



PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

<i>Applicant</i>	MICHELLE RYAN AND PAUL O'CONNOR
<i>Address</i>	23 SHORESIDE, CULLENAGH, BALLINA, CO. TIPPERARY V94 X3HE
<i>Telephone No.</i>	[REDACTED]
<i>E-mail</i>	[REDACTED]

2. Agent's (if any) address:

<i>Agent</i>	FOY ARCHITECTURE (CORNELIA FOLEY)
<i>Address</i>	CASTLETROY, CO.LIMERICK
<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>	23 SHORESIDE, CULLENAGH, BALLINA, CO. TIPPERARY V94 X3HE
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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.)

Proposed single story, flat roof extension to rear of dwelling, comprised of kitchen,
utility and living area. Total gross floor area of extension is 28.4 m ²
Proposed floor area of proposed works/uses: 28.4 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) Michelle Ryan Signed by: 0CBE786A217F40E Date: 5/19/2026

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
 - o OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - o Floor Plans & Elevations at a scale of not less than 1:200
 - o Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - o 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

Fee Recd. € <u>80.00</u>	<u>DATE STAMP</u>
Receipt No <u>137490</u>	Tipperary County Council Planning Section by email
Date <u>19/05/2026</u>	Received: 20/05/2026
Received by <u>DOB</u>	File ref: S5/26/76

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

FOY Architecture

Castletroy,
Co. Limerick
cf@foyarchitecture.com
www.foyarchitecture.com

Date: 19/05/2026

Ref: Section 5 Declaration of Exempt Development

Dear Sir, Madam,

Please find enclosed drawings relating to a proposed single-storey flat-roof rear extension of 28.4 sqm at 23 Shoreside, Cullenagh, Ballina, Co.Tipperary, V94 X3HE, for which a Section 5 Declaration of Exempt Development is sought. The purpose of the extension is to enhance the living quality of the home by enlarging the kitchen and dining area, creating an additional lounge area within the kitchen / dining area and enlarged utility.

Drawings enclosed include:

- Site Location Map 1:1000
- Site Layout Plan 1:500
- Proposed Plan 1:80
- Proposed Elevations 1:100
- Receipt of Payment 80 EUR

Correspondance in relation to the above application can be made to Foy Architecture;

cf@foyarchitecture.com

If you require any further information, please so not hesitation to get in touch.

Kind regards,



Cornelia Foley

.



Foy Architecture
Castletroy
Co.Limerick

Tipperary County Council
Planning Section by email
Received: 20/05/2026
File ref: S5/26/76

