

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Tom Crosby,



Reference Number: DED 823
Application Received: 23rd December 2024
Name of Applicant: Tom Crosby
Agent: N/A

WHEREAS a question has arisen as to whether the renovation of an existing dwelling with works including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed windows units (glass only); 4) upgrading the electrical wiring switches, etc; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing & 6) repainting entire house at Ashgrove House, Ballytoohey, Tarmonbarry, Co. Roscommon, N39EK81, 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) 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 proposed repair of a cottage works include; renovate an existing dwelling, works including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed window units (glass only); 4) upgrading the electrical wiring switches etc.; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing; and 6) repainting entire house 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) 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 renovate an existing dwelling with works including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed windows units (glass only); 4) upgrading the electrical wiring switches, etc; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing & 6) repainting entire house at Ashgrove House, Ballytoohey, Tarmonbarry, Co. Roscommon, N39EK81 is development that is 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: 23rd 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.

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

Reference Number:	DED 823
Re:	Permission to renovate an existing dwelling, works including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed window units (glass only); 4) upgrading the electrical wiring switches etc.; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing; and 6) repainting entire house under the Planning and Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Tom Crosby
Location of Development:	Ashgrove House, Ballytoohey, Tarmonbarry, Co. Roscommon, N39EK81
Site Visit:	13/01/2025

WHEREAS a question has arisen as to whether the following works to renovate an existing dwelling with works to the interior including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed window units (glass only); 4) upgrading the electrical wiring switches etc.; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing; and 6) repainting entire house, **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) 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

Site Location & Development Description

The site consists of a detached two-story uninhabited house in Ashgrove House, Ballytoohey, Tarmonbarry, Co. Roscommon. The proposed development consists of the interior refurbishment of an existing dwelling along with upgrading the glass in the windows to double glazing.

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

Appropriate Assessment

The closest European sites to the proposed development are Lough Forbes Complex SAC (Site Code 001818) and Ballykenny-Fishertown Bog SPA (Site Code: 004101) which are located circa 1.6km to the east 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

97/191: Erection of a dwelling house, garage, septic tank and percolation area.

97/850: Change of house plans for dwelling house granted under planning ref PD/97/191.

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,

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 proposal to renovate an existing dwelling to the interior including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed window units (glass only); 4) upgrading the electrical wiring switches etc.; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing; and 6) repainting entire house. 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. The proposed works are deemed an exempt development.

Following a site inspection it is noted that there is an extension to the rear of the existing dwelling to which no planning permission has been traced, following a review of aerial imagery it has been concluded that the extension has a floorspace of ca. 23m², therefore 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).

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

Recommendation

WHEREAS a question has arisen as to whether a proposed development; to renovate an existing dwelling, works including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed window units (glass only); 4) upgrading the electrical wiring switches etc.; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing; and 6) repainting entire house as outlined above at Ashgrove House, Ballytoohey, Tarmonbarry, Co. Roscommon, N39EK81 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) 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

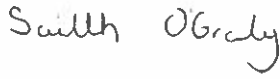
- The works outlined above are development.
- The proposed repair of a cottage works include; renovate an existing dwelling, works including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed window units (glass only); 4) upgrading the electrical wiring switches etc.; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing; and 6) repainting entire house 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;

- 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 renovate an existing dwelling, works including 1) change of heating from oil burner to geothermal heat pump; 2) installation of a heat exchanger unit; 3) upgrading the double glazed window units (glass only); 4) upgrading the electrical wiring switches etc.; 5) general internal repairs including plaster repairs, sanitary fixtures, plumbing; and 6) repainting entire house as outlined above at Ashgrove House, Ballytoohey, Tarmonbarry, Co. Roscommon, N39EK81, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Graduate Planner

Date: 22/01/2025


Signed:
Senior Executive Planner

Date: 22nd January 2025









Appt 23rd
(1m2)





Comhairle Contae
Ros Comáin
Roscommon
County Council



Tom Crosby,

Date: 7th January 2025
Planning Reference: DED 823

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

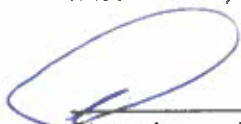
Development: Permission to renovate an existing dwelling, works including 1)change of heating from oil burner to geothermal heat pump; 2)installation of a heat exchanger unit; 3)upgrading the double glazed window units (glass only); 4)upgrading the electrical wiring switches etc; 5)general internal repairs including plaster repairs, sanitary fixtures, plumbing; & 6)repainting entire house under the Planning & Development Act (Exempt Development) Regulations 2018 at Ashgrove House, Ballytoohey, Tarmonbarry, Co. Roscommon, N39EK81.

