



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

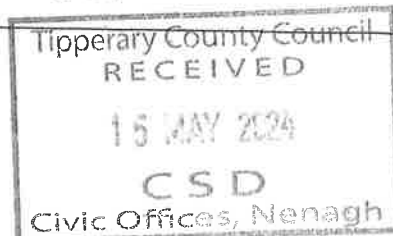
Applicant	PATRICK STONE
Address	01 Ashbury, Roscrea, Co Tipperary.
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	ANDREW DRIVER
Address	DEE Engineering + Commercial LTD Conville Rd, Roscrea, Co Tipperary
Telephone No.	086 3835804
E-mail	adriver@deeeng.com.ie
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent [<input checked="" type="checkbox"/>]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	01 Ashbury, Roscrea, Co Tipperary E53 4440
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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.)

REAR EXTENSION TO EXISTING [SINGLE STOREY]
WITH A GROSS FLOOR AREA OF 39.8 m ²
Proposed floor area of proposed works/uses: 39.8 sqm

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

<i>Please tick appropriate box to show applicant's legal interest in the land or structure</i>	A. Owner <input checked="" type="checkbox"/>	B. Occupier
	C. Other	
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name:	
	Address:	

Signature of Applicant(s) Pat Stone

Date: 13/05/2024

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.



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

15/05/2024 10:13:03

Receipt No. : NENAM1/0/119858
***** REPRINT *****

ANDREW DRIVER
DEC ENGINEERING & COMMERCIAL LTD
CORVILLE ROAD
ROSCREA, CO. TIPPERARY

Re: Applicant: Patrick Stone

SECTION5 EXEMPTION DECLARATION 80
GOODS 80 00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Cheque 80.00

Change : 0 00

Issued By : MAURA LILLIS
From : TIPP CC NENAGH CASH DESK
Vat reg No.3259712MH

Planning Pack Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 614355,690459

PUBLISHED: 13/05/2024
ORDER NO.: 50400032_1

MAP SERIES: 1:1,000
1:2,500
MAP SHEETS: 4050-23
4050-D

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

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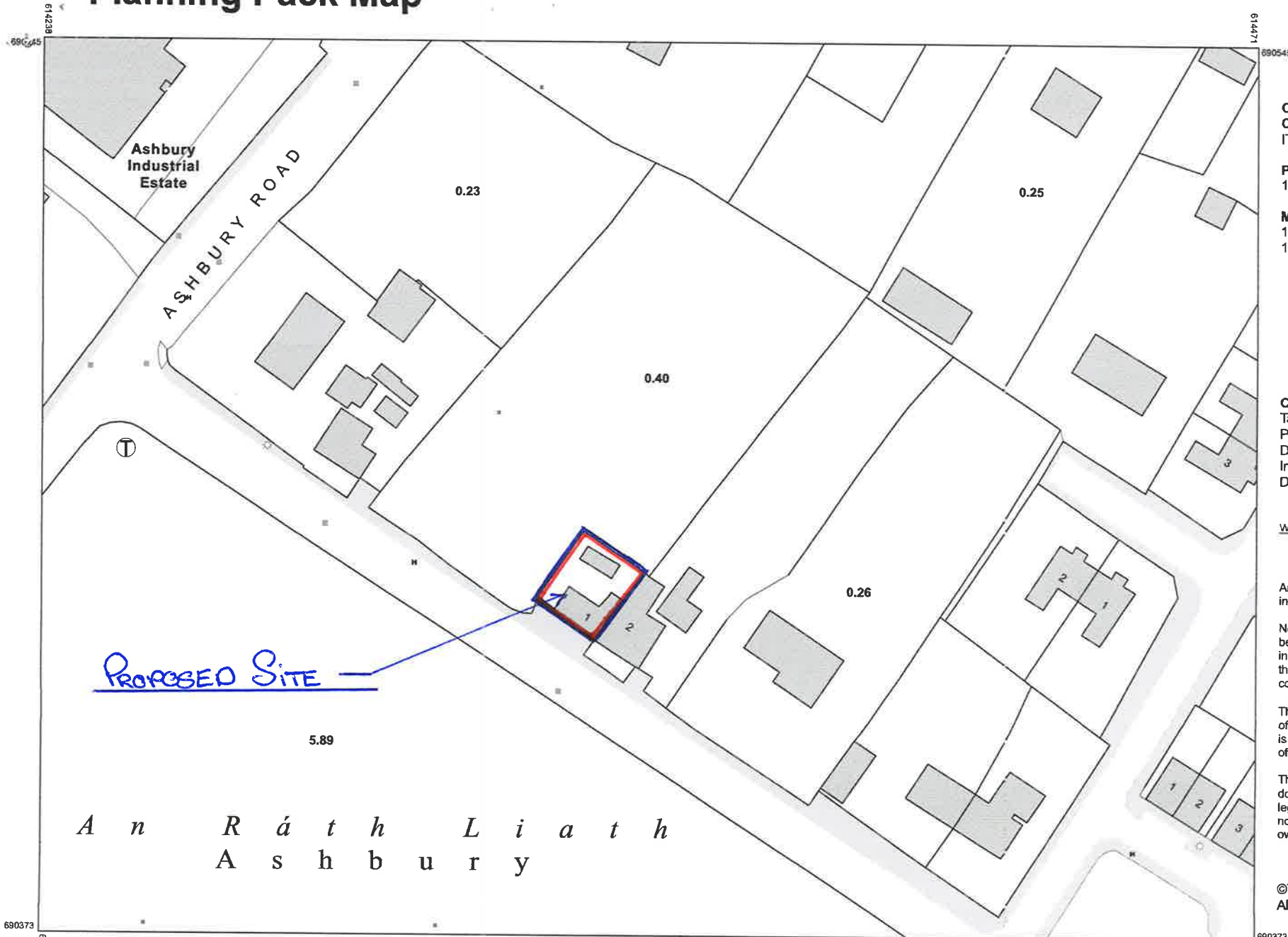
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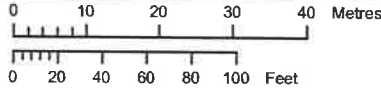
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PROPOSED SITE

