



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

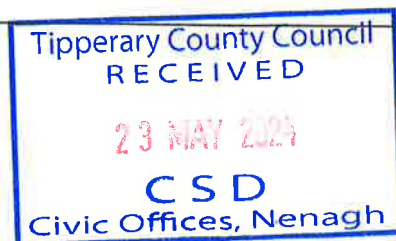
Applicant	PATRICK WHITE
Address	BEHAMORE CLOUGHJORDAN CO. TIPPERARY.
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	N/A.
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)	BEHAMORE CLOUGHJORDAN 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.)

Extension To Rear of Existing Dwelling	
and associated Site Works.	
See Attached Drawings.	
Photos of Dwelling + Septic Tank also	
Included.	
Proposed floor area of proposed works/uses:	sqm 22.08 m ²

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

Signature of Applicant(s) Sebrich White

Date: 21/05/24.

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	<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

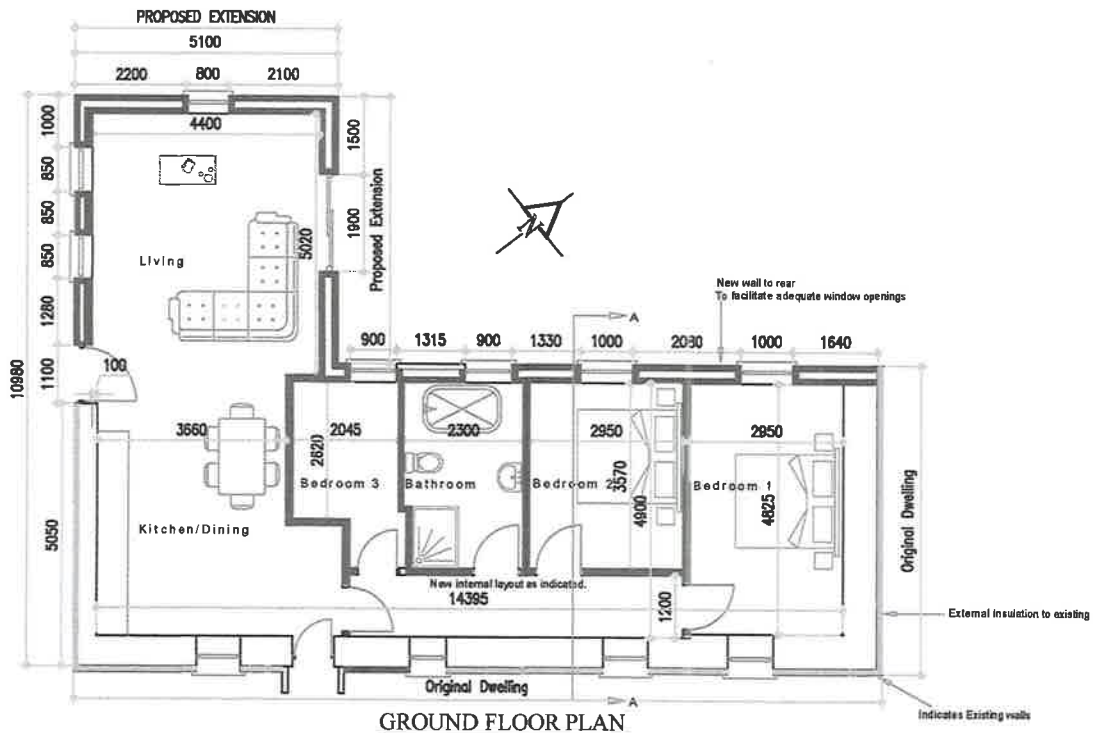
DATE STAMP

Fee Recd. € 80.00

Receipt No NENAM 1/0/120088

Date 23/5/2024

Received by _____

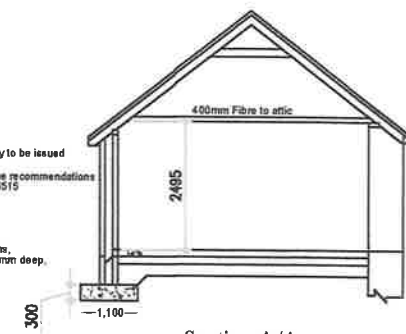


GROUND FLOOR PLAN

WALLS
360mm insulated concrete formwork
wall value 0.12 w/m²K
Certified u value and structural integrity to be issued

Damp proof course shall conform to the recommendations of I.S.97, D.S. 743, D.S. 838 and D.S. 6519

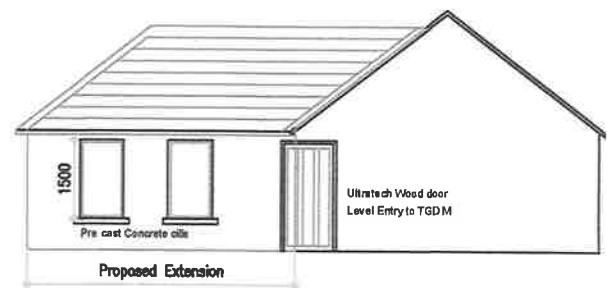
Foundation
To sizes and widths shown
A293 Mesh 60mm from base to all fms.
fms to all internal walls 750mm x 300mm deep.



