#### **ROSCOMMON COUNTY COUNCIL**

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

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

### **NOTIFICATION OF DECISION**

### REGISTERED POST John & Ciara Compton,



Reference Number:	DED 820
Application Received:	20 <sup>th</sup> December, 2024
Name of Applicants:	John & Ciara Compton
Agent:	James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house, with works including 1)stripping out internal walls, floors & ceilings; 2)installing new ceiling joists, internal stud works, plasterboard & skim; 3) installing new windows & doors; 4) modifying the rear roof to a flat roof; 5) completing second fix carpentry & 6) paint and decorate internally at Church 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, 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 do not 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 "refurbish derelict house works including 1) stripping out internal walls, floors and ceiling, 2) install new ceiling joists and internal stud work, plasterboard and skim, 3) install new windows and doors, 4) modifying the rear pitched roof to a flat roof design to ensure additional space in the bedrooms while complying with design standards and preserving the original front elevation. Re-slating the roof with natural slate 5) completing second fix carpentry and 6) painting and decorating internally" fall under Schedule 2 of Part 1; Class 1 development and is not 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 refurbish a derelict house, with works including 1)stripping out internal walls, floors & ceilings; 2)installing new ceiling joists, internal stud works, plasterboard & skim; 3) installing new windows & doors; 4) modifying the rear roof to a flat roof; 5) completing second fix carpentry & 6) paint and decorate internally at Church Street, Strokestown, Co. Roscommon., is development that is <u>not exempted development</u> as defined within the Planning and Development Act 2000 (as amended) and associated Regulations. Signed on behalf of the Council:

Alan O'Connell, Senior Executive Planner, Planning.

Date: 7th February, 2025

cc agent via email:

James Lohan Consulting Engineers Ltd james@jlce.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: Sent: To: Subject: Attachments: Carmel Curley Tuesday 11 February 2025 10:39 James Lohan; Camila Zen DED820 - Notification of Decision DED820 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 820.

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

MAP LOCATION RESERVED Conserved Conserved

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

Reference Number:	DED 820
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development
Name of Applicant:	John & Ciara Compton
Location of Development:	Church Street, Strokestown, Co. Roscommon
Site Visit:	21/01/2025

WHEREAS a question has arisen as to whether the following works to; "refurbish derelict house works including 1) stripping out internal walls, floors and ceiling, 2) install new ceiling joists and internal stud work, plasterboard and skim, 3) install new windows and doors, 4) modifying the rear pitched roof to a flat roof design to ensure additional space in the bedrooms while complying with design standards and preserving the original front elevation. Re-slating the roof with natural slate 5) completing second fix carpentry and 6) painting and decorating internally" at the above address is or is not development and is or is not exempted development:

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

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

#### 1.0 Site Location and Development Description

The property is a mid-terraced single-storey dwelling on Church Street, Strokestown, Co. Roscommon. The property is within the Strokestown Architectural Conservation Area (ACA) and is zoned 'Town Core' lands within the Roscommon County Development Plan 2022-2028. The proposed development consists of the refurbishment of the existing single-storey dwelling structure including the modification of the rear roof to a flat roof design, replacing of windows/doors, re-slating the roof and various internal works.

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. The subject property is not a Protected Structure.

#### 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:

• PD/24/60434: Permission refused to demolish the existing dwelling house and construct a new replacement dwelling house and carry out all ancillary site development works. Decision Date: 06/11/2024 with the following reason given:

Notwithstanding the acceptability of appropriate residential development in the proposed town centre location within Strokestown settlement boundary, the proposal would involve the demolition of the last remaining singlestorey building in Strokestown ACA, which is one of the intrinsic elements of the special character of the ACA. This would be contrary to Policy Objective BH 9.6 of the Roscommon County Development Plan, which aims to "protect existing buildings, structures, groups of structures, sites, landscapes and features such as street furniture, which are considered to be intrinsic elements of the special character of the ACA, from demolition or removal and non-sympathetic alterations and in addition Policy Objective 9.9 which aims to "encourage the retention, appreciation and appropriate revitalisation of the vernacular heritage of County Roscommon, discourage the replacement of good quality vernacular buildings with modern structures and by protecting the vernacular buildings where they contribute to the character of an area or town and/or where they are rare examples of a structure type." The proposal is therefore contrary to the provisions of Policy Objectives BH9.6 and 9.9 of the Roscommon County Development Plan 2022-2028 – Volume 1 and as a consequence to the proper planning and sustainable development of the area.

