



**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:**

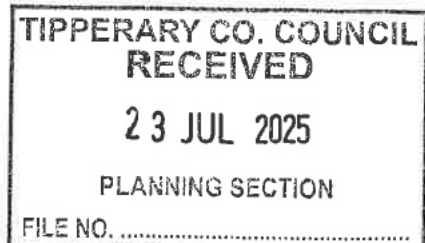
Applicant	PAULA KILKELLY HUGHES
Address	GRANGE VILLAGE, CHONMEL CO. TIPPERARY.
Telephone No.	
E-mail	

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

Agent	N/A
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [ ]      Agent [ ]	

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	LISGORM GRIFFITH AVENUE CHONMEL COUNTY TIPPERARY E91 D496
---	--



#### 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.)

Conservatory to rear of House early 2000's ? 2002/2003.	
There are 2 extensions to the rear of the original House. Kitchen/Dining built 1976 with Full Planning permission 19m <sup>2</sup> . Conservatory 18m <sup>2</sup> does not	
Proposed floor area of proposed works/uses:	sqm 18

appears to have Planning Permission

#### 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 PART ✓	B. Occupier
	C. Other	
Where legal interest is 'Other', please expand further on your interest in the land or structure		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s)



Date: 23/04/2025

**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:**

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

**OR**

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

**Enquires:**

**Telephone 0818 06 5000**

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

### **FOR OFFICE USE ONLY**

#### **DATE STAMP**

**Fee Recd. €** \_\_\_\_\_

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

Date \_\_\_\_\_

Receipted by \_\_\_\_\_

# Planning Pack Map



**Tailte  
Éireann**

**CENTRE**  
COORDINATES:  
ITM 620864,623031

**PUBLISHED:**  
23/07/2025

**ORDER NO.:**  
50480408\_1

**MAP SERIES:**  
1:1,000

**MAP SHEETS:**  
5430-07

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

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

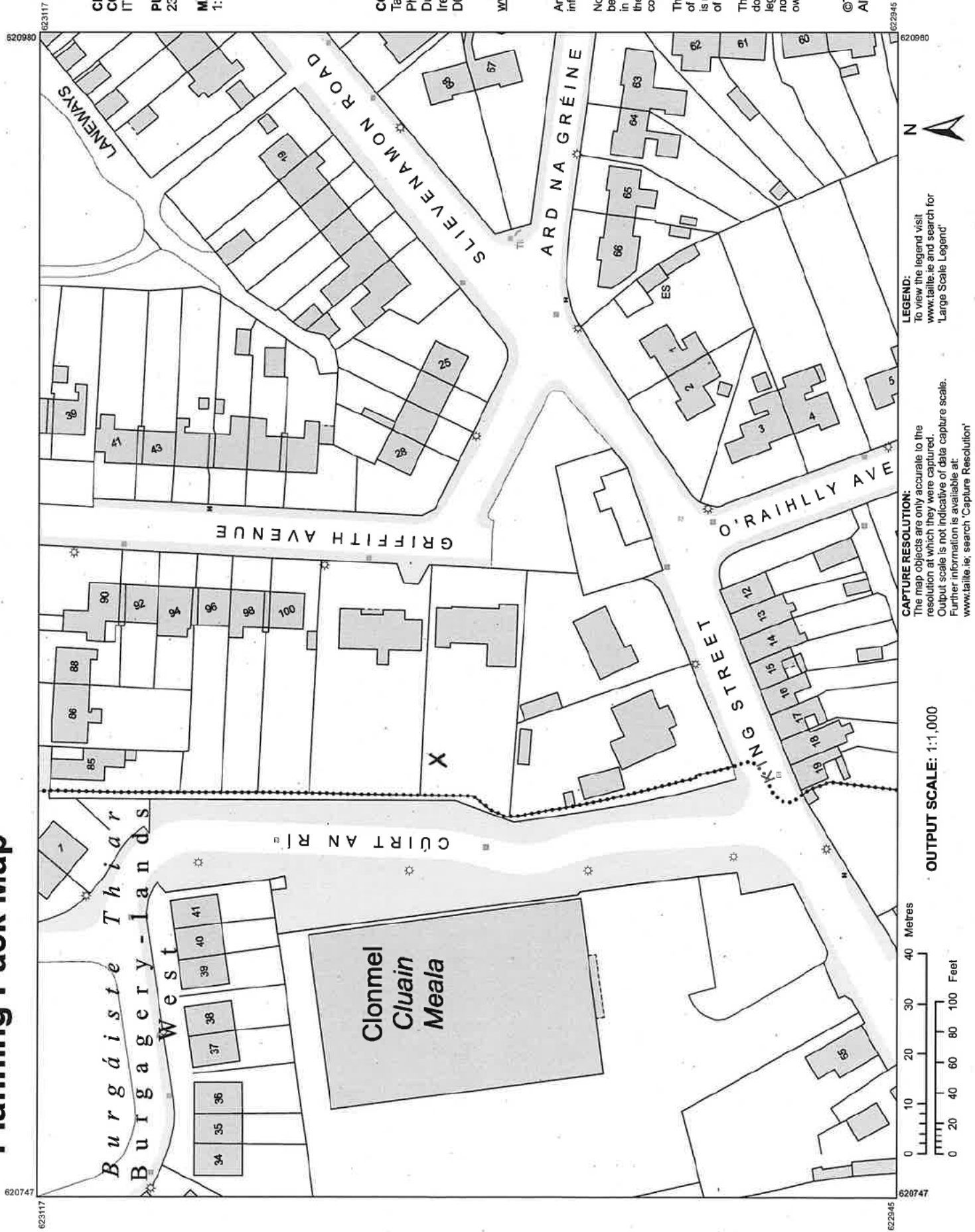
Any unauthorised reproduction  
infringes Tailte Éireann copyright.

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

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

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

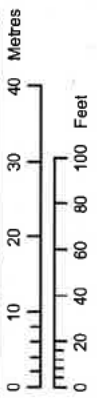
©Tailte Éireann, 2025.  
All rights reserved.



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

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

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



## Site Location Map

**CENTRE**  
**COORDINATES:**  
ITM 620864,623031

**PUBLISHED:** 23/07/2025

**ORDER NO.:** 50480408\_1

**MAP SERIES:** 6 Inch Raster  
6 Inch Raster  
WD001

**MAP SHEETS:** TY083

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

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

Any unauthorised reproduction  
infringes Taille Éireann copyright.

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

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

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

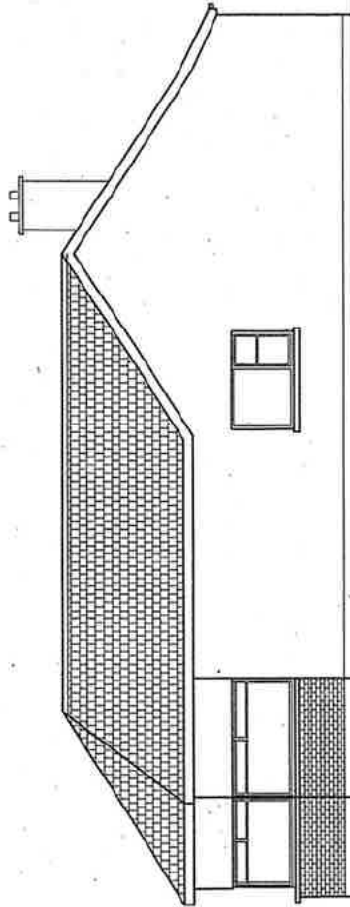
©Tailte Éireann, 2025.  
All rights reserved.



