



Planning D8-epartment
Tipperary Council
Nenagh
Co.Tipperary

Tipperary County Council
Planning Section by email
Received: 13/07/2026

File ref: S5/26/118

the maisonette

sarsfield street

nenagh

co tipperary

t: 067 37676

f: 067 33580

m: 086 2302819

e: fred@hce.ie

w: www.hce.ie

111/07/2026 .

Re: Section 5 Application 2 Dublin Road Lower Nenagh For Sean O'Brien

Dear Sir /Madame,

Please find enclosed a revised application under **Section 5 of the Planning and Development Act 2000 (as amended)** seeking a declaration as to whether the proposed works at **2 Dublin Road, Nenagh, Co. Tipperary** constitute exempted development.

This submission is accompanied by a revised drawing package which has been prepared to address each of the matters raised in relation to the previous Section 5 application.

The revised application clarifies the following:

1. Works to the Existing Pitched Slate Roof

The previous submission did not adequately describe the extent of the proposed works to the existing slated roof. The enclosed drawings now clearly state that the works are limited to repair and renewal only, comprising the replacement of battens, roofing felt, slates, flashings and ridge tiles as necessary. These works **will not materially alter the appearance of the roof, nor will they alter its height, pitch or profile, or introduce dormers, roof extensions or significant rooflights**, as clearly noted on the revised elevations and sections.

2. Height of the Proposed Rear Extension

The previous application indicated an extension height which was considered marginally excessive. The design has now been revised so that **the proposed rear extension will be no higher than the existing rear eaves height of the dwelling**, as clearly dimensioned and annotated on the revised elevations and sections.

3. Removal of the Existing Shared Chimney

The previous submission appears to have been based on the understanding that the chimney served two separately owned properties. We wish to clarify that **our client is the owner of both No. 1 and No. 2 Dublin Road**, and therefore the chimney proposed for removal is entirely within his ownership and control. This is clearly indicated on the revised roof plan and elevations, which identify both houses as being owned by Mr. Sean O'Brien.

structural design services

civil engineering design

fire safety certificates
applications

planning applications

stage payment certificates

commercial building energy
rating assessments

director: fred hollywood
chartered engineer, ceng miei

We respectfully submit that these revisions fully address the issues identified in the previous application and provide the additional information required to enable the Planning Authority to make a determination.

We would also respectfully draw the Council's attention to the fact that this project is being undertaken with the assistance of the **Vacant Property Refurbishment Grant**. The grant is subject to time constraints, and the contractor appointed for the works is ready to commence construction immediately upon receipt of the necessary declaration.

Our client is



In light of the above, we would be grateful if this revised Section 5 application could be processed at your earliest convenience.

Should any further clarification or additional information be required, please do not hesitate to contact the undersigned.

Yours faithfully,

Fred

Yours sincerely



Fred Hollywood
Chartered Engineer MIEI



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

<i>Applicant</i>	SEAN O BRIEN
<i>Address</i>	69 GRANGE ROAD, RATHFARNHAM DUBLIN 14
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	FRED HOLLYWOOD CONSULTING ENGINEERS
<i>Address</i>	NEWTOWN NENAGH E45XK84
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [☐] Agent [☒]	

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	2 LOWER DUBLIN ROAD NENAGH COUNTY TIPPERARY
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4. Development Details:

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

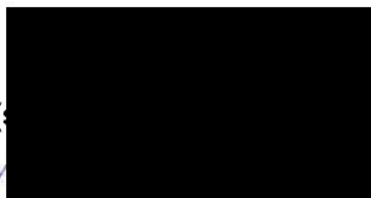
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.

RENOVATION OF DERALICT HOUSE - REMOVAL OF EXISTING 1ST FLOOR
SINGLE STOREY EXTENSION TO THE REAR AND FRONT ACCESS PORCH
Reslatting & Repair of existing pitched roof
Proposed floor area of proposed works/uses: 69 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 ☒	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:

09/07/2026

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	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires: Telephone 0818 06 5000 E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

Fee Recd. € <u>80.00</u> Receipt No <u>205541</u> Date <u>13/07/2026</u> Received by <u>C. Ahern</u>	<u>DATE STAMP</u> Tipperary County Council Planning Section by email Received: 13/07/2026 File ref: S5/26/118
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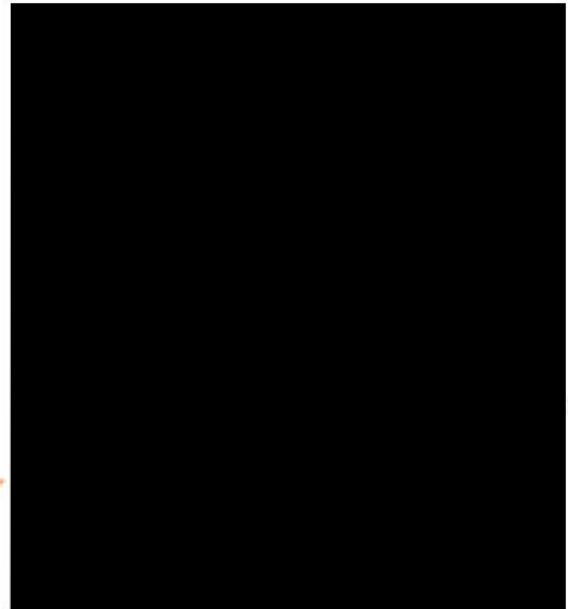


Tipperary County Council
Civic Offices
Clonmel
Co Tipperary

13/07/2026 09:59:48

Receipt No. : CLONMEL/0/205541

SEAN O BRIEN
MAYFLY COTTAGE
DROMINEER
NENAGH
CO TIPPERARY



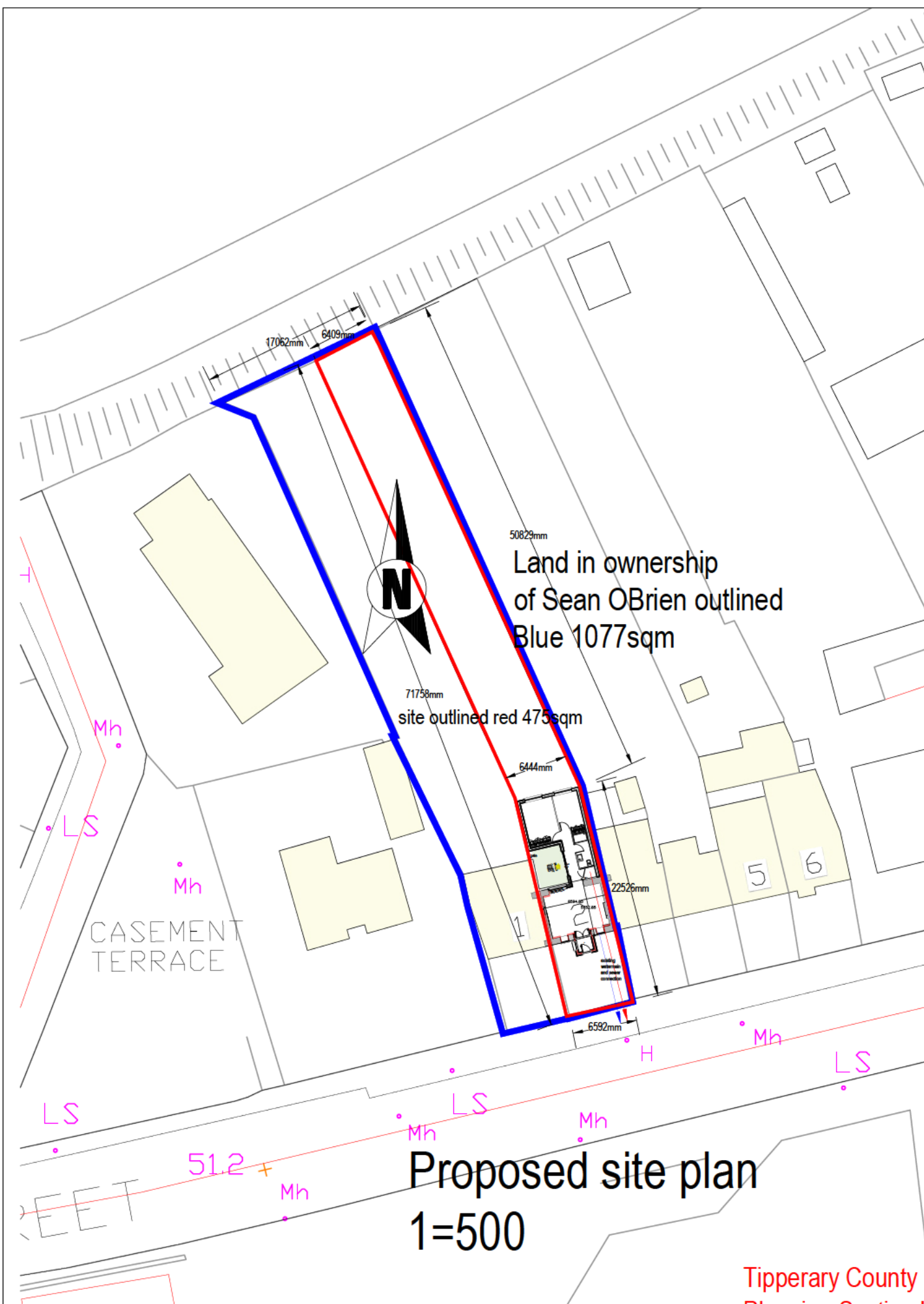
SECTION5 EXEMPTION DECLARATION 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

