

**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

**REGISTERED POST**

Colin Morris,  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Reference Number: DED 863  
Application Received: 18<sup>th</sup> March, 2025  
Name of Applicant: Colin Morris  
Agent: N/A

**WHEREAS** a question has arisen as to whether the renovations & completion of an existing dwelling with works including energy upgrades, internal completions, and replacement of existing windows and doors in existing openings at Cloonshanville, Frenchpark, Co. Roscommon, F45 A063, 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 2 and 5 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 are development.
- (b) The proposed refurbishment of the existing dwelling as above fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:  
*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*
- (c) The proposed air source heat pump to the rear of the dwelling house as described in this case is an exempted development.
- (d) The proposed capping and plastering of the existing block wall as described in this case is an exempted development.
- (e) 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 & complete an existing dwelling with works including energy upgrades, internal completions, and replacement of existing windows and doors in existing openings at Cloonshanville, Frenchpark, Co. Roscommon, F45 A063, 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: 20<sup>th</sup> May, 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 863
<b>Re:</b>	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to the renovation & completion of an existing dwelling with works including energy upgrades, internal completions and the replacement of existing external windows and doors in existing openings.
<b>Name of Applicant:</b>	Colin Morris
<b>Location of Development:</b>	Cloonshanville, Frenchpark, Co. Roscommon. (F45 A063).
<b>Site Visit:</b>	19/05/2025

**WHEREAS a question has arisen as to whether the following works;** to the renovation & completion of an existing dwelling with works including energy upgrades, internal completions and the replacement of existing external windows and doors in existing openings **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 2 and 5 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 property is a one and a half story dwelling house with garden areas to the front and rear of the property in Cloonshanville, Frenchpark, Co. Roscommon. The property is accessed off the R-361 road. The proposed development consists of the renovation & completion of the existing dwelling with works including the completion to the house internally. External works include the replacement of the doors and windows with new uPVC windows and doors in the existing openings, new gutters, fascia and soffits, plastering and capping of the existing front boundary wall and the installation of an air source heat pump to the rear of the house.

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 proposed development are Cloonshanville Bog PNHA/SAC (Site Code 000614) which is located circa 0.8km to the east and Bellanagare Bog PNHA/SAC (Site Code 000592) which is located circa 2.2km to the south 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.

- 00/1137 - Erect 2 no. dwelling houses, 2 no. domestic garages and ancillary site works - 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 2 of Part 1 of Schedule 2: Exempted development - General**

Description of Development	Conditions and Limitations
<p><b>CLASS 2</b></p> <p>(d) The installation on or within the curtilage of a house of a ground heat pump system (horizontal and vertical) or an air source heat pump.</p>	<ol style="list-style-type: none"><li>1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</li><li>2. The total area of such a heat pump, taken together with any other such pump previously erected, shall not exceed 2.5 square metres.</li><li>3. The heat pump shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted.</li><li>4. No such structure shall be erected on, or forward of, the front wall or roof of the house.</li><li>5. Noise levels must not exceed 43db(A) during normal operation, or in excess of 5db(A) above the background noise, whichever is greater, as measured from the nearest neighbouring inhabited dwelling.</li></ol>

**Class 5 of Part 1 of Schedule 2: Exempted development - General**

Description of Development	Conditions and Limitations
<p><b>CLASS 5</b></p> <p>The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<ol style="list-style-type: none"><li>1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</li><li>2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</li><li>3. No such structure shall be a metal palisade or other security fence.</li></ol>

## 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 the renovation & completion of the existing dwelling with works including the completion to the house internally. External works include the replacement of the doors and windows with new uPVC windows and doors in the existing openings, new gutters, fascia and soffits. 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.

The proposed development to install air source heat pump which, with regard to the compliance with the conditions and limitations of Class 2 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Proposed air source heat pump not ground heat pump system, therefore N/A.
2. Based on the information provided the proposed air source heat pump is less than 2.5m<sup>2</sup>.
3. Onus on applicant to comply with this.
4. Indicated on drawing to be located to the rear of the property.
5. Onus on applicant to comply with this.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the install air source heat pump as described in this case is considered an exempted development.

The proposed development includes the plastering and capping of the existing front block boundary wall, with regard to the compliance with the conditions and limitations of Class 5 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Existing wall is less than 1.2m in height.
2. Proposal is to plaster and cap the existing block wall.
3. N/A.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the replacing of footpaths and driveway around the existing dwelling as described in this case is considered an exempted 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 the renovation & completion of an existing dwelling with works including energy upgrades, internal completions and the replacement of existing external windows and doors in existing openings in Cloonshanville, Frenchpark, 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 2 and 5 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 refurbishment of the existing dwelling 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 air source heat pump to the rear of the dwelling house as described in this case is an exempted development.
- The proposed capping and plastering of the existing block wall as described in this case is an exempted development.
- 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

the renovation & completion of an existing dwelling with works including energy upgrades, internal completions and the replacement of existing external windows and doors in existing openings in Cloonshanville, Frenchpark, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant

Signed: 

Date: 20<sup>th</sup> May 2025

Civil Technician

Signed: 

Date: 20<sup>th</sup> May 2025

Senior Executive Planner













Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Colin Morris,

**Date:** 20<sup>th</sup> March, 2025  
**Planning Reference:** DED 863

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

**Development:** Permission for the renovation & completion of an existing dwelling with works including energy upgrades, internal completions, and replacement of existing external windows and doors in existing opening under the Planning & Development Act (Exempt Development) Regulations 2018 at Cloonshanville, Frenchpark, Co. Roscommon, F45 A063.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of the application which was received on the 18<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/01/0/233734 dated 19<sup>th</sup> March, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 863**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

  
Alan O'Connell,  
A/Senior Planner,  
Planning Department.



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

19/03/2025 15:07:05

Receipt No. : L01/0/233734

COLIN MORRIS

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED863	

Total : 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
9036

Change : 0.00

Issued By : Louis Carroll  
From : Central Cash Office



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)	Colin Morris
Name of Agent	No agent
Nature of Proposed Works	Reurbishment of vacant property for occupation as a principal private residence. The works center on energy upgrades, internal completions, and replacement of existing external windows and doors in existing openings. Ref Appendix A.
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	CLOONSHANVILLE, FRENCHPARK, CO. ROSCOMMON, F45 A063, Frenchpark Demesne, 1979-A IT: 1 573451, 791453
Floor Area: a) Existing Structure b) Proposed Structure	a) 120.4 m2 b) N/A
Height above ground level:	7.25 m to top of chimney - remains unchanged
Total area of private open space remaining after completion of this development	N/A - remains unchanged
Roofing Material (Slates, Tiles, other) (Specify)	N/A - remains unchanged

## Roscommon County Council

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

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	N/A - remains unchanged
Is proposed works located at front/rear/side of existing house.	N/A - remains unchanged
Has an application been made previously for this site	No previous application for a Declaration under Section 5
If yes give ref. number (include full details of existing extension, if any)	/
Existing use of land or structure	Vacant Dwelling
Proposed use of land or structure	Private Residence
Distance of proposed building line from edge of roadway	N/A - Remains unchanged
Does the proposed development involve the provision of a piped water supply	Yes - already in place
Does the proposed development involve the provision of sanitary facilities	Yes - already in place

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

Signature: Ceiri Leanne

Date: 18-03-2025

**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



Original drawings of existing building included for reference. No material changes proposed.