• **PD/04/2323:** Permission granted to demolish two existing terraced dwellinghouses and to construct two terraced dwellinghouses. This permission was not activated.

#### Declaration of Exempted Development (DED) – Adjacent Property to the east

**DED 765:** Permission to refurbish derelict house works including 1) strip out walls, floors & ceilings; 2) install new ceiling joists and internal stud work, plasterboard & skim; 3) install new UPVC windows & doors; 4) re-slate the roof; 5) second Fix carpentry. Decision: Exempted Development.

#### 3.0 Relevant Legislation

## 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)

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)

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.

#### 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.
  - (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.

#### 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 internal works are acceptable in principle. However, the external works comprising the part refurbishment of the existing pitched roof to form a new flat roof design at the rear of the property (which necessitates the creation of a first floor level addition to the subject structure and additional window openings proposed at both levels), which would adversely impact the architectural character of the existing single storey building, and as such, are considered to not fall under the provision of section 4(1)(h) under the Planning & Development Act 2000 (as amended).

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 the creation of an additional first storey level (total floor area of 43sq.m.) and change to a flat roof design to the rear of the structure" and accordingly, is not considered in principle to constitute 'exempted development', when considered 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)(xii), the existing single storey structure on site and the proposed development

works to create an additional level to the structure and alterations to the exterior of the structure, would materially affect the character of the area.

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.

#### 5.0 <u>Recommendation</u>

**WHEREAS a question has arisen as to whether a proposed development;** which sets out to "refurbish derelict house works including 1) stripping out internal walls, floors and ceiling, 2) install new ceiling joists and internal stud work, plasterboard and skim, 3) install new windows and doors, 4) modifying the rear pitched roof to a flat roof design to ensure additional space in the bedrooms while complying with design standards and preserving the original front elevation. Re-slating the roof with natural slate 5) completing second fix carpentry and 6) painting and decorating internally" 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 do not fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000, as amended.
- The proposed works, which set out to "refurbish derelict house works including 1) stripping out internal walls, floors and ceiling, 2) install new ceiling joists and internal stud work, plasterboard and skim, 3) install new windows and doors, 4) modifying the rear pitched roof to a flat roof design to ensure additional space in the bedrooms while complying with design standards and preserving the original front elevation. Re-slating the roof with natural slate 5) completing second fix carpentry and 6) painting and decorating internally" fall under Schedule 2 of Part 1; Class 1 development and is not 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 "refurbish derelict house works including 1) stripping out internal walls, floors and ceiling, 2) install new ceiling joists and internal stud work, plasterboard and skim, 3) install new windows and doors, 4) modifying the rear pitched roof to a flat roof design to ensure additional space in the bedrooms while complying with design standards and preserving the original front elevation. Re-slating the roof with natural slate 5) completing second fix carpentry and 6) painting and decorating internally" do not fall under Schedule 2 of Part 1; Class 1 development and is not considered to constitute 'exempted development' and that a declaration to that effect should be issued to the applicant.

Signed:

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Share workers

Shane Winters Executive Planner

Signed: \_\_\_\_\_\_ Alan O'Connell Senior/Senior Executive Planner Date: 31<sup>st</sup> January 2025

Date: 31<sup>st</sup> January 2025

Photos taken 21st January 2025











Comhairle Contae Ros Comáin Roscommon County Council



#### John & Ciara Compton,



Date:7th January 2025Planning Reference:DED 820Re:Application for a Declaration under Section 5 of the Planning & Development Act 2000<br/>(as amended), regarding Exempted Development.Development:Permission to refurbish a derelict house, work including 1) stripping out internal walls,<br/>floors & ceilings; 2) installing new ceiling joists, internal stud works, plasterboard & skim;<br/>3) installing new windows & doors; 4) modifying the rear roof to a flat roof; 5) completing<br/>second fix carpentry; 6) paint and decorate internally under the Planning & Development<br/>Act (Exempt Development) Regulations 2018 at Church Street, Strokestown,<br/>Co. Roscommon.

