



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	John Doheny
<i>Address</i>	Derryleigh, Newport, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	Gavin Doheny
<i>Address</i>	Derryleigh, Newport, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

Please advise where all correspondence in relation to this application is to be sent;

Applicant [] Agent [X]

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Derryleigh, Newport, Co. Tipperary, V94PXW7
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4. Development Details:

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

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

<p>The proposed development consists of (a) 2 no. velux windows at rear of house, (b) replacement of existing damaged roof slate finish with new slate roof finish, (c) repairs to existing roof structure where required (with no change to overall roof height or pitch), (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen, (e) internal amendments as per drawings, (f) new lime render to exterior of existing cottage in lieu of existing non breathable cementitious render, (g) all associated site services and works. Note: Planning permission already granted for 2 no. dormer windows to rear of house - included on the proposed drawings for clarity.</p>		
Proposed floor area of proposed works/uses:	sqm	existing floor area: 132m ² proposed floor area: 132m ²

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
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	n/a	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: n/a Address:	

Signature of Applicant(s) 

Date: 09/12/2025

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.

Tipperary County Council
Planning Section by email
Received 10/12/2025
File ref: S5/25/158

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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas.
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o 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	<u>OR</u>	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. €80 _____

Tipperary County Council

Receipt No_133759_____

Planning Section by email

Date_10/12/2025_____

Received 10/12/2025

Receipted by _____

File ref: S5/25/158

Tipperary County Council
Planning Section by email
Received 10/12/2025
File ref: S5/25/158

Cover Letter

To Whom It May Concern,

Please find attached the following, in relation to the Section 5 application, on behalf of the applicant: John Doheny, at Derryleigh, Newport, Co. Tipperary.

1. Application Fee	€80		
2. Application Form			
3. Architectural Drawings, inclusive of the following:			
• A0 – 00	SITE LOCATION MAP	Scale: 1:10,560	@ A3
• A0 – 01	SITE LOCATION MAP	Scale: 1:2500	@ A3
• A1 – 00	SITE PLAN – EXISTING	Scale: 1:500	@ A3
• A1 – 20	SITE PLAN – PROPOSED	Scale: 1:500	@ A3
• A2 – 00	DRAWINGS – EXISTING	Scale: 1:100	@ A2
• A2 – 20	DRAWINGS – PROPOSED	Scale: 1:100	@ A2

Should you require any further information or clarification - please do not hesitate to contact me: [REDACTED]

Regards,
Gavin Doheny, (Agent)



Note:

The applicant had previously made an application for a section 5 declaration in late 2024. Section 5 Ref: S5/24/146, which was determined by the planning dept. on 07/01/2025.

DETERMINED AS EXEMPTED DEVELOPMENT (REF: S5/24/146) :

"The provision of 1 no. velux window at the rear of house; the replacement of existing damaged roof slate finish with new slate roof finish; repairs to existing roof structure where required (with no change to overall roof height or pitch); the replacement of existing upvc windows and doors with new upvc windows and doors as per drawings; internal amendments as per drawings and all associated site services and works."

DETERMINED AS NOT EXEMPTED DEVELOPMENT (REF: S5/24/146), AND AS SUCH REQUIRING PLANNING APPLICATION:

"The provision of 2 no. dormer windows is not exempted development as the proposal does not satisfy condition and limitation 4(a) attached to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) nor does it avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended

The applicant subsequently applied for planning permission on the same property via PL Ref: 2560286.

This planning application was applied for so as to ensure the 2 no. dormer windows previously determined as "Not exempted development" could be captured and permitted in advance of works. This application was granted.

In the interim, the applicant has sought to redesign the internal layout slightly so as to maximize the space in a manner better suited to family needs.

The two principle amendments to the previous Section 5 declaration and the granted planning permission are: (a) the relocation of the back door, and (b) the incorporation of a window of the rear gable of the existing cottage to serve the proposed kitchen location.

The gable, which is to receive this additional window, is to the rear of the house, and not the side, as the orientation of the house relative to the local road is not directly facing the road. The same elevation on the adjoining property (to the West) would also be considered the rear of the house, as the same principles apply. We ask that the Planning Dept. review and share this opinion so as to facilitate the proposed works.

Note: the proposed works also incorporate replacement of non traditional / breathable cementitious external render in lieu of traditional lime render. In the interest of protecting the longevity of the structure of the house (ie. to enable trapped moisture in the walls escape without negatively impacting the longevity of the house.)

The applicant understands that this revised application for a section 5 declaration cannot determine the 2 no. dormer windows as exempted development, however for sake of completeness, as they have already been granted via PL Ref: 2560286, they have been included on the proposed drawings. Should the planning dept. wish, this condition of previous planning grant can be noted when making a determination on this section 5 application.

Tipperary County Council
Planning Section by email
Received 10/12/2025
File ref: S5/25/158



Comhairle Contae Thíobraid Árann
Tipperary County Council

Comhairle Contae
Thíobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thíobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thíobraid Árann,
Oifigi Cathartha,
An tAonach,
Co. Thíobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

E45 A099

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

TO: John Doheny
Derryleigh
Newport
Co. Tipperary

REF NO: 2560286

PLANNING & DEVELOPMENT ACT 2000 (as amended)
PLANNING & DEVELOPMENT REGULATIONS 2001 (as amended)
NOTIFICATION OF A GRANT OF PERMISSION
SUBJECT TO CONDITIONS

DEVELOPMENT: (a) 2 no. dormer windows and 1 no. velux window at rear of house, (b) replacement of existing damaged roof slate finish with new roof slate finish, (c) repairs to existing roof structure where required, (d) replacement upvc windows and doors, (e) internal amendments, (f) all associated site services and works.

LOCATION: Derryleigh Newport Co. Tipperary

PERMISSION was granted on 25/06/2025 for the development described above subject to the Notification of Decision to grant PERMISSION made on 22/05/2025.

You are hereby advised that unless the development described is carried out within five (5) years from the date of the Grant of Planning Permission, this permission will cease to have effect.

**SIGNED ON BEHALF OF
DIRECTOR OF SERVICES**

Kathleen Clifford

PLEASE RETAIN THIS DOCUMENT CAREFULLY AS COPIES COST A FEE OF €5.00

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File ref: S5/25/158

Land Registry
County Tipperary

Folio 19771F

Register of Ownership of Freehold Land

Part 1(A) - The Property

Note: Unless a note to the contrary appears, neither the description of land in the register nor its identification by reference to the Registry Map is conclusive as to boundaries or extent

For parts transferred see Part 1(B)

No.	Description	Official Notes
1	<p>The property shown coloured RED as Plan(s) 33, 34, 3993 on the Registry Map, situate in the Townland of DERRYLEIGH, in the Barony of OWNEY AND ARRA, in the Electoral Division of NEWPORT.</p> <p>The registration does not extend to the mines and minerals.</p>	From Folio TY2252F

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File ref: S5/25/158

Land Cert Issued: No

Page 1 of 4

Collection No.:

Land Registry

County Tipperary

Folio 19771F

Part 1(B) - Property

Parts Transferred

No.	Prop No:	Instrument:	Date:	Area (Hectares):	Plan:	Folio No:

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Land Registry

County Tipperary

Folio 19771F

Part 2 - Ownership

Title ABSOLUTE

No.	The devolution of the property is subject to the provisions of Part II of the Succession Act, 1965	
1	01-NOV-1991 P7840/91	JOHN DOHERY of DERRYLEIGH, NEWPORT, COUNTY TIPPERARY is full owner.

1 01-NOV-1991 No registration under disposition for value by the registered owner of the part of the property shown as Plan 33 on the Registry Map is to be made during the period specified in Instrument No. P7840/91 without the consent of Sadie Doheny of Derryleigh, Newport, County Tipperary.

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File ref: S5/25/158

Land Registry

County Tipperary

Folio 19771F

Part 3 - Burdens and Notices of Burdens

No.	Particulars
1	<p>The property is subject to the provisions prohibiting letting, subletting or subdivision specified in Section 12 of the Land Act, 1965, and to the provisions restricting the vesting of interests specified in Section 45 of the said Act in so far as the said provisions affect same.</p>
2a	<p>01-NOV-1991 P7840/91 Charge for £2,000 payable during the period specified in Instrument No. P7840/91. Liam Doheny of Derryleigh, Newport, County Tipperary is owner of this charge.</p>
2b	<p>01-NOV-1991 P7840/91 The rights and privileges specified in Instrument No. P7840/91 in favour of Sadie Doheny during her life.</p>

Tipperary County Council

Planning Section by email

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File ref: S5/25/158

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Gaelige
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Property Details

Folio Number: TY19771F
Title Level: Freehold
Plan Number: 3993
Property Number: 1
Area of selected plans: 5.91 hectares.
Number of Plans on this folio: 3
Address: Not Available

Add to Basket Create Alert

*PRA Boundaries and Plan Area are not conclusive. See Section 6(2)(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

Tipperary County Council
Planning Section by email
Received: 10/12/2025
File ref: S5/25/158

View Basket Print Current View Help

XY 573570, 6620380
Scale 1:2500
Townland Derryleigh
Barony Owney And Arra
County Tipperary

