



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	John Doheny
Address	
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	Gavin Doheny
Address	Derryleigh, Newport, Co. Tipperary
Telephone No.	08519181714
E-mail	gavindoheny@gmail.com
<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:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Derryleigh, Newport, Co. Tipperary, V94PXW7
--	--

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.)

The proposed development consists of (a) 2 no. dormer windows and 1 no. velux window at rear of house, (b) replacement of existing damaged roof slate finish with new slate roof finish, (c) repairs to existing roof structure where required (with no change to overall roof height or pitch), (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings, (e) internal amendments as per drawings, (f) all associated site services and works	
Proposed floor area of proposed works/uses: sqm	existing floor area: 132m2 proposed floor area: 132m2

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

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

Signature of Applicant(s) John Wofens

Date: 03/12/2024

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. € _____
Receipt No _____
Date _____
Received by _____

Cover Letter

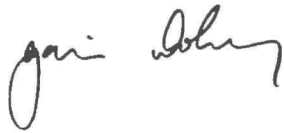
To Whom It May Concern,

Please find attached the following, in relation to the Section 5 application, on behalf of the applicant: John Doheny, at Derryleigh, Newport, Co. Tipperary.

- | | | | |
|--|----------------------|-----------------|------|
| 1. Application Fee | - | €80 | |
| 2. Application Form | | | |
| 3. Architectural Drawings, inclusive of the following: | | - 2 copies | |
| • A0 – 00 | SITE LOCATION MAP | Scale: 1:10,560 | @ A3 |
| • A0 – 01 | SITE LOCATION MAP | Scale: 1:2500 | @ A3 |
| • A1 – 00 | SITE PLAN – EXISTING | Scale: 1:500 | @ A3 |
| • A1 – 20 | SITE PLAN – PROPOSED | Scale: 1:500 | @ A3 |
| • A2 – 00 | DRAWINGS – EXISTING | Scale: 1:100 | @ A2 |
| • A2 – 20 | DRAWINGS – PROPOSED | Scale: 1:100 | @ A2 |

Should you require any further information or clarification - please do not hesitate to contact me: gavindoheny@gmail.com / 0851981714

Regards,
Gavin Doheny, (Agent)



Description:
 Historic 6" Latest Edition

Publisher / Source:
 Ordnance Survey Ireland (OSI)

Data Source / Reference:
 TY031+031A
 Revision Date =
 Survey Date = 31-Dec-1938
 Levelled Date = 31-Dec-1941

TY037
 Revision Date =
 Survey Date = 31-Dec-1907
 Levelled Date = 31-Dec-1907

LK001
 Revision Date =
 Survey Date = 31-Dec-1939
 Levelled Date = 31-Dec-1941

LK006
 Revision Date =
 Survey Date = 31-Dec-1939
 Levelled Date = 31-Dec-1941

LK007
 Revision Date =
 Survey Date = 31-Dec-1924
 Levelled Date = 31-Dec-1928

CE054
 Revision Date =
 Survey Date = 31-Dec-1939
 Levelled Date = 31-Dec-1941

File Format:
 Tagged Image File Format (TIFF)

File Name:
 R_50309858_1.tif

Clip Extent / Area of Interest (AOI):
 LLX,LLY= 571345.0691,660045.2678
 LRX,LRX= 576267.0691,660045.2678
 LLX,LLY= 571345.0691,663679.2678
 URX,URY= 576267.0691,663679.2678

Projection / Spatial Reference:
 IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
 X,Y = 573806.0691,661862.2678

Data Extraction Date:
 04-Jan-2023

Product Version:
 1.3

License / Copyright:
 Ordnance Survey Ireland "Terms of Use" apply.
 Please visit www.osi.ie/about/terms-conditions.

© Ordnance Survey Ireland, 2023
 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.

