

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Ciaran Finn,



Reference Number: DED 877
Application Received: 8th April, 2025
Name of Applicant: Ciaran Finn
Agent: N/A

WHEREAS a question has arisen as to whether the removal of an existing flat roof on the extension & front porch and replacement of new pitched roof with slate to match existing building at Timanagh, Ballintubber, Co. Roscommon, F45 Y016, 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) 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.
- (d) 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 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 remove the existing flat roof on extension & front porch and replace new pitched roof with slate to match existing building at Timanagh, Ballintubber, Co. Roscommon, F45 Y016, 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 June, 2025

ADVICE NOTE

Any person issued with a Declaration under Section 5 of the Planning and Development Act, 2000 (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

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

Reference Number:	DED 877
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to remove existing flat roof on extension & front porch and replace new pitched roof with slate to match existing building.
Name of Applicant:	Ciaran Finn
Location of Development:	Timanagh, Ballintubber, Co. Roscommon. (F45 Y016)
Site Visit:	09/06/2025

WHEREAS a question has arisen as to whether the following works; to remove existing flat roof on extension & front porch and replace new pitched roof with slate to match existing building 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) 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.
- (d) The planning history of the site

Site Location & Development Description

The property is a story and a half dwelling house with a single story flat roof extension to one side and a flat roof porch to the other side. There is a garden to the front and gravel drive to the side and rear of the property in Timanagh, Ballintubber, Co. Roscommon. The property is accessed off the L-16401 road. The proposed development consists of the replacement of the existing flat roof to the extension and porch with a pitched roof design on both, slates to match the existing roof.

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 Rathnalulleagh Turlough PNHA (Site Code 000613) which is located circa 3km to the east and Corliskea/Trien/Cloonfelliv Bog PNHA/SAC (Site Code 002110) which is located circa 5km to the west 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,

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 the replacement of the existing flat roof to the extension and porch with a pitched roof design on both, slates to match the existing roof. 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.

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 remove existing flat roof on extension & front porch and replace new pitched roof with slate to match existing building in Timanagh, Ballintubber, 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) 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.
- (d) 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 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 remove existing flat roof on extension & front porch and replace new pitched roof with slate to match existing building in Timanagh, Ballintubber, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 9th June 2025

Civil Technician

Signed:



Date: 9th June 2025

Senior Executive Planner









Comhairle Contae
Ros Comáin
Roscommon
County Council



Ciarán Finn,

Date: 10th April, 2025
Planning Reference: DED 877

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

Development: Permission to remove existing flat roof on extension & front porch and replace new pitched roof with slate to match existing building under the Planning & Development Act (Exempted Development) regulations 2018 at Timanagh, Ballintubber, Co. Roscommon, F45 Y016

A Chara,

I wish to acknowledge receipt of the application which was received on the 8th 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/01/0/234078 dated 8th April, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 877**
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
09068 37100

08/04/2025 12:12:58

Receipt No. : L01/0/234078

CIARAN FINN
[REDACTED]

PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED877

Total : 80 00 EUR

Tendered
Credit/Debit Card 80 00
3007

Change : 0 00

Issued By : Aine McDermott
From : Central Cash Office



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)	Ciarán Finn
Name of Agent	
Nature of Proposed Works	Existing flat roof on extension and front porch in bad condition, need to be removed and replaced with new pitch roof / with slate to match existing building as per attached drawings
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Timanagh Ballintubber Co Roscommon F45 Y016
Floor Area: a) Existing Structure b) Proposed Structure	a) 92m2 b) 92m2 no change in floor area
Height above ground level:	5.272M for new roof
Total area of private open space remaining after completion of this development	No Change
Roofing Material (Slates, Tiles, other) (Specify)	Slate

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No change, plaster /white
Is proposed works located at front/rear/side of existing house.	front
Has an application been made previously for this site	NO
If yes give ref. number (include full details of existing extension, if any)	NA
Existing use of land or structure	Residential
Proposed use of land or structure	Residential
Distance of proposed building line from edge of roadway	10.5M
Does the proposed development involve the provision of a piped water supply	water supply already in place
Does the proposed development involve the provision of sanitary facilities	facilities already in place

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

Signature: 
Date: 7/4/25

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



574600 mE, 774730 mN



Tailte
Éireann

Folio: RN4945F

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Tailte Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

