ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST



Reference Number:	DED 847
Application Received:	17 th February, 2025
Name of Applicant:	Gary Cunnane
Agent:	Deane Associates

WHEREAS a question has arisen as to whether the renovation of first floor apartment at Main Street, Castlerea, Co. Roscommon., is or is not development and is or is not exempted development:

AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 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 renovation of a first floor apartment 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 first floor apartment at Main Street, Castlerea, Co. Roscommon, 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, A/Senior Planner, Planning.

Date: 25th March, 2025

cc agent via email:

Deane Associates david@deaneassociates.ie

ADVICE NOTE

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

Carmel Curley

From: Sent: To: Cc: Subject: Attachments: Carmel Curley Tuesday 25 March 2025 15:55

David Deane DED 847 - Notification of Decision DED 847 - Notification of Decision.pdf

Hi Gary,

Please find attached Notification of Decision for your Section 5 Declaration of Exempted Development Application DED 847.

Regards,

Carmel

Carmel Curley, Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 \cong : (090) 6637100 \boxtimes : planning@roscommoncoco.ie





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

Reference Number:	DED 847
Re:	Permission for the renovation of first floor apartment under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Gary Cunnane
Location of Development:	Main Street, Castlerea, Co. Roscommon, F45 X7P8
Site Visit:	14/03/2025

WHEREAS a question has arisen as to whether the following works for the renovation of first floor apartment 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 is located on Main Street, Castlerea, Co. Roscommon. The proposed development is located in a terraced building which is two and a half storeys and contains a commercial unit on the ground floor and residential accommodation overhead. The proposed development consists of internal renovations to the first floor apartment, including constructing a number of interior stud walls.

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 Cloonchambers Bog SAC (Site Code: 000600) which is located circa 3km 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, therefore, be excluded.

Planning History

24/60017: Permission granted for (1) permission for ground floor extension to existing premises (2) permission for alterations to front façade.

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;

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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 includes making interior alterations to derelict public house to convert it to a ground floor apartment and alterations to the existing first floor apartment. These works have been considered in the context of Section 4 (1)(h) of the Act, which consists 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. From a review of the file external alterations are proposed however these were granted planning permission under PD/24/60017. The alterations to the existing apartment include constructing a stud wall around the stairs leading from the first to second floor and reconstructing the bathroom located on the first floor, all works are internal therefore deemed exempted development under the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (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 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; for the renovation of first floor apartment as outlined above at Main Street, Castlerea, Co. Roscommon, F45 X7P8, 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 renovation of a first floor apartment 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 for the renovation of first floor apartment as outlined above at Main Street, Castlerea, Co. Roscommon, F45 X7P8, is <u>an exempted development</u> and I recommend that a declaration to that effect should be issued to the applicant.

Suilly O'Grady

Date: 18th March 2025

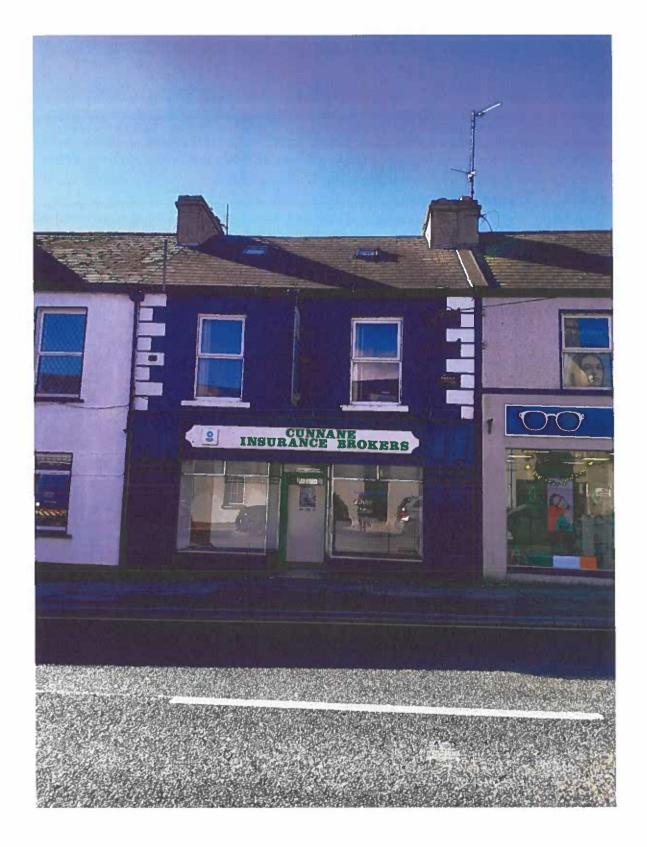
Graduate Planner

Signed:

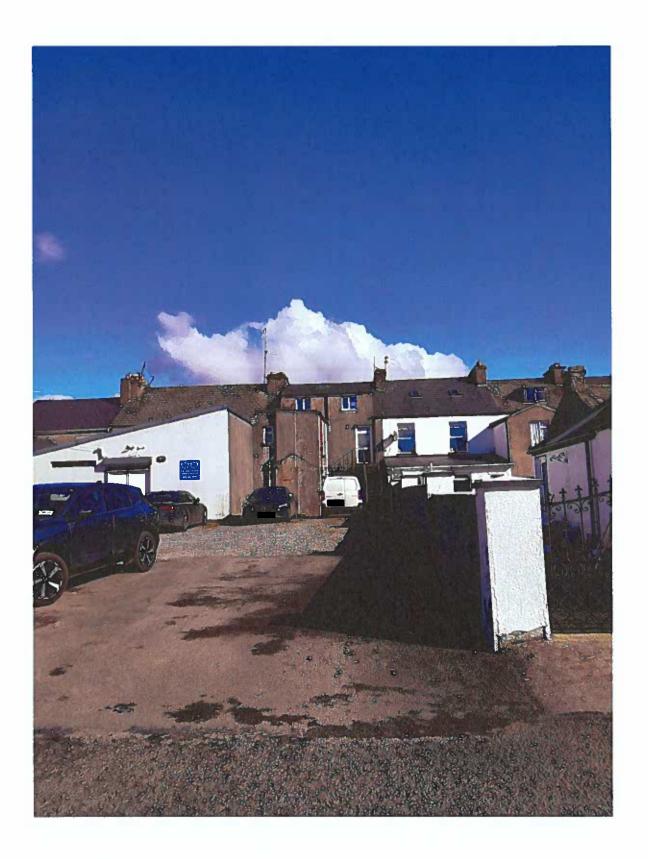
Signed:

Date: 25th Mul Loss

A/Senior Planner



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Comhairle Contae Ros Comáin Roscommon County Council



Gary Cunnane,



Date:20th February, 2025Planning Reference:DED 847Re:Application for a Declaration under Section 5 of the Planning & Development Act 2000
(as amended), regarding Exempted Development.Development:Permission for the renovation of first floor apartment under the Planning & Development
Act (Exempt Development) Regulations 2018 at Main Street, Castlerea, Co. Roscommon,
F45 X7P8.

A Chara,

I wish to acknowledge receipt of your application which was received on the 17th 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/01/0/233193 dated 19th February, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 847 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:

Deane Associates david@deaneassociates.ie







Roscommon County Council Aras an Chontae Roscommon 09066 37100

19/02/2025 14:57:43

Receipt No __L01/0/233193

GARY CUNNANE

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable

80.00

Total

DED 847

80 00 EUR

Tendered Credit/Debit Card 80.00 4462

Change :

0.00

Issued By - Bernadine Duignan From : Central Cash Office



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Áras an Chontae, Roscommon, Co. Roscommon.

Phone: (090) 6637100 Email: <u>planning@roscommoncoco.ie</u>

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)	GARI CUMMANE
Name of Agent	DEAME ASSOCIATES. CHANTERED BUNNING WIRAHAMITISWH, Co. CALWAL.
Nature of Proposed Works	REHOUMTION OF FIRST FLOOR ARADIMENT AT MAIN SIGNET CASTLENEN.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	MAIN STREET, CASTIEREN C. Roscommon F45×7P8
Floor Area: a) Existing Structure b) Proposed Structure	a) 83 89 mt b) 0 se mi
Height above ground level:	2-77 M
Total area of private open space remaining after completion of this development	50 sq mt
Roofing Material (Slates, Tiles, other) (Specify)	MAIN ROOT - SLATES FLAT ROOF - TROCAL MEMBRANE
	or Simium Approven

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	None
Is proposed works located at front/rear/side of existing house.	Ho
Has an application been made previously for this site	Ves
If yes give ref. number (include full details of existing extension, if any)	PD/24/60017
Existing use of land or structure	PO/24/60017 VALAMI RESIDENTIAL PROPERTY
Proposed use of land or structure	RESIDENTIAL LECTING
Distance of proposed building line from edge of roadway	ist floor Building
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:

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

INTERMAL REFORMENT

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Page 2

Carmel Curley

From: Sent: To: Cc: Subject: Attachments: David Deane <david@deaneassociates.ie> Saturday 15 February 2025 10:58 Carmel Curley

Re: FW: Re: DED Application - Gary Cunnane GC323 P4-101 Existing Plans.pdf; GC323 P4-103 Proposed Plans.pdf

Hi Carmel,

Please see attached updated plans with the proposed residential unit which the DED application relates to shaded green. The planning application PD/24/60017 relates primarily to an extension to the ground floor commercial unit with alterations to the front and rear facade of the building being altered to accommodate the extension shown hatched red. The renovation works to be carried out will not alter the external elevations of the building except for those permitted under planning reference PD/24/60017.

If you require any further information please let me know.

Kind Regards, David.



Old Church Road, Williamstown, Co. Galway Tel: +353 (0)94 9643079 Email: info@deaneassociates.ie Web: www.deaneassociates.ie



On Tue, 11 Feb 2025 at 13:57, Carmel Curley <<u>CCurley@roscommoncoco.ie</u>> wrote:

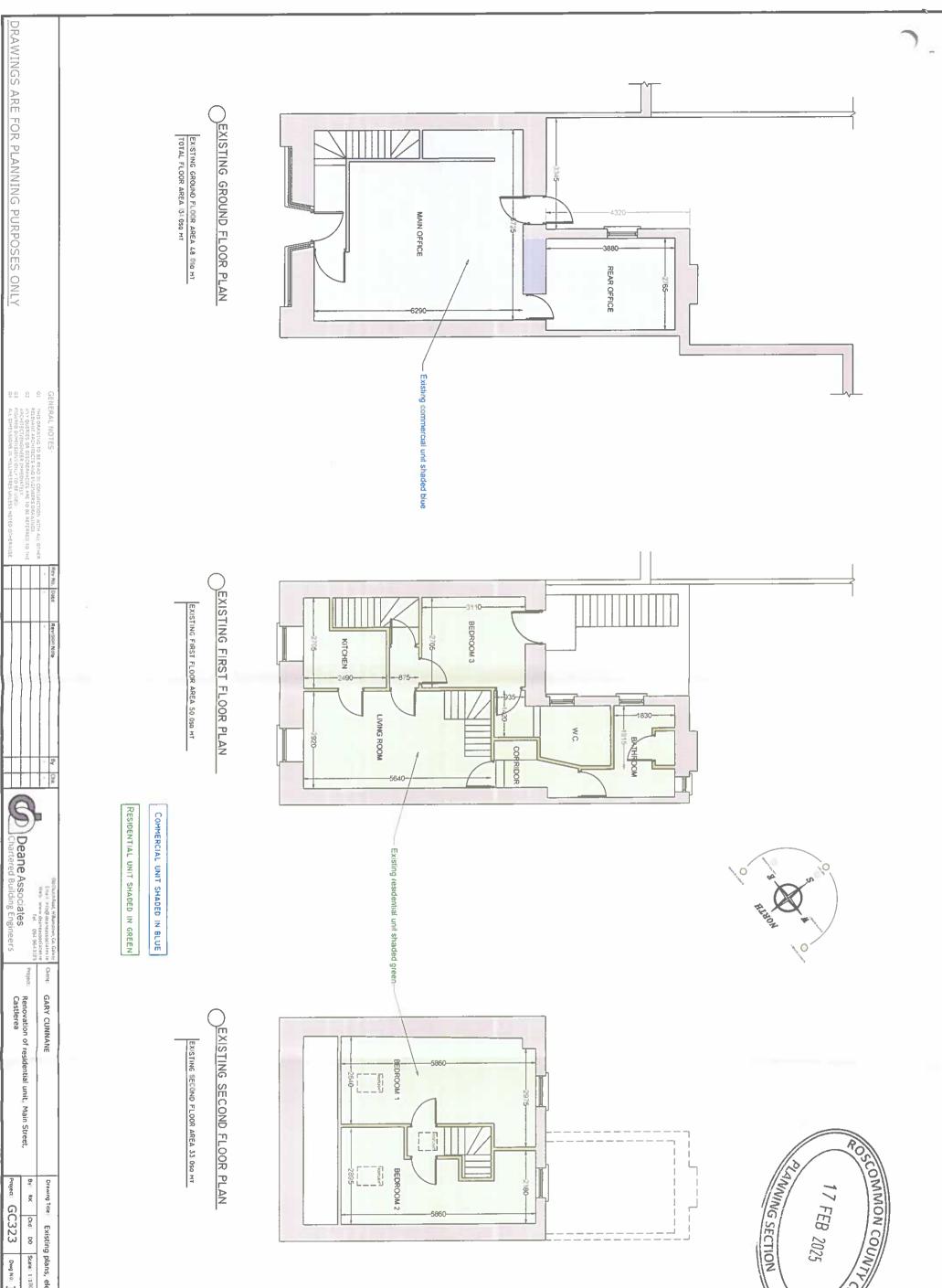
Hi Gary,

Frefer to the Section 5 Declaration of Exempted Development Application submitted on 7th February, 2025 – please note;

1. The proposed plans and elevations relate to a development which was the subject of a separate planning application

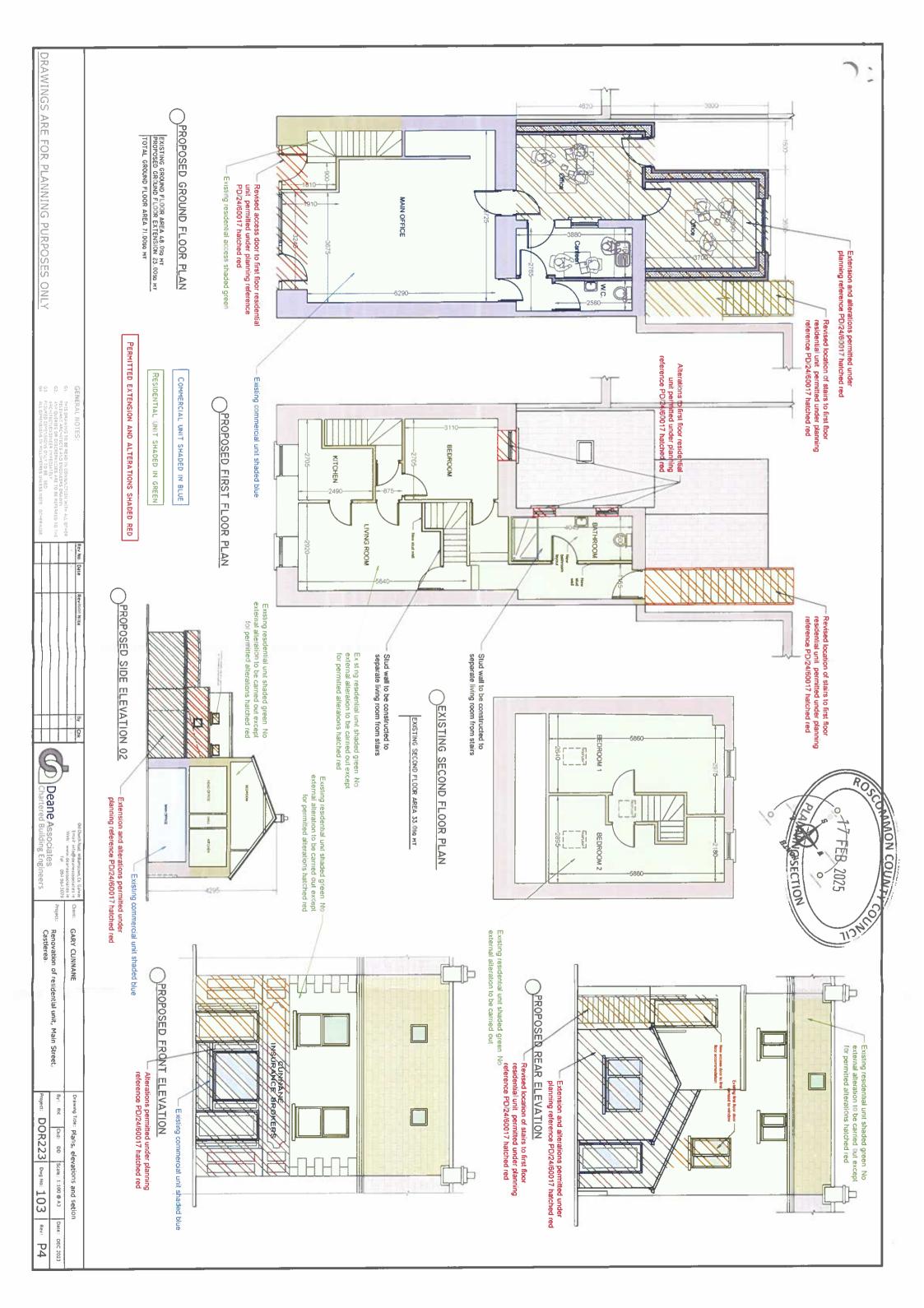
2. Plans of the area to which the development described relates to are required

