



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	ZIVILE MENKEVICIENE	
Address	15 DUNUISCE CAHIR CO TIPPERARY	
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)	Birtchdale 7 CAHIR CO TIPPERARY E21 W309
---	---

Receipt No 205136
Issued 29 06 2026
€80.00 Cash

4. Development Details:

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

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

We would like to build extension
of 37.5 m ² in the back of the
House
Proposed floor area of proposed works/uses: 37.5sqm

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

Signature of Applicant(s)



Date: 29.06.2026

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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o Other details *e.g.* brochures, photographs if appropriate.

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

This application form and relevant fee should be submitted to:

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

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

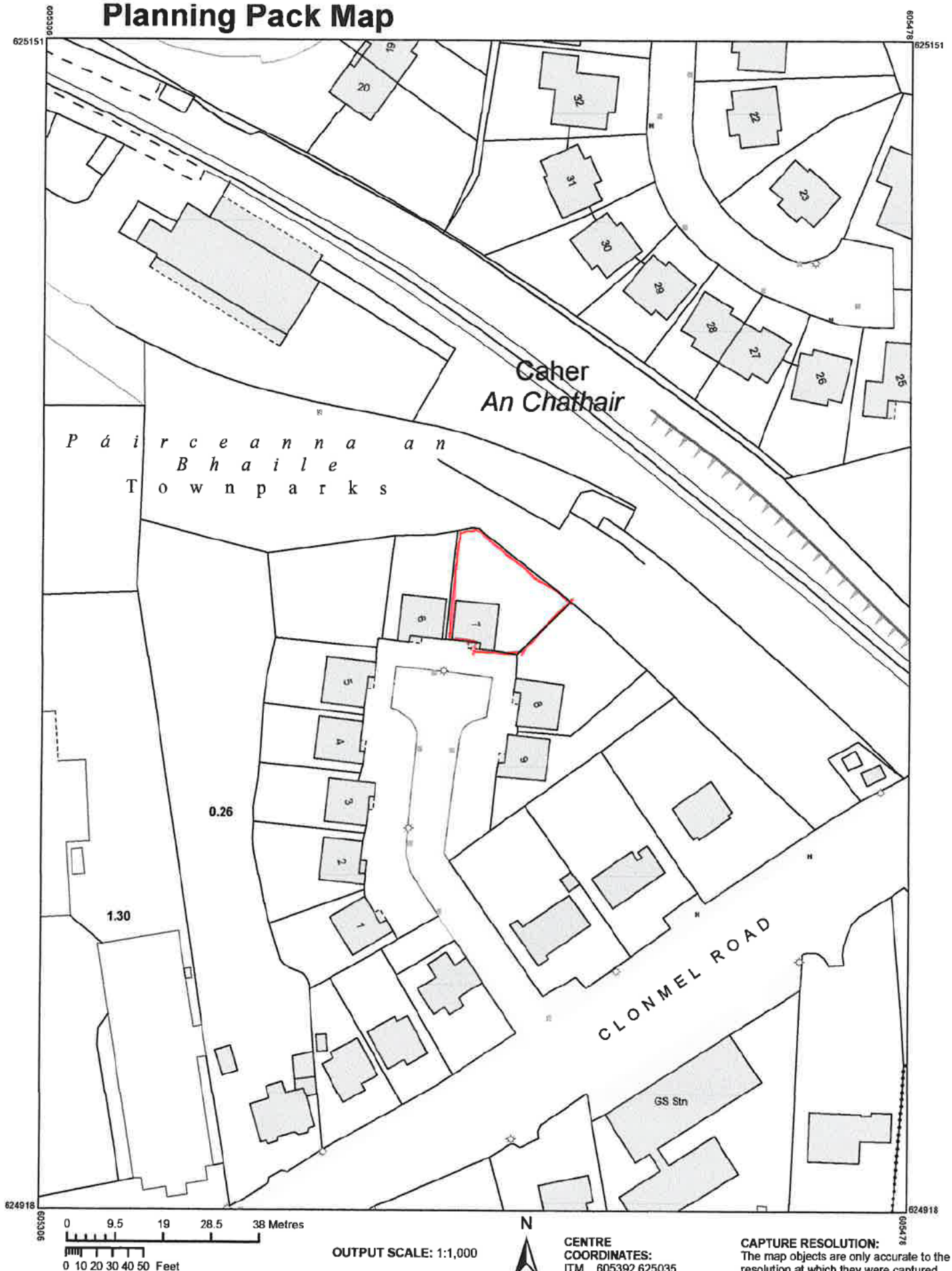
Receipt No 205136

Date 29.05.2026

Received by C. Anon.

