

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Eamonn Reilly,

Reference Number: DED 898
Application Received: 22nd May, 2025
Name of Applicant: Eamonn Reilly
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 existing walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) install new windows & doors; 4) clean the roof; 5) second fix carpentry and paint and decorate internally; 6) construct an extension under 40sqm for a new kitchen & utility; 7) upgrade plumbing/heating system; 8) upgrade electrical systems & 9) install new floors at Ballyleague, Co. Roscommon, N39 X229, 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) Class 1, 5 and 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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 demolition of the rear extension as described in this case is an exempted development.
- (c) The proposed extension and fence to the rear of the property as described in this case is an exempted development.
- (d) All other works 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;
- (e) 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 existing walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) install new windows & doors; 4) clean the roof; 5) second fix carpentry and paint and decorate internally; 6) construct an extension under 40sqm for a new kitchen & utility; 7) upgrade plumbing/heating system; 8) upgrade electrical systems & 9) install new floors at Ballyleague, Co. Roscommon, N39 X229, 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: 11th July, 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: Friday 11 July 2025 12:52
To: [REDACTED]
Cc: James Lohan; Camila Zen
Subject: DED 898 - Notification of Decision
Attachments: DED898 - Notification of Decision.pdf

A Chara,

Please find attached Notification of Decision for your Section 5 Declaration of Exempted Development Application No: 898.

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 898
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to refurbish a derelict house with works including 1)strip out existing walls, floors & ceiling; 2)install new ceiling joists, internal studwork, plasterboard & skim; 3)install new windows & doors; 4) clean the roof; 5)second fix carpentry and paint and decorate internally; 6)construct an extension under 40sqm for a new kitchen & utility; 7)upgrade plumbing/heating system; 8)upgrade electrical systems & 9)install new floors
Name of Applicant:	Eamonn Reilly
Location of Development:	Ballyleague, Co. Roscommon. (N39 X229)
Site Visit:	26/06/2025

WHEREAS a question has arisen as to whether the following works; to refurbish a derelict house with works including 1)strip out existing walls, floors & ceiling; 2)install new ceiling joists, internal studwork, plasterboard & skim; 3)install new windows & doors; 4) clean the roof; 5)second fix carpentry and paint and decorate internally; 6)construct an extension under 40sqm for a new kitchen & utility; 7)upgrade plumbing/heating system; 8)upgrade electrical systems & 9)install new floors 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) Class 1, 5 and 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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 subject site is located in Ballyleague, Co. Roscommon and is accessed off the N-63 road. The site contains a 2-story dwelling house with a single-story lean to roofed extension to the rear. The property has a garden area to the front and rear of the house. The proposed works include the following:

- Demolish part of the existing extension to the rear of the house.
- Construct a new extension to the rear of existing house.
- Erection of a new post and rail fence to the rear of the property.
- Varies internal works as listed in the description.

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 development is Lough Ree PNHA/SAC (Site Code 000440) which is located circa .15km to the 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, recent planning history has been traced relating to the subject site.

- 07/2168 – Incomplete application
- 08/1051 - to demolish existing 2 storey private residence and ancillary single storey adjacent buildings fronting onto the roadway, together with rear single storey outbuildings and hay shed and construct 20 residential units (11 houses and 9 apartments) and the shop and offices shown on drawings submitted on 26/03/2009 and connect to proposed foul ejector station and town mains water supply together with new access entrance, internal roadway and all associated site works - Conditional

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,

Class 1 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <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, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or</p>

	<p>parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. 388 (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> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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Class 5 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<p>CLASS 5</p> <p>The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</p>	<p>1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</p> <p>2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</p> <p>3. No such structure shall be a metal palisade or other security fence.</p>

Class 50 of Part 1 of Schedule 2: Exempted development - General

Description of Development	Conditions and Limitations
<p>CLASS 50</p> <p>(a) The demolition of a building, or buildings, within the curtilage of—</p> <p>(i) a house,</p> <p>(ii) an industrial building,</p> <p>(iii) a business premises, or</p> <p>(iv) a farmyard complex.</p> <p>(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.</p>	<p>1. No such building or buildings shall abut on another building in separate ownership.</p> <p>2. The cumulative floor area of any such building, or buildings, shall not exceed:</p> <p>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</p> <p>(b) in all other cases, 100 square metres.</p> <p>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</p>

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 proposed development of an extension to the rear of a dwelling house which, it is stated as having floor space of 40m².

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. The house appears to have had a previous extension therefore N/A.
2. a. Proposed work is stated as 40m², previous extension is approx. 35m² but is to be demolished and therefore total extended area is 40m².
b. Proposed extension is on ground floor only, therefore N/A.
c. Proposed work is only on ground floor level.
3. Proposed work is only on ground floor level.
4. a. Rear wall does not exceed this height.
b. Rear wall does not include a gable, therefore N/A.
c. Proposed flat roof extension does not exceed the height of the existing dwelling.
5. Extension does not reduce the open space to less than 25m²
6. a. Windows are greater than 1m from the boundary it faces.
b. Proposed work is only on ground floor level.
c. Proposed work is only on ground floor level.
7. Existing house is two story and no access is indicated.

Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the extension to rear of a dwelling house as described in this case is considered an exempted development.

The proposed development includes the construction of a 1.2m high post and rail fence to the rear of the existing dwelling, with regard to the compliance with the conditions and limitations of Class 5 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. Following FI received the fence is to be 1.2m high and to the rear of the property.
2. N/A as proposed post and rail fence.
3. N/A as proposed post and rail fence.

Having reviewed the proposed works in the context of the Conditions and Limitations associated with Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the construction of a 1.2m high post and rail fence to the rear of the existing dwelling as described in this case is considered an exempted development.

The proposed development of the demolishing of the rear extension to the existing dwelling. The floor space is approx. 35m² (Scaled from Existing Elevations drawings). Having reviewed the existing works in the context of the Conditions and Limitations associated with Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, the demolishing of the rear extension as described in this case is considered an exempted development.

The proposal also includes to refurbishment of a derelict house. These works include new windows/doors to be installed in existing openings and various internal works. 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 neighbouring 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 whether a proposed development; to refurbish a derelict house with works including 1)strip out existing walls, floors & ceiling; 2)install new ceiling joists, internal studwork, plasterboard & skim; 3)install new windows & doors; 4) clean the roof; 5)second fix carpentry and paint and decorate internally; 6)construct an extension under 40sqm for a new kitchen & utility; 7)upgrade plumbing/heating system; 8)upgrade electrical systems & 9)install new floors as outlined above in Ballyleague, 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) Class 1, 5 and 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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 demolition of the rear extension as described in this case is an exempted development.
- The proposed extension and fence to the rear of the property as described in this case is an exempted development.
- All other works 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 refurbish a derelict house with works including 1)strip out existing walls, floors & ceiling; 2)install new ceiling joists, internal studwork, plasterboard & skim; 3)install new windows & doors; 4) clean the roof; 5)second fix carpentry and paint and decorate internally; 6)construct an extension under 40sqm for a new kitchen & utility; 7)upgrade plumbing/heating system; 8)upgrade electrical systems & 9)install new floors as outlined above in Ballyleague, Co. Roscommon as outlined above, is an exempt development and I recommend that a declaration to that effect should be issued to the applicant.

