

**ROSCOMMON COUNTY COUNCIL**

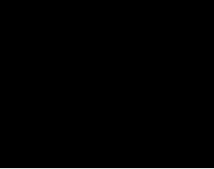
**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Sean Hassett,



Reference Number: DED 858  
Application Received: 7<sup>th</sup> March, 2025  
Name of Applicant: Sean Hassett  
Agent: Vincent Burke

**WHEREAS** a question has arisen as to whether the refurbishment of an existing property & the construction of an 18m<sup>2</sup> extension to the rear of the property at Carrowmurragh, Kiltoom, 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, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) 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.
- (e) The planning history of the site

**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above are development
- (b) The proposed extension to rear of a dwelling house as described in this case is an exempted development.
- (c) The proposed refurbishment of the derelict 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;*
- (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 refurbishment of an existing property & the construction of an 18m<sup>2</sup> extension to the rear of the property, 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: 19<sup>th</sup> May, 2025

cc agent: Vincent Burke,  
Ballyvaun,  
Ballinamore Bridge,  
Ballinasloe,  
Co. Galway.  
H53 NW98

**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 858
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development of permission to refurbishment of an existing property & the construction of an 18m <sup>2</sup> extension to the rear of the property.
<b>Name of Applicant:</b>	Sean Hassett
<b>Location of Development:</b>	Carrowmurragh, Kiltoom, Co. Roscommon.
<b>Site Visit:</b>	15/05/2025

**WHEREAS** a question has arisen as to whether the following works; to refurbishment of an existing property & the construction of an 18m<sup>2</sup> extension to the rear of the property 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) 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.
- (e) The planning history of the site

#### **Site Location & Development Description**

The subject site is located in Carrowmurragh, Kiltoom, Co. Roscommon and is accessed via the L-7553 road. The subject site contains a single story house with what appears to be a flat roof extension to the rear and large garden areas surrounding the property.

The proposed works is the construction of an area to the rear of the house which will enlarge the existing extension by 18m<sup>2</sup>, re-furbish the house which includes removal of the existing flat roof and replacing with a pitched roof, new doors and windows, external insulation and various internal works.

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

## **Appropriate Assessment**

The closest European sites to the site of the development are Lough Ree PNHA/SPA (Site Code 000440/004064) which is located circa .5km to the east and Lough Funshinagh PNHA/SAC (Site Code 000611) which is located circa 5km to the north/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**

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

- 18/438 - for provision of new vehicular entrance onto public road - 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,

**Class 1 of Part 1 of Schedule 2: Exempted development - General**

Description of Development	Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b></p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. 388 (c) Where the house is</p>

	<p>detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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### 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 proposed development of an extension to the rear of a dwelling house which, it is stated as having floor space of 18m<sup>2</sup>.

With regard to the compliance with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. The house appears to have had a previous extension therefore N/A.
2. a. Proposed work is stated as 18m<sup>2</sup>, previous extension is approx. 21.8m<sup>2</sup>, therefore a combined area of 39.8m<sup>2</sup>.  
b. Proposed extension is on ground floor only, therefore N/A.  
c. Proposed work is only on ground floor level.
3. Proposed work is only on ground floor level.
4. a. Rear wall does not exceed this height.  
b. Rear wall does not include a gable, therefore N/A.  
c. Proposed pitched roof extension does not exceed the height of the existing dwelling.
5. Extension does not reduce the open space to less than 25m<sup>2</sup>
6. a. Windows are greater than 1m from the boundary it faces.  
b. Proposed work is only on ground floor level.  
c. Proposed work is only on ground floor level.
7. Existing house is single story and no access is indicated.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the extension to rear of a dwelling house as described in this case is considered an exempted development.

The proposal includes the refurbishment of the house which includes removal of the existing flat roof and replacing with a pitched roof, new doors and windows, external insulation and various internal works. 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 neighbouring 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 refurbishment of an existing property & the construction of an 18m<sup>2</sup> extension to the rear of the property in Carrowmurragh, Kiltoom, 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) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), as amended
- (d) 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.
- (e) The planning history of the site

#### **AND WHEREAS I have concluded that**

- The works outlined above are development.
- The proposed extension to rear of a dwelling house as described in this case is an exempted development.
- The proposed refurbishment of the derelict 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 refurbishment of an existing property & the construction of an 18m2 extension to the rear of the property in Carrowmurragh, Kiltoom, Co. Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.



**Signed:**

**Date:** 19<sup>th</sup> May 2025

Civil Technician



**Signed:**

**Date:** 19<sup>th</sup> May 2025

Senior Executive Planner

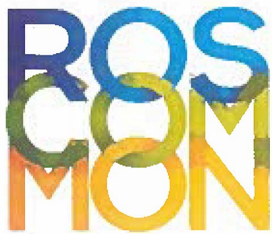












Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Sean Hassett,  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date: 13<sup>th</sup> March, 2025  
Planning Reference: DED 858

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

Development: Permission for the refurbishment of an existing property & the construction of an 18m<sup>2</sup> extension to the rear of the property under the Planning & Development Act (Exempt Development) Regulations 2018 at Carrowmurragh, Kiltoom, Co. Roscommon.

