

ROSCOMMON COUNTY COUNCIL
PLANNING AND DEVELOPMENT ACT, 2000 (as amended)
SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
NOTIFICATION OF DETERMINATION

REGISTERED POST

John Lyons,

Reference Number: DED 929
Application Received: 17th July, 2025
Name of Applicant: John Lyons
Agent: John Carty

WHEREAS a question has arisen as to whether the construction of an extension to extend the kitchen & utility at Bracknagh, Ballymurray, Co. Roscommon, F42 EW98, 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 Schedule 1 Article 6 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 work outlined above is development.
- (b) 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.
- (c) The proposed development complies with the conditions and limitations attached to Class 1 Schedule 1 Article 6 of the Planning and Development Regulations, 2001, as amended and is therefore, an exempt development.

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 construct an extension to extend the kitchen & utility at Bracknagh, Ballymurray, Co. Roscommon, F42 EW98, 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:



Mervyn Walsh,
Administrative Officer,
Planning.

Date: 13th November, 2025

cc agent via email: John Carty

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 Coimisiún Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

ADVICE NOTE

This Declaration is based on the relevant Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) at the date of issue. In the event that the Planning and Development Act 2000 (as amended) or the Planning and Development Regulations 2001 (as amended) change prior to the works being carried out this Declaration may no longer apply.

Carmel Curley

From: Carmel Curley
Sent: Thursday 13 November 2025 15:36
To: [REDACTED]
Cc: [REDACTED]
Subject: DED 929 - Notification of Determination
Attachments: DED929 - Notification of Determination.pdf

A Chara,

Please find attached Notification of Determination for your Section 5 Declaration of Exempted Development Application – DED 929.

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 929
Re:	Permission for development including extending kitchen and addition of utility under the Planning & Development Act (Exempt Development) Regulations 2018
Name of Applicant:	John Lyons
Location of Development:	Bracknagh, Ballymurray, Co. Roscommon, F42 EW98.
Site Visit:	8 th August 2025

WHEREAS a question has arisen as to whether the following works for extending kitchen and addition of utility 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 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 southeast facing detached bungalow located c. 2.6km southeast of Knockcroghery village. The site is accessed off the L-1824 Local Primary Road. The proposed development consists of extending kitchen and addition of utility.

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 Lough Ree SAC (Site Code 000440) located c. 600m from 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 can, therefore, be excluded.

Planning History

PD/3317/69

Development Description: Erection of a dwellinghouse

Applicant: Patrick Lyons

Decision: Granted

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 (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 Schedule 2 Exempted Development – General

Development Description	Conditions and Limitations
<p>CLASS 1</p> <p><i>Development within the curtilage of a house</i></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>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 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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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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.

Extent of Works

- Construct a 40sq.m extension

1. (a) House has no previous extension; proposed extension is 40sq.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 proposed roof on the utility is a flat roof. According to submitted documents, the applicant it will not be used as a balcony or roof garden.

After reviewing submitted documents and undertaking a site inspection, the proposed development complies with the conditions and limitations of Class 1 Schedule 1 Article 6 of the Planning and Development Regulations, 2001, as amended.

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) (viiiB) 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 development including extending kitchen and addition of utility as outlined above at Bracknagh, Ballymurray, Co. Roscommon, F42 EW98 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 Schedule 1 Article 6 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 work outlined above is development.

- 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.
- The proposed development complies with the conditions and limitations attached to Class 1 Schedule 1 Article 6 of the Planning and Development Regulations, 2001, as amended and is therefore, an exempt development.

AND WHEREAS I have concluded that development including extending kitchen and addition of utility as outlined above at Bracknagh, Ballymurray, Co. Roscommon, F42 EW98 is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

Signed: 
Graduate Planner

Date: 12th November 2025

Signed: 
Senior Executive Planner

Date: 12th November 2025







Caroline Pease

From: Caroline Pease
Sent: Friday 1 August 2025 12:26
To: [REDACTED]
Subject: DED 929 John Lyons
Attachments: DED928 Acknowledgement Letter - Signed.pdf; DED929 Receipt.pdf

Dear John,

Please see attached acknowledgement letter and receipt in relation to DED929. Original letter and receipt have been posted to John Carty.

Kind regards,
Caroline

Caroline Pease | Clerical Officer

Áras an Chontae, Roscommon, Co. Roscommon. F42 VR98

☎ (090) 6637206 ✉ cpease@roscommoncoco.ie

🌐 www.roscommoncoco.ie



Comhairle Contae
Ros Comáin
Roscommon
County Council





Comhairle Contae
Ros Comáin
Roscommon
County Council



Email: [REDACTED]

John Lyons,
[REDACTED]

Date: 1st August, 2025

Planning Reference: DED 929

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

Development: Permission for development including extending kitchen and addition of utility under the Planning & Development Act (Exempted Development) regulations 2018 at Bracknagh, Ballymurry, Co. Roscommon, F42 EW98.

A Chara,

I wish to acknowledge receipt of the application which was received on the 17th July, 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: L01/0/235801 dated 18th July, 2025 receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 929**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

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

CC: [REDACTED]

Roscommon County Council
Aras an Chontae
Roscommon
09066 37100

18/07/2025 09:58:10

Receipt No. : L01/0/235801

JOHN LYONS

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
DED929	

Total : 80.00 EUR

Tendered :
Credit/Debit Card 80.00
6396

Change : 0.00

Issued By : Louis Carroll
From : Central Cash Office

Received in Housing Dept.
No fee enclosed.



