

ROSCOMMON COUNTY COUNCIL

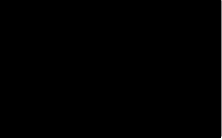
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Kim Craughwell,



Reference Number: DED 781
Application Received: 11th October 2024
Name of Applicant: Kim Craughwell
Agent: N/A

WHEREAS a question has arisen as to whether the construction of a new down stairs sensory room at 46 Dun Ard, Knockcroghery, Co. Roscommon, F42 EH27 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 works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 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 construct a new down stairs sensory room at 46 Dun Ard, Knockcroghery, 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: 15th January 2025

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 781
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development.
Name of Applicant:	Kim Craughwell
Location of Development:	46 Dun Ard, Knockcroghery, Co. Roscommon, F42 EH27
Site Visit:	14/01/2025

WHEREAS a question has arisen as to whether the following works; to “construct a new down stairs sensory room” under the Planning & Development Act (Exempted Development) Regulations 2018 **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 & Description of Development & Nature of Proposed Development

Site Location:

- The subject site is situated in the townland of Galey Co. Roscommon, in the village of Knockcroghery and accessed via a private residential roadway which runs perpendicular - in a northerly direction - off the N-61.

Development Description:

- **Access:** Vehicular access to the estate is via a private residential road off the N-61; the subject site is located ca. 0.8km from this point of entry and is located to the eastern side of a two-prong contour of residential houses.
- **Boundaries:** The subject site is a semi-detached residence, with a tarmac drive bounded by green lawns delineated with timber post and rail fencing. Timber gated fencing to the side of the property prevents unsolicited access to the rear. Site photos with the application demonstrate timber fencing to the eastern and western boundary extents and a masonry block wall to the rear (south-western) boundary extent.
- **Dwelling:** The dwelling is a semi-detached, gable-ended, pitched-roof structure, of two-storey composition with a party-chimney equidistant from the property gables.

Nature of Proposed Works:

The applicant has provided a 'Detail Specification of the Development Proposed'; this schedule includes the following:

- **New Extension Height above ground: 3m**
- **Floor Area: 25m²**
- PVC sliding door to be replaced with inside wooden double doors.
- Rear side door/small window to be removed & blocked up. Utility to be accessed through the existing internal door from the kitchen.

- Relocate existing Rain Water drain to accommodate the new rain water down pipe.
- Extension wall to be constructed 100mm from boundary line.
- Lay foundation.
- Block/ insulated walls.
- Structural beam in roof to support swing equipment.
- The existing pitched roof of the utility will be connected with a flat roof off the new extension.
- Alkorplan PVC anthracite flat Roof.
- 2X Flat roof windows to be installed.
- Install PVC Double doors leading to rear garden.
- Walls of extension to have the same finish as the existing house.
- New paving with surface water drainage to existing system.
- Retaining wall with steps to the garden shed.

Geographic Information Systems [GIS]

European Sites:

As per a review of Roscommon County Council's Geographic Information Systems, the following European Sites were noted:

- Appropriate Assessment

The closest designated sites include 'Lough Ree SAC' (Site Code: 00440) and SPA (Site Code: 004064) which is located ca. 1.3km east of the subject site, and 'Lough Funshinagh' SAC (Site Code: 000611) which is located 5.8km south of the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given 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, can be excluded.

Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, there are no architectural and/or archaeological heritage sites/structures in proximity to the subject site or property thereon.

- Assessment of Architectural & Archaeological Heritage

The property is not a protected structure; the closest structure listed by the National Monuments Service include: Ringfort (SMR No.: RO042-042----) located 0.2km west of the subject site, Ringfort (RO042-043----) located 0.1km west of the subject site, Ringfort (RO042-062----) located 0.3km south-east which of the subject site. In all instances the proposed works are outside the relative zone of influence.

Planning History

As per Roscommon County Council's Planning Registry and GIS Planning database, a planning history assessment of the subject site and property thereon yielded the following results:

- **PD/00/1343** **Permission granted** to "construct 55 dwelling houses together with associated roads, site services and pumping station" (App. Made for 56 Dwellings).
- **PD/03/441** **Permission granted** to "construct phase 2 of Dun Ard Housing Development consisting of 52 semi-detached two-storey dwellinghouses and 10 detached two-storey dwellinghouses with associated site development works (Application made for 54 semi-detached and 12 detached).

