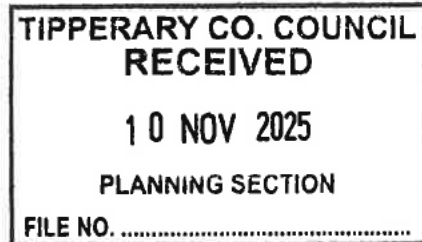


10th November 2025

Ballykiveen
Monard
County Tipperary

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



Dear Sir / Madam,

Please find attached application for Section 5 Declaration of Development/Exempted Development. The letter and signed form is accompanied by the 80 Euro fee, TWO COPIES of the following documentation: site location map scale of 1:2500, site layout 1/500, floor plans scale/ 1/50 & elevations at a scale 1:100, set of photos showing external views of the house.

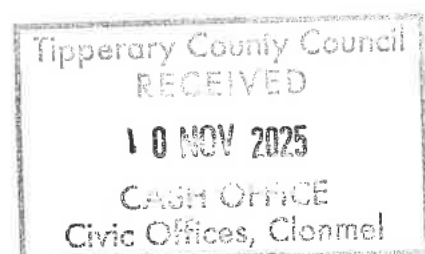
The house was built in early 1900s and the porch and utility extensions were built in the 1930s. We have attached copy of the 1906 six-inch OS map and a copy of the BER cert showing the house was built in 1900

The house was recently purchased and is registered in our names, and the house has been vacant for some time. We propose to renovate the house and to build a single storey extension on the east side of the house. The existing roadside entrances are substandard, and we propose to close the existing entrances and relocate a new entrance to western side of the site to meet the standards as set out in Tipperary County Development Plan.

Please advise that the planned work is development but is exempted development as set out in Section 5 of the Planning and Development Act. Please let us know if you require any further information.

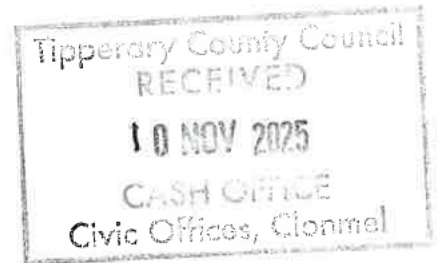
Yours faithfully,


Blathnaid Cummins and James Dee





Comhairle Contae Thiobraid Árann
Tipperary County Council



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

85/25/144

1. Applicant's address/contact details:

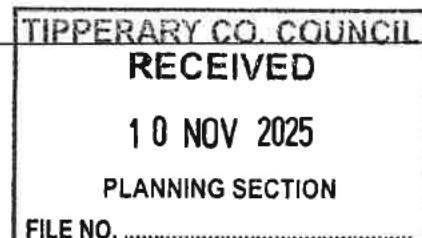
<i>Applicant</i>	Blathnaid Cummins and James Dee
<i>Address</i>	Ballykiveen, Monard, Co Tipperary
<i>Telephone No.</i>	
<i>E-mail</i>	

2. Agent's (if any) address:

<i>Agent</i>	Pat Slattery BSc. MPhil. Adv. Dip. MIPI.
<i>Address</i>	Russellstown New, Clonmel, Co Waterford E91C3K1
<i>Telephone No.</i>	
<i>E-mail</i>	
Please advise where all correspondence in relation to this application is to be sent;	
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>	Ballykiveen Lower, Monard, Co Tipperary E34KX84
--	---



Receipt No 118 Q30
Issued 10 11 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.

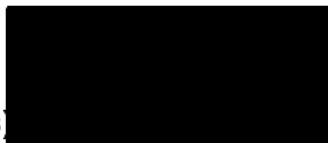
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

single storey extension to rear of house. Relocate roadside entrance. reopen door to
porch
Proposed floor area of proposed works/uses: 40 sqm Extension

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

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

Signature of Applicant(s)



Date: 10/11/2025

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 _____

Received by _____

Application for Declaration under Section 5

Application for Declaration under Section 5, Planning and Development Act- Refurbishment of Dwelling House and Extension at Ballykeevin Lower, Co Tipperary
Blaithnaid Cummins and James Dee
Photos of Existing House and Sheds



Photo 1: Southern Elevation



Photo 2: Eastern Elevation – proposed new single storey extension to be located.



Photo 3: shows Northern elevation and public Road.



Photo 4 and 4a: Western Elevation of the existing Dwelling above and south-west view below

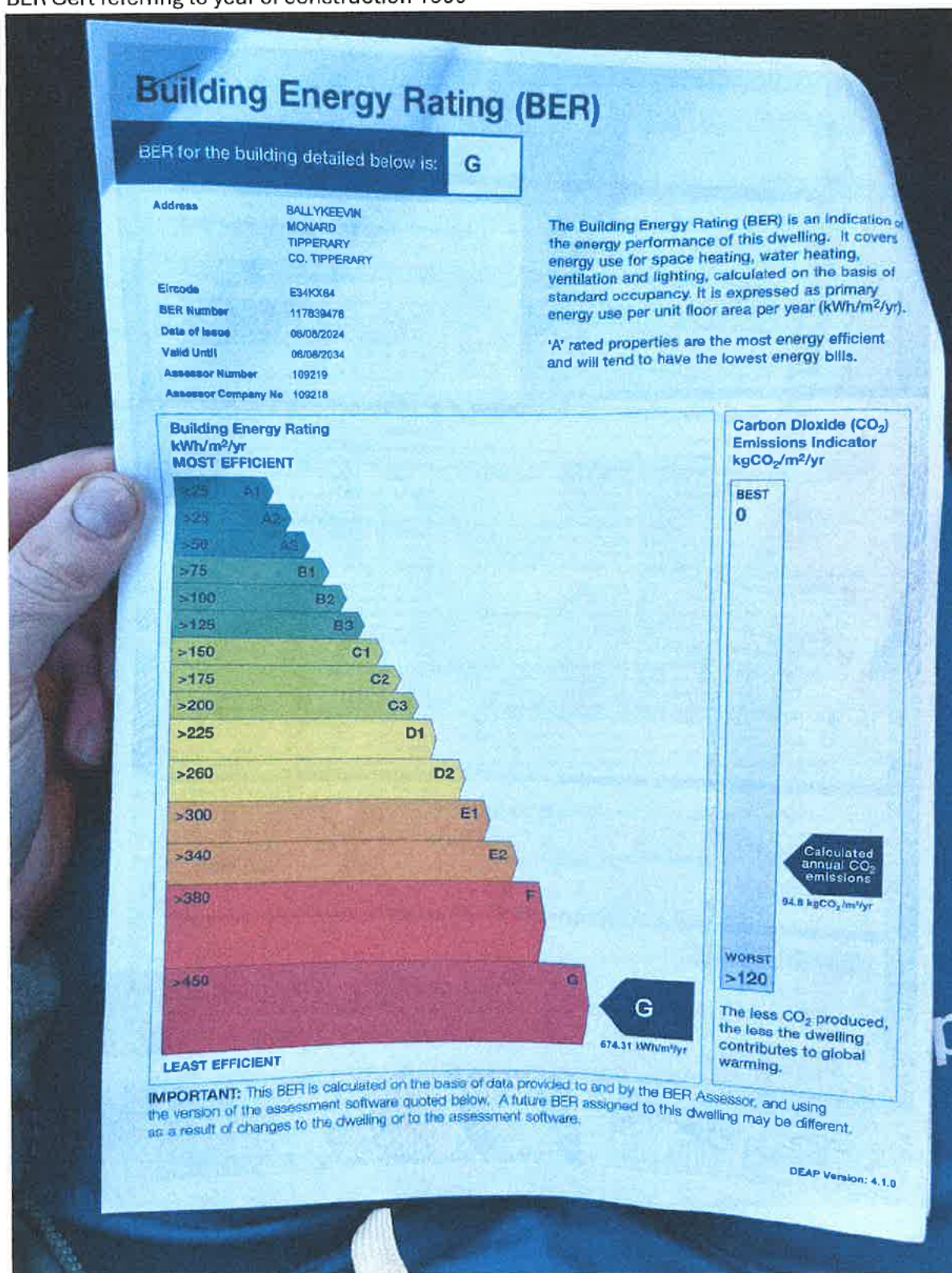


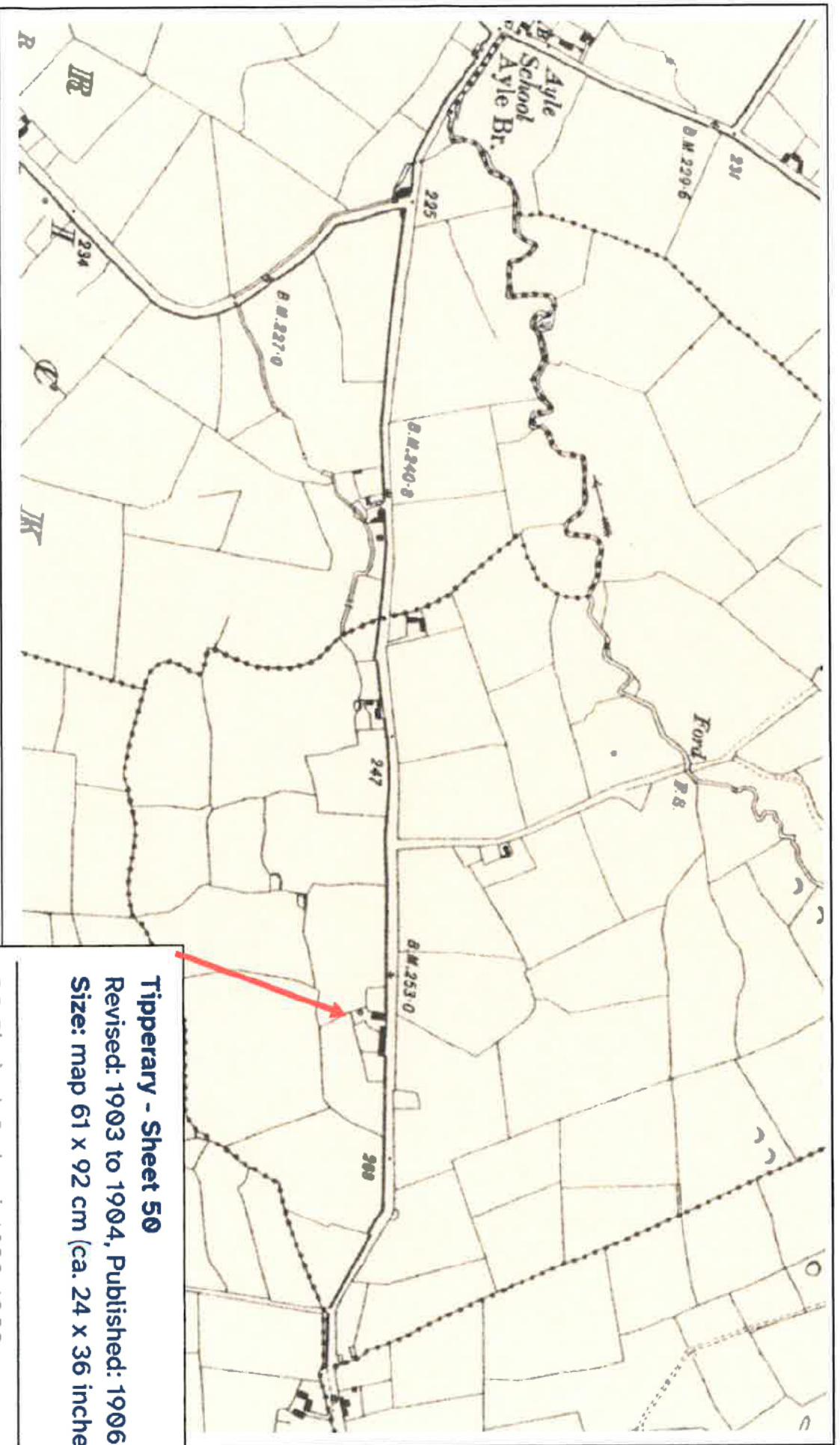


Photo 5: Existing sheds on northern boundary of the site.

