

ROSCOMMON COUNTY COUNCIL

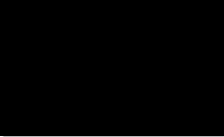
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Edward Mullaney,



Reference Number: DED 745
Application Received: 19th July 2024
Name of Applicants: Edward Mullaney
Agent: Cunningham Design & Planning

WHEREAS a question has arisen as to whether the construction of an extension to the rear of an existing dwelling at Knockadaff, Knockvicar, Co. Roscommon, F52 KP92., 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 – 2011
- (e) The planning history of the site

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works are development.
- (b) To construct a 39.80sqm extension to the rear of the existing dwelling house is exempted development.
- (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 construct an extension to the rear of an existing dwelling at Knockadaff, Knockvicar, Co. Roscommon, F52 KP92, 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: 6th September 2024

cc agent via email: Cunningham Design & Planning
 mark@cunninghampd.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.

Carmel Curley

From: Carmel Curley
Sent: Friday 6 September 2024 11:05
To: mark@cunninghamdp.ie
Subject: DED745 - Edward Mullaney
Attachments: DED745 - Notification of Decision.pdf

A Chara,

Please see attached Notification of Decision for DED Application 745 – Edward Mullaney. A hard copy will issue to the applicant.

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



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

Reference Number: DED 745

Name and Address of Applicant: Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development - Permission to construct an extension to the rear of an existing dwelling house under the Planning & Development Act (Exempted Development) Regulations 2018 at Knockadaff, Knockvicar, County Roscommon, F52 KP92

Applicant: Edward Mullaney

Date: 5th September 2024

WHEREAS a question has arisen as to whether to construct an extension to the rear of an existing dwelling house at Knockadaff, Knockvicar, County Roscommon, F52 KP92 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 – 2011
- (e) The planning history of the site

Site Location & Development Description

The existing dwelling house is located in Knockadaff, Knockvicar, County Roscommon, F52 KP92 and is accessed off the L1017 Local Primary Road. As per the Roscommon County Council GIS, there are no known heritage related sites/structures in very close proximity to the subject site. The closest designated site is the Lough Arrow SAC (Site Code: 001 673), which is approximately 8.7km from the subject site. The proposed development consists of constructing a 39.80sqm extension to the rear of the existing dwelling house.

Planning History

PD 23 60268 – Permission granted to for the proposed replacement of an existing septic tank system with an onsite sewerage system with polishing filter in accordance with EPA code of practice 2021 and all ancillary works.

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 construction of an extension to the rear of the existing dwelling house constitutes development, as defined in Section 3 of the said Act.

The proposed extension (39.80sqm) to the rear of the existing dwelling house has been considered within the scope of Class 1 of Part 1 of Article 6 - *Exempted Development General* of the Regulations.

PART 1 - Article 6 - Exempted Development – General

Development within the curtilage of a house

Class 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Column 2 - Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
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.
(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
- (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

The construction of a 39.80sqm extension to the rear of the existing dwelling house in this case is considered to be exempted development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, it is considered 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 EIA or AA does not apply with respect to the current referral 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 to construct an extension to the rear of an existing dwelling house at Knockadaff, Knockvicar, County Roscommon, F52 KP92 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 – 2011
- (e) The planning history of the site

AND WHEREAS I have concluded that

- (a) The works are development.
- (b) To construct a 39.80sqm extension to the rear of the existing dwelling house is exempted development.
- (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.

and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Jennifer Foy
Assistant Planner

Date: 5th September 2024

Signed: _____

Alan O'Connell
Senior Executive Planner

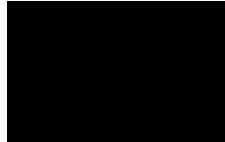
Date: 6th September 2024



Comhairle Contae
Ros Comáin
Roscommon
County Council



Edward Mullaney,



Date: 24th July 2024
Planning Reference: DED 745

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to construct an extension to the rear of an existing dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at Knockadaff, Knockvicar, Co. Roscommon, F52 KP92.

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. L01/0/229758 dated 23rd July 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 745**.
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: Cunningham Design & Planning
mark@cunninghampd.ie

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

23/07/2024 14:52 22

Receipt No: L01/0/220758
REPRINT

CUNNINGHAM DESIGN & PLANNING
BLOCK C
N4 AXIS CENTER
LONGFORD
REF DED745

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 745	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
4541

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office

Red Cow Design & Planning Limited Trading As
CUNNINGHAM DESIGN & PLANNING
Consulting Engineers

Block C
N4 Axis Centre
Longford
Co. Longford

Tel: 043 33 40450
Mob: 087 850 9554
Email: mark@cunninghamdp.ie
Website: www.cunninghamdp.ie

Planning Department
Roscommon County Council
County Buildings
Roscommon
Co. Roscommon



Date: 15/07/2024

Dear Sir/Madam,

Re: Section 5 Declaration – Exempted Development At Knockadaff, Knockvicar, Co. Roscommon, F52 KP92 For Edward Mullaney.

