



Tipperary County Council
RECEIVED
03 OCT 2024
CASH OFFICE
Civic Offices, Clonmel

Receipt 155 704
issued 03 10 2024
€80-00 cheque

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	ANNE CARROLL
Address	C/O MARIAM CARROLL NO 22 TANNERS GATE CARRICK. ON SUIR CO. TIPPERARY.
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	JIMMY FLYNN
Address	FLYNN ASSOCIATES COOLNAULICK ROAD CARRICK BEG. CARRICK. ON SUIR CO. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [] Agent [✓]	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	NO 04 TANNERS GATE CARRICK. ON SUIR CO. TIPPERARY EIRCODE: E32 PK10
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TIPPERARY CO. COUNCIL
RECEIVED
03 OCT 2024
PLANNING SECTION
FILE NO.

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.)

TO CONSTRUCT A CONSERVATORY TO THE REAR
OF EXISTING RESIDENCE AS PER ENCLOSED DRAWINGS
Proposed floor area of proposed works/uses: 13.10 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 <input checked="" type="checkbox"/>	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)* Anne Carroll Date: 2nd OCTOBER 2024

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)

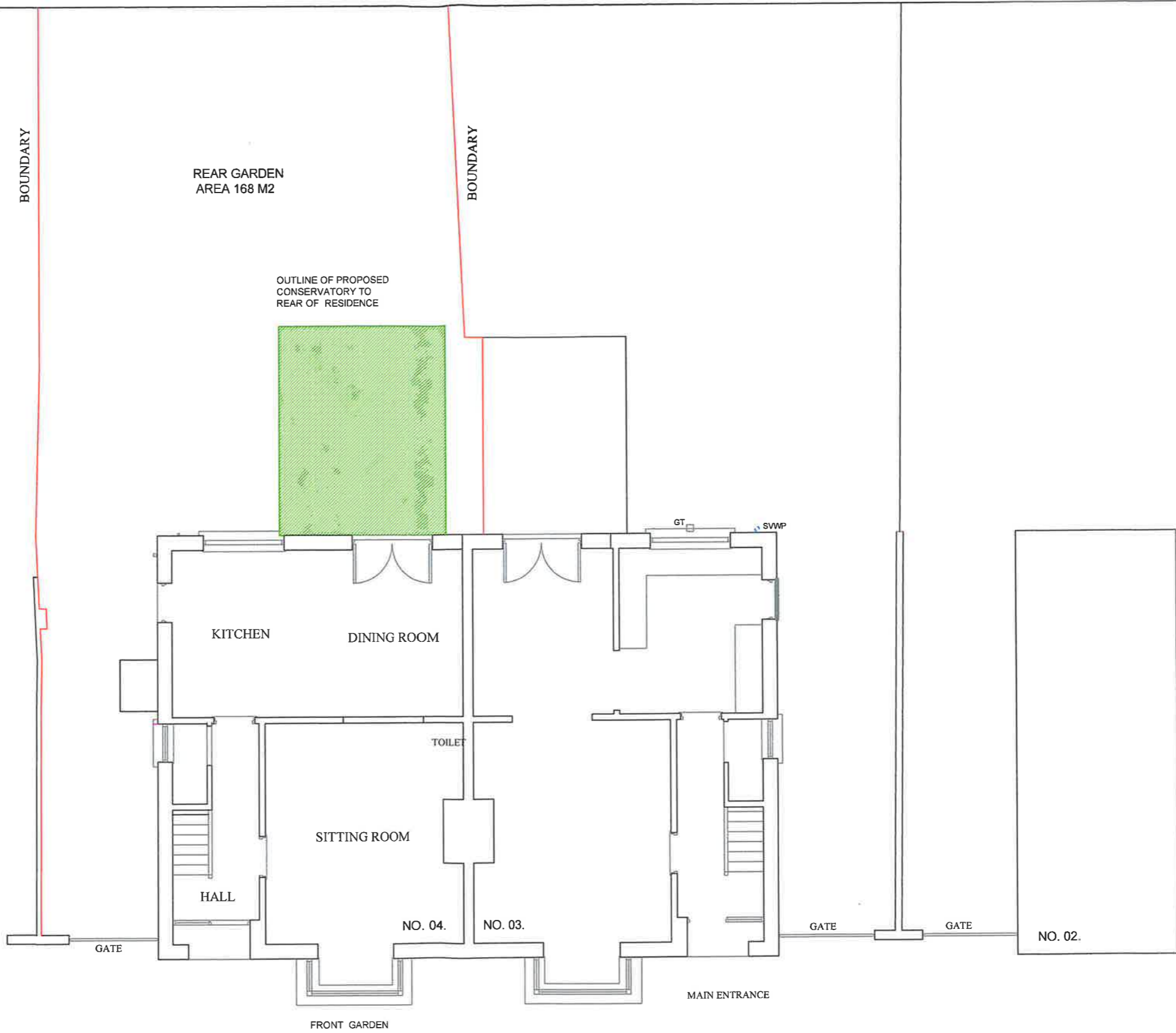
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

