# **ROSCOMMON COUNTY COUNCIL**

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

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

#### **NOTIFICATION OF DECISION**

#### REGISTERED POST

Patsy McEnaney,



**Reference Number:** 

**DED 868** 

**Application Received:** 

1st April, 2025

Name of Applicant:

**Patsy McEnaney** 

Agent:

**AOL Design Ltd** 

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling, with works including; 1) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) reroofing rear flat roof section; 4) drylining; 5) replacing all windows and doors; 6) new electric and plumbing & 7) re-plastering at Ardnanagh Townland, Church Street, Roscommon, Co. Roscommon, F42 K338, 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 1 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.

provides as follows:

- (b) The proposed refurbishment of an existing dwelling, with works including; 1) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) re-roofing rear flat roof section; 4) drylining; 5) replacing all windows and doors; 6) new electric and plumbing & 7) re-plastering falls within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which
  - 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 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.

# NO 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) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) re-roofing rear flat roof section; 4) drylining; 5) replacing all windows and doors; 6) new electric and plumbing & 7) re-plastering at Ardnanagh Townland, Church Street, Roscommon, Co. Roscommon, F42 K338, is development that is <u>exempted development</u> as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:

Alan O'Connell,
A/Senior Planner,

Planning.

Date: 23rd June, 2025

cc agent via email:

AOL Design Ltd loobyaol@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:** Monday 23 June 2025 15:12

To: Albert Looby

**Subject:** DED 868 - Patsy McEnaney

**Attachments:** DED 868 - Notification of Decision.pdf

Hi Albert,

Please find attached Notification of Decision for the Section 5 Declaration of Exempted Development Application – DED 868 for Patsy McEnaney. A hard copy will be issued to the applicant via registered post.

Regards,

Carmel

**MAP LOCATION** 





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

Reference Number: DED 868

Re: Permission for the refurbishment of an existing dwelling, with

works including; 1) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) re-roofing rear flat roof section; 4) drylining; 5) replacing all windows and doors; 6) new electric and plumbing & 7) re-plastering under the Planning &

Development Act (Exempt Development) Regulations 2018

Name of Applicant: Patsy McEnaney

Location of Development: Ardnanagh Townland, Church Street, Roscommon, County

Roscommon, F42 K338.

**Site Visit**: 17/06/25

WHEREAS a question has arisen as to whether the following works for Permission for the refurbishment of an existing dwelling, with works including; 1) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) re-roofing rear flat roof section; 4) drylining; 5) replacing all windows and doors; 6) new electric and plumbing & 7) re-plastering 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 1 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 terraced south facing dwelling located on Church Street, Roscommon, County Roscommon. The dwelling is accessed off the L-7046 road. The proposed development consists of refurbishment of an existing dwelling, with works including; 1) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) re-roofing rear flat roof section; 4) drylining; 5) replacing all windows and doors; 6) new electric and plumbing & 7) re-plastering.

#### **Archaeological and Cultural Heritage**

The subject dwelling is located within the boundaries of Architectural Conservation Area: Roscommon ACA (Zone: R184453). 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 Lough Ree PNHA and SAC (Site Code 000440) which are both located circa. 3.8km from the subject site. Also, Ballinturly Turlough PNHA and SAC (Site Code 000588) which are both located circa. 4.8km from 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 can, therefore, be excluded.

#### **Planning History**

As of Roscommon County Council's Planning Registry, there is no recent planning history traced to this 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,

#### PART 1 - Article 6 - Exempted Development - General

Development within the curtilage of a house

#### Column 1 Description of Development

#### CLASS 1

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.

#### Column 2 Conditions and Limitations

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
- (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.
- (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.
- 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.
- (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.

- (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
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- 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.
- (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.
- (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.
- 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.
- 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is 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.

