

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

John & Gearoid Kearney,

Reference Number: DED 789
Application Received: 25th October 2024
Name of Applicants: John & Gearoid Kearney
Agent: N/A

WHEREAS a question has arisen as to whether the construction of a 40m² extension to the rear and the refurbishment of an existing dwelling with works including 1) new internal layout; 2) replace windows & doors; 3) re-wiring & 4) re-plumbing at Bushfield Td, Castleplunkett, Co. Roscommon, 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 1 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 extension to the front of a dual aspect dwelling house as described in this case is **not exempted development**.
- (c) The proposed refurbishment of existing dwelling house 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 construct a 40m² extension to the rear and refurbish an existing dwelling with works including 1) new internal layout; 2) replace windows & doors; 3) re-wiring & 4) re-plumbing at Bushfield Td, Castleplunkett, Co. Roscommon, is a split decision with the proposed extension **not exempted development** and the proposed refurbishment of an existing dwelling **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: 2ND December 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 789
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development of permission to construct a 40m ² extension to the rear and refurbish an existing dwelling with works including 1) new internal layout; 2) replace windows & doors; 3) re-wiring & 4) re-plumbing.
Name of Applicant:	John & Gearoid Kearney
Location of Development:	Bushfield, Castleplunkett, Co. Roscommon.
Site Visit:	28/11/2024

WHEREAS a question has arisen as to whether the following works; to construct a 40m² extension to the rear and refurbish an existing dwelling with works including 1) new internal layout; 2) replace windows & doors; 3) re-wiring & 4) re-plumbing 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 1 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 Bushfield, Castleplunkett, Co. Roscommon and is accessed off the L-6521 road. As you enter the site from the road the first two structures are two outbuildings of agricultural use, behind these buildings is a two story gabled roof derelict house with what seems to be part pitched roof part flat roof extension to the front of the house as you approach from the public road and site entrance. With regard to the orientation of the house in relation to the L-6521 road, its northern (front) elevation is presented to the public road.

The proposed works involve the demolition of an existing extension to the front and construction of a new extension to the front of the dual aspect dwelling as you see it from the site entrance, re-furbish the house which includes new doors and windows 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 Carrowreagh Turlough PNHA (Site Code 001624) which is located circa .5km to the west, Brierfield Turlough PNHA (Site Code 000594) which is located circa 2km to the north east and Shad Lough PNHA (Site Code 001648) which is located circa 2.4km to the north east 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 1 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p>CLASS 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<ol style="list-style-type: none"> 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres. 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres. 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary. 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house. (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling. 5. 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. 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. 388 (c) Where the house is detached and the floor area of the extension above ground level exceeds 12

	<p>square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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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.

When viewed from the public road, albeit that is to the rear of the existing agricultural sheds (one of which was possibly a former dwelling) the elevation to which the proposed extension would abut has the appearance of a front elevation with the extension to the road ward side. While the rear (southern) elevation from this orientation has the appearance (architectural language rather than aspect) of a façade elevation it could not be objectively argued that this design detail renders the northern elevation which is presented to the public road to the north the rear but rather that the existing dwelling has dual aspect characteristics (i.e. northern aspect is front elevation, southern elevation also has the appearance of front elevation due to architectural detailing). The proposed development of an extension to the front of a dwelling house which, it is stated as having floor space of 40m². Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the extension to front of a dual aspect house as described in this case is considered not an exempted development.

The proposal includes refurbishment of existing dwelling house. 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 construct a 40m² extension to the rear and refurbish an existing dwelling with works including 1) new internal layout; 2) replace windows & doors; 3) re-wiring & 4) re-plumbing in Bushfield, Castleplunkett, 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 1 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 extension to the front of a dual aspect dwelling house as described in this case is **not an exempted development**.
- The proposed refurbishment of existing dwelling house 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 construct a 40m² extension to the rear and refurbish an existing dwelling with works including 1) new internal layout; 2) replace windows & doors; 3) re-wiring & 4) re-plumbing in Bushfield, Castleplunkett, Co. Roscommon is a split decision with the proposed extension not an exempted development and the proposed refurbishment of existing dwelling house an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 02nd December 2024