Landdirect        

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Gaeilge 

Property Details

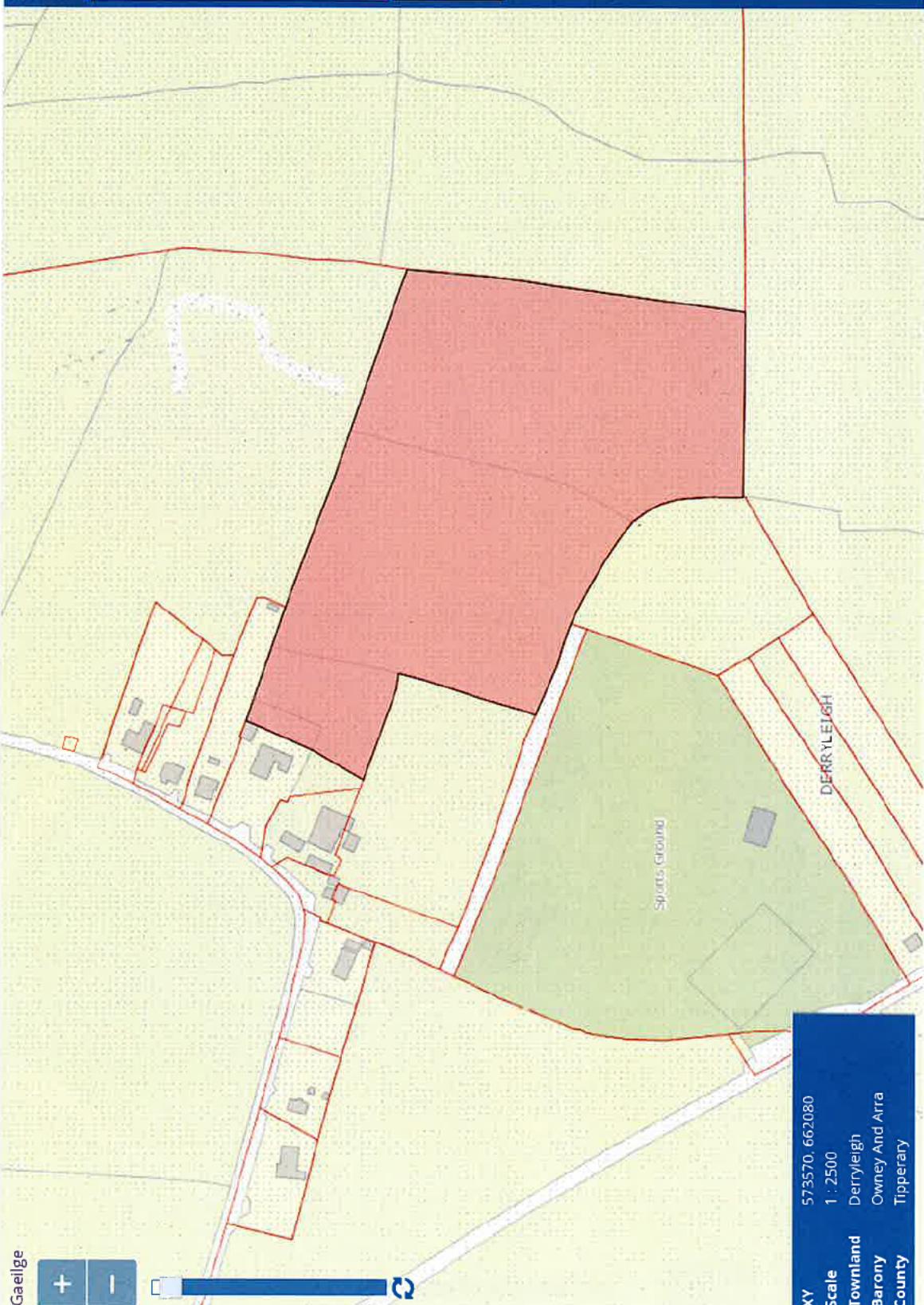
> Back

Folio Number TY19771F
Title Level Freshold
Plan Number 3993
Property Number 1
Area of selected plans 4.68 hectares.
Number of Plans on this folio: 3
Address Not Available

Highlight All Plans  Add to Basket  Create Alert 

*PRA Boundaries and Plan Area are not conclusive. See Section 6(2)(c) of Registration of Title Act 2006 and Rule 8(2) of the Land Registration Rules 2012.

View Basket  Print Current View  Help 



XY 573570, 662030
Scale 1:2500
Townland Derryleigh
Barony Owney And Agra
County Tipperary

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File ref: 55/25/158

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Property Details

> Back

Folio Number	TY19771F
Title Level	Freehold
Plan Number	33
Property Number	1
Area of selected plans	1.06 hectares.
Number of Plans on this folio:	3
Address	Not Available

*PRA Boundaries and Plan Area are not conclusive. See Section 6(2)(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

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File ref: S5/25/158

XY 573696, 661893
 Scale 1:2500
 Townland Derryleigh
 Barony Owney And Arra
 County Tipperary

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Property Details

Folio Number: TY19771F
Title Level: Freehold
Plan Number: 34
Property Number: 1
Area of selected plans: 0.17 hectares.
Number of Plans on this folio: 3
Address: Derryleigh, Newport, Co. Tipperary, V94 PXW7

Highlight All Plans Add to Basket Create Alert

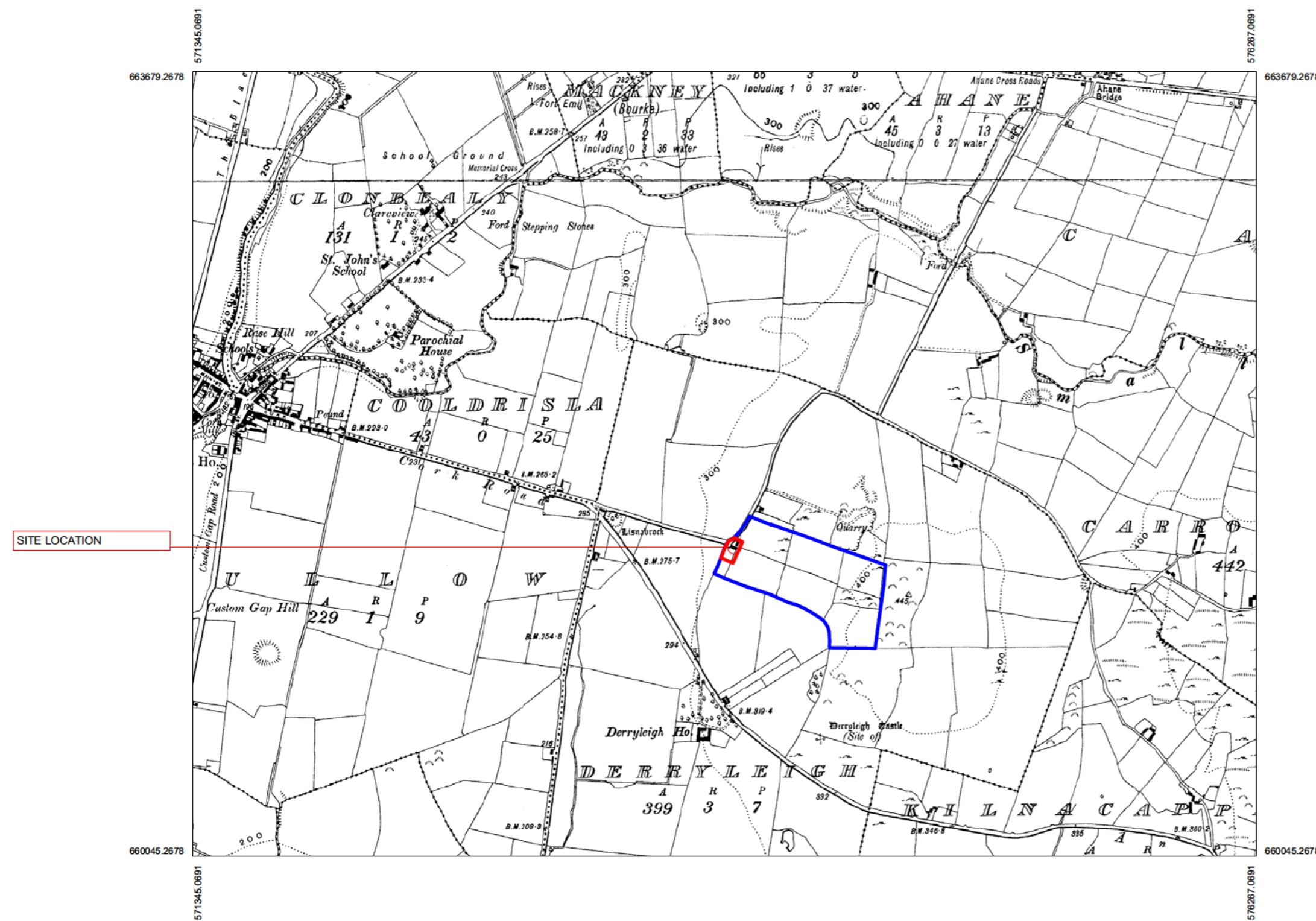
*PRA Boundaries and Plan Area are not conclusive. See Section 62(2) of Registration of Title Act 2006 and Rule 8(3) of the Land Registration Rules 2012.

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View Basket Print Current View

Help

XY: 573653, 661885
Scale: 1 : 2500
Townland: Derryleigh
Barony: Owney And Ara
County: Tipperary



Description:
Historic 6th Edition

Publisher / Source:
Ordnance Survey Ireland (OSI)

Data Source / Reference:
TY031+031A
Revision Date =
Survey Date = 31-Dec-1938
Levelled Date = 31-Dec-1941

TY037
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1907

LK001
Revision Date =
Survey Date = 31-Dec-1939
Levelled Date = 31-Dec-1941

LK006
Revision Date =
Survey Date = 31-Dec-1939
Levelled Date = 31-Dec-1941

LK007
Revision Date =
Survey Date = 31-Dec-1924
Levelled Date = 31-Dec-1928

CE054
Revision Date =
Survey Date = 31-Dec-1939
Levelled Date = 31-Dec-1941

File Format:
Tagged Image File Format (TIFF)

File Name:
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Projection / Spatial Reference:
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Centre Point Coordinates:
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Data Extraction Date:
04-Jan-2023

