



RN: 184769
Esogh

Tipperary County Council
RECEIVED
02 SEP 2024
CASH OFFICE
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	TED CLARKE
Address	31 FR. SHEEHY TERRACE CLOCHHEEN
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	n/a.
Address	
Telephone No.	
E-mail	

TIPPERARY CO. COUNCIL
RECEIVED
30 AUG 2024
PLANNING SECTION
FILE NO.

Please advise where all correspondence in relation to this application is to be sent;

Applicant [] Agent []

SCANNED

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	31 FR. SHEEHY TERRACE CLOCHHEEN Co. 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.)

PROPOSED ACCESSIBLE BEDROOM / BATHROOM	
EXTENSION → SINGLE STOREY TO	
REAR OF EXISTING HOUSE. 23.5m ²	
Proposed floor area of proposed works/uses:	sqm 23.5m ² .

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

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

Signature of Applicant(s)  Date:

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.

RECEIVED

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.

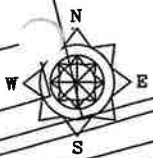
(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional 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</u>	DATE STAMP
Receipt No <u>184769</u>	Tipperary County Council
Date <u>2/9/24</u>	RECEIVED
Received by <u>Edward</u>	02 SEP 2024
	CASH OFFICE
	Civic Offices, Clonmel

