ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Pat McNeill,



Reference Number: DED 836

Application Received: 30th January, 2025

Name of Applicant: Pat McNeill

Agent: AOL Design Ltd

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling house (not previously included in PD/23/231), works including: 1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works at Ballyglass Townland, Four-Mile-House, Co. Roscommon, F42 E893, 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 refurbishment of the existing dwelling house (not previously include in PD/23/231) works including: 1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works 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, improvements or other alterations 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 the neighbouring structure"
- (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 (not previously included in PD/23/231), works including:1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works at Ballyglass Townland, Four-Mile-House, Co. Roscommon, F42 E893, is development that is <u>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: 3rd March, 2025

cc agent via email:

AOL Design Ltd

loobyaol@gmail.com

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

Carmel Curley

From: Carmel Curley

Sent: Tuesday 4 March 2025 09:21

To: loobyaol@gmail.com
Subject: DED836 - Pat McNeill

Attachments: DED 836 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 836 for Pat McNeill. Please note 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

2: (090) 6637100

 \boxtimes : planning@roscommoncoco.ie | \$ www.roscommoncoco.ie

MAP LOCATION



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

Reference Number:

DED 836

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 (not previously include in PD/23/231) works including: 1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted

under PD/23/231) & 4) internal refurbishment works.

Name of Applicant:

Pat McNeill

Location of Development:

Ballyglass, Four-Mile-House, Co. Roscommon (F42 E893)

Site Visit:

20/02/2025

WHEREAS a question has arisen as to whether the following works; to refurbish an existing dwelling house (not previously include in PD/23/231) works including: 1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works 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 two story dwelling house with a single story extension to the rear and a garage around the back of the house in Ballyglass, Four-Mile-House, Co. Roscommon. The property is accessed off the N61 road. The proposed development consists of the refurbishment of the existing dwelling with works including the re-roofing, re-plastering and replacement of windows and doors of the existing house to match the proposed works under planning application 23/231. Half of the site is situated in the zoned land of 'N61 Boyle to Fourmilehouse'

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 Ardakillin Lough PNHA (Site Code 001617) which is located circa 2.7km to the north east Shad Lough PNHA (Site Code 001648) which is located circa 2.8km to the west and Derrycanan Bog NHA (Site Code 000605) which is located circa 4.8km to the south 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

As per the Roscommon County Council's Planning Registry, recent planning history traced to the site.

- 16/442 To construct a two storey extension to an existing dwelling house with the relocation of the
 existing entrance and all associated site development works Refused
- 17/220 to construct an extension to an existing dwelling house with upgrade of the existing treatment system and all associated site development works – Conditional
- 23/231 Permission to construct an extension to an existing dwelling house with upgrade of the
 existing treatment system and all associated site development (previously granted under PD/17/220)
 Conditional

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 house (not previously include in PD/23/231) works including: 1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works. All proposed external finishes are stated in the application to match the external finishes that proposed and granted under planning application 23/231. 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 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 (not previously include in PD/23/231) works including: 1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works in Ballyglass, Four-Mile-House, 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 refurbishment of the existing dwelling house (not previously include in PD/23/231) works including: 1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works 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 to refurbish an existing dwelling house (not previously include in PD/23/231) works including: 1) slate roof; 2) replacement of windows & doors; 3) re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works in Ballyglass, Four-Mile-House, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant

San Murray

Date: 27th February 2025

Civil Technician

Signed:

Date: 27th February 2025

Senior Executive Planner



(













Comhairle Contae Ros Comáin Roscommon County Council



Pat McNeill,



4th February, 2025

Planning Reference:

DED 836

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 (not previously included in

PD/23/231) works including: 1) slate roof; 2) replacement of windows & doors;

3)re-plaster existing house to match proposed extension (granted under PD/23/231) & 4) internal refurbishment works under the Planning & Development Act (Exempt

Development) Regulations 2018 at Ballyglass Townland, Four-Mile-House,

Co. Roscommon, F42 E893.

