

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

**REGISTERED POST**

Gerry & Martina Harte,

**Reference Number:** DED 962  
**Application Received:** 16<sup>th</sup> October, 2025  
**Name of Applicants:** Gerry & Martina Harte  
**Agent:** James Lohan Consulting Engineer Ltd

**WHEREAS** a question has arisen as to whether the refurbishment of an existing house and the construction of a small extension under 40m<sup>2</sup> at Cloonkerney, Castlerea, Co. Roscommon, F45 TR83, 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 Part 1 Schedule 2 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.

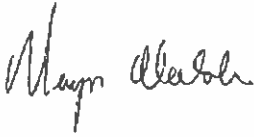
**AND WHEREAS** Roscommon County Council has concluded that:

- (a) The works outlined above are development.
- (b) The proposed internal 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 40m<sup>2</sup> extension to the rear of the existing dwelling complies with the conditions and limitations of Class 1 Part 1 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended.
- (d) 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 – 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 for the refurbishment of an existing house and the construction of a small extension under 40m<sup>2</sup> at Cloonkerney, Castlerea, Co. Roscommon, F45 TR83, 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:



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Mervyn Walsh,  
Administrative Officer,  
Planning Department.

Date: 30<sup>th</sup> January, 2026

c.c. agent via email: James Lohan Consulting Engineer Ltd  
[james@jlce.ie](mailto:james@jlce.ie)

**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

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**From:** Carmel Curley  
**Sent:** Wednesday 4 February 2026 09:30  
**To:** [REDACTED]  
**Cc:** James Lohan; ema@jlce.ie  
**Subject:** DED962 - Notification of Determination  
**Attachments:** DED 962 Notification of Determination.pdf

A Chara,

Please find attached Notification of Determination for the Section 5 Declaration of Exempted Development Application – DED 962.

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](mailto:planning@roscommoncoco.ie) | 🌐 [www.roscommoncoco.ie](http://www.roscommoncoco.ie)

**MAP LOCATION**



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

|                                 |   |
|---------------------------------|---|
| <b>Reference Number:</b>        | DED 962   |
| <b>Re:</b>                      | Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the refurbishment of an existing house and the construction of a small extension under 40m <sup>2</sup> . |
| <b>Name of Applicant:</b>       | Gerry & Martina Harte   |
| <b>Location of Development:</b> | Cloonykerney, Castlerea, Co. Roscommon, F45 TR83.   |
| <b>Site Visit:</b>              | 21 <sup>st</sup> October 2025   |

**WHEREAS a question has arisen as to whether the following works including refurbishment of an existing house and the construction of a small extension under 40m<sup>2</sup> 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 Part 1 Schedule 2 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.

**Site Location & Development Description**

The site consists of a bungalow style dwelling and agricultural structures/outhouses to the rear of the site. The site is accessed off the L-1612 Local Primary Road to the north of the site which traverses the N60 c. 400m northwest of the subject site. The proposed development consists of the refurbishment of an existing house and the construction of a small extension under 40m<sup>2</sup>.

**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 Corliskea/Trien/Cloonfelliv Bog SAC (Site Code 002110) located c. 2km 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/17137/87**

**Development Description:** Permission for the erection of slaughterhouse & cold room.

**Applicant:** Mr. Patrick Harte

**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(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.

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.

Class 1 Part 1 Schedule 2 Article 6

| Development Description   | Conditions and Limitations   |
|---|--|
| <p>CLASS 1</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>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 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</p> |

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

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

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.

(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.

(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.

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.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

## **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) (viiB) exclude development which would otherwise be exempted development under these regulations where an AA is required.

## **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

- Complete strip-out of existing walls, floors, and ceilings.
- Installation of new ceilings joists, internal and stud partitions, plasterboard, and skim finish.
- Installation of new windows and doors (in existing opes).
- Completion of second-fix carpentry, followed by internal painting and decorating.
- Upgrade plumbing and heating systems.
- Upgrade electrical systems.
- Installation of new floors.

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 deemed an exempt development.