Product Version:
1.3

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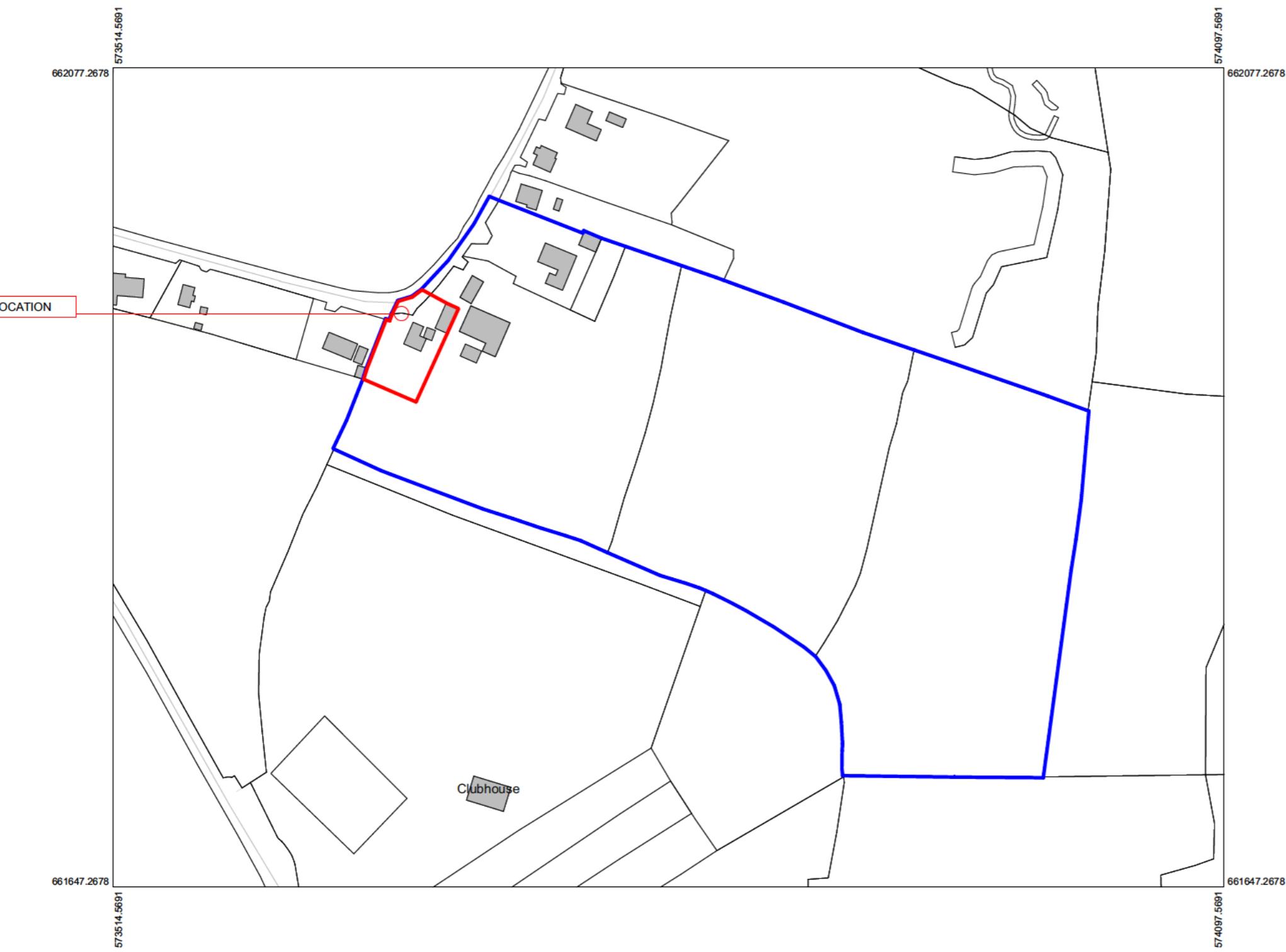
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Ama thiomáis agus ama fhiosrú ag
Suibhneach Ordan-ís...ireann. Pírc an
Phionnúisce, Baile Ítha Cliath 8...ireann.
Sírlann atá ag eadach neamh'darlaíthe cípcheart
Suibhneach Ordan-ís...ireann agus Ríaltas
na h...ireann.
Gach cead ar cosnamh. Ní ceadadh aon
chuid den fhiosreachán seo a chípeadh
atá ag eadach ní a tharchur in aon fhionmhar aon
bhealach gan cead i scorbhinn roimh rE 0 inEiril
an chípcheart.
Ní hionann báthar, bealach ní cos a bheith ar
an iarscill seo agus fianaise a chead slí.
Ní thaispeann iarscail de chuid Ordan-ís...ireann.
Shurbaireacht na h...ireann. Seann phointí deaill
de mhaolín náim, ní...ireach de ghnáth de fhisicíla.

N 	REVISION	STAGE	DATE	NOTES	NOTES:	AGENT:	JOB NO:
	S5	PLANNING	DEC 2025	ISSUED FOR SECTION 5 APPLICATION			
						GAVIN DOHENY ARCHITECTURE	2419
						CLIENT: GAVIN DOHENY	DWG NO:
						JOB TITLE: HOUSE RENOVATION	A0-00
						DERRYLEIGH NEWPORT, CO. TIPPERARY.	REV NO:
						STAGE: PLANNING	S5
						SCALE: 1:10560 @ A3	DATE: 07/12/2025
						AUTH OR: GD	

NORTH

S SURVEY **SK SKETCH** **CN CONSTRUCTION** **PL PLANNING** **T TENDER** **FI FURTHER INFO.**

Figured dimensions only to be taken from this drawing. All dimensions to be checked on site. Discrepancies to be brought to the attention of this office before commencement of work.



Description: Digital Landscape Model (DLM)

Publisher / Source: Ordnance Survey Ireland (OSI)

Data Source / Reference: PRIME2

File Format: Autodesk AutoCAD (DWG R2013)

File Name: v 50309858 1.dwg

Clip Extent / Area of Interest (AOI):

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Projection / Spatial Reference:

Projection= IRENET95 Irish Transverse Mercator

Centre Point Coordinates:

X,Y= 573806.0691,661862.2678

Reference Index:

Map Series | Map Sheets
1:2,500 | 4626-A
1:2,500 | 4626-B

Data Extraction Date:

Date= 04-Jan-2023

Source Data Release:

DCMLS Release V1.159.114

Product Version:

Version= 1.4

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Ama thioms' agus arna fhoilisi' ag
SuirbhÉireachtais ...ireann, Páirc an
Fhionnúisce, Baile Átha Cliath 8, ...ireann.

S'fálonn at-irgeadh neamh' darraíthe cÚlpeart
SuirbhÉireachtais ...ireann agus Rialtas
na h...ireann.

Gach cead ar cosnamh. Ní ceadmhach aon
chuid den fhoileadh seo a chúipeil, a
at-irgeadh ná a tharchur in aon fhíorm n-: ar aon
bealaach gan cead i scribhinn roimh rE 0 'inÉiril
an chÚipchtir.

Ní hionann bÚthar, bealach ná cos-n a bheith ar
an tEarscail seo agus fianaise ar chead sli.

Ní thaispeann tEarscail de chuid Ordanais
SuirbhÉireachtais ...ireann teorann phointí deálaí
de mhaon iarramh, n-: inÉireacht agus ghnEithe fhiúscí la.

N 	REVISION	STAGE	DATE	NOTES	NOTES:  SITE BOUNDARY  LANDOWNER OWNERSHIP BOUNDARY	AGENT: GAVIN DOHENY ARCHITECTURE CLIENT: GAVIN DOHENY JOB TITLE: HOUSE RENOVATION DERRYLEIGH, NEWPORT, CO.TIPPERARY.	JOB NO: 2419 DWG NO: A0-01 DRAWING TITLE: SITE LOCATION MAP 1:2500 REV NO: S5
	S5	PLANNING	DEC 2025	ISSUED FOR SECTION 5 APPLICATION			
NORTH S SURVEY SK SKETCH CN CONSTRUCTION PL PLANNING T TENDER FI FURTHER INFO.					Figured dimensions only to be taken from this drawing. All dimensions to be checked onsite. Discrepancies to be brought to the attention of this office before commencement of work.		



N	REVISION	STAGE	DATE	NOTES	NOTES:	T: [REDACTED]	JOB NO: 2419
	S5	PLANNING	DEC 2025	ISSUED FOR SECTION 5 APPLICATION			
					0 10 20 30		DWG NO: A1-00
							REV NO: S5
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						CLIENT: GAVIN DOHENY	
						JOB TITLE: HOUSE RENOVATION	
						DERRYLEIGH, NEWPORT, CO. TIPPERARY.	STAGE: PLANNING
						SCALE: 1:500 @ A3	AUTH OR: GD
						DATE: 07/12/2025	

APPLICATION FOR SECTION 5 DECLARATION (REF: S5/24/146) DETERMINED BY PLANNING DEPT. 07/01/2025

ALREADY DETERMINED AS EXEMPTED DEVELOPMENT (REF: S5/24/146):

"The provision of 1 no. velux window at the rear of house; the replacement of existing damaged roof slate finish with new slate roof finish; repairs to existing roof structure where required (with no change to overall roof height or pitch); the replacement of existing upvc windows and doors with new upvc windows and doors as per drawings; internal amendments as per drawings and all associated site services and works."

