ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

Jamie Keith Nolan,



Reference Number:

DED 741

Application Received:

15th July, 2024

Name of Applicant:

Jamie Keith Nolan

Agent:

N/A

WHEREAS a question has arisen as to whether the following works; complete house inside: kitchen, painting and decors, skirting/architrave and internal doors, tiling & waterproofing done in all bathroom/ensuite. Flooring/tiling/carpet throughout the house. Fascia's/soffits/rainwater gutters replaced. Kerbs up the drive way, topsoil garden, stone up the driveway and around the house at Grangebeg, Boyle, Co. Roscommon, is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development General), as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

AND WHEREAS Roscommon County Council has concluded that:

- a) The works are development.
- b) The proposed to complete house inside: kitchen, painting and decors, skirting/architrave and internal doors, tiling & waterproofing done in all bathroom/ensuite. Flooring/tiling/carpet throughout the house. Fascia's/soffits/rainwater gutters replaced. Kerbs up the drive way, topsoil garden, stone up the driveway and around the house as described in this case is exempted development.
- c) 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;
- d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the following works; complete house inside: kitchen, painting and decors, skirting/architrave and internal doors, tiling & waterproofing done in all bathroom/ensuite. Flooring/tiling/carpet throughout the house. Fascia's/soffits/rainwater gutters replaced. Kerbs up the drive way, topsoil garden, stone up the driveway and around the house at Grangebeg, Boyle, 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: 26th 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.

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

Reference Number: DED 741

Re: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended, regarding Exempted Development to complete house inside: kitchen, painting and decors, skirting/architrave and internal doors, tiling, waterproofing throughout the house. Fascia's/soffits/rainwater gutters replaced. Kerbs up the drive

way, topsoil garden, stone up the driveway and around the house.

Name of Applicant: Jamie Keith Nolan

Location of Development: Grangebeg, Boyle, Co. Roscommon

Site Visit: 20/08/2024

WHEREAS a question has arisen as to whether the following works; complete house inside: kitchen, painting and decors, skirting/architrave and internal doors, tiling, waterproofing throughout the house. Fascia's/soffits/rainwater gutters replaced. Kerbs up the drive way, topsoil garden, stone up the driveway and around the 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 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development General), as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

Site Location & Development Description

The property is bungalow house in Grangebeg, Boyle, Co. Roscommon, and is access via the L-10234 local road. The existing house is situated on the side of a hill where the house and rear area to the back of the house is cut into the hill and the front area is filled up to provide access across the front of the house. Area to the side of the house is stoned up providing a level area for the use of the house. The proposed development consists of the completion and finish of the existing house internally and also to replacing of fascia's/soffits and gutters to the external and the kerbing, stone up of the driveway and around the house and top soiling of the garden.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Archaeological and Cultural Heritage

No RMP recorded in the likely zone of influence of the proposed development. No Protected structures or structures listed in the National Inventory of Architectural Heritage the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European sites to the site of the proposed development are Lough Gara PNHA (Site Code 000587) which is located circa 3.8km to the north west, Tullaghan Bog NHA (Site Code 001652) which is located circa 3.9km to the south and Drum Bridge (Lough Key) PNHA (Site Code 001631) which is located circa 4km to the north 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 found as follows

04/1884 - erect a dwelling house and garage, and to construct a septic tank system - Granted

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 6 of Part 1 of Schedule 2: Exempted development – General

Description of Development	Conditions and Limitations
CLASS 6	
(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the	The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.
curtilage of a house.	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
(b) Any works within the curtilage of a house for—	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
(i) the provision to the rear of the house of a hard surface for use for	the smaller, or
any purpose incidental to the enjoyment of the house as such, or,	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
(ii) the provision of a hard surface in 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
front building line of the house, or in the area of the garden to the side of	be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.
the side building line of the house, for purposes 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 proposed development of kerbs up the drive way, topsoil garden, stone up the driveway and around the house having reviewed the proposed works and the information provided 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 new kerbs up the drive way, topsoil garden, stone up the driveway and around the house as described in this case is considered an exempted development provided that the drive way is constructed using permeable materials or otherwise allow for rainwater to soak into the ground so that there is no water runoff onto the public road L-10234.

