

ROSCOMMON COUNTY COUNCIL

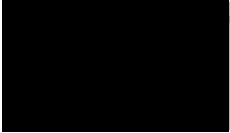
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Grazyna Bzdyrak & Sylwester Bzdyrak,



Reference Number: DED 815

Application Received: 16th December 2024

Name of Applicants: Grazyna Bzdyrak & Sylwester Bzdyrak

Agent: N/A

WHEREAS a question has arisen as to whether the construction of a new shed and open plan canopy at 32 Chestnut Grove, Tulsk, Co. Roscommon, F45 AH50, is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed shed and open canopy area to the side and rear of the dwelling house as described in this case is considered not an exempted development as the combined area is greater than 25m².
- (c) All 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;
And the proposed shed and open canopy area to the side and rear of the dwelling house as described in this case is considered not an 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 construct a new shed and open plan canopy at 32 Chestnut Grove, Tusk, Co. Roscommon, F45 AH50, is development that is not exempted development as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:



**Alan O'Connell,
Senior Executive Planner,
Planning.**

Date: 20th January 2025

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: Monday 20 January 2025 12:55
To: [REDACTED]
Subject: DED 815 - Notification of Decision
Attachments: DED 815 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for your Section 5 Declaration of Exempted Development Application DED815.

Regards,

Carmel

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

✉: planning@roscommoncoco.ie | 🌐 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 815
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to construct a new shed and open plan canopy.
Name of Applicant:	Grazyna Bzdyrak & Sylwester Bzdyrak
Location of Development:	32 Chestnut Grove, Tulsk, Co. Roscommon (F45 AH50)
Site Visit:	16/01/2025

WHEREAS a question has arisen as to whether the following works; to construct a new shed and open plan canopy at the above address is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

Site Location & Development Description

The subject site is located at 32 Chestnut Grove, Tulsk, Co. Roscommon, which is in Chestnut Grove housing estate is accessed off the N-5 road. The site contains a two story semi-detached house with an existing covered area to both the rear and side of the dwelling. When site inspection was completed there was no body home and no access to the rear of the property. The proposed works include the construction of a new domestic shed to the side of the property and the construction of an open canopy/covered patio area to the rear of the property.

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

Archaeological and Cultural Heritage

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

Appropriate Assessment

The closest European sites to the site of the development are Corbally Turlough PNHA (Site Code 001627) which is located circa 1km to the southwest and Mullygollan Turlough SAC/PNHA (Site Codes 000612) which is located circa 4km to the southeast of the subject site.

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

Planning History

As per the Roscommon County Council's Planning Registry, recent planning history has been traced relating to the subject site.

- 04/1134 - Proposed housing development of 37 no. dwellinghouses consisting of 5 no. 2 storey detached type dwellinghouses with attached garages, 12 no. 4 bedroom semi-detached type dwellings, 8 no. 3 bedroom semi-detached type dwellings and 12 no. bungalow semi-detached type dwellings, formation of new entrance and access road, connection to existing public sewer, group water scheme and surface water, boundary fence/wall and ancillary site - Conditional

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3. -(1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) of the Act defines certain types of development as being 'exempted development'. Of potential relevance is section 4(1)(h) which provides as follows:

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

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies:

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

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Class 3 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
CLASS 3 The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.	<ol style="list-style-type: none">1. No such structure shall be constructed, erected or placed forward of the front wall of a house.2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

Assessment:

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposed development of the construction of a new shed and open plan canopy to the side and rear of a dwelling house which, it is stated and indicated by way of plan drawings as having a combined floor space of 38.5m².

With regard to the compliance with the conditions and limitations of Class 3 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Proposed work is to the side and rear of the house.
2. Proposed area is 38.5m².
3. Proposed work does not reduce the open space to less than 25m²
4. Stated that the proposed new shed to the side of the house is to have the same render and colour as the existing house.
5. Proposed elevation drawings indicates a height of less than 3m.
6. Proposed shed and canopy area is for domestic use.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the proposed shed and open canopy area to the side and rear of the dwelling house as described in this case is considered not an exempted development as the combined area is greater than 25m².

The proposed shed and open plan canopy to the side and rear of the existing house is considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures. The proposed shed and open plan canopy is deemed not an exempt development.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case.

I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment is required shall not be exempted development unless specifically exempted in regulations where there is provision in other legislation for the carrying out of EIA or AA. In addition, the restrictions on exemption Art 9 (1)(a) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

Recommendation

WHEREAS a question has arisen as to construct a new shed and open plan canopy at 32 Chestnut Grove, Tulske, Co. Roscommon, is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000 as amended.
- (e) The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed shed and open canopy area to the side and rear of the dwelling house as described in this case is considered not an exempted development as the combined area is greater than 25m².
- All 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;

And the proposed shed and open canopy area to the side and rear of the dwelling house as described in this case is considered not an 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 to construct a new shed and open plan canopy at 32 Chestnut Grove, Tulske, Co. Roscommon is not exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 20th January 2025

Civil Technician

Signed: 

Date: 20th January 2025

Senior Executive Planner









Comhairle Contae
Ros Comáin
Roscommon
County Council



Grazyna Bzdyrak & Sylwester Bzdyrak

Date: 18th December 2024
Planning Reference: DED 815

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

Development: Permission to construct a new shed and open plan canopy under the Planning & Development Act (Exempt Development) Regulations 2018 at 32 Chestnut Grove, Tulsk, Co. Roscommon, F45 AH50

A Chara,

I wish to acknowledge receipt of your application which was received on the 16th 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. L01/0/232151 dated 18th December 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 815**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

17/12/2024 15.17.51

Receipt No : L01/0/232151

GRAZYNA BZDYRAK & SYLWESTER BZDYRAK
[REDACTED]

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED 815	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
0039

