



**PLANNING & DEVELOPMENT ACT, 2000 (as amended)**

**Application for a Section 5 Declaration**  
**Development / Exempted Development**

**1. Applicant's address/contact details:**

Applicant	Michael Browne
Address	Latteragh, Templederry, Co. Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]

**2. Agent's (if any) address:**

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

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	No. 12. St. Bridgets Villas Borrisoleigh Co. Tipperary
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**4. Development Details:**

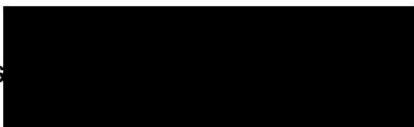
Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

Retrofit of existing property and extension to the rear of the property being a ground floor extension $\leq 40m^2$
Once works complete, property is intended for rental
Proposed floor area of proposed works/uses: 40 sqm

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

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

Signature of Applicant(s)  Date: 24 April 2026

**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.**

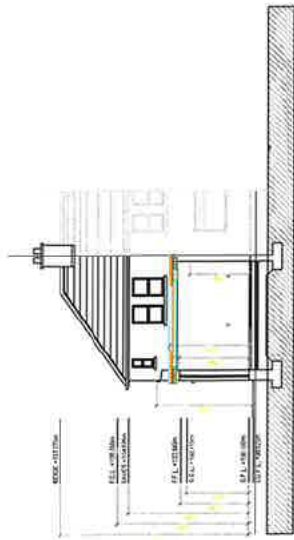
**GUIDANCE NOTES**

- (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.

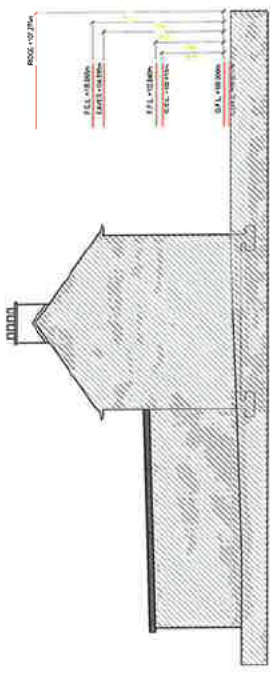
**This application form and relevant fee should be submitted to:**

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

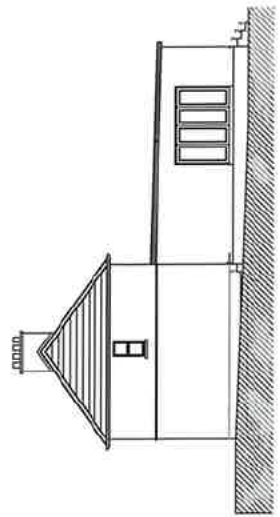
<b>FOR OFFICE USE ONLY</b>	
<b>Fee Recd. €80 —</b>	<b><u>DATE STAMP</u></b>
Receipt No <u>136968</u>	<b>TIPPERARY CO. COUNCIL RECEIVED 29 APR 2026</b>
Date <u>28/4/26</u>	
Received by _____	
<b>PLANNING SECTION FILE NO. <u>59/26/62</u></b>	



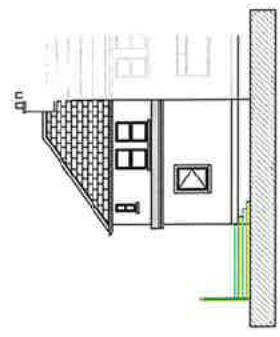
proposed cross-section y-y  
scale 1:100



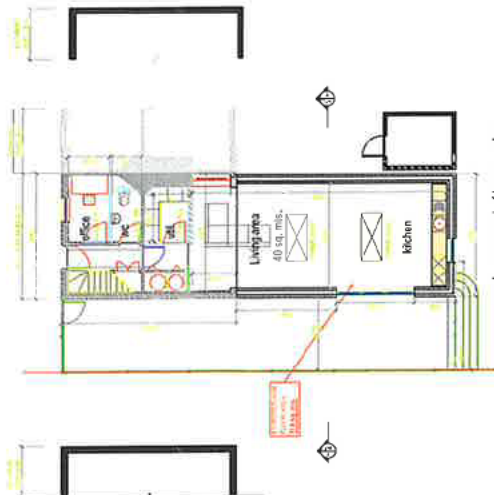
proposed south-east elevation  
scale 1:100



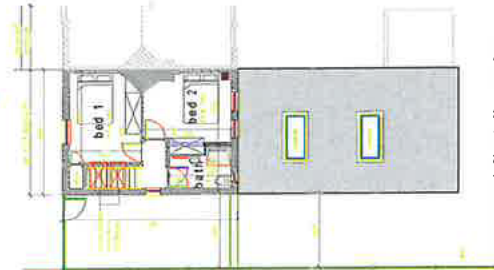
proposed south-east elevation  
scale 1:100