DATE STAMP
TIPPERARY CO. COUNCIL
RECEIVED
29 JUN 2026
PLANNING SECTION
FILE NO. <u>SS/20/111</u>

Planning Pack Map



COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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OUTPUT SCALE: 1:1,000

CENTRE
COORDINATES:
ITM 605392,625035

PUBLISHED: 03/06/2026 ORDER NO.: 50539833_1

MAP SERIES: 1:1,000 MAP SHEETS: 50539833_1

CAPTURE RESOLUTION:

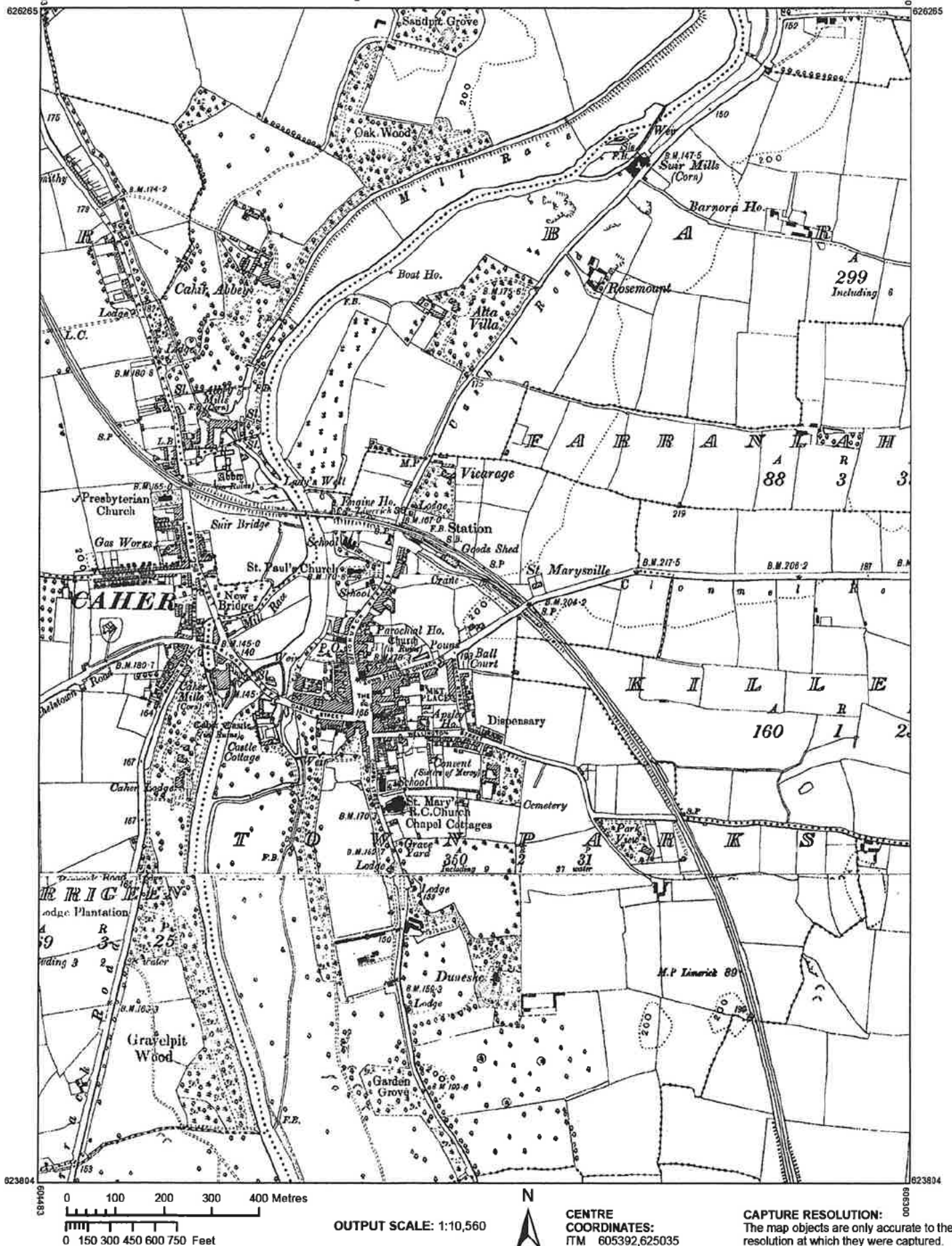
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture
scale. Further information is available at:
www.tailte.ie; search 'Capture Resolution'
LEGEND: To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



**Tailte
Éireann**

TIPPERARY COUNCIL
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FILE NO. S5126/111

Site Location Map



COMPILED AND PUBLISHED BY:

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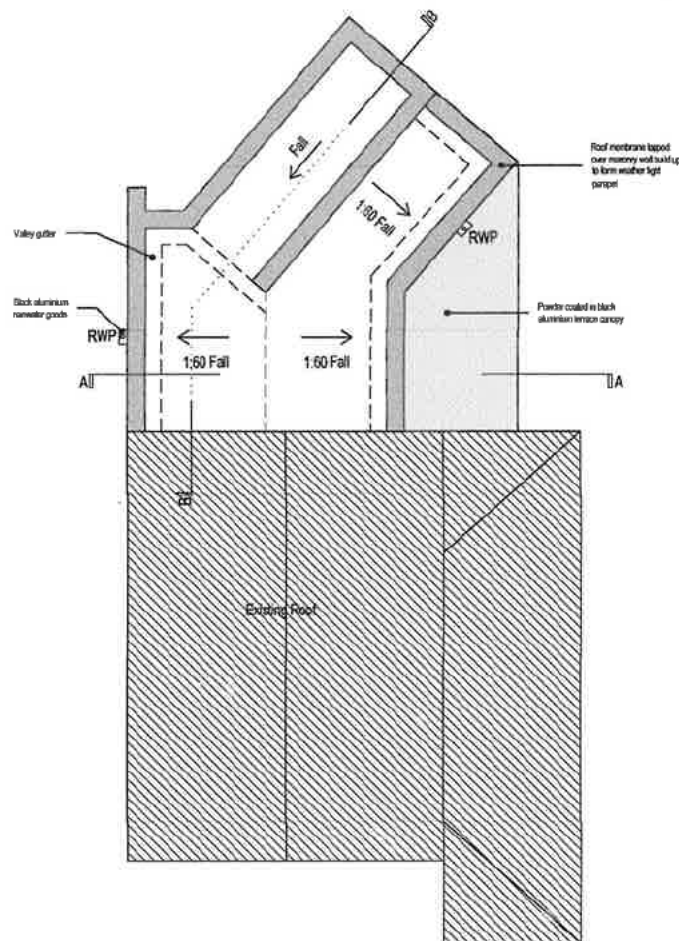
29 JUN 2026

