

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Geraldine Dillon Monaghan,

Reference Number: DED 873
Application Received: 2nd April, 2025
Name of Applicant: Geraldine Dillon Monaghan
Agent: David McGuinness

WHEREAS a question has arisen as to whether the demolishing of a section of an existing garage and the construction of an extension consisting of 1 bedroom at 3 St. Colmans Park, Athlone, 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 1 and Class 50 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 above are development.
- (b) To demolish section of the existing garage & construct an extension consisting of 1 bedroom is an exempted development.
- (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.

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 demolish a section of an existing garage and the construction of an extension consisting of 1 bedroom at 3 St. Colmans Park, Athlone, Co. Roscommon., 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: 10th June, 2025

cc agent via email: David McGuinness
contact@mcgplan.ie

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 11 June 2025 12:57
To: contact@mcgplan.ie
Subject: DED 873 - Geraldine Dillon Monaghan
Attachments: DED873 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for DED Application 873 for Geraldine Dillon Monaghan.

Mise le meas,

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 873
Re:	Permission to demolish a section of the existing garage & construct an extension consisting of 1 bedroom under the Planning and Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Geraldine Dillon Monaghan
Location of Development:	3 St. Colman's Park, Athlone, County Roscommon, N37WE06.
Site Visit:	06/06/2025

WHEREAS a question has arisen as to whether the following works to demolish a section of the existing garage & construct an extension consisting of 1 bedroom, 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 and Class 50 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 two-storey terraced dwelling at 3 St Colman's Park, Athlone, County Roscommon. The site is accessed off L2047 a local primary road which intersects the R446 c. 25 meters from the subject site. The speed limit on this local primary road is 50km/h. The proposed development consists of the demolition of a section of the existing garage and construction of a 17 sqm extension consisting of 1 bedroom. The subject site is 2.2km from Athlone town core and 0.4km from the M6 motorway.

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 the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European site to the proposed development is Lough Ree SPA (Site Code 004064) located c. 1.3km northwest of the subject site and Lough Ree SAC (Site Code 000440) located c. 1.4km northeast of the proposed development. Middle Shannon Callows SPA (Site Code 004096) and River Shannon Callows SAC (Site Code 000216) are both located c. 1.4km from the subject site.

Other Designations: Castlesampson Esker SAC (Site Code 001625) is located c. 6.6km southwest of the proposed development. Ballynamona Bog and Corkip Lough SAC (Site Code 002339) are located c. 7.1km northwest of the proposed development.

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

Nearby Site:

PD/2158

Proposed Development: Erection of back porch to existing house at 8 St. Colman's Park, Athlone.

Decision: Exempted Development

Date of Decision: 1967

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.

Part 1 Article 6 Schedule 2 Exempted Development - General

Development Description	Conditions and Limitations
<p>CLASS 1</p> <p><i>Development within the curtilage of a house</i></p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p>

	<p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
<p>CLASS 50</p> <p>The demolition of a building, or buildings, within the curtilage of—</p> <p>(i) a house,</p> <p>(ii) an industrial building,</p>	<p>1. No such building or buildings shall abut on another building in separate ownership.</p> <p>2. The cumulative floor area of any such building, or buildings, shall not exceed:</p> <p>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</p>

<p>(iii) a business premises, or</p> <p>(iv) a farmyard complex.</p>	<p>(b) in all other cases, 100 square metres.</p> <p>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</p>
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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:

- Demolish a section of existing garage
- Construct an extension consisting of 1 bedroom

I am satisfied in the first instance and following review of the planning history of the wider development that on balance of probability, the existing dwelling is of pre-Planning and Development Act construction.

The floor area of the proposed extension to the subject dwelling is 17sq.m. This does not exceed the conditions and limitations of Class 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.

As per the Roscommon County Council's Planning Registry, 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 of the dwelling; 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 eaves or parapet of existing dwelling and therefore, align with Class 1 (4)(c) where 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.

