ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Eamonn Keogh,



Reference Number:

DED 816

Application Received:

18th December 2024

Name of Applicant:

Eamonn Keogh

Agent:

ArchEngTech Consulting Limited

WHEREAS a question has arisen as to whether the refurbishment, construction of an extension & the change of use from existing commercial property to single 2 bedroom dwelling at Bridge Street, Strokestown, 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) Class 50 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (e) 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.
- (f) The planning history of the site

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed extension to the rear of single 2 bedroom dwelling as described in this case is an exempted development.
- (c) The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:
 - development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (d) An enforcement file is currently live on this structure therefore under Article 9 (1)(a) (viii) of the Planning and Development Regulations, 2001 (as amended) the development to refurbish, construct extension & change of use of existing commercial property to single 2 bedroom dwelling is not exempted development.
- (e) The demolition of the rear and side walls and removal of the roof are not considered exempted development under Class 50 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to refurbish, construct an extension & the change of use from an existing commercial property to a single 2 bedroom dwelling at Bridge Street, Strokestown, Co. Roscommon., 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: 4th February 2025

cc agent via email:

ArchEngTech Consulting Limited

info@archengtech.com

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.

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

Reference Number: DED 816

Re: Permission to refurbish, construct extension & change of use of

existing commercial property to single 2 bedroom dwelling under the Planning & Development Act (Exempt Development)

Regulations 2018

Name of Applicant: Eamonn Keogh

Location of Development: Bridge Street, Strokestown, Count Roscommon

Site Visit: 13/01/2025

WHEREAS a question has arisen as to whether the following works to refurbish, construct extension & change of use of existing commercial property to single 2 bedroom dwelling at the above address is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) Class 50 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (e) 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.
- (f) The planning history of the site

Site Location & Development Description

The property is an attached two-story uninhabitable townhouse on Bridge Street, Strokestown, Co. Roscommon. The property is in the Strokestown ACA and is zoned as town core in the Roscommon County Development Plan 2022-2028. The proposed development consists of the refurbishment of the townhouse including the addition of a rear extension, replacing the windows/doors, a new roof, re-plastering the walls and internal works. There is no roof on the current structure.

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

Archaeological and Cultural Heritage

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

Appropriate Assessment

The closest European site to the proposed development is Annaghmore Lough SAC (Site Code 001626) which is located circa 2.3km to the north west of the subject site.

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

Planning History

07/2153: demolish derelict house and erect a retail unit at ground floor level and apartment at first floor level with a connection to the public sewer. Expired on 18/09/2013.

DED 705: granted in May 2024 for the refurbishment of a townhouse which included replacing of windows/doors, a new roof, re-plastering the walls and internal works.

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 -

(a) if the carrying out of such development would—

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.

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.

PART 1 - Article 6 - Exempted Development - General

Development within the curtilage of a house

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

- (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
- 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
- (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
- (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
- (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
- 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use

of the occupants of the house, to the rear of the house to less than 25 square metres.

- 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces
- 7. The roof of any extension shall not be used as a balcony or roof garden.

Class 50

- (a)The demolition of a building, or buildings, within the curtilage of—
- (i) a house,
- (ii) an industrial building,
- (iii) a business premises, or
- (iv) a farmyard complex.
- (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

- 1. No such building or buildings shall abut on another building in separate ownership.
- 2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
 - (b) in all other cases, 100 square metres.

No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

Assessment

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

The stated works for renovating the existing dwelling house include:

- New insulated ground floor slab
- New timber suspended floor at first floor level
- New timber roof structure, insulation and tile finish
- New upvc windows and doors
- Timber stud partitions to provide 2 bedrooms and bathroom at first floor level
- New electrical and plumbing installations

The stated works to the single storey extension to the rear of the dwelling house include:

- Concrete strip foundations and insulated ground floor slab
- Insulated blockwork cavity walls with render finish externally
- Timber mono pitched insulated roof with velux rood windows and tiled finish
- External patio are and grassed lawn
- Connections to existing public utilities, ESB, Irish Water and public foul sewers

This proposal includes the change of use from commercial to residential. 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. Permission granted under planning ref PD/07/2153 was for the demolition of a derelict house and erection of retail units, this permission was granted however not implemented, therefore the change of use as the subject of this Section 5 application is not necessary.

