

Comhairle Contae Thiobraid Árann  
Tipperary County Council

Tipperary County Council  
RECEIVED  
30 JAN 2025  
CASH OFFICE  
Civic Offices, Clonmel

TIPPERARY CO. COUNCIL  
RECEIVED  
30 JAN 2025  
PLANNING SECTION  
FILE NO. ....

Receipt No 189162  
issued 30 01 2025  
€80.00 Cheque

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

**1. Applicant's address/contact details:**

Applicant	PAUL & ELEANOR CROWNE
Address	NR. 19 ASCALL BREEN, DUN CHORMAC, CASHEL, CO. TIPPERARY. EIRCOPE = E25 N623
Telephone No.	[REDACTED]
E-mail	[REDACTED]

**2. Agent's (if any) address:**

Agent	PATRICK D GORMAN
Address	POULATAR, ARDEINIAN, CLONMEL, CO. TIPPERARY.
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ ]	Agent [ <input checked="" type="checkbox"/> ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	NR. 19 ASCALL BREEN, DUN CHORMAC CASHEL, CO. TIPPERARY. EIRCOPE = E25 N623 (E25 N623)
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4. **Development Details:**

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

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

REAR SINGLE STOREY EXTENSION TO THE REAR OF
EXISTING TWO STOREY DWELLING AND TO
FORM A 3.0M OPENING IN EXISTING BLOCK
BOUNDARY WALL FOR TEMPORARY ACCESS FOR
CONSTRUCTION AND MAKE GOOD ON COMPLETION
Proposed floor area of proposed works/uses:          sqm          39.66

EXEMPT DEVELOPMENT CLASS 16

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

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

Signature of Applicant(s) Paul Holroyd  
Eleanor Croft

Date: 27/01/2025

**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
  - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - o Floor Plans & Elevations at a scale of not less than 1:200
  - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - o 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**

**OR**

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

**Enquires:**

**Telephone 0818 06 5000**

**E-Mail [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

**FOR OFFICE USE ONLY**

**DATE STAMP**

**Fee Recd. €** \_\_\_\_\_

Receipt No \_\_\_\_\_

Date \_\_\_\_\_

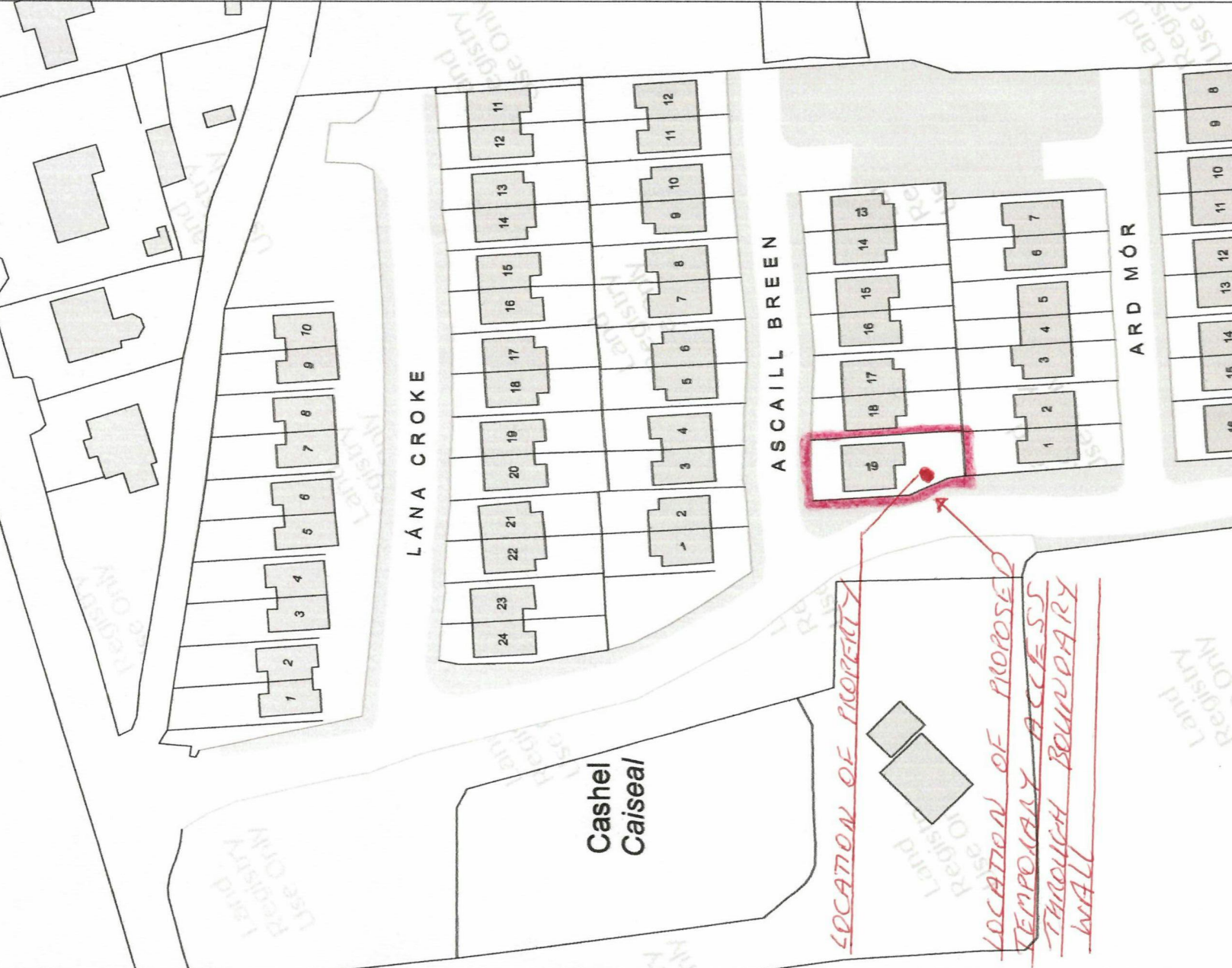
Received by \_\_\_\_\_

# Land Registry Compliant Map

L o t a M h i c A o d h a T h o  
H u g h e s ' - l o o t E a s t

608365  
640871

608537  
640871



640836

640838

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

**OUTPUT SCALE:** 1:1,000

**CENTRE COORDINATES:**  
ITM 608451,640755  
**ORDER NO.:**  
50445536\_1  
**MAP SERIES:** MAP SHEETS:  
1:2,500 5061-A

