

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

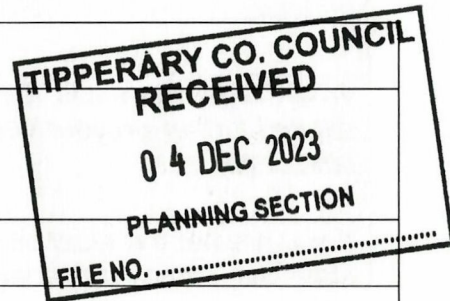
Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	Gerald Blanchfield
<i>Address</i>	945 TARAVAL STREET #426 SAN FRANCISCO CALIFORNIA 94116. U.S.A
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	NA
<i>Address</i>	NA
<i>Telephone No.</i>	NA
<i>E-mail</i>	NA
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input checked="" type="checkbox"/>] Agent [<input type="checkbox"/>]	



3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	Ballinamona Ballyneale Carrick on Suir County 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.)

As part of refurbishment works of current farmhouse dwelling property replace current rear extension with .
a replacement extension at same position. Current extension is single story. Replacement extension will
be two story < 40 square meters. See attached document XX for additional details.
NA
NA
Proposed floor area of proposed works/uses: sqm <40 square meters

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 X	B. Occupier NA
	C. Other NA	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>	NA	
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: NA Address:	

Signature of Applicant(s) Gerald Blanchfield

Date: 03 Dec 2023

Gerald Blanchfield

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.

Site layout plan indicating position of proposed development relative to premises and adjoining properties CC/22/277 Vacant Property Refuirshment Grant.



Image 1 Rear of Subject Premises.

1. Remove existing rear ~9m squared structure at blue arrow.
2. Replace at same rear position with ~37m squared two story structure.



Image 2 – illustration of proposed replacement structure ~37M squared relative to premises.

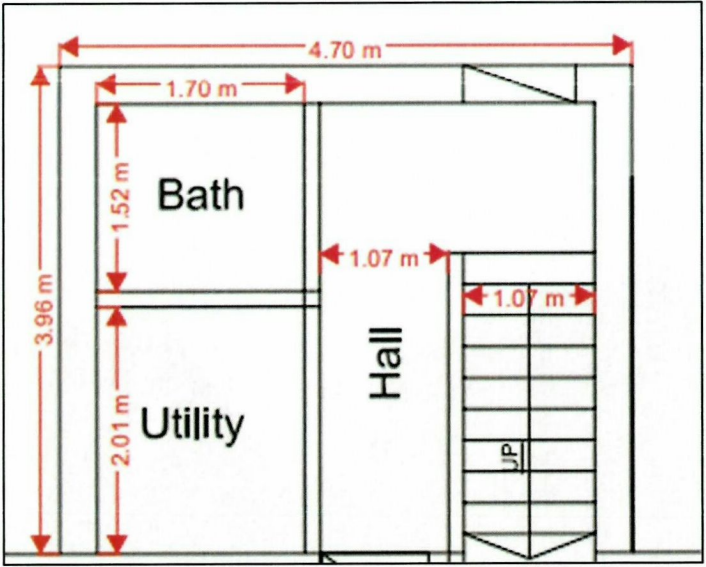


Image 3- Ground floor and dimensions of proposed replacement extension

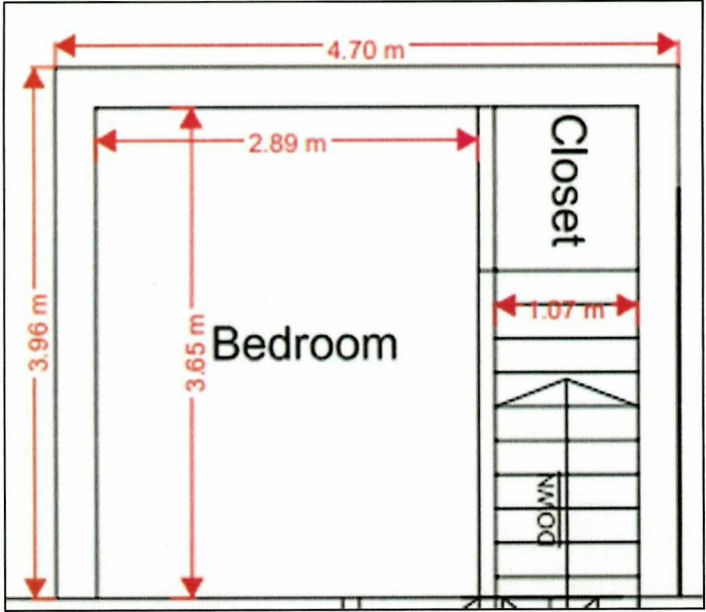


Image 4- First floor and dimensions of proposed replacement extension

Planning Exemption Certificate application to support Re: CC/22/277 Vacant Property Refurbishment Grant- Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary.

