

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Niamh Donohoe,



Reference Number: DED 767
Application Received: 17th September 2024
Name of Applicant: Niamh Donohoe
Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house, works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists and internal stud work, plasterboard & skim; 3) install new UPVC windows & doors; 4) re-slate the roof; 5) second fix carpentry and paint & decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical system & 8) install new floors at Station Road, Ballinlough, Co. Roscommon, F45 W863, 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 refurbishment of a derelict house works include 1) strip out walls, floors & ceilings, 2) install new ceiling joists and internal stud work, plasterboard & skim, 3) install new UPVC windows & doors, 4) re-slate the roof, 5) second fix carpentry and paint & decorate internally, 6) upgrade plumbing/heating system, 7) upgrade electrical system and 8) install new floors 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 refurbish a derelict house, works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists and internal stud work, plasterboard & skim; 3) install new UPVC windows & doors; 4) re-slate the roof; 5) second Fix carpentry and paint & decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical system & 8) install new floors at Station Road, Ballinlough, Co. Roscommon, F45 W863, 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: 14th October 2024

cc agent via email: James Lohan Consulting Engineers 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.

Carmel Curley

From: Carmel Curley
Sent: Tuesday 15 October 2024 13:51
To: James Lohan
Subject: DED767 - Niamh Donohoe
Attachments: DED 767 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 767 for Niamh Donohoe. Please note a hard copy will be issued 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 Act 2000 (as amended)**

Reference Number:	DED 767
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish derelict house works include 1) strip out walls, floors & ceilings, 2) install new ceiling joists and internal stud work, plasterboard & skim, 3) install new UPVC windows & doors, 4) re-slate the roof, 5) second fix carpentry and paint & decorate internally, 6) upgrade plumbing/heating system, 7) upgrade electrical system and 8) install new floors.
Name of Applicant:	Niamh Donohoe
Location of Development:	Station Road, Ballinlough, Co. Roscommon (F45 W863)
Site Visit:	10/10/2024

WHEREAS a question has arisen as to whether the following works; to refurbish derelict house works include 1) strip out walls, floors & ceilings, 2) install new ceiling joists and internal stud work, plasterboard & skim, 3) install new UPVC windows & doors, 4) re-slate the roof, 5) second fix carpentry and paint & decorate internally, 6) upgrade plumbing/heating system, 7) upgrade electrical system and 8) install new floors 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 is a 2 story terrace/town house with a small flat roof extension to the rear, the property also consists of an archway with the first floor overhead this forms the entrance to the rear on the property in Ballinlough, Co. Roscommon. The property is accessed off Station road in Ballinlough there is a private garden to the rear of the dwelling to which there was no access into. The proposed development consists of the re-slating the roof with as stated the existing slates, the install of new UPVC windows/doors and various internal works as listed.

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 O'Flynn PNHA (Site Code 001645) which is located circa 1.2km to the north, Cloonchambers Bog PNHA/SAC (Site Code 000600) which is located circa 4.4km to the northeast and Lough Namucka Bog NHA (Site Code 000220) which is located circa 3.7km to the southeast 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, no recent planning history traced to the site.

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 to refurbish derelict house works include 1) strip out walls, floors & ceilings, 2) install new ceiling joists and internal stud work, plasterboard & skim, 3) install new UPVC windows & doors, 4) re-slate the roof, 5) second fix carpentry and paint & decorate internally, 6) upgrade plumbing/heating system, 7) upgrade electrical system and 8) install new floors. These works have considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed works are deemed an exempt development.

