



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	PAUL & HELENA KAVANAGH
Address	SE. PATRICK'S ROAD SILVERSPRINGS, CLONMEL
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	W. O. MORRISSEY & SON
Address	THOMAS SWEEL CLONMEL, CO. TIPPERARY
Telephone No.	
E-mail	
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)	SE. PATRICK'S ROAD SILVERSPRINGS CLONMEL, CO. TIPPERARY.
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4. **Development Details:**

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

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

PERMISSION FOR PART DEMOLITION, ALTERATION AND EXTENSION OF THE EXISTING SINGLE STOREY HOUSE, TO CHANGE IT FROM A SINGLE STOREY HOUSE TO 2ND. HOUSES, EACH WITH UPPER STOREY ACCOMMODATION PARTLY WITHIN THE ROOF SPACE AND HAVING SHARED ACCESS THROUGH THE EXISTING GATEWAY AT
St. Patrick's Road,
SILVERSPRINGS, CLONMEL, Co. TIPPERARY
Proposed floor area of proposed works/uses: 390.87 sqm

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"/>	<input type="checkbox"/>
Where legal interest is 'Other', please expand further on your interest in the land or structure	N/A	
If you are not the legal owner, please state the name and address of the owner	Name: Address:	N/A

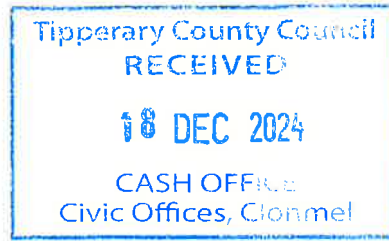
Signature of Applicant(s) Paul Kane
Melene Kane

Date: 13-12-24

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.

**W. O. MORRISSEY & SON
ARCHITECTS**

PETER MORRISSEY B. ARCH., F.R.I.A.I.
Architect Accredited in Conservation – Grade 3
Chartered Member R.I.B.A.



RN: 188115
€80 Clon
THOMAS STREET
CLONMEL
CO. TIPPERARY
Eircode E91 P210
Tel: (052) 6121621/6123022
Fax: (052) 6124802
e-mail: info@morrisseyarchitects.ie

18 December 2024

BY HAND

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

Re: Permission for part demolition, alteration and extension to the existing single storey house, to change it from a single storey house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway at St. Patrick's Road, Silversprings, Clonmel, Co. Tipperary Ref. in Planning Register 24/236

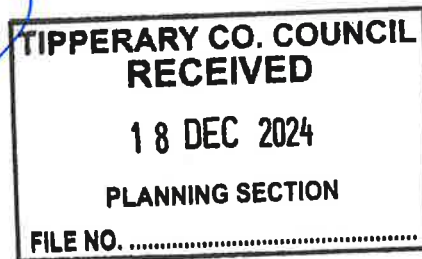
A Chara,

I enclose herewith our Clients Application for a Part V Exemption Certificate, together with the relevant Drawings and our cheque for the Fee of €80.00.

Is mise, le meas,

W. O. MORRISSEY & SON

CC PAUL & HELENA KAVANAGH





notes:
 all drawings shall be read in conjunction with specification, any variations or discrepancies to be informed immediately to the architect before work proceeds
 all dimensions to be checked on site before work proceeds

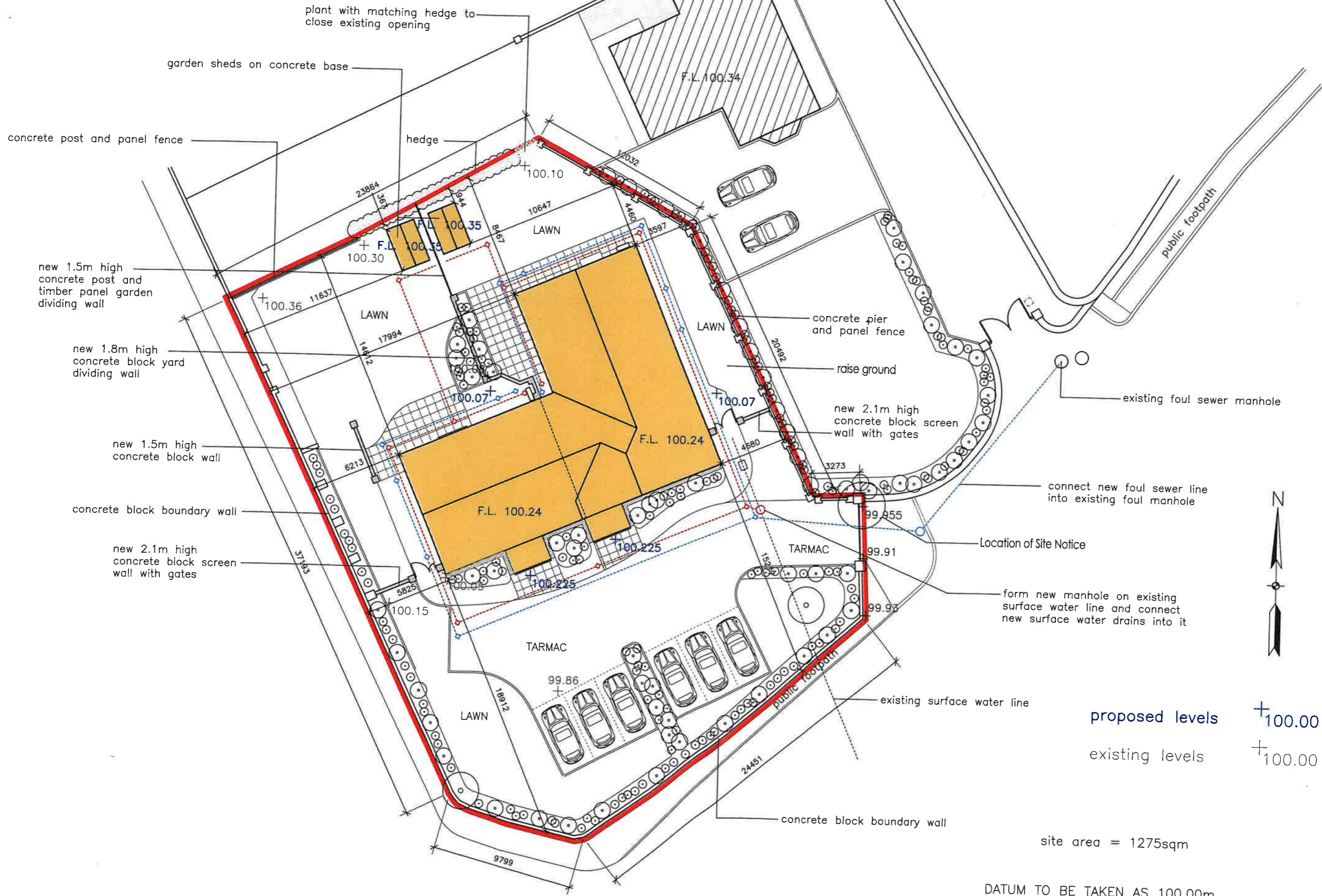
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revisions:

ORDNANCE SURVEY IRELAND LICENCE NO. CYAL50373253

drg title: PROPOSED WORKS TO EXISTING DWELLING AT SILVERSPRINGS, CLONMEL FOR PAUL & HELENA KAVANAGH
 drg name: SITE LOCATION MAP
 scale: 1:1000 @ A3
 date: DECEMBER 2024
 w.o.morrissey & son. architects. thomas st. clonmel. phone. (052) 6121621/6123022 fax. (052) 6124802

drg no. 1



proposed levels +100.00
 existing levels +100.00

site area = 1275sqm

DATUM TO BE TAKEN AS 100.00m
 (GROUND LEVEL AT CORNER OF HOUSE)

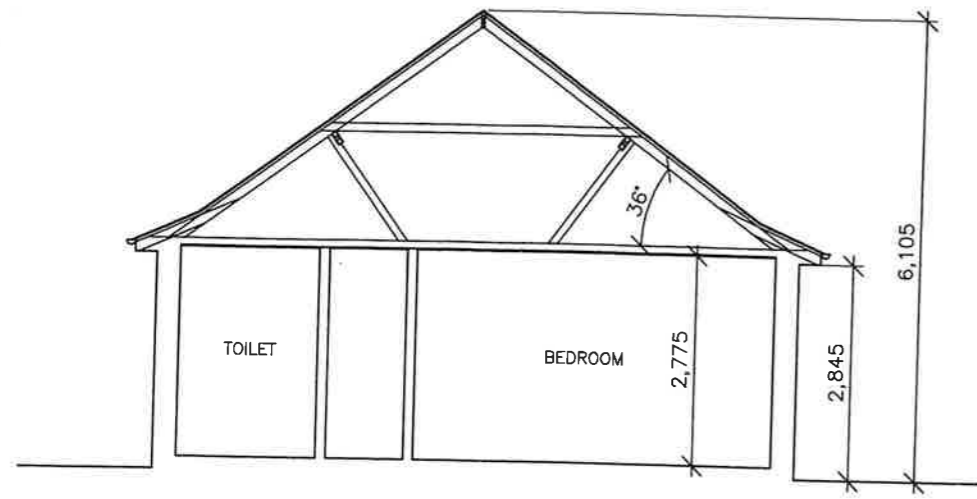
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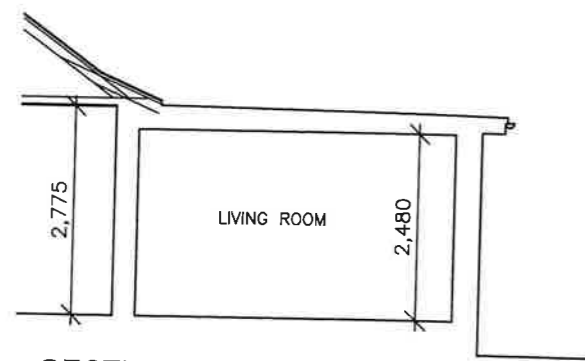
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 drg name: PROPOSED SITE PLAN
 scale: 1:250 @ A3
 date: DECEMBER 2024
 w.o.morrissey & son. architects. thomas st. clonmel. phone. (052) 6121621/6123022 fax. (052) 6124602

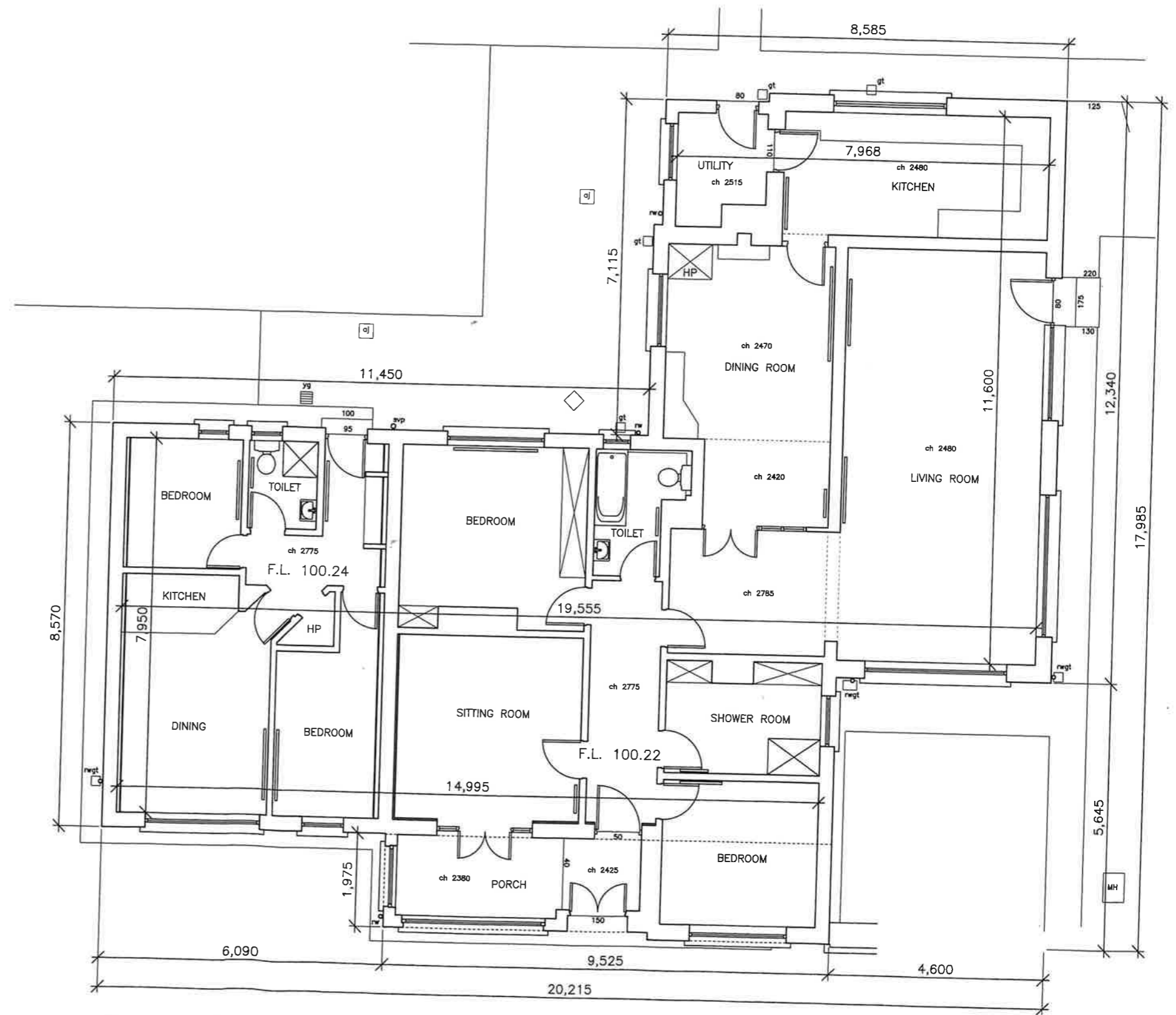
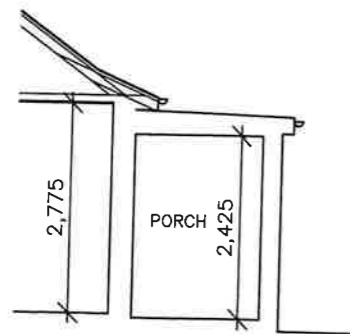
drg no. 2