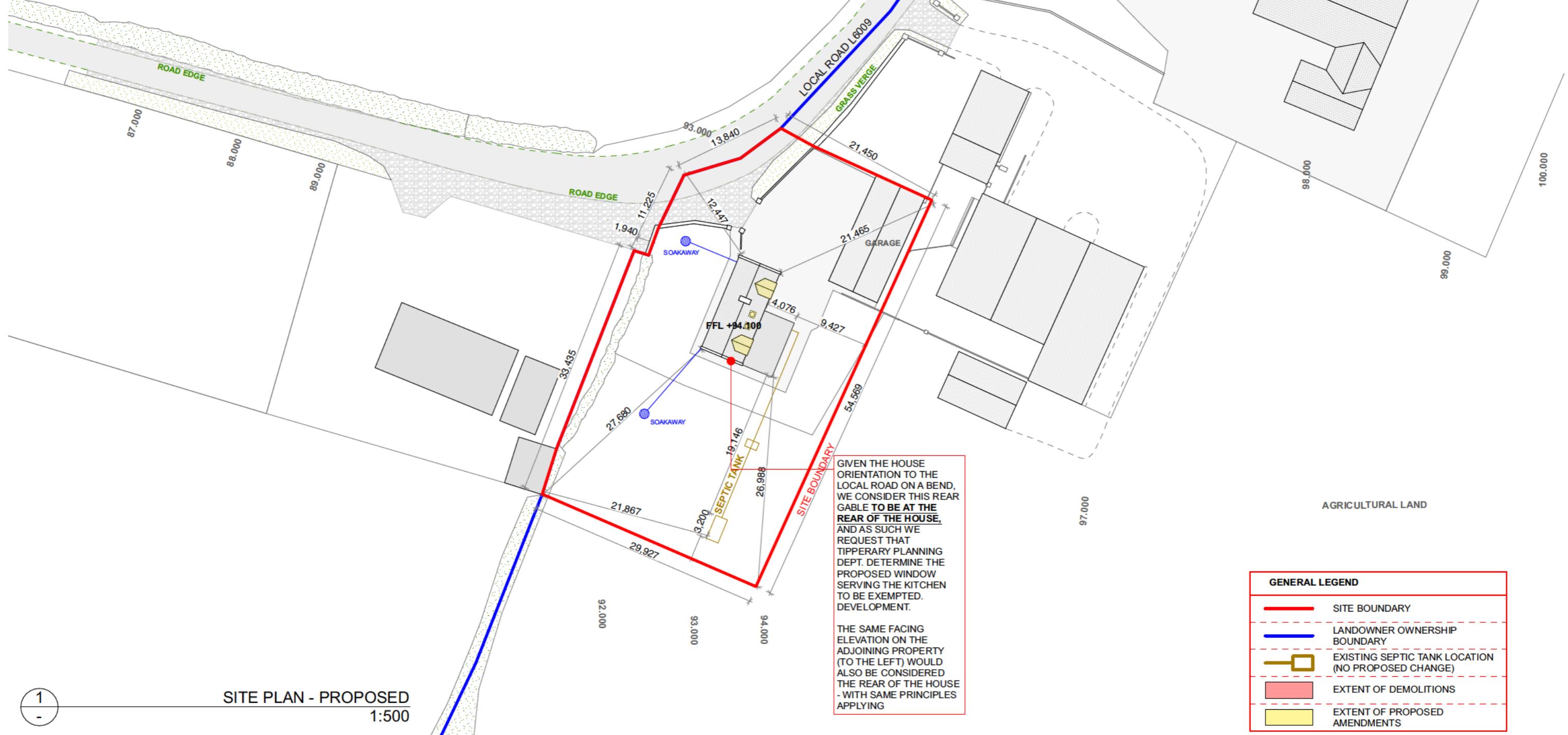
DETERMINED AS NOT EXEMPTED DEVELOPMENT (REF: S5/24/146), AND AS SUCH REQUIRING PLANNING APPLICATION:

"The provision of 2 no. dormer windows is not exempted development as the proposal does not satisfy condition and limitation 4(a) attached to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) nor does it avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended

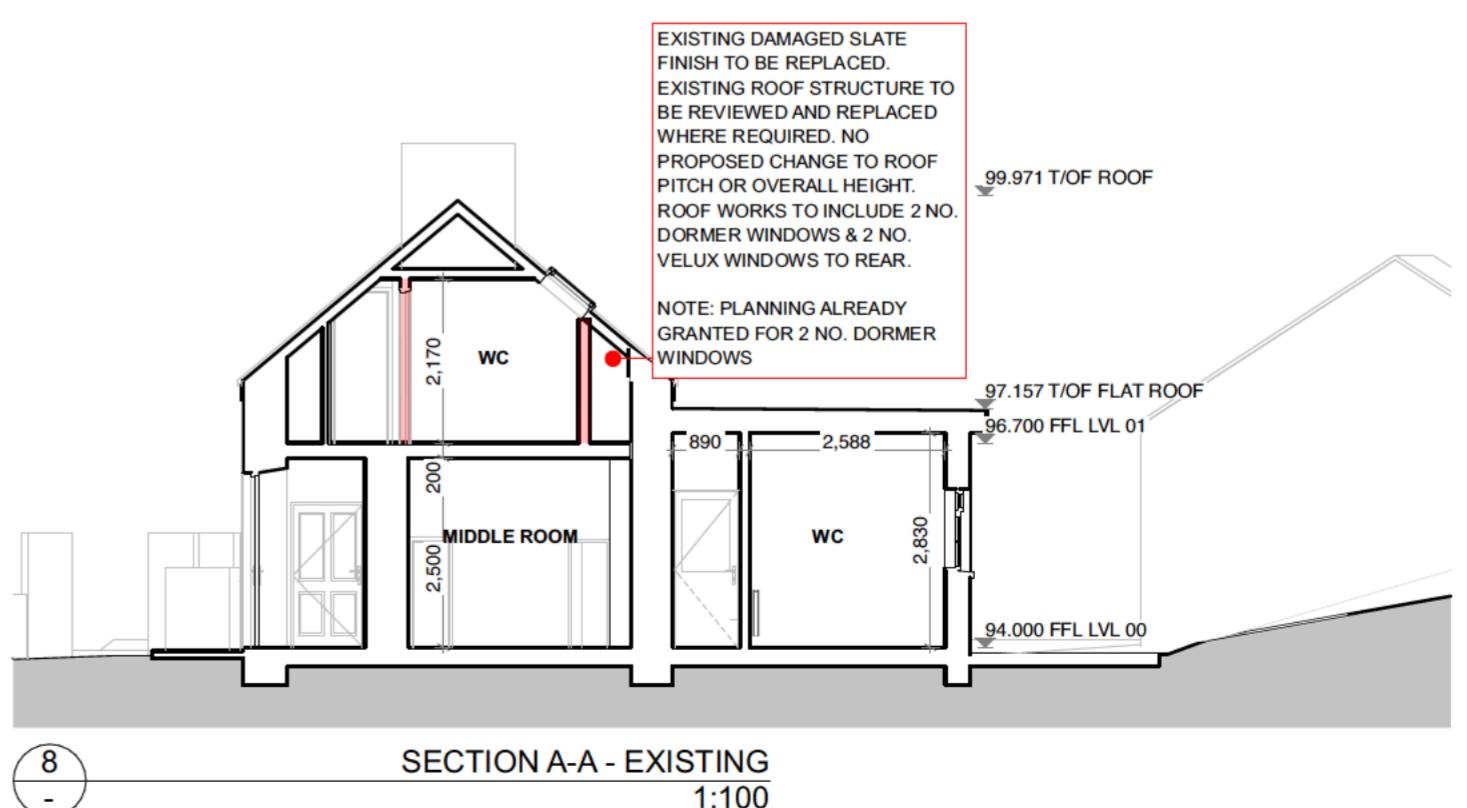
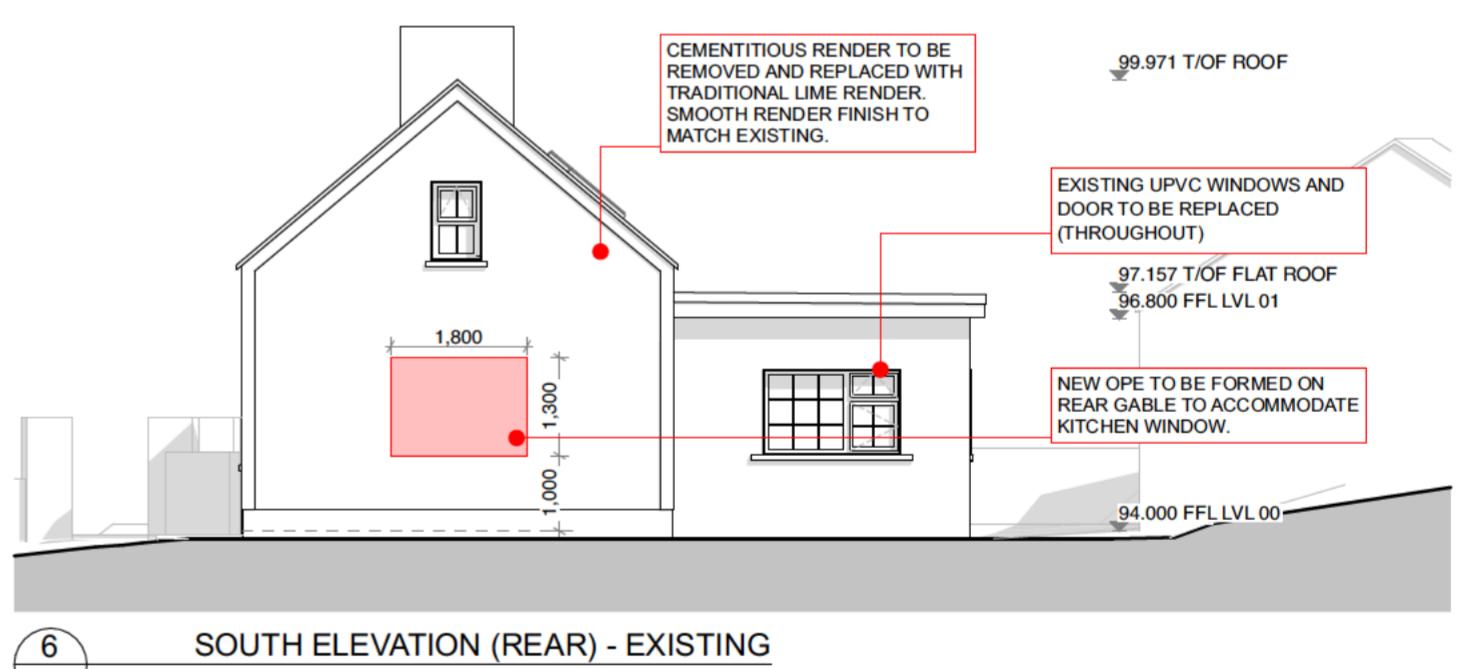
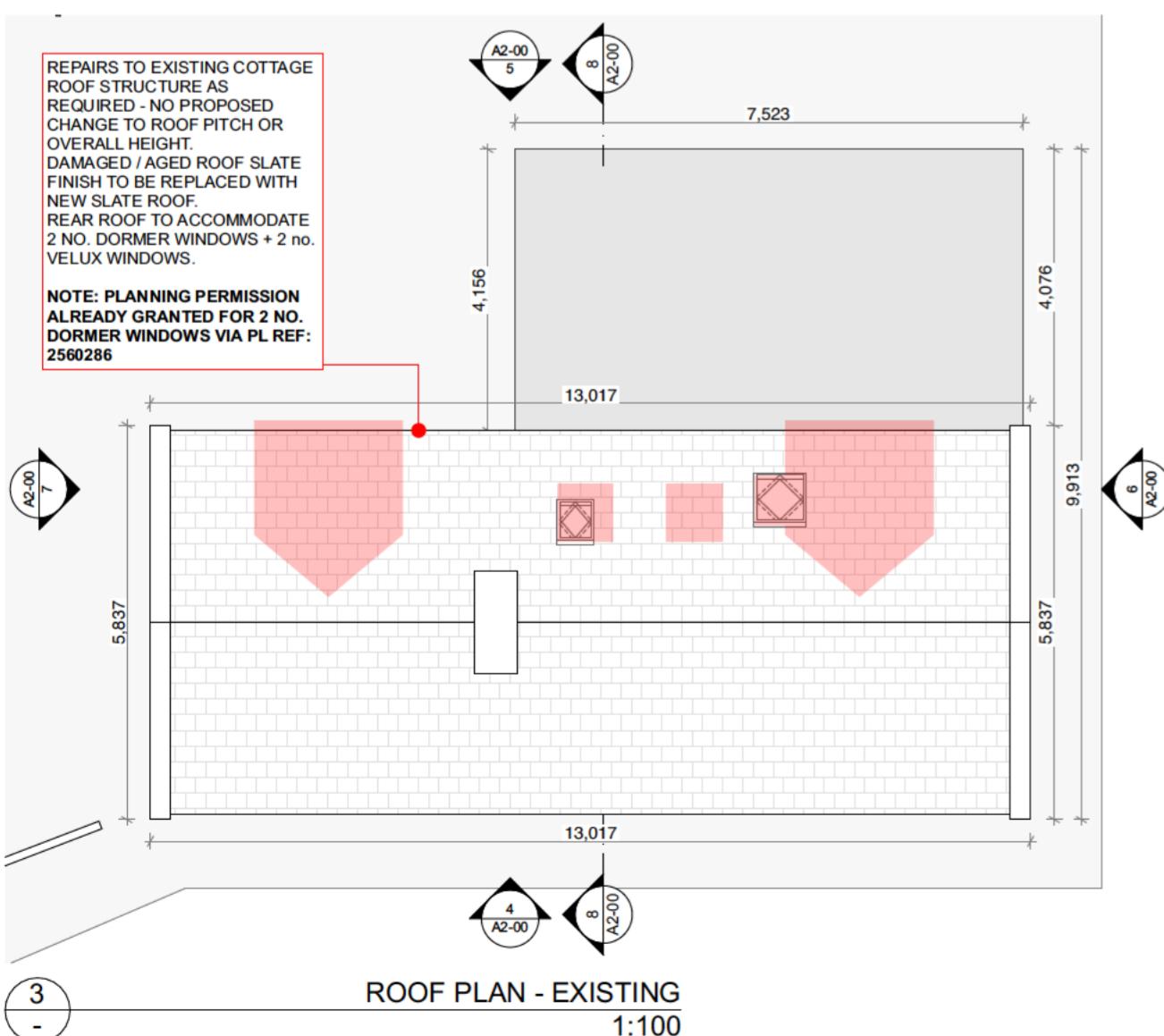
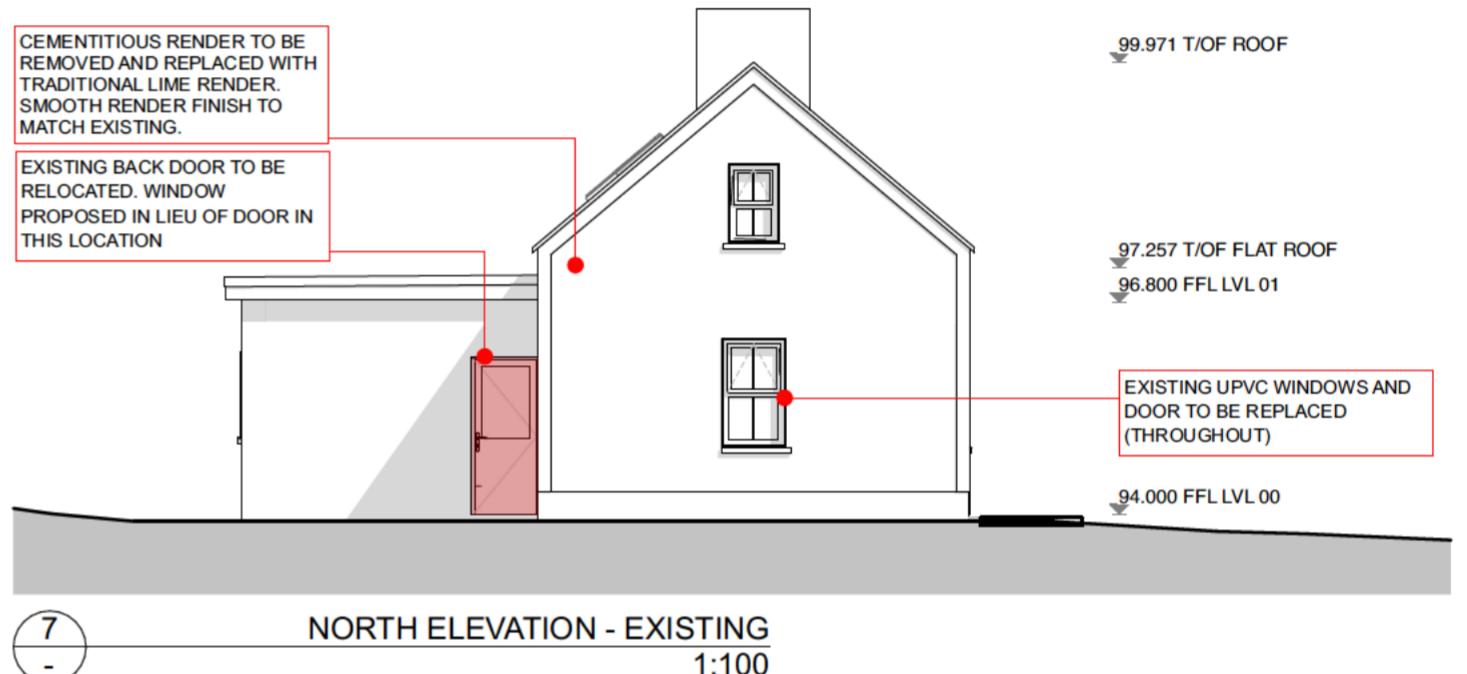
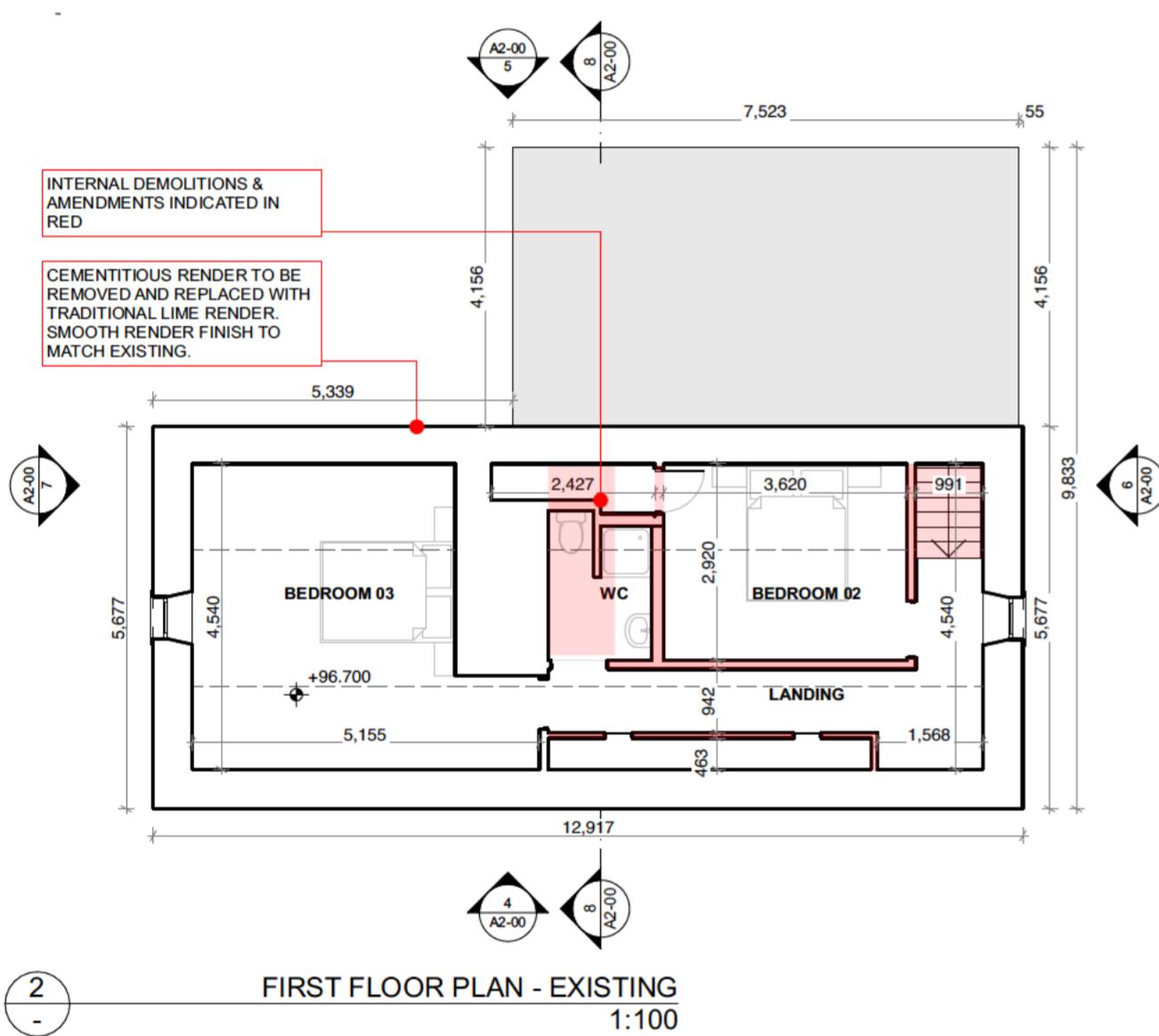
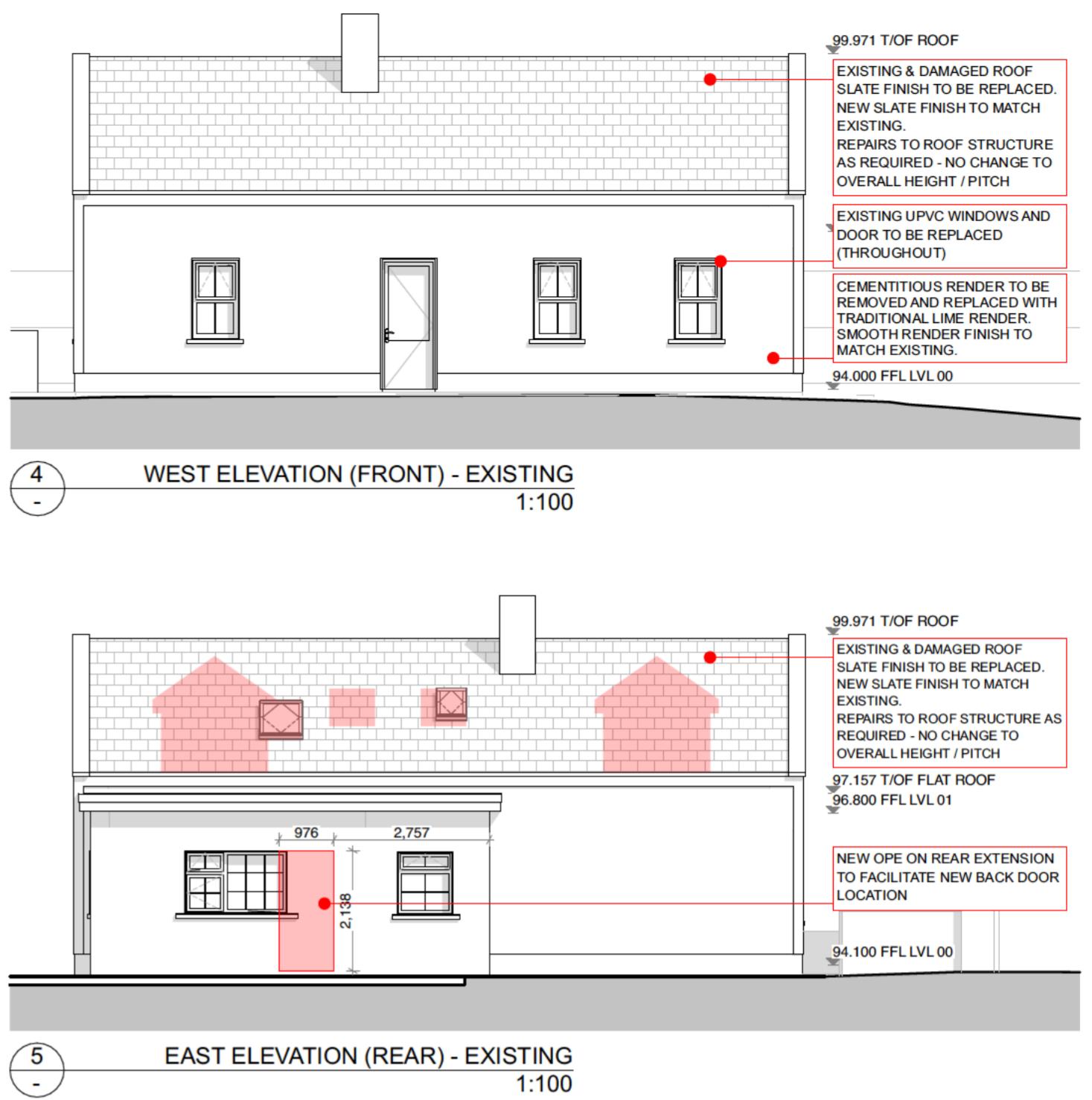
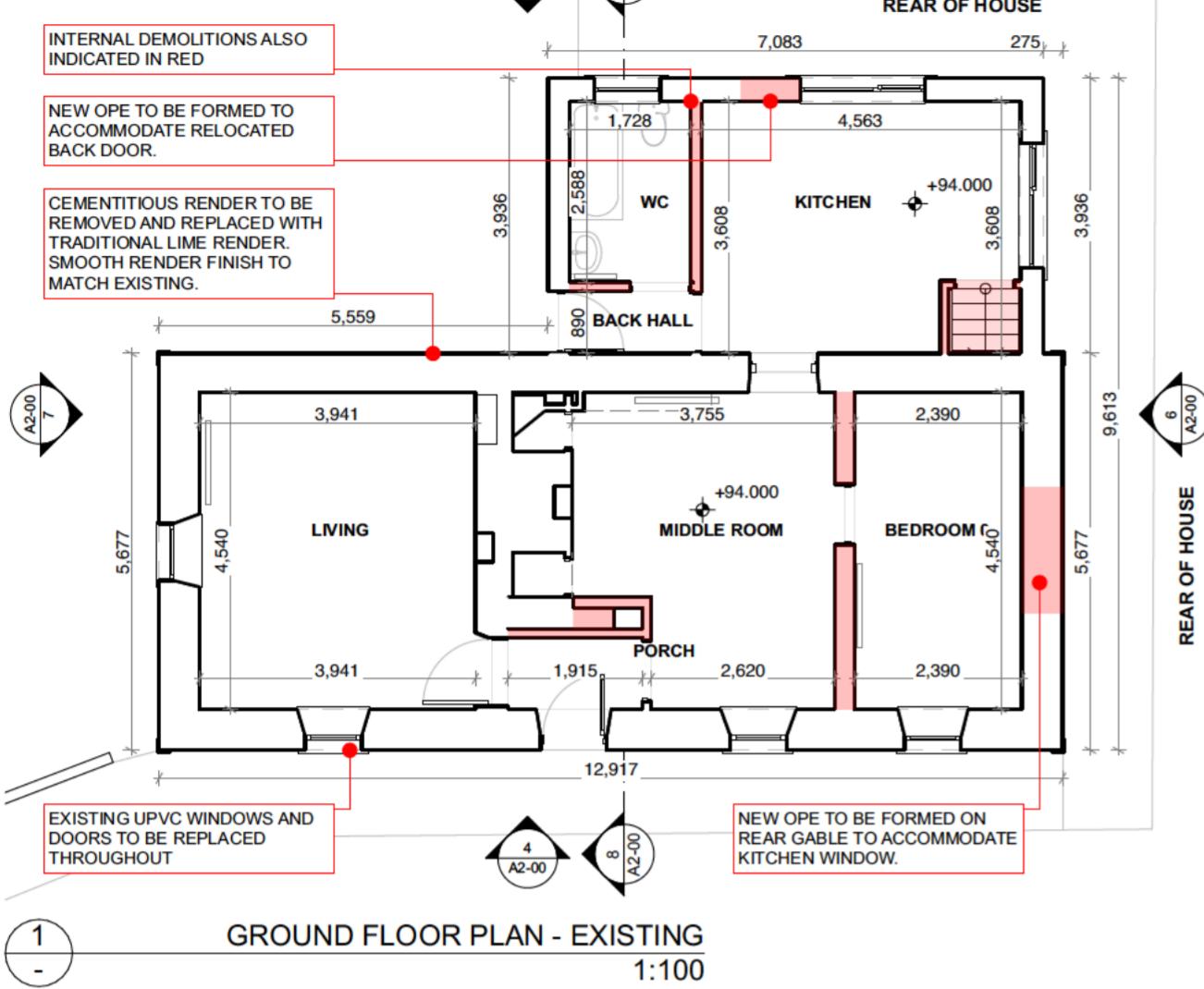
SUBSEQUENTLY - PLANNING PERMISSION GRANTED VIA PL REF: 2560286