#### A Chara,

I wish to acknowledge receipt of your application which was received on the 20<sup>th</sup> 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. L01/0/232311 dated 3<sup>rd</sup> January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 820 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:

James Lohan Consulting Engineers Ltd james@jlce.ie





Roscommon County Council Aras an Chontae Roscommon 09066 37100

03/01/2025 14:05:14

Receipt No. ; L01/0/232311

JAMES & CIARA COMPTON C/O JAMES LOHAN CONSULTING ENGINEERS LTD UNIT 5 BALLYPHEASON HOUSE CIRCULAR ROAD ROSCOMMON

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 820

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Áras an Chontae, Roscommon, Co. Roscommon.	
Phone: (090) 6637100 Email: <u>planning@roscommoncoco.ie</u>	

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# **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)	John & Ciara Compton
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CHURCH STREET, STROKESTOWN, ROSCOMMON O.S No. 2164-C XY: 592966, 780829 Townland LISROYNE
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>86 Sqm</u>
Height above ground level:	Floor level- between 200mm – 300 mm above ground level (Ridge height existing 7158 mm above ground level)
Total area of private open space remaining after completion of this development	0.048 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof/ Rear Flat Roof

# **Roscommon County Council**

#### Application for a Declaration under Section 5 of the

Nap Plaster to match existing
The proposed works are located at the rear of the existing house, involving a flat roof modification to expand the usable floor space while maintaining the original front design.
No
N/A
Existing Dwelling House
Refurbish Existing House
The house is 16 meters from the main road. Note: There is an existing service road with parking and a sidewalk serving the houses along the street
Existing water mains
Existing Public Mains

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

Signature:

(18/12/2024

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

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Page 2



Planning Dept,

Roscommon Co.Co.

Aras An Chontae,

Roscommon.

## **Detailed Specification Of The Development Proposed**

## Ref: John & Ciara Compton for Property at CHURCH STREET, STROKESTOWN, ROSCOMMON

The property is being stripped out back to its original walls and from there it will be renovated and put back into use as it was originally a two-bed dwelling house. The works involved are as follows:

- 1. Stripping out internal walls, floors, and ceilings.
- 2. Installing new ceiling joists, internal stud work, plasterboard, and skim.
- 3. Installing new windows and doors.
- 4. Modifying the rear roof to a flat roof to ensure additional space in the bedrooms while complying with design standards and preserving the original front elevation. Reslating the roof with natural slate.
- 5. Completing second fix carpentry.
- 6. Painting and decorating internally.

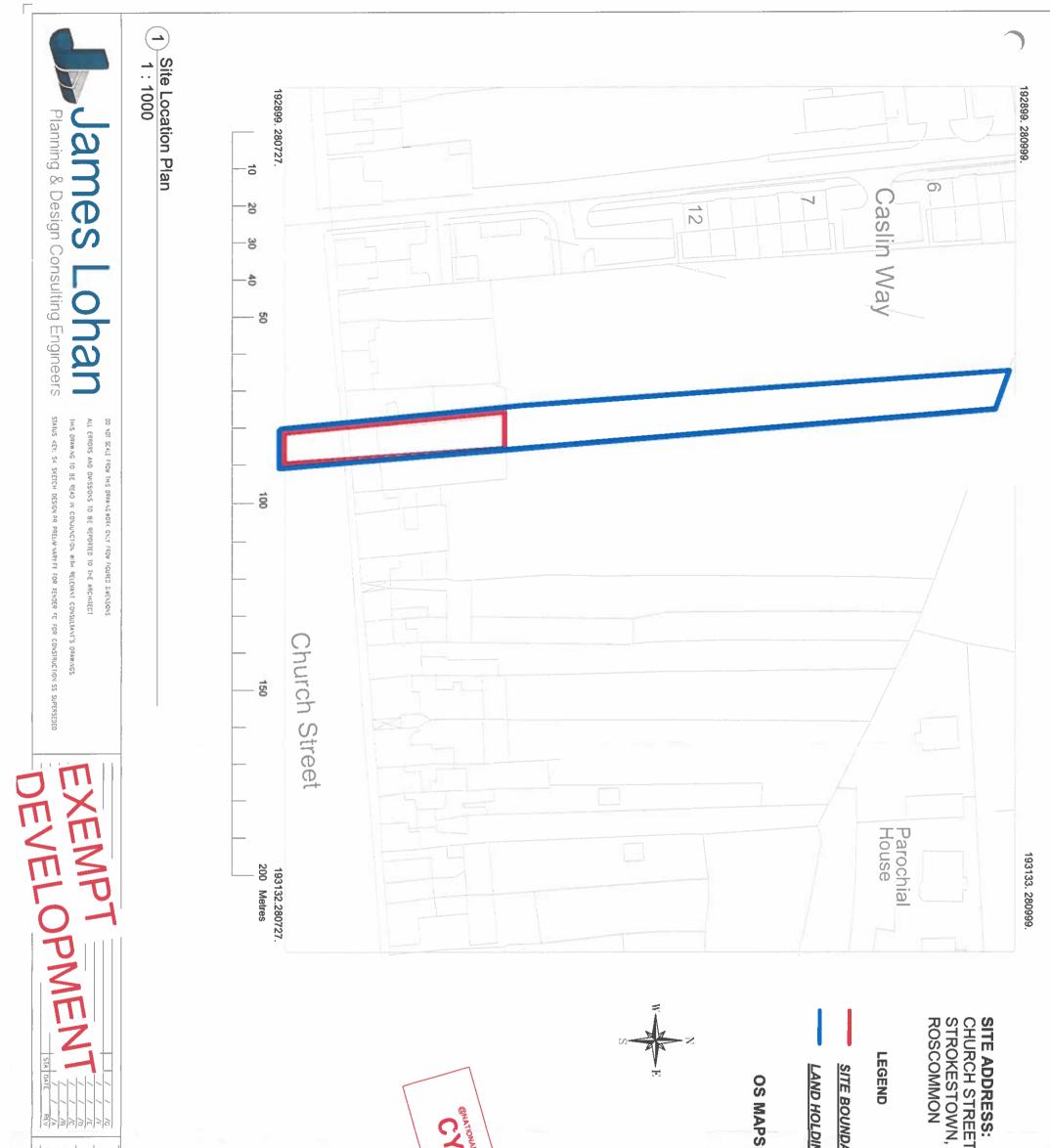
The proposed development is designed to enhance the usability and functionality of the property while maintaining its architectural character and integrating minimal, thoughtful changes to meet modern living standards and housing needs.

