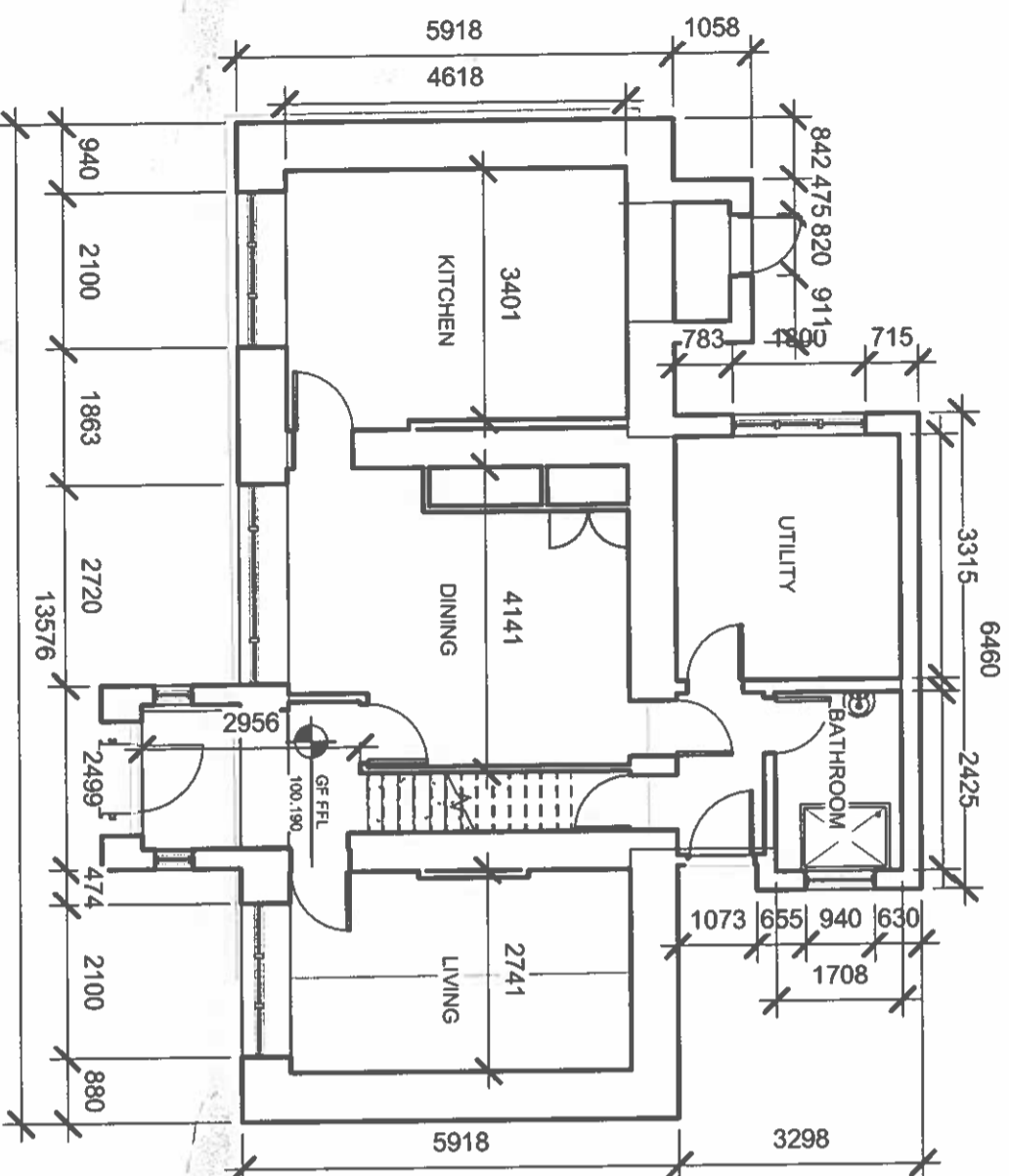
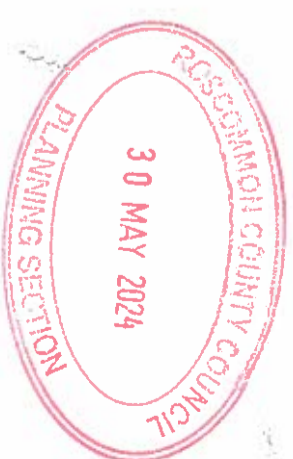
— LAND HOLDINGS OUTLINED IN BLUE

