Comhairle Contae Thiobraid Árann
Tipperary County Council

TIPPERARY CO. COUNCIL
RECEIVED
01 APR 2026
PLANNING SECTION
FILE NO.

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	MARIAN BOURKE
Address	7, Rosemount Avenue CAHIR E21 XR64
Telephone No.	[redacted]
E-mail	

2. Agent's (if any) address:

Agent	MARIE MURPHY
Address	Kilballyboy, Cloheen Co. TIPPERARY
Telephone No.	[redacted]
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)	7, Rosamount Avenue CAHIR E21 XR64

Tipperary County Council
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01 APR 2026
CASH OFFICE
Civic Offices, Clonmel

Receipt No 202 367
Issued 01 04 2026
€80-00 Card

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.

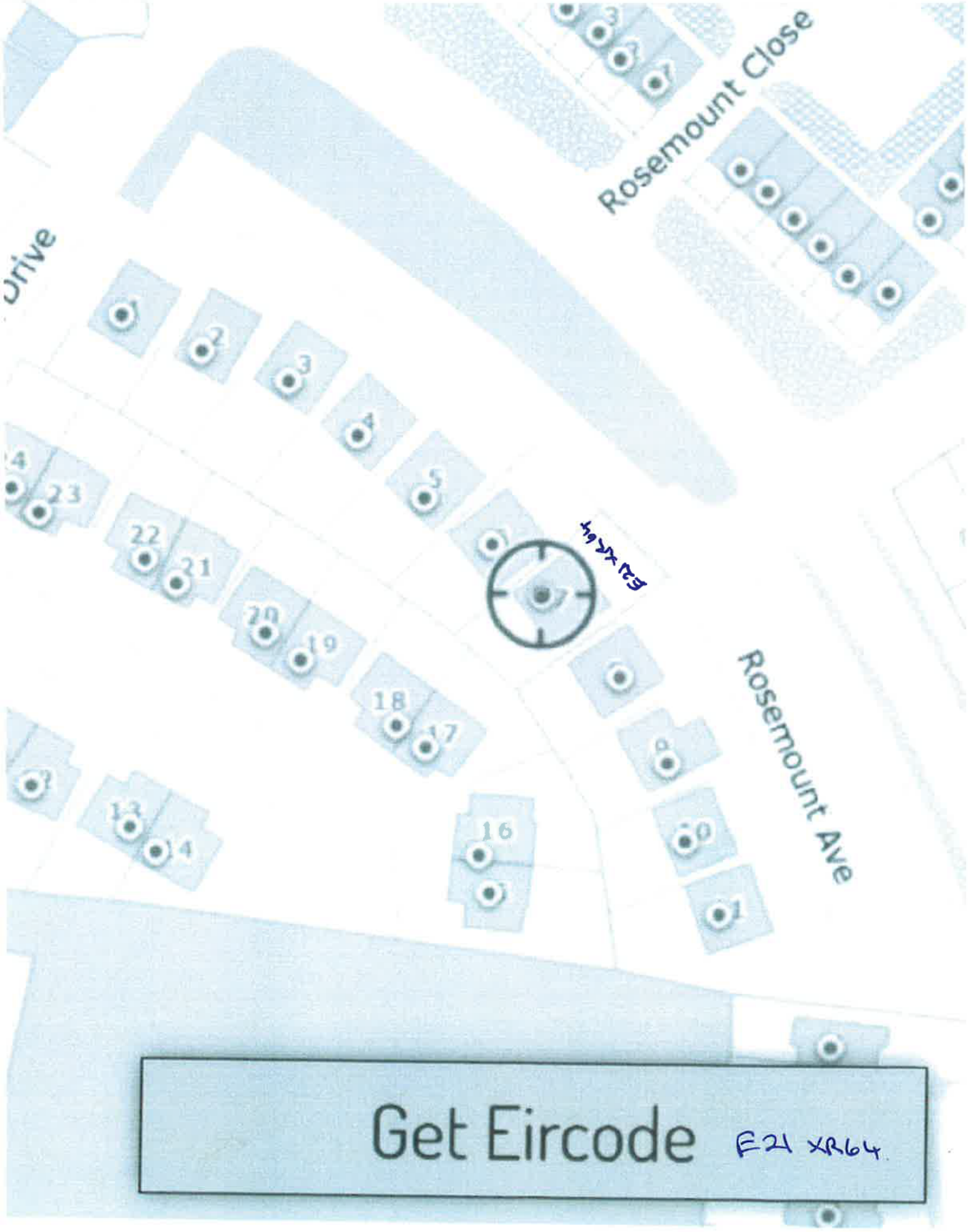
Conversion of existing garage to downstairs bathroom + bedroom.
Insulation of walls + floors + raise level of floor.
Replace window + garage door. Replace front door
+ realign front drive for disabled access.
Plumbing + all electrical work. Tiling / floors / Relocate laundry.
Proposed floor area of proposed works/uses: sqm 2.7 x 5.4

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 ✓	B. Occupier
	C. Other	
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) [redacted] Date: 1/4/2026

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.


