

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	JOHN HOGAN
<i>Address</i>	BIRDHILL COUNTY TIPPERARY
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	fred hollywood
<i>Address</i>	NEWTOWN NENAGH CO TIPPERARY E45XK84
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	BIRDHILL COUNTY TIPPERARY
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4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

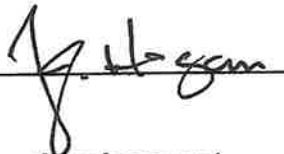
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

DEMOLITION OF EXISTING REAR EXTENSION ; CONSTRUCTION OF
NEW SINGLE STOREY EXTENSION 20 SQUARE METRES;
CONSTRUCTION OF FRONT ENTRANCE PORCH 2.0SQM
REMOVAL OF EXISTING CHIMNEYS - STEEL FLUE AT REAR- LOWERING
OF UNSTABLE OUTBUILDING-5.5m long approx ABBUTTING LANE;RE-ROOFING
Proposed floor area of proposed works/uses: 22 sqm

5. Legal Interest of Applicant in the Land or Structure:

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner <input checked="" type="checkbox"/>	B. Occupier <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address:	

Signature of Applicant(s)



Date: 17/10/24

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

**Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary**

OR

**Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary**

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80-

Receipt No NENAM 1/0/123814

Date 23/10/2024

Received by Maura Lillis



Planning Department
Tipperary Council
Nenagh
Co. Tipperary

the maisonette

sarsfield street

nenagh

co tipperary

t: 067 37676

f: 067 33580

17th October 2024.

Re: Application for section 5 Declaration – On existing dwelling House Birdhill for Mr John Hogan

Dear Sir /Madame,

I am seeking for a section 5 Declaration for John Hogan at his property in Birdhill County Tipperary.

The property is and has been unoccupied for a number of years and it is hoped that renovation and extension of the house can progress without the need for planning permission.

To the rear of the house exists a 1 1/2 storey projection which is in poor condition, This will be knocked and replaced with a small extension of 20m².

An entrance porch no larger than 2.0m² will be added to the facade.

To the side and rear of the house a series of outbuildings abutt a shared laneway, A portion of one of these structures is structurally unsound, it is intended that it will be lowered to approx. 1.2m above lane level and reroofed.

Enc.

Section 5 Declaration form

2 Copies

Site layout plan

Floor plans

Elevations

Photographs

structural design services

civil engineering design

fire safety certificates
applications

planning applications

stage payment certificates

commercial building energy
rating assessments

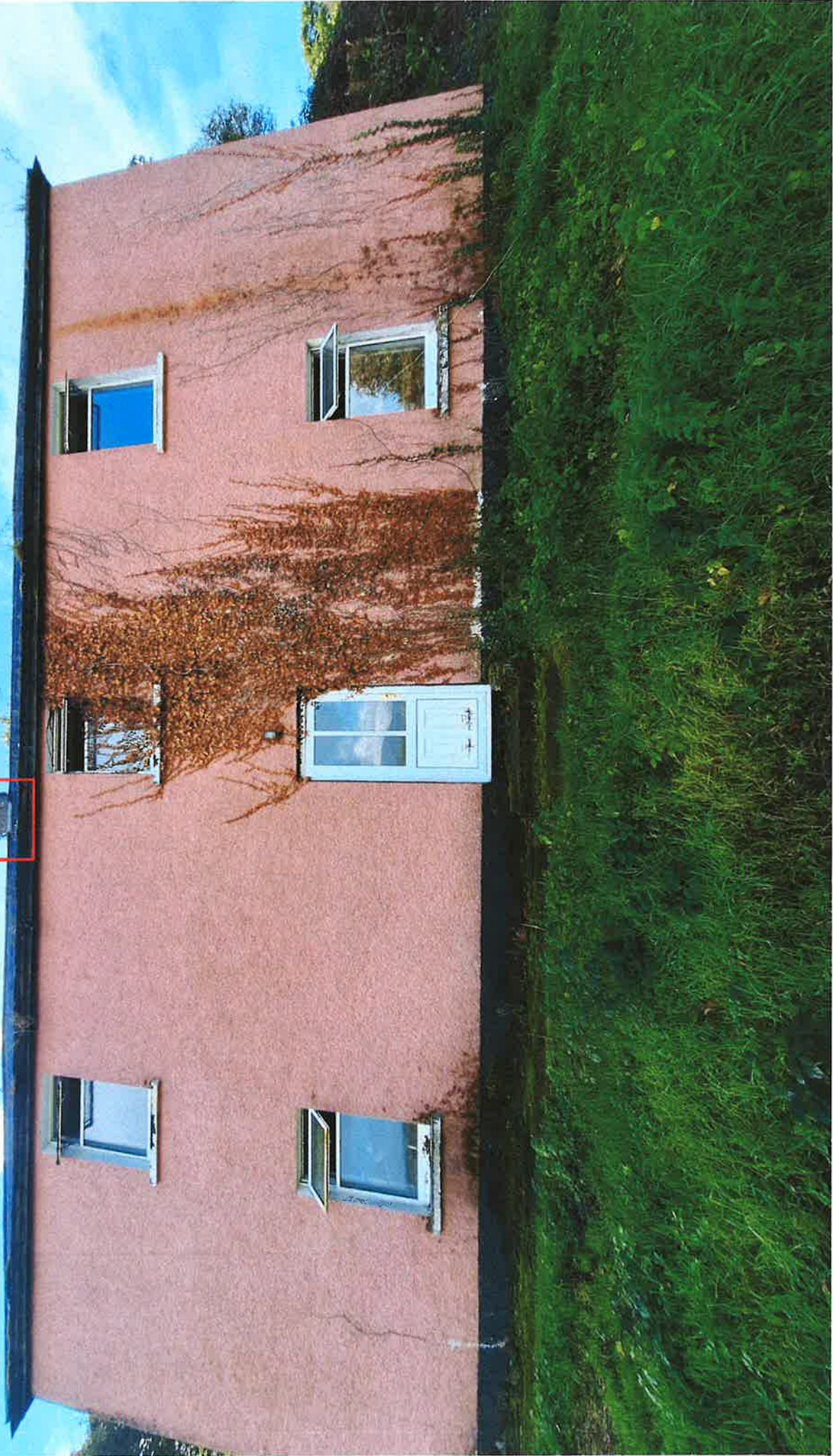
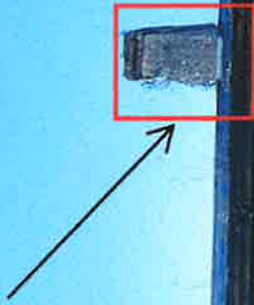
Yours sincerely,