23 SHORESIDE HOUSE
PROPOSED EXTENSION

SECTION 5 DECLARATION

14.04.2026

Planning Pack Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 570258,673930

PUBLISHED:
18/05/2026

ORDER NO.:
50536454_1

MAP SERIES:
1:2,500

MAP SHEETS:
4389-B

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

www.tailte.ie

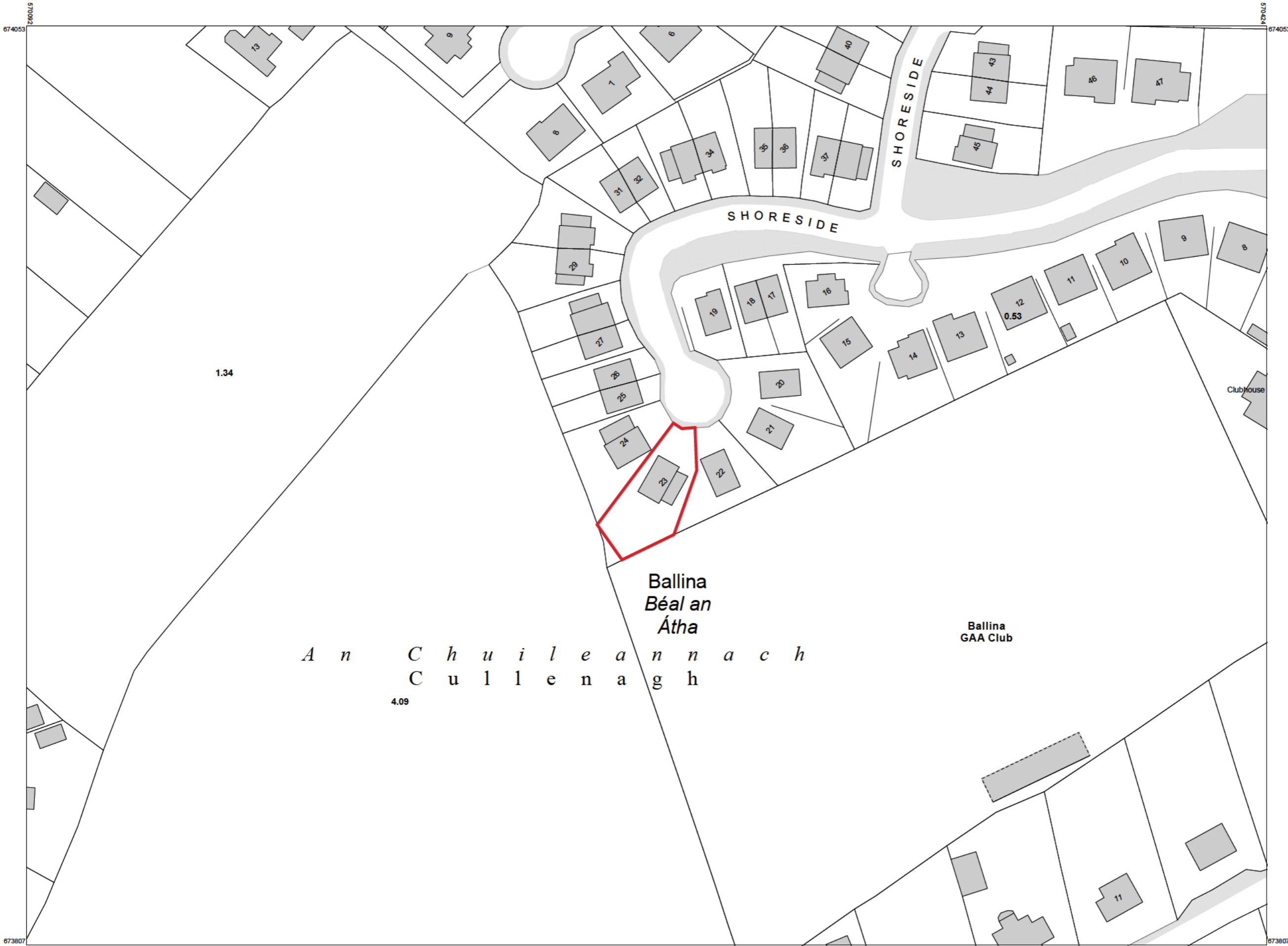
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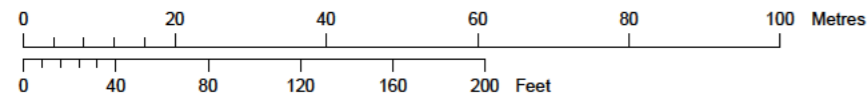
1.34

