

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Laura Mannion,

Reference Number: DED 743

Application Received: 19th July, 2024

Name of Applicant: Laura Mannion

Agent: James Lohan Consulting Engineer Ltd., Unit 5 Ballypheason House, Circular Road, Roscommon.

WHEREAS a question has arisen as to whether the refurbishment of an existing derelict house and the construction of a small extension under 40 sq.m under the Planning & Development Act (Exempt Development) Regulations 2018 at Curry, Brideswell, Co. Roscommon, is or is not development and is or is not exempted development:

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

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

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The works do not fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- (c) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development **to refurbish an existing derelict house and to construct a small extension under 40 sq.m, at Curry, Brideswell, 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:  September, 2024

cc agent via email:

James Lohan Consulting Engineer Ltd
james@jlce.ie

ADVICE NOTE

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

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

Reference Number:	DED 743
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Laura Mannion
Location of Development:	Curry, Brideswell, Co. Roscommon, N37 VE04
Site Visit:	29.08.2024

WHEREAS a question has arisen as to whether the following works; "Refurbish Derelict House & Add a small extension under 40m²" 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
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Site Location:

- The subject site is situated in the townland of Curry, a rural area to the south-west of county Roscommon.
- The subject site is off a local secondary road, the L-7540, which traverses the northerly extent of the site and from which vehicular and pedestrian access is gained.

Development Description:

- **Access:** Vehicular access is available through a gated entrance to the north-western extent of the site boundary; there is also separate pedestrian access to/from the eastern extent of the property.
- **Boundaries:** The site is enclosed to the northern, eastern and southern boundaries by a rendered masonry block wall; the western extent of the site is bounded by dense, mature hedgerow, with agricultural buildings abutting the south-western site boundary.
- **Dwelling:** The original dwelling is a detached, gable-ended, pitched-roof structure, of single-storey composition, with stepped access to the eastern and north-west elevations respectively. As evidenced on site, the original structure was extended to the western elevation, this accommodates access/egress in this location and additional living space.

Nature of Proposed Works:

The applicant has provided a 'Detail Specification of the Development Proposed'; this schedule includes the following:

- Strip out walls, floors and ceilings
- Installation of new ceiling joists and internal stud-work, plasterboard and skim
- Re-wiring of property in its entirety
- Re-plumbing of the property in its entirety

- Installation of new uPVC windows (white) and doors
- Re-slating of the roof
- Second-fix carpentry; interior redecoration
- Construct a 40 m² extension for a new kitchen and dining room.
- Upgrade of plumbing/heating system
- Upgrade of electrical system
- Installation of new floor

Geographic Information Systems [GIS]

European Sites:

As per a review of Roscommon County Council's Geographic Information Systems, the following European Sites were noted:

- Appropriate Assessment

The closest designated sites include 'Lough Croan Turlough' SPA (Site Code: 004139) and SAC (Site Code: 000610) which is located ca. 1.9km north-west of the subject site and 'Lough Funshinagh' SAC (Site Code: 000611) which is located 4.6km north-east of the subject site.

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; the closest structure listed by the National Monuments Service includes a Ringfort (SMR No.: RO048-062001) which is located 0.3km east of the subject site and a Ringfort (SMR No.: RO048-064---) which is located 0.6km south of the subject site. In both instances the proposed works are outside the relative zone of influence.

Planning History

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

- | | |
|----------------------|--|
| ▪ PD/668 | <i>Permission Granted (07/08/1965):</i> Erection of wall in front of Dwelling. |
| ▪ PD/15670/83 | <i>Permission Granted (06/03/1984):</i> Permission for the erection of Dwelling-house and construction of septic tank. |

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 1 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 1 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.

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 development 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:

- A proposed schedule of works was submitted as part of the application for a Declaration of Exempted Development under Section 5 of the Planning & Development Act 2000 (as amended) and this, in tandem with scaled site plans (Site Layout Plan & Site Location Map), the provision of existing and proposed floor-plans; elevations and a section, and an on-site inspection of the property, were deemed sufficient to make a determination as to whether the proposed works constitute exempted development under the provision of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
 - There are two separate entrances on approach to the dwelling; the first facilitates pedestrian entry, the second accommodates vehicular. The property's composition is that of a dual-aspect arrangement, so that the property 'rear', which is west-facing, is given pre-eminence from the vehicular road-side view and entry.
 - The applicant proposes that the 40m² extension will be situated to the west elevation, which, by virtue of its siting, will be given pre-eminence on approach to the dwelling. In this regard, it is deemed that the proposed extension does not fall under a class of 'Exempted Development' pursuant to Class 1, of Part 1 of Schedule 2, of the Planning & Development Regulations 2001 (as amended).
 - Further, it is evident that the existing dwelling has been extended previously; in that vein, the proposed extension exceeds the conditions and limitations set forth under condition 2(a) of the aforesaid Class of development, which states the following:
 - 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.
 - The proposed interior refurbishment works, as well as the upgrade of external doors and windows, are recognised as works required for the maintenance and improvement of the property—affecting (for the most part) only the interior of the structure—and as such, they would in principle satisfy the provisions of Section 4(1)(h) of the Planning & Development Act 2000 (as amended). However, this application must be evaluated in its entirety. Accordingly, it is deemed that given the property's dual-aspect arrangement and composition, the proposed extension will materially alter the external appearance of the structure from the road-side view. Further, the additional extension will exceed the limitations of condition 2(a) of Class 1, Part 1, of Schedule 2 of the Planning & Development Regulations 2001. Based on this assessment and the reasons outlined above, the proposed works do not qualify as exempted development under Section 4(1)(h) of the Planning & Development Act 2000 (as amended).
- 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. 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 proposal to "Refurbish Derelict House & add a small extension under 40m²" under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located at "Curry, Brideswell, Co. Roscommon, N37 VE04" 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 do not fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- 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 the proposal to "Refurbish Existing Derelict Dwelling & add a small extension under 40m²" at the site located in "Curry, Brideswell, Co. Roscommon, N37 VE04" under the Planning & Development Act (Exempted Development) Regulations 2018, does not constitute exempted development and that the applicant be advised of same.

Signed:



Blaithin Kinsella

Assistant Planner

Date: 29th August 2024

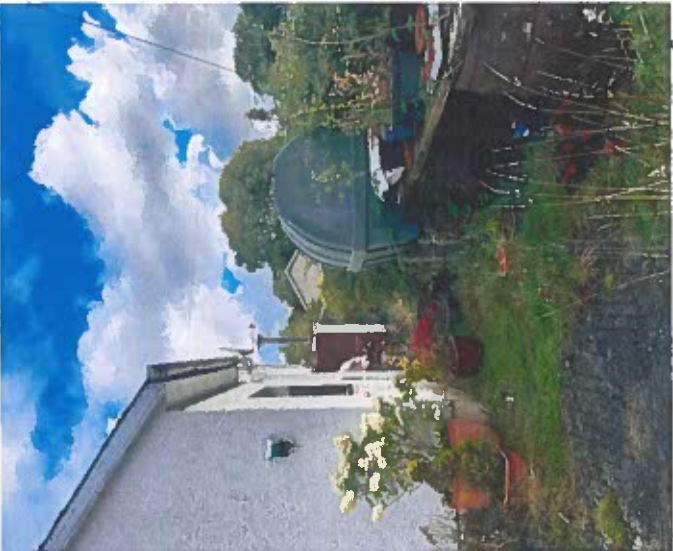
Signed:



