



Comhairle Contae Thiobraid Árann
Tipperary County Council

TIPPERARY CO. COUNCIL
RECEIVED
10 APR 2026
PLANNING SECTION
FILE NO. 55/26/50

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

Applicant	ANTHONY & CATHERINE MARSHALL
Address	NO 38 CLAIRIN CARRICK. ON. SUIR CO. TIPPERARY
Telephone No.	[REDACTED]
E-mail	

2. Agent's (if any) address:

Agent	JIMMY FLYNN
Address	FLYNN ASSOCIATES COOHANALUCK ROAD CARRICK BEG CARRICK. ON. SUIR CO. TIPPERARY EIRCODE E32 FH 77
Telephone No.	[REDACTED]
E-mail	[REDACTED]
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)	NO 38 CLAIRIN CARRICK. ON. SUIR CO. TIPPERARY E32TR 84
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Tipperary County Council
RECEIVED
10 APR 2026
CASH OFFICE
Civic Offices, Clonmel

Receipt No 202 647
Issued 10 04 2026
€ 80.00 Cheque

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.

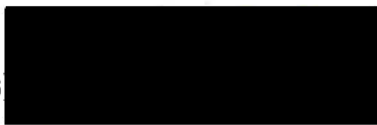
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

PROPOSED ALTERATIONS TO EXISTING GARAGE AND UTILITY ROOM ATTACHED TO RESIDENCE FOR ADAPTATION TO ACCOMODATE BEDROOM AND SHOWER ROOM AND UTILITY ROOM TO GROUND FLOOR PLAN AT NO 38 CLAIRIN, CARRICK ON SUIR CO. TIPPERARY EIRCODE: E32TR84.	
Proposed floor area of proposed works/uses:	sqm 23.50 M2

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	A. Owner <input checked="" type="checkbox"/>	B. Occupier <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<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: 10th APRIL 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:

Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary

OR

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

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

Fee Recd. € 80.00

Receipt No 202640

Date 10/04/2026

Received by C. Ahern

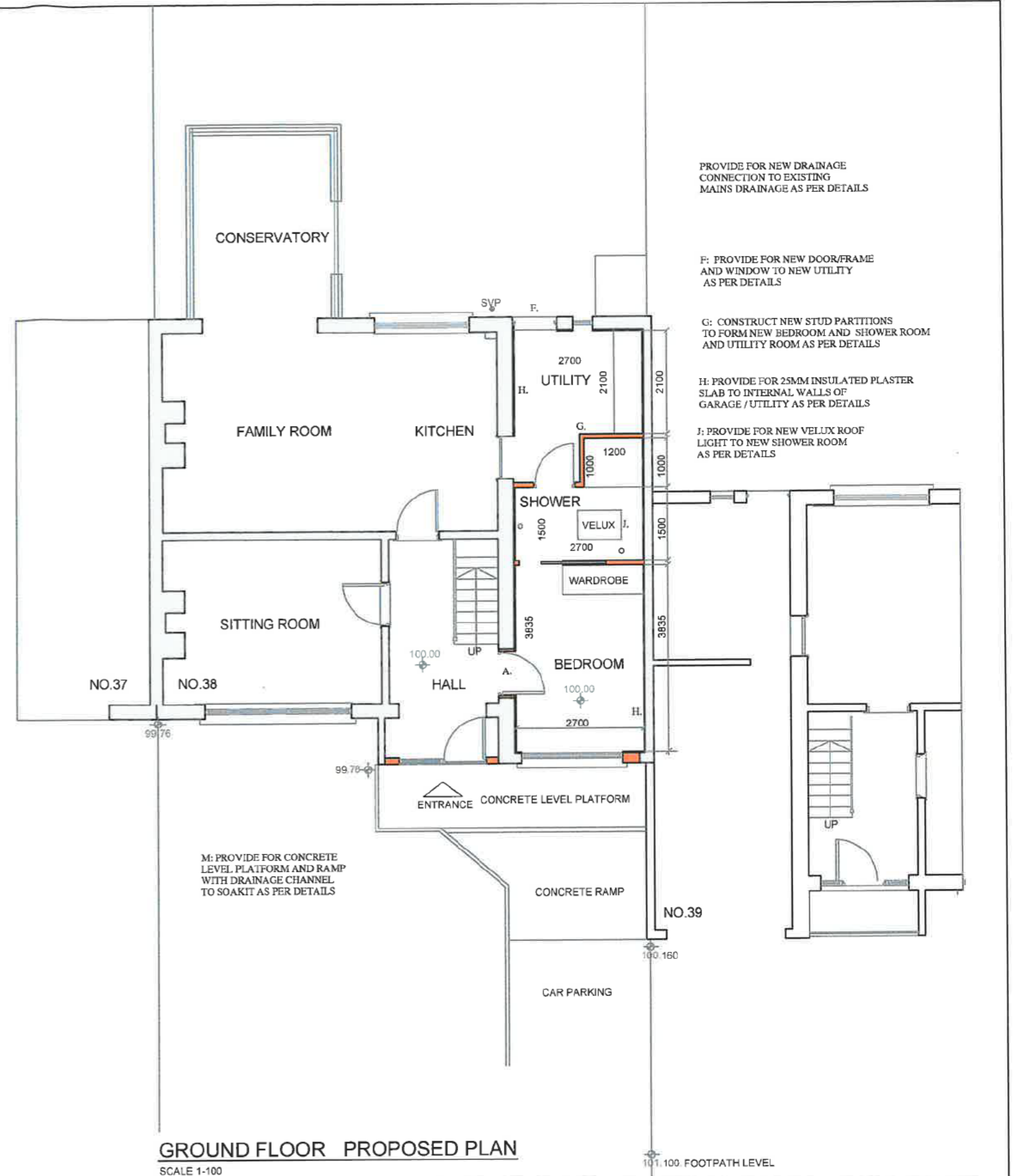
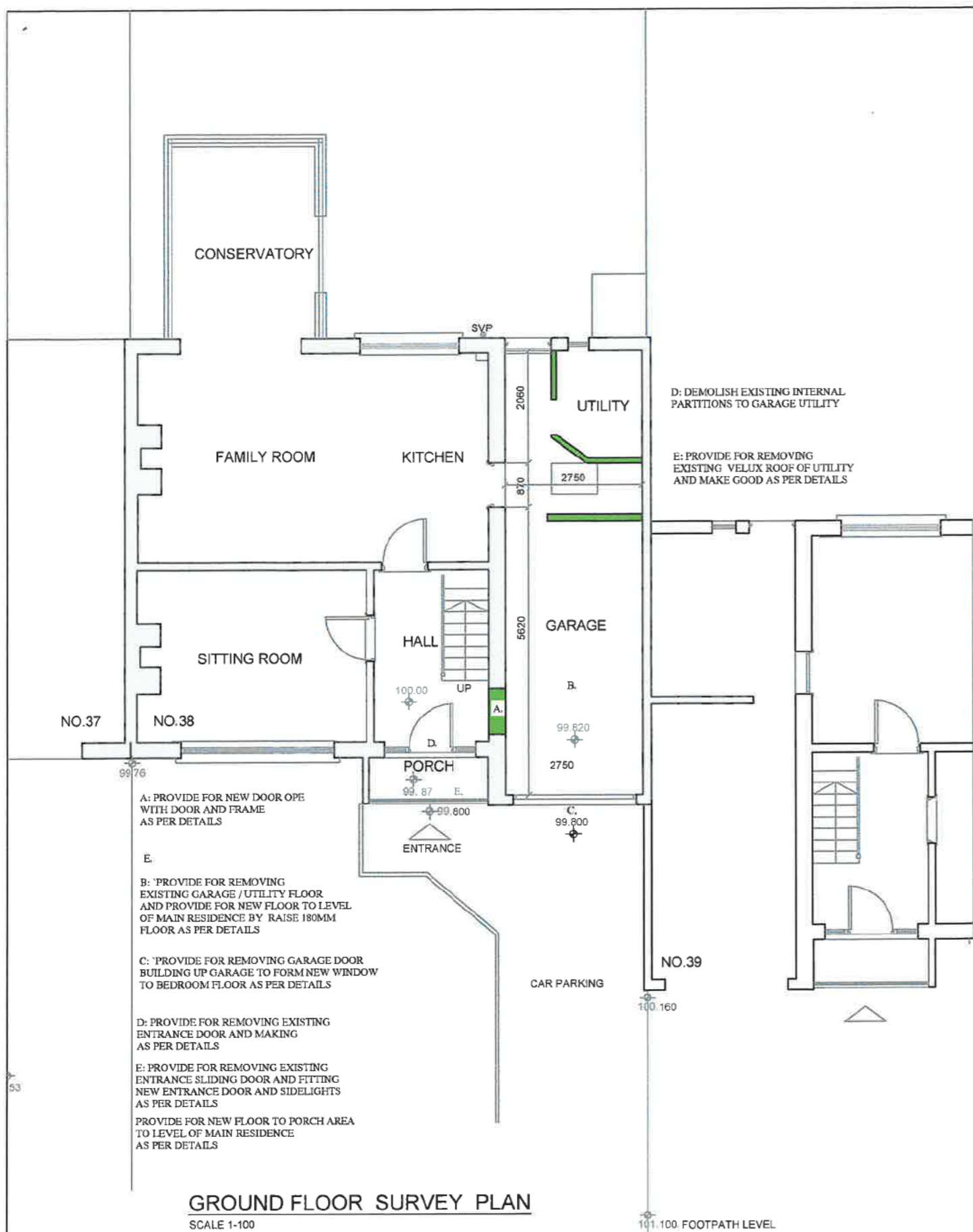
DATE STAMP

