

An  
Bord  
Pleanála

## Planning Appeal Form

AN BORD PLEANÁLA  
LDG- 038701-A  
ABP-  
14 APR 2021  
Fee: € 220 Type: PNO  
Time: 14:30 By: Carner

### Your details

#### 1. Appellant's details (person making the appeal)

Your full details:

(a) Name

John McRae

(b) Address

2 Kingsley St  
Camberwell Vic 3124  
Australia

### Agent's details

#### 2. Agent's details (if applicable)

If an agent is acting for you, please also provide their details below. If you are not using an agent, please write "Not applicable" below.

(a) Agent's name

Tony McManus

(b) Agent's address

T&R Designs - Consulting Engineers  
Ballynamony, Carrick-on-Shannon,  
Co. Leitrim N41Y138



## Postal address for letters

3. During the appeal we will post information and items to you or to your agent. For this appeal, who should we write to? (Please tick ✓ one box only.)

You (the appellant) at the address in Part 1

The agent at the address in Part 2

## Details about the proposed development

4. Please provide details about the planning authority decision you wish to appeal. If you want, you can include a copy of the planning authority's decision as the appeal details.

(a) **Planning authority**

(for example: Ballytown City Council)

Roscommon County Council

(b) **Planning authority register reference number**

(for example: 18/0123)

DED 444

(c) **Location of proposed development**

(for example: 1 Main Street, Baile Fearainn, Co Ballytown)

6 Palace Rd, Elphin, Co. Roscommon

## Appeal details

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

### Background

- In 12/06/20, the original application for exempted development was lodged. This related to an extension (of less than 40 sqm) to an existing house.
- Under DED 397, Roscommon County Council determined that this was not exempted development as works on the existing garage might have impacted an existing monument (a small gatehouse that has deteriorated over time in the adjoining property).
- A revised application was submitted on 16/02/21 that specifically excluded any works to the existing garage adjoining the northern boundary wall. The proposed works as per the revised drawings and application relate solely to the single level rear extension of less than 40 sqm.
- Under DED 444 on 18/3/21, Roscommon County Council determined that this is not exempted development.
- Planner's Report was requested and received 3 weeks later
- While not explicitly stated as to the reason for the refusal, it seemed to be on the grounds that relate to archaeological and heritage issues in the Roscommon County Development Plan 2014-2020. The sections quoted in DED 444 relate to the objective of preserving the character and amenity of archaeological monuments
- Requested clarification of how conclusion was reached as not explicitly stated in Planner's Report

5. Please describe the grounds of your appeal (planning reasons and arguments). You can type or write them in the space below or you can attach them separately.

- Advised that refusal was based on archaeological and historical considerations

Grounds for Appeal and Request for Review of DED 444

- The application relating to DED 444 clearly shows that there is no development or works in proximity to the existing monument (gatehouse in the adjoining property).
- The plans submitted with DED 444 show that all proposed development and works are to the rear of the existing building whereas the gatehouse in the adjoining property is further towards the road than the front line of the house.
- This can easily be seen in the Site Map and the satellite map (both attached)
- On this basis, the development works for the extension will have no impact on the gatehouse and therefore DED 444 should have been classified as "exempted development".

## Supporting material

- Application for Exemption (16/2/21)
  - Cover Letter from T&R Designs
  - Application for Exempted Development
  - Site location map
  - Site layout plan
  - Front and Rear Elevations
  - Side Elevations
  - Floor plans
- DED 444 – Notification of Decision
- DED 444 – Planner's Report
- Emails seeking clarification of DED 444 Refusal
- Satellite map - proposed works and gatehouse

## Supporting material

6. If you wish you can include supporting materials with your appeal.

Supporting materials include:

- photographs,
- plans,
- surveys,
- drawings,
- digital videos or DVDs,
- technical guidance, or
- other supporting materials.

## Acknowledgement from planning authority (third party appeals)

7. If you are making a third party appeal, you **must** include the acknowledgment document that the planning authority gave to you to confirm you made a submission to it.

## Fee

8. You **must** make sure that the correct [fee](#) is included with your appeal. You can find out the correct fee to include in our [Fees and Charges Guide](#) on our website.

## Oral hearing request

9. If you wish to [request the Board to hold an oral hearing](#) on your appeal, please tick the “yes, I wish to request an oral hearing” box below.

Please note you will have to pay an **additional non-refundable fee of €50**. You can find information on how to make this request on [our website](#) or by contacting us.

If you do not wish to request an oral hearing, please tick the “No, I do not wish to request an oral hearing” box.