The proposal includes complete house inside: kitchen, painting and decors, skirting/architrave and internal doors, tiling, waterproofing throughout the house. Fascia's/soffits/rainwater gutters replaced. Kerbs up the drive way, topsoil garden, stone up the driveway and around the house. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed works are deemed an exempt development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; to complete house inside: kitchen, painting and decors, skirting/architrave and internal doors, tiling, waterproofing throughout the house. Fascia's/soffits/rainwater gutters replaced. Kerbs up the drive way, topsoil garden, stone up the driveway and around the house as outlined above in Grangebeg, Boyle, Co. Roscommon is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to —

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development General), as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed kerbs up the drive way, topsoil garden, stone up the driveway and around the house as described in this case is an exempted development.
- The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the

external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

The proposed development individually and in combination with other plans or projects would not
be likely to have a significant effect on any European site and that the requirement for AA or EIAR
does not apply with respect to the current case.

AND WHEREAS I have concluded that the said development to complete house inside: kitchen, painting and decors, skirting/architrave and internal doors, tiling, waterproofing throughout the house. Fascia's/soffits/rainwater gutters replaced. Kerbs up the drive way, topsoil garden, stone up the driveway and around the house as outlined above in Grangebeg, Boyle, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Date: 22nd August 2024

Civil Technician

Signed:

Date: 22nd August 2024

Senior Executive Planner

Lan Murray













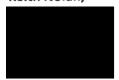




Comhairle Contae Ros Comáin Roscommon County Council



Keith Nolan,



Date:

17th July 2024

Planning Reference:

DED 741

Re:

Application for a Declaration under Section 5 of the Planning &

Development Act 2000 (as amended), regarding Exempted Development.

Development:

Permission to renovate existing dwelling house – works including internal

works, driveways and kerbing under the Planning & Development Act

(Exempt Development) Regulations 2018 at Grangebeg, Boyle,

Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 15th 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 €80.00, Receipt No. L01/0/229648 dated 17th July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 741.

This should be quoted in all correspondence and telephone queries.

Mise le meas,

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





Roscommon County Council Aras an Chontae Roscommon 09066 37100

17/07/2024 10:00:42

Receipt No : L01/0/229648

JAMIE NOLAN

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 741

80,00 EUR

80.00

Tendered : Credit/Debit Card 3902

80.00

Total

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 <u>Exempted Development</u>

Atomorphism of Annalysis and A	
Name of Applicant(s)	Jamie Keith Nolan
Name of Agent	
	N/A
Nature of Proposed Works	Complete house inside: kitchen, painting and decors, skirting/architrave and internal doors,tiling +waterproofing done in all bathroom/ensuite. Flooring/tiling/carpet throughout the house. Fascias/soffits/rainwater gutters replaced. Kerbs up the drive way, topsoil garden, Stone up the driveway and around the house.
Location & Address of Subject Property	
to include, Eircode (where applicable), Townland & O.S No.	Grangebeg boyle Co.Roscommon
Floor Area:	
a) Existing Structure	a) _168.33.sq.m
b) Proposed Structure	b) <u>168.33 sq.m</u>
Height above ground level:	6.6m
Total area of private open space remaining after	
completion of this development	168.33 sq.m
Roofing Material (Slates, Tiles, other) (Specify)	
	Slates

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	House is already plastered outside so no changes.
Is proposed works located at front/rear/side of existing house.	No change to front/rear/side of the house will stay same as is
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	None house and land sitting vacant
Proposed use of land or structure	Once house is complete it will be my main residence.
Distance of proposed building line from edge of roadway	59 meter
Does the proposed development involve the provision of a piped water supply	Yes
Does the proposed development involve the provision of sanitary facilities	Yes. One main bathroom toilet bath shower sink Two ensuites one in main bedroom the other in spare room, toilet sink and shower in both. One toilet and sink in back kitchen utility area.

