

**ROSCOMMON COUNTY COUNCIL**

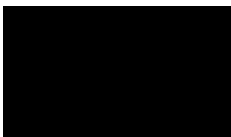
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Roisin Molloy,



Reference Number: DED 720  
Application Received: 5<sup>th</sup> June 2024  
Name of Applicants: Roisin Molloy  
Agent: Eric Nugent & Associates

**WHEREAS** a question has arisen as to whether the renovation and extension of a dwelling house at Lisbrock Cottage, Lisbrock, Kiltoom, 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) Class 1, 6, 11 and 50 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 extension to rear of a dwelling house as described in this case is an exempted development.
- (c) The proposed driveway and fence as described in this case are exempted developments.
- (d) The proposed demolition of the existing sheds as described in this case is an exempted development.
- (e) 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 – 2024 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 renovate and extend a dwelling house at Lisbrock Cottage, Lisbrock, 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: 3<sup>rd</sup> October 2024

ent via email: Eric Nugent & Associates  
Planning & Design Consultants  
[ericnugent@hotmail.com](mailto:ericnugent@hotmail.com)

**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

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**From:** Carmel Curley  
**Sent:** Thursday 3 October 2024 17:33  
**To:** ericnugent@hotmail.com  
**Subject:** DED720 - Roisin Molloy  
**Attachments:** DED720 - Notification of Decision.pdf

A Chara,

Please see attached Notification of Decision for DED Application 720 for Roisin Molloy. Please note that 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](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

MAP LOCATION



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

<b>Reference Number:</b>	DED 720
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to renovate and extend existing dwelling house.
<b>Name of Applicant:</b>	Roisin Molloy
<b>Location of Development:</b>	Lisbrock Cottage, Lisbrock, Kiltoom, Athlone, Co. Roscommon (N37 TX26)
<b>Site Visit:</b>	26/06/2024

**WHEREAS a question has arisen as to whether the following works; to renovate and extend existing dwelling 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) Class 1, 6, 11 and 50 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 in Lisbrock, Kiltoom, Athlone, Co. Roscommon and is accessed off the L-7543 road. The site contains a semi-detached single story dwelling house with a small extension to the rear. It is stated in the FI response received on the 02/08/2024 that both the front porch and the extension to the rear were part of the original structure which was constructed pre 1963. The site also had existing sheds to the rear of the house that are in close proximity to the existing house. The proposed works include the following:

- Construct a new larger extension to the rear of the existing house.
- In order to construct the new extension, existing sheds will have to be partly or fully demolished.
- Indicated on site layout plan and site inspection to construct a new fence around the site.
- Indicated on site layout plan and site inspection to construct a new driveway to the side and rear of existing/proposed house.

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 Ballynamona Bog and Corkip Lough SAC (Site Code 002339) which is located circa 1.6km to the southwest and Lough Ree PNHA/SAC/SPA (Site Codes 000440/004064) which is located circa 4.6km to the 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, 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><b>CLASS 1</b></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>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>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</p>

	<p>exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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**Class 6 of Part 1 of Schedule 2: Exempted development – General**

<b>Description of Development</b>	<b>Conditions and Limitations</b>
<p><b>CLASS 6</b></p> <p>(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</p> <p>(b) Any works within the curtilage of a house for—</p> <p>(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,</p> <p>(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.</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>

**Class 11 of Part 1 of Schedule 2: Exempted development – General**

Description of Development	Conditions and Limitations
<p><b>CLASS 11</b></p> <p>The construction, erection, lowering, repair or replacement, other than within or bounding the curtilage of a house, of –</p> <p>(a) any fence (not being a hoarding or sheet metal fence), or</p> <p>(b) any wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<p>1. The height of any new structure shall not exceed 1.2 metres or the height of the structure being replaced, whichever is the greater, and in any event shall not exceed 2 metres.</p> <p>2. Every wall, other than a dry or natural stone wall, constructed or erected bounding a road shall be capped and the face of any wall of concrete or concrete blocks (other than blocks of a decorative finish) which will be visible from any road, path or public area, including a public open space, shall be rendered or plastered.</p>

**Class 50 of Part 1 of Schedule 2: Exempted development – General**

Description of Development	Conditions and Limitations
<p><b>CLASS 50</b></p> <p>(a) The demolition of a building, or buildings, within the curtilage of—</p> <p>(i) a house,</p> <p>(ii) an industrial building,</p> <p>(iii) a business premises, or</p> <p>(iv) a farmyard complex.</p> <p>(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.</p>	<p>1. No such building or buildings shall abut on another building in separate ownership.</p> <p>2. The cumulative floor area of any such building, or buildings, shall not exceed:</p> <p>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</p> <p>(b) in all other cases, 100 square metres.</p> <p>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</p>



## 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 proposed development of an extension to the rear of a dwelling house which, it is stated as having floor space of 37.82m<sup>2</sup>.

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. a. Proposed work is stated as 37.82m<sup>2</sup>.  
b. Proposed extension is on ground floor only, therefore N/A.  
c. Proposed work is only on ground floor level.
2. House has not had a previous extension therefore N/A.
3. Proposed work 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 25m<sup>2</sup>
6. a. Windows are 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 single story and no access is indicated.

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 extension to rear of a dwelling house as described in this case is considered an exempted development.