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A Chara,

I wish to acknowledge receipt of the application which was received on the 7<sup>th</sup> March, 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/01/0/233549 dated 10<sup>th</sup> March, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 858**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell  
Senior Executive Planner  
Planning Department.

cc agent: Vincent Burke,  
Ballyvaun,  
Ballinamore Bridge,  
Ballinasloe,  
Co. Galway.  
H53 NW98

Council

08066 3710

10/03/2025 09:16:58

Receipt No: L01/0/233549

SEAN HASSETT

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED058	

Total	80.00 EUR
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Tendered	
Cheque	80.00
800283	

Change	0.00
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Issued By: Louis Carroll  
From: Central Cash Office

DEP  
858



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, regarding Exempted Development

Name:	SEAN HASSETT
Address:	CURRAMURRAGH, KILTOOM, Co ROSCOMMON, N37 KN84
Name & Address of Agent:	VINCENT BURKE BALLYVAUN BALLINAMORE BRIDGE BALLINASLOE, H53 NW98
Nature of Proposed Works	REFURBISHMENT OF EXISTING PROPERTY AND 18m2 EXTENSION TO REAR OF PROPERTY
Location (Townland & O.S No.)	CARROWMURRAGH RN13811F
Floor Area	103 m2
Height above ground level	4.3 m
Total area of private open space remaining after completion of this development	1920 m2
Roofing Material (Slates, Tiles, other) (Specify)	SLATES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	WHITE PAINTED PLASTER
Is proposed works located at front/rear/side of existing house.	REAR



## 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	NO
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	PRIVATE DWELLING
Proposed use of land or structure	PRIVATE DWELLING
Distance of proposed building line from edge of roadway	11 m
Does the proposed development involve the provision of a piped water supply	NO
Does the proposed development involve the provision of sanitary facilities	NO

Signature:



Date:

18/2/25

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 (DRAWINGS ENCLOSED)





599430 mE, 748170 mN



Táille  
Éireann

Carrollan, Loughlin,  
Loughlin, Loughlin,  
Registration, Valuation,  
Surveying

Folio: RN13811F

This map should be read in conjunction with the folio.

Táille Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

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(centre-line of parcels) edged

Freehold

Leasehold

SubLeasehold



Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit

A full list of burdens and their symbology can be found at:

[www.landdirect.ie](http://www.landdirect.ie)

Táille Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

1:500 Scale



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CARROWMURRAGH

C6T6



598630 mE, 747520 mN  
Date Printed: 04/09/2024

Creation Date: 04 September 2024 15:09:51

Application Number: P2024LR109014T



598430 mE, 748170 mN



**Tailte Éireann**

Clárachas, Leasú,  
Súilbhreacht  
Registration, Valuation,  
Surveying

Folio: RN13811F

This map should be read in conjunction with the folio.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold



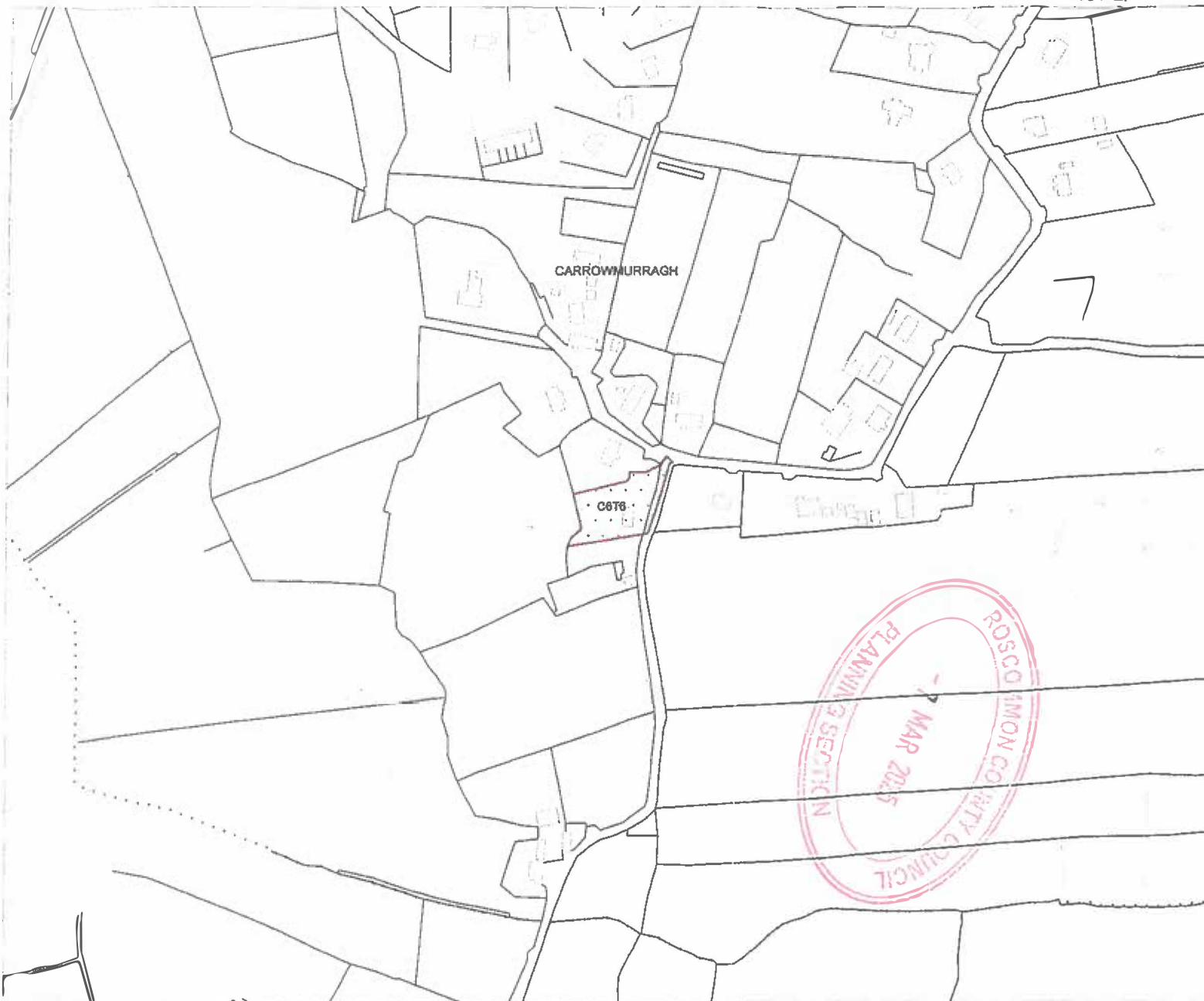
Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Sock Pit

