



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>	████████████████████
<i>E-mail</i>	██

██	
██████████	NA
██████████	NA
████████████████████	NA
██████████ mail	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
--	--

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 Section elevation drawings Vacant Property Refurbishment Grant Ref CC 22 277 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 <input checked="" type="checkbox"/>	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: 01 Apr 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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o Other details *e.g.* brochures, photographs if appropriate.

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

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

This application form and relevant fee should be submitted to:

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

FOR OFFICE USE ONLY

DATE STAMP

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

3rd April 2024

2404

Planning Section,
Tipperary County Council,
Civic Offices,
Emmet Street,
Clonmel,
Co. Tipperary

SECTION 5 DECLARATION APPLICATION

by

Gerald Blanchfield

at

Ballinamona

Ballyneale

Carrick on Suir

County Tipperary

We wish to confirm that the proposed construction of a two storey rear extension is exempt development under SI no 600/2001 Class 1 noting the requirements of the act and how the works comply with each.

– *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.*

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

The extension shall not exceed 40 square metres, it shall be 40 square metres, 20 square

metres ground floor and 20 square metres first floor.

(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.

The house is not terraced or semi-detached.

(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.

The house is detached, the floor area of the extension above ground level does 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.

The total floor area of the extension will 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. **The house is not terraced or semi-detached.**

(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 house is detached, the floor area of the extension above ground level does 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.

The 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.

The rear wall of the house does not include a gable, the existing roof is hipped. The height of the walls of the extension shall not exceed the height of the rear wall of the house. The drawing attached shows the section of the new and existing matching including eave and ridge heights.

(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 house does not include a gable, the roof is hipped.**

(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 roof is not flat, the height of the highest part of the roof will not exceed the height of the highest part of the roof of the dwelling. The Ridge of the extension shall match the ridge of the existing house.

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 construction of the extension to the rear of the house will 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.

All windows in the extension shall be more 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.

All windows in the extension shall be more than 1 metre 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.

All windows in the extension shall be more than 11 metre from the boundary it faces.

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

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

Please see enclosed drawing showing the two plans and a side section with dimensions at 1:100

Yours Sincerely,

Paul McNally MRIAI.

Director The PassivHaus Architecture Company

Planning Pack Map



Tailte Éireann



CENTRE COORDINATES:
ITM 634480,626571

PUBLISHED:
18/11/2023

ORDER NO.:
50369019_1

MAP SERIES:
1:2,500

MAP SHEETS:
5372-B

COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4
www.tailte.ie

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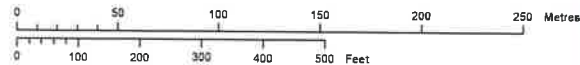
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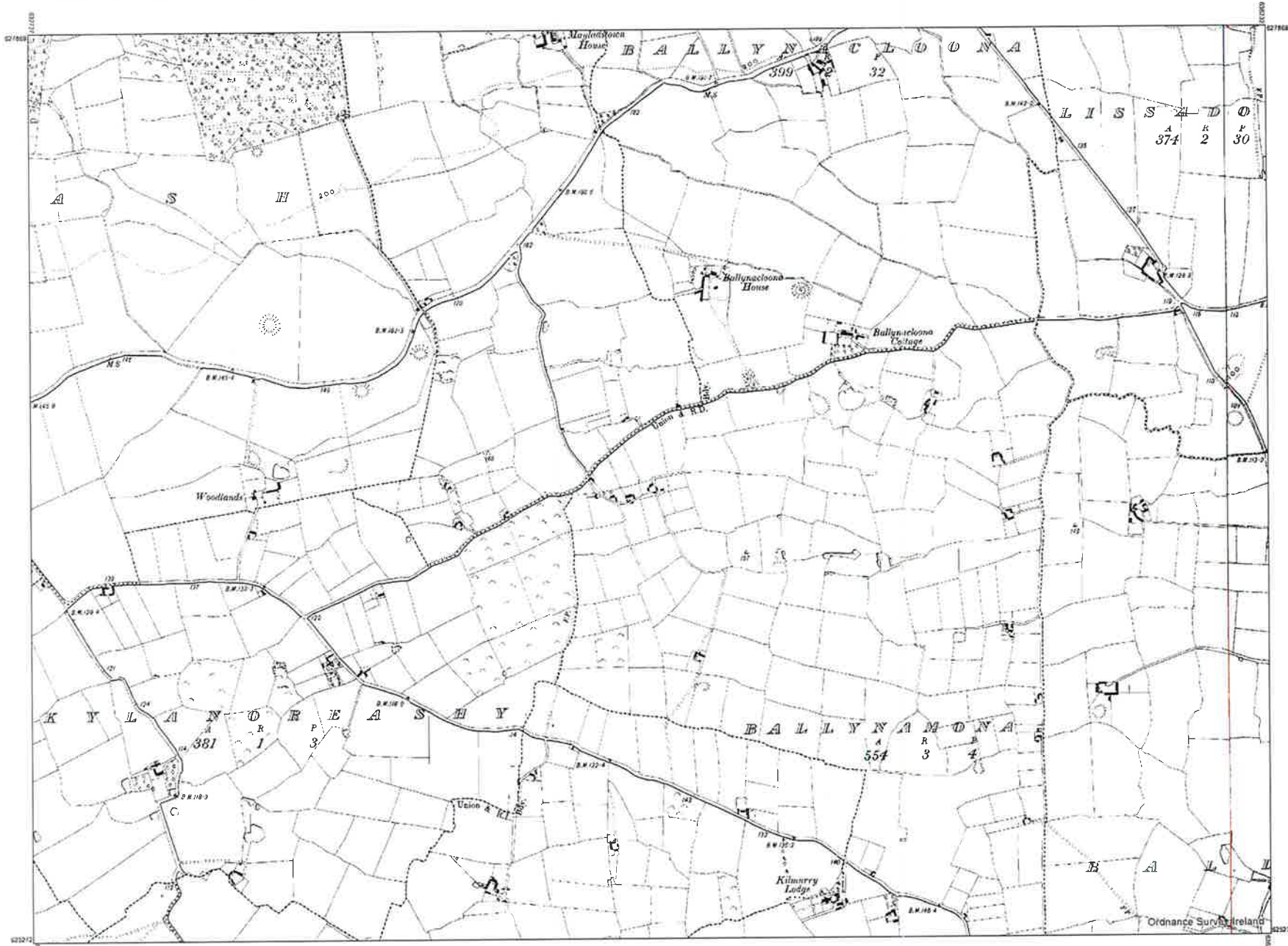
LEGEND:
To view the legend visit
www.osi.ie and search for
'Large Scale Legend'