Alan O'Connell

Senior Executive Planner

Date: 29th August 2024



3





Comhairle Contae
Ros Comáin
Roscommon
County Council



Laura Mannion,



Date: 23rd July 2024
Planning Reference: DED 743

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to refurbish existing derelict house and construct extension under the Planning & Development Act (Exempt Development) Regulations 2018 at Curry, Brideswell, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 19th 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. L01/0/229719 dated 19th July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 743**.
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: James Lohan Consulting Engineers Ltd
james@jlce.ie

Roscommon County Council
Aras an Chontae
Roscommon
09088 37100

19/07/2024 12:15:46

Receipt No. L01/0/229719

LAURA MANNION
C/O JAMES LOHAN CONSULTING ENGINEERS LTD
UNIT 5
BALLYPHEASON HOUSE
CIRCULAR ROAD
ROSCOMMON

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 743	

Total	80 00 EUR
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Tendered :	
Cheque	80 00
500354	

Change :	0 00
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Issued By : Bernadine Duignan
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	Laura Mannion
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house and add a small extension under 40 sqm in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CURRY, BRIDESWELL, CO. ROSCOMMON N37 VE04 O.S No. 2962 XY: 590000, 746673 Townland Curry
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>99.5Sqm</u> b) <u>40 Sqm extension</u>
Height above ground level:	Floor level- between 300mm – 350 mm above ground level (Ridge height existing 5397mm above ground level)
Total area of private open space remaining after completion of this development	0.23 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof Proposed new pitched roof (40 sqm) at the rear of the building, matching the existing extension.

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	Proposed extension to the rear of the house, under 40 Sqm and lower than the existing building.
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Existing Dwelling House
Proposed use of land or structure	Refurbish House to be lived in by applicants
Distance of proposed building line from edge of roadway	Existing -26.3 from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature:

CS

Date:

17/07/2024



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



James Lohan
Planning & Design Consulting Engineers

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

Detailed Specification Of The Development Proposed

Ref: Laura Mannion for Property at Curry, Brideswell, Co. Roscommon N37 VE04

The property is being stripped back to its original walls and will be renovated. Additionally, a 40sqm extension will be added to include a kitchen and dining room. The works involved are as follows:

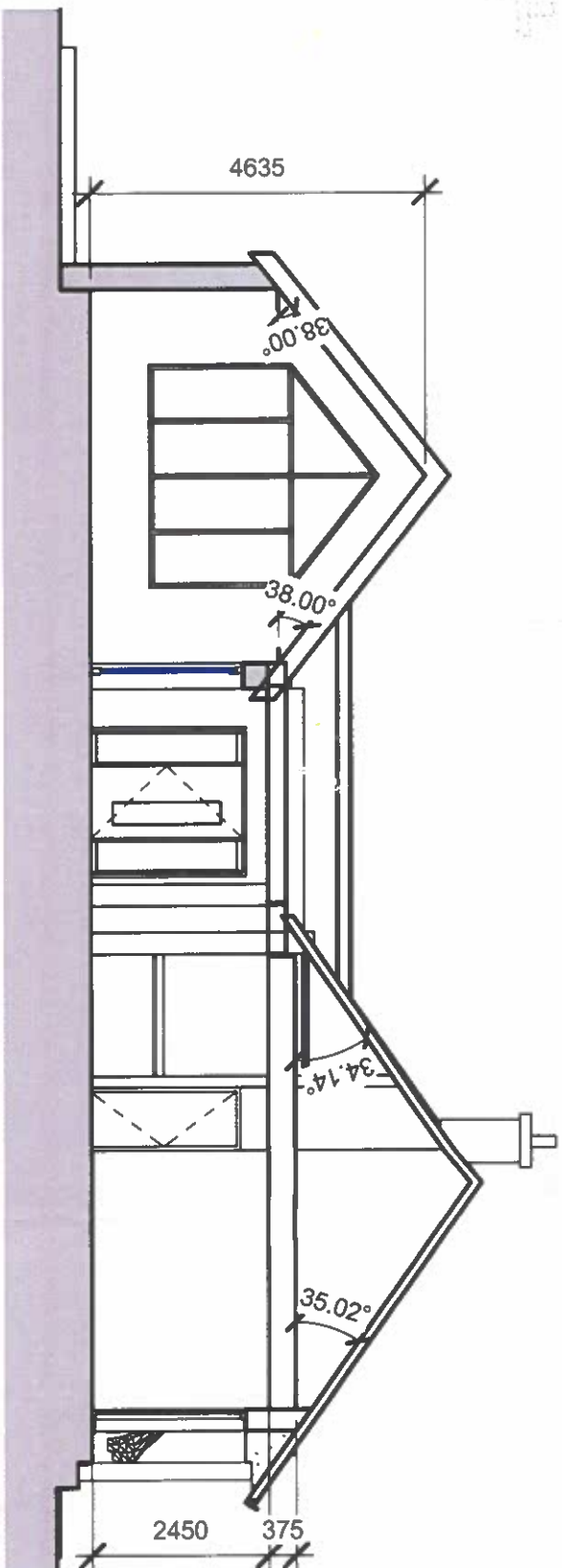
1. Strip out walls, floors, and ceilings.
2. Install new ceiling joists and internal stud work, plasterboard, and skim.
3. Re-wire the entire property.
4. Re-plumb the entire property.
5. Install new UPVC windows (white) and doors.
6. Re-slate the roof.
7. Second fix carpentry and paint and decorate internally.
8. Construct a 40sqm extension for a new kitchen and dining room.
9. Upgrade plumbing/heating system.
10. Upgrade electrical systems.
11. Install new floors.