S.5 application at Ballykiveen, Tipperary

BER Cert referring to year of construction 1900





S.5 Application at Ballykiveen Tipperary: Extract from Map 50 from 1916 six-inch Map series

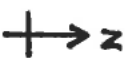
Tipperary - Sheet 50

Revised: 1903 to 1904, Published: 1906

Size: map 61 x 92 cm (ca. 24 x 36 inches)

OS Six-inch Ireland, 1829-1969

Land Registry Compliant Map



B44975

B44975

Clonsilla

1.72

CENTRE
COORDINATES:
ITM 586799,844760

PUBLISHED: 01/07/2024
ORDER NO.: 50407495_1

MAP SERIES: 1:5,000
4995
1:2,500 4995-B

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

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is not evidence of the existence
of a right of way

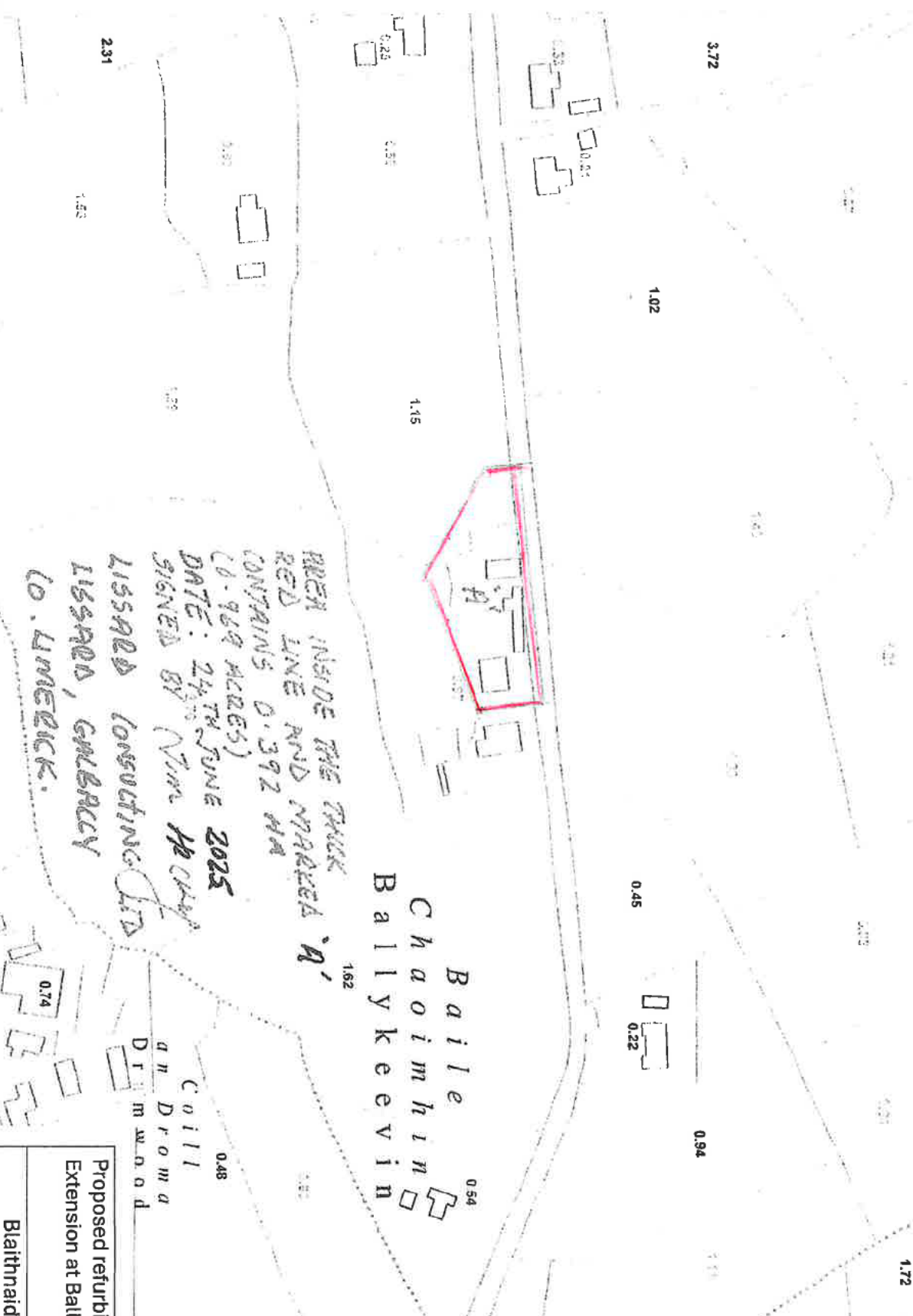
This topographic map
does not show
legal property boundaries.

Proposed refurbishment of Dwelling House and
Extension at Ballykiveen Lower, Co Tipperary

Blaithnaid Cummins and James Dee

Site Location

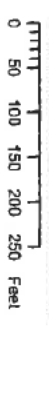
Date: 10/11/25 Scale: 1/2500



OUTPUT SCALE: 1:2,500

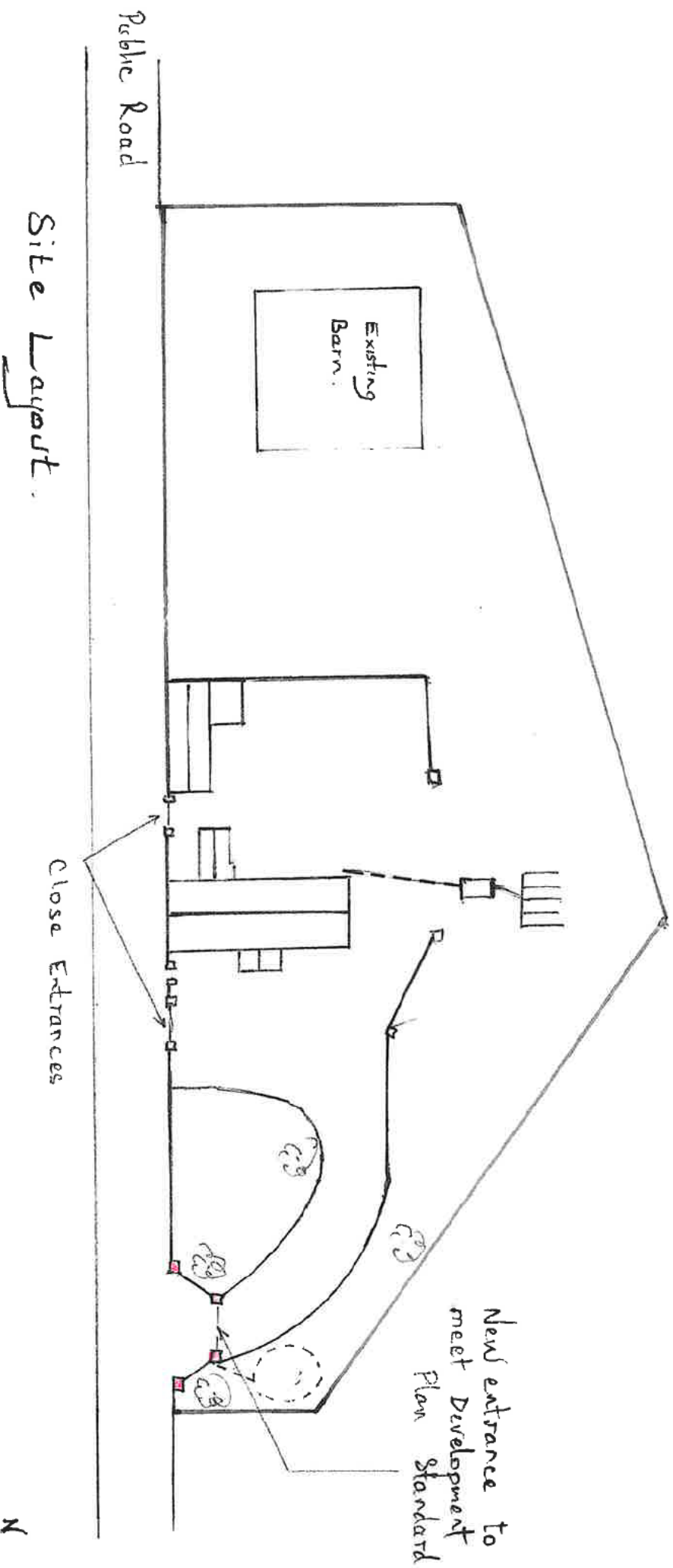
CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured
Output scale is not indicative of data capture scale
Further information is available at:
www.taille.ie; search Capture Resolution

LEGEND:
To view the legend visit
www.taille.ie and search
Large Scale Legend



1/2007

Proposed refurbishment of Dwelling House and Extension at Ballykiveen Lower, Co Tipperary		
Blaitthnaid Cummins and James Dee,		
Site Layout		
Pat Slattery MIP1	Date: 10/11/25	Scale: 1/500



Proposed refurbishment of Dwelling House and
Extension at Ballykiveen Lower, Co Tipperary