Kind Regards

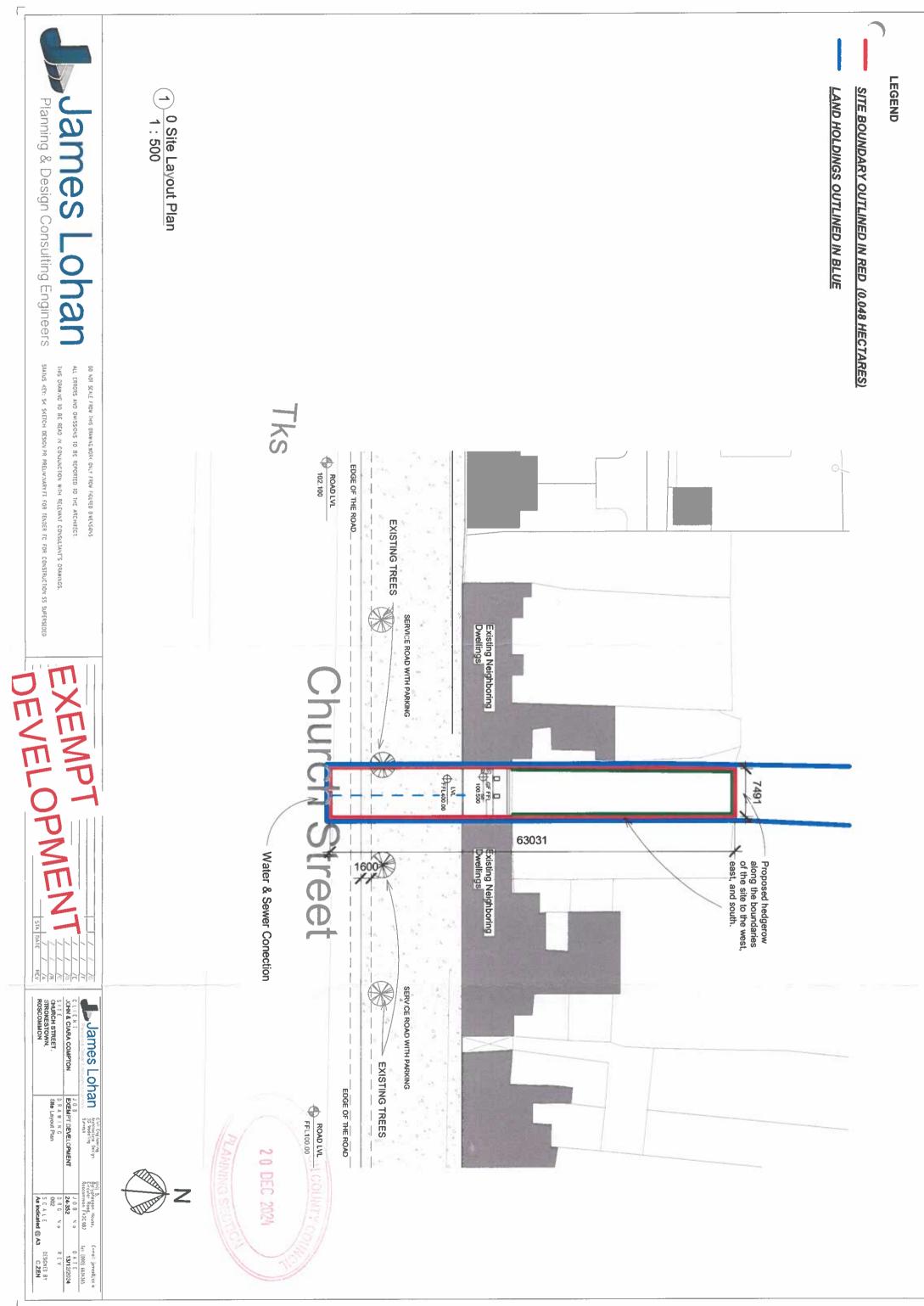
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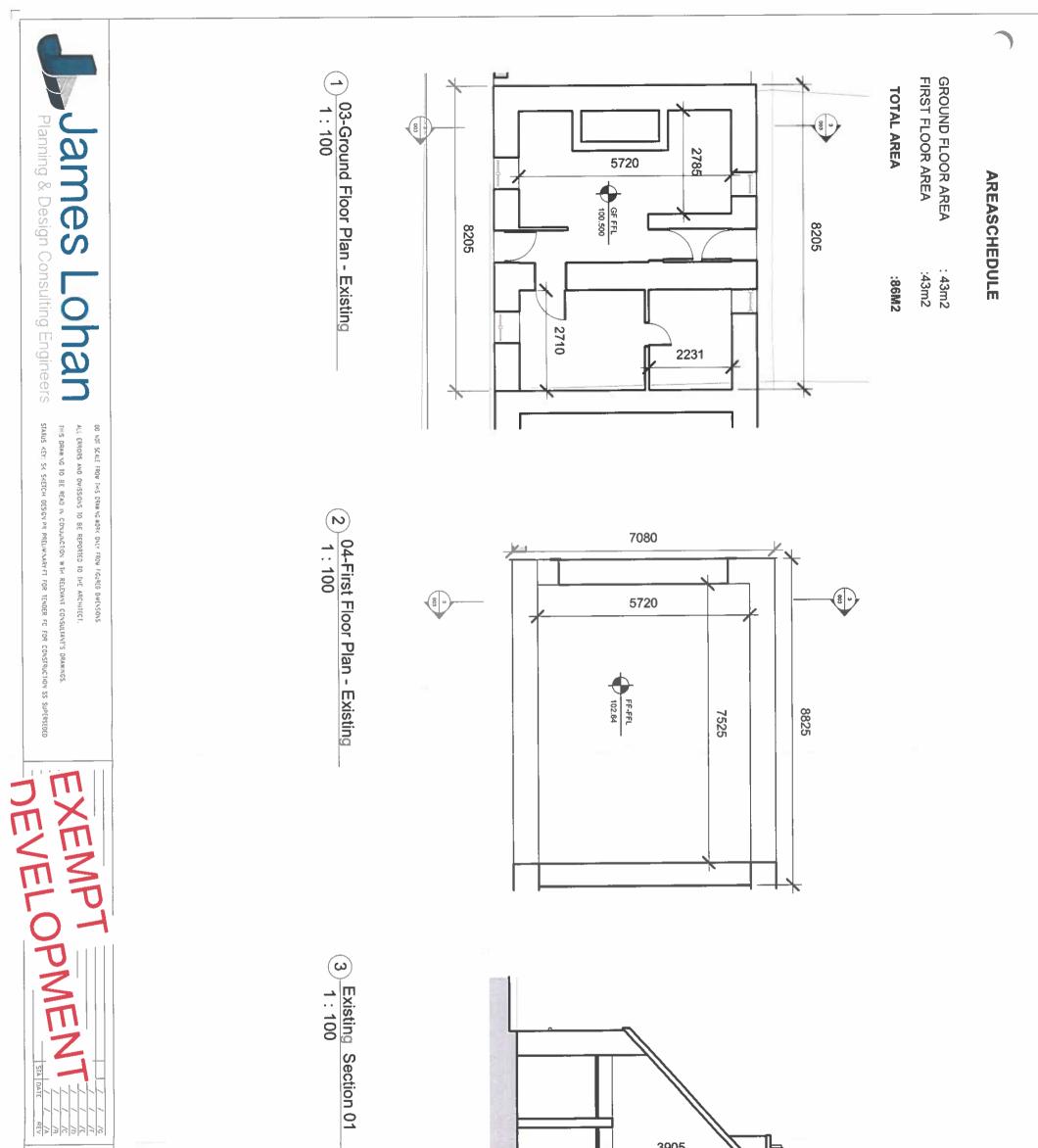
Camila Zen James Lohan Consulting Engineer Ltd, Unit 5, Ballypheason House, Circular Road Roscommon F42 C982



