



Tipperary County Council
RECEIVED
22 OCT 2024
CASH OFFICE
Civic Offices, Clonmel

Receipt No 186 234
Issued 22-10-2024
€80-00 Card

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Joan Lonergan
<i>Address</i>	Neddans, Grange, Clonmel, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	Áine Nugent (Nest Studio)
<i>Address</i>	Cnoc na gCaiseal, Ardfinnan, Clonmel, Co. Tipperary. E91 VP40
<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>	Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary, E91 PH28
--	---

TIPPERARY CO. COUNCIL
22 OCT 2024
PLANNING
FILE NO.

4. Development Details:

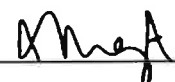
Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(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 32m ² of existing single storey extension to rear of two storey cottage.
Construction of new 40m ² single storey extension to rear.
Increase in ope size of an existing ground floor, West facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on West elevation.
Proposed floor area of proposed works/uses: 40 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
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	N/A	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: N/A Address:	

Signature of Applicant(s) 

Date: 21.10.2024

Áine Nugent (Agent)

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	<u>OR</u>	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	
<u>DATE STAMP</u>	
Fee Recd. € _____	
Receipt No	_____
Date	_____
Received by	_____

21st October, 2024

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

To whom it concerns,

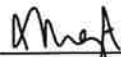
**Re: Application for a Section 5 Declaration on behalf of Joan Lonergan at Kilballygorman,
Ardfinnan, Clonmel, Co. Tipperary, E91 PH28.**

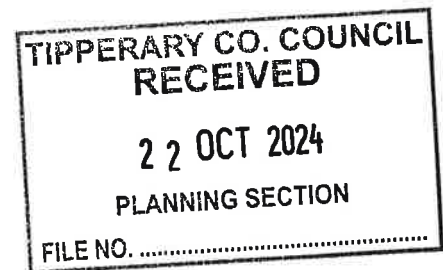
Please find attached:

- Application for a Section 5 Declaration Form
- Proof of payment of application fee – €80.00
- 2 no. copies of P01 - OSI Map at scale 1:2500
- 2 no. copies of P02 - Site Layout Plan at scale 1:500
- 2 no. copies of P03 – As Existing and Demolition Layout Plan and Elevations at scale 1:100
- 2 no. copies of P04 – As Proposed Layout Plan and Elevations at scale 1:100

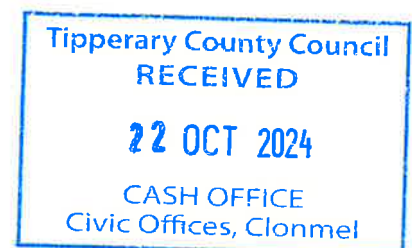
I trust this submission is sufficient for the application to be registered, but should you require anything further please do not hesitate to contact me.

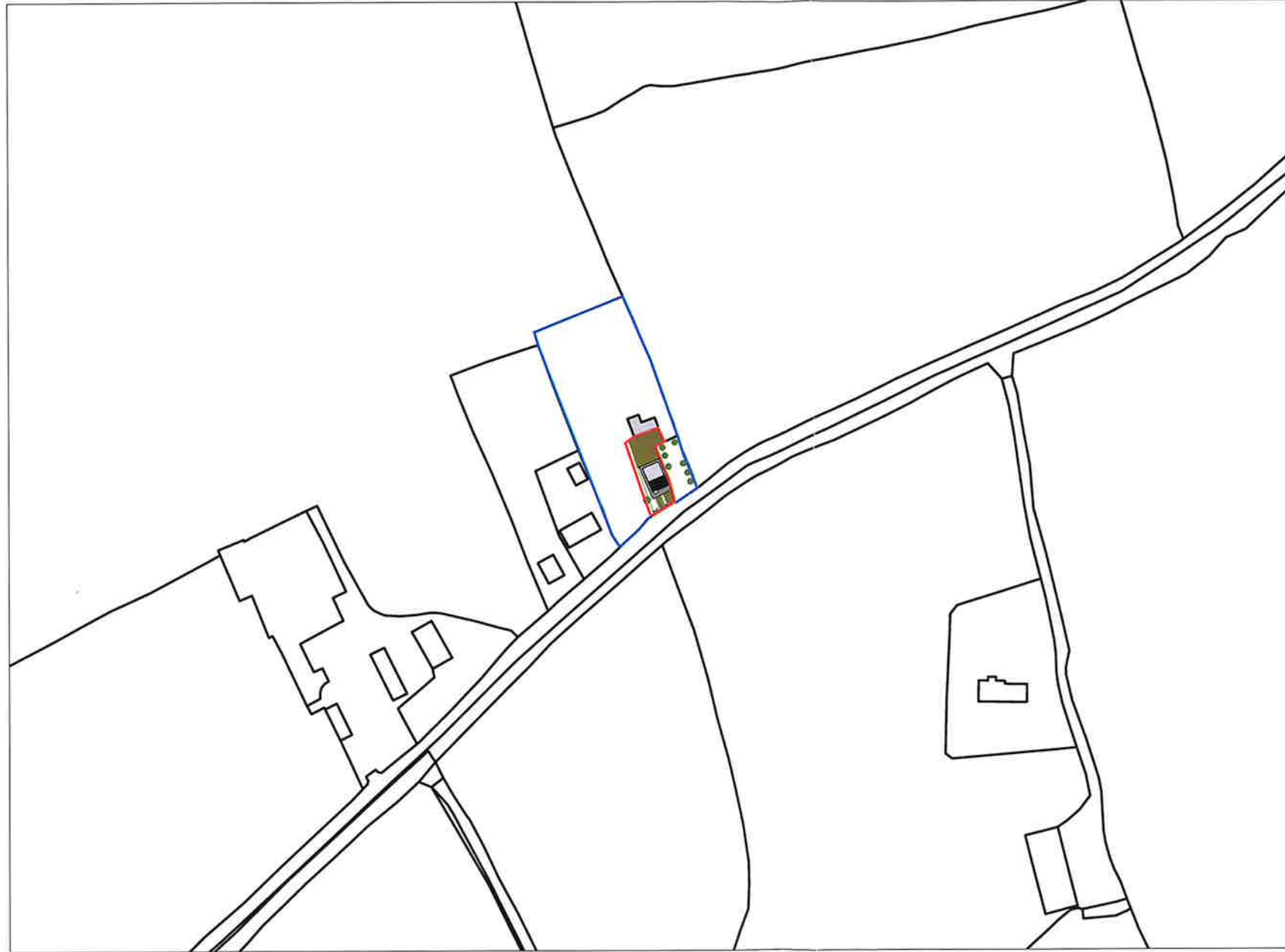
Yours sincerely,


Áine Nugent (Agent)



T 087 1338304
E ainebnugent@gmail.com
Cnoc na gCaiseal, Ardfinnan, Clonmel, Co. Tipperary





Description:
Digital Landscape Model (DLM)

Publisher / Source:
Ordnance Survey Ireland (OSi)

Data Source / Reference:
PRIME2

File Format:
Autodesk AutoCAD (DWG_R2013)

File Name:
v_50429352_1.dwg

Clip Extent / Area of Interest (AOI):
LLX,LLY= 606200.621,616718.8655
LRX,LRY= 606783.621,616718.8655
ULX,ULY= 606200.621,617148.8655
URX,URY= 606783.621,617148.8655

Projection / Spatial Reference:
Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
X,Y= 606492.121,616933.8655
Reference Index:

Map Series | Map Sheets
1:2,500 | 5552-B

Data Extraction Date:
21-Oct-2024

Source Data Release:
DCMLS Release V1.180.119

Product Version:
Version= 1.4

— EXTENT OF DEVELOPMENT SITE
— EXTENT OF LANDOWNERS PROPERTY

© Ordnance Survey Ireland, 2024
Compiled and published by Ordnance Survey Ireland, Phoenix Park, Dublin 8, Ireland.
Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland copyright.
All rights reserved. No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owners.
The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.
Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

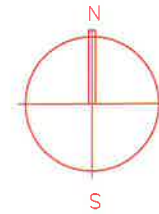
REV	DATE	BY	NOTES

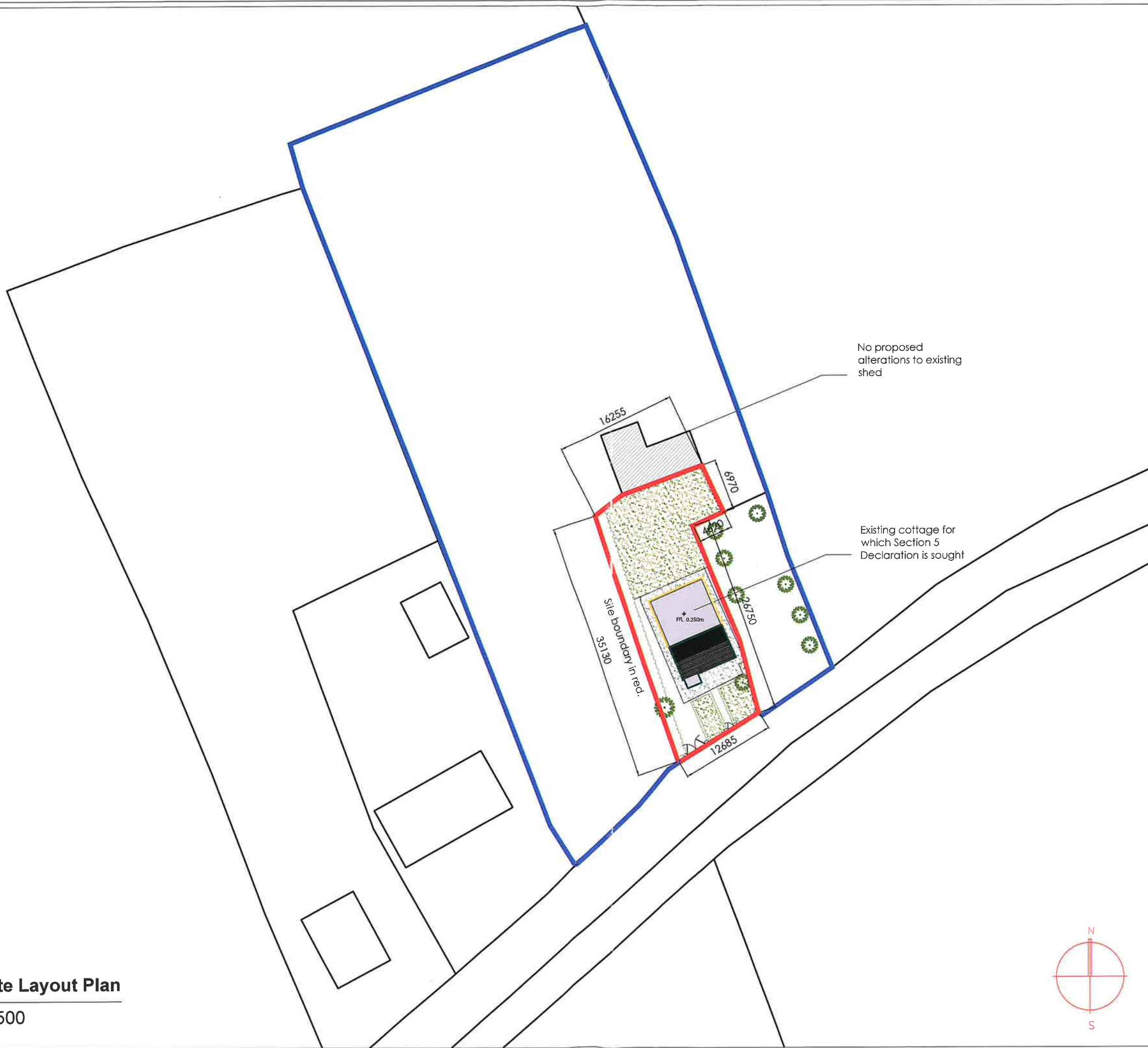


SECTION 5 DECLARATION

JOB: Kiballygorman, Ardlinnan, Clonmel, Co. Tipperary
CLIENT: Joan Lonergan
DRAWING: OSi Site Location Map
DATE: 21.10.2024 SCALE: 1:2500 @ A3 DRN BY: A. Nugent CHECKER:
JOB NUMBER: 2413 DWG NUMBER: P01 REVISION: A

01 Rural Place Map
1:2500





— EXTENT OF DEVELOPMENT SITE
 — EXTENT OF LANDOWNERS PROPERTY

Description:
 Digital Landscape Model (DLM)

Publisher / Source:
 Ordnance Survey Ireland (OSi)

Data Source / Reference:
 PRIME2

File Format:
 Autodesk AutoCAD (DWG_R2013)

File Name:
 v_50429352_1.dwg

Clip Extent / Area of Interest (AOI):
 LLX,LLY= 606200.621,616718.8655
 LRX,LRX= 606783.621,616718.8655
 ULX,ULY= 606200.621,617148.8655
 URX,URY= 606783.621,617148.8655

Projection / Spatial Reference:
 Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y= 606492.121,616933.8655
 Reference Index:

Map Series | Map Sheets
 1:2,500 | 5552-B

Data Extraction Date:
 21-Oct-2024

Source Data Release:
 DCMLS Release V1.180.119

Product Version:
 Version= 1.4

© Ordnance Survey Ireland, 2024

Compiled and published by Ordnance Survey Ireland, Phoenix Park, Dublin 8, Ireland.

Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland copyright.

All rights reserved. No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owners.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

REV	DATE	BY	NOTES



SECTION 5 DECLARATION

JOB:
 Kibballygorman, Ardfinnan,
 Clonmel, Co. Tipperary

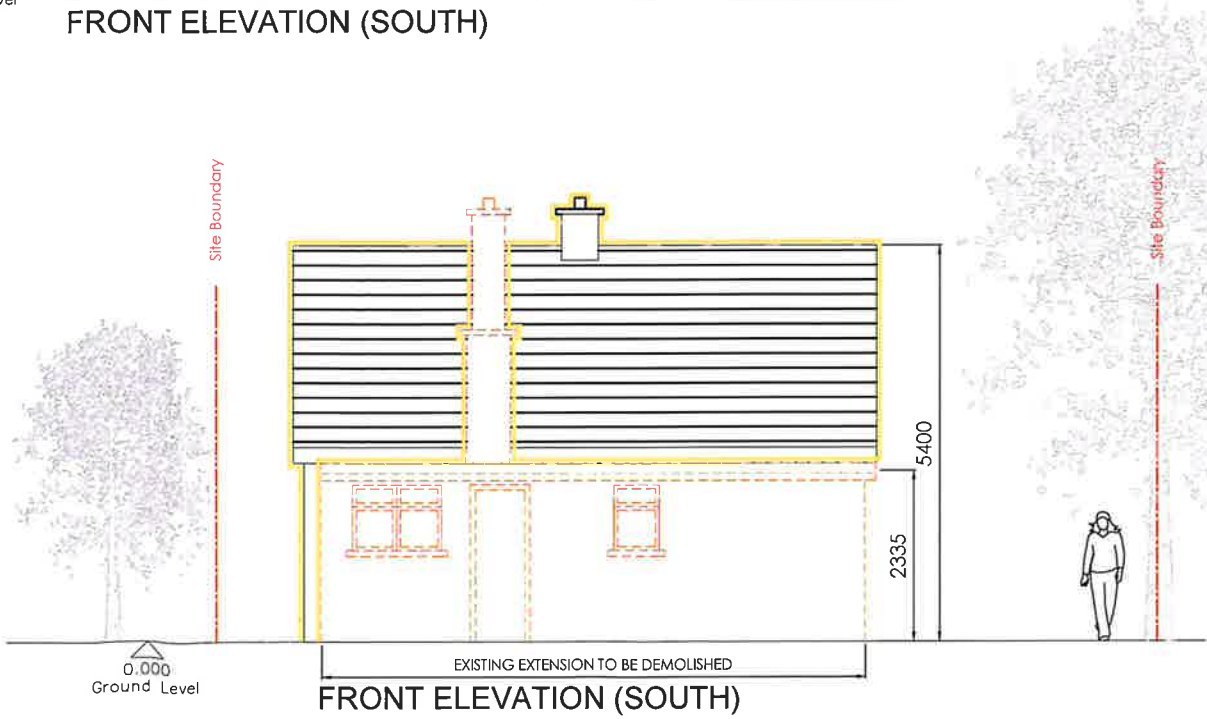
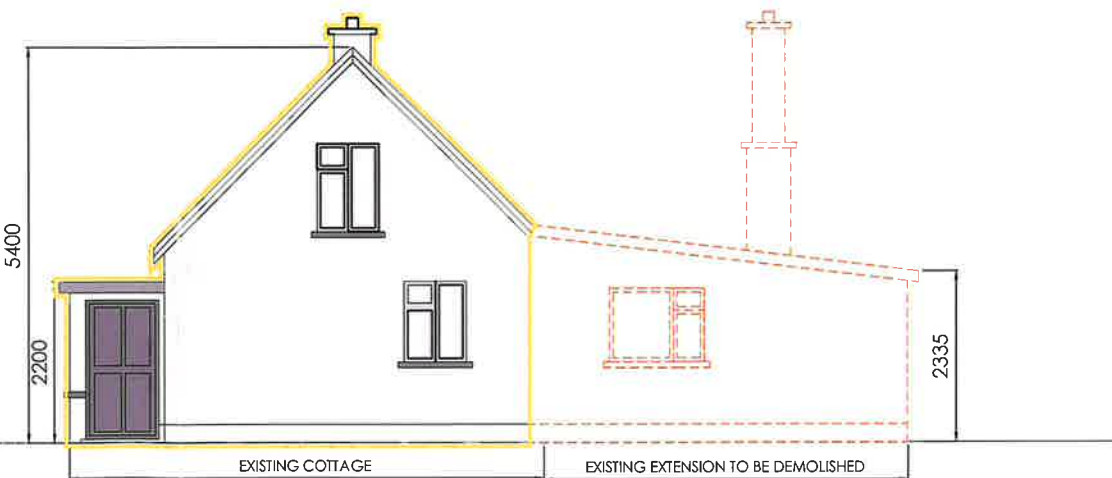
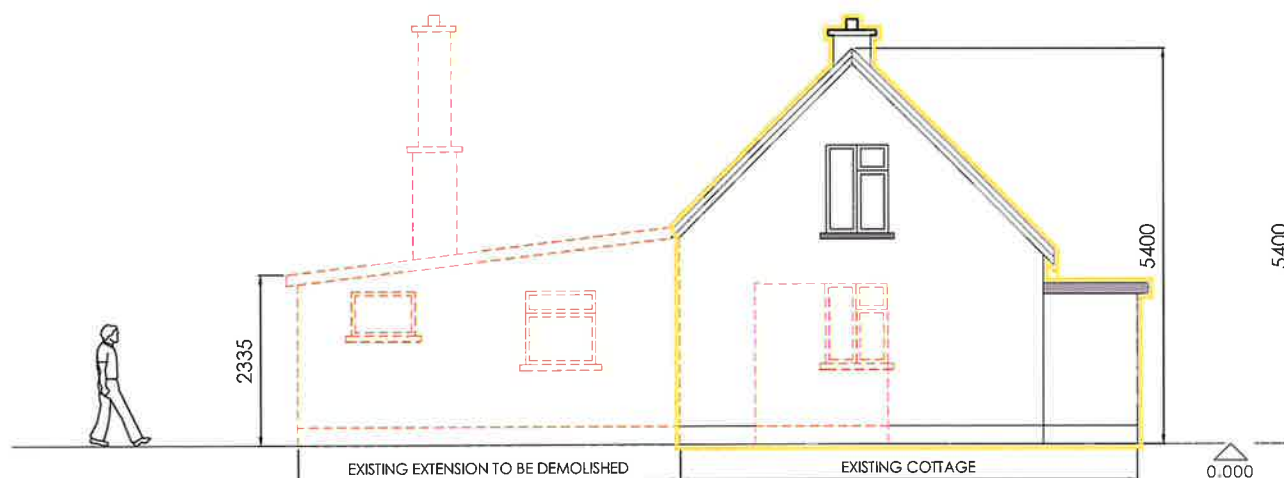
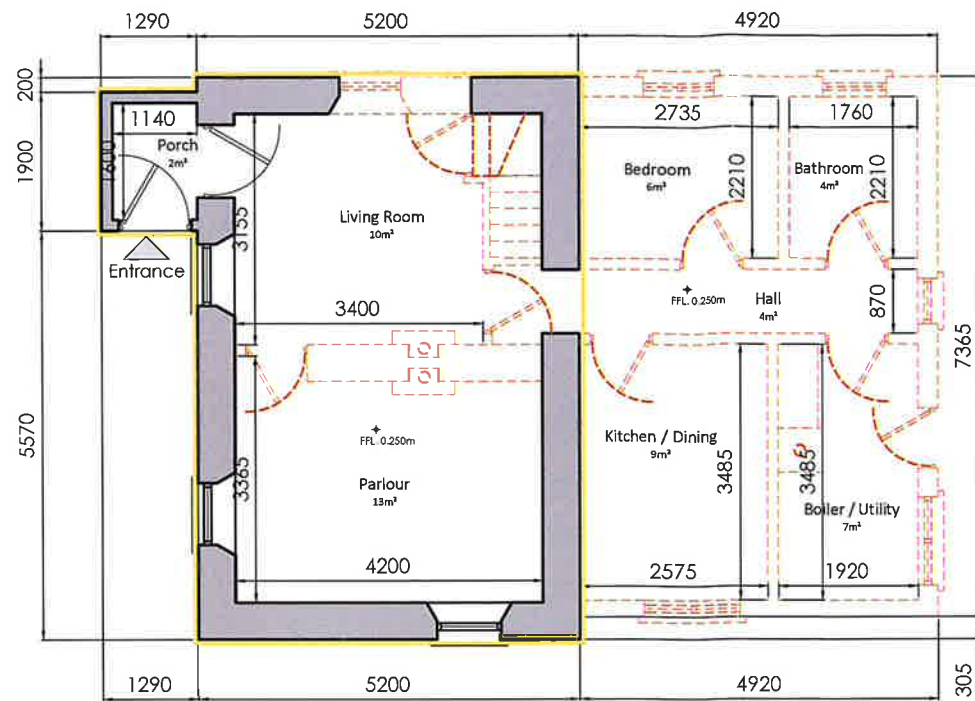
CLIENT:
 Joan Loneragan

DRAWING:
 Site Layout Plan

DATE: 21 10 2024 | SCALE: 1:500 @ A3 | DRAWN BY: A. Nugent | CHECKER:

JOB NUMBER: 2413 | DWG NUMBER: P02 | REVISION: A

01 Site Layout Plan
 1:500



REV	DATE	DRN	CHK	NOTES



SECTION 5 DECLARATION

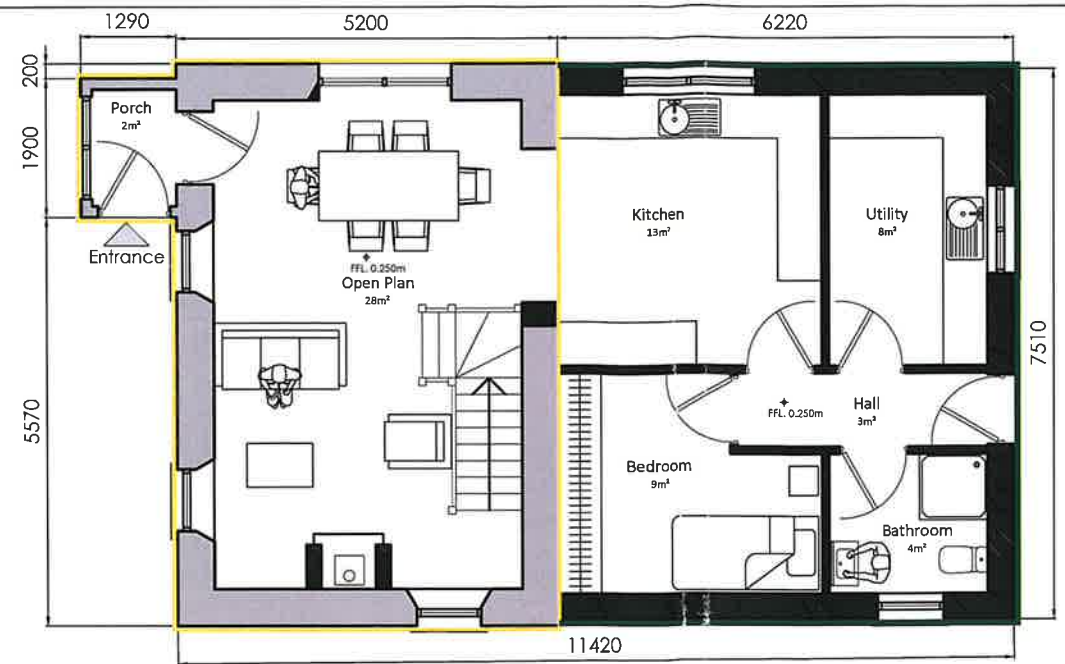
JOB:
Kilballygorman, Ardinnan,
Clonmel, Co. Tipperary

