ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST



Reference Number:	DED 812
Application Received:	5 th December 2024
Name of Applicant:	Leonie Beirne
Agent:	Rathcroghan Design

WHEREAS a question has arisen as to whether the renovation of an existing dwelling including removing existing and rebuilding identical rear extension at Culleenaghamore House, Culleenaghamore Td, Kilglass, 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) 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 works outlined above are development.
- (b) The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- (c) The proposed works, which set out to "renovate existing dwelling including removing existing and rebuilding identical rear extension" fall under Schedule 2 of Part 1; Class 1 development and is considered to constitute 'exempted development'.
- (d) The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to renovate an existing dwelling include removing existing and rebuilding identical rear extension at Culleenaghmore House, Culleenaghamore Td, Kilglass, Co. Roscommon., 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.

ADVISORY NOTE

- Water Services (Amendment) Act 2012: This Act mandates the registration and inspection of all domestic waste water treatment systems. Owners are required to register their systems with the local authority.
- EPA Guidelines on Proximity to Water Bodies: The Environmental Protection Agency (EPA) has established guidelines to prevent contamination of water bodies from DWWTS. Key recommendations include:
 - Site Assessment: A thorough site assessment should be conducted to determine soil suitability, percolation characteristics, and the system's capacity to attenuate contaminants.
 - Minimum Separation Distances: The EPA's 2021 Code of Practice specifies minimum separation distances between the DWWTS and various features, including water bodies. For instance, a minimum distance is required between the percolation area and any watercourse to reduce the risk of surface water and ground water pollution.
 - Design and Installation: Systems should be designed and installed to ensure that treated effluent does not pose a risk to nearby water bodies. This includes proper sizing, location, and maintenance of the percolation area.

The applicant is advised of the foregoing.

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 Wednesday 5 February 2025 10:10 Martin Dowd DED812 - Notification of Decision DED812 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 812 submitted on behalf of Leonie Beirne. 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 2: (090) 6637100 : planning@roscommoncoco.ie | @ www.roscommoncoco.ie



Roscommon County Council – Planning Report

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

Reference Number:

DED 812

Name and Address of Applicant:

Leonie Beirne

AGENT:

Martin Dowd (Rathcroghan Designs)

WHEREAS a question has arisen as to whether to 'renovate existing dwelling including removing existing and rebuilding identical rear extension' at Culleenaghamore House, Culleenaghamore Td, Kilglass, Co. Roscommon is or is not development and is or is not exempted development:

1.0	Site Location and Description		

The subject site is located off a public road (L-60495) in the rural townland of Culleenaghamore, Co. Roscommon. The application site consists of an old two-storey dwelling and rear annex which is vacant and is in poor condition. There are also two long standing outbuildings to the front west of the main vacant dwelling.

The proposed DED application relates to the renovation of the old dwelling structure which is mainly confined to internal works and the removal of the existing rear annex and developing a new rear extension at the site in question.

2.0 Planning History

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

 Established Status: The dwelling structure and the ancillary out buildings are identified on the 25-inch historic maps (1897-1913) and the 6-inch historic maps (1830-1930), being of pre-1963 construction, the structures hold the benefit of established status.

3.0 Relevant Legislation

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

- a) Sections 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 of the Planning and Development Regulations 2001 (as amended).
- c) Part 4 of Schedule 2 of the 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 on site.

Planning and Development Act, 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)

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.

(3) For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

Section 4 (1)

The following shall be exempted developments for the purposes of this Act-

(*h*) 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)

Planning and Development Act 2000 (as amended) 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 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.

- Particular regard is had to Class 1 of Schedule 2 Article 6 Part 1 Exempted Development General of Column 1 and the associated Conditions and Limitations set out under Column 2.
- Regard should also be had for Class 50 and the conditions and limitations specified in column 2 within the Planning & Development Regulations 2001 as amended.