*A n R á t h L i a t h
A s h b u r y*

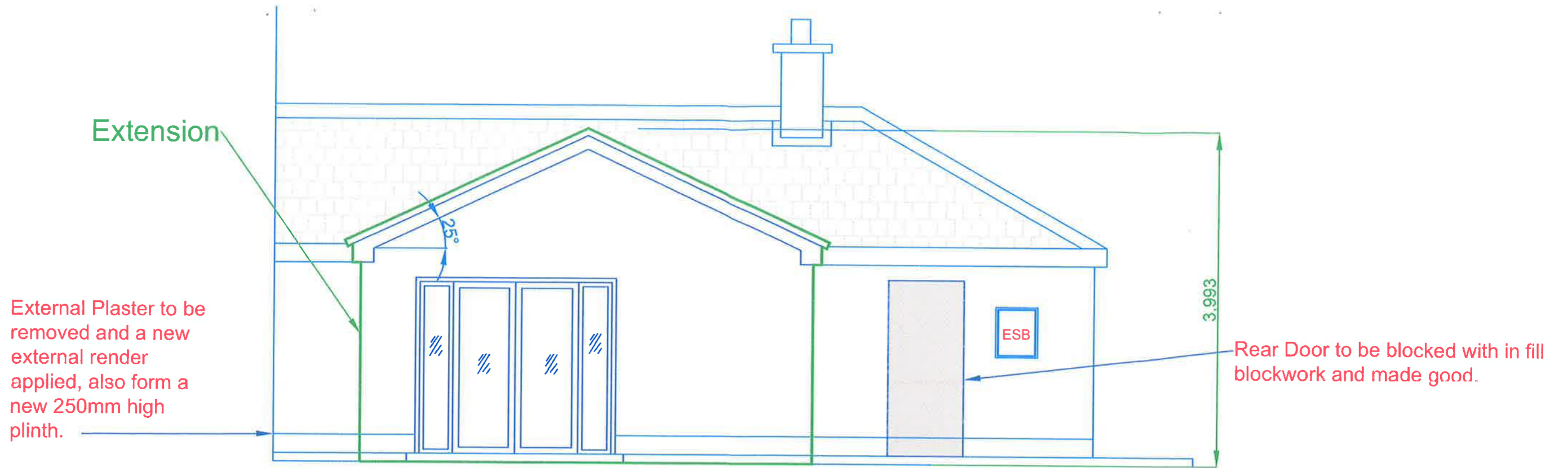


OUTPUT SCALE: 1:1,000

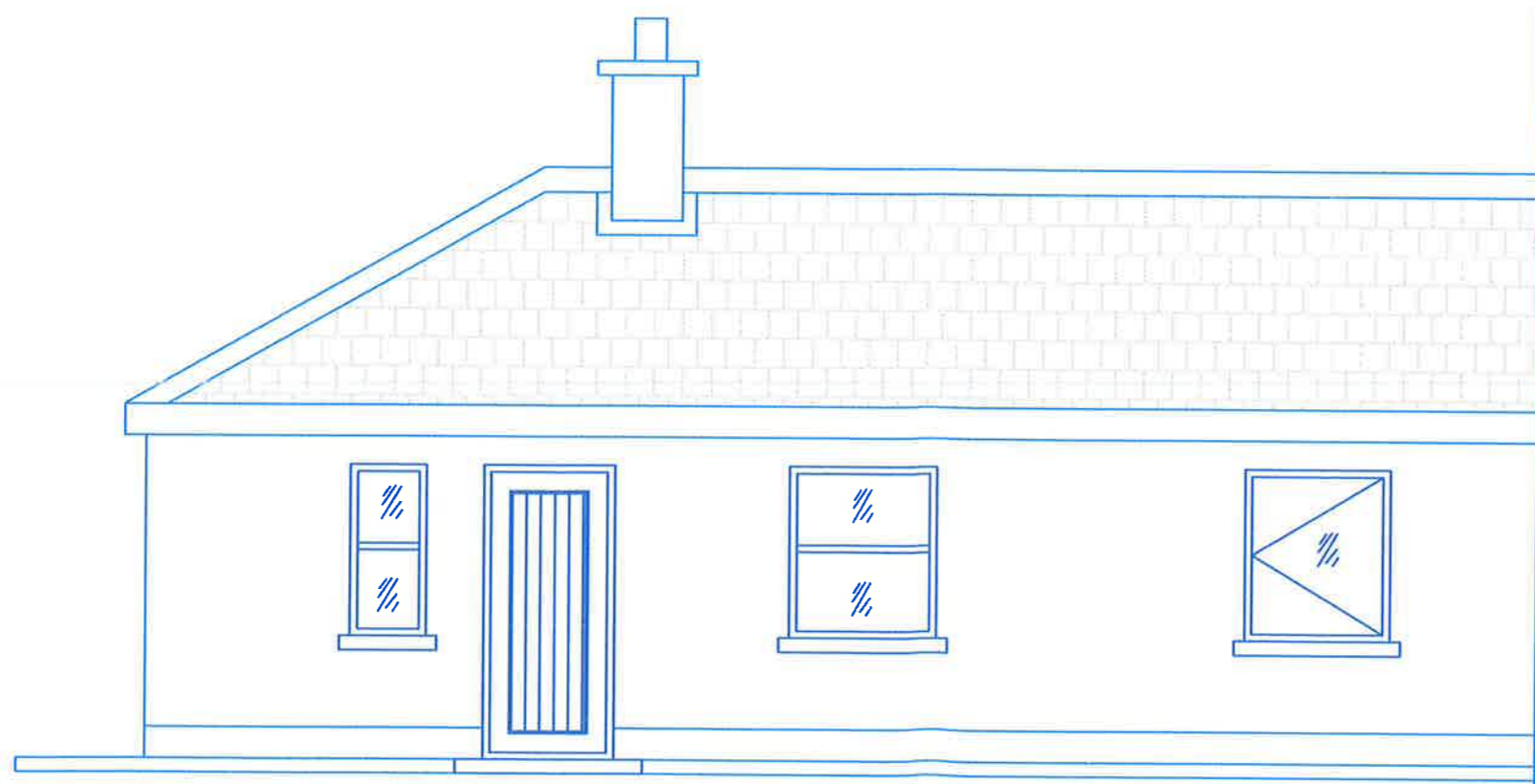
CAPTURE RESOLUTION:
The map objects are only accurate to the
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Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

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





Rear Elevation



Front Elevation [Unchanged]

Dimensions should always be checked on site

DEC Engineering & Commercial Ltd
 Corville Road, Roscrea, Co Tipperary.
 Website: decengcom.ie
 Email: adriver@decengcom.ie
 Tel: +353505 24365 or +353 86 3835804