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 area of private open space remaining after completion of this development is 29.58 square metres.

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 shows a flat roof and drawings and elevations show that the roof will not be used as a balcony or roof garden.

Class 50 of the Planning and Development Regulations 2001, as amended, relates to the demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex.

The proposed demolition of a section of existing garage within the curtilage of a house does not exceed the conditions set out under Class 50 conditions and limitations and therefore constitutes an exempted development.

Having reviewed the proposed works in the context of the conditions and limitations associated with Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, for the proposed demolition of a section of the existing garage and the proposed construction of an extension to the rear of the existing dwelling house in this case is considered to be exempted development.

Environmental Considerations

With regard to Article 9 (1)(a) of the Planning and Development Regulations 2001 (as amended), 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 Article 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 whether a proposed development; to demolish a section of the existing garage & construct an extension consisting of 1 bedroom at 3 St. Colman's Park, Athlone, County Roscommon N37WE06, 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 and Class 50 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.
- To demolish section of the existing garage & construct an extension consisting of 1 bedroom 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 I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Planner

Date: 6th June 2025

Signed:



Senior Executive Planner

Date: 6th June 2025





















Comhairle Contae
Ros Comáin
Roscommon
County Council



Geraldine Dillon Monaghan,


Date: 8th April, 2025
Planning Reference: DED 873

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

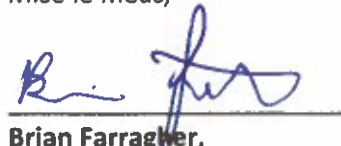
Development: Permission to demolish section of existing garage & construct an extension consisting of 1 bedroom under the Planning & Development Act (Exempted Development) regulations 2018 at 3 St. Colmans Park, Athlone, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of the application which was received on the 2nd 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/01/0/234021 dated 3rd April, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 873**
This should be quoted in all correspondence and telephone queries.

Mise le meas,



Brian Farragher,
Senior Executive Planner,
Planning Department.

cc agent via email: David McGuinness
contact@mcgplan.ie

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

03/04/2025 15.16.19

Receipt No : L01/0/234021

GERALDINE DILLON MONAGHAN



EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED873	

Total :	80.00 EUR
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Tendered	
Cheque	80.00
242	

Change	0.00
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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 (as amended), regarding Exempted Development

Name of Applicant(s)	GERALDINE DIBB MONAGHAN
Name of Agent	DAVID MCGUINNESS
Nature of Proposed Works	TO DEMOLISH SECTION OF EXISTING GARAGE & CONSTRUCT AN EXTENSION CONSISTING OF 1 BED ROOM
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	3 ST COLMAN'S PARK, ATHLO
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>77 SQ M.</u> b) <u>17 SQ M.</u>
Height above ground level:	
Total area of private open space remaining after completion of this development	29.58
Roofing Material (Slates, Tiles, other) (Specify)	TILES, WET DASH. PVC WINDOWS

Roscommon County Council

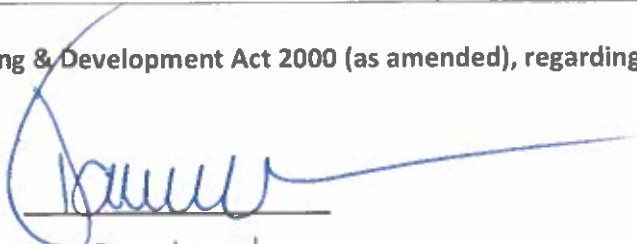
Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	WET DASH PLASTERING
Is proposed works located at front/rear/side of existing house.	REAR ONLY
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	Ca. 10 m.
Does the proposed development involve the provision of a piped water supply	ALREADY EXISTING
Does the proposed development involve the provision of sanitary facilities	ALREADY EXISTING

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

Signature:

