

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Aneta & Marek Stasiuk,

Reference Number: DED 729

Application Received: 27th June 2024

Name of Applicants: Aneta & Marek Stasiuk

Agent: Darek Tar, Architect

WHEREAS a question has arisen as to whether to locate a garden shed on site of existing semidetached dwelling at 2 Millcross Crescent, Bellanamullia, 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 3 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 Act, 2000, as amended.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) The existing garden shed to the side of the existing house as described in this case is not an exempted development as it does not comply with condition and limitation number 4 of Class 3 of Part 1 of Schedule 2 (Exempted development - General).
- (c) The existing garden shed to the side of the existing house does not 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.

NO **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 locate a garden shed on site of existing semidetached dwelling at 2 Millcross Crescent, Bellanamullia, Co. Roscommon is development that is **not 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: 21st August 2024

c.c. Darek Tar, Architect,
5 Darley Court,
Palatine Square, off Arbour Hill,
Stoneybatter,
Dublin 7.

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.

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

Reference Number:	DED 729
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development for permission to locate a garden shed on site of existing semidetached dwelling.
Name of Applicant:	Aneta & Marek Stasiuk
Location of Development:	2 Millcross Crescent, Bellanamullia, Co. Roscommon
Site Visit:	13/08/2024

WHEREAS a question has arisen as to whether the following works; for permission to locate a garden shed on site of existing semidetached dwelling 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 3 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 at no.2 Millcross Crescent, Bellanamullia, Co. Roscommon and is accessed off the L-7560 road. The site contains a semidetached dwelling house in a house estate. The site is in zoned land of Monksland Bellanamullia LAP 2016 – 2022 - Existing Residential. This application is in relation to an existing shed along the side wall of the house and is extended over to the boundary fence of the neighbouring property, the shed has a flat roof and timber panels/cladding and a door to the front. There was no access to the rear of the site on the day of the site inspection.

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 Lough Ree PNHA/SAC/SPA (Site Code 000440/004064) which is located circa 3.3km to the east and Castlesampson Esker PNHA/SAC (Site Codes 001625) which is located circa 4km 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, recent planning history has been traced relating to the subject site:

- 23/60160 - Retention permission for a single storey garden shed [16m²] located to the side of existing semi-detached dwelling – Incomplete application
- 23/60182 - Permission for retention of 1. A single storey garden shed [16m²] located to the side of an existing semi-detached dwelling; 2. Alterations to the existing front and rear elevations of the garden shed; 3. Associated works – Refused
- ABP-318849-24 - retention of a single storey garden shed and alterations to the existing front and rear elevations - Refused

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 3 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.	<ol style="list-style-type: none">1. No such structure shall be constructed, erected or placed forward of the front wall of a house.2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

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 development of a shed to the side of a dwelling house which, it is stated as having floor space of 16m².

With regard to the compliance with the conditions and limitations of Class 3 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Existing shed is to the side of the house.
2. Existing shed is stated at 16m².
3. Site plan provided states there is a private open space to the rear of 150m²
4. Existing shed finishes of the walls do not conform with that of the existing house.
5. Existing shed drawing indicates a height of 2.9m.
6. Existing shed is stated as a garden shed.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the existing garden shed to the side of the dwelling house as described in this case is considered not an exempted development as it does not comply with condition and limitation number 4 of Class 3 of Part 1 of Schedule 2 (Exempted development - General).

The existing garden shed to the side of the existing house is 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 existing garden shed is deemed not 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; for permission to locate a garden shed on site of existing semidetached dwelling at no.2 Millcross Crescent, Bellanamullia, 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 3 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.

