



**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

**Application for a Section 5 Declaration**  
**Development / Exempted Development**

**1. Applicant's address/contact details:**

|               |   |
|---------------|---|
| Applicant     | SAM AND LINDA BOWKE                     |
| Address       | GLENSMESH TEMPLEGLANTINE<br>Co LIMERICK |
| Telephone No. | [REDACTED]                              |
| E-mail        | [REDACTED]                              |

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

|   |                                       |
|---|---------------------------------------|
| Agent   | MICHAEL EWIGHT                        |
| Address   | NEW STREET<br>ADDESFEARLE Co LIMERICK |
| Telephone No.   | [REDACTED]                            |
| E-mail  |                                       |
| 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:**

|   |  |
|---|--|
| Postal Address or<br>Townland or<br>Location<br>(as may best<br>identify the land or<br>structure in<br>question) | SHEURH<br>UPPERMURCH<br>Co TIPPERARY #1 P895 |
|---|--|



**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.)

|  |
|--|
| EXTENSION TO REAR OF DWELLING                        |
| DWELLING ALWAYS IN FAMILIAR LANDS                    |
|  |
|  |
|  |
| Proposed floor area of proposed works/uses: 14.6 sqm |

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

|   |  |                                      |
|---|--|--------------------------------------|
| <i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>          | A. Owner <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: _____<br>Address: _____                |                                      |

Signature of Applicant(s) Sam Bourke

Date: 12/2/2026

**Note:** If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.



## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently €80.00. ✓
- (2) ✓ This application should be accompanied by **TWO COPIES** of the following documentation
- ✓ OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
  - ✓ Floor Plans & Elevations at a scale of not less than 1:200
  - ✓ Site layout plan indicating position of proposed development relative to premises and adjoining properties
  - Other details e.g. brochures, photographs if appropriate.
- (All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

**This application form and relevant fee should be submitted to:**

|  |                  |  |
|--|------------------|--|
| <b>Planning Section,<br/>Tipperary County Council,<br/>Civic Offices,<br/>Limerick Road,<br/>Nenagh,<br/>Co. Tipperary ✓</b> | <b><u>OR</u></b> | <b>Planning Section,<br/>Tipperary County Council,<br/>Civic Offices,<br/>Emmet Street,<br/>Clonmel,<br/>Co. Tipperary</b> |
| <b>Enquires:</b>   |                  |  |
| <b>Telephone 0818 06 5000</b>  |                  |  |
| <b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>                                       |                  |  |

### FOR OFFICE USE ONLY

|                          |   |
|--------------------------|---|
| <b>Fee Recd. € 80</b>    | <b>DATE STAMP</b><br><b>TIPPERARY CO. COUNCIL</b><br><b>RECEIVED</b><br><b>18 FEB 2026</b><br><br><b>PLANNING SECTION</b><br><b>FILE NO. 55/26/18</b> |
| Receipt No <b>135193</b> |   |
| Date <b>18/2/26</b>      |   |
| Received by _____        |   |



Cash Office  
Tipperary County Council  
Civic Offices  
Nenagh  
Co Tipperary

=====

18/02/2026 11:15:54

Receipt No. : NENAM1/0/135193

SAM BOURKE,  
THE HOLLOW,  
SHEVRY, UPPERCHURCH,  
THURLES, CO. TIPPERARY.

SECTION5 EXEMPTION DECLARATION 80  
GOODS 80.00  
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :  
Credit Card 80.00

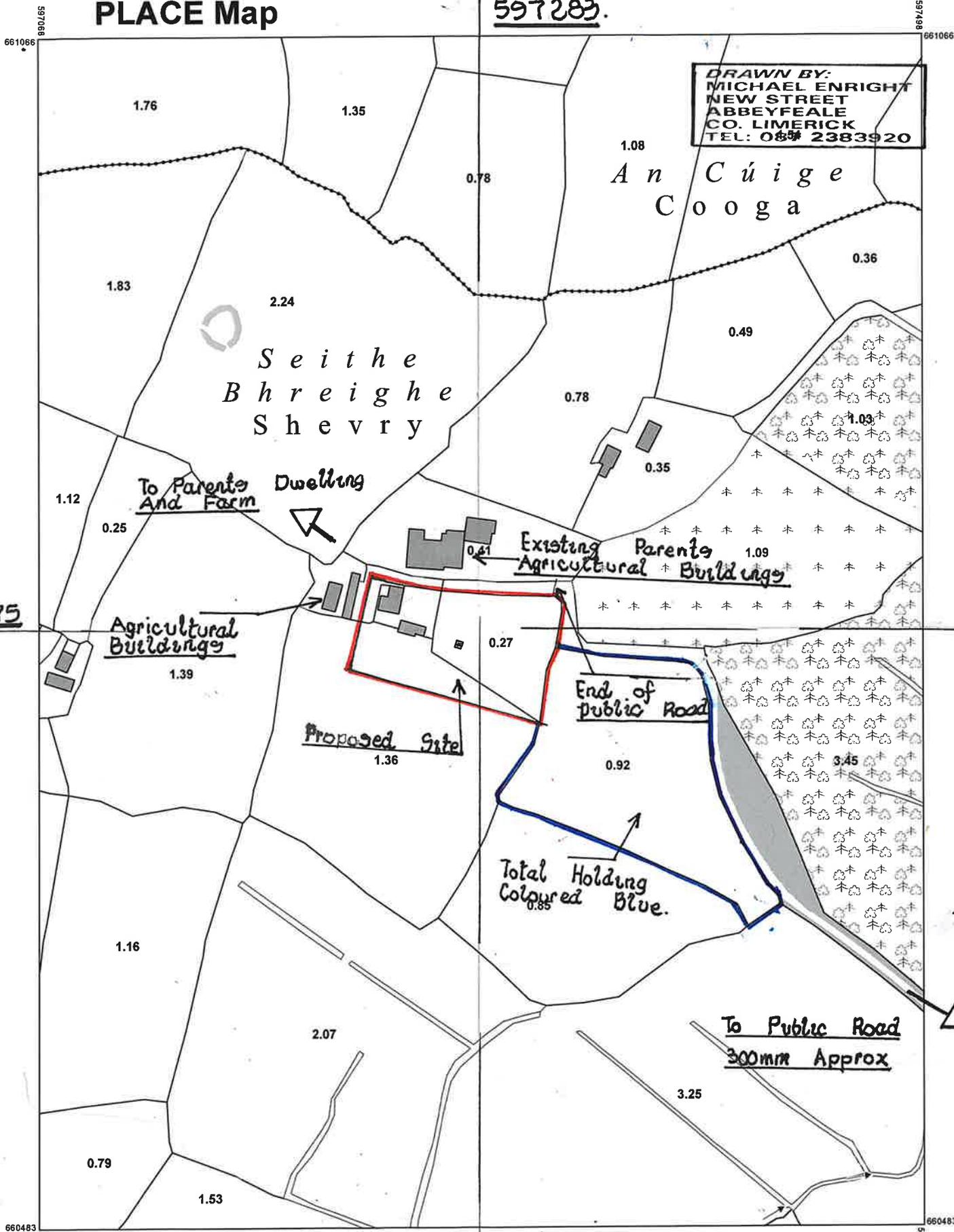
Change : 0.00

Issued By : DEIRDRE O BRIEN  
From : TIPP CC NENAGH CASH DESK  
Vat reg No.3259712MH



# PLACE Map

597283.



