



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

| | |
|---------------|--|
| Applicant | ANNA ROCHE + ALAN BUNYAN |
| Address | 10 COIS TAIRE, GOATENBRIDGE ARDFINNAN, TIPPERARY, E91 E2K9. |
| Telephone No. | |
| E-mail | |

2. Agent's (if any) address:

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

3. Location of Proposed Development:

| | |
|---|--|
| Postal Address or Townland or Location (as may best identify the land or structure in question) | 10 COIS TAIRE, GOATENBRIDGE, ARDFINNAN, TIPPERARY. E91 E2K9 |
|---|--|

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.)

| |
|--|
| Changing of all windows in house |
| from existing timber frame windows |
| to uPVC. |
| |
| |
| Proposed floor area of proposed works/uses: sqm |

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

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

Signature of Applicant(s) 

Date: 09/09/26

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

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently €80.00.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

| | | |
|--|-----------|--|
| Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary | <u>OR</u> | Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary |
| Enquires: | | |
| Telephone 0818 065000 | | |
| E-Mail planning@tipperarycoco.ie | | |

FOR OFFICE USE ONLY

| | |
|---------------------------------|--|
| Fee Recd. € <u>80.00</u> | DATE STAMP Tipperary County Council Planning Section by email Received: 10/04/2026 |
| Receipt No <u>136529</u> | |
| Date <u>10/04/2026</u> | |
| Received by <u>M Quinlisk</u> | |



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

10/04/2026 11:02:09

Receipt No. : NENAM1/0/136529

ANNA ROCHE & ALAN BUNYAN
10 COIS TAIRE
GOLDEN BRIDGE
ARDFINNAN
CO TIPPERARY
E91 E2K4

SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable
ANNA ROCHE & AL

Total : 80 00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : MARIA QUINLISK
From : TIPP CC NENAGH CASH DESK
Vat reg No.3259712MH



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 10th April 2026

Our Ref: S5/26/48

Civic Offices, Clonmel

**Anna Roche & Alan Bunyan
10 Cois Taire,
Goatenbridge,
Ardfinnan,
Co Tipperary,
E91 E2K4.**

**Re: Application for a Section 5 Declaration – Changing of all
windows in house from existing timber frame to UPVC at 10
Coise Taire, Goatenbridge, Ardfinnan, Co. Tipperary, E91 E2K4.**

Dear Ms. Roche,

I acknowledge receipt of your application for a Section 5 Declaration received on 10th April 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

Planning Ref.: S5/26/48

Applicant: Anna Roche & Alan Bunyan

Development Address: 10 Coise Taire, Goatenbridge, Ardfinnan, Co. Tipperary, E91E2K4

Proposed Development: Changing of all windows in house from existing timber frame to UPVC

1. GENERAL

On the 10th of April 2026, 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”:

- Changing of all windows in house from existing timber frame to UPVC.

The site is at 10 Coise Taire, Goatenbridge, Ardfinnan, Co. Tipperary, E91 E2K4.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000 (As amended)

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

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

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

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

Section 4(1)(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.

3. ASSESSMENT

a. Site Location

The site comprises an existing detached dwelling at 10 Coise Taire, Goatenbridge, Ardfinnan, Co. Tipperary. The dwelling is located within an unfinished housing estate in the settlement of Ardfinnan.

b. Relevant Planning History

- 05/67 - 18 no. bedroom two storey semi detached dwellings, 9 no. 4 bedroom two storey detached dwellings, 3 no. 3 bedroom single storey detached dwellings, waste water treatment system, new entrance and associated site works – Withdrawn
- 05/623 grant of permission for 14 four bedroom 2-storey dwellings in two clusters of seven, new entrance, proprietary waste water treatment system and associated site works – permission granted for 20 units.
- 23/60600 to construct 14no. semi-detached, two-storey dwelling houses comprising 10no. three bedroom and 4no. two bedroom, including the removal of the rising walls for 5 dwellings which had commenced on foot of planning file 05/623, including all associated site development works and underground services – refused By ACP 319346-24
- 25/61095 - the construction of 6no. detached, two-storey dwelling houses comprising 4no. four bedroom and 2no. three bedroom, including the removal of the rising walls for 5 dwellings which had commenced on foot of planning file 05/623, and all associated site development works and underground services – Current application

Figure 1 Planning history



c. Assessment

A) “Is or is not Development”

It is considered that the above listed proposal constitute “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 replacing of timber windows with uPVC windows.