PROJECT TITLE:
 No. 01
 Ashbury

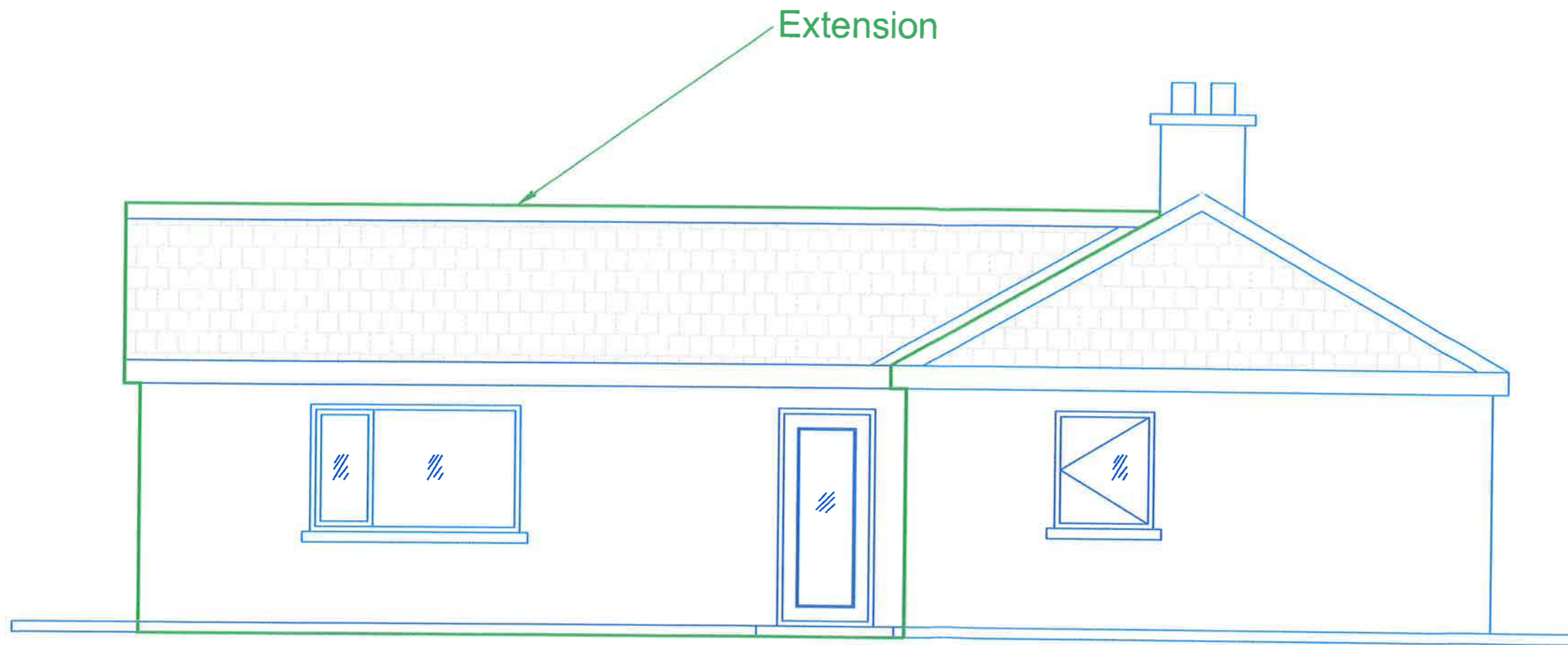
CLIENT:
 Patrick & Paschal Stone

DWG Status:
 Contract

SCALE :1:50
DATE :21/12/2023
DRAWN :AD

JOB TITLE:
 Elevations

DWG Nr.	Rev
020	C



Extension

Side Elevation

Dimensions should always be checked on site

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 Email: adriver@decengcom.ie
 Tel: +353505 24365 or +353 86 3835804

