

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Mary Gordon,



Reference Number: DED 890
Application Received: 12th May, 2025
Name of Applicant: Mary Gordon
Agent: Rathcroghan Design Ltd

WHEREAS a question has arisen as to whether the renovation of an existing dwelling and to construct an extension to the rear of the dwelling at Ballyglass East, Loughglynn, 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 6 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) The proposed renovation of existing dwelling and to construct an extension to the rear of the dwelling 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;
- (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 renovate an existing dwelling and to construct an extension to the rear of the dwelling at Ballyglass East, Loughglynn, 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:


Brian Farragher
Senior Executive Planner,
Planning.

Date: 10th July, 2025

cc agent via email: Rathcroghan Design Ltd
rathcroghandesigns@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: Thursday 10 July 2025 15:56
To: [REDACTED]
Cc: Martin Dowd
Subject: DED890 - Notification of Decision
Attachments: DED890 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for your Section 5 Declaration of Exempted Development Application No: 890.

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 890
Re:	Permission to renovate an existing dwelling and to construct an extension to the rear of the dwelling under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Mary Gordon
Location of Development:	Ballyglass East, Loughglynn, Co. Roscommon.
Site Visit:	4 th of July 2025

WHEREAS a question has arisen as to whether the following works to renovate an existing dwelling and to construct an extension to the rear of the dwelling 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 6 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 north facing detached single storey dwelling. The site is accessed off the L-56213 Local Tertiary Road located ca. 90m from edge of the road. The site is located c. 3km from the village of Loughglynn. The proposed development consists of renovating an existing dwelling and constructing an extension to the rear of the dwelling.

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 in the likely zone of influence of the proposed development.

Appropriate Assessment

The closest European site to the proposed development is c. 3km from the subject site. Other Designations in proximity to the subject site include Lough Glinn PNHA (Site Code 001644) located c. 1.6km away.

Planning History

As per Roscommon County Council's Planning Registry, there is no planning history traced to this site.

The existing dwelling in question appears to have been constructed pre-Planning and Development Act.

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

Development Description	Conditions and Limitations
<p>CLASS 1</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>(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</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,</p>

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.

<p>CLASS 6</p> <p>(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.</p>	<p>7. The roof of any extension shall not be used as a balcony or roof garden.</p> <p>The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.</p>
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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.

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

With regard to the compliance with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. (a) House has no previous extension; proposed extension is 36sq.m.

- (b) Proposed extension is only on ground floor level.
- (c) Proposed extension is only on ground floor level.
2. House has no previous extension; therefore N/A.
3. Proposed extension is only on ground floor level.
4. (a) Rear wall does not exceed this height.
- (b) Rear wall does not exceed this height.
- (c) Roof height of extension is not higher than the existing house.
5. Extension does not reduce the open space to less than 25sq.m.
6. (a) Windows are greater than 1m from the boundary it faces.
- (b) Proposed extension is only on ground floor level.
- (c) Proposed extension is only on ground floor level.
7. The extension roof is pitched therefore will not be used as a balcony or roof garden.

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 neighbouring structures. The proposed works falls under the provisions of Section 4 (1)(h) of the Planning and Development Act 2000 (as amended).

After an inspection of the subject site, there appears to be heavy vegetation and trees surrounding the existing dwelling. Consideration must be taken to the conditions and limitations under Class 6 of the Planning and Development Regulations 2001, as amended when carrying out the site clearance for the proposed development.

Recommendation

WHEREAS a question has arisen as to whether a proposed development; for to renovate an existing dwelling and to construct an extension to the rear of the dwelling as outlined above at Ballyglass East, Loughglynn, County 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 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1 and Class 6 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 renovation of existing dwelling and to construct an extension to the rear of the dwelling 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 to renovate an existing dwelling and to construct an extension to the rear of the dwelling as outlined above at Ballyglass East, Loughglynn, County Roscommon is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Planner

Date: 08-07-25

Signed:



Senior Executive Planner

Date: 09-07-25









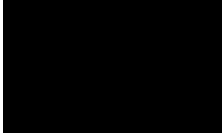




Comhairle Contae
Ros Comáin
Roscommon
County Council



Mary Gordon,



Date: 14th May, 2025
Planning Reference: DED 890

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

Development: Permission to renovate an existing dwelling and to construct an extension to the rear of the dwelling and under the Planning & Development Act (Exempted Development) regulations 2018 at Ballyglass East, Loughglynn, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of the application which was received on the 12th 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/01/0/234678** dated 14th May, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 890**
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: Rathcroghan Design Ltd
rathcroghandesigns@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