A Chara,

I wish to acknowledge receipt of your application which was received on the 30th 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. L01/0/232759 dated 30th January, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 836

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:

AOL Design Ltd

loobyaol@gmail.com





Roscommon County Council Aras an Chontae Roscommon 09066 37100

30/01/2025 14:52:20

Receipt No.:: 1.01/0/232759

PAT MONEILL

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED 836

80,00 EUR

80.00

Tendered :

Cash

Total:

80.00

Change :

0.00

Issued By Bernadine Duignan From Central Cash Office





Áras an Chontáe Roscommon, Co. Roscommon

Phone: (090) 66 37100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	PAT MCNEILL
Address:	
Name & Address of Agent:	AOL DESIGN LTD, CONSULTING ENGINEERS, C/O ALBERT LOOBY BE, KILLEENBOY, KILTEEVAN, CO ROSCOMMON, F42 K400. PHONE: (090) 6628184 OR (086) 8167365
Nature of Proposed Works	PROPOSED REFURBISHMENT WORKS TO EXISTING HOUSE NOT INCLUDED IN PD/23/231. THESE INCLUDE NEW SLATES TO ROOF, REPLACEMENT OF WINDOWS AND DOORS, RE-PLASTER EXISTING HOUSE TO MATCH PROPOSED EXTENSION (GRANTED UNDER PD/23/231) AND INTERNAL REFURBISHMENT WORKS.
Location (Townland & O.S No.)	BALLYGLASS TOWNLAND, CO ROSCOMMON, F42 E893. OS NO: 2288
Floor Area	EXISTING HOUSE 49 SQ M
Height above ground level	EXISTING WALLPLATE CIRCA 4.4M
Total area of private open space remaining after completion of this development	CIRCA 1725 SQ M
Roofing Material (Slates, Tiles, other) (Specify)	SLATES TO MATCH PROPOSED EXTENSION GRANTED UNDER PD/23/231
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER TO MATCH PROPOSED EXTENSION GRANTED UNDER PD/23/231
Is proposed works located at front/rear/side of existing house.	REFURBISHMENT WORKS TO FRONT & INTERIOR OF EXISTING HOUSE NOT INCLUDED IN PD/23/231

Roscommon County Council

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

Has an application been made previously for this site	YES
If yes give ref. number (include full details of existing extension, if any)	PD/17/220 AND PD/23/231 PD/23/231 for 'Permission to construct an extension to an existing dwelling house with upgrade of the existing treatment system and all associated site development (previously granted under PD/17/220)'
Existing use of land or structure	RESIDENTIAL
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	N/A EXISTING HOUSE CIRCA 32 M FROM EDGE OF PUBLIC ROAD
Does the proposed development involve the provision of a piped water supply	NO – EXISTING CONNECTION TO PUBLIC WATER ON SITE
Does the proposed development involve the provision of sanitary facilities	YES – EXISTING SEPTIC TANK TO BE REPLACED WITH A NEW WASTEWATER TREATMENT SYSTEM (UNDER PD/23/231) – NEW WASTEWATER TREATMENT SYSTEM TO BE FULLY CERTIFIED AND REGISTERD WITH ProtectOurWater.ie.

Signature:

Date:

Note: This application must be accompanied by:-

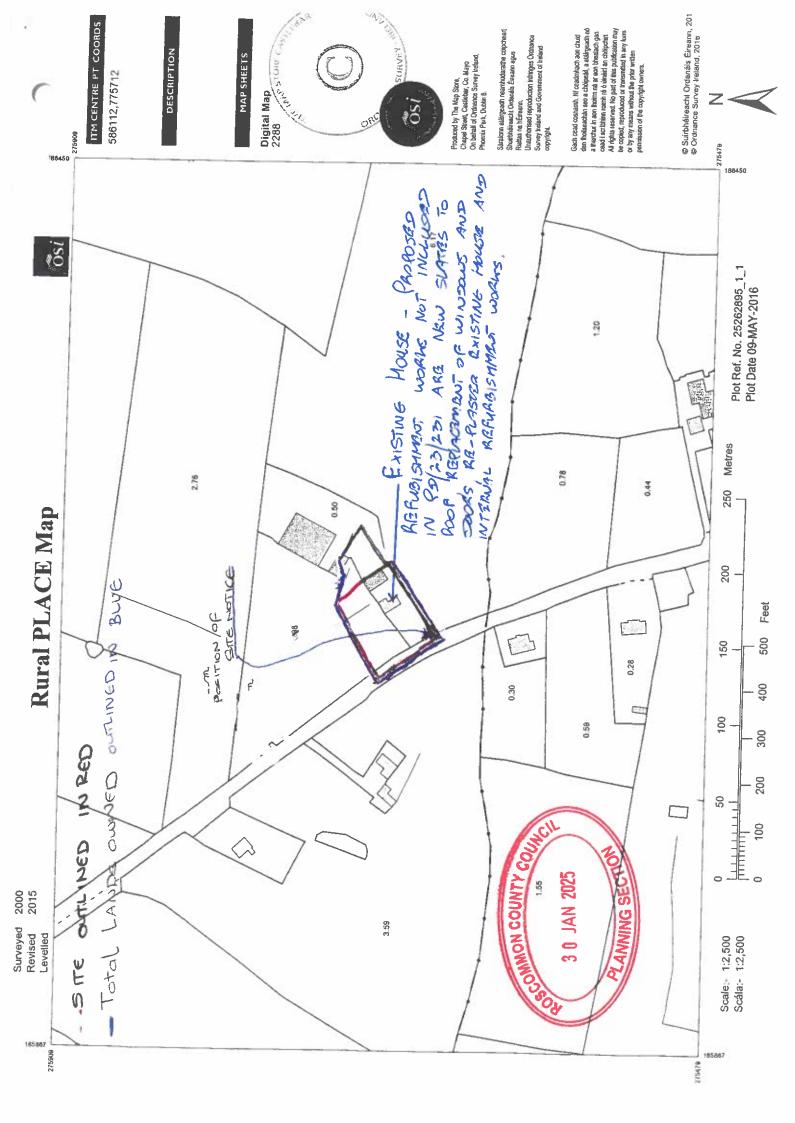
(a) €80 fee

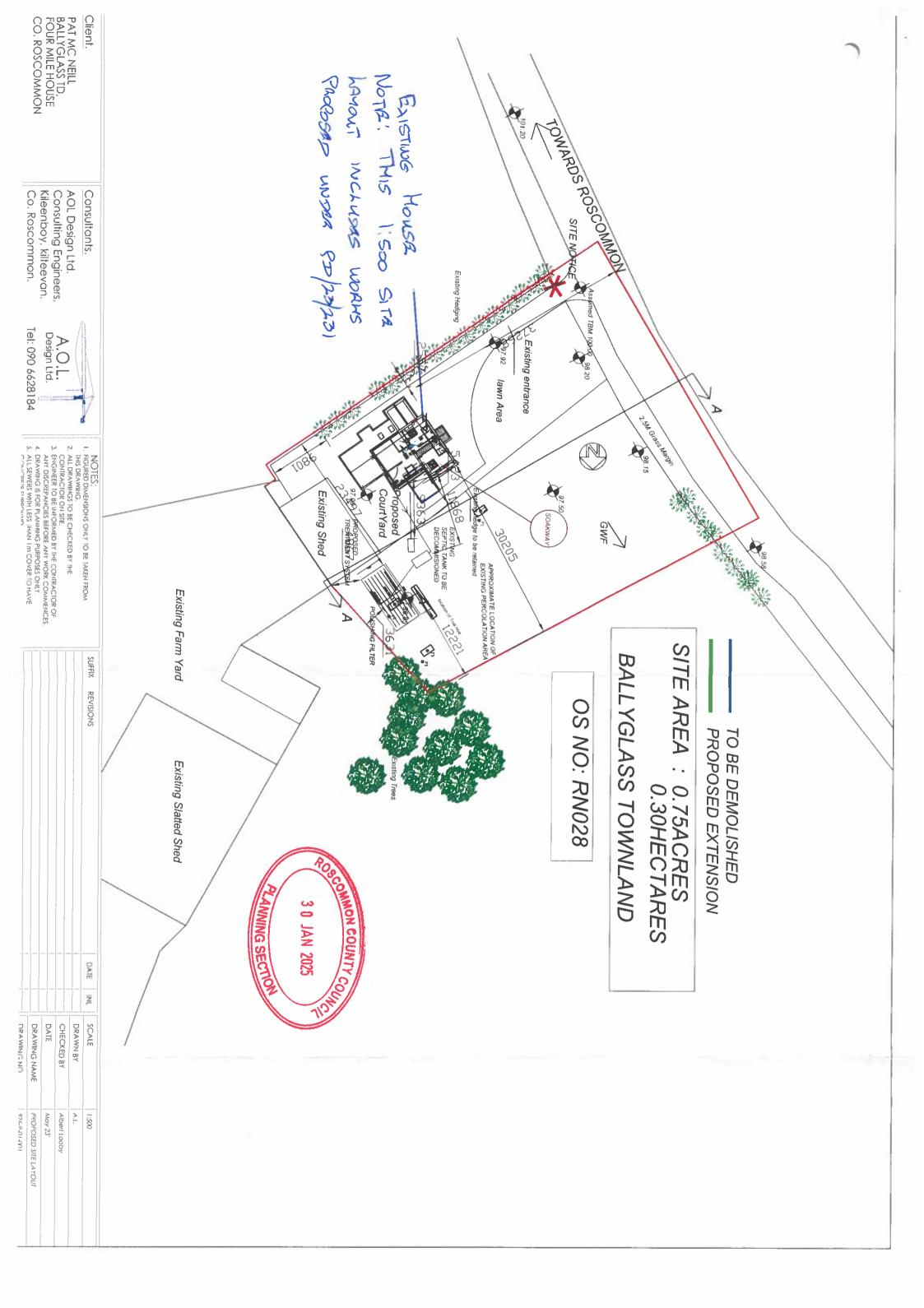
(b) Site Location map to a scale of 1:2500 clearly identifying the location