I refer to the above and I enclose herewith a Section 5 Declaration Form for the proposed above-mentioned development. It is my professional opinion that the proposal as shown on the attached drawing is considered an Exempt Development as the floor area of both the proposed ground floor is less than 40m² and therefore satisfies CLASS 1, Schedule 2, Part 1 Of The Planning And Development Regulations, 2001

I look forward to hearing your thoughts/views at your earliest opportunity.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mark Cunningham".

Signed: _____
Mark Cunningham, BEng, MSc, CEng, MIEI.



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)	Edward Mullaney
Name of Agent	Cunningham Design & Planning, Block C, N4 Axis Centre, Longford, Co. Longford.
Nature of Proposed Works	Proposed extension to the rear of existing Dwelling House.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Knockadaff, Knockvicar, Co. Roscommon, F52 KP92
Floor Area: a) Existing Structure b) Proposed Structure	a) 90.151sqm b) 39.80sqm
Height above ground level:	4.9m
Total area of private open space remaining after completion of this development	1 Acre
Roofing Material (Slates, Tiles, other) (Specify)	Black Slates 600x300mm

Roscommon County Council

Application for a Declaration under Section 5 of the



Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Proposed structure: Nap finish plaster White. Existing structure: Original stone work/ nap finish plaster White
Is proposed works located at front/rear/side of existing house.	Extension to the Rear of dwelling house.
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	Dwelling House.
Distance of proposed building line from edge of roadway	11m
Does the proposed development involve the provision of a piped water supply	Mains water supply already in place for existing structure
Does the proposed development involve the provision of sanitary facilities	Yes, the development involves provisions of sanitary facilities. Planning permission already granted by Roscommon CoCo for new septic treatment system. Planning Ref. PD/23/60268

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

Signature: _____

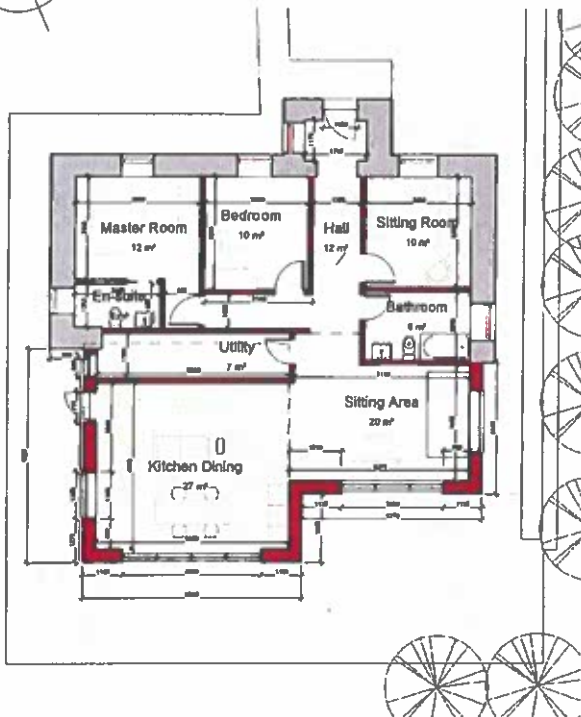
Date: 11/07/2024

Note: This application must be accompanied by: -

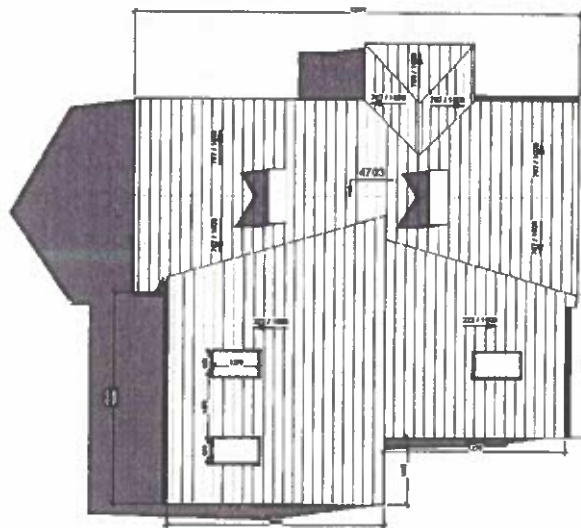
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



Note: Gross Extension area in yellow is 39,80 sq.m



Proposed Ground Floor
1:100



Proposed Roof Level
1:100

Sk 05



PROJECT NAME
Refurbishment of Existing Dwelling and Rear Extension
Location: Kneecastle, Kneecastle,
Co. Roscommon, F23 K9K2, Ireland
For Mr. Edward Mulvaney

