

ROSCOMMON COUNTY COUNCIL

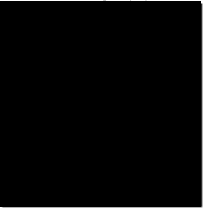
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Penelope Jane Luscombe Reid,



Reference Number: DED 895

Application Received: 21st May, 2025

Name of Applicant: Penelope Jane Luscombe Reid

Agent: Eco Smart

WHEREAS a question has arisen as to whether the installation of a Velux window in the roof at the north side of the house as part of the refurbishment at Foughill, Trien, Castlerea, Co. Roscommon, F45 X280., 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) 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 installation a Velux window in the roof at the north side of the house as part of refurbishment 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 install a Velux window in the roof at the north side of the house as part of refurbishment at Foughill, Trien, Castlerea, Co. Roscommon, F45 X280., 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: 20th June, 2025

cc agent via email:

Eco Smart
admin@ecosmart.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: Friday 20 June 2025 12:56
To: Penelope JL Reid
Cc: admin@ecosmart.ie
Subject: DED 895 - Notification of Decision
Attachments: DED895 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for your Section 5 Declaration of Exempted Development Application submitted, DED 895.

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 895
Re:	Permission to install a Velux window in the roof at the north side of the house as part of refurbishment under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	Penelope Jane Luscombe Reid
Location of Development:	Foughil, Trien, Castlerea, County Roscommon, F45 X280
Site Visit:	17/06/2025

WHEREAS a question has arisen as to whether the following works for permission to install a Velux window in the roof at the north side of the house as part of refurbishment 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) 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 dormer style dwelling with a front porch in Foughill, Trien, Castlerea, County Roscommon. The property is accessed off the R361 road. The proposed development consists of the installation of a Velux window in the roof at the north side of the house as part of refurbishment.

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 sites to the proposed development are Moorefield/Farm Cottage NHA (Site Code 000221) which is circa 1.6km to the south and Corliskea/Trien/Cloonfeliv Bog PNHA/SAC (Site Code 002110) which is located circa 0.8km to the east and Cloonchambers Bog PNHA/SAC (Site Code 000600) which is located circa 3km to the north 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 Roscommon County Council's Planning Registry, there is no planning history traced to this site.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3. -(1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) of the Act defines certain types of development as being 'exempted development'. Of potential relevance is section 4(1)(h) which provides as follows:

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

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies;

Development to which article 6 relates shall not be exempted development for the purposes of the Act

viiB) comprise development in relation to which a planning authority or an Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

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.

Works include:

- Installation of a Velux window

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 stated proposed works are deemed an exempt 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; for permission to install a Velux window in the roof at the north side of the house as part of refurbishment at Foughil, Trien, Castlerea, County Roscommon, F45 X280, 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) 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 installation a Velux window in the roof at the north side of the house as part of refurbishment falls within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

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

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

AND WHEREAS I have concluded that the said development for permission to install a Velux window in the roof at the north side of the house as part of refurbishment at Foughil, Trien, Castlerea, County Roscommon, F45 X280, is an exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed:

Planner



Date: 18th June 2025

Signed:

Senior Executive Planner



Date: 18th June 2025







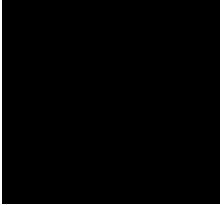




Comhairle Contae
Ros Comáin
Roscommon
County Council



Penelope Jane Luscombe Reid,



Date: 22nd May, 2025
Planning Reference: DED 895

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

Development: Permission to install a velux window in the roof at the north side of the house as part of refurbishment under the Planning & Development Act (Exempted Development) regulations 2018 at Foughil, Trien, Castlerea, Co. Roscommon, F45 X280.

A Chara,

I wish to acknowledge receipt of the application which was received on the 21st 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/01/0/234813** dated 22nd May, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 895**
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: EcoSmart
admin@ecosmart.ie

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

22/05/2025 10:20:09

Receipt No : L01/0/234813

PENELOPE REID

EXEMPT DEVELOPMENT

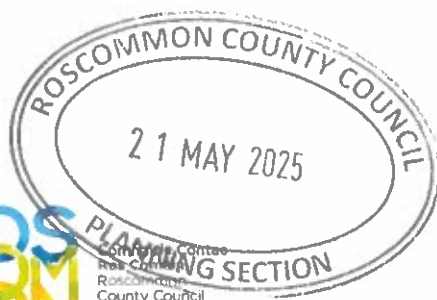
PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED895	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
5040