Civil Technician

Signed:



Date: 02nd December 2024

Senior Executive Planner











Comhairle Contae
Ros Comáin
Roscommon
County Council



John & Gearoid Kearney,


Date: 31st October 2024
Planning Reference: DED 789

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to construct a 40m² extension to the rear and refurbish an existing dwelling with works including 1) new internal layout; 2) replace windows & doors; 3) re-wiring & 4) re-plumbing under the Planning & Development Act (Exempt Development) Regulations 2018 at Bushfield Td, Castleplunkett, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 25th 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. **L01/0/231306** dated 30th October 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 789**
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

30/10/2024 12:33:22

Receipt No : L01/0/231306

JOHN & GEAROID KEARNEY

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED788

Total : 80.00 EUR

Tendered :
Cheque 80.00
000104

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council



Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	John & Gearoid Kearney
Name of Agent	N/A
Nature of Proposed Works	<ul style="list-style-type: none"> • Refurbishment of existing house • Construct extension to rear of house measuring 40m² floor area
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	OS No. 28:13
Floor Area: a) Existing Structure without existing extension b) Proposed Structure including new extension	a) <u>60m²</u> b) <u>100m²</u>
Height above ground level:	300mm
Total area of private open space remaining after completion of this development	1.036ha
Roofing Material (Slates, Tiles, other) (Specify)	Slates

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	Derelict house
Proposed use of land or structure	Refurbish house
Distance of proposed building line from edge of roadway	31m
Does the proposed development involve the provision of a piped water supply	No - existing
Does the proposed development involve the provision of sanitary facilities	No - existing

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

Signature:

John Kearney

Date:

16-10-2024

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



LIST OF PROPOSED WORKS – John & Gearoid Kearney

1. **New Extension to rear of house**
2. **New internal layout to existing house**
3. **Replace existing windows and doors**
4. **Re-wire existing house**
5. **Re-plumb existing house**

THIS IS A COMPUTER GENERATED MAP

25 OCT 2017 580164.000

PLANNING SECTION



775089.000

579728.000

BushfieldTd.

774501.000

PRA Compliant Map

Client J Kearney

Scale 1 : 2500

Gearoid Kearney- Site Layout



Key Notes

The property is situated on a site of 0.11 hectares, on lands owned of 1.01 hectares

Site Coordinates 53.722593, -8.304871

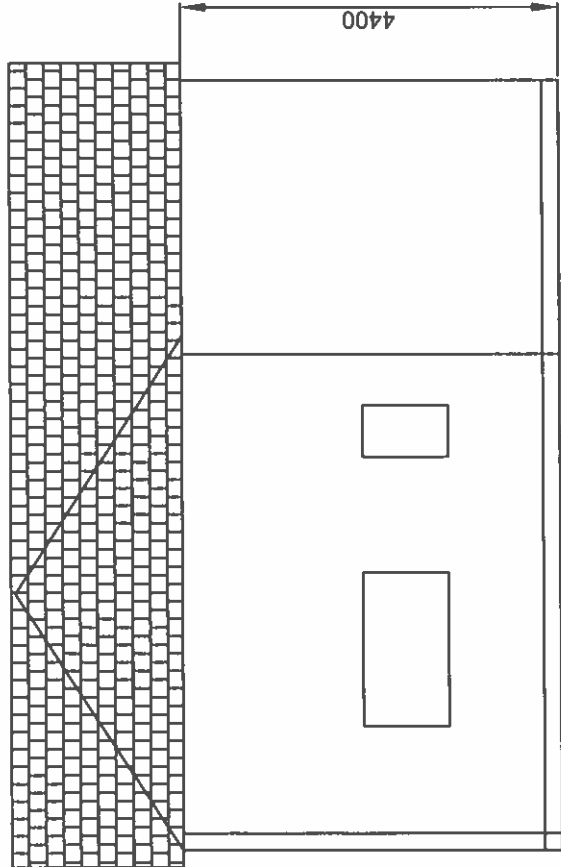
The site is on the corner of single lane Local roads between Bushfield and Ballynahaglish.