CLIENT:
Joan Lonergan

DRAWING:
As Existing and Demolition
Floor Plan and Elevations

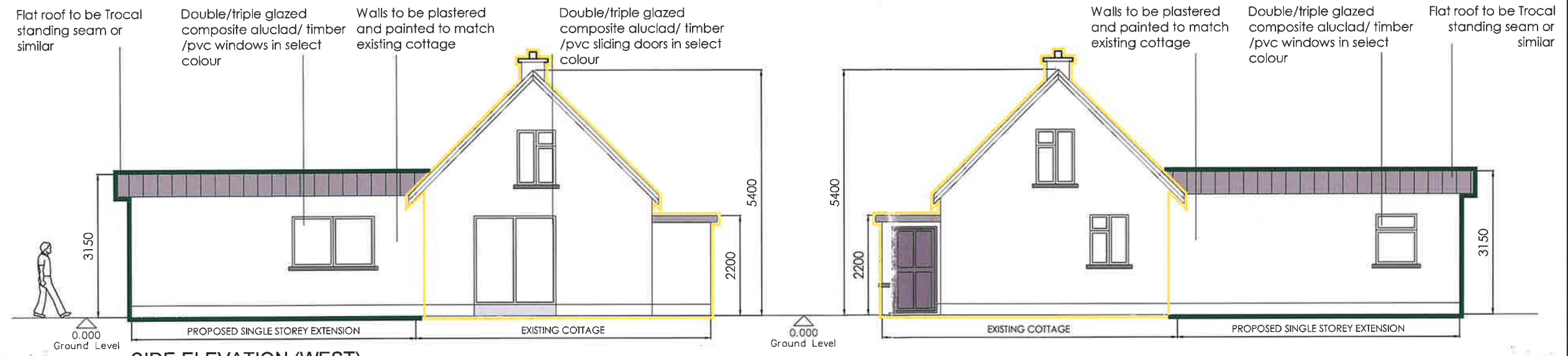
DATE: 21/10/2024 SCALE: 1:100 @ A3 DRN BY: A. Nugent CHECKER:

JOB NUMBER: 2413 DWG NUMBER: P03 REVISION: A



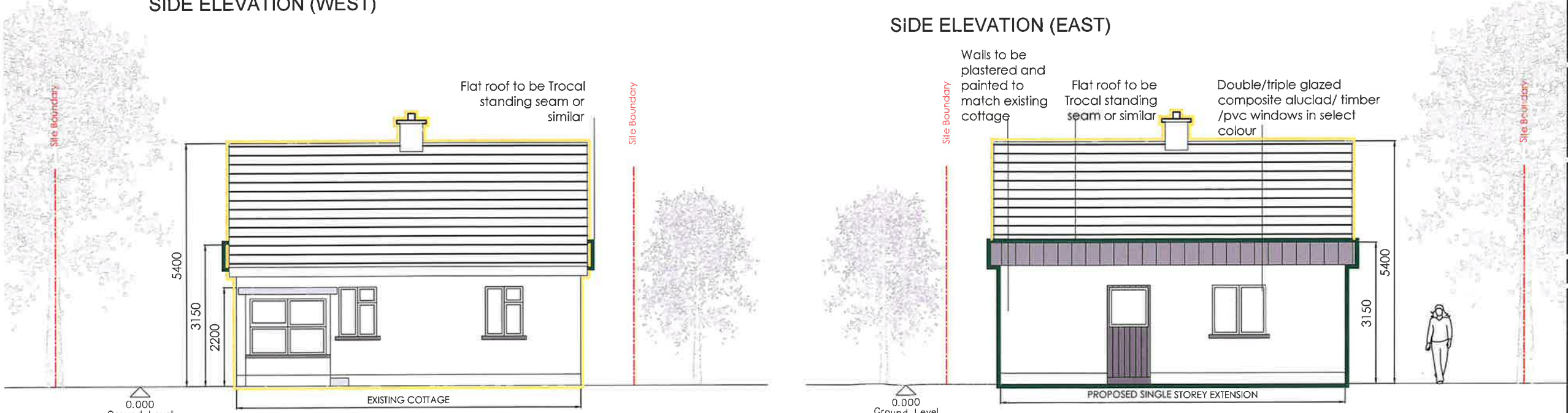
AS PROPOSED FLOOR PLAN

- EXTENT OF DEVELOPMENT SITE
- EXTENT OF EXISTING COTTAGE (30m²)
- EXTENT OF WORKS FOR WHICH EXEMPTION IS SOUGHT (40m²)
- EXISTING WALLS
- PROPOSED WALLS



SIDE ELEVATION (WEST)

SIDE ELEVATION (EAST)



FRONT ELEVATION (SOUTH)

FRONT ELEVATION (SOUTH)

REV	DATE	BY	CHKD	NOTES



SECTION 5 DECLARATION

JOB
Kilballygorman, Ardinnan,
Clonmel, Co. Tipperary

CLIENT:
Joan Lonergan

DRAWING:
As Proposed
Floor Plan and Elevations

DATE: 21/10/2024 SCALE: 1:100 @ A3 DWN BY: A. Nugent CHECKER:

JOB NUMBER: 2413 DWG NUMBER: P04 REVISION: A



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: S5/24/124

Civic Offices, Clonmel

**Joan Lonergan,
C/o Aine Nugent,
Cnoc na gCaiseal,
Ardfinnan,
Clonmel,
Co. Tipperary.**

Re: Application for a Section 5 Declaration – Demolition of 32m² of existing single storey extension to rear of two storey cottage. A construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation.

Dear Ms. Nugent,

I acknowledge receipt of your application for a Section 5 Declaration received on 22nd 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.: S5/24/124

Applicant: Joan Lonergan

Development Address: Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary

Proposed Development: Demolition of 32m² of existing single storey extension to rear of two storey cottage. A construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation..

1. GENERAL

On the 22nd of October 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Demolition of 32 sq m of existing single storey extension to rear of two storey cottage and the construction of a new 40 sq m single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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)(h) of the Act considers 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; to be exempted development.

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.

Schedule 2, Part 1 'Exempted Development - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

The extension of a house, by the construction or erection of an extension (including a conservatory) **to the rear of the house** or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
 - (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
 - (c) **The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.**
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

Class 50 (b) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;:

- (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.

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
 - (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 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

3. ASSESSMENT

a. Site Location

The site comprises a detached dwelling at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary. The site adjoins the R665 to the south, which is a designated Strategic Road.

Figure 1 Subject Site



b. Relevant Planning History

On site

None recorded

Adjacent

None relevant

Figure 2 Planning history



c. Assessment

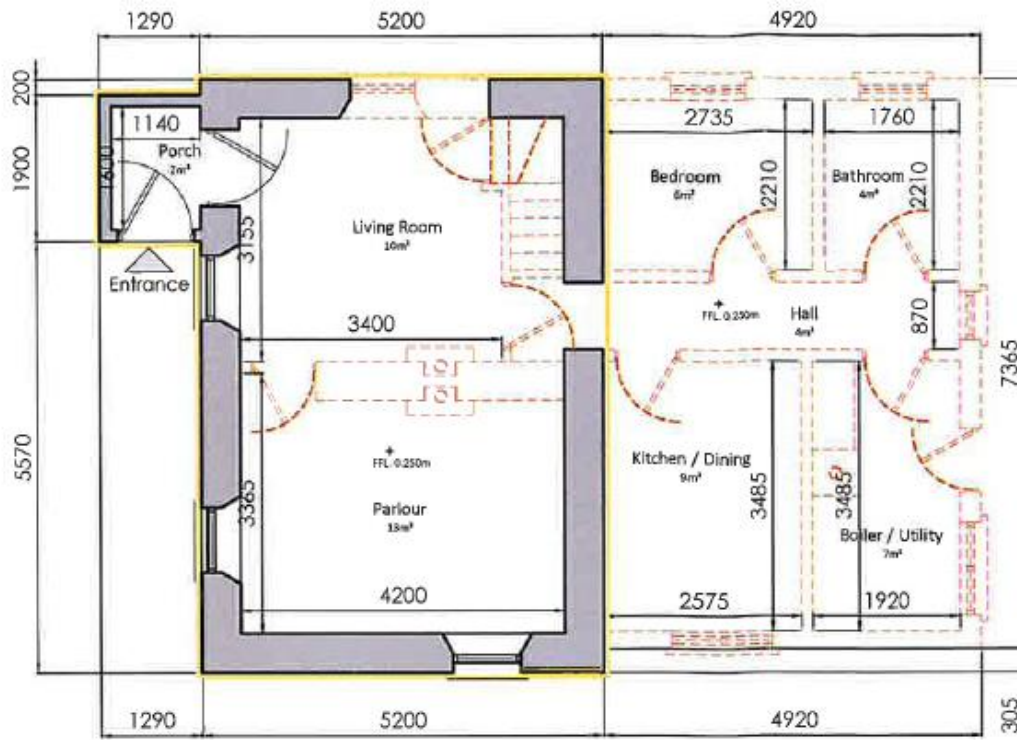
A) "Is or is not Development"

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 works proposed comprise of the demolition of 32m² of existing single storey extension to rear of two storey cottage and the construction of a 40m² single storey extension to the rear. It is also proposed to increase the open size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation.

