

**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

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

**1. Applicant's address/contact details:**

<i>Applicant</i>	Donnacha Delaney
<i>Address</i>	The Demesne, Dublin Road/Short Corville Road, Roscrea, Co. Tipperary
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

**2. Agent's (if any) address:**

<i>Agent</i>	
<i>Address</i>	
<i>Telephone No.</i>	
<i>E-mail</i>	
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [ X ]      Agent [   ]	

**3. Location of Proposed Development:**

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	The Demesne, Dublin Road/Short Corville Road, Roscrea, 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.)

Remodelling of existing extension built in 2000, and joining it with a pre-existing
pantry. The existing extension is 22.4 sq m and the additions would be 6.3 sq m
combined. See Pre Planning enquiry ref PP10693
Proposed floor area of proposed works/uses:                      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) *Dimitris Solomou*

Date: *9/12/2024*

**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:**

<b>Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary</b>	<b><u>OR</u></b>	<b>Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary</b>
<b>Enquires:</b>		
<b>Telephone 0818 06 5000</b>		
<b>E-Mail <a href="mailto:planning@tipperarycoco.ie">planning@tipperarycoco.ie</a></b>		

**FOR OFFICE USE ONLY**

<b><u>DATE STAMP</u></b>
<b>Fee Recd. €</b> <u>80.00</u>
Receipt No <u>NENAM 1/0/125103</u>
Date <u>11/12/2024</u>
Received by <u>Maura Lillis</u>

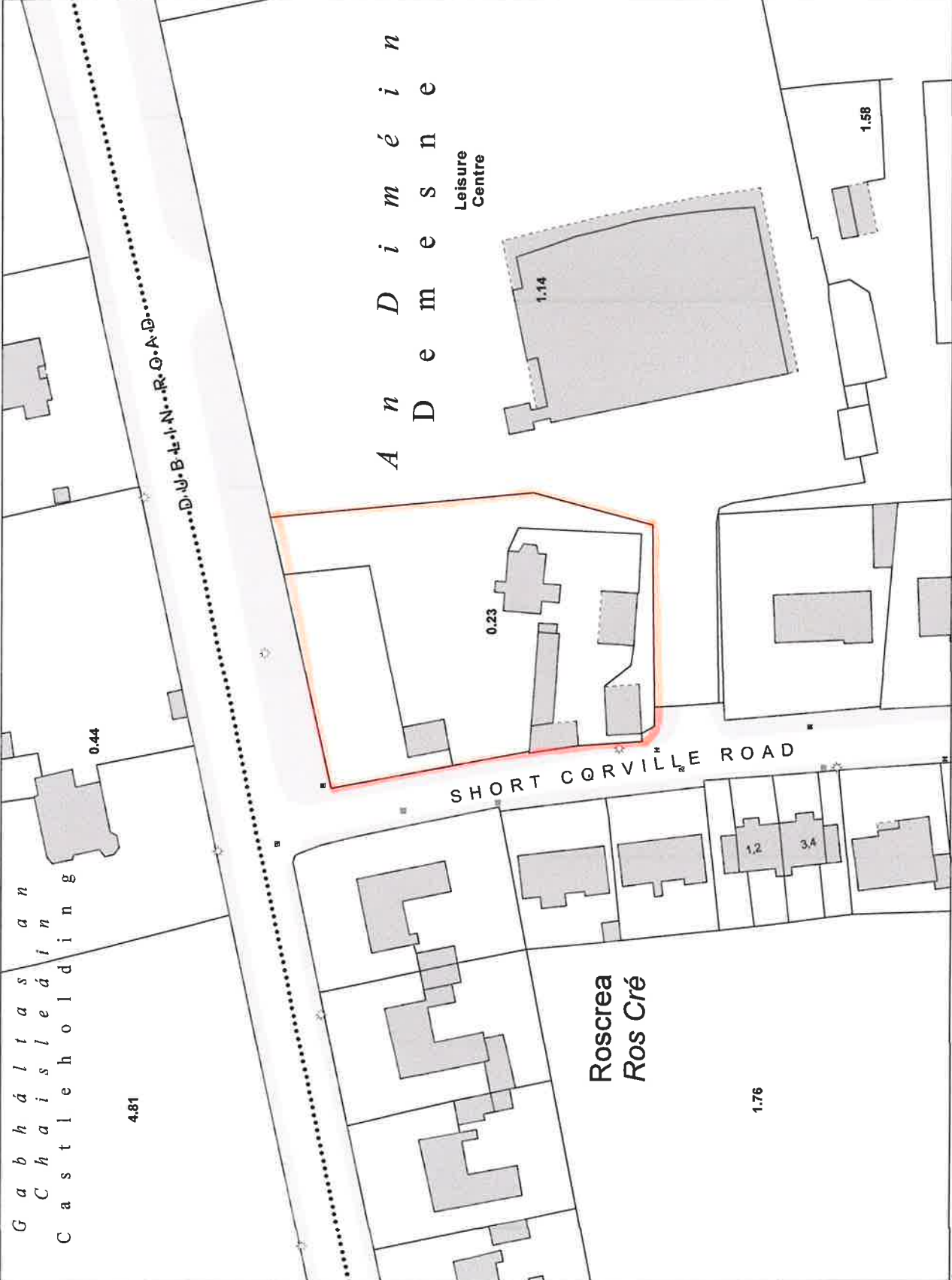
# Planning Pack Map



Tailte Éireann

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614406



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614173

689473

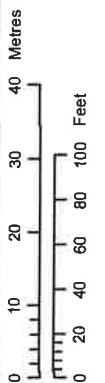
614406



**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

**CAPTURE RESOLUTION:**  
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OUTPUT SCALE: 1:1,000



689473

**CENTRE COORDINATES:**  
ITM 614290,689559

**PUBLISHED:** 04/12/2024  
**ORDER NO.:** 50437825

**MAP SERIES:** 1:1,000 4109-03  
1:2,500 4109-B

PLANNING SECTION  
55/24/148  
9 DEC 2024

**COMPILED AND PUBLISHED BY:**  
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Phoenix Park,  
Dublin 8,  
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# Site Location Map



615520  
613059

**CENTRE COORDINATES:**  
ITM 614290,689559

**PUBLISHED:**  
04/12/2024

**ORDER NO.:**  
50437825\_1

**MAP SERIES:**  
6 Inch Raster LS015  
6 Inch Raster LS021  
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Dublin 8,  
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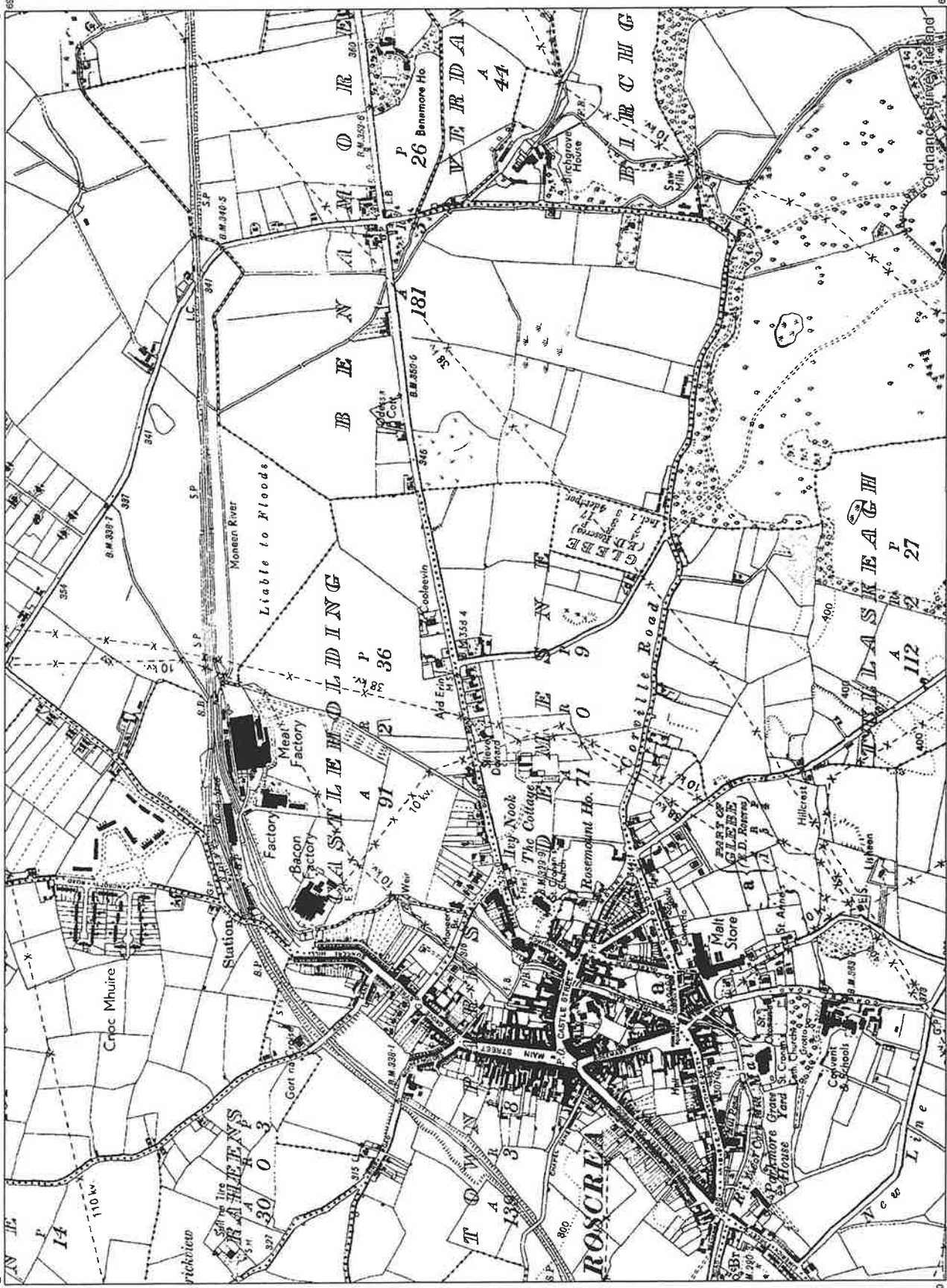
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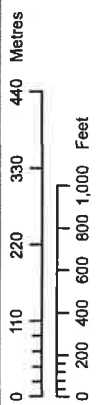
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**LEGEND:**  
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**OUTPUT SCALE: 1:10,560**