### *Extension*

- Construct a 40m<sup>2</sup> extension to accommodate a new kitchen and utility room.

With regard to the compliance with the conditions and limitations of Class 1 of Part 1 of Schedule 2 (Exempted development - General) the following assessment sets out how these apply to the current proposal:

1. (a) House has no previous extension; proposed extension is 40m<sup>2</sup>.  
(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. Proposed roof height is matching that of existing.
5. Extension does not reduce the open space to less than 25sq.m. The applicant has indicated a total of 0.067 hectares of open space remaining.
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 extension roof is a pitched roof. The proposed roof will not be used for a balcony or roof garden as neither was referred to in the submitted application.

#### **Recommendation**

**WHEREAS a question has arisen as to whether a proposed development;** for the refurbishment of an existing house and the construction of a small extension under 40m<sup>2</sup> 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 Part 1 Schedule 2 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 works outlined above are development.
- The proposed internal 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 40m<sup>2</sup> extension to the rear of the existing dwelling complies with the conditions and limitations of Class 1 Part 1 Schedule 2 Article 6 of the Planning and Development Regulations 2001, as amended.
- 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 the said development for the refurbishment of an existing house and the construction of a small extension under 40m<sup>2</sup> as outlined above at Cloonykerney, Castlerea, Co. Roscommon, F45 TR83, is exempted development. I recommend that a declaration to that effect should be issued to the applicant.

**Signed:**



Graduate Planner

**Date:** 29/01/2026

**Signed:**



Senior Executive Planner

**Date:** 30/01/2026









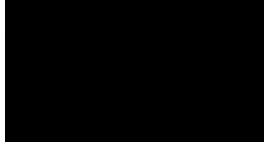




Comhairle Contae  
Ros Comáin  
Roscommon  
County Council



Gerry & Martina Harte,



Date: 16<sup>th</sup> October, 2025

Planning Reference: DED 962

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

Development: WHEREAS a question has arisen as to whether the refurbishment of an existing house and the construction of a small extension under 40sqm at Cloonykerny, Castlerea, Co. Roscommon., is or is not development and is or is not exempted development.

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A Chara,

I wish to acknowledge receipt of your application which was received on the 14<sup>th</sup> October, 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. **L01/0/237196** dated 15<sup>th</sup> October, 2025, receipt enclosed herewith.

**Note:** Please note your Planning Reference No. is **DED 962**  
This should be quoted in all correspondence and telephone queries.

Mise le meas,

Mervyn Walsh,  
Administrative Officer,  
Planning Department.

cc agent via email: James Lohan Consulting Engineers Ltd  
[james@jlce.ie](mailto:james@jlce.ie)

Roscommon County Council  
Aras an Chontae  
Roscommon  
09066 37100  
\*\*\*\*\*

15/10/2025 12.49.46

Receipt No. L01/0/237196

GERRY & MARTINA HARTE  
C/O JAMES LOHAN CONSULTING ENGINEERS LTD  
UN16 BALLYPHEASON HOUSE  
CIRCULAR RD. ROSCOMMON

EXEMPTED DEVELOPMENT

|                           |       |
|---------------------------|-------|
| PLANNING APPLICATION FEES | 80.00 |
| GOODS                     | 80.00 |
| VAT Exempt/Non-vatable    |       |
| DED 862                   |       |

Total : 80.00 EUR

Tendered :  
Cheque 80.00  
500424

Change : 0.00

Issued By : Louis Carroli  
From : Central Cash Office



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

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 (as amended), regarding Exempted Development**