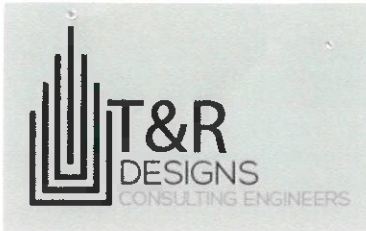
**Yes, I wish to request an oral hearing**

**No, I do not wish to request an oral hearing**

NALA has awarded this document its Plain English Mark  
Last updated: April 2019.







Ballynamony, Leitrim Road, Carrick on Shannon, Co. Leitrim.

Tel +353719621711

Mob +353863822717

Email [info@tandrdesigns.ie](mailto:info@tandrdesigns.ie)

Web [www.tandrdesigns.ie](http://www.tandrdesigns.ie)

**Consulting Engineers, Surveyors & Construction Management**

FAO The Planning Department,  
Roscommon County Council,  
Aras an Chontae,  
Roscommon,  
Co. Roscommon.

Date: 16/2/2021

**RE: Application for declaration under section 5 of the planning & development act 2000 regarding exempted development at No 6 Palace road, Elphin, Co Roscommon - Applicant John McCrae**

Dear Sir/ Madam,

Please find attached completed application for declaration mentioned above with appropriate fee and drawings.

A previous application was decided by the planning authority under DED 397. The applicant has reconsidered and revised the drawings to exclude any works to the existing garage adjoining the northern boundary wall which raised some concerns under the last application and decision to refuse permission.

The proposed works now indicated on revised drawings and application relate solely to the rear extension which I understand were considered exempted development under your assessment.

Hopefully this has now addressed any concerns in relation to adversely affecting the character of the archaeological site or its setting mentioned in your last decision.

Trusting you will give this application due consideration.

Yours Sincerely,

Tony McManus  
C. Build E MCABE, MCIOB,  
Chartered Building Engineer,  
Chartered Construction Manager,  
Registered Building Surveyor.

---

Partners : Tony Mc Manus, Rosalie Mc Manus



Comhairle Contae  
Ros Comáin  
Roscommon  
County Council

Áras an Chontae,  
Roscommon,  
Co. Roscommon  
Phone: (090) 66 37100  
Email: [planning@roscommoncoco.ie](mailto:planning@roscommoncoco.ie)

## Roscommon County Council

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

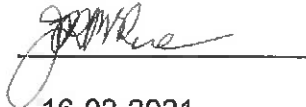
Name:	John Mc Rae
Address:	2 Kingsley Street, Camberwell, VIC 3124 Australia
Name & Address of Agent:	Tony Mc Manus T& R Designs Consulting Engineers Ballynamony, Carrick on Shannon, Co. Leitrim N41Y138
Nature of Proposed Works	Extension to the rear of the existing dwellinghouse, including minor works and repair to the existing dwellinghouse
Location (Townland & O.S No.)	No. 6 Palace Road, Elphin, Co. Roscommon. Map Series 1:2500 Map Sheet No.2041-B
Floor Area	Proposed rear extension is 57.10m <sup>2</sup> - 17.5m <sup>2</sup> (pertaining to previous rear annexe to the existing dwellinghouse) = 39.60m <sup>2</sup>
Height above ground level	3.33 m or thereabouts
Total area of private open space remaining after completion of this development	Open space in rear garden = 333m <sup>2</sup> or thereabouts
Roofing Material (Slates, Tiles, other) (Specify)	Sika Trocol roofing membrane to flat roof rear extension
Proposed external walling (plaster, stonework, brick or other finish, giving colour)	Proposed nap/smooth render finish to match existing
Is proposed works located at front/rear/side of existing house.	Rear

## Roscommon County Council

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

Has an application been made previously for this site	Yes - DED397 Decision granted on 01/07/2020
If yes give ref. number (include full details of existing extension, if any)	Proposed first floor extension and conversion of existing garage under 04-2339 granted 31-03-2005 but this extension was never built.
Existing use of land or structure	Domestic use - Dwellinghouse
Proposed use of land or structure	Domestic use - Dwellinghouse
Distance of proposed building line from edge of roadway	Approximately 12m from proposed extension to edge of public road as indicated on the Site layout plan.
Does the proposed development involve the provision of a piped water supply	No. Existing water supply to existing house
Does the proposed development involve the provision of sanitary facilities	YES

Signature:



Date:

16-02-2021

**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) Details specification of development proposed

# Planning Pack Map



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**OUTPUT SCALE:** 1:2,500

**ORDERNO:** 5012875\_1

**MAP SERIES:** MAP SHEETS: 1:5,000 192 204-9

**ORDERNO:** 5012875\_1

**MAP SERIES:** MAP SHEETS: 1:5,000 192 204-9

**CENTRE COORDINATES:** ITM: 56737678895

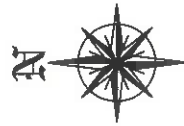
**PUBLISHED:** 08/02/2020

**CAPTURE RESOLUTION:** The resolution of the data capture is the resolution at which the data was captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie>; search 'Capture Resolution' or <http://www.osi.ie>; search 'Large Scale Legend'

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SITE LOCATION MAP 1:2500  
LEGEND

Total area of land lined in red is 0.052Ha(0.128ac) or thereabouts.