This planning application was applied for so as to ensure the 2 no. dormer windows previously determined as "Not exempted development" could be captured and permitted in advance of works.

The applicant understands that this application for section 5 declaration cannot again determine the 2 no. dormer windows as exempted development, however for sake of completeness, as they have already been granted, they have been included on the proposed drawings (below).



N	REVISION	STAGE	DATE	NOTES	NOTES:	T: [REDACTED]	JOB NO: 2419
	S5	PLANNING	DEC 2025	ISSUED FOR SECTION 5 APPLICATION			
					0 10 20 30		DWG NO: A1-20
							REV NO: S5
NORTH	S SURVEY PL PLANNING	SK SKETCH T TENDER	CN CONSTRUCTION FI FURTHER INFO.	Figured dimensions only to be taken from this drawing. All dimensions to be checked onsite. Discrepancies to be brought to the attention of this office before commencement of work.		AGENT: GAVIN DOHENY ARCHITECTURE	DRAWING TITLE: SITE PLAN - PROPOSED
						CLIENT: GAVIN DOHENY	STAGE: PLANNING
						JOB TITLE: HOUSE RENOVATION DERRYLEIGH, NEWPORT, CO. TIPPERARY.	SCALE: 1:500 @ A3
						AUTHOR: GD	DATE: 07/12/2025