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.taitte.ie](http://www.taitte.ie); search 'Capture Resolution'  
**LEGEND:** To view the legend visit [www.taitte.ie](http://www.taitte.ie) and search for 'Large Scale Legend'

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[www.taitte.ie](http://www.taitte.ie)

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Taitte  
Éireann



County Tipperary

Google Street View

Sep 2011 [See more dates](#)

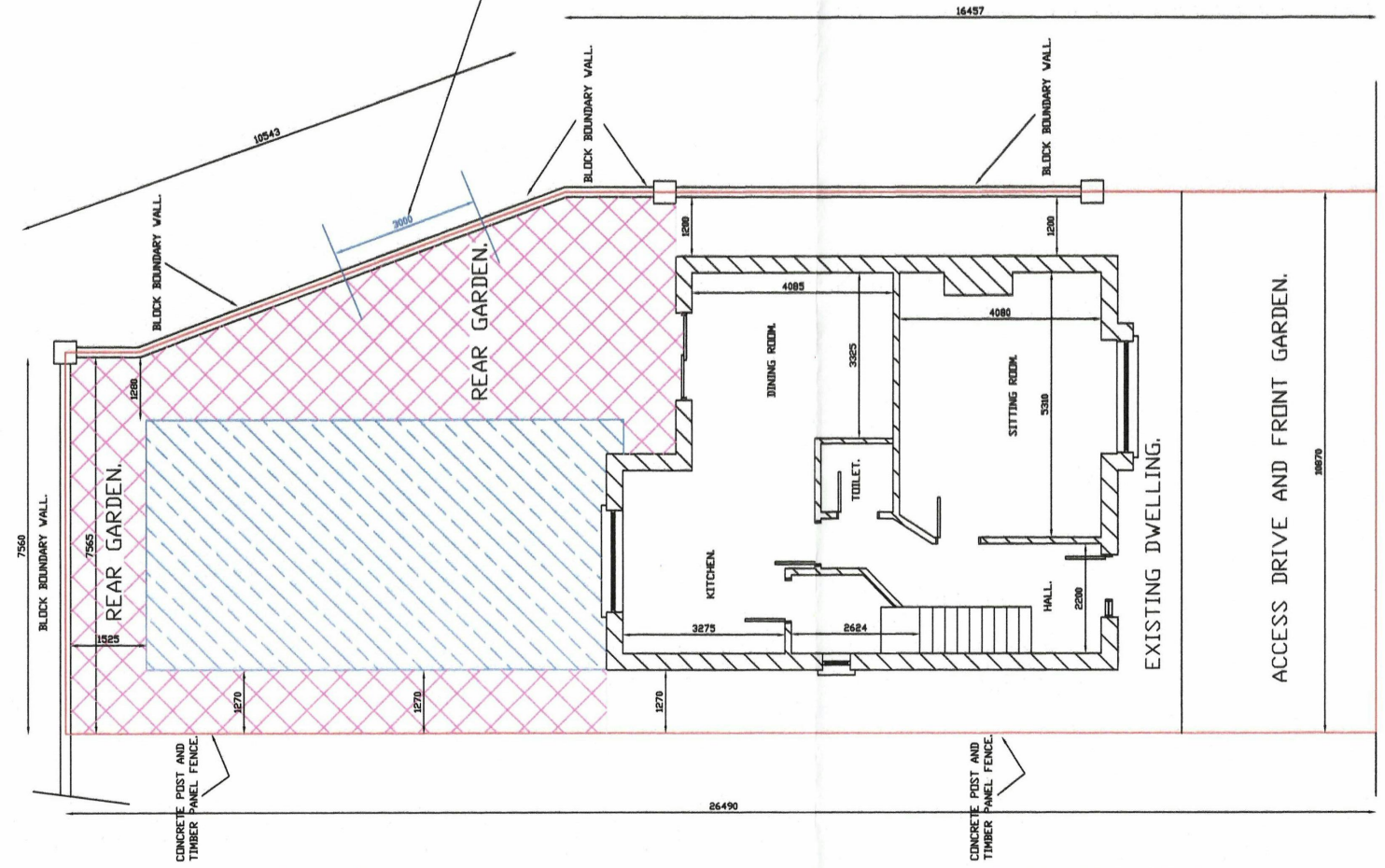
APPLICANTS DWELLING  
SUBJECT TO  
SECTION 5.

LOCATION OF PROPOSED 3.0M  
WIDE SECTION OF BOUNDARY  
WALL TO BE REMOVED AND  
REPLACED TO PROVIDE  
TEMPORARY CONSTRUCTION  
ACCESS. MADE GOOD ON  
COMPLETION.

EXEMPTION CLASS 16.



OUTLINE OF PROPOSED EXTENSION SHOWN IN BLUE.  
 AREA OF REMAINING OPEN SPACE (LAWN) SHOWN IN PURPLE = 58.40M<sup>2</sup>



IT IS ALSO PROPOSED TO REMOVE A 3.0M WIDE SECTION OF THE EXISTING 2.0M HIGH CAPPED AND PLASTERED BLOCK BOUNDARY WALL TO ALLOW ACCESS FOR THE CONSTRUCTION PROCESS AND REBUILD AND MAKE GOOD ON COMPLETION PROPOSED LOCATION SHOWN IN BLUE. REFER TO STREET VIEW PHOTO ATTACHED.

