

**ROSCOMMON COUNTY COUNCIL**

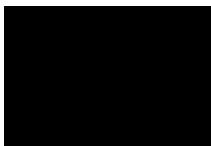
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Zoe Chohan,



**Reference Number:** DED 788

**Application Received:** 22<sup>nd</sup> October 2024

**Name of Applicant:** Zoe Chohan

**Agent:** N/A

**WHEREAS** a question has arisen as to whether the renovation & retrofitting on an existing 1970's dwelling at Suckfield, Creagh, Ballinasloe, Co. Roscommon., H53 C620, 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 50 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 demolition of the conservatory to rear of a dwelling house as described in this case is an exempted development.
- (c) The proposed renovate & retrofit an existing 1970's dwelling as above 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 & retrofit an existing 1970's dwelling at Suckfield, Creagh, Ballinasloe, Co. Roscommon, H53 C620., 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: 27<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.**

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

<b>Reference Number:</b>	DED 788
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development of permission to renovate & retrofit an existing 1970's dwelling.
<b>Name of Applicant:</b>	Zoe Chohan
<b>Location of Development:</b>	Suckfield, Creagh, Ballinasloe, Co. Roscommon. (H53 C620)
<b>Site Visit:</b>	21/11/2024

**WHEREAS a question has arisen as to whether the following works; to renovate & retrofit an existing 1970's dwelling 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 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

#### **Site Location & Development Description**

The subject site is located in Suckfield, Creagh, Ballinasloe, Co. Roscommon and is accessed of the R-357 road. The subject site contains a part single story, part two story detached dwelling house with what is described within the application as a conservatory the rear (No access to rear of property). There is also a shed/garage to the rear/side of the dwelling which is attached via a link roof. Part of the single story section of the dwelling has a flat roof which is accessible from the dwelling.

The proposed works is the demolition of the conservatory and removal of the link roof between the dwelling and garage, re-roof the existing flat roof and various internal works.

There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

#### **Archaeological and Cultural Heritage**

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

#### **Appropriate Assessment**

The closest European sites to the site of the development are River Suck Callows NHA/SPA (Site Code 000222/004097) which is located circa 0.3km to the south 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 has been traced relating to the subject 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 50 of Part 1 of Schedule 2: Exempted development - General**

Description of Development	Conditions and Limitations
<p><b>CLASS 50</b></p> <p>(a) The demolition of a building, or buildings, within the curtilage of—            (i) a house,            (ii) an industrial building,            (iii) a business premises, or            (iv) a farmyard complex.</p> <p>(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.</p>	<ol style="list-style-type: none"> <li>1. No such building or buildings shall abut on another building in separate ownership.</li> <li>2. The cumulative floor area of any such building, or buildings, shall not exceed:               <ol style="list-style-type: none"> <li>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</li> <li>(b) in all other cases, 100 square metres.</li> </ol> </li> <li>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</li> </ol>

**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 the demolition of the existing conservatory to the rear of the dwelling, with regard to the compliance with the conditions and limitations of Class 50 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. This area is not a standalone structure and therefore in ownership of the property.
2. Based on information received within the application the area to be demolished is less than 40m<sup>2</sup>.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the demolition of existing conservatory to the rear of the dwelling as described in this case is considered an exempted development.

The proposal includes the renovate & retrofit an existing 1970's dwelling. 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 renovate & retrofit an existing 1970's dwelling in Suckfield, Creagh, Ballinasloe, 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 50 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 demolition of the conservatory to rear of a dwelling house as described in this case is an exempted development.
- The proposed renovate & retrofit an existing 1970's dwelling as above 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 & retrofit an existing 1970's dwelling in Suckfield, Creagh, Ballinasloe, Co. Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.