**[Specification of Development] - Appendix A**

**[Substructure works]**

- PIR insulation for underfloor heating.
- Underfloor heating pipe (part of plumbing works).
- 50mm liquid screed.



**[Superstructure works]**

- Install stairs.
- Top up attic insulation.
- Install pumped cavity insulation (Eco bead).

**[Completions]**

- Replace existing external windows and doors with energy efficient uPVC windows & doors in existing openings.
- Complete 1st and 2nd fix carpentry (incl. internal doors, frames, architraves, ironmongery, skirtings).
- Replacement of fascia, soffit, gutters and rainwater goods.

**[Finishes]**

- Add/replace tiling/waterproof finishes to wet areas
- Painting and decorating inside and out.

**[Services]**

- Complete second fix plumbing.
- Complete second fix electrics (including lighting).
- Install heat pump system (external unit sited at rear of property) and associated plumbing works.
- Install smoke/CO2 alarms.

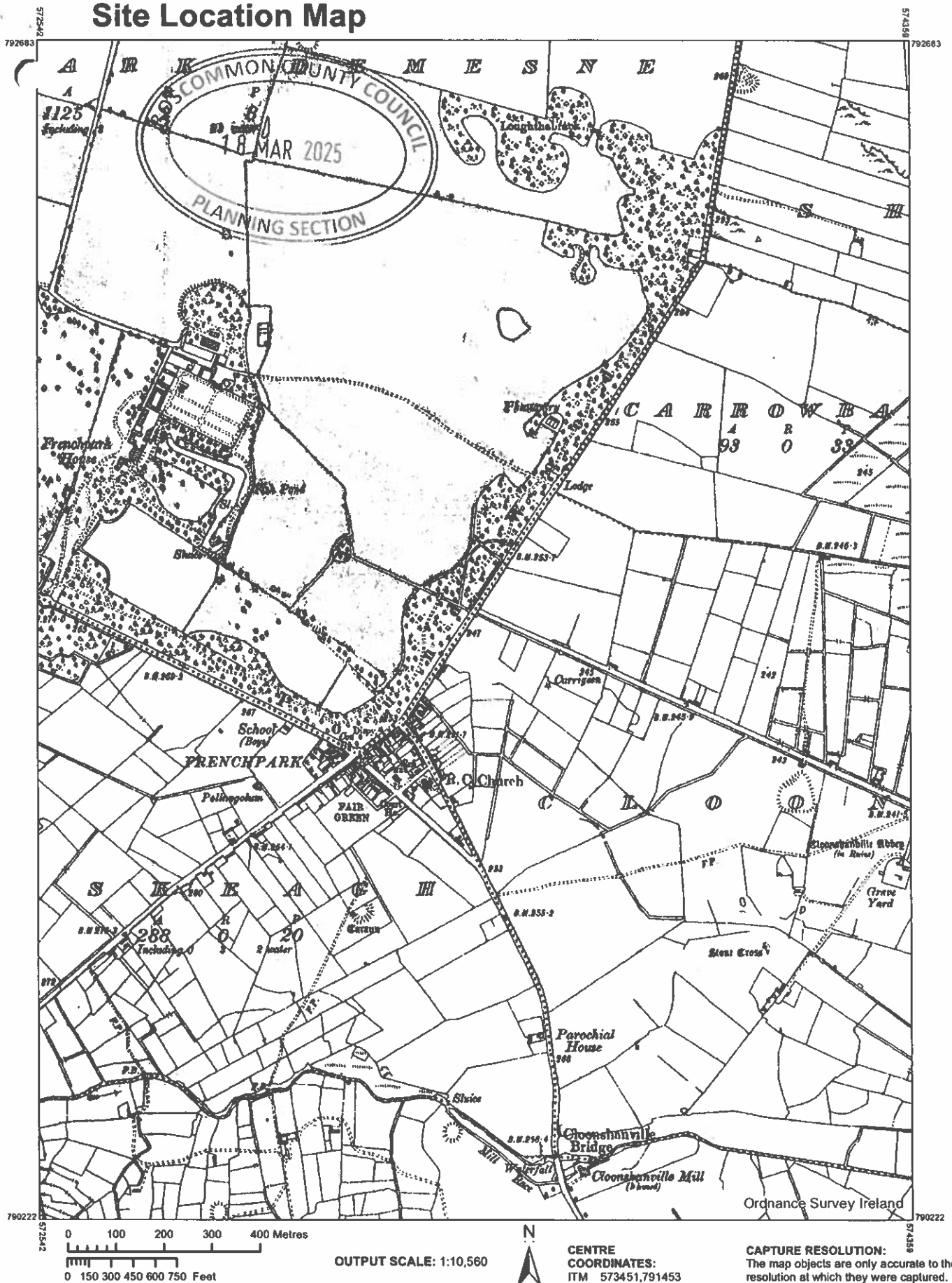
**[Fittings]**

- Install sanitaryware / bathroom fittings.
- Install a fitted kitchen.

**[External Works]**

- Plaster front wall & add wall and pier capping.

# Site Location Map



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CENTRE  
COORDINATES:  
ITM 573451,791453

PUBLISHED: 29/09/2024  
MAP SERIES: 6 Inch Raster  
ORDER NO.: 50425355\_1  
MAP SHEETS: RN015

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**Tailte  
Éireann**

## **Carmel Curley**

---

**From:** Colin Morris [REDACTED]  
**Sent:** Tuesday 18 March 2025 15:39  
**To:** Carmel Curley  
**Subject:** Re: Section 5 Declaration of Exempted Development

Hi Carmel,

Please find requested information enclosed.

**Manufacturer:** Viessmann  
**Model:** Vitocal 151-A air source heat pump  
**Length:** 600mm  
**Width:** 1144mm  
**Height:** 1382mm

Regards,  
Colin

On Tue, Mar 18, 2025 at 2:20 PM Carmel Curley <[CCurley@roscommoncoco.ie](mailto:CCurley@roscommoncoco.ie)> wrote:

Hi Colin,

I refer to the Section 5 Declaration of Exempted Development Application that you submitted to our office today, please note that we require the following information in order to deem your application valid;

1. Heat Pump System – Dimensions

On receipt of the above information, the request will be considered further.

