#### ROSCOMMON COUNTY COUNCIL

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

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

#### **NOTIFICATION OF DECISION**

#### **REGISTERED POST**

Margaret Mary Gemma Holtkamp,



Reference Number:

**DED 809** 

**Application Received:** 

29th November 2024

Name of Applicant:

**Margaret Mary Gemma Holtkamp** 

Agent:

**DK Engineering** 

WHEREAS a question has arisen as to whether the conversion of an existing garage into a universal access wetroom and bedroom at Glenard, The Berries, Barrybeg, Athlone, Co. Roscommon, N37 X768, 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site.

#### AND WHEREAS Roscommon County Council has concluded that:

- (a) The proposal constitutes "works", which comes within the scope of section 2(1) of the Planning & Development Act 2000 (as amended).
- (b) The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- (c) The proposal is exempted development in accordance with the provisions set out under Sections 4(1)(h) and 4(1)(j) of the Planning & Development Act 2000 (as amended).
- (d) The proposed works and development, fall under a class of development listed in Schedule 2 of Part 1; Class 1 of Article 6.
- (e) 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 convert an existing garage into a universal access wetroom and bedroom at Glenard, The Berries, Barrybeg, Athlone, Co. Roscommon, N37 X768, is development that is <u>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: 4th February 2025

cc agent via email:

**DK Engineering** 

deteckof@eircom.net

#### **ADVICE NOTE**

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

### **Carmel Curley**

From: Carmel Curley

**Sent:** Wednesday 5 February 2025 10:29

**To:** dcteckof@eircom.net

**Subject:** DED809 - Notification of Decision **Attachments:** DED809 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 809 submitted on behalf of Margaret Mary Gemma Holtkamp. Please note that a hard copy will be issued to the applicant via registered post.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

☎: (090) 6637100

**MAP LOCATION** 



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

Reference Number: DED 809

Re: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended, regarding Exempted Development.

Name of Applicant: Margaret Mary Gemma Holtkamp

**Location of Development:** Glenard, the Berries, Barrybeg, Athlone, Co. Roscommon, N37 X768

**Site Visit**: 20/01/2025

WHEREAS a question has arisen as to whether the following works; "to convert an existing garage into a universal access wetroom and bedroom under the Planning & Development Act (Exempted Development) Regulations 2018 at the above address is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to -

(a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended

- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site
- (e) Section 5 Referral (R23-73) Patrick O'Shaughnessy Clare County Council [09.10.2023]

### 1. Site Location & Description of Development & Nature of Proposed Development

#### Site Location:

The subject site is situated in the Planning South area of County Roscommon and is flanked by the L-7635, which borders the south extent of the site. The local road is accessed off the N61, a national secondary route traversing from the north of the county (Boyle) to the south of the county (Athlone west).

#### **Development Description:**

- 1. Access: The subject site is positioned north of the L-7635. There is open (un-gated) access to the subject site from the local road.
- 2. **Boundaries:** The site is bounded by mature hedgerow to the east, west and northern boundary extents, with a combination of timber post and rail and timber post and wire fencing delineating the borders. The south extent of the site is open/un-bounded by fencing or hedgerow.
- 3. Structure: The structure and associated sheds are in a state of substantial dereliction.

#### **Nature of Proposed Works:**

The application states the nature of the proposed development/works comprise the conversion of an "existing garage into universal access wet-room and bedroom" under the Planning & Development Act (Exempted Development) Regulations 2018, at Glenard, the Berries, Athlone, Co. Roscommon.

On review of the plans and particulars submitted as part of this application, the following works are proposed:

- 1. Ramped universal access to the front elevation of the property
- 2. Enclosure of existing recessed sheltered canopy between the dwelling and the garage to create a 'link' between the kitchen proposed new wheelchair accessible bedroom and (UA) ensuite. This requires the installation of a new window and door panel to the front elevation of the property to match the existing house windows.
- 3. Replacement of garage door to front elevation of property with curtain window in the existing garage ope.
- 4. Replacement of roof for compliance with Building Regulations and the requisite technical guidance documents pertaining to same. The proposed is a mono-pitch structure in keeping with the profile of the existing.
- 5. Internal joinery and M&E works to accommodate the provision of a bedroom and a (UA) ensuite.

6. External insulation to be fitted as part of the proposed works; finish to same to match that of the napplaster render on the existing dwelling.

### 2. Geographic Information Systems [GIS]

#### **European Sites:**

As per a review of Roscommon County Council's Geographic Information Systems, the subject site is located in proximity to a European Site.

#### Appropriate Assessment

The closest designated sites include; "Lough Ree" Special Area of Conservation (SAC) (Site Code: 000440 and Special Protection Area (SPA) (Site Code: 004064) which is located ca. 1km east of the subject site. The Middle Shannon Callows SPA (Site Code: 004096) is located ca. 2.8km south of the subject site and the River Shannon Callows (Site Code: 000216) is located 2.8m south for the subject site.

Having regard to the separation distances between the site and the closest Natura 2000 site, given 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, can be excluded.

#### Architectural / Archaeological Heritage

As per a review of Roscommon County Council's Geographic Information Systems, the following architectural and/or archaeological heritage sites/structures are in proximity to the subject site or property thereon:

Assessment of Architectural & Archaeological Heritage

The property is not a protected structure; further, the closest structure listed by the National Monuments Service includes a field system (SMR No.: RO049-013001-) which is located ca. 1km north-east of the subject site.

#### 3. Planning History

As per Roscommon County Council's Planning Registry, a planning history assessment of the subject site and property thereon includes the following:

• PD/4305: Permission granted, subject to 5 conditions for the "erection of a dwelling-house".

Plans and particulars reflect the dwelling house on site. Decision - Granted on

14/05/1970.

• PD/00/836: Outline Permission for the development of a dwelling house and treatment unit

and creation of twin recesses access and closing up of existing entrance. Decision -

Refused on 09/08/2000.

• PD/00/1480: Dwelling house, sewage treatment unit, new recessed entrance and closing up

of existing entrance. Decision - Refused on 08/02/2001.

#### 4. Relevant statutory provisions

#### Planning and Development Acts 2000 (as amended)

#### Section 2 (1)

In this Act, "works" include 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)

Defines certain types of development as being 'exempted development'. Of 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;

Of relevance is section 4(1)(j) which provides as follows:

"development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such".

#### Section 4(2)

Outlines that the Minister may, by regulations, provide for any class of development to be exempted development for the purpose of this Act. 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 1 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 1 opposite the mention of that class in the said column 1.

#### Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

(a) If the carrying out of such work would-

- (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under 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.

#### 5. Planning Assessment

Hereunder, details the statutory provisions pertinent to this section 5 referral have been set out, they are as follows;

In accordance with the Planning and Development Act, 2000, section 2(1) "works" include "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 proposed works constitute "works", as defined in section 2 of the said Act.

In accordance with the Planning and Development Act, 2000, section 3(1) "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". 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".

Upon review of the submission particulars, and having regard to the provisions of Sections 4(1)(h) and 4(1)(j) of the Planning and Development Act 2000 (as amended), it is considered that the proposed works—comprising the conversion of an existing attached garage to a bedroom and wheelchair-accessible ensuite, together with the provision of ramped wheelchair access to the property—constitute development incidental to the enjoyment of the dwelling. Furthermore, it is determined that the proposed works would not adversely affect the architectural character of the building or adjoining structures. Accordingly, the works are deemed to fall within the scope of exempted development under Section 4(1)(h) of the Act.

With regard to Article 6, the proposed works, falling under a class of development listed in Schedule 2, Part 1, Class 1 of Article 6, are considered in principle to constitute 'exempted development', subject to compliance with the relevant conditions and limitations specified for this Class of development in column 2 of the said Part 1 [1-7]. Further, on review of the plans and particulars submitted as part of this section 5 referral and having regard to the provisions of Article 9(1)(a)(viii), the existing structures on site and the proposed development works, are not considered to comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

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. 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 Article 9(1)(a)(viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

#### 6. Recommendation

WHEREAS a question has arisen as to whether a proposed development; which sets out to "convert an existing garage into a universal access wetroom and bedroom under the Planning & Development Act (Exempted Development) Regulations 2018" at the site located in "Glenard, the Berries, Barrybeg, Athlone, Co. Roscommon, N37 X768" 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) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (d) The planning history of the site

#### AND WHEREAS I have concluded that

- The proposal constitutes "works", which comes within the scope of section 2(1) of the Planning & Development Act 2000 (as amended).
- The proposal constitutes "development" which comes within the scope of section 3(1) of the Planning & Development Act 2000 (as amended).
- The proposal is exempted development in accordance with the provisions set out under Sections 4(1)(h) and 4(1)(j) of the Planning & Development Act 2000 (as amended).
- The proposed works and development, fall under a class of development listed in Schedule 2 of Part 1; Class 1 of Article 6.
- 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 which sets out to "convert an existing garage into a universal access wetroom and bedroom under the Planning & Development Act (Exempted Development) Regulations 2018" at the site located in "Glenard, the Berries, Barrybeg, Athlone, Co. Roscommon, N37 X768" is considered to constitute 'exempted development' and that a declaration to that effect should be issued to the applicant.

Signed:

Blaithín Kinsella Assistant Planner Date: 21/01/2025

Signed:

Alan O'Connell

**Senior Executive Planner** 

Date: 21/01/2025

Site Photos: 20/01/2025

On approach to the house

Facing eastward (local road)



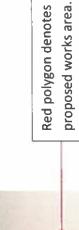




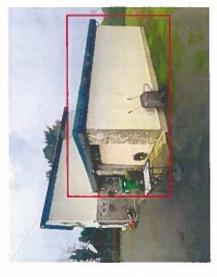




















#### Margaret Mary Gemma Holtkamp,



Date:

3<sup>rd</sup> December 2024

Planning Reference:

**DED 809** 

Re:

Application for a Declaration under Section 5 of the Planning & Development Act 2000

(as amended), regarding Exempted Development.

**Development:** 

Permission to convert an existing garage into a universal access wetroom and bedroom

under the Planning & Development Act (Exempt Development) Regulations 2018 at

Glenard, The Berries, Barrybeg, Athlone, Co. Roscommon, N37 X768.