PUBLIC FOOTPATH.

PATRICK O GORMAN BSC. MBENG. MCIQB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT	
CLIENT:	PAUL AND ELEANOR CRONIN
SITE LOCATION:	19 ASCALL BREEN DUN CARRSC. CASHEL, CO. TIPPERARY.
TITLE:	PROPOSED SITE LAYOUT.
SCALE:	1 : 100 PLANNING PURPOSES ONLY.
DRAWN BY:	Patrick O Gorman, BSC. MBENG. MCIQB. Poulatar, Ar-dfinnar, Clonmel.
SHEET NO.	EC 05.
ISSUE DATE:	ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE. 02 / 01 / 2025.



PROPOSED WORKS SHOWN IN BLUE.

CONCRETE POST AND TIMBER PANEL FENCE.

CONCRETE POST AND TIMBER PANEL FENCE.

BLOCK BOUNDARY WALL.

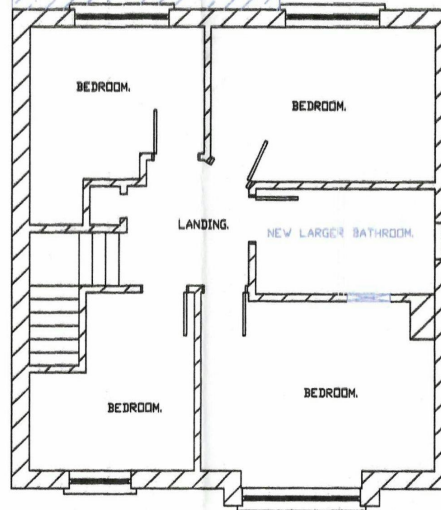
7565

NEW FOOTPATH

BLOCK BOUNDARY WALL.

FLAT ROOF

ROOF LIGHT.



BLOCK BOUNDARY WALL.

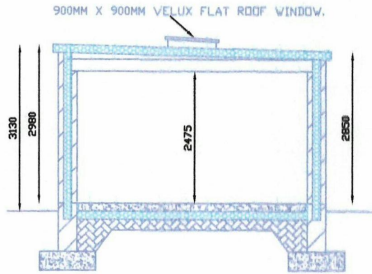
FIRST FLOOR.

EXISTING GROUND FLOOR AREA = 68.50M<sup>2</sup>  
 EXISTING FIRST FLOOR AREA = 63.37M<sup>2</sup>  
 TOTAL EXISTING FLOOR AREA = 131.87M<sup>2</sup> /  
 1,419 SQUARE FEET.

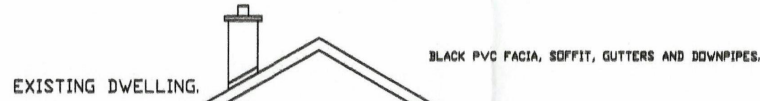
PATRICK D GORMAN BSc, MBE, MCIOB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT	
CLIENT:	PAUL AND ELEANOR CRONIN.
SITE LOCATION:	19 ASCALL BREEN DUN CARMS, CASHEL, CO. TIPPERARY.
TITLE:	EXISTING FIRST FLOOR PLANS / PROPOSED ROOF PLAN.
SCALE:	1 : 100 PLANNING PURPOSES ONLY.
DRAWN BY:	Patrick D Gorman, BSc, MBE, MCIOB. Paula O'Leary, Ard'finnan, Clonmel.
SHEET NO.	EC 05. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.
ISSUE DATE:	02 / 01 / 2025.



PROPOSED WORKS SHOWN IN BLUE.



PROPOSED SECTION.

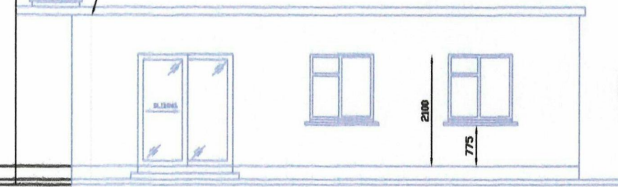


REAR LINE OF EXISTING SINGLE STOREY SECTION.

PROPOSED WORKS SHOWN IN BLUE.

BROWN PVC EXTERNAL JOINERY TO MATCH EXISTING.

SMOOTH PLASTER FINISH TO EXTERNAL WALLS TO MATCH EXISTING.



10650 PROPOSED SIDE ELEVATION.

9600

EXISTING DWELLING.

SLATE FINISH ROOF.

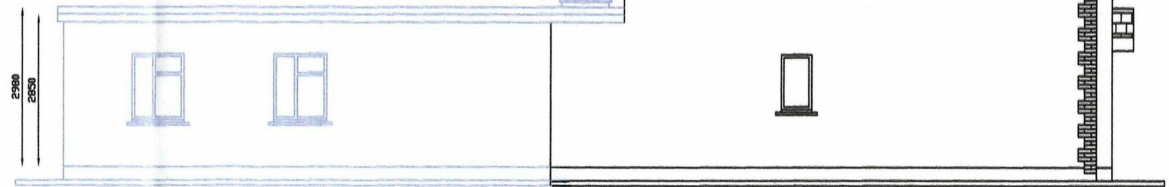
PROPOSED WORKS SHOWN IN BLUE.

BROWN PVC EXTERNAL JOINERY TO MATCH EXISTING.

2960  
2850

PROPOSED SIDE ELEVATION.

SMOOTH PLASTER FINISH TO EXTERNAL WALLS TO MATCH EXISTING.