Regards,

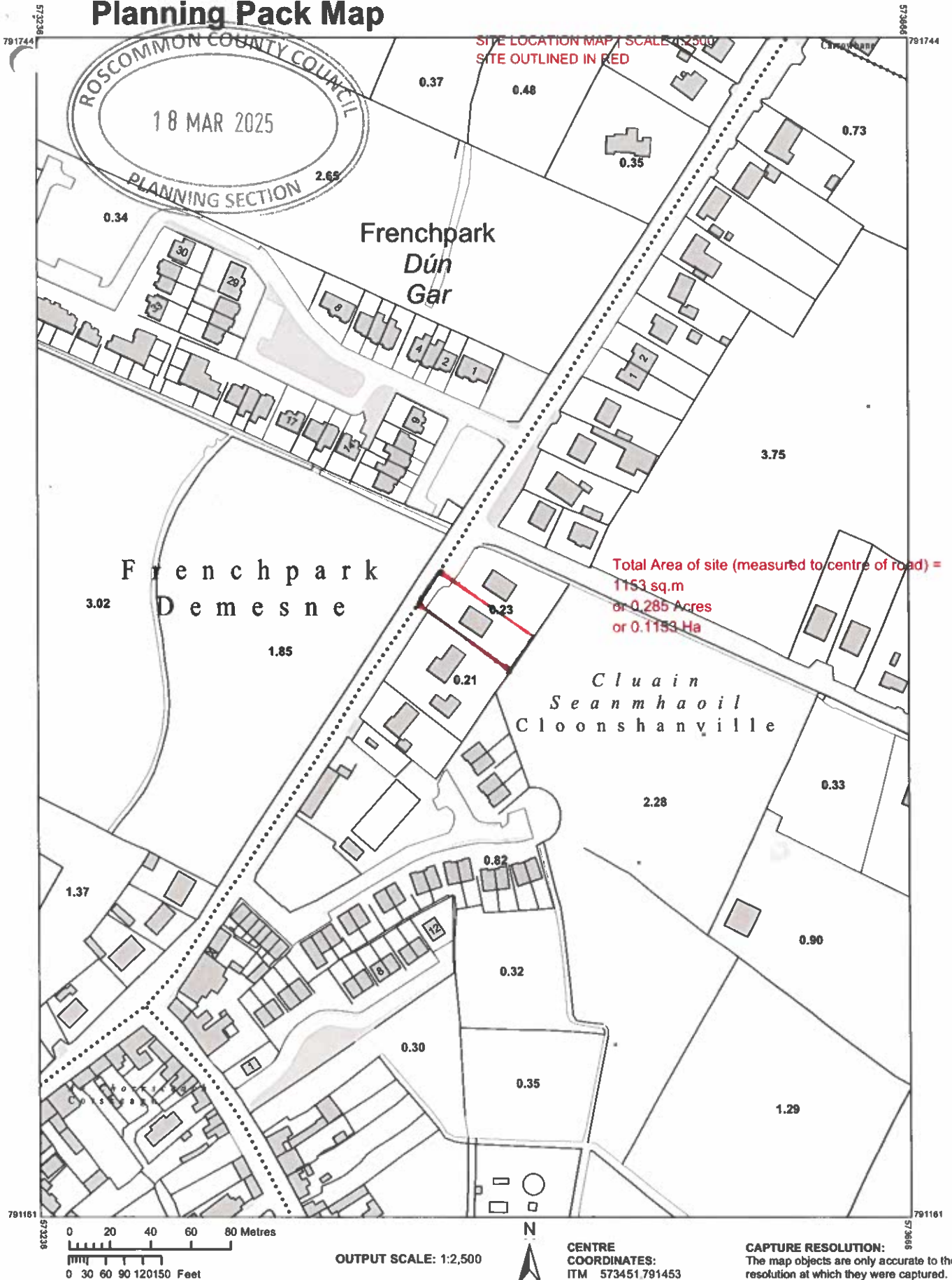
Carmel

**Carmel Curley, Staff Officer,**

**Planning Department, Roscommon County Council,**

**Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98**

# Planning Pack Map