SCANNED



Market Street

Fr Sheehy Terrace

3.65

T

SITE AREA 0.057h

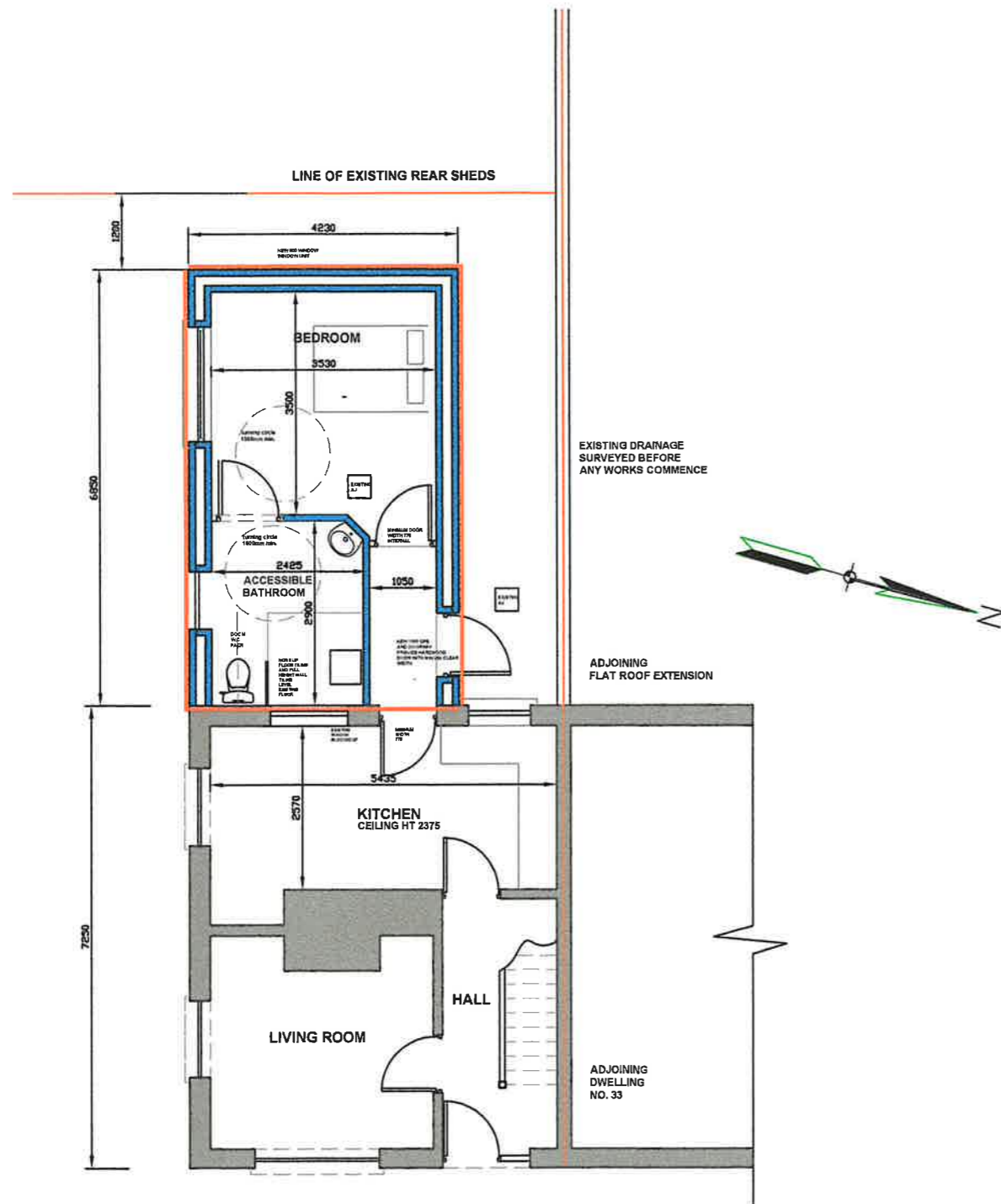
SCANNED

10K

50.37

OS 5617-A

**SITE LOCATION 1-1000
32 FR. SHEEHY TERRACE
CLOGHEEN**



**PROPOSED FLOOR PLAN LAYOUT 1-100
31 FR. SHEEHY TERRANCE**

FLOOR AREAS:
 PROPOSED EXTENSION 23.5M2--OUTLINED RED
 PROPOSED BLOCKWORK
 EXISTING BLOCKWORK



**EXISTING REAR ELEVATION 1-100
WEST FACING**