Signed:



Date: 3rd July 2025

Civil Technician



Signed:

Date: 11th July 2025

Senior Executive Planner

Carmel Curley

From: Camila Zen <camila@jlce.ie>
Sent: Tuesday 1 July 2025 12:17
To: Carmel Curley; James Lohan
Cc: Rachel Hoare
Subject: Re: DED898 - Further Information Request
Attachments: Further Information response.pdf

Hi Carmel,
I hope this email finds you well.

Please find attached the response to the Further Information Request for **DED 898 – Eamonn Reilly**, along with the updated site layout.
I remain at your disposal should any clarification be required.

Kind regards,
Camila

Camila Zen, Architectural Designer

B.Arch (Hons)

James Lohan Consulting Engineer Ltd,

Unit 6, Ballypheason House, Circular Road
Roscommon F42 C982
Ph: 085 1756190
E: camila@jlce.ie
Web: www.jlce.ie



From: Carmel Curley <CCurley@roscommoncoco.ie>
Sent: Tuesday, July 1, 2025 9:59 AM
To: James Lohan <james@jlce.ie>
Cc: Camila Zen <camila@jlce.ie>
Subject: DED898 - Further Information Request

Hi James,

Please find attached Further Information Request Letter for DED 898 for Eamonn Reilly.

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

Response to Further Information Request

DED Ref: DED898

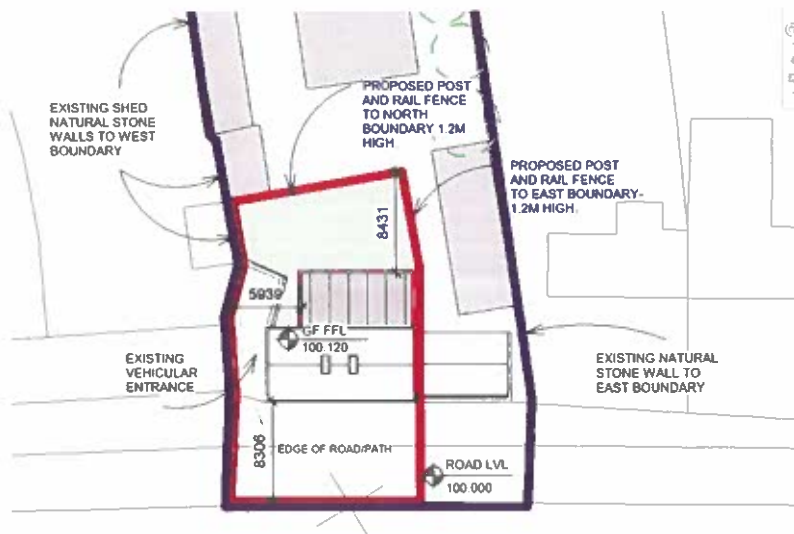
Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development. Development: WHEREAS a question has arisen as to whether the refurbishment of a derelict house, with works including: 1) strip out existing walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) install new windows & doors; 4) clean the roof; 5) second fix carpentry and paint and decorate internally; 6) construct an extension under 40sqm for a new kitchen & utility; 7) upgrade plumbing/heating system; 8) upgrade electrical systems; and 9) install new floors at Ballyleague, Co. Roscommon, N39 X229, is or is not development and is or is not exempted development.

Dear Planner,

Further to the Further Information Request we received dated 30th June 2025, we hereby submit our FI response:

1. Provide the height of the proposed fence to the north and east rear boundaries.

Response to 1: The proposed fence to the north and east rear boundaries will be 1.2m high. Please find attached the updated site layout and reference image showing the proposed fence height.



We look forward to hearing from you and sincerely hope that there is a positive decision in relation to this application

Kind Regards,



Camila, B. Arch (Hons)



Comhairle Contae
Ros Comáin
Roscommon
County Council



Eamonn Reilly,

Date: 30th June, 2025
Reference: DED 898

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

Development: WHEREAS a question has arisen as to whether the refurbishment of a derelict house, with works including: 1) strip out existing walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) install new windows & doors; 4) clean the roof; 5) second fix carpentry and paint and decorate internally; 6) construct an extension under 40sqm for a new kitchen & utility; 7) upgrade plumbing/heating system; 8) upgrade electrical systems & 9) install new floors at Ballyleague, Co. Roscommon, N39 X229, is or is not development and is or is not exempted development.

A Chara,

Further to your application received on the 22nd May, 2025 and in order for the Planning Authority to determine as to whether the refurbishment an existing derelict house, with works including: 1) strip out existing walls, floors & ceilings; 2) install new ceiling joists, internal studwork, plasterboard & skim; 3) install new windows & doors; 4) clean the roof; 5) second fix carpentry and paint and decorate internally; 6) construct an extension under 40sqm for a new kitchen & utility; 7) upgrade plumbing/heating system; 8) upgrade electrical systems & 9) install new floors at the above address is or is not development and is or is not exempted development, you are requested to submit the following further information:

1. Provide the height of the proposed fence to the north and east rear boundaries.

Consideration of your application is being deferred pending compliance with this request for further information. When replying please quote Planning Reference Number **DED 874**

Note: Replies to this communication must be by way of original documents.

Mise le meas,

Alan O'Connell,
A/Senior Planner, Planning.

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

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

Reference Number:	DED 898
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding exempted development to refurbish a derelict house with works including 1)strip out existing walls, floors & ceiling; 2)install new ceiling joists, internal studwork, plasterboard & skim; 3)install new windows & doors; 4) clean the roof; 5)second fix carpentry and paint and decorate internally; 6)construct an extension under 40sqm for a new kitchen & utility; 7)upgrade plumbing/heating system; 8)upgrade electrical systems & 9)install new floors
Name of Applicant:	Eamonn Reilly
Location of Development:	Ballyleague, Co. Roscommon. (N39 X229)
Site Visit:	26/06/2025

WHEREAS a question has arisen as to whether the following works; to refurbish a derelict house with works including 1)strip out existing walls, floors & ceiling; 2)install new ceiling joists, internal studwork, plasterboard & skim; 3)install new windows & doors; 4) clean the roof; 5)second fix carpentry and paint and decorate internally; 6)construct an extension under 40sqm for a new kitchen & utility; 7)upgrade plumbing/heating system; 8)upgrade electrical systems & 9)install new floors 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) Class 1 and 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (Exempt Development – General), 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 subject site is located in Ballyleague, Co. Roscommon and is accessed off the N-63 road. The site contains a 2-story dwelling house with a single-story lean to roofed extension to the rear. The property has a garden area to the front and rear of the house. The proposed works include the following:

- Demolish part of the existing extension to the rear of the house.
- Construct a new extension to the rear of existing house.
- Erection of a new post and rail fence to the rear of the property.
- Varies internal works as listed in the description.

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 development is Lough Ree PNHA/SAC (Site Code 000440) which is located circa .15km to the 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, recent planning history has been traced relating to the subject site.

