



Comhairle Contae Thiobraid Árann
Tipperary County Council

TIPPERARY COUNTY COUNCIL
RECEIVED
06 NOV 2024
PLANNING SECTION
FILE NO. 55/24/131

Tipperary County Council
RECEIVED
- 6 NOV 2024
CSD
Civic Offices, Nenagh

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	PAUL DEEGAN + MERYL DEEGAN
Address	BOYHAD HOUSE LEA CROSS PORTARLINGTON, CO. LAOIS
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	ADRIAN DONOGHUE DESIGN
Address	THE LEA ACRE COMPANY PORTARLINGTON, CO. LAOIS R32 K24E
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent [<input checked="" type="checkbox"/>]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	DEMY RATHCABBIN CO. TIPPERARY R42 DA21
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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.)

40 SQM REAR EXTENSION TO	
EXISTING VACANT COTTAGE	
Proposed floor area of proposed works/uses: 40 sqm	

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

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

Signature of Applicant(s) Paul Daag

Date: 05/11/24

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	<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

DATE STAMP	
Fee Recd. € <u>80.00</u>	
Receipt No <u>NENAM1/0/124126</u>	
Date <u>6/11/24</u>	
Received by <u>Maura Lillis</u>	

Land Registry Compliant Map

Tailte Éireann



CENTRE COORDINATES:

ITM 597879,707782

PUBLISHED:

02/08/2024

MAP SERIES:

1:2,500
1:2,500

MAP SHEETS:

3757-A
3757-B

ORDER NO.:

50414544_1

COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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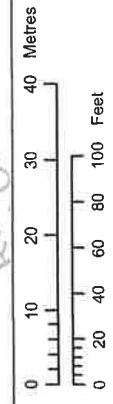
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ADRIAN DONOGHUE DESIGN STUDIO

THE LONG ACRE, CLONANNY,
PORTARLINGTON, Co. LAOIS.
PH: (086) 0578878

EMAIL: adriandonoghuedesign@gmail.com



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie, search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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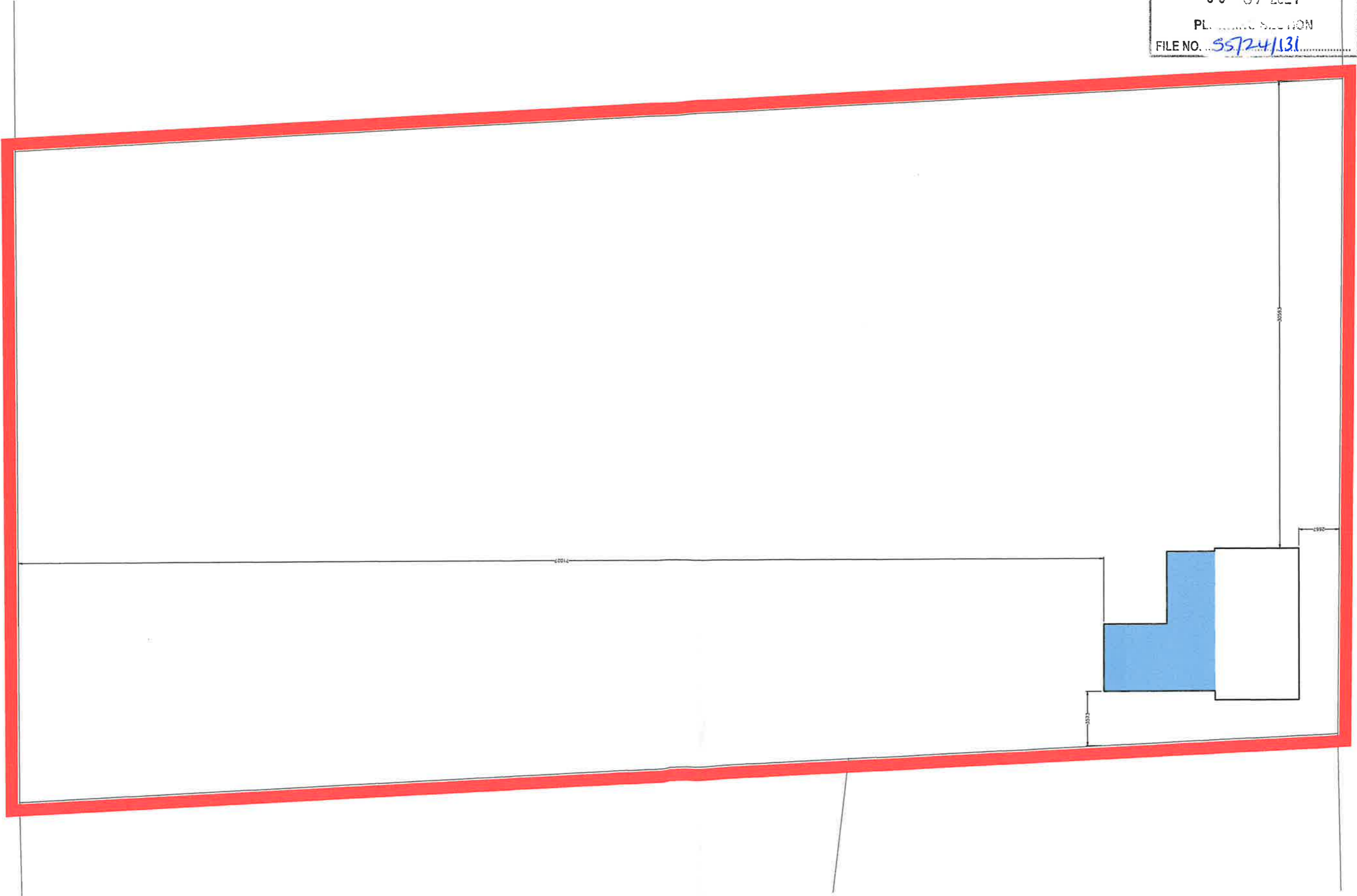
597995