**Signed:**

**Date:** 26<sup>th</sup> November 2024

Civil Technician



**Signed:**

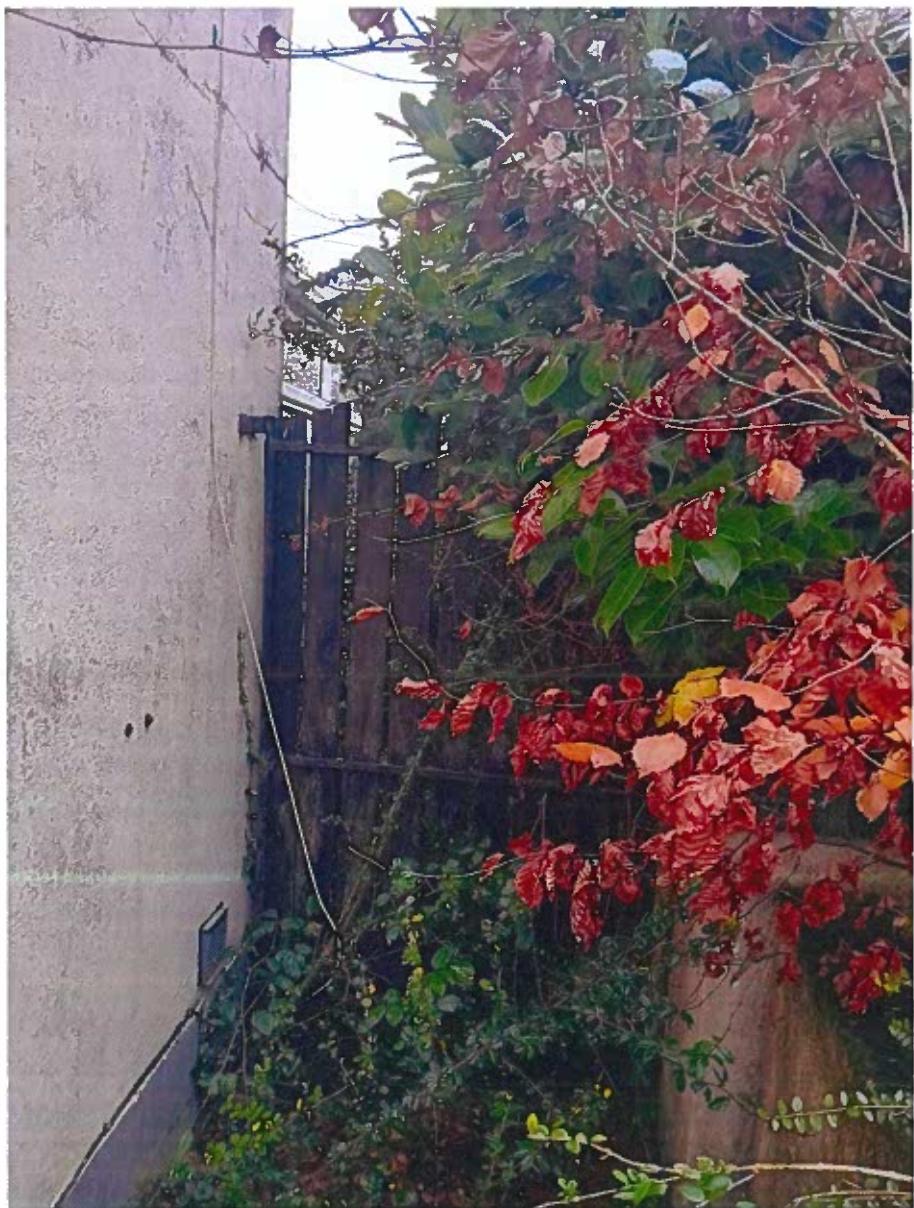
**Date:** 26<sup>th</sup> November 2024

Senior Executive Planner







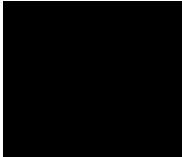




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Zoe Chohan,



Date: 30<sup>th</sup> October 2024  
Planning Reference: DED 788

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to renovate & retrofit an existing 1970's dwelling under the Planning & Development Act (Exempt Development) Regulations 2018 at Suckfield, Creagh, Ballinasloe, Co. Roscommon, H53C620.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 22<sup>nd</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. L01/0/231277 dated 29<sup>th</sup> October 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is DED 788  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
A/Senior Planner,  
Planning Department.

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

29/10/2024 12:36:37

Receipt No. L010/231277

ZOE CHOHAN



PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 788	

Total 80.00 EUR

Tendered:	
Credit/Debit Card	80.00
8408	

Change 0.00

Issued By: Bernadine Duignan  
From: Central Cash Office



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)	Zoe Chehan
Name of Agent	NIA
Nature of Proposed Works	Retrofit on 1970's Dwelling
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Suckfield Creaghe, Ballynasloe, Co. Roscommon H53 X622, Suckfield,
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>197.51 m<sup>2</sup></u> b) <u>188.51 m<sup>2</sup></u>
Height above ground level:	No changes -
Total area of private open space remaining after completion of this development	See Notes Please
Roofing Material (Slates, Tiles, other) (Specify)	Roof Tiles - No change



## Roscommon County Council

### Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No changes
Is proposed works located at front/rear/side of existing house.	All internal, with conservatory to rear being removed - See notes
Has an application been made previously for this site	Yes, via original owner
If yes give ref. number (include full details of existing extension, if any)	5328a, 5328b
Existing use of land or structure	Residential Dwelling - No change to purpose
Proposed use of land or structure	Residential Dwelling - No change
Distance of proposed building line from edge of roadway	No change.
Does the proposed development involve the provision of a piped water supply	No, already in place.
Does the proposed development involve the provision of sanitary facilities	No, already in place.

