

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

**Peter O'Connor,**

**Reference Number: DED 795**  
**Application Received: 4<sup>th</sup> November 2024**  
**Name of Applicant: Peter O'Connor**  
**Agent: James Lohan Consulting Engineers Ltd**

**WHEREAS** a question has arisen as to whether the refurbishment of a derelict house works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3) upgrade the entire plumbing & heating system; 4) install new flooring; 5) re-slate the roof; 6) complete second fix carpentry, paint & internal decoration & 7) construct a 40sqm extension for a new kitchen and dining room at Bellacagher, Ballymoe, 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, 5, 6 and 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 extension to rear of a dwelling house as described in this case is an exempted development.
- (c) The proposed construction of a 1.2m high timber post and rail boundary fence around the existing dwelling as described in this case is considered an exempted development.
- (d) The construction of a driveway for the existing dwelling as described in this case is considered an exempted development.
- (e) The proposed demolition of the existing extension to the rear of the dwelling as described in this case is an exempted development.
- (f) The proposed refurbishment of the derelict 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;*
- (g) 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 refurbish a derelict house works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3) upgrade the entire plumbing & heating system; 4) install new flooring; 5) re-slate the roof; 6) complete second fix carpentry, paint & internal decoration & 7) construct a 40sqm extension for a new kitchen and dining room at Bellacagher, Ballymoe, 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: 15<sup>th</sup> January 2025

cc agent via email: James Lohan Consulting Engineers Ltd  
[james@jlce.ie](mailto:james@jlce.ie)

**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

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**From:** Carmel Curley  
**Sent:** Thursday 16 January 2025 09:24  
**To:** James Lohan  
**Cc:** Camila Zen  
**Subject:** DED795 - Notification of Decision  
**Attachments:** DED 795 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 795 for Peter O'Connor. Please note that a hard copy will be issued to the applicant.

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 795
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to refurbish derelict house and add a small extension under 40sqm.
<b>Name of Applicant:</b>	Peter O'Connor
<b>Location of Development:</b>	Bellacagher, Ballymoe, Co. Roscommon
<b>Site Visit:</b>	13/01/2025

**WHEREAS a question has arisen as to whether the following works; to refurbish derelict house and add a small extension under 40sqm 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, 5, 6 and 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 Bellacagher, Ballymoe, Co. Roscommon and is accessed off the L-6629 road. The site contains a single story dwelling house with a small flat roof extension to the rear/side that appears will be demolished in order to construct the proposed extension. The site has existing boundaries on three sides and is open to an active farmyard on the south side, it is assumed based on the site layout drawing provided a boundary will be formed on this side as part of this application. The proposed works include the following:

- Demolish existing extension to the rear/side of the existing house.
- Construct a new larger extension to the rear/side of the existing house.
- Indicated on site layout plan and site inspection to construct a new fence/boundary on the south side of the site.
- Indicated on site layout plan and site inspection to construct a new/upgrade the driveway to the front and side of existing house.
- Re-slate the roof
- Existing door to be replaced with a window on the south elevation.
- Various internal works including strip out and rebuild existing walls, floors and ceiling, upgrade plumbing and heating system.

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 Newtown Turlough PNHA (Site Code 001646) which is located circa 4.4km to the northwest and Corliskea/Trien/Cloonfelliv Bog PNHA/SAC (Site Codes 002110) which is located circa 5.5km to the northeast 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
<i>Development within the curtilage of a house</i>  <b>CLASS 1</b>  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>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>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</p>

	<p>use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(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 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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#### Class 5 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<p><b>CLASS 5</b></p> <p>The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<p>1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</p> <p>2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</p> <p>3. No such structure shall be a metal palisade or other security fence.</p>

#### Class 6 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<p><b>CLASS 6</b></p> <p>a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</p> <p>(b) Any works within the curtilage of a house for—</p> <p>(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,</p> <p>(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.</p>	<p>The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p> <p>Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,</p> <p>or</p> <p>if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.</p>

## 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—</p> <p>(i) a house,</p> <p>(ii) an industrial building,</p> <p>(iii) a business premises, or</p> <p>(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>	<p>1. No such building or buildings shall abut on another building in separate ownership.</p> <p>2. The cumulative floor area of any such building, or buildings, shall not exceed:</p> <p>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</p> <p>(b) in all other cases, 100 square metres.</p> <p>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</p>

### 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 an extension to the rear/side of a dwelling house which, it is stated as having floor space of 40m<sup>2</sup>.

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

1. a. Proposed work is stated as 40m<sup>2</sup>.
- b. Proposed extension is on ground floor only, therefore N/A.
- c. Proposed work is only on ground floor level.
2. Following FI received previous extension is stated as been built in 1960 and is under the footprint of the proposed extension and is to be demolished, therefore N/A.
3. Proposed work is only on ground floor level.
4. a. Rear wall does not exceed this height.
- b. Rear wall does not exceed this height.
- c. Roof height of extension is not higher than the existing house.
5. Extension does not reduce the open space to less than 25m<sup>2</sup>
6. a. Windows are greater than 1m from the boundary it faces.
- b. Proposed work is only on ground floor level.
- c. Proposed work is only on ground floor level.
7. Existing house is single story and no access is indicated.



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 rear/side of a dwelling house as described in this case is considered an exempted development.

The proposed development to construct a 1.2m high timber post and rail boundary fence around the existing dwelling, with regard to the compliance with the conditions and limitations of Class 5 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Following FI received the fence is to be 1.2m high on 3 sides of the property and the existing wall along the road side.
2. N/A as proposed fence is timber post and rail.
3. N/A as proposed fence is timber post and rail.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a 1.2m high timber post and rail boundary fence around the existing dwelling as described in this case is considered an exempted development.

