ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

James & Monica Duffy,



Reference Number:	DED 821
Application Received:	20 th December 2024
Name of Applicants:	James & Monica Duffy
Agent:	James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house, work including 1) strip out walls, floors & ceilings; 2)install new ceiling joists and internal stud works, plasterboard & skim; 3)re-wire the entire property; 4)re-plumb the entire property; 5) install new windows & doors; 6)reslate the roof; 7)complete second fix carpentry and internal painting and decoration; 8)construct a 39.5sqm extension for two additional bedrooms and a utility room & 9)install new floors at Aghacurreen, Ballaghaderreen, 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) Class 1 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 extension to rear of a dwelling house as described in this case is not an exempted development as it exceeds the height restrictions under conditions and limitations no.4 of Class 1 of Part 1 of Schedule 2.
- (c) The proposed refurbishment of the derelict house as above 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) 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, work including 1) strip out walls, floors & ceilings; 2)install new ceiling joists and internal stud works, plasterboard & skim; 3)re-wire the entire property; 4)re-plumb the entire property; 5) install new windows & doors; 6)re-slate the roof; 7)complete second fix carpentry and internal painting and decoration; 8)construct a 39.5sqm extension for two additional bedrooms and a utility room & 9)install new floors at Aghacurreen, Ballaghaderreen, Co. Roscommon is a <u>split decision</u> with the refurbishment of the derelict house an <u>exempted development</u> and the extension to the rear of the dwelling <u>not an exempted</u> <u>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: 20th January 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: Cc: Subject: Attachments: Carmel Curley Tuesday 21 January 2025 10:09 James Lohan Camila Zen DED821 - James & Monica Duffy DED821 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for the Section 5 Declaration of Exempted Development submitted for James & Monica Duffy - DED821. Please note that a hard copy will be issued to the applicant.

Regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 Therefore in the second seco



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

Reference Number:	DED 821
Re: Application for a Declaration under Section 5 of the Development Act, 2000, as amended, regarding exempted of permission to refurbish a derelict house, work includid walls, floors & ceilings; 2)install new ceiling joists and interplasterboard & skim; 3)re-wire the entire property; 4)re-pl property; 5) install new windows & doors; 6)re-slate the received fix carpentry and internal painting and decoration 39.5sqm extension for two additional bedrooms and a 9)install new floors.	
Name of Applicant:	James and Monica Duffy
Location of Development:	Aghacurreen, Ballaghaderreen, Co. Roscommon.
Site Visit:	16/01/2025

WHEREAS a question has arisen as to whether the following works; to refurbish a derelict house, work including 1) strip out walls, floors & ceilings; 2)install new ceiling joists and internal stud works, plasterboard & skim; 3)re-wire the entire property; 4)re-plumb the entire property; 5) install new windows & doors; 6)re-slate the roof; 7)complete second fix carpentry and internal painting and decoration; 8)construct a 39.5sqm extension for two additional bedrooms and a utility room & 9)install new floors 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 1 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

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Site Location & Development Description

The subject site is located in Aghacurreen, Ballaghaderreen, Co. Roscommon and is accessed via a laneway of the L-12312 road. The subject site contains a single story cottage with what may have been an extension to the rear but had been removed. To the rear of the house is a farmyard.

The proposed works is the construction of an extension to the rear of the dwelling, re-furbish the house which includes re-slating the roof, new doors and windows 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.

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 Lough Glinn PNHA (Site Code 001644) which is located circa 2.7km to the south and Tullaghanrock Bog PNHA/SAC (Site Code 002013/002354) which is located circa 5.9km to the north and Callow Bog and Lough Gara SAC/PNHA (Site Code 000595/000587) which is located circa 6km to the north 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, no recent planning history has been traced relating to the subject site.

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,

1. (a) Where the house has not been extended previously, the floor area of
any such extension shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached,
the floor area of any extension above ground level shall not exceed 12 square
metres.
(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.
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.
2. Any shows around floor automical shall be a distance of not loss than 2
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
There's 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.

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

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. 388 (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.

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 an extension to the rear of a dwelling house which, it is stated as having floor space of 39.5m².

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

- 1. a. Proposed work is stated as 39.5m².
 - b. Proposed extension is on ground floor only, therefore N/A.
 - c. Proposed work is only on ground floor level.
- 2. The house has not had a previous extension therefore N/A.
- 3. Proposed work is only on ground floor level.
- a. Rear wall does exceed this height.
 b. Rear wall does not include a gable, therefore N/A.
 c. Proposed flat roof extension does exceed the height of the eaves of the existing dwelling.
- 5. Extension does not reduce the open space to less than $25m^2$
- 6. a. Windows are greater than 1m from the boundary it faces.
 - b. Proposed work is only on ground floor level.
 - c. Proposed work is only on ground floor level.
- 7. Existing house is single story and no access is indicated.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the extension to rear of a dwelling house as described in this case is considered not an exempted development as it exceeds the height restrictions under conditions and limitations no.4 of Class 1 of Part 1 of Schedule 2.

The proposal includes the refurbishment of the derelict house. These works have 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 works are deemed 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 refurbish a derelict house, work including 1) strip out walls, floors & ceilings; 2)install new ceiling joists and internal stud works, plasterboard & skim; 3)re-wire the entire property; 4)re-plumb the entire property; 5) install new windows & doors; 6)re-slate the roof; 7)complete second fix carpentry and internal painting and decoration; 8)construct a 39.5sqm extension for two additional bedrooms and a utility room & 9)install new floors in Aghacurreen, Ballaghaderreen, 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 1 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 extension to rear of a dwelling house as described in this case is not an exempted development as it exceeds the height restrictions under conditions and limitations no.4 of Class 1 of Part 1 of Schedule 2.
- The proposed refurbishment of the derelict house as above 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; 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 a derelict house, work including 1) strip out walls, floors & ceilings; 2)install new ceiling joists and internal stud works, plasterboard & skim; 3)re-wire the entire property; 4)re-plumb the entire property; 5) install new windows & doors; 6)re-slate the roof; 7)complete second fix carpentry and internal painting and decoration; 8)construct a 39.5sqm extension for two additional bedrooms and a utility room & 9)install new floors in Aghacurreen, Ballaghaderreen, Co. Roscommon is a <u>split decision</u> with the refurbishment of the derelict house <u>an exempted development</u> and the extension to rear of a dwelling house <u>not an exempted development</u> as it exceeds the height restrictions under conditions and limitations no.4 of Class 1 of Part 1 of Schedule 2. I recommend that a declaration to that effect should be issued to the applicant.