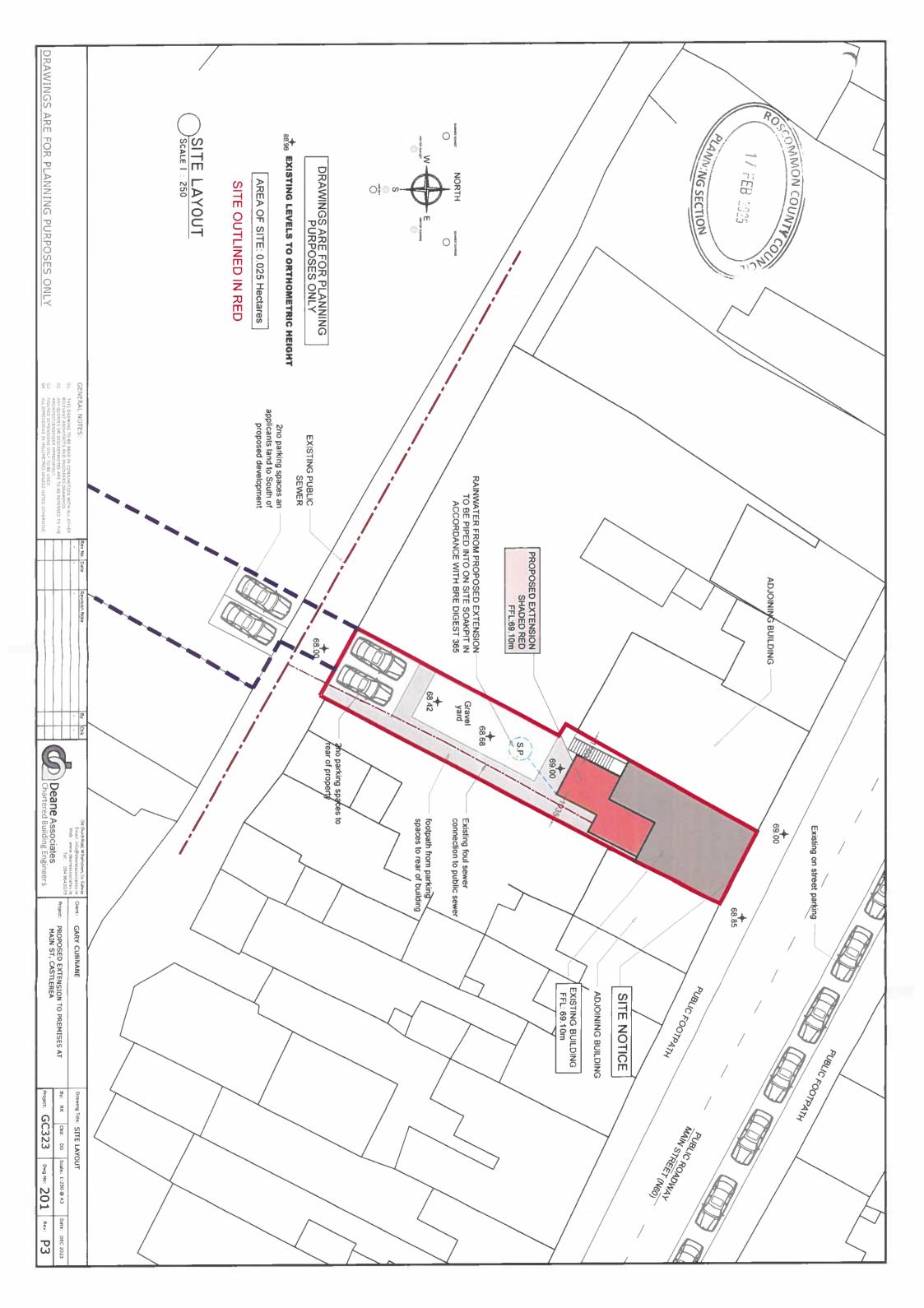
On receipt of same, the application will be considered further.