7. The roof of any extension shall not be used as a balcony or roof garden.

#### 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.

#### Extension

The floor area of the proposed extension to the subject dwelling is 3.26sq.m. This does not exceed the conditions and limitations of Class 1 Part 1 1(a) of the Planning and Development Regulations 2001, as amended where the floor area of any such extension shall not exceed 40 square metres.

The subject dwelling does not appear to have been extended previously so Class 1 (2) (a), (b) and (c) are not applicable to the proposed development.

The proposed extension is a single storey extension to the rear; therefore Class 1 (3) is not applicable.

The proposed plans and elevations show that the proposed development will not exceed the current height of the existing dwelling and is subordinate to the existing dwelling, therefore, align with Class 1 (4)(c) where the height of the highest part of the roof of any such extension shall not exceed the height of the highest part of the dwelling.

The proposed extension in accordance with Class 1 (5), does not reduce the area of private open space to less than 25 square metres. The total private open space remaining after completion of this proposed development is 37sq.m.

The window at the rear of the proposed dwelling is in accordance with Class 1 (6)(a), any window proposed at ground level in any such extension is more than 1 metre from the boundary it faces.

The proposed roof according to drawings submitted is a flat roof and does not show that its proposed use will be for a balcony or roof garden, therefore, Class 1 (7) is not applicable.

#### Recommendation

WHEREAS a question has arisen as to whether a proposed development; for the refurbishment of an existing dwelling, with works including; 1) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) re-roofing rear flat roof section; 4) drylining; 5) replacing all windows

and doors; 6) new electric and plumbing & 7) re-plastering at Ardnanagh Townland, Church Street, Roscommon, County Roscommon, F42 K338, 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 1 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 above are development.
- The proposed refurbishment of an existing dwelling, with works including; 1) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) re-roofing rear flat roof section; 4) drylining; 5) replacing all windows and doors; 6) new electric and plumbing & 7) re-plastering falls within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

• The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

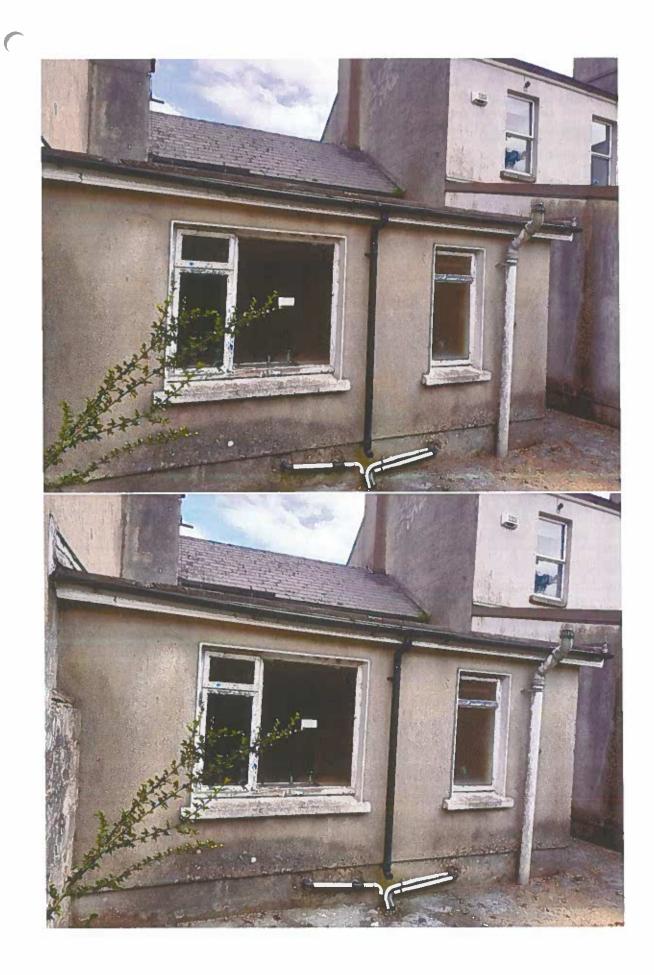
**AND WHEREAS** I have concluded that the said development for the refurbishment of an existing dwelling, with works including; 1) construction of a 3.26sq.m rear extension; 2) replacing damaged slates to the roof; 3) re-roofing rear flat roof section; 4) drylining; 5) replacing all windows and doors; 6) new electric and plumbing & 7) re-plastering, is <u>exempt development</u>. I recommend that a declaration to that effect should be issued to the applicant.

