

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Tom & Sinead McCormack,



Reference Number: DED 757
Application Received: 28th August 2024
Name of Applicants: Tom & Sinead McCormack
Agent: Padraig Connell, Consulting Engineers, Corr, Walderstown, Athlone, Co. Westmeath.

WHEREAS a question has arisen as to whether the following works 1) underpinning of foundations; 2) replacement of window head; 3) internal insulation; 4) waterproofing of entrance porch; 5) new skirting, doors & architrave; 6) internal plasterwork; 7) re-wiring & 8) re-plumbing at Ardmullen, Kiltoom, 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 proposed underpinning of foundations, replacement of window head, internal insulation, waterproofing of entrance porch, new skirting, doors and architrave, internal plasterwork, re-wire and re-plumbing as described in this case is an 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 – 2024 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 1) underpinning of foundations; 2) replacement of window head; 3) internal insulation; 4) waterproofing of entrance porch; 5) new skirting, doors & architrave; 6) internal plasterwork; 7) re-wiring & 8) re-plumbing at Ardmullen, Kiltoom, 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: 20th September 2024

cc agent via email: Padraig Connell Consulting Engineers
 padraig@pc-ce.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 20 September 2024 11:12
To: [REDACTED] padraig@pc-ce.ie
Subject: DED757 - Notification of Decision
Attachments: DED757 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 757.

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 Act 2000 (as amended)**

Reference Number:	DED 757
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for underpinning of foundations, replacement of window head, internal insulation, waterproofing of entrance porch, new skirting, doors and architrave, internal plasterwork, rewire and replumbing.
Name of Applicant:	Tom and Sinead McCormack
Location of Development:	Ardmullen, Kiltoom, Co. Roscommon
Site Visit:	17/09/2024

WHEREAS a question has arisen as to whether the following works; for underpinning of foundations, replacement of window head, internal insulation, waterproofing of entrance porch, new skirting, doors and architrave, internal plasterwork, rewire and replumbing 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 & Development Description

The property was originally a country style 2 storey dwelling house and has since been extended with a single story extension to one side and a flat roof front porch to the other side in Ardmullen, Kiltoom, Co. Roscommon and is access via the L-7621 local road. There are sheds/outbuilding to the side of the dwelling which appear to serve both the house and agricultural. The proposed development consists of the underpinning of foundations, replacement of window head and various internal works including the waterproofing of the existing porch.

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 Funshinagh PNHA/SAC (Site Code 000611) which is located circa 0.5km to the west and Lough Ree PNHA/SPA/SAC (Site Code 000440/004064) which is located circa 3.8km to the east 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

- 10/75 - construct an extension to existing dwelling house and install a proprietary treatment system together with associated ancillary siteworks - Conditional

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,

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 proposal includes underpinning of foundations, replacement of window head, internal insulation, waterproofing of entrance porch, new skirting, doors and architrave, internal plasterwork, rewire and replumbing. 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; for underpinning of foundations, replacement of window head, internal insulation, waterproofing of entrance porch, new skirting, doors and architrave, internal plasterwork, rewire and replumbing as outlined above in Ardmullen, Kiltoom, 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 proposed underpinning of foundations, replacement of window head, internal insulation, waterproofing of entrance porch, new skirting, doors and architrave, internal plasterwork, rewire and replumbing 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 the underpinning of foundations, replacement of window head, internal insulation, waterproofing of entrance porch, new skirting, doors and architrave, internal plasterwork, rewire and replumbing as outlined above in Ardmullen, Kiltoom, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 18th September 2024