Site Location Map



Tailte Éireann



CENTRE COORDINATES:
ITM 634480,626571

PUBLISHED:
18/11/2023

ORDER NO.:
5036019_1

MAP SERIES:
6 Inch Raster
6 Inch Raster
6 Inch Raster
6 Inch Raster

MAP SHEETS:
KK034
KK038
TY078
TY079

COMPILED AND PUBLISHED BY:
National Mapping Division of Tailte Éireann, Phoenix Park, Dublin 8, Ireland. D08F6E4
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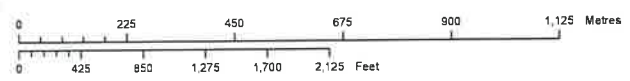
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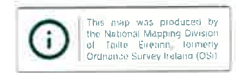
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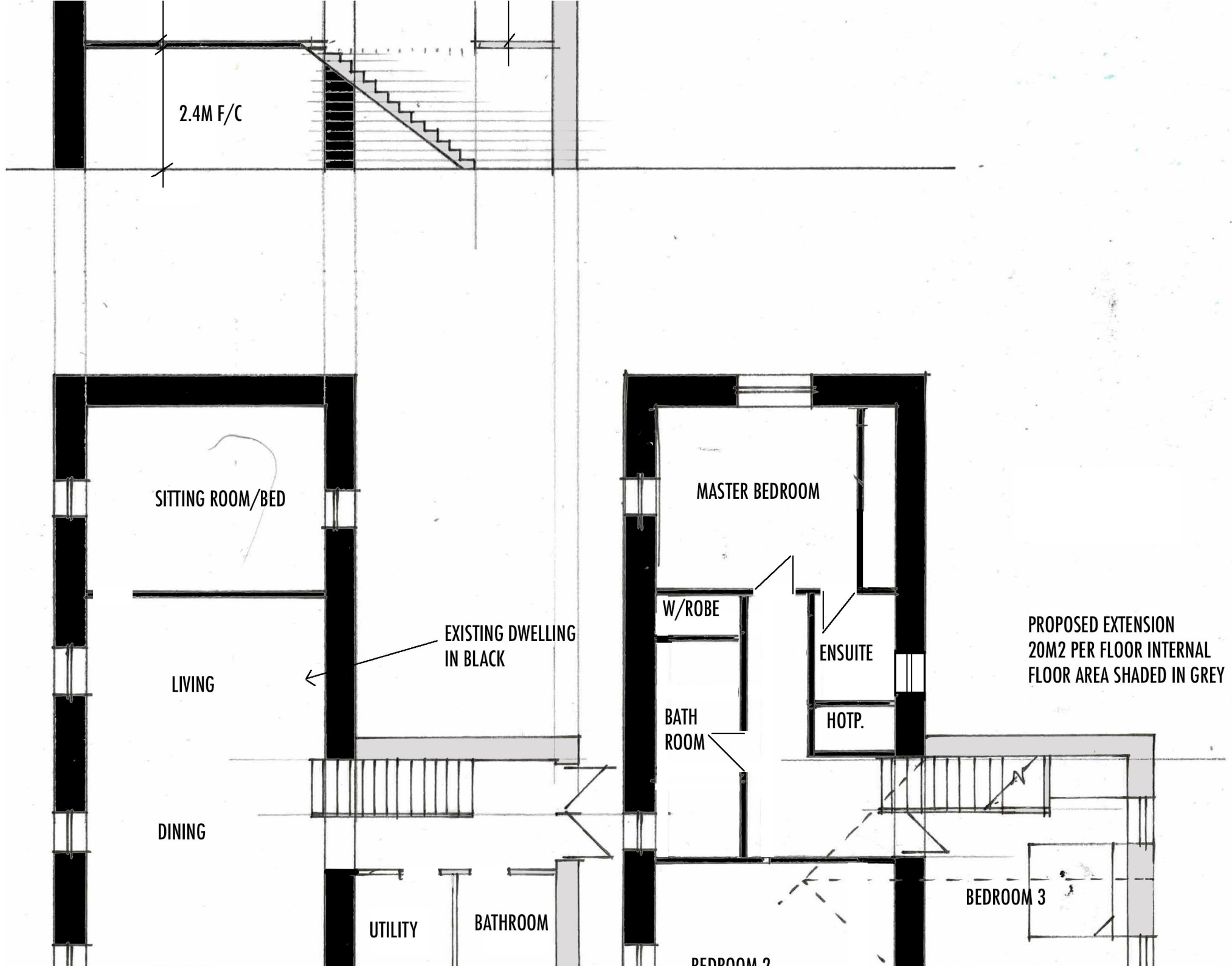