Fred Hollywood
Chartered Engineer MIEI

director: fred hollywood
chartered engineer, ceng mieI

Front elevation -Facing north

existing chimney to be removed



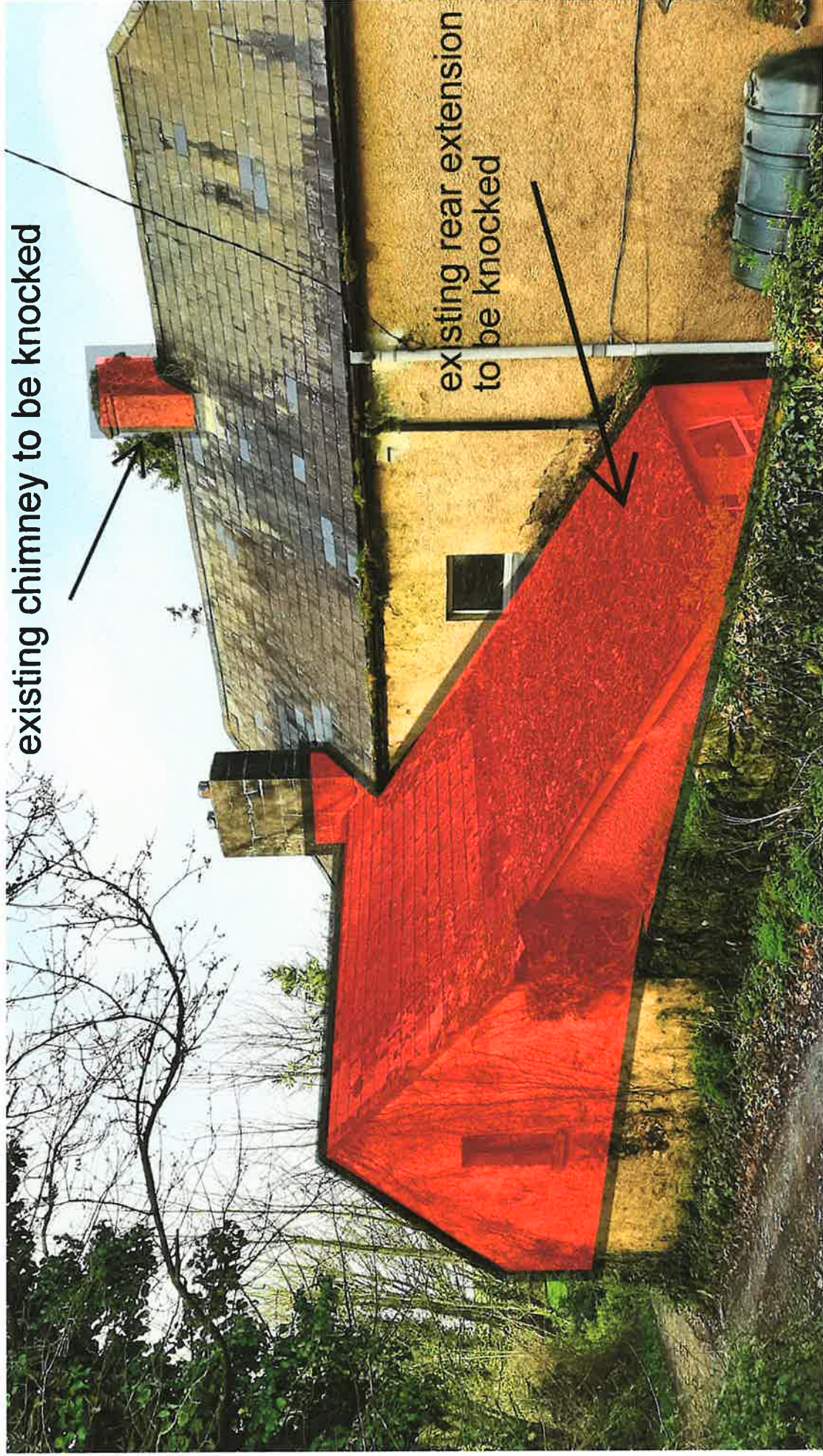
side elevation -facing west

existing extension to be taken down

new window



REAR ELEVATION-FACING SOUTH



SIDE ELEVATION FACING EAST



unstable wall taken down and capped at 1.2m above level of laneway

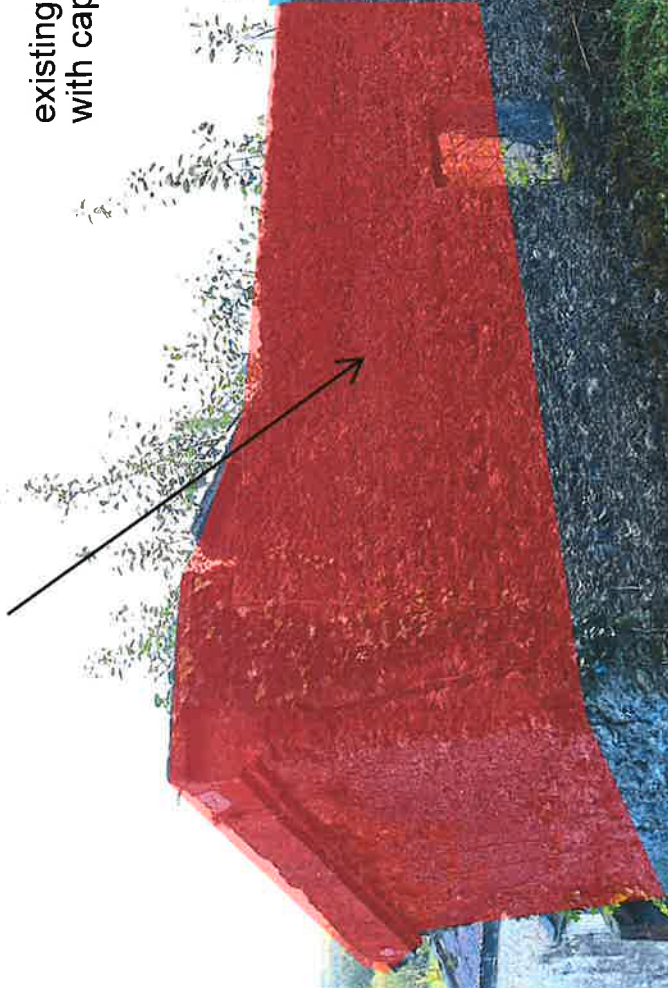
existing wall to be repaired and capped before re-roofing

existing buildings to be re-roofed



VIEW OF OUTBUILDINGS LOOKING SOUTH

portion of existing outbuilding
unstable to be taken down to
1.2m above lane level and capped



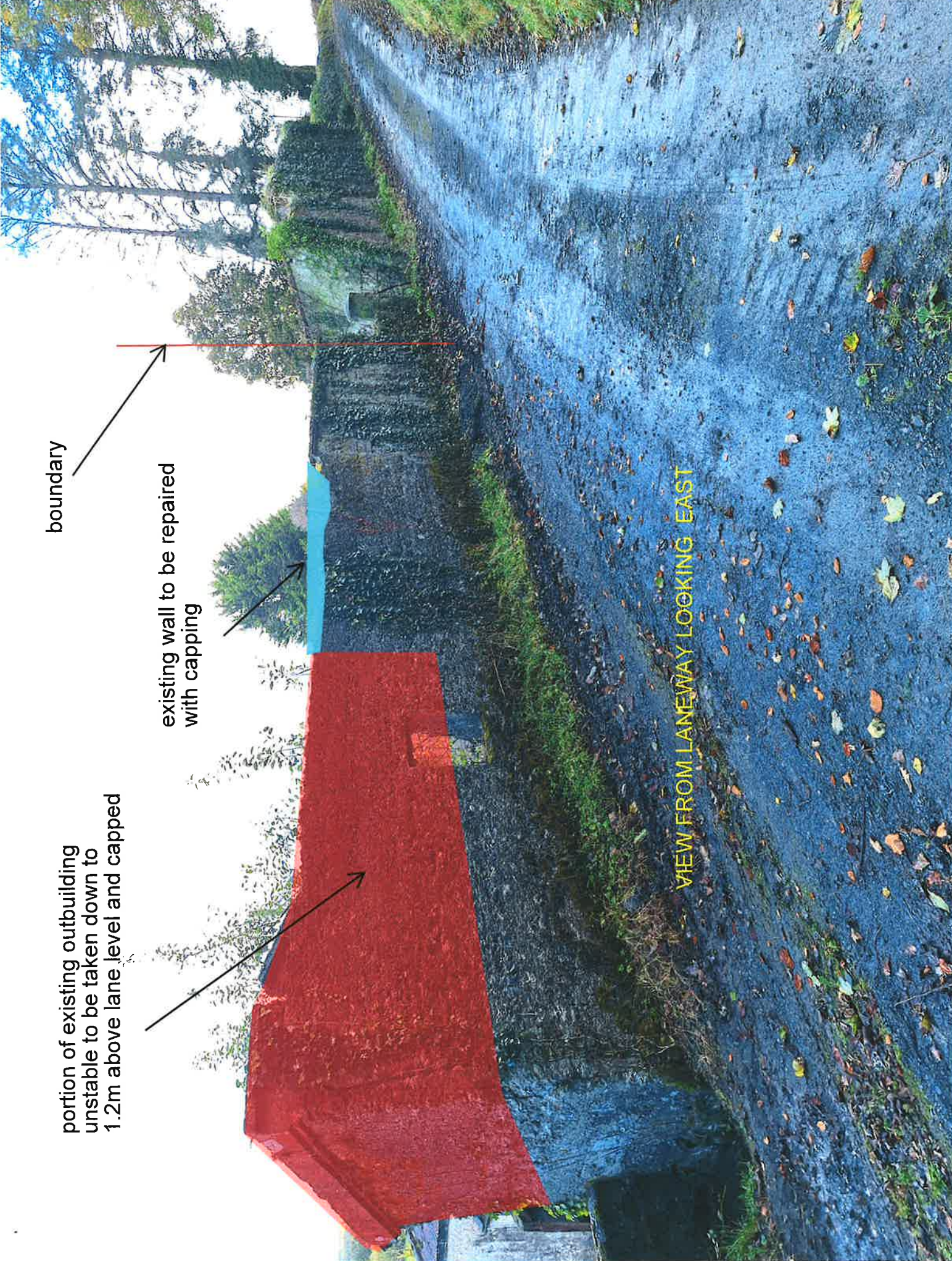
existing wall to be repaired
with capping