Rosemount Close
Rosemount Ave
Get Eircode
E21 XR64

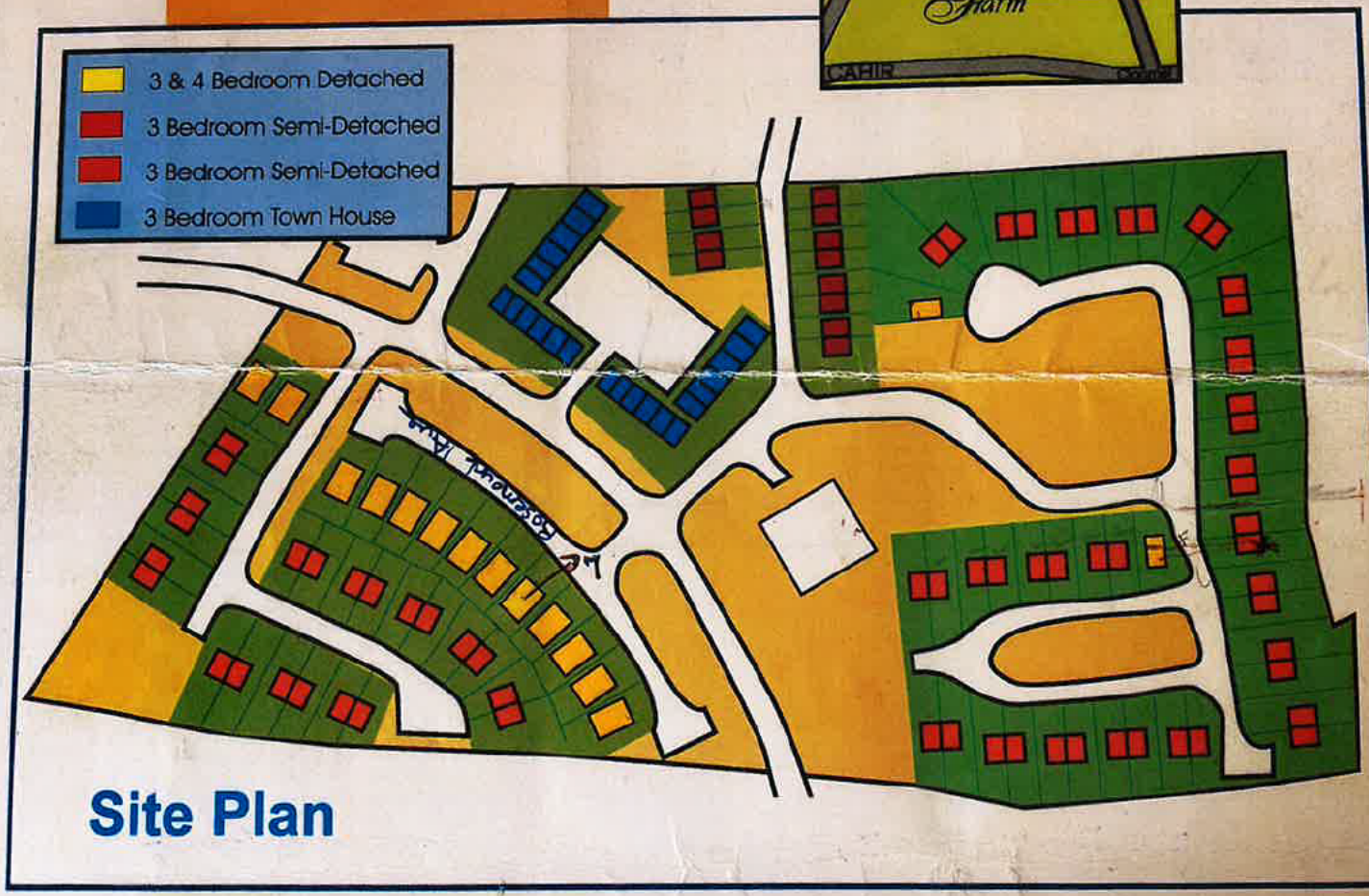
Rosemount Farm

CAHIR, CO. TIPPERARY.

ORIGINAL SITE MAP 2000

...The peace and tranquillity of a country lifestyle with all the conveniences of urban living...





Site Plan

Ulster Bank

IFG MORTGAGE BUREAU
A Tied Agent of Hibernian Life

Selling Agents
Paddy Caplice & Co. M.I.A.V.I.
Church Sreet, Cahir.
Tel. 052 - 41514, 087-2247453

Stokes & Quirke Ltd.
9 Sarsfield Street, Clonmel.
Tel. 052 - 21788,
086 - 8213777

Developers
Harrington Developments Ltd.
Clonmel.
Tel. 086 - 2442901

Engineers
John C. Moylan
River Lodge, Raheen Road,
Clonmel.
Tel. 052 - 21362

Soliciters
O'Brien & Binchy
The Quay, Clonmel.
052 - 21411

This brochure is for promotional purposes only and in no way whatsoever forms any kind of agreement or contract. Details are subject to change without notice. E. & O.E..


original House Design 2002

① Proposed GARAGE for Conversion to BATHROOM / bedroom
② Re Align front step/path for wheelchair Access
③ front door replaced for wheel chair access.



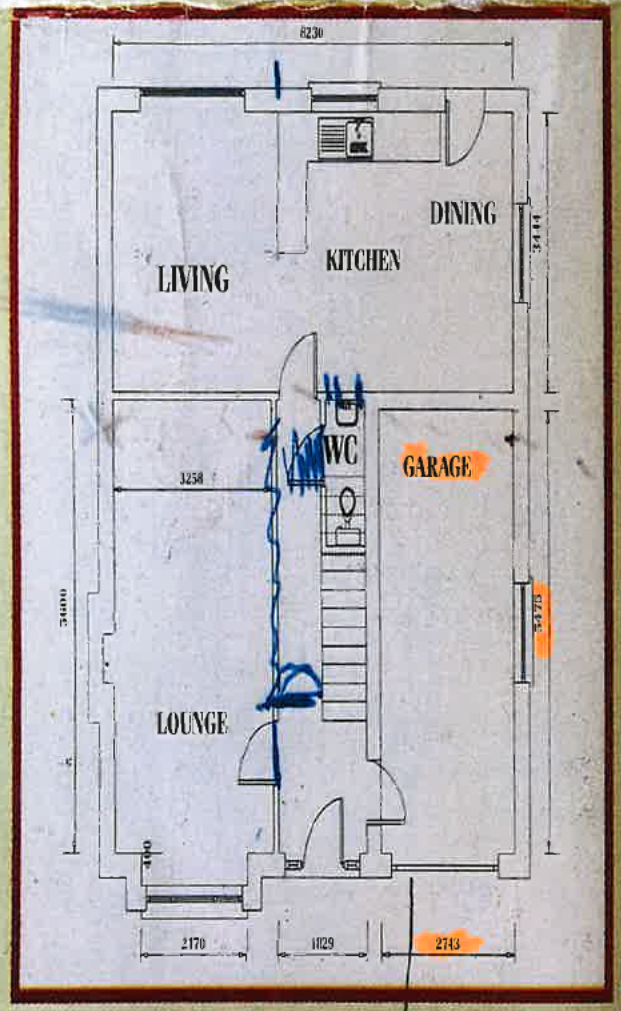
No 7 Rosemount Ave, E21 XR64.
Proposed GARAGE to be converted.