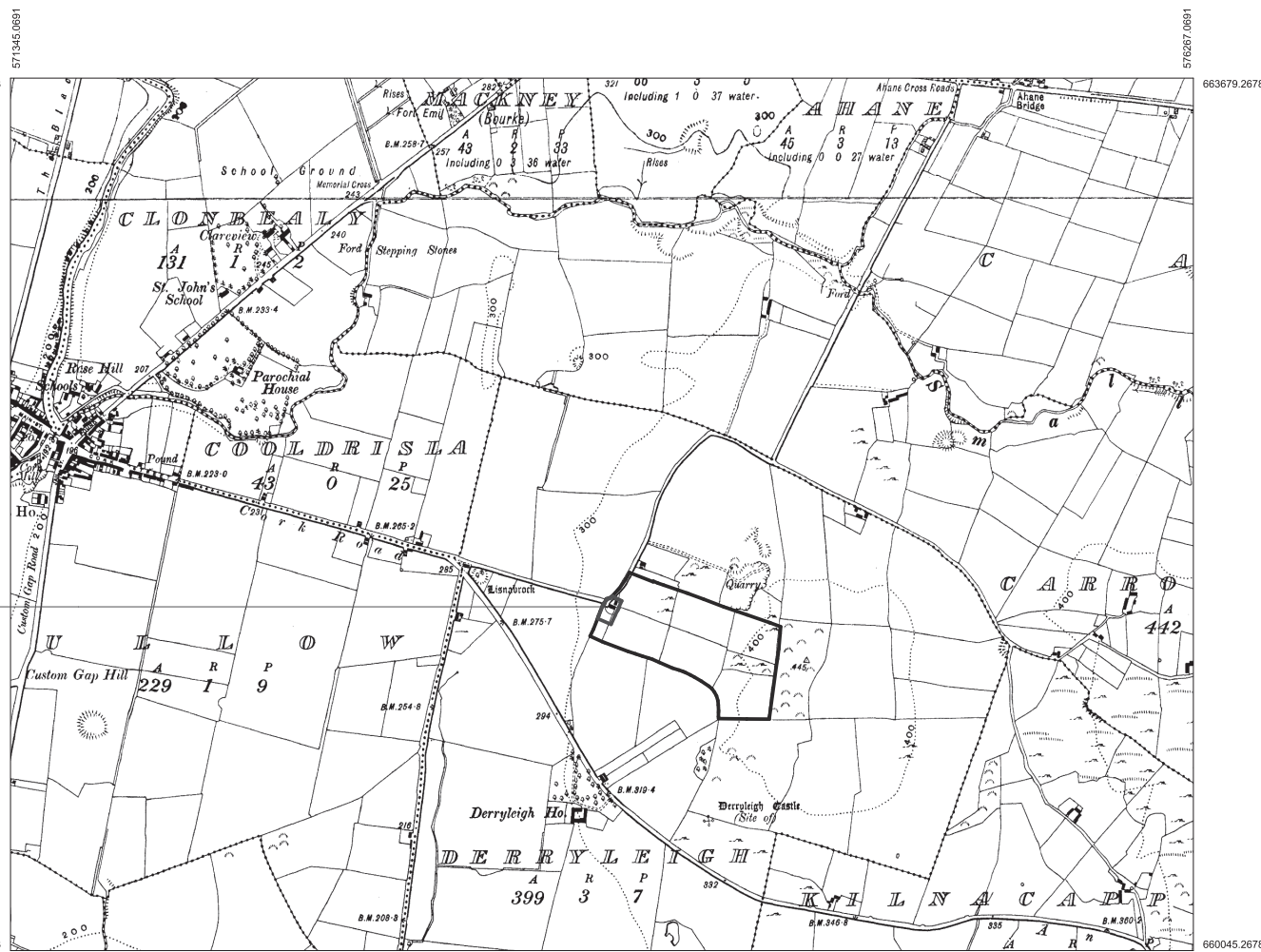
© SuirbhEireacht Ordán-is...ireann, 2023
 Anna thoms' agus arna thois' ag SuirbhEireacht Ordán-is...ireann, P'inc an Fhionnuisce, Baile (th Ciall) 8, ...ire.

S'ralonn at' irgeadh neamh'daraithe cÚipcheart SuirbhEireacht Ordán-is...ireann agus Rialtas na h...ireann.

Gach cead ar cosnamh. Ní ceadmhach aon chuid den fhóilseach'n seo a chÚipe il, a at' irgeadh nÚ a bharrchur in aon thiom'n ar aon bhealach gan cead' scríobhain roimh'É Ú' inÉirí an chÚipchirt.

Ní hionann b'úthar, bealach nÚ cos'n a bheith ar an iÉarsc: il seo agus fianaise ar chhead sil.

Ní thaispe-nann iÉarscail de chuid Ordán-is SuirbhEireacht na h...ireann teorann phoinit' dieth' il de mhaoin namh, n' inÉireacht de ghnÉithe fhisic' il.



SITE LOCATION

N	REVISION	STAGE	DATE	NOTES
	S5	PLANNING	NOV 2024	ISSUED FOR SECTION 5 APPLICATION
NORTH	S SURVEY	SK SKETCH	CR CONSTRUCTION	Figured dimensions only to be taken from this drawing - All dimensions to be checked on site. Discrepancies to be brought to the attention of this office before commencement of work.
	PL PLANNING	T TENDER	FI FURTHER INFO.	