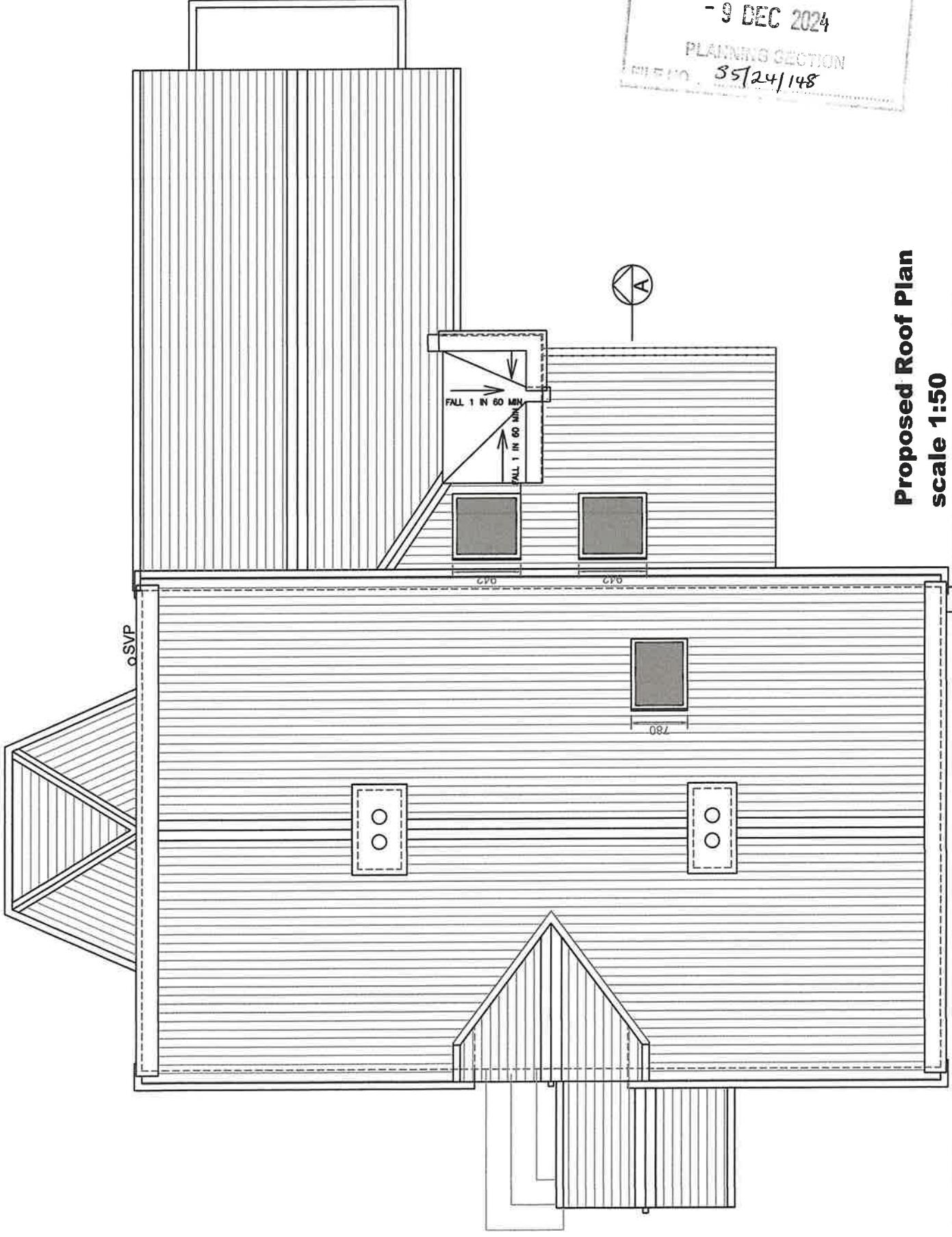
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**Proposed Roof Plan**  
**scale 1:50**

TIPPERARY CO. COUNCIL  
RECEIVED  
- 9 DEC 2024  
PLANNING SECTION  
MEMO. 35/24/148

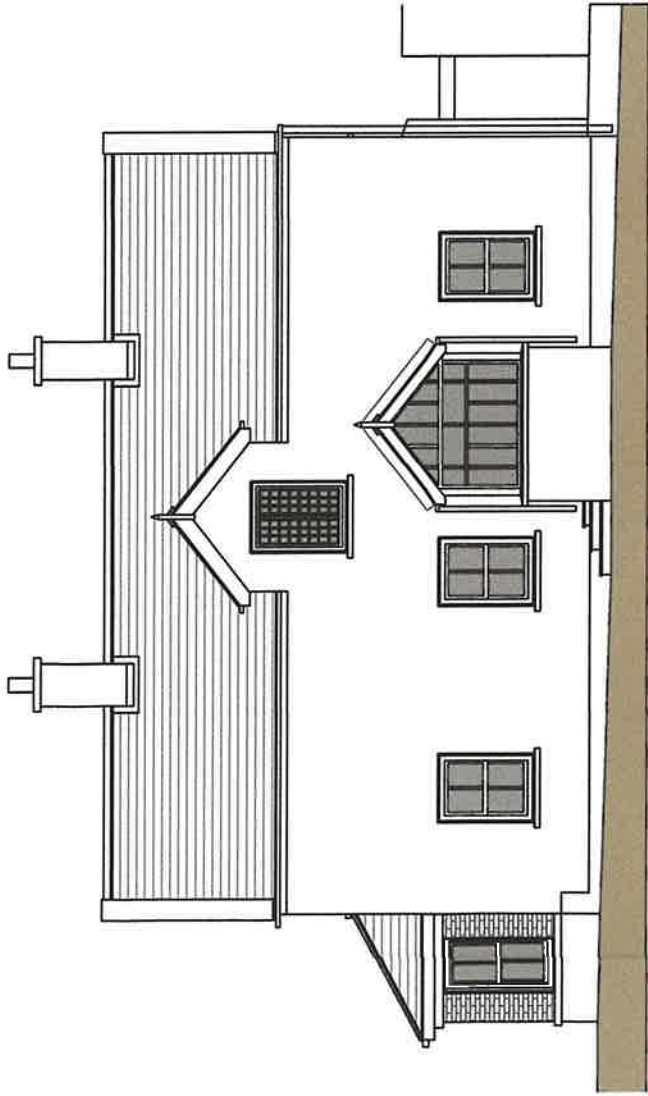
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Subject: PROPOSED RENOVATION AT THE DEMESNE, SHORT CORVILLE ROAD, ROSCREA, CO. TIPPERARY  
Drawing: PROPOSED ROOF PLAN  
Scales 1:50 (A3) 1:100 (A4) date OCT. 2024 Drawn RH Checked Drg.No. SK-12

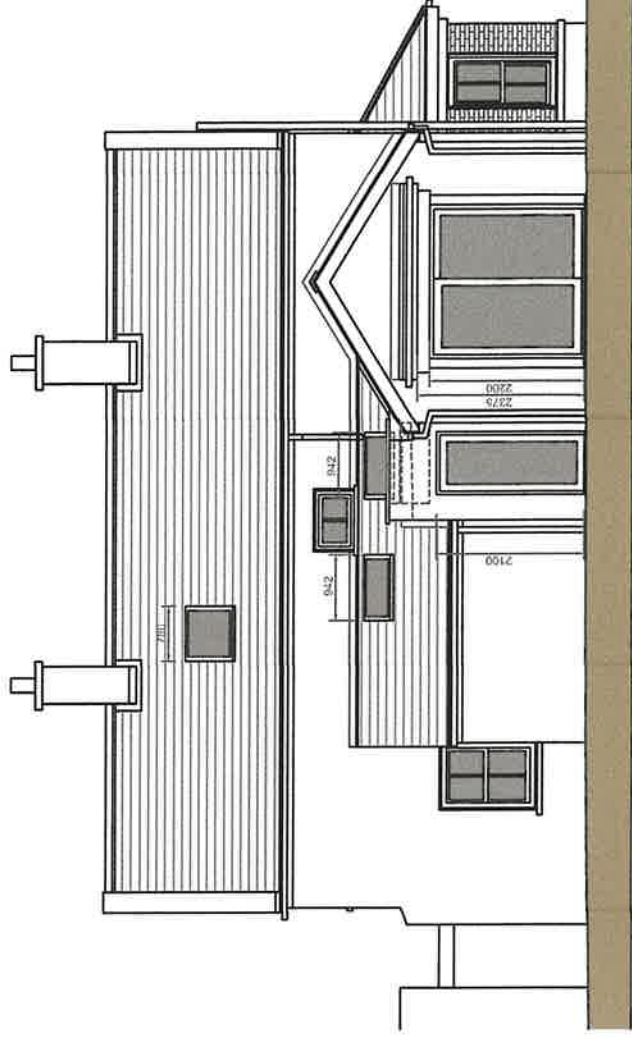
HANNAY ARCHITECTURE Architectural Services  
RICHARD HANNAY BA(Hons) Dip Arch  
Apt 221, Custom House Harbour, Dublin 1. Tel. 087 136 3362