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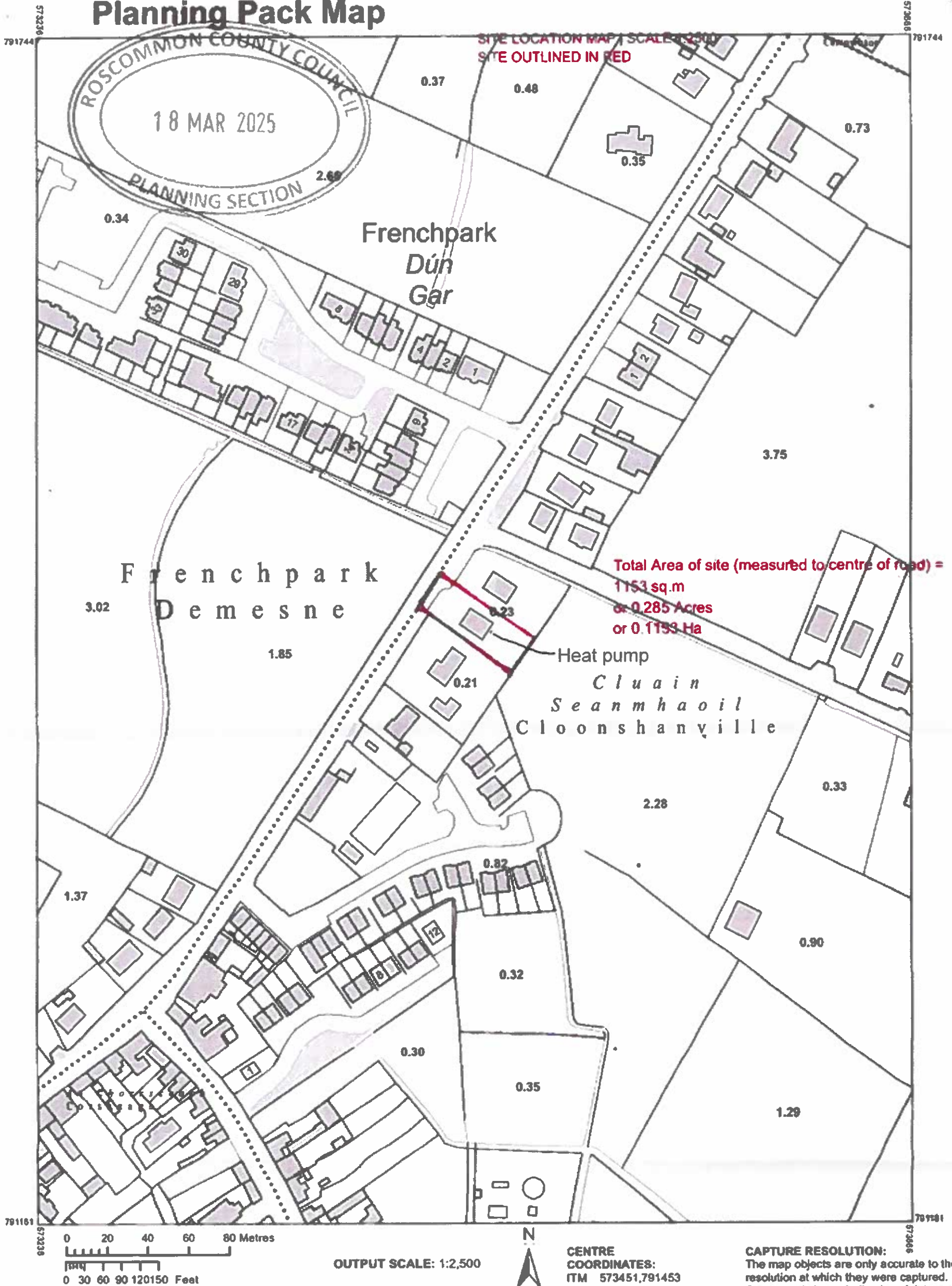
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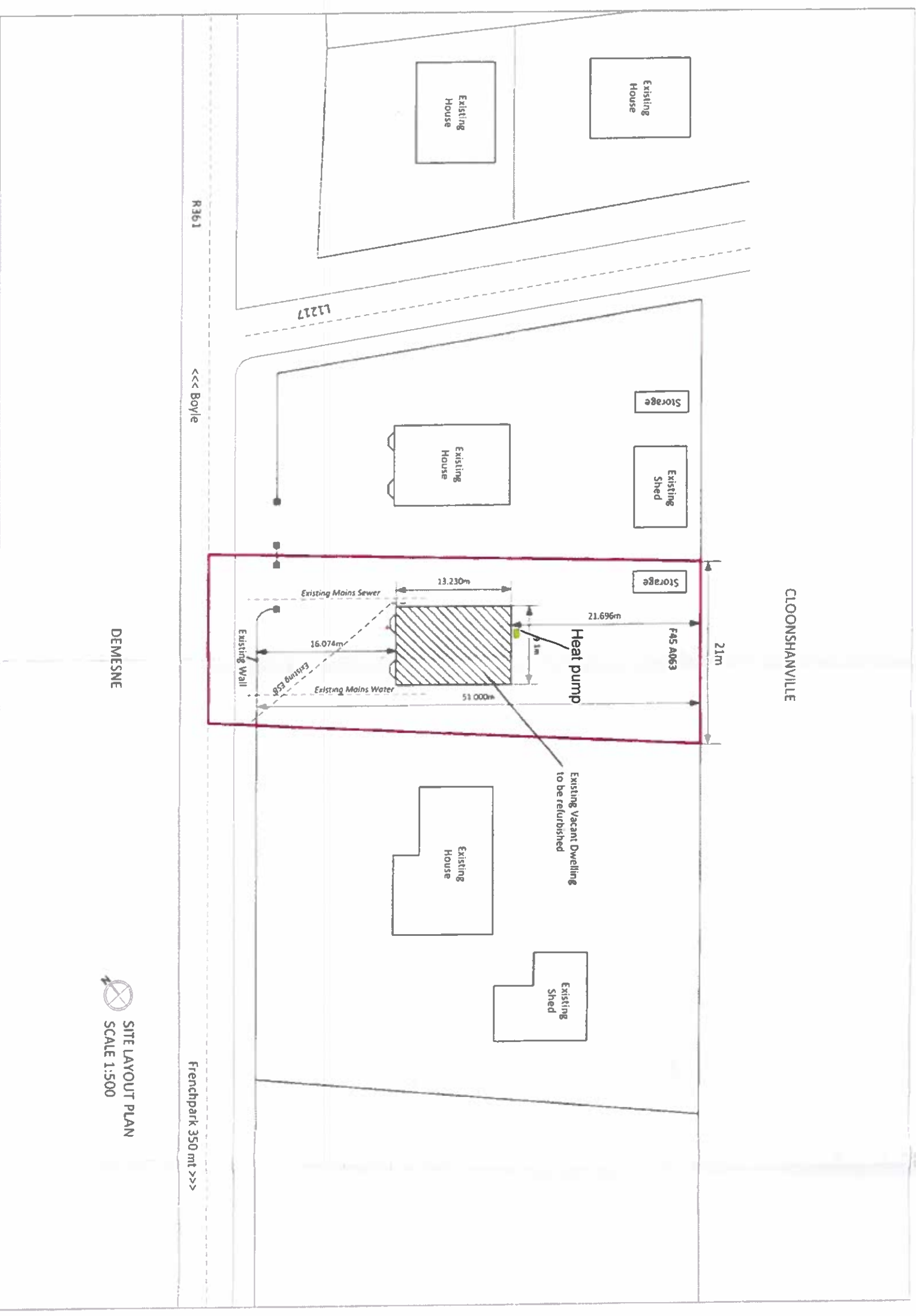
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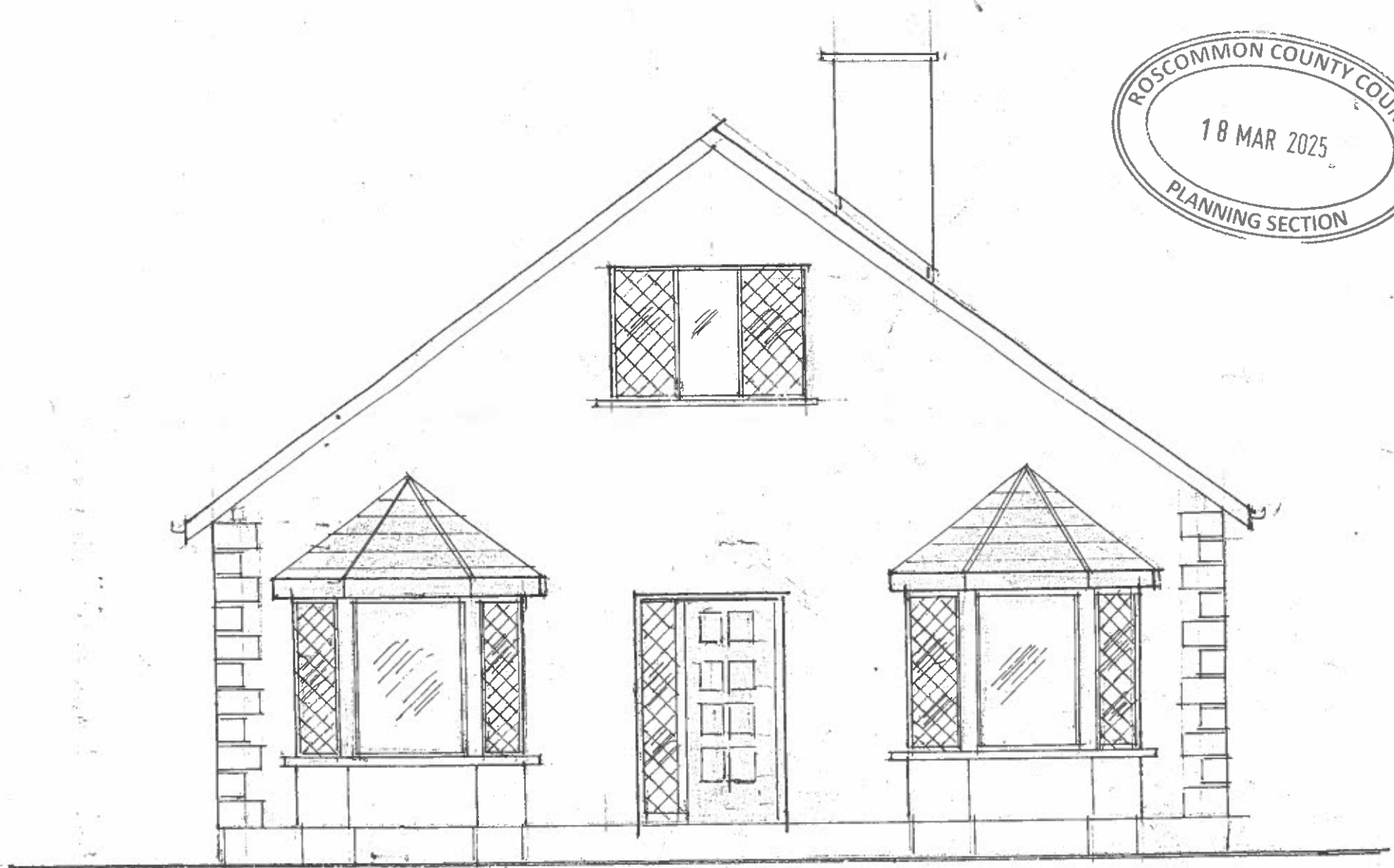


