

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Finola Horan,  
[REDACTED]  
[REDACTED]  
[REDACTED]

Reference Number: DED 846

Application Received: 18<sup>th</sup> February, 2025

Name of Applicant: Finola Horan

Agent: N/A

**WHEREAS** a question has arisen as to whether the conversion of an existing rear window to doorway, removal of tiles from roof & re-slate & internal works at No. 7 Cherry Drive, Roscommon, Co. Roscommon, F42 TX04, 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 conversion of a rear window into a door and internal works to the dwelling 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 removal of the roof tiles and replacing same with slates does not fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended as it will materially affect the external appearance of the structure and render the appearance inconsistent with the character of the 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 convert an existing rear window to doorway, removal of tiles from roof & re-slate & internal works at No. 7 Cherry Drive, Roscommon, Co. Roscommon, F42 TX04, is a split decision with the proposed internal works to the dwelling and to convert an existing rear window to a doorway is an exempted development and the proposed removal of tiles and replace with slates is not an 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,  
A/Senior Planner,  
Planning.

**Date: 25<sup>th</sup> March, 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)**

<b>Reference Number:</b>	DED 846
<b>Re:</b>	Permission to convert existing rear window to doorway, remove tiles from roof & re-slate & internal works under the Planning & Development Act (Exempt Development) Regulations 2018
<b>Name of Applicant:</b>	Finola Horan
<b>Location of Development:</b>	No. 7 Cherry Drive, Roscommon, Co. Roscommon, F42 TX04
<b>Site Visit:</b>	12/03/2025

**WHEREAS a question has arisen as to whether the following works to convert existing rear window to doorway, remove tiles from roof & re-slate & internal 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 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 single storey dwelling which is in a habitable condition in Cherry Drive, Roscommon, Co. Roscommon. The property is located within Cherry Drive housing estate and is accessed off the L-7038 local secondary road. The proposed development consists of converting a window to the rear of the dwelling to a doorway and removing roof tiles and replaces them with slates, along with internal alterations.

**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 in the likely zone of influence of the proposed development.

**Appropriate Assessment**

The closest European site to the proposed development is Lough Ree SAC (Site Code: 000440) which is located circa 3.8km south west 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 can, therefore, be excluded.

### **Planning History**

6088: Permission granted for the erection of a bungalow with garage at Ballypheasan, in 1973.

### **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 stated works for renovating the existing dwelling house include:

- Convert existing rear window to doorway
- Remove roof tiles and replace with slate
- Internal works including changing doors and floors

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.

It is noted in the application form that it states that the roof tiles will be removed and replaced with slates, this does not fall under the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended) as it will materially affect the external appearance of the structure and render the appearance inconsistent with the character of the neighbouring structures, which all feature the existing original roof tiles.

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 Article 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 whether a proposed development;** to convert existing rear window to doorway, remove tiles from roof & re-slate & internal works as outlined above at No. 7 Cherry Drive, Roscommon, Co. Roscommon, F42 TX04, 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 conversion of a rear window into a door and internal works to the dwelling 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 removal of the roof tiles and replacing same with slates does not fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended as it will materially affect the external appearance of the structure and render the appearance inconsistent with the character of the 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 convert existing rear window to doorway, remove tiles from roof & re-slate & internal works as outlined above at No. 7 Cherry Drive, Roscommon, Co. Roscommon, F42 TX04, is a split decision with the proposed internal works to the dwelling and to convert an existing rear window to a doorway an exempted development and the proposed removal of tiles and replace with slates not an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