PROJECT TITLE:
 No. 01
 Ashbury

CLIENT:
 Patrick & Paschal Stone

DWG Status:
 Contract

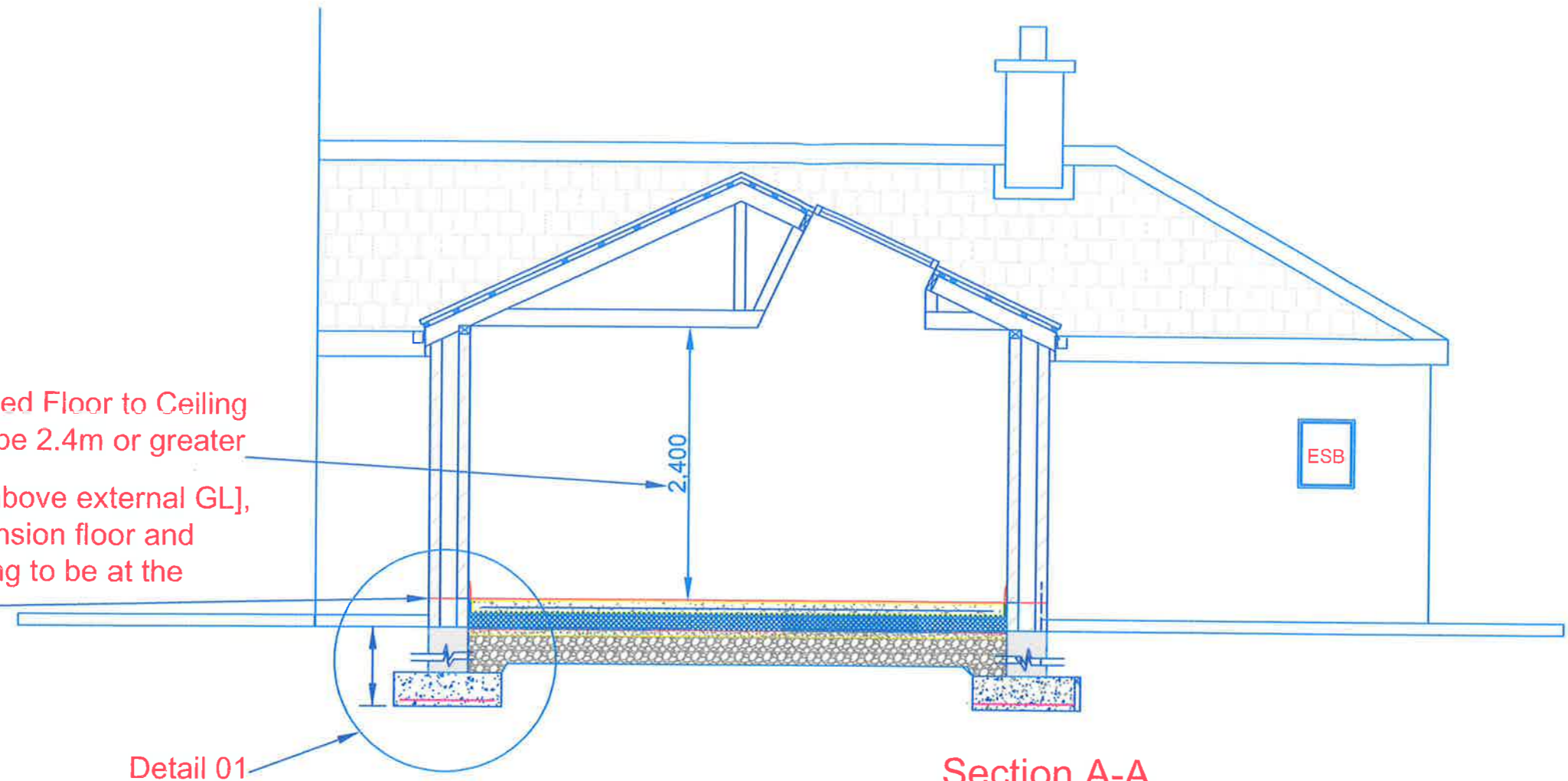
SCALE :1:50
DATE :21/12/2023
DRAWN :AD

JOB TITLE:
 ELEVATIONS

DWG Nr.	Rev
030	C

Minimum finished Floor to Ceiling shall be 2.4m or greater

FFL [150mm above external GL], both new extension floor and existing building to be at the same level.



Detail 01

Section A-A

Kingspan Kooltherm K106 - Min 115mm thick Cavity Insulation.

Wall Ties as per TGD Part-A