The proposed development of the construction of a driveway to the side and rear of the existing dwelling, 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:

1. Ground levels are not been altered by more than 1m based on levels provided.
2. It is stated in the FI response received on the 02/08/2024 that the driveway shall be stone chipped and drained by a soakaway.

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 construction of a driveway to the side and rear of the existing dwelling as described in this case is considered an exempted development.

The proposed development of the construction of a post and rail fence to the sides and rear of the property, with regard to the compliance with the conditions and limitations of Class 11 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. It is stated in the FI response received on the 02/08/2024 that the fence is 1m in height.
2. It is stated in the FI response received on the 02/08/2024 that the fence is timber post and rail, therefore N/A.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 11 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a post and rail fence to the sides and rear of the property as described in this case is considered an exempted development.

The proposed development of the construction of an extension to the rear of the dwelling implies the demolition of the existing sheds to the rear of the dwelling which share the footprint of the proposed extension, with regard to the compliance with the conditions and limitations of Class 50 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Existing sheds are a stand along structure to the rear of the property/dwelling.
2. It is stated in the FI response received on the 02/08/2024 that the existing sheds are of agricultural use and the drawing of such provided states a floor area of 57.61m<sup>2</sup>.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the demolition of the existing sheds as described in this case is considered an exempted 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 renovate and extend existing dwelling house in Lisbrock Cottage, Lisbrock, Kiltoom, 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) Class 1, 6, 11 and 50 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 extension to rear of a dwelling house as described in this case is an exempted development.
- The proposed driveway and fence as described in this case are exempted developments.
- The proposed demolition of the existing sheds as described in this case is an exempted development.
- 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 renovate and extend existing dwelling house in Lisbrock Cottage, Lisbrock, Kiltoom, Athlone, Co. Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 03<sup>rd</sup> October 2024

Civil Technician

Signed:



Date: 03<sup>rd</sup> October 2024

Senior Executive Planner

**From:** eric nugent <ericnugent@hotmail.com>  
**Sent:** Wednesday 2 October 2024 14:01  
**To:** Carmel Curley  
**Subject:** Re: DED720 - Roisin Molloy  
**Attachments:** Roisin Molloy Existing Sheds.pdf

Hi Carmel,

In response to your email re DED Application 720, please find attached drawings relating to the sheds on site as requested.

Regards,  
Eric Nugent

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**From:** Carmel Curley <CCurley@roscommoncoco.ie>  
**Sent:** Tuesday 6 August 2024 13:10  
**To:** ericnugent@hotmail.com <ericnugent@hotmail.com>  
**Subject:** DED720 - Roisin Molloy

Dear Eric,

Please see attached letter in response to the Further Information response received 2<sup>nd</sup> August 2024 for DED Application 720 – Roisin Molloy.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,  
Planning Department, Roscommon County Council,  
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98  
☎: (090) 6637100

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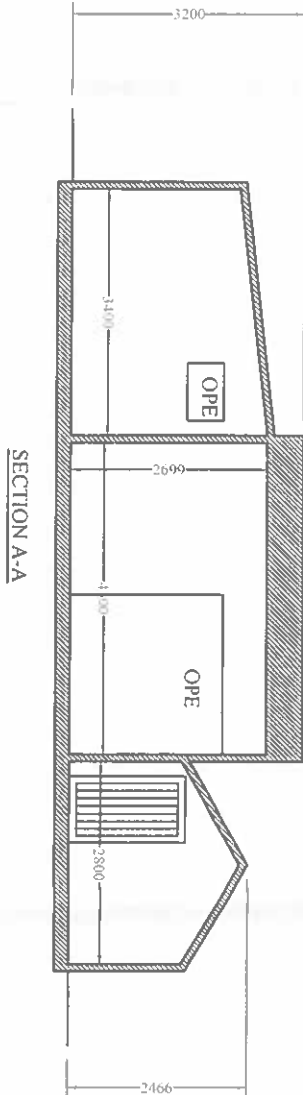
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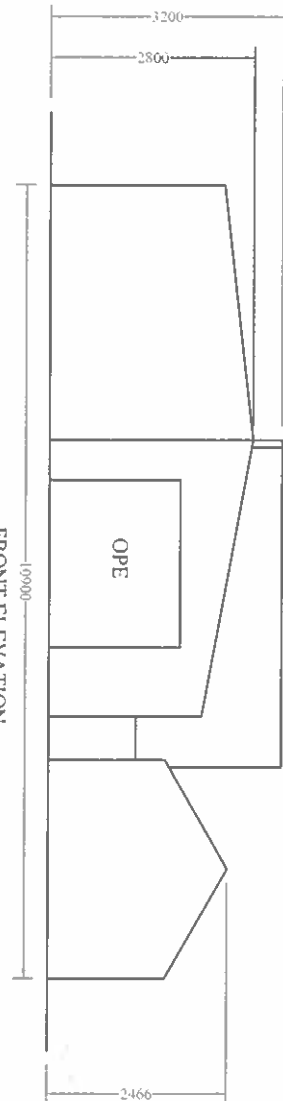
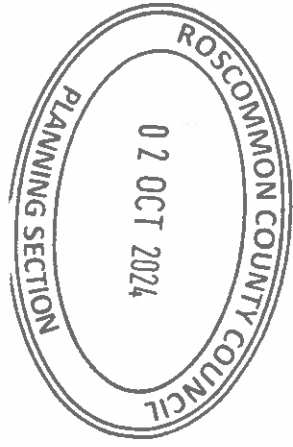
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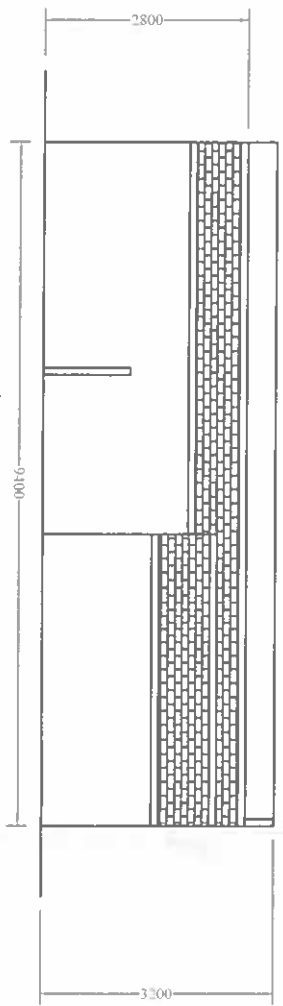
GROUND FLOOR PLAN (57.61 Sq. Mtrs)