A Chara,

I wish to acknowledge receipt of your application which was received on the 23rd 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. **L01/0/232309** dated 3rd January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 823**
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

03/01/2025 14:00:53

Receipt No. L01/0/232309

TOM CROSBY

PLANNING APPLICATION FEES 80.00
GOODS 80.00
VAT Exempt/Non-vatable
DED823

Total : 80.00 EUR

Tendered :
Cheque 80.00
500173

Change : 0.00

Issued By : Bernadine Duignan
From : Central Cash Office



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) TOM CROSBY	
Name of Agent N/A	
Nature of Proposed Works Internal Refurbishment works only No Extensions No Alterations	
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Ashgrove House Ballytoohy TARMONBARRY CO ROSCOMMON V39EK81
Floor Area: a) Existing Structure b) Proposed Structure	a) 2.8 Sq. FT b) NO CHANGE AS ABOVE
Height above ground level:	30ft
Total area of private open space remaining after completion of this development	6 acres
Roofing Material (Slates, Tiles, other) (Specify)	Slates

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A
Is proposed works located at front/rear/side of existing house.	N/A
Has an application been made previously for this site	YES
If yes give ref. number (include full details of existing extension, if any)	PL/343/97/ 191 97/191
Existing use of land or structure	FAMILY Home
Proposed use of land or structure	as ABOVE
Distance of proposed building line from edge of roadway	150 meters
Does the proposed development involve the provision of a piped water supply	ALREADY Provided
Does the proposed development involve the provision of sanitary facilities	ALREADY Provided

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

Signature: Tom O'Sullivan
Date: 19/12/2024

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



Planning Section
Roscommon
Co Roscommon. F42 VR98

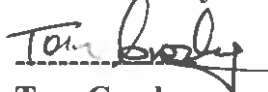
19th December 2024

Please find enclosed completed declaration under section 5 of the planning and development act 2000 regarding exempted development together with size Location map identifying the location and site layout plan indicating the exact location of the proposed development.

The following are the specifications of the development proposed.

- The change of heating system from OIL burner two geothermal heat pump.
- The installation of a heat exchanger unit.
- Upgrading the double glazed window units (glass only)
- Upgrading the electrical wiring switches etc
- General internal repairs including plaster repairs, sanitary fixtures, plumbing.
- Repainting entire house.
- No extensions our external alterations.

Your sincerely


Tom Crosby



COMHAIRLE CHONTAE ROSCOMÁIN
ROSCOMMON COUNTY COUNCIL

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS 1963-1993

COUNTY MANAGER'S ORDER DECIDING TO GRANT
~~OUTLINE PLANNING PERMISSION~~ PLANNING PERMISSION/APPROVAL

MANAGER'S ORDER NO: PL/343/97

PLANNING REGISTER NO: 97/191

SUBJECT MATTER: **Development consisting of erection of Dwellinghouse,
Garage, Septic Tank and Percolation Area at
Ballytoohy Id., Tarmonbarry, Roscommon.**

APPLICANT: **Mr Tony Nerney, 20 Ardnacassa Avenue, Longford**

AGENT: **N/A**

ORDER: By virtue of the powers vested in me by the County Management Acts, 1940 to 1991 and the Local Government (Planning & Development) Acts, 1963-1993 it is hereby Ordered that the decision of Roscommon County Council on the application described above is to Grant ~~Outline Permission~~ Planning Permission/Approval for the development of the land which is the subject matter of the planning application subject to the conditions (if any) listed in the Schedule hereto.