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)	John Lyons
Name of Agent	No Agent @ present
Nature of Proposed Works	extend kitchen & build utility - Retirement Home -
Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No.	BRACKLAGIT BALLYMURRY A2EW48 Co Roscommon
Floor Area: a) Existing Structure b) Proposed Structure	Temporary sketch 350sq feet a) _____ b) utility+kitchen extension
Height above ground level:	Same as existing bungalow
Total area of private open space remaining after completion of this development	1/2 Acre
Roofing Material (Slates, Tiles, other) (Specify)	Tiles

Roscommon County Council

Application for a Declaration under Section 5 of the

Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Plastering
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)	
Existing use of land or structure	
Proposed use of land or structure	Land N/A - Retirement Home
Distance of proposed building line from edge of roadway	back of house
Does the proposed development involve the provision of a piped water supply	Water in house
Does the proposed development involve the provision of sanitary facilities	Yes / Already in house

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

Signature:

John Lyons

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



Site Location Map



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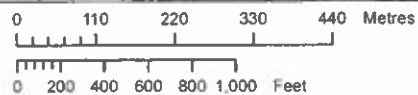
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PUBLISHED: 15/07/2025
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D08F6E4

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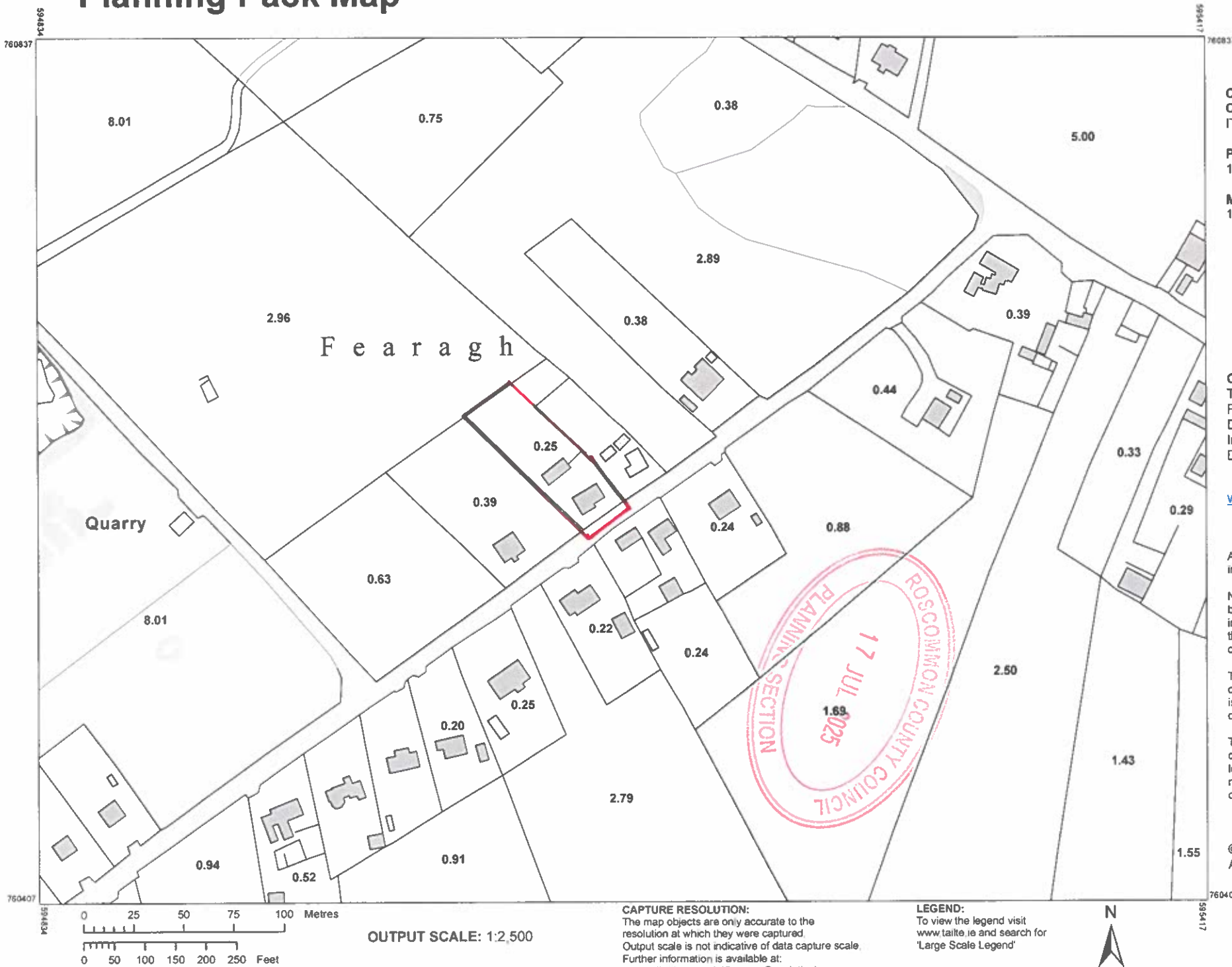
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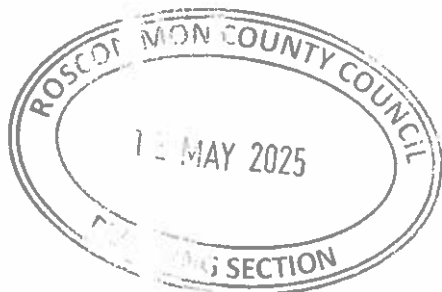
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LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'

OUTPUT SCALE: 1:2,500



NEW AREA
40059



FR :

Sent:

To:

Cc:

Subject:

Attachments:

Carmel Curley <CCurley@roscommoncoco.ie>

14 May 2025 10:16 AM

Section 5 Exempted Development Application Form

John Lyons - Invalid DED Application.pdf

*BRACKNAGH,
BALLYMURRAY.*

Hi John,

I refer to the Section 5 Exempted Development Application Form (please see attached) which was received on the 12th May, 2025. In order to apply for a Section 5 Exempted Development, you are required to submit the following, as outlined on page 2;

1. Site location map to a scale of 1:2500 clearly identifying the location
2. Site layout plan to the scale of 1:500 indicating the exact location of proposed development
3. Detailed specification of development proposed – you have stated that you are proposing to construct an extension to the property, please note we require plans and elevations of same. Please also list any other works you are proposing to do to the property (both internally & externally).

In receipt of the above mentioned, your request will be considered further.