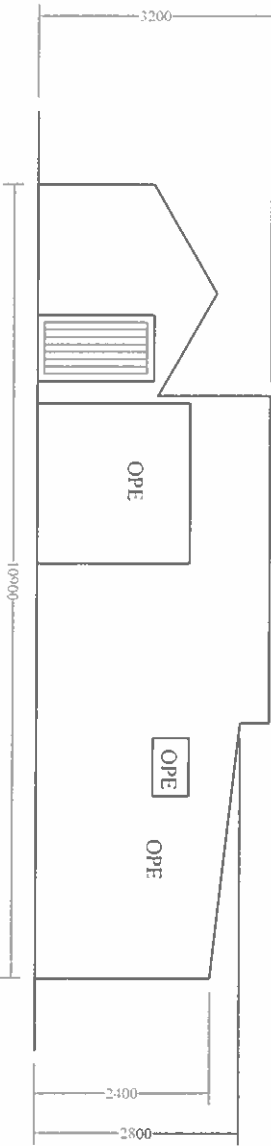
SECTION A-A



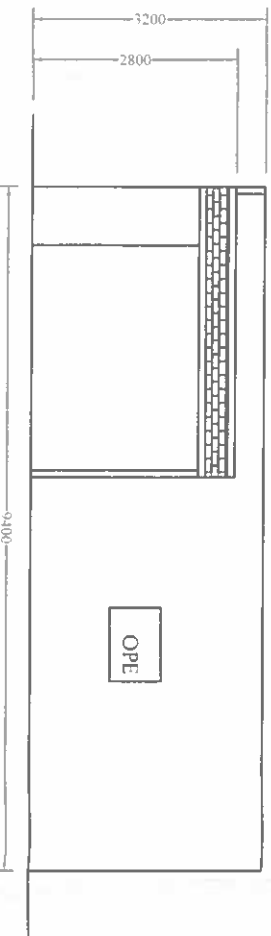
FRONT ELEVATION



SIDE ELEVATION



FRONT ELEVATION



SIDE ELEVATION

- NOTES
1. This drawing is the property of Eric Nugent and Associates. It is a confidential document and must not be copied, used, or its contents divulged without prior written consent.
  2. All dimensions are in millimetres unless otherwise stated.
  3. DO NOT SCALE, use figured dimensions only, if in any doubt please ask.

No.	Date	By	Amendments

**Eric Nugent & Associates**  
Planning & Design Consultants  
24, St. Francis Ter., Ardara, Co. Wexmouth  
Mobile: (086) 3179733  
email: ericnugent@hotmail.com

<b>Project</b> EXISTING SHEDS AT LISBROCK KILTROOM, Co. ROSCOMMON FOR ROISIN MOLLOY			
<b>Title of drawing</b> EXISTING SHEDS GROUND FLOOR & ELEVATIONS & SECTION DETAIL.			
<b>Scale</b> 1:100 (A3)	<b>Job no.</b>		
<b>Date</b> Sept 2024	<b>Drawn By</b> Eric Nugent		
<b>Drawn no.</b> 2024-RMS-01	<b>Rev.</b>		

## Carmel Curley

---

**From:** Carmel Curley  
**Sent:** Tuesday 6 August 2024 14:10  
**To:** ericnugent@hotmail.com  
**Subject:** DED720 - Roisin Molloy  
**Attachments:** DED720 - FI Response.pdf

Dear Eric,

Please see attached letter in response to the Further Information response received 2<sup>nd</sup> August 2024 for DED Application 720 – Roisin Molloy.

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





Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Roisin Molloy,  
Clonaberig,  
Ballinahown,  
Athlone,  
Co. Roscommon.

Date: 6<sup>th</sup> August 2024  
Ref: DED 720

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: WHEREAS a question has arisen as to whether the renovation and extension of a dwelling house at Lisbrock Cottage, Lisbrock, Kiltoom, Athlone, Co. Roscommon., is or is not development and is or is not exempted development.