Kind Regards

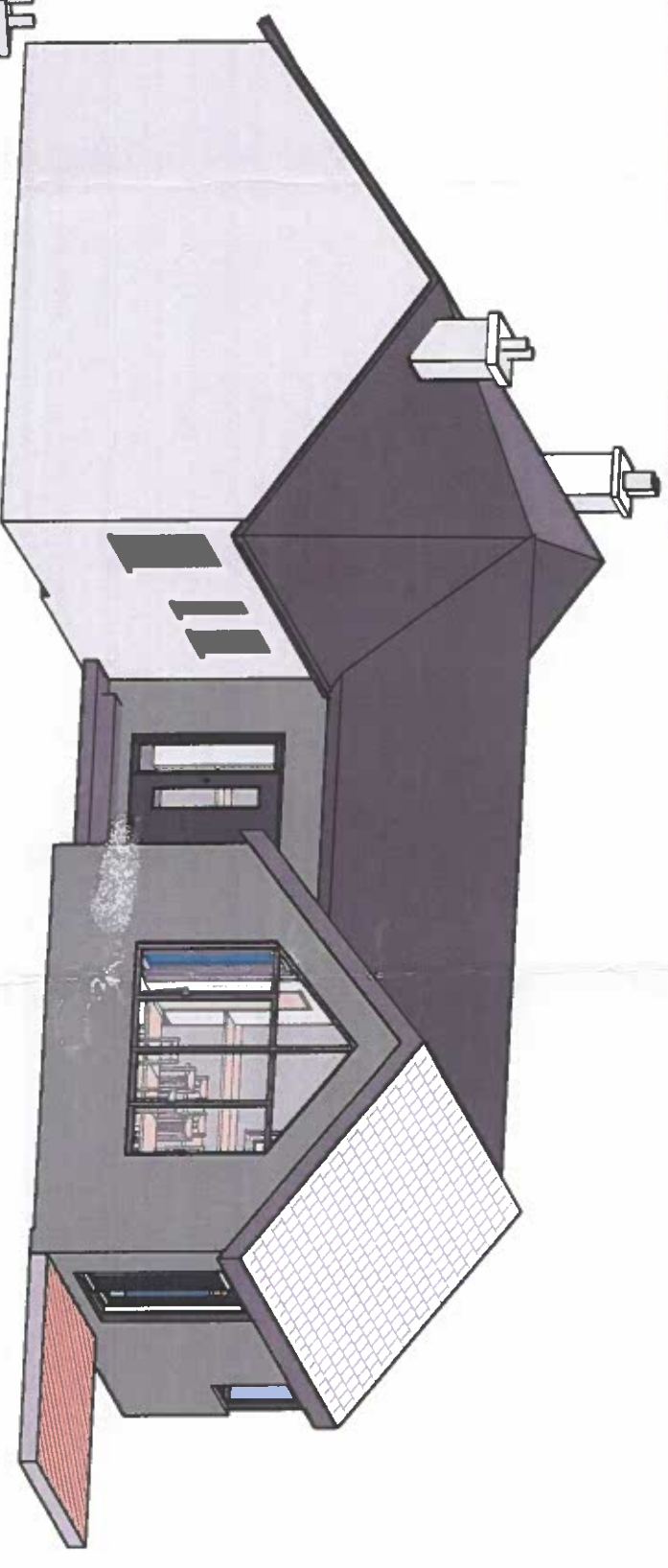
Camila Zen

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

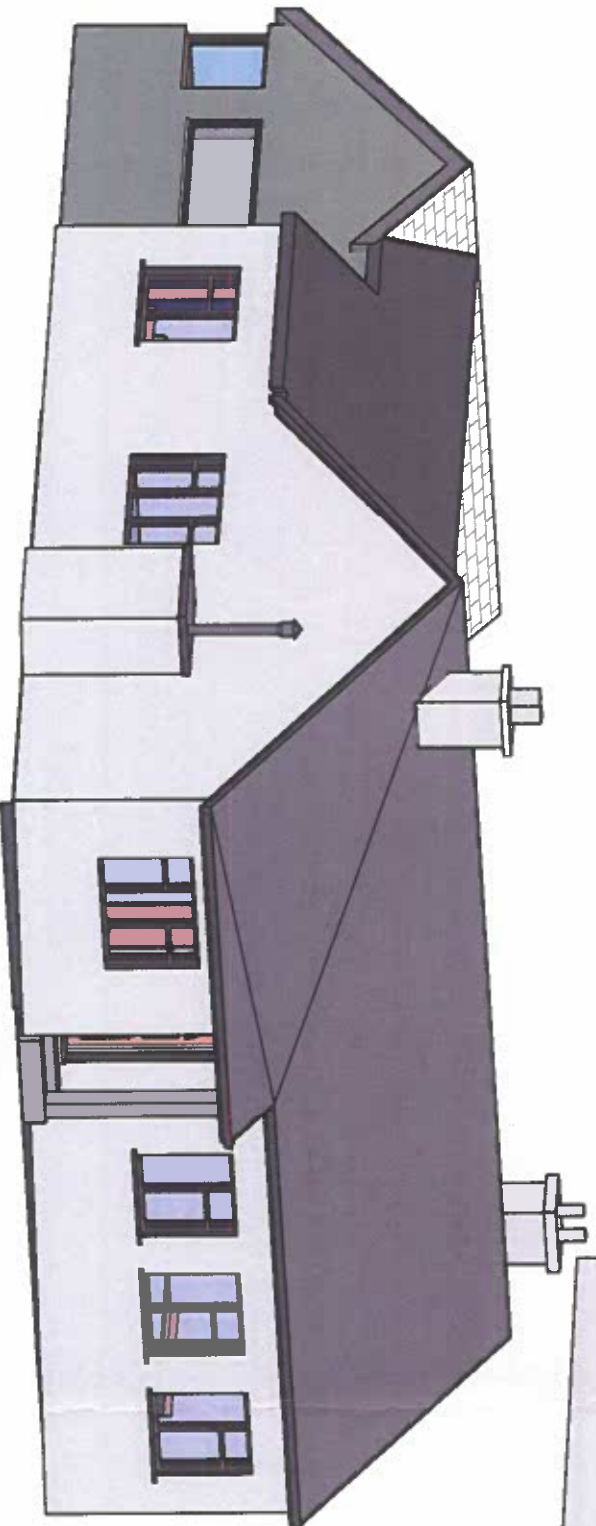




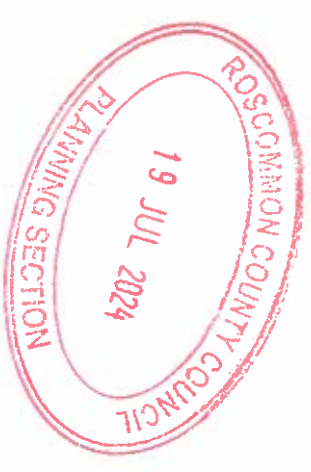
1 Proposed Section
1 : 100



2 Proposed 3D View 01



3 Proposed 3D View 02



James Lohan
Planning & Design Consulting Engineers

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

**EXEMPT
DEVELOPMENT**

James Lohan Planning & Design Consulting Engineers		Site Planning 3D Modeling Landscape Design	Unit 5, Roscommon House, Roscommon Road, F45 6H7	F: 001 863435 E: info@jlohan.ie
CLIENT Laura Merton	JOB EXEMPT DEVELOPMENT	JOB NO 24-200	DATE 17/07/2027	
SITE Curry, Bideewell, Co. Roscommon N37 VED4	DRAWING Proposed Section & 3D Views	DRG NO 004	REV C-Zen	DESIGNED BY C-Zen