Revision

Notes  
SKETCH DRAWING



**Proposed North Elevation**



**Proposed South Elevation**

Revision:	Client: PROPOSED RENOVATION AT THE DEMESNE, SHORT CORVILLE ROAD, ROSCREA, CO. TIPPERARY	This drawing is copyright Use only as per conditions	Do not scale
	Drawing: PROPOSED NORTH & SOUTH ELEVATIONS		
	Scales: 1:75 (A3) 1:150 (A4)	Date: OCT. 2024	Drawn: RH
		Checked:	Dwg. No. SK-13
			SKETCH DRAWING

**HANNAY ARCHITECTURE** Architectural Services  
**RICHARD HANNAY** BA(Hons) Dip Arch  
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Proposed Remodelling & Renovation - Entrance View

RICHARD HANNAY BA(Hons) | DIP. ARCH. - T : +353 (0)87 136 3362 - E: rnhannay9@gmail.com - W: www.hammyarchitecture.com

The Demesne  
Short Coyville Road, Roscrea.



hannay  
architecture



Proposed Remodelling & Renovation - Courtyard View

RICHARD HANNAY BA (Hons) | DIP. ARCH. - T : +353 (0)187 1136 3362 - E: rmhannay39@gmail.com - W: www.hannayarchitecture.com

The Demeshe  
Short Corville Road, Roscrea.



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Proposed Remodelling & Renovation - Aerial View

The Demesne  
Short Corville Road, Roscrea.

RICHARD HANNAY BA (Hons) DIP. ARCH. - T : +353 (0)87 136 3362 - E: rmhannay39@gmail.com - W: www.hannayarchitecture.com



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Proposed Remodelling & Renovation - Aerial View

RICHARD HANNAY BA(Hons) DIP. ARCH. - T. : +353 (0)87 136 3362 - E: rminnannay39@gmail.com - W: www.hannayarchitecture.com

The Demesne  
Short Corville Road, Roscrea.



hannay  
architecture



Proposed Remodelling & Renovation - Front Entrance View

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The Demesne  
Short Corville Road, Roscrea.



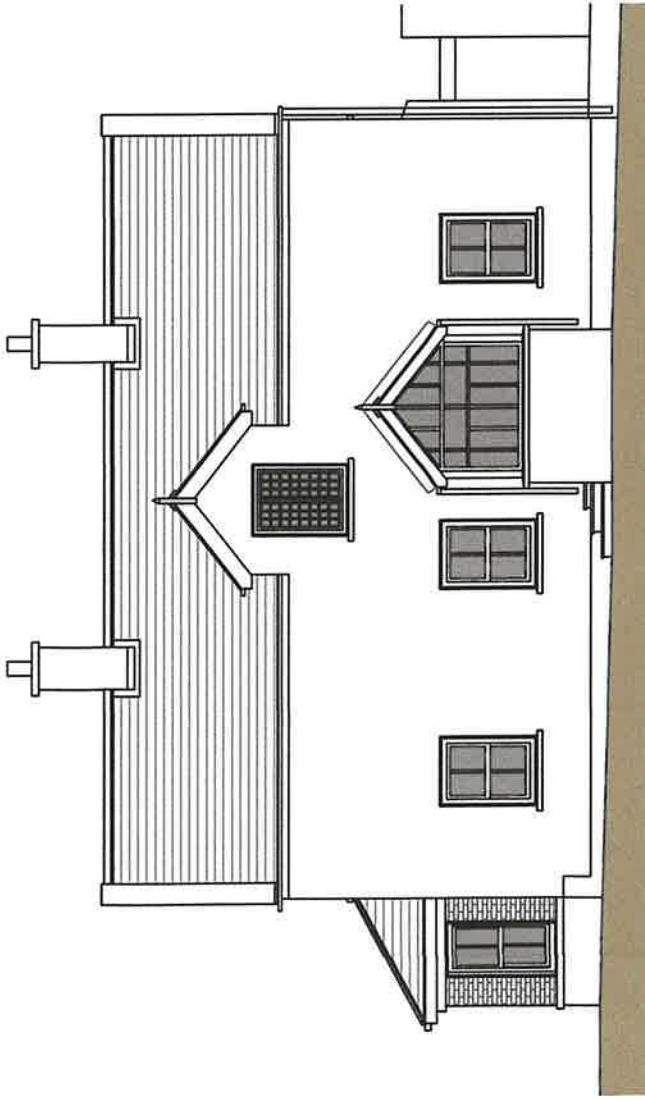
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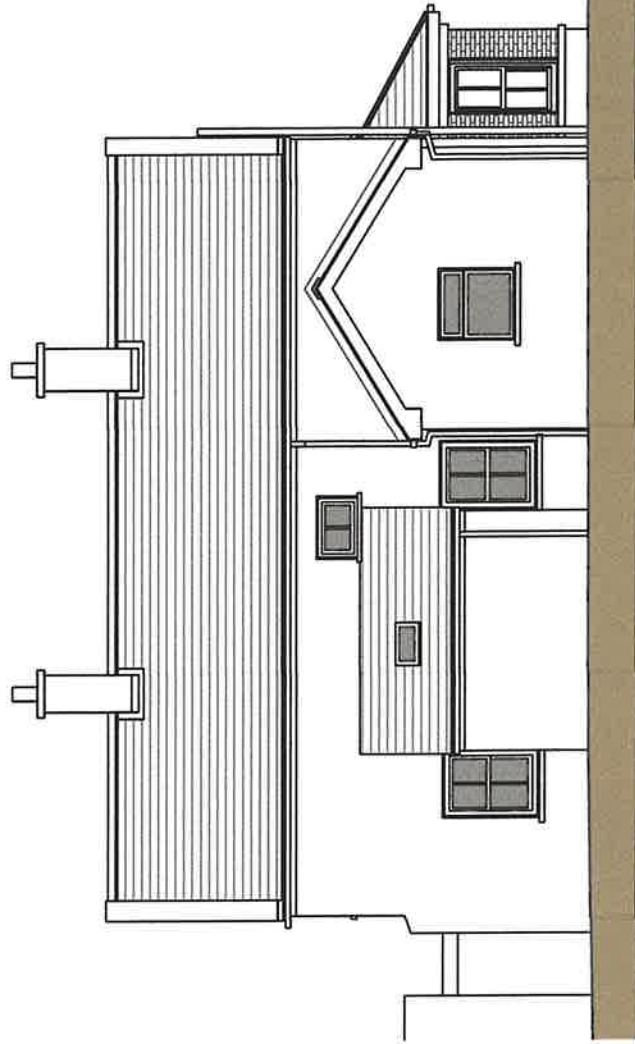
Proposed Remodelling & Renovation - Sun/Guest Room View

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The Demesne  
Short Corville Road, Roscrea.



