



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

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

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

Applicant	Patrick King
Address	Carney Commons Carney Nenagh Co. Tipperary E45 TD70
Telephone No.	<del>XXXXXXXXXX</del>
E-mail	<del>XXXXXXXXXX</del>

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

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

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	Carney Commons Carney Nenagh Co. Tipperary E45 TD70
---	--

TIPPERARY COUNTY COUNCIL  
PLANNING SECTION  
14 MAR 2024  
FILE NO. 85/24/35

**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.)

The proposed development is a 40 sq metre extension	
to the rear of the <sup>existing</sup> property. The extension is to	
accommodate a new kitchen / living area to make it	
more functional for a family of four.	
Proposed floor area of proposed works/uses: 40 sqm	

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

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

Signature of Applicant(s)



Date: 13/03/24

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

## GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
  - 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**

**OR**

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

**Enquires:**

**Telephone 0818 06 5000**

**E-Mail [planning@tipperarycoco.ie](mailto:planning@tipperarycoco.ie)**

**FOR OFFICE USE ONLY**

**DATE STAMP**

**Fee Recd. € 80**

**Receipt No 118395**

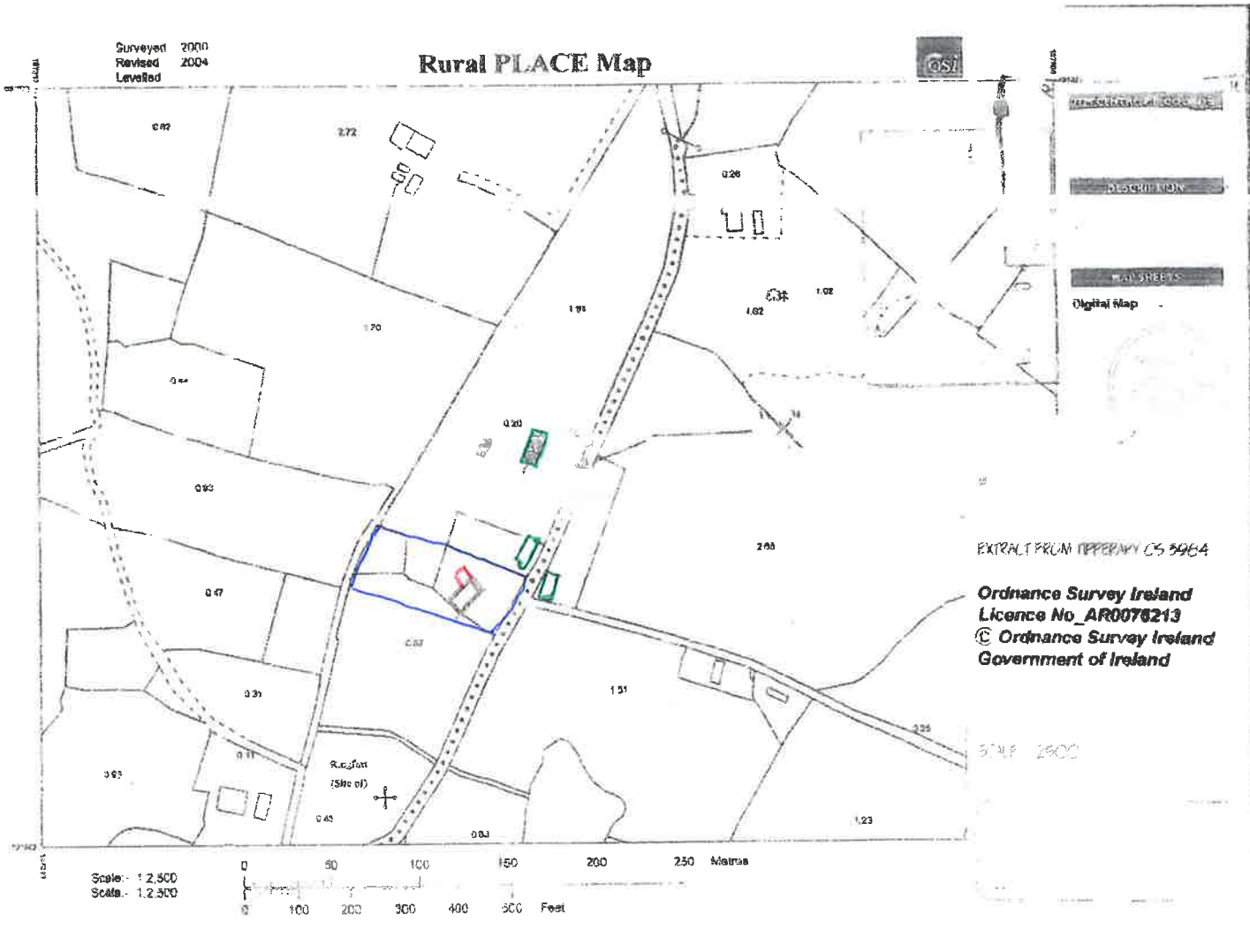
**Date 14/03/2024**

**Received by**



2

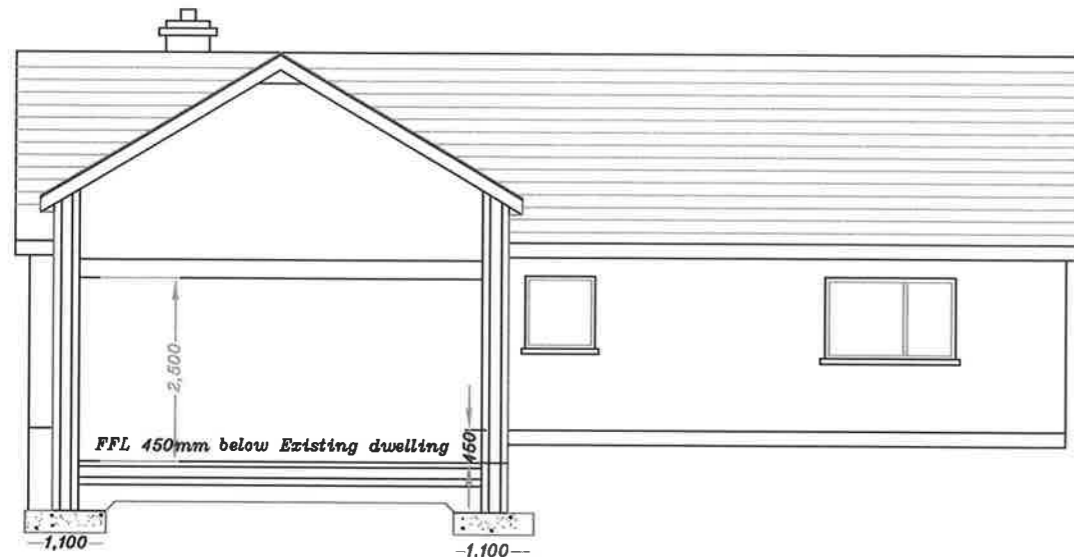
TIPPERARY CO. COUNCIL  
RECEIVED  
14 MAR 2024  
PLANNING SECTION  
FILE NO. 35/24/35



PROJECT Proposed Extension/ Renovations for Paddy King	
at Carney Commons, Carney, Nenagh, Co Tipperary E45 TD 70	
SCALE 1:100 (A3)	REVISIONS
TITLE - Sections/ Elevations	
DATE - FEB 2024	DRG NO PK 2
DRAWN BY D. Cleary Ballyroulke Bonfiskane, Phone 086 3804656	

- ⊙ ALL WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS
- ⊙ Radon sump and vent pipe to be installed which terminates outside and is capped. Pipe can be extended and fan fitted should subsequent Radon tests require it.
- ⊙ Wall, floor, attic insulation, windows, to comply with current part L Regulations
- ⊙ Ramp approach to new door- gradient 1:12 max. to be constructed as per TGD Part M
- ⊙ All dimensions to be checked on site
- ⊙ All dimensions in millimeters

