ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST Stephen Gately,



Reference Number:

DED 867

Application Received:

16th March, 2025

Name of Applicant:

Stephen Gately

Agent:

BK Engineering Desing Ltd

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling, with works including; 1)strip out & demolition; 2)electrical works; 3)plumbing; 4)ceiling & wall; 5)bathroom installation; 6)kitchen installation; 7)tiling; 8)skirting & architrave; 9)roof works & 10)exterior works at Roosky, Ballaghaderreen, Co. Roscommon, F45 K376, 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 6 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 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 to water heat pump to the rear of the dwelling house as described in this case is an exempted development.
- (d) The proposed replacement of footpaths and driveway around the existing dwelling 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 refurbish an existing dwelling, with works including; 1)strip out & demolition; 2)electrical works; 3)plumbing; 4)ceiling & wall; 5)bathroom installation; 6)kitchen installation; 7)tiling; 8)skirting & architrave; 9)roof works & 10)exterior works at Roosky, Ballaghaderreen, Co. Roscommon, F45 K376, 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: 16th May, 2025

cc agent via email: BK

BK Engineering Desing Ltd

bkegnineeringdesign@gmail.com

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: Friday 16 May 2025 12:29

To: Stephen Gately
Cc: Stephen Gately

Subject:DED867 - Notification of DecisionAttachments:DED867 - Notification of Decision.pdf

Hi Stephen,

Please find attached Notification of Decision for your Section 5 Exempted Development Application Submitted, DED867.

Regards,

Carmel

Carmel Curley, Staff Officer,
Planning Department, Roscommon County Council,
Aras an Chontae, Roscommon, Co. Roscommon, F42 VR98
2: (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 867

Re: Application for a Declaration under Section 5 of the Planning &

Development Act, 2000, as amended, regarding Exempted Development to the refurbishment of an existing dwelling, with works including; 1)strip out & demolition; 2)electrical works; 3)plumbing; 4)ceiling & wall; 5)bathroom installation; 6)kitchen installation; 7)tiling; 8)skirting &

architrave; 9)roof works & 10)exterior works

Name of Applicant: Stephen Gately

Location of Development: Roosky, Ballaghaderreen, Co. Roscommon, F45 K376.

Site Visit: 13/05/2025

WHEREAS a question has arisen as to whether the following works; to the refurbishment of an existing dwelling, with works including; 1)strip out & demolition; 2)electrical works; 3)plumbing; 4)ceiling & wall; 5)bathroom installation; 6)kitchen installation; 7)tiling; 8)skirting & architrave; 9)roof works & 10)exterior works at the above address is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to -

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended
- (c) Class 2 and 6 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 single story dwelling house with a single story attached flat roof garage to the side and flat roof extension to the rear. To the rear of the property is a small domestic shed and garden in Roosky, Ballaghaderreen, Co. Roscommon. The property is accessed off the L-5632 road. The proposed development consists of the refurbishment of the existing dwelling with works including the strip out of the existing house, re-wiring, re-plumbing, new flooring and various other internal works. External works include the replacement of the flat roof to the rear of the property, repairs to the existing roof, new gutters, fascia and soffits, removal of overgrown trees and shrubs, resurfacing of driveway and footpaths. Following review of the application there also appears to be the installation of an air to water 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 Tullaghanrock Bog PNHA/SAC (Site Code 002013/002354) which is located circa 5.1km to the north and Lough Glinn PNHA (Site Code 001644) which is located circa 4.2km 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, no recent planning history traced to the site.

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		
CLASS 2			
(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.	 The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground. The total area of such a heat pump, taken together with any other such pump previously erected, shall not exceed 2.5 square metres. The heat pump shall be a minimum of 50cm from any edge of the wall or roof on which it is mounted. 		
	4. No such structure shall be erected on, or forward of, the front wall or roof of the house.		
	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.		