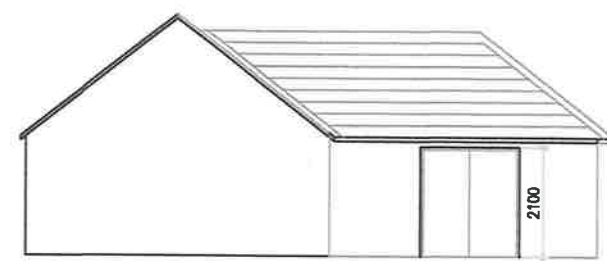
Section A/A

ROOF - Specification to be approved
ROOF - Black Slates on 50 x 37 Battens on felt on 150 x 37 Rafters at 400c/c
Ridge board 175x37
Rafters 100x75
Collars 150x50 every Rafter.
Battens/Runners 100x75
Purlin 200x75. Wallplate 100x75.
Joists 225 x 44 and 225 x 75
Rafter ventilators to be provided 50mm gap between insulation & felt to provide adequate ventilation.
Walls and eaves to be strapped to roof at 2000mm centres
Gables to strapped 2000mm centres

Floor
70 mm Fine Sereed on 150mm Unilin XT UF Insulation with 25mm edge Insulation on 100mm concrete on Radon Barrier on 225mm Hardcore well compacted.

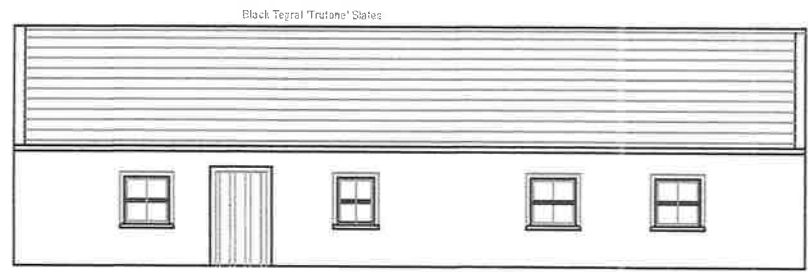


SIDE ELEVATION



SIDE ELEVATION

- NOTES**
- *ALL WORKS BY QUALIFIED TRADES MEN AND TO COMPLY WITH CURRENT BUILDING REGULATIONS
 - * FINAL SPECIFICATION TO BE AGREED AND APPROVED AT CONSTRUCTION STAGE
 - * RADOM SUMP WITH VENT TO BE FITTED
 - * VENTILATION TO ALL ROOMS
 - * ALL DIMENSIONS IN MILLIMETERS
 - * INSULATION AND THERMAL BRIDGE DETAILS TO COMPLY WITH CURRENT REGULATIONS AND APPROVED



FRONT ELEVATION



BACK ELEVATION

Black PVC Facia and soffits
Black PVC Gutters and Downpipes

Donal Cleary
Building Energy Rating and Architectural Services
Ballyourke, Tel 086 3804656
Mortiskane, Email donal@donalcleary.ie
Co. Tipperary.

PROJECT PROPOSED EXTENSION AND RENOVATION PADDY WHITE, AT BEHAMORE, CLOUGHJORDAN, Co Tipperary		
SCALE 1:100	DRG No. PW1	PREPARED BY D. CLEARY
TITLE - PLAN / ELEVATIONS		
DATE - APRIL 2024		









599090 mE, 691600 mN



Tailte Éireann
Clárúchán, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying

Folio: TY42813F

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie.

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Dwelling.

10.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit



A full list of burdens and their symbology can be found at: www.landdirect.ie

Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.





Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

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

Date: 27th May, 2024

Our Ref: S5/24/63

Civic Offices, Nenagh

Patrick White
Behamore
Cloughjordan
Co. Tipperary

Re: Application for a Section 5 Declaration – the construction of an extension to rear of existing dwelling and associated site works at Behamore, Cloughjordan , Co Tipperary

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 23rd 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.: S5/24/63
Applicant: Patrick White
Development Address: Behamore, Cloughjordan, Co. Tipperary
Proposed Development: Single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works.