Civil Technician

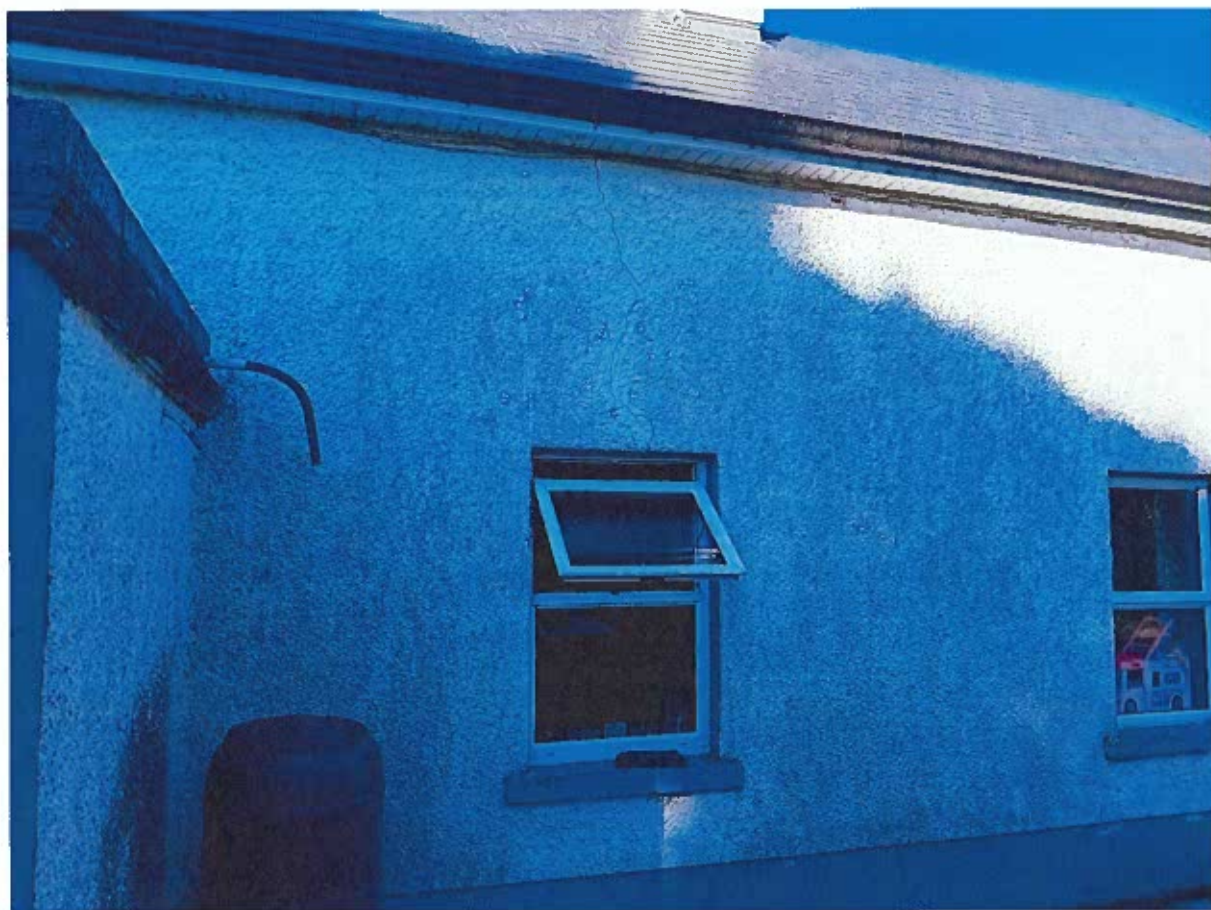
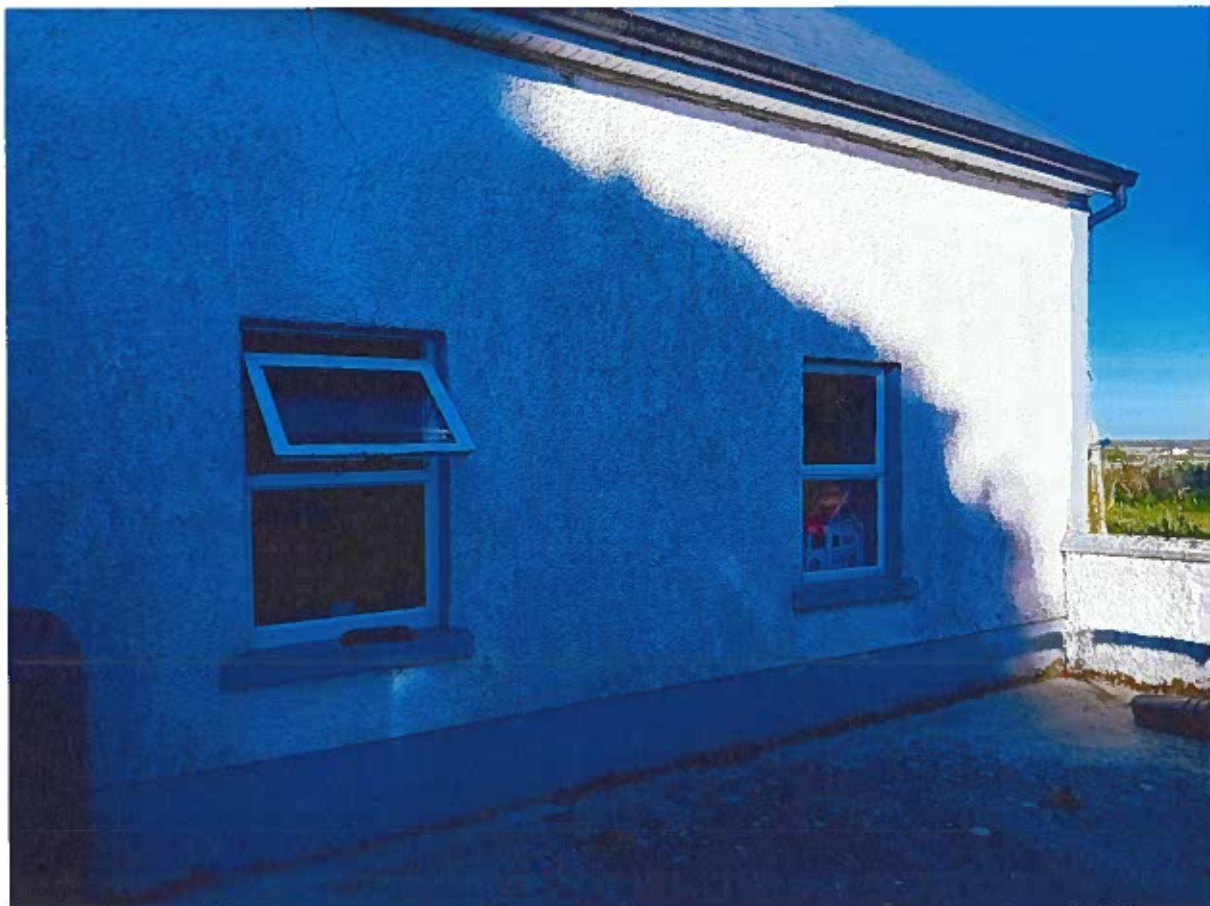


Signed:

Date: 18th September 2024

Senior Executive Planner









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, regarding Exempted Development

Name:	TOM AND SINEAD MCCORMACK
Address:	[REDACTED]
Name & Address of Agent:	Padraig Connell Consulting Engineers Corr, Walderstown, Athlone, Co. Westmeath
Nature of Proposed Works	Underpinning of foundations, replacement of window head, internal insulation, waterproofing of entrance porch new skirting, doors and architrave, internal plasterwork, rewire and replumb
Location (Townland & O.S No.)	ARDMULLEN, KILTOOM, CO. ROSCOMMON
Floor Area	EXISTING - 93SQM
Height above ground level	EXISTING
Total area of private open space remaining after completion of this development	HOUSE SITUATED ON 0.27H
Roofing Material (Slates, Tiles, other) (Specify)	SLATES - EXISTING
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	EXISTING DWELLING HOUSE - PLASTER FINISH
Is proposed works located at front/rear/side of existing house.	NO EXTERNAL WORKS- ALL INTERNAL WORKS



Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,
regarding Exempted Development

Has an application been made previously for this site	10/075
If yes give ref. number (include full details of existing extension, if any)	EXTENSION BUILT UNDER PL REF 10/075 NO FURTHER WORKS PROPOSED
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	EXISTING - 15.7M
Does the proposed development involve the provision of a piped water supply	NO - EXISTING CONNECTION
Does the proposed development involve the provision of sanitary facilities	NO - EXISTING SEPTIC TANK AND PERCOLATION AREA

Signature:

[Handwritten Signature]

Date:

19/08/2024

Note: This application must be accompanied by:-

- (a) €80 fee → *To be paid by card by client.*
- (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



Planning Pack Map

SITE OUTLINED RED.



