



TIPPERARY CO. COUNCIL
RECEIVED
- 7 MAR 2024
PLANNING SECTION
FILE NO. ...SS/24/33...

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	JOANA PARCELL
Address	(Liskeever Road, Littleton, Thurles, Co. Tipperary.)
Telephone No.	3 Kennedy Park, Thurles.
E-mail	[REDACTED]

2. Agent's (if any) address:

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

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Liskeever Road, Littleton, Thurles, 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.)

My father has AN existing garage to the right of his house.

I would like to convert the garage into a living space.

Proposed floor area of proposed works/uses: 48 sqm

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

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Occupier (father) Matt Purcell
	C. Other Daughter	
Where legal interest is 'Other', please expand further on your interest in the land or structure	My partner and I will buy the house from my parents or they will have legal right to remain living there.	
If you are not the legal owner, please state the name and address of the owner	Name: living there - Address: Matt Purcell Liskeyeen Road, Littleton, Thurles, Co-Tipperary.	

Signature of Applicant(s) Jenna Purcell Date: 6/3/24.

Note: If the proposed development consists of works to a (Proposed) Protected Structure and/or any structure within the curtilage of a (Proposed) Protected Structure, an application for a Section 57 Declaration may be more appropriate.

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

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

This application form and relevant fee should be submitted to:

Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	OR	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