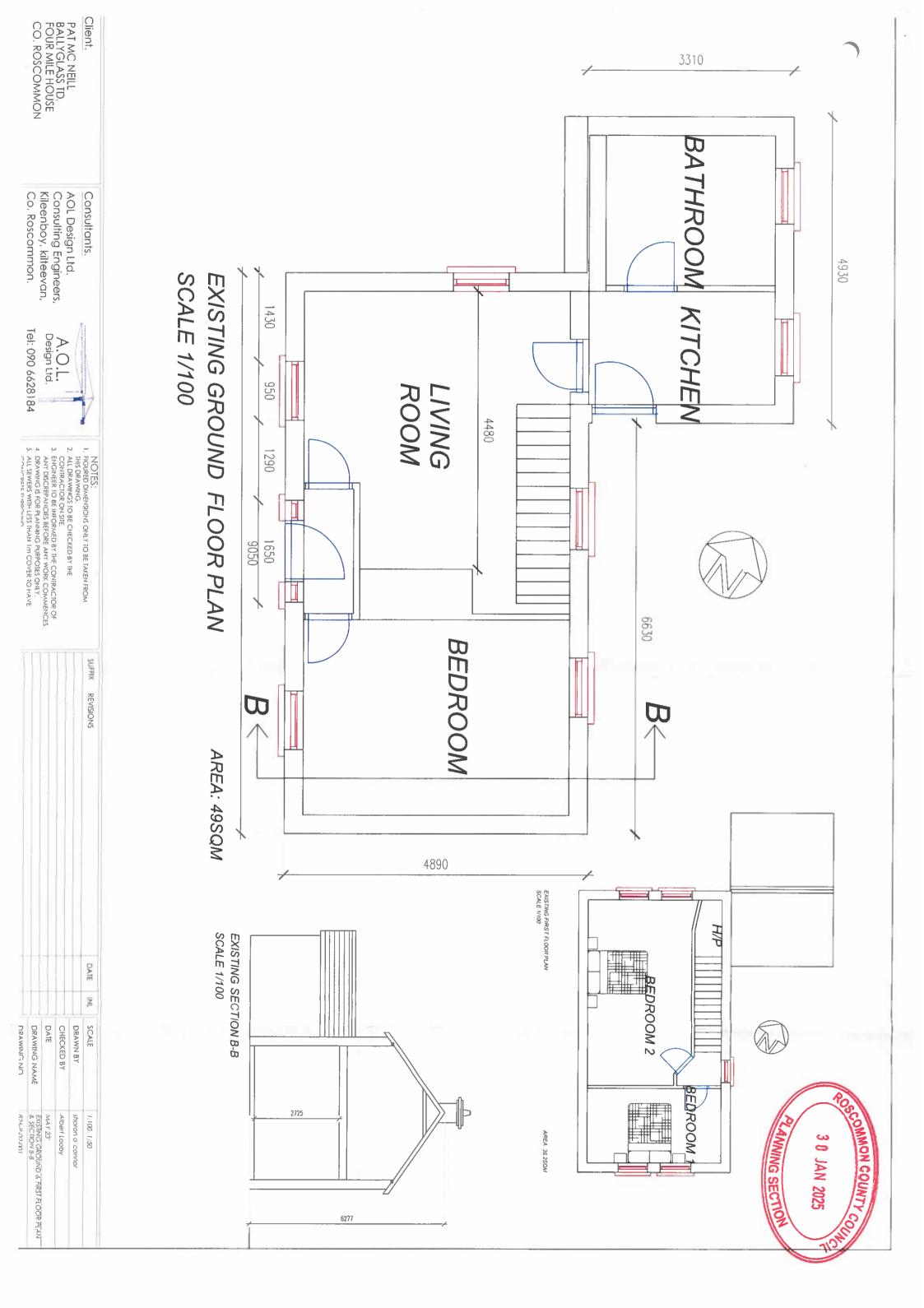
(c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development