Regards,

Carmel

Carmel Curley, Staff Officer,
Planning Department, Roscommon County Council,
Gras an Chontae, Roscommon, Co. Roscommon, F42 VR98
P: (090) 6637100

E: planning@roscommoncoco.ie | www.roscommoncoco.ie

MAP LOCATION



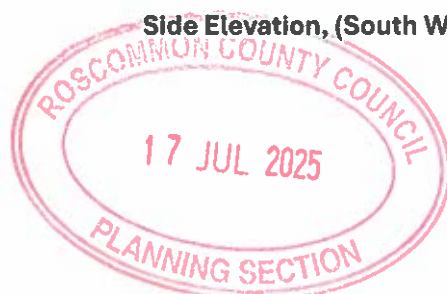
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Front Elevation, (South-East) No changes to Front Elevation.



Side Elevation, (South West Elevation)



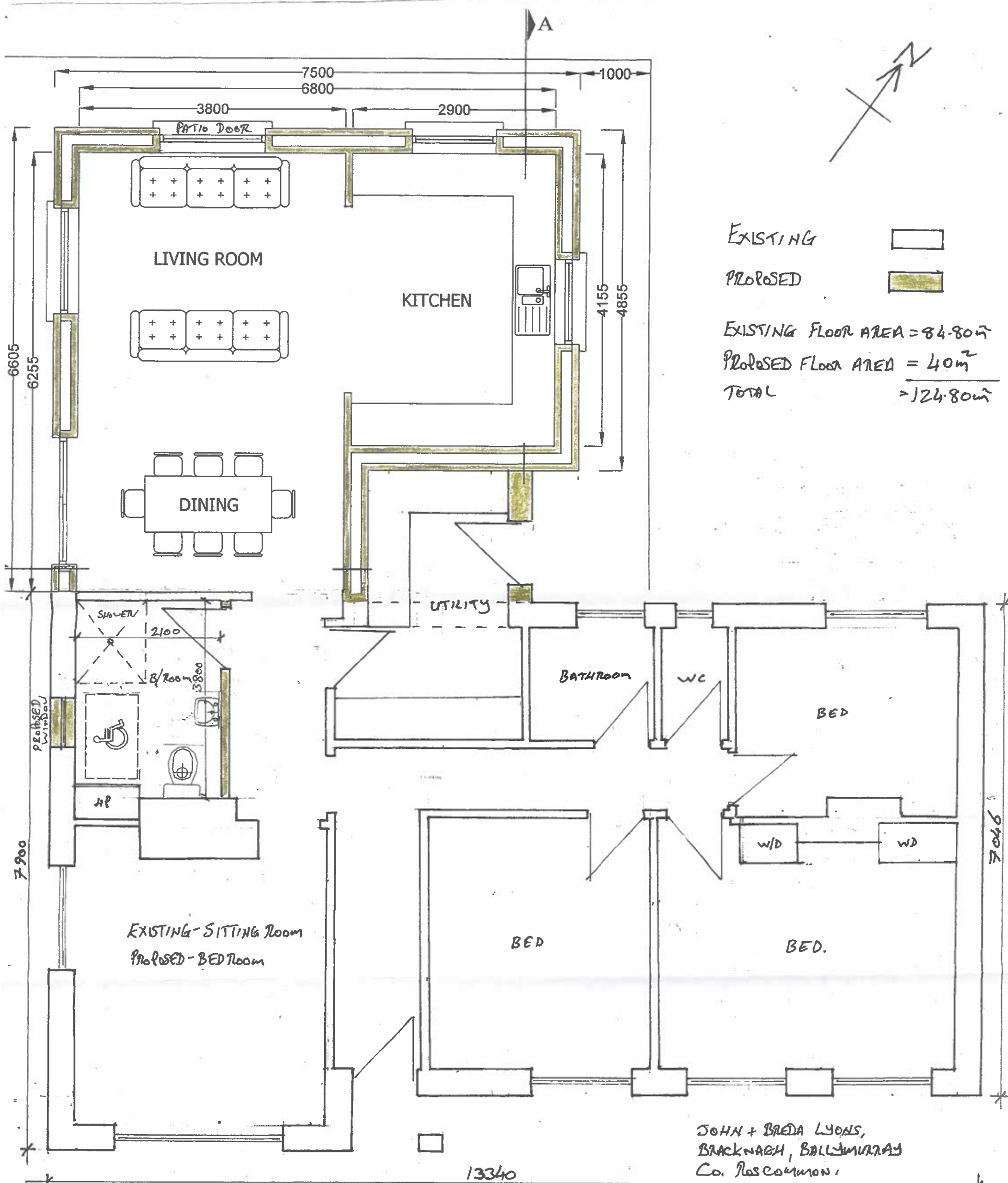


Side Elevation, (North-East Elevation)



Rear Elevation, (North West Elevation)