4.09

Ballina
Béal an
Átha

A n C h u i l e a n n a c h
C u l l e n a g h

Ballina
GAA Club

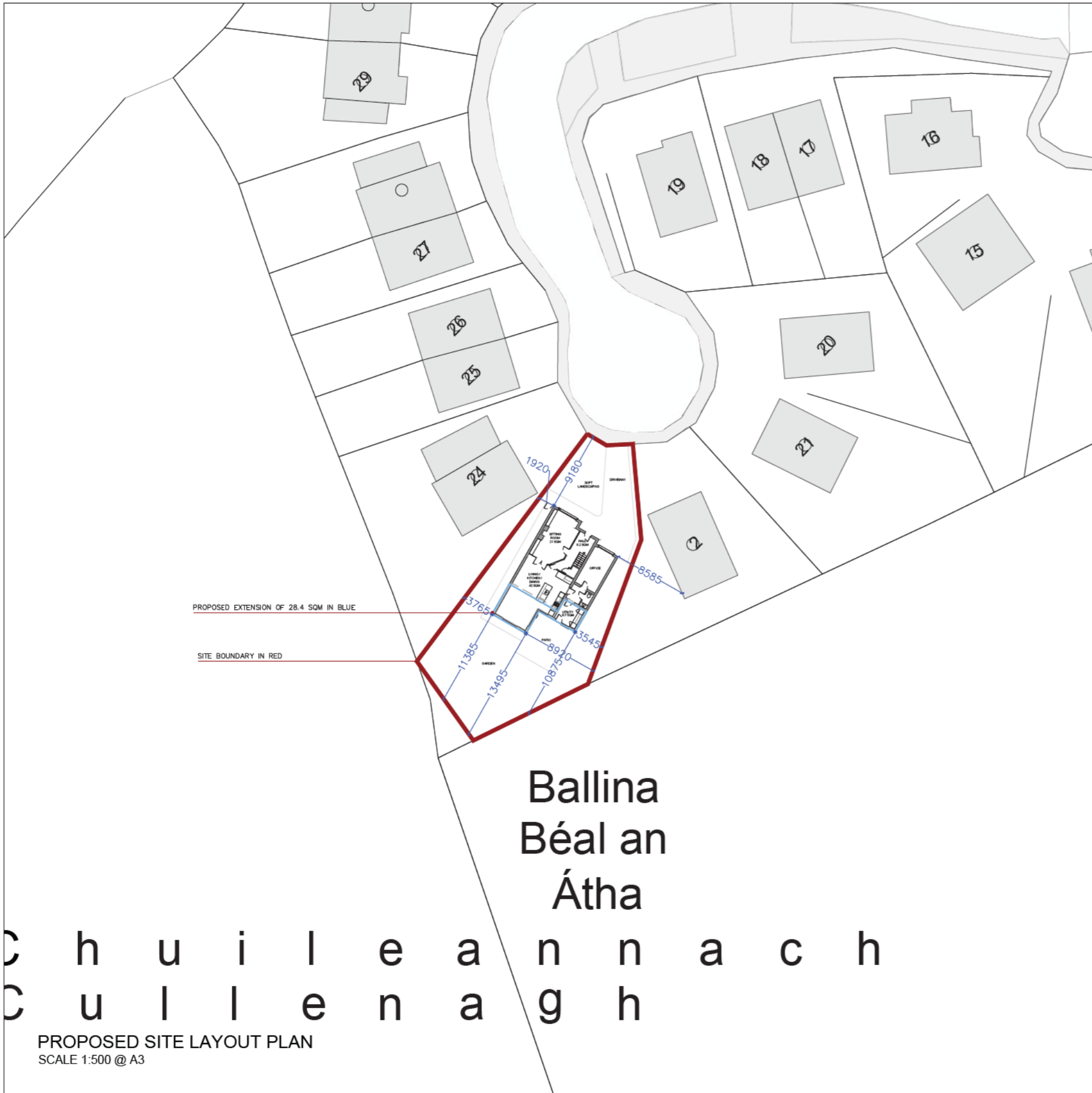


OUTPUT SCALE: 1:1,000

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

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





GENERAL NOTES:

1. All works to be carried out in accordance with current Building Regulations.
2. Contractor to verify all dimensions and site conditions prior to commencement. Do not scale from drawings.
3. All discrepancies to be reported before proceeding.
4. All materials and workmanship to comply with relevant standards and manufacturer's recommendations.
5. All new work to match existing unless noted otherwise.
6. Contractor to ensure all works are carried out by suitably qualified trades.
7. Provide all necessary temporary works, protection and supports as required during construction.
8. All services (water, drainage, electrical, heating, etc.) to be extended and connected to existing systems as required. Coordinate all service routes to minimise visual impact.
9. All redundant services to be removed or properly capped.
10. Ensure continuity of insulation and airtightness throughout the works. Avoid cold bridging at all junctions.
11. All structural elements to be installed in accordance with Structural Engineer's drawings and specifications.
12. Maintain weatherproofing and security of the existing dwelling throughout the works.
13. Contractor to allow for all making good to disturbed finishes internally and externally.
14. All waste materials to be removed from site and disposed of in accordance with current regulations.

Drainage:
All drainage works to comply with Building Regulations. Connections to existing systems to be confirmed on site. Existing drainage to be relocated to facilitate construction of new extension.

Levels:
Finished floor levels to be coordinated with existing dwelling unless noted otherwise.

Thermal upgrade:
Existing elements to be upgraded where required to meet Part L of the Building Regulations. Refer to BER Advisory Report.

Openings:
All windows to have opening sections to give a minimum of 5% of floor area as ventilation to each room.