The subject site is not a protected structure and is not located within a designated Architectural Conservation Area.

Condition 19 of the parent permission (05/623) is noted. This condition reads as follows,

19. Prior to the commencement of development, details of the materials, colours, textures of all the external finishes to the proposed dwelling houses shall be submitted to the Planning Authority for agreement. In this regard, external walls shall be finished in a smooth finish plaster or a wet dash render, painted or self finished in a colour acceptable to the Planning Authority. Windows and doors shall be of a timber construction. Roofs shall be black, blue / black or grey slates. There shall be no use of white uPVC to the exterior to the houses.

Reason:- In the interest of orderly development and the visual amenities of the area.

Compliance details were submitted on the 21st of September 2006 confirming that the windows would be finished in hardwood.

The replacement of the hardwood windows with a UPVC alternative conflicts with the requirements of condition 19 of the parent application, which required windows to be finished in timber. As the condition compliance requires a uniform finish to all of the dwellings, and the proposal would be contrary to same, it is not considered that it is “the carrying out of workswhich 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”.

C) Restrictions under Article 9

As set out under Article 9 of the Planning and Development Regulations,

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

It should be noted that the Article 9 does not expressly reference exempted development provided for under Section 4 of the Planning and Development Act 2000, as amended.

The wording of condition 19 of Plan Reg no 05/623 is explicit, windows and doors shall be of timber construction. The exemption allowed for under Section 4(1)(h) cannot therefore be relied upon in this instance to provide for the replacement of timber windows with uPVC windows.

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

The subject site is located c. 140 metres from the Lower River Suir SAC, 7.8 kms from the River Blackwater SAC, 13.9 kms from the Nier Valley Woodlands SAC and 14.8 Kms from the River Blackwater Callows SPA.

The proposed development is located within the boundary of the settlement of Goatenbridge and comprises of minor alterations to the structure on site. It is not considered that Appropriate Assessment issues arise.

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

4. RECOMMENDATION

In considering this Declaration, Tipperary County Council has had regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) The details submitted by the querist with the Declaration

Tipperary County Council has concluded that –

The development as presented in the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is **not** “exempted development” as it conflicts with the obligations imposed by Condition 19 of the parent permission (05/623) which requires windows to be of timber construction. As the proposal would be contrary to same, it is not considered that it is **“the carrying out of workswhich 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”**.

Signed: Paul Killeen
Paul Killeen

Date: 30/04/26

Signed: C. Conway
Senior Executive Planner

Date: 5.5.2026

Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

| | |
|--|--|
| (a) File Reference No: | S5/26/48 |
| (b) Brief description of the project or plan: | Change timber windows to uPVC |
| (c) Brief description of site characteristics: | 10 Coise Taire, Goatenbridge, Ardfinnan, Co. Tipperary |
| (d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW | None |
| (e) Response to consultation: | n/a |

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 |
|----------------------------------|---|--|---|-------------------------------------|
| Lower River Suir SAC 002137 | https://www.npws.ie/protected-sites/sac/002137 | 140 metres | Surface water collected and discharged to stream Wastewater from the site passes through private WWTP which discharges to ground | Yes See step 3 |
| Nier Valley Woodlands SAC 000668 | https://www.npws.ie/protected-sites/sac/000646 | 13.9 kms | No due to distance and the lack of any relevant ex-situ factors of significance to these species. | No |
| River Blackwater SAC 002170 | https://www.npws.ie/protected-sites/sac/002170 | 7.8 kms | No due to distance and the lack of any | No |

| | | | | |
|------------------------------|---|------|---|----|
| | | | relevant ex-situ factors of significance to these species. | |
| River Blackwater Callows SPA | https://www.npws.ie/protected-sites/spa/004094 | 14.8 | No due to distance and the lack of any relevant ex-situ factors of significance to these species. | 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 likely in combination effects |

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

Examples of the type of changes to give consideration to include:

- Reduction or fragmentation of habitat area
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation in species density
- Changes in key indicators of conservation status value (water or air quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

No impacts

(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.