TIPPERARY CO. COUNCIL
RECEIVED

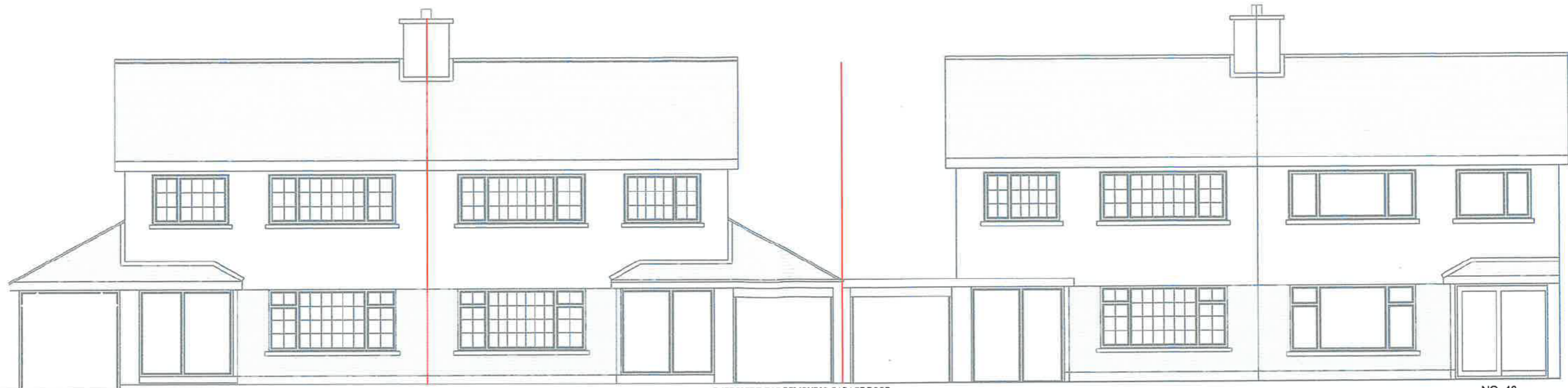
10 APR 2026

PLANNING SECTION

FILE NO. SS/26150



Notes	TIPPERARY CO. COUNCIL RECEIVED 10 APR 2026 PLANNING SECTION FILE NO. 55/26/50	Revisions		Project	PROPOSED ALTERATIONS TO EXISTING GARAGE AND UTILITY ATTACHED TO RESIDENCE FOR ADAPTATION TO ACCOMODATE BEDROOM AND SHOWER ROOM AND UTILITY ROOM FACILITIES TO GROUND FLOOR PLAN AT NO. 38 CLAIRIN, CARRICK-ON-SUIR, CO. TIPPERARY EIRCODE E32TR84				
					Title	GROUND FLOOR PLANS SURVEY AND PROPOSED			
				Client	ANTHONY AND CATHERINE MARSHALL				
				Sheet No.	02.	Scale	1-100@A3	Date	APRIL 2026



NO. 37

NO. 38

C: PROVIDE FOR REMOVING GARAGE DOOR
BUILDING UP GARAGE TO FORM NEW WINDOW
TO BEDROOM FLOOR AS PER DETAILS

NO. 39

NO. 40

NORTH ELEVATION EXISTING
SCALE 1-100



NO. 37

NO. 38

C: PROVIDE FOR REMOVING GARAGE DOOR
BUILDING UP GARAGE TO FORM NEW WINDOW
TO BEDROOM FLOOR AS PER DETAILS

NO. 39

NO. 40

NORTH ELEVATION PROPOSED
SCALE 1-100

Notes	TIPPERARY CO. COUNCIL RECEIVED 10 APR 2026 PLANNING SECTION FILE NO. 35126150	Revisions		Project	PROPOSED ALTERATIONS TO EXISTING GARAGE AND UTILITY ATTACHED TO RESIDENCE FOR ADAPTATION TO ACCOMODATE BEDROOM AND SHOWER ROOM AND UTILITY ROOM FACILITIES TO GROUND FLOOR PLAN AT NO. 38 CLAIRIN, CARRICK-ON-SUIR, CO. TIPPERARY EIRCODE E32TR84				
				Title	ELEVATIONS SURVEY AND PROPOSED				
				Client	ANTHONY AND CATHERINE MARSHALL				
				Sheet No.	03.	Scale	1-100@A3	Date	APRIL 2026

PLANNING EXEMPTION

J: PROVIDE FOR VELUX ROOF LIGHT TO NEW SHOWER ROOM AS PER DETAILS

K: PROVIDE FOR TAKING DOWN EXISTING CEILINGS TO STUDY TOILET AND SHOWER AND FITTING NEW CEILINGS INSULATION AS PER DETAILS

