



**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	Michael + Margaret Devaney
Address	Ballyartella, Ballycommon NENAGH, Co Tipperary E45 DX 46
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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

Agent	John Joe Lewis Architectural Services
Address	No. 4 Silver View, NENAGH Co Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ ]      Agent [ <input checked="" type="checkbox"/> ]	

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	<del>Ballyartella</del> Ballyartella, Ballycommon NENAGH, Co Tipperary E45 DX 46
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#### 4. Development Details:

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

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

Proposed extension to Rear of
existing house to facilitate
the construction of disabled access
bedroom + wetroom.
Proposed floor area of proposed works/uses: 35 sqm

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

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

Signature of Applicant(s) James Hogan  
(Agent)

Date: 25<sup>TH</sup> February 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
  - 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:**

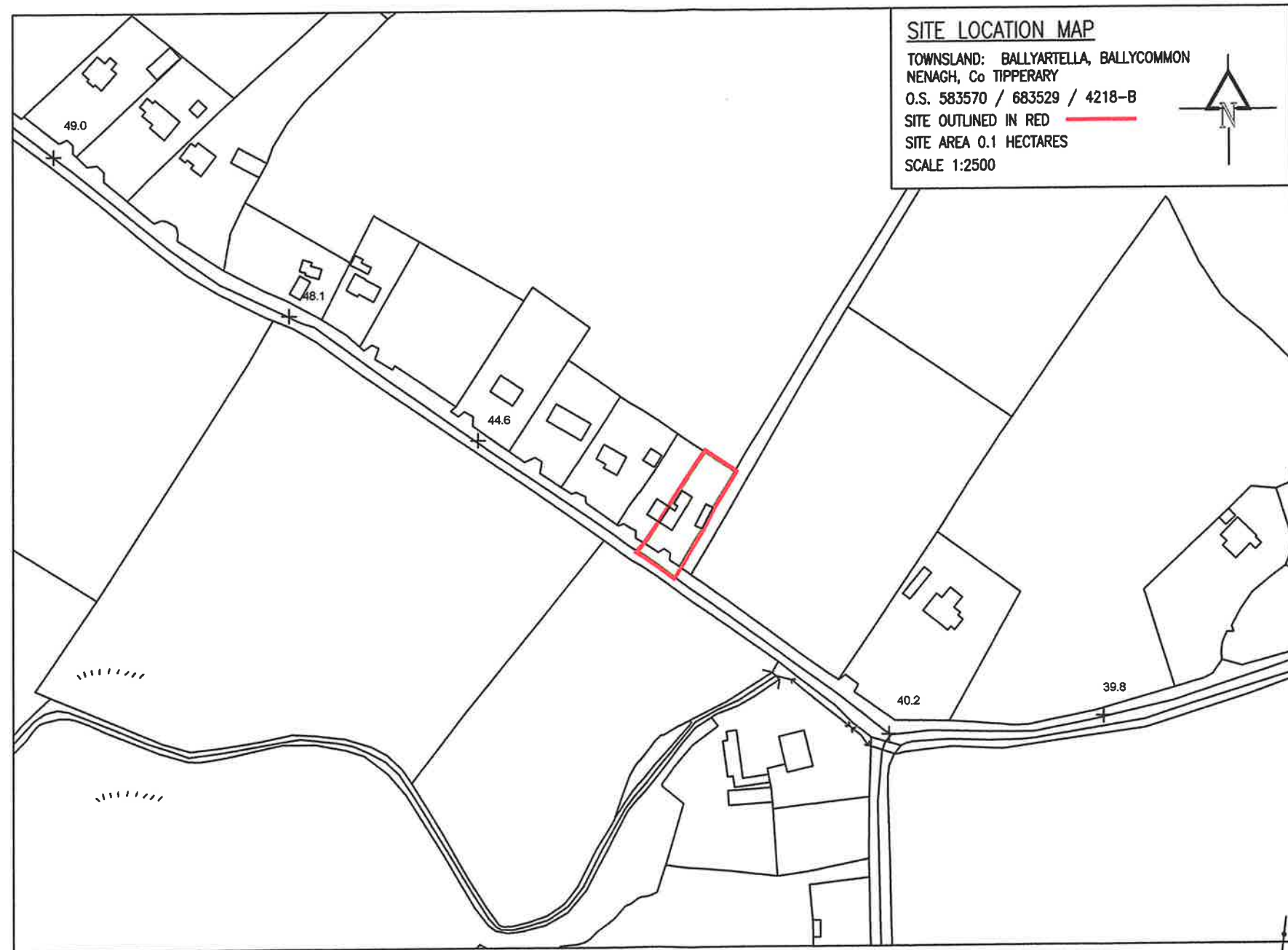
<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>  <b>Telephone 0818 06 5000</b>  <b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie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

### FOR OFFICE USE ONLY

#### DATE STAMP

**Fee Recd. €** 80.00  
**Receipt No** NENAM 1/0/126945  
**Date** 6/3/2025  
**Received by** Maura Lillis

TIPPERARY CO. COUNCIL  
RECEIVED  
- 6 MAR 2025  
PLANNING SECTION  
FILE NO. S5/25/20



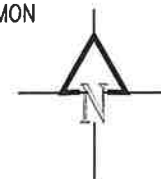
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John Joe Lewis Architectural Services Ltd.  
4 SILVER VIEW, NENAGH, CO. TIPPERARY  
INFO@JOHNJOELEWIS.COM  
(087) 2415300 (087) 1316989  
CLIENT: MARGARET DEVANEY  
ADDRESS: BALLYARTELLA, BALLYCOMMON  
DATE: FEBRUARY 2025