**DRAWN BY:**  
MICHAEL ENRIGHT  
NEW STREET  
ABBEYFEALE  
CO. LIMERICK  
TEL: 085 2383920

660775

**COMPILED AND PUBLISHED BY:**  
Taitte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
J08F6E4

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**CENTRE COORDINATES:**  
ITM 597283,660775  
**PUBLISHED:** 09/02/2026  
**ORDER NO.:** 50517010\_1  
**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 4632-C

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

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**Site Location Plan**  
Scale 1:2500



**Taitte Éireann**  
55/26/18  
18/2/2026

# PLACE Map

597283

**DRAWN BY:**  
MICHAEL ENRIGHT  
NEW STREET  
ABBEYFEALE  
CO. LIMERICK  
TEL: 067 2383920

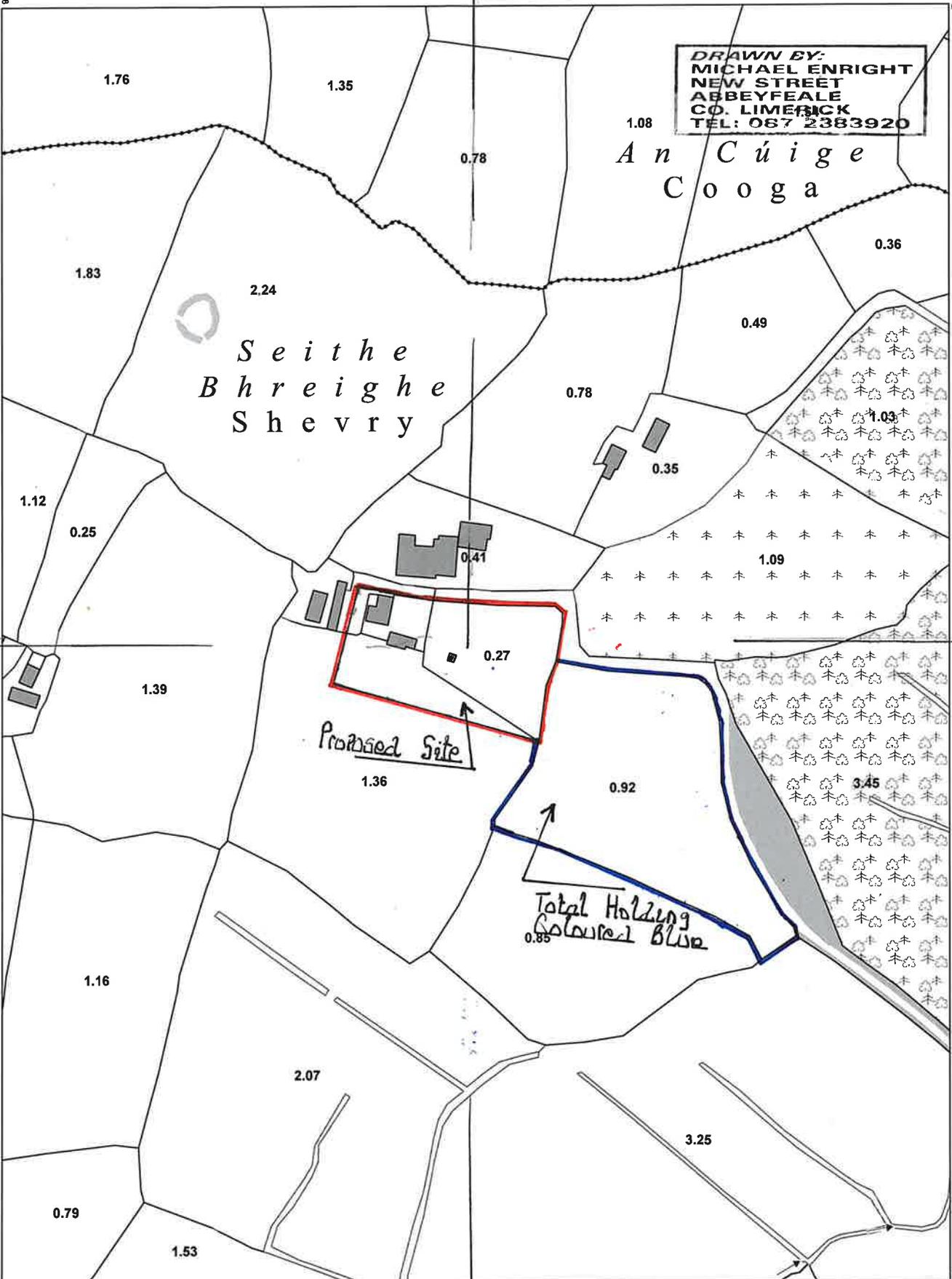
An Cúige  
Cooga

Seithe  
Bhreighe  
Shevry

Proposed Site

Total Holding  
Coloured Blue

660775



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Site Location Plan

Scale 1:2500



Taitte Éireann

55/26/18  
18/2/26

DRAWN BY : MICHAEL ENRIGHT, NEW STREET, ABBEYFEALE.

TIPPERARY CO. COUNCIL  
**RECEIVED**  
18 FEB 2026  
PLANNING SECTION  
FILE NO. SS/26/18



| REV.  | DESCRIPTION | DATE    | BY |
|---|-------------|---------|----|
|   |             |         |    |
|   |             |         |    |
|   |             |         |    |
|   |             |         |    |
| JOB<br>EXTENSION TO DWELLING AT<br>UPPERCHURCH COUNTY TIPPERARY<br>FOR SAM AND LINDA BOURKE |             |         |    |
| TITLE<br>SITE LAYOUT PLAN &<br>SITE LOCATION MAP  |             |         |    |
| notes   |             |         |    |
|   |             |         |    |
|   |             |         |    |
|   |             |         |    |
| SCALES 1:2500 1:500   |             |         |    |
| DATE JANUARY 2026   |             | DRG. NO |    |
| DRAWN M.E.  |             | B/26/ 2 |    |
| CHECKED M.E.  |             |         |    |
| APPROVED  |             |         |    |