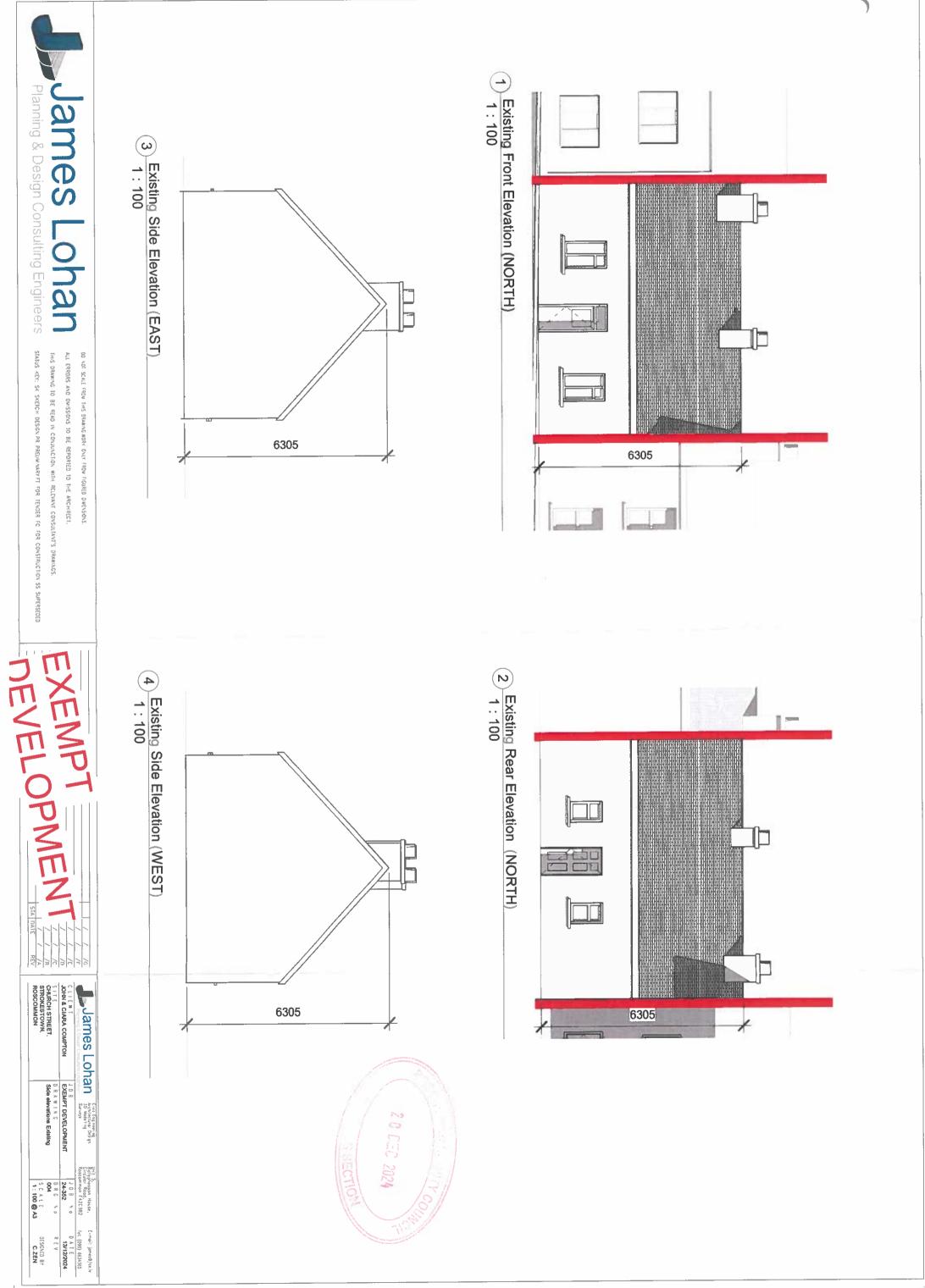


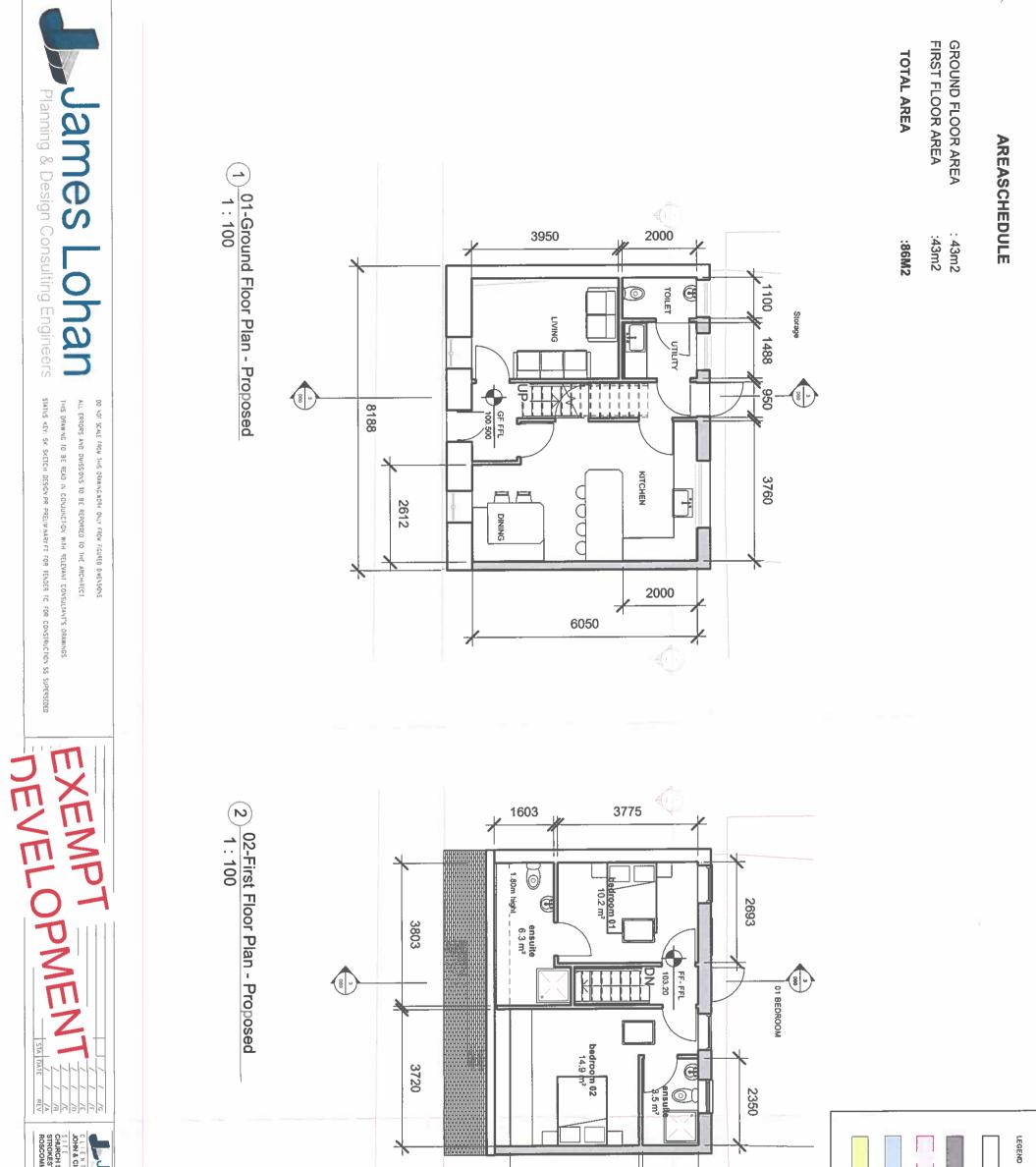
