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.

CONVERSION OF UTILITY ROOM INTO WETROOM
& MINOR MODIFICATIONS TO FRONT ELEVATION OF
EXISTING DWELLING
Proposed floor area of proposed works/uses: sqm 6m²

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

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner ✓	B. Occupier
	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) Eileen Traynor Date: 1/3/23

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

GUIDANCE NOTES

(1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00.**

(2) This application should be accompanied by **TWO COPIES** of the following documentation

- OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
- Floor Plans & Elevations at a scale of not less than 1:200
- Site layout plan indicating position of proposed development relative to premises and adjoining properties
- Other details *e.g.* brochures, photographs if appropriate.

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

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

This application form and relevant fee should be submitted to:

Planning Section,
Tipperary County Council,
Civic Offices,
Limerick Road,
Nenagh,
Co. Tipperary

OR

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

Enquires:

Telephone 0761 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

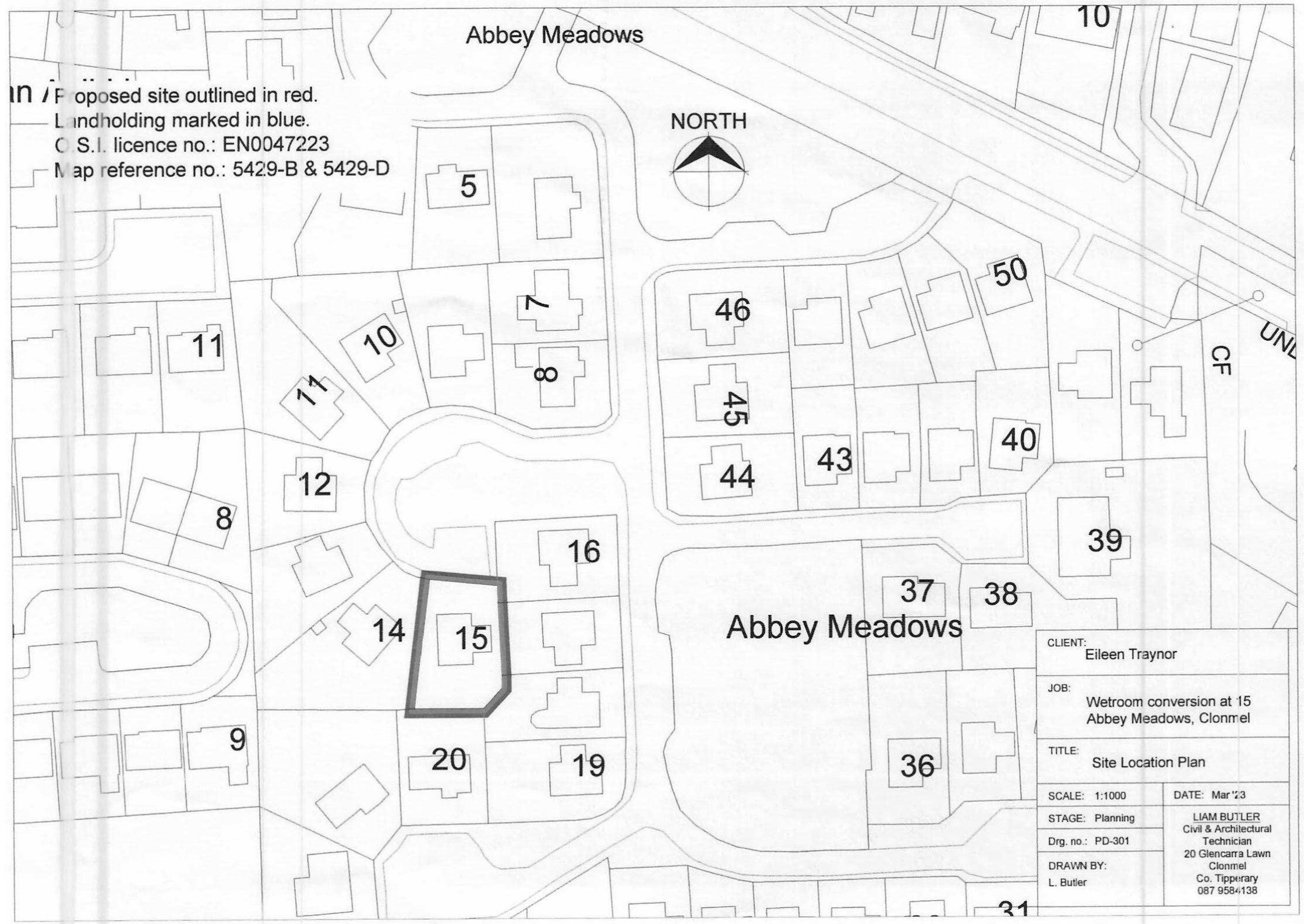
DATE STAMP

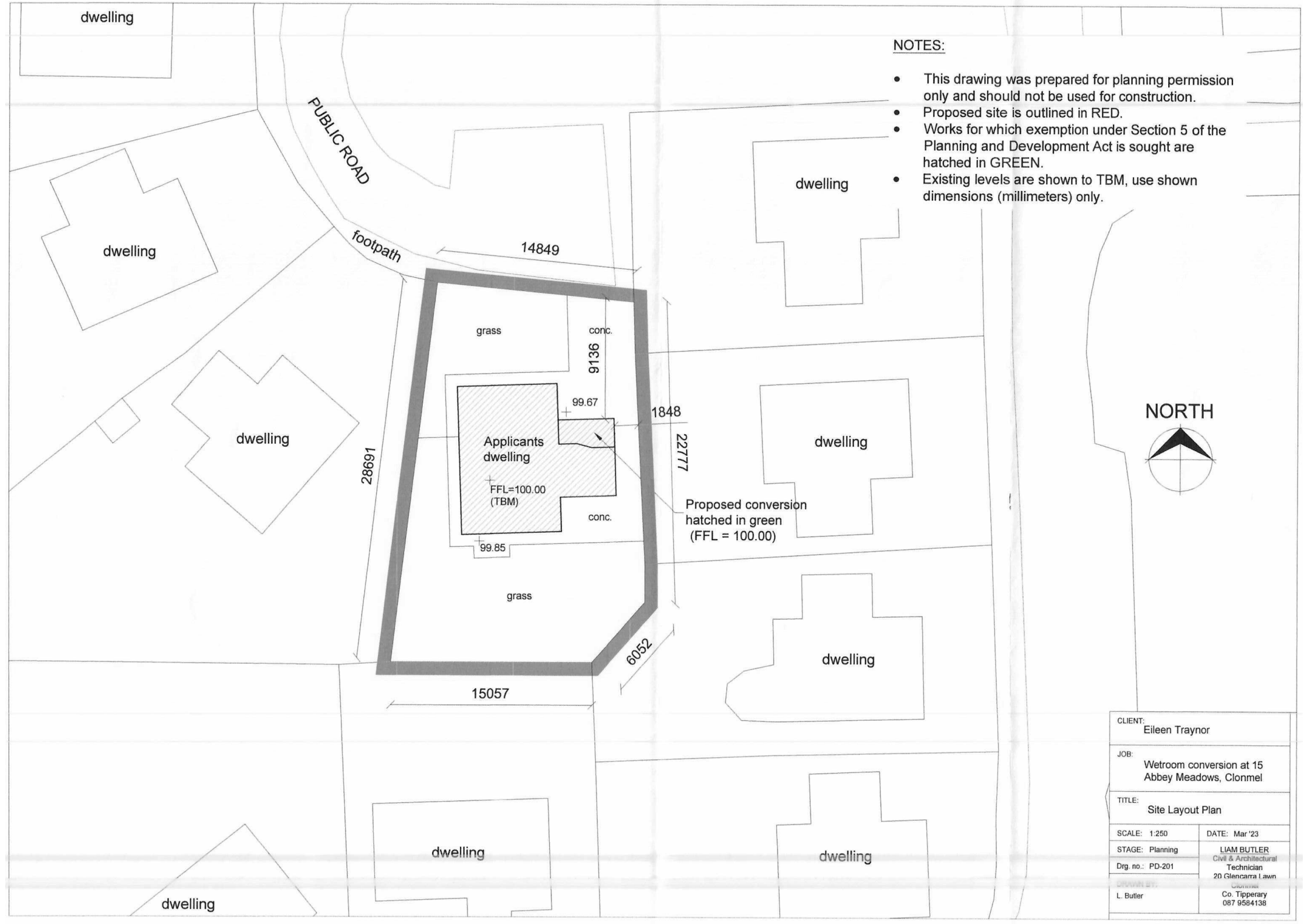
Fee Recd. €_____

Receipt No_____

Date_____

Receipted by _____


Abbey Meadows
Proposed site outlined in red.
Landholding marked in blue.
O.S.I. licence no.: EN0047223
Map reference no.: 5429-B & 5429-D
NORTH
Abbey Meadows
CLIENT: Eileen Traynor
JOB: Wetroom conversion at 15 Abbey Meadows, Clonmel
TITLE: Site Location Plan
SCALE: 1:1000
DATE: Mar '23
STAGE: Planning
Drg. no.: PD-301
DRAWN BY: L. Butler
LIAM BUTLER
Civil & Architectural Technician
20 Glencarra Lawn
Clonmel
Co. Tipperary
087 9584138



NOTES:

- This drawing was prepared for planning permission only and should not be used for construction.
- Proposed site is outlined in RED.
- Works for which exemption under Section 5 of the Planning and Development Act is sought are hatched in GREEN.
- Existing levels are shown to TBM, use shown dimensions (millimeters) only.

CLIENT: Eileen Traynor	
JOB: Wetroom conversion at 15 Abbey Meadows, Clonmel	
TITLE: Site Layout Plan	
SCALE: 1:250	DATE: Mar '23
STAGE: Planning	LIAM BUTLER Civil & Architectural Technician 20 Glencarra Lawn Clonmel Co. Tipperary 087 9584138
Drg. no.: PD-201	
DRAWN BY: L. Butler	

100mm plaster band window reveal.

White uPVC frame with double glazed window.

Dry-dash finish to external wall to match existing.

75mm precast concrete window cill.