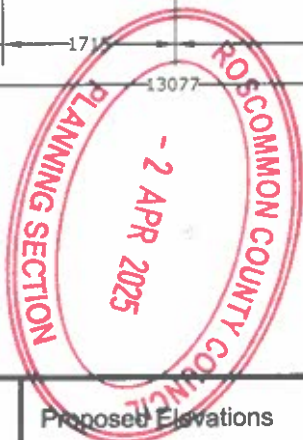
Date:



27/03/2025

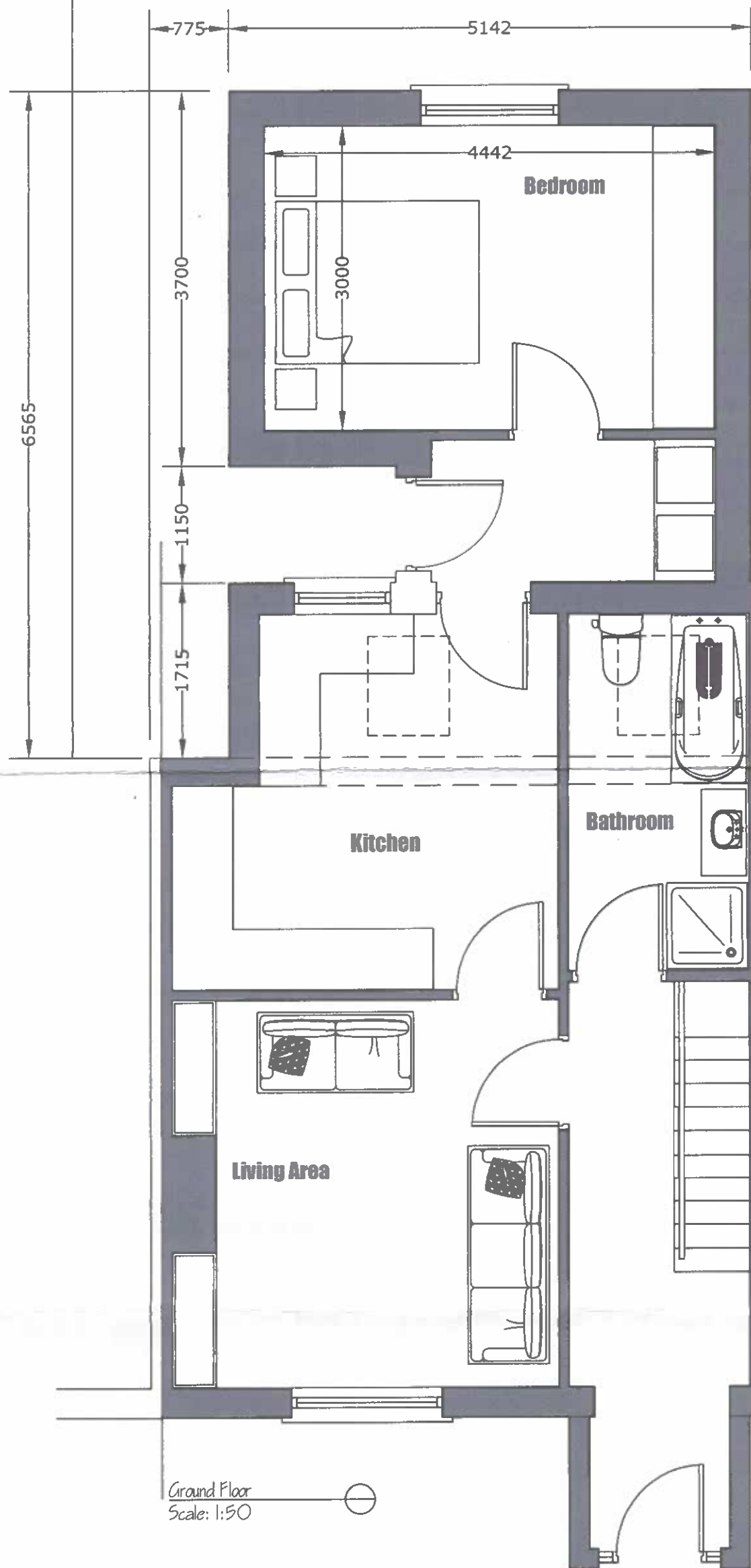


Note: This application must be accompanied by: -

- (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




PROJECT CLIENT LOCATION PREPARED BY	Proposed Extension Geraldine Dillon Monaghan 3 St Colmans