**T&R DESIGNS**  
CONSULTING ENGINEERS  
SURVEYORS &  
CONSTRUCTION MANAGEMENT.  
25, THE SQUARE,  
CARRICK ON SHANNON,  
CO. LEITRIM.  
Tel: 043 870 1111  
www.trdesigns.ie

**John Mc Roe**  
No. 6 Palace Road  
Elphin  
Co. Roscommon

Exemption Certificate No.	16-02-2021	A104
Scale	1:2500@A3	Drawn by
Issue		Check by



# ELPHIN

Total area of land lined in red is 0.052Ha(0.128ac) or thereabouts.

Previous part of existing dwellinghouse now demolished = 17.5m<sup>2</sup> or thereabouts

Existing footpath

Existing dwellinghouse

Proposed extension with constructed rising walls and foundations complete Area = 39.6m<sup>2</sup> or thereabouts

Public road

To Elphin

To Carrick on Shannon

27.50

T&P DESIGNS  
CONSULTING ENGINEERS  
SURVEYORS &  
CONSTRUCTION MANAGEMENT,  
BALLYNAMONY,  
CARRICK ON SHANNON,  
CO. LETHBRIDGE,  
IRELAND

Project Name and Address  
**John Mc Roe**  
No. 6 Palace Road  
Elphin  
Co. Roscommon

Project Name	Elphin	Scale	A105
Client	Carrick on Shannon	Date	16-02-2021
Drawn by	T&P	Checked by	AM
Issue No.	1:5000A3		



**T & R Designs**  
 Consulting Engineers,  
 Ballynamony  
 Carrick on Shannon,  
 Co. Leitrim.

Mob: 0863822717  
 Office: 0719621711  
 E-mail: info@landrdesigns.ie  
 Web: www.landrdesigns.ie

Total area of Original 'dwellinghouse' including garage = 493.50m<sup>2</sup> or thereabouts including area of original rear annex which has now been demolished

Total area of 'dwellinghouse' including garage and proposed new extension = 129.10m<sup>2</sup> or thereabouts.

Total new floor area of proposed extension = 128.10m<sup>2</sup> = 82.5/m<sup>2</sup> = 36.80m<sup>2</sup> or thereabouts.

REVISION:


**PROJECT NAME**  
 Extension to Existing dwellinghouse

**CLIENT NAME**  
 John Mc Rae

**PROJECT ADDRESS**

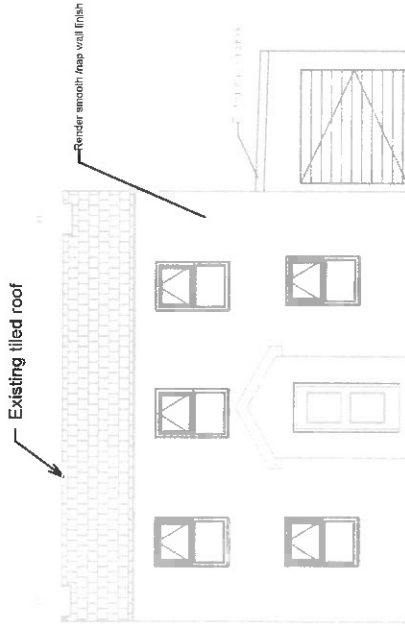
No. 6 Palace Road, Elphin Co. Roscommon

**PROJECT STATUS** Exemption Certificate application

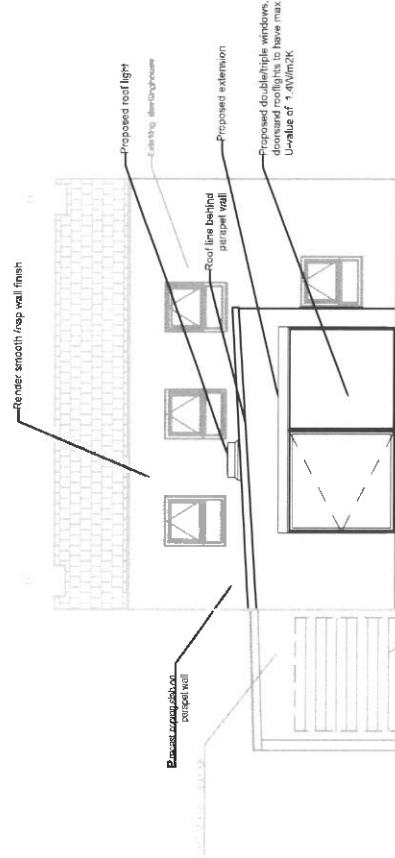
**DRAWING TITLE** : Front Rear Elevations