FRONT ELEVATION
Proposed

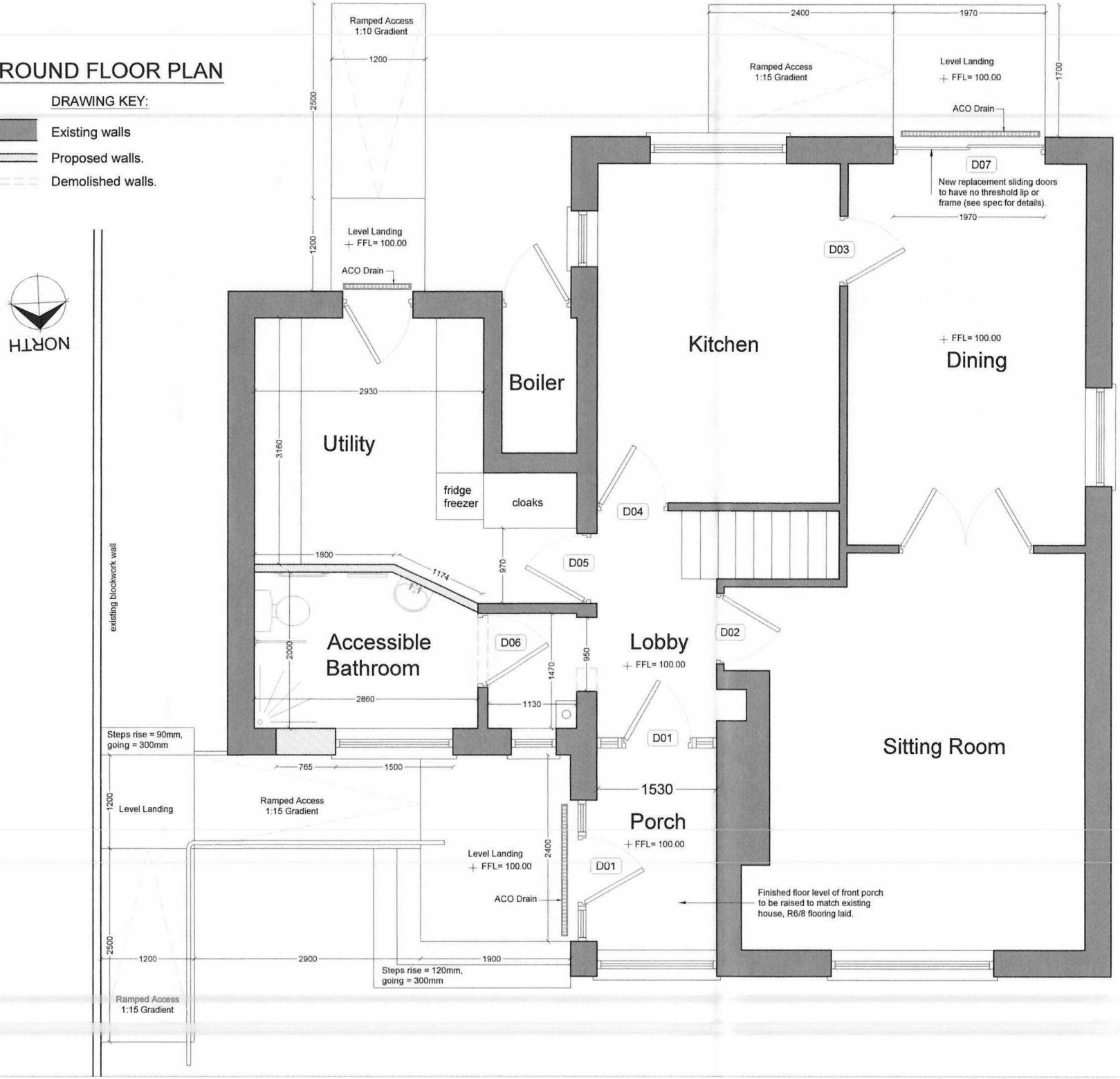
FRONT ELEVATION
Existing

CLIENT: Eileen Traynor	
JOB: Wetroom conversion at 15 Abbey Meadows, Clonmel	
TITLE: Proposed Elevations	
SCALE: 1:100	DATE: Mar '23
STAGE: Tender	LIAM BUTLER Civil & Architectural Technician 20 Glencarra Lawn Co. Tipperary 087 9584138
Drg. no.: TD-101	
DRAWN BY: L. Butler	

GROUND FLOOR PLAN

DRAWING KEY:

- Existing walls
- Proposed walls.
- Demolished walls.



CLIENT: Eileen Traynor	
JOB: Wetroom conversion at 15 Abbey Meadows, Clonmel	
TITLE: Proposed Floor Plan	
SCALE: 1:50	DATE: Mar '23
STAGE: Tender	LIAM BUTLER Civil & Architectural Technician
Drg. no.: TD-102	20 Glenacres Lawn Clonmel Co. Tipperary 087 9584138
DRAWN BY: L. Butler	

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

Our Ref: S5/23/24 Date: 24th March, 2023 Civic Offices, Clonmel

Eileen Traynon
C/o Liam Butler
20 Glencarra Lawn
Clonmel
Co. Tipperary

Re: Application for a Section 5 Declaration – Conversion of utility room into wetroom and minor modifications to front elevation of existing dwelling at 15 Abbey Meadows, Clonmel, Co Tipperary.

Dear Ms. Traynon,

I acknowledge receipt of your application for a Section 5 Declaration received on 23rd March, 2023 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.: S5/23/24

Applicant: Eileen Traynon

Development Address: 15 Abbey Meadows, Clonmel, Co. Tipperary

Proposed Development: Conversion of part of a utility room to a wetroom (6 sqm) and a minor modification to front elevation of dwelling.

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1. GENERAL

On the 23rd of March 2023 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is "development" and "exempt development":

- Conversion of part of a utility room to a wetroom (6 sqm) and a minor modification to front elevation of dwelling (6 sqm)

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.

Section 4(1)(h) of the Act considers development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures; to be exempted development.

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.

3. ASSESSMENT

a. Site Location

The site comprises an existing detached dwelling at 15 Abbey Meadows, Clonmel, Co. Tipperary.

b. Relevant Planning History

No recent planning history.

c. Assessment

A) "Is or is not Development"

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

B) "Is or is not Exempted Development"

The works proposed comprise of the conversion of part of an existing utility room to the side of the dwelling to an accessible bathroom. A consequence of this alteration is that the window arrangement on the front elevation will be amended.