▪ **PD/10/3000**

Application for extension of duration re PD/03/441, to construct phase 2 of Dun Ard Housing Development consisting of 52 semi-detached two-storey dwellinghouses and 10 detached two-storey dwellinghouses with associated site development works (Application made for 54 semi-detached and 12 detached). **Decision Extended to 29/10/13.**

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2 (1)

In this Act, “works” include 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)

Defines certain types of development as being ‘exempted development’. Of particular 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)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. 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 1 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 1 opposite the mention of that class in the said column 1.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

(a) If the carrying out of such work would-

- (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under 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.

Hereunder the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

In accordance with the Planning and Development Act, 2000, section 2(1) "works" include "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 proposed development constitute "works", as defined in section 2 of the said Act.

In accordance with the Planning and Development Act, 2000, section 3(1) "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". It is considered that said works constitute development, as defined in section 3 of the said Act.

These works have been 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"*.

- On review of the submission particulars, under the provision of Section 4(1)(h), the proposed works, comprising of an extension to the rear of the property, would in principle, not adversely impact the architectural character of the building, or neighbouring structures, and as such, would under the provision of section 4(1)(h).

The following observations have been taken into consideration:

- A proposed schedule of works was submitted as part of the application for a Declaration of Exempted Development under Section 5 of the Planning & Development Act 2000 (as amended) and this, in tandem with scaled site plans (Site Layout Plan & Site Location Map), the provision of existing and proposed floor-plans, a 3D composite rendering of the proposed extension and an on-site inspection of the property, were deemed sufficient to make a determination as to whether the proposed works constitute exempted development under the provision of Section 4(1)(h) of the Planning and Development Act 2000 (as amended). To this end, the following observations are noted:
 - It is regarded that the proposed works, to "construct a new downstairs sensory room" under the Planning & Development Act (Exempted Development) Regulations 2018, fall under the provisions of Article 6 subject to article 9, being development of a class specified in Schedule 2, Part 1 [column 1; Class1]: and as such, in principle, is considered 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 1. On this matter, regard is had to the limitations of Condition 5 of the said Class 1; Column 2, being:

"The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres".
 - The applicant's agent has specified that the total area of private open space remaining after completion of this development will be ca. 65m², however does not specify whether this is available to the rear of the property, or for the whole property (i.e. the total amenity space left available within the red-line boundary of the subject site). On review of the Site Layout Plan, it is deemed that in excess of 25m² would remain available to the occupants of the dwelling to the rear of the property.

- Having regard to the foregoing points, it is considered that the proposed extension, of 25m² for use as a 'sensory room', to be situated at the rear of the property (subject-site) and which will be substantially concealed from public view owing to its composition on site, would in principle, not adversely impact the architectural character of the building, or neighbouring structures, and as such, would fall under the provision of section 4(1)(h).

- 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. 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 Article 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; comprising the proposal to "construct a new down stairs sensory room" under the Planning & Development Act (Exempted Development) Regulations 2018, at the site located at "46 Dun Ard, Knockcroghery, Co. Roscommon, F42 EH27" 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 works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 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 comprising the proposal to "construct a new down stairs sensory room" at the site located in "46 Dun Ard, Knockcroghery, Co. Roscommon, F42 EH27" under the Planning & Development Act (Exempted Development) Regulations 2018, constitutes exempted development and that the applicant be advised of same.

Signed:



Blaithin Kinsella

Assistant Planner

Date: 14th January 2025

Signed:



Alan O'Connell

Senior Executive Planner

Date: 14th January 2025



Looking Eastward on N-61



Looking Westward on N-61



On entry to estate



On approach to dwelling



Eastward approach to subject site



Westward approach to subject site



On approach to subject site



Boundary conditions on site



Comhairle Contae
Ros Comáin
Roscommon
County Council



Kim Craughwell,



Date: 15th October 2024
Planning Reference: DED 781

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission for construct a new down stairs sensory room under the Planning & Development Act (Exempt Development) Regulations 2018 at 46 Dun Ard, Knockcroghery, Co. Roscommon, F42 EH27.