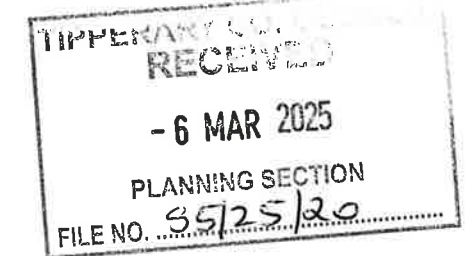


# SITE LAYOUT PLAN

TOWNSLAND: BALLYARTELLA, BALLYCOMMON  
NENAGH, Co TIPPERARY  
O.S. 583570 / 683529 / 4218-B  
SITE OUTLINED IN RED  
SITE AREA 0.1 HECTARES  
SCALE 1:500



44.6



LOCATION OF  
EXISTING  
CONNECTION TO  
PUBLIC WATER MAIN

LOCATION OF  
EXISTING ENTRANCE

LOCATION OF EXISTING  
DWELLING SEPTIC TANK

LOCATION OF EXISTING  
STORAGE SHEDS  
FFL = 99,780

LOCATION OF EXISTING  
DWELLING AND  
PROPOSED EXTENSION  
FFL = 100.390



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**SHOWER AREA**  
1.1M X 1.1M LEVEL ACCESS SLIP RESISTANT SURFACE (R11) SHOWER WITH FIXED HALF SCREEN DOOR (FOLDABLE) WITH PERMANENT FIXINGS (DOOR OPENING OUTWARDS).

SHOWER UNIT TO BE POSITIONED 1.2M ABOVE FLOOR LEVEL WITH 2.0M FLEXI HOSE WITH SHOWER HEAD FIXING ADJUSTABLE (1.2M - 2.2M ABOVE FLOOR LEVEL). SHOWER MUST BE THERMOSTATICALLY CONTROLLED WITH MAX WATER TEMP OF 43 DEGREES (C). GRAB RAILS REQUIRED ON 2 WALLS 0.7M ABOVE FLOOR LEVEL (AS INDICATED)

**TOILET**  
17 INCH (430 - 440MM) HEIGHT TOILET TO BE FITTED. FIXED RAIL ON SIDE WALL & DROP DOWN RAIL ON OTHER SIDE

**WASH HAND BASIN**  
NEW WASH HAND BASIN TO MATCH EXISTING SANITARY WARE

#### FLOORING / TILING

LAMINATE FLOORING ON UNDERLAY TO BEDROOM & HALLWAY.

NON-SLIP TILES TO FLOOR OF WETROOM  
SHOWER AREA TO BE TILED FLOOR TO CEILING  
REMAINING WALLS TO BE TILED 1.2M UP FROM FLOOR

WASTEWATER FROM PROPOSED WETROOM BATHROOM TO CONNECT TO EXISTING SEWER LINE AND ON TO EXISTING SEPTIC TANK.

SURFACE WATER FROM PROPOSED ROOF TO NEW SOAKPIT ON SITE.

**RAMP & STEPS**  
1.2M WIDE RAMP AT SLOPE 1:16 - 1:20.  
LEVEL ACCESS (MINIMUM 1.2M SQUARE) TO BE PROVIDED AT ACCESS DOOR.  
STEPS TO BE PROVIDED TO FOOTPATH LEVEL.  
HANDRAIL TO PROPOSED DISABLED RAMP TO COMPLY WITH PART M BUILDING REGULATIONS.

1.2M FOOT PATH TO WRAP AROUND PROPOSED EXTENSION.  
AREA OUTSIDE KITCHEN WINDOW TO BE FINISHED IN CONCRETE.

#### FOUNDATIONS

THE FOUNDATIONS MUST HAVE AT LEAST A MINIMUM WIDTH EQUAL TO THREE TIMES THE THICKNESS OF THE WALL IT IS SUPPORTING  
THE MINIMUM DEPTH OF FOUNDATION EXCAVATION BELOW FINISHED GROUND LEVEL TO BE 900mm  
THE MINIMUM THICKNESS OF CONCRETE TO BE 300mm.

4no 12MM STEEL REINFORCING BARS 50MM FROM TOP AND BOTTOM OF FOUNDATION.  
STEEL WORK TO BE INSPECTED BY SUPERVISING ARCHITECT BEFORE POURING  
ENSURE THAT ALL BLOCKWORK WALLS ARE BUILT FROM A FOUNDATION  
THE SPECIFICATIONS FOR THE ABOVE ARE BASED ON NORMAL GROUND CONDITIONS.  
NEW FOUNDATION PAD TO LINK TO FOUNDATION OF EXISTING DWELLING WITH 12MM STEEL BARS BORED INTO EXISTING FOUNDATION