The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The existing garden shed to the side of the existing house as described in this case is not an exempted development as it does not comply with condition and limitation number 4 of Class 3 of Part 1 of Schedule 2 (Exempted development - General).
- The existing garden shed to the side of the existing house does not 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 of permission to locate a garden shed on site of existing semidetached dwelling at no.2 Millcross Crescent, Bellanamullia, Co. Roscommon is not an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 15th August 2024

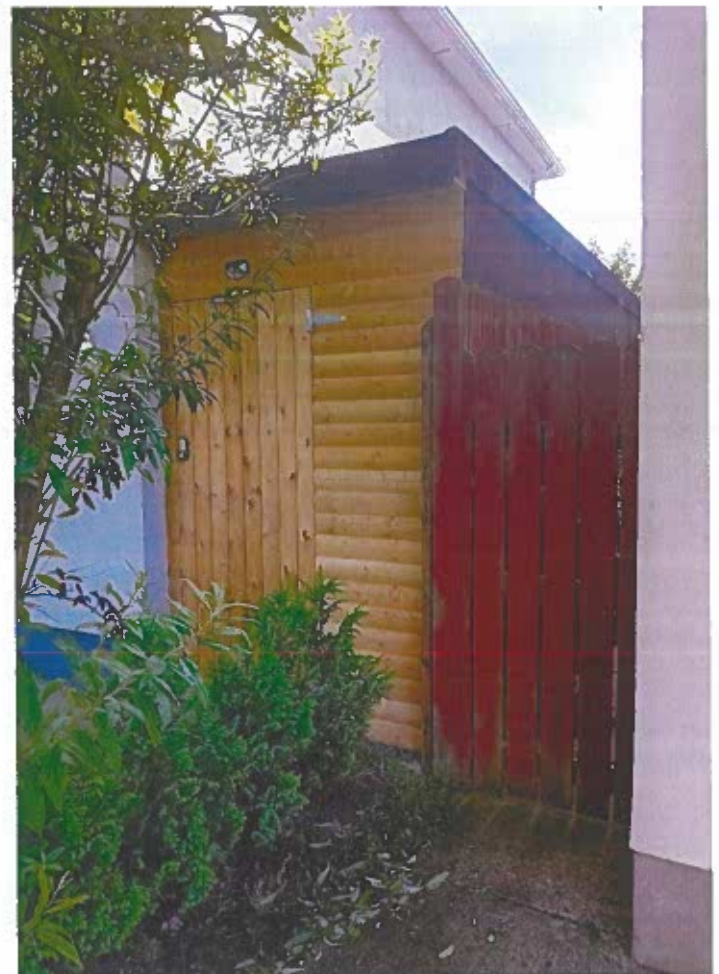
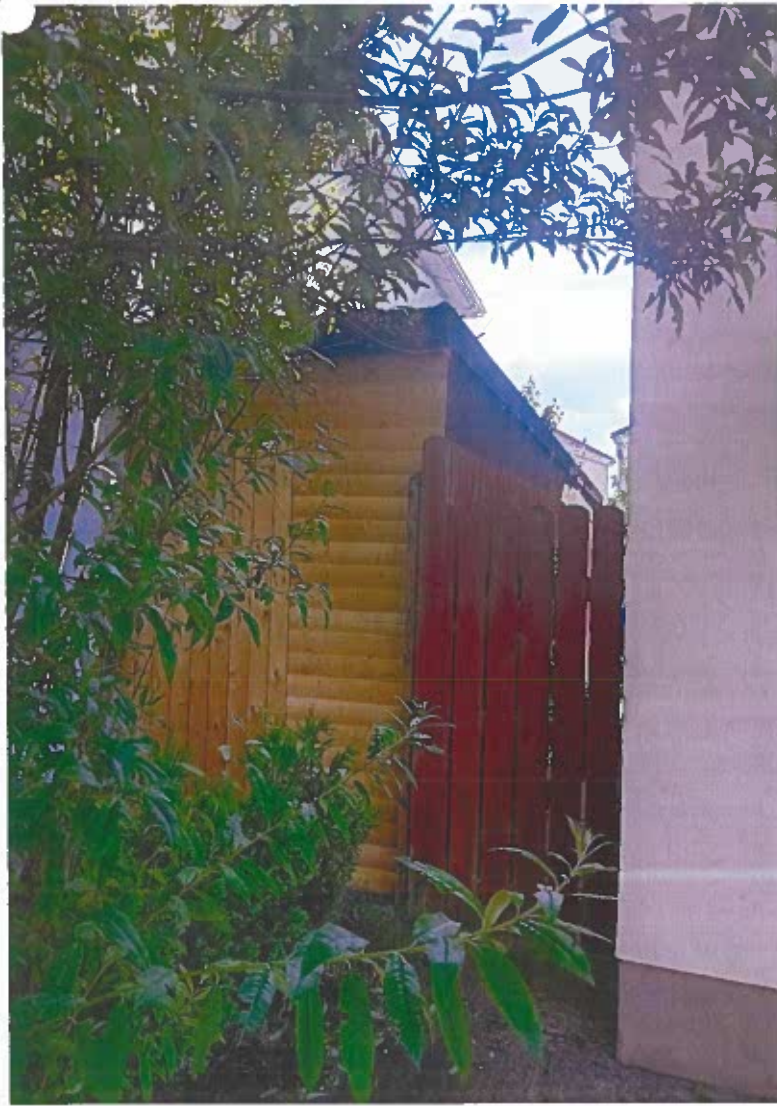
Civil Technician