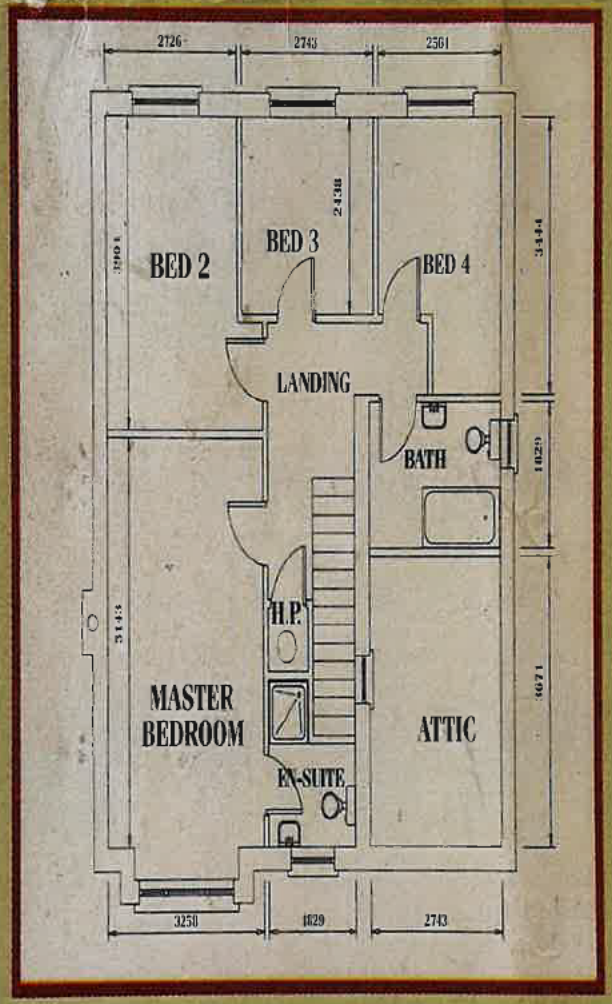
Note. No 6 & No 8 have Already Converted their GARAGES.

E21 XR64

layout from original brochure 2000

Garage Size 2.7 x 5.4.





4 BEDROOM DETACHED

Ground Floor

Living Room	11'3" X 11'2"
Sitting Room	18'4" X 10'6"
Hall	6' wide
Kitchen/Dining	15'8" X 11'3"
W.C.	5' 9" X 2' 6"
Garage	18'0" X 9'0"

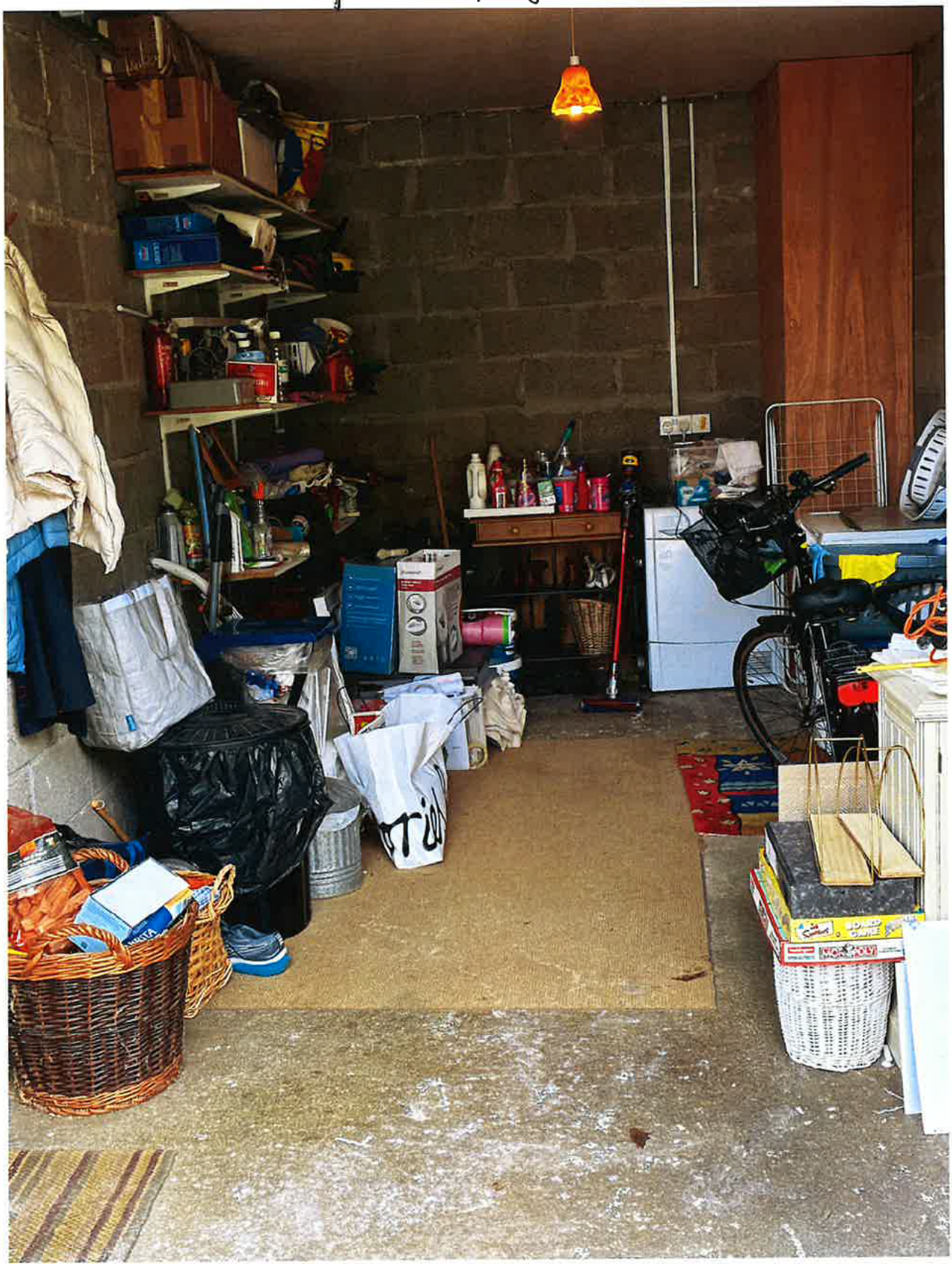
First Floor

Master Bedroom 5x3	16'8" X 10'6"
Bedroom 2	12'8" X 9'0"
Bedroom 3	9'0" X 8'0"
Bedroom 4	11' 3" X 8' 4"
Bathroom	9' 0" X 6' 0"

GARAGE for conversion

7 Rosemount Avenue E21 XR64

Inside of GARAge for Conversion



For downstairs bathroom / bedroom

Joe Cleary Carpentry

Quote No: 12039292
Date: 09/01/2026

Quote

Marian Bourke
[redacted]
Rosemount Avenue
Cahir , Co Tipperary E21XR64
[redacted]