The proposed development to construct a driveway for the existing dwelling, with regard to the compliance with the conditions and limitations of Class 6 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Following FI response the proposed levels will not be altered by more than 1m from existing levels.
2. Following FI response the proposed driveway is made up of permeable stone chippings and a soak pit is to be provided on site.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 6 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a driveway for the existing dwelling as described in this case is considered an exempted development.

The proposed development of the demolition of the existing extension 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 the review of documents provided the area for demolition which forms part of the dwelling house is 10.8m<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 extension to the rear of the dwelling as described in this case is considered an exempted development.

The proposal includes the renovation of an existing 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 refurbish derelict house and add a small extension under 40sqm in Bellacagher, Ballymoe, 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, 5, 6 and 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 extension to rear of a dwelling house as described in this case is an exempted development.
- The proposed construction of a 1.2m high timber post and rail boundary fence around the existing dwelling as described in this case is considered an exempted development.
- The construction of a driveway for the existing dwelling as described in this case is considered an exempted development.
- The proposed demolition of the existing extension to the rear of the dwelling as described in this case is an exempted development.

- The proposed refurbishment of the derelict 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 refurbish derelict house and add a small extension under 40sqm in Bellacagher, Ballymoe, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant



**Signed:**

**Date:** 15<sup>th</sup> January 2025

Civil Technician



**Signed:**

**Date:** 15<sup>th</sup> January 2025

Senior Executive Planner

## Carmel Curley

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**From:** Camila Zen <camila@jlce.ie>  
**Sent:** Tuesday 14 January 2025 16:26  
**To:** Carmel Curley  
**Cc:** James Lohan  
**Subject:** Re: DED795 - Peter O'Connor  
**Attachments:** Peter FI Response.docx; DED 795 - FI -Site Layout.pdf

Dear Carmel,

I hope this email finds you well.

Please find attached the response to the Further Information Request for DED Application 795 on behalf of Peter O'Connor. Should you require any additional information or clarification, please do not hesitate to contact me.

Thank you for your attention to this matter.

Kind regards,  
Camila

**Camila Zen, Designer**

*B.Arch (Hons)*

**James Lohan Consulting Engineer Ltd,**

Unit 5, Ballypheason House, Circular Road  
Roscommon F42 C982  
Ph: 090 663 4365

E: [camila@jlce.ie](mailto:camila@jlce.ie)

Web: [www.jlce.ie](http://www.jlce.ie)



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**From:** Carmel Curley <CCurley@roscommoncoco.ie>

**Sent:** Tuesday, January 14, 2025 1:50:07 PM

**To:** James Lohan <james@jlce.ie>

**Subject:** DED795 - Peter O'Connor

A Chara,

Please find attached Further Information Request Letter for DED Application 795 for Peter O'Connor.

Regards,

Carmel

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

**RESPONSE TO FURTHER INFORMATION**

**Ref: DED 795**

**Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development. WHEREAS a question has arisen as to whether the refurbishment of a derelict house works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3) upgrade the entire plumbing & heating system; 4) install new flooring; 5) re-slate the roof; 6) complete second fix carpentry, paint & internal decoration & 7) construct a 40sqm extension for a new kitchen and dining room at Bellacagher, Ballymoe, Co. Roscommon, is or is not development and is or is not exempted development.**

***Dear Planner***

We hereby response to the Further Information request dated 14th January 2025

1. State if the existing dwelling has been extended previously and if so confirm the floor area and year to which the extension was built, confirm that the area to the rear of the existing house is to be demolished in order to construct the proposed extension.

***Response : Rear Annex is mass concrete from 1960 and is being demolished.***

2. Confirm if it is proposed to construct a fence/boundary on the south side of the site and provide information i.e. height and design in relation to same if required.

***Response : A proposed 1.2m high timber post and rail boundary fence will be constructed on the south side.***

3. Please provide information in relation to the proposed material for the driveway, existing and proposed levels and how is it proposed to drain such.

***Response : Permeable stone chippings will be used on the driveway, and a soak pit will be installed on the site.***

***Please find attached the updated site layout with the additional information included.***

We look forward to hearing from you and sincerely hope that there is a positive decision in relation to this application.