**Existing North Elevation**



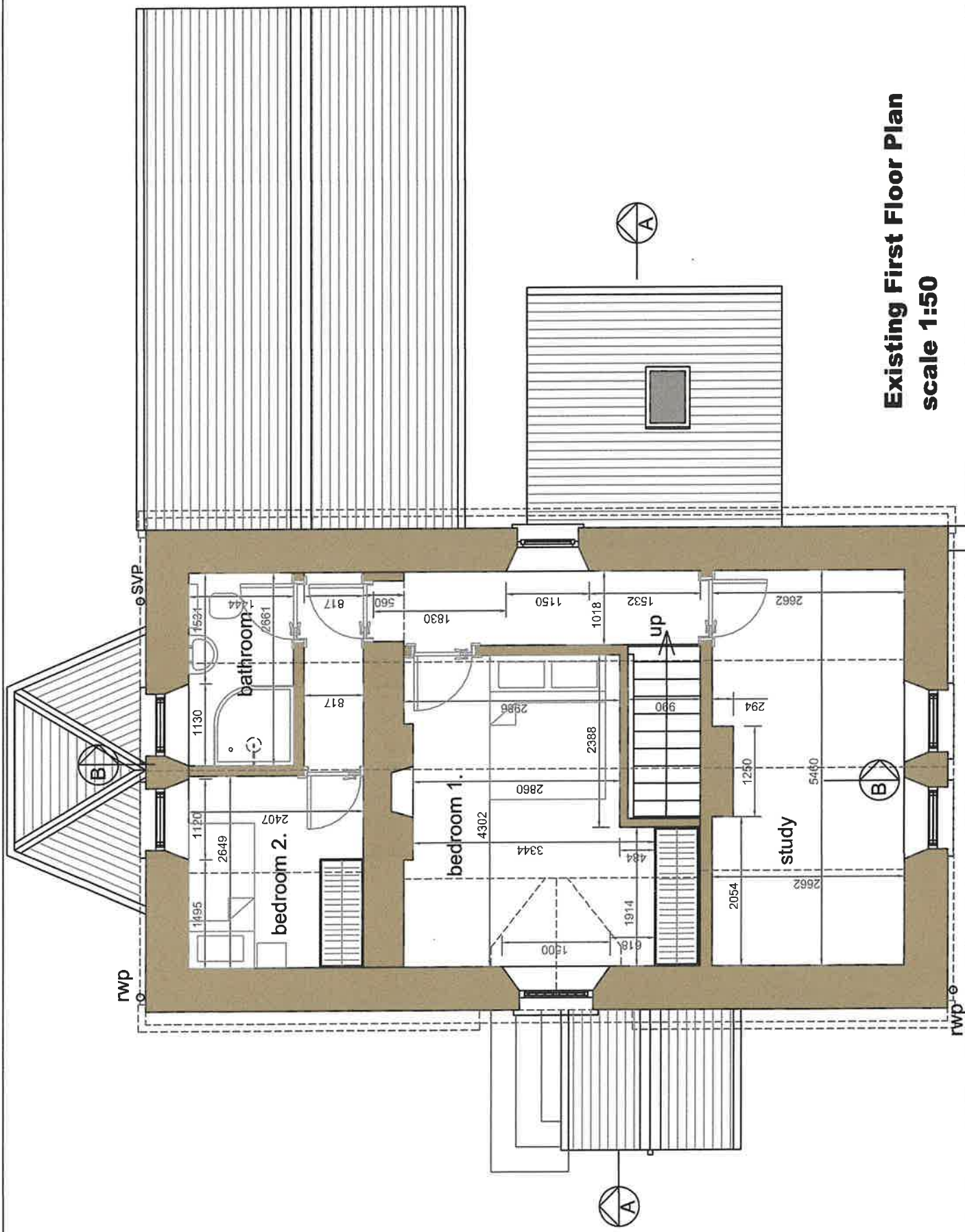
**Existing South Elevation**

TIPPERARY  
 - 9 DEC 2024  
 PLANNING SECTION  
 FILE NO 55/24/148

Revision			Job/Client	PROPOSED RENOVATION AT THE DEMESNE, SHORT CORVILLE ROAD, ROSCREA, CO. TIPPERARY	This drawing is copyright. Use only for the circumstances Do not scale
			Drawing	EXISTING NORTH & SOUTH ELEVATIONS	Notes
			Scales	1:75 (A3) 1:150 (A4) Date OCT. 2024	Drawn RH Checked
					Eng. No. SD-05
					SURVEY DRAWING

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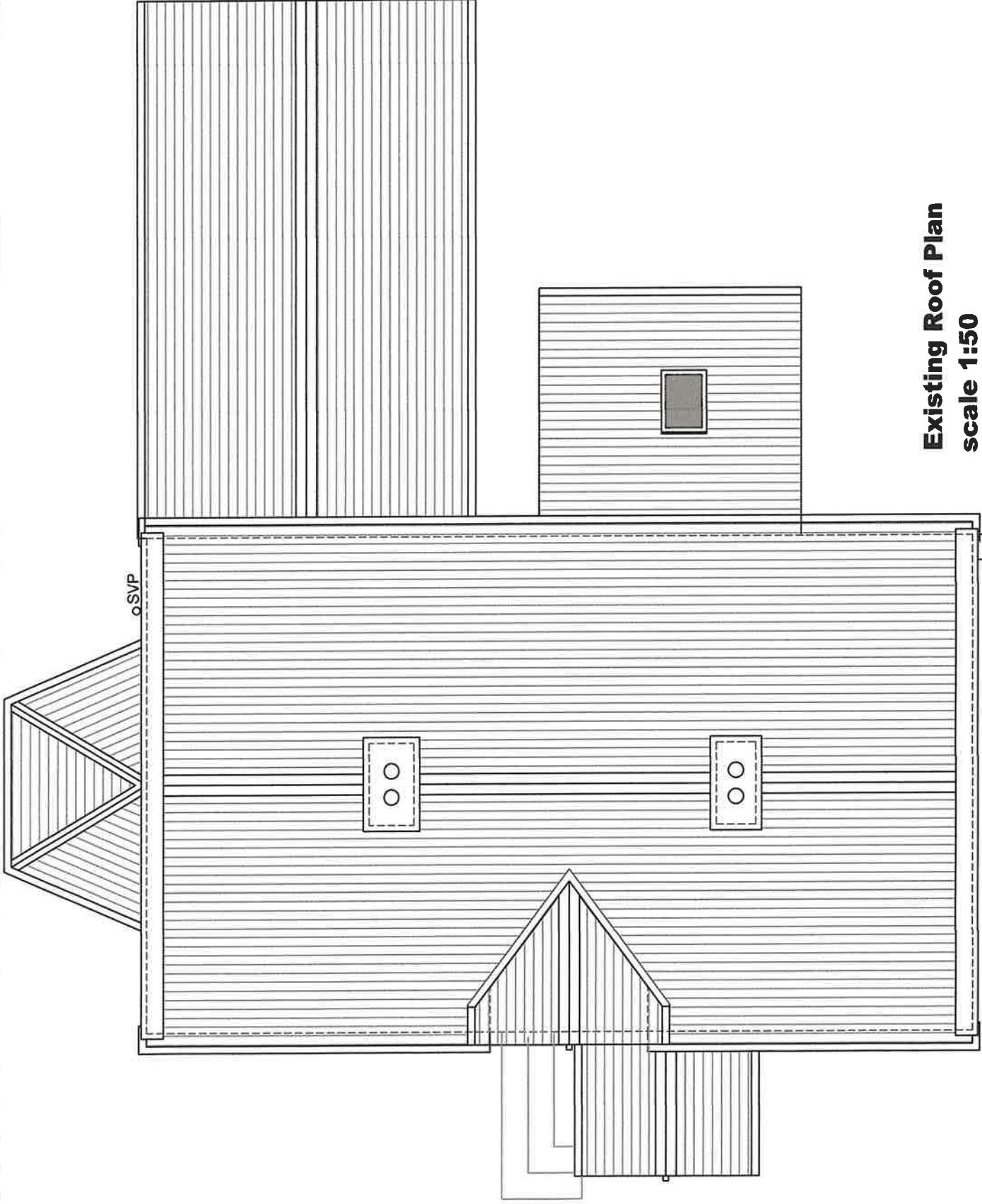




**Existing First Floor Plan**  
**scale 1:50**

Revision	Job/Client: PROPOSED RENOVATION AT THE DEMESNE, SHORT CORVILLE ROAD, ROSCREA, CO. TIPPERARY			Do not scale
	Drawing: EXISTING FIRST FLOOR PLAN			Notes: SURVEY DRAWING
	Scale: 1:50 (A3) 1:100 (A4)	Date: OCT. 2024	Drawn: RH	Checked:
	Dwg No. SD-03			

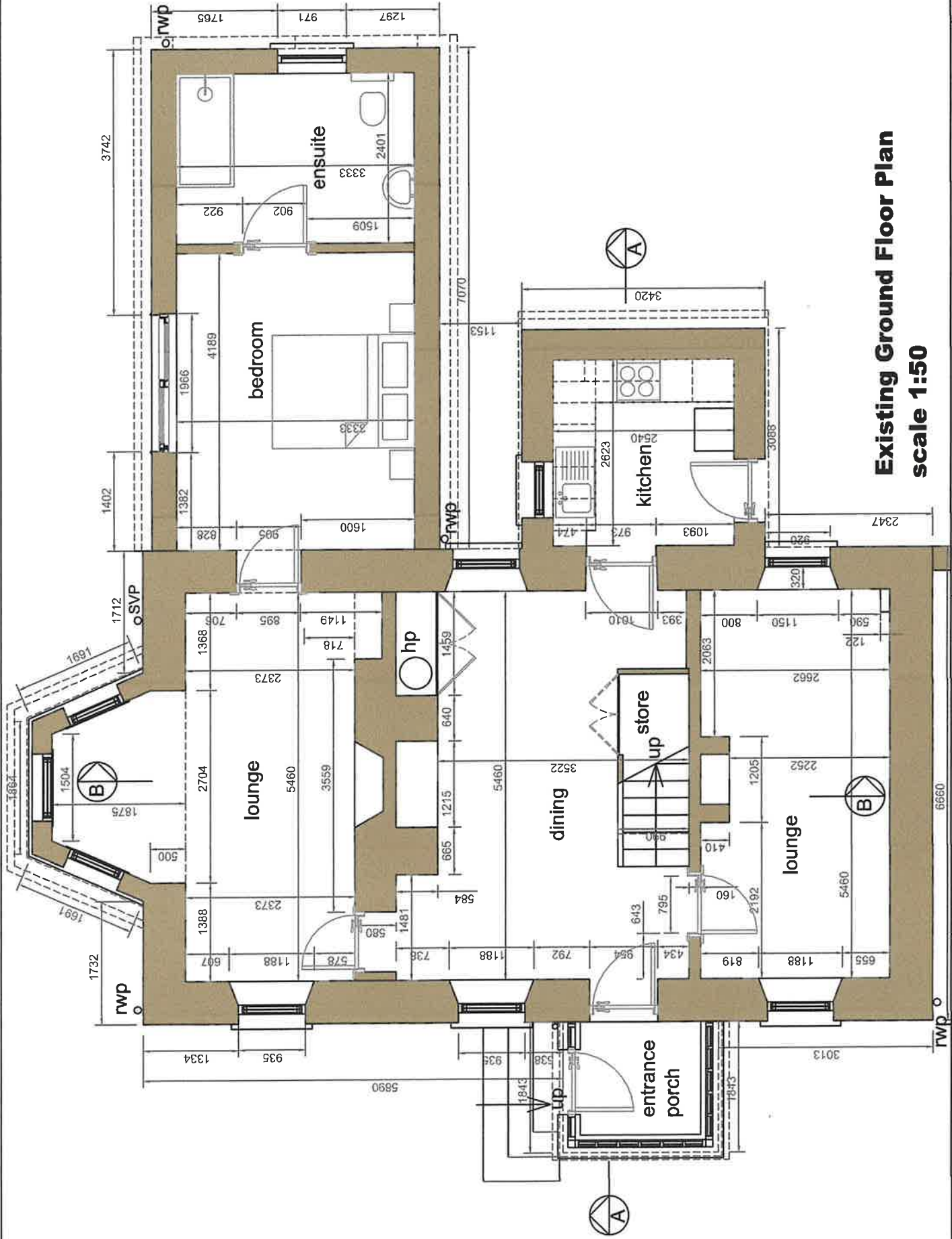
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 Apt 221, Custom House Harbour, Dublin 1. Tel. 087 136 3382