Signed: 

Date: 15th August 2024

Senior Executive Planner





Carmel Curley

From: Carmel Curley
Sent: Tuesday 2 July 2024 10:41
To: darek.tar.design@outlook.ie
Subject: DED729 - Aneta & Marek Stasiuk
Attachments: DED729 - Acknowledgement Letter & Receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for the Declaration of Exempted Development Application submitted for Aneta & Marek Stasiuk (Planning Reference DED729).

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





Comhairle Contae
Ros Comáin
Roscommon
County Council



Aneta & Marek Stasiuk,

Date: 27th June 2024
Planning Reference: DED 729

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to locate a garden shed on site of existing semidetached dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at 2 Millcross Crescent, Bellanamullia, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 27th 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. L01/0/229333 dated 27th 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 729**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

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

Cc agent via email: Darek Tar
darek.tar.design@outlook.ie

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

27/08/2024 12:52:45

Receipt No : L01/0/229333

ANETA & MARK STASIUK
C/O DAREK TAR DESIGNS
5 DARLEY COURT
PALATINE SQUARE
ARBOUR HILL, STONEYBATTER
DUBLIN 7 D07 F6F2

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 729	

Total	80.00 EUR
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Tendered :	
Cheque	80.00
500001	

Change	0.00
--------	------

Issued By : Bernadine Duignan
From : Central Cash Office



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)	Aneta & Marek Stasiuk
Name of Agent	Darek Tar
Nature of Proposed Works	Garden shed located on site of existing semidetached dwelling
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	2 Millcross Crescent, Bellanamullia Co. Roscommon N37 Y242 ITM 599294,741890 Map series 3034 (D)
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>112m²</u> b) <u>16m²</u>
Height above ground level:	2,9m
Total area of private open space remaining after completion of this development	No alterations 150m ²
Roofing Material (Slates, Tiles, other) (Specify)	Flat roof, roofing membrane IKO or similar

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Render to match existing dwelling Colour to match existing of dwelling
Is proposed works located at front/rear/side of existing house.	Side
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	2360182
Existing use of land or structure	Side passage to rear of dwelling
Proposed use of land or structure	Storage garden shed
Distance of proposed building line from edge of roadway	10.2 m2
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

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

Signature: _____

Date: _____

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



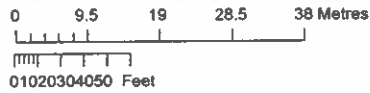
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4. PLANNING DRAWINGS HAVE INSUFFICIENT INFORMATION FOR CONSTRUCTION

Planning Pack Map



Béal Átha
na Mullile
Bellanamullile

Fearann
na Manach
Monksland



OUTPUT SCALE: 1:1,000



CENTRE
COORDINATES:
ITM 599294,741890

PUBLISHED:
02/10/2023
MAP SERIES:
1:5,000
1:2,500
ORDER NO.:
50360302_1
MAP SHEETS:
3034
3034-D

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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.osi.ie; search 'Capture Resolution'
LEGEND:
www.osi.ie; search 'Large Scale Legend'

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SITE LOCATION MAP scale 1:1000 @ A3

LEGEND:

— SITE BOUNDARY OUTLINED
IN RED

DAREK TAR MRAI
ARCHITECT

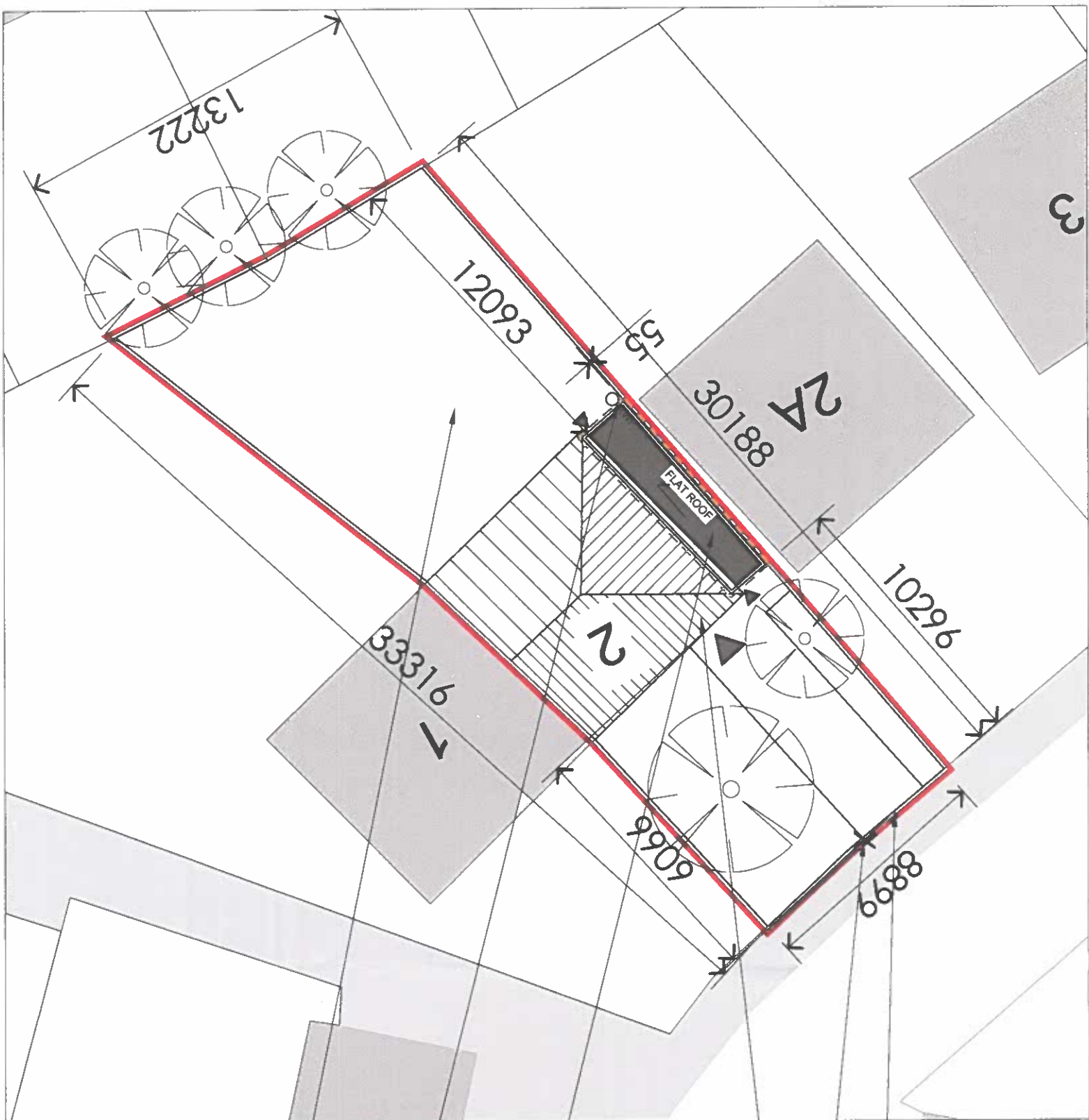
5 Darley Court, Palatine Square, off Arbour Hill, Stoneybatter, Dublin 7, IE
email: darek.tar.ie@gmail.com