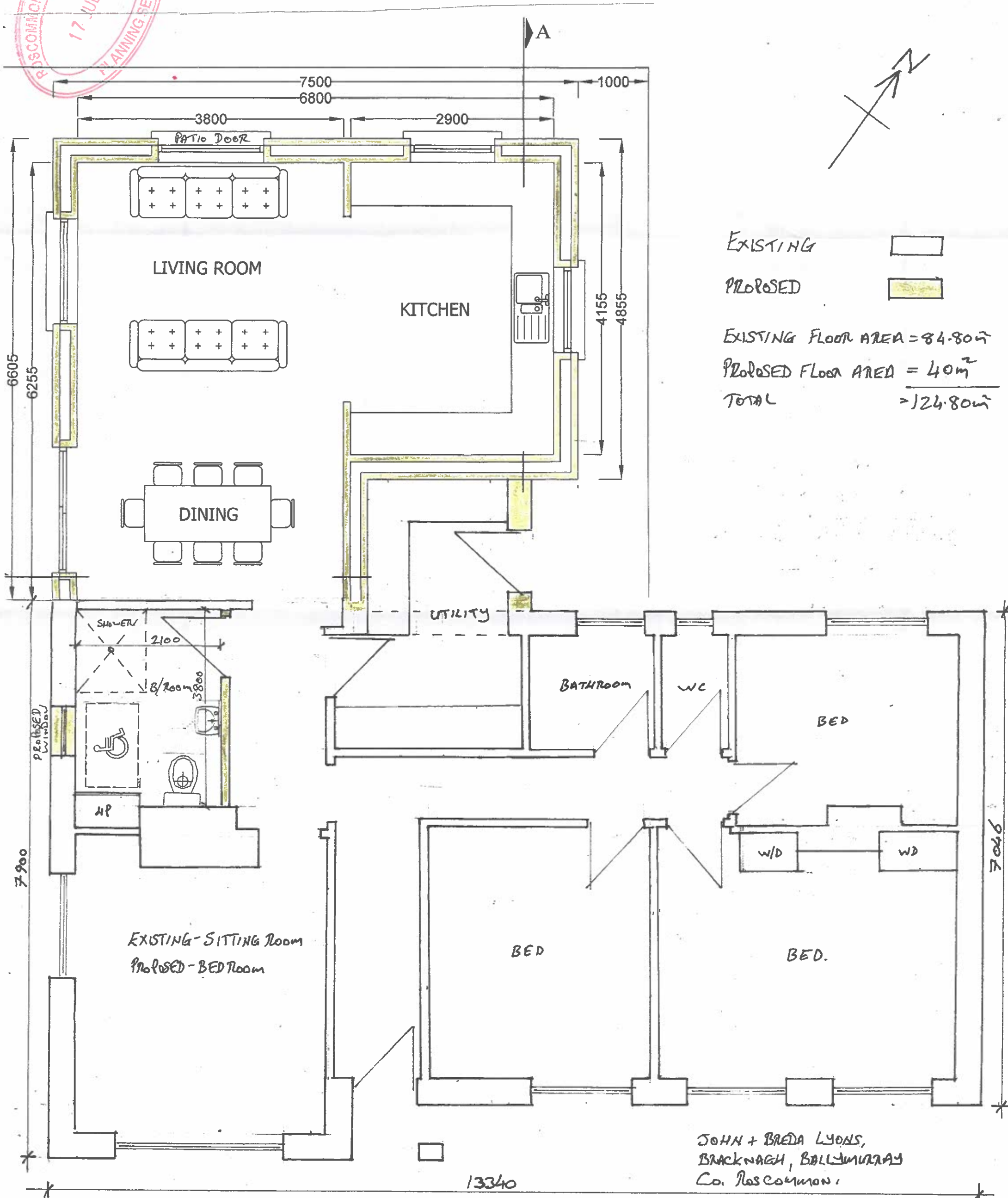




FLOOR PLAN, Scale 1:500

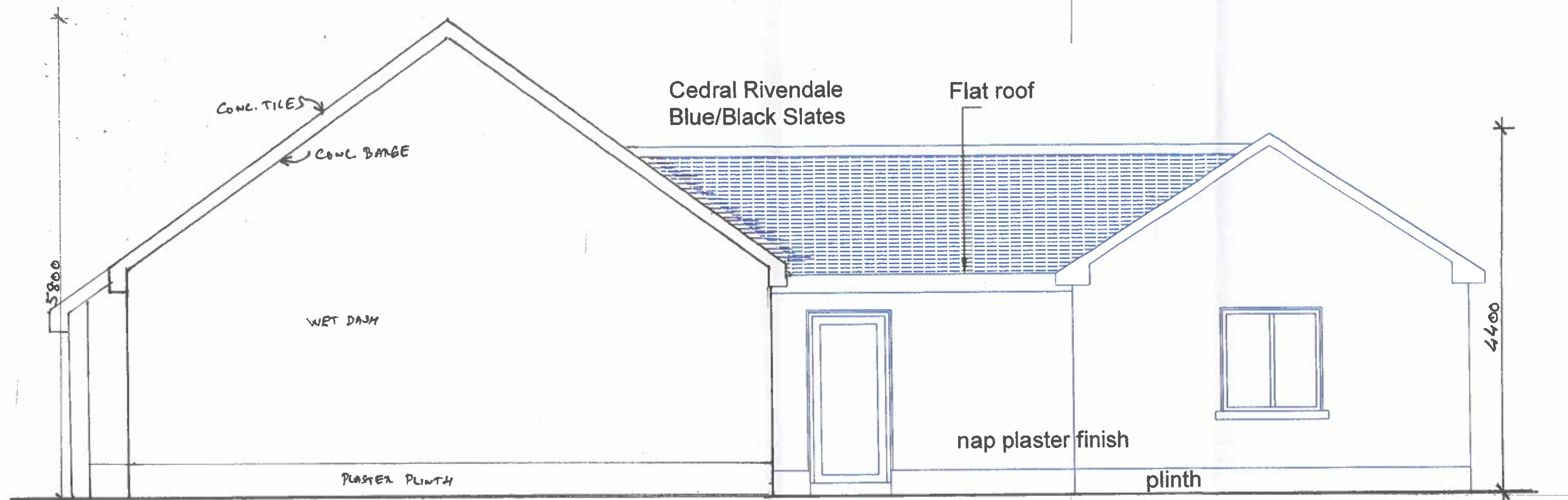
JOHN + BREA LYONS,
 BRACKNAGH, BALLINMURRAY
 Co. Roscommon.

Seamus Murray.
 Project Managers, Engineers & Surveyors,
 2 Cherryside Business Park,
 Castle Street,
 Roscommon.
 Ph- 087 2222874.