14/05/2025 11:23:17

Receipt No. : L01/0/234678

MARY GORDON
C/O MARTIN DOWD DESIGN
BALLINAGARE
CASTLEREA
CO ROSCOMMON

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED890	

Total	80.00 EUR
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Tendered	
Credit/Debit Card	80.00
6657	

Change	0.00
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Issued By : Louis Carroll
From : Central Cash Office

Carmel Curley

From: Carmel Curley
Sent: Thursday 15 May 2025 13:02
To: Martin Dowd
Subject: DED890 - Mary Gordon
Attachments: DED 890 - Ack Letter & Receipt.pdf

Hi Martin,

Please find attached acknowledgement letter & receipt for the Section 5 Exempted Development submitted on behalf of Mary Gordon – DED 890.

Regards,

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](#)





Comhairle Contae
Ros Comáin
Roscommon
County Council

Áras an Chontae,
Roscommon,
Co. Roscommon.

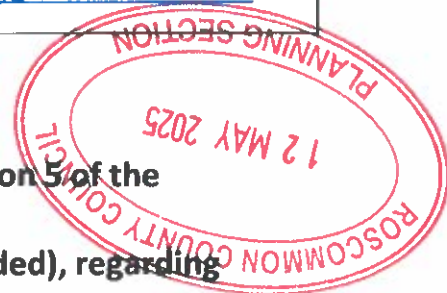
Phone: (090) 6637100

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)	MARY GORDON
Name of Agent	MARTIN DOWD 90 RATHCROGAN DESIGN LTD
Nature of Proposed Works	RENOVATE EXISTING SINGLE STOREY DWELLING AND CONSTRUCT REAR EXTENSION
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BALLYGLASS EAST 565897 LOUGHGLYNN 785867 CO. ROSCOMMON
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>40.8 m²</u> b) <u>36 m²</u>
Height above ground level:	5.21 m
Total area of private open space remaining after completion of this development	N/A
Roofing Material (Slates, Tiles, other) (Specify)	PREPAINTED STEEL CLADDING

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
Is proposed works located at front/rear/side of existing house.	REAR
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	VACANT DWELLING
Proposed use of land or structure	DWELLING HOUSE
Distance of proposed building line from edge of roadway	88.23m 88.23m
Does the proposed development involve the provision of a piped water supply	Yes - EXISTING
Does the proposed development involve the provision of sanitary facilities	Yes - EXISTING.

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

Signature: _____

Date: _____

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





Rathcroghan Designs

Building and Planning Consultant

Ballyconboy, Ballinagare

Castlerea, Co. Roscommon

Ph: 0862328484

Email: rathcroghandesigns@gmail.com

9th May 2025

Planning Dept
Roscommon Co Co
Aras An Chontae
Roscommon



Re – Exempted Development and Associated fee

Dear Sir/Madam,

Please find enclosed Exempted Development application for my client Ms. Mary Gordon, Ballyglass East, Loughglynn, Co Roscommon

I would greatly appreciate it if you could please contact me on 086 2328484, for card details in respect to payment of Exempted Development fee of €80.

Best Regards

Martin Dowd AssocSCSI, Bsc Construction Management
Rathcroghan Designs, Building and Planning Consultant

Site Location Map

PREPARED BY MARTIN DOOD
RATHCROGHAN DESIGNS
BALLINAGARE CASTLEERA



Taite Éireann

CENTRE COORDINATES:
ITM 565915,785866

PUBLISHED: 09/05/2025
ORDER NO.: 50465465_1

MAP SERIES: 6 inch Raster
MAP SHEETS: RN020

COMPILED AND PUBLISHED BY:
Taite Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