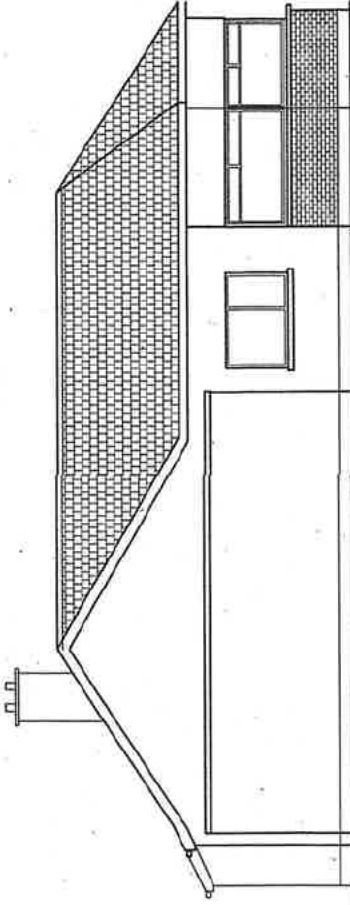
**LEGEND:**  
To view the legend visit  
[www.taille.ie](http://www.taille.ie) and search for  
"Large Scale Legend"

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

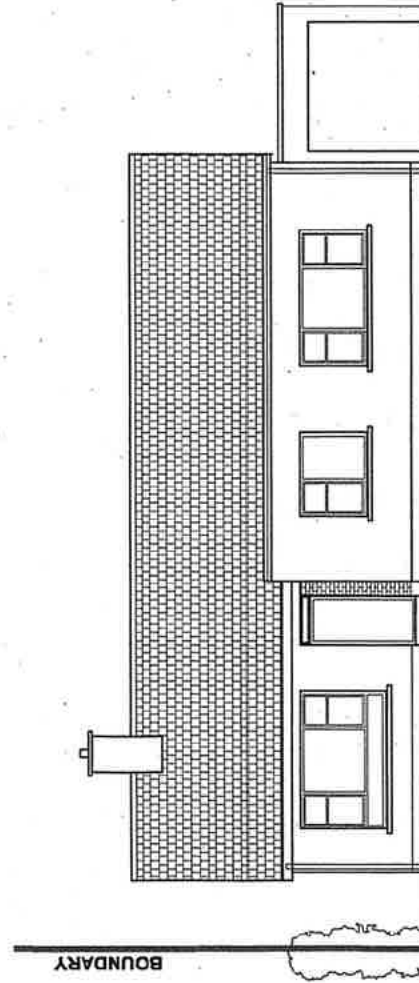
**OUTPUT SCALE: 1:10,560**



SOUTH ELEVATION @ 1:100



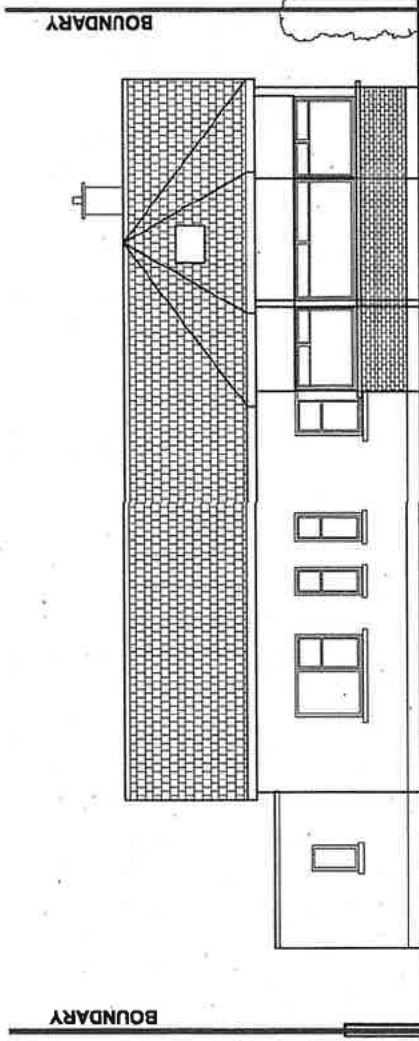
NORTH ELEVATION @ 1:100



EAST ELEVATION @ 1:100

BOUNDARY

BOUNDARY

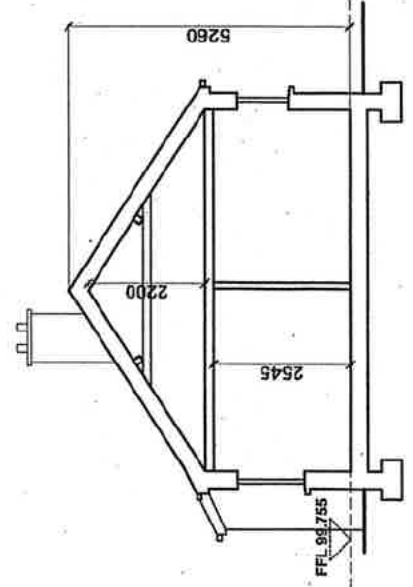


WEST ELEVATION @ 1:100

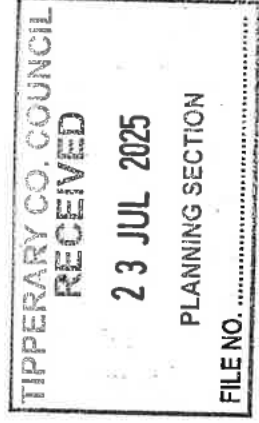
BOUNDARY

BOUNDARY

BOUNDARY

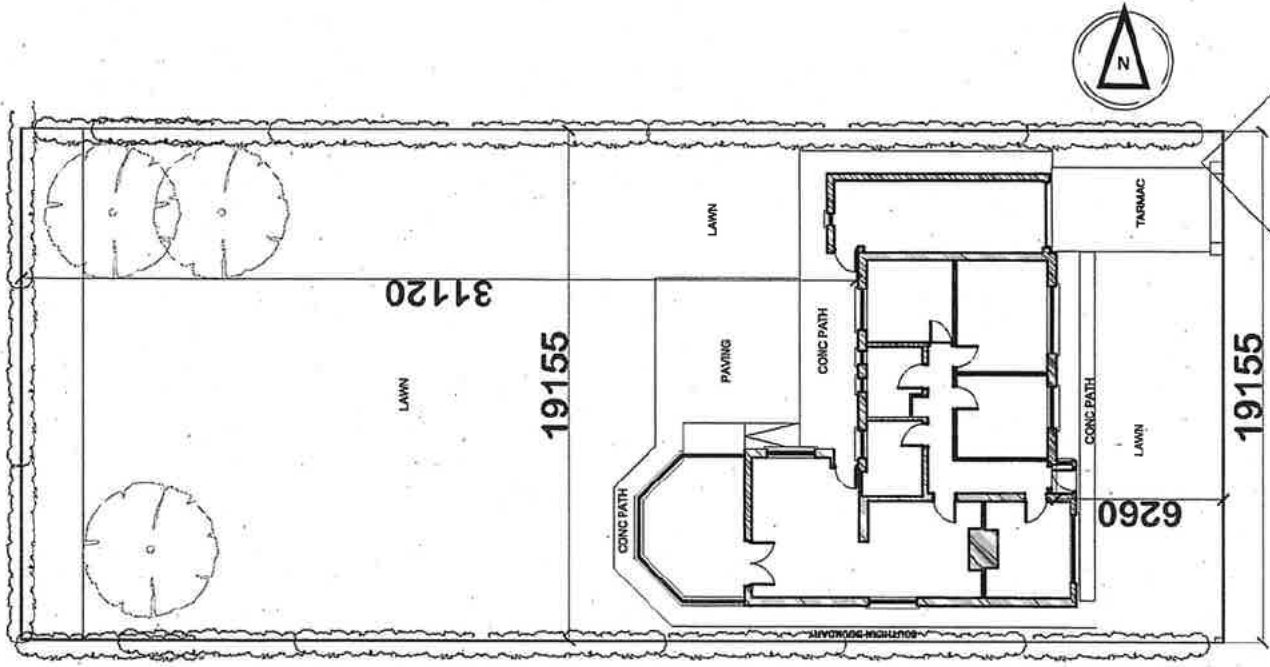
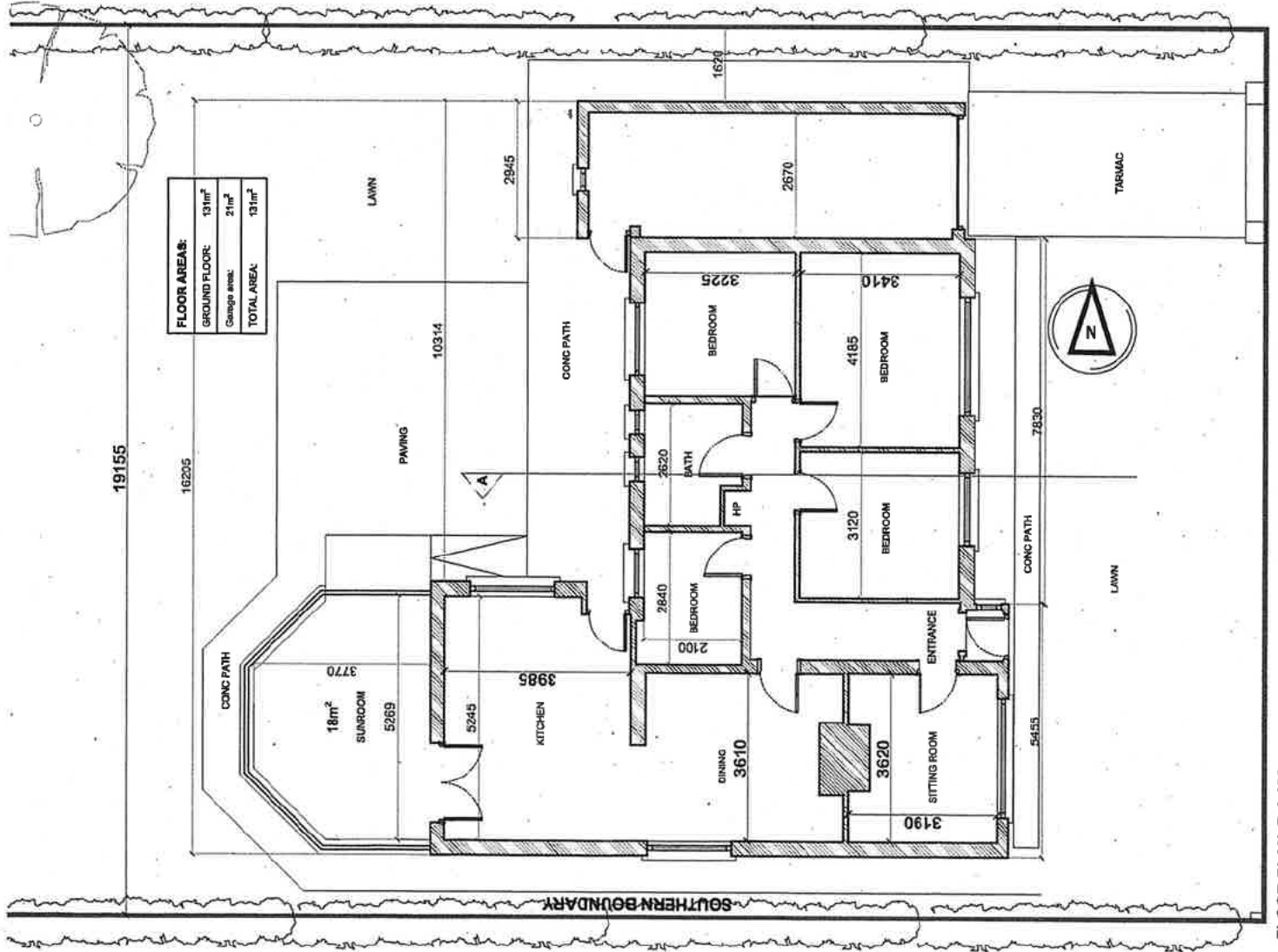


SECTION A/A @ 1:100



SURVEY DRAWINGS @ 1:100





**WALSH + WALSH**  
ARCHITECTS

JOHN AND PAUL HUGHES  
LUSCOMB, GREFFITH AVENUE, CLONMEL, CO. TIPPERARY, E31Y860 2405

Scale 1:200 1:100 @ A3 Date MAR 2024 Dwg/Rev

**SURVEY**

**S-01**



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/601  
e customerservice  
@tipperarycoco.ie  
[tipperarycoco.ie](http://tipperarycoco.ie)

**Date: 24th July, 2025    Our Ref: S5/25/102    Civic Offices, Clonmel**

Paula Kilkelly Hughes  
Grange Village  
Clonmel  
Co. Tipperary

**Re: Application for a Section 5 Declaration – 18m<sup>2</sup> conservatory to rear of house built in early 2000's at Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary E91 DY96**

Dear Paula

I acknowledge receipt of your application for a Section 5 Declaration received on 23rd July, 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 faithfully,

for **Director of Services**



## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

---

**Planning Ref.:** S5/25/102

**Applicant:** Paula Kilkelly Hughes,

**Development Address:** Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary

**Proposed Development:** construction of an 18m2 conservatory to rear of house.

---

#### **1. GENERAL**

On the 23<sup>rd</sup> of July 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- construction of an 18m2 conservatory to rear of Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary.

#### **2. STATUTORY PROVISION**

The following statutory provisions are relevant to this referral case;

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

*“In this Act, ‘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)(h) of the Act considers 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; to be exempted development.

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.