AGENT: GAVIN DOHENY ARCHITECTURE	T: 085-1981714 E: gavindoheny@gmail.com	JOB NO: 2419
CLIENT: JOHN DOHENY	DRAWING TITLE: SITE LOCATION MAP 1:10,560	DWG NO: A0-00
JOB TITLE: SECTION 5 APPLICATION	STAGE: PLANNING	SCALE: 1:10560 @ A3
DERRYLEIGH, NEWPORT, CO. TIPPERARY.	AUTHOR: GD	DATE: 03/12/2024
		REV NO: S5



APPLICATION SITE

Clubhouse

Description:
 Digital Landscape Model (DLM)
 Publisher / Source:
 Ordnance Survey Ireland (OSi)
 Data Source / Reference:
 PRIME2
 File Format:
 Autodesk AutoCAD (DWG_R2013)
 File Name:
 v_50309858_1.dwg
 Clip Extent / Area of Interest (AOI):
 LLX,LLY= 573514.5691,661647.2678
 LRX,LRX= 574097.5691,661647.2678
 ULX,ULY= 573514.5691,662077.2678
 URX,URY= 574097.5691,662077.2678
 Projection / Spatial Reference:
 Projection= IREN95_Irish_Transverse_Mercator
 Centre Point Coordinates:
 X,Y= 573806.0691,661862.2678
 Reference Index:
 Map Series | Map Sheets
 1:2,500 | 4626-A
 1:2,500 | 4626-B
 Data Extraction Date:
 Date= 04-Jan-2023
 Source Data Release:
 DCMLS Release V1.159.114
 Product Version:
 Version= 1.4
 License / Copyright:
 Ordnance Survey Ireland © Terms of Use apply.
 Please visit www.osi.ie/about/terms-conditions.

© Ordnance Survey Ireland, 2023
 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.
 © SuirbhÉireacht Ordán is ...ireann, 2023
 Arna thionscú agus arna fhoilsiú ag SuirbhÉireacht Ordán is ...ireann, P-irc an Fhionnuisce, Baile (thá) Cliath 8, ...ire.
 S'rálonn at: irgeadh neamh' daralthe cÚipcheart ShuirbhÉireacht Ordán is ...ireann agus Rialtas na h...ireann.
 Gach cead ar cosnamh. Ní ceadmhach aon chuid den fhoilseachán seo a chÚipeáil, a at: irgeadh nÚ a tharchur in aon fhoim n' ar aon bhealach gan cead i scríbhinn roimh ré Ú' inEirí an chÚipcheart.
 Ní hionann bÚthar, bealach nÚ cos n' a bheith ar an tEarscúil seo agus fianaise ar chead síl.
 Ní thaispeánn tEarscúil de chuid Ordán is Shuirbhéireacht na h...ireann teorann phointe díleath'íl de mhacoin riamh, n' inEiríocht de ghnEithe fhisici'la.

	REVISION	STAGE	DATE	NOTES
	S5	PLANNING	NOV 2024	ISSUED FOR SECTION 5 APPLICATION
S SURVEY PL PLANNING	SK SKETCH T TENDER	CR CONSTRUCTION FI FURTHER INFO	Figured dimensions only to be taken from this drawing - All dimensions to be checked on site. Discrepancies to be brought to the attention of this office before commencement of work.	

NOTES:
 — SITE BOUNDARY
 — LANDOWNER OWNERSHIP BOUNDARY

AGENT GAVIN DOHENY ARCHITECTURE T: 085-1981714 E: gavindoheny@gmail.com		JOB NO: 2419 DWG NO: A0-01
CLIENT: JOHN DOHENY JOB TITLE: SECTION 5 APPLICATION	DRAWING TITLE: SITE LOCATION MAP 1:2500	REV NO: S5
STAGE: PLANNING	SCALE: 1:2500 @ A3	AUTHOR: GD
DERRYLEIGH, NEWPORT, CO. TIPPERARY.		DATE: 03/12/2024



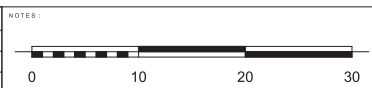
GENERAL LEGEND	
	SITE BOUNDARY
	LANDOWNER OWNERSHIP BOUNDARY
	EXISTING SEPTIC TANK LOCATION (NO PROPOSED CHANGE)
	EXTENT OF DEMOLITIONS
	EXTENT OF PROPOSED AMENDMENTS

1
-

SITE PLAN - EXISTING
1:500



REVISION	STAGE	DATE	NOTES
S5	PLANNING	NOV 2024	ISSUED FOR SECTION 5 APPLICATION



AGENT GAVIN DOHENY ARCHITECTURE T: 085-1981714 E: gavindoheny@gmail.com		JOB NO: 2419 DWG NO: A1-00
CLIENT: JOHN DOHENY		REV NO: S5
JOB TITLE: SECTION 5 APPLICATION		DRAWING TITLE: SITE PLAN - EXISTING
DERRYLEIGH, NEWPORT, CO. TIPPERARY.	STAGE: PLANNING	SCALE: 1:500 @ A3
AUTHOR: GD	DATE: 03/12/2024	

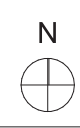
Figured dimensions only to be taken from this drawing - All dimensions to be checked on site. Discrepancies to be brought to the attention of this office before commencement of work.