Change : 0.00

Issued By : Louis Carroll
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)	Penelope Jane Luscombe Reid
Name of Agent	EcoSmart
Nature of Proposed Works	Velux window in the roof at the north side of the house as part of refurbishment
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	Foughil, Trien, Castlerea, Co. Roscommon, F45 X280
Floor Area: a) Existing Structure b) Proposed Structure	a) ____ 94.98 m2 ____ b) ____ 94.98 m2 ____
Height above ground level:	Unchanged two storey dormer house approx 6m
Total area of private open space remaining after completion of this development	Unchanged house footprint as now
Roofing Material (Slates, Tiles, other) (Specify)	Fibre cement tiles, blue-black in colour

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	No new external walls, finishes will be white
Is proposed works located at front/rear/side of existing house.	Proposed window would be in the roof at the north side
Has an application been made previously for this site	Yes
If yes give ref. number (include full details of existing extension, if any)	DED833 Exempted Development, No extension, replaces rear velux for same room
Existing use of land or structure	Dwelling house
Proposed use of land or structure	Dwelling house
Distance of proposed building line from edge of roadway	Unchanged
Does the proposed development involve the provision of a piped water supply	Already present - no change
Does the proposed development involve the provision of sanitary facilities	Already present - no change

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

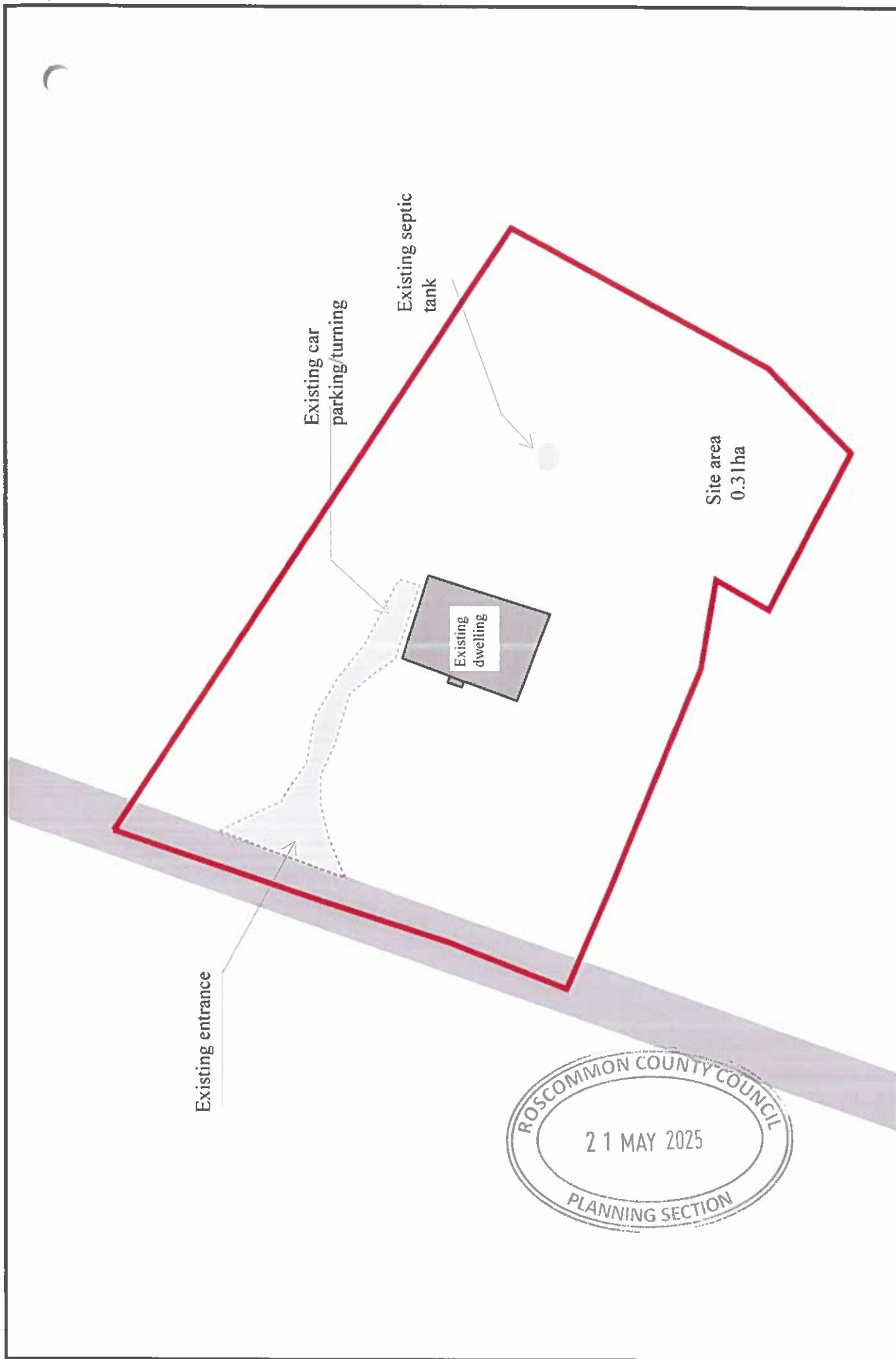
Signature: Penelope J. Reid

Date: 20/05/2025

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





To Castlereagh



Tailte Éireann

Ciaránán, Luachán
Suirbhéireacht
Registration, Valuation,
Surveying

Official Tailte Éireann Registration Map

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.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

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

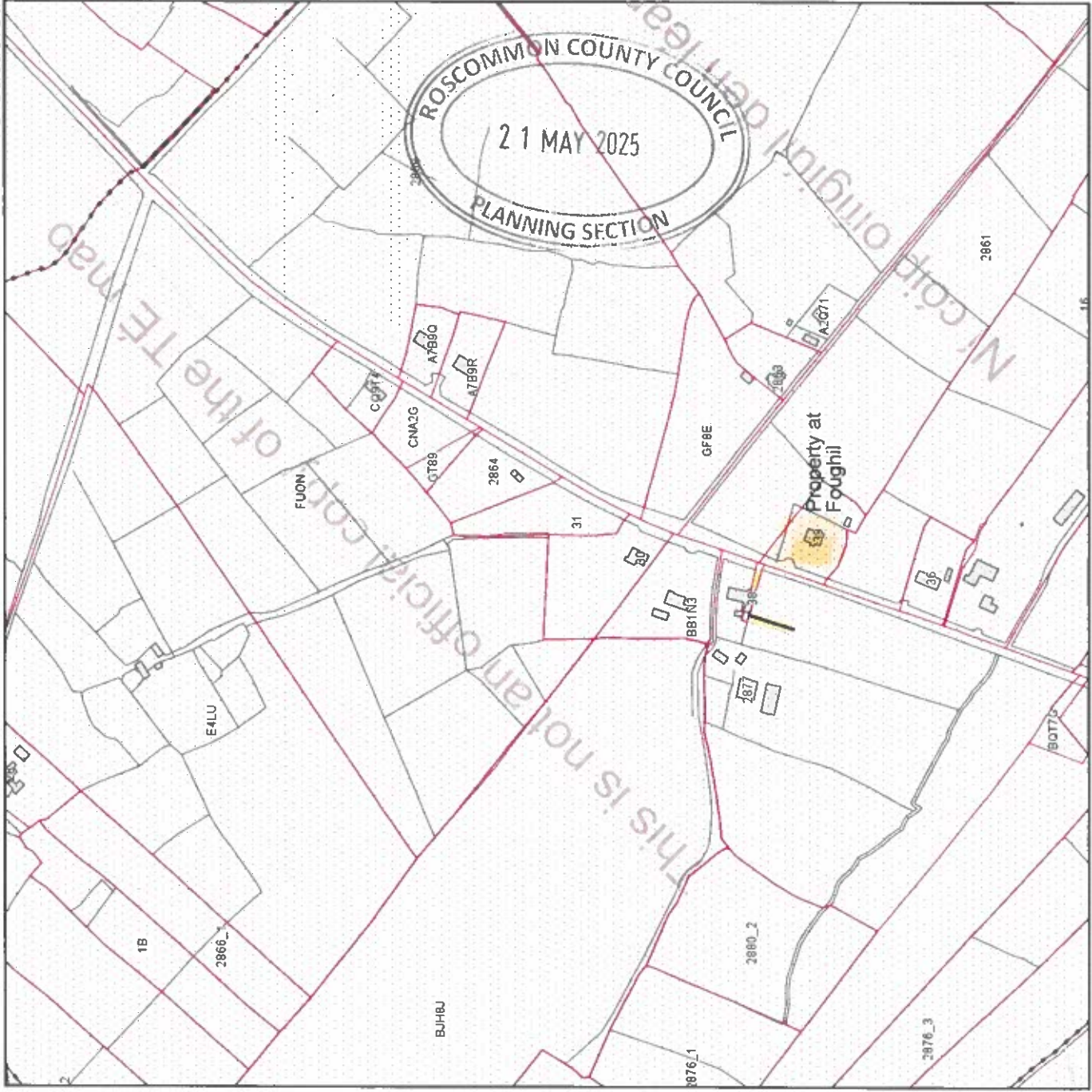
Tailte Éireann Registration operates a non-conclusive boundary system.
The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964) As Inserted by Section 62 of the Registration of Deed and Title Act 2006