*Smith O'Grady*

Graduate Planner

Date: 24<sup>th</sup> March 2025

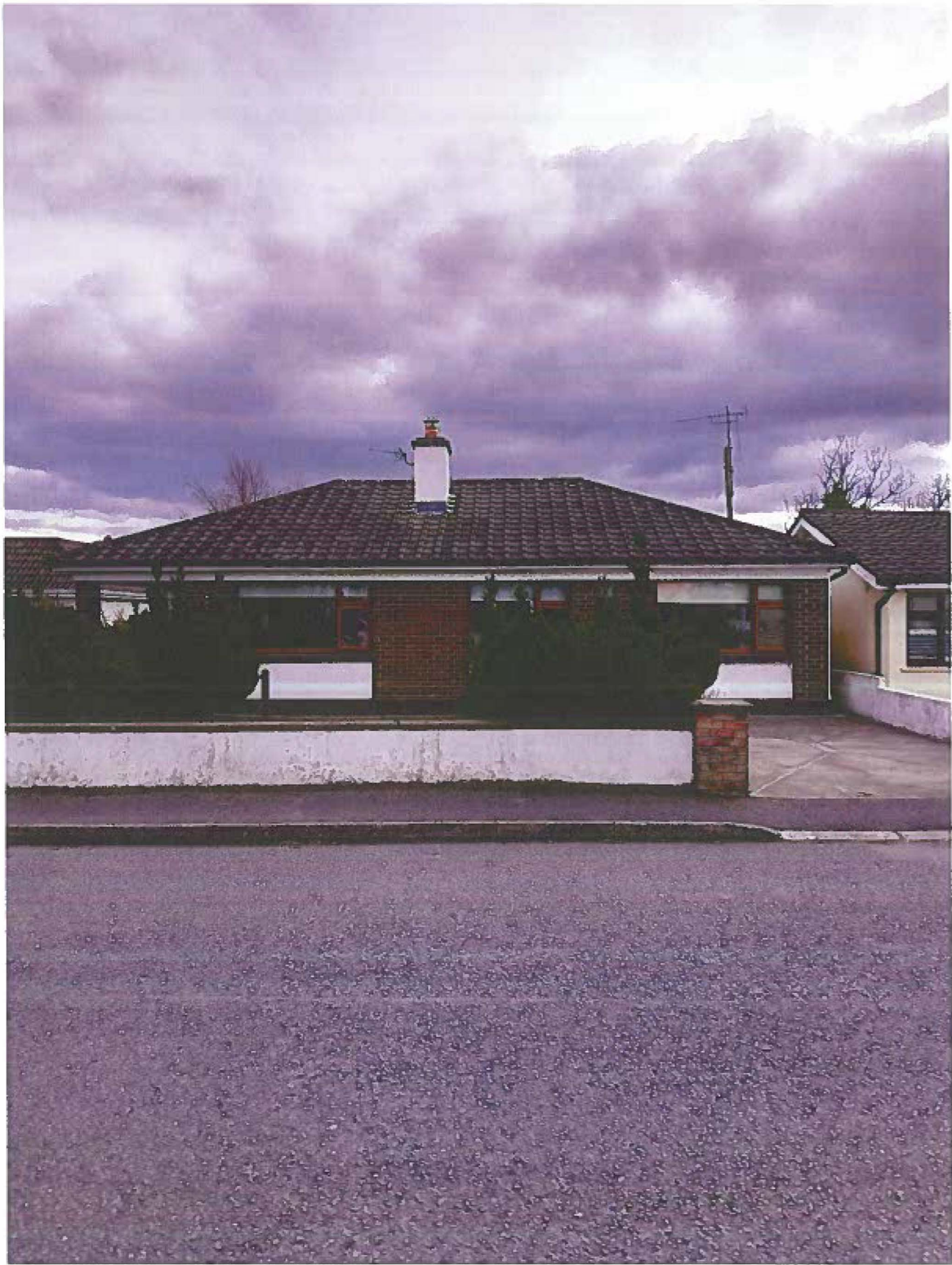
Signed:

*[Signature]*

A/Senior Planner

Date:

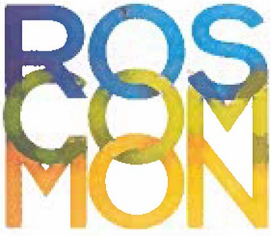
*25<sup>th</sup> March 2025*











Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Finola Horan,  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: 19<sup>th</sup> February, 2025  
Planning Reference: DED 846

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

Development: Permission to convert existing rear window to doorway, remove tiles from roof & re-slate & internal works under the Planning & Development Act (Exempt Development) Regulations 2018 at No. 7 Cherry Drive, Roscommon, Co. Roscommon, F42 TX04.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 18<sup>th</sup> February, 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. **L/01/0/233159** dated 18<sup>th</sup> February, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 846**  
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