Change 0.00

Issued By : Bernadine Duignan
From : Central Cash Office

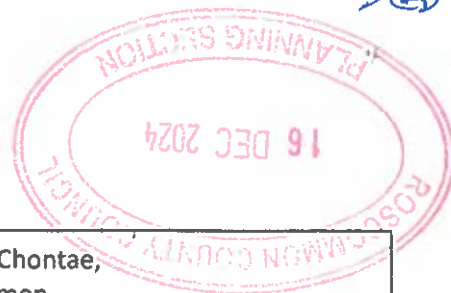


Comhairle Contae
Ros Comáin
Roscommon
County Council

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 Exempted Development

Name of Applicant(s)	GRAZYNA BZDYRAK AND SYLWESTER BZDYRAK
Name of Agent	N/A
Nature of Proposed Works	PROPOSED NEW SHED AND OPEN PLAN CANOPY
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	32 CHESTNUT GROVE TULSK, ROSCOMMON F45 AH50
Floor Area: a) Existing Structure b) Proposed Structure	EXISTING HOUSE TOTAL FLOOR AREA: a) <u>101 sq.m</u> b) <u>NEW SHED AREA 8 sq.m</u>
Height above ground level:	Height above ground level 2.7 m
Total area of private open space remaining after completion of this development	Existing private open space (side and back garden) is 127 sq.m. Proposed shed will use 8 sq.m of this area. Total left 119 sq.m.
Roofing Material (Slates, Tiles, other) (Specify)	Transparent polycarbonate roof sheets.

Roscommon County Council



Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Lightweight timber structure with externally fixed cement boards, rendered to match exact character of the existing building - render type and colour.
Is proposed works located at front/rear/side of existing house.	Side and rear of the existing house.
Has an application been made previously for this site	No previous applications
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	PRIVATE - DOMESTIC
Proposed use of land or structure	PRIVATE - DOMESTIC
Distance of proposed building line from edge of roadway	12.39 m
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

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

Signature: Bridynale Sylwester

Date: 16/12/2024

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



Application for a Declaration under Section 5

Roscommon County Council
Aras an Chontae
Roscommon
Co. Roscommon

F42 VR98

Date: 16.12.2024

To Whom It May Concern,

We, Grazyna and Sylwester Bzdyrak, would like to ask Roscommon County Council to consider our Application for a Declaration under Section 5 referring to our proposed development at 32 Chestnut Grove, Tusk, Roscommon.

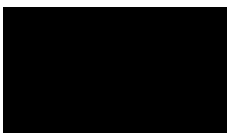
To this letter, please find enclosed:

1. Completed and signed, Application for a Declaration under Section 5 of the Planning and Development Act 2000.
2. Site Layout Plan 1-500
3. Site Location Map 1-2500
4. Existing Floor Plans and Elevations
5. Proposed Floor Plans
6. Proposed Elevations
7. 80€ Fee paid at the counter.

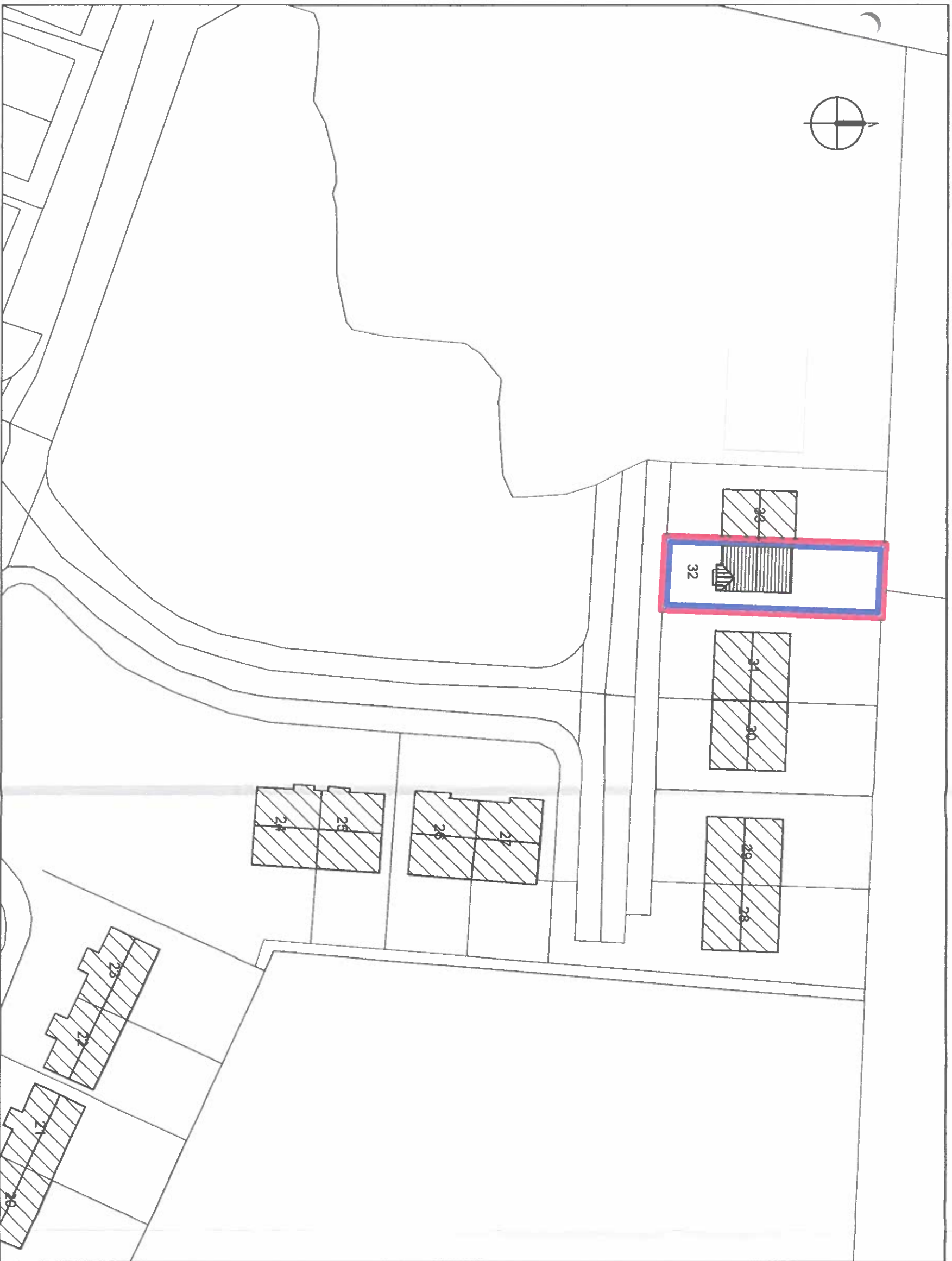
We hope that the attached documentation is sufficient, however please contact us if more information is required.

