

ROSCOMMON COUNTY COUNCIL

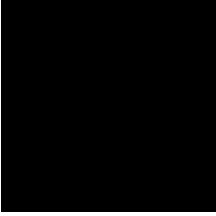
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Penelope Jane Luscombe Reid,



Reference Number: DED 833
Application Received: 20th January, 2025
Name of Applicant: Penelope Jane Luscombe Reid
Agent: Eco Smart

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling house, with works including 1)re-roof in tiles of similar colour; 2)replace non-compliant dormer windows with compliant top of frame height as now plus two new Velux windows at the back of the house at Foughill, Trien, Castlerea, Co. Roscommon, F45 X280., 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 proposed 1)re-roof in tiles of similar colour, 2) replace non-compliant dormer windows with compliant, top of frame height as now plus two new Velux windows at back of the 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;
- (c) 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 an existing dwelling house, with works including 1)re-roof in tiles of similar colour; 2)replace non-compliant dormer windows with compliant top of frame height as now plus two new Velux windows at the back of the house at Foughill, Trien, Castlerea, Co. Roscommon, F45 X280., 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: 13th February, 2025

cc agent via email:

Eco Smart
admin@ecosmart.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.

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

Reference Number:	DED 833
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish an existing dwelling house, works including 1)re-roof in tiles of similar colour, 2) replace non-compliant dormer windows with compliant, top of frame height as now plus two new Velux windows at back of the house.
Name of Applicant:	Penelope Jane Luscombe Reid
Location of Development:	Foughill, Trien, Castlerea, Co. Roscommon (F45 X280)
Site Visit:	12/02/2025

WHEREAS a question has arisen as to whether the following works; to refurbish an existing dwelling house, works including 1)re-roof in tiles of similar colour, 2) replace non-compliant dormer windows with compliant, top of frame height as now plus two new Velux windows at back of the 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, 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

Site Location & Development Description

The property is a dormer style dwelling with a front porch in Foughill, Trien, Castlerea, Co. Roscommon. The property is accessed off the R361 road. The proposed development consists of the refurbishment of the existing dwelling with works including the re-roofing of the house with fibre cement tiles, blue/black in colour. Modifications to the 2no. existing dormer windows to the front to make them complaint and the addition of 2no. Velux windows to the rear.

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 site of the proposed development are Moorfield Bog/Farm Cottage NHA (Site Code 000221) which is located circa 1.6km to the south and Corliskea/Trien/Cloonfellov Bog PNHA/SAC (Site Code 002110) which is located circa .8km to the east and Cloonchambers Bog PNHA/SAC (Site Code 000600) which is located circa 3km 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 traced to the 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,

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 proposal includes refurbishment of the existing dwelling with works including the re-roofing of the house with fibre cement tiles, blue/black in colour. Modifications to the 2no. existing dormer windows to the front to make them compliant and the addition of 2no. Velux windows to the rear. 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 neighboring 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 an existing dwelling house, works including 1)re-roof in tiles of similar colour, 2) replace non-compliant dormer windows with compliant, top of frame height as now plus two new Velux windows at back of the house in Foughill, Trien, Castlerea, 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) 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 1)re-roof in tiles of similar colour, 2) replace non-compliant dormer windows with compliant, top of frame height as now plus two new Velux windows at back of the 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 an existing dwelling house, works including 1)re-roof in tiles of similar colour, 2) replace non-compliant dormer windows with compliant, top of frame height as now plus two new Velux windows at back of the house in Foughill, Trien, Castlerea, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant

Signed: 
Civil Technician

Date: 13th February 2025

Signed: 
Senior Executive Planner

Date: 13th February 2025







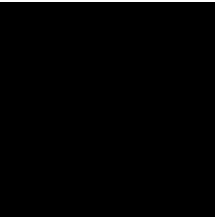




Comhairle Contae
Ros Comáin
Roscommon
County Council



Penelope Jane Luscombe Reid,



Date: 21st January 2025

Planning Reference: DED 833

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

Development: Permission to refurbish an existing dwelling house, works including 1) re-roof in tiles of similar colour; 2) replace non-compliant dormer windows with compliant, top of frame height as now plus two new velux windows at the back of the house under the Planning & Development Act (Exempt Development) Regulations 2018 at Foughill, Trien, Castlerea, Co. Roscommon., F45 X280.

