

ROSCOMMON COUNTY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000 (as amended)

SECTION 5 - DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

NOTIFICATION OF DECISION

REGISTERED POST

Alan Lambe,



Reference Number: DED 663

Application Received: 19th February 2024

Name of Applicants: Alan Lambe

Agent: N/A

WHEREAS a question has arisen as to whether the internal refurbishment and replacement of gutters, windows & doors at Aughlustia, Ballaghaderreen, 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.

AND WHEREAS Roscommon County Council has concluded that:

- (a) The works to refurbish the property internally, and replace gutters, windows and doors chimney of a property at Aghalustia, Ballaghaderreen, Co. Roscommon are development.
- (b) The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:
development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- (c) 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 internally refurbish, replace gutters, windows & doors at Aughlustia, Ballaghaderreen, 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: 12th March 2024

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

Reference Number:	DED 663
Re:	Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development to refurbish internally and replace gutters, windows and doors of property.
Name of Applicant:	Alan Lambe
Location of Development:	Aghalustia, Ballaghadereen, Co. Roscommon

WHEREAS a question has arisen as to whether the following works; to refurbish internally and replace gutters, windows and doors of property 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) 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.

Site Location & Development Description

The subject site comprises a detached dwelling house and is located at Aghalustia, c. 4.5km southeast of Ballaghadereen town centre. The proposed development consists of the refurbishment of internal and external aspects of the dwelling house on site, namely replacing gutters, windows and doors.

The dwelling house is not a Protected Structure. There are no European designated sites in, adjoining or in close proximity to the subject site. There is no known heritage related sites/structures in very close proximity to the subject site, as per the Roscommon County Council GIS.

Planning History

No planning history on site as per the RCC GIS system.

Relevant statutory provisions

Planning and Development Acts 2000 (as amended)

Section 2. -(1)

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3. -(1)

In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4(1) of the Act defines certain types of development as being 'exempted development'. Of potential relevance is section 4(1)(h) which provides as follows:

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4 (2) of the Planning and Development Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations.

Planning and Development Regulations, 2001 as amended

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 3 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 3 opposite the mention of that class in the said column 1.

Article 9 (1) applies:

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

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,

Having regard to the above, I am satisfied that the general question raised in this referral can be determined as follows:

- The works are development
- The works to refurbish the property internally, and replace gutters, windows and doors chimney of a property at Aghalustia, Ballaghadereen, Co. Roscommon falls within Section 4(1)(h) of the Planning and Development Act as amended.
- The proposal constitutes exempted development.

Recommendation

WHEREAS a question has arisen as to whether a proposed development to refurbish internally, and replace gutters, windows and doors chimney of a property at Aghalustia, Ballaghadereen, Co. Roscommon, is or is not development and is or is not exempted development, I have considered this question, and I have had regard particularly to –

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended
- (b) Articles 6 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.

AND WHEREAS I have concluded that

- The works to refurbish the property internally, and replace gutters, windows and doors chimney of a property at Aghalustia, Ballaghadereen, Co. Roscommon are development.
- The works fall within the provisions of Section 4(1)(h) of the Planning & Development Act 2000 as amended, which provides as follows:

development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

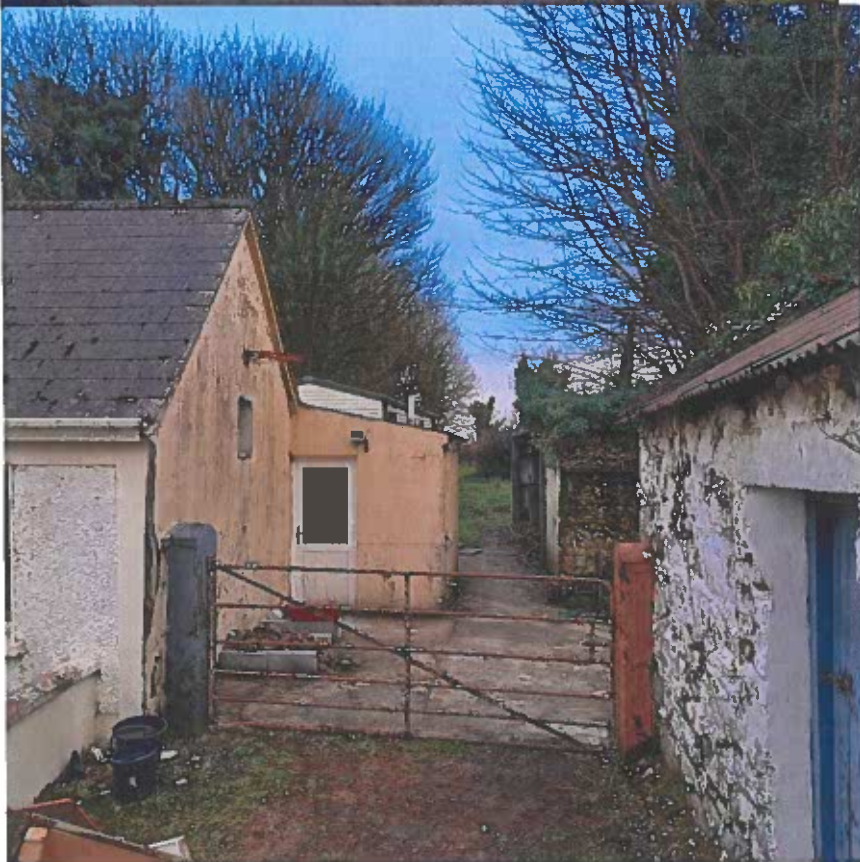
- The proposed development individually and in combination with other plans or projects would not be likely to have a significant effect on any European site and that the requirement for AA or EIAR does not apply with respect to the current case.