Moorstown Cahir Co Tipperary
[redacted]

VAT Reg N [redacted]

VAT NO 6697295Q

Garage conversion

Description	VAT	Amount
Conversion of garage into shower room/toilet & bedroom. Insulate and concrete existing floor to level of house floors. Stud wall, Replace existing window and garage door with new glazing units. Replace the front door. (min opening 900mm) Realine front drive/footpath to facilitate disabled access to front door. Install a grab rail/ hand rail. Plumbing for shower, sink, and toilet in shower room. All electrical work, lighting, extraction fan, shower, and electric heater in both ensuite and bedroom. All sockets &switches to meet current regulations for wheelchair users and the disabled/elderly. Sky tube to shower room. Relocate washing machine. Tiling Slip resistant floor tiles. Wall tiles throughout ensuite. All grab rails and drop rail supplied and fitted. Flooring, semi solid to be chosen by client. Internal door, skirting, and architrave, to be chosen by client White paint out.	13.5%	[redacted]

[redacted]

Notes

Insurance details are available by request .
All materials are included
All waste disposal is included.

Terms and Conditions

All materials supplied remain the property of Joe Cleary Carpentry until paid in full

E21 XR64.

PLAN for conversion of GARAGE to bathroom / bedroom

Photo 1

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/26/45

Applicant: Marian Bourke

Development Address: 7 Rosemount Avenue, Cahir, Co. Tipperary

Proposed Development: Conversion of existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access.

---

1. GENERAL

On the 1st 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":

- Conversion of existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access.

The works are to be located at 7 Rosemount Avenue, Cahir, 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.

Class 6 considers the following works to be exempted development subject to the conditions and limitations set out below;

a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

(b) Any works within the curtilage of a house for— (i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or, (ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such

Or

if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.

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 two storey dwelling at 7 Rosemount Avenue, Co. Tipperary. This is a predominately residential area on the north eastern side of the town of Cahir.

Figure 1 Subject Site



b. Relevant Planning History

On site

98/341 construction of 13 no. detached houses, 34 no. semi-detached houses and 24 no. town houses including site development works – Granted

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 an ensuite bedroom.

The applicant has not submitted floor plans or elevation of the works proposed.

This information is required to enable the planning authority to consider the Declaration.

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. 0.5km from the Lower River Suir SAC and within 10 Kms of the Galtee 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 existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door, the replacement of the front door & realigning the front drive for disabled access is or is not exempted development. The subject site is located at 7 Rosemount Drive, Cahir Co. Tipperary, 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) 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

Having considered the information received, the Planning Authority is not in a position to determine if the works proposed constitute exempted development.

The applicant is to be advised as follows;

Having reviewed the details presented, the Planning Authority requires further details to determine if the works are considered exempt. You are required to submit;

- 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 of the works proposed.
- A site layout indicating the realignment of the front drive for disabled access

Signed: Paul Killeen Date: 20/04/26
District planner

Signed: C. Conway Date: 21.4.2026
Senior Executive Planner

APPENDIX 1

HABITATS DIRECTIVE APPROPERIATE ASSESSMENT (AA) SCREENING REPORT	
STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/26/45
(b) Brief description of the project or plan:	Domestic extension
(c) Brief description of site characteristics:	Existing property in urban area.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest[1]	Distance from proposed development[2] (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 0.5km	No	No
000646 Galtee Mountains SAC	https://www.npws.ie/protected-sites/sac/000646	Within 10km	No	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	No potential for impacts

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	No potential for impacts
In-combination/Other	No potential for impacts
(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site	No potential for impacts
(c) Are *'mitigation'* measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
☐ **Yes** ☒ **No**	

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

The proposed development is not likely to have significant effects.

Conclusion:

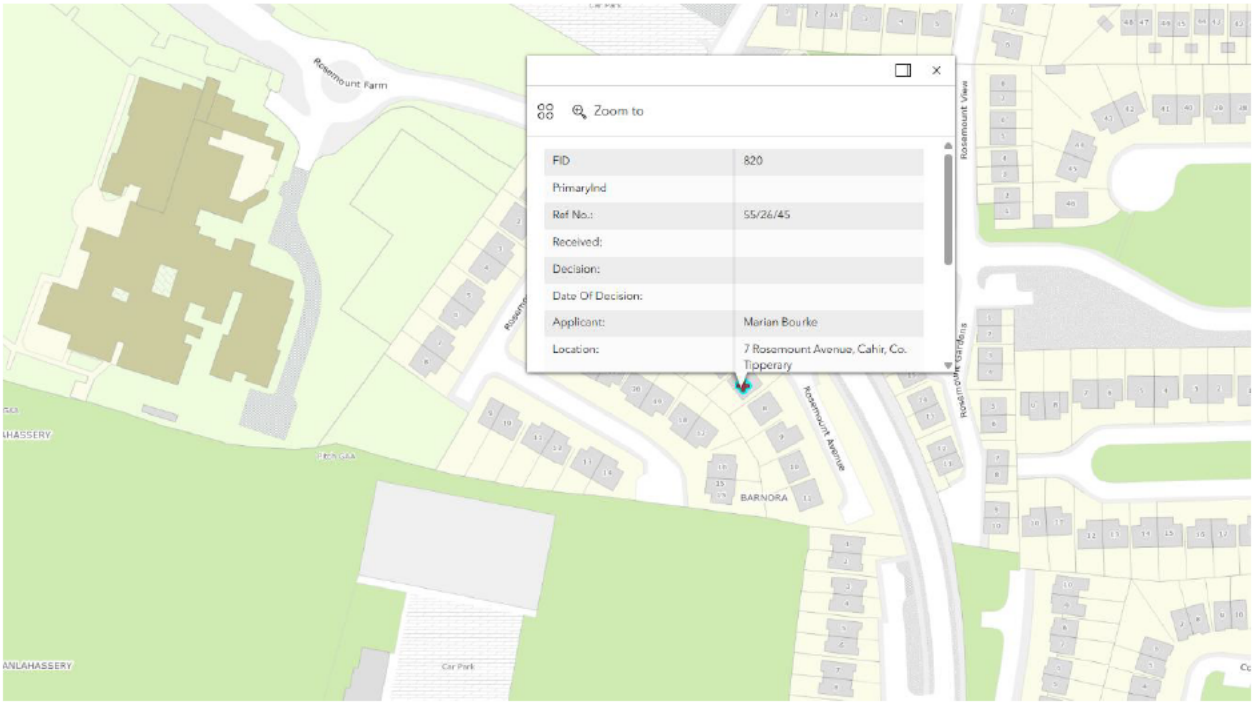
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is **no likelihood** of significant effects on a European site.	☒	The proposal can be screened out: Appropriate assessment not required.
(ii) It is **uncertain** whether the proposal will have a significant effect on a	☐	☐ Request further information to complete screening

