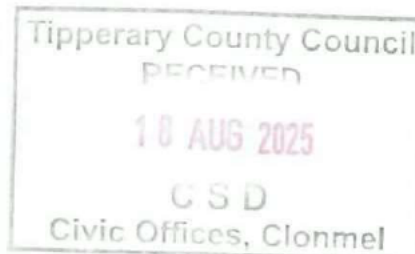




Comhairle Contae Thiobraid Árann
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	David Enright
<i>Address</i>	St. Joseph's, Mitchell Street, Tipperary Town, Co. Tipperary, E34 ND26
<i>Telephone No.</i>	
<i>E-mail</i>	

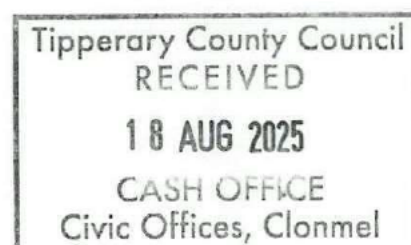
2. Agent's (if any) address:

<i>Agent</i>	
<i>Address</i>	
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input checked="" type="checkbox"/>] Agent [<input type="checkbox"/>]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	St. Joseph's, Mitchell Street, Tipperary Town, Co. Tipperary, E34 ND26
--	---

Receipt No 195 602
Issued 18 08 2025
€80-00 Cash



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.

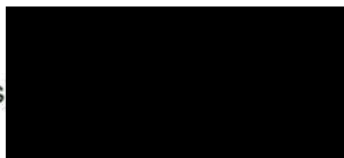
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

<p>The proposed works comprise the demolition of the existing utility room and the removal of the internal wall between the utility and the kitchen/dining area to widen the opening, with structural steel installed as required. A new dining area will be constructed on the footprint of the demolished utility, matching its width and extending marginally in length, with associated extension of the external wall. The existing lounge will remain structurally unaltered apart from the replacement of the current window with a glazed door providing direct access to the new dining area. An existing unused room will be converted to a utility room, with the existing window replaced by a door to the exterior and a new internal doorway formed between the new utility and the lounge. The works will also involve relocating the gas boiler and hot water tank to the new utility room, with associated modifications to external flues, vents and outpipes. The extension will incorporate a zinc roof section, replacement of rainwater goods and external finishes to match the existing dwelling, together with any necessary foundation works.</p>
Proposed floor area of proposed works/uses: 10.27 sqm

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

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner	B. Occupier X
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Liam Guilfoyle Address: Scalaheen, Tipperary Town, Co. Tipperary, E34 WD99	

Signature of Applicant(s)



Date: 14/August/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

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € _____

Receipt No _____

Date _____

Receipted by _____



This is a view of the proposed new doorway between the new dining area and existing lounge



