



Comhairle Contae Thiobraid Árann  
Tipperary County Council

Tipperary County Council  
RECEIVED  
18 FEB 2025  
CASH OFFICE  
Civic Offices, Clonmel

Receipt No 189 818  
issued 18.02.2025

PLANNING & DEVELOPMENT ACT, 2000 (as amended) €80.00

Charge

Application for a Section 5 Declaration  
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	MICHAEL PRICE
Address	3 RIVERSDALE, LISVERNANE, AHERLOW TIPPERARY Co. TIPPERARY
Telephone No.	[REDACTED]
E-mail	

2. Agent's (if any) address:

Agent	GERARD MYERS
Address	BALLYRYAN EAST SOLOHEAD TIPPERARY, Co. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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)	3 RIVERSDALE, LISVERNANE AHERLOW TIPPERARY Co. TIPPERARY
---	---

TIPPERARY CO. COUNCIL  
RECEIVED  
18 FEB 2025  
PLANNING SECTION  
FILE NO. ....

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.)

THE PROPOSED CONSTRUCTION OF A DISABLED	
BEDROOM and A WHEELCHAIR ACCESSIBLE	
BATHROOM, TO THE REAR OF THE EXISTING	
DWELLING. THE TOTAL AREA OF PROPOSED	
EXTENSION IS 24.09m <sup>2</sup> .	
Proposed floor area of proposed works/uses:	sqm 24.09m <sup>2</sup>

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)

*Michael Rice*

Date: 10/02/2025

**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. €** \_\_\_\_\_

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

Date \_\_\_\_\_

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

**PHOTOGRAPHS OF CURRENT DWELLING**







# Site Location Map



**CENTRE COORDINATES:**  
ITM 584463,628866

**PUBLISHED:** 08/11/2024  
**ORDER NO.:** 50433086\_1

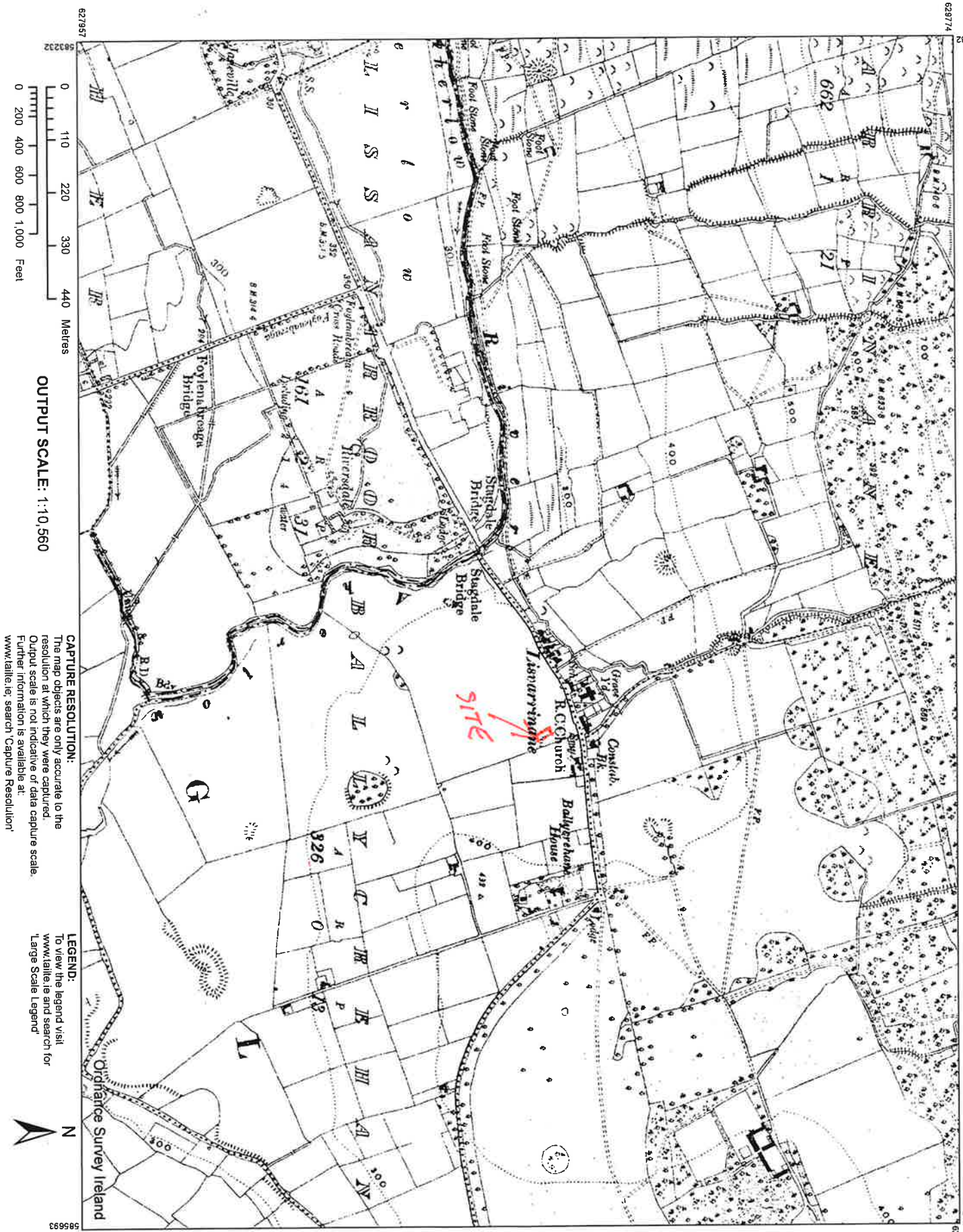
**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** LK050  
TY073+073A

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

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

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

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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](http://www.tailte.ie), search 'Capture Resolution'

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



# Planning Pack Map



**Taite Éireann**

**CENTRE COORDINATES:**  
ITM 584463,628866

**PUBLISHED:** 08/11/2024  
**ORDER NO.:** 50433086\_1

**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 5300-A

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

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

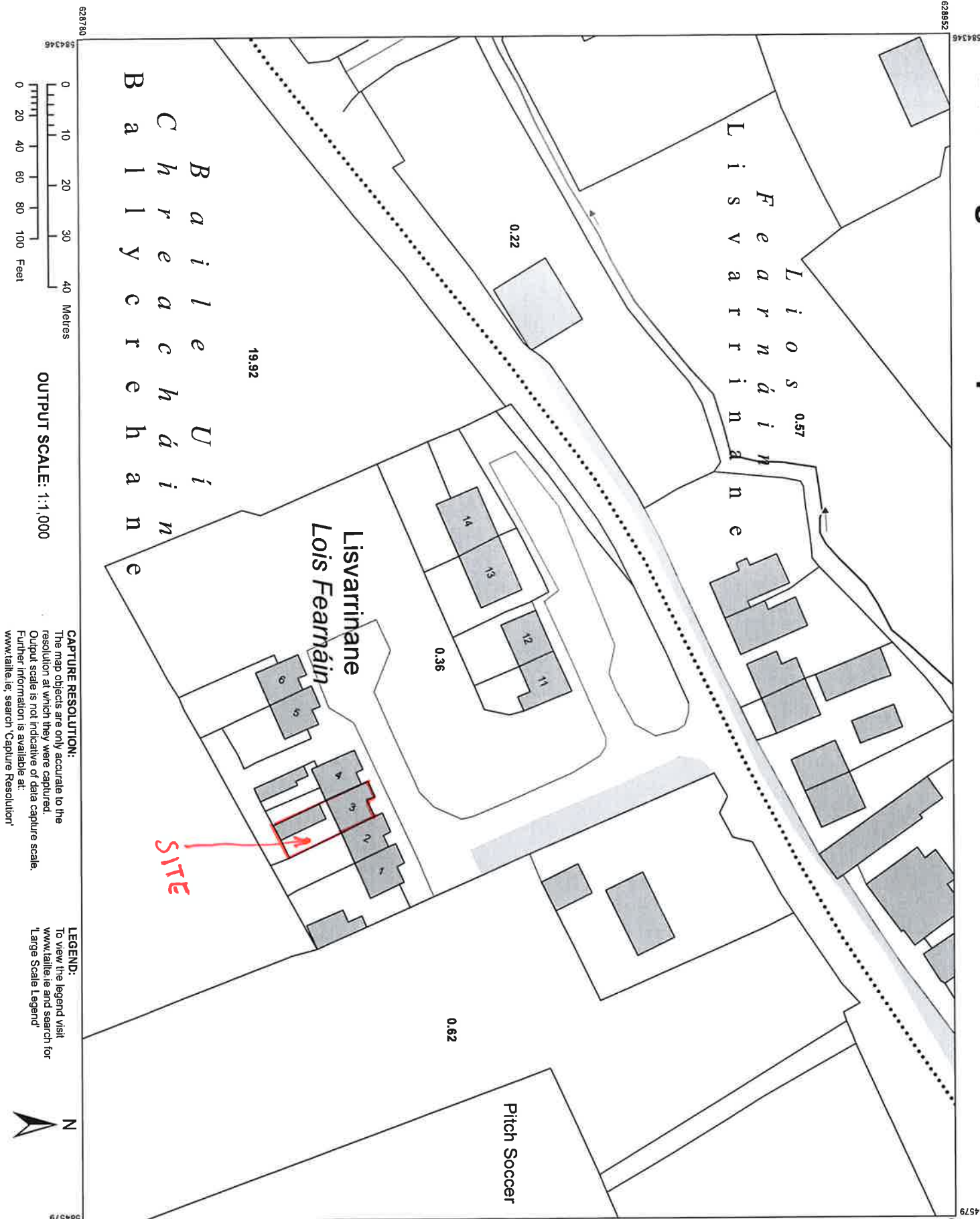
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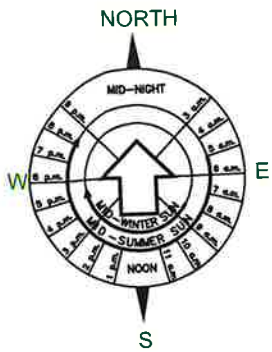
The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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

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**SITE LAYOUT PLAN**  
SITE OUTLINED IN RED  
SITE AREA: 137.08 SQ.M. / 0.0338 ACRES  
OR 0.0137 HECTARES  
SCALE 1:250



RIVERSDALE LISVARRINANE

LISVARRINANE  
LOIS FEARNAIN

12MMØ uPVC WATER PIPE  
EXISTING MAINS WATER  
STOP VALVE  
EXISTING ROOF WATER  
COLLECTION

EXISTING SEWER  
CONNECTION FOR DWELLING

NO.1

NO.2

TIE-IN NEW 4" SEWAGE LINE INTO  
EXISTING 4" SEWAGE LINE

NO.3  
EXISTING  
DWELLING  
F.F.L.=122.58m

PROPOSED 4" SEWAGE LINE  
IN NEW TRENCH, WITHIN THE DWELLING

EXISTING ROOF WATER  
COLLECTION

NO.4

TIE NEW ROOF WATER COLLECTION,  
INTO EXISTING ROOF WATER  
COLLECTION DRAIN

NO.5

NO.6

2755 F.F.L.=122.60m  
11497  
PROPOSED  
EXTENSION

CONCRETE YARD

1577

EXISTING  
REAR ENTRANCE

**NOTE:**

THE EXISTING LAND BOUNDARY SHALL BE RETAINED  
AND MAINTAINED.