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

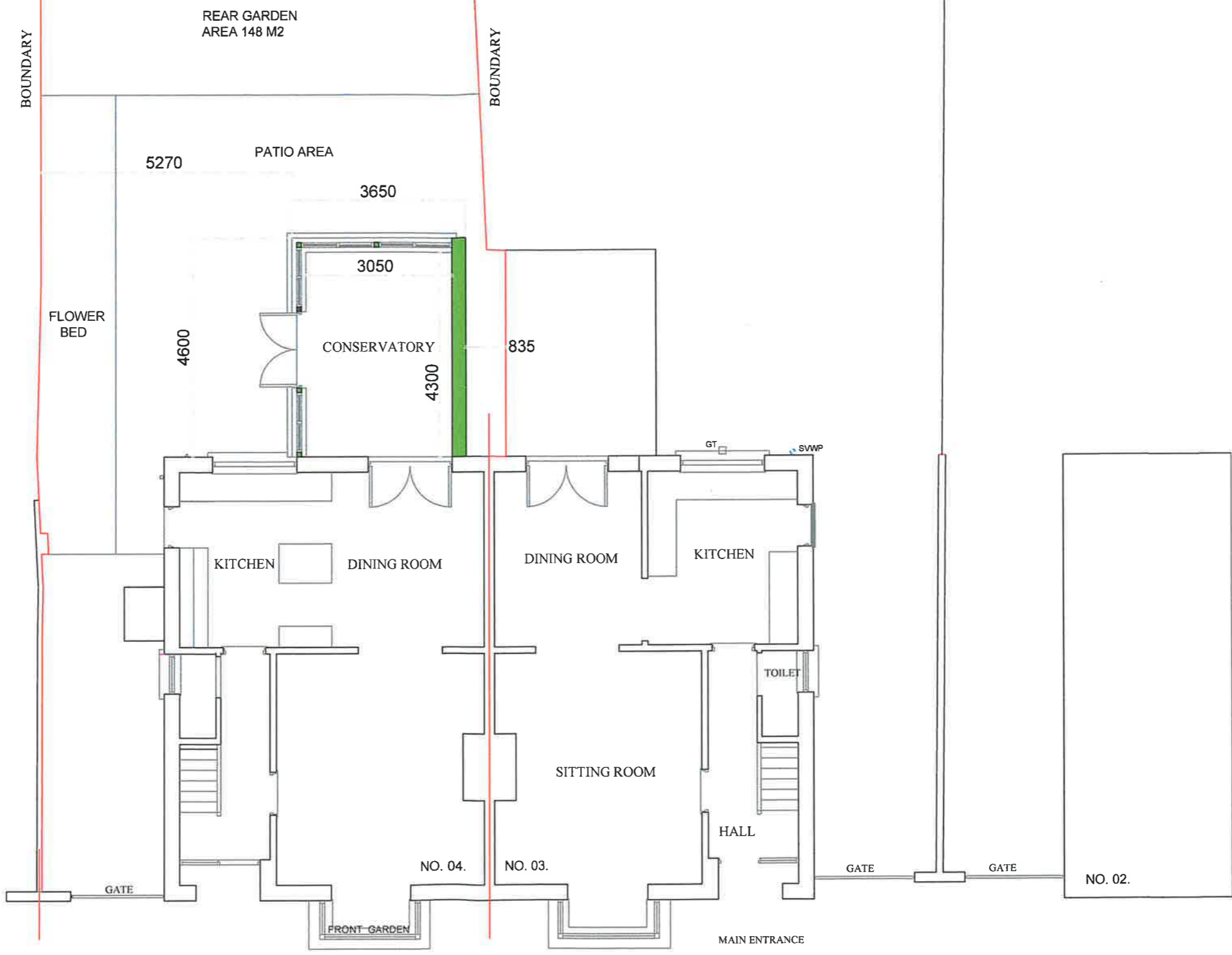
<u>DATE STAMP</u>
Fee Recd. € _____
Receipt No _____
Date _____
Received by _____



