ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Laura Mannion,



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 works, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the entire property; 5) install new uPVC windows and doors; 6) re-slate the roof; 7) second fix carpentry and paint and decorate internally; 8) construct a 39.5sq.m. extension for a new kitchen and dining room; 9) upgrade plumbing/heating system; 10) upgrade electrical systems; 11) install new floors at Curry, Brideswell, Co. Roscommon, N37 VE04, 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 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 does not falls under the conditions and limitations of Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended and is therefore not an exempted development.
- (c) The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows: development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to refurbish a derelict house, works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud works, plasterboard & skim; 3) re-wire the entire property; 4) re-plumb the entire property; 5) install new uPVC windows and doors; 6) re-slate the roof; 7) second fix carpentry and paint and decorate internally; 8) construct a 39.5sq.m. extension for a new kitchen and dining room; 9) upgrade plumbing/heating system; 10) upgrade electrical systems; 11) install new floors at Curry, Brideswell, Co. Roscommon, N37 VE04, is a <u>split decision</u> with the proposed extension <u>not an exempted development</u> and the proposed refurbishments of the existing dwelling house <u>an exempted development</u>, 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: 20th January 2025

cc agent via email:

James Lohan Consulting Engineers Ltd 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

From: Sent: To: Subject: Attachments: Carmel Curley Tuesday 21 January 2025 10:20 James Lohan; Camila Zen DED800 - Laura Mannion DED800 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for the Section 5 Declaration of Exempted Development submitted for Laura Mannion - DED800. 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 2 (090) 6637100 3 : planning@roscommoncoco.ie | @ www.roscommoncoco.ie MAP LOCATION



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

Reference Number:	DED 800	
Re:	Permission to refurbish derelict house works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists, internal stud works, plasterboard & skim; 3) re-wire the entire property; 4) re- plumb the entire property; 5) install new uPVC windows and doors; 6) re-slate the roof; 7) second fix carpentry and paint and decorate internally; 8) construct a 39.5sq.m. extension for a new kitchen and dining room; 9) upgrade plumbing/heating system; 10) upgrade electrical systems; 11) install new floors under the Planning & Development Act (Exempt Development) Regulations 2018	
Name of Applicant:	Laura Mannion	
Location of Development:	Curry, Bridewell, Co. Roscommon, N37 VE04	
Site Visit:	15/01/2025	

WHEREAS a question has arisen as to whether the following works to construct an extension to the rear of an existing dwelling house and refurbish dwelling house 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 site consists of a detached traditional single storey cottage which is in a habitable condition in Curry, Bridewell, Co. Roscommon. The property is accessed off the L-7540 local secondary road. The proposed development consists of the construction of a 39.5m² extension to the existing dwelling and to refurbish the dwelling including a new roof and uPVC windows and doors to the entire dwelling.

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

Archaeological and Cultural Heritage

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

Appropriate Assessment

The closest European sites to the proposed development is Lough Croan Turlough SPA (Site Code 004139) and Lough Croan Turlough SAC (Site Code: 000610) which are located circa 1.9km to the north west of the subject site.

Having regard to the separation distance between the site and the closest Natura 2000 site and the nature of the proposal, there is no real likelihood of significant effects on the conservation objectives of these or other European sites arising from the proposed development. The need for further Appropriate Assessment, therefore, be excluded.

Planning History

DED 743: A Section 5 application for the refurbishment of a derelict house and add a small extension under 40m² was submitted in July 2024 and was deemed not exempted development due to the size and sitting of the extension.

668: Permission granted for the erection of a wall in front of the dwelling.

15670/83: Permission granted for the erection of a dwelling house and construction of a septic tank.

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,

Development within the curtilage of a house				
Column 1 Description of Development	Column 2 Conditions and Limitations			
Class 1				
The extension of a house, by the	1. (a) Where the house has not been extended			
construction or erection of an	previously, the floor area of any such extension shall not			
extension (including a conservatory) to	exceed 40 square metres.			
the rear of the house or by the	(b) Subject to paragraph (a), where the house is terraced			
conversion for use as part of the house	or semi-detached, the floor area of any extension above			
of any garage, store, shed or other	ground level shall not exceed 12 square metres.			
similar structure attached to the rear	(c) Subject to paragraph (a), where the house is			
or to the side of the house.	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			

PART 1 of Schedule 2 - Article 6 - Exempted Development - General

Development within the curtilage of a house

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.

(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.

7. The roof of any extension shall not be used as a balcony or roof garden.

Assessment

In accordance with the Planning and Development Act, 2000, as amended 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.

