

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Mark Ducie & Hilary O'Brien,



Reference Number: DED 662

Application Received: 16th February 2024

Name of Applicants: Mark Ducie & Hilary O'Brien

Agent: N/A

WHEREAS a question has arisen as to whether the following works; 1) removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing door and window openings to the rear; 5) demolition of attached garage; 6) new roof light to rear roof pitch above proposed kitchen; 7) changes to internal layout at Monksland, Athlone, 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, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 50, Part 1, Schedule 2 of the 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);

AND WHEREAS Roscommon County Council has concluded that:

- a) Removal of chimney and chimney breast to ground floor level, closing roof opening is exempted
- b) Enlarging existing window to the rear to provide a sliding door is exempted
- c) Provide a new window to the rear is exempted is exempted
- d) Block up existing and window openings to the rear is exempted
- e) Demolition of attached garage is exempted
- f) New light roof to rear roof pitch above proposed kitchen is exempted
- g) Changes to internal layout is exempted

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 complete the following works; 1) removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing door and window openings to the rear; 5) demolition of attached garage; 6) new roof light to rear roof pitch above proposed kitchen; 7) changes to internal layout at Monksland, Athlone, 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: 14th March 2024

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

Reference Number: DED 662

Name and Address of Applicant: Mark Ducie & Hilary O'Brien

AGENT: As above

WHEREAS a question has arisen as to whether ' 1) Removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing window openings to the rear; 5) demolition of attached garage; 6) new light roof to rear roof pitch above proposed kitchen; 7) changes to internal layout. ' at Monksland, Athlone, Co. Roscommon is or is not development and is or is not exempted development:

1.0 Site Location and Description

The site is located on a local road in Monksland, West Athlone and is zoned 'Existing Residential' in the Monksland/Bealanamullia Town Local Area Plan 2016-2022 which is still a material consideration until such time as a joint area plan for Athlone is adopted. The application site consists of detached single storey residential unit with an adjoining domestic garage.

2.0 Planning History

No recent relevant planning history.

3.0 Relevant Legislation

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

- (a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- (b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- (c) Class 50, Part 1, Schedule 2 of the 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);

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.

Sub section 4 (1) (h) provides that development shall be exempt development if it consists 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)

Schedule 2, Part 1

Column 1 Description of Development	Column 2 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,</p> <p>or (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>

4.0 Planning Assessment

The question to be determined in this Section 5 declaration is whether ‘ 1) Removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing and window openings to the rear; 5) demolition of attached garage; 6) new light roof to rear roof pitch above proposed kitchen; 7) changes to internal layout’ is or is not development and is or is not exempted development. Having considered the definition of both “works” and “development” outlined above, I would deem that the ‘1) Removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing and window openings to the rear; 5) demolition of

attached garage; 6) new light roof to rear roof pitch above proposed kitchen; 7) changes to internal layout' constitute works and is therefore development.

To assess whether these works are exempt development and for the purposes of clarity the development proposal will be assessed separately i.e in two parts, a) the demolition of attached garage and b) the works to renovate the existing dwelling which involve the following:

- 1) 'Removal of chimney and chimney breast to ground floor level, closing roof opening;
- 2) enlarging existing window to the rear to provide a sliding door;
- 3) provide a new window to the rear;
- 4) block up existing and window openings to the rear;
- 6) new light roof to rear roof pitch above proposed kitchen;
- 7) changes to internal layout'

a) The demolition of attached garage

To determine ^{whether} ~~where~~ the demolition of an attached garage is exempt development consideration was given to Class 50 Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended). It is considered that even though the garage abuts the dwelling house on site given that there is no internal link between the two it is not unreasonable to give it the status of a 'building' within the curtilage of a house as set out in Column 1 of Class 50. The floor area of the garage is less than 40 sqm and it does not abut on another building in separate ownership. Having considered all of the information presented I am satisfied that the proposed demolition falls within the remit of class 50 outlined above as it does satisfy the conditions and limitations set out in column 2.

b) The works to renovate the existing dwelling which involve the following:

- 1) 'Removal of chimney and chimney breast to ground floor level, closing roof opening;
- 2) enlarging existing window to the rear to provide a sliding door;
- 3) provide a new window to the rear;
- 4) block up existing and window openings to the rear;
- 6) new light roof to rear roof pitch above proposed kitchen;
- 7) changes to internal layout'

The applicants have provided plans and elevations detailing the extent and types of works proposed and having regard to 4(1)h of the Planning and Development Act 2000 as amended I am satisfied that the above reference works will 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.