A Chara,

I wish to acknowledge receipt of your application which was received on the 29th 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. L01/0/230185 dated 22<sup>nd</sup> August 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 809

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell Senior Executive Planner,

**Planning Department.** 

cc agent via email:

**DK Engineering** 

dcteckof@eircom.net





Roscommon County Council Aras an Chontae Roscommon 09066 37100

22/08/2024 12 51 39

Receipt No = L01/0/230185

MARGARET MARY GEMMA HOLTKAMP



PLANNING APPLICATION FEES GOODS 80 00 VAT Exempt/Non-vatable DED 753

80.00

Total

80 00 EUR

Tender Credit/Debit Card 3201

80 00

Change :

0.00

tssued By | Bernadine ()uignan From | Central Cash Office



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 <u>Exempted Development</u>

Name of Applicant(s)	MARGAREI MARKY GEMMA HOLTKAMP
Name of Agent	DK ENGINEERING
Nature of Proposed Works	CONVERT ENSTING GERRACIE INTO UNIVERSAL ACCESS WETROOM AND BEDROOM
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CRENARD, THE PERRIES, BARRYBEG ATHLONE CO ROSCOMMON N37 X76E 601374-1 742893-8
Floor Area: a) Existing Structure b) Proposed Structure	a) 164.2 m² b) 169-6 m²
Height above ground level:	3-26m height of revision force
Total area of private open space remaining after completion of this development	3995 m² same as
Roofing Material (Slates, Tiles, other) (Specify)	Bruder single ply nembrane, grey.

# **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 finish to match existing house colour Arctic Blander		
Is proposed works located at front/rear/side of existing house.	SiŒ		
Has an application been made previously for this site	No		
If yes give ref. number (include full details of existing extension, if any)			
Existing use of land or structure	GARAGE		
Proposed use of land or structure	CONVERT TO US PEDROOM		
Distance of proposed building line from edge of roadway	42.475M. SAME ASCURRENT DITANCE		
Does the proposed development involve the provision of a piped water supply	SUPPLY		
Does the proposed development involve the provision of sanitary facilities	YES, TO BE CONNECTED TO EXISTING SEPTIC TANK		

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

Signature:

Date:

Note: This application must be accompanied by: -

- HMG Holtdamy

B.E., M.Eng Sc, DiplFSP), CEng, MIEI T DK ENGTINEERING

- (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

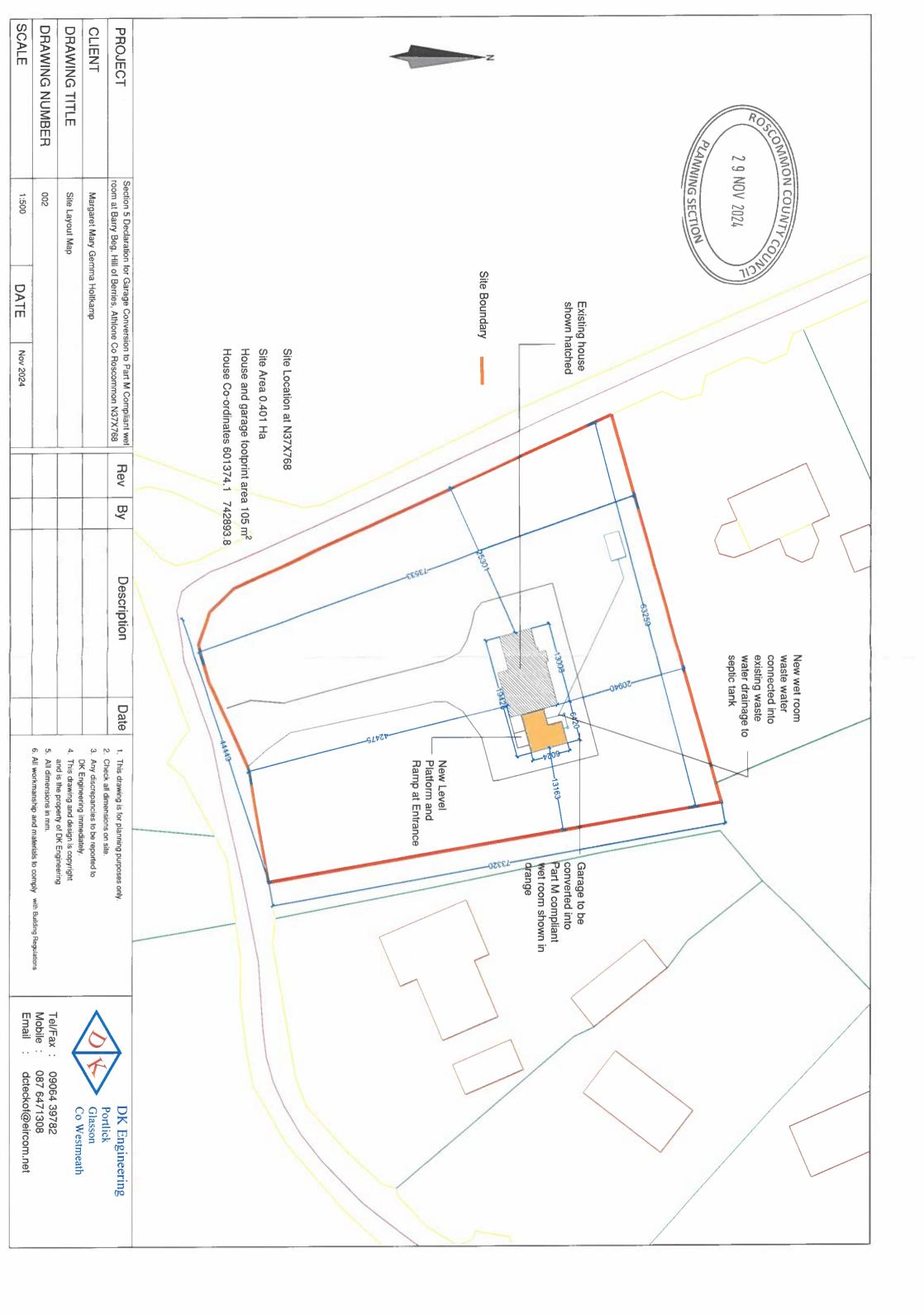


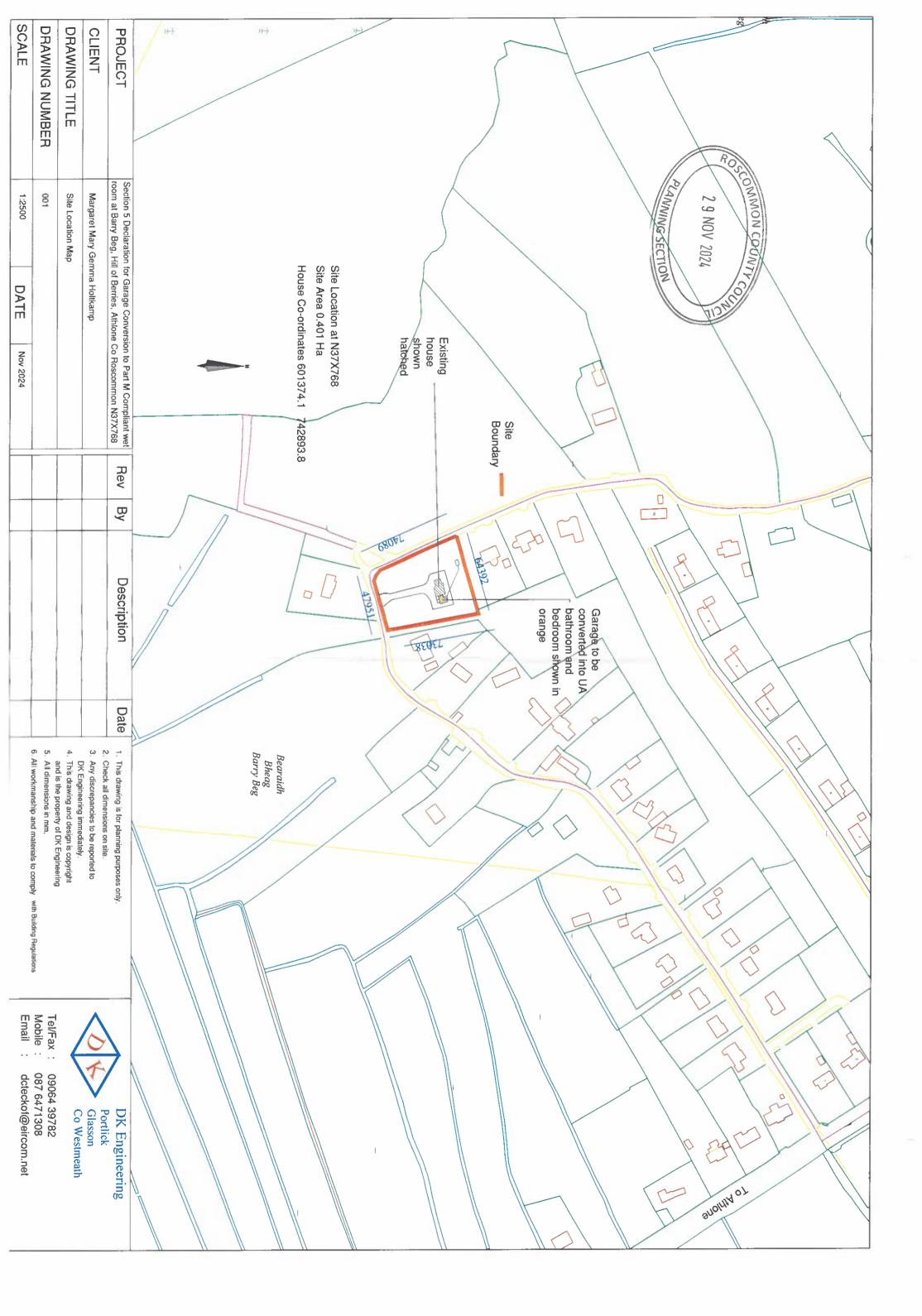
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013	Section 1-1 Through Proposed UA Bedroom and Bathroom



DK Engineering





Total area of first floor 64.6m<sup>2</sup> Bedroom Bedroom Footprint of existing garage to be converted into UA bedroom and bathroom Bathroom □ Landing Bedroom Bedroom SCOMMON COUNTY LANNING SECTION 2 9 NOV 2024





3. Any discrepancies to be reported to 2. Check all dimensions on site. DK Engineering immediately.

 This drawing and design is copyright and is the property of DK Engineering
 All dimensions in mm. 6. All workmanship and materials to comply with Building Regulations

SCALE

1:75

DATE

Nov 2024

DRAWING NUMBER

**DRAWING TITLE** 

CLIENT

PROJECT

Section 5 Declaration for Garage Conversion to Part M Compliant wet room at Barry Beg, Hill of Berries, Athlone Co Roscommon N37X768