EXISTING DWELLING.

BLOCK BOUNDARY WALL.

2025

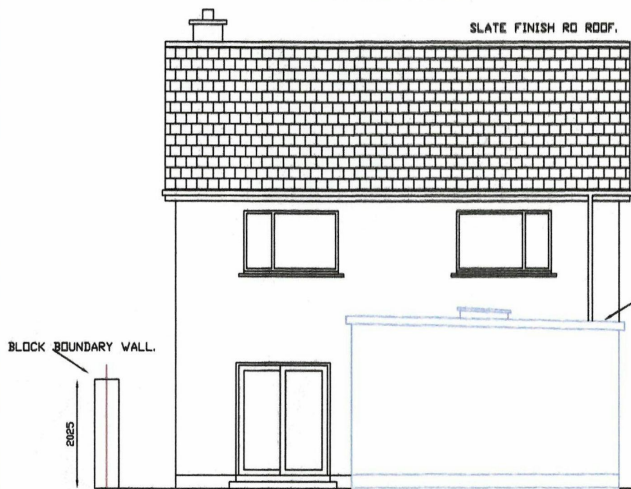
BLACK PVC FINISH TO ROOF.

CONCRETE POST AND  
TIMBER PANEL FENCE.

2850

PROPOSED REAR ELEVATION.

PROPOSED WORKS SHOWN IN BLUE.



PATRICK D GORMAN BSc, MEng, MCIQB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT	
CLIENT:	PAUL AND ELEANOR CRONIN.
SITE LOCATION:	19 ASCALL BREEN DUN CARMS, CASHEL, CO. TIPPERARY.
TITLE:	PROPOSED ELEVATIONS AND SECTION.
SCALE:	1 : 100 PLANNING PURPOSES ONLY.
DRAWN BY:	Patrick D Gorman, BSc, MEng, MCIQB. Paulatar, Ardfinnan, Clonmel.
SHEET NO.	EC 06. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.
ISSUE DATE.	02 / 01 / 2025.







PROPOSED WORKS SHOWN IN BLUE.

CONCRETE POST AND TIMBER PANEL FENCE.

BLOCK BOUNDARY WALL.

7565

NEW FOOTPATH

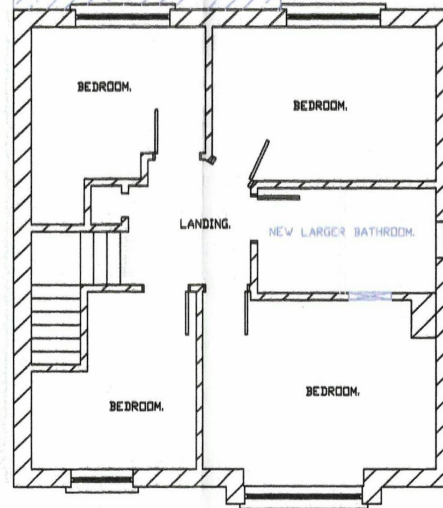
BLOCK BOUNDARY WALL.

FLAT ROOF

ROOF LIGHT.

CONCRETE POST AND TIMBER PANEL FENCE.

BLOCK BOUNDARY WALL.



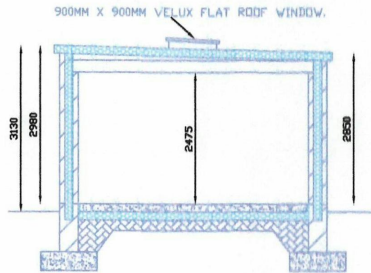
FIRST FLOOR.

EXISTING GROUND FLOOR AREA = 68.50M2  
 EXISTING FIRST FLOOR AREA = 63.37M2  
 TOTAL EXISTING FLOOR AREA = 131.87M2 /  
 1,419 SQUARE FEET.

PATRICK D GORMAN BSc, MBEEng, MCIQB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT	
CLIENT:	PAUL AND ELEANOR CRONIN.
SITE LOCATION:	19 ASCALL BREEN DUN CARMSC, CASHEL, CO. TIPPERARY.
TITLE:	EXISTING FIRST FLOOR PLANS / PROPOSED ROOF PLAN.
SCALE:	1 : 100 PLANNING PURPOSES ONLY.
DRAWN BY:	Patrick D Gorman, BSc, MBEEng, MCIQB. Poulatar, Ardfinnan, Clonnel.
SHEET NO.	EC 05. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.
ISSUE DATE:	02 / 01 / 2025.



PROPOSED WORKS SHOWN IN BLUE.



PROPOSED SECTION.

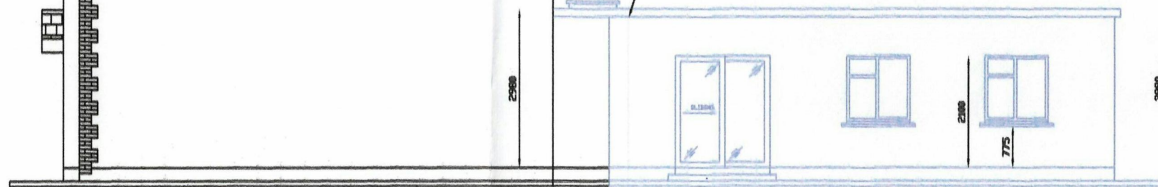


REAR LINE OF EXISTING SINGLE STOREY SECTION.

PROPOSED WORKS SHOWN IN BLUE.

BROWN PVC EXTERNAL JOINERY TO MATCH EXISTING.

SMOOTH PLASTER FINISH TO EXTERNAL WALLS TO MATCH EXISTING.