San Murray

Signed:

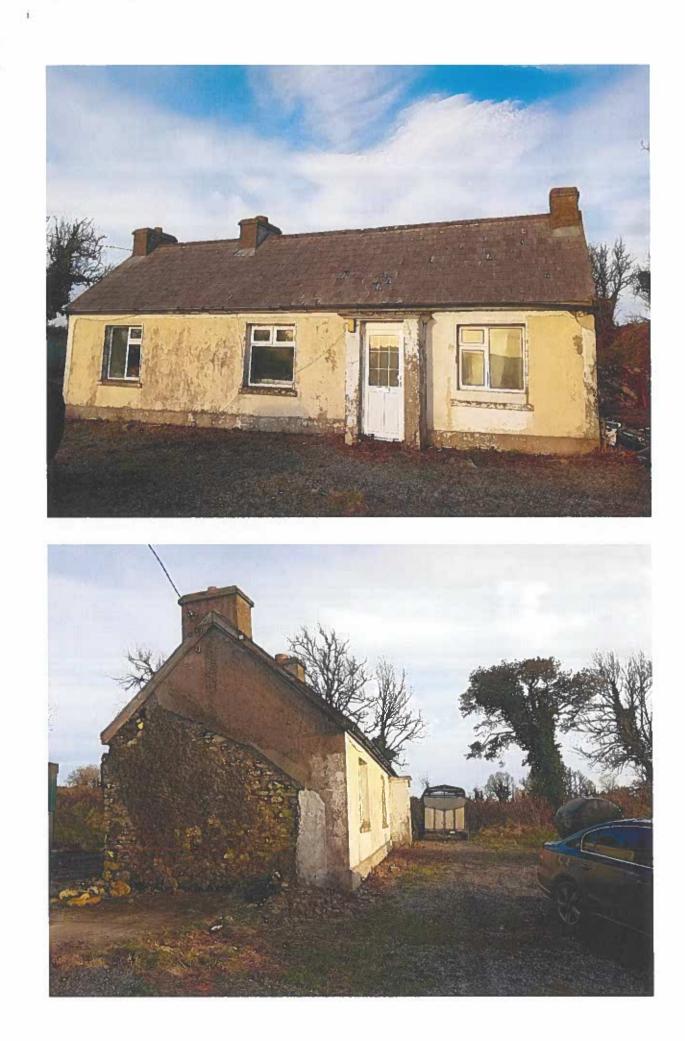
Civil Technician

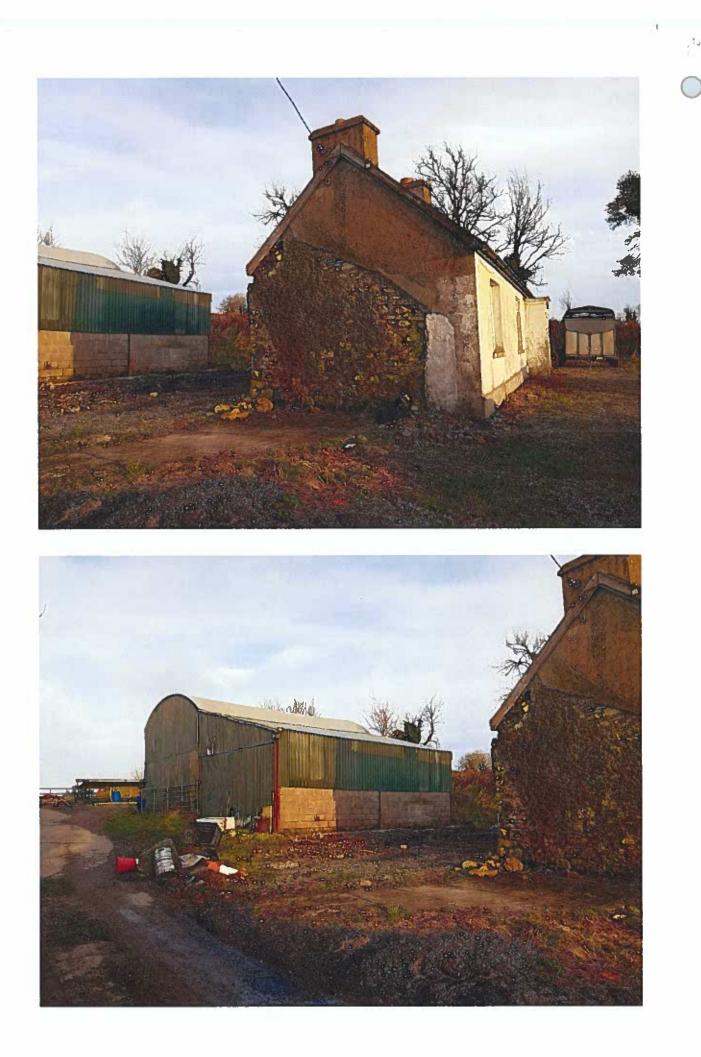
Signed:

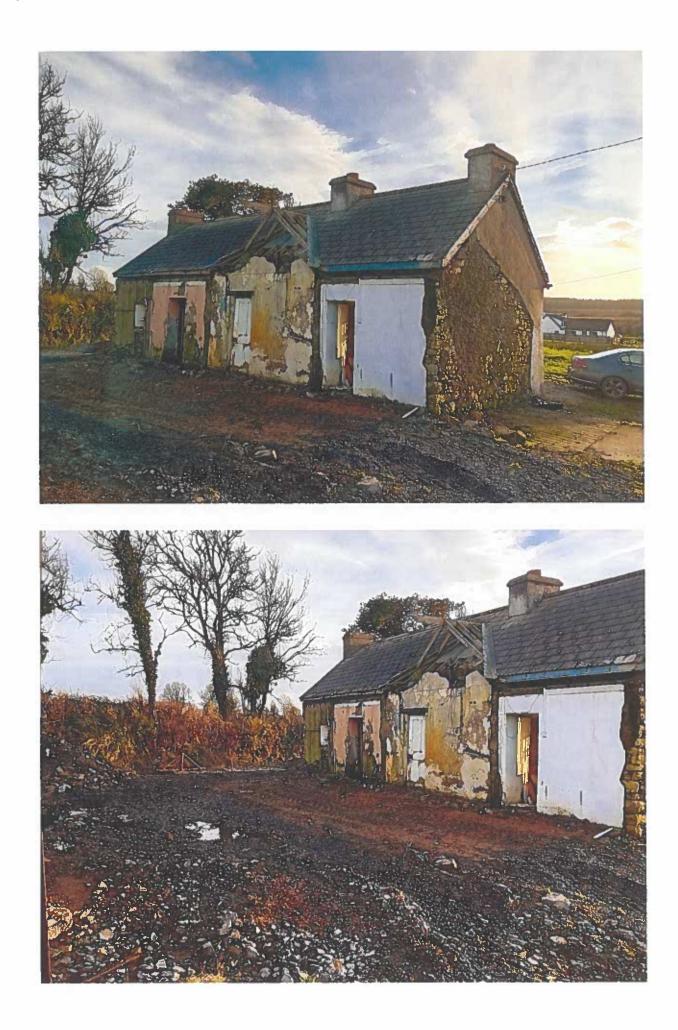
Senior Executive Planner

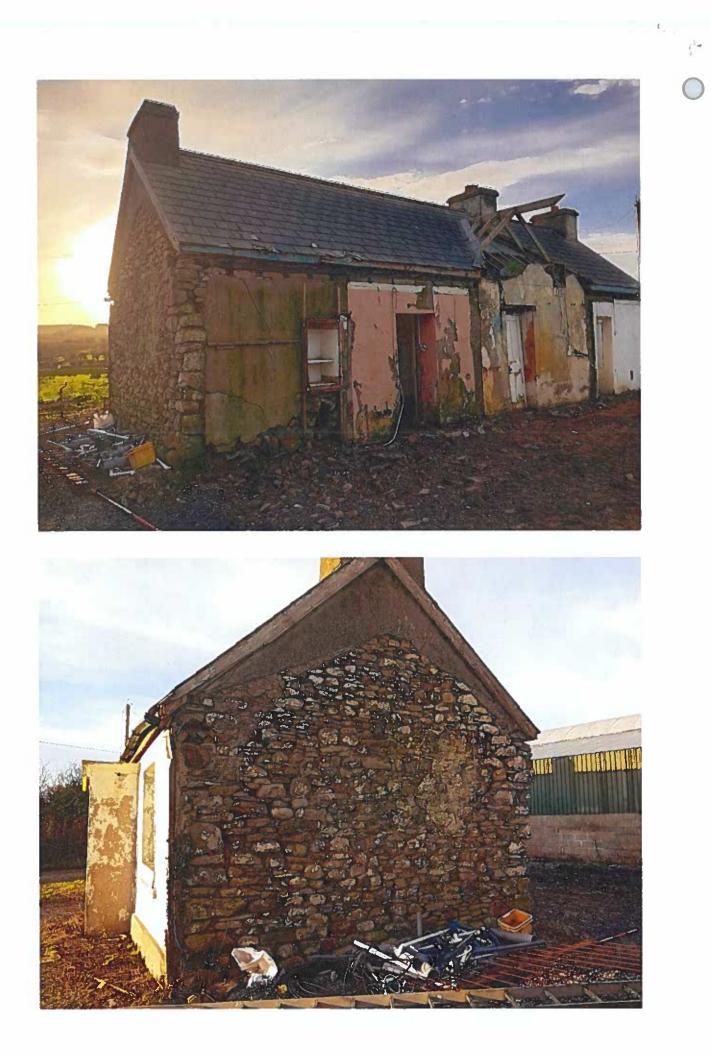
Date: 20th January 2025

Date: 20th January 2025







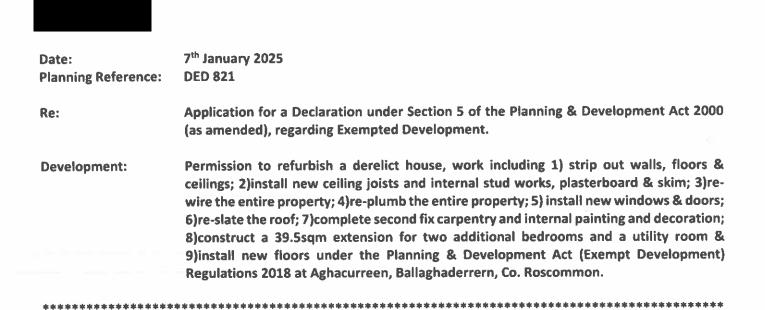




Comhairle Contae Ros Comáin Roscommon County Council



James & Monica Duffy,



A Chara,

I wish to acknowledge receipt of your application which was received on the 20th 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. L01/0/232310 dated 3rd January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 821** 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





JAMES & MONICA DUFFY C/O JAMES LOHAN CONSULTING ENGINEERS LTD UNIT 5 BALLYPHEASON HOUSE CIRCULAR ROAD ROSCOMMON Roscommon 09066 37100 Roscommon County Council Aras an Chontae Receipt No. 1.01/0/232310 03/01/2025 14:02:44