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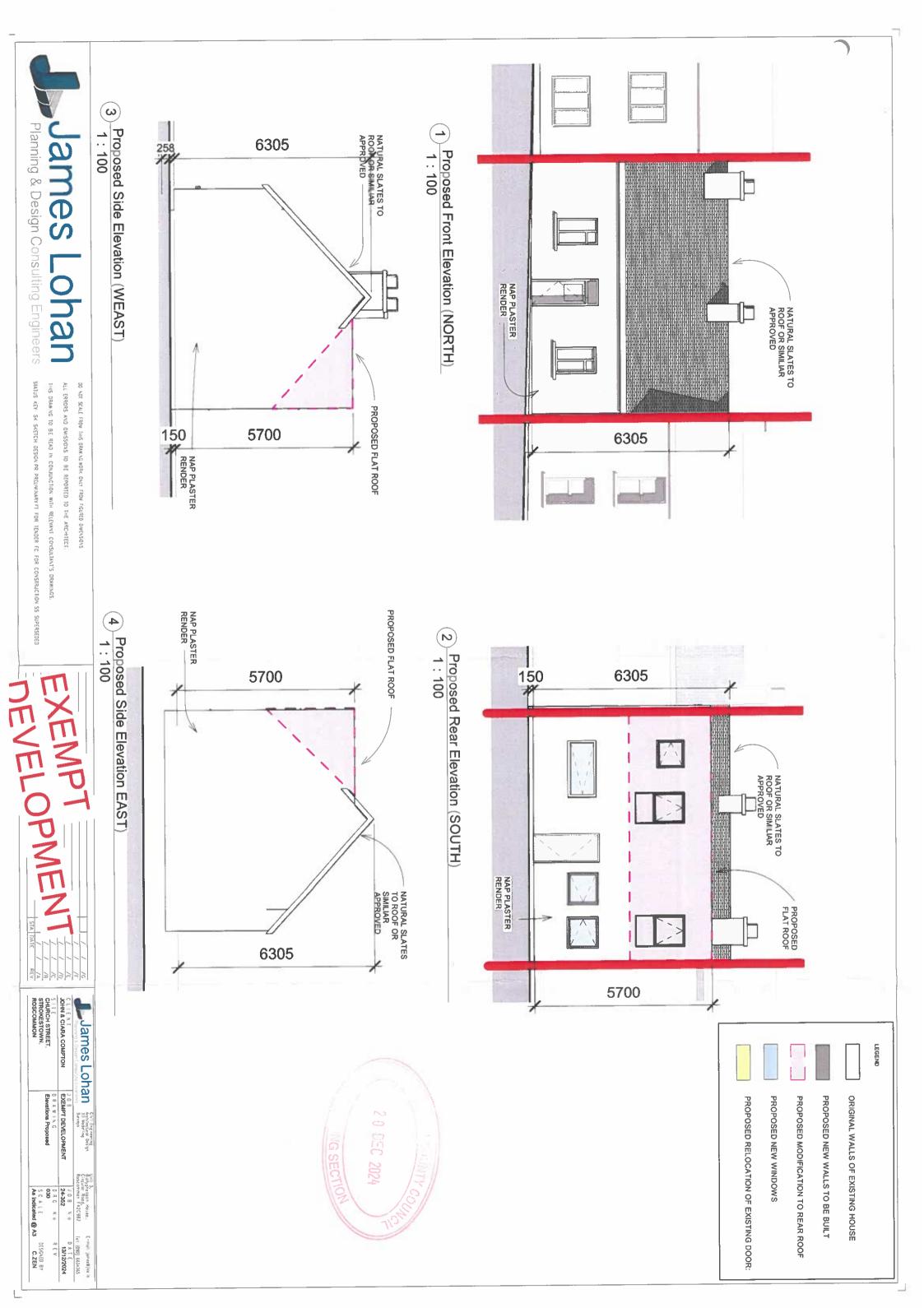