1. GENERAL

On the 23/05/2024, 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 Behamore, Cloughjordan, Co. Tipperary:

- Single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works.

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 an existing single storey house in the rural area. It is noted that the house is not included on the Record of Protected Structures.











b. Relevant Planning History

On site
513510

Permission granted to Michael Hassett on 17/02/1974 for a house.

Site Layout Plan (see below) calls up the dwelling subject of the current Section 5 as an 'Existing Dwelling'

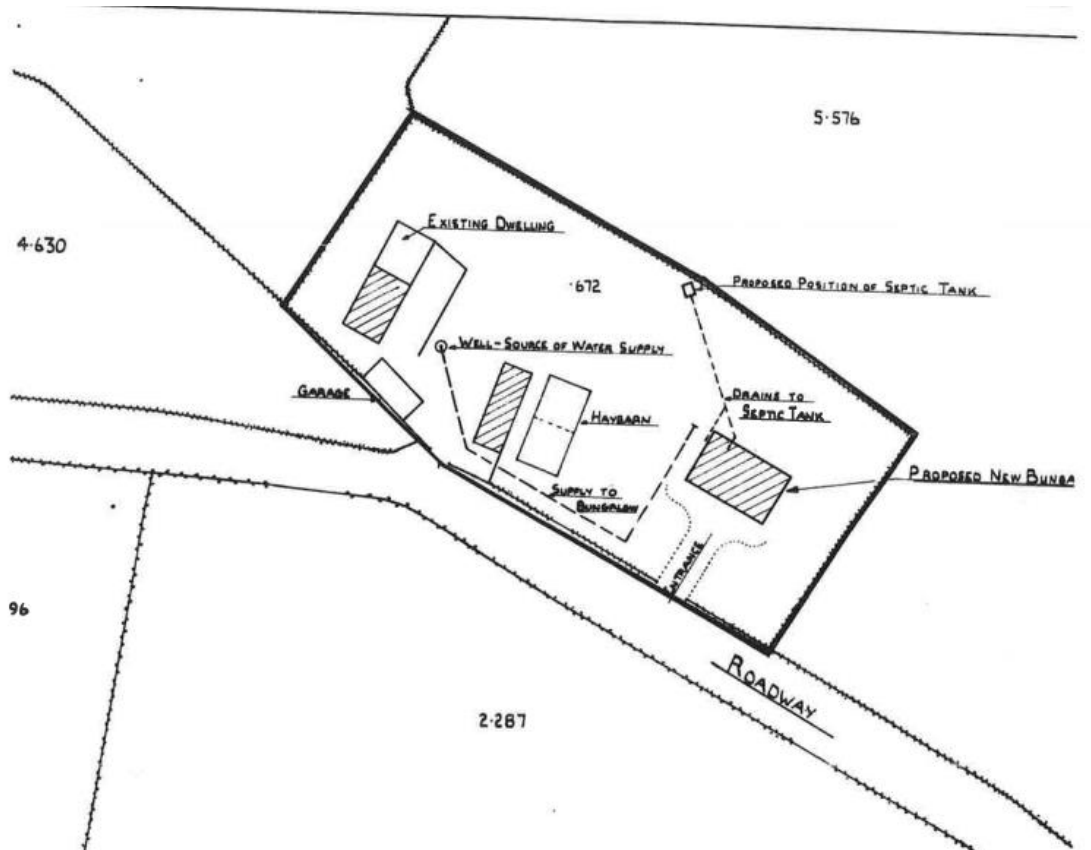
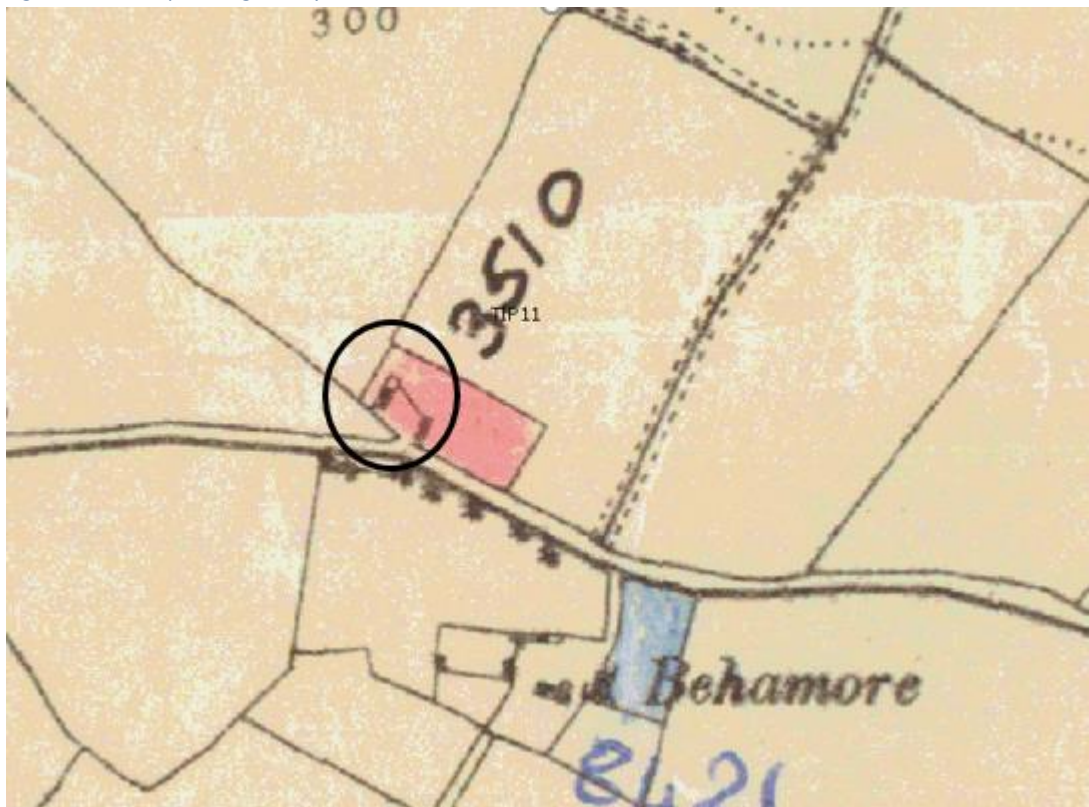