boundary



VIEW FROM LANEWAY LOOKING EAST



VIEW FROM YARD LOOKING EAST

existing sheds to be re-roofed

unstable wall to be taken down





Tailte Éireann

Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

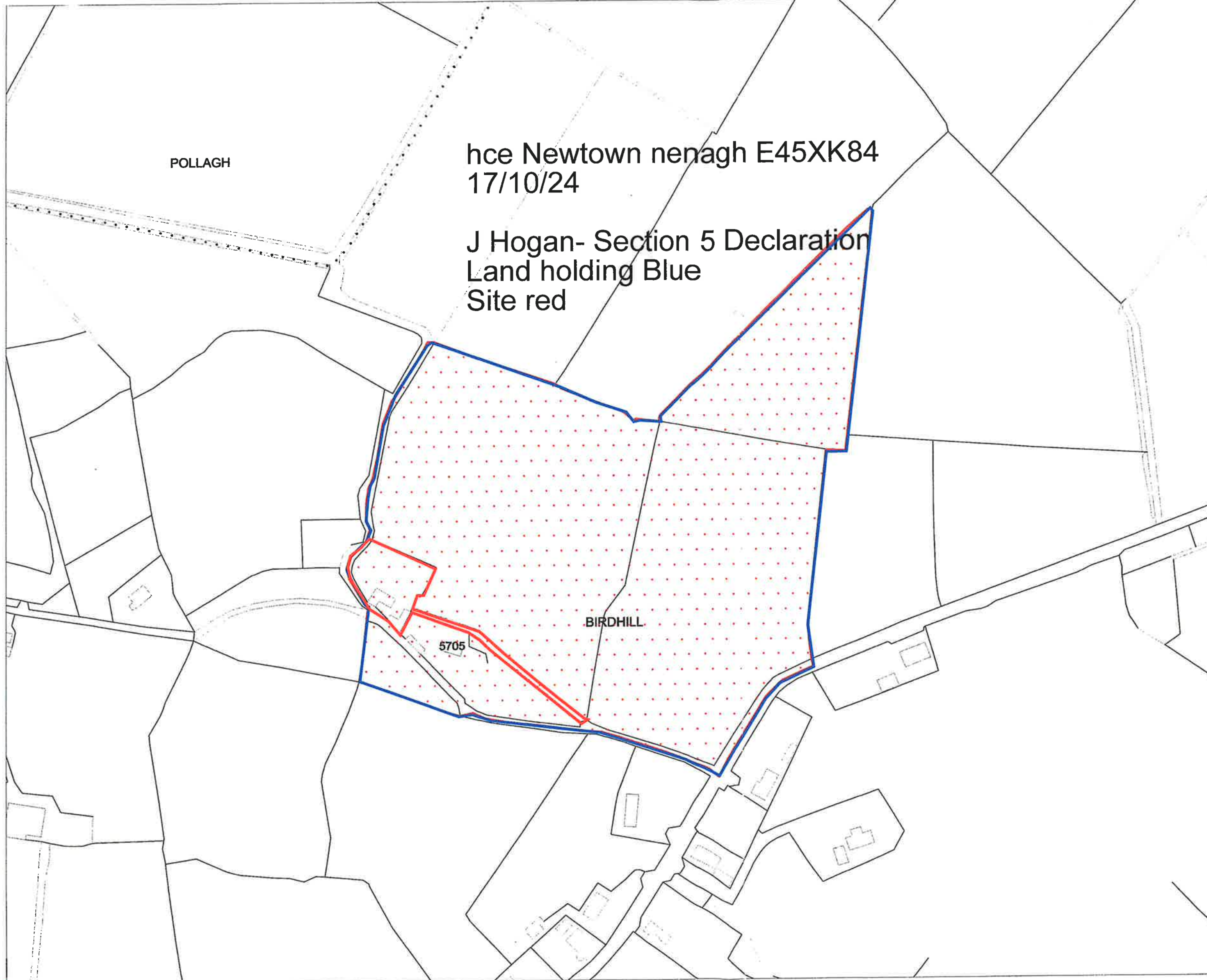
Folio: TY5705

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

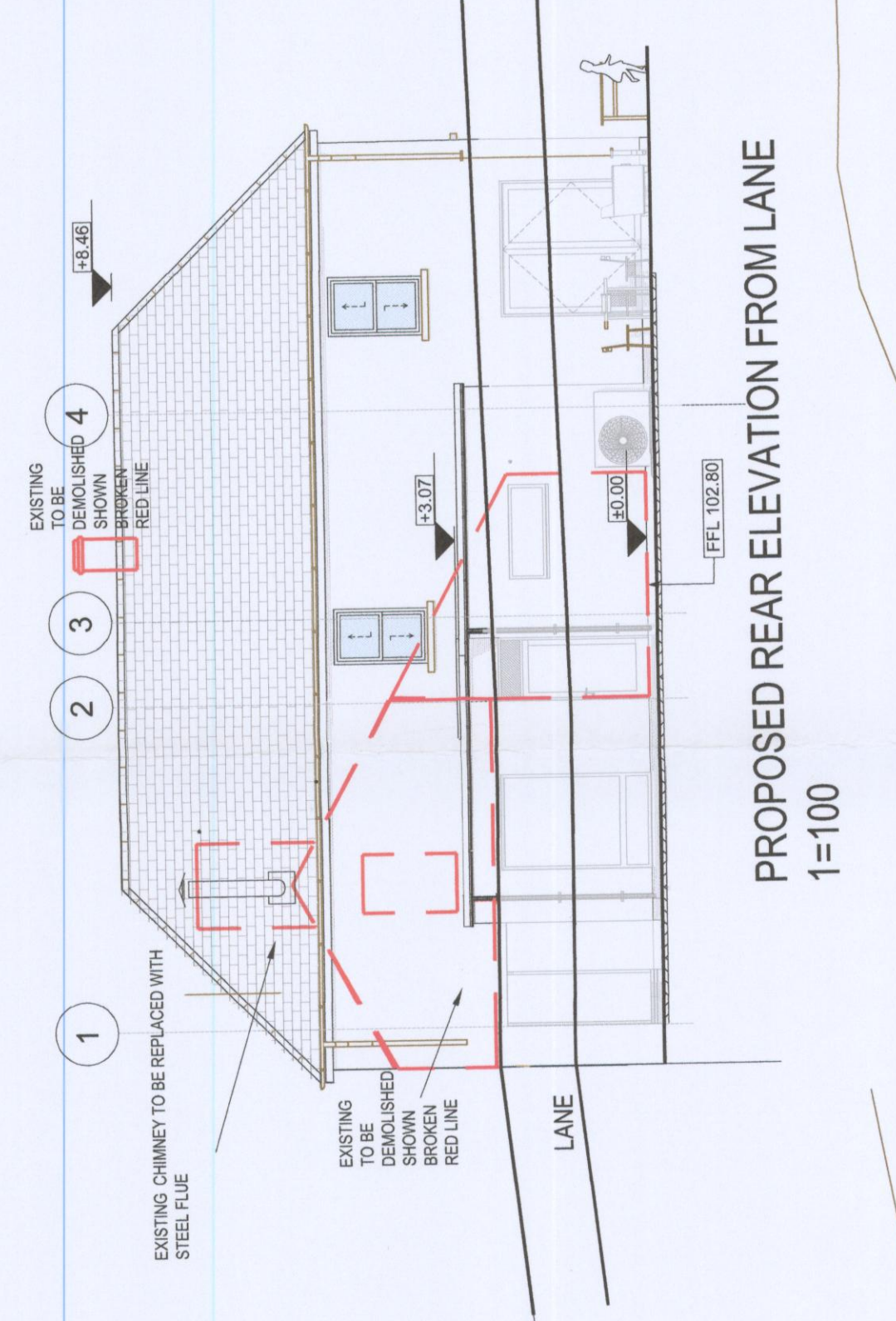


A full list of burdens and their symbology can be found at: www.landdirect.ie

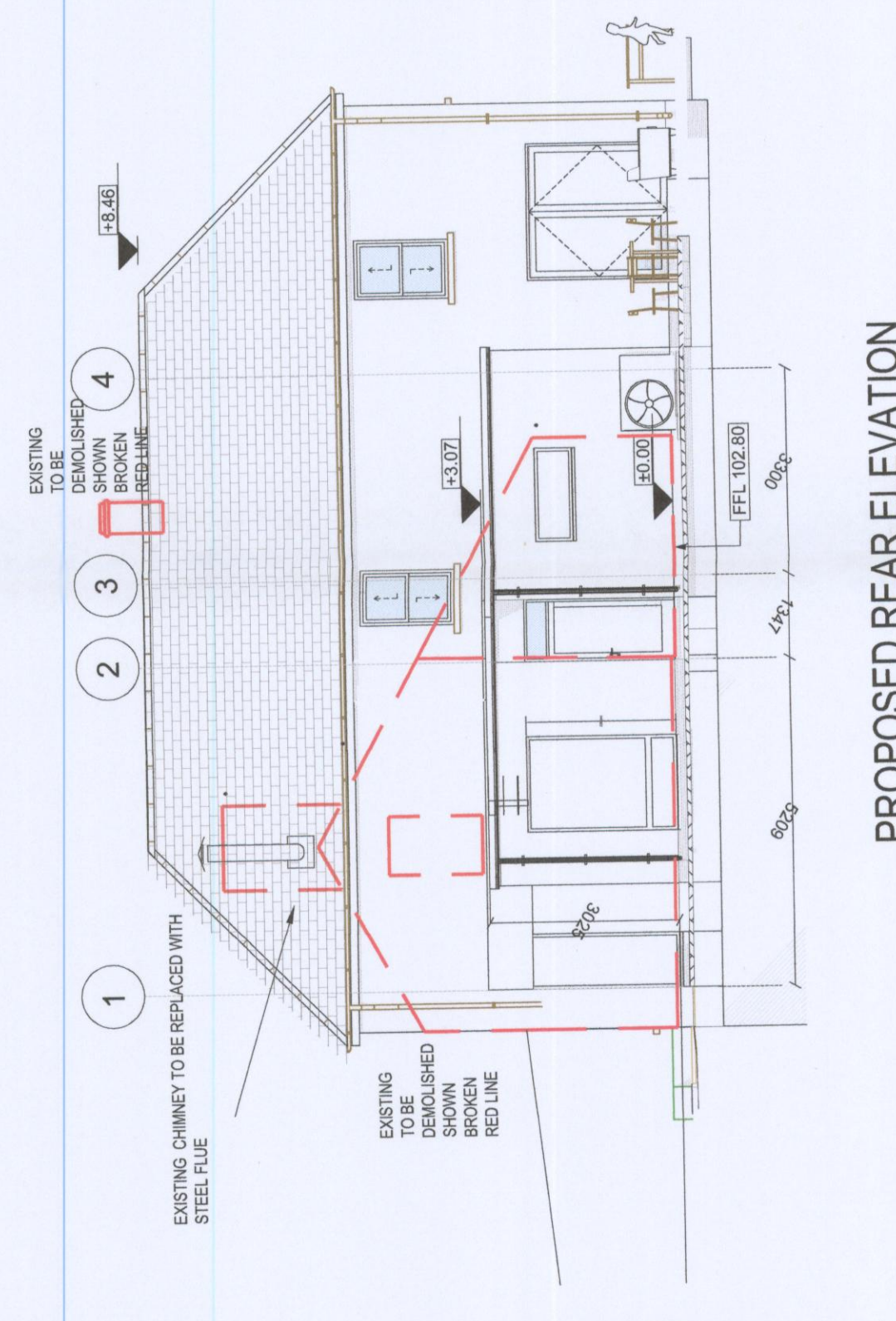
Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section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