**SHEET NO.:** A101  
**ISSUE DATE:** 16-02-2021

**DRAWN BY:** TMM  
**SCALE:** 1:100



**Front Elevation**



**Rear Elevation**

**LEGEND**

- Existing Building
- Proposed new build



**T & R Designs**  
**Consulting Engineers,**  
**Ballynamony**  
**Carrick on Shannon,**  
**Co. Leitrim.**

Mob: 086322717  
 Office: 0719621711  
 E-mail: info@landrdesigns.ie  
 Web: www.landrdesigns.ie

Total area of Original dwellinghouse including porche = 81.51m<sup>2</sup> or thereabouts, including area of original rear annex which has now been demolished.

Total area of dwellinghouse including garage and proposed new extension = 129.10m<sup>2</sup> or thereabouts.

Total new floor area of proposed extension = 85.50m<sup>2</sup> = 30.60m<sup>2</sup> or thereabouts

REVISION:

REV A -AMENDMENTS AS PER

EMAIL 02-05-2020

**PROJECT NAME**

Extension to Existing dwellinghouse

**CLIENT NAME**

John Mc Rae

**PROJECT ADDRESS**

No. 6 Palace Road, Elphin Co. Roscommon

**PROJECT STATUS** Exemption Certificate application

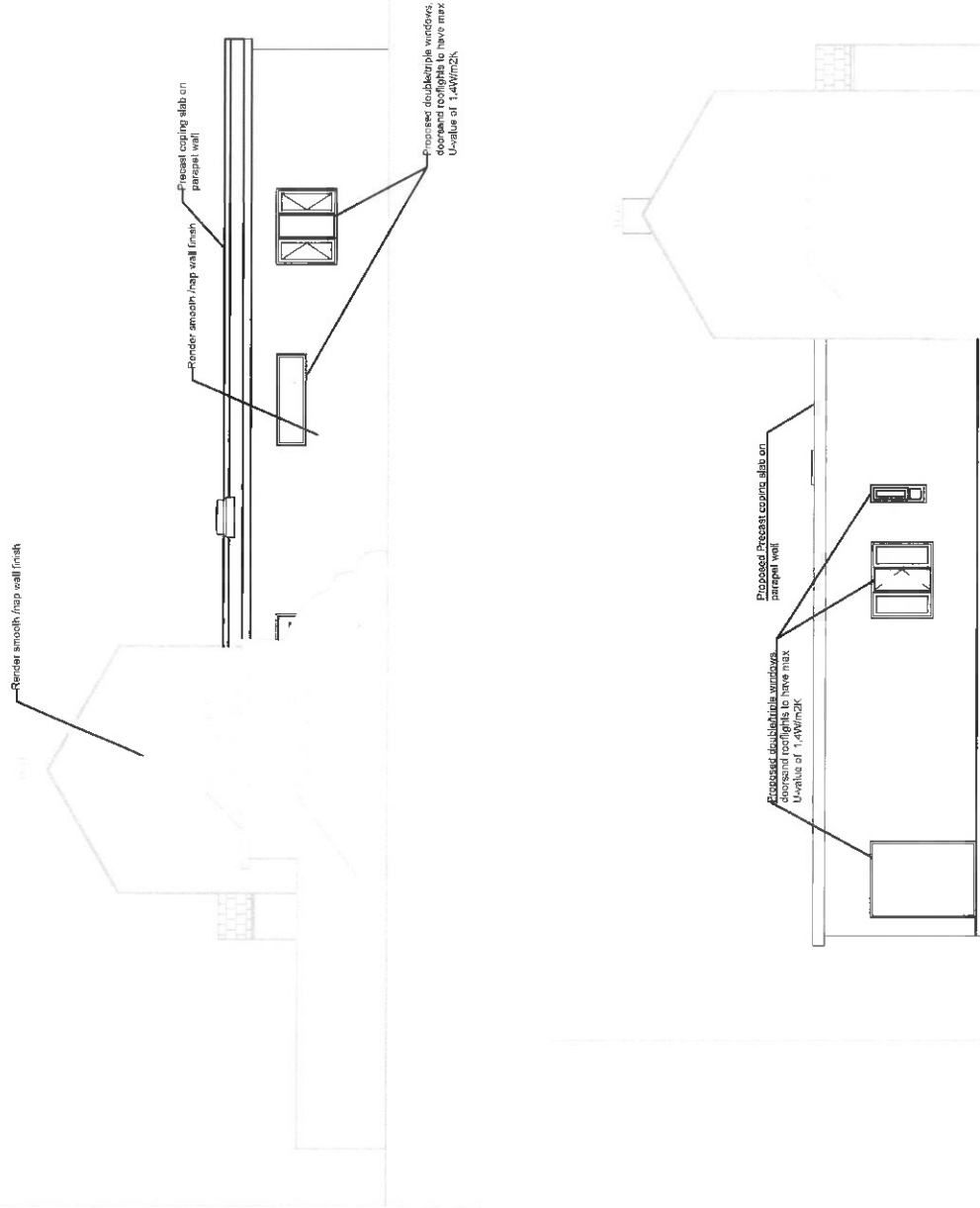
**DRAWING TITLE** Side Elevations

**SHEET NO:**  
A102

