

Receipt No 185 297
Issued 19 09 2024
€80-00 Card

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

**Application for a Section 5 Declaration
Development / Exempted Development**

1. Applicant's address/contact details:

Applicant	MARIE NYLAND.
Address	LYREHUNE BALLYPOREEN Co. TIPPERARY.
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	n/a
Address	n/a
Telephone No.	
E-mail	n/a.
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/>	Agent []

TIPPERARY CO. COUNCIL
RECEIVED
19 SEP 2024
PLANNING SECTION
FILE NO.

3. Location of Proposed Development:

Postal Address <u>or</u> Townland <u>or</u> Location (as may best identify the land or structure in question)	LYREHUNE BALLYPOREEN COUNTY TIPPERARY.
---	--

Tipperary County Council
RECEIVED
19 SEP 2024
CASH OFFICE
Civic Offices, Clonmel

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.

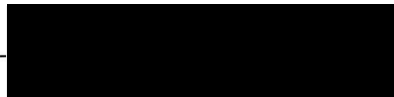
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

PROPOSED SINGLE STOREY ACCESSIBLE BATHROOM	
EXTENSION TO REAR OF EXISTING HOUSE.	
REF: FOR HOUSING ADAPTION GRANT.	
Proposed floor area of proposed works/uses:	sqm 8.5m ² .

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
	C. Other	
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) _____



Date: 10-09-2024

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 _____

Planning Pack Map



Tailte
Éireann

CENTRE COORDINATES:
ITM 592462,612177

PUBLISHED: 04/09/2024
ORDER NO.: 50420487_1

MAP SERIES: 5615-C
MAP SHEETS: 5685

SITE LOCATION
1-2500

MARIE HYLAND.
SECTION 5 APPALIAIC

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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

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

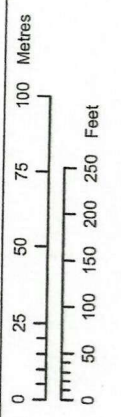
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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'

OUTPUT SCALE: 1:2,500



611962

592753

592753

612392

592170

612392

611962

592170

Planning Pack Map



Tailte
Éireann

CENTRE COORDINATES:
ITM 592462,612177

PUBLISHED: 04/09/2024
ORDER NO.: 50420487_1

MAP SERIES: 1:2,500
1:5,000
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SITE LOCATION
1-2500
MARIE HYLAND.
SECTION 5 APPLICATION

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
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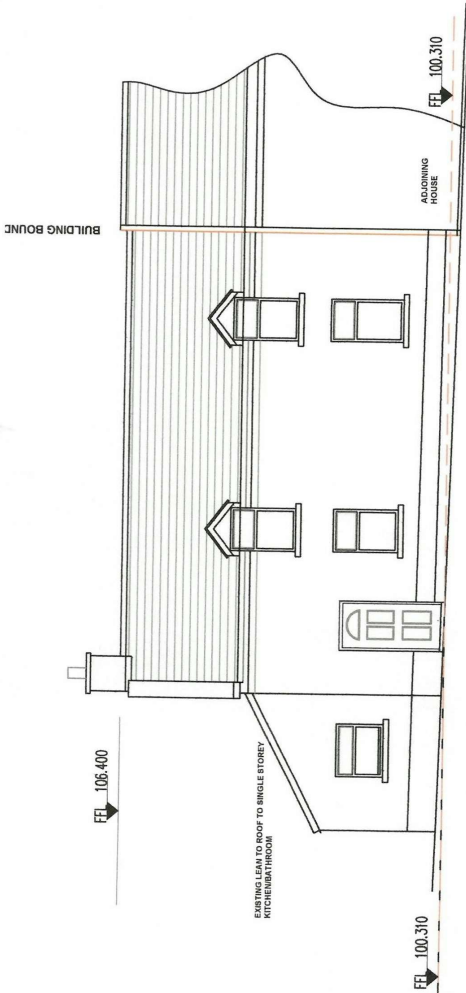
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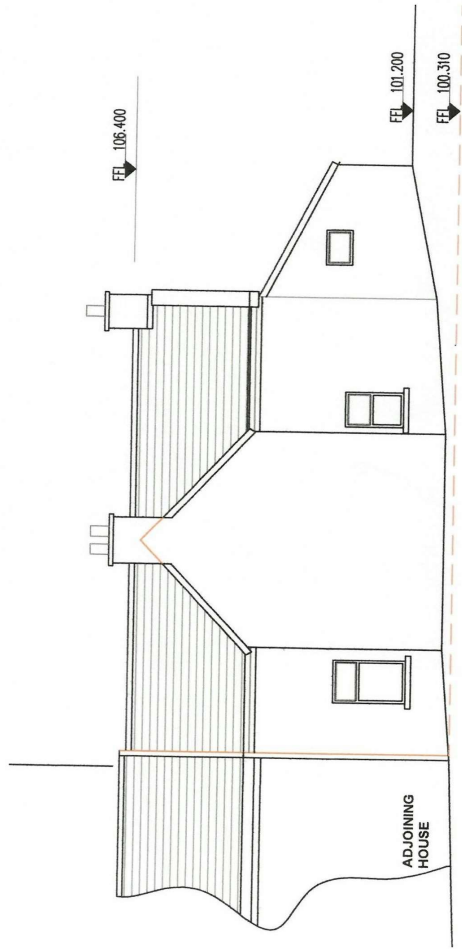
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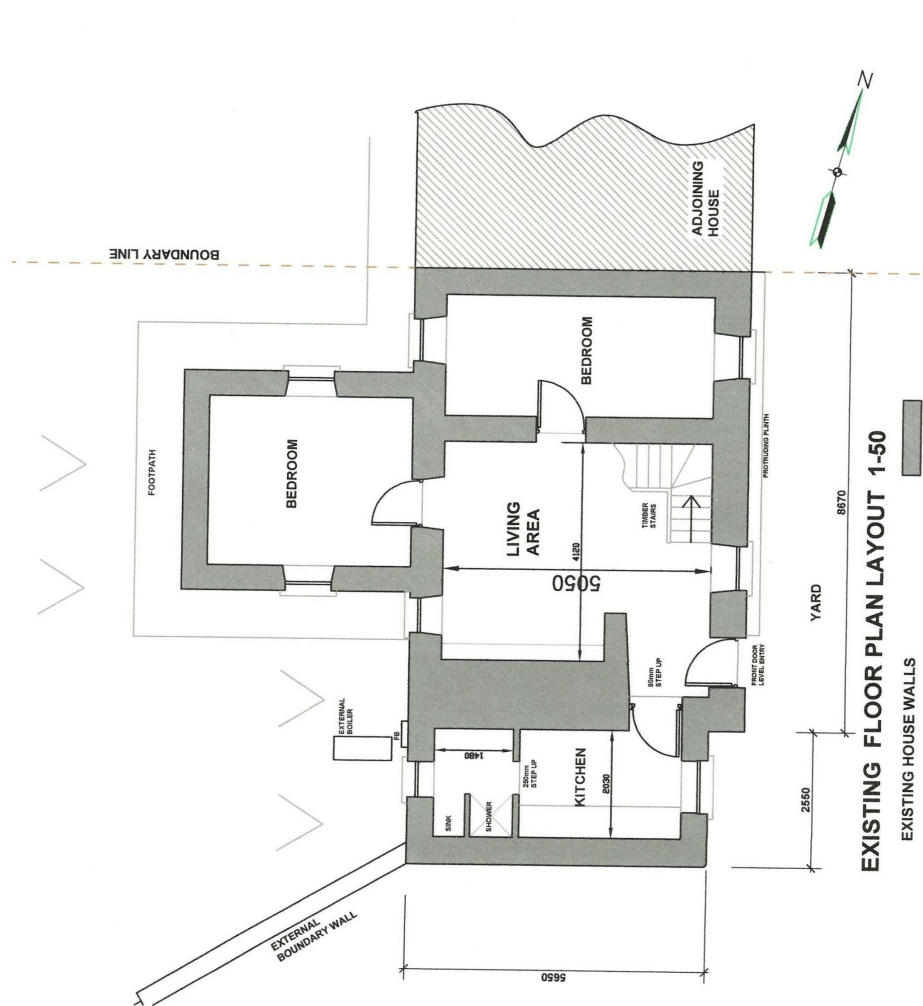




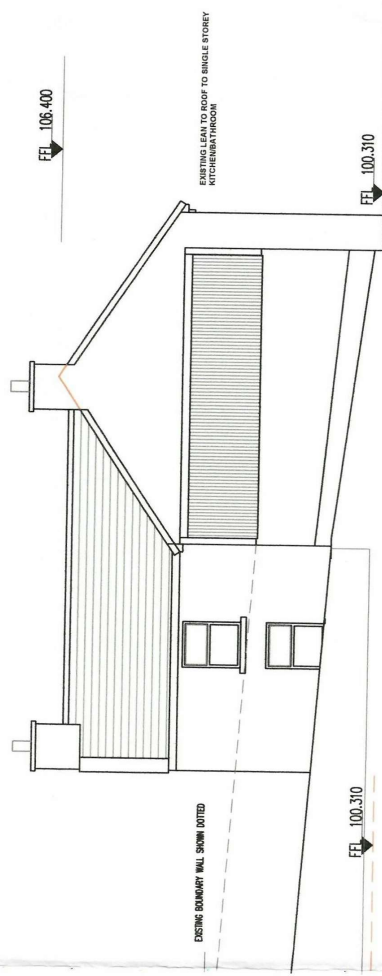
EXISTING FRONT ELEVATION 1-100
EAST FACING



EXISTING REAR ELEVATION 1-100
WEST FACING



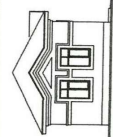
EXISTING FLOOR PLAN LAYOUT 1-50
EXISTING HOUSE WALLS



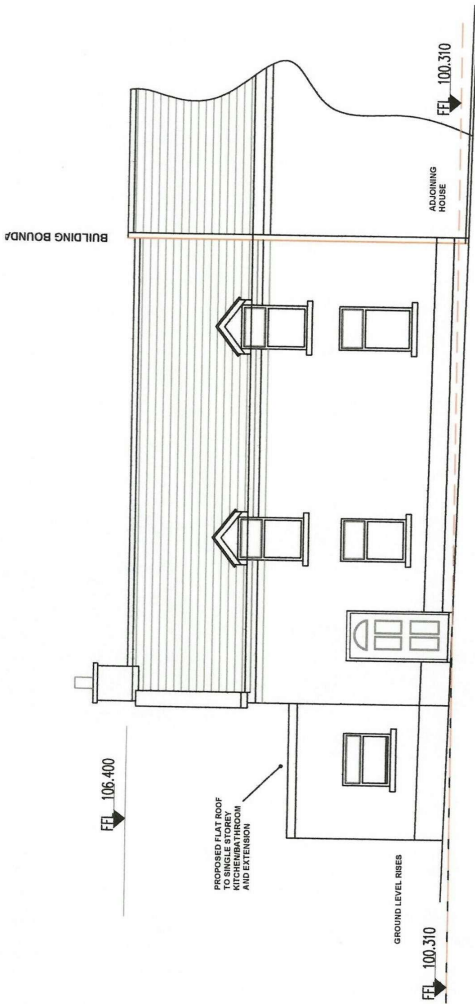
EXISTING SIDE ELEVATION 1-100
SOUTH FACING

EXISTING PLANS

DRAWINGS FOR SECTION 5
APPLICATION ONLY
086-8327819
PAUL ROBERT DDP ARCH TECH

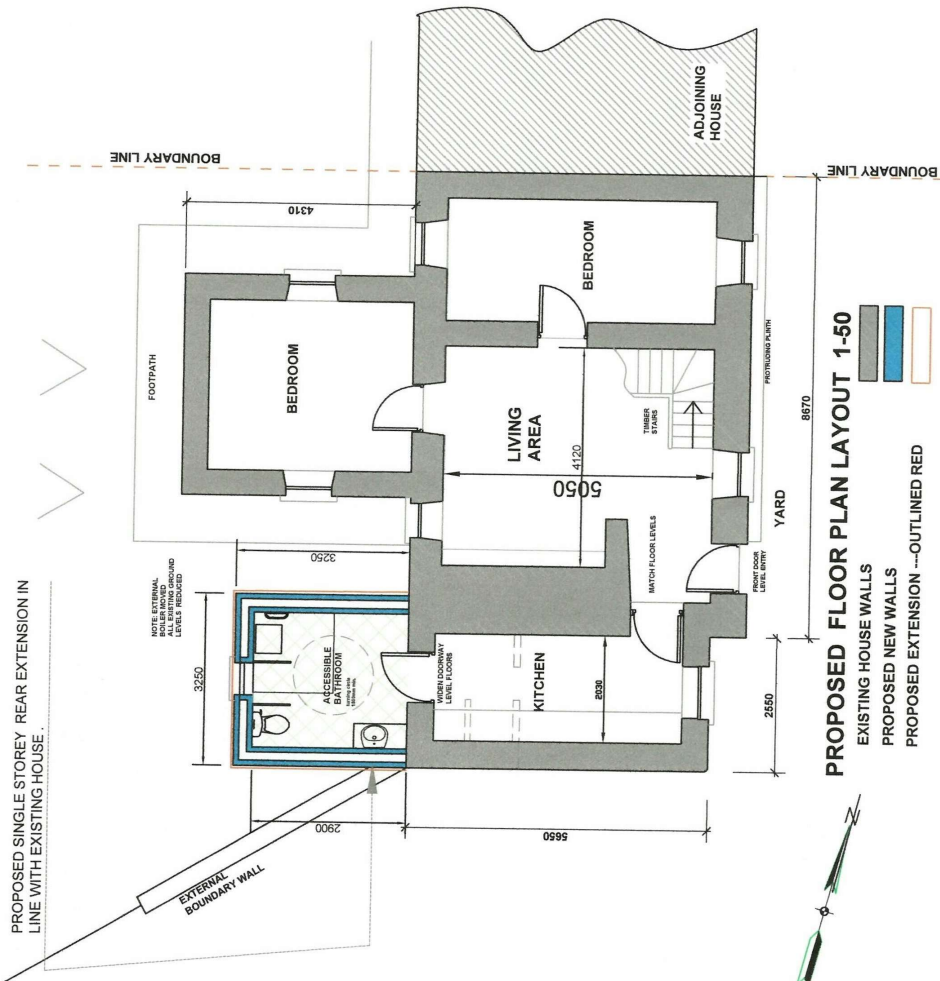


DRAWING FOR SECTION 5
APPLICATION ONLY
MARIE HYLAND
LYREFUNE,
BALLYPOOREEN,
CO. TIPPERARY



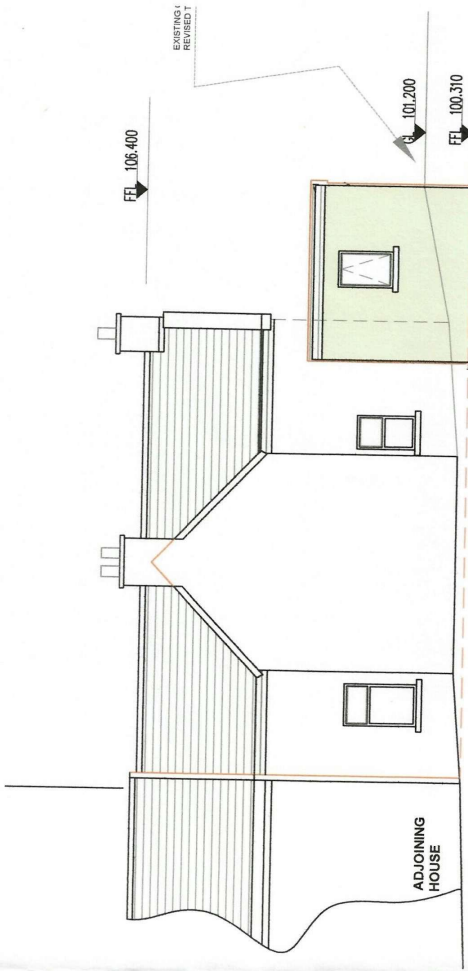
PROPOSED FRONT ELEVATION 1-100 EAST FACING (UNCHANGED)

PROPOSED SINGLE STOREY REAR EXTENSION IN LINE WITH EXISTING HOUSE

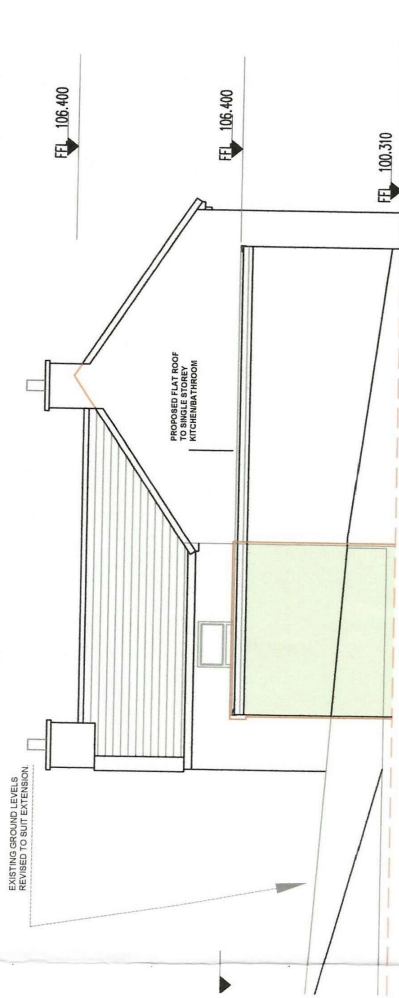


PROPOSED FLOOR PLAN LAYOUT 1-50

- EXISTING HOUSE WALLS
- PROPOSED NEW WALLS
- PROPOSED EXTENSION ---OUTLINED RED



PROPOSED REAR ELEVATION 1-100 WEST FACING
FLOOR AREAS:
PROPOSED EXTENSION 8.5M²---OUTLINED RED



PROPOSED SIDE ELEVATION 1-100 SOUTH FACING
PROPOSED EXTENSION ---OUTLINED RED

DRAWING FOR SECTION 5 APPLICATION ONLY
MARIE HYLAND LYREFUNE, BALLYPOOREN, CO. TIPPERARY

PROPOSED

DRAWINGS FOR SECTION 5 APPLICATION ONLY
086-8327819
PAUL MCGIBB DDP ARCHT TECH

DRAWING FOR SECTION 5
APPLICATION

0.29

DRIVEWAY

EXISTING
HOUSE

LAWN

PROPOSED
EXTENSION

NOTE: PROPOSED EXTENSION IS
TO BE CONSTRUCTED IN LINE WITH SIDE
OF EXISTING HOUSE AND IN LINE WITH SIDE
OF EXISTING HOUSE

0.29

3250

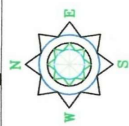
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DRAWING FOR SECTION 5
APPLICATION

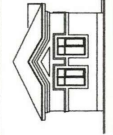
MARIE HYLAND
LYREFUNE,
BALLYPOOREN,
CO. TIPPERARY

SITE AREA 0.15 H

Proposed Site Plan 1-250
DRAWING FOR SECTION 5
APPLICATION



DRAWINGS FOR SECTION 5
APPLICATION ONLY



086-8527818
PLANNING DEPARTMENT



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: 23-09-2024

Our Ref: S5/24/104

Civic Offices, Clonmel

**Marie Hyland
Lyrefune
Ballyporeen
Co. Tipperary**

Re: Application for a Section 5 Declaration – A proposed single storey accessible bathroom extension to the rear of the existing house at Lyrefune, Ballyporeen, Co. Tipperary.

Dear Ms Hyland,

I acknowledge receipt of your application for a Section 5 Declaration received on 19th September, 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.: S5/24/104
Applicant: Marie Hyland
Development Address: Lyrefune, Ballyporeen, Co. Tipperary
Proposed Development: single storey extension to rear of dwelling.

1. GENERAL

On the 19th of September 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”:

- Construct a single storey extension to rear of a two storey semi-detached property in Lyrefune, Ballyporeen, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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

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

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

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4(1)(h) of the Act considers development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures; to be exempted development.

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

Exempted Development.

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

Schedule 2, Part 1 'Exempted Development - General:

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

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

Conditions and Limitations

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

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

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

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

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

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

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

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

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

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

3. ASSESSMENT

a. Site Location

The site comprises a semi- detached two storey dwelling in Lyrefune, Ballyporeen, Co. Tipperary.

b. Relevant Planning History

None recorded on site

Adjoining

17/601202 - demolition of a fire damaged semi detached dwelling and construct a semi detached part dormer style, part single store dwelling, septic tank with percolation area and ancillary works - granted

Figure 1 Planning history



c. Assessment

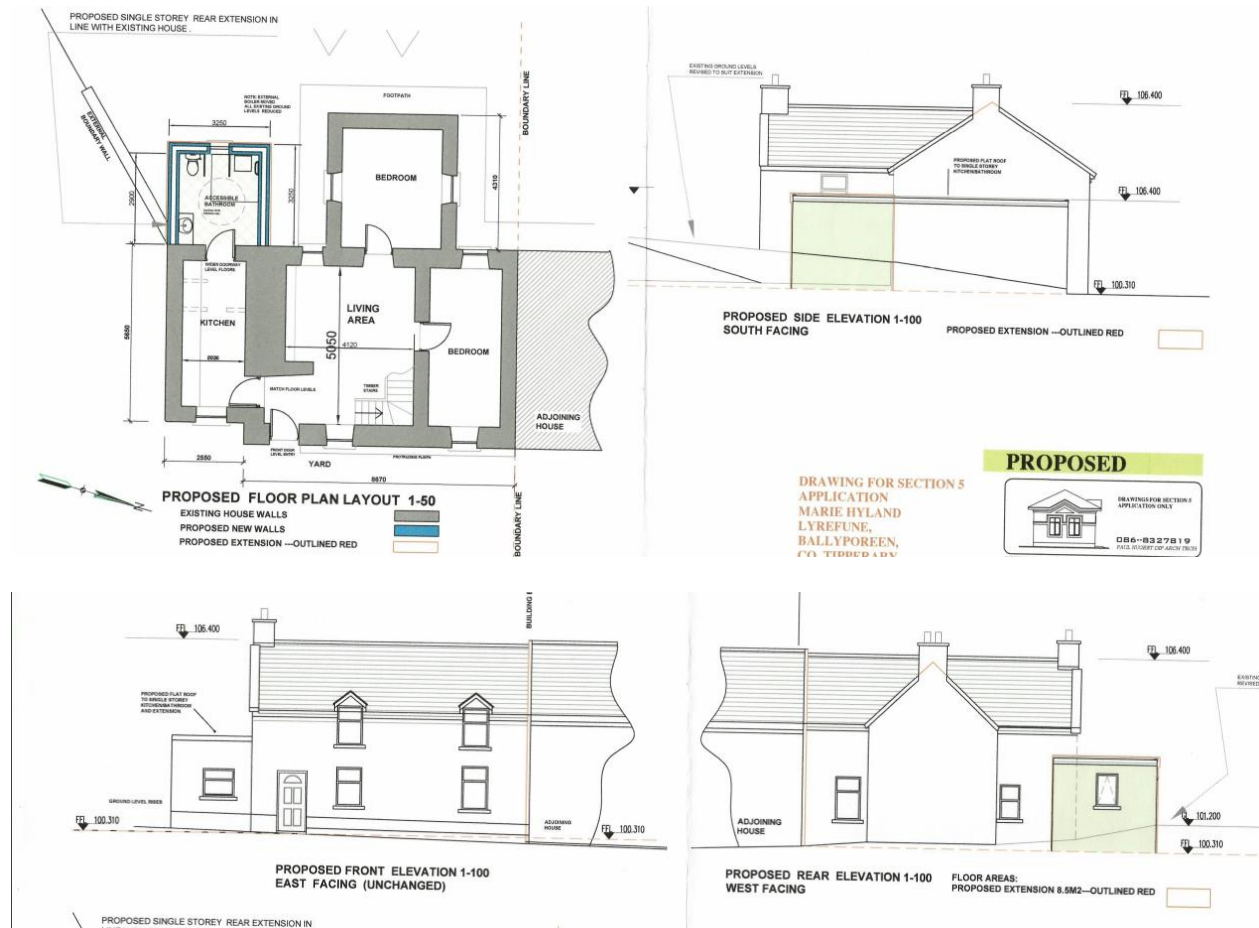
A) "Is or is not Development"

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 internal modifications and the construction of a small extension to the rear of the property. It will provide an additional 8.5 sqms of internal floor space (ground floor accessible bathroom).

Figure 2 floor plans and side elevations



Having reviewed the details submitted, it is noted that the proposed extension lies to the rear of an existing flat roofed side extension for which there is no record of planning permission.

C) Restrictions under Article 9

As per the Article 9(1)(a)(viii), there is a restriction on development that would 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. Further information on the planning status of the exiting side extension is required.

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

The subject site is located c. 390ms from the terrestrial component of Lower River Suir, 15.7 kms from the River Blackwater SAC, 12.7 kms from the River Blackwater Callows SPA and 8.5 kms from The Galtee Mountains SAC.

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

Having regard to:

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

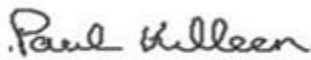
it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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

4. RECOMMENDATION

Further Information is required under Section 5(2) of the Planning and Development Act 2000, as amended. The applicant is to be advised as follows;

1. Having reviewed the details submitted with the application, the Planning Authority notes that the extension proposed is located to the rear of an existing side extension, which does not appear to form part of the original house. There is no record of planning permission for this side extension. The Planning Authority cannot consider development that would consist of or comprise the extension of an unauthorised structure to be exempted development. The applicant is requested to clarify if the existing side extension formed part of the original dwelling. If not, you are required to clarify the date the extension was constructed and the planning status of same.

Signed: 
District planner

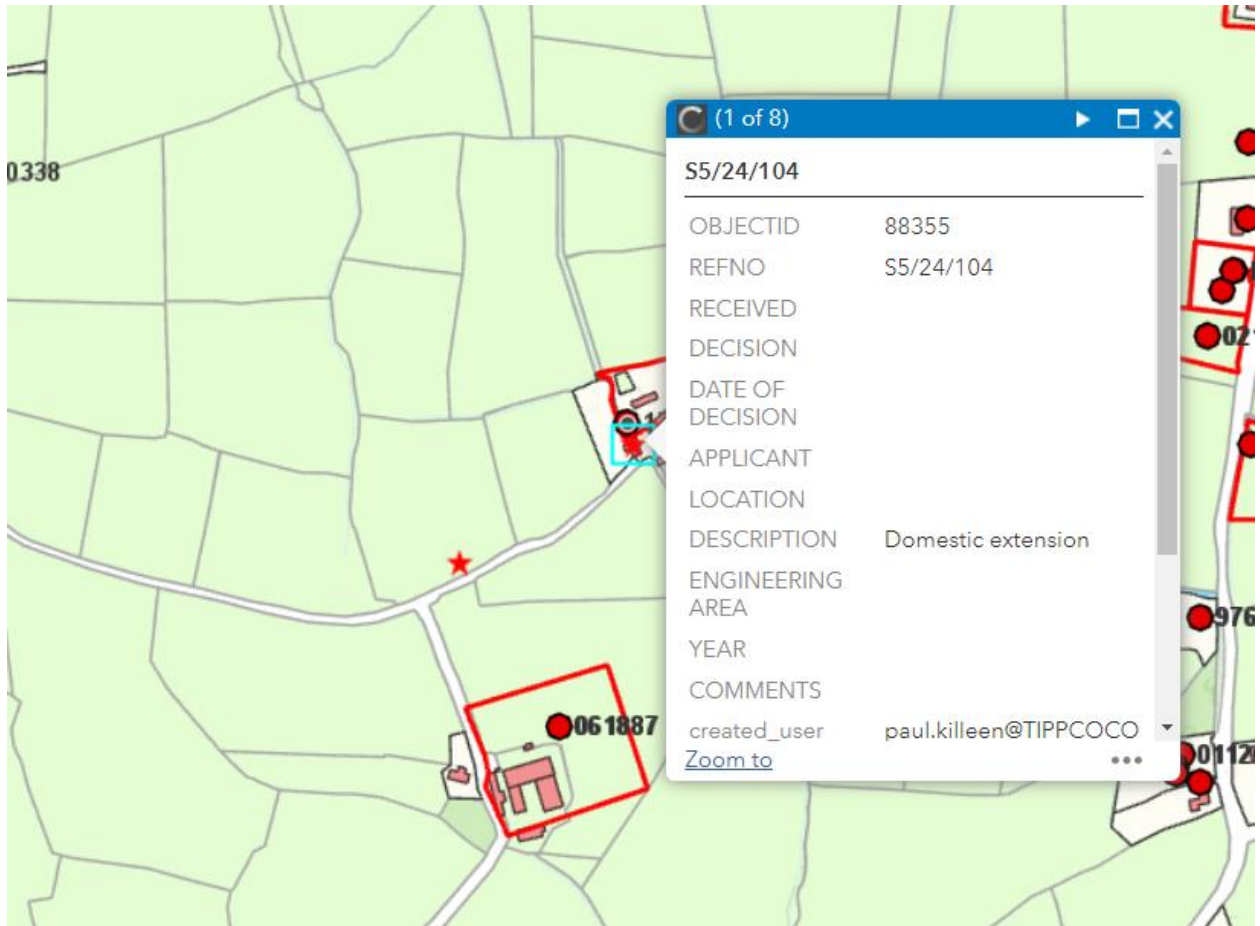
Date: 14/10/24

Signed: 
Senior Executive Planner

Date: 15.10.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/104
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 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

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Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

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

E45 A099

t 0818 06 5001
e customerservi
@tipperarycoco

tipperarycoco.ie

Date: 16th October, 2024

Our Ref: S5/24/104

Civic Offices, Nenagh

**Marie Hyland
Lyrefune
Ballyporeen
Co. Tipperary.**

Re: Application for a Section 5 Declaration – A proposed single storey accessible bathroom extension to the rear of the existing house at Lyrefune, Ballyporeen, Co. Tipperary.

Dear Ms. Hyland,

I refer to an application received from you on 19th September, 2024 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows:

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

1. Having reviewed the details submitted with the application, the Planning Authority notes that the extension proposed is located to the rear of an existing side extension, which does not appear to form part of the original house. There is no record of planning permission for this side extension. The Planning Authority cannot consider development that would consist of or comprise the extension of an unauthorised structure to be exempted development.

The applicant is requested to clarify if the existing side extension formed part of the original dwelling. If not, you are required to clarify the date the extension was constructed and the planning status of same.

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

Yours sincerely

for **Director of Services**

From: [Planning Group](#)
To: ["Michael Hyland"](#)
Subject: RE: [External] ref S5-24-104
Date: 24 January 2025 12:33:37
Attachments: [image001.png](#)
[image002.png](#)

Dear Michael

I wish to acknowledge receipt of your email and advise that I have forwarded it to the relevant section.

Kind Regards

Claire Cooney,
A/Assistant Staff Officer, Planning
Civic Offices, Clonmel, Co. Tipperary.
Telephone: 0818 06 5000
E-mail: planning@tipperarycoco.ie
Website: www.tipperarycoco.ie



From: Michael Hyland [REDACTED]
Sent: 24 January 2025 09:00
To: Planning Group <planning@tipperarycoco.ie>; [REDACTED]
Subject: [External] ref S5-24-104

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

Morning,

Following on from the last communication in relation to application for planning exemption (ref S5-24-104) for home improvement works to make the house more suitable for mam.

I can confirm that the existing side extension was built prior 1960, more than likely it was part of the original building but don't know that for sure. Only able to confirm it was there prior 1960 from speaking to a cousin. No one in the area remembers if the house not having this part.

Let me know if ye need anything else and what happens next?

Regards
Michael
Sent from my iPhone



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
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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: 28th January, 2025

Our Ref: S5/24/104

Civic Offices, Nenagh

**Marie Hyland
Lyrefune
Ballyporeen
Co. Tipperary**

**Re: Application for a Section 5 Declaration re: single storey extension
to rear of dwelling at Lyrefune, Ballyporeen, Co. Tipperary**

Dear Ms Hyland,

I acknowledge receipt of Further Information received on 24th January, 2025 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.: S5/24/104
Applicant: Marie Hyland
Development Address: Lyrefune, Ballyporeen, Co. Tipperary
Proposed Development: single storey extension to rear of dwelling.

1. GENERAL

On the 19th of September 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”:

- Construct a single storey extension to rear of a two storey semi-detached property in Lyrefune, Ballyporeen, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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

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

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

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 4(1)(h) of the Act considers development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures; to be exempted development.

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

Exempted Development.

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

Schedule 2, Part 1 'Exempted Development - General:

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

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

Conditions and Limitations

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

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

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

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

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

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

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

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

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

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

3. ASSESSMENT

a. Site Location

The site comprises a semi- detached two storey dwelling in Lyrefune, Ballyporeen, Co. Tipperary.

b. Relevant Planning History

None recorded on site

Adjoining

17/601202 - demolition of a fire damaged semi detached dwelling and construct a semi detached part dormer style, part single store dwelling, septic tank with percolation area and ancillary works
- granted

Figure 1 Planning history



c. Assessment

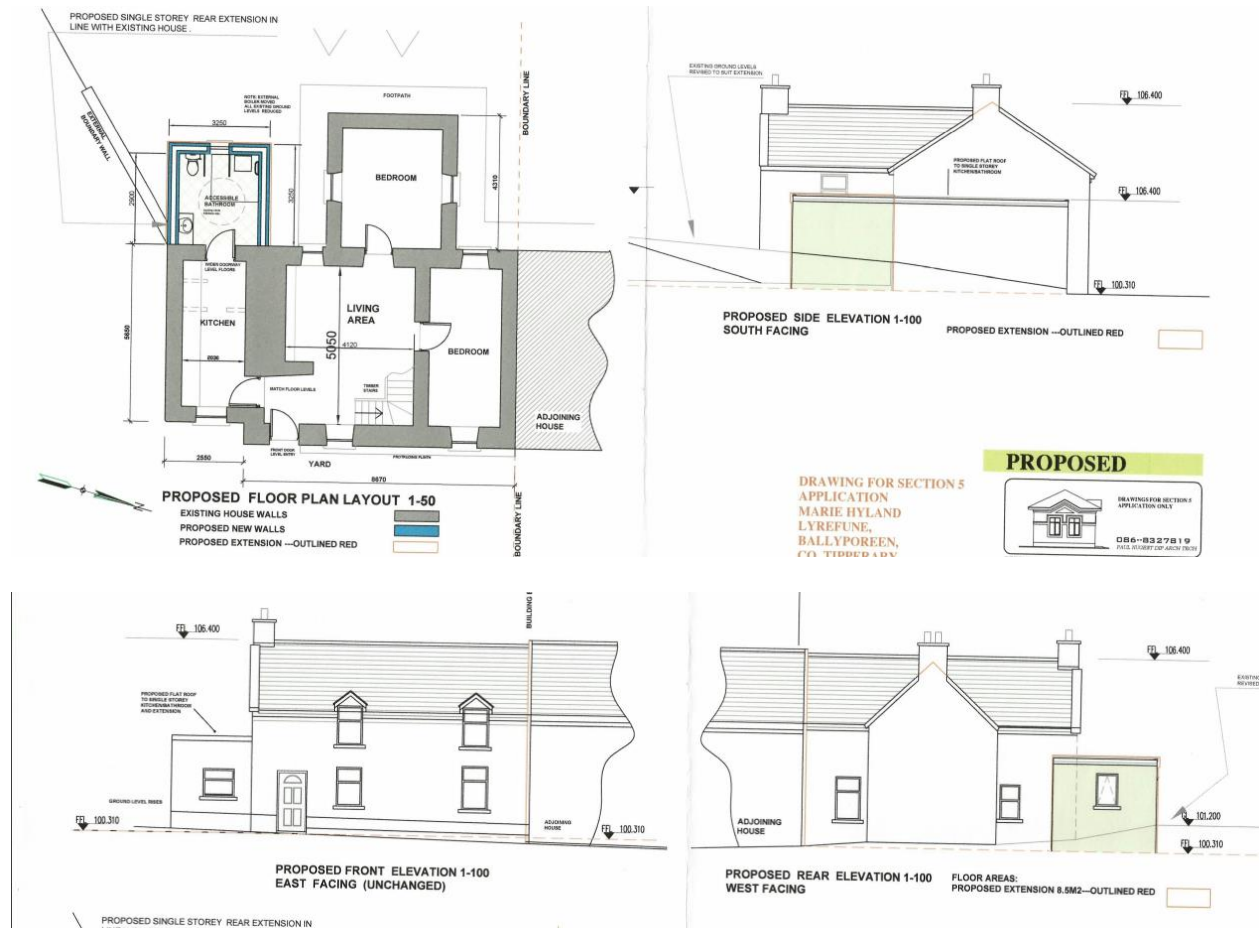
A) “Is or is not Development”

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 internal modifications and the construction of a small extension to the rear of the property. It will provide an additional 8.5 sqms of internal floor space (ground floor accessible bathroom).

Figure 2 floor plans and side elevations



Having reviewed the details submitted, it is noted that the proposed extension lies to the rear of an existing flat roofed side extension for which there is no record of planning permission.

C) Restrictions under Article 9

As per the Article 9(1)(a)(viii), there is a restriction on development that would 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. Further information on the planning status of the exiting side extension is required.

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

The subject site is located c. 390ms from the terrestrial component of Lower River Suir, 15.7 kms from the River Blackwater SAC, 12.7 kms from the River Blackwater Callows SPA and 8.5 kms from The Galtee Mountains SAC.

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

Having regard to:

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

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

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

4. FURTHER INFORMATION

The following further information was requested on 16th of October 2024,

1. Having reviewed the details submitted with the application, the Planning Authority notes that the extension proposed is located to the rear of an existing side extension, which does not appear to form part of the original house. There is no record of planning permission for this side extension. The Planning Authority cannot consider development that would consist of or comprise the extension of an unauthorised structure to be exempted development. The applicant is requested to clarify if the existing side extension formed part of the original dwelling. If not, you are required to clarify the date the extension was constructed and the planning status of same.

The querist replied on the 24th of January 2025.

Appraisal

The querist confirmed that the side extension pre-dates the advent of planning legislation in Ireland and likely formed part of the original dwelling. The querist confirmed that he spoke to family member who have no recollection of the subject dwelling with the side extension.

A review of the historic 25 inch map would appear to confirm the presence of an extension to the southern side of the dwelling (Shaded yellow below)

Figure 3 25 inch map



The details submitted are noted and are acceptable.

RECOMMENDATION

WHEREAS a question has arisen as to whether a single storey extension to the rear of a dwelling at Lyrefune, Ballyporeen, Co. Tipperary is development and is or is not exempted development:

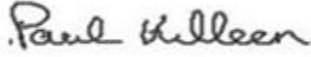
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to

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

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of a single storey extension to the rear of a dwelling at Lyrefune, Ballyporeen, Co. Tipperary is development and is exempted development as it DOES 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 above proposal is **development and IS exempted development.**

Signed: 
District planner

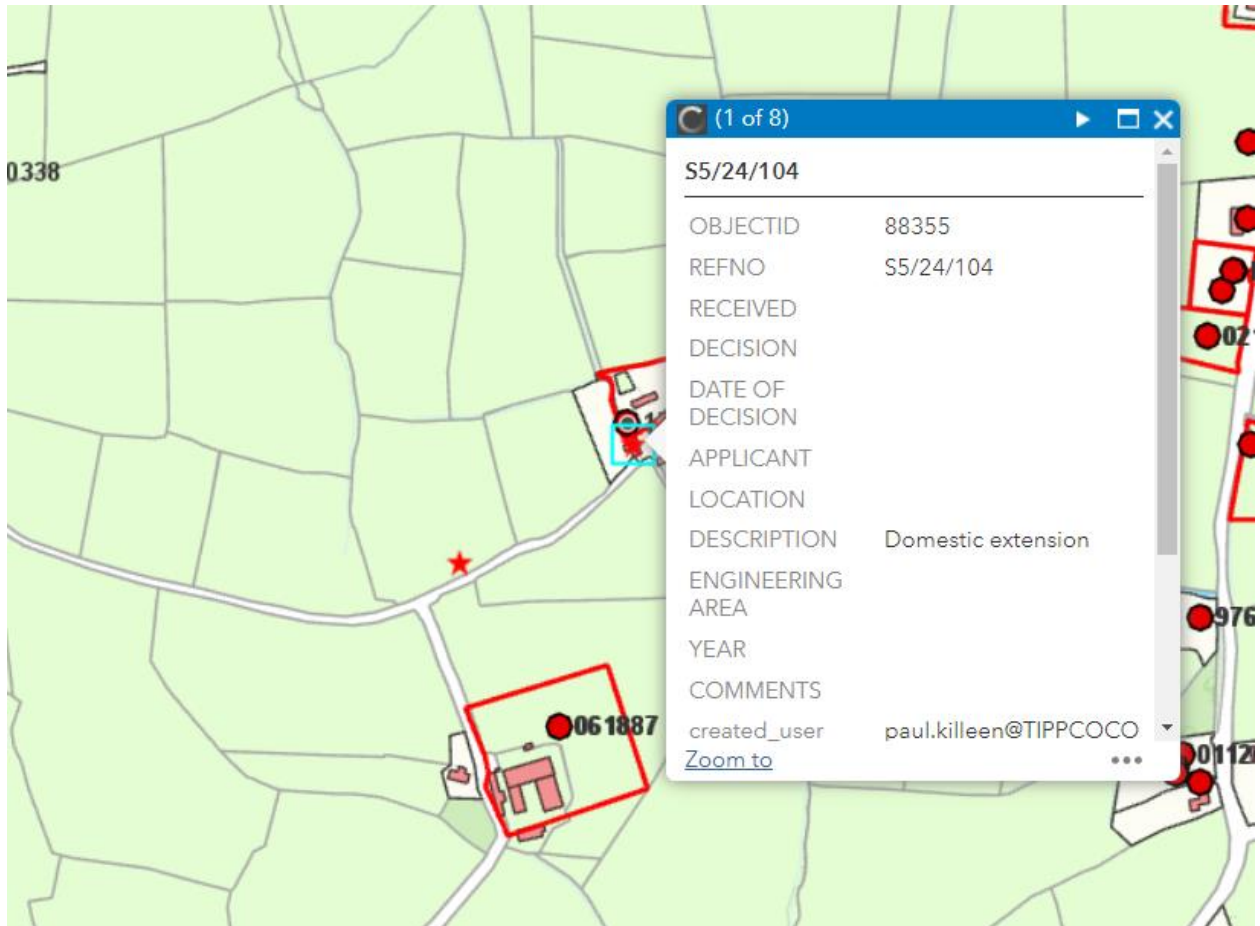
Date: 13/02/25

Signed: 
Senior Executive Planner

Date: 13.2.2025

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/104
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 4 Site entered on Planning register





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

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

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 13th February, 2025

Our Ref: S5/24/104

Civic Offices, Nenagh

Marie Hyland
Lyrefune
Ballyporeen
Co. Tipperary

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

Dear Ms Hyland,

I refer to your application for a Section 5 Declaration received on 19th September, 2024, and Further Information received on 24th January, 2025 in relation to the following proposed works:

Single storey rear extension at Lyrefune, Ballyporeen, Co. Tipperary

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

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

-

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

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of a single storey extension to the rear of a dwelling at Lyrefune, Ballyporeen, Co. Tipperary is development and is exempted

development as it DOES 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 above proposal is **development and IS exempted development.**

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

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/104** **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 Marie Hyland, Lyrefune, Ballyporeen, Co. Tipperary re: Single storey extension to rear of dwelling at Lyrefune, Ballyporeen, Co. Tipperary is development and is exempted development.

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

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

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of a single storey extension to the rear of a dwelling at Lyrefune, Ballyporeen, Co. Tipperary is development and is exempted development as it DOES 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 above proposal is **development and IS exempted development.**

Signed:



Sharon Kennedy
Director of Services

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

Date: 13/02/2025