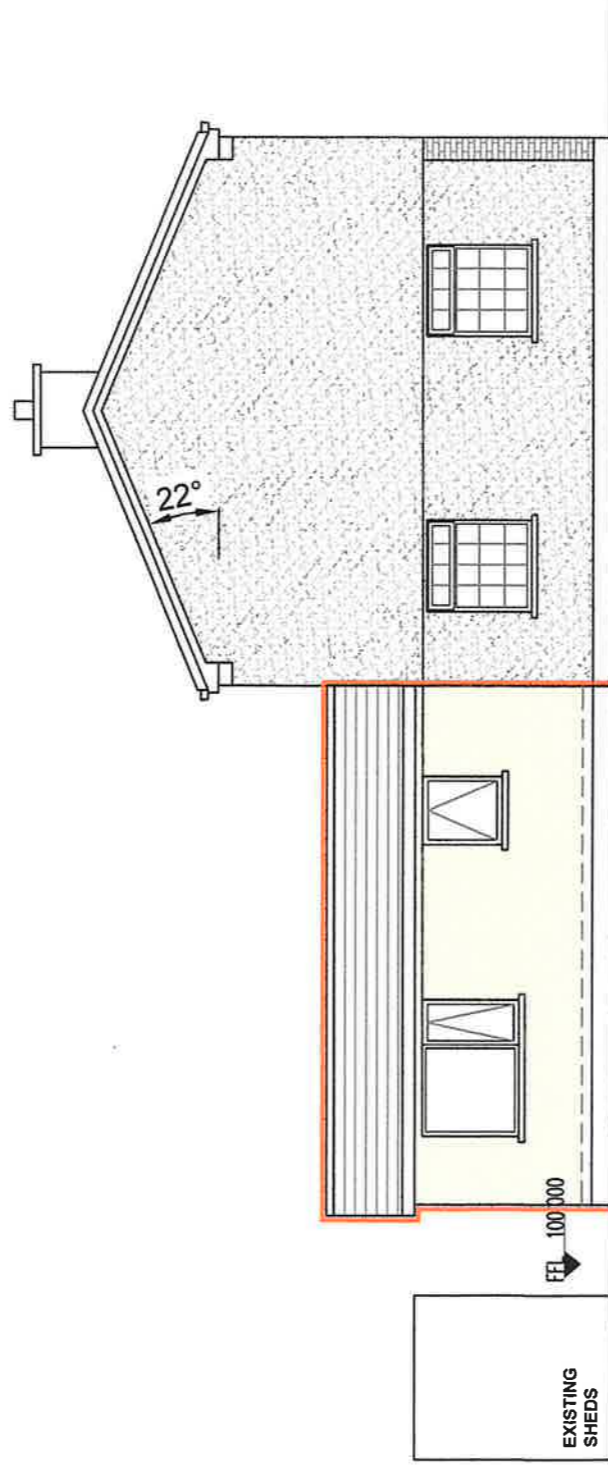
SCANNED

**DRAWING FOR SECTION 5
APPLICATION
TED CLARKE
31 FR. SHEEHY TERRACE
CLOGHEEN
CO. TIPPERARY**

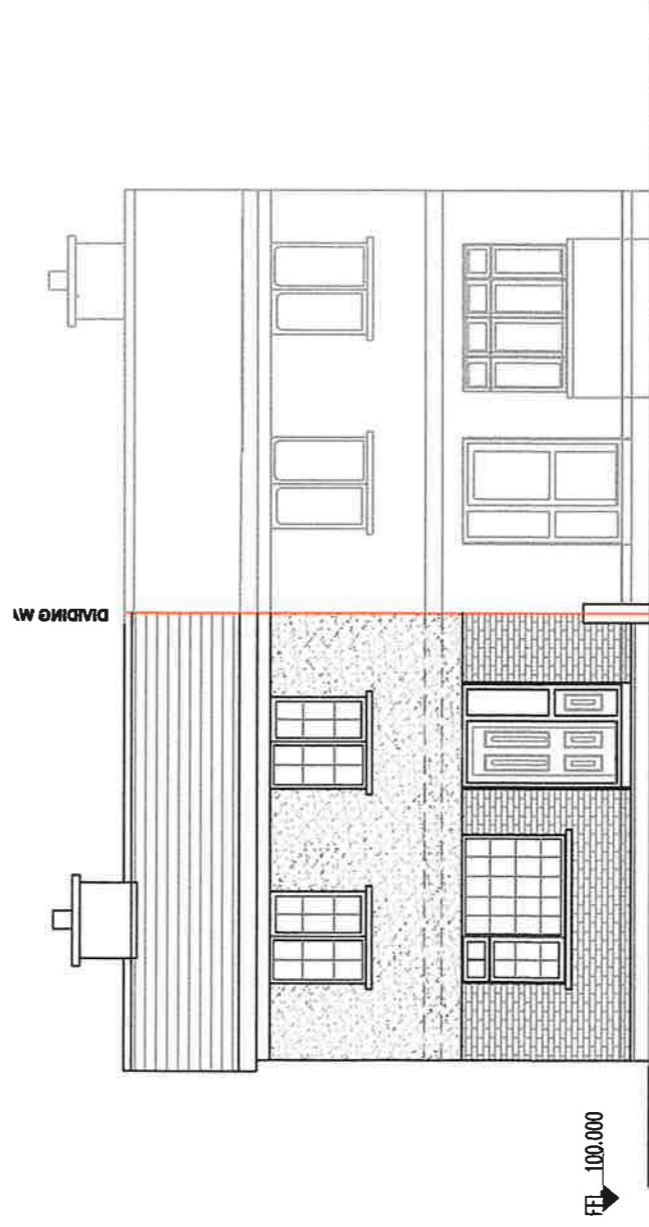




EXTENSION SHOWN PROPOSED REAR ELEVATION 1-100 WEST FACING



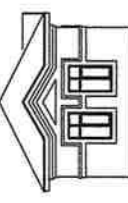
EXTENSION SHOWN PROPOSED SIDE ELEVATION 1-100 SOUTH FACING



PROPOSED/EXISTING ELEVATION 1-100 EAST FACING UN-CHANGED