With regard to the proposed extension to the rear of the dwelling house, it is reasonable to conclude that the proposed extension is exempt development as it meets the conditions and limitations set out under Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

It was observed during the site inspection that there was no roof on the property and following research it has been concluded that the roof, rear wall and side walls have been demolished. According to Class 50 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001 (as amended) this demolition works does not meet the conditions and limitations set out under Class 50 as this building abuts another building in separate ownership and the total area to which demolition has occurred is in excess of 40m^2 .

Additionally, an enforcement file has been opened on this structure and an urgent enforcement notice relating to "Unauthorised development on site consisting of demolition works to an existing midterraced building which is within an Architectural Conservation Area (ACA) without the benefit of planning permission on Bridge Street, Strokestown, Co. Roscommon" was issued to the registered landowner, Mr. Eamon Keogh on the 28th January 2025. According to Article 9 (1)(a) (viii) of the Planning and Development Regulations, 2001 (as amended) development is not exempted on a structure if the building is an unauthorised structure or an unauthorised use.

With regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended), it is reasonable to conclude, on the basis of the information available, that the proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the need for AA does not apply with respect to the current case. I am satisfied that an Environmental Impact Statement or Appropriate Assessment are not required. It should be noted that any development for which Environmental Impact Assessment or Appropriate Assessment 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 refurbish, construct extension & change of use of existing commercial property to single 2 bedroom dwelling is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to —

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) Class 50 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (e) 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.
- (f) The planning history of the site

AND WHEREAS I have concluded that

- The works outlined above are development.
- The proposed extension to the rear of single 2 bedroom dwelling as described in this case is an exempted development.
- The proposed works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

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

- An enforcement file is currently live on this structure therefore under Article 9 (1)(a) (viii) of the Planning and Development Regulations, 2001 (as amended) the development to refurbish, construct extension & change of use of existing commercial property to single 2 bedroom dwelling is not exempted development.
- The demolition of the rear and side walls and removal of the roof are not considered exempted development under Class 50 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended.

 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 refurbish, construct extension & change of use of existing commercial property to single 2 bedroom dwelling at Bridge Street, Strokestown, Count Roscommon is <u>not an exempted development</u>. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Graduate Planner

Sailth O'Graly

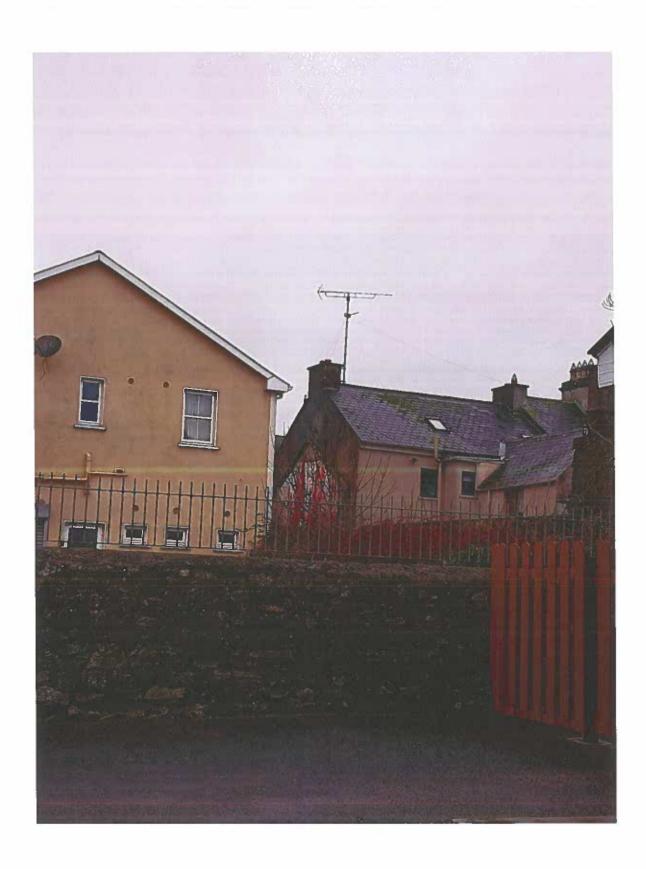
Signed:

Senior Executive Planner

Date: 31/01/2025

Date: 4th February 2025







Comhairle Contae Ros Comáin Roscommon County Council



Eamonn Keogh,



Date:

19th December 2024

Planning Reference:

DED 816

Re:

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

(as amended), regarding Exempted Development.

Development:

Permission to refurbish, construct extension & change of use of existing commercial

property to single 2 bedroom dwelling under the Planning & Development Act (Exempt

Development) Regulations 2018 at Bridge Street, Strokestown, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application which was received on the 18th 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. L01/0/232209 dated 19th December 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 816

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell A/Senior Planner Planning Department.

cc agent via email:

ArchEngTech Consulting Limited

info@archengtech.com





Roscommon County Council Aras an Chontae Roscommon 09086 37100

19/12/2024 12:12:56

Receipt No. L01/0/232209

EAMON KEOGH

80 00 PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED816

Total

80 00 EUR

Tendered Credit/Debit Card 4069

80 00

0.00

Change

Issued By Bernadine Duignan From Central Cash Office

Carmel Curley

From: John Patterson <john@archengtech.com>
Sent: Wednesday 18 December 2024 09:37

To: Carmel Curley
Cc: Eamonn Keogh

Subject: FW: Section 5 Declaration Application

Attachments: 7249_Existing Plans Section PL100.pdf; 7249_Location Plan.pdf; 7249_Schedule of

Works 061224 .pdf; 7249 Site Layout Planning Pack.pdf; 7249_Exempted Section 5

RCC_061224.pdf; 7240_Proposed Plans Section PL101A.pdf

Follow Up Flag: Follow up Flag Status: Completed

Carmel,

Further to your email please find attached resubmission Drawing no PL101 A has been revised to include existing and proposed rear elevation as requested,

together with finishes/materials.

W trust you find the enclosed in order, should you have any further queries then please do not hesitate to contact us,

Kind regards

John Patterson MRIAI Managing Architect





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From: Carmel Curley <CCurley@roscommoncoco.ie>

Sent: Wednesday 11 December 2024 12:35
To: John Patterson < john@archengtech.com>
Subject: FW: Section 5 Declaration Application

Dear John,

I refer to your email received 9th December 2024 and in relation to the Section 5 Declaration of Exempted Development submitted on behalf of Eamonn Keogh, please note in order to validate the application we require the following:

- 1. Existing & proposed elevations of extension
- 2. Roof finish should be indicated if it is proposed to replace the existing roof

On receipt of the above mentioned, your application will be considered further.

Regards,

Carmel

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

MAP LOCATION





From: John Patterson < john@archengtech.com>

Sent: Monday 9 December 2024 10:26

To: Planning Department < Planning@roscommoncoco.ie>

Subject: FW: Section 5 Declaration Application

Please find attached, forwarded originally to Leitrim by mistake!!