Rev

Ву

Description

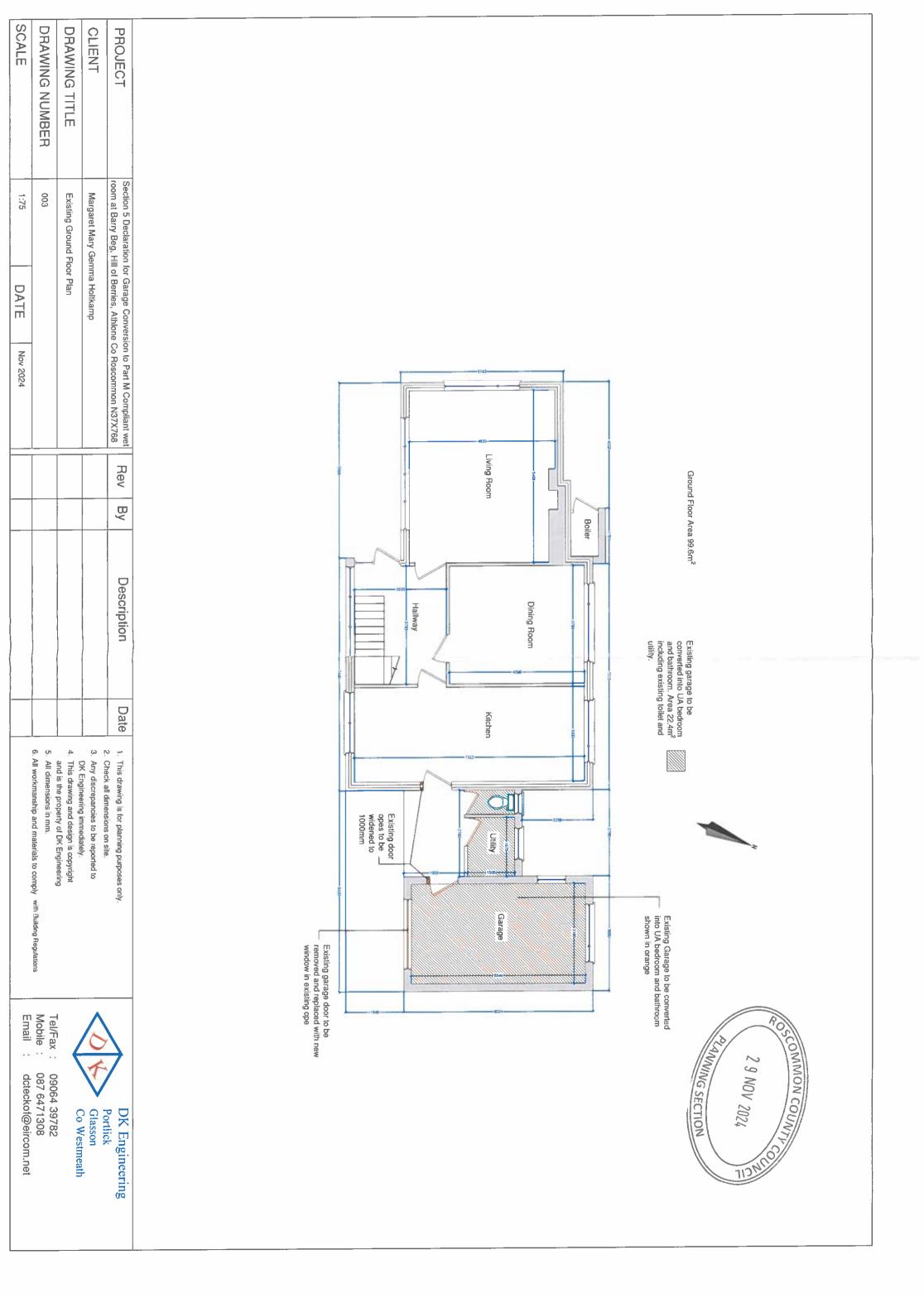
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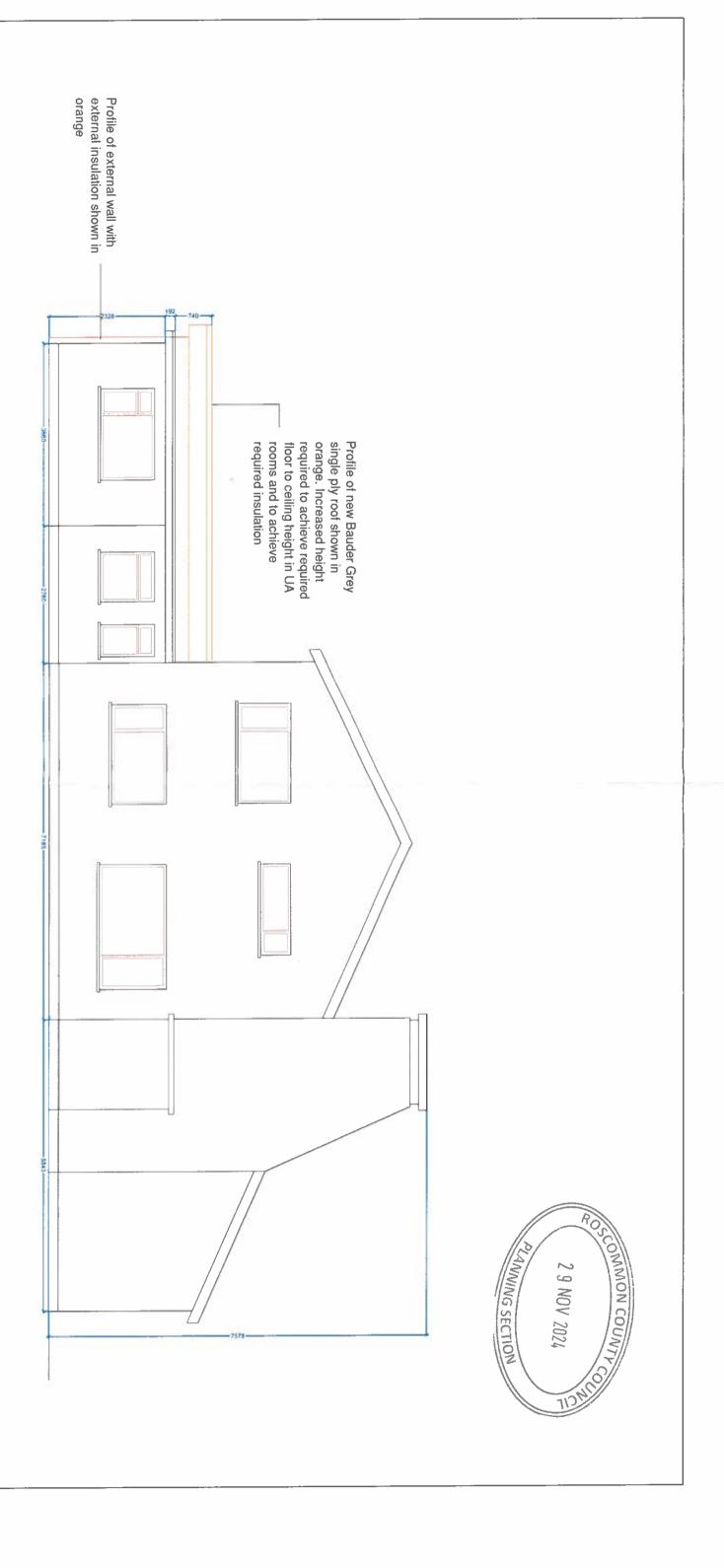
This drawing is for planning purposes only.

Margaret Mary Gemma Holtkamp

Existing First Floor Plan

Portlick Glasson Co Westmeath DK Engineering







This drawing is for planning purposes only.