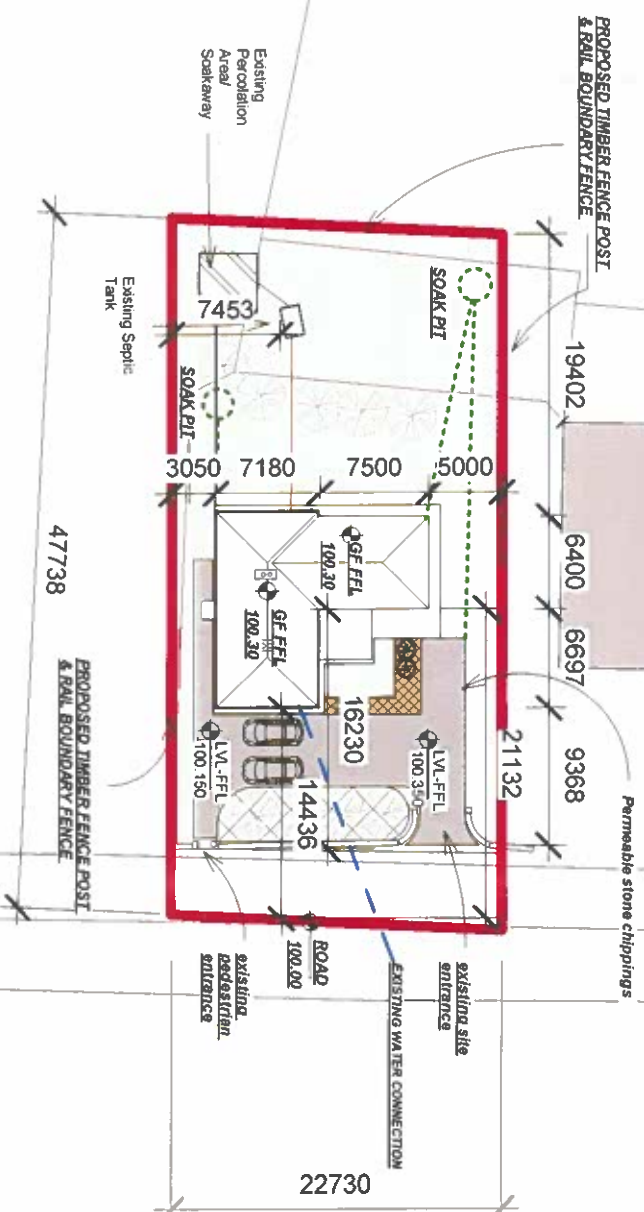

Kind Regards,



Camila Zen, B. Arch (Hons)



**SITE BOUNDARY OUTLINED IN RED**  
**(0.14 HECTARES)**



DO NOT SCALE FROM THIS DRAWING. MARK ONLY FROM FIXED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
STATUS KEY: SK: SKETCH DESOP: PRELIMINARY/ET FOR TENDER PC FOR CONSTRUCTION SS SUPERSEDED

# Further information

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[illegible]



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Peter O'Connor,

Date: 14<sup>th</sup> January 2025  
Ref: DED 795

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.

Development: WHEREAS a question has arisen as to whether the refurbishment of a derelict house works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3) upgrade the entire plumbing & heating system; 4) install new flooring; 5) re-slate the roof; 6) complete second fix carpentry, paint & internal decoration & 7) construct a 40sqm extension for a new kitchen and dining room at Bellacagher, Ballymoe, Co. Roscommon, is or is not development and is or is not exempted development.

\*\*\*\*\*

A Chara,

Further to your application received on the 4<sup>th</sup> November 2024 and in order for the Planning Authority to determine as to whether the refurbishment of a derelict house works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3) upgrade the entire plumbing & heating system; 4) install new flooring; 5) re-slate the roof; 6) complete second fix carpentry, paint & internal decoration & 7) construct a 40sqm extension for a new kitchen and dining room at Bellacagher, Ballymoe, Co. Roscommon, is or is not development and is or is not exempted development, you are requested to submit the following further information:

1. State if the existing dwelling has been extended previously and if so confirm the floor area and year to which the extension was built, confirm that the area to the rear of the existing house is to be demolished in order to construct the proposed extension.
2. Confirm if it is proposed to construct a fence/boundary on the south side of the site and provide information i.e height and design in relation to same if required.
3. Please provide information in relation to the proposed material for the driveway, existing and proposed levels and how is it proposed to drain such.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 795**

**Note:** Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell,  
Senior Executive Planner,  
Planning.

cc agent via email: **James Lohan Consulting Engineers Ltd**  
[james@jlce.ie](mailto:james@jlce.ie)



## Carmel Curley

---

**From:** Carmel Curley  
**Sent:** Tuesday 14 January 2025 13:50  
**To:** James Lohan  
**Subject:** DED795 - Peter O'Connor  
**Attachments:** DED 795 - FI Request Letter.pdf

A Chara,

Please find attached Further Information Request Letter for DED Application 795 for Peter O'Connor.

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 795
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to refurbish derelict house and add a small extension under 40sqm.
<b>Name of Applicant:</b>	Peter O'Connor
<b>Location of Development:</b>	Bellacagher, Ballymoe, Co. Roscommon
<b>Site Visit:</b>	13/01/2025

**WHEREAS a question has arisen as to whether the following works; to refurbish derelict house and add a small extension under 40sqm 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, 5 and 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 Bellacagher, Ballymoe, Co. Roscommon and is accessed off the L-6629 road. The site contains a single story dwelling house with a small flat roof extension to the rear/side that appears will be demolished in order to construct the proposed extension. The site has existing boundaries on three sides and is open to an active farmyard on the south side, it is assumed based on the site layout drawing provided a boundary will be formed on this side as part of this application. The proposed works include the following:

- Demolish existing extension to the rear/side of the existing house.
- Construct a new larger extension to the rear/side of the existing house.
- Indicated on site layout plan and site inspection to construct a new fence/boundary on the south side of the site.
- Indicated on site layout plan and site inspection to construct a new/upgrade the driveway to the front and side of existing house.
- Re-slate the roof
- Existing door to be replaced with a window on the south elevation.
- Various internal works including strip out and rebuild existing walls, floors and ceiling, upgrade plumbing and heating system.

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 Newtown Turlough PNHA (Site Code 001646) which is located circa 4.4km to the northwest and Corliskea/Trien/Cloonfello Bog PNHA/SAC (Site Codes 002110) which is located circa 5.5km to the northeast 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,

### **Initial Planning Assessment:**

It is unclear from the documentation submitted and site inspection there are various elements of the proposed works that require further information such as to what appears to be an existing extension to the rear and the outcome of such, the proposed fence/boundary to the south of the site, the material/drainage/level of the driveway.