1 Site Layout Plan
1 : 500



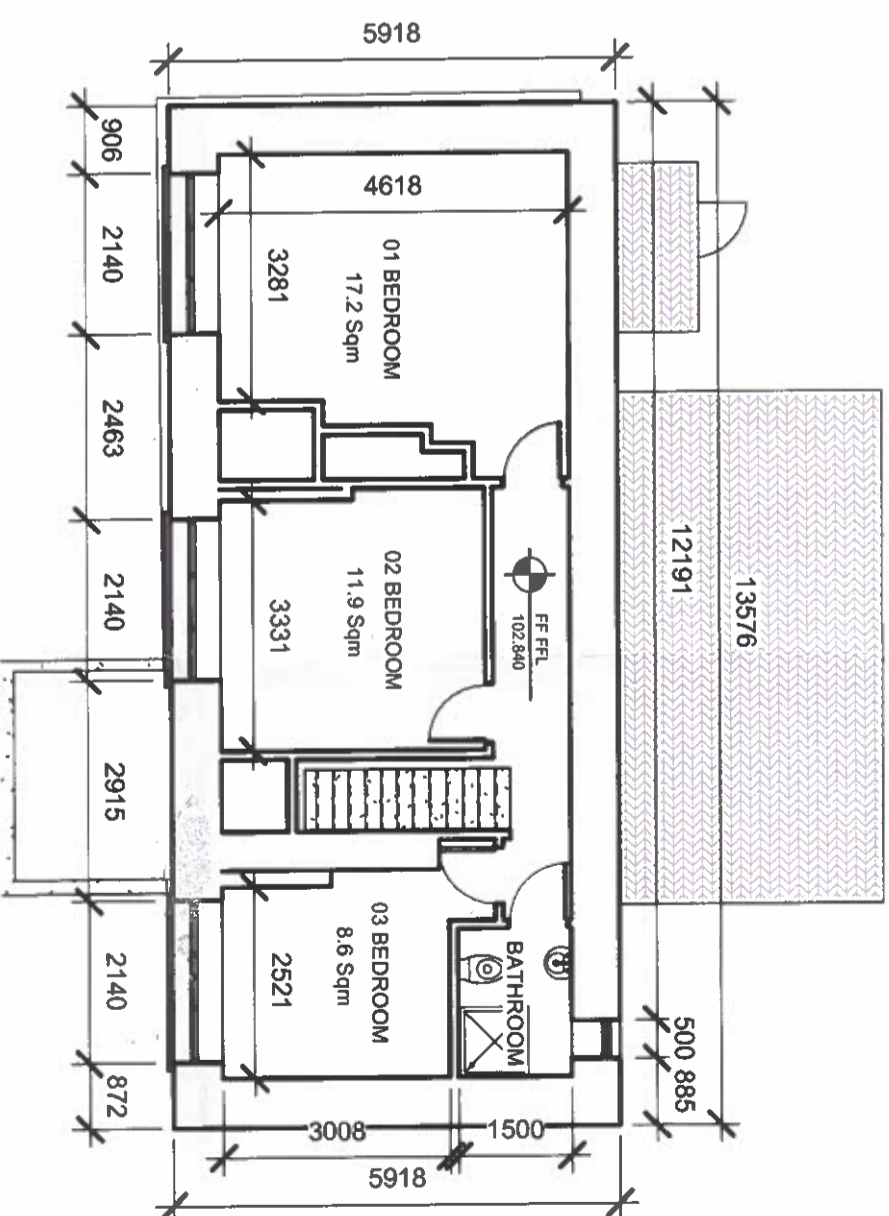
30 MAY 2024
PLANNING SECTION
ROSCOMMACH COUNTY COUNCIL

James Lohan Planning & Design Consulting Engineers 20 Neelding Street Roscommon Co. Roscommon				Bill & Anna House, Creever Road, Roscommon F45C887 Tel: (000) 863435 Email: jlohan@jlohan.ie			
CLIENT	Catharine Wilson	JOB	Exempt Development	JOB NO.	24-2019	DATE	14-05-2024
SITE	Cullinane Roscommon Co. Roscommon	DRAWING	Site Layout Plan	ORC NO.	001	REV	A
				SCALE	1:500	DRAW BY	C.Zan