Yours sincerely

Grazyna Bzdyrak
Sylwester Bzdyrak



Date: 16.12.2024



SITE LAYOUT PLAN
Scale 1:500

SECTION 5 - APPLICATION

16, December, 2024



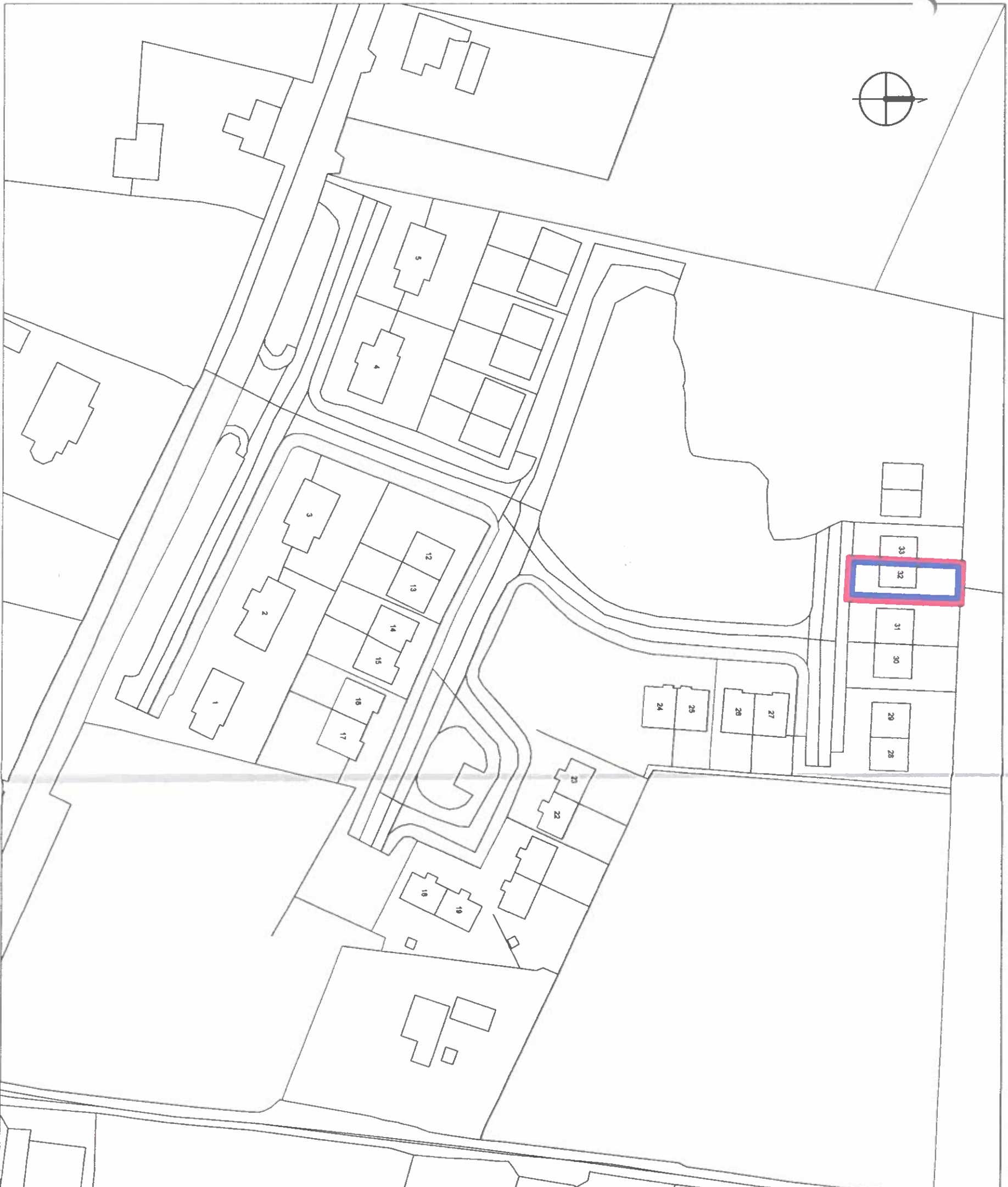
Site Address:
32 Chestnut Grove, Tulisk,
Co. Roscommon, F45 AH50
Site Area: 0.025 Ha

LEGEND:

THE SITE BOUNDARY SHOWN IN RED

THE LAND OWNERSHIP

001	PROPERTY OWNER Grazyna and Sylwester Bzdyrak 32 Chestnut Grove, Tulisk, Co. Roscommon, F45 AH50
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SITE LOCATION MAP
Scale 1:2500

SECTION 5 - APPLICATION

16, December, 2024

Site Address:

32 Chestnut Grove, Tusk,
Co. Roscommon; F45 AH50

Site Area: 0.025 Ha

16 DEC 2024

LEGEND:

THE SITE BOUNDARY SHOWN IN RED

THE LAND OWNERSHIP

Description:

Digital Landscape Model (DLM)

Publisher / Source:

Talis Eireann

Data Source / Reference:

PRIME2

File Format:

Autodesk AutoCAD (DWG, R2013)

File Name:

V_30438326_1.dwg

Clip Extent / Area of Interest (AOI):

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LRX:LRY= 584218.502,780836.5624

ULX:ULY= 583635.502,781086.5624

URX:URY= 584218.502,781086.5624

Projection / Spatial Reference:

Projection: RECENT3 Irish Transverse Mercator

Centre Point Coordinates:

X:Y= 583927.002,780951.5624

Reference Index:

Map Series / Map Sheets

1:2,500 | 2162-C

1:2,500 | 2161-D

Data Extraction Date:

Date: 10-Dec-2024

Source Data Release:

DCML5 Release V1.162.119

Product Version:

Version: 1.4

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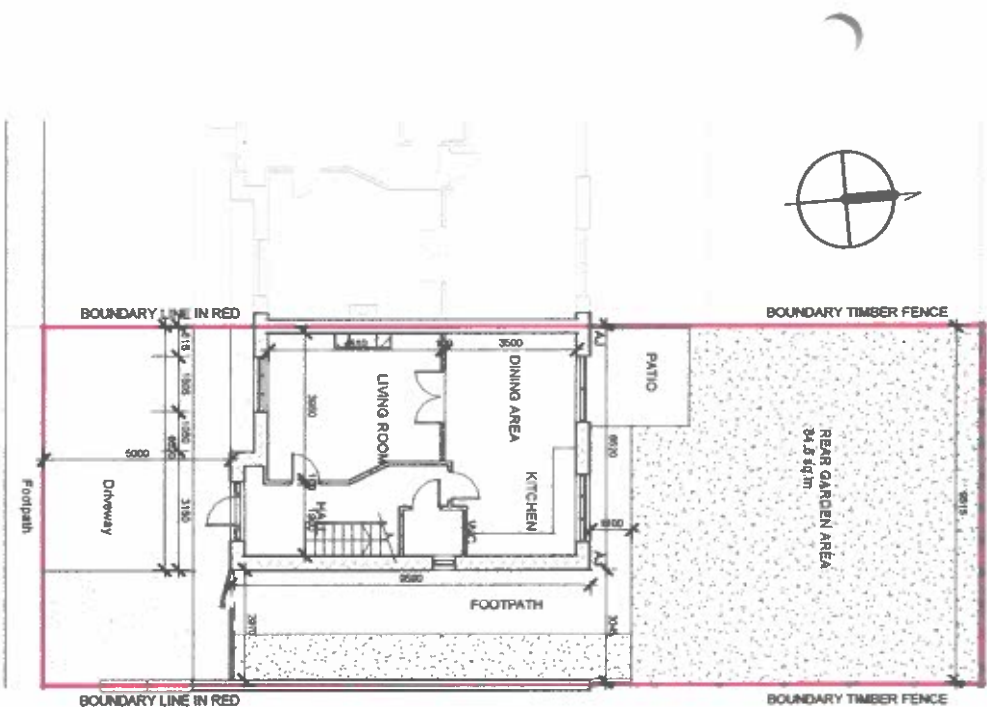
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ownership of physical features.

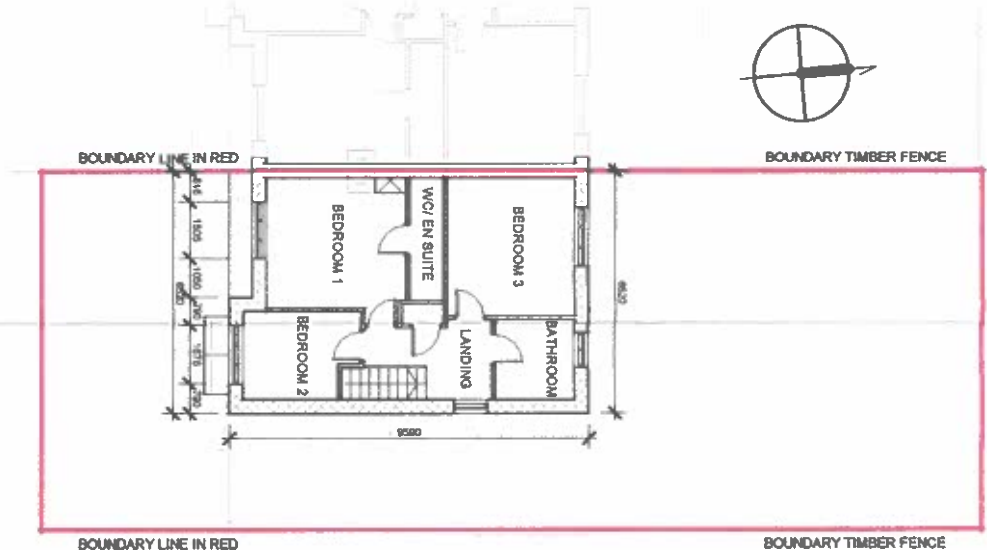
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Geach cead ar coimeadh.