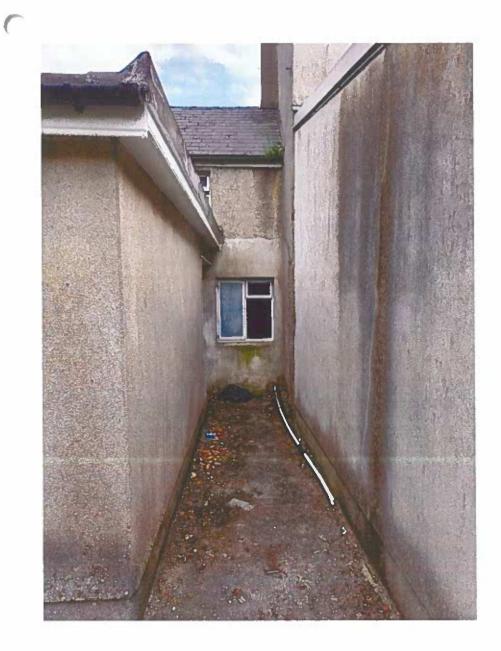
Vary Rule	
Signed:	Date
Planner	

Senior Executive Planner

Signed: Date: 20<sup>th</sup> June 2025











Comhairle Contae Ros Comáin Roscommon County Council



#### Patsy McEnaney,



Date:

2<sup>nd</sup> April, 2025

**Planning Reference:** 

**DED 868** 

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) construction of a 3.26sq.m. rear extension; 2) replacing damaged slates to roof;

3)re-roofing rear flat roof section, 4)dry-lining; 5)replacing all windows and doors; 6)new electric and plumbing & 7)re-plastering under the Planning & Development Act (Exempt Development) Regulations 2018 at Ardnanagh Townland, Church Street, Roscommon,

Co. Roscommon, F42 K338.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

## A Chara,

I wish to acknowledge receipt of the application which was received on the 1<sup>st</sup> April, 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/01/0/233962 dated 1<sup>st</sup> April, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 868

This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,

Administrative Officer, Planning Department.





Roscommon County Council Aras an Chontae Roscommon 09066 37100

01/04/2025 12:31:09

Receipt No. L01/0/233962

PATSY MCENANEY C/O AOL DESIGN KILLEENBOY KILTEEVAN ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES GOODS 80.00 VAT Exempt/Non-vatable DED868

80.00

Total ...