These works have been considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

It is noted that from the previous DED application, that a previously constructed extension is located to the rear of the existing dwelling, south westerly elevation, therefore the proposed extension coupled with the previous extension would lead to an aggregated floor space in excess of 40m². The applicant has taken the previous extension into account in this current application and has proposed to integrate the new extension into the old giving the overall extension to the original dwelling a floor space of 39.5m².

Although it is noted that the extension is located to the 'rear' (stated) of the original dwelling the presence of two entrances to the site, a pedestrian entrance located to the north west of the dwelling and the second vehicular entrance to the south west, gives the extension the appearance of being located to the front of the dwelling and will give it a pre-eminence from the vehicular road-side view and entry. The southeast elevation is therefore in effect the rear elevation. In this regard it, it is deemed that the proposed extension does not fall under a class of 'Exempted Development' pursuant to Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

With regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended), 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 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 exemptions set out in Article 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; to construct an extension to the rear of an existing dwelling house and refurbish dwelling house as outlined above at Curry, Bridewell, 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 does not falls under the conditions and limitations of Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended and is therefore not an exempted development.
- The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

• The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

AND WHEREAS I have concluded that the said development to construct an extension to the rear of an existing dwelling house and refurbish dwelling house as outlined above at Curry, Bridewell, Co. Roscommon is a <u>split decision</u> with the proposed extension <u>not an exempt development</u> and the proposed refurbishment of the existing dwelling house <u>an exempted development</u>. I recommend that a declaration to that effect should be issued to the applicant.

Suillh O'Graly

Signed:

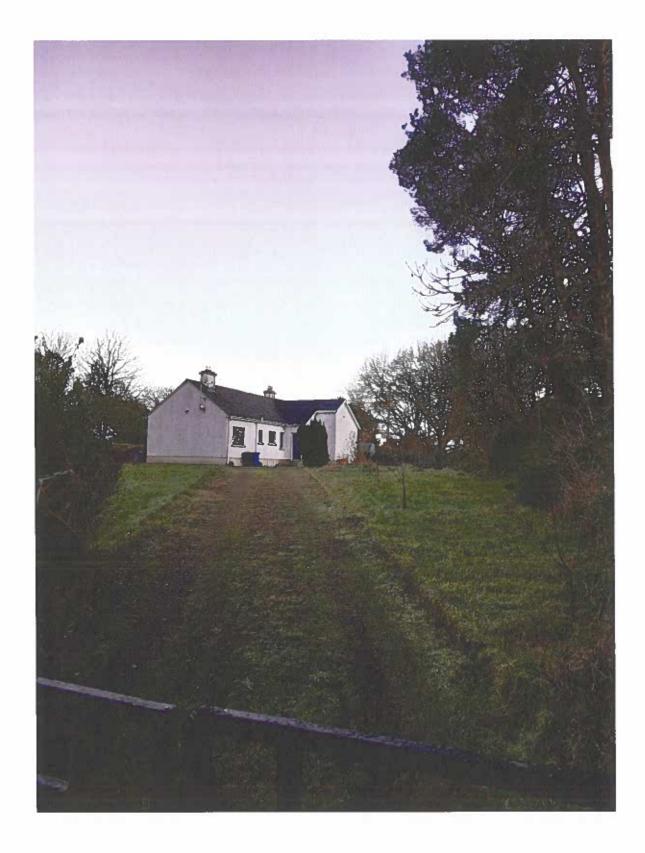
Date: 20/01/2025

Graduate Planner

for a

Date: 20th January 2024

Signed: Senior Executive Planner





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Carmel Curley

From: Sent: To: Subject: Attachments: Carmel Curley Friday 22 November 2024 15:32 James Lohan DED800 - Laura Mannion DED 800 - Ack Letter & Receipt.pdf

A Chara,

Please find attached acknowledgement letter & receipt for DED Application 800 for Laura Mannion. Please note a hard copy has issued to the applicant today.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 \cong : (090) 6637100 \bowtie : planning@roscommoncoco.ie





Comhairle Contae Ros Comáin Roscommon County Council



Laura Mannion,



Date: Planning Reference:	22 nd November 2024 DED 800
Hammig Kererence.	
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) re-wire the entire property; 4) re-plumb the entire property; 5) install new UPVC windows and doors; 6) re-slate the roof; 7) second fix carpentry and paint and decorate internally; 8) construct a 39.5sq.m. extension for a new kitchen and dining room; 9) upgrade plumbing/heating system; 10) upgrade electrical systems; 11) install new floors under the Planning &
	Development Act (Exempt Development) Regulations 2018 at Curry, Brideswell, Co. Roscommon, N37 VE04.
*******	***************************************