Creation Date: Thursday, December 12, 2024 10:42:07 PM

To Trien

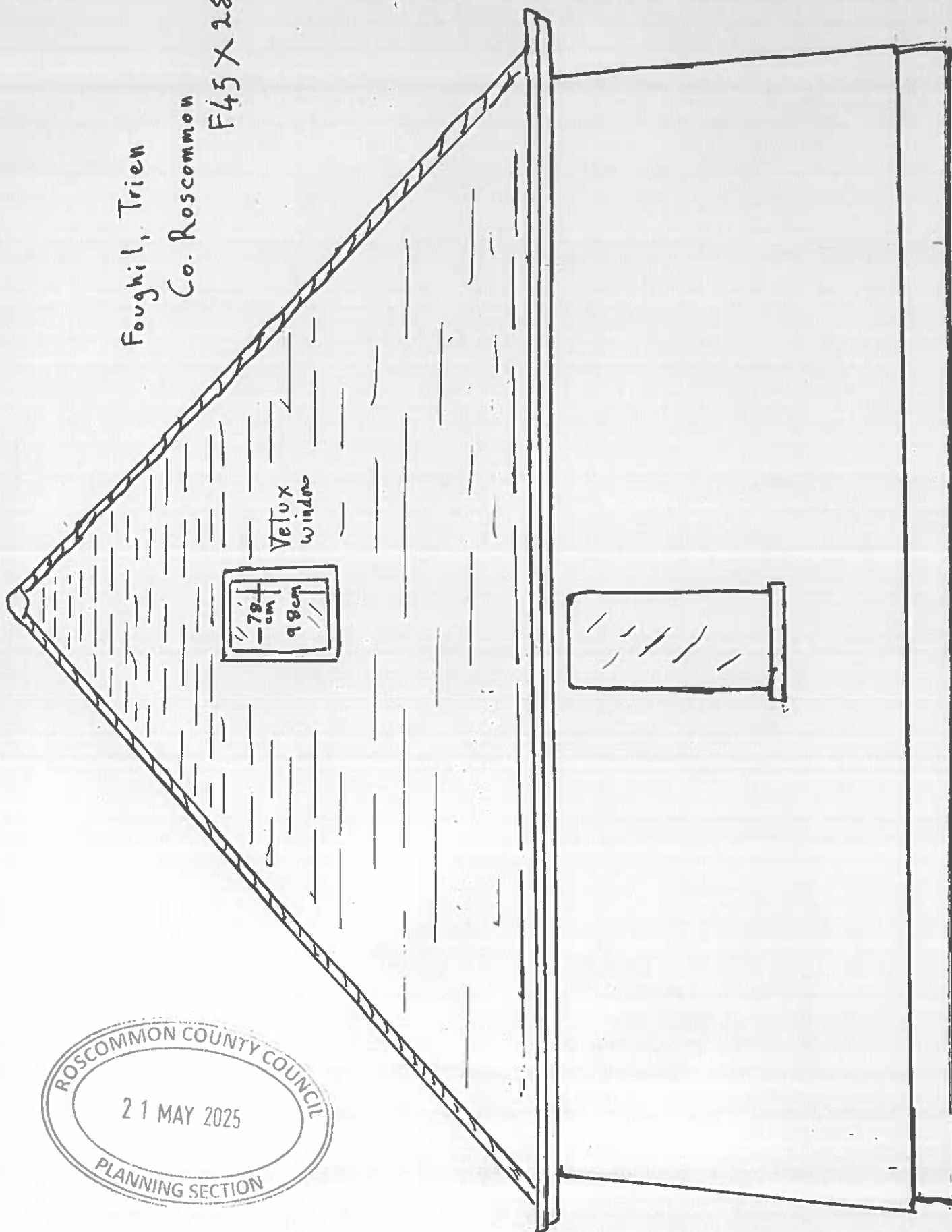
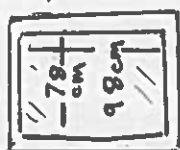


Foughil, Trian

Co. Roscommon

F45 X 280

Vetux
windno



Specification of development proposed

Velux window in roof at the side of the existing house, north end of property as shown below.
Approximate dimensions of window 780mm wide by 980mm high.