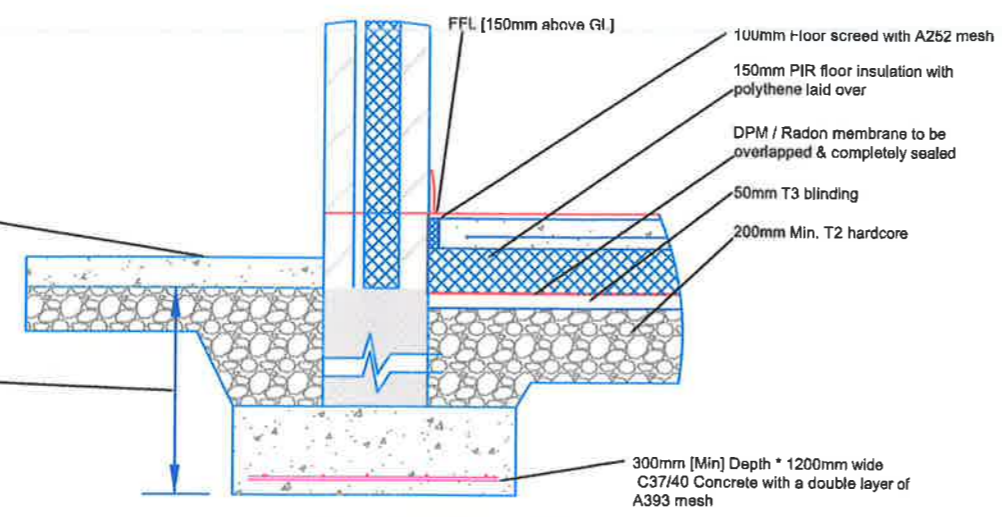
Concrete Block with a min compressive strength of 7.5N/mm²

External Plaster to be as follows:
 - Scud Coat.
 - Sand & Cement Scratch Coat.
 - Final Nap Finished Sand and Cement Coat.

1m wide * 150mm thick Concrete foot path around the perimeter of the existing house and new extension.

Depth of Foundation to be confirmed following inspection of ground condition by Engineer.

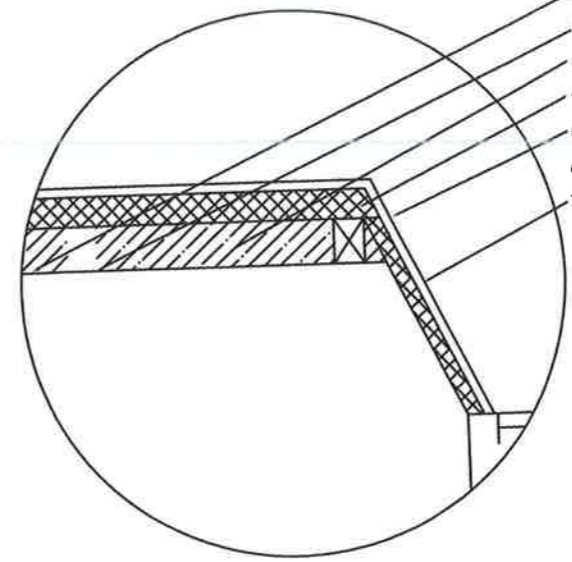
No foundation should be poured without Inspecting Engineers approval.



