

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 Build a Front Porch (2 sqm) with
Stone cladding. To increase the
width of 2 front windows
on a bungalow.
Proposed floor area of proposed works/uses: 2 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) *P. McManus* Date: 17/01/2025

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

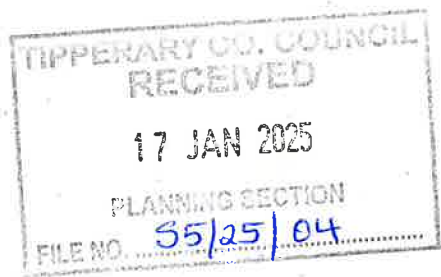
- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - o OSI Site Location Map with the site outlined clearly – 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.

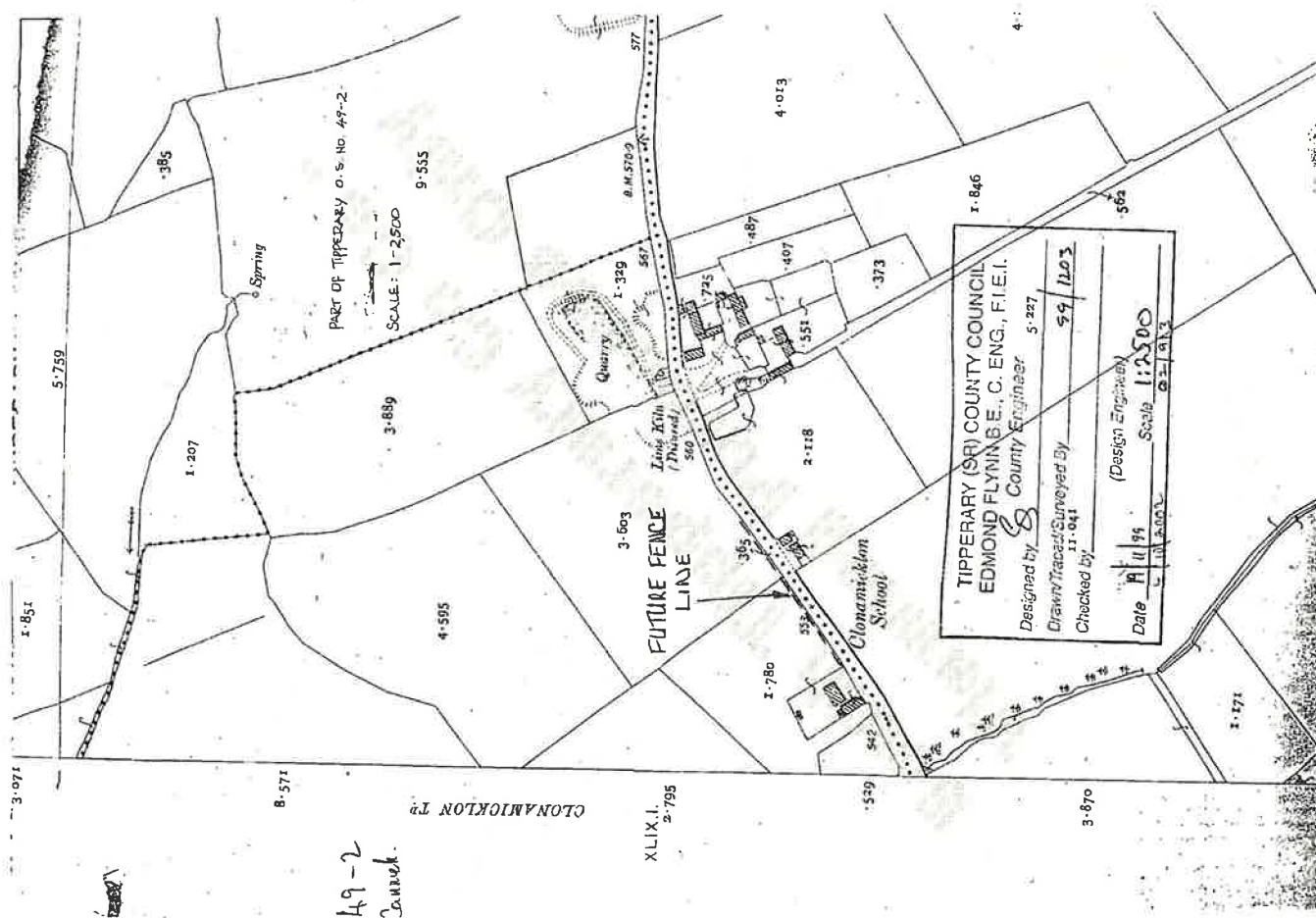
(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional 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	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires: Telephone 0818 06 5000 E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY	
<u>DATE STAMP</u>	
Fee Recd. € <u>30.00.</u>	
Receipt No <u>188 792</u>	
Date <u>17/1/2025</u>	
Received by <u>Catherine Ahern</u>	







Surveyed	1903
Revised	0
Levelled	0

North

DESCRIPTION

Timothy O'Donovan
Proposed bungalow at
Clonamicklon, Grange,
Barna, Via Thules
mosses

MAP SCALES

2.5inch.

10-54041-02; -1Y049-01

WILLY & ACO

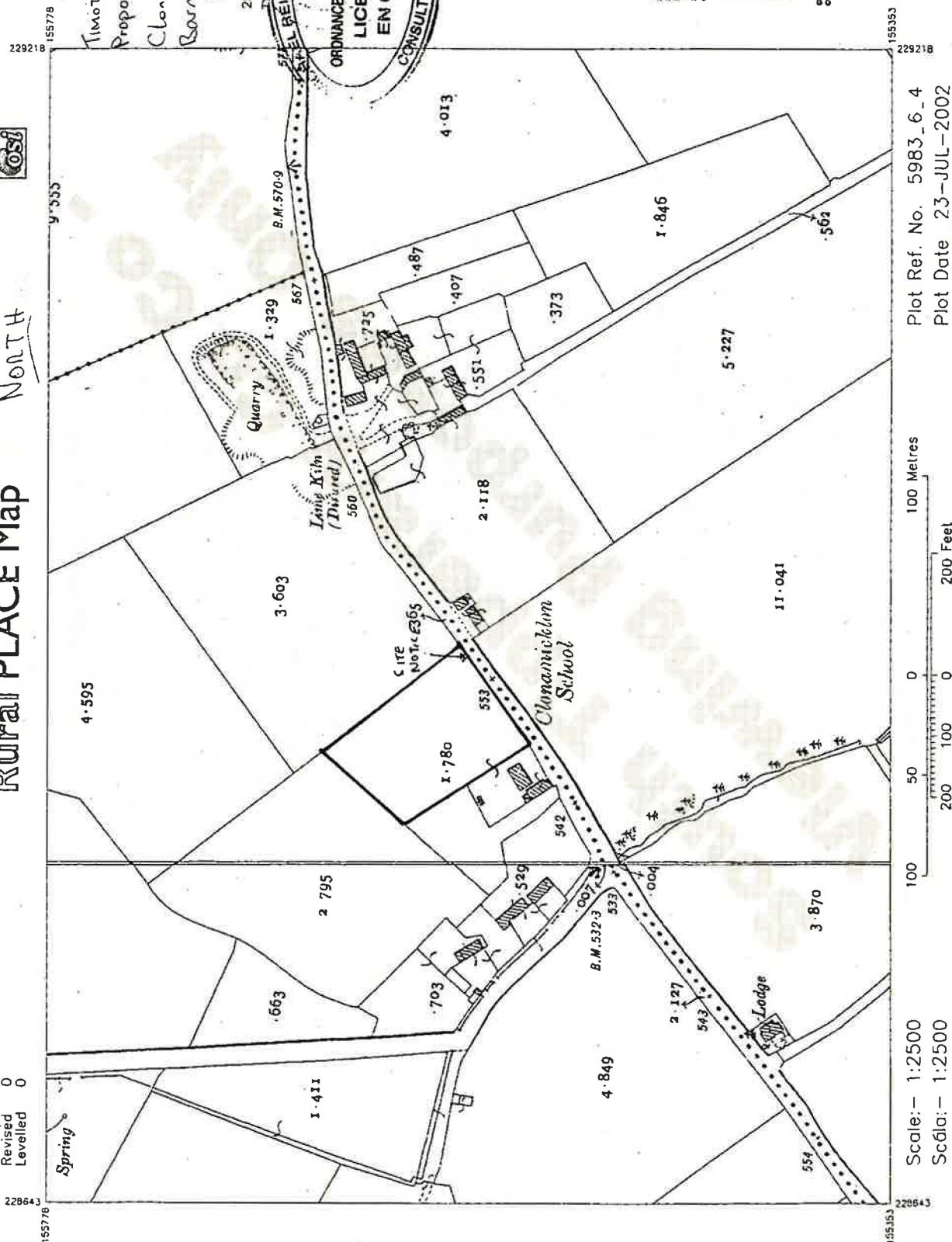
ANCE SURVEY, IRELAND
LICENCE No.
EN 00095 02

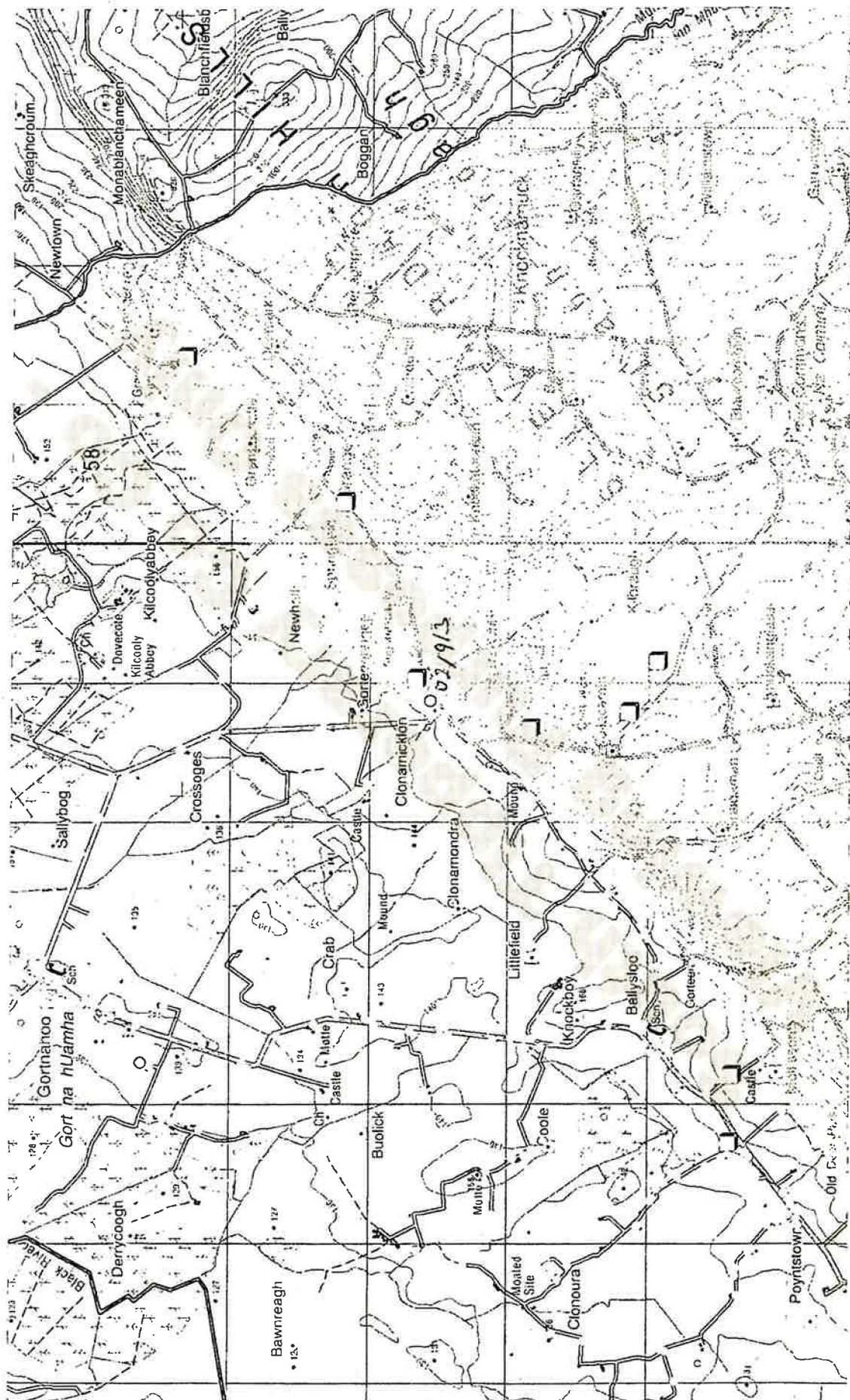


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Kilkeny City

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02/9/13

ALL WORKS TO COMPLY WITH BUILDING REGULATIONS. DRAWINGS ARE NOT TO BE SCALED AND ALL DIMENSIONS SHOULD BE CHECKED ON SITE PRIOR TO COMMENCEMENT

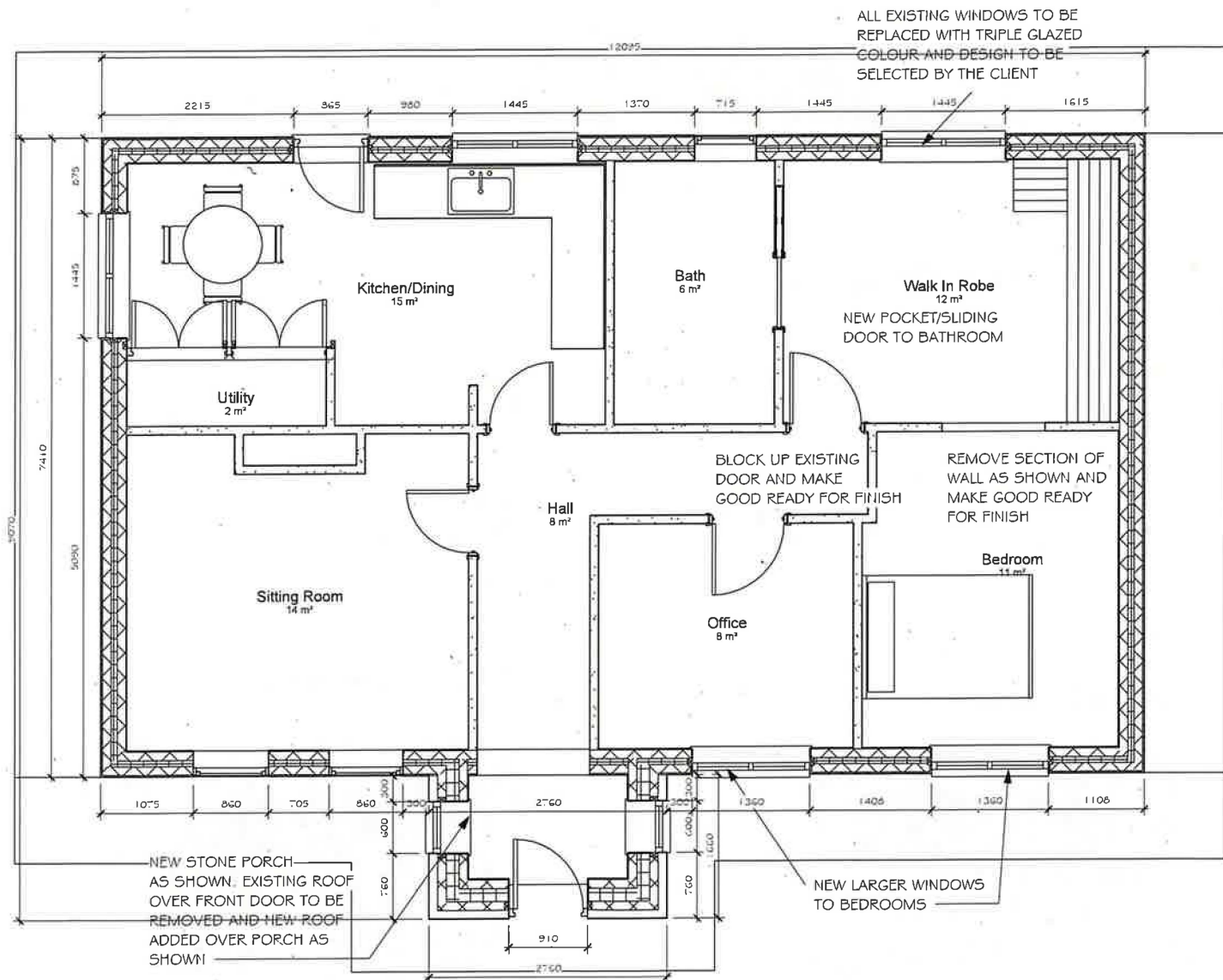
INFORMATION
DRAWINGS ONLY
NOT FOR
CONSTRUCTION



GENERAL NOTES:
WORK TO FIGURED DIMENSIONS ONLY
DO NOT SCALE PRINT
ANY VARIATIONS TO BE BROUGHT TO THE ATTENTION OF THE DESIGNER. DESIGN SCHEME FOR PROPOSED DEVELOPMENT IS COPYRIGHT.
THESE DRAWINGS HAVE BEEN PREPARED FOR THE PURPOSES OF PLANNING PERMISSION ONLY.
NOTE: THAT BEFORE ANY WORK COMMENCES ON SITE GROUND CONDITIONS MUST FIRST BE DETERMINED BY A NOMINATED ENGINEER. THESE DRAWINGS ARE NOT WORKING DRAWINGS

CONSTRUCTION TO BE IN ACCORDANCE WITH ALL IRISH BUILDING REGULATIONS AND CODES OF PRACTICE AT THE TIME OF CONSTRUCTION

THE CONTRACTOR MUST ENSURE THAT ALL WORK PRACTICES ON SITE COMPLY WITH BS 8000.



1

Ground Floor Plan

1 : 50



Eoghan Franks
Design & Planning

Cobbs, Templemore, Co. Tipperary
E: eoghanfranks@gmail.com M: 087 7103781

Proposed Works 1

Project number 20-13
Date JAN 2021
Drawn by E.F.
Checked by E.F.
Scale 1 : 50

PW-01

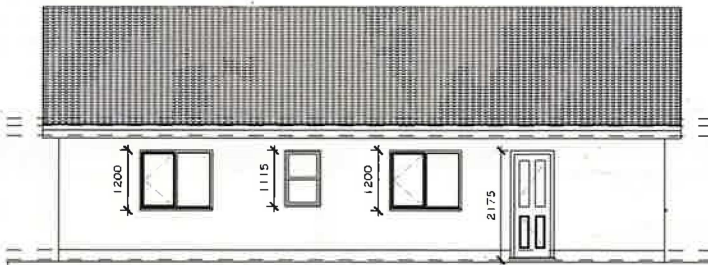
Enda McCarthy
Gortnahoe,
Co. Tipperary



1

Front Elevation

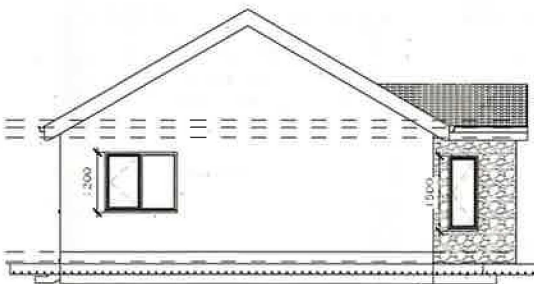
1 : 100



2

Rear Elevation

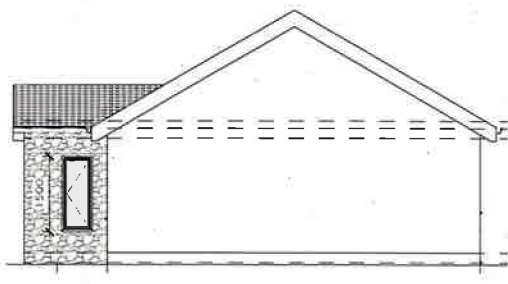
1 : 100



3

Side Elevation 1

1 : 100



4

Side Elevation 2

1 : 100



GENERAL NOTES:
WORK TO FIGURED DIMENSIONS ONLY.
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THE ATTENTION OF THE
DESIGNER. DESIGN SCHEME FOR
PROPOSED DEVELOPMENT IS
COPYRIGHT.
THESE DRAWINGS HAVE BEEN
PREPARED FOR THE PURPOSES
OF PLANNING PERMISSION ONLY.
NOTE: THAT BEFORE ANY WORK
COMMENCES ON SITE, GROUP D
CONDITIONS MUST FIRST BE
DETERMINED BY A NOMINATED ENGINEER.
THESE DRAWINGS ARE NOT WORKING
DRAWINGS.

CONSTRUCTION TO BE IN ACCORDANCE
WITH ALL IRISH BUILDING REGULATIONS
AND CODES OF PRACTICE AT THE TIME
OF CONSTRUCTION.

THE CONTRACTOR MUST ENSURE THAT
ALL WORK PRACTICES ON SITE COMPLY
WITH B.S. 8000.

ALL WORKS TO COMPLY
WITH BUILDING
REGULATIONS. DRAWINGS
ARE NOT TO BE SCALED
AND ALL DIMENSIONS
SHOULD BE CHECKED ON
SITE PRIOR TO
COMMENCEMENT.

INFORMATION
DRAWINGS ONLY
NOT FOR
CONSTRUCTION



Eoghan Franks
Design & Planning

Cobbs, Templemore, Co. Tipperary
E: eoghanfranks@gmail.com M: 087 7103781

Elevations

Project number 20-13
Date JAN 2021
Drawn by Author
Checked by Checker
Scale 1 : 100

PW-02

Enda McCarthy

Gortnahoe,
Co. Tipperary

Ryan, Siobhan Anne

From: Collins, Siobhan
Sent: 17 January 2025 11:49
To: Ryan, Siobhan Anne
Subject: FW: Copy Receipt - € 80.00 payment. Customer will e.mail his Application, to the Planning Office.

From: Ahern, Catherine <catherine.ahern@tipperarycoco.ie>
Sent: 17 January 2025 11:40
To: Cooney, Claire <claire.cooney@tipperarycoco.ie>
Cc: Collins, Siobhan <siobhan.collins@tipperarycoco.ie>
Subject: Copy Receipt - € 80.00 payment. Customer will e.mail his Application, to the Planning Office.

Tipperary County Council
Civic Offices
Clonmel
Co Tipperary

17/01/2025 11:38:21

Receipt No. : CLONMEL/0/188792

ENDA MC CARTHY
GORTEEN
COALBROOK
THURLES
CO TIPPERARY

SECTION5 EXEMPTION DECLARATION 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : CATHERINE AHERN
From : CLONMEL TOWN RECEIPTS DESK

Vat reg No.3259712MH

Catherine Ahern
Finance
Tipperary County Council
Civic Offices
Emmet Street
Clonmel
Co. Tipperary
catherine.ahern@tipperarycoco.ie
0818 06 5000

Ryan, Siobhan Anne

From: Enda McCarthy <enda.mccarthy@outlook.com>
Sent: 17 January 2025 11:58
To: Planning Group
Subject: [External] Section 5 Application
Attachments: 1. Application Form.pdf; 2. Site Maps.pdf; 3. Floor Plans & Elevations.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 attached the following documents in relation to a section 5 application:

1. Application form
2. Site Maps
3. Floor Plans & Elevations

Payment has already been made and the receipt number is 188792.

Thanks,
Enda

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/25/04

Applicant: Enda McCarthy

Development Address: Clonamicklon, Grange Barna, Thurles, Co. Tipperary

Proposed Development: To build a front porch (2sqm) with stone cladding, to increase the width of 2 front windows on a bungalow

1. GENERAL

On the 17th January 2025, a request was made for declaration under Section 5 of the Planning and Development Act, 2000 (as amended) in respect of the following development at Clonamicklon, Grange Barna, Thurles, Co. Tipperary

- Construction of front entrance porch (2sqm) with stone cladding;
- Increase width of 2 no. existing windows to front elevation

2. STATUTORY PROVISIONS

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 of the Planning and Development Act 2000, as amended, states as follows:

1 (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 (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.*

Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Part 1	
<i>Exempted Development – General</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
<i>Development within the curtilage of a house</i> Class 7 The construction or erection of a porch outside any external door of a house	1.Any such structure shall be situated not less than 2 metres from any road. 2.The floor area of any such structure shall not exceed 2 square metres. 3.The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or in any other case, 3 metres.

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—

(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 is located at Clonamicklon, Grange Barna, Thurles, Co. Tipperary. The site features a detached dwelling and a small storage shed.

b. Relevant Planning History

08592	Dwelling, entrance, domestic garage, waste water treatment system and all associated site works	Permission Granted
02913	To erect a bungalow, domestic garage, entrance and septic tank	Permission Granted

c. Assessment

CONSTRUCTION OF FRONT ENTRANCE PORCH (2SQM)

A) “Is or is not Development”

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

B) “Is or is not Exempted Development”

Assessment against the conditions / limitations of Class 7:

The construction or erection of a porch outside any external door of a house.

The porch would be outside the external door of the house

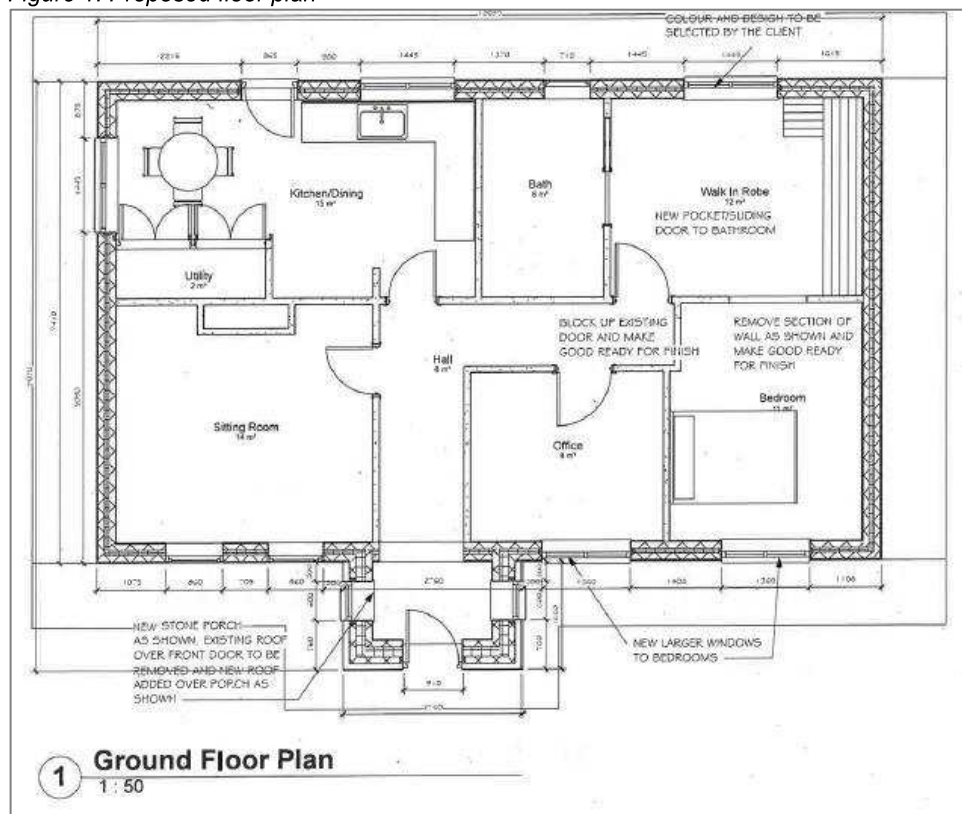
1. Any such structure shall be situated not less than 2 metres from any road.

The porch would not be situated less than 2 metres from any road.

2. The floor area of any such structure shall not exceed 2 square metres.

The drawing submitted is shown to scale 1:50. It does not measure to this scale. The dimensions of the porch show same to have a gross floor area of 2.7 meters wide by 1.6 metres deep. I would calculate the internal floor area at 2.7 sq m.

Figure 1: Proposed floor plan



3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The height of the porch (pitched roof) would not exceed 4m.

It appears that the front entrance porch does not comply with the provisions of **Class 7** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. However due to the issues with the drawings no scaling correctly further information should be sought to confirm the proposed floor area of the porch.

- INCREASE WIDTH OF 2 NO. EXISTING WINDOWS TO FRONT ELEVATION**

It is proposed to increase the width of 2 no. windows to the front elevation from 0.86cm to 1.36cm. It is not proposed to alter the height of said windows.

The proposed increase in window width is considered to be exempted development as per Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as the proposed increase in width would 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. RESTRICTIONS UNDER ARTICLE 9

N/a at this time as no exemption under Article 6 confirmed.

5. REQUIREMENT FOR APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

It is recommended to seek the following further information pursuant to 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, a revised floor plan and elevations of the dwelling showing same drawn to metric scale as follows:

- Floor plan to be drawn to a scale of 1:50
- Elevations to be drawn to a scale of 1:100

The drawing set included with the application do not scale correctly and it is not therefore possible for the Planning Authority to confirm the dimensions and measurements indicated on same.

2. There is a planning exemption under Class 7, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended for a porch. Condition 2 of Class 7 states the floor area of any such structure shall not exceed 2 sq m. The drawings submitted in reply to item 1 of this request must clearly demonstrate compliance with this requirement. The drawings provided appear to show the porch to have an internal floor area that exceeds 2 sq m.

District Planner:



Date: 11/02/2025

A/Senior Executive Planner:



Date: 12/2/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5.25.04
(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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
River Barrow and River Nore SAC	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No
The Loughans Mountains SAC	https://www.npws.ie/protected-sites/sac/000407	Within 15km	None	No
Spahill and Clomantagh Hill SAC	https://www.npws.ie/protected-sites/sac/000849	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.)
-----------------	--

<p>Construction phase e.g.</p> <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 	<p>During the construction phase, the site will be cleared and topsoil removed. Given the separation distance to the nearest water body It is not considered that the construction works will have impacts that could affect European Sites within the wider catchment area.</p>
<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 	<p>All surface water is to be contained on site.</p> <p>Given that the scale of the proposed development and the significant distance to the nearest Protected site, it is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area.</p>
<p>In-combination/Other</p>	<p>No likely significant in-combination effects are anticipated</p>
<p>(b) Describe any likely changes to the European site:</p>	
<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 	<p>None.</p> <p>The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>The significant distance between the proposed development site and any European Sites, and the scale of the proposed development is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network</p>

(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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

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
Signature and Date of Recommending Officer:	Naomi Scully	Date: 11/02/2025

EIA PRE-SCREENING Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/05
Development Summary:	As per Planners Report
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

Date: 12th February, 2025

Our Ref: S5/25/04

Civic Offices, Nenagh

**Enda McCarthy
Gurteen
Coalbrook
Thurles
Co. Tipperary**

Re: Application for a Section 5 Declaration – To build a front porch (2sqm) with stone cladding, to increase the width of 2 front windows on a bungalow at Clonamicklon, Grange Barna, Thurles, Co. Tipperary

Dear Mr McCarthy,

I refer to an application received from you on 17th January, 2025 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, a revised floor plan and elevations of the dwelling showing same drawn to metric scale as follows:

- Floor plan to be drawn to a scale of 1:50
- Elevations to be drawn to a scale of 1:100

The drawing set included with the application do not scale correctly and it is not therefore possible for the Planning Authority to confirm the dimensions and measurements indicated on same.

2. There is a planning exemption under Class 7, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended for a porch. Condition 2 of Class 7 states the floor area of any such structure shall not exceed 2 sq m. The drawings submitted in reply to item 1 of this request must clearly demonstrate compliance with this requirement. The drawings provided appear to show the porch to have an internal floor area that exceeds 2 sq m.

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

Yours sincerely

Geraldine Quinn

for **Director of Services**

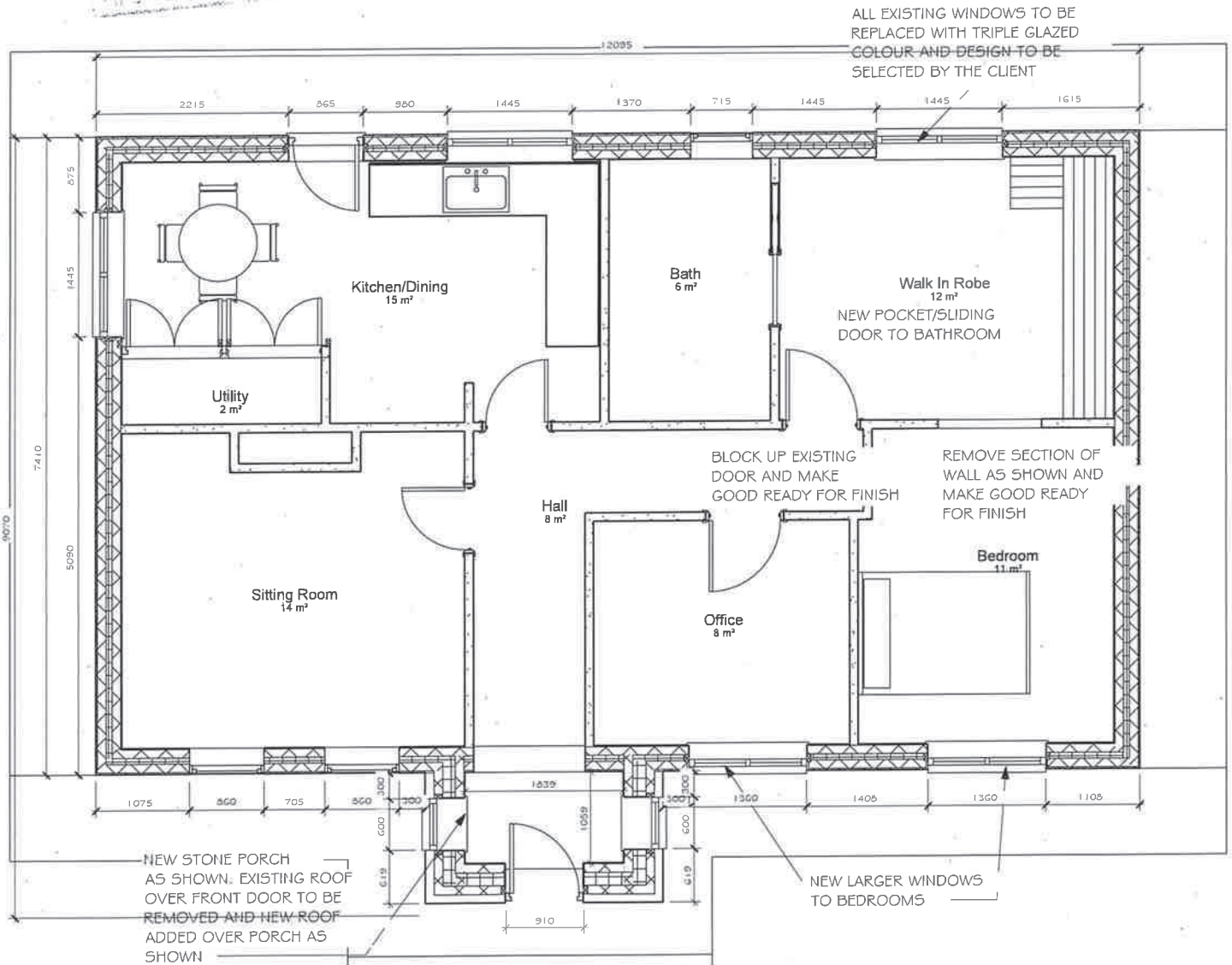
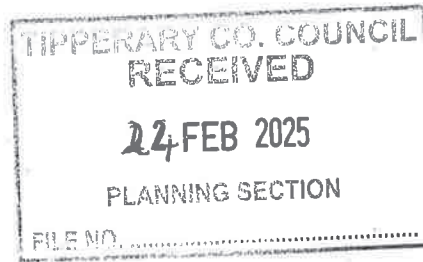
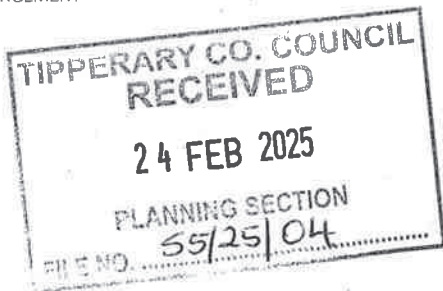
ALL WORKS TO COMPLY
WITH BUILDING
REGULATIONS. DRAWINGS
ARE NOT TO BE SCALED
AND ALL DIMENSIONS
SHOULD BE CHECKED ON
SITE PRIOR TO
COMMENCEMENT

INFORMATION
DRAWINGS ONLY
NOT FOR
CONSTRUCTION

GENERAL NOTES:
WORK TO FIGURED DIMENSIONS ONLY.
DO NOT SCALE PRINT.
ANY VARIATIONS TO BE BROUGHT TO
THE ATTENTION OF THE
DESIGNER. DESIGN SCHEME FOR
PROPOSED DEVELOPMENT IS
COPYRIGHT.
THESE DRAWINGS HAVE BEEN
PREPARED FOR THE PURPOSES
OF PLANNING PERMISSION ONLY.
NOTE: THAT BEFORE ANY WORK
COMMENCES ON SITE GROUND
CONDITIONS MUST FIRST BE
DETERMINED BY A NOMINATED ENGINEER.
THESE DRAWINGS ARE NOT WORKING
DRAWINGS.

CONSTRUCTION TO BE IN ACCORDANCE
WITH ALL IRISH BUILDING REGULATIONS
AND CODES OF PRACTICE AT THE TIME
OF CONSTRUCTION.

THE CONTRACTOR MUST ENSURE THAT
ALL WORK PRACTICES ON SITE COMPLY
WITH BS: 8000.



1 Ground Floor Plan 1 : 50

Eoghan Franks
Design & Planning

Cobbs, Templemore, Co. Tipperary
E: eoghanfranks@gmail.com M: 087 7103781

Proposed Works 1

Project number 20-13
Date JAN 2021
Drawn by E.F. PW-01
Checked by E.F.
Scale 1 : 50

Enda McCarthy
Gortnahoe,
Co. Tipperary



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

E91 N512

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

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

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 24th February, 2025

Our Ref: S5/25/04

Civic Offices, Nenagh

Enda McCarthy
Gurteen
Coalbrook
Thurles
Co. Tipperary

Re: Application for a Section 5 Declaration re To build a front porch (2sqm) with stone cladding, to increas the width of 2 front windows on a bungalow at Clonamicklon, Grange Barna, Thurles, Co. Tipperary

Dear Mr McCarthy

I acknowledge receipt of Further Information received on 24th February, 2025 in connection with the above.

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

Yours sincerely


for **Director of Services**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/25/04

Applicant: Enda McCarthy

Development Address: Clonamicklon, Grange Barna, Thurles, Co. Tipperary

Proposed Development: To build a front porch (2sqm) with stone cladding, to increase the width of 2 front windows on a bungalow

1. GENERAL

On the 17th January 2025, a request was made for declaration under Section 5 of the Planning and Development Act, 2000 (as amended) in respect of the following development at Clonamicklon, Grange Barna, Thurles, Co. Tipperary

- Construction of front entrance porch (2sqm) with stone cladding;
- Increase width of 2 no. existing windows to front elevation

2. STATUTORY PROVISIONS

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 of the Planning and Development Act 2000, as amended, states as follows:

- 1 (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 (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.*

Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

Part 1	
<i>Exempted Development – General</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
<i>Development within the curtilage of a house</i> Class 7 The construction or erection of a porch outside any external door of a house	1. Any such structure shall be situated not less than 2 metres from any road. 2. The floor area of any such structure shall not exceed 2 square metres. 3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or in any other case, 3 metres.

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—*

(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 is located at Clonamicklon, Grange Barna, Thurles, Co. Tipperary. The site features a detached dwelling and a small storage shed.

b. Relevant Planning History

08592	Dwelling, entrance, domestic garage, waste water treatment system and all associated site works	Permission Granted
02913	To erect a bungalow, domestic garage, entrance and septic tank	Permission Granted

c. Assessment

▪ CONSTRUCTION OF FRONT ENTRANCE PORCH (2SQM)

A) "Is or is not Development"

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

B) "Is or is not Exempted Development"

Assessment against the conditions / limitations of Class 7:

The construction or erection of a porch outside any external door of a house.

The porch would be outside the external door of the house

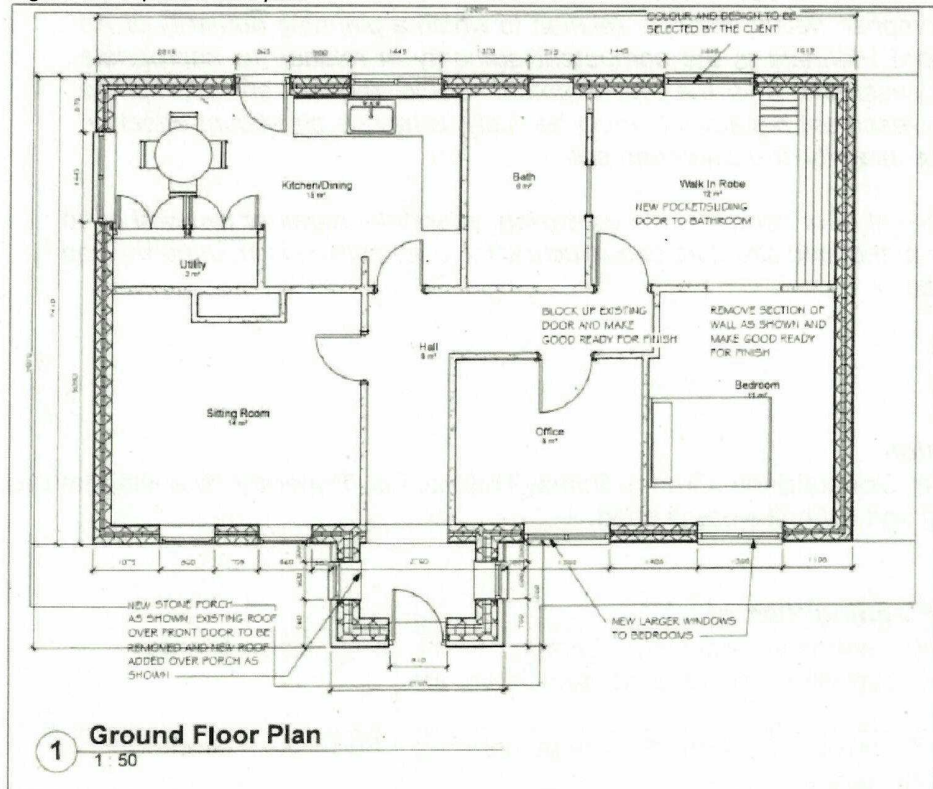
1. Any such structure shall be situated not less than 2 metres from any road.

The porch would not be situated less than 2 metres from any road.

2. The floor area of any such structure shall not exceed 2 square metres.

The drawing submitted is shown to scale 1:50. It does not measure to this scale. The dimensions of the porch show same to have a gross floor area of 2.7 metres wide by 1.6 metres deep. I would calculate the internal floor area at 2.7 sq m.

Figure 1: Proposed floor plan



3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The height of the porch (pitched roof) would not exceed 4m.

It appears that the front entrance porch does not comply with the provisions of **Class 7** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. However due to the issues with the drawings no scaling correctly further information should be sought to confirm the proposed floor area of the porch.

• INCREASE WIDTH OF 2 NO. EXISTING WINDOWS TO FRONT ELEVATION

It is proposed to increase the width of 2 no. windows to the front elevation from 0.86cm to 1.36cm. It is not proposed to alter the height of said windows.

The proposed increase in window width is considered to be exempted development as per Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as the proposed increase in width would 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. RESTRICTIONS UNDER ARTICLE 9

N/a at this time as no exemption under Article 6 confirmed.

5. REQUIREMENT FOR APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

4. RECOMMENDATION

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

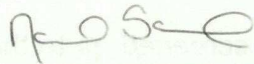
1. The applicant is requested to submit, for the consideration of the Planning Authority, a revised floor plan and elevations of the dwelling showing same drawn to metric scale as follows:

- Floor plan to be drawn to a scale of 1:50
- Elevations to be drawn to a scale of 1:100

The drawing set included with the application do not scale correctly and it is not therefore possible for the Planning Authority to confirm the dimensions and measurements indicated on same.


2. There is a planning exemption under Class 7, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended for a porch. Condition 2 of Class 7 states the floor area of any such structure shall not exceed 2 sq m. The drawings submitted in reply to item 1 of this request must clearly demonstrate compliance with this requirement. The drawings provided appear to show the porch to have an internal floor area that exceeds 2 sq m.

District Planner:



Date: 11/02/2025

A/Senior Executive Planner:



Date: 12/2/2025

5. FURTHER INFORMATION RESPONSE & ASSESSMENT

Further information was requested on the 12th February 2025 and a response was received on the 24th February 2025 as set out below:

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

The applicant is requested to submit, for the consideration of the Planning Authority, a revised floor plan and elevations of the dwelling showing same drawn to metric scale as follows:

- *Floor plan to be drawn to a scale of 1:50*
- *Elevations to be drawn to a scale of 1:100*

The applicant submitted a revised floor plan drawn to a scale of 1:50 on the 22nd February 2025. The Planning Authority did not receive a revised elevation drawn to a scale of 1:100.

When assessing the revised floor plan drawn to a scale of 1:50 it was not measuring to this scale. Therefore, when measured the floor area of the proposed porch does not reflect the measurements indicated on the submitted drawing.

6. RESTRICTIONS UNDER ARTICLE 9

Having assessed the information provided in the response to the request for further information Article 9 is not applicable in this instance

7. REQUIREMENT FOR APPROPRIATE ASSESSMENT (AA) AND ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001 (as amended).

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

5. RECOMMENDATION

WHEREAS a question has arisen as to whether the construction of front entrance porch (2sqm) with stone cladding and increase width of 2 no. existing windows to front elevation at Clonamicklon, Grange Barna, Thurles, 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 -

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- The application and details submitted by the applicant.

AND WHEREAS Tipperary County Council has concluded that;

- The construction of front entrance porch (2sqm) with stone cladding at Clonamicklon, Grange Barna, Thurles, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended.

The porch would be considered exempted development provided it is constructed outside the external door of the dwelling and satisfies the following conditions/limitations:

- 1.Any such structure shall be situated not less than 2 metres from any road.
- 2.The floor area of any such structure shall not exceed 2 square metres.
- 3.The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or in any other case, 3 metres.

AND;

- The increase width of 2 no. existing windows to front elevation of the dwelling at Clonamicklon, Grange Barna, Thurles, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000 (as amended) and is "exempted development" pursuant to Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Note: The drawings provided were not to scale and the Planning Authority cannot determine whether or not whether the proposed porch shown on same would satisfy the planning exemption under Class 7 Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)

District Planner:

Rose

Date: 10/03/2025

A/Senior Executive Planner:

Jonathan Flood

Date: 10/3/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5.25.04
(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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
River Barrow and River Nore SAC	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No
The Loughans Mountains SAC	https://www.npws.ie/protected-sites/sac/000407	Within 15km	None	No
Spahill and Clomantagh Hill SAC	https://www.npws.ie/protected-sites/sac/000849	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 	During the construction phase, the site will be cleared and topsoil removed.

<ul style="list-style-type: none"> • 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 	<p>Given the separation distance to the nearest water body It is not considered that the construction works will have impacts that could affect European Sites within the wider catchment area.</p>
<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 	<p>All surface water is to be contained on site.</p> <p>Given that the scale of the proposed development and the significant distance to the nearest Protected site, it is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area.</p>
In-combination/Other	No likely significant in-combination effects are anticipated

(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 	<p>None.</p> <p>The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>The significant distance between the proposed development site and any European Sites, and the scale of the proposed development is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network</p>
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(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.

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

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
Signature and Date of Recommending Officer:	Naomi Scully	Date: 06/03/2025

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/04
Development Summary:	As per Planners Report
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

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/04** **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 Enda McCarthy, Gurteen, Coalbrook, Thurles, Co. Tipperary re. build a front porch (2m²) with stone cladding, to increase the width of 2 front windows on a bungalow at Clonamicklon, Grange, Barna, Thurles, 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 and 4 of the Planning and Development Act, 2000, as amended
 - b) Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
 - c) Article 6 and 9 of the Planning and Development Regulations 2001, as amended.
 - d) The application and details submitted by the applicant
- Tipperary County Council has concluded that – The construction of front entrance porch (2m²) with stone cladding at Clonamicklon, Grange Barna, Thurles, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended.

The porch would be considered exempted development provided it is constructed outside the external door of the dwelling and satisfies the following conditions/limitations:

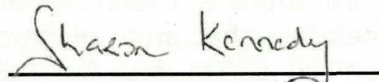
1. Any such structure shall be situated not less than 2 metres from any road.
2. The floor area of any such structure shall not exceed 2 square metres.
3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or in any other case, 3 metres.

AND;

- The increase width of 2 no. existing windows to front elevation of the dwelling at Clonamicklon, Grange Barna, Thurles, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000 (as amended) and is "exempted development" pursuant to Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Note: The drawings provided were not to scale and the Planning Authority cannot determine whether or not the proposed porch shown on same would satisfy the planning exemption under Class 7 Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)

Signed:



Date: 11/03/2025

**Sharon Kennedy
Director of Services**

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



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 11th March, 2025

Our Ref: S5/25/04

Civic Offices, Nenagh

**Enda McCarthy,
Gurteen,
Coalbrook,
Thurles,
Co. Tipperary.**

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

Dear Mr. McCarthy,

I refer to your application for a Section 5 Declaration received on 17th January, 2025 and further information received on 24th February, 2025, in relation to the following proposed works:

build a front porch (2m²) with stone cladding, to increase the width of 2 front windows on a bungalow at Clonamicklon, Grange, Barna, Thurles, 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 and 4 of the Planning and Development Act, 2000, as amended
- b) Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001, as amended.
- d) The application and details submitted by the applicant

Tipperary County Council has concluded that the proposal to **build a front porch (2m²) with stone cladding, to increase the width of 2 front windows on a bungalow at Clonamicklon, Grange, Barna, Thurles, Co. Tipperary**

Constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended.

The porch would be considered exempted development provided it is constructed outside the external door of the dwelling and satisfies the following conditions/limitations:

1. Any such structure shall be situated not less than 2 metres from any road.
2. The floor area of any such structure shall not exceed 2 square metres.
3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or in any other case, 3 metres.

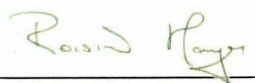
AND;

- The increase width of 2 no. existing windows to front elevation of the dwelling at Clonamicklon, Grange Barna, Thurles, Co. Tipperary constitutes "works" and "development" within the meaning of the Planning and Development Act 2000 (as amended) and is "exempted development" pursuant to Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Note: The drawings provided were not to scale and the Planning Authority cannot determine whether or not the proposed porch shown on same would satisfy the planning exemption under Class 7 Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)

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

Yours sincerely


for **Director of Services**