

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Frank & Geraldine Tully,



Reference Number: DED 661

Application Received: 14th February 2024

Name of Applicants: Frank & Geraldine Tully

Agent: Gaynor Architects

WHEREAS a question has arisen as to whether the refurbishment of an existing dwelling at Lisnamult, Co. Roscommon., is or is not development and is or is not exempted development:

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended.
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000, as amended.
- (e) The planning history of the site.

AND WHEREAS Roscommon County Council has concluded that:

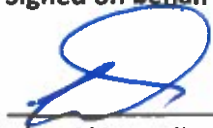
- (a) The works are development
- (b) Remove existing roof slates, ridge tiles, battens, felt, fascia and soffit and replace with new wall plate, timber rafters, ridge board, collar ties, Tyvec roof membrane, battens, Tegral Thrutone slates and ridge capping is exempted development
- (c) New pvc fascia, soffit, gutters and rwp's is exempted development
- (d) Replaster chimneys, new lead flashings and make good to flue liners is exempted development
- (e) New pvc framed windows, triple glazed and front screen/door and rear doors is exempted development
- (f) Footpath around perimeter of dwelling is exempted development
- (g) Remove existing concrete floors and hardcore to a depth of 450mm to allow for insulation on radon barrier, blinded hardcore sub-floor and finish with concrete floor screed is exempted development
- (h) New internal doors, door frames, skirting, architraves and ironmongery is exempted development
- (i) All new ceilings 38mm insulated Gypsum board, skim finish, painted is exempted development
- (j) Rockwool, 400mm to all flat ceilings and 150 Metec insulation to sloped ceilings is exempted development
- (k) New floor joists and plywood flooring to part of dwelling is exempted development
- (l) New electrical installation to current ETCI Standard and regulations is exempted development
- (m) New plumbing services and sanitary fittings is exempted development

- (n) Dry-lining internal face of external walls with Gypsum 60mm insulated boards with skim finish and painted is exempted development
- (o) New kitchen and utility room fittings and appliances is exempted development
- (p) New under floor heating system with specified heat pump/hot water cylinder and associated pipe work/equipment is exempted development
- (q) 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 – 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 an existing dwelling at Lisnamult, Co. Roscommon, is development that is exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Signed on behalf of the Council:



Alan O'Connell,
Senior Executive Planner,
Planning.

Date: 7th March 2024

ADVICE NOTE

The submitted documentation indicates that the refurbished dwelling house will be serviced by a new wastewater treatment system and percolation area, with the existing old septic tank decommissioned. Planning permission is required to upgrade or replace the existing septic tank system.

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

Reference Number: DED 661

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 existing dwelling house at Lisnamult, County Roscommon

Applicant(s): Frank & Geraldine Tully

Date: 7th March 2024

WHEREAS a question has arisen as to whether to refurbish existing dwelling house at Lisnamult, County Roscommon is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000, as amended
- (e) The planning history of the site

Site Location & Development Description

The subject dwelling house is located in Lisnamult, County Roscommon. Accessed off the L70524 Local Tertiary Road, the subject site is not in, adjoining or in close proximity to any European designated sites. The closest European designated site is the Ballinturly Turlough SAC (Site Code: 000588), which is approximately 3.8km 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 renovating the existing dwelling house and the proposed works are specified as follows:

- Remove existing roof slates, ridge tiles, battens, felt, fascia and soffit and replace with new wall plate, timber rafters, ridge board, collar ties, Tyvec roof membrane, battens, Tegral Thrutone slates and ridge capping
- New pvc fascia, soffit, gutters and rwp's
- Replaster chimneys, new lead flashings and make good to flue liners
- New pvc framed windows, triple glazed and front screen/door and rear doors
- Footpath around perimeter of dwelling
- Remove existing concrete floors and hardcore to a depth of 450mm to allow for insulation on radon barrier, blinded hardcore sub-floor and finish with concrete floor screed
- New internal doors, door frames, skirting, architraves and ironmongery