PLANNING SECTION

FILE NO. 55126111

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PLANNING SECTION
FILE NO. SS/26/111



PROPOSED ROOF PLAN

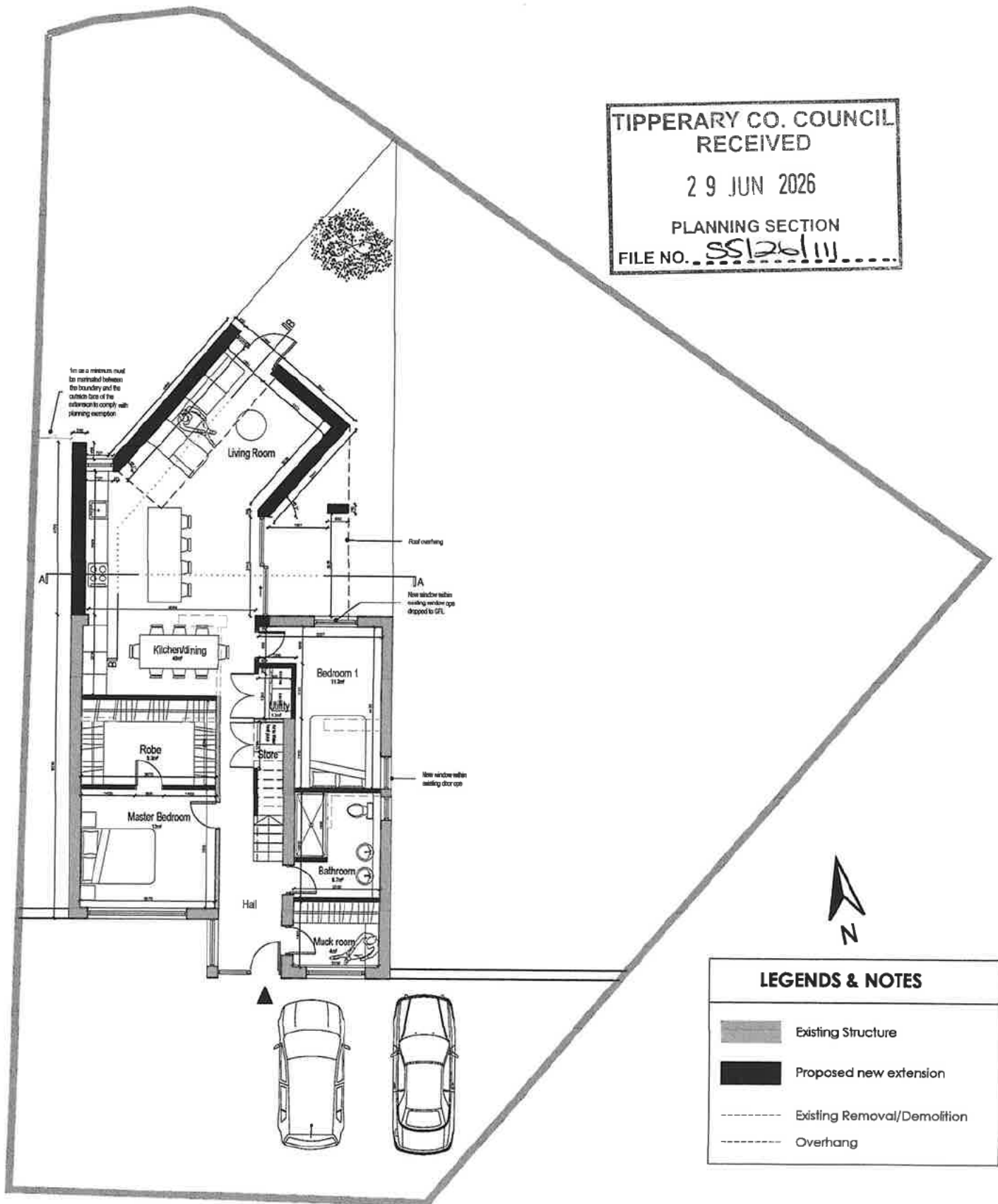


LEGENDS & NOTES

-  Existing Structure
-  Proposed new extension
-  Existing Removal/Demolition
-  Overhang