Environmental Considerations :

The development is not of a nature set out in Part 2 Schedule 5 of the Planning and Development Regulations 2001 as amended.

The site is located 1.8km km away from Middle Shannon Callows SPA and River Shannon callows SAC. Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to and distance from any sensitive location, there is no real likelihood of significant effects on European sites arising from the proposed development and not of a nature set out in Article 9 (1)(a) of the Planning and Development Regulations 2001 as amended.

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows: '1) Removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing and window openings to the rear; 5) demolition of attached garage; 6) new light roof to rear roof pitch above proposed kitchen; 7) changes to internal layout. ' at Monksland, Athlone, Co. Roscommon is development and is exempted development.

5.0 Recommendation

WHEREAS a question has arisen as to '1) Removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing and window openings to the rear; 5) demolition of attached garage; 6) new light roof to rear roof pitch above proposed kitchen; 7) changes to internal layout ' at Monksland, Athlone, Co. Roscommon is development and is exempted development, **and is or is not exempted development:**

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

- a) Sections 2, 3, and 4 of the Planning and Development Acts 2000 (as amended);
- b) Article 6 & 9 of the Planning and Development Regulations 2001 (as amended).
- c) Class 50, Part 1, Schedule 2 of the 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);

AND WHEREAS I have concluded that

'1) Removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing and window openings to the rear; 5) demolition of attached garage; 6) new light roof to rear roof pitch above proposed kitchen; 7) changes to internal layout. ' at Monksland, Athlone, Co. Roscommon is development and is exempted development and I recommend that a declaration to that effect should be issued to the applicants.



Signed: _____ Date: 13th March 2024

Paula Connaughton

South Roscommon Area Planner.

AOE



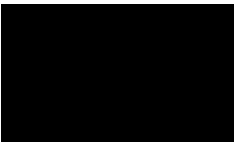




Comhairle Contae
Ros Comáin
Roscommon
County Council



Mark Ducie & Hilary O'Brien,



Date: 16th February 2024

Planning Reference: DED 662

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

Development: Permission to complete the following works; 1) removal of chimney and chimney breast to ground floor level, closing roof opening; 2) enlarging existing window to the rear to provide a sliding door; 3) provide a new window to the rear; 4) block up existing door and window openings to the rear; 5) demolition of attached garage; 6) new roof light to rear roof pitch above proposed kitchen; 7) changes to internal layout under the Planning & Development Act (Exempt Development) Regulations 2018 at Monksland, Athlone, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 16th 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. L01/0/227078 dated 16th February 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 662**
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

16/02/2024 10:52 15

Receipt No. : L01/0/227078
***** REPRINT *****

MARK DUCIE, HILARY O BRIEN

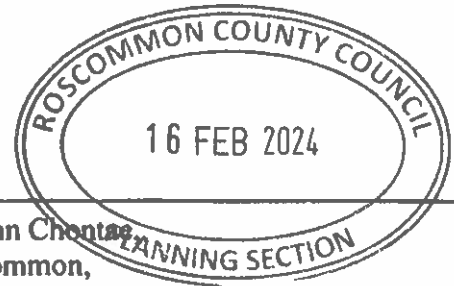
PLANNING APPLICATION FEES 80 00
GOODS 80 00
VAT Exempt/Non-vatable
DED 662

Total : 80 00 EUR

Tendered :
Credit/Debit Card 80 00
2587

Change : 0 00

Issued By : Bernadine Duignan
From : Central Cash Office



Áras an Chontae
Roscommon,
Co. Roscommon.

Phone: (090) 6637100

Email: planning@roscommoncoco.ie

Roscommon County Council

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

Name:	MARU DUCIE HIGLEY O'Brien
Address:	[REDACTED]
Name & Address of Agent:	As Above
Nature of Proposed Works	① See attached description of work
Location (Townland & O.S No.)	MONKSLAND Athlone 601173, 74/429
Floor Area	= 71 sqm + Garage = 82 sqm
Height above ground level	5.34 metres
Total area of private open space remaining after completion of this development	No change 260sqm
Roofing Material (Slates, Tiles, other) (Specify)	Fibre cement slates to match existing slates colour black. Rooflight
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	concrete blockwork infill with render externally to match existing wall finish
Is proposed works located at front/rear/side of existing house.	Rear and side of building (Roof)