2 Ground Floor Plan
1 : 100

Ground floor area: 83.75m²
First floor area: 56.60m²
Total floor area: 140.35m²



1 First Floor Plan
1 : 100

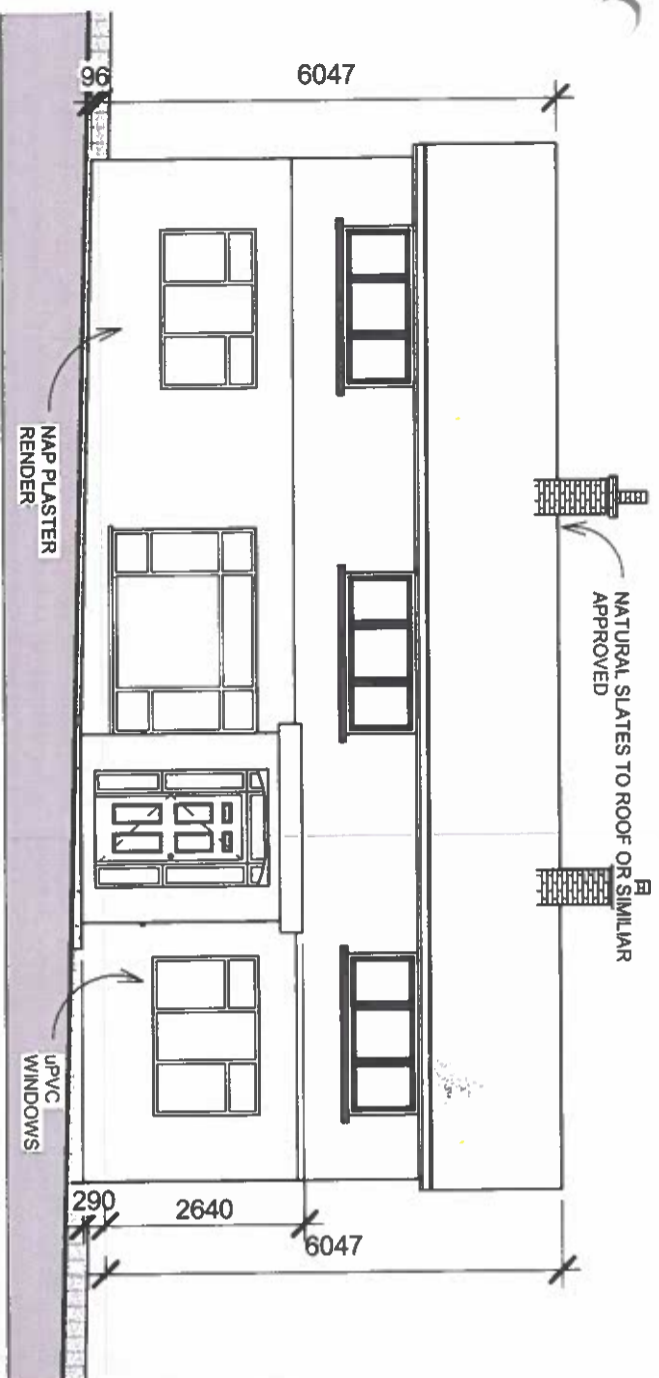


James Lohan
Planning & Design Consulting Engineers

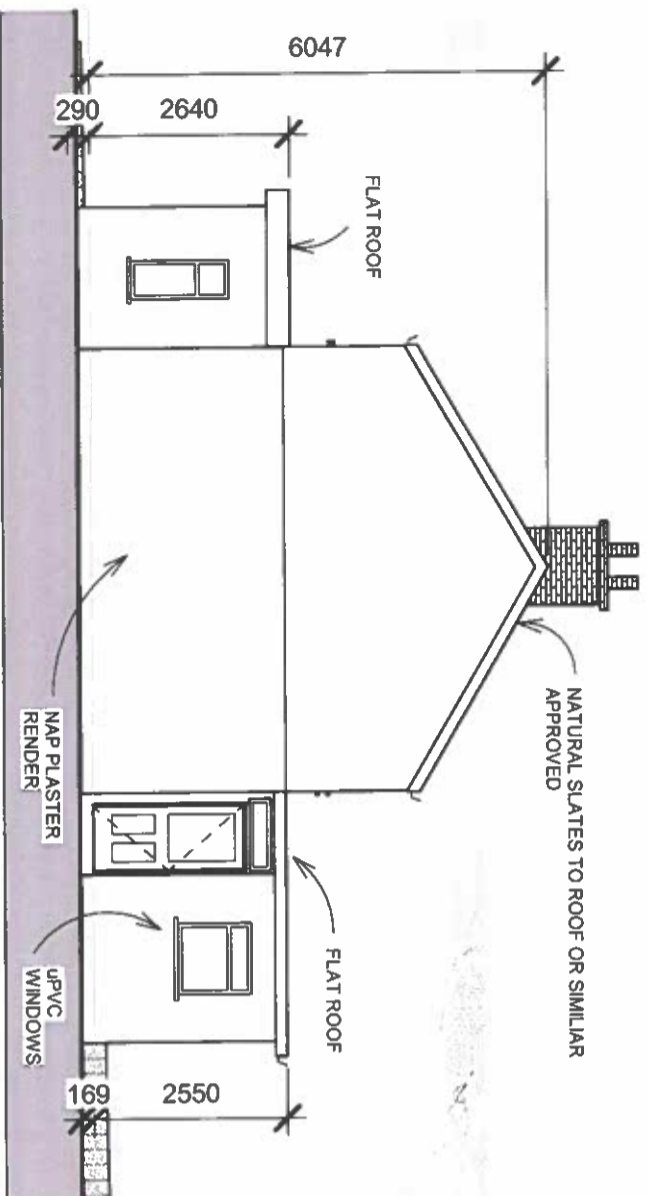
DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM PROVIDED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STATUS KEY: SK: SKETCH DESIGN; PR: PRELIMINARY; FT: FOR TENDER; FC: FOR CONSTRUCTION; SS: SUPERSEDED