John

Kind regards

John Patterson MRIAI Managing Architect



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Áras an Chontae, Roscommon, Co. Roscommon

Phone: (090) 66 37100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding <u>Exempted Development</u>

Name:	Eamonn Keogh
Address:	
Name & Address of Agent:	ArchEngTech Consulting Limited Dalton House, Bawn Street Strokestown, Co.Roscommon
Nature of Proposed Works	Refurbishment , extension and change of use of existing commercial proerty to single 2 bedroom dwelling
Location (Townland & O.S No.)	Bridge Street, Strokestown Map Sheet 2164-C
Floor Area	62.5 sq.m
Height above ground level	6.695 m
Total area of private open space remaining after completion of this development	192 sq.m
Roofing Material (Slates, Tiles, other) (Specify)	Tiles
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Painted render
Is proposed works located at front/rear/side of existing house.	single storey mono pitched roof to rear

Roscommon County Council

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

Has an application been made previously for this site	no
If yes give ref. number (include full details of existing extension, if any)	not applicable
Existing use of land or structure	commercial use - believed to be a cobblers in distant past
Proposed use of land or structure	residential
Distance of proposed building line from edge of roadway	2.750m
Does the proposed development involve the provision of a piped water supply	yes
Does the proposed development involve the provision of sanitary facilities	yes

Signature:

Date:

6th December 2024

 John T Patterson RIAI on behalf of ArchEngTech Consulting Limited

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) Details specification of development proposed



Project Ref: 7249

Bridge Street, Strokestown

Proposed Refurbishment, extension and change of use of commercial premises to single dwelling.

Schedule of Works

Existing Building

- New insulated ground floor slab
- New timber suspended floor at first floor level
- New timber roof structure, insulation and tile finish
- New upvc windows and doors
- Timber stud partitions to provide 2 bedrooms and bathroom at first floor level
- New electrical and plumbing installations

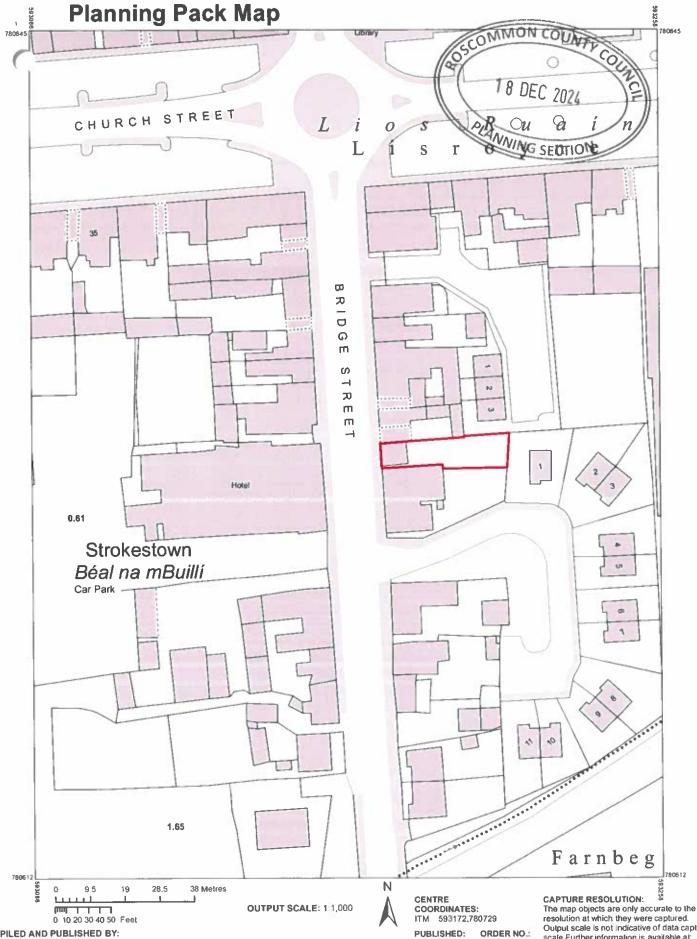
Single Storey Extension to Rear

- · Concrete strip foundations and insulated ground floor slab
- · Insulated blockwork cavity walls with render finish externally
- Timber mono pitched insulated roof with velux rood windows and tiled finish
- Internal blockwork partitions to create new kitchen, laundry room and visitable wc.
- External patio area and grassed lawn
- Connections to existing public utilities, ESB, Irish Water and public foul sewers.