FLOOR PLAN, Scale 1:500

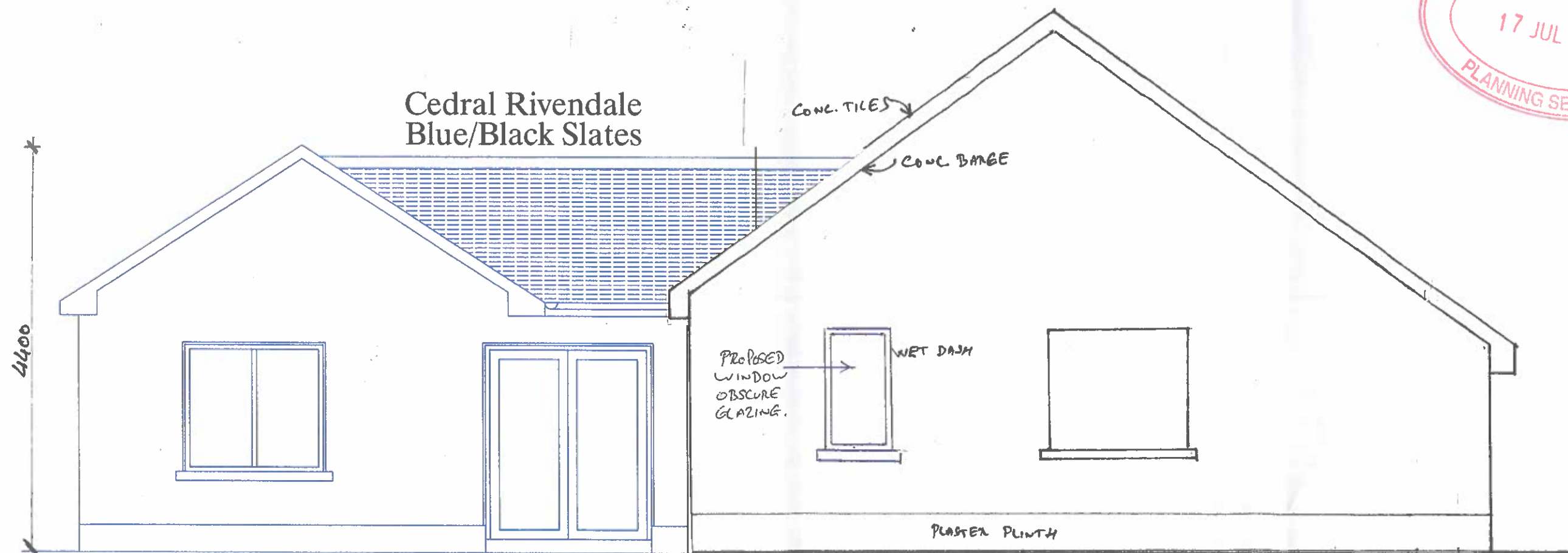
Seamus Murray,
Project Managers, Engineers & Surveyors,
2 Cherryside Business Park,
Castle Street,
Roscommon.
Ph- 087 2222874.



PROPOSED SIDE ELEVATION (NORTH-EAST)
SCALE ÷ 1:50.

JOHN + BREDA LYONS,
BLACKNAGH, BALLYMURRAY,
Co. Roscommon.

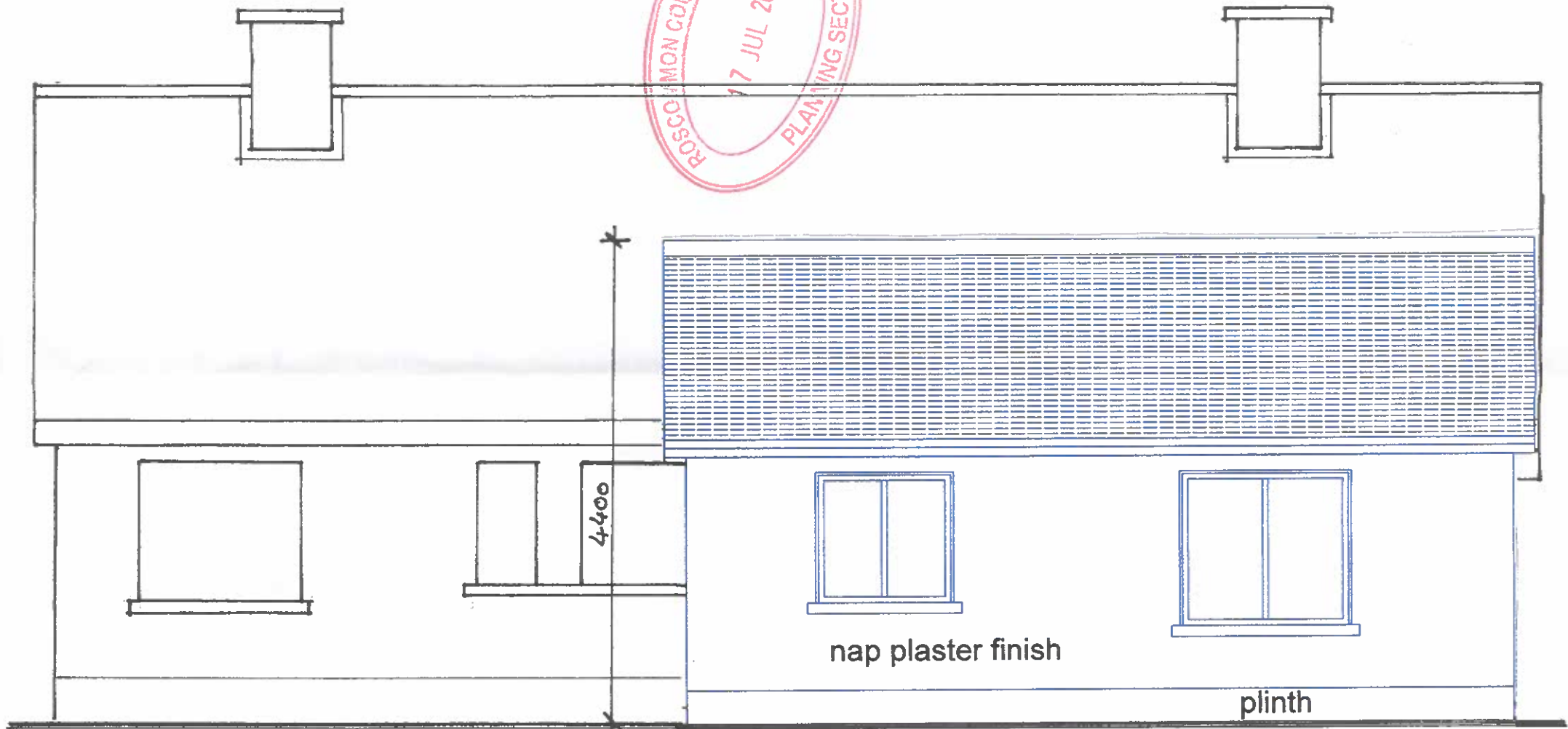
Seamus Murray.
Project Managers, Engineers & Surveyors,
2 Cherryside Business Park,
Castle Street,
Roscommon.
Ph- 087 2222874.