A Chara,

I wish to acknowledge receipt of your application which was received on the 19th 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. L01/0/231638 dated 19thNovember 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 800 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





Roscommon County Council Aras an Chontae Roscommon 09066 37100

19/11/2024 14.18:07

Receipt No 101/0/231638

LAURA MANNION C/O JAMES LOHAN CONSULTING ENGINEERS LTD UNIT 5, BALLYPHEASON HOUSE CIRCULAR ROAD ROSCOMMON

PLANNING APPLICATION FEES 80.00 GOODS 80.00 VAT Exempt/Non-vatable DED800

Total

80.00 EUR

Tendered : Cheque 500368

80 00

0.00

Change 🖂

Issued By Bernadine Duignan From Central Cash Office





Roscommon County Council

Application for a Declaration under Section 5 of the

Planning & Development Act 2000 (as amended), regarding <u>Exempted Development</u>

Name of Applicant(s)	Laura Mannion
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.	CURRY, BRIDESWELL, CO. ROSCOMMON N37 VE04 O.S No. 2962 XY: 590000, 746673 Townland Curry
Floor Area:	A1. 590000, 740075 Townland Curry
a) Existing Structure b) Proposed Structure	a) <u>82.5Sqm</u> b) <u>39.5 Sqm extension</u>
Height above ground level:	Floor level- between 300mm – 350 mm above ground level (Ridge height existing 5397mm above ground level)
Total area of private open space remaining after completion of this development	0.165 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof Proposed new pitched roof (39.5 sqm) at the rear of the building, matching the existing extension.

Roscommon County Council

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Application for a Declaration under Section 5 of the

	A Mans to over
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 to be lived in by applicants
Distance of proposed building line from edge of roadway	Existing -26.3 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

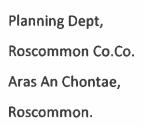
Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature:

Date:

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



Detailed Specification Of The Development Proposed

Ref: Laura Mannion for Property at Curry, Brideswell, Co. Roscommon N37 VE04

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 39.5sqm extension will be added to include a kitchen and dining room. The works involved are as follows:

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nning & Design Consulting Engineers

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- 1. Strip out walls, floors, and ceilings.
- 2. Install new ceiling joists and internal stud work, plasterboard, and skim.
- 3. Re-wire the entire property.
- 4. Re-plumb the entire property.
- 5. Install new UPVC windows and doors.
- 6. Re-slate the roof.
- 7. Second fix carpentry and paint and decorate internally.
- 8. Construct a 39.5sqm extension for a new kitchen and dining room.
- 9. Upgrade plumbing/heating system.
- 10. Upgrade electrical systems.
- 11. Install new floors.

Kind Regards Counter Or

12/11/2024

Camila Zen

James Lohan Consulting Engineer Ltd,

Unit 5, Ballypheason House, Circular Road

Roscommon F42 C982

Date: 12th November 2024 Pl ing Department, Roscommon County Council

Laura Mannion's Property in Curry, Brideswell, Co. Roscommon, N37 VE04

20SCOMMON COUNTY COUNCY 19 NOV 2024 PLANNING SECTION

Dear Members of the County Council,

I hope this letter finds you well.

We are reapplying for the planning process concerning Laura Mannion's property, located at **Curry**, **Brideswell**, **Co. Roscommon**, **N37 VE04**. The process was previously submitted on 23rd July 2024 under reference **DED 743**.

In the previous report, a question was raised regarding the duality of the facade. We would like to clarify that, although the property has a particular position on the site, the original facade is undoubtedly oriented towards the **northeast**. To address this concern, the project has been completely redesigned to eliminate any ambiguity regarding the orientation of the facade. According to the *Planning and Development Regulations 2001* (S.I. No. 600 of 2001), specifically Article 6 and Class 1 of Schedule 2, any extension or addition should preferably be located at the rear of the main residence, ensuring that the appearance of the original facade is preserved and the architectural character is maintained.

However, the new application aims to correct any existing extension and ensure that the additional area does not exceed 40m², with the purpose of renovating the back of the house, which truly needs improvement.

She is open to the County Council's guidance on which side should be officially defined as the facade of the house. Should the orientation be different, she will follow the recommendations and adjust the project to ensure that the extension of the kitchen and dining area, which is extremely necessary, is carried out at the designated rear.

We appreciate your consideration and remain available to provide further information and collaborate with the County Council to ensure the project fully complies with local regulations.

Sincerely,

Cometo De

Camila Zen

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