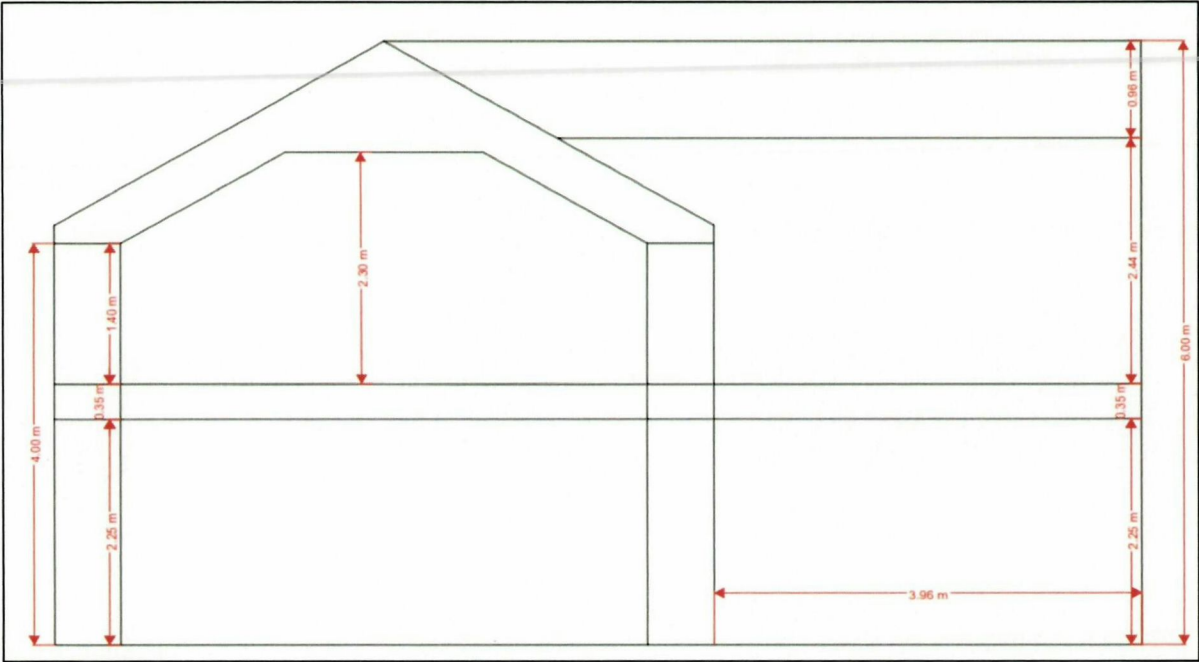


Image 5- External view of proposed replacement extension

Level	Square Meter Area	Total Square Meter Area
Ground	4.7 X 3.96	18.62
First Floor	4.7 X 3.96	18.62
Total	NA	37.224

Table 1- proposed replacement extension square meter dimensions



Image 6 Green mark indicating proposed development relative to adjoining properties.