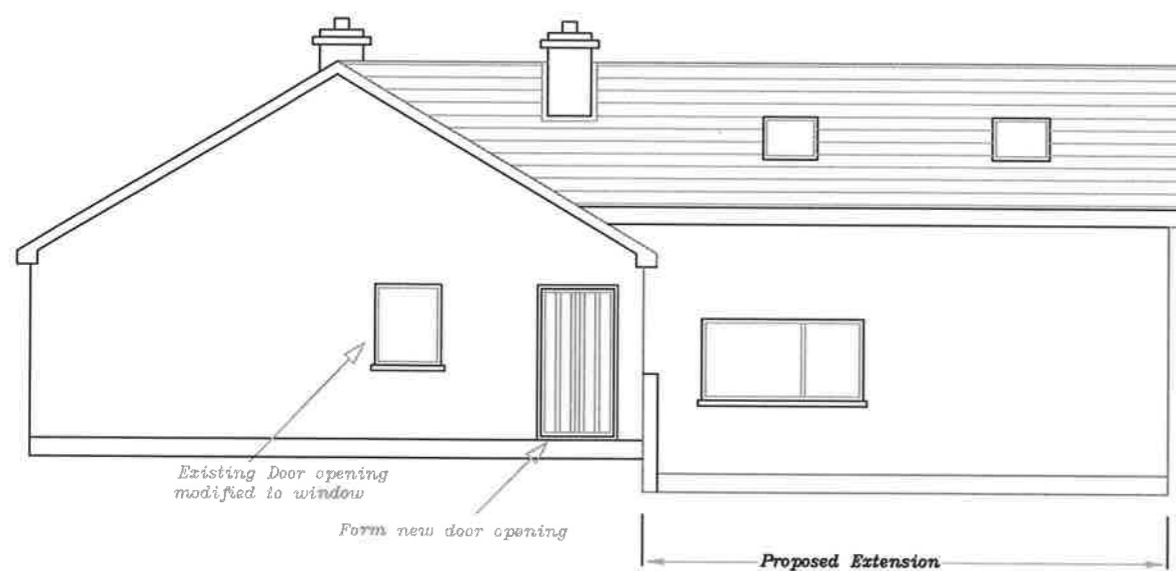
TIPPERARY CO. COUNCIL  
RECEIVED  
14 MAR 2024  
PLANNING SECTION  
FILE NO. 25/24/35



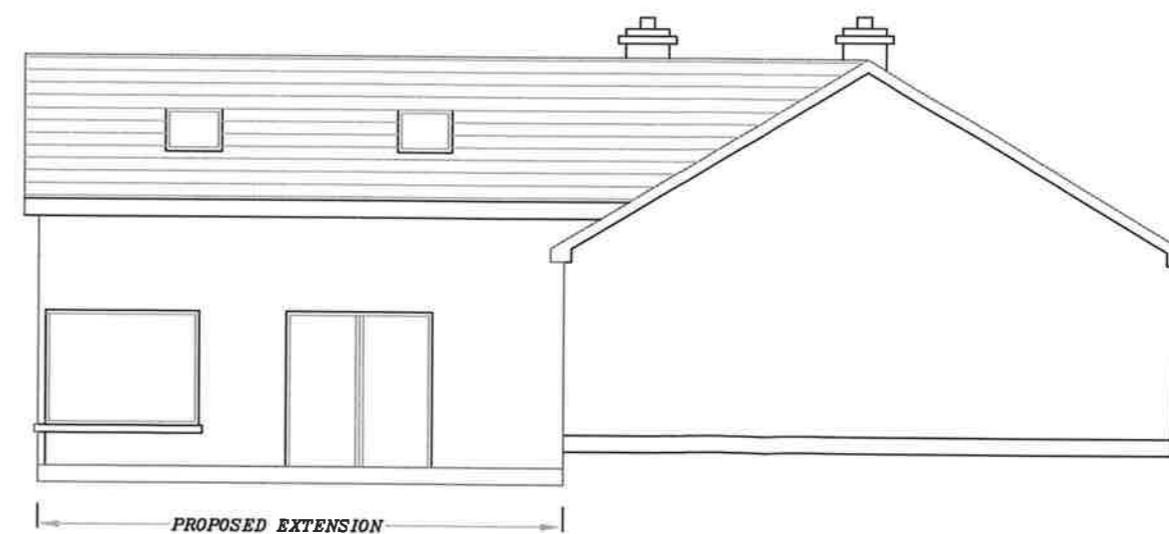
**SECTION S/S**

ROOF - Specification to be confirmed

WALLS (Specification to be approved)  
360mm cavity wall construction, consisting of 100mm conc. block, inner leaf 160mm cavity with insulation to comply with regulations and 100mm conc block outer leaf.  
FNDS.  
To sizes and widths shown. 4 No 12mm Reinforced bars to external walls, 3 No. 12mm $\varnothing$  reinforcing bars to all internal walls with 3 No. 12mm $\varnothing$  reinforcing bars.  
(Engineer to inspect foundations to confirm)