- 07/2168 – Incomplete application
- 08/1051 - to demolish existing 2 storey private residence and ancillary single storey adjacent buildings fronting onto the roadway, together with rear single storey outbuildings and hay shed and construct 20 residential units (11 houses and 9 apartments) and the shop and offices shown on drawings submitted on 26/03/2009 and connect to proposed foul ejector station and town mains water supply together with new access entrance, internal roadway and all associated site works - Conditional

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,

Initial Planning Assessment:

It is unclear from the documentation submitted and site inspection, there are various elements of the proposed external works that require further information such as the proposed fence/boundary to the north and east of the site.

Accordingly, a further Information request will be made in this regard.

Recommendation:

Please provide the below information:

- Provide the height of the proposed fence to the north and east rear boundaries.

Signed:



Date: 30th June 2025

Civil Technician

Signed:



Date: 30th June 2025

A/Senior Planner





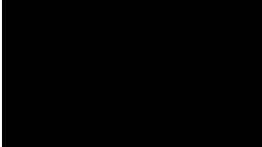




Comhairle Contae
Ros Comáin
Roscommon
County Council



Eamonn Reilly,



Date: 22nd May, 2025
Planning Reference: DED 898

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

Development: Permission to refurbish a derelict house with works including 1)strip out existing walls, floors & ceiling; 2)install new ceiling joists, internal studwork, plasterboard & skim; 3)install new windows & doors; 4) clean the roof; 5)second fix carpentry and paint and decorate internally; 6)construct an extension under 40sqm for a new kitchen & utility; 7)upgrade plumbing/heating system; 8)upgrade electrical systems & 9)install new floors at under the Planning & Development Act (Exempted Development) regulations 2018 at Ballyleague, Co. Roscommon, N39 X229.

A Chara,

I wish to acknowledge receipt of the application which was received on the 22nd 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/01/0/234829 dated 22nd May, 2025, receipt enclosed herewith.

Note: Please note your Planning Reference No. is DED 898
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
09066 37100

22/05/2025 14 01 37

Receipt No : L0110/234829

EAMONN REILLY
C/O JAMES LOHAN CONSULTING ENGINEERS LTD
UNIT 6 BALLYPHEASON HOUSE
CIRCULAR RD
ROSCOMMON

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	
DED898	

Total : 80 00 EUR

Tendered :
Cheque 80 00
500408

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)	Eamonn Reilly
Name of Agent	James Lohan Consulting Engineers Ltd, Unit 6, Ballypheason House, Circular Road, Co. Roscommon, F42 T384
Nature of Proposed Works	Refurbish derelict house, and add a small extension under 40 sqm to the rear, 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.	Ballyleague, Co. Roscommon, N39 X229 O.S No. 2417-A & 2417-C XY: 600373, 769482 Townland Ballyleague
Floor Area: a) Existing Structure b) Proposed Structure	a) <u>134Sqm</u> b) <u>40Sqm extension</u>
Height above ground level:	Floor level- between 100mm – 250mm above ground level (Ridge height existing 7095mm above ground level)
Total area of private open space remaining after completion of this development	0.15 Hectares
Roofing Material (Slates, Tiles, other) (Specify)	Existing Slates to roof Proposed flat roof (40 sqm) at the rear of the building

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 extension to the rear of the house under 40 Sqm
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 3.8m 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 public sewer

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

Signature:

Carlo J

Date:

12/05/2025



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

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

Detailed Specification Of The Development Proposed

Ref: Eamonn Reilly for Property at Ballyleague, Co. Roscommon N39 X229

The property is being renovated and put back into use as it was originally a three-bed dwelling house. An extension is to be added to include a kitchen and utility. 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. Clean the roof.
5. Second fix carpentry and paint and decorate internally.
6. Construct an extension under 40sqm for a new kitchen and utility.
7. Upgrade plumbing/heating system.
8. Upgrade electrical systems.
9. Install new floors.

Kind Regards



Camila Zen

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



200728, 26369



50

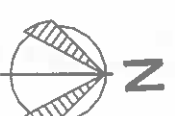
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150

200

250

200729, 269264



OS MAPS: 2417-A & 2417-C

LEGEND

SITE BOUNDARY OUTLINED IN RED
(0.04 HECTARES)

**LAND HOLDINGS OUTLINED IN
BLUE**

ADDRESS:
Ballyleague,
Co. Roscommon,
N39 X229



1 Site Location Plan
1:2500

1 : 2500



James Lohan
Planning & Design Consulting Engineers

DO NOT SCALE FROM THIS DRAWING. MAKE ONLY FROM INDICED DIMENSIONS
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT
THIS DRAWING TO BE READ IN CONNECTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STATUS: KCR: SK: SKETCH DESIGN PP: PRELIMINARY IT: FOR TENDER FC: FOR CONSTRUCTION SS: SUPERSEDED

