

ROSCOMMON COUNTY COUNCIL

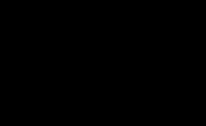
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Conor Browne & Siobhan Barrett,



Reference Number: DED 865
Application Received: 20th March, 2025
Name of Applicants: Conor Browne & Siobhan Barrett
Agent: John Murtagh – MBE Projects

WHEREAS a question has arisen as to whether the refurbishment of existing dwelling, with works including 1) repair & replacement of flooring; 2) replacement of kitchen & utility room units and appliances; 3) repair/ replacement of broken exterior doors; 4) full internal repainting of dwelling; 5) repair/replacement of a bathroom internal ceiling; 6) replacement of sanitary ware; 7) replacement of heating system/boiler; 8) repair of external finishes including slates, fascia's & soffits & balustrades & 9) site clearance of overgrowth/ wild vegetation at Rooaun, Kilglass, 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) Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 development is **not exempted development**. The development is not exempted under Article 9 (1) (a) (i) of the Planning and Development regulations 2001, as amended, as the carrying out of the development described would contravene conditions attached to a permission under the Act.

NOW THEREFORE:

By virtue of the powers vested in me by the Local Government Acts 1925 – 2024 and Section 5(2)(a) of the Planning and Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the application described above, it is hereby declared that the said development to refurbish an existing dwelling, with works including 1) repair & replacement of flooring; 2) replacement of kitchen & utility room units and appliances; 3) repair/ replacement of broken exterior doors; 4) full internal repainting of dwelling; 5) repair/replacement of a bathroom internal ceiling; 6) replacement of sanitary ware; 7) replacement of heating system/boiler; 8) repair of external finishes including slates, fascia's & soffits & balustrades & 9) site clearance of overgrowth/ wild vegetation at Rooaun, Kilglass, Co. Roscommon., is development that is **not 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: 27th 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.

Carmel Curley

From: Carmel Curley
Sent: Wednesday 28 May 2025 10:35
To: john@mbeprojects.com
Subject: DED 865 - Notification of Decision
Attachments: DED 865 - Notification of Decision.pdf

Hi John,

Please find attached Notification of Decision for DED Application 865 submitted for Conor Browne & Siobhan Barrett. A hard copy will be issued to the applicants via registered post.

Regards,

Carmel

Carmel Curley, Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
☎: (090) 6637100

✉: planning@roscommoncoco.ie | 🌐 www.roscommoncoco.ie

[MAP LOCATION](#)



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

Reference Number:	DED 865
Re:	Permission for refurbishment of existing dwelling, with works including 1) repair & replacement of flooring; 2) replacement of kitchen & utility room units and appliances; 3) repair/replacement of broken exterior doors; 4) full internal repainting of dwelling; 5) repair/replacement of a bathroom internal ceiling; 6) replacement of sanitary ware; 7) replacement of heating system/boiler; 8) repair of external finishes including slates, fascia's & soffits & balustrades & 9) site clearance of overgrowth/wild vegetation under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Conor Brown and Siobhan Barrett
Location of Development:	Rooaun, Killastaliff, County Roscommon
Site Visit:	26/05/2025

WHEREAS a question has arisen as to whether the following works for refurbishment of existing dwelling, with works including 1) repair & replacement of flooring; 2) replacement of kitchen & utility room units and appliances; 3) repair/replacement of broken exterior doors; 4) full internal repainting of dwelling; 5) repair/replacement of a bathroom internal ceiling; 6) replacement of sanitary ware; 7) replacement of heating system/boiler; 8) repair of external finishes including slates, fascia's & soffits & balustrades & 9) site clearance of overgrowth/wild vegetation **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) Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 site consists of a split-level dormer bungalow with a rear garage located in Rooaun, Killastaliff, County Roscommon. The subject site is c. 4.3km northeast of Scramoge village and c. 1.8km south of

Kilglass village. The property is accessed off the L1411 local secondary road. The speed limit for this road is 60km/h. The proposed development consists of internal renovations to the existing dwelling on site with external alterations including repair/replacement of windows and doors, repair of external finishes including fascia's, soffits & balustrades and the site clearance of vegetation overgrowth.