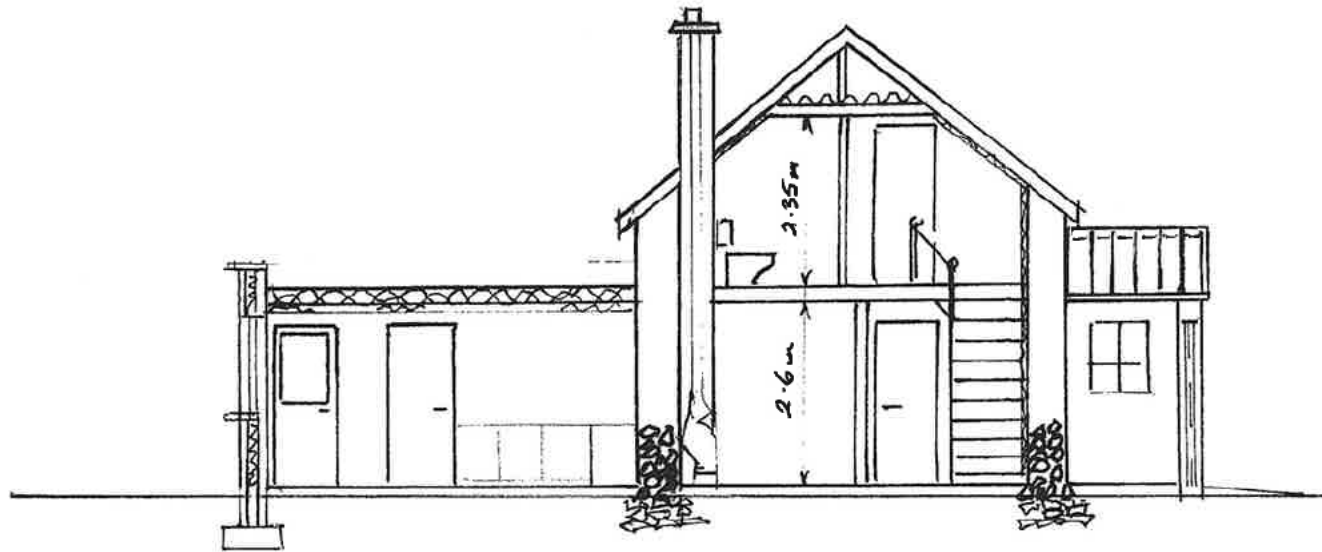
Blaithnaid Cummins and James Dee

Elevations and Section AA

Pat Slattery MIPI

Date: 10/11/25

Scale: 1/100



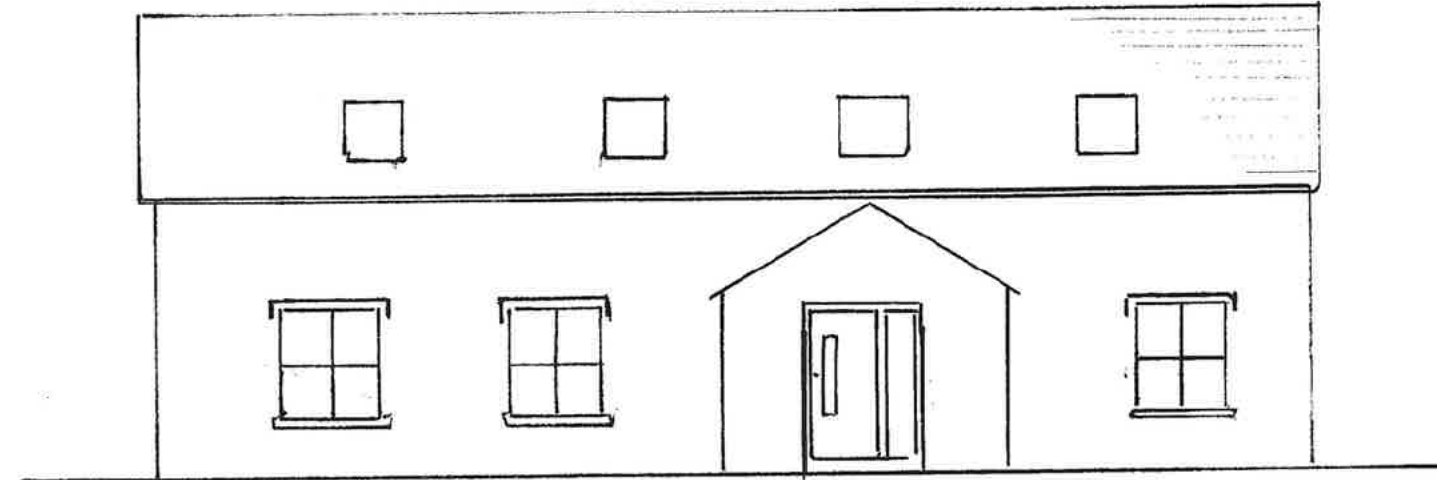
Section AA



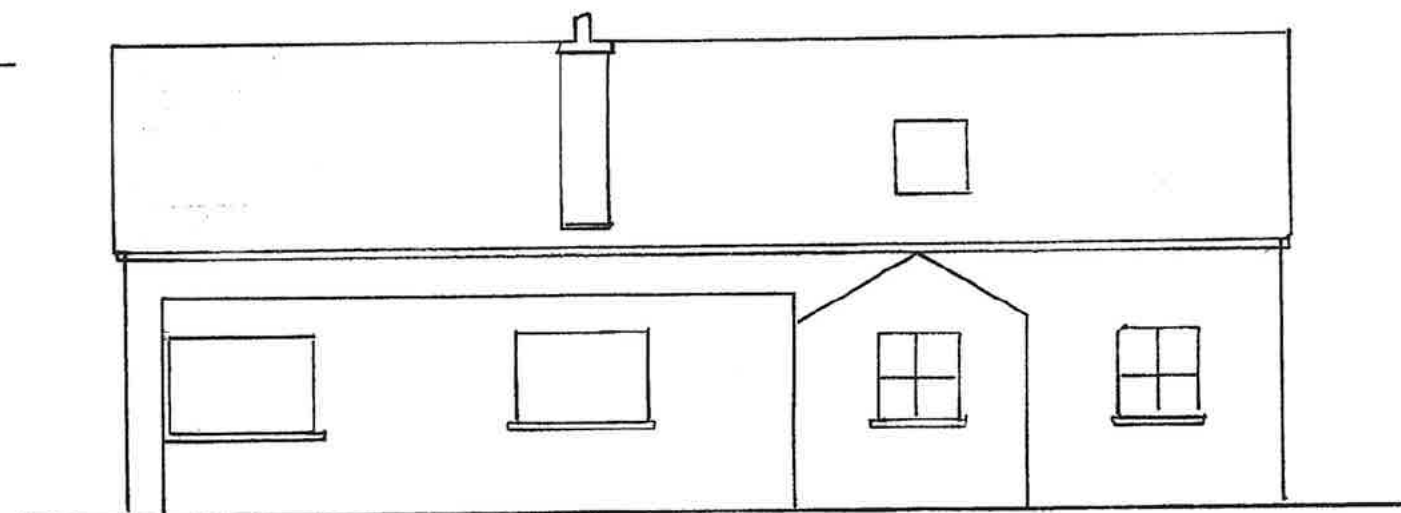
South Elevation



North Elevation



West Elevation



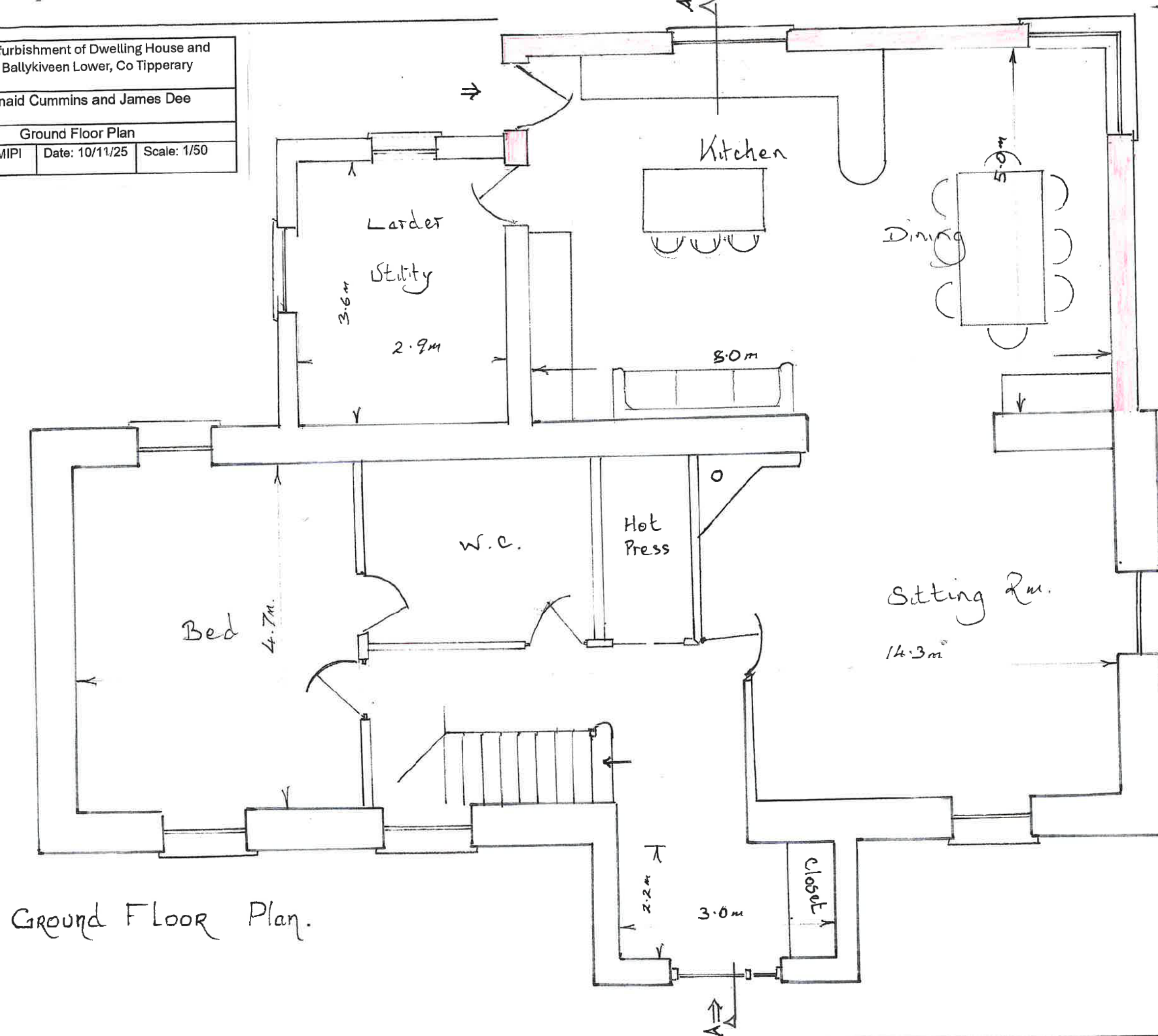
East Elevation

Proposed refurbishment of Dwelling House and
Extension at Ballykiveen Lower, Co Tipperary