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A DESCNED BY	C-molt jones8/te.ie Tet (090) 5534365 B A T E 13/12/2024		

ORIGINAL WALLS OF EXISTING HOUSE PROPOSED NEW WALLS TO BE BUILT PROPOSED MODIFICATION TO REAR ROOF PROPOSED NEW WINDOWS

PROPOSED RELOCATION OF EXISTING DOOR:



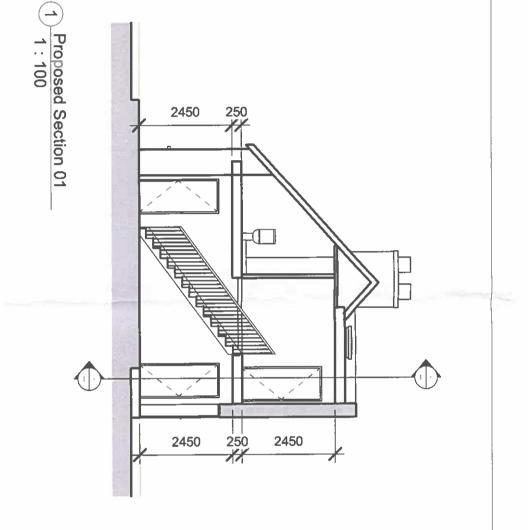


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Planning & Design Consulting Engineers SMUS

2 Front Perspective - Preposed





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