EXEMPT
DEVELOPMENT

PROJECT

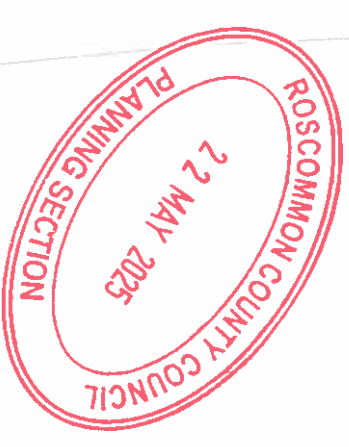
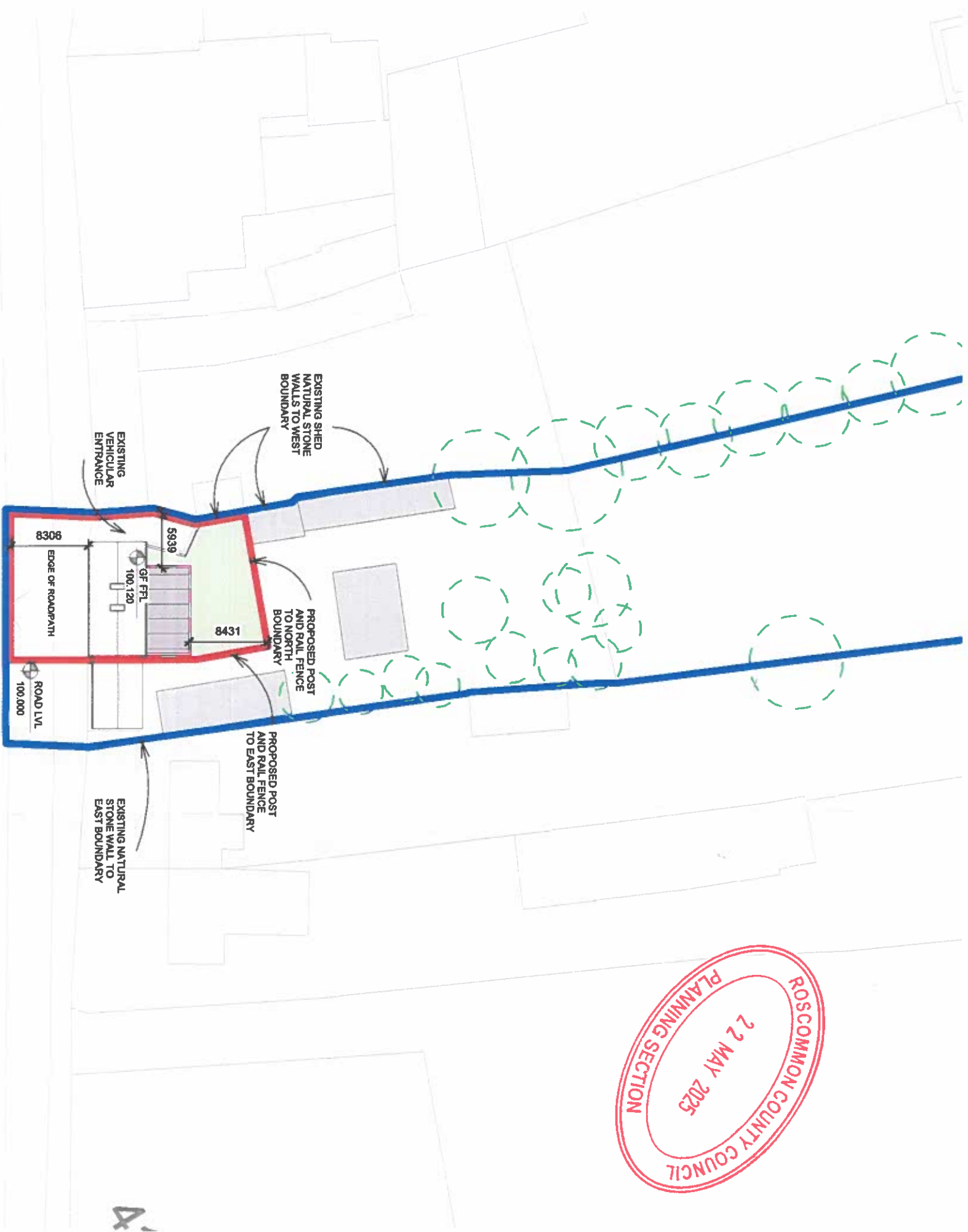
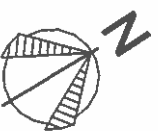
James Lohan	5-11 Longview Rd 5th Floor 30 Westing Surrey	1011 James House Crested Wood Borehampton W12 3SL	E-mail: info@jameslohan.co.uk
CLIENT	JOB	JOB NO	DATE
Carson Realty	Drainage Development	25-087	15/05/2015
Barling, G	DRAINAGE	C N G	REV
Co. Roscommon, N19 XZ23	Shah London Plm		
			DESIGNED BY
			C:Zer
			As Indicated @ A3

NATIONAL MAPPING DIVISION OF TAILE EIREANN
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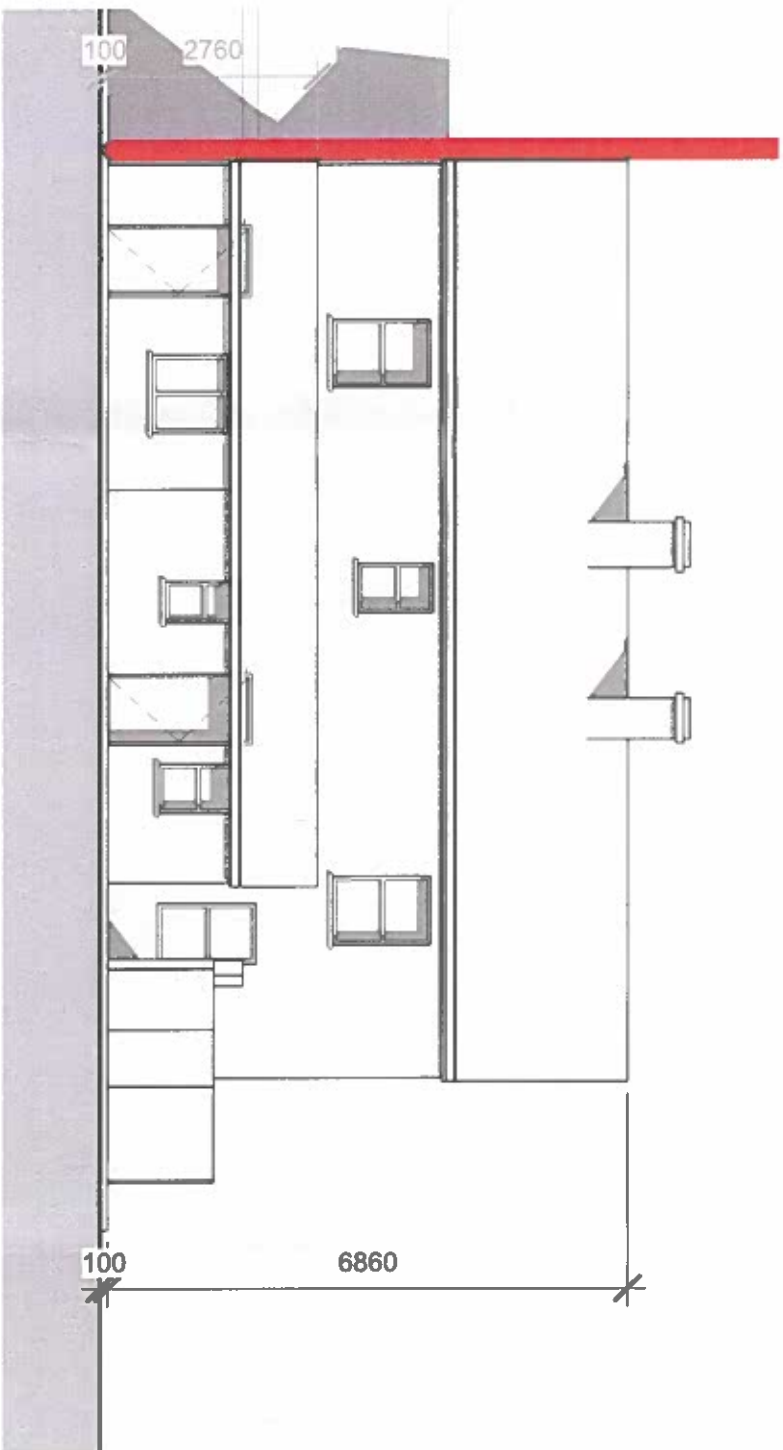
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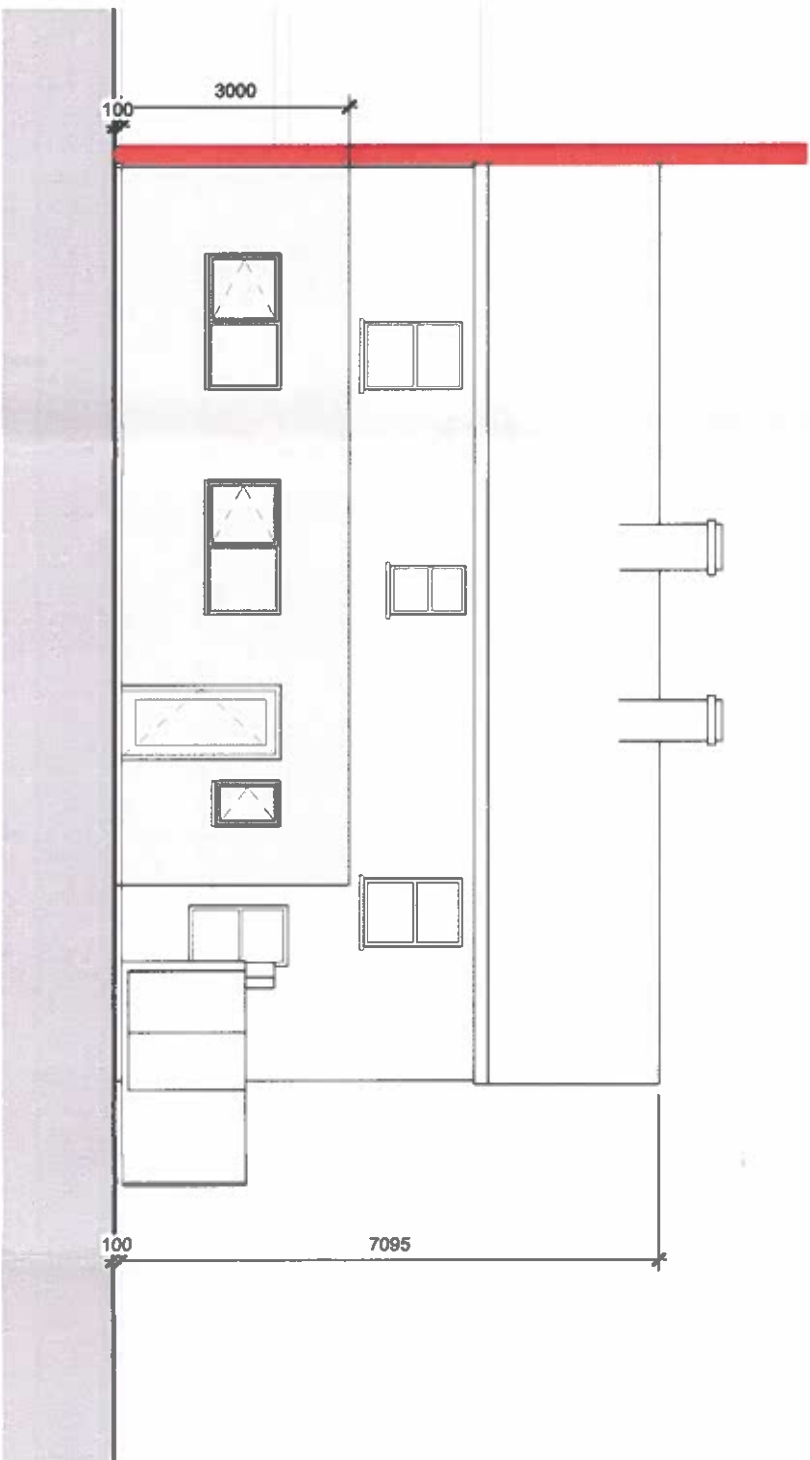
LEGEND