90.06 PLANNING APPLICATION FEES GOODS B0.00 VAT Exempt/Non-vatable DED 821

Total

80,00 EUR

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issued By Bernadine Duignan

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Colling Colling
Áras an Chontae, ² 0 DEC 2024 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 Exempted Development

Name of Applicant(s)	James and Monica Duffy
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 5, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house and add a small extension under 40 sqm 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.	AGHACURREEN, BALLAGHADERREEN CO. ROSCOMMON F45 PN79 O.S No. 1976
	XY: 562929, 789806 Townland AGHACURREEN
Floor Area: a) Existing Structure b) Proposed Structure	 a) <u>39.5 Sqm</u> b) <u>39.5 Sqm extension</u>
Height above ground level:	Floor level- between 100mm – 150mm above ground level (Ridge height existing 4785 mm above ground level)
Total area of private open space remaining after completion of this development	0.16 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof Proposed new flat roof (39.5 sqm) at the rear of the building.

Page 1

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	Proposed extension to the rear of the house, under 40 Sqm and lower than the existing building.
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	N/A
Existing use of land or structure	Existing Dwelling House
Proposed use of land or structure	Refurbish House
Distance of proposed building line from edge of roadway	Existing -5.16 from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature:

Cromke 18/22/224

Date:

Note: This application must be accompanied by: -

20 DEC 2024 PLANNING SECTION

- (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



Planning Dept,

Roscommon Co.Co.

Aras An Chontae,

Roscommon.

2 0 DEC 2024

Detailed Specification Of The Development Proposed

Ref: James and Monica Duffy for Property at Aghacurreen, Ballaghaderreen Co. Roscommon F45 PN79

The property will be stripped back to its original walls and fully renovated to return it to use as a two-bed dwelling house. Additionally, a 39.5 sqm extension will be constructed to include two additional bedrooms and a utility room. The scope of works is as follows:

- 1. Strip out existing walls, floors, and ceilings.
- 2. Install new ceiling joists, internal studwork, plasterboard, and skim.
- 3. Rewire the entire property.
- 4. Replumb the entire property.
- 5. Install new windows and doors.
- 6. Reslate the roof.
- 7. Complete second-fix carpentry and internal painting and decoration.
- 8. Construct a 39.5 sqm extension for two additional bedrooms and a utility room.
- 9. Install new flooring.

John La 20-13/12/2024.