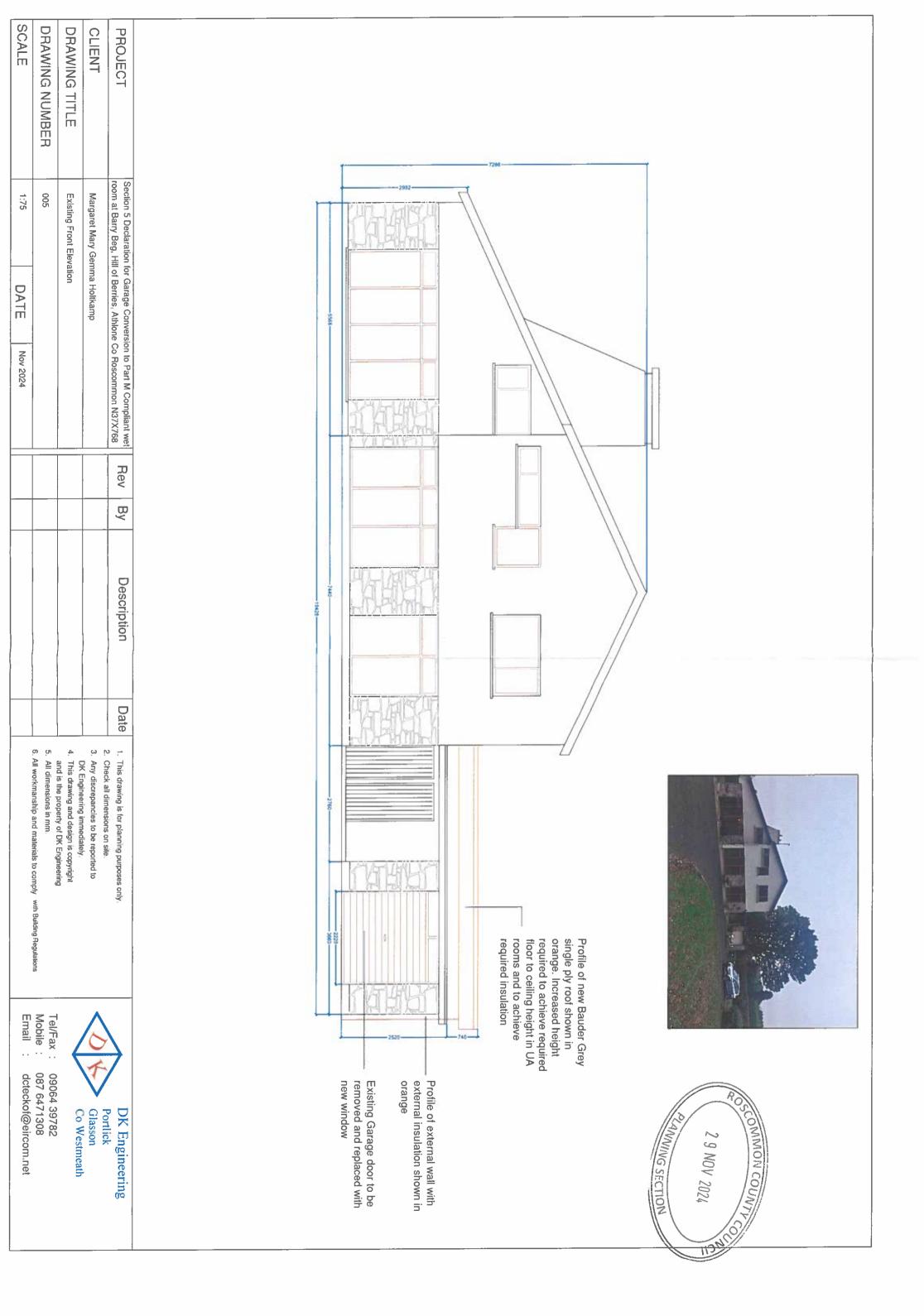
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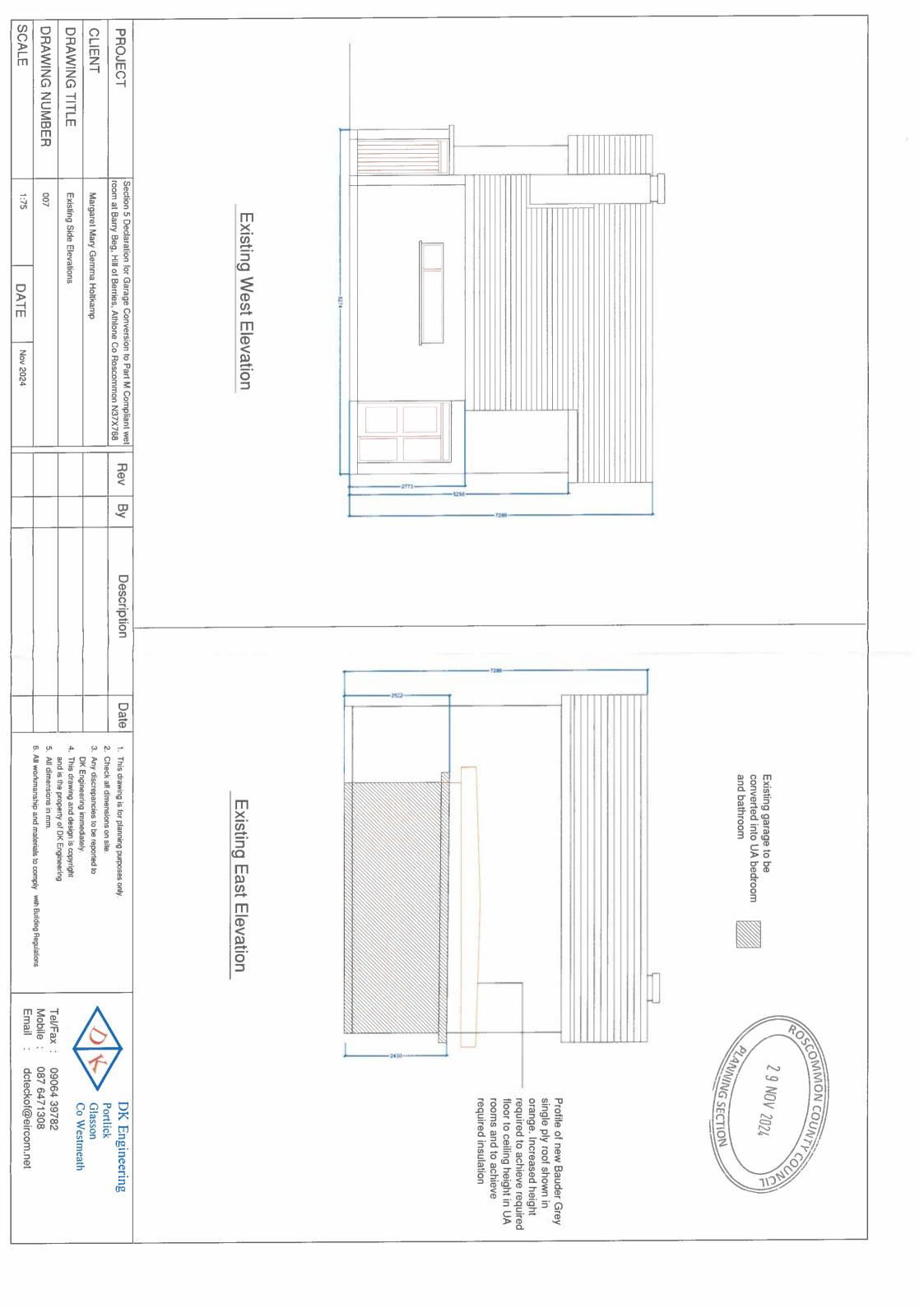
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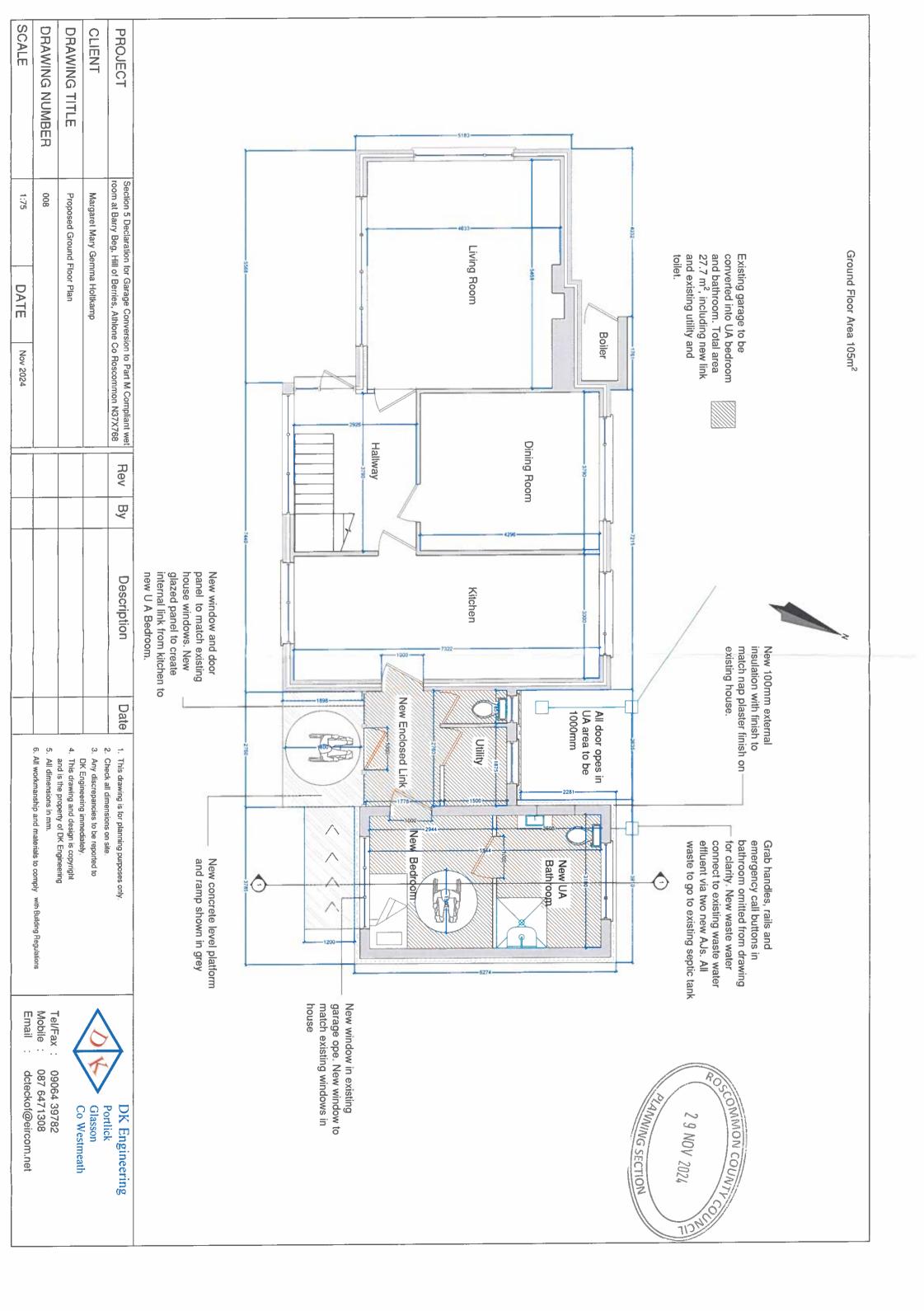
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Portlick Glasson Co Westmeath DK Engineering

Tel/Fax : Mobile : Email :





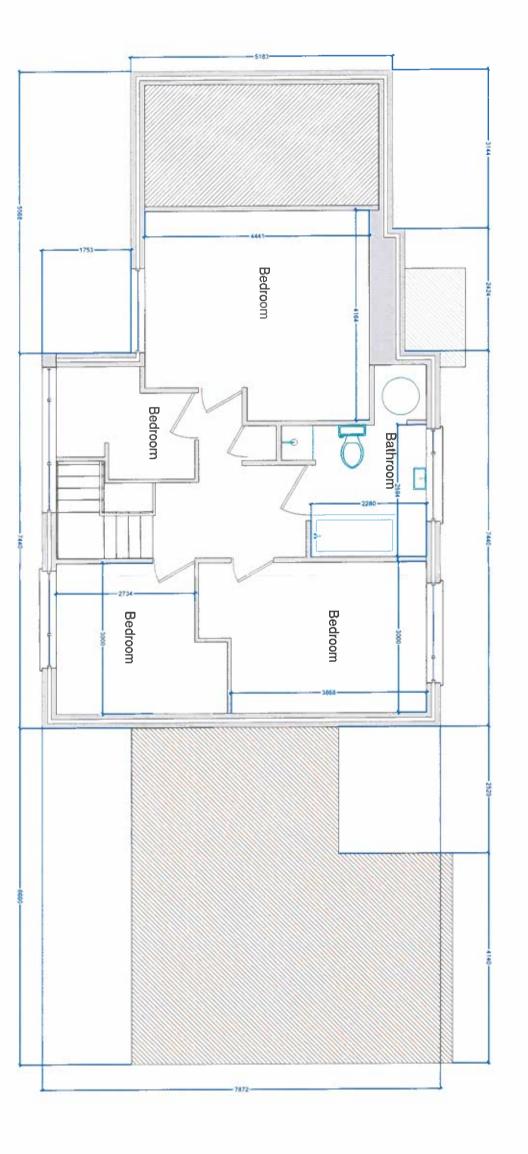


Total area of first floor 64.6m<sup>2</sup>

Footprint of existing garage to be converted into UA bedroom and bathroom







PROJECT	Section 5 Declaration for Garage Conversion to Part M Compliant well room at Barry Beg, Hill of Berries, Athlone Co Roscommon N37X768	Rev	Ву	Description	Date
CLIENT	Margaret Mary Gemma Holtkamp				
DRAWING TITLE	Proposed First Floor Plan				
DRAWING NUMBER	009				

SCALE

1:75

DATE

Nov 2024

- This drawing is for planning purposes only.
- Check all dimensions on site.