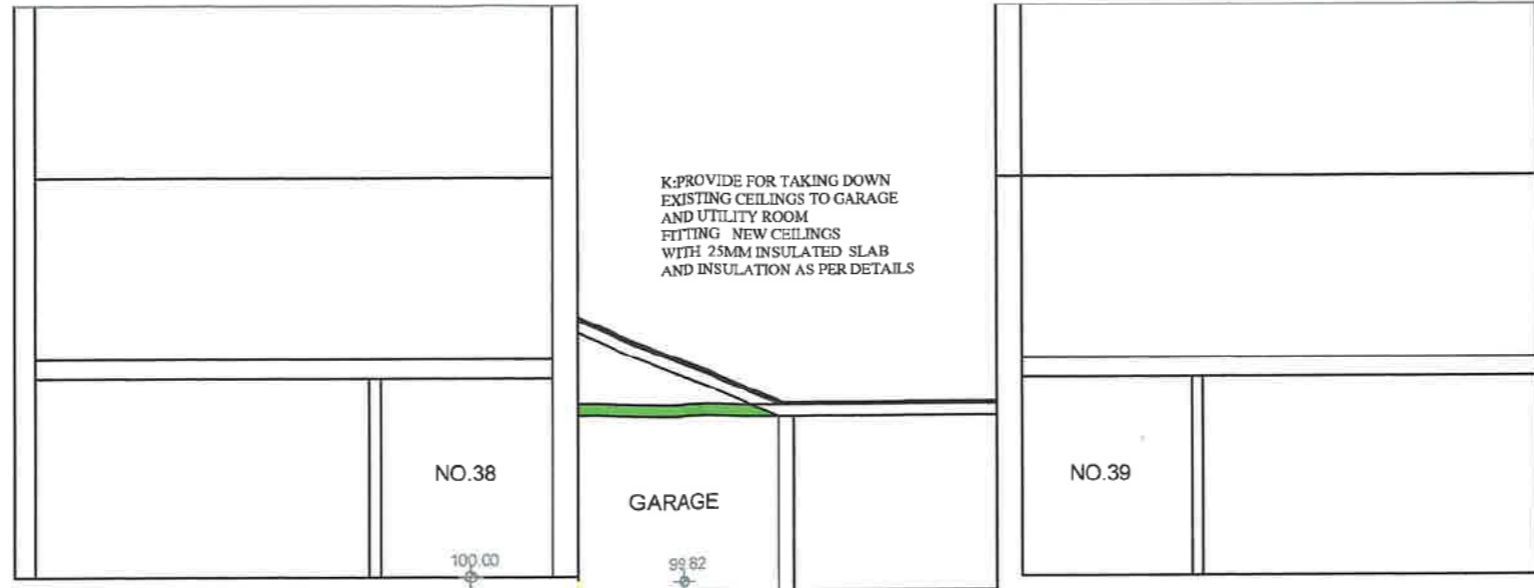
H: PROVIDE FOR TAKING UP EXISTING FLOORS TO KITCHEN / DINING AREA AND STUDY AND RAISING UP 145MM WITH NEW FLOOR 125MM CONCRETE FLOOR WITH 100MM FLOOR INSULATION ON MEMBRANE AS PER DETAILS

L: PROVIDE FOR TAKING DOWN EXISTING CEILINGS KITCHEN / UTILITY AREA AND FORMING NEW TIMBER CEILINGS WITH RIDGID INSULATION AS PER DETAILS

M: PROVIDE FOR NEW VELUX ROOF TO NEW SHOWER AS PER DETAILS

M: PROVIDE FOR RELOCATING EXISTING VELUX ROOF OF UTILITY TO NEW LOCATION AS PER DETAILS

H: PROVIDE FOR TAKING UP EXISTING FLOORS TO GARAGE AND UTILITY AREA AND RAISING UP 180MM WITH NEW FLOOR 125MM CONCRETE FLOOR WITH 100MM FLOOR INSULATION ON MEMBRANE AS PER DETAILS



SURVEY SECTION

B: PROVIDE FOR REMOVING EXISTING GARAGE / UTILITY FLOOR AND PROVIDE FOR NEW FLOOR TO LEVEL OF MAIN RESIDENCE BY RAISE 180MM FLOOR AS PER DETAILS



PROPOSED SECTION

B: PROVIDE FOR REMOVING EXISTING GARAGE / UTILITY FLOOR AND PROVIDE FOR NEW FLOOR TO LEVEL OF MAIN RESIDENCE BY RAISE 180MM FLOOR AS PER DETAILS

D: PROVIDE FOR 25MM INSULATED PLASTER SLAB TO INTERNAL WALLS OF GARAGE / UTILITY AS PER DETAILS

N: PROVIDE FOR NON SLIP FLOOR TILES AND WALL TILES TO NEW SHOWER ROOM AND UTILITY ROOM AS PER DETAILS

E: PROVIDE TAKING OUT EXISTING DOOR/FRAME AND FOR TO WIDEN EX OPENING AND FIT NEW DOOR AND FRAME AND MAKE GOOD TO OPENING

