ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Marcos Silveira,



Reference Number:	DED 760
Application Received:	3 rd September 2024
Name of Applicants:	Marcos Silveira
Agent:	James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house and construction of an extension under 40sq.m. at Newtown Farragher, Four-Mile-House, Co. Roscommon, F42 A599, 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 1 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 outlined above are development.
- (b) The proposed extension to the rear of the existing house as described in this case is an exempted development as it is consistent with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development General), 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 – 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 refurbish a derelict house and construct an extension under 40sq.m. at Newtown Farragher, Four-Mile-House,

Co. Roscommon, F42 A599, is development that is <u>exempted development</u> as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell, Senior Executive Planner, Planning.

cc agent via email: James Lohan Consulting Engineers Ltd james@jlce.ie

ADVICE NOTE

The onus is on the owner to ensure that the development complies with the EPA Code of Practice for Domestic Waste Water Treatment Systmems (2021).

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: Sent: To: Subject: Attachments: Carmel Curley Thursday 26 September 2024 10:29 James Lohan; Camila Zen DED760 - Marcos Silveira DED760 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 760 for Marcos Silveira. Please note a hard copy has been issued to the applicant.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 2 (090) 6637100 3 : 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 760
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development for permission to refurbish derelict house and construct extension under $40m^2$
Name of Applicant:	Marcos Silveira
Location of Development:	Newtown Farragher, Four Mile House, Co. Roscommon
Site Visit:	20/09/2024

WHEREAS a question has arisen as to whether the following works; for permission to permission to refurbish derelict house and construct extension under 40m² 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 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 subject site is located at Newtown Farragher, Four Mile House, Co. Roscommon and is accessed from the L16253 Local Road. The site contains a detached two-storey dwelling house, which is a stated 85m² and an agricultrual shed to the rear. The site is not located within any development envelopes as per the Roscommon County Development plan 2022-2028. This application is in relation to the refurbishment of the existing dwelling and the construction of an extension to the rear, which is a stated 40m².

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

Appropriate Assessment

The closest European site to the site of the development are Mullygollan Turlough SAC (Site Code 000612) which is located circa 6.3 km to the west.

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 uther 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 has been traced relating to the subject site:

 00225 – Permission was granted to extend existing dwelling house and construct a septic tank system

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. 4(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'.

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)

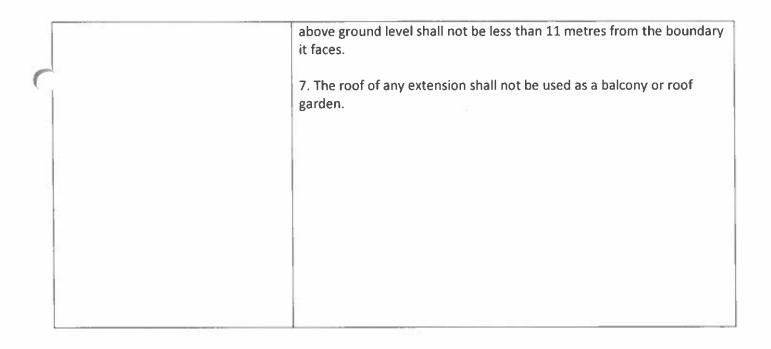
Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class 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,

Description of Development	Conditions and Limitations
Development within the curtilage of	1. (a) Where the house has not been extended previously, the floor
a house	area of any such extension shall not exceed 40 square metres.
	(b) Subject to paragraph (a), where the house is terraced or semi-
CLASS 1	detached, the floor area of any extension above ground level shall no
	exceed 12 square metres.
The extension of a house, by the	(c) Subject to paragraph (a), where the house is detached, the floor
construction or erection of an	area of any extension above ground level shall not exceed 20 square
extension (including a conservatory)	metres.
to the rear of the house or by the	
conversion for use as part of the	2. (a) Where the house has been extended previously, the floor area
house of any garage, store, shed or	any such extension, taken together with the floor area of any previou
other similar structure attached to	extension or extensions constructed or erected after 1 October 1964
the rear or to the side of the house.	including those for which planning permission has been obtained, sh
	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 a
	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 be
	extended previously, the floor area of any extension above ground
	level, taken together with the floor area of any previous extension o
	extensions above ground level constructed or erected after 1 Octobe
	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 th
	2 metres from any party boundary.
	2 metres nom 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
	the rear wall of the house.
	(b) Where the rear wall of the house includes a gable, the height of t
	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 s
	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.
	not exceed the height of the highest part of the foor of the dwelling
	5. The construction or erection of any such extension to the rear of t
	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
	house to less than 25 square metres.
	nouse to less than 25 square metres.
	6. (a) Any window proposed at ground level in any such extension sh
	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. 388 (c)
	Where the house is detached and the floor area of the extension ab
	ground level exceeds 12 square metres, any window proposed at
	Bround level exceeds 12 square metres, any window proposed at



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.