Planning Pack Map



Tailte Éireann



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ITM 634480,626571

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18/11/2023

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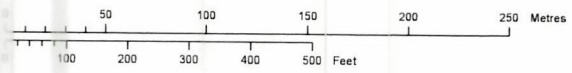
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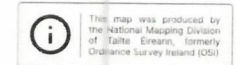
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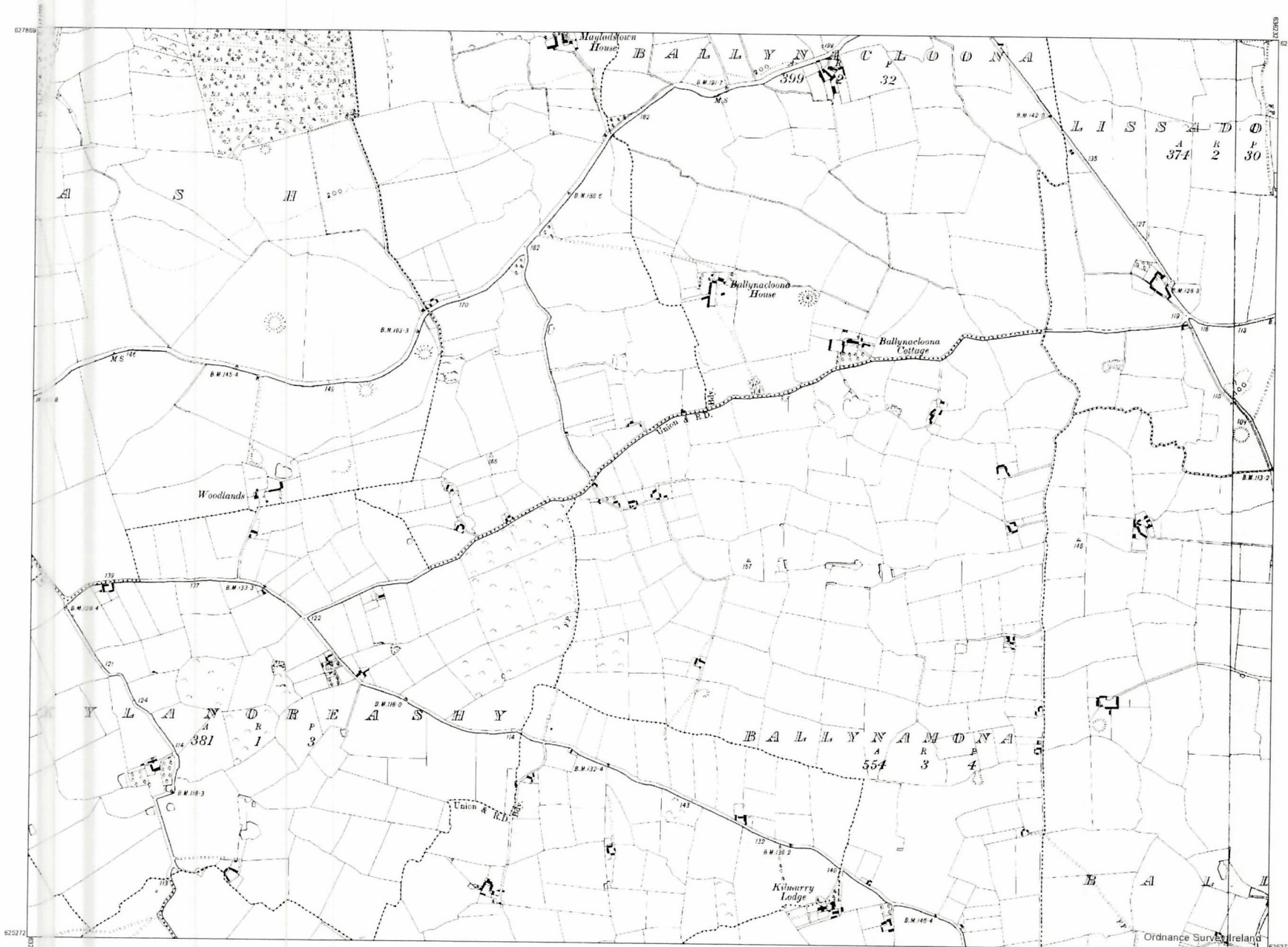
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Site Location Map



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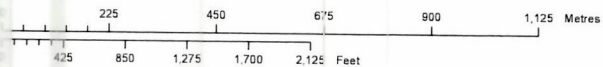
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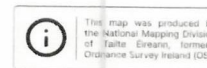
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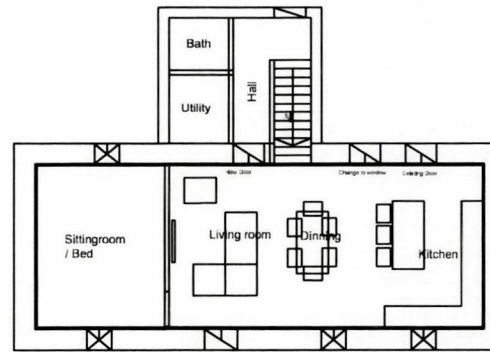
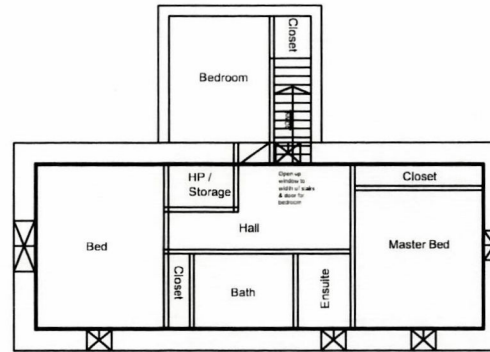
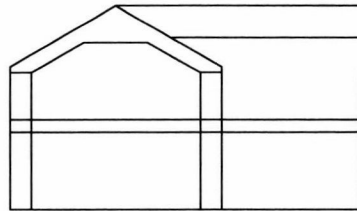
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TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/23/147

Applicant: Gerard Blanchfield

Development Address: Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary

Proposed Development: Replace the current single storey rear extension with a replacement two storey extension.