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LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'





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

Site layout plan indicating position of proposed development relative to premises and adjoining properties CC/22/277 Vacant Property Refurbishment Grant. See attachment Section elevation drawings Vacant Property Refurbishment Grant Ref CC 22 277 for elevation drawings.



Image 1 Green mark indicating proposed development relative to adjoining properties as per OSI Planning Pack Map.



Comhairle Contae Thiobraid Árann
Tipperary County Council

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Co. Thiobraid Árann
Tipperary County Council,
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@tipperarycoco.ie

tipperarycoco.ie

Date: 11th April, 2024 Our Ref: S5/24/44 Civic Offices, Nenagh

Gerald Blanchfield
945 Taraval Street
#426 San Francisco
California
94116 USA

Email: gerblanch21@gmail.com
declanblanchfield@yahoo.ie

**Re: Application for a Section 5 Declaration – Refurbishment of
farmhouse dwelling at Ballinamona, Ballyneale, Carrick-on-Suir,
County Tipperary**

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 10th April, 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 faithfully



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.: S5/24/44

Applicant: Gerard Blanchfield

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

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

1. **GENERAL**

On the 12th of April 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 is “exempted development”:

- Demolish the current single storey rear extension and construct a two storey extension.

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

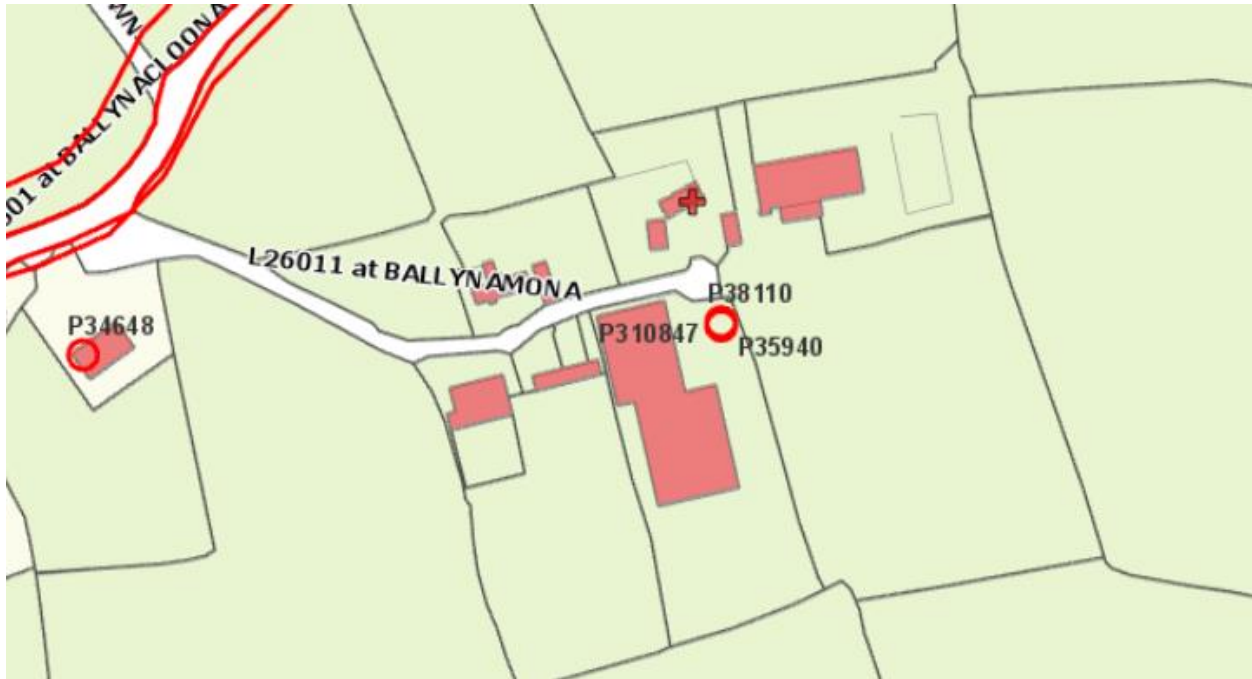
a. Site Location

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 |
| S5/23/147 | Replace the current single storey rear extension with a two storey extension – is development but is not exempted development. |

Figure 1 Planning history



c. Assessment

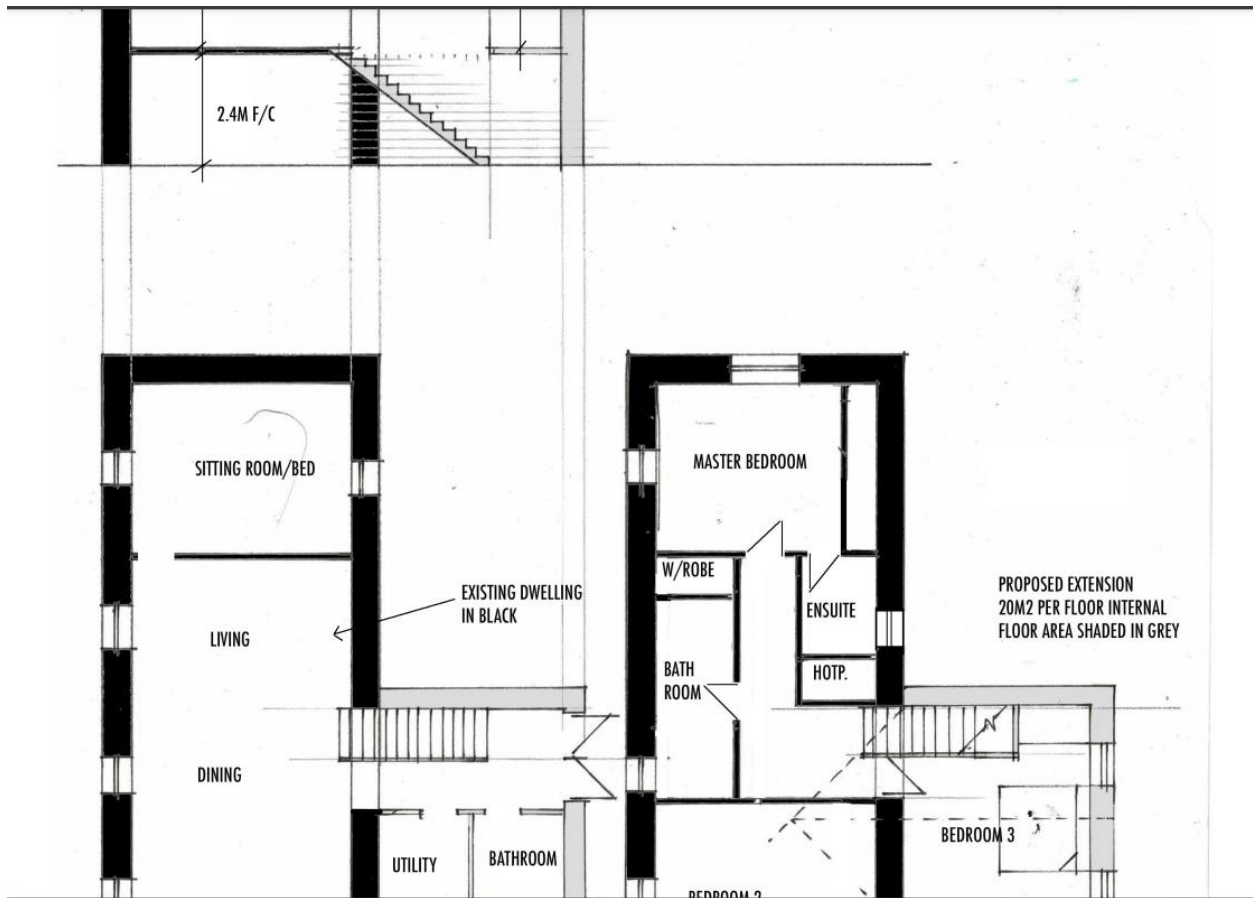
A) "Is or is not Development"

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 details submitted with the application are incomplete.