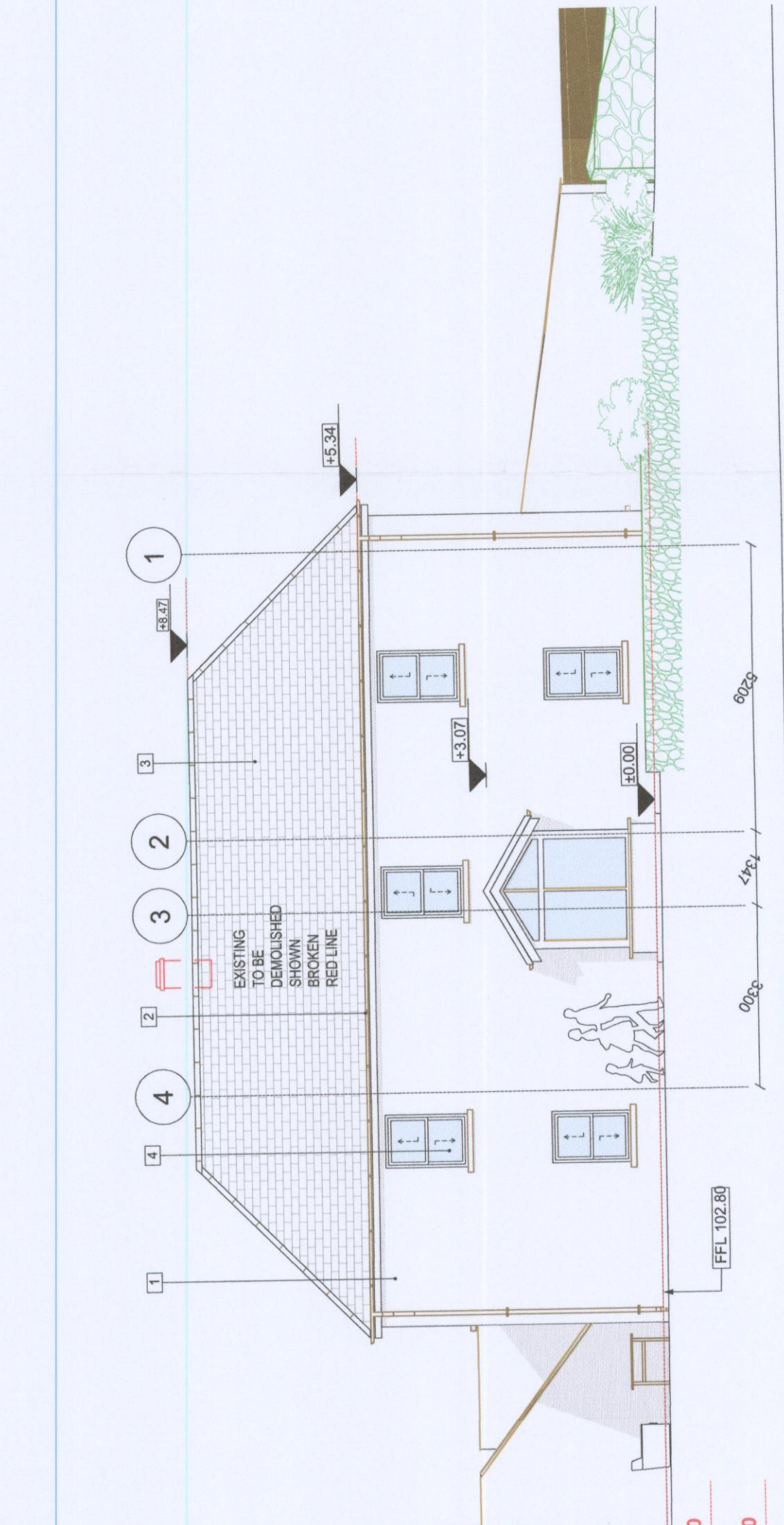
REVISION DETAILS	DATE



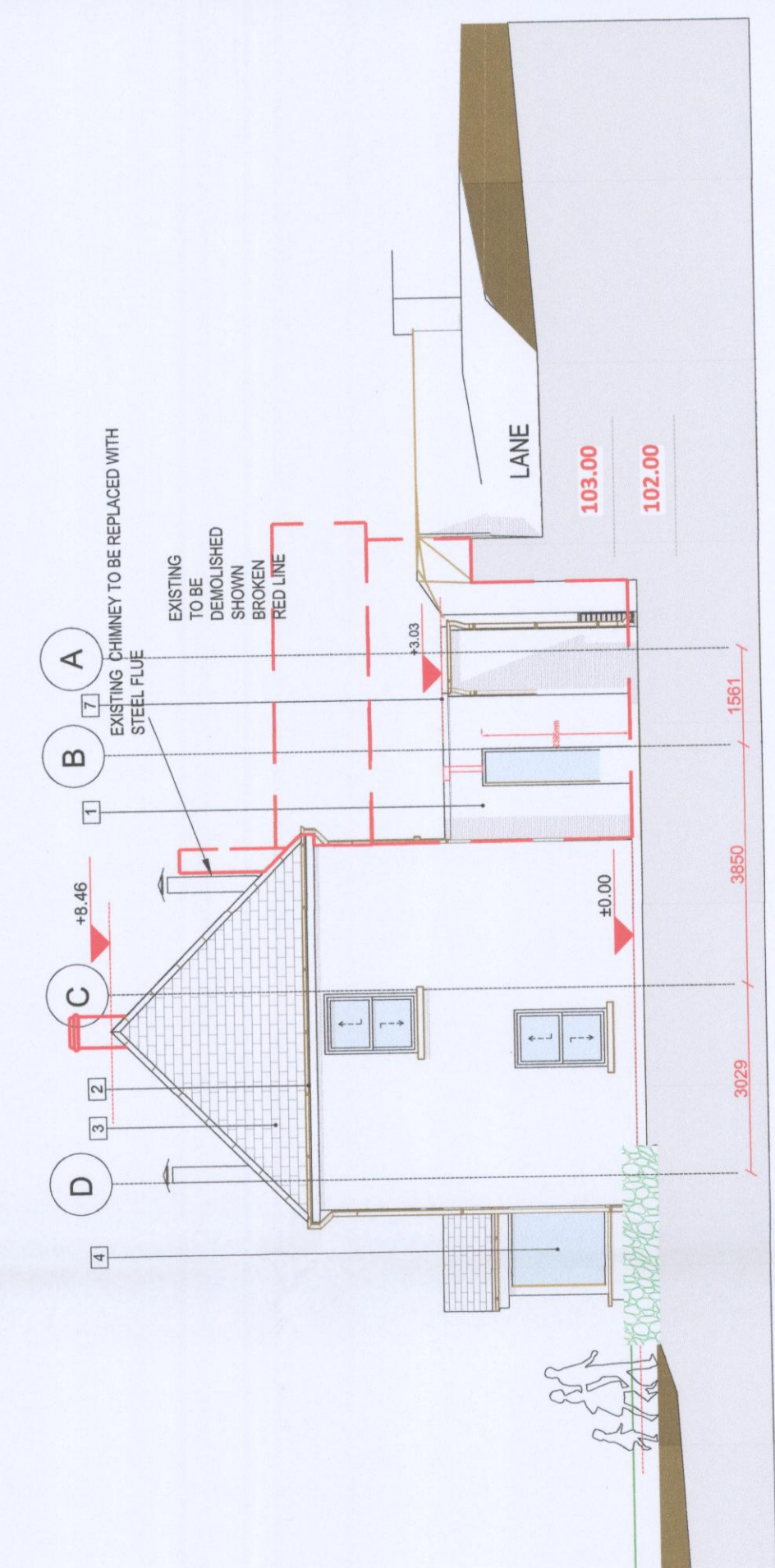
PROPOSED REAR ELEVATION FROM LANE
1=100



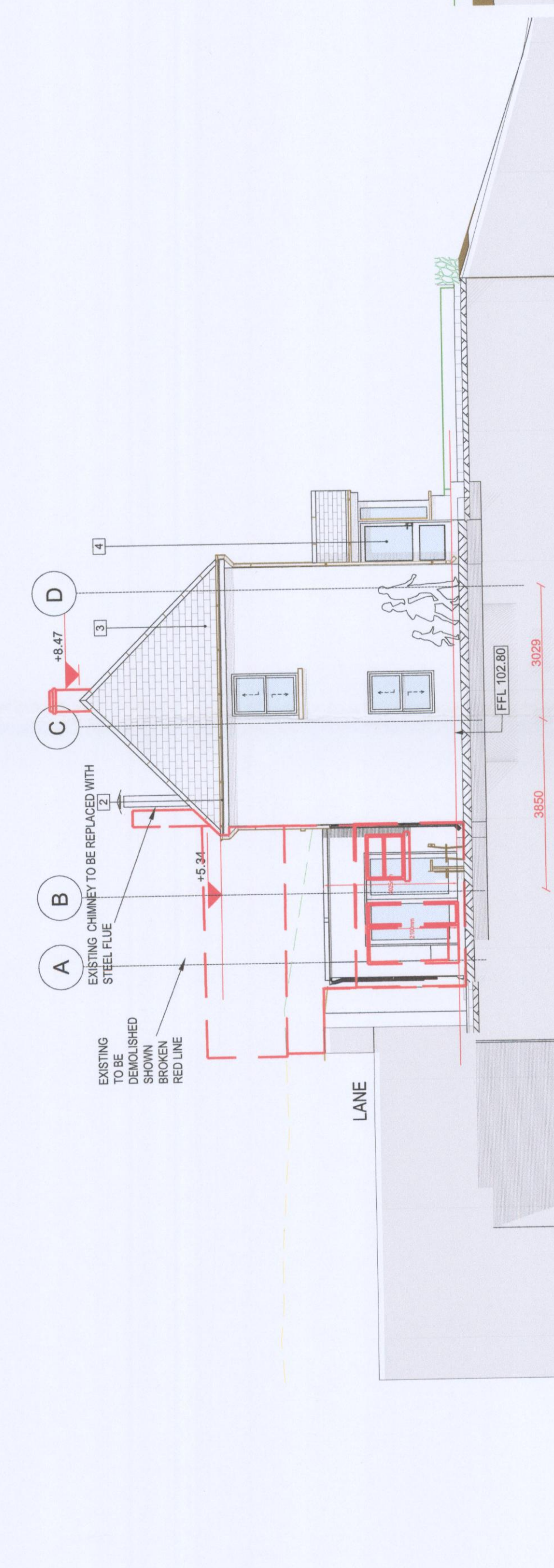
PROPOSED REAR ELEVATION
1=100



PROPOSED FRONT ELEVATION
1=100



NORTH WEST-PROPOSED SIDE ELEVATION
1=100

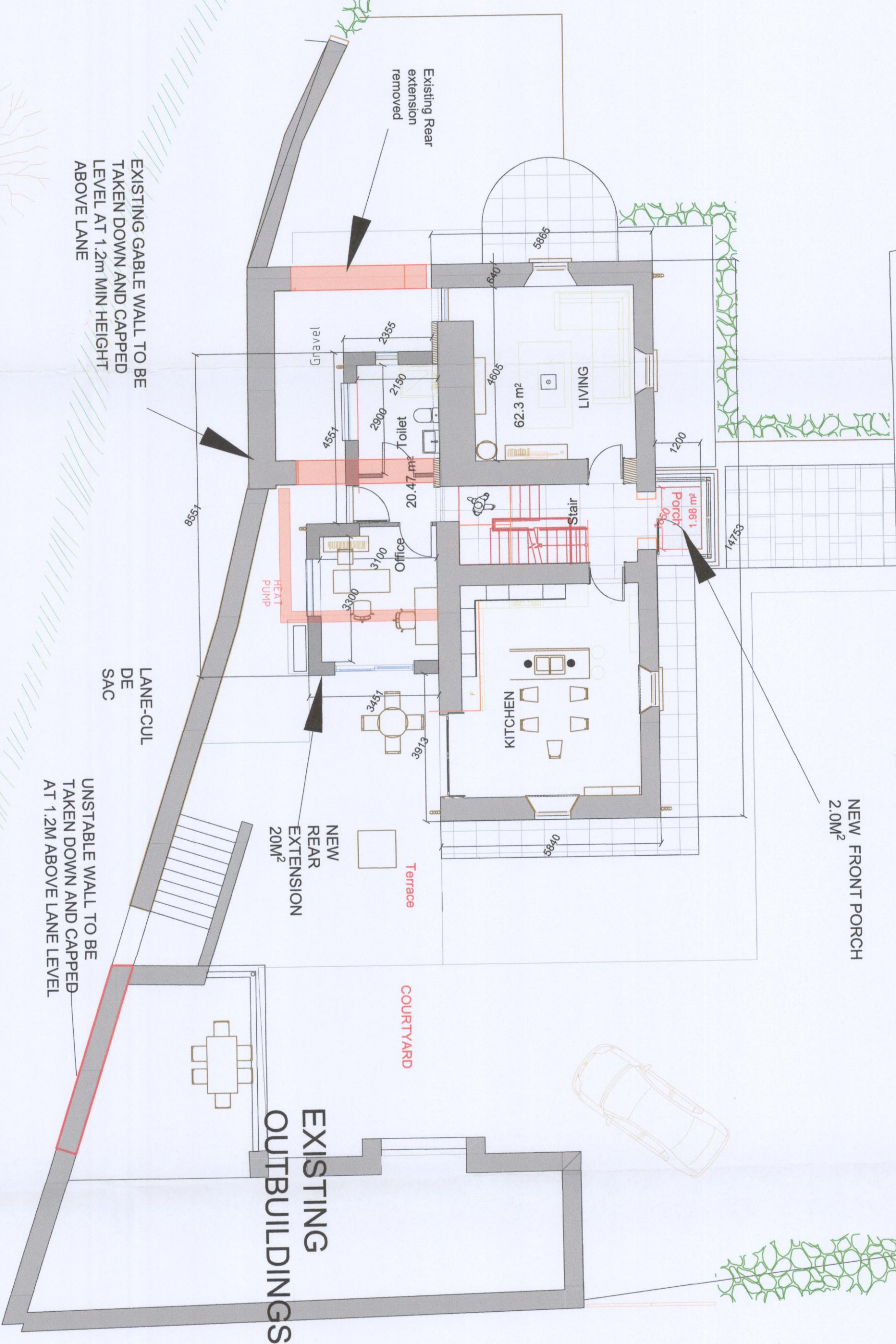


SOUTH EAST-PROPOSED SIDE ELEVATION
1=100

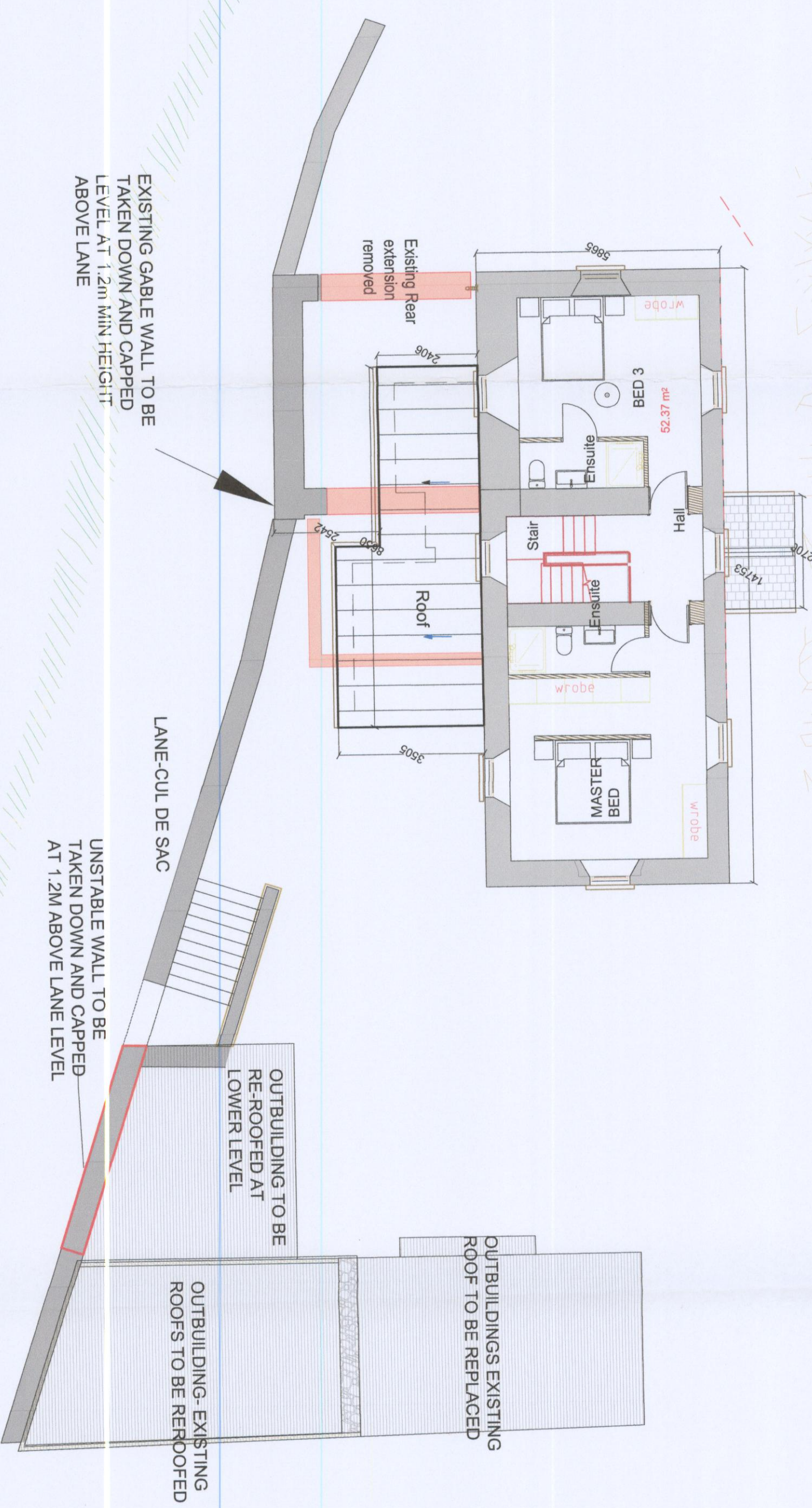
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Issue:	PLANNING EXEMPTION
Project:	RENOVATION AND EXTENSION TO EXISTING DWELLING GOOSANE BIRDHILL
Client:	JOHN HOGAN
Drawing Title:	ELEVATIONS
Drawn:	FH
Scale:	1=100
Checked:	FH
Date:	OCT 2024