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

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

Recommendation

WHEREAS a question has arisen as to whether a proposed development; to refurbish derelict house works include 1) strip out walls, floors & ceilings, 2) install new ceiling joists and internal stud work, plasterboard & skim, 3) install new UPVC windows & doors, 4) re-slate the roof, 5) second fix carpentry and paint & decorate internally, 6) upgrade plumbing/heating system, 7) upgrade electrical system and 8) install new floors as outlined above on Station Road, Ballinlough, 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 refurbishment of a derelict house works include 1) strip out walls, floors & ceilings, 2) install new ceiling joists and internal stud work, plasterboard & skim, 3) install new UPVC windows & doors, 4) re-slate the roof, 5) second fix carpentry and paint & decorate internally, 6) upgrade plumbing/heating system, 7) upgrade electrical system and 8) install new floors 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 refurbish derelict house works include 1) strip out walls, floors & ceilings, 2) install new ceiling joists and internal stud work, plasterboard & skim, 3) install new UPVC windows & doors, 4) re-slate the roof, 5) second fix carpentry and paint & decorate internally, 6) upgrade plumbing/heating system, 7) upgrade electrical system and 8) install new floors as outlined above on Station Road, Ballinlough, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 11th October 2024

Civil Technician

Signed:



Date: 11th October 2024

Senior Executive Planner









Comhairle Contae
Ros Comáin
Roscommon
County Council



Niamh Donohoe,

Date: 18th September 2024
Planning Reference: DED 767

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 works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists and internal stud work, plasterboard & skim; 3) install new UPVC windows & doors; 4) re-slate the roof; 5) second fix carpentry and paint & decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical system & 8) install new floors under the Planning & Development Act (Exempt Development) Regulations 2018 at Stataion Road, Ballinlough, Co. Roscommon, F45 W863.

A Chara,

I wish to acknowledge receipt of your application which was received on the 17th 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. **L01/0/230609** dated 18th 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 767**.
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
09066 37100

18/09/2024 11:42:53

Receipt No L01/0/230609

NIAMH DONOHOE
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 767	

Total	80 00 EUR
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Tendered	
Cheque	80 00
500362	

Change	0 00
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Issued By Bernadine Duignan
From Central Cash Office

Carmel Curley

From: Carmel Curley
Sent: Wednesday 18 September 2024 15:16
To: James Lohan; Camila Zen
Subject: DED767 - Niamh Donohoe
Attachments: DED 767 - Ack Letter & Receipt.pdf

Hi,

Please see attached Acknowledgement Letter & Receipt for Niamh Donohoe - DED Application 767. Please note a hard copy will issue to the applicants today.

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





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)	Niamh Donohoe
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house 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.	Station Road Ballinlough Co. Roscommon F45 W863 O.S No. 2217-D XY: 558173, 777167 Townland Falledeen
Floor Area: a) Existing Structure b) Proposed Structure	<u>71 Sqm</u>
Height above ground level:	Floor level- between 100mm – 150 mm above ground level (Ridge height existing 8789mm above ground level)
Total area of private open space remaining after completion of this development	0.018 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof

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.	N/A
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 rented in by applicants
Distance of proposed building line from edge of roadway	Existing -4.62 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 connection with sanitary services

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

Signature:

C. J. J.

Date:

16/09/2024

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



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

Detailed Specification Of The Development Proposed

Ref: Niamh Donohoe for Property at Station Road, Ballinlough, Co. Roscommon, F45 W863

The property is being stripped back to its original walls and will be renovated and put back into use as it was originally a Two-bed dwelling house and all 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. Install new UPVC windows and doors.
4. Re-slate the roof.
5. Second fix carpentry and paint and decorate internally.
6. Upgrade plumbing/heating system.
7. Upgrade electrical systems.
8. Install new floors.

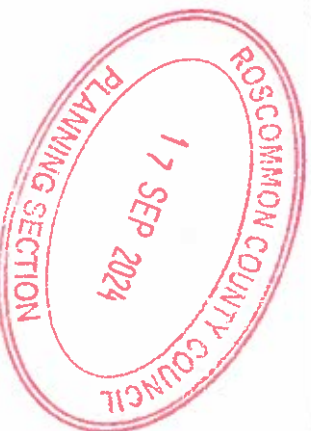
Kind Regards

Camila Zen

Camila Zen 16/09/2024.

