

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Ivan & Ruth Kelly,

Reference Number: DED 783  
Application Received: 17<sup>th</sup> October 2024  
Name of Applicants: Ivan & Ruth Kelly  
Agent: Lo-Homes Limited

WHEREAS a question has arisen as to whether the renovation of an existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes at Garraun North, Creggs, Co. Roscommon, F42 AP62, 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 renovation of an existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes 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 renovate an existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes at Garraun North, Creggs, Co. Roscommon, F42 AP62, 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: 28<sup>th</sup> November 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.**

## Carmel Curley

---

**From:** Carmel Curley  
**Sent:** Thursday 28 November 2024 16:44  
**To:** Ivan Kelly; johnlohan19@gmail.com  
**Subject:** DED 783 - Notification of Decision  
**Attachments:** DED 783 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for our Section 5 DED Application 783. Please note that a hard copy will be issued by registered post 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](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

MAP LOCATION



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

<b>Reference Number:</b>	DED 783
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to renovate existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes.
<b>Name of Applicant:</b>	Ivan & Ruth Kelly
<b>Location of Development:</b>	Garraun North, Creggs, Co. Roscommon
<b>Site Visit:</b>	27/11/2024

**WHEREAS a question has arisen as to whether the following works to renovate existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes 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 single story detached house with a single story flat roof extension to the rear and an attached flat roof garage to the side in Garraun North, Creggs, Co. Roscommon. The property is accessed off the L-1821 road, there is a private garden to the front and rear of the dwelling with a standalone shed to the side of the property. The proposed development consists of the rebuilding of chimney to match existing, replacing of all windows, alterations to existing window openings (block up of window to rear and enlarge window to form a door), replacing of fascia, soffits & rainwater pipes, 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 Funshin Bog NHA (Site Code 000267) which is located circa 3.1km to the east and Suck River Callows NHA (Site Code 000222) which is located circa 5.1km to the west 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 renovate existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes. 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; renovate existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes as outlined above in Garraun North, Creggs, 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 renovation of an existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes 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 renovate existing dwelling works including; 1)rebuilding chimney to match existing; 2)enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4)replace existing rainwater disposal system; 5)replace existing fascia & soffit; 6)remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes as outlined above in Garraun North, Creggs, Co. Roscommon, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.



**Signed:**

*Ian Murray*

**Date:** 27<sup>th</sup> November 2024

Civil Technician

**Signed:**

**Date:** 27<sup>th</sup> November 2024

Senior Executive Planner





















Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Ivan & Ruth Kelly,



Date: 22<sup>nd</sup> October 2024  
Planning Reference: DED 783

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to renovate existing dwelling works including; 1) rebuilding chimney to match existing; 2) enlarge existing windows opening at side of property to allow for door/window combo; 3) block up existing window opening at rear of property; 4) replace existing rainwater disposal system; 5) replace existing fascia & soffit; 6) remove section of internal wall between kitchen/dining room; 7) re-wire; 8) re-plumb including heating system & 9) upgrade internal finishes under the Planning & Development Act (Exempt Development) Regulations 2018 at Garraun North, Creggs, Co. Roscommon, F42 AP62.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 17<sup>th</sup> 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. **L01/0/231158** dated 18<sup>th</sup> October 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 783**.  
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: Lo-Homes Limited  
[johnlohan19@gmail.com](mailto:johnlohan19@gmail.com)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

19/10/2024 15:16:47

Receipt No : L01/0/231158

IVAN KELLY

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 783

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
1915

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Tuesday 22 October 2024 15:36  
**To:** johnlohan19@gmail.com  
**Subject:** DED783 - Ivan & Ruth Kelly  
**Attachments:** DED783 - Ack Letter & Receipt.pdf

A Chara,

Please find attached Acknowledgement Letter & Receipt for DED Application 783 for Ivan & Ruth Kelly.

Please note that a hard copy will be issued to the applicants.