(d) Details specification of development proposed









PAT MC NEILL BALLYGLASS TD, FOUR MILE HOUSE CO. ROSCOMMON Client. AOL Design Ltd.
Consulting Engineers,
Kileenboy, kilteevan,
Co. Roscommon. Consultants. SCALE 1/100 EXISTING FRONT ELEVATION Tel: 090 6628184 A.O.L. Design Ltd. NOTES:

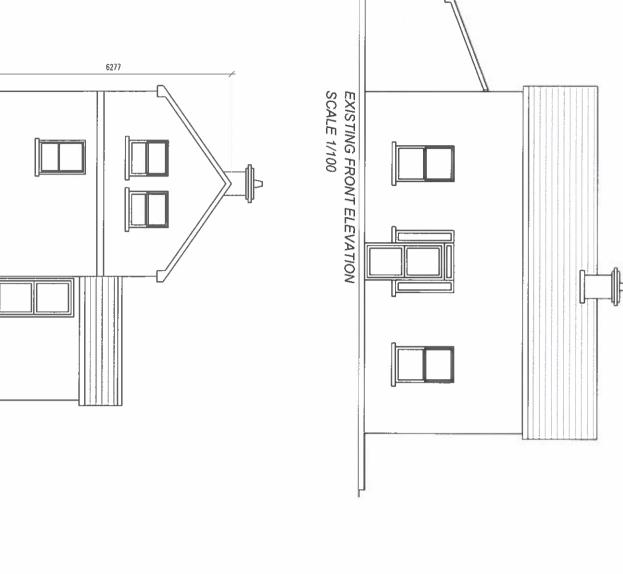
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.

2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.

3. ENGINEER TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.

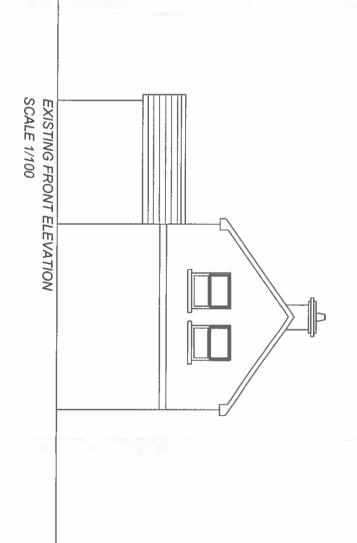
4. DRAWING IS FOR PLANNING PURPOSES ONLY.

5. ALL SEWERS WITH LESS THAN I'M COVER TO HAVE



SCALE 1/100

EXISTING REAR ELEVATION



DATE

SUFFIX REVISIONS DATE INL SCALE DRAWING NAME CHECKED BY DRAWN BY Albert Looby MAY 23" EXISTING ELEVATIONS 1:100 sharon a connor

