

**ROSCOMMON COUNTY COUNCIL**

**PLANNING AND DEVELOPMENT ACT, 2000 (as amended)**

**SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

**NOTIFICATION OF DECISION**

**REGISTERED POST**

William Reynolds & Yvonne Murphy,

Reference Number: DED 660

Application Received: 14<sup>th</sup> February 2024

Name of Applicants: William Reynolds & Yvonne Murphy

Agent: N/A

WHEREAS a question has arisen as to whether the refurbishment of a house internally; works including plastering, plumbing, electrical, heating, painting and decorating at Curramore, Kiltoom, Co. Roscommon., is or is not development and is or is not exempted development:

**AND WHEREAS Roscommon County Council, in considering this application, had regard particularly to:**

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) 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 are development.
- (b) Refurbishing the house internally, with works including plastering, plumbing, electrical, heating, painting and decorating is not exempted development in this case.

**NOW THEREFORE:**

By virtue of the powers vested in me by the Local Government Acts 1925 – 2019 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 house internally; works including plastering, plumbing, electrical, heating, painting and decorating at Curramore, Kiltoom, Co. Roscommon., is development that is **not 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,  
Senior Executive Planner,  
Planning.

Date: 7<sup>th</sup> March 2024

**Planner's Report on application under Section 5 of the  
Planning and Development Acts as amended**

**Reference Number:** DED 660

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish house internally – works including plastering, plumbing, electrical, heating, painting and decorating at Curramore, Kiltoom, County Roscommon

**Applicant(s):** William Reynolds & Yvonne Murphy

**Date:** 7<sup>th</sup> March 2024

---

WHEREAS a question has arisen as to whether to refurbish house internally – works including plastering, plumbing, electrical, heating, painting and decorating at Curramore, Kiltoom, County Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) 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 subject dwelling house is located in Curramore, Kiltoom, County Roscommon. Accessed off the L20224 Local Tertiary Road, the subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated sites are the Lough Ree SPA (Site Code: 004064) and Lough Ree SAC (Site Code: 000440), which are approximately 2km from the subject site. As per the Roscommon County Council GIS, there are no known heritage related sites/structures in very close proximity to the subject site.

The proposal includes refurbishing the house internally, with works including plastering, plumbing, electrical, heating, painting and decorating.

***Planning History***

PD 03 57 – Permission *granted* to construct a dwelling house, garage, septic tank and wastewater treatment unit. Applicant: Rory Broderick. Expiry Date: 29.04.2008.

PD 00 1014 – Outline Permission *granted* to construct 2 dwelling houses, septic tanks and garages.

## **Relevant Legislation**

### **Planning and Development Act, 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 4(1)(h):** The following shall be exempted developments for the purposes of this Act—*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*

#### **Article 6:**

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development, provided that such development complies with the conditions and limitations specified in column 2 of Part 1.

#### **Article 9 (1) applies:**

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

(a) if the carrying out of such development would—

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

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

## **Assessment**

In accordance with the Planning and Development Act, 2000 Section 3. (1) development is defined as the following: "In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any

structures or other land". The proposed development is considered to be the carrying out of works. Works are defined in the Act as; "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure....". It is considered that said works constitute development, as defined in Section 3 of the said Act.

The proposal includes refurbishing the house internally, with works including plastering, plumbing, electrical, heating, painting and decorating. 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 not however exempted. Restrictions on exemption. 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would— (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use. Planning Reference Number PD 03 57 (to construct a dwelling house, garage, septic tank and wastewater treatment unit) has not been constructed and completed strictly in accordance with the Schedule of Conditions associated with PD 03 57 and planning permission expired on the 29<sup>th</sup> April 2008. The subject dwelling house is therefore unauthorised.

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 to refurbish house internally – works including plastering, plumbing, electrical, heating, painting and decorating at Curramore, Kiltoom, County Roscommon is or is not development and is or is not exempted development.

I have considered this question, and I have had regard particularly to –

- (e) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (f) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (g) 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
- (h) The planning history of the site

**AND WHEREAS I have concluded that**

- (a) The works are development.
- (b) Refurbishing the house internally, with works including plastering, plumbing, electrical, heating, painting and decorating is not exempted development in this case.

and I recommend that a declaration to that effect should be issued to the applicant.

**Signed:**

Assistant Planner



**Date:** 7<sup>th</sup> March 2024

APC  
4.3.24









Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



William Reynolds & Yvonne Murphy,



**Date:** 14<sup>th</sup> February 2024

**Planning Reference:** DED 660

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

**Development:** Permission to refurbish house internally - works including plastering, plumbing, electrical, heating, painting and decorating under the Planning & Development Act (Exempt Development) Regulations 2018 at Curramore, Kiltoom, Co. Roscommon.