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)	N/A
Existing use of land or structure	residential
Proposed use of land or structure	residential
Distance of proposed building line from edge of roadway	13.8 m
Does the proposed development involve the provision of a piped water supply	existing
Does the proposed development involve the provision of sanitary facilities	existing

Signature:

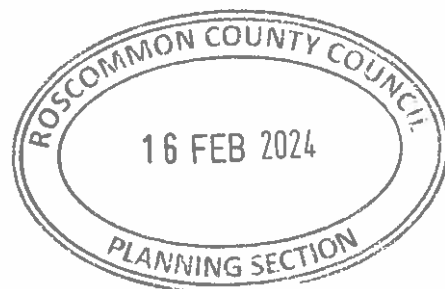
Mark O'Neil Hilary O'Brien

Date:

15/02/2024

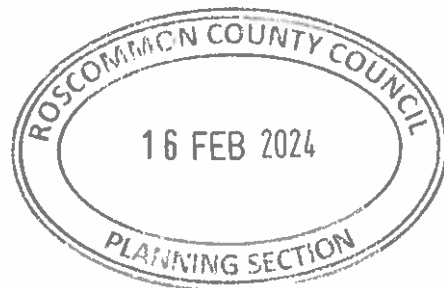
Note: This application must be accompanied by:-

- (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

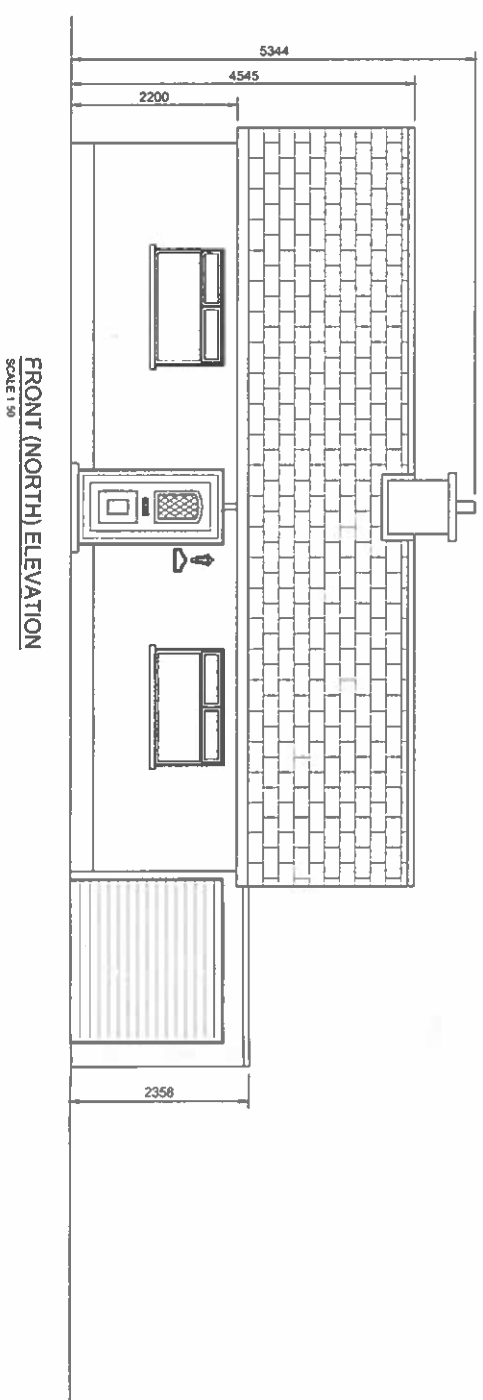
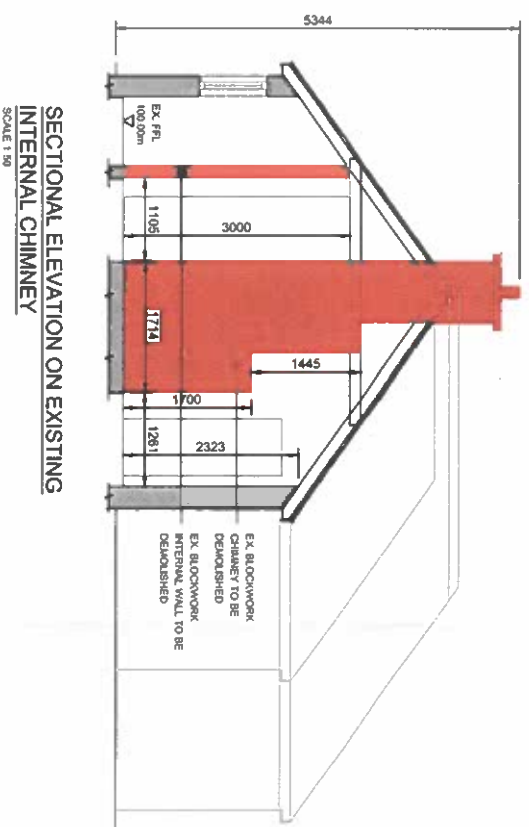
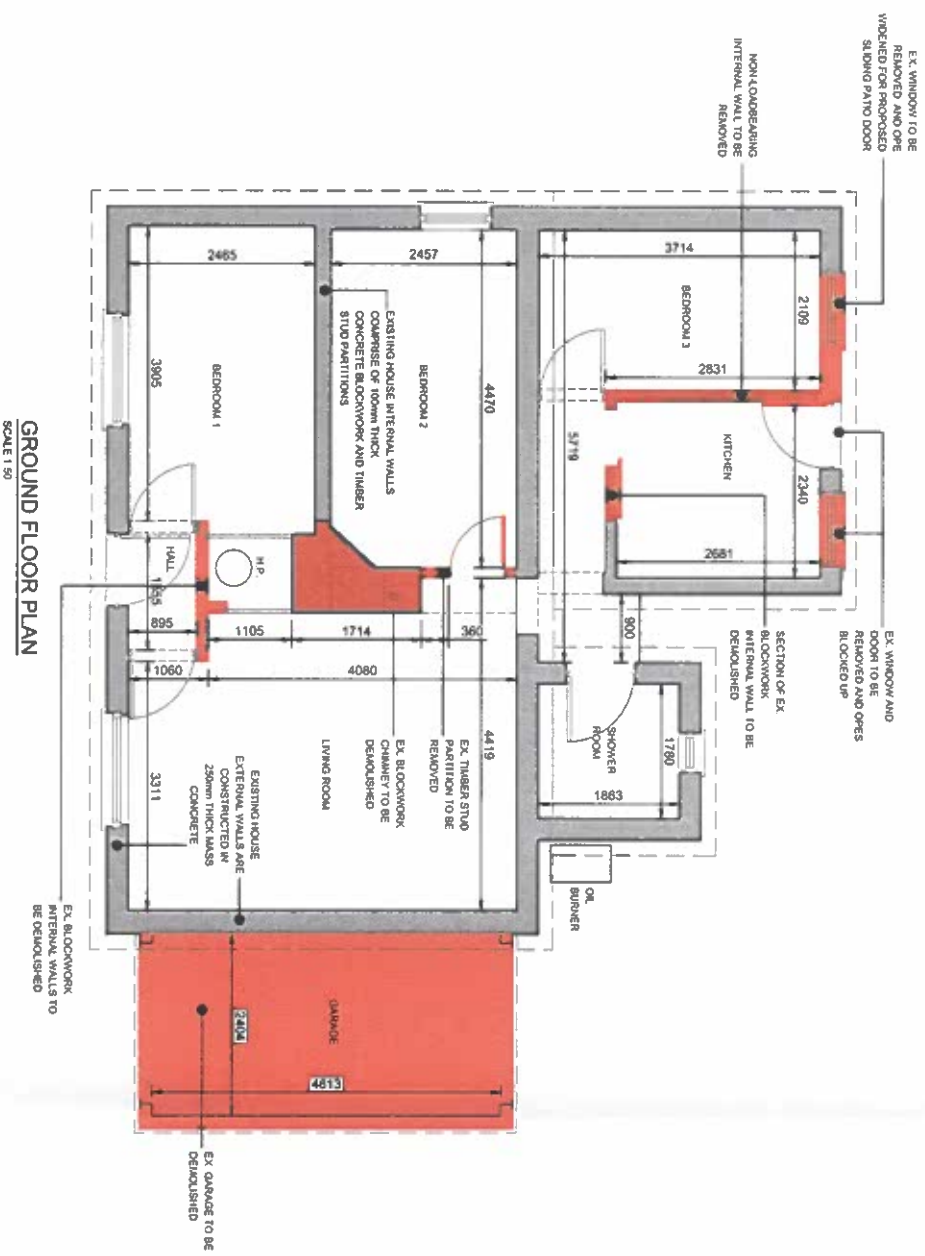


Description of proposed works

- ① Removal of chimney and chimney breast to ground floor level, closing roof opening
- ② Enlarging existing window to the rear to provide a sliding door
- ③ Provide a new window to the rear
- ④ Block up existing door and window openings to the rear
- ⑤ Demolition of attached garage.
- ⑥ New rooflight to rear roof pitch above proposed kitchen
- ⑦ Changes to internal layout.