Exempt
Development

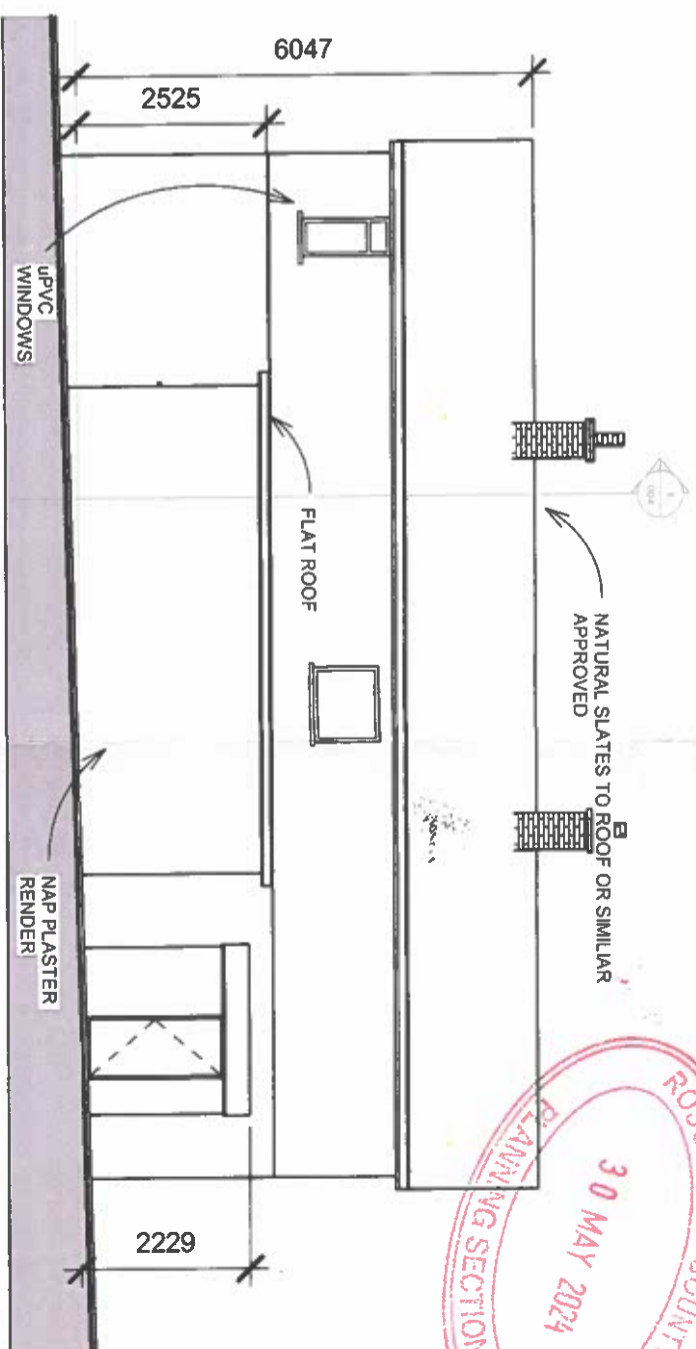
James Lohan		Chief Planning Architectural Design Survey	Bill & Joanne Houghton House, Rushmore Park, 882	F-mail: jlohan@jlohan.ie
CLIENT	Caroline Wilson	JOB	Exempt Development	JOB NO. 24-2018
SITE	Cullinass Athone Co. Roscommon	DRAWING	Ground Floor Plan & First Floor Plan	DATE 14-05-2024
		DRG NO.	002	REV A
		SCALE	1:100	DRAWN BY CZan



