



S5 / 24 / 139

Comhairle Contae Thiobraid Árann
Tipperary County Council

TIPPERARY COUNTY COUNCIL
RECEIVED
20 NOV 2024
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	MICHAEL PRICE
Address	3 RIVERSDALE LISVERNANE AMERLOW E34PD35 TIPPERARY Co. TIPPERARY
Telephone No.	[REDACTED]
E-mail	/

2. Agent's (if any) address:

Agent	GERARD MYERS
Address	BALLYRYAN EAST SOLOHEAD, TIPPERARY Co. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant <input checked="" type="checkbox"/>	Agent []

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	3 RIVERSDALE LISVERNANE AMERLOW TIPPERARY Co. TIPPERARY
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Tipperary County Council
RECEIVED
20 NOV 2024
CASH OFFICE
Civic Offices, Clonmel

Receipt No 187179
Issued 19/11/2024
€80.00
Postal Order

SCANNED

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.

PERMISSION FOR HOUSING ADAPTATION GRANT.	
THE CONSTRUCTION OF A GROUND FLOOR BEDROOM AND DISABLED BATHROOM, TO THE REAR OF EXISTING DWELLING.	
Proposed floor area of proposed works/uses:	sqm 24.09m 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		
If you are not the legal owner, please state the name and address of the owner	Name: Address:	

Signature of Applicant(s) Michael Quince Date: 09/11/2024

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		

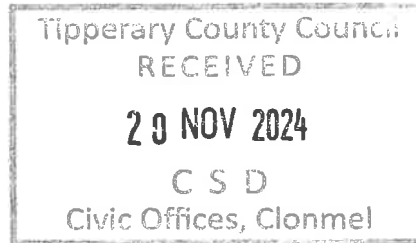
FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € _____
Receipt No _____
Date _____
Received by _____

Schedule:

- One copy of application for a section 5 Declaration. Development / Exempted Development
- One copy of drawing 2024-MP-001 REV1 (proposed dwelling)
- One copy of drawing 2024-MP-201 REV1 (1:500) (site layout map)
- One copy of site place map (1:1000)
- One copy of site place map (1:10560)
- Selection of photographs of current dwelling
- Fee (€80.00)



Site Location Map



CENTRE COORDINATES:
ITM 584463,628866

ORDER NO.:
50433086_1

MAP SERIES:
6 Inch Raster
6 Inch Raster
TY073+073A

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

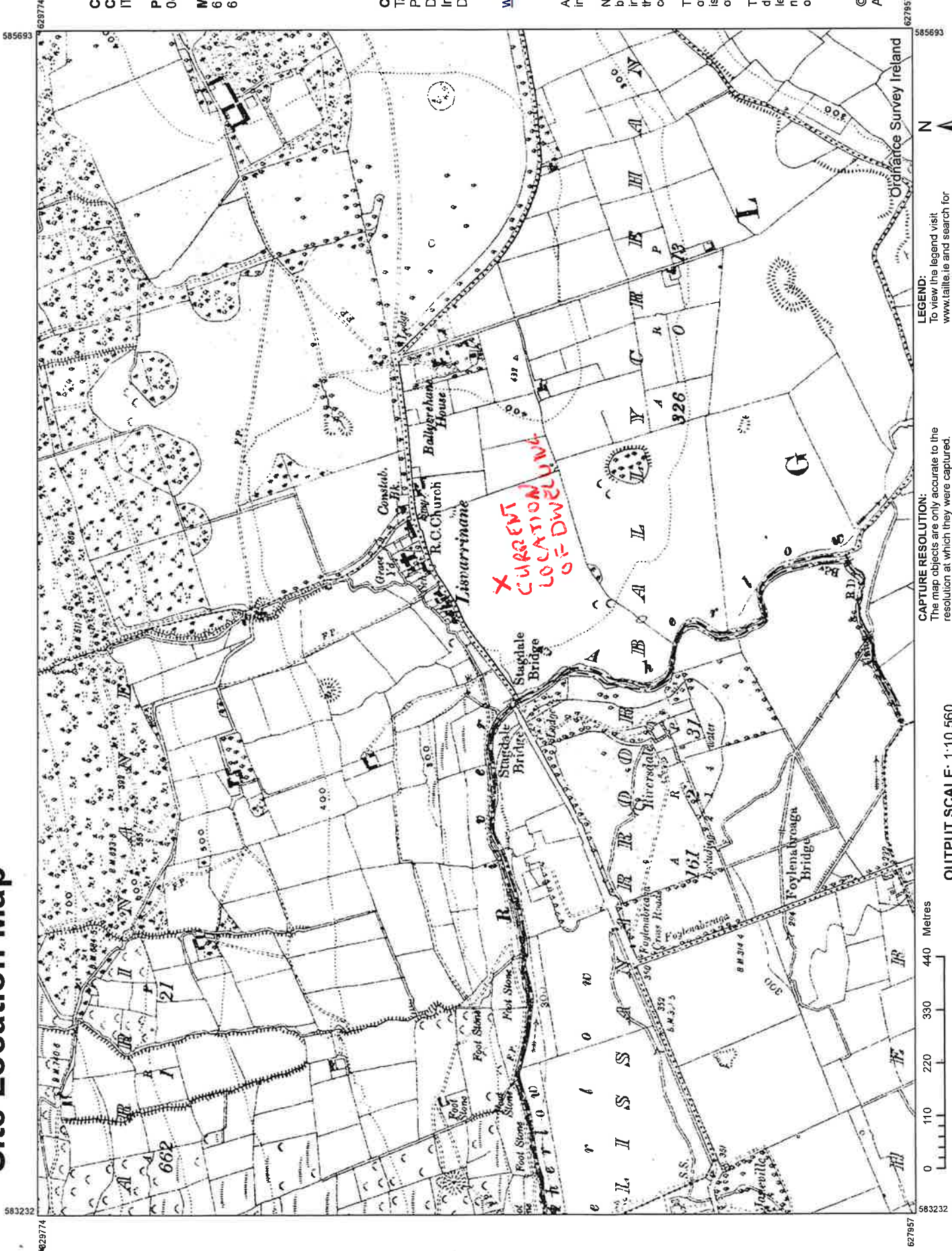
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This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

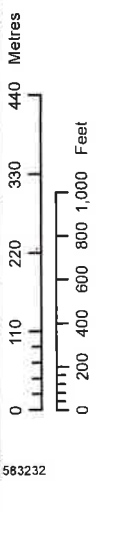
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

OUTPUT SCALE: 1:10,560



627957

629774

585693

583232

627957

Planning Pack Map

Tailte Éireann



CENTRE COORDINATES:
ITM 584463,628866
ORDER NO.:
08/11/2024 50433086_1
MAP SERIES: 5300-A
MAP SHEETS: 1:2,500

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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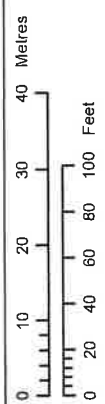
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OUTPUT SCALE: 1:1,000