SECTION 5		
Rev.	Description	Date

Client:	Aneta & Marek Stasiuk	Scale:	1:1000 @ A3	Plotted:	2023
Project:	GARDEN SHED AT SIDE OF EXISTING DWELLING at 2 Millcross Crescent, Bellanamullile Co. Roscommon N37 Y242	Drawn By:	DT	Date:	2023
Title:	SITE LOCATION MAP	Checked By:	DT	Date:	2023
		Issue:	SECTION 5	Revision:	
		Drawing No.	2023-MAS-PL-001		



SITE AREA APPROX.. 330 m²
0.033 ha
EXISTING DWELLING APPROX. 112m²



EXISTING SEMIDETACHED DWELLING

SITE NOTICE LOCATION

EXISTING SITE ENTRANCE / DRIVEWAY

SINGLE STOREY GARDEN SHED WITH FLAT ROOF AND FALL TO REAR SUBJECT OF PLANNING RETENTION

RWP AND RAIN WATER HARVESTING TANK

PRIVATE OPEN SPACE 150m²

NOTE:
NO ALTERATIONS TO DRAINAGE OF EXISTING DWELLING
NO ALTERATIONS TO EXISTING SITE BOUNDARY

LEGEND:
SUBJECT OF SECTION 5 APPLICATION

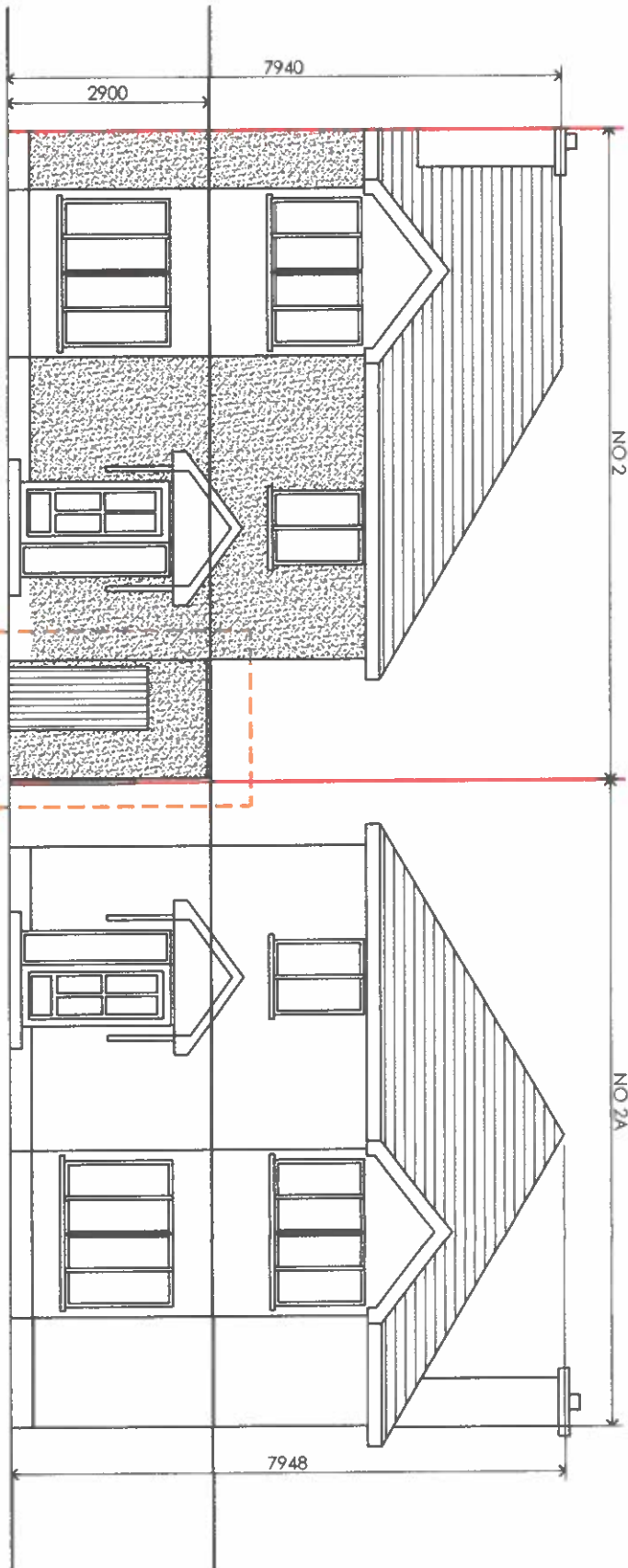
SITE PLAN scale 1:200 @ A3

NOTES:
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4. PLANNING DRAWINGS HAVE SUFFICIENT INFORMATION FOR CONSTRUCTION.

DAREK TAR MRIAI
ARCHITECT
5 Darley Court, Pallatine Square, off Arbour Hill, Stoneycroft, Dublin 7, IE
email: darek.tarie@gmail.com

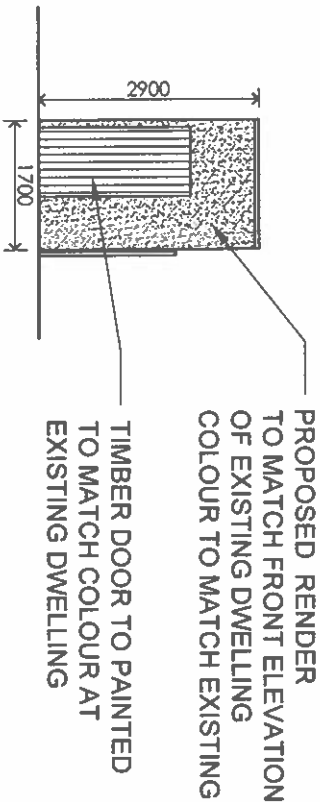
Rev	Description	Date
SECTION 5		

Client:	Scale:	Project:
Aneta & Marek Stasiuk	1:200 @ A3	2023
Project: GARDEN SHED AT SIDE OF EXISTING DWELLING at 2 Millcross Crescent, Co. Roscommon N57 1242	Drawn By: DT	Date: 2023
	Created By: DT	Date: 2023
	Section: SECTION 5	Revision: A
Title: SITE PLAN	Drawing No: 2023-MAS-PL-002	