1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE
3. ENGINEER/EMPLOYERS REPRESENTATIVE, AS APPROPRIATE TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BETWEEN THE DRAWINGS AND THE CONTRACTOR'S MEASUREMENTS
4. THE CONTRACTOR SHALL MAKE A THOROUGH CHECK FOR THE LOCATION OF ALL SERVICES/UTILITIES ABOVE AND BELOW GROUND, BEFORE ANY WORK COMMENCES
5. ALL LEVELS SHOWN RELATE TO ORDNANCE SURVEY DATUM AT MALIN HEAD



Row	Date	Description	By	Chd.

Client:
MARK DUCIE & HILARY O'BRIEN

Project: CNOC MHUIRE
MILLBROOK AVENUE, MONKSLAND
ATHLONE, CO. ROSCOMMON

Title: GENERAL ARRANGEMENT
AS EXISTING

Scale: A1	1:50
Prepared by: RD	Checked: RD Date: FEB 2024
Project Director:	
Drawing Status:	SECTION 5 APPLICATION

Drawing No.:	24001-S5-03	Revision:
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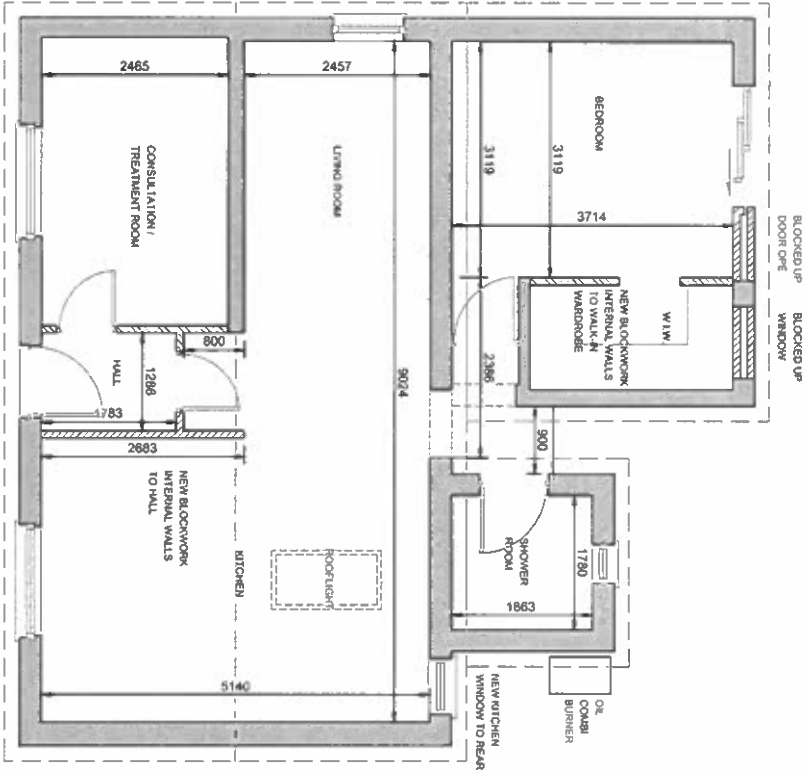
- NOTES:**
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
 3. ENGINEER/ARCHITECTS REPRESENTATIVE, AS APPROPRIATE, TO BE INFORMED BY THE CONTRACTOR OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.
 4. THE CONTRACTOR SHALL UNDERTAKE A THOROUGH CHECK FOR THE ACTUAL LOCATION OF ALL SERVICES/UTILITIES, ABOVE AND BELOW GROUND, BEFORE ANY WORK COMMENCES RELATE TO ORDNANCE SURVEY DATUM AT MAIN HEAD