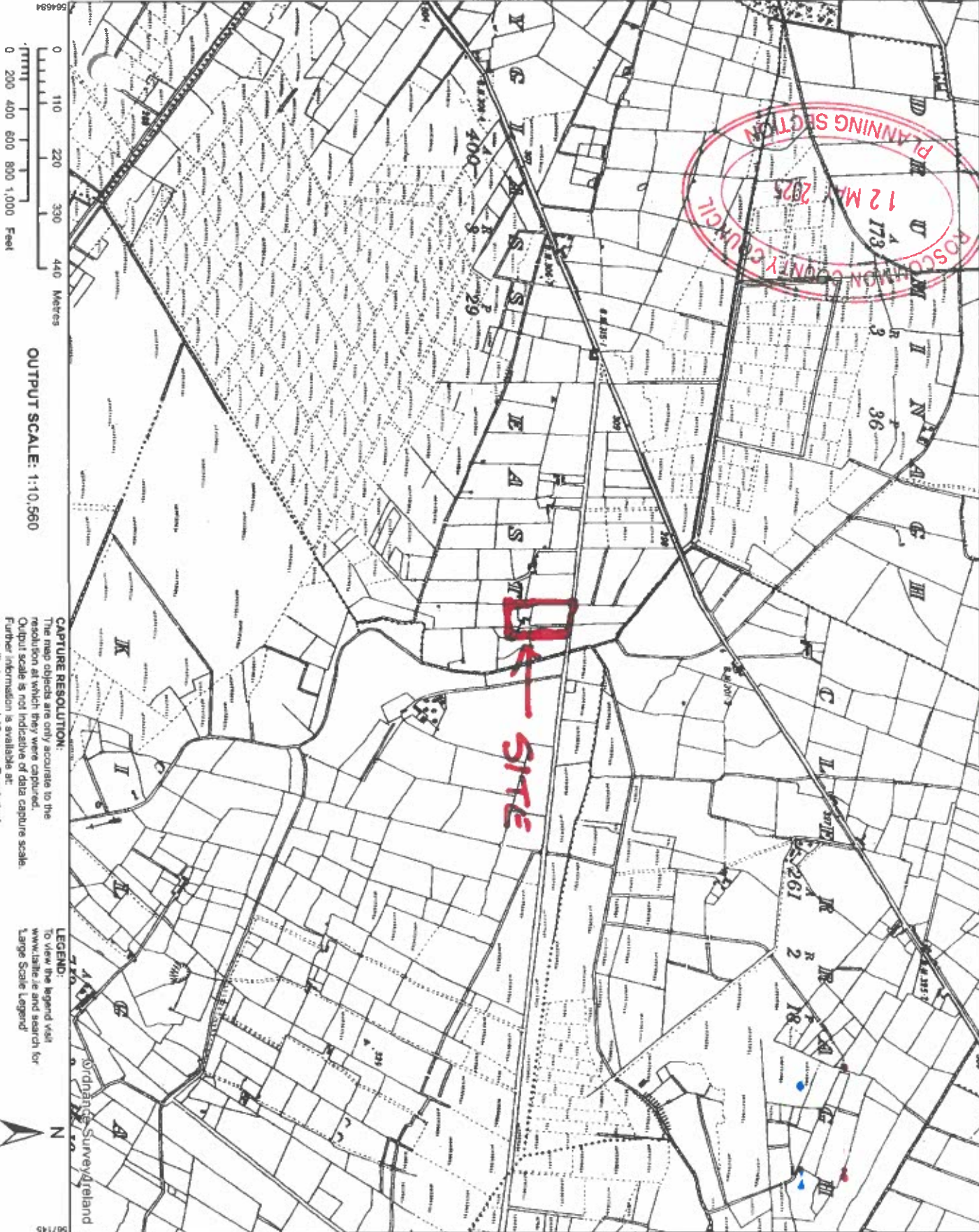
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LEGEND:
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Planning Pack Map

TREKED BY WINNERS
RATACADIAN DESIGNS
BALLINAGALE CASTLEEEA

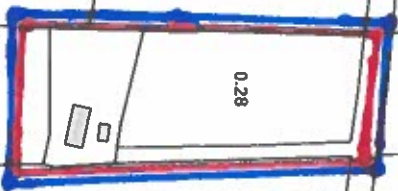
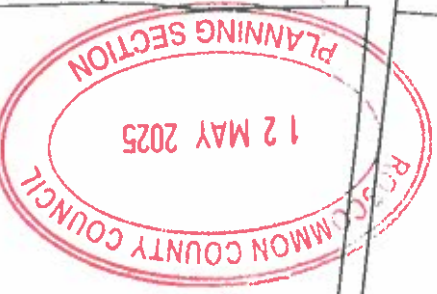


Éireann

An Baile Glas Thoir
Ballyglas East

Cleragh

Kilgarve



SITE BOUNDARY
LAND OWNERSHIP

CENTRE COORDINATES:
TTM 565915.785866
PUBLISHED: 09/05/2025
ORDER NO.: 50465465_1
MAP SERIES: 1:5,000
MAP SHEETS: 2036 2095