Figure 3 Existing floor plans and elevations



EXISTING FLOOR PLAN AND DEMOLITION

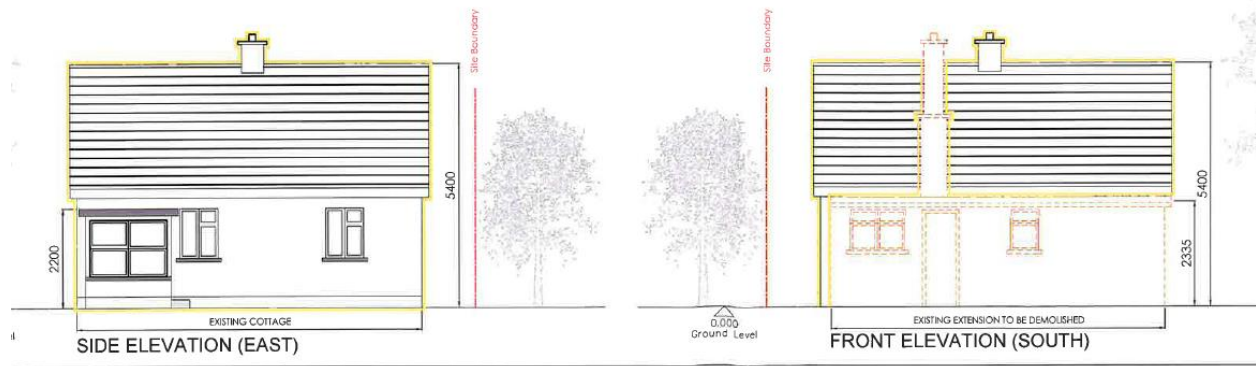
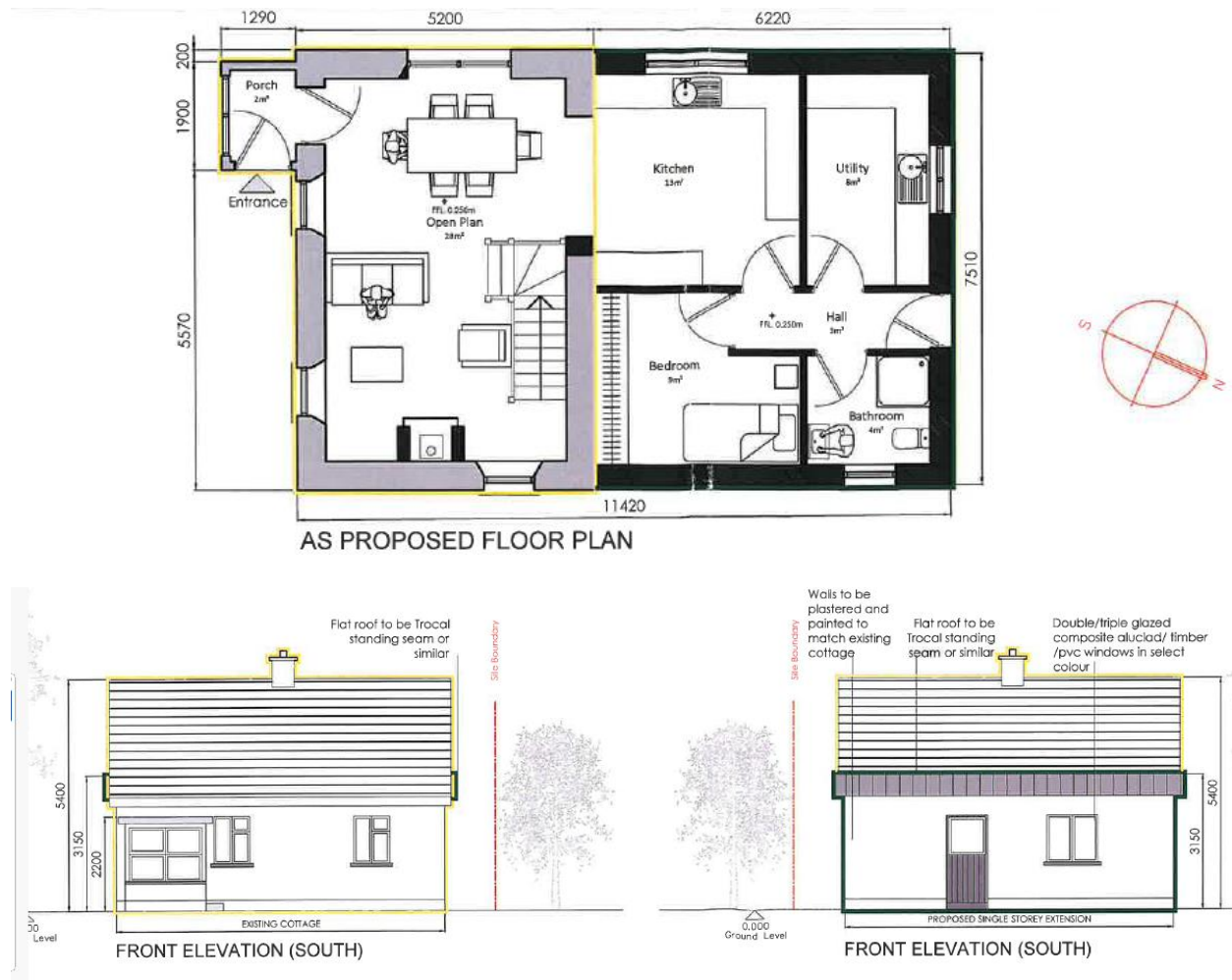


Figure 4 Proposed floor plans and elevations



As noted above, there are three elements to this proposal, the demolition of the existing extension, the construction of the new extension and the change to the window size on the western elevation of the existing dwelling.

With respect to the demolition element, the area to be demolished is 36.24 sqms. The extension is to the rear of the property. Provided that the demolition is undertaken in connection with the provision of an extension or porch in accordance with Class 1 or 7, same can avail of an exemption. Having regard to the conditions and limitations set out under Class 50, none apply in this instance.

With respect to the construction element, the form, scale and height of the works proposed are noted. The extension does not exceed 40 square metres however the roof of the structure protrudes slightly proud of the side walls of the house. The height of the wall of the extension does not exceed the height of the rear wall of the house however the **height of the highest part of the flat roof exceeds the eaves**. As further information is required in order to make an informed assessment the applicant will be afforded an opportunity to address these issues.

It is not clear if the extension proposed will 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.

Likewise, it is not clear if the windows on the eastern and western elevation of the extension proposed is not less than 1 metre from the boundaries they face.

More significantly however, the limitation associated with Class 2b is noted. As per this limitation, 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 applicant is proposing to demolish a 32 sqm extension. It is not clear when this extension was provided. Should this extension have been provided after the 1st of October 1964, the cumulative area of the extension proposed, taken with the existing extension (notwithstanding the fact that it is to be demolished), would exceed 40 sqms.

With respect to the modification to the window opening size on the western elevation, it is considered that this change does not materially alter the character of the existing structure.

C) Restrictions under Article 9

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

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The subject site is located c. 1.5 kms from the Lower River Suir SAC (002137), 11 kms from the Galtee Mountains SAC (000646), 12 kms from the River Blackwater SAC (002170) and 15 kms from the Nier Valley woodlands SAC (000668).

The proposed development is located within the curtilage of a residential dwelling and comprises of the demolition of an existing extension and the construction of a domestic extension to the rear of the property

Having regard to:

- the small scale nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC's referenced above and
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

4. RECOMMENDATION

A question has arisen as to whether the demolition of 32 sq m of existing single storey extension to rear of two storey cottage, the construction of a new 40 sq m single storey extension to the rear and the increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west is or is not exempted development. The subject site is located in Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary

In considering this declaration, the Planning Authority had regard to:

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

Having considered the information received, the Planning Authority is not in a position to determine if the works proposed constitute exempted development.

The querist is to be requested to provide the following Further Information;

1. The applicant is advised that the limitation set out under Condition 2(b) of Class 1 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended, states that where the house has been extended previously, the floor area of any proposed 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.

There is no record of planning permission for the extension that is to be demolished. Should this extension have been constructed after the 1st of October 1964, the cumulative floor area of the existing and proposed extension would exceed 40 sqms.

The applicant is requested to clarify the planning status of the extension to be demolished. For the Planning Authority to consider the extension proposed, it will need to be satisfied that the existing extension to be demolished was constructed prior to the 1st of October 1964.

2. Based on the drawings submitted, it was not possible to determine if the works proposed would 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 applicant is requested to submit a revised Site Layout Plan addressing this issue.
3. Based on the drawings submitted, it was not possible to determine if the windows proposed at ground level on the east and west elevations of the extension proposed are less than 1 metre from the boundary they face. The applicant is requested to submit a revised Site Layout Plan addressing this issue.
4. The applicant is advised that as submitted the roof of the structure protrudes slightly proud of the side walls of the house **and** the height of the highest part of the flat roof exceeds the eaves. The applicant is invited to revise the proposal so that the proposed extension is wholly to the rear of the existing dwelling and that Condition and Limitation 4(a) of Class 1, Part 1, Schedule 2 is satisfied i.e.

“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”.

Signed: Paul Killean
District Planner

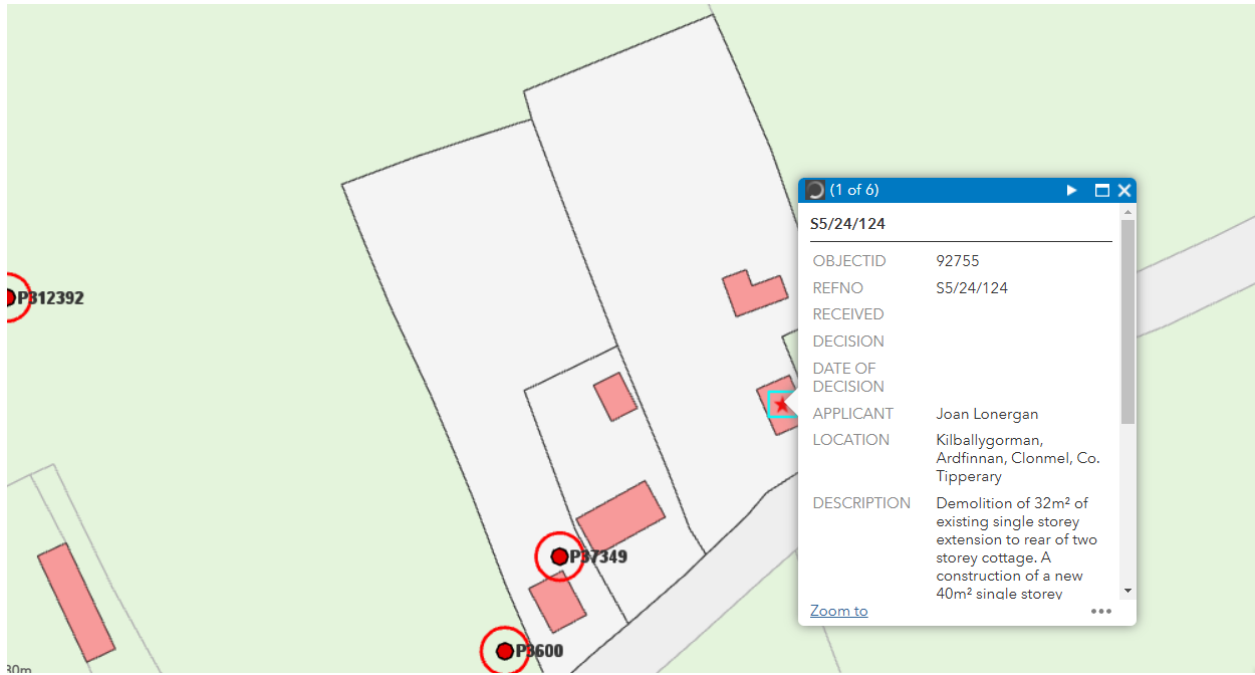
Date: 13/11/24

Signed: C. Conway
Senior Executive Planner

Date: 13.11.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/124
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 5 Site entered on Planning register





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: 13th November, 2024 Our Ref: S5/24/124 Civic Offices, Nenagh

**Joan Lonergan
C/O Aine Nugent
Cnoc na gCaiseal
Ardfinnan
Clonmel
Co. Tipperary**

Re: Application for a Section 5 Declaration – The Demolition of 32m² of existing single storey extension to rear of two storey cottage. A construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary

Dear Ms Lonergan,

I refer to an application received from you on 22nd 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

1. The applicant is advised that the limitation set out under Condition 2(b) of Class 1 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended, states that where the house has been extended previously, the floor area of any proposed 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.

There is no record of planning permission for the extension that is to be demolished. Should this extension have been constructed after the 1st of October 1964, the cumulative floor area of the existing and proposed extension would exceed 40 sqms.


The applicant is requested to clarify the planning status of the extension to be demolished. For the Planning Authority to consider the extension proposed, it will need to be satisfied that the existing extension to be demolished was constructed prior to the 1st of October 1964.

2. Based on the drawings submitted, it was not possible to determine if the works proposed would 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 applicant is requested to submit a revised Site Layout Plan addressing this issue.
3. Based on the drawings submitted, it was not possible to determine if the windows proposed at ground level on the east and west elevations of the extension proposed are less than 1 metre from the boundary they face. The applicant is requested to submit a revised Site Layout Plan addressing this issue.
4. The applicant is advised that as submitted the roof of the structure protrudes slightly proud of the side walls of the house **and** the height of the highest part of the flat roof exceeds the eaves. The applicant is invited to revise the proposal so that the proposed extension is wholly to the rear of the existing dwelling and that Condition and Limitation 4(a) of Class 1, Part 1, Schedule 2 is satisfied i.e.

"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".