\*\*\*\*\*

A Chara,

I refer to your Further Information Response received 2<sup>nd</sup> August 2024 and in order for the Planning Authority to determine as to whether the renovation and extension of a dwelling house at Lisbrock Cottage, Lisbrock, Kiltoom, Athlone, Co. Roscommon., is or is not development or is or is not exempted development, please note that the response received in relation to Item 1 of the Further Information Letter issued on the 1<sup>st</sup> July 2024 is deemed insufficient;

1. Item 1 required you to provide a scaled drawing of the existing sheds to the rear of the house and state the precise area of all structures which will require demolition

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 720**.

**Note:** Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell,  
Senior Executive Planner,  
Planning.

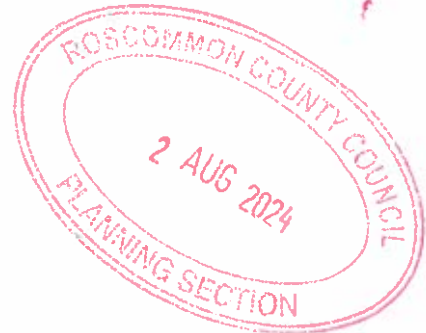
cc agent via email: Eric Nugent & Associates  
Planning & design Consultants  
[ericnugent@hotmail.com](mailto:ericnugent@hotmail.com)

Planning Dept  
Roscommon County Council  
Aras an Chontae  
Roscommon  
Co. Roscommon  
F42 VR98

Date: 30<sup>th</sup> July 2024

Applicant: Roisin Molloy

Ref: DED 720



A Chara,

In relation to your letter dated 1<sup>st</sup> July 2024 we are asked to respond to your questions pertaining to this development and we now the enclose the following information.

1. The current sheds which are for agricultural use located to the rear of the property are structurally compromised and form a danger to those entering same, they do not form part the dwelling and therefore are classed as exempt development and do not form a basis for drawings of same to be submitted to the Council, the proposed extension to the existing dwelling is highlighted orange comprising an area of 37.82m<sup>2</sup> on drawing number 2024-RM-02 previously submitted to your good self to distinguish from the original dwelling. The original dwelling in its current form was constructed pre 1963 and is therefore exempt development from planning permission and building regulations.
2. The existing porch forms part of the original structure and is also classed as exempt development.
3. It is proposed that the site be enveloped with a 1m high timber post & rail fence.
4. The proposed driveway shall be stone chipped and drained by soakaway to BRE Digest 365.
5. In response to the gross floor area this shall be 68m<sup>2</sup>, it is noted however that the original structure was constructed pre 1963 and is classed as exempt development, in this regard the new extension to the original dwelling comprising an area of 37.82m<sup>2</sup> we consider is classed as exempt development as its area is below 40m<sup>2</sup> to the original structure and is therefore in compliance with current legislation.

This letter we believe confirms the applicants interest for the above application and await your decision in due course.

Yours truly,

  
Eric Nugent  
BEng MIEI

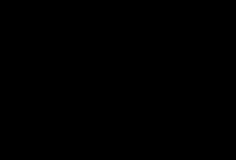




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Roisin Molloy,



Date: 1<sup>st</sup> July 2024  
Ref: DED 720

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: WHEREAS a question has arisen as to whether the renovation and extension of a dwelling house at Lisbrock Cottage, Lisbrock, Kiltoom, Athlone, Co. Roscommon., is or is not development and is or is not exempted development.

\*\*\*\*\*

A Chara,

Further to your application received on the 5<sup>th</sup> June 2024 and in order for the Planning Authority to determine as to whether the renovation and extension of a dwelling house at Lisbrock Cottage, Lisbrock, Kiltoom, Athlone, Co. Roscommon., is or is not development or is or is not exempted development, you are requested to submit the following further information:

1. Provide a scaled drawing of the existing sheds to the rear of the house and state the precise area of all structures which will require demolition.
2. Indicate if the existing porch is an extension to the original house and the area of such.
3. Please provide more information i.e height and design in relation to the proposed fence around the site.
4. Please provide information in relation to the proposed material for the driveway and how it is proposed to drain such.
5. Please provide a breakdown of the area (37.82m<sup>2</sup>) of the proposed extension. The area provided has to be the gross floor area of the proposed extension.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 720**.

**Note:** Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell,  
Senior Executive Planner,  
Planning.

cc agent: Sherry Fitzgerald, O'Meara Auctioneers,  
32 Mardyke St, Loughanaskin, Athlone, Co. Westmeath.  
Aras an Chontae, Roscommon  
T 090 6637100 F 090 6625599 E customerservice@roscommoncoco.ie  
W roscommon.ie @RoscommonCountyCouncil @roscommoncoco



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

<b>Reference Number:</b>	DED 720
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to renovate and extend existing dwelling house.
<b>Name of Applicant:</b>	Roisin Molloy
<b>Location of Development:</b>	Lisbrock Cottage, Lisbrock, Kiltoom, Athlone, Co. Roscommon (N37 TX26)
<b>Site Visit:</b>	26/06/2024

**WHEREAS a question has arisen as to whether the following works;** to renovate and extend existing dwelling 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) 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 in Lisbrock, Kiltoom, Athlone, Co. Roscommon and is accessed off the L-7543 road. The site contains an attached single story dwelling house with a small extension to the rear that is proposed to be demolished. The front porch appears to also be an extension to the original house. The site also had existing sheds to the rear of the house that are in close proximity to the existing house. The proposed works include the following:

- Demolish existing extension to the rear of the existing house.
- Construct a new larger extension to the rear of the existing house.
- In order to construct the new extension, existing sheds will have to be partly or fully demolished.
- Indicated on site layout plan and site inspection to construct a new fence around the site.
- Indicated on site layout plan and site inspection to construct a new driveway to the side and rear of existing/proposed house.