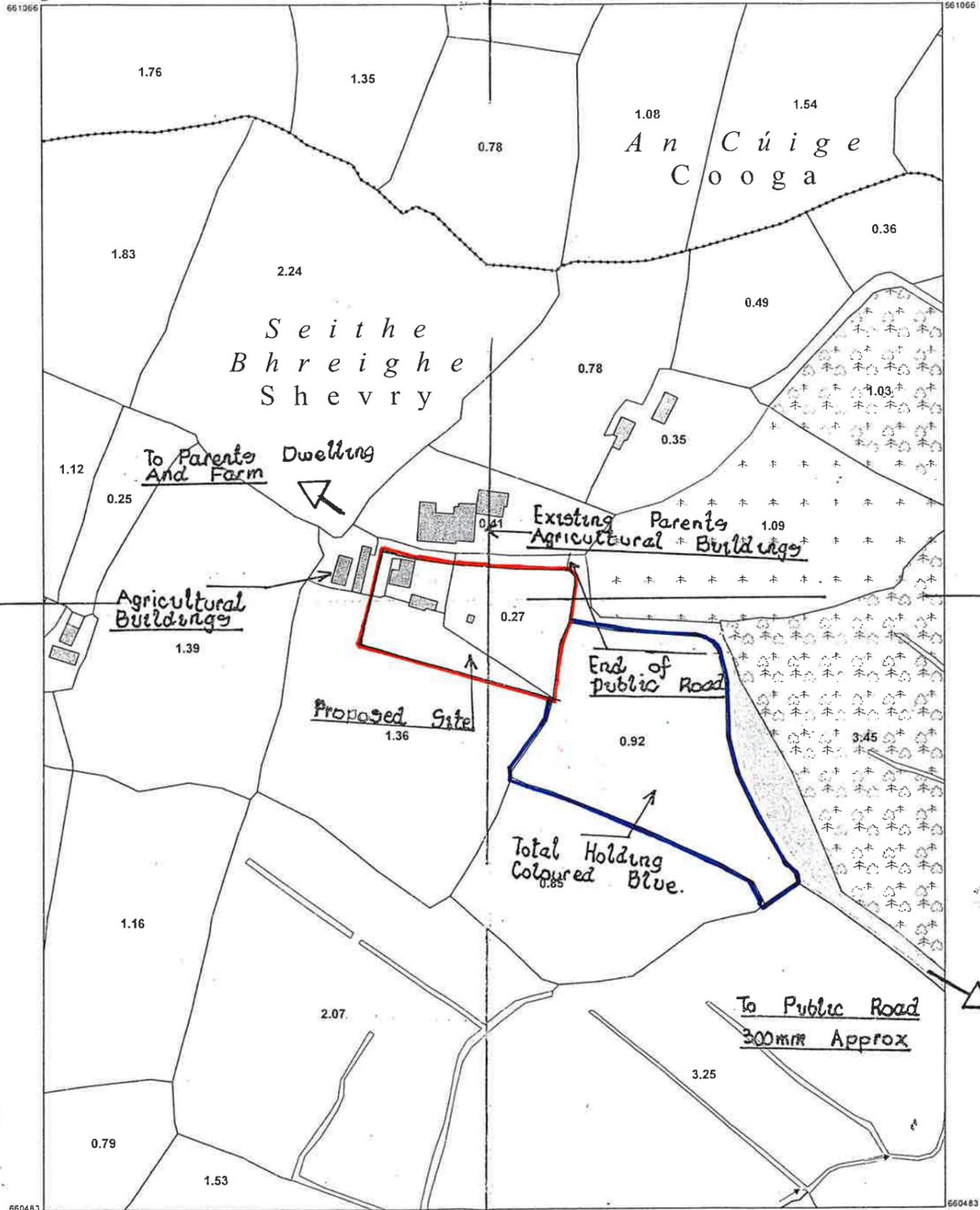
PLACE Map

597 283.

DRAWN BY:  
MICHAEL ENRIGHT  
NEW STREET  
ABBEYFEALE  
CO. LIMERICK  
TEL: 087 2383920

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FILE NO 55/26/18

660775



**SITE LOCATION PLAN**

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PUBLISHED: 09/02/2026  
MAP SERIES: 1:2,500  
ORDER NO.: 50517010\_1  
MAP SHEETS: 4632-C

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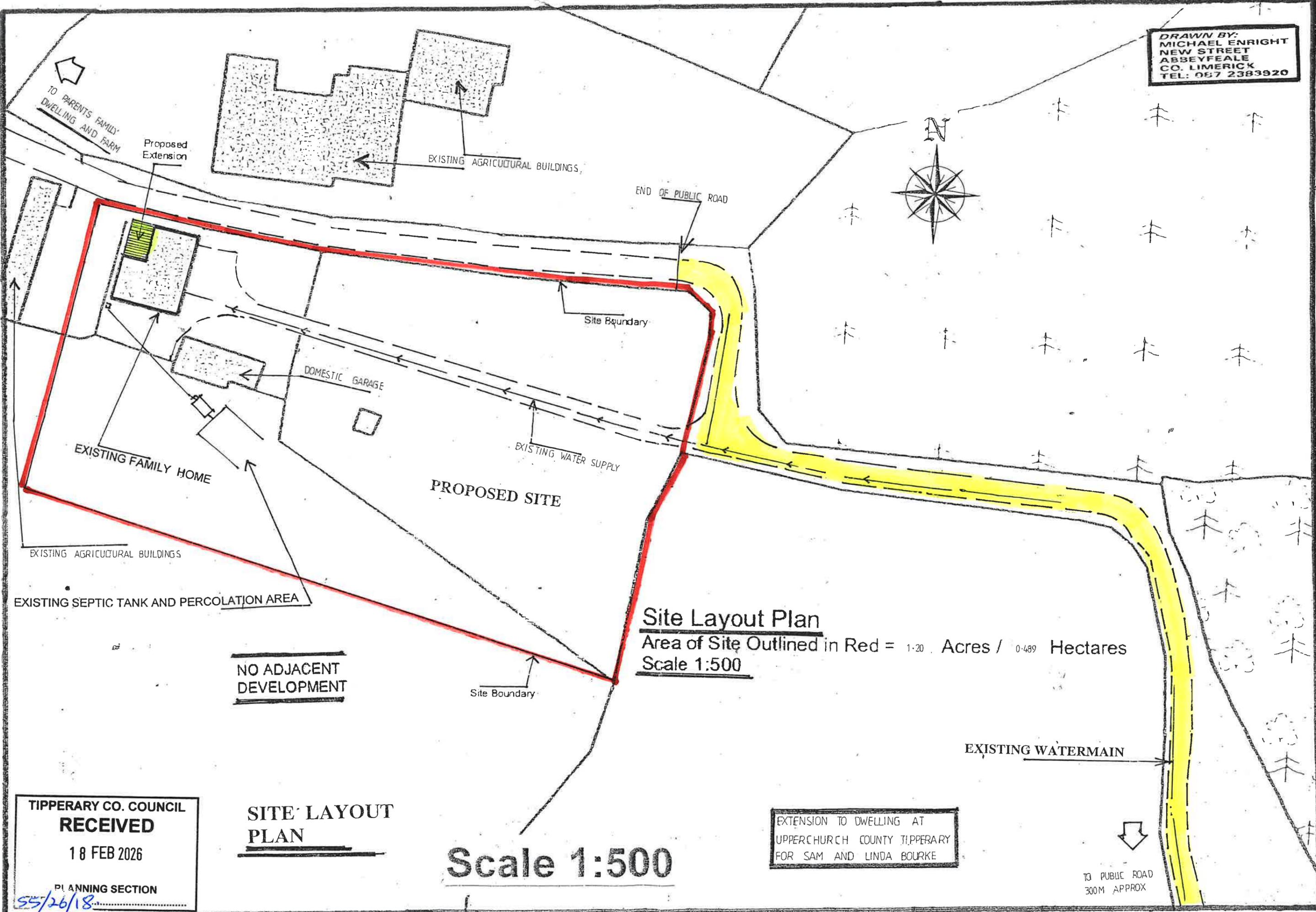
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Site Location Plan  
Scale 1:2500



SCALE 1:2500

DRAWN BY:  
MICHAEL ENRIGHT  
NEW STREET  
ABBEYFEALE  
CO. LIMERICK  
TEL: 057 2383920



**Site Layout Plan**  
Area of Site Outlined in Red = 1.20 Acres / 0.489 Hectares  
Scale 1:500

**NO ADJACENT DEVELOPMENT**

**SITE LAYOUT PLAN**

**Scale 1:500**

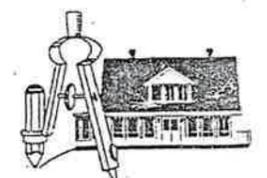
TIPPERARY CO. COUNCIL  
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18 FEB 2026  
PLANNING SECTION  
55/26/18