1. GENERAL

On the 4th of December 2023 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”:

- Replace the current single storey rear extension with a replacement two storey extension at Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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

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

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

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

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 50 (b) 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;

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
 - (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act

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 if the carrying out of works would-

(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

3. ASSESSMENT

a. Site Location

The site comprises a detached two storey dwelling at Ballynamona, Ballyneale, Carrick on Suir, Co. Tipperary.

b. Relevant Planning History

P35940	Agricultural store – Granted
P38110	shed for storing farm machinery - granted
P310847	retention and construction of farm buildings – granted

Figure 1 Planning history



c. Assessment

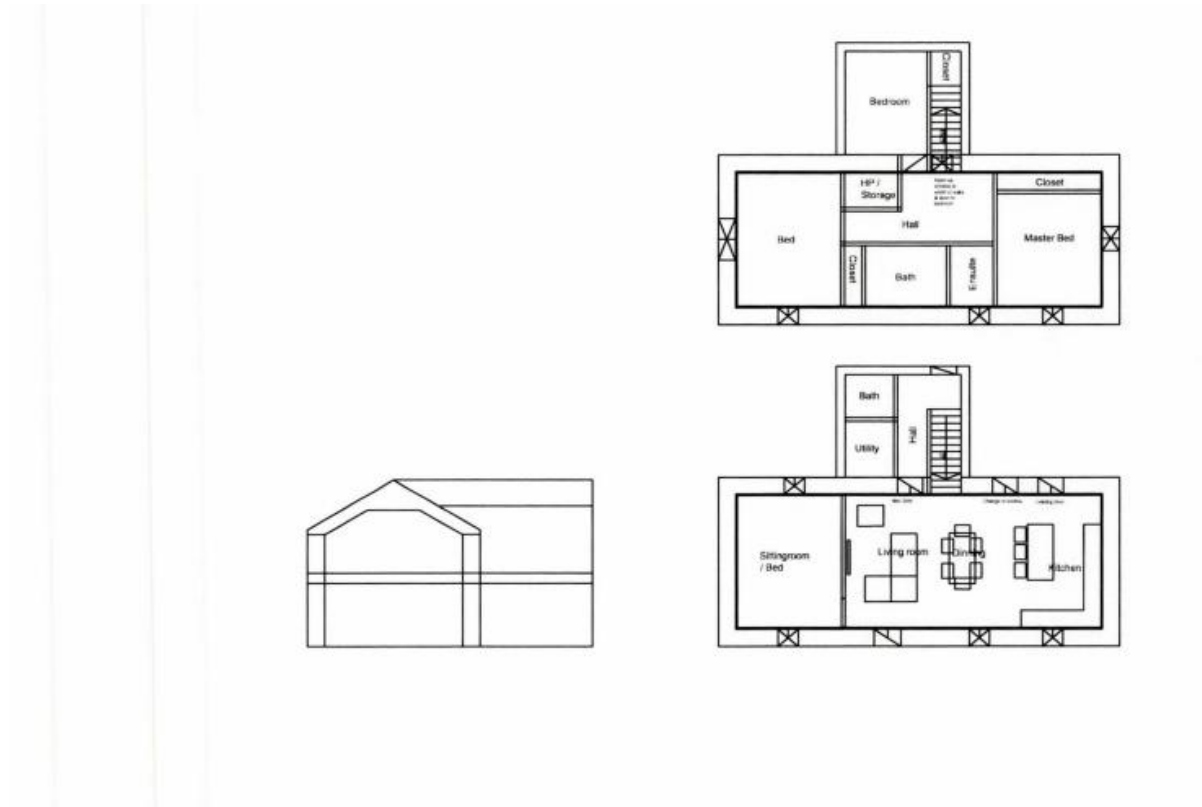
A) “Is or is not Development”

It is considered that the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The works proposed comprise of the demolition of a small extension to the rear of the property and the construction of a two storey rear extension. The extension will provide a utility and bathroom at ground floor level and a bedroom at first floor level.

Figure 2 floor plans and side elevations



The extension will provide 18.62 sqms at both ground and first floor level (37.24 sqms in total). The restriction on first floor space (20 sqms) for a detached property has not been exceeded.

The extension to be demolished is less than 40 sqms.

The height of the highest part of the roof of the extension does not exceed the height of the highest part of the roof of the dwelling. Condition 4 associated with Class 1 of this exempted development provision notes that

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 applicant has only submitted a side elevation of the works proposed. In the absence of a submitted rear elevation, it is not possible to confirm if the proposal meets the conditions associated with this class of exempted development.