This is the view of the utility from the yard



This is a view of the utility and the yard from the first floor

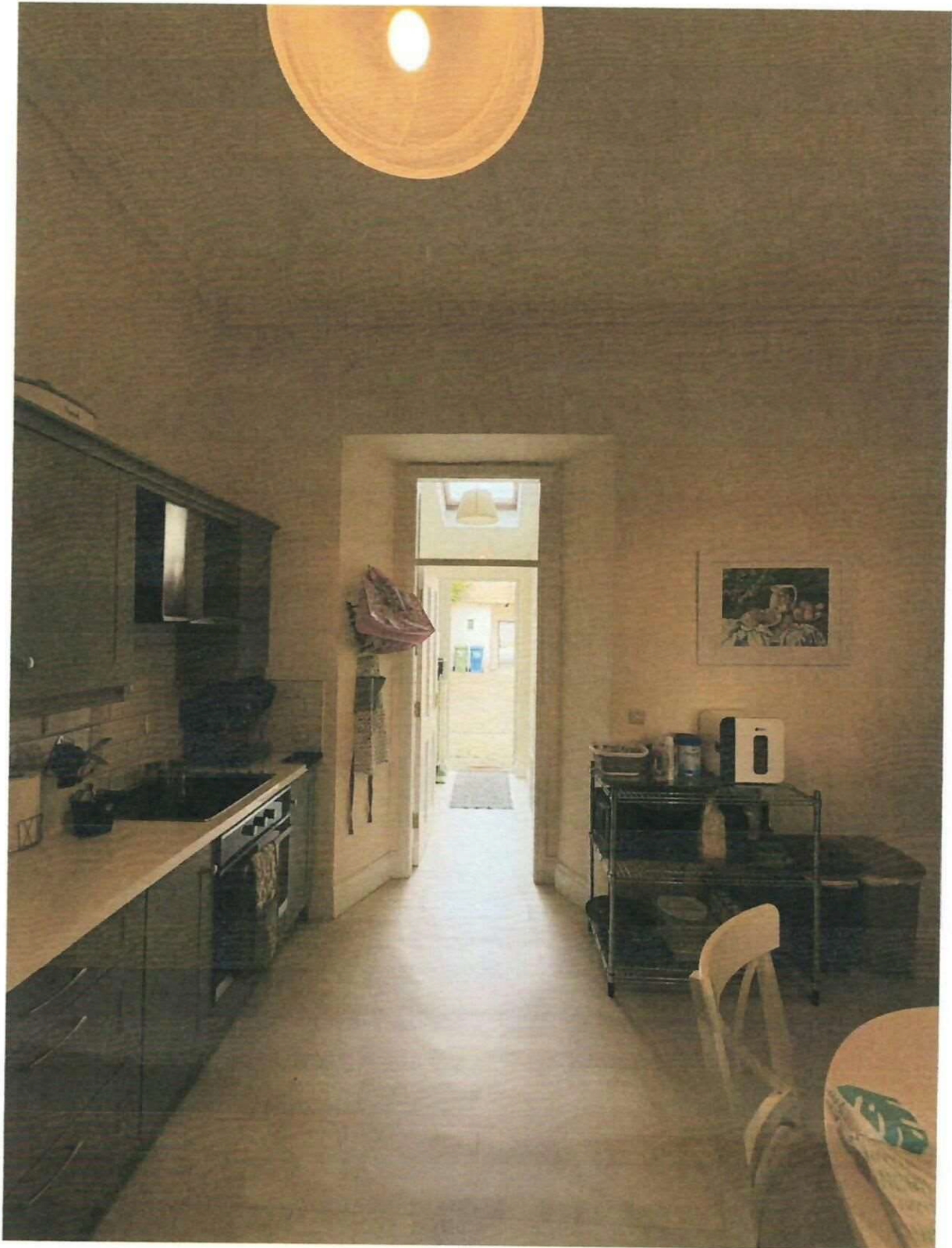


This is a view of the utility from the existing backdoor

this doorway



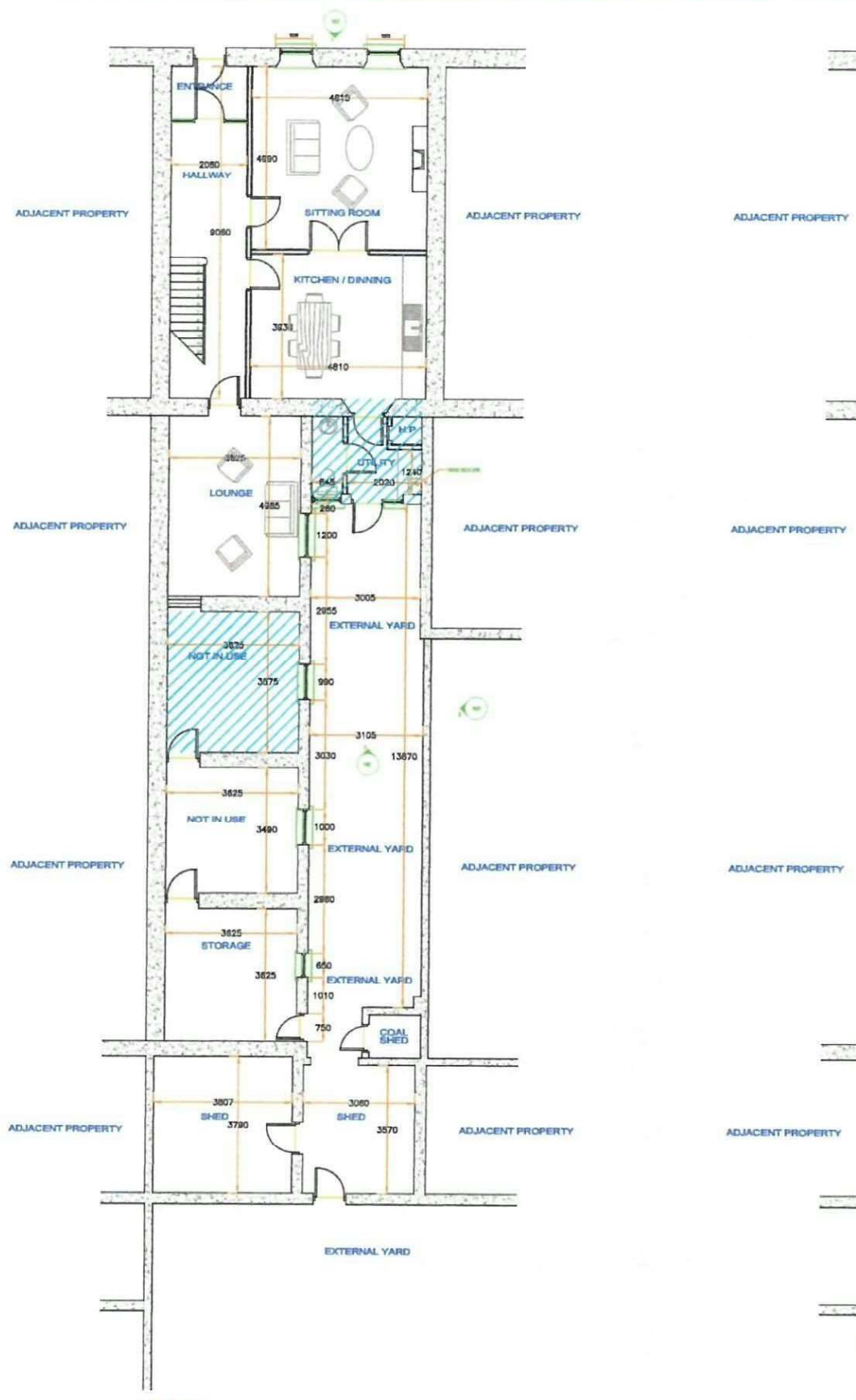
This is a view of the proposed new backdoor, including the proposed new doorway between the new dining area and existing lounge