Schedule 2, Part 1 'Exempted Development - General:

**Class 1** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

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

### **3. ASSESSMENT**

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

The site comprises a single storey detached dwelling at Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary.

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

##### **On site**

A map and text (address) based search has been undertaken and none recorded.

##### **Adjacent**

None relevant

Figure 1 Planning history



### **c. Assessment**

#### **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"**

The works proposed comprise of a single storey, conservatory extension to the rear of an existing dwelling. It provides an additional 19 sqm of floor area. The conservatory is located to the rear of an existing extension. The applicant has indicated that this extension has the benefit of planning permission. There is no evidence of same.

Figure 2 Elevation

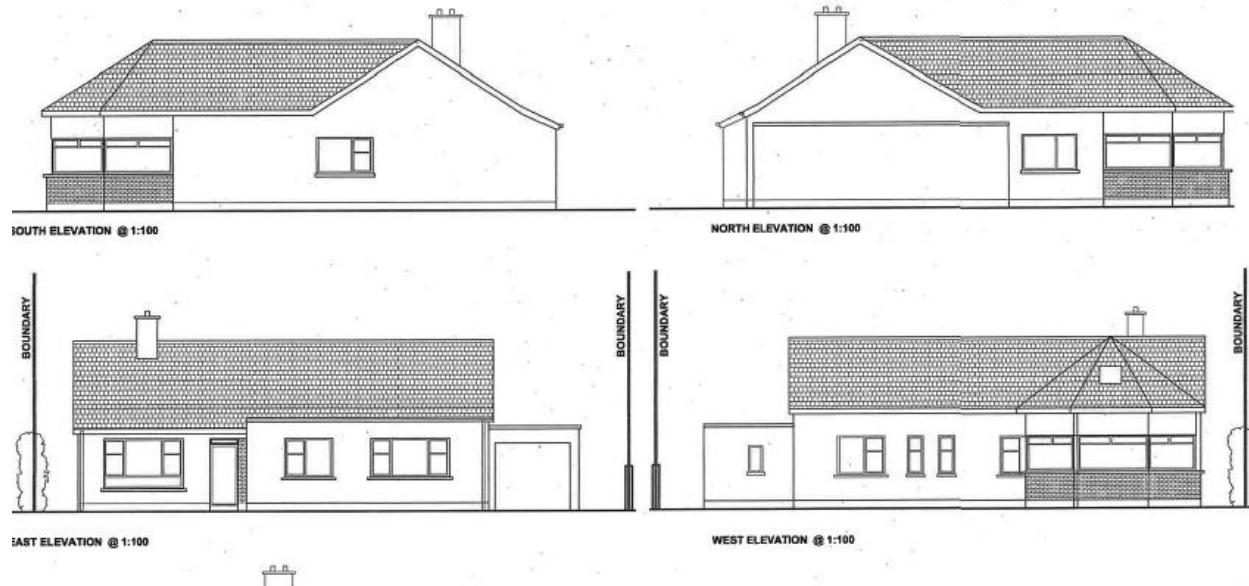
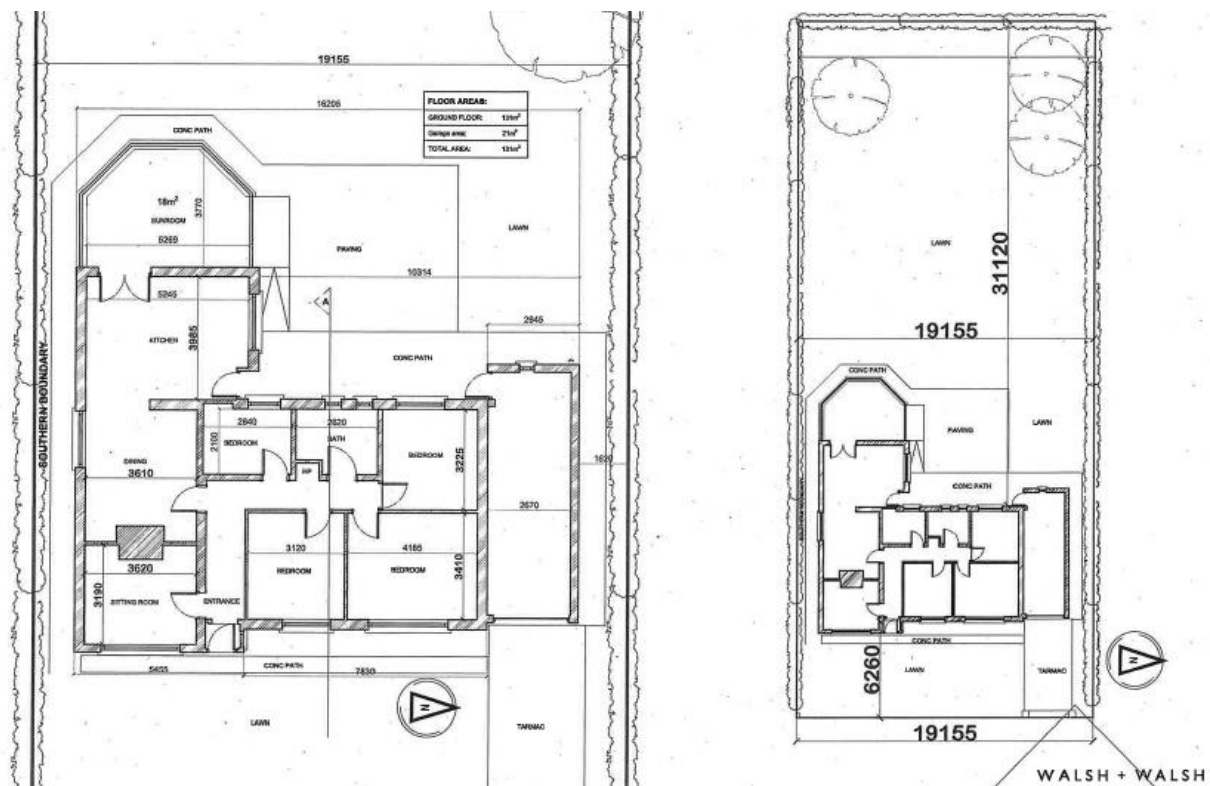