Figure 1 Planning history



Figure 2 Historic planning history



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”

Relevant parts of Class 1 are as follows:

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.

An examination of OSi mapping would suggest that the dwelling in its current form dates pre-1964. 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.

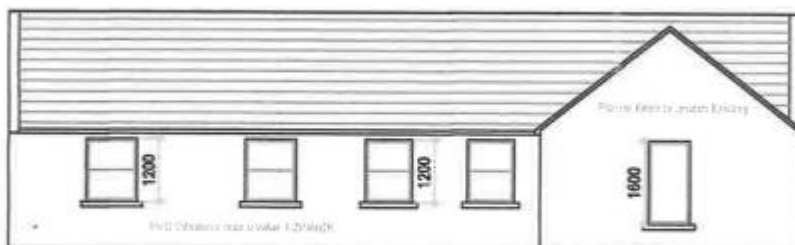
4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(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 proposed extension includes a gable wall which, by its very nature, exceeds the height of the rear wall of the house. As such, the proposal fails to comply with Condition/Limitation 4(a). The extension would have a pitched roof, the height of which would not exceed the height of the roof of the existing house.



BACK ELEVATION

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.

Rural site with large grounds to the rear and sides of the house.

***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.***

Rural site with large grounds to the rear and sides of the house.

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

Single storey extension with pitched roof.

Notwithstanding the above assessment on compliance or otherwise with the conditions and limitations, I note that the house is not structurally intact by reason of the condition of the roof. For that reason, I would consider that the house is not habitable and cannot avail of the exemptions, Class 1 or otherwise, of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

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 Behamore, Cloughjordan, Co. Tipperary is or is not exempted development:

Single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works.

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 information.
- The planning history of the site.

Tipperary County Council has concluded that the single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works, is development and is **not exempted development.**

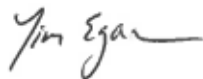
1. The proposal fails to satisfy condition / limitation 4(a) of Class 1 which stipulates that '*Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house*'. In this case the rear wall of the extension comprises a gable, which, by its nature, is higher than the rear wall of the house.

Note to applicant:

The Section 5 Declaration has been issued on the question relating to the single storey rear extension only. Notwithstanding the declaration issued, the Planning Authority notes the submitted drawings indicating an intention to refurbish the existing structure for use as a dwelling. Whilst the works required to reinstate a dwelling / habitable use did not form part of the Section 5 declaration request, the applicant is advised that the Planning Authority is not satisfied that the house is structurally intact / in a habitable condition, therefore, in principle, cannot benefit from the exemptions, Class 1 or otherwise, of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), or be subject to renovation works to reinstate the use as a dwelling without a prior grant of planning permission.