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





158091, 277216

158325, 277216

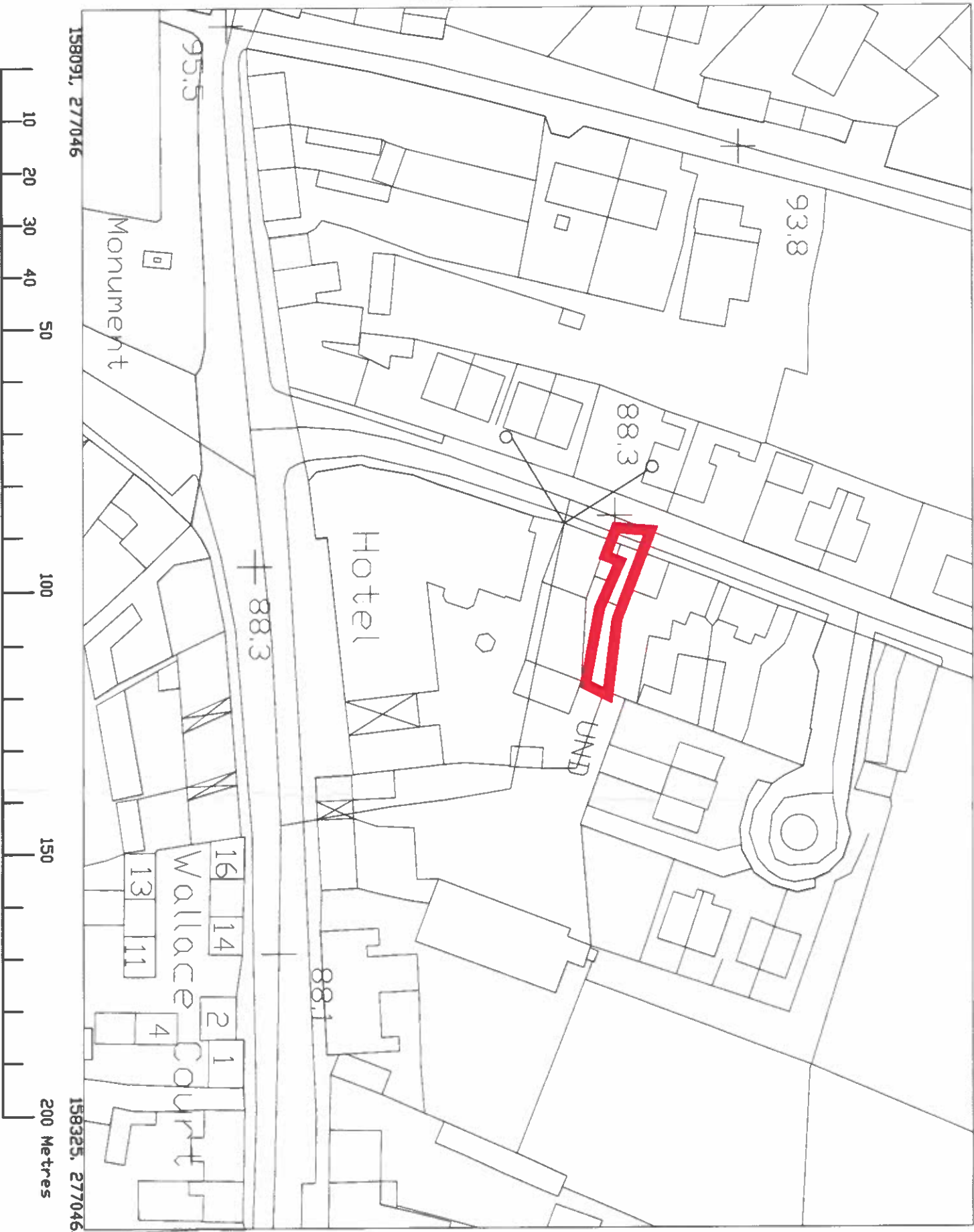
SITE ADDRESS:

STATION ROAD
BALLINLOUGH
CO. ROSCOMMON
F45 W863

LEGEND

SITE AREA OUTLINED IN RED
= 0.018 HECTARES

OS MAPS: 2217-D



SITE LOCATION MAP

1:1000



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.

REV	DATE	BY	CHK
1			
2			
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Unit 5 Ballynascree House
Circular Road,
Roscommon F42 C982.

