

ROSCOMMON COUNTY COUNCIL

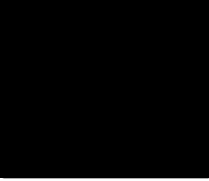
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

James & Michelle Fennell,



Reference Number: DED 886
Application Received: 1st May, 2025
Name of Applicants: James & Michelle Fennell
Agent: James Lohan Consulting Engineers Ltd

WHEREAS a question has arisen as to whether the refurbishment of a derelict house with works including; 1) strip out walls, floors and ceilings; 2) install new ceiling joists and internal stud works, plasterwork & skim; 3) install new windows & doors; 4) re-slate the roof; 5) second fix carpentry and paint and decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical systems; 8) install new floors & 9) proposed: install new pitched roof over existing rear annex (built before 1964), to match existing roof at Mount Talbot, Co. Roscommon., F42 HD30, 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 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 refurbish a derelict house with works including; 1) strip out walls, floors and ceilings; 2) install new ceiling joists and internal stud works, plasterwork & skim; 3) install new windows & doors; 4) re-slate the roof; 5) second fix carpentry and paint and decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical systems; 8) install new floors & 9) proposed: install new pitched roof over existing rear annex (built before 1964), to match existing roof at Mount Talbot, Co. Roscommon., F42 HD30, 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,
A/Senior Planner,
Planning.

Date: 26th June, 2025

cc agent via email: James Lohan Consulting Engineers Ltd
james@jlce.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: Thursday 26 June 2025 16:11
To: [REDACTED]
Cc: James Lohan; Camila Zen
Subject: DED 886 - Notification of Decision
Attachments: DED 886 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for your Section 5 Exempted Development Application DED 886.

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 886
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the refurbishment of a derelict house with works including; 1) strip out walls, floors and ceilings; 2) install new ceiling joists and internal stud works, plasterwork & skim; 3) install new windows & doors; 4)re-slate the roof; 5)second fix carpentry and paint and decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical systems; 8) install new floors & 9) proposed: install new pitched roof over existing rear annex (built before 1964), to match existing roof
Name of Applicant:	James & Michelle Fennell
Location of Development:	Mount Talbot, Co. Roscommon. (F42 HD30)
Site Visit:	24/06/2025

WHEREAS a question has arisen as to whether the following works; for the refurbishment of a derelict house with works including; 1) strip out walls, floors and ceilings; 2) install new ceiling joists and internal stud works, plasterwork & skim; 3) install new windows & doors; 4)re-slate the roof; 5)second fix carpentry and paint and decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical systems; 8) install new floors & 9) proposed: install new pitched roof over existing rear annex (built before 1964), to match existing roof **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 2-story dwelling house with a pitched roof, porch to the front and flat roof extension to the rear. There is a garden area to the front, side and rear of the property in Mount Talbot, Co. Roscommon. The property is accessed off the N-63 road. The proposed development consists of the refurbishment of the existing dwelling with works including the installation of new windows/doors, new pitch roof over existing extension to the rear as well as various other internal works.

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 site to the site of the proposed development is Suck River Callows NHA/SPA (Site Code 000222/004097) which is located circa 0.5km to the north, east and 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,

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 installation of new windows/doors with the addition of two velux windows to the rear roof and the slight modification of one window opening on the rear of the existing extension, a new pitched roof with slates matching the existing house to replace the existing flat roof on the rear extension, as well as various other internal works. These works have been considered in the context of Section 4 (1)(h) of the Act, consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of 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 for the refurbishment of a derelict house with works including; 1) strip out walls, floors and ceilings; 2) install new ceiling joists and internal stud works, plasterwork & skim; 3) install new windows & doors; 4)re-slate the roof; 5)second fix carpentry and paint and decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical systems; 8) install new floors & 9) proposed: install new pitched roof over existing rear annex (built before 1964), to match existing roof in Mount Talbot, 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 for the refurbishment of a derelict house with works including; 1) strip out walls, floors and ceilings; 2) install new ceiling joists and internal stud works, plasterwork & skim; 3) install new windows & doors; 4)re-slate the roof; 5)second fix carpentry and paint and decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical systems; 8) install new floors & 9) proposed: install new pitched roof over existing rear annex (built before 1964), to match existing roof in Mount Talbot, Co. Roscommon, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 

Date: 26th June 2025

Civil Technician

Signed: 

Date: 26th June 2025

Senior Executive Planner





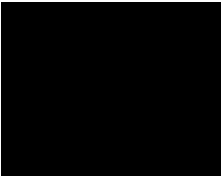




Comhairle Contae
Ros Comáin
Roscommon
County Council



James & Michelle Fennell,



Date: 6th May, 2025
Planning Reference: DED 886

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 a derelict house with works including; 1) strip out walls, floors and ceilings; 2) install new ceiling joists and internal stud works, plasterwork & skim; 3) install new windows & doors; 4) re-slate the roof; 5) second fix carpentry and paint and decorate internally; 6) upgrade plumbing/heating system; 7) upgrade electrical systems; 8) install new floors & 9) proposed: install new pitched roof over existing rear annex (built before 1964), to match existing roof under the Planning & Development Act (Exempted Development) regulations 2018 at Mount Talbot, Co. Roscommon, F42 HD30.