Blaithnaid Cummins and James Dee

Ground Floor Plan

Pat Slattery MIPI Date: 10/11/25 Scale: 1/50

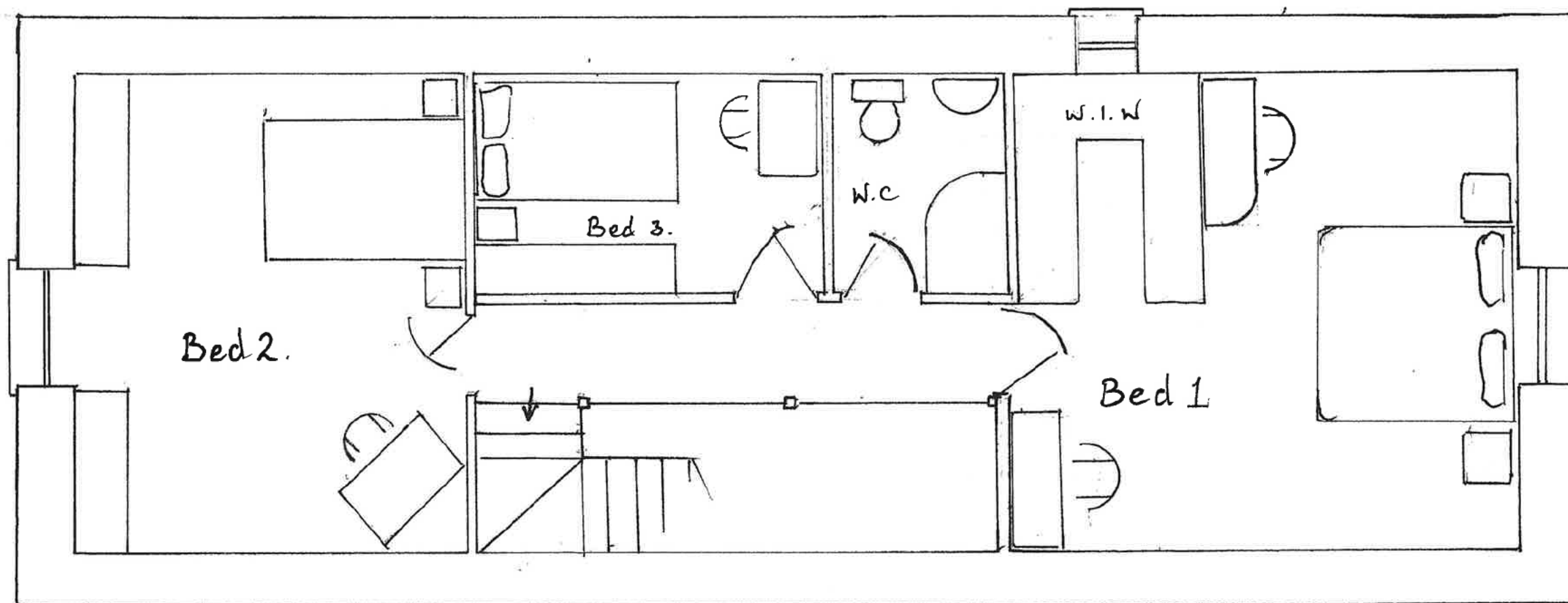


Ground Floor Plan.

Changes to existing Dwelling and Layout:

1. PROPOSE 8M X 5M SINGLE STOREY EXTENSION TO THE REAR (EAST ELEVATION);
2. CLOSE DOOR AND REOPEN ORIGINAL ENTRANCE DOOR ON THE PORCH ON WESTERN ELEVATION;
3. CLOSE EXISTING ENTRANCES AND GATES AND CONSTRUCT NEW ENTRANCE PIERS, SPLAY WALLS AND PIERS ON THE EASTERN SIDE OF THE FRONT BOUNDARY

INSULATION OF EXISTING STRUCTURE: FIRST FLOOR 400MM QUILT INSULATION TO CEILING, 2 NO LAYERS OF METALLIC TYPE QUILT INSULATION AND 72.5MM HIGH DENSITY INSULATED PLASTER SLAB ON ROOF CEILING. EXTERNAL WALLS TO BE PUMPED WITH BONDED INSULATION, AND 72.5MM HIGH DENSITY INSULATED PLASTER SLAB INSIDE STONE WALLS.



First Floor Plan.

Proposed refurbishment of Dwelling House and
Extension at Ballykiveen Lower, Co Tipperary

Blaithnaid Cummins and James Dee

First Floor Plan and Section 5 outline

Pat Slattery MIPI

Date: 10/11/25

Scale: 1/50



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

12th November, 2025

Our Ref: S5/25/144

Civic Offices, Clonmel

Blathnaid Cummins & James Dee
Ballykiveen
Mondard
Co. Tipperary

Re: Application for a Section 5 Declaration – Single Story extension to rear of house, relocate roadside entrance and reopen door to porch at Ballykiveen, Mondard, Co Tipperary E34KX84.

Dear Blathnaid & James,

I acknowledge receipt of your application for a Section 5 Declaration received on 10th November 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:	S5/25/144
Applicant:	Blathnaid Cummins & James Dee
Development Address:	Ballykiveen, Monard, Co. Tipperary
Proposed Development:	Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension.

1. GENERAL

On 10th November a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Blathnaid Cummins & James Dee c/o Pat Slattery as to whether or not the following works constituted development and if so, whether same was exempted development:

Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension.

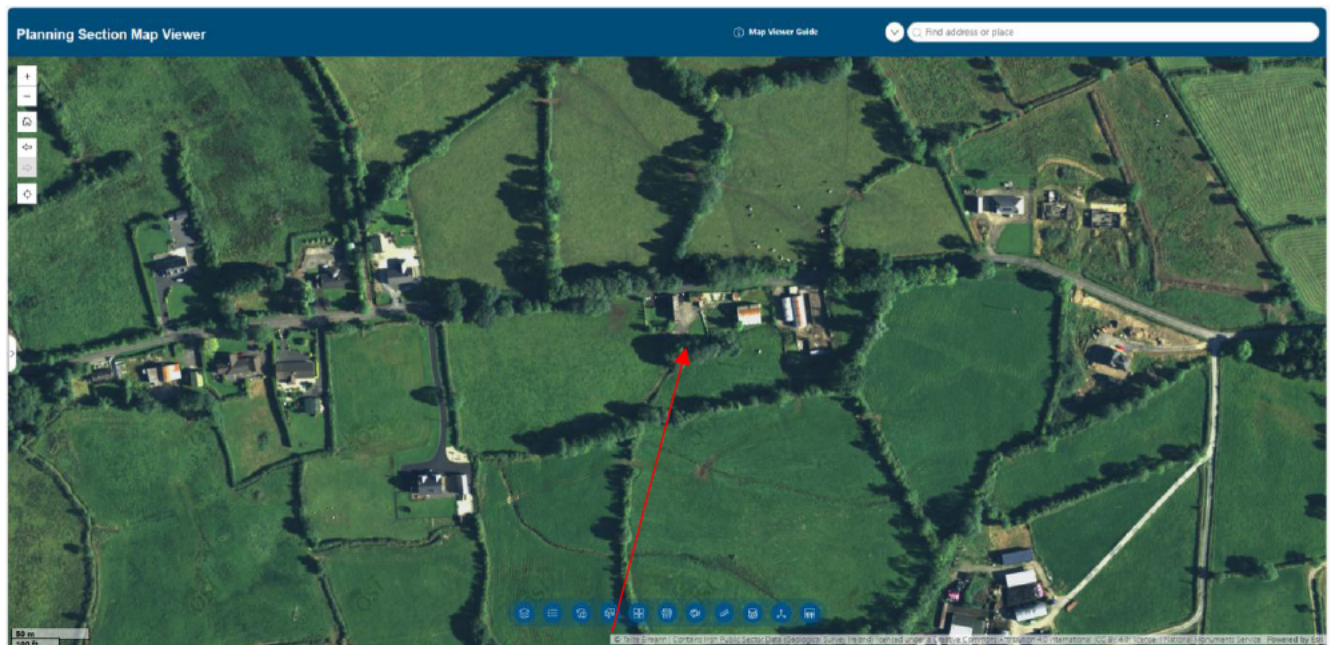


Figure 1 Site Location

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 (hereafter referred to as the Act), 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 Act 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 2(1) of the Act also states that “public road” and “road” has the same meaning as in the Roads Act, 1993.

Section 2(l) of the Roads Act, 1993 defines a public road as

“public road” means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

And,

“road” includes

- a) any street, lane, footpath, square, court, alley or passage,*
- b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,*
- c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and*
- d) any other structure or thing forming part of the road and-*
 - i. necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment,*
 - or*
 - ii. prescribed by the Minister.*

Section 4 states:

(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.*

(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).*

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.*

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

Description of Development	Conditions and Limitations
CLASS 1 <i>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.</i>	<ol style="list-style-type: none">1.<ol style="list-style-type: none">(a) <i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i>(b) <i>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.</i>(c) <i>Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</i>2.<ol style="list-style-type: none">(a) <i>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.</i>(b) <i>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.</i>(c) <i>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.</i>3. <i>Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i>

	<p>4.</p> <p>(a) <i>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.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>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.</i></p> <p>5. <i>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.</i></p> <p>6.</p> <p>(a) <i>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i></p> <p>(b) <i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i></p> <p>(c) <i>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.</i></p> <p>7. <i>The roof of any extension shall not be used as a balcony or roof garden.</i></p>
<p>CLASS 5</p> <p><i>The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</i></p>	<p>1. <i>The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</i></p> <p>2. <i>Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</i></p> <p>3. <i>No such structure shall be a metal palisade or other security fence.</i></p>
<p>CLASS 13</p> <p><i>The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.</i></p> <p><i>The width of any such private footpath or paving shall not exceed 3 metres.</i></p>	<p><i>The width of any such private footpath or paving shall not exceed 3 metres.</i></p>

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—*

(ii) *consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

(iii) *endanger public safety by reason of traffic hazard or obstruction of road users*

(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 in the rural townlands of Ballykiveen, Monard, Co. Tipperary. The site is occupied by a storey and a half type dwelling gable fronted onto the road and is served by the L-4203-0 Local Road.

b. **Relevant Planning History**

No planning history traced. The cover letter states the dwelling was built in the early 1900s and the porch and rear extension in the 1930s.