Park, Athlone David McGuinness	DRAWING SCALE DATE DRAWING No.	Proposed Elevations 1/75 March 2025 24-056-003	horseleap moate co. westmeath n37 ed26 email: contact@mcgplan.ie phone: 086 8710140	
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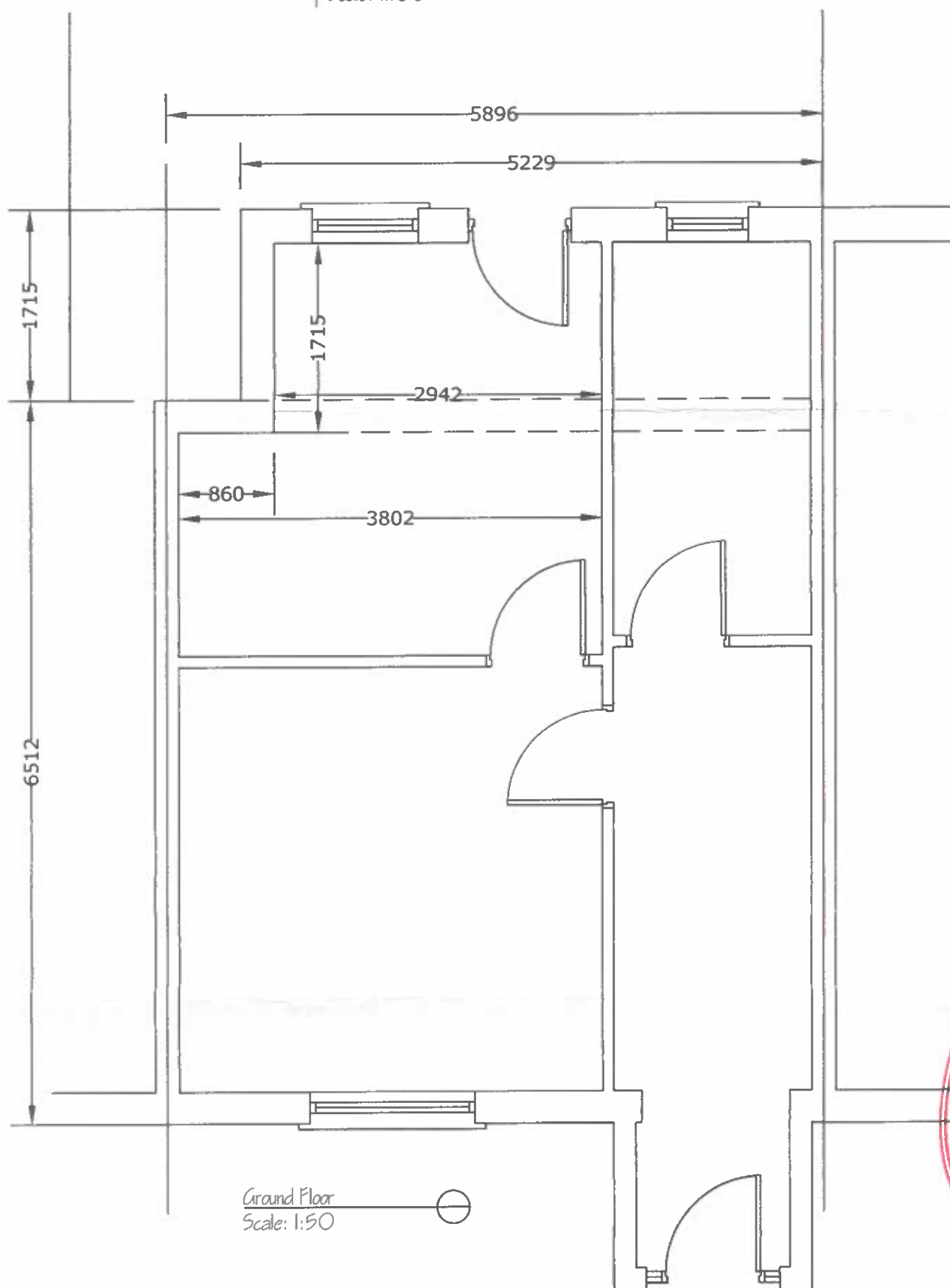
Ground Floor
Scale: 1:50