- All new ceilings 38mm insulated Gypsum board, skim finish, painted
- Rockwool, 400mm to all flat ceilings and 150 Metec insulation to sloped ceilings
- New floor joists and plywood flooring to part of dwelling which is defective
- Total new electrical installation to current ETCI Standard and regulations
- Total new plumbing services and sanitary fittings
- Dry-lining internal face of external walls with Gypsum 60mm insulated boards with skim finish and painted
- Total new kitchen and utility room fittings and appliances required
- New under floor heating system with specified heat pump/hot water cylinder and associated pipe work/equipment

Planning History

As per the Roscommon County Council GIS, there is no recent planning history on the subject site.

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—

viiiB) 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

Schedule 2, Part 1, Exempted Development – General

<i>Development within the curtilage of a house</i>	
Class 6	
Description of Development	Conditions and Limitations
(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.	The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.
(b) Any works within the curtilage of a house for –	
I. The provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,	Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line, as the case may be, whichever is the smaller,
II. The provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.	or If the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.

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 works are specified as follows:

- Remove existing roof slates, ridge tiles, battens, felt, fascia and soffit and replace with new wall plate, timber rafters, ridge board, collar ties, Tyvec roof membrane, battens, Tegral Thrutone slates and ridge capping
- New pvc fascia, soffit, gutters and rwp's
- Replaster chimneys, new lead flashings and make good to flue liners
- New pvc framed windows, triple glazed and front screen/door and rear doors
- Remove existing concrete floors and hardcore to a depth of 450mm to allow for insulation on radon barrier, blinded hardcore sub-floor and finish with concrete floor screed
- New internal doors, door frames, skirting, architraves and ironmongery
- All new ceilings 38mm insulated Gypsum board, skim finish, painted
- Rockwool, 400mm to all flat ceilings and 150 Metec insulation to sloped ceilings
- New floor joists and plywood flooring to part of dwelling which is defective
- Total new electrical installation to current ETCI Standard and regulations
- Total new plumbing services and sanitary fittings
- Dry-lining internal face of external walls with Gypsum 60mm insulated boards with skim finish and painted
- Total new kitchen and utility room fittings and appliances required
- New under floor heating system with specified heat pump/hot water cylinder and associated pipe work/equipment

These works are considered exempted development 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 footpath around perimeter of dwelling comes within the scope of Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended, and is exempted 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 to refurbish existing dwelling house at Lisnamult, County Roscommon is or is not development and is or is not exempted development.

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 6 of Part 1 Article 6 Schedule 2 of the Planning and Development Regulations, 2001, as amended
- (d) The record forwarded to Roscommon County Council in accordance with subsection (6)(c) of Section 5 of the Planning and Development Acts 2000, as amended
- (e) The planning history of the site

AND WHEREAS I have concluded that

- (a) The works are development
- (b) Remove existing roof slates, ridge tiles, battens, felt, fascia and soffit and replace with new wall plate, timber rafters, ridge board, collar ties, Tyvec roof membrane, battens, Tegral Thrutone slates and ridge capping is exempted development
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- (o) New kitchen and utility room fittings and appliances is exempted development
- (p) New under floor heating system with specified heat pump/hot water cylinder and associated pipe work/equipment is exempted development
- (q) 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 I recommend that a declaration to that effect should be issued to the applicant.

ADVICE NOTE

The submitted documentation indicates that the refurbished dwelling house will be serviced by a new wastewater treatment system and percolation area, with the existing old septic tank decommissioned. Planning permission is required to upgrade or replace the existing septic tank system.

