ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Michael Crone,

Reference Number:	DED 733
Application Received:	1 st July, 2024
Name of Applicant:	Michael Crone
Agent:	Larkin Tynan Nohilly Solicitors, Blackhall Place, Mullingar, Co. Westmeath N91 V2NT.

WHEREAS a question has arisen as to whether the following works; to internally renovate an existing dwelling at Deerpark, Castlerea, Co. Roscommon, F45 R602, 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 internally renovate an existing dwelling to include: New windows and doors, New soffit & fascia, Re-felting of the roof, Heating and Plumbing, Rewiring of the Kitchen and Bathroom, Internal Dry-Lining at Deerpark, Castlerea, Co. Roscommon, F45 R602, is development that is <u>exempted development</u> 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: 28___ August, 2024

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.

c.c.: Agent via email: Larkin Tynan Nohilly Solicitors, Blackhall Place, Mullingar, Co. Westmeath, N91 V2NT. info@ltn.ie

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C'ervyn Walsh

Exempted

A Chara,

Please find attached decision documentation in respect of RCC Planning Ref. No. DED733.

Mise le meas,

Mervyn Walsh.

Mervyn Walsh, Senior Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 T: (090) 6637100 S: planning@roscommoncoco.ie



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

Reference Number:	DED 733	
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.	
Name of Applicant:	Michael Crone	
Location of Development:	Deerpark, Castlerea, Co. Roscommon, F45 R602	
Site Visit:	23.08.2024	

WHEREAS a question has arisen as to whether the following works; "Internal Renovation" under the Planning & Development Act (Exempted Development) Regulations 2018 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 & Description of Development & Nature of Proposed Development

Site Location:

The subject site is situated in the townland of Deerpark, a rural area to the north-west extent of the county Roscommon and is located off a local road L-1221, a local primary road which traverses the front curtilage of the subject site; it is located ca. 3km south of Bellanagare and ca. 8km north of Castlerea.

Development Description:

A site visit was conducted on August 22, 2024. The dwelling is accessed through two separate entry points: a vehicular entrance located at the northern end of the site, and a pedestrian entrance leading directly to the main dwelling's front door; the site visit confirmed same. The front and north-eastern boundaries of the property are enclosed by a capped, plastered, masonry block wall. The remaining site boundaries are defined by a combination of post and wire fencing, along with natural hedgerows.

The dwelling is a single-storey, vernacular-style detached structure with a hipped, slated roof and two centrally positioned chimney stacks. A mono-pitched extension has been added to the rear, designed and finished with matching detailing that integrates well with the primary dwelling's structure.

Nature of Proposed Works:

The applicant provided a schedule of proposed works for the refurbishment of the property, to include:

- 1. New windows and doors
- 2. New soffit & fascia
- 3. Re-felting of the roof Heating and Plumbing
- 4. Heating & Plumbing
- 5. Rewiring of the Kitchen and Bathroom
- 6. Internal Dry-Lining.

European Sites:

As per a review of Roscommon County Council's Geographic Information Systems, the subject site is located ca. 1km from to a European Site.

Appropriate Assessment

The closest designated sites include; "Bellanagare Bog" SPA (Site Code: 004105) and "Bellanagare Bog" SAC (Site Code: 000592).

Having regard to the separation distances between the site and the closest Natura 2000 site, given 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, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, there are no architectural and/or archaeological heritage sites/structures in proximity to the subject site or property thereon.

Assessment of Architectural & Archaeological Heritage

The property is not a protected structure; further, the closest structure listed by the National Monuments Service includes a Ringfort (SMR No.: RO021-020----) located 0.9km south-west of the site and a Fulacht Fia, located 0.9km south-west of the site.

Planning History

As per Roscommon County Council's Planning Registry, a planning history assessment of the subject site and property thereon includes the following:

•	Established Status:	The property is evident on the reprinted (1950's) 6-inch 1830-1930	
		(printed 1929) maps of the area, as such, the original dwelling holds	
		the benefit of exempted development owing to its established	
		status.	