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**CENTRE
COORDINATES:**
ITM 594893,749601

PUBLISHED: 21/08/2024
ORDER NO.: 50417838_1

MAP SERIES: 1:5,000
MAP SHEETS: 2894

*Tom + Sinead
McCarthy*
**SECTION 5
APPLICATION.**

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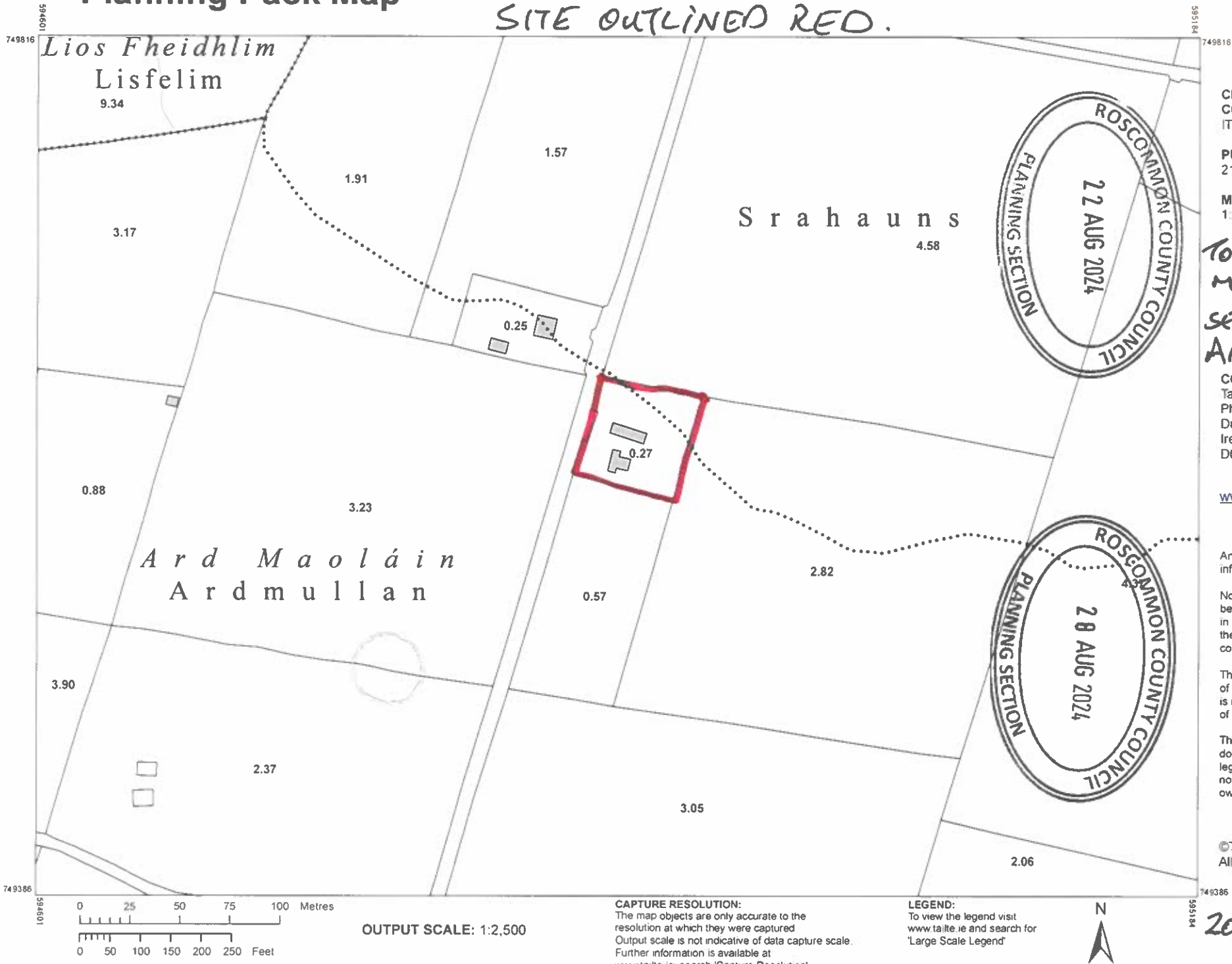
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DETAILS TO BE CHECKED AND VERIFIED BY THE BUILDING CONTRACTOR,
SUB-CONTRACTOR OR DIRECT LABOUR CONTRACTOR PRIOR TO THE
COMMENCEMENT OF ANY WORKS OR AGREEMENTS.