A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

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1:2500 Scale Page 5 of 6



598630 mE, 747520 mN  
Date Printed: 04/09/2024

Creation Date: 04 September 2024 15:09:51

Application Number: P2024LR109014T



## SPECIFICATION

**Foundation** -; 900mm wide x 300mm deep strip foundation with 1 layer of A393 Mesh reinforcing, top of foundation to match existing foundation level, dowell bars 12mm dia 800mm long drilled and chemical anchor fixed into existing foundation and tied to new mesh reinforcing.

Minimum 50mm cover to sides and bed of reinforcing.

**Rising Blockwork** -; 325 mm wide solid blockwork from foundation to floor level.

**Cavity Blockwork** -; Cavity blockwork to match existing 100mm external leaf, 100mm cavity, 100mm inner leaf, with wall ties @ 450mm horizontally and vertically, new blockwork to be tied to existing with stainless steel wall starter system fixed in accordance with manufacturers instructions. Lintols to have minimum 200mm bearing. Tray dpc to be placed over all opes, vertical dpc to reveals and cills wrapped in dpc underneath, back and ends.

**Floors** -; Filling in accordance with SR21 to be compacted in layers to required level and sand blinded to receive 1200 gauge DPM dressed up wall and lapped with Dpc. 120mm thick sheets of phenolic floor insulation laid over DPM with staggered joints, 75mm concrete or floscreed with trowell finish over insulation to receive timber floors or tiles.

**Roof** -; Fibre cement slates on treated batten on breathable roof membrane on cut timber roof or roof trusses on 75x100mm treated wallplate mechanically fixed to blockwork with 900mm bent wall plate straps at maximum 1500mm centers.

**Internal walls** -; Inner leaf of all cavity walls to receive Insulated plasterboard with skim finish. Internal walls to be constructed with 75x44mm timber studs, head, sole plate and bridging, plasterboard each face with skim finish with 100mm acoustic sound insulation filling to void.

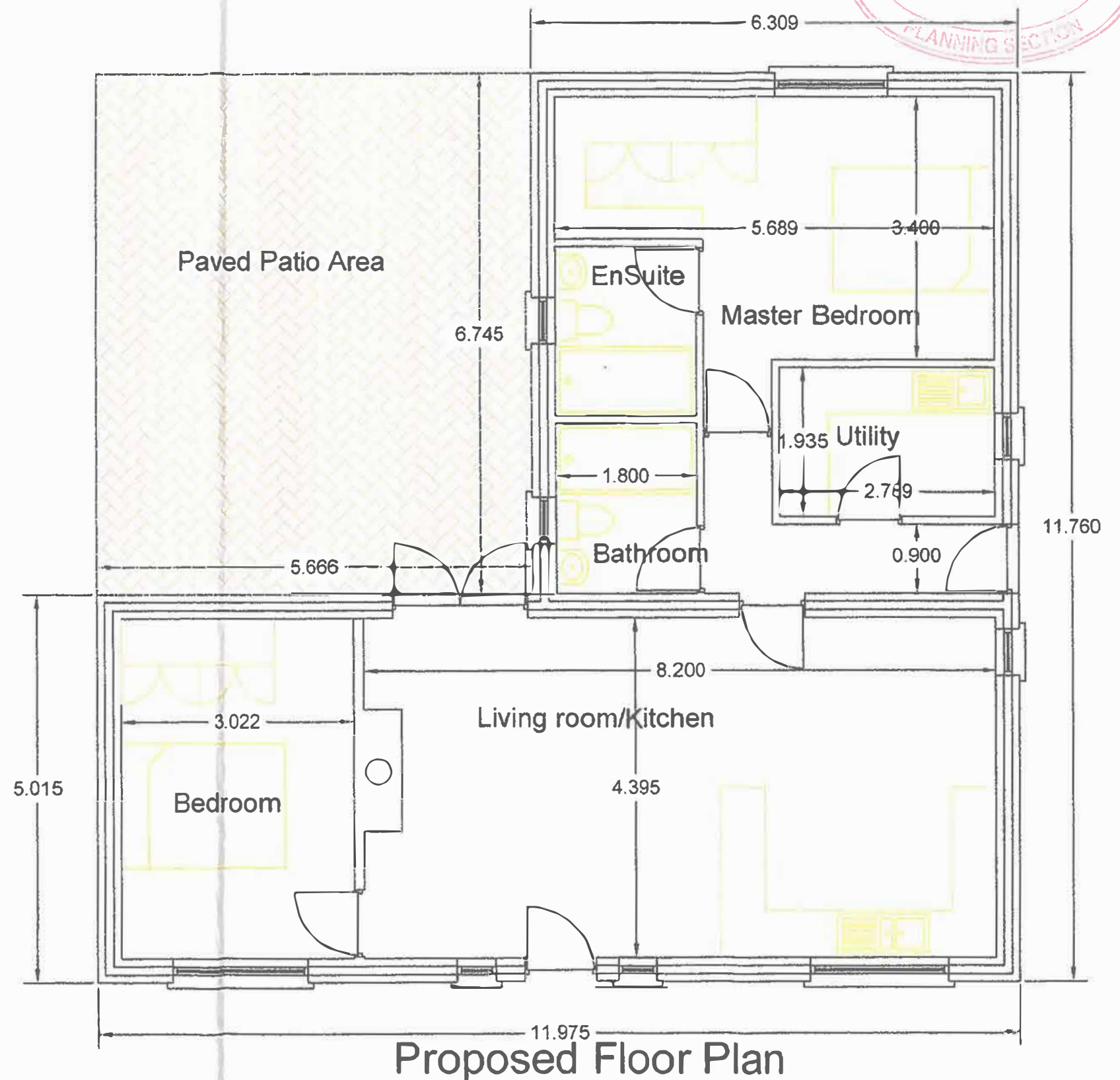
**External Doors and Windows** -; PVC triple glazed windows and doors, habitable room windows to comply with TDG part B and have a minimum opening section of 0.33m2 and minimum width and height of 450mm within 1100mm of floor level.