COMPILED AND PUBLISHED BY:
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Dublin 8,
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D08F6E4

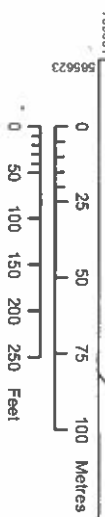
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OUTPUT SCALE: 1:2,500

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LEGEND:
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RATHCROGHAN DESIGN

Ballyconby, Ballingarry, Castleree, Co. Roscommon
Ph: 086 2328484
E-mail: rathcroghandesigns@gmail.com



Client

Mary Gordan

Title

Site Layout

Scale: 1:500 UNLESS NOTED

Sheet

Orig. No.

Drawn: MARTIN DOWD

1 OF 1

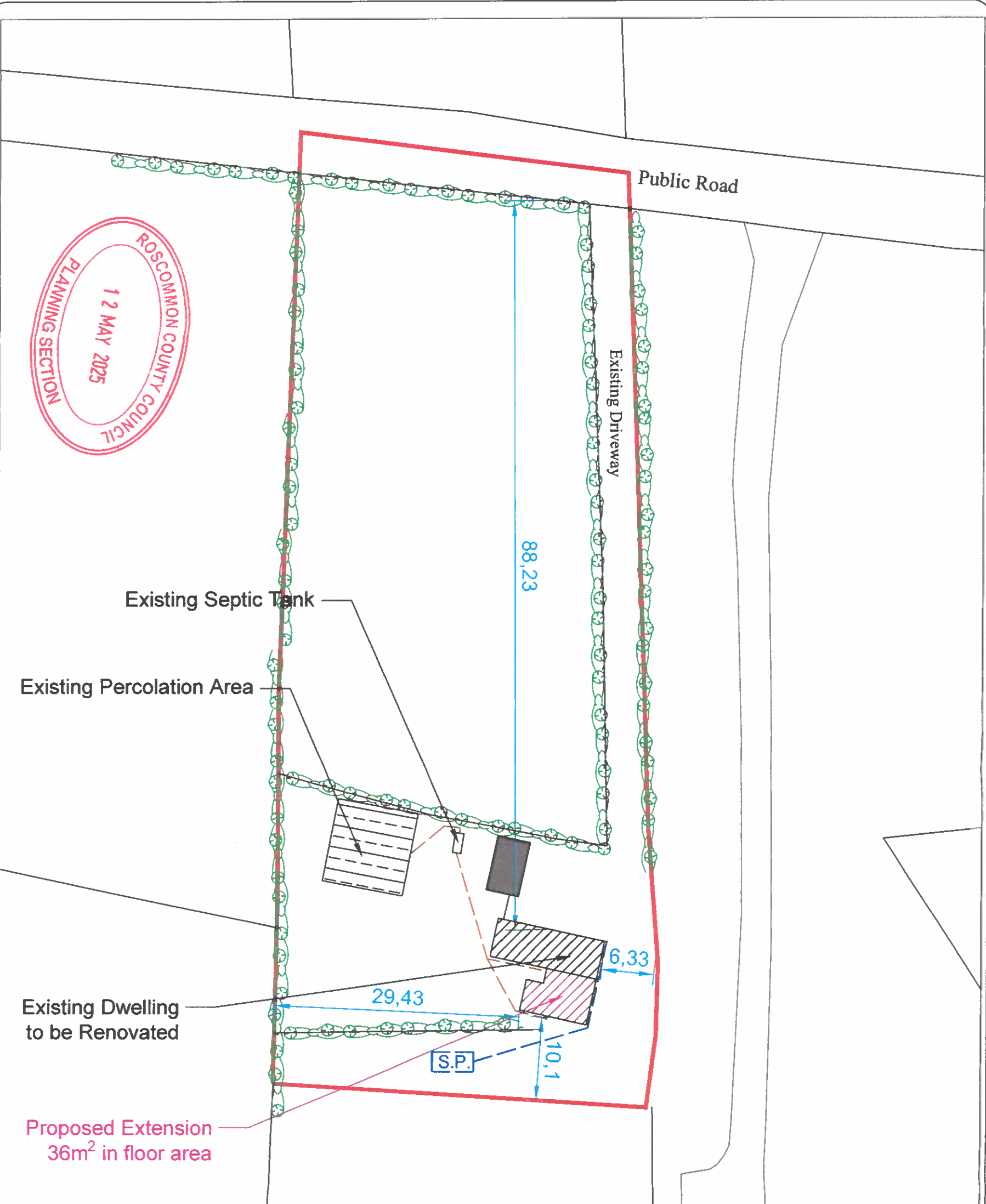
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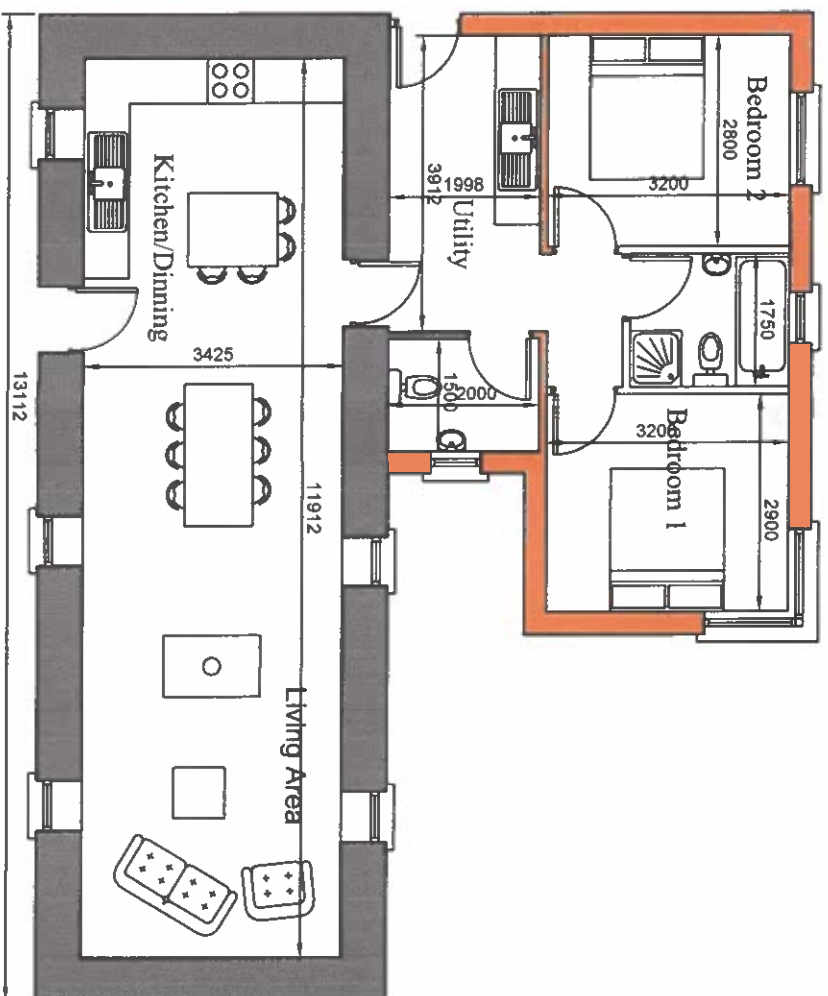
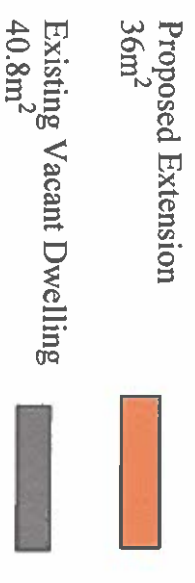
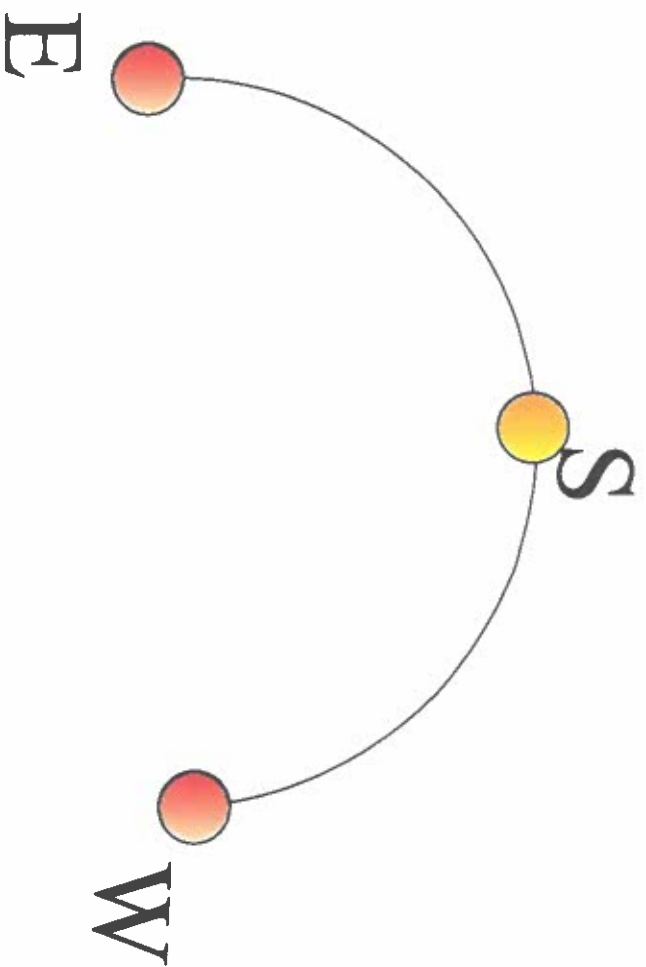
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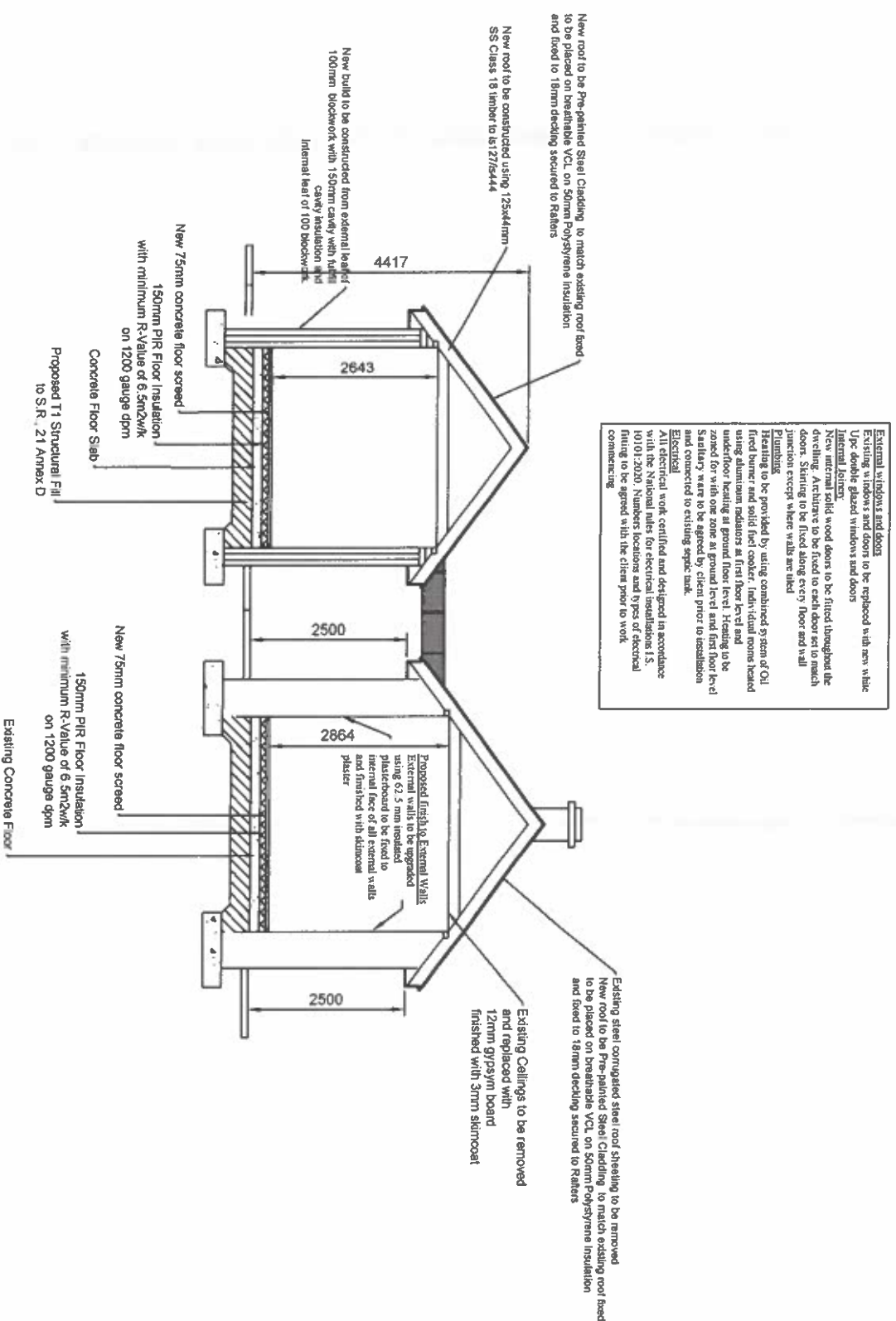
Site Area 0.492Ha