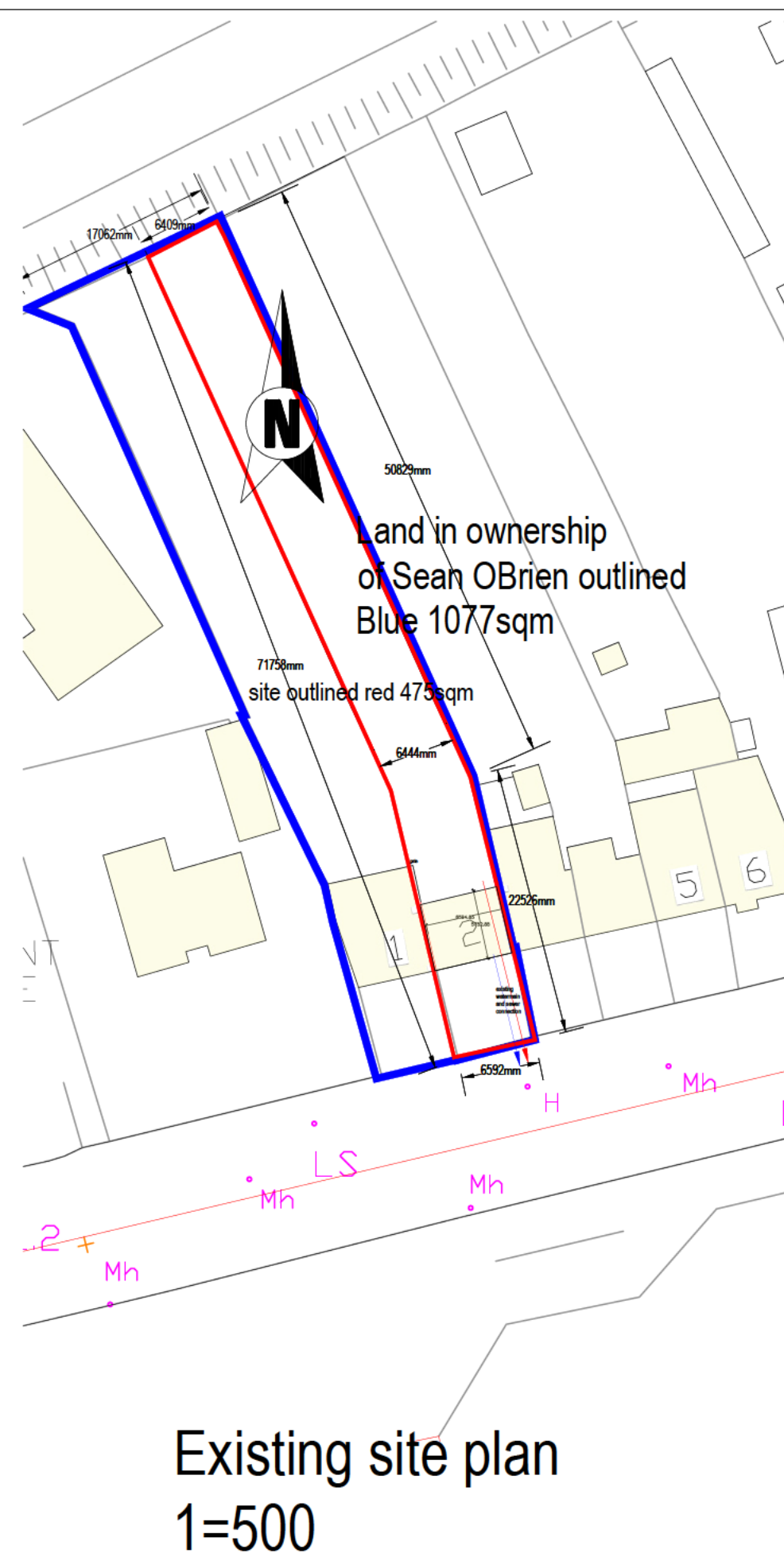
Tendered :
Credit Card 80.00

Change : 0.00

Issued By : CATHERINE AHERN
From : CLONMEL TOWN RECEIPTS DESK
Vat reg No.3259712MH



Tipperary County Council
Planning Section by email
Received: 13/07/2026
File ref: S5/26/118