Figure 2 Details submitted



Based on this information, it is not possible to determine if the works proposed are exempt. Further information is required.

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 (only half of the subject drawings were submitted) in order to assess the application. The applicant is requested to submit the following;
 - a. A dimensioned site layout plan (scale 1:500) showing the existing and proposed development
 - b. Dimensioned elevations and floor plans showing the existing dwelling and the proposed extension. The proposed extension should be clearly identified in colour.

Signed: Paul Hillen
District Planner

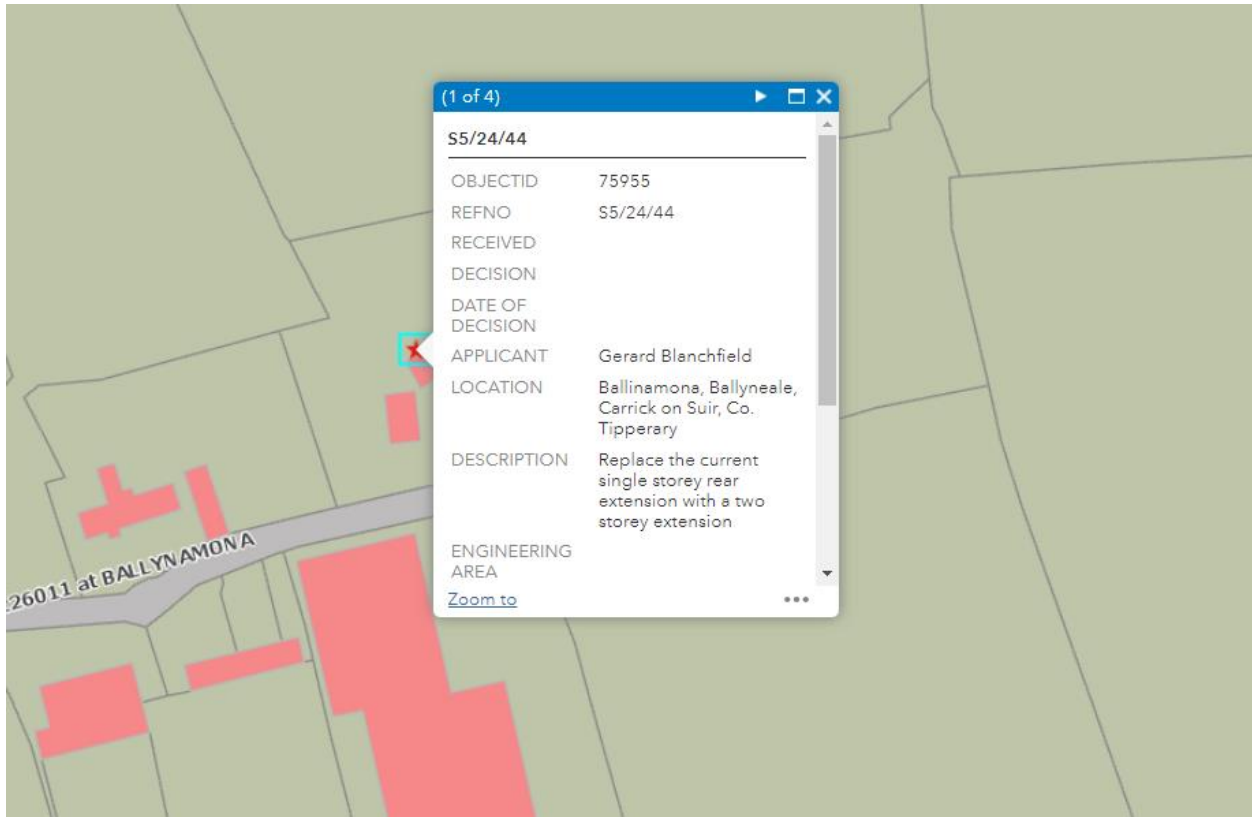
Date: 03/05/24

Signed: C. Conway
Senior Executive Planner

Date: 03.05.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/44
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 3 Site entered on planning register





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

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Oifigi Cathartha,
An tAonach,
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Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary

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t 0818 06 5000
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Date: 3rd May, 2024

Our Ref: S5/24/44

Civic Offices, Nenagh

Gerald Blanchfield
945 Taraval Street
No 426 San Francisco
California
94116 USA

Email: gerblanch21@gmail.com
declanblanchfield@yahoo.ie

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

Dear Sir/Madam

With reference to an application received from you on 10th April, 2024 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.

Further information is requested as follows;

- 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 (only half of the subject drawings were submitted) in order to assess the application. The applicant is requested to submit the following;
 - a) A dimensioned site layout plan (scale 1:500) showing the existing and proposed development
 - b) Dimensioned elevations and floor plans showing the existing dwelling and the proposed extension. The proposed extension should be clearly identified in colour.