TITLE: PERMISSION FOR PROPOSED SITE LAYOUT @  
3 RIVERSDALE AHERLOW, TIPPERARY Co. TIPPERARY

CLIENT: MICHAEL PRICE

SCALE: 1:250  
PAPER: @A3  
DATE: 25:01:2025

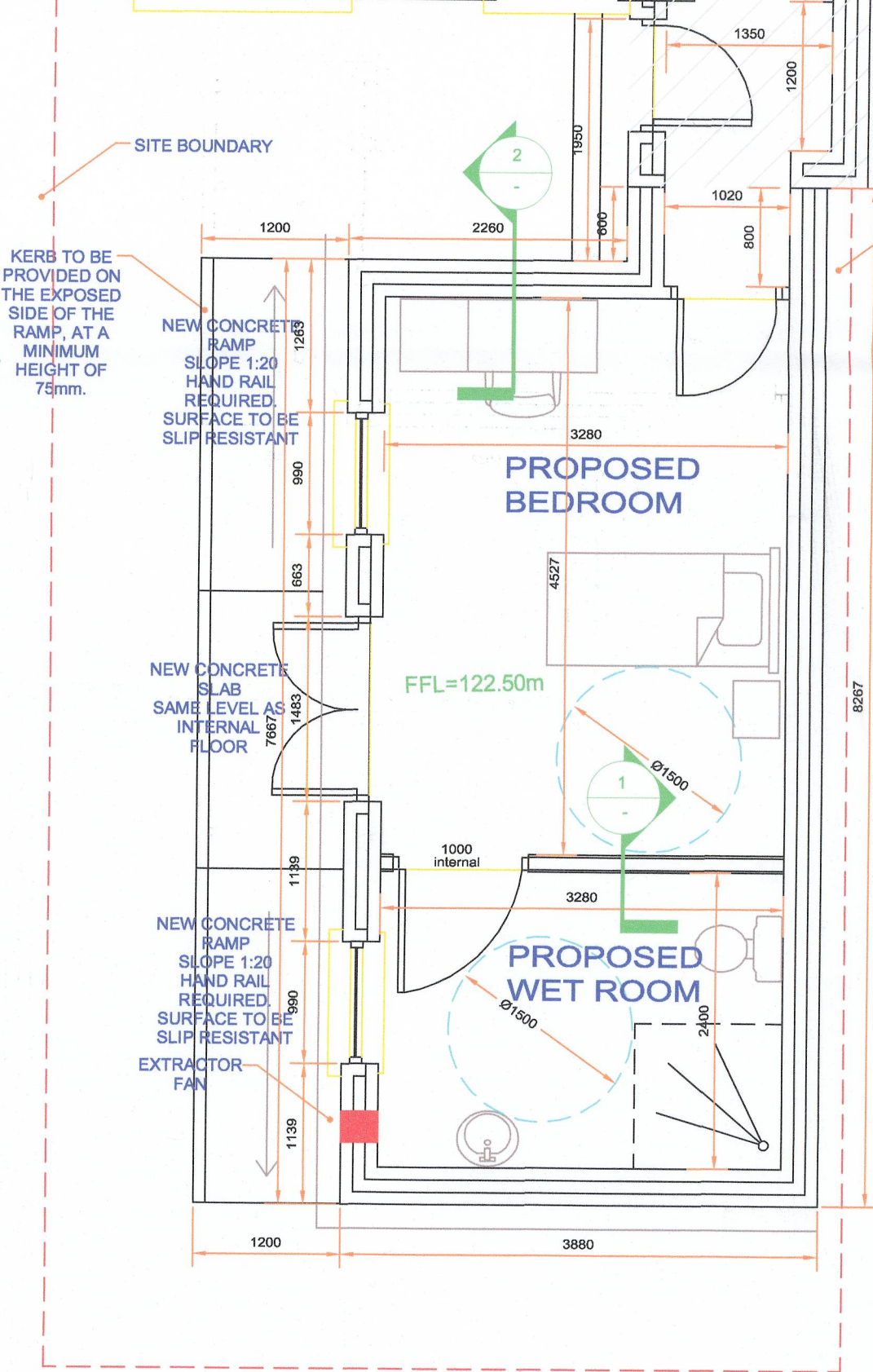
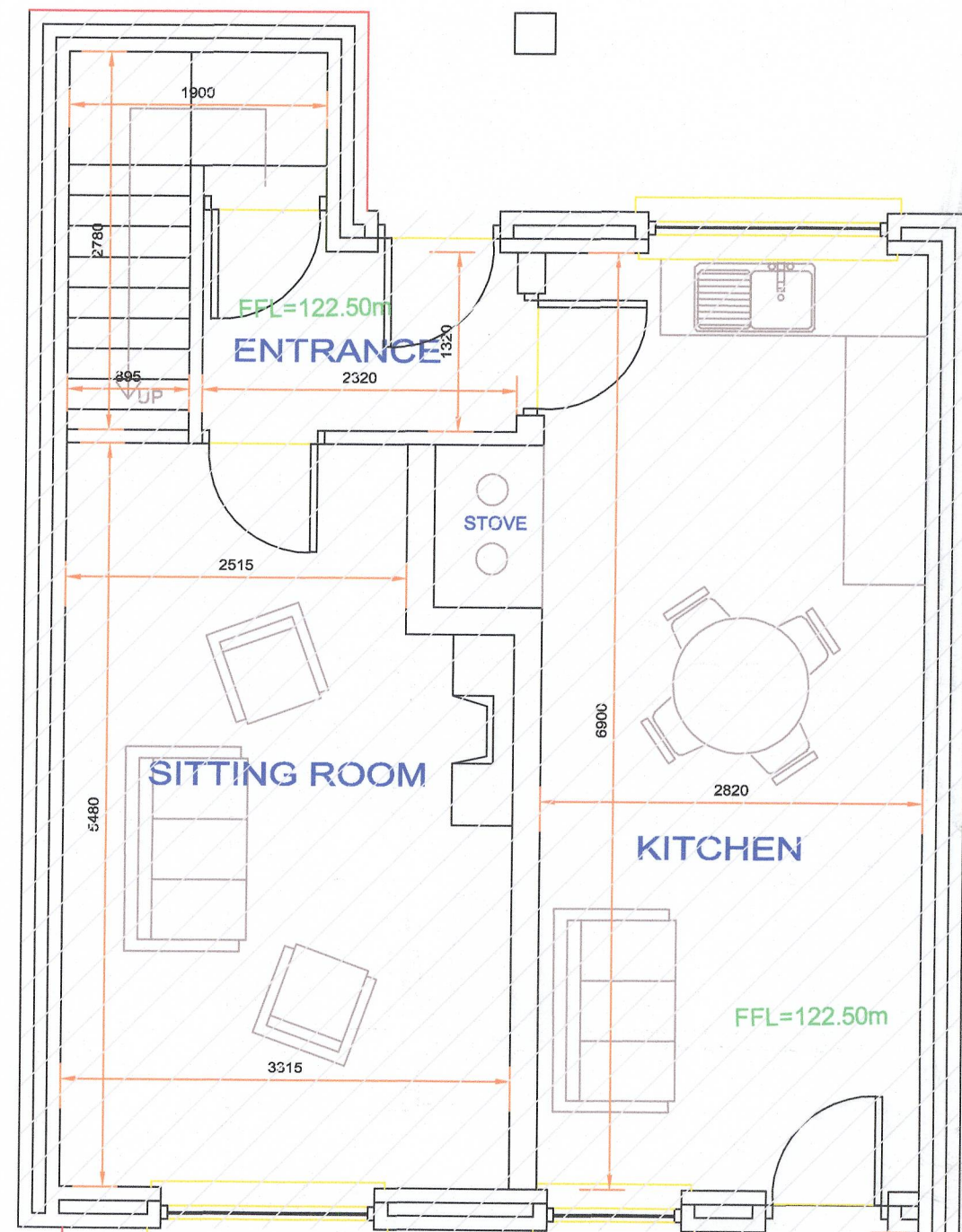
SITE PLAN  
Sh. 1 of 1.

DRAWN BY: GERARD MYERS  
BALLYRYAN EAST, SOLOHEAD  
TIPPERARY, CO. TIPPERARY  
0879822030

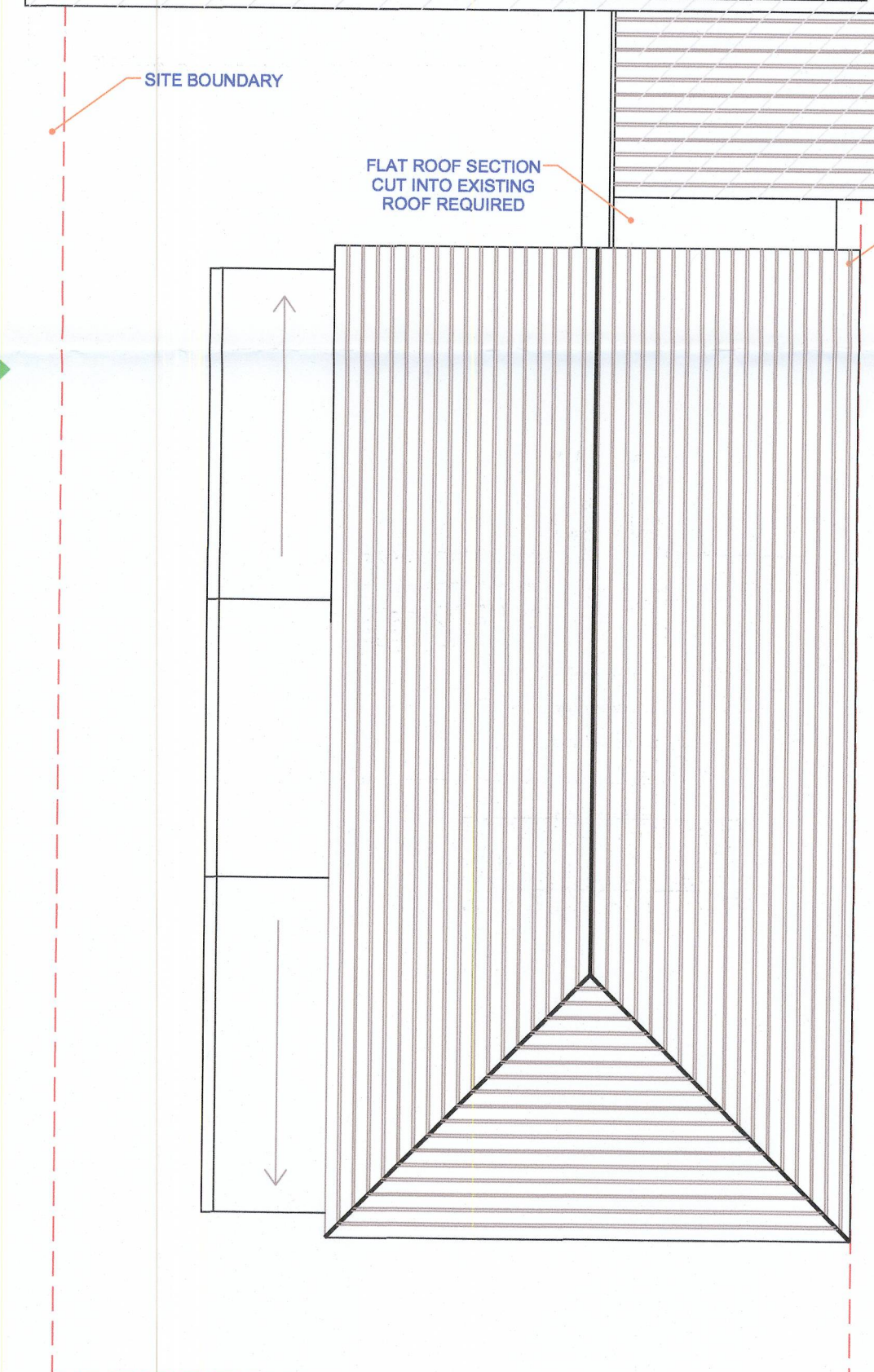
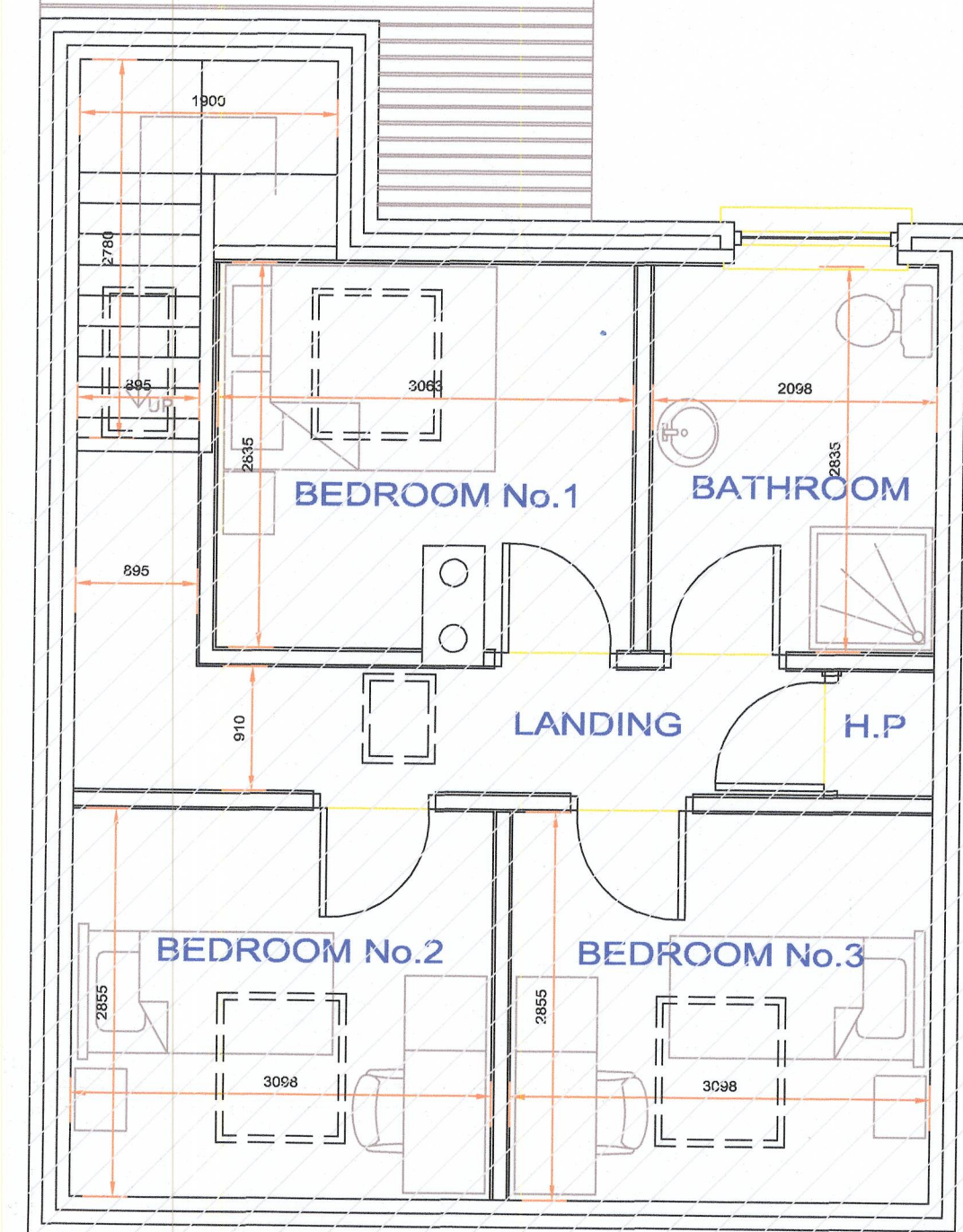
DRAWN NO:  
2024-MP-201

