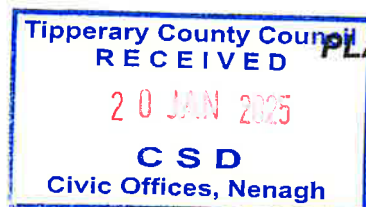
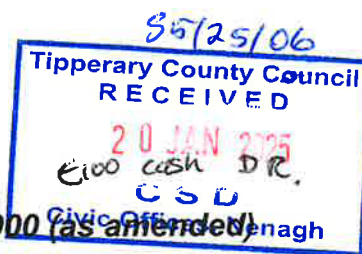




**Comhairle Contae Thiobraid Árann**  
Tipperary County Council



**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

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

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

Applicant	PAUL + MARYL DEEZAN
Address	PONTARLINGTON, Co. GALWS.
Telephone No.	—
E-mail	—

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

Agent	ADRIAN DONOGHUE DESIGN
Address	THE LONG ACRE CLONANNE, PONTARLINGTON Co. GALWS.
Telephone No.	
E-mail	

Please advise where all correspondence in relation to this application is to be sent;

Applicant [ ]      Agent ☒

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	Derry, RATHCARBUN, Co. TIPPERARY
---	--

4. **Development Details:**

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

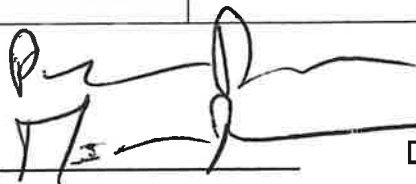
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

40 SQM REAR EXTENSION
Proposed floor area of proposed works/uses: 40 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)



Date:

20/12/24

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

## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
  - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - Floor Plans & Elevations at a scale of not less than 1:200
  - Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

**Planning Section,  
Tipperary County Council,  
Civic Offices,  
Limerick Road,  
Nenagh,  
Co. Tipperary**

**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. €** 80-00

**Receipt No** NEW AM 1/0/125918

**Date** 20/1/2025

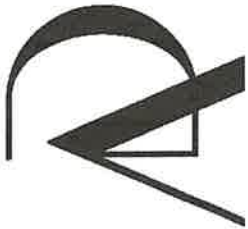
**Received by** Maura Lillis

# Land Registry Compliant Map



707668

597995



**ADRIAN DONOGHUE**

DESIGN STUDIO

THE LONG ACRE, CLONANNY,  
PORTARLINGTON, Co. LAOIS.

PH : (086) 0578878

EMAIL : [adriandonoghuedesign@gmail.com](mailto:adriandonoghuedesign@gmail.com)

D  
o  
i  
r  
e  
  
D  
e  
r  
r  
y

22.01

6.78

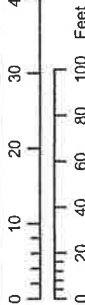
0.25

0.30

0.42

0.42

Metres



OUTPUT SCALE: 1:1,000

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.tailte.ie/search/Capture Resolution](http://www.tailte.ie/search/Capture%20Resolution)

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'



597995

707668

**CENTRE COORDINATES:**  
ITM 597879,707782

**PUBLISHED:** 02/08/2024  
**ORDER NO.:** 50414544\_1

**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 3757-A  
3757-B

**COMPILED AND PUBLISHED BY:**

Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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



Any unauthorised reproduction infringes Tailte Éireann copyright.  
No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

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

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

©Tailte Éireann, 2024.  
All rights reserved.

FOR PLANNING PURPOSES ONLY  
NOTE: ALL ELEMENTS OF CONSTRUCTION TO STRICTLY  
COMPLY WITH CURRENT BUILDING REGULATIONS

■ DENOTES PROPOSED  
EXEMPT EXTENSION



PAUL & MERYL

Project: PLANNING PERMISSION APPLICATION

APRIL 2024

USE FIGURED DIMENSIONS ONLY. DO NOT  
SCALE. THE BUILDER IS RESPONSIBLE  
FOR CHECKING ALL LEVELS AND  
DIMENSIONS AND SHALL RETRY ANY  
DIMENSIONS TO SUIT. DIMENSIONS  
DISCREPANCY NOT DESIGN STUDIO

THIS DRAWING IS COPYRIGHT,  
COPYRIGHT AND OWNERSHIP OF THIS  
DRAWING IS VESTED  
IN ADRIAN DONOGHUE DESIGN STUDIO  
WHOSE PRIOR WRITTEN CONSENT IS  
REQUIRED FOR ANY  
REPRODUCTION OR PUBLICATION TO ANY  
THIRD PARTY

NOTE: ALL ELEMENTS OF CONSTRUCTION TO  
COMPLY WITH BUILDING REGULATIONS TO

- PART A - STRUCTURE  
PART B - FIRE SAFETY  
PART C - RESISTANCE TO MOISTURE  
PART D - MATERIALS & WORKMANSHIP  
PART E - SOUND  
PART F - VENTILATION  
PART G - HYGIENE  
PART H - DRAINAGE & WASTEWATER  
PART I - HEAT PRODUCING  
APPLIANCES  
PART J - STAIRWAYS, LADDERS,  
RAMPS & GUARDS  
PART L - CONSERVATION OF FUEL  
ENERGY  
PART M - ACCESS FOR PEOPLE WITH  
DISABILITIES

NOTES:-



ADRIAN DONOGHUE  
DESIGN STUDIO

THE LONG ACRE, CLOANANN,  
PORTLINGTON CO. LAOIS.

EMAIL: [adrian@adriandonoghue.com](mailto:adrian@adriandonoghue.com)

PROJECT: PROPOSED VEGG & MERYL  
CLIENT: PAUL AND MERYL

TITLE: SITE PLAN AS PROPOSED

SCALE: 1:250 (A3)

DWG No.





20 JAN 2025  
PLANNING SECTION  
PENDING

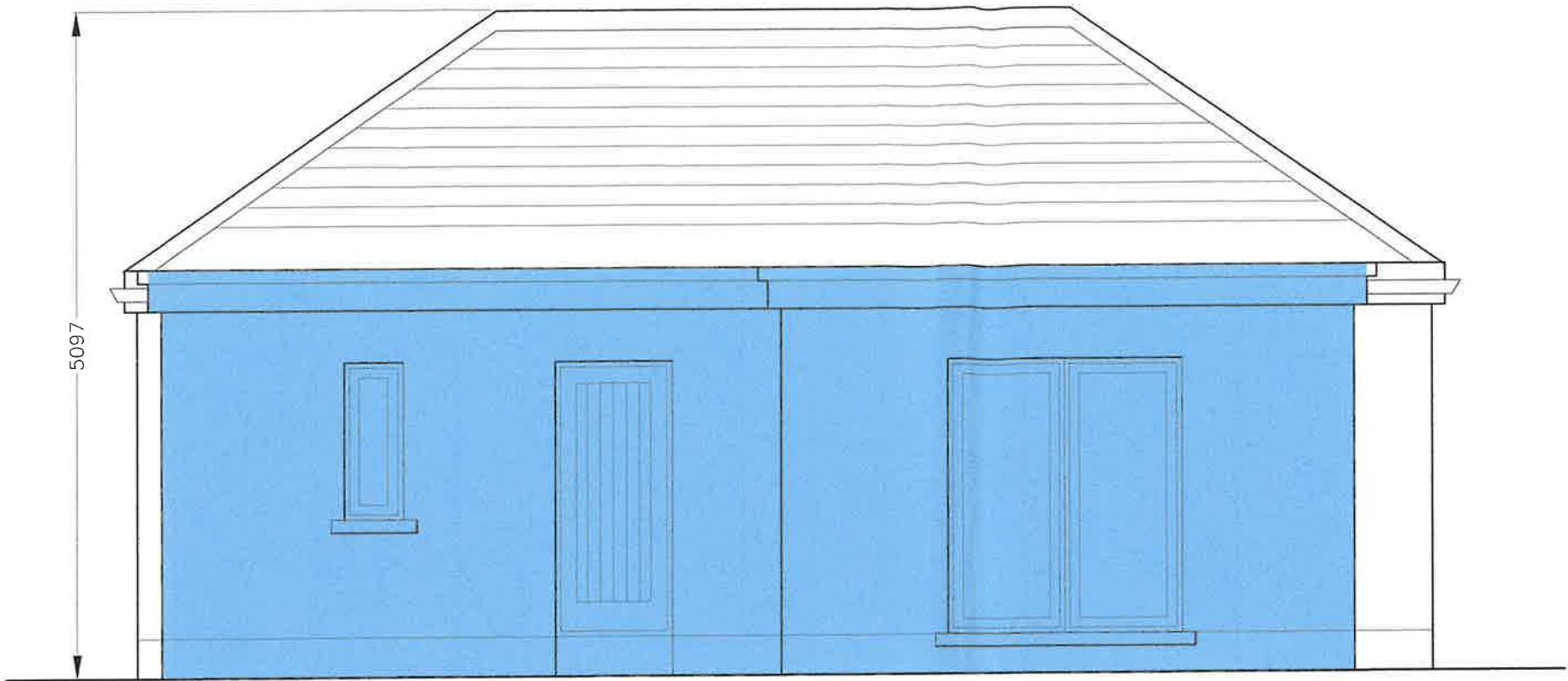
APRIL 2024



SCALE	1:50 (A3)
DWG No.	

FOR PLANNING PURPOSES ONLY  
NOTE: ALL ELEMENTS OF CONSTRUCTION TO STRICTLY  
COMPLY WITH CURRENT BUILDING REGULATIONS

 DENOTES PROPOSED  
EXEMPT EXTENSION



REAR ELEVATION AS PROPOSED



FRONT ELEVATION AS PROPOSED

RECEIVED  
20 JAN 2025  
PLANNING SECTION  
CITY COUNCIL

Project: PLANNING PERMISSION APPLICATION

APRIL 2024

USE FIGURED DIMENSIONS ONLY. DO NOT  
SCALE. THE BUILDER IS RESPONSIBLE  
FOR CHECKING ALL LEVELS AND  
DIMENSIONS AND SHALL REFER ANY  
DISCREPANCIES TO ADRIAN DONOGHUE  
DESIGN STUDIO

THIS DRAWING IS COPYRIGHT.  
COPYRIGHT AND OWNERSHIP OF THIS  
DRAWING IS VESTED  
IN ADRIAN DONOGHUE DESIGN STUDIO  
WHOSE PRIOR WRITTEN CONSENT IS  
REQUIRED FOR ITS  
REPRODUCTION OR PUBLICATION TO ANY  
THIRD PARTY

NOTE: ALL ELEMENTS OF CONSTRUCTION TO  
COMPLY WITH BUILDING REGULATIONS TODAY

- PART A - STRUCTURE
- PART B - FIRE SAFETY
- PART C - SITE PREPARATION &  
RESISTANCE TO MOISTURE
- PART D - MATERIALS & WORKMANSHIP
- PART E - SOUND
- PART F - VENTILATION
- PART G - HYGIENE
- PART H - DRAINAGE & WASTEWATER  
DISPOSAL
- PART J - HEAT PRODUCING  
APPLIANCES
- PART K - STAIRWAYS, LADDERS,  
RAMPS & GUARDS
- PART L - CONSERVATION OF FUEL  
ENERGY
- PART M - ACCESS FOR PEOPLE WITH  
DISABILITIES

NOTES:-

NOT FOR CONSTRUCTION



ADRIAN DONOGHUE  
DESIGN STUDIO  
THE LONG ACRE, CLONANNY,  
PORTARLINGTON, Co. LAOIS.  
PH : (085) 0578878  
EMAIL : adriandonoghuedesign@gmail.com

PLANNING APPLICATION DRAWING

CLIENT PAUL AND MERYL

PROJECT PROPOSED WORKS @ DERRY,  
Co. TIPPERARY

TITLE ELEVATIONS AS PROPOSED

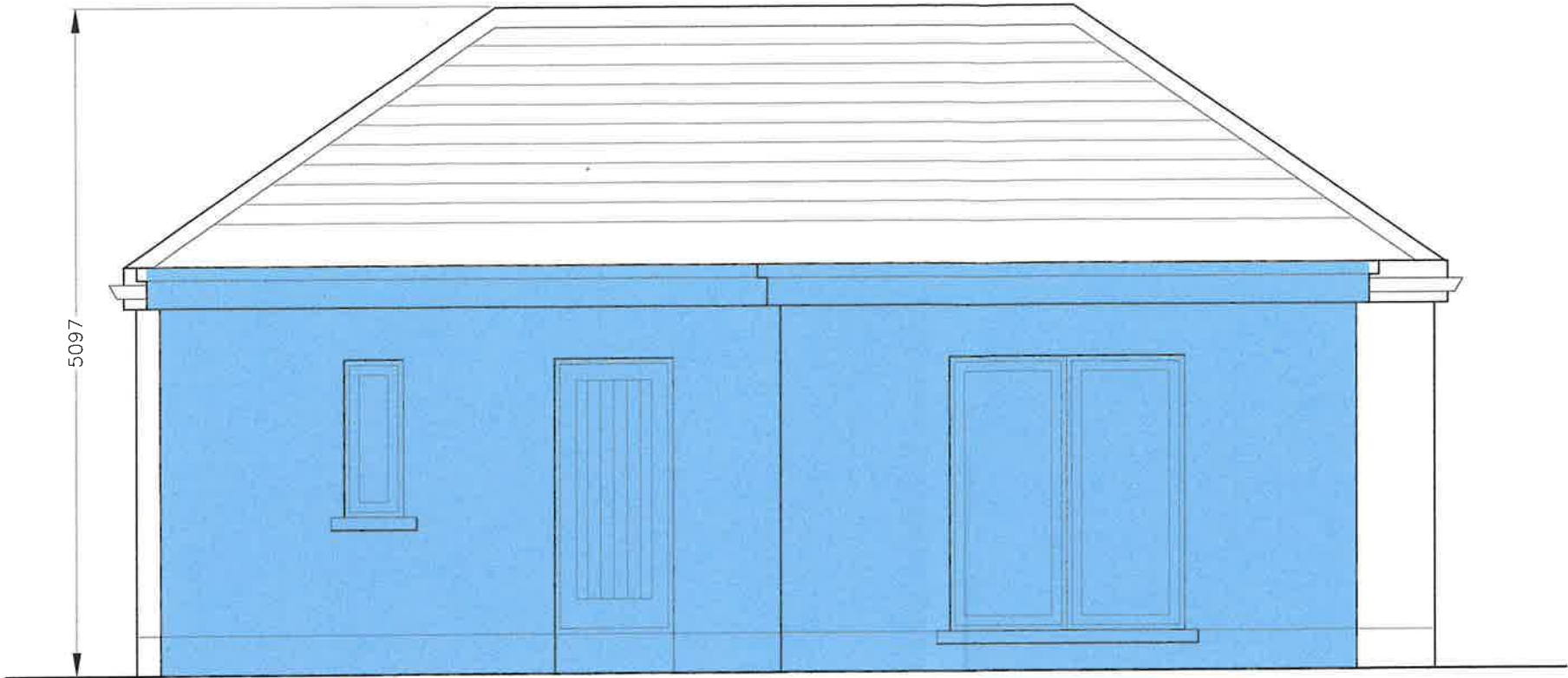
SCALE 1:50 (A3)

DWG No.

© ADRIAN DONOGHUE DESIGN LTD

FOR PLANNING PURPOSES ONLY  
NOTE: ALL ELEMENTS OF CONSTRUCTION TO STRICTLY  
COMPLY WITH CURRENT BUILDING REGULATIONS

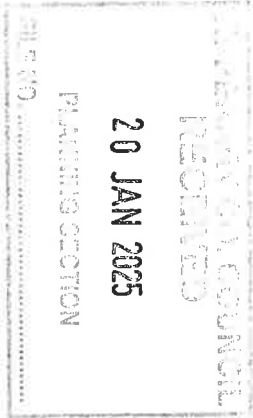
 DENOTES PROPOSED  
EXEMPT EXTENSION



REAR ELEVATION AS PROPOSED



FRONT ELEVATION AS PROPOSED



Project: PLANNING PERMISSION APPLICATION

APRIL 2024

USE FIGURED DIMENSIONS ONLY. DO NOT  
SCALE. THE BUILDER IS RESPONSIBLE  
FOR CHECKING ALL LEVELS AND  
DIMENSIONS AND SHALL REFER ANY  
DISCREPANCIES TO ADRIAN DONOGHUE  
DESIGN STUDIO

THIS DRAWING IS COPYRIGHT.  
COPYRIGHT AND OWNERSHIP OF THIS  
DRAWING IS VESTED  
IN ADRIAN DONOGHUE DESIGN STUDIO  
WHOSE PRIOR WRITTEN CONSENT IS  
REQUIRED FOR ITS  
REPRODUCTION OR PUBLICATION TO ANY  
THIRD PARTY

NOTE: ALL ELEMENTS OF CONSTRUCTION TO  
COMPLY WITH BUILDING REGULATIONS TGD

- PART A - STRUCTURE
- PART B - FIRE SAFETY
- PART C - SITE PREPARATION &  
RESISTANCE TO MOISTURE
- PART D - MATERIALS & WORKMANSHIP
- PART E - SOUND
- PART F - VENTILATION
- PART G - HYGIENE
- PART H - DRAINAGE & WASTEWATER  
DISPOSAL
- PART J - HEAT PRODUCING  
APPLIANCES
- PART K - STAIRWAYS, LADDERS,  
RAMPS & GUARDS
- PART L - CONSERVATION OF FUEL  
ENERGY
- PART M - ACCESS FOR PEOPLE WITH  
DISABILITIES

NOTES:-

NOT FOR CONSTRUCTION



ADRIAN DONOGHUE  
DESIGN STUDIO  
THE LONG ACRE, CLONAHY,  
PORTARLINGTON, Co. LADIS,  
PH : (088) 0678878  
EMAIL : adriandonoghuedesign@gmail.com

PLANNING APPLICATION DRAWING

CLIENT PAUL AND MERYL

PROJECT PROPOSED WORKS @ DERY,  
Co. TIPPERARY

TITLE ELEVATIONS AS PROPOSED

SCALE 1:50 (A3)

DWG No.





**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)

Date: 22<sup>nd</sup> January, 2025      Our Ref: S5/25/06      Civic Offices, Nenagh

**Paul & Meryl Deegan**  
**C/O Adrian O'Donoghue Design**  
**The Long Acre**  
**Clonanny**  
**Portarlinton**  
**Co. Laois**

**SCANNED**

**Re: Application for a Section 5 Declaration – Construction of an extension to rear of dwelling 40sqm, at Derry, Rathcabbin, Co. Tipperary.**

Dear Mr & Mrs Deegan,

I acknowledge receipt of your application for a Section 5 Declaration received on 20<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 Ref.:** S5/25/06

**Applicant:** Paul Deegan & Meryl Deegan

**Development Address:** Derry, Rathcabbin, Co. Tipperary

**Proposed Development:** Construction of a 40sqm rear extension to existing cottage

---

**1. GENERAL**

On the 20<sup>th</sup> January 2025 a request was made for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is "development" and "exempt development":

- Construction of a 40sqm rear extension to existing cottage at Derry, Rathcabbin.

**2. STATUTORY PROVISION**

The following statutory provisions are relevant to this referral case;

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

*"In this Act, except where the context otherwise requires, "development" means—*

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).]*

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

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

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

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

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

*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**

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

Schedule 2, Part 1	
<i>Exempted Development – General</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b></p> <p>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.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(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</p>



	<p>been obtained, shall not exceed 20 square metres.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
--	--

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

### **3. ASSESSMENT**

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

The subject site is located at Derry, Rathcabbin, Co. Tipperary and is situated in an area designated as Open Countryside as per Tipperary County Development Plan 2022.

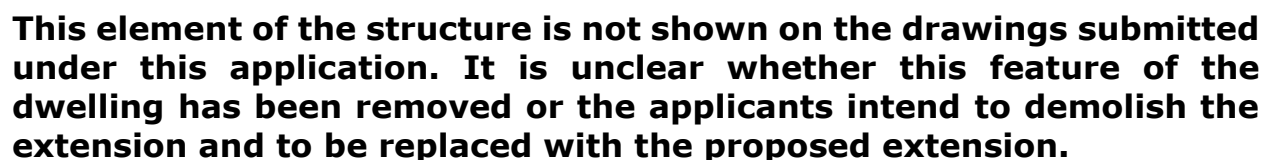
#### ***b. Relevant Planning History***

##### **On Site**

<b>211257</b>	To demolish existing derelict dwelling and sheds and to construct a dwelling house, domestic garage to include reconnection to the existing public foul sewer and existing water mains services and all associated site works	Deemed Withdrawn
<b>211094</b>	To demolish existing derelict dwelling and sheds and to construct a dwelling house, domestic garage to include reconnection to the existing public foul sewer and existing water mains services and all associated site works	Incomplete Application

##### **Adjacent**

<b>211258</b>	To construct a dwelling house, domestic garage to include connection to the existing public foul sewer and existing water mains services and all associated works	Deemed Withdrawn
<b>2360288</b>	1 no. single storey 3 bed house (148 sqm), new domestic garage (45 sqm), new site entrance, new connections to public water and public sewer and all ancillary site works	Permission Granted to Conor O' Meara and Niamh Houlihan
<b>2260323</b>	A single storey, 3 bedroom structure, domestic outbuilding, connection to public water supply, connection to existing public sewer and all ancillary site works including a proposed site entrance.	Incomplete Application
<b>2260511</b>	A 1 no. single storey 3 bed house, new site entrance, new connection to public watermain, new connection to public sewer and all ancillary site works	Withdrawn
<b>07511229</b>	2 no. two storey dwellings, new shared access, connection to existing public sewer, connection to public water supply and all associated site works	Withdrawn



**It is noted the landowners can avail of the exemption set out under Class 50 (b), Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) which provides an exemption for:**

***b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.***

**Therefore, the proposed 40sqm ground floor level rear extension complies with the limitations set out in 1 above.**

**There are some issues with the existing dwelling plans provided when compared against the existing dwelling plans submitted under PI Ref 21/1257:**

- The dwelling width on the drawings under PI Ref 21/1257 is shown as 12 metres. The dwelling width on the drawings provided with the declaration show a dwelling width of 10 metres.**
- The dwelling on the drawings provided with the declaration application contains no chimneys. The elevation drawings under PI Ref 21/1257 show 2 chimneys**
- The fenestration on the dwelling does not match between drawing sets.**

**Noting the above it should be clarified whether works have been undertaken to the existing dwelling or whether works are proposed.**

**The site plan under PI Ref 21/1257 shows a garage and shed to be demolished with same located within the curtilage of the dwelling house. The area of these structures is identified as 100 sq m (under 21/1257). The site location plan submitted with the current application show these structures in place but they do not appear on the site layout plan. Clarification is required on whether same have been demolished or whether it is proposed to demolish same. Class 50(a) Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) allows for the demolition of building(s) within the curtilage of a house of up to 40 sq m.**

*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.*

**The proposed extension will project from the original rear elevation of the dwelling and therefore complies with the limitations set out in 2 above.**

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

**The proposed extension is at ground floor level.**

*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.*

**The rear wall of the dwelling does not include a gable and the extension includes a flat roof. The height of the highest part of the flat roof does not exceed the height of the existing dwelling. The requirements of condition 4 c) is satisfied.**



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

**The proposal does not include for the use of the roof as a balcony. The proposed extension is not accessible by any door and is not conducive for use as a balcony.**

C) Restrictions under Article 9

It is noted that no exemptions under Article 9 of the Planning and Development Regulations 2001 (as amended) that would apply.

**5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) & APPROPRIATE ASSESSMENT (AA):**

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 for an extension to a dwelling 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.

**6. RECOMMENDATION**

It is recommended to request the following further information under Section 5(2) of the Planning and Development Regulations 2001, as amended

1. The Planning Authority note as follows regarding the proposed development:


- The dwelling width on the drawings under PI Ref 21/1257 is shown as 12 metres. The dwelling width on the drawings provided with the declaration show a dwelling width of 10 metres.
- The dwelling on the drawings provided with the declaration application contains no chimneys. The elevation drawings under PI Ref 21/1257 show 2 chimneys
- The fenestration on the dwelling does not match between drawing sets.

Noting the above clarification is required on whether works have been undertaken to the existing dwelling or whether works are proposed.

2. The site plan under PI Ref 21/1257 shows a garage and shed to be demolished with same located within the curtilage of the dwelling house. The area of these structures is identified as 100 sq m (under 21/1257).

The site location plan submitted with the current application show these structures in place but they do not appear on the site layout plan. Clarification is required on whether same have been demolished or whether it is proposed to demolish same.

Class 50(a) Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) allows for the demolition of building(s) within the curtilage of a house of up to 40 sq m. Where the cumulative area of the buildings exceed 40 sq m planning permission is required for their demolition.

Executive Planner: 

Date: 11<sup>th</sup> February 2025

A/Senior Executive Planner: 

Date: 13/2/2025



## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/25/06
<b>(b) Brief description of the project or plan:</b>	Extension to rear of dwelling
<b>(c) Brief description of site characteristics:</b>	Existing residential site in the Open countryside
<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
000919 Ridge Road, SW of Rapemills SAC	<a href="https://www.npws.ie/protected-sites/sac/000919">https://www.npws.ie/protected-sites/sac/000919</a>	Within 15km	None	No
004086 River Little Brosna Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004086">https://www.npws.ie/protected-sites/spa/004086</a>	Within 15km	None	No
004137 Dovegrove Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004137">https://www.npws.ie/protected-sites/spa/004137</a>	Within 15km	None	No
004103 All Saints Bog SPA	<a href="https://www.npws.ie/protected-sites/search/by-code?code=004103">https://www.npws.ie/protected-sites/search/by-code?code=004103</a>	Within 15km	None	No
000566 All Saints Bog and Esker SAC	<a href="https://www.npws.ie/protected-sites/sac/000566">https://www.npws.ie/protected-sites/sac/000566</a>	Within 15km	None	No
004086 River Little Brosna Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004086">https://www.npws.ie/protected-sites/spa/004086</a>	Within 15km	None	No
002353 Redwood Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/002353">https://www.npws.ie/protected-sites/sac/002353</a>	Within 15km	None	No

000216 River Shannon Callows SAC	<a href="https://www.npws.ie/protected-sites/sac/000216">https://www.npws.ie/protected-sites/sac/000216</a>	Within 15km	None	No
004096 Middle Shannon Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004096">https://www.npws.ie/protected-sites/spa/004096</a>	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.)
<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 abstraction</li> <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>	No potential impacts
<b>In-combination/Other</b>	No potential impacts

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

<b>Examples of the type of changes to give consideration to include:</b> <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	
Signature and Date of Recommending Officer:			<b>Date:</b> 11/02/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:		S5.25.06	
Development Summary:		Domestic extension	
Was a Screening Determination carried out under Section 176A-C?		<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>	
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (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</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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		<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> 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 <b>but</b> is <i>sub-threshold</i> : _____		Proceed to <b>Part C</b>	
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
Signature and Date of Recommending Officer:			Date: 11/02/2025





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)

Date: 14<sup>th</sup> February, 2025

Our Ref: S5/25/06

Civic Offices, Nenagh

**Paul & Meryl Deegan**  
**C/O Adrian O'Donoghue Design**  
**The Long Acre**  
**Clonanny**  
**Portarlington**  
**Co. Laois**

**Re: Application for a Section 5 Declaration – Construction of a 40sqm rear extension to existing cottage at Derry, Rathcabbin, Co. Tipperary**

Dear Mr & Mrs Deegan

I refer to an application received from you on 20<sup>th</sup> 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

- The dwelling width on the drawings under PI Ref 21/1257 is shown as 12 metres. The dwelling width on the drawings provided with the declaration show a dwelling width of 10 metres.
- The dwelling on the drawings provided with the declaration application contains no chimneys. The elevation drawings under PI Ref 21/1257 show 2 chimneys
- The fenestration on the dwelling does not match between drawing sets.

Noting the above clarification is required on whether works have been undertaken to the existing dwelling or whether works are proposed.

2. The site plan under PI Ref 21/1257 shows a garage and shed to be demolished with same located within the curtilage of the dwelling house. The area of these structures is identified as 100 sq m (under 21/1257).

The site location plan submitted with the current application shows these structures in place but they do not appear on the site layout plan. Clarification is required on whether same have been demolished or whether it is proposed to demolish same.

Class 50(a) Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) allows for the demolition of building(s) within the curtilage of a house of up to 40 sq m. Where the cumulative area of the buildings exceed 40 sq m planning permission is required for their demolition.

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

Yours sincerely

*Geraldine Quinn*

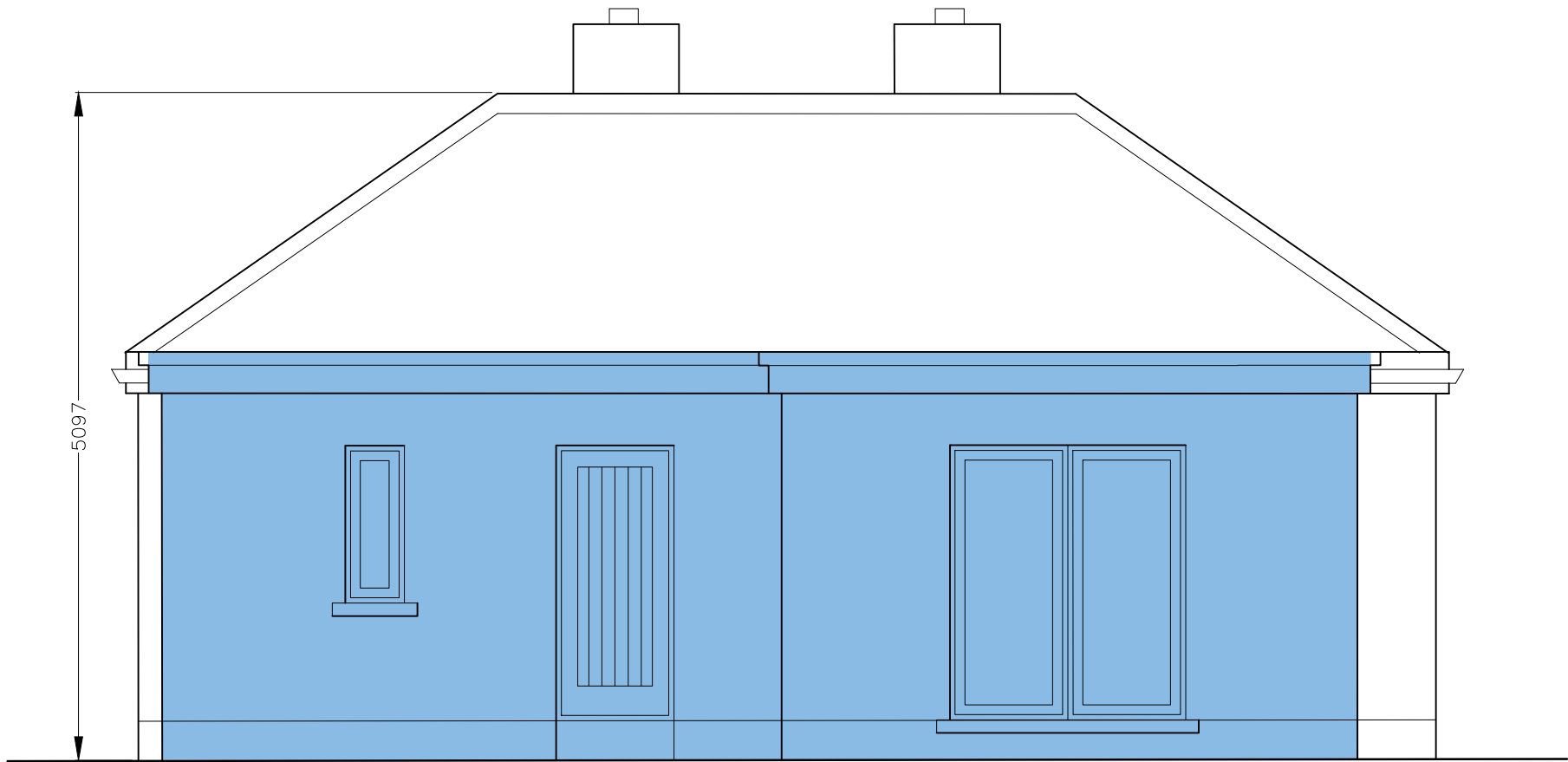
---

for **Director of Services**

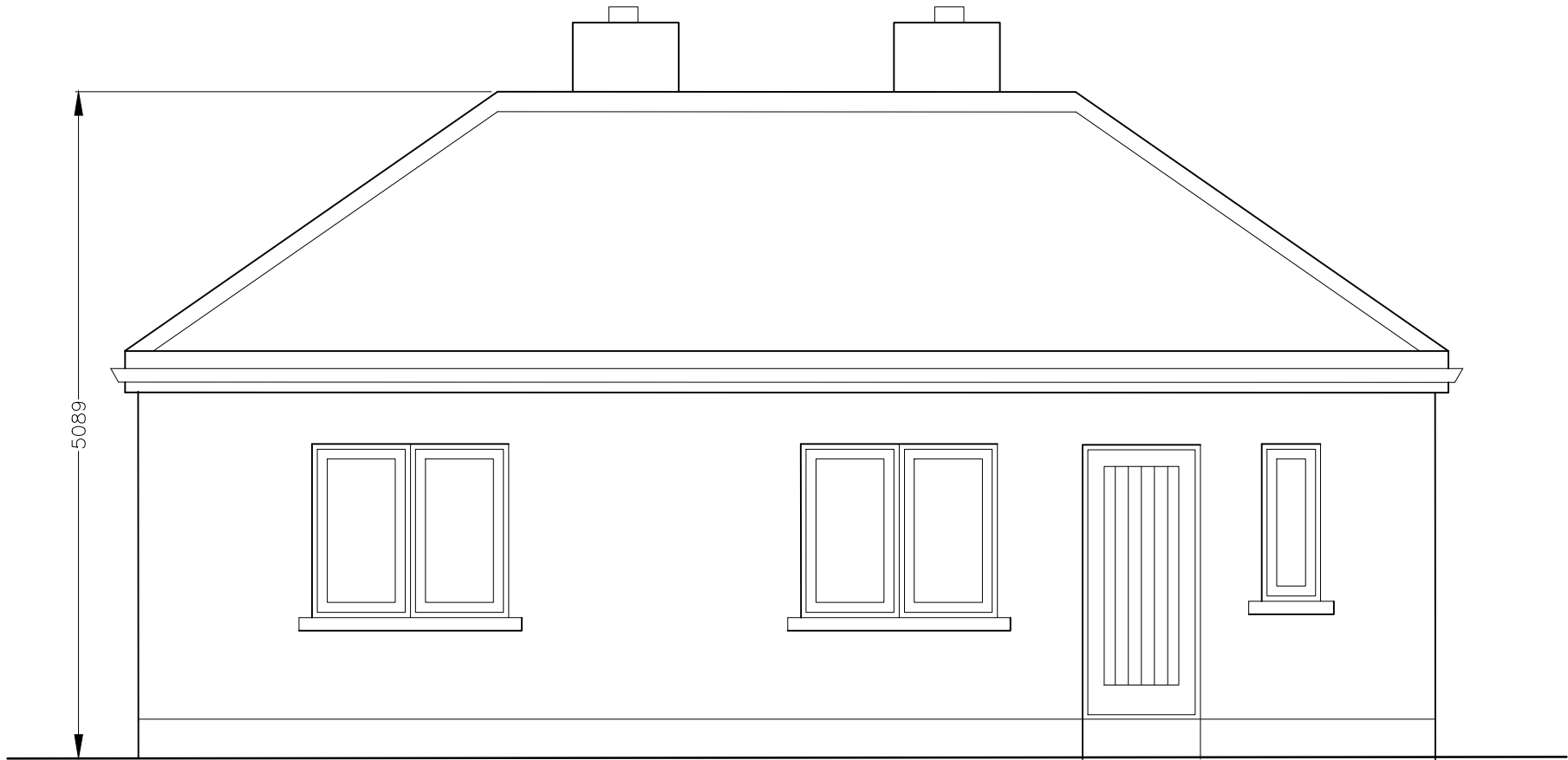
**NOTE: ALL ELEMENTS OF CONSTRUCTION TO STRICTLY COMPLY WITH CURRENT BUILDING REGULATIONS**

**NOTE: ALL ELEMENTS OF CONSTRUCTION TO STRICTLY COMPLY WITH CURRENT BUILDING REGULATIONS**

DENOTES PROPOSED  
EXEMPT EXTENSION



## REAR ELEVATION AS PROPOSED



# FRONT ELEVATION AS PROPOSED

**Project: PLANNING PERMISSION APPLICATION**

# APRIL 2024

**USE FIGURED DIMENSIONS ONLY. DO NOT  
SCALE. THE BUILDER IS RESPONSIBLE  
FOR CHECKING ALL LEVELS AND  
DIMENSIONS AND SHALL REFER ANY  
DISCREPANCIES TO ADRIAN DONOGHUE  
DESIGN STUDIO**

**THIS DRAWING IS COPYRIGHT.  
COPYRIGHT AND OWNERSHIP OF THIS  
DRAWING IS VESTED  
IN ADRIAN DONOGHUE DESIGN STUDIO  
WHOSE PRIOR WRITTEN CONSENT IS  
REQUIRED FOR ITS  
REPRODUCTION OR PUBLICATION TO ANY  
THIRD PARTY**

**NOTE: ALL ELEMENTS OF CONSTRUCTION TO COMPLY WITH BUILDING REGULATIONS TGD's**

**PART A - STRUCTURE**  
**PART B - FIRE SAFETY**  
**PART C - SITE PREPARATION & RESISTANCE TO MOISTURE**  
**PART D - MATERIALS & WORKMANSHIP**  
**PART E - SOUND**  
**PART F - VENTILATION**  
**PART G - HYGIENE**  
**PART H - DRAINAGE & WASTEWATER DISPOSAL**  
**PART J - HEAT PRODUCING APPLIANCES**  
**PART K - STAIRWAYS, LADDERS, RAMPS & GUARDS**  
**PART L - CONSERVATION OF FUEL ENERGY**  
**PART M - ACCESS FOR PEOPLE WITH DISABILITIES**

**NOTES:-**

**NOT FOR CONSTRUCTION**



**ADRIAN DONOGHUE**  
DESIGN STUDIO

**THE LONG ACRE, CLONANNY,  
PORTARLINGTON, Co. LAOIS.**  
**PH : (086) 0578878**  
**: [adriandonoghuedesign@gmail.com](mailto:adriandonoghuedesign@gmail.com)**

## PLANNING APPLICATION DRAWING

**CLIENT** **PAUL AND MERYL**

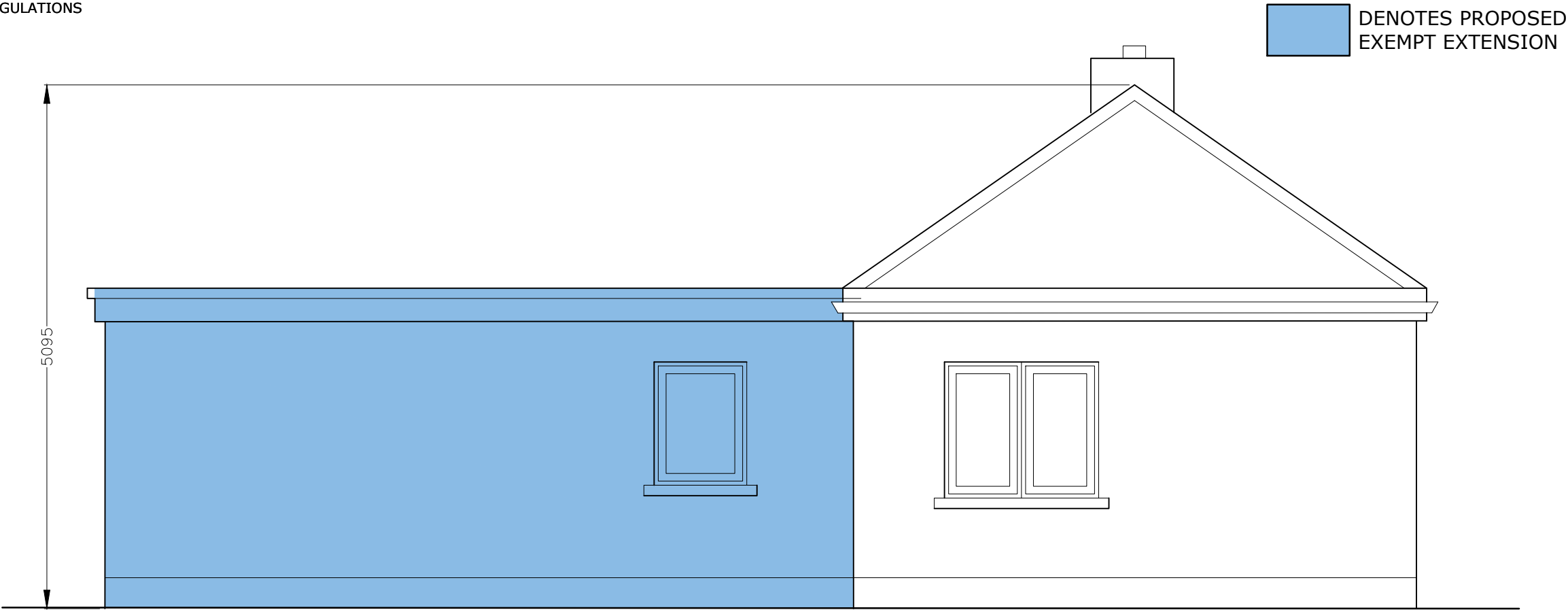
PROJECT	PROPOSED WORKS @ DERY, Co. TIBBERARY
---------	--------------------------------------

TITLE	ELEVATIONS AS PROPOSED
-------	------------------------

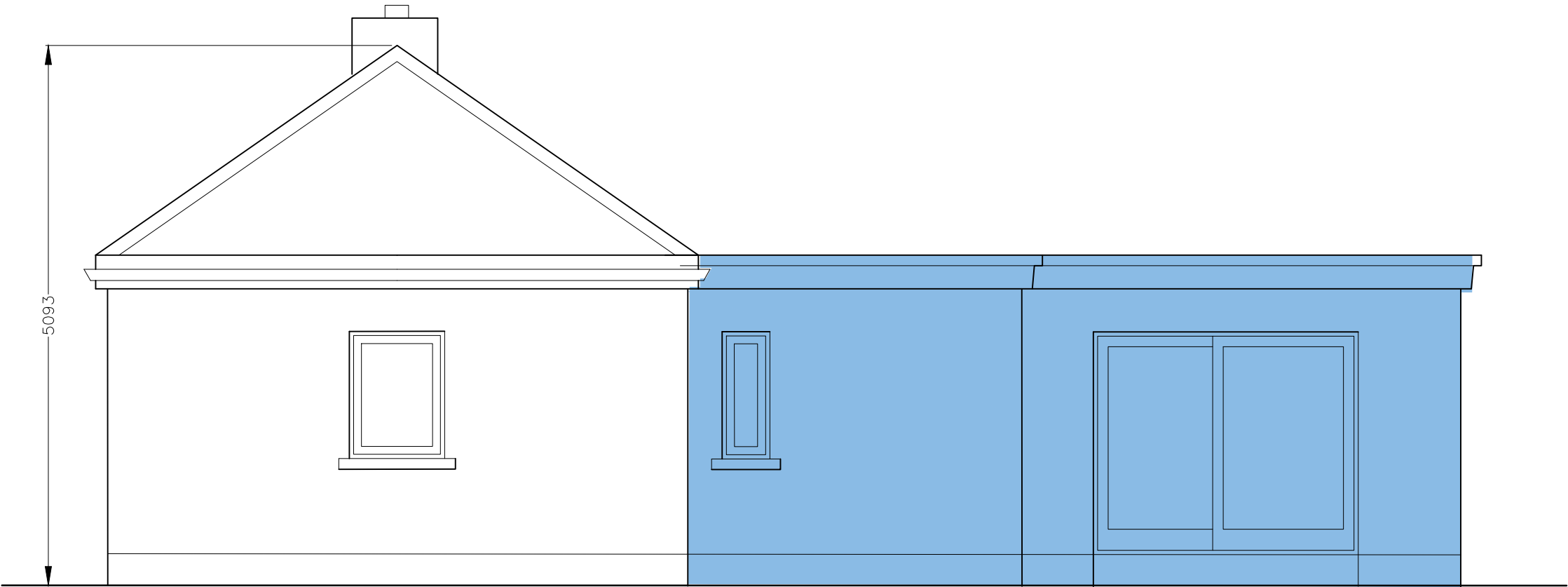
**SCALE** 1:50 (A3)

DWG No.

FOR PLANNING PURPOSES ONLY  
NOTE: ALL ELEMENTS OF CONSTRUCTION TO STRICTLY  
COMPLY WITH CURRENT BUILDING REGULATIONS



SIDE ELEVATION AS PROPOSED



SIDE ELEVATION AS PROPOSED

PAUL & MERYL

Project: PLANNING PERMISSION APPLICATION

APRIL 2024

USE FIGURED DIMENSIONS ONLY. DO NOT  
SCALE. THE BUILDER IS RESPONSIBLE  
FOR CHECKING ALL LEVELS AND  
DIMENSIONS AND SHALL REFER ANY  
DISCREPANCIES TO ADRIAN DONOGHUE  
DESIGN STUDIO

THIS DRAWING IS COPYRIGHT.  
COPYRIGHT AND OWNERSHIP OF THIS  
DRAWING IS VESTED  
IN ADRIAN DONOGHUE DESIGN STUDIO  
WHOSE PRIOR WRITTEN CONSENT IS  
REQUIRED FOR ITS  
REPRODUCTION OR PUBLICATION TO ANY  
THIRD PARTY

NOTE: ALL ELEMENTS OF CONSTRUCTION TO  
COMPLY WITH BUILDING REGULATIONS TGD's

PART A - STRUCTURE  
PART B - FIRE SAFETY  
PART C - SITE PREPARATION &  
RESISTANCE TO MOISTURE  
PART D - MATERIALS & WORKMANSHIP  
PART E - SOUND  
PART F - VENTILATION  
PART G - HYGIENE  
PART H - DRAINAGE & WASTEWATER  
DISPOSAL  
PART J - HEAT PRODUCING  
APPLIANCES  
PART K - STAIRWAYS, LADDERS,  
RAMPS & GUARDS  
PART L - CONSERVATION OF FUEL  
ENERGY  
PART M - ACCESS FOR PEOPLE WITH  
DISABILITIES

NOTES:

NOT FOR CONSTRUCTION



ADRIAN DONOGHUE  
DESIGN STUDIO  
THE LONG ACRE, CLONANNY,  
PORTARLINGTON, Co. LAOIS.  
PH : (086) 0578878  
EMAIL : adriandonoghuedesign@gmail.com

PLANNING APPLICATION DRAWING  
CLIENT PAUL AND MERYL

PROJECT PROPOSED WORKS @ DERYV,  
Co. TIPPERARY.

TITLE ELEVATIONS AS PROPOSED

SCALE 1:50 (A3)

DWG No.



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 5000/600  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 18<sup>th</sup> March, 2023

Our Ref: S5/25/06

Civic Offices, Nenagh

**Paul and Maryl Deegan,  
c/o Adrian Donoghue Design,  
The Long Acre,  
Clonanny,  
Portarlington, Co. Laois.**

**Re: Application for a Section 5 Declaration re: construction of a 40  
sqm rear extension to existing cottage at Derry, Rathcabbin, Co.  
Tipperary.**

Dear Mr. and Mrs. Deegan,

I acknowledge receipt of Further Information received on 14<sup>th</sup> March, 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**

*uploaded*

**TIPPERARY COUNTY COUNCIL**  
**Application for Declaration under Section 5**

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

---

**Planning Ref.:** S5/25/06

**Applicant:** Paul Deegan & Meryl Deegan

**Development Address:** Derry, Rathcabbin, Co. Tipperary

**Proposed Development:** Construction of a 40sqm rear extension to existing cottage

---

**1. GENERAL**

On the 20<sup>th</sup> January 2025 a request was made for a declaration under Section 5 of the Planning and Development Act 2000 (as amended) as to whether the following is "development" and "exempt development":

- Construction of a 40sqm rear extension to existing cottage at Derry, Rathcabbin.

**2. STATUTORY PROVISION**

The following statutory provisions are relevant to this referral case;

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

*"In this Act, except where the context otherwise requires, "development" means—*

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).]*

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

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

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

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

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

*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**

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



Schedule 2, Part 1	
<i>Exempted Development – General</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b></p> <p>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.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(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</p>

	<p>been obtained, shall not exceed 20 square metres.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p> <p>5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
--	--

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

### **3. ASSESSMENT**

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

The subject site is located at Derry, Rathcabbin, Co. Tipperary and is situated in an area designated as Open Countryside as per Tipperary County Development Plan 2022.

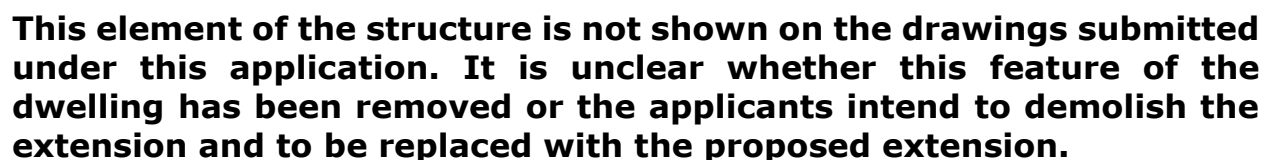
#### ***b. Relevant Planning History***

##### **On Site**

<b>211257</b>	To demolish existing derelict dwelling and sheds and to construct a dwelling house, domestic garage to include reconnection to the existing public foul sewer and existing water mains services and all associated site works	Deemed Withdrawn
<b>211094</b>	To demolish existing derelict dwelling and sheds and to construct a dwelling house, domestic garage to include reconnection to the existing public foul sewer and existing water mains services and all associated site works	Incomplete Application

##### **Adjacent**

<b>211258</b>	To construct a dwelling house, domestic garage to include connection to the existing public foul sewer and existing water mains services and all associated works	Deemed Withdrawn
<b>2360288</b>	1 no. single storey 3 bed house (148 sqm), new domestic garage (45 sqm), new site entrance, new connections to public water and public sewer and all ancillary site works	Permission Granted to Conor O' Meara and Niamh Houlihan
<b>2260323</b>	A single storey, 3 bedroom structure, domestic outbuilding, connection to public water supply, connection to existing public sewer and all ancillary site works including a proposed site entrance.	Incomplete Application
<b>2260511</b>	A 1 no. single storey 3 bed house, new site entrance, new connection to public watermain, new connection to public sewer and all ancillary site works	Withdrawn
<b>07511229</b>	2 no. two storey dwellings, new shared access, connection to existing public sewer, connection to public water supply and all associated site works	Withdrawn



**It is noted the landowners can avail of the exemption set out under Class 50 (b), Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) which provides an exemption for:**

***b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.***

**Therefore, the proposed 40sqm ground floor level rear extension complies with the limitations set out in 1 above.**

**There are some issues with the existing dwelling plans provided when compared against the existing dwelling plans submitted under PI Ref 21/1257:**

- The dwelling width on the drawings under PI Ref 21/1257 is shown as 12 metres. The dwelling width on the drawings provided with the declaration show a dwelling width of 10 metres.**
- The dwelling on the drawings provided with the declaration application contains no chimneys. The elevation drawings under PI Ref 21/1257 show 2 chimneys**
- The fenestration on the dwelling does not match between drawing sets.**

**Noting the above it should be clarified whether works have been undertaken to the existing dwelling or whether works are proposed.**

**The site plan under PI Ref 21/1257 shows a garage and shed to be demolished with same located within the curtilage of the dwelling house. The area of these structures is identified as 100 sq m (under 21/1257). The site location plan submitted with the current application show these structures in place but they do not appear on the site layout plan. Clarification is required on whether same have been demolished or whether it is proposed to demolish same. Class 50(a) Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) allows for the demolition of building(s) within the curtilage of a house of up to 40 sq m.**

*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.*

**The proposed extension will project from the original rear elevation of the dwelling and therefore complies with the limitations set out in 2 above.**

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

**The proposed extension is at ground floor level.**

*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.*

**The rear wall of the dwelling does not include a gable and the extension includes a flat roof. The height of the highest part of the flat roof does not exceed the height of the existing dwelling. The requirements of condition 4 c) is satisfied.**





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

**The proposal does not include for the use of the roof as a balcony. The proposed extension is not accessible by any door and is not conducive for use as a balcony.**

C) Restrictions under Article 9

It is noted that no exemptions under Article 9 of the Planning and Development Regulations 2001 (as amended) that would apply.

**5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) & APPROPRIATE ASSESSMENT (AA):**

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 for an extension to a dwelling 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.

**6. RECOMMENDATION**

It is recommended to request the following further information under Section 5(2) of the Planning and Development Regulations 2001, as amended

1. The Planning Authority note as follows regarding the proposed development:


- The dwelling width on the drawings under PI Ref 21/1257 is shown as 12 metres. The dwelling width on the drawings provided with the declaration show a dwelling width of 10 metres.
- The dwelling on the drawings provided with the declaration application contains no chimneys. The elevation drawings under PI Ref 21/1257 show 2 chimneys
- The fenestration on the dwelling does not match between drawing sets.

Noting the above clarification is required on whether works have been undertaken to the existing dwelling or whether works are proposed.

2. The site plan under PI Ref 21/1257 shows a garage and shed to be demolished with same located within the curtilage of the dwelling house. The area of these structures is identified as 100 sq m (under 21/1257).

The site location plan submitted with the current application show these structures in place but they do not appear on the site layout plan. Clarification is required on whether same have been demolished or whether it is proposed to demolish same.

Class 50(a) Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) allows for the demolition of building(s) within the curtilage of a house of up to 40 sq m. Where the cumulative area of the buildings exceed 40 sq m planning permission is required for their demolition.

Executive Planner: 

Date: 11<sup>th</sup> February 2025

A/Senior Executive Planner: 

Date: 13/2/2025

## **7. FURTHER INFORMATION RESPONSE & ASSESSMENT**

Further information was requested on the 14<sup>th</sup> February 2025 and a response was received on the 14<sup>th</sup> March 2025 as set out below:

- 1. The dwelling width on the drawings under PI Ref 21/1257 is shown as 12 metres. The dwelling width on the drawings provided with the declaration show a dwelling width of 10 metres.*

*The dwelling on the drawings provided with the declaration application contains no chimneys. The elevation drawings under PI Ref 21/1257 show 2 chimneys*

*The fenestration on the dwelling does not match between drawing sets.*

*Noting the above clarification is required on whether works have been undertaken to the existing dwelling or whether works are proposed.*

**The FI reply received includes revised drawings which include 2 chimneys and a response from the agent acting on behalf of the applicants which states the following:**

- There are no sheds on site**
- The building as surveyed and drawn is 10 metres long.**

**A site inspection was carried out on site on the 26<sup>th</sup> March 2025. When on site I noted the drawings submitted do not reflect the as built structure. An extension to the rear is under construction, it was also noted the as built height of the rear extension extends above the eaves of the existing dwelling.**

**Image 1: Dwelling on site at time of inspection**



**Given the drawings submitted do not reflect the as built structure on site the response to item 1 is not considered satisfactory.**

**The assessment of this proposal must therefore be based on the facts taken from the site inspection. The rear extension under construction is less than 40 sq m in floor area and is located to the rear of the dwelling. The rear extension does not satisfy condition/limitation 4 a) of Class 1.**

- 2. The site plan under PI Ref 21/1257 shows a garage and shed to be demolished with same located within the curtilage of the dwelling house. The area of these structures is identified as 100 sq m (under 21/1257).*

*The site location plan submitted with the current application shows these structures in place but they do not appear on the site layout plan. Clarification is required on whether same have been demolished or whether it is proposed to demolish same.*

**The FI reply includes confirmation from the agent the site was surveyed and drawings reflect what is on site however following a site inspection this is not the case. At the time of inspection an extension to the rear was under construction. The as constructed element extends above the eaves of the existing dwelling and**

**therefore fails to satisfy condition / limitation 4(c) of Class 1 of the Planning and Development Regulations 2001 (as amended).**

**Response to item 2 is not considered satisfactory.**

## **8. RESTRICTIONS UNDER ARTICLE 9**

Having assessed the information provided in the response to the request for further information it is noted that the original dwelling is undergoing refurbishment works. The nature and extent of said works are unclear as no pre-existing drawings have been provided and the drawings submitted cannot be relied on for accuracy. In addition sheds may have been removed to facilitate the extension which may have required planning permission.

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

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

This limitation is not relevant to the subject proposal as it fails to satisfy exemptions.

## **9. 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.

## **10. RECOMMENDATION**


In considering this declaration the Planning Authority had regard to:

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Part 1 Class 1 and Class 50 of Schedule 2 Planning and Development Regulations 2001 (as amended).
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- The information obtained from a site inspection.

Tipperary County Council has concluded that the construction of a 40sqm rear extension to existing cottage as proposals is *development* and is **NOT EXEMPTED DEVELOPMENT.**

The proposal fails to satisfy condition / limitation 4 a) and c) of Class 1, schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Note: The foregoing assessment is based on the information obtained from a site inspection. The drawings submitted with the Declaration application did not accurately reflect the development under construction.

Executive Planner: 

Date: 26/3/2025

A/Senior Executive Planner: 

Date: 26/3/2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/25/06
<b>(b) Brief description of the project or plan:</b>	Extension to rear of dwelling
<b>(c) Brief description of site characteristics:</b>	Existing residential site in the Open countryside
<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.

<b>European Site (code)</b>	<b>List of Qualifying Interest/Special Conservation Interest<sup>1</sup></b>	<b>Distance from proposed development<sup>2</sup> (km)</b>	<b>Connections (Source-Pathway-Receptor)</b>	<b>Considered further in screening Y/N</b>
000919 Ridge Road, SW of Rapemills SAC	<a href="https://www.npws.ie/protected-sites/sac/000919">https://www.npws.ie/protected-sites/sac/000919</a>	Within 15km	None	No
004086 River Little Brosna Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004086">https://www.npws.ie/protected-sites/spa/004086</a>	Within 15km	None	No
004137 Dovegrove Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004137">https://www.npws.ie/protected-sites/spa/004137</a>	Within 15km	None	No
004103 All Saints Bog SPA	<a href="https://www.npws.ie/protected-sites/search/by-code?code=004103">https://www.npws.ie/protected-sites/search/by-code?code=004103</a>	Within 15km	None	No
000566 All Saints Bog and Esker SAC	<a href="https://www.npws.ie/protected-sites/sac/000566">https://www.npws.ie/protected-sites/sac/000566</a>	Within 15km	None	No
004086 River Little Brosna Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004086">https://www.npws.ie/protected-sites/spa/004086</a>	Within 15km	None	No
002353	<a href="https://www.npws.ie/protected-sites/sac/002353">https://www.npws.ie/protected-sites/sac/002353</a>	Within 15km	None	No



Redwood Bog SAC				
000216 River Shannon Callows SAC	<a href="https://www.npws.ie/protected-sites/sac/000216">https://www.npws.ie/protected-sites/sac/000216</a>	Within 15km	None	No
004096 Middle Shannon Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004096">https://www.npws.ie/protected-sites/spa/004096</a>	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"> <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
<p>Operational phase e.g.</p> <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 abstraction</li> <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>	No potential impacts
In-combination/Other	No potential impacts

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <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

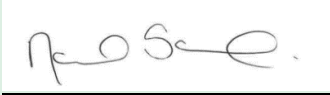
#### STEP 4. Screening Determination Statement

##### 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
Signature and Date of Recommending Officer:		<div>Date: 26.03.2025</div>

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:		S5.25.06	
Development Summary:		Domestic extension	
Was a Screening Determination carried out under Section 176A-C?		<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>	
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (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</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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		<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> 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 <b>but</b> is <i>sub-threshold</i> : _____		Proceed to <b>Part C</b>	
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
Signature and Date of Recommending Officer:			Date: 26.03.2025



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 5000/6000  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 27<sup>th</sup> March, 2025

Our Ref: S5/25/06

Civic Offices, Nenagh

Paul & Meryl Deegan  
C/O Adrian Donoghue Design  
The Long Acre  
Clonanny  
Portarlinton  
Co. Laois

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

Dear Mr & Mrs Deegan,

I refer to your application for a Section 5 Declaration received on 20<sup>th</sup> January, 2025, and Further Information received on 14<sup>th</sup> March, 2025, in relation to the following proposed works:

**Construction of a 40sqm rear extension to existing cottage at Derry, Rathcabbin, 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 –

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Part 1 Class 1 and Class 50 of Schedule 2 Planning and Development Regulations 2001 (as amended).
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- The information obtained from a site inspection.

Tipperary County Council has concluded that the construction of a 40sqm rear extension to existing cottage as proposals is *development* and is **NOT EXEMPTED DEVELOPMENT.**

The proposal fails to satisfy condition / limitation 4 a) and c) of Class 1, schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Note: The foregoing assessment is based on the information obtained from a site inspection. The drawings submitted with the Declaration application did not accurately reflect the development under construction.

**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

  
for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/06**      **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 & Meryl Deegan, C/O Adrian Donoghue Design, The Long Acre, Clonanny, Portarlinton, Co. Laois, re: Construction of a 40sqm rear extension to existing cottage at Derry, Rathcabbin, Co. Tipperary is development and is exempted development.

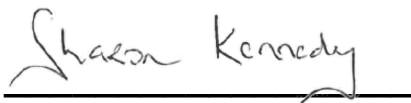
**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Part 1 Class 1 and Class 50 of Schedule 2 Planning and Development Regulations 2001 (as amended).
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- The information obtained from a site inspection.

Tipperary County Council has concluded that the construction of a 40sqm rear extension to existing cottage as proposals is *development* and is **NOT EXEMPTED DEVELOPMENT.**

The proposal fails to satisfy condition / limitation 4 a) and c) of Class 1, schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

**Signed:**



**Sharon Kennedy**

**Director of Services**

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

**Date: 27/03/2025**