SECTION



SECTION



FLOOR PLAN of DWELLING
area = 214.43sqm

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PAUL & HELENA KAVANAGH

drg no.

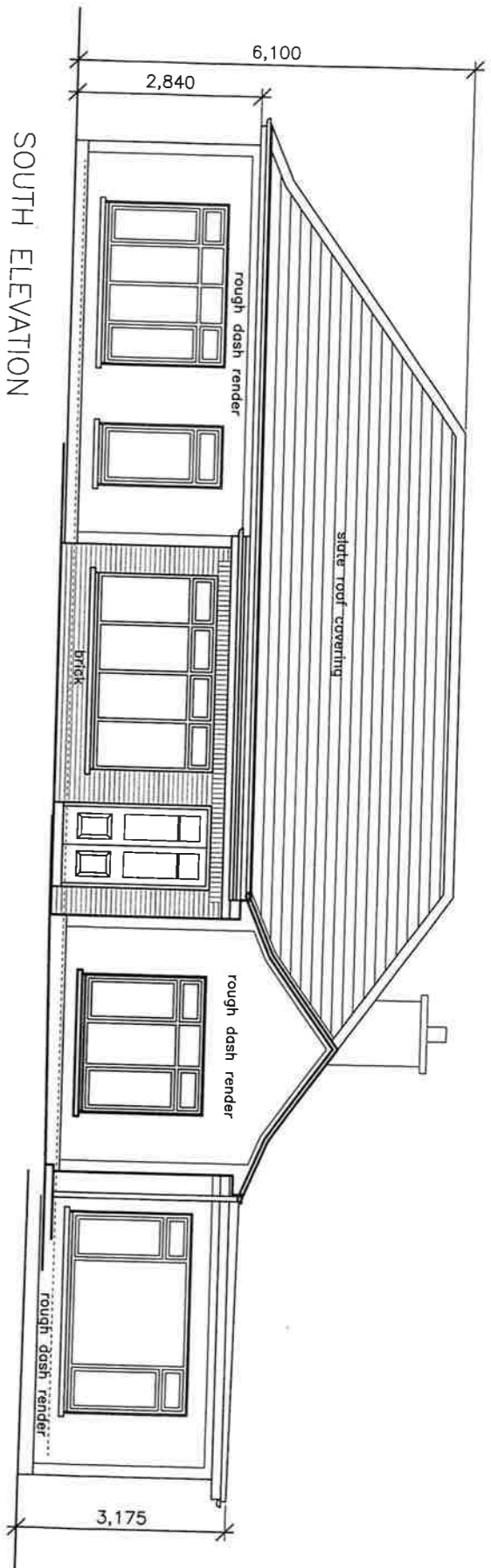
drg name: EXISTING FLOOR PLAN & SECTIONS

3

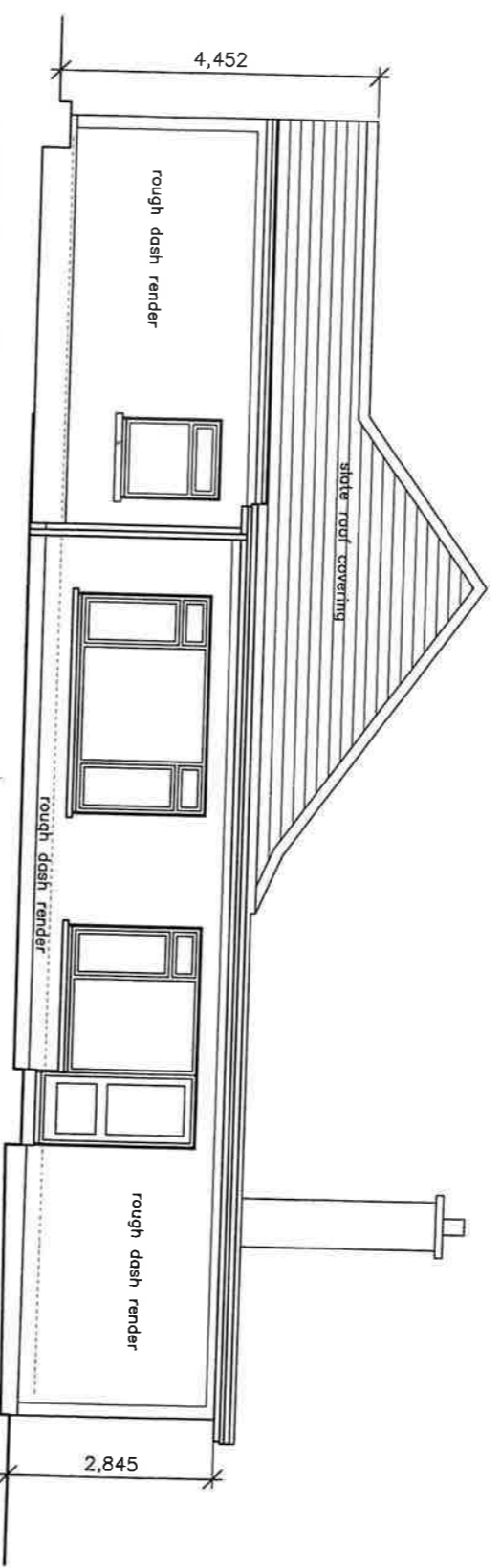
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date: DECEMBER 2024

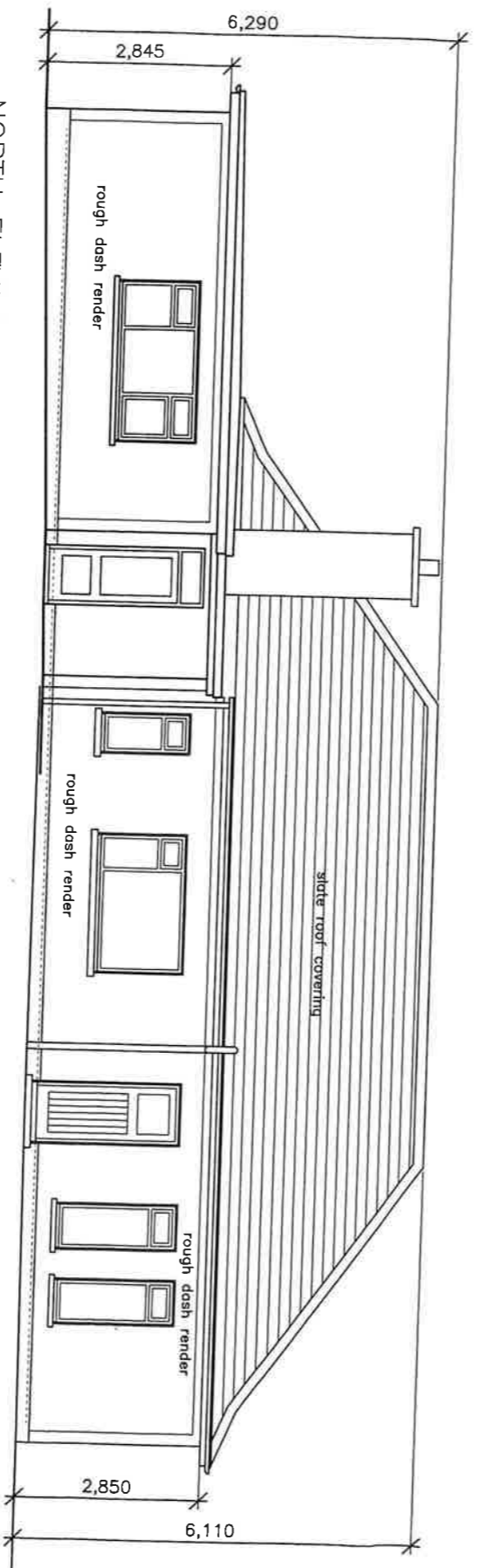
w.o.morrissey & son. architects. thomas st. clonmel. phone. (052) 6121621/6123022 fax. (052) 6124802



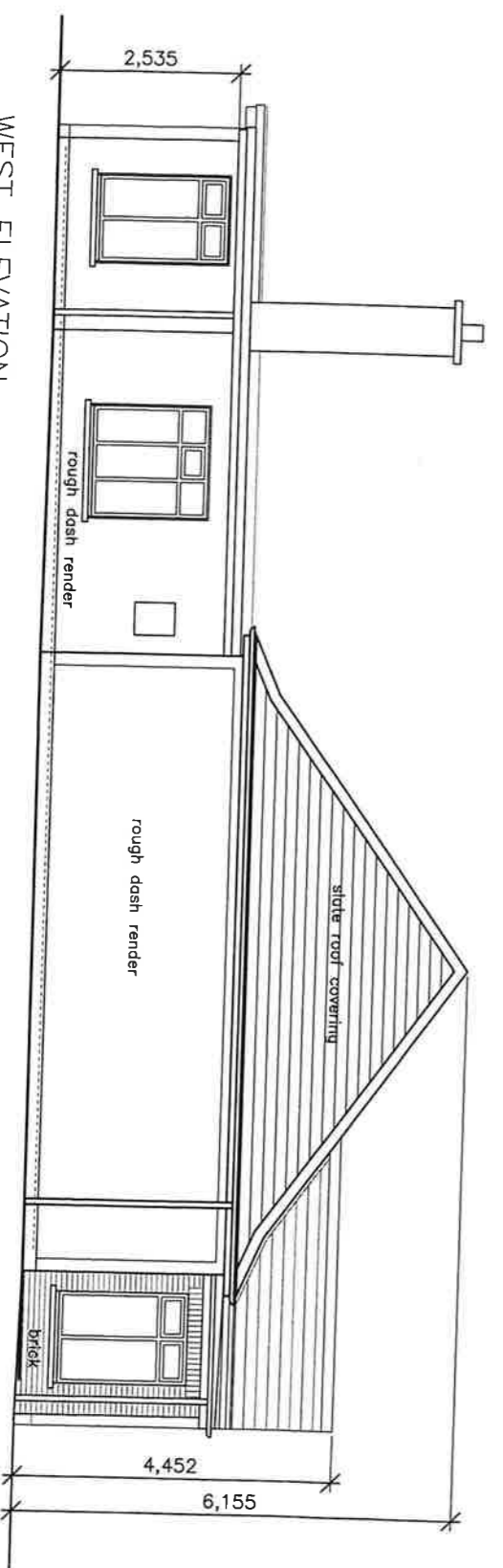
SOUTH ELEVATION



EAST ELEVATION



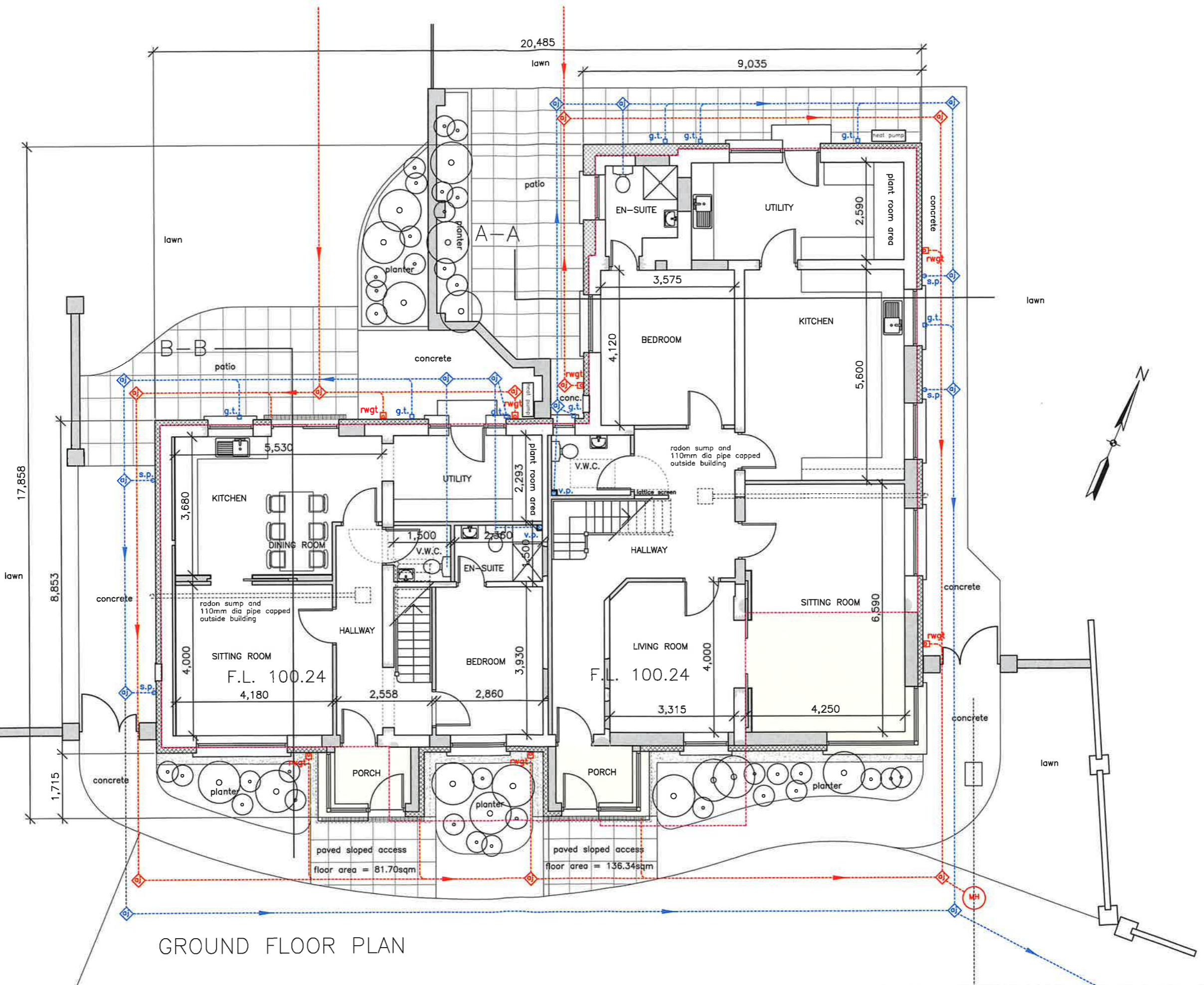
NORTH ELEVATION



WEST ELEVATION

revisions:

drg title: PROPOSED WORKS TO EXISTING DWELLING
 AT SILVERSPRINGS, CLONMEL, FOR
 PAUL & HELENA KAVANAGH
 drg name: EXISTING ELEVATIONS
 scale: 1:100 @ A3
 date: DECEMBER 2024
 warroney & son, architects, thomas st, daniel, phone (052) 6121621/6123022 fax (052) 6124802



GROUND FLOOR PLAN

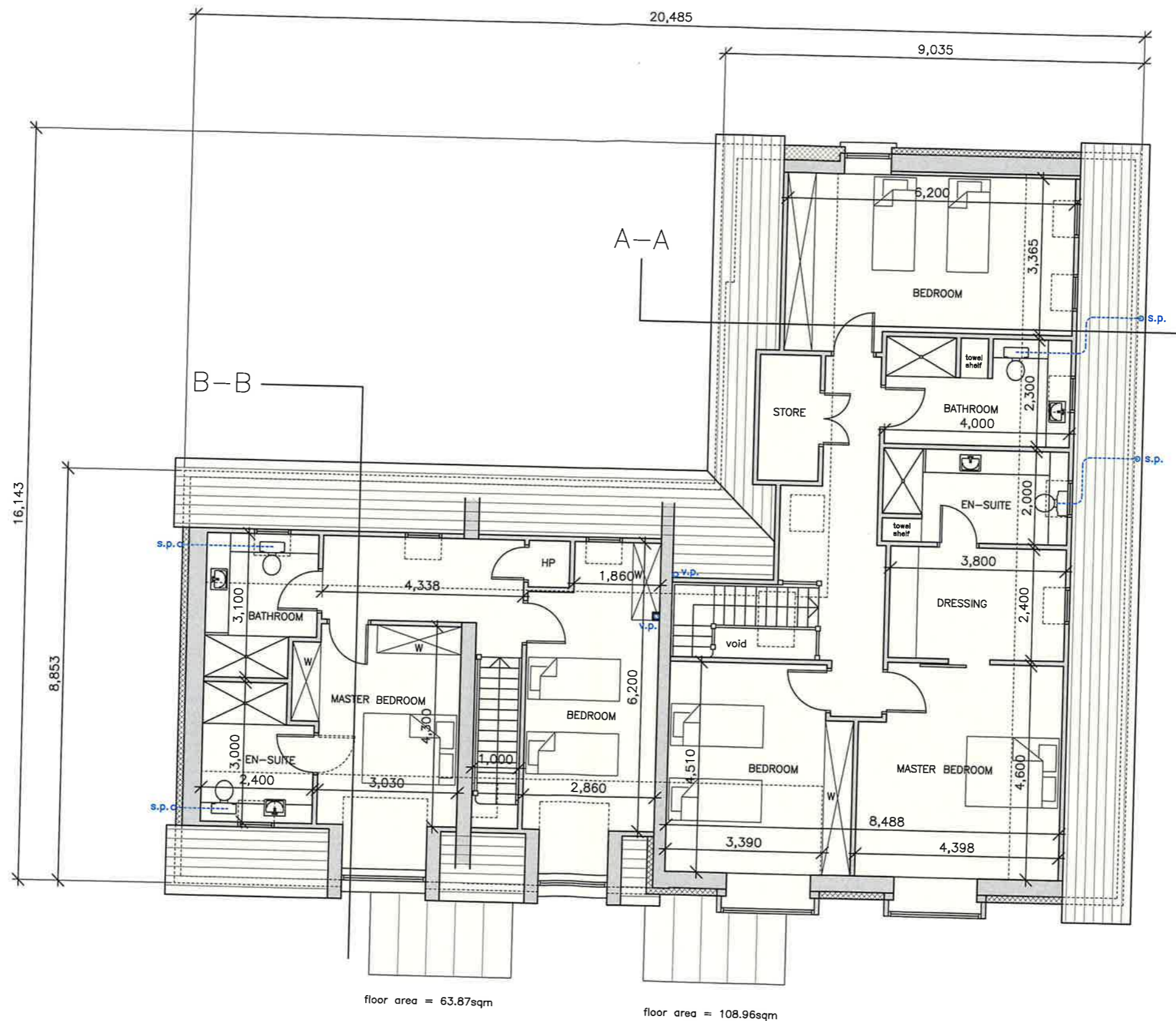
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 drg name: PROPOSED GROUND FLOOR PLAN
 scale: 1:100 @ A3
 date: DECEMBER 2024
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drg no. 5



FIRST FLOOR PLAN

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 drg name: PROPOSED FIRST FLOOR PLAN
 scale: 1:100 @ A3
 date: DECEMBER 2024

drg no.

6



SOUTH ELEVATION

entry to houses at front door to have level access with max. threshold of 15mm high



EAST ELEVATION

all windows to habitable rooms should have an open area of at least 0.33sqm with a minimum width and height of 450mm. the opening section should be capable of remaining in the open position which provides this minimum clear open space. the opening section of the window should be secured by means of fastenings which are readily openable from the inside and should be fitted with safety restrictors. safety restrictors can be either an integral part of the window operating gear or separate items of hardware which can be fitted to a window at the time of manufacture or at installation. restrictors should operate so that they limit the initial movement of an opening section to not more than 100mm.

notes:

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revisions:

drg title:

PROPOSED WORKS TO EXISTING DWELLING AT SILVERSPRINGS, CLONMEL. FOR PAUL & HELENA KAVANAGH

drg no.

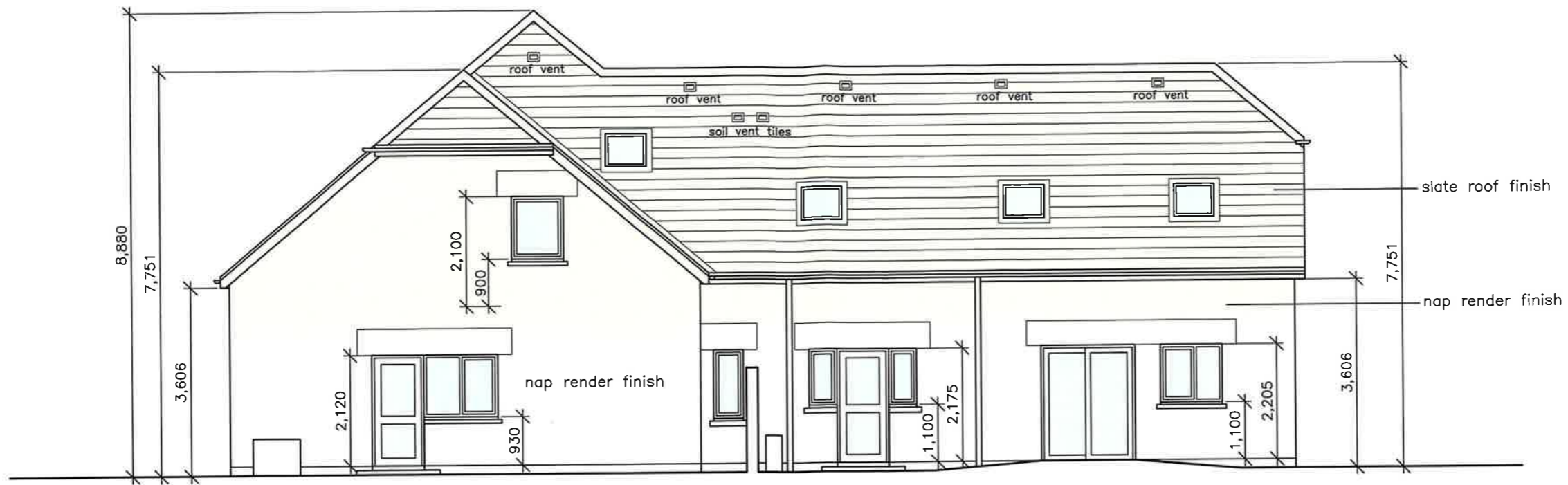
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7

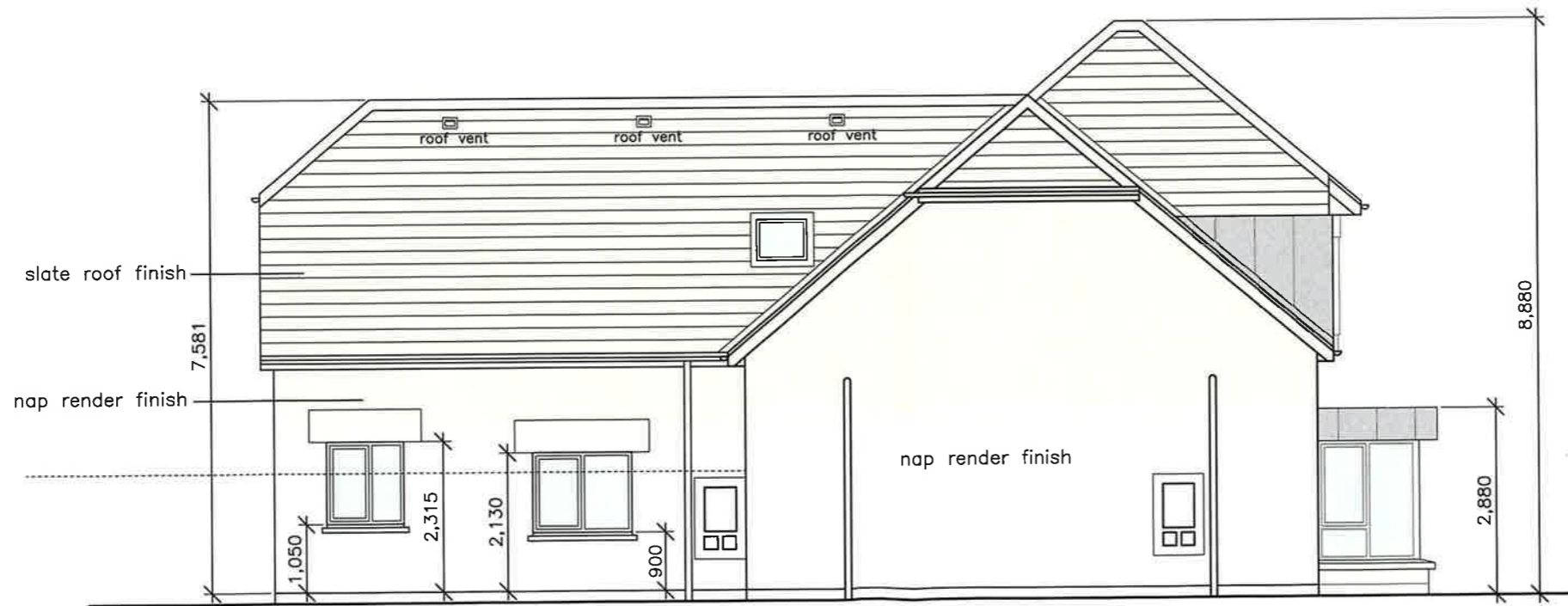
scale: 1:100 @ A3

date: DECEMBER 2024

w.o.morrissey & son. architects. thomas st. clonmel. phone. (052) 6121621/6123022 fax. (052) 6124802



NORTH ELEVATION



WEST ELEVATION

all windows to habitable rooms should have an open area of at least 0.33sqm with a minimum width and height of 450mm. the opening section should be capable of remaining in the open position which provides this minimum clear open space. the opening section of the window should be secured by means of fastenings which are readily openable from the inside and should be fitted with safety restrictors. safety restrictors can be either an integral part of the window operating gear or separate items of hardware which can be fitted to a window at the time of manufacture or at installation. restrictors should operate so that they limit the initial movement of an opening section to not more than 100mm.

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drg name: PROPOSED ELEVATIONS

scale: 1:100 @ A3

date: DECEMBER 2024

w.o.morrissey & son. architects. thomas st. clonmel. phone. (052) 6121621/6123022 fax. (052) 6124802

drg no.

8



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 December, 2024 Our Ref: S5/24/153 Civic Offices, Clonmel

Paul & Helena Kavanagh
C/O W.O. Morrissey & Son Architects
Thomas Street
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – Permission for part demolition, alteration & extension of existing single story house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway at St Patrick’s Road, Silversprings, Clonmel, Co. Tipperary.

Dear Mr. Morrissey,

I acknowledge receipt of your application for a Section 5 Declaration received on 18th 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.: S5/24/153

Applicant: Paul & Helena Kavanagh

Development Address: St Patrick's Road, Silversprings, Clonmel, Co. Tipperary

Proposed Development: Part demolition, alteration & extension of existing single story house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway.

1. GENERAL

On the 18th of December 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”:

- part demolition, alteration & extension of existing single story house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway.

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 3(3) states;

(3) For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

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 of the same Part includes 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.

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, with a stated area of 0.1275 hectares, is located on St Patrick's Road Silversprings Clonmel Co. Tipperary. The site occupies a prominent location at the junction of the L-7601 (Silversprings Road to the west) and the L-3600 (St Patricks Road to the south). The site is currently occupied by a detached single storey property.

It is bound to by a boundary wall on its eastern, southern and western boundaries. To the north, the boundary is defined partly by a hedge and partly by a concrete post and concrete panel fence.

The surrounding area is residential in character. To the north and north east are two storey properties. The road to the west of the site is at a higher level to the subject. Access is taken off the L-3600 to the south.

The site is located on lands zoned existing residential in the Clonmel and Environs Local Area plan 2024. The structure on site is not listed on the Record of Protected Structures nor is it on the National inventory of Architectural Heritage.

b. Relevant Planning History

2/483 – Bungalow – granted

2/641 – extend living room and build dining room and utility room – granted

2/716 – erect stores and offices – granted

24/236 - part demolition, alteration and extension of the existing single storey house, to change it from a single storey house to 2 no. houses, each with upper storey accommodation partly within the roof space and having shared access through the existing gateway – current application – the following further information requested on the 5th of December 2024;

1. Having reviewed the details submitted and undertaken a site inspection, the Planning Authority has serious reservations with the proposal as presented. The subject site occupies a visually prominent location at the junction of the L-7601 and the L-3600. The existing dwelling does not lend itself easily to sub division. The extension proposed appears overly complex and is visually jarring with multiple openings of varying sizes provided in an irregular pattern on the front elevation. The solid to void ratio on this elevation is inappropriate. This is a concern given the visual prominence of the dwelling on one of the main roads leading out of Clonmel.
While it may be possible to provide two units at this location, the Planning Authority has serious concerns with the design approach taken as the proposal, as currently presented, will have an adverse impact on the visual character of the area. The applicant is invited to submit revised proposals addressing these concerns.
2. It is noted that there is a bedroom window at first floor level on the northern elevation of the larger unit. This window is set 8.4 metres from the northern boundary. Immediately north of this boundary is the rear amenity space of a neighbouring property. There is a concern with the potential for overlooking from this bedroom window. The applicant is requested to submit revised proposals to address this concern. Given that this is the principle window serving the bedroom, frosted glazing is not an appropriate design response.
3. The applicant is requested to submit details of DMURS compliant sightlines at the entrance. Please note that the development proposed will give rise to a significant intensification of the use of the entrance and it would be preferable if the entrance was arranged so that it was at a right angle to the road rather than at a skewed angle.
4. All surface water is to be contained on site. The applicant is requested to submit details setting out how surface water will be managed on site.
5. The Planning Authority consider the proposal is for development to which Part V of the Planning and Development Act 2000 as amended, applies. If you consider the development to be exempt by virtue of section 97 of the Planning and Development Act 2000, as amended a copy of a Certificate of Exemption under section 97 must be submitted in response to this request.

Adjoining Lands:

117/91 – two storey dwelling - granted

21/1514 alter the entrance to their property and to replace and reposition the dividing wall between their property and No. 1 Powerstown Road. The works will include demolition and removal of 2 no. existing gateways, walls, piers, and gates and construction of new stone masonry walls with piers and gates, to form a single entrance, complete with associated works of reinstatement and resurfacing and alterations to garden and planting area, including lighting – granted

Figure 1 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 subdivision of an existing single storey bungalow to provide two independent dwelling units, construction of a single storey extension to the rear of an existing dwelling. In addition, the roof height is to be increased with the attic space converted to provide additional living space.

Figure 2 Elevations



An additional 176.87 sqms of floor space is to be provided.

Section 3(3) of the Act clearly states that;

(3) For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

There is no exemption for the subject change of use in this instance.

With respect to the demolition works, extension to the front, 2 no porches and conversion of the attic space to residential space, there is no exemption allowing for same. With respect to the elevational changes proposed, it is considered that they go beyond the scope of what would normally be considered under Section 4(1)(h) of the Planning and development Act 2000, as amended.

C) Restrictions under Article 9

As the works proposed are not deemed to be exempted development, the restrictions on exempted development do not apply.

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

The subject site is located c. 16 ms from the Lower River Suir SAC, 9.2 kms from the Nier valley woodlands SAC and 10.5 kms from the Comeragh Mountains SAC.

The proposed development is located within the curtilage of a residential dwelling and comprises of the subdivision and extension of the property to provide an additional dwelling unit.

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 absence of a direct pathway to these European sites,

it is considered that the proposed development would not 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

WHEREAS a question has arisen as to whether the part demolition, alteration & extension of existing single story house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway at St Patricks Road, Silversprings, Clonmel, is development and 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) Class 1 and Class 50 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the part demolition, alteration & extension of existing single story house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway at St Patricks Road, Silversprings, Clonmel, is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal as set out above is **development and IS NOT exempted development.**

Signed: Paul Killean
District planner

Date: 16/01/25

Signed: C. Conway
Senior Executive Planner

Date: 21.01.2025

Note to admin: In the cover letter to issue with this determination please draw the applicant's attention to Item 5 on the Further Information Request which issued under PI. Ref. No. 24/236. Same sought a Section 97 Exemption Certificate rather than a Section 5. The relevant application form should also be included.

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/153
Development Summary:	Subdivision of house to provide second house
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 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 checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _Class 10 (b) (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

EIA PRELIMINARY EXAMINATION:
The Planning Authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.

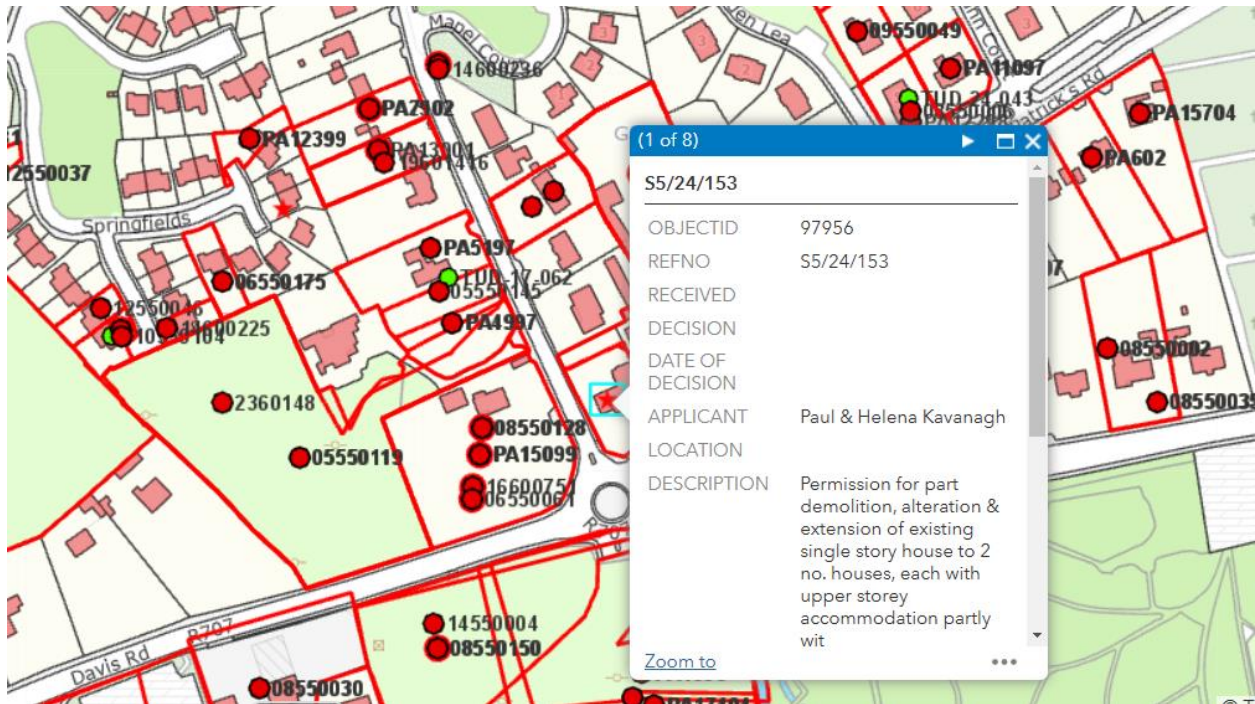
	Comment:	Yes/No/ Uncertain:
<p>Nature of the development: <i>Is the nature of the proposed development exceptional in the context of the existing environment?</i></p> <p><i>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</i></p>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

Preliminary Examination Conclusion:

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

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

Figure 3 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: 21st January, 2025

Our Ref: S5/24/153

Civic Offices, Nenagh

**Paul & Helena Kavanagh
C/O W. O Morrissey & Son
Thomas Street
Clonmel
Co. Tipperary**

SCANNED

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

Dear Mr Ryan,

I refer to your application for a Section 5 Declaration received on 18th December, 2024, in relation to the following proposed works:

Part demolition, alteration & extension of existing single story house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway **at St Patrick's Road, Silversprings, 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) Class 1 and Class 50 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the part demolition, alteration & extension of existing single story house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway at St Patricks Road, Silversprings, Clonmel, is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal as set out above is **development and IS NOT exempted development.**

Please note that Item 5 on the Further Information Request which issued under Pl. Ref. No. 24/236. Same sought a Section 97 Exemption Certificate rather than a Section 5. I am enclosing a Section 97 Application Form for your attention.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanala, 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**

COPY

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

SCANNED

File Ref: **S5/24/153** **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 Paul & Helena Kavanagh C/O W. O. Morrissey & Son Architects re: permission for part demolition, alteration & extension of existing single storey house to a 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway at St Patrick's Rd., Silversprings, Clonmel, Co. Tipperary is development and is exempted development.

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

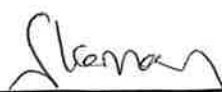
- 26
- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
 - (b) Class 1 and Class 50 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
 - (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the part demolition, alteration & extension of existing single storey house to 2 no. houses, each with upper storey accommodation partly within the roof spaces and having shared access through the existing gateway at St Patricks Road, Silversprings, Clonmel, is development and is not exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal as set out above is **development and IS NOT exempted development.**

Signed:



Date: 21/1/2025

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