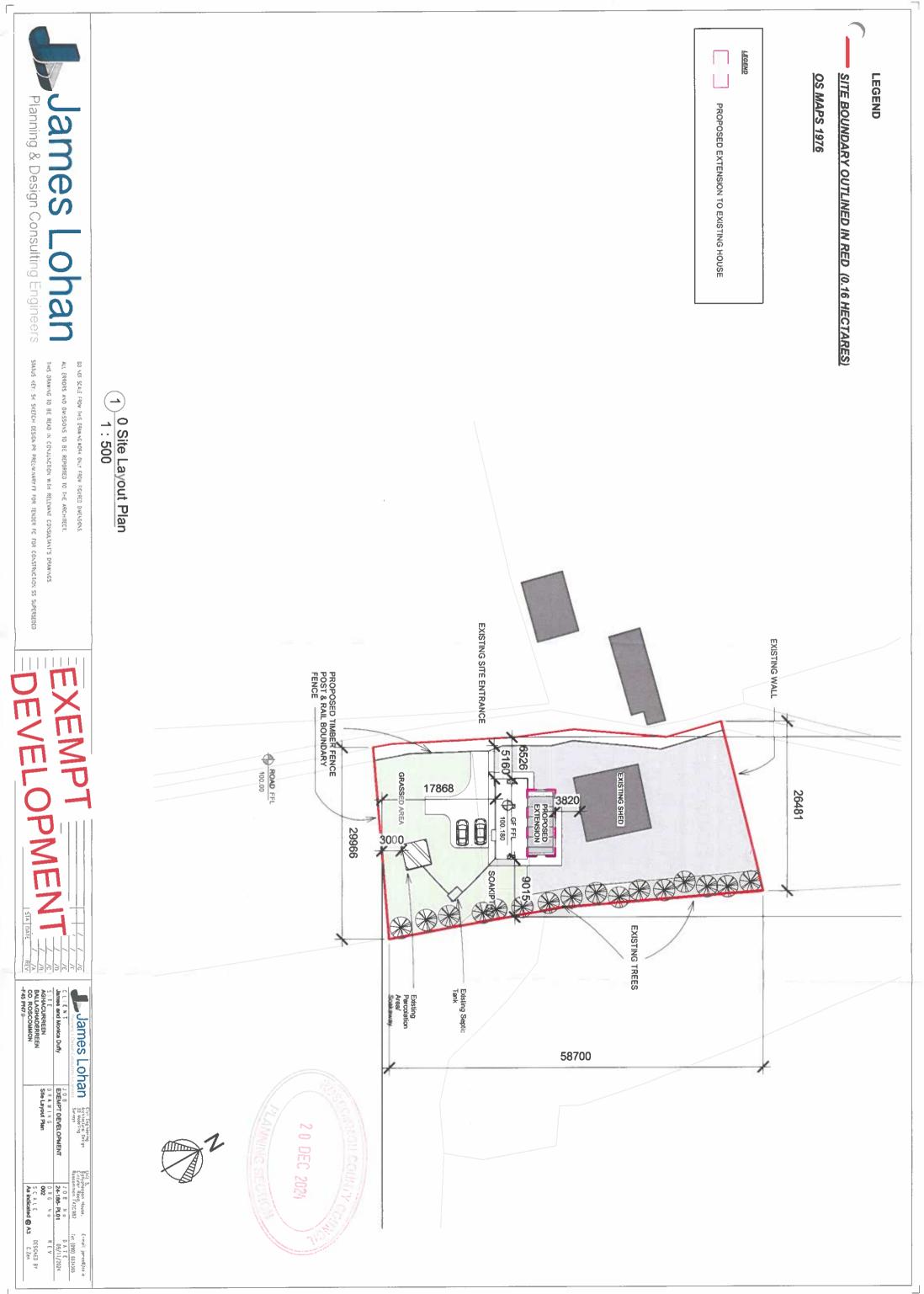
Kind Regards Camila Zen

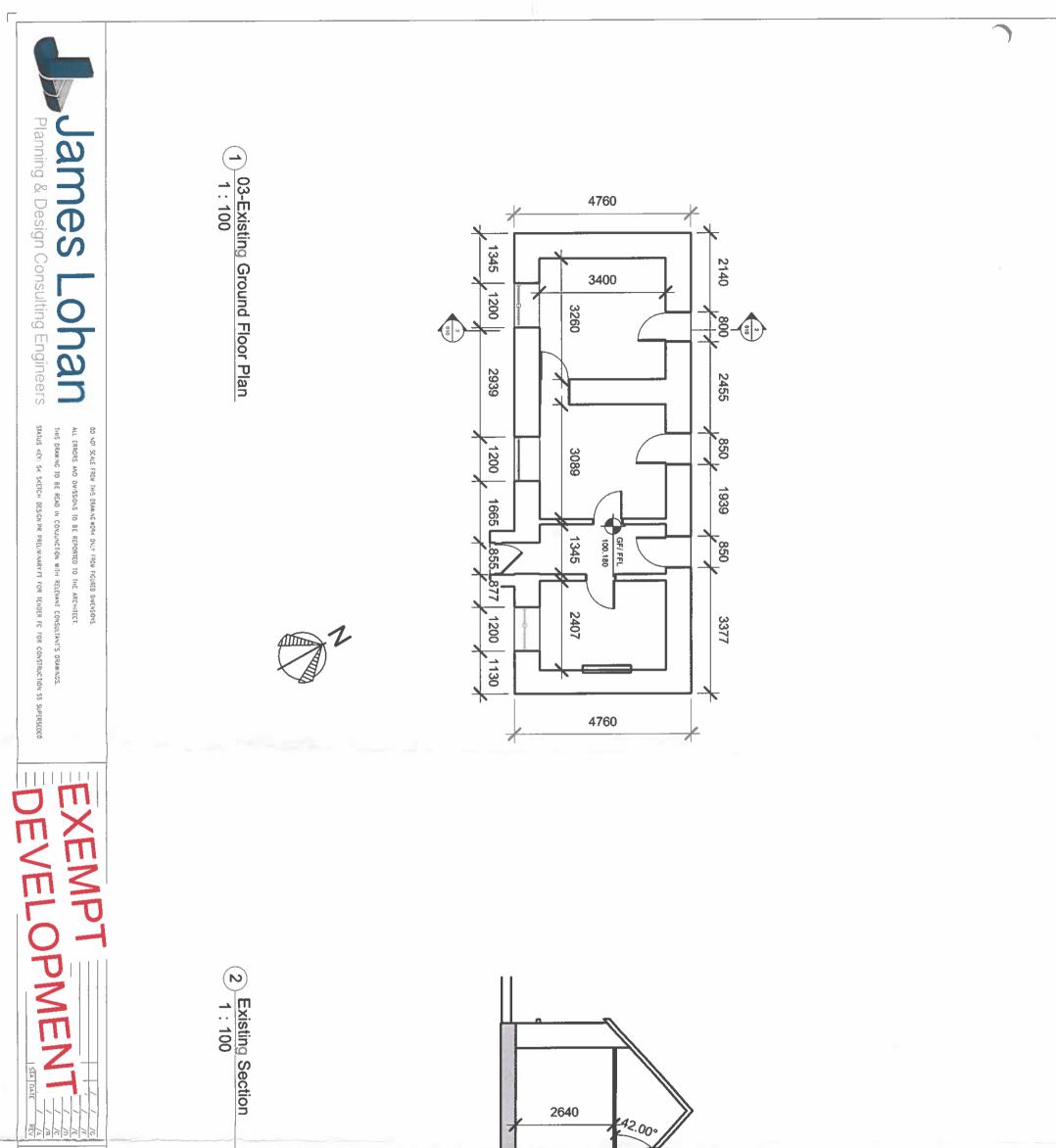
James Lohan Consulting Engineer Ltd, Unit 5, Ballypheason House, Circular Road Roscommon F42 C982