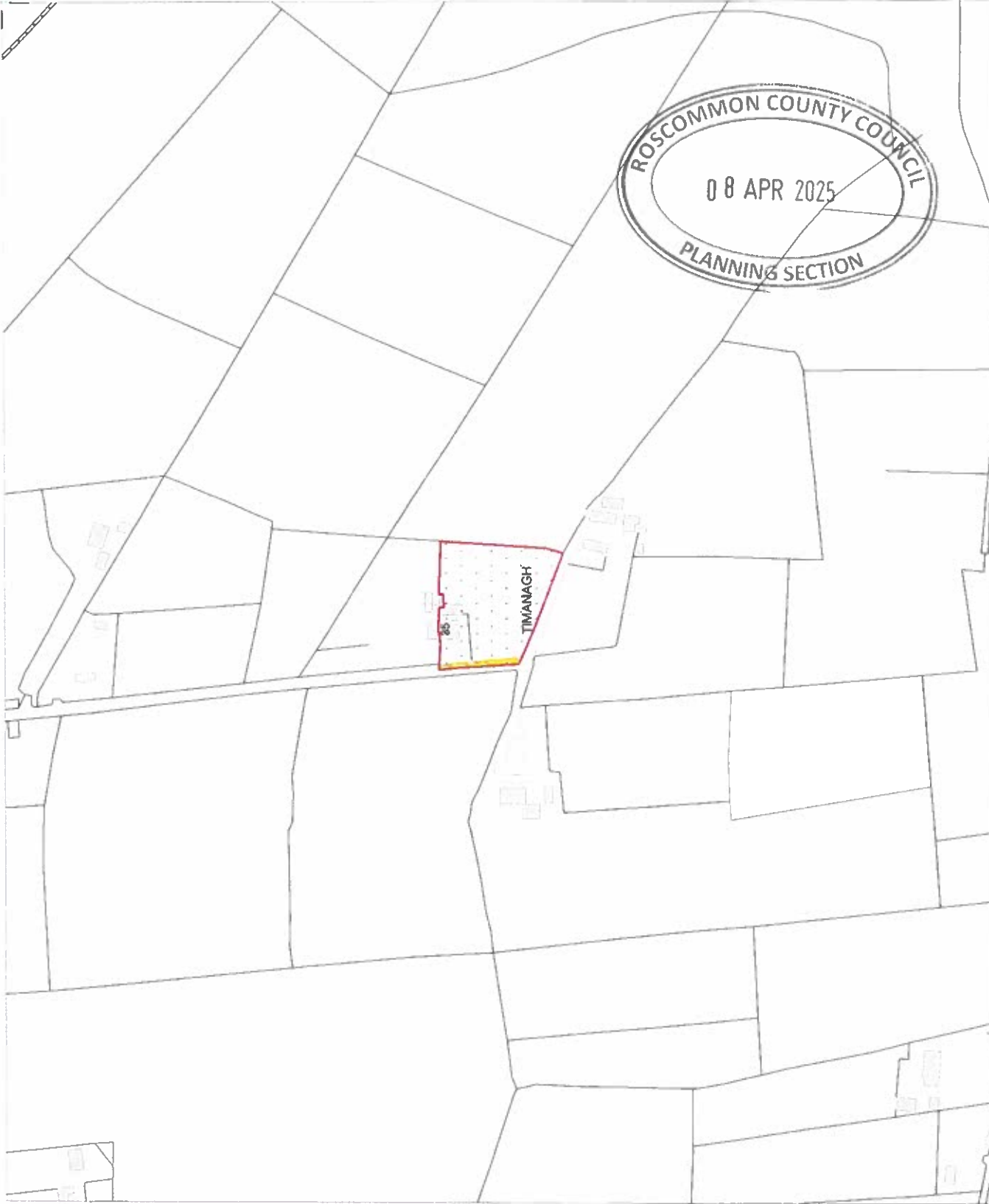
Septic Tank

Soak Pit



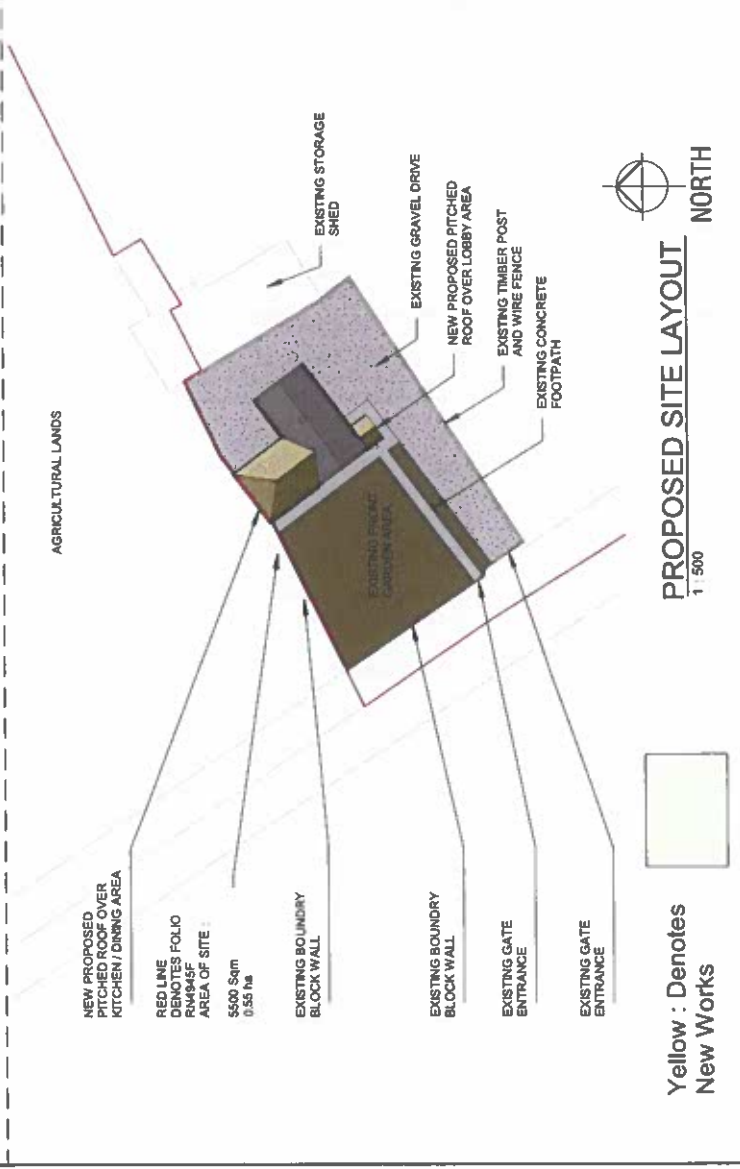
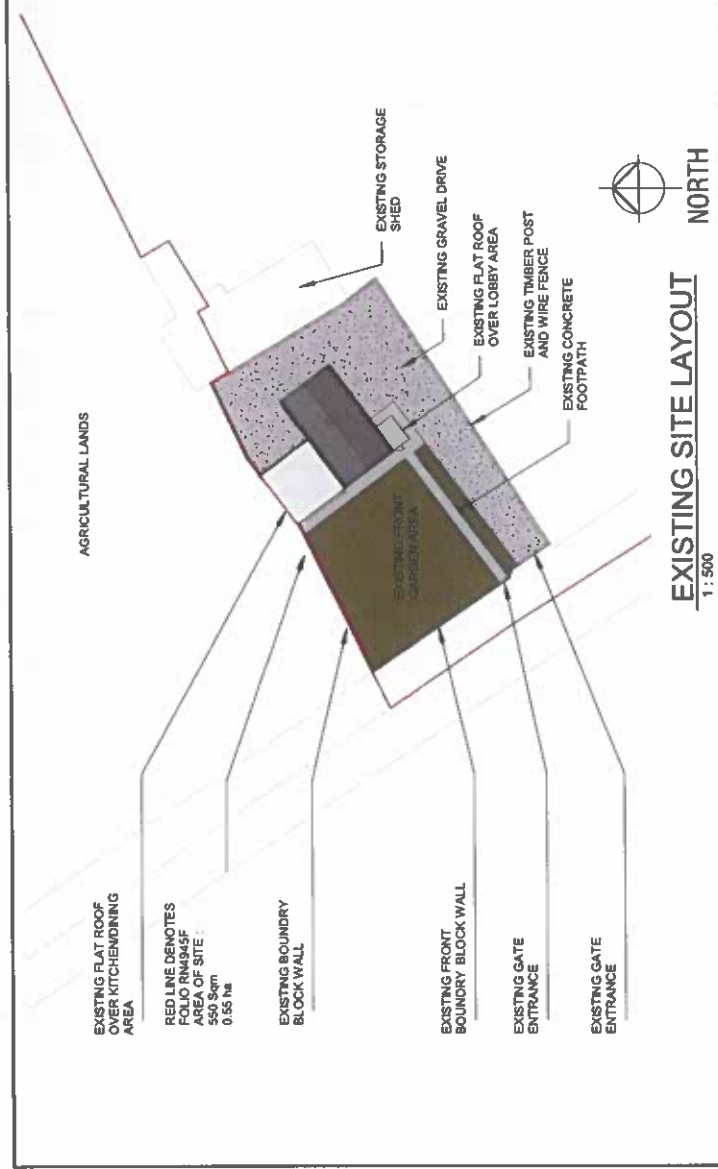