Mature hedging surrounds the lands owned along the boundary approx 1.5 to 2m in height.

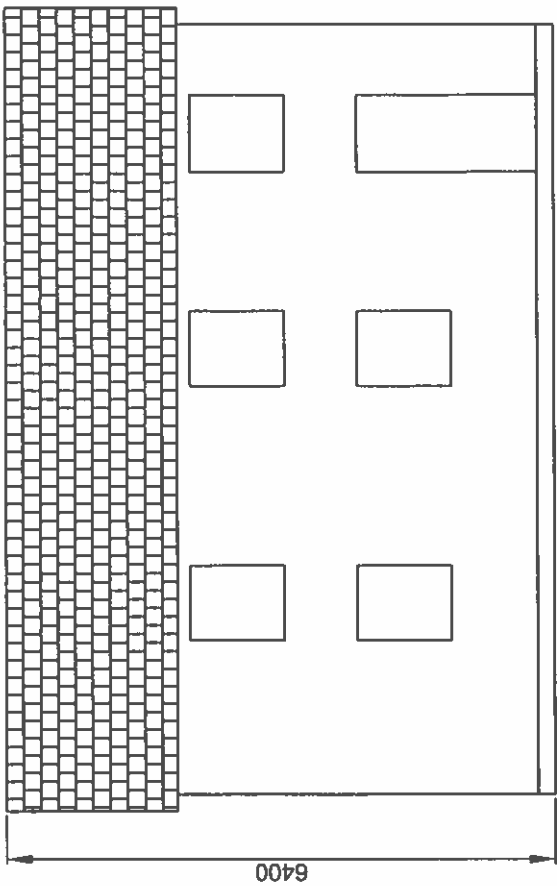
There are 2 access points to the property to the north.



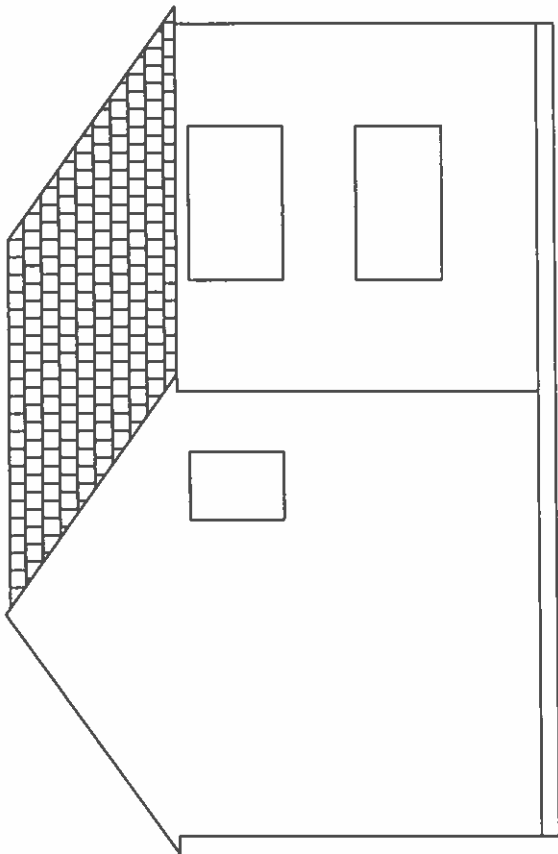
Gearoid Kearney House - Proposed Elevations