SITE PLAN - PROPOSED
1:500

GENERAL LEGEND	
	SITE BOUNDARY
	LANDOWNER OWNERSHIP BOUNDARY
	EXISTING SEPTIC TANK LOCATION (NO PROPOSED CHANGE)
	EXTENT OF DEMOLITIONS
	EXTENT OF PROPOSED AMENDMENTS

1
-



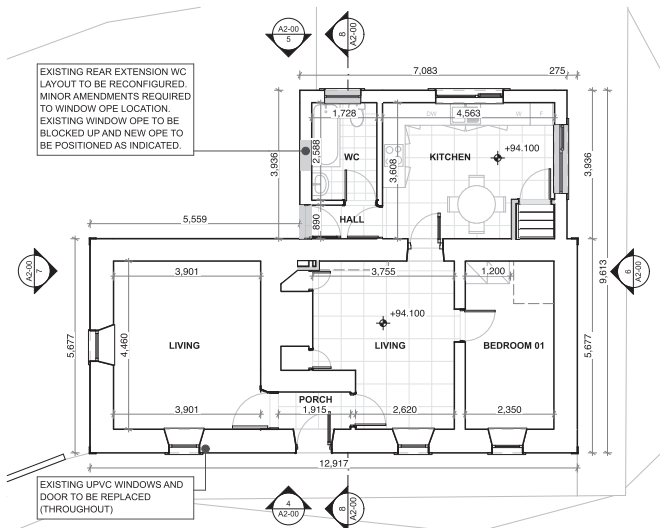
REVISION	STAGE	DATE	NOTES
S5	PLANNING	NOV 2024	ISSUED FOR SECTION 5 APPLICATION

NOTES:
Figured dimensions only to be taken from this drawing - All dimensions to be checked on site. Discrepancies to be brought to the attention of this office before commencement of work.

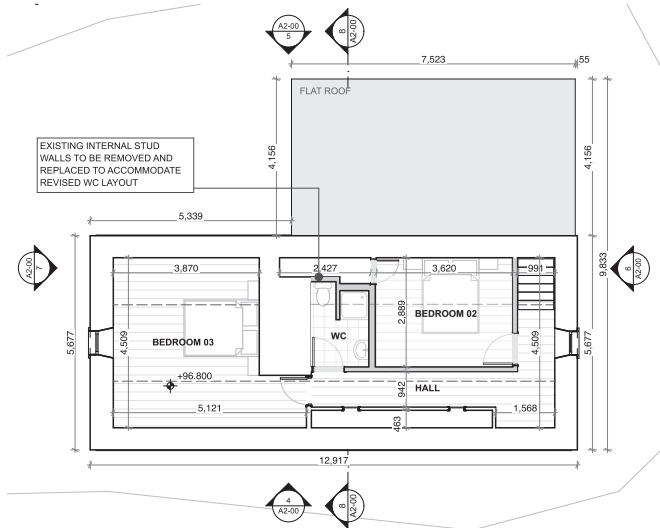


AGENT GAVIN DOHENY ARCHITECTURE T: 085-1981714 E: gavindoheny@gmail.com		JOB NO: 2419 DWG NO: A1-20
CLIENT: JOHN DOHENY		REV NO: S5
JOB TITLE: SECTION 5 APPLICATION		DRAWING TITLE: SITE PLAN - PROPOSED
DERRYLEIGH, NEWPORT, CO. TIPPERARY.	STAGE: PLANNING	SCALE: 1:500 @ A3
	AUTHOR: GD	DATE: 03/12/2024

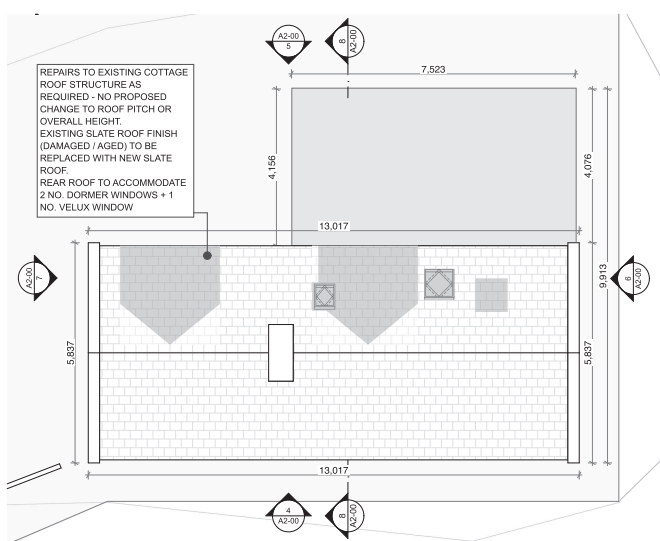
S SURVEY SK SKETCH CR CONSTRUCTION PL PLANNING T TENDER FI FURTHER INFO.