A Chara,

I wish to acknowledge receipt of your application which was received on the 20th January 2025, 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. **L01/0/232598** dated 21st January 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 833**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner
Planning Department.

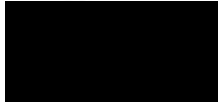
cc agent via email: EcoSmart
admin@ecosmart.ie

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

21/01/2025 12:47:14

Receipt No : L01/0/232596

PENELOPE REID



EXEMPTED DEVELOPMENT

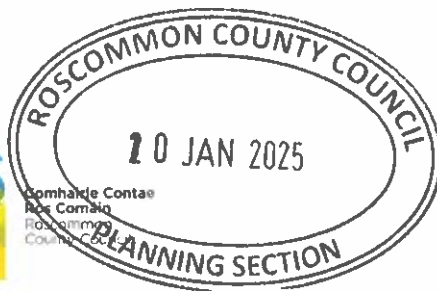
PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-variable	
DED833	

Total :	80.00 EUR
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Tendered	
Credit/Debit Card	80.00
5040	

Change	0.00
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Issued By : Louis Carroll
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)	Penelope Jane Luscombe Reid
Name of Agent	EcoSmart
Nature of Proposed Works	Refurbishment works to existing dwelling house Re-roofing in tiles of similar colour to existing, replacing non-compliant dormer windows with compliant, top of frame height as now plus two new velux windows at the back of the house
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Foughil, Trien, Castlerea, Co. Roscommon, F45 X280
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>94.98 m2</u> b) <u>94.98 m2</u>
Height above ground level:	Unchanged two storey dormer house approx 6m
Total area of private open space remaining after completion of this development	Unchanged, house footprint as now
Roofing Material (Slates, Tiles, other) (Specify)	Fibre cement tiles, blue-black in colour

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No new external walls, finishes will be white
Is proposed works located at front/rear/side of existing house.	Reroofing & refurbishment, no additional structure, dormer windows moved out by 60cm to drop sill & increase window length see photo of current window
Has an application been made previously for this site	No
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	Dwelling house
Proposed use of land or structure	Dwelling house
Distance of proposed building line from edge of roadway	Unchanged
Does the proposed development involve the provision of a piped water supply	Already present - no change
Does the proposed development involve the provision of sanitary facilities	Already present no change