Signed:

Assistant Planner

Jennifer Foy

Date: 7th March 2024

AOC 7/5/24





Comhairle Contae
Ros Comáin
Roscommon
County Council



Frank & Geraldine Tully,
[REDACTED]

Date: 14th February 2024

Planning Reference: DED 661

Re: Application for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended), regarding Exempted Development.
Development: Permission to refurbish existing dwelling house under the Planning & Development Act (Exempt Development) Regulations 2018 at Lisnamult, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 13th 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. **L01/0/227036** dated 14th February 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 661**
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Alan O'Connell
Senior Executive Planner,
Planning Department.

cc via email: Ignatius Gaynor
gaynorarchitects@gmail.com

Roscommon County Council
Aras an Chontae
Roscommon
09086 37100

14/02/2024 15:14:52

Receipt No L01/0/227036

FRANK & GERALDINE TULLY

EXEMPTED DEVELOPMENT

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-variable	
DED081	

Total	80.00 EUR
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Tendered	
Cash	80.00

Change	0.00
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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, regarding Exempted Development

Name:	FRANK & GERALDINE TULLY
Address:	[REDACTED]
Name & Address of Agent:	THOMAS GAYNOR GAYNOR ARCHITECTS FALLOH AVENUE ROSCOMMON FAR WEST
Nature of Proposed Works	REFURBISH EXISTING DERELICT DWELLING
Location (Townland & O.S No.)	LISHANUOT ROSCOMMON
Floor Area	160.000 m ² s.
Height above ground level	250mm ABOVE ROAD LEVEL
Total area of private open space remaining after completion of this development	SEE SITE LOCATION MAP
Roofing Material (Slates, Tiles, other) (Specify)	SLATES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	HAD PLASTER & BLOCKWORK & CONCRETE
Is proposed works located at front/rear/side of existing house.	EXTERNAL & INTERNAL (NO EXTENSION)

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	NO
If yes give ref. number (include full details of existing extension, if any)	WILL BE APPLYING FOR PERMISSION FOR WWTs.
Existing use of land or structure	PRIVATE DWELLING
Proposed use of land or structure	PRIVATE DWELLING
Distance of proposed building line from edge of roadway	25.00 METS.
Does the proposed development involve the provision of a piped water supply	NO.
Does the proposed development involve the provision of sanitary facilities	YES. (WWTs)

Signature:

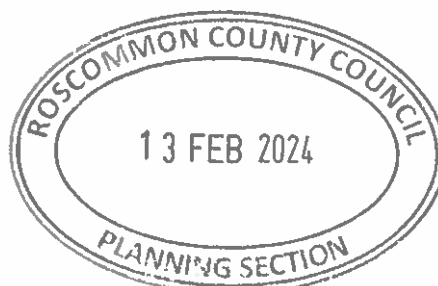
Ignatius Gaynor
6th FEBRUARY 2024

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



GAYNOR ARCHITECTURAL + DESIGN SERVICES LTD

ARCHITECTS



**CEO
Roscommon Co. Council
Vacant Property Refurbishment Grant
Housing Section
Aras an Chontae
Roscommon**

**Fallon Avenue
Roscommon
Co. Roscommon
F42 W327
090 6626974
Fax : 090 6627353
Mobile : 086 8115449
Email : gaynorarchitects@gmail.com**

9th February 2024

Dear Sir

**Dwelling and site at Lisnamult, Roscommon
Application for Vacant Property Refurbishment Grant
Frank and Geraldine Tully : ref CC202**

Further to your e-mail dated 2nd February 2024 in connection with the above attached are the following :-

1. Completed DED form under Section 5 of the Planning and Development Act 2000
2. Details of work to be carried out for total refurbishing of dwelling
3. Fee in the sum of €80.00

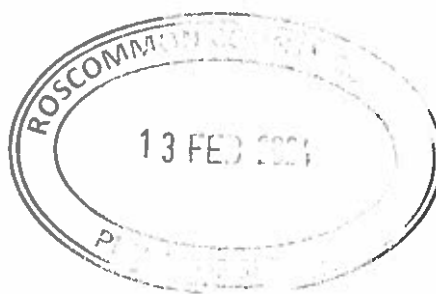
If further details or information is required please do not hesitate to contact us