Accordingly, a further Information request will be made in this regard.

### **Recommendation:**

Please provide the below information:

- State if the existing dwelling has been extended previously and if so confirm the floor area and year to which the extension was built, confirm that the area to the rear of the existing house is to be demolished in order to construct the proposed extension.
- Confirm if it is proposed to construct a fence/boundary on the south side of the site and provide information i.e height and design in relation to same if required.
- Please provide information in relation to the proposed material for the driveway, existing and proposed levels and how is it proposed to drain such.



Signed:

Date: 14<sup>th</sup> January 2025

Civil Technician



Signed:

Date: 14<sup>th</sup> January 2025

Senior Executive Planner























Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Peter O'Connor,  
[REDACTED]

Date: 5<sup>th</sup> November 2024  
Planning Reference: DED 795

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.  
Development: Permission to refurbish derelict house works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud work, plasterboard & skim; 3) upgrade the entire plumbing & heating system; 4) install new flooring; 5) re-slate the roof; 6) complete second fix carpentry, paint & internal decoration & 7) construct a 40sqm extension for a new kitchen and dining room under the Planning & Development Act (Exempt Development) Regulations 2018 at Bellacagher, Ballymoe, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application which was received on the 4<sup>th</sup> November 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. **L01/0/231386** dated 5<sup>th</sup> November 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 795**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

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

cc agent via email:

James Lohan Consulting Engineers Ltd  
[james@jlce.ie](mailto:james@jlce.ie)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

05/11/2024 11:58:48

Receipt No L01/0/231386

PETER O CONNOR  
C/O JAMES LOHAN CONSULTING ENGINEERS LTD  
UNIT 5  
BALLYPHEASON HOUSE, ROSCOMMON  
EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 795	

Total :	80.00 EUR
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Tendered	
Cheque	80.00
500367	

Change :	0.00
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Issued By : Louis Carroll  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



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)	PETER O'CONNOR
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house and add a small extension under 40 sqm in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BELLACAGHER, BALLYMOE, CO. ROSCOMMON O.S No. 2410 BELLACAGHER, XY 574033, 770233 7.38
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>76 Sqm</u> b) <u>40 Sqm extension</u>
Height above ground level:	Floor level- between 180mm – 200 mm above ground level (Ridge height existing 5564mm above ground level)
Total area of private open space remaining after completion of this development	0.14 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof Proposed new pitched roof (40 sqm) at the rear of the building, matching the existing extension.

## Roscommon County Council



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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	Proposed extension to the rear of the house, under 40 Sqm and lower than the existing building.
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	Existing Dwelling House
Proposed use of land or structure	Refurbish House
Distance of proposed building line from edge of roadway	Existing -14-5m from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature: Camilla

Date: 04/11/2024

**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

Planning Dept,  
Roscommon Co.Co.  
Aras An Chontae,  
Roscommon.



**Detailed Specification Of The Development Proposed**

**Ref: Peter O'Connor for Property at BELLACAGHER, BALLYMOE, CO. ROSCOMMON**

The property is being stripped back to its original walls and will be renovated and put back into use as it was originally a three-bed dwelling house. Additionally, a 40sqm extension will be added to include a kitchen and dining room. The works involved are as follows:

1. Strip out existing walls, floors, and ceilings.
2. Install new ceiling joists, internal stud work, plasterboard, and skim.
3. Upgrade the entire plumbing and heating system.
4. Install new flooring.
5. Re-slate the roof.
6. Complete second fix carpentry, paint, and internal decoration.
7. Construct a 40 sqm extension for a new kitchen and dining room.

Kind Regards

Camila Zen

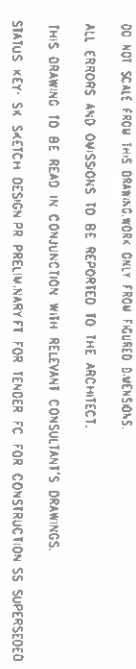
**James Lohan Consulting Engineer Ltd,**  
**Unit 5, Ballypheason House, Circular Road**  
**Roscommon F42 C982**

174348. 270467

**SITE BOUNDARY OUTLINED IN RED  
(0.14 HECTARES)**

ONATIONAL MAPING DIVISION OF TAILTE ÉIREANN  
**CYAL5035888**  
COPYRIGHT LICENCE

50	100	150	200	250	Milles
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**EXEMPT DEVELOPMENT**

	<b>James Lohan</b>	Civil Engineering Architectural Design Surveying	Unit 5, Biospheron House, Rosedown F202 0B2 (005) 6534355	E-mail: jlohan@x.com
<b>CLIENT</b>	<b>PETER O'CONNOR</b>	<b>JOB</b>	<b>DRAWING NO.</b>	<b>DATE</b>
SITE	STELLA CACHER, BALLYMOE, CO. ROSCOMMON	Energy Development	2A-527	29th Dec 2004
		Drawings	001	R.T.V
		Site Location Plan	SCALE	05/50x10 BT
			As indicated @ A3	C2.6m



