



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	SEAN O BRIEN
<i>Address</i>	69 GRANGE ROAD, RATHFARNHAM DUBLIN 14
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	FRED HOLLYWOOD CONSULTING ENGINEERS
<i>Address</i>	NEWTOWN NENAGH E45XK84
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]
<i>Please advise where all correspondence in relation to this application is to be sent;</i>	
Applicant [<input type="checkbox"/>]	Agent [<input checked="" type="checkbox"/>]

3. Location of Proposed Development:

<i>Postal Address or Townland or Location (as may best identify the land or structure in question)</i>	2 LOWER DUBLIN ROAD NENAGH COUNTY 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.

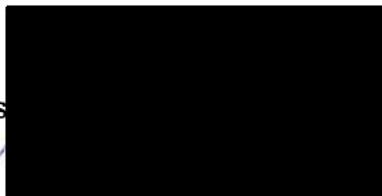
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

RENOVATION OF DERALICT HOUSE - REMOVAL OF EXISTING 1ST FLOOR
SINGLE STOREY EXTENSION TO THE REAR AND FRONT ACCESS PORCH
Proposed floor area of proposed works/uses: 69 sqm

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

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

Signature of Applicant(s)



Date:

12/5/2026

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:

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

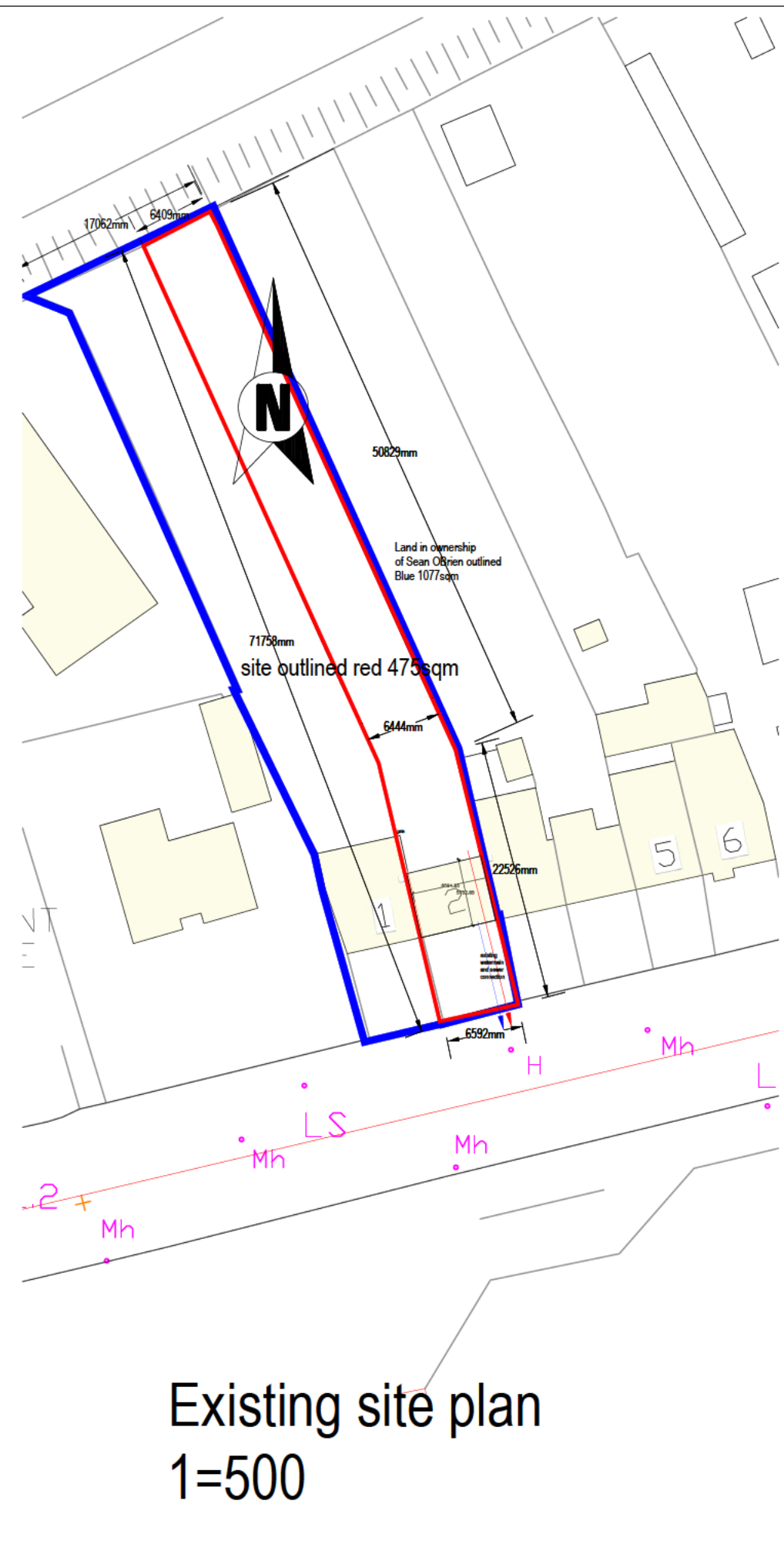
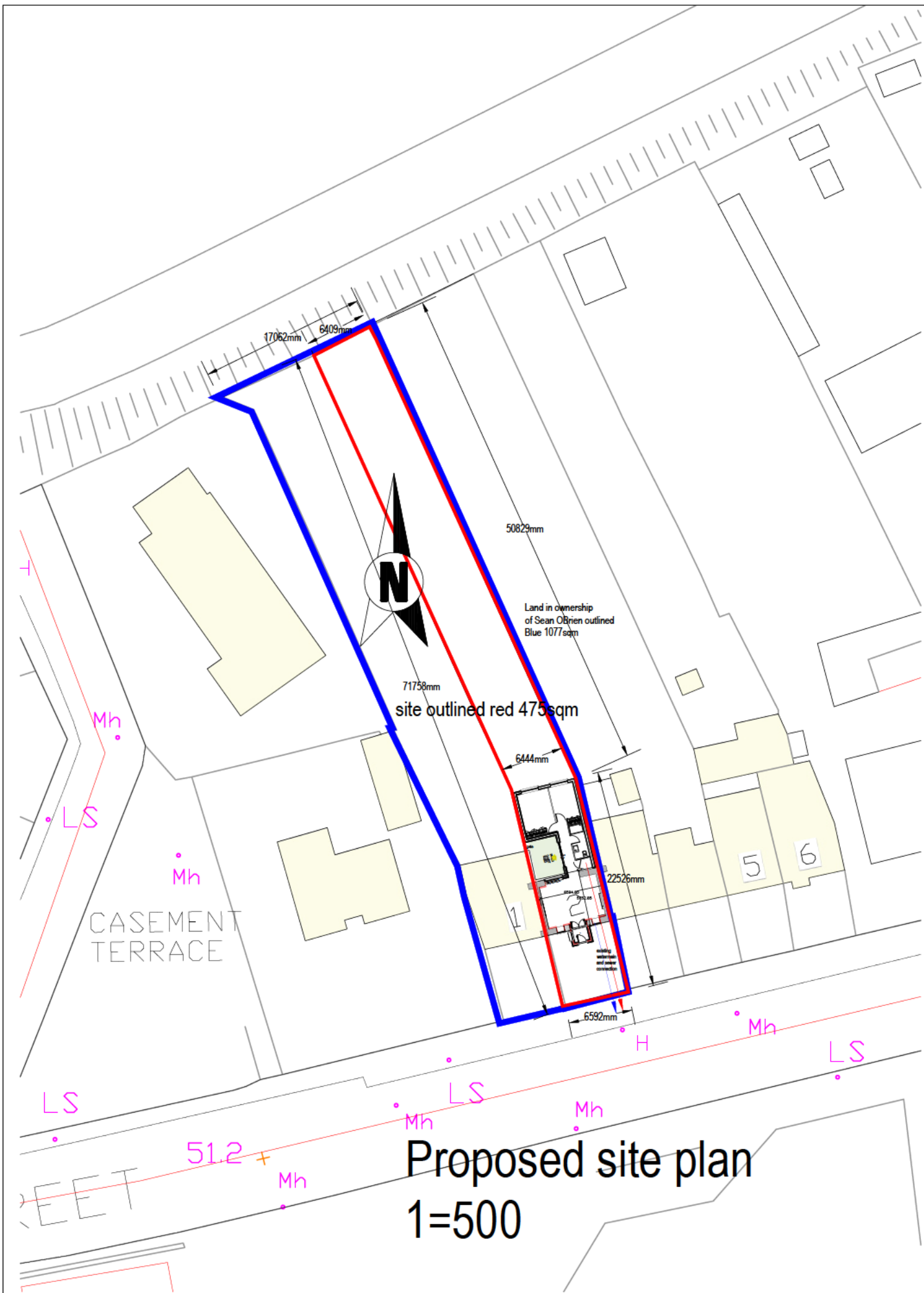
FOR OFFICE USE ONLY