SITE OUTLINED RED

EXISTING MATURE BOUNDARY

WATER SUPPLY VIA
PUBLIC MAINS

EXISTING SITE
ENTRANCE

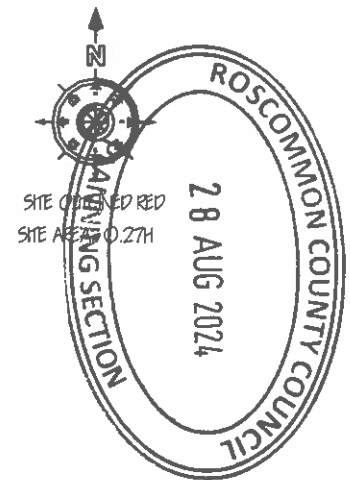
EXISTING SHED

15.7m EXISTING DWELLING HOUSE

EXISTING SEPTIC TANK

EXISTING MATURE BOUNDARY

EXISTING MATURE BOUNDARY



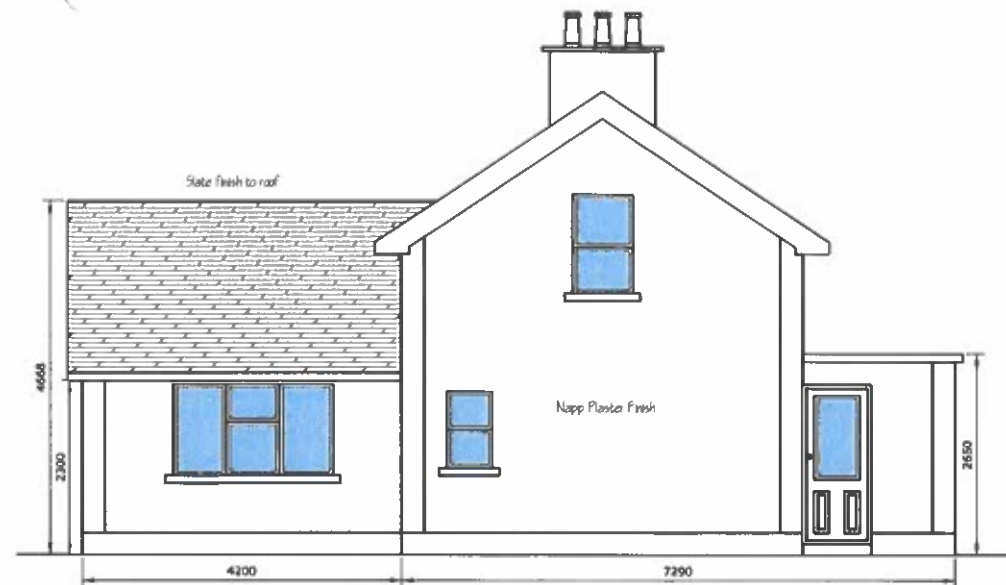
ISSUE DATE	REVISION	REVISION BY	ISSUE DESCRIPTION
ISSUED FOR: SECTION 5 APPLICATION			

PADRAIG CONNELL
CONSULTING ENGINEERS

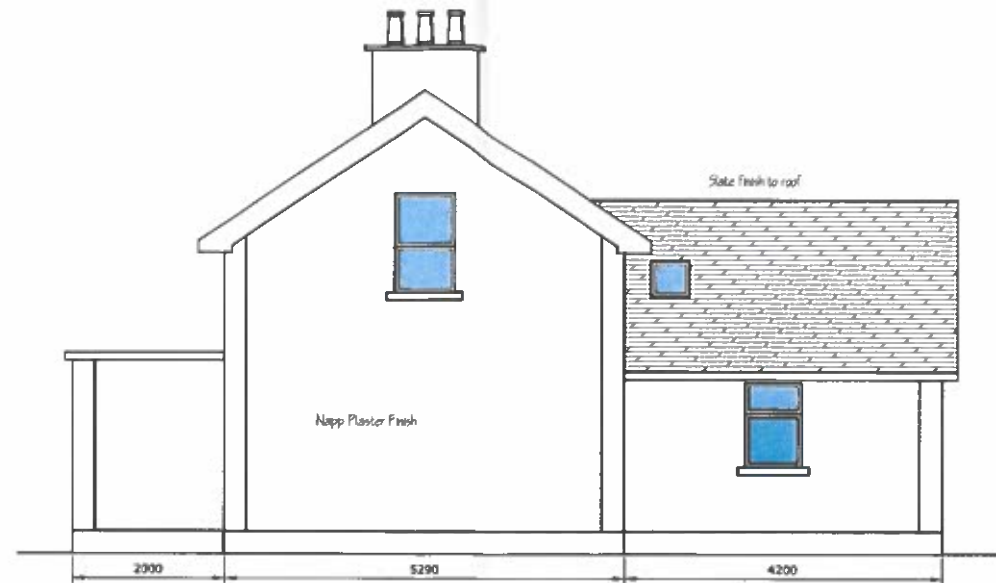
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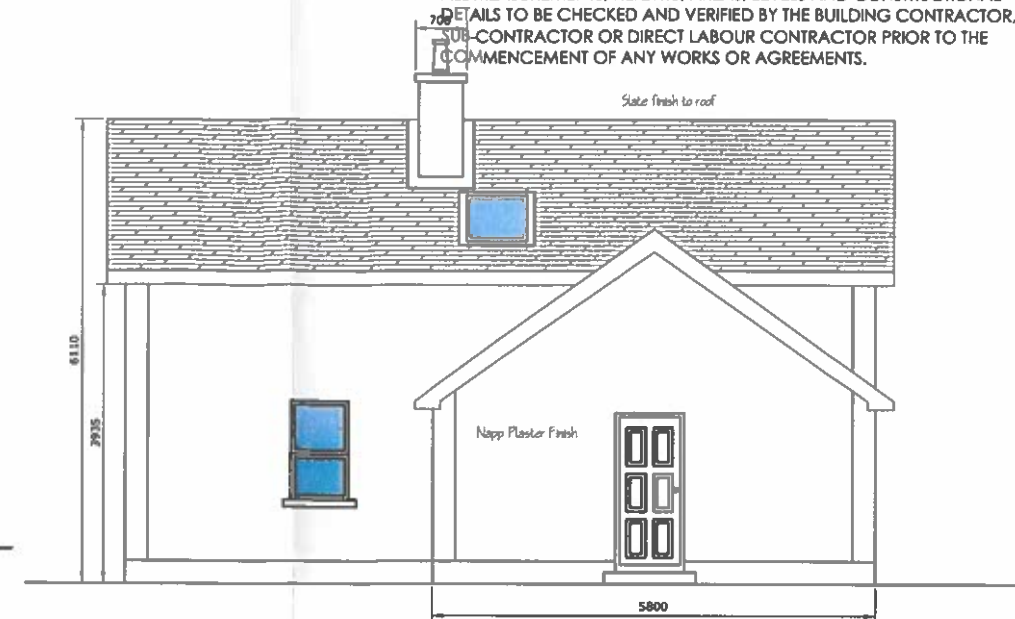
CLIENT: TOM AND SINEAD MCCORMACK			
PROJECT: SECTION 5 APPLICATION			
DRAWING: SITE LAYOUT MAP			
DWG NUMBER: 2024-106-02	REVISION:	DATE: AUG 24	SCALE: 1:500
			DRAWN BY: PJC - B.5mg MBE