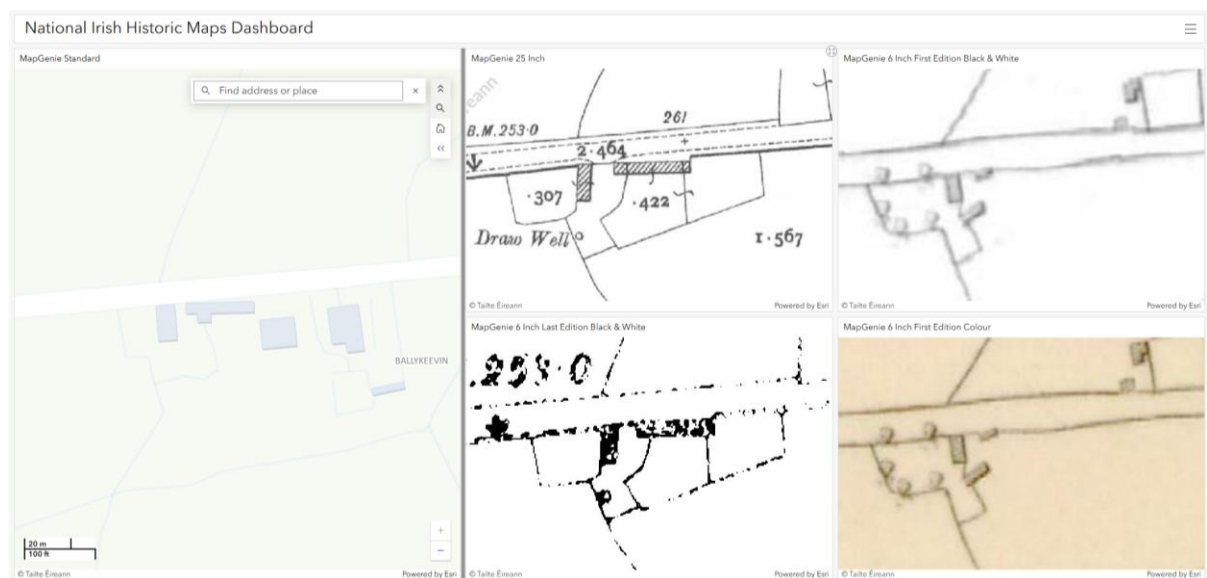


Figure 2 Historical Mapping showing dwelling on the lands

c. **Assessment**

A) **“Is or is not Development”**

Having considered all of the details and documentation on file with regards the question posed and the description of the proposal, the Planning Authority is satisfied that the proposal would involve “works” and such works would constitute “development” within the meaning of Section 3 of the Planning and Development Act 2000, as amended. The question arises as to whether or not these works constitute exempted development.

B) "Is or is not Exempted Development"

The proposed extension is assessed relative to Class 1 of Part 1 of Schedule 2 below. With respect to same I note as follows;

CLASS 1

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

The extension is to be constructed to the rear of the house. The front of the dwelling is facing the west.

Subject to the following conditions and limitations;

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

N/A

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

N/A

- (c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

N/A

2. (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

The floor area of the proposed extension is 40sq.m. The existing rear extension was built prior to 1964 and is not included this floor area calculation.

- (b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

N/A

- (c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

N/A

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

N/A. The extension is single storey.

4. (a) *Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

The rear wall of the dwelling does not include a gable. The rear extension of the extension includes a flat roof which does not exceed the rear walls of the house.

- (b) *Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

N/A. Whilst I note that the utility is an A gable extension the walls of the extension do not exceed the side walls of the house.

- (c) *The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*

The extension includes for a flat roof and the height does not exceed the height of the eaves or parapet of the dwelling

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

The open space remaining to the rear of the dwelling will exceed 25 sq.m.

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

Windows are in excess of 1 m from the boundary they face.

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

N/A

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

N/A

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

N/A

I am satisfied that the opening of the door in the porch will avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

The applicant is also proposing to close two existing entrances onto the L 4203-0 Local Road . The manner in which the accesses are to be closed is not set out i.e. height and finish of wall etc. This information is required in order to determine if the works avail of an exemption. The relevant exemption here is Class 5 of Part 1 Schedule 2 of the Regulations.

The applicant is also proposing to open a new vehicular entrance onto the L-4203-0 further west and to provide a drive to the dwelling house. There are a number of arising issues to be clarified with this element of the application;

- It appears having reviewed www.googlemaps.ie and geo hive that a new entrance was provided at this location between 2020-2022 as identified in Fig 3 & Fig 4 below. There is no record of a grant of permission for this entrance. The width of the L-4203-0 is not identified and sightlines have not been outlined and it is unclear if same avails of an exemption.
- The width of the driveway has not been identified and it is unclear if same avails of an exemption under Class 13, of Schedule 1 of Part 2 of the Planning and Development Regulations 2001, as amended. It is also noted that the location of the pre-existing hardcore driveway differs to that from the proposed driveway
- The curtilage of the residential dwelling appears to be extended into the adjacent agricultural lands and resulting in a material change of use of the lands. There is no exemption avail under the above cited Act of Regulations to facilitate the extension of the curtilage a dwelling to include for a new driveway and entrance

Further Information is required in relation to the works to the boundary walls and the applicant should be advised of the above concerns with respect to the new entrance and driveway.

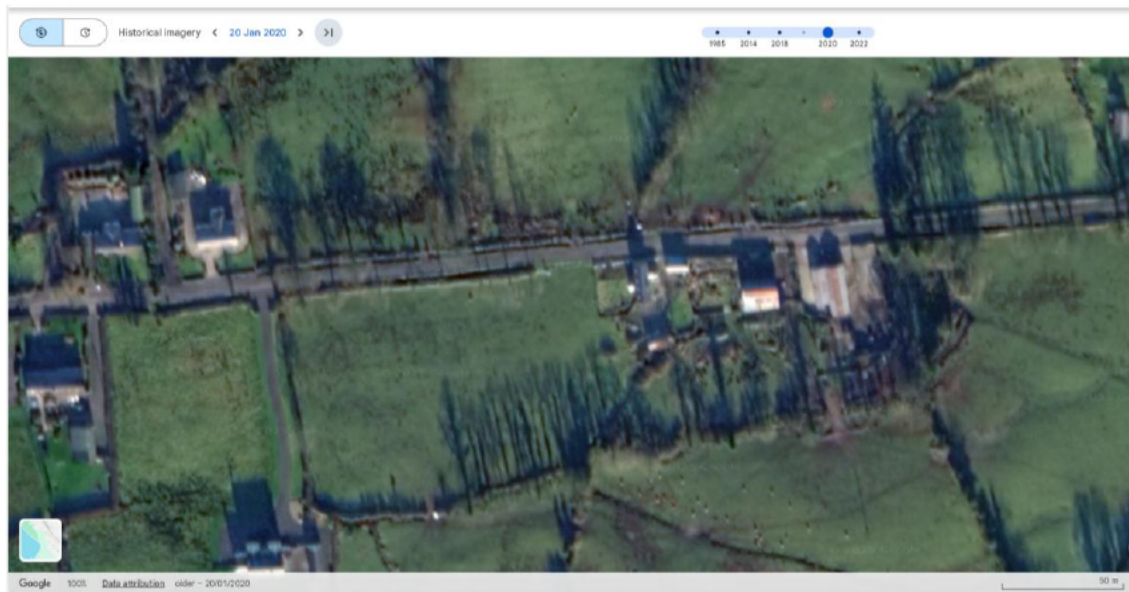


Figure 3 Google Imagery Captured 20th January 2020

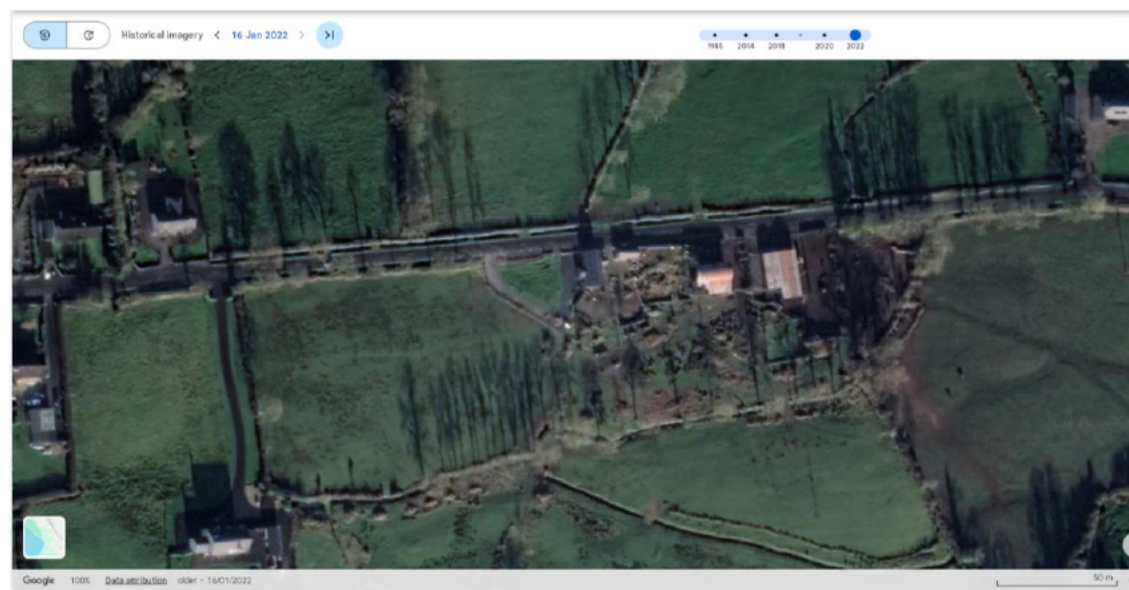


Figure 4 Google Imagery Captured 16th January 2022



Figure 5 Google Imagery

C) Restrictions under Article 9

In terms of Article 9(1)(a)(ii) and Article 9(1)(a)(iii), the applicant will be requested to confirm the available sightlines and setback to determine and the width of the road under to establish if these restrictions are applicable.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

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

EIA

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

4. **RECOMMENDATION**

It is recommended that FURTHER INFORMATION is requested under Section 5(2) of the Planning and Development Act 2000, as amended, as follows;

1. In order to enable the Planning Authority to determine if the new roadside boundary, which will be required in order to close the existing vehicular entrances, avails of an exemption the applicant is requested to submit elevations drawings to a scale of 1:100 identifying the type and principle dimensions of the replacement boundaries.

Advice Note:

The Planning Authority note that it is proposed open a new vehicular entrance onto the L-4203-0 Local Road further west and to provide a drive to the dwelling house. Having reviewed the available imagery it appears that a new entrance was provided at this location between 2020-2022. There is no record of a grant of planning permission for this entrance. In the absence of details regarding the width of the public road and the available sightlines it is unclear if the entrance availed of an exemption at the time it was constructed.

Notwithstanding the above concerns the applicant is advised that the proposal to extend the curtilage of the residential dwelling into the neighbouring agricultural lands and resulting in a material change of use of the lands, does not avail of an exemption and will require a grant of planning permission. This will be confirmed in any Declaration issued under this file reference.