IT IS FURTHER ORDERED that ~~Outline Planning Permission~~ be granted in accordance with the said Decision unless an Appeal against the Decision which is not subsequently withdrawn is lodged with An Bord Pleanála.



Signed by me at the Courthouse, Roscommon, on this 4th day of June 19 97

Roscommon County Manager

COMHAIRLE CHONTAE ROSCOMÁIN
ROSCOMMON COUNTY COUNCIL

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS 1963-1993

COUNTY MANAGER'S ORDER DECIDING TO GRANT
~~OUTLINE PLANNING PERMISSION~~ PLANNING PERMISSION/APPROVAL

MANAGER'S ORDER NO:

PL/343/97

PLANNING REGISTER NO:

97/191



SUBJECT MATTER:

Development consisting of erection of Dwellinghouse,
Garage, Septic Tank and Percolation Area at
Ballytoohy Id., Tarmbarry, Roscommon.

APPLICANT:

Mr Tony Nerney, 20 Ardnacassa Avenue, Longford

AGENT:

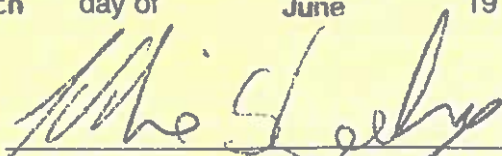
N/A

ORDER: By virtue of the powers vested in me by the County Management Acts, 1940 to 1991 and the Local Government (Planning & Development) Acts, 1963-1993 it is hereby Ordered that the decision of Roscommon County Council on the application described above is to Grant ~~Outline Permission~~ Planning Permission/Approval for the development of the land which is the subject matter of the planning application subject to the conditions (if any) listed in the Schedule hereto.

IT IS FURTHER ORDERED that ~~Outline~~ Planning Permission/Approval be granted in accordance with the said Decision unless an Appeal against the Decision which is not subsequently withdrawn is lodged with An Bord Pleanála.