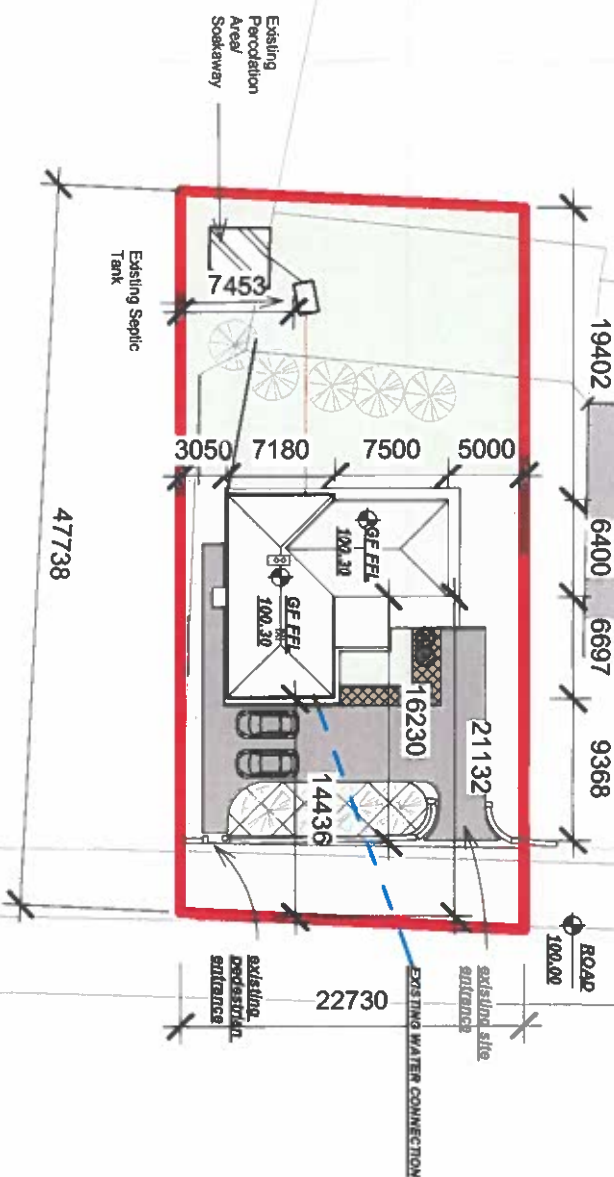
LEGEND

**SITE BOUNDARY OUTLINED IN RED**  
**(0.14 HECTARES)**

**OS MAPS: 2410**



**1** 0 Site Layout Plan  
1 : 500



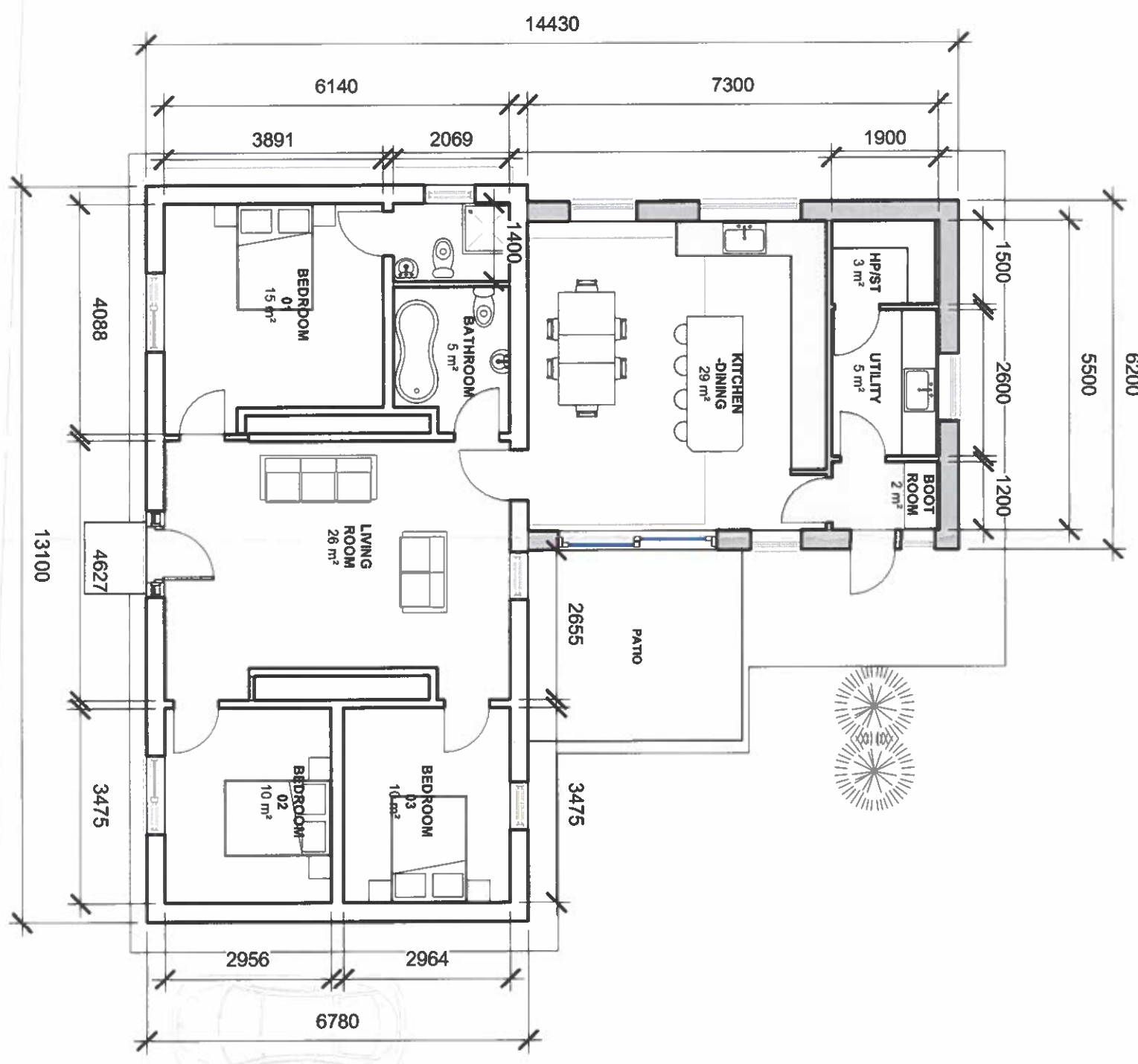


AREASCHEDULE

EXISTING AREA : 76m<sup>2</sup>  
PROPOSED EXTENSION : 40m<sup>2</sup>

TOTAL AREA : 116m<sup>2</sup>

- LEGEND
- ORIGINAL WALLS OF EXISTING HOUSE
  - PROPOSED NEW WALLS TO BE BUILT
  - PROPOSED EXTENSION TO EXISTING HOUSE
  - EXISTING DOOR - TO BE REPLACED WITH PROPOSED WINDOW 850mm X 1500mm



1 01-Proposed Ground Floor Plan  
1 : 100

DO NOT SCALE FROM THIS DRAWING. ONLY FROM FIGURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
STATUS KEY: SK: SKETCH DESIGN PR: PRELIMINARY TT: FOR TENDER FC: FOR CONSTRUCTION SS: SUPERSEDED

**EXEMPT DEVELOPMENT**

<b>James Lohan</b> Planning & Design Consulting Engineers		Civil Engineering 2D Working Surveys		1001, 3rd Floor, Roscommon House, Corker Road, Roscommon, F42 8B2		E-mail: info@jlohan.ie Tel: (090) 6634355	
CLIENT PETER O'CONNOR		JOB Exempt Development		JOB N° 24-527		DATE 01/10/2024	
SITE BELLACAGHER, BALLYMOE, CO. ROSCOMMON		DRAWING Ground Floor Plan		DRC N° 021		REV	
		Proposed		SCALE		DESIGNED BY As indicated @ A3 C Zen	