<u>Article 9 (1)</u>

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.
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width.
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users.
- (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.

(viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

4.0 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".

On review of the submission particulars, under the provision of Section 4(1)(h), it is considered that the proposed works, comprising of the development of a new extension to the rear of the property (which will necessitate the demolition of an in-situ two-storey addition to the rear) would not adversely impact the architectural character of the building, or neighbouring structures, and as such, are considered to fall under the provision of section 4(1)(h).

The proposed works, falling under Schedule 2, Part 1, Class 1 of Article 6, subject to Article 9, set out to "renovate existing dwelling including removing existing and rebuilding identical rear extension" and accordingly, is 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.

Services

Having inspected the site on the 14th January 2025, it was noted that a water pump house structure was situated to the south-west of the existing main dwelling which was not indicated on the Site Layout Plan submitted.

An existing septic tank and percolation area is indicated to the north of the main dwelling as per the Site Layout Plan received.

I did not carry out an assessment of the onsite water and wastewater treatment system and an advice note will be set out in this report in respect of the Water Services (Amendment) Act 2012 and the EPA's 2021 Code of Practice.

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 'Road – class 1 togher' (SMR No: RO030-023) which is located 1.6km south-east of the subject site, and a Ringfort - rath (SMR No.: RO024-015-) which is also 1.6km northwest of the subject site.

5.0 Recommendation

WHEREAS a question has arisen as to whether a proposed development; which sets out to *"renovate existing dwelling including removing existing and rebuilding identical rear extension* at the site located *in Culleenaghamore House, Culleenaghamore Td, Kilglass, 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) 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 works outlined above are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended.
- The proposed works, which set out to *"renovate existing dwelling including removing existing and rebuilding identical rear extension" fall* under Schedule 2 of Part 1; Class 1 development and is considered to constitute 'exempted development'.
- 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 *"renovate existing dwelling including removing existing and rebuilding identical rear extension"* fall under Schedule 2 of Part 1; Class 1 development and is considered to constitute 'exempted development' and that a declaration to that effect should be issued to the applicant.

Signed:

Sharl Wonball

Date: 23rd January 2025

Shane Winters Executive Planner

Signed: _____ Alan O'Connell Senior/Senior Executive Planner Date: 23rd January 2025

ADVISORY NOTE

- Water Services (Amendment) Act 2012: This Act mandates the registration and inspection of all domestic waste water treatment systems. Owners are required to register their systems with the local authority.
- EPA Guidelines on Proximity to Water Bodies: The Environmental Protection Agency (EPA) has established guidelines to prevent contamination of water bodies from DWWTS. Key recommendations include:
 - Site Assessment: A thorough site assessment should be conducted to determine soil suitability, percolation characteristics, and the system's capacity to attenuate contaminants.
 - Minimum Separation Distances: The EPA's 2021 Code of Practice specifies minimum separation distances between the DWWTS and various features, including water bodies. For instance, a minimum distance is required between the percolation area and any watercourse to reduce the risk of surface water and ground water pollution.
 - Design and Installation: Systems should be designed and installed to ensure that treated effluent does not pose a risk to nearby water bodies. This includes proper sizing, location, and maintenance of the percolation area.

The applicant is advised of the foregoing.

Photos taken on 14th January 2025



















Comhairle Contae Ros Comáin Roscommon County Council



Leonie Beirne,



Date:9th December 2024Planning Reference:DED 812

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

Development:Permission to renovate existing vacant dwelling, works including 1) external windows &
doors to be replaced; 2)internal doors, architrave & skirting; 3) plumbing; 4)electrical &
5) removing & rebuilding of existing rear extension under the Planning & Development
Act (Exempt Development) Regulations 2018 at Culleenaghamore House,
Culleenaghamore Td, Kilglass, Co. Roscommon.