REVISION NO:  
2

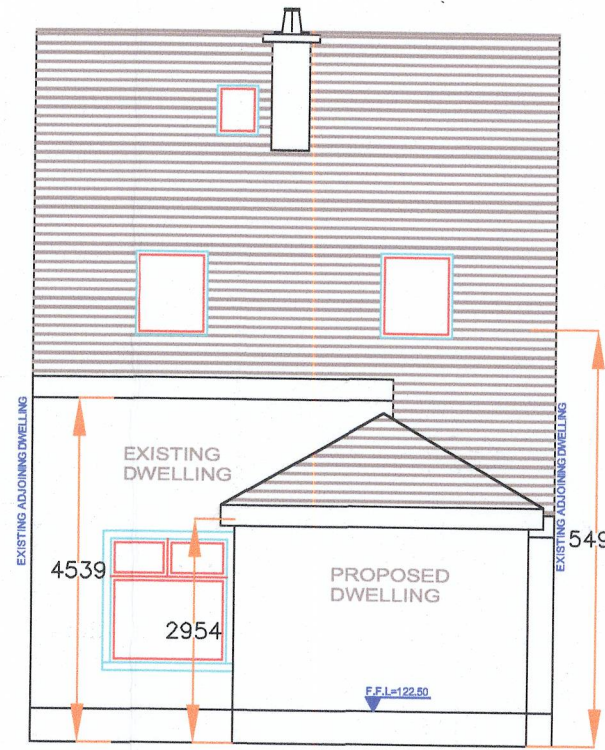




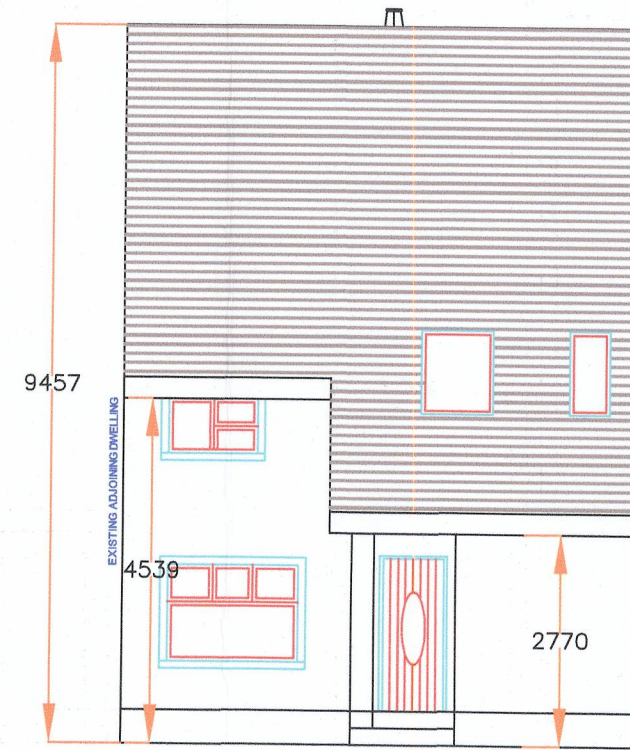
**GROUND FLOOR**  
1:50



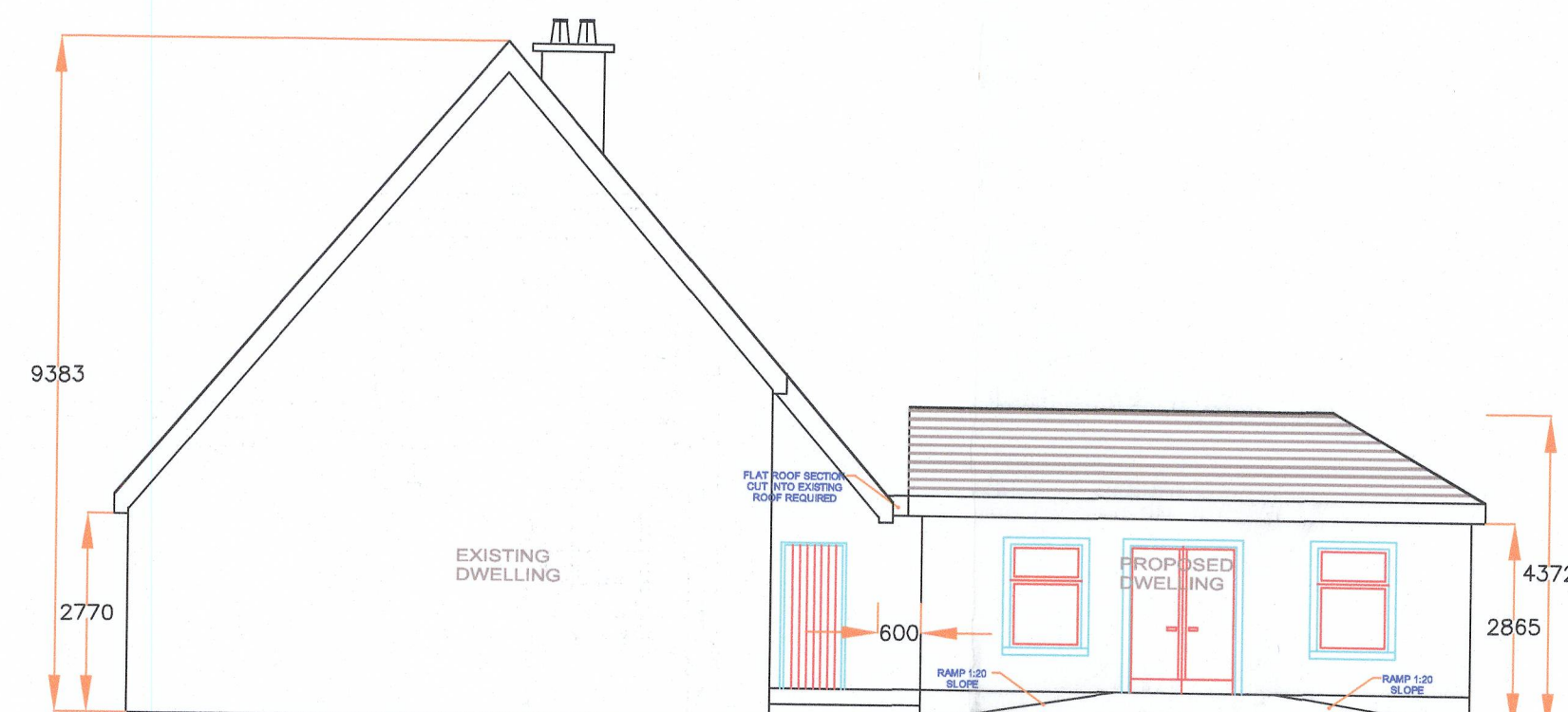
**FIRST FLOOR**  
1:50



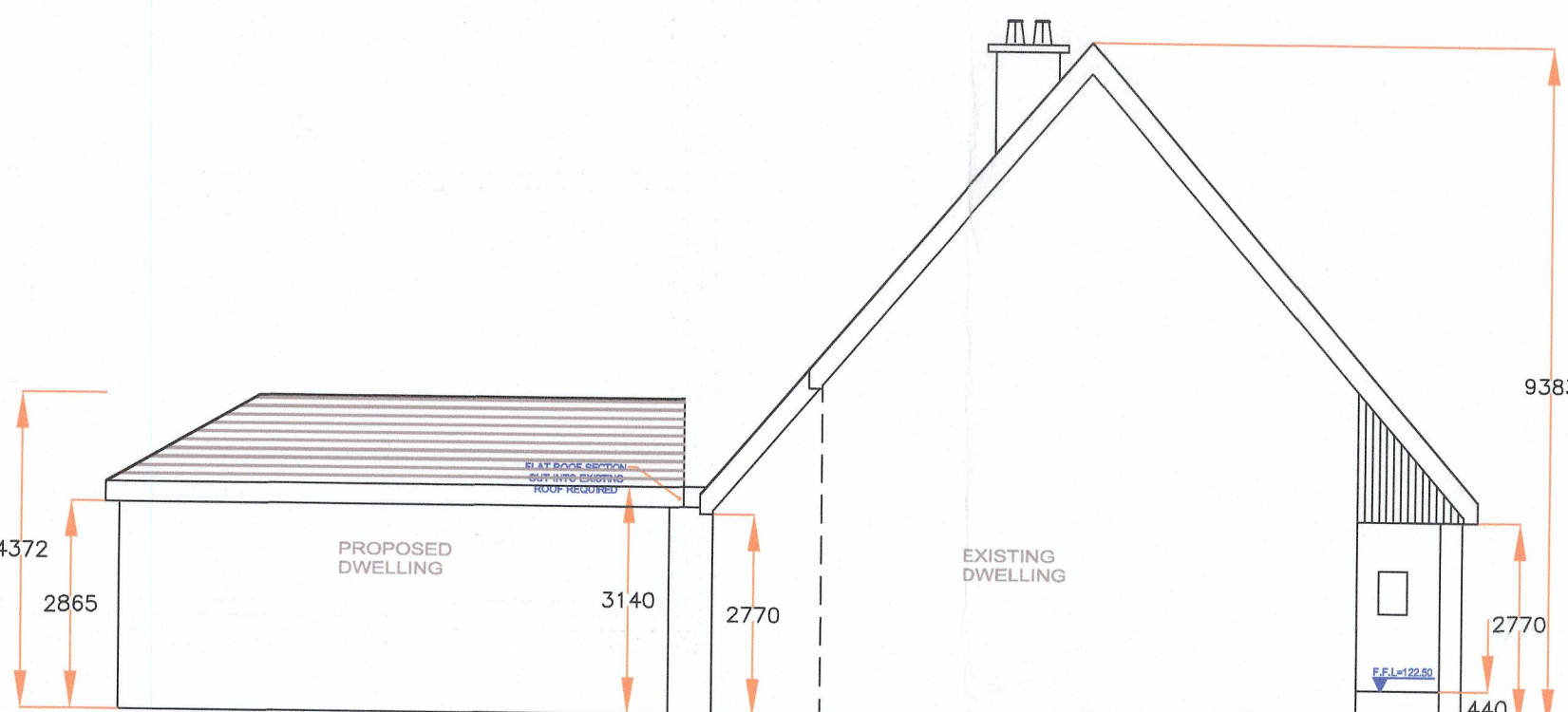
**3 SOUTH REAR ELEVATION**  
SCALE 1:100



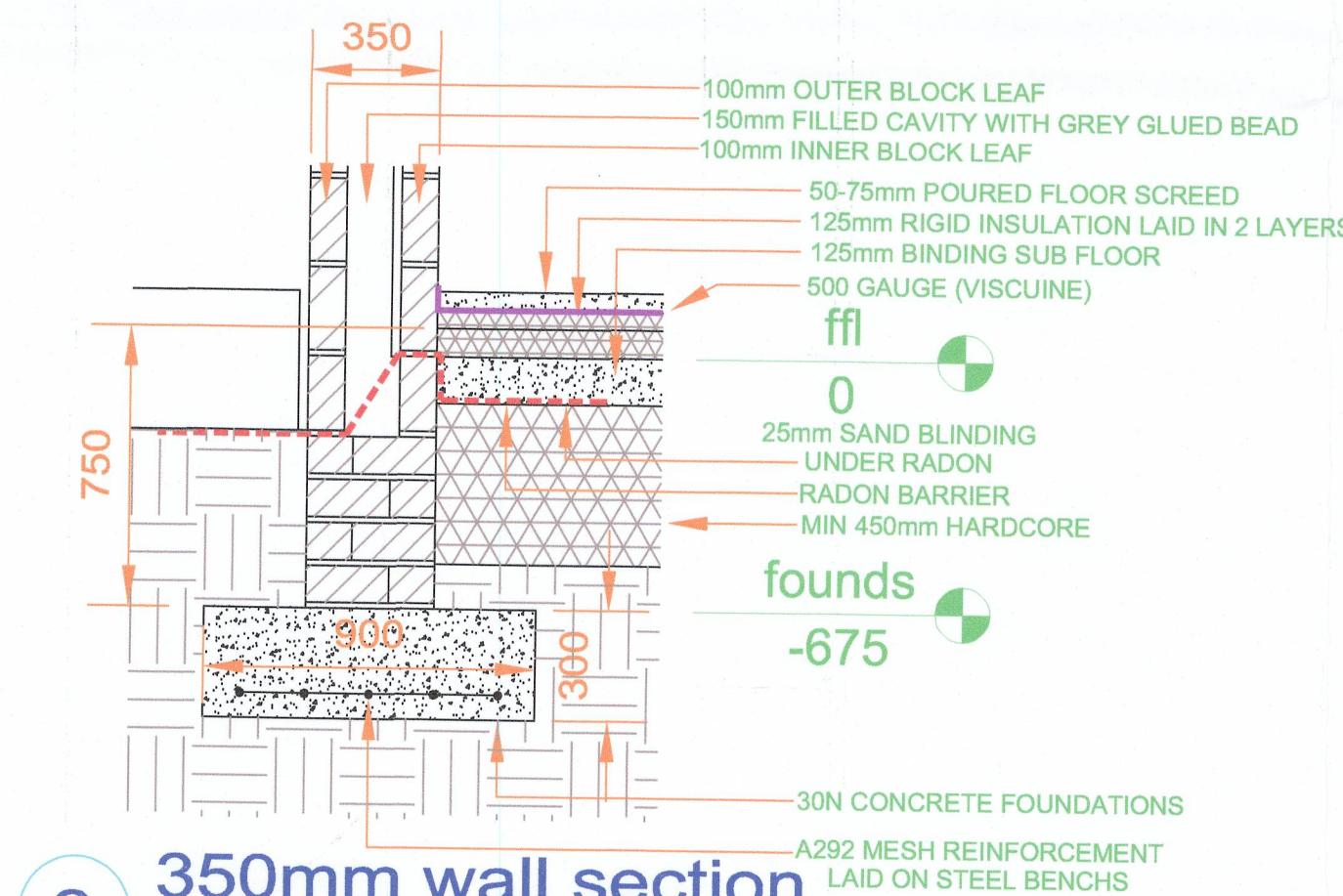
**1 NORTH FRONT ELEVATION**  
SCALE 1:100