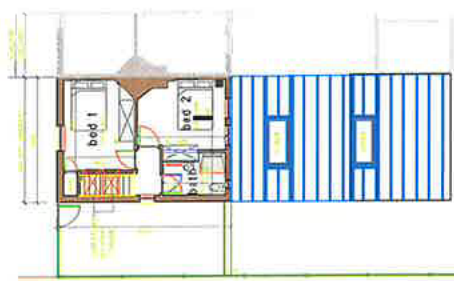
proposed north-east elevation  
scale 1:100



proposed ground floor plan  
scale 1:100  
Total area 440sqm



proposed first floor plan  
scale 1:100



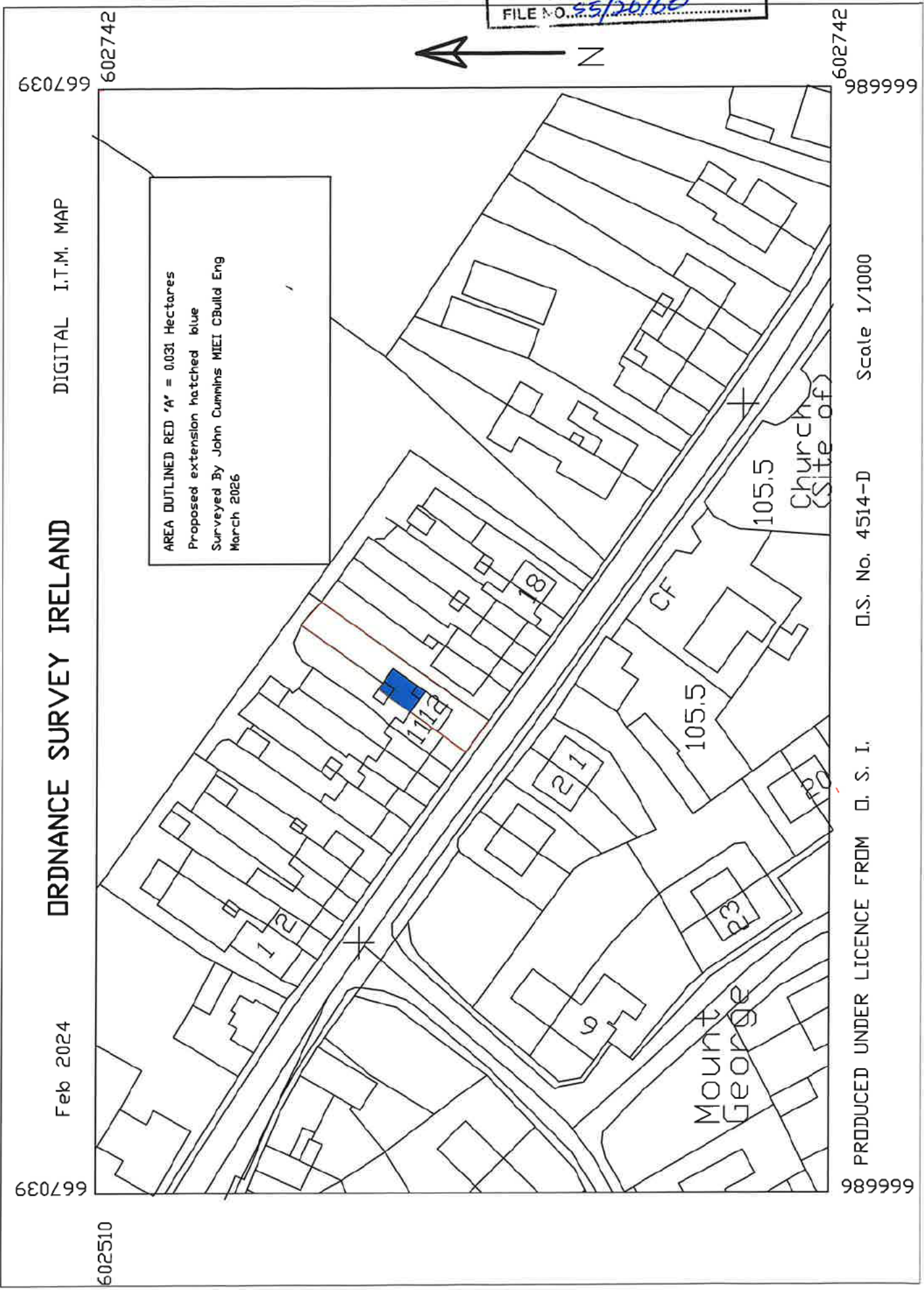
ceiling joist layout  
scale 1:100



TIPPERARY CO. COUNCIL  
**RECEIVED**  
29 APR 2026  
PLANNING SECTION  
FILE NO. 5/24/60

J.C Engineering services MIEI C.Build Eng.  
Chartered Building Engineer  
Borrisoileigh Thurles Co. Tipp  
MOBLIE. 087 2906635 info@jceengineering.ie  
PROJECT: Proposed extension at 12 St Bridgits Villa's Borrisoileigh  
CLIENT: Michael Browne  
DRAWING: Proposed Plans and Elevations  
SCALE: 1:100  
DATE: April 26 DWG.NO 01