18/02/2025 15 09 27

Receipt No. 1.01/0/233150

FINOLA HORAN



EXEMPTED DEVELOPMENT

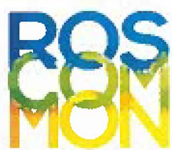
PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED846	

Total	80 00 EUR
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Tendered	
Cash	80 00

Change	0 00
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Issued By : Louis Carroll  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto: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)	Finola Horan
Name of Agent	—
Nature of Proposed Works	Convert existing Rear Window to Doorway. Remove tiles from Roof & restate. Some internal works / Doors, Floors etc.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	No 7. Cherry Drive Roscommon FH2 TX04
Floor Area: a) Existing Structure b) Proposed Structure	a) 165 m <sup>2</sup> b) 165 m <sup>2</sup>
Height above ground level:	As existing (0.5m approx)
Total area of private open space remaining after completion of this development	As existing (no change)
Roofing Material (Slates, Tiles, other) (Specify)	Existing Tiles. Slates proposed

## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	As Existing. Brick on front Smooth plaster on Remainder
Is proposed works located at front/ <u>rear</u> /side of existing house.	REAR
Has an application been made previously for this site	<del>1972</del> 1972
If yes give ref. number (include full details of existing extension, if any)	6088
Existing use of land or structure	Domestic
Proposed use of land or structure	Domestic
Distance of proposed building line from edge of roadway	As Existing
Does the proposed development involve the provision of a piped water supply	No
Does the proposed development involve the provision of sanitary facilities	No

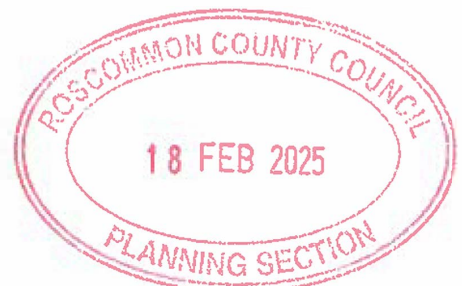
### Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: 

Date: 18.02.2025

**Note:** This application must be accompanied by: -

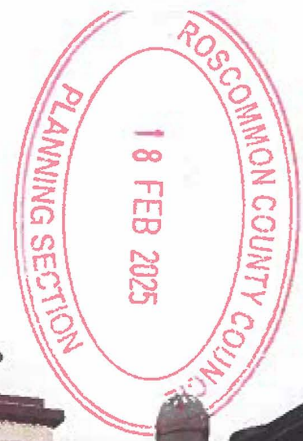
- (a) €80 fee ✓
- (b) Site Location map to a scale of 1:2500 clearly identifying the location ✓
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development ✓
- (d) Detailed specification of development proposed ✓





ROSCOMMON COUNTY CO  
18 FEB 2025  
PLANNING SECTION



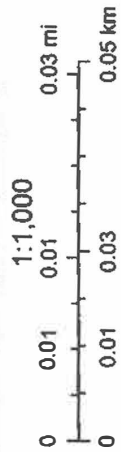


REMOVE TILES AND REPLACE  
WITH SLATES.