		<u>DATE STAMP</u>
Fee Recd. € 80.00	_____	Tipperary County Council Planning Section by email Received: 18/05/2026 File ref: S5/26/75
Receipt No	137449 _____	
Date	18/05/2026 _____	
Received by	DOB _____	

REVISION DETAILS	DATE

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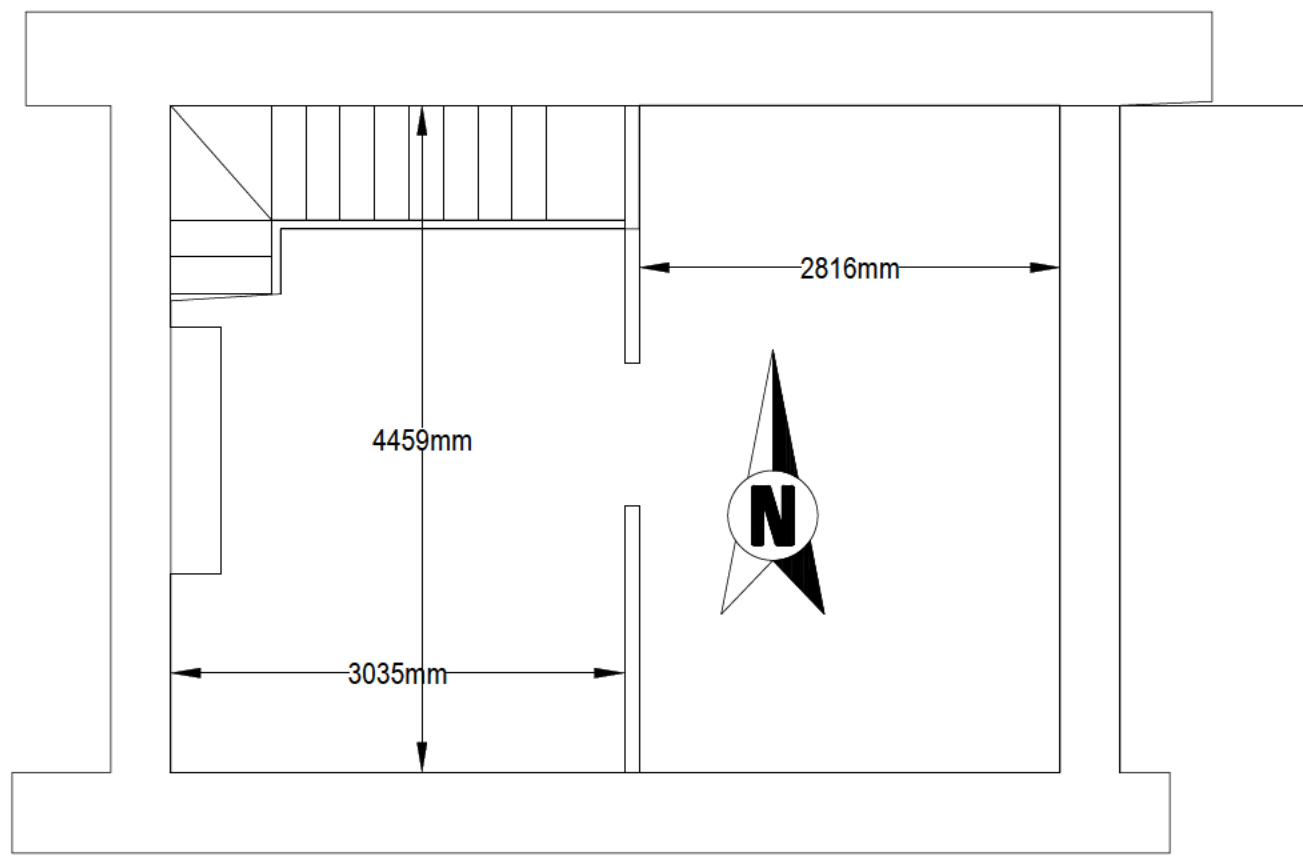
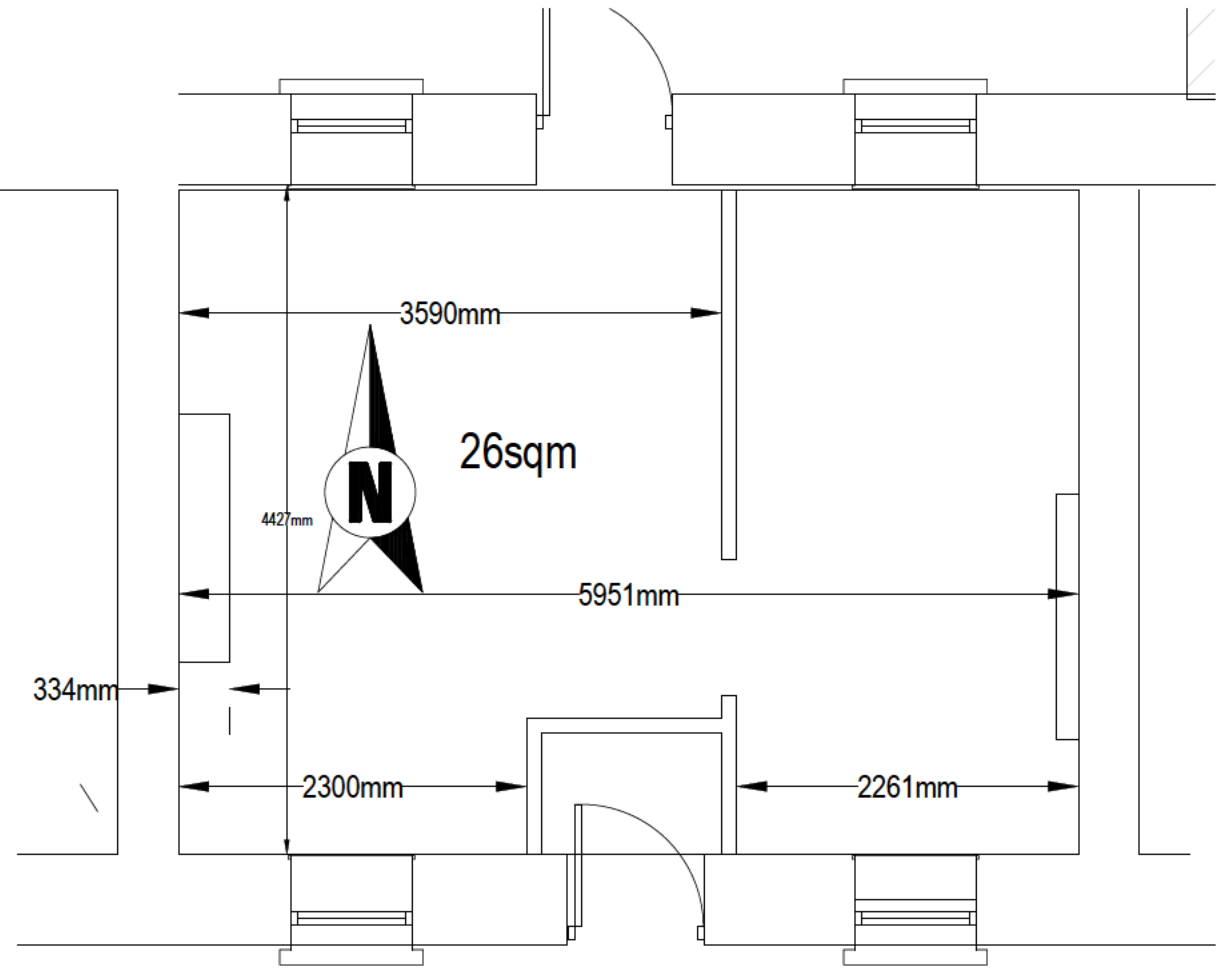
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 Received: 18/05/2026
 File ref: S5/26/75