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597762

FOR PLANNING PURPOSES ONLY
NOTE: ALL ELEMENTS OF CONSTRUCTION TO STRICTLY
COMPLY WITH CURRENT BUILDING REGULATIONS

 DENOTES PROPOSED
EXEMPT EXTENSION



PAUL & MERYL

Project: PLANNING PERMISSION APPLICATION

APRIL 2024

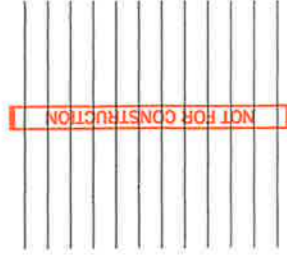
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- PART D - MATERIALS & WORKMANSHIP
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- PART F - VENTILATION
- PART G - HYGIENE
- PART H - DRAINAGE & WASTEWATER
- PART I - HEAT PRODUCING APPLIANCES
- PART K - STAIRWAYS, LADDERS, RAMPS & GUARDS
- PART L - CONSERVATION OF FUEL ENERGY
- PART M - ACCESS FOR PEOPLE WITH DISABILITIES

NOTES:-



IPPEP
06 NOV 2024
PLANNING SECTION
FILE NO. 55724/131



ADRIAN DONOGHUE
DESIGN STUDIO

THE LONG ACRE, CLOMANNY,
DUBLIN 15, IRELAND
PH: (081) 05724878

EMAIL: adriandonoghuedesign@gmail.com

PLANNING APPLICATION DRAWING

CLIENT: PAUL AND MERYL