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

Signature: MCJ

Date: 22/9/24

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 Pack Map

Tailte  
Éireann



CENTRE COORDINATES:	587473,730157
PUBLISHED:	18/09/2024
ORDER NO.:	50423301_1
MAP SHEETS:	3296-D
MAP SERIES:	1:25000

COMPILED AND PUBLISHED BY

Taithi Éireann,  
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Dublin 8,  
Ireland.  
D08F6E4

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The representation on this map of a road, track or footpath is not evidence of the existence or a right of way.

- This topographic map does not show illegal property boundaries, nor does it show ownership of physical features.

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**LEGEND:**  
To view the legend visit  
[www.taike.ie](http://www.taike.ie) and search for  
"Large Scale Legend"

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured  
Output scale is not indicative of data capture scale  
Further information is available at:  
[www.taike.ie](http://www.taike.ie) search "Capture Resolution"

**OUTPUT SCALE: 1:2,500**

Metres  
0 25 50 75 100  
Feet  
0 50 100 150 200 250

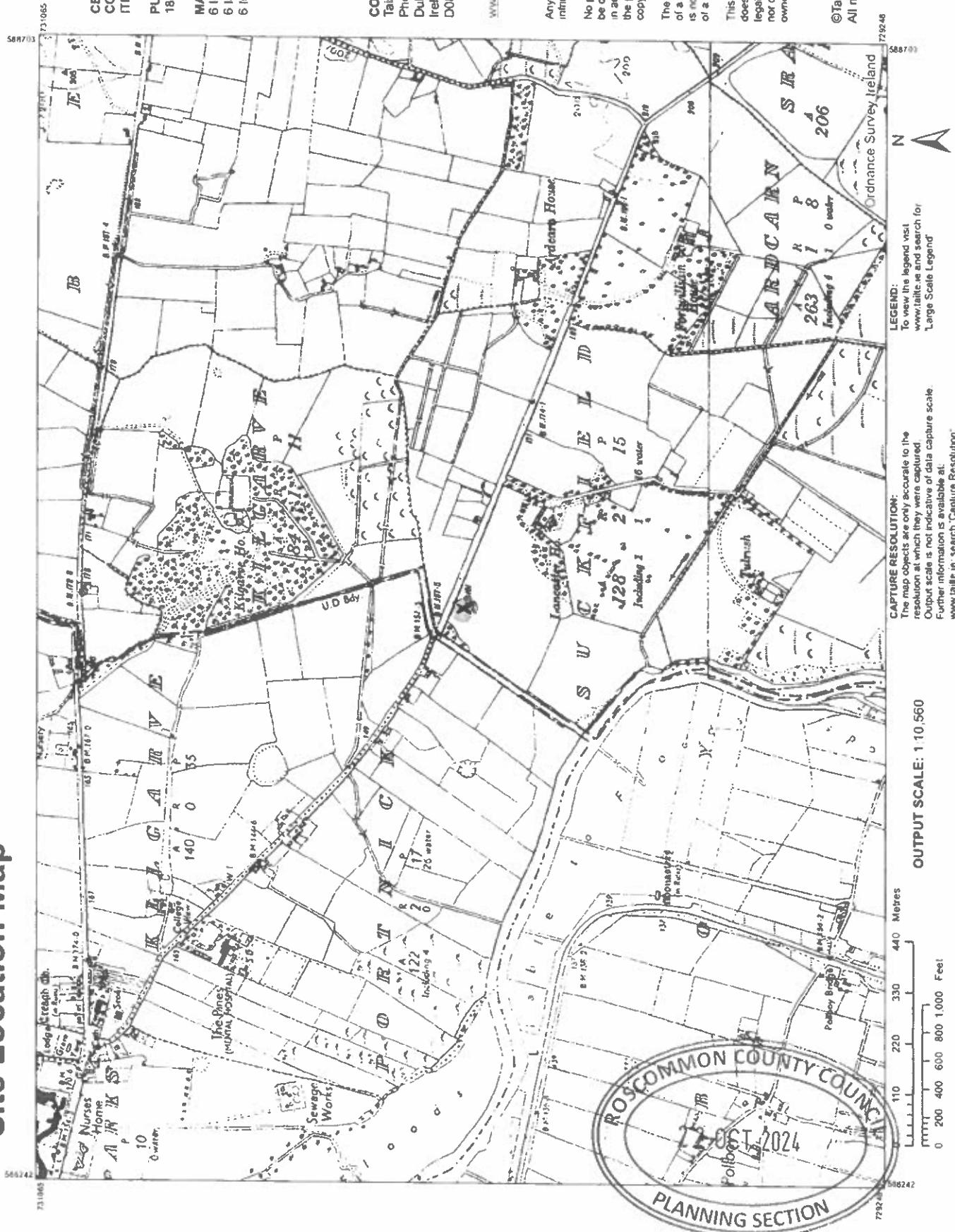
**LEGEND:** To view the legend visit [www.usatle.ie](http://www.usatle.ie) and search for Large Scale Legend