A Chara,

I wish to acknowledge receipt of the application which was received on the 1st May, 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/01/0/234478 dated 2nd May, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 886
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell,
Senior Executive Planner,
Planning Department.

cc agent via email: James Lohan Consulting Engineers Ltd
james@jlce.ie

Roscommon County Council
Aras an Chontae
Roscommon
09086 37100

02/05/2025 11:07:57

Receipt No. : L01/0/234478

JAMES LOHAN PLANNING&DESIGN
BALLYPHEASON HOUSE
CIRCULAR RD
ROSCOMMON
RE JAMES&MICHELLE FENNELL
MOUNT TALBOT
ROSCOMMON F42HD30

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED886	

Total : 80.00 EUR

Tendered :
Cheque 80.00
500405

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office



Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

Application for a Declaration under Section 5 of the

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

Name of Applicant(s)	James and Michelle Fennell
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 6, Ballypheason house, Circular road, Roscommon
Nature of Proposed Works	Refurbish derelict house in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	MOUNT TALBOT, CO. ROSCOMMON, F42 HD30 O.S No. 2755 XY: 814520, 445951 Townland Mont Talbot
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>82.5Sqm</u>
Height above ground level:	Floor level- between 150mm – 350 mm above ground level (Ridge height existing 5500mm above ground level)
Total area of private open space remaining after completion of this development	0.23 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof Proposed new pitched roof at the rear of the building, matching the existing extension.



Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Nap Plaster to match existing
Is proposed works located at front/rear/side of existing house.	Proposed: Install new pitched roof over existing rear annex (built before 1964), to match existing roof.
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	Existing Dwelling House
Proposed use of land or structure	Refurbish House
Distance of proposed building line from edge of roadway	Existing -9.1m from edge of existing road
Does the proposed development involve the provision of a piped water supply	Existing water mains
Does the proposed development involve the provision of sanitary facilities	Existing Septic Tank and Percolation area

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

Signature:



Date:

30/04/2025

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 proposed development
- (d) Detailed specification of development proposed





Planning Dept,
Roscommon Co.Co.
Aras An Chontae,
Roscommon.

Detailed Specification Of The Development Proposed

Ref: James and Michelle Fennell for Property at MOUNT TALBOT, CO. ROSCOMMON, F42 HD30

The property is being stripped back to its original walls and will be renovated and put back into use as it was originally a three-bed dwelling house. The works involved are as follows:

1. Strip out walls, floors, and ceilings.
2. Install new ceiling joists and internal stud work, plasterboard, and skim.
3. Install new windows and doors.
4. Re-slate the roof.
5. Second fix carpentry and paint and decorate internally.
6. Upgrade plumbing/heating system.
7. Upgrade electrical systems.
8. Install new floors.
9. Proposed: Install new pitched roof over existing rear annex (built before 1964), to match existing roof.



We look forward to hearing from you and sincerely hope that there is a favourable response confirming the works are exempt under Section 5.