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

Yours sincerely



for **Director of Services**

14th November, 2024



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

To whom it concerns,

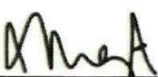
Re: Response to request for further information - Application for a Section 5 Declaration on behalf of Joan Lonergan at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary, E91 PH28
Ref: S5 /24 /124

Please find attached:

- Response to Item 1: Letter of clarification from applicant that existing extension was constructed prior to October 1st 1964 – Historical maps attached.
- Response to Item 2: Please see revised drawing ref - P02 – Site Layout Plan. Area of private space to the rear indicated as 194m².
- Response to Item 3: Please see revised drawing ref - P04 - As proposed Floor Plan and Elevations. Dimension between window / sliding door and site boundary now indicated on East and West Elevations. P05 – As Proposed Floor Plan, window / sliding door to boundary line dimensions indicated.
- Response to Item 4: Please see revised drawing ref - P04 - As proposed Floor Plan and Elevations. Proposal revised to ensure the flat roof sits entirely behind the side walls of the house and the height of the roof does not exceed the height of the eaves of the existing cottage.

I trust this submission is sufficient for the application to be considered, but should you require anything further please do not hesitate to contact me.

Yours sincerely,


Áine Nugent (Agent)



T 087 1338304
E ainebnugent@gmail.com
Cnoc na gCaiseal, Ardfinnan, Clonmel, Co. Tipperary

15th November, 2024

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

To whom it concerns,

Re: Application for a Section 5 Declaration – The demolition of 32m² of existing single storey extension to the rear of a two storey cottage. The construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary – Request for further information

Re: S5 /24 /124

Please see below my response to Item 1. in your letter dated 13th November 2024
To the best of my knowledge the extension to the rear of my cottage, at the above address, was constructed prior to 1964. The original cottage *and* rear extension first appear on historical maps in the 1907 Second Edition 8 Inch Map – Tipperary Sheet 87. Please see a copy of the historical map enclosed and an enlarged copy highlighting the site area.

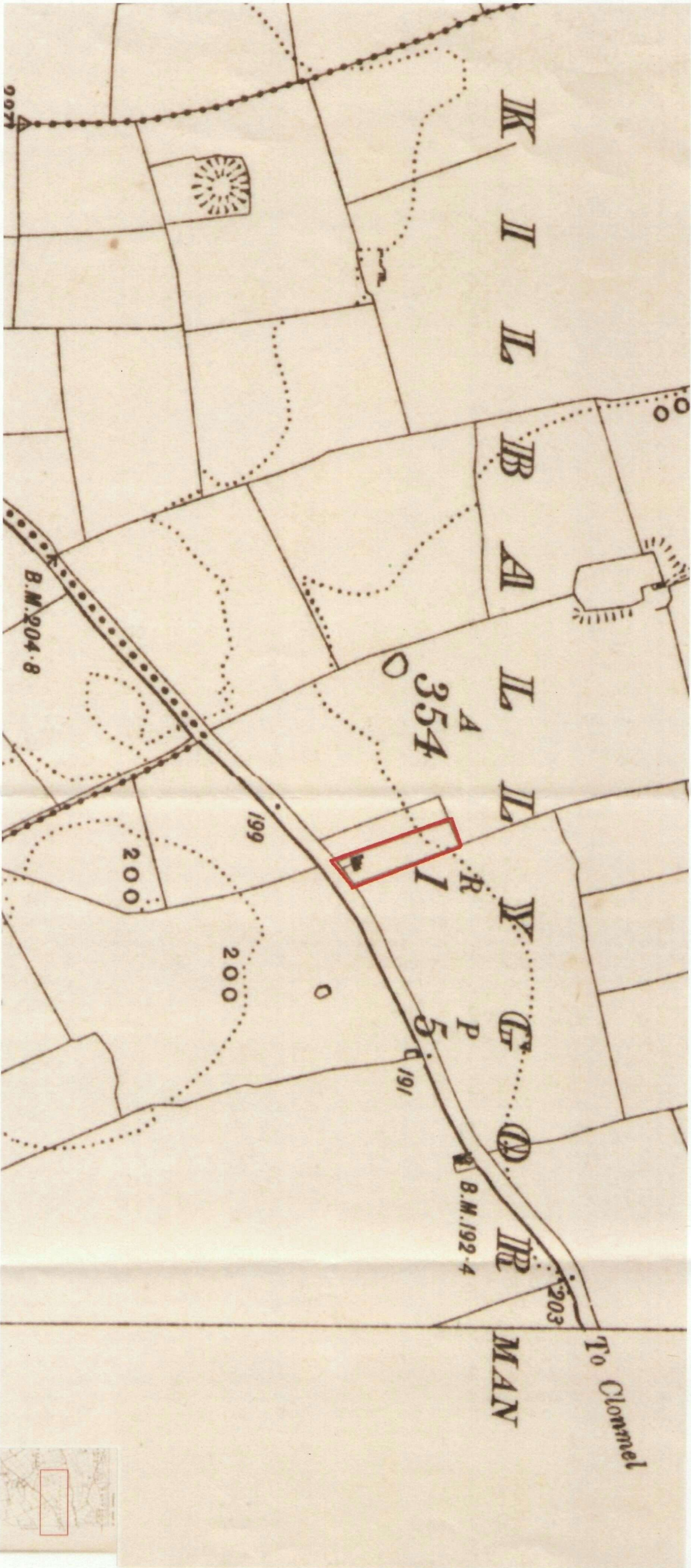
Additionally, a family member of mine namely Kathleen (Kit) English who is in her 85th year remembers regularly visiting her family friends at the cottage as a child and has stated the extension to the rear, as it stands, has always been there.

I trust this information is sufficient for the application to be considered, but should you require anything further please do not hesitate to contact me.

Yours sincerely,

Joan Lonergan





SECOND EDITION, 1907.

TERRACE SHEET 87



EXTENT OF DEVELOPMENT SITE
 EXTENT OF LANDOWNERS PROPERTY
 EXTENT OF EXISTING COTTAGE (30m²)
 EXTENT OF WORKS FOR WHICH EXEMPTION IS SOUGHT (40m²)

Description:
 Digital Landscape Model (DLM)

Publisher / Source:
 Ordnance Survey Ireland (OS)

Data Source / Reference:
 PRIME2

File Format:
 Autodesk AutoCAD (DWG_R2013)

File Name:
 v_50429352_1.dwg

Clip Extent / Area of Interest (AOI):
 LLX,LLY= 606200.621,616718.8655
 LRX,LRY= 606783.621,616718.8655
 ULX,ULY= 606200.621,617148.8655
 URX,URY= 606783.621,617148.8655

Projection / Spatial Reference:
 Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X, Y= 606492.121,616933.8655

Reference Index:

Map Series / Map Sheets:
 1:2,500 | 5952-B

Data Extraction Date:
 21-Oct-2024

Source Data Release:
 DCMLS Release V1.180.119

Product Version:
 Version= 1.4

© Ordnance Survey Ireland, 2024
 Compiled and published by Ordnance Survey Ireland, Phoenix Park, Dublin 8, Ireland.
 Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland copyright.

All rights reserved. No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owners.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

SECTION 5 DECLARATION


JOB:
 Kibballygorman, Ardifinnan,
 Clonmel, Co. Tipperary

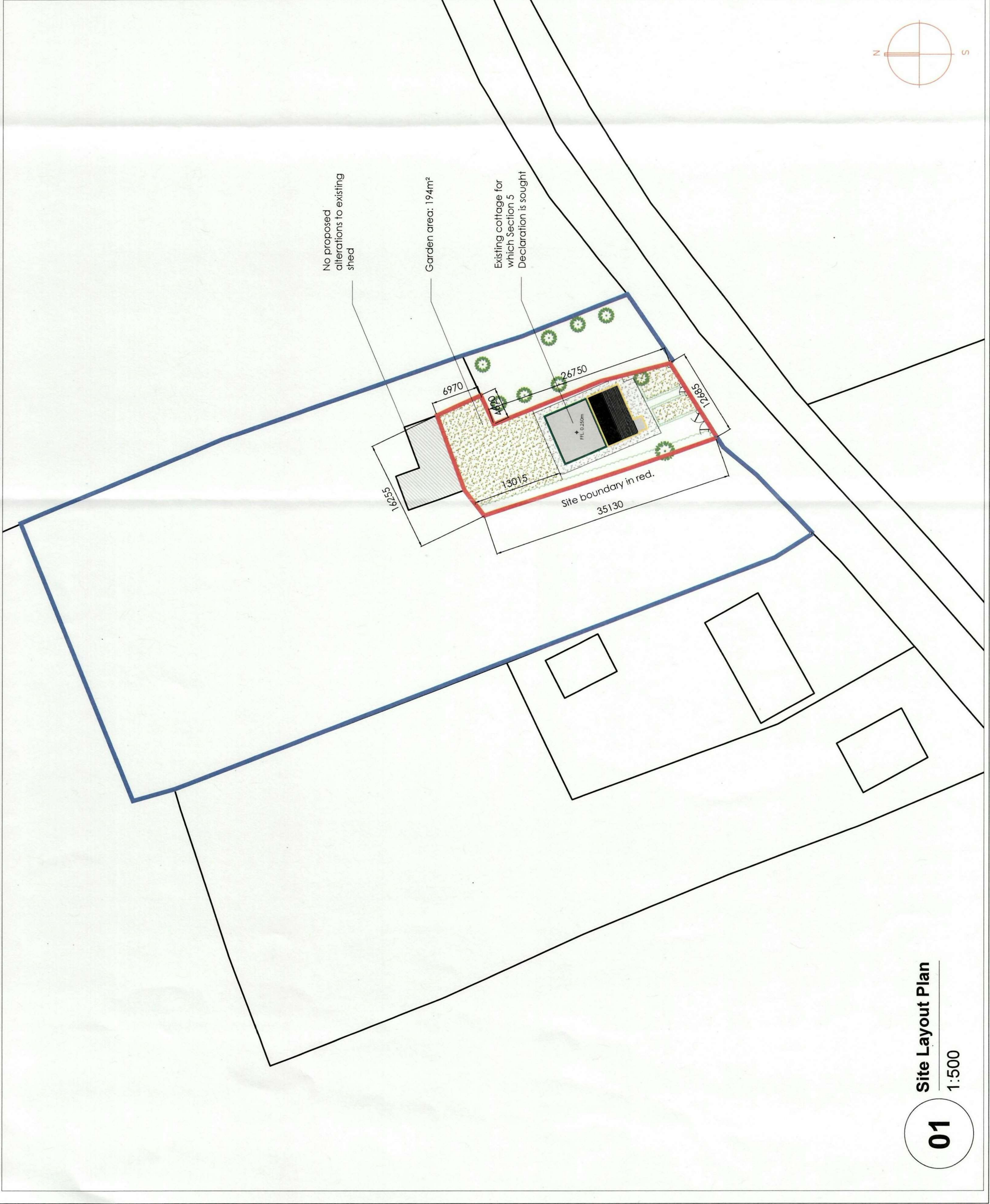
CLIENT:
 Joan Loneragan

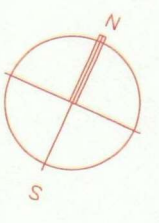
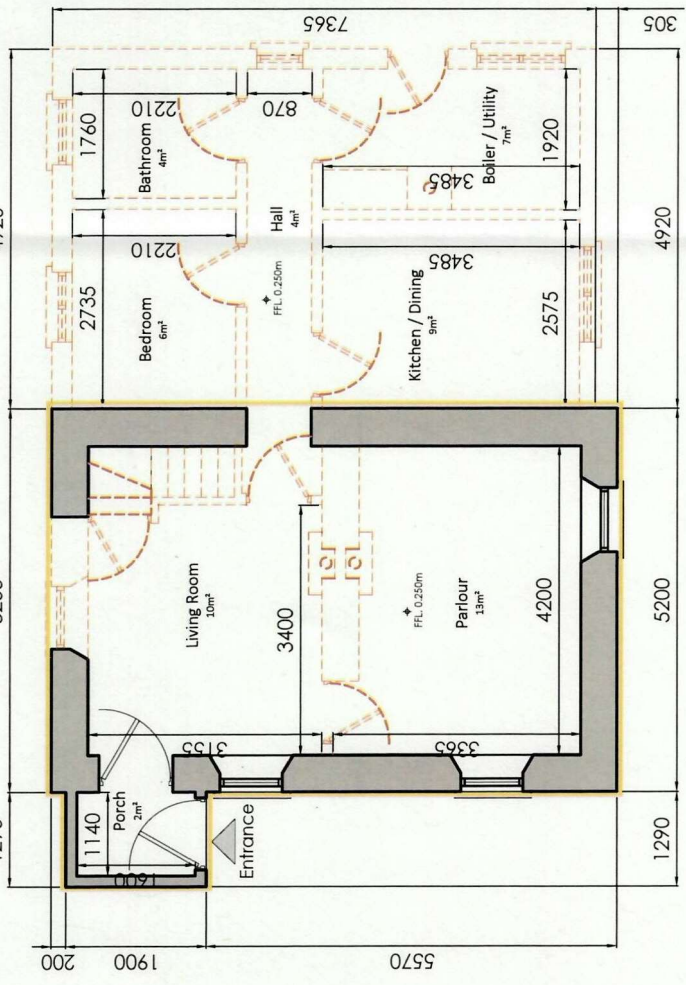
DRAWING:
 Site Layout Plan