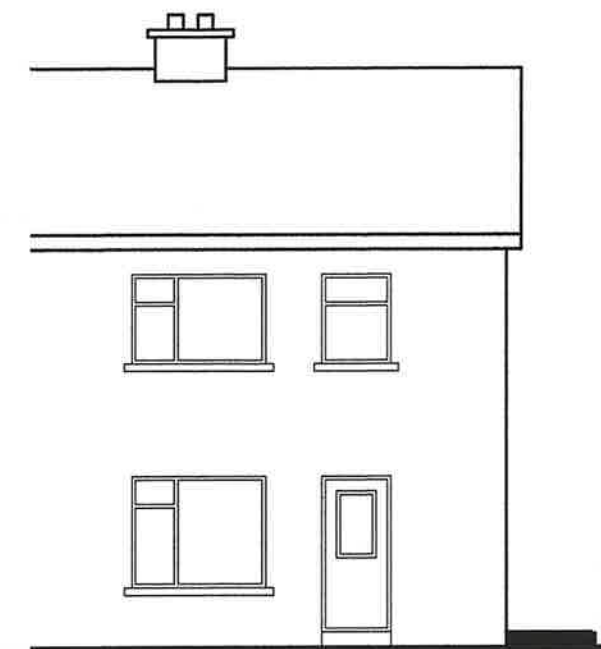
#### RADON PROTECTION

PROVIDE AND INSTALL A RADON RESISTANT MEMBRANE IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS INCLUDING 150MM LAPS AND SEALED.  
PROVIDE AND INSTALL 2no RADON SUMPS IN HARDWARE LAYER PIPED TO THE EXTERNAL IN 100MM DIA DRAINAGE PIPE TAKEN ABOVE GROUND LEVEL AT PATH LEVEL AND CAPPED IN THE 3 "A" ROOFED SECTIONS OF THE DWELLING  
ALL ROOM AREAS TO BE LINKED IN HARDWARE UNDER FLOOR SLAB TO ALLOW FOR FREE MOVEMENT OF RADON GAS

#### NEW GROUND FLOOR SLAB

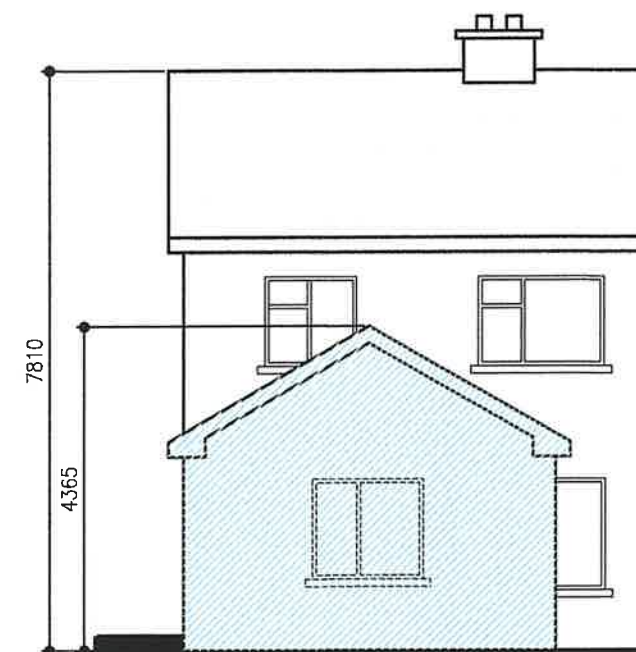
FLOOR TO BE CONSTRUCTED OF GOOD QUALITY HARDWARE EG. CLEAN, WELL GRADED BROKEN STONE, 100MM MAX SIZE.  
COMPACT HARDWARE IN LAYERS NOT EXCEEDING 225MM IN DEPTH.  
THE COMPACTED HARDWARE SHOULD BE BLINDED WITH A 50MM COVERING OF SAND.  
A DAMP PROOF MEMBEANE OF AT LEAST 1200 GAUGE MATERIAL SHOULD BE LAID WITH JOINTS LAPPED AND SEALED  
125MM RIGID INSULATION TO GIVE AN OVERALL UVALUE OF .17 (WM2K) TO BE PLACED ON TOP OF DAMP PROOF MEMBRANE WITH 25MM HIGH DENSITY INSULATION TO BE PLACED ALONG EDGE OF FLOOR SLAB & ALONG EDGE OF INTERNAL WALLS FOLLOWED BY 150MM POWER FLOATED CONCRETE FLOOR SLAB.

FINISHED FLOOR LEVEL OF BOTH EXTENSIONS TO MATCH LEVEL OF EXISTING DWELLING.