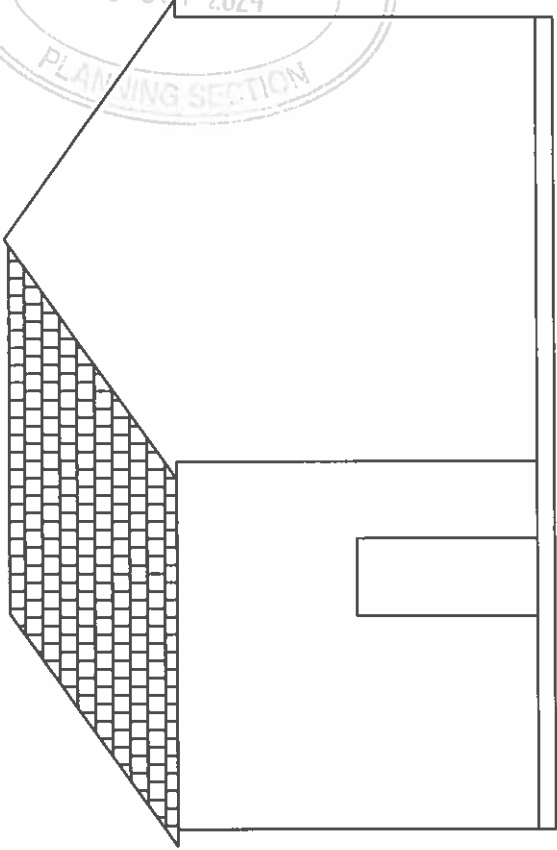
NORTH / REAR ELEVATION



SOUTH / FRONT ELEVATION



EAST / SIDE ELEVATION