PROPOSED EXEMPT EXTENSION

1 Existing Rear Elevation (N)
1 : 100



2 Proposed Rear Elevation (N)
1 : 100



PROPOSED EXEMPT EXTENSION

Technical drawing of a building section. The drawing shows a staircase on the left and a large room with a pointed roof on the right. The staircase has a width of 3000. The large room has a width of 7150. The room features a pointed roof and a small rectangular opening on the right side. The drawing is oriented vertically on the page.

Architectural floor plan of a building. The plan shows a main rectangular area with a large arrow-shaped extension on the right. A smaller rectangular section is attached to the top left. Dimensions are indicated: 3000 for the width of the top section and 7232 for the width of the main section. A small square feature is visible on the left wall of the main section.

ROSCOMMON COUNTY COUNCIL
22 MAY 2025
PLANNING SECTION

DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM NOTED DIMENSIONS
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT
THIS DRAWING TO BE READ IN CONJUNCTION WITH REEDMAN CONSULTANT'S DRAWINGS.
STATUS: ARCH. SKETCH DESIGN PRELIMINARY FOR TENDER FOR CONSTRUCTION. SS SUPERSEDED

EXEMPT
DEVELOPMENT

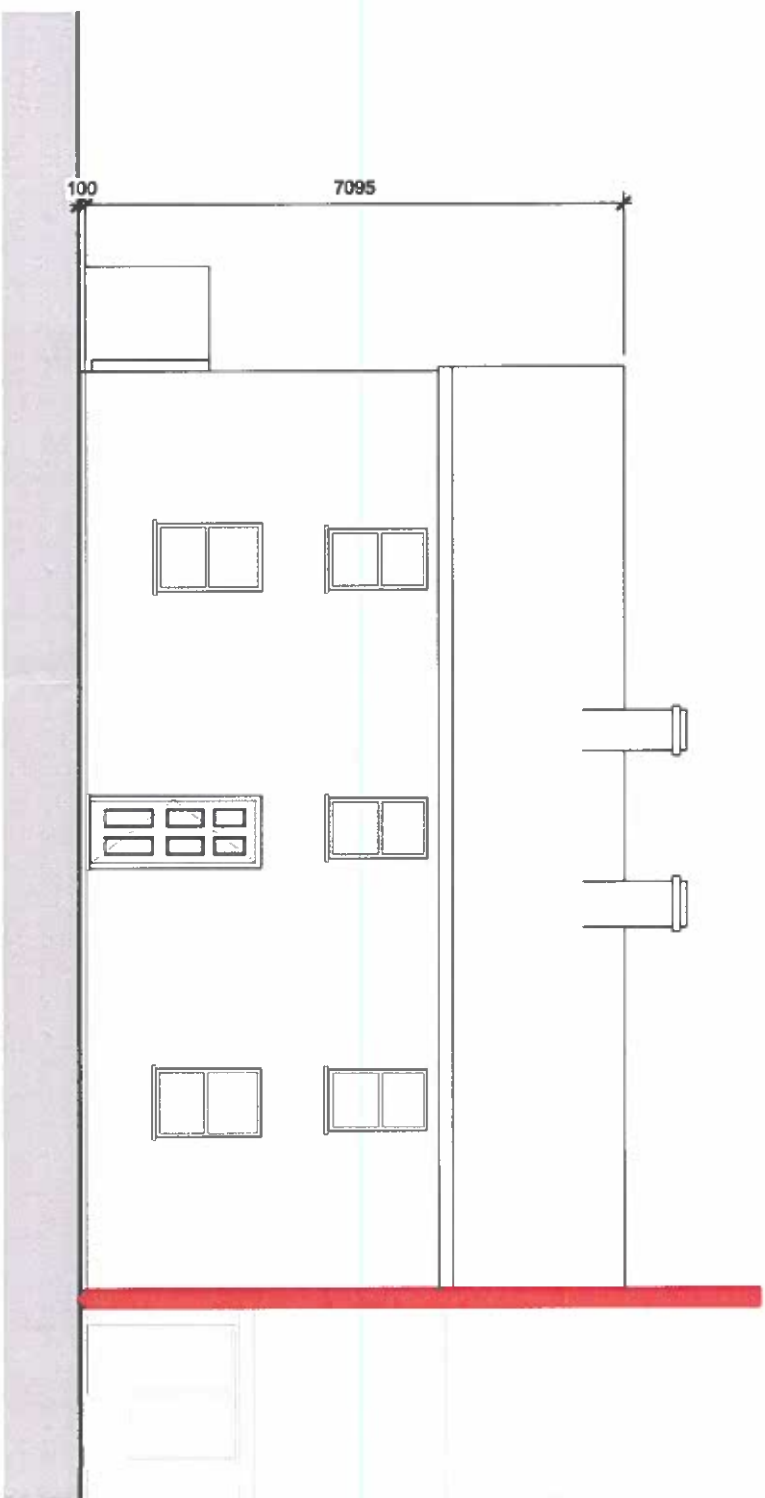
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PROPOSED EXEMPT EXTENSION