With regard to the compliance with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

- 1. The house has not previously been extended. The extension is single-storey and does not exceed $40m^2$
- 2. The house has not previously been extended.
- 3. The extension is single-storey.
- 4. The height of the highest part of the roof of any such extension shall not exceed the height of the eaves or parapet.
- 5. Site plan provided states there is a private open space to the rear of 0.23 hectares.
- 6. Proposed windows a stated 16.6m from boundary.
- 7. A roof garden is not proposed.

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; for permission to refurbish derelict house and construct extension -under 40m² at Newtown Farragher, Four Mile House, 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 1 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 extension to the rear of the existing house as described in this case is an exempted development as it is consistent with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development General), 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 to refurbish derelict house and construct extension under 40m² is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

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Kirsty Naughton Executive Planner

Signed:

Date: 23rd September 2024

Advice Note

• The onus is on the owner to ensure that the development complies with the EPA Code of Practice for Domestic Waste Water Treatment Systmems (2021)

for a

Signed:

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Date: 25th September 2024

Senior Executive Planner







Comhairle Contae Ros Comáin Roscommon County Council



Marcos Silveira,



Date: Planning Reference:	3 rd September 2024 DED 760
Re:	Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development:	Permission to refurbish derelict house and construct extension under 40sq.m. under the Planning & Development Act (Exempt Development) Regulations 2018 at Newtown Farragher, Four-Mile-House, Co. Roscommon, F42 A599.
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A Chara,

I wish to acknowledge receipt of your application which was received on the 3rd September 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. **L01/0/230352** dated 3rd September 2024, receipt enclosed herewith.

Please note that due to current resourcing issues, the processing of the Declaration of Exempted Developments has been curtailed at present and applicants will experience delays in the processing of same. We are currently reviewing internal work programmes with a view to resuming normal services as soon as possible, however we cannot provide a timeframe at present.

Note: Please note your Planning Reference No. is **DED 760.** 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





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Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100 Email: <u>planning@roscommoncoco.ie</u> 4J.,

Roscommon County Council

Application for a Declaration under Section 5 of the

Planning & Development Act 2000 (as amended), regarding <u>Exempted Development</u>

Name of Applicant(s)	Marcos Silveira	
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.	NEWTOWN FARRAGHER,FOUR MILE HOUSE CO. ROSCOMMON F42 A599 O.S No. 2350 XY: 581849, 773666 Townland THE BLESSING LAND	
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>85 Sqm</u> b) <u>40 Sqm extension</u>	
Height above ground level:	Floor level- between 100 mm – 150 mm above ground level (Ridge height existing 6995 mm above ground level)	
Total area of private open space remaining after completion of this development	0.23 Hectares	
Roofing Material (Slates, Tiles, other) (Specify) Page	Existing Slates to roof Proposed new flat roof (40 sqm) at the rear of the building.	

Roscommon County Council

Application for a Declaration under Section 5 of the

Nap Plaster to match existing	
Proposed extension to the rear of the house, under 40 Sqm and lower than the existing building.	
No	
N/A	
Existing Dwelling House	
Refurbish House to be lived in by rented	
Existing -21.7 from edge of existing road	
Existing water mains	
Existing Septic Tank and Percolation area	

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

Signature:

Church O3

Date:

Note: This application must be accompanied by: -

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- (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

<u>Ref: Marcos Silveira for Property At Newtown Farragher, Four Mile House Co. Roscommon</u> <u>F42 A599</u>

The property is being stripped back to its original walls and will be renovated and put back into use as it was originally a three-bed dwelling house. Additionally, a 40sqm extension will be added to include a kitchen and dining room. The works involved are as follows:

-3 SEP

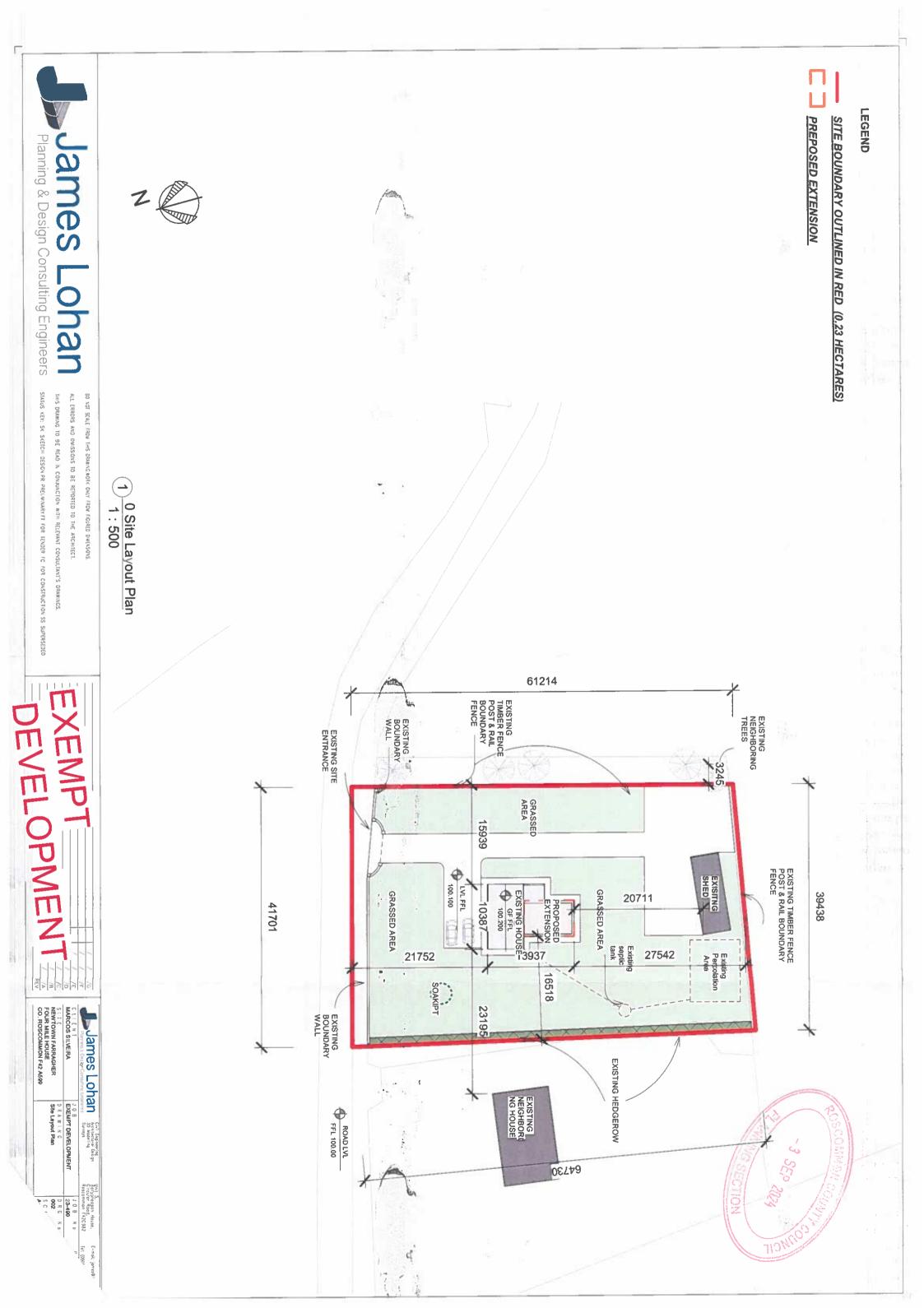
- 1. Strip out walls, floors, and ceilings.
- 2. Install new ceiling joists and internal stud work, plasterboard, and skim.
- 3. Re-wire the entire property.
- 4. Re-plumb the entire property.
- 5. Install new UPVC windows and doors.
- 6. Re-slate the roof.
- 7. Second fix carpentry and paint and decorate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