**ISSUE DATE**  
18-02-2021

**DRAWN BY:**  
TMM

**SCALE**  
1:100



## Side Elevation

### LEGEND

Existing Building

Proposed new build



**T & R Designs**  
**Consulting Engineers,**  
**Ballynamony**  
**Carrick on Shannon,**  
**Co. Leitrim.**

Mob: 086322717  
 Office: 0719621711  
 E-mail: info@landrdesigns.ie  
 Web: www.landrdesigns.ie

Total area of Original dwellinghouse including garage = 89.50m<sup>2</sup> or thereabouts including area of original rear annex which has now been demolished.

Total area of dwellinghouse including garage and proposed new extension = 129.10m<sup>2</sup> or thereabouts.

Total new floor area of proposed extension = 129.10m<sup>2</sup> - 89.50m<sup>2</sup> = 39.60m<sup>2</sup> or thereabouts.

REVISION:

**PROJECT NAME**

Extension to Existing dwellinghouse

**CLIENT NAME**  
 John Mc Rae

**PROJECT ADDRESS**

No. 6 Palace Road, Elphin Co. Roscommon

**PROJECT STATUS** Exemption Certificate application

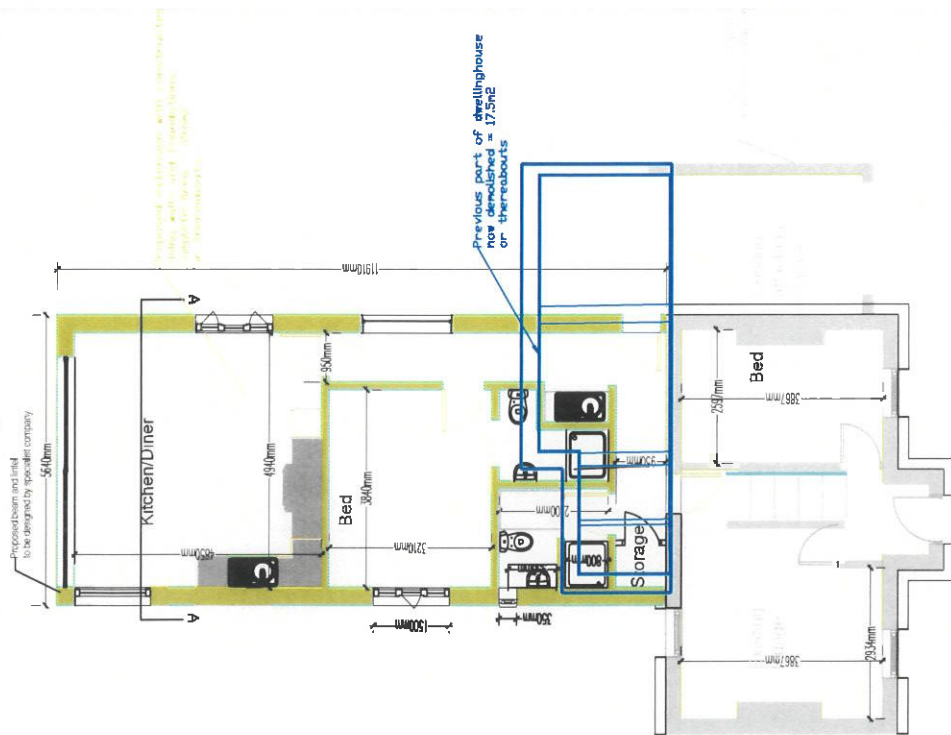
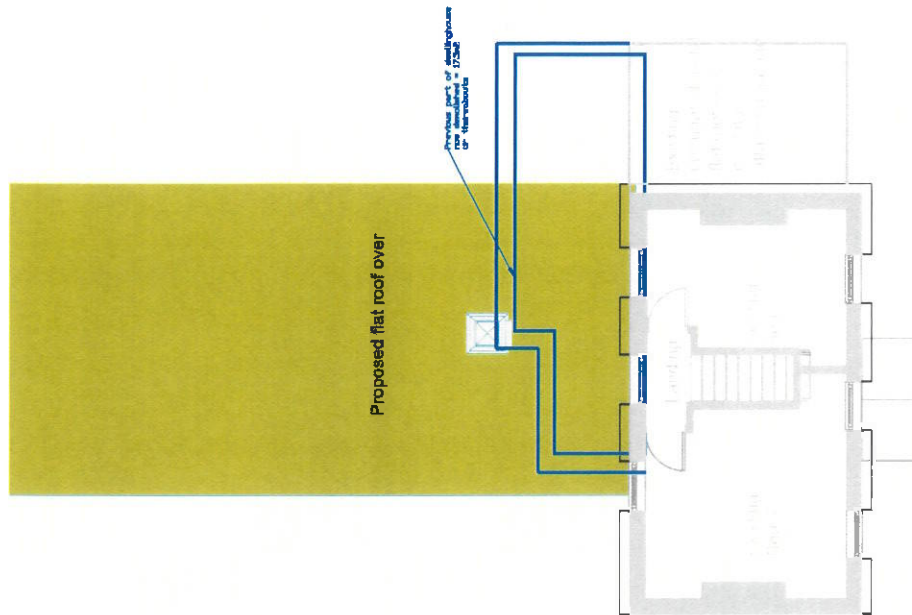
**DRAWING TITLE** Floor plans