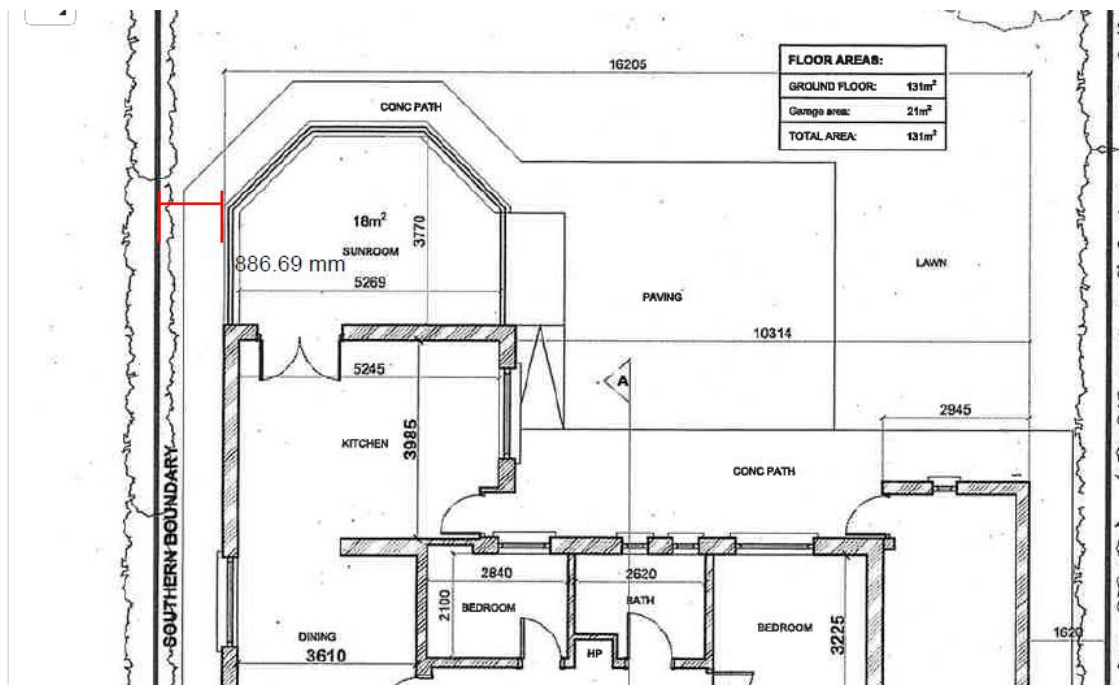
Figure 3 floor plans



With respect to the proposed extension, it does not exceed 40 sqm. The dwelling was previously extended. The extension is single storey. The cumulative area of the first extension (19 Sqms) and the conservatory does not exceed 40 sqms. The height of the wall of the extension does not exceed the height of the rear wall of the house. The area of private amenity space to the rear of the dwelling will not reduce to less than 25 square metres.

Windows of the conservatory at ground floor level would appear to be less than 1 metre from the boundary they face.

Figure 4 Separation to boundary



### C) Restrictions under Article 9

The restrictions set out under Article 9 of the Planning and Development Regulations 2001 are noted. As per Art 9(1)(a)(viii), development to which article 6 relates shall not be exempted development if the carrying out of such development would consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

As set out in the planning history section above, there is no record of a planning consent on site for the extension to which the conservatory is attached. Details in respect of same should be provided as the applicant has indicated that permission was granted for these works. In the absence of a grant of permission the applicant shall be requested to identify the year same was constructed and provide a rear elevation of same prior to the construction of the conservatory.

### D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The subject site is located c. 670ms from the Lower River Suir SAC, 11 kms from the Nier valley woodlands SAC and 12 kms from the Comeragh Mountains SAC.

The proposed development is located within the curtilage of a residential dwelling and comprises of domestic extension to the rear of the property.

Having regard to:

- the small scale nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- the absence of a direct pathway to these European sites,



it is considered that the proposed development would not have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

#### **4. RECOMMENDATION**

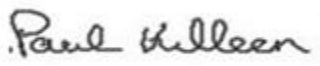
Having regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that further information is required in order to make a determination on this application.

The applicant is to be advised as follows;

1. There is no record of planning permission for the original kitchen extension to the rear of the dwelling. The Planning Authority cannot consider development that would consist of or comprise the extension of an unauthorised structure to be exempted development. You are required to clarify the Planning status of this extension and provide details of the planning consent for these works. In the event that the pre-existing extension did not benefit from planning permission you are requested to identify the year same was developed and provide a rear elevation of this extension prior to the construction of the conservatory.
2. As per the condition 6. (a) associated with Schedule 2 Part 1 Class 1 of the Planning and Development Regulations 2001, as amended, any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. You are required to submit scaled drawing clearly indicating the separation distance between the windows serving the conservatory and the boundaries they face.

Signed:   
District planner

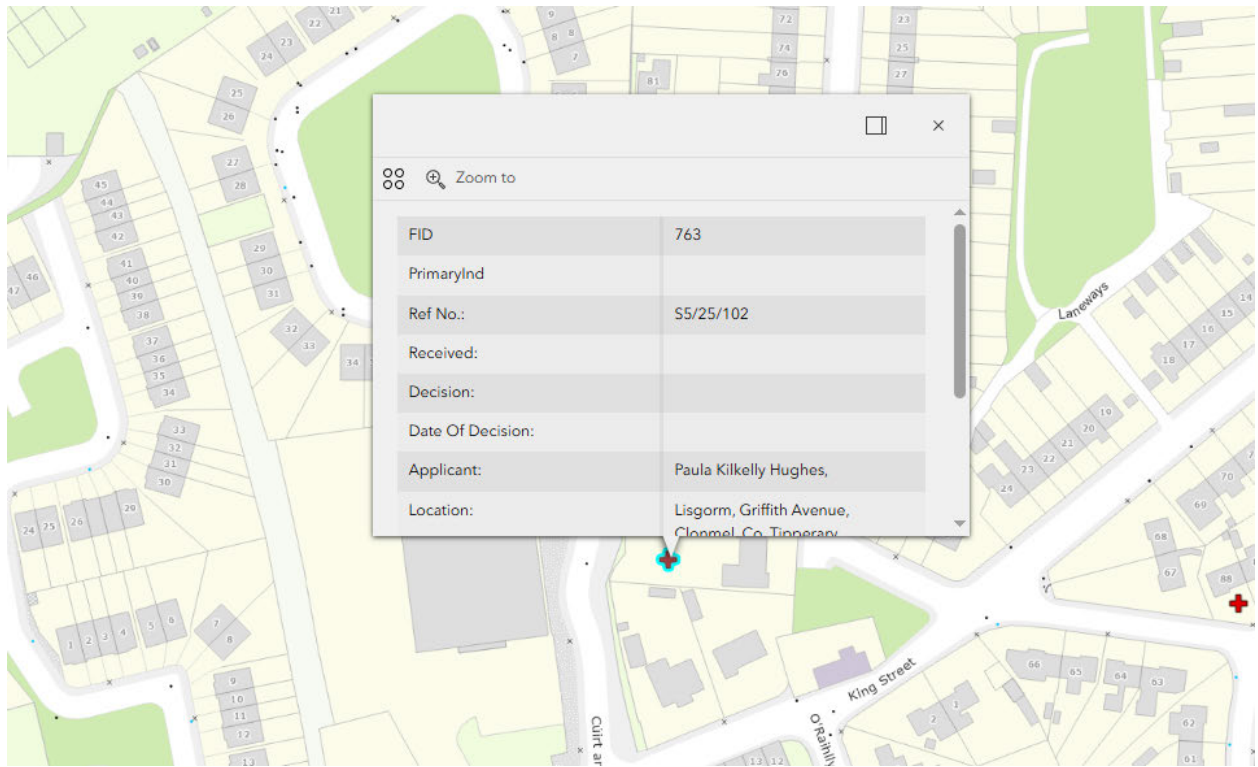
Date: 31/07/25

  
Signed: Senior Executive Planner

Date: 14.8.2025

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/102
<b>Development Summary:</b>	Domestic extension
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