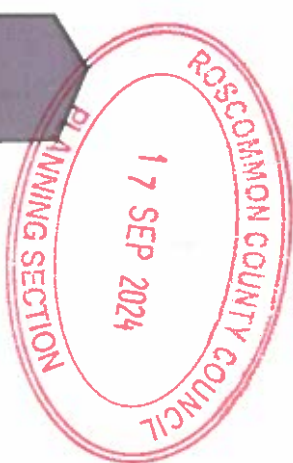
James Lohan
Planning & Design Consulting Engineers

JOB No 24-299
DATE 04/09/24
REV 001
SCALE 1:1000

LEGEND

SITE BOUNDARY OUTLINED IN RED (0.018 HECTARES)

THE PROJECT HOUSE IS HIGHLIGHTED IN THE DRAWINGS



1 0 Site Layout Plan
1 : 200



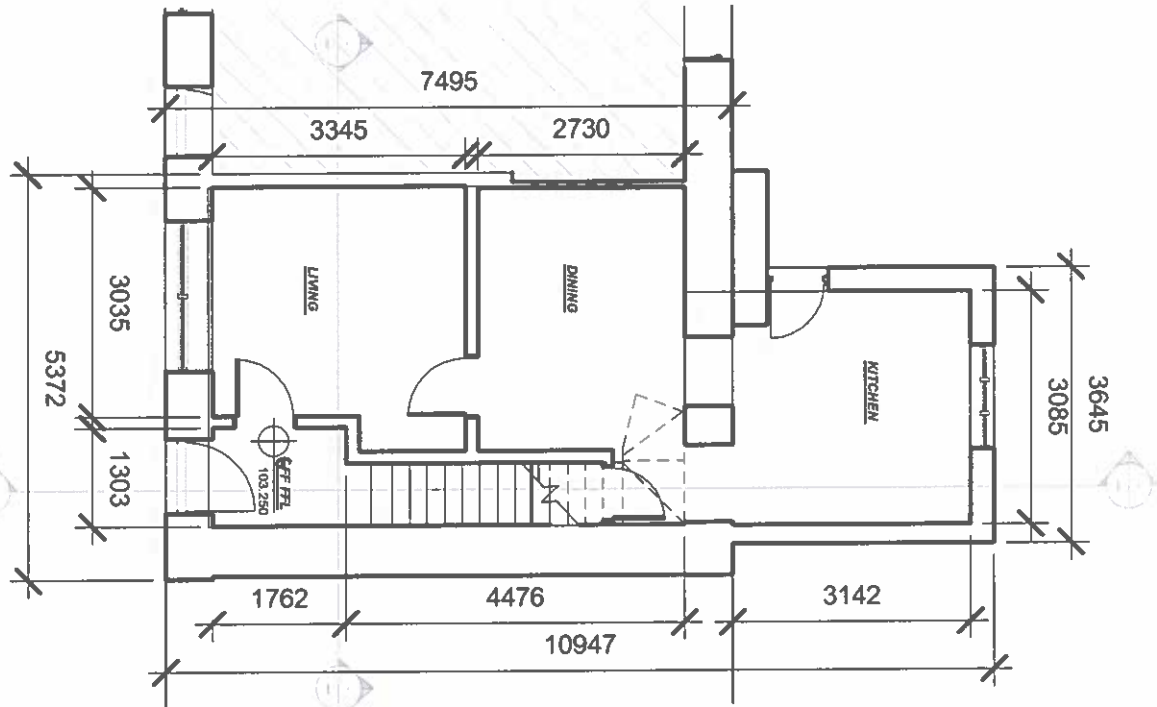
DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM FIGURED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STATUS KEY: SK: SKETCH DESIGN; PD: PRELIMINARY; FT: FOR TENDER; FC: FOR CONSTRUCTION; SS: SUPERSEDED