EXTENSION TO DWELLING AT  
UPPERCHURCH COUNTY TIPPERARY  
FOR SAM AND LINDA BOURKE

TO PUBLIC ROAD  
300M APPROX

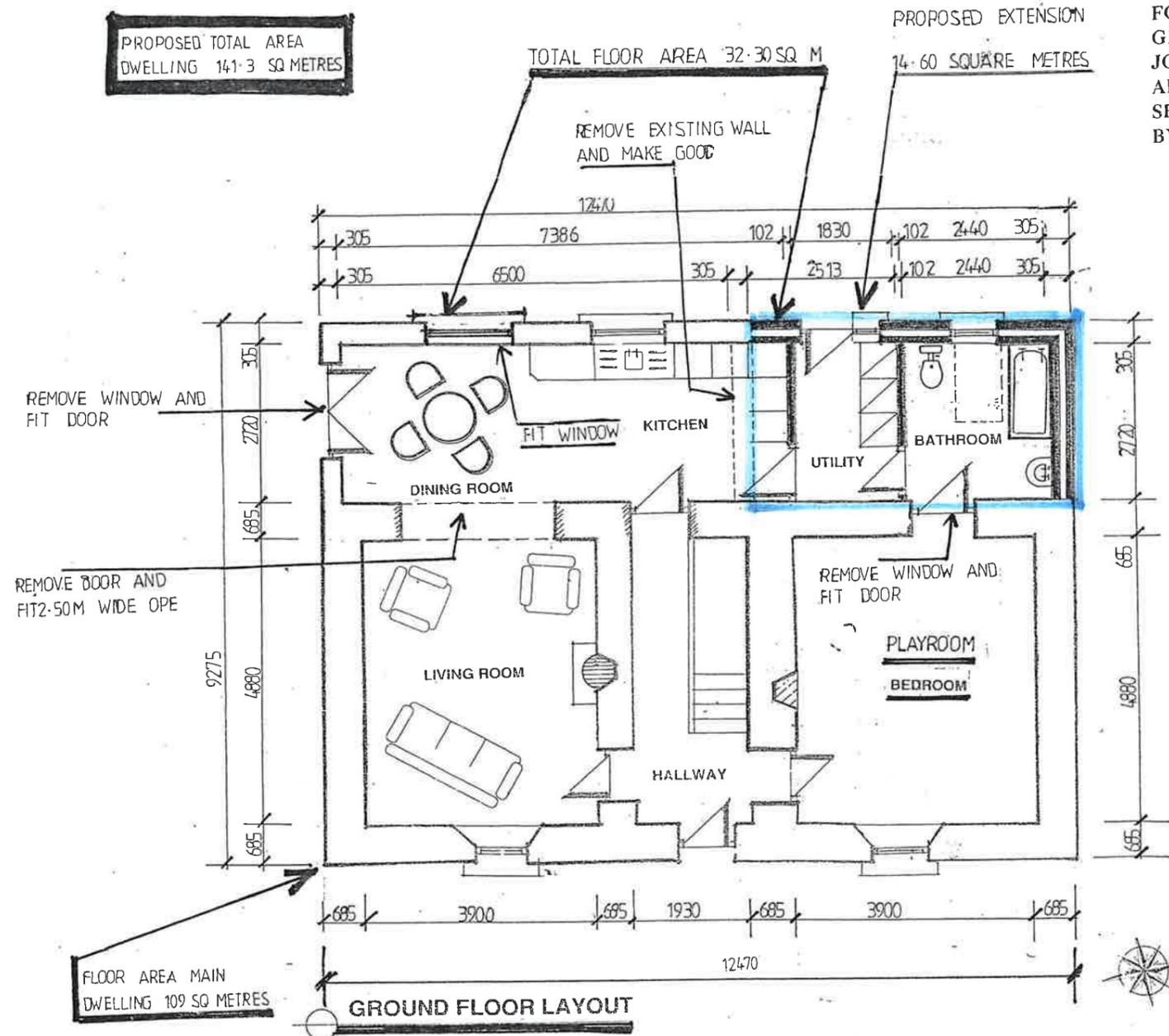
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| REV.  | DESCRIPTION | DATE    | BY |
|---|-------------|---------|----|
|   |             |         |    |
|   |             |         |    |
|   |             |         |    |
|   |             |         |    |
| JOB<br>EXTENSION TO DWELLING AT<br>UPPERCHURCH COUNTY TIPPERARY<br>FOR SAM AND LINDA BOURKE |             |         |    |
| TITLE<br>ELEVATIONS &<br>SECTIONS &<br>PLANS  |             |         |    |
| notes   |             |         |    |
|   |             |         |    |
|   |             |         |    |
|   |             |         |    |
| SCALES 1:100 1:50   |             |         |    |
| DATE JANUARY 2026   |             | DRG. NO |    |
| DRAWN M.E.  |             | B/26/1  |    |
| CHECKED M.E.  |             |         |    |
| APPROVED  |             |         |    |

PROPOSED TOTAL AREA DWELLING 141.3 SQ METRES



**PROPOSED**

**NOTE**

ELECTRICAL INSTALLATION AS PER ELECTRICAL SUB-CONTRACTOR'S DRAWINGS AND SPECIFICATIONS.

PLUMBING AND HEATING INSTALLATION AS PER PLUMBING & HEATING SUB-CONTRACTOR'S DRAWINGS AND SPECIFICATIONS.

EXTERNAL DOORS AND WINDOWS: CONSTRUCTED AS SHOWN ON DRAWINGS GROOVED AND REBATED FOR STORM PROOFING AND DOUBLE GLAZED IN ACCORDANCE WITH GOOD JOINERY PRACTICE. P.V.C., ALUMINIUM AND TEAK WINDOWS SHALL BE SUPPLIED AND FITTED BY REPUTABLE FABRICATORS

ORIGINAL EXTENSION 17.70 SQUARE METRES

PROPOSED EXTENSION 14.60 SQUARE METRES

TOTAL FLOOR AREA 32.30 SQ M

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NEW STREET  
ABBEEFEALE  
CO. LIMERICK  
TEL: 087 2383920

TIPPERARY CO. COUNCIL

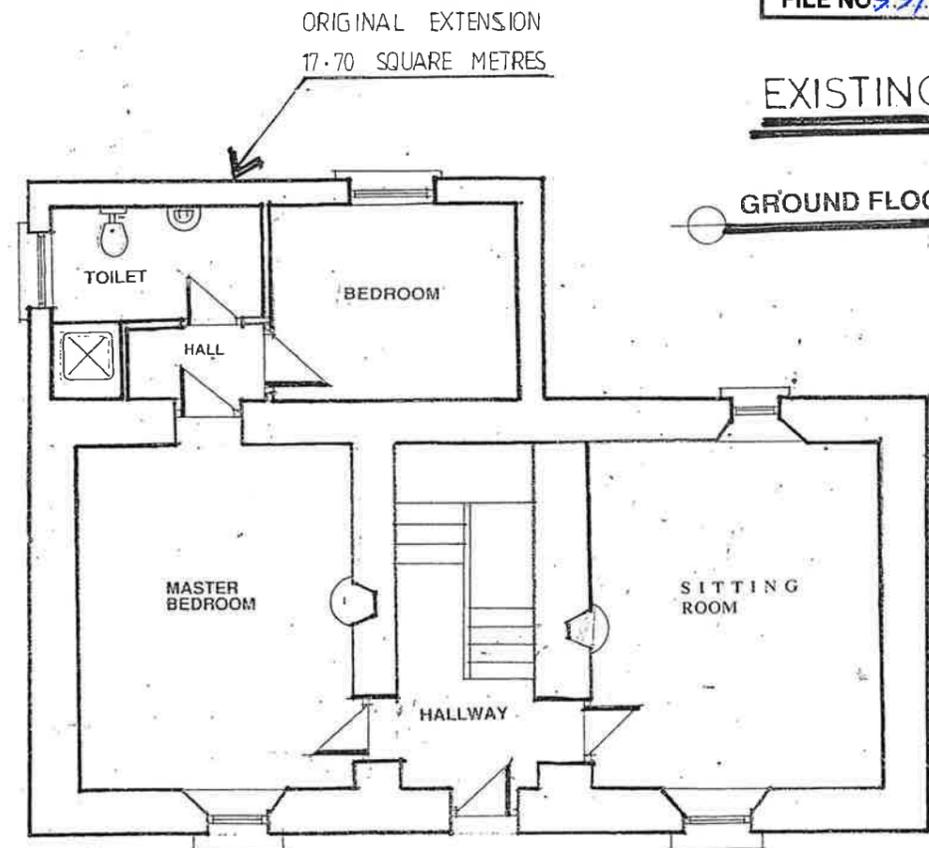
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18 FEB 2026