European site.		☐ Request NIS ☐ Refuse planning permission	
(iii) **Significant effects** are likely.	☐	☐ Request NIS ☐ Refuse planning permission	
Signature and Date of Recommending Officer:	Paul Killeen	**Date:**	20/04/26

EIA Pre-Screening **Establishing a development is a 'sub-threshold development'**	
File Reference:	S5/26/45
Development Summary:	Change of use of side garage to bedroom and extension to same
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 *sub-threshold*:	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 3 Site entered on Planning register



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: 22nd April 2026 Our Ref: S5/26/45 Civic Offices, Nenagh

Marian Bourke
7 Rosemount Avenue
Cahir
Co Tipperary

Re: Application for a Section 5 Declaration – Conversion of existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access at 7 Rosemount Avenue, Cahir, Co. Tipperary

Dear Marian,

I refer to an application received from you on 1st April 2026 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Having reviewed the details presented, the Planning Authority requires further details to determine if the works are considered exempt. You are required to submit;

It is recommended to request the following further information pursuant to Section 5 (2) (b) of the Planning and Development Act 2000, as amended

- 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 of the works proposed.
- A site layout indicating the realignment of the front drive for disabled access

Further consideration of your request for a declaration cannot be considered until the above information is received.

Yours sincerely

A M Keaveney

for **Director of Services**

CC: Cllr. Marie Murphy, Kilballyboy, Cloheen, Co Tipperary.

Michael Keating B.E., M.IEI.,
"Ard Mhuire", Clonmel Road, Cahir, Co. Tipperary.
Phone : (052) 7441267- Office (086) 2597 899 (Mobile)
Email : mkeatingbe@eircom.net VAT Reg. No. IE3701755P

8th July 2026

Planning Section.
Tipperary County Council,
County Buildings,
Clonmel,
Co. Tipperary.

Re : S5/26/45
Conversion of existing Garage to downstairs bathroom & bedroom etc at 7 Rosemount Avenue, Cahir, Co. Tipperary for Marian Bourke.

A Chara,

Attached please find response to your Request for Further Information of 22nd April 2026 as follows :

- OSI Site Location Map (1/1,000) with the site edged in RED thereon
- Floor Plans & Elevations of Dwelling showing Existing & Proposed Layout
- Site Layout Plan (1/250) indicating the provision of a ramped access (with level platform at Entrance) to facilitate disabled access to the dwelling. The existing driveway will remain unaltered apart from the provision of the ramped access at the dwelling

I trust that this response satisfies your Request for Further Information.

Yours faithfully,

[redacted]

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PLANNING SECTION
FILE NO. S5/26/45

Site Layout Plan

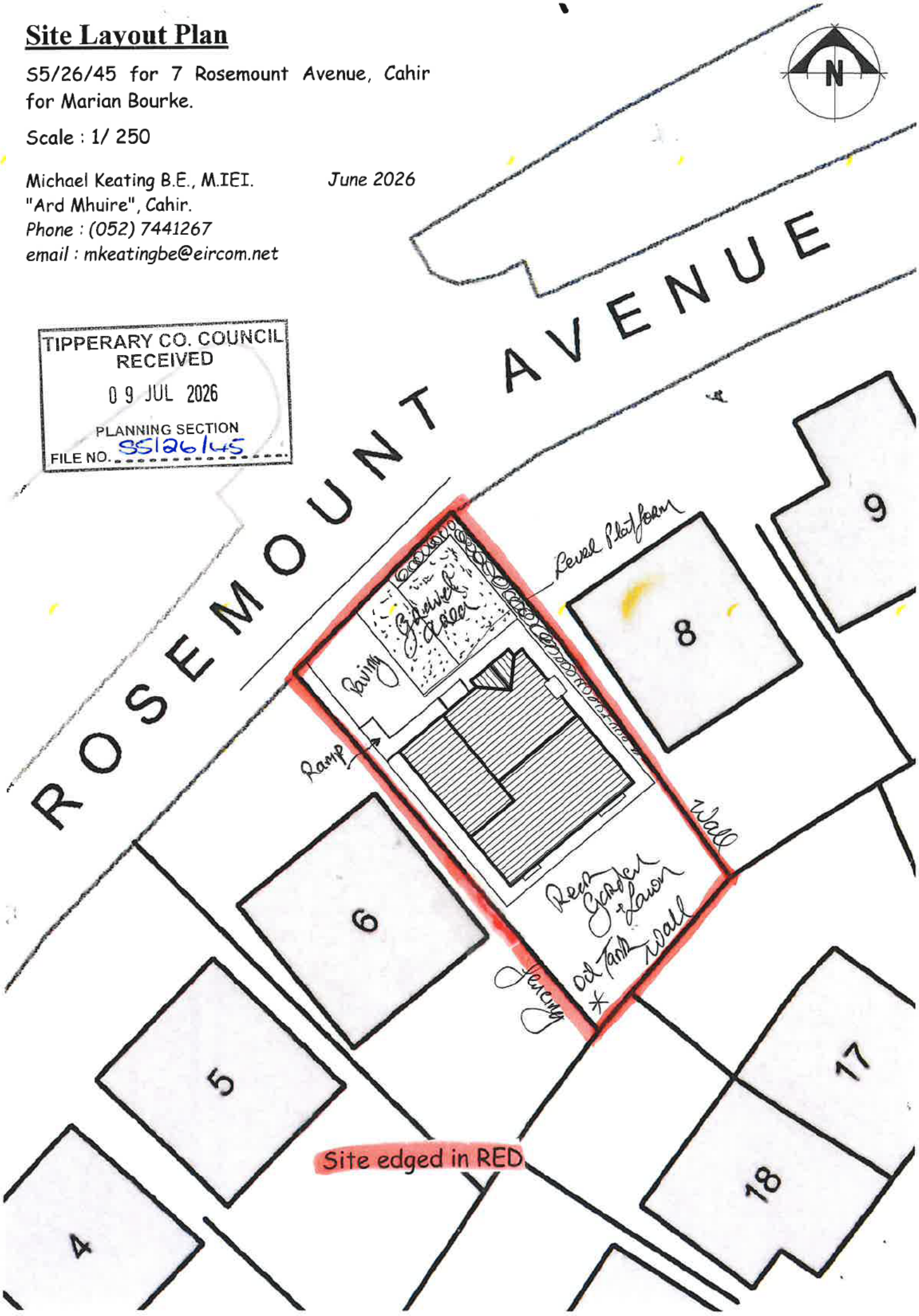
S5/26/45 for 7 Rosemount Avenue, Cahir for Marian Bourke.