|   |  |
|---|--|
| Name of Applicant(s)  | Gerry & Martina Harte  |
| Name of Agent   | James Lohan Consulting Engineers Ltd,<br>Unit 6,<br>Ballypheason house,<br>Circular road,<br>Roscommon   |
| Nature of Proposed Works  | Refurbish existing house and add a small extension under 40 sqm in accordance with the Planning and Development Act (Exempt Development) Regulations 2018, as per the Vacant Property Refurbishment Grant Croí Cónaithe Towns Fund |
| Location & Address of Subject Property to include, Eircode (where applicable), Townland & O.S No. | CLOONYKERNY, CASTLEREA<br>CO. ROSCOMMON, F45 TR83<br><br>O.S No. 2284<br>XY: 569503, 776164 Townland Cloonykerny   |
| Floor Area:<br>a) Existing Structure<br>b) Proposed Structure                                     | a) <u>94 Sqm</u><br>b) <u>40 Sqm extension</u>   |
| Height above ground level:  | Floor level- between 170 mm above ground level (Ridge height existing 5219mm above ground level)   |
| Total area of private open space remaining after completion of this development                   | 0.067 Hectares   |
| Roofing Material (Slates, Tiles, other) (Specify)   | Existing Slates to roof<br>Proposed new flat roof (16sqm) & slated pitched roof (24 sqm) at the rear of the building, matching the existing house.   |

## Roscommon County Council

### Application for a Declaration under Section 5 of the

|  |   |
|--|---|
| Proposed external walling (plaster, stonework, brick or other finish, giving colour) | Nap Plaster to match existing   |
| Is proposed works located at front/rear/side of existing house.                      | Proposed extension to the rear of the house, under 40 Sqm and lower than the existing building. |
| 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  | Existing Dwelling House   |
| Proposed use of land or structure  | Refurbish House   |
| Distance of proposed building line from edge of roadway                              | Existing – 15.2 from edge of existing road  |
| Does the proposed development involve the provision of a piped water supply          | Existing water mains  |
| Does the proposed development involve the provision of sanitary facilities           | Existing Septic Tank  |

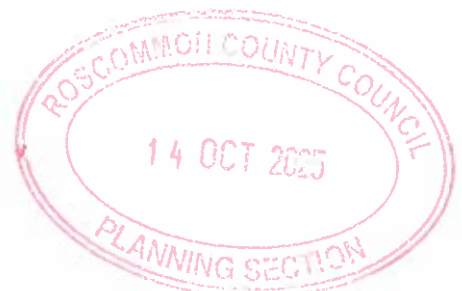
### Planning & Development Act 2000 (as amended), regarding Exempted Development

Signature: *Eua Daignamorc*

Date: 23/09/2025

**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



Planning Dept,  
Roscommon Co.Co.  
Aras An Chontae,  
Roscommon.

### **Detailed Specification Of The Development Proposed**

**Ref: Gerry & Martina Harte for Property at Cloonykerny, Castlerea, Co. Roscommon, F45 TR83**

The property will be stripped back to its original walls and fully renovated for re-occupation. Originally a three-bedroom house, it is proposed to be reconfigured into a two-bedroom dwelling. In addition, a 40 sqm rear extension is proposed to be constructed to accommodate a new kitchen and utility room.

The scope of works includes the following:

1. Complete strip-out of existing internal walls, floors, and ceilings.
2. Installation of new ceiling joists, internal stud partitions, plasterboard, and skim finish.
3. Installation of new windows and doors.
4. Completion of second-fix carpentry, followed by internal painting and decorating.
5. Construct a 40sqm extension to accommodate a new kitchen and utility room.
6. Upgrade of plumbing and heating systems.
7. Upgrade electrical systems.
8. Installation of new floors.

Kind Regards,

Ema Dzigumovic, BSc Arch (Hons)

**James Lohan Consulting Engineer Ltd,**  
**Unit 6, Ballypheason House, Circular Road**  
**Roscommon F42 T384**





-  **SITE BOUNDARY OUTLINED IN RED (0.09 HECTARES)**
-  **LAND HOLDINGS OUTLINED IN BLUE**
-  **PROPOSED GRASSED AREA**
-  **EXISTING HEDGEROW**
-  **EXISTING HOUSE**
-  **PROPOSED EXTENSION TO EXISTING HOUSE**
-  **EXISTING BLOCKWORK WALL TO BOUNDARY**
-  **EXISTING BLOCKWORK WALL WITH NATIVE HEDGEROW TO BOUNDARY**
-  **PROPOSED TIMBER POST AND WIRE FENCE**
-  **PROPOSED FARM GATE**