Yours Sincerely

Ignatius Gaynor

copy to : Frank and Geraldine Tully





**CEO
Roscommon Co. Council
Vacant Property Refurbishment Grant
Housing Section
Aras an Chontae
Roscommon**

**Fallon Avenue
Roscommon
Co. Roscommon
F42 W327
090 6626974
Fax : 090 6627353
Mobile : 086 8115449
Email : gaynorarchitects@gmail.com**

9th February 2024

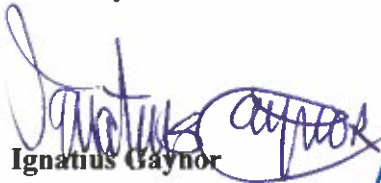
Details of work to be carried out

**Dwelling and site at Lisnamult, Roscommon
Application for Vacant Property Refurbishment Grant
Frank and Geraldine Tully : ref CC202**

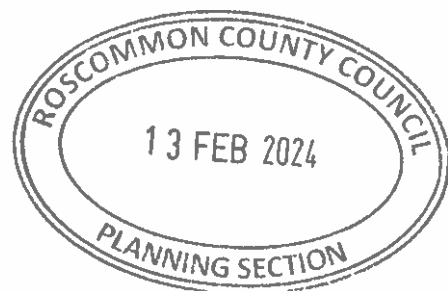
If further details or information is required please do not hesitate to contact us

1. Remove existing roof slates, ridge tiles battens and felt, fascia and soffit and replace with new wall plate, timber rafters, ridge board and collar ties Tyvec roof membrane, battens and Tegral Thrutone slates and ridge capping
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8. All new ceilings 38mm insulated Gypsum board ,skim finish, painted
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10. New floor joists and plywood flooring to part of dwelling which is defective
11. Total new electrical installation to current ETCI Standard and regulations
12. Total new plumbing services and sanitary fittings
13. Dry-lining internal face of of external walls with Gypsum 60mm insulated boards with skim finish and painted
14. New waste water treatment system and percolation area required (existing old type septic tank to be decommissioned)
15. Total new kitchen units and utility room fittings and appliances required
16. Total new under floor heating system with specified heat pump/hot water cylinder and associated pipe work/equipment etc