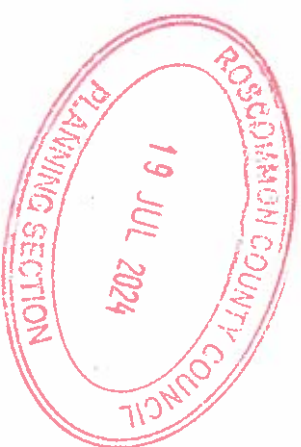
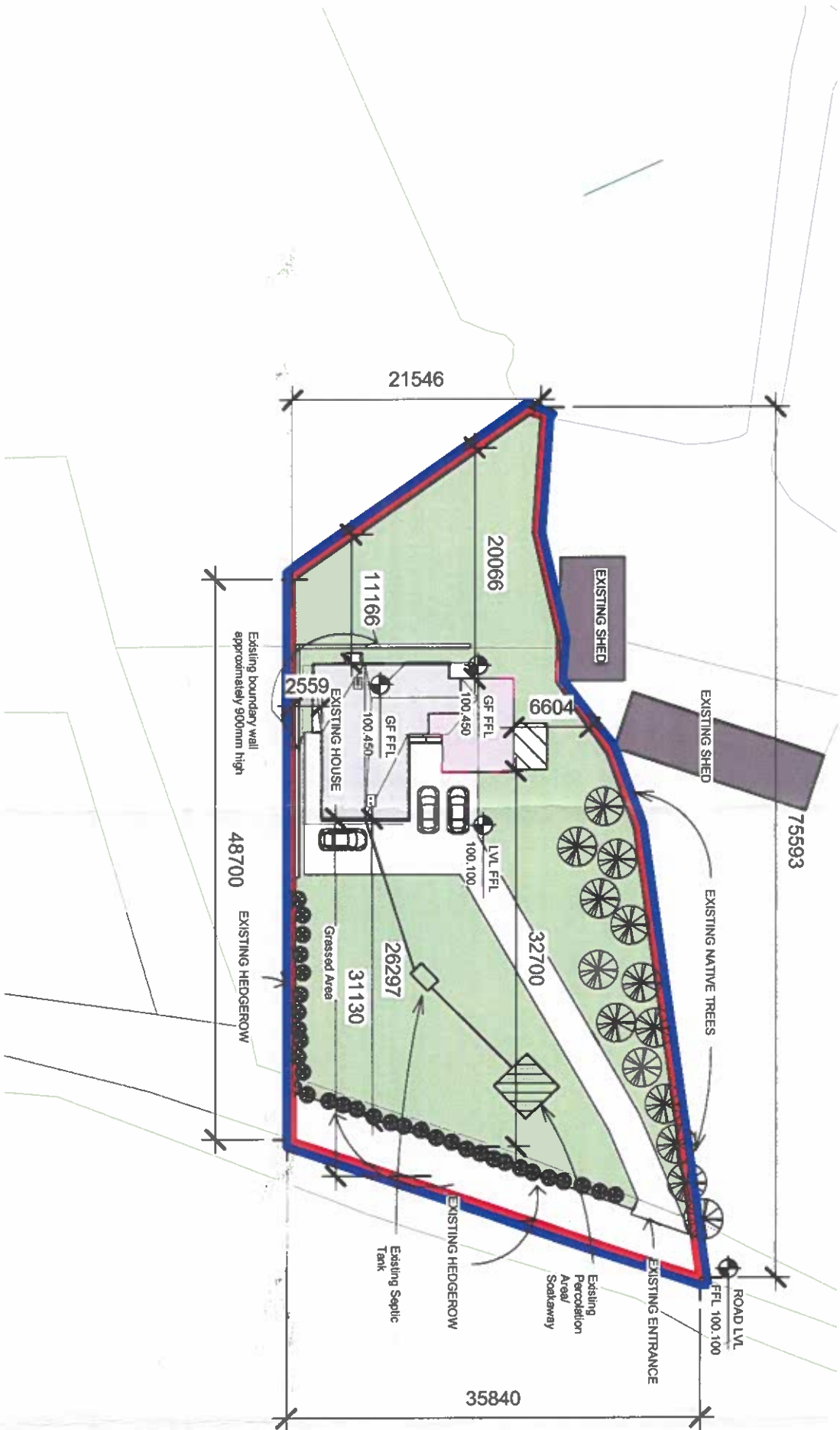
LEGEND

— SITE BOUNDARY OUTLINED IN RED (0.165 HECTARES)

— LAND HOLDINGS OUTLINED IN BLUE

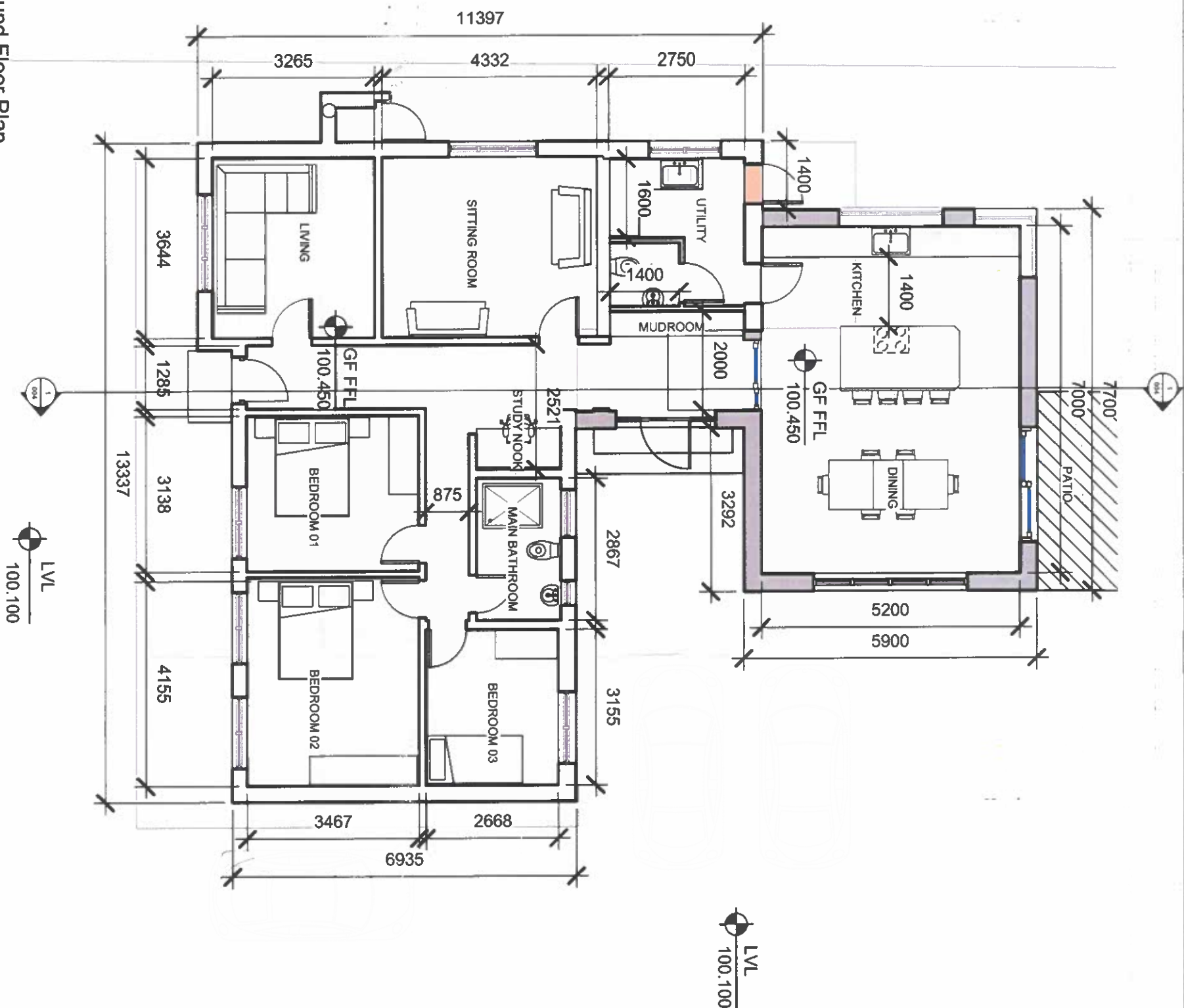
LEGEND

PROPOSED EXTENSION TO EXISTING HOUSE



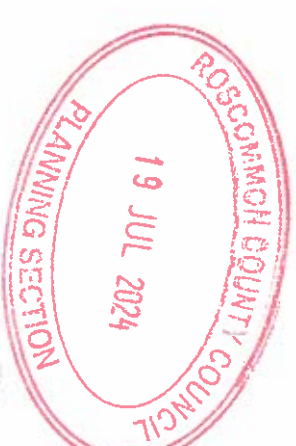
1 Site Layout Plan
1 : 500

01-Proposed Ground Floor Plan
1 : 100



LEGEND	
	ORIGINAL WALLS OF EXISTING HOUSE
	PROPOSED NEW WALLS TO BE BUILT
	PROPOSED EXTENSION TO EXISTING HOUSE
	NEW DOOR