Electrical:
Install new electrical fittings to meet current building regulations. Quantity and location TBD by client. All power outlet requirements to be confirmed on site with client. Allow for removal of existing as required and supply and install of an agreed number of double sockets and lights.

Heating:
Additional radiators to be added to existing heating system. Location to be agreed with client.

Alarm:
Alarm to be linked to existing dwelling alarm system.

GENERAL NOTES:

ALL DIMENSIONS TO BE CHECKED ON SITE
NO DIMENSIONS TO BE SCALED FROM THIS DRAWING
THIS DRAWING IS TO BE READ IN CONJUNCTION WITH
RELEVANT CONSULTANTS DRAWINGS, WHERE APPLICABLE.

**NOT FOR CONSTRUCTION.
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REV.	DATE	DESCRIPTION	DRAWN
-	14.05.26	PRICING	CF

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CASTLETROY
CO. LIMERICK

T: foyarchitecture.com
E: cf@foyarchitecture.ie

PROJECT TITLE			
BALLINA EXTENSION			
DRAWING TITLE			
PROPOSED SITE LAYOUT PLAN			
DRAWING STATUS			
FOR PRICING PURPOSES ONLY			
DRAWING NUMBER			
AR - 00 - 001			
SCALE	AS NOTED	DATE	14-05-26
		DRAWN	CF
SIZE	A3	REVISION	-
		CHK	CF