**SIDE ELEVATION (D).**

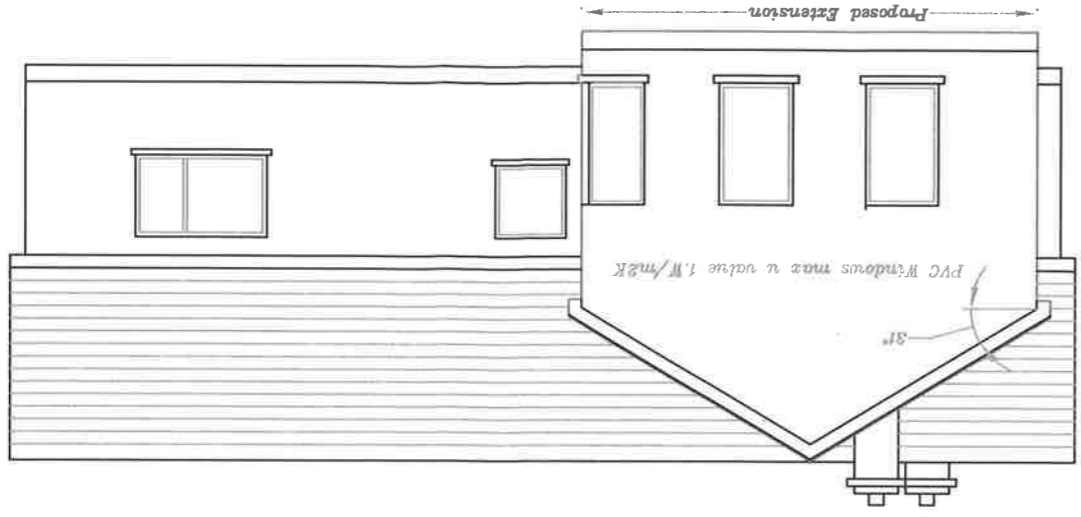


**SIDE ELEVATION (B).**

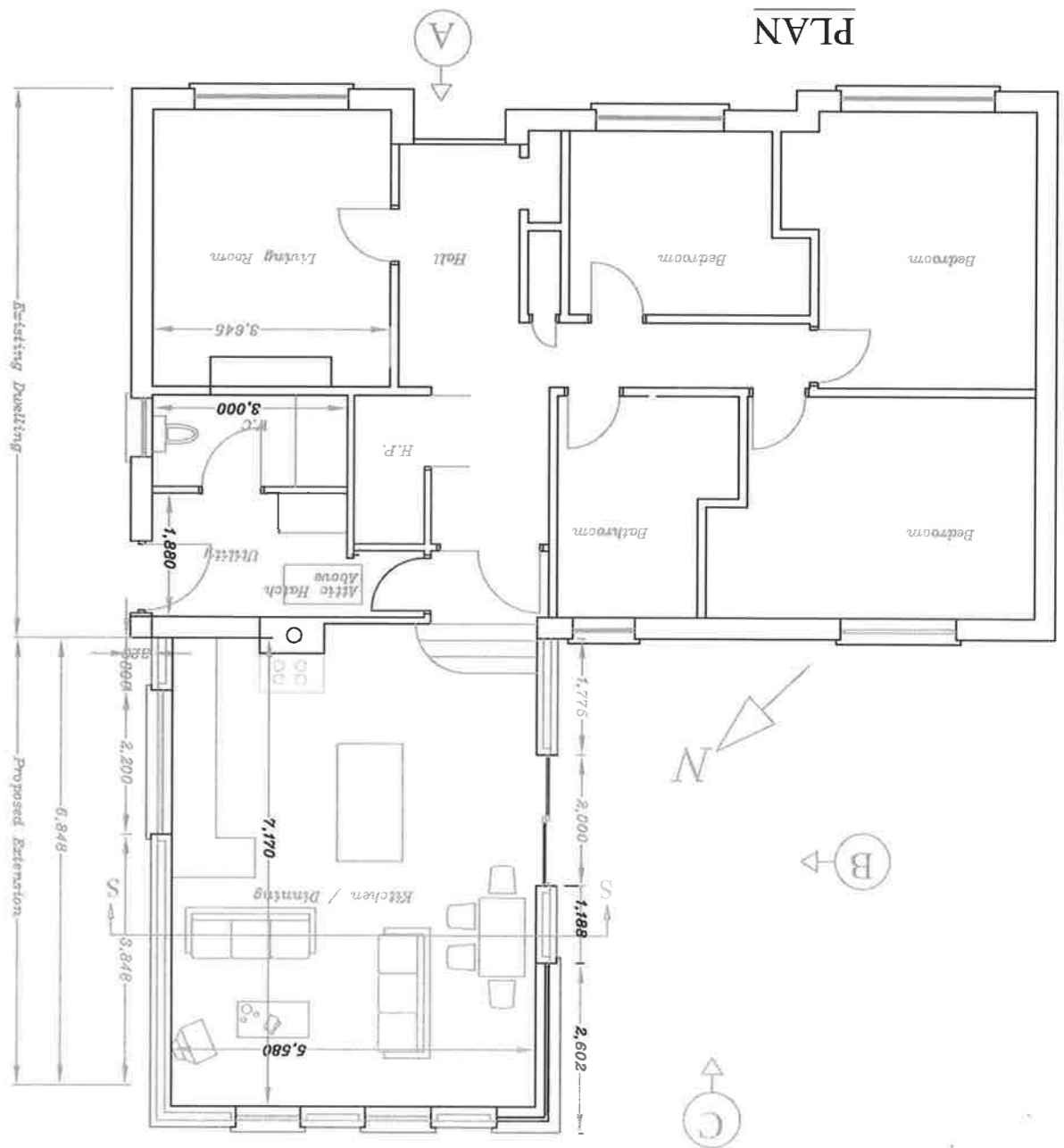
FRONT ELEVATION (A).