hollywood construction engineering ltd 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	
Project No:	24-02
Drawing No:	P03
Revision:	

Ground Floor 1=100



1st Floor 1=100



REVISION DETAILS	DATE

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STATUS: **PLANNING EXEMPTION**
 PROJECT: **RENOVATION AND EXTENSION TO EXISTING DWELLING GOODSANE BIRDHILL**

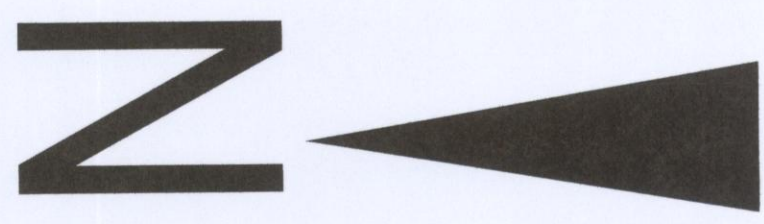
CLIENT: **JOHN HOGAN**
 DRAWING TITLE: **FLOOR PLANS**

Drawn	Scale	Checked	Date
FH	1-100	FH	OCT 2024

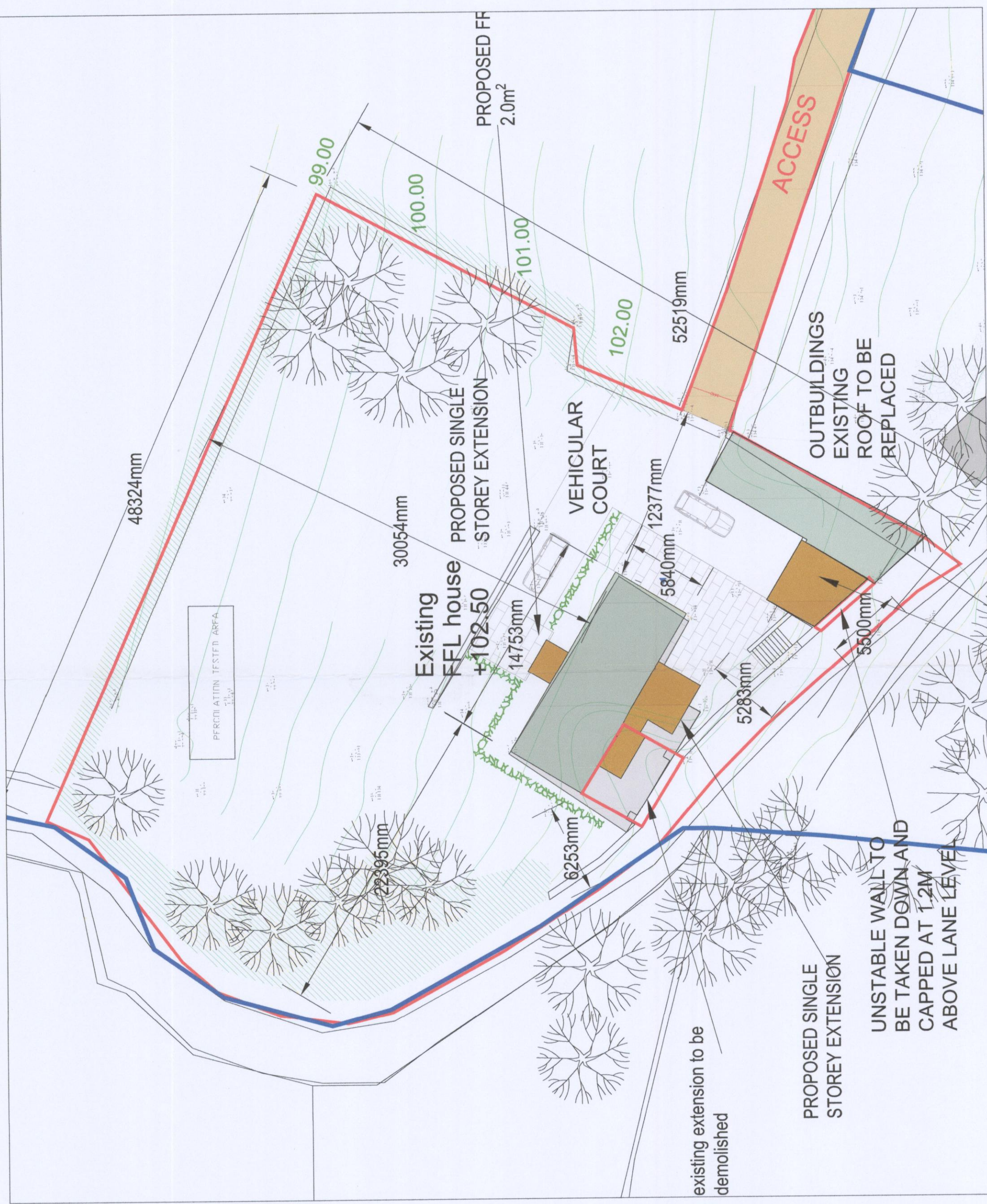
hollywood construction engineering ltd
 100 Woodfield Street
 Colchester
 Essex CO1 1JH
 Tel: 0206 2322819
 Email: info@hce.co.uk