Detail 01 - Scale 1:25

External Wall Insulation

1. - Vamp Membrane
2. - 50*50mm Treated Studs @ 400c/s
3. - 50mm PIR Rigid Insulation between Studs
4. - 62.5mm Insulated Plasterboard.
5. - 3mm Skim Coat
6. - Approved Paint Finish
7. - 37.5mm insulated plasterboard fixed to window reveals.



External Wall Insulation [Existing House] Detail - 1:25

Dimensions should always be checked on site

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 Email: adriver@decengcom.ie
 Tel: +353505 24365 or +353 86 3835804

PROJECT TITLE:
 No. 01
 Ashbury

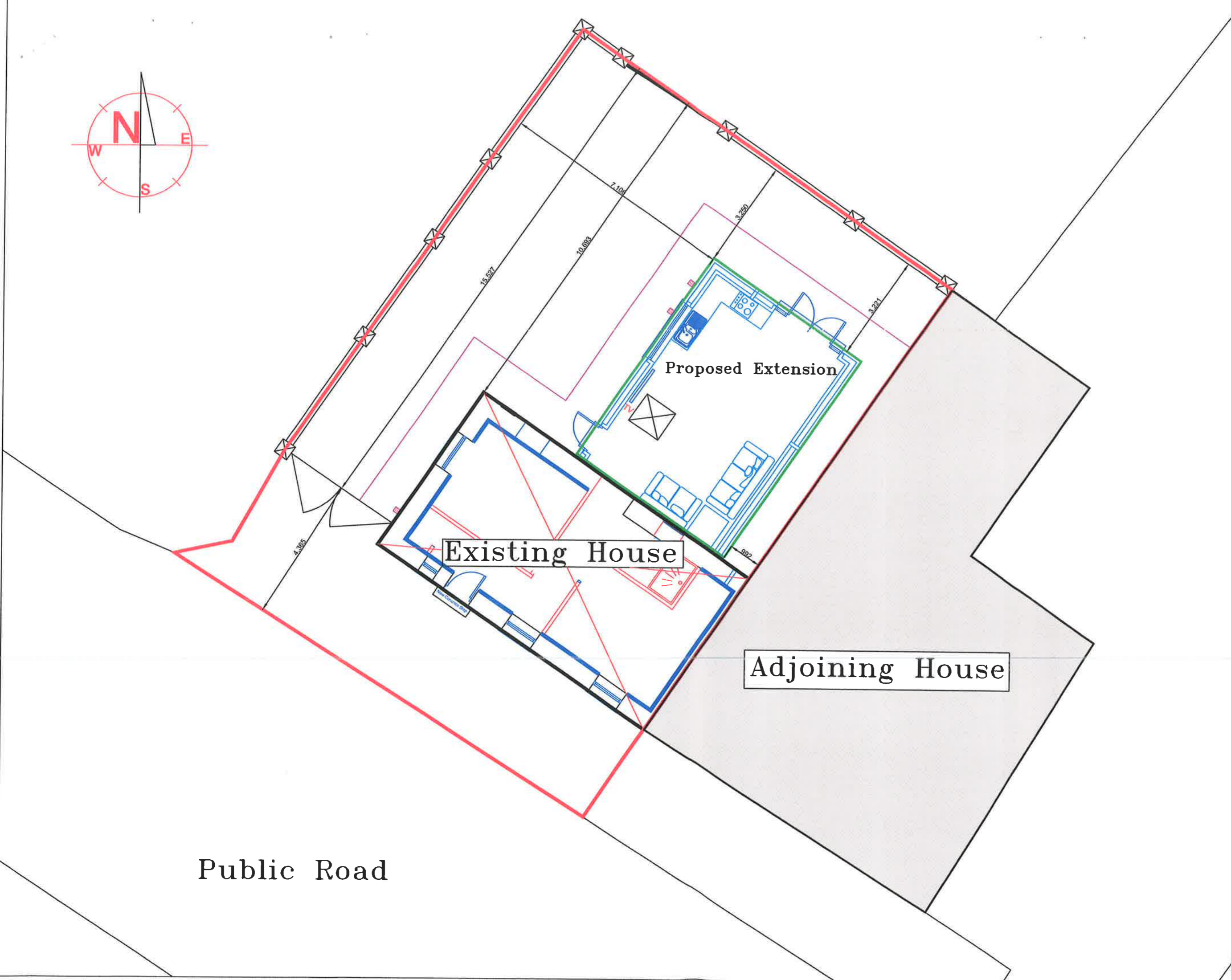
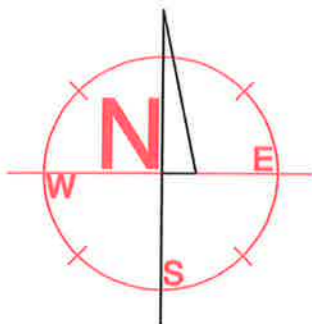
CLIENT:
 Patrick & Paschal Stone

