

S5/24/138



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Receipt No 188 161
Issued 19 11 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	Christina Moylan
Address	29 Springfields Clonmel
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent []

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Redmondstown Clonmel Co. Tipperary E91 R9CO
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SCANNED

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

4. Development Details:

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

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

Back Kitchen extension
Proposed floor area of proposed works/uses: 26.75 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
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s)  Date: 15/11/24

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.



GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.

- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

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

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.pral.ie.

This map incorporates Ordnance Survey Ireland (OSI) mapping data under a licence from OSI. Copyright © OSI and Government of Ireland.

(centre-line of parcel(s) edged)

-  Freehold
-  Leasehold
-  SubLeasehold

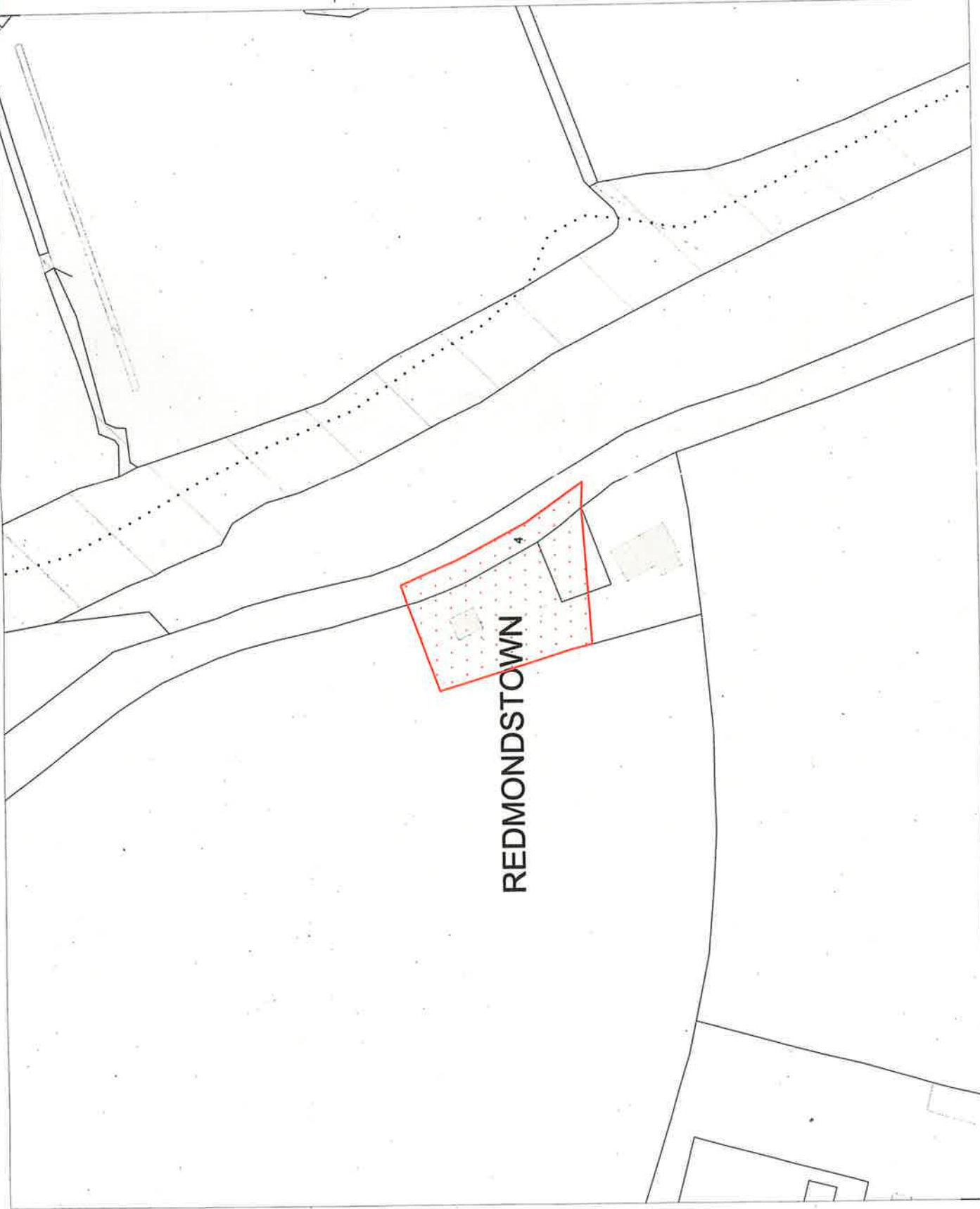
Burdens (may not all be represented on map)

-  Right of Way / Wayleave
-  Turbary
-  Pipeline
-  Well
-  Pump
-  Septic Tank
-  Soak Pit

A full list of burdens and their symbology can be found at:

www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map Identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

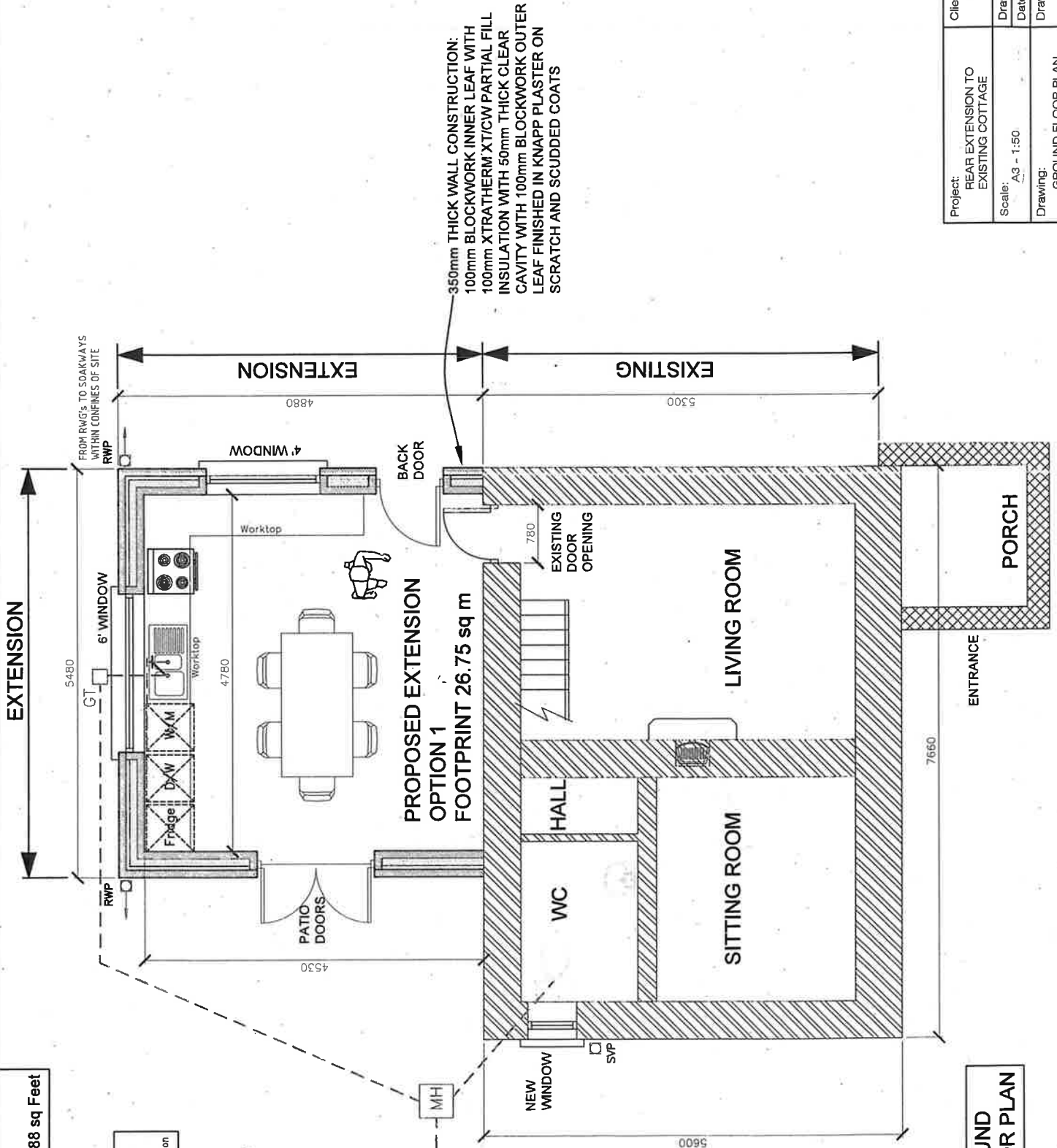


EXTENSION FOOTPRINT
 Ground Floor = 26.75 sq Metres / 288 sq Feet

- SVP Soil Vent Pipe
- RWP Rainwater Pipe
- GT Gully Trap
- MH/AJ Manhole / Access Junction