- Existing Outbuildings
- Existing Dwelling
- Proposed Extension
- Existing Whitethorn Hedgerow
- Foul Sewer
- Storm Sewer
- Soakpit





Floor Plan



Sectional Elevation

PLANNING SECTION
12 MAY 2025
H. SCOTCHMAN COUNTY COUNCIL

RATHCROGHAN DESIGN

Belyantsev, Belyantsev, Castner, Or. Assocman
Ph: 086 2328484 E-mail: worldwide@rcom.net

Client

Mary Gordon

The

Existing Vacant Dwelling
to be Refurbished and
Proposed Extension

Score UNLESS NOTED

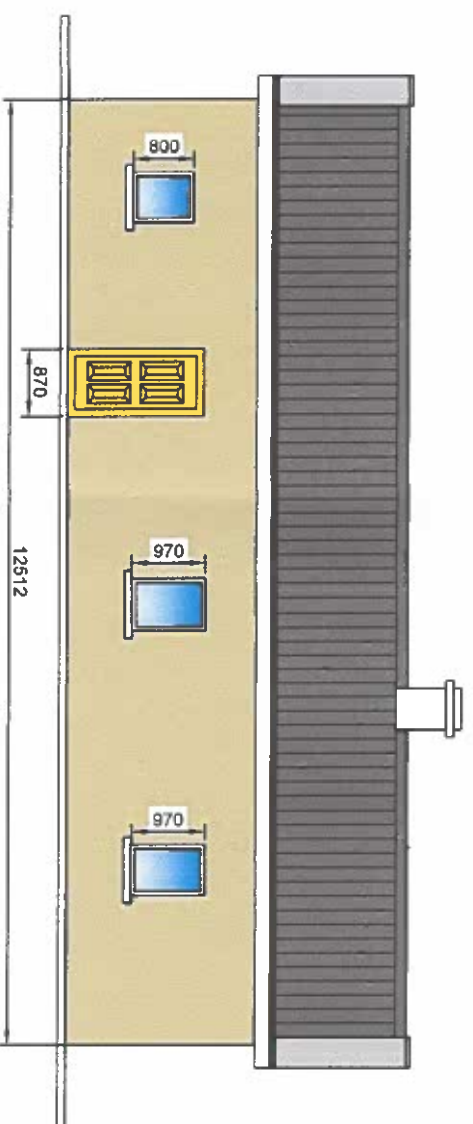
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Date 11-01-2025

Street

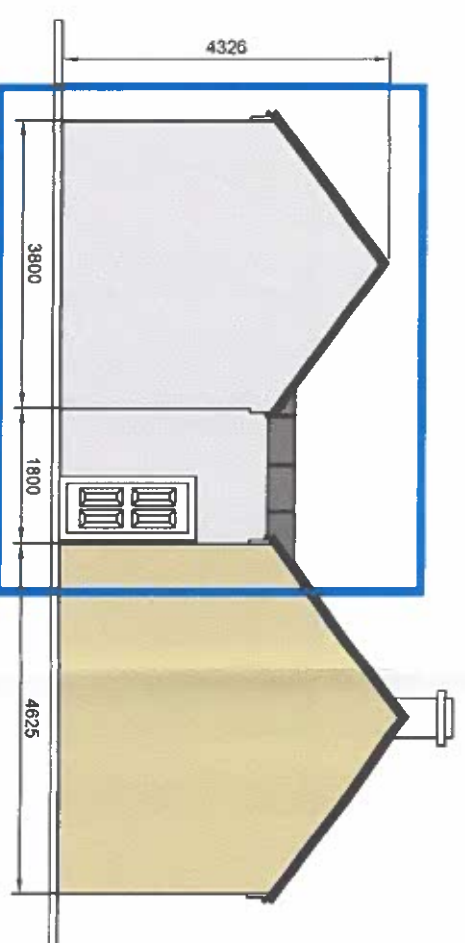
10F2

Ding, Ho.