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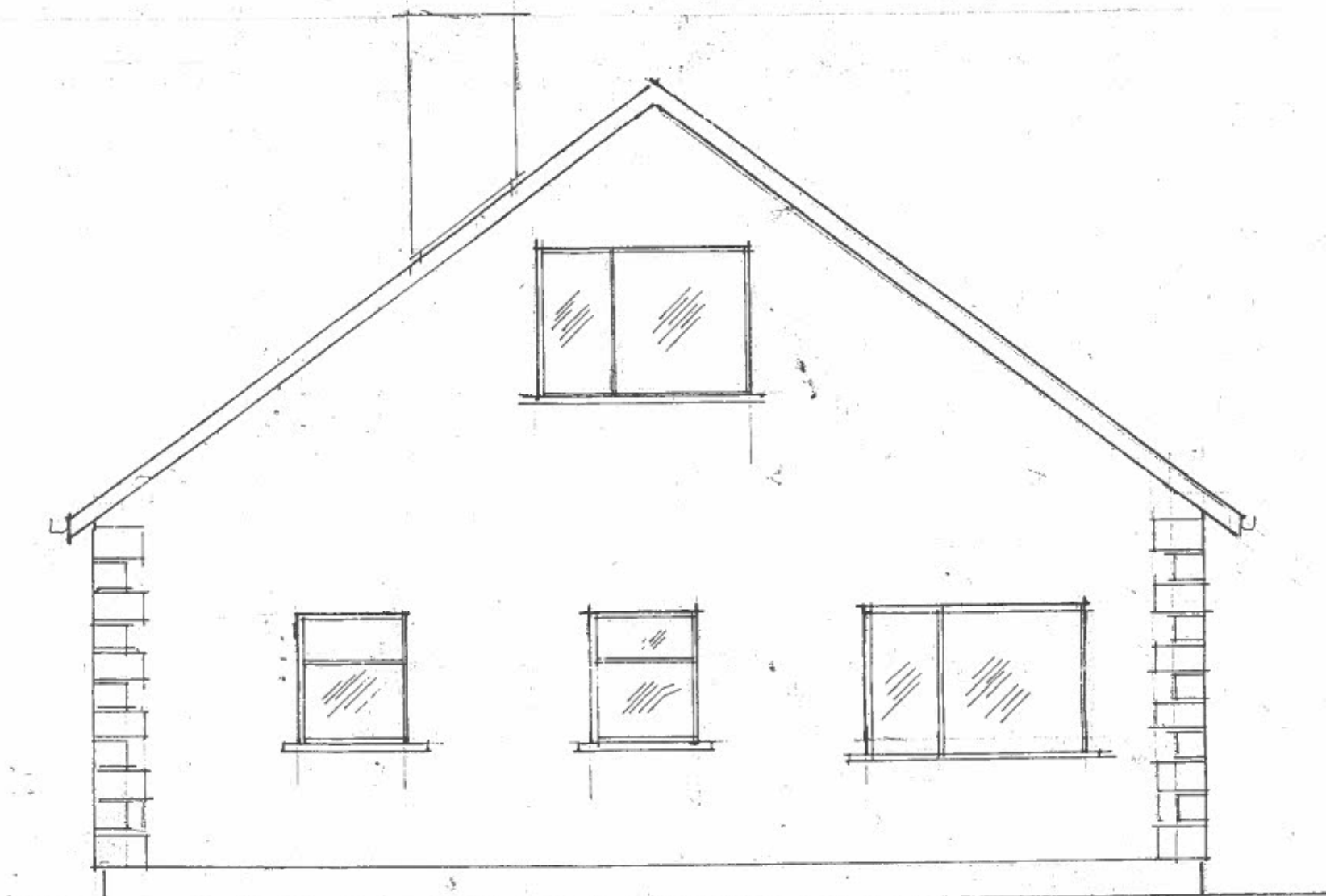