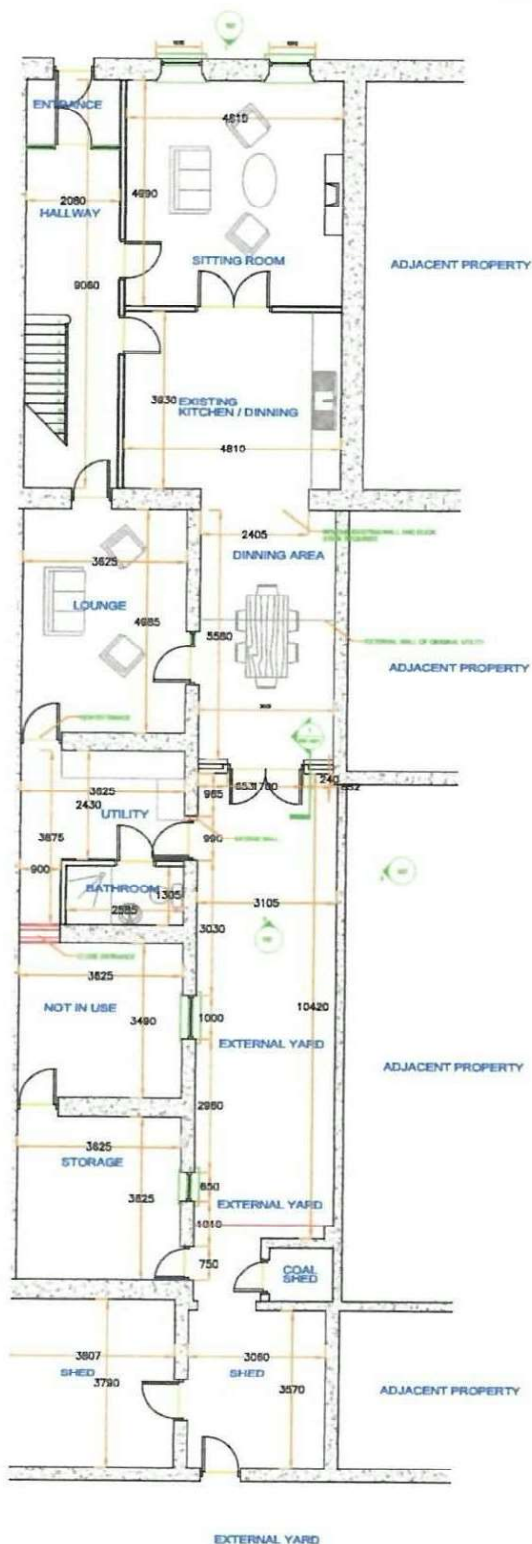
This is a view of the utility from the existing kitchen - the proposed works include widening



This is a view of the utility and the yard from the first floor



EXISTING
GROUND FLOOR PLAN



ROOF:

ZINC ROOF SECTIONS
SEE MANUFACTURING DETAILS ON
INSTALLATION.
ALL ROOFING TIMBERS TO BE DOUBLE
VACUUM TREATED WITH PRESERVATIVE.

ATTIC INSULATION:

250MM PINK GLASS INSULATION OVER TOTAL
AREA OF ATTIC FLOOR.

FASCIA / SOFFIT:

WHITE UPVC FASCIA BOARD FIXED OVER 175020MM
TIMBER SUB FASCIA. 250MM WIDE UPVC SOFFIT
BOARDING (REAR OF HOUSES)

WALL VENTS:

WALL VENT TO PROVIDE 8500MM SQ OF
CLEAR OPENING. VENT OPENING TO BE
LINKED USING 150MM DIA UPVC PIPE
TILTED TOWARDS EXTERNAL SIDE OF WALL.

WINDOWS AND DOORS:

UPVC WINDOWS AND DOORS

EXTERNAL RENDER:

SAND/CEMENT FINISH TO ALL ELEVATIONS

GROUND FLOOR:

75MM SCAFFOLD 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 CEILING
12.5MM FOL BACKED PLASTER BOARD
FINISHED WITH 50MM COAT OF GYPSUM

RAIN WATER GOODS:

150MM HALF ROUND UPVC GUTTERS AND 80MM
SQUARE SECTION DOWN PIPES.

EXTERNAL WALLS:

2ND. ROWS OF 100MM CONCRETE BLOCK
LEAVES WITH 100MM CAVITY CONTAINING
100MM POLYSTYRENE INSULATION (BLOSS WINK)
STAINLESS STEEL WALL TIES @750MM
HORIZONTAL AND 450MM VERTICAL CENTRES.
PRESTRESSED CONCRETE LINTELS WITH
2ND. COURSE OF CONCRETE BRICKS OVER
PRECAST CONCRETE CILLS

INTERNAL WALLS:

GROUND FLOOR - 100MM BLOCK PARTITIONS
WITH 12MM SAND CEMENT PLASTER WITH
50MM GYPSUM FINISH

CLIENT TO APPROVE SAMPLES OF THE FOLLOWING ITEMS:

FASCIA / SOFFIT
WINDOWS / DOORS
IRON MONSIEUR
VENTS
GUTTERS / DOWN PIPES
PLASTER / DRY DASH FINISH

FITTED KITCHEN
HEAT / SMOKE DETECTOR
LIGHT FITTINGS
PAINT COLOURS

NOTE:

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

LEGEND:

 PROPOSED AREA TO
BE MODIFIED.