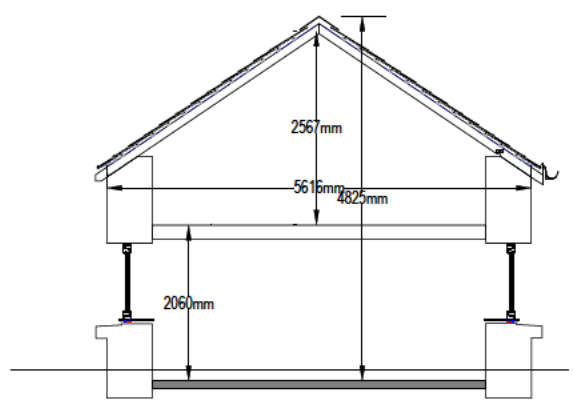
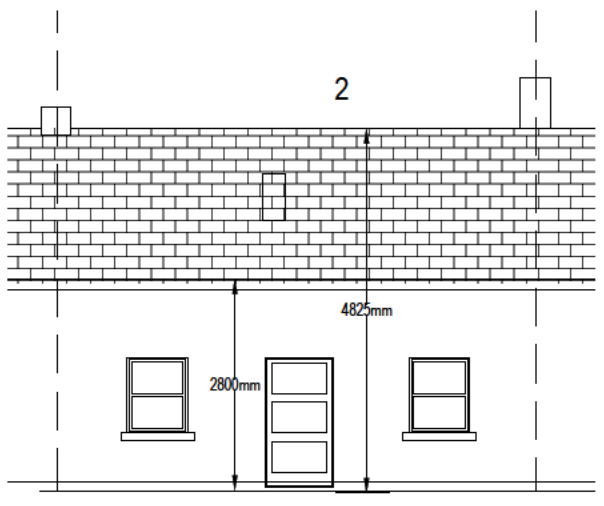
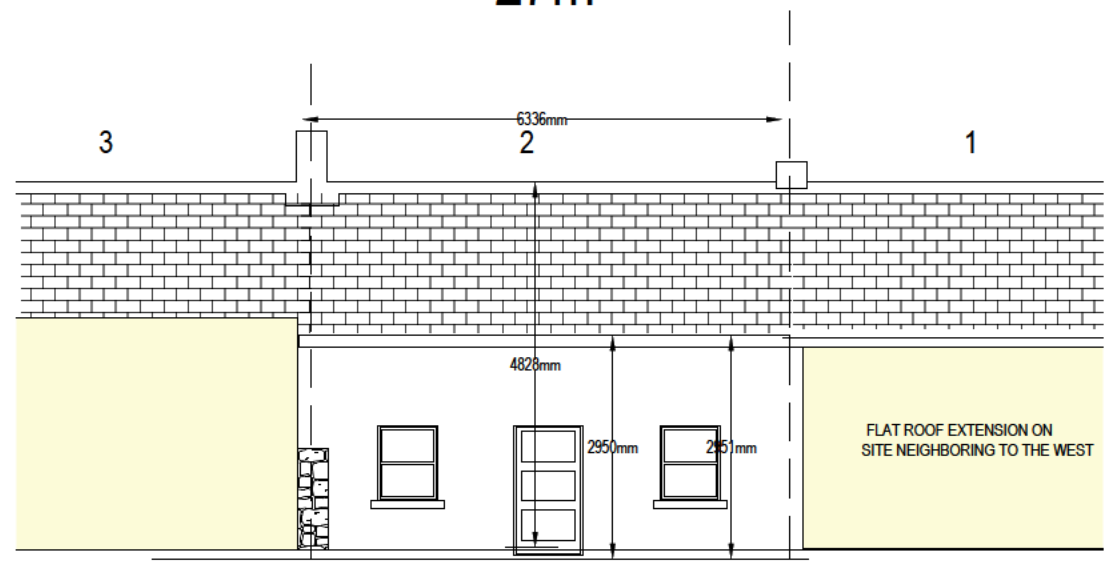
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Project: HOUSE RENOVATION DUBLIN ROAD			
Client: SEAN O BRIEN			
Drawing Title: SITE PLAN			
Drawn:	Scale: 1=500	Checked:	Date: 11/04/25
hollywood construction engineering ltd the maisonette sarsfield street nenagh co. tipperary phone: 067-37676 fax: 067-33580 mobile: 088-232819 e-mail: fred@hce.ie			
Project No. 23-100	Drawing No. 0	Revision	

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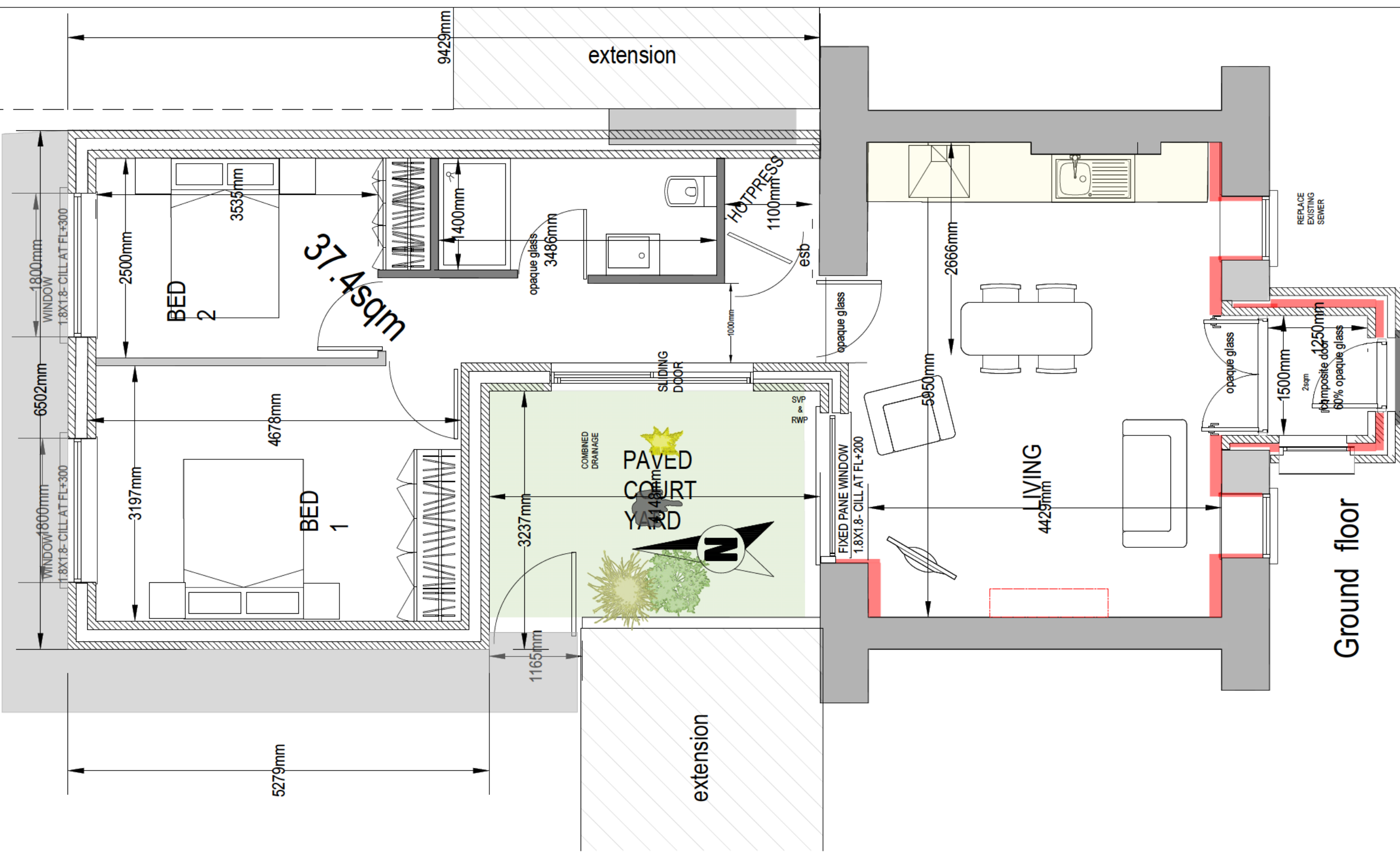
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 Planning Section by email
 Received: 18/05/2026
 File ref: S5/26/75



Issue:			
Project: HOUSE RENOVATION DUBLIN ROAD			
Client: SEAN O BRIEN			
Drawing Title: EXISTING			
Drawn:	Scale: SHOWN	Checked:	Date: 11/04/25

hollywood construction engineering ltd
 the maisonette
 sarsfield street
 nenagh
 co. tipperary
 phone: 067-37676
 fax: 067-33580
 mobile: 088-2322819
 e-mail: fred@hce.ie

Project No. 23-100	Drawing No. 01	Revision
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total ground floor area proposed 67m²
(of which front porch = 1.9m²)
total area of existing floor area = 27m²

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 Received: 18/05/2026
 File ref: S5/26/75