**Plumbing and Mechanical** -; Re use existing oil fired system linked to stove. Pipework within floors and attic space to be wrapped in pipe insulation to prevent freezing and heat loss. New storage and header tank to be installed in attic space.

**Electrical** -; All works to be carried out and certified by Safe Electric Registered Electric Contractor (RECI) and to relevant wiring regulations. Electric Metre to be moved to new external metre cabinet on gable adjacent to incoming ESB supply, installed in accordance with ESB regulations.

**External wall finishes** -; All external walls, new and existing to receive 100mm External wall insulation with mesh and silicone render finish installed as per manufacturers instructions by registered contractor.

**Drainage** -; All foul sewer from toilets and wastes from kitchen sink and utility to be connected to existing septic tank. Storm water from gutters and paved areas to be connected to soakpits.



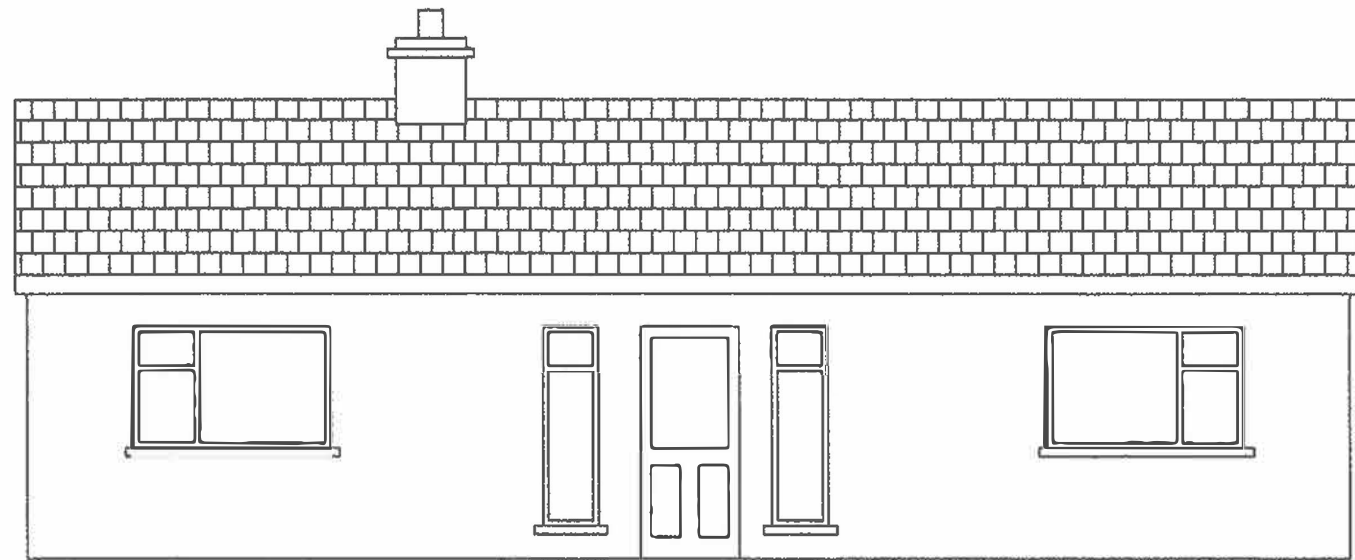
SEAN HASSETT

CARROWMURRAGH, KILTOOM, N37 KN84

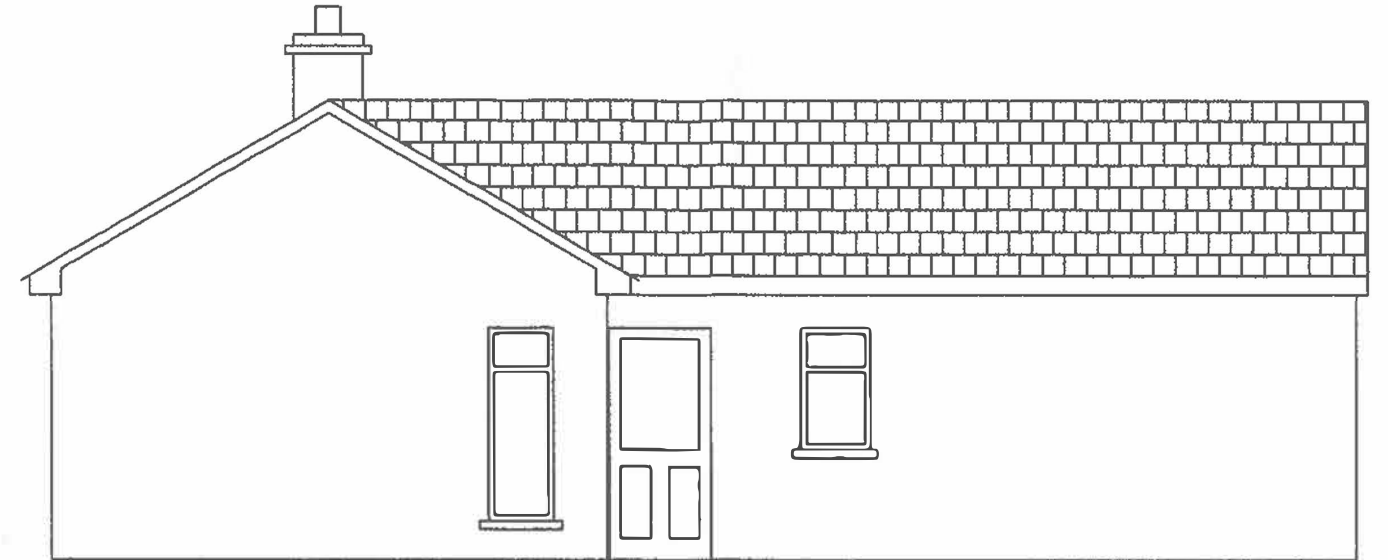
February 2025