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 Annaghmore Lough SAC (Site Code 001626) which is located circa 7.2km west of the subject site. Lough Forbes Complex SAC (Site Code 001818) is located circa 8km east of the subject site. The subject site is also circa 8km west of Ballykenny-Fisherstown Bog SPA.

Other Designations: The proposed development site is circa 1.1km away from Kilglass and Grange Loughs (Site Code 000608), a proposed natural heritage area.

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

PD/06/77

An application for permission to construct a dwelling was submitted. It was deemed an incomplete application.

PD/06/119

Permission granted for the construction of a split-level dormer bungalow, site boundary modifications, new garage and ancillary site works, subject to conditions.

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)

Exempted Development - 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.

Restrictions on exemption - Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act,

- (a) If the carrying out of such development would –
 - (i) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

Part 1 Article 6 Schedule 2 Exempted Development - General

CLASS 6

Description

- (a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

Conditions and Limitations

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

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:

- Repair and replacement of flooring;
- Replacement of kitchen and utility room units and appliances;
- Repair/replacement of broken exterior doors;
- Full internal repainting of dwelling;
- Repair/replacement of a bathroom internal ceiling;
- Replacement of sanitary ware;
- Replacement of heating system/boiler;
- Repair of external finishes including slates, fascia's & soffits and balustrades;
- Site clearance of overgrowth/wild vegetation.

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 has been concluded that the proposed works are considered to be exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Permission was previously granted on the subject site to construct a split-level dormer bungalow subject to conditions. Following a review of the plans, particulars and conditions attached to PD/06/119, it appears that the development has not been constructed in accordance with approved plans and that the development would fall under article 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended), restrictions on exemption.

Permission was granted with conditions for a garage to be erected (PD/06/119) to the front of the dwelling on the subject site. A garage was constructed to the rear of the dwelling and is inconsistent with the drawings and elevations submitted with the original granted application.

There are inconsistencies with the constructed dwelling and the granted permission regarding the addition of excess windows to the rear and side elevations of the constructed dwelling.

After reviewing the drawings that were submitted, a section of the dwelling to the rear of the house has not been constructed per original granted drawings.

There are further inconsistencies regarding the construction of the dwelling. The games room located to the west elevation of the dwelling is smaller than the original drawings set out when submitted. It is now located in the original location contrary to a condition set out when permission was granted. Furthermore, there are two velux windows located on the roof of the front elevation of the dwelling contrary to a condition set out when permission was granted.

PD/06/119 conditions:

Condition 1

The development shall be carried out strictly in accordance with plans and documents submitted on 27/01/2006, and as amended by the details submitted on 13/04/2006 except where conditions hereunder specify otherwise.

Note: Inconsistencies between the submitted drawings and elevations that were granted and the constructed development.

Condition 19

With regard to the overall design of the proposed dwelling the following amendments shall be incorporated:

- *The velux roof windows indicated on the front of the building elevation shall be omitted and velux roof windows may instead be located on the rear building elevation, should this be required.*
- *The proposed games room shall be relocated to the rear of the building.*

In relation to the above please submit a revised house design (three copies to an appropriate scale). These drawings shall be submitted prior to the commencement of development and shall be subject to approval by the Planning Authority.

Note: Dwelling appears to have been constructed per original drawings & elevations submitted, and not in accordance with conditions set out in the granted permission.

Having examined the subject site regarding site clearance of overgrowth/wild vegetation, it is noted that the topography of the site varies substantially. In the context of Class 6 Part 1 Article 6 Schedule 2 of the Planning and Development Regulations 2001, as amended, it is indeterminate whether the development described would satisfy the conditions and limitations of this class;

Part 1 Article 6 Schedule 2 Exempted Development

CLASS 6

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

Environmental Considerations:

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended.

Annaghmore Lough SAC (Site Code 001626) is located circa 7.2km west of the subject site. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to and distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development and not of a nature set out in Article 9 (1)(a) of the Planning and Development Regulations 2001, as amended.