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured  
Output scale is not indicative of data capture scale  
Further information is available at:  
[www.dalite.ie/search/CaptureResolution](http://www.dalite.ie/search/CaptureResolution)

OUTPUT SCALE: 1:2 500

# Site Location Map

Tailte  
Éireann





To whom it may concern,

Ref:

Suckfield, Creagh, Ballinasloe, Co. Roscommon H53 C620

Please see attached and below as much information as I currently have regarding the property. I am applying for [REDACTED], so they have requested I complete this application. I did ask engineer to assist in helping, I have held off for now, as the price quoted for this help was not in my budget unfortunately. I have downloaded the maps and attached and explained as much information as I think is relative. My sincere apologies if I have not covered everything. For some parts of the form, I have said no changes as the proposed works relate mainly to the retrofit of the property.

If there is more info required, please let me know and I will do my best to clarify or supply what is needed and again apologises if I have not covered everything.

Thanks

Zoe Chohan

Information in relation to proposed works for 2<sup>nd</sup> hand dwelling:

- There is no extension or further development of the house planned for these works, this house will be getting a retrofit, along with repairs.
- Existing flat roof, to front of the house will be repaired with no changes to current way roof is built. As it is flat roof and vacant for several years, there is a leak that has caused damaged internally, so roof both internal and external to be repaired.
- Heating system is being upgraded from current oil central heating to air to water, inclusive of underfloor heating
- Full rewiring of the house.
- Conservatory to rear of the property, attached to the property, will be removed. No additions or replacements being made.
- One internal wall downstairs between 2 rooms, being removed and steel
- **Full details of works included in the builders document attached for reference.**



Zoe Chohan  
Ballinasloe.  
Co Galway

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**Re: Renovation to existing dwelling house and associated works**

**External.**

Take down link between house and garage and dispose.  
Take down conservatory and dispose.  
Clear out overgrown yard to front and rear and dispose.

**Internal**

Clear out house and dispose  
Take out all downstairs concrete floors, reduce levels and dispose  
Reinstate new 100mm concrete subfloor  
Fit 100mm polyiso floor insulation on DPM  
Pour new liquid floor screed on underfloor heating pipes  
Fit new Trocal roofing membrane on 75mm roof insulation on existing flat roof deck.  
All new metal flashings to perimeter of flat roof  
Strip ceiling beneath and insulate between joists with loft roll  
Reslab ceilings and finish  
Strip all windowboards and skirtings from external walls  
Dryline all external walls with 82mm gypthane board and finish  
Replace all doors upstairs and fit new skirting and window boards  
Block up back door and bath window and make good  
Change stud in bathroom for new shower and make good  
Prop floor and wall above and take out wall between kitchen and living area