DATE: 21/10/2024 SCALE: 1:500 @ A3 DRAWN BY: A. Maguire CHECKER:

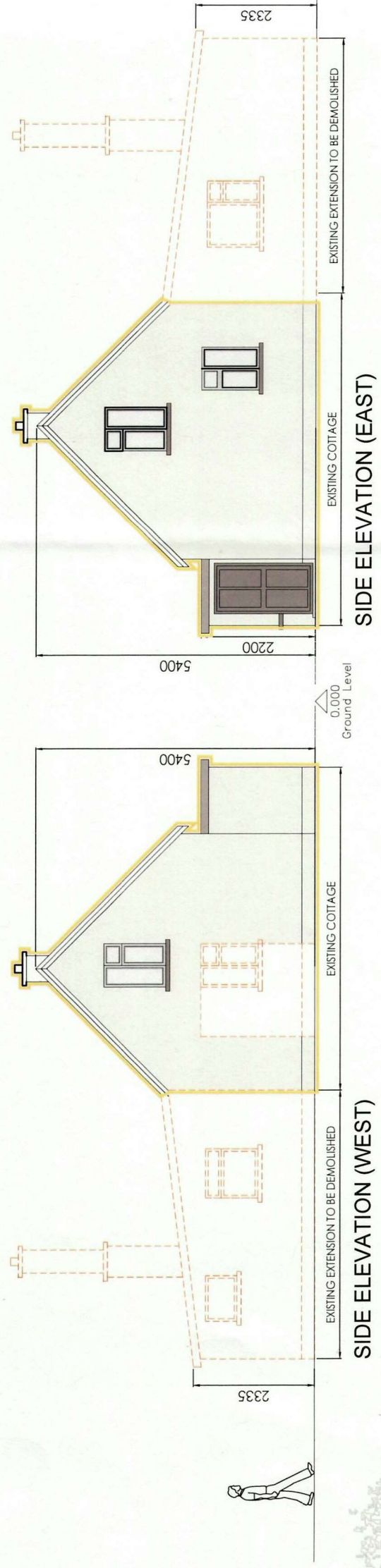
JOB NUMBER: 2413 DRAWING NUMBER: P02 REVISION: B





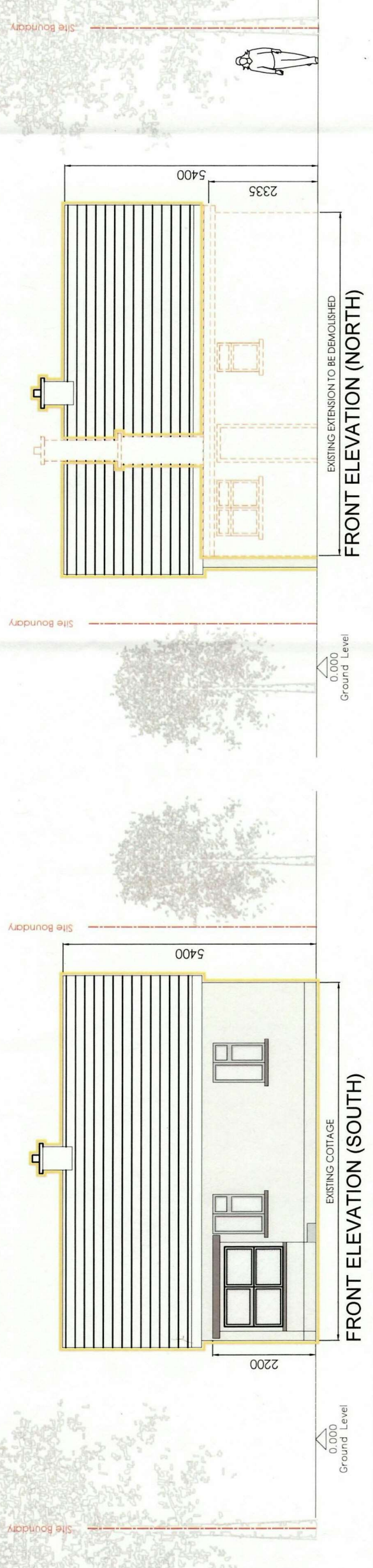


EXISTING FLOOR PLAN AND DEMOLITION



SIDE ELEVATION (EAST)

SIDE ELEVATION (WEST)



FRONT ELEVATION (SOUTH)

FRONT ELEVATION (NORTH)

- EXTENT OF DEVELOPMENT SITE
- EXTENT OF EXISTING COTTAGE (30m²)
- EXTENT OF AREA TO BE DEMOLISHED (32m²)
- EXISTING WALLS

NO	DATE	DESCRIPTION



SECTION 5 DECLARATION

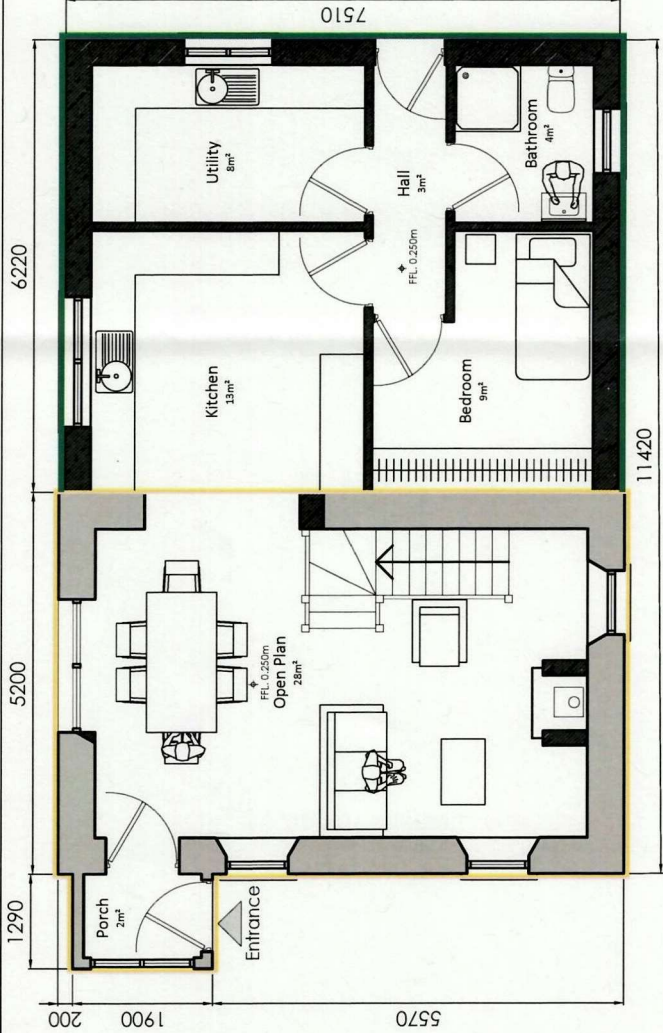
JOB: Kilballygorman, Ardinnan, Clonmel, Co. Tipperary

CLIENT: Joan Lennigan

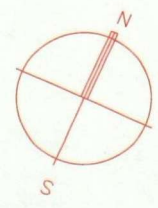
DRAWING: As Existing and Demolition Floor Plan and Elevations

DATE: 21/03/2024 | SCALE: 1:100 @ A3 | DRAWN BY: A. Nugent | CHECKER: J. Lennigan

JOB NUMBER: 2413 | DRAWING NUMBER: P03 | REVISION: B



AS PROPOSED FLOOR PLAN



- EXTENT OF DEVELOPMENT SITE
- EXTENT OF EXISTING COTTAGE (30m²)
- EXTENT OF WORKS FOR WHICH EXEMPTION IS SOUGHT (40m²)
- EXISTING WALLS
- PROPOSED WALLS

Flat roof to be Trocal standing seam or similar

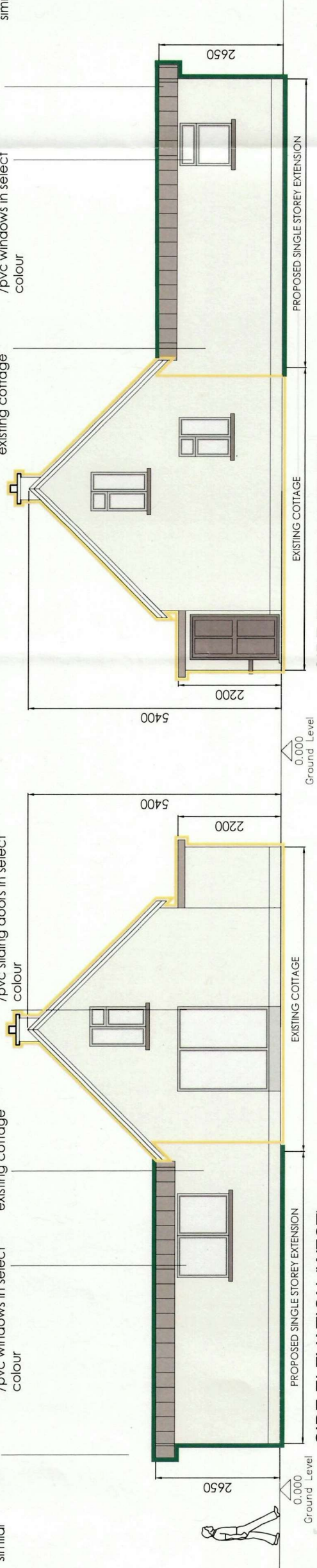
Double/triple glazed composite aluclad/ timber /pvc windows in select colour

Walls to be plastered and painted to match existing cottage

Double/triple glazed composite aluclad/ timber /pvc sliding doors in select colour

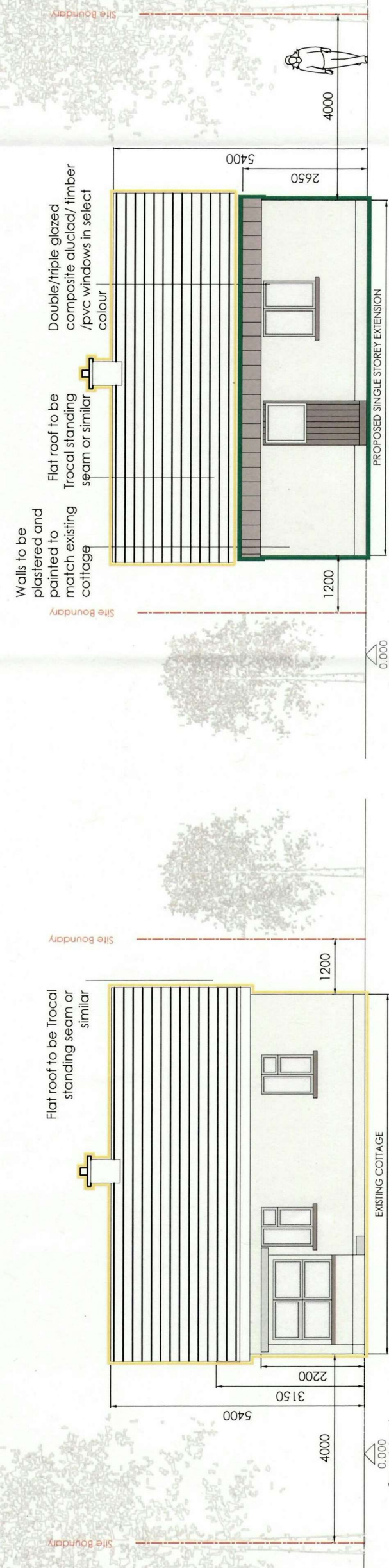
Double/triple glazed composite aluclad/ timber /pvc windows in select colour