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.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; for refurbishment of existing dwelling, with works including 1) repair & replacement of flooring; 2) replacement of kitchen & utility room units and appliances; 3) repair/replacement of broken exterior doors; 4) full internal repainting of dwelling; 5) repair/replacement of a bathroom internal ceiling; 6) replacement of sanitary ware; 7) replacement of heating system/boiler; 8) repair of external finishes including slates, fascia's & soffits & balustrades & 9) site clearance of overgrowth/wild vegetation as outlined above at Rooaun, Killastaliff, County 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 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, 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 are development.
- The proposed development is **not** exempted development. The development is **not** exempted under Article 9 (1) (a) (i) of the Planning and Development regulations 2001, as amended, as

the carrying out of the development described would contravene conditions attached to a permission under the Act.

Restrictions on exemption - Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act,

- (a) If the carrying out of such development would –
 - (ii) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

AND WHEREAS I have concluded that the said development for 1) repair & replacement of flooring; 2) replacement of kitchen & utility room units and appliances; 3) repair/replacement of broken exterior doors; 4) full internal repainting of dwelling; 5) repair/replacement of a bathroom internal ceiling; 6) replacement of sanitary ware; 7) replacement of heating system/boiler; 8) repair of external finishes including slates, fascia's & soffits & balustrades & 9) site clearance of overgrowth/wild vegetation is not exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Planner

Date: 27/05/2025

Signed:



Senior Executive Planner

Date: 27th May 2025



















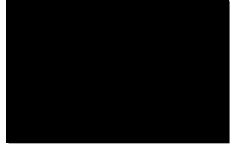




Comhairle Contae
Ros Comáin
Roscommon
County Council



Conor Browne & Siobhan Barrett,



Date: 1st April, 2025
Planning Reference: DED 865

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 dwelling, with work including; 1)repair & replacement of flooring; 2)replacement of kitchen & utility room units and appliances; 3)repair/replacement of broken exterior doors; 4)full internal repainting of dwelling; 5)repair/replacement of a bathroom internal ceiling; 6)replacement of sanitary ware; 7)replacement of heating system/boiler; 8)repair of external finishes including slates, fascia's & soffits & balustrades & 9)site clearance of overgrowth/wild vegetation under the Planning & Development Act (Exempt Development) Regulations 2018 at Rooaun, Kilglass, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of the application which was received on the 20th 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/01/0/233869 dated 27th March, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 865**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

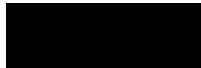
Brian Farragher,
A/Senior Planner,
Planning Department.

Roscommon County Council
Aras an Chontae
Roscommon
09068 37100

27/03/2025 10:30:18

Receipt No: L01/0/233869

CÓNOR BROWNE & SIOBHAN BARRETT



EXEMPTED DEVELOPMENT

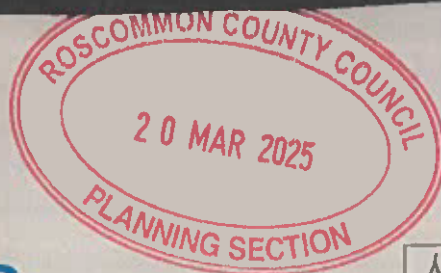
PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED 865	

Total: 80 00 EUR

Tendered:	
Credit/Debit Card	80 00
5709	

Change: 0 00

Issued By: Louis Carroll
From: Central Cash Office



Comhairle Contae
Ros Comáin
(Roscommon)
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

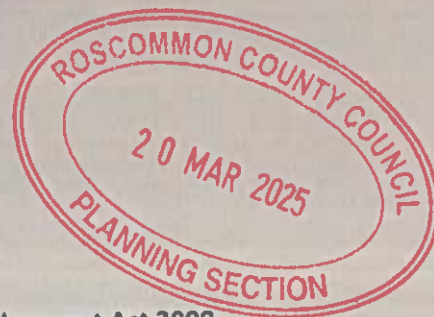
Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	CUNOR BROWNE & SIOBHÁN BARRETT
Telephone No : Email Address :	[REDACTED]
Address:	ROOAN KILGLASS ROSCOMMON F42 PW44
Name & Address of Agent:	JOHN MURTAGH HBE PROTECTS CORRAN TARMONBARRY, ROSCOMMON
Nature of Proposed Works	Refurbish Property, Renovate, Painting, KITCHEN INSTALLATION, BOILER REPAIR
Location (Townland & O.S No.)	ROOAN/KILBASTALIFE M 18885 83504
Floor Area	4000+sq ft is existing Dwelling
Height above ground level	120 m
Total area of private open space remaining after completion of this development	As existing. No Structural Development.
Roofing Material (Slates, Tiles, other) (Specify)	As existing, Slates
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	As existing, Stone + Brick + Plaster
Is proposed works located at front/rear/side of existing house.	N/A - Internal only.