**Existing Roof Plan**  
**scale 1:50**

<b>HANNAY ARCHITECTURE</b> Architectural Services RICHARD HANNAY BA(Hons) Dip Arch Apt 221, Custom House Harbour, Dublin 1. Tel. 087 136 3362	JOB/CLIENT: PROPOSED RENOVATION AT THE DEMESNE, SHORT CORVILLE ROAD, ROSCREA, CO. TIPPERARY	This drawing is copyright Use only if agreed dimensions	Do not scale
	Drawing: EXISTING ROOF PLAN Scales: 1:50 (A3) 1:100 (A4)	Date: OCT. 2024 Drawn: RH Checked:	Dwg No: SD-04

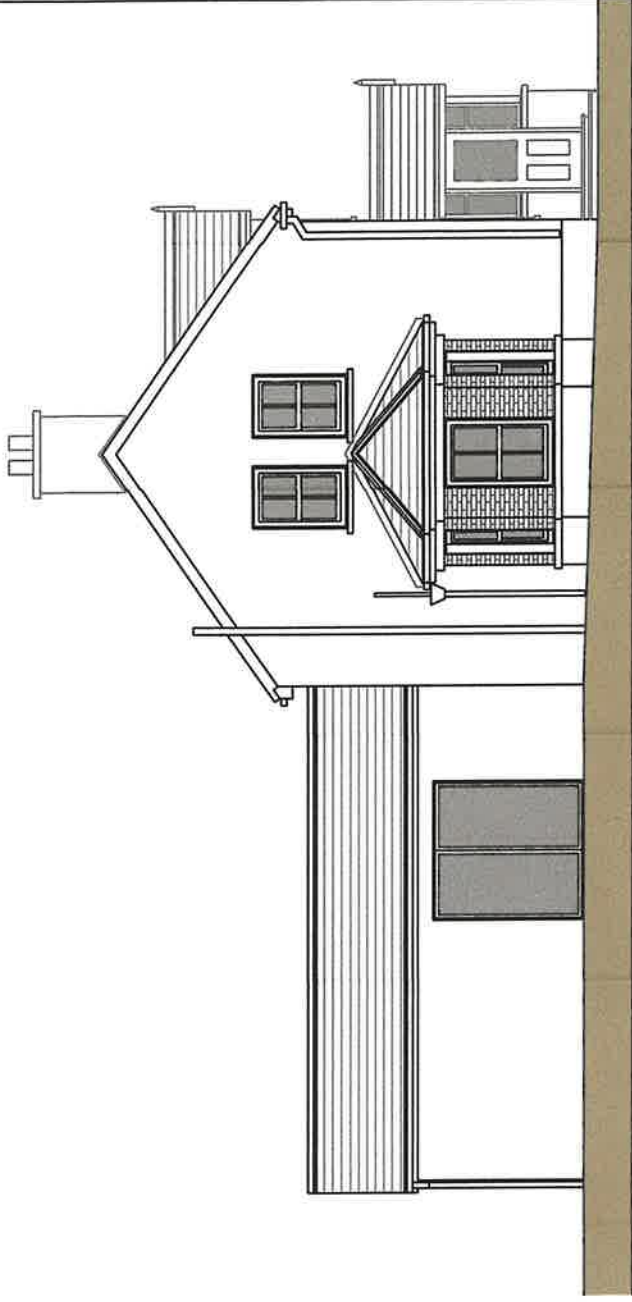
Revision



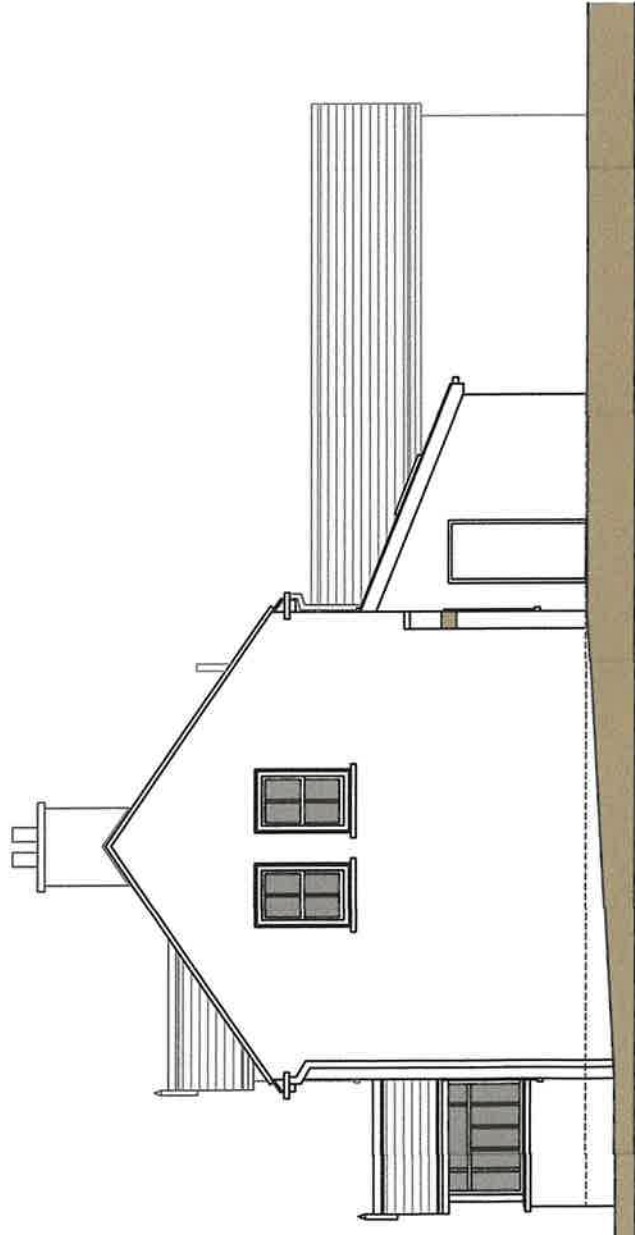
# Existing Ground Floor Plan

## scale 1:50

Revision	Job/Client	Proposed Renovation at the Demesne, Short Corville Road, Roscrea, Co. Tipperary	This drawing is copyright Use only figured dimensions	Do not scale
	Drawing	EXISTING GROUND FLOOR PLAN		
	Scales	1:50 (A3) 1:100 (A4)	Date	OCT. 2024
	Drawn	RH	Checked	
	Dwg.No.	SD-02		
			Notes	SURVEY DRAWING