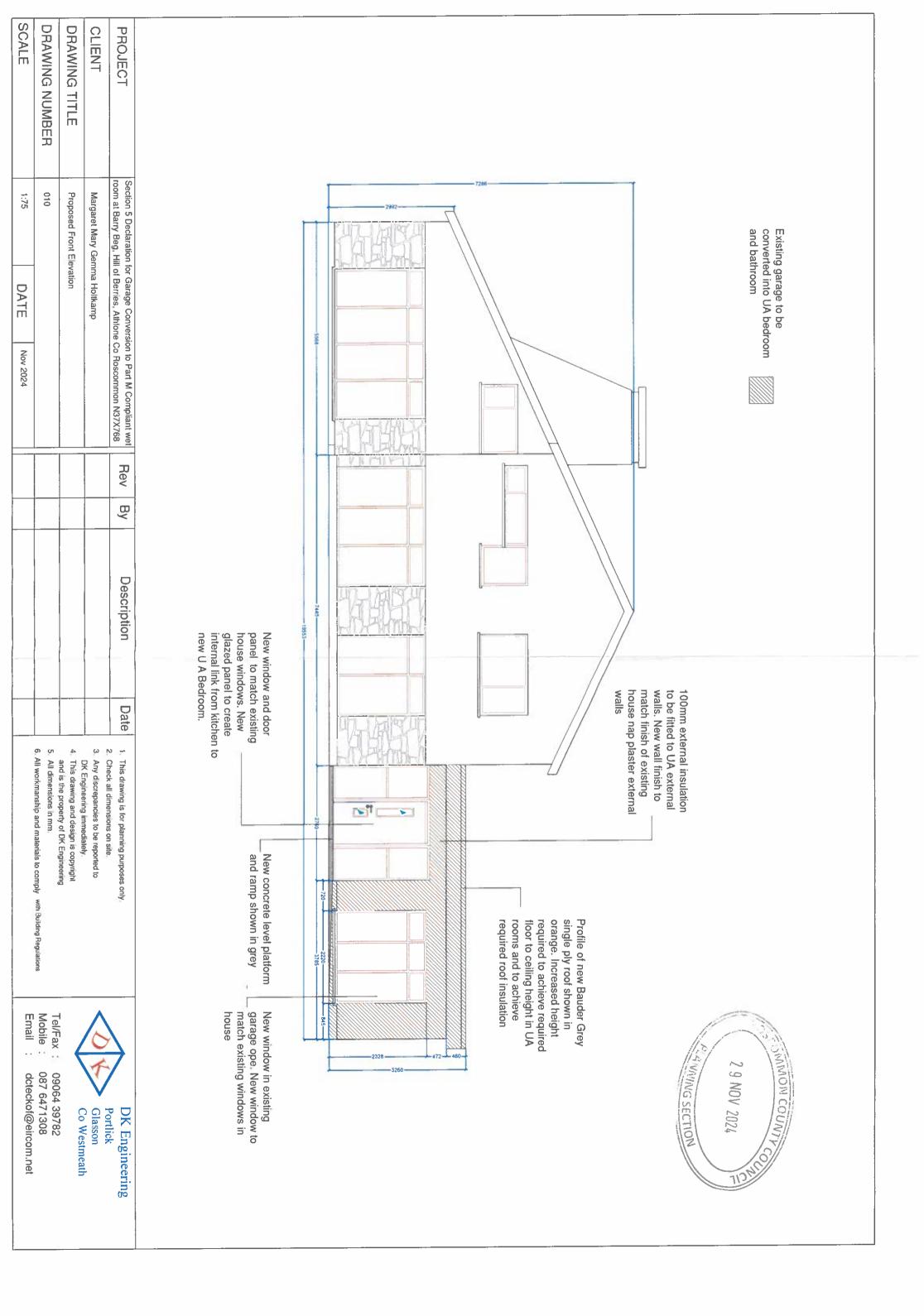
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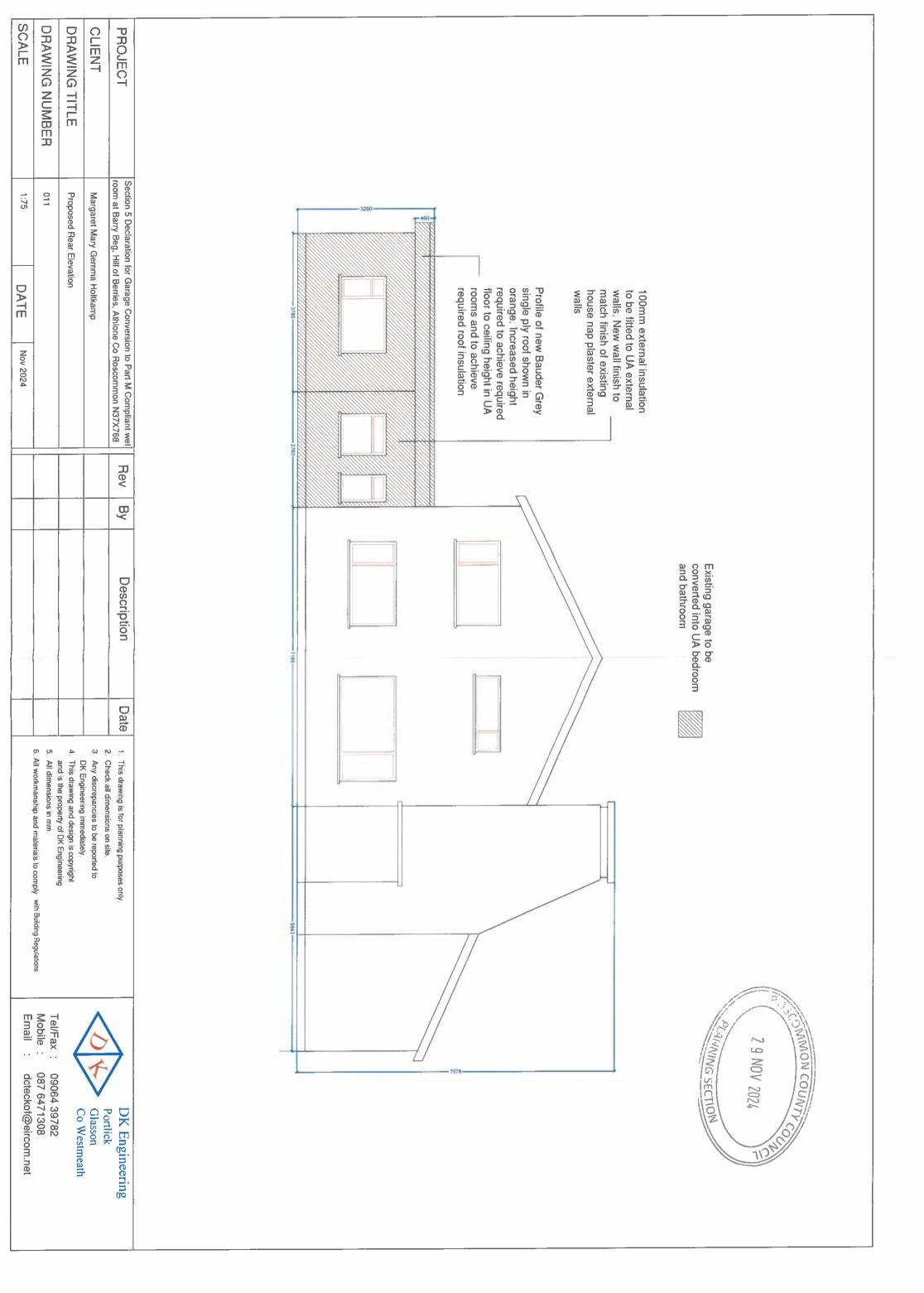
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