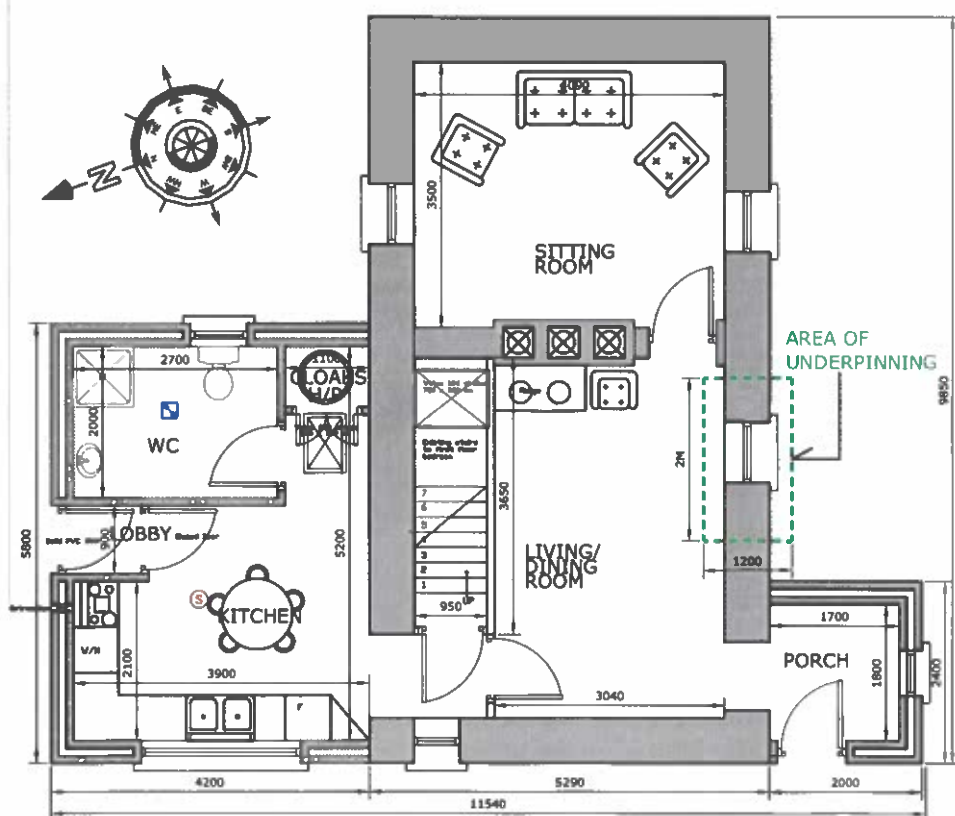
FRONT ELEVATION



REAR ELEVATION

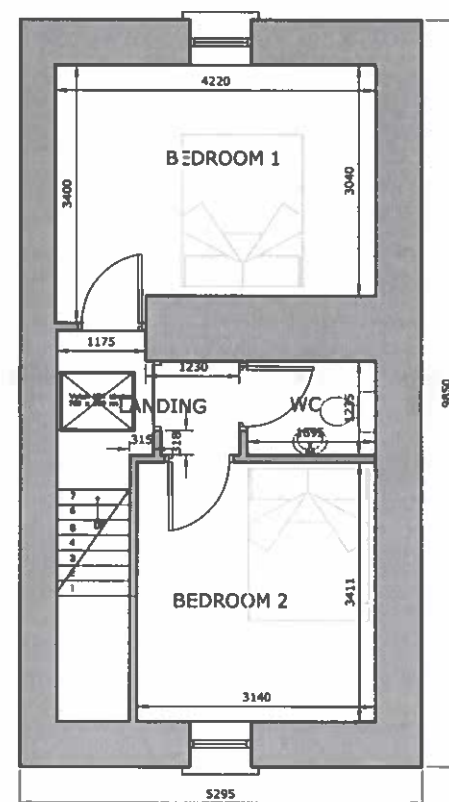


SIDE ELEVATION

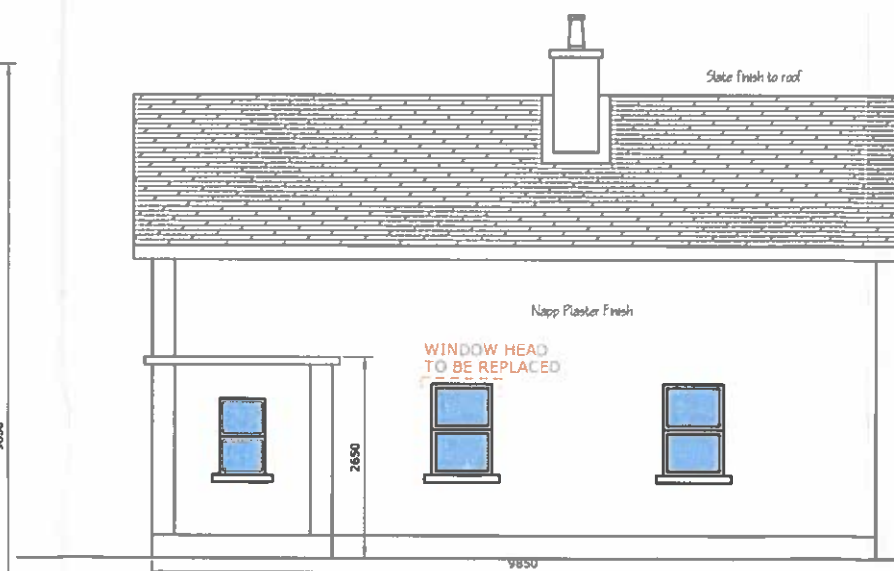


GROUND FLOOR PLAN

TOTAL FLOOR AREA 93sqm



FIRST FLOOR PLAN



SIDE ELEVATION

Underpinning works
2m x 1.2m meter trench excavated to a depth of 450mm below external wall, at location shown on floor plan. 5no. T12 reinforcement Bars with 35n concrete

NOTE:
USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING FROM DRAWINGS
ALL MEASUREMENTS, HEIGHTS, AREAS, LEVELS AND CONSTRUCTION
DETAILS TO BE CHECKED AND VERIFIED BY THE BUILDING CONTRACTOR,
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ISSUE DATE: REVISION: REVISION BY: ISSUE DESCRIPTION:
ISSUED FOR: CONSTRUCTION

PADRAIG CONNELL
CONSULTING ENGINEERS

•Civil •Structural •Planning •Design •Surveying
Corr, Walderstown, Athlone, Co. Westmeath, N37N274
T: 090 6477881 E: info@pc-ce.ie W: www.pc-ce.ie

CLIENT:
TOM AND SINEAD MCCORMACK
PROJECT:
SECTION 5 APPLICATION FOR RENOVATION
OF DWELLING HOUSE
DRAWING:
EXISTING FLOOR PLANS AND ELEVATIONS
DWG NUMBER: 2024-106-03 REVISION: DATE: 17.07.24 SCALE: 1:100 DRAWN BY: P.C.