BACK ELEVATION (C).



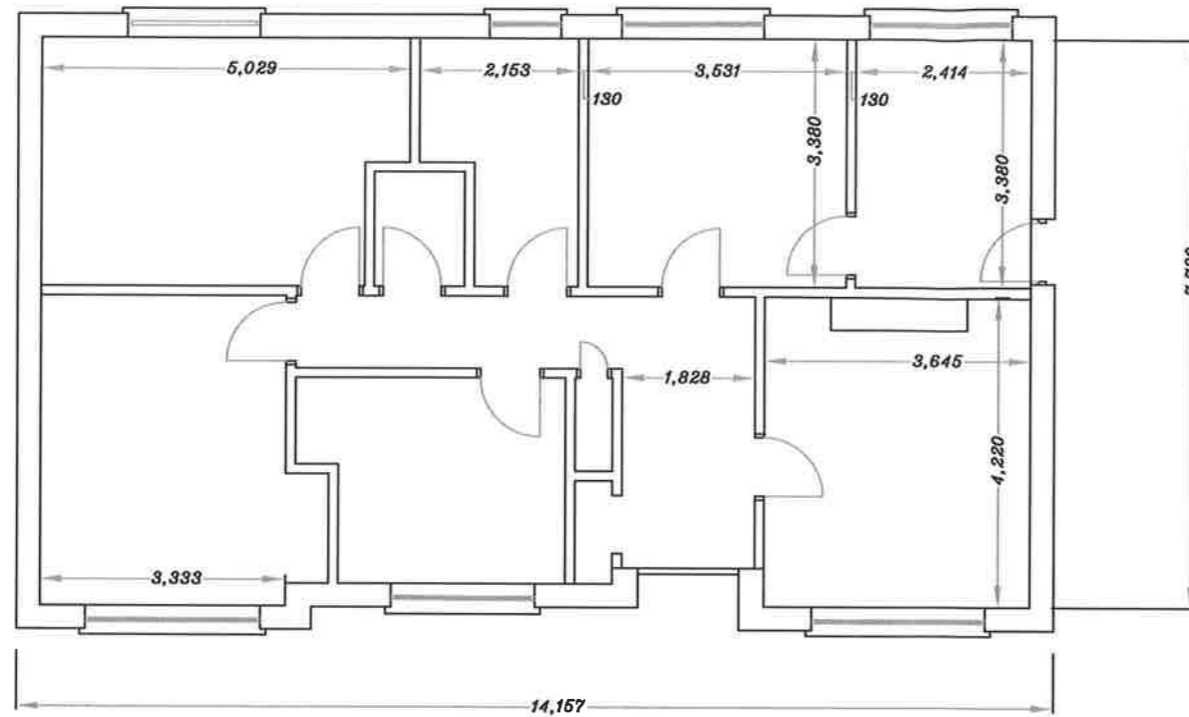
PLAN



PROJECT Proposed Extension/ Renovations for Paddy King at Carney Commons, Carney, Nenagh, Co Tipperary E45 TD 7U	
SCALE: REVISIONS: 1:100 (A3)	TITLE: Plan / Elevations
DATE: FEB 2024	DRG NO: PN 1
DRAWN BY: D. Cleary Ballyroark Borrisokane Phone 086 3804656	

TIPPERARY CO. COUNCIL  
 RECEIVED  
 14 MAR 2024  
 PLANNING SECTION  
 FILE NO. 35/24/35

- ⊗ ALL WORKS TO COMPLY WITH CURRENT BUILDING REGULATIONS
- ⊗ Radon sump and vent pipe to be installed which terminates outside and is capped. Pipe can be extended and fan fixed should subsequent Radon tests require it.
- ⊗ Wall, floor and ceiling insulation, windows, to comply with current part L Regulations
- ⊗ Ramp approach to new door - gradient 1:12 max. to be constructed as per FGD Part M
- ⊗ All dimensions to be checked on site
- ⊗ All dimensions in millimeters



PLAN



FRONT ELEVATION (A).

TIPPERARY CO. COUNCIL  
 RECEIVED  
 14 MAR 2024  
 PLANNING SECTION  
 FILE NO. 85/24/35

Existing Dwelling  
 at Carney Commons, Carney,  
 Nenagh, Co Tipperary E45 TD 70



 Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

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

Date: 19 March, 2024

Our Ref: S5/24/35

Civic Offices, Nenagh

**Patrick King,  
Carney Commons,  
Carney,  
Nenagh,  
Co. Tipperary, E45 TD70.**

**Re: Application for a Section 5 Declaration – 40 sq. m. domestic extension to rear of property at Carney Commons, Carney, Nenagh, Co. Tipperary.**

Dear Sir/Madam

I acknowledge receipt of your application for a Section 5 Declaration received on 14<sup>th</sup> March, 2024, in connection with the above.

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

Yours faithfully

  
for **Director of Services**

*Uploaded*

# TIPPERARY COUNTY COUNCIL

## Application for Declaration under Section 5

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

---

**Planning Ref.:** S5/24/35  
**Applicant:** Patrick King  
**Development Address:** Carney Commons, Carney, Nenagh, Co. Tipperary  
**Proposed Development:** 40sq.m single storey extension to the rear of the existing house, to accommodate a new kitchen/living area.

---