AND WHEREAS I have concluded that to refurbish the property internally, and replace gutters, windows and doors chimney of a property at Aghalustia, Ballaghadereen, Co. Roscommon is exempted development and I recommend that a declaration to that effect should be issued to the applicant.

Signed 
Executive Planner

Date: 11th March 2024

40°C





Comhairle Contae
Ros Comáin
Roscommon
County Council



Alan Lambe,



Date: 19th February 2024

Planning Reference: DED 663

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

Development: Permission to refurbish internally and replace gutters, windows & doors under the Planning & Development Act (Exempt Development) Regulations 2018 at Aughalustia, Ballaghaderreen, Co. Roscommon.

A Chara,

I wish to acknowledge receipt of your application received on the 19th 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. **L01/0/227107** dated 19th February 2024, receipt enclosed herewith.

Note: Please note your Planning Reference No. is **DED 663**
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

18/02/2024 12:06:32

Receipt No. : L01/0/227107

ALAN LAMBE

PLANNING APPLICATION FEES 80 00
GOODS 80.00
VAT Exempt/Non-variable
DED 663

Total : 80 00 EUR

Tendered :
Credit/Debit Card 80 00
8505

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:	ALAN LAMBE
Address:	[REDACTED]
Name & Address of Agent:	N/A
Nature of Proposed Works	INTERNAL: REFURBISHMENT EXTERNAL: REPLACE GUTTERING, REPLACE WINDOWS & DOORS
Location (Townland & O.S No.)	Avaghallusina E563632/N791006
Floor Area	67 sqm
Height above ground level	8.4 m
Total area of private open space remaining after completion of this development	
Roofing Material (Slates, Tiles, other) (Specify)	EXISTING SLATES
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	EXISTING PERGOLAS CONCRETE DOOR & WINDOW SERRANDS AFTER DOORS & WINDOWS REPLACED
Is proposed works located at front/rear/side of existing house.	FRONT, REAR & SIDE

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 NOT THAT I AM AWARE OF.
If yes give ref. number (include full details of existing extension, if any)	
Existing use of land or structure	RESIDENTIAL
Proposed use of land or structure	RESIDENTIAL
Distance of proposed building line from edge of roadway	FROM SIDE OF HOUSE TO MAIN ROAD APPROX. 30,400 mm FROM FRONT OF HOUSE TO ACCESS ROAD APPROX. 14,900 mm
Does the proposed development involve the provision of a piped water supply	YES IN EXISTENCE
Does the proposed development involve the provision of sanitary facilities	YES IN EXISTENCE

Signature:

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



Aughluisa
Ballyghaderreen
Co. Roscommon
Tel: 089-2208911
Fax: F45 F389

Date 19.02.2024
Designer Alan Lambe
Scale

Alan Lambe
Building Line to Road

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Aughluisia
Ballaghaderreen
Co Roscommon
Tel: 089-2268911
Fax: F45 F389

Date 13.02.2024
Designer Alan Lambe
Scale 1:500

Alan Lambe
Site Layout Plan

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Palladio Doors, Glin, Co.Limeick