Flat roof to be Trocal standing seam or similar



SIDE ELEVATION (EAST)

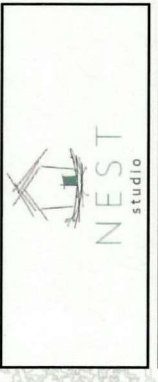
SIDE ELEVATION (WEST)



FRONT ELEVATION (SOUTH)

REAR ELEVATION (NORTH)

NO	DATE	DESCRIPTION



SECTION 5 DECLARATION

JOB: Kibblygorman, Adlinnan, Clonmel, Co. Tipperary

CLIENT: Joan Loneragan

DRAWING: As Proposed Floor Plan and Elevations

DATE: 21.10.2024 | SCALE: 1:100 (B.A.) | DRAWN BY: A. Nugent | CHECKER: A. Nugent

DRAWING NUMBER: 2413 | DRAWING REVISION: B

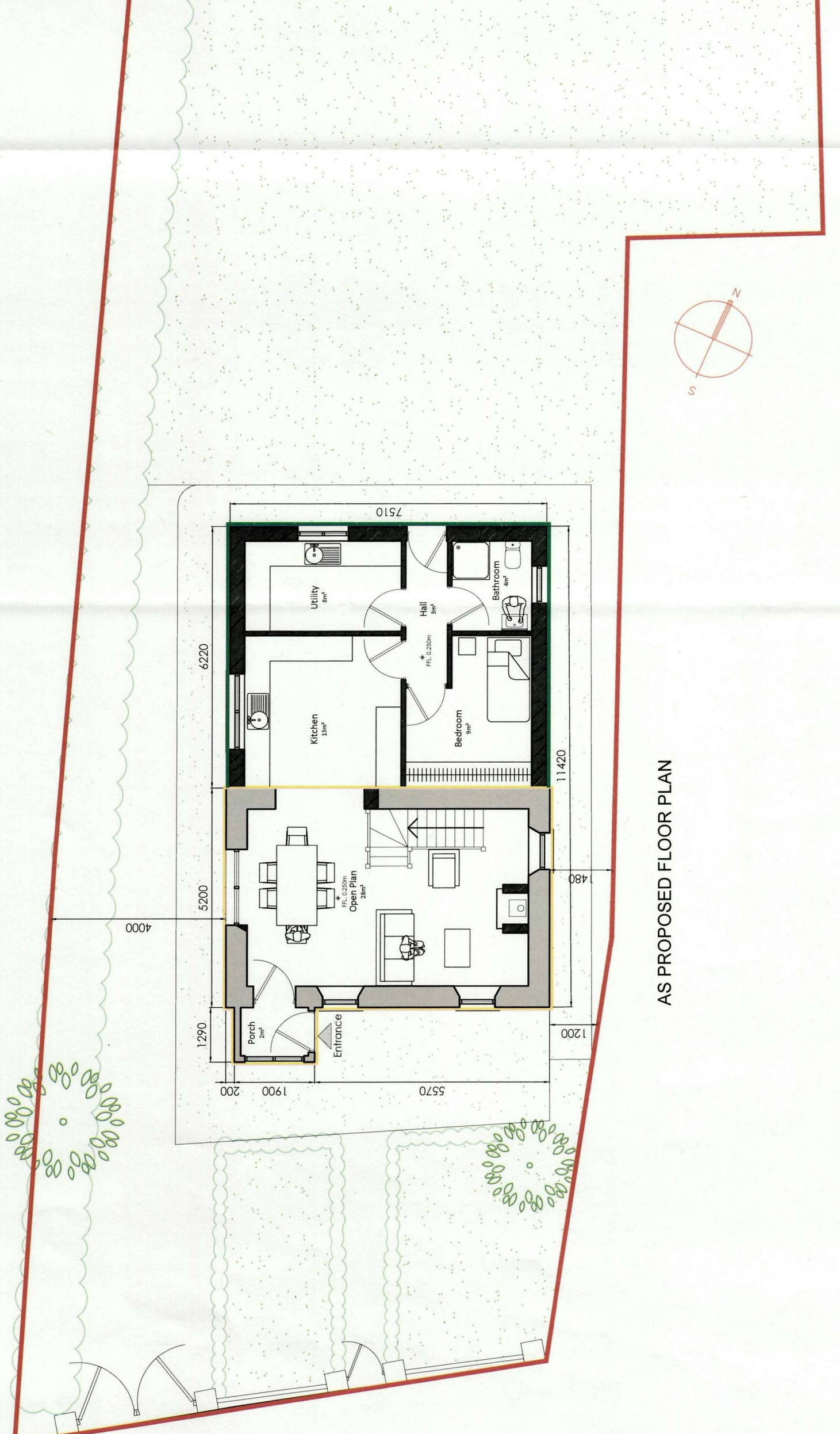
- EXTENT OF DEVELOPMENT SITE
- EXTENT OF EXISTING COTTAGE (30m²)
- EXTENT OF WORKS FOR WHICH EXEMPTION IS SOUGHT (40m²)
- EXISTING WALLS
- PROPOSED WALLS



NO	DATE	DESCRIPTION



SECTION 5 DECLARATION	
JOB:	Kilballygorman, Ardinnan, Clonmel, Co. Tipperary
CLIENT:	Joan Lennigan
DRAWING:	As Proposed Floor Plan
DATE: 21/03/2024	SCALE: 1:100 @ A3
DESIGNER: A. Nugent	CHECKER:
DRAWING NUMBER: 2413	REVISION: A



AS PROPOSED FLOOR PLAN



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 Á099

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

Date: 18th November 2024 Our Ref: S5/24/124 Civic Offices, Clonmel

**Joan Lonergan,
C/o Aine Nugent,
Cnoc na gCaiseal,
Ardfinnan,
Clonmel,
Co. Tipperary.**

Re: Application for a Section 5 Declaration – Demolition of 32m² of existing single storey extension to rear of two storey cottage. A construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation.

Dear Ms. Nugent,

I acknowledge receipt of your further information for Your Section 5 Declaration received on 15th 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.: S5/24/124

Applicant: Joan Lonergan

Development Address: Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary

Proposed Development: Demolition of 32m² of existing single storey extension to rear of two storey cottage. A construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation..

1. GENERAL

On the 22nd of October 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Demolition of 32m² of existing single storey extension to rear of two storey cottage and the construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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)(h) of the Act considers 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; to be exempted development.

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.

Schedule 2, Part 1 'Exempted Development - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;:

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

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

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

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

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

Class 50 (b) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;:

(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.

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
 - (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 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

3. ASSESSMENT

a. Site Location

The site comprises a detached dwelling at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary. The site adjoins the R665 to the south, which is a designated Strategic Road.

Figure 1 Subject Site



b. Relevant Planning History

On site

None recorded

Adjacent

None relevant

Figure 2 Planning history



c. Assessment

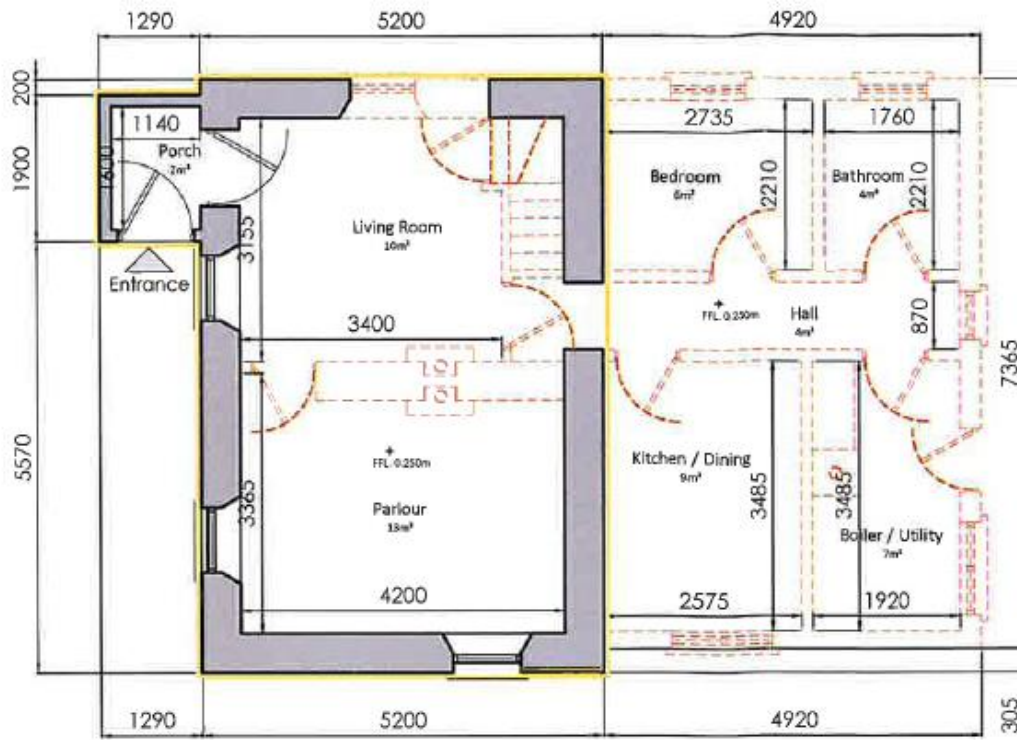
A) "Is or is not Development"

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 works proposed comprise of the demolition of 32m² of existing single storey extension to rear of two storey cottage and the construction of a 40m² single storey extension to the rear. It is also proposed to increase the open size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation.