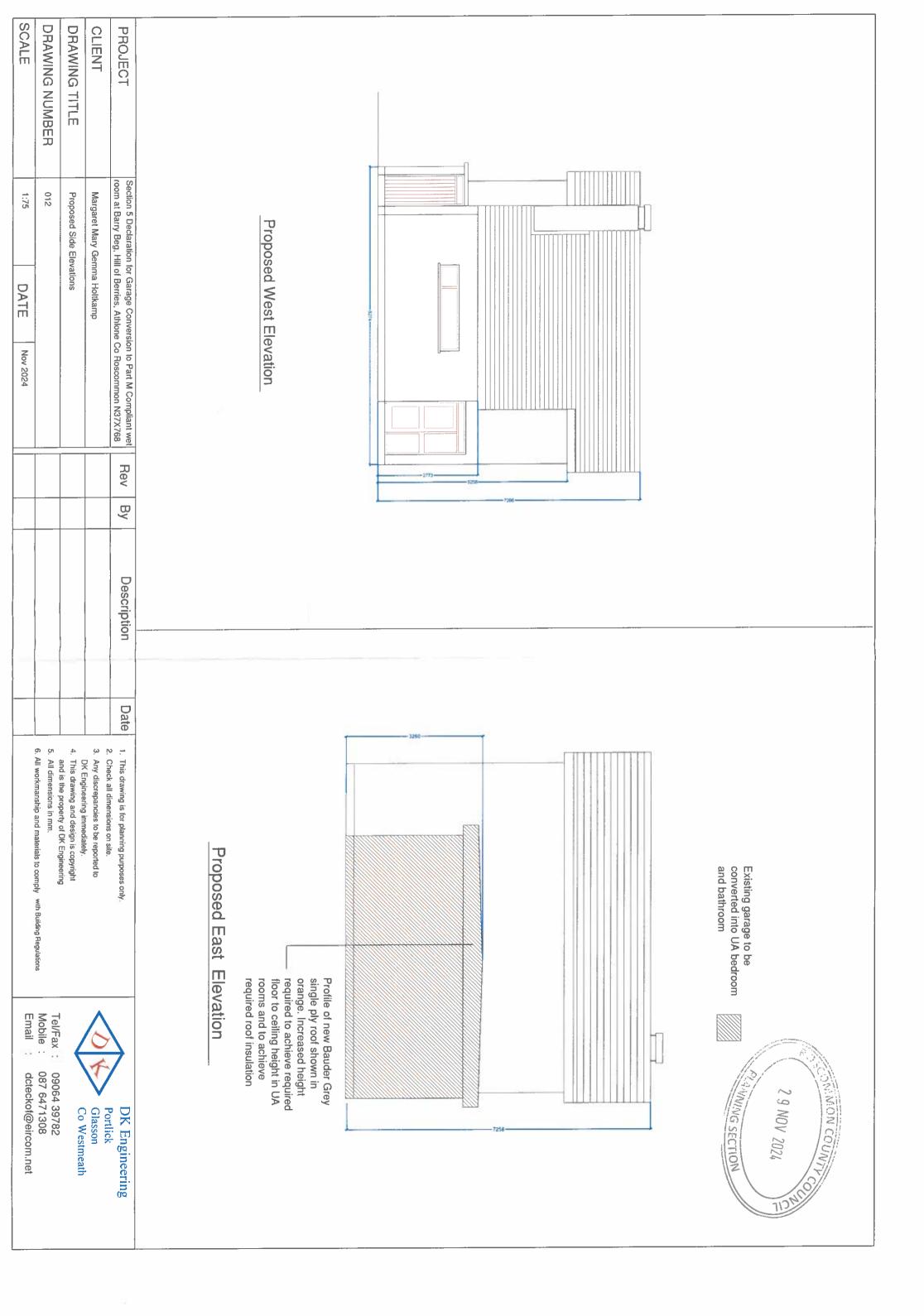
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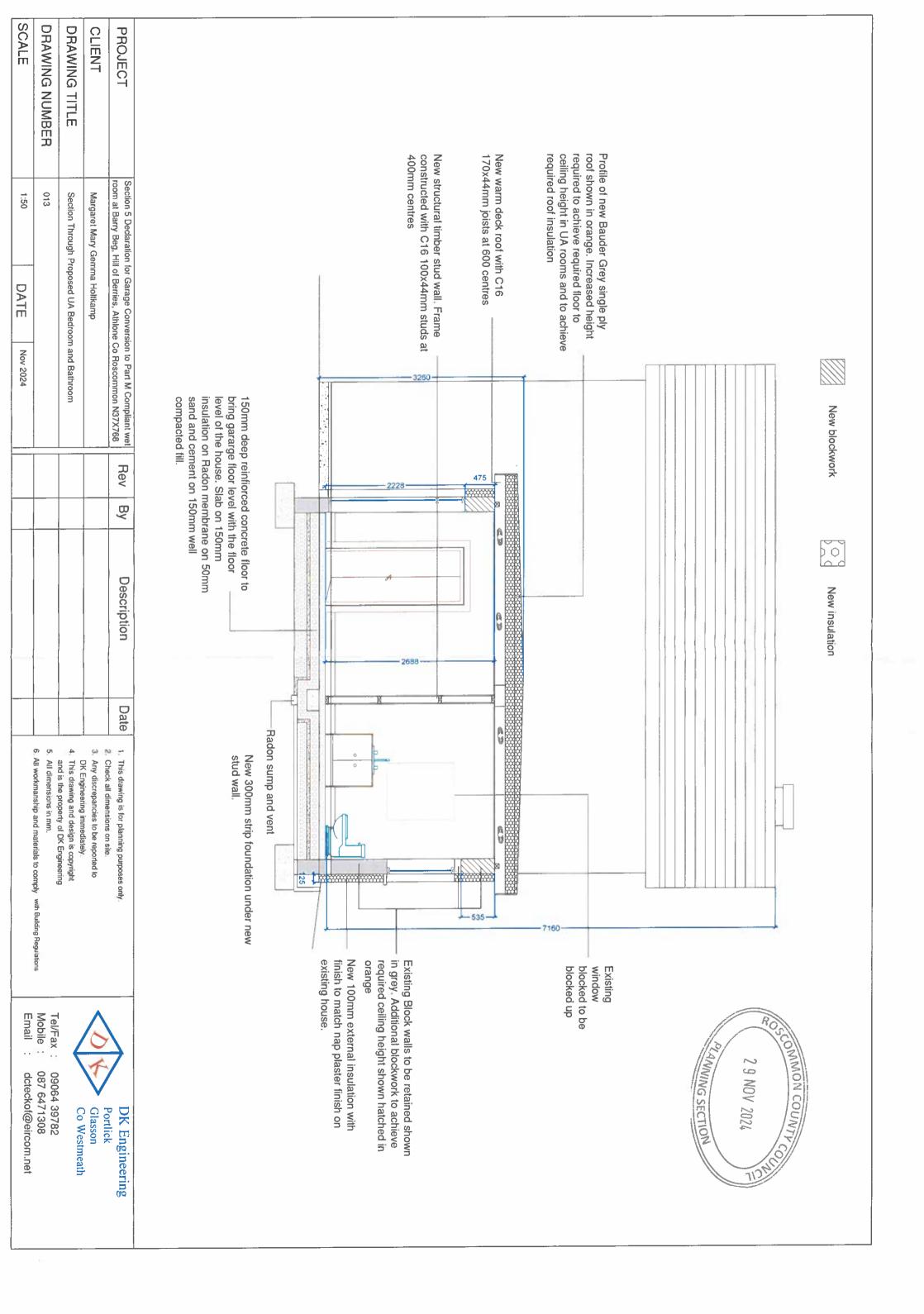
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DK Engineering