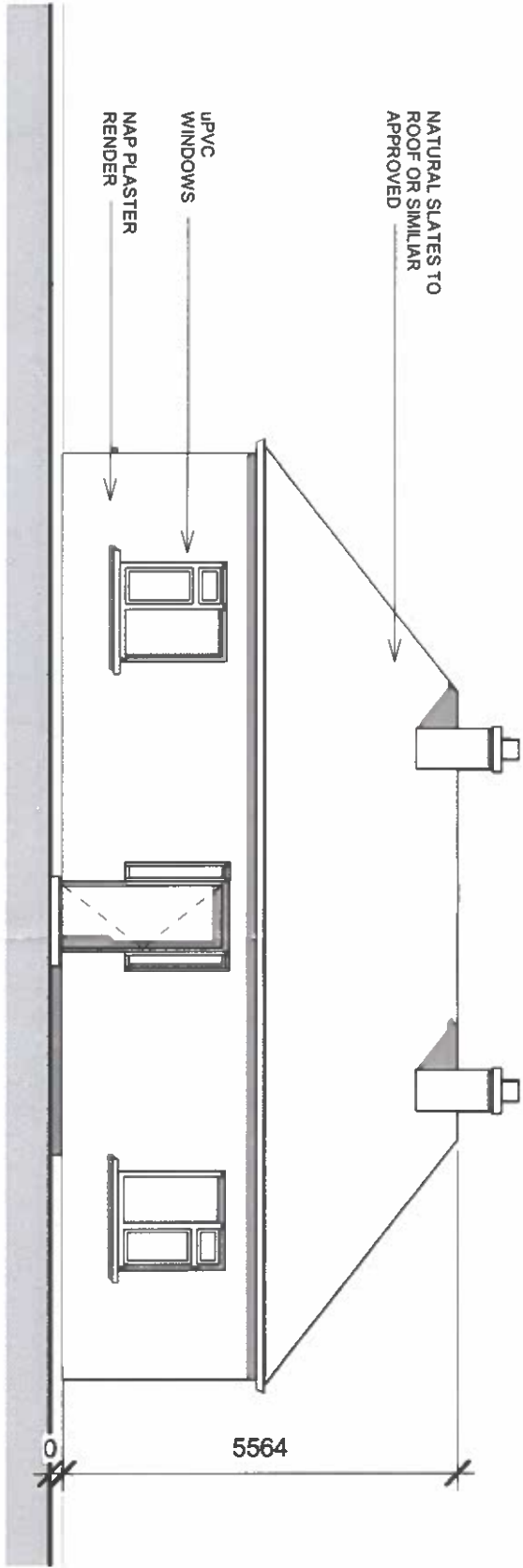


LEGEND

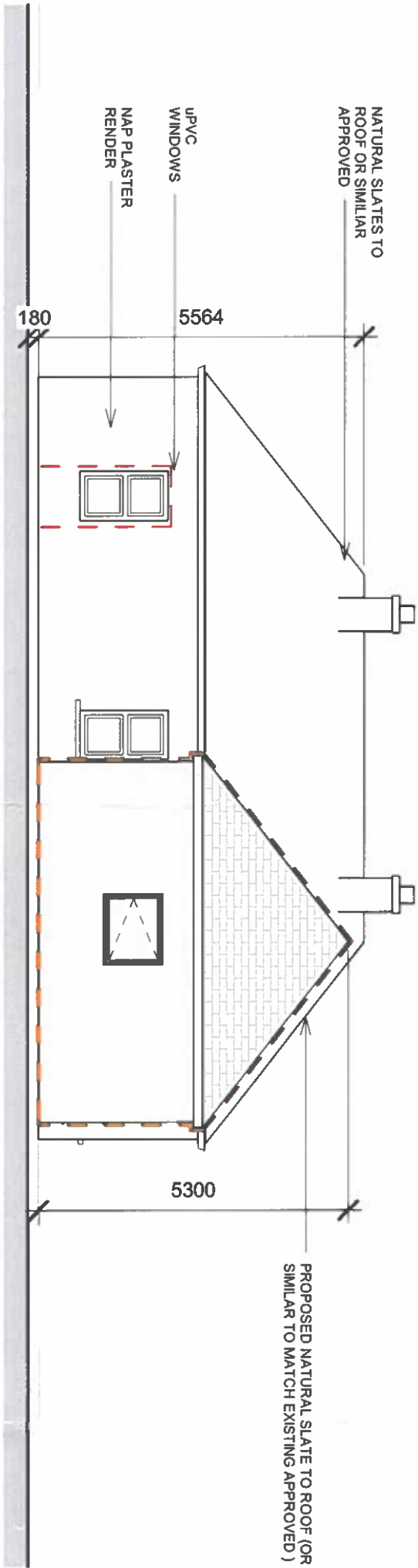
PROPOSED EXTENSION TO EXISTING HOUSE

EXISTING DOOR - TO BE REPLACED WITH PROPOSED WINDOW 850mm X 1500mm

PREVIOUS LOCATION OF DOOR INDICATED

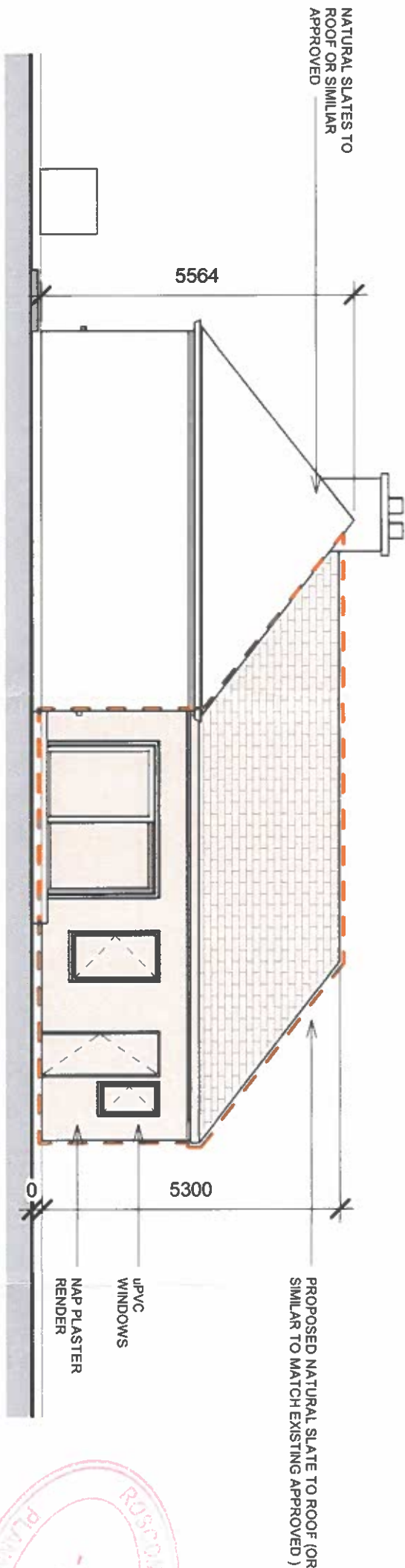


1 Proposed Front Elevation (N)  
1 : 100

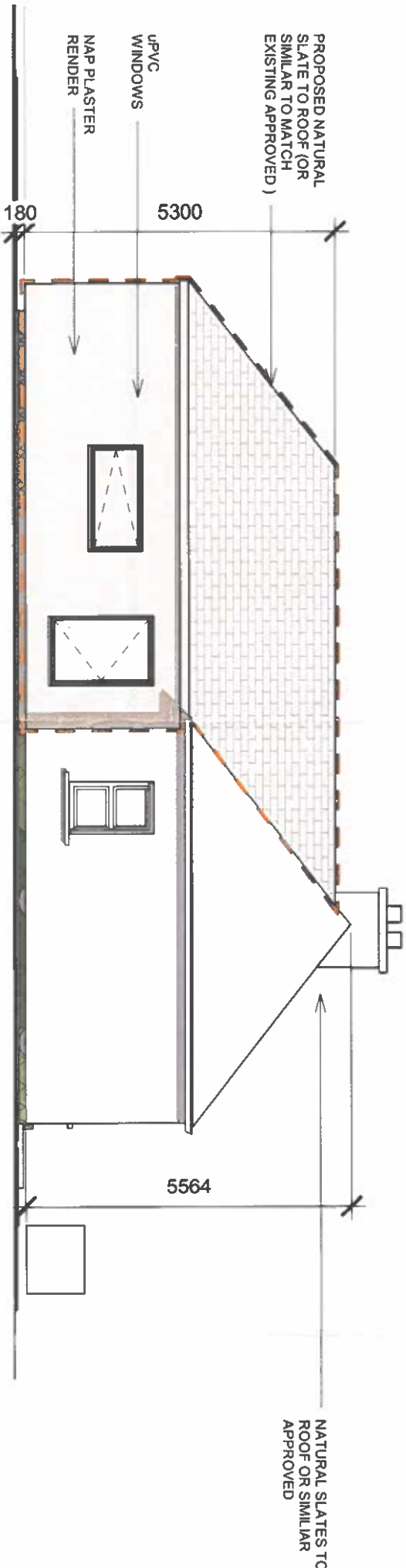


2 Proposed Rear Elevation (S)  
1 : 100

LEGEND  
[ ] PROPOSED EXTENSION TO EXISTING HOUSE

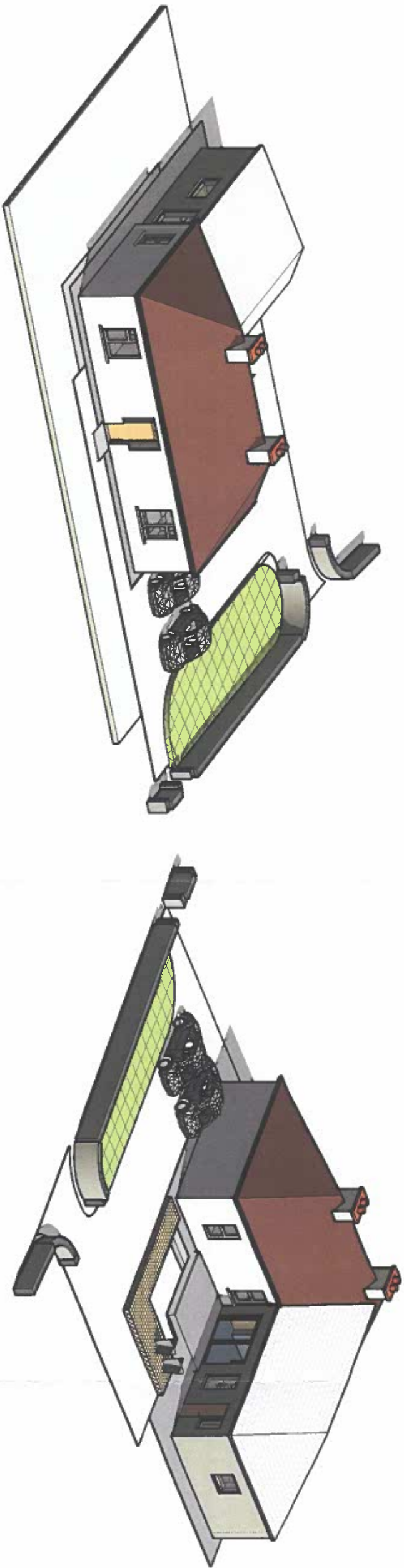