SURVEY GROUND FLOOR PLAN
 FLOOR AREA: 57.00 SQ. MTS 613 SQ. FT.

SECTION 5 DECLARATION
EXEMPTED DEVELOPMENT

Notes	Revisions		Project	PROPOSED TO CONSTRUCT CONSERVATORY TO THE REAR OF EXISTING RESIDENCE AT NO. 04 TANNERS GATE, CARRICK-ON-SUIR, CO. TIPPERARY EIRCODE E32PK10		
			Title	GROUND FLOOR PLANS SURVEY AND PROPOSED		
			Client	ANNE CARROLL		
			Sheet No.	01	Scale	1-100@A3
					Date	SEPTEMBER 2024



PROPOSED GROUND FLOOR PLAN

**SECTION 5 DECLARATION
EXEMPTED DEVELOPMENT**

Notes	Revisions		Project	PROPOSED TO CONSTRUCT CONSERVATORY TO THE REAR OF EXISTING RESIDENCE AT NO. 04 TANNERS GATE, CARRICK-ON-SUIR, CO. TIPPERARY EIRCODE E32PK10		
			Title	GROUND FLOOR PLANS SURVEY AND PROPOSED		
			Client	ANNE CARROLL		
			Sheet No.	02.	Scale	1-100@A3
					Date	SEPTEMBER 2024