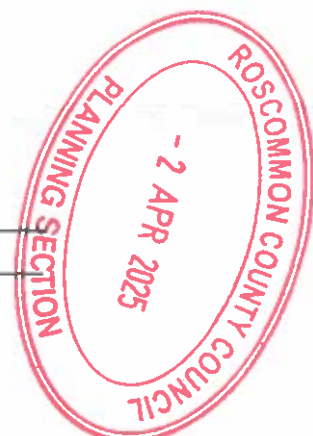
PROJECT CLIENT LOCATION PREPARED BY	Proposed Extension Geraldine Dillon Monaghan 3 St Colmans Park, Athlone David McGuinness	DRAWING SCALE DATE DRAWING No.	Proposed Floor Plan 1/50 March 2025 24-056-002	horseleap moate co. westmeath n37 ed26 email: contact@mcgplan.ie phone: 086 8710140	
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Rear Elevation
Scale: 1:100



Ground Floor
Scale: 1:50



PROJECT CLIENT LOCATION PREPARED BY	Proposed Extension Geraldine Dillon Monaghan 3 St Colmans Park, Athlone David McGuinness	DRAWING SCALE DATE DRAWING No.	Existing 1/50 March 2025 24-056-001	horseleap moate co. westmeath n37 ed26 email: contact@mcgplan.ie phone: 086 8710140	
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part of garage to be demolished

749

1093

Extension

13207

8677



	PROPOSED LEVEL		SITELINES
	MANHOLE		PROPOSED 1000 STORM SEWER PIPE
	NORTH POINT		PROPOSED 1000 FOUL SEWER PIPE
	GRASS		SITE BOUNDARY OUTLINED IN RED
	Hardstand - Footpaths		Selected Paving

PROJECT
CLIENT
LOCATION
PREPARED BY

Proposed Extension
Geraldine Dillon Monaghan
3 St Colmans Park, Athlone
David McGuinness

DRAWING
SCALE
DATE
DRAWING No.