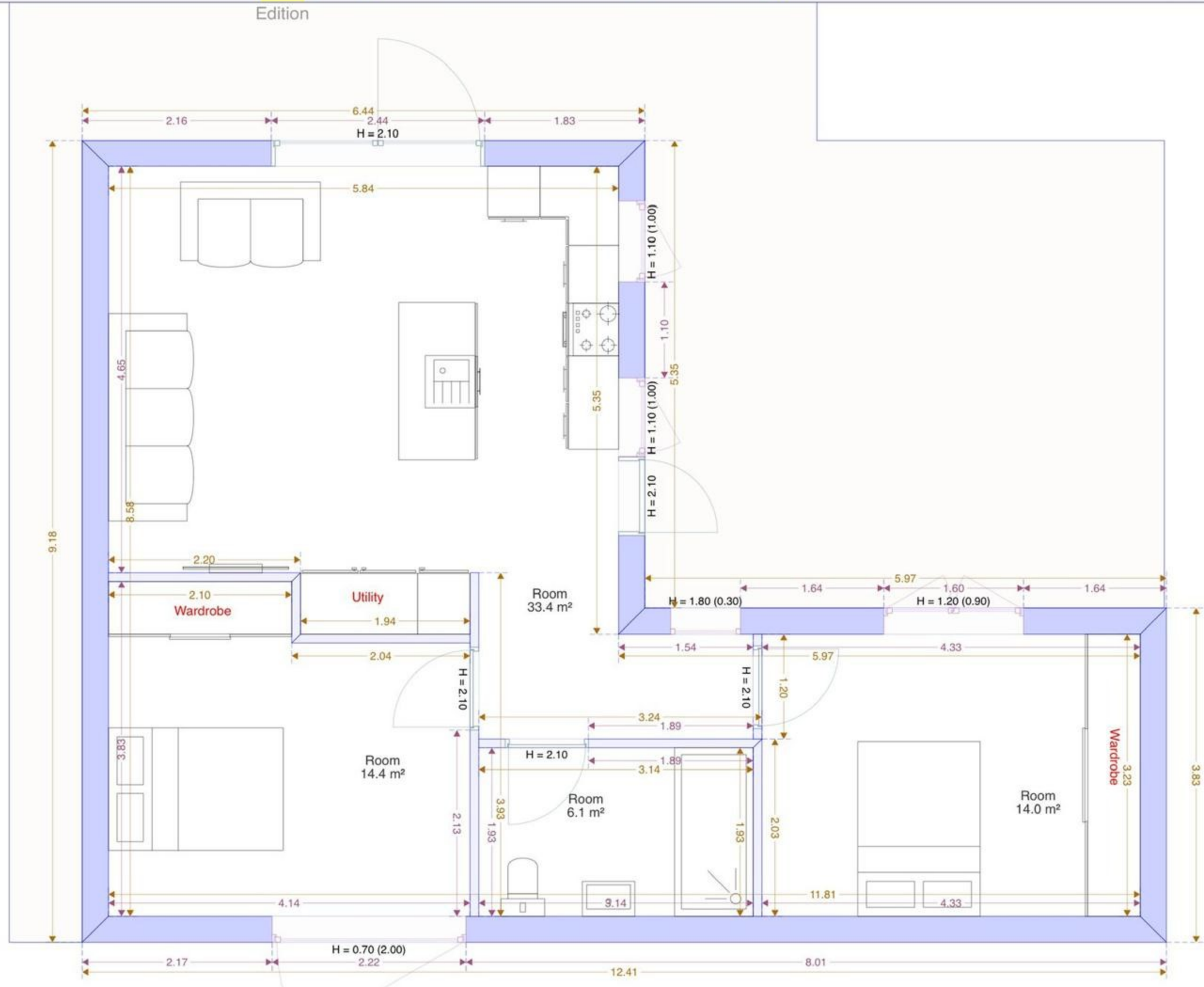
FOR OFFICE USE ONLY

DATE STAMP

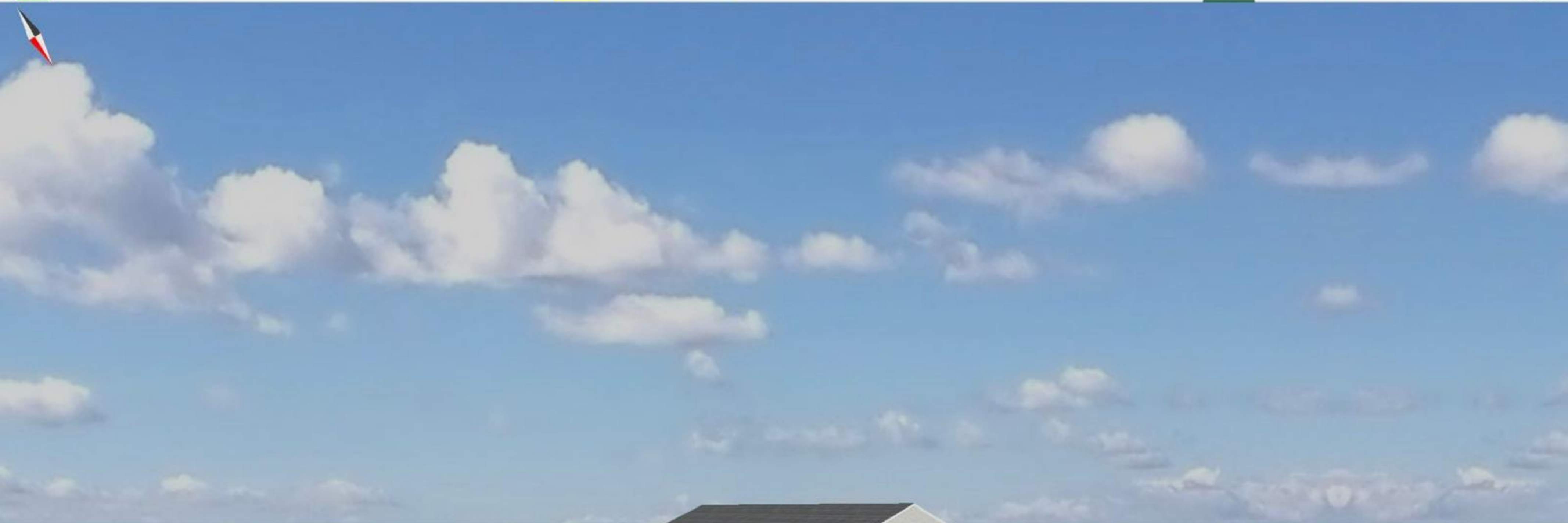
Fee Recd. € 80.00
Receipt No CLONMEL/0/179005
Date 7/03/24
Received by C.A



Edition













TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.: S5/24/33
Applicant: Joana Purcell
Development Address: Liskeveen Rd Littleton, Thurles, Co. Tipperary
Proposed Development: Convert side garage to residential accommodation

1. GENERAL

On the 7/3/2024 request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Liskeveen Rd Littleton, Thurles, Co. Tipperary

Convert side garage to residential accommodation

The details provided with the Declaration application a plan and CGI drawings of a detached building. No location map of the site has been provided.