**SHEET NO:**  
 A105

**ISSUE DATE**  
 18-02-2021

**DRAWN BY:**  
 THM

**SCALE**  
 1:100



**LEGEND**

- Existing building
- Proposed new built
- Previous part of building now demolished



**ROSCOMMON COUNTY COUNCIL**

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

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

**NOTIFICATION OF DECISION**

Mr. John McRae,  
2 Kingsley St.,  
Camberwell,  
VIC 3124,  
AUSTRALIA

Reference Number:                DED 444

Application Received:            18<sup>th</sup> February, 2021

**WHEREAS** a question has arisen as to whether the construction of an extension to the rear of existing dwellinghouse, including minor works and repair to the existing dwellinghouse at No. 6 Palace Rd., Elphin, 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 1 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:

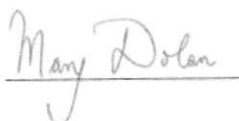
- a) The proposed development constitutes development as defined in the Planning & Development Act 2000, (as amended) and associated Regulations.
- b) The proposed development is not exempted development as defined in the Planning & Development Act 2000 (as amended) and associated Regulations.
- c) The 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 consisting of **the construction of an extension to the rear of existing dwellinghouse, including minor works and repair to the existing dwellinghouse at No. 6 Palace Rd., Elphin, Co. Roscommon, constitutes development that is not exempted development** as defined within the Planning and Development Act 2000 (as amended) and associated Regulations.

Any persons issued with a Declaration under Section 5 of the Planning and Development Act, 2000 Act (as amended) may, on payment to An Bord Pleanála of the prescribed fee, refer a Declaration for review within 4 weeks of the date of the issuing of the Declaration.

Signed on behalf of the said Council

A handwritten signature in cursive script, reading "Mary Dolan", is written over a horizontal line.

**Administrative Officer,  
Planning.**

**Date: 18<sup>th</sup> March, 2021**

c.c. **Mr. Tony McManus,  
T&R Designs Consulting Engineers,  
Ballynamony,  
Carrick on Shannon,  
Co. Leitrim.**

**Planner's Report on application under Section 5 of the  
Planning and Development Acts 2000 - 2011**

**Reference Number:** DED 444

**Name and Address of Applicant:** Application for a Declaration under Section 5 of the Planning & Development Act, 2000, as amended, regarding Exempted Development for the construction of an extension to the rear of an existing dwelling house, including minor works and repair to the existing dwelling house at Number 6 Palace Road, Elphin, County Roscommon

**Applicant:** John McRae

**Agent:** T&R Designs Consulting Engineers

**Date:** 15<sup>th</sup> March 2021

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WHEREAS a question has arisen as to whether the construction of an extension to the rear of an existing dwelling house, including minor works and repair to the existing dwelling house at Number 6 Palace Road, Elphin, 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 1 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 – 2011
- (e) The planning history of the site

**Site Location & Development Description**

The subject property is Number 6 Palace Road, Elphin, County Roscommon. The subject property is currently zoned Existing Residential in the Roscommon County Development Plan 2014-2020. The proposed development consists of the construction of an extension to the rear of the existing dwelling house, including minor works and repair to the existing dwelling house. As per the submitted details, the proposed rear extension is 57.10sqm – 17.5sqm (pertaining to previous rear annex to the existing dwelling house) = 39.60sqm. The height above ground is approximately 3.37sqm. The total area of private open space remaining after completion of this development is approximately 333sqm. Sika Trocol roofing membrane is proposed for the flat roof rear extension. A nap/smooth render finish to match the existing is proposed for the exterior.