Scale NTS

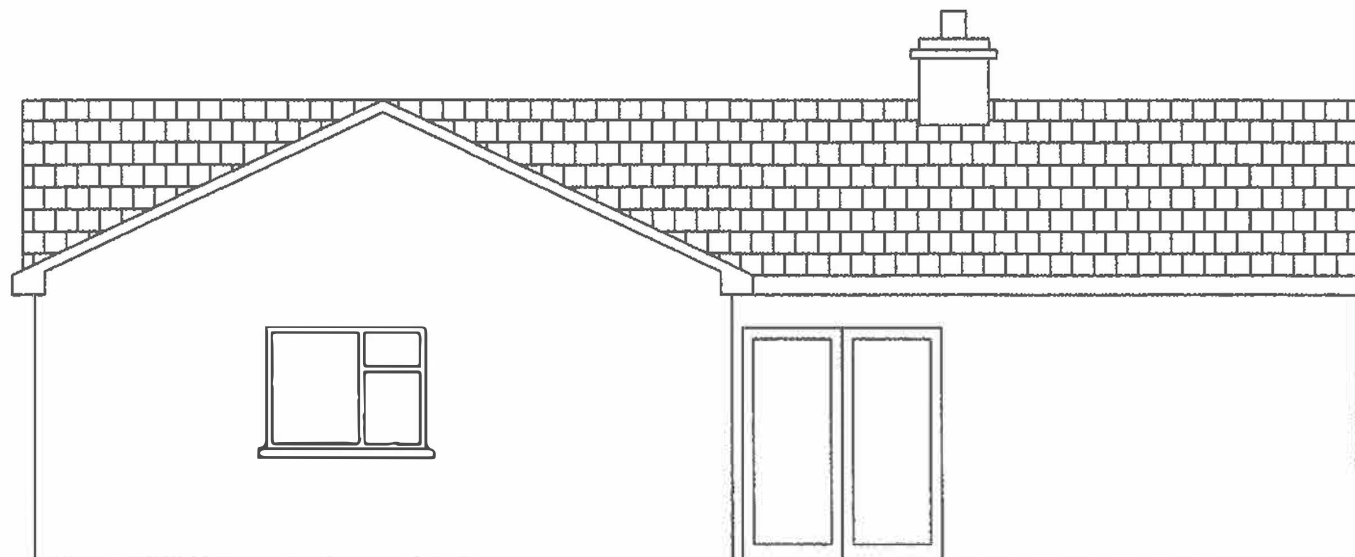




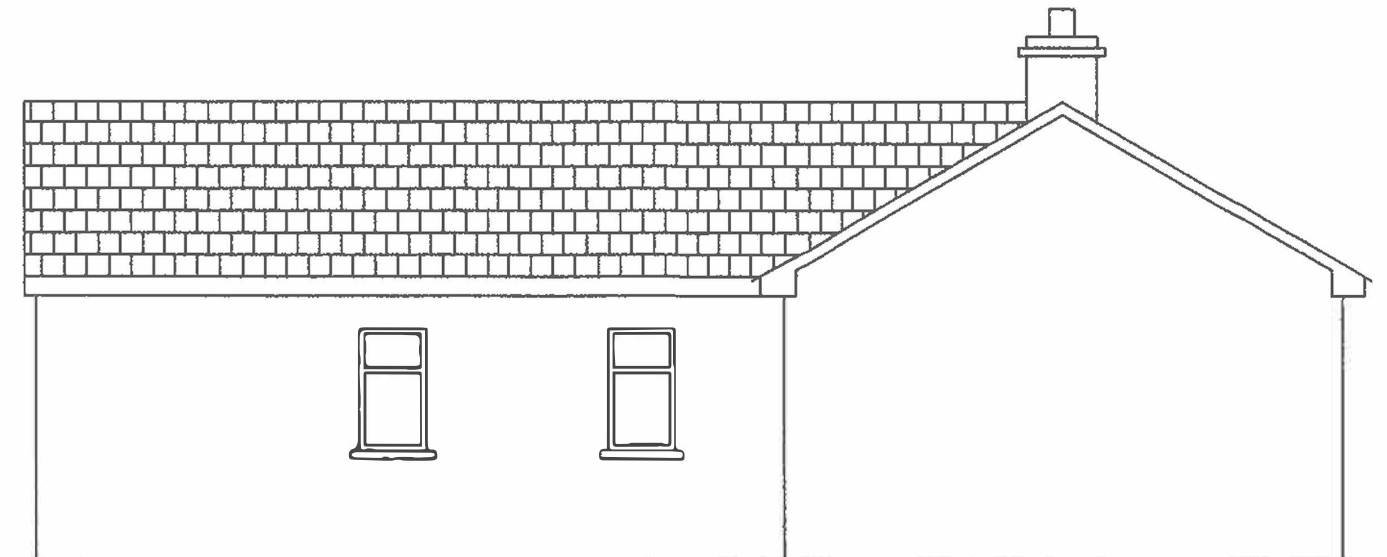
Proposed Front Elevation



Proposed Side Elevation

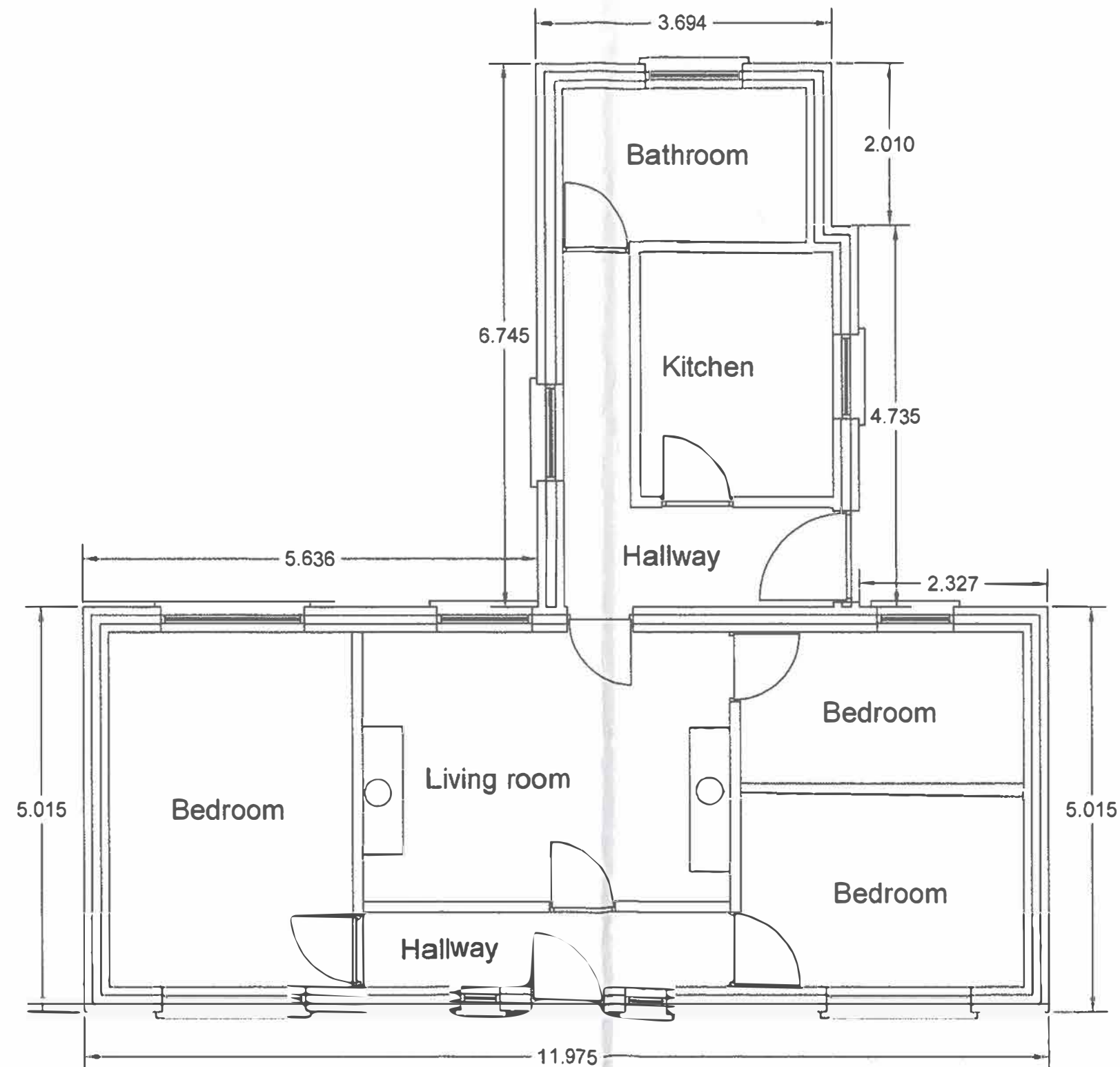


Proposed Rear Elevation



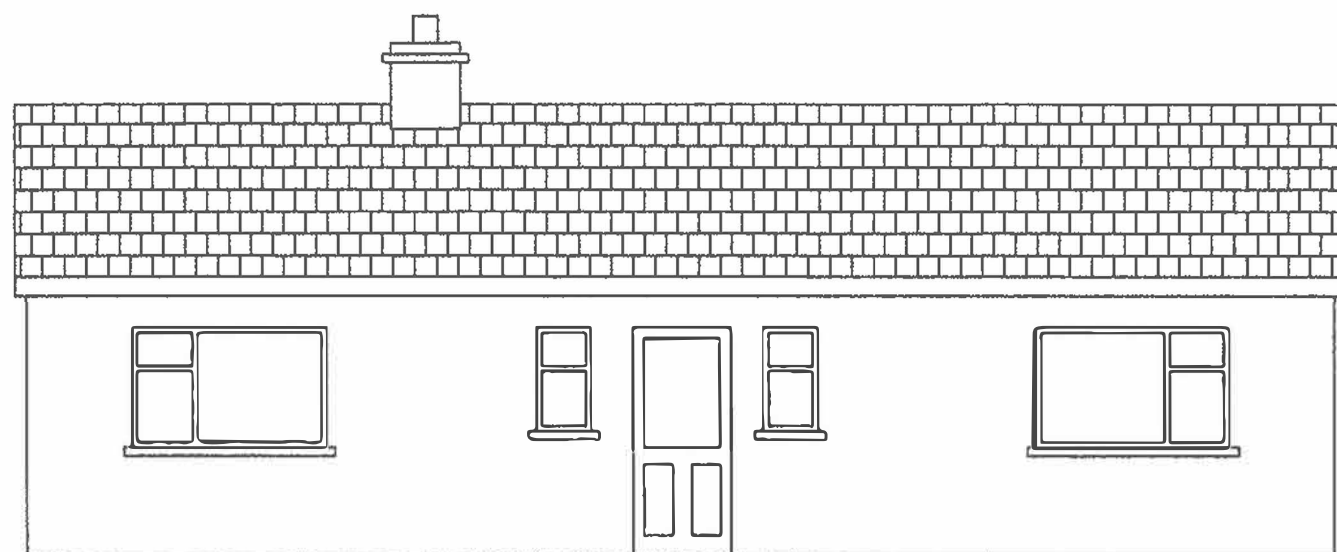
Proposed Side Elevation

SEAN HASSETT	
CARROWMURRAGH, KILTOOM, N37 KN84	
February 2025	Scale NTS