EXEMPT DEVELOPMENT

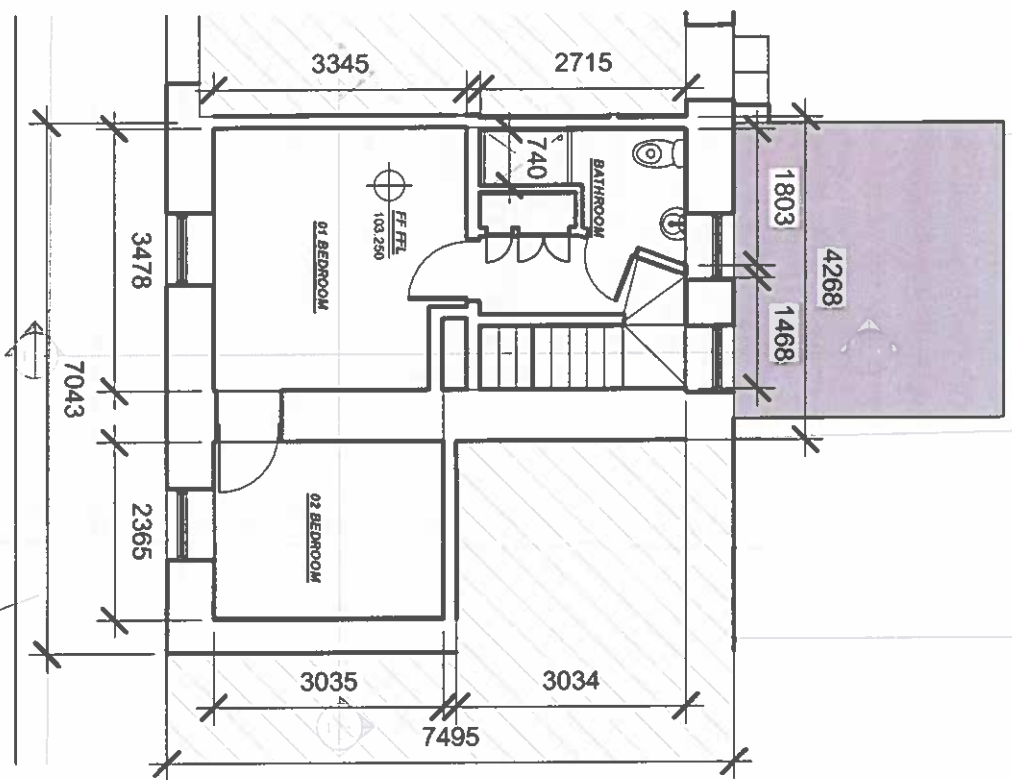
James Lohan Planning & Design Consulting Engineers		Architectural 3D Modelling Survey		Bill of Materials Circular Road 142382 Roscommon T45 W663		[Date: 17/09/2024] Tel: (086) 654345	
CLIENT NIAH DONOHUE		JOB EXEMPT DEVELOPMENT		JOB NO 24-280		DATE 16/09/2024	
SITE Station Road Ballynagh Co. Roscommon T45 W663		DRAWING Site Layout Plan		ORIGIN 002		REV DESIGNED BY C. Zan	

AREASCHEDULE HOUSE 01

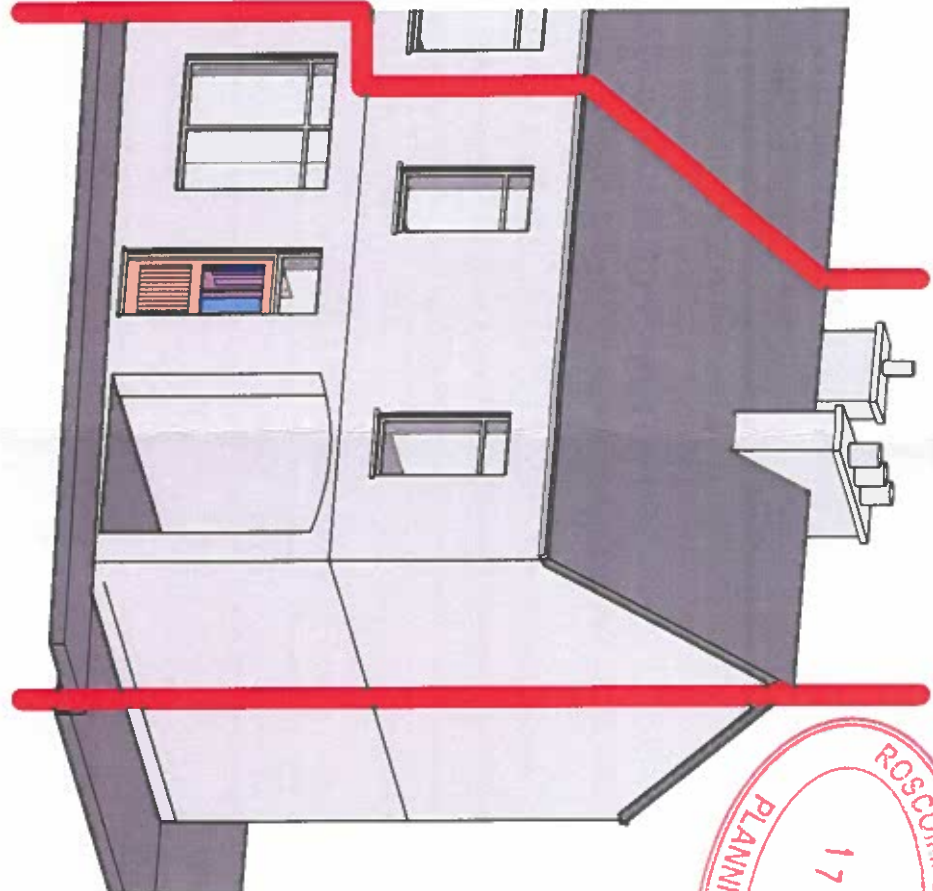
GROUND FLOOR AREA : 40m²
FIRST FLOOR AREA : 31m²
TOTAL AREA : 71m²