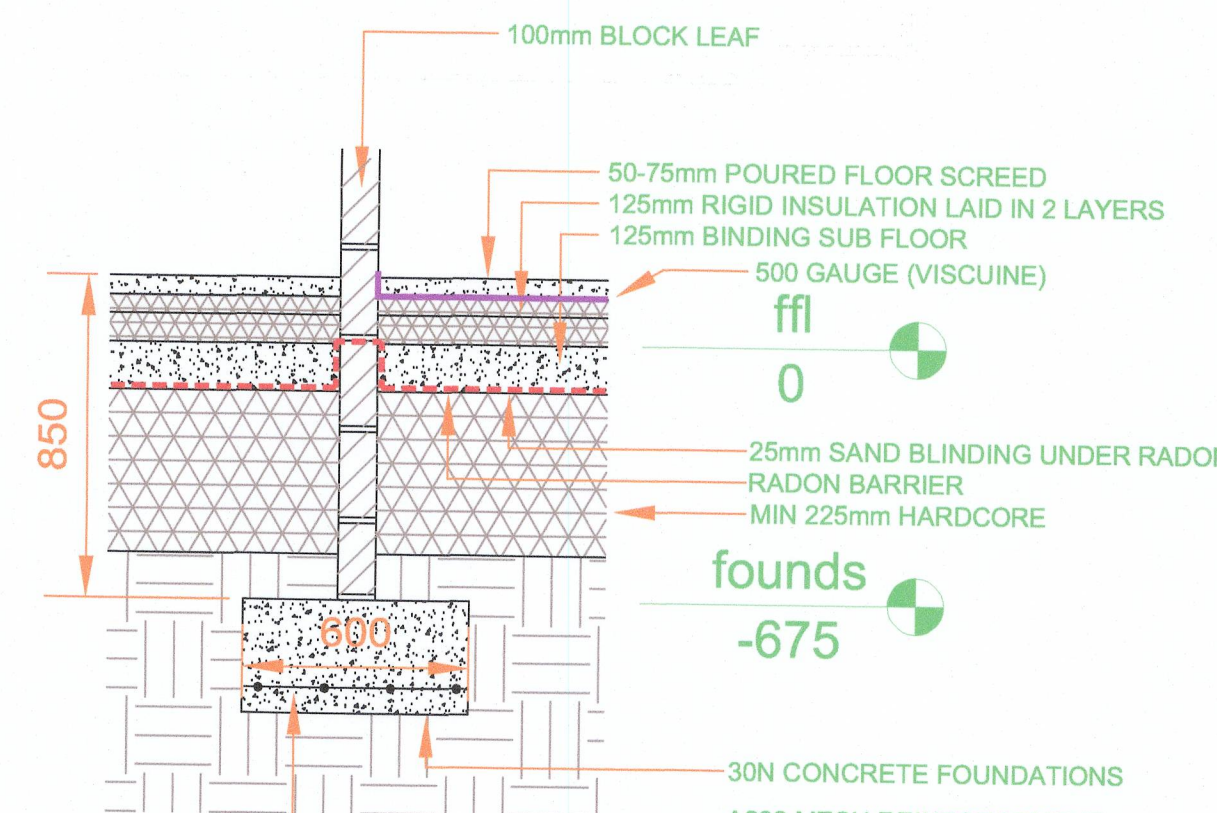
**4 WEST GABLE ELEVATION**  
SCALE 1:100



**2 EAST GABLE ELEVATION**  
SCALE 1:100



**2 350mm wall section**  
1:20



**4 100mm wall section**  
1:20

**ROOF:**  
SLATES TO MATCH EXISTING OR EQUIVALENT APPROVED. MINIMUM HEAD LAP 44X150 MM RAFTERS @400MM CENTRES 44X125MM COLLARS @400MM CENTRES 175X25MM RIDGE BOARD 100X44MM HANGERS @800MM CENTRES 44X100MM BINDER 175X25MM SUB FASCIA 100X75MM WALL PLATES STRAPPED DOWN WITH 100X30X3MM GALVANISED MILD STEEL STRAPS @1200MM CENT RES. ALL ROOFING TIMBERS TO BE DOUBLE VACUUM TREATED WITH PRESERVATIVE.

**ATTIC INSULATION:**  
220MM FIBRE GLASS INSULATION OVER TOTAL AREA OF ATTIC FLOOR.

**FASCIA / SOFFIT:**  
TO MATCH EXISTING

**WALL VENTS:**  
WALL VENT TO PROVIDE 6500MM SQ OF CLEAR OPENING. VENT OPENING TO BE LINKED USING 150MM DIA UPVC PIPE TILTED TOWARDS EXTERNAL SIDE OF WALL.

**PARTITION WALLS:**

GROUND FLOOR PARTITIONS:  
100MM BLOCK WALLS RENDERED WITH 10MM SAND CEMENT PLASTER AND FINISHED WITH SKIM COAT OF GYPSUM FLOATING COAT.

**WINDOWS AND DOORS:**

TO MATCH EXISTING

**EXTERNAL RENDER:**

TO MATCH EXISTING

**GROUND FLOOR:**  
75MM SCREED ON 50MM POLYSTYRENE ON 'MONARFLEX' RMB 300 RADON BARRIER ALL JOINTS TO BE SEALED USING A'S STRIPS OF TAPE ON SUB FLOOR TO ENGINEERS' DETAIL.

**CEILINGS:**

GROUND FLOOR CEILINGS  
12.5MM FOIL BACKED PLASTER SLABS FINISHED WITH SKIM COAT OF GYPSUM

**RAIN WATER GOODS:**

BLACK 125MM HALF ROUND UPVC GUTTERS AND 65MM SQUARE SECTION DOWN PIPES.

**EXTERNAL WALLS:**

2ND. ROWS OF 100MM CONCRETE BLOCK LEAVES WITH 100MM CAVITY CONTAINING 60MM POLYSTYRENE INSULATION (0.035 W/MK) STAINLESS STEEL WALL TIES @750MM HORIZONTAL AND 450MM VERTICAL CENTRES. PRESTRESSED CONCRETE LINTELS WITH 2ND. COURSES OF CONCRETE BRICKS OVER PRECAST CONCRETE CILLS

**NOTE:**  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH OCCUPATIONAL REPORT

**LEGEND:**

EXISTING DWELLING

**NOTE:**  
ALL MEASUREMENTS TO BE CHECKED ON SITE, BEFORE COMMENCEMENT OF WORK.

**INTERNAL FLOOR AREA**  
EXISTING GROUND FLOOR AREA 48.53m<sup>2</sup>  
EXISTING FIRST FLOOR AREA 46.48m<sup>2</sup>  
TOTAL AREA 95.01m<sup>2</sup>

**PROPOSED FLOOR AREA 24.09m<sup>2</sup>**  
TOTAL AREA 119.10m<sup>2</sup>  
OR  
TOTAL AREA 390.74m<sup>2</sup>

BUILDER TO COMPLY WITH BUILDING REGULATIONS 1987  
DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATION  
WORK TO WRITTEN DIMENSIONS & CHECK ON SITE BEFORE COMMENCE OF WORK  
TRADESMEN ONLY ON SITE  
ALL WORK TO BE SUPERVISED BY ENGINEER  
OPEN FOUNDATIONS TO BE INSPECTED BEFORE CONCRETE POUR

**TITLE:**  
PERMISSION FOR HOUSING ADAPTATION GRANT SCHEME @  
3 RIVERSDALE, LISVERNANE, AHERLOW Co. TIPPERARY

**CLIENT:** MICHAEL PRICE

**EIRCODE:** E34PD35

**SCALE:** 1:50  
1:75

**PAPER:** @A1

**DATE:** 25:01:2025

**PLAN, ELEVATION & SECTION**  
Sh. 1 of 1.

**DRAWN BY:** GERARD MYERS  
BALLYRYAN EAST, SOLOHEAD  
TIPPERARY, Co. TIPPERARY  
Ph. 0879822030

**DRAWN NO:** 2024-MP-001

**REVISION NO:** 2





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

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

Date: 19th February, 2025    Our Ref: S5/25/12    Civic Offices, Clonmel

**Michael Price  
c/o Gerard Myers  
Ballyryan East  
Solohead  
Co. Tipperary**

**Re: Application for a Section 5 Declaration – construction of a disabled bedroom and wheelchair accessible bathroom to the rear of existing dwelling. Total area of extension 24.09m<sup>2</sup> at 3 Riverdale, Lisvernane, Aherlow, Co. Tipperary**

Dear Mr. Price,

I acknowledge receipt of your application for a Section 5 Declaration received on 18th February, 2025, in connection with the above.

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

Yours sincerely,

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

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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<b>Planning Reference:</b>	S5/25/12
<b>Applicant:</b>	Michael Price
<b>Development Address:</b>	3 Riversdale Drive, Lisvernane, Aherlow, Co. Tipperary
<b>Proposed Development:</b>	The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m.

---

#### 1. GENERAL

On 18<sup>th</sup> February a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Mr. Michael Price c/o Gerard Myers as to whether or not the following works constituted development and if so, whether same was exempted development:

***The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m.***

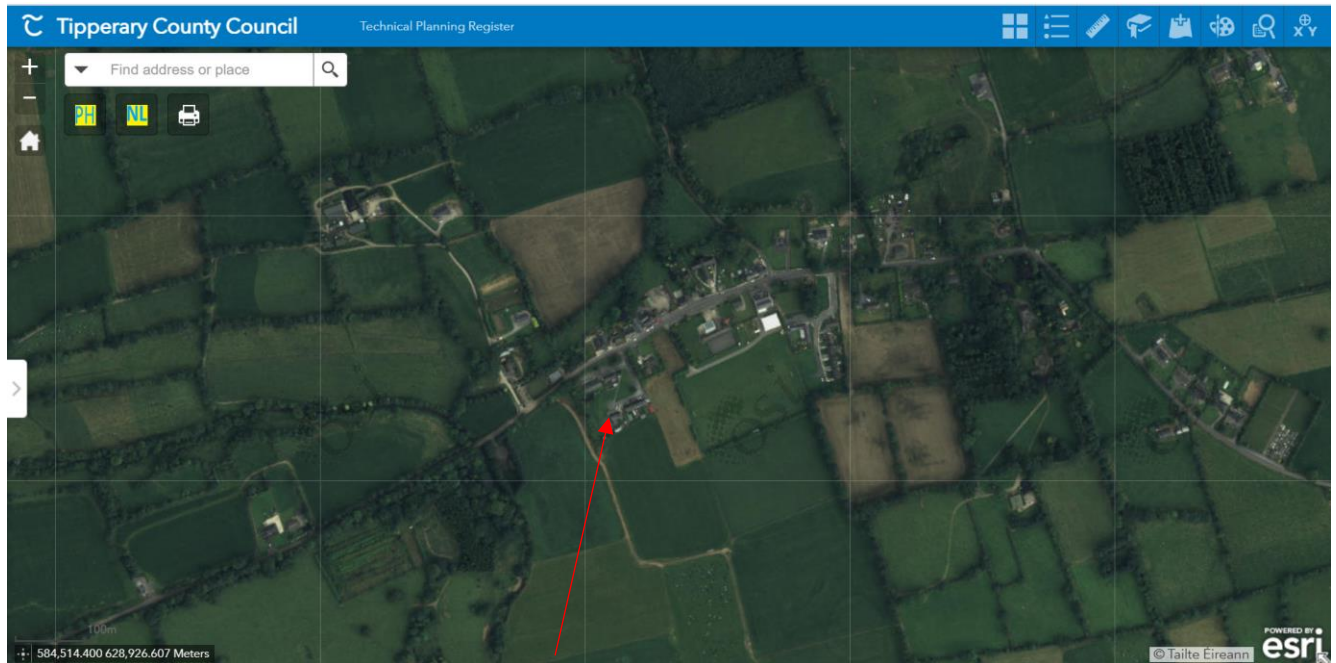


Figure 1 Site Location

#### 2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this case;

##### Planning and Development Act 2000, as amended

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Description of Development**

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

#### **Conditions and Limitations**

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



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

- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

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 subject site is located at 3 Riversdale Drive (referred to as 3 Riversdale on application form), Lisvernane, Aherlow, Co. Tipperary, E34PD35. The site currently accommodates a mid terrace dwelling. The estate access road is in charge of the Local Authority and is assigned road no L-83276.

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

**S5/24/139 Extension to the rear of the dwelling deemed to be development and was not exempted development.**

There is no planning history on the subject site. There is no planning history recorded for the wider estate and it appears same was developed by the Local Authority. Pl. Ref. No. PP33152 relates to permission for a bungalow to the north in 1975.