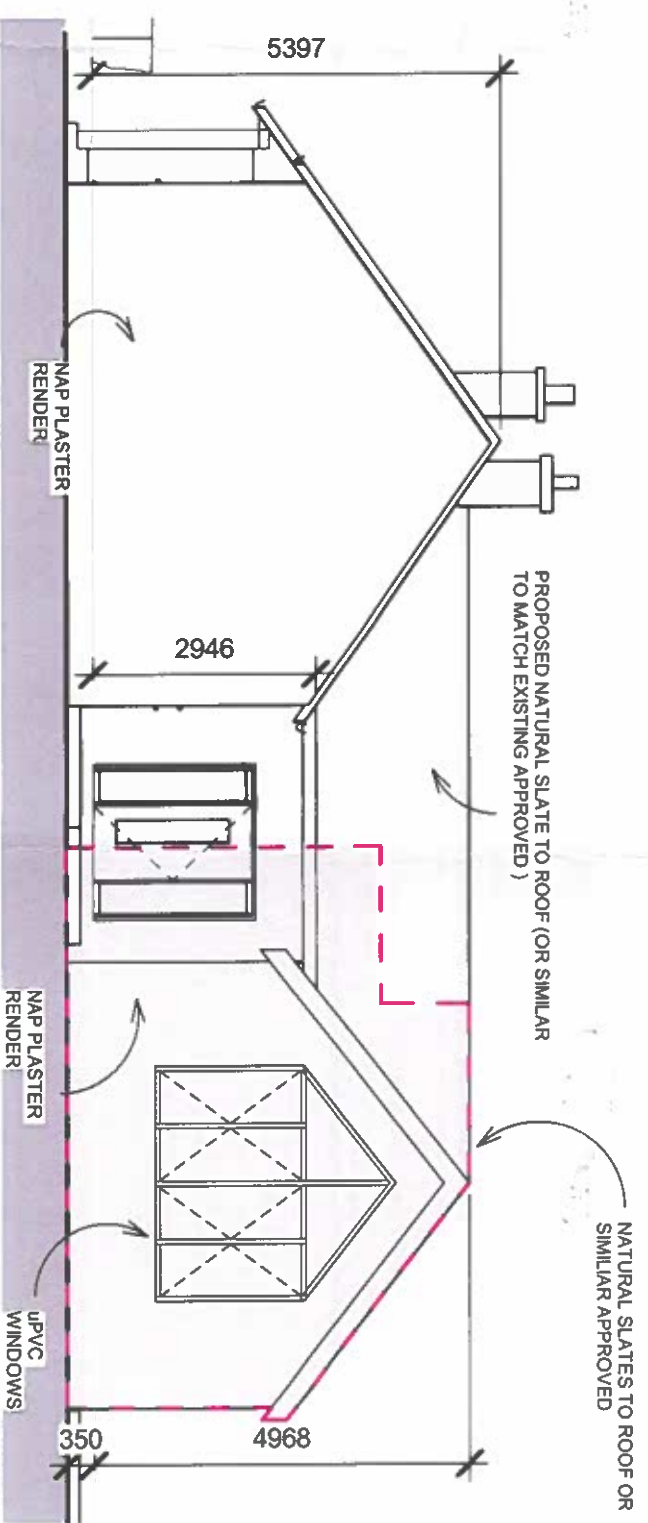
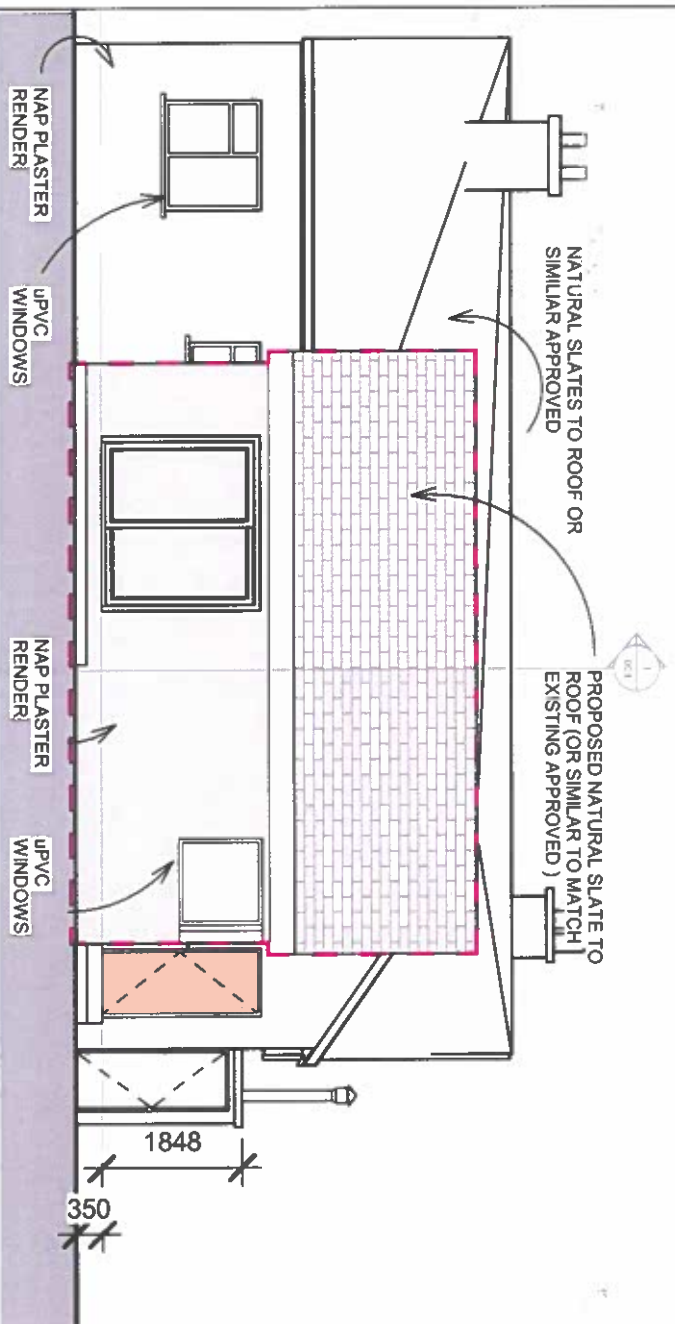
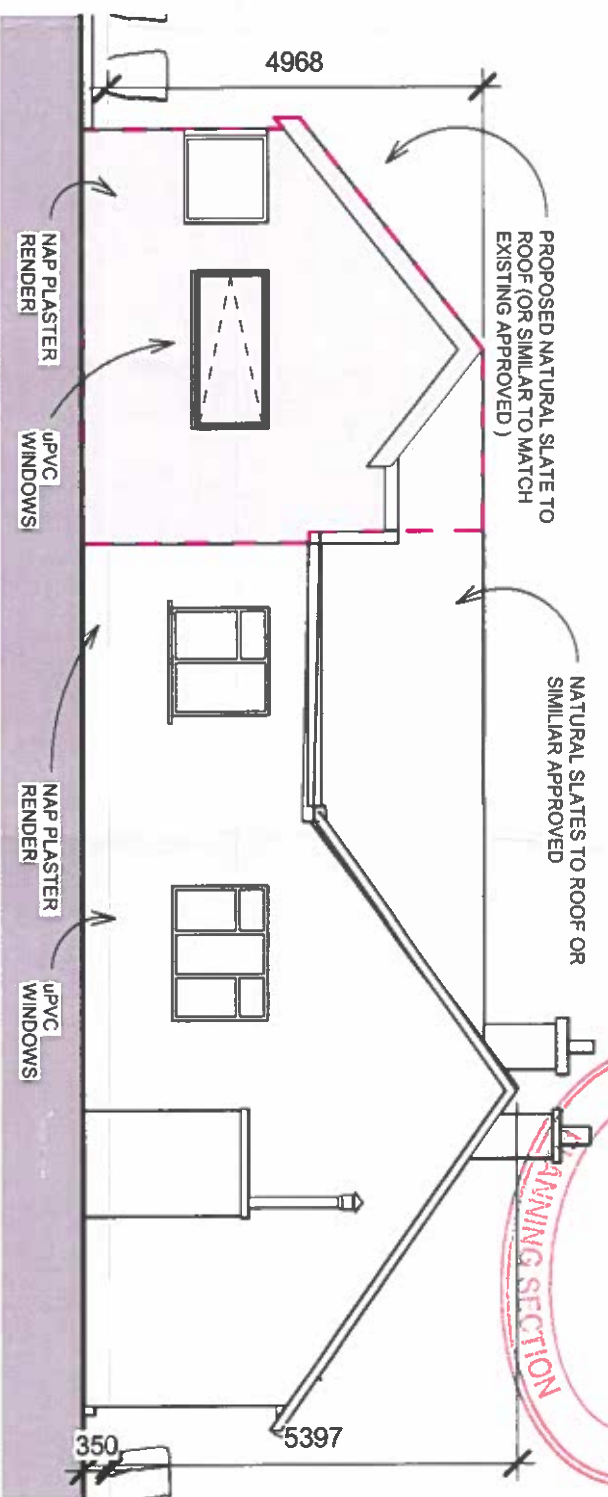
