

ROSCOMMON COUNTY COUNCIL

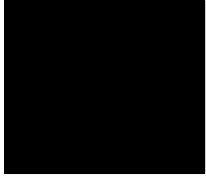
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Simplicio Pinon Bovzas & Leda Maria Ferreira Pinon,



Reference Number: DED 770

Application Received: 24th September 2024

Name of Applicants: Simplicio Pinon Bovzas & Leda Maria Ferreira Pinon

Agent: N/A

WHEREAS a question has arisen as to whether the alteration of an existing bungalow, works including 1) build a front porch 2m²; 2) remove left chimney & 3) close existing back door and install a French door where an existing window is at Cloonslanor, Storkestown, Co. Roscommon, F42 X898, 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 7 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 front porch 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 alter an existing bungalow, works including 1) build a front porch 2m²; 2) remove left chimney & 3) close existing back door and install a French door where an existing window is at Cloonslanor, Storkestown, Co. Roscommon, F42 X898, 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: 22ND October 2024

ADVICE NOTE

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

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

Reference Number:	DED 770
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to alter an existing bungalow, works including 1) build a front porch 2m ² , 2) remove left chimney, 3) close existing back door and install a French door where an existing window is.
Name of Applicant:	Simplicio Pinon Bovzas & Leda Maria Ferreira Pinon
Location of Development:	Cloonslanor, Strokestown, Co. Roscommon (F42 X898)
Site Visit:	21/10/2024

WHEREAS a question has arisen as to whether the following works; to alter an existing bungalow, works including 1) build a front porch 2m², 2) remove left chimney, 3) close existing back door and install a French door where an existing window is **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) Class 7 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 property is a single story bungalow house with a flat roof attached domestic garage/shed to the rear/side and a large rear garden in Cloonslanor, Strokestown, Co. Roscommon. The property is accessed off the L-6069, the surrounding around has numerous single story bungalows with varying styles and some dormer houses. The proposed development consists of the construction of a front porch, removal of one chimney and the alteration of windows/doors on the rear elevation.

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 Annaghmore Lough SAC/PNHA (Site Code 001626) which is located circa 2.4km to the north and Ardakillin Lough PNHA (Site Code 001617) which is located circa 3.8km to the southwest 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,

Class 7 of Part 1 of Schedule 2: Exempted development – General

Description of Development	Conditions and Limitations
CLASS 7 The construction or erection of a porch outside any external door of a house.	<ol style="list-style-type: none">1. Any such structure shall be situated not less than 2 metres from any road.2. The floor area of any such structure shall not exceed 2 square metres.3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

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 proposed development of a front porch to a dwelling house which, it is stated as having floor space of 2m².

With regard to the compliance with the conditions and limitations of Class 7 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Proposed front porch is greater than 2m from the road.
2. Proposed floor area is stated at 2m².
3. Proposed front porch is a pitch roof and not greater than 4m in height.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the front porch to a dwelling house as described in this case is considered an exempted development.

The proposal alter an existing bungalow, works including 1) build a front porch 2m², 2) remove left chimney, 3) close existing back door and install a French door where an existing window is. 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 alter an existing bungalow, works including 1) build a front porch 2m², 2) remove left chimney, 3) close existing back door and install a French door where an existing window is as outlined above in Cloonslanor, Strokestown, 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 7 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 front porch 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 alter an existing bungalow, works including 1) build a front porch 2m2, 2) remove left chimney, 3) close existing back door and install a French door where an existing window is as outlined above in Cloonslanor, Strokestown, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 21st October 2024

Civil Technician

Signed: 

Date: 21st October 2024

Senior Executive Planner



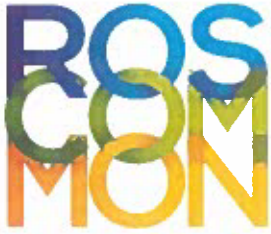








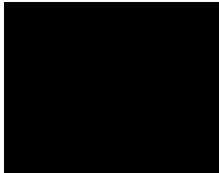




Comhairle Contae
Ros Comáin
Roscommon
County Council



Simplicio Pinon Bovzas & Leda Maria Ferreira Pinon,



Date: 26th September 2024
Planning Reference: DED 770

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to alter an existing bungalow, works including 1) build a front porch 2m²; 2) remove left chimney; 3) close existing back door and install a French door where an existing window is under the Planning & Development Act (Exempt Development) Regulations 2018 at Cloonslanor, Strokestown, Co. Roscommon, F42 X898.