\*\*\*\*\*

A Chara,

I wish to acknowledge receipt of your application received on the 13<sup>th</sup> February 2024, 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. L01/0/227024 dated 14<sup>th</sup> February 2024, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 660**.  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

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



Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100

14/02/2024 10:38:33

Receipt No L01/0/227024

YVONNE MURPHY

PLANNING APPLICATION FEES 80.00  
GOODS 80.00  
VAT Exempt/Non-vatable  
DED 660

Total 80.00 EUR

Tendered :  
Credit/Debit Card 80.00  
5308

Change : 0.00

Issued By : Bernadine Duignan  
From : Central Cash Office



Áras an Chontae,  
Roscommon,  
Co. Roscommon.

Phone: (090) 6637100

Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

### Roscommon County Council

#### **Application for a Declaration under Section 5 of the Planning & Development Act 2000, regarding Exempted Development**

Name:	William Reynolds and Joanne Murphy
Address:	[REDACTED]
Name & Address of Agent:	n/a
Nature of Proposed Works	All internal works - Plastering, Plumbing, Electrical, heating, painting & decorating.
Location (Townland & O.S No.)	Curramore, Kiltorm, Co. Roscommon 2964
Floor Area	Existing 227sqm
Height above ground level	Existing
Total area of private open space remaining after completion of this development	House situated on 0.2H
Roofing Material (Slates, Tiles, other) (Specify)	Slates - Existing
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Existing Dwelling House - Plaster Finish
Is proposed works located at front/rear/side of existing house.	No External Works

## Roscommon County Council

Application for a Declaration under Section 5 of the Planning & Development Act 2000,  
regarding Exempted Development

Has an application been made previously for this site	Yes 03/057 - No Works Proposed
If yes give ref. number (include full details of existing extension, if any)	03/057 - No Further Works Proposed.
Existing use of land or structure	Existing Dwelling House
Proposed use of land or structure	Existing Dwelling House
Distance of proposed building line from edge of roadway	Existing 20m
Does the proposed development involve the provision of a piped water supply	No - Existing Connection
Does the proposed development involve the provision of sanitary facilities	No - Existing Connection

Signature:

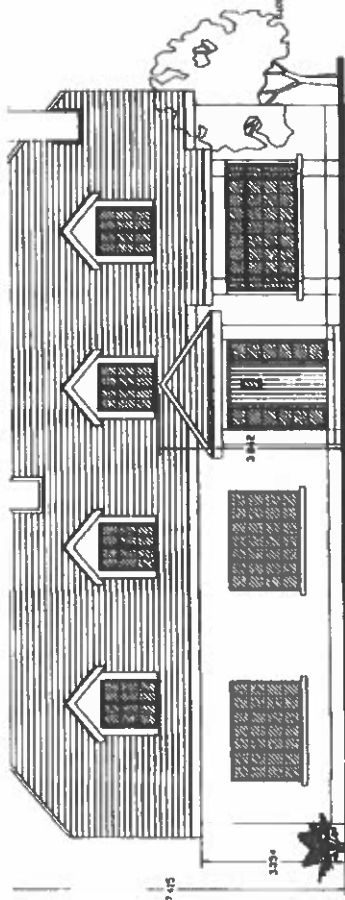
Anthony J. Williams Reynolds

Date:

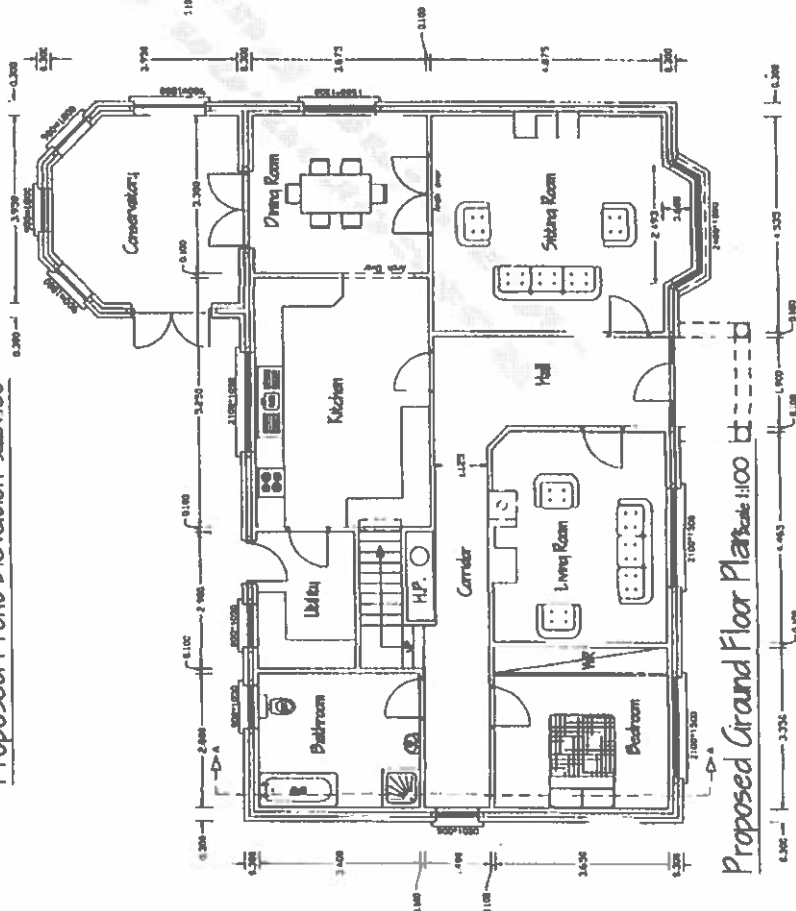
12/2/24

Note: This application must be accompanied by:-

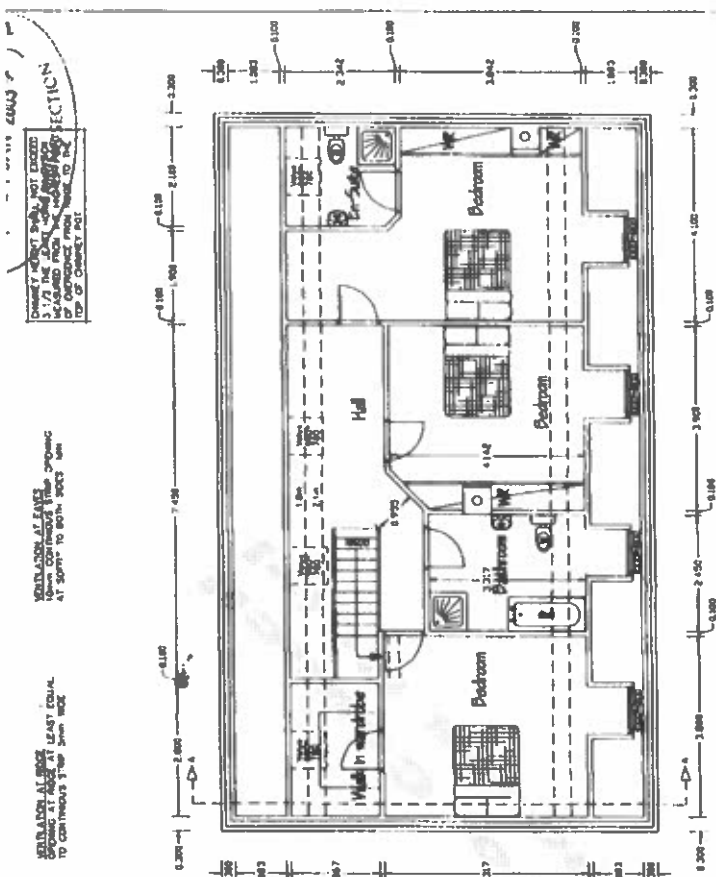
- (a) €80 fee
- (b) Site Location map to a scale of 1:2500 clearly identifying the location
- (c) Site Layout plan to the scale of 1:500 indicating exact location of proposed development
- (d) Detailed specification of development proposed



Proposed Front Elevation Scale 1:100



Proposed Ground Floor Plan Scale 1:100



Proposed First Floor Plan Scale 1:100



ALL THE  
WORK SHALL BE IN ACCORDANCE  
WITH THE REQUIREMENTS OF THE  
BUILDING REGULATIONS 1997  
AND THE LOCAL AUTHORITY'S  
PLANNING PERMISSIONS.

Total Floor Area 227.59 sq m / 2450 sq ft  
 Drawn: Doherty & Associates Ltd., Main Street, Ballymore  
 Scale: 1:100 Date: 07/12/2002  
 The proposed Ground and First Floor Plans and Front Elevation  
 Proposed dwelling house at Carranore Rd.,  
 Kiltom, Co. Roscommon for Mr. Rory Broderick.  
 Client: Mr. Rory Broderick & Lucia Murray

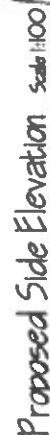
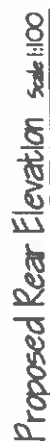
VENTILATION AT ROOF  
TO CONTINUOUS TRAP SYSTEM  
AT LEAST EQUAL  
TO CONTINUOUS TRAP SYSTEM

VENTILATION AT EAVES  
DOWN CONTINUOUS TRAP SYSTEM  
AT LEAST EQUAL TO BOTH ROOF AND EAVES

DOORWAY HEIGHT SHALL NOT EXCEED  
2.00m  
3.75m THE DOOR SHALL BE  
LOCATED IN THE CENTER OF THE  
DOORWAY FROM THE TOP OF DOORWAY TO  
TOP OF DOORWAY

ALL THE  
WORK SHALL BE IN ACCORDANCE  
WITH THE REQUIREMENTS OF THE  
BUILDING REGULATIONS 1997  
AND THE LOCAL AUTHORITY'S  
PLANNING PERMISSIONS.