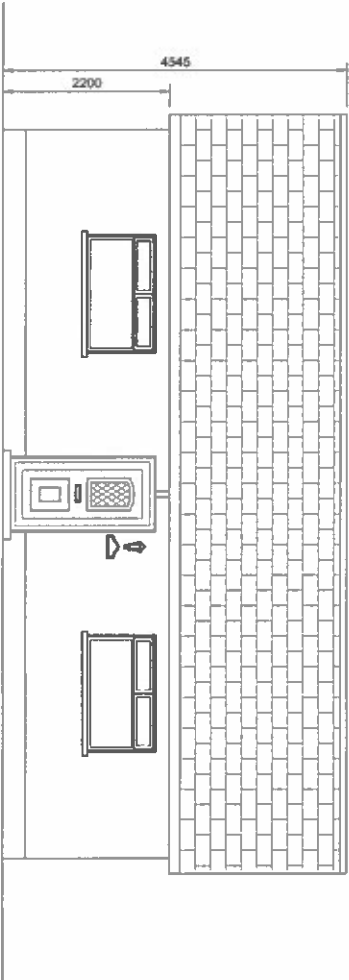
Rev	Date	Description	By	Chk.

Client:	MARK DUCIE & HILARY O'BRIEN
Project:	CNOC MHUIRE MILBROOK AVENUE, MONKSLAND ATHLONE, CO. ROSCOMMON
Title:	GENERAL ARRANGEMENT AS PROPOSED

Scale @ A1:	1:50					
Prepared By:	RD	Checked:	RD	Date:	FEB 2024	
Project Director:						
Drawing Status:	SECTION 5 APPLICATION					
Drawing No.:	24001-S5-04				Revision:	