DRAWING TITLE
Proposed Ground floor and Roof Plan

Status
Concept Design

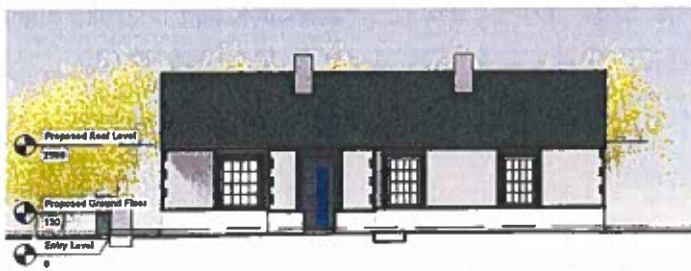
Drawn by
g.bird

Project Number
1002

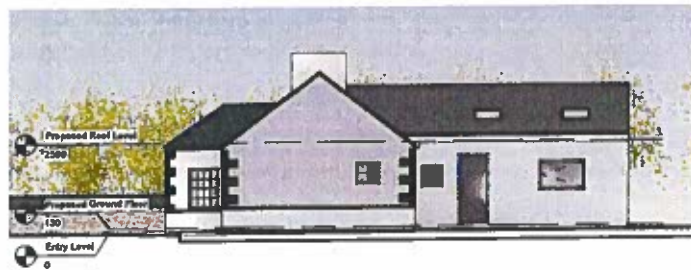
Drawing Number
SK05_01

Scale (@ A3)
1:100

Date
03/06/2023



North East Elevation
1:100



North West Elevation
1:100



Sk 05



PROJECT NAME
Redesign of Existing Dwelling and Rear Extension
Location: Knockeduff, Keshcormier,
Co. Roscommon, P82 KP82, Ireland
For Mr. Edward Mullaney

DRAWING TITLE
Proposed Front/ North East and Side
North West Elevations
Proposed 3D Views

Status

Concept Design

Drawn by

g.bab

Project Number

1052

Drawing Number

SK05_02

Scale (@ A3)

1:100

Date

03/08/2024



South East Elevation
1:100



South West Elevation
1:100



Sk 05



PROJECT NAME
Refurbishment of Existing Dwelling and River Extension
Location: Kesh, Co. Roscommon, P23 KP92, Ireland
For Mr. Edward Sheehy

DRAWING TITLE
Proposed Back/ South West and Side/
South East Elevations
Proposed 3D Views

Status

Concept Design

Drawn by

g.b.d.

Project Number

1052

Drawing Number

SK05_03

Scale (to A3)

1:100

Date

03/06/2023

Area Of Site = 0.85 Acres/ 0.34 Hectares

[illegible]

⊕ Approximate Ground Spot Levels Only
F.F.L. +0.5m Above Existing Ground Level
At Front Building Line



Site Layout

Comp No	Drawn By	Score	Status	Date
#1	S Ryan	1500	Planning	Dec 2

The proposed replacement (N) is a 16-ft-long, 8-gigabit Ethernet system With An Inside Storage System With Problem Solving After An Upgrade With FPL code and Practice 2021 and All Security Work At Knowledge Knowledge, a. Researcher for Mr. Edwards, Madison.

Planning Pack Map



Tailte
Éirea

CENTRE
COORDINATES:
ITM 588780,804881

PUBLISHED: 29/11/2023 ORDER N 5037/1129

MAP SERIES: 1:5,000 MAP SHE 1673



COMPILED AND PUBLISHED
National Mapping Division of
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Phoenix Park,
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D08F6E4