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

Yours faithfully



for **Director of Services**



Comhairle Contae Thiobraid Árann
Tipperary County Council

Comhairle Contae
Thiobraid Árann,
Oifigi Cathartha,
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Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

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

Date: 30th May 2024

Our Ref: S5/24/44

Civic Offices, Clonmel

Gerald Blanchfield
945 Taraval Street
#426 San Francisco
California
94116 USA

Email: gerblanch21@gmail.com
declanblanchfield@yahoo.ie

Re: Application for a Section 5 Declaration - Refurbishment of farmhouse dwelling at Ballinamona, Ballyneale, Carrick-on-Suir, County Tipperary.

Dear Sir/Madam,

I acknowledge receipt of Further Information received on 30th May, 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 faithfully,

Willie Morgan
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.: S5/24/44

Applicant: Gerard Blanchfield

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

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

1. GENERAL

On the 12th of April 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 is “exempted development”:

- Demolish the current single storey rear extension and construct a two storey extension to the existing dwelling 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

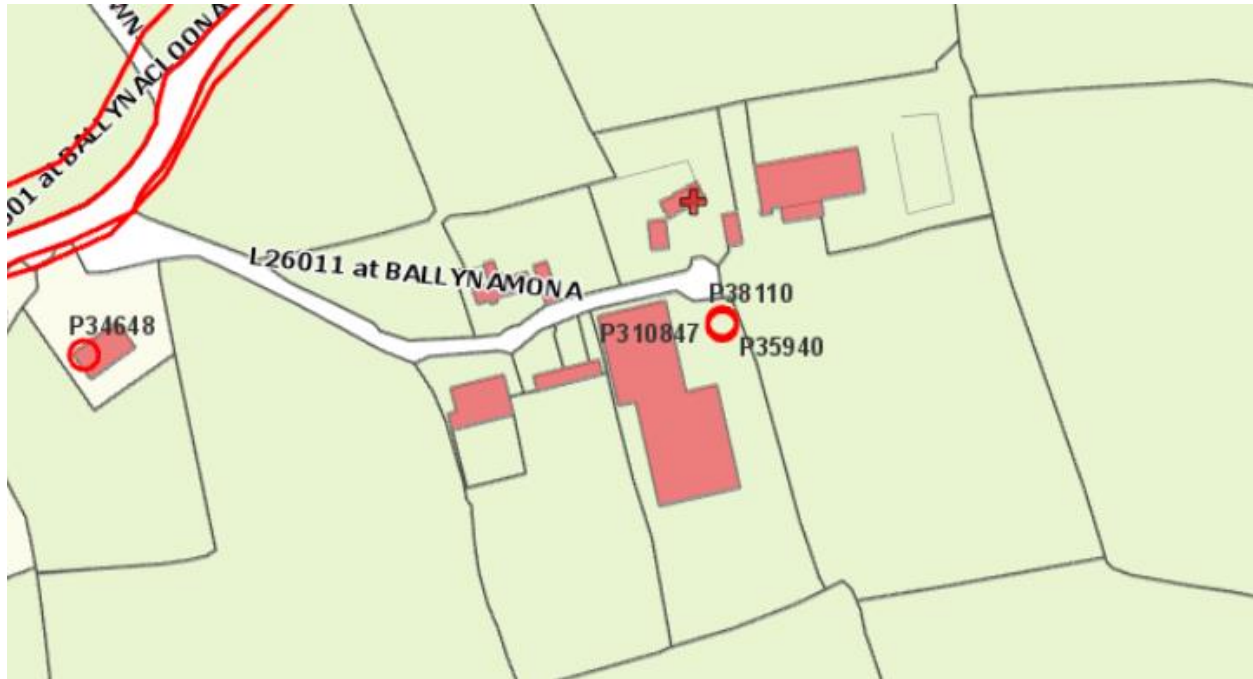
a. Site Location

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 |
| S5/23/147 | Replace the current single storey rear extension with a two storey extension – is development but is not exempted development. |