80 00 EUR

Tendered : Credit/Debit Card 8774

80.00

Change

0.00

Issued By : Louis Carroll From : Central Cash Office

DED860



Áras an Chontáe Roscommon, Co. Roscommon

Phone: (090) 6 37100

Email: planning@roscommoncoco.ie

# **Roscommon County Council**

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

Name:	PATSY McENANEY
Address:	
Name & Address of Agent:	AOL DESIGN LTD, CONSULTING ENGINEERS, C/O ALBERT LOOBY BE, KILLEENBOY, KILTEEVAN, CO ROSCOMMON, F42 K400. PHONE: (090) 6628184 OR (086) 8167365
Nature of Proposed Works	PROPOSED REAR EXTENSION (3.26 SQ M) AND REFURBISHMENT WORKS. THESE INCLUDE REPLACING DAMAGED SLATES TO ROOF, REROOFING REAR FLAT ROOF SECTION, DRY-LINING, REPLACING ALL WINDOWS AND DOORS, NEW ELECTRICS AND PLUMBING, REPLACEMENT OF WINDOWS AND DOORS, & RE-PLASTERING.
Location (Townland & O.S No.)	ARDNANAGH TOWNLAND, CO ROSCOMMON, F42 K338. OS NO'S: 2550-05, 2550-10
Floor Area	EXISTING HOUSE 82.9 SQ M PROPOSED EXTENSION 3.26 SQ M
Height above ground level	EXISTING WALLPLATE CIRCA 4.0M
Total area of private open space remaining after completion of this development	CIRCA 37 SQ M
Roofing Material (Slates, Tiles, other) (Specify)	ANY REPLACEMENT SLATES TO MATCH EXISTING
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	NAP PLASTER TO PROPOSED EXTENSION TO MATCH EXISTING REAR EXTENSION. FRONT FACADE TO REMAIN UNCHANGED.
Is proposed works located at front/rear/side of existing house.	REFURBISHMENT WORKS AS ABOVE AND EXTENSION TO 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)	N/A
Existing use of land or structure	RESIDENTIAL
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	N/A EXISTING HOUSE CIRCA 2 M FROM EDGE OF PUBLIC ROAD
Does the proposed development involve the provision of a piped water supply	NO – EXISTING CONNECTION TO PUBLIC WATER ON SITE
Does the proposed development involve the provision of sanitary facilities	NO – EXISTING CONNECTION TO PUBLIC SEWER

Signature:

Date:

01-04-2025

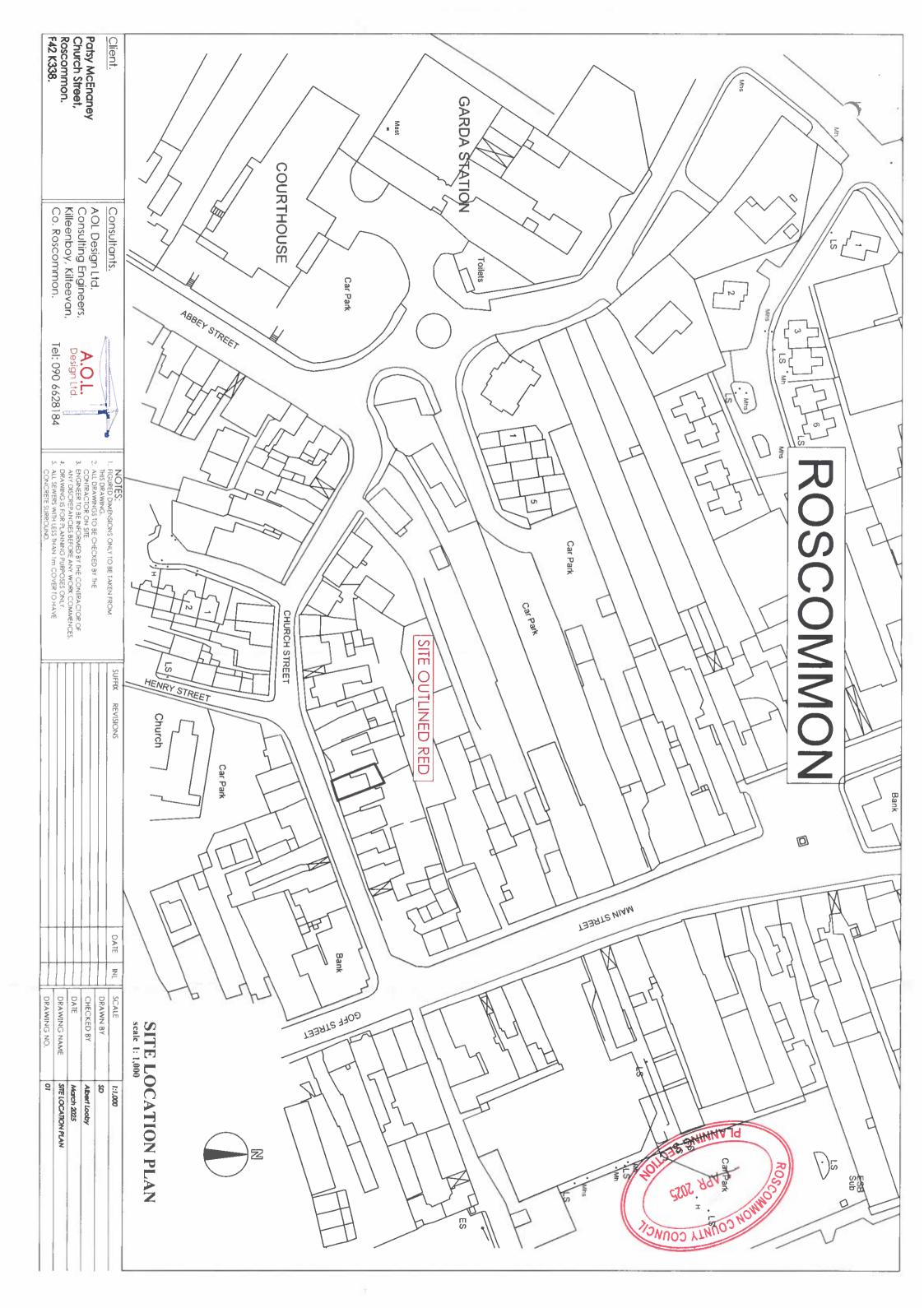
Note: This application must be accompanied by:-