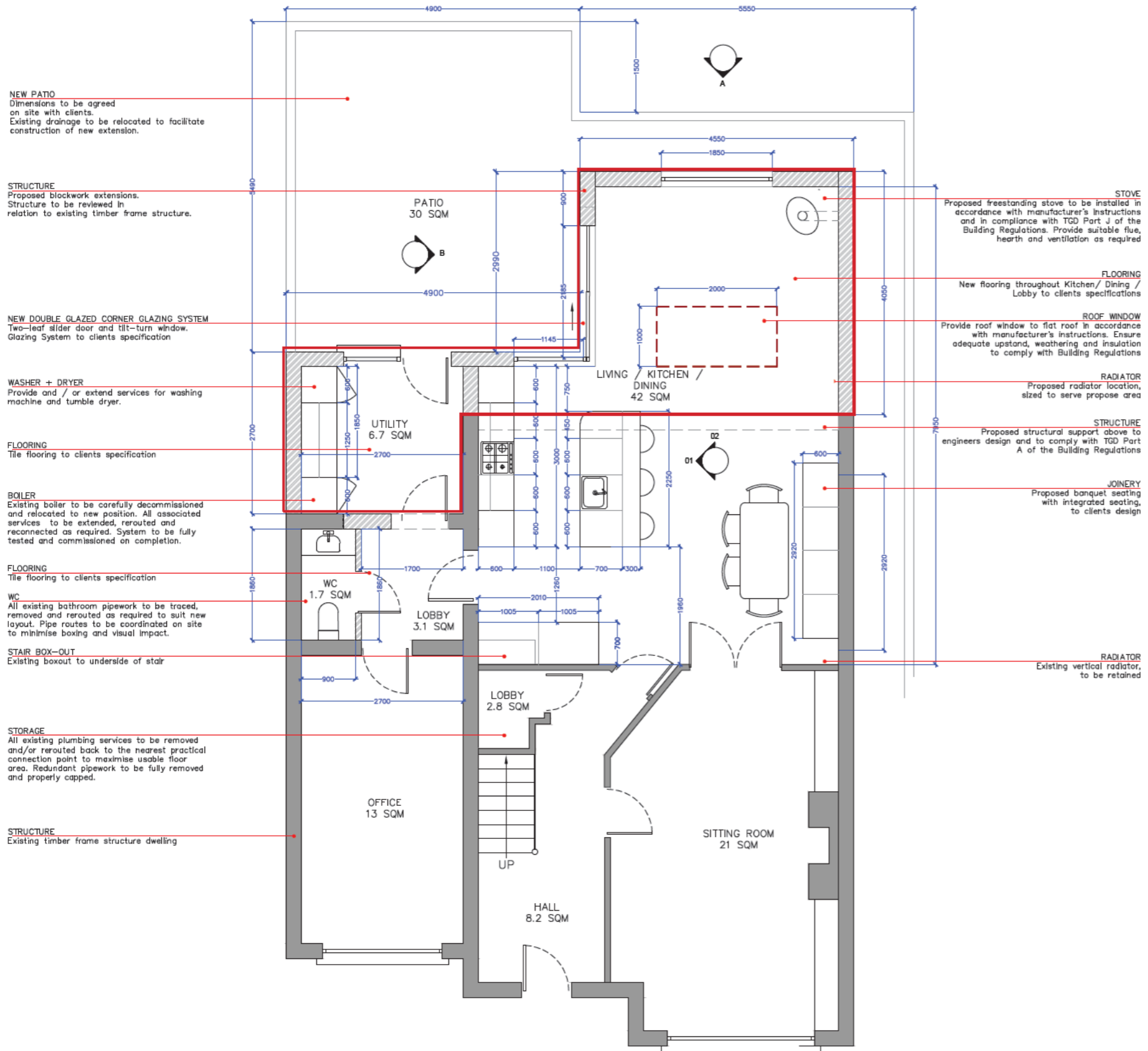
**Ballina
Béal an
Átha**

C h u i l e a n n a c h
C u i l e n a g h

PROPOSED SITE LAYOUT PLAN
SCALE 1:500 @ A3



OUTLINE OF PROPOSED EXTENSION



PROPOSED GROUND FLOOR
SCALE 1:80 @ A3

GENERAL NOTES:

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- All redundant services to be removed or properly capped.
- Ensure continuity of insulation and airtightness throughout the works. Avoid cold bridging at all junctions.
- All structural elements to be installed in accordance with Structural Engineer's drawings and specifications.
- Maintain weatherproofing and security of the existing dwelling throughout the works.
- Contractor to allow for all making good to disturbed finishes internally and externally.
- All waste materials to be removed from site and disposed of in accordance with current regulations.

- Drainage:**
All drainage works to comply with Building Regulations. Connections to existing systems to be confirmed on site. Existing drainage to be relocated to facilitate construction of new extension.
- Levels:**
Finished floor levels to be coordinated with existing dwelling unless noted otherwise.
- Thermal upgrade:**
Existing elements to be upgraded where required to meet Part L of the Building Regulations. Refer to BER Advisory Report.
- Openings:**
All windows to have opening sections to give a minimum of 5% of floor area as ventilation to each room.
- Electrical:**
Install new electrical fittings to meet current building regulations. Quantity and location TBD by client. All power outlet requirements to be confirmed on site with client. Allow for removal of existing as required and supply and install of an agreed number of double sockets and lights.
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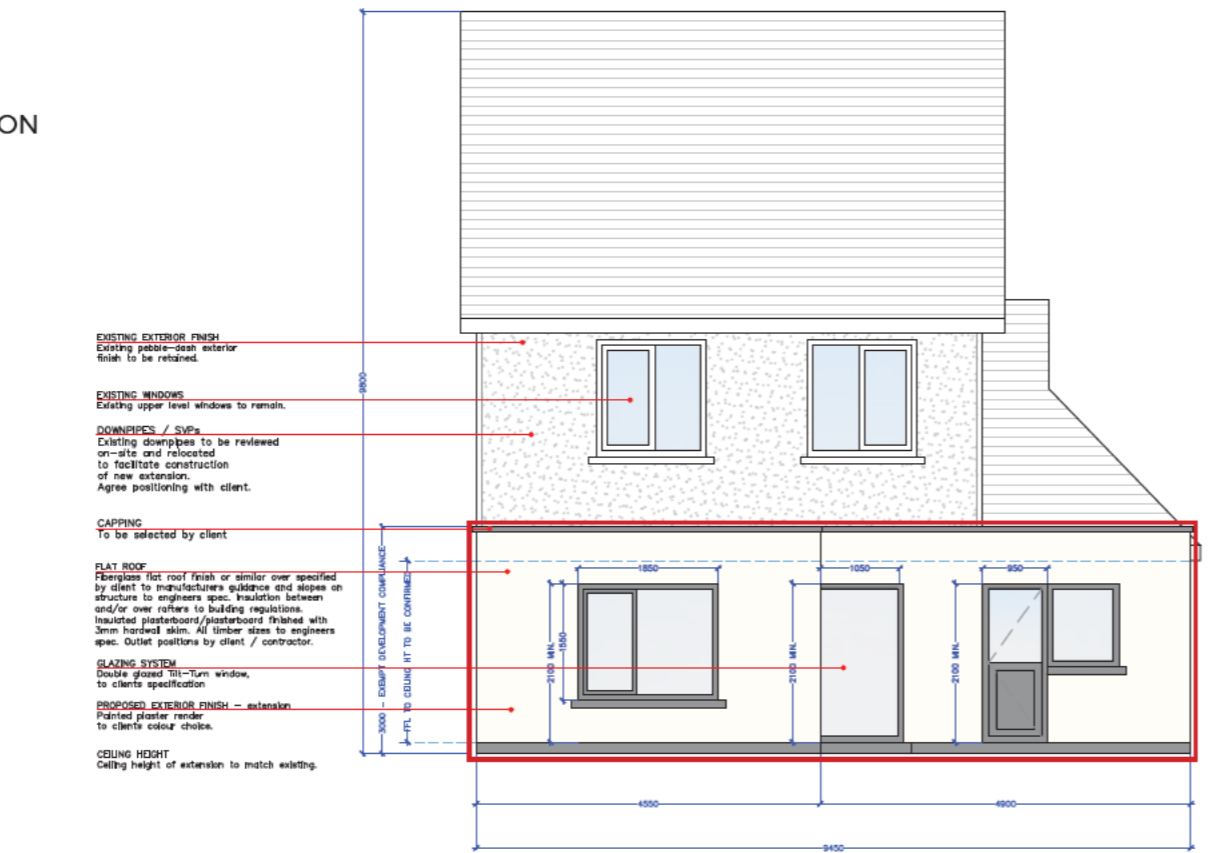