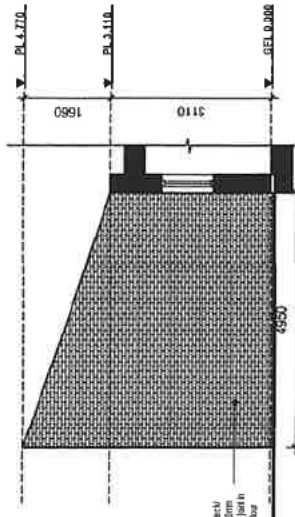
RIAI Registered Architect 2025 New Ross, Co. Wexford	EXTENSION at 7 BIRCHDALE, CLONMEL ROAD, CAHIR Co. TIPPERARY for Žilvė & Paulius	
	Prepared by-	ELVINAS PALCAUSKIS
	Date-	APRIL 2026
	Scale-	1:100 at A3
	Drawing Type-	PROPOSED ROOF PLAN
Stage:	Design	Drawing Number - PP-202

TIPPERARY CO. COUNCIL
RECEIVED
29 JUN 2026
PLANNING SECTION
FILE NO. SS/26/111

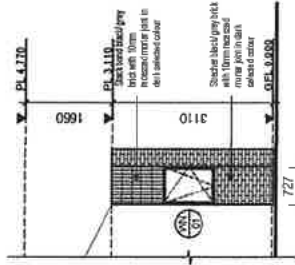


PROPOSED GROUND FLOOR PLAN

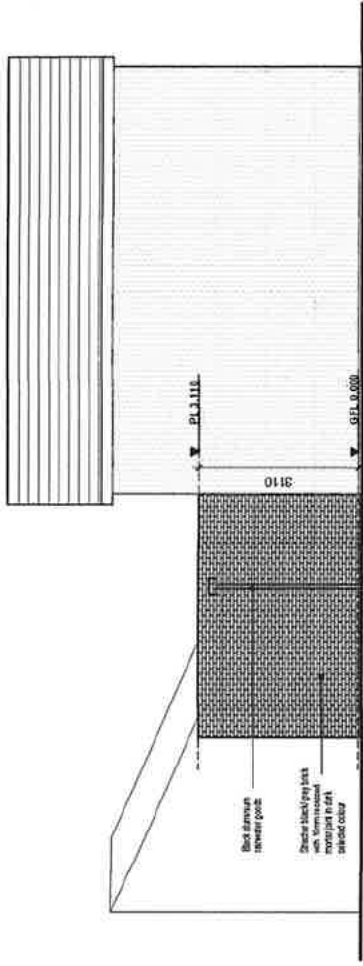
RIAI Registered Architect 2025 New Road, Co. Wexford	EXTENSION at 7 BIRCHDALE, CLONMEL ROAD, CAHIR Co. TIPPERARY for Zvile & Paulius	
	Prepared by-	ELVINAS PALCAUSKIS
Stage:	Date-	APRIL 2026
Design	Scale-	1:100 at A3
	Drawing Type-	PROPOSED FLOOR PLAN
	Drawing Number -	PP-201