SITE LAYOUT PLAN  
SCALE 1:500



FRONT ELEVATION

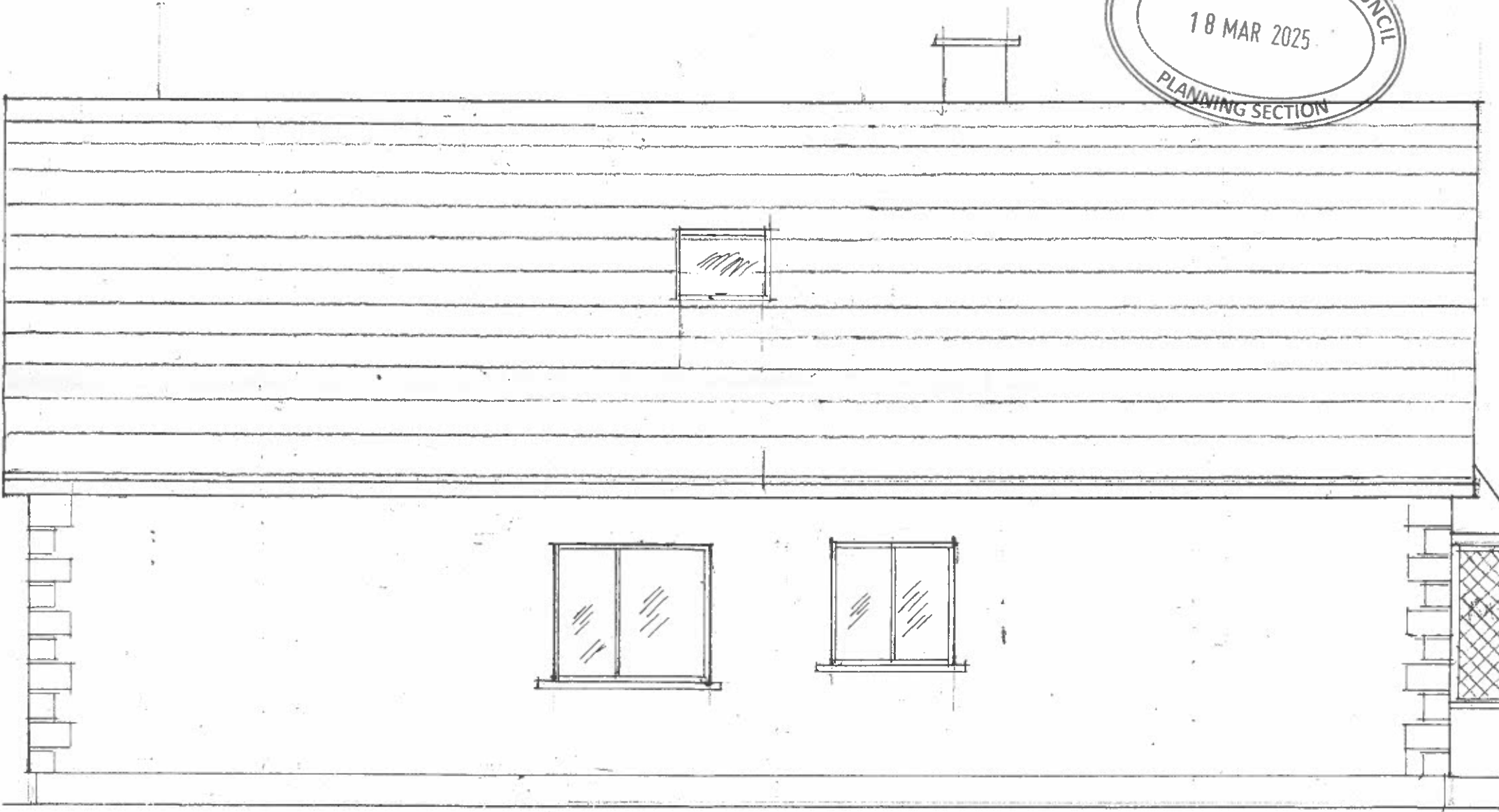
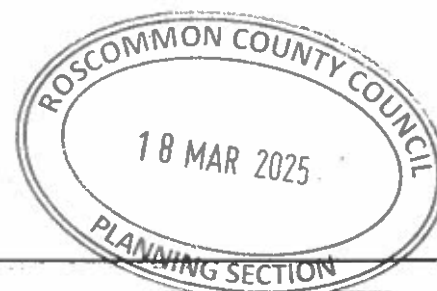