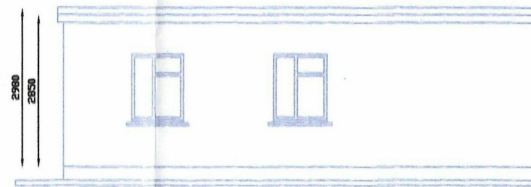
PROPOSED SIDE ELEVATION.

EXISTING DWELLING.

SLATE FINISH ROOF.

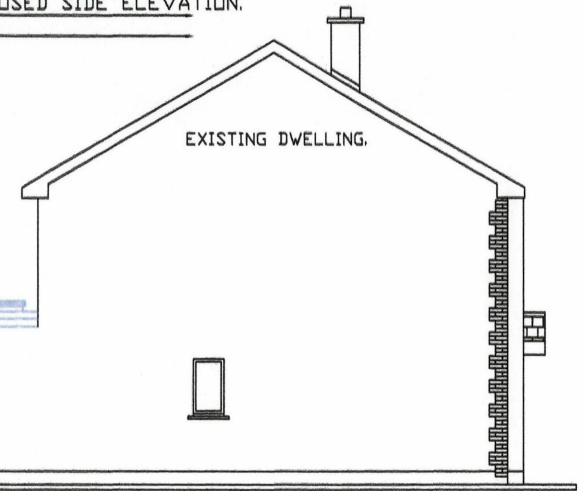
PROPOSED WORKS SHOWN IN BLUE.

BROWN PVC EXTERNAL JOINERY TO MATCH EXISTING.



PROPOSED SIDE ELEVATION.

SMOOTH PLASTER FINISH TO EXTERNAL WALLS TO MATCH EXISTING.



BLOCK BOUNDARY WALL.

2025

BLACK PVC FINISH TO ROOF.

CONCRETE POST AND  
TIMBER PANEL FENCE.

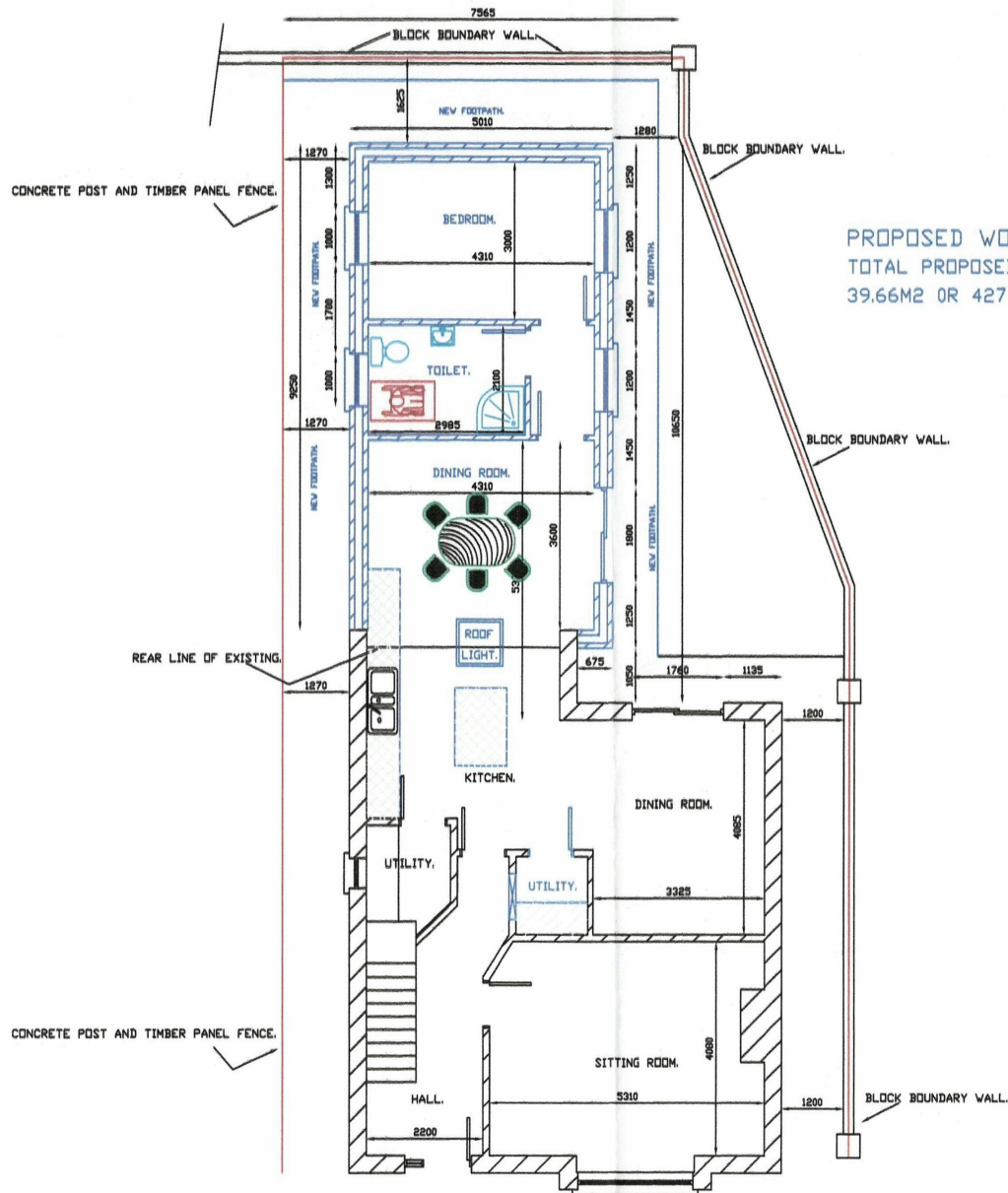
2850

PROPOSED REAR ELEVATION.

PROPOSED WORKS SHOWN IN BLUE.