PLANNING SECTION  
FILE NO 55/26/18

EXISTING

GROUND FLOOR LAYOUT



**NOTE:**

DWELLING TO BE FITTED WITH A SUITABLE LD3 FIRE DETECTION / ALARM SYSTEM.

EXTENSION TO DWELLING AT  
UPPERCHURCH COUNTY TIPPERARY  
FOR SAM AND LINDA BOURKE

SCALE 1:100

**DRAWN BY:**  
**MICHAEL ENRIGHT**  
**NEW STREET**  
**ABBEYFEALE**  
**CO. LIMERICK**  
**TEL: 087 2383920**

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**PLANNING SECTION**  
**FILE NO. 23/26/18**

**LINTELS:**

150 x 100mm Pre-cast concrete lintels complete with stepped Hi-Load d.p.c. cavity flashing over to all door & window heads unless otherwise stated. As specified in IS 240 Min. 150mm bearing for spans up to 1.5m & 200mm bearing for spans of 1.5 - 3.0m.

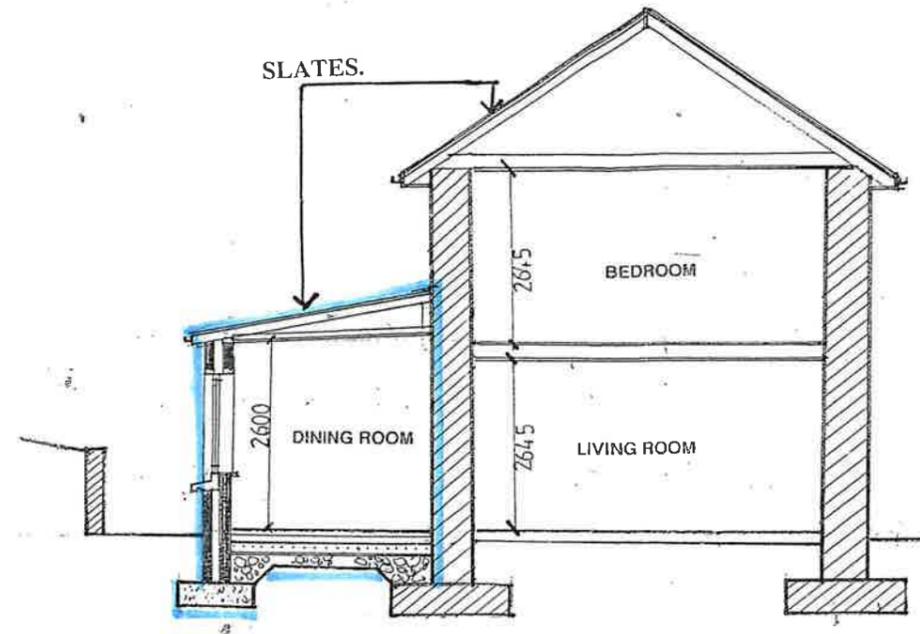
Lintels to be propped at 1.20 m centers until composite masonry is in place.

Ensure lintels are placed over all sewer or ducts which pass through any walls. Ensure a lintel is placed over the ESB box or any similar openings.

**WALL TIES :**

Wall ties should comply with I.S. EN 845-1 and should be material references 1 or 3 in I.S. EN 845 Table A1 austenitic stainless steel. Wall ties should be provided in cavity walls and should comply with I.S. EN 845-1 and should be material references 1 or 3 in I.S. EN 845 Table A1 austenitic stainless steel. The minimum quantity of ties provided should be: 4.9 wall ties per square metre for cavity widths between of 100mm and 150 mm. Extra wall ties are required at the jambs of openings and movement joints.

Horizontal Spacing 450mm & Vertical Spacing 450mm with 4.9 No. of Wall Ties per m2



**ROOF:**

600x300mm Tegral slates roofing to match existing fitted in strict accordance with manufacturers instructions along with all associated fittings and so forth on 50 x 35mm treated S.W.D. battens on Tyvek Supro roofing felt or similarly approved all laid to manufacturers instructions on 44 x 175mm C18 Common rafters @ 400mm c/c, 44 x 225mm C18 Ceiling joists @ 400mm c/c 35 x 225mm Ridge & Valley boards. 50 x 125mm hangers, runners & binders. All timber to conform with - IS 444.

**BROWN P.V.C. FASCIA AND SOFFIT.**

100 x 150mm Precast concrete lintels over window

**D.P.C. :**

D.P.C. to be hyload laid on inner & outer leafs of cavity wall, on all internal walls, around window & door opes, under cills & returned @ the back. Wall ties to I.S.268: 1986 & to required building regulation requirements.

**ARCHITRAVE & SKIRTING.**

150mm Deanta traditional mdf skirting, 100mm Deanta traditional mdf architraves. Red deal door saddles throughout. ( To be confirmed by client. )

**CILLS :**

100 mm Pre cast concrete cills with insulation to back & D.P.C. to underneath, back & sides. 25mm thick bullnosed Hardwood treated window board.

Allow for 30mm vertical insulation to all floor perimeters

**SECTION THRU DWELLING**

Allow for Certified Radon Sumps and Radon Barrier installed by specialists.

Allow for certified limestone hardcore to SR 21 laid and consolidated in 150mm layers.

**FOUNDATIONS :**

Assuming normal ground conditions External foundations to be 1050 x 350mm strip foundations with 6 No. T12 bars with R10 lasers @ 600mm centers.

Internal foundations to be 500 x 450mm strip foundations with 3 No. T12 bars with R10 lasers @ 600mm centers.

All block & load bearing stud partitions must have foundation & rising walls.

N.B. Foundation specification & depth of foundation are subject to engineers inspection of site conditions & foundation output.

**WALLS :**

External wall to be solid concrete block cavity construction: 100mm block external leaf on 40mm air cavity incorporating 110mm Xtratherm Xtrowall 110 insulation with a u value of 0.15Wm<sup>2</sup>K on 100mm block internal leaf

All internal walls to be 100mm solid concrete blockwork and plaster finish to both sides.