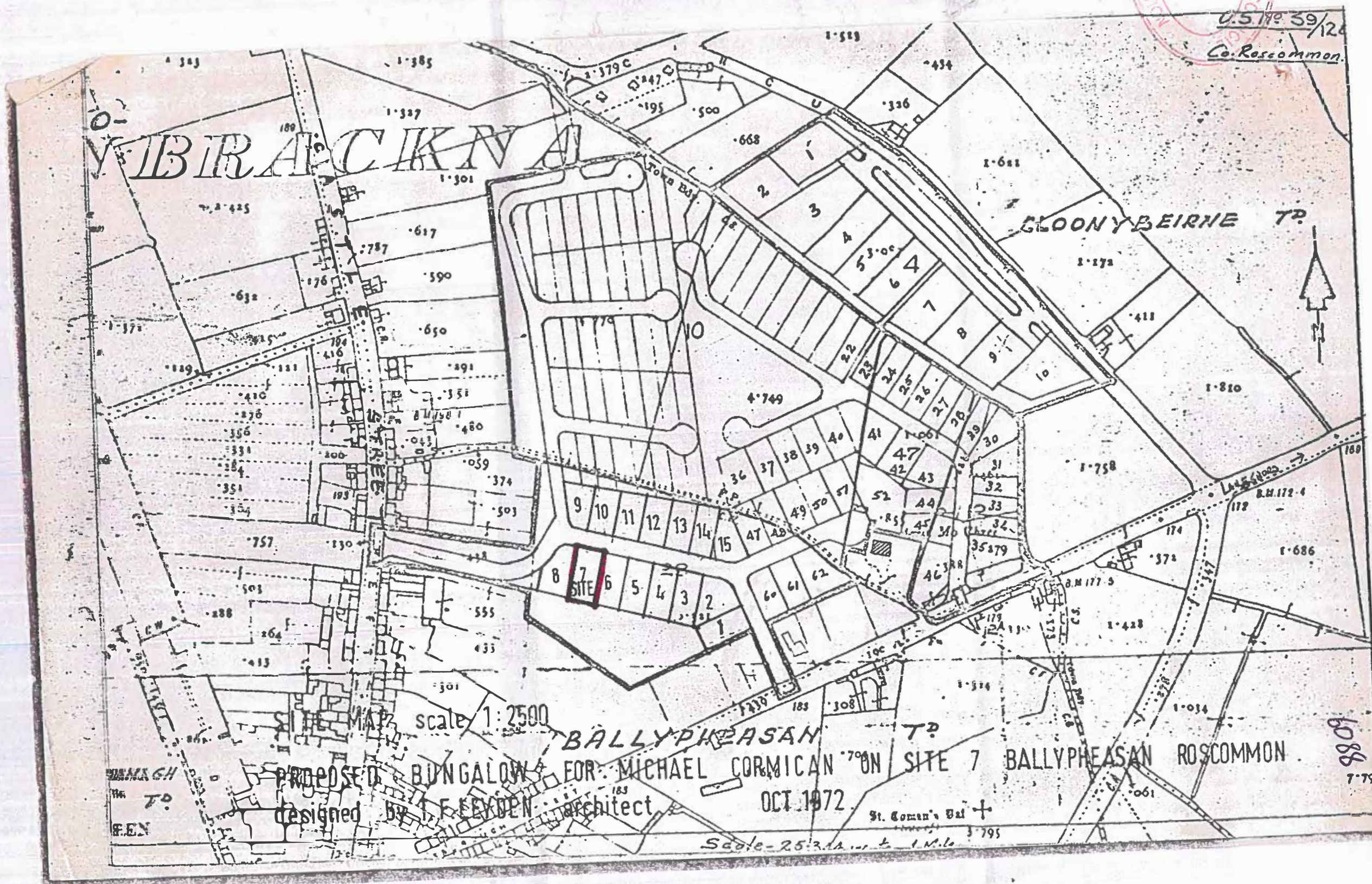
CONVERT WINDOW  
TO DOORWAY



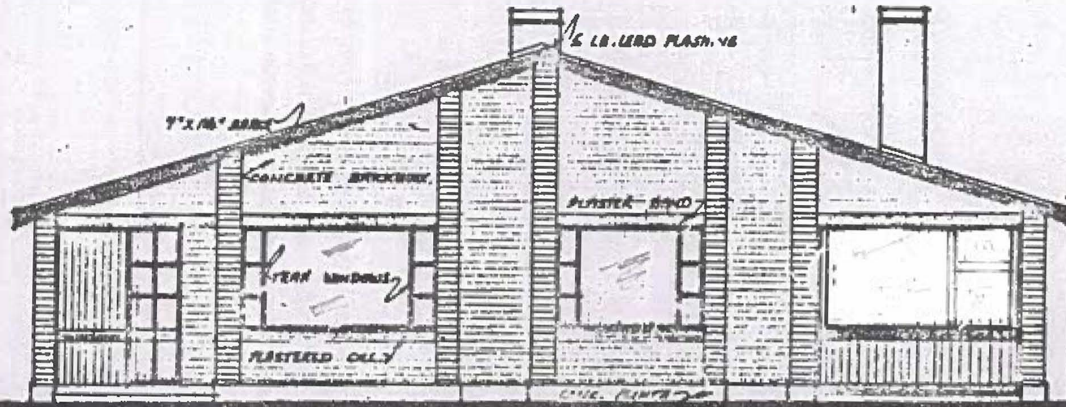




ROSCOMMON COUNTY CO.  
18 FEB 2025  
PLANNING SECTION



6088.