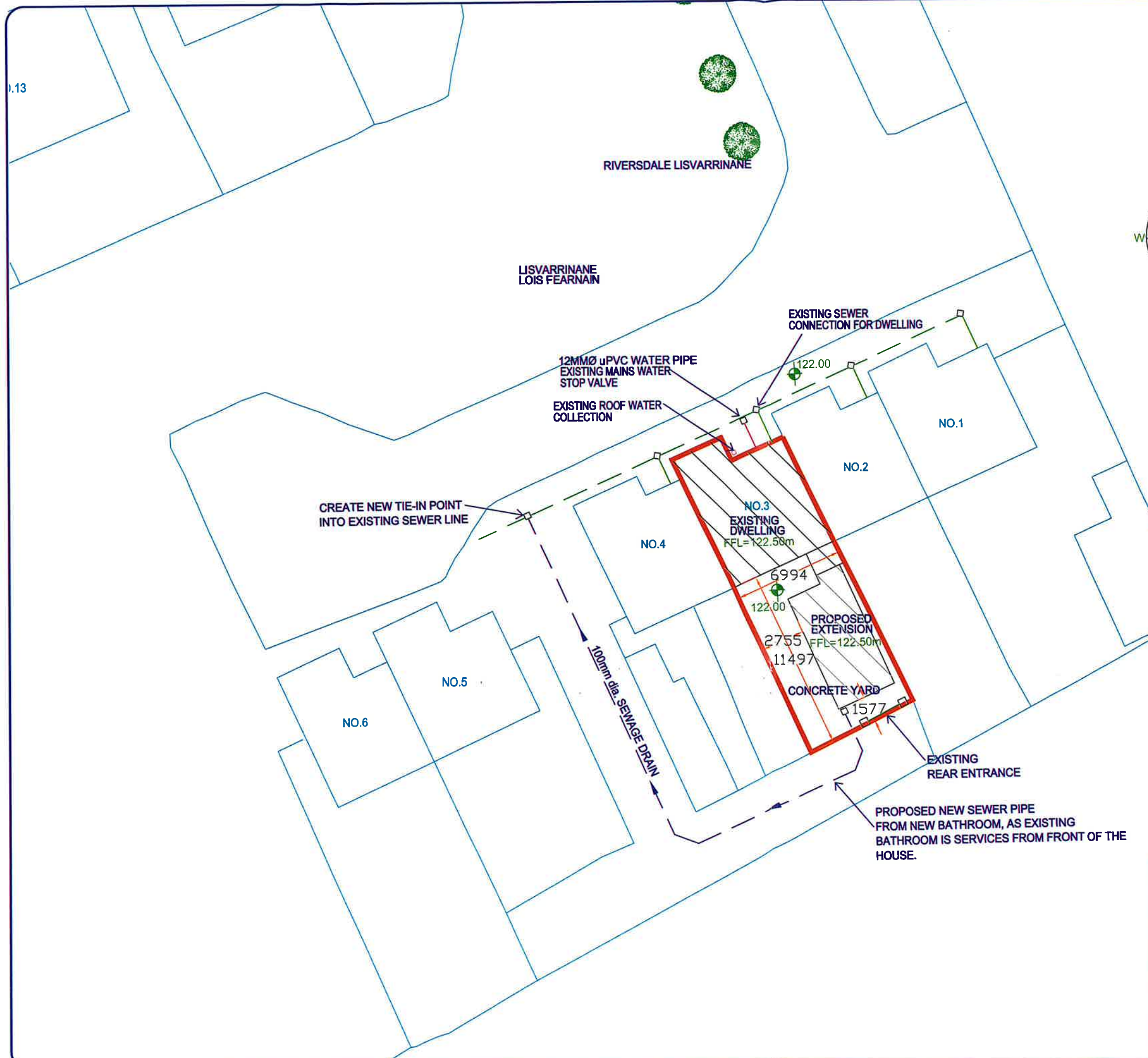
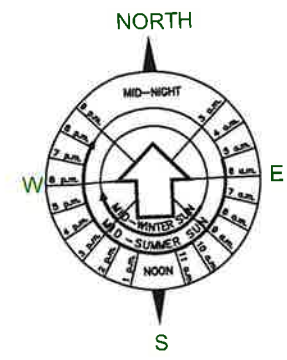
628780