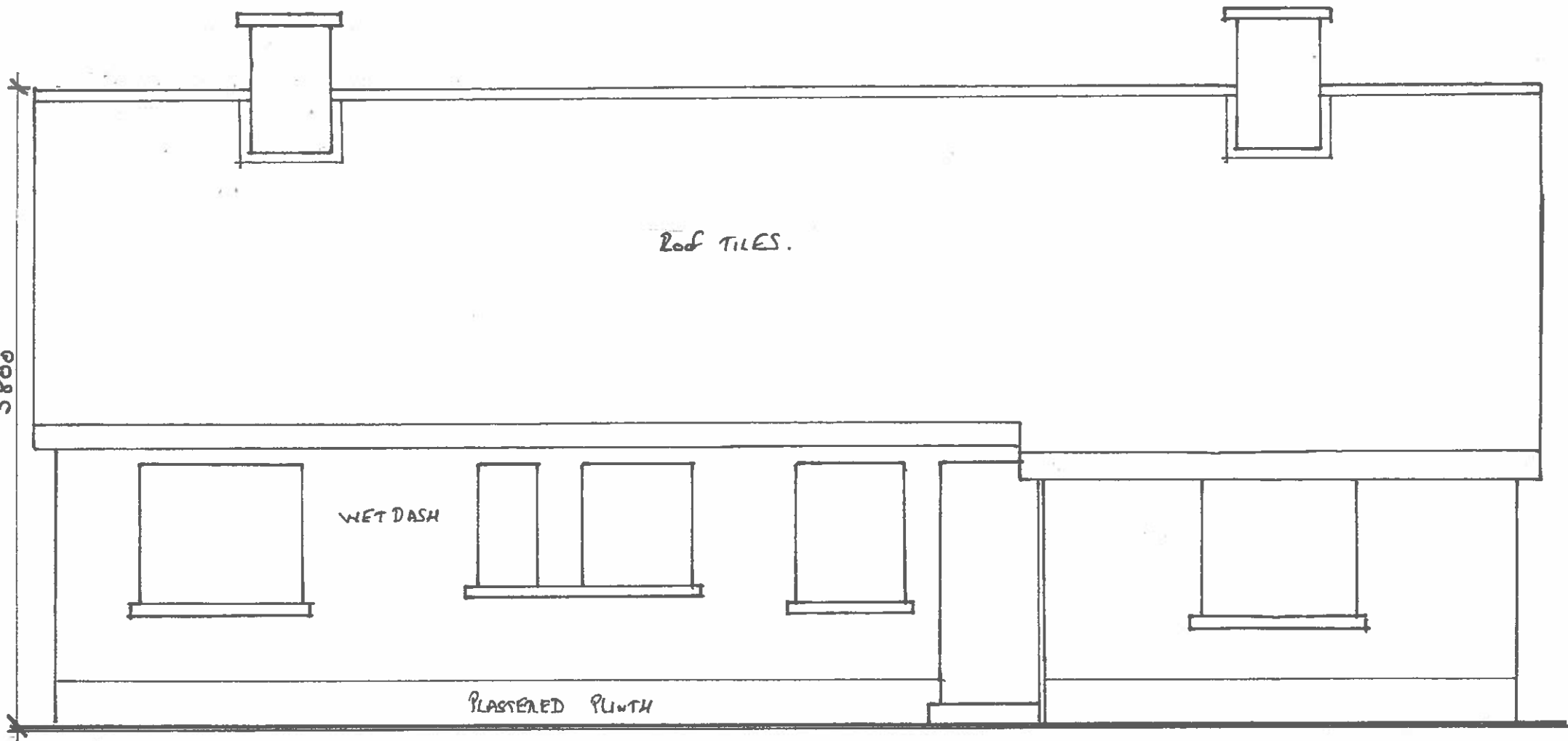
PROPOSED SIDE ELEVATION (SOUTH-WEST)

JOHN + BREA LYONS,
BRACKNAGH, BALLYMURRAY,

Seamus Murray.
Project Managers, Engineers & Surveyors,
2 Cherryside Business Park,
Castle Street,
Roscommon.
Ph- 087 2222874.