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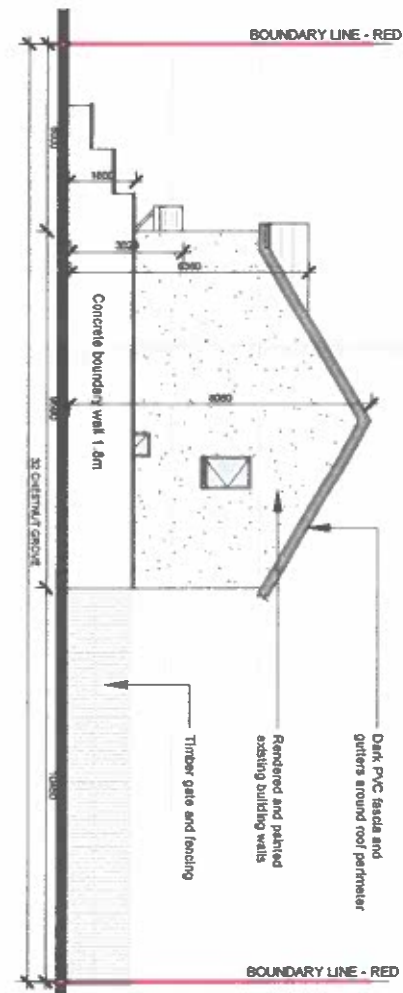
PROPERTY OWNER
Grazyna and Sylwester Bzdryak
32 Chestnut Grove, Tusk,
Co. Roscommon; F45 AH50



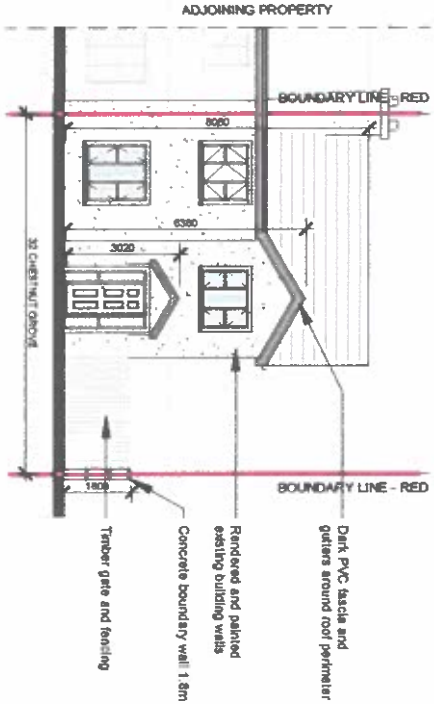
G. F. Plan Existing
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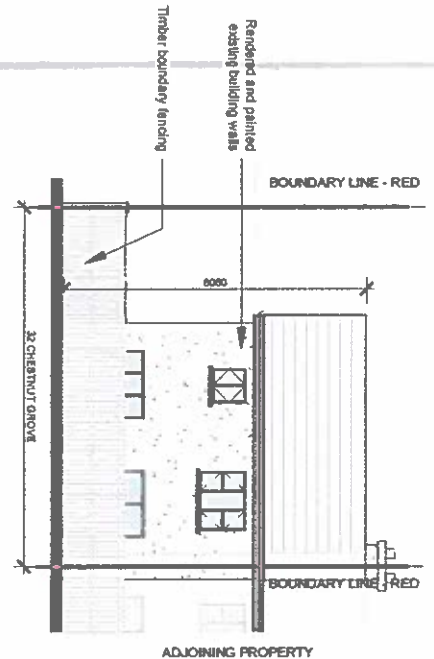
F. F. Plan Existing
1 : 200