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 Ballynamona Bog and Corkip Lough SAC (Site Code 002339) which is located circa 1.6km to the southwest and Lough Ree PNHA/SAC/SPA (Site Codes 000440/004064) which is located circa 4.6km to the 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, 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,

**Initial Planning Assessment:**

It is unclear from the documentation submitted the area of the existing sheds that seems to require demolition to accommodate the proposed extension, the height of the surrounding fence, the material/drainage of the driveway and previous extensions to the existing house.

Accordingly, a further Information request will be made in this regard.

**Recommendation:**

Please provide the below information:

- Provide a scaled drawing of the existing sheds to the rear of the house and state the precise area of all structures which will require demolition.
- Indicate if the existing porch is an extension to the original house and the area of such.
- Please provide more information i.e height and design in relation to the proposed fence around the site.
- Please provide information in relation to the proposed material for the driveway and how is it proposed to drain such.
- Please provide a breakdown of the area (37.82m<sup>2</sup>) of the proposed extension. The area provided has to be the gross floor area of the proposed extension.



**Signed:**

**Date:** 01<sup>st</sup> July 2024

Civil Technician



**Signed:**

**Date:** 01<sup>st</sup> July 2024

Senior Executive Planner













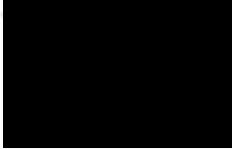




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Roisin Molloy,



Date: 11<sup>th</sup> June 2024  
Planning Reference: DED 720

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to renovate and extend existing dwelling house under the Planning & Development Act (Exempt Development) Regulations 2018 at Lisbrock Cottage, Lisbrock, Kiltoom, Athlone, Co. Roscommon., N37 TX26.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 5<sup>th</sup> June 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. L01/0/228926 dated 6<sup>th</sup> 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 720**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

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

cc agent: Sherry Fitzgerald,  
O'Meara Auctioneers,  
32 Mardyke St,  
Loughanaskin,  
Athlone,  
Co. Westmeath.

Roscommon County Council  
Aras an Chontae  
Roscommon  
08066 37100

06/06/2024 12:14:14

Receipt No.: L01/0/228926

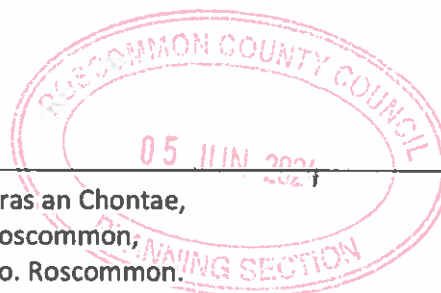
ROISIN MOLLOY  
C/O SHERRY FITZGERALD  
O'MEARA AUCTIONEERS  
ATHLONE  
CO. WESTMEATH

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 720	

Total : 80.00 EUR



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

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

## Roscommon County Council

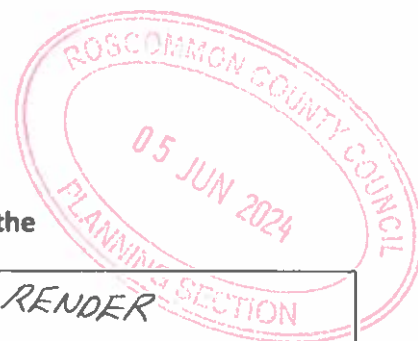
### Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	ROISIN MOLLOY
Name of Agent	SHERRY FITZGERALD, O'MEARA AUCTIONEERS, ATHLONE
Nature of Proposed Works	TO RENOVATE AND EXTEND EXISTING DWELLING HOUSE
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	LISBROCK COTTAGE, LISBROCK, KILTOOM, ATHLONE, CO. ROSCOMMON, N37TX26
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>71.76 Sq. Mtrs</u> b) <u>37.82 Sq. Mtrs</u>
Height above ground level:	4.334 Mtrs
Total area of private open space remaining after completion of this development	0.11 HECTARES (0.11 Ha)
Roofing Material (Slates, Tiles, other) (Specify)	PITCHED SLATE + COMPOSITE FLAT ROOF

## 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 RENDER
Is proposed works located at front/rear/side of existing house.	PROPOSED WORKS TO REAR OF EXISTING HOUSE
Has an application been made previously for this site	NO APPLICATION MADE PREVIOUSLY FOR THIS SITE
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	EXISTING USE OF STRUCTURE IS DWELLING HOUSE
Proposed use of land or structure	PROPOSED USE OF STRUCTURE IS DWELLING HOUSE
Distance of proposed building line from edge of roadway	4.072 FROM EDGE OF ROADWAY
Does the proposed development involve the provision of a piped water supply	PIPED WATER SUPPLY IS EXISTENT
Does the proposed development involve the provision of sanitary facilities	N/A