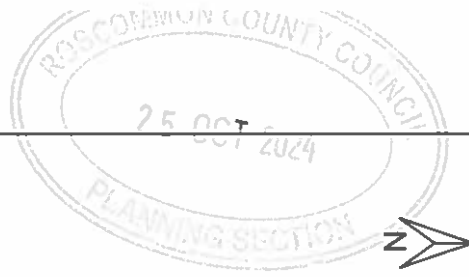
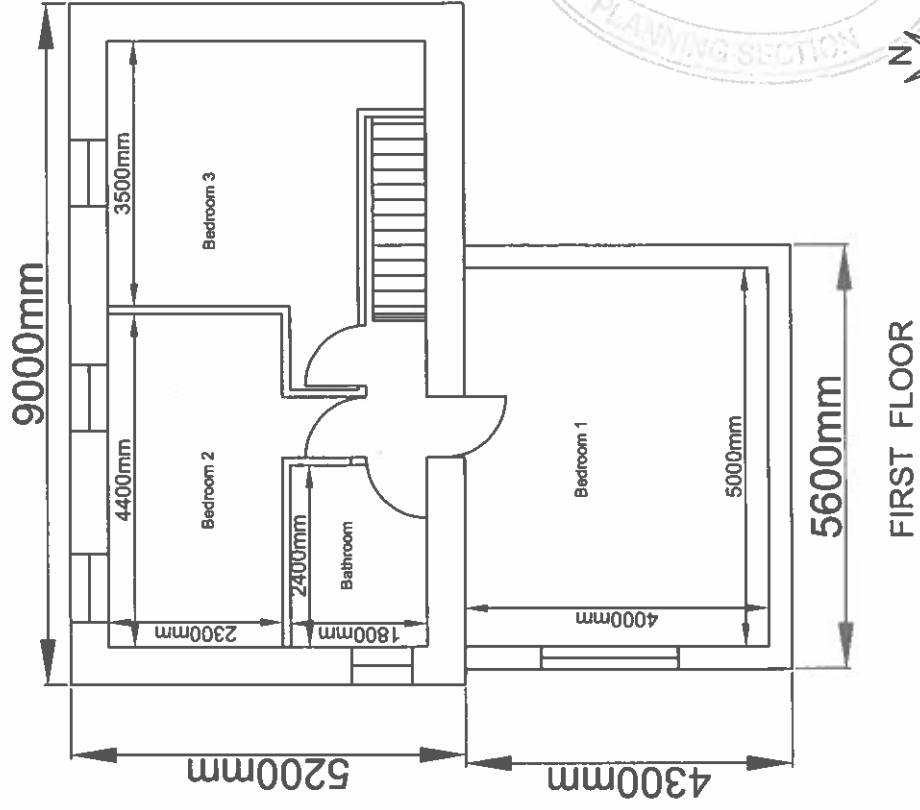
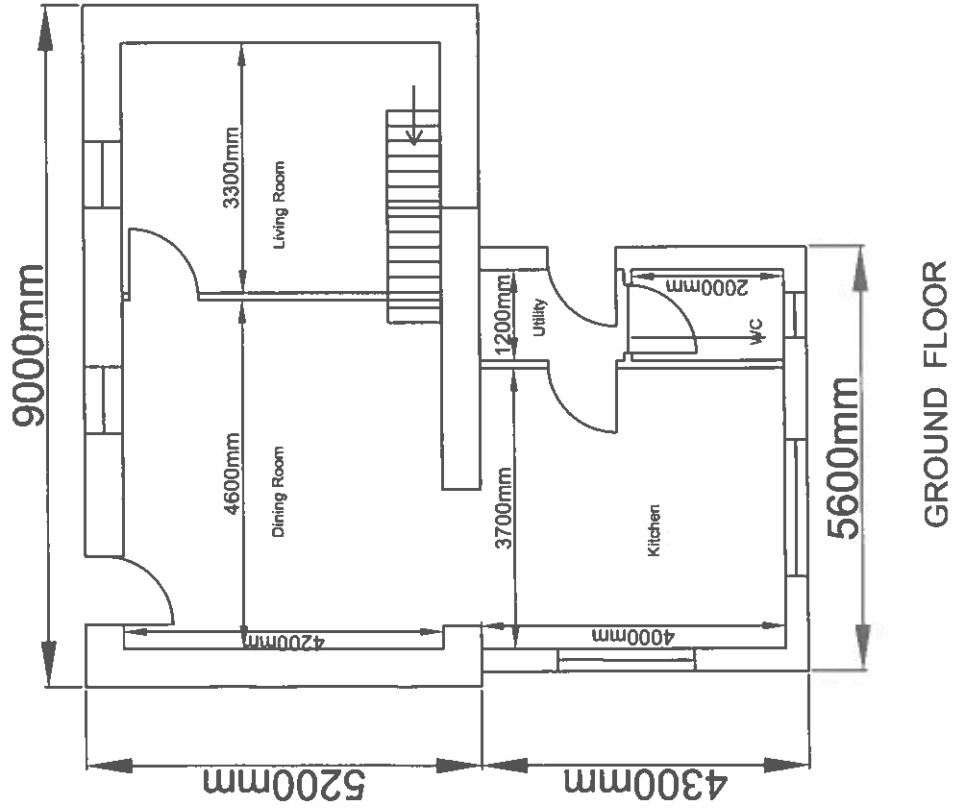