PHOTOGRAPHS OF CURRENT DWELLING



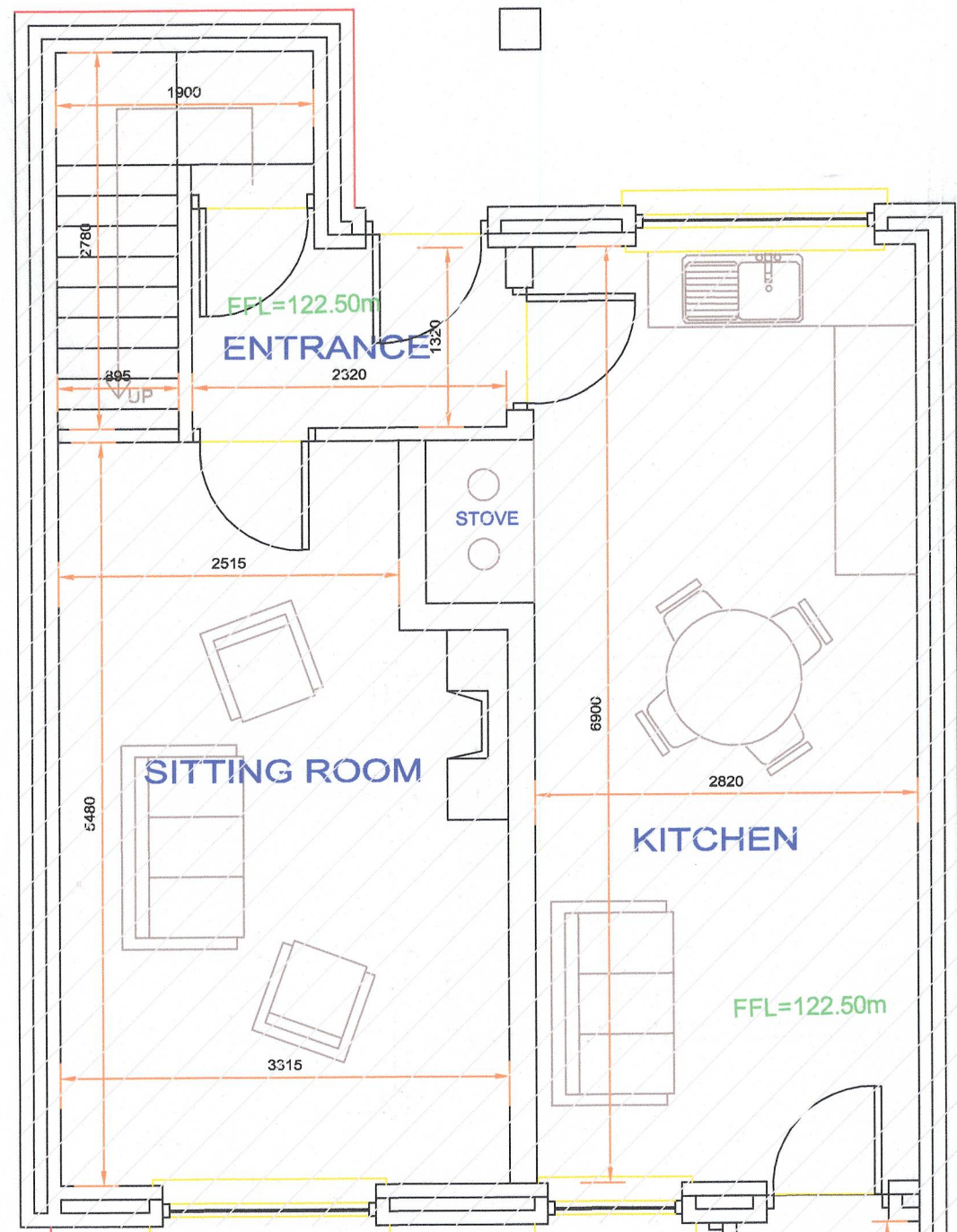


SITE LAYOUT PLAN
 SITE OUTLINED IN RED
 SITE AREA: 137.08 SQ.M. / 0.0338 ACRES
 OR 0.0137 HECTARES
 SCALE 1:250

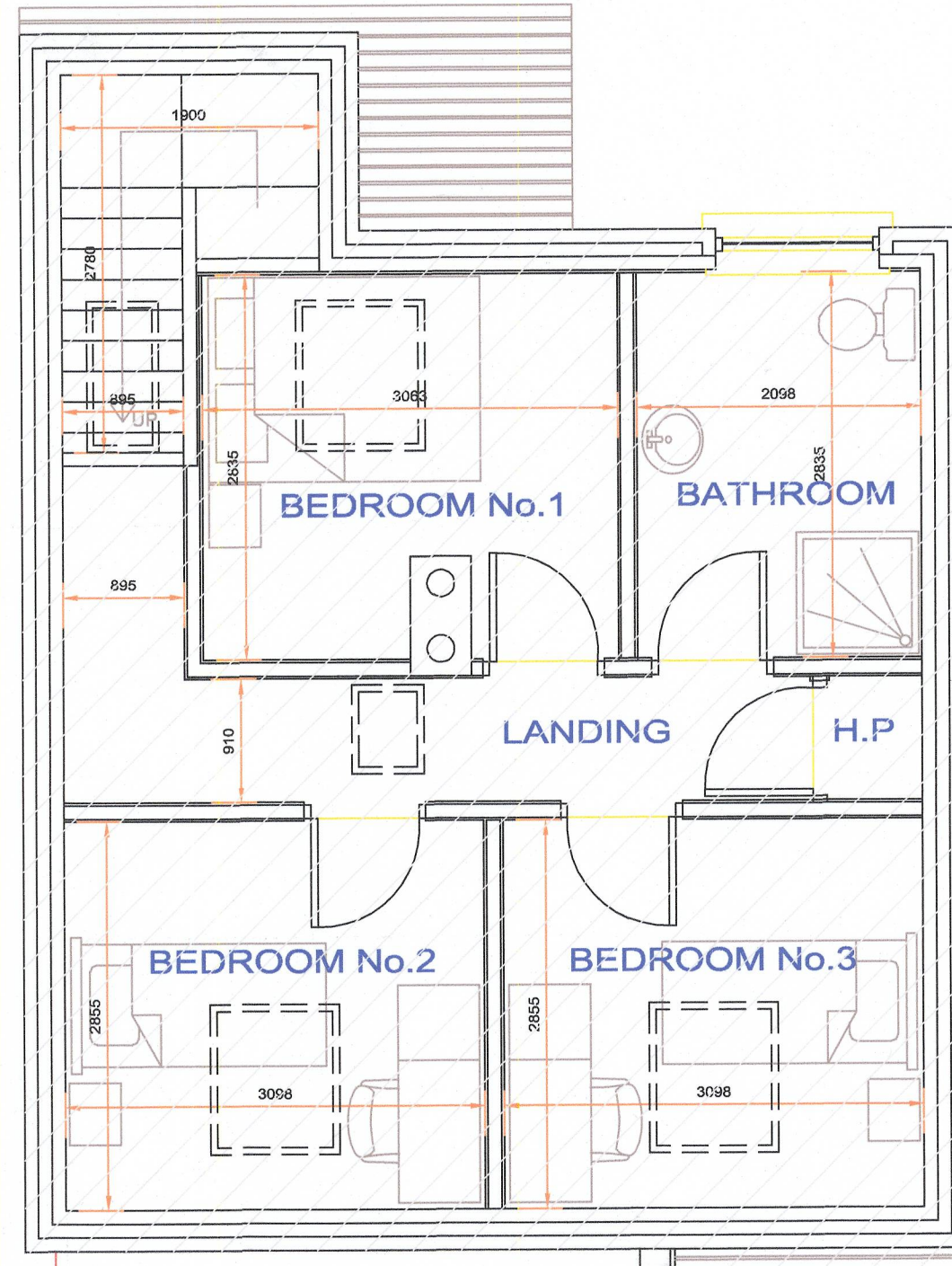


NOTE:
 THE EXISTING LAND BOUNDARY SHALL BE RETAINED AND MAINTAINED.

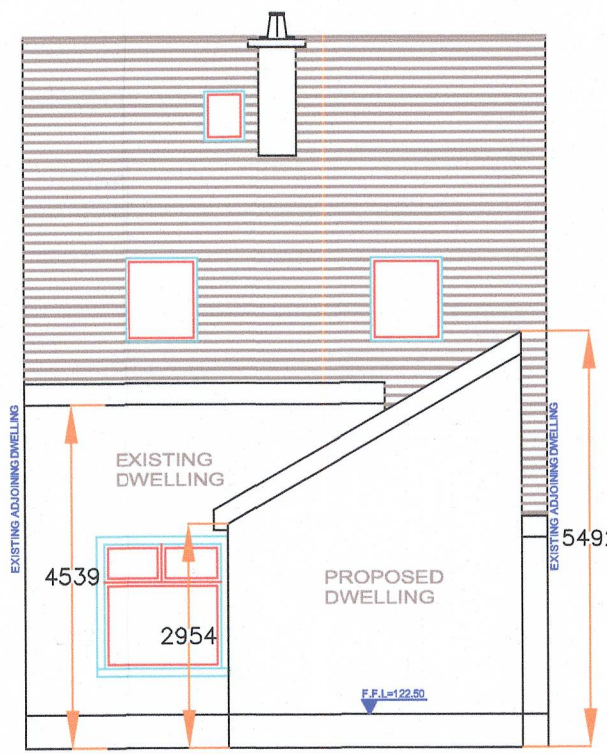
TITLE: PERMISSION FOR PROPOSED SITE LAYOUT @ 3 RIVERSDALE AHERLOW, TIPPERARY Co. TIPPERARY			
CLIENT: MICHAEL PRICE			
SCALE: 1:250	PAPER: @A3	DATE: 08:11:2024	SITE PLAN Sh. 1 of 1.
DRAWN BY: GERARD MYERS BALLYRYAN EAST, SOLOHEAD TIPPERARY, CO TIPPERARY 0879822030		DRAWN NO.: 2024-MP-201	REVISION NO.: 1