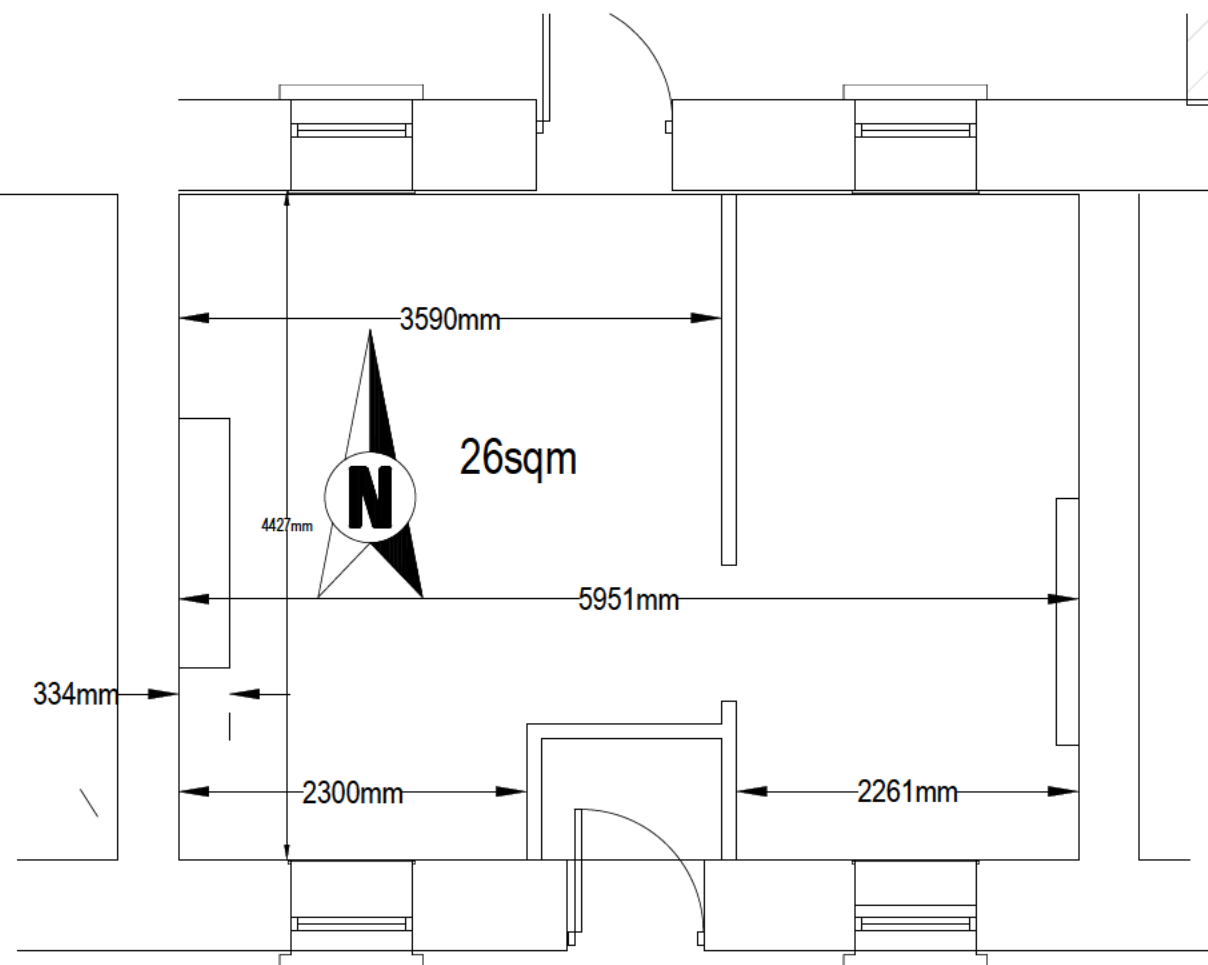
REVISION DETAILS	DATE

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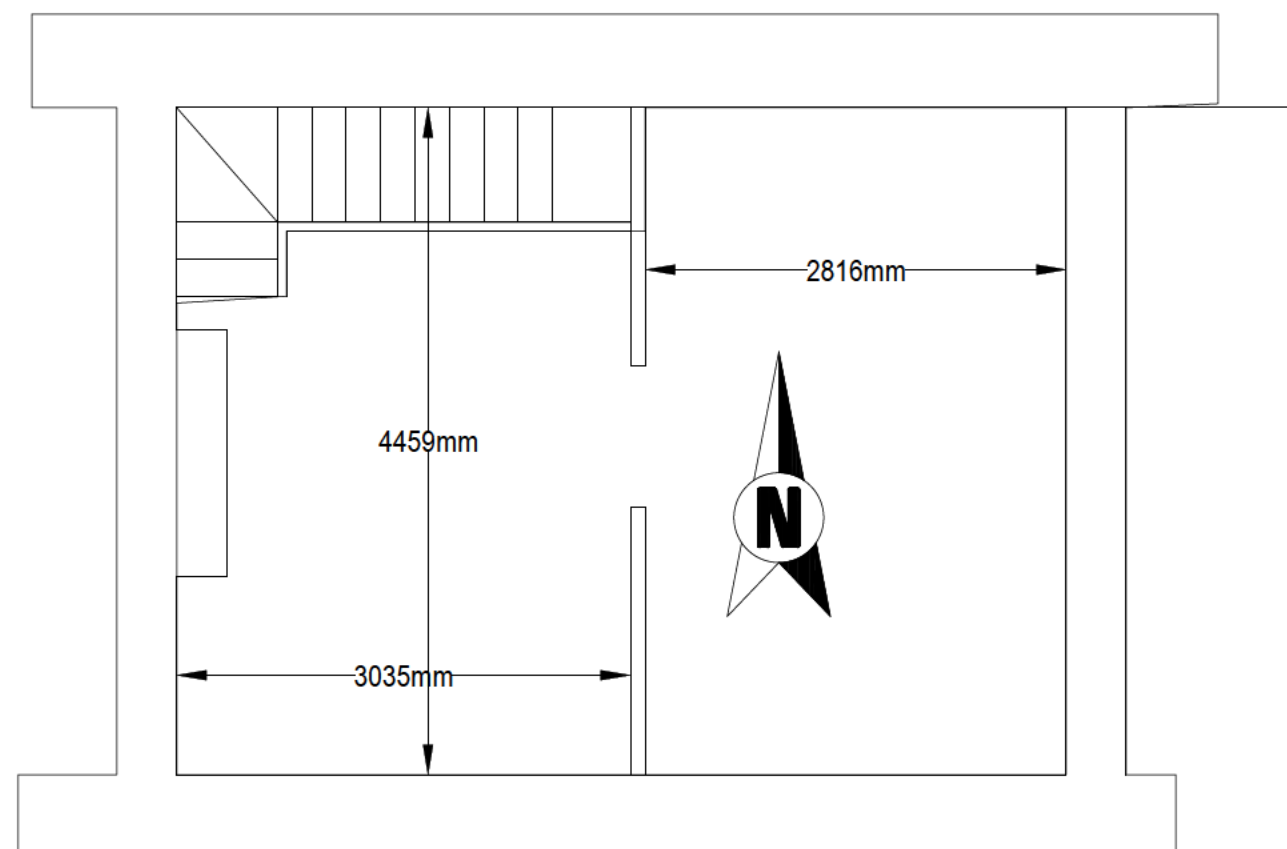
ALL DRAWINGS REMAIN THE PROPERTY OF THE CONSULTANTS. ALL DIMENSIONS TO BE VERIFIED AND CHECKED ON SITE. CONSULTANTS TO BE INFORMED OF ANY DISCREPANCIES BEFORE WORK PROCEEDS.

Issue:	
Project:	HOUSE RENOVATION DUBLIN ROAD
Client:	SEAN O BRIEN
Drawing Title:	SITE PLAN
Drawn:	Scale: 1=500
Checked:	Date: 11/04/25
hollywood construction engineering ltd	
the maisonette sarsfield street nenagh co. tipperary	
phone: 067-37878 fax: 067-33580 mobile: 088-2322819 e-mail: fred@hce.ie	
Project No.	Drawing No.
23-100	0
Revision	

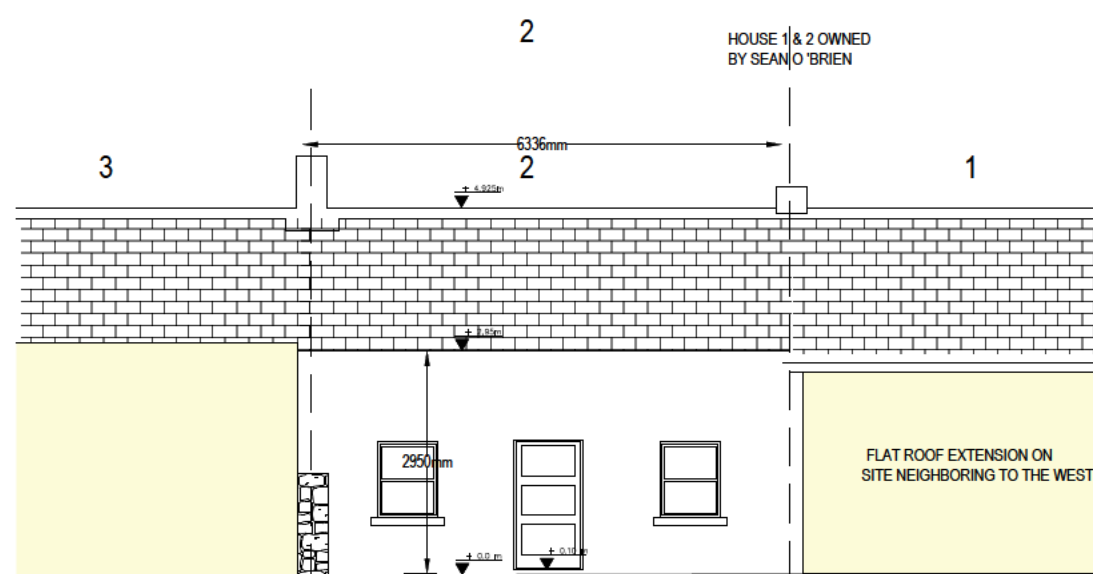
REVISION DETAILS		DATE
01	LEVELS ADDED	14/08/26
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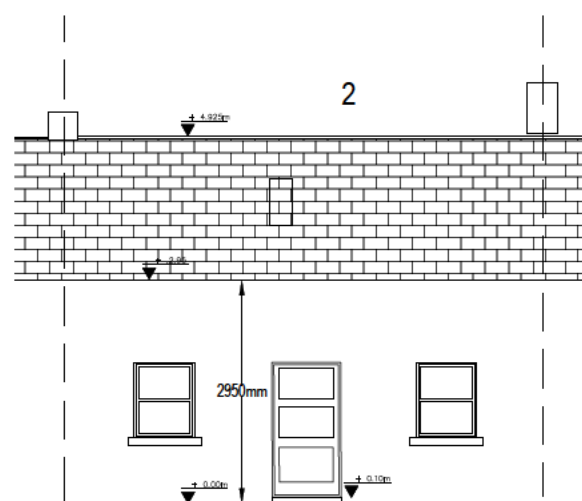
Ground floor 1=50
total area of existing floor area
=27m²