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. 3 kilometres from the Lower River Suir SAC, 12 kms from the Comeragh mountains SAC and 14.2 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 Class 50, of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

It is recommended that, pursuant to Section 5 (2)(b) of the Planning and Development Act 2000, the following further information is requested:

1. The applicant is advised that the drawings submitted to the Planning Authority with the application for a Section 5 Declaration are not adequate in order to assess the application. The applicant is requested to submit the following;
 - a. A dimensioned site layout plan (scale 1:500)
 - b. Dimensioned elevations (including rear elevation) showing the existing dwelling and the proposed extension. The proposed extension should be clearly identified in colour.

Advice Note: In preparation of the response to the above, the applicant is advised that in order to avail of an exemption the extension to the dwelling will be required to satisfy the requirements of **Class 1** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, including the following;

(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.

Signed: Paul Killean

Date: 22/12/23

C Conway

Signed:
Senior Executive Planner

Date: 03.01.2024



Date: 3rd January 2024

Our Ref: S5/23/147

Civic Offices, Nenagh

Mr Gerard Blanchfield
C/O Declan Blanchfield
65 Ard na Greine
Clonmel
Co. Tipperary

Re: Section 5 Application – to replace the current single storey rear extension with a replacement two storey extension at Ballinamona, Ballyneale, Carrick-on-Suir, Co Tipperary

Dear Mr Blanchfield

I refer to an application received on 4th December 2023 requesting a Declaration from this Planning Authority as to whether or not certain works constitute development within the meaning of the Planning and Development Act 2000, as amended.

Having regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1 and Class 50, of Schedule 2 Planning & Development Regulations 2001, as amended
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

It is recommended that, pursuant to Section 5 (2)(b) of the Planning and Development Act 2000, the following further information is requested:

1. The applicant is advised that the drawings submitted to the Planning Authority with the application for a Section 5 Declaration are not adequate in order to assess the application. The applicant is requested to submit the following:
 - a. A dimensioned site layout plan (scale 1:500)

(2)

- b. Dimensioned elevations (including rear elevation) showing the existing dwelling and the proposed extension. The proposed extension should be clearly identified in colour.

Advice Note: In preparation of the response to the above, the applicant is advised that in order to avail of an exemption the extension to the dwelling will be required to satisfy the requirements of **Class 1** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, including the following

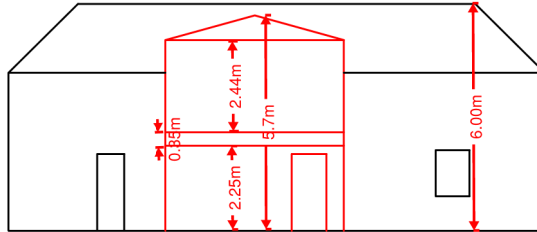
(4) (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

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

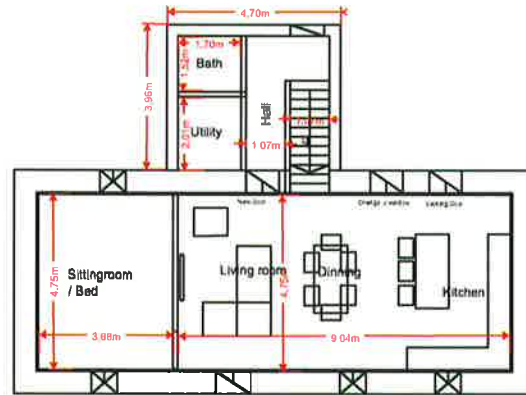
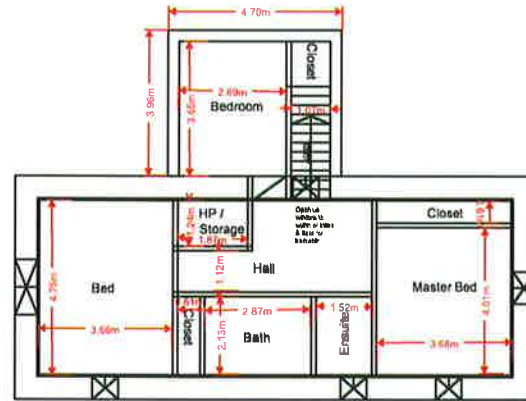
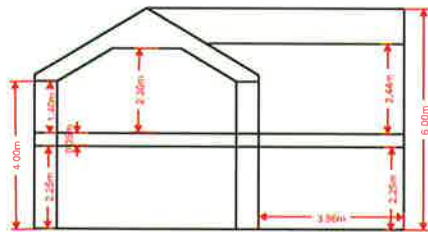
Yours sincerely