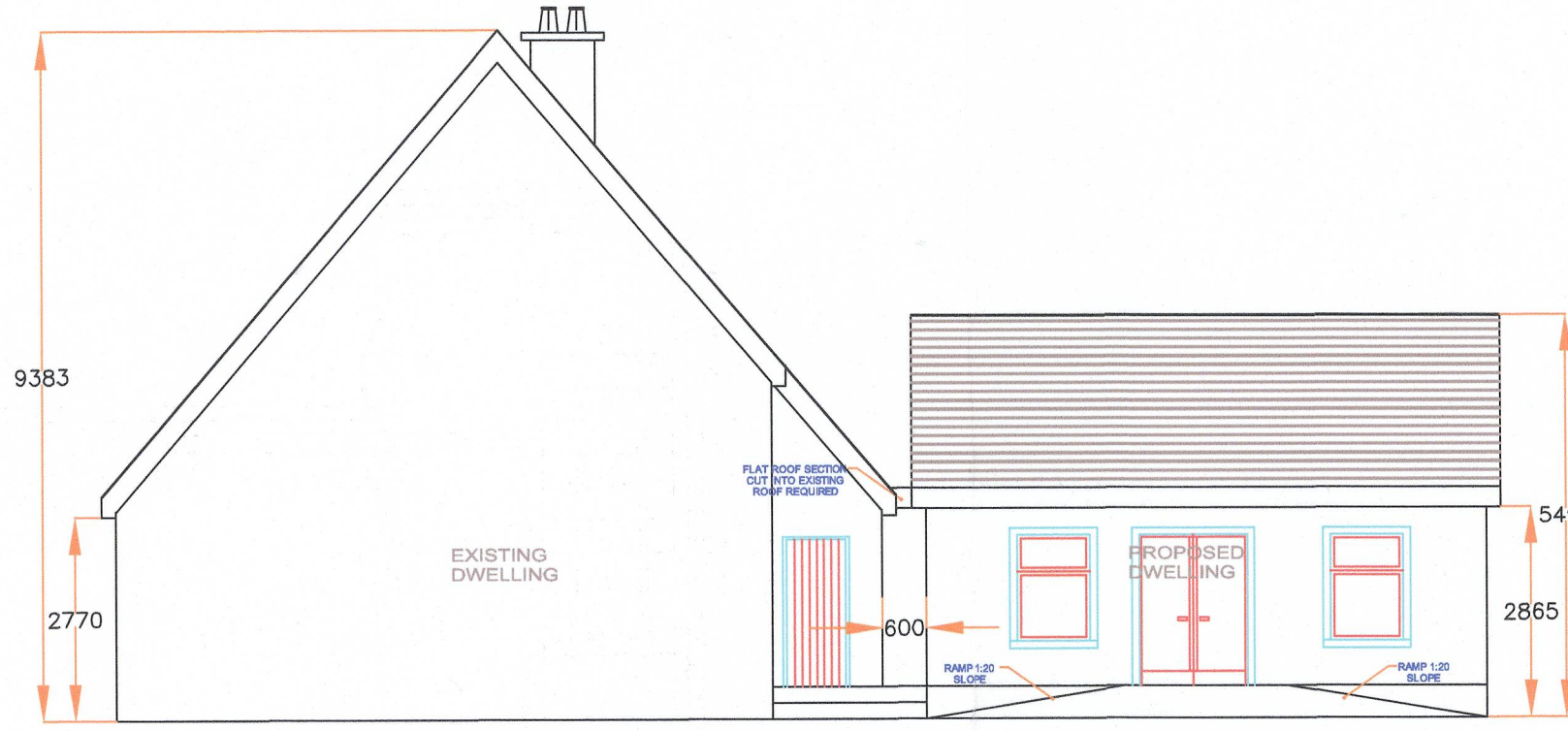
GROUND FLOOR
1:50



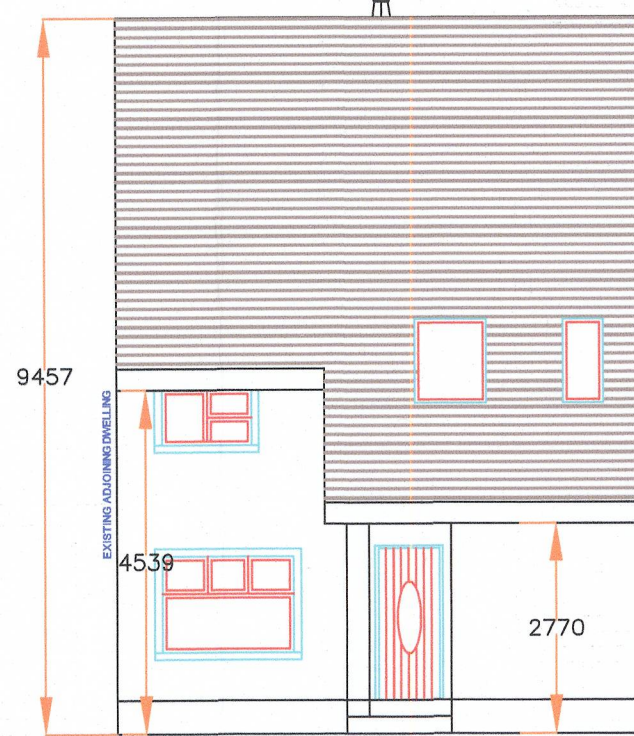
FIRST FLOOR
1:50



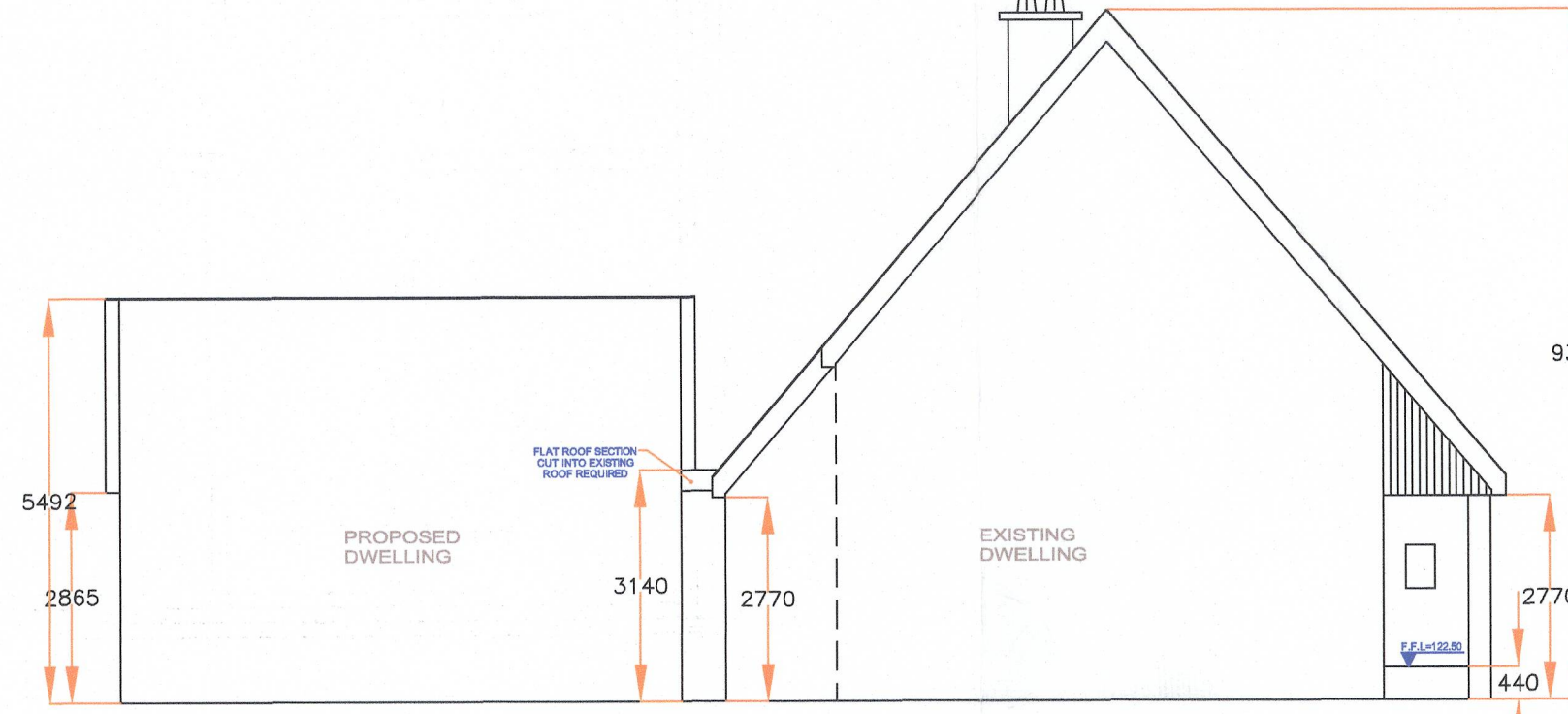
3 SOUTH REAR ELEVATION
SCALE 1:50



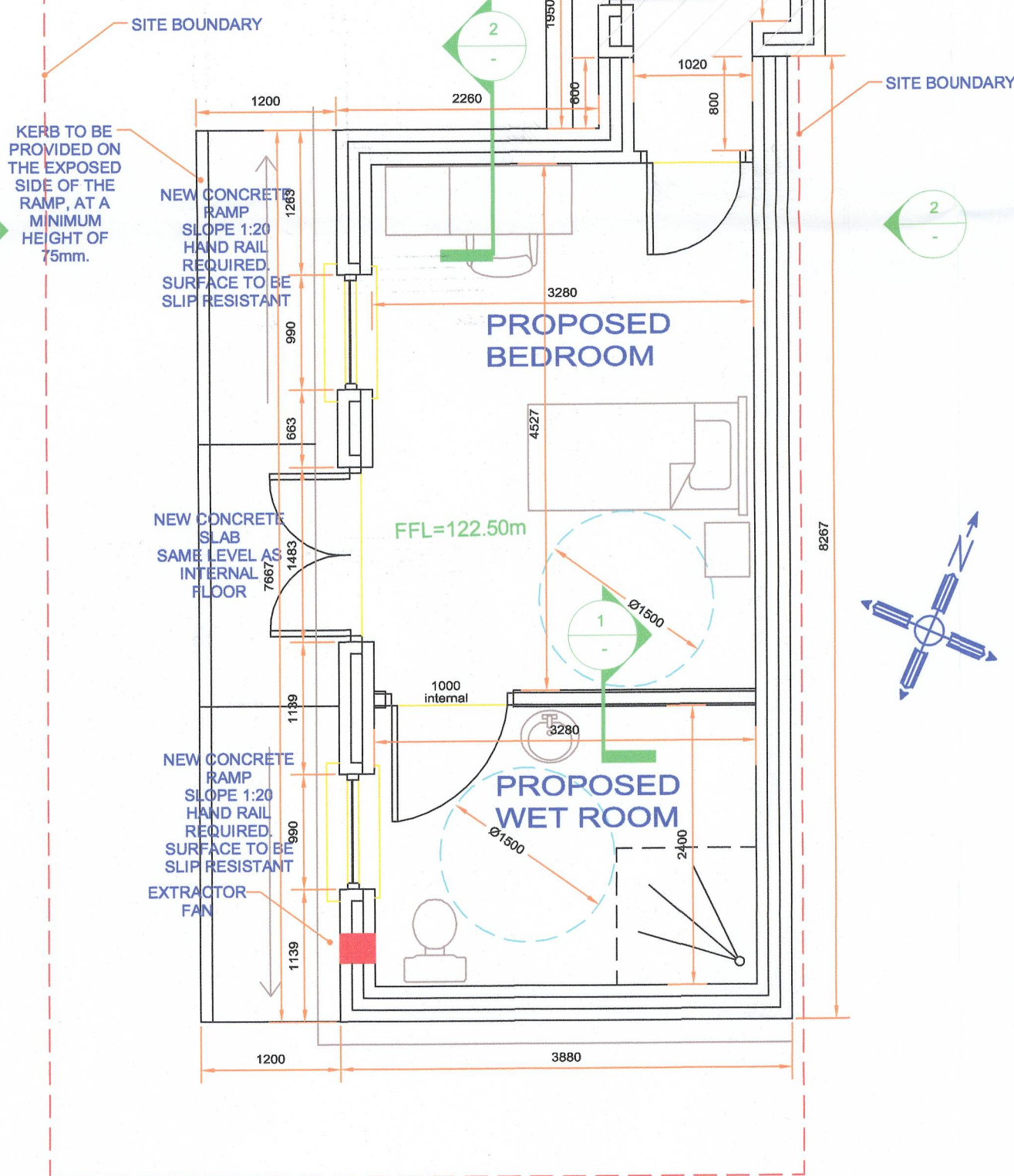
4 WEST GABLE ELEVATION
SCALE 1:50



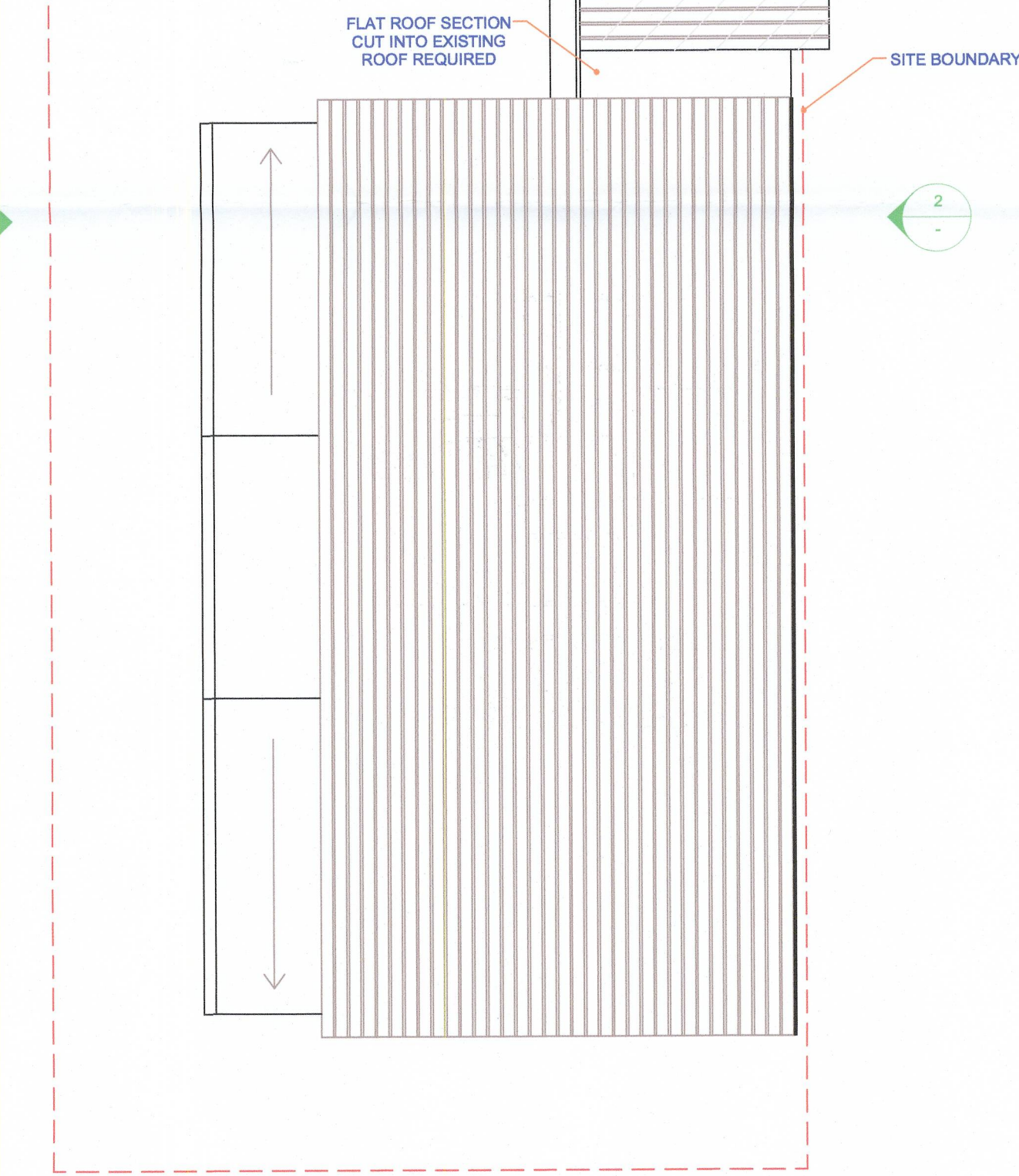
1 NORTH FRONT ELEVATION
SCALE 1:50



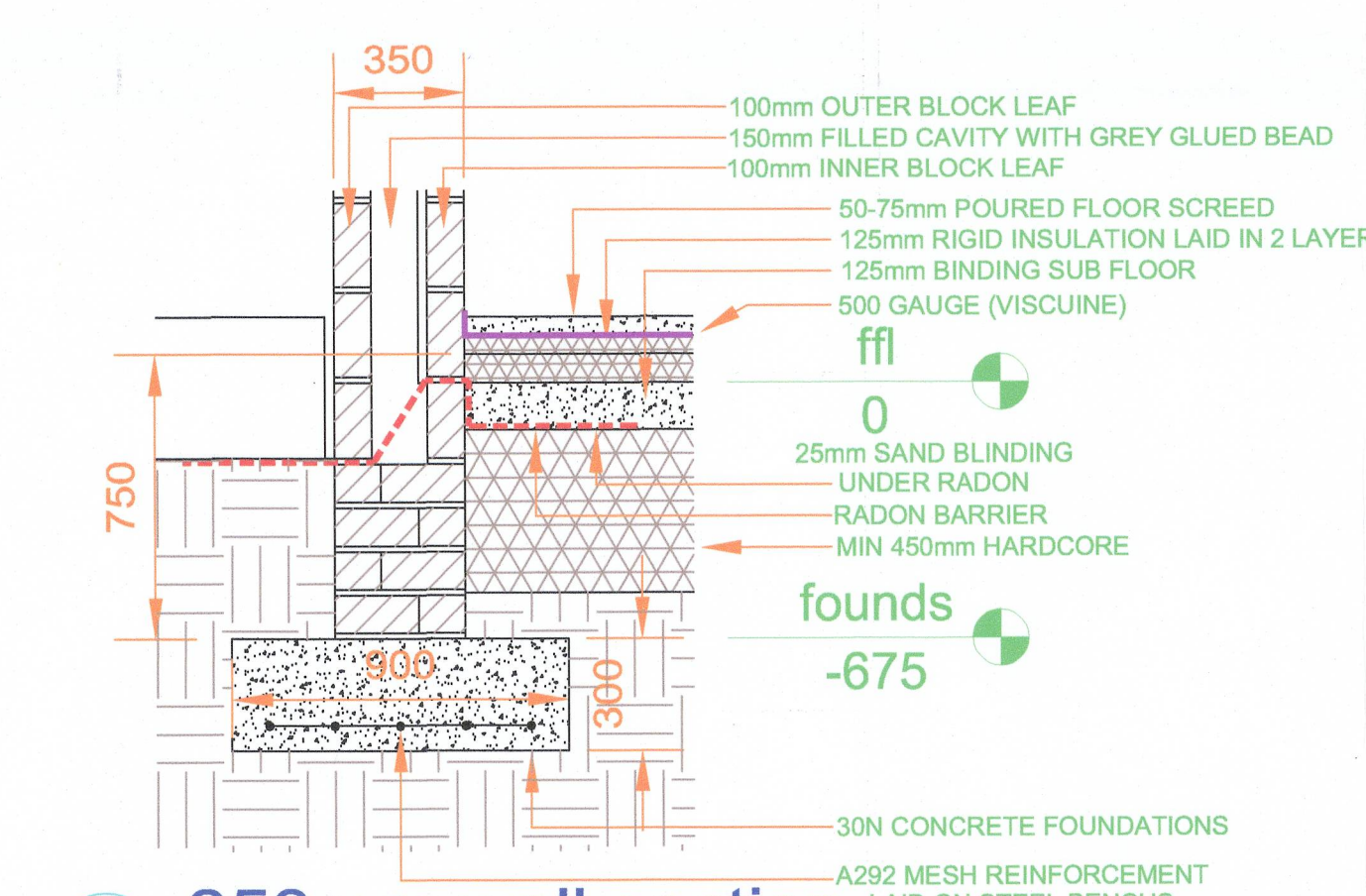
2 EAST GABLE ELEVATION
SCALE 1:50



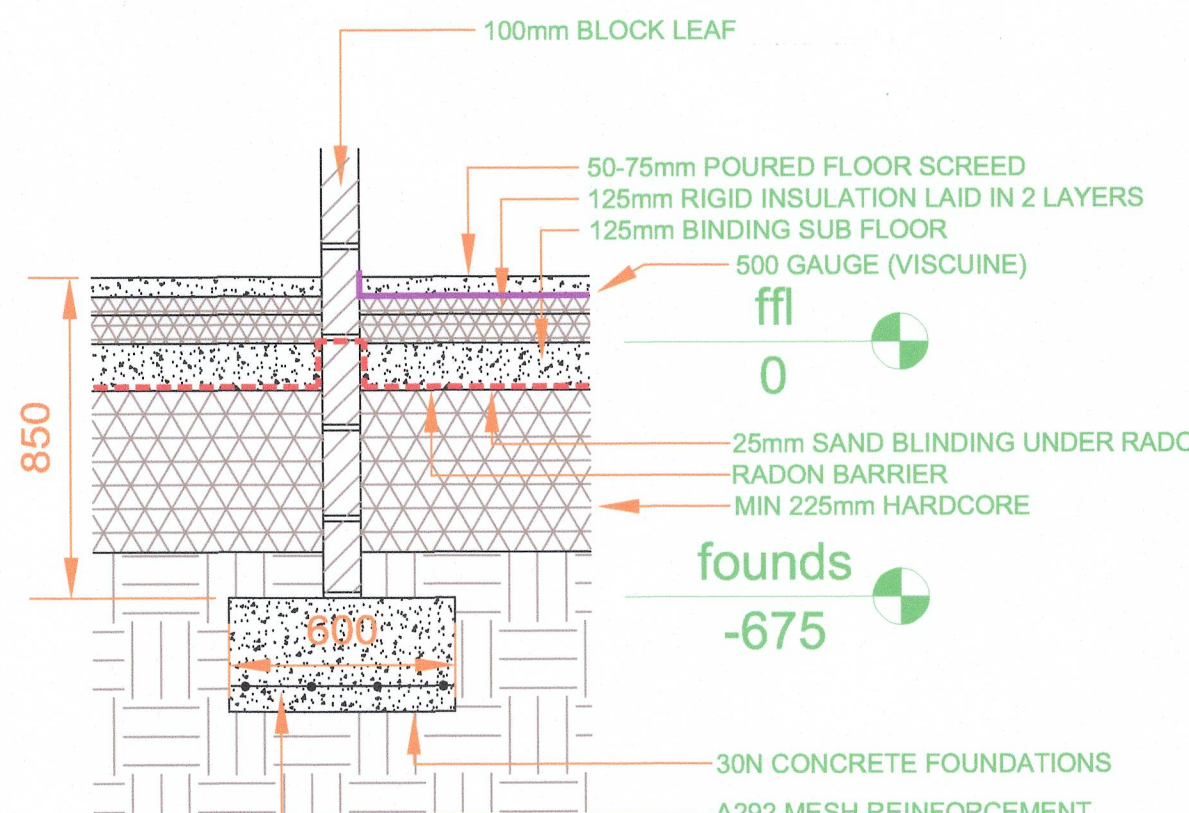
PROPOSED GROUND FLOOR
1:50



PROPOSED FIRST FLOOR
1:50



2 350mm wall section
1:20



4 100mm wall section
1:20

ROOF:
SLATES TO MATCH EXISTING OR EQUIVALENT APPROVED. MINIMUM HEAD LAP 44X150 MM RAFTERS @400MM CENTRES 44X125MM COLLARS @400MM CENTRES 175X25MM RIDGE BOARD 100X4MM HANGERS @800MM