1:100



1:100



DO NOT SCALE FROM THIS DRAWING. ONLY FOLLOW DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
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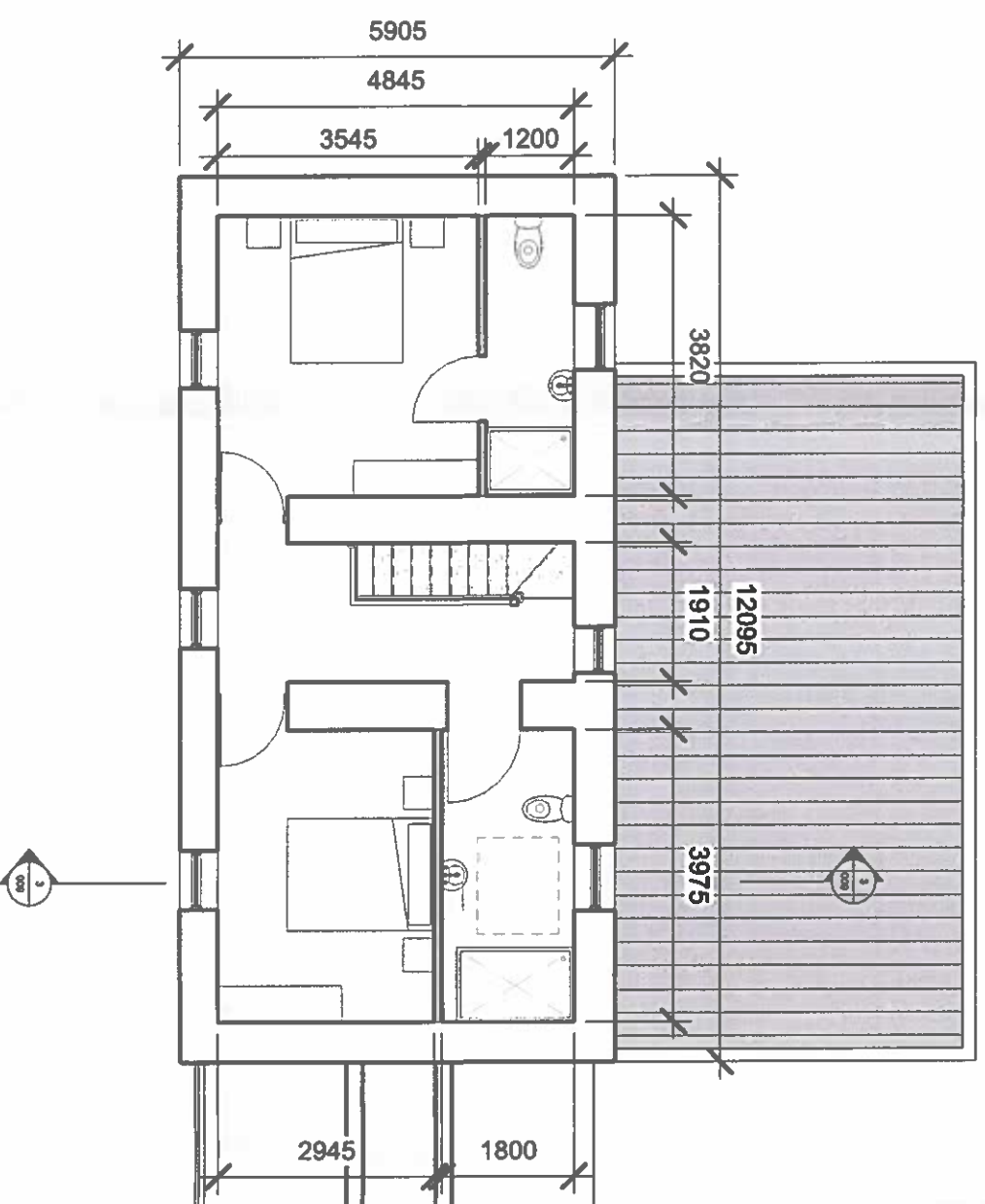
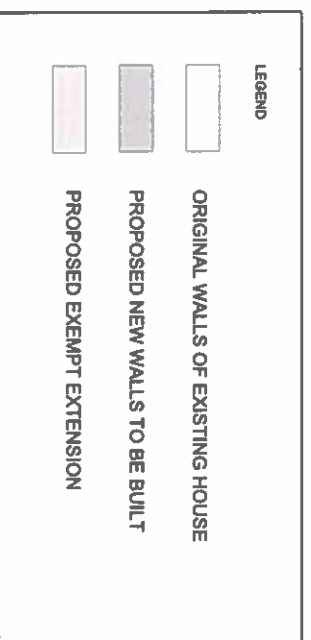
EXEMPT
DEVELOPMENT

PMENT

[illegible]

AREASCHEDULE

GROUND FLOOR AREA	: 53m2
FIRST FLOOR AREA	: 53m2
PROPOSED EXEMPT EXTENSION AREA	: 40m2
TOTAL AREA	: 146m2



① Proposed First Floor Plan
1 : 100



DO NOT SCALE FROM THIS DRAWING. WORK ONLY FROM THE RED DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS
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EXEMPT
DEVELOPMENT