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

Signature: _____



Date: _____

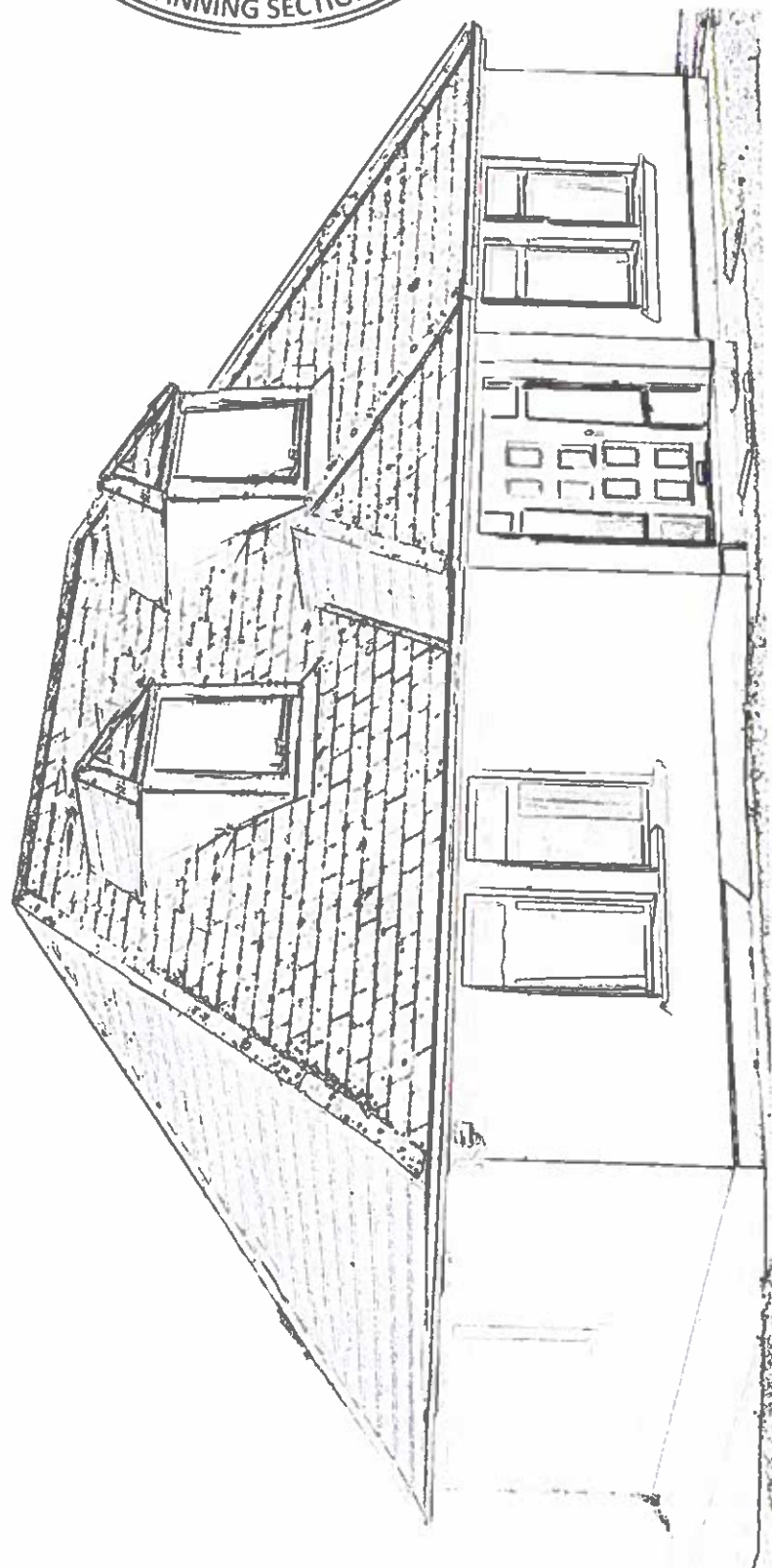
08/01/2025

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

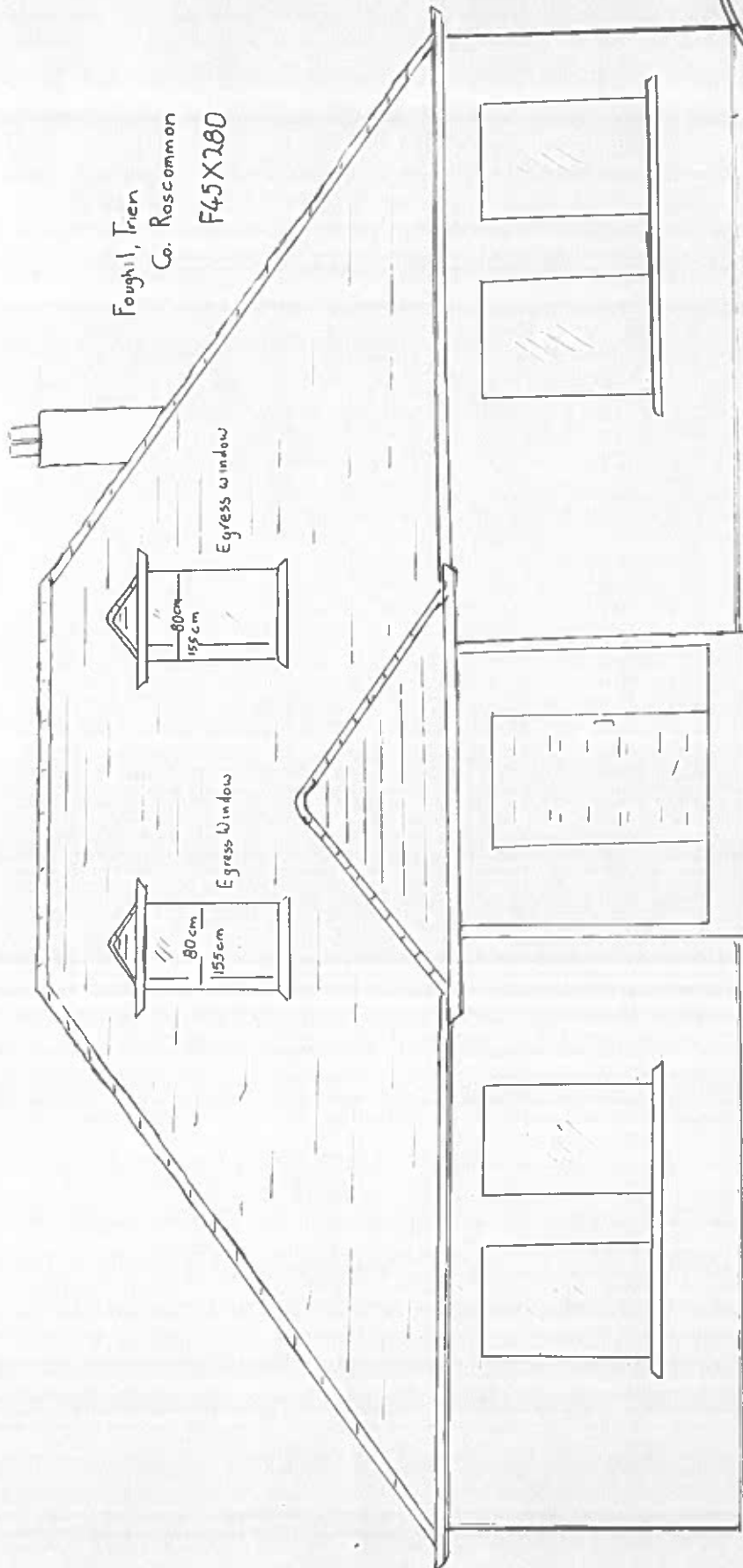


The new windows will be approximately double the height of the current windows (approximately 155cm x 80 from about 80 x 80cm) and low enough to be accessible in event of fire and be egress windows. The dormer roof heights will be unchanged although they will project out further.