DESIGNED TO COMPLY WITH THE BUILDING ACT 1990
AND THE BUILDING REGULATIONS 2007
AND TO BE USED IN CONJUNCTION WITH THE
BUILDING ACT 1990 AND THE BUILDING
REGULATIONS 2007
ALL WORK TO BE SUPERVISED BY ENGINEER
ON FOUNDATIONS TO BE PROTECTED BY CONCRETE PILES

INTERNAL FLOOR AREA
ORIGINAL UTILITY FLOOR AREA 8.49m²
PROPOSED EXTENSION FLOOR AREA 10.37m²
TOTAL FLOOR AREA OF DINING AREA 18.79m²
OR
TOTAL AREA 180.40m²

TITLE: **PROPOSED EXTENSION
MITCHELL STREET, TIPPERARY TOWN
Co. TIPPERARY**

CLIENT: **DAVID AND RACHEL ENRIGHT**

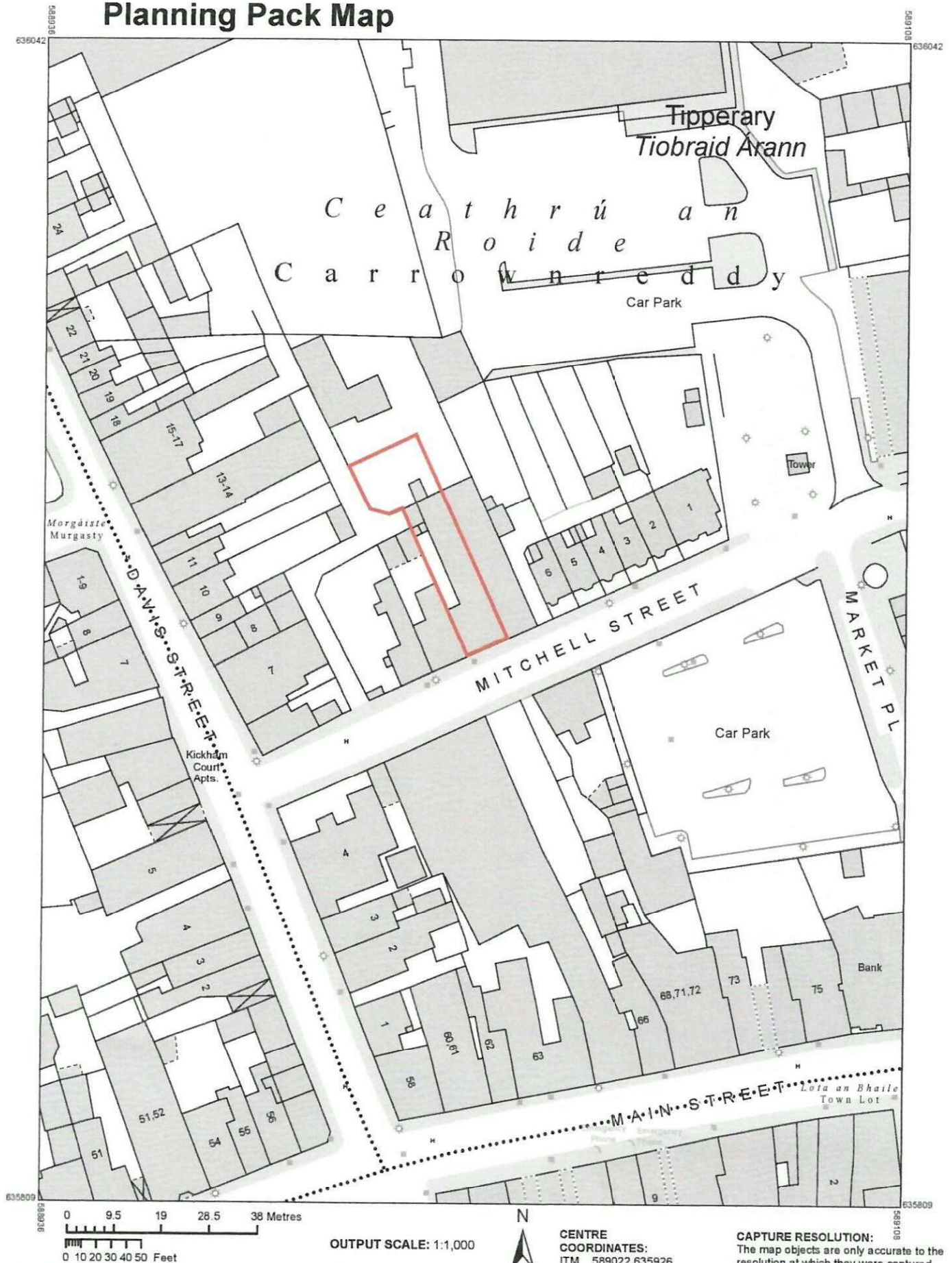
SCALE: 1:50
1:75
PAPER: @A1
DATE: 28/03/2025
PLAN VIEW
Sh. 1 of 2.

DRAWN BY: **GERARD MYERS
BALLYRYAN EAST, SOLOHEAD,
TIPPERARY, CO. TIPPERARY
0879222220**

DRAWN NO: **2025-RE-101**

REVISION NO: **1**

Planning Pack Map



COMPILED AND PUBLISHED BY:

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

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CENTRE
COORDINATES:
ITM 589022,635926

PUBLISHED:
14/08/2025

MAP SERIES:
1:1,000

ORDER NO.:
50484459_1

MAP SHEETS:
5177-02

CAPTURE RESOLUTION:

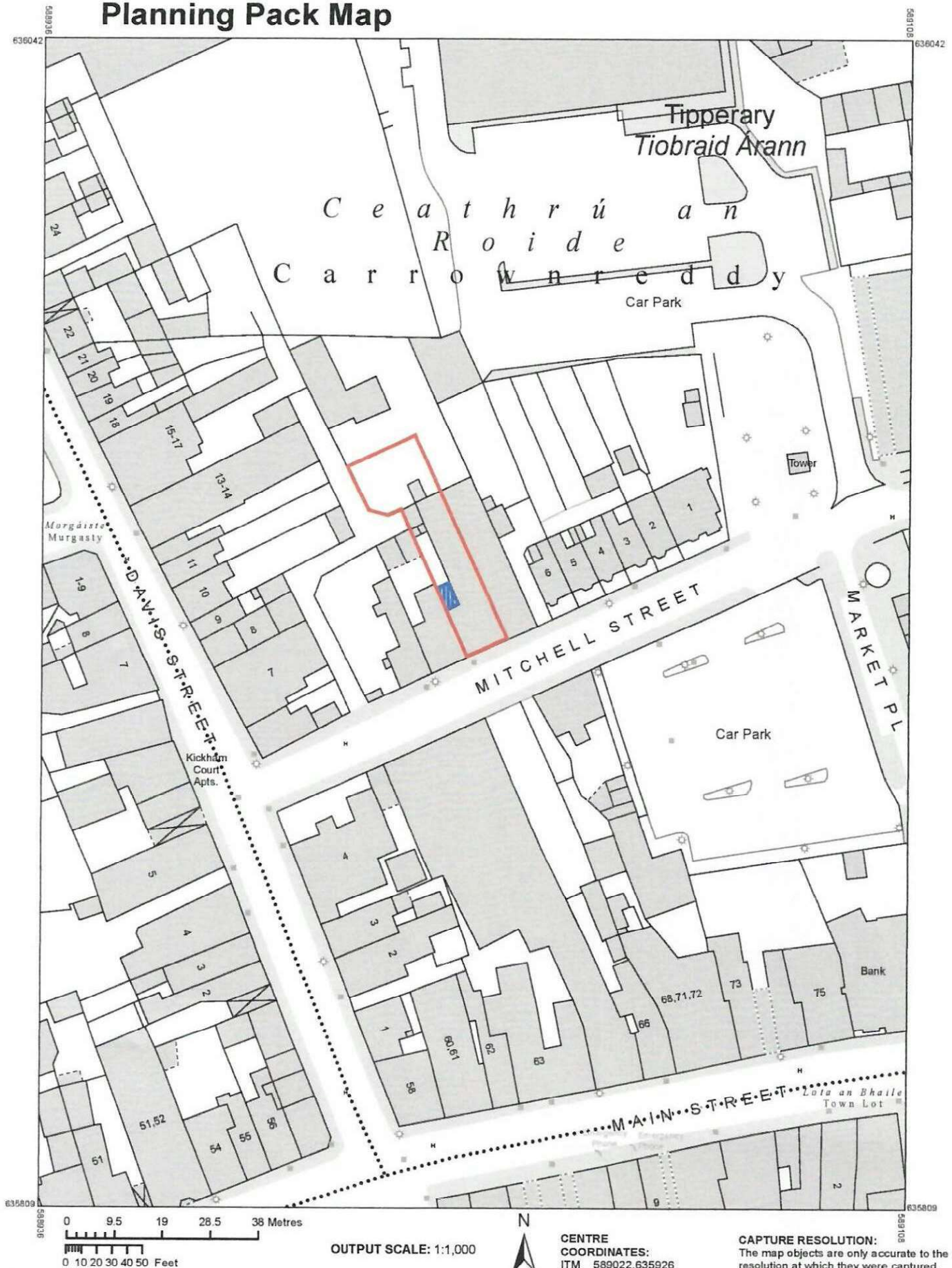
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LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



**Tailte
Éireann**

Planning Pack Map



0 9.5 19 28.5 38 Metres
0 10 20 30 40 50 Feet

OUTPUT SCALE: 1:1,000



CENTRE
COORDINATES:
ITM 589022,635926

PUBLISHED: 14/08/2025
MAP SERIES: 1:1,000
ORDER NO.: 50484459_1
MAP SHEETS: 5177-02

CAPTURE RESOLUTION:
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LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

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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: 18th August 2025 Our Ref: S5/25/113 Civic Offices, Clonmel

David Enright,
St. Joseph's,
Mitchell Street,
Tipperary Town,
Co. Tipperary

Re: Application for a Section 5 Declaration – demolition of the existing utility room and removal of the internal wall between the utility and kitchen/dining area to widen the opening with structural steel installed as required. A new dining area will be constructed on the footprint of the demolished utility, matching its width and extending marginally in length, with associated extension of the external wall. The existing lounge will remain structurally unaltered apart from the replacement of the current window with a glazed door providing direct access to a new dining area. An existing unused room will be converted to a utility room with existing window replaced by a door to the exterior and new internal doorway formed between the new utility and lounge. The works will also involve relocating gas boiler and hot water tank to the new utility room with associated modifications to external flues, vent and outpipes. The extension will incorporate a zinc roof section, replacement of rainwater goods and external finishes to match the existing dwelling together with any necessary foundation works at St Joseph's, Mitchell Street, Tipperary Town, Co. Tipperary.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 8th 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 Reference:	S5/25/113
Applicant:	David Enright
Development Address:	St. Josephs, Mitchell Street, Tipperary Town, Co. Tipperary
Proposed Development:	<p>The proposed works comprise the demolition of the existing utility room and removal of the internal wall between the utility and kitchen/dining area to widen the opening with structural steel installed as required. A new dining area will be constructed on the footprint of the demolished utility, matching its width and extending marginally in length, with associated extension of the external wall. The existing lounge will remain structurally unaltered apart from the replacement of the current window with a glazed door providing direct access to a new dining area. An existing unused room will be converted to a utility room with existing window replaced by a door to the exterior and new internal doorway formed between the new utility and lounge. The works will also involve relocating gas boiler and hot water tank to the new utility room with associated modifications to external flues, vent and outpipes. The extension will incorporate a zinc roof section, replacement of rainwater goods and external finishes to match the existing dwelling together with any necessary foundation works.</p>