WEST ELEVATION SURVEY



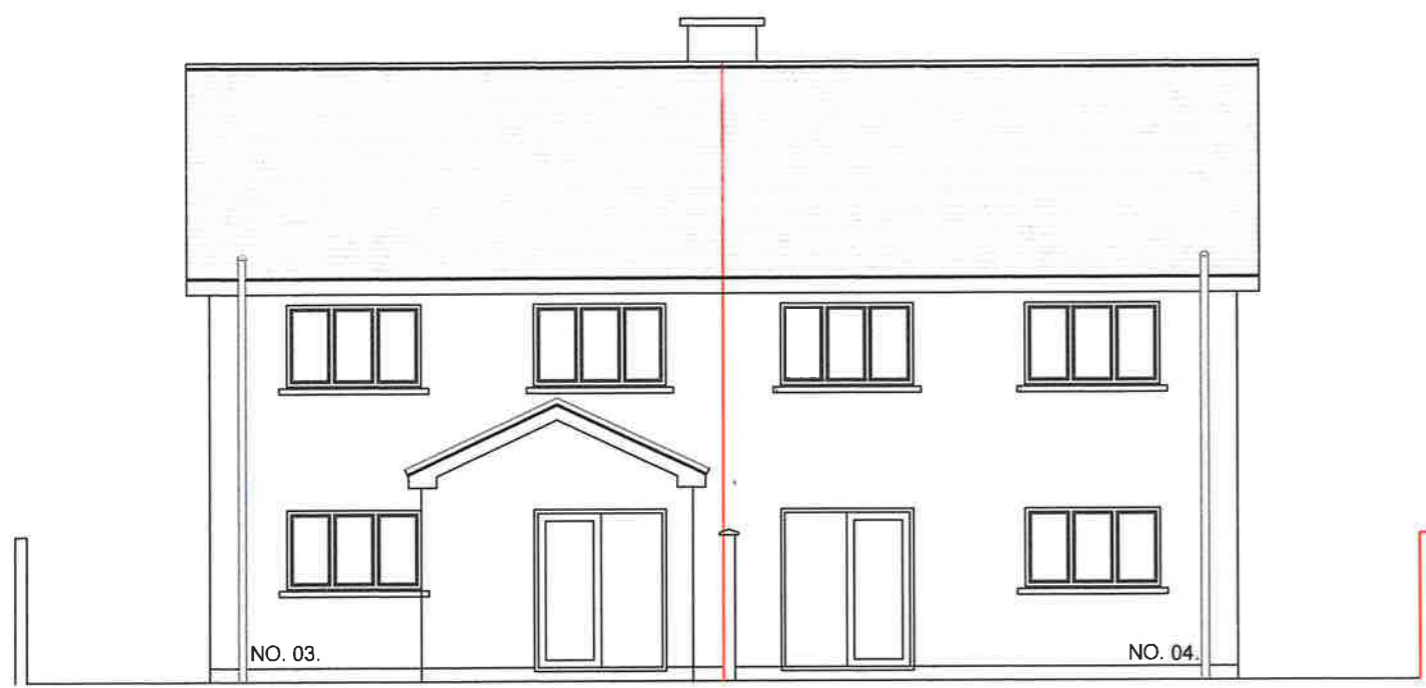
WEST ELEVATION SURVEY



PROPOSED CONSERVATORY SECTION

SECTION 5 DECLARATION
EXEMPTED DEVELOPMENT

Notes	Revisions		Project	PROPOSED TO CONSTRUCT CONSERVATORY TO THE REAR OF EXISTING RESIDENCE AT NO. 04 TANNERS GATE, CARRICK-ON-SUIR, CO. TIPPERARY EIRCODE E32PK10		
			Title	PROPOSED CONSERVATORY SECTION		
			Client	ANNE CARROLL		
			Sheet No.	03.	Scale	1-100@A3
			Date	SEPTEMBER 2024		



SOUTH ELEVATION SURVEY



EAST ELEVATION SURVEY



SOUTH ELEVATION PROPOSED



EAST ELEVATION PROPOSED

SECTION 5 DECLARATION
EXEMPTED DEVELOPMENT

Notes	Revisions	Project	PROPOSED TO CONSTRUCT CONSERVATORY TO THE REAR OF EXISTING RESIDENCE AT NO. 04 TANNERS GATE, CARRICK-ON-SUIR, CO. TIPPERARY EIRCODE E32PK10			
		Title	SURVEY AND PROPOSED CONSERVATORY ELEVATIONS			
		Client	ANNE CARROLL			
		Sheet No.	04.	Scale	1-100@A3	Date

Land Registry Compliant Map

CENTRE COORDINATES:
ITM 639334,622233

PUBLISHED: 26/04/2024
ORDER NO.: 50396913_1

MAP SERIES: 5434-15
1:1,000
5434-20

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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,
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An tAonach,
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Co. Tipperary
E45 A099

t 0818 06 5000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 4th October 2024 Our Ref: S5/24/111 Civic Offices, Clonmel

**Anne Carroll
C/o Jimmy Flynn,
Jimmy Flynn & Associates,
Coolnamuck
Carrickbeg,
Carrick on Suir,
Co. Tipperary.**

Re: Application for a Section 5 Declaration – to construct a conservatory to the rear of existing residence at No 4 Tanners Gate, Carrick on Suir, Co. Tipperary, E32PK10

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 3rd October 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 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.: S5/24/111
Applicant: Anne Carroll
Development Address: 4 Tannersgate, Carrick on Suir, Co. Tipperary
Proposed Development: single storey extension to rear of dwelling.