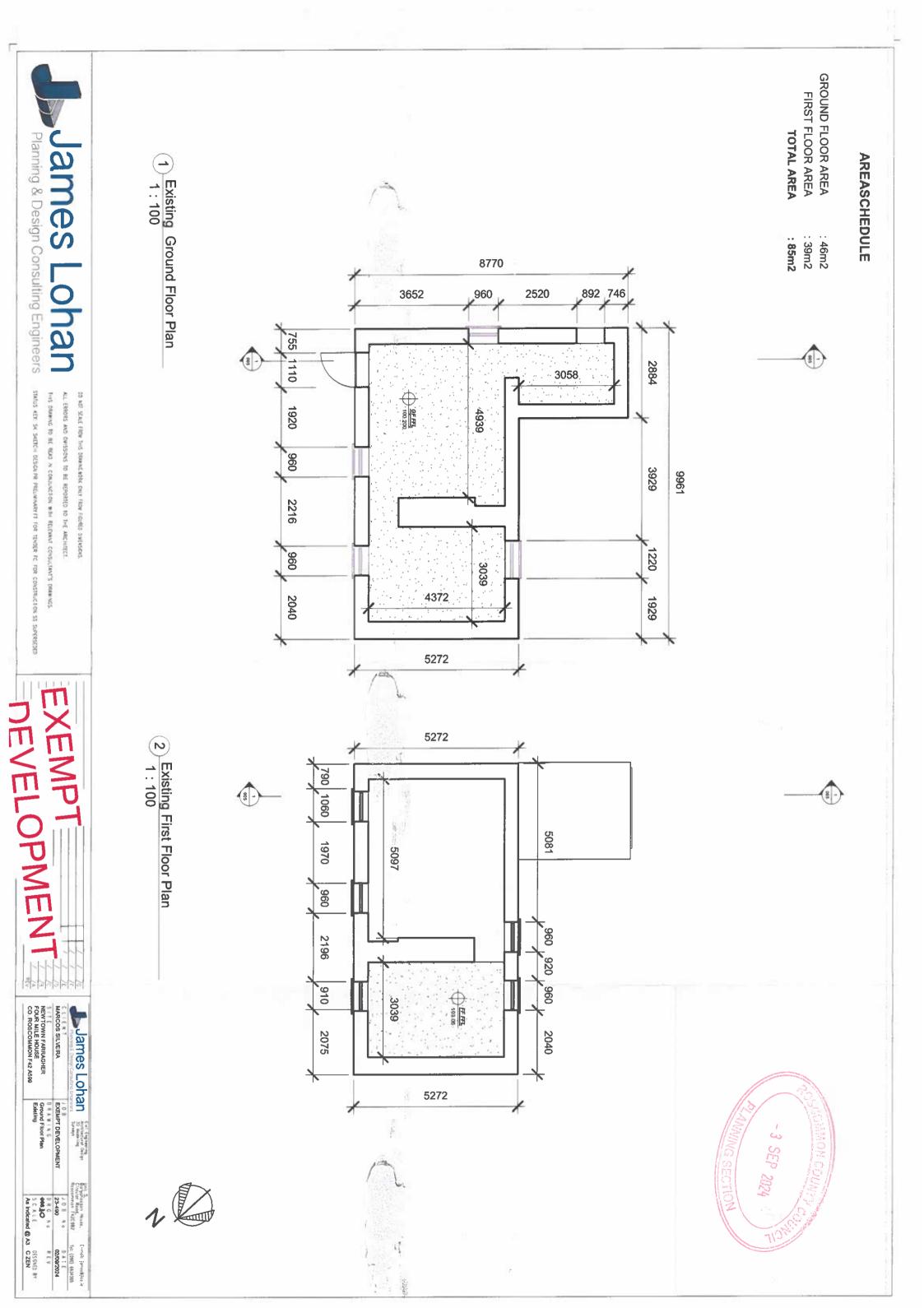
Kind Regards

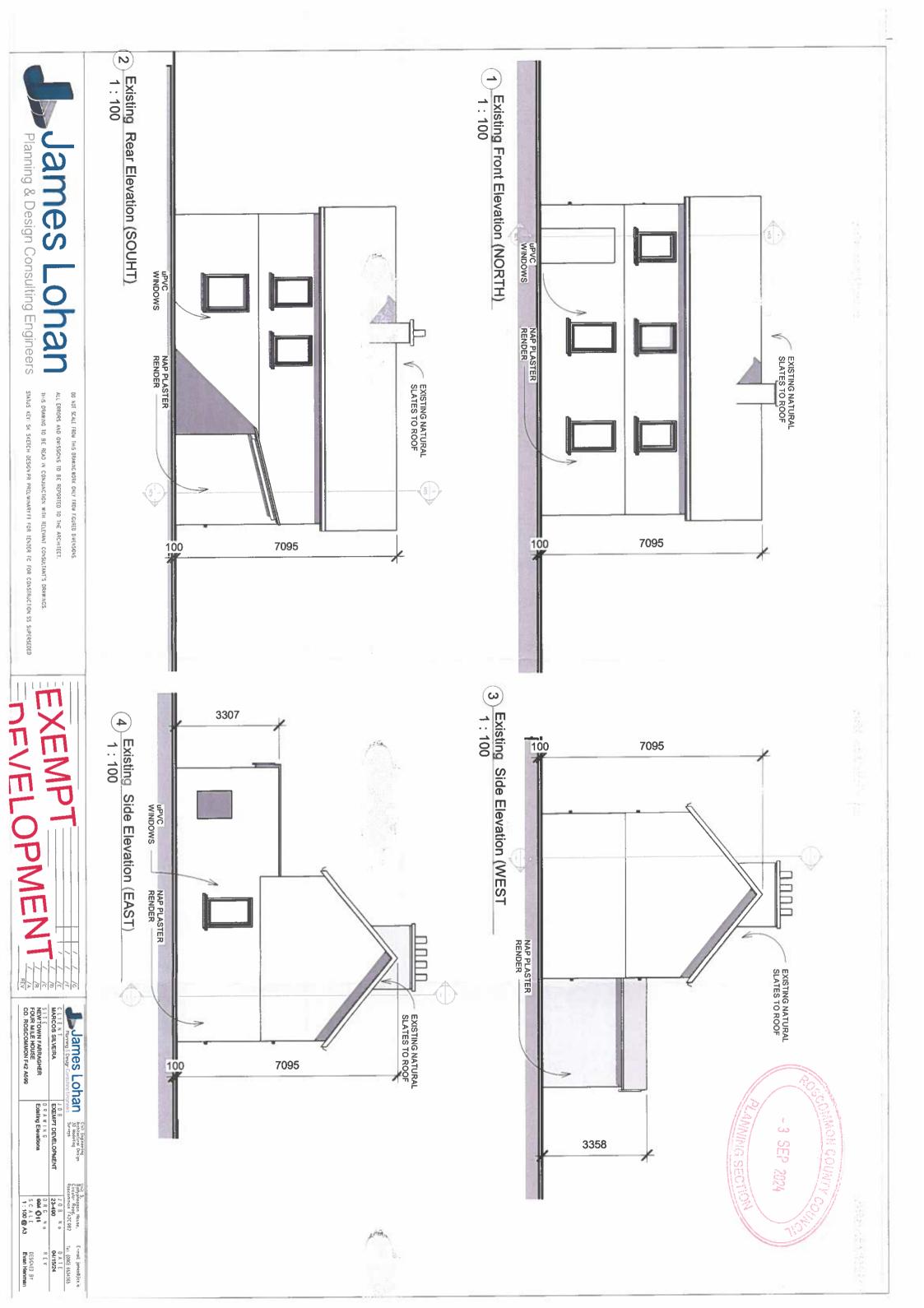
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