A Chara,

Re:

I wish to acknowledge receipt of your application which was received on the 5th December 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. L01/0/231947 dated 6th December 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 812 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: Rathcroghan Designs rathcroghandesigns@gmail.com

Áras an Chontae, Roscommon, F42 VR98 T 090 6637100 F 090 6625599 E customerservice@roscommoncoco.ie W roscommon.ie III RoscommonCountyCouncil III @roscommoncoco





Roscommon County Council Aras an Chontae Aras an Chontae Roscommon 09066 37100

06/12/2024 14:28:13

Receipt No.:: L01/0/231947

LEONIE BEIRNE C/O MARTIN DOWD RATHCROGHAN DESIGNS BALLYCONBOY BALLINAGARE CASTLEBAR

PLANNING APPLICATION FEES GOODS 80 00 VAT Exempt/Non-vatable DED 812

80.00

Total

80 00 EUR

Tendered Credit/Debit Card 8236

Change

0.00

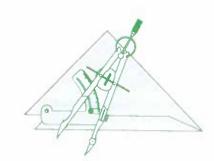
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Issued By - Bernadine Duignan From : Central Cash Office

Rathcroghan Designs

BALLYCONBOY, BALLINAGARE, CASTLEREA, CO. ROSCOMMON Planning and Building Consultants Associate Member of The Society Chartered Surveyors Ireland

> MOBILE : 086 2328484 TEL/FAX : 071 9639983 Email – rathcroghandesigns@gmail.com



Planning Authority Roscommon County Council Aras An Chontae Roscommon.

MNON COUN ANNING SECTIO

November 26th 2024

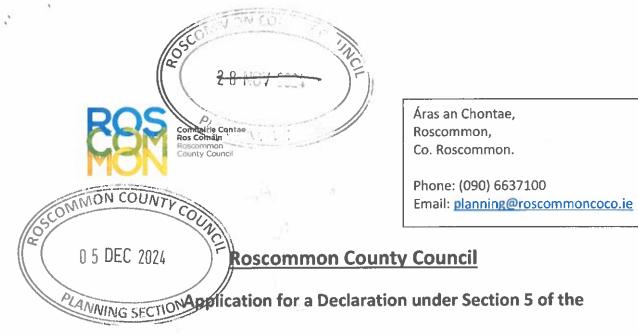
Dear sir or madam,

Please find enclosed letter of consent in relation to planning application for exempted development on behalf of Leonie Beirne. I wish to pay the application fee by debit card. I would be obliged if you could contact me at your convenience so that I can give you card detail for payment.

Yours Sincerely

Martin Dowd Assoc SCSI BSc (Construction Management) Rathcroghan Designs Ph. 086 2328484





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

Name of Applicant(s)	LEONIE BEIRNE	
Name of Agent	MARTIN DOWD RATHEROGHAN DESIGNS	
Nature of Proposed Works	RENOVATE EXISTING HABITAL VA DWELLING INCLUDING REMOVING REBUILDING EXISTING REAR EX- 17.5M2 IN FLOOR AREA ON EXISTIN FOOTARINT	AND
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CULLEENAGHAMORE HOUSE	
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>130.8 m2</u> b) <u>17.5 m2</u>	
Height above ground level:	EXISTING 8.296 M PROPOSED 6.608 M	
Total area of private open space remaining after completion of this development		
Roofing Material (Slates, Tiles, other) (Specify)	SLATES	

Roscommon County Council

4

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	PLASTER
Is proposed works located at front/rear/side of existing house.	REAR AND INTERNAL RENDUATION
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	NA
Existing use of land or structure	DWELLING HOUSE
Proposed use of land or structure	DWELLING HOUSE
Distance of proposed building line from edge of roadway	276 M
Does the proposed development involve the provision of a piped water supply	EXISTING CONNECTION
Does the proposed development involve the provision of sanitary facilities	EXISTING SEPTIC TANK

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

Signature:

n Done (AGENT)