Kind Regards



Camila Zen

**James Lohan Consulting Engineer Ltd,
Unit 6, Ballypheason House, Circular Road
Roscommon F42 T384**



ADDRESS:
MOUNT TALBOT
CO. ROSCOMMON
F42 HD30

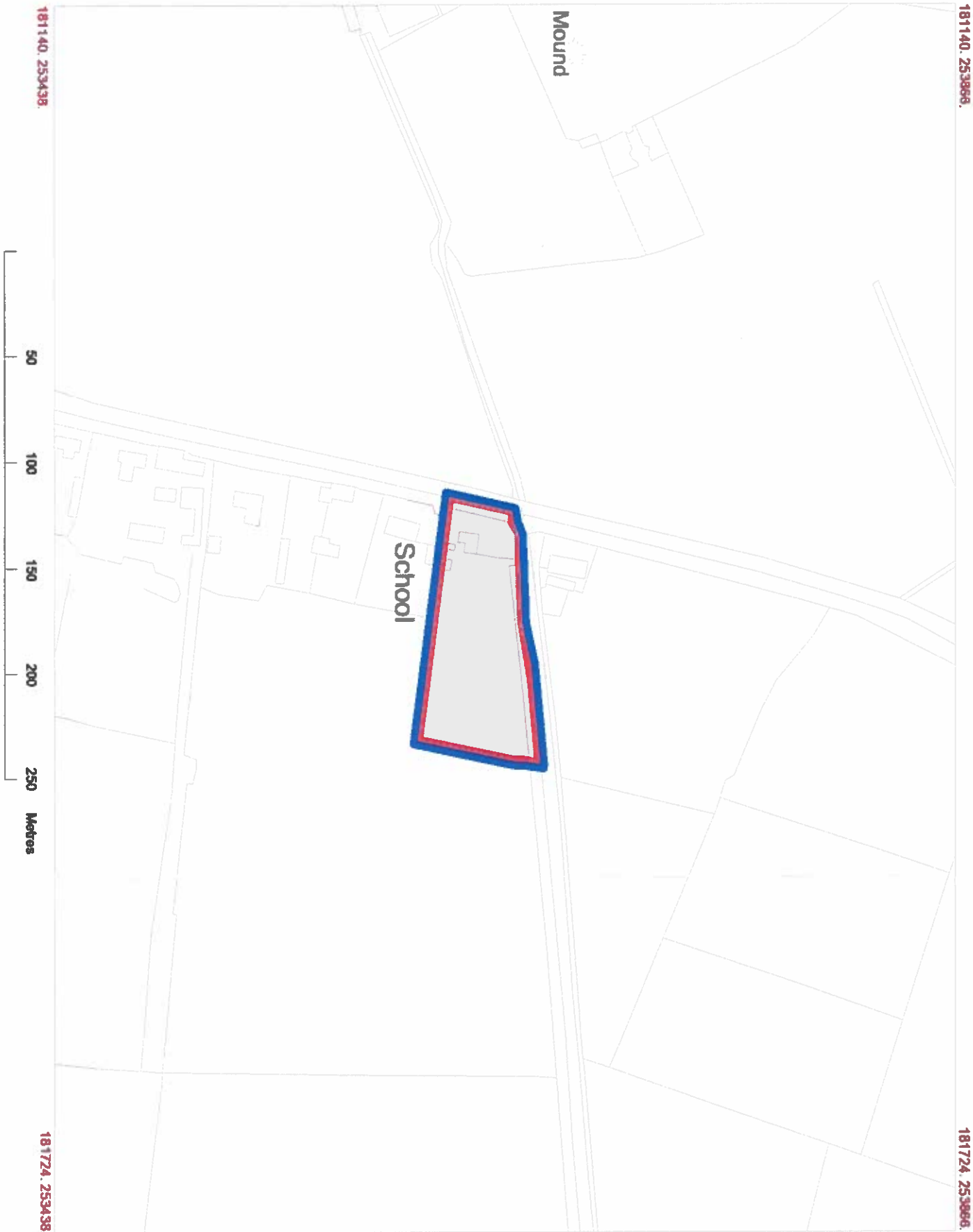
LEGEND

- SITE BOUNDARY (0.53 HECTARES)
- LAND HOLDINGS

OS MAPS : 2755



NATIONAL MAPPING DIVISION OF IRELAND
CYAL50358888
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01 Site Location Plan
1 : 2500

EXEMPT
NEVELOPMENT

James Lohan Planning & Design Consulting Engineers		Can Engineering 55 Westgate Drive Roscommon	Donal James House, Crookall Road, Roscommon	Contact: James Lohan Tel: (086) 8531165
CLIENT	JOB	DATE	DATE	DATE
James and Michelle Fennell	EXEMPT DEVELOPMENT	25-06-25	1804/2025	1804/2025
SITE	DRAWING	NO	REV	REV
MOUNT TALBOT CO. ROSCOMMON	Site Location Plan	001		A
F42 HD30		As indicated @ A3	DESIGNED BY C.ZEN	

LEGEND

— SITE BOUNDARY (0.53 HECTARES)