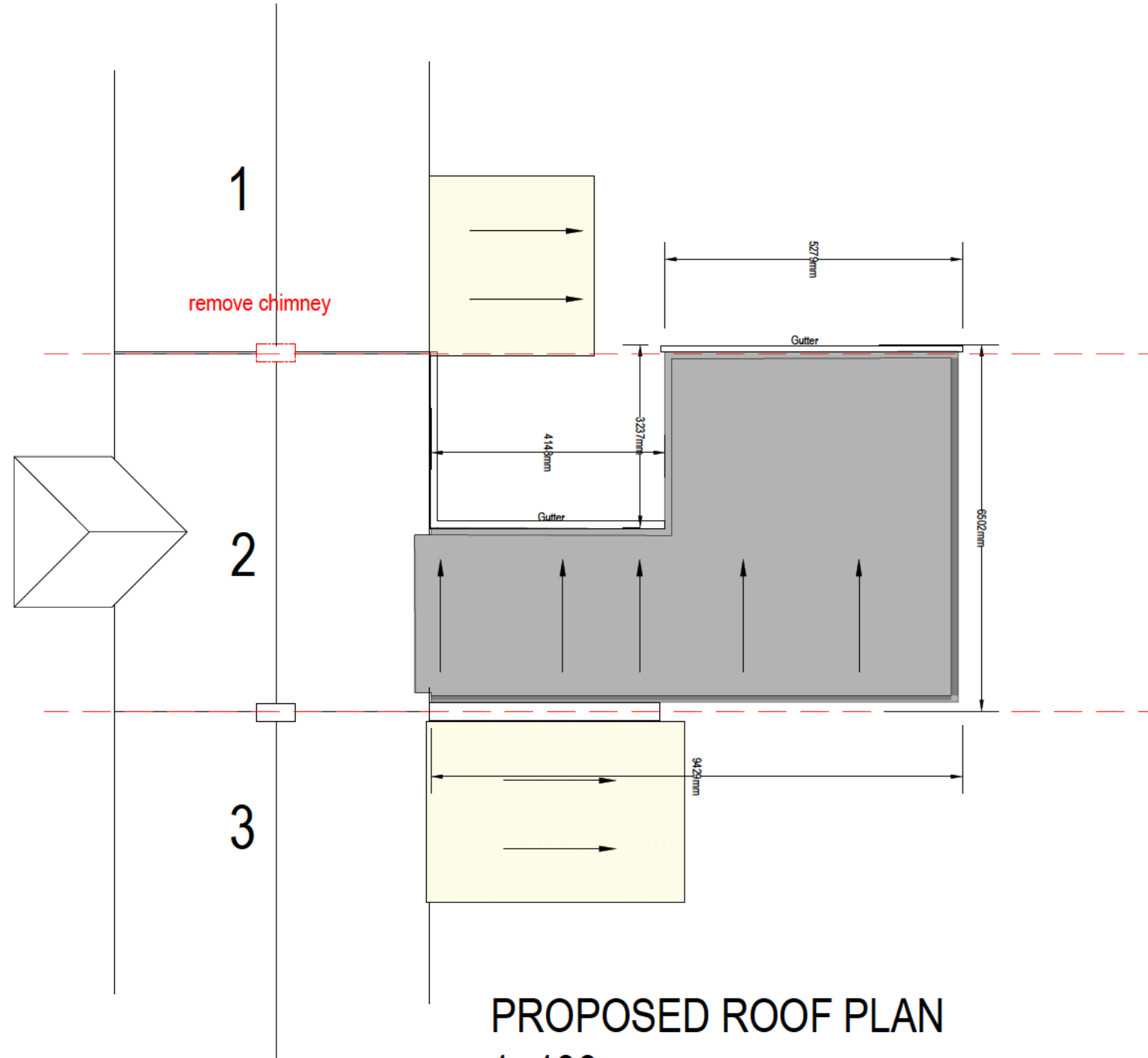
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Client: SEAN O BRIEN			
Drawing Title: PROPOSED FLOOR PLAN			
Drawn:	Scale: 1=50	Checked:	Date: 11/04/25
hollywood construction engineering ltd			
the maisonette sarsfield street nenagh co. tipperary			
phone: 067-37676 fax: 067-33580 mobile: 088-232819 e-mail: fred@hce.ie			
Project No. 23-100	Drawing No. 02	Revision	



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PROPOSED ROOF PLAN
 1=100

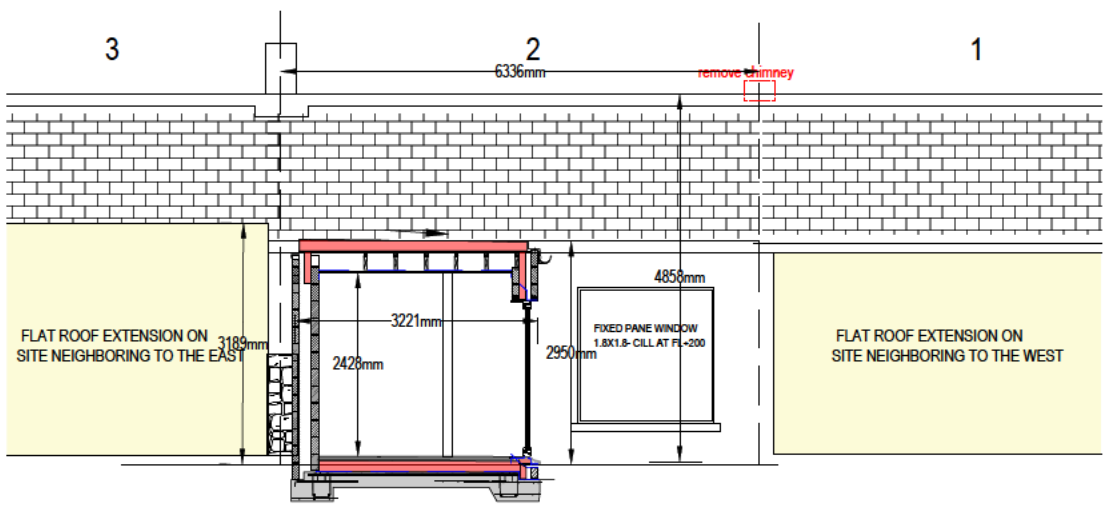
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Client: SEAN O BRIEN			
Drawing Title: PROPOSED ROOF PLAN			
Drawn:	Scale: 1=50	Checked:	Date: 11/04/25

hollywood construction engineering ltd
 the maisonette
 sarsfield street
 nenagh
 co. tipperary
 phone: 067-37676
 fax: 067-33580
 mobile: 088-2322819
 e-mail: fred@hce.ie

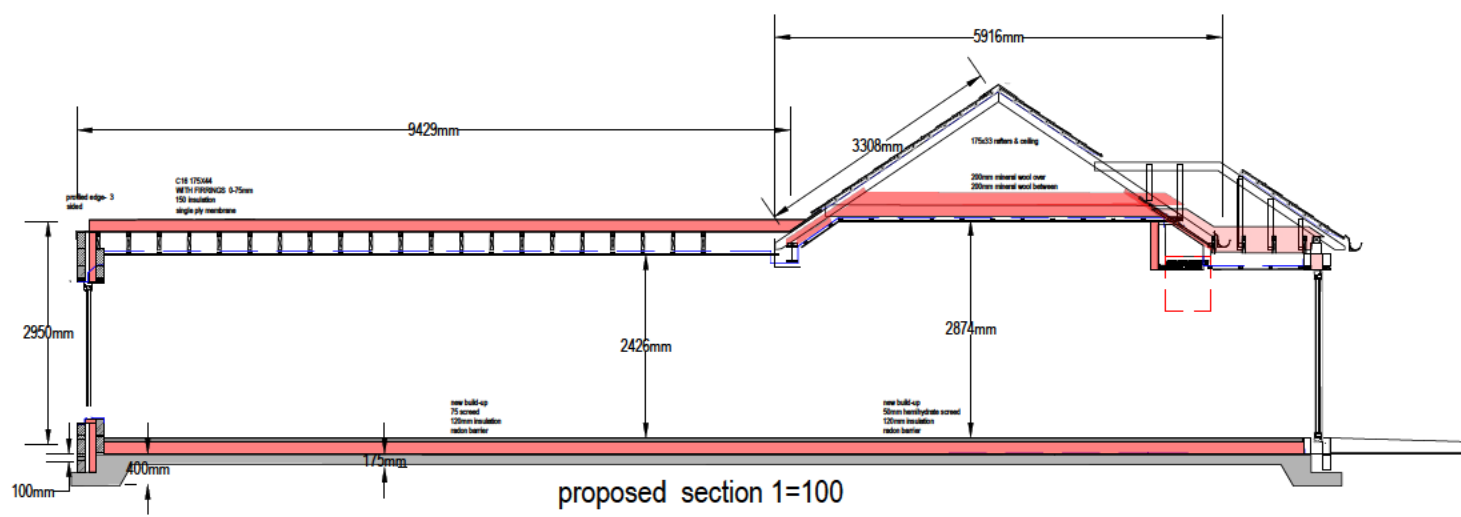
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REVISION DETAILS	DATE