WEST / SIDE ELEVATION

SCALE 1:100

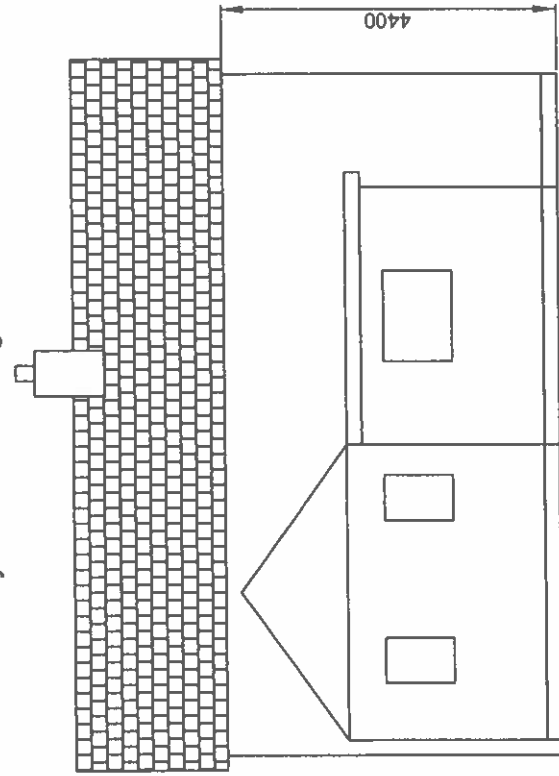


Gearoid Kearney House - Proposed Floor plans

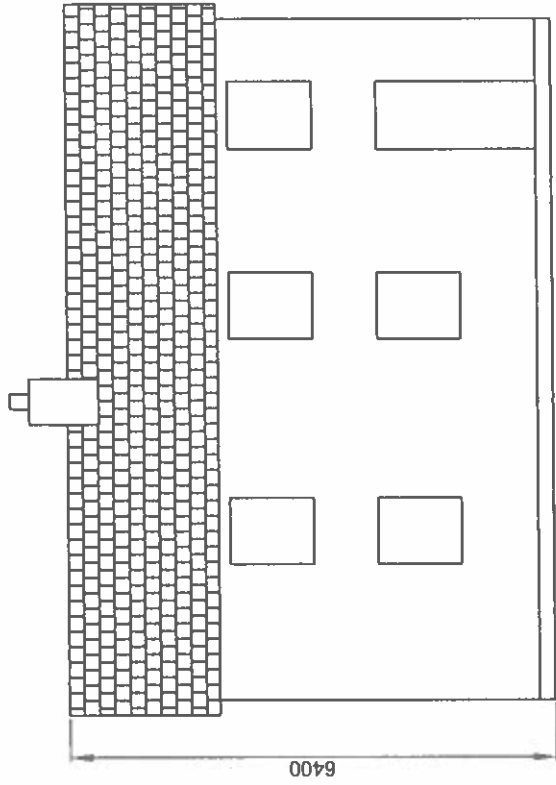


SCALE 1:100

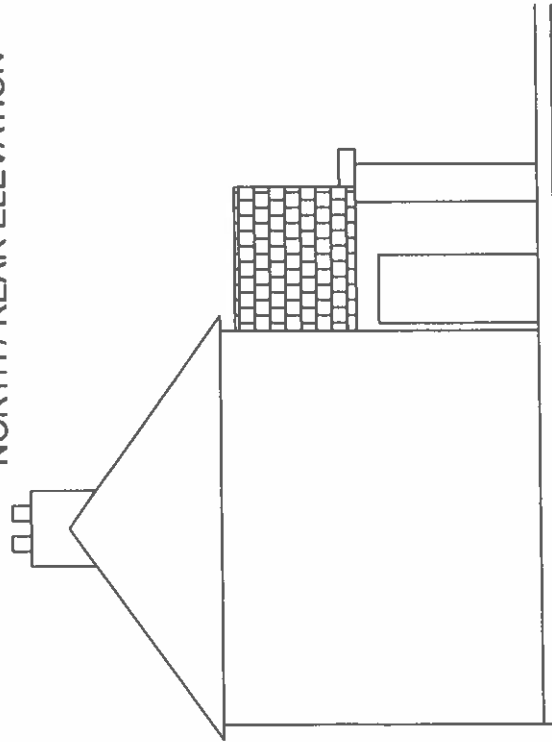
Gearoid Kearney House - Existing Elevations