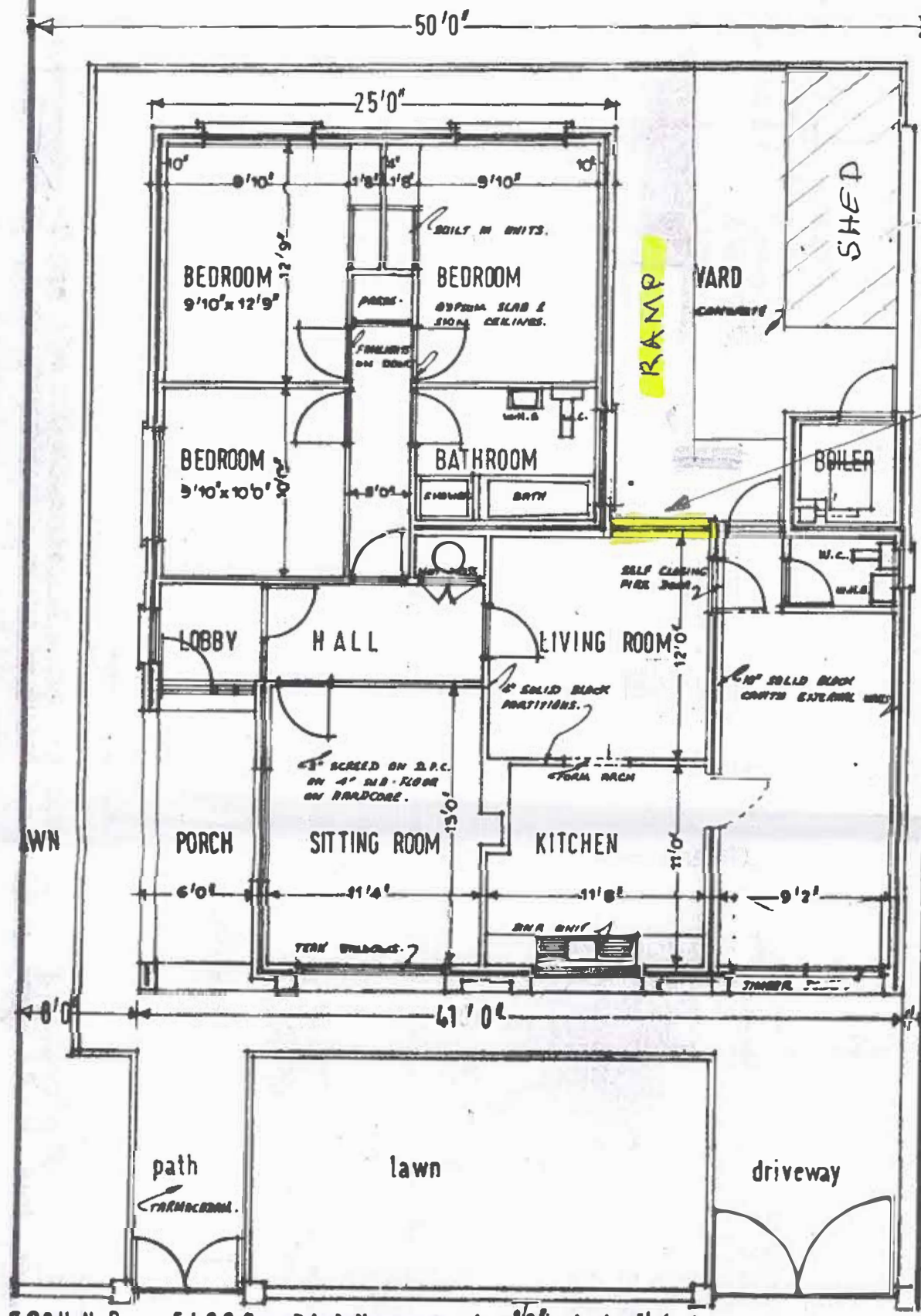
ELEVATION

PROPOSED BUNGALOW FOR MR and MRS MICHAEL CORMICAN.  
Designed by Terry Leyden Architect Roscommon 1972.