Scale : 1/ 250

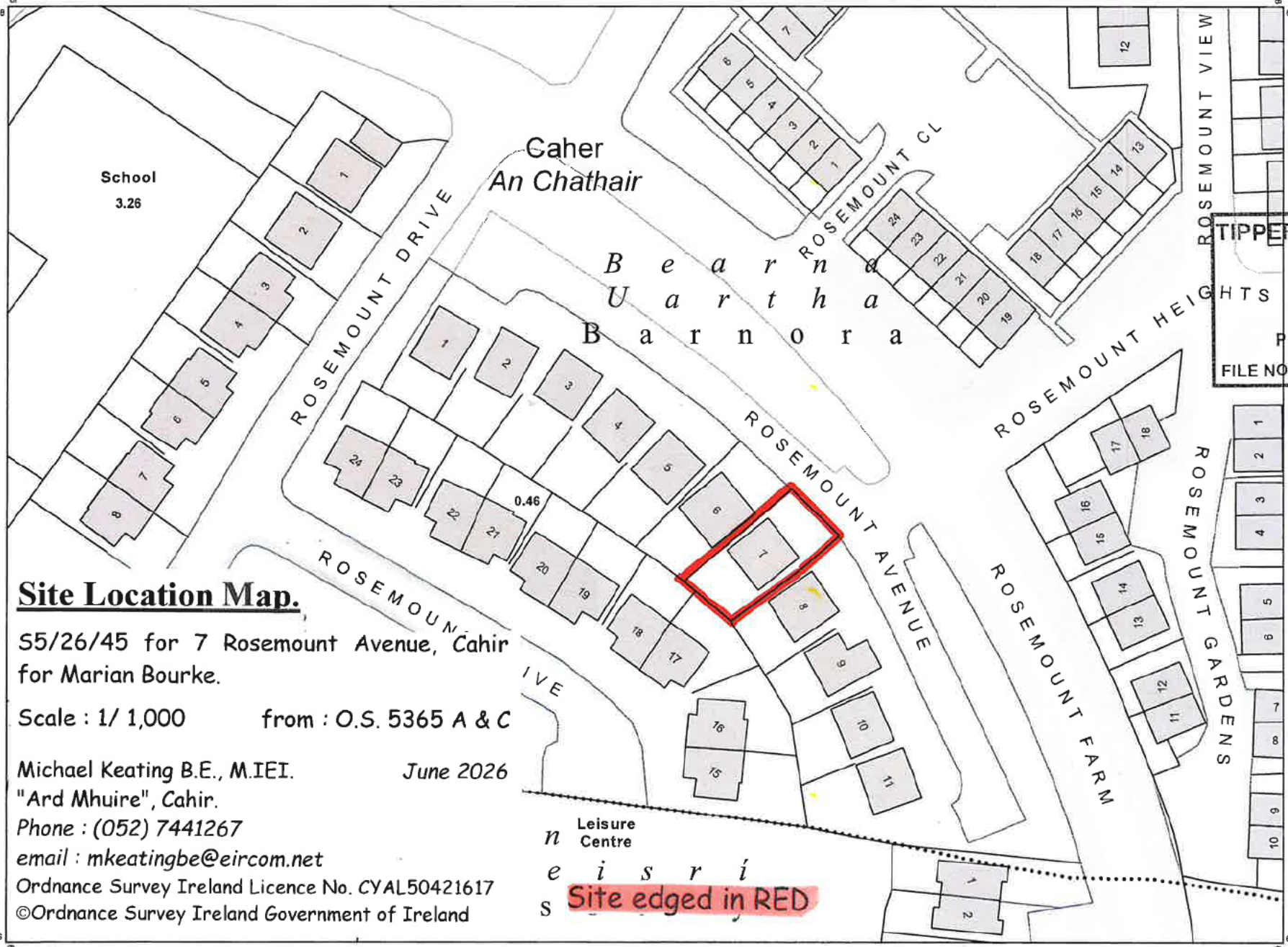
Michael Keating B.E., M.IEI.
"Ard Mhuire", Cahir.
Phone : (052) 7441267
email : mkeatingbe@eircom.net

June 2026

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PLANNING SECTION
FILE NO. S5/26/45



Planning Pack Map



Site Location Map.

S5/26/45 for 7 Rosemount Avenue, Cahir for Marian Bourke.

Scale : 1/ 1,000 from : O.S. 5365 A & C

Michael Keating B.E., M.IEI. June 2026
"Ard Mhuire", Cahir.
Phone : (052) 7441267
email : mkeatingbe@eircom.net

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PUBLISHED: 07/08/2020
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MAP SHEETS: 5365-A 5365-C

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0 10 20 30 40 metres
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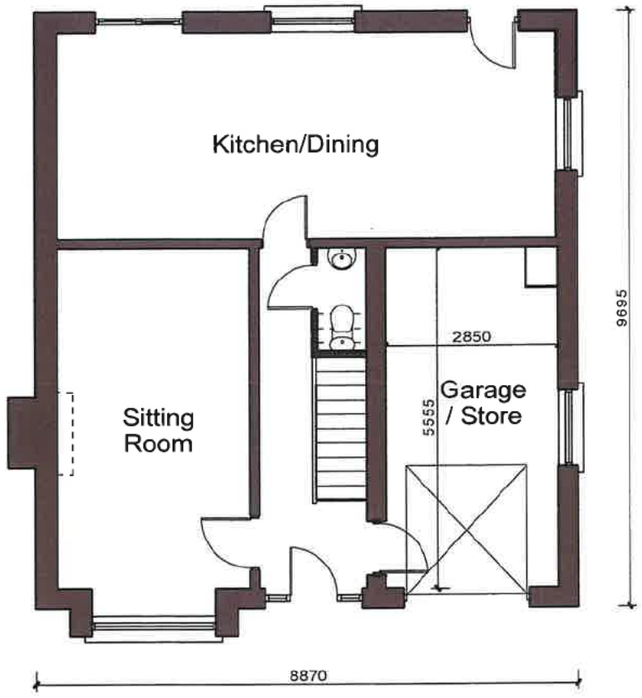
OUTPUT SCALE: 1:1,000

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Further information is available at:
http://www.osi.ie; search 'Capture Resolution'

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LEGEND:
http://www.osi.ie;
search 'Large Scale Legend'

for Section 5 purposes only



Ground Floor Plan (Existing)



Ground Floor Plan (Proposed)



Front Elevation (Existing)



Front Elevation (Proposed)

TIPPERARY CO. COUNCIL
RECEIVED
0 9 JUL 2026
PLANNING SECTION
FILE NO. SS/26145

for Section 5 purposes only

PROPOSED conversion of attached Garage to Residential use at 7 Rosemount Avenue, Cahir, Co. Tipperary for Marian Bourke.