Regards,

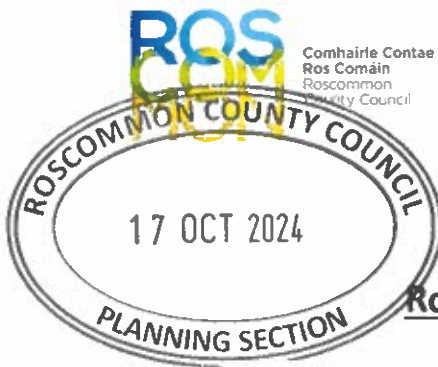
Carmel

Carmel Curley, Assistant Staff Officer,  
Planning Department, Roscommon County Council,  
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98  
☎: (090) 6637100

✉: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

MAP LOCATION





Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto: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)	Ivan & Ruth Kelly
Name of Agent	Lo-Homes Limited
Nature of Proposed Works	Renovate existing property
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Garraun North, Creggs, Co. Roscommon F42 AP62
Floor Area: a) Existing Structure b) Proposed Structure	a) 110m2 b) 110m2
Height above ground level:	
Total area of private open space remaining after completion of this development	110m2
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)	NA
Is proposed works located at front/rear/side of existing house.	Side & Rear
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	Residential
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	20m
Does the proposed development involve the provision of a piped water supply	As Existing
Does the proposed development involve the provision of sanitary facilities	Reuse Existing

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

Signature: *A Kelly*

Date: 14/10/2024

**Note:** This application must be accompanied by: -

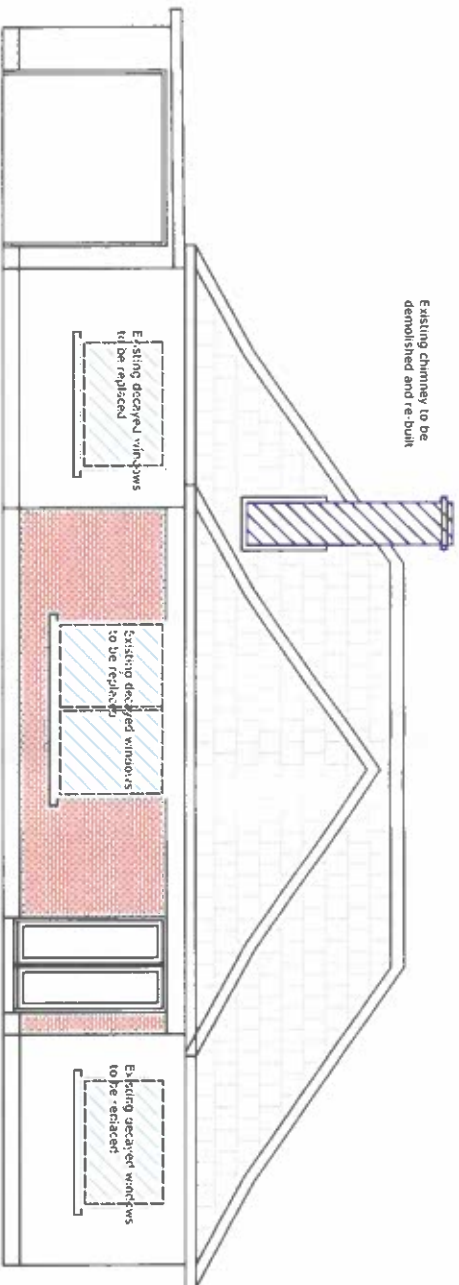
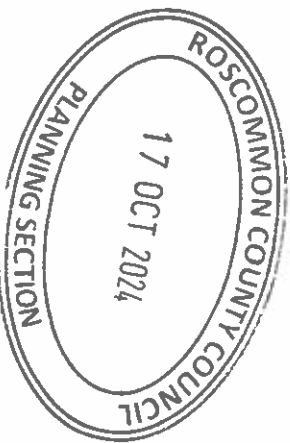
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



**Details of Proposed Works:**

- Rebuild chimney to match existing,
- Enlarge existing window opening at side of property to allow for door / window combo,
- Block up existing window opening at rear of property,
- Replace existing rainwater disposal system,
- Replace existing fascia & soffit,
- Remove section of internal wall between kitchen / dining room,
- Re-wire,
- Re-plumb including heating system,
- Upgrade to internal finishes