Front Elevation  
Scale 1:100

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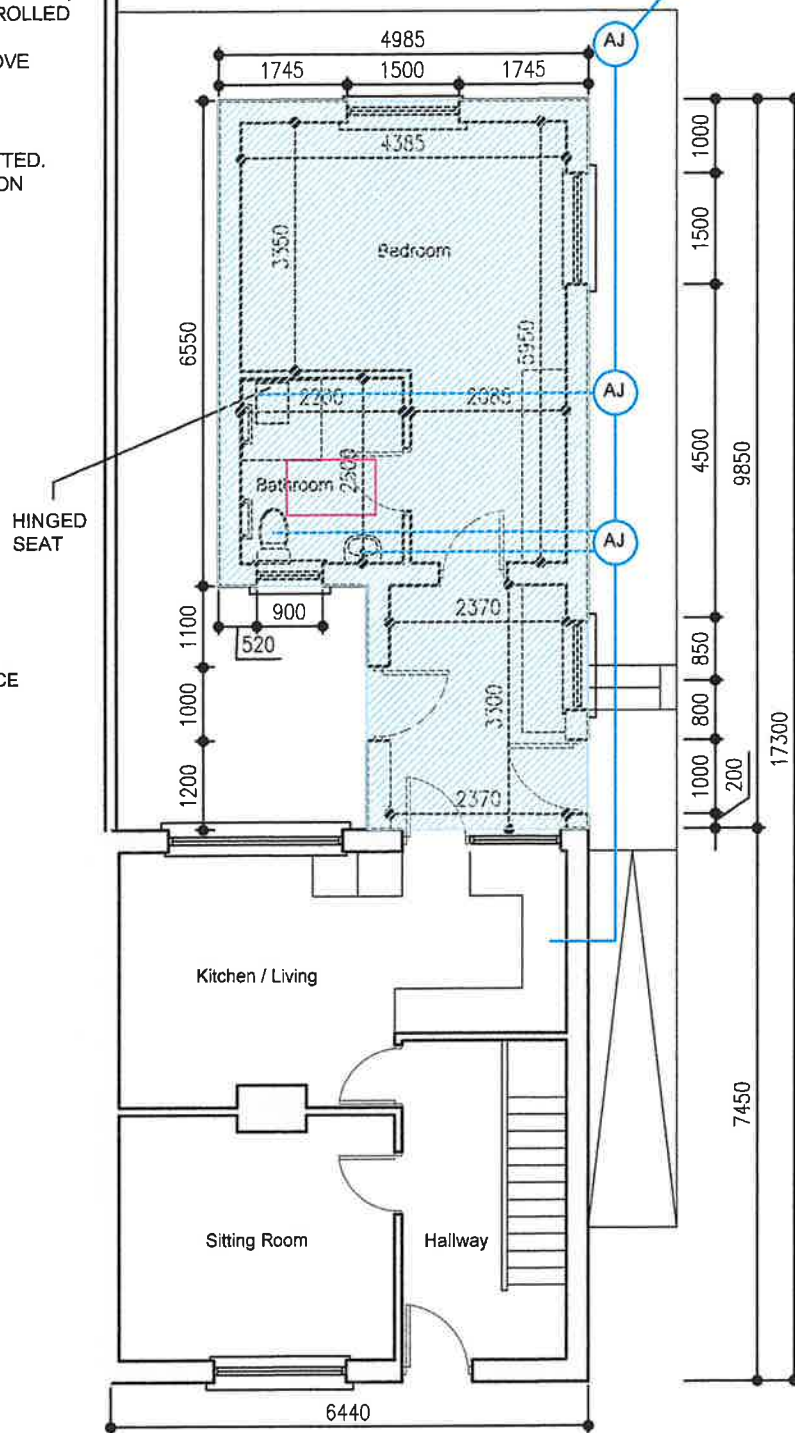
Rear Elevation  
Scale 1:100

PROPOSED WORKS  
SHADED IN BLUE

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CLIENT: MARGARET DEVANEY  
ADDRESS: BALLYARTELLA, BALLYCOMMON  
DATE: FEBRUARY 2025