Additionally a number of changes to the elevations of the buildings are proposed. Same did not form part of the Declaration request.

District Planner:



Date: 12/06/2024

A/Senior Executive Planner:

Jonathan Flood

Date: 17/6/2024

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/24/63
(b) Brief description of the project or plan:	Single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works.
(c) Brief description of site characteristics:	Existing dwelling in rural 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
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	Within 15km	None	No
Schoaboy (Sopwell) Bog SAC	https://www.npws.ie/protected-sites/sac/002206	Within 15km	None	No
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	Within 15km	None	No
Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	Within 15km	None	No
Kilcarren-Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	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.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition 	None.

<ul style="list-style-type: none"> • 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 	
--	--

<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.
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In-combination/Other	None.
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(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:	Jim Egan	Date: 12/06/2024

EIA PRE-SCREENING	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/24/63
Development Summary:	Single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works.
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,
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Comhairle Contae
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Oifigí Cathartha,
An tAonach,
Co. Thiobraid Árann

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tipperarycoco.ie

Date: 19th June, 2024

Our Ref: S5/24/63

Civic Offices, Nenagh

Patrick White
Behamore
Cloughjordan
Co. Tipperary

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

Dear Mr White,

I refer to your application for a Section 5 Declaration received on 23rd May, 2024, in relation to the following proposed works:

Single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works **at Behamore, Cloughjordan, 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 information.
- e) The planning history of the site.

Tipperary County Council has concluded that the single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works, is development and is **not exempted development.**

1. 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'*. In this case the rear wall of the extension comprises a gable, which, by its nature, is higher than the rear wall of the house.

Note to applicant:

The Section 5 Declaration has been issued on the question relating to the single storey rear extension only. Notwithstanding the declaration issued, the Planning Authority notes the submitted drawings indicating an intention to refurbish the existing structure for use as a dwelling. Whilst the works required to reinstate a dwelling / habitable use did not form part of the Section 5 declaration request, the applicant is advised that the Planning Authority is not satisfied that the house is structurally intact / in a habitable condition, therefore, in principle, cannot benefit from the exemptions, Class 1 or otherwise, of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), or be subject to renovation works to reinstate the use as a dwelling without a prior grant of planning permission.

Additionally a number of changes to the elevations of the buildings are proposed. Some did not form part of the Declaration request.

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



for **Director of Services**



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,
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- c) Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- d) The declaration application and supporting information.
- e) The planning history of the site.

Tipperary County Council has concluded that the single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works, is development and is **not exempted development.**

1. 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'*. In this case the rear wall of the extension comprises a gable, which, by its nature, is higher than the rear wall of the house.

Note to applicant:

The Section 5 Declaration has been issued on the question relating to the single storey rear extension only. Notwithstanding the declaration issued, the Planning Authority notes the submitted drawings indicating an intention to refurbish the existing structure for use as a dwelling. Whilst the works required to reinstate a dwelling / habitable use did not form part of the Section 5 declaration request, the applicant is advised that the Planning Authority is not satisfied that the house is structurally intact / in a habitable condition, therefore, in principle, cannot benefit from the exemptions, Class 1 or otherwise, of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), or be subject to renovation works to reinstate the use as a dwelling without a prior grant of planning permission.

Additionally a number of changes to the elevations of the buildings are proposed. Some did not form part of the Declaration request.

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Yours sincerely



for **Director of Services**

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/24/63** **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 White, Behamore, Cloughjordan, Co. Tipperary, re: Construction of Single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works at Behamore, Cloughjordan, Co. Tipperary is development and is exempted development.

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

The planning history of the site.

Tipperary County Council has concluded that the single storey extension (22.08sq.m) to the rear of the existing dwelling, and associated site works, is development and is **not exempted development**.

1. 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*'. In this case the rear wall of the extension comprises a gable, which, by its nature, is higher than the rear wall of the house.

Note to applicant:

The Section 5 Declaration has been issued on the question relating to the single storey rear extension only. Notwithstanding the declaration issued, the Planning Authority notes the submitted drawings indicating an intention to refurbish the existing structure for use as a dwelling. Whilst the works required to reinstate a dwelling / habitable use did not form part of the Section 5 declaration request, the applicant is advised that the Planning Authority is not satisfied that the house is structurally intact / in a habitable condition,

therefore, in principle, cannot benefit from the exemptions, Class 1 or otherwise, of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), or be subject to renovation works to reinstate the use as a dwelling without a prior grant of planning permission.

Additionally a number of changes to the elevations of the buildings are proposed. Same did not form part of the Declaration request

Signed:



Date: 19/06/2024

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