PD/02/1982: Proposed Retention of Garage/Store: Granted.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2 (1)

In this Act, "works" include 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)

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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. 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)

Development to which article 6 relates shall not be exempted development for the purposes of the Act -

(a) If the carrying out of such work would-

- (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under 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.
- (viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

Planning Assessment

Hereunder, the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

In accordance with the Planning and Development Act, 2000, section 2(1) "works" include "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 proposed works constitute "works", as defined in section 2 of the said Act.

In accordance with the Planning and Development Act, 2000, section 3(1) "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". It is considered that said works constitute development, as defined in section 3 of the said Act.

These works have been 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 following matters have been considered:

- Upon review of the submission details, and in accordance with the provisions of Section 4(1)(h), it is determined that the proposed works, which include the upgrade of existing windows and doors within their current openings as well as the upgrade of material fixtures and fittings (such as new fascia and soffit and re-felting of the roof), and the improvement of ancillary services and utilities (including heating and plumbing and the rewiring of the kitchen and bathroom), fall under the provisions of Section 4(1)(h) as they are for the maintenance and improvement of the existing property and are regarded as not being materially significant so as to affect the external appearance of the structure.
- Whilst the submission of plans, elevations and sections would have been beneficial to this Planning Assessment, the schedule of works submitted as part of the application for a Declaration of Exempted Development under Section 5 of the Planning & Development Act 2000 (as amended) was deemed sufficient, particularly as the works refer to minor alterations, and as determined, fall under the provision of Section 4(1)(h) of the Act.
- With regard to Article 9(1)(a)(viii) The subject site, comprising the "extension of a house, by the construction or erection of an extension (...) to the rear of the house" which is under 40m² and situated to the rear of the property, includes development that falls under Class 1, of Part 1 of Schedule 2, of Article 6, subject to Article 9. Accordingly, this structure is considered in principle to constitute 'exempted development', whilst the main dwelling, holds the benefit of exempted development owing to its established status.
- Further to the above, and again with regard to Article 9(1)(a)(vii) a review of the subject site's planning history confirmed the regularisation of a large, detached residential garage, for which permission was granted on foot of a submission for retention permission (planning register reference PD/02/1082). Accordingly, the existing structures on site and the proposed development works, are not considered to consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
- With Regard to Article 9(1)(a)(viiB) 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. 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 Article 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; comprising the "Internal Renovations" under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located *in* "Deerpark, Castlerea, Co. Roscommon" is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section
 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- The works do not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
- 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 comprising "Internal Renovations" at the site located in "Deerpark, Castlerea, Co. Roscommon", under the Planning & Development Act (Exempted Development) Regulations 2018, constitute exempted development and that a declaration to that effect should be issued to the applicant.

le Signed:

Blaithín Kinsella Assistant Planner Date: 23rd August 2024

Signed:

Alan O'Connell Senior Executive Planner Date: 23rd August 2024



On approach to dwelling



On approach to dwelling



Front of dwelling



Side of dwelling



Rear of dwelling



Detached Garage (Retention Permission Granted)

ENDS.

Carmel Curley

From: Sent: To: Subject: Attachments: Carmel Curley Wednesday 3 July 2024 10:29 info@ltn.ie DED733 - Michael Crone DED733 - Ack Letter & Receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for the Declaration of Exempted Development Application submitted for Michael Crone (Reference No: DED733).

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 2 : (090) 6637100 □: planning@roscommoncoco.ie





Comhairle Contae Ros Comáin Roscommon County Council



Michael Crone,



3 rd July 2024				
DED 733				
Application for a Declaration under Section 5 of the Planning &				
Development Act 2000 (as amended), regarding Exempted Development.				
Permission to internally renovate an existing dwelling under the Planning				
& Development Act (Exempt Development) Regulations 2018 at Deerpark,				
Castlerea, Co. Roscommon.				