District Planner:



Date: 01/12/2025



Senior Executive Planner:

Date: 3.12.2025

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/144
(b) Brief description of the project or plan:	Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension.
(c) Brief description of site characteristics:	Existing dwelling in rural 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
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 10km	None	No
002125 Anglesey Road SAC	https://www.npws.ie/protected-sites/sac/002125	Within 15km	None	No
001847 Philipston Marsh SAC	https://www.npws.ie/protected-sites/sac/001847	Within 10km	None	No
004165 Slievefelim To Silvermines Mountains Spa	https://www.npws.ie/protected-sites/sac/004165	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
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 	No potential impacts.

<ul style="list-style-type: none"> • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 							
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 • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential impacts.						
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:							
	<table border="1"> <thead> <tr> <th></th> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td>(i) It is clear that there is no likelihood of significant effects on a European site.</td> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> </tbody> </table>		Tick as Appropriate:	Recommendation:	(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
	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:	S5/25/144
Development Summary:	Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension.
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to 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



Date: 3rd December, 2025

Our Ref: S5/25/144

Civic Offices, Nenagh

Blathnaid Cummins & James Dee
Ballykiveen
Monard
Co. Tipperary

Re: Application for a Section 5 Declaration – Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension at Ballykiveen, Monard, Co. Tipperary

Dear Sir,

I refer to an application received from you on 10th November, 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. In order to enable the Planning Authority to determine if the new roadside boundary, which will be required in order to close the existing vehicular entrances, avails of an exemption the applicant is requested to submit elevations drawings to a scale of 1:100 identifying the type and principle dimensions of the replacement boundaries.

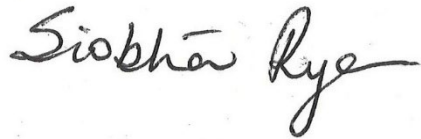
Advice Note:

The Planning Authority note that it is proposed open a new vehicular entrance onto the L-4203-0 Local Road further west and to provide a drive to the dwelling house. Having reviewed the available imagery it appears that a new entrance was provided at this location between 2020-2022. There is no record of a grant of planning permission for this entrance. In the absence of details regarding the width of the public road and the available sightlines it is unclear if the entrance availed of an exemption at the time it was constructed.

Notwithstanding the above concerns the applicant is advised that the proposal to extend the curtilage of the residential dwelling into the neighbouring agricultural lands and resulting in a material change of use of the lands, does not avail of an exemption and will require a grant of planning permission. This will be confirmed in any Declaration issued under this file reference.

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**

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



09/12/2025
Ballykiveen
Monard
County Tipperary

Ref: **S5/25/144**

Response to Further Information dated 3rd December 2025.

Dear Sir / Madam,

In reference to the further information request and advice note issued on the 3rd December 2025, we wish to submit the following clarification and amendment to our S.5 request as follows.

Exemption sought: We propose to renovate the house and to build a single storey extension on the east side of the house as set out in the drawings submitted on 10.10.2025.

No exemption sought: We no longer propose to modify the roadside boundary on the L-4203-0. We plan to maintain the existing house entrance as shown on the attached photo from google maps 2011, and the attached revised site layout dated 9.12.2025. (Note that the area of land purchased is marked in blue and the curtilage of the dwelling in red).

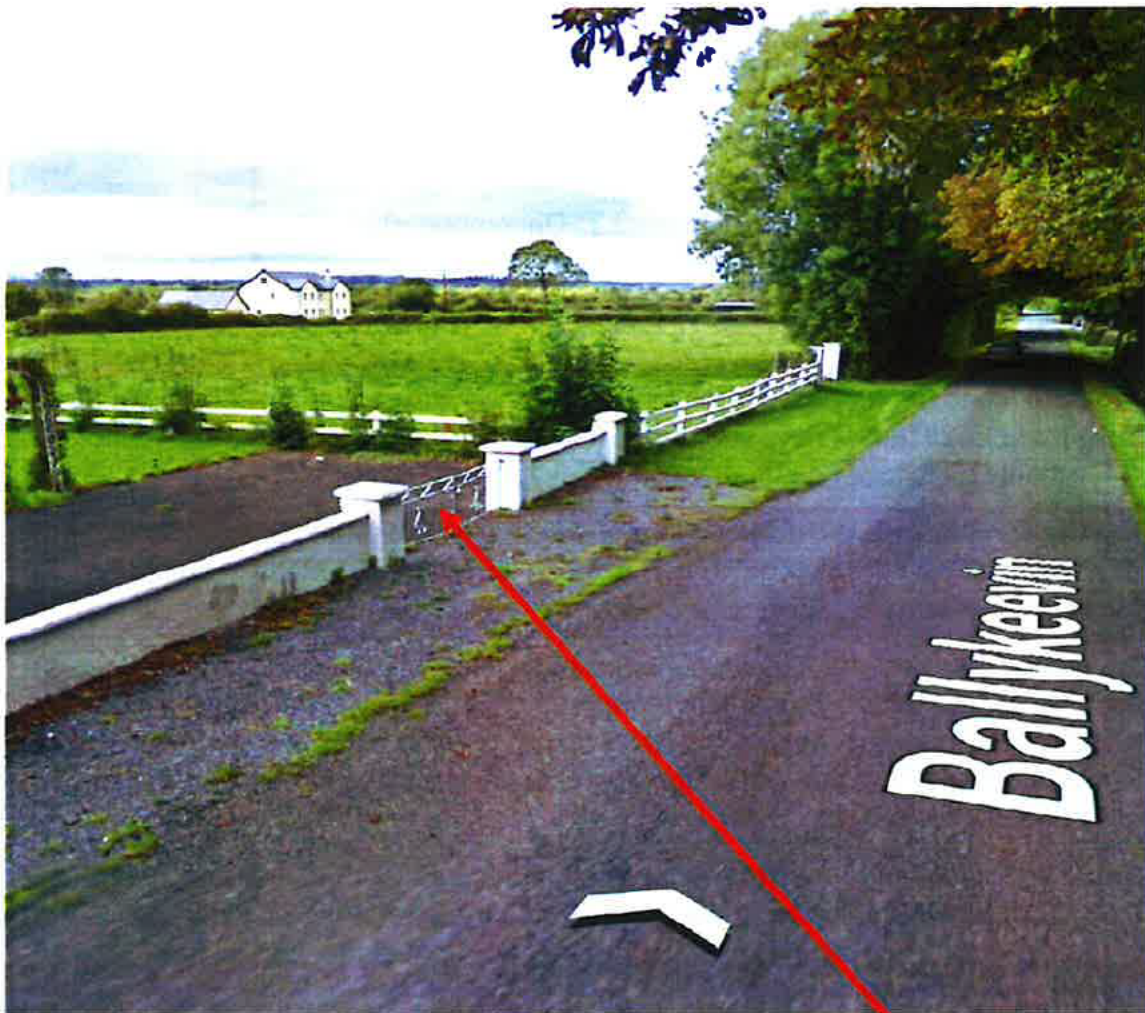
Secondary, we plan to restore the house curtilage boundary as per attached google map 2011, and the adjoining agricultural land to the west will be outside the curtilage of the dwelling. The gate entrance to the west will remain the entrance to the adjoining agricultural land.

Please advise that the renovation and extension to the house is development but is exempted development as set out in Section 5 of the Planning and Development Act. Please let us know if you require any further information.

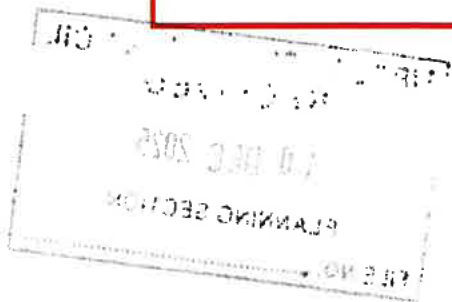
Yours faithfully,

Blaithnaid Cummins and James Dee





Maintain existing entrance and restore curtilage boundary as shown above from the 2011 google maps.



Proposed refurbishment of Dwelling House and
Extension at Ballykiveen Lower, Co Tipperary

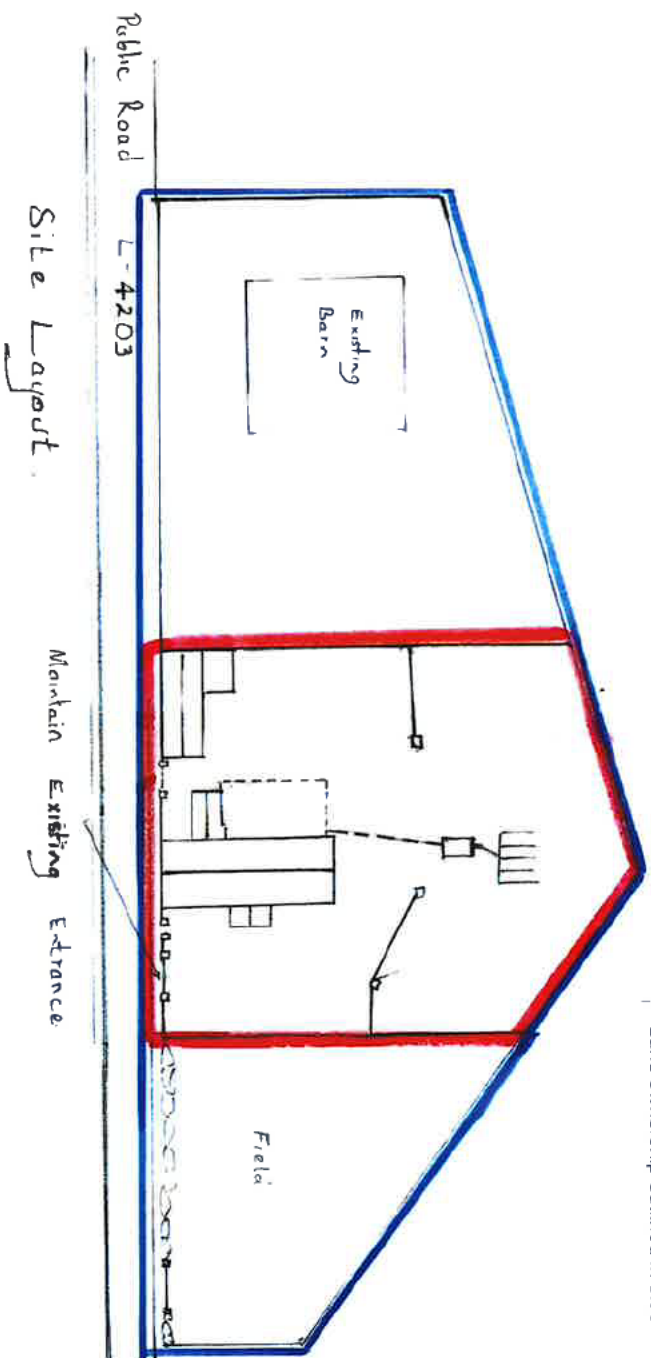
Blaithnaid Cummins and James Dee,

Revised Site Layout

Pat Slattery MPl | Date: 09/12/25 | Scale: 1/500

Dwelling curtilage outlined in red

Land ownership outlined in blue





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 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

10/12/2025

Our Ref: S5/25/144

Civic Offices, Clonmel

Blaithnaid Cummins & James Dee
Ballykiveen
Monard
Co. Tipperary

Re: Application for a Section 5 Declaration – Single Story extension to rear of house, relocate roadside entrance and reopen door to porch at Ballykiveen, Monard, Co Tipperary E34KX84.