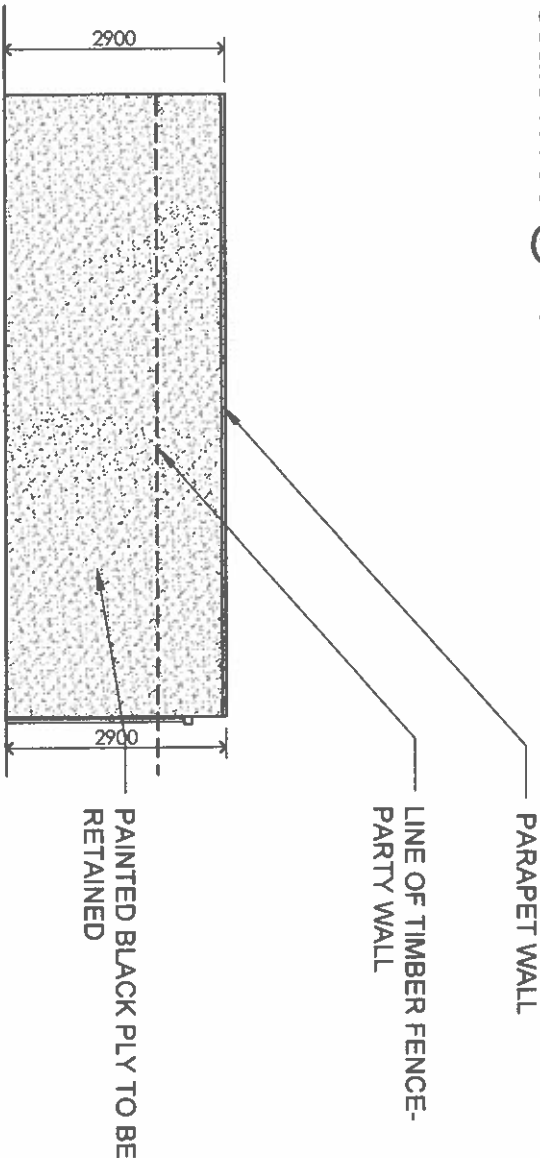


CONTIGUOUS FRONT ELEVATION scale 1:100 @ A3

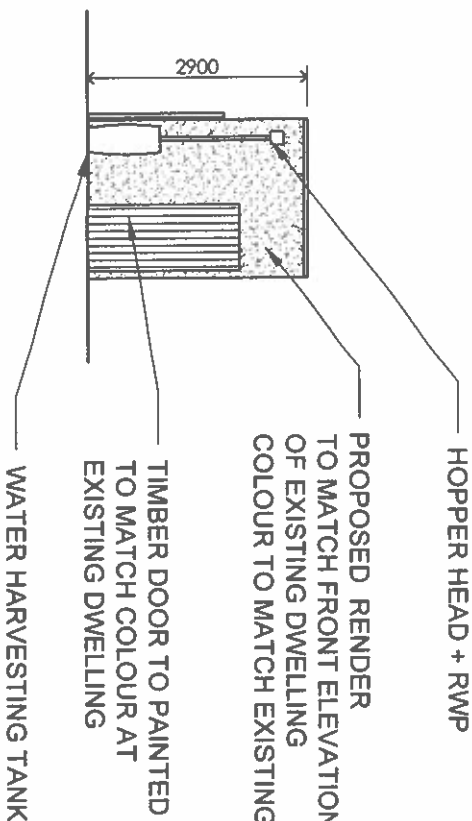
SUBJECT OF SECTION 5 APPLICATION



FRONT ELEVATION scale 1:100 @ A3

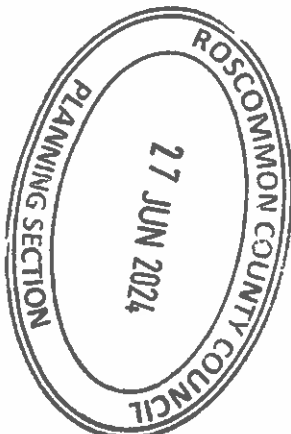


SIDE ELEVATION scale 1:100 @ A3



REAR ELEVATION scale 1:100 @ A3

LEGEND:
SUBJECT OF SECTION 5 APPLICATION



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DAREK TAR MRIAI
ARCHITECT

5 Darley Court, Poldaline Square, off Arbour Hill, Stoneycroft, Dublin 7, IE
email: darek.tar.ie@gmail.com

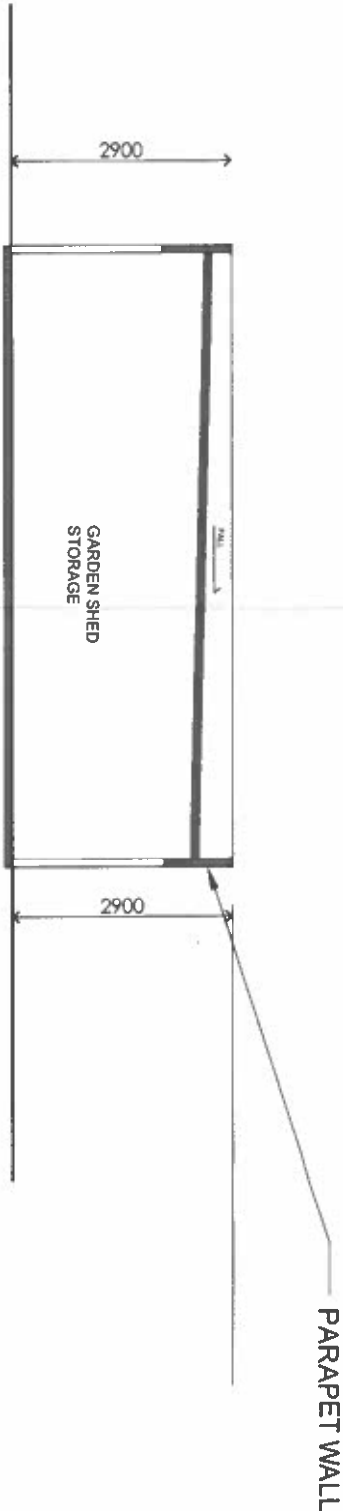
Rev	Description	Date
1	SECTION 5	

Client:	Scale:	Project:
Aneta & Marek Stasiuk	1:100 @ A3	2023
Project: GARDEN SHED AT SIDE OF EXISTING DWELLING at 2 MARIAS CRESCENT, CO. ROSCOMMON N37 7242	Drawn By: DT	Date: 2023