Ignatius Gaynor

copy to : Frank and Geraldine Tully



Email: gary.maw@chevron.com, 650.840.7100



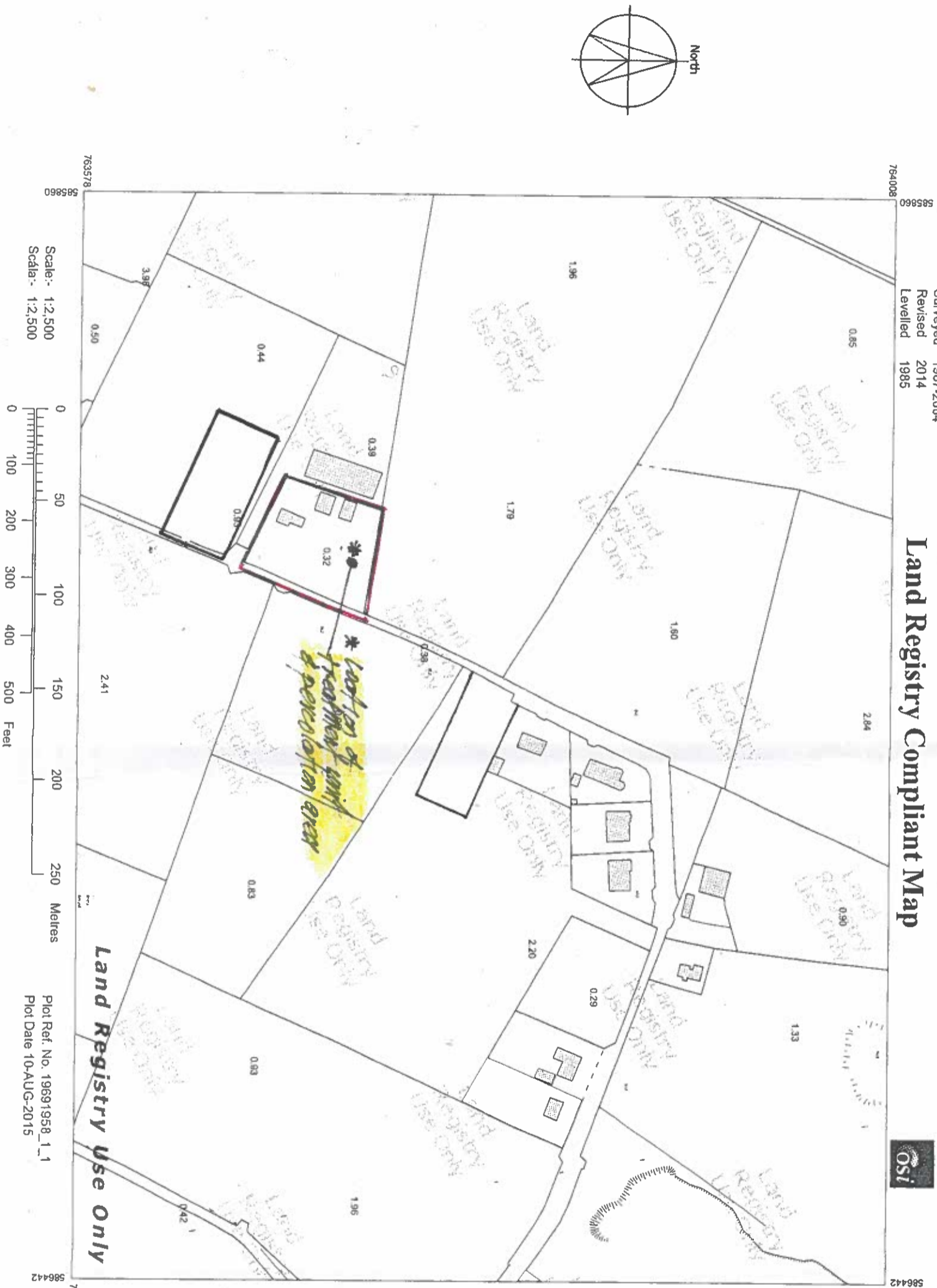
13 FEB 2024





Land Registry Compliant Map

Surveyed 1987-2004
Revised 2014
Levelled 1985



ITM CENTRE PT. COORDS
586151.763793

DESCRIPTION

MAP SHEETS
1:1000 2550-09 2550-14
1:2500 2550-A 2550-B

OS
Authorised
Internet Map

13 FEB 2024
ROSCOMMON COUNTY COUNCIL
PLANNING SECTION

© Ordnance Survey Ireland, 2015

Site location map
o.s. map Co. Roscommon Digital map ref 2550-S 2550-B
scale : 1:2500



The Property
Registration Authority
An tÚdarás
Clárúcháin Maoiné



Official Property Registration Map

This map should be read in conjunction with the folio.
Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.
For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see www.pra.ie.
This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

Freehold
Leasehold
Subleasehold
'S' Register

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

13 FEB 2024
PLANNING SECTION
ROSCOMMON COUNTY COUNCIL

- Burdens (may not all be represented on map)
- Right of Way / Wayleave
 - Turbary
 - Pipeline
 - Well
 - Pump
 - Septic Tank
 - Soak Pit
- A full list of burdens and their symbology can be found at: www.landdirect.ie