SCANNED

DRAWING FOR SECTION 5
APPLICATION
TED CLARKE
31 FR. SHEEHY TERRACE
CLOGHEEN
CO. TIPPERARY

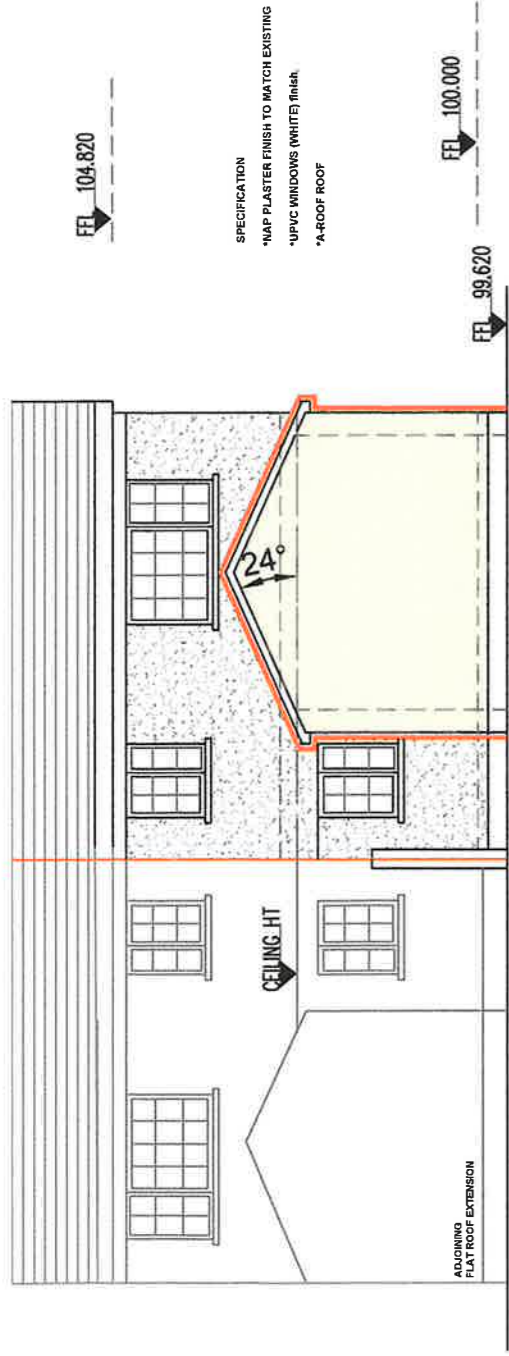


DRAWINGS FOR SECTION 5
APPLICATION ONLY

086--8327819
PAUL NUGENT DIP ARCH TECH

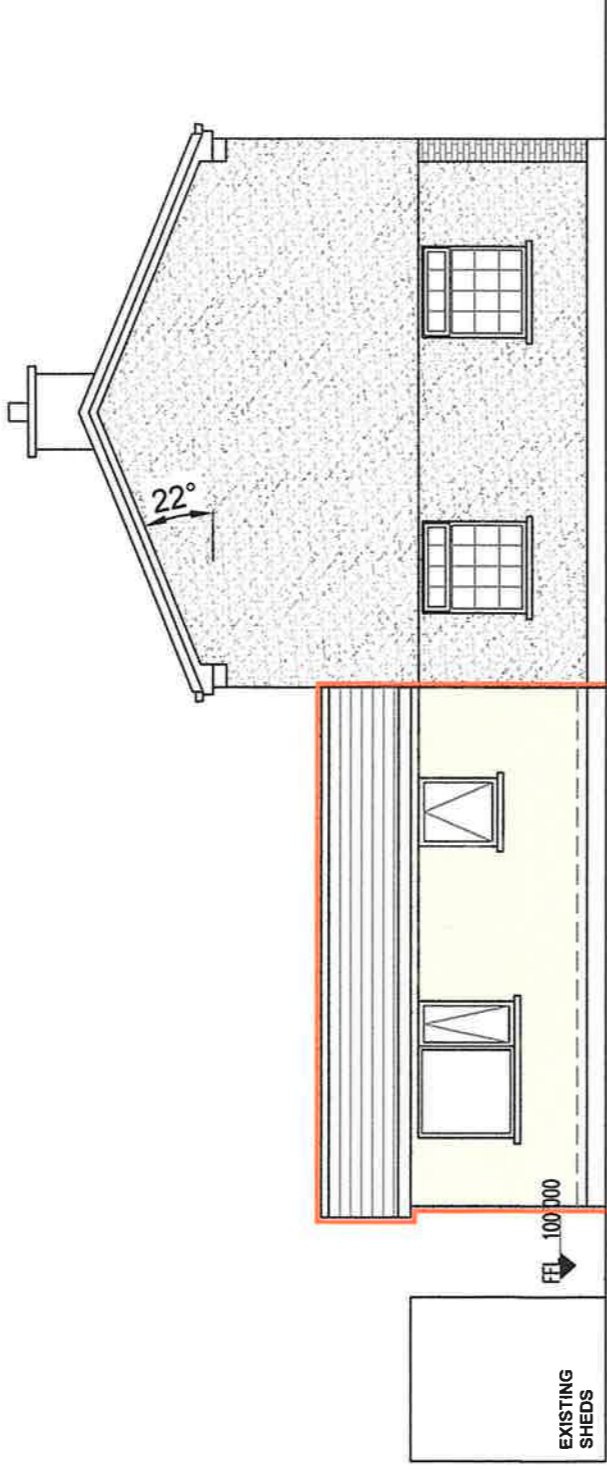
PROPOSED ELEVATIONS

SHEET 2

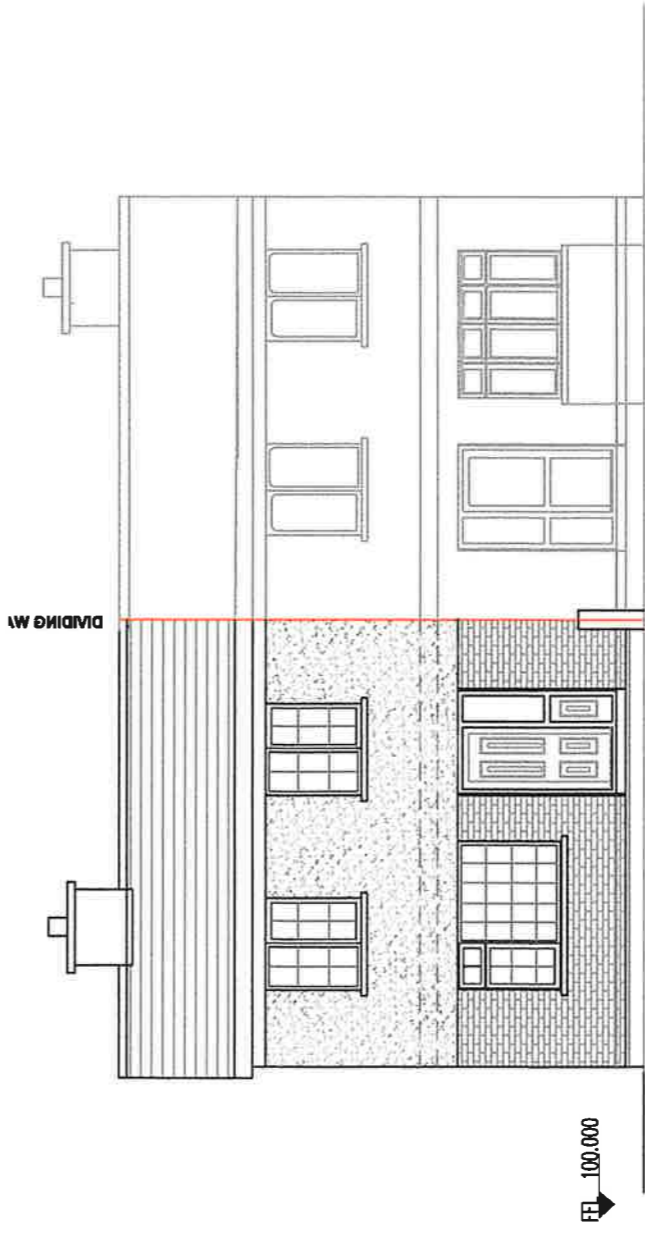


SPECIFICATION
 *MAP PLASTER FINISH TO MATCH EXISTING
 *UPVC WINDOWS (WHITE) finish.
 *A-ROOF ROOF

EXTENSION SHOWN [red box] PROPOSED REAR ELEVATION 1-100 WEST FACING



EXTENSION SHOWN [red box] PROPOSED SIDE ELEVATION 1-100 SOUTH FACING



PROPOSED/EXISTING ELEVATION 1-100 EAST FACING UN-CHANGED

SCANNED

DRAWING FOR SECTION 5 APPLICATION
 TED CLARKE
 31 FR. SHEEHY TERRACE
 CLOGHEEN
 CO. TIPPERARY

DRAWINGS FOR SECTION 5 APPLICATION ONLY
 0866-8327819
 PAUL NUGENT DIP. ARCH. TECH.