Dear Blaithnaid & James,

I acknowledge receipt of Further Information received on 10th December 2025 in connection with the above.

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

Yours sincerely

For Director of Services

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5 Report No. 2

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

Planning Reference:	S5/25/144
Applicant:	Blathnaid Cummins & James Dee
Development Address:	Ballykiveen, Monard, Co. Tipperary
Proposed Development:	Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension.

Further information was requested on 3rd December 2025 under Section 5(2) of the Act. A Further Information Response was received on 10th December 2025.

1. GENERAL

On 10th November a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Blathnaid Cummins & James Dee c/o Pat Slattery as to whether or not the following works constituted development and if so, whether same was exempted development:

Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension.

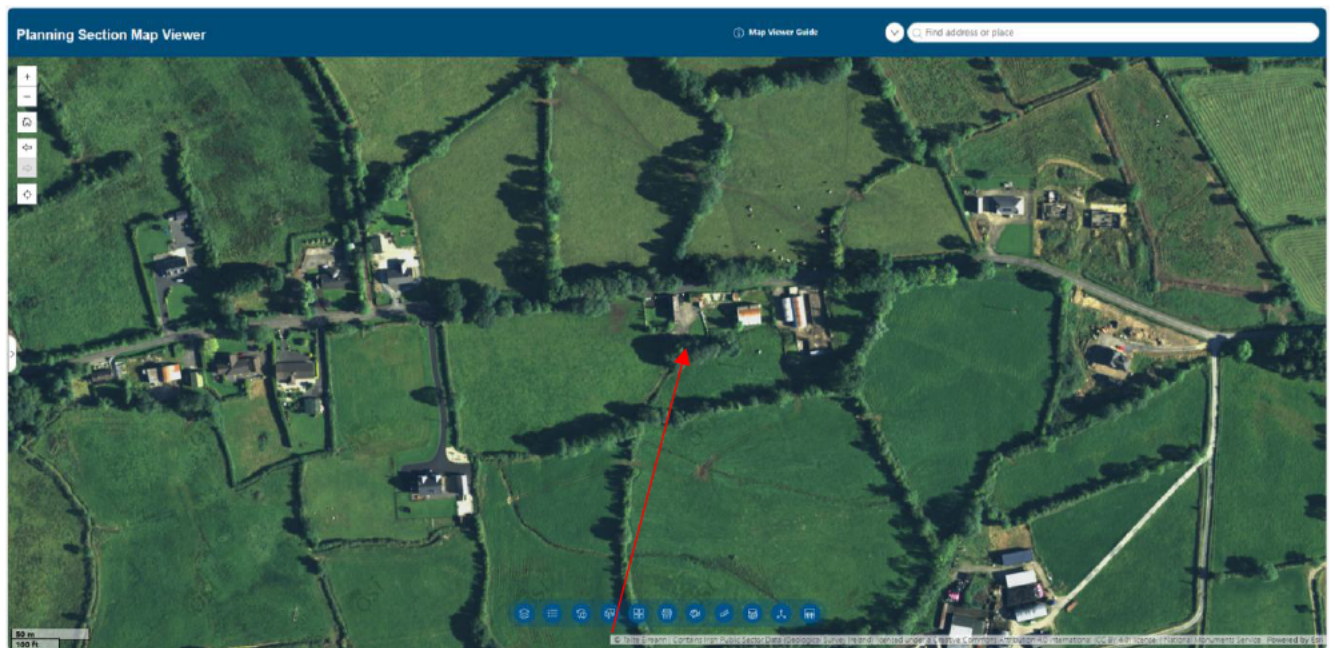


Figure 1 Site Location

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 (hereafter referred to as the Act), 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 Act 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 2(1) of the Act also states that "public road" and "road" has the same meaning as in the Roads Act, 1993.

Section 2(l) of the Roads Act, 1993 defines a public road as

"public road" means a road over which a public right of way exists and the responsibility for the maintenance of which lies on a road authority.

And,

"road" includes

- a) any street, lane, footpath, square, court, alley or passage,*
- b) any bridge, viaduct, underpass, subway, tunnel, overpass, overbridge, flyover, carriageway (whether single or multiple), pavement or footway,*
- c) any weighbridge or other facility for the weighing or inspection of vehicles, toll plaza or other facility for the collection of tolls, service area, emergency telephone, first aid post, culvert, arch, gully, railing, fence, wall, barrier, guardrail, margin, kerb, lay-by, hard shoulder, island, pedestrian refuge, median, central reserve, channelliser, roundabout, gantry, pole, ramp, bollard, pipe, wire, cable, sign, signal or lighting forming part of the road, and*
- d) any other structure or thing forming part of the road and-*
 - i. necessary for the safety, convenience or amenity of road users or for the construction, maintenance, operation or management of the road or for the protection of the environment,*
 - or*
 - ii. prescribed by the Minister.*

Section 4 states:

(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.*

(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).*

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.

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

Description of Development	Conditions and Limitations
<p>CLASS 1 <i>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.</i></p>	<ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> (a) <i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i> (b) <i>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.</i> (c) <i>Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</i> 2. <ol style="list-style-type: none"> (a) <i>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.</i> (b) <i>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.</i> (c) <i>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.</i> 3. <i>Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i>

	<p>4.</p> <p>(a) <i>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.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>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.</i></p> <p>5. <i>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.</i></p> <p>6.</p> <p>(a) <i>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i></p> <p>(b) <i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i></p> <p>(c) <i>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.</i></p> <p>7. <i>The roof of any extension shall not be used as a balcony or roof garden.</i></p>
<p>CLASS 5</p> <p><i>The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.</i></p>	<p>1. <i>The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.</i></p> <p>2. <i>Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.</i></p> <p>3. <i>No such structure shall be a metal palisade or other security fence.</i></p>
<p>CLASS 13</p> <p><i>The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or paving.</i></p> <p><i>The width of any such private footpath or paving shall not exceed 3 metres.</i></p>	<p><i>The width of any such private footpath or paving shall not exceed 3 metres.</i></p>

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—*

(ii) *consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

(iii) *endanger public safety by reason of traffic hazard or obstruction of road users*

(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 in the rural townlands of Ballykiveen, Monard, Co. Tipperary. The site is occupied by a storey and a half type dwelling gable fronted onto the road and is served by the L-4203-0 Local Road.

b. **Relevant Planning History**

No planning history traced. The cover letter states the dwelling was built in the early 1900s and the porch and rear extension in the 1930s.

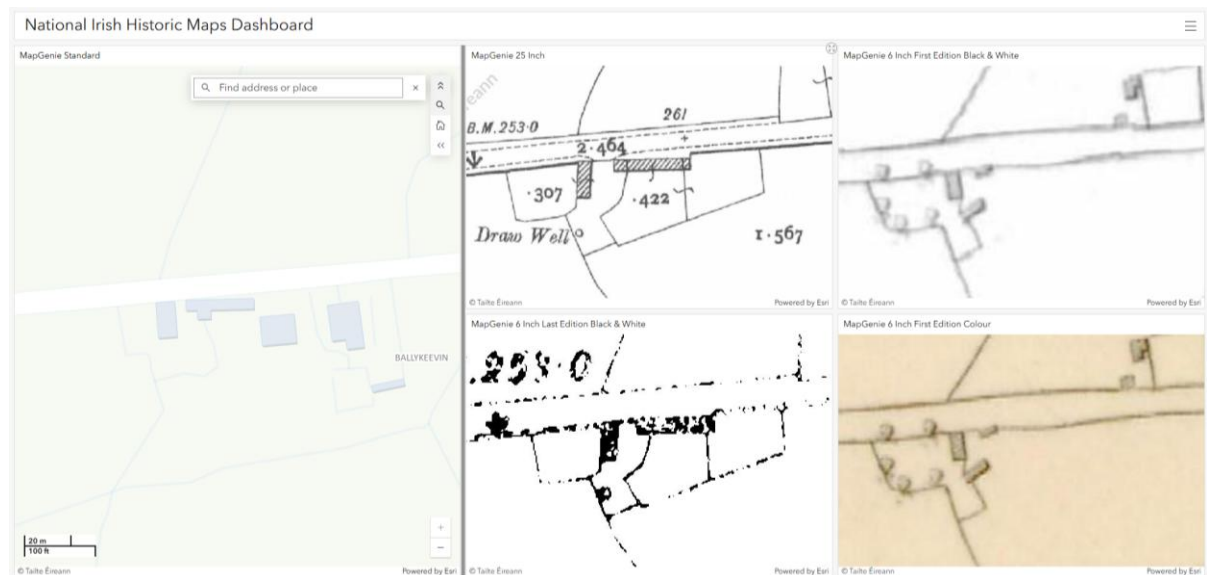


Figure 2 Historical Mapping showing dwelling on the lands

c. **Assessment**

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

Having considered all of the details and documentation on file with regards the question posed and the description of the proposal, the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Planning and Development Act 2000, as amended. The question arises as to whether or not these works constitute exempted development.

B) "Is or is not Exempted Development"

The proposed extension is assessed relative to Class 1 of Part 1 of Schedule 2 below. With respect to same I note as follows;

CLASS 1

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

The extension is to be constructed to the rear of the house. The front of the dwelling is facing the west.

Subject to the following conditions and limitations;

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

N/A

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

N/A

- (c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

N/A

2. (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

The floor area of the proposed extension is 40sq.m. The existing rear extension was built prior to 1964 and is not included in this floor area calculation.

- (b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

N/A

- (c) *Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

N/A

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

N/A. The extension is single storey.

4. (a) *Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*

The rear wall of the dwelling does not include a gable. The rear extension of the extension includes a flat roof which does not exceed the rear walls of the house.

- (b) *Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

N/A. Whilst I note that the utility is an A gable extension the walls of the extension do not exceed the side walls of the house.

- (c) *The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*

The extension includes for a flat roof and the height does not exceed the height of the eaves or parapet of the dwelling

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

The open space remaining to the rear of the dwelling will exceed 25 sq.m.

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

Windows are in excess of 1 m from the boundary they face.

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

N/A

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

N/A

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

N/A

I am satisfied that the opening of the door in the porch will avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

The applicant is also proposing to close two existing entrances onto the L 4203-0 Local Road . The manner in which the accesses are to be closed is not set out i.e. height and finish of wall etc. This information is required in order to determine if the works avail of an exemption. The relevant exemption here is Class 5 of Part 1 Schedule 2 of the Regulations.