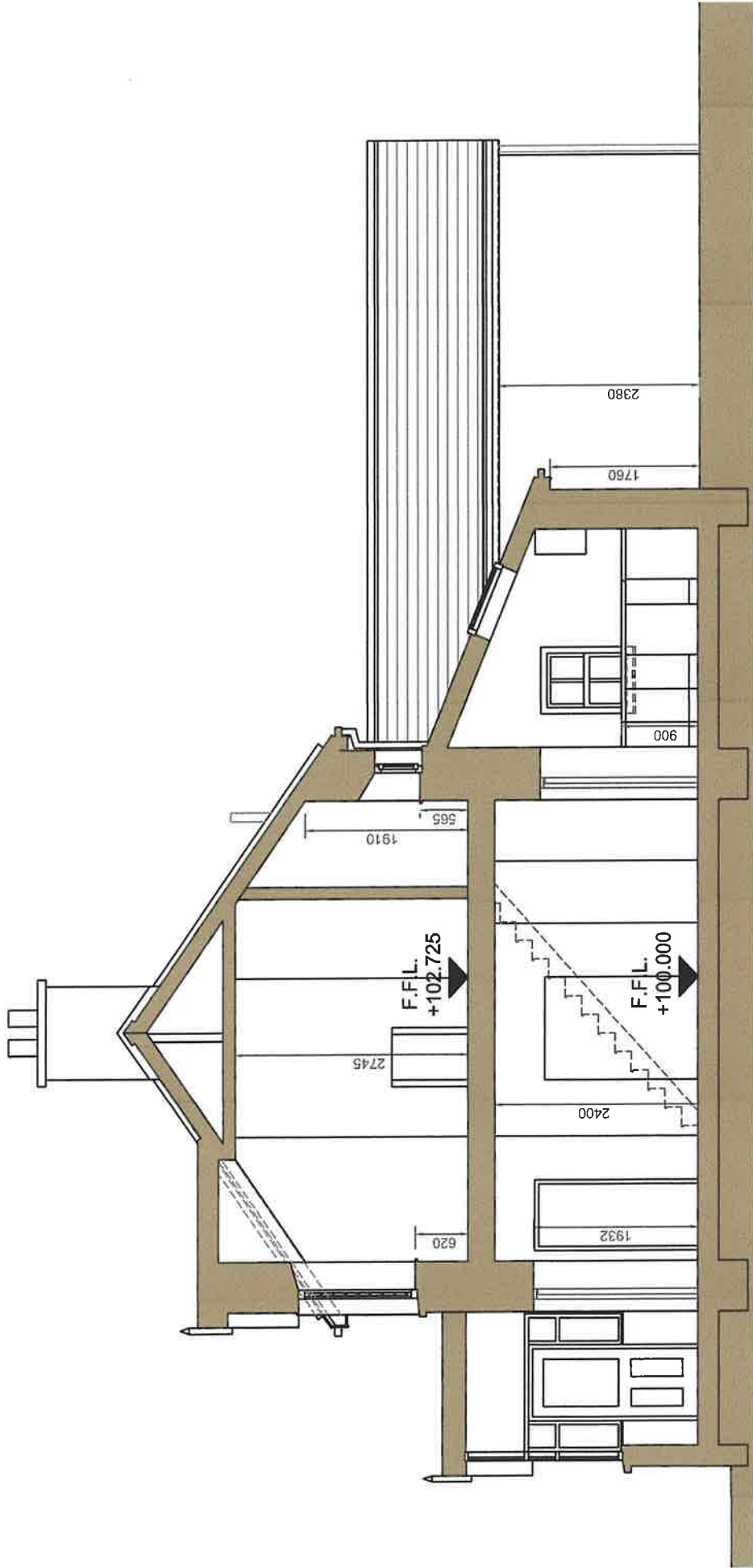


**Existing East Elevation**



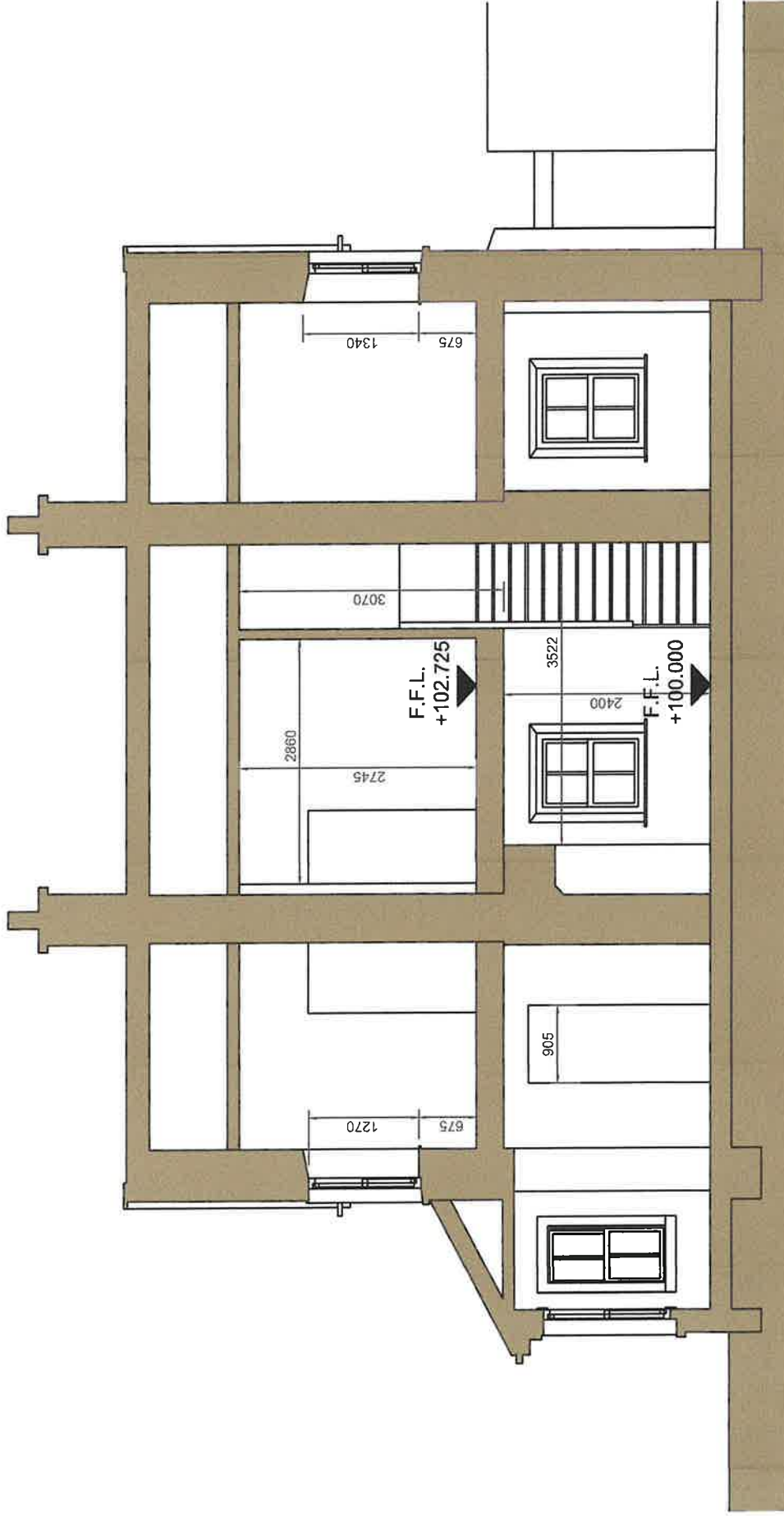
**Existing West Elevation**

Revision	<b>HANNAY ARCHITECTURE</b> Architectural Services RICHARD HANNAY BA(Hons) Dip Arch Apt 221, Custom House Harbour, Dublin 1. Tel. 087 136 3362		Job/Client: PROPOSED RENOVATION AT THE DEMESNE, SHORT CORVILLE ROAD, ROSCREA, CO. TIPPERARY Drawing: EXISTING EAST & WEST ELEVATIONS Scales: 1:75 (A3) 1:150 (A4)	Date: OCT. 2024 Drawn: RH Checked:	Dwg. No.: SD-06 Notes: SURVEY DRAWING	Do not scale This drawing is copyright. Use only figure dimensions
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**Existing Section A-A**  
**scale 1:50**

Revision	<b>HANNAY ARCHITECTURE Architectural Services</b> RICHARD HANNAY BA(Hons) Dip Arch Apt. 221, Custom House Harbour, Dublin 1. Tel. 087 136 3362		Job/Client: PROPOSED RENOVATION AT THE DEMESNE, SHORT CORVILLE ROAD, ROSCREA, CO. TIPPERARY Drawing: EXISTING SECTION A-A Scales: 1:50 (A3) 1:100 (A4)	Date: OCT. 2024 Drawn: RH Checked:	Drg. No: SD-07 Notes: SURVEY DRAWING	This drawing is copyright. Use only figured dimensions Do not scale
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## Existing Section B-B

### scale 1:50

Revision	<b>HANNAY ARCHITECTURE Architectural Services</b> RICHARD HANNAY BA(Hons) Dip Arch Apt 221, Custom House Harbour, Dublin 1. Tel. 087 136 3362		Job/Client: PROPOSED RENOVATION AT THE DEMESNE, SHORT CORVILLE ROAD, ROSCREA, CO. TIPPERARY Drawing: EXISTING SECTION B-B Scales: 1:50 (A3) 1:100 (A4)	Date: OCT. 2024 Drawn: RH Checked:	Dwg.No.: SD-08 Notes: SURVEY DRAWING	Do not scale This drawing is copyright Use only figured dimensions
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Comhairle Contae Thiobraid Árann  
Tipperary County Council

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Oifigí Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
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Civic Offices, Clonmel,  
Co. Tipperary

E91 N512

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Oifigí Cathartha,  
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Civic Offices, Nenagh,  
Co. Tipperary

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e customerservice  
@tipperarycoco.ie

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Date: 11<sup>th</sup> December, 2024    Our Ref: S5/24/148    Civic Offices, Nenagh

**Donnacha Delaney**  
**The Demesne**  
**Dublin Rd/Short Corville Rd**  
**Roscrea**  
**Co. Tipperary**

**Re: Application for a Section 5 Declaration – Remodelling fo existing extension and joining it with a pre-existing pantry at The Demesne, Dublin Rd/Short Corville Rd., Roscrea, Co. Tipperary.**