Planning Pack Map

SITE OUTLINED RED.



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ITM 594893,749601

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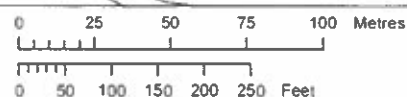
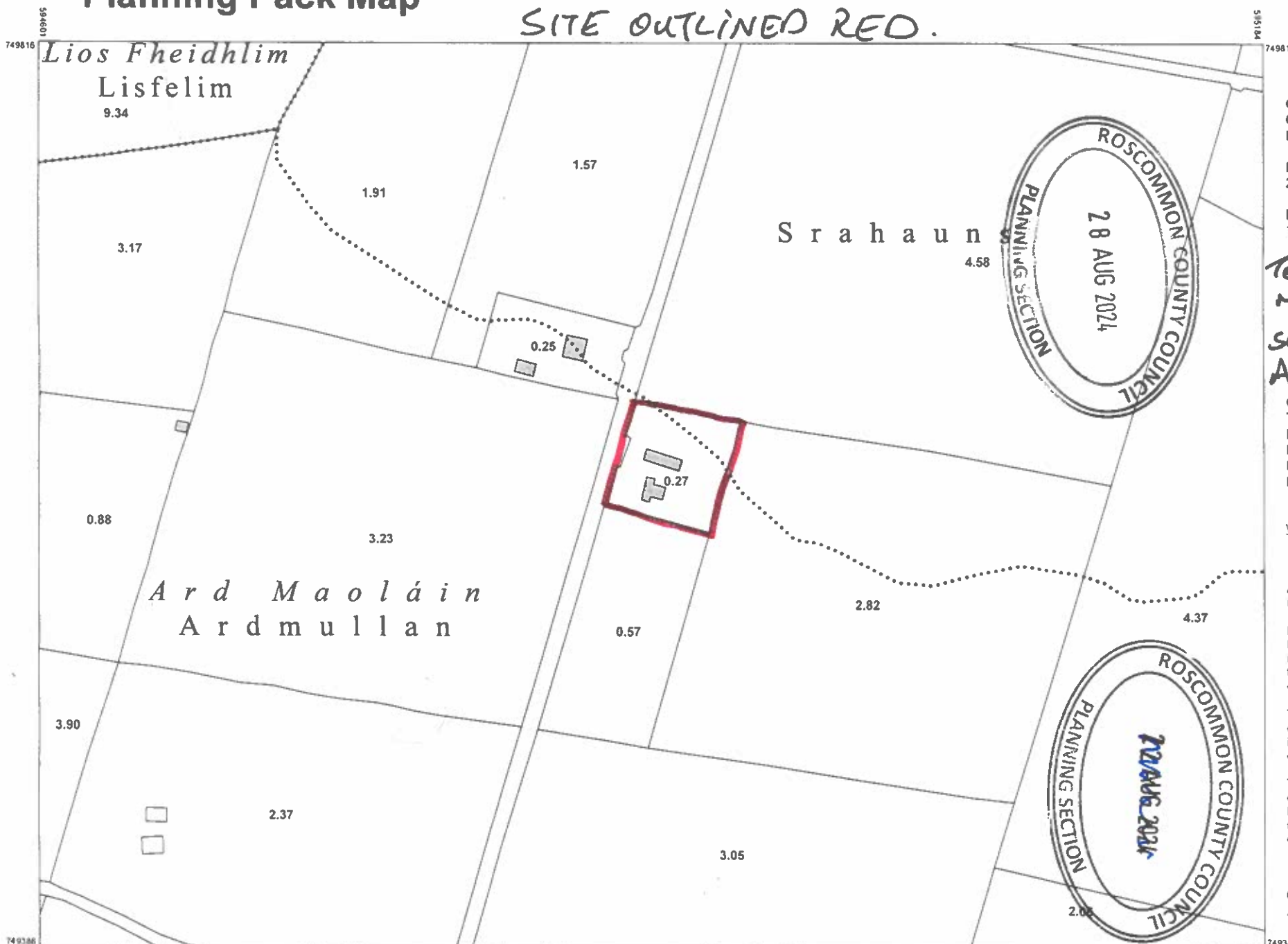
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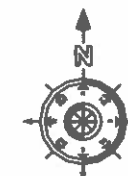
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SUB-CONTRACTOR OR DIRECT LABOUR CONTRACTOR PRIOR TO THE
COMMENCEMENT OF ANY WORKS OR AGREEMENTS.