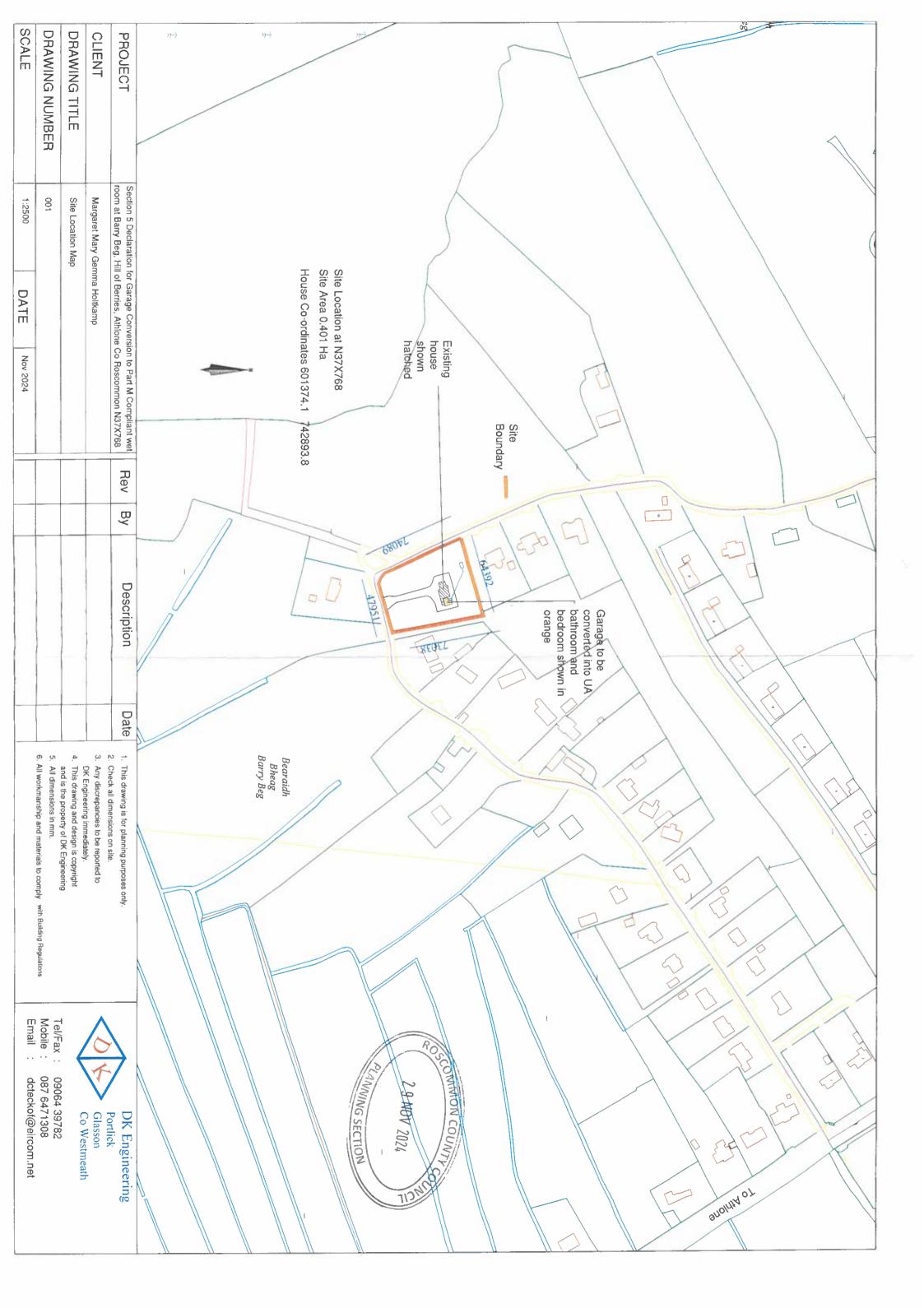


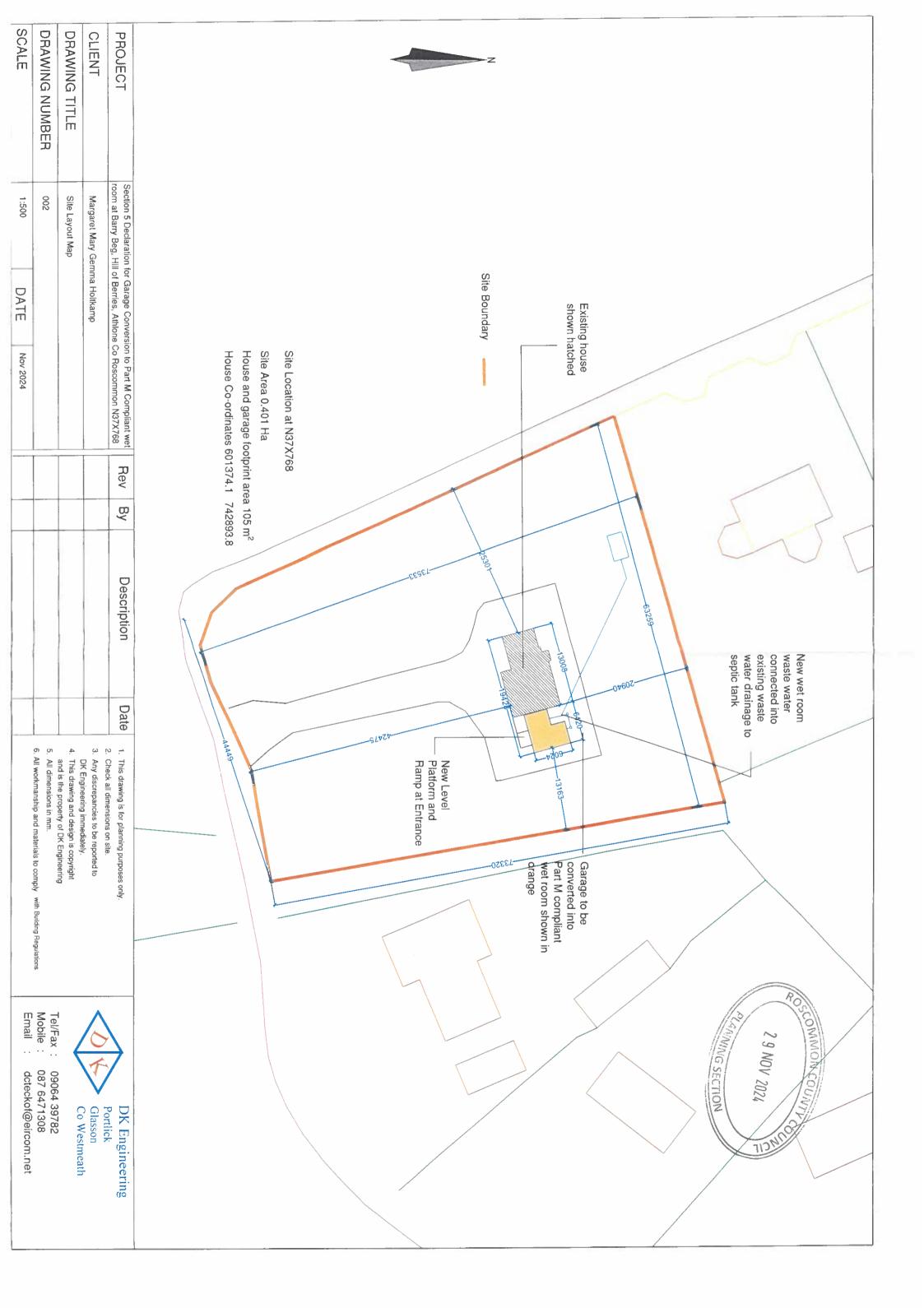


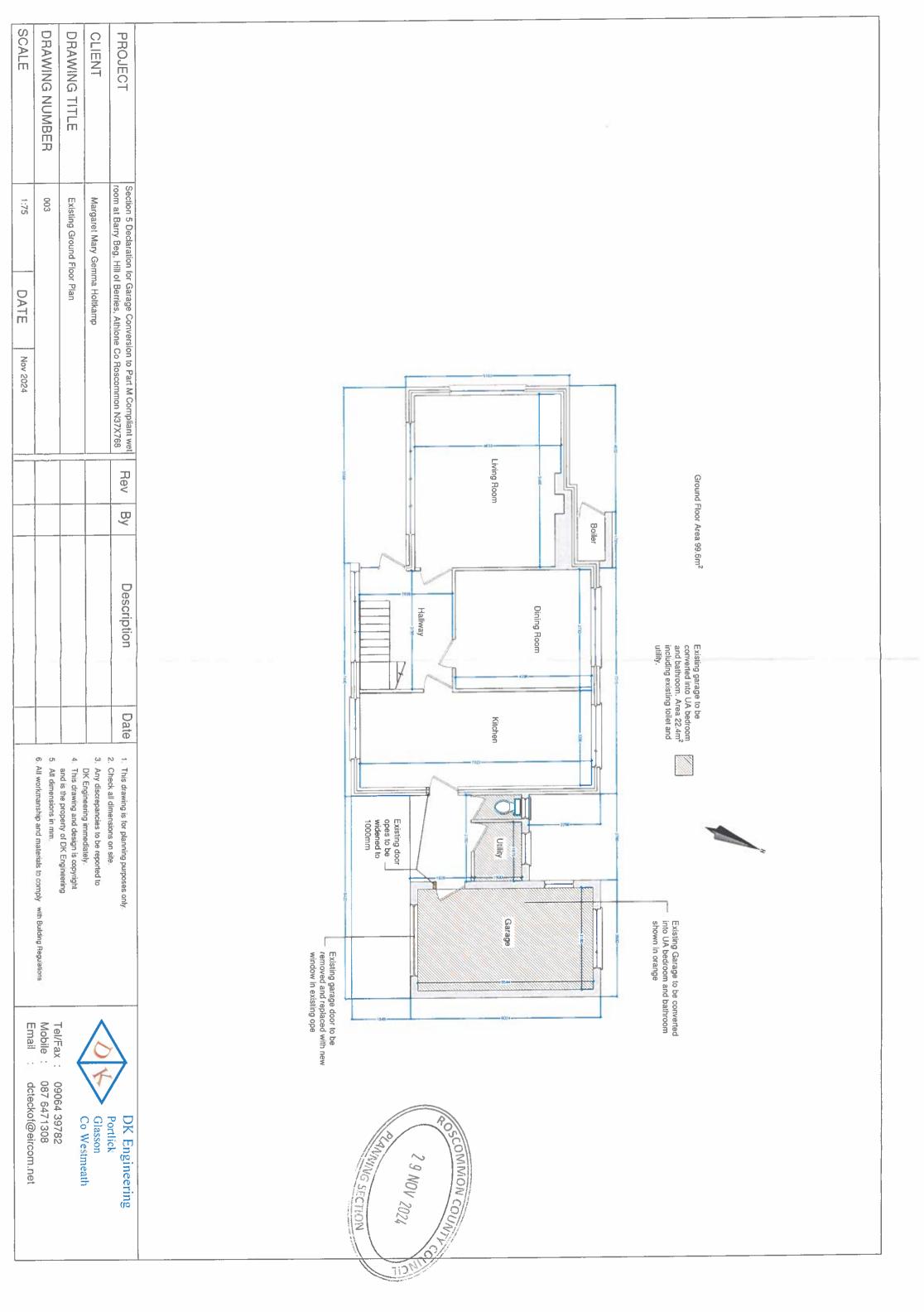
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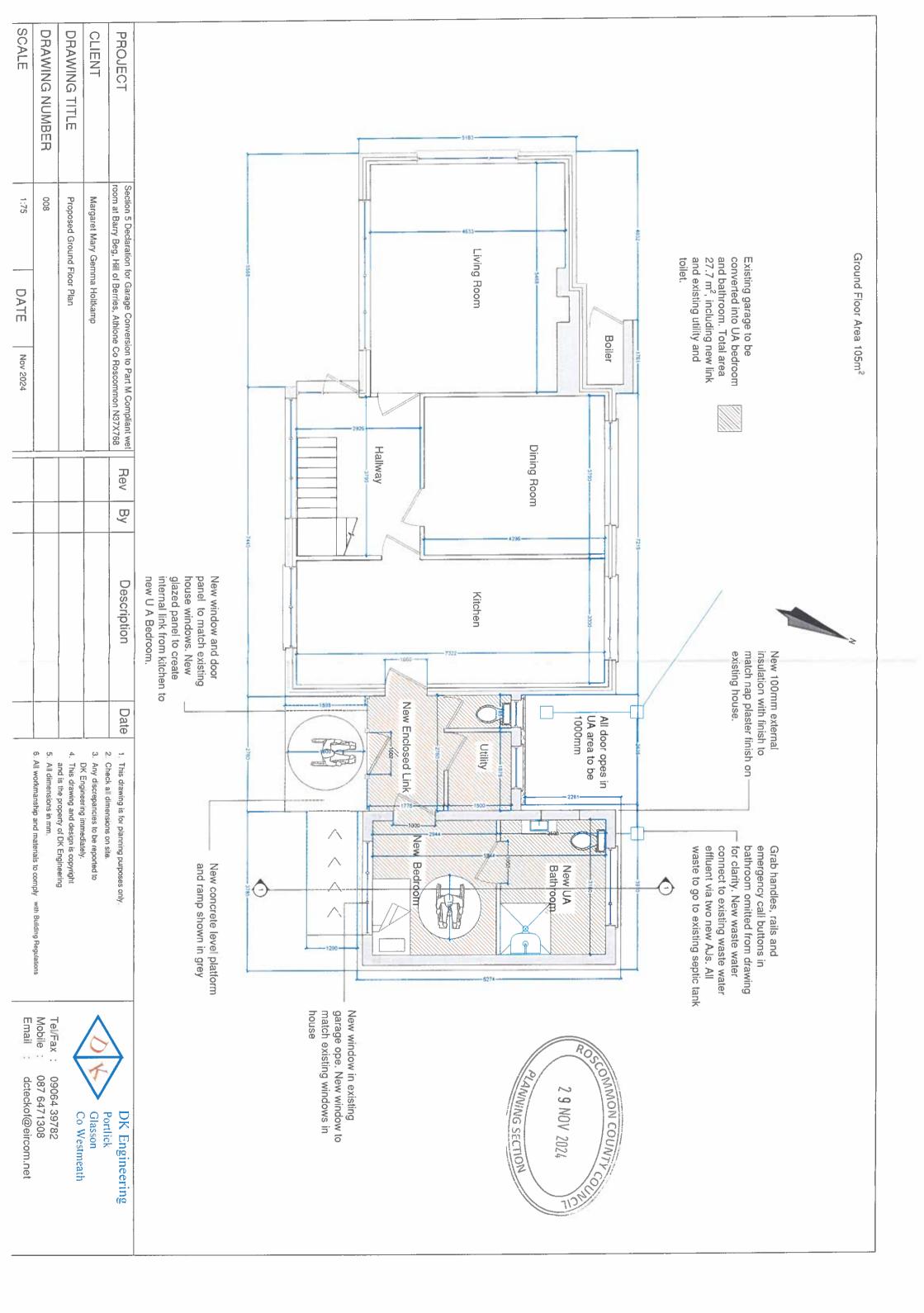
1 DK Engineering

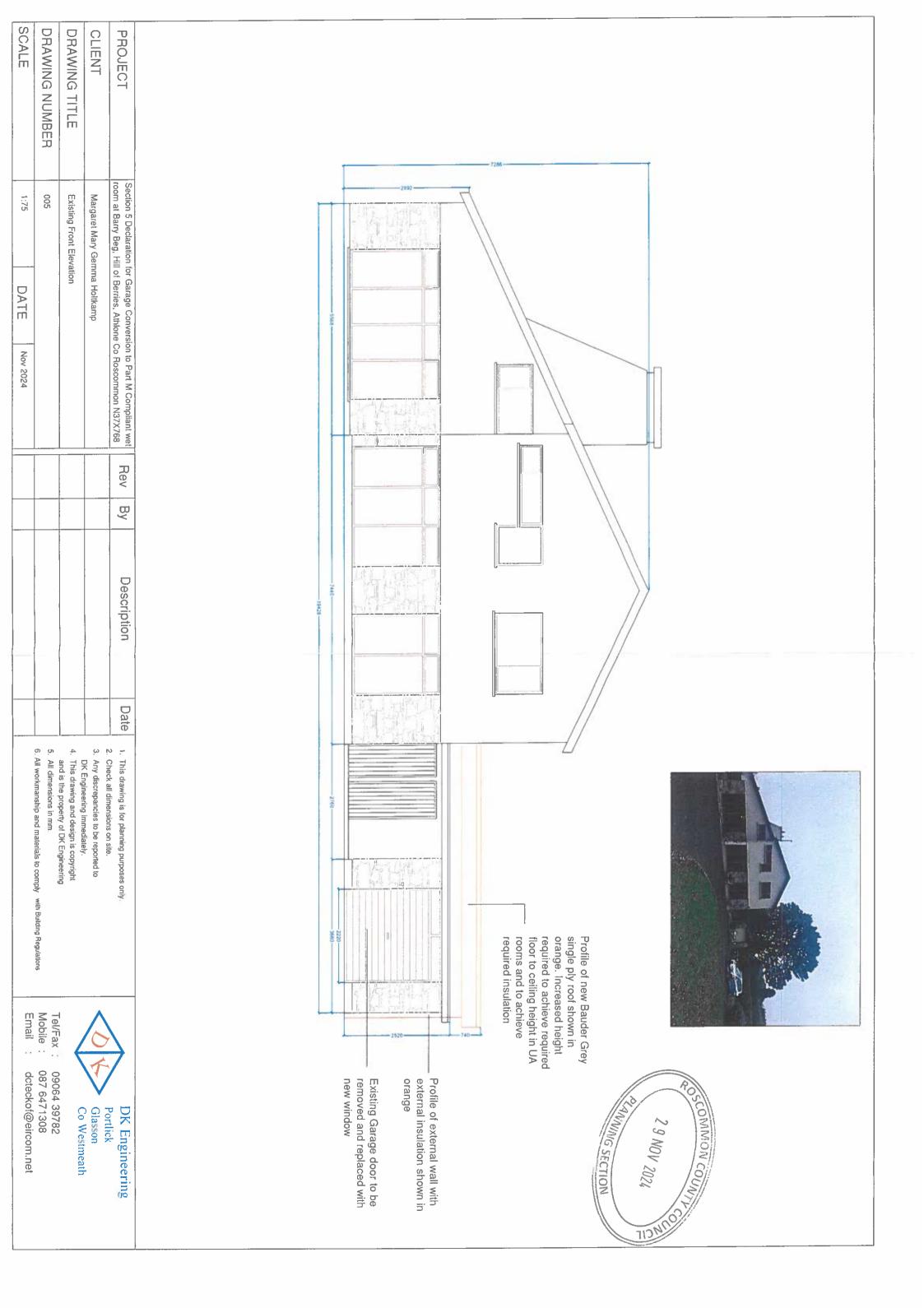


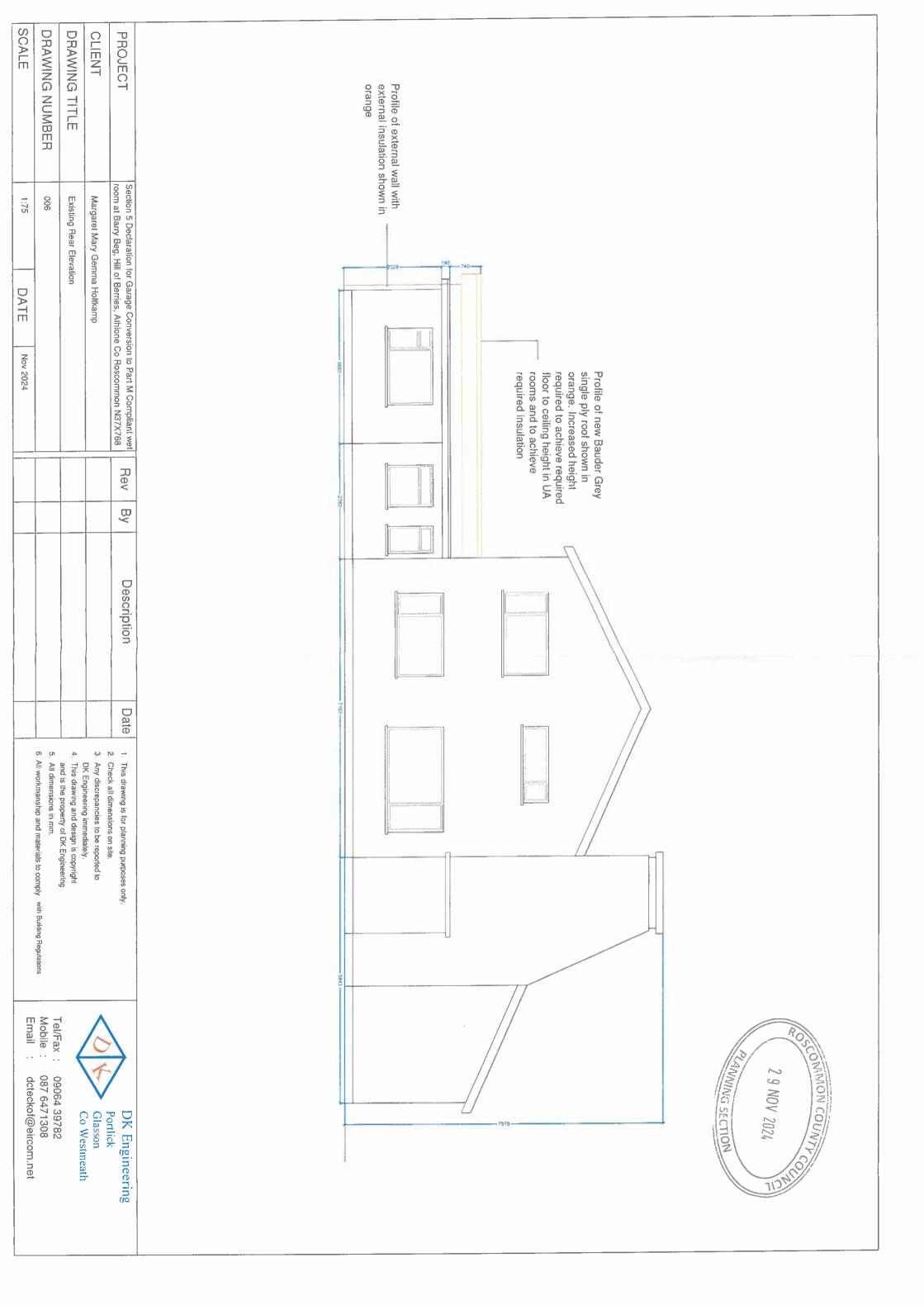


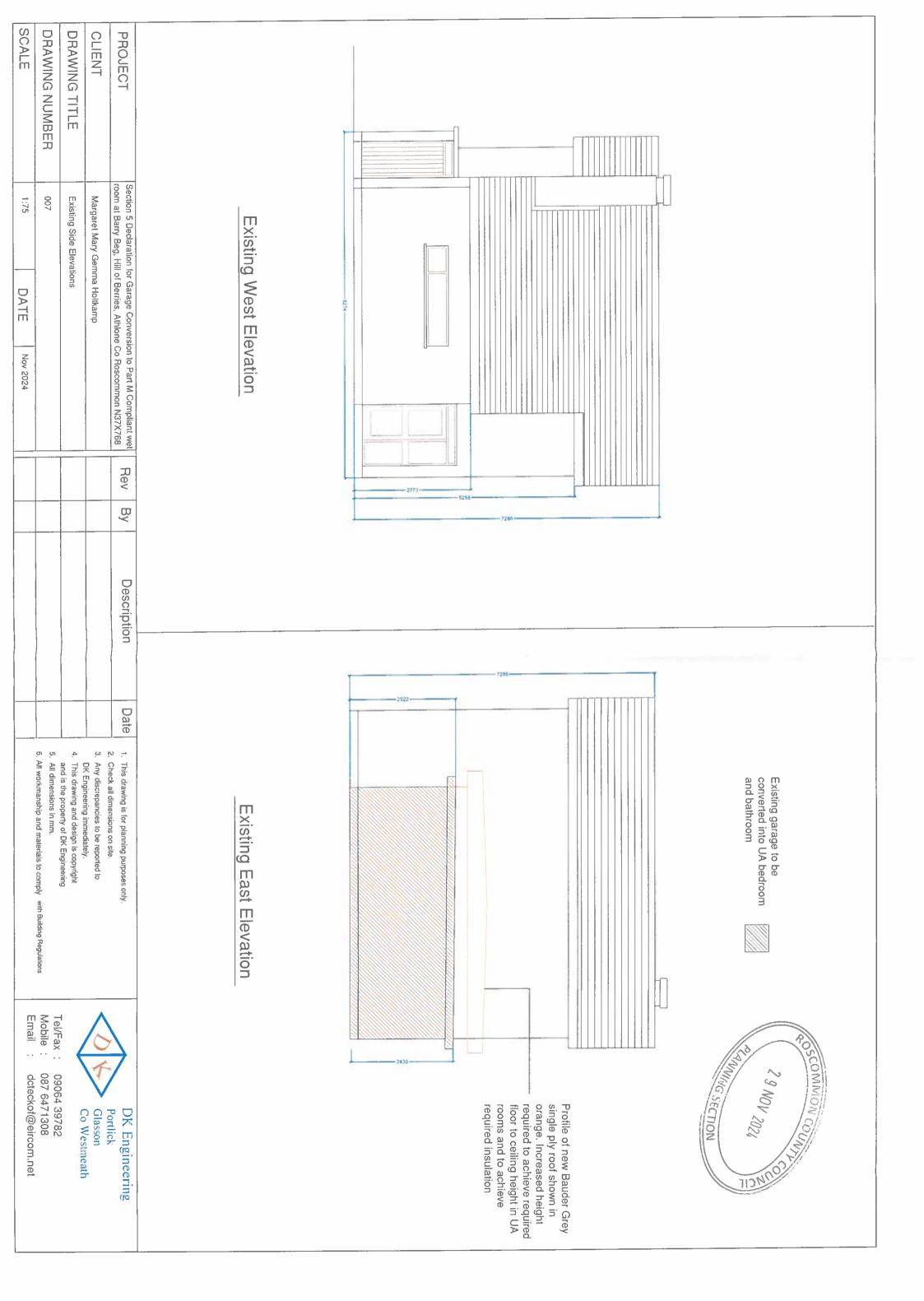


SCALE CLIENT DRAWING NUMBER DRAWING TITLE PROJECT Section 5 Declaration for Garage Conversion to Part M Compliant wet room at Barry Beg, Hill of Berries, Athlone Co Roscommon N37X768 1:75 004 Existing First Floor Plan Margaret Mary Gemma Holtkamp DATE Total area of first floor 64.6m<sup>2</sup> Nov 2024 Bedroom Rev Bedroom Footprint of existing garage to be converted into UA bedroom and bathroom Ву Bathroom <sup>□</sup> Landing Description Bedroom Bedroom Date 4. This drawing and design is copyright and is the property of DK Engineering
5. All dimensions in mm.
6. All workmanship and materials to comply with Building Regulations Any discrepancies to be reported to 2. Check all dimensions on site. 1. This drawing is for planning purposes only. DK Engineering immediately. Tel/Fax : Mobile : Email : 09064 39782 087 6471308 dcteckof@eircom.net \$0SCOMMON, DK Engineering
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Glasson
Co Westmeath SOUNCIL.

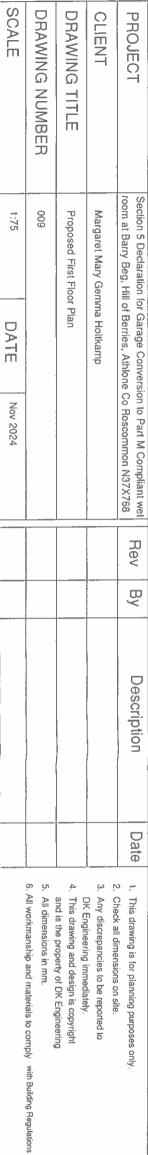








Total area of first floor 64.6m<sup>2</sup> Bedroom Bedroom Bathroom Footprint of existing garage to be converted into UA bedroom and bathroom Bedroom Bedroom POUNCIL



Check all dimensions on site.

1. This drawing is for planning purposes only

Any discrepancies to be reported to DK Engineering immediately.
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Portlick Glasson Co Westmeath DK Engineering

Tel/Fax : Mobile : Email : 09064 39782 087 6471308 dcteckof@eircom.net