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	Dwelling built under 06/19 Refrence.
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	Dwelling already exists
Does the proposed development involve the provision of a piped water supply	Already exists
Does the proposed development involve the provision of sanitary facilities	Already exists

Signature:

Date:

20/03/2025

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

Tailte Éireann



CENTRE
COORDINATES:
ITM 59858.783522

PUBLISHED:
12/12/2024

ORDER NO.:
50439211_1

MAP SERIES:
1:5,000

MAP SHEETS:
2103

COMMON COUNTY COUNCIL
20 MAR 2005
PLANNING SECRETARY
DRAUGHTED AND PUBLISHED BY:
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West Park,
Dublin 8.
086054

COMPILED AND PUBLISHED BY:
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www.tailte.ie

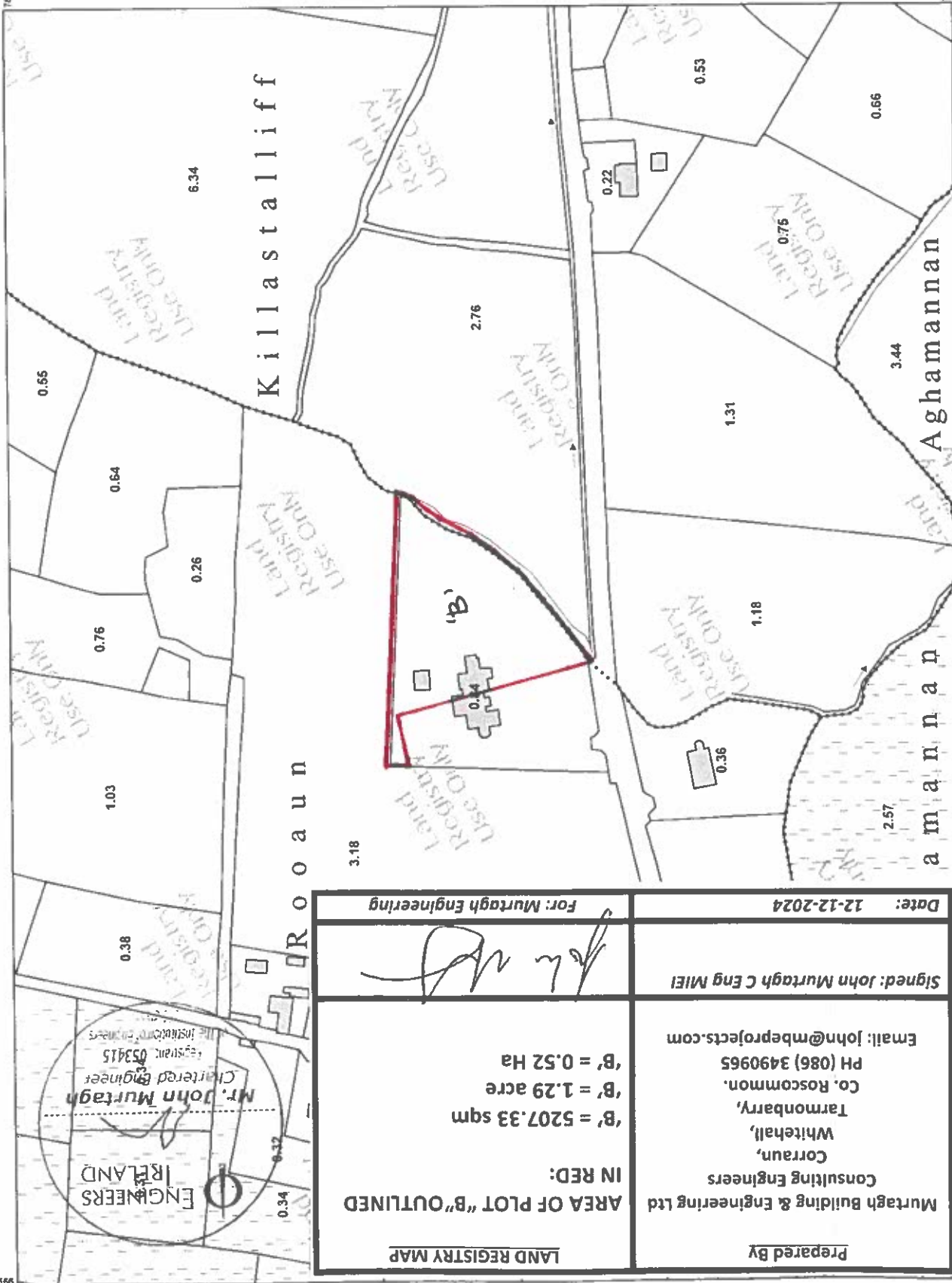
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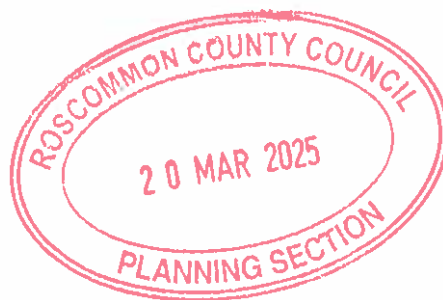
OUTPUT SCALE: 1:2,500