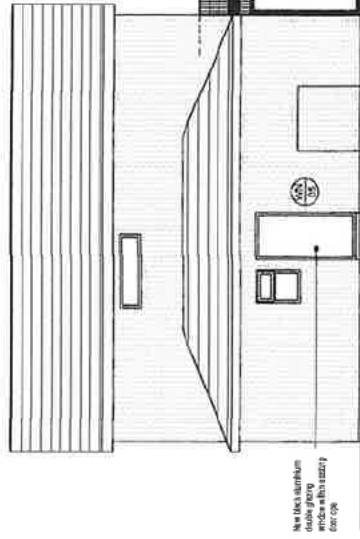
ELEVATION C



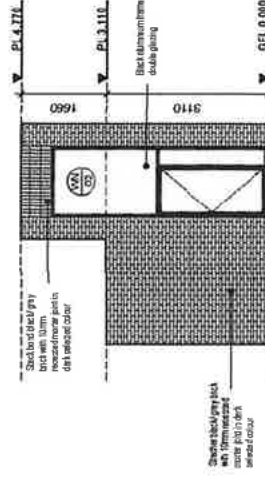
ELEVATION B



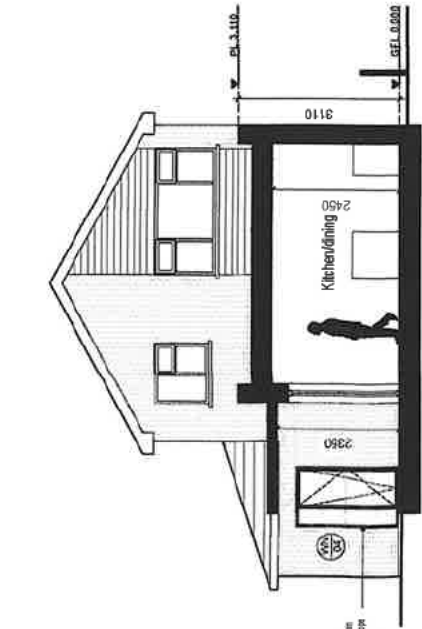
ELEVATION A



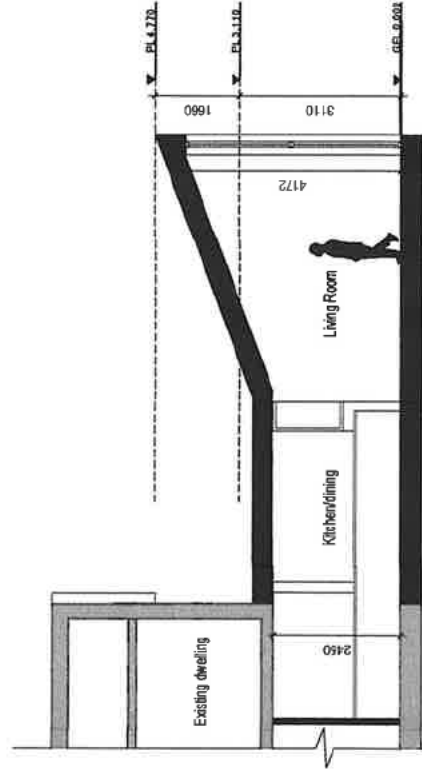
ELEVATION E



ELEVATION D

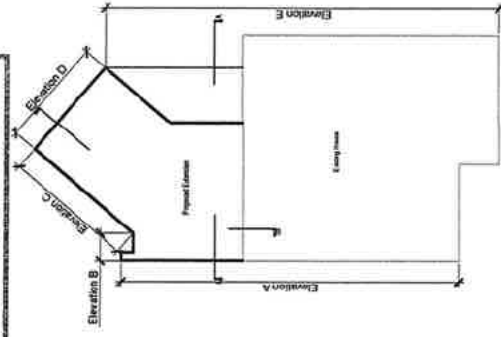


SECTION AA



SECTION BB

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29 JUN 2026
PLANNING SECTION
FILE NO. 22/2025



RIA
Registered Architect
2025
RIA Architects, Co. Wick
Stage: Design

EXTENSION at 7 BIRCHDALE, CLONMEL ROAD,
CHURCH CO. TIPPERARY for 2M18 & P1818
Prepared by: ELVINAS PALCAUSKIS
Date: APRIL 2025
Scale: 1:100 at A3
Drawing Type: PROPOSED ELEVATIONS
Drawing Number: PP-203



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

Our Ref: S5/26/111

29th June 2026

Zivile Menkeviciene,
15 Dun Uisce,
Cahir,
Co. Tipperary,
E21 KD74.

**Re: Application for a Section 5 Declaration – To build an extension
37.5 m2 at the back of the house at 7 Birchdale, Cahir, Co.
Tipperary, E21 W309.**

Dear Ms. Menkeviciene,

I wish to acknowledge receipt of your application for a Section 5 Declaration received on 29th June 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.: S5/26/111

Applicant: Zivile Menkeviciene

Development Address: 7 Birchdale, Cahir, Co. Tipperary, E21 W309

Proposed Development: To build an extension 37.5 m2 at the back of the house.

1. GENERAL

On the 29th of June 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”:

- To build an extension 37.5 m2 at the back of the house.

The site is located at 7 Birchdale, Cahir, Co. Tipperary, E21 W309.

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 detached dwelling at 7 Birchdale, Cahir, Co. Tipperary.

Figure 1 Site Location



b. Relevant Planning History

On site

P35466 - change of use from garage to childrens playroom - Granted.

P311613 reroofing and extension of residence - Granted

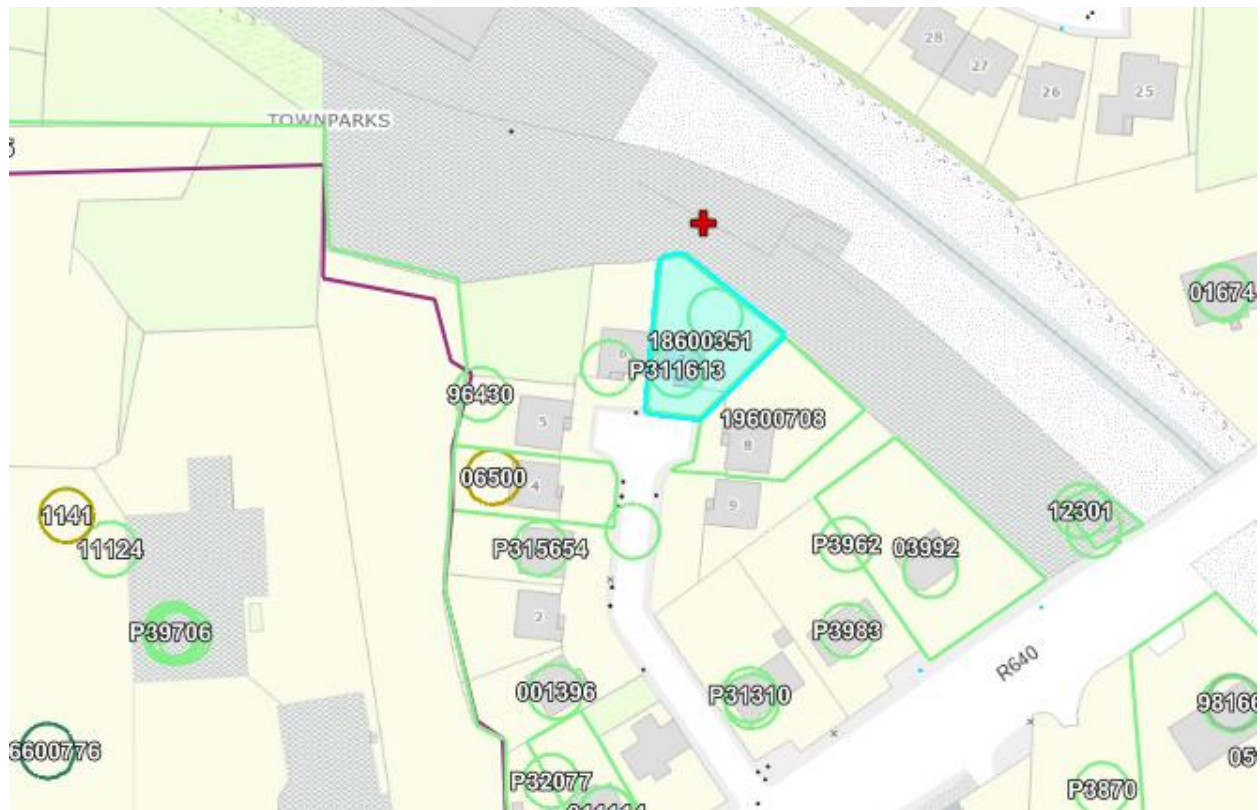
18/600351 - to retain front porch and for Permission to construct a lean to roof over existing single storey sections to the side and front of existing dwelling and all other associated site works – Granted