TIPPERARY CO. COUNCIL  
**RECEIVED**  
29 APR 2026  
PLANNING SECTION  
FILE NO. *55/20/60*



ORDNANCE SURVEY IRELAND  
DIGITAL I.T.M. MAP

Feb 2024

AREA OUTLINED RED 'A' = 0.031 Hectares  
Proposed extension hatched blue  
Surveyed By John Cummins MIEI CBullid Eng  
March 2026

PRODUCED UNDER LICENCE FROM O. S. I.  
D.S. No. 4514-D Scale 1/1000

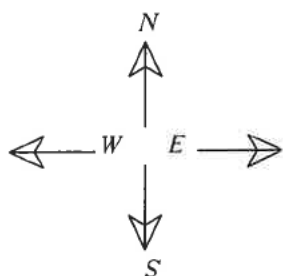
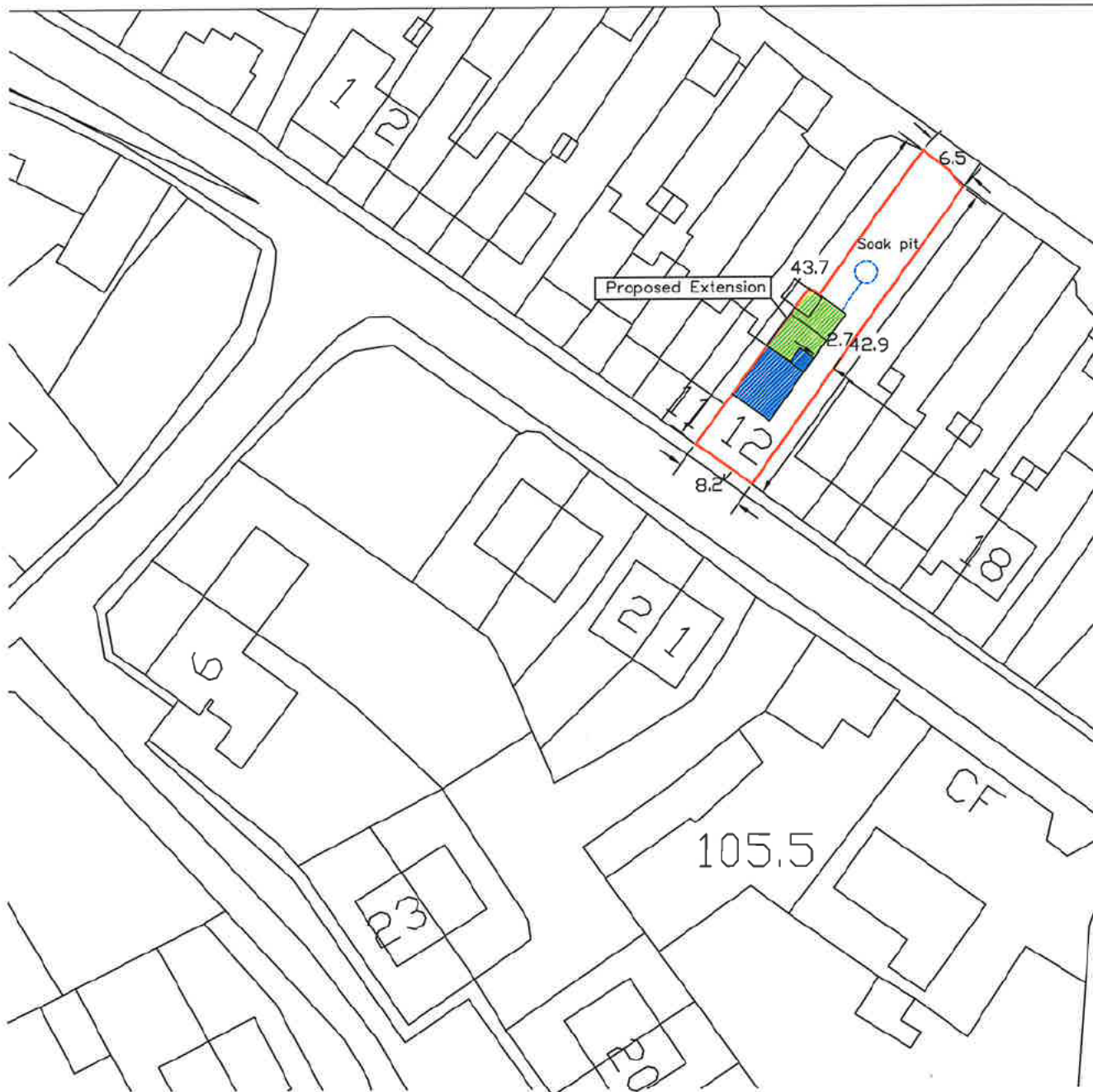
TIPPERARY CO. COUNCIL