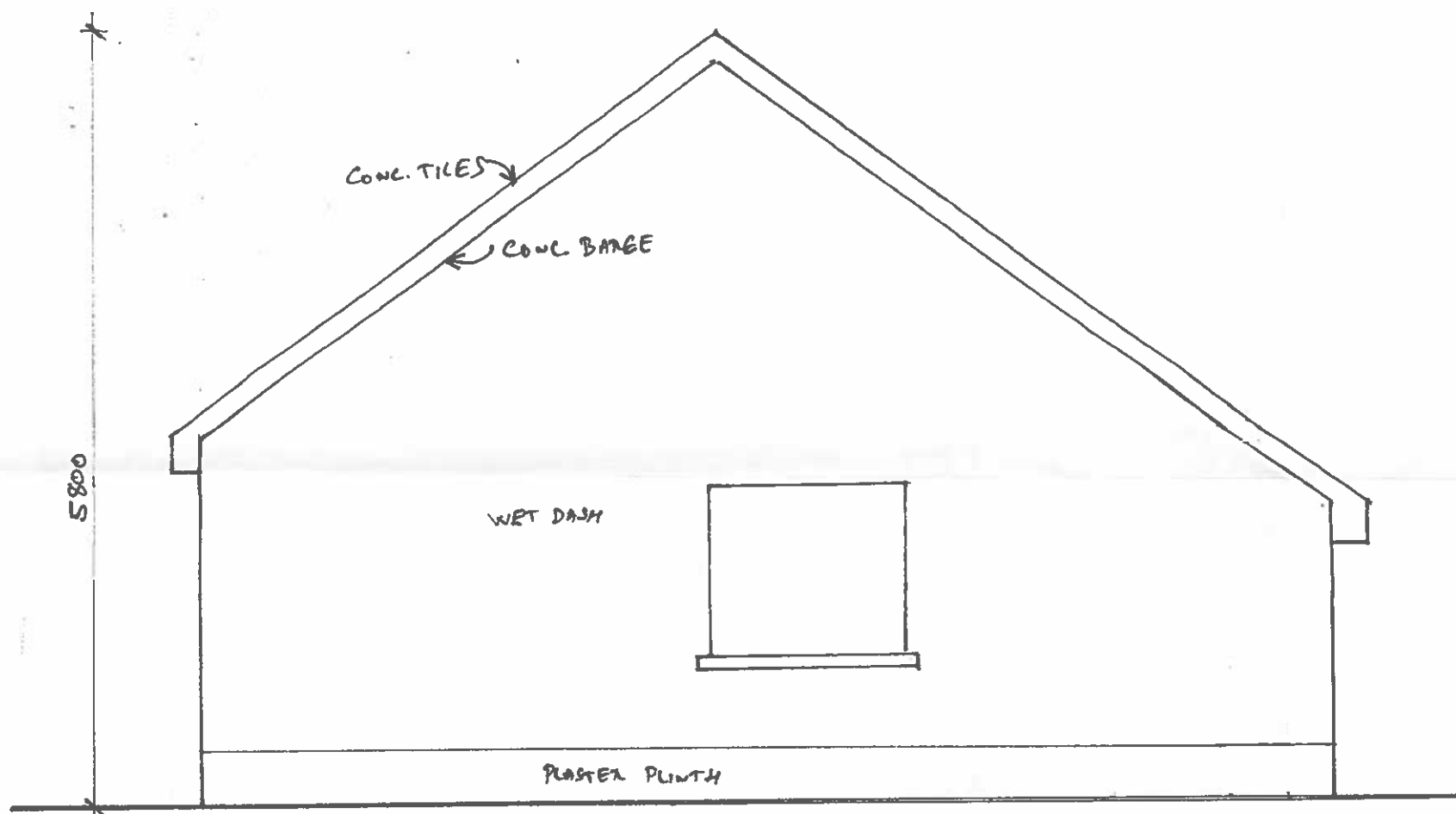
PROPOSED REAR ELEVATION,
EXTENSION SHOWN IN BLUE.



EXISTING REAR ELEVATION (NORTH-WEST)

JOHN + BRED A LYONS,
BRACKNAGH BALLYMURRAY,
Co. Roscommon.

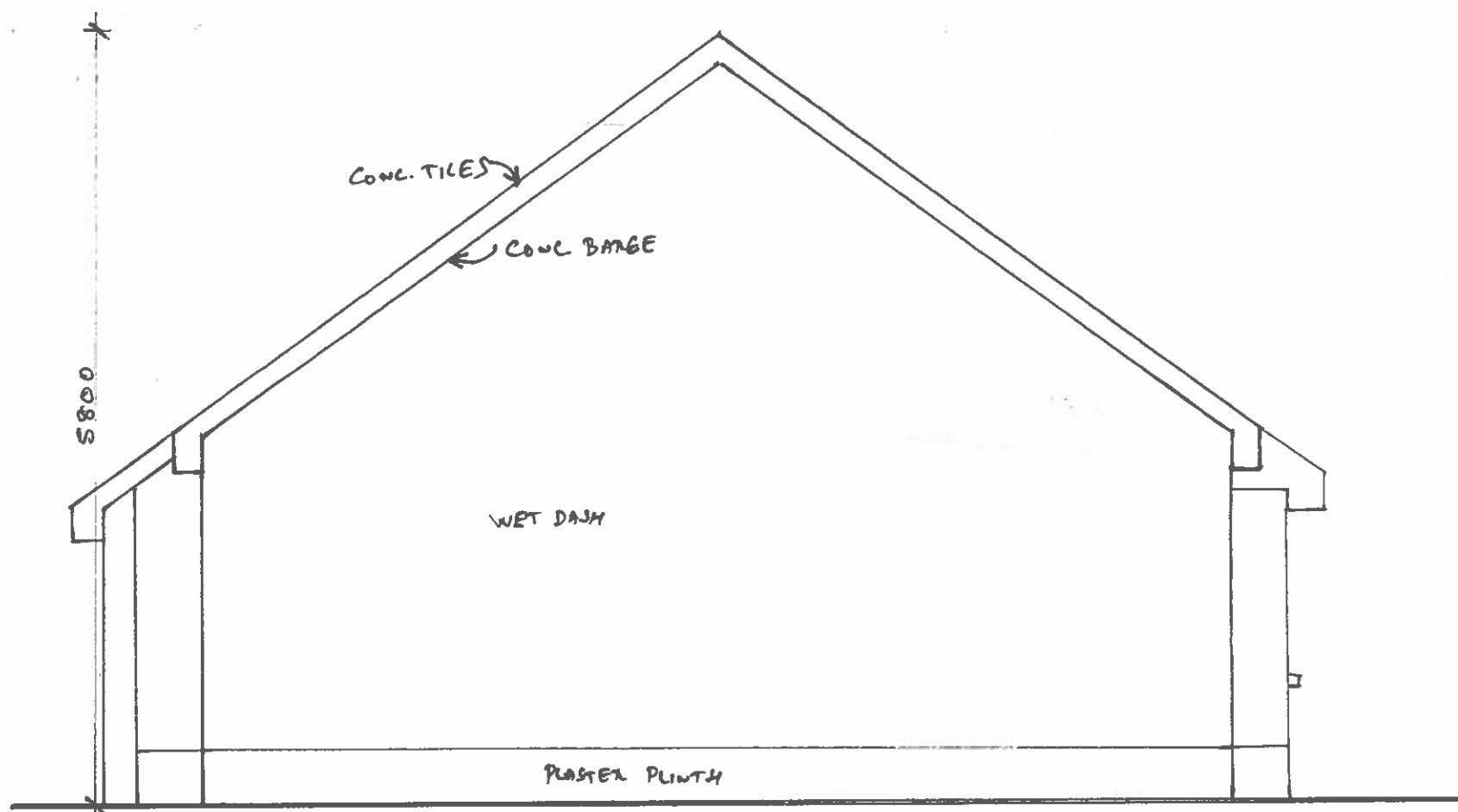
Seamus Murray.
Project Managers, Engineers & Surveyors,
2 Cherryside Business Park,
Castle Street,
Roscommon.
Ph- 087 2222874.