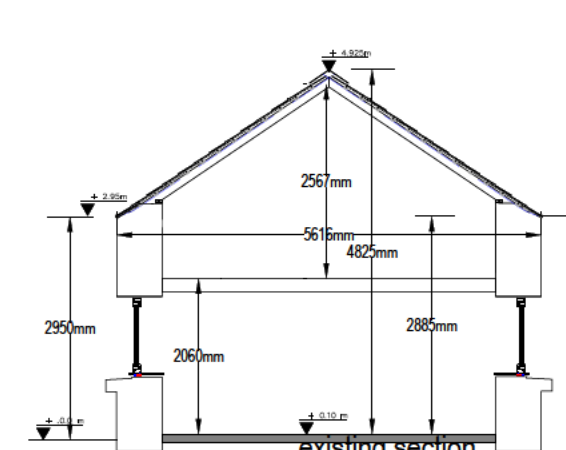
Existing 1st floor 1=50
23.6m²



existing rear 1=100

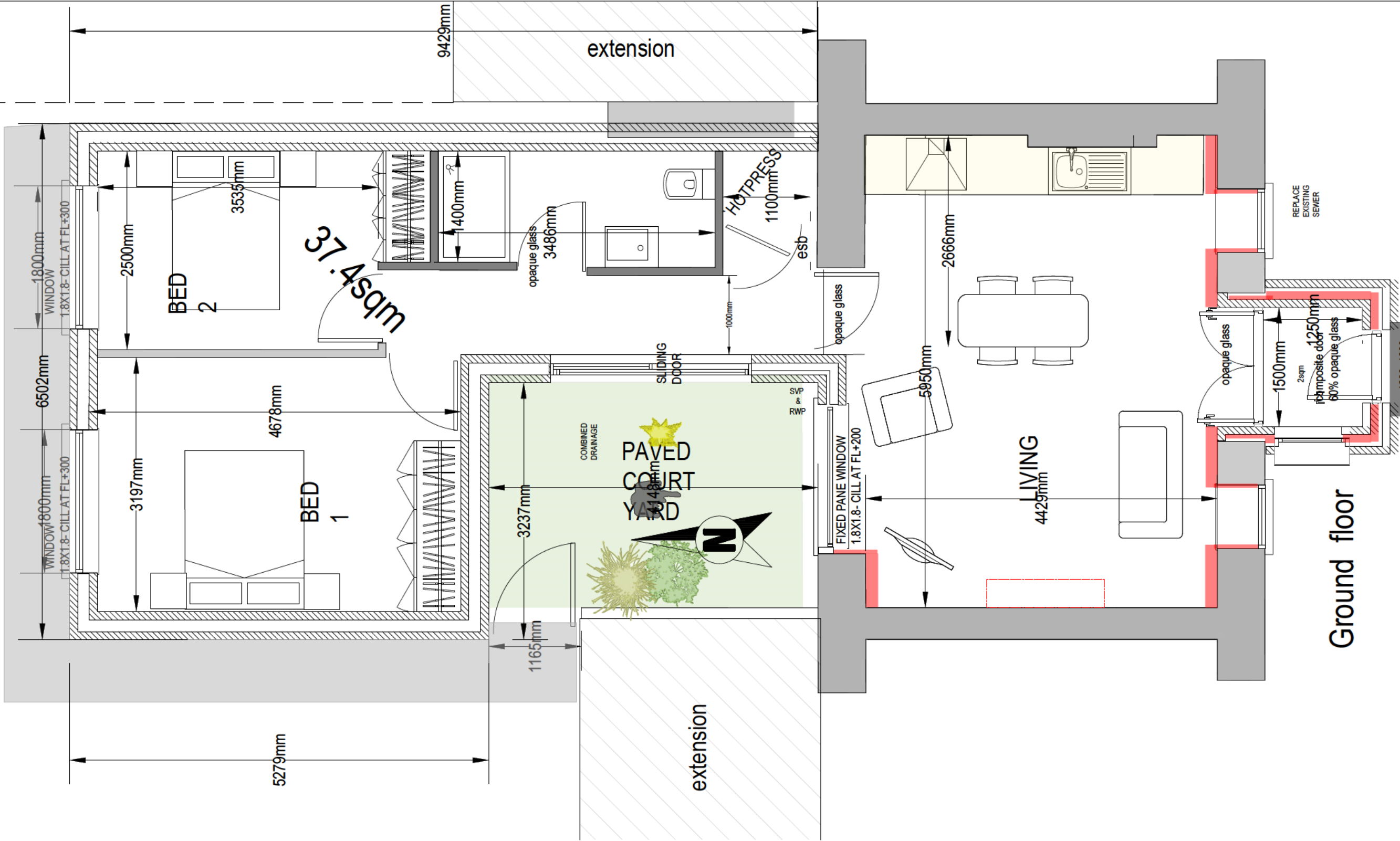


existing front 1=50



existing section
1=50

Issue:			
Project:			
HOUSE RENOVATION DUBLIN ROAD			
Client:			
SEAN O BRIEN			
Drawing Title:			
EXISTING			
Drawn:	Scale:	Checked:	Date:
	SHOWN		11/04/25
hollywood construction engineering ltd			
the maisonette sarsfield street nenagh co. tipperary phone: 067-37676 fax: 067-33580 mobile: 086-2322819 e-mail: fred@hoe.ie			
Project No.	Drawing No.	Revision	
23-100	01	01	



Ground floor

total ground floor area proposed 67m²
(of which front porch = 1.9m²)
total area of existing floor area = 27m²

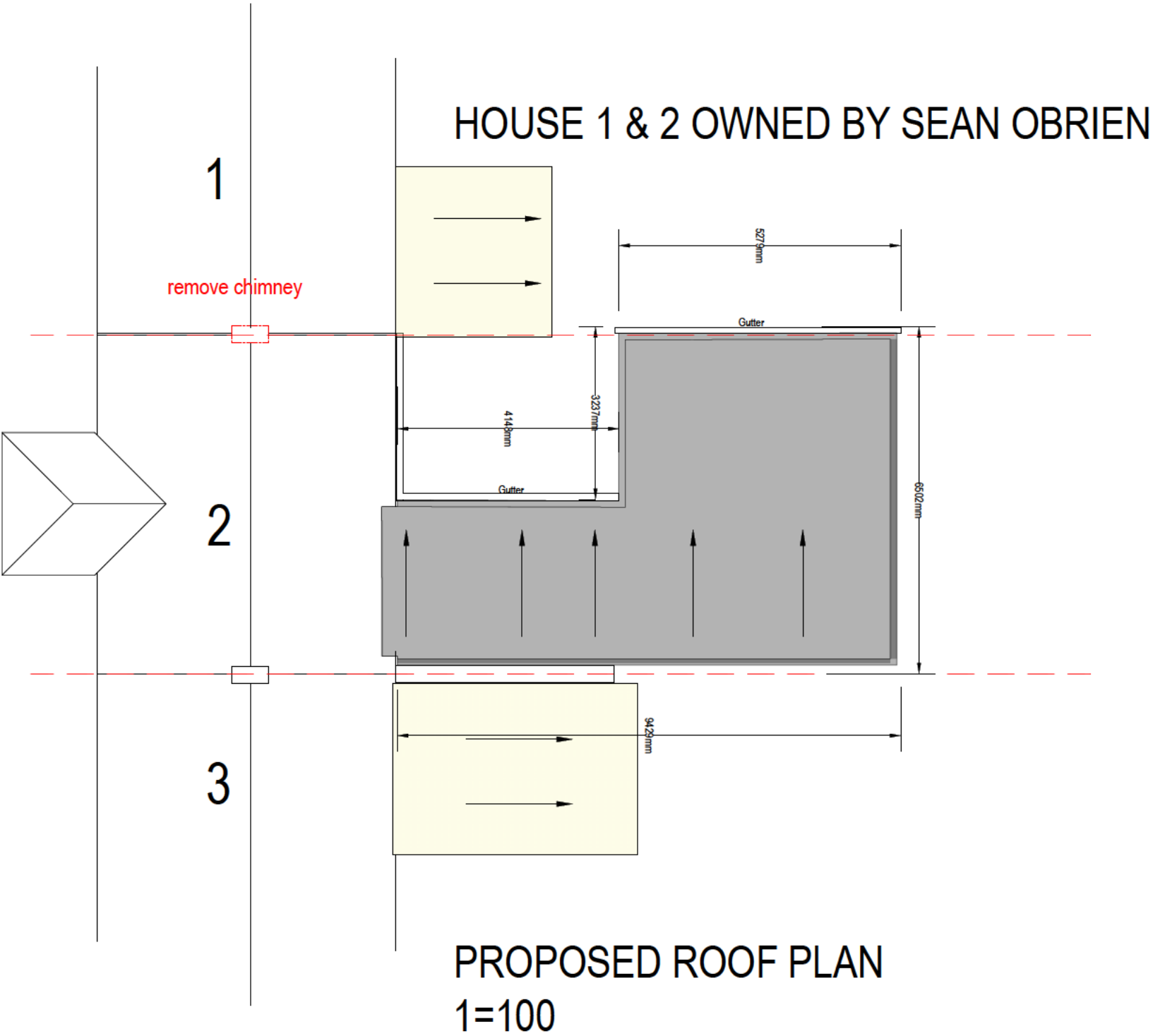
REVISION DETAILS		DATE
COPYRIGHT OF THE CONSULTANTS AND MUST NOT BE REPRODUCED WITHOUT THEIR WRITTEN CONSENT.		
ALL DRAWINGS REMAIN THE PROPERTY OF THE CONSULTANTS. ALL DIMENSIONS TO BE VERIFIED AND CHECKED ON SITE. CONSULTANTS TO BE INFORMED OF ANY DISCREPANCIES BEFORE WORK PROCEEDS.		