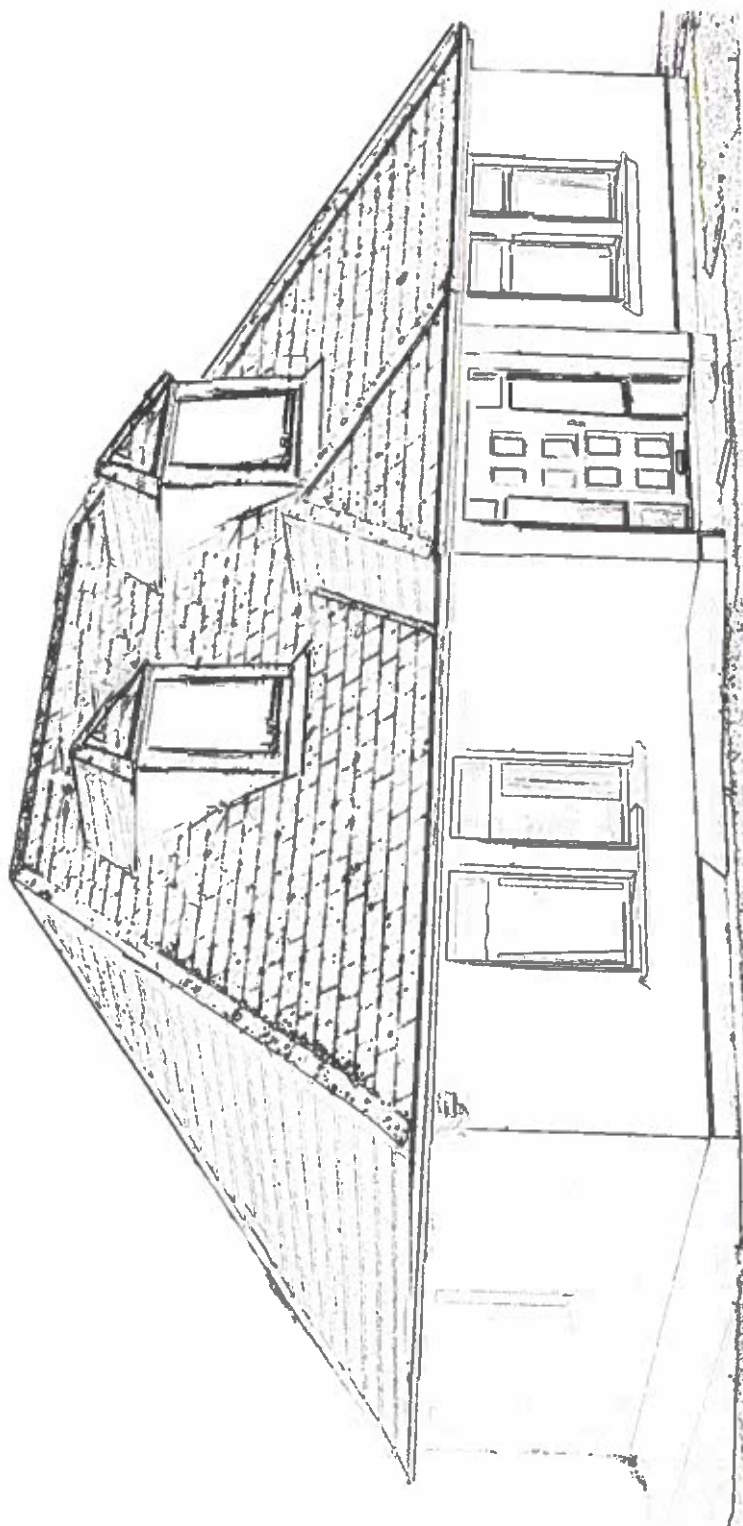




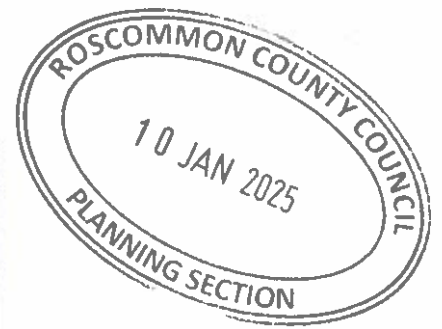
Foughil, Tien
Co. Roscommon
F45X280



The new windows will be approximately double the height of the current windows (approximately 155cm x 80 from about 80 x 80cm) and low enough to be accessible in event of fire and egress windows. The dormer roof heights will be unchanged although they will project out further.



Specification of development proposed



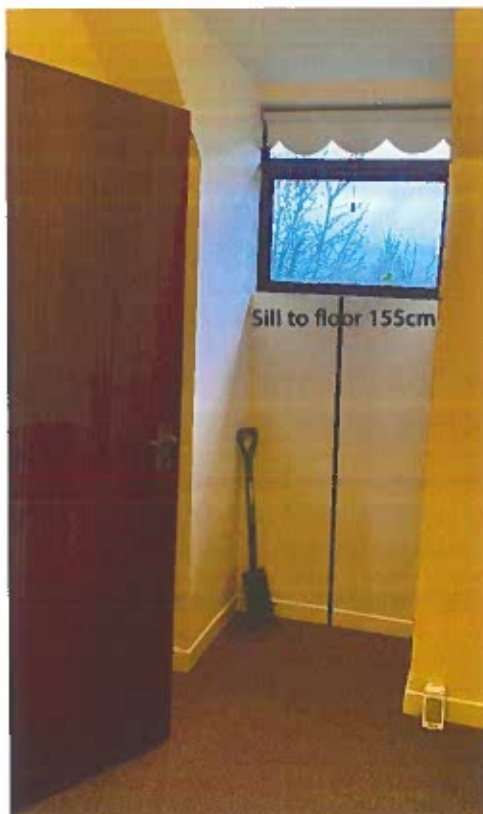
Refurbishment works to existing dwelling house

Re-roofing in tiles of similar colour to existing, replacing non-compliant dormer windows with compliant, top of frame height as now plus two new Velux windows at the back of the house.

Replacing non-compliant dormer windows

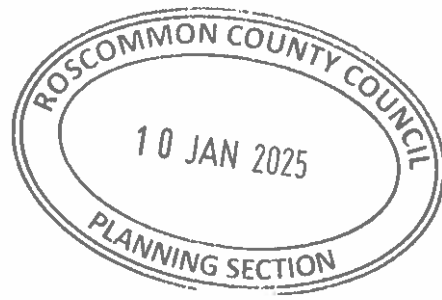
Current window sills are 155cm from floor (top of windows 235cm from floor) and need to be approximately 75cm lower to be compliant, intention is to replace with windows 80cm from floor and around 155 cm high so top unchanged. This will require the two windows to move out 60-75cm to accommodate the increased depth, width unchanged.