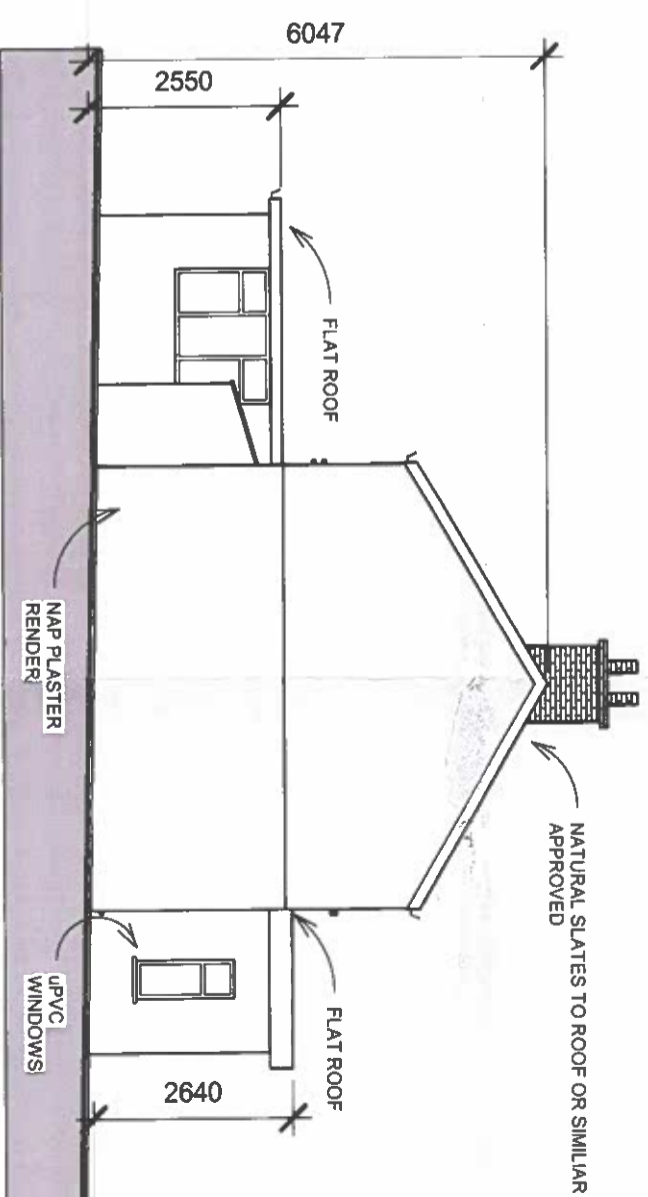
1 Front Elevation (EAST)
1 : 100



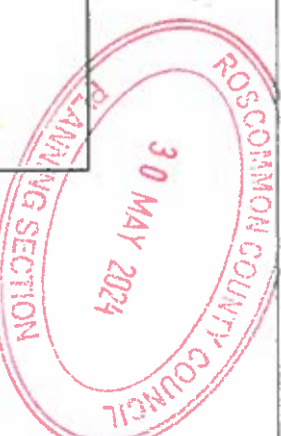
3 Side Elevation (NORTH)