Project No: 24-02
 Drawing No: P02
 Revision:

REVISION DETAILS	DATE



1=500



1=250



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Issue	PLANNING EXEMPTION		
Project	RENOVATION AND EXTENSION TO EXISTING DWELLING GOOSANE BIRDHILL		
Client	JOHN HOGAN		
Drawing Title	SITE PLAN		
Drawn	Scale	Checked	Date
FH	SHOWN FH	FH	OCT 2024
Hollywood construction engineering ltd			
the studios 100 100 Co. Tipperary phone : 087-37656 mobile: 086-2302819 e-mail : info@hce.ie			
Project No.	24-02	Drawing No.	P01
Revision		Revision	



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 23rd October, 2024

Our Ref: S5/24/123

Civic Offices, Nenagh

John Hogan
C/O Fred Hollywood
Newtown
Nenagh
Co. Tipperary
E45 XK84

Re: Application for a Section 5 Declaration – Demolition of existing rear extension, construction of new single store extension, construction of front entrance porch, removal of existing chimney at Birdhill, Co. Tipperary.

Dear Mr Hogan,

I acknowledge receipt of your application for a Section 5 Declaration received on 21st October, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely

for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref.: S5/24/123

Applicant: John Hogan

Development Address: Birdhill, Co. Tipperary.

Proposed Development: Demolition of existing rear extension; Construction of new single storey extension (20sqm); Construction of front entrance porch (2sqm); Removal of existing chimney's; Steel flue at rear; Lowering of unstable outbuilding; Reroofing

1. GENERAL

On the 21/10/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Birdhill, Co. Tipperary.

- *Demolition of existing rear extension;*
- *Construction of new single storey extension (20sqm);*
- *Construction of front entrance porch (2sqm);*
- *Removal of existing chimney's;*
- *Steel flue at rear;*
- *Lowering of unstable outbuilding;*
- *Reroofing*

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:

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

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:

"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 4(1) of the Planning and Development Act, 2000, as amended states:

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.

4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:

4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001, as amended

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

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

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.*

similar structure attached to the rear or to the side of the house.

(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.

Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

The construction or erection of a porch outside any external door of a house.

Conditions and Limitations

1. Any such structure shall be situated not less than 2 metres from any road.
2. The floor area of any such structure shall not exceed 2 square metres.
3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

(a) The demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex.

(b) The demolition of part of a habitable house in connection

Conditions and Limitations

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and

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. (b) in all other cases, 100 square metres. 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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—

(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.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

3. ASSESSMENT

a. Site Location

The site is located at Birdhill, Co. Tipperary. It contains a detached dwelling and outbuildings.

b. Relevant Planning History

No planning history noted

c. Assessment

CONSTRUCTION OF NEW SINGLE STOREY EXTENSION (20SQM)

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

Assessment against the conditions / limitations of Class 1:

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.

The proposed extension has a floorarea of 20sqm

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.

The proposed extension has a floor area of 20sqm. It is noted that the previous extension to the dwelling will be demolished to accommodate the proposed extension (see assessment under Class 50 below).

(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.

Not applicable as the proposal relates to a detached house.

(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.

Not applicable as the proposal relates to a ground floor extension only.

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

Not applicable as the proposal relates to a ground floor extension only.

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.

The rear wall of the house does not include a gable, and the height of the walls of the extension would 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.

Not applicable as the rear wall of the house does not include a gable.

(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.

The height of the highest part of the roof of any such extension would not exceed the height of the eaves or parapet.

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.

The extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

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.

(a) The proposed extension would not contain a window less than 1 metre from the boundary it faces.

(b) Not applicable as the proposal relates to a ground floor extension only.

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

It is considered necessary to seek further information in relation to this matter.

DEMOLITION OF EXISTING REAR EXTENSION

A) "Is or is not Development"

It is considered that the above listed proposal constitutes "works" as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute "development" within the meaning of the Planning and Development Act 2000, as amended.

B) "Is or is not Exempted Development"

Assessment against the conditions / limitations of Class 50(b):

Class 50 (b) of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

(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.

The proposed demolition of the existing extension to the rear of the dwelling is to facilitate the provision of the proposed extension in accordance with Class 1 of the Planning and Development Regulations 2001, as amended and is considered to be in compliance with Class 50b, and is therefore exempted development.

▪ **CONSTRUCTION OF FRONT ENTRANCE PORCH (2SQM)**

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

Assessment against the conditions / limitations of Class 7:

The construction or erection of a porch outside any external door of a house.

The porch would be outside the external door of the house

1. Any such structure shall be situated not less than 2 metres from any road.

The porch would not be situated less than 2 metres from any road.

2. The floor area of any such structure shall not exceed 2 square metres.

The floor area of the porch would not exceed 2 square metres

3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The height of the porch would be 3.07m (pitched roof) and would not therefore exceed 4m.

The front entrance porch complies with the provisions of **Class 7** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and is therefore exempted development.

▪ **REMOVAL OF EXISTING CHIMNEY'S**

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

It is considered that these ‘works’ are for improvement of the structure and 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 works are therefore considered exempt under Section 4 (1) (h) of the Planning and Development Act, 2000, as amended.

▪ **STEEL FLUE AT REAR**

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The provision of a steel flue at the rear complies with the provisions of **Class 2** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and is therefore exempted development.

I note the northwest proposed side elevation drawing shows a steel flue in the front roof of the dwelling. This is not shown on the elevation drawing and appears to be a drafting error. It should be clarified whether a flue is proposed at the front roof.

▪ **LOWERING OF UNSTABLE OUTBUILDING AND REROOFING**

A) “Is or is not Development”

I consider the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The plans and particulars are unclear in relation to this aspect of the proposal. The development proposal refers to the ‘lowering of unstable outbuilding and reroofing’. However, the plans appear to show additional works in relation to openings, removal of a stairwell. It is considered necessary to seek further information in relation to this matter.

▪ **LOWERING OF BOUNDARY WALLS**

A) “Is or is not Development”

I consider the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The works to the boundary walls to the adjoining lane come within the planning exemption under **Class 5** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and are therefore exempted development.

4. RESTRICTIONS UNDER ARTICLE 9

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended would apply.

5. REQUIREMENT FOR APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

A question has arisen as to whether the following proposed development at Birdhill, Co. Tipperary is or is not exempted development:

- *Demolition of existing rear extension;*
- *Construction of new single storey extension (20sqm);*
- *Construction of front entrance porch (2sqm);*
- *Removal of existing chimney's;*
- *Steel flue at rear;*
- *Lowering of unstable outbuilding;*
- *Reroofing*

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

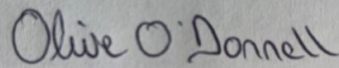
1. The plans and particulars are unclear in relation to the proposed 'lowering of unstable outbuilding and re-roofing'. A complete set of plans have not been provided for consideration. The groundfloor plans appear to show additional works in relation to openings and the removal of a stairwell.

The applicant is required to submit:

- a) Existing floorplans and elevations of the outbuilding(s);

- b) Proposed floorplans and elevations of the outbuilding(s);
 - c) Details of the proposed external finishes of the outbuilding(s).
2. The applicant is required to clarify whether or not the roof of the proposed extension is to be used as a balcony or roof garden.
 3. The northwest proposed side elevation drawing of the dwelling shows a steel flue in the front roof of the dwelling. This is not shown on the front elevation drawing for the dwelling. Please clarify whether a flue is proposed in the front roof of the dwelling.

District Planner:



Date: 12/11/2024

A/Senior Executive Planner:



Date: 13/11/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5.24.123
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	c.250m	No direct or indirect connections	No
Slievefelim to Silvermoiens Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	c.6.7km	No direct or indirect connections	No
Silvermines Mt West SAC	https://www.npws.ie/protected-sites/sac/002258	c.10.2km	No direct or indirect connections	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	c.11.9km	No direct or indirect connections	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
-----------------	--

<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	<p>During the construction phase, the site will be cleared and topsoil removed. Given the separation distance to the nearest water body It is not considered that the construction works will have impacts that could affect European Sites within the wider catchment area.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	<p>All surface water is to be contained on site.</p> <p>Given that the scale of the proposed development and the significant distance to the nearest Protected site, it is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area.</p>
<p>In-combination/Other</p>	<p>No likely significant in-combination effects are anticipated</p>
<p>(b) Describe any likely changes to the European site:</p>	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	<p>None.</p> <p>The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>The significant distance between the proposed development site and any European Sites, and the scale of the proposed development is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network</p>

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Conclusion:

	Tick as Appropriate:	Recommendation:		
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.		
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission		
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission		
Signature and Date of Recommending Officer:	Olive O'Donnell	<table border="1"> <tr> <td>Date:</td> <td>12/11/2024</td> </tr> </table>	Date:	12/11/2024
Date:	12/11/2024			

EIA Preliminary Examination:

The planning authority shall carry out a preliminary examination of, at the **least, the nature, size or location of the development.**

	Comment:	Yes/No/ Uncertain:
<p>Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>	As per planners report	No
<p>Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i></p>	As per planners report	No
<p>Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>	As per planners report	No

Preliminary Examination Conclusion:

Based on a preliminary examination of the **nature, size or location** of the development. (Tick as appropriate)

x	<input type="checkbox"/>	<input type="checkbox"/>
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>

**Signature and Date of
Recommending Officer:**

Olive O'Donnell

Date:

12/11/2024



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
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Tipperary County Council,
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tipperarycoco.ie

Date: 13th November, 2024

Our Ref: S5/24/123

Civic Offices, Nenagh

**John Hogan
C/O Fred Hollywood
Newtown
Nenagh
Co. Tipperary
E45 XK84**

Re: Application for a Section 5 Declaration – The Demolition of existing rear extension; Construction of new single storey extension (20sqm); Construction of front entrance porch (2sqm); Removal of existing chimney's; Steel flue at rear; Lowering of unstable outbuilding; at Birdhill, Co. Tipperary.