for **Director of Services**



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Scale: 1:200

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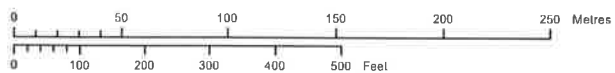
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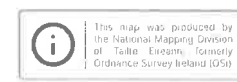
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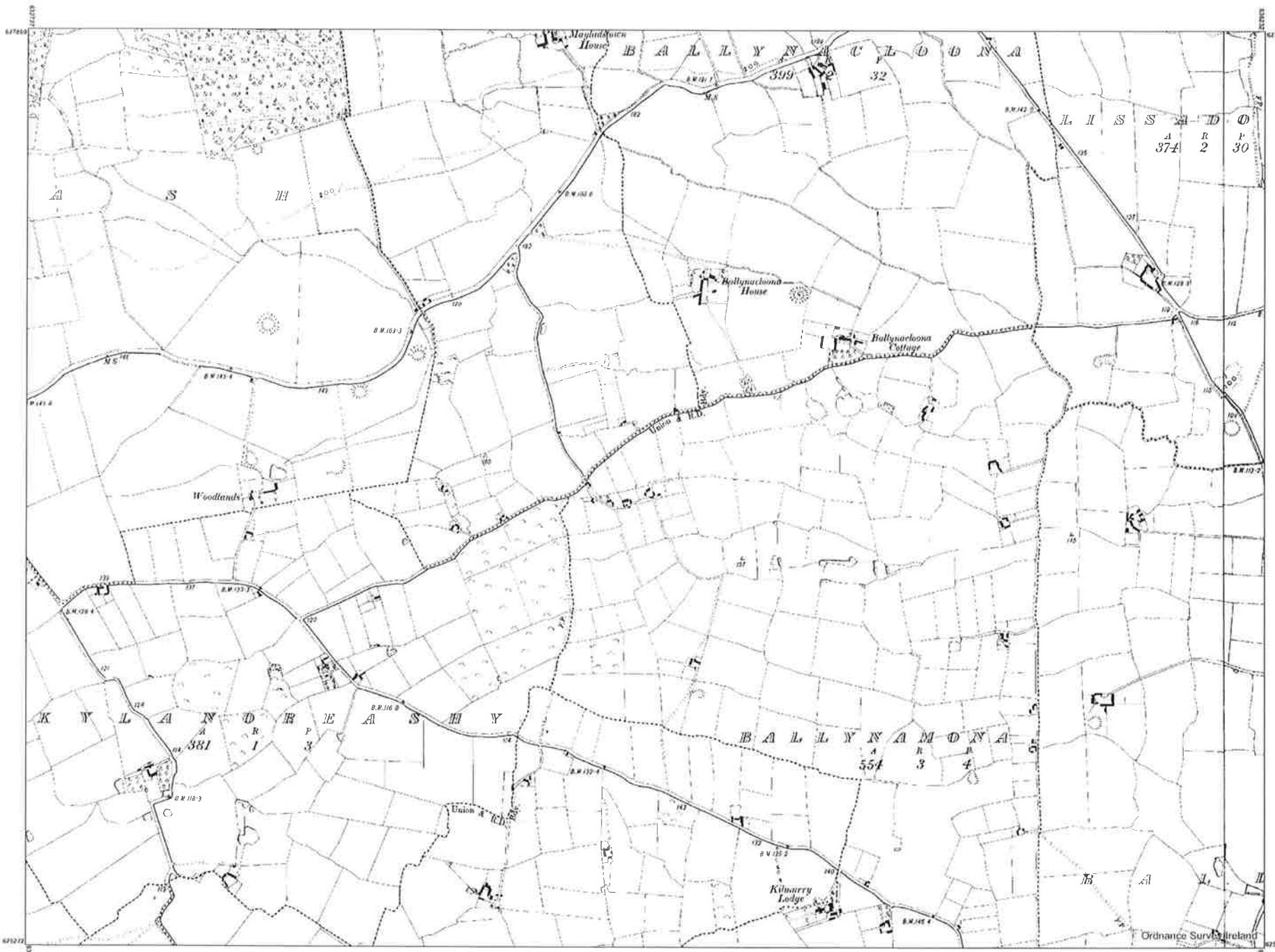
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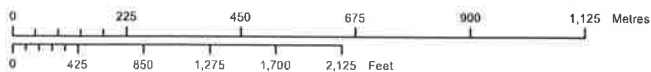
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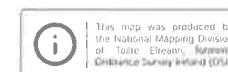
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Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
Cluain Meala,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary
E91 N512

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Oifigi Cathartha,
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Date: 27 February 2024

Our Ref: S5/23/147

Civic Offices, Nenagh

Mr Gerard Blanchfield,
C/o Declan Blanchfield,
65 Ard na Greine,
Clonmel,
Co. Tipperary.