Issue:			
Project:			
HOUSE RENOVATION DUBLIN ROAD			
Client:			
SEAN O BRIEN			
Drawing Title:			
PROPOSED FLOOR PLAN			
Drawn:	Scale:	Checked:	Date:
	1=50		11/04/25
hollywood construction engineering ltd			
the maisonette sarsfield street nenagh co. tipperary			
phone: 067-37676 fax: 067-33580 mobile: 086-2322819 e-mail: fred@hce.ie			
economy through design			
Project No.	Drawing No.	Revision	
23-100	02		

REVISION DETAILS	DATE

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Issue:
Project:
HOUSE RENOVATION DUBLIN ROAD
Client:
SEAN O BRIEN
Drawing Title:
PROPOSED ROOF PLAN

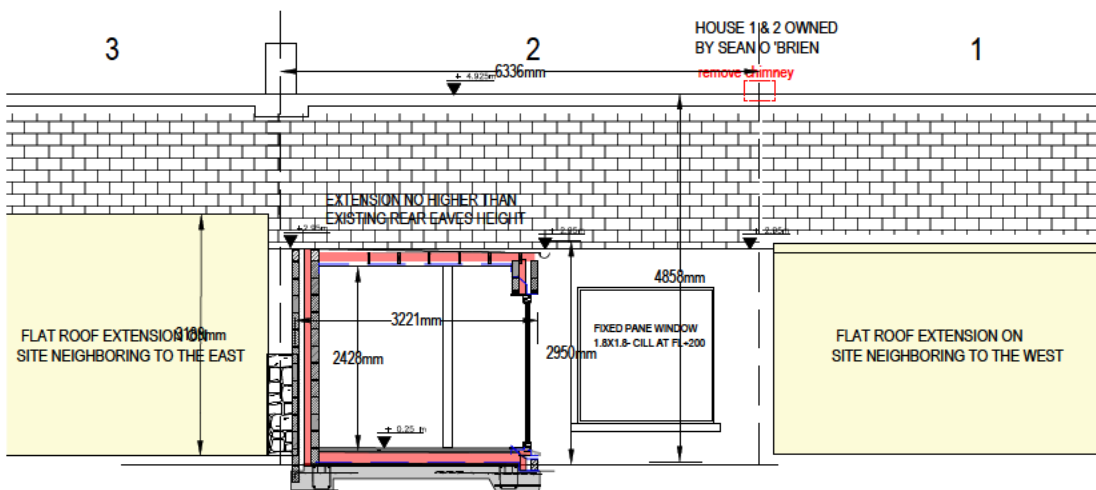
Drawn:	Scale:	Checked:	Date:
	1=50		11/04/25

hollywood construction engineering ltd

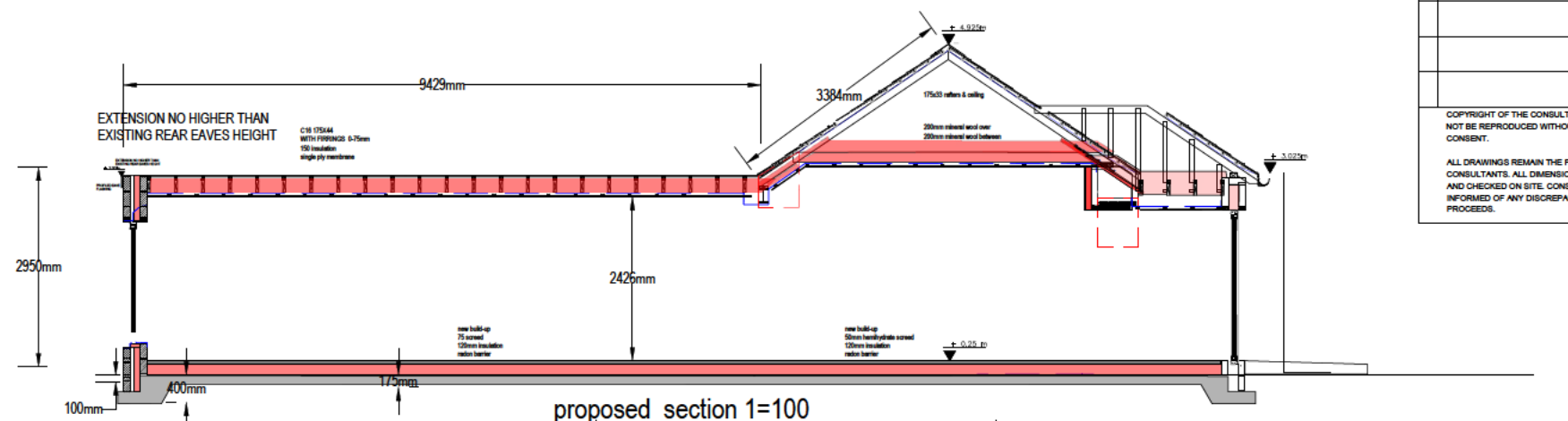
the maisonette
sarsfield street
nenagh
co. tipperary
phone: 067-37676
fax : 067-33580
mobile: 086-2322819
e-mail: fred@hoe.ie

Project No.	Drawing No.	Revision
23-100	04	

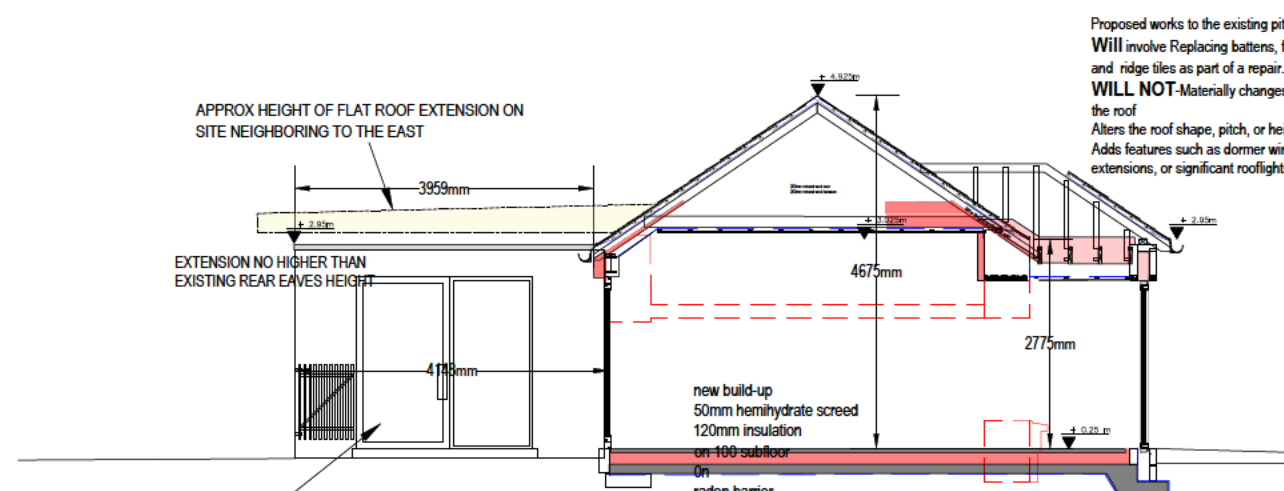
REVISION DETAILS		DATE
01	REVISED EAVES HEIGHT	14/08/26
02	EXTENSION HT LOWERED	10/07/26
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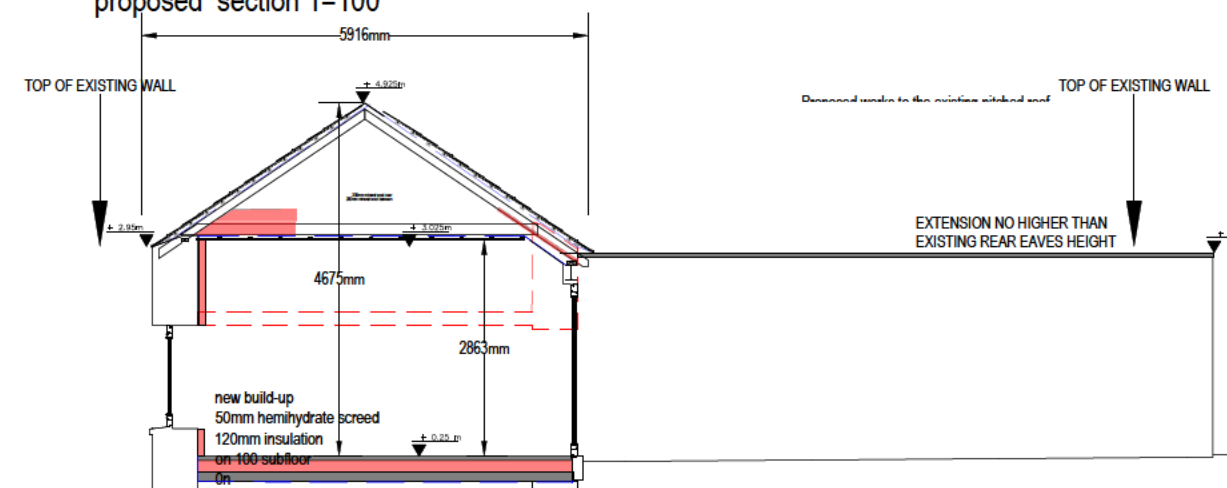
Section through extension looking South
1=100