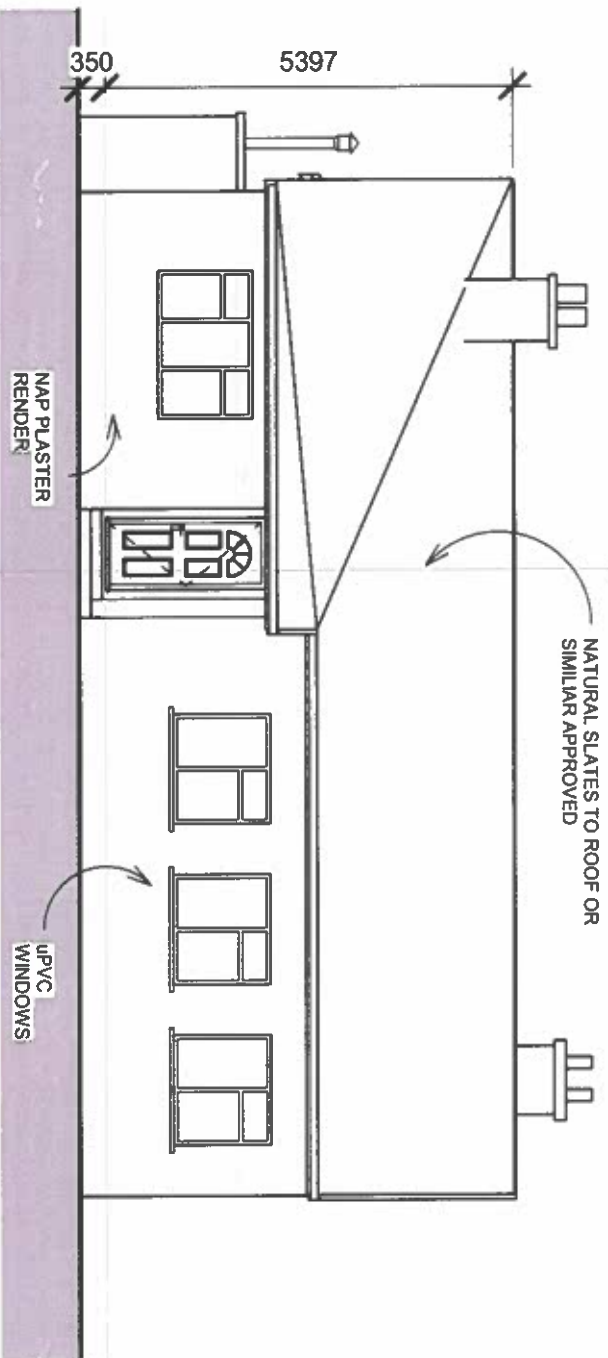
EXISTING GROUND FLOOR 99.55sqm
PROPOSED EXTENSION 40sqm