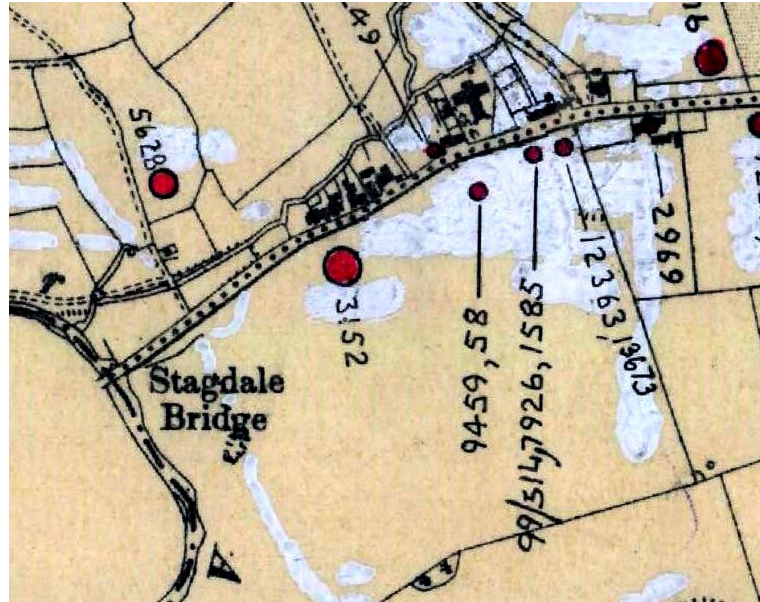


Figure 2 Historic Mapping

### c. Assessment

#### A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

#### B) "Is or is not Exempted Development"

The proposal is assessed relative to Class 1 of Part 1 of Schedule 2 below.

#### **CLASS 1**

*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.*

**The extension is to be constructed to the rear of the house.**

Subject to the following 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.*

**The house has not been extended previously and the floor area of the extension is 24.09 sq.m.**

(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.*

**N/A**

(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.*

**N/A**

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.* **N/A**

(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.* **N/A**

*(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. N/A*

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

*N/A. The extension is single storey*

*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 dwelling does not include a gable. The application does not include a drawing of the northern elevation of the proposed extension and this appears to include for an A gable the walls of which would exceed the rear walls 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.*

*N/A*

*(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 extension includes for a short flat roof section adjoining the existing dwelling and the height of this section does not the height of the eaves it adjoins. The height of the monopitch section does 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 open space remaining to the rear of the dwelling will exceed 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.*

*Windows proposed on west elevation only and same are in excess of 1 m from the boundary they face.*

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

*(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. N/A*

*7. The roof of any extension shall not be used as a balcony or roof garden. Small flat roof section and monopitch roof not conducive to use as a roof garden or balcony.*

As set out above there is a lack of clarity in relation to the northern elevation of the proposed extension and the manner it satisfies condition and limitation 4(a). Further Information will be requested on same.

**C) Restrictions under Article 9**

I note no restrictions that would apply in the event an extension satisfied the available exemption.

**D) Requirement for Appropriate Assessment and Environmental Impact Assessment**

**AA**

Screening for AA is not required in respect of the proposal which is not considered to constitute development.



## EIA

Screening for EIA is not required in respect of the proposal which is not considered to constitute development.

### 4. **RECOMMENDATION**

#### **Further Information be Requested as follows;**

1. The applicant is requested to submit a drawing of the northern elevation of the proposed extension. The applicant is advised that from a review of the drawings submitted to date this elevation appears to include an A Gable and if this is the case the proposal breaches Condition and Limitation 4(a) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which requires as follows;

*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 applicant is requested to respond.

**District Planner:**



**Date:** 03/03/2025



**Senior Executive Planner:**

**Date:** 11.3.2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/11
(b) Brief description of the project or plan:	The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m.
(c) Brief description of site characteristics:	Existing dwelling in serviced area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 10km	None	No

### STEP 3. Assessment of Likely Significant Effects

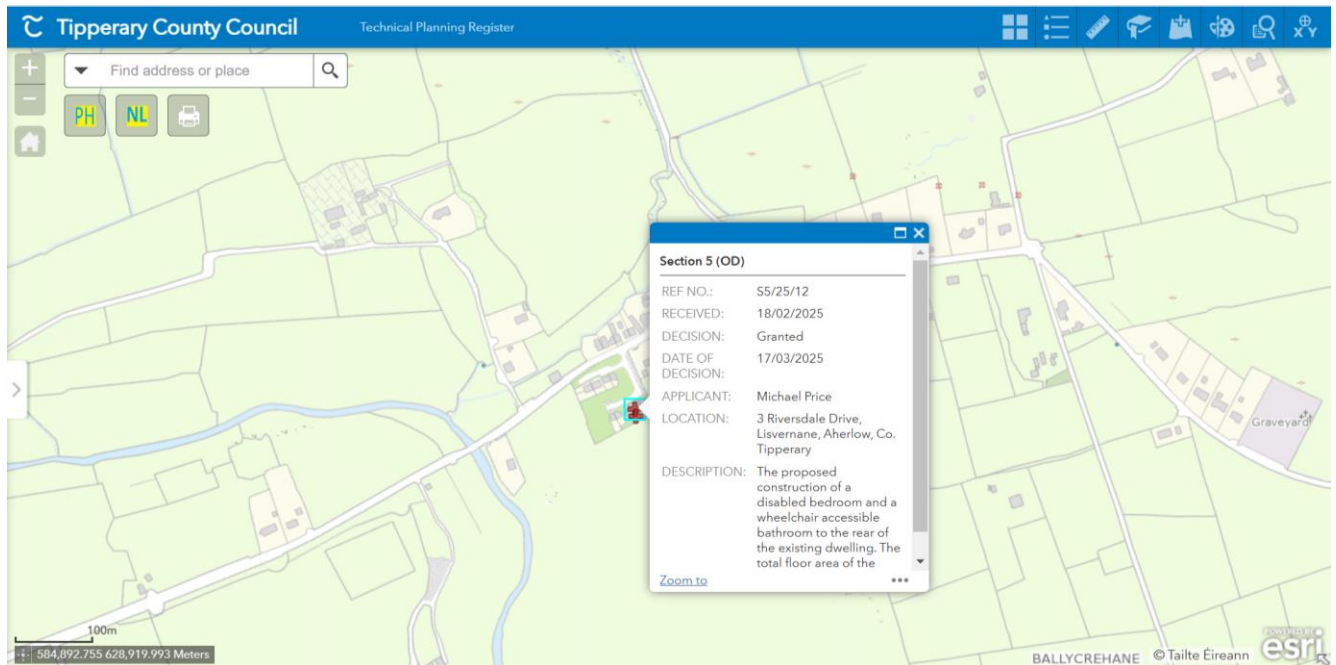
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

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

<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	No potential impacts												
<b>(b) Describe any likely changes to the European site:</b>													
<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												
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>													
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<b>STEP 4. Screening Determination Statement</b>													
<p>The assessment of significance of effects:</p> <p>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.</p>													
The proposed development is not likely to have significant effects.													
<b>Conclusion:</b>													
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> <tr> <td>(ii) It is uncertain whether the proposal will have a significant effect on a European site.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request further information to complete screening  <input type="checkbox"/> Request NIS  <input type="checkbox"/> Refuse planning permission </td> </tr> <tr> <td>(iii) Significant effects are likely.</td> <td><input type="checkbox"/></td> <td> <input type="checkbox"/> Request NIS  <input type="checkbox"/> Refuse planning permission </td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.	(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission	(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
	Tick as Appropriate:	Recommendation:											
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.											
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission											
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission											

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/12
<b>Development Summary:</b>	The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m.
<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
<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, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening required</b> <b>Determination</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>







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

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

Date: 11<sup>th</sup> March, 2025      Our Ref: S5/25/12      Civic Offices, Nenagh

**Michael Price  
C/o Gerard Myers  
Ballyryan East  
Solohead  
Co. Tipperary.**

**Re: Application for a Section 5 Declaration – construction of a disabled bedroom and wheelchair accessible bathroom to the rear of existing dwelling. Total area of extension 24.09m<sup>2</sup> at 3 Riverdale, Lisvernane, Aherlow, Co. Tipperary.**

Dear Mr. Price,

I refer to an application received from you on 18<sup>th</sup> February, 2025 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Further information is requested as follows;

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

1. The applicant is requested to submit a drawing of the northern elevation of the proposed extension. The applicant is advised that from a review of the drawings submitted to date, this elevation appears to include an A Gable and if this is the case the proposal breaches Condition and Limitation 4(a) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which requires as follows;

*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 applicant is requested to respond.

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

Yours sincerely

A handwritten signature in cursive script, appearing to read "David Haynes".

---

for **Director of Services**

Planning Office  
Tipperary County Council  
Civic Offices  
Clonmel  
Co. Tipperary

Dear Sir/ Madam,

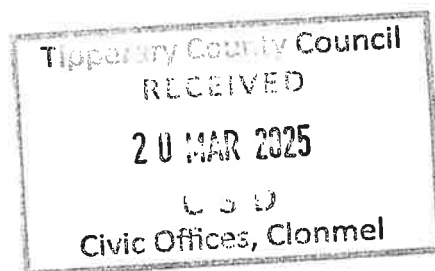
Ref: S5/25/12

I refer to the application for Michael Price,

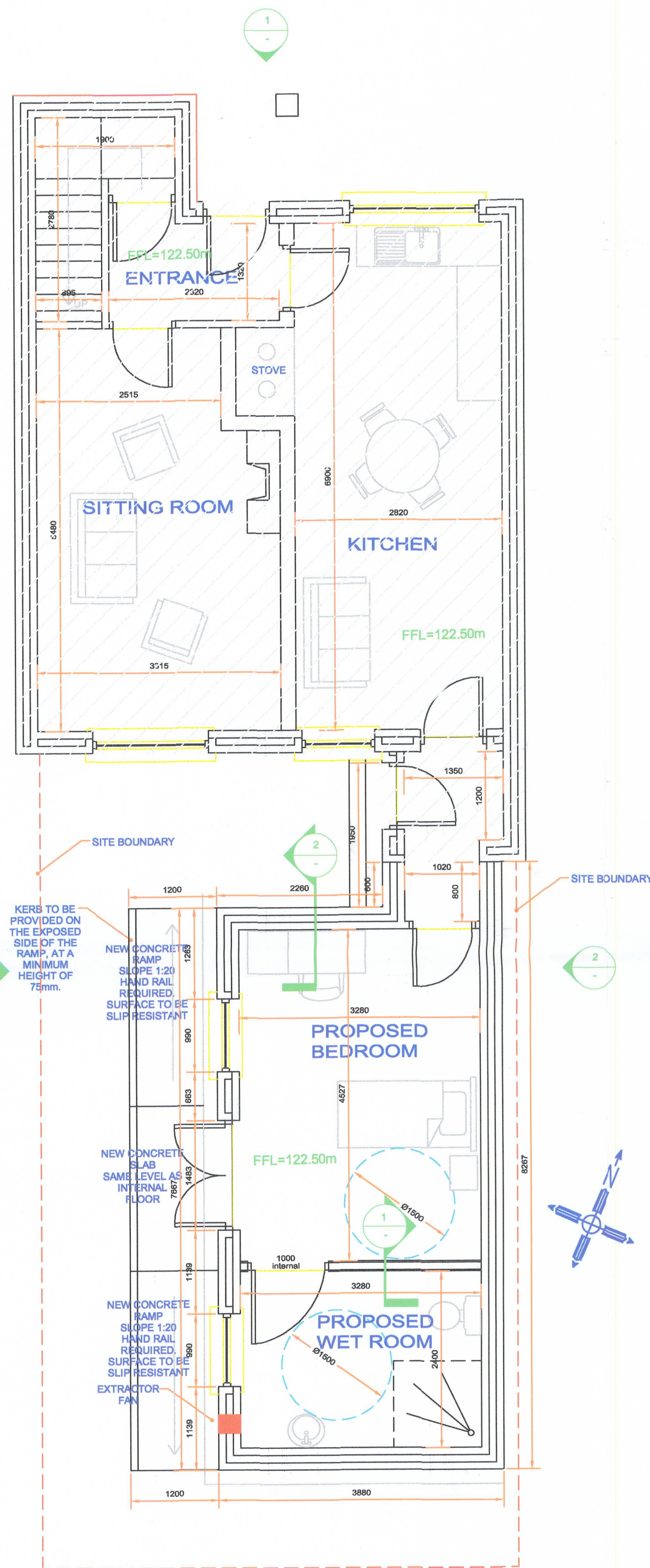
I have attached an updated house plan, showing a hip roof on the northern elevation, I hope this meets the planning criteria.