1:500



DO NOT SCALE FROM THIS DRAWING WORK ONLY FROM MEASURED DIMENSIONS.  
ALL ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
THIS DRAWING TO BE READ IN CONJUNCTION WITH RELEVANT CONSULTANT'S DRAWINGS.  
STATUS: KCT: SK: SKETCH DESIGN PR: PRELIMINARY FT: FOR TENDER TC: FOR CONSTRUCTION SS: SUPERSEDED

| SIA | DATE | REV |
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|     | / /  | /F  |
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9760



☐ EXISTING WALLS  
☐ EXISTING HOUSE  
☒ PROPOSED WALLS  
☐ PROPOSED EXTENSION

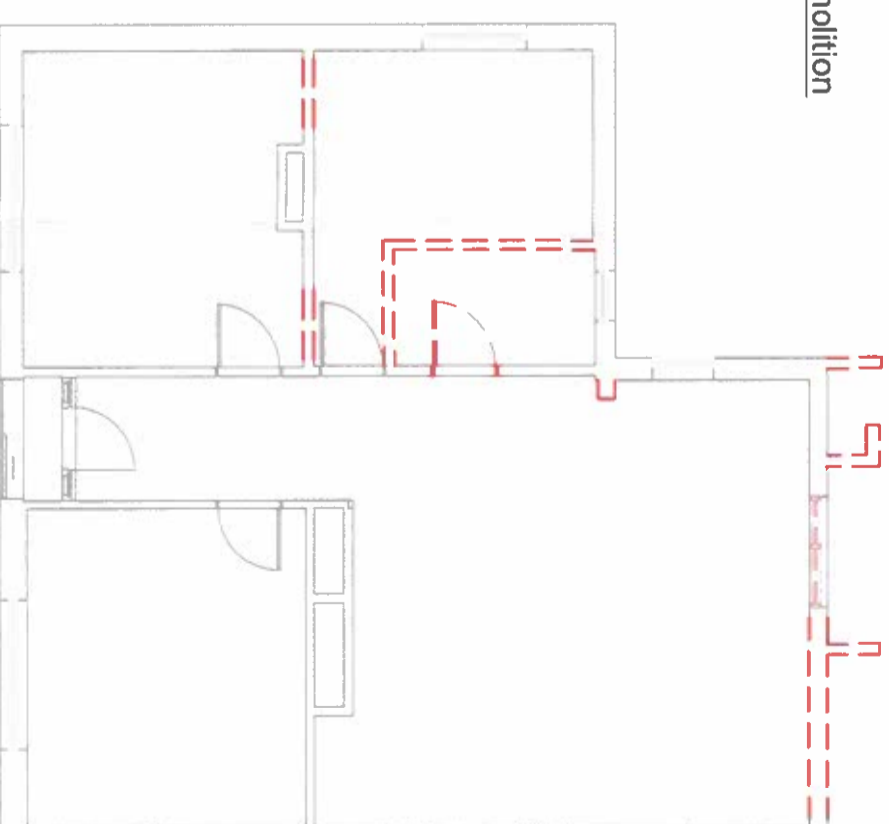
|                         |                |
|-------------------------|----------------|
| AREA OF EXISTING HOUSE: | 94 sqm         |
| AREA OF EXTENSION:      | 40 sqm         |
| <b>TOTAL AREA:</b>      | <b>134 sqm</b> |