RECEIVED

29 APR 2026

PLANNING SECTION

FILE NO. 22/26/20



Existing house hatched blue



Proposed Extension hatched green



Area of site 0.031 Hectares

John Cummins

Construction Management Planning & Engineering Services

MIEI MCIQB Chartered Building Engineer

Borrisoleigh Thurles Co. Tipp

MOBLIE: 087 2906635 info@jcengineering.ie

PROJECT Site layout at 12 St Bridgits Villas Borrisoleigh

CLIENT Michael Browne

DRAWING Site Layout map

SCALE 1:500

DATE April 26

DWG NO 3-B



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 5000/60  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 29<sup>th</sup> April 2026    Our Ref: S5/26/60    Civic Offices, Nenagh

**Michael Browne  
Latteragh  
Templederry  
Co Tipperary**

**Re: Application for a Section 5 Declaration – Retrofit of existing property and extension to the rear of the property being a ground floor extension <40m<sup>2</sup> at 12 St Bridgets Villas, Borrisoleigh, Co Tipperary.**

Dear Michael,

I acknowledge receipt of your application for a Section 5 Declaration received on 29<sup>th</sup> April 2026, in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely

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

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**Planning Ref:** S5/26/60

**Applicant:** Michael Browne

**Development Address:** 12 St Bridgds Villas, Borrisoleigh, Co. Tipperary

**Proposed Development:** Retrofit property and construct extension to rear

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**1. GENERAL**

On the 29.04.2026 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 12 St Bridgds Villas, Borrisoleigh, Co. Tipperary

- Retrofit property and construct extension to rear

**2. STATUTORY PROVISIONS**

**Planning and Development Act 2000, as amended**

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) of the Planning and Development Act, 2000, as amended states:

*4.- (1) The following shall be exempted developments for the purposes of this Act—*

*(h) 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.*

4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:

(2)(a) *The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—*

*(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*

*(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:

*4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

#### **Planning and Development Regulations 2001, as amended**

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.*

***Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:***

##### **Description of Development**

*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 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:**

**Description of Development**

**Conditions and Limitations**

(a) The demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex.

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.

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.

**Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:**

9. (1) *Development to which article 6 relates shall not be exempted development for the purposes of the Act—*

(a) *if the carrying out of such development would—*

(viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.*

(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 is located at 12 St Bridgets Villas, Borrisoleigh, Co. Tipperary.

**b. Relevant Planning History**

None recorded.

**c. Assessment**

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

The Declaration application does not reference any demolition. The drawings show a structure within the rear garden that will require removal to facilitate the development. This must be considered.

A) “Is or is not Development”

It is considered that the proposals including demolition and the construction of an extension constitutes “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 Class 50a)

***The proposal comprises demolition of a building within the curtilage of a house (boiler house). This building abuts on another building in separate ownership. Demolition of the building does not meet planning exemptions under Class 50a).***

Assessment against Class 50b)

***There is an existing return at the rear of the dwelling. This is not shown on the drawings but it will require demolition to facilitate the development. The demolition of this return can reasonable be considered to meet the planning exemption under Class 50.***

Assessment against Class 50a)

***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.***

N/a as the dwelling has been extended previously.

***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 house has been extended previously and this extension is being demolished. The aggregate area of the new extension and that being removed does not exceed 40 sq m

***(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 has been extended previously and this extension is being demolished. The aggregate area of the new extension and that being removed does not exceed 40 sq m. The extension is not above ground level.

***(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 as the house is not detached.

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

Not applicable as the proposal relates to a ground floor extension.

***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 and the height of the walls of the extension do 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.***

Not applicable as the rear wall of the house does not include a gable.

***(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 proposed extension will have a flat roof, which would not exceed the height of the eaves 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.***

The extension would 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 proposed extension would 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.**

There is no proposal to use the roof of the extension as a balcony or roof garden

**Assessment of retrofit of property**

The Declaration application references proposals to retrofit the property. No details have been provided regarding the nature and extent of retrofit works. Further information is required regarding same.

C) Restrictions under Article 9

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended 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**

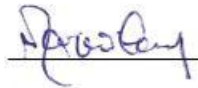
In order to enable an informed determination of the application the applicant is requested to submit the following further information;

1. The Declaration application makes reference to the retrofit of the dwelling. No information is provided regarding this element of the proposal. The applicant is requested to submit a detailed outline of the retrofit works and whether same will result in an external changes to the building.
2. The drawings included with the Declaration application show a return at the rear of the dwelling and a structure within the rear garden (boiler house) that will be demolished to facilitate the extension. There is an exemption under Class 50a) of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended for demolition of a building within the curtilage of a house. Condition 1 attached to this exemption states that:

*No such building or buildings shall abut on another building in separate ownership*

*The Planning Authority note that the building for demolition abuts another building in separate ownership. Demolition of the boiler house building does not therefore meet planning exemptions. The applicant is invited to respond.*

**District Planner:**

  
\_\_\_\_\_

**Date:** 19.05.2026

**Senior Executive Planner:**

*Jonathan Flood*

**Date:** 19/5/2026

**Photographs from website of property vendor**



**Rear of dwelling**



Showing structure at rear of property. Abuts structure within rear of 11 St Brigid Tce.