P33092 – Permission granted for 9 houses. There is no condition attached to the permission limiting exempted development rights.

Adjacent

None relevant

Figure 2 Planning history



c. Assessment

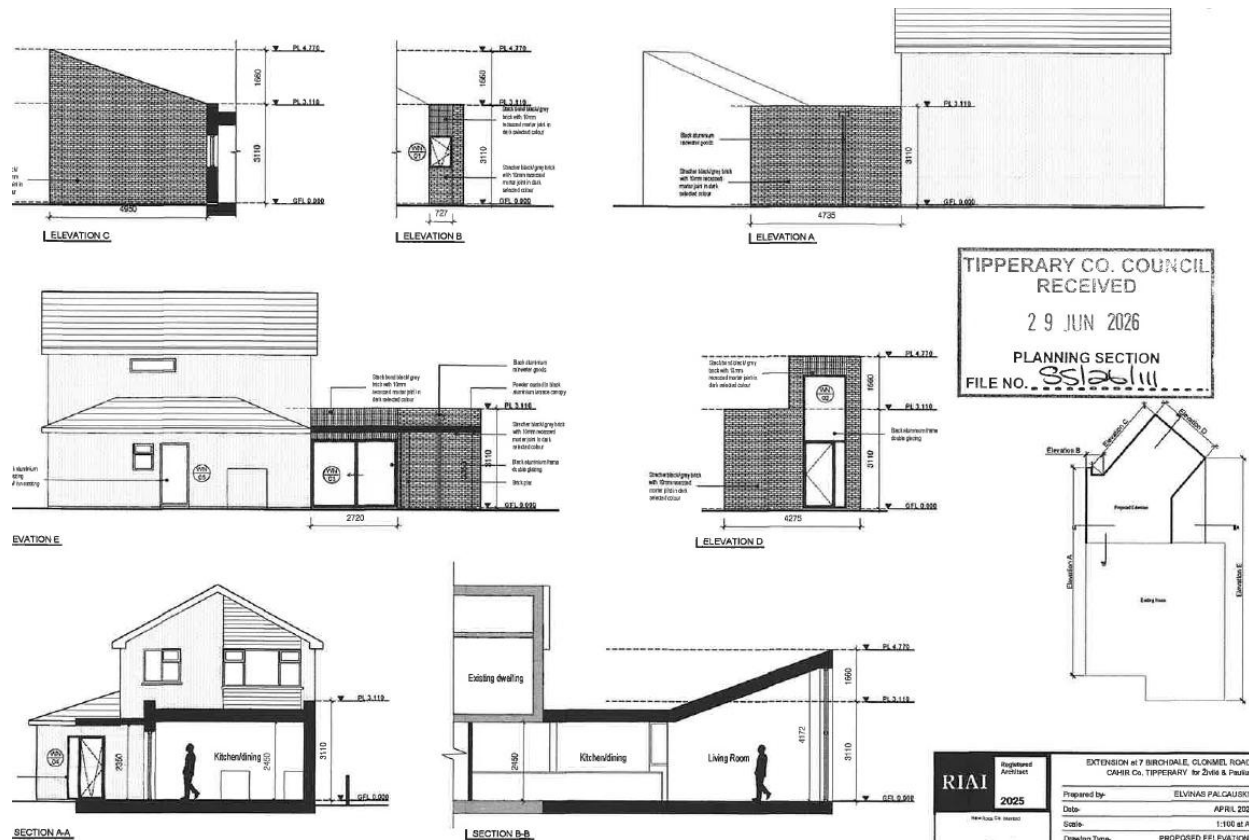
A) “Is or is not Development”