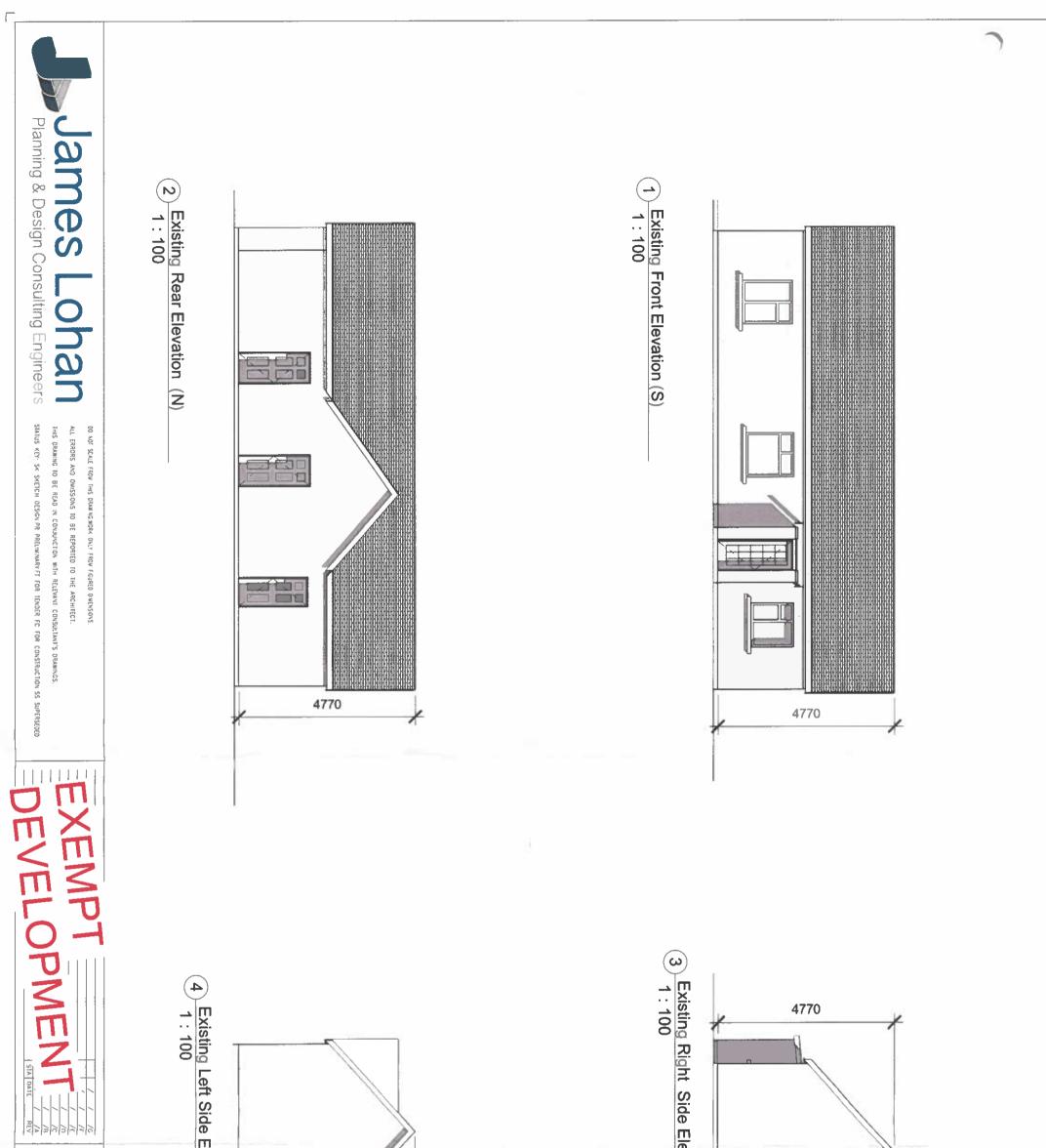
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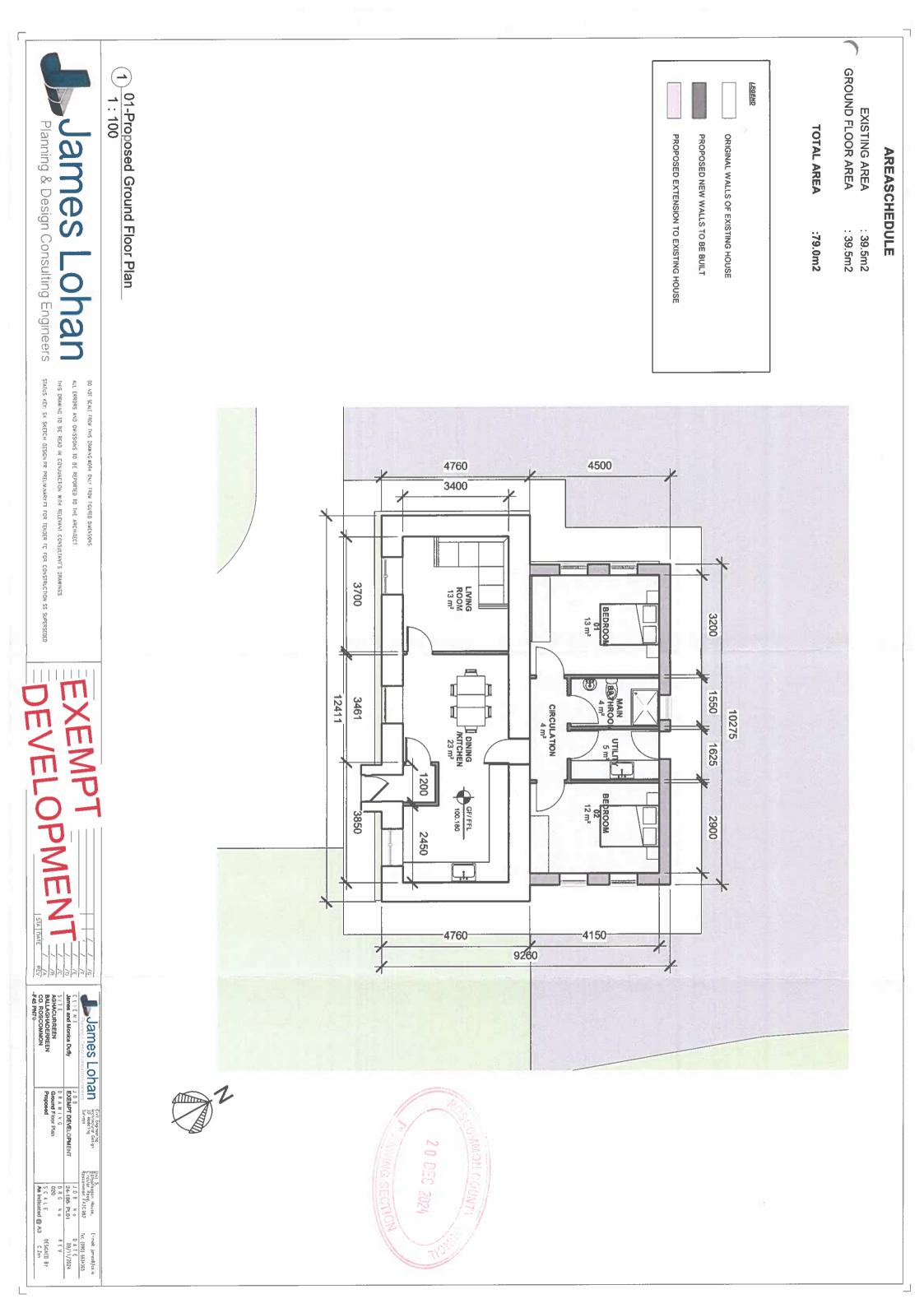