GROUND FLOOR PLAN & FRONT ELEVATION

SCALE 1 : 100 @ A3	DRAWN BY : MK.
DATE : June 2026	DRAWING 1 OF 1.

MICHAEL KEATING B.E. M.I.E.I.
'ARD MHUIRE', CAHIR, CO. TIPPERARY.
PHONE : (052)7441267 / (086)2597899
EMAIL : mkeatingbe@eircom.net

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
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Comhairle Contae Thiobraid Árann, Oifigí Cathartha, An tAonach, Co. Thiobraid Árann
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e customerservice@tipperarycoco.ie

tipperarycoco.ie

Date: 9th July 2026 Our Ref: S5/26/45 Civic Offices, Clonmel

Marian Bourke
7 Rosemount Avenue,
Cahir,
Co Tipperary.

Re: Application for a Section 5 Declaration – Conversion of existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access at 7 Rosemount Avenue, Cahir, Co. Tipperary.

Dear Ms. Bourke,

I acknowledge receipt of Further Information received on 9th 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,

T. Dowling

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.: S5/26/45

Applicant: Marian Bourke

Development Address: 7 Rosemount Avenue, Cahir, Co. Tipperary

Proposed Development: Conversion of existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access.

---

1. GENERAL

On the 1st 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":

- Conversion of existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access.

The works are to be located at 7 Rosemount Avenue, Cahir, 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.

Class 6 considers the following works to be exempted development subject to the conditions and limitations set out below;

a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

(b) Any works within the curtilage of a house for— (i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or, (ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such

Or

if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.

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 two storey dwelling at 7 Rosemount Avenue, Co. Tipperary. This is a predominately residential area on the north eastern side of the town of Cahir.

Figure 1 Subject Site



b. Relevant Planning History

On site

98/341 construction of 13 no. detached houses, 34 no. semi-detached houses and 24 no. town houses including site development works – Granted

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 an ensuite bedroom.

The applicant has not submitted floor plans or elevation of the works proposed.

This information is required to enable the planning authority to consider the Declaration.

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. 0.5km from the Lower River Suir SAC and within 10 Kms of the Galtee 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. FURTHER INFORMATION

The following further information was requested on the 22nd of April 2026;

Having reviewed the details presented, the Planning Authority requires further details to determine if the works are considered exempt. You are required to submit;

- 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 of the works proposed.
- A site layout indicating the realignment of the front drive for disabled access

The applicant replied on the 9th of July 2026.

APPRAISAL

As noted above, the works proposed comprise of the conversion of an existing side garage to an ensuite bedroom.

Figure 3 Proposed Floor plans

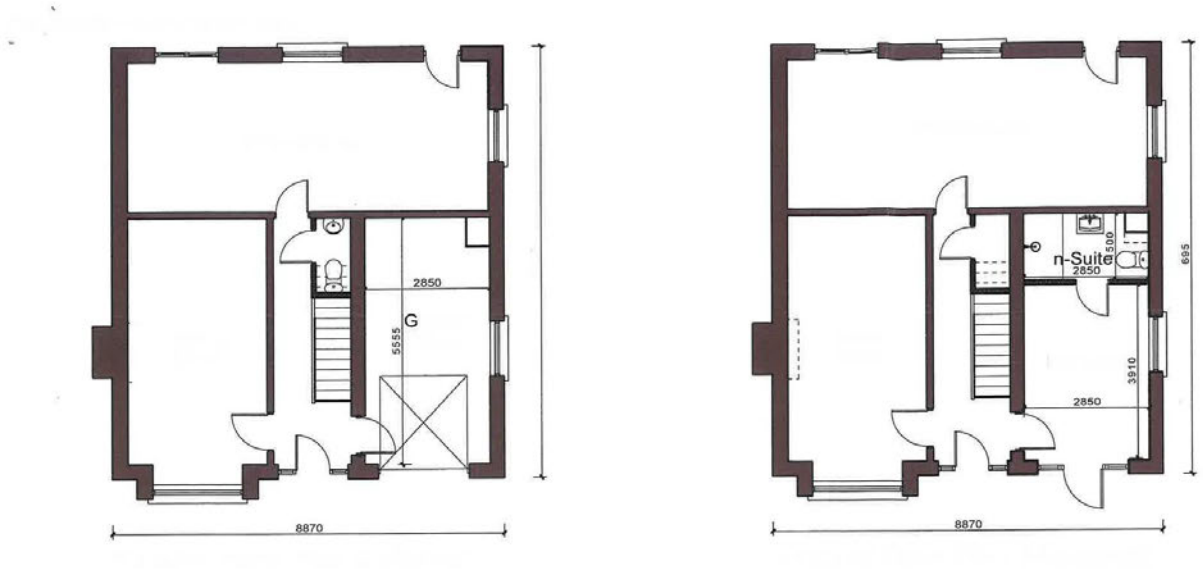


Figure 4 Proposed elevations



Front Elevation (Existing)



Front Elevation (Proposed)

The area to be converted, measured internally, is 15.67 sqms.

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.

5. RECOMMENDATION

A question has arisen as to whether the conversion of existing garage to downstairs bathroom & bedroom. Insulation of the walls and the floors and raise the level of the floor. Replace window and garage door, the replacement of the front door & realigning the front drive for disabled access is or is not exempted development. The subject site is located at 7 Rosemount Drive, Cahir Co. Tipperary, Co. Tipperary.