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A Chara,

I wish to acknowledge receipt of your application which was received on the 1st July 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 \in 80.00, Receipt No. L01/0/229424 dated 2nd July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 733.** 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:

Larkin Tynan Nohilly info@ltn.ie





Roscommon County Council Aras an Chontae Roscommon 09066 37100

02/07/2024 14:41:13

Receipt No L01/0/229424

MICHAEL CRONE C/O LARKIN TYNAN NOHILLY SOLICITORS BLACKHALL PLACE MULLINGAR, CO. WESTMEATH

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED733

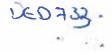
Total

80.00 EUR

Tendered : Cheque :: 80.00 774

Change 0.00

Issued By Louis Carroll From : Central Cash Office





Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100 Email: <u>planning@roscommoncoco.ie</u>

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)	
Name of Agent	Michael Chone
Name of Agent PRAVING SECTION Nature of Proposed Works	Larkin Tynan Nohilly Solicitors
Nature of Proposed Works	
	Internal Renovations
Location & Address of Subject Property	
to include, Eircode (where applicable), Townland &	Deerpark, Castlerea, Co. Rolannon,
O.S No.	F45 R602
Floor Area:	
a) Existing Structure	a)A/ /
b) Proposed Structure	b)/////
Height above ground level:	NIA
Total area of private open space remaining after	
completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	
	NIA
	las constantes de la constante de

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NA
Is proposed works located at front/rear/side of existing house.	NA
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	1//A
Existing use of land or structure	N/A
Proposed use of land or structure	N/A
Distance of proposed building line from edge of roadway	NIA
Does the proposed development involve the provision of a piped water supply	N/A
Does the proposed development involve the provision of sanitary facilities	NA

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

Signature:

Cronl rad

Date:

Note: This application must be accompanied by: -

25/

- (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





Page 2

LARKIN TYNAN NOHILLY Sociations

Incorporating Larkin Tynan & Co.

Blackhall Place Mullingar County Westmeath N91 V2NT DX 35011 Mullingar Tel: (044) 93 48318 Fax: (044) 93 48599 Email: info@ltn.ie

25 June 2024

OWMON CO

LAW SOCIETY

OF IRELAND

PRACTISING SOLICITORS

OUR REF: CR0005/0010/DN/JR/ YOUR REF: Roscommon County Council Planning Section County Hall Ardnanagh Roscommon County Roscommon F42 VR98.



Re: Our client: Michael Crone. Application for the Croí Cónaithe (Towns) Fund Vacant Property Refurbishment Grant. Ref: CCF 305

To Whom It May Concern:

We confirm we act for the above named client and attach herewith the following documentation:

(IF NOT ElFUMIONS REDUCED

- 1. Section 5 Declaration of Exemption Form.
- 2. Site location maps of scales 1:1,000 and 1:2,500.
- 3. Cheque in the sum of \in 80.

We can confirm that all proposed works on the property are as follows:

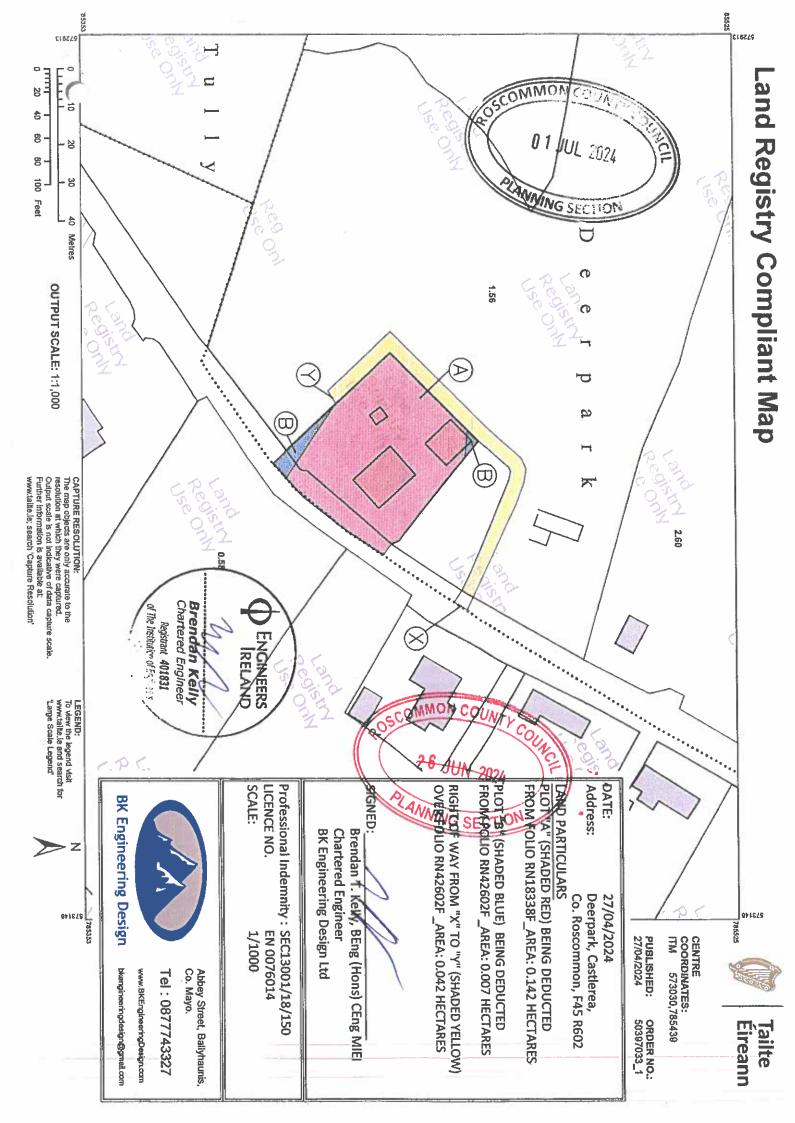
- (i) New windows and doors. CONFILM IF IN FRISHY
- (ii) New soffit and fascia.
- (iii) Refelting of the roof.
- (iv) Heating and Plumbing.
- (v) Rewiring of the Kitchen and Bathroom.
- (vi) Internal drylining.