**GROUND FLOOR CONSTRUCTION :**

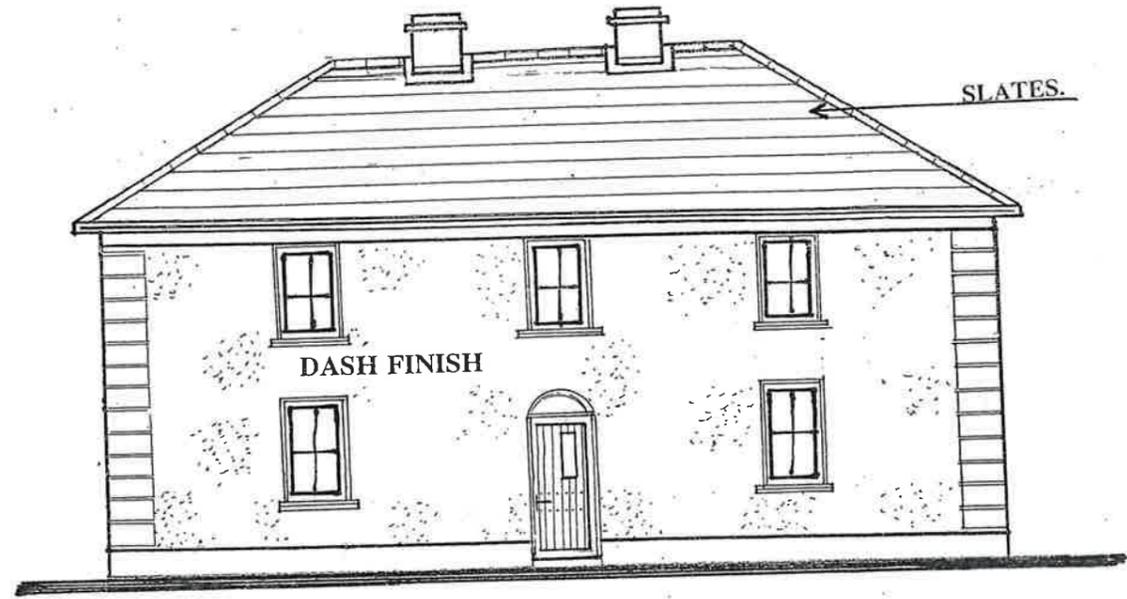
Allow for 75mm Screed on 150mm Xtratherm XT/JF Rigid foil faced PIR floor insulation with a minimum of 30mm layer of Xtratherm to all wall trims on 150mm Reinforced concrete slab to Engineers specification on 50mm Sand blinding on Approved certified Radon Barrier with an approved Radon Sumps externally vented to Engineers satisfaction on 50mm sand blinding on 225mm min. well compacted good quality limestone hardcore certified to SR 21. Max. depth of hardcore fill 900mm.

Where timber floor are used on ground floor builder to leave down conc. floor to accommodate however maintain same depth of concrete insulation ect. Timber floor selected by client & construction method approved by clients engineer. Refer to further spec on floor coverings. Where wooden floors are to be used builder to adjust floor to accommodate same client to be aware of any works and client to give instructions regarding location of wooden floors.

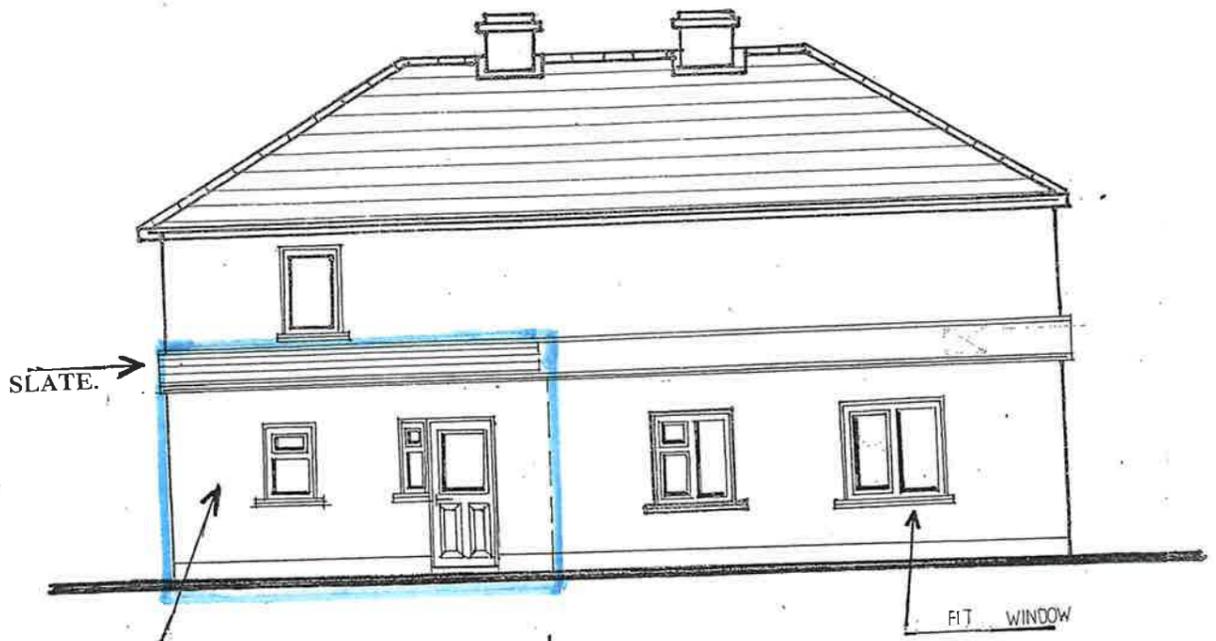
**SCALE 1:100**

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FILE NO 35/26/18

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MICHAEL ENRIGHT  
NEW STREET  
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TEL: 087 2383920