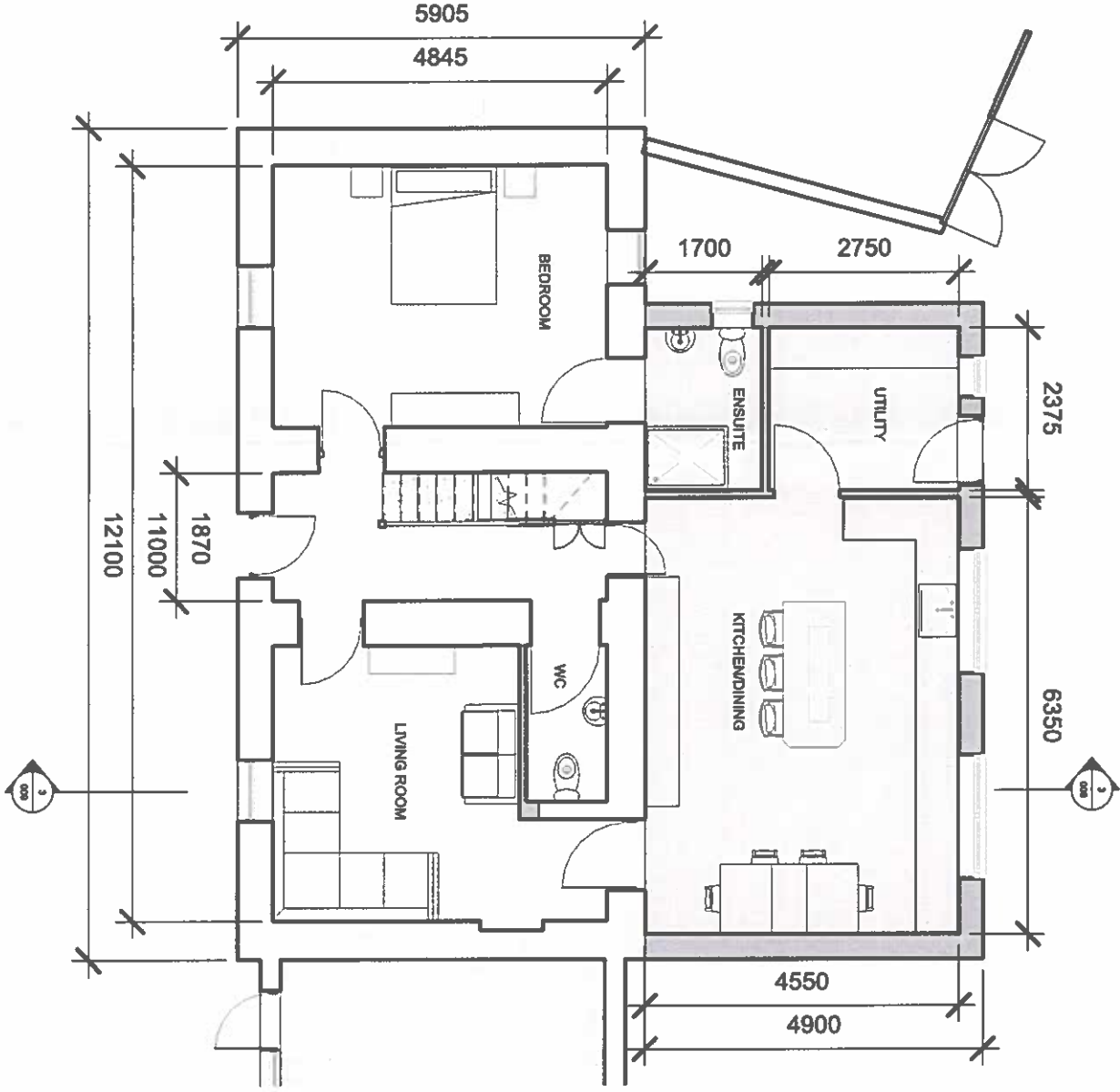
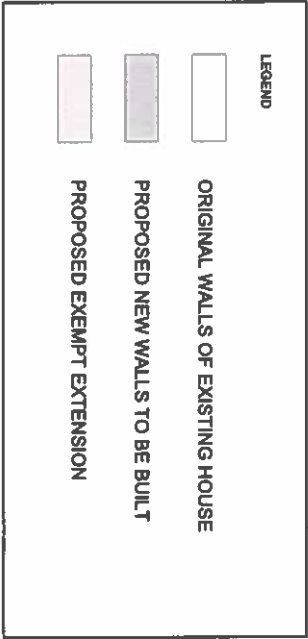
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 James Lohan PROJECT & PROPERTY CONSULTANTS 10000 E. 15th Avenue Suite 300 Denver, CO 80231 Tel: (303) 444-4444 Fax: (303) 444-4444 Email: info@jlohan.com Website: www.jlohan.com	Client Emerson Realty 1515 Suite 100 Co., Room 1000, N838 3230	Job Existing Development 4 Bldg 10000 E. 15th Avenue Suite 300 Denver, CO 80231	Job No 28-097 12/03/2015	Job Name 10000 E. 15th Avenue Suite 300 Denver, CO 80231	Drawn By JLF Checked By JLF Designed By JLF As Indicated @ 3/1/15
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AREASCHEDULE

GROUND FLOOR AREA	: 53m ²
FIRST FLOOR AREA	: 53m ²
PROPOSED EXEMPT EXTENSION AREA	: 40m ²
TOTAL AREA	: 146m ²



1 Proposed Ground Floor Plan
1 : 100




EXEMPT
DEVELOPMENT

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PROPOSED EXEMPT EXTENSION

Technical drawing of a building facade. The drawing shows a large window with a triangular pediment. The width of the upper section is dimensioned as 7150. Below this, there is a small square window. The width of the lower section is dimensioned as 2999.