The closest designated site is the Annaghmore Lough (Roscommon) SAC (Site Code: 001 626), which is approximately 5.5km south west of the subject site. Having regard to the scale of the proposed

development and the separation distances between the proposed development and the Natura 2000 network, it is considered that the conservation objectives of the network will not be impacted.

In terms of heritage related sites / features, there are two known structures (Former Bishop's Palace: RPS 01600158) (Bishop's Palace: RMP R0016-126) approximately 59m north west of the subject site, as per the Roscommon County Council GIS.

The subject property immediately adjoins an important historic building in close proximity to the Former Bishops Palace (Former Bishop's Palace: RPS 01600158) (Bishop's Palace: RMP R0016-126). The subject property effectively shares a wall with this important historic building. The protection and regeneration of our old buildings is extremely important. It ensures that the present generation can experience and enjoy the physical expression of past generations.

### **Planning History**

As per the Roscommon County Council GIS, there is no recent planning history on the subject site. Under PD 04 2339 permission was granted for a proposed first floor extension and conversion of an existing garage, which were not completed.

### **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 extension to the rear of an existing dwelling house, including minor works, repair to the existing dwelling house constitutes development, as defined in Section 3 of the said Act.

The minor works and repair to the existing dwelling house have been considered within the scope of 4 (1) (h) of the Planning and Development Act, 2000 (as amended).

Exempted  
development.

4.—(1) The following  
shall be exempted  
developments for the  
purposes of this Act—

(h) 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 extension to the rear of the existing dwelling house has been considered within the scope of Class 1 of Part 1 of Article 6 - *Exempted Development General* of the Regulations.

*PART 1 - Article 6 - Exempted Development – General*

*Development within the curtilage of a house*

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.

Column 2 - Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.  
(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.  
(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.
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.**  
(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.  
(c) Subject to paragraph (a), where the house is 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 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.

As per the restrictions on exemption in Articles 9 of the Planning and Development Regulations, 2001, as amended, the following applies;

Restrictions on exemption.	9. (1)	Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—
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(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of **archaeological**, geological, **historical**, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan

Objectives for Archaeological Heritage in the Roscommon County Development Plan 2014-2020 include the following, amongst others;

*Objective 6.2.1* - Secure the preservation (i.e. preservation in situ or, as a minimum, preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological interest generally. In securing such preservation Roscommon County Council will have regard to the advice and recommendations of the National Monuments Section of the Department of Arts, Heritage and the Gaeltacht.

*Objective 6.2.1* - Ensure that any development either above or below ground, within the vicinity of a site of archaeological interest shall not be detrimental to the character of the archaeological site or its setting.

Objectives for Built Heritage in the Roscommon County Development Plan 2014-2020 include the following, amongst others;

*Objective 6.1* - Conserve and protect structures (i.e. includes conservation, preservation, and improvement compatible with maintaining the character and interest of the structure), groups of structures or parts of structures, which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest. Preserve the character of a place, area, group of structures or townscape, which is of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest or value, or contributes to the appreciation of protected structures, taking into account building lines and heights.

*Objective 6.11* - View as unfavourable, development which is likely to adversely affect the character of a protected structure or the setting of a protected structure.

I am therefore satisfied to conclude that the development as set out under DED 444 does constitute development that is not exempted development as defined within the Planning & Development Act, 2000 as amended and associated regulations.

With Regard to Article 9 (1)(a) of the Planning and Development Regulations, it is reasonable to conclude that on the basis of the information available, which I consider adequate in order to issue a screening determination, 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 the following works;** the construction of an extension to the rear of an existing dwelling house, including minor works and repair to the existing dwelling house at Number 6 Palace Road, Elphin, 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 1 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 – 2011
- (e) The planning history of the site

**AND WHEREAS I have concluded that**

- a) The works are development.
- b) The construction of an extension to the rear of the existing dwelling house is not exempted development.
- 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.