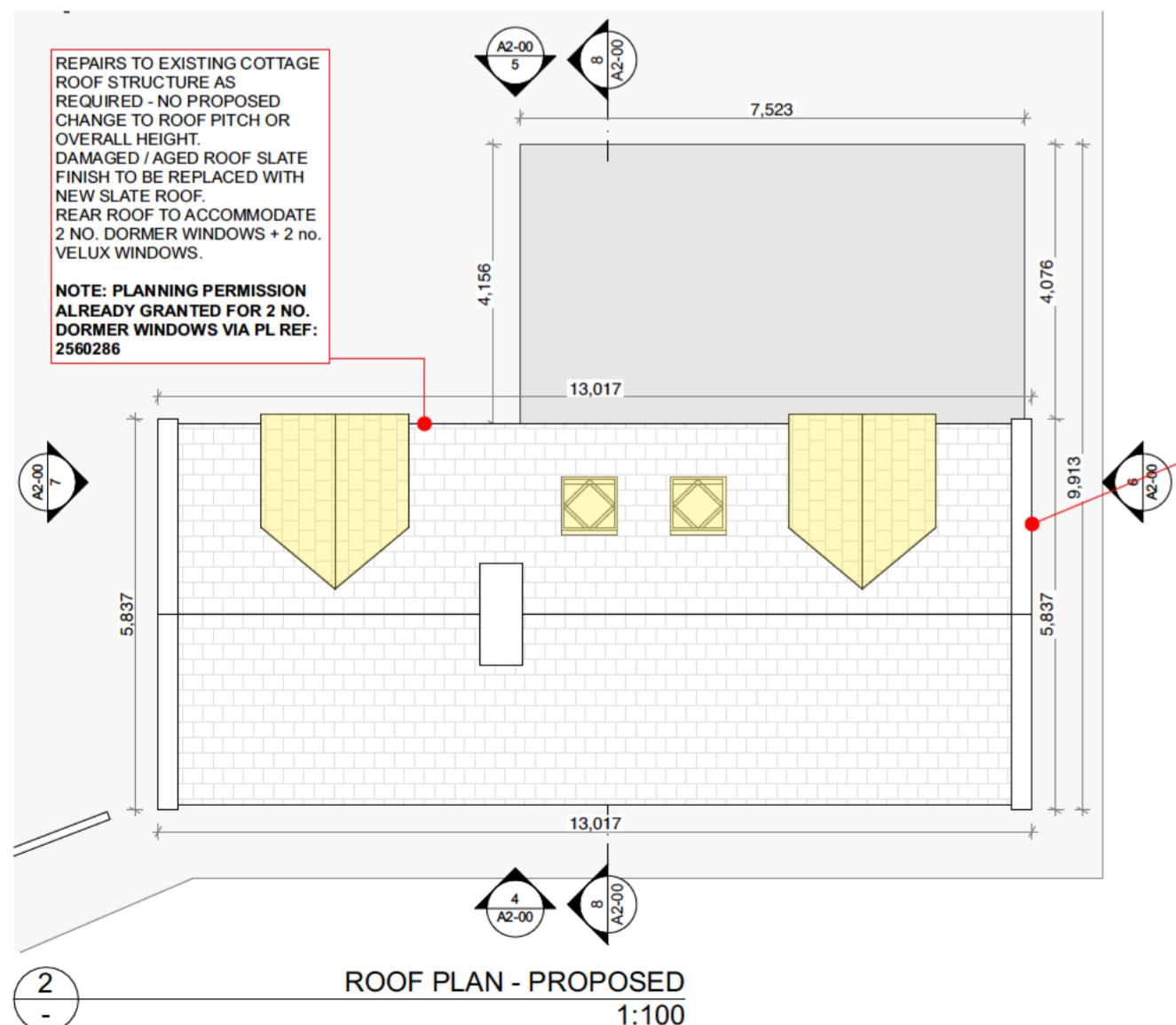
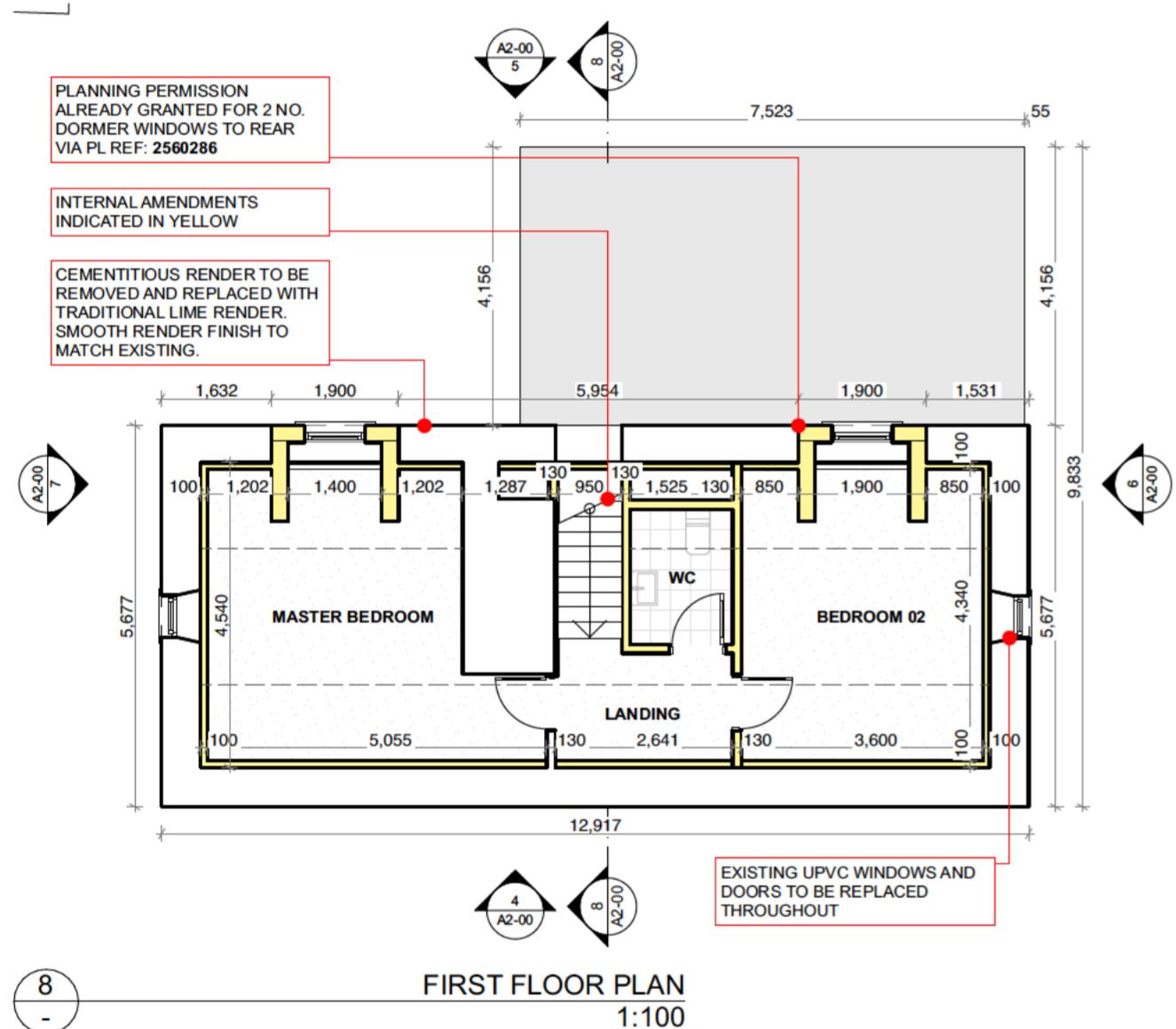
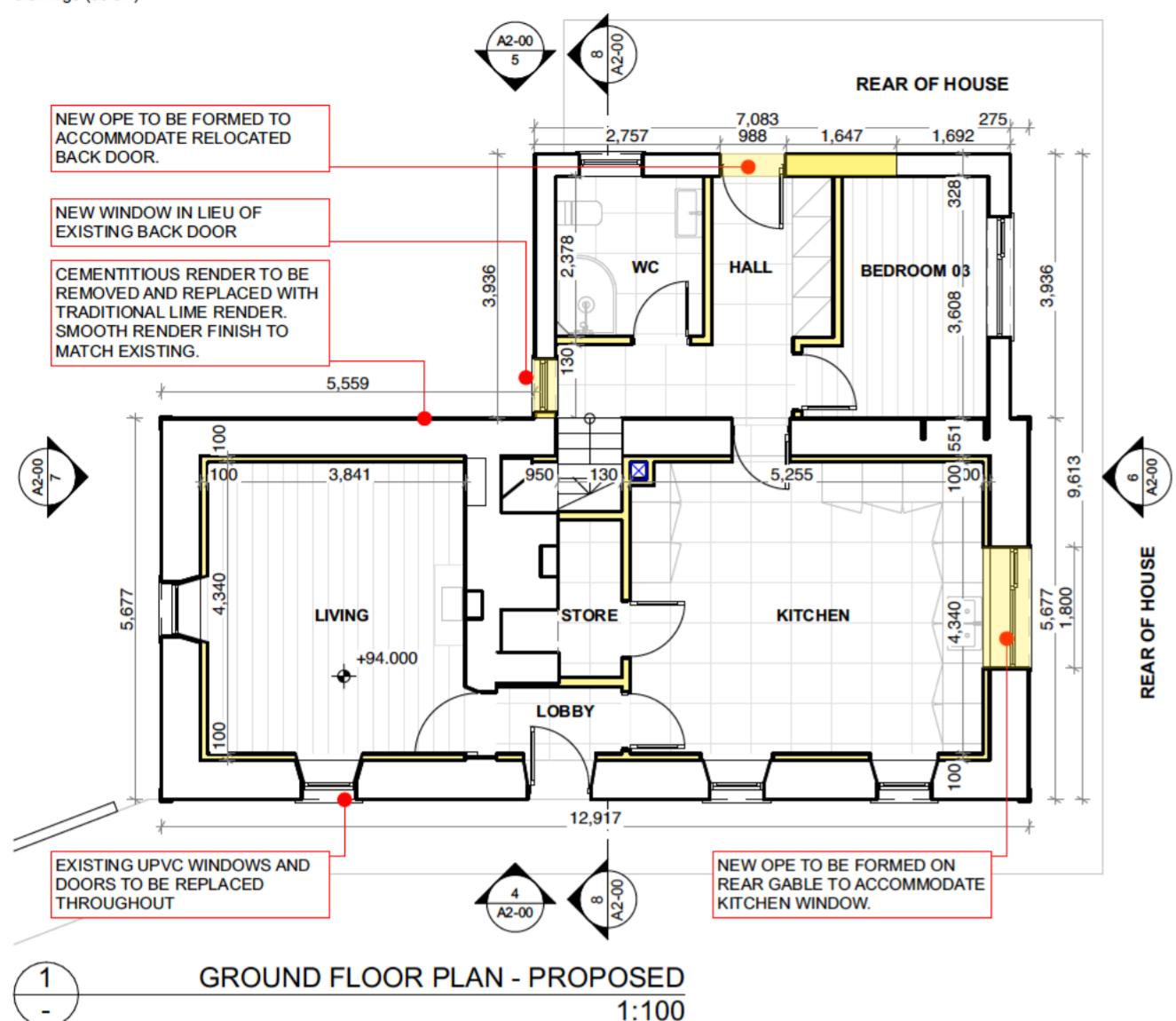
ALREADY DETERMINED AS EXEMPTED DEVELOPMENT (REF: S5/24/146):
"The provision of 1 no. velux window at the rear of house; the replacement of existing damaged roof slate finish with new slate roof finish; repairs to existing roof structure where required (with no change to overall roof height or pitch); the replacement of existing upvc windows and doors with new upvc windows and doors as per drawings; internal amendments as per drawings and all associated site services and works."