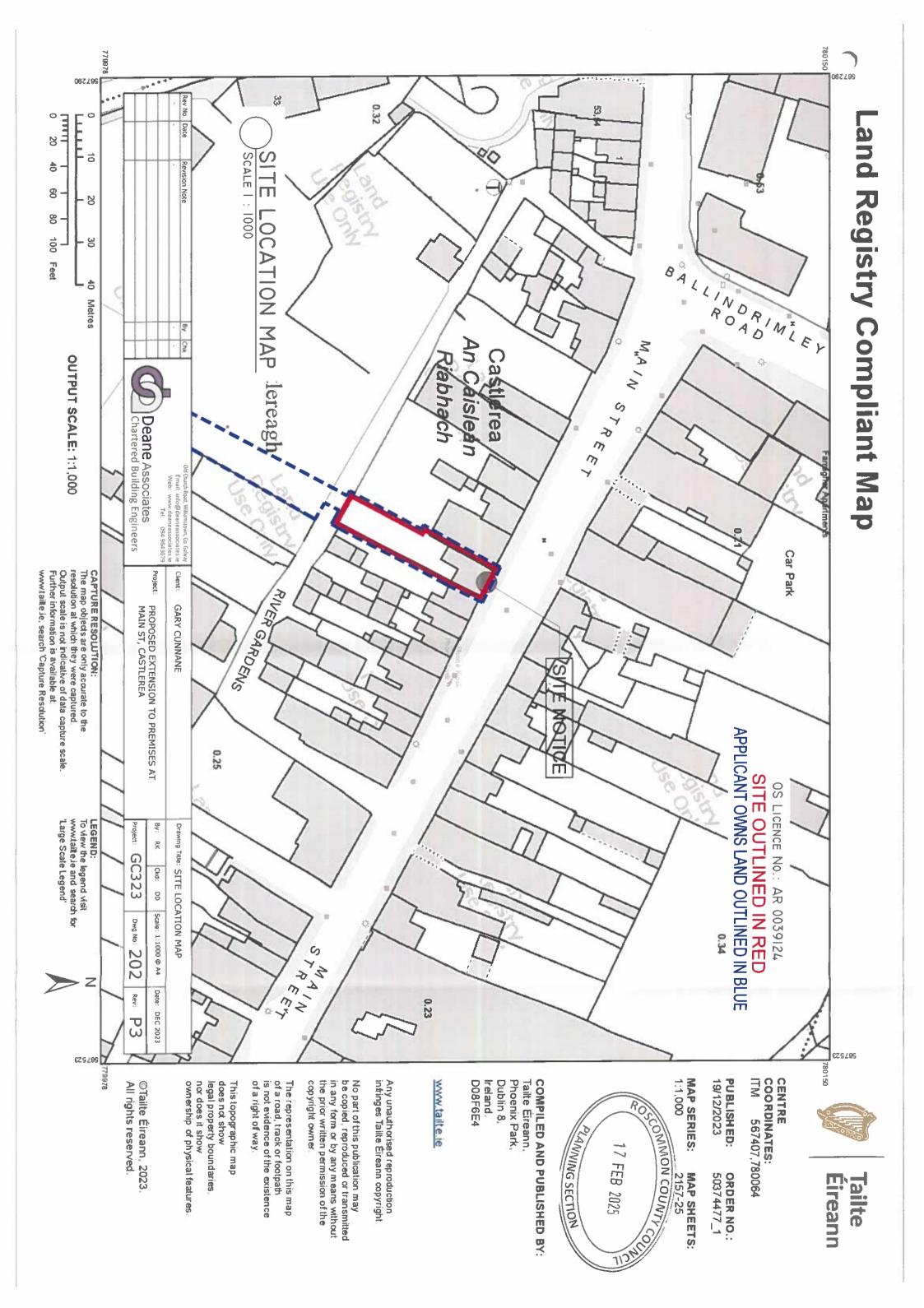


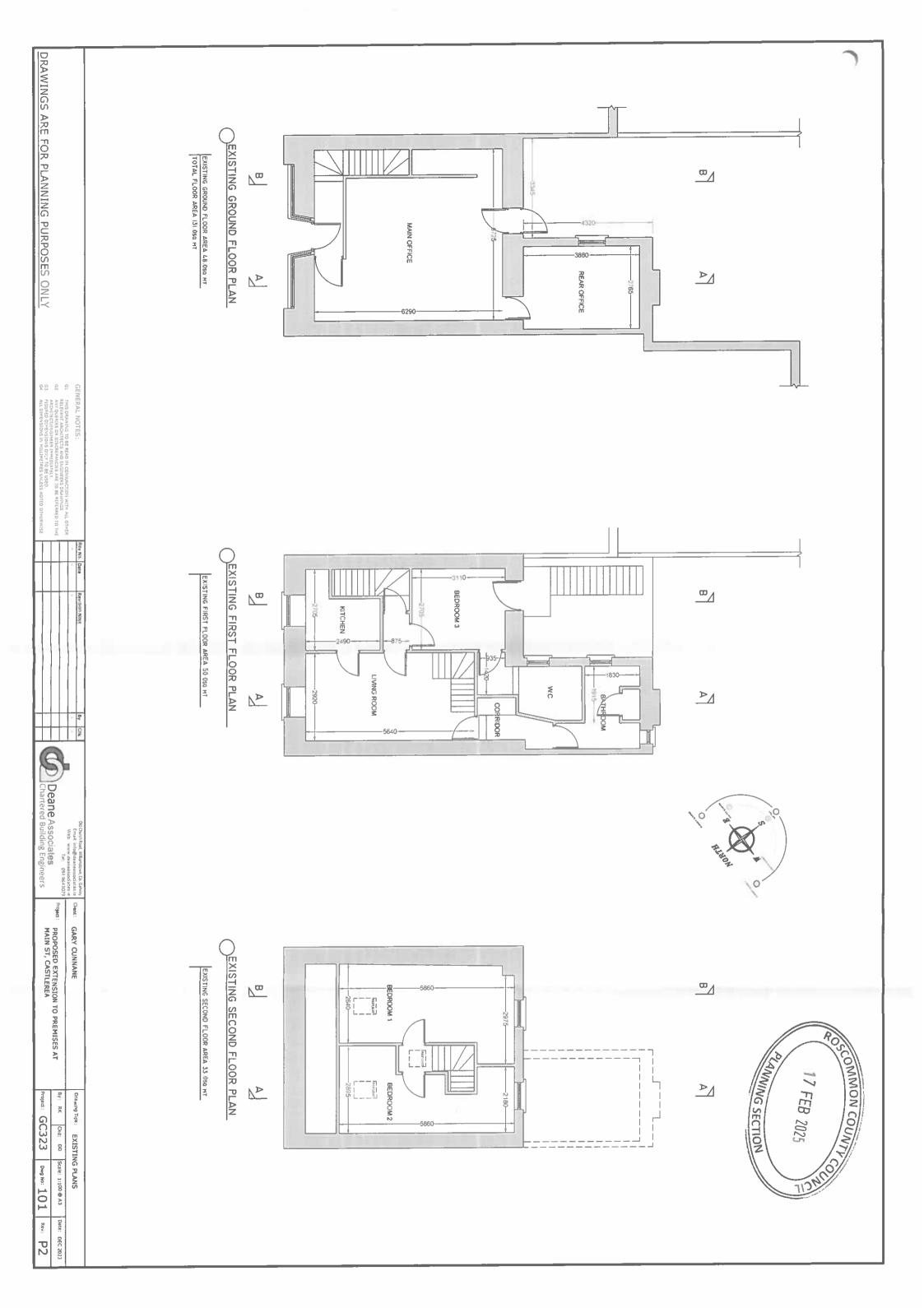
MCIL

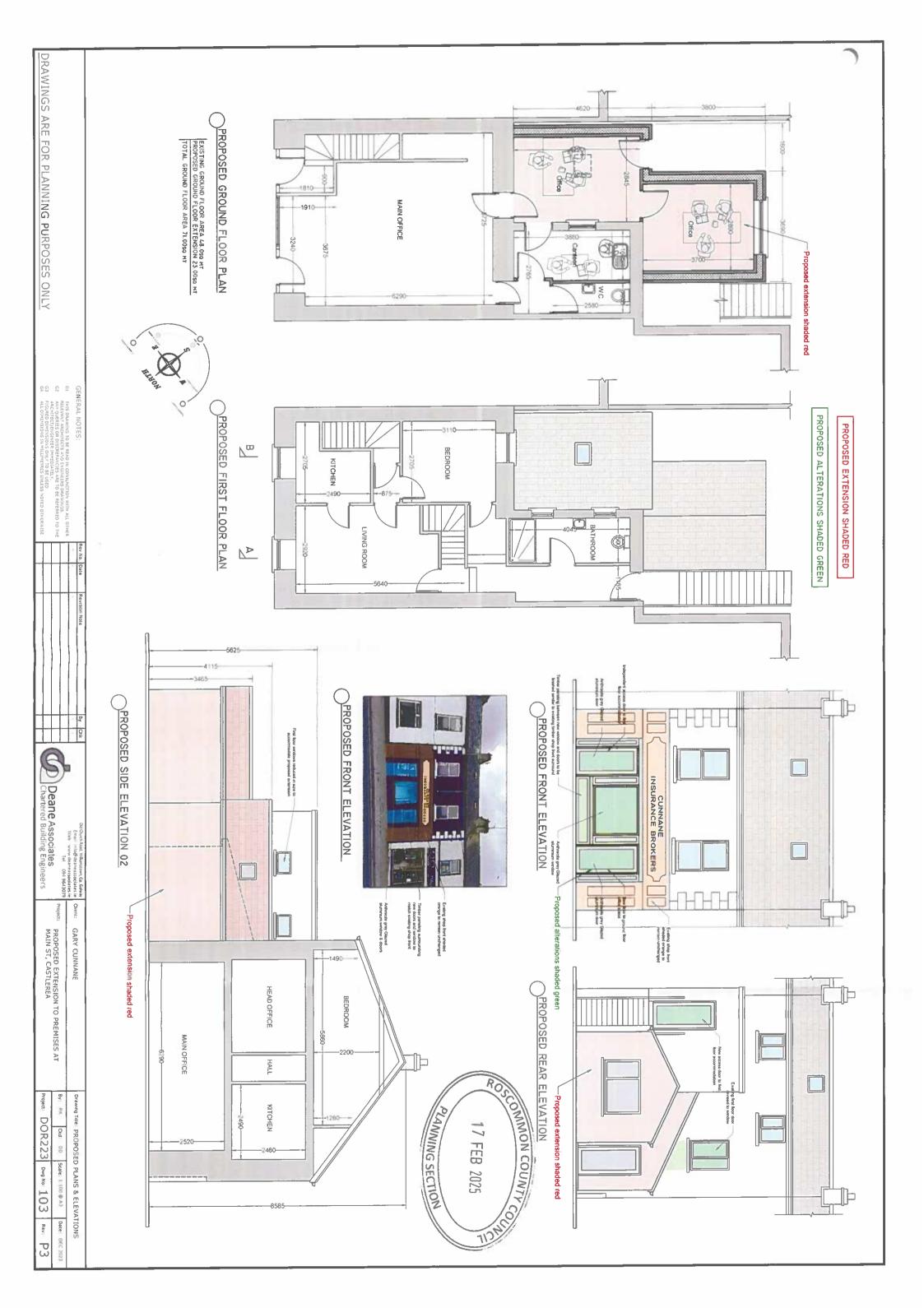
	Drawing Title Existing plans, elevations and section	g plans, elevations	and section
sidential unit, Main Street,	By RK Ckd DO	Ckd1 DD Scale: 11100 @ A3 Date: DEC 2023	Date: DEC 2023
	Project GC323	Deeg No: 101	Rev: P4











Carmel Curley

1	
From:	Carmel Curley
Sent:	Tuesday 11 February 2025 13:57
To:	
Cc:	David Deane
Subject:	FW: Re: DED Application - Gary Cunnane
Attachments:	GC323 P3-101 Existing Plans.pdf; GC323 P3-103 Proposed Plans.pdf; GC323 P3-202
	Site Location Map.pdf; GC323 P3-201 Site Layout.pdf; DED Application - Gary
	Cunnane.pdf

Hi Gary,

I refer to the Section 5 Declaration of Exempted Development Application submitted on 7th February, 2025 – please note;

- 1. The proposed plans and elevations relate to a development which was the subject of a separate planning application
- 2. Plans of the area to which the development described relates to are required

On receipt of same, the application will be considered further.

Kind regards,

Carmel

Carmel Curley, Assistant Staff Officer, Planning Department, Roscommon County Council, Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98 2: (090) 6637100 : planning@roscommoncoco.ie



From: Gary Sent: Friday 7 February 2025 15:14 To: Planning Department <<u>Planning@roscommoncoco.ie</u>> Subject: FW: Re: DED Application - Gary Cunnane

Hi

Please see DED Application attached and plans in relation to ref no. PD/24/60017. I am applying for Vacant Property refurbishment Grant and they have requested this. Give me a call and I will pay the fee.

Kind Regards Gary