— LAND HOLDINGS

LEGEND

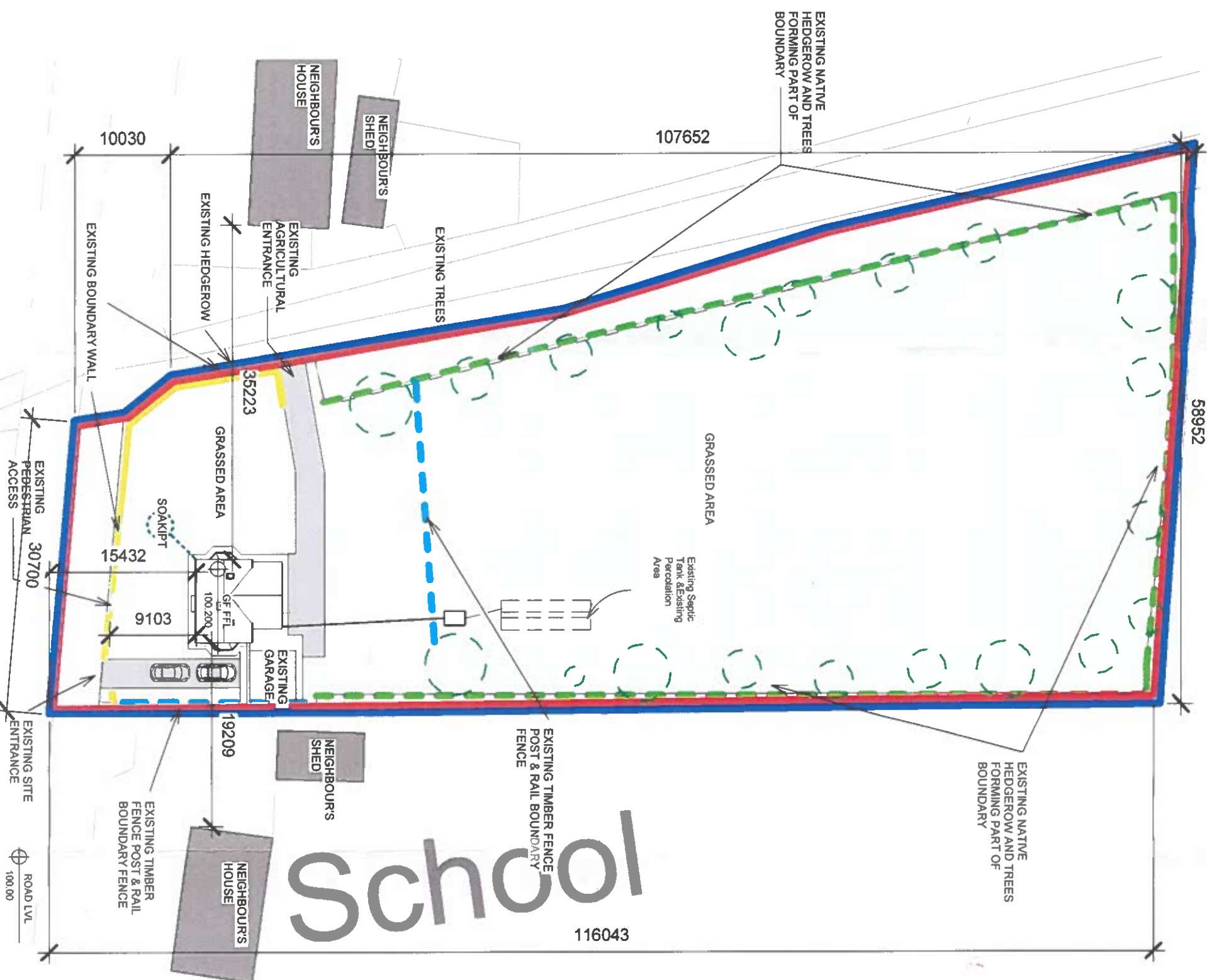
— EXISTING NATIVE HEDGEROW AND TREES FORMING PART OF BOUNDARY

— EXISTING BOUNDARY WALL

— EXISTING TIMBER FENCE POST & RAIL BOUNDARY FENCE

○ EXISTING TREES

01 Site Layout Plan
1 : 500

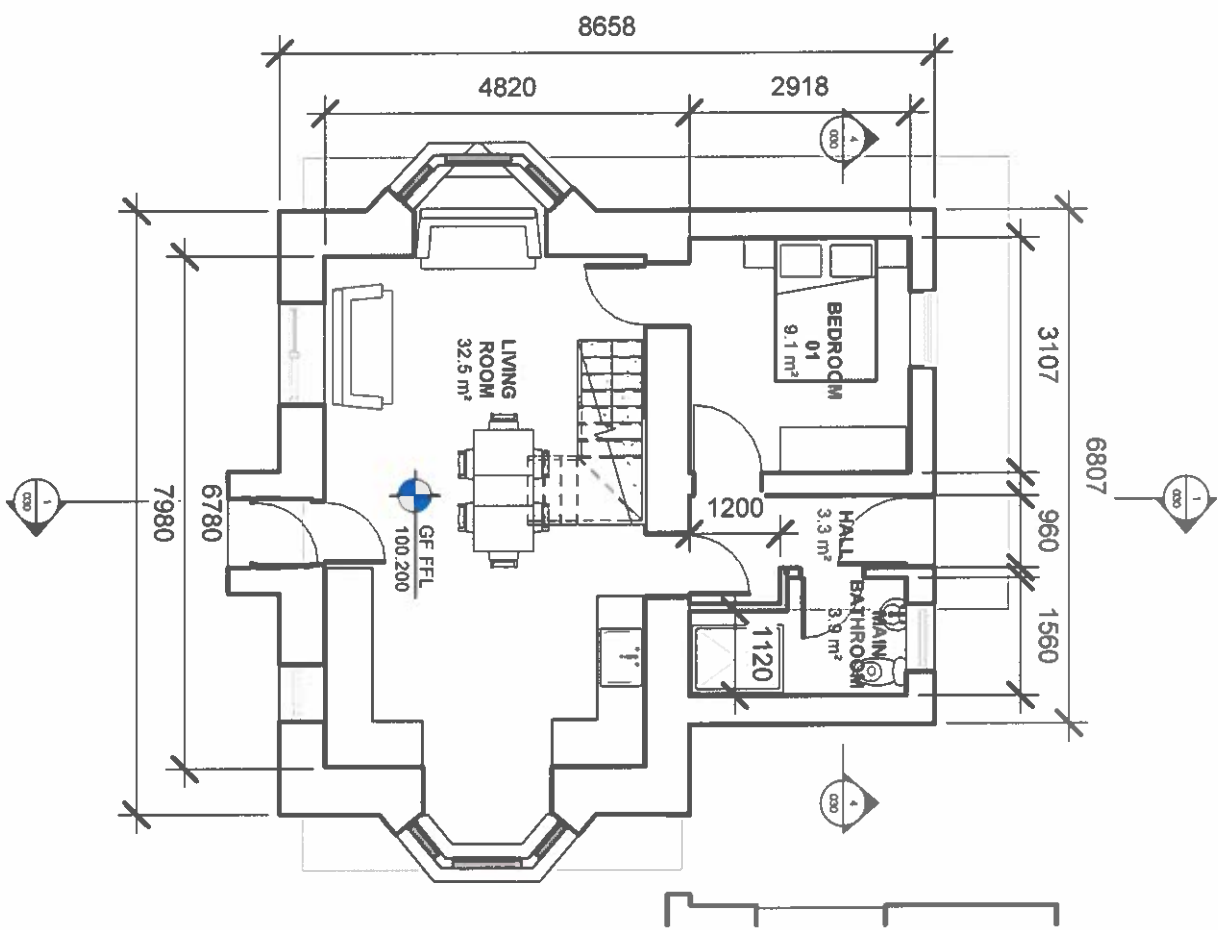


**EXEMPT
DEVELOPMENT**

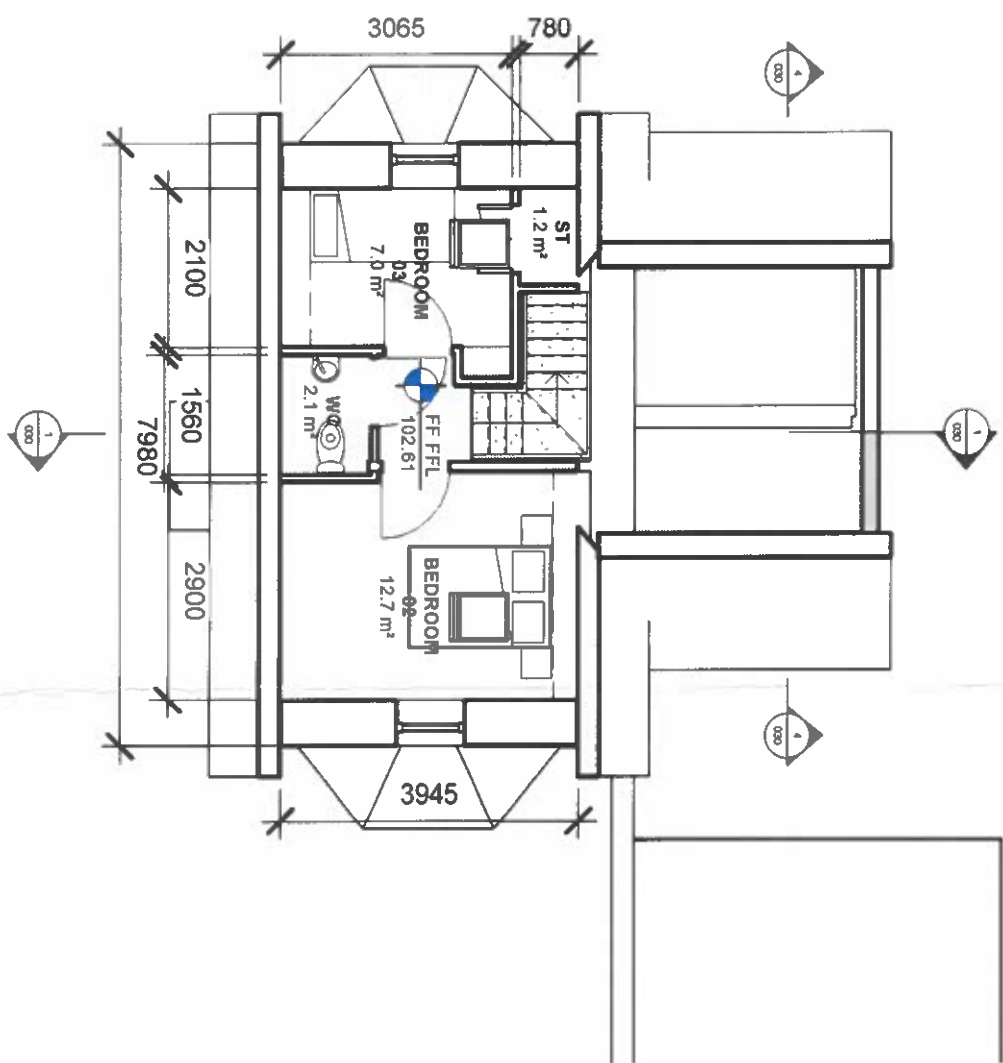
James Lohan Civil Engineering 200 Main Street Roscommon		John S. Registered Engineer Roscommon		E-mail: jlohan@jlohan.ie Tel: (090) 553155	
CLIENT James and Michelle Fennell	JOB EXEMPT DEVELOPMENT	DATE 25-05-25	NO. 002	REV. AS INDICATED @ A3	DESIGNED BY C.ZEN
SITE MOUNT TALBOT CO. ROSCOMMON P42 HD30	DRAWING Site Layout Plan				