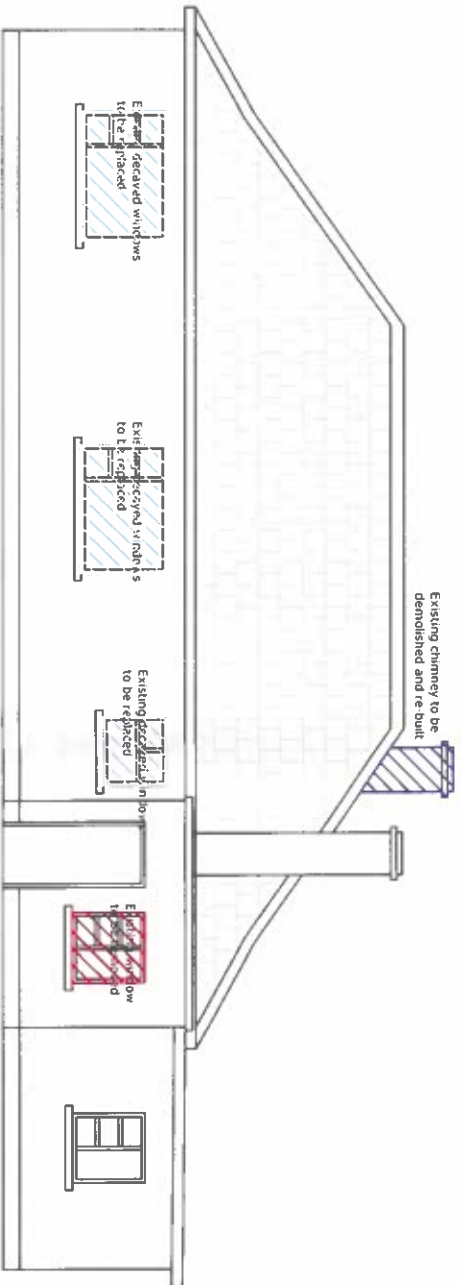




F FRONT ELEVATION (Existing)  
Scale 1:100

LEGEND

- Existing decayed windows to be replaced shown thus
- Existing window to be replaced with door and window combo shown thus
- Existing internal wall to be removed shown thus
- Existing cracked chimney to be demolished and rebuilt shown thus
- Existing window to be removed/blocked up shown thus



R REAR ELEVATION (Existing)  
Scale 1:100

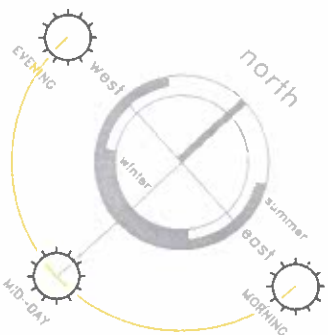
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No.	Revision/Issue	Date