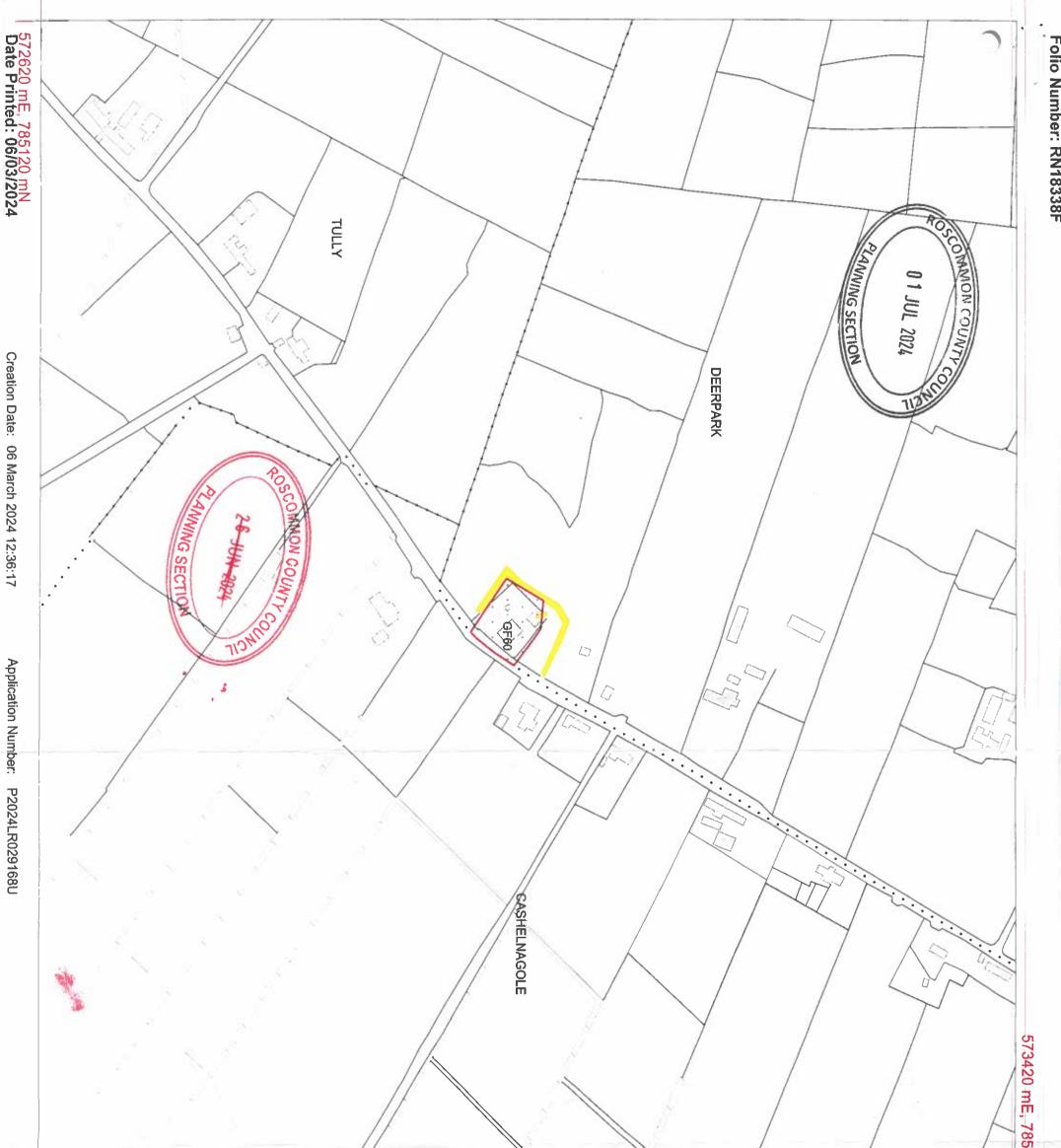
Trusting this is in order.