Dear Mr Delaney,

I acknowledge receipt of your application for a Section 5 Declaration received on 9<sup>th</sup> December, 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



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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.:** S5/24/148

**Applicant:** Donnacha Delaney

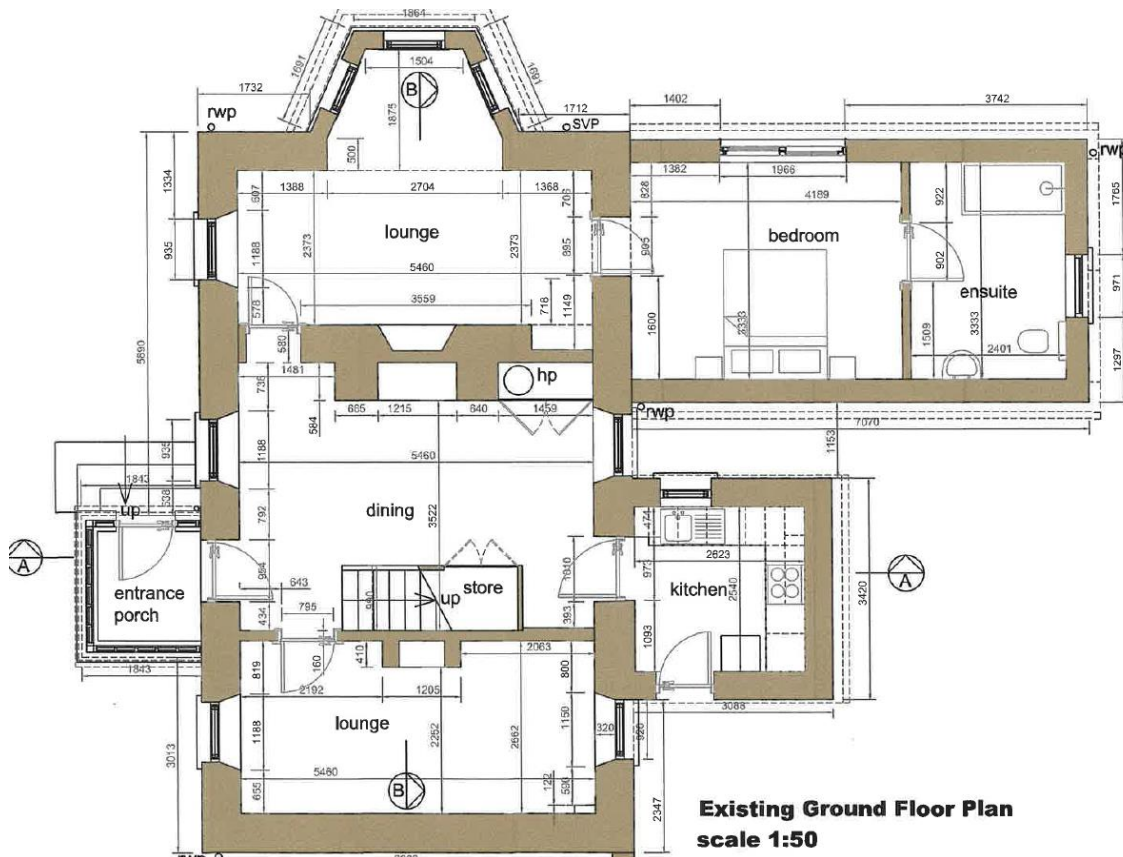
**Development Address:** The Demense, Dublin Road/Short Corville Road, Roscrea

**Proposed Development:** Remodelling of existing extension built in 2000 and joining it with a pre-existing pantry. The existing extension is 22.4sqm and the additions would be 6.3sqm combined.

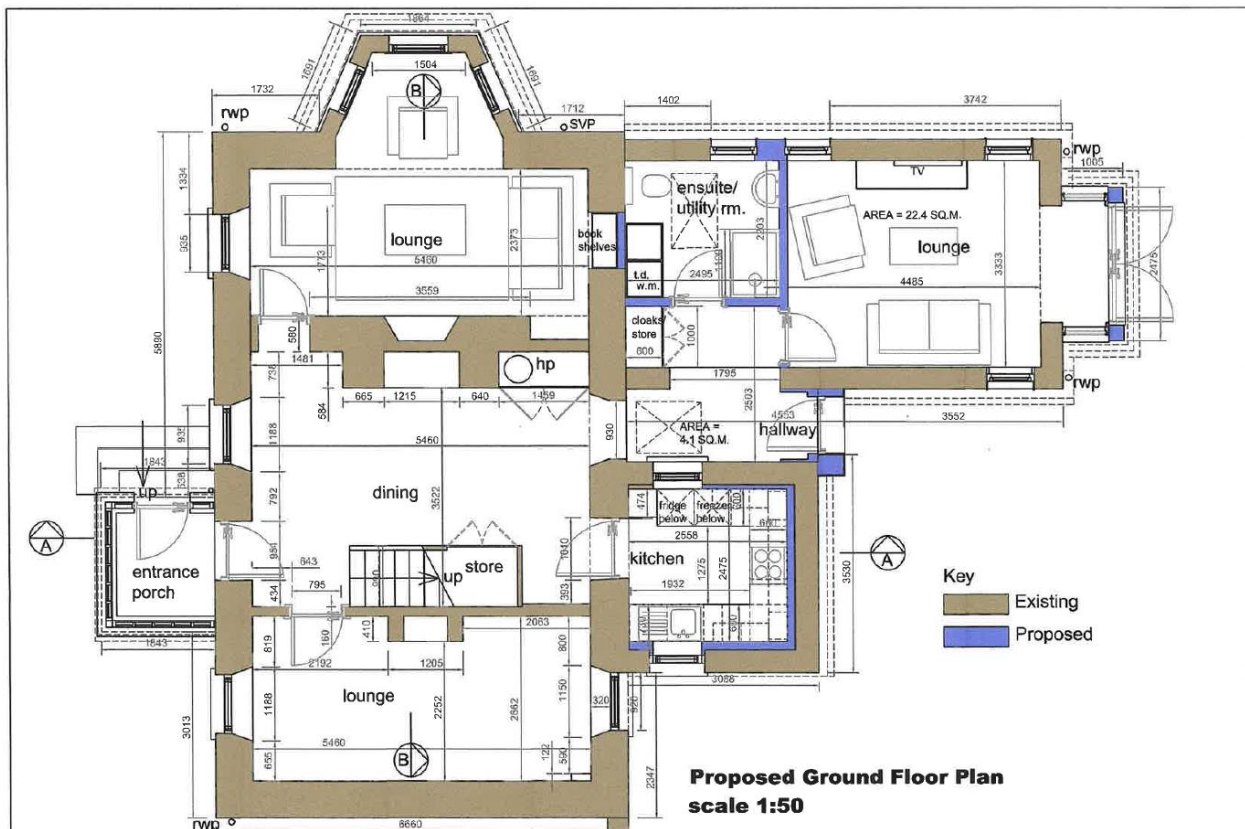
**1. GENERAL**

On the 9<sup>th</sup> December 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”:

- *Remodelling of existing extension built in 2000 and joining it with a pre-existing pantry. The existing extension is 22.4sqm and the additions would be 6.3sqm combined.*







## 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, except where the context otherwise requires, "development" means—*

- (a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).]*

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

*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(1)(h)

Exempted development. 4.—(1) The following shall be exempted developments for the purposes of this Act—

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

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

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

**Planning and Development Regulations 2001 (as amended)**

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

**Exempted Development**

(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.

<b>Schedule 2, Part 1</b>	
<i>Exempted Development – General</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i> 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.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of</p>

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

	<p>window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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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.

**Planning and Development Regulations 1994 (as amended)**

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

<b>Schedule 1, Part 1</b>	
<i>Exempted Development – General</i>	
Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a dwelling house</i></p> <p><b>CLASS 1</b></p> <p>The extension of a dwellinghouse, by the construction or erection of an extension (including a conservatory) to the rear of the dwellinghouse or by the conversion for use as part of the dwellinghouse of any garage, store, shed or other similar structure attached to the rear or to the side of the dwellinghouse.</p>	<p>1. (a) Where the dwelling house has not been extended previously, the floor area of any such extension shall not exceed 23 square metres.</p> <p>(b) Where the dwelling house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions, shall not exceed 23 square metres.</p> <p>2. The height of any such extension shall not exceed the height of the eaves or parapet, as may be appropriate, of the dwelling house.</p> <p>3. The construction or erection of any such extension to the rear of the dwellinghouse shall not reduce the area of private open space of the dwellinghouse to the rear of the dwellinghouse to less than 25 square metres</p>

**3. ASSESSMENT**

**a. *Site Location***

The subject site is located at The Demense, Dublin Road/Short Corville Road, Roscrea and is zoned for Existing Residential use in the Roscrea Local Area Plan, 2023.

**b. *Relevant Planning History***

**On Site :**

PL2/64/11 – Installation of 2 velux windows to the rear of the cottage and the installation of a patio door to the rear in place of existing window. Dwelling on site constructed prior to 1963. Proposed alterations considered non-material changes to the existing dwelling.

S5.17.43 – Repair and renewal works to an existing curved barn at The Demesne, Short Corville Road, Roscrea, Co. Tipperary. Proposed works considered to be development and exempted development.