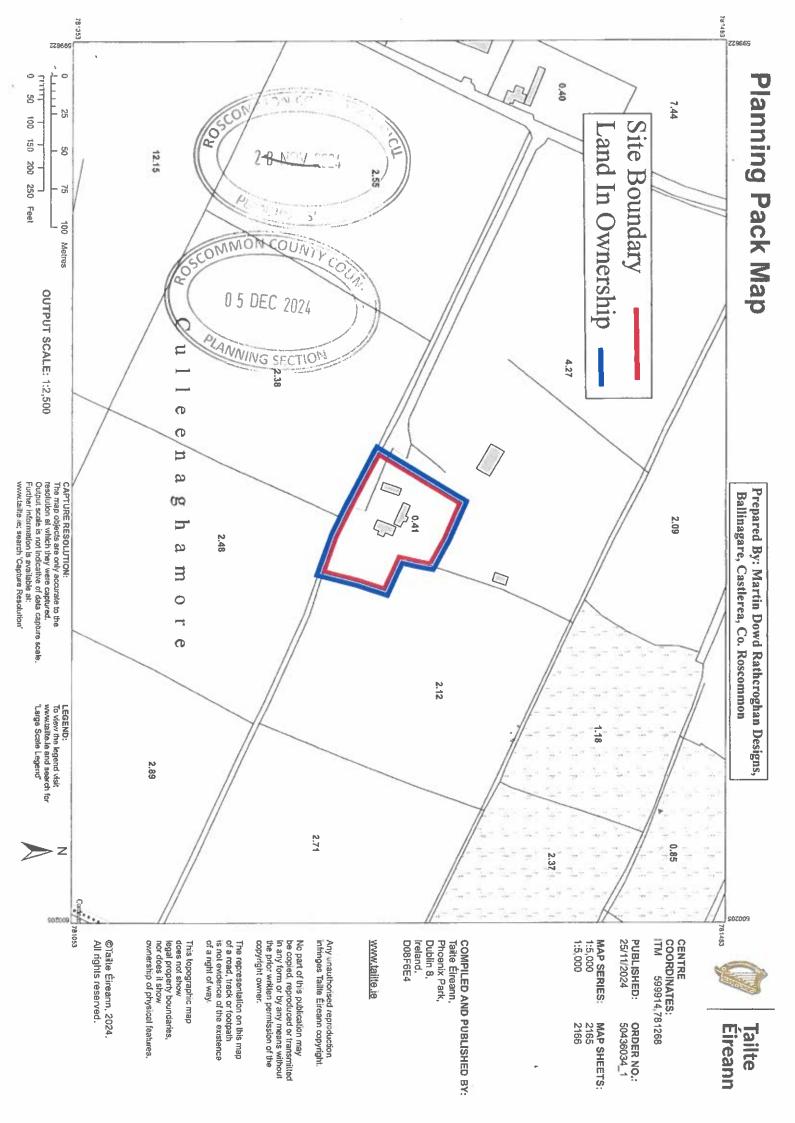
Date:

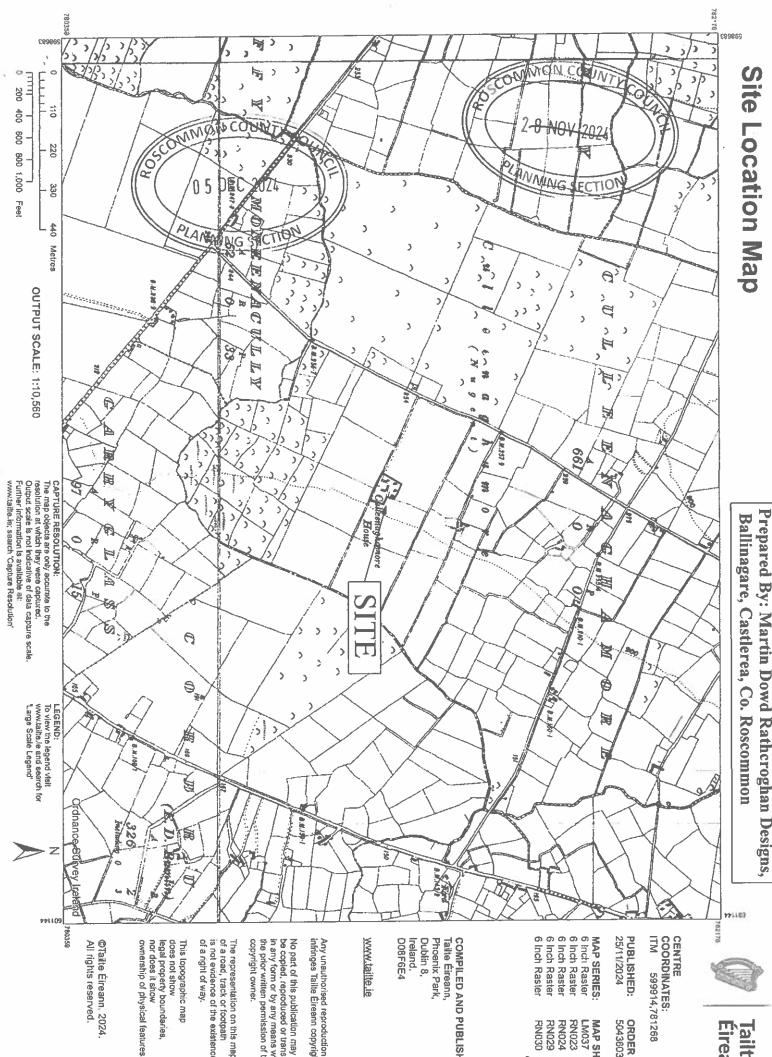
Note: This application must be accompanied by: -

- (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









6 Inch Raster 6 Inch Raster CENTRE COORDINATES: ITM 599914,76 PUBLISHED: 6 Inch Raster MAP SERIES 25/11/2024 599914,781268 RN023 RN024 RN029 50436034_1 LM037 ORDER NO .: MAP SHEETS:

Éireann Tailte

Dublin 8, Phoenix Park Tailte Éireann, COMPILED AND PUBLISHED BY:

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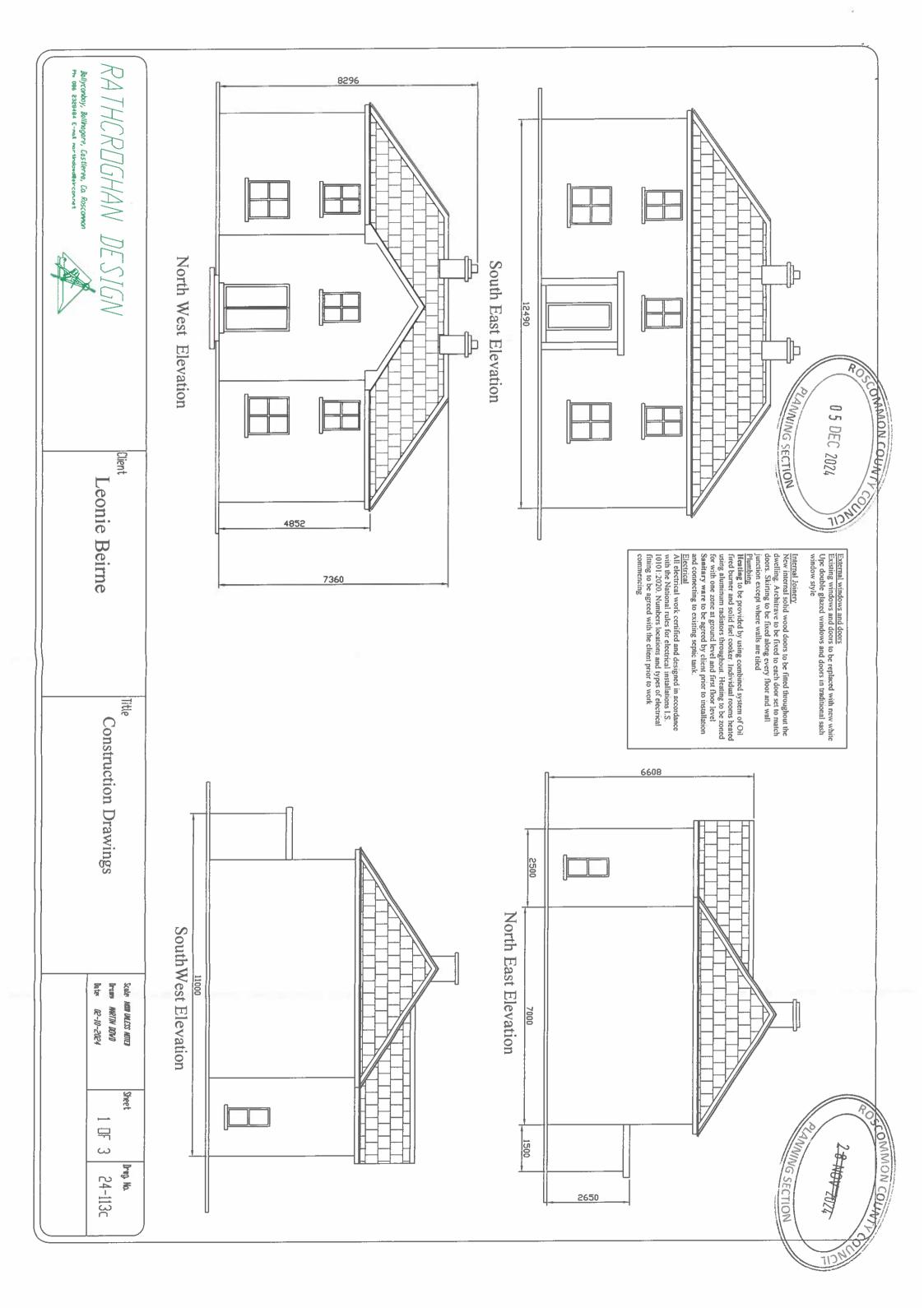
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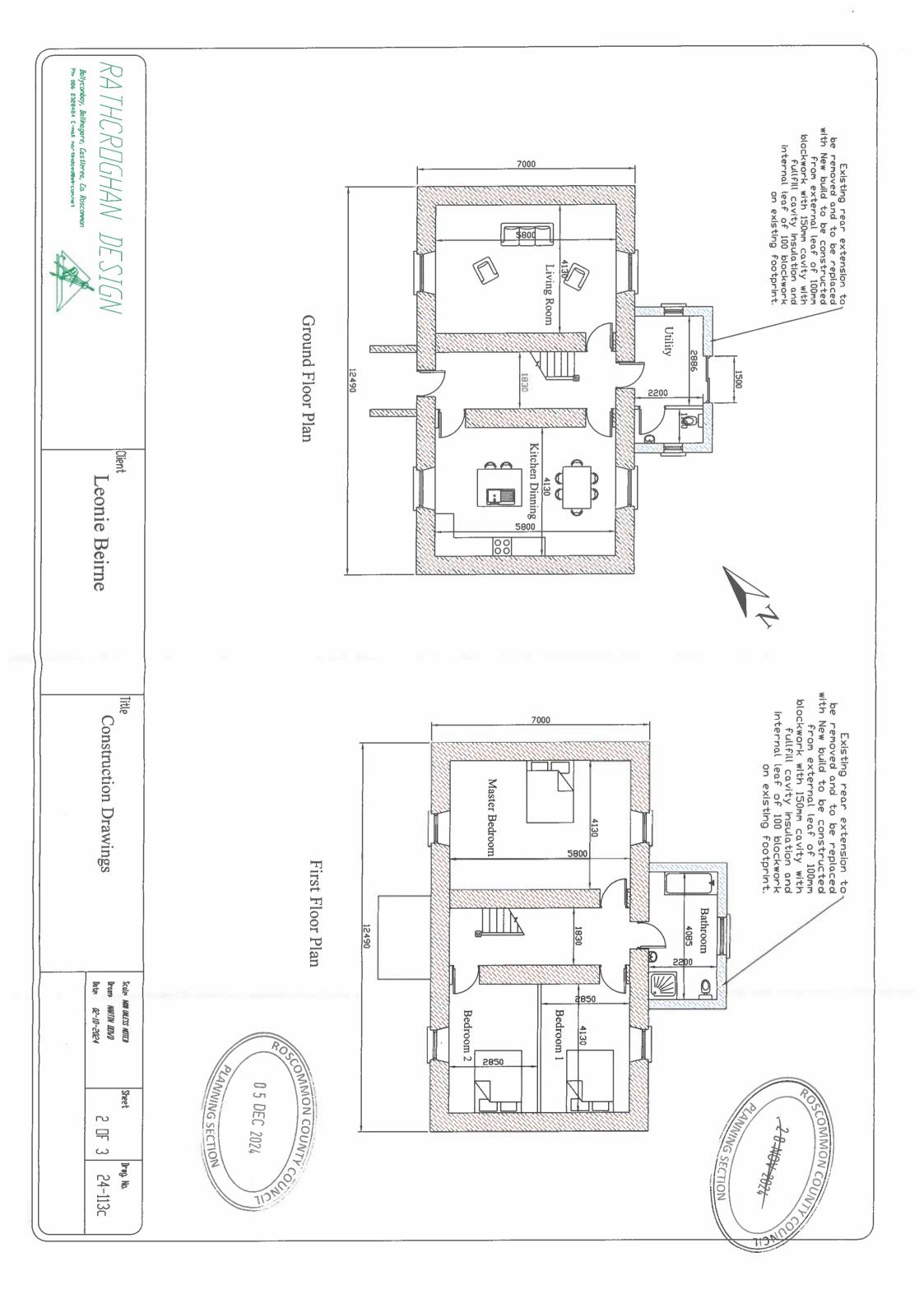