A Chara,

I wish to acknowledge receipt of your application which was received on the 11th October 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. **L01/0/230993** dated 11th October 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 781**.
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
09066 37100

11/10/2024 12:43 09

Receipt No. L01/0/230993

KIM CRAUGHWELL

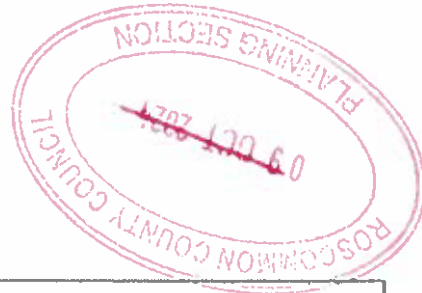
PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 781	

Total	80 00 EUR
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Tendered :	
Credit/Debit Card	80 00
3540	

Change :	0 00
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Issued By : Geraldine Murren
From : Central Cash Office



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

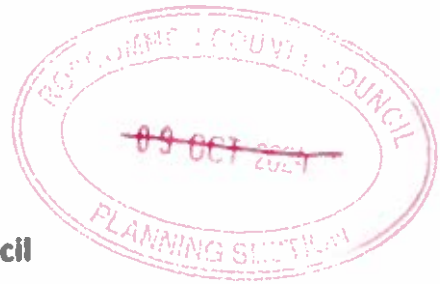
Email: planning@roscommoncoco.ie

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)	
Name of Agent	KIM CRAUGHWELL
Nature of Proposed Works [REDACTED]	PAUL O'CONNOR NEW DOWNSTAIRS SENSORY ROOM FOR CHILD WITH SPECIAL NEEDS
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	46 DUN ARD, KNOCKCROGHERRY, CO. ROSCOMMON. F42 EH27 O.S No. 42:11
Floor Area: a) Existing Structure b) Proposed Structure	a) Approx 108 m ² b) 25 m ²
Height above ground level:	3m
Total area of private open space remaining after completion of this development	CIRCA 65 m ² REAR GARDEN REMAINING
Roofing Material (Slates, Tiles, other) (Specify)	ALKORPLAN PVC ANTHRACITE



Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	PLASTER
Is proposed works located at front/rear/side of existing house.	REAR
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	GARDEN
Proposed use of land or structure	SENORY ROOM / ACTIVITY / STUDY AREA FOR SPECIAL NEEDS CHILD
Distance of proposed building line from edge of roadway	N/A
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:

Ken Kavanagh

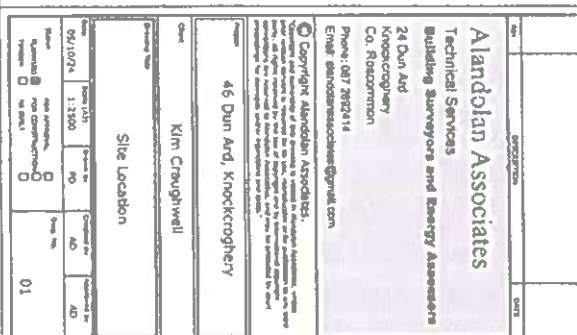
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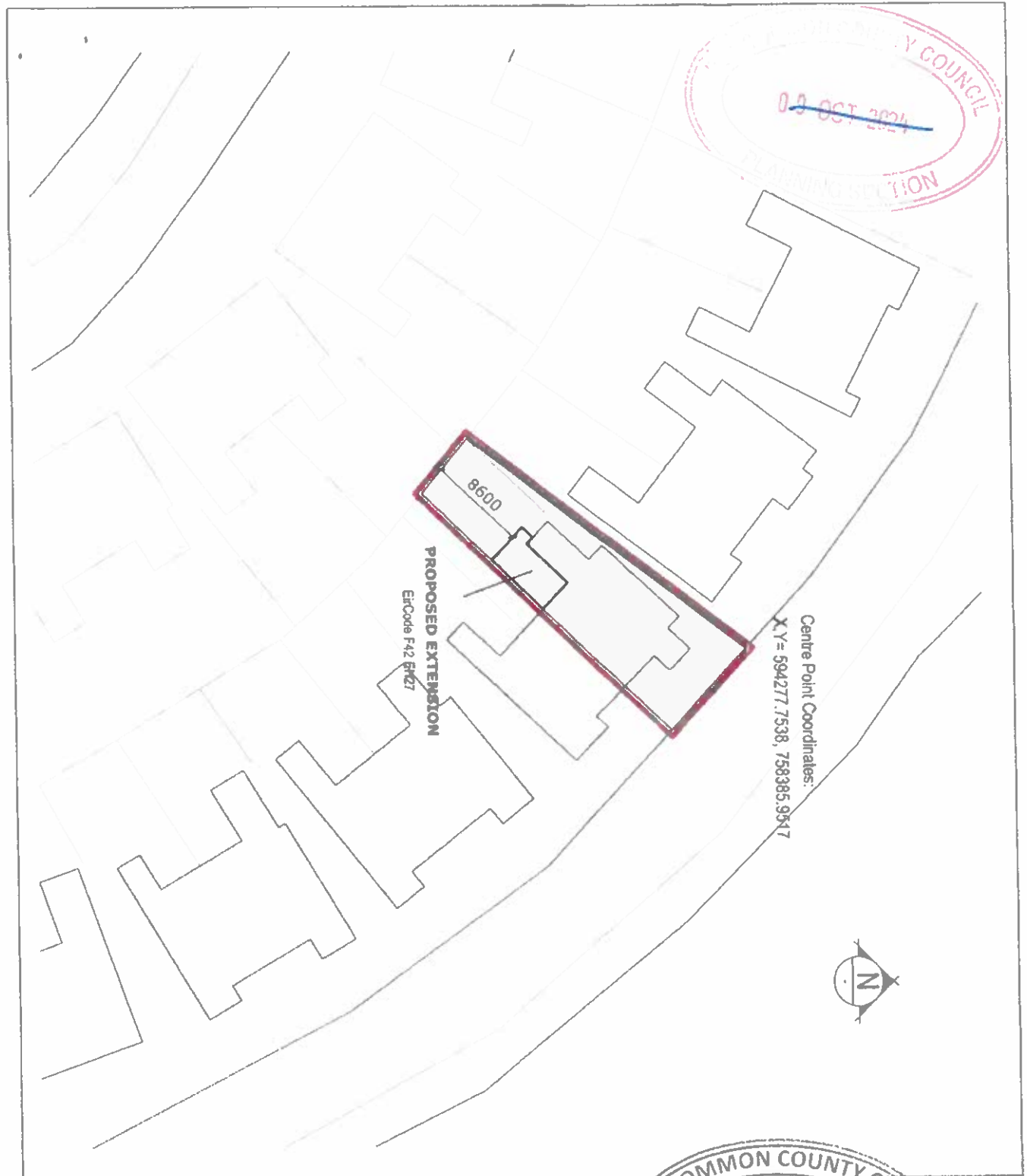
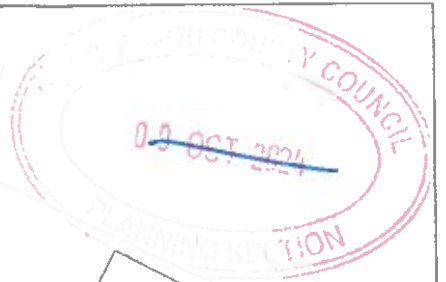
9/10/2024

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







Centre Point Coordinates:
X,Y = 594277.7538, 758385.9517



Name		Address	
Alandrian Associates		24 Dun Ard	
Technical Services		Knockcroghery	
Building Surveys and Energy Assessors		Co. Roscommon	
Phone 087 2832114		Email alandrianassociates@gmail.com	
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Project			
46 Dun Ard, Knockcroghery			
Client			
Klm Craughwell			
Drawing Title			
Site Layout			
Date	Scale	Drawn by	Checked by
05/10/24	1:200	PD	AD
Author	Rev	Rev	Rev
05/10/24	01	01	01
Revision		02	

PROJECT TEAM:



ARCHITECTS

ENGINEERS

CUSTOMER INFO:



REVISIONS

DATE

DRAWN BY

Donal Kilduff

DATE

MGR. APPR.

CUST. APPR.

PROJECT NAME:

PAPER SIZE

Arch A

DWG NO.

DWG SCALE

SHEET NO:

of

Unless otherwise specified all of the dimensions are in millimetres. Angles and dimensions X.XX unit standards.