Dear Mr Hogan,

I refer to an application received from you on 21st October, 2024 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

1. The plans and particulars are unclear in relation to the proposed 'lowering of unstable outbuilding and re-roofing'. A complete set of plans have not been provided for consideration. The groundfloor plans appear to show additional works in relation to openings and the removal of a stairwell.

The applicant is required to submit:

- a) Existing floorplans and elevations of the outbuilding(s);
 - b) Proposed floorplans and elevations of the outbuilding(s);
 - c) Details of the proposed external finishes of the outbuilding(s).
2. The applicant is required to clarify whether or not the roof of the proposed extension is to be used as a balcony or roof garden.
 3. The northwest proposed side elevation drawing of the dwelling shows a steel flue in the front roof of the dwelling. This is not shown on the front elevation drawing for the dwelling. Please clarify whether a flue is proposed in the front roof of the dwelling.

Further consideration of your request for a declaration cannot be considered until the above information is received.

Yours sincerely

Geraldine Quinn

for **Director of Services**

Ryan, Siobhan Anne

From: Fred Hollywood [REDACTED]
Sent: 22 November 2024 16:02
To: Ryan, Siobhan Anne
Cc: John Hogan
Subject: [External] s5/24/123
Attachments: Exempt application-P04.pdf; 2024-11-19 Letter to County Council.pdf; Exempt application-P03 REV 01.pdf

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Siobhan
I attach additional information requested on this section 5 Application,
Many thanks
Fred

Fred Hollywood
C.eng M.I.E.I

Director
hollywood construction engineering ltd.
the maisonette t 067-31878
sarsfield street
nenagh e [REDACTED]

hollywood construction engineering



Planning Department
Tipperary Council
Nenagh
Co. Tipperary

the maisonette
sarsfield street
nenagh
co tipperary
t: 067 37676
f: 067 33580

19th November 2024.

Re: Application for section 5 Declaration – On existing dwelling House Birdhill for Mr John Hogan

Dear Sir /Madame,

I refer to your further information request S5/24/123 dated 13th Nov . inst.

A new drawing P04 is appended to show information requested in Item number 1. External finishes of the outbuildings will match existing finishes, walls shall be plastered ; roof covering will be single skin metal sheeting grey or green and wall cappings will be concrete.

A portion of the outbuildings grouping is in very poor condition structurally , the appended photos of the interior show partial wall collapse and extensive vegetation, The Clients wish here is to clean up the area and return the out buildings from their derelict condition.

In relation to the proposed flat roof extension to the dwelling house, I confirm that this will not be used as a balcony or terrace area.

Finally in relation to item 3 I have revise drawing P03 to clear up confusion.

Yours sincerely
Fred Hollywood

Yours sincerely,

Fred Hollywood
Chartered Engineer MIEI

w: www.hce.ie

structural design services

civil engineering design

fire safety certificates
applications

planning applications

stage payment certificates

commercial building energy
rating assessments

director: fred hollywood
chartered engineer, ceng mieI



View Into derelict section- Marked P01 on drawing P04

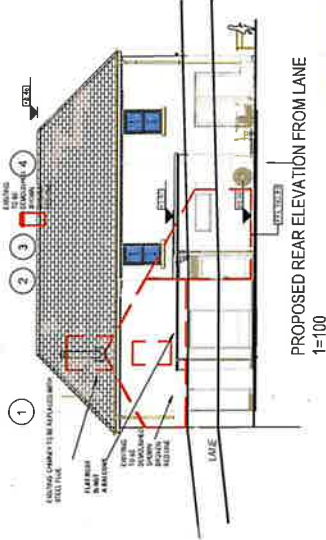
economy through design



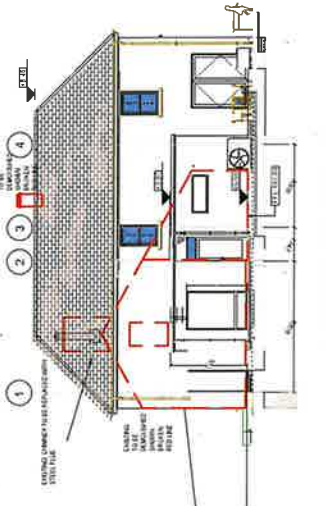
View from lane looking towards House

economy through design

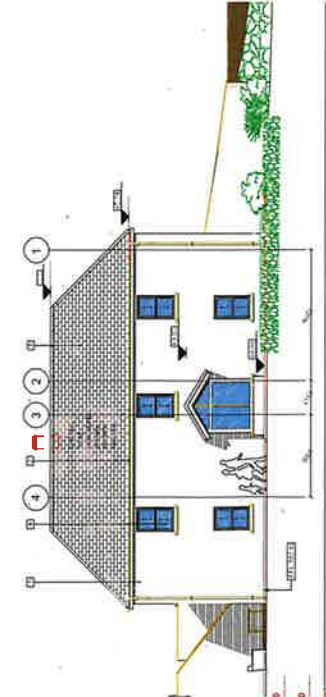
REVISIONS IN PLACE	DATE
1) CHIMNEY CORRECTION	11/17/24



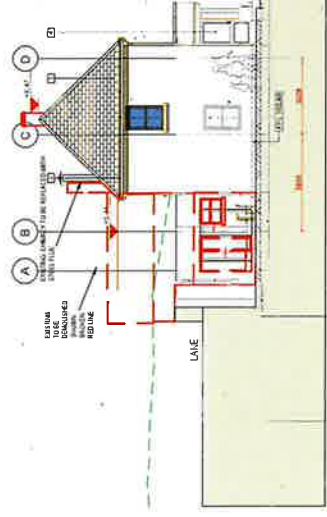
PROPOSED FRONT ELEVATION
1=100



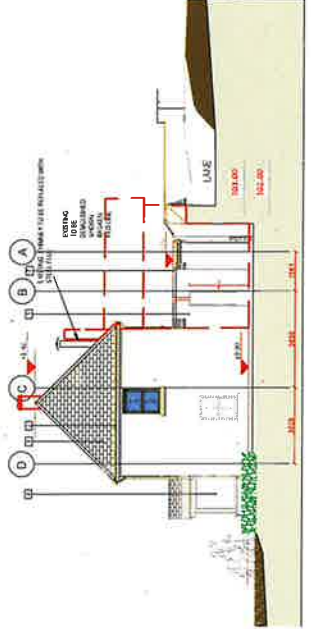
PROPOSED REAR ELEVATION
1=100



PROPOSED REAR ELEVATION FROM LANE
1=100



SOUTH EAST - PROPOSED SIDE ELEVATION
1=100



NORTH WEST - PROPOSED SIDE ELEVATION
1=100

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PLAN	PLANNING EXEMPTION
TITLE	RENOVATION AND EXTENSION TO EXISTING DWELLING COGSANE BRISNELL
DATE	JOHN HOGAN
SCALE	ELEVATIONS
PROJECT NO.	24-02
DATE	01



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

Comhairle Contae
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Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 25th November, 2024

Our Ref: S5/24/123

Civic Offices, Nenagh

John Hogan
C/O Fred Hollywood
Newtown
Nenagh
Co. Tipperary
E45 XK84


Re: Application for a Section 5 Declaration re Demolition of existing rear extension; Construction of new single storey extension (20sqm); Construction of front entrance porch (2sqm); Removal of existing chimney's; Steel flue at rear; Lowering of unstable outbuilding; Reroofing at Birdhill, Co. Tipperary

Dear Mr Hogan

I acknowledge receipt of Further Information received on 22nd November, 2024 in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref.: S5/24/123

Applicant: John Hogan

Development Address: Birdhill, Co. Tipperary.

Proposed Development: Demolition of existing rear extension; Construction of new single storey extension (20sqm); Construction of front entrance porch (2sqm); Removal of existing chimney's; Steel flue at rear; Lowering of unstable outbuilding; Reroofing

1. GENERAL

On the 21/10/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Birdhill, Co. Tipperary.

- *Demolition of existing rear extension;*
- *Construction of new single storey extension (20sqm);*
- *Construction of front entrance porch (2sqm);*
- *Removal of existing chimney's;*
- *Steel flue at rear;*
- *Lowering of unstable outbuilding;*
- *Reroofing*

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:

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

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:

"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 4(1) of the Planning and Development Act, 2000, as amended states:

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.

4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:

(2)(a) *The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—*

(i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*

(ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:

4 (4) *Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

Planning and Development Regulations 2001, as amended

Article 6 of the Planning and Development Regulations 2001, as amended states:

Exempted Development.

6. (1) *Subject to article 9, development of a class specified in column 1 of Part 1 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 1 opposite the mention of that class in the said column 1.*

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

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

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.*

similar structure attached to the rear or to the side of the house.

(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.

Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

The construction or erection of a porch outside any external door of a house.

Conditions and Limitations

1. Any such structure shall be situated not less than 2 metres from any road.
2. The floor area of any such structure shall not exceed 2 square metres.
3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

(a) The demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex.

(b) The demolition of part of a habitable house in connection

Conditions and Limitations

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and

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. (b) in all other cases, 100 square metres. 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

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—

(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.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

3. ASSESSMENT

a. Site Location

The site is located at Birdhill, Co. Tipperary. It contains a detached dwelling and outbuildings.

b. Relevant Planning History

No planning history noted

c. Assessment

CONSTRUCTION OF NEW SINGLE STOREY EXTENSION (20SQM)

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

Assessment against the conditions / limitations of Class 1:

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.

The proposed extension has a floorarea of 20sqm

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.

The proposed extension has a floor area of 20sqm. It is noted that the previous extension to the dwelling will be demolished to accommodate the proposed extension (see assessment under Class 50 below).

(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.

Not applicable as the proposal relates to a detached house.

(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.

Not applicable as the proposal relates to a ground floor extension only.

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

Not applicable as the proposal relates to a ground floor extension only.

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.

The rear wall of the house does not include a gable, and the height of the walls of the extension would 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.

Not applicable as the rear wall of the house does not include a gable.

(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.

The height of the highest part of the roof of any such extension would not exceed the height of the eaves or parapet.

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.

The extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

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.

(a) The proposed extension would not contain a window less than 1 metre from the boundary it faces.

(b) Not applicable as the proposal relates to a ground floor extension only.

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

It is considered necessary to seek further information in relation to this matter.