1 : 100



2 Rear Elevation (WEST)
1 : 100



4 Side Elevation (SOUTH)
1 : 100



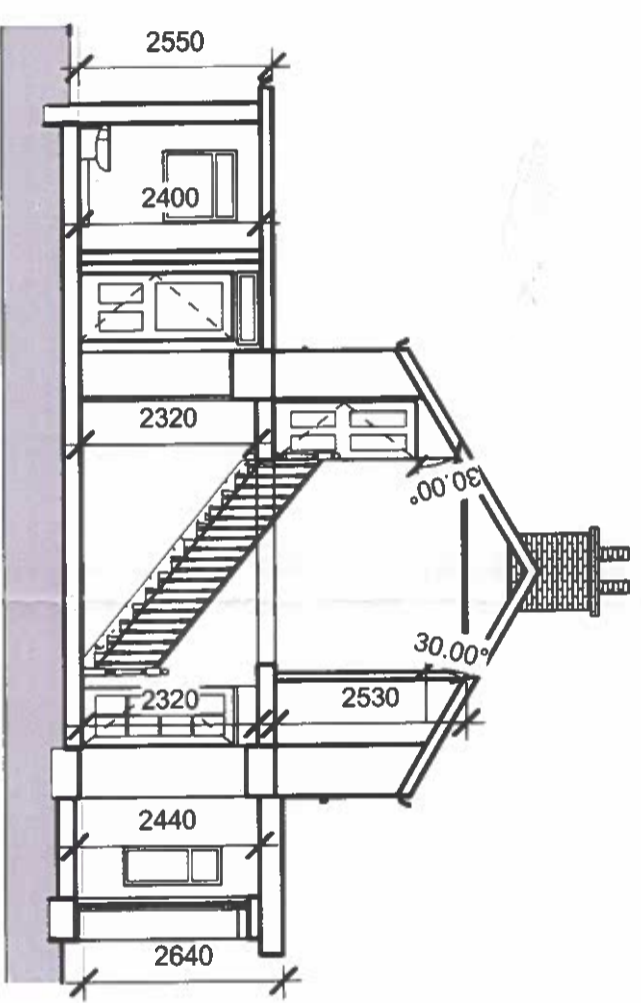