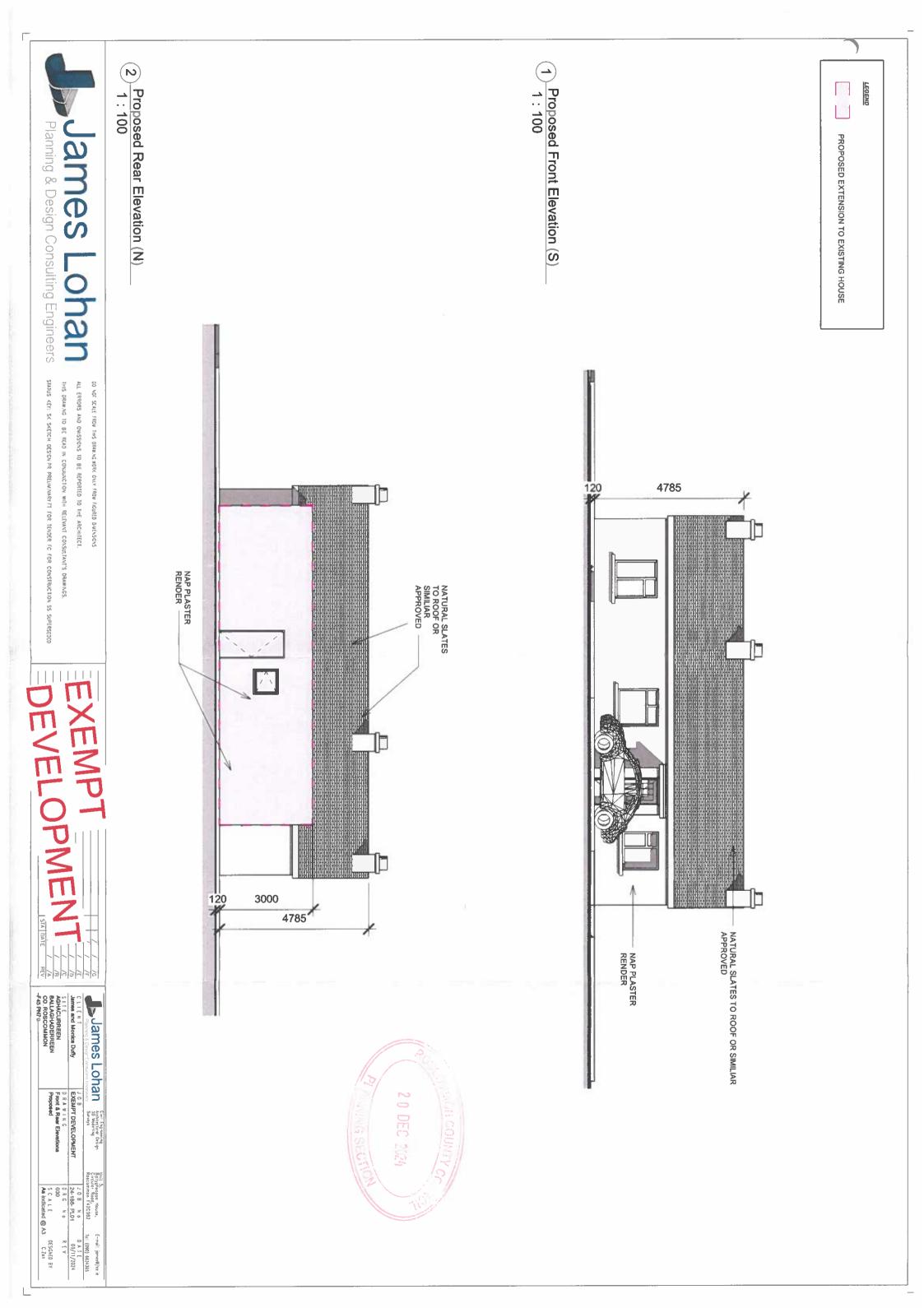


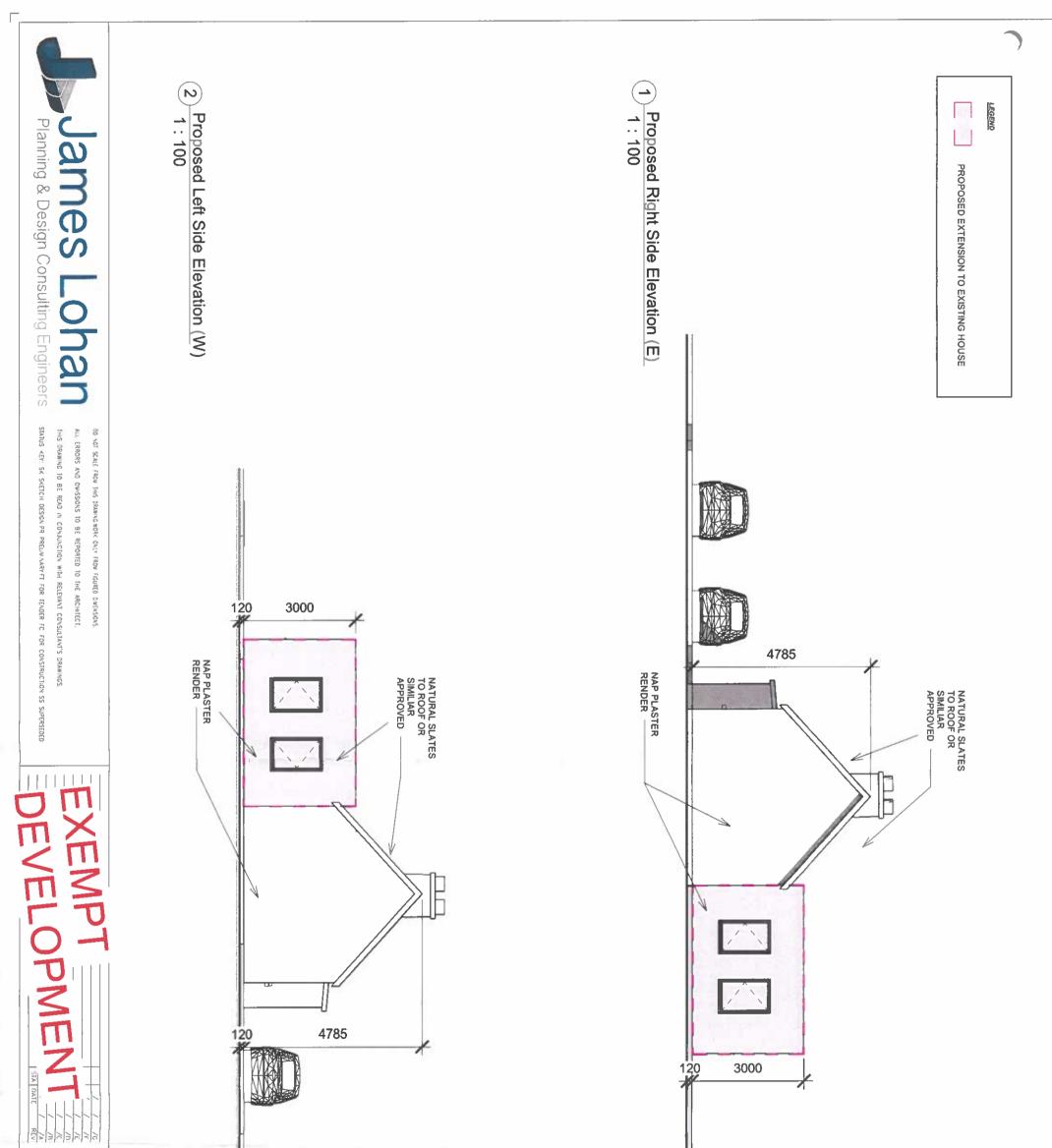
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