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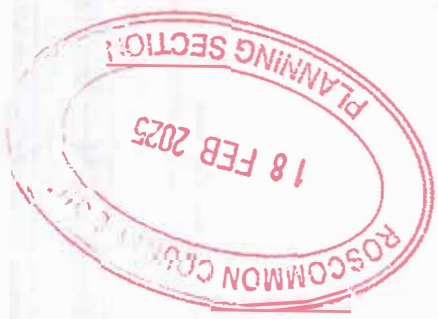


PROPOSED BUNGALOW FOR MR and MRS MICHAEL CORMICAN  
ON SITE 7 BALLYPHEASAN ROSCOMMON TOWN.  
designed by Terry F. Leyden architect Roscommon.



CONVERT EXISTING WINDOW  
TO DOORWAY TO ACCOMMODATE  
EASY ACCESS FROM RAMP.

GROUND FLOOR PLAN scale 1/8" inch to 1' foot



LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT, 1963.NOTIFICATION OF A GRANT OF PERMISSIONCOUNCIL OF THE COUNTY OF ROSCOMMON

Ref. No. in  
Planning Register 6088.

To Mr. Michael Cormican,  
Main Street,  
ROSCOMMON.

Application by Mr. Michael Cormican, of Main Street,  
Roscommon. on 31st October, 1972.

for a permission for Proposed erection of Bungalow with garage  
at Ballypheason.

A permission has been granted for the development described above  
(for use as above.)

subject to the ~~following conditions:-~~

conditions set out in the attached schedule.

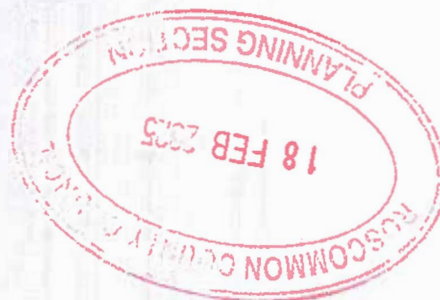
Mr. Michael Cormican,  
c/o Mr. T.F. Leyden,  
Architect,  
Goff Street,  
ROSCOMMON.

Signed on behalf of the County Council  
of the County of Roscommon.

County Secretary

Date: 9th January, 1973.

Copy for your information. \_\_\_\_\_



CONDITIONS	REASONS FOR CONDITIONS
1. That the building line to be adopted shall be a line forty-one (41) feet from the existing centreline of the public road carriageway at that place.(	1. To protect the interests of the Road Authority
2. That the proposed new roadside boundary wall or fence shall be constructed at a distance of sixteen (16) feet from centreline of the public road carriageway at that place.	2. To protect the interests of the Planning Authority, in achieving uniformity of development at that place.
3. That the ceiling of the garage shall be sheeted with a fire resistant material so that it shall have a 1 hour fire resistance grading in accordance with B.S. 476: Part 1.	3. In the interests of safety in the event of fire outbreak.
4. That the ceiling of the boilerhouse shall be constructed of mass concrete adequately reinforced with R.S. and shall be not less than 4" in thickness.	4. In the interests of safety in the event of fire outbreak.
5. That door between the living room and garage shall be filled with a good quality self-closing device and shall be sheeted with a fire resistant material so that it shall have a 1 hour fire resistance grading in accordance with B.S. 476: Part 1.	5. In the interests of safety in the event of fire outbreak.
6. That before the developer installs a central heating boiler and/or Oil Storage Tank, he shall consult with the Sanitary Authority's Chief Fire Officer and the development in this regard shall be subject to the fire protection requirements imposed by the Sanitary Authority. The standard to be adopted in such cases shall be the Local Government Department fire protection standards of March, 1967.	6. In the interests of safety and fire prevention.
7. That before any development work shall commence the exact position of the house on the site shall be agreed between the developer and the Assistant County Engineer, Roscommon.	7. To protect the interests of the Planning Authority.
8. That subject to the foregoing conditions the works shall be carried out strictly in accordance with the documents submitted.	8. To protect the interests of the Planning Authority.