PROJECT: PROPOSED WORKS @ DERTY CO. BIFERRARY

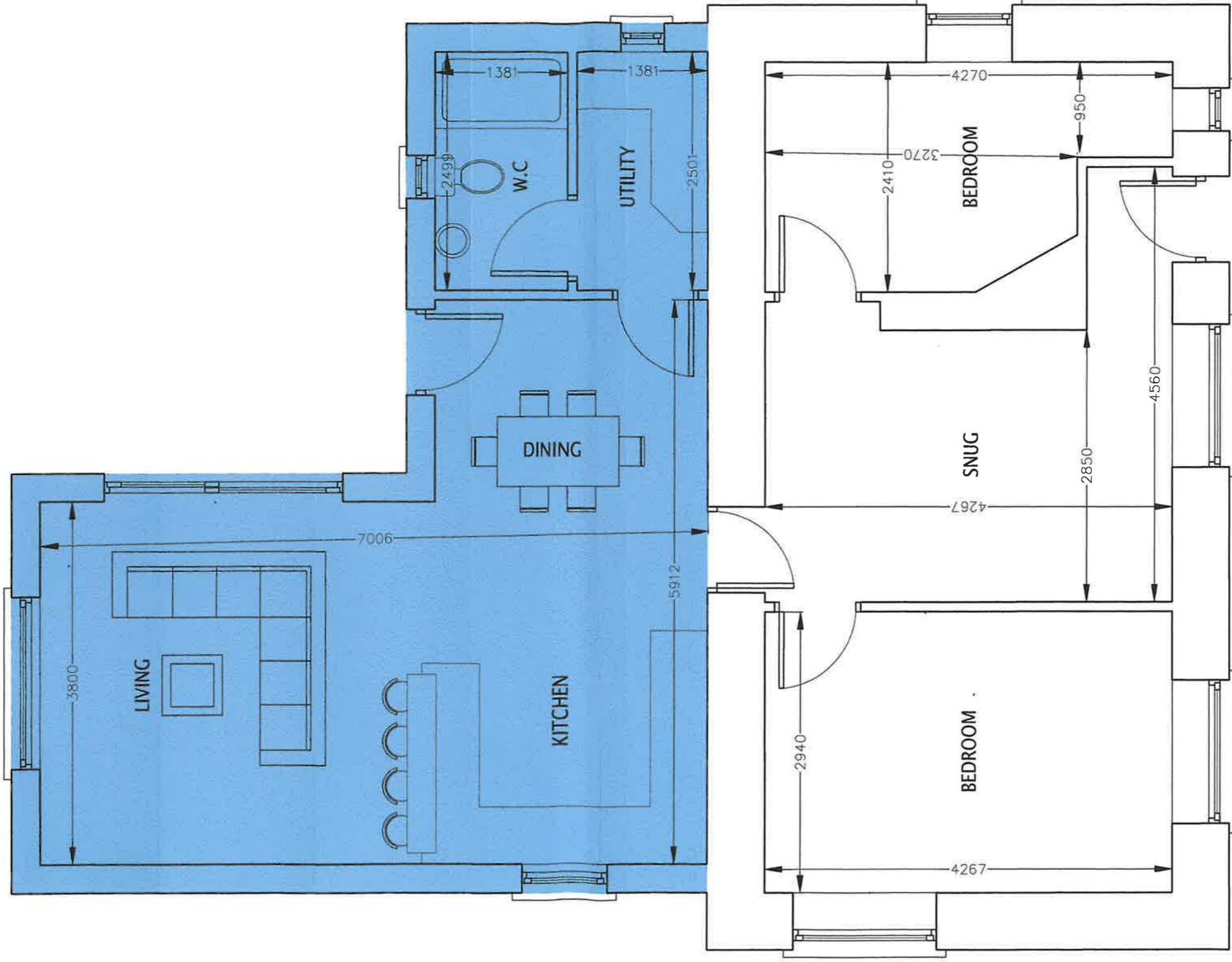
TITLE: SITE PLAN AS PROPOSED

SCALE: 1:250 (A3)

DWG No.

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NOTE: ALL ELEMENTS OF CONSTRUCTION TO STRICTLY
COMPLY WITH CURRENT BUILDING REGULATIONS

DENOTES PROPOSED
EXEMPT EXTENSION



FLOOR PLAN AS PROPOSED
TOTAL AREA 82.00sqm
EXTENDED AREA 40.00sqm

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PAUL & MERYL

Project: PLANNING PERMISSION APPLICATION

APRIL 2024

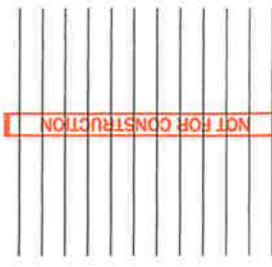
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- PART E - SOUND
- PART F - VENTILATION
- PART G - DRAINAGE
- PART H - CRANAGE & WASTEWATER DISPOSAL
- PART J - HEAT PRODUCING APPLIANCES
- PART K - STAIRWAYS, LADDERS, RAMPS & GUARDS
- PART L - CONSERVATION OF FUEL ENERGY
- ENERGY EFFICIENCY
- ACCESS FOR PEOPLE WITH DISABILITIES

NOTES:



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PORTARLINGTON, Co. LAOIS,
PH: (086) 0578878