CENTRES 44X100MM BINDER 175X25MM SUB FASCIA 100X15MM WALL PLATES STRAPPED DOWN WITH 1000X30X5MM GALVANISED MILD STEEL STRAPS @1200MM CENT RES. ALL ROOFING TIMBERS TO BE DOUBLE VACUUM TREATED WITH PRESERVATIVE.

ATTIC INSULATION:
220MM FIBRE GLASS INSULATION OVER TOTAL AREA OF ATTIC FLOOR.

FASCIA / SOFFIT:
TO MATCH EXISTING

WALL VENTS:
WALL VENT TO PROVIDE 6500MM SQ OF CLEAR OPENING. VENT OPENING TO BE LINKED USING 150MM DIA UPVC PIPE TILTED TOWARDS EXTERNAL SIDE OF WALL.

PARTITION WALLS:
GROUND FLOOR PARTITIONS: 100MM BLOCK WALLS RENDERED WITH 10MM SAND CEMENT PLASTER AND FINISHED WITH SKIM COAT OF GYPSUM FLOATING COAT.

WINDOWS AND DOORS:
TO MATCH EXISTING

EXTERNAL RENDER:
TO MATCH EXISTING

GROUND FLOOR:
75MM SCREED ON 50MM POLYSTYRENE ON MOVARFLEX RMB 300 RADON BARRIER. ALL JOINTS TO BE SEALED USING 2 STRIPS OF TAPE ON SUB FLOOR TO ENGINEERS. DETAIL.

CEILINGS:
GROUND FLOOR CEILINGS 12.5MM FOIL BACKED PLASTER SLABS FINISHED WITH SKIM COAT OF GYPSUM

RAIN WATER GOODS:
BLACK 125MM HALF ROUND UPVC GUTTERS AND 65MM SQUARE SECTION DOWN PIPES.

EXTERNAL WALLS:
2ND. ROWS OF 100MM CONCRETE BLOCK LEAVES WITH 100MM CAVITY CONTAINING 60MM POLYSTYRENE INSULATION (0.035 W/MK) STAINLESS STEEL WALL TIES @750MM HORIZONTAL AND 450MM VERTICAL CENTRES. PRESTRESSED CONCRETE LINTELS WITH 2ND. COURSES OF CONCRETE BRICKS OVER PRECAST CONCRETE CILLS

NOTE:
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH OCCUPATIONAL REPORT

LEGEND:
EXISTING DWELLING

NOTE:
ALL MEASUREMENTS TO BE CHECKED ON SITE, BEFORE COMMENCEMENT OF WORK.