Figure 5 Site entered on Planning register





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

Our Ref: S5/25/102

Civic Offices, Nenagh

**Paula Kilkelly Hughes**  
**Grange Village**  
**Clonmel**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – construction of an 18m2 conservatory to rear of house at Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary**

Dear Ms Hughes,

I refer to an application received from you on 23<sup>rd</sup> July, 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;

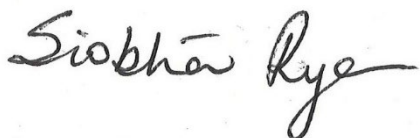
It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

1. There is no record of planning permission for the original kitchen extension to the rear of the dwelling. The Planning Authority cannot consider development that would consist of or comprise the extension of an unauthorised structure to be exempted development. You are required to clarify the Planning status of this extension and provide details of the planning consent for these works. In the event that the pre-existing extension did not benefit from planning permission you are requested to identify the year same was developed and provide a rear elevation of this extension prior to the construction of the conservatory.
2. As per the condition 6. (a) associated with Schedule 2 Part 1 Class 1 of the Planning and Development Regulations 2001, as amended, any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. You are required to submit scaled

drawing clearly indicating the separation distance between the windows serving the conservatory and the boundaries they face

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

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a large, stylized 'S' and 'R'.

---

for **Director of Services**

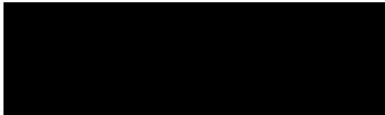
Paula Kilkelly Hughes

Grange village

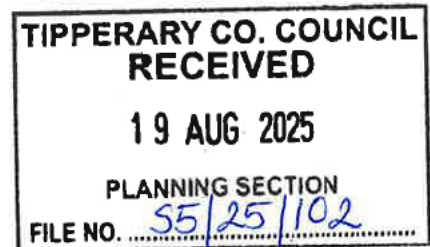
Clonmel

County Tipperary

E91DY96



18/08/2025



Dear Mr. Killeen,

Thank you for your letter 14/08/2025 in relation to my Application for a section 5 Declaration construction of an 18m2 conservatory to rear of house at Lisgorm, Griffith Avenue, Clonmel, County Tipperary.

- 1) As requested I refer to planning permission granted for the original kitchen extension to the rear of the house-file number PA2476 as per Tipperary County Council records.
- 2) As requested I refer to the window at ground level in the conservatory which is 1.3 m from the boundary it faces.

Kind regards

Paula Kilkelly Hughes





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

Date: 20<sup>th</sup> August 2025    Our Ref: S5/25/102

Civic Offices, Nenagh

**Paula Kilkelly Hughes**  
**Grange Village**  
**Clonmel**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration re construction of an 18m<sup>2</sup> conservatory to rear of house at Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary**

Dear Paula

I acknowledge receipt of Further Information received on 19<sup>th</sup> August 2025 in connection with the above.

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

Yours sincerely

  
for **Director of Services**

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

---

**Planning Ref.:** S5/25/102

**Applicant:** Paula Kilkelly Hughes,

**Development Address:** Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary

**Proposed Development:** construction of an 18m2 conservatory to rear of house.

---

#### **1. GENERAL**

On the 23<sup>rd</sup> of July 2025, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- construction of an 18m2 conservatory to rear of Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary.

#### **2. STATUTORY PROVISION**

The following statutory provisions are relevant to this referral case;

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

*“In this Act, ‘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)(h) of the Act considers 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; to be exempted development.

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.

Schedule 2, Part 1 'Exempted Development - General:

**Class 1** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

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

### **3. ASSESSMENT**

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

The site comprises a single storey detached dwelling at Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary.

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

##### **On site**

A map and text (address) based search has been undertaken and none recorded.

##### **Adjacent**

None relevant

Figure 1 Planning history



### c. Assessment

#### 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”

The works proposed comprise of a single storey, conservatory extension to the rear of an existing dwelling. It provides an additional 19 sqm of floor area. The conservatory is located to the rear of an existing extension. The applicant has indicated that this extension has the benefit of planning permission. There is no evidence of same.

Figure 2 Elevation

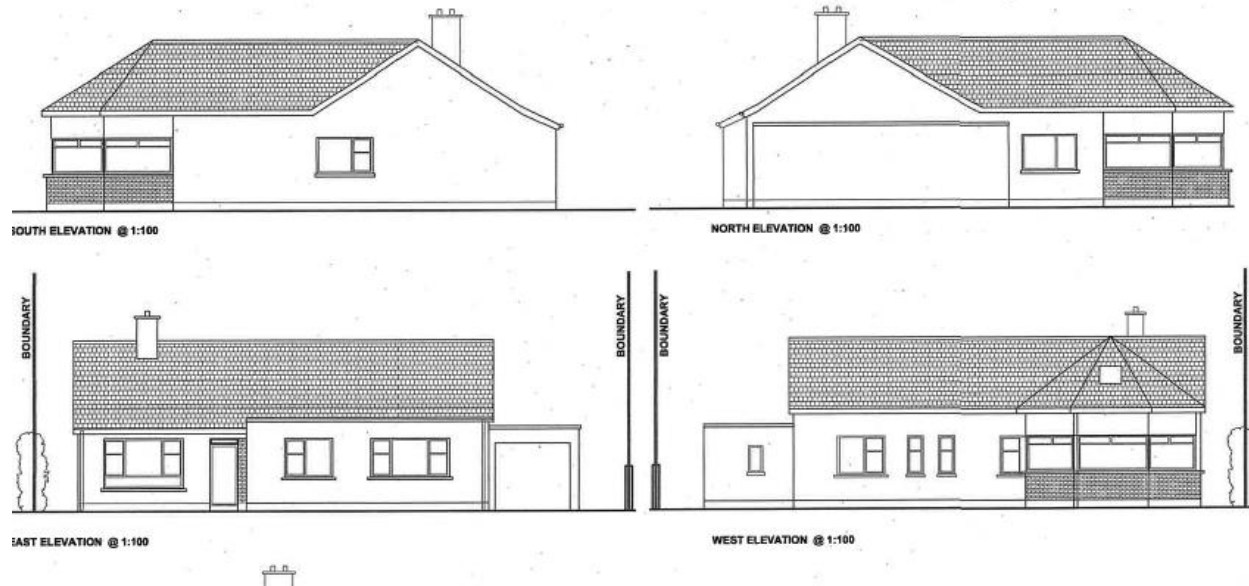
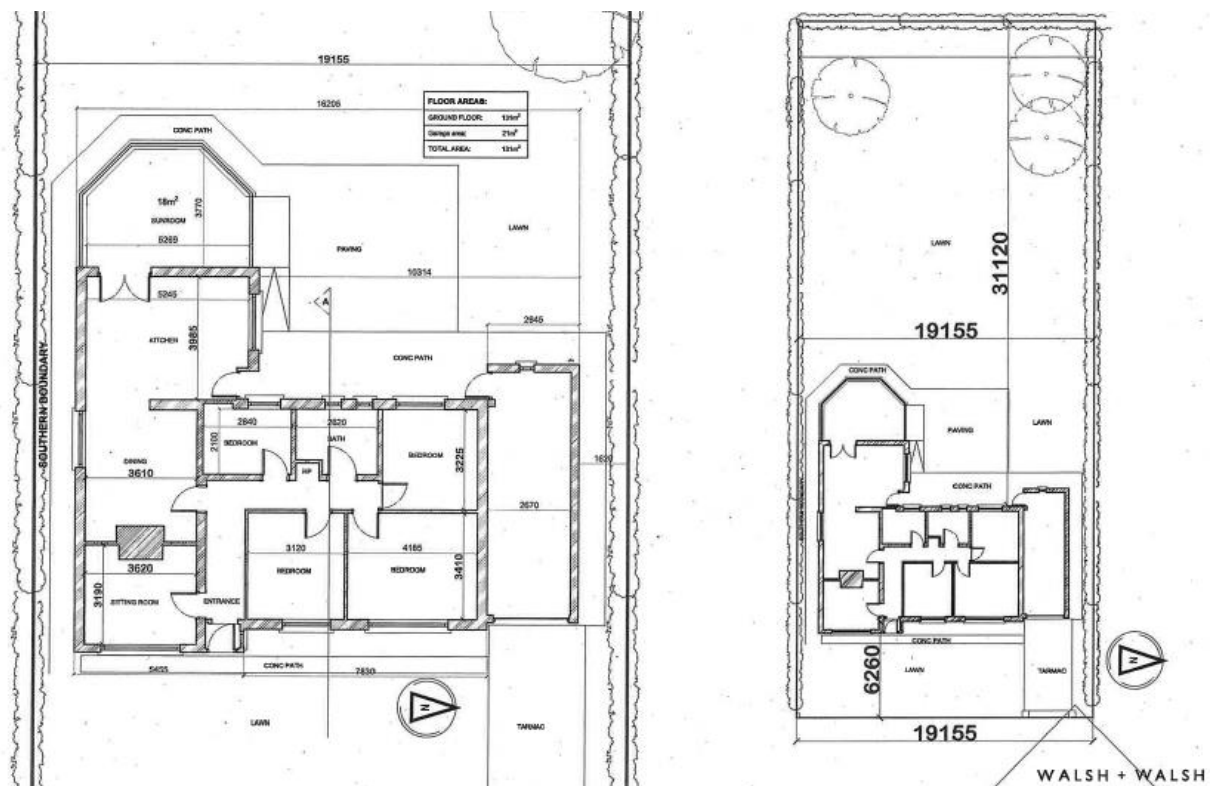