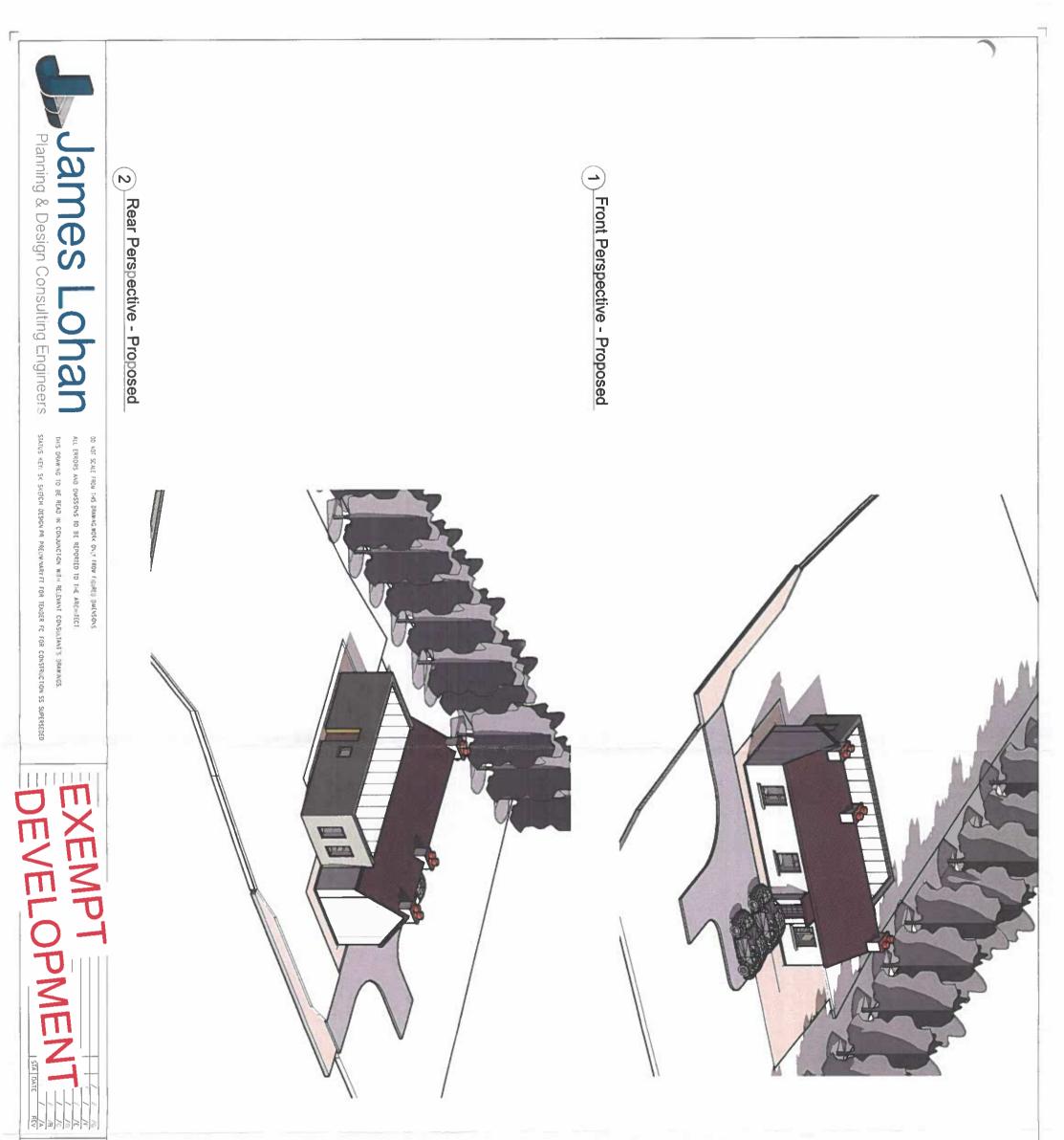
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