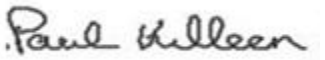
In considering this declaration, the Planning Authority had regard to:

(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 and
(d) The further information submitted on the 9th of July 2026

Having considered the information received, the Planning Authority has concluded that the

> Conversion of existing garage to downstairs bathroom & bedroom. Insulation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access at 7 Rosemount Avenue, Cahir, Co. Tipperary

constitutes development and is exempted development.

Signed:  Date: 23/07/26

District planner

Signed:  Date: 29.7.2026

Senior Executive Planner

APPENDIX 1

HABITATS DIRECTIVE APPROPERIATE ASSESSMENT (AA) SCREENING REPORT	
STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	S5/26/45
(b) Brief description of the project or plan:	Domestic extension
(c) Brief description of site characteristics:	Existing property in urban area.
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest[1]	Distance from proposed development[2] (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
002137 Lower River Suir SAC	https://www.npws.ie/protected-sites/sac/002137	Within 0.5km	No	No
000646 Galtee Mountains SAC	https://www.npws.ie/protected-sites/sac/000646	Within 10km	No	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	No potential for impacts

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	No potential for impacts
In-combination/Other	No potential for impacts
(b) Describe any likely changes to the European site:	
Examples of the type of changes to give consideration to include: • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site	No potential for impacts

(c) Are *'mitigation'* measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ **Yes** ☒ **No**

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

The proposed development is not likely to have significant effects.

Conclusion:

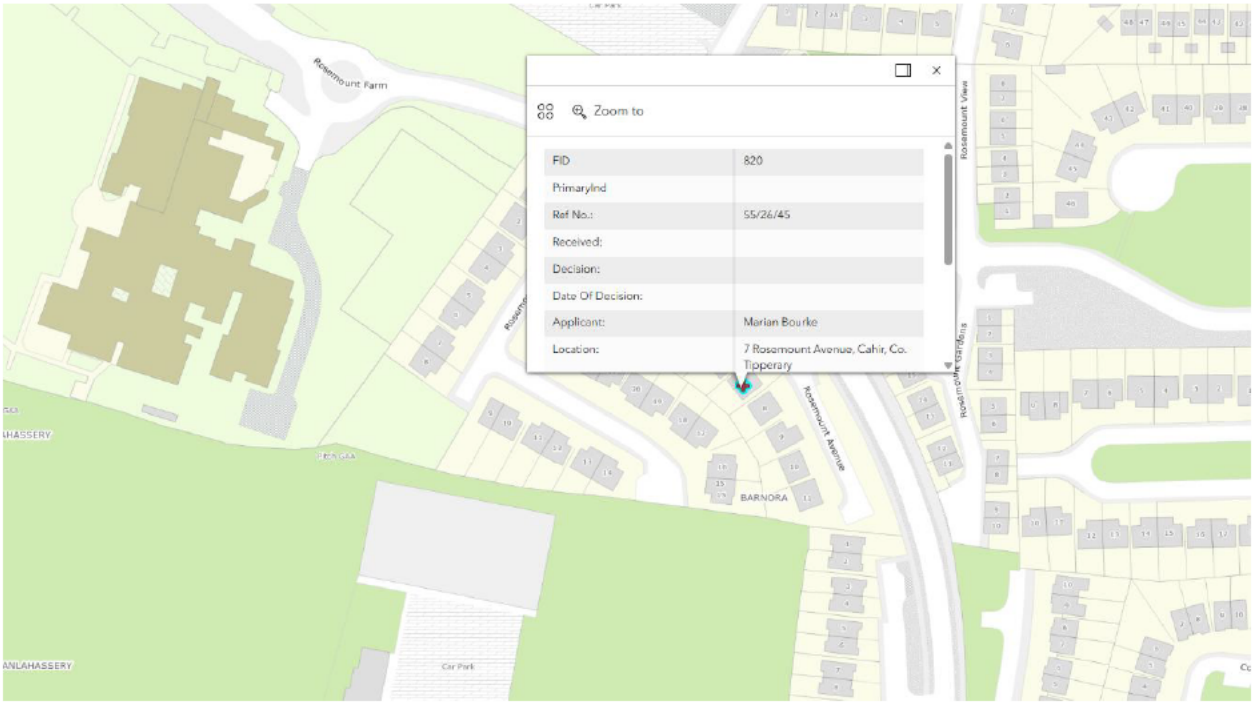
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is **no likelihood** of significant effects on a European site.	☒	The proposal can be screened out: Appropriate assessment not required.
(ii) It is **uncertain** whether the proposal will have a significant effect on a	☐	☐ Request further information to complete screening

European site.		☐ Request NIS ☐ Refuse planning permission
(iii) **Significant effects** are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	Paul Killeen	**Date:** 20/04/26

EIA Pre-Screening **Establishing a development is a 'sub-threshold development'**	
File Reference:	S5/26/45
Development Summary:	Change of use of side garage to bedroom and extension to same
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 *sub-threshold*: _____	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 5 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/45** **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 Marian Bourke, 7 Rosemount Avenue, Cahir, Co Tipperary, Re: Conversion of existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access at 7 Rosemount Avenue, Cahir, 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 and
d) The further information submitted on the 9th of July 2026

Tipperary County Council has concluded that the Conversion of existing garage to downstairs bathroom & bedroom. Insulation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access at 7 Rosemount Avenue, Cahir, Co. Tipperary constitutes development and is **exempted development**.

C. Conway

Signed: **Date: 29/07/2026**

Caroline Conway
Senior Executive Planner

Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae Thiobraid Árann, Oifigi Cathartha, Cluain Meala, Co. Thiobraid Árann
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Date: 29th July 2026 Our Ref: S5/26/45 Civic Offices, Nenagh

Marian Bourke
7 Rosemount Avenue
Cahir
Co Tipperary

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

Dear Marian,

I refer to your application for a Section 5 Declaration received on 1st April 2026, and Further Information received on 9th July 2026 in relation to the following proposed works:

Conversion of existing garage to downstairs bathroom & bedroom. Insultation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access at 7 Rosemount Avenue, Cahir, 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 and
d) The further information submitted on the 9th of July 2026

Tipperary County Council has concluded that the Conversion of existing garage to downstairs bathroom & bedroom. Insulation of the walls and the floors and raise the level of the floor. Replace window and garage door. Replace front door & realign front drive for disabled access at 7 Rosemount Avenue, Cahir, Co. Tipperary 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 sincerely



_____

for **Director of Services**

CC: Cllr. Marie Murphy, Kilballyboy, Cloheen, Co Tipperary.