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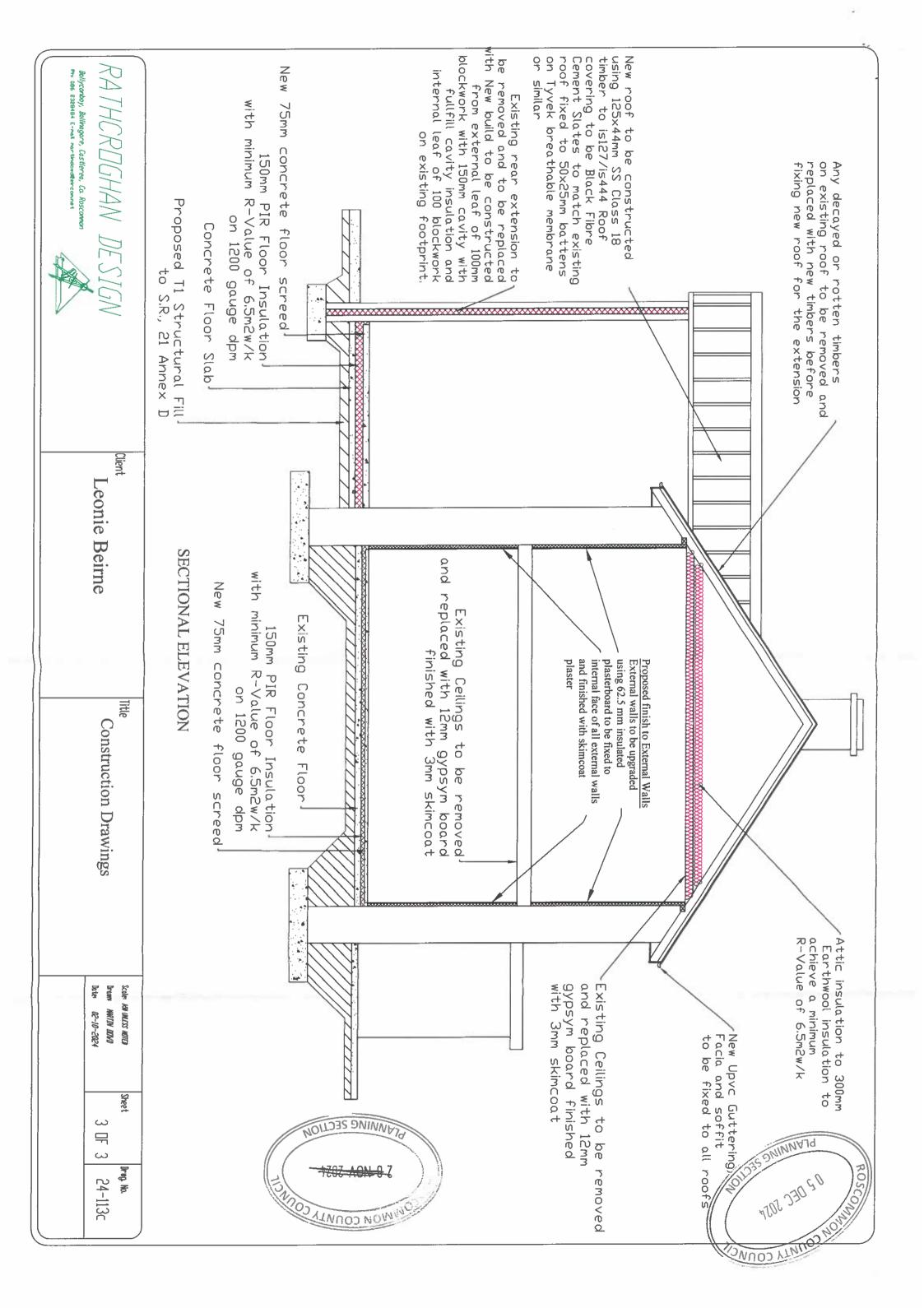
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of a right of way.