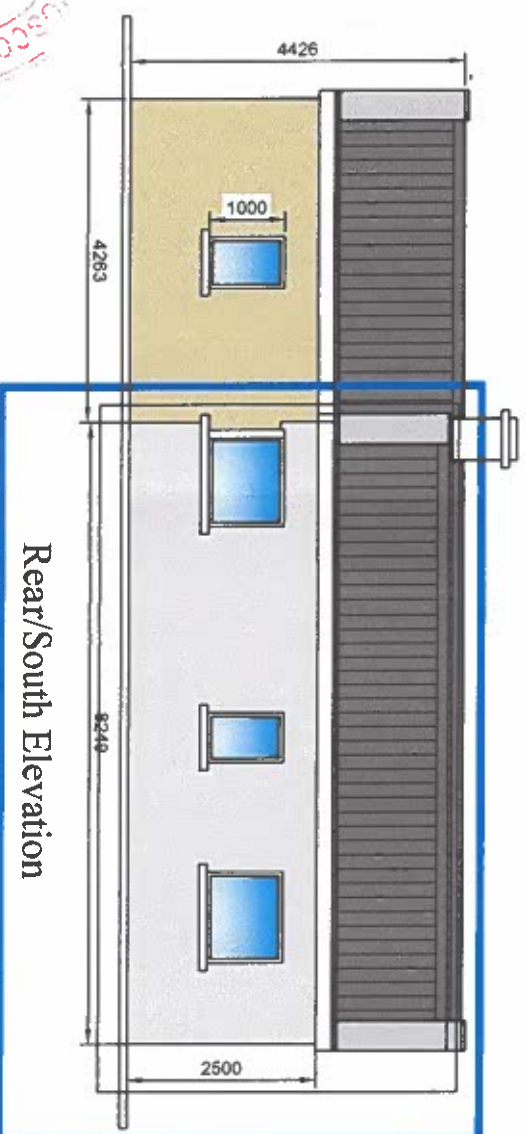
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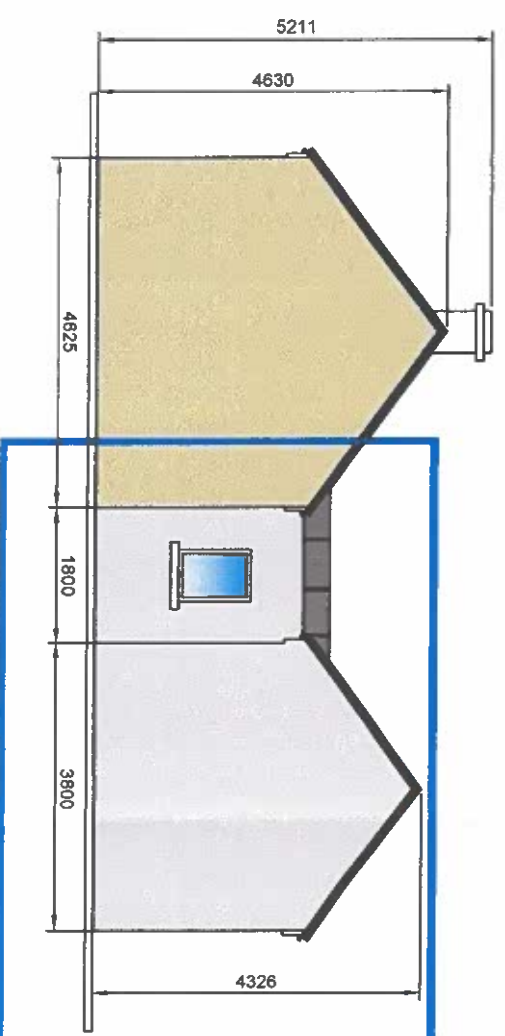
Front/North Elevation



End/East Elevation



Rear/South Elevation



End/West Elevation



Proposed Extension
outlined in Blue

RATHCROGHAN DESIGN

Galway, Ballinacorney, Castlebar, Co. Mayo
Ph: 086 2328484 E-mail: rathcroghan@rathcroghan.com



Client

Mary Gordon

Title

Existing Vacant Dwelling
to be Refurbished and
Proposed Extension

Scale: 1:50 (AS SHOWN)

Date: 11/01/2025

Sheet

2 OF 2

Date: 25-205