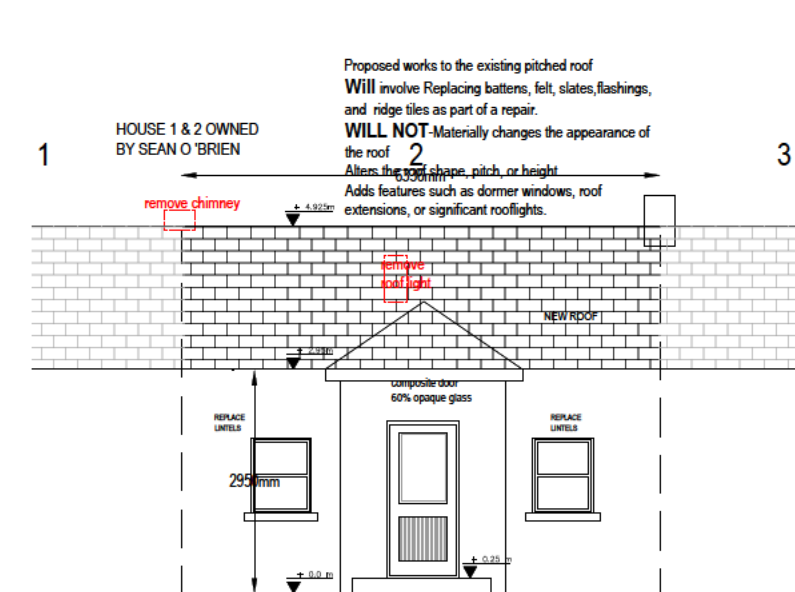
proposed section 1=100



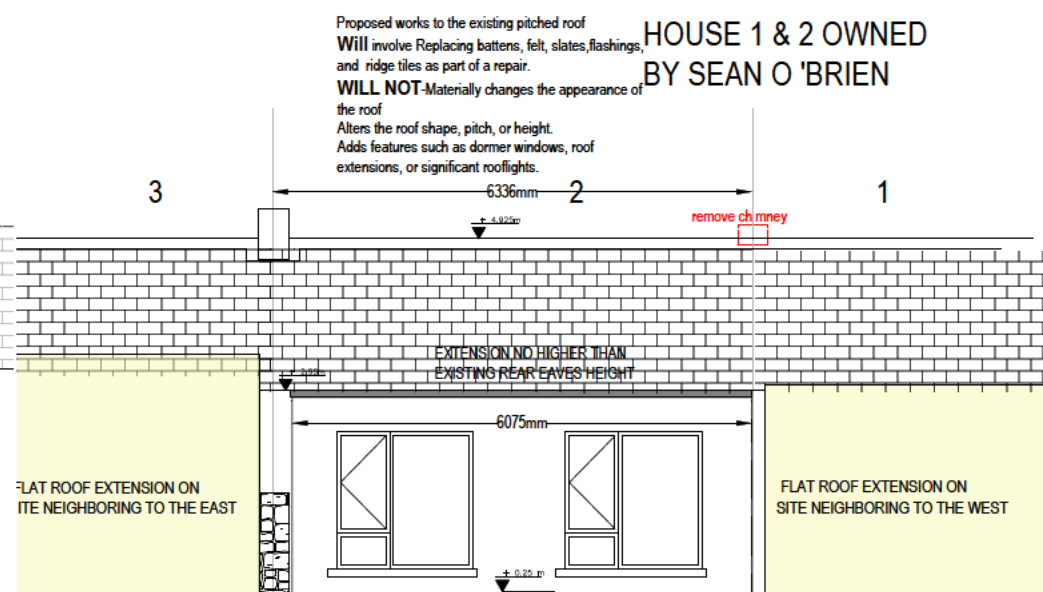
proposed Side elevation Looking East
1=100



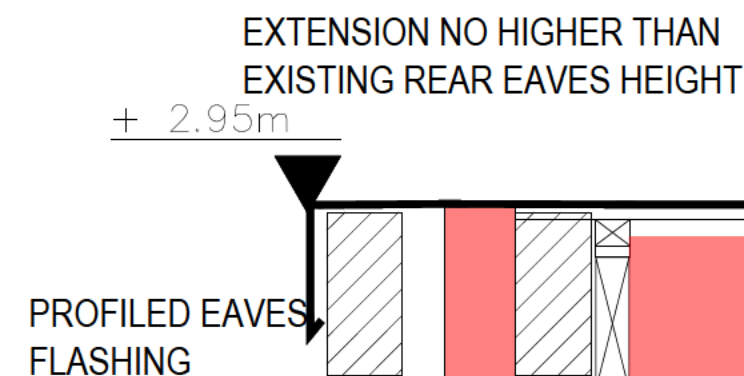
proposed Side elevation looking West



proposed front =100



Proposed Rear Elevation 1=100

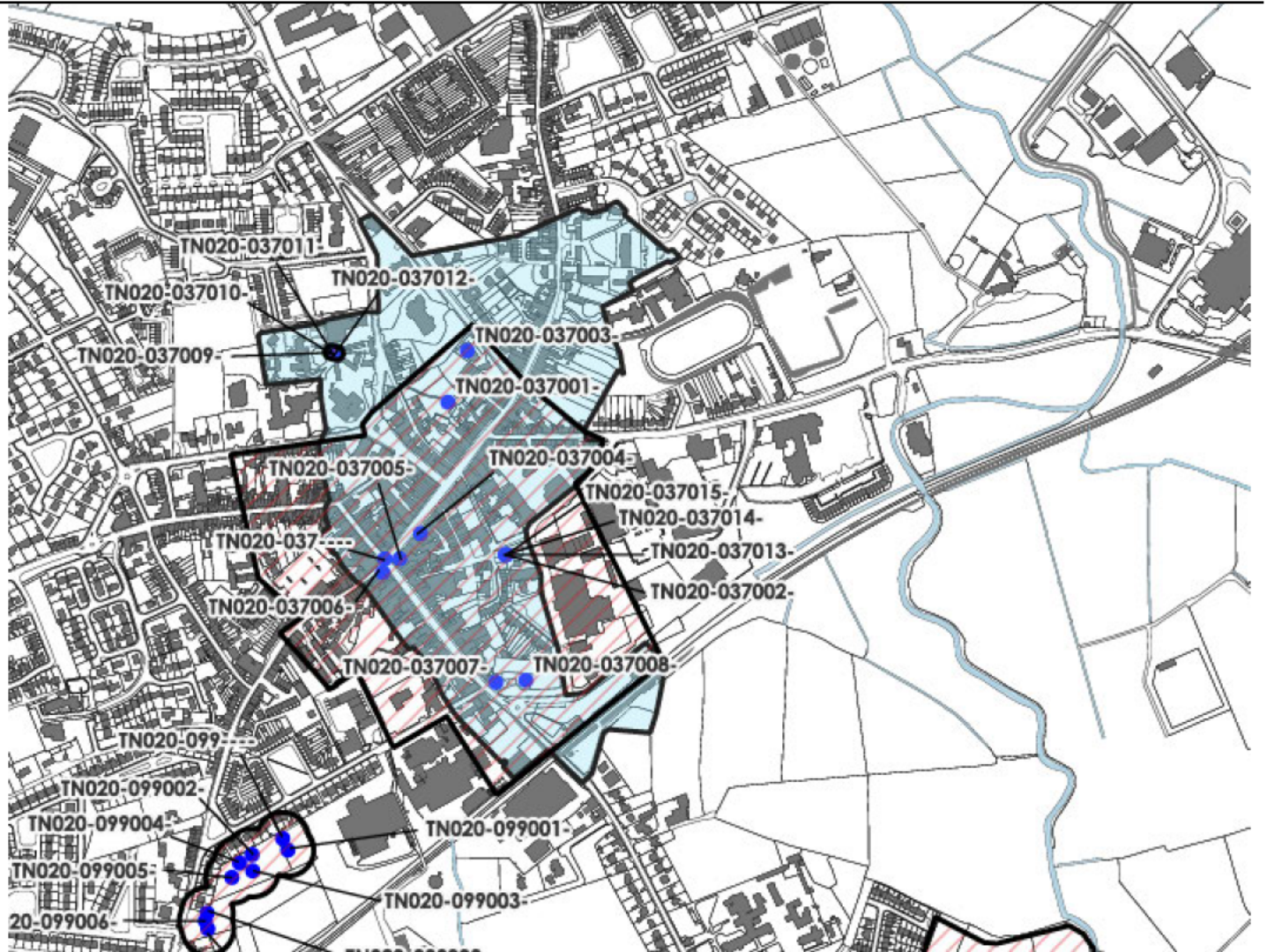


Issue:	
Project:	
HOUSE RENOVATION DUBLIN ROAD	
Client:	
SEAN O'BRIEN	
Drawing Title:	
PROPOSED ELEVATIONS & SECTIONS	
Drawn:	Scale:
1=100	Checked:
Date:	11/04/25
hollywood construction engineering ltd	
the maisonette sarsfield street nenagh co. tipperary	
phone: 067-37676 fax: 067-33580 mobile: 086-2322819 e-mail: fred@hoe.ie	
Project No.	Drawing No.
23-100	03
Revision	02