## AA Screening Form

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

<b>(a) File Reference No:</b>	S5 26.60
<b>(b) Brief description of the project or plan:</b>	As per planners report
<b>(c) Brief description of site characteristics:</b>	As per planners report
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	N/A
<b>(e) Response to consultation:</b>	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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	N	N

<sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

<sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here.

### 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"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> </ul>	The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area

<ul style="list-style-type: none"> <li>• Access to site</li> <li>• Pests</li> </ul>	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	<p>No impact.</p> <p>Given the nature and scale of the development, it is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area</p>
In-combination/Other	No impacts

<b>(b) Describe any likely changes to the European site:</b>	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	<p>None.</p> <p>The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>Given the scale of the proposed development and the significant distance between the proposed development site and any European Sites is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network</p>

<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.

**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	14.05.2026

EIA Pre-Screening			
Establishing a development is a 'sub-threshold development'			
File Reference:	S5 26 60		
Development Summary:	See Planners report		
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		
<b>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)?</b> (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>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?</b> (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	
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>			
<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	
Signature and Date of Recommending Officer:	Marion Carey	Date:	14.05.2026



Date: 19<sup>th</sup> May 2026

Our Ref: S5/26/60

Civic Offices, Nenagh

**Michael Browne  
Latteragh  
Templederry  
Co Tipperary**

**Re: Application for a Section 5 Declaration – Retrofit property and construct extension to rear at 12 St Brigids Villas, Borrisoleigh, Co. Tipperary**

Dear Sir,

I refer to an application received from you on 29<sup>th</sup> April 2026 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;**

It is recommended that further information is requested under Section 5(2) of the Act as follows:

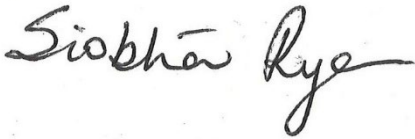
1. The Declaration application makes reference to the retrofit of the dwelling. No information is provided regarding this element of the proposal. The applicant is requested to submit a detailed outline of the retrofit works and whether same will result in an external changes to the building.
2. The drawings included with the Declaration application show a return at the rear of the dwelling and a structure within the rear garden (boiler house) that will be demolished to facilitate the extension. There is an exemption under Class 50a) of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended for demolition of a building within the curtilage of a house. Condition 1 attached to this exemption states that:

*No such building or buildings shall abut on another building in separate ownership*

*The Planning Authority note that the building for demolition abuts another building in separate ownership. Demolition of the boiler house building does not therefore meet planning exemptions. The applicant is invited to respond.*

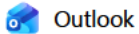
**Further consideration of your request for a declaration cannot be considered until the above information is received.**

Yours sincerely

A handwritten signature in black ink that reads "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

---

for **Director of Services**



---

[External] S5/26/60

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From Mike Browne [REDACTED]  
Date Fri 22 May 2026 11:53 AM  
To Planning <planning@tipperarycoco.ie>

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Pauline, Marion,

Hope you're both well.

Regarding the S5 application referenced in the subject, I just wanted to respond to your request for further information.

On point one of your letter, we are intending to carry out repair and insulation of the roof of the house with intent to use external roof covering which is the same as existing. We are also intending to apply an external insulation wrap with an external finish the same as currently exists. Finally we are intending to replace the existing windows and doors with the same size and style as existing. The above retrofit work which impacts the exterior of the existing house is being done with a view to making the house more energy efficient.

Regarding point 2 I have verbally agreed the demolition of our boiler house with the owner of the neighbouring property subject to leaving his boiler house in good condition post completion of the proposed extension. I am waiting for his agreement in writing by email which I can share with you once available.

Please don't hesitate to give me a call on [REDACTED] if anything you need.

Regards

Mike  
Sent from my iPhone



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 5000/600  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

**Date: 22<sup>nd</sup> May 2026    Our Ref: S5/26/60    Civic Offices, Clonmel**

Michael Browne,  
Latteragh,  
Templederry,  
Co Tipperary.

**Re: Application for a Section 5 Declaration – Retrofit of existing property and extension to the rear of the property being a ground floor extension 40m<sup>2</sup> at 12 St Bridgets Villas, Borrisoleigh, Co Tipperary.**

Dear Mr. Browne,

I acknowledge receipt of Further Information received on 22<sup>nd</sup> May 2026 in connection with the above.

I wish to advise that you will be notified of a decision on your application in due course.

Yours sincerely,

for **Director of Services.**

---

**[External] Fwd: Mike Browne 12 St Bridget's Villas Borrisoleigh**

---

**From** Mike Browne <[REDACTED]>  
**Date** Sun 24 May 2026 6:10 PM  
**To** Planning <planning@tipperarycoco.ie>

You don't often get email from [REDACTED]. [Learn why this is important](#)

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Pauline, Marion,

See below confirmation of consent from our neighbour next door regarding demolition of the boiler house on our side

Regards

Mike  
Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 24 May 2026 at 13:47:32 IST  
**To:** [REDACTED]  
**Subject: Re: Mike Browne 12 St Bridget's Villas Borrisoleigh**

Hi Mike,  
I've spoken with my brother and subject to the conditions mentioned in your email, we are happy for you to proceed.