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

Signature:	A Notes
Date:	12/July/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





Carmel Curley

From:

Jamie Nolan

Sent:

Monday 15 July 2024 11:47

To:

Carmel Curley

Subject:

Re: Section 5 for vacant property grant

Attachments:

site layout map 1;500 garden.pdf; site layout maps 1.500.pdf; Detailed Specification of Development Proposed.pdf; Updated section 5 140724.pdf; Site Location map

1.2500.pdf

Hi Carmel

Please find updated section 5 with more details on the sanitary facilities ect.

Iv attached a PDF with detailed specifications of the development list for inside and outside.

Also attached site layout map with Landscaping and drive way proposal clearly identifying the kerbing, grass and stoned driveway area.

Everything that was requested is now attached.

Look forward to hearing from you.

thank you

Jamie Nolan

Sent from my iPhone



On 12 Jul 2024, at 9:28 PM, Carmel Curley <CCurley@roscommoncoco.ie> wrote:

Thanks Jamie,

Have a nice weekend too.

Carmel

From: Jamie Nolan

Sent: Friday 12 July 2024 14:14

To: Carmel Curley <CCurley@roscommoncoco.ie> **Subject:** Re: Section 5 for vacant property grant

No problem at all I'll sort the rest over the weekend and get back in touch Monday.

Enjoy your weekend.

Thank you

Jamie

Sent from my iPhone

On 12 Jul 2024, at 9:10 PM, Carmel Curley < CCurley@roscommoncoco.ie > wrote:

Thanks Jamie, sorry that hadn't came across on the application form that was given to me. That map is perfect.

I will attach all together, on receipt of the other items listed on the letter.

Carmel Curley

From:

Jamie Nolan

Sent:

Tuesday 16 July 2024 14:19

To:

Carmel Curley

Subject:

Re: Section 5 for vacant property grant

Hi

No the drive way and gardens are not changing, elevations will be the same. Sent from my iPhone

On 16 Jul 2024, at 9:04 PM, Carmel Curley <CCurley@roscommoncoco.ie> wrote:

Hi Jamie,

In relation to the proposed works to the driveway and garden, are you proposing to change the levels of same? If so we require elevations depicting this.

Regards,

Carmel

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

MAP LOCATION <image001.png>

<image002.png>

<image003.png>

<image004.png>

<image005.png>

<image006.png>

From: Jamie Nolar

Sent: Monday 15 July 2024 11:47

To: Carmel Curley <CCurley@roscommoncoco.ie> **Subject:** Re: Section 5 for vacant property grant