DETERMINED AS NOT EXEMPTED DEVELOPMENT (REF: S5/24/146), AND AS SUCH REQUIRING PLANNING APPLICATION:
"The provision of 2 no. dormer windows is not exempted development as the proposal does not satisfy condition and limitation 4(a) attached to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) nor does it avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended"

SUBSEQUENTLY - PLANNING PERMISSION GRANTED VIA PL REF: 2560286

This planning application was applied for so as to ensure the 2 no. dormer windows previously determined as "Not exempted development" could be captured and permitted in advance of works.

The applicant understands that this application for section 5 declaration cannot again determine the 2 no. dormer windows as exempted development, however for sake of completeness, as they have already been granted, they have been included on the proposed drawings (below).



REVISION	STAGE	DATE	NOTES	NOTES
S5	PLANNING	DEC 2025	ISSUED FOR SECTION 5 APPLICATION	EXTENT OF PROPOSED AMENDMENTS
				0 1 2 3 4 5

NORTH S. SURVEY B. SKETCH C. CONSTRUCTION P. PLANNING T. TENDER F. FURTHER INFO.

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Discrepancies to be brought to



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

Date: 10th December 2025

Our Ref: S5/25/158

Civic Offices, Nenagh

John Doheny
C/O Gavin Doheny
Derryleigh
Newport
Co Tipperary

Re: Application for a Section 5 Declaration – proposed development consisting of

- (a) 2 no. velux windows at rear of house,
- (b) replacement of existing damaged roof slate finish with new slate roof finish,
- (c) repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) internal amendments as per drawings,
- (f) new lime render to exterior of existing cottage in lieu of existing non breathable cementitious render,
- (g) all associated site services and works.

Note: Planning permission already granted for 2 no. dormer windows to the rear of house – included on the proposed drawings for clarity at Derryleigh, Newport, Co. Tipperary, V94PXW7.

Dear Gavin,

I acknowledge receipt of your application for a Section 5 Declaration 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

Siobhán Ryan
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: S5/25/158

Applicant: John Doheny C/O Gavin Doheny

Development Address: Derryleigh, Newport, Co. Tipperary V94 PXW7

Proposed Development:

- (a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works.

1. GENERAL

On 10th December 2025 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by John Doheny C/O Gavin Doheny as to whether or not the following works constituted development and if so, whether same was exempted development:

- a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works.

2. STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

“In this Act, except where the context otherwise requires – “development” has the meaning assigned to it by Section 3 and development shall be construed accordingly.”

And,

“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 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 4 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended. Section 4(2)(a) of the same Act states that 'the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

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

Section 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) states that notwithstanding paragraphs 9a0, (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.

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.

(3) Subject to article 9, in areas other than a city, a town or an area specified in section 19(1)(b) of the Act or the excluded areas as defined in section 9 of the Local Government (Reorganisation) Act, 1985 (No. 7 of 1985), development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

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

Development within the curtilage of a house

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.

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.

4. ASSESSMENT

a. Site Location

The site is located at Derryleigh, Newport, Co. Tipperary V94 PXW7

b. Relevant Planning History

Section 5 Declaration on 06/01/2025 under S5/24/146 where the local authority concluded that the development was a Split Decision. The declaration question related to the following works: *The proposed development consists of (a) 2 no. dormer windows and 1 no. velux window at rear of house, (b) replacement of existing damaged roof slate finish with new slate roof finish, (c) repairs to existing roof structure where required (with no change to overall roof height or pitch), (d) replacement of existing upvc windows and doors with new upvc windows and doors as per drawings, (e) internal amendments as per drawings, (f) all associated site services and works*

The Planning Authority determined that:

- The provision of 1 no. velux window at rear of house; the replacement of existing damaged roof slate finish with new slate roof finish; repairs to existing roof structure where required (with no change to overall roof height or pitch); the replacement of existing upvc windows and doors with new upvc windows and doors as per drawings; internal amendments as per drawings and all associated site services and works IS “Exempted Development” as same avails of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.
- The provision of 2 no. dormer windows IS NOT “exempted development” as the proposal does not satisfy condition and limitation 4 (a) attached to Class 1, of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) nor does it avail of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

Planning Ref 2560286 permission granted on 22/05/2025 at Derryleigh Newport Co. Tipperary for (a) 2 no. dormer windows and 1 no. Velux window at rear of house, (b) replacement of existing damaged roof slate finish with new roof slate finish, (c) repairs to existing roof structure where required, (d) replacement upvc windows and doors, (e) internal amendments, (f) all associated site services and works.

c. Assessment

A)“Is or is not Development”

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

B)"Is or is not Exempted Development"

I consider that the development of:

- (a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works.

Comes within the planning exemption provided under Section 4(1) (h) of the planning and Development act 2000, as amended.

With regard to the planning exemption under Class 1, it is noted that the details and drawings presented with the application demonstrate that the two Velux windows do not materially affect the external appearance of the structure and does not appear visually inconsistent with the character of the existing structure and neighbouring structures.

C) Restrictions under Article 9

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

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

AA

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

EIA

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See report attached.

5. RECOMMENDATION

A question has arisen as to whether the construction of

- (a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works.

is development and is or is not exempted development:

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) The Declaration application and accompanying drawings
- (c) The planning history of the site.

Tipperary County Council has concluded that –

The development consisting of the construction of:

- (a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works.

is *development* and is *exempted development* as it falls under the exempted development provisions as set out under Section 4 (1) (h) of the Planning and Development Act 2000, as amended.

Eoin Buckley

Signed: _____
Graduate Planner

Date: 06/01/2026

Jonathan Flood
Signed: _____
Senior Executive Planner

Date: 9/01/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/158
(b) Brief description of the project or plan:	As per planners report.
(c) Brief description of site characteristics:	As per planners report.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	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
002258 Silvermines Mountains West	https://www.npws.ie/protected-sites/sac/002258	Within 10km	None	No
002165 Lower River Shannon	https://www.npws.ie/protected-sites/sac/002165	Within 10km	None	No
001432 Glenstal Wood	https://www.npws.ie/protected-sites/sac/001432	Within 10km	None	No
001197 Keeper Hill	https://www.npws.ie/protected-sites/sac/001197	Within 10km	None	No
000930 Clare Glen	https://www.npws.ie/protected-sites/sac/000930	Within 10km	None	No
002312 Slieve Bernagh Bog	https://www.npws.ie/protected-sites/sac/002312	Within 15km	None	No
002124 Bolingbrook Hill	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No

001013 Glenomra Wood	https://www.npws.ie/protected-sites/sac/001013	Within 15km	None	No
000939 Silvermine Mountains	https://www.npws.ie/protected-sites/sac/000939	Within 15km	None	No
004165 Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	Within 10km	None	No
004058 Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	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.)
<p>Construction phase e.g.</p> <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 impacts.
<p>Operational phase e.g.</p> <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 impacts.
In-combination/Other	No impacts.

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • 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 	<p>No impacts.</p>
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:

- the nature and scale of the proposed development,
- the proposed land use and distance from European sites,
- the lack of direct connections with regard to the Source-Pathway-Receptor model,

it is concluded that the proposed development, individually or in-combination with other plans or projects is not likely to have significant effects on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

An appropriate assessment is not, therefore, required.

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
Signature and Date of Recommending Officer:	Eoin Buckley, Planner	Date: 06/01/2025

EIA Pre-Screening Establishing a development is a 'sub-threshold development'	
File Reference:	S5/25/158
Development Summary:	As per planners report.
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 Determination required
<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: **S5/25/158** 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 John Doheny, C/O Gavin Doheny, Derryleigh, Newport, Co Tipperary Re:

- (a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works at Derryleigh, Newport, Co. Tipperary V94 PXW7 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) The Declaration application and accompanying drawings
- (c) The planning history of the site.

Tipperary County Council has concluded that the development consisting of the construction of:

- (a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,

- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works.

is *development* and ***is exempted*** *development* as it falls under the exempted development provisions as set out under Section 4 (1) (h) of the Planning and Development Act 2000, as amended.

Signed:



Brian Beck

Director of Services

Date: 12/1/2026



Date: 12th January 2026

Our Ref: S5/25/158

Civic Offices, Nenagh

John Doheny
C/O Gavin Doheny
Derryleigh
Newport
Co Tipperary

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

Dear Gavin

I refer to your application for a Section 5 Declaration received on 10th December 2025 in relation to the following proposed works at Derryleigh, Newport, Co. Tipperary V94 PXW7:

- (a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works

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) The Declaration application and accompanying drawings
- (c) The planning history of the site.

Tipperary County Council has concluded that –

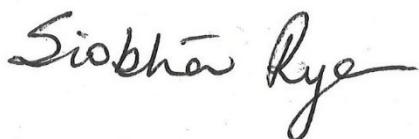
The development consisting of the construction of:

- (a) 2.no Velux windows at rear of house,
- (b) Replacement of existing damaged roof slate finish with new slate roof finish,
- (c) Repairs to existing roof structure where required (with no change to overall roof height or pitch),
- (d) Replacement of existing upvc windows and doors with new upvc windows and doors as per drawings including new window on rear gable serving kitchen,
- (e) Internal amendments as per drawings,
- (f) New lime render to exterior of existing cottage in lieu of existing non-breathable cementitious render,
- (g) All associated site services and works.

is *development* and **is exempted development** as it falls under the exempted development provisions as set out under Section 4 (1) (h) of the Planning and Development Act 2000, as amended.

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



for **Director of Services**