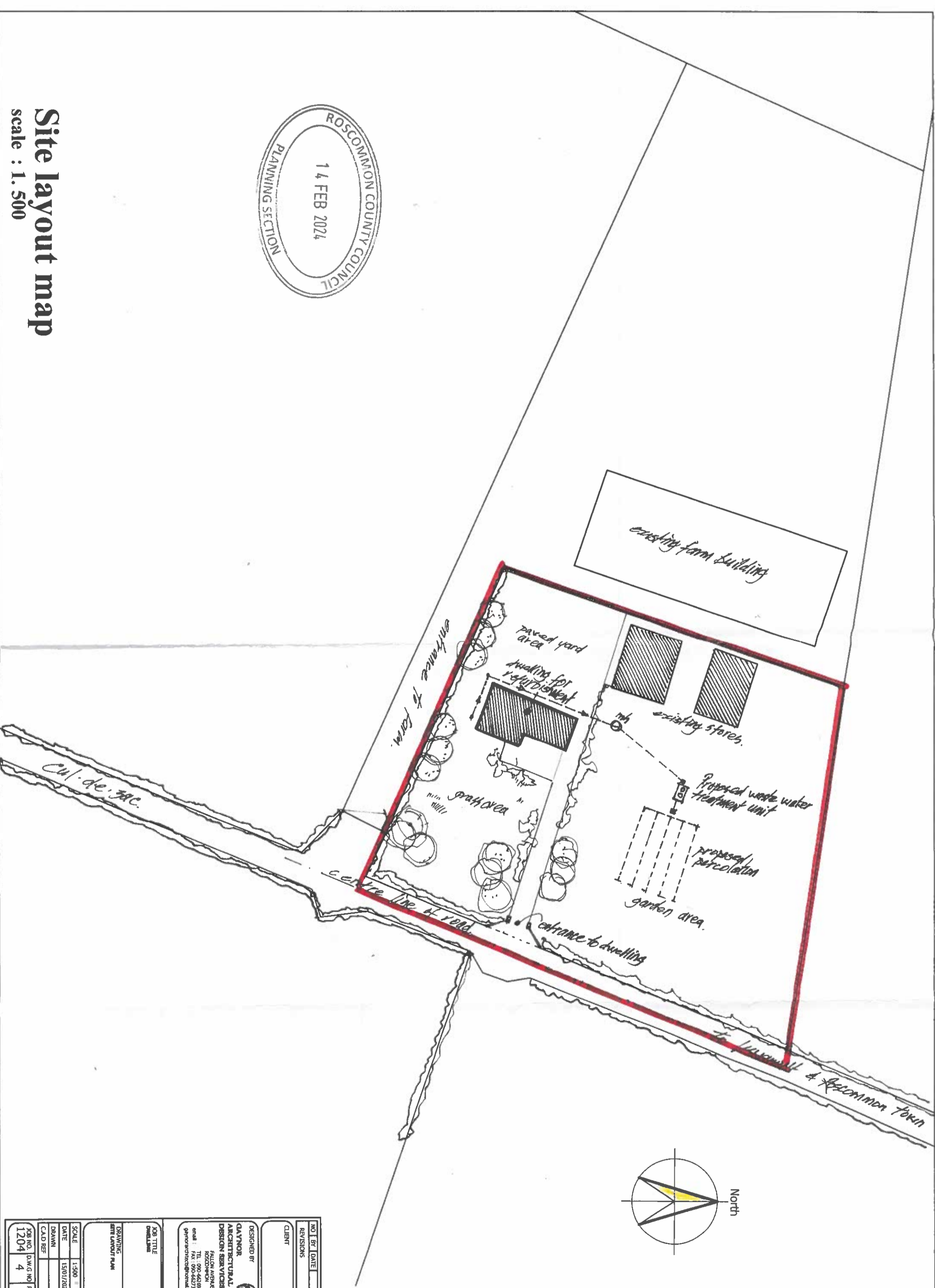
The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent.
(see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.






Site layout map

scale : 1. 500



NO. BY DATE		
REVISIONS		
CLIENT		
DESIGNED BY GAVINOR 		
ARCHITECTURAL & DESIGN SERVICES LTD. FALLOON AVENUE, ROSCOMMON TEL: 090-662774 FAX: 090-6627553 gavinorarchitectural@roscom.com		
JOB TITLE Small house		
DRAWING: SITE LAYOUT PLAN		
SCALE: 1:500		
DATE: 15/01/2024		
DRAWN		
CAD REF		
JOB NO. 1204	DWG NO. 4	REV NO. 0