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

Signature: Raini Molloy

Date: 03/06/2024

**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

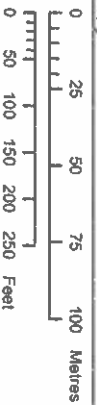
# OSi PLACE Map

744947

595203

744947

595786



OUTPUT SCALE: 1:2,500

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.taithe.ie](http://www.taithe.ie), search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.taithe.ie](http://www.taithe.ie) and search for 'Large Scale Legend'

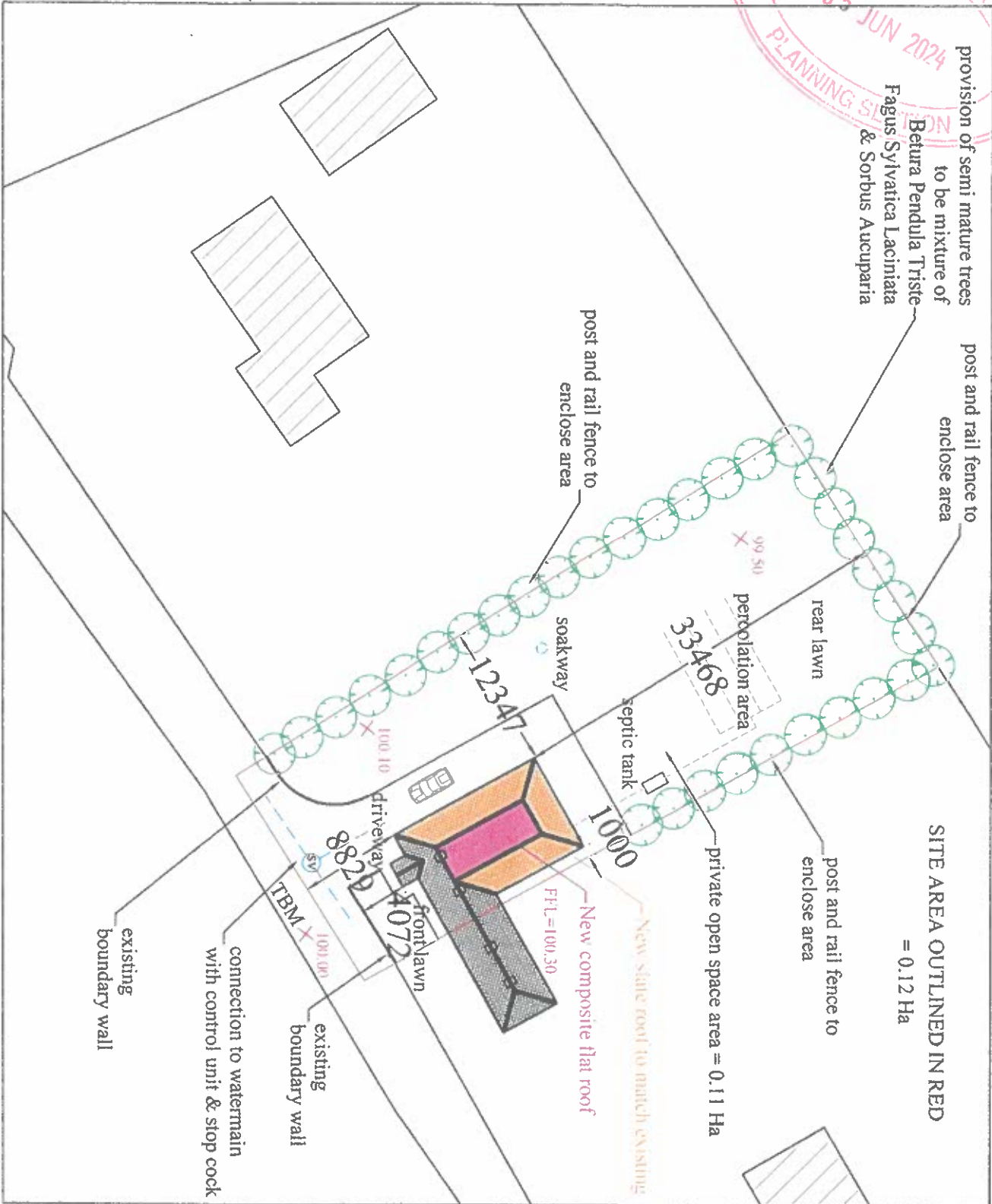


**CENTRE COORDINATES:**  
ITM 595495,744732  
**PUBLISHED:** 31/05/2024  
**ORDER NO.:** 50404063\_1  
**MAP SERIES:** 1:5,000  
**MAP SHEETS:** 2963

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

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SITE AREA OUTLINED IN RED

= 0.12 Ha

private open space area = 0.11 Ha

New composite flat roof

F.F.L. = 100.30

soakway

septic tank

1000

12347

front lawn

4072

driveway

8829

100.00

SY

existing boundary wall

connection to watermain with control unit & stop cock

existing boundary wall

existing boundary wall

NOTES

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2. All dimensions are in millimetres unless otherwise stated.
3. DO NOT SCALE, use figured dimensions only, if in any doubt please ask.