Smaller room window

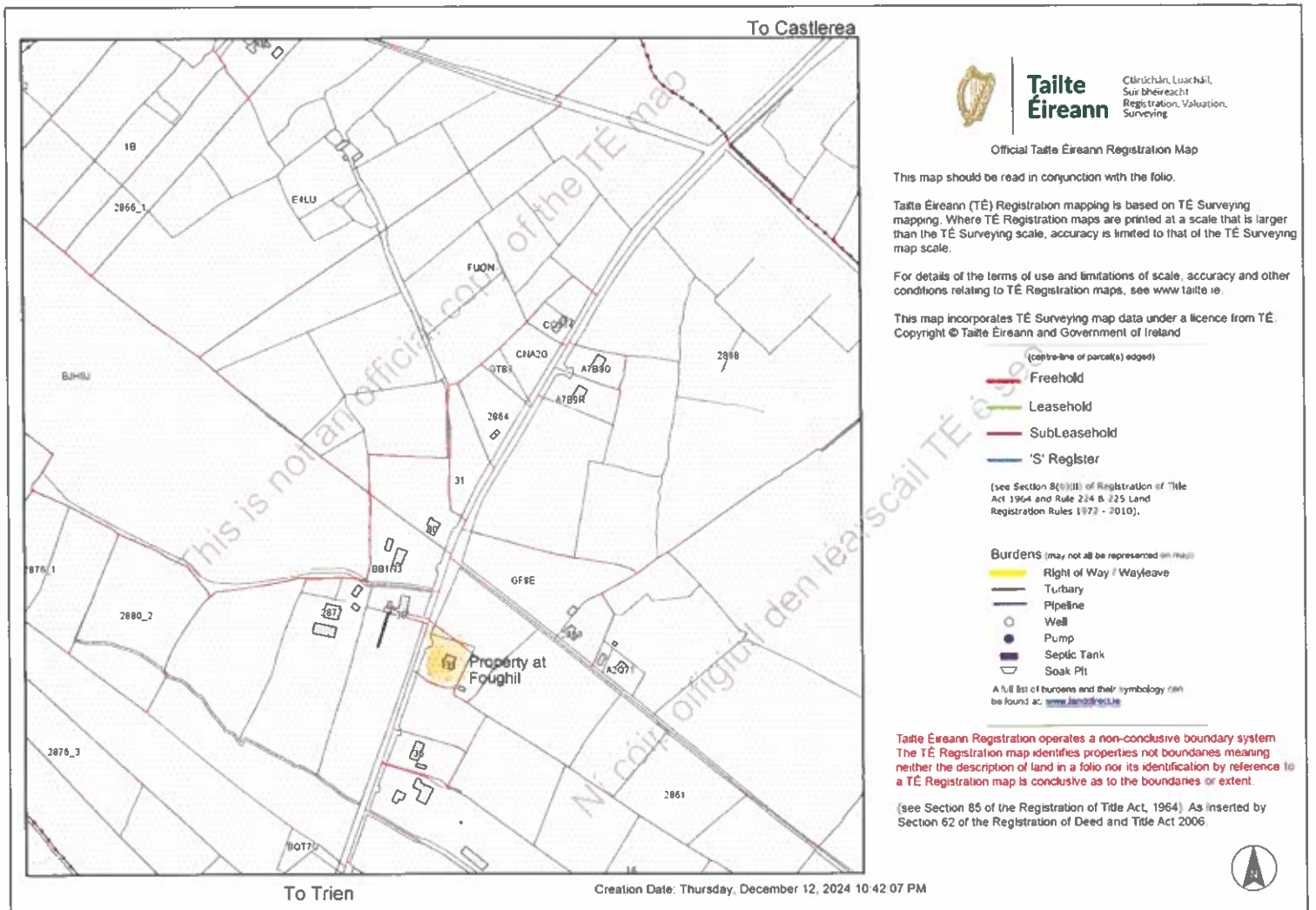


Larger room window





Scale 1:500



 Carmel Curley

From: Mervyn Walsh
Sent: Friday 10 January 2025 14:28
To: Carmel Curley
Subject: FW: Application for a Declaration regarding Exempted Development
Attachments: 2024 declaration-under-section-5-application-form-foughil.pdf; 500-scale Foughil site.pdf; Development proposed-for-Foughil.pdf; Site Location map 2500 scale.pdf