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Carmel Curley

From: Sent: To: Subject: Carmel Curley Thursday 28 November 2024 10:57 Martin Dowd DED Application - Leonie Beirne

Hi Martin,

I wish to confirm that we have received the Section 5 Application for Leonie Beirne – can you please clarify if the extension to be demolished and rebuilt are identical?

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 2: (090) 6637100

⊠: planning@roscommoncoco.ie | ⊕ www.roscommoncoco.ie



SCON	MMON COUNTY	
	0 5 DEC 2024	I CI-
PI	ANNING SECTION	

Carmel Curley

From: Sent: To: Subject: Martin Dowd <rathcroghandesigns@gmail.com> Wednesday 4 December 2024 18:19 Carmel Curley Re: DED Application - Leonie Beirne

Hi Carmel

Just to confirm the extension is identical at that which is being demolished and rebuilt.

Best Regards Martin

On Thu, 28 Nov 2024 at 10:57, Carmel Curley <<u>CCurley@roscommoncoco.ie</u>> wrote:

Hi Martin,

I wish to confirm that we have received the Section 5 Application for Leonie Beirne – can you please clarify if the extension to be demolished and rebuilt are identical?

Regards,

Carmel

Carmel Curley, Assistant Staff Officer,

Planning Department, Roscommon County Council,

Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98

2: (090) 6637100

⊠: <u>planning@roscommoncoco.ie</u> | ⊕ <u>www.roscommoncoco.ie</u> <u>MAP LOCATION</u>