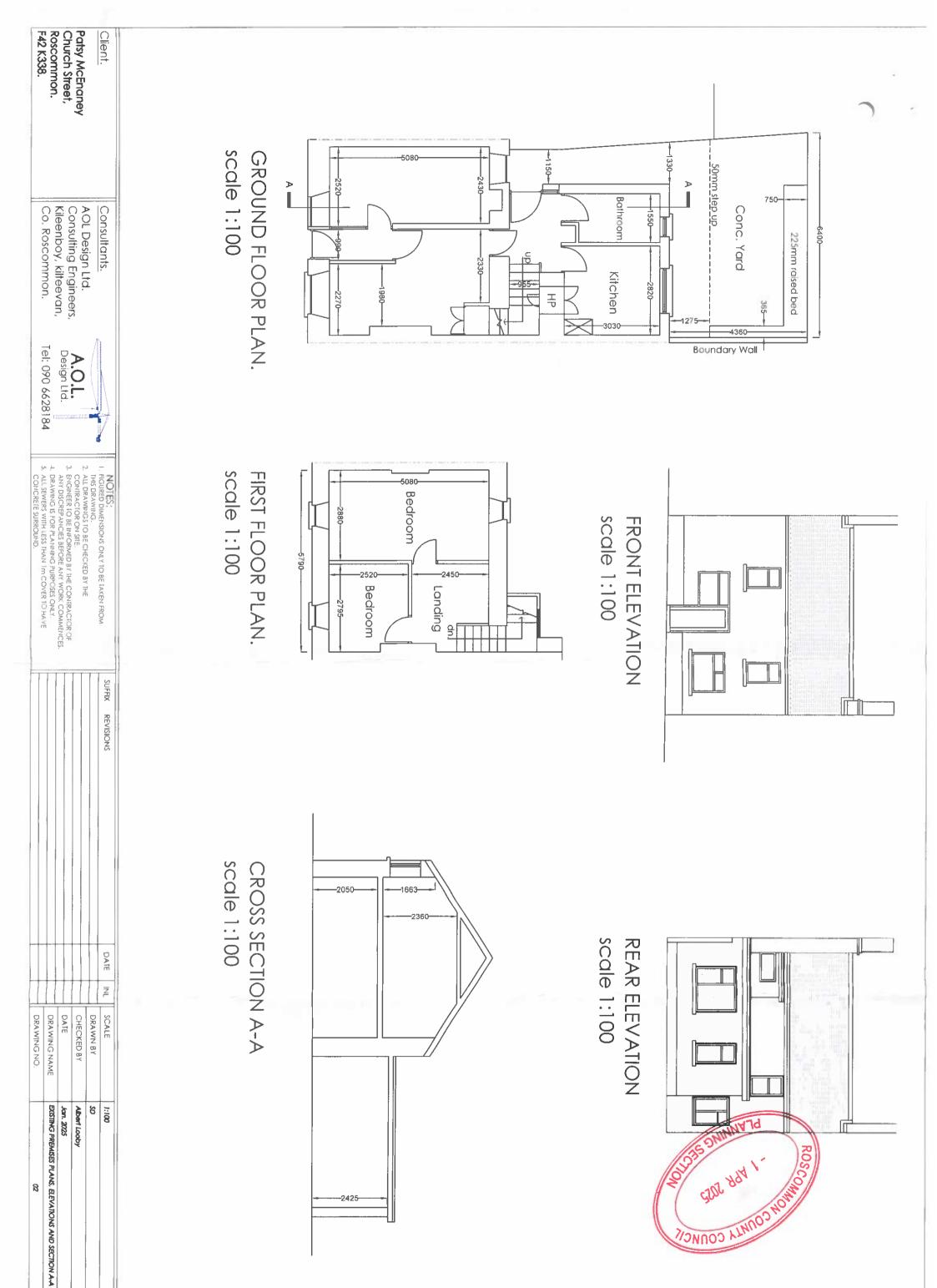
(a) €80 fee

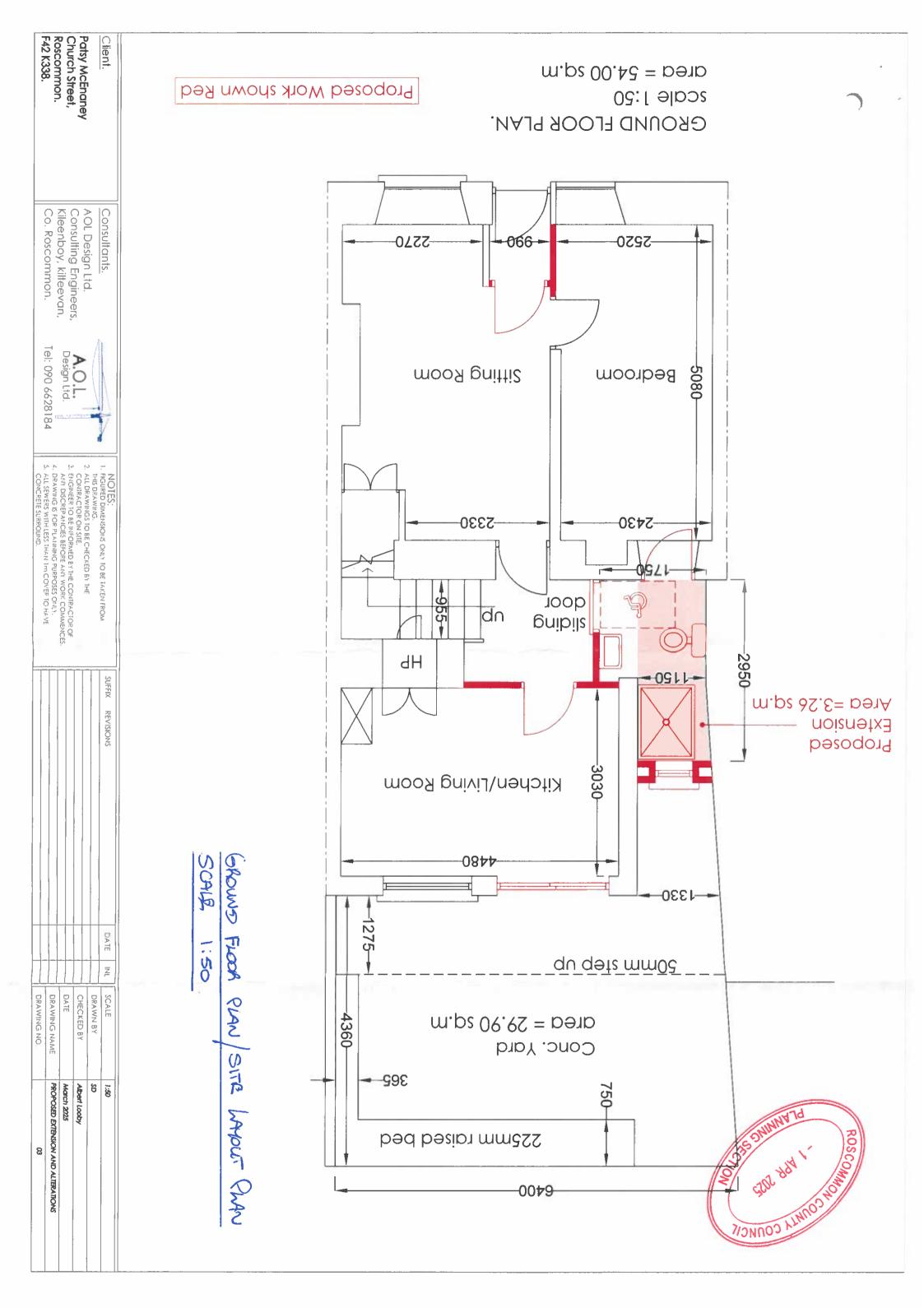
(b) Site Location map to a scale of 1:2500 clearly identifying the location