Re: Application for a Section 5 Declaration – to replace the current single storey rear extension with a replacement two storey extension at Ballinamona, Ballyneale, Carrick-on-Suir, Co Tipperary

Dear Mr Blanchfield,

I acknowledge receipt of Further Information received on 26th February 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.: S5/23/147

Applicant: Gerard Blanchfield

Development Address: Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary

Proposed Development: Replace the current single storey rear extension with a replacement two storey extension.

1. GENERAL

On the 4th of December 2023 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”:

- Replace the current single storey rear extension with a replacement two storey extension at Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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

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

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

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

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 50 (b) 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;

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

1. No such building or buildings shall abut on another building in separate ownership.
2. The cumulative floor area of any such building, or buildings, shall not exceed:
 - (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
 - (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act

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 if the carrying out of works would-

(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

3. ASSESSMENT

a. Site Location

The site comprises a detached two storey dwelling at Ballynamona, Ballyneale, Carrick on Suir, Co. Tipperary.

b. Relevant Planning History

P35940	Agricultural store – Granted
P38110	shed for storing farm machinery - granted
P310847	retention and construction of farm buildings – granted

Figure 1 Planning history



c. Assessment

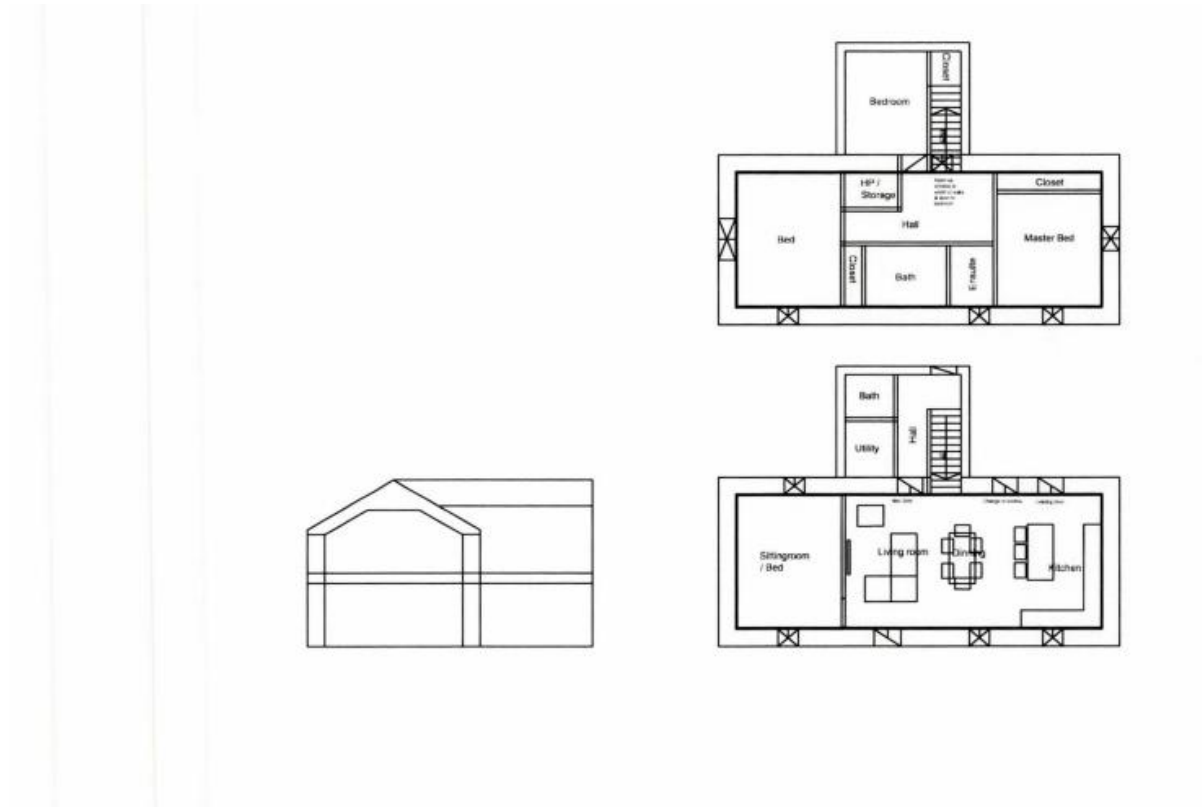
A) “Is or is not Development”

It is considered that the above listed proposals constitute “works” as understood by the Planning and Development Act 2000, as amended. The above listed proposals therefore constitute “development” within the meaning of the Planning and Development Act 2000, as amended.