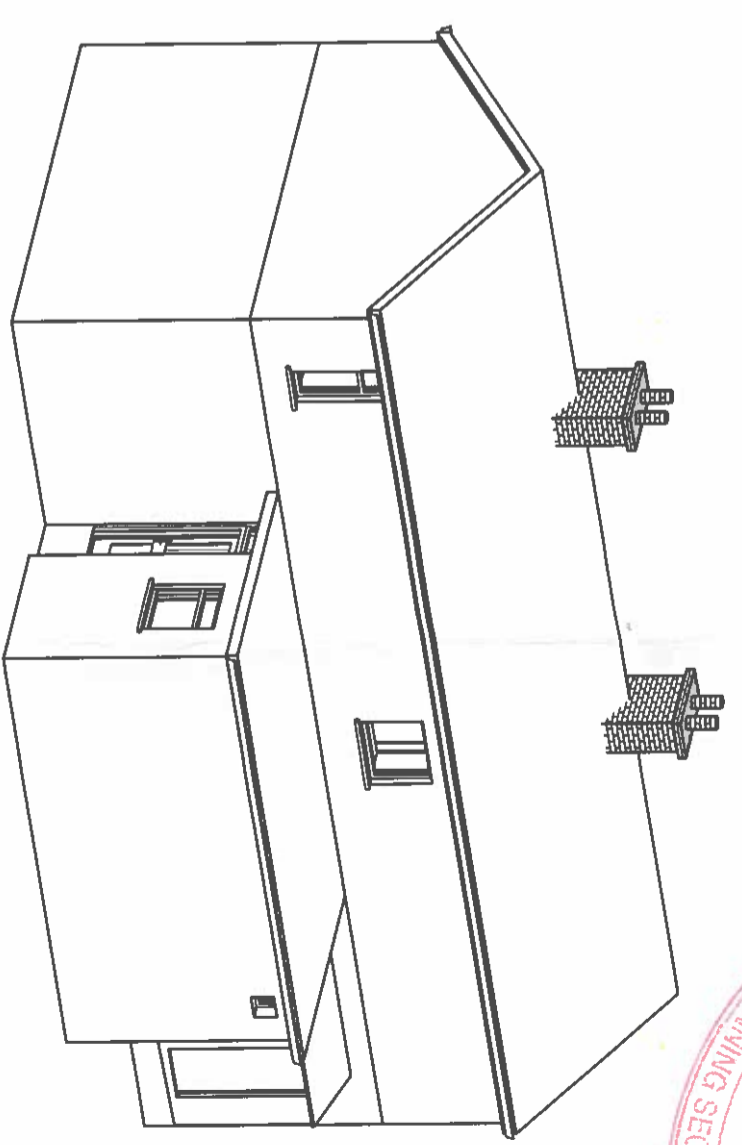
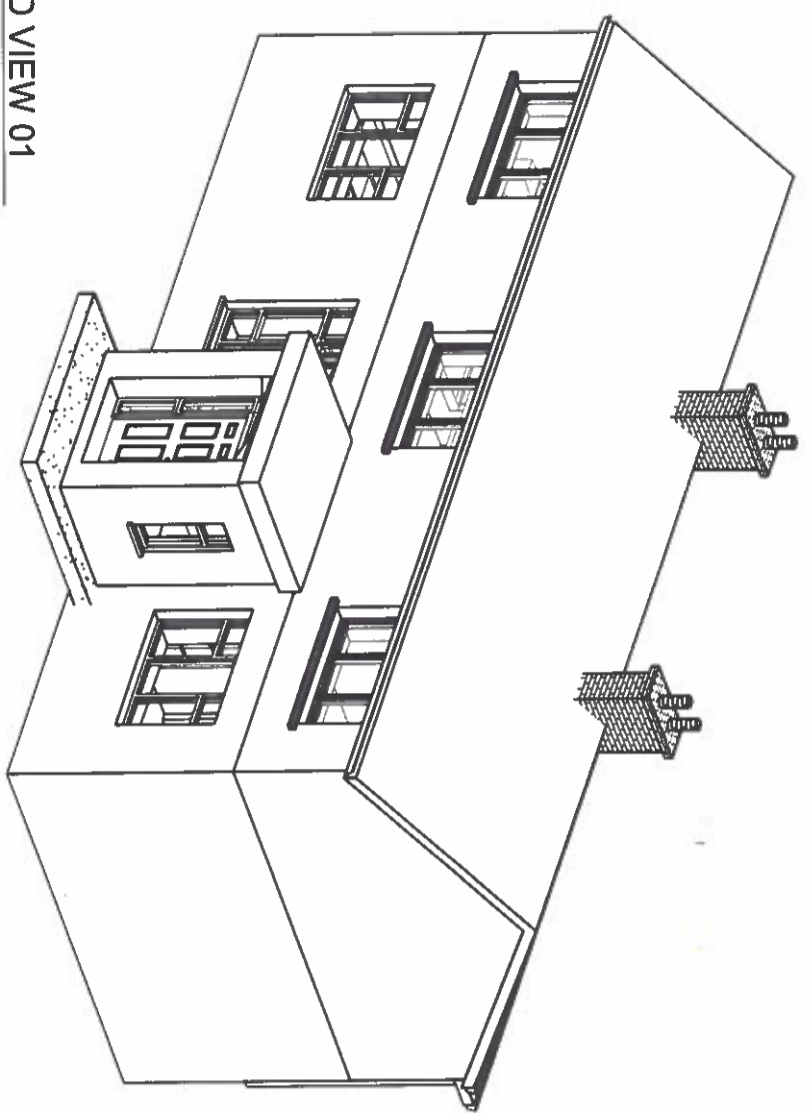
James Lohan
Planning & Design Consulting Engineers