(c) Site Layout plan to the scale of 1:500 indicating exact location of proposition development

(d) Details specification of development proposed



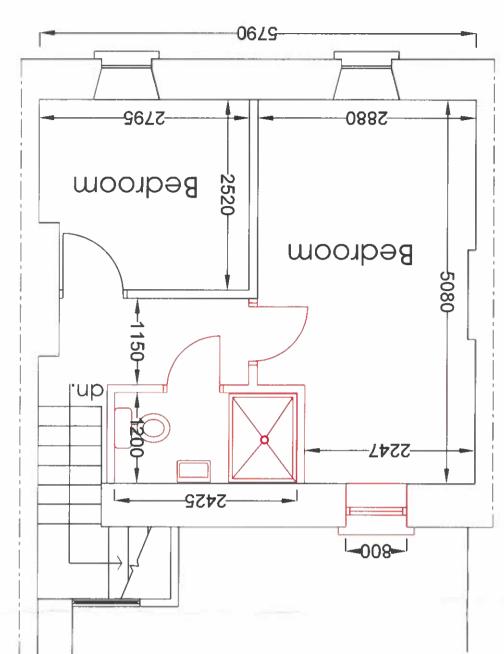




DRAWN BY  CHECKED BY	PROPOSED EXTENSION AND ALTERATIONS  D4	DRAWING NAME DRAWING NO.			
DRAWN BY	Albert Looby	CHECKED BY			
IN. SCALE	SD	DRAWN BY			
1411 CONIE	1:50	SCALE	Ž	DATE	

)Ž.S	REAR ELEVATION
DATE	
喜	
SCALE DRAWN BY	
4	
35.50	
	Softward of Lindon

scale 1:100



area = 28.90 sq.m 1:50 scale 1:50 FIRST FLOOR PLAN.

Proposed Work shown Red

Patsy McEnaney Church Street, Roscommon. F42 K338.

AOL Design Ltd.
Consulting Engineers,
Kileenboy, kilteevan,

A.O.L. Design Ltd.

NOTES:

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.

2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.

3. ENGINEER TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.

4. DRAWING IS FOR PLANNING PURPOSES ONLY.

5. ALL SEWERS WITH LESS THAN I'M COVER TO HAVE CONCRETE SURPOUND.

Consultants.

Co. Roscommon.

Tel: 090 6628184

Client.