Notes	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>TIPPERARY CO. COUNCIL RECEIVED 10 APR 2026 PLANNING SECTION FILE NO. 35/26/50</p> </div>	Revisions		Project	PROPOSED ALTERATIONS TO EXISTING GARAGE AND UTILITY ATTACHED TO RESIDENCE FOR ADAPTATION TO ACCOMODATE BEDROOM AND SHOWER ROOM AND UTILITY ROOM FACILITIES TO GROUND FLOOR PLAN AT NO. 38 CLAIRIN, CARRICK-ON-SUIR, CO. TIPPERARY EIRCODE E32TR84				
				Title	SECTIONS				
				Client	ANTHONY AND CATHERINE MARSHALL				
				Sheet No.	04.	Scale	1-100@A3	Date	APRIL 2026
				JIMMY FLYNN - FLYNN ASSOCIATES Est.1978 - Coolnamuck Rd. Carrick Beg, Carrick on Suir. E-Mail:jimmyjosephflynn@gmail.com Office: 051 640740, Mob: 087 7553403					

PLANNING EXEMPTION



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: S5/26/50

Civic Offices, Clonmel

Anthony & Catherine Marshall
C/O Jimmy Flynn, Flynn Associates,
Coolnamuck Road,
Carrickbeg,
Carrick on Suir,
Co. Tipperary,
E32 FN77

Re: Application for a Section 5 Declaration – Proposed alterations to existing garage and utility room attached to residence for adaptation to accommodate bedroom, shower room and utility room to ground floor plan at No 38 Clairin, Carrick on Suir, Co. Tipperary, E32 TR84.

Dear Mr. Flynn,

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.: S5/26/50

Applicant: Anthony & Catherine Marshall

Development Address: 38 Clairin, Carrick on Suir, Co. Tipperary

Proposed Development: Proposed alterations to existing garage and utility room attached to residence for adaptation to accommodate bedroom, shower room and utility room to ground floor plan.

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”:

- Proposed alterations to existing garage and utility room attached to residence for adaptation to accommodate bedroom, shower room and utility room to ground floor plan.

The works are to be located at 38 Clairin, Carrick on Suir, Co. Tipperary.

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 comprises a semi detached two storey dwelling at 38 Clairin, Carrick on Suir, Co. Tipperary. This is a predominately residential area on the eastern side of Carrick on Suir.

Figure 1 Subject Site



b. Relevant Planning History

On site

None recorded

Adjacent

None relevant

Figure 2 Planning history



c. Assessment

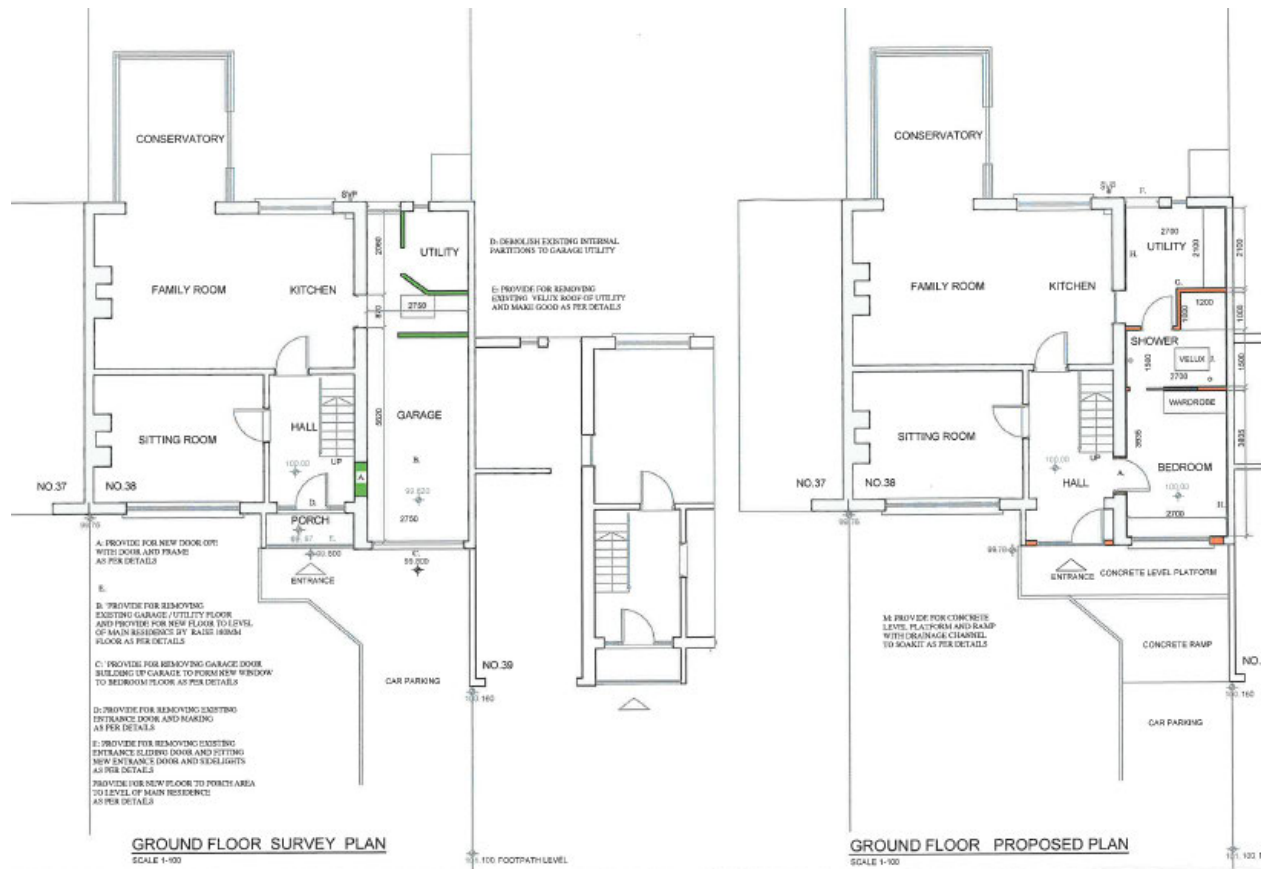
A) “Is or is not Development”