Figure 1 Planning history



c. Assessment

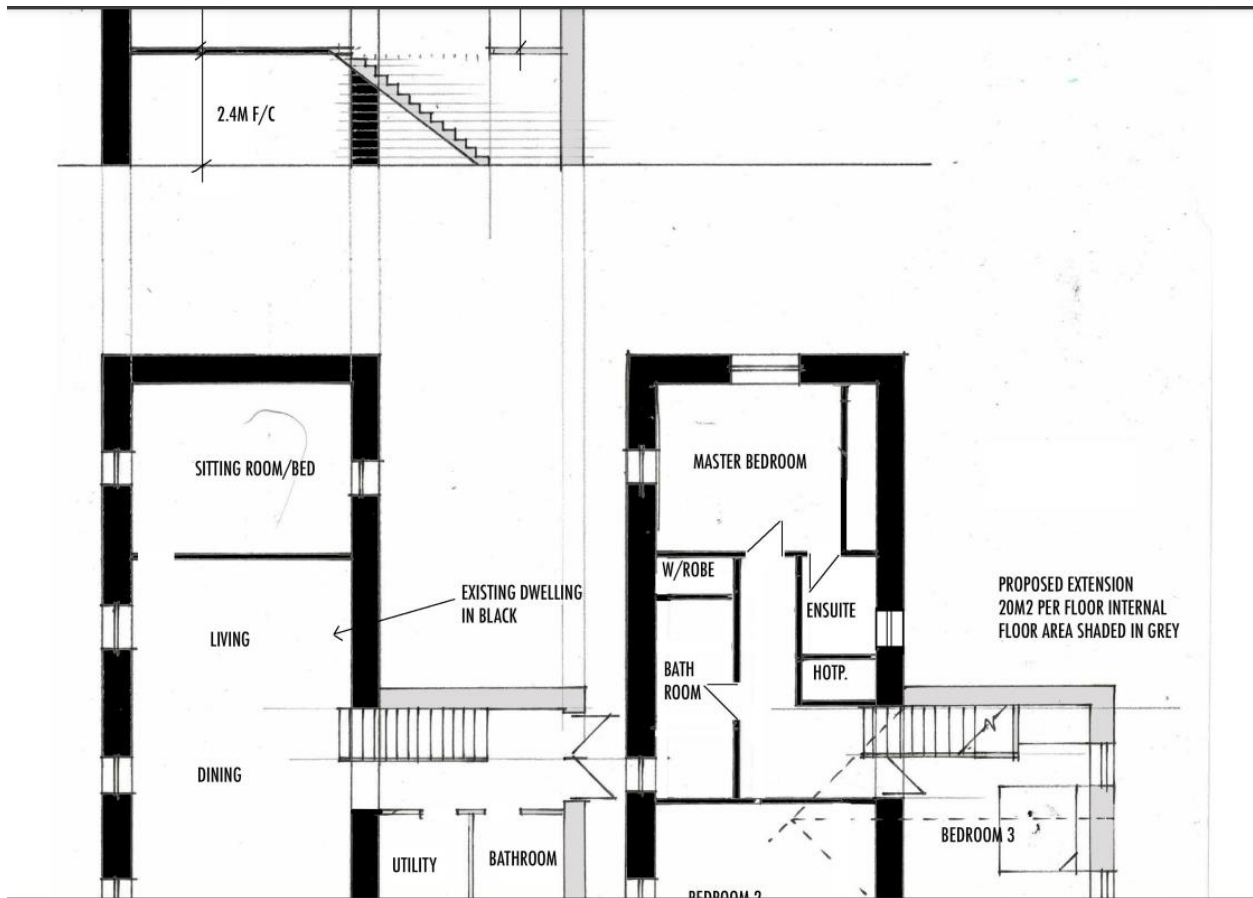
A) "Is or is not Development"

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"

When the application for the Section 5 Declaration was initially submitted the details were incomplete.

Figure 2 Details submitted



Based on the submitted information, it was not possible to determine if the works proposed are exempt. Further information is required.

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 May 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 (only half of the subject drawings were submitted) in order to assess the application. The applicant is requested to submit the following;
 - a) A dimensioned site layout plan (scale 1:500) showing the existing and proposed development
 - b) Dimensioned elevations and floor plans showing the existing dwelling and the proposed extension. The proposed extension should be clearly identified in colour.

The applicant replied on the 30th of May 2024.

The revised drawings as requested were submitted.

The extension proposed will provide 39 sqms of floor space.

The rear elevation was submitted.

Figure 3 Proposed rear elevation



As illustrated above, the height of the wall of the extension does not exceed the height of the rear wall of the house. I am satisfied that the proposal complies with the relevant conditions and limitations attached to Class 1 i.e. 1(a), 3, 4(a), 4(c), 5, 6 and 7.

5. RECOMMENDATION

WHEREAS a question has arisen as to whether the demolition of the current single storey rear extension and construction of a two storey extension to the existing dwelling at Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary is development and is or is not exempted development:

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Class 1 and Class 50 of 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
- (d) The proposals presented in the submitted Section 5 application

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the demolition of the current single storey rear extension and the construction of a two storey extension to the existing dwelling at Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary is development and is exempted development as it DOES fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