1 Proposed Right Side Elevation (W)  
1 : 100



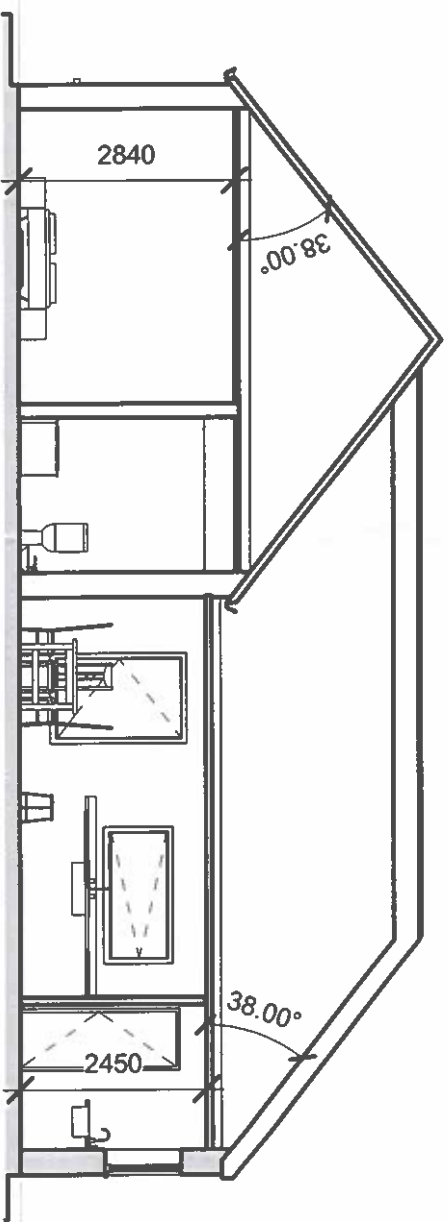
2 Proposed Left Side Elevation (E)  
1 : 100





1 00Front Perspective - Proposed

2 00Rear Perspective - Proposed



3 Proposed Section 1  
1 : 100






DO NOT SCALE FROM THIS DRAWING. ONLY FROM MEASURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
STANDARDS: SA SKETCH DESIGN PR. PRELIMINARY FT FOR TENDER PC FOR CONSTRUCTION SS SUPERSEDED

EXEMPT  
DEVELOPMENT

TE	REV	/A
		/B
		/C
		/D
		/E
		/F
		/G

 <b>James Lohan</b> <small>Architectural Design &amp; Construction</small>	601 E. 10th St., Suite 200 Des Moines, IA 50319 Tel: (515) 281-3885	
	601 E. 10th St., Suite 200 Des Moines, IA 50319 Tel: (515) 281-3885	
<b>CLIENT</b> PETER O'CONNOR S.I.F.E. BELLGARDNER, BALLYVADE, CO. ROSCOMMON	<b>JOBS</b> E.R.B. General Development Planning Drawing Existing House	<b>DATE</b> 07/09/02
<b>DRAWING</b> SCALE 1:100 @ A3	<b>NO.</b> 24-427	<b>REV</b> DESIGNED BY EVAN HEINEMAN