2. STATUTORY PROVISIONS

Section 2 (1) of the **Planning and Development Act 2000**, as amended, states as follows:- “works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....’

Section 3 (1) of the **Planning and Development Act 2000, (as amended)** states as follows:- “In this Act, ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.”

Section 4 (1)(h) of the **Act** states as follows:-

The following shall be exempted developments for the purposes of this Act

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(2)(a) of the **Act** 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(4) states that 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.

Article 6(1) of the **Planning and Development Regulations** states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

In relation to this specific case, the following applies:

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.

3. ASSESSMENT

a. **Site Location** – The site is located at Liskeveen Rd Littleton, Thurles, Co. Tipperary

b. **Relevant Planning History** –

Unable to confirm due to limited details submitted

c. **Assessment**

A) “Is or is not Development”

Having regard to Sections 2(1) and 3(1) of the Planning and Development Act 2000 (as amended), it is considered that both proposals constitute *development* as same involve the carrying out of works on the subject land.

B) “Is or is not Exempted Development”

No floor plans or elevations of the extension has been provided nor has a site layout plan. I spoke with Joana Purcell on 22/3/2024 who advised the garage is a detached building. It would not therefore meet planning exemptions.

C) “Restrictions to exemptions under the Planning and Development Act 2000, as amended or Planning and Development Regulations 2001, as amended”

i) *Requirement for Appropriate Assessment and Environmental Impact Assessment required*

Appropriate Assessment (AA):

The subject site is located 7km from the Lower River Suir SAC.

Having regard to:

- the small scale and domestic nature of the development,
- the consequent absence of a pathway to the European site,

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. See AA Screening attached.

Environmental Impact Assessment (EIA):

—The proposed development is not a type of development included for under —Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

Article 9 of the Planning and Development Regulations 2001, as amended has been considered in the assessment of the proposed exemption and is not applicable in this instance.

4. RECOMMENDATION

Having regard to:

- Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,

- Class 1 of Part 1 of Schedule 2 of the said Regulations 2001;
- The information submitted with the Declaration request

Tipperary County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposals as presented in the Declaration request is development and is NOT exempted development

A/Senior Executive Planner:  **Date:**22/3/2024

A/Senior Planner:  **Date:**27/3/2024

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/33** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

I, Dave Carroll, A/Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Joana Purcell, 3 Kennedy Park, Thurles, Co. Tipperary, re: Conversion of side garage to residential accommodation at Liskeveen Rd Littleton, Thurles, Co. Tipperary is development and is exempted development.

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

- Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- Class 1 of Part 1 of Schedule 2 of the said Regulations 2001;
- The information submitted with the Declaration request

Tipperary County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposals as presented in the Declaration request **is development and is NOT exempted development.**

Signed:  _____

Date: 27/03/2024

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



Date: 27 March 2024

Our Ref: S5/24/33

Civic Offices, Nenagh

**Joana Purcell,
3 Kennedy Park,
Thurles,
Co. Tipperary.**

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

Dear Ms Purcell,

I refer to your application for a Section 5 Declaration received on 7th March 2024, in relation to the following proposed works:

Conversion of side garage to residential accommodation at Liskeveen Rd Littleton, Thurles, 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(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- Class 1 of Part 1 of Schedule 2 of the said Regulations 2001;
- The information submitted with the Declaration request

Tipperary County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 as amended, it is hereby decided that the proposals as presented in the Declaration request **is development and is NOT exempted development.**

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 that reads "Geraldine Quinn". The signature is enclosed within a thin blue rectangular border.

for **Director of Services**