134 sqm

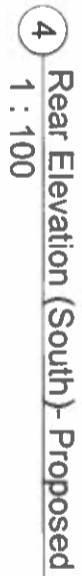
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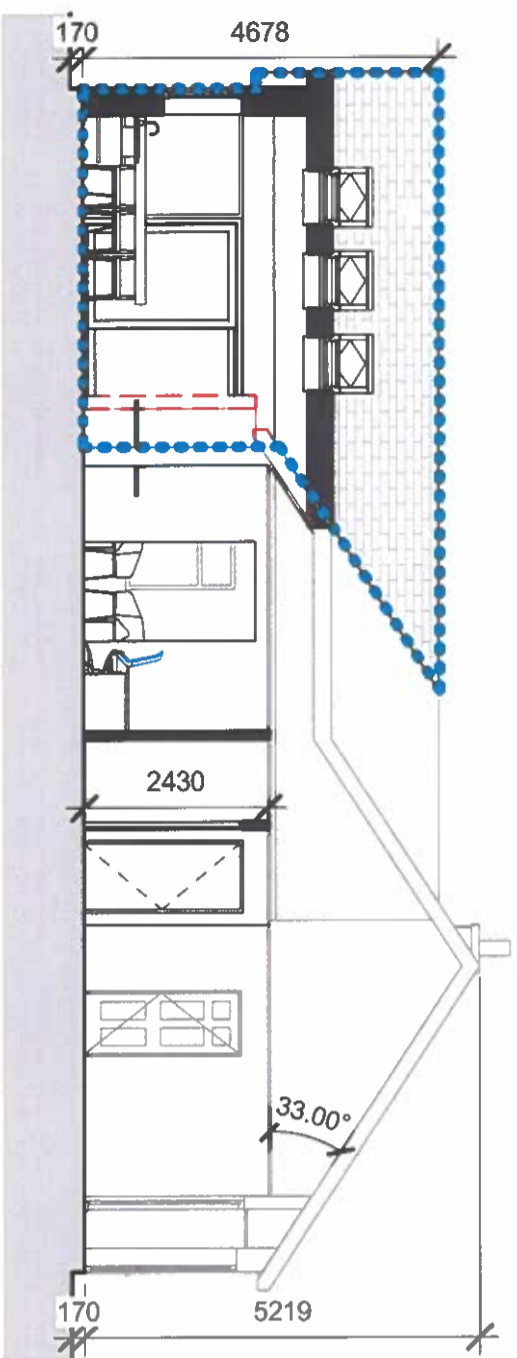
DEMOLITION