Existing kitchen and dining room

Window & french doors to be retained

Boundar line

Construct extension wall 100mm from boundary Line

Existing door to be blocked up and new window installed for daylight

Existing utility & Pantry

1200mm Electric Flat roof window

4250.00

Swing Chair area with structural beam over

Dark room Area

1800.00

1600.00

1200 x 1800 Ball Pit

New paving with surface water drainage to existing system

Retaining wall with steps to garden shed

Lawn and shed area

PVC Door

5900.00

Proposed new flat roof extension to rear of 46 Dun Ard, Knockcroghery, Co. Roscommon

New flat roof extends on outlined in red
Total floor area of 25m2



Image A
Proposed location of sensory room in rear garden



Plaster Ganged House

46 Dun Ard,
Knockcroghery,
Co. Roscommon.
F42 EH27

Detail specifications of proposed development

New down stairs Sensory room extension for [REDACTED]

New Extension Height above ground level: 3m

Floor Area: 25 square metres.

The kitchen window to remain as is.

PVC siding door to be replaced with inside wooden double doors.

Rare side door/small window to be removed & blocked up. Utility to be accessed through the existing Internal door from the kitchen.

Relocate existing drainage access, Including soil vent pipe.

Relocate existing Rain Water drain to accommodate the New rain water down pipe.

Extension wall to be constructed 100mm from boundary line.

Lay foundation.

Block/ insulated walls.

Structural beam in roof to support sensory swing equipment.

The existing pitched roof of the utility will be connected with a flat roof of the new extension.

Alkorplan PVC anthracite flat Roof.

2X Flat roof windows to be installed.

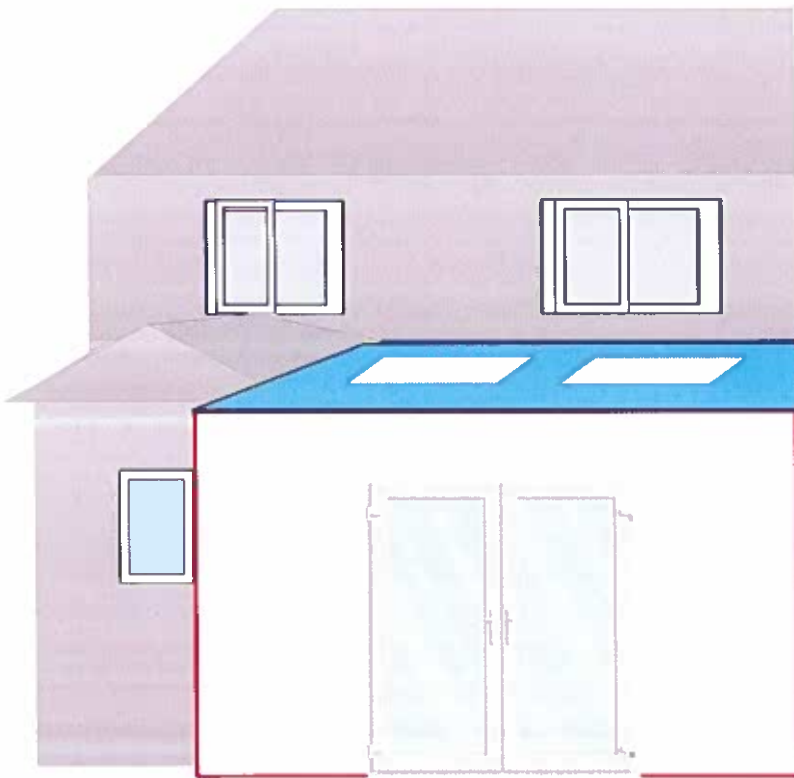
Install PVC Double door leading to rare garden.

Walls of extension to have the same finish as the existing house.

New paving with surface water drainage to existing system.

Retaining wall with steps to the garden shed.





Rare of property
Proposed Sensory Room extension

Height above ground level: 3m

Total proposed Structure: 25 square metres





A. The window to remain as is.

B. PVC sliding door to be replaced with inside wooden double doors.



C. Rare side door with small window to be removed & blocked up. Utility to be accessed through the existing Internal door from the kitchen.



Relocate existing drainage access, Including soil vent pipe.

Relocate existing Rain Water drain to accommodate the New rain water down pipe.