ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Sinead McCallion,
Sophia Housing Association,
25 Cork St,
Dublin 8,
D08 YD91.

Reference Number:

DED 814

Application Received:

12th December, 2024

Name of Applicant:

Sophia Housing Association

Agent:

David Grace, TA Group

WHEREAS a question has arisen as to whether the redevelopment of an existing dwelling into 4 no. independent living houses at 2 Tithe Na Gcarad, Williamstown Road, Castlerea, Co. Roscommon, F45XA97, 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, and 4 of the Planning and Development Acts 2000 (as amended);
- (b) Articles 6 and 9 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.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above is development.
- (b) The proposed works, which set out to 'redevelop the existing dwelling into 4 no. independent living houses' at 2 Tithe Na Gcarad, Castlerea, Co. Roscommon constitutes a material change in use under the Planning & Development Act, 2000 (as amended). The proposed works do not fall within any exemption Classes under the Planning & Development Regulations, 2001 (as amended) and accordingly, does not constitute 'exempted development'.
- (c) 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 redevelop the existing dwelling into 4 no. independent living house at 2 Tithe Na Gcarad, Williamstown Road, Castlerea, Co. Roscommon, F45XA97, is development that is <u>not exempted development</u> as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 25th February, 2025

cc agent via email:

David Grace, TA Group dgrace@tagroup.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: Carmel Curley

Sent: Tuesday 25 February 2025 12:25

To: SMcCallion

Cc: dgrace@tagroup.ie

Subject: DED814

Attachments: DED814 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 814.

Regards,

Carmel

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

MAP LOCATION





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

Reference Number:

DED 814

Name and Address of Applicant:

Sophia Housing Association

AGENT:

David Grace, TA Group

WHEREAS a question has arisen as to whether to 'propose to redevelop the existing dwelling to 4 no. independent living houses' at 2 Tithe Na Gcarad, Castlerea, 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 within the Tithe na Gcarad housing estate, approximately 0.5km south-west of Castlerea town. The subject property is in the townland of Arm and is accessed off the L-65521 via the L-6552 and is facing the Williamstown Road (R-361) to the south.

The application site consists of a single storey building with a 'U' shaped design. The land folio number is RN16898F and eircode is F45 XA97. The structure was vacant at the time of the inspection on 21st January 2025.

The proposed DED application relates to the redevelopment of an existing dwelling to 4 no. independent living houses.

2.0 Planning History

- PD/18624 (1992): Permission granted to erect a dwellinghouse.
- **PD/94/456:** Permission granted (subject to 3no. conditions) on 10/10/1994 to erect a supervised community residence (this granted permission relates to the subject property).
- PD/94/457: Permission granted (subject to 3no. conditions) on 10/10/1994 to erect a supervised community residence (this granted permission relates to the adjacent property to the north-east).

3.0 Relevant Legislation

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

- a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Articles 6 and 9 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)

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.

(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)

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)

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.
 - (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 (as amended), 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 it is material change of use, as defined in section 3 of the said Act.

The proposed works to convert an existing single dwelling into 4 no. independent residential houses constitutes a material change in the use of the structure under the Planning & Development Act, 2000 (as amended) as it significantly changes the nature and scale of the property and accordingly, does not constitute 'exempted development'.

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 a reconfiguration of the internal layout of the structure and elevational design amendments made to the external appearance of the structure would materially impact the architectural character of the building, or neighbouring structures, and as such, are not considered to fall under the provision of section 4(1)(h).

The proposed change of use was reviewed under Schedule 2, Part 1, Class 14(f) of the Planning & Development Regulations 2001 (as amended), subject to Article 9, "from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons" and accordingly, is not considered to constitute exempted development, as the proposed change of use will from a house to a use as for multiple 'residences', i.e. into 4 no. independent living houses.

Furthermore, 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 structure 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, i.e. the existing structure and use is in accordance with the preceding planning permission (PD/94/456).

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.

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 'Church' (SMR No: RO026-037001), a Settlement cluster (SMR No. RO026-037003-) and a Well (SMR No.: RO026-037002 -) which are all located 0.6km south-west of the subject site.

5.0 Recommendation

WHEREAS a question has arisen as to whether to 'propose to redevelop the existing dwelling to 4 no. independent living houses' at 2 Tithe Na Gcarad, Castlerea, 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, and 4 of the Planning and Development Acts 2000 (as amended);
- Articles 6 and 9 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.

AND WHEREAS I have concluded that

- The works outlined above is development.
- The proposed works, which set out to 'redevelop the existing dwelling into 4 no. independent living houses' at 2 Tithe Na Gcarad, Castlerea, Co. Roscommon constitutes a material change in use under the Planning & Development Act, 2000 (as amended). The proposed works do not fall within any exemption Classes under the Planning & Development Regulations, 2001 (as amended) and accordingly, does not 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 'redevelop the existing
 dwelling into 4 no. independent living houses' at 2 Tithe Na Gcarad, Castlerea, Co. Roscommon is
 development and is not exempted development and that a declaration to that effect should be issued
 to the applicant.

Signed:

Shane Winters
Executive Planner

Date: 21st February 2025

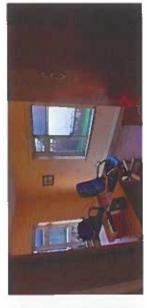
Signed: _

Alan O'Connell

Senior/Senior Executive Planner

Date: 21st February 2025

Photos taken on 21st January 2025































































Comhairle Contae Ros Comáin Roscommon County Council



Sinead MCCallion, Sophia Housing Association, 25 Cork St, **Dublin 8** D08 YD91.