REAR ELEVATION

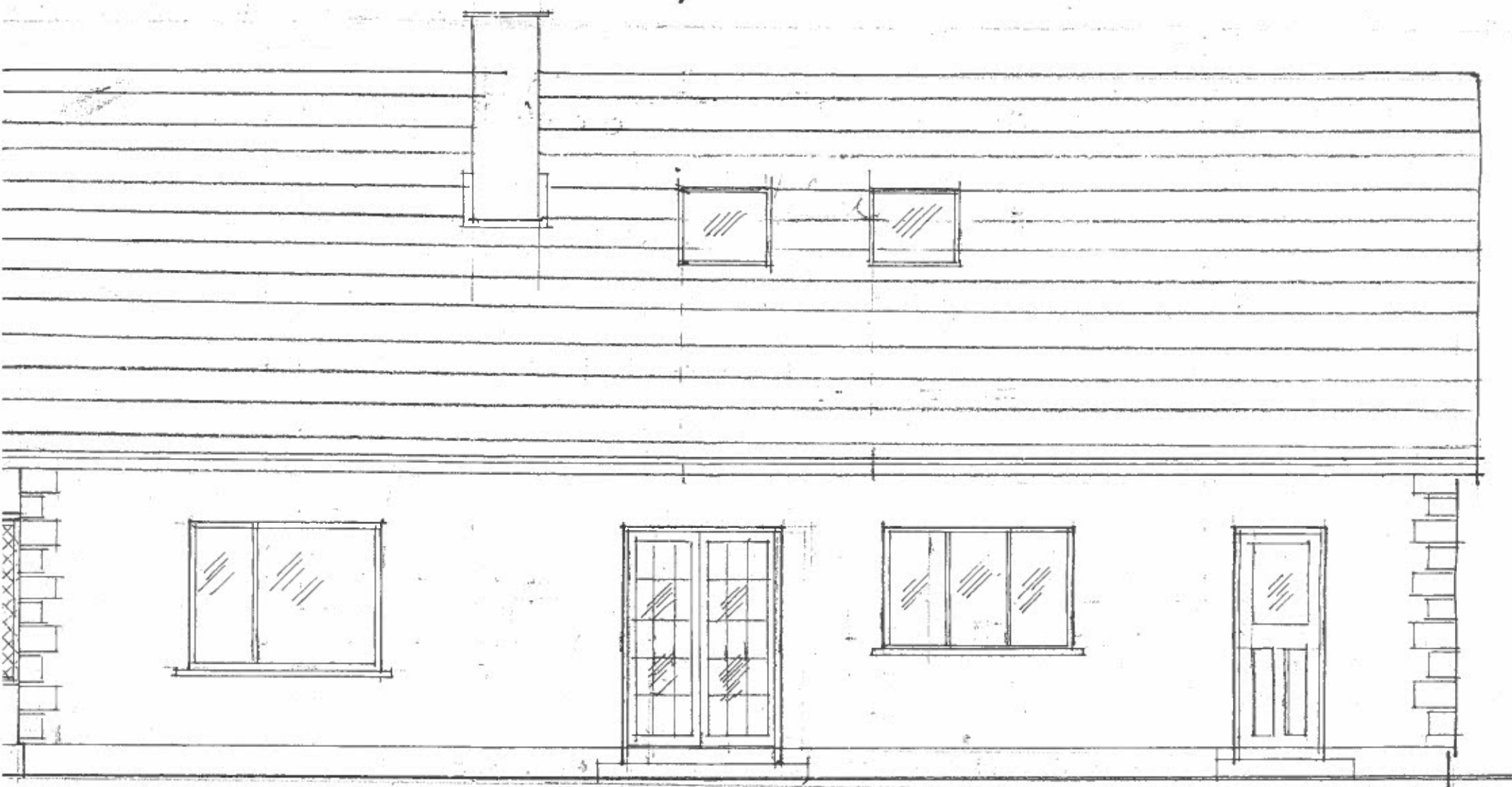
SCALE: 1:50

BUNGALOW

MR. COLIN MORRIS

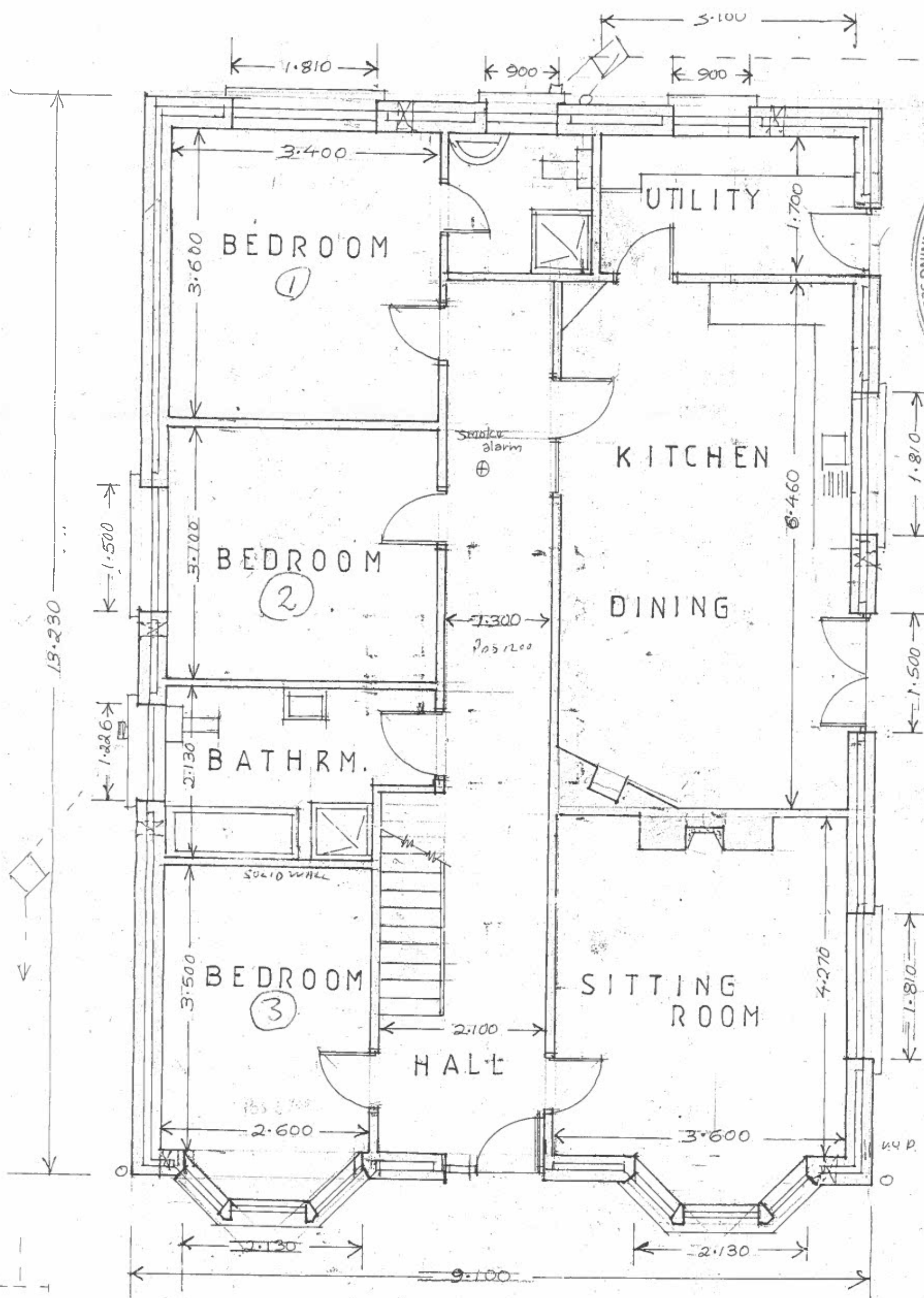


SIDE ELEVATION



SIDE ELEVATION

SCALE:- 1:50

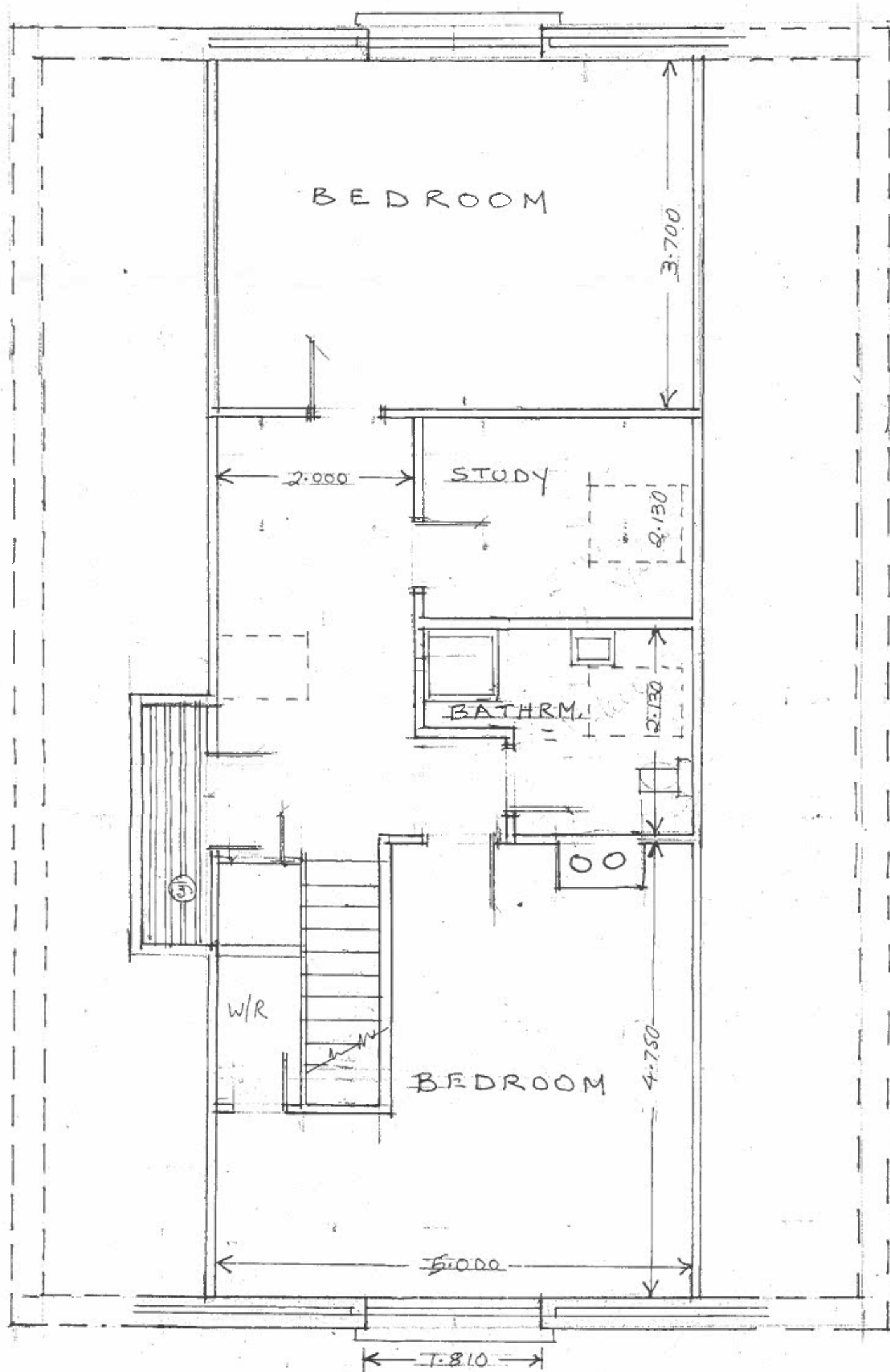


G.F. PLAN  
SCALE:- 1:50

MR. C. MORRIS

drawn by S. Conboy  
Ballygowry Co Sligo

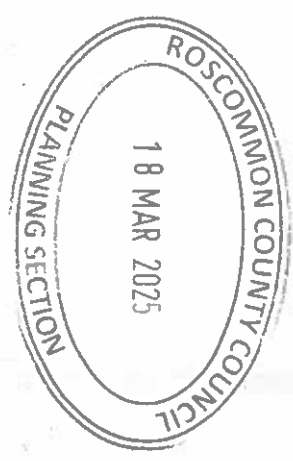




SCALE 1:50

MR. COLIN MORRIS

DRAWN BY S. CONBOY  
BALLYGAWLEY CO. S440  
6/00



No 5 lead to flashings  
Vent slates

Roof shall be fibre-cement slates - dark in colour  
on 50x38 battens or unfeathered felt Type 15 on  
150x44 rafters @ 400 c/s  
125x44 collars 225x25 purlins  
100x75 wall plates / pole plates

Gully, m.s. straps 30x5 @ 200 c/s &  
pitch slope  
pitch straps @ first floor level @ 200 c/s

50 clear ventilation clearance between  
insulation and roof covering  
Higherm insulation board (or equivalent)  