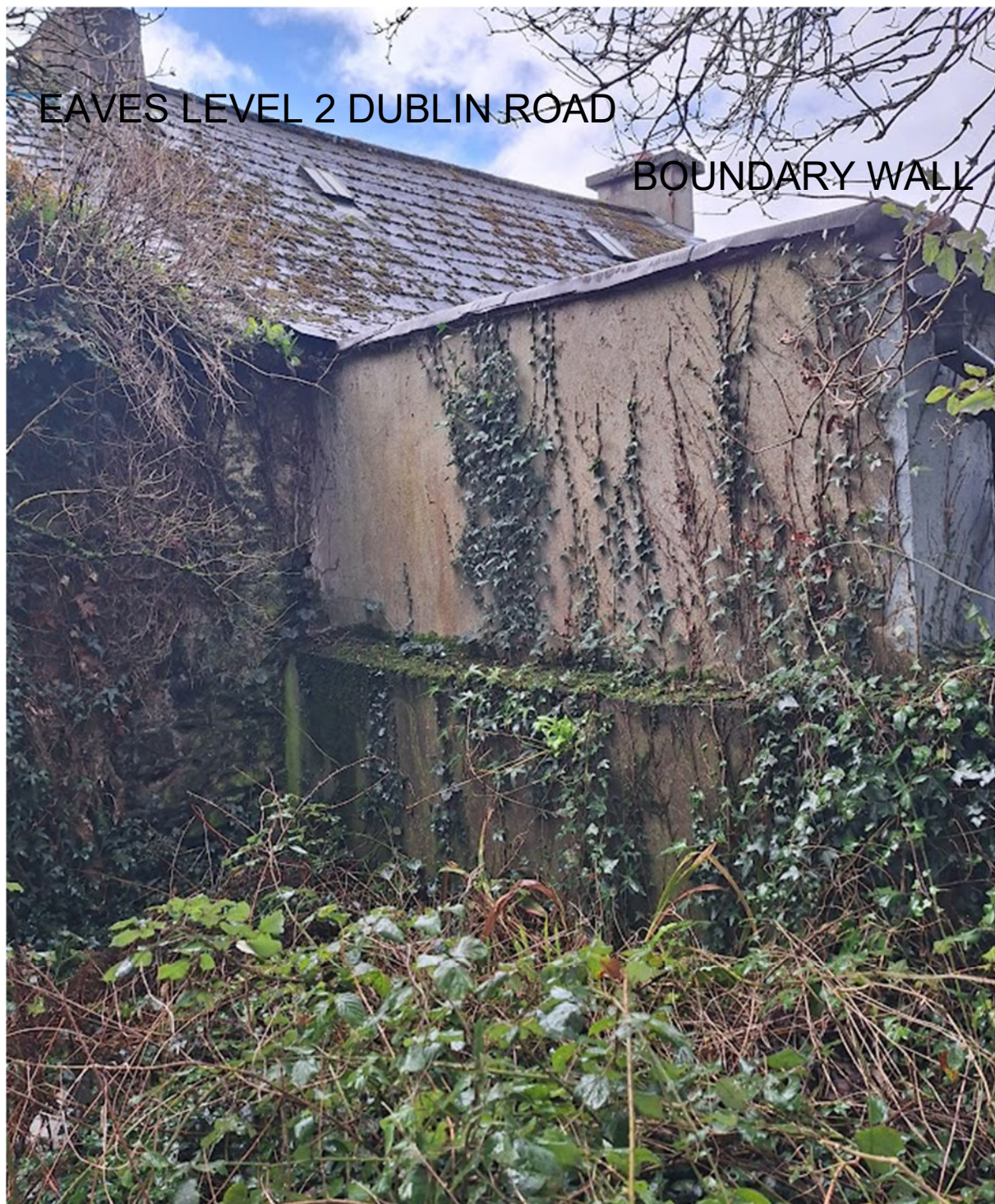
date: client:

job no: job:

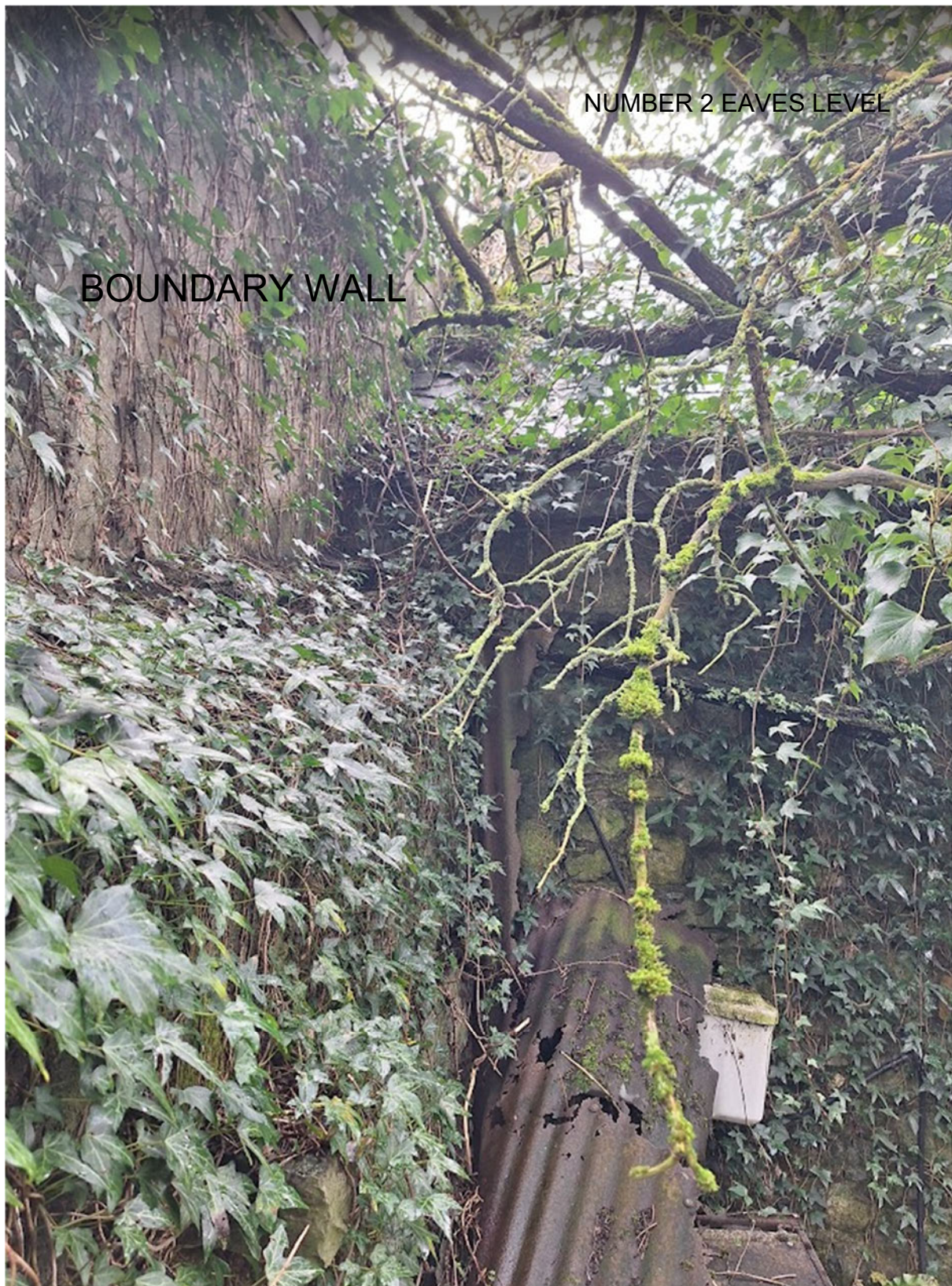




FRONT ELEVATION FACING DUBLIN ROAD



REAR ELEVATION- EXTENSION TO NUMBER 2 DUBLIN ROAD ADJACENT



REAR ELEVATION -EXISTING EXTENSION TO NUMBER 3 DUBLIN ROAD
ON SITE ADJACENT



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: S5/26/118

13th July 2026

Sean O'Brien,
C/O Fred Hollywood Consulting Engineers,
Newtown,
Nenagh,
Co. Tipperary,
E45 Xk84.

Re: Application for a Section 5 Declaration – Renovation of derelict house, removal of existing 1st floor single storey extension to the rear and front access porch, reslating and repair of existing roof at 2 Lower Dublin Road, Nenagh, Co. Tipperary.

Dear Mr. Hollywood,

I wish to acknowledge receipt of your application for a Section 5 Declaration received on 13th July 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.: S5/26/118

Applicant: Sean O Brien

Development Address: 2 Lower Dublin Road, Nenagh, Co. Tipperary

Proposed Development: Renovation of derelict house: removal of existing 1st floor, single storey extension to the rear and front access porch, re-slatting and repair of existing roof, removal of chimney

1. GENERAL

On the 13/07/2026, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at 2 Lower Dublin Road, Nenagh, Co. Tipperary

- Renovation of derelict house, removal of existing 1st floor, single storey extension to the rear and front access porch, re-slatting and repair of existing roof, removal of chimney

2. STATUTORY PROVISIONS

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) of the Planning and Development Act, 2000, as amended states:

- 4.- (1) *The following shall be exempted developments for the purposes of this Act—*
- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or

(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:

4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

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

Description of Development

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 45 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 45 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 total area of private open space within the curtilage of the house, reserved exclusively for the use of the occupants 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 8 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 8 metres from the boundary it faces.
6. The roof of any extension shall not be used as a balcony or terrace.
 7. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.

Class 2A

The removal of a chimney from a house.