A Chara,

I wish to acknowledge receipt of your application which was received on the 24th 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. **L01/0/230700** dated 25th September 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 770**.
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
00066 37100

25/09/2024 10:21:37

Receipt No. : L01/0/230700

SIMPLICIO PINON BOUZAS

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 770	

Total	80.00 EUR
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Tendered	
Credit/Debit Card	80.00
0508	

Change	0.00
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Issued By : Geraldine Murren
From : Central Cash Office



Aras 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)	SIMPLICIO PINON BOUZAS LEDA MARIA FERREIRA PINON
Name of Agent	N/A
Nature of Proposed Works	1- BUILD A FRONT PORCH 2m ² 2- REMOVE A LEFT CHIMNEY 3- CLOSE EXISTENT BACK DOOR AND INSTALL A FRENCH DOOR WHERE EXIST A WINDOW.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CLOONSLANE STROKESTOWN CO ROSCOMMON F42 X 898
Floor Area: a) Existing Structure b) Proposed Structure	a) 113 m ² b) 2 m ²
Height above ground level:	
Total area of private open space remaining after completion of this development	115 m ²
Roofing Material (Slates, Tiles, other) (Specify)	TILES

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	SAME AS EXISTING
Is proposed works located at front/rear/side of existing house.	FRONT
Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	DOMESTIC BUNGALOW
Proposed use of land or structure	DOMESTIC
Distance of proposed building line from edge of roadway	5,4 METERS
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

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

Signature:

[Signature]

[Signature]

Date:

23/09/2024

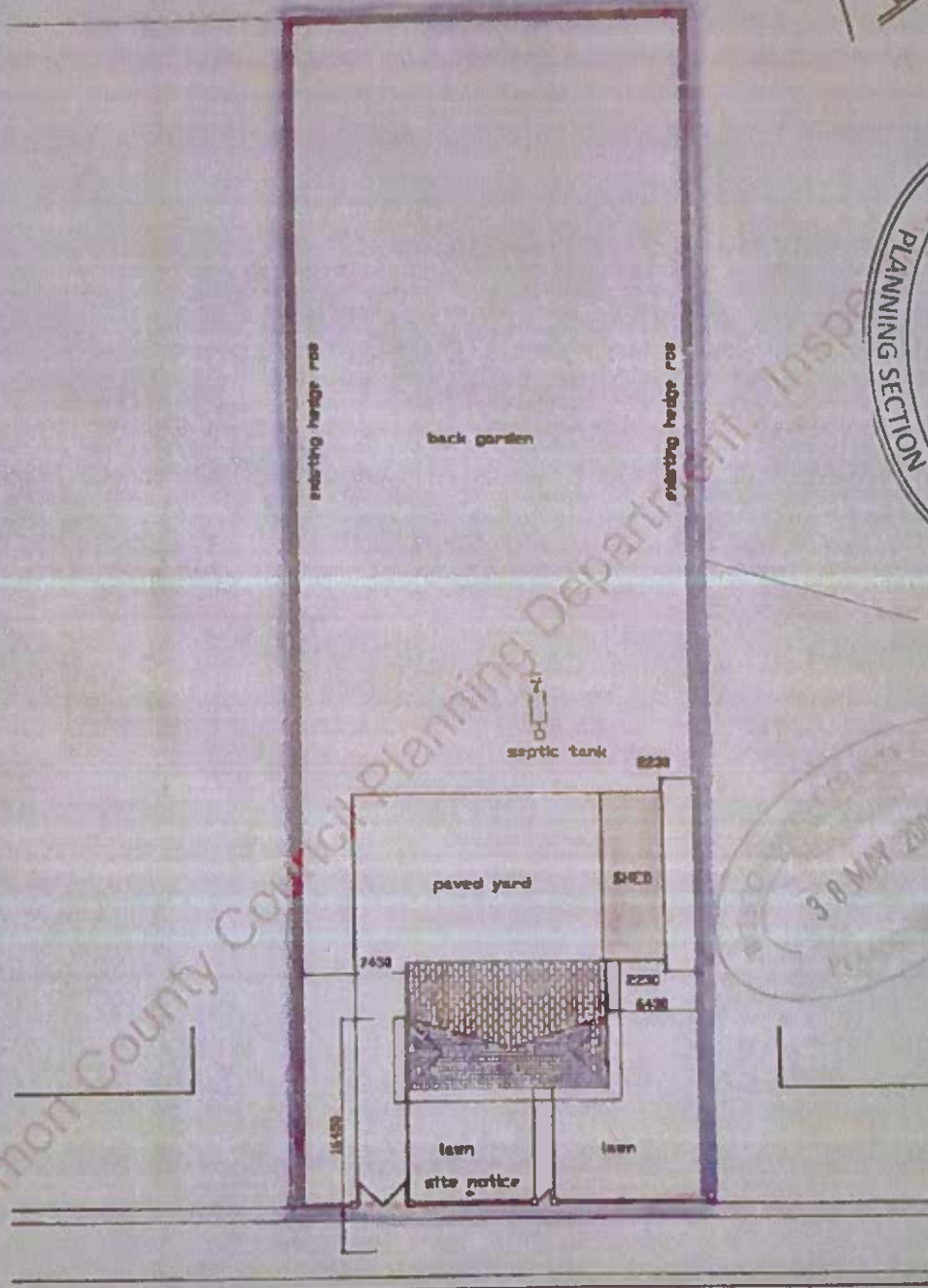
Note: This application must be accompanied by: -