AREASCHEDULE

GROUND FLOOR AREA : 50m²
FIRST FLOOR AREA : 32.5m²
TOTAL AREA : 82.5m²

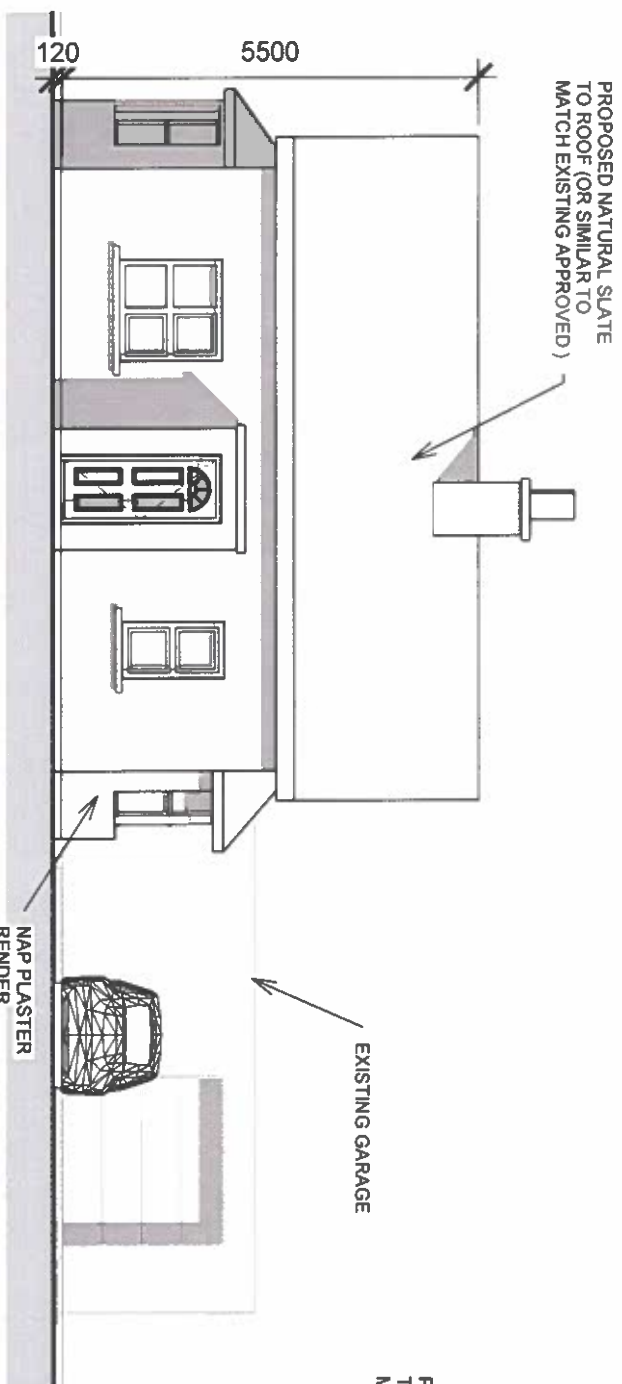


1 Proposed Ground Floor Plan
1 : 100

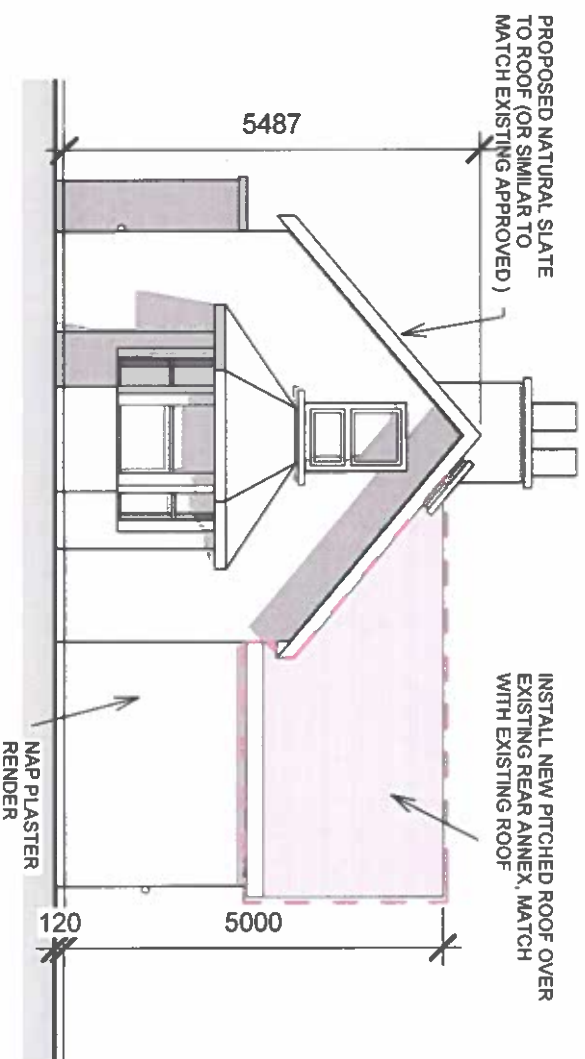


2 Proposed First Floor Plan
1 : 100

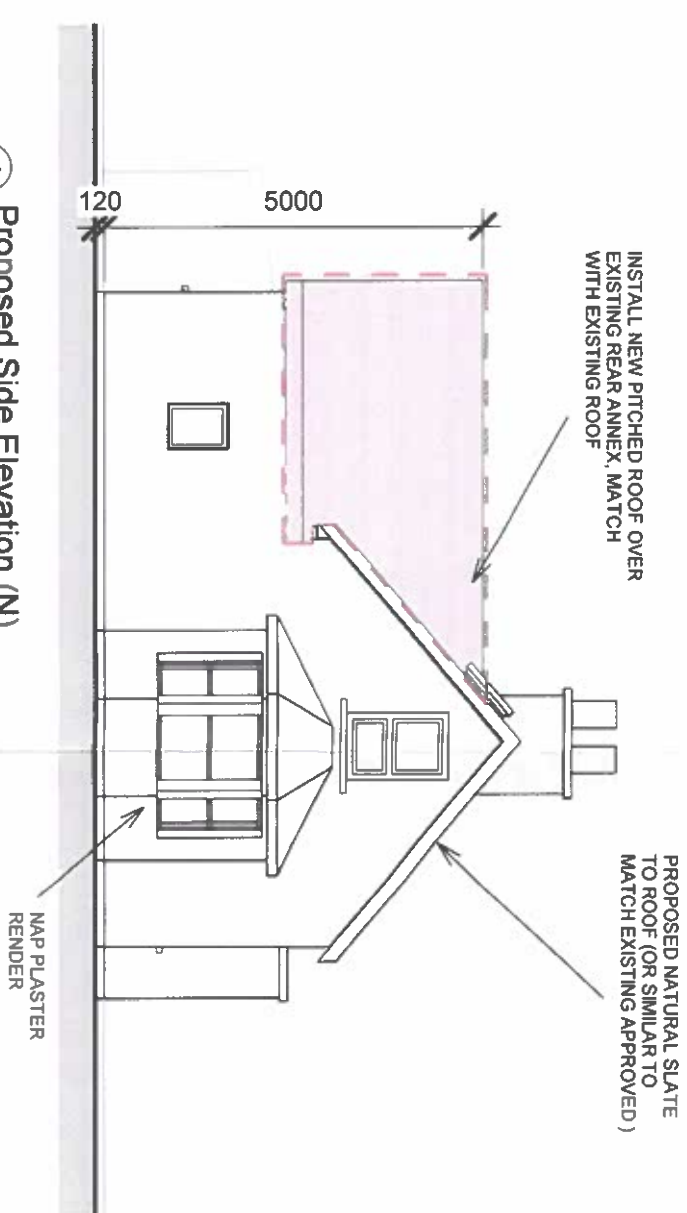




2 Proposed Rear Elevation (E)



4 Proposed Side Elevation (N)
1 : 100



DO NOT SCALE FROM THIS DRAWING WORK ONLY FROM RECORDED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE USED IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STATUS: KEY: SKETCH DOESN'T PRELIMINARY IT FOR TENDER IT FOR CONSTRUCTION IS SUPERSEDED