DWG Status:
 Contract

SCALE : 1:50
 DATE : 21/12/2023
 DRAWN : AD

JOB TITLE:
 Section A-A

DWG Nr.	Rev
04C	



Dimensions should always be checked on site

DEC Engineering & Commercial Ltd
Corville Road, Roscrea, Co Tipperary.
Website: decengcom.ie
Email: adriver@decengcom.ie
Tel: +353505 24365 or +353 86 3835804

PROJECT TITLE:
No. 01
Ashbury

CLIENT:
Patrick & Paschal Stone

DWG Status:
Section 05

SCALE : 1:100
DATE : 12/05/2024
DRAWN : AD

JOB TITLE:
Site Layout

DWG Nr.	Rev
06C	



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

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

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

Date: 16th May, 2024 Our Ref: S5/24/59 Civic Offices, Nenagh

Patrick Stone
C/O Andrew Driver
DEC Engineering & Commercial Ltd
Corville Rd
Roscrea
Co. Tipperary

Re: Application for a Section 5 Declaration – Construction of rear extension to existing (single storey) with a gross floor area of 39.8 sqm at 1 Ashbury, Roscrea, Co Tipperary

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 15th 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

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.: S5/24/59
Applicant: Patrick Stone
Development Address: 01 Ashbury, Roscrea, Co. Tipperary E53 YY40
Proposed Development: Rear extension to dwelling

1. GENERAL

On the 15/5/2024, a 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 01 Ashbury, Roscrea, Co. Tipperary E53 YY40.

Rear extension to dwelling 39.8 sq m.

2. STATUTORY PROVISIONS

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.

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

Schedule 2, Part 1 'Exempted Development - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

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 comprises 01 Ashbury, Roscrea, Co. Tipperary

b. Relevant Planning History

None recorded.

c. Assessment

A) "Is or is not Development"

I consider 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"

Assessment against the conditions / limitations of Class 1:

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.

I am satisfied that the house has not been previously extended.

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.

N/a. The house has not been previously extended.

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

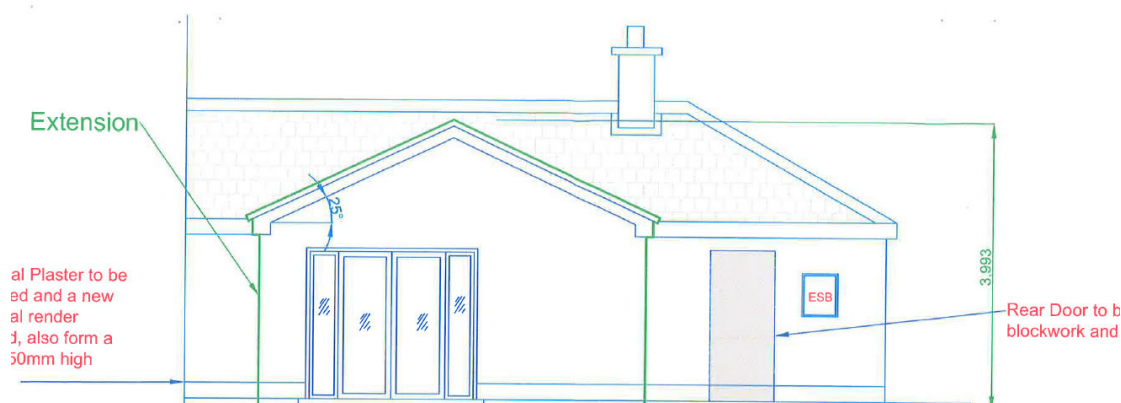
N/a. The proposed extension is single storey.

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

(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.

The rear wall of the house does not include a gable. The height of the walls of the proposed extension exceed the height of the rear wall of the house. As such, the proposal does not comply with Condition/Limitation 4(a).



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 extension does not reduce the area of private open space to the rear of the house to less than 25 sq m.

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

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

The extension does not contain a window less than 1 metre from the boundary it faces.

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

The roof is pitched and is not proposed for use as a balcony or roof garden.