**ERIC NUGENT AND ASSOCIATES**  
Planning & Design Consultants  
20, St. Francis Tce, Athlone, Co. Westmeath  
Mobile: (086) 3397933  
e-mail: [ericnugent@hotmail.com](mailto:ericnugent@hotmail.com)

**Project**  
PROPOSED DEVELOPMENT  
AT  
LISBROCK, KILTOM  
ATHLONE, Co. ROSCOMMON  
FOR ROISIN MOLLOY

**Title of dwg.**

SITE LAYOUT MAP.

**Scale** 1:500 **Job no.**

**Date** April 2024

**Drawn By** Eric Nugent

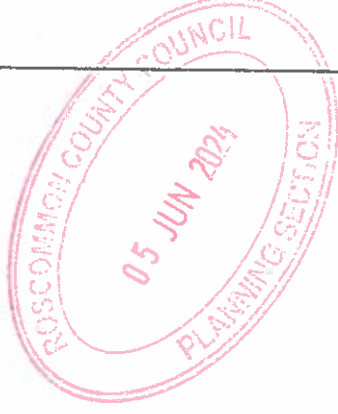
**Dwg. no.**

2024/SLM/01

**Rev.**



- NOTES
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  - All dimensions are in millimetres unless otherwise stated.
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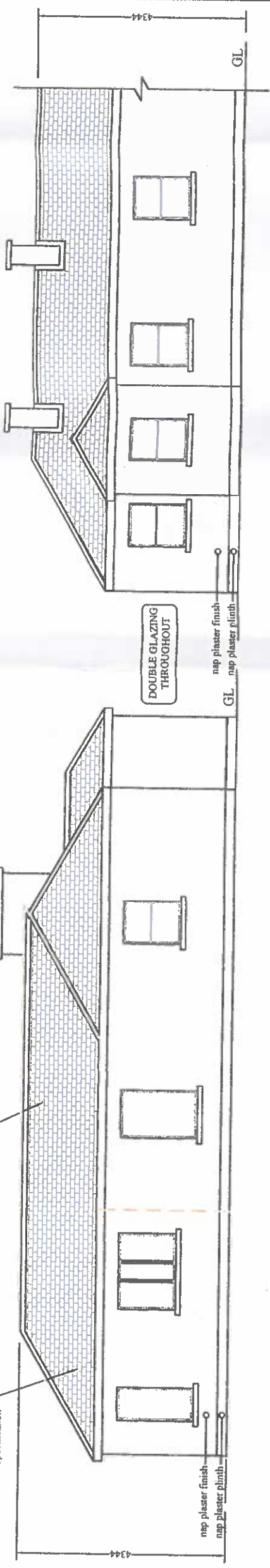
No.	Date	By	Amendments

**Eric Nugent & Associates**  
Planning & Design Consultants  
20, St. Francis Tce, Athlone, Co. Westmeath  
Mobile: (086) 3379733  
email: ericnugent@hotmail.com

**Project**  
EXTENSION DRAWINGS  
AT  
LISBROCK  
KILTOM, Co. ROSCOMMON  
FOR  
ROISIN MOLLOY

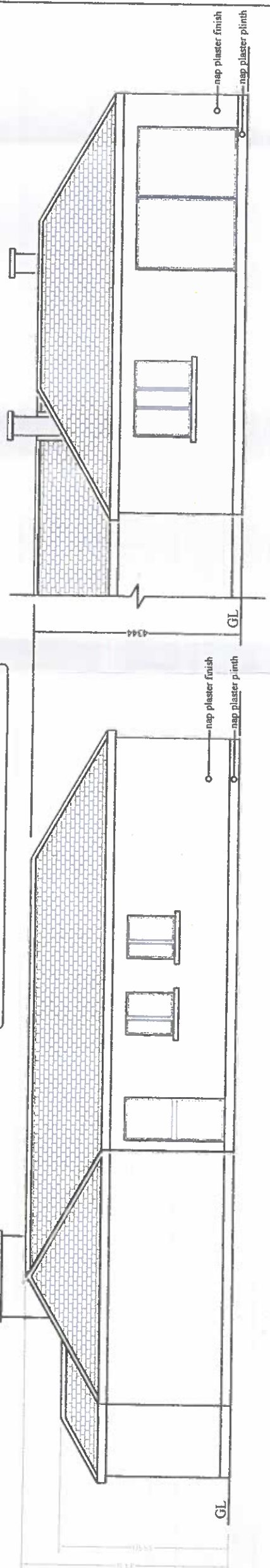
**Title of dwg.**  
PROPOSED  
ELEVATIONS  
& SECTION DETAIL

Scale	1:100 (A3)	Job no.
Date	March 2024	
Drawn By	Eric Nugent	
Dwg. no.	2024-RM-01	Rev.