Date:

15th January 2025

Planning Reference:

DED 814

Re:

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

(as amended), regarding Exempted Development.

Development:

Permission to redevelop an existing dwelling into 4 independent living houses under the

Planning & Development Act (Exempt Development) Regulations 2018 at 2 Tithe Na

Gearad, Williamstown Road, Castlerea, Co. Roscommon, F45 XA97.

A Chara,

I wish to acknowledge receipt of your application which was received on the 12th 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. L01/0/232482 dated 14th January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 814

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:

David Grace, TA Group

dgrace@tagroup.ie





Roscommon County Council Aras an Chontae Roscommon 09066 37100

14/01/2025 15:11:12

Receipt No ::: L01/0/232482

SOPHIA HOUSING ASSOCIATION 25 CORK ST DUBLIN 8

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 814

Total:

80 00 EUR

80.00

Tendered Credit/Debit Card 2337

80.00

Change.

0,00

Issued By Louis Carroll From Central Cash Office

Carmel Curley

From: Mervyn Walsh

Sent: Thursday 12 December 2024 14:43

To: Carmel Curley
Cc: Caroline Mockler

Subject: FW: Redevelop at 2 Tithe nag Carad, Castlerea, Co Roscommon

Attachments: Section-5-application-form.pdf; OSI Site Map 1.2500.pdf; Existing Site Plan 1.500.pdf; Proposed Site Plan 1.500.pdf; SOPHIA-X-X-L00-DR-TAG-AR-1001

_Existing Floor Plan.pdf; SOPHIA-X-X-X-L00-DR-TAG-AR-1003_Site Plan.pdf; SOPHIA-X-X-X-L00-DR-TAG-AR-1008_Proposed Floor Plan.pdf; SOPHIA-X-X-X-L00-DR-TAG-AR-2001_Existing Elevations.pdf; SOPHIA-X-X-X-L00-DR-TAG-AR-2003_Proposed Elevations.pdf; SOPHIA-X-X-X-L00-DR-TAG-AR-2004_Bin Store &

Proposed Elevations 1-A & 1-B.pdf

From: David Grace <dgrace@tagroup.ie>
Sent: Thursday 12 December 2024 14:18

To: Planning Department < Planning@roscommoncoco.ie>

Cc: Thomas Campbell <tcampbell@tagroup.ie>; SMcCallion <SMcCallion@sophia.ie>; Vincent Walsh

<VWalsh@roscommoncoco.ie>; Mark Finneran <MFinneran@roscommoncoco.ie>

Subject: Redevelop at 2 Tithe nag Carad, Castlerea, Co Roscommon

Dear sir or madam,

Please find attached an application form, required drawings and particulars as scheduled below for a declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding exempted development. The application relates to a proposed redevelopment of 2 Tithe nag Carad, Castlerea, Co Roscommon by Sophia Housing Association. The proposed works will consist of the subdivision of the existing dwelling into to 4 No. independent living houses and all associated site works.

- Section-5-application-form
- OSI Site Map 1.2500
- Existing Site Plan 1.500
- Proposed Site Plan 1.500
- SOPHIA-X-X-X-L00-DR-TAG-AR-1001_Existing Floor Plan
- SOPHIA-X-X-X-L00-DR-TAG-AR-2001_Existing Elevations
- SOPHIA-X-X-X-L00-DR-TAG-AR-1003_Proposed Site Plan
- SOPHIA-X-X-X-L00-DR-TAG-AR-1008_Proposed Floor Plan
- SOPHIA-X-X-X-L00-DR-TAG-AR-2003_Proposed Elevations
- SOPHIA-X-X-X-L00-DR-TAG-AR-2004_Bin Store & Proposed Elevations 1-A & 1-B

If you require any further information please do not hesitate to contact me. Kind regards,

David Grace MRIAI
Mobile: 087 494 5008
Office: 094 9041049
Email dgrace@tagroup.ie
Website: www.tagroup.ie





Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours





Áras an Chontae, Roscommon,

Co.

Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

1 2 DEC 2024

PLANNING SECTION A

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)	Sophia Housing Association, 25 Cork St., Dublin 8, D08 YD91
Name of Agent	David Grace, TA Group Suite 4, Cairn International Trade Centre, Corrahoor, Kiltimagh, Co. Mayo, F12 X0Y7
Nature of Proposed Works	Sophia Housing Association propose to redevelop the existing dwelling located at 2 Tithe nag Carad, Castlerea, Co Roscommon to 4 No. independent living houses.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	2 Tithe Na Gcarad, Williamstown Road, Castlerea, Ro. Roscommon, F45 XA97
Floor Area:	-
a) Existing Structureb) Proposed Structure	a) 215m ²
Height above ground level:	6.00m
Total area of private open space remaining after completion of this development	81m ² Contained within 570m ² of grassed site grounds.

Roofing Material (Slates, Tiles, other) (Specify)	Existing Concrete Tiles retained

Roscommon County Council

Application for a Declaration under Section 5 of the

Application for a Deciaration	in direct operion 5 of the
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing dry dash with will be painted white.
Is proposed works located at front/rear/side of existing house.	Front, rear and sides.
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	Residential
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	24m
Does the proposed development involve the provision of a piped water supply	Existing Water supply
Does the proposed development involve the provision of sanitary facilities	Existing Foul

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

Signature:

Date:

12/12/2024

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