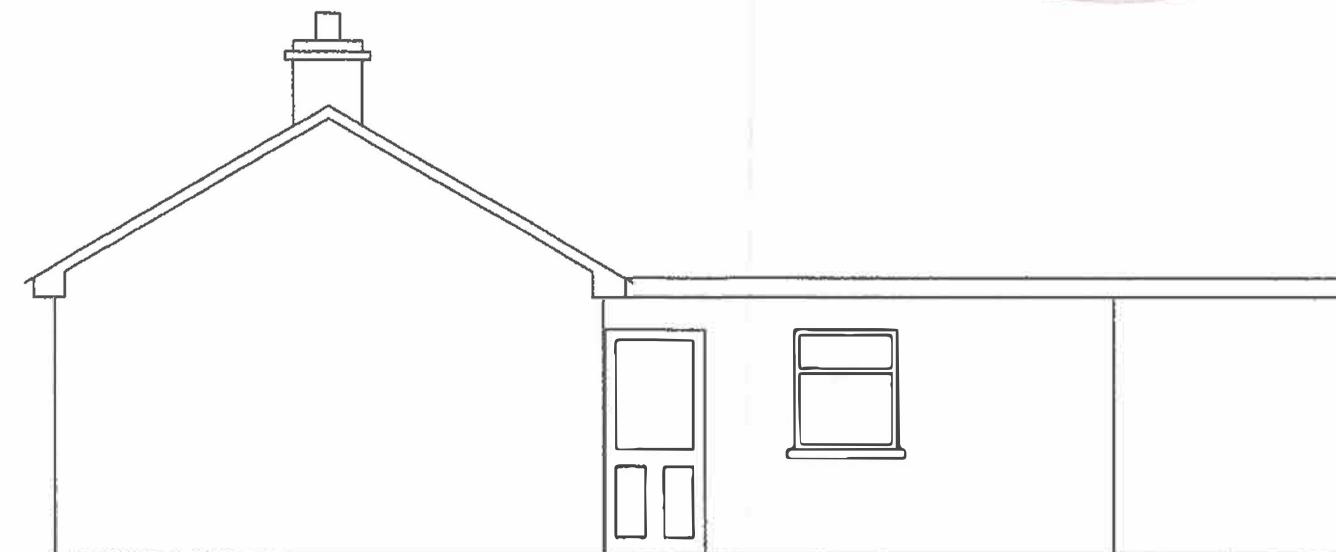


Existing Floor Plan

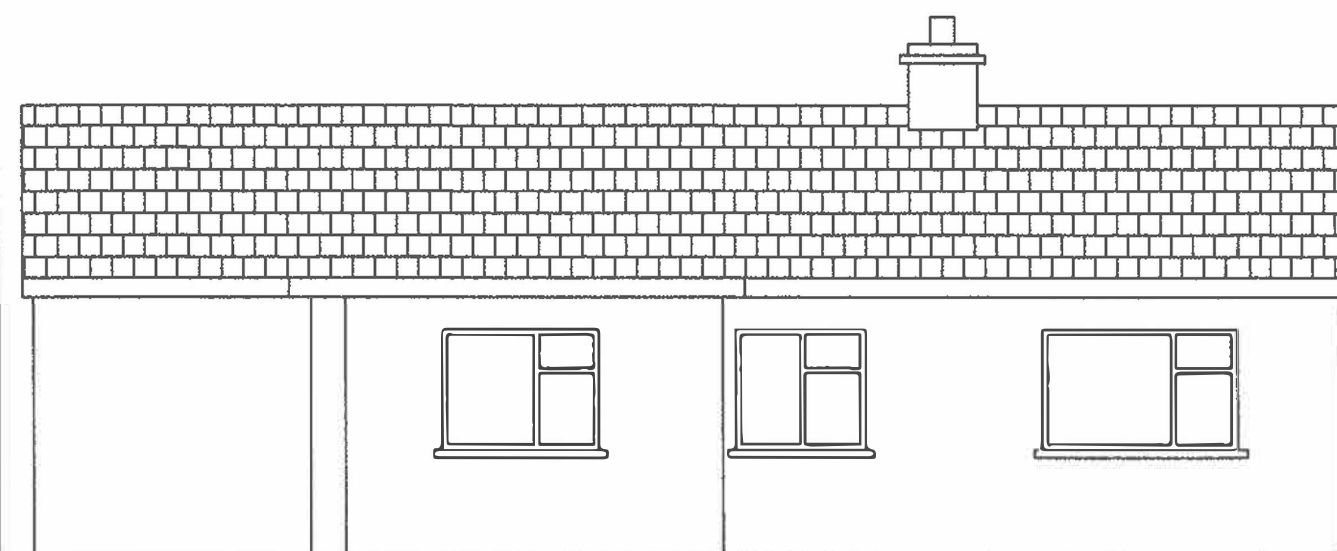
SEAN HASSETT	
CARROWMURRAGH, KILTOOM, N37 KN84	
February 2025	Scale NTS



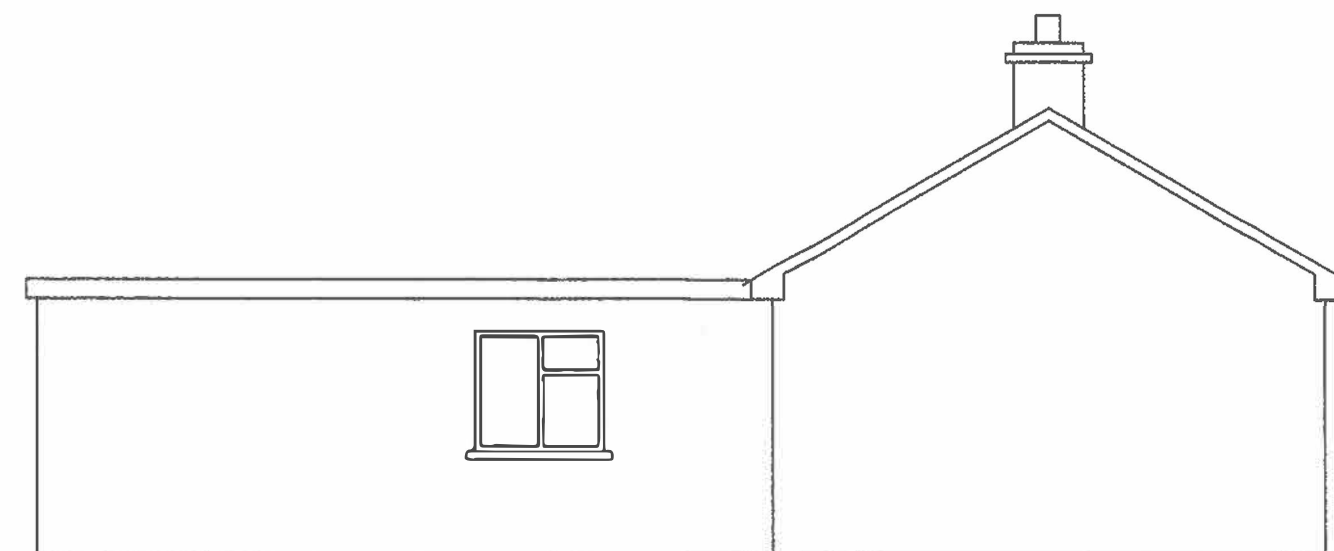
Existing Front Elevation



Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation

SEAN HASSETT

CARROWMURRAGH, KILTOOM, N37 KN84

February 2025

Scale NTS