Sincerely,

Gerard Myers

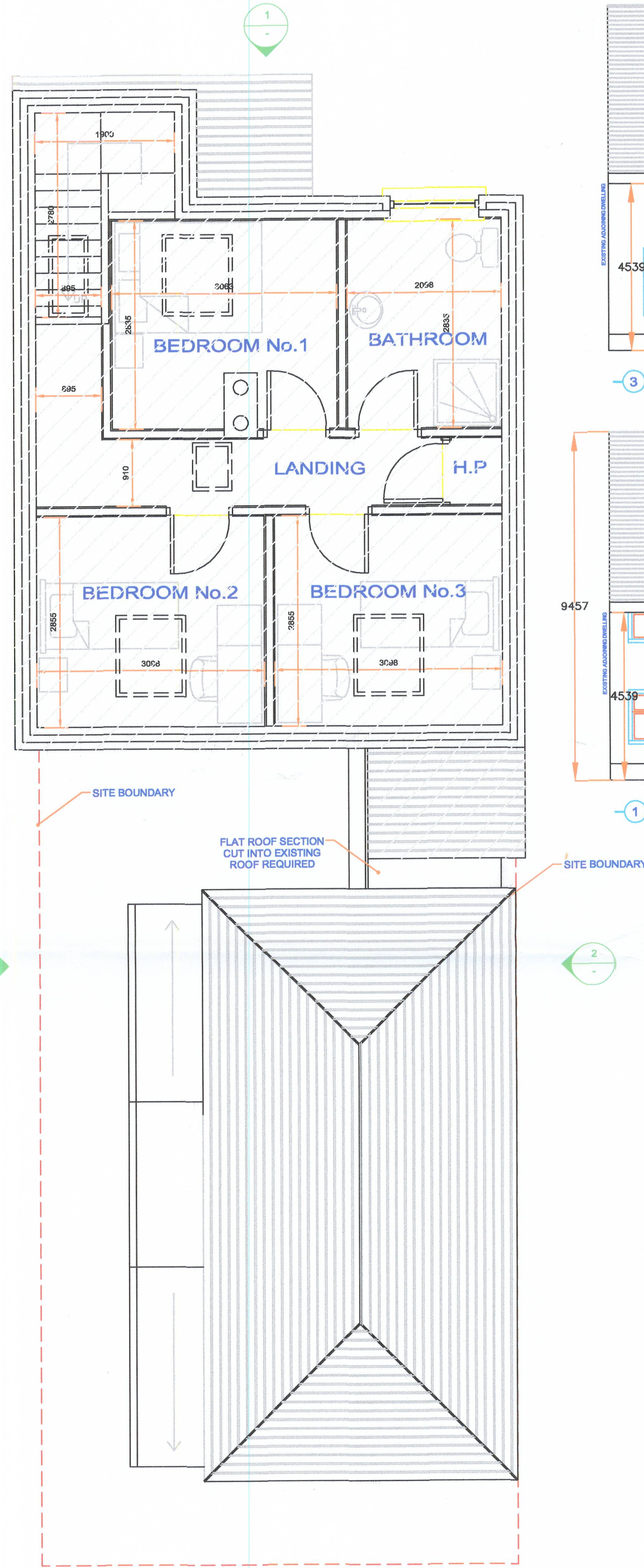






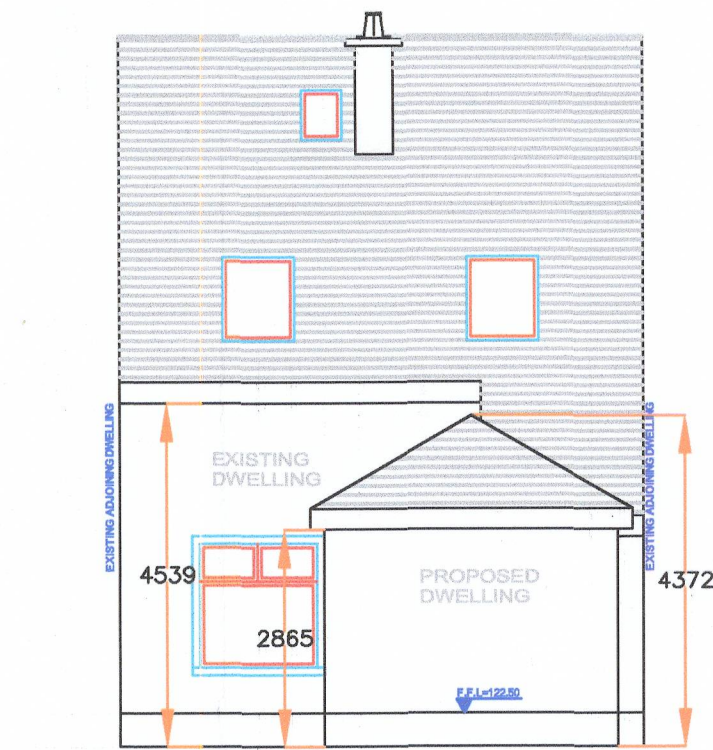
GROUND FLOOR

1:50



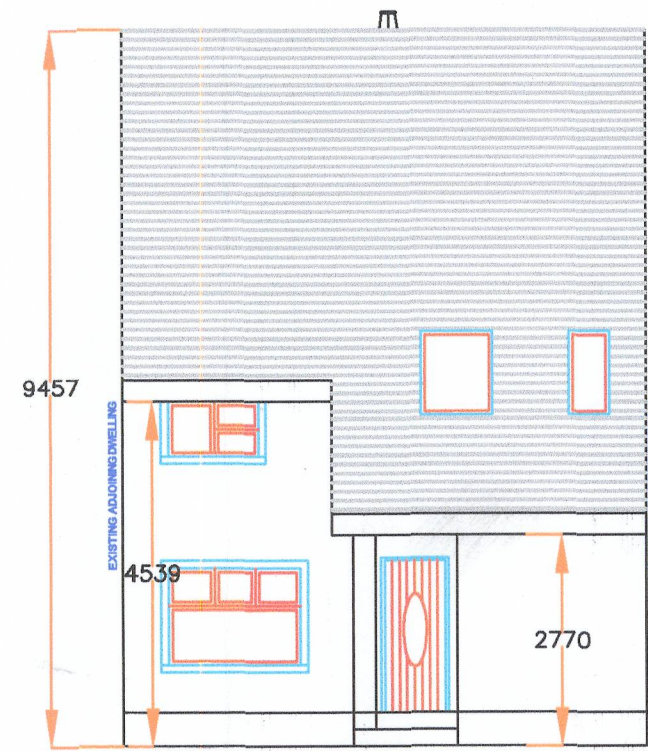
FIRST FLOOR

1:50



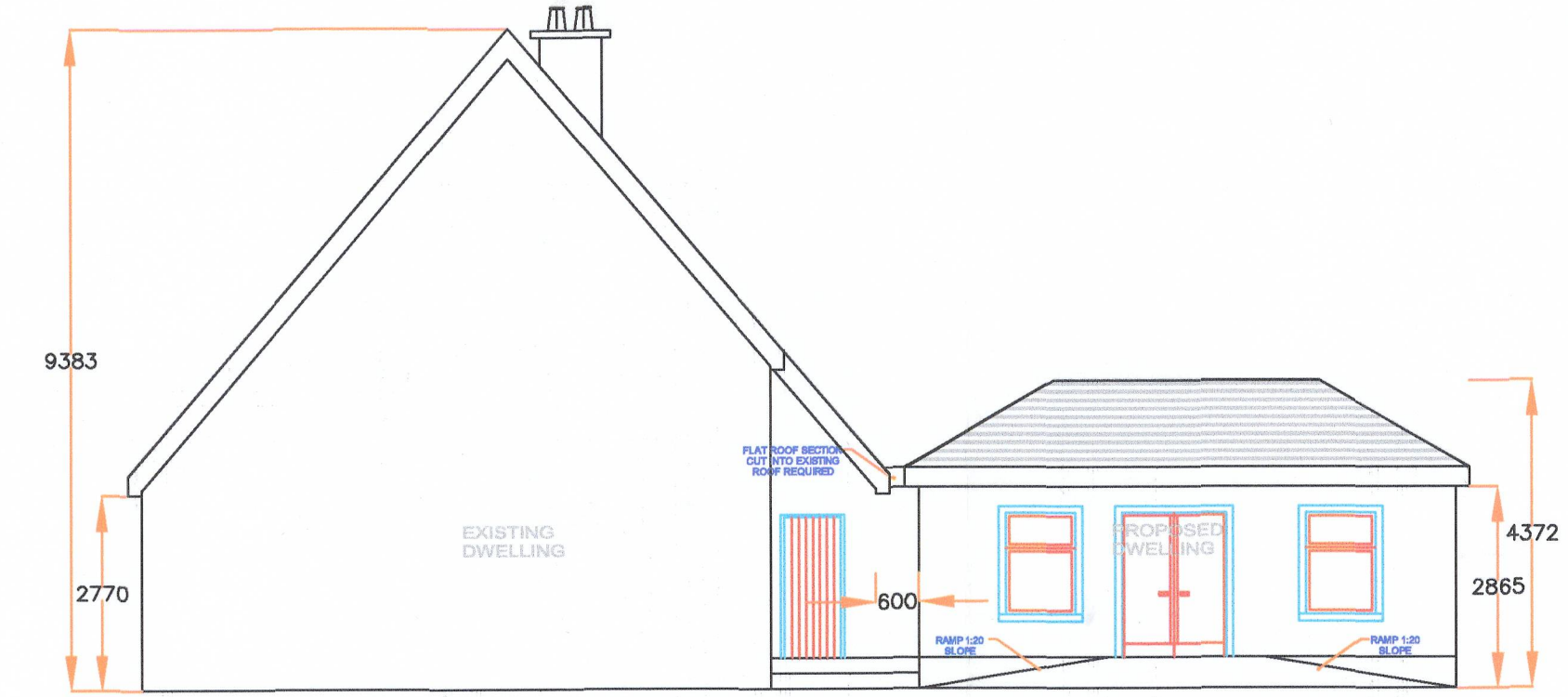
3 SOUTH REAR ELEVATION

SCALE 1:50



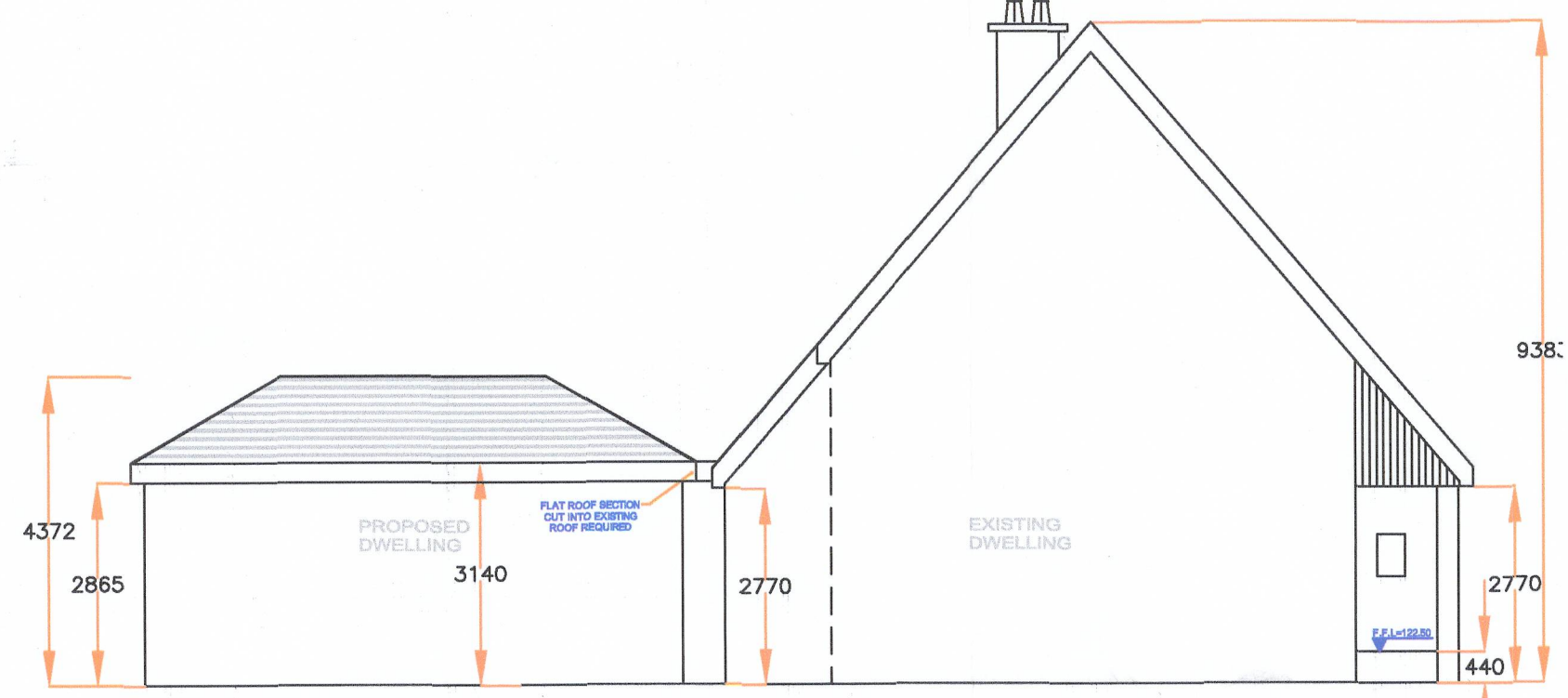
1 NORTH FRONT ELEVATION

SCALE 1:50



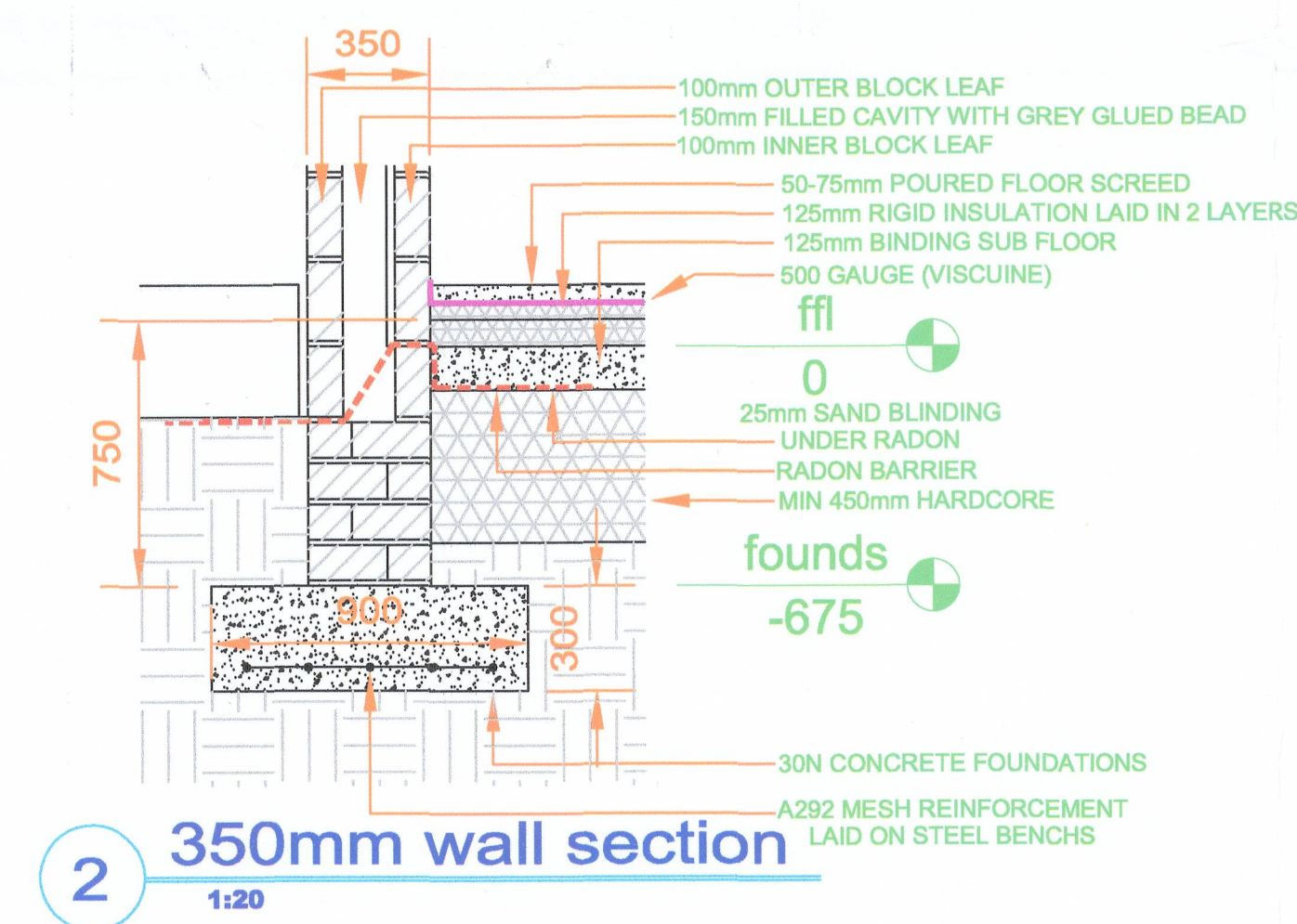
4 WEST GABLE ELEVATION

SCALE 1:50



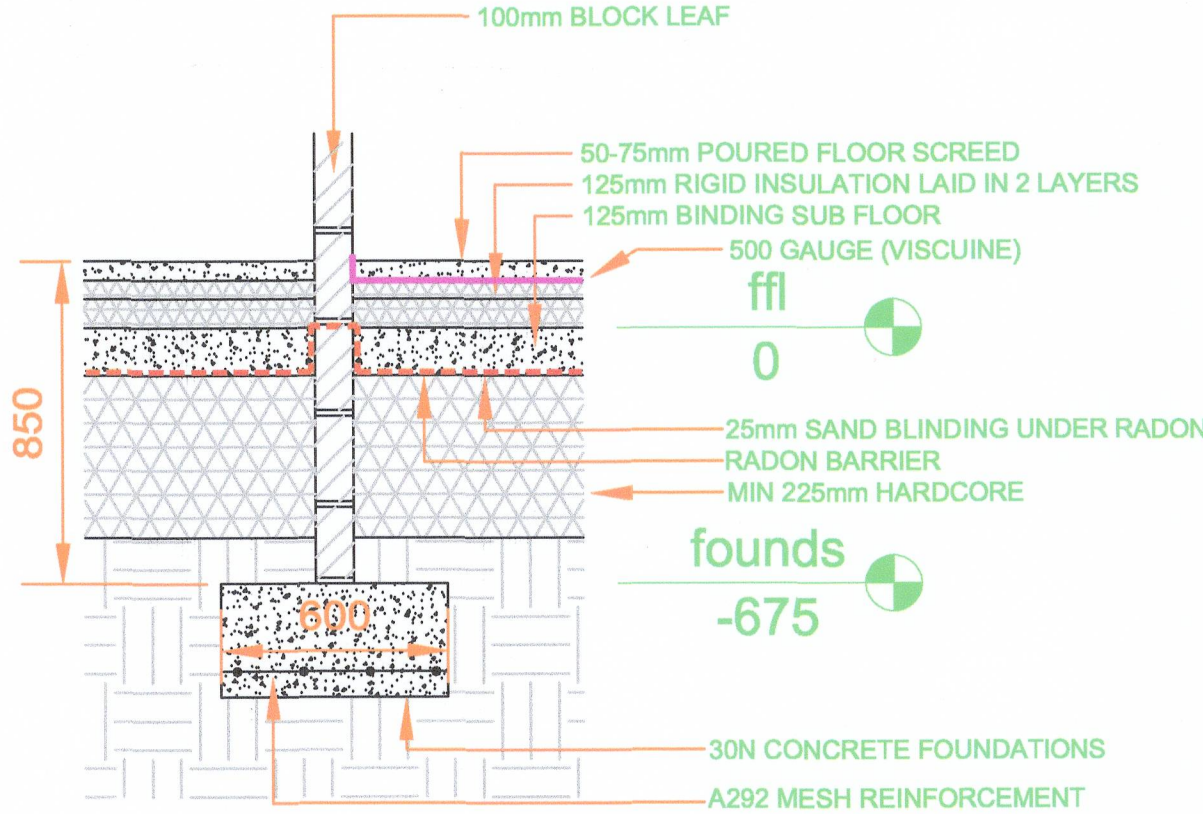
2 EAST GABLE ELEVATION

SCALE 1:50



2 350mm wall section

1:20



4 100mm wall section

1:20

**ROOF:**  
SLATES TO MATCH EXISTING OR EQUIVALENT APPROVED. MINIMUM HEAD LAP 44X150 MM RAFTERS @400MM CENTRES 44X125MM COLLARS @400MM CENTRES 175X25MM RIDGE BOARD 100X44MM HANGERS @800MM CENTRES 44X100MM BINDER 175X25MM SUB FASCIA 100X75MM WALL PLATES STRAPPED DOWN WITH 100X30X35MM GALVANISED MILD STEEL STRAPS @1200MM CENT RES. ALL ROOFING TIMBERS TO BE DOUBLE VACUUM TREATED WITH PRESERVATIVE.

**ATTIC INSULATION:**  
220MM FIBRE GLASS INSULATION OVER TOTAL AREA OF ATTIC FLOOR.

**FASCIA / SOFFIT:**  
TO MATCH EXISTING

**WALL VENTS:**  
WALL VENT TO PROVIDE 6500MM SQ OF CLEAR OPENING. VENT OPENING TO BE LINKED USING 150MM DIA UPVC PIPE TILTED TOWARDS EXTERNAL SIDE OF WALL.

**PARTITION WALLS:**  
GROUND FLOOR PARTITIONS: 100MM BLOCK WALLS RENDERED WITH 10MM SAND CEMENT PLASTER AND FINISHED WITH SKIM COAT OF GYPSUM FLOATING COAT.

**WINDOWS AND DOORS:**  
TO MATCH EXISTING

**EXTERNAL RENDER:**  
TO MATCH EXISTING

**GROUND FLOOR:**  
75MM SCREED ON 50MM POLYSTYRENE ON MONARFLEX RMB 300 RADON BARRIER. ALL JOINTS TO BE SEALED USING 2 STRIPS OF TAPE ON SUB FLOOR TO ENGINEERS. DETAIL.

**CEILINGS:**  
GROUND FLOOR CEILINGS 12.5MM FOIL BACKED PLASTER SLABS FINISHED WITH SKIM COAT OF GYPSUM

**RAIN WATER GOODS:**  
BLACK 125MM HALF ROUND UPVC GUTTERS AND 65MM SQUARE SECTION DOWN PIPES.

**EXTERNAL WALLS:**  
2ND. ROWS OF 100MM CONCRETE BLOCK LEAVES WITH 100MM CAVITY CONTAINING 60MM POLYSTYRENE INSULATION (0.035 W/MK) STAINLESS STEEL WALL TIES @750MM HORIZONTAL AND 450MM VERTICAL CENTRES. PRESTRESSED CONCRETE LINTELS WITH 2ND. COURSES OF CONCRETE BRICKS OVER PRECAST CONCRETE CILLS

**NOTE:**  
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH OCCUPATIONAL REPORT

**LEGEND:**  
EXISTING DWELLING

**NOTE:**  
ALL MEASUREMENTS TO BE CHECKED ON SITE, BEFORE COMMENCEMENT OF WORK.