LEGEND

- PROPOSED EXTENSION TO EXISTING HOUSE
- NEW DOOR

ROSCOMMON COUNTY COUNCIL
19 JUL 2024
DRAWING SECTION



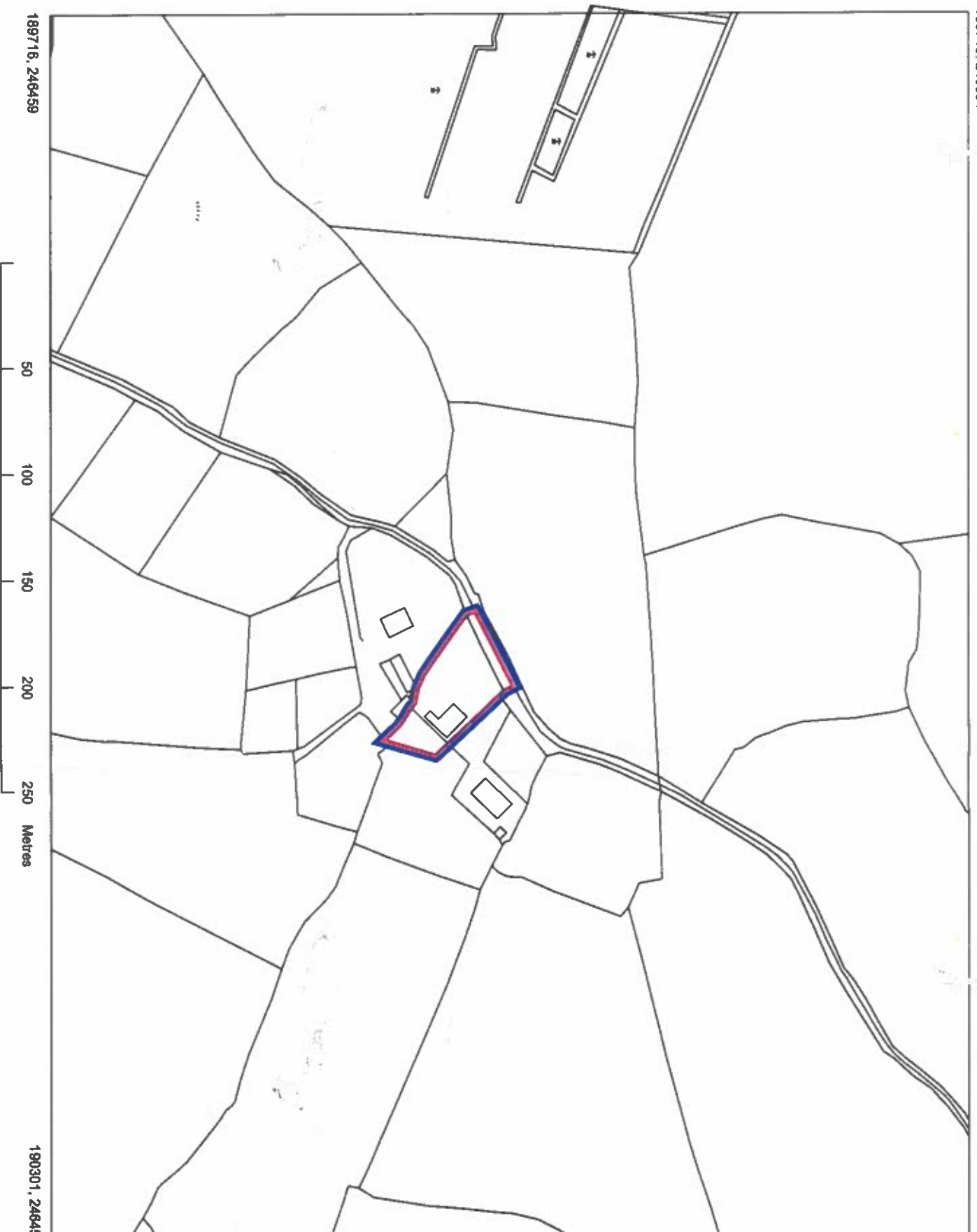
The image contains two architectural drawings of a building. The top drawing is a perspective view of a building section, showing a gabled roof with a chimney and several windows. The bottom drawing is a cross-section of the building, showing the internal structure, including the roof trusses and floor joists. The roof pitch is indicated as 35.02° on both sides. The section is labeled '3065' and '3066'.

LVL
100.100

Technical drawing of a staircase section. The drawing shows a vertical wall on the left and a staircase structure. A horizontal dimension line is labeled 3065. A diagonal line representing the staircase tread is labeled with an angle of 35.02°. A small rectangular detail is shown on the wall, and a horizontal line with a T-shaped end is visible on the right.

189716, 246884

190301.248884



189716, 246459

Mattress

190301, 246459

SITE LOCATION MAP

1:2500



SITE ADDRESS:
CURRY,
BRIDGESWELL,
CO. ROSCOMMON

LEGEND

**SITE AREA OUTLINED IN RED
= 0.165 HECTARES**

LAND HOLDING OUTLINED IN BLUE

OS MAPS: 2962



NATIONAL MAPPING DIVISION OF TAILIE FIREARM
CYAL50358888
COMPASSION LICENSE

James Lohan
Planning & Design Consulting Engineers

EXEMPT
DEVELOPMENT

DO NOT SCALE FROM THIS DRAWING WORK ONLY FROM FIGURED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.