1. GENERAL

On the 3rd of October 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 conservatory to the rear of 4 Tannersgate, Carrick on Suir, Co. Tipperary.

It is noted that the submitted drawing indicates that a new patio area is to be provided in part of the rear garden. While not expressly referenced in the query, this Declaration will consider same.

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 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;

(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.

Conditions and Limitations

1. The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.
2. Provided that the area of the hard surface is less than 25 square metres or less 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, whichever is the smaller,
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 semi- detached dwelling at 4 Tannersgate, Carrick on Suir, Co. Tipperary.

b. Relevant Planning History

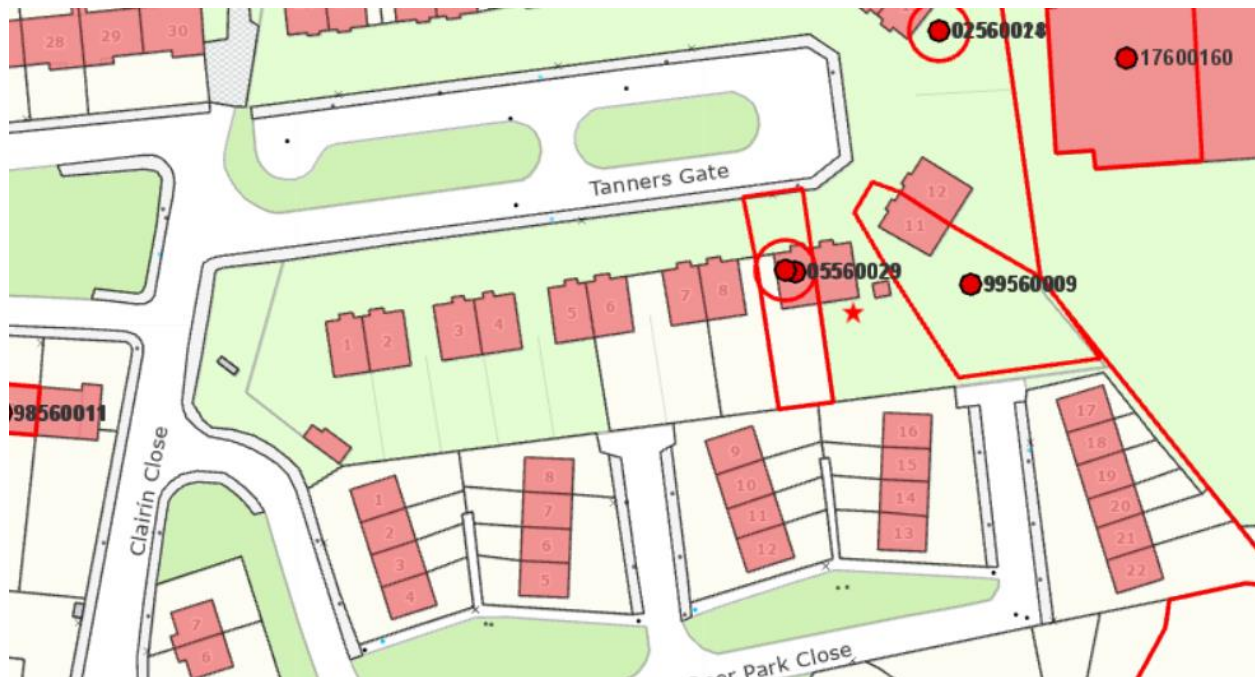
On site

None recorded. The historic planning register and I Plan has been reviewed.