Figure 1 Accessible bathroom

Figure 2 Fenestration alterations

It is considered that conversion of part of the utility room to an accessible bathroom is works that affect only the interior of the structure. It is considered that the alteration to the window does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

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. 550 metres from the Lower River Suir SAC, 10.1 kms from the Nire Valley SAC and 12.8 Kms from the Comeragh mountains SAC.

The proposed development is located within a long established residential area and comprises of internal modifications and alteration to a window on the front elevation of the structure on site. The property is connected to the mains waste water infrastructure.

Having regard to:

- the small scale nature of the development,
- the location of the site is a serviced urban centre,
- 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 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:

Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended),

Tipperary County Council has concluded that the proposal presented i.e. conversion of part of a utility room (6 sq m) and minor modifications to the front elevation of the existing dwelling:

- Is development and is exempted development as provided for under Section 4(1)(h) of the Planning and Development Act 2000, as amended, as the works involved affect only the interior of the structure and do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The development would not be likely to have significant effects on the environment and would not require an EIA.

Signed: Paul Killeen Date: 17/04/23

Signed: C. Conway Date: 18.04.2023

Senior Executive Planner

EIA Preliminary Examination: The planning authority shall carry out a preliminary examination of, at the **least, the nature, size or location of the development.**		
	Comment:	**Yes/No/ Uncertain:**
Nature of the development: *Is the nature of the proposed development exceptional in the context of the existing environment?* *Will the development result in the production of any significant waste, or result in significant emissions or pollutants?*		**No**
Size of the development: Is the size of the proposed development exceptional *in the context of the existing environment?* *Are there cumulative considerations having regard to other existing and/or permitted projects?*		**No**
Location: *Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?* *Does the proposed development have the potential to affect other significant environmental sensitivities in the area?*		**No**

Preliminary Examination Conclusion:		
Based on a preliminary examination of the **nature, size or location** of the development. (Tick as appropriate)		
x There is **no real likelihood** of significant effects on the environment. EIA is not required.	☐ There is **real likelihood of** significant effects on the environment. An **EIAR is required**.	☐ There is **significant and realistic doubt** regarding the likelihood of significant effects on the environment. Request the applicant to submit the **Information specified in Schedule 7A** for the purposes of a screening determination. Proceed to Screening Determination.

Signature and Date of Recommending Officer:	Paul Killeen	**Date:**	17/04/23

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/23/24** **Delegated Employee's Order No: _____**

SUBJECT: Section 5 Declaration

I, Stephane Duclot, 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. 32227 dated 5th December, 2022 hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Eileen Traynor, C/o Liam Butler, 20 Glencarra Lawn, Clonmel, Co. Tipperary, re: the conversion of part of utility room (6 sq m) into wetroom and minor modifications to front elevation of existing dwelling at 15 Abbey Meadows, Clonmel, Co. Tipperary, is development and is exempted development.

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

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended),

AND WHEREAS Tipperary County Council has concluded that the proposal presented i.e. conversion of part of a utility room (6 sq m) and minor modifications to the front elevation of the existing dwelling is development and **is exempted development** as provided for under Section 4(1)(h) of the Planning and Development Act 2000, as amended, as the works involved affect only the interior of the structure and do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The development would not be likely to have significant effects on the environment and would not require an EIA.

Signed: _____ **Date: 19/04/2023**

Stephane Duclot
Director of Services
Planning and Development, Emergency Services and Emergency Planning, Libraries/Cultural Services/ Biodiversity

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: 19/04/2023 Our Ref: S5/23/24 Civic Offices, Nenagh

Eileen Traynor,
C/o Liam Butler,
20 Glencarra Lawn,
Clonmel, Co. Tipperary

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 23rd March, 2023, in relation to the following proposed works:

The conversion of part of utility room (6 sq m) into wetroom and minor modifications to front elevation of existing dwelling

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

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

- Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended),

AND WHEREAS Tipperary County Council has concluded that that the proposal presented i.e. conversion of part of a utility room (6 sq m) and minor modifications to the front elevation of the existing dwelling is development and **is exempted development** as provided for under Section 4(1)(h) of the Planning and Development Act 2000, as amended, as the works involved affect only the interior of the structure and do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The development would not be likely to have significant effects on the environment and would not require an EIA.

NOTE: Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanala, 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**