REVISIONS  
 1. ALL THE WORK SHALL BE IN ACCORDANCE  
 WITH THE REQUIREMENTS OF THE  
 BUILDING REGULATIONS 1997  
 AND THE LOCAL AUTHORITY'S  
 PLANNING PERMISSIONS.



NOTE: THE STANDARD OF MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE DEPARTMENT OF THE ENVIRONMENT STANDARD SPECIFICATION.

173 x 25 MOCE BOARD  
125 x 50 HAF'DS AT 400 C/C  
125 x 50 CEILING JOISTS AT 400 C/C

8  
174 78662100  
COLTAR 25 66

1150 FINECLASS INSULATION  
LAND BETWEEN JOISTS  
1225 W.A. GUTTER

RELATION TO CELL  
 60 EXPANDED POLYSTYRENE (K = 0.030)  
 CAVITY OF DOUBLE LEAF WALL

200 x 300 Resolution

**CONCRETE FLOORING:**  
50 CONCRETE FLOOR ON  
100 CONCRETE SLAB ON  
50 CONCRETE FLOOR ON

1998

# OSi PLACE Map



Tailte  
Éireann

CENTRE  
COORDINATES:  
ITM 599013 744455

PUBLISHED:  
02/02/2024

MAP SERIES:  
1:5,000

ORDER NO.:  
50381159\_1

MAP SHEETS:  
2964

## COMPILED AND PUBLISHED BY:

Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

Any unauthorised reproduction  
infringes Tailte Éireann copyright.

No part of this publication may  
be copied, reproduced or transmitted  
in any form or by any means without  
the prior written permission of the  
copyright owner.

The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
of a right of way.

This topographic map  
does not show  
legal property boundaries,  
nor does it show  
ownership of physical features

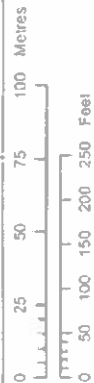
©Tailte Éireann, 2024.  
All rights reserved.



LEGEND:  
To view the legend visit:  
[www.tailte.ie](http://www.tailte.ie) and search for  
'Large Scale Legend'

CAPTURE RESOLUTION:  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.tailte.ie](http://www.tailte.ie) search 'Capture Resolution'

OUTPUT SCALE: 1:2,500



CORRECTION

Sight line of 80m shown with dotted green line.

05-20057

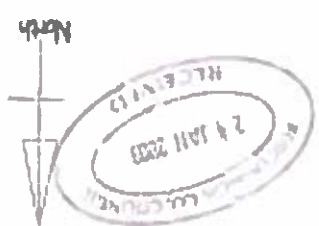
PLANNING SECTION

Sight line of 80m shown with dotted green line.

Front boundary to be set back in accordance with the planning Authority's requirements



Septic tank and pre-treatment tank to be installed in accordance with S.F.A. 1991



# Site Layout Plan

Scale 1:500

Drawn by	John A. Association Ltd. John A. Association Ltd.
Scale	1:500
Date	12/12/2002
File	Proposed site plan.pdf
Project	Proposed dwelling house at Carranore Rd., Carranore, Co. Roscommon for Mr. Rory Brindley
Date	12/12/2002



DED 660

## Carmel Curley

---

**From:** Mervyn Walsh  
**Sent:** Wednesday 14 February 2024 10:05  
**To:** Carmel Curley  
**Subject:** FW: Fw: FI Croi Conaithe Grant [REDACTED]  
**Attachments:** House plans.pdf; SITE LAYOUT MAP.pdf; Site location map.pdf; Application Under Section 5.pdf

**From:** yvonne murphy [REDACTED]  
**Sent:** Tuesday 13 February 2024 18:33  
**To:** Planning Department <Planning@roscommoncoco.ie>  
**Cc:** [REDACTED]  
**Subject:** Fw: Fw: FI Croi Conaithe Grant [REDACTED]

---

Good Afternoon,

Please find attached Application under Section 5 regarding Exempted Development.

I can be contacted on [REDACTED] for payment.

Kind Regards,  
Yvonne Murphy

Please note that I may be sending this email outside your working hours and I do not expect a response or action outside your own working hours

Abi  
14/02/24.