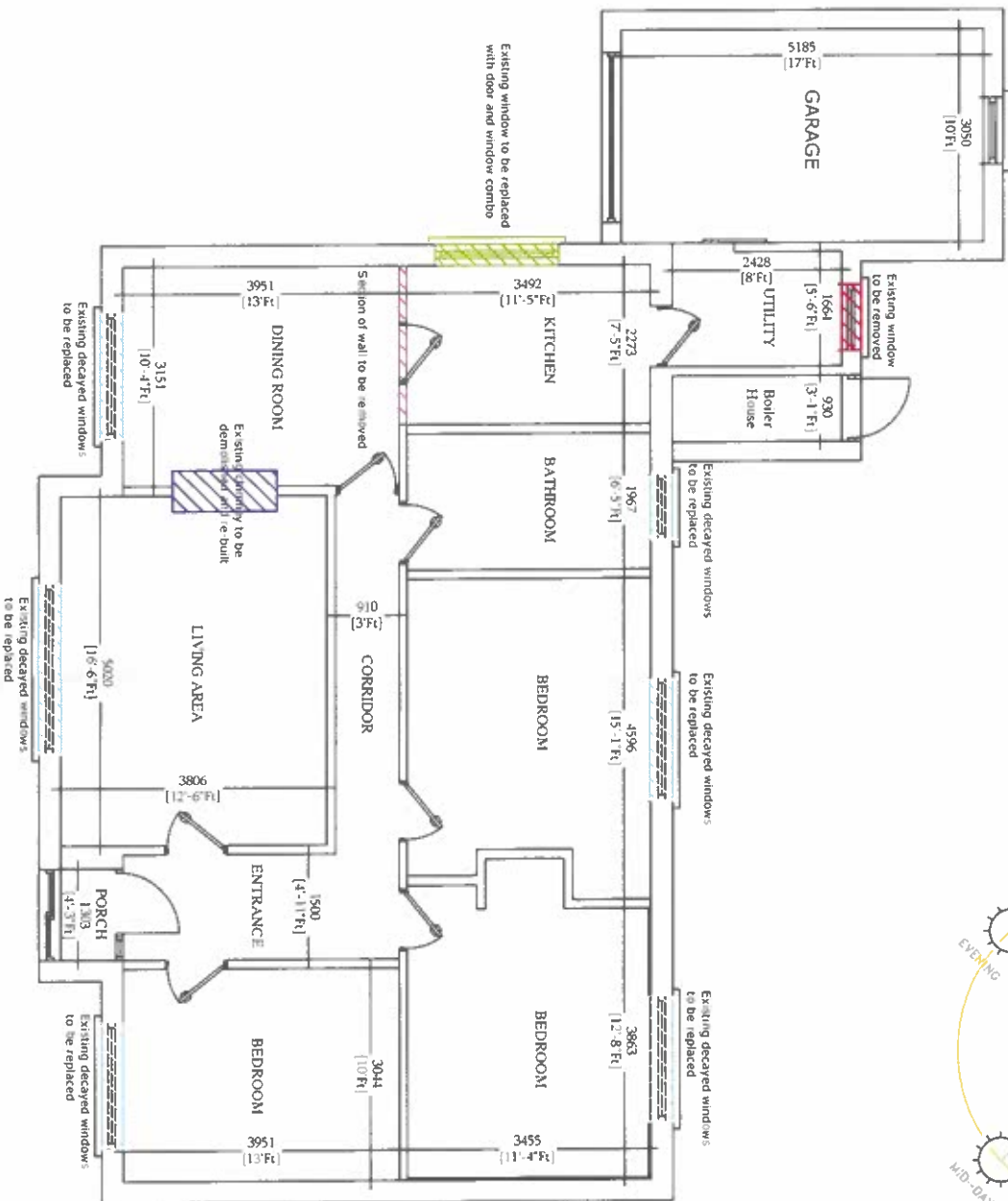
For Name and Address  
**Lo-Homes Limited**  
Tonemaddy,  
Creggs,  
Co. Roscommon.  
  
Tel 09066 21941  
Mob 086 8551835

Project Name and Address  
Ivan & Ruth Kelly,  
Garraun North,  
Creggs,  
Co. Roscommon.

Project	Sheet
Private House	24-2675-01
Date	12-10-2024
Scale	1:100



- LEGEND
- Existing decayed windows to be replaced shown thus
  - Existing window to be replaced with door and window combo
  - Existing internal wall to be removed shown thus
  - Existing cracked chimney to be demolished and rebuilt shown thus
  - Existing window to be removed/blacked up shown thus



## GF | GROUND FLOOR PLAN (Existing)

Scale 1:100

Floor Area = 128.55sq.m. (1383.67sq.ft.)  
incl. Garage and Boiler House

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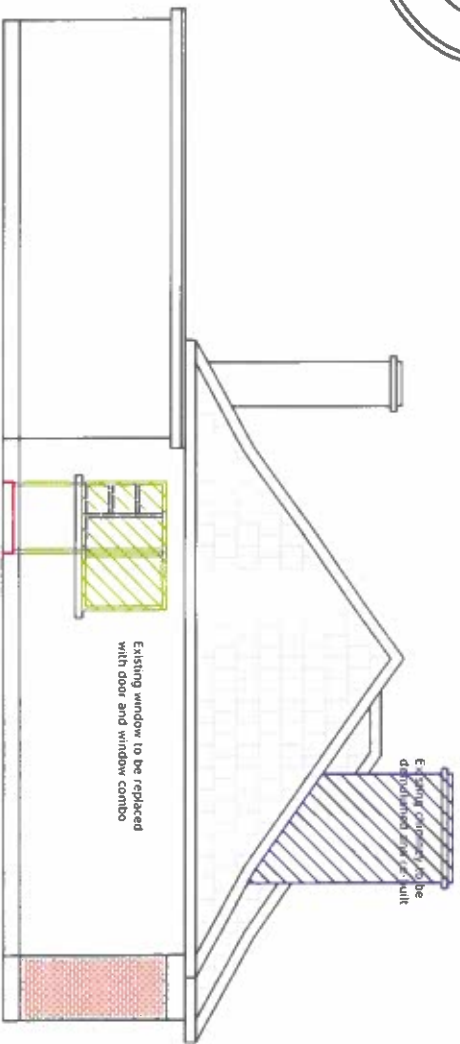
No.	Revision/Issue	Date

From Name and Address  
**Lo-Homes Limited**  
Tonamaddy,  
Creggs,  
Co. Roscommon.