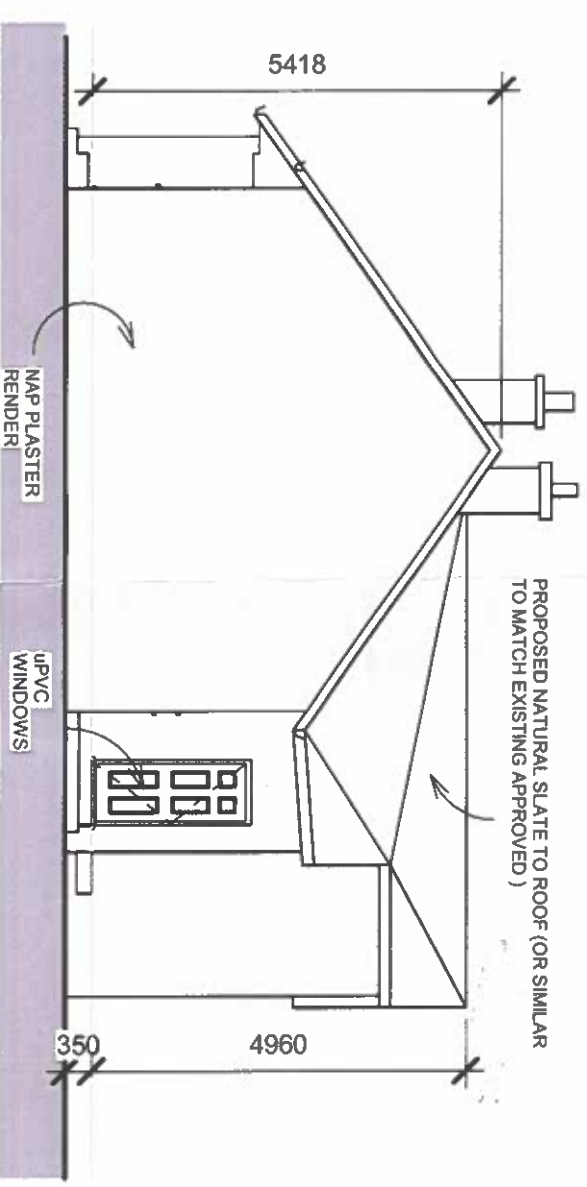
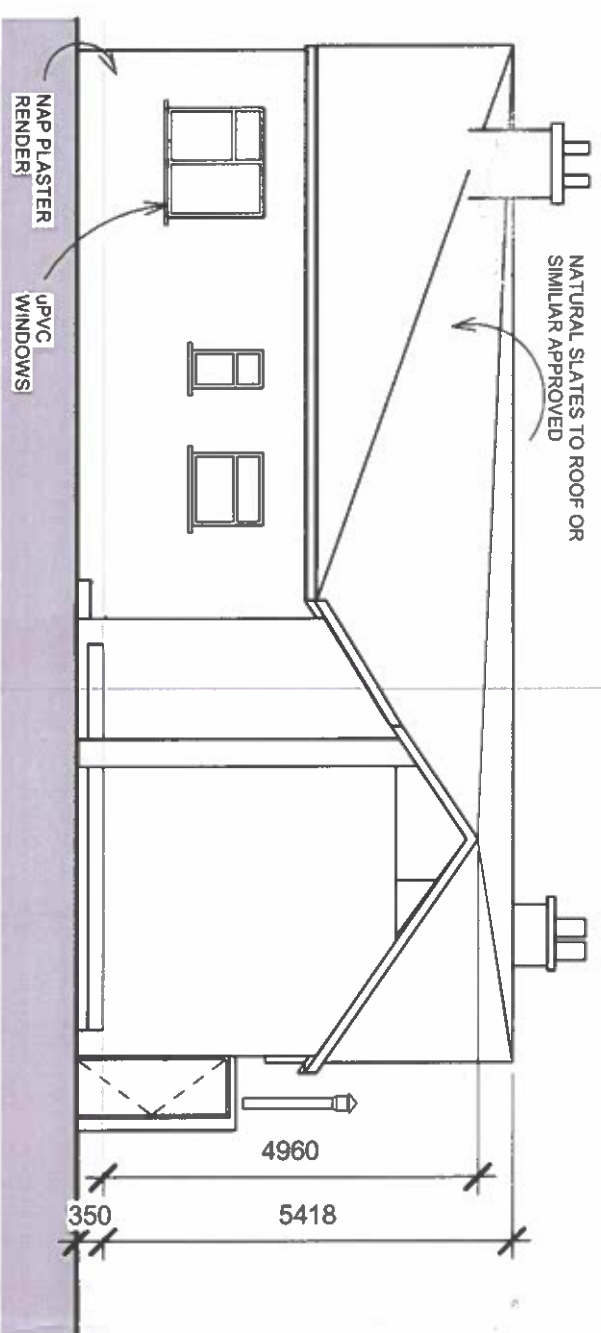
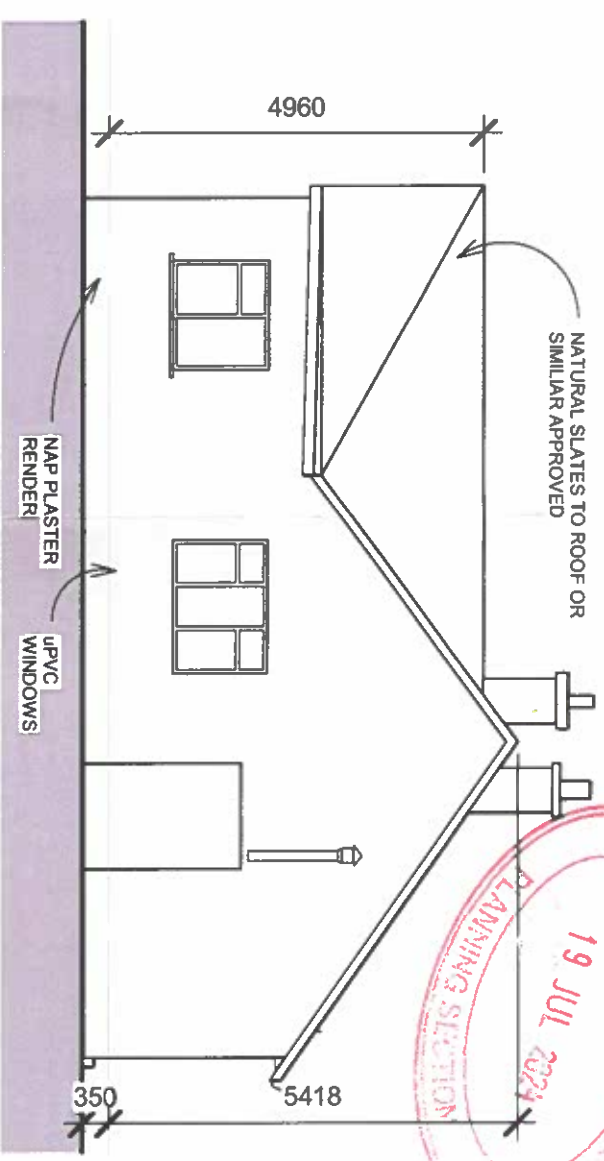
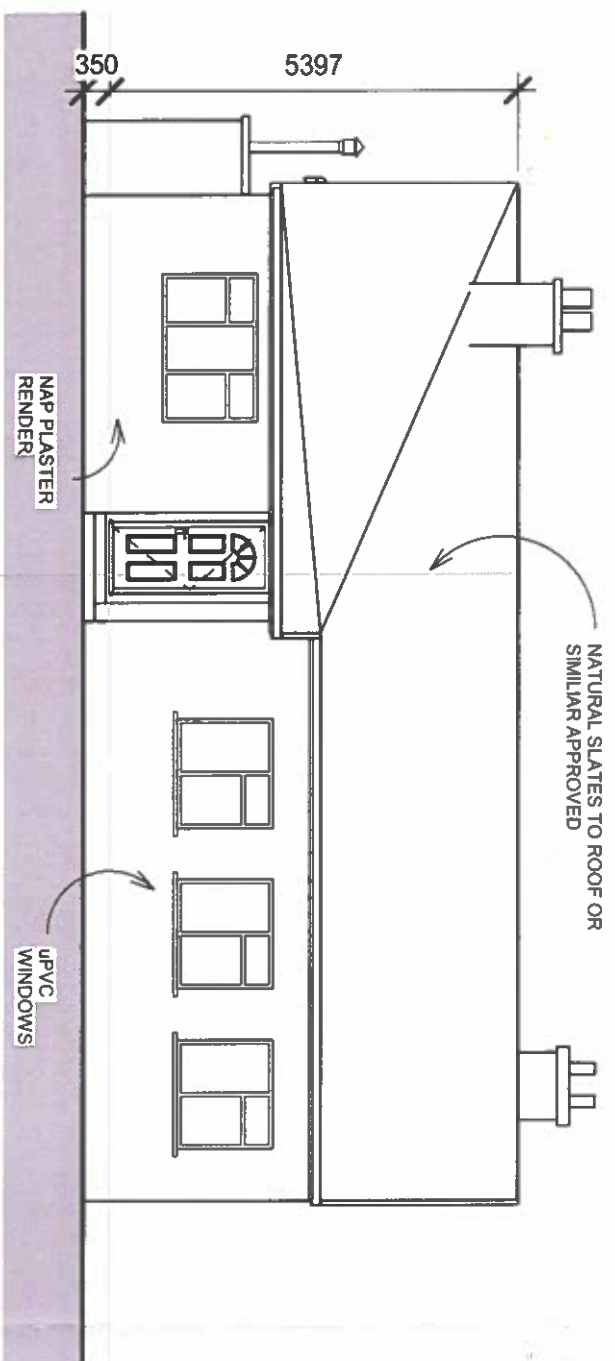
[illegible]

Unit 5 Ballypheason House
Circular Road,
Roscommon F42 C9B2.

CLIENT:	JOB CREW DEVELOPMENT
ALBA WARDEN	CHILLING HOUSE
SITE:	DRAINING
CURRY	SITE LOCATION MAP
BRIDGESWELL	
CO. ROSCOMMON	

JOE No 24-209 DATE 27/06/2004
ORC No 007 REV

James Lohan
Director & General Consulting Partners



James Lohan
Planning & Design Consulting Engineers

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ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STATUS: KEY: SK: SKETCH DESIGN PR: PRELIMINARY FT: FOR TENDER TC: FOR CONSTRUCTION SS: SUPPLEMENTED

EXEMPT DEVELOPMENT

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DRAWING 0008 SCALE 1:100 @ A3		DRAWING 0008 SCALE 1:100 @ A3 DESIGNED BY C.ZEN	