1. GENERAL

On 18th August 2025 a request was made by David Enright for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether or not the following works constituted development and if so, whether same was exempted development:

The proposed works comprise the demolition of the existing utility room and removal of the internal wall between the utility and kitchen/dining area to widen the opening with structural steel installed as required. A new dining area will be constructed on the footprint of the demolished utility, matching its width and extending marginally in length, with associated extension of the external wall. The existing lounge will remain structurally unaltered apart from the replacement of the current window with a glazed door providing direct access to a new dining area. An existing unused room will be converted to a utility room with existing window replaced by a door to the exterior and new internal doorway formed between the new utility and lounge. The works will also involve relocating gas boiler and hot water tank to the new utility room with associated modifications to external flues, vent and outpipes. The extension will incorporate a zinc roof section, replacement of rainwater goods and external finishes to match the existing dwelling together with any necessary foundation works.

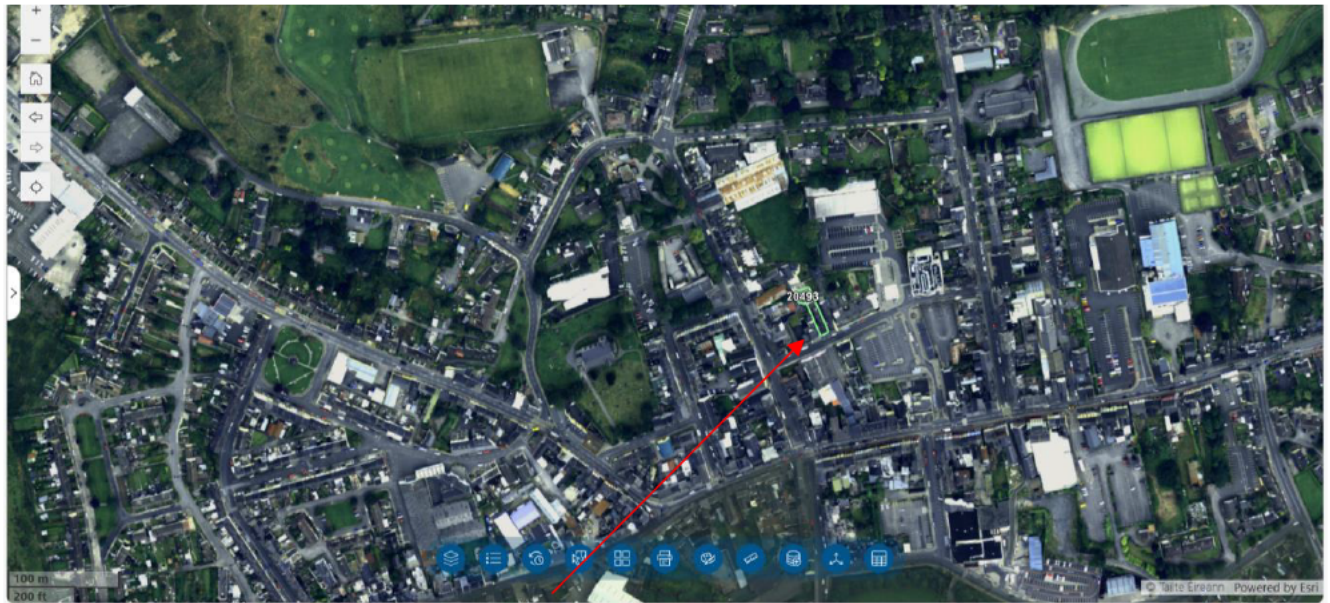


Figure 1 Site Location

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.*

Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development	Conditions and Limitations
CLASS 50	
(a) <i>The demolition of a building, or buildings, within the curtilage of—</i> <ol style="list-style-type: none"> (i) <i>a house,</i> (ii) <i>an industrial building,</i> (iii) <i>a business premises, or</i> (iv) <i>a farmyard complex.</i> 	<ol style="list-style-type: none"> 1. <i>No such building or buildings shall abut on another building in separate ownership.</i> 2. <i>The cumulative floor area of any such building, or buildings, shall not exceed:</i> <ol style="list-style-type: none"> (a) <i>in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</i> (b) <i>in all other cases, 100 square metres.</i> 3. <i>No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</i>

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

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—*

(viiA) *consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,*

(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 on Mitchell Street within the settlement of Tipperary Town, Co. Tipperary. The site is occupied by a terrace two storey type dwelling.

b. Relevant Planning History

20/493 Permission GRANTED change of use from nursing home to dwelling house, and all associated site and ancillary work.

c. Assessment

A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked, I am 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 and Class 50 of Part 1 of Schedule 2 below.

Class 50(b) – demolition

The demolition of the existing utility room would avail of an exemption under Class 50(b) of the above-mentioned Regulations.