Signed by me at the Courthouse, Roscommon, on this

4th day of June 19 97

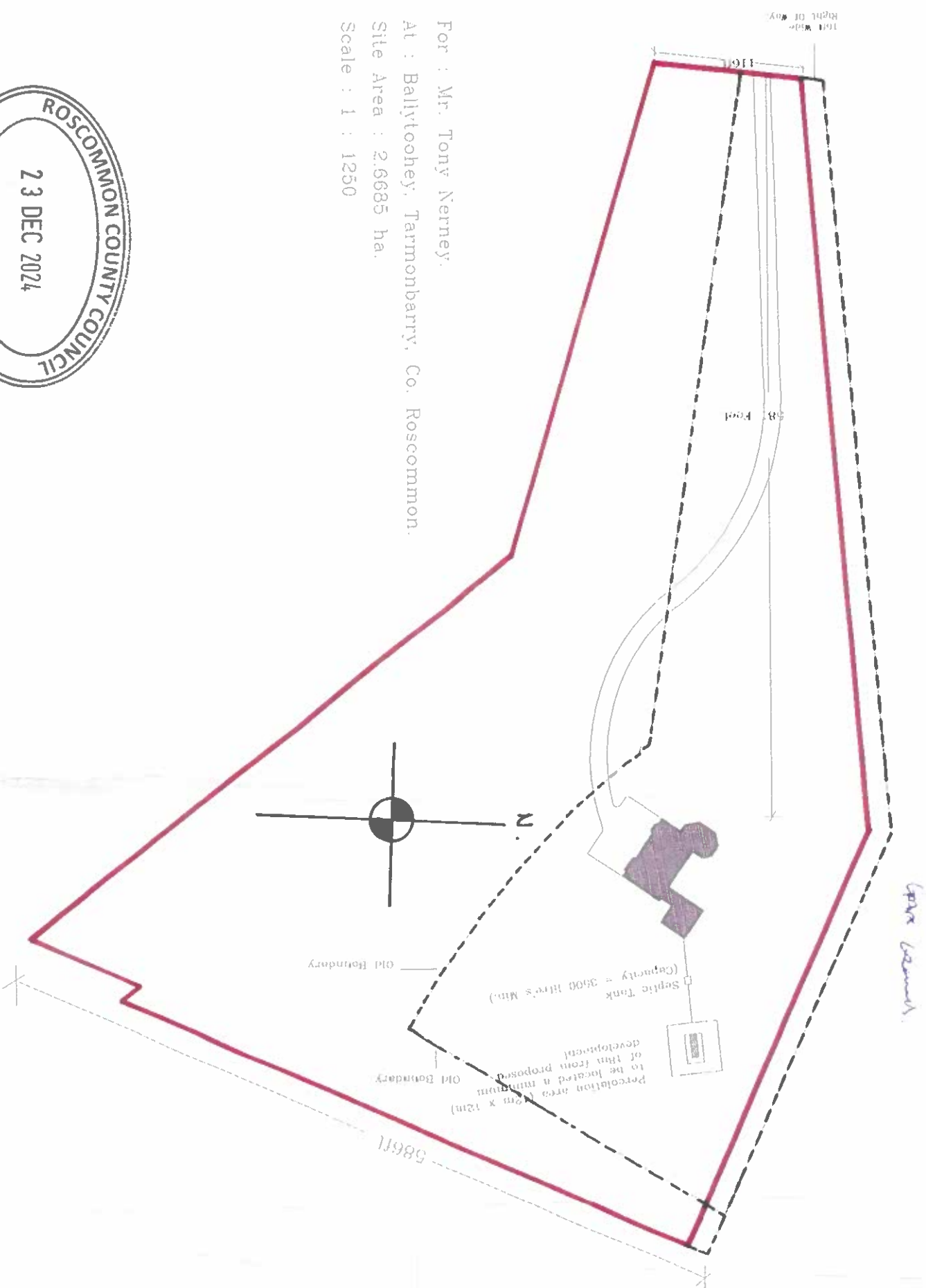

Roscommon County Manager

ROSCOMMON CO. COUNCIL
 RECEIVED
 22 MAY 1997
 PLANNING

97/191

Drawing Prepared By : Mr. Tom Callanan,
 Crossderry, Craughwell, Co. GALWAY.

Site Layout.



For : Mr. Tony Nerney.
 At : Ballytoohy, Tarranbarry, Co. Roscommon.
 Site Area : 2.6685 ha.
 Scale : 1 : 1250