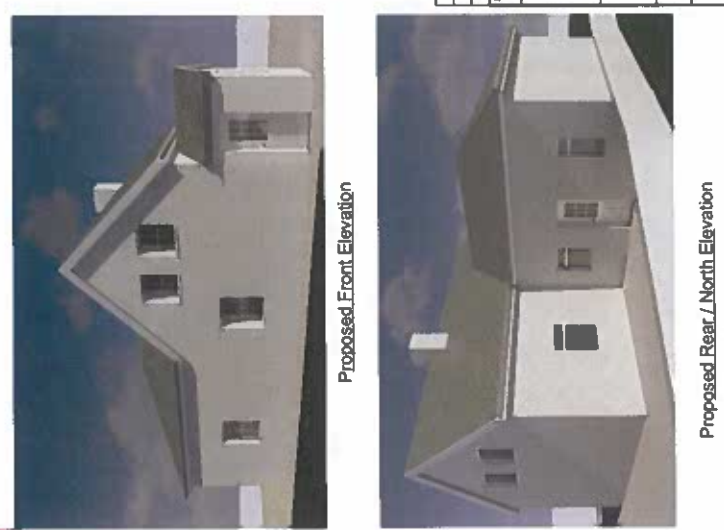
A full list of burdens and their symbology can be found at: www.landdirect.ie