Yours faithfully,

Larkin Tynan Nohilly

David G. Nohilly B.A. (Law & Acc.) Shelley A. Leonard LL.B Edward P. Tynan B.A. (Mod.) LL.B Consultant VAT No. IE7276814A Dublin Office: 31-36 Ormond Quay Upper, Dublin 7. www.ltn.ie





Creation Date: 06 March 2024 12:36:17

Application Number: P2024LR029168U

Folio Number: RN18338F

Application Number: P2024LR029168U



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Tailte Éireann

Registratio Clárúchán, Luacháil, kon, Valuation,

Folio: RN18338F

the folio. This map should be read in conjunction with

limited to that of the TÉ Surveying map scale. Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is

to TÉ Registration maps, see www.tailte.le. of scale, accuracy and other conditions relating For details of the terms of use and limitations

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map) Turbary Right of Way / Wayleave

Pump Well Pipeline

O

Septic Tank Soak Pit

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symbology can be found at: A full list of burdens and their

www.landdirect.ie

Section 85 of the Registration of Title Act, to a TÉ Registration map is conclusive properties not boundaries meaning non-conclusive boundary system. 1964). As inserted by Section 62 of the as to the boundaries or extent. (see The TÉ Registration map identifies Tailte Éireann Registration operates a folio nor its identification by reference neither the description of land in a

Registration of Deed and Title Act 2006.

1:2500 Scale

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Page

Varkin Tynan Nohilly Solicitors

Incorporating Larkin Tynan & Co.

Blackhall Place Mullingar County Westmeath N91 V2NT DX35011 Mullingar Tel: (044) 93 48318 Fax: (044) 93 48599 Email: info@ltn.ie

01 July 2024

OUR REF: CR0005/0010/DN/JR/ YOUR REF:

Attn: Carmel Curley, Roscommon County Council Planning Section County Hall Ardnanagh Roscommon County Roscommon F42 VR98.

Re: Our client: Michael Crone. Declaration of Exempted Development.

Dear Carmel,

We refer to the above and to your email correspondence of the 27th June 2024.

We can confirm that the windows and doors will be replaced in the existing openings.

Trusting this is in order.

Yours faithfully,

Larkin Tynan Nohilly





David G. Nohilly B.A. (Law & Acc.) Shelley A. Leonard LL.B Edward P.Tynan B.A. (Mod.) LL.B. Consultant VAT No. 1E7276814A Dublin Office: 31-36 Ormond Quay Upper, Dublin 7. www.ltn.ie

Carmel Curley

From: Sent: To: Subject:

Carmel Curley Thursday 27 June 2024 10:47 info@ltn.ie Declaration of Exempted Development - Michael Crone

A Chara,

I refer to the Declaration of Exempted Development Application which was received yesterday on behalf of Michael Crone; in order to validate the application can you please confirm the following:

1. The replacement of the windows and doors - will they be replaced in the existing openings?

I await to hear from you.

Regards,

Carmel