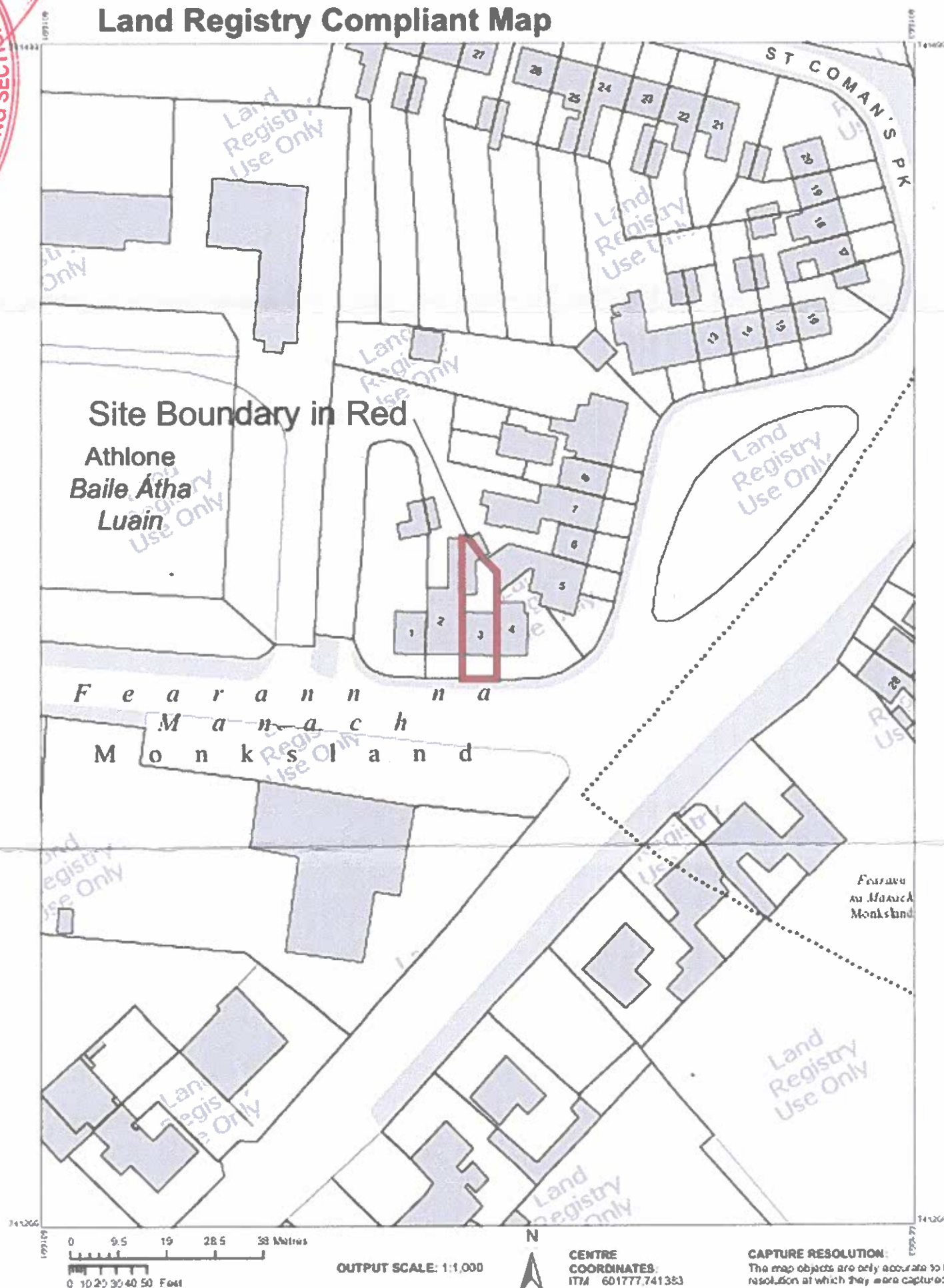
Site Layout
1/250
March 2025
24-056-006

horseleap
moate
co. westmeath
n37 ed26
email: contact@mcgplan.ie
phone: 086 8710140

McG
PLANNING



Land Registry Compliant Map



COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
DOSF6E4

www.tailte.ie

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**CENTRE
COORDINATES:**
ITM 601777.741353

PUBLISHED: 24/07/2024
MAP SERIES: 12.500
ORDER NO.: 50412742.1
MAP SHEETS: 3035-C

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture
scale. Further information is available at
www.tailte.ie search 'Capture Resolution'.
LEGEND: To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



**Tailte
Éireann**

Site Location Map
Scale: 1:1000



PROJECT CLIENT LOCATION PREPARED BY	Proposed Extension Geraldine Dillon Monaghan 3 St Colmans Park, Athlone David McGuinness	DRAWING SCALE DATE DRAWING No.	Site Location map 1/1000 March 2025 24-056-005	horseleap moate co. westmeath n37 ed26 email: contact@mcgplan.ie phone: 086 8710140	
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