	Checked By: DT	Date: 2023
	Issue: SECTION 5	Remark: A
Title: ELEVATIONS	Drawing No: 2023-MAS-PL-003	

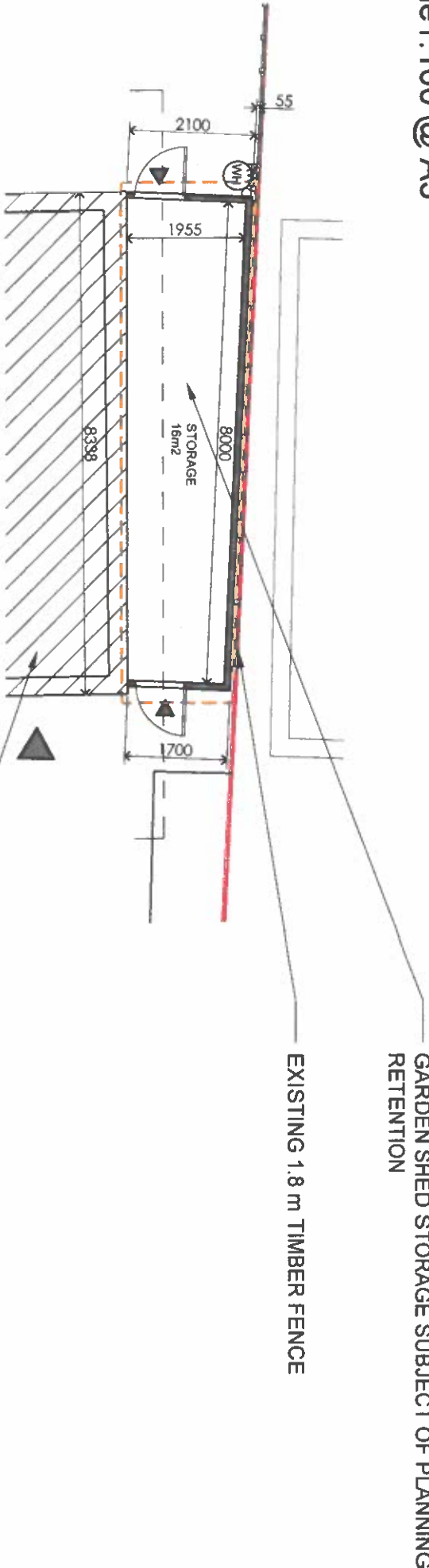


LEGEND:

SUBJECT OF SECTION 5 APPLICATION



SECTION scale1:100 @ A3



GROUND FLOOR PLAN scale1:100 @ A3

NOTE:
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4. PLANNING DIMENSIONS HAVE INSURENCE INFORMATION FOR CONSTRUCTION.

DAREK TAR MRIAI
ARCHITECT
5 Darley Court, Palatine Square, off Arbour Hill, Stoneybatter, Dublin 7, IE
email: darek.tar.ie@gmail.com

Rev	Description	Date
SECTION 5		

Client:	Project:
Aneeta & Marek Stasliuk	GARDEN SHED AT SIDE OF EXISTING DWELLING at 2 Millcross Crescent, Co. Roscommon N37 1242
Scale: 1:100 @ A3	Drawing No: 2023-MAS-PL-004
Drawn By: DT	Project Date: 2023
Checked By: DT	Section Date: 2023
Issue: SECTION 5	Revision: A