Ground Floor Plans  
Scale 1:100

Existing Floor Area = 82 sq.m

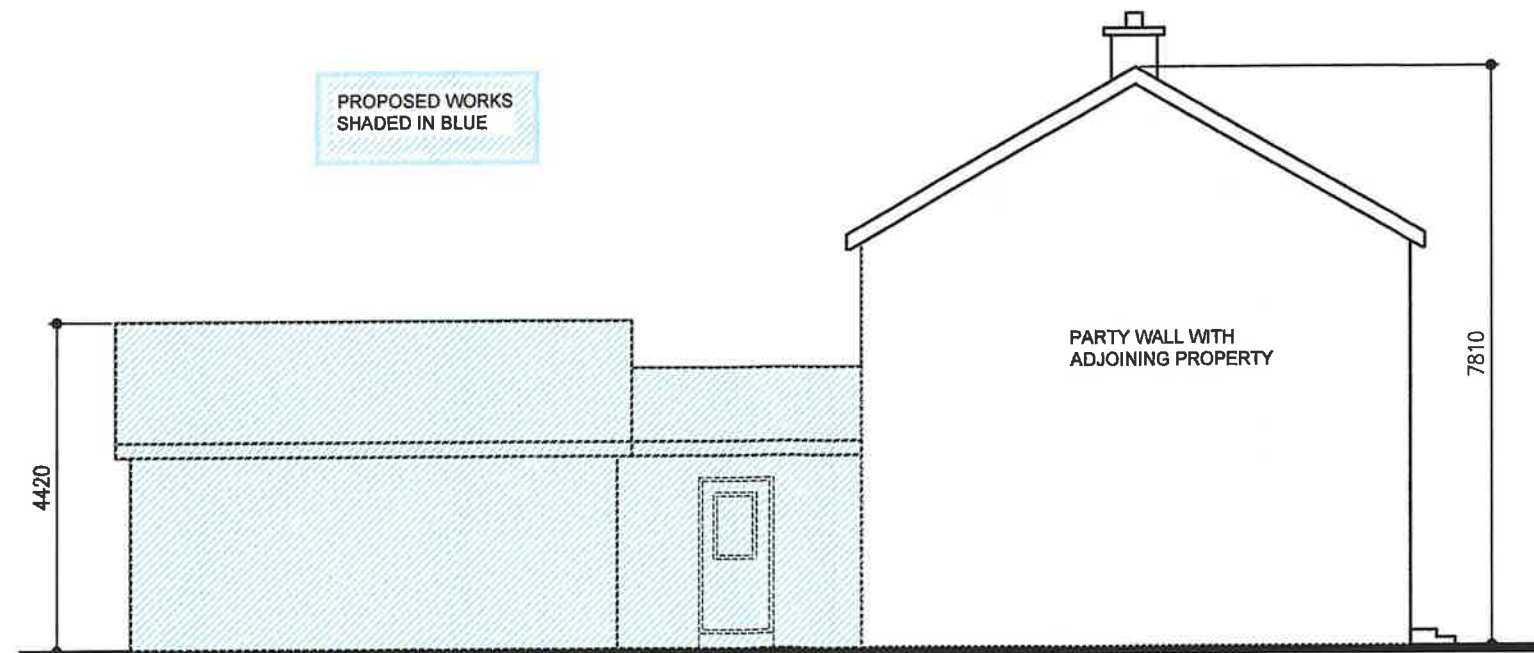
Proposed Floor Area = 35 sq.m

- EXISTING WALLS
- PROPOSED WALLS
- PROPOSED WORKS  
SHADED IN BLUE
- 1.2M X 0.75 WHEELCHAIR SPACE



Side Elevation  
Scale 1:100

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Side Elevation  
Scale 1:100

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NOTES:

1. ALL FINISHES AND FITTINGS TO BE AGREED WITH CLIENT.
2. ALL HABITABLE ROOMS TO BE VENTILATED.
3. PROVIDE FOR THE CONTAINMENT OF RADON GAS IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS. (TO EXTENSION ONLY)
4. ALL STRUCTURAL TIMBERS TO COMPLY WITH SR 11 TABLES.
5. ALL WORK TO BE CARRIED OUT AND ALL MATERIALS USED TO COMPLY WITH CURRENT BUILDING REGULATIONS.
6. DO NOT SCALE FROM THIS DRAWING.
7. BUILDERS TO TAKE RESPONSIBILITY FOR ALL ASPECTS OF SAFETY ON SITE IN ACCORDANCE WITH CURRENT SAFETY AND HEALTH REGULATIONS
8. COPYRIGHT TO ALL DRAWINGS REMAIN THE PROPERTY OF JOHN JOE LEWIS ARCHITECTURAL SERVICES LTD.
9. ALL WATER PIPES, STOP COCKS & WATER METRES TO BE LAID A MINIMUM OF 900MM BELOW FINISHED GROUND LEVEL
10. N.B. PLEASE REVIEW THE ENCLOSED DRAWINGS CAREFULLY BEFORE WORK BEGINS ON SITE AND ANY DISCREPANCIES OR PROBLEMS RELATING TO THE DRAWINGS OR THE BUILDING WORKS CONTAINED WITHIN THE DRAWINGS SHOULD BE BROUGHT TO THE ATTENTION OF THE SUPERVISING ARCHITECT.

ELECTRICAL

NEW BUILD TO LINK TO EXISTING ELECTRICAL SYSTEM.

PLUMBING & HEATING

HEAT SOURCE TO EXTENSION TO BE SUPPLIED VIA EXISTING OIL FIRED CENTRAL HEATING SYSTEM WITH NEW RADIATORS AS NECESSARY. (RADIATOR POSITIONS TO BE DECIDED ON SITE.)

VENTILATION (TO EXTENSION ONLY)

BACKGROUND VENTILATION

BACKGROUND VENTILATION TO BE PROVIDED THROUGH TRICKLE VENTS FITTED IN WINDOWS.

MECHANICAL VENTILATION

MECHANICAL VENTILATION TO BE PROVIDED IN ALL WET ROOMS TO COMPLY WITH TABLE 1 (PG.14) OF PART F OF TECHNICAL GUIDANCE DOCUMENTS.  
MINIMUM EXTRACT RATES AS FOLLOWS

ALL MECHANICAL EXTRACT FANS TO COMPLY WITH IS EN 13141-4 AND EN 13141-5 RESPECTIVELY.