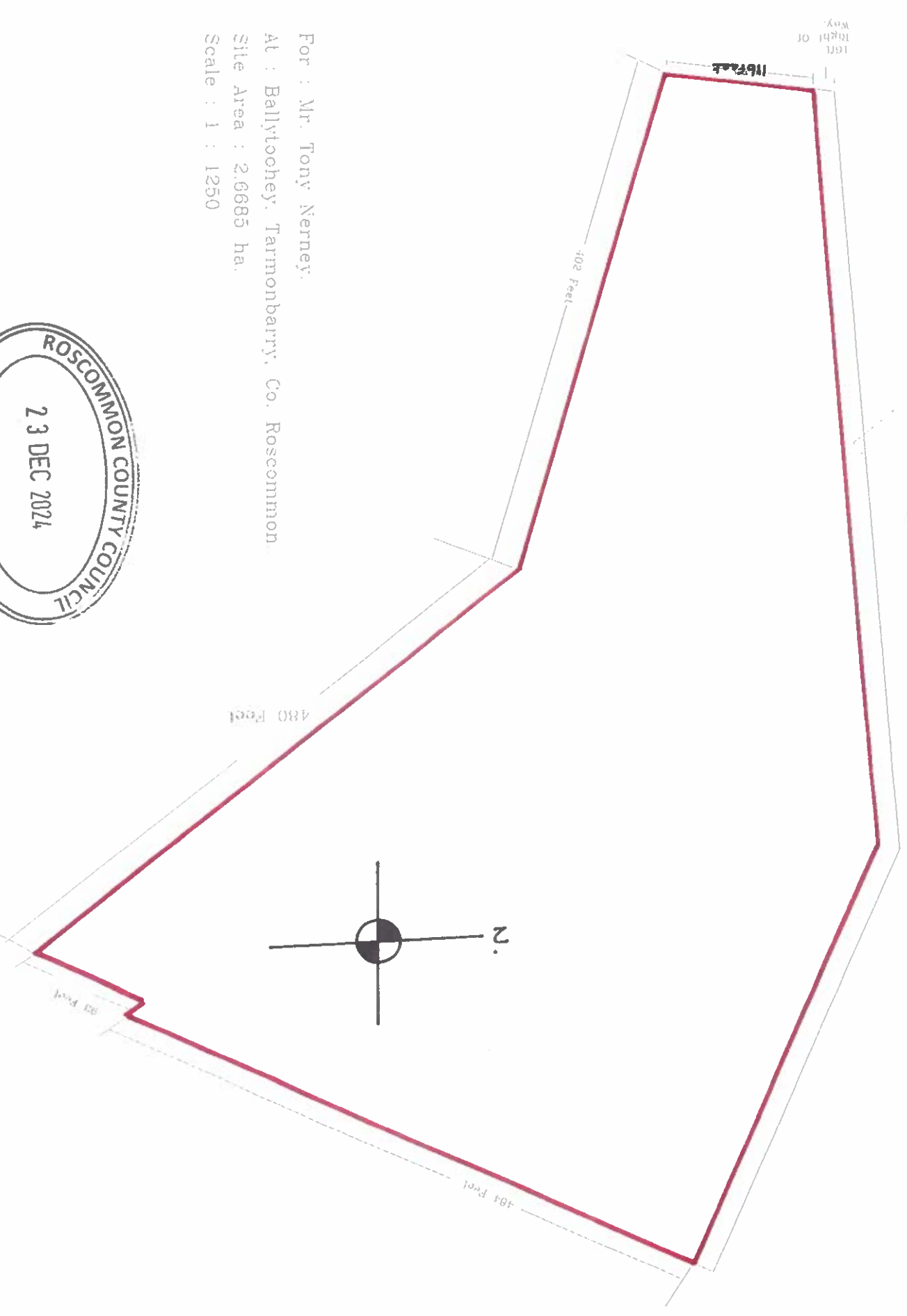
ROSCOMMON COUNTY COUNCIL
 23 DEC 2024
 PLANNING SECTION

92/191.

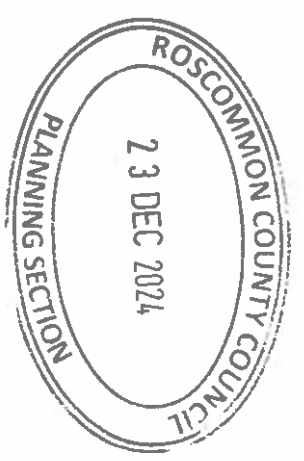
Drawing Prepared By: Mr. Tom Callan,
Crossderry, Craughwell Co. GALWAY

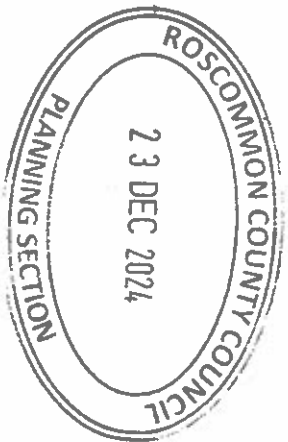


Site Map.