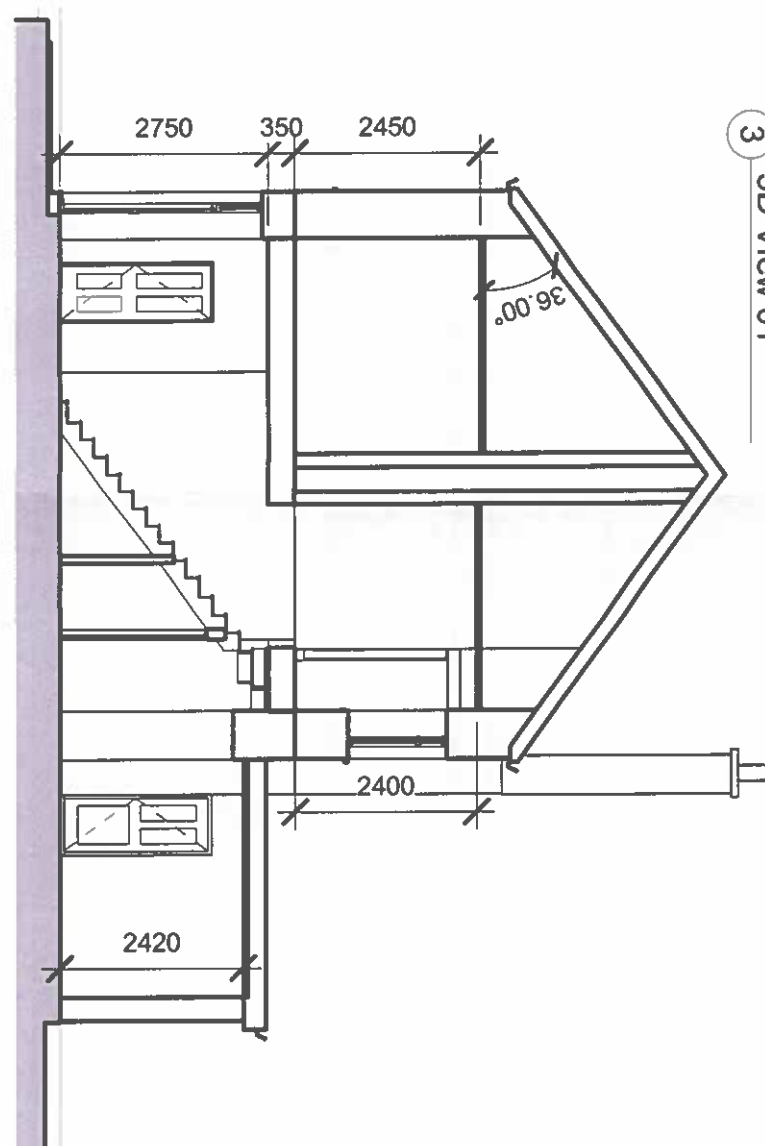
1 01-Ground Floor Plan - Proposed
1 : 100