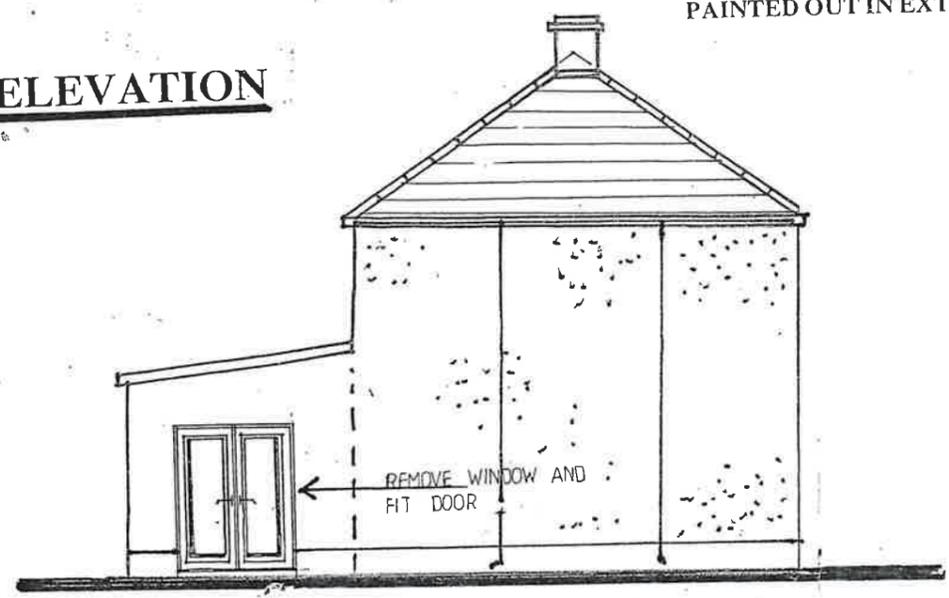
FRONT ELEVATION



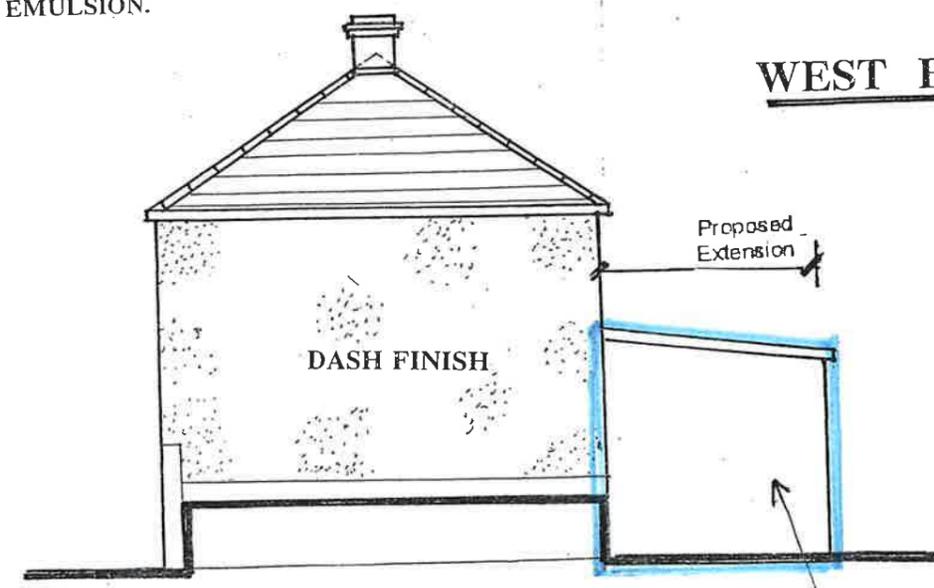
REAR ELEVATION

EAST ELEVATION

NEAT NAPPED PLASTER FINISH  
PAINTED OUT IN EXTERIOR GRADE EMULSION.



WEST ELEVATION



SIDE ELEVATION

EXTENSION TO DWELLING AT  
UPPERCHURCH COUNTY TIPPERARY  
FOR SAM AND LINDA BOURKE

NEAT NAPPED PLASTER FINISH  
PAINTED OUT IN EXTERIOR GRADE EMULSION.

SIDE ELEVATION

SOUTH ELEVATION

NORTH ELEVATION

SCALE 1:100



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

t 0818 06 5000/601  
e customerservice  
@tipperarycoco.ie

[tipperarycoco.ie](http://tipperarycoco.ie)

Date: 18<sup>th</sup> February 2026

Our Ref: S5/26/18

Civic Offices, Nenagh

**Sam and Linda Bourke  
Glensmesh  
Templeclantine  
Co Limerick**

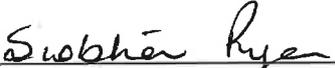
**Re: Application for a Section 5 Declaration – Extension to rear of dwelling at Shevry, Upperchurch, Co. Tipperary E41 P895.**

Dear Sam and Linda,

I acknowledge receipt of your application for a Section 5 Declaration received on 18<sup>th</sup> February 2026, in connection with the above.

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

Yours sincerely

  
for **Director of Services**

# TIPPERARY COUNTY COUNCIL

## Application for Declaration under Section 5

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

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**Planning Ref.:** S5/26/18  
**Applicant:** Sam and Linda Bourke  
**Development Address:** Shevry, Upperchurch, Co Tipperary  
**Proposed Development:** Extension to rear of dwelling

---

### 1. GENERAL

On the 18<sup>th</sup> of February, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and “exempt development”:

- Extension to rear of dwelling.

The site is located at Shevry, Upperchurch, Co Tipperary and is accessible from the local tertiary road, L95034-5.

### 2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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

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

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

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

Section 4(1)(h) of the Act considers development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures; to be exempted development.

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

Exempted Development.

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

Schedule 2, Part 1 'Exempted Development - General:

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

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

### **Conditions and Limitations**

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

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

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

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

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

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

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

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

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

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

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

### **3. ASSESSMENT**

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

The site currently accommodates a two storey, detached dwelling at Shevry, Upperchurch, Co Tipperary.

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

##### **On site**

5122020      Permission granted to Eileen Bourke, 'The Hollow', Shevry, Upperchurch to extend house and for provision of septic tank

It is noted from the Planning history file that the permitted extension is constructed as per planning permission with a floor area of 21sqm.

##### **Adjacent**

None relevant

#### ***c. Assessment***

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

It is considered that the above listed proposal constitutes "works" as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute "development" within the meaning of the Planning and Development Act 2000, as amended.

**B) “Is or is not Exempted Development”**

The works proposed comprise of the construction of a single storey extension to the rear of an existing dwelling. The proposed development, which has a floor area of 14.6sqm, taken together with a previously permitted extension with a floor area of 21sqm, will result in a combined extended floor area of 35.6sqm. The structure is not located within an Architectural Conservation area, nor is it listed on the Record of Protected Structures.



Figure 1 Permitted and proposed rear elevation

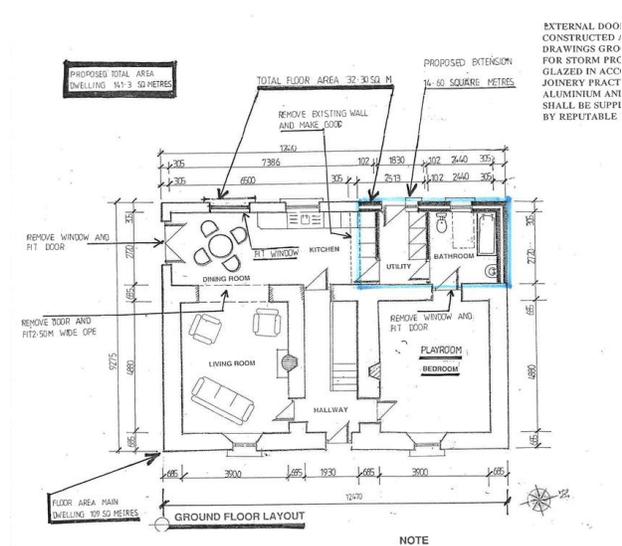


Figure 2 floor plans

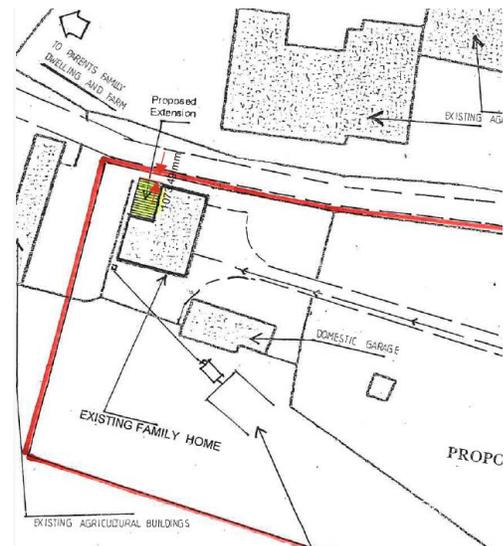


Figure 3: site layout plan

The proposed extension complies with the conditions and limitations attached to Class 1 of Part 1 of Schedule 2 as set out below:

- The house has been extended previously, however the combined floor area of both extensions does not exceed 40 square metres, with the entire extension at ground floor level
- The proposed extension is at a distance of 1.073m from the northern site boundary however the extension is at ground floor level and therefore complies with condition no. 2 of Class 1 of Part 1 of Schedule 2.