Fully composite door with Triple glazed glass panels



Grogan & Currid Windows, Carrick on Shannon, Co.Leitrim

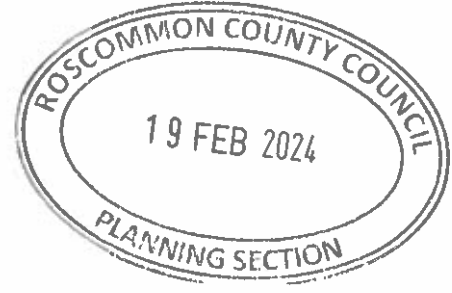
Full opening, plain windows

Alan Lambe

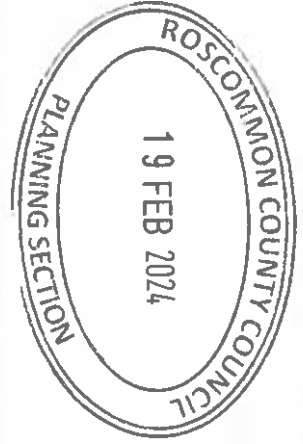
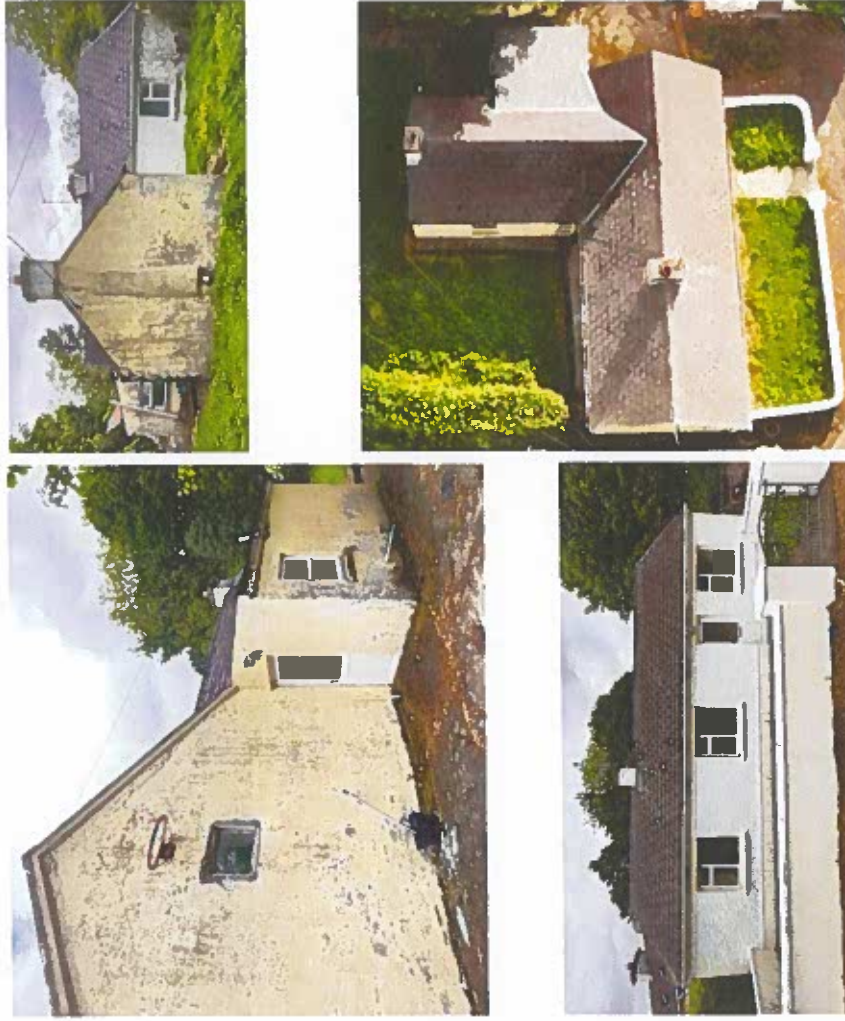
Proposed Windows & Doors

Date 13.02.2024
Designer Alan Lambe
Scale

Aughlustia
Ballaghaderreen
Co. Roscommon
Tel: 089-2288911
Fax: F45 F389



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Aughrusta
 Ballyghaderreen
 Co. Roscommon
 Tel: 089-2288911
 Fax: F45 F389

Date 13.02.2024
 Designer Alan Lambe
 Scale 1:100 @ A3

ALAN LAMBE
 Existing Floor Plan

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> Back

Folio Number
Title Level
Plan Number
Property Number
Area of selected plans
Number of Plans on this folio:
Address

RN10359

Freehold

10359

1

0.39 hectares.

1

1

1

1

1

1

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Aghalusca,
Ballyghaderreen, Co.
Roscommon, F45 F389

Add to Basket

Create Alert

These plans are not conclusive. See Section 62(1) of the Registration of Title Act 2006 and Rule 8(2) of the Land Registration Rules 2012.

View Basket

Print Current View

Help



Gaige



XY 563204, 790868
Scale 1 : 2500
Townland Aghalusia
Barony Frenchpark
County Roscommon

Alan Lambe

Site Map

Date 13.02.2024

Designer Alan Lambe

Scale 1:2500

Aghalusia
Ballyghaderreen
Co. Roscommon

Tel: 089-2288911

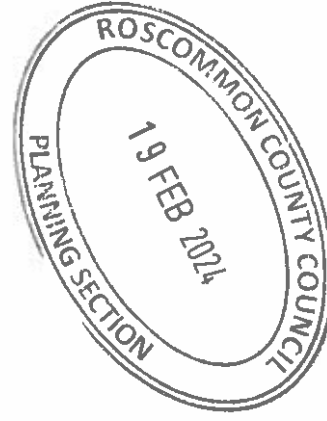
Fax: F45 F389

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Supplier to be finalised

Black round/half round guttering - PVC



Alan Lambe

Proposed Guttering

Date 13 02 2024
Designer Alan Lambe
Scale

Aughlusia
Ballaghaderreen
Co. Roscommon
Tel: 089-2288911
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