Adjacent

None relevant

Figure 1 Planning history



c. Assessment

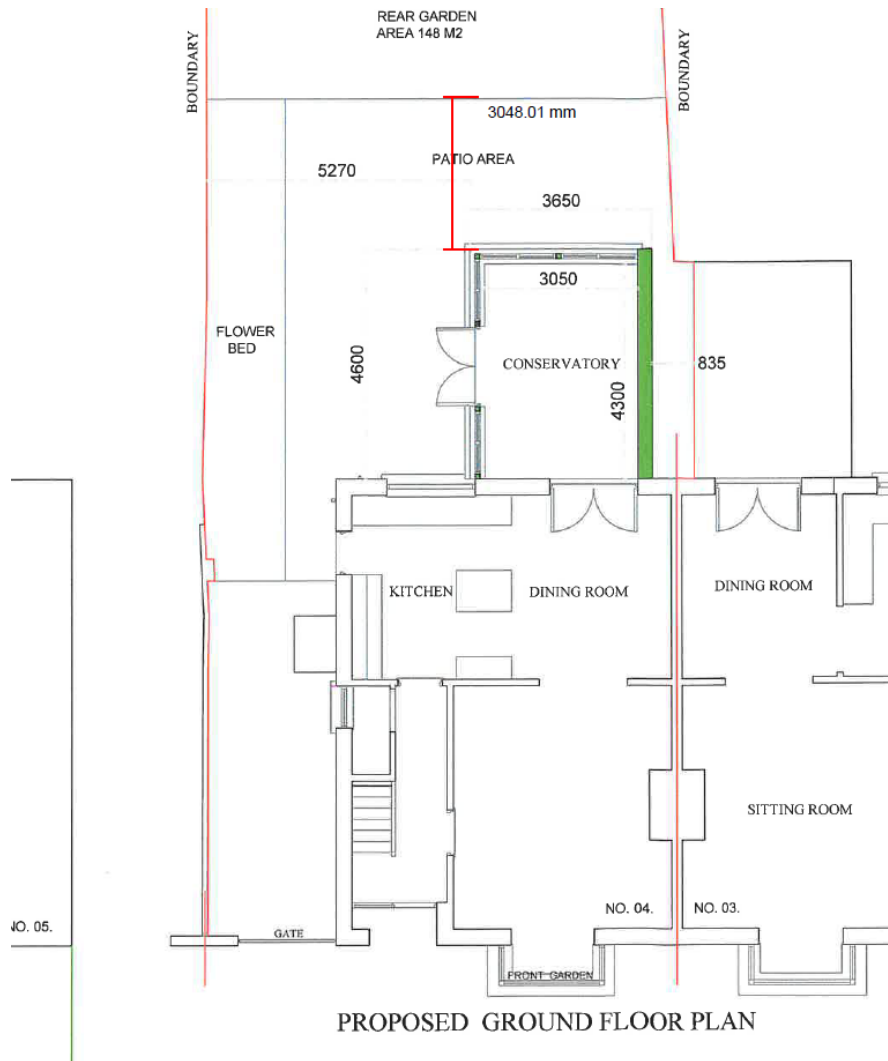
A) “Is or is not Development”

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 and the construction of a conservatory to the rear of the property and the provision of an area of ancillary hard standing in the rear garden space. The conservatory will provide an additional 13.115 sqms of internal floor space. The hard-standing area is 37 sqms. 148 sqms of garden space remains.

Figure 2 floor plans and elevations



It is noted that a block wall is proposed on the western side elevation.

Having reviewed the conditions and limitations associated with Class 1, it is not considered that any apply in this instance. The dwelling was not previously extended. The works are to the rear and are under 40sqms. No windows are proposed on the eastern side elevation.

There is no limitation in respect of the area of garden space to be retained to the rear of the property.

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. 325ms from the Lower River Suir SAC, 12 kms from the Comeragh Mountains SAC and 15 kms from The Nier Valley Woodlands 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 and 6, of Schedule 2 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 presented on the drawings and details provided with the Declaration application, for a single storey extension to rear of dwelling at 4 Tannersgate, Carrick on Suir, 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: Paul Killean
District planner