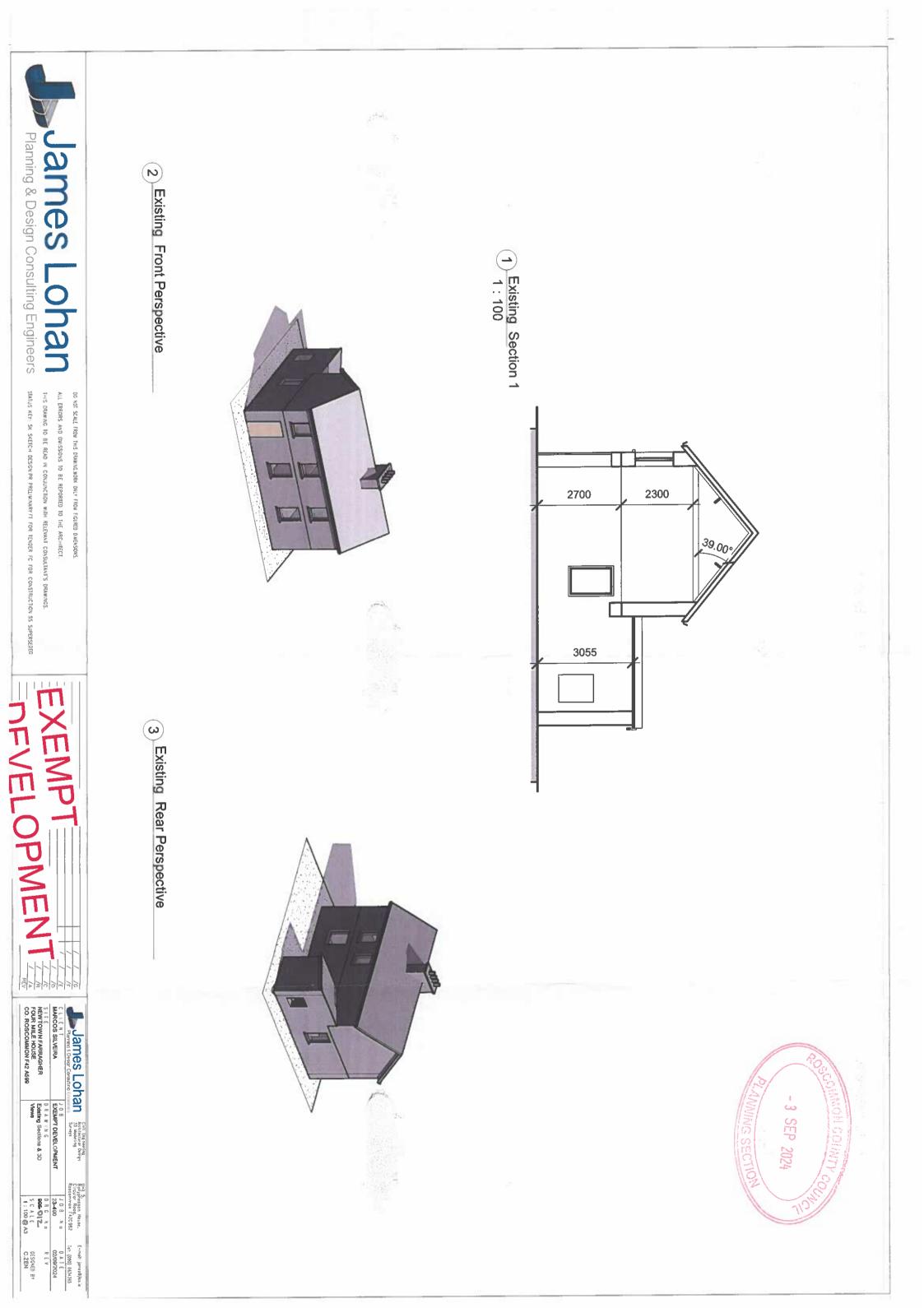
Camila Zen James Lohan Consulting Engineer Ltd, Unit 5, Ballypheason House, Circular Road Roscommon F42 C982