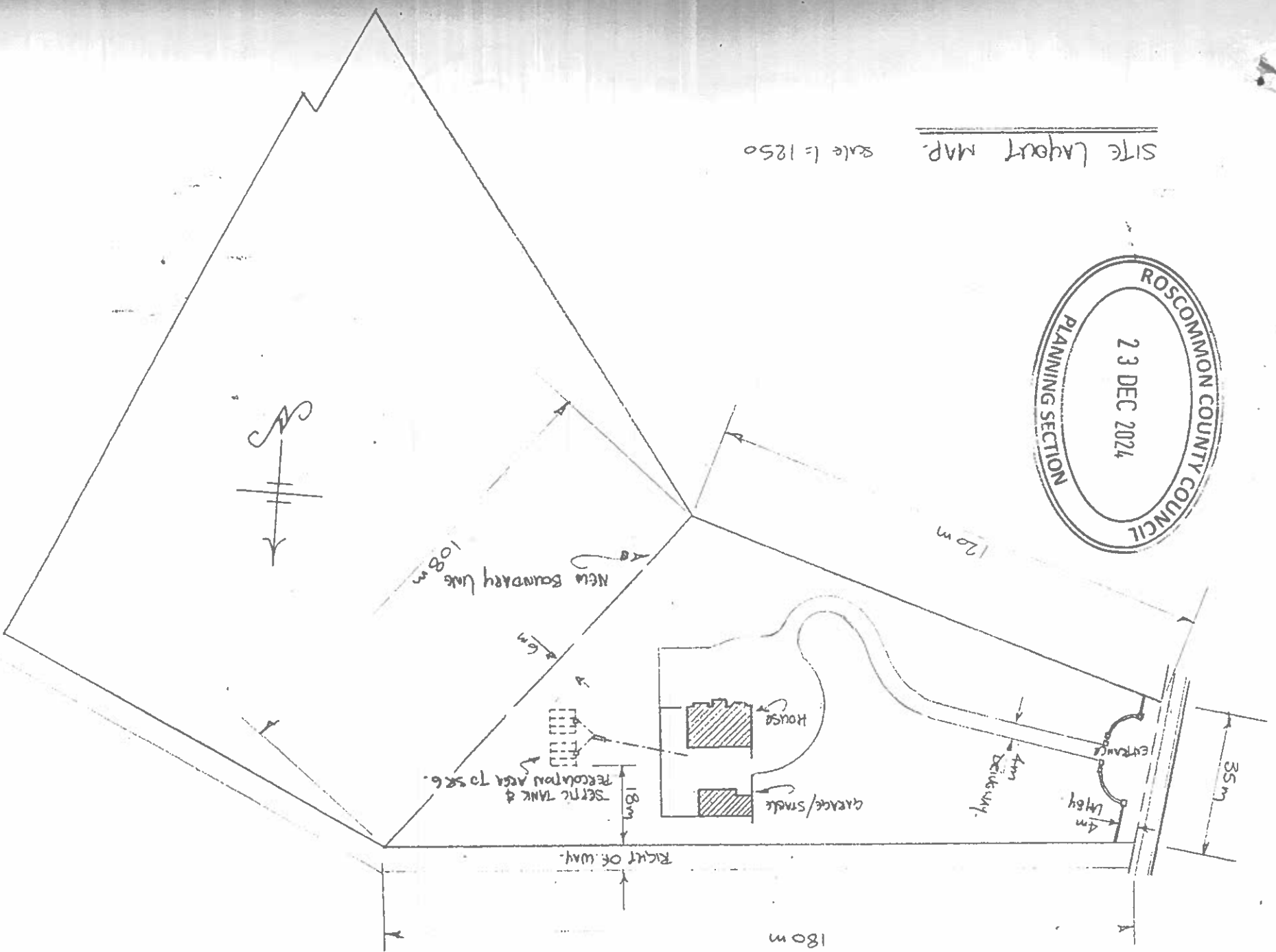


For : Mr. Tony Nerney,
At : Ballytoohy, Tarnonbarry, Co. Roscommon
Site Area : 2.6685 ha.
Scale : 1 : 1250