2 02-First Floor Plan - Proposed
1 : 100



3 3D View 01



4 Proposed Section 1
1 : 100



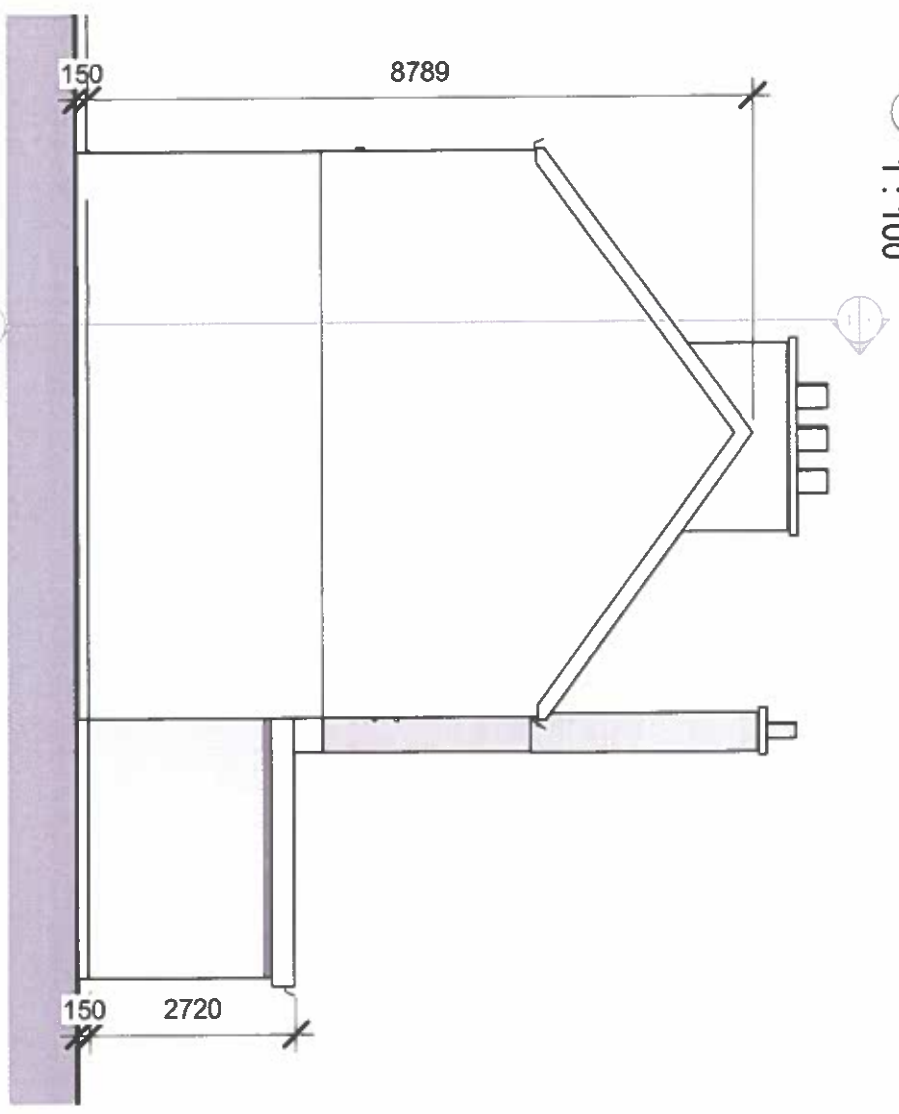
**EXEMPT
DEVELOPMENT**



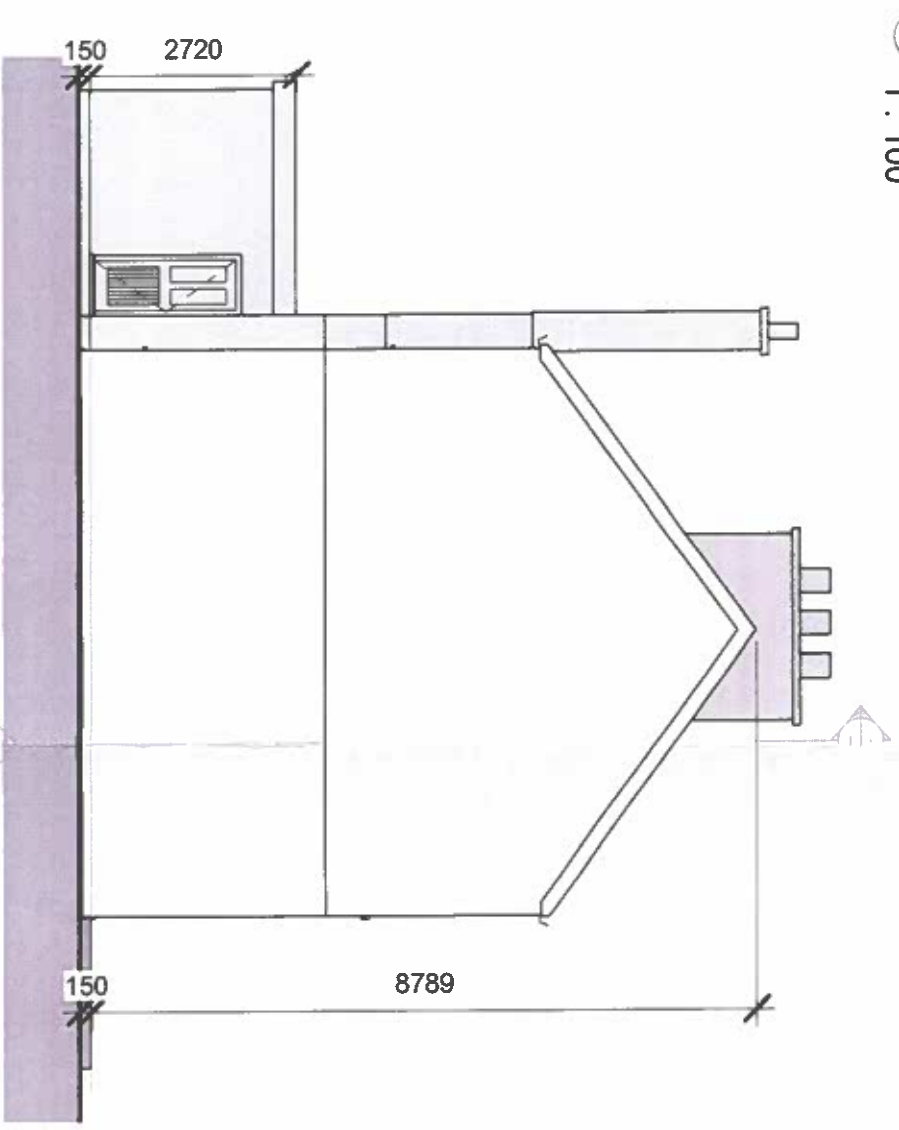
1 Proposed Front Elevation (NW)
1 : 100



2 Proposed Rear Elevation (SE)
1 : 100



3 Proposed Side Elevation (SW)
1 : 100



4 Proposed Side Elevation (NE)
1 : 100



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 PRP PRELIMINARY RT FOR TENDER FC FOR CONSTRUCTION SS SUPERSEDED

**EXEMPT
DEVELOPMENT**

James Lohan Planning & Design Consulting Engineers		Job No. 24-290 Job Name: EXEMPT DEVELOPMENT Job Date: 16/09/2024	
Client: MIAMI DONOHUE	Job No: 24-290	Job Name: EXEMPT DEVELOPMENT	Job Date: 16/09/2024
Site: Station Road, Roscommon F45 W603	Job No: 24-290	Job Name: EXEMPT DEVELOPMENT	Job Date: 16/09/2024
Scale: 1:100 @ A3	Job No: 24-290	Job Name: EXEMPT DEVELOPMENT	Job Date: 16/09/2024
Scale: 1:100 @ A3	Job No: 24-290	Job Name: EXEMPT DEVELOPMENT	Job Date: 16/09/2024