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**Exempt
Development**

REV	DATE	BY	CHK
1	14-05-2024	RY	CZm

James Lohan Planning & Design Consulting Engineers Riverside & Design Consulting Engineers	Client Catharine Winton Catharine Winton Co. Roscommon	Job No J08 Exempt Development	Date 24-2019	Rev A
Site Catharine Winton Co. Roscommon	Side Elevations	Scale 1:100	Date 14-05-2024	Rev A




James Lohan
Planning & Design Consulting Engineers

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STATUS KEY: SK: SKETCH DESIGN PR: PRELIMINARY TT: FOR TENDER FC: FOR CONSTRUCTION SS: SUPERSEDED

Exempt Development

TA	DATE	REV
	/ /	/G
	/ /	/F
	/ /	/E
	/ /	/D
	/ /	/C
	/ /	/B
	/ /	/A

 James Lohan Architectural Design 101 S. Washington House, Charleston, SC 29402 Telephone: 843.732.0187 Fax: 843.732.0185	
CLIENT	Catherine Weiden 308 Example Development 24-2019 DATE 14-05-2024
SITE	Culpeas Beekmantown Ashboro Co. Northampton DRAWING 3D Views & Section 004 REV A DRAWN BY C.Zen SCALE 1:100



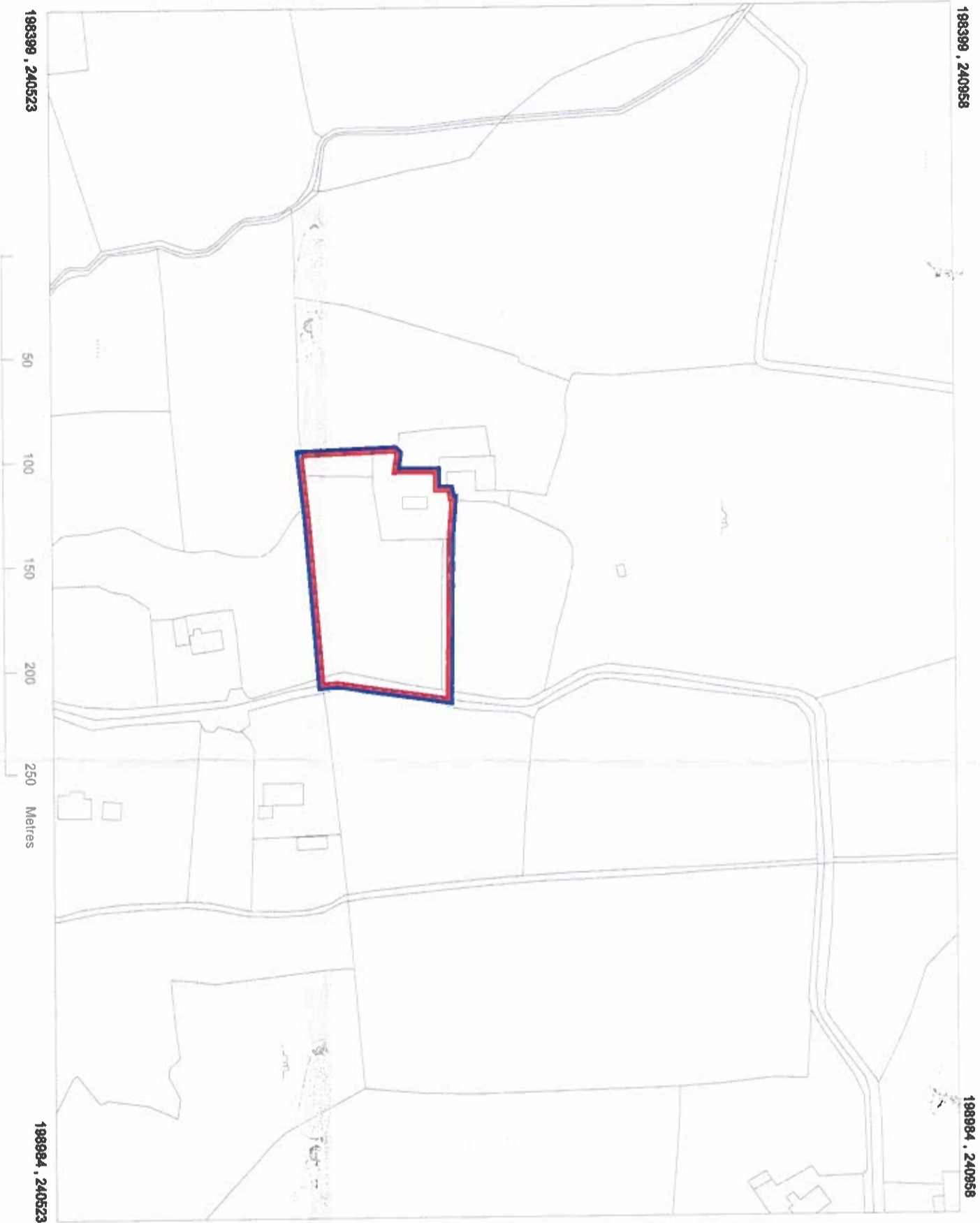
SITE ADDRESS:
CUILGELASS
BEALNAMULLA
ATHLONE
CO. ROSCOMMON

LEGEND

— **SITE AREA OUTLINED IN RED**
= 0.716 HECTARES

— **LAND HOLDING OUTLINED IN BLUE**

OS MAPS: 3102



SITE LOCATION MAP
1:2500



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REV	DATE	REV
/D		
/C		
/B		
/A		

Unit 5 Ballyphoscon House Circular Road, Roscommon F42 C982.		James Lohan Planning & Design Consulting Engineers	
CLIENT CATHRINE WATSON	JOB EXEMPT DEVELOPMENT	JOB No 24-219	DATE 13/05/2024
SITE CUILGELASS, BEALNAMULLA ATHLONE CO. ROSCOMMON	DRAWING SITE LOCATION MAP	DRC No 005	REV
		SCALE 1:2500	