EMAIL: adriandonoghuedesign@gmail.com

PLANNING APPLICATION DRAWING

CLIENT: PAUL AND MERYL

PROJECT: PROPOSED WORKS @ DEERY

Co. TIPPERARY

TITLE: PLAN AS PROPOSED

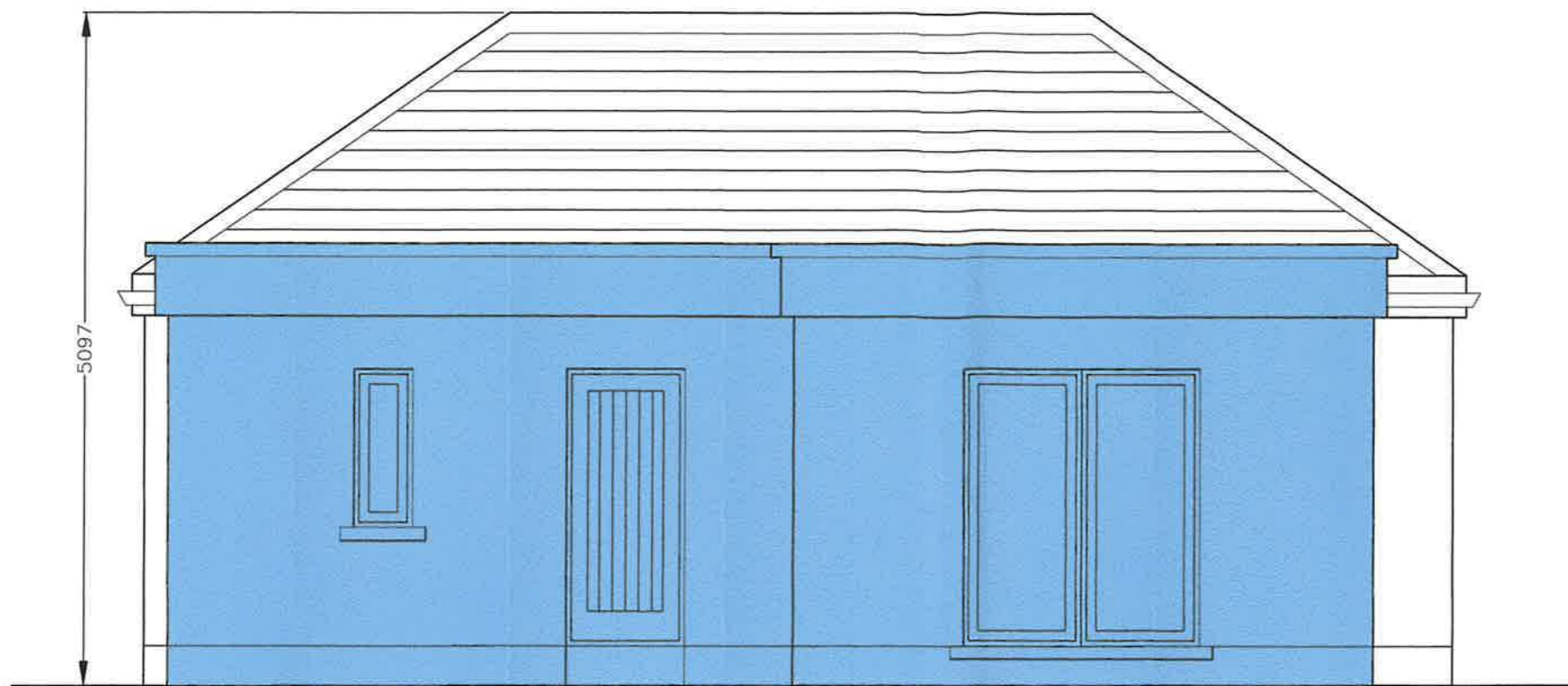
SCALE: 1:50 (A3)

DWG No.

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 DENOTES PROPOSED
 EXEMPT EXTENSION



REAR ELEVATION AS PROPOSED



FRONT ELEVATION AS PROPOSED

TIPPERARY COUNTY COUNCIL
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 PLANNING SECTION
 FILE NO. 55724/131 Project: PLANNING PERMISSION APPLICATION

PAUL & MERYL

APRIL 2024

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APPLIANCES
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RAMPS & GUARDS
- PART L - CONSERVATION OF FUEL
ENERGY
- PART M - ACCESS FOR PEOPLE WITH
DISABILITIES

NOTES:

NOT FOR CONSTRUCTION



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 PORTARLINGTON, CO. LADIS.
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EMAIL: adriandonoghuedesign@gmail.com

PLANNING APPLICATION DRAWING
 CLIENT PAUL AND MERYL

PROJECT PROPOSED WORKS @ DERRY,
 Co. TIPPERARY.