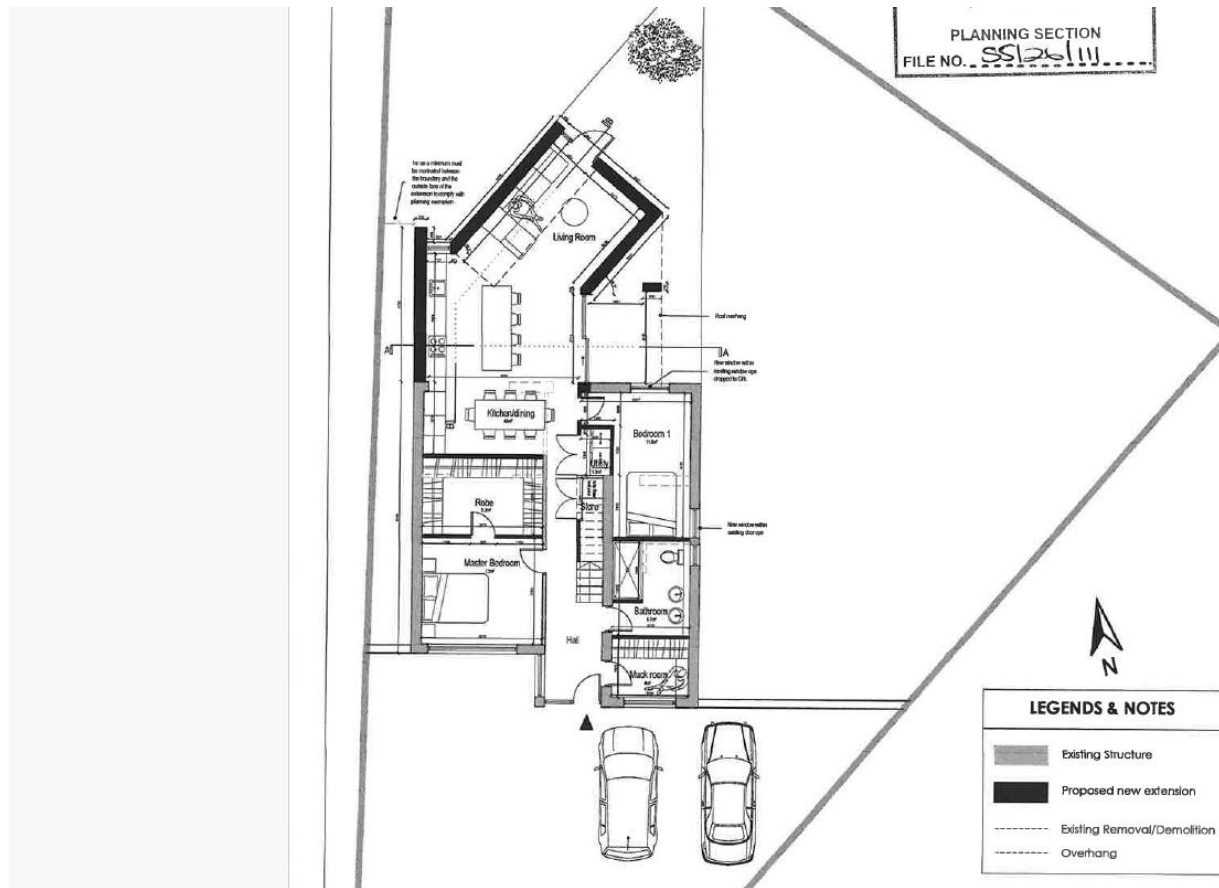
It is considered that the above listed proposal constitutes “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The works proposed comprise of the construction of a new domestic extension to the rear of the existing property. It will provide an additional 37.8 sqm of internal floor area. The structure is not located within an Architectural Conservation area, nor is it listed on the Record of Protected Structures.

Figure 3 Proposed elevation and plan





As set out in the Planning history, there have been a number of previous extensions on site, including the conversion of an attached garage to living space.

Condition 2 a of Schedule 2 Part 1 Class 1 states that 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.

Having regard to the scale of the rear extension proposed, when considered with the garage conversion, the Planning Authority considers that the 40 sqm limit has been exceeded.

The design of the extension is noted. It includes a monopitch roof element with walls extending to 4.77 metres in height.

Condition 4b states that 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. The rear wall of the subject house contains a gable. As illustrated in Fig. 3 above (elevation a) the height of the extension does matches with but does not exceed the height of the side wall of the house.

The extension does not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

The windows proposed at ground level are not less than 1 metre from the boundary they face.

C) Restrictions under Article 9

The development is not restricted by the conditions set out in Article 9.

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

The subject site is located c 400 ms from the Lower River Suir SAC (002137) and 8.7 kms from the Galtee Mountains SAC.

The proposed development is located within the curtilage of a residential dwelling and comprises of domestic extension to the rear of the property.

Having regard to:

- the small scale nature of the development,
- the location of the development relevant to the closest European site (lower River Suir,
- the absence of a direct pathway to these European sites,

it is considered that the proposed development would not 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.

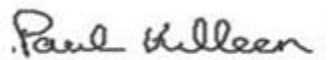
4. RECOMMENDATION

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 and
- (d) The details submitted with the application.