Hi Carmel

Detailed Specification of Development Proposed

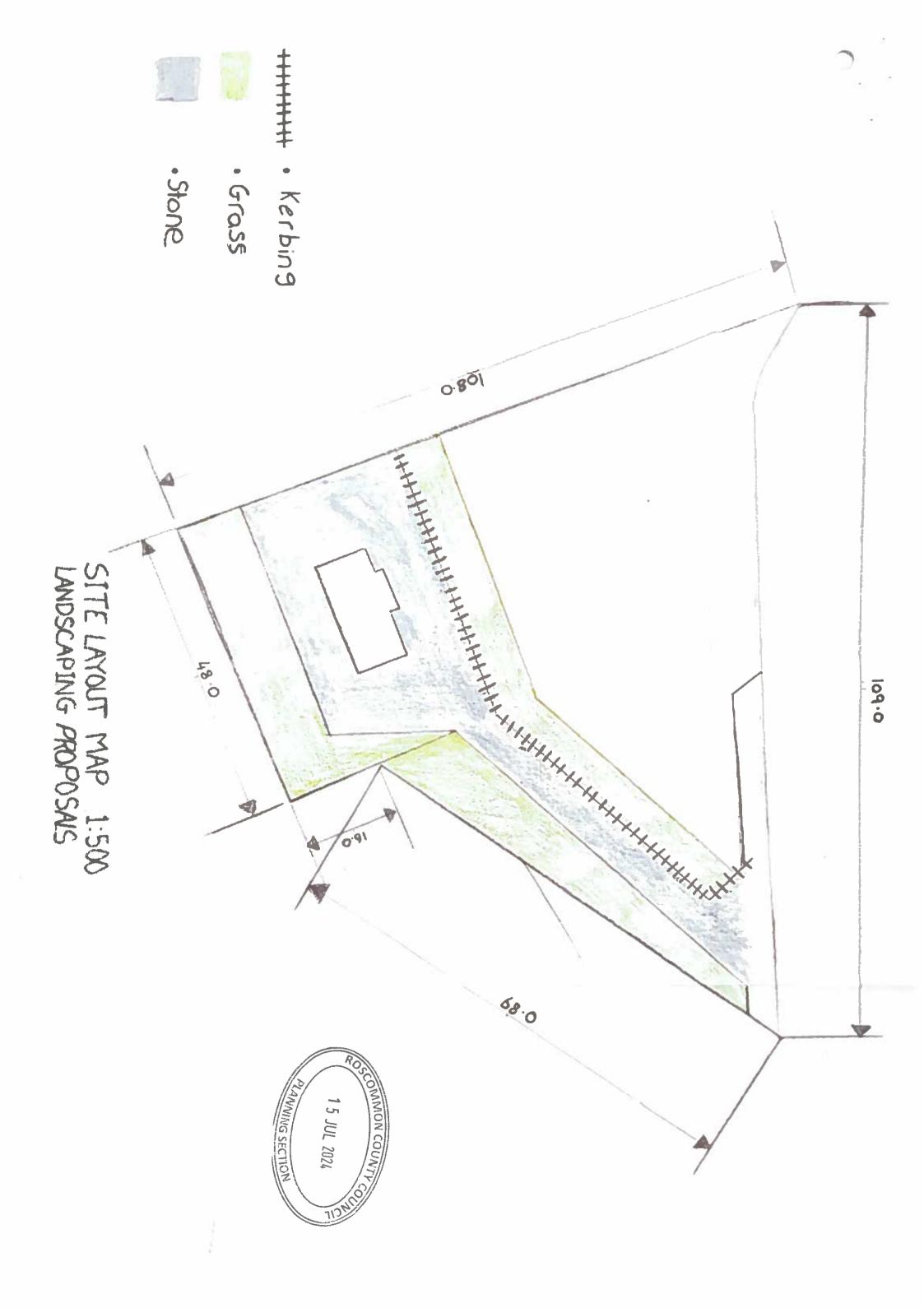
Inside

- One small toilet off the utility room with just a sink and toilet and tiled.
- Utility Room fitted with units, washing machine, dryer, sink and floored with tiles.
- Kitchen fully kitted with an island in the middle and all basic appliances with tiled floors.
- Main hallway very basic with timber floors.
- One very small storage room just off the hallway with shelving.
- One hot press just off the hallway with shelving.
- Living room with timber floors and an electric fire place.
- Standard bedrooms with carpet flooring and built in wardrobes.
- Two of the bedrooms will have basic on-suite with standard toiled, sink and shower installed and tiles throughout.
- One main bathroom with tiles thought and basic toilet, sink, shower and bath.
- All rooms in the house will be painted, have internal doors installed and have skirting boards and architraves.
- Fascias/ Soffits and rainwater goods will be fitted.

Outside

 As you can see in the site layout map I have drawn basic stone driveway with curbing and the whole garden surrounding the house will be complete with grass.





SITE LEVELS - as shown on layout map
HOUSE AND GARAGE TO BE 'CUT IN'10' SITE AS SHOWN

+ 116-70

Crest of hill

LANDSCAPING / SCREENING PROPOSALS

SITE LAYOUT MAP

at approx. 8m spacing, tree heights app Retain existing hedge and supplement with semi-mature native trees, e.g. birch, older Nong existing boundary to West:

long new site boundary to East plant a screening hedge of holly / spindle at approx. 700mm spacing

ptant a long rear site boundary screening hedge

113-00 +

110 -50

111.50

+ 110.30 propose

at approx. 700mm spacing lant a screening hedge of holly nside new fron sita bounda

rees, such as ash, beech and alder clusters as show

Ма у O'Hara & Associates Civil Engineers

Niurket St., Buliaghaderreen. Co. Rescommen Planning & Design Consultarits.

(C) 1941-98-51515 Fire 1941-98-61516 K-road observably Generalises