**INTERNAL FLOOR AREA**  
EXISTING GROUND FLOOR AREA 48.53m<sup>2</sup>  
EXISTING FIRST FLOOR AREA 46.48m<sup>2</sup>  
TOTAL AREA 95.01m<sup>2</sup>

**PROPOSED FLOOR AREA 24.09m<sup>2</sup>**  
TOTAL AREA 119.10m<sup>2</sup>  
OR  
TOTAL AREA 390.74ft<sup>2</sup>

BUILDER TO COMPLY WITH BUILDING REGULATIONS 1997  
DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATION  
WORK TO WRITTEN DIMENSIONS & CHECK ON SITE BEFORE COMMENCE OF WORK  
TRADESMEN ONLY ON SITE  
ALL WORK TO BE SUPERVISED BY ENGINEER  
OPEN FOUNDATIONS TO BE INSPECTED BEFORE CONCRETE POUR

**TITLE:**  
PERMISSION FOR HOUSING ADAPTATION GRANT SCHEME @  
3 RIVERSDALE, LISVERNANE, AHERLOW Co. TIPPERARY

**CLIENT:**  
MICHAEL PRICE

**EIRCODE:** E34PD35

**SCALE:**  
1:50  
1:75

**PAPER:**  
@A1

**DATE:**  
19:03:2025

**PLAN, ELEVATION & SECTION**  
Sh. 1 of 1.

**DRAWN BY:**  
GERARD MYERS  
BALLYRYAN EAST, SOLOHEAD  
TIPPERARY, Co. TIPPERARY  
Ph. 0879822330

**DRAWN NO:**  
2024-MP-001

**REVISION NO**  
3





Comhairle Contae Thiobraid Árann  
Tipperary County Council

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Thiobraid Árann,  
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Cluain Meala,  
Co. Thiobraid Árann  
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@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

**Date: 21st March, 2025      Our Ref: S5/25/12      Civic Offices, Clonmel**

Michael Price  
c/o Gerard Myers  
Ballyryan East  
Solohead  
Co. Tipperary

**Re: Application for a Section 5 Declaration – construction of a disabled bedroom and wheelchair accessible bathroom to the rear of existing dwelling. Total area of extension 24.09m<sup>2</sup> at 3 Riverdale, Lisvernane, Aherlow, Co. Tipperary**

Dear Mr. Price,

I acknowledge receipt of your Further Information for a Section 5 Declaration received on 20<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

#### Report No.2

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

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<b>Planning Reference:</b>	S5/25/12
<b>Applicant:</b>	Michael Price
<b>Development Address:</b>	3 Riversdale Drive, Lisvernane, Aherlow, Co. Tipperary
<b>Proposed Development:</b>	The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m.

---

Further information was requested on 11<sup>th</sup> March 2025 under Section 5(2) of the Act. Further information response was received on 20<sup>th</sup> March 2025.