PROPOSED ELEVATIONS

SHEET 2



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

SCANNED

Date: 3rd September 2024 Our Ref: S5/24/100 Civic Offices, Clonmel

**Ted Clarke,
31 Fr. Sheehy Terrace,
Clogheen,
Co. Tipperary**

Re: Application for a Section 5 Declaration – proposed accessible bedroom/bathroom single storey extension to rear of existing house at 31 Fr. Sheehy Terrace, Clogheen, Co. Tipperary.

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 30th August 2024 in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours faithfully,

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.: S5/24/100
Applicant: Ted Clarke
Development Address: 31 Fr. Sheehy Terrace, Clogheen, Co. Tipperary
Proposed Development: single storey extension to rear of dwelling.

1. GENERAL

On the 30th of August 2024 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”:

- Construct a single storey extension to rear of 31 Fr. Sheehy Terrace, Clogheen, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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

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

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

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

Section 4(1)(h) of the Act considers development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures; to be exempted development.

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

Exempted Development.

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

Schedule 2, Part 1 'Exempted Development - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

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

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

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act.

3. ASSESSMENT

a. Site Location

The site comprises a semi- detached dwelling at 31 Fr. Sheehy Terrace, Clogheen, Co. Tipperary.

b. Relevant Planning History

None recorded

Figure 1 Planning history



c. Assessment

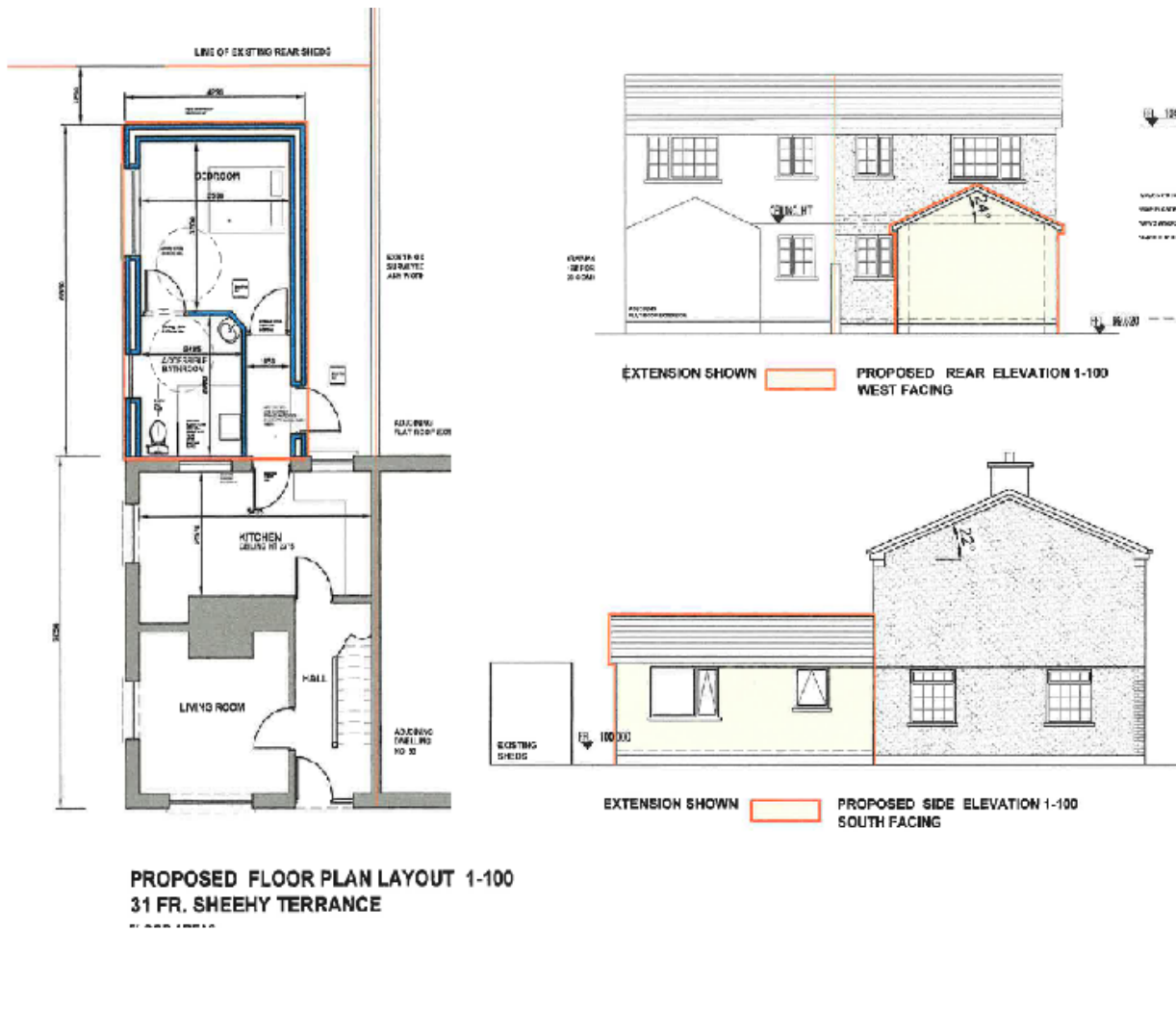
A) “Is or is not Development”