Figure 3 floor plans

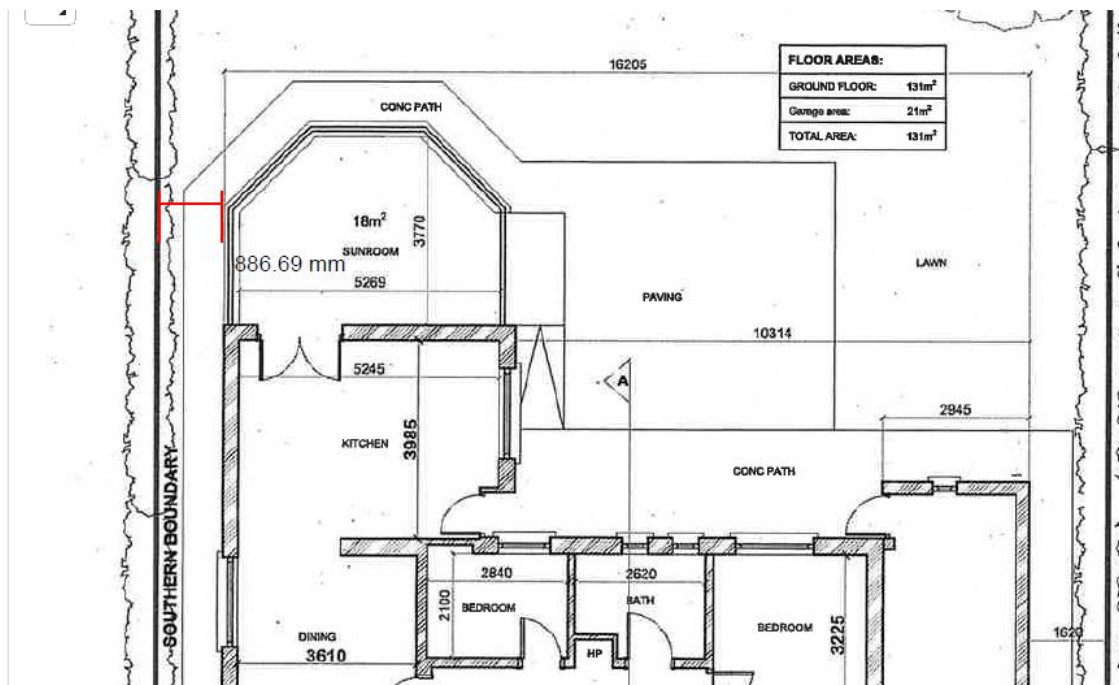


With respect to the proposed extension, it does not exceed 40 sqm. The dwelling was previously extended. The extension is single storey. The cumulative area of the first extension (19 Sqms) and the conservatory does not exceed 40 sqms. The height of the wall of the extension does not exceed the height of the rear wall of the house. The area of private amenity space to the rear of the dwelling will not reduce to less than 25 square metres.



Windows of the conservatory at ground floor level would appear to be less than 1 metre from the boundary they face.

Figure 4 Separation to boundary



### C) Restrictions under Article 9

The restrictions set out under Article 9 of the Planning and Development Regulations 2001 are noted. As per Art 9(1)(a)(viii), development to which article 6 relates shall not be exempted development if the carrying out of such development would consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

As set out in the planning history section above, there is no record of a planning consent on site for the extension to which the conservatory is attached. Details in respect of same should be provided as the applicant has indicated that permission was granted for these works. In the absence of a grant of permission the applicant shall be requested to identify the year same was constructed and provide a rear elevation of same prior to the construction of the conservatory.

### D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The subject site is located c. 670ms from the Lower River Suir SAC, 11 kms from the Nier valley woodlands SAC and 12 kms from the Comeragh Mountains SAC.

The proposed development is located within the curtilage of a residential dwelling and comprises of domestic extension to the rear of the property.

Having regard to:

- the small scale nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- the absence of a direct pathway to these European sites,

it is considered that the proposed development would not have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

#### **4. FURTHER INFORMATION**

The following further information was requested on the 14<sup>th</sup> of August 2025;

1. There is no record of planning permission for the original kitchen extension to the rear of the dwelling. The Planning Authority cannot consider development that would consist of or comprise the extension of an unauthorised structure to be exempted development. You are required to clarify the Planning status of this extension and provide details of the planning consent for these works. In the event that the pre-existing extension did not benefit from planning permission you are requested to identify the year same was developed and provide a rear elevation of this extension prior to the construction of the conservatory.
2. As per the condition 6. (a) associated with Schedule 2 Part 1 Class 1 of the Planning and Development Regulations 2001, as amended, any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. You are required to submit scaled drawing clearly indicating the separation distance between the windows serving the conservatory and the boundaries they face.