TITLE ELEVATIONS AS PROPOSED

SCALE 1:50 (AS)

DWG No.



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
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E45 A099

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

Date: 8th November, 2024 Our Ref: S5/24/131 Civic Offices, Nenagh

Paul & Meryl Deegan
C/O Adrian Donoghue Design
The Long Acre
Clonanny
Portarlinton
Co. Laois

Re: Application for a Section 5 Declaration – Construction rear extension to existing vacant cottage at Derry, Rathcabbin, Co. Tipperary.

Dear Mr & Mrs Deegan,

I acknowledge receipt of your application for a Section 5 Declaration received on 6th 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.: S5/24/131

Applicant: Paul Deegan & Meryl Deegan

Development Address: Derry, Rathcabbin, Co. Tipperary R42DA21

Proposed Development: Construction of a 40sqm rear extension to existing vacant cottage

1. GENERAL

On the 6th November 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":

- Construction of a 40sqm rear extension to existing vacant cottage at Derry, Rathcabbin.

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, except where the context otherwise requires, "development" means—

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).]*

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

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: -

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

(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

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p>CLASS 1</p> <p>The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the 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</p>

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.

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 subject site is located at Derry, Rathcabbin, Co. Tipperary R42DA21 and is situated in an area designated as Open Countryside as per Tipperary County Development Plan 2022.

b. Relevant Planning History

On Site

211257	To demolish existing derelict dwelling and sheds and to construct a dwelling house, domestic garage to include reconnection to the existing public foul sewer and existing water mains services and all associated site works	Deemed Withdrawn
211094	To demolish existing derelict dwelling and sheds and to construct a dwelling house, domestic garage to include reconnection to the existing public foul sewer and existing water mains services and all associated site works	Incomplete Application

Adjacent

211258	To construct a dwelling house, domestic garage to include connection to the existing public foul sewer and existing water mains services and all associated works	Deemed Withdrawn
2360288	1 no. single storey 3 bed house (148 sqm), new domestic garage (45 sqm), new site entrance, new connections to public water and public sewer and all ancillary site works	Permission Granted to Conor O' Meara and Niamh Houlihan
2260323	A single storey, 3 bedroom structure, domestic outbuilding, connection to public water supply, connection to existing public sewer and all ancillary site works including a proposed site entrance.	Incomplete Application
2260511	A 1 no. single storey 3 bed house, new site entrance, new connection to public watermain, new connection to public sewer and all ancillary site works	Withdrawn
07511229	2 no. two storey dwellings, new shared access, connection to existing public sewer, connection to public water supply and all associated site works	Withdrawn

4. 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 construction of an extension to the rear of a permitted dwelling with a floor area of 40sqm.

Having reviewed the conditions and limitations associated with Class 1, it is not considered that any apply in this instance as set out below:

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 drawings of the existing dwelling submitted under PI. Ref. 211257 show a single storey flat roof extension to the rear of the dwelling



This element of the structure is not shown on the drawings submitted under this application. It is unclear whether this feature of the dwelling has been removed or the applicants intend to demolish the extension and to be replaced with the proposed extension.

It is noted the landowners can avail of the exemption set out under Class 50 (b), Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) which provides an exemption for:

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.

Therefore, the proposed 40sqm ground floor level rear extension complies with the limitations set out in 1 above.

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.

The proposed extension will project from the original rear elevation of the dwelling and therefore complies with the limitations set out in 2 above.

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

The proposed extension is at ground floor level.

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.

The rear wall of the dwelling does not include a gable and the extension includes a flat roof. However, the height of the highest part of the flat roof exceeds the eave height of the existing dwelling. The requirements of condition 4 c) are not satisfied.



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 private open space to the rear of the house is in excess of 25sqm.

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

All proposed windows at ground level are in excess of 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*

The proposed extension is at ground floor level only.

(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.*

The proposed extension is at ground floor level only.

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

The proposal does not include for the use of the roof as a balcony. The proposed extension is not accessible by any door and is not conducive for use as a balcony.

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.

5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) & APPROPRIATE ASSESSMENT (AA):

Section 4(4) of the Planning and Development Act 2000 (as amended) states: *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.*

The proposed development for an extension to a dwelling is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001 (as amended).