INTERNAL FLOOR AREA
EXISTING GROUND FLOOR AREA 48.53m²
EXISTING FIRST FLOOR AREA 46.48m²
TOTAL AREA 95.01m²

PROPOSED FLOOR AREA 24.09m²
TOTAL AREA 119.10m²
OR
TOTAL AREA 390.74ft²

BUILDER TO COMPLY WITH BUILDING REGULATIONS 1997
DRAWING TO BE READ IN CONJUNCTION WITH SPECIFICATION
WORK TO WRITTEN DIMENSIONS & CHECK ON SITE BEFORE COMMENCEMENT OF WORK
TRADESMEN ONLY ON SITE
ALL WORK TO BE SUPERVISED BY ENGINEER
OPEN FOUNDATIONS TO BE INSPECTED BEFORE CONCRETE POUR

TITLE: PERMISSION FOR HOUSING ADAPTATION GRANT SCHEME @ 3 RIVERSDALE, LISVERNANE, AHERLOW Co. TIPPERARY

CLIENT: MICHAEL PRICE **EIRCODE:** E34PD35

SCALE: 1:50 **PAPER:** @A1 **DATE:** 08:11:2024 **PLAN, ELEVATION & SECTION**
1:75 **Sh. 1 of 1.**

DRAWN BY: GERARD MYERS BALLYRYAN EAST, SOL/HEAD TIPPERARY, Co. TIPPERARY Ph. 0879822030 **DRAWN NO:** 2024-MP-001 **REVISION NO:** 1



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: 22nd November, 2024 Our Ref: S5/24/139 Civic Offices, Clonmel

Michael Price
3 Riversdale
Lisvernane
Aherlow
Co. Tipperary

Re: Application for a Section 5 Declaration – Construction of a ground floor bedroom and disabled bathroom to rear of existing dwelling at 3 Riversdale, Lisvernane, Aherlow, Co. Tipperary

Dear Michael

I acknowledge receipt of your application for a Section 5 Declaration received on 20th November, 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

SCANNED

Application for Declaration under Section 5

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

Planning Reference: Section 5 24/139

Applicant: Michael Price

Development Address: 3 Riversdale Drive, Lisvernane, Aherlow, Tipperary, Co. Tipperary

Proposed Development: Ground floor extension to the rear of the dwelling to provide a bedroom and disabled bathroom. Floor area 24.09 sq m.

1. **GENERAL**

On 20th November 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended by Mr. Michael Price c/o Gerard Myers as to whether or not the following works constituted development and if so, whether same was exempted development:

- Ground floor extension to the rear of the dwelling to provide a bedroom and disabled bathroom. Floor area 24.09 sq m.

2. **STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

Section 2(1) of the Planning and Development Act, 2000, as amended, states as follows;

"In this Act, except where the context otherwise requires – "development" has the meaning assigned to it by Section 3 and development shall be construed accordingly."

And,

"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 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 4 provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of the Planning and Development Act 2000, as amended. Section 4(2)(a) of the same Act states that 'the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

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

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

- (i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4(4) states that notwithstanding paragraphs 9a0, (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

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

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

Planning and Development Regulations 2001, as amended

Article 6 (Exempted Development)

(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.

Article 9 (Restrictions on Exemptions)

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

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

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

Part 1 of Schedule 2 includes an exemption for;

Development within the curtilage of a house

CLASS 1

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.

Subject to the following 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.

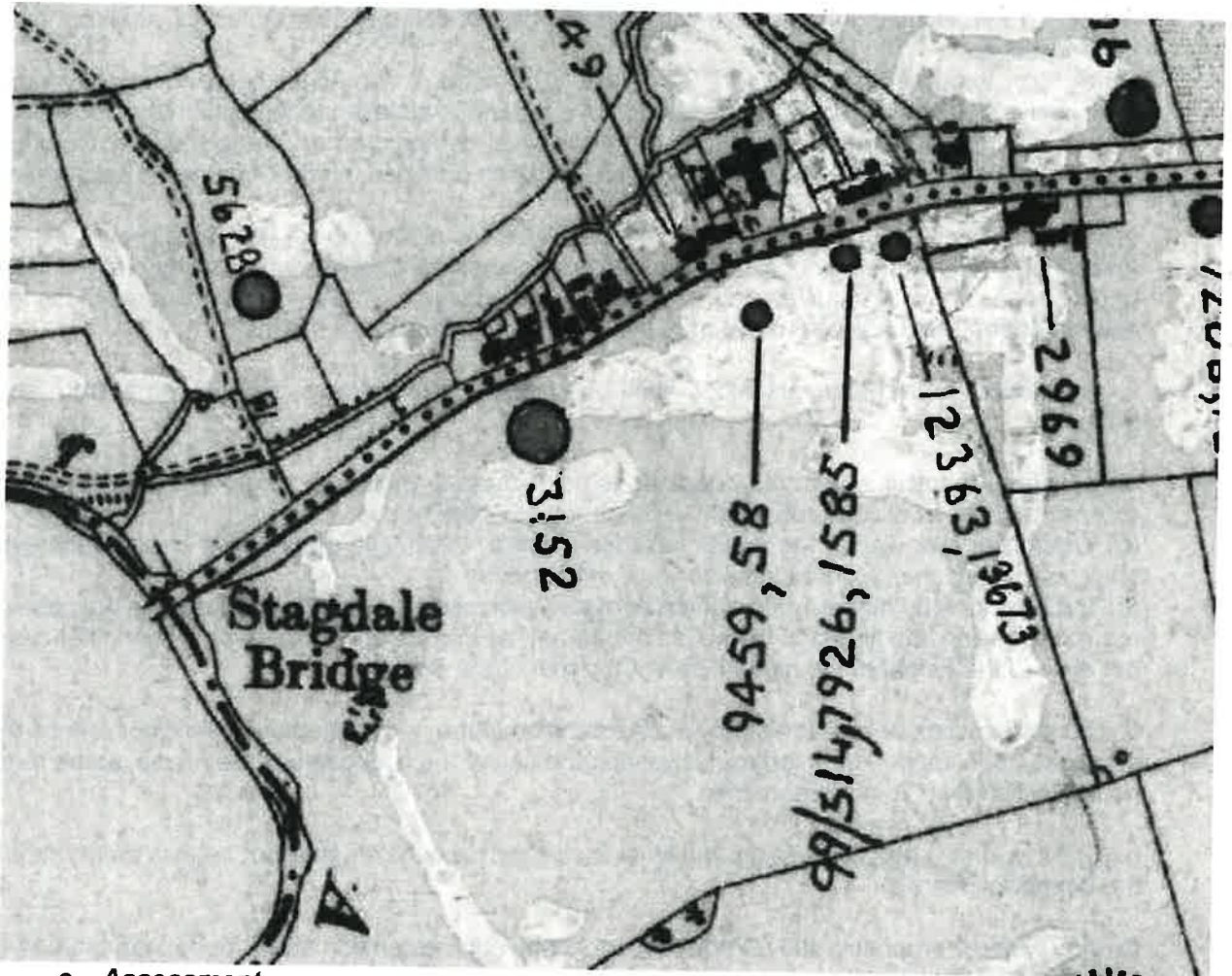
3. ASSESSMENT

a. *Site Location*

The subject site is located at 3 Riversdale Drive (referred to as 3 Riversdale on application form), Lisvernane, Aherlow, Co. Tipperary, E34PD35. The site currently accommodates a mid terrace dwelling. The estate access road is in charge of the Local Authority and is assigned road no L83276.

b. Relevant Planning History

There is no planning history on the subject site. There is no planning history recorded for the wider estate and it appears same was developed by the Local Authority. PI. Ref. No. PP33152 relates to permission for a bungalow to the north in 1975.



c. Assessment

A) "Is or is not Development"

Having considered all of the details and documentation on file with regards the question asked the Planning Authority is satisfied that the proposal would involve "works" and such works would constitute "development" within the meaning of Section 3 of the Planning and Development Act 2000, as amended.

B) "Is or is not Exempted Development"

The proposal is assessed relative to Class 1 of Part 1 of Schedule 2 below.