A scale bar with two units of measurement. The top scale is in metres, with markings at 0, 25, 50, 75, and 100. The bottom scale is in feet, with markings at 0, 50, 100, 150, 200, and 250.

Proposed works to take place on the vacant dwelling in Rooaun, Kilglass, Co Roscommon.

- Repair and replacement (where required) of flooring throughout the dwelling.
- Replacement of kitchen and utility room units and appliances.
- Repair/replacement of broken exterior doors.
- Full internal repainting of the dwelling.
- Repair/replacement of a bathroom internal ceiling.
- Replacement of sanitary ware.
- Replacement of heating system/boiler.
- Repair of external finishes including slates, fascias, soffits, balustrades.
- Site clearance of overgrowth/wild vegetation.

This is an existing dwelling with no structural works to take place at the property. The original site layout plans have been included from planning reference 06119.





Inspection purposes only

1:1000 Scale

1:1000 Scale

1:1000 Scale



AREA OF SITE 1.1264 HA

Project: Proposed Dwelling
At Rossum, Kiplase, Co Roscommon
Mr & Mrs Mc Menamin



SITE LAYOUT PLAN

Design: Gannon Architects
Main: Mr. Gannon
Tel: 01870 810000
Email: gannon@kippart.com

Drawn By: Dwg No: A033
Date: Jan 2025

SITE LAYOUT
SCALE: 1:1000

**CONFIDENTIAL
INFORMATION
REMOVED**

DED 865

Sharon Kelly

From: Conor Browne [REDACTED]
Sent: Thursday 20 March 2025 21:51
To: vacanthomesoffice; Planning Department; Sharon Kelly
Subject: DED form
Attachments: 20250320_213640.jpg; 20250320_213607.jpg; 24.030 - LR Map B.pdf; 24.030 Conor Brown Siobhan Barrett Completion Costing (4).pdf; Rooaun works for RosCoCo.docx

Dear Sharon, Planning department, Vacant Homes Office

Please find attached a completed DED form as provided by Roscommon County Council in relation to the existing application for the Croi Conaithe vacant homes grant. I have enclosed the statement of works outlined by our engineer John Murtagh at MBE Projects. No structural work will be completed at the dwelling and all external works will be for repair purposes and any works will involve no remodelling of the interior and will all be of a cosmetic nature in order to make the dwelling habitable.

This Property was built in the mid 2000s and has been vacant since 2012.

Let me know if you require any further information and please let me know if the fee applies and how to pay.

Many thanks

Conor