Figure 3 Existing floor plans and elevations



EXISTING FLOOR PLAN AND DEMOLITION

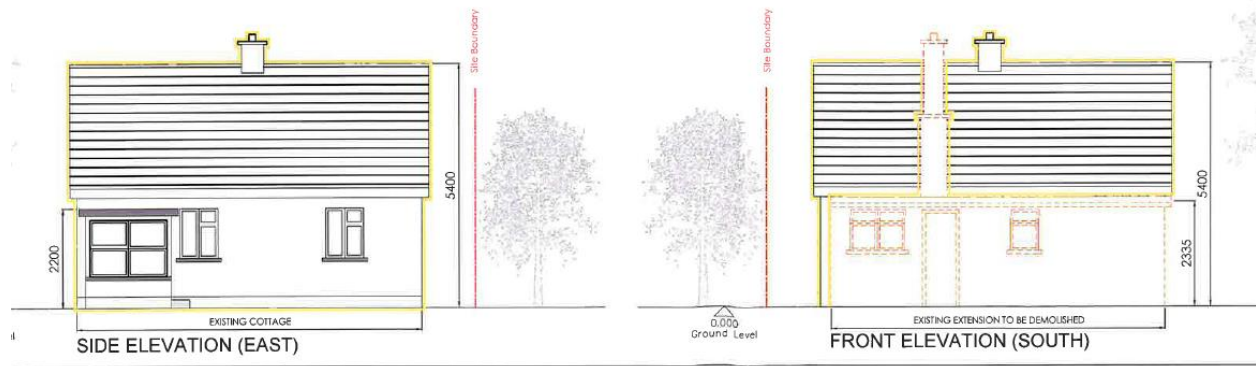
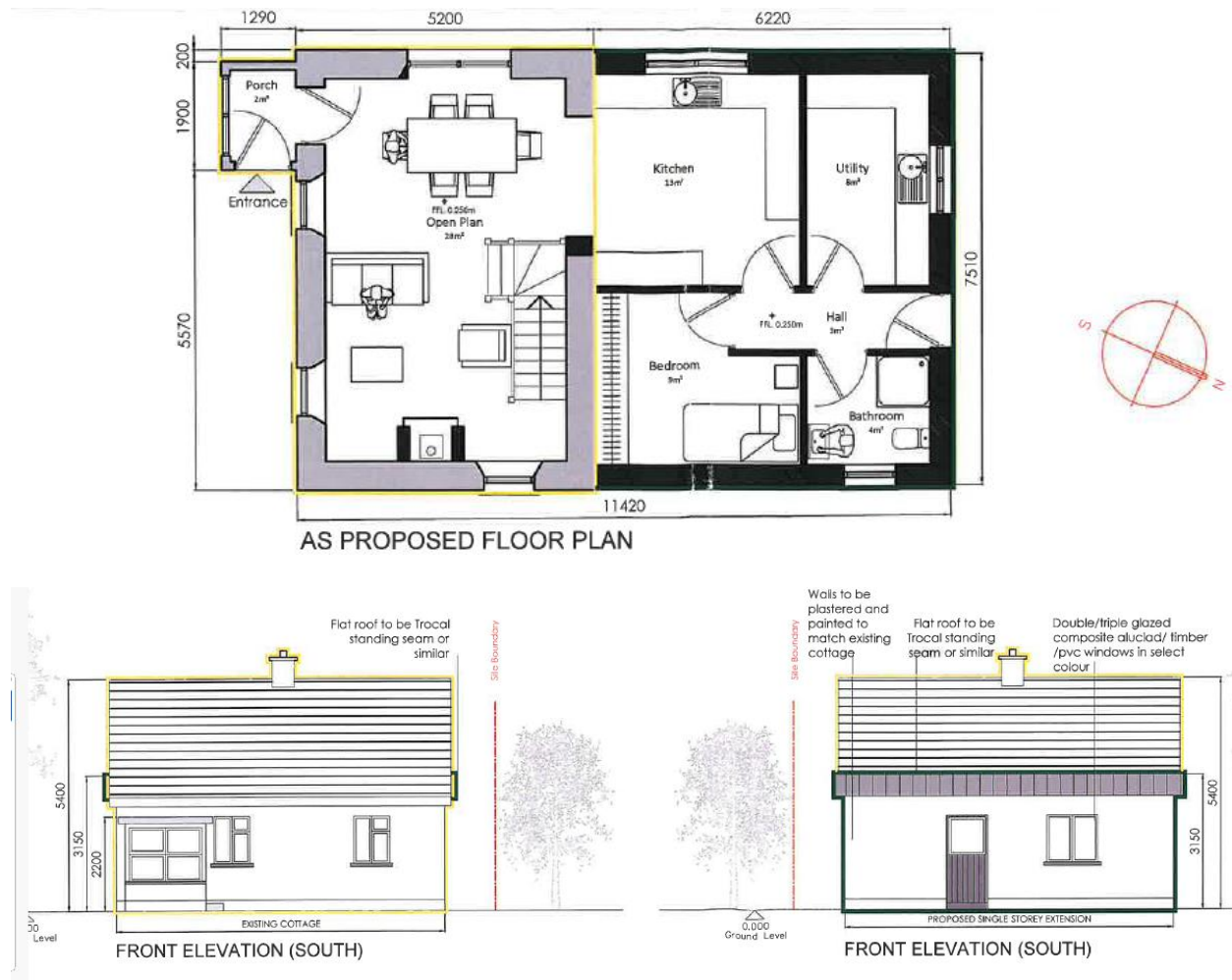


Figure 4 Proposed floor plans and elevations



As noted above, there are three elements to this proposal, the demolition of the existing extension, the construction of the new extension and the change to the window size on the western elevation of the existing dwelling.

With respect to the demolition element, the area to be demolished is 36.24 sqms. The extension is to the rear of the property. Having regard to the conditions and limitations set out under Class 50, none apply in this instance.

With respect to the construction element, the form, scale and height of the works proposed are noted. The extension does not exceed 40 square metres. The height of the wall of the extension does not exceed the height of the rear wall of the house.

It is not clear if the extension proposed will 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.

Likewise, it is not clear if the windows on the eastern and western elevation of the extension proposed is not less than 1 metre from the boundaries they face.

More significantly however, the limitation associated with Class 2b is noted. As per this limitation, 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 applicant is proposing to demolish a 32 sqm extension. It is not clear when this extension was provided. Should this extension have been provided after the 1st of October 1964, the cumulative area of the extension proposed, taken with the existing extension (notwithstanding the fact that it is to be demolished), would exceed 40 sqms.

With respect to the modification to the window opening size on the western elevation, it is considered that this change does not materially alter the character of the existing structure.

C) Restrictions under Article 9

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

D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The subject site is located c. 1.5 kms from the Lower River Suir SAC (002137), 11 kms from the Galtee Mountains SAC (000646), 12 kms from the River Blackwater SAC (002170) and 15 kms from the Nier Valley woodlands SAC (000668).

The proposed development is located within the curtilage of a residential dwelling and comprises of the demolition of an existing extension and the construction of a domestic extension to the rear of the property

Having regard to:

- the small scale nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC's referenced above and
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

4. FURTHER INFORMATION

The following further information was requested on the 13th of November 2024,

1. The applicant is advised that the limitation set out under Condition 2(b) of Class 1 of Schedule 2 Part 1 of the Planning and Development Regulations 2001, as amended, states that where the house has been extended previously, the floor area of any proposed 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.

There is no record of planning permission for the extension that is to be demolished. Should this extension have been constructed after the 1st of October 1964, the cumulative floor area of the existing and proposed extension would exceed 40 sqms.

The applicant is requested to clarify the planning status of the extension to be demolished. For the Planning Authority to consider the extension proposed, it will need to be satisfied that the existing extension to be demolished was constructed prior to the 1st of October 1964.

2. Based on the drawings submitted, it was not possible to determine if the works proposed would 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 applicant is requested to submit a revised Site Layout Plan addressing this issue.

3. Based on the drawings submitted, it was not possible to determine if the windows proposed at ground level on the east and west elevations of the extension proposed are less than 1 metre from the boundary they face. The applicant is requested to submit a revised Site Layout Plan addressing this issue.

4. The applicant is advised that as submitted the roof of the structure protrudes slightly proud of the side walls of the house and the height of the highest part of the flat roof exceeds the eaves. The applicant is invited to revise the proposal so that the proposed extension is wholly to the rear of the existing dwelling and that Condition and Limitation 4(a) of Class 1, Part 1, Schedule 2 is satisfied i.e.

“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 applicant replied on the 15th of November 2024.

Appraisal

Point 1

The applicant has clarified that the existing extension was constructed prior to 1964. Historical maps have been attached confirming same.

Figure 5 Historical mapping (dates from 1907)



As such the proposal is not limited by the floor area condition as the scale of the extension does not exceed 40 sqms.

Point 2

The rear amenity space is indicated as being 194 sqms, which is in excess of the 25 sqm limit.

Point 3

The windows proposed on the side elevations are in excess of 1 meter from the boundaries they face.

Point 4

The roof height has been reduced so that it is in line with the eaves of the existing dwelling.

Environmental considerations

It is not considered that the revised proposals give rise to additional impacts in relation to Environmental Impact Assessment or Appropriate Assessment.

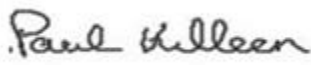
5. RECOMMENDATION

A question has arisen as to whether the demolition of 32m² of existing single storey extension to rear of two storey cottage, the construction of a new 40m² single storey extension to the rear and the increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west is or is not exempted development. The subject site is located in Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary

In considering this declaration, the Planning Authority had regard to:

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

Having considered the further information presented, Tipperary County Council has concluded that the proposal as now presented in the details received on the 15th of November, 2024, constitutes “development” within the meaning of the Planning and Development Act 2000, as amended, and is “exempted development”.

Signed: 
 District Planner

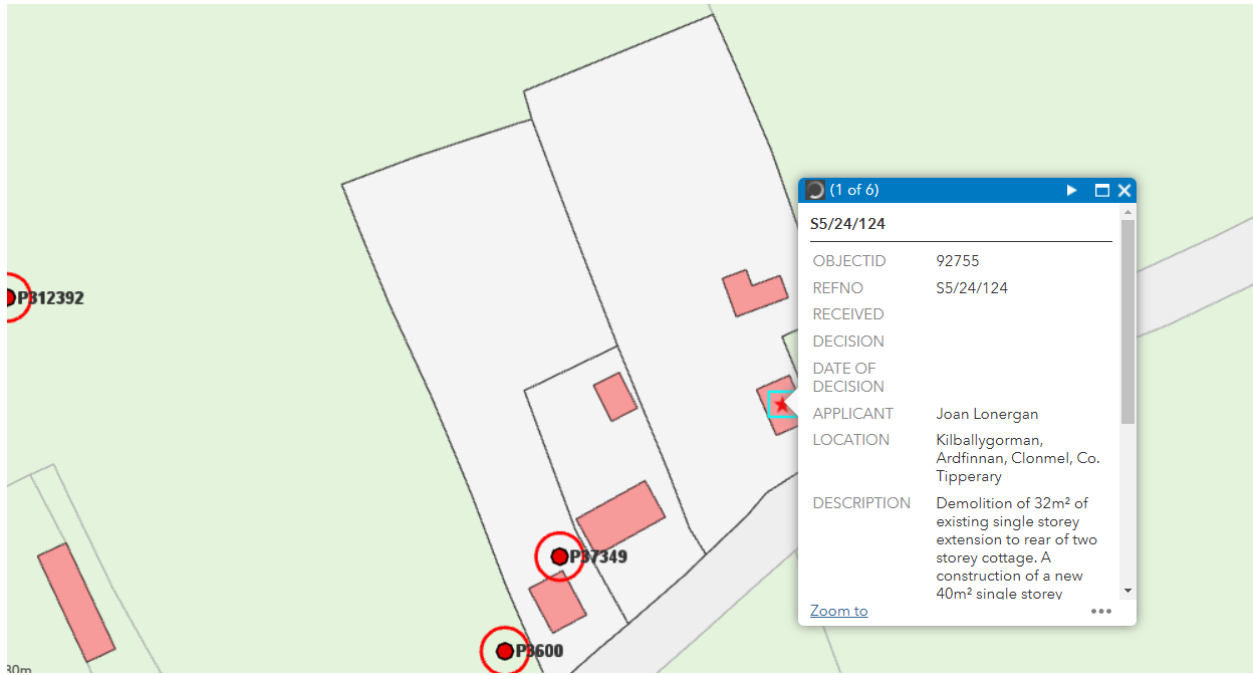
Date: 02/12/24

Signed: 
 Senior Executive Planner

Date: 2.12.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/124
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 6 Site entered on Planning register





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: 2nd December, 2024

Our Ref: S5/24/124

Civic Offices, Nenagh

Joan Lonergan
C/O Aine Nubent
Cnoc na gCaiseal
Ardfinnan
Clonmel
Co. Tipperary

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

Dear Ms Lonergan,

I refer to your application for a Section 5 Declaration received on 22nd October, 2024 and Further Information received 15th November, 2024 in relation to the following proposed works: Demolition of 32m² of existing single storey extension to rear of two storey cottage. A construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation **at Kilballygorman, Ardfinnan, Clonmel, 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 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1 and 6, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Having considered the further information presented, Tipperary County Council has concluded that the proposal as now presented in the details received on the 15th of November, 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: **S5/24/124** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/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 Joan Lonergan, C/O Aine Nugent, Cnoc na gCaiseal, Ardfinnan, Clonmel, Co. Tipperary, Demolition of 32m² of existing single storey extension to rear of two storey cottage. A construction of a new 40m² single storey extension to the rear and to increase in ope size of an existing ground floor, west facing window to 1.8m wide, to accommodate the installation of new glazed sliding doors on the west elevation at Kilballygorman, Ardfinnan, Clonmel, Co. Tipperary is exempted development.

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

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

Having considered the further information presented, Tipperary County Council has concluded that the proposal as now presented in the details received on the 22nd October, 2024 and 15th of November, 2024, constitutes "development" within the meaning of the Planning and Development Act 2000, as amended, and is "**exempted development**".

Signed: _____


Date: 02/12/2024

Dave Carroll
A/Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District