CLASS 1

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

Subject to the following 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. The house has not been extended previously and the floor area of the extension is 24.09 sq m.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. N/A

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

N/A

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. N/A

(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. N/A

(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. N/A

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary. N/A Extension is single storey

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house. The rear wall of the dwelling does not include a gable and the height of the walls of the monopitch extension exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house. N/A

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling. The extension includes for a short flat roof section adjoining the existing dwelling and the height of this section exceeds the height of the eaves it adjoins. The height of the monopitch section does 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.

The open space remaining to the rear of the dwelling will exceed 25 sq m.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. Windows proposed on west elevation only and same are in excess of 1 m from the boundary they face.

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

(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. N/A

7. The roof of any extension shall not be used as a balcony or roof garden. Small flat roof section and monopitch roof not conducive to use as a roof garden or balcony.

It is considered that the development DOES NOT come within the criteria as set under Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended, as Conditions and Limitations 4(a) and 4(c) are not satisfied.

C) Restrictions under Article 9

Whilst this section is not applicable as the proposal does not constitute exempted development in the interest of clarity and completeness I note no restrictions that would apply in the event an extension satisfied the available exemption.

D) Requirement for Appropriate Assessment and Environmental Impact Assessment

AA

Screening for AA is not required in respect of the proposal which is not considered to constitute development.

EIA

Screening for EIA is not required in respect of the proposal which is not considered to constitute development.

E) Other Considerations

The submitted site layout shows a new sewer pipe running from the rear of the site along a rear access lane prior to connecting to a tie in point on the L83276 to the north. Whilst the rear access lane is in the ownership of the Local Authority it is not a public road and same would not be covered by way of a road opening licence and permission would be required for same.

4. RECOMMENDATION

WHEREAS a question has arisen as to whether the provision of a ground floor extension to the rear of the dwelling to provide a bedroom and disabled bathroom (Floor area 24.09 sq m) at No. 3 Riversdale Drive, Lisvernane, Aherlow, Co. Tipperary, is development and is or is not exempted development:

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

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

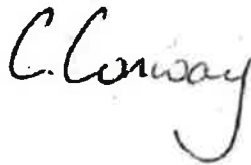
AND WHEREAS Tipperary County Council has concluded that -

The proposal constitutes works and development and **is not** exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

The proposal does not satisfy Conditions and Limitations 4(a) and 4(c) attached to the exemption available under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS NOT exempted development.**

Advice note to applicant: The submitted site layout shows a new sewer pipe running from the rear of the site along a rear access lane prior to connecting to a tie in point on the L83276 to the north. The application form for a Section 5 Declaration does not refer to same. Whilst the rear access lane is in the ownership of the Local Authority it is not a public road and same would not be covered by way of a road opening licence and permission would be required for same.

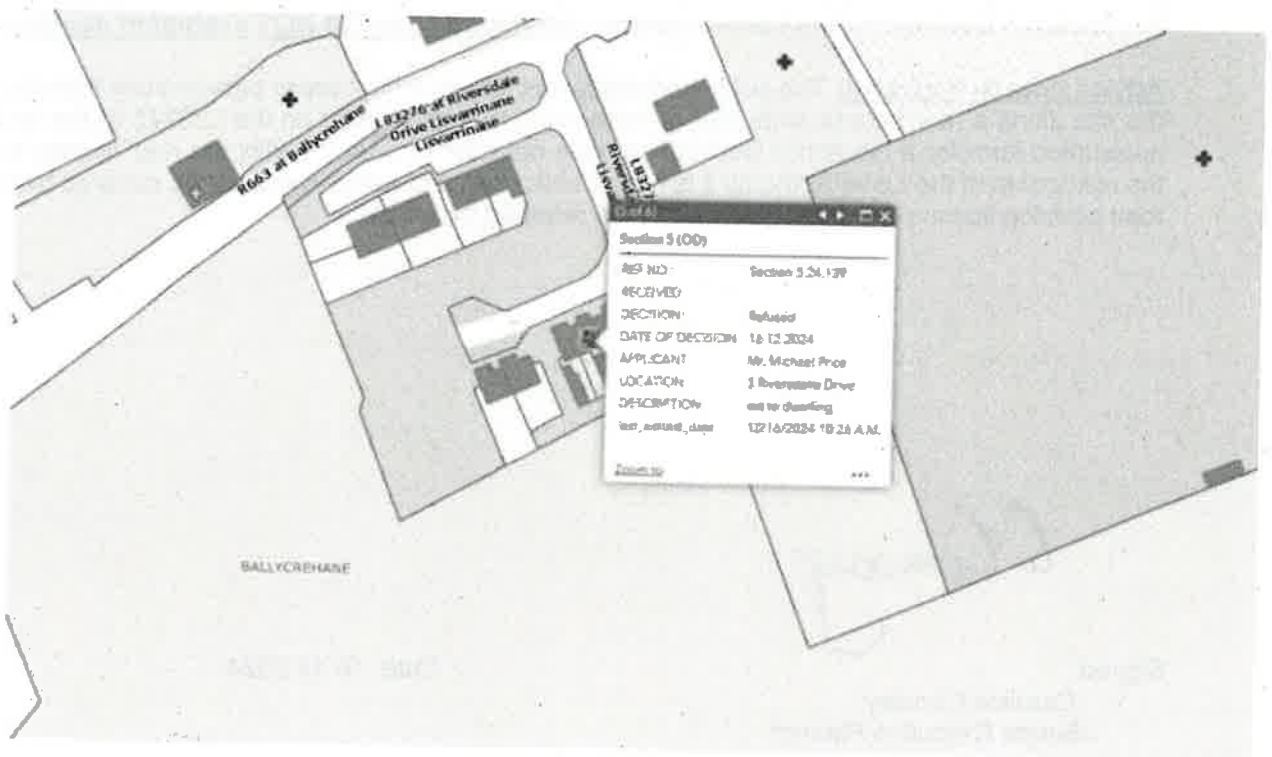


Signed:
Caroline Conway
Senior Executive Planner

Date: 16.12.2024

Signed: 
Ann Marie Devaney
Senior Planner

Date: 17.12.2024





Date: 17th August 2024

Our Ref: S5/24/139

Civic Offices, Nenagh

Michael Price
3 Riversdale
Lisvernane
Aherlow
Co. Tipperary

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

Dear Mr Price,

I refer to your application for a Section 5 Declaration received on 20th November, 2024, in relation to the following proposed works:

Ground floor extension to the rear of the dwelling to provide a bedroom and disabled bathroom. Floor area 24.09 sq m at 3 Riversdale Drive, Lisvernane, Aherlow, Tipperary, 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 and 4 of the Planning and Development Act, 2000, as amended
- (b) Article 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended

AND WHEREAS Tipperary County Council has concluded that –

The proposal constitutes works and development and **is not** exempted development as it DOES NOT fall under the exempted development provisions

as set out under Section 4 of the Planning and Development Act 2000, as amended.

The proposal does not satisfy Conditions and Limitations 4(a) and 4(c) attached to the exemption available under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS NOT exempted development.**

Advice note to applicant: The submitted site layout shows a new sewer pipe running from the rear of the site along a rear access lane prior to connecting to a tie in point on the L83276 to the north. The application form for a Section 5 Declaration does not refer to same. Whilst the rear access lane is in the ownership of the Local Authority it is not a public road and same would not be covered by way of a road opening licence and permission would be required for same.

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


for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/139** **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 Michael Price, 3 Riversdale, Lisvernane, Aherlow, Co. Tipperary re: Ground floor extension to the rear of the dwelling to provide a bedroom and disabled bathroom at 3 Riversdale, Lisvernane, Aherlow, Co. Tipperary is development and is **not exempted development**.

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

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

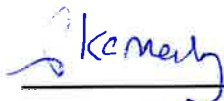
AND WHEREAS Tipperary County Council has concluded that –

The proposal constitutes works and development and **is not** exempted development as it DOES NOT fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

The proposal does not satisfy Conditions and Limitations 4(a) and 4(c) attached to the exemption available under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

NOW WHEREAS Tipperary County Council, in exercise of the powers conferred on it by section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposal to which the Section 5 Declaration Application relates is **development and IS NOT 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: 17/12/2024