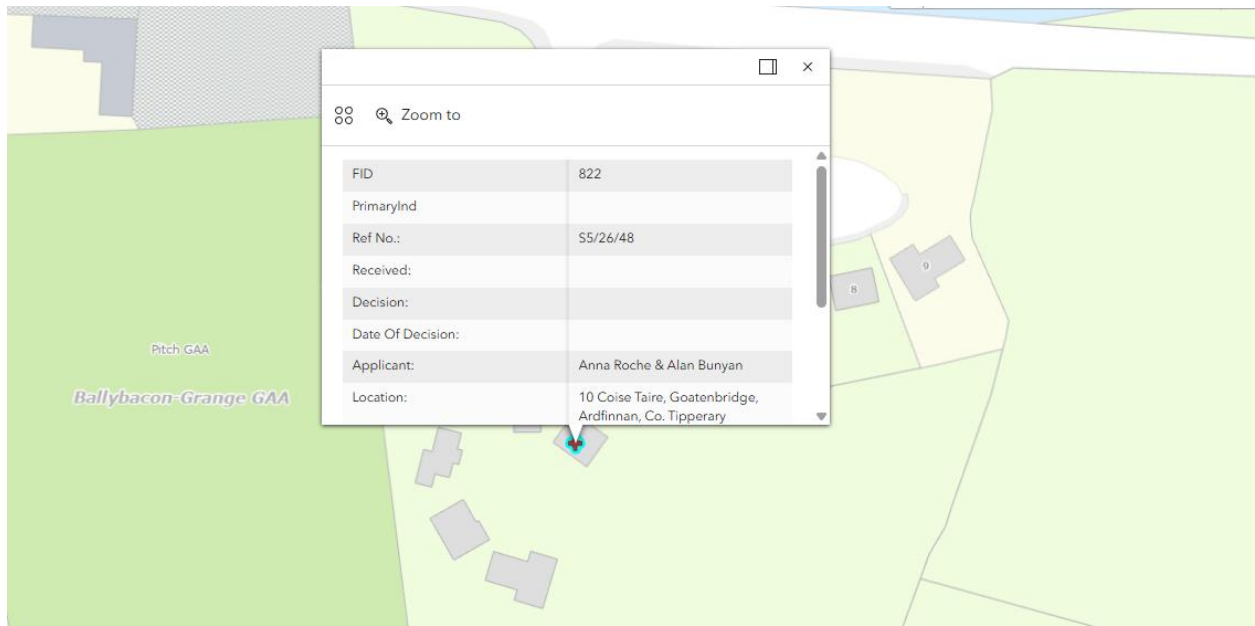
No impacts

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: | Paul Killeen | Date: 30/04/26 |

| EIA Pre-Screening | |
|--|--|
| Establishing a development is a 'sub-threshold development' | |
| File Reference: | S5/26/48 |
| Development Summary: | Change windows from Timber to uPVC |
| 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 |

Figure 2 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/48** **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 Anna Roche & Alan Bunyan, 10 Cois Taire, Goatbridge, Ardfinnan Co Tipperary, E91 E2K4, RE: Changing of all windows in house from existing timber frame to UPVC at 10 Coise Taire, Goatbridge, Ardfinnan, Co. Tipperary, E91E2K4 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) The details submitted by the querist with the Declaration

Tipperary County Council has concluded that the development as presented in the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is **not "exempted development"** as it conflicts with the obligations imposed by Condition 19 of the parent permission (05/623) which requires windows to be of timber construction. As the proposal would be contrary to same, it is not considered that it is ***"the carrying out of workswhich 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"***.

Signed: 
Brian Beck
Director of Services

Date: 06/05/2026



Date: 6th May 2026

Our Ref: S5/26/48

Civic Offices, Nenagh

**Anna Roche & Alan Bunyan
10 Cois Taire
Goatenbridge
Ardfinnan
Co Tipperary
E91 E2K4**

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 10th April 2026 in relation to the following proposed works:

Changing of all windows in house from existing timber frame to UPVC at 10 Coise Taire, Goatenbridge, Ardfinnan, Co. Tipperary, E91E2K4.

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

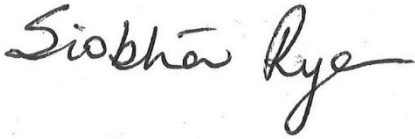
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- b) The details submitted by the querist with the Declaration

Tipperary County Council has concluded that the development as presented in the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is **not “exempted development”** as it conflicts with the obligations imposed by Condition 19 of the parent permission (05/623) which requires windows to be of timber construction. As the proposal would be contrary to same, it is not considered that it is ***“the carrying out of workswhich 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”***.

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 'y'.

for **Director of Services**