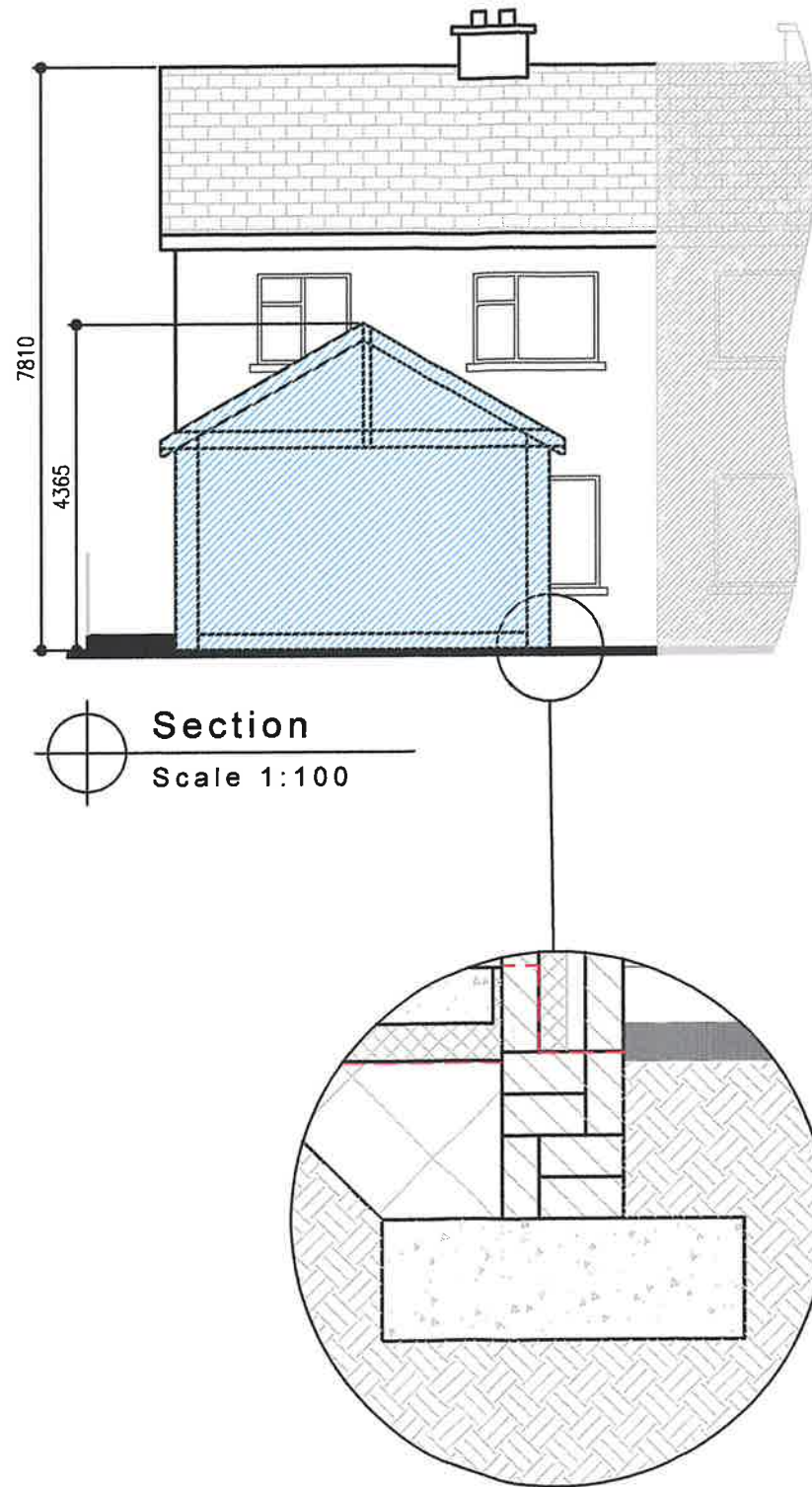
CERTIFICATION OF COMPLIANCE OF EXTRACT FANS WITH ABOVE REGS MUST BE OBTAINED FROM MANUFACTURER AND SUPPLIED TO SUPERVISING ARCHITECT PRIOR TO COMPLETION

WINDOWS & DOORS

NEW WINDOWS TO BE DOUBLE GLAZED (MAX U VALUE OF 1.2) TO MATCH EXISTING HOUSE TO BE FITTED IN LOCATIONS AS INDICATED.

WINDOW CILLS

NEW CILLS TO BE PRECAST CONCRETE WINDOW CILLS TO I.S. 89, 100MM THICK ON FRONT FACE, 100MM THICK AT BACK AND 100MM WIDER THAN OPE AT EACH SIDE, REINFORCED ADEQUATELY SEATED, REBATED, WEATHERED AND THROATED AND SET IN GAUGED MORTAR ON DPC AS PREVIOUSLY SPECIFIED. CARE SHALL BE TAKEN THAT THROATING IS CLEAR OF THE FINISHED WALL FACE.



ROOF (NEW)

LOW PITCH CONCRETE ROOF TILES (TO MATCH EXISTING ROOF AS BEST AS POSSIBLE) ON 50 X 35MM TREATED TIMBER SLATING BATTENS ON "SOLITEX" BREATHER UNDERLAY FELT INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS TO INCLUDE 150MM HORIZONTAL AND VERTICAL LAPS DRESSED MINIMUM 50MM INTO GUTTER ON RAFTERS AT 400MM CENTRES. ADEQUATE TRIANGULATION OF THE ROOF SHOULD BE ACHIEVED AT ALL TIMES.  
150 X 44MM RAFTERS AT 400MM CENTRES.  
RIDGE BOARD TO BE PROPPED FROM RUNNER FIXED TO JOISTS AT 800MM CC.  
225X44MM CEILING JOISTS TO BE PLACED AT 400MM CENTERS

WALL PLATE:

TREATED SOFTWOOD TIMBER DOUBLE WALL PLATE (SEE SECTION DRAWING), TARGET SIZE OF 100X75MM STRAPPED TO INTERNAL WALL AT 1.2M CENTRES OR BOLTED AT 1.2M CENTRES, TO RUN 750MM DOWN BLOCKWORK.  
STRAPPING OR BOLTING IS TO OCCUR NO MORE THAN 400MM FROM EACH SIDE OF A BUTT JOINT IN THE PLATE

NEW WALL CONSTRUCTION (EXTERNAL)

100mm OUTER BLOCKWORK LEAF WITH PLASTER FINISH.  
100MM CAVITY TO BE FITTED WITH 100MM FULL FILL CAVITY WALL INSULATION BOARD.  
INTERNAL WLLS FINISHED WITH SCRATCH COAT & SKIM FINISH.