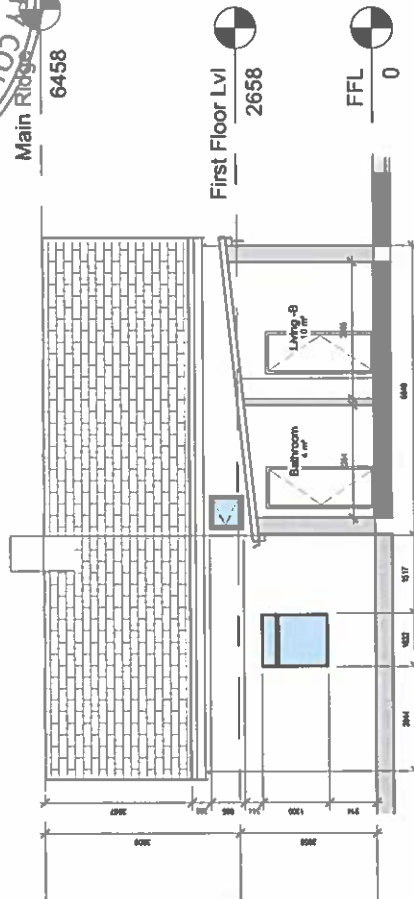
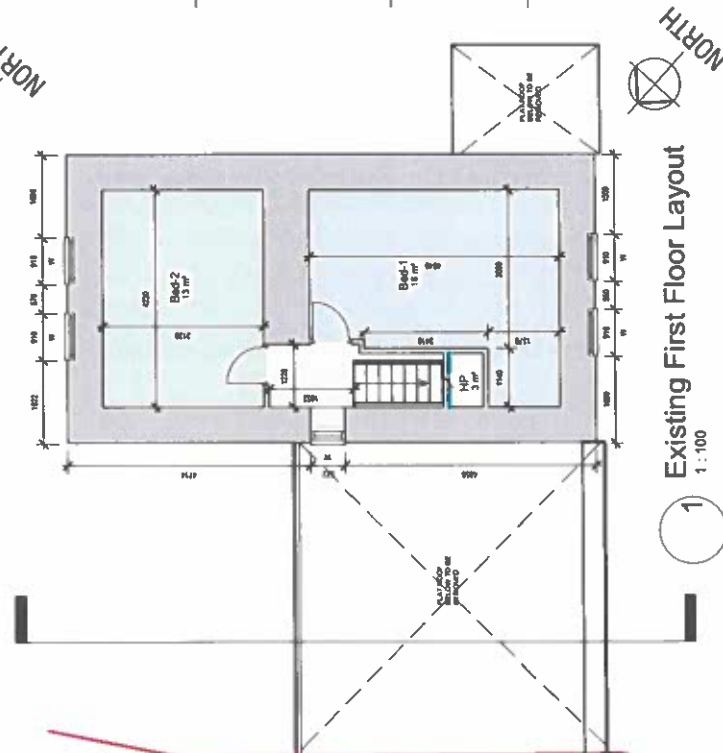
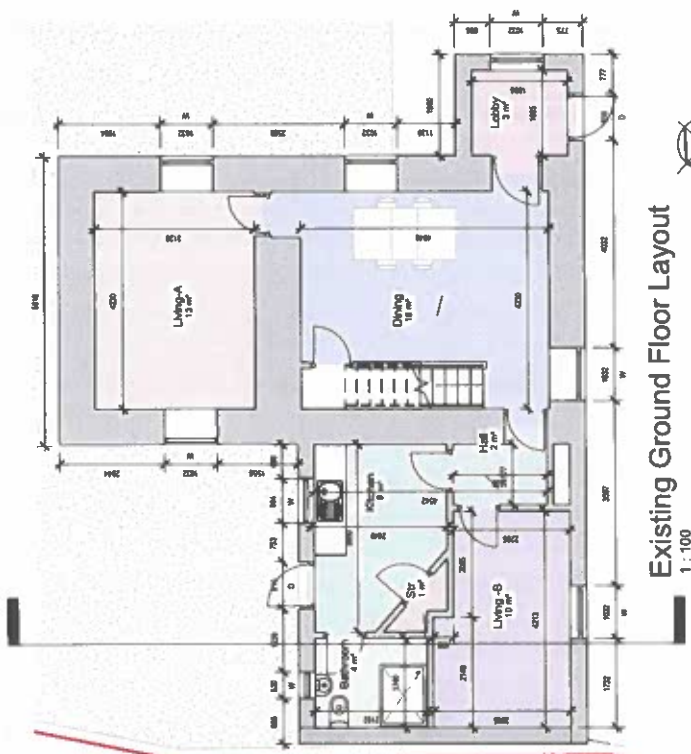
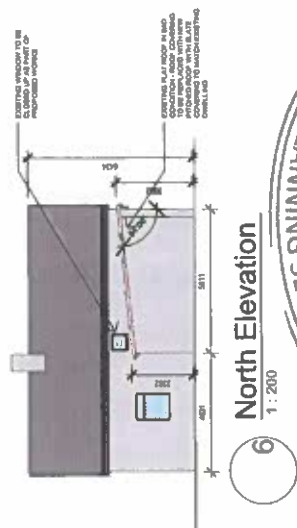
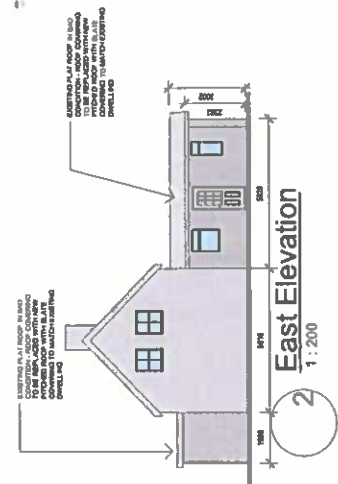
Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.