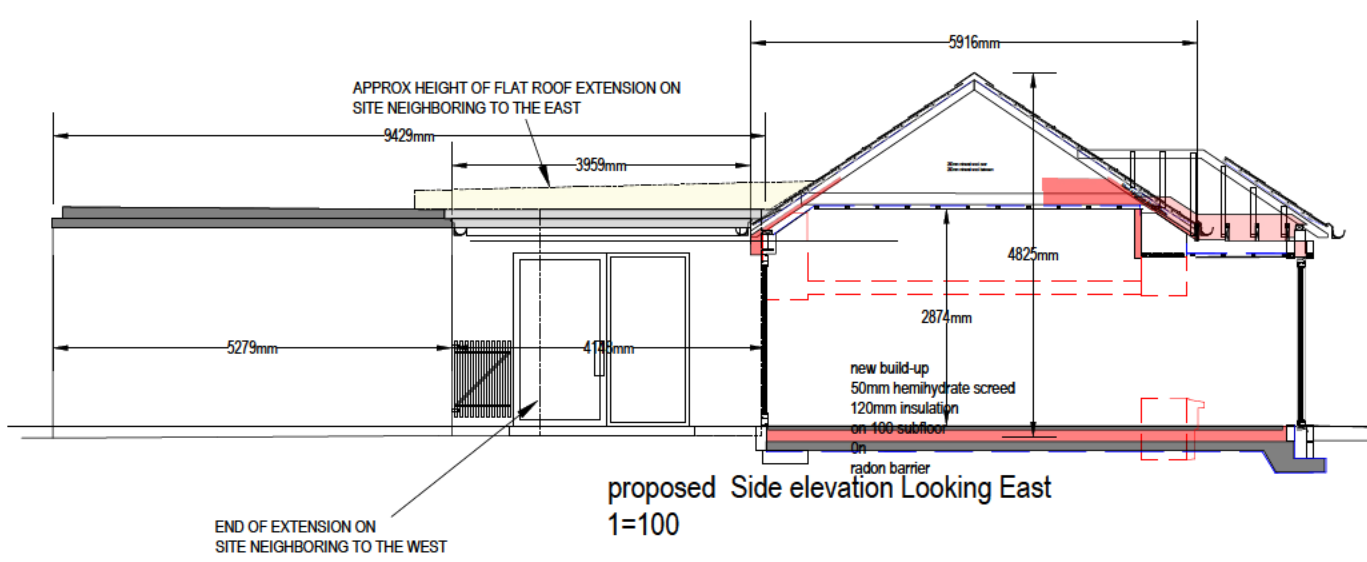
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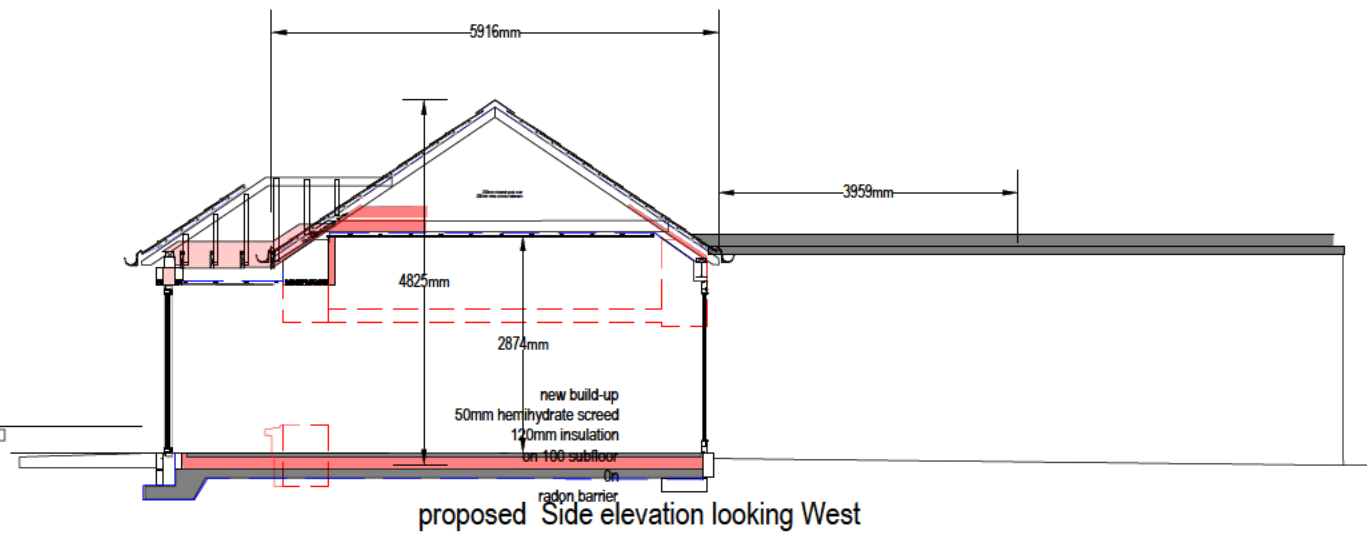
Section through extension looking South
1=100



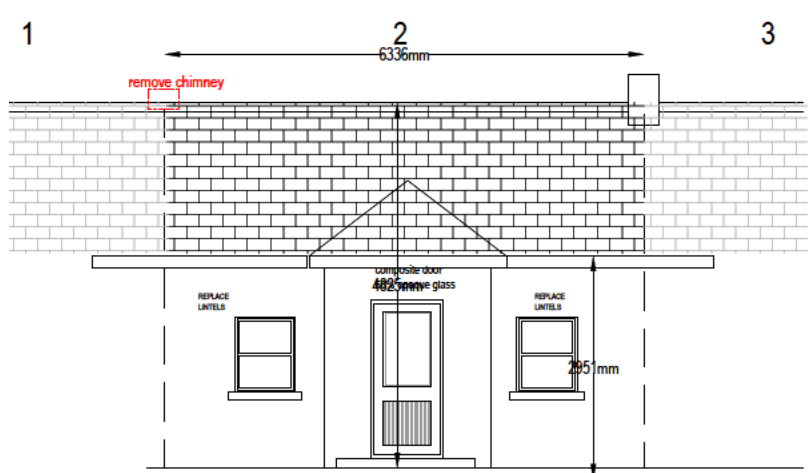
proposed section 1=100



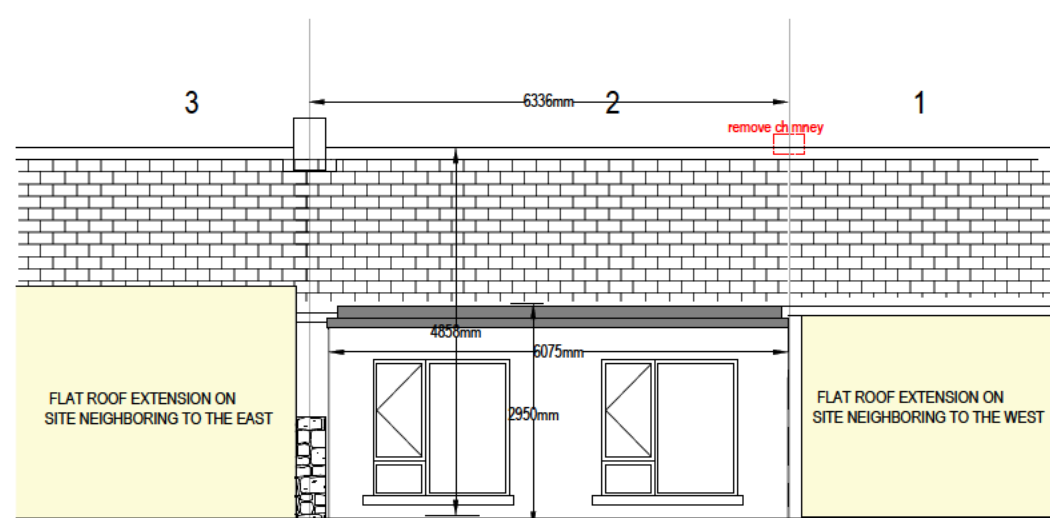
proposed Side elevation Looking East
1=100



proposed Side elevation looking West
1=100



proposed front =100



Proposed Rear Elevation 1=100

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 Planning Section by email
 Received: 18/05/2026
 File ref: S5/26/75

Issue:			
Project: HOUSE RENOVATION DUBLIN ROAD			
Client: SEAN O BRIEN			
Drawing Title: PROPOSED ELEVATIONS & SECTIONS			
Drawn:	Scale: 1=100	Checked:	Date: 11/04/25
hollywood construction engineering ltd			
the maisonette sarsfield street nenagh co. tipperary			
phone: 067-37676 fax: 067-33580 mobile: 086-232819 e-mail: fred@hce.ie			
Project No. 23-100	Drawing No. 03	Revision	