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

6. RECOMMENDATION

In considering this declaration the Planning Authority had regard to:

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Part 1 Class 1 and Class 50 of Schedule 2 Planning & Development Regulations 2001, as amended.
- Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that the provision of a 40sqm rear extension to existing vacant cottage at Derry, Rathcabbin, Co. Tipperary R42DA21 is development and is **not exempted development.**

Reason:

The height of the highest part of the proposed extension roof exceeds the height of the eaves of the existing dwelling. Therefore the proposed development would not satisfy condition and limitation 4(c) of Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

"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".

Executive Planner: 

Date: 29th November 2024

A/Senior Executive Planner: 

Date: 02/12/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/131
(b) Brief description of the project or plan:	Extension to rear of dwelling
(c) Brief description of site characteristics:	Existing residential site in the Open countryside
(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 ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
000919 Ridge Road, SW of Rapemills SAC	https://www.npws.ie/protected-sites/sac/000919	Within 15km	None	No
004086 River Little Brosna Callows SPA	https://www.npws.ie/protected-sites/spa/004086	Within 15km	None	No
004137 Dovegrove Callows SPA	https://www.npws.ie/protected-sites/spa/004137	Within 15km	None	No
004103 All Saints Bog SPA	https://www.npws.ie/protected-sites/search/by-code?code=004103	Within 15km	None	No
000566 All Saints Bog and Esker SAC	https://www.npws.ie/protected-sites/sac/000566	Within 15km	None	No
004086 River Little Brosna Callows SPA	https://www.npws.ie/protected-sites/spa/004086	Within 15km	None	No
002353 Redwood Bog SAC	https://www.npws.ie/protected-sites/sac/002353	Within 15km	None	No

000216 River Shannon Callows SAC	https://www.npws.ie/protected-sites/sac/000216	Within 15km	None	No
004096 Middle Shannon Callows SPA	https://www.npws.ie/protected-sites/spa/004096	Within 15km	None	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.)
Construction phase e.g. <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 	No potential impacts
Operational phase e.g. <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 	No potential impacts
In-combination/Other	No potential impacts

(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include: <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 	No potential impacts
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

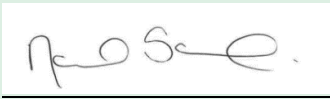
STEP 4. Screening Determination Statement

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.

The proposed development is not likely to have significant effects.

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:		<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Date:</td> <td>29.11.2024</td> </tr> </table>	Date:	29.11.2024
Date:	29.11.2024			

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5/24/131		
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	
Signature and Date of Recommending Officer:		Date:	29.11.2024



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
Cluain Meala,
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Civic Offices, Clonmel,
Co. Tipperary

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Date: 2nd December, 2024

Our Ref: S5/24/131

Civic Offices, Nenagh

Paul & Meryl Deegan
C/O Adrian Donoghue Design
The Long Acre
Clonanny
Portarlington
Co. Laois

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

Dear Mr & Mrs Deegan,

I refer to your application for a Section 5 Declaration received on 6th November, 2024, in relation to the following proposed works:

Construction of a 40sqm rear extension to existing vacant cottage **at Derry, Rathcabbin, 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 –

In considering this declaration the Planning Authority had regard to:

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Part 1 Class 1 and Class 50 of Schedule 2 Planning & Development Regulations 2001, as amended.
- Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that the provision of a 40sqm rear extension to existing vacant cottage at Derry, Rathcabbin, Co. Tipperary R42DA21 is development and is **not exempted development.**

Reason:

The height of the highest part of the proposed extension roof exceeds the height of the eaves of the existing dwelling. Therefore the proposed development would not satisfy condition and limitation 4(c) of Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

"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".

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: **S5/24/131** **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 Paul & Meryl Deegan, C/O Adrian Donoghue Design, The Long Acre, Clonanny, Portarlinton, Co. Laois re: Construction of a 40sqm rear extension to existing vacant cottage at Derry, Rathcabbin, Co. Tipperary is development and is not exempted development.

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

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Part 1 Class 1 and Class 50 of Schedule 2 Planning & Development Regulations 2001, as amended.
- Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that the provision of a 40sqm rear extension to existing vacant cottage at Derry, Rathcabbin, Co. Tipperary R42DA21 is development and is **not 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