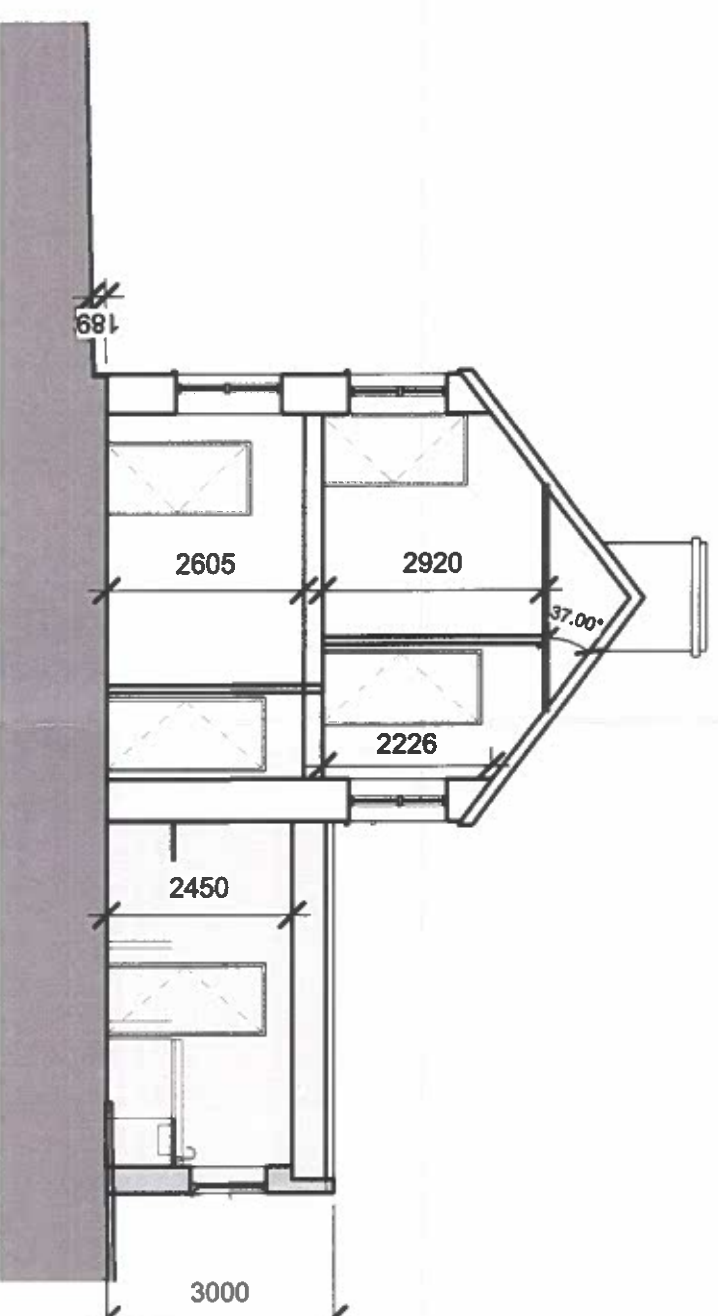
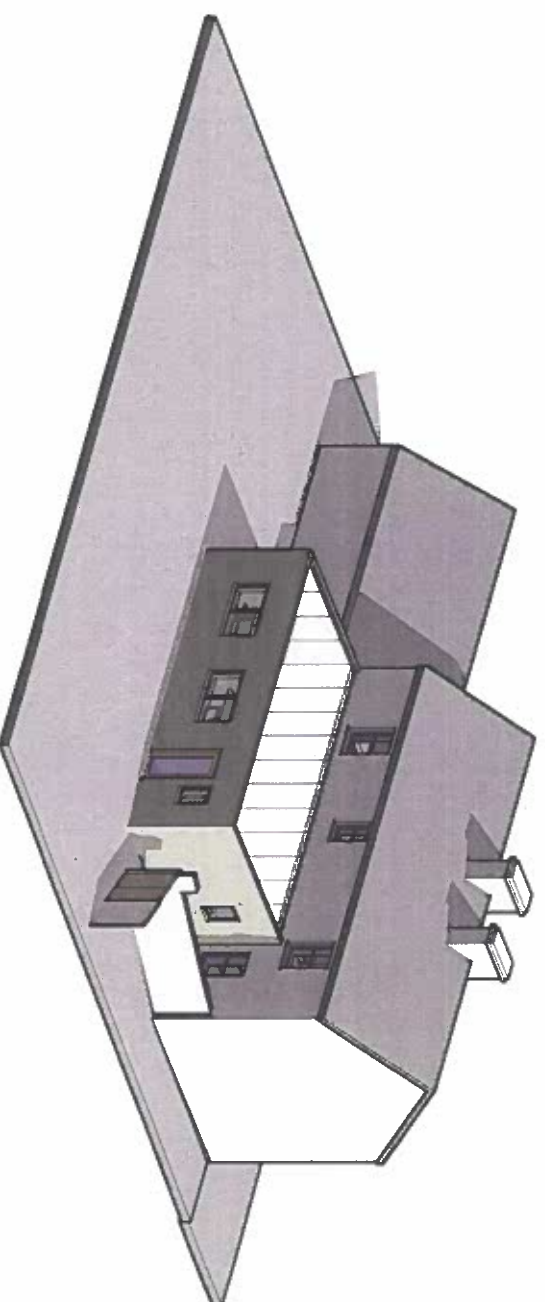
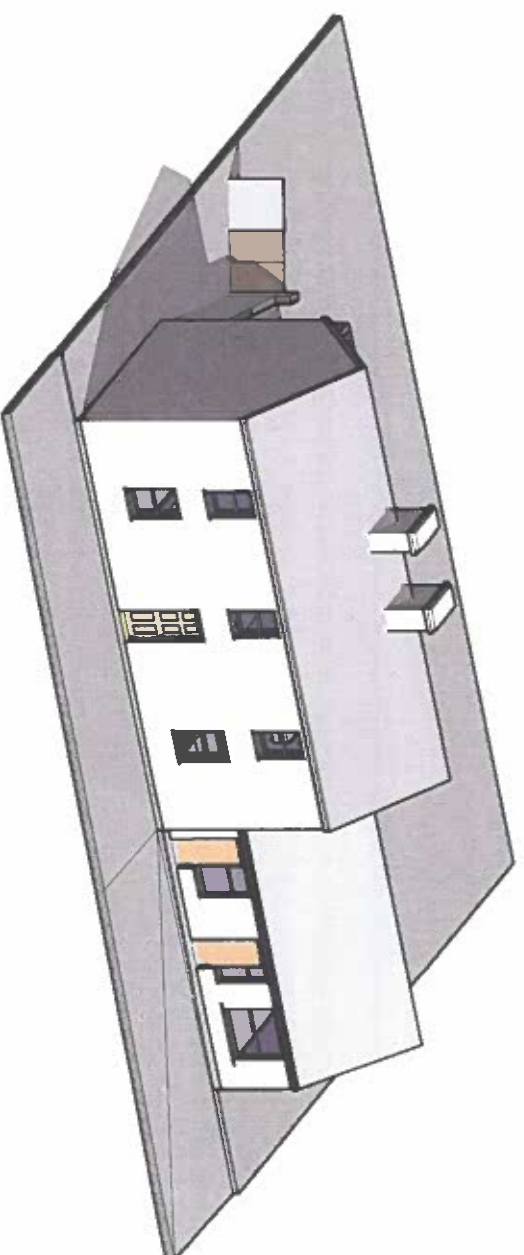
Technical drawing of a mechanical part, likely a bracket or support. The drawing shows a side view with a vertical dimension of 7152 and a horizontal dimension of 2920. The part features a vertical rectangular section on the left, a horizontal section in the middle, and a vertical section on the right. A small rectangular feature is visible on the right side of the horizontal section.




DO NOT SCENE FROM THIS DRAWING WORK ONLY FROM RECORDED DISCUSSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STATUS: A/E/T: SR, S/E/C/H: D/OS/CP, PA, PRELIMINARY: FT, FOR TENDER: TC, FOR CONSTRUCTION: SS, SUPERSEDED:


EXEMPT
DEVELOPMENT


[illegible][illegible]



LEGEND

 ORIGINAL WALLS OF EXISTING HOUSE

 PROPOSED NEW WALLS TO BE BUILT

 PROPOSED EXEMPT EXTENSION



DO NOT SCALE FROM THIS DRAWING. NOTE ONLY ROUND DIMENSIONS.
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.
STATUS: K&S DESIGN DESIGN PRELIMINARY FOR TENDER FOR CONSTRUCTION. \$5 SUPERSEDED.

EXEMPT
DEVELOPMENT

OPMENT

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4401 Madison Drive St. Louis, MO 63112		Tel: (314) 654-8446	
CLIENT	JOB No	DATE	
Emerson Battery	Estimate Development	25-007	12/05/2005
SITE	DRAWING	JOB No	
Baltimore, Co, Rosemontown, N33 X229	Pumpstation & Suction	DWG No	
		SCALE	DESIGNED BY
		As Indicated	C2m