Regards  
Kieran

On Fri, 22 May 2026 at 11:20, Mike Browne [REDACTED] wrote:  
Hi Kieran,

Thanks for your time earlier.

As discussed we are looking to do a ground floor flat roof extension directly from the back of our house which would involve demolition of our boiler house at the back which is directly connected to your boiler house in no. 11. On our part, we commit to ensuring that your boiler house is left in a condition satisfactory to you or

any subsequent owner such that it can continue to be used as a boiler house/ shed.  
We commit to the condition of your boiler house not being in a lesser condition as a consequence of our extension.

I'd appreciate if you could confirm your consent and agreement to the above by return email.

Regards

Mike

Sent from my iPhone

---

**Re: [External] Fwd: Mike Browne 12 St Bridget's Villas Borrisoleigh**

---

**From** Mike Browne [REDACTED]  
**Date** Mon 25 May 2026 8:30 PM  
**To** Planning <planning@tipperarycoco.ie>

CAUTION FROM TIPPERARY COUNTY COUNCIL IT SECTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Pauline,

Not sure if it changes anything but I just wanted to add a further piece of information for Marion's consideration which is that the boiler house on my side is in a very poor condition. There is very large cracking in the walls which also appear to have shifted. The roof is also a concrete slab which also appears to be in poor condition. I can take some pictures if Marion deems relevant. No problem if not but just wanted to make sure she has all relevant information

Regards

Mike  
Sent from my iPhone

On 25 May 2026, at 10:06, Planning <planning@tipperarycoco.ie> wrote:

Dear Mike

I wish to acknowledge receipt of your email and advise that I have added to your further information submitted on 22/5/2026 which will go to Marion for consideration.

**Kind regards,**  
**Pauline Hendy**  
**Assistant Staff Officer**  
**Planning Section**

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

**T: 0818 065 000**  
**E: [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**  
**W: [www.tipperarycoco.ie](http://www.tipperarycoco.ie)**  
<Outlook-Tipperary .png>

## TIPPERARY COUNTY COUNCIL

### Application for Declaration under Section 5

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

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**Planning Ref:** S5/26/60

**Applicant:** Michael Browne

**Development Address:** 12 St Bridgds Villas, Borrisoleigh, Co. Tipperary

**Proposed Development:** Retrofit property and construct extension to rear

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#### **1. GENERAL**

On the 29.04.2026 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 12 St Bridgds Villas, Borrisoleigh, Co. Tipperary

- Retrofit property and construct extension to rear

#### **2. STATUTORY PROVISIONS**

##### **Planning and Development Act 2000, as amended**

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) of the Planning and Development Act, 2000, as amended states:

*4.- (1) The following shall be exempted developments for the purposes of this Act—*

*(h) 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.*

4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:

(2)(a) *The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—*

*(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*

*(ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4 (4) of the Planning and Development Act 2000, as amended, states as follows:

*4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

#### **Planning and Development Regulations 2001, as amended**

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.*

***Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:***

##### **Description of Development**

*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 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:**

<b>Description of Development</b>	<b>Conditions and Limitations</b>
(a) The demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex.	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.
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.	

**Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:**

9. (1) *Development to which article 6 relates shall not be exempted development for the purposes of the Act—*

(a) *if the carrying out of such development would—*

(viiB) *comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.*

(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 is located at 12 St Bridgets Villas, Borrisoleigh, Co. Tipperary.

#### **b. Relevant Planning History**

None recorded.

#### **c. Assessment**

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

The Declaration application does not reference any demolition. The drawings show a structure within the rear garden that will require removal to facilitate the development. This must be considered.

A) “Is or is not Development”

It is considered that the proposals including demolition and the construction of an extension constitutes “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 OF CONSTRUCTION OF EXTENSION TO REAR**

Assessment against Class 50a)

***The proposal comprises demolition of a building within the curtilage of a house (boiler house). This building abuts on another building in separate ownership. Demolition of the building does not meet planning exemptions under Class 50a).***

Assessment against Class 50b)

***There is an existing return at the rear of the dwelling. This is not shown on the drawings but it will require demolition to facilitate the development. The demolition of this return can reasonable be considered to meet the planning exemption under Class 50.***

Assessment against 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.***

N/a as the dwelling has been extended previously.

***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 house has been extended previously and this extension is being demolished. The aggregate area of the new extension and that being removed does not exceed 40 sq m

***(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 has been extended previously and this extension is being demolished. The aggregate area of the new extension and that being removed does not exceed 40 sq m. The extension is not above ground level.

***(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 as the house is not detached.

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

Not applicable as the proposal relates to a ground floor extension.