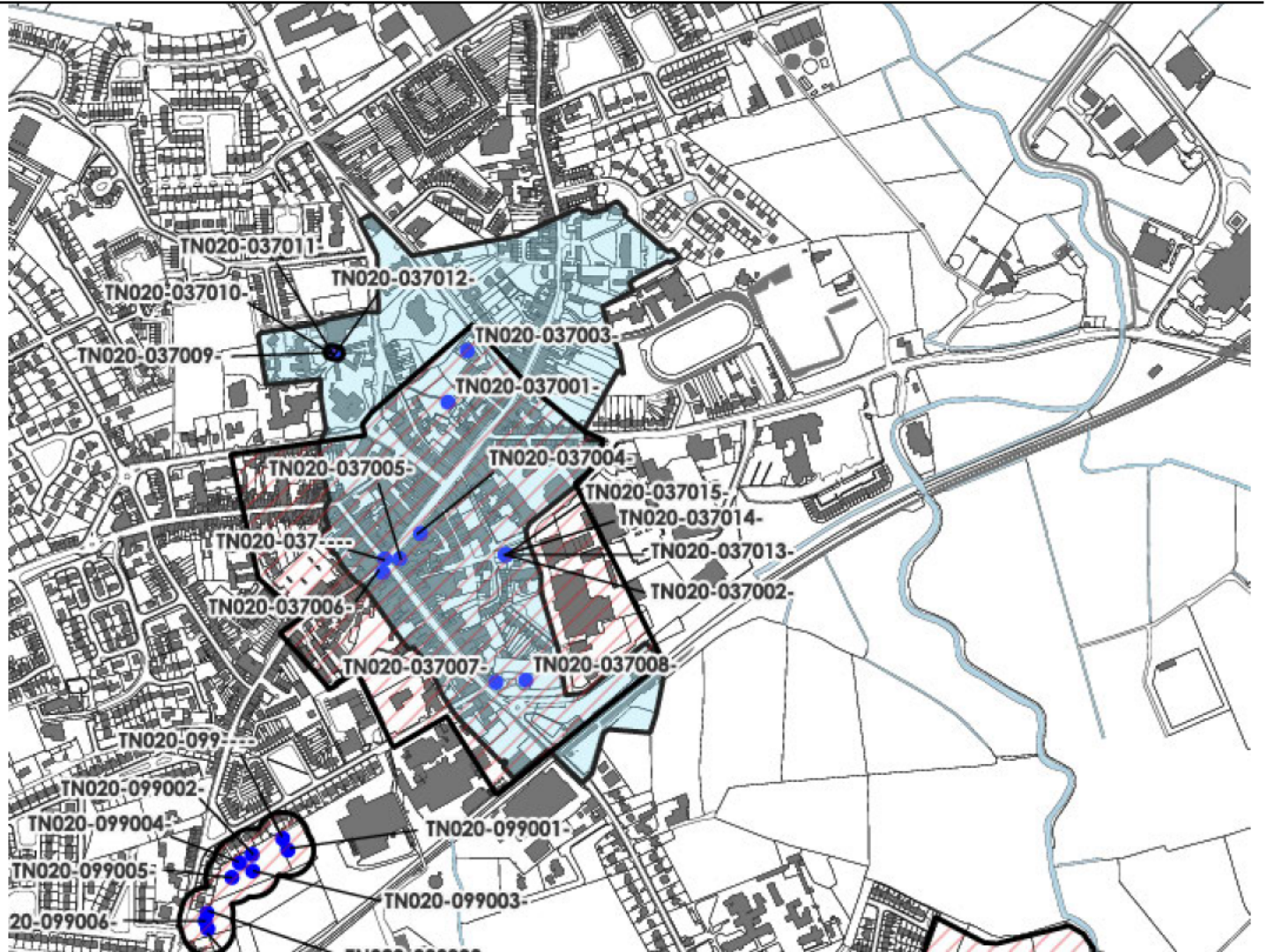
hollywood construction engineering

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date: client:
job no: job:

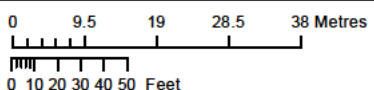
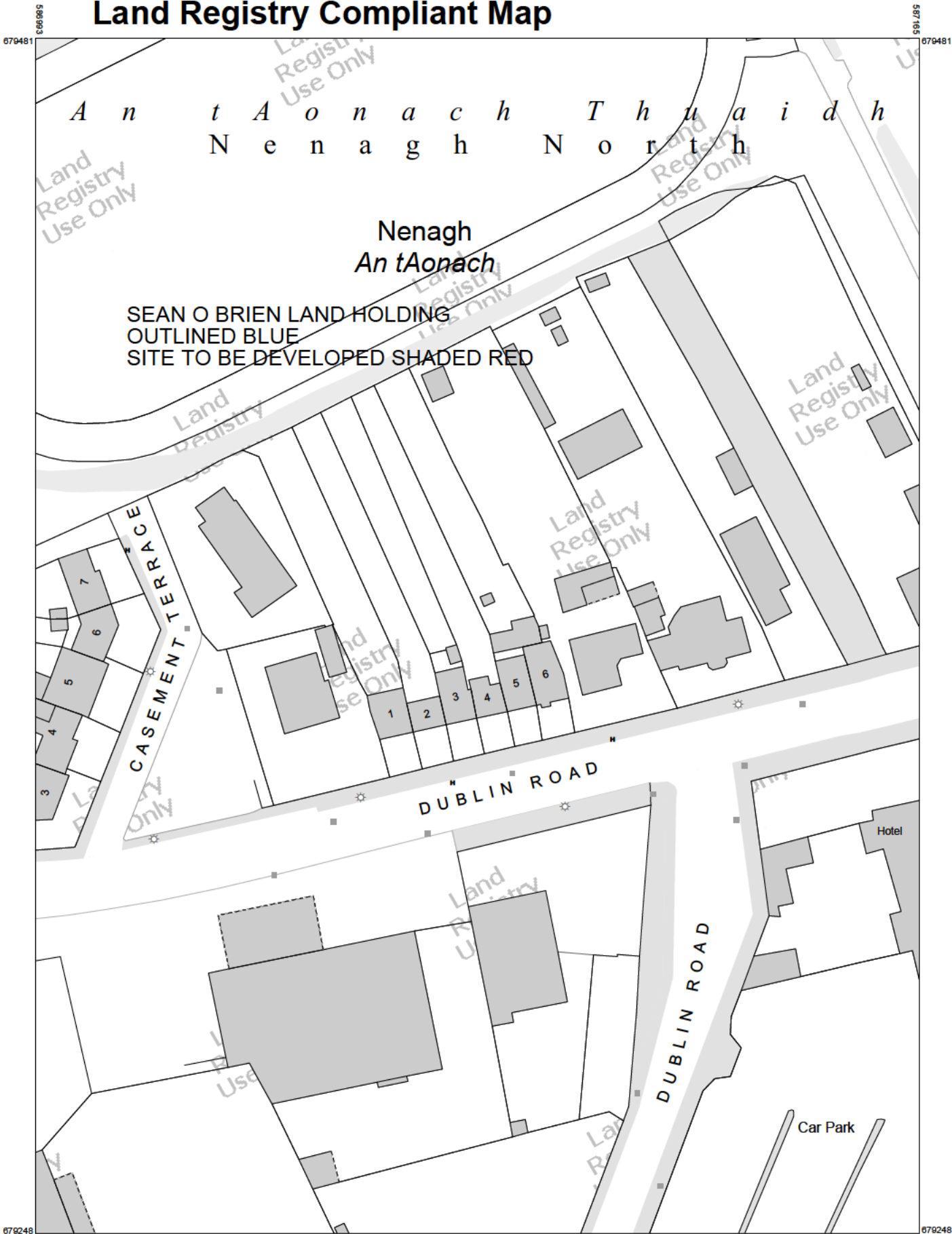
File ref: S5/26/74



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18/05/2026
File ref: S5/26/74

Land Registry Compliant Map



OUTPUT SCALE: 1:1,000



CENTRE COORDINATES:
ITM 587079,679365

PUBLISHED: 15/05/2026
MAP SERIES: 1:1,000 / 1:2,500
ORDER NO.: 50536245_1
MAP SHEETS: 4277-14 / 4277-D

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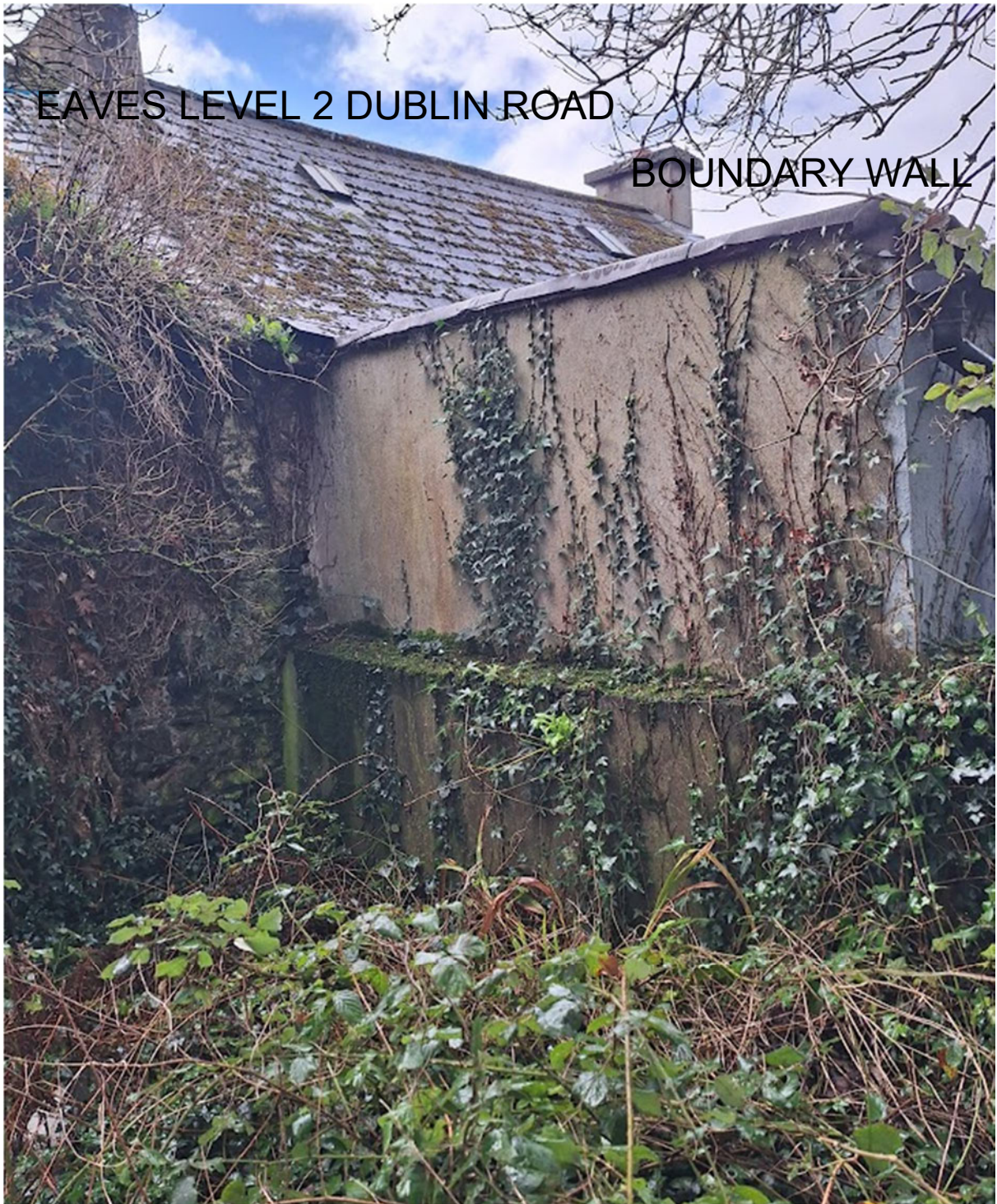