#### **1. GENERAL**

On 18<sup>th</sup> February a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Mr. Michael Price c/o Gerard Myers as to whether or not the following works constituted development and if so, whether same was exempted development:

***The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m.***

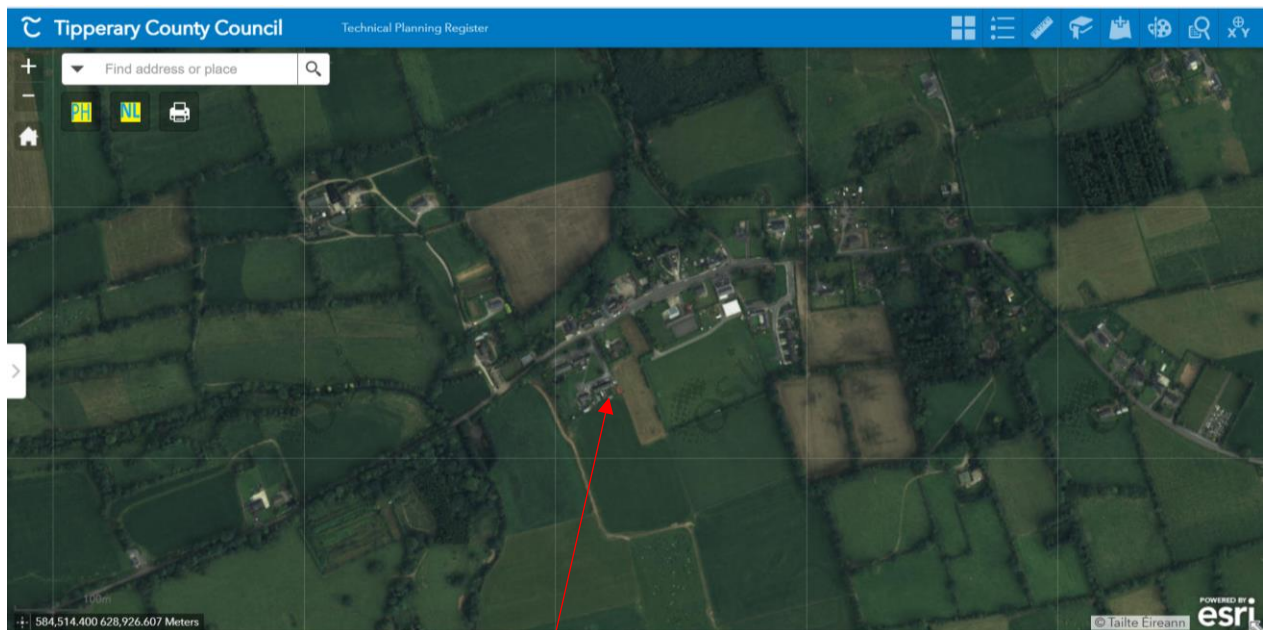


Figure 1 Site Location

#### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this case;

##### **Planning and Development Act 2000, as amended**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Description of Development**

*The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use*

#### **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.*

*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.*

- (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 subject site is located at 3 Riversdale Drive (referred to as 3 Riversdale on application form), Lisvernane, Aherlow, Co. Tipperary, E34PD35. The site currently accommodates a mid terrace dwelling. The estate access road is in charge of the Local Authority and is assigned road no L-83276.

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

**S5/24/139** Extension to the rear of the dwelling deemed to be development and was not exempted development.

There is no planning history on the subject site. There is no planning history recorded for the wider estate and it appears same was developed by the Local Authority. Pl. Ref. No. PP33152 relates to permission for a bungalow to the north in 1975.

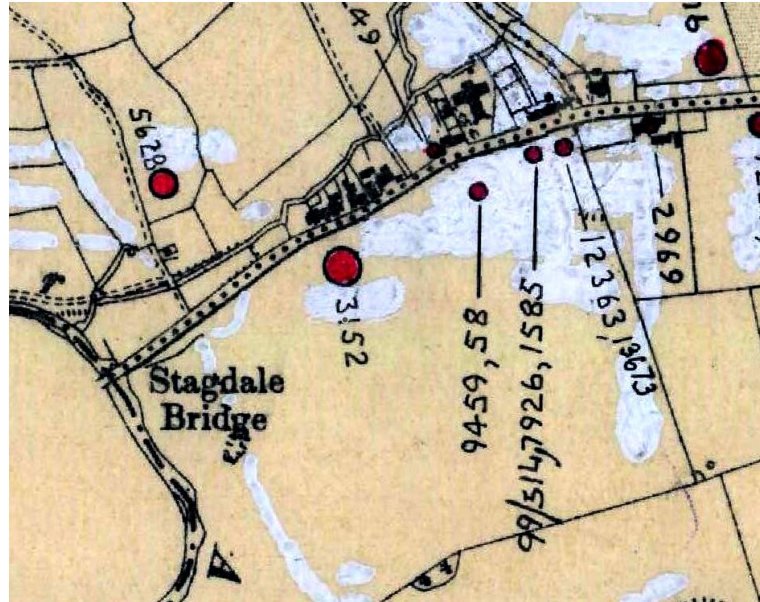


Figure 2 Historic Mapping

### c. Assessment

#### A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

#### B) "Is or is not Exempted Development"

The proposal is assessed relative to Class 1 of Part 1 of Schedule 2 below.

#### **CLASS 1**

*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.*

*The extension is to be constructed to the rear of the house.*

Subject to the following 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.*

*The house has not been extended previously and the floor area of the extension is 24.09 sq.m.*

(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.*

*N/A*

(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.*

*N/A*

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.* *N/A*

(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.* *N/A*

*(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. N/A*

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

*N/A. The extension is single storey*

*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 dwelling does not include a gable. The application does not include a drawing of the northern elevation of the proposed extension and this appears to include for an A gable the walls of which would exceed the rear walls 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.*

*N/A*

*(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 extension includes for a short flat roof section adjoining the existing dwelling and the height of this section does not the height of the eaves it adjoins. The height of the monopitch section does 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 open space remaining to the rear of the dwelling will exceed 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.*

*Windows proposed on west elevation only and same are in excess of 1 m from the boundary they face.*

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

*(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. N/A*

*7. The roof of any extension shall not be used as a balcony or roof garden. Small flat roof section and monopitch roof not conducive to use as a roof garden or balcony.*

As set out above there is a lack of clarity in relation to the northern elevation of the proposed extension and the manner it satisfies condition and limitation 4(a). Further Information will be requested on same.

**C) Restrictions under Article 9**

I note no restrictions that would apply in the event an extension satisfied the available exemption.

**D) Requirement for Appropriate Assessment and Environmental Impact Assessment**

**AA**

Screening for AA is not required in respect of the proposal which is not considered to constitute development.

**EIA**

Screening for EIA is not required in respect of the proposal which is not considered to constitute development.

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#### 4. FUTHER INFORMATION REQUEST, RESPONSE & ASSESSMENT

Further Information was requested on 11<sup>th</sup> March 2025 under Section 5(2) of the Act as follows;

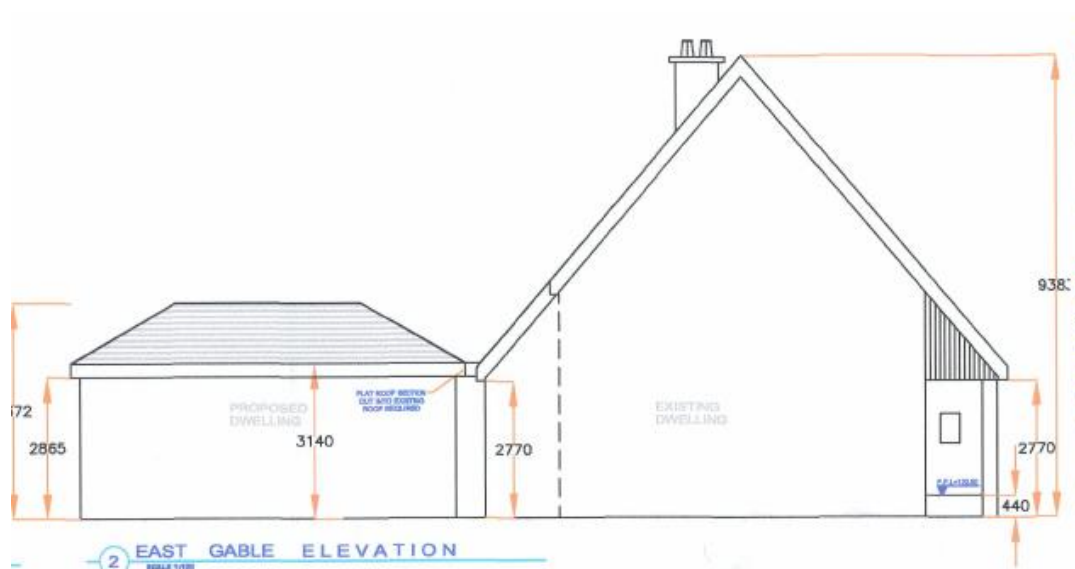
1. *The applicant is requested to submit a drawing of the northern elevation of the proposed extension. The applicant is advised that from a review of the drawings submitted to date this elevation appears to include an A Gable and if this is the case the proposal breaches Condition and Limitation 4(a) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, which requires as follows;*

*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 applicant is requested to respond.*

A Further Information response was received on 20<sup>th</sup> March 2025.

Revised drawings of the proposed extension been submitted, The roof profile has been altered to propose a hipped roof and the walls. The proposal shows that the walls of extension do not exceed the height of the rear wall of the house and meets limitation 4(a) of Class 1 of Part 1 of Schedule 2



#### 4. RECOMMENDATION

**WHEREAS** a question has arisen as to whether the proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling at No. 3 Riversdale Drive, Lisvernane, Aherlow, Co. Tipperary, is development and is or is not exempted development:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- (d) The details submitted with the application on 18<sup>th</sup> February 2025 & further information received 20<sup>th</sup> March 2025

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

The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling satisfies the exemption available under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

**NOW WHEREAS** Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

**District Planner:**



**Date:** 26/03/2025



**Senior Executive Planner:**

**Date:** 7.4.2025

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/12
(b) Brief description of the project or plan:	The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m.
(c) Brief description of site characteristics:	Existing dwelling in serviced area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 10km	None	No

### STEP 3. Assessment of Likely Significant Effects

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

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

<ul style="list-style-type: none"> <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>	
In-combination/Other	No potential impacts
<b>(b) Describe any likely changes to the European site:</b>	
<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
<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

#### STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

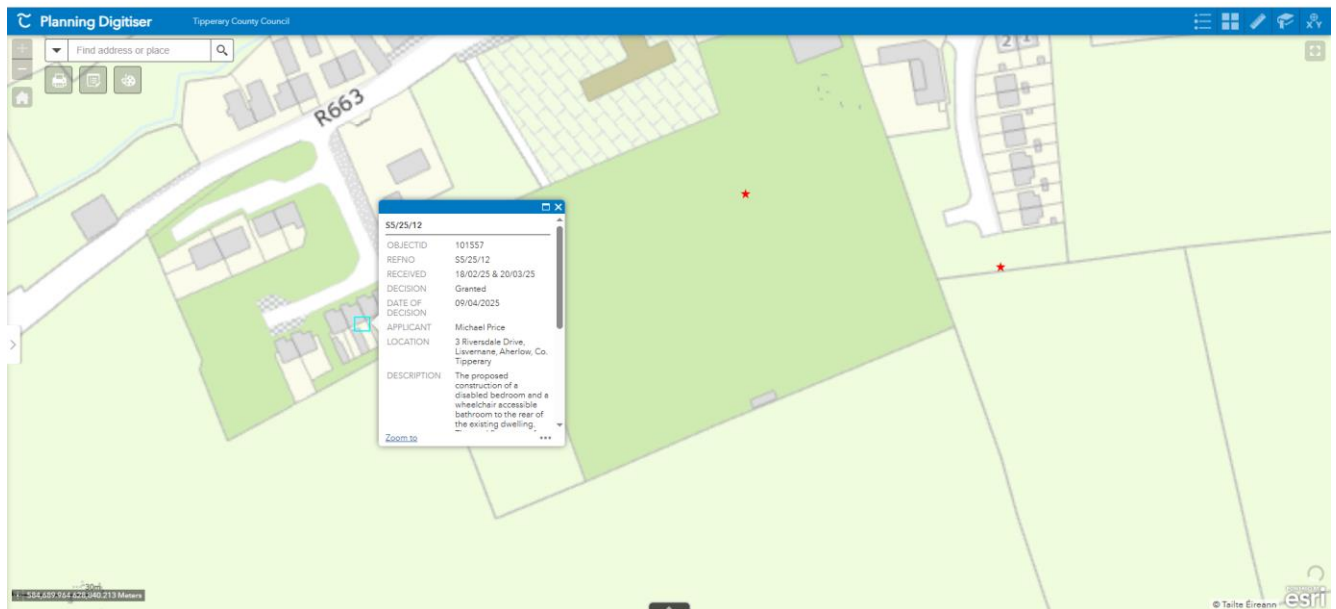
The proposed development is not likely to have significant effects.

Conclusion:

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



EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/12
<b>Development Summary:</b>	The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m.
<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
<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 required</b> <b>Determination</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>





Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
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tipperarycoco.ie

Date: 8<sup>th</sup> April, 2025

Our Ref: S5/25/12

Civic Offices, Nenagh

Michael Price  
C/O Gerard Myers  
Balyryan East  
Solohead  
Co. Tipperary

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

Dear Mr Price,

I refer to your application for a Section 5 Declaration received on 18<sup>th</sup> February, 2025, and Further Information received on 20<sup>th</sup> March, 2025 in relation to the following proposed works:

**The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m at 3 Riversdale Drive, Lisvernane, Aherlow, Co. Tipperary**

**WHEREAS** a question has arisen as to whether the proposed development is or is not exempted development:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- (d) The details submitted with the application on 18<sup>th</sup> February 2025 & further information received 20<sup>th</sup> March 2025

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

The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling satisfies the exemption available under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

**NOW WHEREAS** Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

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

Yours sincerely



---

for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/12**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT:    Section 5 Declaration**

I, Dave Carroll, A/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 Price, C/O Gerard Myers, Ballyryan East, Solohead, Co. Tipperary, re: The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling. The total floor area of the extension is 24.09sq.m at 3 Riversdale Drive, Lisvernane, Aherlow, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended
- (d) The details submitted with the application on 18<sup>th</sup> February 2025 & further information received 20<sup>th</sup> March 2025

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

The proposed construction of a disabled bedroom and a wheelchair accessible bathroom to the rear of the existing dwelling satisfies the exemption available under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

**NOW WHEREAS** Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS exempted development.**

**Signed:**



**Date: 08/04/2025**

**Dave Carroll**

**A/Director of Services**

**Planning and Development (including Town Centre First),**

**Emergency Services and Emergency Planning and**

**Tipperary/Cahir/Cashel Municipal District**