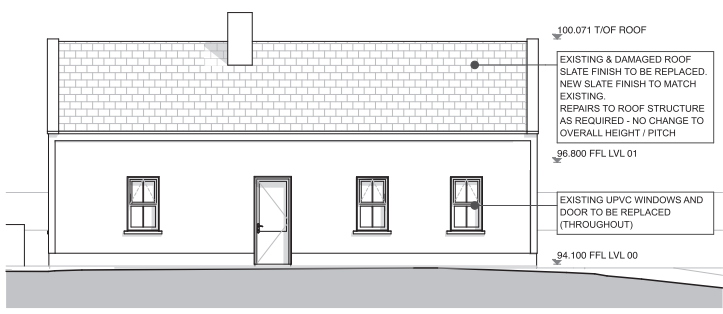
GROUND FLOOR PLAN - EXISTING
1:100



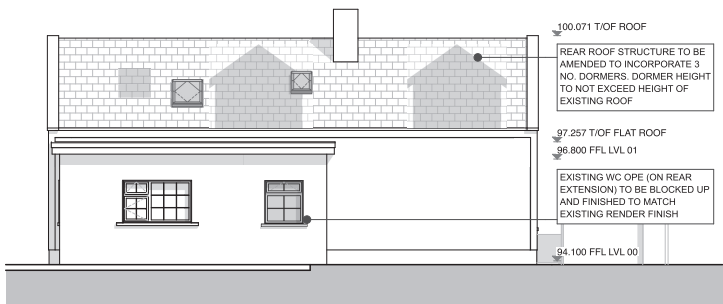
FIRST FLOOR PLAN - EXISTING
1:100



ROOF PLAN - EXISTING
1:100



WEST ELEVATION (FRONT) - EXISTING
1:100



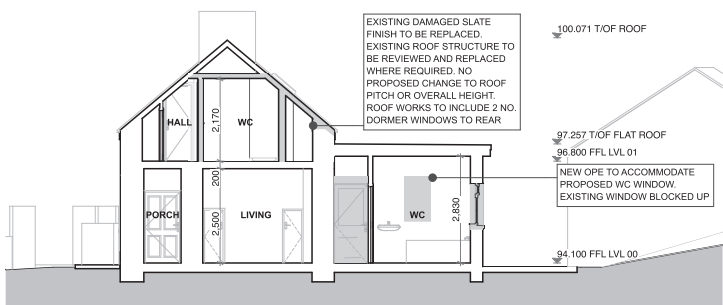
EAST ELEVATION (REAR) - EXISTING
1:100



NORTH ELEVATION - EXISTING
1:100



SOUTH ELEVATION (REAR) - EXISTING
1:100

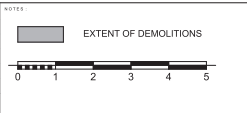


SECTION A-A - EXISTING
1:100

REVISION	STAGE	DATE	NOTES
S5	PLANNING	NOV 2024	ISSUED FOR SECTION 5 APPLICATION

LEGEND: EXTENT OF DEMOLITIONS

0 1 2 3 4 5



CLIENT: **GAVIN DOHENY ARCHITECTURE**

ARCHITECT: **JOHN DOHENY**

PROJECT: **SECTION 5 APPLICATION**

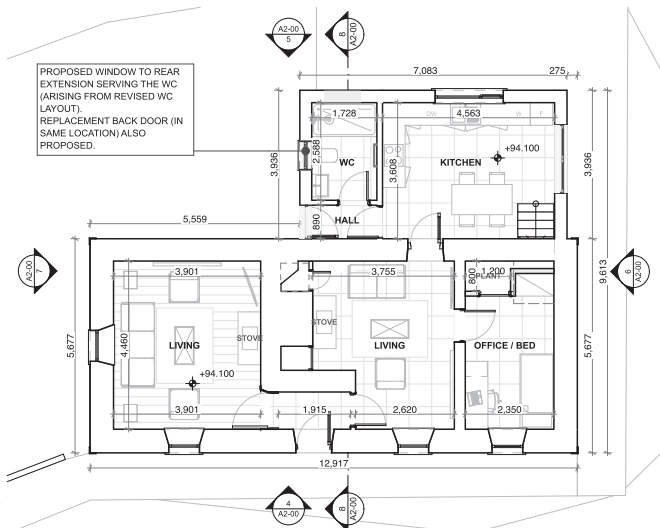
DRAWINGS: **EXISTING**

DATE: 03/12/2024

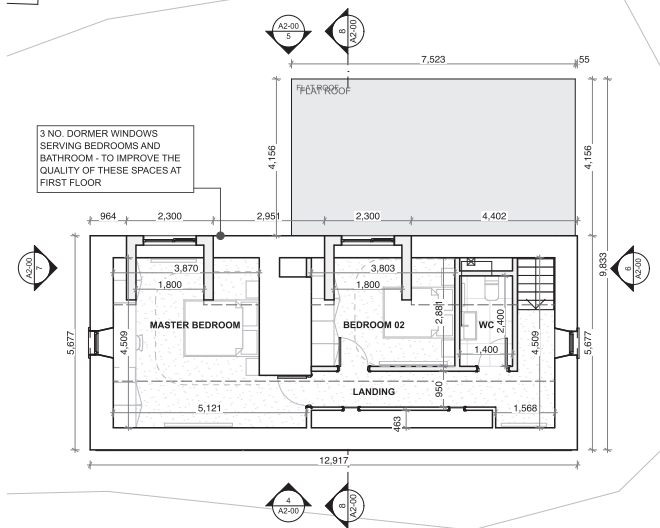
JOB NO: 2419

DRAWING NO: **A2-00**

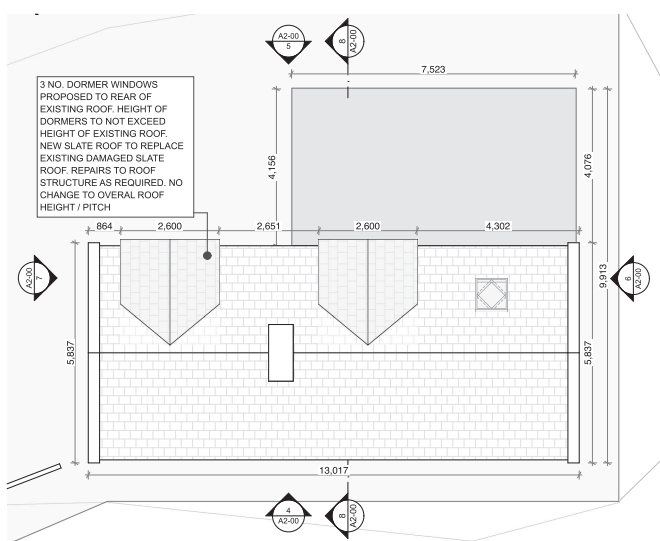
REV NO: **S5**



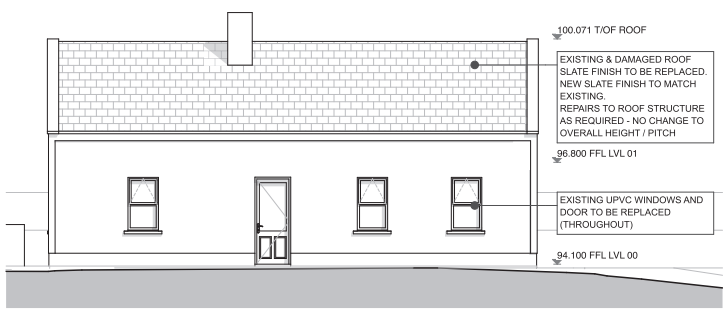
GROUND FLOOR PLAN - PROPOSED
1:100