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

**Signed:**



Assistant Planner

**Date:** 15<sup>th</sup> March 2021



Email Trail showing:

- Notification of Decisions
- Request for Planner's Report
- Follow up email
- Receipt of Planner's Report
- Request for clarification of how conclusion was reached as not explicitly stated in Planner's Report
- Advice that refusal was based on archaeological and historical considerations

-----Original Message-----

From: Planning Department <Planning@roscommoncoco.ie>  
Sent: Saturday, 20 March 2021 3:19 AM  
To: John McRae (JM) <jmhome@mcraeit.com.au>  
Cc: info@tandrdesigns.ie  
Subject: DED 444

A Chara,

Please find attached, scanned copy of Notification of Decision in regard to Section 5 Declaration on DED 444

Mise le meas,

Mary Dolan,  
Administrative Officer, Planning Department, Roscommon County Council, Áras an Chontae,  
Roscommon, F42 VR98.  
E-mail: marydolan@roscommoncoco.ie  
Tel. No. 090 6637176

-----Original Message-----

From: John McRae (JM) <jmhome@mcraeit.com.au>  
Sent: Monday, 22 March 2021 6:07 PM  
To: 'Planning Department' <Planning@roscommoncoco.ie>  
Cc: 'info@tandrdesigns.ie' <info@tandrdesigns.ie>  
Subject: RE: DED 444

Hi Mary

Thanks very much for sending the notification of your decision. I did receive a few copies of the email so I assume there must have been some perceived trouble in sending them. IN any case, thanks for that.

I would like to formally request a copy of the Planner's Report.

Regards

John

-----Original Message-----

From: John McRae (JM) [mailto:jmhome@mcraeit.com.au]

Sent: Friday 9 April 2021 00:56  
To: Mary Dolan <marydolan@roscommoncoco.ie>; Planning Department  
<Planning@roscommoncoco.ie>  
Cc: info@tandrdesigns.ie  
Subject: RE: DED 444

Hi Mary

I haven't received any reply to my request below. Can you follow up please and provide some indication as to when I might receive the Planner's Report.

Regards

John

-----Original Message-----

From: Mary Dolan <[marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)>  
Sent: Friday, 9 April 2021 6:55 PM  
To: John McRae (JM) <[jmhome@mcraeit.com.au](mailto:jmhome@mcraeit.com.au)>  
Subject: RE: DED 444

Hello John,

Please find Planner's Report attached.

Regards,

Mary Dolan,  
Administrative Officer, Planning Department, Roscommon County Council, Áras an Chontae,  
Roscommon, F42 VR98.  
E-mail: marydolan@roscommoncoco.ie  
Tel. No. 090 6637176

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**From:** John McRae (JM) [<mailto:jmhome@mcraeit.com.au>]  
**Sent:** Monday 12 April 2021 07:27  
**To:** Mary Dolan <[marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)>  
**Cc:** 'T & R Designs' <[Info@tandrdesigns.ie](mailto:Info@tandrdesigns.ie)>  
**Subject:** RE: DED 444

Hi Mary

Thanks so much for the Planner's Report and I hope the covid restrictions are not causing you too much inconvenience.

I am having a bit of trouble understanding the legal language and I can't quite see how the conclusion re "non exempted development" is reached. i.e.

I am therefore satisfied to conclude that the development as set out under DED 444 does constitute development that is not exempted development as defined within the Planning & Development Act, 2000 as amended and associated regulations.

While not explicitly stated, it seems to be drawn from the following paragraph where the words "archaeological" and "historical" are shown in bold format.

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of **archaeological**, geological, **historical**, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan

Could you confirm that the classification as "not exempted development" is based on "archaeological" and "historical" considerations as per the Roscommon County Development Plan 2014-200?

Regards

John

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**From:** Planning Department <Planning@roscommoncoco.ie>  
**Sent:** Monday, 12 April 2021 8:36 PM  
**To:** John McRae (JM) <jmhome@mcreait.com.au>  
**Subject:** RE: DED 444

Dear Mr. McRae,

The classification is based on archaeological and historical considerations, as highlighted in bold in the Planner's Report.

Please find hereunder, link to planning application forms on the Roscommon County Council website should you wish to submit a planning application:

[http://www.roscommoncoco.ie/en/Forms/Planning\\_Forms/Planning-Application-Forms/](http://www.roscommoncoco.ie/en/Forms/Planning_Forms/Planning-Application-Forms/)

Regards,

Mary Dolan,  
Administrative Officer, Planning Department,  
Roscommon County Council, Áras an Chontae,  
Roscommon, F42 VR98.  
E-mail: [marydolan@roscommoncoco.ie](mailto:marydolan@roscommoncoco.ie)  
Tel. No. 090 6637176

Satellite map (source google maps) of 6 Palace Rd, Elphin, County Roscommon

This shows:

- Proposed development to the rear of existing house
- Gatehouse in adjoining property between road and front line of the house.

Clearly the development works will not impinge up the gatehouse.