I note the rear elevation shows an existing rear door is to be blocked up, a series of internal works are proposed and new vents are to be installed. I considered these works can reasonable be considered to be for the improvement of the structure and am satisfied that same come within the planning exemption under Section 4 (1) (h) of the Planning and Development Act 2000, as amended. These works were not included in the development description.

C) Restrictions under Article 9

I note no restrictions on 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)

Appropriate Assessment (AA)

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report 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.

4. RECOMMENDATION

A question has arisen as to whether the proposed development at 01 Ashbury, Roscrea, Co. Tipperary E53 YY40 is or is not exempted development:

Rear extension to dwelling

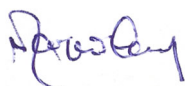
Tipperary County Council, in considering this proposal has had regard to:

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,

- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting drawings.
- .

Tipperary County Council has concluded that the *proposed extension to the rear of the existing house* is development and is **not exempted development**. The proposal fails to satisfy condition / limitation 4(a) of Class 1 which stipulates 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*'.

District Planner:



Date: 7/6/2024

A/Senior Executive Planner:



Date: 7/6/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/59
(b) Brief description of the project or plan:	Rear extension
(c) Brief description of site characteristics:	Existing dwelling in Ashbury Roscrea - Suburban area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/a

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir	https://www.npws.ie/protected-sites/sac/002137	Within 15km	None	No
The Loughans SAC	https://www.npws.ie/protected-sites/sac/000407	Within 15km	None	No
Spahill And Clomantagh Hill SAC	https://www.npws.ie/protected-sites/sac/000849	Within 15km	None	No
Galmoy Fen SAC	https://www.npws.ie/protected-sites/sac/001858	Within 15km	None	No
Cullahill Mountain SAC	https://www.npws.ie/protected-sites/sac/000831	Within 15km	None	No
River Nore SPA	https://www.npws.ie/protected-sites/sac/004233	Within 15km	None	No
Slieve Bloom Mountains SPA	https://www.npws.ie/protected-sites/sac/004160	Within 15km	None	No
Coolrain Bog SAC	https://www.npws.ie/protected-sites/sac/002332	Within 15km	None	No
Knocknacoller Bog SAC	https://www.npws.ie/protected-sites/sac/002333	Within 15km	None	No
Slieve Bloom Mountains SAC	https://www.npws.ie/protected-sites/sac/000412	Within 15km	None	No
Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	Within 15km	None	No
Scohaboy (Sopwell) Bog SAC	https://www.npws.ie/protected-sites/sac/002206	Within 15km	None	No
Island Fen SAC	https://www.npws.ie/protected-sites/sac/002236	Within 15km	None	No
Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None.
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	None.
In-combination/Other	None.

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None.
---	-------

(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to: the nature and scale of the proposed development, the proposed land use and distance from European sites, the lack of direct connections with regard to the Source-Pathway-Receptor model, it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives.

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Marion Carey	Date: 7/6/2024

EIA PRE-SCREENING
Establishing a development is a 'sub-threshold development'

File Reference:	S5/24/59
Development Summary:	Rear extension to dwelling
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



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
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An tAonach,
Co. Thiobraid Árann

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

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Date: 11th June, 2024

Our Ref: S5/24/59

Civic Offices, Nenagh

Patrick Stone
C/O Andrew Driver
DEC Engineering & Commercial Ltd
Corville Rd
Roscrea
Co. Tipperary

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

Dear Mr Stone,

I refer to your application for a Section 5 Declaration received on 15th May, 2024, in relation to the following proposed works:

Rear extension to dwelling **at 1 Ashbury, Roscrea Co. Tipperary.**

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

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- b) Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- d) The declaration application and supporting drawings

Tipperary County Council has concluded that the *proposed extension to the rear of the existing house* is development and is **not exempted development**. The proposal fails to satisfy condition / limitation 4(a) of Class 1 which stipulates 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*'.

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: **S5/24/59** **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 Patrick Stone C/O Andrew Driver, DEC Engineering & Commercial Ltd, Corville Rd, Roscrea, Co. Tipperary re: Construction of rear extension to existing (single storey) with a gross floor area of 39.8 sqm at 1 Ashbury, Roscrea, Co. Tipperary is development and is exempted development.

A question has arisen as to whether the proposed development at 01 Ashbury, Roscrea, Co. Tipperary E53 YY40 is or is not exempted development:

Rear extension to dwelling

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

- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- b) Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- c) Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- d) The declaration application and supporting drawings

Tipperary County Council has concluded that the *proposed extension to the rear of the existing house* is development and is **not exempted development**. The proposal fails to satisfy condition / limitation 4(a) of Class 1 which stipulates 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*'.

Signed:



Date: 11/06/2024

Sharon Kennedy
Director of Services
Planning and Development (including Town Centre First),
Emergency Services and Emergency Planning and
Tipperary/Cahir/Cashel Municipal District