SITE OUTLINED RED
SITE AREA: 0.27H



ISSUE DATE	REVISION	REVISION BY	ISSUE DESCRIPTION
ISSUED FOR: SECTION 5 APPLICATION			

PADRAIG CONNELL CONSULTING ENGINEERS

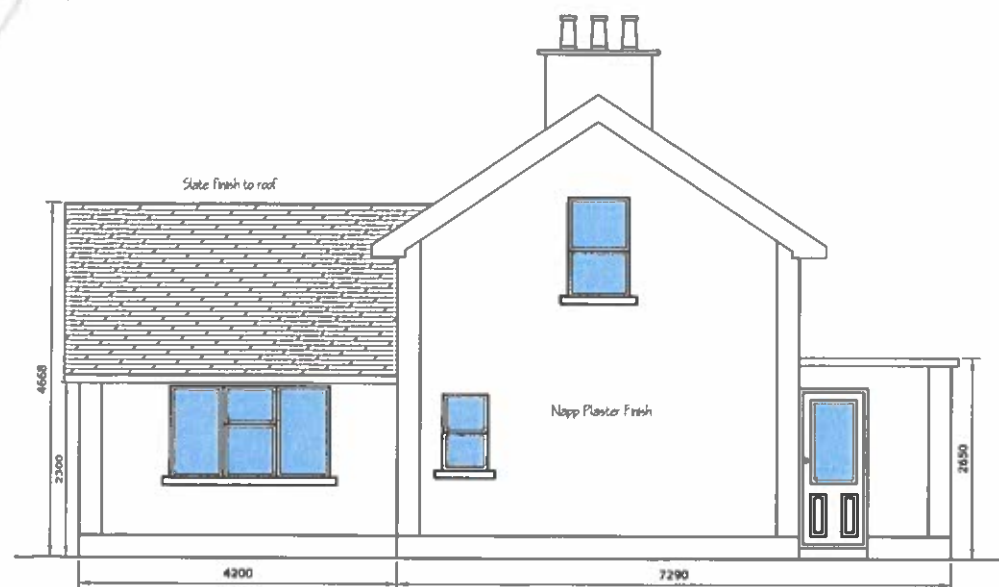
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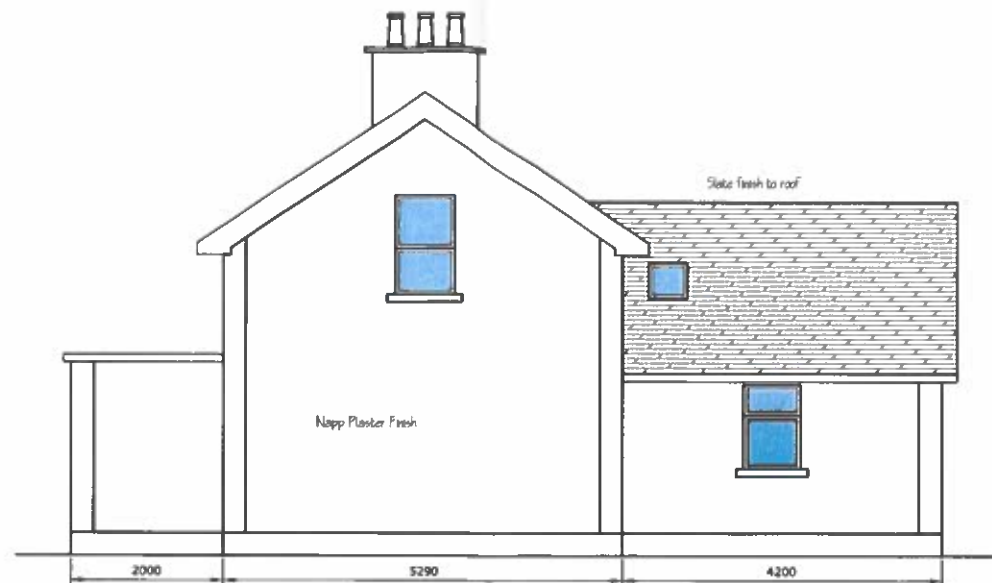
T: 090 6477881 E: info@pc-cs.ie W: www.pc-cs.ie

CLIENT: TOM AND SINEAD MCCORMACK			
PROJECT: SECTION 5 APPLICATION			
DRAWING: SITE LAYOUT MAP			
DWG NUMBER: 2024-106-02	REVISION:	DATE: AUG 24	SCALE: 1:500
			DRAWN BY: P.C. - S.Eng MBE

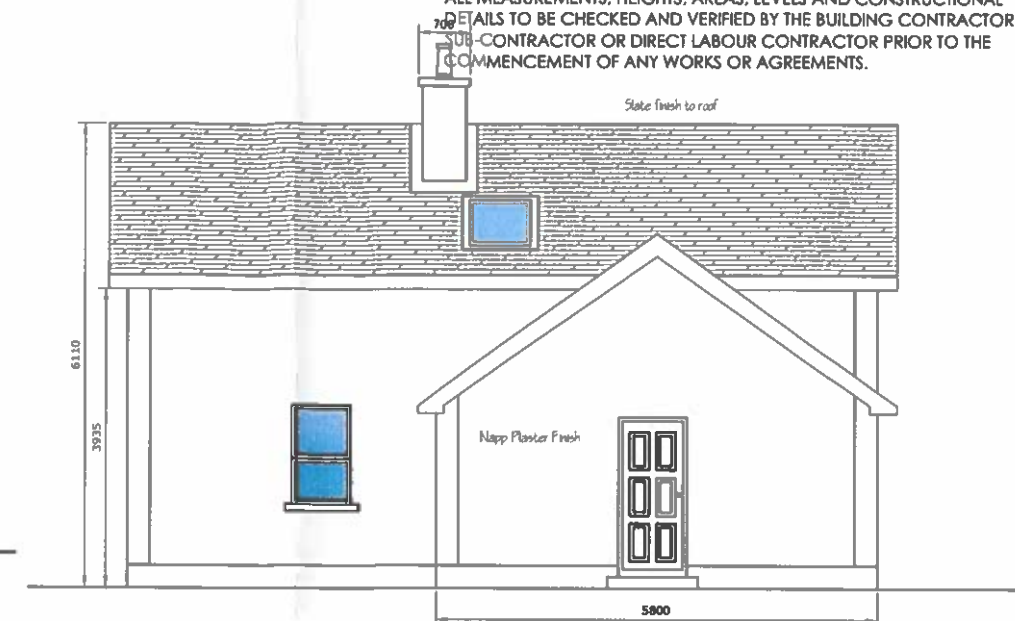
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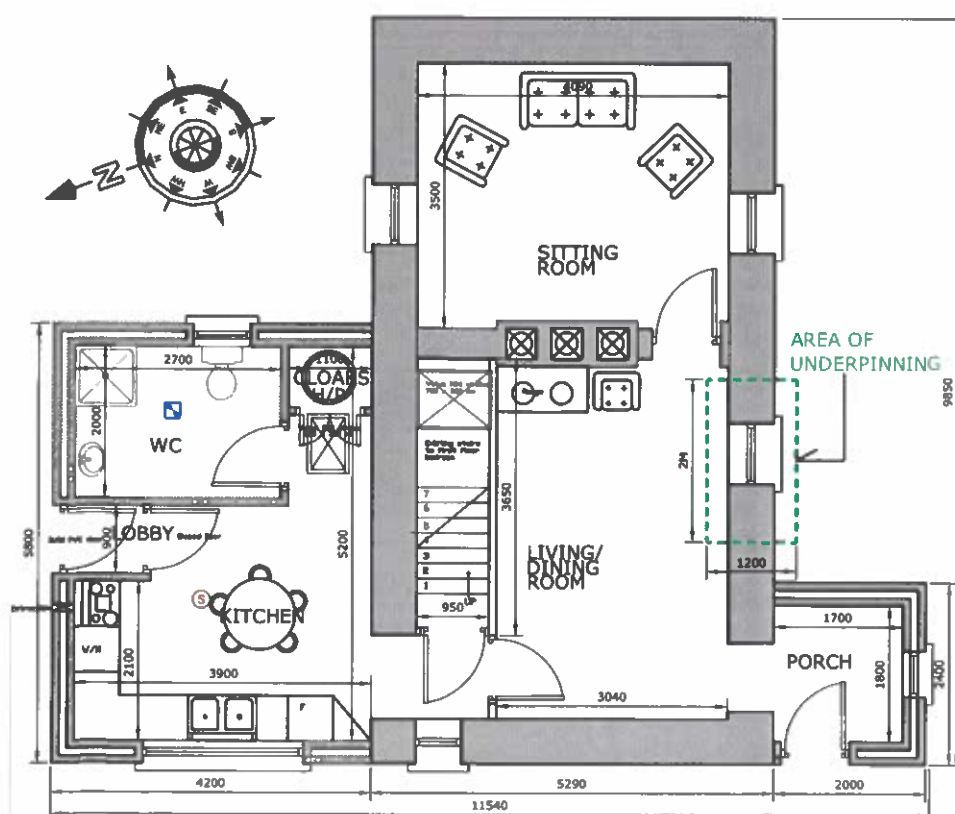
FRONT ELEVATION