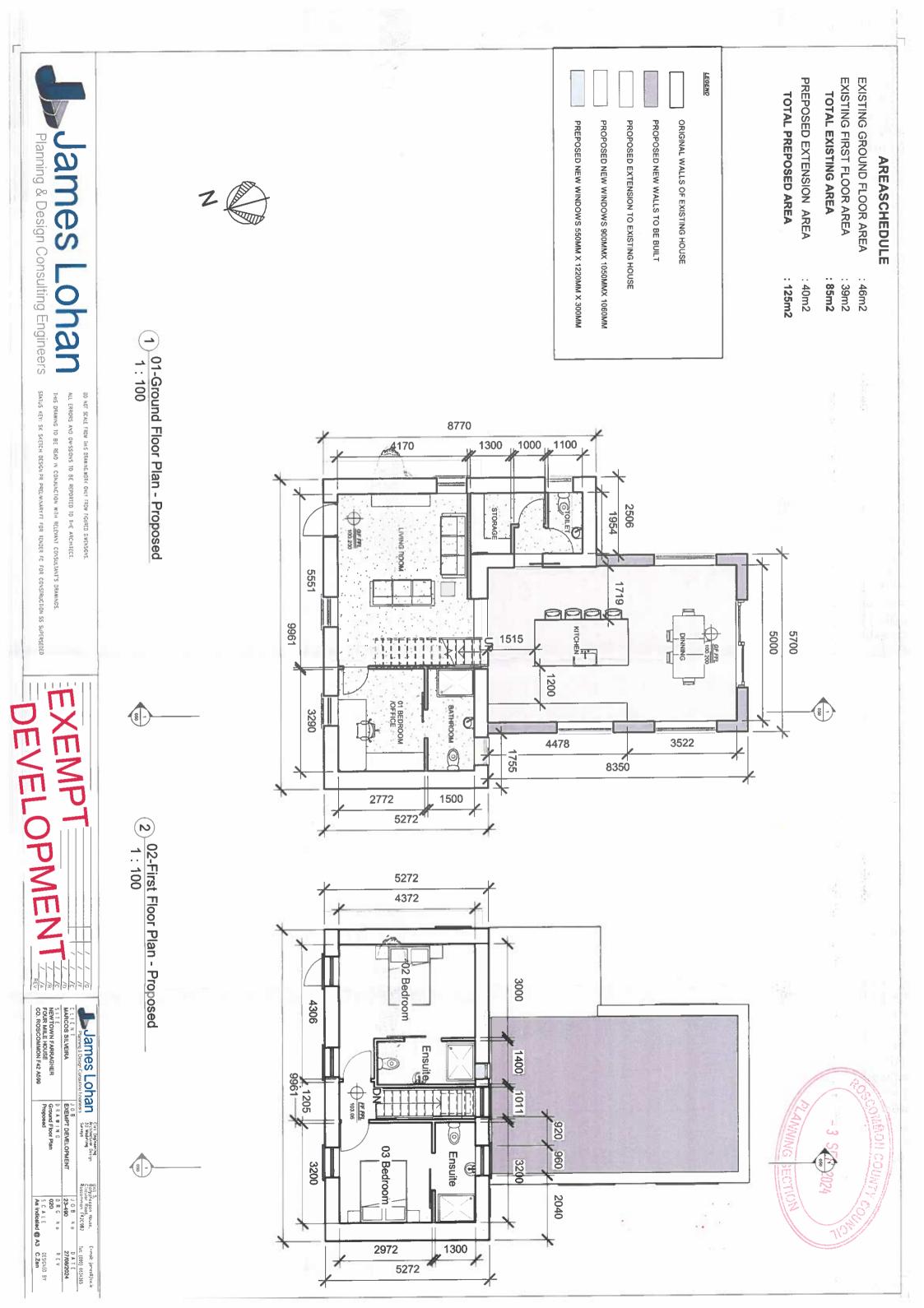


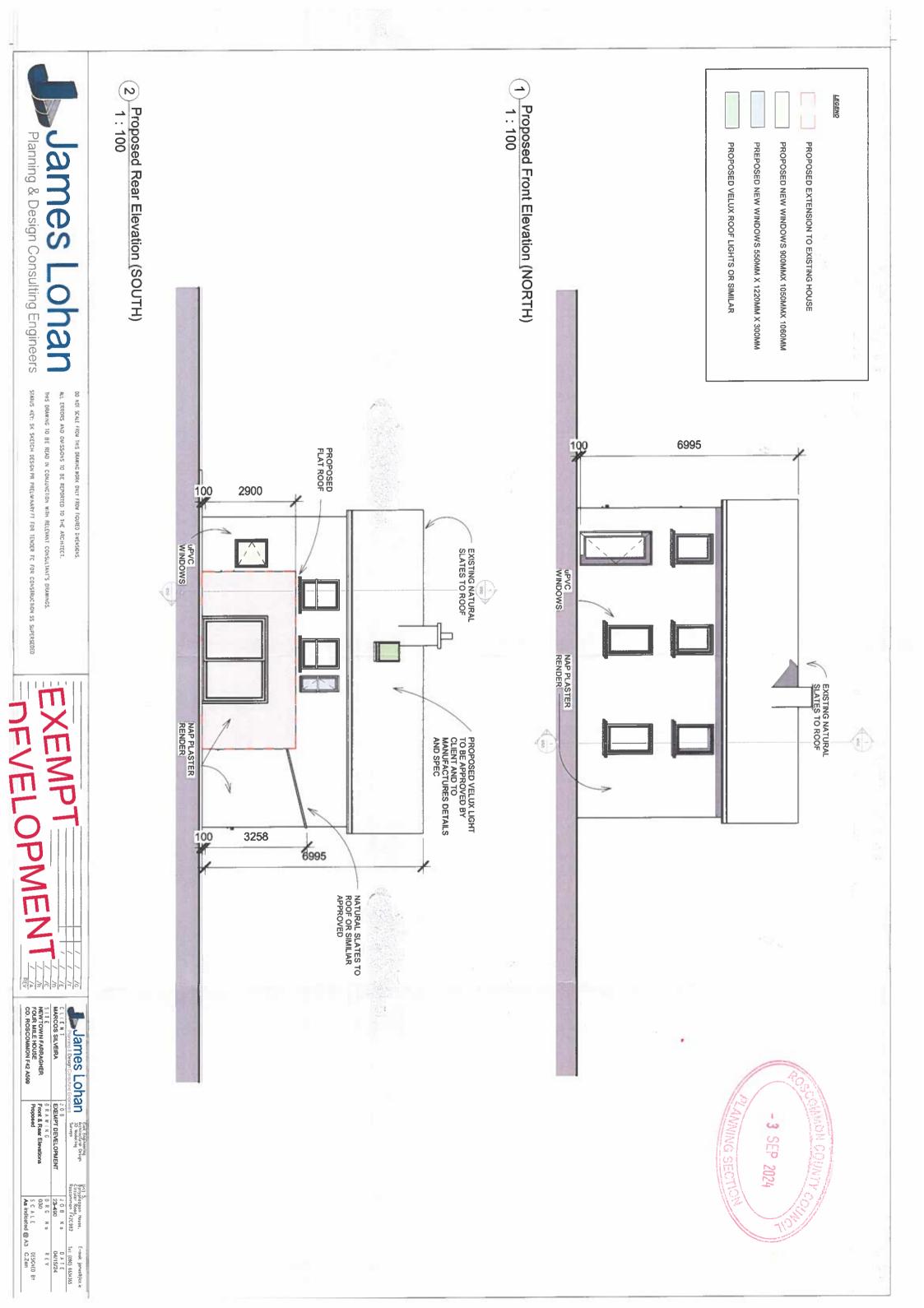