The querist replied on the 19<sup>th</sup> of August 2025.

#### **APPRAISAL**

##### **Point 1**

The querist has submitted proof of Planning consent for the original rear extension. Permission was granted under PA2476 to extend the kitchen in 1976. It measured 21 sqms.

Partion Hatched  
is the proposed  
Extension  
which is situate  
at the rear  
of exist Buila,

Kitchen

Dinning Hall

Living Room

17'-4"

7'-0" x 6'-0"

11'-2"

ELEVATION B-B

The applicant has clarified that the windows are 1.2 metres from the boundary they face. The

## 5. RECOMMENDATION

Whereas a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended, as to whether the following is “development” and “exempt development”,

- construction of an 18m<sup>2</sup> conservatory to rear of Lisgorm, Griffith Avenue, Clonmel, Co. Tipperary.

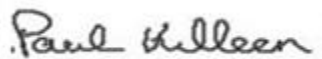
Having regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- (d) The details submitted by way of further information on the 19<sup>th</sup> of August 2025,

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application and by way of further information, constitutes “development” within the meaning of the Planning and Development Act 2000, and is “exempted development”.

The development would not be likely to have significant effects on the environment and would not require an EIA.

Signed:



District planner

Date: 28/08/25

Signed:

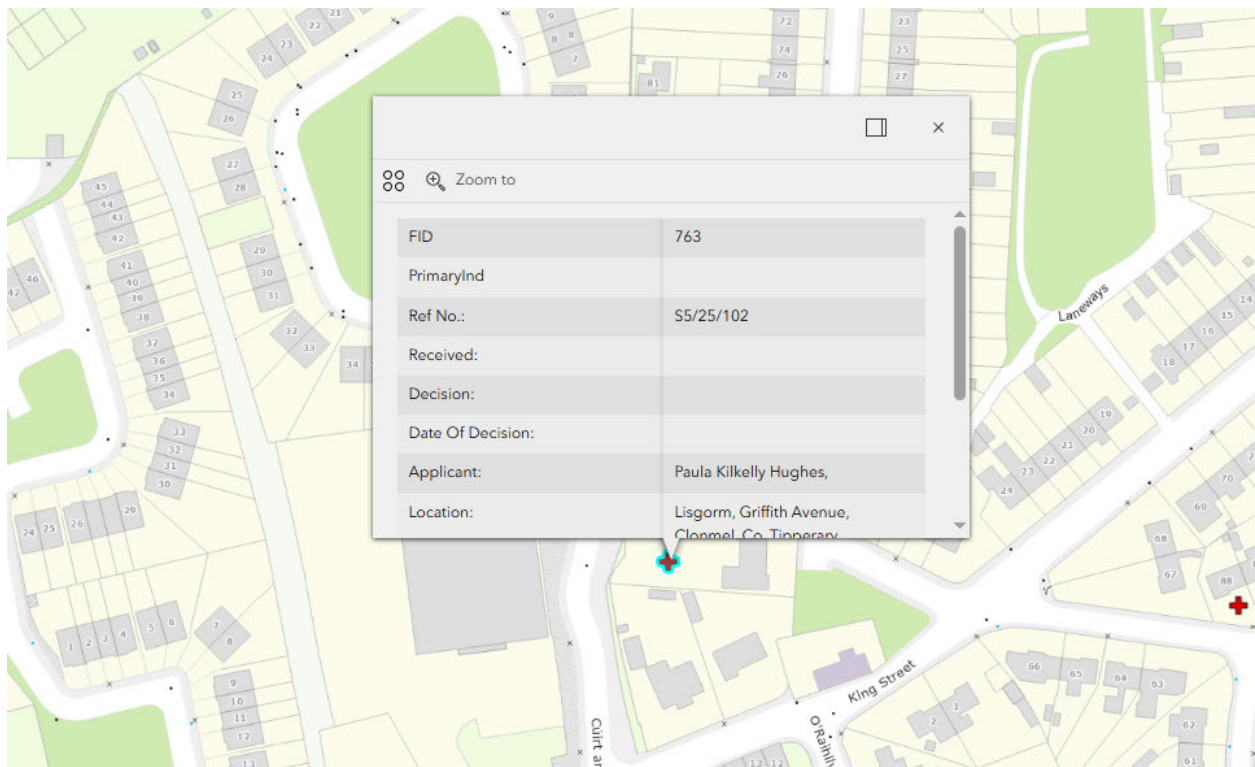


Senior Executive Planner

Date: 3.9.2025

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
<b>File Reference:</b>	S5/25/102
<b>Development Summary:</b>	Domestic extension
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>
<b>A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?</b> (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	<b>EIA is mandatory</b>  No Screening required
<input checked="" type="checkbox"/> No	Proceed to <b>Part B</b>
<b>B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?</b> (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	<b>No Screening required</b>
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	<b>EIA is mandatory</b>  No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to <b>Part C</b>
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	<b>Screening Determination required</b>
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	<b>Preliminary Examination required</b>

Figure 6 Site entered on Planning register







Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

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

Date: 5<sup>th</sup> September 2025

Our Ref: S5/25/102

Civic Offices, Nenagh

**Paula Kilkelly Hughes**  
**Grange Village**  
**Clonmel**  
**Co. Tipperary**

**Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.**

Dear sir/madam,

I refer to your application for a Section 5 Declaration received on 23<sup>rd</sup> July, 2025, and Further Information received on 19<sup>th</sup> August, 2025 in relation to the following proposed works:

**construction of an 18m2 conservatory to rear of house at Lisgorm, Griffith Avenue, Clonmel, 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 –

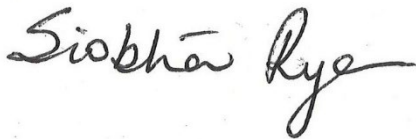
- a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- d) The details submitted by way of further information on the 19<sup>th</sup> of August 2025,

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application and by way of further information, constitutes "development" within the meaning of the Planning and Development Act 2000, and is "**exempted development**".

The development would not be likely to have significant effects on the environment and would not require an EIA.

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún 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

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

---

for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/25/102**      **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. 41983 dated 17<sup>th</sup> April, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Paula Kilkelly Hughes, Grange Village, Clonmel, Co. Tipperary, re: construction of an 18m2 conservatory to rear of house at Lisgorm, Griffith Avenue, Clonmel, 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 & 4 of the Planning and Development Act 2000 (as amended)
- b) Part 1 Class 1, of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- d) The details submitted by way of further information on the 19th of August 2025,

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application and by way of further information, constitutes "development" within the meaning of the Planning and Development Act 2000, and is "**exempted development**".

The development would not be likely to have significant effects on the environment and would not require an EIA.

**Signed:**



**Dave Carroll**

**A/Director of Services**

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

**Emergency Services and Emergency Planning and**

**Tipperary/Cahir/Cashel Municipal District**

**Date: 05/09/2025**