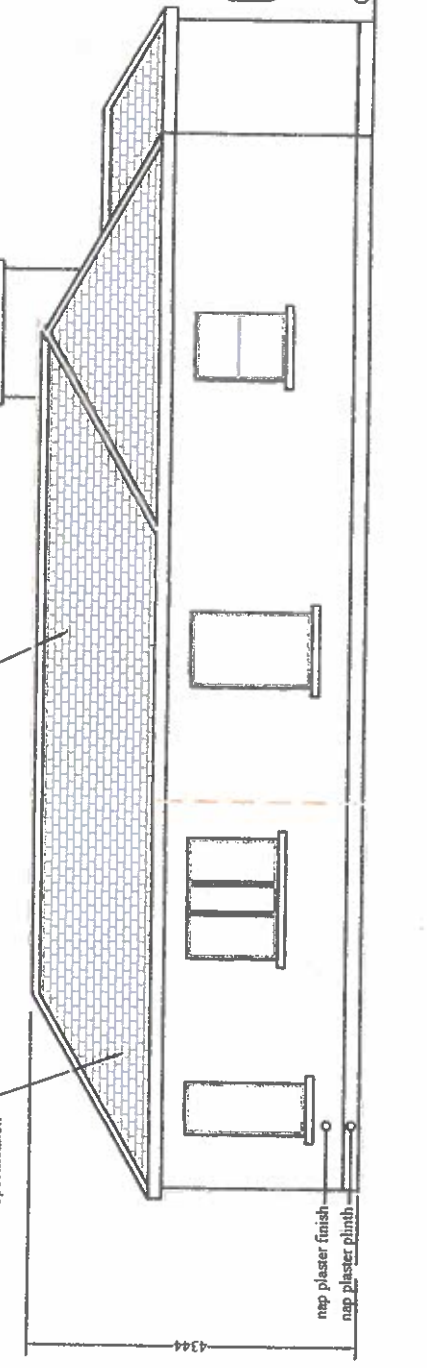


**FRONT ELEVATION**

New Build to Original House Shown Outline



**REAR ELEVATION**



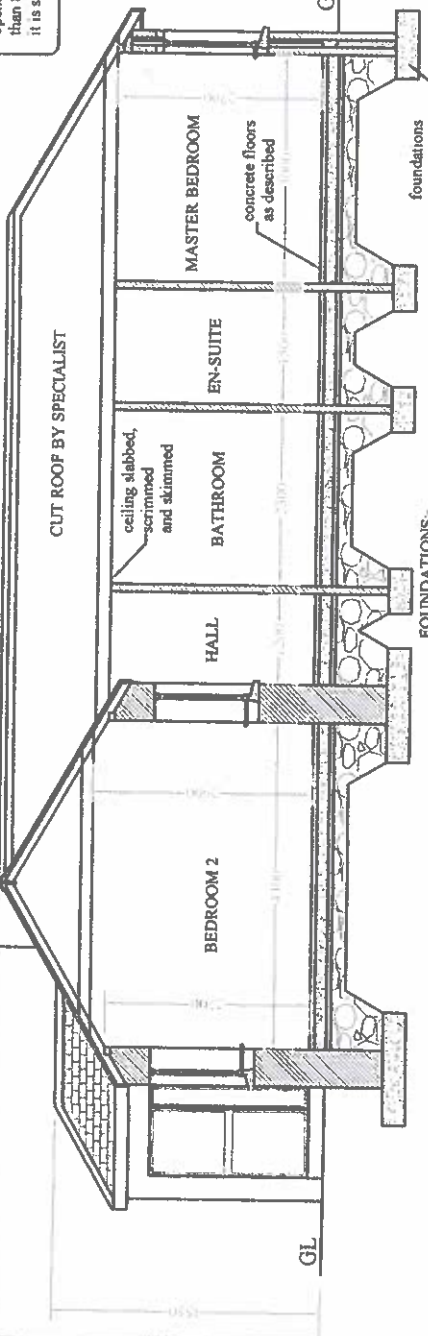
**SIDE ELEVATION**

All measurements, heights, areas, levels and constructional details to be checked and verified by the building contractor, sub-contractor or direct labour contractor prior to the commencement of any works or agreements. The developer must ensure that all methods of construction, workmanship and materials used are strictly in accordance with the conditions laid down by the local authority and current building regulations.

**SIDE ELEVATION**

**ELECTRICAL:-**  
All power points to be double socket type, provide external light points to front and rear doors, provide bell point at front door, m.c.b.'s to utility, meter cabinet to rear wall, all electrical works and fittings to be strictly in compliance with the national rules for electrical installations as published by the Electro-Technical Council of Ireland.

All bedroom windows should include an opening sash to provide an unobstructed opening not less than 850mm high x 500mm wide. The bottom of the window opening should be not more than 1100mm and not less than 800mm above the floor of the room in which it is situated.



**CUT ROOF BY SPECIALIST**

**WALLS:-**  
external walls to be constructed with 100mm solid concrete block inner leaf with min. 60mm polystyrene insulation, 40mm cavity and 100mm solid concrete block outer leaf and knappa plaster finish.  
internal walls to be constructed with 100mm solid concrete block.

**FLOORS:-**  
concrete floors throughout to have 50mm screed on min. 150mm concrete, min. 35mm expanded polystyrene under entire slab, (turn insulation up at slab edge) d.p.m. on required sand blinding and min. 150mm hardcore.

**FOUNDATIONS:-**  
external wall foundations to be 900mm x 300mm internal wall foundations to be 600mm x 300mm. foundation concrete strength to be 35 N 20. use steel mesh A.393. lapped 450mm min. in top and bottom of foundations with 50mm cover.