PATRICK D GORMAN BSc, MBEEng, MCIQB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT	
CLIENT:	PAUL AND ELEANOR GORMAN.
SITE LOCATION:	19 ASCALL BREEN DUN CARMSC, CASHEL, CO. TIPPERARY.
TITLE:	PROPOSED ELEVATIONS AND SECTION.
SCALE:	1 : 100 PLANNING PURPOSES ONLY.
DRAWN BY:	Patrick D Gorman, BSc, MBEEng, MCIQB. Poulatar, Ardfinnan, Clonmel.
SHEET NO.	EC 06. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.
ISSUE DATE:	02 / 01 / 2025.





PROPOSED WORKS SHOWN IN BLUE.  
TOTAL PROPOSED FLOOR AREA =  
39.66M<sup>2</sup> OR 427 SQUARE FEET.

GROUND FLOOR.

EXISTING GROUND FLOOR AREA = 68.50M<sup>2</sup>  
EXISTING FIRST FLOOR AREA = 63.37M<sup>2</sup>  
TOTAL EXISTING FLOOR AREA = 131.87M<sup>2</sup> /  
1,419 SQUARE FEET.

PATRICK D GORMAN BSc. MBEEng. MCIQB. CHARTERED BUILDING ENGINEER / REGISTERED BUILDING SURVEYOR. BUILDING ENGINEERING, SURVEYING AND PROJECT MANAGEMENT	
CLIENT:	PAUL AND ELEANOR CRONIN.
SITE LOCATION:	19 ASCALL BREEN DUN CARMSC, CASHEL, CO. TIPPERARY.
TITLE:	PROPOSED GROUND FLOOR PLAN.
SCALE:	1 : 100 PLANNING PURPOSES ONLY.
DRAWN BY:	Patrick D Gorman, BSc. MBEEng. MCIQB. Paulatar, ArdFinnan, Clonmel.
SHEET NO.	EC 04. ALL DIMENSIONS AND LEVELS TO BE CHECKED ON SITE.
ISSUE DATE:	02 / 01 / 2025.





**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](http://tipperarycoco.ie)

SCANNED

Date: 30<sup>th</sup> January, 2025

Our Ref: S5/25/09

Civic Offices, Clonmel

**Paul and Eleanor Cronin  
Patrick O’Gorman,  
Poulatar,  
Ardfinnan,  
Clonmel,  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – A single storey extension to the rear of two storey dwelling and to form a 3.0m opening in existing block boundary at No 19 Ascaill Breen, Dun Chormac, Cashel, Co. Tipperary.**

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 30<sup>th</sup> January, 2025, in connection with the above.

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

Yours sincerely,

\_\_\_\_\_  
**For Director of Services**



TIPPERARY COUNTY COUNCIL

**Application for Declaration under Section 5**

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

---

**Planning Reference:** S5/25/09

**Applicant:** Paul Moloney & Eleanor Cronin

**Development Address:** 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary E25N623

**Proposed Development:** A single storey extension to the rear of existing two storey dwelling and to form a 3.0m opening in existing block boundary wall for temporary access for construction and make good on completion.

---

**1. GENERAL**

On the 30<sup>th</sup> January 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, by Paul Moloney & Eleanor Cronin c/o Patrick O' Gorman in respect of the following development;

***A single storey extension to the rear of existing two storey dwelling and to form a 3.0m opening in existing block boundary wall for temporary access for construction and make good on completion.***

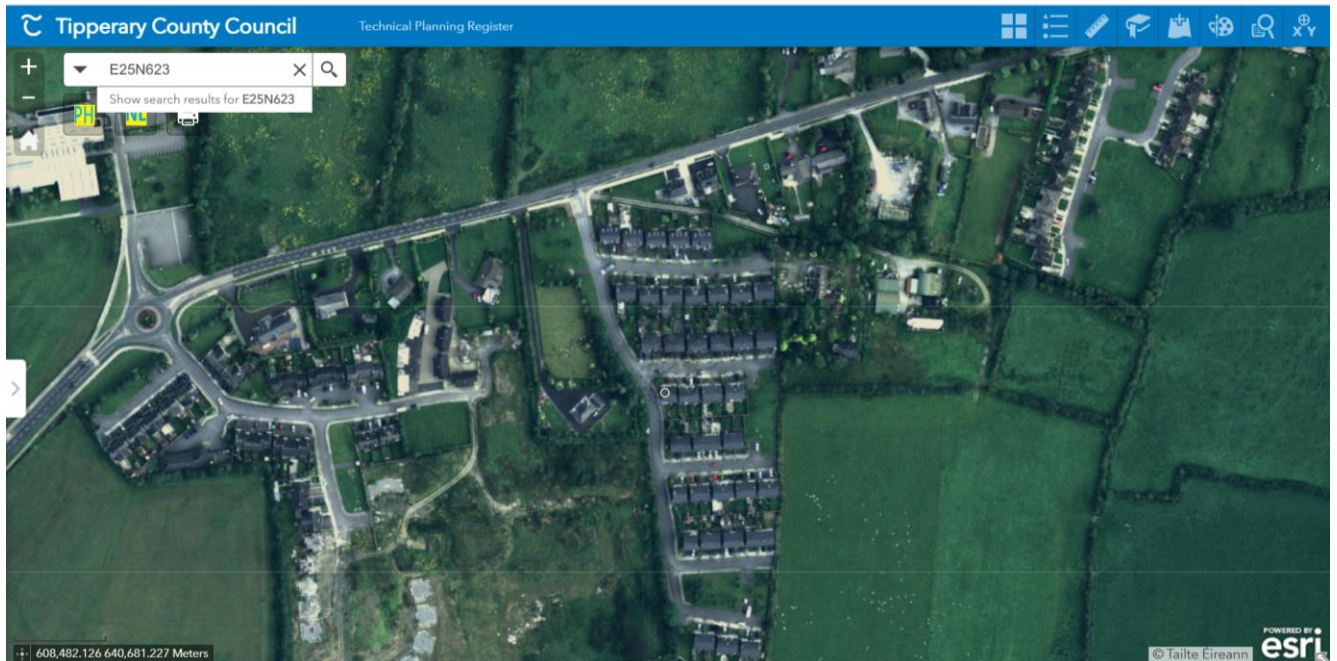


Figure 1 Site Location





Figure 2 Google Street View of site

## 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

### Planning and Development Act 2000, as amended

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

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

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

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

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

4.- (1) *The following shall be exempted developments for the purposes of this Act—*