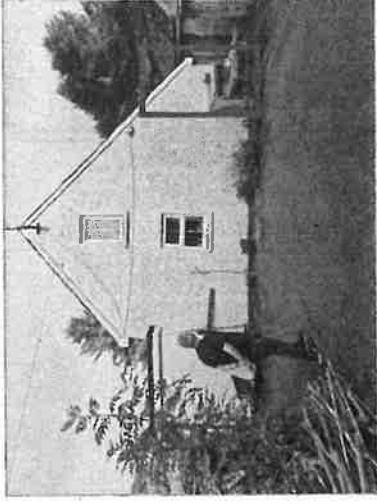


TO WASTE WATER TREATMENT SYSTEM

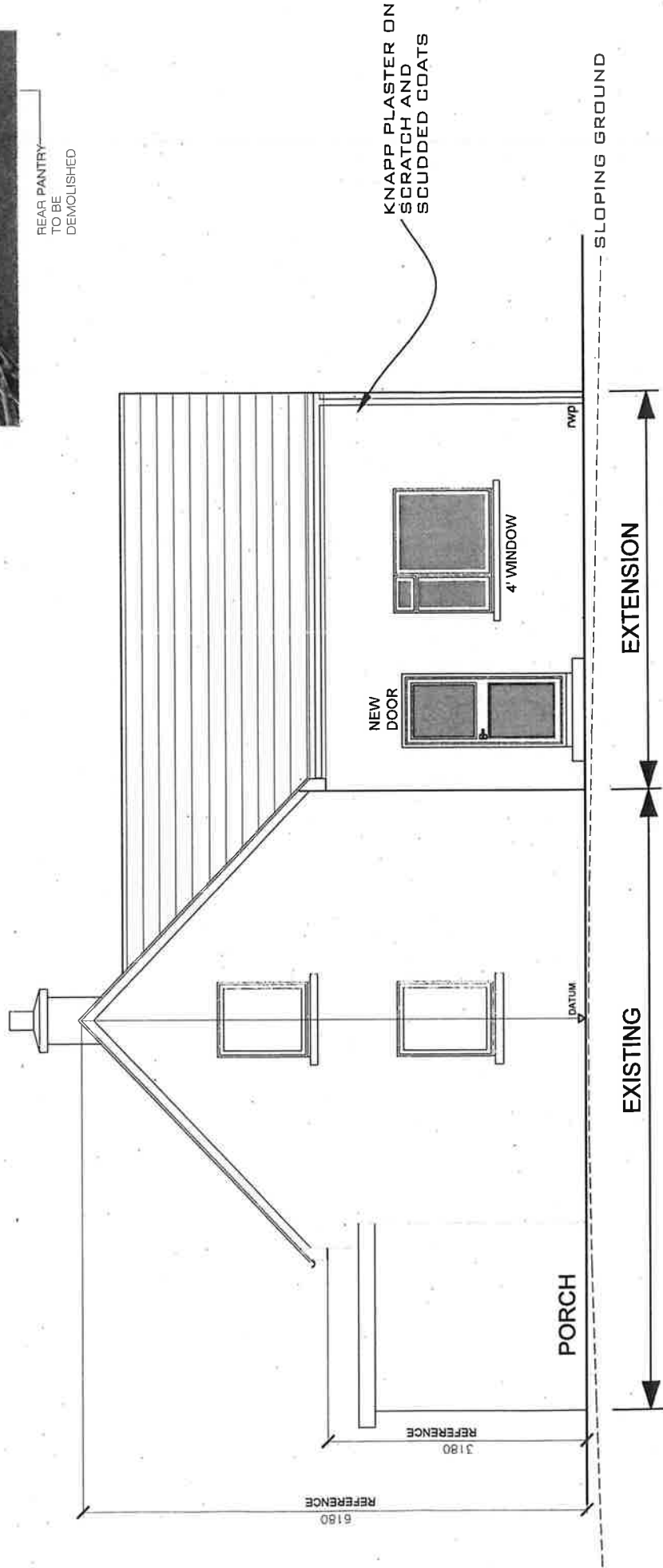


GROUND FLOOR PLAN

Project:	REAR EXTENSION TO EXISTING COTTAGE	Client:	TOM & CHRISTINA MOYLAN
Scale:	A3 - 1:50	Drawn:	G.L.
Date:	AUGUST 2024	Drawing No.:	24-TM-02
Drawing:		GROUND FLOOR PLAN	

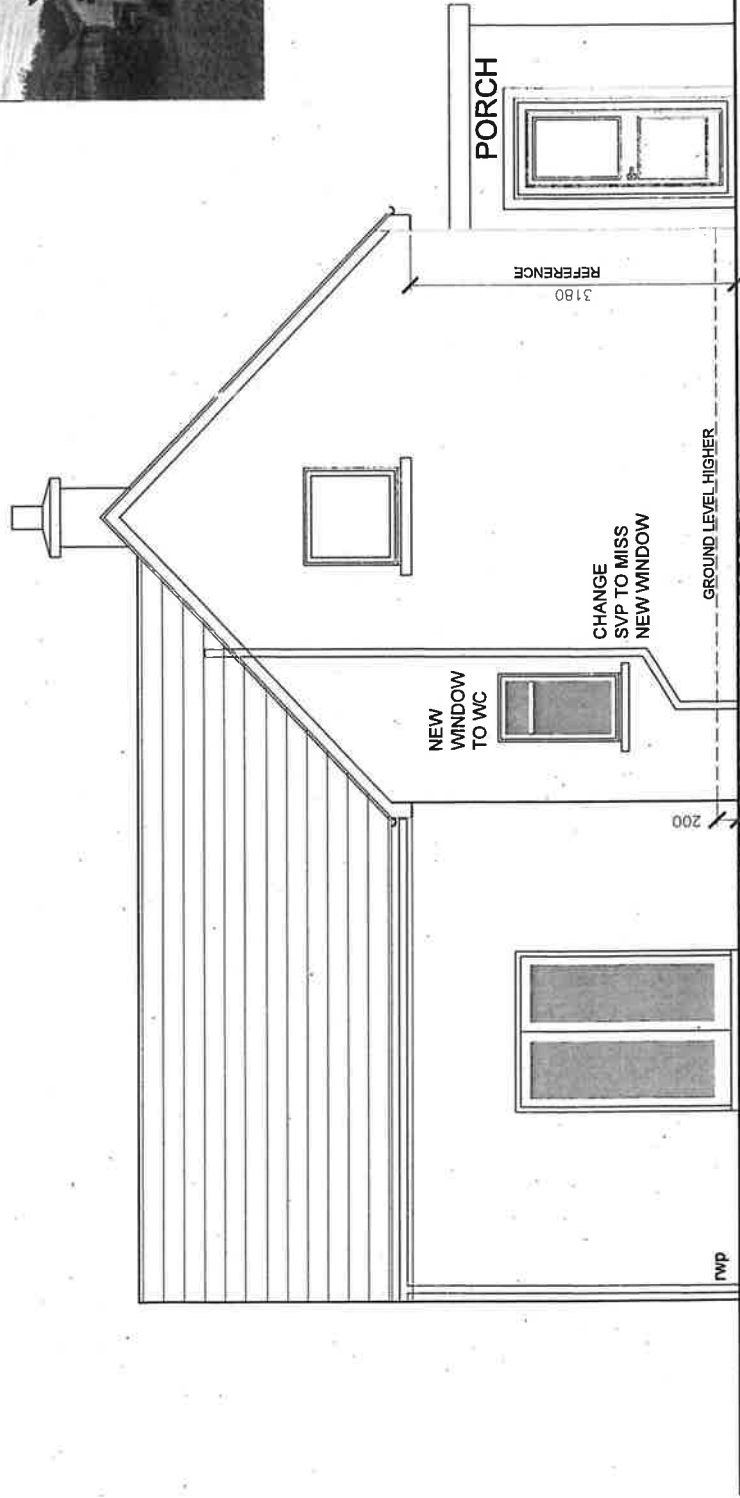
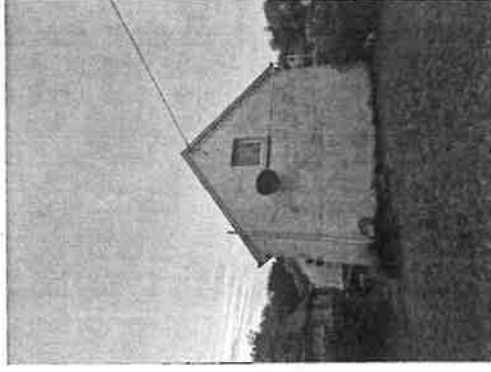


REAR PANTRY
TO BE
DEMOLISHED



NORTH ELEVATION

Project:	REAR EXTENSION TO EXISTING COTTAGE	Client:	TOM & CHRISTINA MOYLAN
Scale:	A3 - 1:50	Drawn:	G.L.
Drawing:	ELEVATIONS SHEET 1	Date:	AUGUST 2024
		Drawing No.:	24-TM-04



SLOPING GROUND

EXISTING

EXTENSION

SOUTH ELEVATION

Project: REAR EXTENSION TO EXISTING COTTAGE

Client: TOM & CHRISTINA MOYLAN

Scale: A3 - 1:50

Drawn: G.L.

Date: AUGUST 2024

Drawing: ELEVATIONS SHEET 2

Drawing No.: 24-TM-05



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: 22nd November, 2024 Our Ref: S5/24/138 Civic Offices, Clonmel

Christina Moylan
29 Springfields
Clonmel
Co. Tipperary

**Re: Application for a Section 5 Declaration – Back Kitchen Extension
at Redmondstown, Clonmel, Co. Tipperary E91R9C0**

Dear Christina

I acknowledge receipt of your application for a Section 5 Declaration received on 19th November, 2024, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely

for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

Planning & Development Act 2000, as amended
Planning & Development Regulations 2001, as amended

Planning Ref.: S5/24/138
Applicant: Christine Moylan
Development Address: Redmondstown, Clonmel, Co. Tipperary
Proposed Development: single storey extension to rear of dwelling.

1. GENERAL

On the 9th of November 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Construct a single storey extension to rear of a dwelling at Redmondstown, Clonmel, 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 detached dwelling at Redmonstown, Clonmel, Co. Tipperary.

b. Relevant Planning History

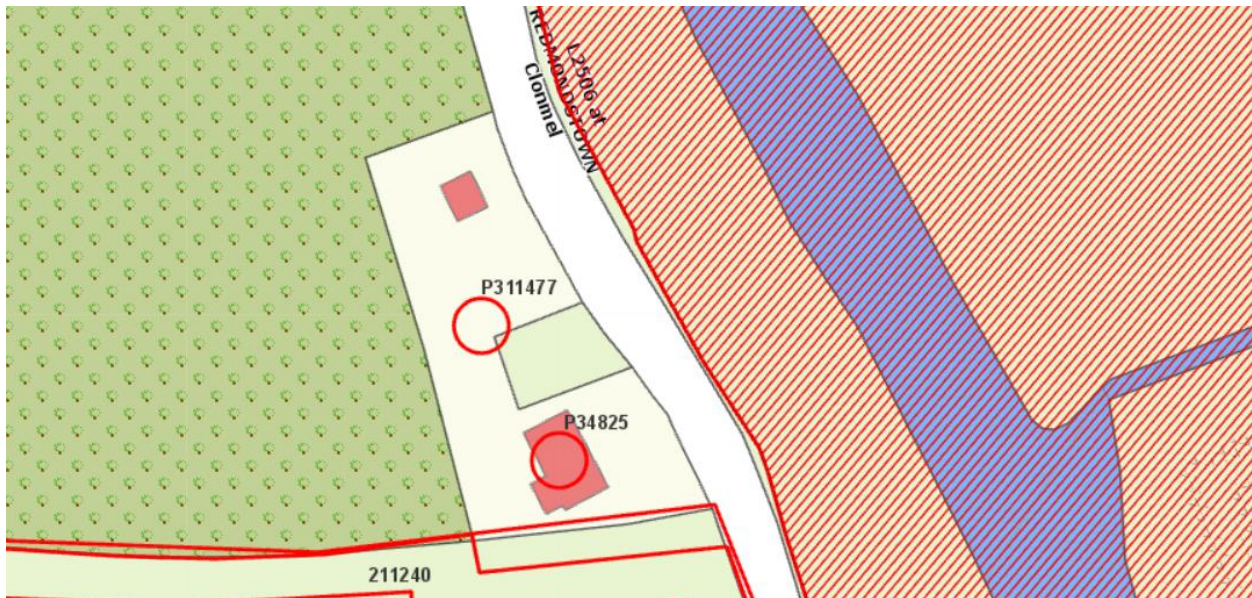
On site

P311477 – Mobile home - granted

Adjacent

P34825 – bungalow - granted

Figure 1 Planning history



c. Assessment

A) “Is or is not Development”

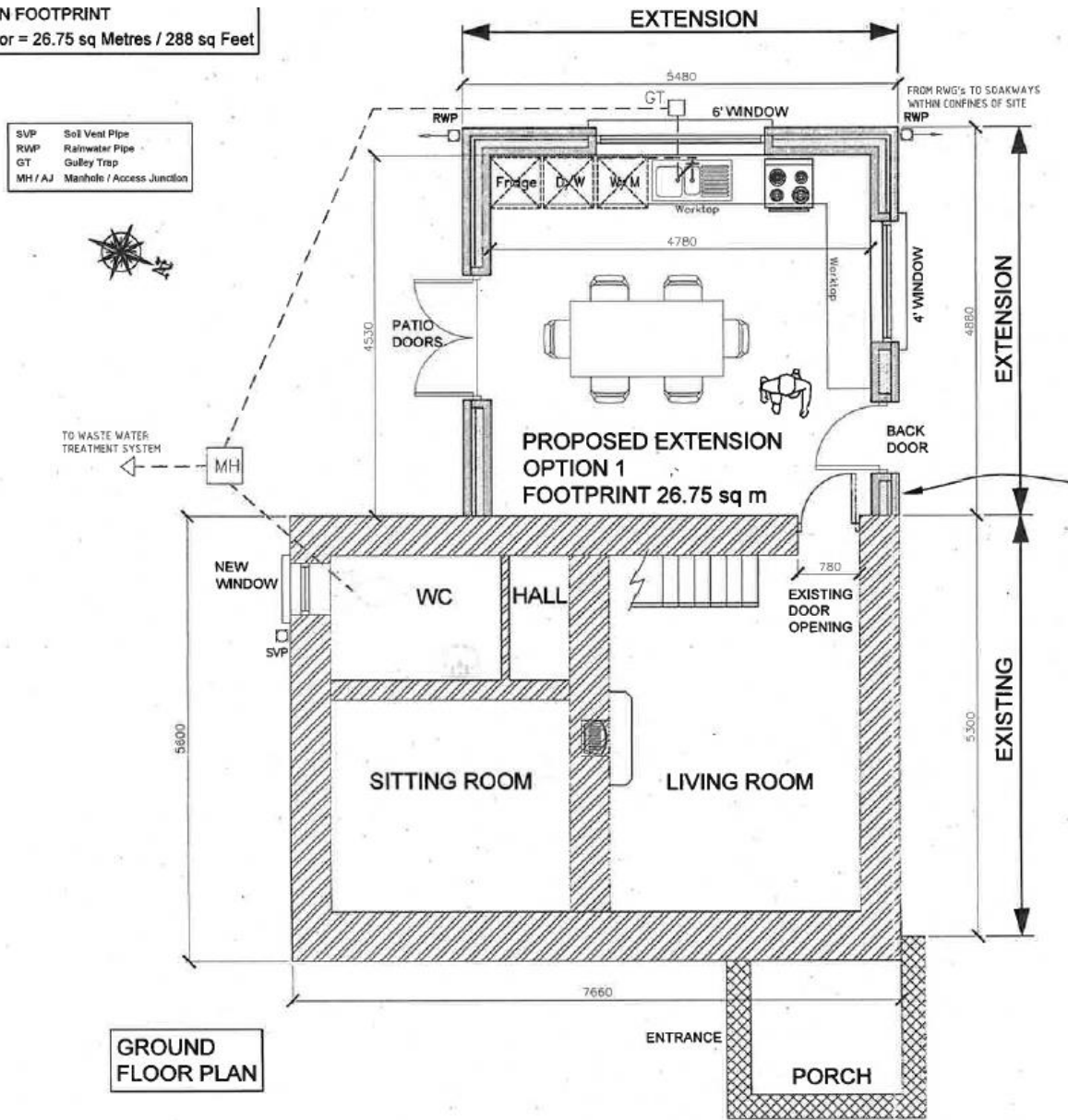
It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The works proposed comprise of the construction of a single storey extension to the rear of an existing dwelling. It will provide an additional 26.75 sqm of floor area. A site layout plan showing the distance to the site boundary and open space remaining to the rear of the dwelling has not been provided. Furthermore, a rear elevation of the proposal has not been submitted and so it is unclear if the rear elevation will include a gable. Further Information is required.

Figure 2 floor plans

EXTENSION FOOTPRINT
Ground Floor = 26.75 sq Metres / 288 sq Feet



It is noted that the dwelling appears to have been previously extended with a porch provided to the front of the unit and a pantry to the rear. There is no record of planning permission for these extensions. The floor area of same was not provided. Further information is required.

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. 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 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 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

Having regard to:

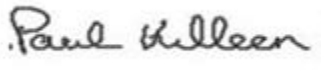
- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that further information is required;

The applicant is to be advised as follows;

1. Having reviewed the details submitted with the application, the Planning Authority notes that the existing dwelling appears to have been previously extended with a porch provided to the front and a pantry to the rear. As per condition 2 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. The applicant is requested to clarify when the porch and pantry were provided and the floor area of same.
2. There is no record of planning permission for the porch extension to the front of the dwelling and the pantry to the rear as referred to above. 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 the Planning status of these elements i.e. were same provided at the time the dwelling was constructed or subsequently, year same were provided and exemption that same availed of at the time of construction.
3. The applicant is requested to submit a Site Layout Plan (scale 1:500) showing distances to the site boundary and open space remaining to the rear of the dwelling following construction of the extension.

4. The applicant is requested to submit a rear elevation of the proposed extension noting that condition and limitation 4(a) attached to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, requires that “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”.

Signed: 
District Planner

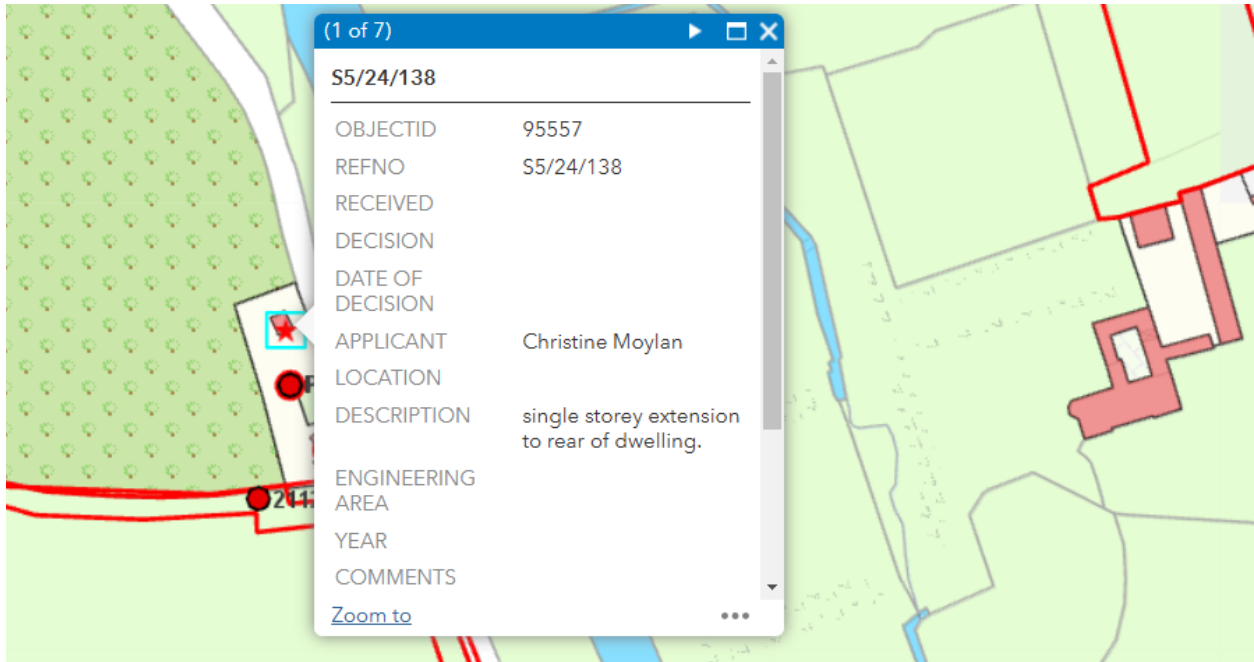
Date: 09/12/24

Signed: 
Senior Executive Planner

Date: 9.12.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/138
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

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: 11th December, 2024

Our Ref: S5/24/138

Civic Offices, Nenagh

Christina Moylan
20 Springfields
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – The construction of single storey extension to rear of dwelling at Redmondstown, Clonmel, Co. Tipperary

Dear Ms Moylan,

I refer to an application received from you on 19th November, 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 existing dwelling appears to have been previously extended with a porch provided to the front and a pantry to the rear. As per condition 2 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. The applicant is requested to clarify when the porch and pantry were provided and the floor area of same.

2. There is no record of planning permission for the porch extension to the front of the dwelling and the pantry to the rear as referred to above. 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 the Planning status of these elements i.e. were same provided at the time the dwelling was constructed or subsequently, year same were provided and exemption that same availed of at the time of construction.
3. The applicant is requested to submit a Site Layout Plan (scale 1:500) showing distances to the site boundary and open space remaining to the rear of the dwelling following construction of the extension.
4. The applicant is requested to submit a rear elevation of the proposed extension noting that condition and limitation 4(a) attached to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, requires that "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".

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

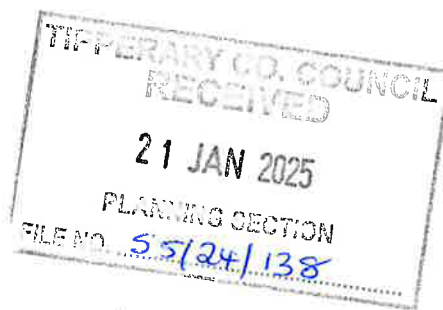
Yours sincerely

Geraldine Quinn

for **Director of Services**

29 Springfields
Clonmel
Co. Tipperary

17th January, 2025



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

Re: Application for a Section 5 Declaration – Back kitchen extension at Redmondstown, Clonmel,
Co. Tipperary E91 R9C0. **Your Ref: S5/24/138**

Dear Ms. Quinn,

I acknowledge receipt of your letter dated 11th December, 2024 in relation to the above application and respond to your numbered queries as follows: -

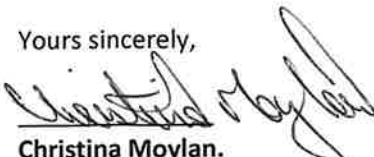
1. The rear pantry referred to is part of the original structure. I attach photographs to demonstrate this. The rear pantry is being demolished as part of the new extension. The front porch was added to the original structure in 1962, to the best of my knowledge. My siblings, born 1949/1950, have advised that it was in place for my grandfather's funeral, he died in January, 1963. The combined floor area of the front porch (5 sq m) and the new extension (26.75 sq m) does not exceed 40 square metres, see drawing No. 24-TM-02.
2. As per no. 1 above, the rear pantry was part of the original structure and the front porch was built in 1962.
3. I attach Tailte Éireann Registration map (scale 1:500) as requested and drawing No. 24-TM-07 (scale 1:500), showing distance to the site boundary and the open space remaining to the rear of the dwelling following construction of the extension.
4. I attach drawing no. 24-TM-06 rear elevation. The extension design is modified to show a hipped roof to the rear, which ensures that the height of the walls of the extension shall not exceed the height of the rear walls of the existing house.

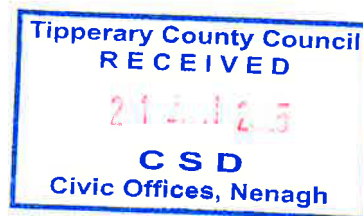
I am enclosing the following drawings for your information: -

- 24-TM-01 Demolition Works to existing house
- 24-TM-02 Ground floor Plan of rear extension
- 24-TM-03 Roof plan of rear extension
- 24-TM-04 Elevations Sheet 1
- 24-TM-05 Elevations Sheet 2
- 24-TM-06 Elevations Sheet 3
- 24-TM-07 Site Plan (1:500)
- Tailte Éireann Registration Map (1:500)

I look forward to hearing from you.

Yours sincerely,


Christina Moylan.







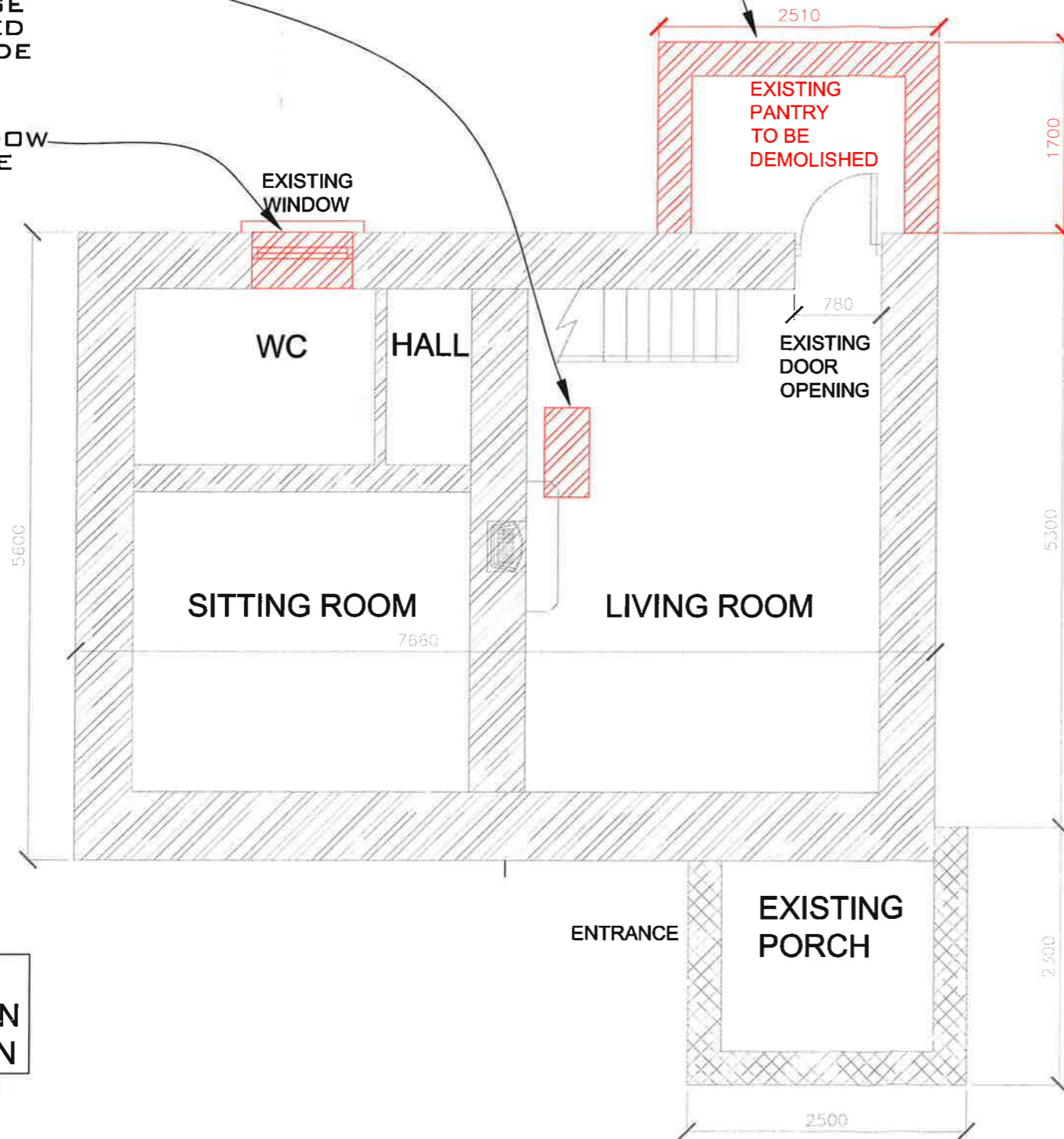


EXISTING VELUX WINDOW AT FIRST FLOOR LEVEL IN REAR OF HOUSE TO BE REMOVED AND ROOF MADE GOOD

EXISTING WINDOW OPENING TO BE BLOCKED UP. WINDOW TO BE REMOVED AND STORED FOR RE-USE

EXISTING PANTRY AT REAR OF HOUSE TO BE DEMOLISHED.

REAR OF PROPERTY



GROUND FLOOR PLAN DEMOLITION

DEMOLISHED ITEMS SHOWN IN RED

FRONT OF PROPERTY



REAR VELUX WINDOW TO BE DEMOLISHED

REAR PANTRY TO BE DEMOLISHED

REAR WINDOW OPENING TO BE BLOCKED UP

DEMOLITION WORKS TO REAR OF EXISTING COTTAGE



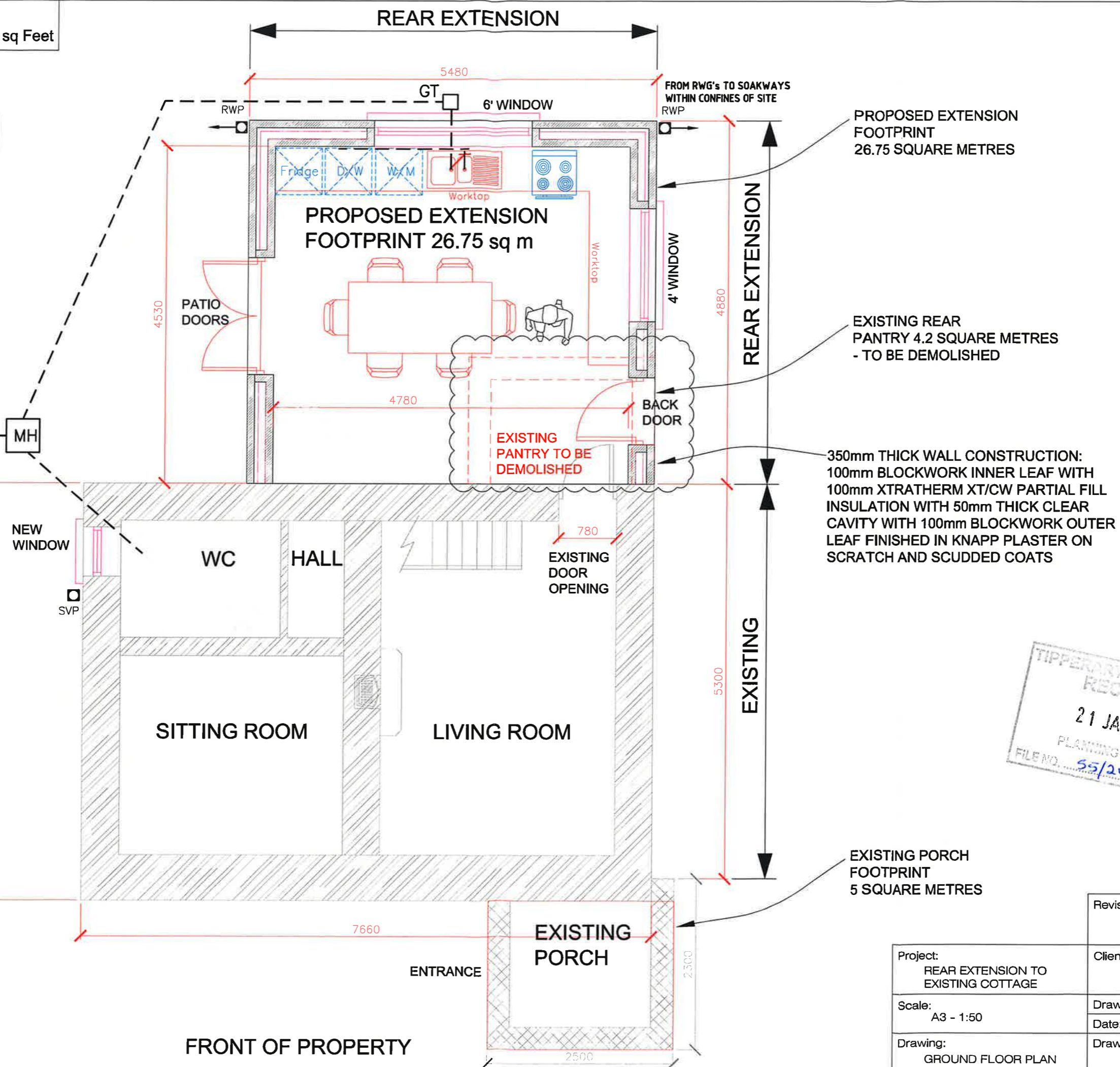
Revision: Rev 1: 15-01-2025 REVISED DESIGN	
Project: REAR EXTENSION TO EXISTING COTTAGE	Client: TOM & CHRISTINA MOYLAN
Scale: A3 - 1:50	Drawn: G.L. Date: JANUARY 2025
Drawing: DEMOLITION WORKS	Drawing No.: 24-TM-01

EXTENSION FOOTPRINT
Ground Floor = 26.75 sq Metres / 288 sq Feet

- SVP Soil Vent Pipe
- RWP Rainwater Pipe
- GT Gulley Trap
- MH / AJ Manhole / Access Junction



TO WASTE WATER TREATMENT SYSTEM



PROPOSED EXTENSION FOOTPRINT 26.75 SQUARE METRES

EXISTING REAR PANTRY 4.2 SQUARE METRES - TO BE DEMOLISHED

350mm THICK WALL CONSTRUCTION: 100mm BLOCKWORK INNER LEAF WITH 100mm XTRATHERM XT/CW PARTIAL FILL INSULATION WITH 50mm THICK CLEAR CAVITY WITH 100mm BLOCKWORK OUTER LEAF FINISHED IN KNAPP PLASTER ON SCRATCH AND SCUDDED COATS



GROUND FLOOR PLAN

EXISTING PORCH FOOTPRINT 5 SQUARE METRES

Revision:
Rev 1: 15-01-2025
REVISED DESIGN

Project:
REAR EXTENSION TO
EXISTING COTTAGE

Client:
TOM & CHRISTINA
MOYLAN

Scale:
A3 - 1:50

Drawn: G.L
Date: JANUARY 2025

Drawing:
GROUND FLOOR PLAN

Drawing No.: 24-TM-02



HIPPED ROOF
ON EXTENSION

EXTENSION

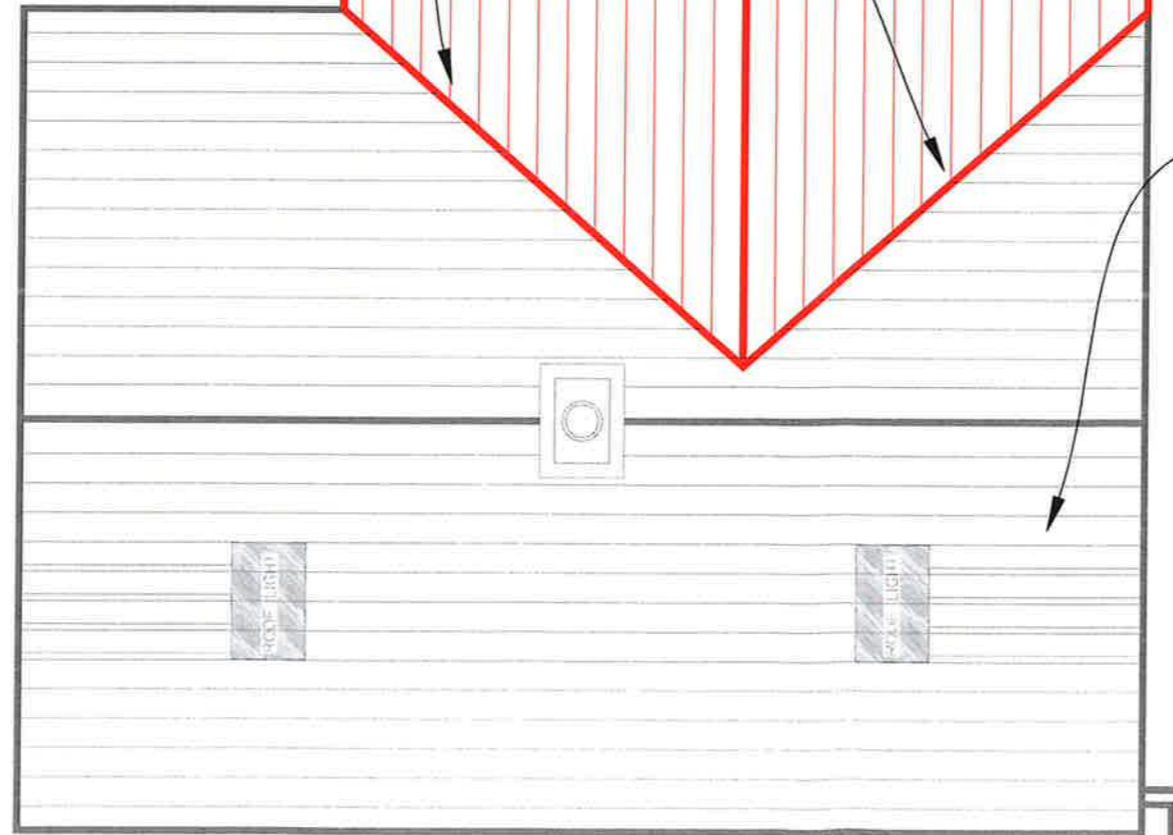
EXTENSION

SLATES TO
EXTENSION
TO MATCH
EXISTING

LEAD FLASHING
TO CONNECTION TO
EXISTING ROOF

EXISTING
PITCHED
ROOF

EXISTING



ROOF PLAN

ENTRANCE

PORCH
FLAT ROOF

Project:
REAR EXTENSION TO
EXISTING COTTAGE

Scale:
A3 - 1:50

Drawing:
ROOF PLAN

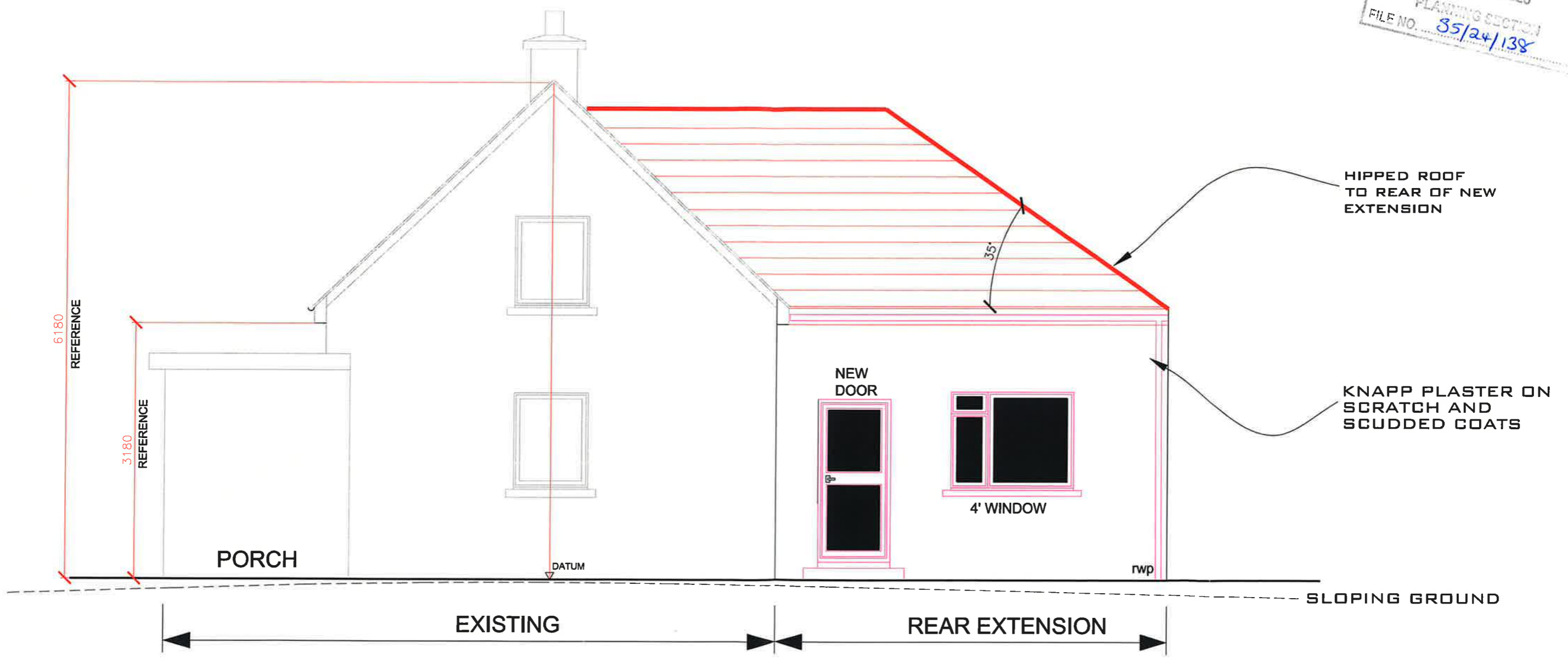
Revision:
Rev 1: 15-01-2025
REVISED DESIGN

Client:
TOM & CHRISTINA
MOYLAN

Drawn: G.L
Date: JANUARY 2025

Drawing No.: 24-TM-03

TIPPERARY COUNTY
 RECEIVED
 21 JAN 2025
 PLANNING SECTION
 FILE NO. 35/24/138

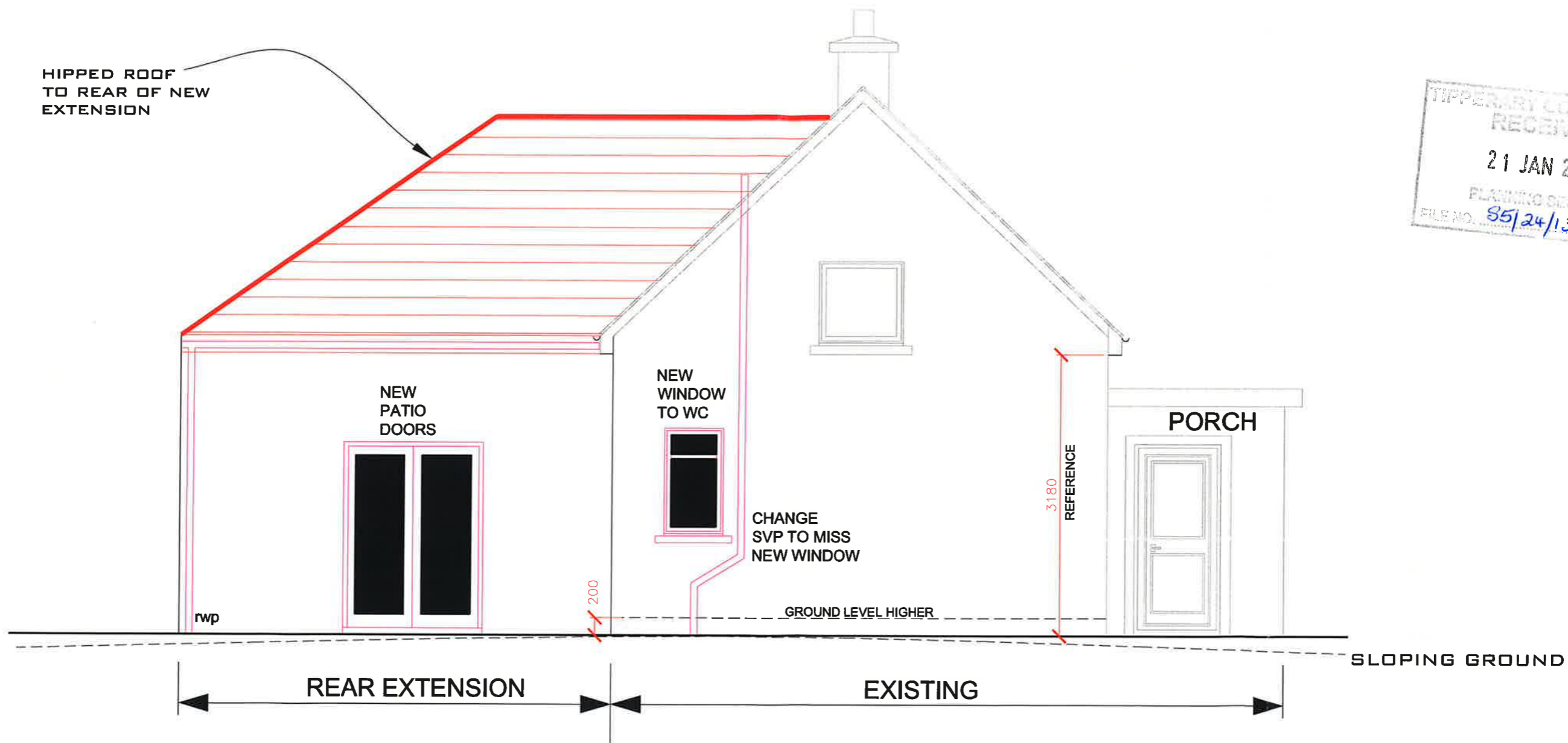


NORTH ELEVATION

Revision: Rev 1: 15-01-2025 REVISED DESIGN	
Project: REAR EXTENSION TO EXISTING COTTAGE	Client: TOM & CHRISTINA MOYLAN
Scale: A3 - 1:50	Drawn: G.L. Date: JANUARY 2025
Drawing: ELEVATIONS SHEET 1	Drawing No.: 24-TM-04

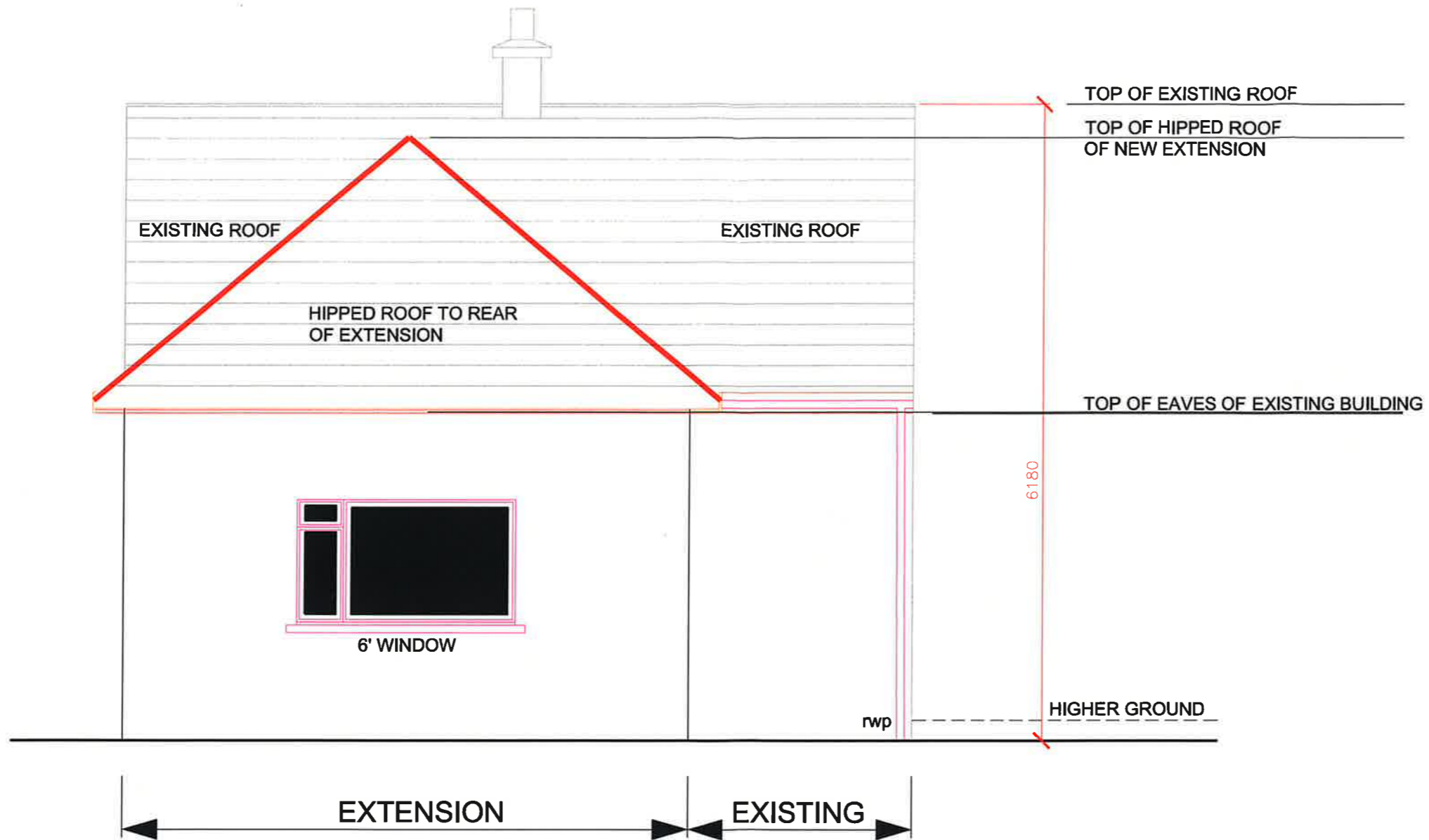
HIPPED ROOF
TO REAR OF NEW
EXTENSION

TIPPERARY CO. COUNCIL
RECEIVED
21 JAN 2025
PLANNING SECTION
FILE NO. 85/24/138



SOUTH ELEVATION

Revision: Rev 1: 15-01-2025 REVISED DESIGN	
Project: REAR EXTENSION TO EXISTING COTTAGE	Client: TOM & CHRISTINA MOYLAN
Scale: A3 - 1:50	Drawn: G.L. Date: JANUARY 2025
Drawing: ELEVATIONS SHEET 2	Drawing No.: 24-TM-05

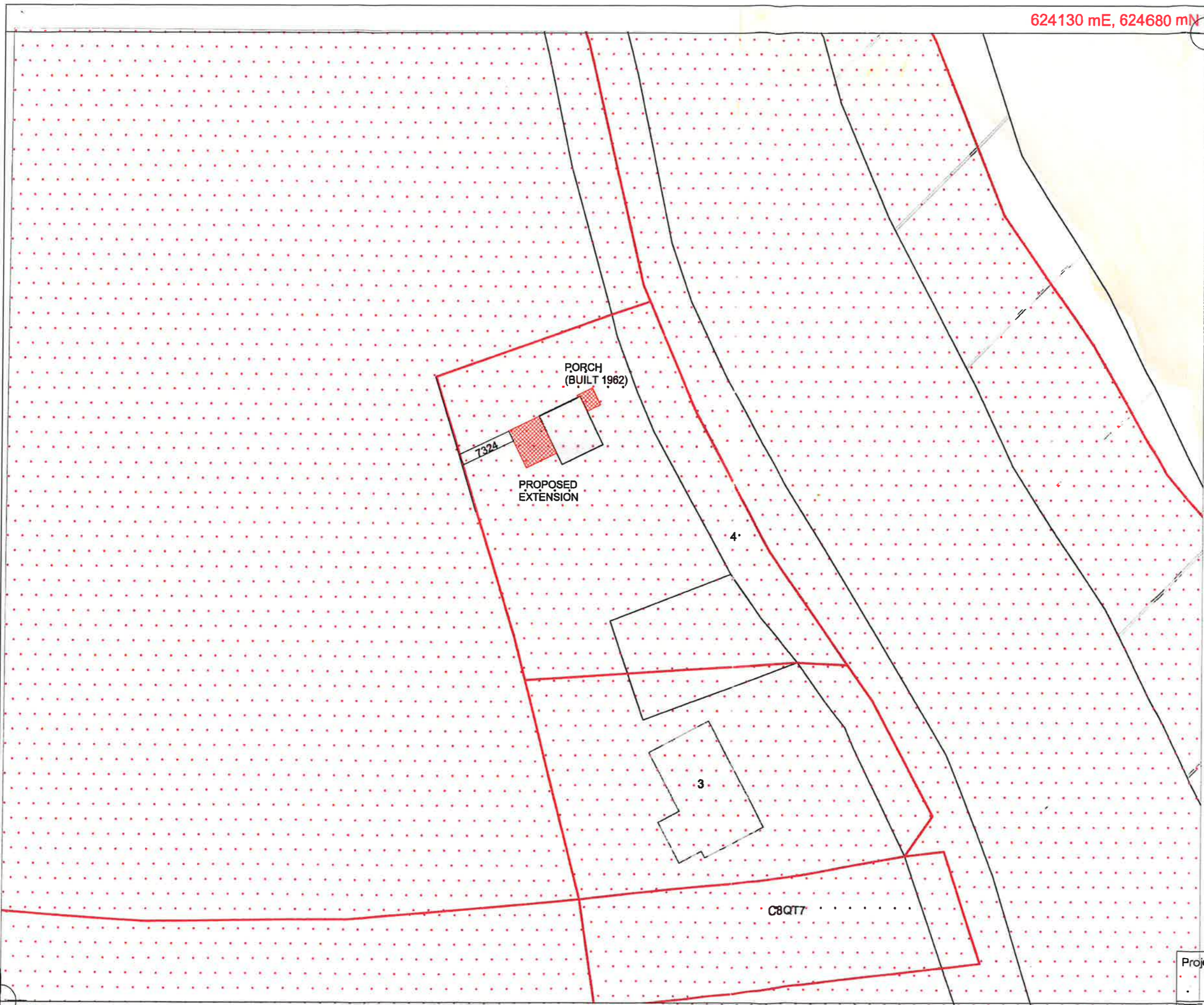


TIPPERARY C.C. COUNCIL
 RECEIVED
 21 JAN 2025
 PLANNING SECTION
 FILE NO. 85/24/138

REAR ELEVATION

Revision: Rev 1: 15-01-2025 REVISED DESIGN	
Project: REAR EXTENSION TO EXISTING COTTAGE	Client: TOM & CHRISTINA MOYLAN
Scale: A3 - 1:50	Drawn: G.L. Date: JANUARY 2025
Drawing: ELEVATIONS SHEET 3	Drawing No.: 24-TM-06

624130 mE, 624680 mN



TIPPERARY CC. COUNCIL
 RECEIVED
 21 JAN 2025
 PLANNING SECTION
 FILE NO. 55/24/138

623970 mE, 624550 mN

Creation Date: 20 December 2024 10:15:37

Application Number: S2024LR016983A

Project:
 REAR EXTENSION TO
 EXISTING COTTAGE

Scale:
 A3 - 1:500

Drawing:
 SITE PLAN (OS MAP)

Revision:
 Rev 1: 15-01-2025
 REVISED DESIGN

Client:
 TOM & CHRISTINA
 MOYLAN

Drawn: G.L
 Date: JANUARY 2025

Drawing No.: 24-TM-07



Official Tailte Éireann Registration Map

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to Land Registry maps, see www.tailte.ie.

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(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

LIBRARY CO. COUNCIL RECEIVED 21 JAN 2025 PLANNING SECTION 55/24/138

(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ▽ Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.





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,
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Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

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

Date: 22nd January, 2025

Our Ref: S5/24/138

Civic Offices, Nenagh

Christina Moylan
20 Springfields
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – The construction of a single storey extension to rear of dwelling at Redmondstown, Clonmel, Co. Tipperary

Dear Ms Moylan

I acknowledge receipt of Further Information received on 21st 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.: S5/24/138
Applicant: Christine Moylan
Development Address: Redmondstown, Clonmel, Co. Tipperary
Proposed Development: single storey extension to rear of dwelling.

1. **GENERAL**

On the 9th of November 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Construct a single storey extension to rear of a dwelling at Redmondstown, Clonmel, 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 detached dwelling at Redmonstown, Clonmel, Co. Tipperary.

b. Relevant Planning History

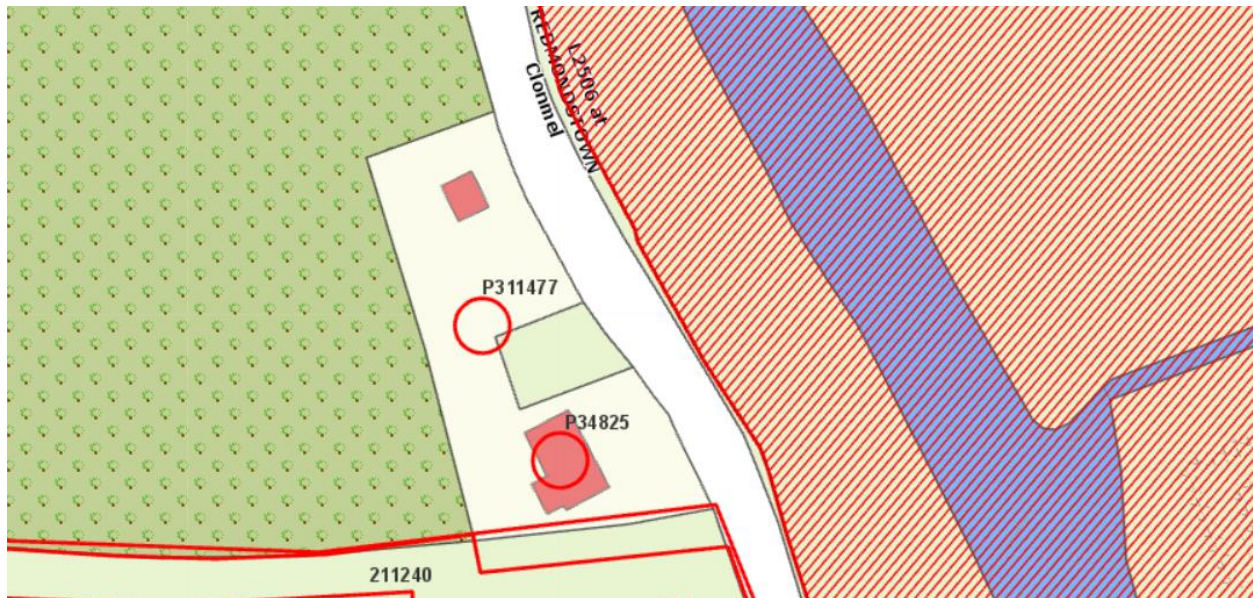
On site

P311477 – Mobile home - granted

Adjacent

P34825 – bungalow - granted

Figure 1 Planning history



c. Assessment

A) “Is or is not Development”

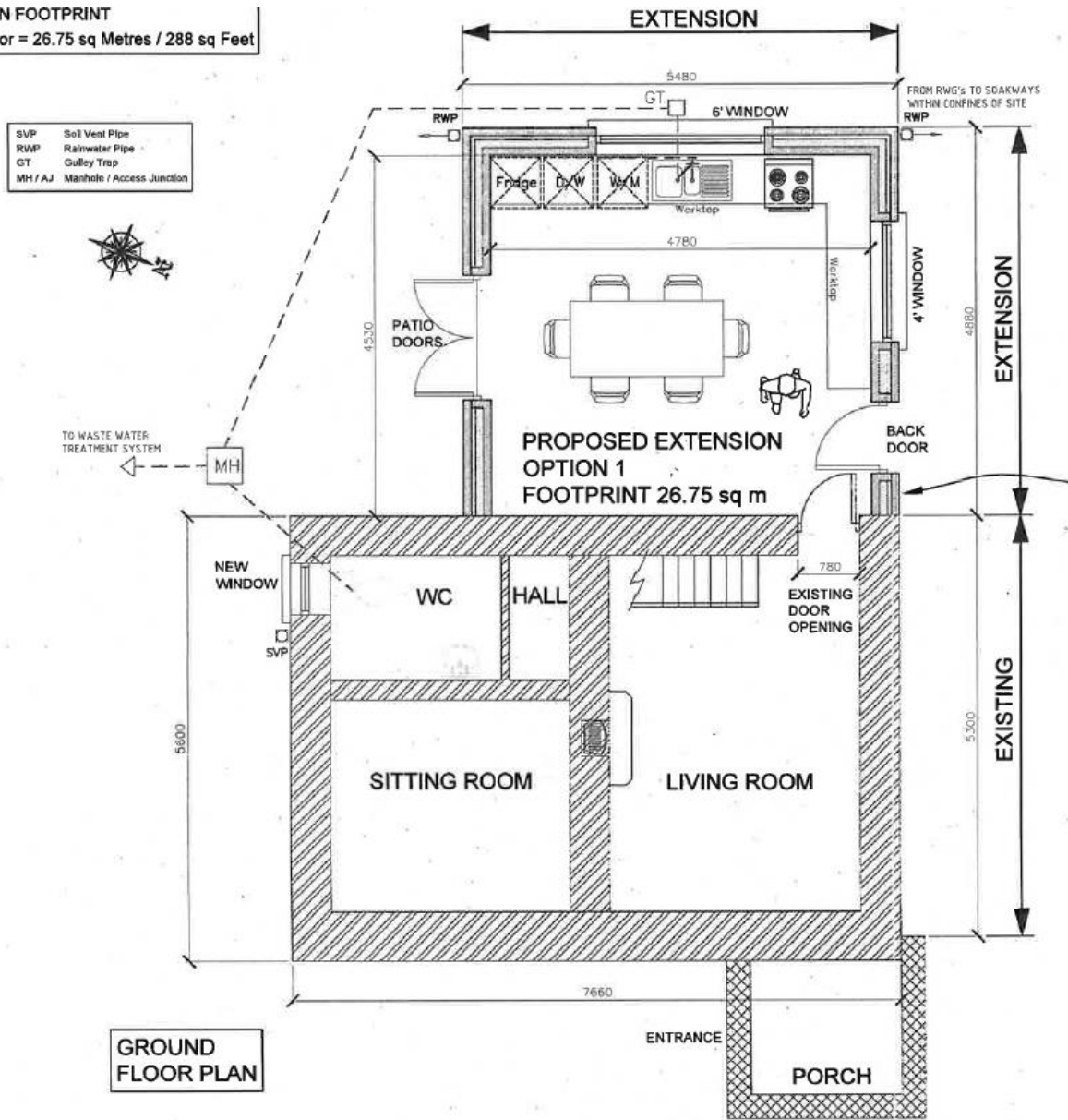
It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The works proposed comprise of the construction of a single storey extension to the rear of an existing dwelling. It will provide an additional 26.75 sqm of floor area. A site layout plan showing the distance to the site boundary and open space remaining to the rear of the dwelling has not been provided. Furthermore, a rear elevation of the proposal has not been submitted and so it is unclear if the rear elevation will include a gable. Further Information is required.

Figure 2 floor plans

EXTENSION FOOTPRINT
Ground Floor = 26.75 sq Metres / 288 sq Feet



It is noted that the dwelling appears to have been previously extended with a porch provided to the front of the unit and a pantry to the rear. There is no record of planning permission for these extensions. The floor area of same was not provided. Further information is required.

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. 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 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 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. Further information

The following further information was requested on the 11th of December 2024.

1. Having reviewed the details submitted with the application, the Planning Authority notes that the existing dwelling appears to have been previously extended with a porch provided to the front and a pantry to the rear. As per condition 2 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. The applicant is requested to clarify when the porch and pantry were provided and the floor area of same.
2. There is no record of planning permission for the porch extension to the front of the dwelling and the pantry to the rear as referred to above. 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 the Planning status of these elements i.e. were same provided at the time the dwelling was constructed or subsequently, year same were provided and exemption that same availed of at the time of construction.
3. The applicant is requested to submit a Site Layout Plan (scale 1:500) showing distances to the site boundary and open space remaining to the rear of the dwelling following construction of the extension.
4. The applicant is requested to submit a rear elevation of the proposed extension noting that condition and limitation 4(a) attached to Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, requires that “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”.

The applicant replied on the 21st of January 2025.

Appraisal

Point 1

The applicant has confirmed that the rear pantry was part of the original dwelling. They have submitted photographic evidence attesting to this claim.



The details submitted are noted.

A review of the historic 25 inch mapping would appear to confirm same.

Figure 3 25 inch mapping



The details submitted are acceptable.

Point 2.

The applicant has indicated that the porch to the front of the house has been in place since 1962. No documentary evidence has been provided to confirm same. The applicant has spoken to her siblings who confirmed that the porch was in place at the time of her Grandfathers passing in 1963. As such the construction of the porch predates the introduction of Planning legislation in Ireland and is not unauthorised.

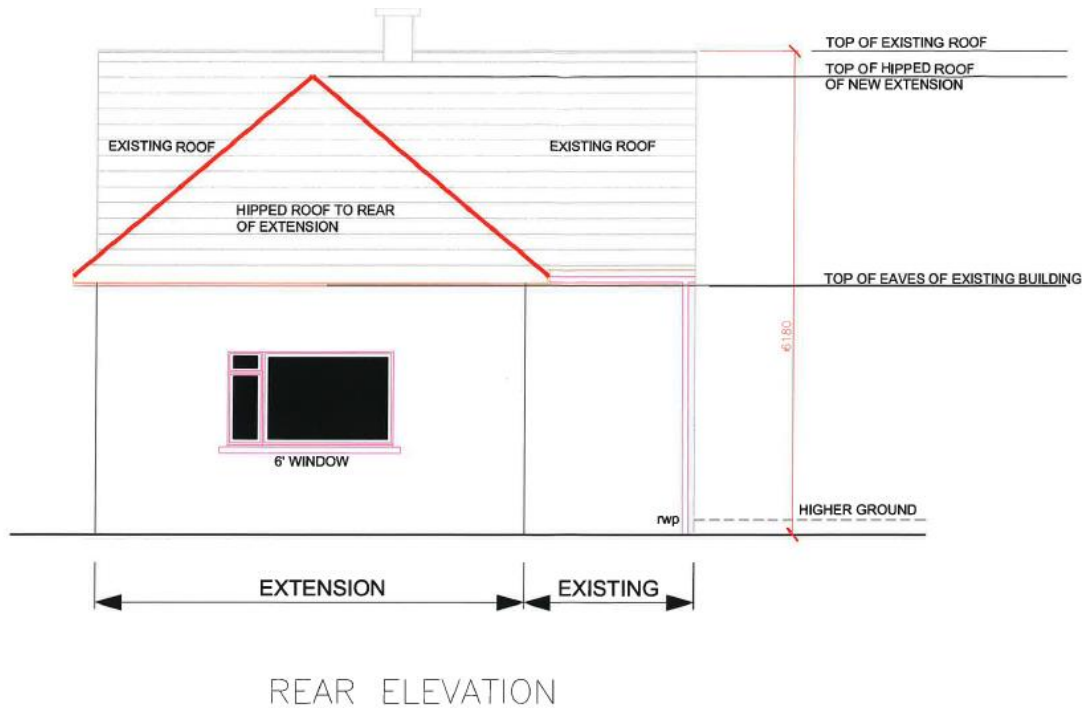
Point 3

The applicant has shown the distance between the proposed extension and the rear boundary (7.3 metres). The Planning Authority is satisfied that sufficient amenity space remain for future occupants.

Point 4

The design of the extension has been modified so that a hipped roof is now proposed. As such the height of the wall of any the extension does not exceed the height of the rear wall of the house.

Figure 4 Proposed rear elevation



RECOMMENDATION

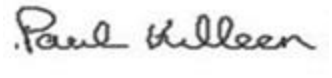
WHEREAS a question has arisen as to whether a single storey extension to rear of dwelling at Redmondstown, Clonmel, Co. Tipperary is development and is or is not exempted development:

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) Class 1 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
- (d) The information provided by the querist

AND WHEREAS Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application as amended by the further information received on the 21st of January 2025, constitutes “development” within the meaning of the Planning and Development Act 2000, and is “exempted development”.

Signed:



District Planner

Date: 10/02/25

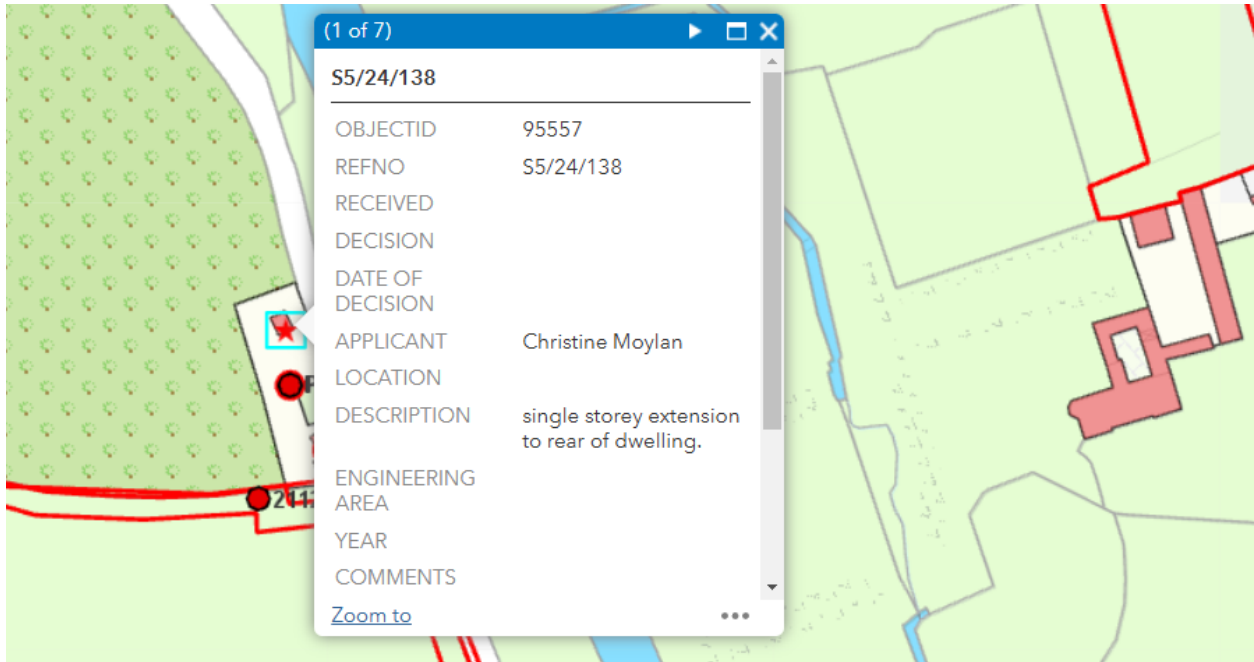
Signed:


Senior Executive Planner

Date: 10.2.2025

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/138
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 5 Site entered on Planning register





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

E91 N512

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

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

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tipperarycoco.ie

Date: 10th February, 2025

Our Ref: S5/24/138

Civic Offices, Nenagh

Christina Moylan
20 Springfields
Clonmel
Co. Tipperary

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

Dear Ms Moylan,

I refer to your application for a Section 5 Declaration received on 19th November, 2024, and Further Information received on 21st January, 2025 in relation to the following proposed works:

The construction of a single storey extension to rear of dwelling at Redmondstown, Clonmel, Co. Tipperary.

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

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1, 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 provided by the querist

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application as amended by the further information received on the 21st of January 2025, constitutes “development” within the meaning of the Planning and Development Act 2000, and is **“exempted development”**.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/138** **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 Christina Moylan, 20 Springfields, Clonmel, Co. Tipperary re: The construction of a single storey extension to rear of dwelling at Redmondstown, Clonmel, 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 provided by the querist

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application as amended by the further information received on the 21st of January 2025, constitutes "development" within the meaning of the Planning and Development Act 2000, and is "**exempted development**".

Signed:



Date: 10/02/2025

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