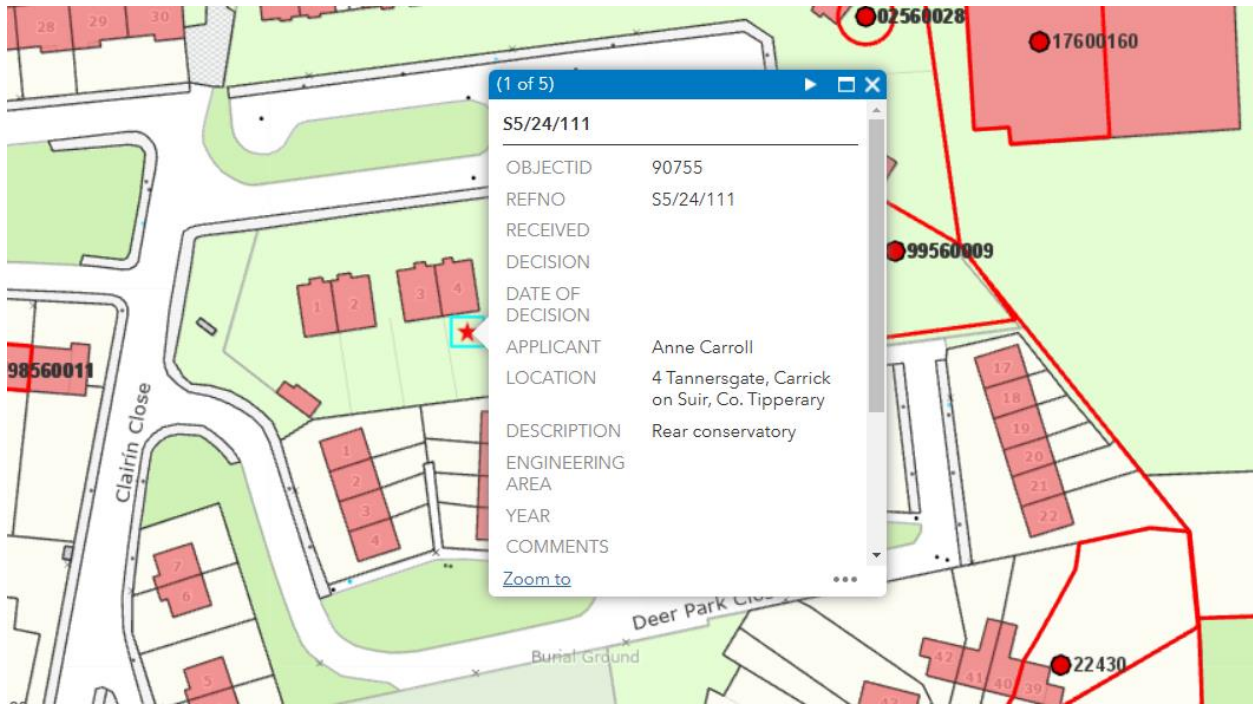
Date: 25/10/24

Signed: C. Conway
Senior Executive Planner

Date: 25.10.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/111
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: 29th October, 2024

Our Ref: S5/24/111

Civic Offices, Nenagh

Annie Carroll
C/O Jimmy Flynn
Jimmy Flynn & Associates
Coolnamuck
Carrickbeg
Carrick-on-Suir

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

Dear Ms Carroll,

I refer to your application for a Section 5 Declaration received on 3rd October, 2024, in relation to the following proposed works:

Single storey rear extension at 4 Tanners Gate, Carrick-on-Suir, Co. Tipperary.

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

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1 and 6, of Schedule 2 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 presented on the drawings and details provided with the Declaration application, for a single storey extension to rear of dwelling at 4 Tannersgate, Carrick on Suir, 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: **S5/24/111** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/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 Anne Carroll, c/o Jimmy Flynn, Jimmy Flynn & Associates, Coolnamuck, Carrickbeg, Carrick-on-Suir, Co. Tipperary re: Construction of a single storey extension to rear of dwelling at 4 Tanners Gate, Carrick-on-Suir, Co. Tipperary is development and is exempted development.

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1 and 6, of Schedule 2 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 presented on the drawings and details provided with the Declaration application, for a single storey extension to rear of dwelling at 4 Tanners Gate, Carrick-on-Suir, constitutes "development" within the meaning of the Planning and Development Act 2000, and is "**exempted development**".

Signed:  _____

Date: 29/10/2024

**Dave Carroll,
A/Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District**