Tailte Éireann

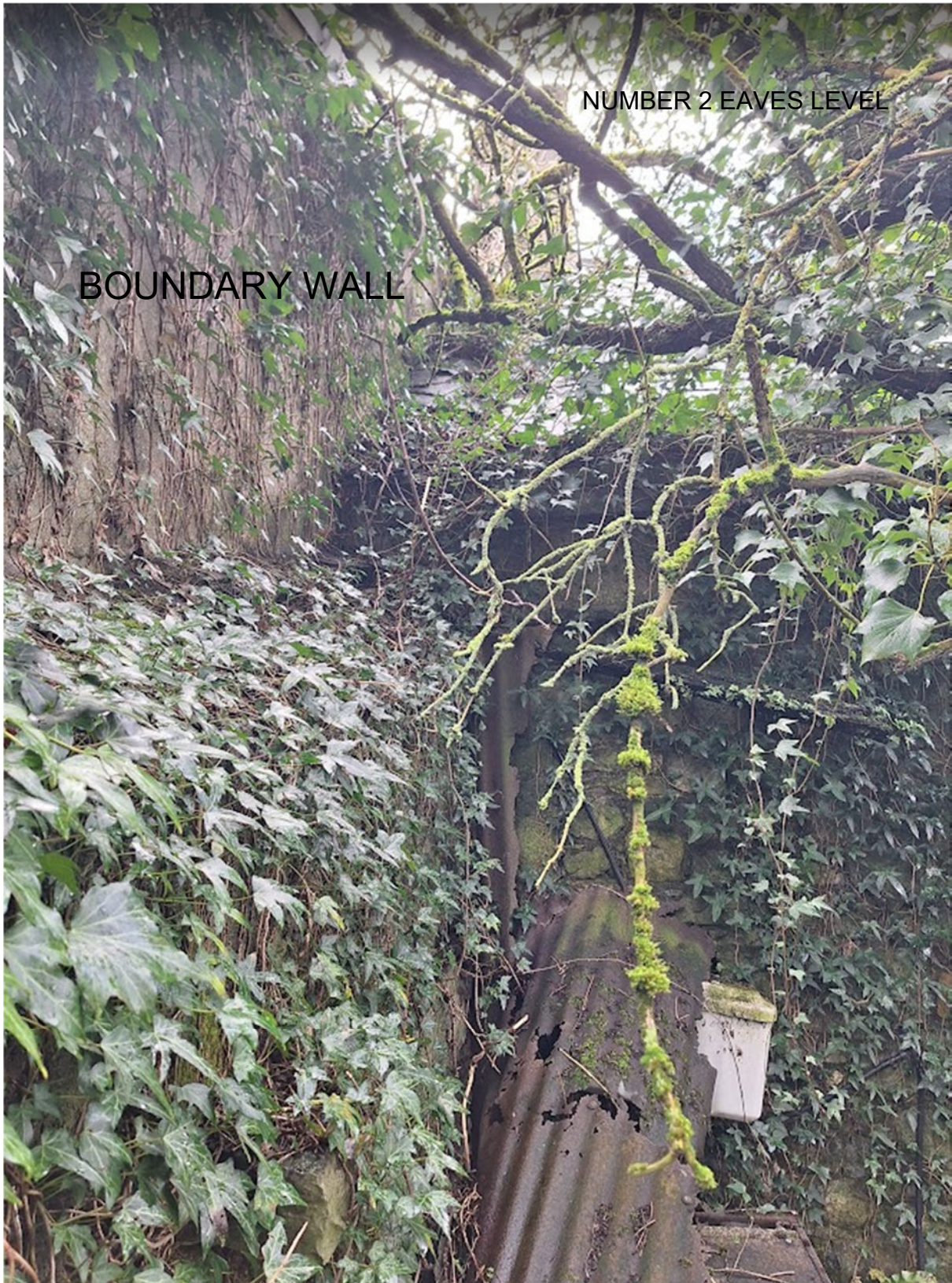
**EXISTING CHIMNEY
NOT IN USE WILL BE
REMOVED**



FRONT ELEVATION FACING DUBLIN ROAD



REAR ELEVATION- EXTENSION TO NUMBER 2 DUBLIN ROAD ADJACENT



NUMBER 2 EAVES LEVEL

BOUNDARY WALL

REAR ELEVATION -EXISTING EXTENSION TO NUMBER 3 DUBLIN ROAD
ON SITE ADJACENT

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Received: 18/05/2026 File
ref: S5/26/75



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

18/05/2026 11:05:57

Receipt No : NENAM1/0/137449

FRED HOLLYWOOD
NEWTOWN
NENAGH
CO. TIPPERARY E45 XK84

REF: SEAN O'BRIEN

SECTION5 EXEMPTION DECLARATION 80
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : DEIRDRE O BRIEN
From : TIPP CC NENAGH CASH DESK
Vat reg No.3259712MH



SALE AMOUNT €80.00

CUSTOMER NOT PRESENT

I agree to pay the above final amount
According to the card/merchants issuer
agreement

CUSTOMER COPY



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 5000/6000
e customerservice
@tipperarycoco.ie

tipperarycoco.ie

Date: 18th May 2026

Our Ref: S5/26/75

Civic Offices, Clonmel

**Sean O Brien,
C/O Fred Hollywood,
Consulting engineers,
Newtown,
Nenagh,
Co. Tipperary.**

Re: Application for a Section 5 Declaration – Renovation of derelict house, removal of existing 1st floor single storey extension to the rear and front access porch at 2 Lower Dublin Road, Nenagh, Co. Tipperary.

Dear Mr. Hollywood,

I acknowledge receipt of your application for a Section 5 Declaration received on 18th 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**

TIPPERARY COUNTY COUNCIL

Application for Declaration under Section 5

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

Planning Ref.:	S5/26/75
Applicant:	Sean O Brien
Development Address:	2 Lower Dublin Road, Nenagh, Co. Tipperary
Proposed Development:	Renovation of derelict house, removal of existing 1st floor, single storey extension to the rear and front access porch

1. GENERAL

On the 18/05/2026, 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 2 Lower Dublin Road, Nenagh, Co. Tipperary

- Renovation of derelict house, removal of existing 1st floor, single storey extension to the rear and front access porch

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

Description of Development

The construction or erection of a porch outside any external door of a house..

Conditions and Limitations

1. *Any such structure shall be situated not less than 2 metres from any road*
2. *The floor area of any such structure shall not exceed 2 square metres.*
3. *The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 m*

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 no. 2 Lower Dublin Road in Nenagh. It contains a mid-terrace single storey dwelling

b. Relevant Planning History

N/1791 -Planning permission granted for Reconstruction and Extend dwelling

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.

▪ **Renovation of derelict house**

It is noted that the declaration request relates the renovation of a derelict house. The roof over the main dwelling is noted to be sagging. The roof of the proposed porch would extend beyond this and it is noted that an existing rooflight would be removed. Overall, the proposal with respect to the existing roof is not clear (i.e. is replacement or maintenance proposed)

The submitted plans show 2 no. chimneys attached to the subject property, which traverse the party boundary on both sides. One of the chimneys would be removed in order to facilitate the proposed development.

Class 50 of the Planning and Development Regulations 2001, as amended, reads as follows:

Class 50	Conditions / Limitations
<p>(a) The demolition of a building, or buildings, within the curtilage of—</p> <ol style="list-style-type: none"> i. a house, ii. an industrial building, iii. a business premises, or iv. a farmyard complex. <p>(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.</p>	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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.