East Elevation - Side - Existing
1 : 200



South Elevation - Front - Existing
1 : 200



North Elevation - Rear - Existing
1 : 200

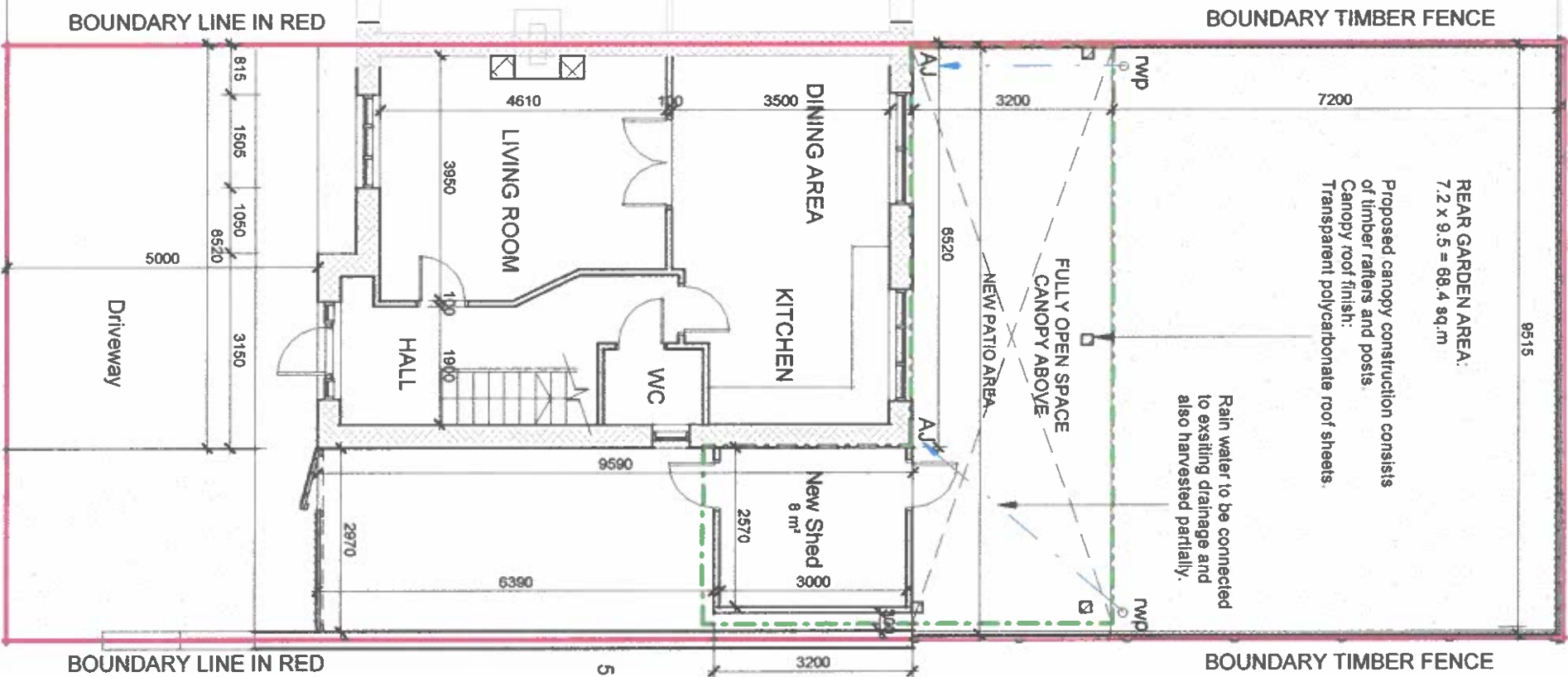
SECTION 5 - APPLICATION

16, December, 2024





BOUNDARY TIMBER FENCE



BOUNDARY LINE IN RED

Ground Floor Plan

1 : 100



5 EC5-003

BOUNDARY LINE IN RED

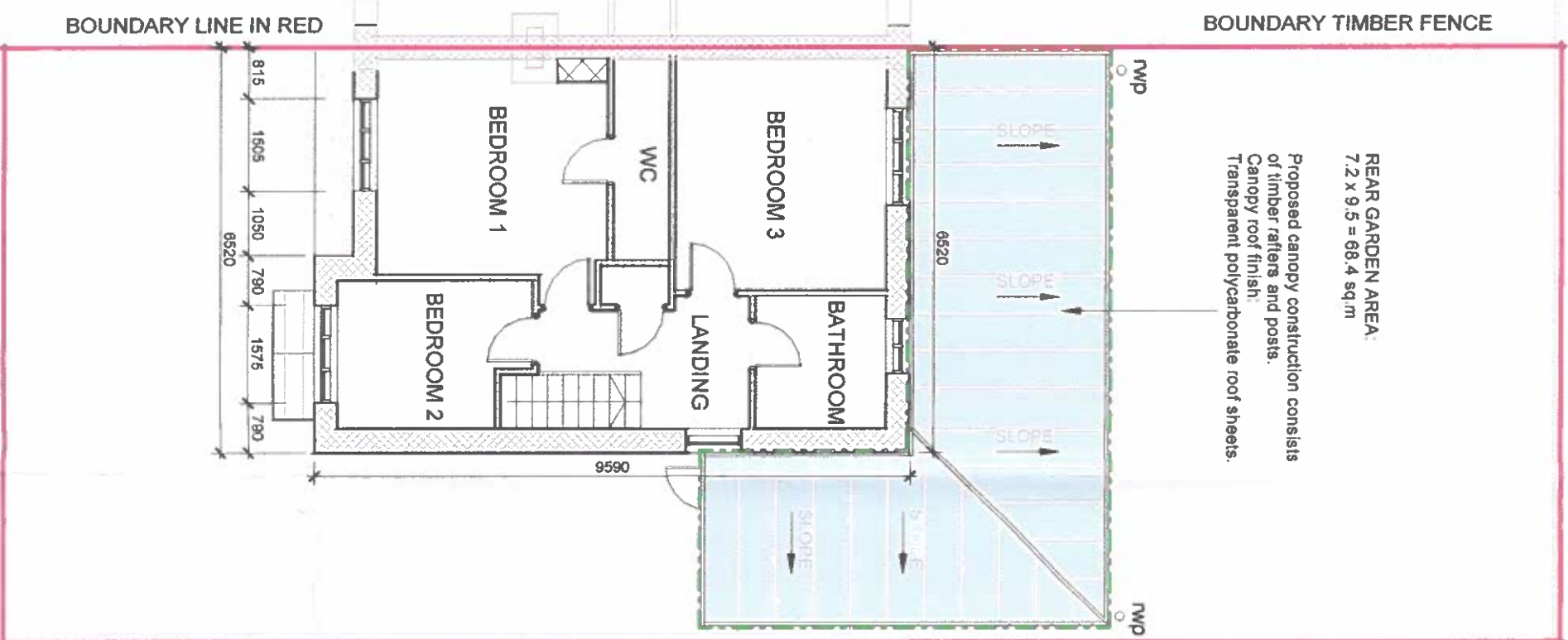