Signed: Paul Hillen
District Planner

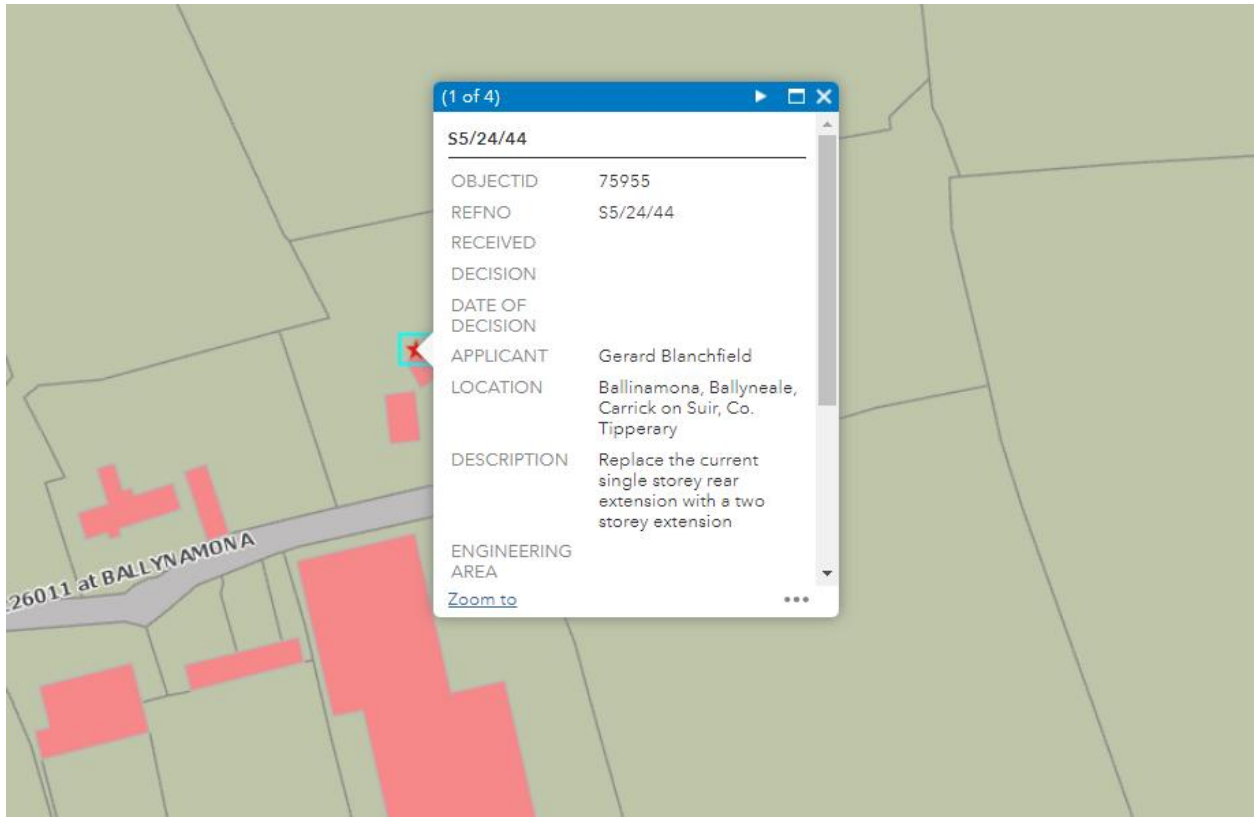
Date: 17/06//24

Signed: C. Conway
Senior Executive Planner

Date: 18.06.2024

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/44
Development Summary:	Domestic extension
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)	
<input type="checkbox"/> Yes, specify class _____	EIA is mandatory No Screening required
<input checked="" type="checkbox"/> No	Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes , has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 4 Site entered on planning register





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Tipperary County Council,
Civic Offices, Clonmel,
Co. Tipperary

E91 N512

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

Tipperary County Council,
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Date: 19th June, 2024

Our Ref: S5/24/44

Civic Offices, Nenagh

Gerald Blanchfield
945 Taraval Street
#426 San Francisco
California
94116 USA

Email: gerblanch21@gmail.com
declanblanchfield@yahoo.ie

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 10th April, 2024, in relation to the following proposed works:

Replace the current single storey rear extension with a 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 and Class 50 of 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
- d) The proposals presented in the submitted Section 5 application

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the demolition of the current single storey rear extension and the construction of a two storey extension to the existing dwelling at Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary is development and **is exempted development** as it DOES fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely

Geraldine Quinn

for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/44** **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 Gerald Blanchfield 945 Taraval Street, #426 San Francisco, California, 94116, USA, re: Replace the current single storey rear extension with a two storey extension at 9 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 and Class 50 of 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
- d) The proposals presented in the submitted Section 5 application

AND WHEREAS Tipperary County Council has concluded that –

The development consisting of the demolition of the current single storey rear extension and the construction of a two storey extension to the existing dwelling at Ballinamona, Ballyneale, Carrick on Suir, Co. Tipperary is development and is **exempted development** as it DOES fall under the exempted development provisions as set out under Section 4 of the Planning and Development Act 2000, as amended.

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: 19/06/2024