In respect of Condition/ Limitation 1, the existing chimney is attached to another building in separate ownership. Therefore, the demolition of same is not exempt from the requirement for planning permission.

- Removal of existing 1st floor

It is considered that the development comes within the criteria as set under Section 4(h) of the Planning and Development Act 2000 (as amended) as the works proposed are internal and would 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 on adjoining sites.

- Rear Extension

A) “Is or is not Development”

It is considered that the rear 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 the conditions / limitations of Class 1:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

The proposal is for a single storey extension to a mid-terraced dwelling and it would have a floorarea of 37.4sqm. The house has not been previously extended.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The house has not been previously extended.

(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 terraced house has not been previously extended, and the proposed is for a single storey rear extension.

(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.

Not applicable as the proposal relates to a terraced dwelling.

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 only.

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 proposed extension would 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 would have a flat roof, and the height of the roof of the proposed extension would exceed the height of the eaves.

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 feature 1 x window on the western elevation. It would be greater 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.

▪ Front Porch

A) “Is or is not Development”

It is considered that the front porch 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 the conditions / limitations of Class 7:

1. Any such structure shall be situated not less than 2 metres from any road.

The proposed front porch would be greater than 2 metres from the Dublin Road

2. The floor area of any such structure shall not exceed 2 square metres.

The floor area of the front porch would be 1.9 square metre and would not therefore exceed 2 square metres

3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

The front porch would have a slated pitched roof and its height would not exceed 4 metres

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

A question has arisen as to whether the following proposed development at No. 2 Lower Dublin Road, Nenagh, Co. Tipperary is or is not exempted development:

- Renovation of derelict house, removal of existing 1st floor, single storey extension to the rear and front access porch

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 7 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 50 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The planning history of the site.

Tipperary County Council has concluded as follows:

Renovation of Derelict House

- The proposed *renovation of derelict house* includes the removal of a chimney on the party boundary. This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Not Exempted Development as it fails to satisfy condition /limitation 1 attached to Class 50, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended.

Removal of existing 1st floor

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development. The removal of the 1st floor can be considered exempt pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Single Storey Extension to rear

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Not Exempted Development. The proposals fail to satisfy condition /limitation 4a) and 4c) attached to Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended:
 - The proposed rear extension fails to satisfy condition / limitation 4(a) of Class 1 which stipulates that Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
 - The proposal fails to satisfy condition / limitation 4(c) of Class 1 which stipulates that 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.

Front Access Porch

This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development. This element of the proposal can be considered exempt pursuant to Class 7, of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Advisory note to applicant

The applicant is advised that the existing roof over the main dwelling is noted to be sagging. The roof of the proposed porch would extend beyond this and it is noted that an existing rooflight would be removed. Overall, the proposal with respect to the existing roof is not clear (i.e. is replacement or maintenance proposed).

Furthermore, the existing chimney (to be removed) is attached to another building in separate ownership. Therefore, the demolition of same is not exempt from the requirement for planning permission as the conditions and limitations associated with Class 50, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended, specifically that the demolition of an existing outbuilding which abuts an adjoining building in separate ownership is not exempted development.

District Planner:

Olive O'Donnell

Date: 08/06/2026

Senior Executive Planner:

Jonathan Flood

Date: 8/6/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5 26 75
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	N/a

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

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/spa/004165	Within 15km	None	No
Silvermines Mt West SAC	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Bolingbrook Hill SAC	https://www.npws.ie/protected-sites/sac/002124	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 15km	None	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
Lough Derg North East Shore	https://www.npws.ie/protected-sites/sac/002241	Within 15km	None	No
Lough Derg Shannon SPA	https://www.npws.ie/protected-sites/spa/04058	Within 15km	None	No
Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

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

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

<p>Examples of the type of changes to give consideration to include:</p> <ul style="list-style-type: none"> • Reduction or fragmentation of habitat area • Disturbance to QI species • Habitat or species fragmentation • Reduction or fragmentation in species density • Changes in key indicators of conservation status value (water or air quality etc.) • Changes to areas of sensitivity or threats to QI • Interference with the key relationships that define the structure or ecological function of the site 	None.
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(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

The assessment of significance of effects:

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

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

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	Date: 08/06/2026

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5 26 75		
Development Summary:	As per 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		
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory No Screening required	
<input checked="" type="checkbox"/> No		Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)			
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 checked="" type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : ___ Class 10 (b) (i) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended		Proceed to Part C	
C. If Yes, has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening Determination required	
<input checked="" type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required	
Signature and Date of Recommending Officer:	Olive O'Donnell	Date:	08/06/2025

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/75** **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 3rd 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 Sean O'Brien, C/O Fred Hollywood, Consulting Engineers, Newtown, Nenagh, Co. Tipperary, re: Renovation of derelict house, removal of existing 1st floor, single storey extension to the rear and front access porch at 2 Lower Dublin Road, Nenagh, Co. Tipperary is development and is exempted development.

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

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 7 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 50 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The planning history of the site.

Tipperary County Council has concluded as follows:

Renovation of Derelict House

- The proposed *renovation of derelict house* includes the removal of a chimney on the party boundary. This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Not Exempted Development as it fails to satisfy condition /limitation 1 attached to Class 50, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended.

Removal of existing 1st floor

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development. The removal of the 1st floor can be considered exempt pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Single Storey Extension to rear

This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Not Exempted Development. The proposals fail to satisfy condition /limitation 4a) and 4c) attached to Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended:

- The proposed rear extension fails to satisfy condition / limitation 4(a) of Class 1 which stipulates that Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- The proposal fails to satisfy condition / limitation 4(c) of Class 1 which stipulates that 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.

Front Access Porch

This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development. This element of the proposal can be considered can be considered exempt pursuant to Class 7, of Schedule 2, Part1 of the Planning and Development Regulations 2001, as amended.

Advisory note to applicant

The applicant is advised that the existing roof over the main dwelling is noted to be sagging. The roof of the proposed porch would extend beyond this and it is noted that an existing rooflight would be removed. Overall, the proposal with respect to the existing roof is not clear (i.e. is replacement or maintenance proposed).

Furthermore, the existing chimney (to be removed) is attached to another building in separate ownership. Therefore, the demolition of same is not exempt from the requirement for planning permission as the conditions and limitations associated with Class 50, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended, specifically that the demolition of an existing outbuilding which abuts an adjoining building in separate ownership is not exempted development.

Signed: 
Brian Beck
Director of Services

Date: 11/06/2026



Date: 11th June 2026

Our Ref: S5/26/75

Civic Offices, Nenagh

Sean O'Brien
C/O Fred Hollywood
Consulting engineers
Newtown
Nenagh
Co. Tipperary

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

Dear Mr O'Brien,

I refer to your application for a Section 5 Declaration received on 18th May 2026 in relation to the following proposed works:

Renovation of derelict house, removal of existing 1st floor, single storey extension to the rear and front access porch at 2 Lower Dublin Road, Nenagh, 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 –

- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 7 of the Planning and Development Regulations 2001 as amended.
- Schedule 2, Part 1 Class 50 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.
- The planning history of the site.

Tipperary County Council has concluded as follows:

Renovation of Derelict House

- The proposed *renovation of derelict house* includes the removal of a chimney on the party boundary. This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Not Exempted Development as it fails to satisfy condition /limitation 1 attached to Class 50, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended.

Removal of existing 1st floor

- This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development. The removal of the 1st floor can be considered exempt pursuant to Section 4(1) (h) of the Planning and Development Act 2000, as amended.

Single Storey Extension to rear

This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Not Exempted Development The proposals fail to satisfy condition /limitation 4a) and 4c) attached to Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended:

- The proposed rear extension fails to satisfy condition / limitation 4(a) of Class 1 which stipulates that Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- The proposal fails to satisfy condition / limitation 4(c) of Class 1 which stipulates that 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.

Front Access Porch

This element of the proposal constitutes development within the meaning of the Planning and Development Act 2000, as amended and is Exempted Development this element of the proposal can be considered can be considered exempt pursuant to Class 7, of Schedule 2, Part1 of the Planning and Development Regulations 2001, as amended.

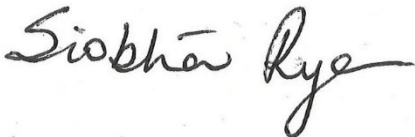
Advisory note to applicant

The applicant is advised that the existing roof over the main dwelling is noted to be sagging. The roof of the proposed porch would extend beyond this and it is noted that an existing rooflight would be removed. Overall, the proposal with respect to the existing roof is not clear (i.e. is replacement or maintenance proposed).

Furthermore, the existing chimney (to be removed) is attached to another building in separate ownership. Therefore, the demolition of same is not exempt from the requirement for planning permission as the conditions and limitations associated with Class 50, Part 1 of Schedule 2, Planning & Development Regulations 2001, as amended, specifically that the demolition of an existing outbuilding which abuts an adjoining building in separate ownership is not exempted development.

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



for **Director of Services**