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 internal modifications and the construction of a small extension to the rear of the property. It will provide an addition 23.5 sqms of internal floor space (ground floor bedroom with accessible bathroom).

Figure 2 floor plans and side elevations



Having reviewed the conditions and limitations associated with Class 1, it is considered that the proposal satisfies same. The dwelling was not previously extended. The works are to the rear and are single storey and less than 40sqms. The windows on the southern elevation are more than a metre from the southern boundary. There are no windows on the north facing elevation.

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.

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

The subject site is located c. 20ms from the terrestrial component of Lower River Suir SAC (85 ms from river), 10 kms from the River Blackwater SAC, 14.6 kms from the River Blackwater Callows SPA and 9.4 kms from The Galtee Mountains SAC.

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

Having regard to:

- the small scale nature of the development,

- the location of the development relevant to the closest European site (lower River Suir,
- The intervening land uses between the subject site and the SAC's referenced above 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.

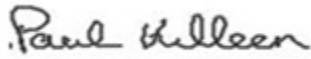
4. RECOMMENDATION

Having regard to:

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

Tipperary County Council has concluded that the proposal for a single storey extension to the rear of the dwelling at No. 31 Fr. Sheehy Terrace, Clogheen, Co. Tipperary, as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is "exempted development".

The development would not be likely to have significant effects on the environment and would not require an EIA.