***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 and the height of the walls of the extension do 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.***

Not applicable as the rear wall of the house does not include a gable.

***(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 proposed extension will have a flat roof, which would not exceed the height of the eaves 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.***

The extension would 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 proposed extension would 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.***

There is no proposal to use the roof of the extension as a balcony or roof garden

**ASSESSMENT OF RETROFIT OF PROPERTY**

The Declaration application references proposals to retrofit the property. No details have been provided regarding the nature and extent of retrofit works. Further information is required regarding same.

**C) Restrictions under Article 9**

It is considered that no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended 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.

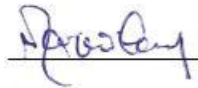
**4. RECOMMENDATION**

In order to enable an informed determination of the application the applicant is requested to submit the following further information;

1. The Declaration application makes reference to the retrofit of the dwelling. No information is provided regarding this element of the proposal. The applicant is requested to submit a detailed outline of the retrofit works and whether same will result in an external changes to the building.
2. The drawings included with the Declaration application show a return at the rear of the dwelling and a structure within the rear garden (boiler house) that will be demolished to facilitate the extension. There is an exemption under Class 50a) of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended for demolition of a building within the curtilage of a house. Condition 1 attached to this exemption states that:

*No such building or buildings shall abut on another building in separate ownership*

*The Planning Authority note that the building for demolition abuts another building in separate ownership. Demolition of the boiler house building does not therefore meet planning exemptions. The applicant is invited to respond.*

  
\_\_\_\_\_

**District Planner:**

**Date:** 19.05.2026

*Jonathan Flood*

**Senior Executive Planner:**

**Date:** 19/5/2026

## **5. ASSESSMENT OF FURTHER INFORMATION**

Further information (FI) was requested from the applicant on 19.05.2026 and a response was received on 22.05.2026, 25.05.2026 and 26.05.2026. The FI request is outlined below in italics with assessment under same in bold.

*It is recommended that further information is requested under Section 5(2) of the Act as follows:*

- *The Declaration application makes reference to the retrofit of the dwelling. No information is provided regarding this element of the proposal. The applicant is requested to submit a detailed outline of the retrofit works and whether same will result in an external changes to the building.*

**The applicant confirmed that he intends to carry out repair and insulation of the roof of the house with intent to use external roof covering which is the same as existing. The applicant also intends to apply an external insulation wrap with an external finish the same as currently exists. Finally the applicant confirmed that he is intending to replace the existing windows and doors with the same size and style as existing. The above retrofit work which impacts the exterior of the existing house is being done with a view to making the house more energy efficient.**

**The Planning Authority notes the proposals for retrofit of the building. No drawings have been provided showing the extent of changes to the elevations arising from the external insulation, no details of the new roof covering or replacement windows or doors have been provided. There is insufficient information available to determine whether the retrofit proposals meet planning exemptions under Section 4(1) (h) of the Act.**

- *The drawings included with the Declaration application show a return at the rear of the dwelling and a structure within the rear garden (boiler house) that will be demolished to facilitate the extension. There is an exemption under Class 50a) of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended for demolition of a building within the curtilage of a house. Condition 1 attached to this exemption states that:*

*No such building or buildings shall abut on another building in separate ownership*

*The Planning Authority note that the building for demolition abuts another building in separate ownership. Demolition of the boiler house building does not therefore meet planning exemptions. The applicant is invited to respond.*

**The applicant confirmed that the boiler house abuts neighbouring structure however has stated that he has the agreement of the neighbouring property owner for the demolition of same. The applicant has submitted email providing consent of the neighbouring property owner in this regard. While the consent to demolish the boiler house is noted this element of the proposal does not meet planning exemptions.**

## **6. RECOMMENDATION**

A question has arisen as to whether retrofit of the property and construct extension to rear at 12 St Brigids Villas, Borrisoleigh, Co. Tipperary constitutes “development” and is or is not “exempted development”.

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) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended.
- (c) Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- (d) The details submitted with the Declaration.

Tipperary County Council has concluded that

- The **rear extension** constitutes “development” within the meaning of the Planning and Development Act 2000, as amended, and is “exempted development”.
- Development of the rear extension is dependent on the demolition of a boiler house located to the rear of the dwelling. The demolition of the boiler house constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, as amended and is NOT “exempted development”.
- Insufficient information has been provided with regard to the proposals to the roof, external insulation and window and door replacement. The Planning Authority cannot therefore confirm the retrofit works meet planning exemptions.

District Planner:



Date: 09.06.2026

Senior Executive Planner:



Date: 10/6/2026



**Rear of dwelling**

[ps://www.joanneodwyerproperty.ie/property/12-saint-bridgets-villas-borrisoleigh-co-tipperary/#](https://www.joanneodwyerproperty.ie/property/12-saint-bridgets-villas-borrisoleigh-co-tipperary/#)



Showing structure at rear of property. Abuts structure within rear of 11 St Brigid Tce.