REAR ELEVATION

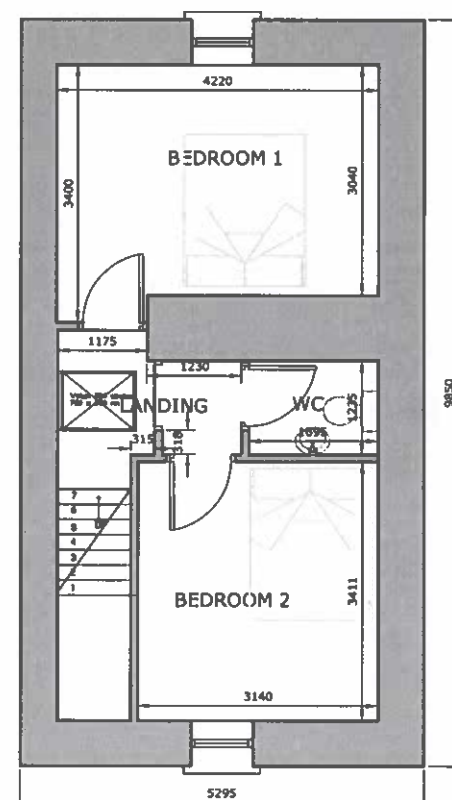


SIDE ELEVATION

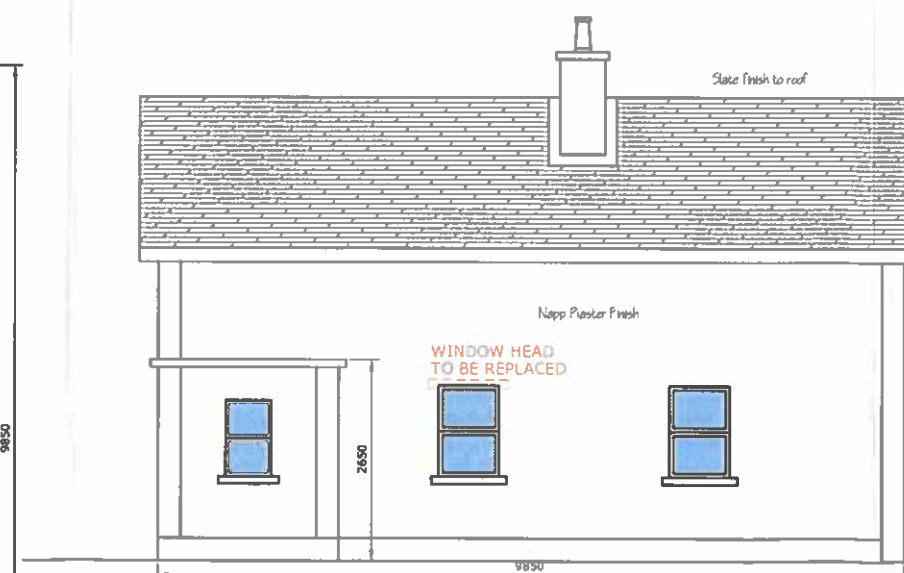


GROUND FLOOR PLAN

TOTAL FLOOR AREA 935sqm



FIRST FLOOR PLAN



SIDE ELEVATION

Underpinning works

2m x 1.2m meter trench excavated to a depth of 450mm below external wall, at location shown on floor plan.
5no. T12 reinforcement Bars with 35n concrete

ISSUE DATE: REVISION: REVISION BY: ISSUE DESCRIPTION:

ISSUED FOR:

CONSTRUCTION

PADRAIG CONNELL
CONSULTING ENGINEERS

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T: 090 6477881 E: info@pc-ce.ie W: www.pc-ce.ie

CLIENT:
TOM AND SINEAD MCCORMACK

PROJECT:
SECTION 5 APPLICATION FOR RENOVATION
OF DWELLING HOUSE

DRAWING:
EXISTING FLOOR PLANS AND ELEVATIONS

DWG NUMBER: 2024-106-03 REVISION: DATE: 17.07.24 SCALE: 1:100 DRAWN BY: P.C.