Class 6 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations	
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.	
b) Any works within the curtilage of a house for— (i) the provision to the rear of the house of a hard surface for use for any purpose	Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the	

incidental to the enjoyment of the house as such, or,

(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.

house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,

or

if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.

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 refurbishment of the existing dwelling with works including the strip out of the existing house, re-wiring, re-plumbing, new flooring and various other internal works. External works include replacement of the flat roof to the rear of the property, repairs to the existing roof, new gutters, fascia and soffits removal of overgrown trees and shrubs, 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 to water 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 to water heat pump not ground heat pump system, therefore N/A.
- 2. Based on the information provided the proposed air to water heat pump is less than 2.5m².
- 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 to water heat pump as described in this case is considered an exempted development.

The proposed development to replace footpaths and driveway around the existing dwelling, with regard to the compliance with the conditions and limitations of Class 6 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

- 1. Based on the information provided the proposed levels will be the same as existing levels.
- 2. All drainage will be natural drainage through surrounding soil.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 6 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 refurbishment of an existing dwelling, with works including; 1)strip out & demolition; 2)electrical works; 3)plumbing; 4)ceiling & wall; 5)bathroom installation; 6)kitchen installation; 7)tiling; 8)skirting & architrave; 9)roof works & 10)exterior works in Roosky, Ballaghaderreen, 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 6 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 to water heat pump to the rear of the dwelling house as described in this case is an
 exempted development.
- The proposed replacement of footpaths and driveway around the existing dwelling 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 refurbishment of an existing dwelling, with works including; 1)strip out & demolition; 2)electrical works; 3)plumbing; 4)ceiling & wall; 5)bathroom installation; 6)kitchen installation; 7)tiling; 8)skirting & architrave; 9)roof works & 10)exterior works in Roosky, Ballaghaderreen, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant

Signed:

Date: 15th May 2025

Civil Technician

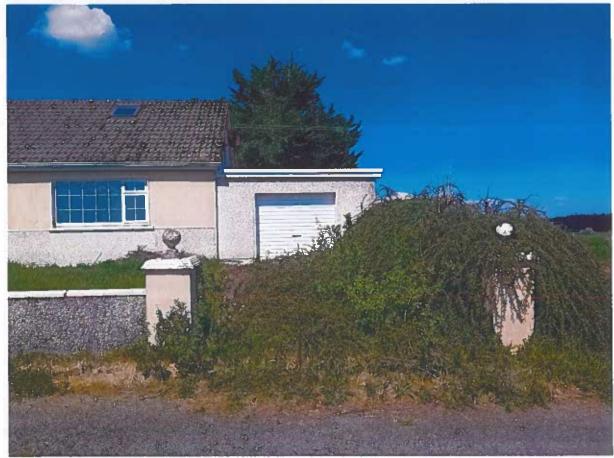
Signed:

Date: 15th May 2025

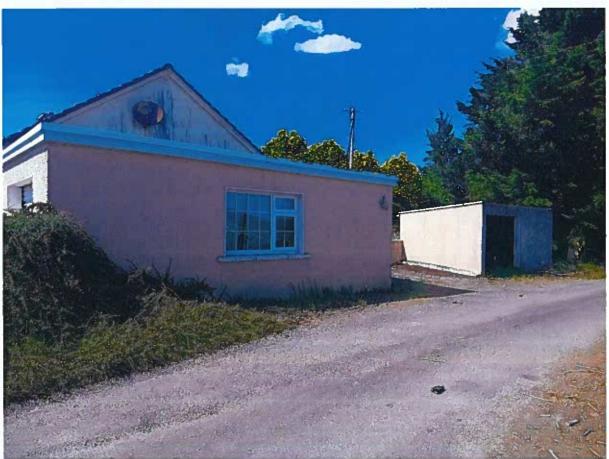
Senior Executive Planner

San Murray









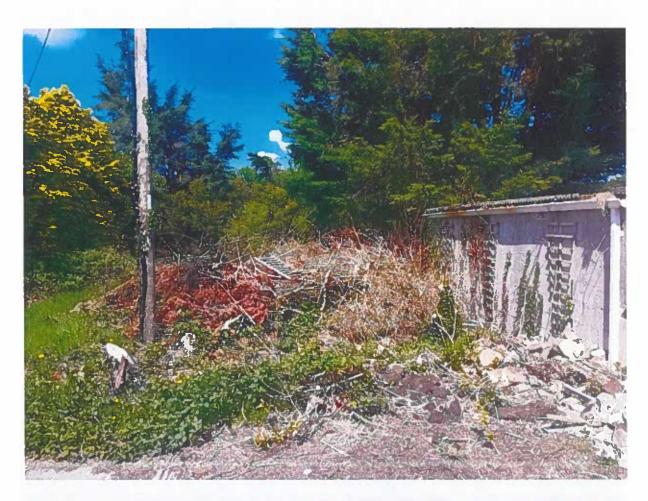


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Comhairle Contae Ros Comáin Roscommon County Council



Stephen Gately,



Date:

1st April, 2025

Planning Reference:

DED 867

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 works including; 1)strip out & demolition; 2)electrical works; 3)plumbing; 4)ceiling & wall; 5)bathroom installation; 6)kitchen installation; 7)tiling; 8)skirting & architrave; 9)roof works & 10)exterior works under the Planning & Development Act (Exempt Development)

Regulations 2018 at Roosky, Ballaghaderreen, Co, Roscommon, F45 K376.

A Chara,

I wish to acknowledge receipt of the application which was received on the 16th 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/01/0/233881 dated 27th March, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 867

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 09086 37100

27/03/2025 12 16:21

Receipt No. | L01/0/233881

STEPHEN GATELY

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES GOODS 80 00 VAT Exempt/Non-vatable DED 867

80.00

Total:

80 00 EUR

Tendered : Credit/Debit Card 6104

80 00

Change:

0.00

Issued By Louis Carroll From Central Cash Office





Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

Planning & Development Act 2000 (as amended), regarding <u>Exempted Development</u>

Name of Applicant(s)	Stephen Gately		
Name of Agent	Brendan T Kelly BK Engineering Design Ltd 10 Abbey Street, Balllyhaunis, Co. Mayo. F35ND60		
Nature of Proposed Works	Renovation of Existing vacant house		
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Roosky, Ballaghaderreen, Co. Roscommon, F45 K376		
Floor Area:	103.16 sq.m.		
Height above ground level:	350mm		
Total area of private open space remaining after completion of this development	0.31 hectares		
Roofing Material (Slates, Tiles, other) (Specify)	Tiles		
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Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing Plastered finish		
Is proposed works located at front/rear/side of existing house.	Renovation of Existing vacant house		
Has an application been made previously for this site	Planning was granted under 8053 on the 19/05/1975		
If yes give ref. number (include full details of existing extension, if any)	Planning was granted under 8053 on the 19/05/1975		
Existing use of land or structure	Vacant house		
Proposed use of land or structure	House		
Distance of proposed building line from edge of roadway	10m		
Does the proposed development involve the provision of a piped water supply	No		
Does the proposed development involve the provision of sanitary facilities	No COMMON COUNT		

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

2 6 MAR 2025

Signature:

Date:

18/03/2025

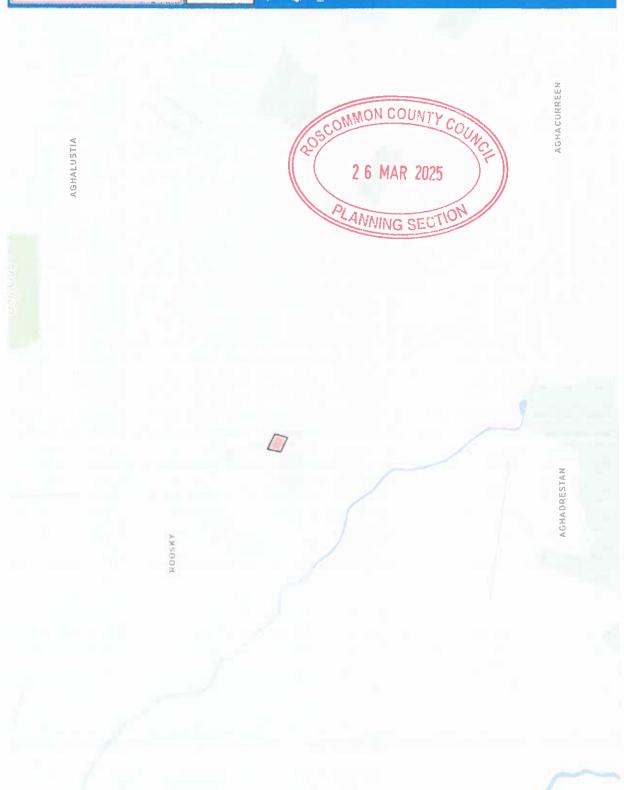
Note: This application <u>must</u> be accompanied by: -

- (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



Freehold 37 1 0.31 hectares. 1 Roosky, Ballaghaderreen, Co. Roscommon, F45 K376	Taite É reann Pegistration Boundanes and Plan Area are not conclusive . See <u>Section 62</u> (2) of <u>Resistration of Trie Act 2006</u> and <u>2018</u> of the Land Registration Pules 2012.	ew	MAN
Folio Number Title Level Plan Number Property Number Area of selected plans Number of Plans on this folio: Address	Talte Éreann Registration Boundanes ar Area are not conclusive . See <u>Section of Registration of Title Act 2005</u> and <u>2012</u> of the Land Registration Pules 2012.	View Basket Print Current View Help	
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Location Map

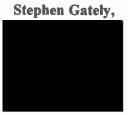


Talte Elreann Registration Soundaries and Plan Roosky, Ballaghaderreen, Co. Roscommon, F45 K376 Area are not conclusive. See <u>Section 62(2) of</u> Pesistration of Title AC 2006 and Pule BIB) of the Land Registration Rules 2012 Create Alert 0.31 hectares. RN1415F Freehold Print Current View Number of Plans on 1 this folio: Property Number Add to Basker T. View Basket Area of selected Folio Number Plan Number Title Level Address plans





Picture of Vacent House



Detailed plan of works

Strip Out and Demolition

- · Removal of all plaster ceilings throughout the property.
- Complete removal of all flooring (to be dug up and disposed of).
- Full strip-out of the bathroom, including fixtures and fittings.
- · Complete kitchen strip-out (remove existing cabinetry, appliances, and fittings).

Electrical Works

• Full rewiring of the property, including installation of new electrical circuits, outlets,

Plumbing

- Full replumbing of the house, including new pipework and fittings.
- Installation of new underfloor insulation and heating system.

Windows and External Doors to be upgraded to triple glazed - navy in colour All excisiving Openings Ceilings and Walis

Replastering of all ceilings.

· Plastering of all walls throughout the property.

Bathroom Installation

· Complete installation of a new bathroom, including all fixtures, fittings, and finishes.

Kitchen Installation

· Complete installation of a new kitchen, including cabinetry, appliances, and fixtures.

Tiling

· Tiling of the hallway, bathroom, and kitchen floors.

Skirting Architrave - Internal doors and door frames

Roof Works

• Replacement of the existing flat roof to the rear of the house with an updated, modern flat roof. Replacing Like with Like - No Change.

· Cleaning and repair of the roof on the main part of the house, including Velux window

· Installation of new gutters, fascia, and soffits.

Exterior Works

- Clearing of the back garden, including removal of overgrown trees and shrubs.
- Drainage pipe works to ensure proper water flow and prevent blockages.
- · Re-laying of footpaths around the property. Levels to Remain the Some.
- Tarmac resurfacing of the back driveway.

Dimensions of heat pump Air to water

- Height 945mm
- Length 1210mm
- Dept 402mm
- Weight 92kg