EXEMPT
DEVELOPMENT



James Lohan

C, V, E, P, S, R, H, A, S

10 best of 25

3+years

John S. Rouse

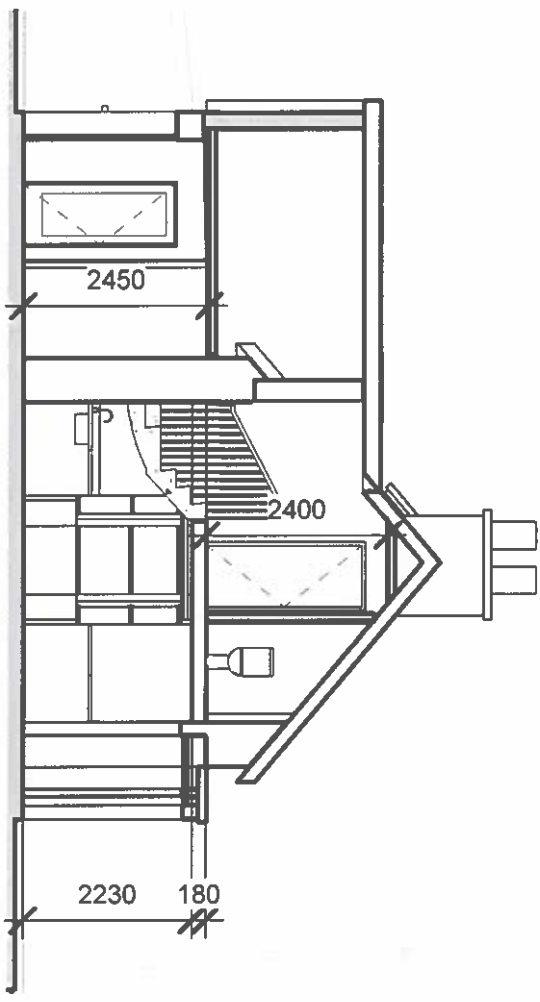
Chief Revenue Officer

Reasons:

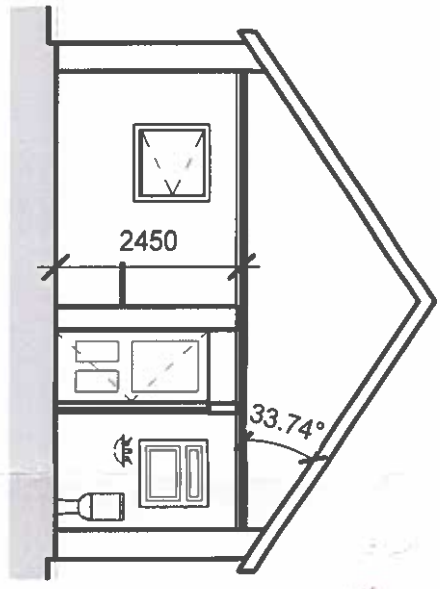
[-name] j@myorg[.com]

(+phone) 555.555.5555

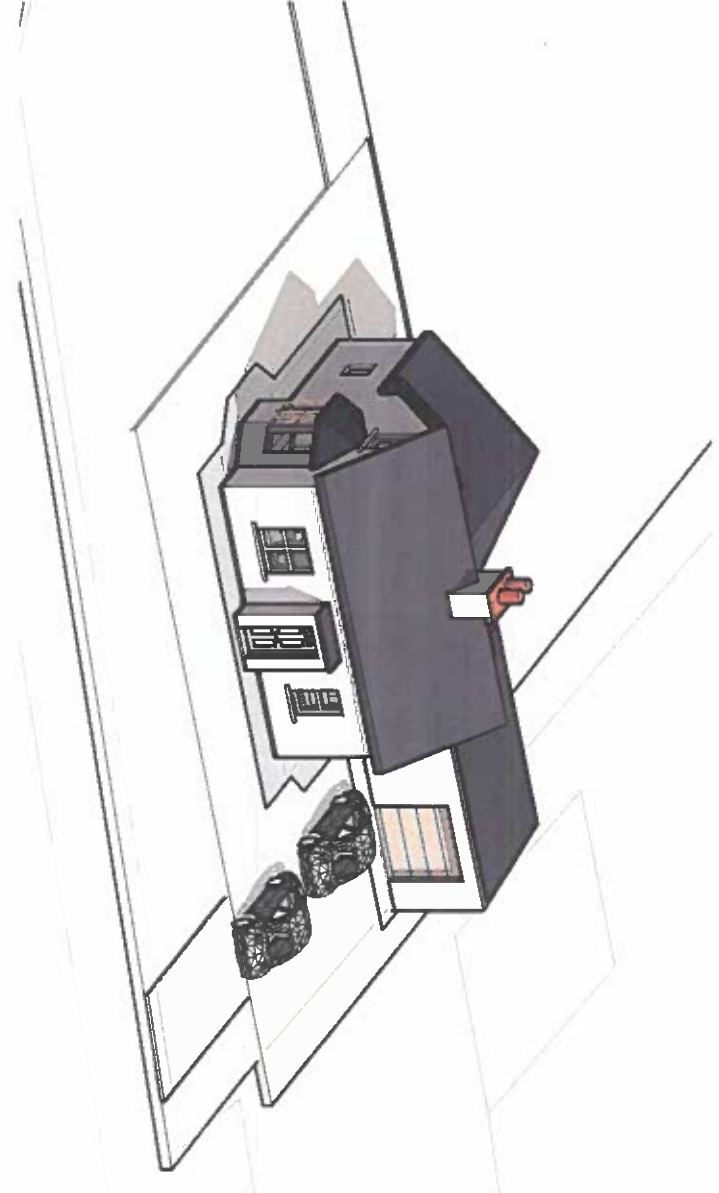
CLIENT	JOB	DATE
Services and Machine Farmall	JOB DEVELOPMENT	10/04/2025
Mountain Taldot	Development	RE +
CO. ROSCOMMON	Elevations Proposed	RE +
F42 HD30		DISCRED BY CZEN



1 Proposed Section 1
1 : 100



4 Proposed Section 2
1 : 100



2 Proposed Front Perspective



3 Proposed Rear Perspective