- The rear wall of the house does not include a gable, and the height of the wall of the extension does not exceed the height of the rear wall of the house.
- The construction of the extension to the rear of the house does not reduce the area of private open space, to the rear of the house to less than 25 square metres.
- There proposed extension is in excess of 1m from any site boundary
- The roof of the proposed extension cannot be used as a balcony or roof garden.

**C) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**

AA

The proposal has been screened as to the requirements for Appropriate Assessment under the EU Habitats Directive. See also Appropriate Assessment screening report attached. The dwelling is located outside of the areas identified as being at risk of flooding on the most up to date flood risk mapping.

EIA

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. EIA is not required in respect of the development. See all EIA Pre-Screening report attached.

**D) Is the exemption restricted under Article 9 of the Regulations**

I have reviewed the restrictions on exemption set out under Article 9 and I note no restrictions that would apply.

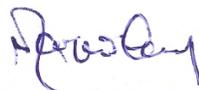
**4. RECOMMENDATION**

Having regard to:

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

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

Signed:



District planner

Date: 10.03.2026

Signed:



Senior Executive Planner

Date: 16/3/2026

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

|  |   |
|--|---|
| <b>(a) File Reference No:</b>  | S5/26/18                                |
| <b>(b) Brief description of the project or plan:</b>                             | To construct an extension to a dwelling |
| <b>(c) Brief description of site characteristics:</b>                            | Existing dwelling                       |
| <b>(d) Relevant prescribed bodies consulted:<br/>e.g. DHLGH (NPWS), EPA, OPW</b> | None                                    |
| <b>(e) Response to consultation:</b>   | None                                    |

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

| European Site (code)                               | List of Qualifying Interest/Special Conservation Interest <sup>1</sup>                                      | Distance from proposed development <sup>2</sup> (km) | Connections (Source-Pathway-Receptor) | Considered further in screening Y/N |
|--|---|--|---------------------------------------|-------------------------------------|
| 002137<br>Lower River Suir SAC                     | <a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a> | Within 10km  | None                                  | None                                |
| 002165<br>Lower River Shannon SAC                  | <a href="https://www.npws.ie/protected-sites/sac/002165">https://www.npws.ie/protected-sites/sac/002165</a> | Within 10km  | None                                  | None                                |
| 002125<br>Anglesey Road SAC                        | <a href="https://www.npws.ie/protected-sites/sac/002125">https://www.npws.ie/protected-sites/sac/002125</a> | Within 10km  | None                                  | None                                |
| 002124<br>Bolingbrook Hill SAC                     | <a href="https://www.npws.ie/protected-sites/sac/002124">https://www.npws.ie/protected-sites/sac/002124</a> | Within 10km  | None                                  | None                                |
| 001197<br>Keeper Hill SAC                          | <a href="https://www.npws.ie/protected-sites/sac/001197">https://www.npws.ie/protected-sites/sac/001197</a> | Within 10km  | None                                  | None                                |
| 004165<br>Slievefelim to Silvermines Mountains SPA | <a href="https://www.npws.ie/protected-sites/spa/004165">https://www.npws.ie/protected-sites/spa/004165</a> | Within 10km  | None                                  | None                                |
|  |   |  |                                       |                                     |

### 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:**

| <b>Impacts:</b>   | <b>Possible Significance of Impacts:<br/>(duration/magnitude etc.)</b>   |
|---|--|
| <p><b>Construction phase e.g.</b></p> <ul style="list-style-type: none"> <li>● Vegetation clearance</li> <li>● Demolition</li> <li>● Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>● Dust, noise, vibration</li> <li>● Lighting disturbance</li> <li>● Impact on groundwater/dewatering</li> <li>● Storage of excavated/construction materials</li> <li>● Access to site</li> <li>● Pests</li> </ul>  | <p>No potential impacts. Surface water drains to soakpits on the site. Structure located outside of areas identify at risk of flooding</p> |
| <p><b>Operational phase e.g.</b></p> <ul style="list-style-type: none"> <li>● Direct emission to air and water</li> <li>● Surface water runoff containing contaminant or sediment</li> <li>● Lighting disturbance</li> <li>● Noise/vibration</li> <li>● Changes to water/groundwater due to drainage or abstraction</li> <li>● Presence of people, vehicles and activities</li> <li>● Physical presence of structures (e.g. collision risks)</li> <li>● Potential for accidents or incidents</li> </ul>   | <p>No potential impacts. Surface water drains to soakpits on the site. Structure located outside of areas identify at risk of flooding</p> |
| <p><b>In-combination/Other</b></p>  | <p>No potential impacts</p>  |
| <p><b>(b) Describe any likely changes to the European site:</b></p>   |  |
| <p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>● Reduction or fragmentation of habitat area</li> <li>● Disturbance to QI species</li> <li>● Habitat or species fragmentation</li> <li>● Reduction or fragmentation in species density</li> <li>● Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>● Changes to areas of sensitivity or threats to QI</li> <li>● Interference with the key relationships that define the structure or ecological function of the site</li> </ul> | <p>No potential impacts</p>  |

(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.

The proposed development is not likely to have significant effects.

**Conclusion:**

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

#### EIA Pre-Screening Establishing a development is a 'sub-threshold development'

|  |  |
|--|--|
| <b>File Reference:</b>   | S5/26/18   |
| <b>Development Summary:</b>  | To construct an extension to a dwelling  |
| <b>Was a Screening Determination carried out under Section 176A-C?</b> | <input type="checkbox"/> Yes, no further action required<br><input checked="" type="checkbox"/> No, Proceed to <b>Part A</b> |

**A. Schedule 5 Part 1** - Does the development comprise a project listed in Schedule 5, **Part 1**, of the Planning and Development Regulations 2001 (as amended)?  
(Tick as appropriate)

|   |  |
|---|--|
| <input type="checkbox"/> Yes, specify class _____   | <b>EIA is mandatory</b><br>No Screening required |
| <input checked="" type="checkbox"/> No  | Proceed to <b>Part B</b>                         |
| <b>B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)</b> |  |
| <input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2   | <b>No Screening required</b>                     |
| <input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold):<br>_____  | <b>EIA is mandatory</b><br>No Screening required |
| <input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> :<br>_____  | Proceed to <b>Part C</b>                         |
| <b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>  |  |
| <input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant  | <b>Screening Determination required</b>          |
| <input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant   | <b>Preliminary Examination required</b>          |

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/26/18**      **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 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 Sam and Linda Bourke, Glensmesh, Templeglantine, Co. Limerick, extension to rear of dwelling at Shevry, Upperchurch, Co Tipperary is development and is exempted development.

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

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

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

**Signed:**

  
\_\_\_\_\_

**Brian Beck**  
**Director of Services**

**Date: 16/03/2026**



Date: 16<sup>th</sup> March, 2026

Our Ref: S5/26/18

Civic Offices, Nenagh

Sam & Linda Bourke  
Glensmesh  
Templeglantine  
Co. Limerick

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 18<sup>th</sup> February, 2026 in relation to the following proposed works:

**Extension to rear of dwelling at Shevry, Upperchurch, Co. Tipperary**

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

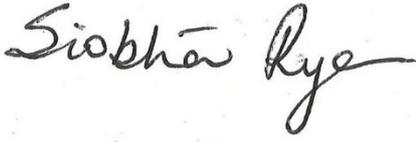
**AND WHEREAS** Tipperary County Council, in considering this referral, had regard particularly to –

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

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is "**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 that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.

---

for **Director of Services**