John T Patterson RIAI

ArchEngTech Consulting Ltd





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MAP SERIES: 1:2,500

06/12/2024

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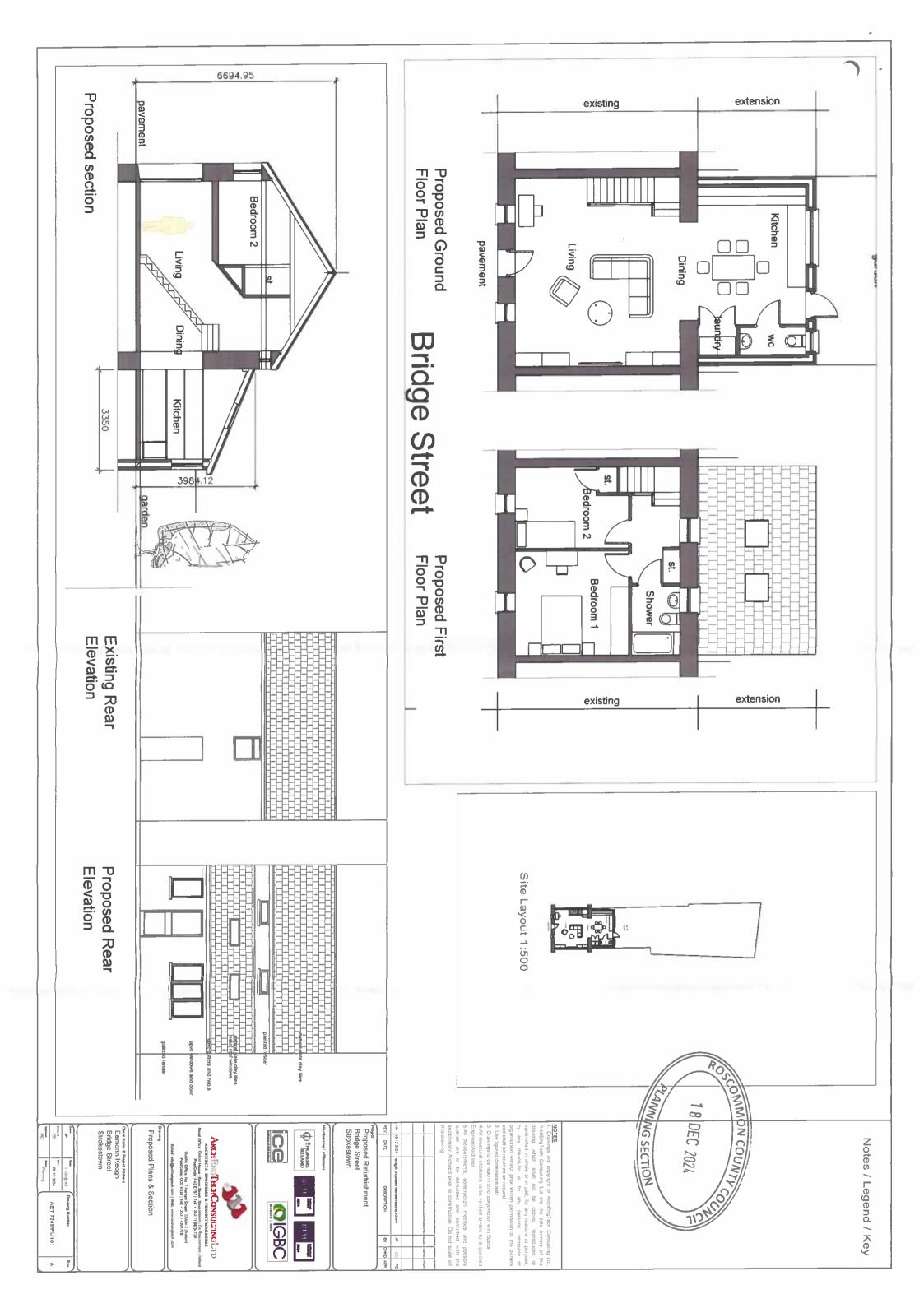
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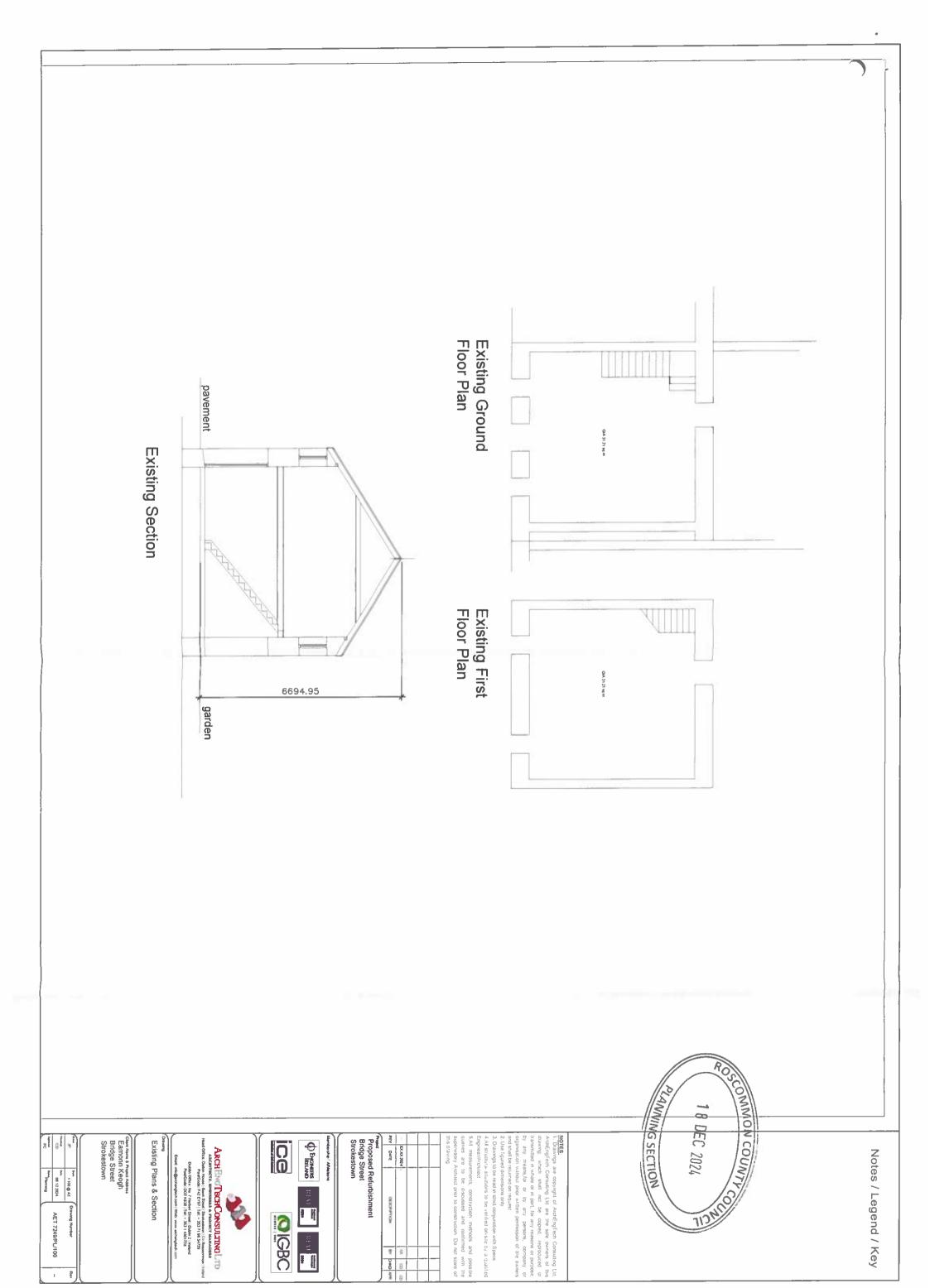
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