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CO. LIMERICK

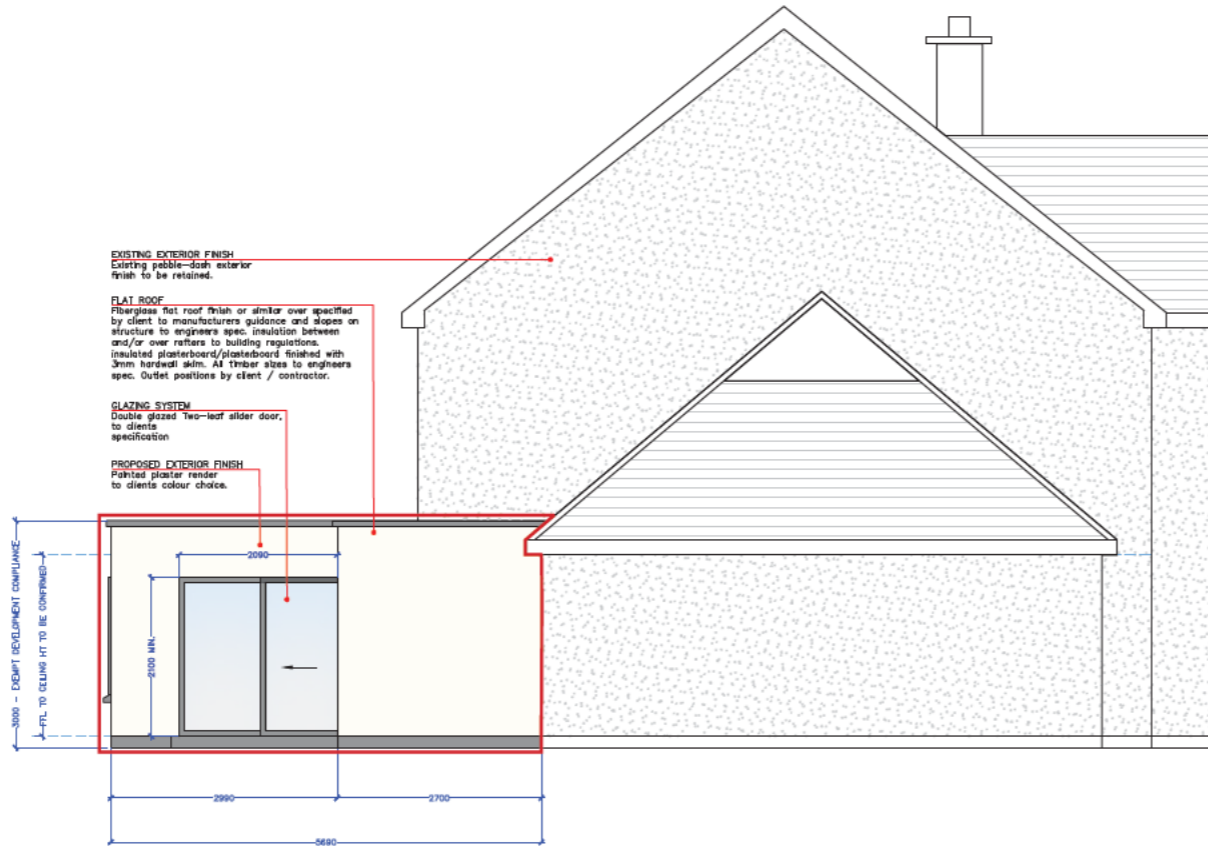
T: foyarchitecture.com
E: cf@foyarchitecture.ie