From: Penelope JL Reid [REDACTED]
Sent: Friday 10 January 2025 13:48
To: Planning Department <Planning@roscommoncoco.ie>
Subject: Application for a Declaration regarding Exempted Development

Good Afternoon

please see attached form and requested documents. If you could let me know how I pay the €80 fee

My contact details are:

[REDACTED]

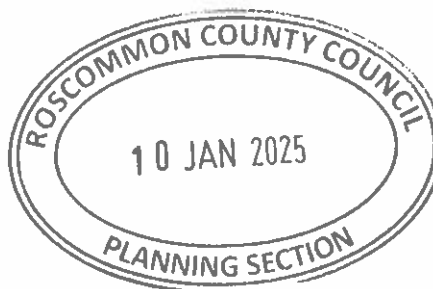
[REDACTED]

kind regards

Penelope Reid

Sent with [Proton Mail](#) secure email.

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours



Carmel Curley

From: Mervyn Walsh
Sent: Monday 20 January 2025 09:44
To: Carmel Curley
Subject: FW: Application for a Declaration regarding Exempted Development - Foughil
Attachments: Foughil Elevation sketch-A.pdf

From: Penelope JL Reid [REDACTED]
Sent: Sunday 19 January 2025 16:01
To: Planning Department <Planning@roscommoncoco.ie>
Subject: Application for a Declaration regarding Exempted Development - Foughil

Hello

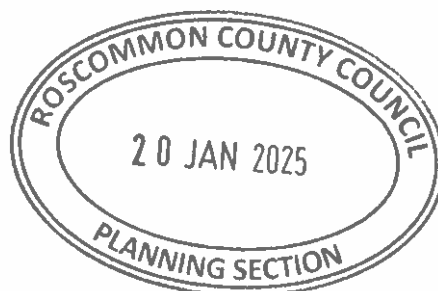
I have attached an amended version of the elevation document sent directly to Carmel Curley on Thursday to support my earlier submitted documents.

kind regards

Penelope

Sent with [Proton Mail](#) secure email.

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours



OK.

AoC

21-01-2025

Carmel Curley

From: Penelope JL Reid [REDACTED]
Sent: Wednesday 15 January 2025 21:52
To: Carmel Curley
Subject: Re: FW: Application for a Declaration regarding Exempted Development
Attachments: Foughil Elevation sketch-1.pdf

Dear Carmel
I hope the attached is appropriate

kind regards

Penelope

Sent with [Proton Mail](#) secure email.

On Monday, 13 January 2025 at 12:56, Carmel Curley <CCurley@roscommoncoco.ie> wrote:

Hi Penelope,

I wish to acknowledge receipt of your Section 5 Application.

In order to deem your application valid we require elevations of the property to depict the change in the proposed works to the windows.

On receipt of same, 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

☎: (090) 6637100



Carmel Curley

From: Carmel Curley
Sent: Tuesday 21 January 2025 12:10
To: [REDACTED]
Subject: FW: Application for a Declaration regarding Exempted Development - Foughil

Hi Penelope,

Please note that your application for a Section 5 Declaration submitted has now been validated and assigned a reference number **DED833**.

Please call the cash desk on 090-6637108 to pay the €80 fee and please quote the reference number.

I will forward over an acknowledgement and receipt on receipt of same from the cash desk.

Regards,

Carmel

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

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

MAP LOCATION



From: Penelope JL Reid <[REDACTED]>
Sent: Sunday 19 January 2025 16:01
To: Planning Department <Planning@roscommoncoco.ie>
Subject: Application for a Declaration regarding Exempted Development - Foughil

Hello

I have attached an amended version of the elevation document sent directly to Carmel Curley on Thursday to support my earlier submitted documents.

kind regards

Penelope

Sent with [Proton Mail](#) secure email.

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours