



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Eamon O'Dea
<i>Address</i>	18 Main Street, Templemore, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	McHugh Glynn & Associates Ltd.
<i>Address</i>	Bank Street, Templemore, Co. Tipperary.
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>] Agent [<input checked="" type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	18 Main Street, Templemore, Co. Tipperary
--	---

4. Development Details:

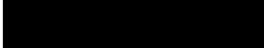
Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

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

To upgrade the existing double glazed aluminium windows on the existing
building to triple glazed upvc units. We are seeking to change the front elevation
windows (5 nr.) and the 2 windows to the rear elevation all on the existing building.
We are also seeking to replace the existing timber front door to a composite front
door.
Proposed floor area of proposed works/uses: N/A sqm

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

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

Signature of Applicant(s)  (Agent) Date: 13/12/2024

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

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
- OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.
- (All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

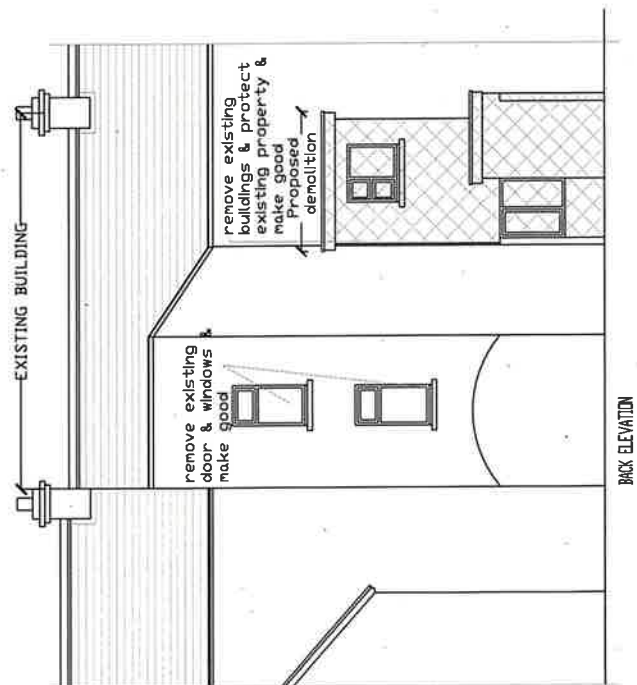
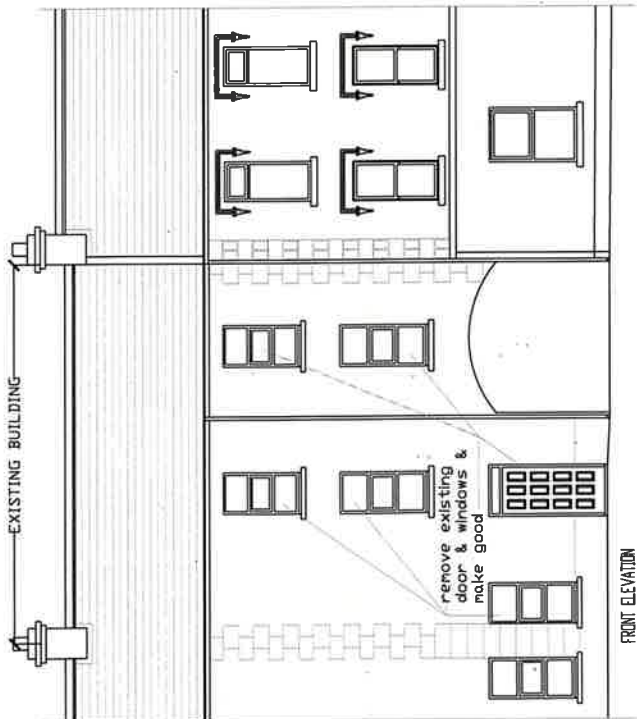
This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0761 06 5000		
E-Mail planning@tipperarycoco.ie		


FOR OFFICE USE ONLY

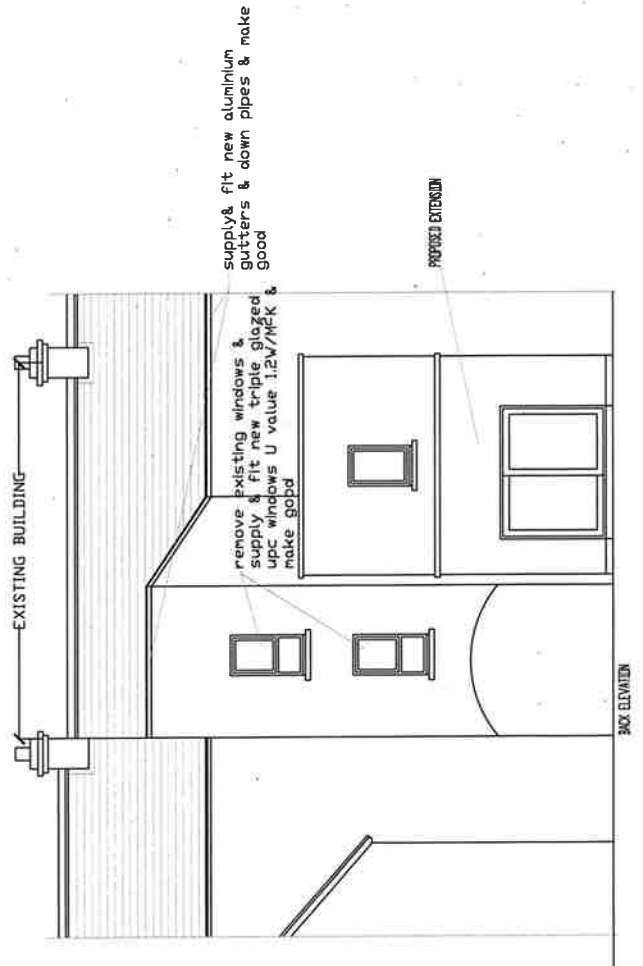
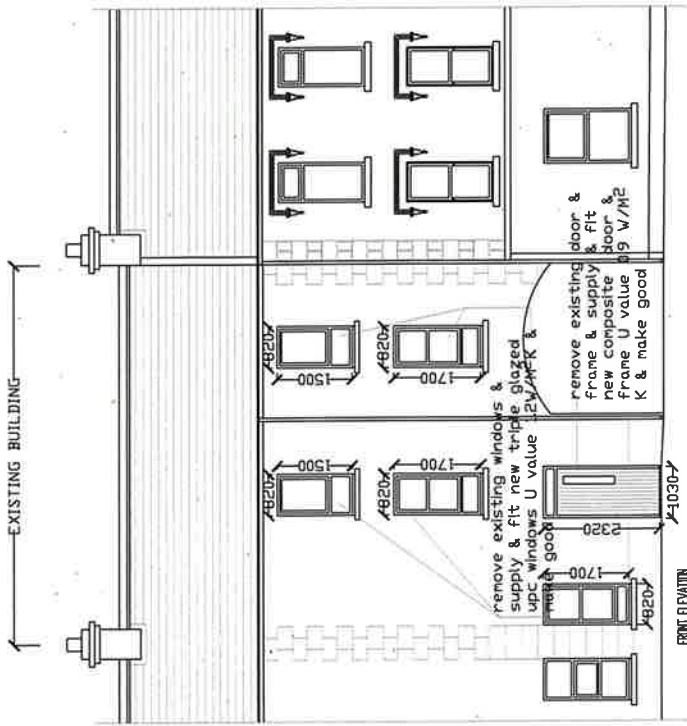
DATE STAMP

Fee Recd. € 80 _____
Receipt No **188014** _____
Date **13/12/2024** _____
Received by _____



C COPYRIGHT - McHUGH
GLYNN & ASSOC

 <p>McHugh Glynn Architectural Engineers Interior Designers Tel: 604 110 Fax: 604 110 Email: info@hughglynn.ca</p>																					
<p>Project Name: Alterations & Additions to Dwelling</p>																					
<p>Project No.: 18 Main Street, Terrace</p>																					
<p>Drawing No.: EXISTING ELEVATIONS & SECTIONS</p>																					
Drawn By:	POG																				
Checked By:	OG																				
Date:	31-10-2024																				
Scale:	1:100																				
<p>Revisions:</p> <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		No.	Date	Description	By	1				2				3				4			
No.	Date	Description	By																		
1																					
2																					
3																					
4																					
<p>Job No.: 878</p>																					
<p>Drawn By: 4</p>																					



C. COPYRIGHT - McHUGH
GLYNN & ASSOC

Suite 100/1 18 Main Street, Tumbalonga NSW 2145 Tel: 0011 3112 Email: info@mcgughglynn.com.au	Alterations & Additions to Dwelling Estimator: O'Brien 18 Main Street, Tumbalonga
Project Name: Drawn By: POG Checked By: DB Date: 31-10-2024 Scale: 1:100	Proposed Elevations Drawing No: Job No: 878 Day No: 7
Revisions: No. Date Description By	





Ryan, Siobhan Anne

From: Carey, Marion
Sent: 13 December 2024 15:50
To: Hunter, Eamonn
Cc: Ryan, Siobhan Anne
Subject: FW: [External] Section 5 Application (Receipt No. 188014)
Attachments: Existing Elevation.pdf; Proposed Elevation.pdf; Existing Rear Elevation.pdf; Existing Front Elevation.png; Tipperary County Council Section 5 Exemption Application Form1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Eamon,
Noting the location of the subject site within the Patrick Street ACA in Templemore, do you have any concerns with the proposals outlined above.
Thanks
Marion

From: Garreth [REDACTED]
Sent: 13 December 2024 15:37
To: Planning Group <planning@tipperarycoco.ie>
Cc: [REDACTED]
Subject: [External] Section 5 Application (Receipt No. 188014)

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.

Hi Marian,

Further to recent discussions, we are now attaching a Section 5 application to upgrade windows and front door at 18 Main St., Templemore (Eamonn O'Dea).
We would appreciate if this could be dealt with as soon as practicable. **(Receipt No. 188014)**

My mobile is [REDACTED] should you wish to contact me.

Kind regards,

Garreth McHugh
Chartered Surveyor
B.Sc. (Surv) Dip. C.E. MSCSI MRICS VR



For and on behalf of

McHugh Glynn & Associates Ltd
Chartered Quantity Surveyors & Construction Consultants,
Bank Street,
Templemore,
Co. Tipperary.

Tel: + 353 (0) 504 31142

Web: www.mchughglynn.ie



CONFIDENTIALITY & DISCLAIMER NOTICE;

This message has been sent by McHugh Glynn & Associates Ltd. The information contained in this message and any files transmitted with it are confidential and is intended for the addressee only. If you have received this message/attachments in error or there are any problems, please notify the originator immediately.

The unauthorised use or disclosure, copying or alteration of this message is strictly forbidden. This mail and any attachment have been scanned for viruses prior to leaving McHugh Glynn & Associates Ltd Network.

McHugh Glynn & Associates Ltd will not be liable for direct special indirect or consequential damages arising from alteration of the contents of this message by a third party or as a result of any virus being passed on.

It is possible for data transmitted by e-mail to be deliberately or accidentally corrupted or intercepted. For this reason, where the communication is sent by e-mail McHugh Glynn & Associates Ltd do not accept any responsibility for any breach of confidence that may arise through the use of this medium.



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: 16th December, 2024 Our Ref: S5/24/149 Civic Offices, Nenagh

Eamon O'Dea
C/O McHugh Glynn & Assoc Ltd
18 Main St
Templemore
Co. Tipperary

Re: Application for a Section 5 Declaration – Upgrade of windows to triple glazed UPVC units and replace the existing timer front door to a composite front door at 18 Main St., Templemore, Co. Tipperary.

Dear Mr O'Dea,

I acknowledge receipt of your application for a Section 5 Declaration received on 13th December, 2024, in connection with the above.

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

Yours sincerely


for **Director of Services**

From: [Carey, Marion](#)
To: [Ryan, Siobhan Anne](#)
Subject: FW: [External] Section 5 Application (Receipt No. 188014)
Date: 16 December 2024 11:15:09
Attachments: [image002.png](#)

Siobhan
Will you add the report below to this file please
Thanks
Marion

From: Hunter, Eamonn [REDACTED]
Sent: 16 December 2024 10:45
To: Carey, Marion [REDACTED]
Cc: Ryan, Siobhan Anne [REDACTED]
Subject: RE: [External] Section 5 Application (Receipt No. 188014)

Hi Marion,

In view of policy BH1 in the LAP:

Policy BH1: Architectural Conservation Areas

It is the policy of the Council to ensure the conservation and enhancement of the Architectural Conservation Areas. The Council in assessing proposals for re-development will have regard to:

- a. the impact of the proposed development on the character and appearance of the Architectural Conservation Area in terms of **compatibility of design, colour and finishes**, and massing of built form;

The Planning Authority advises that in order to better compliment the traditional architectural form of the terraced building and the wider nineteenth-century streetscape which lends the Patrick Street ACA its distinctive character, we have a preference for replacement windows to be of hardwood timber and bespoke design. These would replicate the historic pane arrangement of the sliding sash windows typical on such a nineteenth-century streetscape with the traditional, fine dimensions of glazing bars and mid-rails along with simple moulded details that should reference the detail of surviving, historic window frames elsewhere on the Main Street. Slim (<14mm thick) double-glazing units could be incorporated along with discrete draft-proofing of new timber window frames, and guidance for manufacturing design of same could be sought from the planning authority.

The desire for triple-glazed windows is likely to be unworkable in a timber sash window arrangement without requiring significant, unsightly increase in the dimensions of the timber frame to carry the extra weight of glazing and deeper glazing rebates. For this reason, a uPVC frame would be acceptable as no historic windows are present on the building. Any new windows should have the traditional arrangement of one-over-one or two-over-two panes with a **central**, horizontal mid-rail to replace the existing inappropriate three-pane arrangement.

It should be noted that upgrade of thermal performance in historic buildings like the subject site should have regard to advice provided in the 2023 publication by the Department of Housing,

Local Government and Heritage entitled: *Improving Energy Efficiency in Traditional Buildings, Guidance for Specifiers and Installers*, in order to retain and conserve as much of the architectural heritage value of the building along with providing effective thermal upgrades in line with best practice. This document is freely available online.

Best regards

Eamonn

Eamonn Hunter, Executive Architectural Conservation Officer, Planning,
Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary, E91 N512.

T: 0818 06 5000

E: [REDACTED]

W: www.tipperarycoco.ie



From: Carey, Marion [REDACTED]
Sent: 13 December 2024 15:50
To: Hunter, Eamonn [REDACTED]
Cc: Ryan, Siobhan Anne [REDACTED]
Subject: FW: [External] Section 5 Application (Receipt No. 188014)

Eamon,
Noting the location of the subject site within the Patrick Street ACA in Templemore, do you have any concerns with the proposals outlined above.
Thanks
Marion

From: Garreth [REDACTED]
Sent: 13 December 2024 15:37
To: Planning Group <planning@tipperarycoco.ie>
Cc: Carey, Marion [REDACTED]
Subject: [External] Section 5 Application (Receipt No. 188014)

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.

Hi Marian,

Further to recent discussions, we are now attaching a Section 5 application to upgrade windows and front door at 18 Main St., Templemore (Eamonn O'Dea).
We would appreciate if this could be dealt with as soon as practicable. **(Receipt No. 188014)**

My mobile is 086-2521325 should you wish to contact me.

Kind regards,

Garreth McHugh
Chartered Surveyor
B.Sc. (Surv) Dip. C.E. MSCSI MRICS VR



For and on behalf of
McHugh Glynn & Associates Ltd
Chartered Quantity Surveyors & Construction Consultants,
Bank Street,
Templemore,
Co. Tipperary.

Tel: + 353 (0) 504 31142

Web: www.mchugnglynn.ie



CONFIDENTIALITY & DISCLAIMER NOTICE;

This message has been sent by McHugh Glynn & Associates Ltd. The information contained in this message and any files transmitted with it are confidential and is intended for the addressee only. If you have received this message/attachments in error or there are any problems, please notify the originator immediately.

The unauthorised use or disclosure, copying or alteration of this message is strictly forbidden. This mail and any attachment have been scanned for viruses prior to leaving McHugh Glynn & Associates Ltd Network.

McHugh Glynn & Associates Ltd will not be liable for direct special indirect or consequential damages arising from alteration of the contents of this message by a third party or as a result of any virus being passed on.

It is possible for data transmitted by e-mail to be deliberately or accidentally corrupted or intercepted. For this reason, where the communication is sent by e-mail McHugh Glynn & Associates Ltd do not accept any responsibility for any breach of confidence that may arise through the use of this medium.

Ryan, Siobhan Anne

From: Carey, Marion
Sent: 07 January 2025 18:53
To: Ryan, Siobhan Anne
Subject: FW: [External] Section 5 Application (Receipt No. 188014)

Siobhan
Please attach below to S5.24.149
Thanks
Marion

From: Hunter, Eamonn [REDACTED]
Sent: 16 December 2024 10:45
To: Carey, Marion [REDACTED]
Cc: Ryan, Siobhan Anne [REDACTED]
Subject: RE: [External] Section 5 Application (Receipt No. 188014)

Hi Marion,

In view of policy BH1 in the LAP:

Policy BH1: Architectural Conservation Areas

It is the policy of the Council to ensure the conservation and enhancement of the Architectural Conservation Areas. The Council in assessing proposals for re-development will have regard to:

- a) the impact of the proposed development on the character and appearance of the Architectural Conservation Area in terms of **compatibility of design, colour and finishes**, and massing of built form;

The Planning Authority advises that in order to better compliment the traditional architectural form of the terraced building and the wider nineteenth-century streetscape which lends the Patrick Street ACA its distinctive character, we have a preference for replacement windows to be of hardwood timber and bespoke design. These would replicate the historic pane arrangement of the sliding sash windows typical on such a nineteenth-century streetscape with the traditional, fine dimensions of glazing bars and mid-rails along with simple moulded details that should reference the detail of surviving, historic window frames elsewhere on the Main Street. Slim (<14mm thick) double-glazing units could be incorporated along with discrete draft-proofing of new timber window frames, and guidance for manufacturing design of same could be sought from the planning authority.

The desire for triple-glazed windows is likely to be unworkable in a timber sash window arrangement without requiring significant, unsightly increase in the dimensions of the timber frame to carry the extra weight of glazing and deeper glazing rebates. For this reason, a uPVC frame would be acceptable as no historic windows are present on the building. Any new windows should have the traditional arrangement of one-over-one or two-over-two panes with a **central**, horizontal mid-rail to replace the existing inappropriate three-pane arrangement.

It should be noted that upgrade of thermal performance in historic buildings like the subject site should have regard to advice provided in the 2023 publication by the Department of Housing, Local Government and Heritage entitled: *Improving Energy Efficiency in Traditional Buildings, Guidance for Specifiers and Installers*, in order to retain and conserve as much of the architectural heritage value of the building along with providing effective thermal upgrades in line with best practice. This document is freely available online.

Best regards

Eamonn

Eamonn Hunter, Executive Architectural Conservation Officer, Planning,
Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary, E91 N512.

T: 0818 06 5000

E: [REDACTED]

W: www.tipperarycoco.ie



Comhairle Contae Thibraid Árann
Tipperary County Council

From: Carey, Marion [REDACTED]
Sent: 13 December 2024 15:50
To: Hunter, Eamonn [REDACTED]
Cc: Ryan, Siobhan Anne <[REDACTED]>
Subject: FW: [External] Section 5 Application (Receipt No. 188014)

Eamon,
Noting the location of the subject site within the Patrick Street ACA in Templemore, do you have any concerns with the proposals outlined above.
Thanks
Marion

From: Garreth <[REDACTED]>
Sent: 13 December 2024 15:37
To: Planning Group <planning@tipperarycoco.ie>
Cc: Carey, Marion <[REDACTED]>
Subject: [External] Section 5 Application (Receipt No. 188014)

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.

Hi Marian,

Further to recent discussions, we are now attaching a Section 5 application to upgrade windows and front door at 18 Main St., Templemore (Eamonn O'Dea).
We would appreciate if this could be dealt with as soon as practicable. **(Receipt No. 188014)**

My mobile is [REDACTED] should you wish to contact me.

Kind regards,

Garreth McHugh
Chartered Surveyor
B.Sc. (Surv) Dip. C.E. MSCSI MRICS VR



For and on behalf of
McHugh Glynn & Associates Ltd
Chartered Quantity Surveyors & Construction Consultants,
Bank Street,
Templemore,
Co. Tipperary.

Tel: + 353 (0) 504 31142

Web: www.mchughglynn.ie



CONFIDENTIALITY & DISCLAIMER NOTICE;

This message has been sent by McHugh Glynn & Associates Ltd. The information contained in this message and any files transmitted with it are confidential and is intended for the addressee only. If you have received this message/attachments in error or there are any problems, please notify the originator immediately. The unauthorised use or disclosure, copying or alteration of this message is strictly forbidden. This mail and any attachment have been scanned for viruses prior to leaving McHugh Glynn & Associates Ltd Network. McHugh Glynn & Associates Ltd will not be liable for direct special indirect or consequential damages arising from alteration of the contents of this message by a third party or as a result of any virus being passed on. It is possible for data transmitted by e-mail to be deliberately or accidentally corrupted or intercepted. For this reason, where the communication is sent by e-mail McHugh Glynn & Associates Ltd do not accept any responsibility for any breach of confidence that may arise through the use of this medium.

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/24/149

Applicant: Eamon O'Dea

Development Address: 18 Main Street, Templemore

Proposed Development: to upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units. The applicant is seeking to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building. The applicant's are also seeking to replace the existing timber front door to a composite front door.

1. GENERAL

On 13.12.2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Eamon O'Dea. The declaration application relates to

"To upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.

To change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building.

To replace the existing timber front door to a composite front door".

It is noted that while not included in the development description, the elevations submitted with the application also state that it is proposed to remove 2 no. rear extensions to the rear of the building. The removal of the building identified on the rear elevation drawings was authorised under PI Ref 2360861.



2. SITE VISIT PHOTOS



3. STATUTORY PROVISIONS

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) of the Planning and Development Act 2000 sets out that the following shall be exempted developments for the purposes of the Act –

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of inconsistent with the character of the structure or of neighbouring structures;

Section 4(2)(a) of the Act states as follows: -

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

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

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

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

Article 6(1) of the Planning and Development Regulations states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

In relation to this case, the following apply:

Development within the curtilage of a house CLASS 1	
The extension of a house, by the construction or erection of an extension	1. (a) Where the house has not been extended previously, the floor area of

(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

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.

	<p>(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.</p> <p>(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.</p> <p>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.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
--	---

Article 9, Restrictions on Exemption sets out the following:
 Development to which Article 6 relates shall not be exempted development for the purposes of the Act-

(a) if the carryout out of such development would –

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a

development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Section 82 of the Planning and Development act 2000, as amended states:

Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

3. ASSESSMENT

a. Site Location

The proposed development is not a protected structure, however is located at no. 18 Main Street, Templemore, which is within the Patrick Street/Main Street ACA in Templemore.

b. Relevant Planning History

PI Ref 23/60861- Condition grant of permission to Eamonn O'Dea for:

- (1) the demolition of an existing two storey rear extension and an existing shed
- (2) the construction of a new two storey rear extension together with all associated works

c. Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development. This application considers whether the following works are development and whether same are exempted development.

“To upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.

To change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building.

To replace the existing timber front door to a composite front door”.

A) “Is or is not Development”

Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the proposals constitute *development* as same involve the carrying out of works on the subject land.

Section 3(1) of the Planning and Development Act 2000-2024 provides that; In this Act “development” means, except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land.

In relation to the proposed alterations to the windows, the Planning Authority consider that the proposed alterations to the windows is considered to be ‘development’.

In relation to the demolition of the extension to the rear of the building, the Planning Authority consider that the proposed demolition of an extension and the construction of a new extension is considered to be ‘development’.

In relation to the construction of a new extension to the rear of the dwelling, the Planning Authority consider that the proposed extension is considered to be ‘development’.

B) “Is or is not Exempted Development”

In relation to the alterations to the windows, it is considered that the provisions of Section 4 (1) and Section 82(1) of the Planning and Development Act 2000 apply. Section 4 of the act sets out that the following shall be exempted developments for the purposes of the Act –

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of inconsistent with the character of the structure or of neighbouring structures;

Section 82 of of the Planning and Development Act 2000 states:

Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

The proposals to replace the windows on the front and rear elevations and door on the front elevation can reasonably be considered the undertaking of works for the improvement of the structure. Limited information is provided on the new window and door types and this information is required to establish whether same would/would not materially affect the character of the ACA and area.

C) Is the exemption restricted

Article 9, Restrictions on Exemption sets out the following:

Development to which Article 6 relates shall not be exempted development for the purposes of the Act-

(a) if the carryout of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

There is no planning history attached to this site

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
N/a

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,
N/a

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/a

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

N/a

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

N/a

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site, (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

N/a

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

N/a

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Proposed development will not impact on the use of the building

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Further information is required to establish the details of the window types and door type to make an informed assessment as to whether same impact on the character of St Patricks ACA in which the site is located.

4. APPROPRIATE ASSESSMENT (AA)

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required.

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.

5. RECOMMENDATION

Request the applicant to submit Further Information under Section 5(2) of the Planning and Development Act 2000, as amended,

1. The applicant is requested to submit, for the consideration of the Planning Authority, detailed drawings and brochure samples showing the proposed replacement window and door types.

The applicant is advised that the building is located within an Architectural Conservation Area and in order for a planning exemption to be confirmed the Planning Authority must be satisfied that the works proposed do not materially affect the character of said area. The applicant is requested to contact the Planning Authority to discuss this matter prior to responding.

Signed:  _____ Date: 16.01.2025
District Planner

Signed:  Date: 16/1/2025
A/Senior Executive Planner

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/149
(b) Brief description of the project or plan:	Alterations to windows, demolition of an existing rear extension and construction of a new extension
(c) Brief description of site characteristics:	Existing dwelling at 17 Main Street, Templemore
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 15km	None	No
000934 Kilduff Devilsbit Mountain SAC	https://www.npws.ie/protected-sites/sac/000934	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site 	No potential impacts

<ul style="list-style-type: none"> • Pests 		
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential impacts	
In-combination/Other	No potential impacts	
(b) Describe any likely changes to the European site:		
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts	
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
STEP 4. Screening Determination Statement		
The assessment of significance of effects:		
Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives.		
The proposed development is not likely to have significant effects.		
Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.

(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/149
Development Summary:	Alterations to windows, demolition of extension and construction of new 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



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

SCANNED

Date: 16th January, 2025

Our Ref: S5/24/149

Civic Offices, Nenagh

Eamon O'Dea
C/O McHugh Glynn & Assoc Ltd
18 Main St
Templemore
Co. Tipperary

Re: Application for a Section 5 Declaration – to upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units. The applicant is seeking to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building. The applicant's are also seeking to replace the existing timber front door to a composite front at No 18 Main Street, Templemore, Co. Tipperary

Dear Mr O'Dea,

I refer to an application received from you on 13th December, 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.

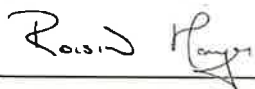
Further information is requested as follows;

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. The applicant is requested to submit, for the consideration of the Planning Authority, detailed drawings and brochure samples showing the proposed replacement window and door types.
2. The applicant is advised that the building is located within an Architectural Conservation Area and in order for a planning exemption to be confirmed the Planning Authority must be satisfied that the works proposed do not materially affect the character of said area. The applicant is requested to contact the Planning Authority to discuss this matter prior to responding.

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

Yours sincerely

A handwritten signature in cursive script, appearing to read "Ross Hays", written over a horizontal line.

for **Director of Services**

From: [Garreth](#)
To: [Planning Group](#)
Subject: [External] Your Ref: Section 5 /24/149 - FI response
Date: 31 January 2025 17:16:23
Attachments: [image002.png](#)
[2025_01_28 GMH.pdf](#)
[elev.pdf](#)
[FI correspondence.pdf](#)

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.

Hi,

Please find the following correspondence regarding the above Section 5 FI.

- FI response correspondence
- Conservation Architect correspondence
- Elevation drawing

Kind regards,

Garreth McHugh
Chartered Surveyor
B.Sc. (Surv) Dip. C.E. MSCSI MRICS VR



For and on behalf of
McHugh Glynn & Associates Ltd
Chartered Quantity Surveyors & Construction Consultants,
Bank Street,
Templemore,
Co. Tipperary.

Tel: + 353 (0) 504 31142

Mob: [REDACTED]

Web: www.mchughglynn.ie



CONFIDENTIALITY & DISCLAIMER NOTICE;

This message has been sent by McHugh Glynn & Associates Ltd. The information contained in this message and any files transmitted with it are confidential and is intended for the addressee only. If you have received this message/attachments in error or there are any problems, please notify the originator immediately.

The unauthorised use or disclosure, copying or alteration of this message is strictly forbidden. This mail and any attachment have been scanned for viruses prior to leaving McHugh Glynn & Associates Ltd Network.

McHugh Glynn & Associates Ltd will not be liable for direct special indirect or consequential damages arising from alteration of the contents of this message by a third party or as a result of any virus being passed on.

It is possible for data transmitted by e-mail to be deliberately or accidentally corrupted or intercepted. For this reason, where the communication is sent by e-mail McHugh Glynn & Associates Ltd do not accept any responsibility for any breach of confidence that may arise through the use of this medium.

EMD Architects

107 Ludford Road, Ballinteer, Dublin 16, Ireland

T +353 1 298 7948 F + 353 1 296 0811 W www.emdarchitects.com

28th January, 2025.

McHugh Glynn & Associates
Main Street,
Templemore,
Co. Tipperary.

Re: 18 Main street, Templemore, Co. Tipperary
Historic Building Consultant Services

Att: **Mr. Garreth McHugh**

Dear Garreth,

We have reviewed the documentation that was submitted in support of a Section 5 Declaration on behalf of Eamon O' Dea, and the response from Tipperary County Council dated 16th January 2025.

We would agree with the view of the Conservation Officer, Mr. Eamonn Hunter, that as there are no historic windows present in the building, that double / triple glazed upvc framed or timber framed sliding sash windows could be considered. We note that you have revised the elevation drawing no. 7 to indicate 'one over one' windows, this would seem the most appropriate fenestration pattern – the use of 'two over two' may have too much of a vertical emphasis. The window supplier could be the Munster Joinery Heritage range, Fairco Heritage Sash Windows or a similar supplier. The door could be a six panel door with glazed fanlight, from a similar supplier. Traditional white would be the most appropriate colour, given the streetscape of Main street, Templemore.



We are available to offer further guidance and detail design. We would be of the opinion that the replacement door and windows, on the basis of the above, would not materially affect the character of the Architectural Conservation Area.

Yours Sincerely,

Brendan Mc Evoy, MUBC, MRIAI
EMD Architects



remove existing windows & supply & fit new 'one over one' triple glazed upvc windows & make good

remove existing windows & supply & fit new 'one over one' triple glazed upvc windows & make good

remove existing door & frame & supply & fit new GRP. composite 6 panel door & frame & make good



C COPYRIGHT - McHUGH GLYNN & ASSOC

Stage:				Issued for Section 5
		Bank Street, Templemore, Co. Tipperary		Tel: 0504 31142 Email: info@mchughglynn.ie
Project / Client				
Alterations & Additions to Dwelling Eamonn O'Dea 18 Main Street, Templemore.				
Drawing Title				
Proposed Elevations				
Drawn By:	POG			
Checked By:	DG			
Date:	25-1-2024			
Scale:	1:100			
Revisions				Job No.
No.	Date	Description	By.	878
				Dwg No.
				7

Templemore t: 0504 311 42

Waterford t: 051 852 050



Email info@mchughglynn.ie

Web www.mchughglynn.ie

Bank Street, Templemore, Co. Tipperary

31st January 2025

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

Ref: S5/24/124 – Eamonn O’Dea, Section 5 Application

Dear Sir/Madam,

I refer to your request for further information dated 16th of January 2025. We have engaged Brendan McEvoy MUBC of EMD Architects to assist us regarding your query.

As requested, we have made contact with the area planning officer and local authority’s Conservation Architect, Mr. Eamonn Hunter.

Our conservation architect has reviewed the section 5 application, the existing building features, and the additional information as received by us from Mr. Eamon Hunter on the 21st of January 2025. I now attach our conservation architect’s response together with sample photographs and a revised elevation drawing showing proposals. We trust this proposal is acceptable to you and we look forward to your response at your earliest convenience.

Yours sincerely,

A handwritten signature in black ink that reads "Garreth McHugh". The signature is written in a cursive style and is positioned above a horizontal line.

Garreth McHugh B.Sc. (Surv) DIP. C.E. MSCSI
For and on behalf of **McHugh Glynn & Associates Ltd.**



**Chartered Building Surveyors & Engineers, Chartered Quantity Surveyors,
Architectural Consultants, Property Valuations & Surveys,
Registered Insurance Loss Assessors**





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: 10th February, 2025

Our Ref: S5/24/149

Civic Offices, Clonmel

Eamon O'Dea
C/O McHugh Glynn & Assoc Ltd
Bank Street
Templemore
Co. Tipperary

Re: Application for a Section 5 Declaration – Upgrade of windows to triple glazed UPVC units and replace the existing timer front door to a composite front door at 18 Main St., Templemore, Co. Tipperary.

Dear Sir

I acknowledge receipt of Further Information received on 31st 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

Cloney

for **Director of Services**

Tipperary County Council

Planning Report

Planner: Marion Carey

From: Eamonn Hunter, *Executive Architectural Conservation Officer (ACO)*

Date of referral: 13th February 2025

Date of issue: 14th February 2025

Planning reference: S5/24/149

Applicant: Eamon O’Dea

Development: To upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units. The applicant is seeking to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building. The applicant’s are also seeking to replace the existing timber front door to a composite front at No 18 Main Street, Templemore, Co. Tipperary

Core heritage data for planning reference S5/24/149

Site name and location	No 18 Main Street, Templemore E41FC93
Protected structure reference and relevant development plan	None on site but immediately adjacent to TMS32 (John Maher) <i>Templemore and Environs Development Plan 2012 (as extended)</i>
ACA	Templemore Main Street - Patrick’s Street ACA 1
Archaeology	Within immediate surrounding of archaeological sites including: TN029-062 ---- Historic town
Site last inspected by ACO	18 th June 2024
Conservation professional providing specification and/or impact assessment	Brendan McEvoy, <i>MUBC, MRAIA</i> EMD Architects, Dublin
Project designer/agent	Garreth McHugh <i>B.Sc. (Surv) Dip. C.E. MSCSI MRICS VR</i> McHugh Glynn and Associates

Review of site and application material

The Planning Authority advises that in order to better compliment the traditional architectural form of the terraced building and the wider nineteenth-century streetscape which lends the Patrick Street ACA its distinctive character, there is a preference for replacement windows to be of hardwood timber and bespoke design. These would replicate the historic pane arrangement of the sliding sash windows typical on such a nineteenth-century streetscape with the traditional, fine dimensions of glazing bars and mid-rails along with simple moulded details that should reference the detail of surviving, historic window frames elsewhere on the Main Street (see *figure 2* below). Slim (<14mm thick) double-glazing units could be incorporated along with discrete draft-proofing of new timber window frames, and guidance for manufacturing design of same could be sought from the planning authority.



Figure 1: South-east elevation of subject building in June 2024

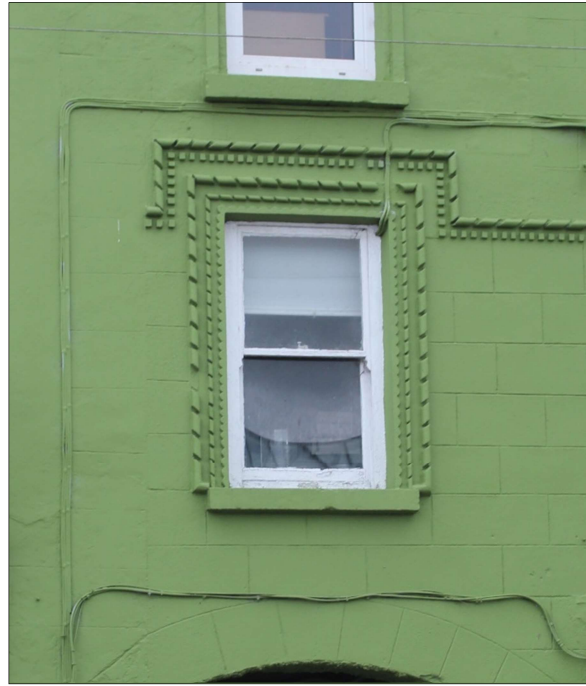


Figure 2: *Example of historic window type on Main Street in Templemore that could be used as historic reference for appropriate design of new hardwood timber windows to replace modern windows on similar buildings within the ACA*

The desire for triple-glazed windows is likely to be unworkable in a timber sash window arrangement without requiring significant, unsightly increase in the dimensions of the timber frame to carry the extra weight of glazing and deeper glazing rebates. For this reason, a uPVC frame would be acceptable as no historic windows are present on the building. Any new windows should have the traditional arrangement of one-over-one or two-over-two panes with a **central**, horizontal mid-rail to replace the existing inappropriate three-pane arrangement.

Response to request for further information

The new panelled-effect door proposed omits the inappropriate tall, slim glazed panel and has the appearance of a traditional 6-panelled door with simple over light.



Figure 3: Proposal drawing for Main Street elevation of subject building received with further information on 10th February 2025

The new proposed windows and door (as per the drawing extract shown in *figure 3* above) are an improvement on the original proposal and in my opinion will not have any negative impact on the existing historic fabric or character of the Templemore Main Street ACA.

They are therefore acceptable proposals for the building and do not require planning permission if implemented as described in the material submitted in response to the request for further information received on 10th February 2025.

Eamonn Hunter

Executive Architectural Conservation Officer

14th February 2025

From: [Hunter, Eamonn](#)
To: [REDACTED]
Subject: 18 Main Street, Templemore
Date: 21 January 2025 16:54:23
Attachments: [jmae001.jpg](#)

Hi Garreth,

Further to our phone conversation, I don't know if you have seen it but I provided the following advice to planners when asked about S5/24/149:

In view of policy BH1 in the LAP:

Policy BH1: Architectural Conservation Areas

It is the policy of the Council to ensure the conservation and enhancement of the Architectural Conservation Areas. The Council in assessing proposals for re-development will have regard to:

- a) the impact of the proposed development on the character and appearance of the Architectural Conservation Area in terms of **compatibility of design, colour and finishes**, and massing of built form;

The Planning Authority advises that in order to better compliment the traditional architectural form of the terraced building and the wider nineteenth-century streetscape which lends the Patrick Street ACA its distinctive character, we have a preference for replacement windows to be of hardwood timber and bespoke design. These would replicate the historic pane arrangement of the sliding sash windows typical on such a nineteenth-century streetscape with the traditional, fine dimensions of glazing bars and mid-rails along with simple moulded details that should reference the detail of surviving, historic window frames elsewhere on the Main Street. Slim (<14mm thick) double-glazing units could be incorporated along with discrete draft-proofing of new timber window frames, and guidance for manufacturing design of same could be sought from the planning authority.

The desire for triple-glazed windows is likely to be unworkable in a timber sash window arrangement without requiring significant, unsightly increase in the dimensions of the timber frame to carry the extra weight of glazing and deeper glazing rebates. For this reason, a uPVC frame would be acceptable as no historic windows are present on the building. Any new windows should have the traditional arrangement of one-over-one or two-over-two panes with a **central**, horizontal mid-rail to replace the existing inappropriate three-pane arrangement.

It should be noted that upgrade of thermal performance in historic buildings like the subject site should have regard to advice provided in the 2023 publication by the Department of Housing, Local Government and Heritage entitled: *Improving Energy Efficiency in Traditional Buildings, Guidance for Specifiers and Installers*, in order to retain and conserve as much of the architectural heritage value of the building along with providing effective thermal upgrades in line with best practice. This document is freely available online.

After I said that there were historic photographs available, I was unable to find any of much use during a quick search. This one isn't great but it gives a few ideas for the window design: <https://www.historicalpicturearchive.com/shop/pictures/tp-00054/>

There are likely to be a few surviving historic windows on the Main Street which could be used as a reference to make new timber sash windows but the key features should be:

- symmetry, with the top and bottom sash being the same size
- fine proportions, with sash frames being finer than most modern plastic or mass-produced timber frames (generally not more than 55mm sections of sash frames or glazing bars more than 21mm wide)

Some rare examples of preferred windows in the Square would include:

- Mockler's Chemist https://www.google.com/maps/@52.7958324,-7.8363518,3a,68.5y,173.87h,104.39t/data=!3m7!1e1!3m5!1sc-inoXT8SUJ50PvsSIUc-Q12e0l6shttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-14.390875365262232%26panoid%3Dc-inoXT8SUJ50PvsSIUc-Q%26yaw%3D173.86716972383942!7i16384!8i8192?entry=ttu&g_ep=EgoyMDI1MDExNS4wKXMDSoASAFQAw%3D%3D
- Peter's Fruit & veg https://www.google.com/maps/@52.7963121,-7.8346885,3a,90y,152.48h,94.42t/data=!3m7!1e1!3m5!1sYDkVMyp5cuGYwIz3lpc58w!2e0l6shttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-4.4201596479378935%26panoid%3DYDkVMyp5cuGYwIz3lpc58w%26yaw%3D152.47790683594695!7i16384!8i8192?entry=ttu&g_ep=EgoyMDI1MDExNS4wKXMDSoASAFQAw%3D%3D
- Meagher's https://www.google.com/maps/@52.7968439,-7.8328752,3a,74.3y,153.91h,102.13t/data=!3m7!1e1!3m5!1s4Egvl7MaqfahBs9SaFCWtA!2e0l6shttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-12.125586202850357%26panoid%3D4Egvl7MaqfahBs9SaFCWtA%26yaw%3D153.91156416020036!7i16384!8i8192?entry=ttu&g_ep=EgoyMDI1MDExNS4wKXMDSoASAFQAw%3D%3D
- some of the older remaining windows on John Maher's close to No. 18 https://www.google.com/maps/@52.796948,-7.8335205,3a,75y,317.2h,96.95t/data=!3m7!1e1!3m5!1swQCRfPRnv6xkWXSm2oNkmQ!2e0l6shttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-6.9544559249250995%26panoid%3DwQCRfPRnv6xkWXSm2oNkmQ%26yaw%3D317.2003373143727!7i13312!8i6656?entry=ttu&g_ep=EgoyMDI1MDExNS4wKXMDSoASAFQAw%3D%3D

The door you proposed would be fine if you omitted the tall, slim glazed panel on the door that appears like a traditional vertical-sheeted or 4- or 6- panelled door in painted timber or composite material.

I hope that is of assistance,

Eamonn

Eamonn Hunter, Executive Architectural Conservation Officer, Planning,
Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary, E91 N512.

T: 0818 06 5000
E: [REDACTED]
W: www.tipperarycoco.ie



From: [Garreth](#)
To: [Hunter, Eamonn](#)
Subject: RE: [External] Re: 18 Main Street, Templemore
Date: 14 February 2025 14:38:55
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)

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.

Thanks for your quick reply Eamonn.
Have a nice weekend.
Kind regards,
Garreth

From: Hunter, Eamonn [REDACTED]
Sent: Friday 14 February 2025 14:20
To: Garreth [REDACTED]
Subject: RE: [External] Re: 18 Main Street, Templemore

Hi Garreth,

I will complete my report on the response to FI on S5/24/149 later today for planning review.

PV panels on the front (south-east) elevation and addition of ventilation ducts on the front façade of the building are both items of work which would materially affect the fabric and character of the ACA and would negatively affect the special architectural interest of the streetscape. They therefore require planning permission.

The onus would be on the applicant to provide evidence that works to the building would not have a negative impact on the architectural special interest of the ACA and to suggest sufficient mitigation of any negative impacts. If this can be proven, there will be no built heritage reason to refuse permission but I cannot advise on the assessment of other planning considerations.

Hope that is of use,

Regards

Eamonn

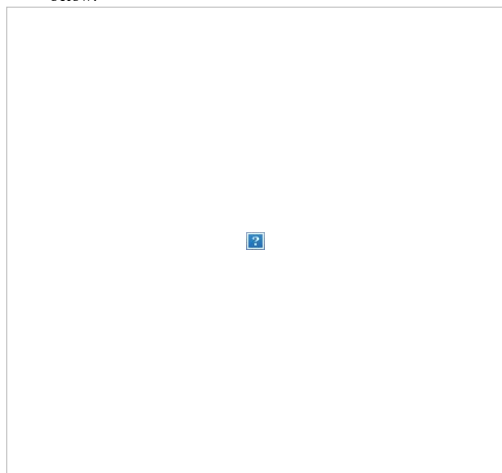
From: Garreth [REDACTED]
Sent: 14 February 2025 11:46
To: Hunter, Eamonn [REDACTED]
Subject: [External] Re: 18 Main Street, Templemore

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.

Hi Eamonn,

I have just been speaking with Marion Carey regarding the windows and front door for Eamonn O'Dea and I am aware you are looking into your response. Thank you. Just another query from the client (Eamonn O'Dea) on the same property.

- In order to erect PV panels on the south facing (front) roof of the dwelling, judging from previous conversations and guidelines etc, I assume it will be necessary to apply for planning permission to erect PV panels. The question is, what is the likelihood on an application being successful?
- Also, do we require permission to core 100mm background vents through the front wall. The cover can be steel (or any particular one you required) and match below:



I hope you don't mind me emailing you on this. I can be reached in 086-2521325 if that would be easier for you.

Kind regards,

Garreth McHugh



For and on behalf of

McHugh Glynn & Associates Ltd

Construction Consultants,

Bank Street,

Templemore,

Co. Tipperary.

Tel: + 353 (0) 504 31142

██████████

██████████

Web: www.mchughglynn.ie



CONFIDENTIALITY & DISCLAIMER NOTICE;

This message has been sent by McHugh Glynn & Associates Ltd. The information contained in this message and any files transmitted with it are confidential and is intended for the addressee only. If you have received this message/attachments in error or there are any problems, please notify the originator immediately.

The unauthorised use or disclosure, copying or alteration of this message is strictly forbidden. This mail and any attachment have been scanned for viruses prior to leaving McHugh Glynn & Associates Ltd Network.

McHugh Glynn & Associates Ltd will not be liable for direct special indirect or consequential damages arising from alteration of the contents of this message by a third party or as a result of any virus being passed on.

It is possible for data transmitted by e-mail to be deliberately or accidentally corrupted or intercepted. For this reason, where the communication is sent by e-mail McHugh Glynn & Associates Ltd do not accept any responsibility for any breach of confidence that may arise through the use of this medium.

From: Hunter, Eamonn ██████████
Sent: Tuesday, January 21, 2025 4:54 PM
To: Garreth ██████████
Subject: 18 Main Street, Templemore

Hi Garreth,

Further to our phone conversation, I don't know if you have seen it but I provided the following advice to planners when asked about S5/24/149:

In view of policy BH1 in the LAP:

Policy BH1: Architectural Conservation Areas

It is the policy of the Council to ensure the conservation and enhancement of the Architectural Conservation Areas. The Council in assessing proposals for re-development will have regard to:

- a) the impact of the proposed development on the character and appearance of the Architectural Conservation Area in terms of **compatibility of design, colour and finishes**, and massing of built form;

The Planning Authority advises that in order to better compliment the traditional architectural form of the terraced building and the wider nineteenth-century streetscape which lends the Patrick Street ACA its distinctive character, we have a preference for replacement windows to be of hardwood timber and bespoke design. These would replicate the historic pane arrangement of the sliding sash windows typical on such a nineteenth-century streetscape with the traditional, fine dimensions of glazing bars and mid-rails along with simple moulded details that should reference the detail of surviving, historic window frames elsewhere on the Main Street. Slim (<14mm thick) double-glazing units could be incorporated along with discrete draft-proofing of new timber window frames, and guidance for manufacturing design of same could be sought from the planning authority.

The desire for triple-glazed windows is likely to be unworkable in a timber sash window arrangement without requiring significant, unsightly increase in the dimensions of the timber frame to carry the extra weight of glazing and deeper glazing rebates. For this reason, a uPVC frame would be acceptable as no historic windows are present on the building. Any new windows should have the traditional arrangement of one-over-one or two-over-two panes with a **central**, horizontal mid-rail to replace the existing inappropriate three-pane arrangement.

It should be noted that upgrade of thermal performance in historic buildings like the subject site should have regard to advice provided in the 2023 publication by the Department of Housing, Local Government and Heritage entitled: *Improving Energy Efficiency in Traditional Buildings, Guidance for Specifiers and Installers*, in order to retain and conserve as much of the architectural heritage value of the building along with providing effective thermal

upgrades in line with best practice. This document is freely available online.

After I said that there were historic photographs available, I was unable to find any of much use during a quick search. This one isn't great but it gives a few ideas for the window design: <https://www.historicalpicturearchive.com/shop/pictures/tp-00054/>

There are likely to be a few surviving historic windows on the Main Street which could be used as a reference to make new timber sash windows but the key features should be:

- symmetry, with the top and bottom sash being the same size
- fine proportions, with sash frames being finer than most modern plastic or mass-produced timber frames (generally not more than 55mm sections of sash frames or glazing bars more than 21mm wide)

Some rare examples of preferred windows in the Square would include:

- Mockler's Chemist https://www.google.com/maps/@52.7958324,-7.8363518,3a,68.5v,173.87h,104.39t/data=!3m7!1e1!3m5!1sc-inoXT8SUJ50PvsSIUc-QI2e0l6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-14.390875365262232%26panoid%3Dc-inoXT8SUJ50PvsSIUc-Q%26yaw%3D173.86716972383942!7!16384!8!8192?entry=tту&g_ep=EgoyMDI1MDExNS4wKXMDSoASAFAw%3D%3D
- Peter's Fruit & veg https://www.google.com/maps/@52.7963121,-7.8346885,3a,90v,152.48h,94.42t/data=!3m7!1e1!3m5!1sYDkVMyp5cuGYwIz3Ipc58w!2e0l6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-4.4201596479378935%26panoid%3DYDkVMyp5cuGYwIz3Ipc58w%26yaw%3D152.47790683594695!7!16384!8!8192?entry=tту&g_ep=EgoyMDI1MDExNS4wKXMDSoASAFAw%3D%3D
- Meagher's https://www.google.com/maps/@52.7968439,-7.8328752,3a,74.3y,153.91h,102.13t/data=!3m7!1e1!3m5!1s4Egl7MaqfghBs9SaFCWtA!2e0l6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-12.125586202850357%26panoid%3D4Egl7MaqfghBs9SaFCWtA%26yaw%3D153.91156416020036!7!16384!8!8192?entry=tту&g_ep=EgoyMDI1MDExNS4wKXMDSoASAFAw%3D%3D
- some of the older remaining windows on John Maher's close to No. 18 https://www.google.com/maps/@52.796948,-7.8335205,3a,75v,317.2h,96.95t/data=!3m7!1e1!3m5!1swQCRfPnV6xkWXSm2oNkMQ!2e0l6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fcb_client%3Dmaps_sv.tactile%26w%3D900%26h%3D600%26pitch%3D-6.9544559249250995%26panoid%3DwQCRfPnV6xkWXSm2oNkMQ%26yaw%3D317.2003373143727!7!13312!8!6656?entry=tту&g_ep=EgoyMDI1MDExNS4wKXMDSoASAFAw%3D%3D

The door you proposed would be fine if you omitted the tall, slim glazed panel on the door that appears like a traditional vertical-sheeted or 4- or 6- panelled door in painted timber or composite material.

I hope that is of assistance,

Eamonn

Eamonn Hunter, Executive Architectural Conservation Officer, Planning,

Tipperary County Council, Civic Offices, Clonmel, Co. Tipperary, E91 N512.

T: 0818 06 5000



W: www.tipperarycoco.ie



Tipperary County Council Disclaimer <https://scanner.topsec.com/?d=1464&r=show&u=www.tipperarycoco.ie&t=e1be8373ccb913fb7e6f84829df461884352bef9chttps://scanner.topsec.com/?d=1464&r=show&u=http%3A%2F%2Fwww.tipperarycoco.ie&t=d5c75198641d697569dd0711945be7e022b0bfa-https://scanner.topsec.com/?t=d5c75198641d697569dd0711945be7e022b0bfa&u=http%3A%2F%2Fwww.tipperarycoco.ie&r=show&d=1464>

Tipperary County Council Disclaimer www.tipperarycoco.ie <<https://scanner.topsec.com/?t=d5c75198641d697569dd0711945be7e022b0bfa&u=http%3A%2F%2Fwww.tipperarycoco.ie&r=show&d=1464>

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/24/149

Applicant: Eamon O'Dea

Development Address: 18 Main Street, Templemore

Proposed Development: to upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units. The applicant is seeking to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building. The applicant's are also seeking to replace the existing timber front door to a composite front door.

1. GENERAL

On 13.12.2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Eamon O'Dea. The declaration application relates to

"To upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.

To change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building.

To replace the existing timber front door to a composite front door".

It is noted that while not included in the development description, the elevations submitted with the application also state that it is proposed to remove 2 no. rear extensions to the rear of the building. The removal of the building identified on the rear elevation drawings was authorised under PI Ref 2360861.



2. SITE VISIT PHOTOS



3. STATUTORY PROVISIONS

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) of the Planning and Development Act 2000 sets out that the following shall be exempted developments for the purposes of the Act –

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of inconsistent with the character of the structure or of neighbouring structures;

Section 4(2)(a) of the Act states as follows: -

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

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

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

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

Article 6(1) of the Planning and Development Regulations states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

In relation to this case, the following apply:

Development within the curtilage of a house CLASS 1	
The extension of a house, by the construction or erection of an extension	1. (a) Where the house has not been extended previously, the floor area of

(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

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.

	<p>(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.</p> <p>(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.</p> <p>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.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
--	---

Article 9, Restrictions on Exemption sets out the following:
Development to which Article 6 relates shall not be exempted development for the purposes of the Act-

(a) if the carryout out of such development would –

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a

development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

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

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Section 82 of the Planning and Development act 2000, as amended states:

Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

3. ASSESSMENT

a. Site Location

The proposed development is not a protected structure, however is located at no. 18 Main Street, Templemore, which is within the Patrick Street/Main Street ACA in Templemore.

b. Relevant Planning History

PI Ref 23/60861- Condition grant of permission to Eamonn O'Dea for:

- (1) the demolition of an existing two storey rear extension and an existing shed
- (2) the construction of a new two storey rear extension together with all associated works

c. Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development. This application considers whether the following works are development and whether same are exempted development.

“To upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.

To change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building.

To replace the existing timber front door to a composite front door”.

A) “Is or is not Development”

Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that the proposals constitute *development* as same involve the carrying out of works on the subject land.

Section 3(1) of the Planning and Development Act 2000-2024 provides that; In this Act “development” means, except where the context otherwise requires, the carrying out of any works on, in over or under land or the making of any material change in the use of any structures or other land.

In relation to the proposed alterations to the windows, the Planning Authority consider that the proposed alterations to the windows is considered to be ‘development’.

In relation to the demolition of the extension to the rear of the building, the Planning Authority consider that the proposed demolition of an extension and the construction of a new extension is considered to be ‘development’.

In relation to the construction of a new extension to the rear of the dwelling, the Planning Authority consider that the proposed extension is considered to be ‘development’.

B) “Is or is not Exempted Development”

In relation to the alterations to the windows, it is considered that the provisions of Section 4 (1) and Section 82(1) of the Planning and Development Act 2000 apply. Section 4 of the act sets out that the following shall be exempted developments for the purposes of the Act –

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of inconsistent with the character of the structure or of neighbouring structures;

Section 82 of of the Planning and Development Act 2000 states:

Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

The proposals to replace the windows on the front and rear elevations and door on the front elevation can reasonably be considered the undertaking of works for the improvement of the structure. Limited information is provided on the new window and door types and this information is required to establish whether same would/would not materially affect the character of the ACA and area.

C) Is the exemption restricted

Article 9, Restrictions on Exemption sets out the following:

Development to which Article 6 relates shall not be exempted development for the purposes of the Act-

(a) if the carryout of such development would –

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

There is no planning history attached to this site

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
N/a

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,
N/a

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

N/a

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

N/a

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

N/a

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site, (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

N/a

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

N/a

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

Proposed development will not impact on the use of the building

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Further information is required to establish the details of the window types and door type to make an informed assessment as to whether same impact on the character of St Patricks ACA in which the site is located.

4. APPROPRIATE ASSESSMENT (AA)

The development has been screened as to the requirement for AA (see attached) and it has been determined that same is not required.

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.

5. RECOMMENDATION

Request the applicant to submit Further Information under Section 5(2) of the Planning and Development Act 2000, as amended,

1. The applicant is requested to submit, for the consideration of the Planning Authority, detailed drawings and brochure samples showing the proposed replacement window and door types.

The applicant is advised that the building is located within an Architectural Conservation Area and in order for a planning exemption to be confirmed the Planning Authority must be satisfied that the works proposed do not materially affect the character of said area. The applicant is requested to contact the Planning Authority to discuss this matter prior to responding.

Signed:  _____ Date: 16.01.2025
District Planner

Signed:  Date: 16/1/2025
A/Senior Executive Planner

6. FUTHER INFORMATION REQUEST, RESPONSE & ASSESSMENT

Further information was requested on 16.01.2025 and a response received on 31.01.2025 as set out below:

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. The applicant is requested to submit, for the consideration of the Planning Authority, detailed drawings and brochure samples showing the proposed replacement window and door types.*
- 2. The applicant is advised that the building is located within an Architectural Conservation Area and in order for a planning exemption to be confirmed the Planning Authority must be satisfied that the works proposed do not materially affect the character of said area. The applicant is requested to contact the Planning Authority to discuss this matter prior to responding.*

In response to item no. 1 of the request for further information the applicant submitted drawings, elevations and a brochure depicting the proposed replacement windows and door types.



7. ASSESSMENT:

In relation to the replacement windows and door, it is considered that the provisions of Section 4 (1) (h) and Section 82(1) of the Planning and Development Act 2000 apply. Section 4 of the act sets out that the following shall be exempted developments for the purposes of the Act –

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

Section 82 of the Planning and Development Act 2000 states:

Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2),] the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

The proposed replacement of the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units is considered to meet the planning exemption under Section 4(1) (h) of the Planning and Development act 2000, as amended. These works can reasonably be considered to be works of improvement of the structure and they 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.

The information received as further information has been examined by the Council’s Architectural Conservation Officer who confirms the proposed works would not negatively impact on the character of the ACA. The exemption under 4(1)(h) is not therefore restricted by Section 82 of the Planning and Development Act 2000, as amended.

The development has been screened as to the requirement for Appropriate Assessment and Environmental Impact Assessment and it has been determined that same are not required.

5. **RECOMMENDATION**

WHEREAS a question has arisen as to whether the following:

“upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.....to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building and to replace the existing timber front door to a composite front door” constitutes “development” and is or is not “exempted development”,

AND WHERE AS Tipperary County Council in considering this referral had regard particularly to -

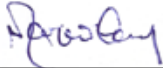
- (a) Sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) The application **AND** details submitted by the applicant as part of the further information response on 31st January, 2025.

AND WHEREAS Tipperary County Council has concluded that the “upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.....to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building and to replace the existing timber front door to a composite front door” at no. 18 Templemore constitutes “development” within

the meaning of the Planning and Development Act 2000, as amended and is “exempted development”.

The development is exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended. The exemption applies to the window and door types as presented on the further information reply received by the Planning Authority on 31/1/2025.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2) (a) of the 2000 Act, as amended, hereby decides the “upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.....to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building and to replace the existing timber front door to a composite front door” at no. 18 Templemore is development and is exempted development.

Signed: 
District Planner

Date: 17.02.2025

Signed: 
A/Senior Executive Planner

Date: 17/2/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/149
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 15km	None	No
000934 Kilduff Devilsbit Mountain SAC	https://www.npws.ie/protected-sites/sac/000934	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No potential impacts
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment 	No potential impacts

<ul style="list-style-type: none"> • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	
---	--

In-combination/Other	No potential impacts
----------------------	----------------------

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts
---	----------------------

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

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:


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

The proposed development is not likely to have significant effects.

Conclusion:

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

EIA Pre-Screening
Establishing a development is a 'sub-threshold development'

File Reference:	S5/24/149	
Development Summary:	Alterations to windows, demolition of extension and construction of new 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	
Name:		Date: 03.05.2022



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: 18th February, 2025

Our Ref: S5/24/149

Civic Offices, Nenagh

Eamon O'Dea
C/O McHugh Glynn & Assoc Ltd
18 Main St
Templemore
Co. Tipperary

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

Dear Mr O'Dea,

I refer to your application for a Section 5 Declaration received on 13th December, 2024, and Further Information received on 31st January, 2025 in relation to the following proposed works:

To upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units. The applicant is seeking to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building. The applicant's are also seeking to replace the existing timber front door to a composite front door at 18 Main Street, Templemore, 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 and 82 of the Planning and Development Act, 2000, as amended

(b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,

(c) The application **AND** details submitted by the applicant as part of the further information response on 31st January, 2025.

AND WHEREAS Tipperary County Council has concluded that the “upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.....to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building and to replace the existing timber front door to a composite front door” at no. 18 Templemore constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is “exempted development”.

The development is exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended. The exemption applies to the window and door types as presented on the further information reply received by the Planning Authority on 31/1/2025.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2) (a) of the 2000 Act, as amended, hereby decides the “upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.....to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building and to replace the existing timber front door to a composite front door” at no. 18 Templemore 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 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: **S5/24/149** **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 Eamon O'Dea, C/O McHugh Glynn & Assoc Ltd., 18 Main Street, Templemore, Co. Tipperary re: to upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units. The applicant is seeking to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building. The applicant's are also seeking to replace the existing timber front door to a composite front door at 18 Main Street, Templemore, 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 and 82 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) The application **AND** details submitted by the applicant as part of the further information response on 31st January, 2025.

AND WHEREAS Tipperary County Council has concluded that the "upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.....to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building ... and to replace the existing timber front door to a composite front door" at no. 18 Templemore constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is "exempted development".

The development is exempted development under Section 4(1)(h) of the Planning and Development Act, 2000, as amended. The exemption applies to the window and door types as presented on the further information reply received by the Planning Authority on 31/1/2025.

NOW THEREFORE Tipperary County Council, in exercise of the powers conferred on it by Section 5 (2) (a) of the 2000 Act, as amended, hereby decides the "upgrade the existing double-glazed aluminium windows on the existing building to triple glazed Upvc units.....to change the front elevation windows (5 no. and the 2 windows to the rear elevation all on the existing building and to replace the existing timber front door to a composite front door" at no. 18 Templemore is development and is **exempted development**.

Signed: 

Date: 18/02/2025

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