BOUNDARY TIMBER FENCE

SECTION 5 - APPLICATION

16, December, 2024



BOUNDARY TIMBER FENCE



BOUNDARY LINE IN RED

First Floor Plan

1 : 100

BOUNDARY LINE IN RED

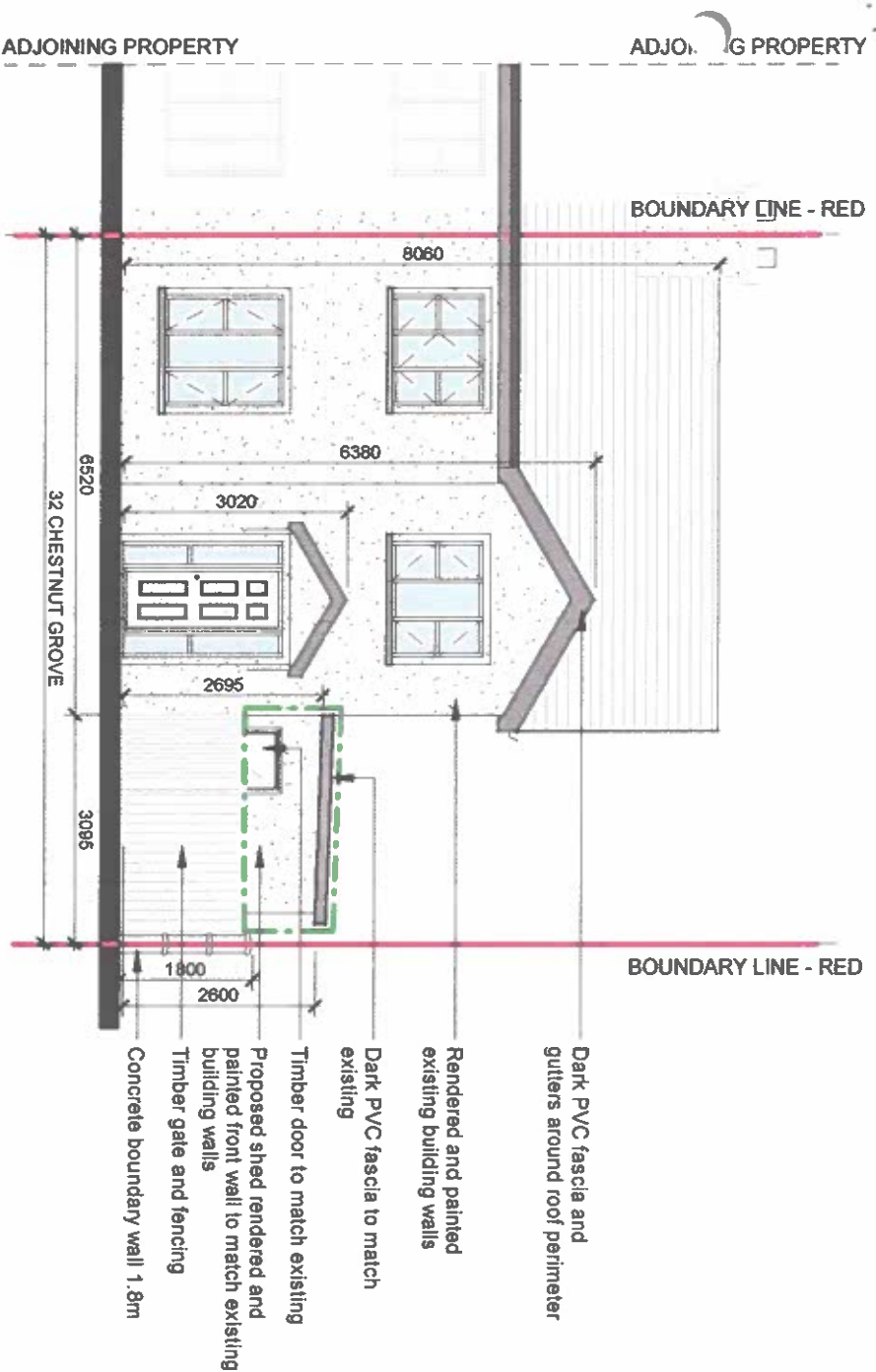
BOUNDARY TIMBER FENCE

PROPOSED DEVELOPEMNT



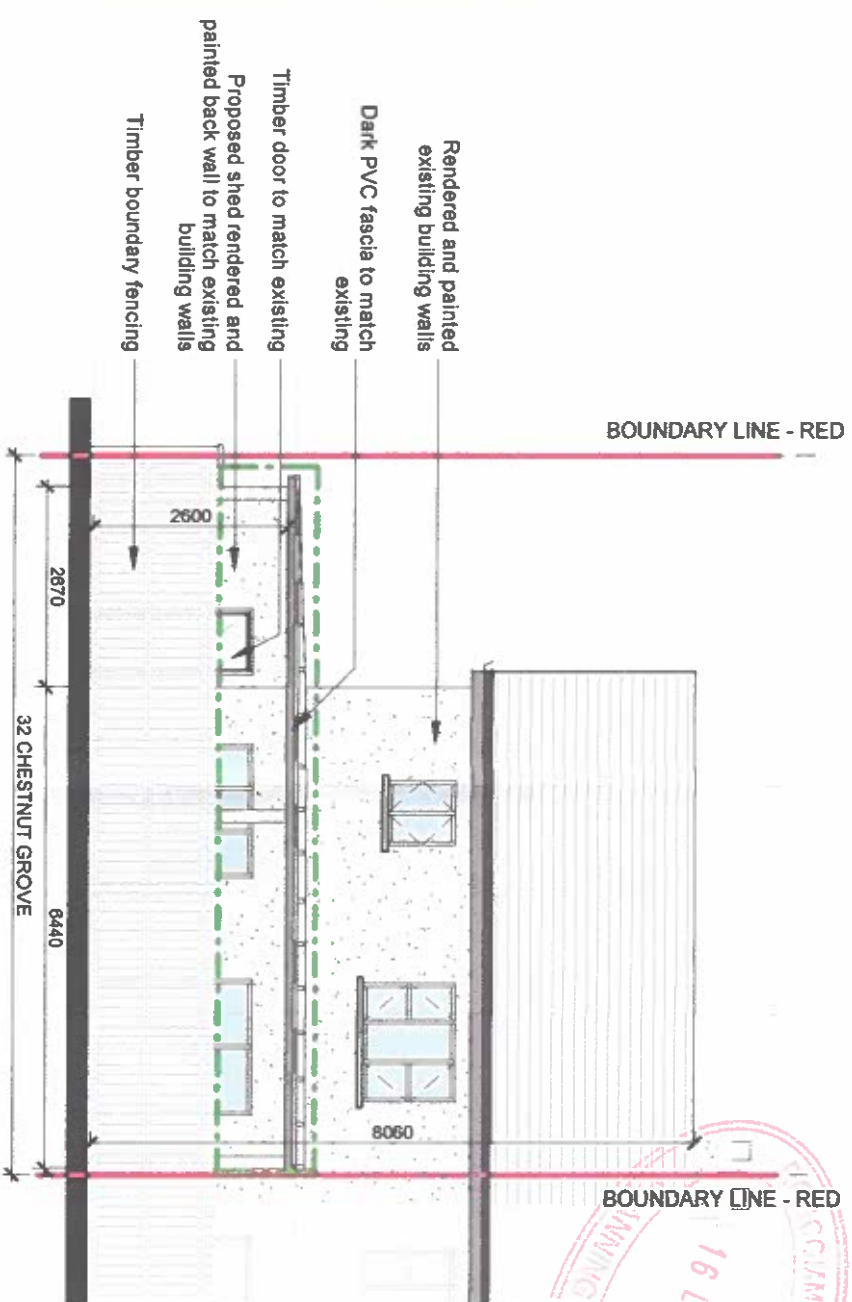
004

PROPERTY OWNER
Grazyna and Sylwester Bzdryrak
32 Chestnut Grove, Tusk,