DEMOLITION OF EXISTING REAR EXTENSION

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

Assessment against the conditions / limitations of Class 50(b):

Class 50 (b) of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

(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.

The proposed demolition of the existing extension to the rear of the dwelling is to facilitate the provision of the proposed extension in accordance with Class 1 of the Planning and Development Regulations 2001, as amended and is considered to be in compliance with Class 50b, and is therefore exempted development.

▪ **CONSTRUCTION OF FRONT ENTRANCE PORCH (2SQM)**

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

Assessment against the conditions / limitations of Class 7:

The construction or erection of a porch outside any external door of a house.

The porch would be outside the external door of the house

1. Any such structure shall be situated not less than 2 metres from any road.

The porch would not be situated less than 2 metres from any road.

2. The floor area of any such structure shall not exceed 2 square metres.

The floor area of the porch would not exceed 2 square metres

3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The height of the porch would be 3.07m (pitched roof) and would not therefore exceed 4m.

The front entrance porch complies with the provisions of **Class 7** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and is therefore exempted development.

▪ **REMOVAL OF EXISTING CHIMNEY'S**

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

It is considered that these ‘works’ are for improvement of the structure and 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 works are therefore considered exempt under Section 4 (1) (h) of the Planning and Development Act, 2000, as amended.

▪ **STEEL FLUE AT REAR**

A) “Is or is not Development”

It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The provision of a steel flue at the rear complies with the provisions of **Class 2** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and is therefore exempted development.

I note the northwest proposed side elevation drawing shows a steel flue in the front roof of the dwelling. This is not shown on the elevation drawing and appears to be a drafting error. It should be clarified whether a flue is proposed at the front roof.

▪ **LOWERING OF UNSTABLE OUTBUILDING AND REROOFING**

A) “Is or is not Development”

I consider the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The plans and particulars are unclear in relation to this aspect of the proposal. The development proposal refers to the ‘lowering of unstable outbuilding and reroofing’. However, the plans appear to show additional works in relation to openings, removal of a stairwell. It is considered necessary to seek further information in relation to this matter.

▪ **LOWERING OF BOUNDARY WALLS**

A) “Is or is not Development”

I consider the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The works to the boundary walls to the adjoining lane come within the planning exemption under **Class 5** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and are therefore exempted development.

4. RESTRICTIONS UNDER ARTICLE 9

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended would apply.

5. REQUIREMENT FOR APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

A question has arisen as to whether the following proposed development at Birdhill, Co. Tipperary is or is not exempted development:

- *Demolition of existing rear extension;*
- *Construction of new single storey extension (20sqm);*
- *Construction of front entrance porch (2sqm);*
- *Removal of existing chimney's;*
- *Steel flue at rear;*
- *Lowering of unstable outbuilding;*
- *Reroofing*

Section 5(2)(b) of the Planning and Development Act 2000, as amended states that:

'A planning authority may require any person who made a request under subsection (1) to submit further information with regard to the request in order to enable the authority to issue the declaration on the question and, where further information is received under this paragraph, the planning authority shall issue the declaration within 3 weeks of the date of the receipt of the further information'.

Therefore, it is recommended that the following further information is sought from the applicant:

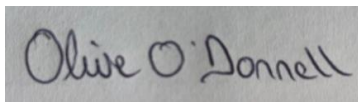
1. The plans and particulars are unclear in relation to the proposed 'lowering of unstable outbuilding and re-roofing'. A complete set of plans have not been provided for consideration. The groundfloor plans appear to show additional works in relation to openings and the removal of a stairwell.

The applicant is required to submit:

- a) Existing floorplans and elevations of the outbuilding(s);

- b) Proposed floorplans and elevations of the outbuilding(s);
 - c) Details of the proposed external finishes of the outbuilding(s).
2. The applicant is required to clarify whether or not the roof of the proposed extension is to be used as a balcony or roof garden.
 3. The northwest proposed side elevation drawing of the dwelling shows a steel flue in the front roof of the dwelling. This is not shown on the front elevation drawing for the dwelling. Please clarify whether a flue is proposed in the front roof of the dwelling.

District Planner:

A rectangular box containing a handwritten signature in blue ink that reads "Olive O'Donnell".

Date: 12/11/2024

A/Senior Executive Planner:

A handwritten signature in blue ink that reads "Jonathan Flood".

Date: 13/11/2024

5. FURTHER INFORMATION

Three points of further information was requested from the applicant in a letter dated 13/11/2025. The FI request is outlined below in italics with assessment under same in bold.

- 1) *The plans and particulars are unclear in relation to the proposed 'lowering of unstable outbuilding and re-roofing'. A complete set of plans have not been provided for consideration. The groundfloor plans appear to show additional works in relation to openings and the removal of a stairwell.*

The applicant is required to submit:

- a) *Existing floorplans and elevations of the outbuilding(s);*
- b) *Proposed floorplans and elevations of the outbuilding(s);*
- c) *Details of the proposed external finishes of the outbuilding(s).*

Revised drawings have been submitted for consideration.

It is considered that the proposed 'lowering of unstable outbuilding and re-roofing' would constitute development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works 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; thus coming within the scope of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

- 2) *The applicant is required to clarify whether or not the roof of the proposed extension is to be used as a balcony or roof garden.*

The applicant has confirmed that the roof of the proposed extension is not to be used as a balcony or terrace.

- 3) *The northwest proposed side elevation drawing of the dwelling shows a steel flue in the front roof of the dwelling. This is not shown on the front elevation drawing for the dwelling. Please clarify whether a flue is proposed in the front roof of the dwelling.*

Revised drawings have been received which show that a steel flue is only proposed at the rear of the dwelling and not at the front of the dwelling.

As per the Planners report, dated 12/11/2024, the provision of a steel flue at the rear complies with the provisions of Class 2 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and is therefore exempted development.

6. RECOMMENDATION

WHEREAS a question has arisen as to whether the following proposal to be undertaken at Birdhill, Co. Tipperary is development and is or is not exempted development:

- *Demolition of existing rear extension;*
- *Construction of new single storey extension (20sqm);*
- *Construction of front entrance porch (2sqm);*
- *Removal of existing chimney's;*

- *Steel flue at rear;*
- *Lowering of unstable outbuilding;*
- *Reroofing*

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Class 1, Class 2, Class 7 and Class 50, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- (d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 22/11/2024, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

District Planner:

Olive O'Donnell

Date: 10/12/2024

A/Senior Executive Planner:

Jonathan Flood

Date: 10/12/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

STEP 1. Description of the project/proposal and local site characteristics:

(a) File Reference No:	S5.24.123
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	c.250m	No direct or indirect connections	No
Slievefelim to Silvermoiens Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	c.6.7km	No direct or indirect connections	No
Silvermines Mt West SAC	https://www.npws.ie/protected-sites/sac/002258	c.10.2km	No direct or indirect connections	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	c.11.9km	No direct or indirect connections	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
-----------------	--

<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	<p>During the construction phase, the site will be cleared and topsoil removed. Given the separation distance to the nearest water body It is not considered that the construction works will have impacts that could affect European Sites within the wider catchment area.</p>
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	<p>All surface water is to be contained on site.</p> <p>Given that the scale of the proposed development and the significant distance to the nearest Protected site, it is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area.</p>
<p>In-combination/Other</p>	<p>No likely significant in-combination effects are anticipated</p>
<p>(b) Describe any likely changes to the European site:</p>	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	<p>None.</p> <p>The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>The significant distance between the proposed development site and any European Sites, and the scale of the proposed development is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network</p>

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant** effects on European site(s) in view of its conservation objectives.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

Conclusion:

	Tick as Appropriate:	Recommendation:		
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.		
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission		
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission		
Signature and Date of Recommending Officer:	Olive O'Donnell	<table border="1"> <tr> <td>Date:</td> <td>10/12/2024</td> </tr> </table>	Date:	10/12/2024
Date:	10/12/2024			

EIA Preliminary Examination:

The planning authority shall carry out a preliminary examination of, at the **least, the nature, size or location of the development.**

	Comment:	Yes/No/ Uncertain:
<p>Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>	As per planners report	No
<p>Size of the development: <i>Is the size of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Are there cumulative considerations having regard to other existing and/or permitted projects?</i></p>	As per planners report	No
<p>Location: <i>Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?</i></p> <p><i>Does the proposed development have the potential to affect other significant environmental sensitivities in the area?</i></p>	As per planners report	No

Preliminary Examination Conclusion:

Based on a preliminary examination of the **nature, size or location** of the development. (Tick as appropriate)

x	<input type="checkbox"/>	<input type="checkbox"/>
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>	<p>There is real likelihood of significant effects on the environment.</p> <p>An EIAR is required.</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Request the applicant to submit the Information specified in Schedule 7A for the purposes of a screening determination.</p> <p>Proceed to Screening Determination.</p>

**Signature and Date of
Recommending Officer:**

Olive O'Donnell

Date:

10/12/2024



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
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Tipperary County Council,
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Date: 11th December, 2024

Our Ref: S5/24/123

Civic Offices, Nenagh

John Hogan
C/O Fred Hollywood
Newtown
Nenagh
Co. Tipperary
E45 XK84

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Mr Hogan,

I refer to your application for a Section 5 Declaration received on 21st October, 2024 and Further information received on 22nd November, 2024, in relation to the following proposed works:

Demolition of existing rear extension; Construction of new single storey extension (20sqm); Construction of front entrance porch (2sqm); Removal of existing chimney's; Steel flue at rear; Lowering of unstable outbuilding; Reroofing at Birdhill, Co. Tipperary.

WHEREAS a question has arisen as to whether the proposed development is or is not exempted development:

AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Class 1, Class 2, Class 7 and Class 50, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- (d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 22/11/2024, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/123** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from John Hogan, c/o Fred Hollywood, Newtown, Nenagh, Co. Tipperary re: Demolition of existing rear extension; Construction of new single storey extension (20sqm); Construction of front entrance porch (2sqm); Removal of existing chimney's; Steel flue at rear; Lowering of unstable outbuilding; Reroofing) at Birdhill, Co. Tipperary is development and is exempted development.


AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Class 1, Class 2, Class 7 and Class 50, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended.
- (d) The plans and documentation submitted, including further information.

AND WHEREAS Tipperary County Council has concluded that –

The proposed development, as presented on the drawings and details provided with the Declaration application, as amended by Further Information received on 22/11/2024, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**exempted development**".

Signed:



Sharon Kennedy

Director of Services

**Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District**

Date: 11/12/2024