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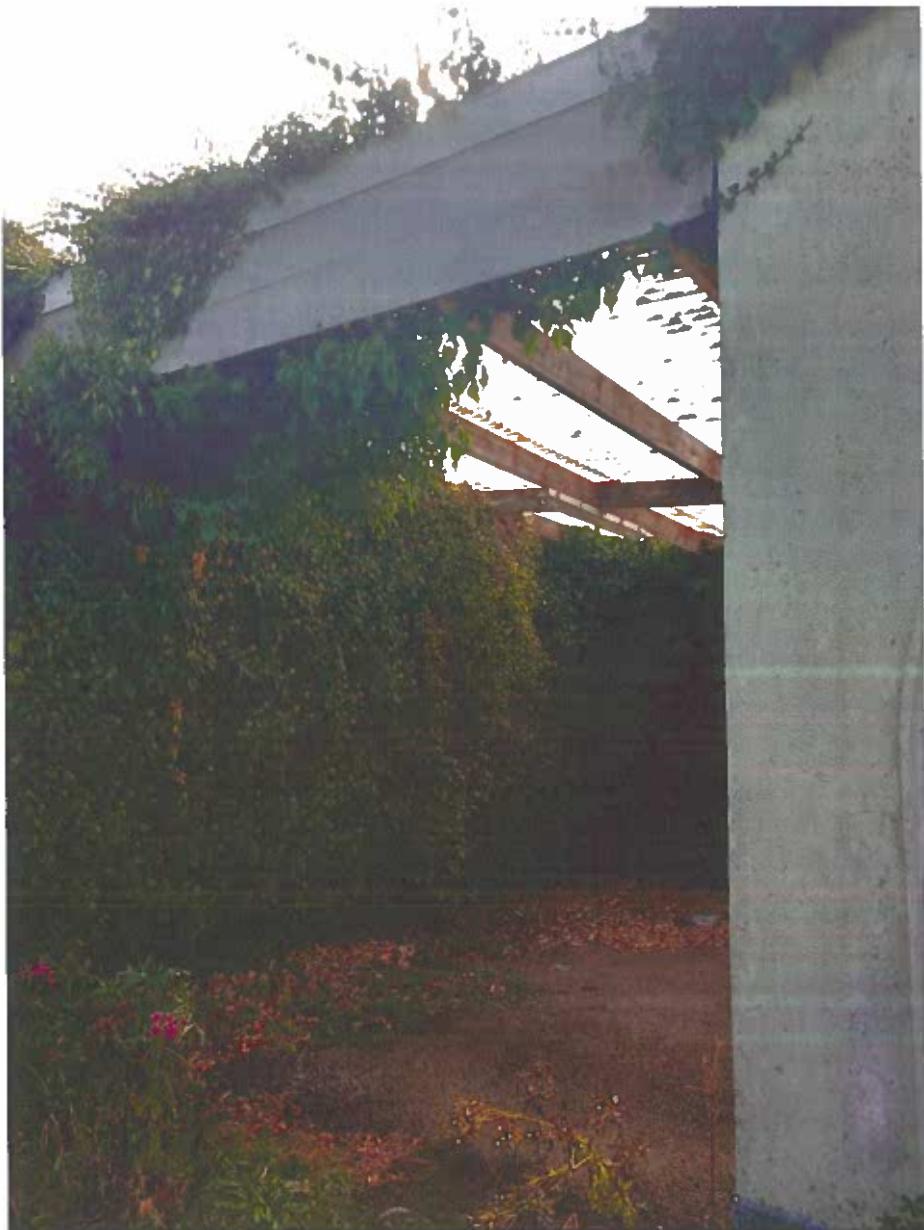
Fit 254 x 102 x 28kg Steel RSJ and make good.  
Contract clean upon completion  
Undertake relevant health and Safety role  
Full builders All Risk insurance

Heating and plumbing  
Rewire Electrics



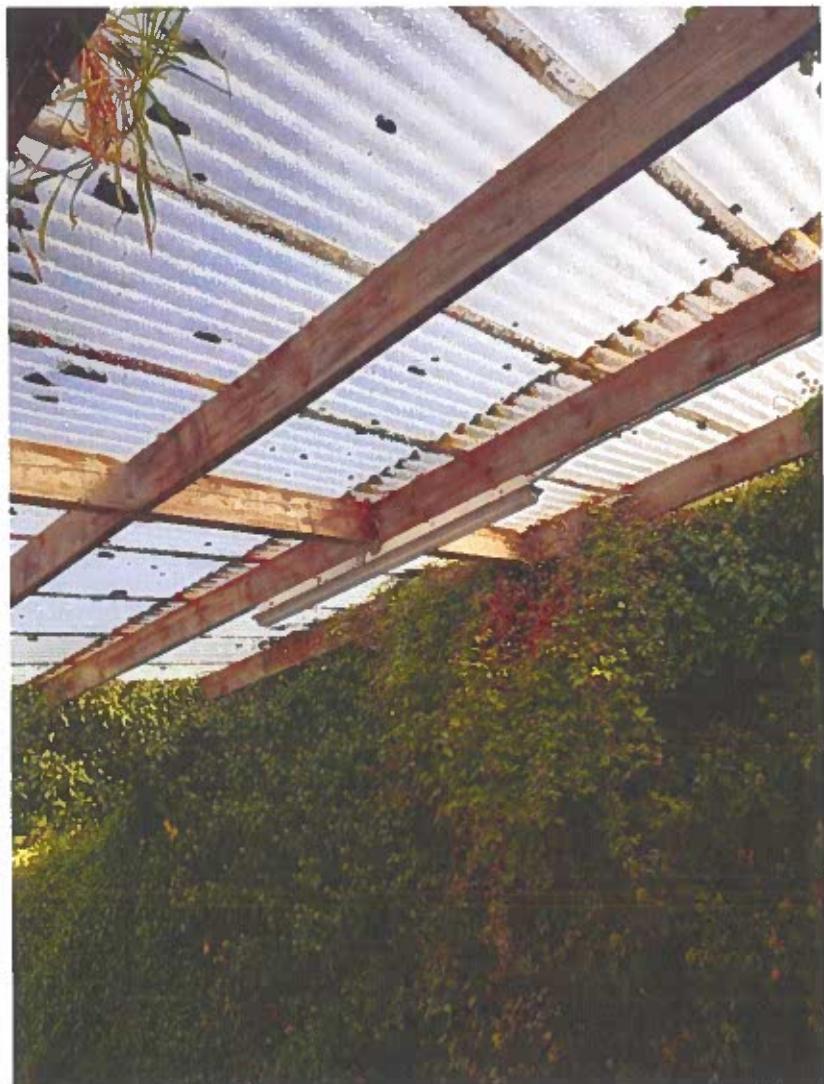
Area 1-'Link' being removed:

**Picture 1**-this is front of house, the 'link' is along the side of house, going towards the rear of house.



**Picture 2:**

Shows the 'canopy' that is in place at moment, more like an area of shelter for want of a better term. In okay condition but not needed.



**Area 2: Removal of conservatory.**

Picture1:-Shows internal view from living area that looks out to existing conservatory being removed. Conservatory is to the rear of the property.



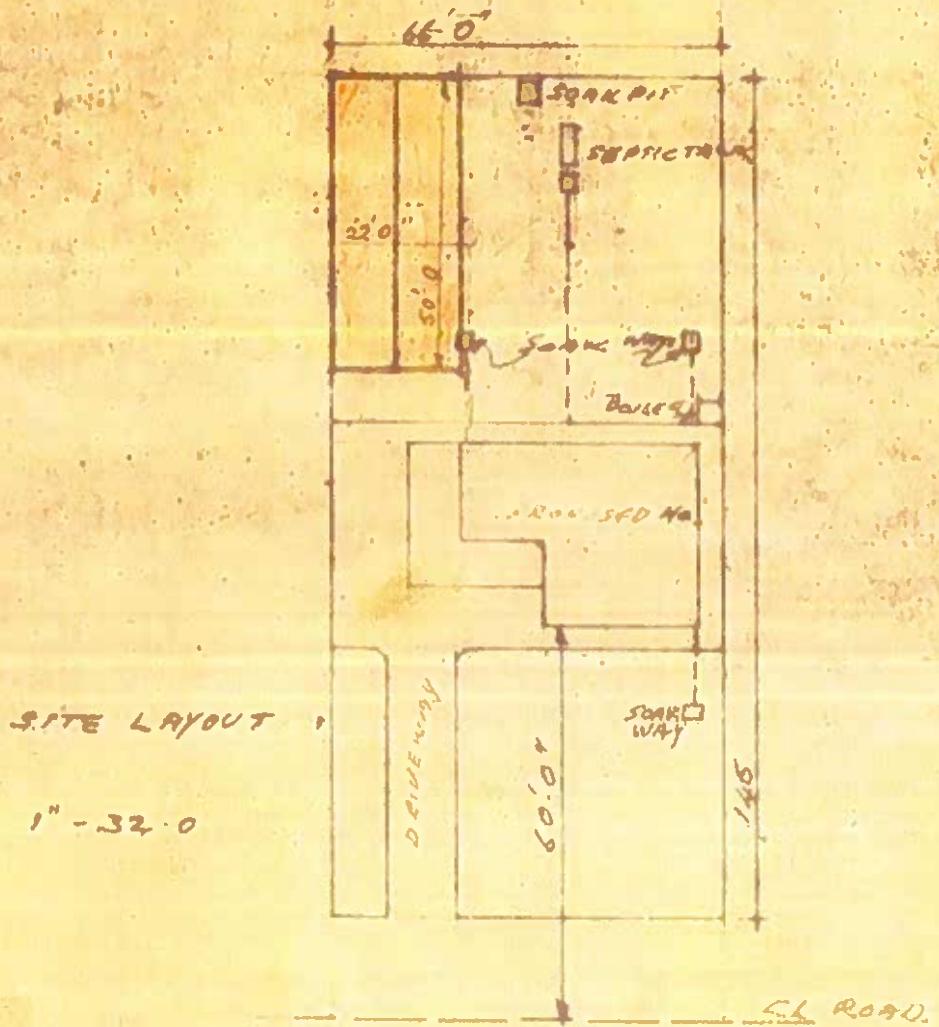
Pic 2-shows further internal view of conservatory itself:



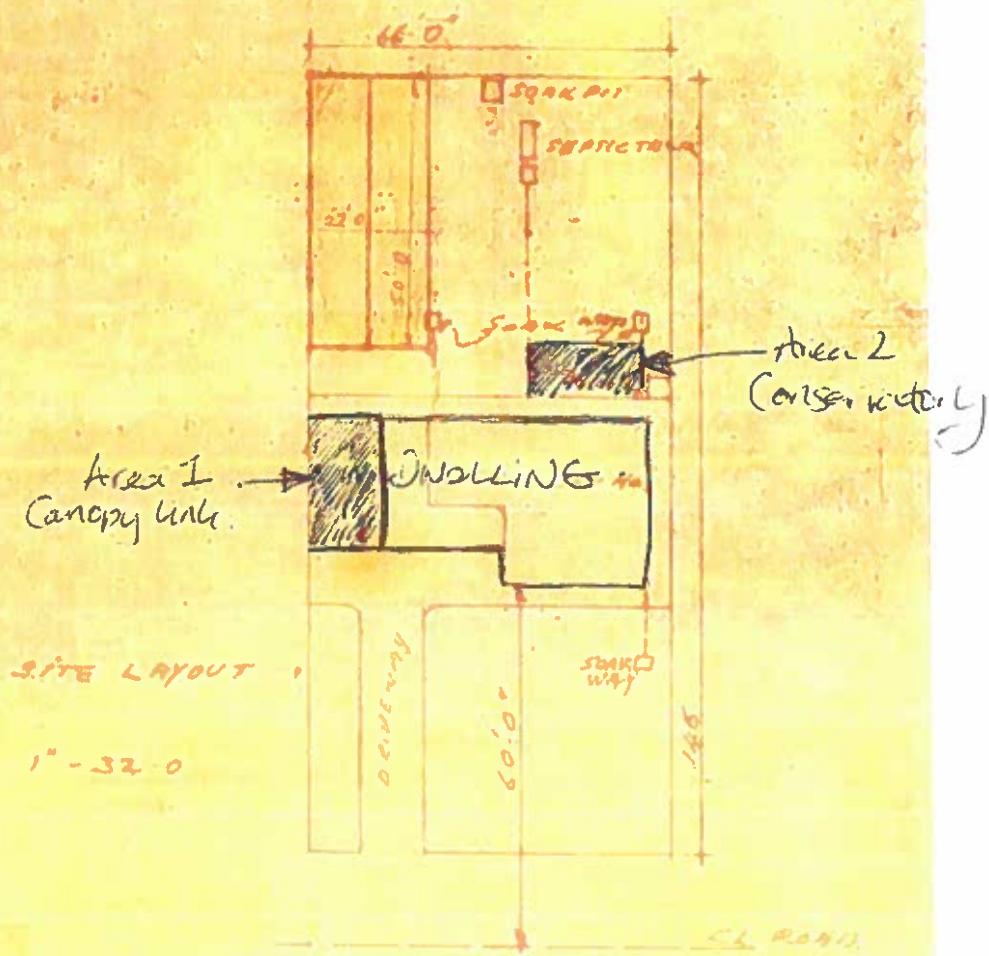
Picture 3 shows outside side view to show location of conservatory, again its in the garden to the rear of property. Only proposing removal, nothing further is being constructed in its place.