EXISTING SIDE ELEVATION (SOUTH-WEST)

JOHN + BRED A LYONS,
BRACKNAGH, BALLYMURRAY,

Seamus Murray.
Project Managers, Engineers & Surveyors,
2 Cherryside Business Park,
Castle Street,
Roscommon.
Ph- 087 2222874.



EXISTING SIDE ELEVATION (NORTH-EAST)

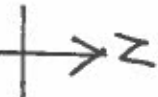
JOHN + BRED A LYONS,
BRACKNAGH, BALLYMURRAY,

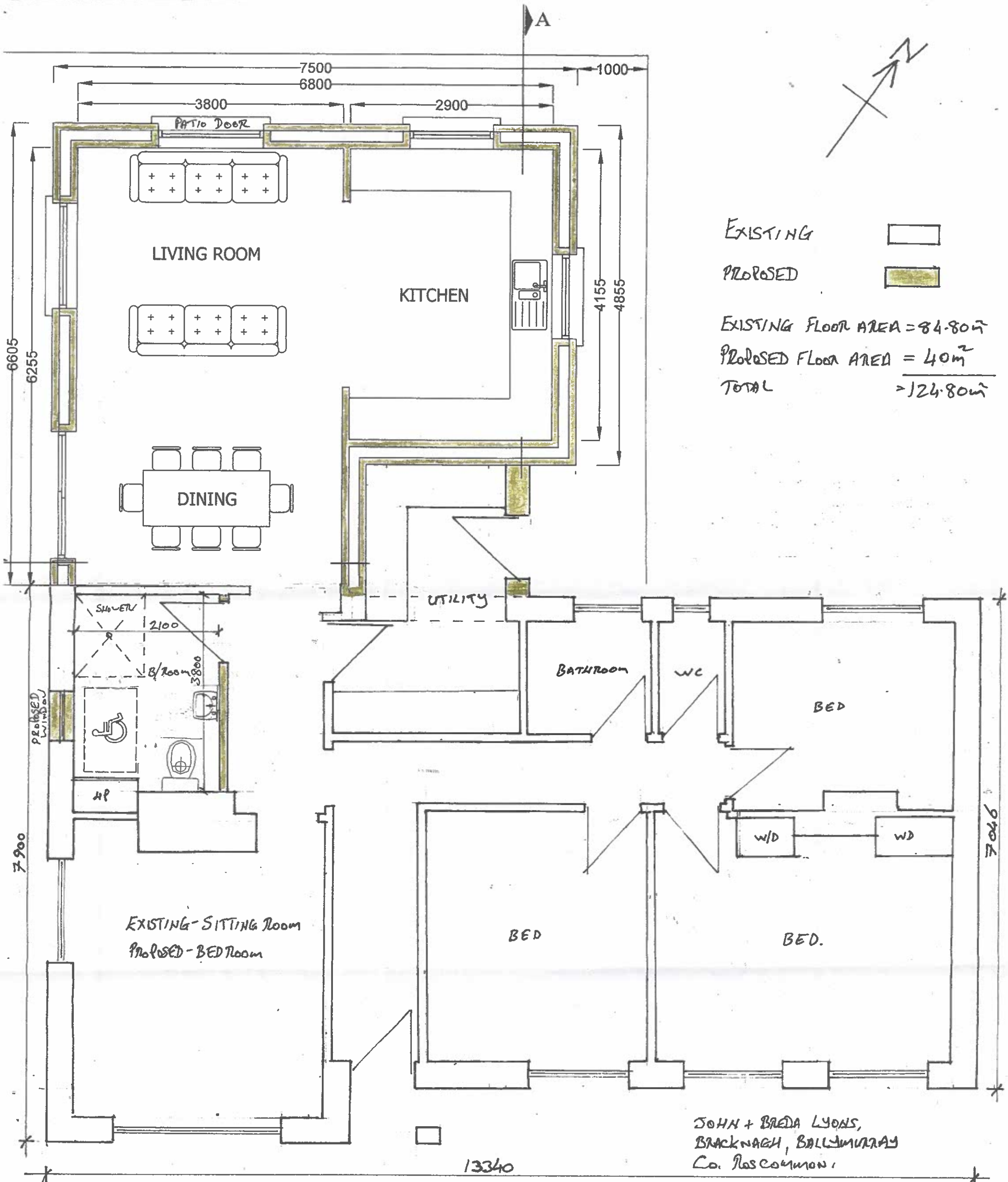
Seamus Murray.
Project Managers, Engineers & Surveyors,
2 Cherryside Business Park,
Castle Street,
Roscommon.
Ph- 087 2222874.

Seamus Murray,
Project Managers, Engineers & Surveyors,
2 Cherryside Business Park,
Castle Street,
Roscommon.
Ph- 087 2222874.

JOHN BREDA LEONS,
BRACKNAGH, BALSHAMURRAY
Roscommon.

SITE LAYOUT PLAN - 1:500





FLOOR PLAN, Scale 1:500

Seamus Murray.
 Project Managers, Engineers & Surveyors,
 2 Cherryside Business Park,
 Castle Street,
 Roscommon.
 Ph- 087 2222874.