EXTERNAL WALL FINISHES:

RENDERING TO CONSIST OF SCUD COAT, SCRATCH COAT, & FINISHING COAT AS FOLLOWS:

- SCUD COAT TO 3-5MM THICKNESS APPLIED BY THROWING WITH A HAND SCOPE.
- SCRATCH COAT TO 8-12MM THICKNESS COMBED OR SCRATCHED AFTER IT HAS BEEN LEFT LONG ENOUGH TO SET FIRM.
- FINAL COAT & FINISHING COAT TO 6-10MM THICKNESS, SMOOTH FINISH TO MATCH EXISTING HOUSE, INCLUDE FOR FORMING BELCAST PROJECTION WITH PROPRIETARY GALVANISED METAL BELCAST RENDER BEAD TO PLINTH.
- EXTERNAL RENDERING TO COMPLY WITH BS 5262: 1991

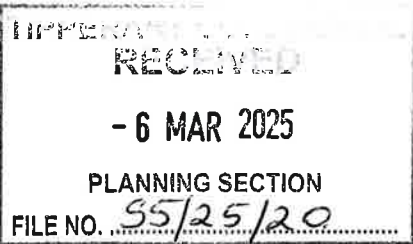
INSULATION

400MM QUILT INSULATION ACHIEVING MINIMUM VALUE OF 0.16 (W/M2K) TO BE PLACES BETWEEN AND OVER CEILING JOISTS IN ATTIC SPACE BETWEEN FIRST FLOOR CEILING AND VENTILATED ATTIC SPACE.

CEILINGS:

FIX 1 LAYER 12.5MM THICK GYPSUM GYPROC WALL BOARD DUPLEX FOIL-BACKED PLASTERBOARD TO CEILINGS WITH STAGGERED JOINTS AND BOUND EDGE RUNNING AT RIGHT ANGLES TO CEILING JOISTS WITH 40MM LONG ZINC ELECTROPLATED SELF DRILLING AND TAPPING DRYWALL SCREWS AT 230MM CENTRES (5 PER LINEAR METRE) WORKING FROM THE CENTRE OF THE BOARD OUTWARDS.  
ALL JOINTS TO BE TAPPED AND FILED AND COMPLETED WITH JOINT FINISHER, REINFORCE ALL CORNERS WITH 90MM JUTE SCRIM REINFORCE ALL EXTERNAL ANGLES WITH ANGLE BEAD.  
FINISH WITH A 2MM SKIM COAT THISTLE BOARD PLASTER STEEL TROWELLED TO A SMOOTH FINISH.

EXISTING WHITE PVC FACIA, SOFFIT, & BLACK GUTTERS & DOWNPIPES TO BE RETAINED.  
ALL NEW FACIA, SOFFIT, GUTTERS & DOWNPIPES TO MATCH EXISTING.  
DOWN PIPES TO LINK TO NEW SOAKPIT



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DATE: FEBRUARY 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

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Co. Tipperary  
E45 A099

t 0818 06 5000/601  
e customerservice  
@tipperarycoco.ie  
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Date: 6<sup>th</sup> March, 2025

Our Ref: S5/25/20

Civic Offices, Nenagh

**Michael & Margaret Devaney**  
**C/O John Joe Lewis Architectural Services**  
**No 4 Silver View**  
**Nenagh**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – Construction of an extension to rear of dwelling to facilitate the construction of disabled access bedroom and wet room, 35sqm at Ballyartella, Ballycommon, Nenagh, Co. Tipperary.**

Dear Mr & Mrs Devaney,

I acknowledge receipt of your application for a Section 5 Declaration received on 6<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**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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**Planning Ref.:** S5/25/20

**Applicant:** Michael and Margaret Devaney

**Development Address:** Ballyartella, Ballycommon, Nenagh

**Proposed Development:** Proposed extension to rear of existing house to facilitate the construction of disabled access bedroom and wetroom

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#### **1. GENERAL**

On the 27/03/2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Ballyartella, Ballycommon, Nenagh:

- Proposed extension to rear of existing house to facilitate the construction of disabled access bedroom and wetroom

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

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

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

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

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

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

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

#### **Description of Development**

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

#### **Conditions and Limitations**

1.
  - (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*
  - (b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*
  - (c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*
- 2.

- (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*
  - (b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*
  - (c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*
- 3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*
- 4.
  - (a) *Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*
  - (b) *Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*
  - (c) *The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*
- 5. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*
- 6.
  - (a) *Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*
  - (b) *Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*
  - (c) *Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres,*



*any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.*

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

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 Ballyartella, Ballycommon, Nenagh. It contains a semi-detached dwelling and detached outbuildings

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

No planning history noted

#### **c. Assessment**

##### **▪ CONSTRUCTION OF SINGLE STOREY EXTENSION**

##### **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 1:

**1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.**

The house has not been previously extended. The proposed extension to the semi-detached dwelling would have a floorarea of 35sqm and would be of single storey construction.