## AA Screening Form

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

<b>(a) File Reference No:</b>	S5 26.60
<b>(b) Brief description of the project or plan:</b>	As per planners report
<b>(c) Brief description of site characteristics:</b>	As per planners report
<b>(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW</b>	N/A
<b>(e) Response to consultation:</b>	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 <sup>1</sup>	Distance from proposed development <sup>2</sup> (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	<a href="https://www.npws.ie/protected-sites/sac/002137">https://www.npws.ie/protected-sites/sac/002137</a>	Within 15km	N	N

<sup>1</sup> Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

<sup>2</sup> If the site or part thereof is within the European site or adjacent to the European site, state here.

### 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"> <li>• Vegetation clearance</li> <li>• Demolition</li> <li>• Surface water runoff from soil excavation/infill/landscaping (including borrow pits)</li> <li>• Dust, noise, vibration</li> <li>• Lighting disturbance</li> <li>• Impact on groundwater/dewatering</li> <li>• Storage of excavated/construction materials</li> </ul>	The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area

<ul style="list-style-type: none"> <li>• Access to site</li> <li>• Pests</li> </ul>	
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> <li>• Direct emission to air and water</li> <li>• Surface water runoff containing contaminant or sediment</li> <li>• Lighting disturbance</li> <li>• Noise/vibration</li> <li>• Changes to water/groundwater due to drainage or abstraction</li> <li>• Presence of people, vehicles and activities</li> <li>• Physical presence of structures (e.g. collision risks)</li> <li>• Potential for accidents or incidents</li> </ul>	<p>No impact.</p> <p>Given the nature and scale of the development, it is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area</p>
In-combination/Other	No impacts

<b>(b) Describe any likely changes to the European site:</b>	
<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> <li>• Reduction or fragmentation of habitat area</li> <li>• Disturbance to QI species</li> <li>• Habitat or species fragmentation</li> <li>• Reduction or fragmentation in species density</li> <li>• Changes in key indicators of conservation status value (water or air quality etc.)</li> <li>• Changes to areas of sensitivity or threats to QI</li> <li>• Interference with the key relationships that define the structure or ecological function of the site</li> </ul>	<p>None.</p> <p>The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>Given the scale of the proposed development and the significant distance between the proposed development site and any European Sites is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network</p>

<b>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.

**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
<b>Signature and Date of Recommending Officer:</b>	Marion Carey	09.06.2026

EIA Pre-Screening			
Establishing a development is a 'sub-threshold development'			
File Reference:	S5 26 60		
Development Summary:	See Planners report		
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		
<b>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)?</b> (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>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?</b> (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	
<b>C. If Yes, has Schedule 7A information/screening report been submitted?</b>			
<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	
Signature and Date of Recommending Officer:	Marion Carey	Date:	09.06.2026

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/60**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Brian Beck, 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. 44188 dated 3<sup>rd</sup> October, 2025, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Michael Browne, Latteragh, Templeberry, Co Tipperary, re: Retrofit property and construct extension to rear at 12 St Brigids Villas, Borrisoleigh, 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 and 4 of the Planning and Development Act, 2000 as amended.
- b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended.
- c) Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- d) The details submitted with the Declaration.

Tipperary County Council has concluded that

- The **rear extension** constitutes "development" within the meaning of the Planning and Development Act 2000, as amended, and **is "exempted development"**.
- Development of the rear extension is dependent on the demolition of a boiler house located to the rear of the dwelling. The demolition of the boiler house constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, as amended and is **NOT "exempted development"**.
- Insufficient information has been provided with regard to the proposals to the roof, external insulation and window and door replacement. The Planning Authority cannot therefore confirm the retrofit works meet planning exemptions.

**Signed:**



**Brian Beck**  
**Director of Services**

**Date: 10/06/2026**



Date: 10<sup>th</sup> June 2026

Our Ref: S5/26/60

Civic Offices, Nenagh

**Michael Browne  
Latteragh  
Templederry  
Co Tipperary**

**Re: Declaration under Section 5 of the Planning and Development Act 2000, as amended.**

Dear Michael,

I refer to your application for a Section 5 Declaration received on 29<sup>th</sup> April 2026, and Further Information received on 22<sup>nd</sup> May 2026, 25<sup>th</sup> May 2026 and 26<sup>th</sup> May 2026 in relation to the following proposed works:

**Retrofit property and construct extension to rear at 12 St Brigids Villas, Borrisoleigh, 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 –

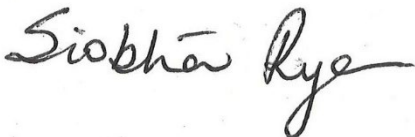
- a) Sections 2, 3 and 4 of the Planning and Development Act, 2000 as amended.
- b) Article 6 and Article 9 of the Planning and Development Regulations, 2001, as amended.
- c) Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
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- Insufficient information has been provided with regard to the proposals to the roof, external insulation and window and door replacement. The Planning Authority cannot therefore confirm the retrofit works meet planning exemptions.

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



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for **Director of Services**