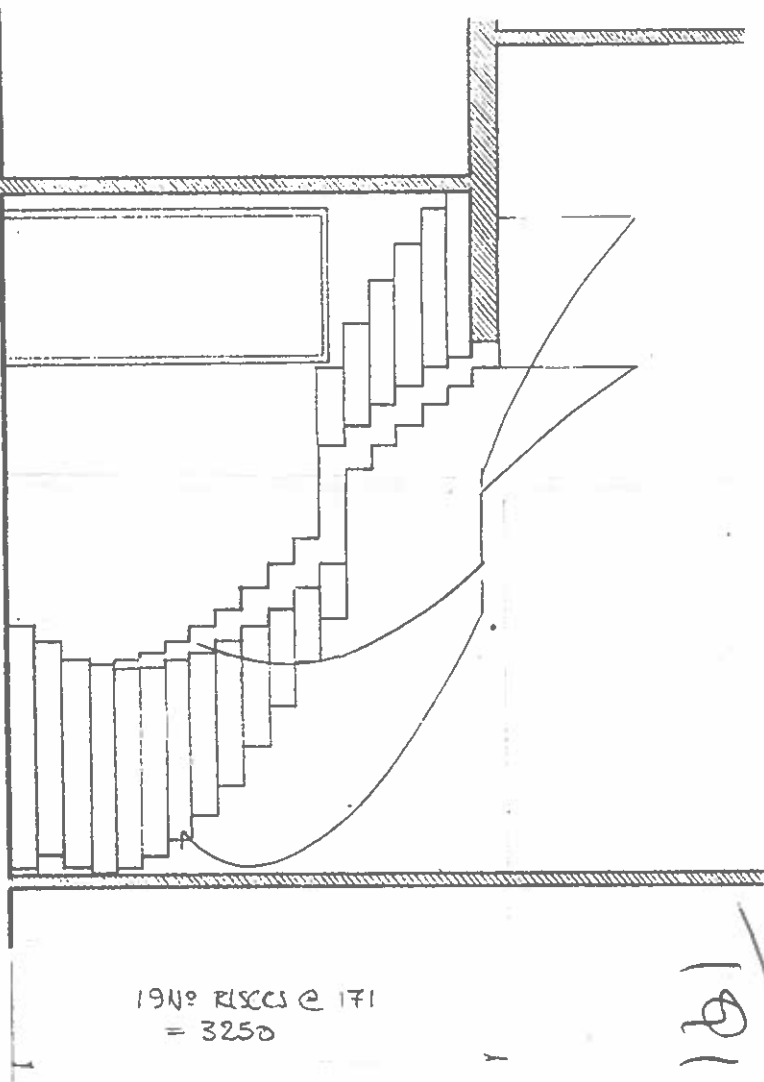




SITE LAYOUT MAP. scale 1:1250



FRONT ELEVATION - STAIRCASE. scale 1:50

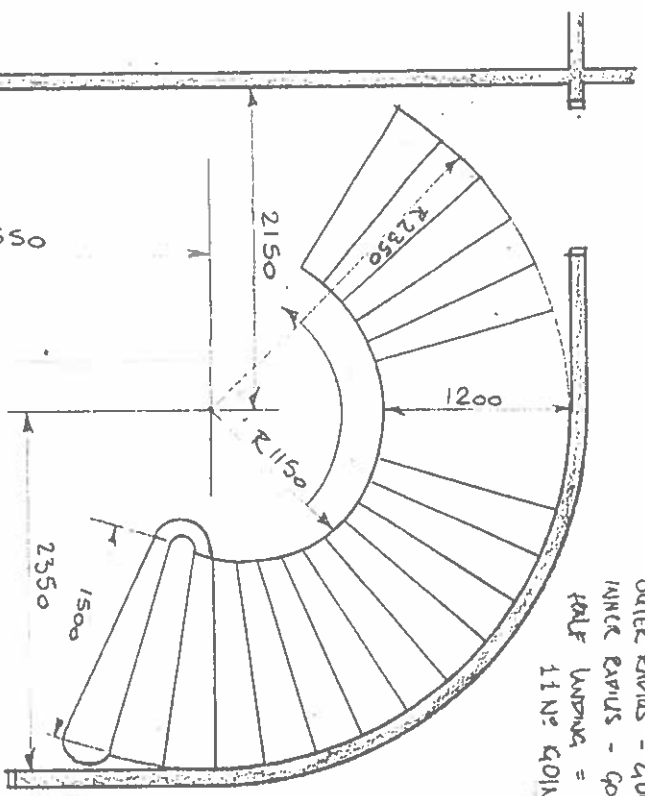


190° RISERS @ 171
= 3250

27

191

OUTER RADIUS - GROUND = 336 mm
INNER RADIUS - GROUND = 164 mm
TOTAL WIDTH = 4N° GROUND -
11N° GROUND = 90°



STAIRCASE LAYOUT. scale 1:50



STAIRCASE DETAILS.