**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.**

The house has not been previously extended.

**(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.**

The semi-detached house has not been previously extended, and the proposed is for a single storey rear extension.

**(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.**

Not applicable as the proposal relates to a semi-detached dwelling.

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

Not applicable as the proposal relates to a ground floor extension only.

**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.**

The rear wall of the house does not include a gable and the height of the walls of the proposed extension would 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.**

Not applicable as the rear wall of the house does not include a gable.

**(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 proposed extension would have a pitched roof, and the height of the roof of the proposed extension would not exceed the height of the highest part of the roof of the dwelling.



**5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.**

The extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

**6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.**

**(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.**

The proposed extension would not contain a window less than 1 metre from the boundary it faces.

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

A pitched roof is proposed

#### C) Restrictions under Article 9

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended would apply.

#### D) 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**

A question has arisen as to whether the following proposed development at Ballyartella, Ballycommon, Nenagh is or is not exempted development:

- Proposed extension to rear of existing house to facilitate the construction of disabled access bedroom and wetroom

Tipperary County Council, in considering this proposal has had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,

- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.

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

The proposed development, as presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

**District Planner:**

*Olive O'Donnell*

**Date:** 26/03/2025

**A/Senior Executive Planner:**

*Jonathan Flood*

**Date:** 26/3/2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:		S5.25/20		
(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		No referrals		
(e) Response to consultation:		No referrals		
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
Lough Derg North East Shore SAC 002241	<a href="https://www.npws.ie/protected-sites/spa/002241">https://www.npws.ie/protected-sites/spa/002241</a>	Less than 10km	None	No
Silvermines Mountains West SAC 002258	<a href="https://www.npws.ie/protected-sites/sac/0002258">https://www.npws.ie/protected-sites/sac/0002258</a>	Less than 15km	None	No
Lough Derg (Shannon) SPA 004058	<a href="https://www.npws.ie/protected-sites/sac/004058">https://www.npws.ie/protected-sites/sac/004058</a>	Less than 10km	None	No
Slievefelim to Silvermines Mountains SPA 004165	<a href="https://www.npws.ie/protected-sites/sac/004165">https://www.npws.ie/protected-sites/sac/004165</a>	Less than 15km	None	No

Slieve Aughty Mountains SPA 004168	<a href="https://www.npws.ie/protected-sites/sac/004168">https://www.npws.ie/protected-sites/sac/004168</a>	Less than 15km	None	No
Silvermine Mountains SAC 000939	<a href="https://www.npws.ie/protected-sites/sac/000939">https://www.npws.ie/protected-sites/sac/000939</a>	Less than 15km	None	No
Bolingbrook Hill SAC 002124	<a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a>	Less than 15km	None	No
Lower River Shannon SAC 002165	<a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a>	Less than 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 impacts anticipated
<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> </ul>	Given the scale and nature of the proposed development and the distance to the nearest Natura 2000 site it is considered that there is no likelihood of significant effects on European Sites in the wider catchment area.



<ul style="list-style-type: none"> <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>	
In-combination/Other	

**(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>	<p>.</p> <p>Given the scale and nature of the proposed development and the distance to the nearest Natura 2000 site it is considered that there is no likelihood of significant effects on European Sites in the wider catchment area.</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 and having regard to the nature, scale and location of the proposal relative to the Natura 2000 site and the weak potential hydrological connection to same it is considered that AA is not required.

**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
<b>Signature and Date of Recommending Officer:</b>	Olive O'Donnell	<b>Date:</b> `26/03/2025`

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/20
<b>Development Summary:</b>	As per planners report
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1</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

☐ Yes the project is of a type listed **but** is *sub-threshold*:

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Proceed to **Part C**

**C. If Yes**, has Schedule 7A information/screening report been submitted?

☐ Yes, Schedule 7A information/screening report has been submitted by the applicant

**Screening Determination required**

☐ 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,  
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Co. Tipperary  
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Date: 27<sup>th</sup> March, 2025

Our Ref: S5/25/20

Civic Offices, Nenagh

Michael & Margaret Devaney  
C/O John Joe Lewis Architectural Services  
No. 4 Silver View  
Nenagh  
Co. Tipperary

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

Dear Mr & Mrs Devaney,

I refer to your application for a Section 5 Declaration received on 6<sup>th</sup> March, 2025 in relation to the following proposed works:

**Proposed extension to rear of existing house to facilitate the construction of disabled access bedroom and wetroom at Ballyartella, Ballycommon, Nenagh**

**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 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.



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

The proposed development, as presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000 as amended and is “**exempted development**”.

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

Yours sincerely

  
\_\_\_\_\_  
for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/20**      **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 Michael & Margaret Devaney, Ballyartella, Ballycommon, Nenagh, re: Proposed extension to rear of existing house to facilitate the construction of disabled access bedroom and wetroom at Ballyartella, Ballycommon, Nenagh is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The Planning history of the site.

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

The proposed development, as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended and is "**exempted development**".

**Signed:**

  
\_\_\_\_\_  
**Sharon Kennedy**

**Date: 27/03/2025**

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