- (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



Drawings Prepared by
Stephen Farrell
Clearslane
Strakeslow
Co. Roscommon

02 - 523



SITE LAYOUT scale 1/500

02



Prepared by:
Stephen F. Jones
Chairman
Roscommon
Co. Roscommon

Chimney Removal

02 - 523

FRONT ELEVATION scale 1/100

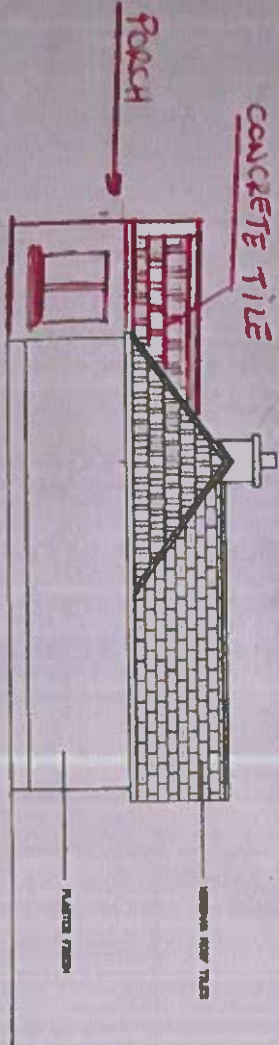
Build A 2m² Porch



CONCRETE TILE

Porch

SIDE ELEVATION scale 1/100

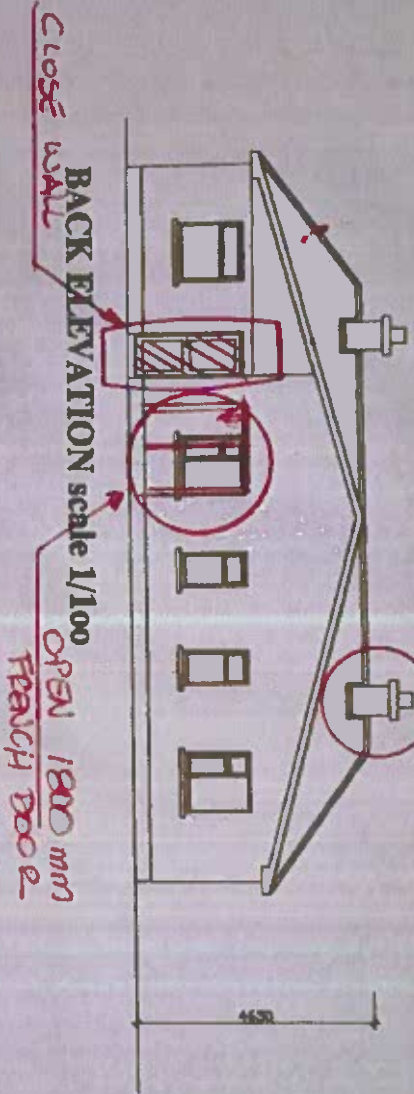


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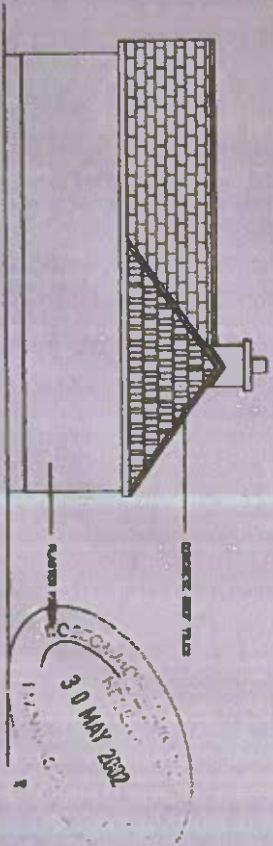
Planning
Section
Coordinator
Sylvia
C. Roscommon

02 - 523

CHIMNEY REMOVAL



SIDE ELEVATION scale 1/100



06