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 **NOT** “exempted development as the works proposed, when considered with previously extensions/conversions on site, exceed the 40 sqm limit set out under Condition 2 of Schedule 2, Part 1, Class 1 of the Planning & Development Regulations 2001, as amended.

Signed:



District planner

Date: 21/07/26

Signed:

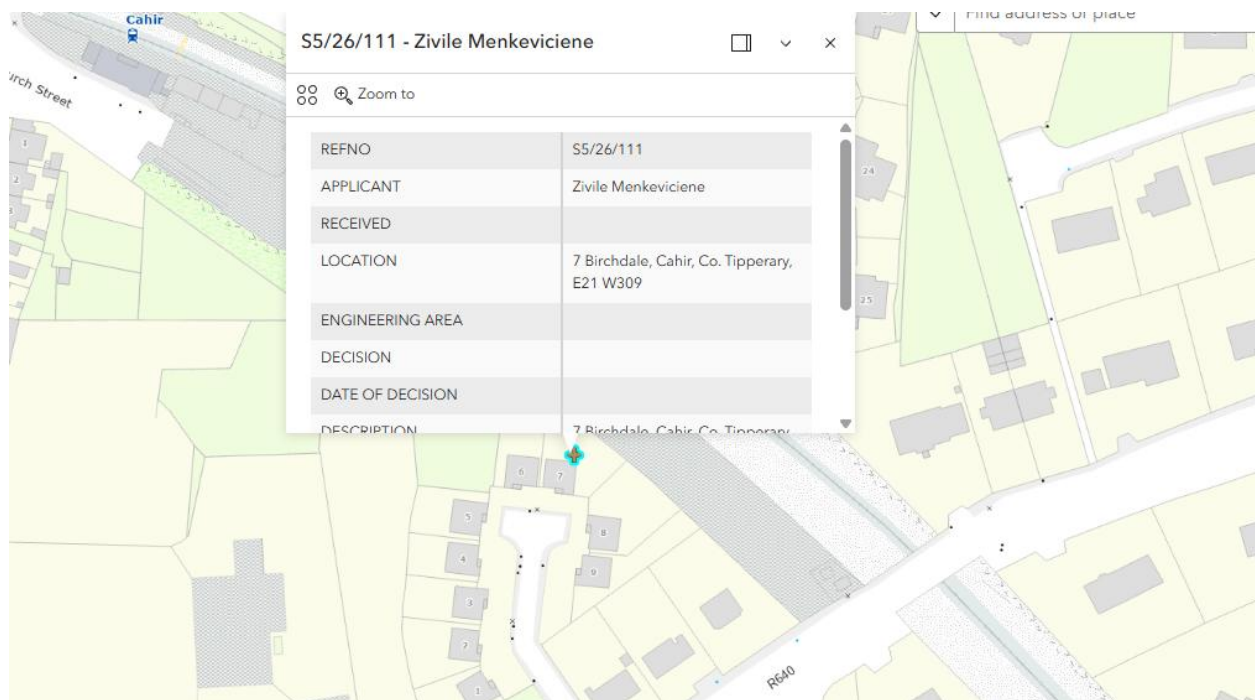


Senior Executive Planner

Date: 22.7.2026

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/111
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	☐ Yes, no further action required ☒ 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)	
☐ Yes, specify class _____	EIA is mandatory No Screening required
☒ 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)	
☒ No, the development is not a project listed in Schedule 5, Part 2	No Screening required
☐ 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
☐ 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?	
☐ Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
☐ No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 4 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/111** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Caroline Conway, Senior Executive Planner, 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. 47881 dated 7th July 2026 hereby order

that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Zivile Menkeviciene, 15 Dun Uisce, Cahir, Co. Tipperary, E21 KD74, re: To build an extension 37.5 m2 at the back of the house at 7 Birchdale, Cahir, Co. Tipperary, E21 W309 is development and 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 and
- d) The details submitted with the application.

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 **NOT** "exempted development as the works proposed, when considered with previously extensions/conversions on site, exceed the 40 sqm limit set out under Condition 2 of Schedule 2, Part 1, Class 1 of the Planning & Development Regulations 2001, as amended.



Signed:

**Caroline Conway
Senior Executive Planner**

Date: 22/07/2026



Date: 22nd July 2026

Our Ref: S5/26/111

Civic Offices, Nenagh

Zivile Menkeviciene
15 Dun Uisce
Cahir
Co. Tipperary
E21 KD74

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 29th June 2026 in relation to the following proposed works:

To build an extension 37.5 m2 at the back of the house at 7 Birchdale, Cahir, Co. Tipperary, E21 W309.

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

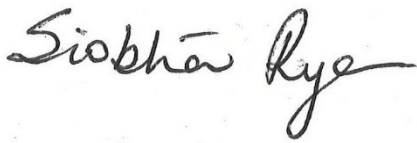
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

- 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 and
- d) The details submitted with the application.

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 **NOT** "exempted development as the works proposed, when considered with previously extensions/conversions on site, exceed the 40 sqm limit set out under Condition 2 of Schedule 2, Part 1, Class 1 of the Planning & Development Regulations 2001, as amended.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Coimisiún Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**