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 conversion of an existing side garage to a bedroom with an accessible shower room.

Figure 3 Proposed floor plans



This area provides 23.5 sqms of floor space.

With respect to the change of use, it is not considered that these works are restricted by any of the conditions or limitations set out in Class 1. The floor area is less than 40sqms. The house was not previously extended. The open space will not be reduced to less than 25 sqms.

With respect to the further changes proposed to the front elevation, there is no objection to same, which fall under the exemption provided for under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

Figure 4 Elevation changes



C) Restrictions under Article 9

It is noted that no exemptions under Article 9 of the Planning and Development Regulations 2001, as amended that would apply to the construction element.

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

The subject site is located c. 300 metres from the Lower River Suir SAC and within 15 Kms of the Comeragh mountains SAC.

The proposed development is located within a long established residential area and comprises of modifications to the dwelling. The property is connected to the mains waste water infrastructure.

Having regard to:

- the small scale nature of the development,
- the location of the site is a serviced urban centre,
- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC and
- the consequent absence of a direct pathway to these European sites,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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

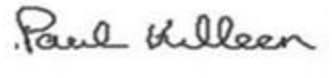
A question has arisen as to whether the conversion of a side garage to a downstairs bedroom and shower room is or is not exempted development. The subject site is located at 38 Clairin, Carrick on Suir, Co. Tipperary.

In considering this declaration, the Planning Authority had regard to:

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

Tipperary County Council has concluded that the proposal constitutes development and is exempted development.

Signed:



District Planner

Date: 30/04/26

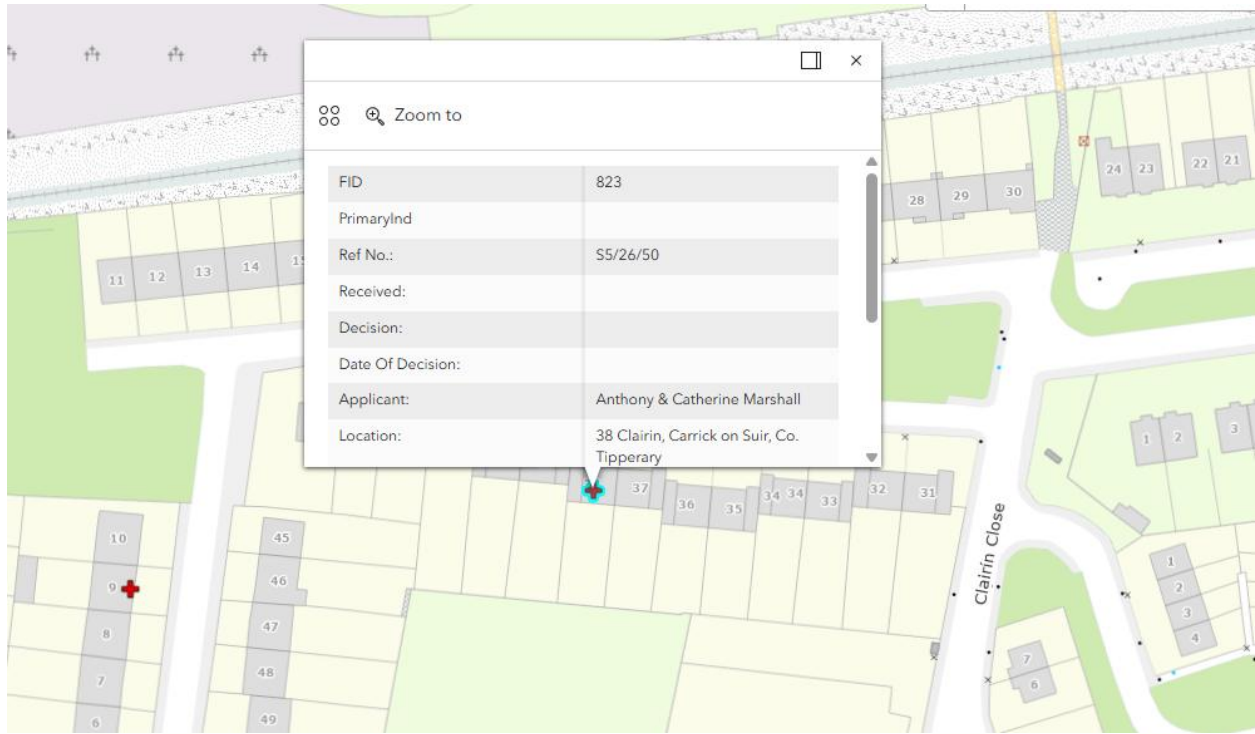
Signed:


Senior Executive Planner

Date: 5.5.2026

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/50
Development Summary:	Change of use of side garage to bedroom
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 5 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/50** **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 Anthony & Catherine Marshall C/O Jimmy Flynn, Flynn Associates, Coolnamuck Road, Carrickbeg, Carrick on Suir, Co. Tipperary, E32 FN77, RE: Proposed alterations to existing garage and utility room attached to residence for adaptation to accommodate bedroom, shower room and utility room to ground floor plan at 38 Clairin, Carrick on Suir, 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) Class 1 of Part 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended
- d) The details submitted with the declaration

Tipperary County Council has concluded that the proposal constitutes development and **is exempted development.**

Signed: 
Brian Beck
Director of Services

Date: 06/05/2026



Date: 6th May 2026

Our Ref: S5/26/50

Civic Offices, Nenagh

Anthony & Catherine Marshall
C/O Jimmy Flynn, Flynn Associates
Coolnamuck Road
Carrickbeg
Carrick on Suir
Co. Tipperary
E32 FN77

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:

Proposed alterations to existing garage and utility room attached to residence for adaptation to accommodate bedroom, shower room and utility room to ground floor plan at 38 Clairin, Carrick on Suir, Co. Tipperary.

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

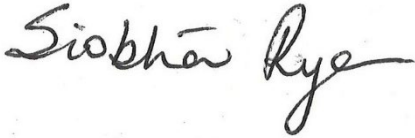
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

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

Tipperary County Council has concluded that the proposal constitutes development 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 faithfully

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**