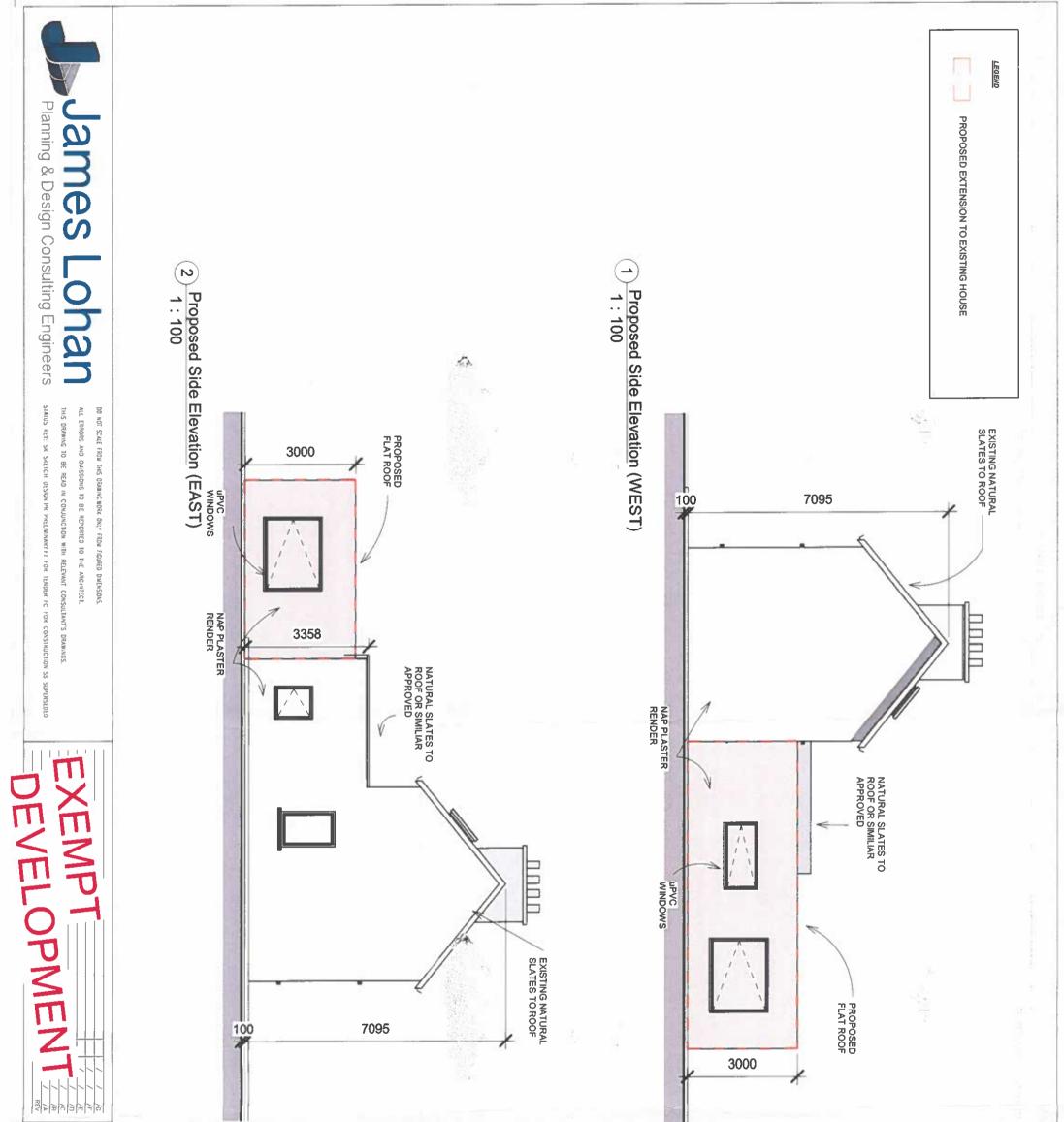












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R E V DESCHED BY A3 C.Zen	E-mail jones0,ke.ie Tet (090) 6534365 D A T E 04/15/24			71211922