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

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

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

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

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

members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

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

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

### **Planning and Development Regulations 2001, as amended**

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

#### ***Exempted Development.***

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

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

#### **Description of Development**

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

#### **Conditions and Limitations**

1.
  - (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*
  - (b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*
  - (c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*
2.
  - (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*
  - (b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*
  - (c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*
3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*



4.
  - (a) *Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*
  - (b) *Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*
  - (c) *The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*
  
5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*
  
6.
  - (a) *Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*
  - (b) *Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*
  - (c) *Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.*
  
7. *The roof of any extension shall not be used as a balcony or roof garden.*

Class 16 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

**Description of Development**

**CLASS 16**

*The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out.*

**Conditions and Limitations**

*Such structures, works, plant or machinery shall be removed at the expiration of the period and the land shall be reinstated save to such extent as may be authorised or required by a permission under the Act.*

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

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

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

*(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,*

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

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

### **3. ASSESSMENT**

#### **a. Site Location**

The site comprises of an existing residential property within the Dun Cormac Housing Estate served from the Dualla road within the settlement of Cashel. The dwelling is a detached two storey dwelling with the western elevation adjoining the internal estate road. This estate is Taken in Charge and the road serving the dwelling is a public road.

#### **b. Relevant Planning History**

**04/780** Permission GRANTED for 73 no. dwellings consisting of 8 no. 4 bedroom detached houses, 20 no. 3 bedroom semi-detached dwellings, 45 no. 3 bedroom terraced (all 2 storey) all with site works and ancillary services including new entrance and boundary wall

**05/819** Permission GRANTED for alterations to previously granted planning permission (04/780) to substitute 2 no. detached and 4 no. semi-detached units (10 dwellings) with 5 no. 2 storey semi-detached dormer style units (10 dwellings)

#### **c. Assessment**

The question posed under the Section 5 Declaration application is whether a single storey extension to the rear of existing two storey dwelling and to form a 3.0m opening in existing block boundary wall for temporary access for construction and make good on completion development and is exempted development.

##### **i) “Is or is not Development”**

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

##### **ii) “Is or is not Exempted Development”**

The floor area of the proposed single storey flat roof type extension is 39.66 sq m and height of 2.9m. There are no windows less than 1m from any facing boundary. Open space remaining to the rear of the dwelling exceeds 25 sq m and there is no provision for access to the roof. I am therefore satisfied that the proposed extension meets the parameters of Class 1 Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

It is proposed to remove part of the side boundary wall in order to access the rear of the site for construction works. As set out above this estate is taken in charge and the road serving the site is a public road exceeding 4m in width. Therefore, whilst this element would fall under Class 16 of Schedule 1 of Part 2 of the Regulations the exemption is limited by Article 9(1)(a)(ii) in this instance i.e.;

(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,

##### **iii) Restrictions under Article 9**

As set out above Article 9(1)(a)(ii) applies to the proposed opening onto the public road.



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

**AA**

The proposal has been assessed having regard to the requirements of the EU Habitats Directive. The proposal has been screened as to the requirements for AA and the screening assessment considers that the proposal does not impact on any Natura 2000 site. See also Appropriate Assessment (AA) screening report attached.

**EIA**

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 also for Environmental Impact Assessment (EIA) preliminary examination screening report attached.

**4. RECOMMENDATION**

**WHEREAS** a question has arisen as to whether a single storey extension to the rear of existing two storey dwelling and to form a 3.0m opening in existing block boundary wall for temporary access for construction and make good on completion at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary 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 and 4 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) Schedule 2, Part 1, Class 1 and Class 16 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant

**AND WHEREAS** Tipperary County Council has concluded that;

- A single storey extension to the rear of existing two storey dwelling at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended, and is “exempted development” as same satisfies the planning exemption under Class 1, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended,

AND;

- The formation of a 3.0m wide opening in existing block boundary wall for temporary access for construction and to make good on completion at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended, and is “**NOT exempted development**” as the available exemption is restricted by Article 9(1)(a)(ii) of the above-mentioned Regulations.

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.

**District Planner:**

L. Butler-Lyan

**Date:** 24/02/2025

C. Conway

**Senior Executive Planner:**

**Date:** 25/02/2025



## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/25/09
<b>(b) Brief description of the project or plan:</b>	A single storey extension to the rear of existing two storey dwelling and to form a 3.0m opening in existing block boundary wall for temporary access for construction and make good on completion.
<b>(c) Brief description of site characteristics:</b>	Existing dwelling in urban serviced area
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 10km	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.)
<b>Construction phase e.g.</b> <ul style="list-style-type: none"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> <li>• Access to site</li> <li>• Pests</li> </ul>	No potential impacts.
<b>Operational phase e.g.</b> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or</li> </ul>	No potential impacts.

abstraction <ul style="list-style-type: none"> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	
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In-combination/Other	No potential impacts
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**(b) Describe any likely changes to the European site:**

Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	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 <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> 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) <b>Significant effects</b> 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'	
<b>File Reference:</b>	S5/25/09
<b>Development Summary:</b>	A single storey extension to the rear of existing two storey dwelling and to form a 3.0m opening in existing block boundary wall for temporary access for construction and make good on completion.
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>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)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<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?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening required</b> <b>Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