Conditions and Limitations

1. No chimney shall be removed where it forms part of a joint chimney stack with a separate dwelling house.
2. Roof finishes shall be the same as the existing roof.
3. This exemption is subject to compliance with Section 22 (protection of nests of wild birds) and Section 23 (breeding or resting places of protected wild animals including bats) of the Wildlife Act 1976, as amended.

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) 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—

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

3. ASSESSMENT

a. Site Location

The site is located at no. 2 Lower Dublin Road in Nenagh. It contains a mid-terrace single storey dwelling

b. Relevant Planning History

N/1791 - Planning permission granted for Reconstruction and Extend dwelling

S5/26/75 - Renovation of derelict house, removal of existing 1st floor single storey extension to the rear and front access porch – Not exempt

c. Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

▪ **Re-slatting and repair of existing roof**

It is noted that the declaration request relates the renovation of a derelict house, including re-slatting and repair of existing roof.

The drawings state that the proposed works to the existing pitched roof:

- **Will** involve Replacing battens, felt, slates, flashings, and ridge tiles as part of a repair.
- **WILL NOT** Materially change the appearance of the roof; alter the roof shape, pitch, or height; add features such as dormer windows, roof extensions, or significant rooflights.

The re-slatting and repair of existing roof constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development, pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

▪ **Removal of Chimney**

The submitted plans show 2 no. chimneys attached to the subject property, which traverse the party boundary on both sides. One of the chimneys would be removed in order to facilitate the proposed development.

Class 2A of the Planning and Development Regulations 2001, as amended, reads as follows:

Class 2A	Conditions / Limitations
The removal of a chimney from a house.	1. No chimney shall be removed where it forms part of a joint chimney stack with a separate dwelling house. 2. Roof finishes shall be the same as the existing roof. 3. This exemption is subject to compliance with Section 22 (protection of nests of wild birds) and Section 23 (breeding or resting places of protected wild animals including bats) of the Wildlife Act 1976, as amended.

In respect of Condition/ Limitation 1, the existing chimney to be removed 'forms part of a joint chimney stack with a separate dwelling house'. The removal of this chimney constitutes development within the meaning of the Planning and Development Act 2000, as amended and is not Exempted Development, pursuant to Class 2A, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended:

▪ Removal of existing 1st floor

It is considered that the development comes within the criteria as set under Section 4(h) of the Planning and Development Act 2000 (as amended) as the works proposed are internal and would 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 on adjoining sites.

▪ Rear Extension

A review of the Classes of exempted development has been carried out. The following exemption, which pertains specifically to Development within the curtilage of a house, is noted:

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

- *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.*

The following is an assessment against the conditions / limitations of Class 1:

Conditions and Limitations

1.

- a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 45 square metres.

The proposal is for a single storey extension to a mid-terraced dwelling and it would have a floorarea of 37.4sqm. The house has not been previously extended.

- 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.

N/A as the proposal relates to a ground floor extension

- 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.

N/A as the proposal relates to a detached dwelling

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 45 square metres.

The house has not been previously extended.

- 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.

The terraced house has not been previously extended, and the proposed is for a single storey rear extension.

- 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.

The terraced house has not been previously extended, and the proposed is for a single storey rear extension.

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

N/A as the proposal relates to a ground floor extension

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.

The rear wall of the house does not include a gable and the height of the walls of the proposed extension would 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.

N/A as the rear wall of the house does not include a gable

- 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.

The proposed extension would have a flat roof, and the height of the roof of the proposed extension would not exceed the height of the eaves.

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

The extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

6.

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

The proposed extension would feature 1 x window on the western elevation. It would be greater than 1 metre from the boundary it faces.

- b) Any window proposed above ground level in any such extension shall not be less than 8 metres from the boundary it faces.

N/A as the proposal relates to a ground floor extension

- 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 8 metres from the boundary it faces.

N/A as the proposal relates to a ground floor extension

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

There is no proposal to use the roof of the extension as a balcony or roof garden.

8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.

The proposal relates to the principal house.

▪ Front Porch

A review of the Classes of exempted development has been carried out. The following exemption, which pertains specifically to Development within the curtilage of a house, is noted:

Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended:

- *The construction or erection of a porch outside any external door of a house.*

The following is an assessment against the conditions / limitations of Class 7:

A) "Is or is not Development"

It is considered that the front porch 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"

Assessment against the conditions / limitations of Class 7:

1. Any such structure shall be situated not less than 2 metres from any road.

The proposed front porch would be greater than 2 metres from the Dublin Road

2. *The floor area of any such structure shall not exceed 2 square metres.*

The floor area of the front porch would be 1.9 square metre and would not therefore exceed 2 square metres

3. *The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

The front porch would have a slated pitched roof and its height would not exceed 4 metres

C) Restrictions under Article 9

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

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

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

Environmental Impact Assessment (EIA):

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

4. RECOMMENDATION

A question has arisen as to whether the following proposed development at No. 2 Lower Dublin Road, Nenagh, Co. Tipperary is or is not exempted development:

- Renovation of derelict house, removal of existing 1st floor, single storey extension to the rear and front access porch, re-slatting and repair of existing roof, removal of chimney

Tipperary County Council, in considering this proposal has had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 2A of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 7 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The planning history of the site.

Tipperary County Council has concluded as follows:

Re-slatting and repair of existing roof

- The proposed re-slatting and repair of existing roof constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development, pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Removal of chimney

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is not Exempted Development, pursuant to Class 2A, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended as the existing chimney to be removed 'forms part of a joint chimney stack with a separate dwelling house'.

Removal of existing 1st floor

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development. The removal of the 1st floor can be considered exempt pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Single Storey Extension to rear

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development, pursuant to Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended:

Front Access Porch

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development, pursuant to Class 7, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

District Planner:*Olive O'Donnell***Date: 28/07/2026****Senior Executive Planner:***Jonathan Flood***Date: 29/7/2026**

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5 26 118
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	Within 15km	None	No
Silvermines Mt West SAC	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
Lough Derg North East Shore	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No
Lough Derg Shannon SPA	https://www.npws.ie/protected-sites/spa/04058	Within 15km	None	No
Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation

objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. • 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	None.
Operational phase e.g. • 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	None.
In-combination/Other	None.

(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	None.
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ Yes ☒ No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	☒	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission
(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	Date: 28/07/2026

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:		S5 26 118	
Development Summary:		As per planners report	
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> : ___ Class 10 (b) (i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended _____		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	
Signature and Date of Recommending Officer:		Olive O'Donnell	Date: 28/07/2025

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/118** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Jonathan Flood, 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. 47880 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 Sean O'Brien, C/O Fred Hollywood Consulting Engineers, Newtown, Nenagh, Co. Tipperary, E45 Xk84, RE: Renovation of derelict house: removal of existing 1st floor, single storey extension to the rear and front access porch, re-slatting and repair of existing roof, removal of chimney at 2 Lower Dublin Road, Nenagh, Co. Tipperary is development and is/is not exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 2A of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 7 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The planning history of the site.

Tipperary County Council has concluded that:

Re-slatting and repair of existing roof

- The proposed re-slatting and repair of existing roof constitutes development within the meaning of the Planning and Development Act 2000, as amended and is **Exempted Development**, pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Removal of chimney

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is not Exempted Development**, pursuant to Class 2A, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended as the existing chimney to be removed 'forms part of a joint chimney stack with a separate dwelling house'.

Removal of existing 1st floor

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is Exempted Development**. The removal of the 1st floor can be considered exempt pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Single Storey Extension to rear

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is Exempted Development**, pursuant to Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended:

Front Access Porch

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is Exempted Development**, pursuant to Class 7, of Schedule

Signed: 
Jonathan Flood
Senior Executive Planner

Date: 30/07/2026



Date: 30th July 2026 Our Ref: S5/26/118 Civic Offices, Nenagh

Sean O'Brien
C/O Fred Hollywood Consulting Engineers
Newtown
Nenagh
Co. Tipperary
E45 Xk84

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 13th July 2026 in relation to the following proposed works:

Renovation of derelict house: removal of existing 1st floor, single storey extension to the rear and front access porch, re-slatting and repair of existing roof, removal of chimney at 2 Lower Dublin Road, Nenagh, 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 –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 2A of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 7 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The planning history of the site.

Tipperary County Council has concluded that:

Re-slatting and repair of existing roof

- The proposed re-slatting and repair of existing roof constitutes development within the meaning of the Planning and Development Act 2000, as amended and is **Exempted Development**, pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Removal of chimney

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is **not Exempted Development**, pursuant to Class 2A, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended as the existing chimney to be removed 'forms part of a joint chimney stack with a separate dwelling house'.

Removal of existing 1st floor

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is Exempted Development**. The removal of the 1st floor can be considered exempt pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Single Storey Extension to rear

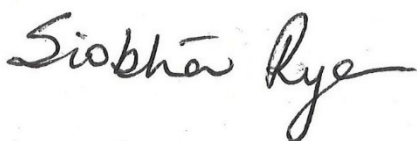
- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is Exempted Development**, pursuant to Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended:

Front Access Porch

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and **is Exempted Development**, pursuant to Class 7, of Schedule

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

Yours sincerely



for **Director of Services**