The applicant is also proposing to open a new vehicular entrance onto the L-4203-0 further west and to provide a drive to the dwelling house. There are a number of arising issues to be clarified with this element of the application;

- It appears having reviewed www.googlemaps.ie and geo hive that a new entrance was provided at this location between 2020-2022 as identified in Fig 3 & Fig 4 below. There is no record of a grant of permission for this entrance. The width of the L-4203-0 is not identified and sightlines have not been outlined and it is unclear if same avails of an exemption.
- The width of the driveway has not been identified and it is unclear if same avails of an exemption under Class 13, of Schedule 1 of Part 2 of the Planning and Development Regulations 2001, as amended. It is also noted that the location of the pre-existing hardcore driveway differs to that from the proposed driveway
- The curtilage of the residential dwelling appears to be extended into the adjacent agricultural lands and resulting in a material change of use of the lands. There is no exemption avail under the above cited Act of Regulations to facilitate the extension of the curtilage a dwelling to include for a new driveway and entrance

Further Information is required in relation to the works to the boundary walls and the applicant should be advised of the above concerns with respect to the new entrance and driveway.

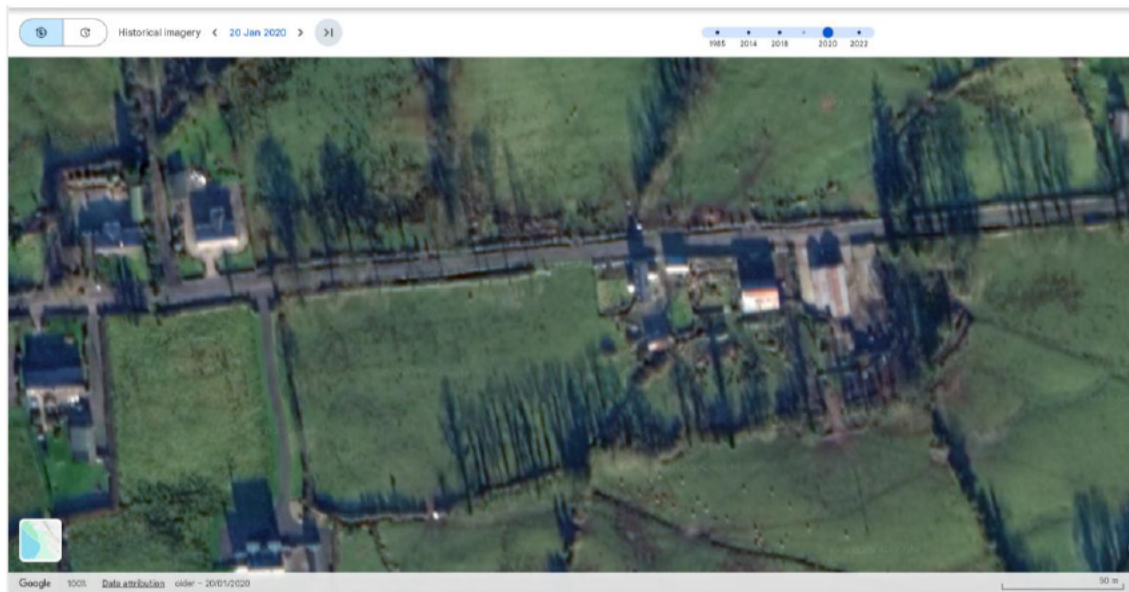


Figure 3 Google Imagery Captured 20th January 2020

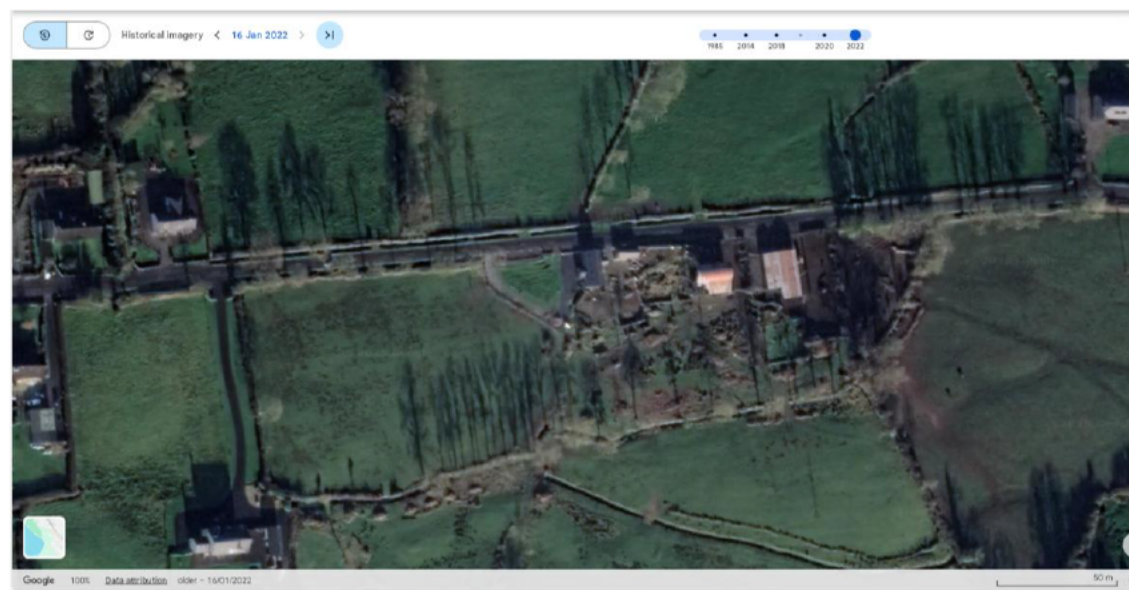


Figure 4 Google Imagery Captured 16th January 2022



Figure 5 Google Imagery

C) Restrictions under Article 9

In terms of Article 9(1)(a)(ii) and Article 9(1)(a)(iii), the applicant will be requested to confirm the available sightlines and setback to determine and the width of the road under to establish if these restrictions are applicable.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

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

EIA

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

4. FUTHER INFORMATION REQUEST, RESPONSE & ASSESSMENT

Further Information was requested on 3rd December 2025 under Section 5(2) of the Act as follows;

1. *In order to enable the Planning Authority to determine if the new roadside boundary, which will be required in order to close the existing vehicular entrances, avails of an exemption the applicant is requested to submit elevations drawings to a scale of 1:100 identifying the type and principle dimensions of the replacement boundaries.*

Advice Note:

The Planning Authority note that it is proposed open a new vehicular entrance onto the L-4203-0 Local Road further west and to provide a drive to the dwelling house. Having reviewed the available imagery it appears that a new entrance was provided at this location between 2020-2022. There is no record of a grant of planning permission for this entrance. In the absence of details regarding the width of the public road and the available sightlines it is unclear if the entrance availed of an exemption at the time it was constructed.

Notwithstanding the above concerns the applicant is advised that the proposal to extend the curtilage of the residential dwelling into the neighbouring agricultural lands and resulting in a material change of use of the lands, does not avail of an exemption and will require a grant of planning permission. This will be confirmed in any Declaration issued under this file reference.

The response notes that they applicants are now only seeking an exemption for the proposed extension and no long propose to modify the roadside entrance. It is also noted the applicants will restore the original site boundaries associated with the dwelling.

5. RECOMMENDATION

WHEREAS a question has arisen as to whether a single story extension to rear of house, relocate roadside entrance, reopen door to porch at Ballykiveen, Monard, Co. Tipperary is development and is or is not exempted development:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 5 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 & Class 5 & Class 13 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 single story extension to rear of house and reopening of the door to porch at Ballykiveen, Monard, Co. Tipperary constitutes “development” within the meaning of the Planning and Development Act 2000, as amended and **IS** “exempted development”.

AND WHEREAS Tipperary County Council has concluded that to relocate roadside entrance is development and **NOT** exempted development.

District Planner:

L. Butler-Lynan

Date: 05/01/2026

Senior Executive Planner:

C. Conway

Date: 5.1.2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/144
(b) Brief description of the project or plan:	Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension.
(c) Brief description of site characteristics:	Existing dwelling in rural 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
002165 Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 10km	None	No
002125 Anglesey Road SAC	https://www.npws.ie/protected-sites/sac/002125	Within 15km	None	No
001847 Philipston Marsh SAC	https://www.npws.ie/protected-sites/sac/001847	Within 10km	None	No
004165 Slievefelim To Silvermines Mountains Spa	https://www.npws.ie/protected-sites/sac/004165	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
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 	No potential impacts.

<ul style="list-style-type: none"> • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 					
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 • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No potential impacts.				
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:					
	<table border="1"> <thead> <tr> <th>Tick as Appropriate:</th> <th>Recommendation:</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>The proposal can be screened out: Appropriate assessment not required.</td> </tr> </tbody> </table>	Tick as Appropriate:	Recommendation:	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
Tick as Appropriate:	Recommendation:				
<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:	S5/25/144
Development Summary:	Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension.
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to 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

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/144** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Brian Beck, 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. 44188 dated 3rd October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Blaithnaid Cummins & James Dee, Ballykiveen, Monard Co. Tipperary re: Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension at Ballykiveen, Monard, Co. Tipperary is development and is exempted development.

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


- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 5 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Schedule 2, Part 1, Class 1 & Class 5 & Class 13 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.

Tipperary County Council has concluded that –

The single story extension to rear of house and reopening of the door to porch at Ballykiveen, Monard, Co. Tipperary constitutes "development" within the meaning of the Planning and Development Act 2000, as amended and **IS** "exempted development".

AND WHEREAS Tipperary County Council has concluded that to relocate roadside entrance is development and **NOT** exempted development.

Signed:



Brian Beck
Director of Services

Date: 07/01/2026



Date: 7th January 2026

Our Ref: S5/25/144

Civic Offices, Nenagh

Blaithnaid Cummins & James Dee
Ballykiveen
Monard
Co. Tipperary

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

Dear Blaithnaid and James,

I refer to your application for a Section 5 Declaration received on 10th November, 2025, and Further Information received on 10th December, 2025 in relation to the following proposed works:

Single story extension to rear of house. Relocate roadside entrance, reopen door to porch. Proposed floor area of proposed works / uses 40 sqm extension at Ballykiveen, Monard, 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 –

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 5 and 9 of the Planning and Development Regulations 2001, as amended,
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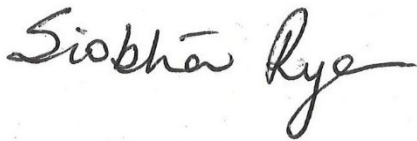
Tipperary County Council has concluded that –

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AND WHEREAS Tipperary County Council has concluded that to relocate roadside entrance is development and **NOT** exempted development.

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 large, flowing 'S' and a distinct 'R'.

for **Director of Services**