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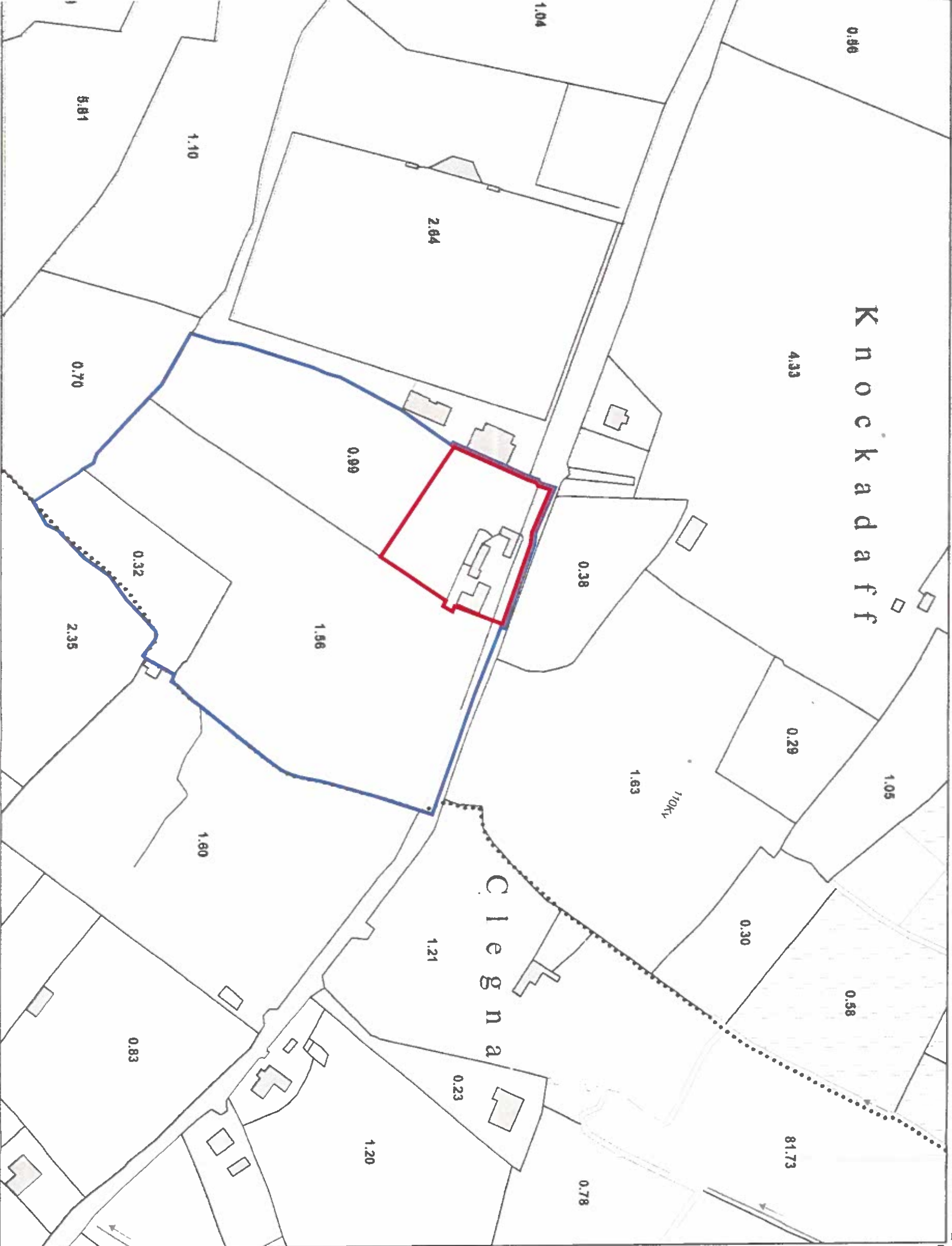
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Output scale is not indicative of data capture scale.
Further information is available at:
www.osl.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.osl.ie and search for
'Large Scale Legend'

Sharon Kelly

From: Orlaith Courtney <orlaith@cunninghamdp.ie>
Sent: Thursday 18 July 2024 12:14
To: Planning Department
Cc: Mark Cunningham
Subject: Re: Section 5 Declaration – Exempted Development At Knockadaff, Knockvicar, Co. Roscommon, F52 KP92 For Edward Mullaney.
Attachments: Letter Application and Drawings.pdf

Hi

Please find attached Section 5 Declaration for Edward Mullaney along with the drawings now attached.

Kindest regards,

Orlaith Courtney
Secretary

Email: orlaith@cunninghamdp.ie
Telephone: 043-3340450
Address: Cunningham Design & Planning,
Block C, N4 Axis Centre, Longford,
Co. Longford, N39 X7W0.

Mark Cunningham BEng, MSc, CEng, MIEI.
Chartered Engineer and Assigned Certifier



From: Stephen Ryan <Stephen@cunninghamdp.ie>
Sent: Friday 19 July 2024 12:41
To: Carmel Curley
Cc: Mark Cunningham
Subject: RE: Section 5 Declaration - Exempt Development At Knockadaff, Knockvicar, Co. Roscommon
Attachments: Edward Mullaney SITE LAYOUT EXEMPT DEVELOPMENT.pdf; Edward Mullaney SITE LAYOUT EXEMPT DEVELOPMENT-SITE LOCATION.pdf; Cover Letter.pdf
Follow Up Flag: Flag for follow up
Due By: Tuesday 23 July 2024 09:00
Flag Status: Flagged
Categories: Section 5 - DED

Good Afternoon Carmel,
Please find attached as requested

Kindest regards,

Stephen Ryan
CAD Technician



Address: Cunningham Design & Planning,
Block C,
N4 Axis Centre,
Longford,
Co. Longford,
N39 X7W0.
Mobile: 087 142 7848
Telephone: 043-3340450
Website: www.cunninghamdp.ie