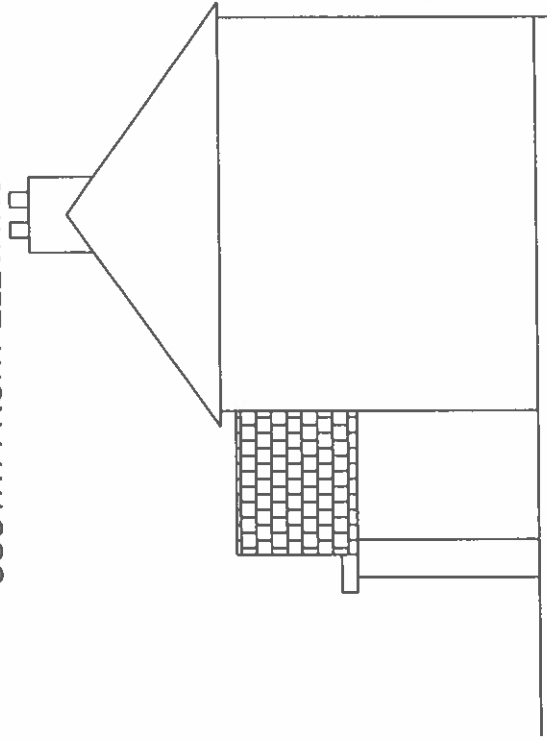
NORTH / REAR ELEVATION



SOUTH / FRONT ELEVATION



EAST / SIDE ELEVATION

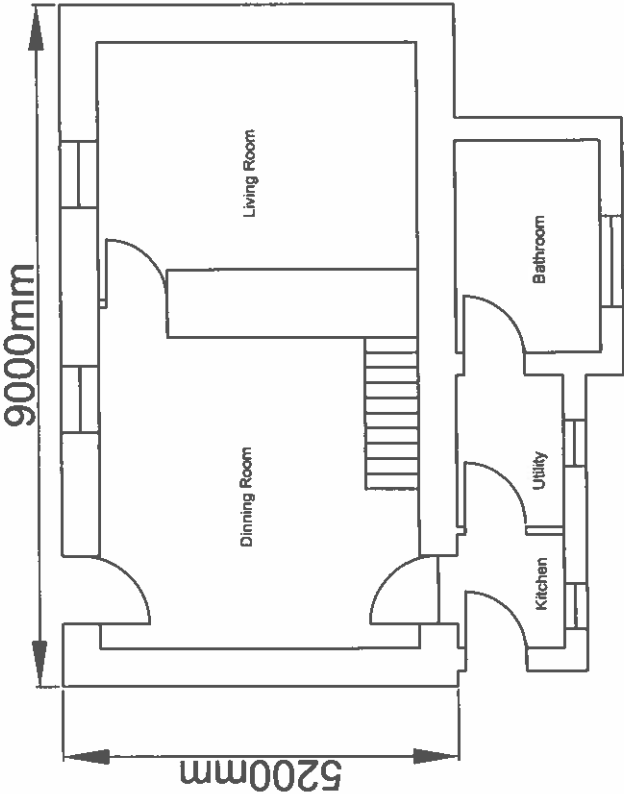


WEST / SIDE ELEVATION

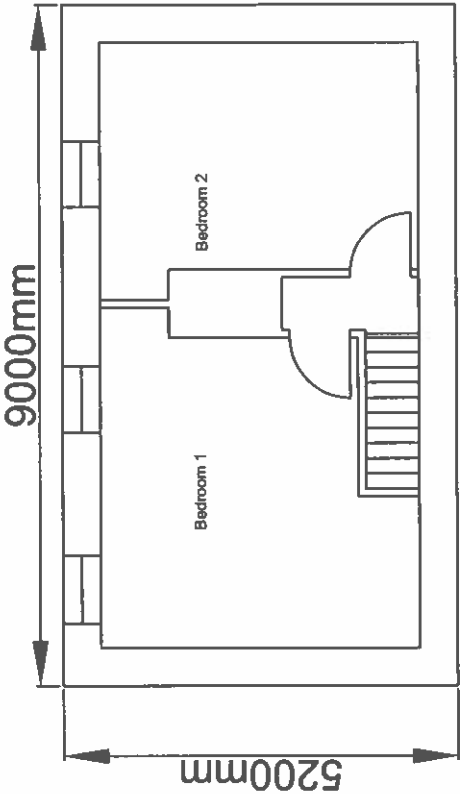
SCALE 1:100



Gearoid Kearney House - Existing Floor plans



GROUND FLOOR



FIRST FLOOR



SCALE 1:100

25 OCT 2024
PLANNING




Gearoid Kearney



CERTIFICATE OF REGISTRATION

Reference ID: 

Registration number:	
Date of registration:	26/08/2024
Registered to:	Gearoid Kearney
Registered address:	Bushfield, Castleplunket, Co. Roscommon, A12 B345
Water services authority:	Roscommon County Council

Issued under the Water Services Act 2017.

This document certifies that the domestic wastewater treatment system connected to a property at the aforementioned address, and registered to the aforementioned owner, has been included on the Domestic Wastewater Treatment Systems register.

Please retain this document.

- You may be requested to present this document to an authorised person appointed by the water services authority.
- When selling or transferring ownership of your property please provide a copy of this certificate to the new owner. The new owner will be responsible for notifying the water services authority above of the change in ownership. For more information on change of ownership please visit www.protectourwater.ie.