Class 1 – New extension and conversion of room identified as not is use as a utility room

1.
 - (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. *It is unclear if the house has been extended previously. The floor area of the extension/conversion is circa 30 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 Single storey extension only*
 - (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. *It is unclear if the house has been extended previously. The floor area of the extension/conversion is circa 30 sq m.*
 - (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 single storey extension only*
 - (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 single storey extension only*
4.
 - (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. *No elevations of the rear extension provided.*
 - (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. *NA*
 - (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. *No elevations of the rear extension provided.*
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. *Area of open space remaining (including rear yard to the north west exceeds 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. *This is satisfied.*
 - (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. Roof plan not shown.

I note that the only planning history relating to the property is Reg. Ref 20/493. There is a large two storey rear return and single storey utility room which may have been later additions developed since 1964. It is unclear if the dwelling has been extended previously, the date of any such extension and the floor area of same. It is also unclear if the room to be used as a utility was previously part of the dwelling or if same was a shed/store. As a result if condition and limitation No. 1 is satisfied.

The application has not included for scaled elevations or roof plans and therefore I cannot confirm if same meets limitation no. 4 and 7.

C) Restrictions under Article 9

I note that Article (9)(1) (ViiA) restrictions that would apply as the site is fully located within a zone of archaeology and therefore any exemption would be restricted by Article 9 of the Regulations.

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

The proposal has been screened for AA and same is not required.

EIA

The proposal has been screened for EIA and same is not required.

(d) RECOMMENDATION

WHEREAS a question has arisen as to whether to *the demolition of the existing utility room and removal of the internal wall between the utility and kitchen/dining area to widen the opening. A new dining area will be constructed on the footprint of the demolished utility, matching its width and extending marginally in length, with associated extension of the external wall. The replacement of the current window with a glazed door in the lounge providing direct access to a new dining area. An existing unused room will be converted to a utility room with existing window replaced by a door to the exterior and new internal doorway formed between the new utility and lounge.*

at St. Josephs, Mitchell Street, Tipperary Town, Co. Tipperary constitutes “development” and “exempted development”

AND WHERE AS 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) Articles 6 & 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 & Class 50 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant and the planning history on the site.

AND WHEREAS Tipperary County Council has concluded that the above cited works constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and is **NOT** “exempted development”.

REASON:

- It is unclear if the dwelling has been extended previously, the date of any such extension and the floor area of same. It is also unclear if the room to be used as a utility was previously part of the dwelling or if same was a shed/store. As a result, it cannot be determined if condition and limitation No. 1 attached to the exemption set out under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, is satisfied.
- The application has not included for scaled elevations or roof plans and therefore it cannot be confirmed if the proposal meets limitation no. 4 and 7 of the above-mentioned Class 1.
- In any event, the proposal is restricted by Article 9 of the Planning and Development Regulations 2001, as amended, as the proposal consists of the excavation, alteration and demolition within a Zone of Archaeological Potential.

District Planner:**Date:** 08/09/2025**Senior Executive Planner:****Date:** 9.9.2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/113
(b) Brief description of the project or plan:	As per description above.
(c) Brief description of site characteristics:	Existing dwelling in urban 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 ¹	Distance from proposed development ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	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.)
Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition Surface water runoff from soil excavation/infill/landscaping (including borrow pits) Dust, noise, vibration Lighting disturbance Impact on groundwater/dewatering Storage of excavated/construction materials Access to site Pests 	No potential impacts.
Operational phase e.g. <ul style="list-style-type: none"> Direct emission to air and water Surface water runoff containing contaminant or sediment Lighting disturbance Noise/vibration Changes to water/groundwater due to drainage or abstraction Presence of people, vehicles and activities 	No potential impacts.

<ul style="list-style-type: none"> Physical presence of structures (e.g. collision risks) Potential for accidents or incidents 		
In-combination/Other	No potential impacts	
(b) Describe any likely changes to the European site:		
Examples of the type of changes to give consideration to include: <ul style="list-style-type: none"> Reduction or fragmentation of habitat area Disturbance to QI species Habitat or species fragmentation Reduction or fragmentation in species density Changes in key indicators of conservation status value (water or air quality etc.) Changes to areas of sensitivity or threats to QI Interference with the key relationships that define the structure or ecological function of the site 	No potential impacts	
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?		
<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'	
File Reference:	S5/25/113
Development Summary:	As per description above.
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening required Determination
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