2	LOBBY ROOF REVISION	03/04/25		
1	FOR ISSUE	18/03/25	DATE	BY
REV	DESCRIPTION	DATE		
0000				
FOR DISCUSSION				
PROJECT: TIMANAGH BALLINTUBBER CO				
ROSCOMMON, F45 Y016				
TITLE: EXISTING / PROPOSED SITE LAYOUT				
SCALE: 1:500	DATE: 18/03/25	BY: BM	CHECKED: BM	
As Indicated	As Indicated	0001		2
F45Y016				





Room	Area
Living-R	10 m ²
Bathroom	4 m ²
Kitchen	8 m ²
Hall	2 m ²
Stp	1 m ²
Lobby	3 m ²
Dining	18 m ²
Living-A	13 m ²
Bed-1	16 m ²
Bed-2	13 m ²
HP	3 m ²
Grand total:	92 m ²

2	LOBBY ROOF REVISION	03/04/25	
1	FOR ISSUE	18/03/25	
REV	DESCRIPTION	DATE	BY

FOR DISCUSSION

COMPANY:
TIMANAGH BALLINTUBBER Co.
ROSCOMMON, F45 Y016

TOTAL			
EXISTING GROUND LAYOUT & ELEVATIONS			
DATE	SCALE	DESCRIPTION	BY
10/03/25	TS	BM	2
As Indicated			
DATE	SCALE	DESCRIPTION	BY
0002			
F45Y016			