Tel: 09066 21941  
Mob: 086 8551835

Project Name and Address  
Ivan & Ruth Kelly,  
Garraun North,  
Creggs,  
Co. Roscommon.

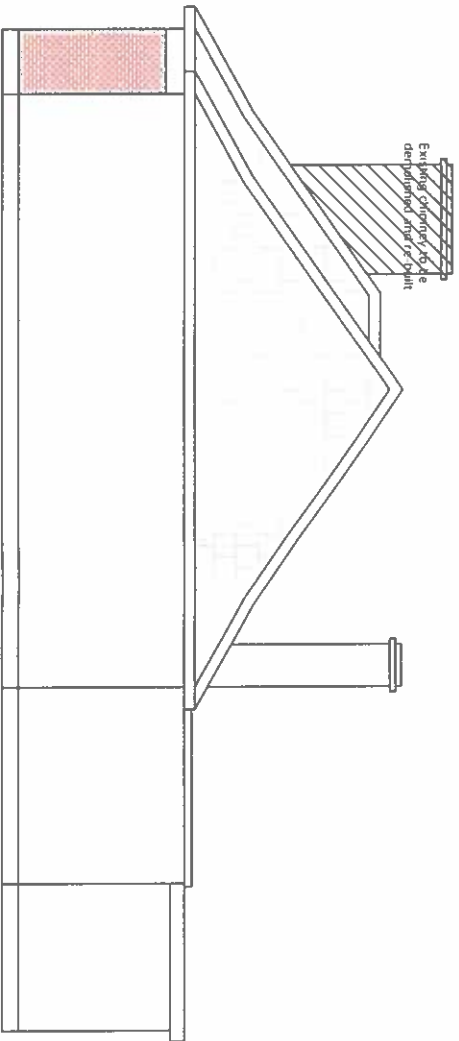
Project Name	Sheet
Private House	24-2675-01
Date	12-10-2024
Scale	1:100



S SIDE ELEVATION (Existing)  
Scale 1:100

LEGEND

- Existing decayed windows to be replaced shown thus
- Existing window to be replaced with door and window combo
- Existing internal wall to be removed shown thus
- Existing cracked chimney to be demolished and rebuilt shown thus
- Existing window to be removed/blocked up shown thus



S SIDE ELEVATION (Existing)  
Scale 1:100

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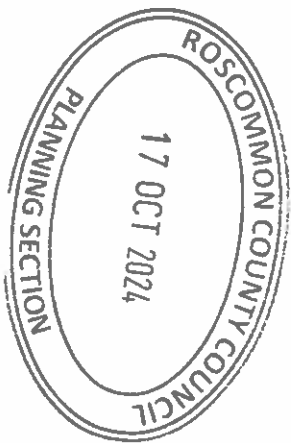
No.	Revision/Issue	Date