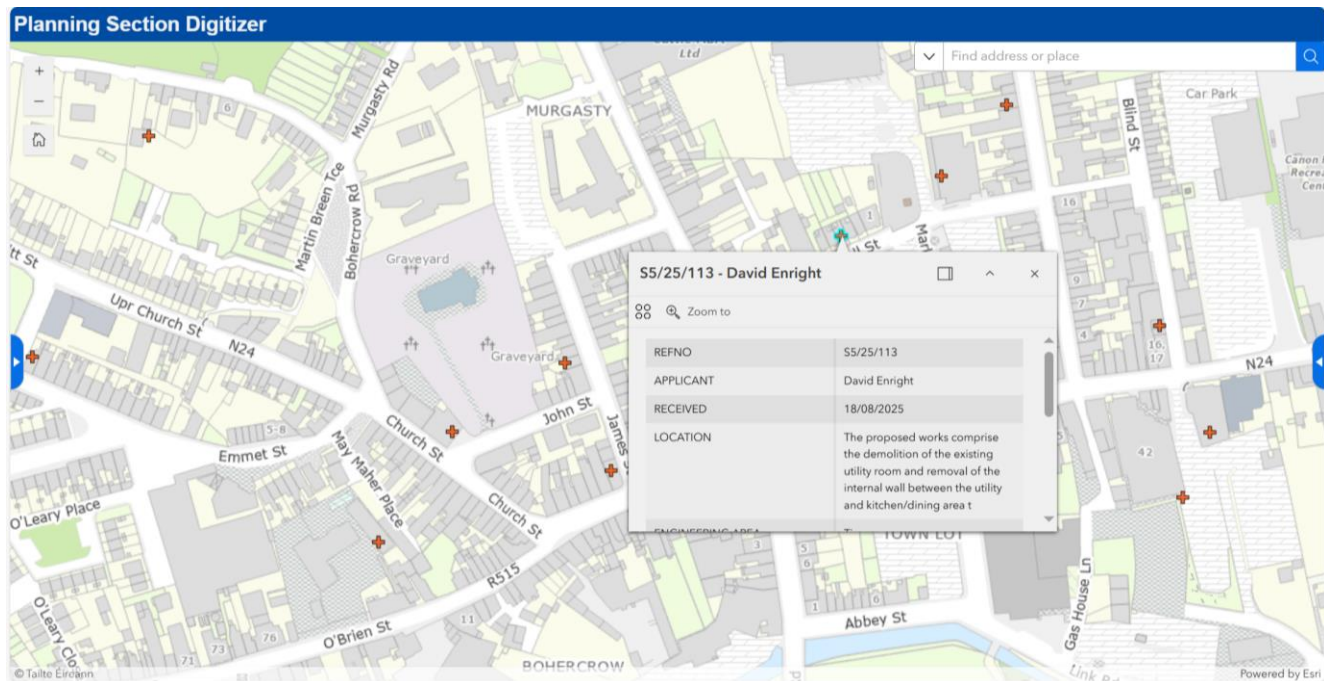


Figure 2 Planning Register



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: 10th September 2025

Our Ref: S5/25/113

Civic Offices, Nenagh

David Enright,
St. Joseph's,
Mitchell Street,
Tipperary Town,
Co. Tipperary

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

Dear Mr Enright,

I refer to your application for a Section 5 Declaration received on 18th August, 2025 in relation to the following proposed works:

The proposed works comprise the demolition of the existing utility room and removal of the internal wall between the utility and kitchen/dining area to widen the opening with structural steel installed as required. A new dining area will be constructed on the footprint of the demolished utility, matching its width and extending marginally in length, with associated extension of the external wall. The existing lounge will remain structurally unaltered apart from the replacement of the current window with a glazed door providing direct access to a new dining area. An existing unused room will be converted to a utility room with existing window replaced by a door to the exterior and new internal doorway formed between the new utility and lounge. The works will also involve relocating gas boiler and hot water tank to the new utility room with associated modifications to external flues, vent and outpipes. The extension will incorporate a zinc roof section, replacement of rainwater goods and external finishes to match the existing dwelling together with any necessary foundation works at St. Josephs, Mitchell Street, Tipperary Town, 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) Articles 6 & 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 & Class 50 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant and the planning history on the site.

AND WHEREAS Tipperary County Council has concluded that the above cited works constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT** "exempted development".

REASON:

- It is unclear if the dwelling has been extended previously, the date of any such extension and the floor area of same. It is also unclear if the room to be used as a utility was previously part of the dwelling or if same was a shed/store. As a result, it cannot be determined if condition and limitation No. 1 attached to the exemption set out under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, is satisfied.
- The application has not included for scaled elevations or roof plans and therefore it cannot be confirmed if the proposal meets limitation no. 4 and 7 of the above-mentioned Class 1.
- In any event, the proposal is restricted by Article 9 of the Planning and Development Regulations 2001, as amended, as the proposal consists of the excavation, alteration and demolition within a Zone of Archaeological Potential.

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

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/113** **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 17th 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 David Enright, St. Joseph's, Mitchell Street, Tipperary Town, Co. Tipperary re: The proposed works comprise the demolition of the existing utility room and removal of the internal wall between the utility and kitchen/dining area to widen the opening with structural steel installed as required. A new dining area will be constructed on the footprint of the demolished utility, matching its width and extending marginally in length, with associated extension of the external wall. The existing lounge will remain structurally unaltered apart from the replacement of the current window with a glazed door providing direct access to a new dining area. An existing unused room will be converted to a utility room with existing window replaced by a door to the exterior and new internal doorway formed between the new utility and lounge. The works will also involve relocating gas boiler and hot water tank to the new utility room with associated modifications to external flues, vent and outpipes. The extension will incorporate a zinc roof section, replacement of rainwater goods and external finishes to match the existing dwelling together with any necessary foundation works at St. Josephs, Mitchell Street, Tipperary Town, 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) Articles 6 & 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 & Class 50 of the Planning and Development Regulations, 2001, as amended
- (d) The application and details submitted by the applicant and the planning history on the site.

AND WHEREAS Tipperary County Council has concluded that the above cited works constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT** "exempted development".

REASON:

- It is unclear if the dwelling has been extended previously, the date of any such extension and the floor area of same. It is also unclear if the room to be used as a utility was previously part of the dwelling or if same was a shed/store. As a result, it cannot be determined if condition and limitation No. 1 attached to the exemption set out under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, is satisfied.
- The application has not included for scaled elevations or roof plans and therefore it cannot be confirmed if the proposal meets limitation no. 4 and 7 of the above-mentioned Class 1.
- In any event, the proposal is restricted by Article 9 of the Planning and Development Regulations 2001, as amended, as the proposal consists of the excavation, alteration and demolition within a Zone of Archaeological Potential.

Signed:**Date: 10th September 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**