B) “Is or is not Exempted Development”

The works proposed comprise of the demolition of a small extension to the rear of the property and the construction of a two storey rear extension. The extension will provide a utility and bathroom at ground floor level and a bedroom at first floor level.

Figure 2 floor plans and side elevations



The extension will provide 18.62 sqms at both ground and first floor level (37.24 sqms in total). The restriction on first floor space (20 sqms) for a detached property has not been exceeded.

The extension to be demolished is less than 40 sqms.

The height of the highest part of the roof of the extension does not exceed the height of the highest part of the roof of the dwelling. Condition 4 associated with Class 1 of this exempted development provision notes that

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 applicant has only submitted a side elevation of the works proposed. In the absence of a submitted rear elevation, it is not possible to confirm if the proposal meets the conditions associated with this class of exempted development.

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. 3 kilometres from the Lower River Suir SAC, 12 kms from the Comeragh mountains SAC and 14.2 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. FURTHER INFORMATION

The following further information was requested on the 3rd of January 2024,

1. The applicant is advised that the drawings submitted to the Planning Authority with the application for a Section 5 Declaration are not adequate in order to assess the application. The applicant is requested to submit the following;

- a. A dimensioned site layout plan (scale 1:500)
- b. Dimensioned elevations (including rear elevation) showing the existing dwelling and the proposed extension. The proposed extension should be clearly identified in colour.

Advice Note: In preparation of the response to the above, the applicant is advised that in order to avail of an exemption the extension to the dwelling will be required to satisfy the requirements of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, including the following;

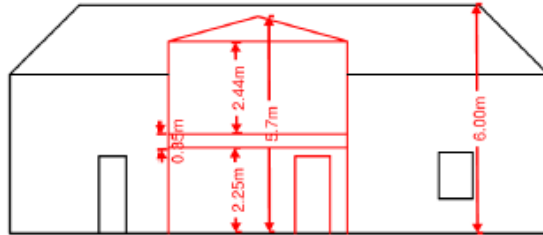
(4) (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

REPLY

The applicant replied on the 25th of February 2024. The applicant submitted dimensioned floor plans and a side elevation drawing.

Unsolicited further information was received on the 12th of March 2024. This information included the rear elevation.

Figure 3 Proposed rear elevation



As illustrated above, the height of the wall of the extension exceed the height of the rear wall of the house. The proposal therefore does not satisfy condition and limitation No 4(a) of Class 1.

5. RECOMMENDATION

Having regard to:

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

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended, and is **not** “exempted development” for the following reasons

- The height of the rear wall of the extension exceeds the height of the rear wall of the house and condition and limitation 4(a) of the above mentioned Class 1 is therefore not satisfied.

Signed: Paul Hillen

Date: 12/03/24

Signed: C. Conway
Senior Executive Planner

Date: 12.03.2024

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/23/147** **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 Gerard Blanchfield, C/o Declan Blanchfield, 65 Ard na Greine, Clonmel, Co. Tipperary, re: Replace the current single storey rear extension with a replacement two storey extension at Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary is development and is exempted development.

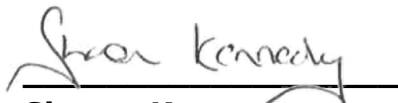
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

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

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, **constitutes "works" and "development"** within the meaning of the Planning and Development Act 2000, as amended, **and is not "exempted development"** for the following reasons

- The height of the rear wall of the extension exceeds the height of the rear wall of the house and condition and limitation 4(a) of the above-mentioned Class 1 is therefore not satisfied.

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: 13/03/2024



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Tipperary County Council,
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Co. Tipperary

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Date: 13 March 2024

Our Ref: S5/23/147

Civic Offices, Nenagh

**Gerard Blanchfield,
C/o Declan Blanchfield,
65 Ard na Greine,
Clonmel,
Co. Tipperary.**

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

Dear Mr Blanchfield,

I refer to your application for a Section 5 Declaration received on 4 December 2023, 26 February 2024 and 11 March 2024 in relation to the following proposed works:

Replace the current single storey rear extension with a replacement two storey extension at Ballinamona, Ballyneale, 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) Class 1, Part 1 of Schedule 2 of the Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, **constitutes "works" and "development"** within the meaning of the Planning and Development Act 2000, as amended, **and is not "exempted development"** for the following reasons

- The height of the rear wall of the extension exceeds the height of the rear wall of the house and condition and limitation 4(a) of the above-mentioned Class 1 is therefore not satisfied.

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 blue ink, reading "Geraldine Quinn". The signature is written in a cursive style and is enclosed within a thin blue rectangular border.

for **Director of Services**