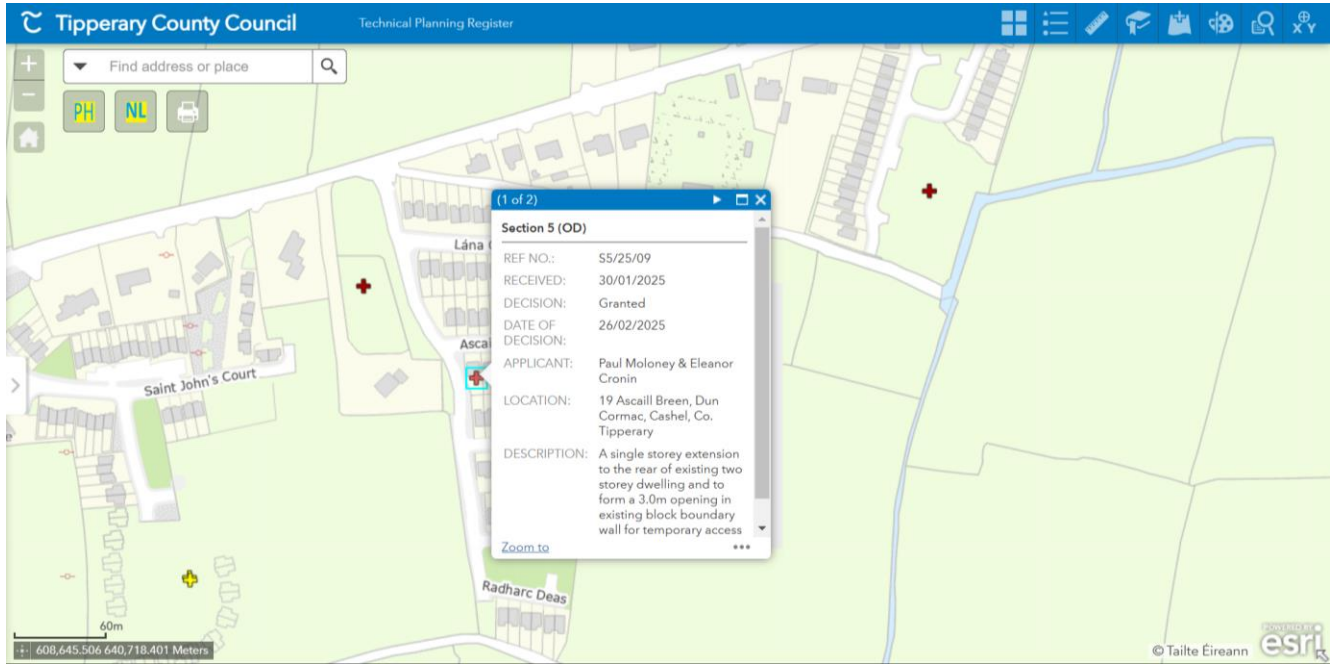


Figure 3 Planning Register





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
An tAonach,  
Co. Thiobraid Árann  
Tipperary County Council,  
Civic Offices, Nenagh,  
Co. Tipperary  
E45 A099

t 0818 06 5000/6000  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 25<sup>th</sup> February, 20245

Our Ref: S5/25/09

Civic Offices, Nenagh

**Paul & Eleanor Cronin  
C/O Patrick O’Gorman  
Poulatar  
Ardfinnan  
Clonmel  
Co. Tipperary**

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

Dear Mr & Mrs Cronin,

I refer to your application for a Section 5 Declaration received on 30<sup>th</sup> January, 2025, in relation to the following proposed works:

**A single storey extension to the rear of existing two storey dwelling and to form a 3.0m opening in existing block boundary wall for temporary access for construction and make good on completion at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary E25N623.**

**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 and 4 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) Schedule 2, Part 1, Class 1 and Class 16 of the Planning and Development Regulations, 2001, as amended
- d) The application and details submitted by the applicant

**AND WHEREAS** Tipperary County Council has concluded that;

- A single storey extension to the rear of existing two storey dwelling at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended, and is "**exempted development**" as same satisfies the planning exemption under Class 1, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended,

AND;

- The formation of a 3.0m wide opening in existing block boundary wall for temporary access for construction and to make good on completion at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended, and is "**NOT exempted development**" as the available exemption is restricted by Article 9(1)(a)(ii) of the above-mentioned Regulations.

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

**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*

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for **Director of Services**



**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/09**      **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 2<sup>nd</sup> January, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Paul & Eleanor Cronin, C/O Patrick O'Gorman, Poulatar, Ardfinnan, Clonmel, Co. Tipperary re: A single storey extension to the rear of existing two storey dwelling and to form a 3.0m opening in existing block boundary wall for temporary access for construction and make good on completion at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary E25N623 is development and is exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended,
- (b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 and Class 16 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant

**AND WHEREAS** Tipperary County Council has concluded that;

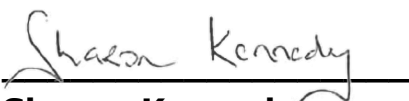
- A single storey extension to the rear of existing two storey dwelling at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended, and is "exempted development" as same satisfies the planning exemption under Class 1, Schedule 2, Part 3 of the Planning and Development Regulations 2001, as amended,

AND;

- The formation of a 3.0m wide opening in existing block boundary wall for temporary access for construction and to make good on completion at 19 Ascaill Breen, Dun Cormac, Cashel, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended, and is **"NOT exempted development"** as the

available exemption is restricted by Article 9(1)(a)(ii) of the above-mentioned Regulations.

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

**Signed:** 

**Date: 25/02/2025**

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