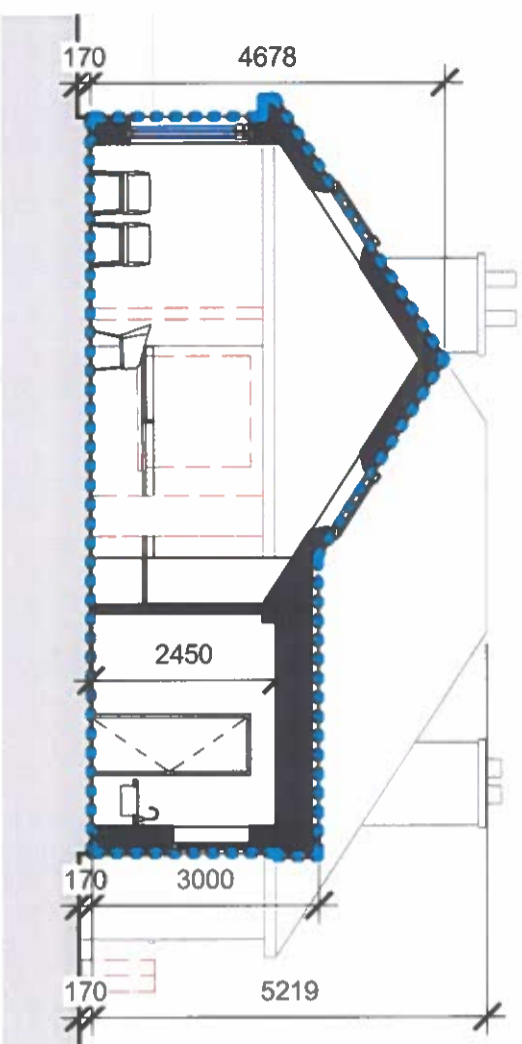
 PROPOSED EXTENSION  
 DEMOLITION

EXISTING WALLS

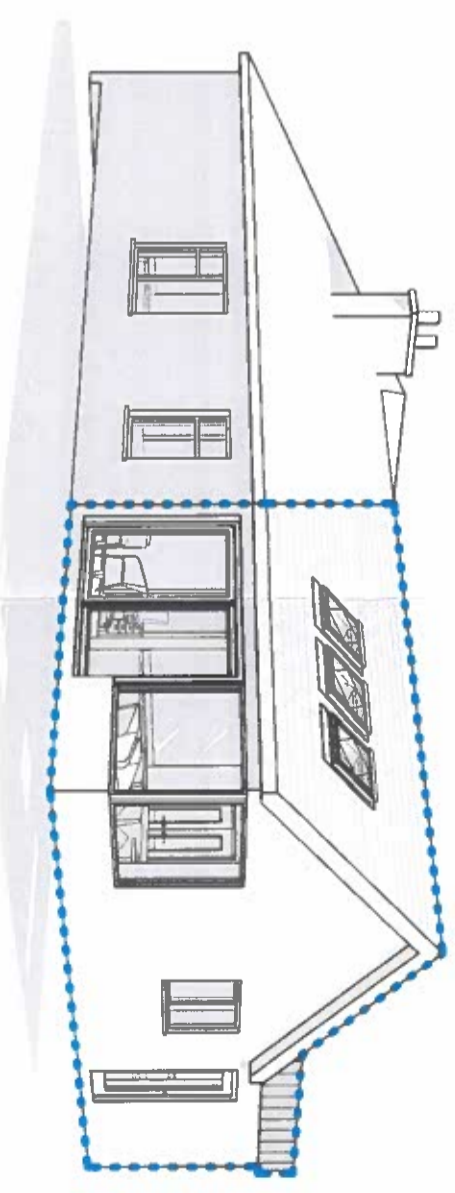
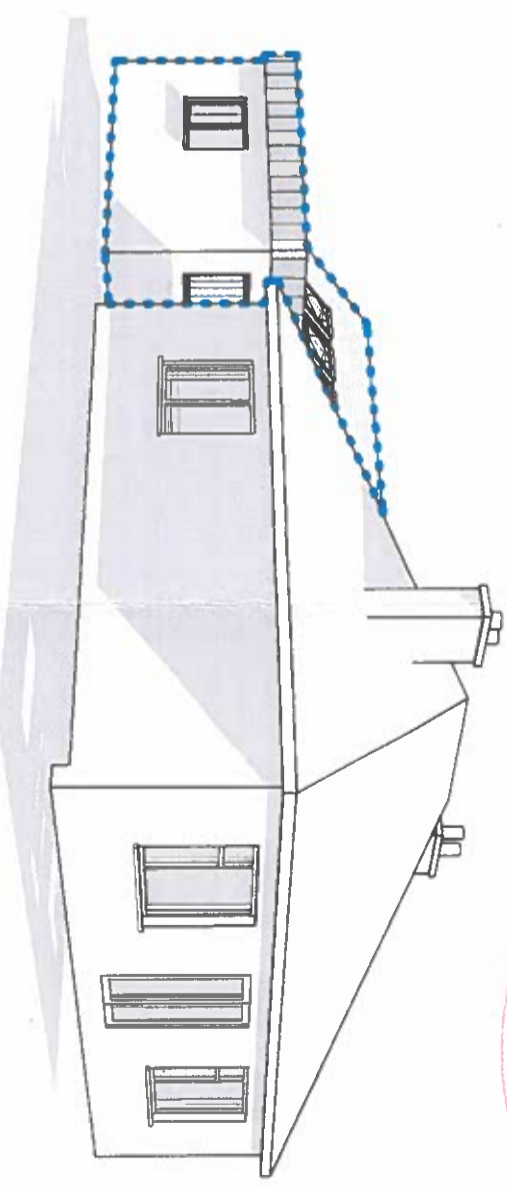
PROPOSED WALLS



Section 1  
1 : 100



② Section 2  
1:100



DEMOLITION

14 OCT 2025



1:100



1:100



1:100



1:100