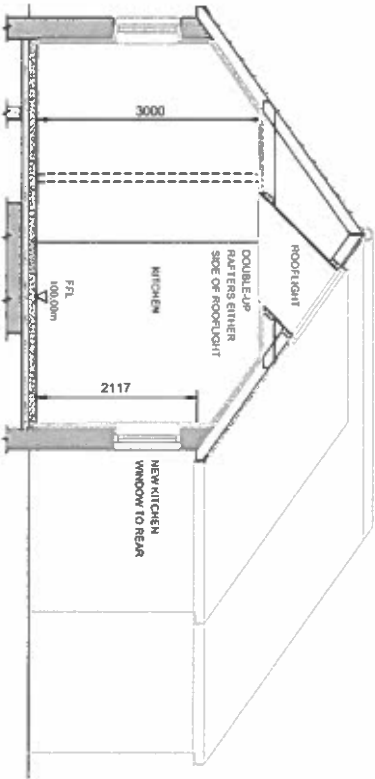


GROUND FLOOR PLAN
SCALE 1:50



FRONT (NORTH) ELEVATION
SCALE 1:50

SECTIONAL ELEVATION ON EXISTING
INTERNAL CHIMNEY
SCALE 1:50



DWELLING HOUSE SUBJECT TO THIS APPLICATION
EASTING 201324
NORTHING 241407
ITM CO-ORDINATE REFERENCE E-601174, N-741431

TO R362

MILLBROOK AVENUE

MILLBROOK AVENUE

TO ATHLONE & M6



NOTES:
SITE OUTLINED IN RED LINE
LANDS IN OWNERSHIP OUTLINED IN BLUE LINE

Rev	Date	Description	By	CHK

Client:
MARK DUCIE & HILARY OBRIEN

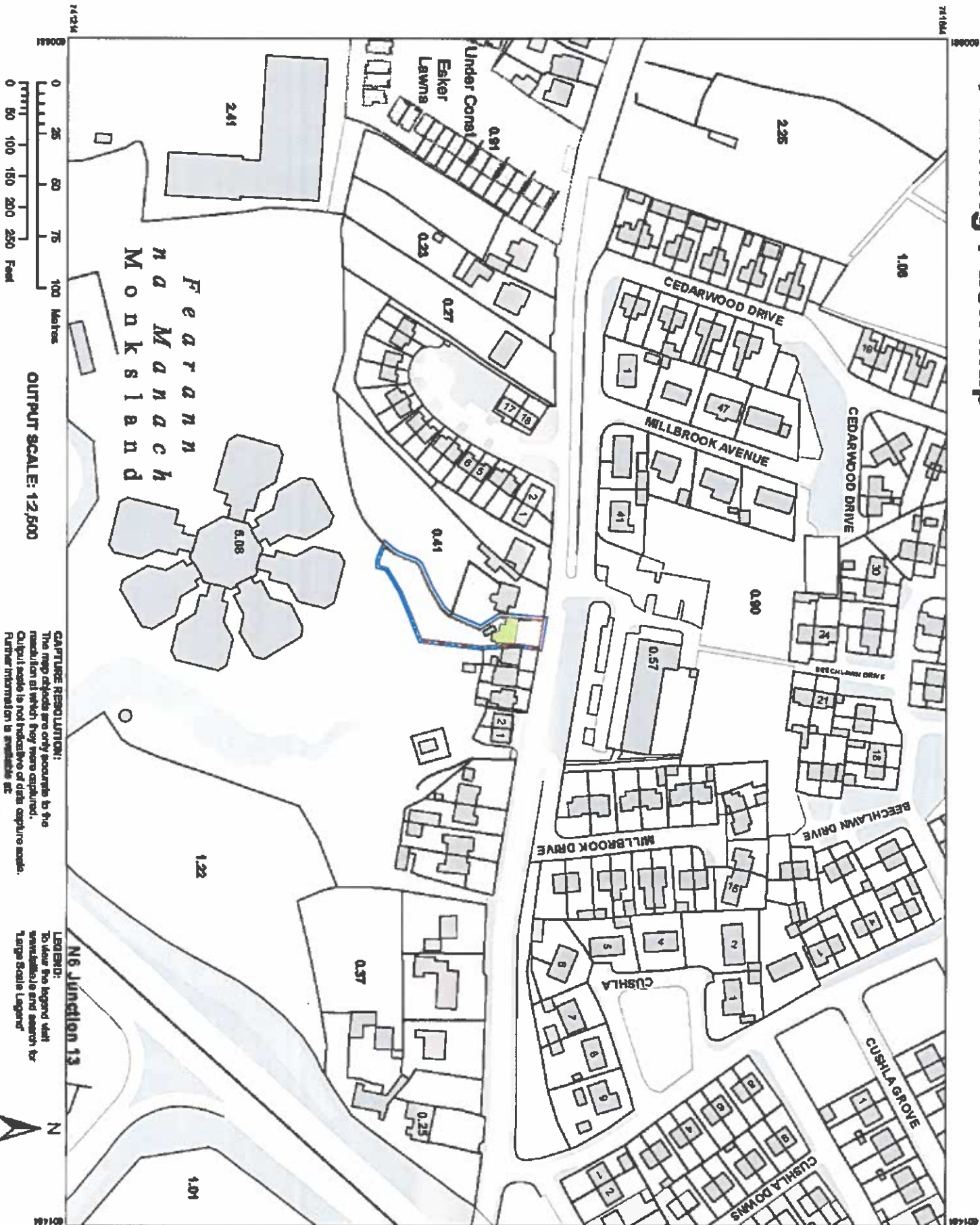
Project:
CNOC MUIRE
MILLBROOK AVENUE, MONKSLAND,
ATHLONE, CO. ROSCOMMON

Title:
SITE PLAN

Scale @ A1		1:500
Prepared by:	Checked:	Date:
RD	RD	FEB 2024
Project Director		
Drawing Status		
SECTION 5 APPLICATION		
Drawing No:		Revision:
24001-S5-02		-



Planning Pack Map



CENTRE COORDINATES:
ITM 601173, 741429
PUBLISHED: 11/02/2024
ORDER NO.: 5082403_1
MAP SERIES: 305-C
MAP SHEETS: 305-C

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F8E4

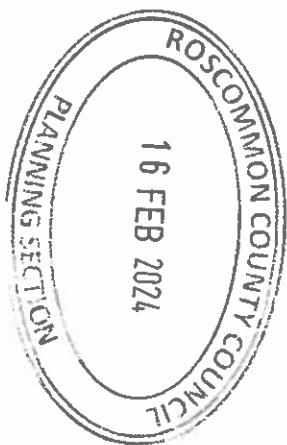
www.aic.ie

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NOTES:
SITE OUTLINED IN RED LINE
LANDS IN OWNERSHIP OUTLINED IN BLUE LINE



Rev	Date	Description	By	Chk

Client:
MARK DUCIE & HILARY O'BRIEN

Project:
**CNOC MUIRE
MILLBROOK AVENUE, MONKSLAND,
ATHLONE, CO. ROSCOMMON**

Title:
SITE LOCATION MAP

Scale @ A1:	1:2500
Prepared by:	RD
Checked:	RD
Date:	FEB 2024
Project Director:	SECTION 5 APPLICATION
Drawing Status:	SECTION 5 APPLICATION

Drawing No.:	24001-S5-01
Revision:	-