PROJECT TITLE	BALLINA EXTENSION		
DRAWING TITLE	PROPOSED GROUND FLOOR LAYOUT		
DRAWING STATUS	FOR PRICING PURPOSES ONLY		
DRAWING NUMBER	AR - 01 - 001		
SCALE	AS NOTED	DATE	14-05-26
DRAWN	CF	CHK	CF
SIZE	A3	REVISION	-

OUTLINE OF PROPOSED EXTENSION



EXTENSION REAR ELEVATION - A



EXTENSION SIDE ELEVATION - B

PROPOSED EXTERIOR ELEVATIONS
SCALE 1:100 @ A3

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E: cf@foyarchitecture.ie

PROJECT TITLE
BALLINA EXTENSION

DRAWING TITLE
PROPOSED EXTERIOR ELEVATIONS

DRAWING STATUS
FOR PRICING PURPOSES ONLY

DRAWING NUMBER
AR - 02 - 001

SCALE	AS NOTED	DATE	14-05-26	DRAWN	CF
SIZE	A3	REVISION	-	CHK	CF



Cash Office
Tipperary County Council
Civic Offices
Nenagh
Co Tipperary

19/05/2026 11:47:00

Receipt No. : NENAM1/0/137490

FOY ARCHITECTURE
CASTLETROY
CO. LIMERICK

REF: MICHELLE RYAN, BALLINA

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



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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

t 0818 06 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 20th May 2026

Our Ref: S5/26/76

Civic Offices, Clonmel

**Michelle Ryan & Paul O'Connor,
C/O Corneila Foley,
Foy Architecture,
Castletroy,
Co. Limerick**

Re: Application for a Section 5 Declaration – Proposed single story flat roof extension to rear of dwelling, comprised of kitchen and utility living area at 23 Shoreside, Cullenagh, Ballina Co. Tipperary, V94 X3HE.

Dear Ms. Foley,

I acknowledge receipt of your application for a Section 5 Declaration received on 20th 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.: S5/26/76

Applicant: Michelle Ryan & Paul O Connor

Development Address: 23 Shoreside, Cullenagh, Ballina Co. Tipperary, V94 X3HE

Proposed Development: Proposed single storey flat roof extension to rear of dwelling, comprised of kitchen and utility living area.

1. GENERAL

On the 20/05/2026, 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 No. 23 Shoreside, Cullenagh, Ballina Co. Tipperary, V94 X3HE:

- Proposed single storey flat roof extension to rear of dwelling, comprised of kitchen and utility living area

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.*

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. 23 Shoreside, Cullenagh, Ballina Co. Tipperary, V94 X3HE. It contains a detached dwelling.

b. Relevant Planning History

5118327 – Planning permission granted for 55 dwellings and associated site works

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.

A) “Is or is not Development”

It is considered that the above listed proposal 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 dwellinghouse has not been previously extended and the floorarea of the proposed extension would be 28.4sqm.

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 dwellinghouse has not been previously extended. The proposal is for a ground floor extension to a detached dwellinghouse. The extension would have a floor area of 28.4 sqm, which is below the 40 sqm allowance.

(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.

Not applicable as the proposal relates to a detached dwellinghouse.

(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 ground floor extension only.

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 existing dwelling is of part two storey and part single storey construction. It therefore has varying heights. The dwellinghouse does not include a gable and the height of the walls of the extension would exceed the height of the rear wall of the house on its eastern side, where the single storey element is located. As such, the proposal fails to comply with Condition/Limitation 4(a).