Co. Roscommon, F45 AH50



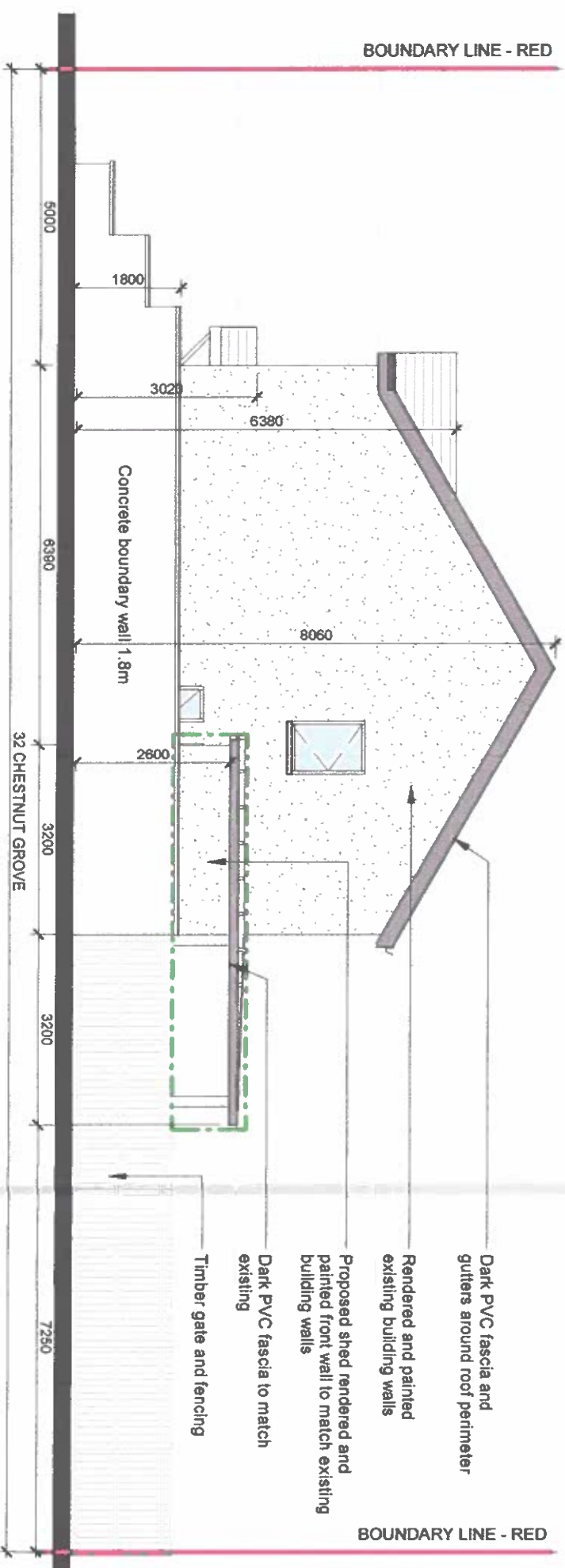
South Elevation - Front

1 : 100



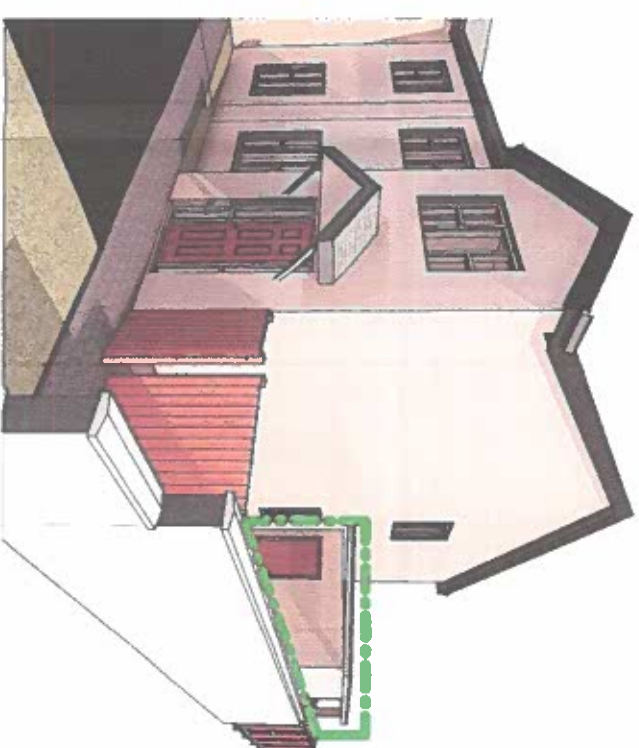
North Elevation - Rear

1 : 100



East Elevation - Side

1 : 100



PROPOSED DEVELOPEMNT

SECTION 5 - APPLICATION

16, December, 2024

005

PROPERTY OWNER
Grazyna and Sylwester Bzdyrak
32 Chestnut Grove, Tusk,
Co. Roscommon; F45 AH50