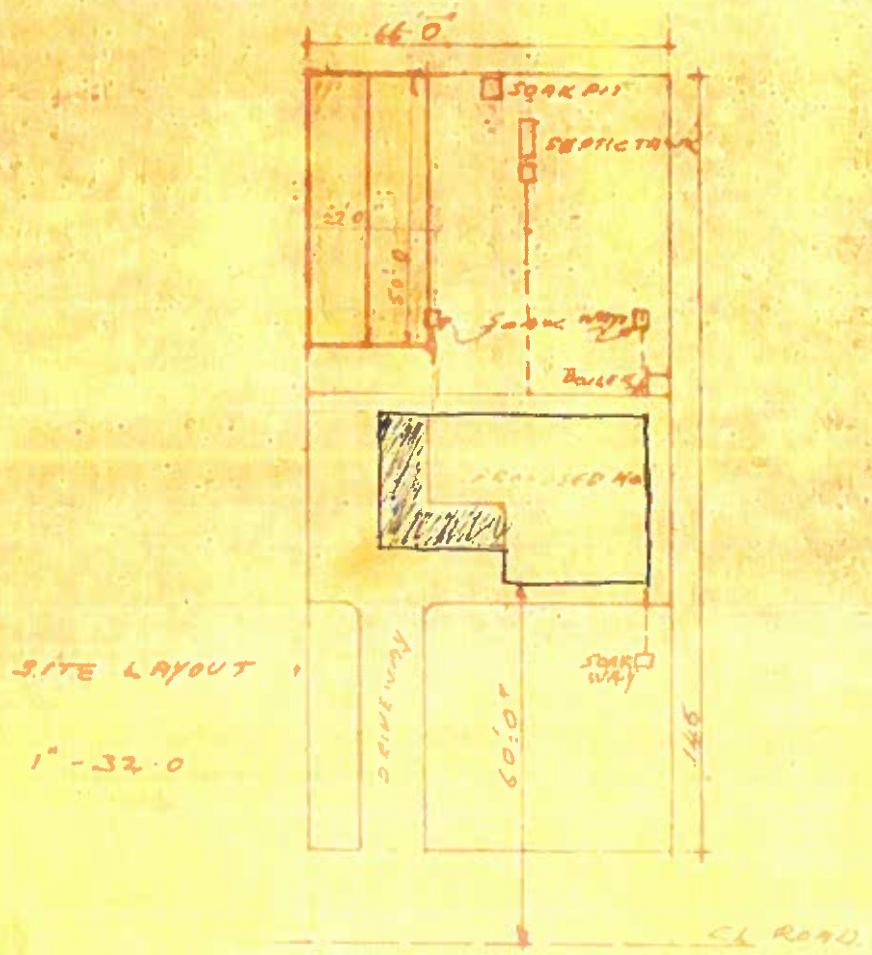


5328



53280





original site layout - wanted to show full dwelling.  
reason for the break in dwelling (ie - highlighted  
with shaded area) is shaded area has flat roof.

Site layout

## Carmel Curley

**From:** Zoe Chohan [REDACTED]  
**Sent:** Tuesday 22 October 2024 12:34  
**To:** Carmel Curley  
**Subject:** Re: Exempted Development-Vacant Home Grant App

Hi Carmel,

Hope all is well?

Please note measurement taken today for you are 4.15m(W) x 6.27m(L).

Thanks  
Zoe

On Wednesday, October 16, 2024 at 03:28:24 PM GMT+1, Zoe Chohan [REDACTED] wrote:

Okay I will be back to you as soon as I can.

Kr  
Zoe

On Wednesday, October 16, 2024 at 02:46:00 PM GMT+1, Carmel Curley <ccurley@roscommoncoco.ie> wrote:

Hi Zoe,

Unfortunately we need the exact measurements and then once the application is validated an application number will be assigned and the fee can be paid, at that stage the process will commence.

It is the Housing Department you will need to contact re inspection. The Planners will carry out their own site inspection once they are processing your application.

Regards,

Carmel

**From:** Zoe Chohan [REDACTED]  
**Sent:** Wednesday 16 October 2024 13:56  
**To:** Carmel Curley <CCurley@roscommoncoco.ie>  
**Subject:** Re: Exempted Development-Vacant Home Grant App



## Carmel Curley

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**From:** Carmel Curley  
**Sent:** Monday 14 October 2024 13:31  
**To:** Zoe Chohan  
**Subject:** RE: Exempted Development-Vacant Home Grant App  
**Attachments:** Site Layout Plan.pdf

Hi Zoe,

Would you be able to provide the dimensions of the area covered by the 'canopy area' as referenced on the attached site layout plan.

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**



**From:** Zoe Chohan [REDACTED]  
**Sent:** Friday 11 October 2024 09:48  
**To:** Carmel Curley <CCurley@roscommoncoco.ie>  
**Subject:** Re: Exempted Development-Vacant Home Grant App

Hi Carmel,

Hope all is well?

Apologise on delay. I have 4 attachments:

1. The original site layout plan from original plans, nothing marked (screenshot for archive files)
2. The original site layout with dwelling highlighted on its own, purely did this as there is a line break on dwelling on plans, but this is just showing the smaller section (shaded area) is not 2 storey and is flat roofed - you guys probably know this as you are looking at them all the time but just incase.
3. The original site layout plan, with 2 areas being queried, ie. removal of link (Area 1) and conservatory (Area 2)
2. Current pics of both areas where we are proposing removals.

I really hope this is sufficient, if more info needed let me know. Eager to get closed off so I can get reference over to Vacant Grant office for inspection date to be booked in.

As mentioned trying to avoid engineer costs where possible but if attached not sufficient let me know and I will see what I can do to help clear anything up.

Thanks for your help.