(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 existing dwelling is of part two storey and part single storey construction. It therefore has varying eaves heights. The proposed extension would have a flat roof, which would exceed the height of the eaves of the dwelling on its eastern side, where the single storey element is located. As such, the proposal fails to comply with Condition/Limitation 4(c).

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 for the roof to be used as a balcony.

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. 23 Shoreside, Cullenagh, Ballina Co. Tipperary, V94 X3HE is or is not exempted development:

- Proposed single storey flat roof extension to rear of dwelling, comprised of kitchen and utility living area

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

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

Tipperary County Council has concluded that the 'Proposed single storey flat roof extension to rear of dwelling, comprised of kitchen and utility living area', is development and is **not exempted development** as:

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

District Planner:

Olive O'Donnell

Date: 10/06/2026

Senior Executive Planner:

Jonathan Flood

Date: 10/6/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/26/76
(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
Slieve Aughty Mountains SPA	https://www.npws.ie/protected-sites/spa/004168	Within 15km	None	No
Slieve Bernagh Bog SAC	https://www.npws.ie/protected-sites/sac/002312	Within 10km	None	No
Clare Glen SAC	https://www.npws.ie/protected-sites/sac/000930	Within 15km	None	No
Silvermine Mountains SAC	https://www.npws.ie/protected-sites/sac/000939	Within 10km	None	No
Glenomra Wood SAC	https://www.npws.ie/protected-sites/sac/001013	Within 15km	None	No
Keeper Hill SAC	https://www.npws.ie/protected-sites/sac/001197	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 500m	None	No
Silvermines Mountain West	https://www.npws.ie/protected-sites/sac/002258	Within 15km	None	No
Lower River Shannon SAC	https://www.npws.ie/protected-sites/sac/002165	Within 10km	None	No
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/sac/004058	Within 10km	None	No

Slievefelim to Silvermines Mountains SPA	https://www.npws.ie/protected-sites/sac/004165	Within 10km	None	No
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STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> Vegetation clearance Demolition 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.
Operational phase e.g. <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:

Examples of the type of changes to give consideration to include: <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

STEP 4. Screening Determination Statement

The assessment of significance of effects:

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

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

The proposed development is not likely to have significant effects.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	Date: 10/06/2026

EIA PRE-SCREENING

Establishing a development is a 'sub-threshold development'

File Reference:	S5/26/76
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)	
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2	No Screening required
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____	EIA is mandatory No Screening required
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____	Proceed to Part C
C. If Yes, has Schedule 7A information/screening report been submitted?	
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant	Screening Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/76** **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 Michelle Ryan & Paul O'Connor, C/O Corneila Foley, Foy Architecture, Killonan, Castletroy, Co. Limerick, V94 P76D, re: Proposed single storey flat roof extension to rear of dwelling, comprised of kitchen and utility living area at 23 Shoreside, Cullenagh, Ballina Co. Tipperary, V94 X3HE is development and is exempted development.

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

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

Tipperary County Council has concluded that the 'Proposed single storey flat roof extension to rear of dwelling, comprised of kitchen and utility living area', is development and is **not exempted development as:**

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

Signed: 
Brian Beck
Director of Services

Date: 11/06/2026



Date: 11th June 2026

Our Ref: S5/26/76

Civic Offices, Nenagh

**Michelle Ryan & Paul O'Connor,
C/O Corneila Foley,
Foy Architecture,
Killonan,
Castletroy,
Co. Limerick,
V94 P76D**

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

Dear Sir/Madam,

I refer to your application for a Section 5 Declaration received on 20th May 2026 in relation to the following proposed works:

Proposed single storey flat roof extension to rear of dwelling, comprised of kitchen and utility living area at 23 Shoreside, Cullenagh, Ballina Co. Tipperary, V94 X3HE.

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.
- The declaration application and supporting information.
- The Planning history of the site.

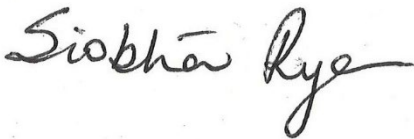
Tipperary County Council has concluded that the 'Proposed single storey flat roof extension to rear of dwelling, comprised of kitchen and utility living area', is development and is **not exempted development as:**

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

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'.

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

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 'e'.

for **Director of Services**