between rafters along roof slope

seamless aluminium gutters (profiled)  
pvc fascia, vented soffits (profiled)

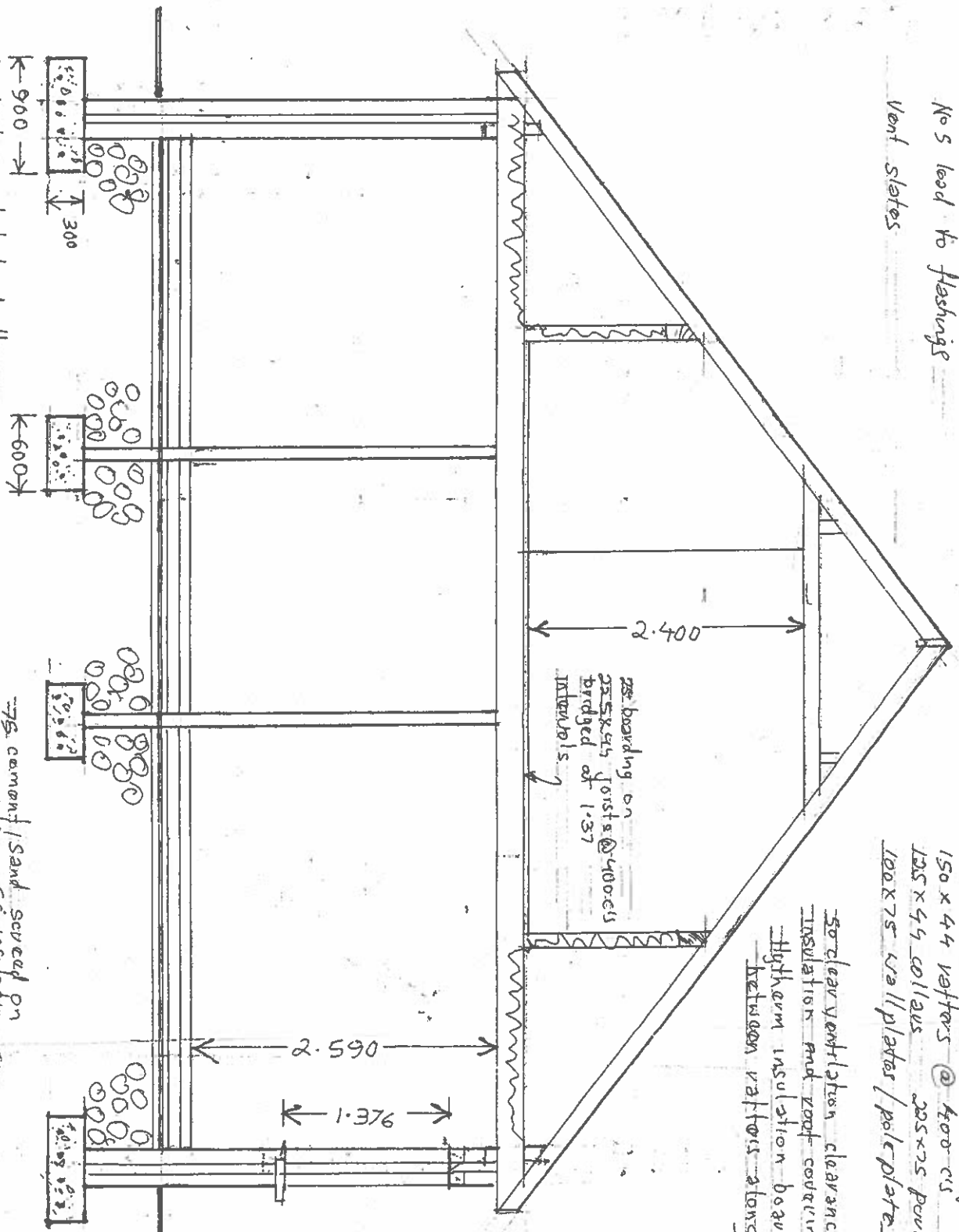
pvc concrete lintels & pvc tray  
pvc windows & external doors  
D.C., white finish

pvc conc. eills d.p.c under  
300 external wall cavity construction  
50 THERMABOARD fixed to inner face of  
inner leaf  
map plaster finish externally

ALL MATERIALS AND WORKMANSHIP SHALL BE IN  
ACCORDANCE WITH BUILDING REGULATIONS 1997

Foundations to sound stratigraph  
decided by Engineer on site -  
and reinforced with 4 No 16 bars 12 @  
over as directed by Engineer

75 cement / sand screed on  
top concrete on 55 insulation on  
pvc concrete on 55 insulation on  
50 sand blinding on  
225mm consolidated hardcore



SECTION

SCALE 1:50

MR. COLIN MORRIS

drawn by S Conboy Rosllysealey Co. Sligo