**For Name and Address**  
**Lo-Homes Limited**  
Tonamaddy,  
Creggs,  
Co. Roscommon.  
  
Tel. 09066 21941  
Mob. 086 8551835

**Project Name and Address**  
Ivan & Ruth Kelly,  
Garraun North,  
Creggs,  
Co. Roscommon.

Project Name	Sheet
Private House	24-2675-01
Drawn 12-10-2024	
Scale 1:100	

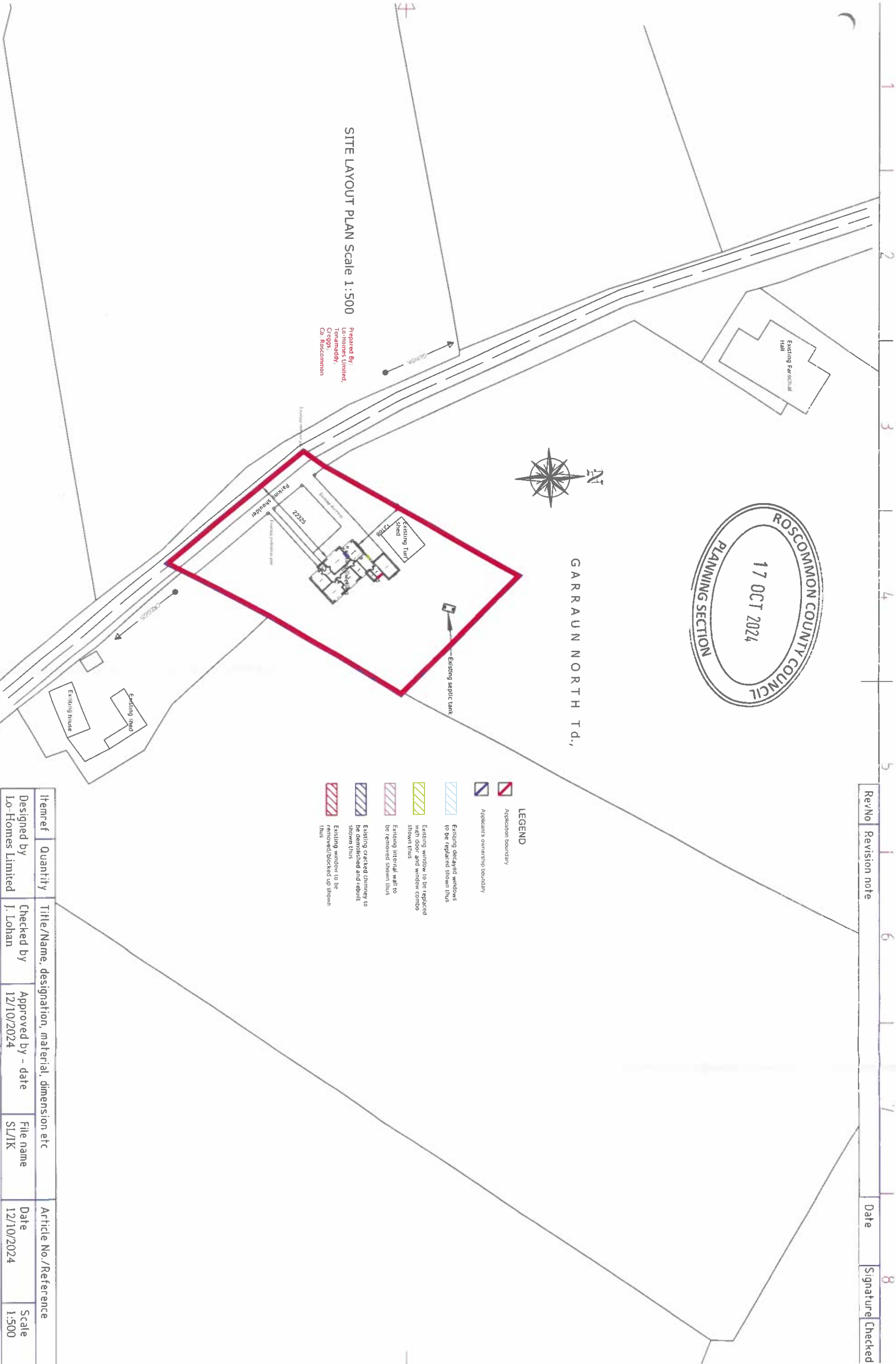




GARRAUN NORTH T.D.,

SITE LAYOUT PLAN Scale 1:500  
Prepared By:  
Lo-Homes Limited,  
Tonamaddy,  
Creggs,  
Co. Roscommon

- LEGEND**
- Application boundary
  - Applicant's ownership boundary
  - Existing decayed windows to be replaced shown thus
  - Existing window to be replaced with door and window combo shown thus
  - Existing internal wall to be removed shown thus
  - Existing cracked chimney to be demolished and rebuilt shown thus
  - Existing window to be removed/blocked up shown thus



Item/ref	Quantity	Title/Name, designation, material, dimension etc			Article No./Reference	
Designed by Lo-Homes Limited	Checked by J. Lohan	Approved by - date 12/10/2024	File name SL/IK	Date 12/10/2024	Scale 1:500	

Ivan & Ruth Kelly		Site Layout Plan	
24-2675-05		Edition 1	Sheet 5/5



# Land Registry Compliant Map



# Tail Fire

**CENTRE**

**COORDINATES:**

ITM 575078,761874

**PUBLISHED:**

09/10/2024 504275

MAP SERIES: MAP SI

1:5,000 2547

1:5,000 2614

**COMPILED AND PUBLISHED**

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Ireland.  
D08F6E4

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