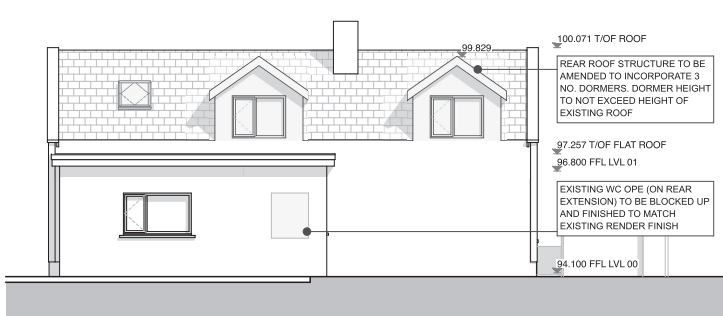
FIRST FLOOR PLAN
1:100



ROOF PLAN - PROPOSED
1:100



WEST ELEVATION (FRONT) - PROPOSED
1:100



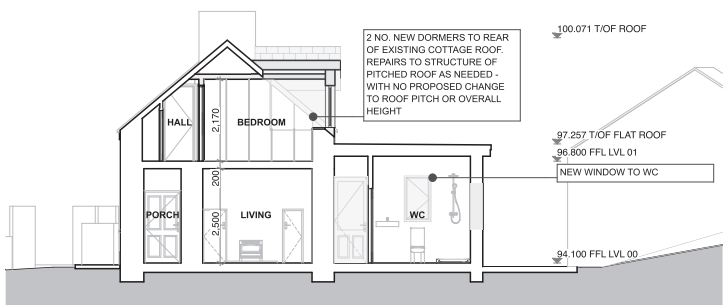
EAST ELEVATION (REAR) - PROPOSED
1:100



NORTH ELEVATION - PROPOSED
1:100



SOUTH ELEVATION (REAR) - PROPOSED
1:100

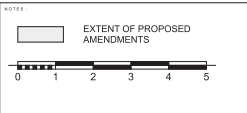


SECTION A-A - PROPOSED
1:100

REVISION	STAGE	DATE	NOTES
S5	PLANNING	NOV 2024	ISSUED FOR SECTION 5 APPLICATION

LEGEND: EXTENT OF PROPOSED AMENDMENTS

0 1 2 3 4 5



CLIENT: **GAVIN DOHENY ARCHITECTURE**

PROJECT: JOHN DOHENY

DATE: 15.11.24

DRAWINGS: PROPOSED

SCALE: 1:100 @ A2

DATE: 03/12/2024

JOB NO: 2419

DWG NO: **A2-20**

REV NO: **S5**



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: 05th December, 2024

Our Ref: S5/24/146 Civic Offices, Clonmel

John Doheny
C/o Gavin Doheny
Derryleigh
Newport
Co. Tipperary

Re: Application for a Section 5 Declaration – proposed development at Derryleigh, Newport, Co. Tipperary V94 PXW7