**Adjacent:**

None relevant

#### **4. 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”

In relation to the proposed extensions measuring 6.3sqm:

The works proposed comprise of the construction of an extension with a floor area of less than 40sqm to the rear of a permitted dwelling.

Having reviewed the conditions and limitations associated with Class 1, it is not considered that any apply in this instance as set out below:

*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.*

**N/a as the house has been extended previously**

*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.*

**The dwelling has been extended in circa 2000 by way of a single storey rear extension with a floor area of 22.4 sq m. The proposals will see the dwelling extended further by 6.3 sq m to its rear. The aggregate of extensions undertaken since 1 October 1964 do not exceed 40 sq m and all extensions are at ground level.**

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

**N/a as the proposed extension will be at ground floor level only.**

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 includes a gable.**

(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.

**The rear wall of the dwelling includes a gable. The height of the walls of the extensions do 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.

**The extension (infill section) is partly flat roofed. Same does not exceed the height of the principal eave 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 private open space to the rear of the house is in excess of 25sqm.**

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

**All proposed windows at ground level are in excess of 1 metre 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

**The proposed extension is at ground floor level only.**

(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.

**The proposed extension is at ground floor level only.**

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

**The proposal does not include for the use of the roof as a balcony. The proposed extension is not accessible by any door and is not conducive for use as a balcony.**

In relation to the proposed remodelling of the existing structure:

**Section 4(1)(h) of the Planning and Development Act 2000, as amended states that the following would be considered exempted development:**

***“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***

**It is considered that the proposed remodelling works, which propose internal and external alterations to the dwelling will 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.**

### **C) Restrictions under Article 9**

*Restrictions on exemption.*

*Article 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—*

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

**N/a**

*(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*

**N/a**

*(iii) endanger public safety by reason of traffic hazard or obstruction of road users,*

**The proposed development does not give rise to traffic hazard or obstruction of road users.**

*(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

**The proposed development is to the rear of the property.**

*(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,*

**N/a**

*(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,*

**N/a**

*(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan*

or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

**N/a**

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,

(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,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

(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,

**It is noted that the proposal includes for alterations and an extension to an existing extension to the dwelling developed in 2000. I have examined this extension against the exemptions contained in the Planning and Development Regulations 1994 and am satisfied that the as-built extension meets planning exemptions in place at the time of its construction.**

**The proposals are not restricted under this part of Article 9.**

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

**N/a**

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

**N/a**

(xi) obstruct any public right of way,

**N/a**

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

**N/a**



It is noted that no exemptions under Article 9 of the Planning and Development Regulations 2001 (as amended) that would apply.

## 5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) & APPROPRIATE ASSESSMENT (AA):

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

*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.*

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001 (as amended).

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

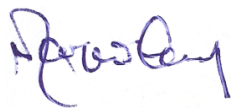
## 6. RECOMMENDATION

In considering this declaration the Planning Authority had regard to:

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

Tipperary County Council has concluded that the proposed remodelling of the existing extension built in 2000 and joining it with a pre-existing pantry at The Demense, Dublin Road/Short Corville Road, Roscrea **is development as defined by the Planning and Development Act 2000 and is exempted development.**

Executive Planner:



Date: 31.12.2024

A/Senior Executive Planner:



Date: 2/1/2024

## HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

<b>(a) File Reference No:</b>	S5/24/148
<b>(b) Brief description of the project or plan:</b>	Modifications and Extension to rear of dwelling
<b>(c) Brief description of site characteristics:</b>	Existing residential site in the Roscrea
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	None
<b>(e) Response to consultation:</b>	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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
004096 Middle Shannon Callows SPA	<a href="https://www.npws.ie/protected-sites/spa/004096">https://www.npws.ie/protected-sites/spa/004096</a>	Within 15km	None	No
002236 Island Fen SPA	<a href="https://www.npws.ie/protected-sites/spa/002236">https://www.npws.ie/protected-sites/spa/002236</a>	Within 15km	None	No
000412 Slieve Bloom Mountains SAC	<a href="https://www.npws.ie/protected-sites/sac/000412">https://www.npws.ie/protected-sites/sac/000412</a>	Within 15km	None	No
000585 Sharavogue Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/000585">https://www.npws.ie/protected-sites/sac/000585</a>	Within 15km	None	No
002147 Lisduff Fen SAC	<a href="https://www.npws.ie/protected-sites/sac/002147">https://www.npws.ie/protected-sites/sac/002147</a>	Within 15km	None	No
002162 River Barrow and River Nore	<a href="https://www.npws.ie/protected-sites/sac/002162">https://www.npws.ie/protected-sites/sac/002162</a>	Within 15km	None	No
002332 Coolrain Bog SAC	<a href="https://www.npws.ie/protected-sites/sac/002332">https://www.npws.ie/protected-sites/sac/002332</a>	Within 15km	None	No
004160 Slieve Bloom Mountains SPA	<a href="https://www.npws.ie/protected-sites/spa/004160">https://www.npws.ie/protected-sites/spa/004160</a>	Within 15km	None	No

004233 River Nore SPA	<a href="https://www.npws.ie/protected-sites/spa/004233">https://www.npws.ie/protected-sites/spa/004233</a>	Within 15km	None	No
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### 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.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> <li>Vegetation clearance</li> <li>Demolition</li> <li>Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>Dust, noise, vibration</li> <li>Lighting disturbance</li> <li>Impact on groundwater/dewatering</li> <li>Storage of excavated/construction materials</li> <li>Access to site</li> <li>Pests</li> </ul>	No potential impacts
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>Direct emission to air and water</li> <li>Surface water runoff containing contaminant or sediment</li> <li>Lighting disturbance</li> <li>Noise/vibration</li> <li>Changes to water/groundwater due to drainage or abstraction</li> <li>Presence of people, vehicles and activities</li> <li>Physical presence of structures (e.g. collision risks)</li> <li>Potential for accidents or incidents</li> </ul>	No potential impacts
In-combination/Other	No potential impacts

(b) Describe any likely changes to the European site:

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>Reduction or fragmentation of habitat area</li> <li>Disturbance to QI species</li> <li>Habitat or species fragmentation</li> <li>Reduction or fragmentation in species density</li> <li>Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>Changes to areas of sensitivity or threats to QI</li> <li>Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	No potential impacts
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes  No

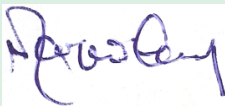
### STEP 4. Screening Determination Statement

### The assessment of significance of effects:

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

The proposed development is not likely to have significant effects.

### Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is <b>no likelihood</b> of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is <b>uncertain</b> whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) <b>Significant effects</b> are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b> 31.12.2024

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
<b>File Reference:</b>	S5/24/148		
<b>Development Summary:</b>	Modifications and extension		
<b>Was a Screening Determination carried out under Section 176A-C?</b>	<input type="checkbox"/> Yes, no further action required  <input checked="" type="checkbox"/> No, Proceed to <b>Part A</b>		
<b>A. Schedule 5 Part 1</b> - Does the development comprise a project listed in Schedule 5, <b>Part 1</b> , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____		<b>EIA is mandatory</b>	
		No Screening required	
<input checked="" type="checkbox"/> No		Proceed to <b>Part B</b>	
<b>B. Schedule 5 Part 2</b> - Does the development comprise a project listed in Schedule 5, <b>Part 2</b> , of the Planning and Development Regulations 2001 (as amended) <b>and</b> 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		<b>No Screening required</b>	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 <b>and</b> meets/exceeds the threshold, specify class (including threshold): _____		<b>EIA is mandatory</b>	
		No Screening required	
<input type="checkbox"/> Yes the project is of a type listed <b>but</b> is <i>sub-threshold</i> . _____		Proceed to <b>Part C</b>	
<b>C. If Yes</b> , has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		<b>Screening Determination required</b>	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		<b>Preliminary Examination required</b>	
<b>Signature and Date of Recommending Officer:</b>		<b>Date:</b>	31.12.2024



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](http://tipperarycoco.ie)

Date: 10<sup>th</sup> January, 2025      Our Ref: S5/24/148      Civic Offices, Nenagh

**Donnacha Delaney**  
**The Demesne**  
**Dublin Rd/Short Corville Rd**  
**Roscrea**  
**Co. Tipperary**

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

I refer to your application for a Section 5 Declaration received on 9<sup>th</sup> December, 2024, in relation to the following proposed works:

**Remodelling of existing extension and joining it with a pre-existing pantry at The Demesne, Dublin Rd/Short Corville Rd., Roscrea, Co. Tipperary.**

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

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

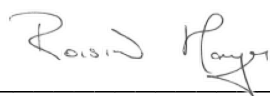
- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- Part 1 Class 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, 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

A handwritten signature in cursive script, appearing to read "Róisín Hayes".

---

for **Director of Services**

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/148**      **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. 40781 dated 2<sup>nd</sup> January, 2025 hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Donnacha Delaney, The Demesne, Dublin Rd/Short Corville Rd, Roscrea, Co. Tipperary, re: Remodelling of existing extension and joining it with a pre-existing pantry at The Demesne, Dublin Rd/Short Corville Rd., Roscrea, Co. Tipperary is development and is exempted development.

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

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

Tipperary County Council has concluded that the proposed development, as presented on the drawings and details provided with the Declaration application, received on 09/12/2024, constitutes "development" within the meaning of the Planning and Development Act 2000 as amended 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: 10/01/2025**