Signed: 
District planner

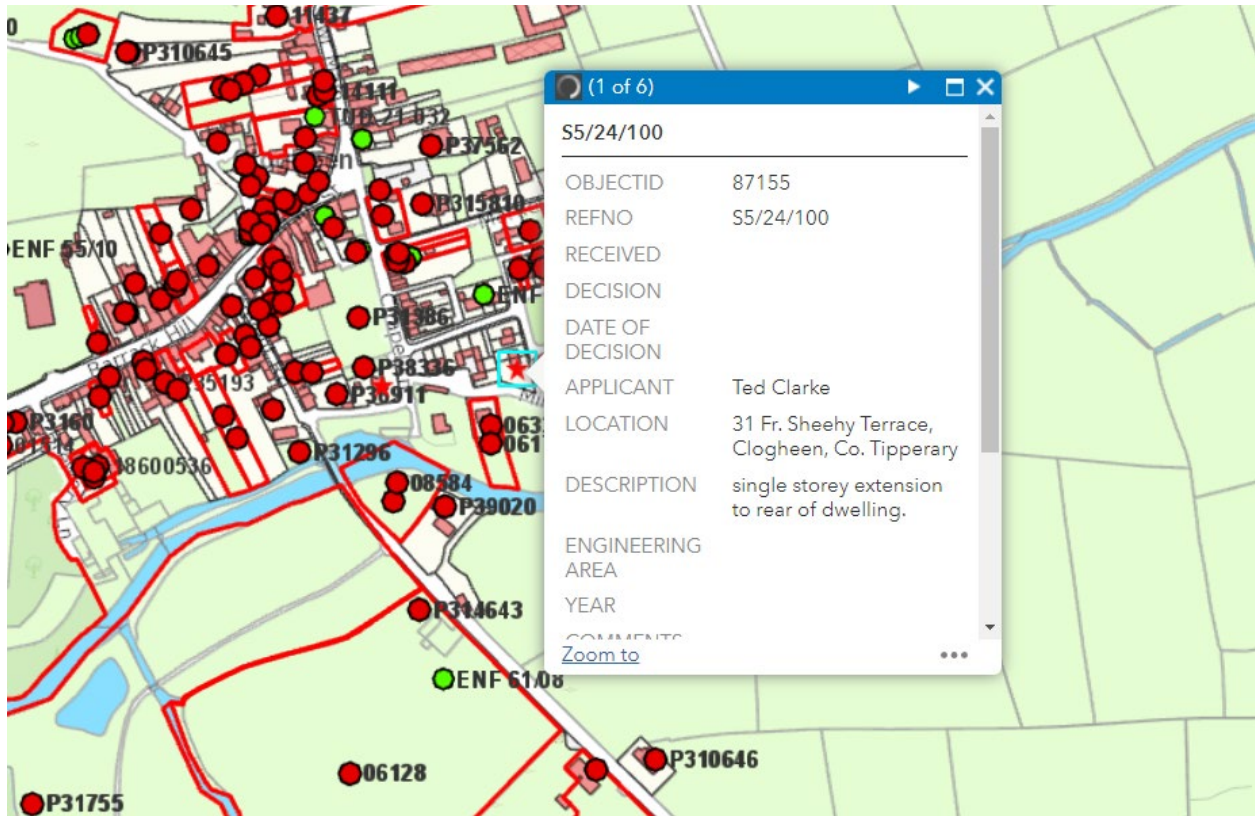
Date: 09/09/24

Signed: 
Senior Executive Planner

Date: 24.09.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/100
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 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
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 25th September, 2024

Our Ref: S5/24/100

Civic Offices, Nenagh

Ted Clarke
31 Fr. Sheehy Terrace
Clogheen
Co. Tipperary

Re: Declaration under Section 5 of the Planning and Development Act 2000

Dear Mr Clarke,

I refer to your application for a Section 5 Declaration received on 30th August, 2024, in relation to the following proposed works:

Single storey rear extension at 31 Fr. Sheehy Terrace, Clogheen, 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) Part 1, Class 1, of Schedule 2 of the Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that the proposal for a single storey extension to the rear of the dwelling at No. 31 Fr. Sheehy Terrace, Clogheen, Co. Tipperary, as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is "**exempted development**".

The development would not be likely to have significant effects on the environment and would not require an EIA.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord 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

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/100** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

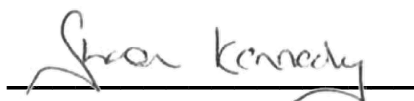
I, Sharon Kennedy, Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Ted Clarke, 31 Fr. Sheehy Terrace, Clogheen, Co. Tipperary, re: Construction of a single storey extension to rear of dwelling at 31 Fr. Sheehy Terrace, Clogheen, 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) Part 1, Class 1, of Schedule 2 of the Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that the proposal for a single storey extension to the rear of the dwelling at No. 31 Fr. Sheehy Terrace, Clogheen, Co. Tipperary, as presented on the drawings and details provided with the Declaration application, constitutes "development" within the meaning of the Planning and Development Act 2000, and is "exempted development".

Signed:



Sharon Kennedy

Director of Services

**Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District**

Date: 25/09/2024