Dear Mr. Doheny

I acknowledge receipt of your application for a Section 5 Declaration received on 3rd December, 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.: S5/24/146

Applicant: John Doheny

Development Address: Derryleigh, Newport, Co. Tipperary.

Proposed Development:

The proposed development consists of (a) 2 no. dormer windows and 1 no. velux window at rear of house, (b) replacement of existing damaged roof slate finish with new slate roof finish, (c) repairs to existing roof structure where required (with no change to overall roof height or pitch), (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings, (e) internal amendments as per drawings, (f) all associated site services and works

1. GENERAL

On the 03/12/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Derryleigh, Newport, Co. Tipperary.

- (a) 2 no. dormer windows and 1 no. velux window at rear of house,
- (b) replacement of existing damaged roof slate finish with new slate roof finish,
- (c) repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings,
- (e) internal amendments as per drawings,
- (f) all associated site services and works

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

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

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

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

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or

proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

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

4.- (1) *The following shall be exempted developments for the purposes of this Act—*
(h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

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

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

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

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

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

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

Planning and Development Regulations 2001, as amended

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

Exempted Development.

6. (1) *Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

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

Description of Development

Conditions and Limitations

1.

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.

- (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.*

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

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

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

3. ASSESSMENT

a. Site Location

The site is located at Derryleigh, Newport. It contains a detached dwelling and a detached garage.

b. Relevant Planning History

No planning history noted

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”

It is considered that the 2 dormer windows proposed do not satisfy condition/limitation 4a) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as the rear wall of the dormer extensions exceed the height of the rear wall of the dwelling. Furthermore, the dormer extensions do not meet the planning exemption under Section 4 (1) (h) of the Planning and Development Act, 2000, as amended. While the 2 dormer windows can be considered as an “other alteration”, it is considered that they materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and neighbouring structures.

- **1 NO. VELUX WINDOW AT REAR OF HOUSE;**
- **REPLACEMENT OF EXISTING DAMAGED ROOF SLATE FINISH WITH NEW SLATE ROOF FINISH;**
- **REPAIRS TO EXISTING ROOF STRUCTURE WHERE REQUIRED (WITH NO CHANGE TO OVERALL ROOF HEIGHT OR PITCH);**
- **REPLACEMENT OF EXISTING UPVC WINDOWS AND DOORS WITH NEW UPVC WINDOWS AND DOORS AS PER DRAWINGS;**
- **INTERNAL AMENDMENTS AS PER DRAWINGS;**
- **ALL ASSOCIATED SITE SERVICES AND WORKS**

It is considered that the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. It is considered these ‘works’ 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.

These works are therefore considered exempt under Section 4 (1) (h) of the Planning and Development Act, 2000, as amended.

Restrictions under Article 9

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

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

Appropriate Assessment (AA)

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

Environmental Impact Assessment (EIA):

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

4. RECOMMENDATION

WHEREAS, a question has arisen as to whether the following proposed development at Derryleigh, Newport, Co. Tipperary is or is not exempted development:

- (a) 2 no. dormer windows and 1 no. velux window at rear of house,
- (b) replacement of existing damaged roof slate finish with new slate roof finish,

- (c) repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings,
- (e) internal amendments as per drawings,
- (f) all associated site services and works

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

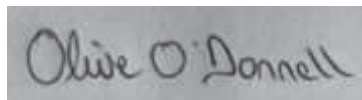
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended
- (c) Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended

AND WHEREAS Tipperary County Council has concluded that –

The proposals constitutes “development” within the meaning of the Planning and Development Act 2000, as amended, and,

- The provision of 1 no. velux window at rear of house; the replacement of existing damaged roof slate finish with new slate roof finish; repairs to existing roof structure where required (with no change to overall roof height or pitch); the replacement of existing upvc windows and doors with new upvc windows and doors as per drawings; internal amendments as per drawings and all associated site services and works **IS “Exempted Development”** as same avails of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.
- The provision of 2 no. dormer windows **IS NOT “exempted development”** as the proposal does not satisfy condition and limitation 4 (a) attached to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) nor does it avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

District Planner:



Date: 06/01/2025

A/ Senior Executive Planner:



Date: 6/1/2025

AA Screening

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/24/146
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.				
European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Silvermine Mountains SAC 000939	<u>Silvermine Mountains SAC National Parks & Wildlife Service (npws.ie)</u>	Within 15km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Glenomra Wood SAC 001013	<u>Glenomra Wood SAC National Parks & Wildlife Service (npws.ie)</u>	Within 15km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Bolingbrook Hill SAC 002124	<u>Bolingbrook Hill SAC National Parks & Wildlife Service (npws.ie)</u>	Within 15km	No due to distance and the lack of any relevant ex-situ factors of	N

			significance to these species	
Slieve Bernagh Bog 002312	<u>Slieve Bernagh Bog SAC National Parks & Wildlife Service (npws.ie)</u>	Within 15km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Clare Glens SAC 000930	<u>Clare Glen SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Keeper Hill SAC 001197	<u>Keeper Hill SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Glenstal Woods SAC 001432	<u>Glenstal Wood SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Lower River Shannon SAC 002165	<u>Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)</u>	1.2km from site entrance, 1.6km from proposed development	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Silvermines Mountains West SAC 002258	<u>Silvermines Mountains West SAC National Parks & Wildlife Service (npws.ie)</u>	Within 10km	No due to distance and the lack of any relevant ex-situ factors of	N

			significance to these species	
Lough Derg (Shannon) SPA 004058	<u>Lough Derg (Shannon) SPA National Parks & Wildlife Service (npws.ie)</u>	Within 15km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Slievefelim to Silvermines Mountains SAP 004165	<u>Slievefelim to Silvermines Mountains SPA National Parks & Wildlife Service (npws.ie)</u>	1.4km	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N

- ¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.
- ² If the site or part thereof is within the European site or adjacent to the European site, state here.

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 	During the construction phase, the site will be cleared and topsoil removed. The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing 	Given the nature and scale of the development, there is no real likelihood of

<ul style="list-style-type: none"> 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 	any significant effects on European Sites in the wider catchment area.
In-combination/Other	No likely significant in-combination effects are identified

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	<p>None.</p> <p>The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>Given the scale of the proposed development and the significant distance between the proposed development site and any European Sites is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network.</p>
---	---

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

Yes No

Step 4. Screening Determination Statement

The assessment of significance of effects:

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

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

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell 06/01/2025	

EIA PRE-SCREENING Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/146
Development Summary:	As per planners report
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

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/146** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 40781 dated 2nd January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from John Doheny, C/o Gavin Doheny, Derryleigh, Newport, Co. Tipperary re:

- (a) 2 no. dormer windows and 1 no. velux window at rear of house,
- (b) replacement of existing damaged roof slate finish with new slate roof finish,
- (c) repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings,
- (e) internal amendments as per drawings,
- (f) all associated site services and works

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

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

AND WHEREAS Tipperary County Council has concluded that –
The proposals constitute "development" within the meaning of the Planning and Development Act 2000, as amended, and

AND WHEREAS Tipperary County Council has further concluded that –

- The provision of 1 no. velux window at rear of house; the replacement of existing damaged roof slate finish with new slate roof finish; repairs to existing roof structure where required (with no change to overall roof height or pitch); the replacement of existing upvc windows and doors with new upvc windows and doors as per drawings; internal amendments as per drawings received on 3/12/2024 and all associated site services and works **IS "Exempted Development"** as same avails of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

- The provision of 2 no. dormer windows **IS NOT "exempted development"** as the proposal does not satisfy condition and limitation 4 (a) attached to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) nor does it avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

Signed:



Date: 7/01/2025

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



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae
Thiobraid Árann,
Oifigi 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: 7th January, 2025 Our Ref: S5/24/146 Civic Offices, Nenagh

John Doheny
C/o Gavin Doheny
Derryleigh
Newport
Co. Tipperary

Re: Application for a Section 5 Declaration – proposed development at Derryleigh, Newport, Co. Tipperary V94 PXW7

Dear Mr Doheny,

I refer to your application for a Section 5 Declaration received on 3rd December, 2024, in relation to the following proposed works at Derryleigh, Newport, Co. Tipperary:

- (a) 2 no. dormer windows and 1 no. velux window at rear of house,
- (b) replacement of existing damaged roof slate finish with new slate roof finish,
- (c) repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings,
- (e) internal amendments as per drawings,
- (f) all associated site services and works

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

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

AND WHEREAS Tipperary County Council has concluded that –

The proposals constitutes “development” within the meaning of the Planning and Development Act 2000, as amended, and,

- The provision of 1 no. velux window at rear of house; the replacement of existing damaged roof slate finish with new slate roof finish; repairs to existing roof structure where required (with no change to overall roof height or pitch); the replacement of existing upvc windows and doors with new upvc windows and doors as per drawings; internal amendments as per drawings and all associated site services and works **IS "Exempted Development"** as same avails of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.
- The provision of 2 no. dormer windows **IS NOT "exempted development"** as the proposal does not satisfy condition and limitation 4 (a) attached to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) nor does it avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

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



for **Director of Services**