### **1. GENERAL**

On the 14/03/2024, a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended in respect of the following development at Carney Commons, Carney, Nenagh, Co. Tipperary, E45 TD70:

- 40sq.m single storey extension to the rear of the existing house, to accommodate a new kitchen/living area.

### **2. STATUTORY PROVISIONS**

The following statutory provisions are relevant to this referral case;

Section 3 (1) of the Planning and Development Act 2000, as amended, states as follows:-

*"In this Act, 'development' means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land."*

Section 2(1) of the Planning and Development Act, 2000, as amended, defines "works" as:-

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Article 6 of the Planning and Development Regulations 2001, as amended states:  
Exempted Development.

6. (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1) (a) of the Planning and Development Regulations 2001, as amended sets out the instances where development, to which Article 6 relates, shall not be exempted development for the purposes of the Act if the carrying out of works would-

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use

Schedule 2, Part 1 'Exempted Development - General:

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows:

*The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.*

Conditions and Limitations

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

*2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

*(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.*

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

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

*(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.*

*(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.*

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

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

### **3. ASSESSMENT**

#### **a. Site Location**

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



Figure 1.0 Front view of the existing dwelling (photo taken 27/03/2024)



Figure 2.0 Rear view of the existing dwelling (photo taken 27/03/2024)

**b. Relevant Planning History**

515720 Permission granted on 09/09/1977 for a house and septic tank.

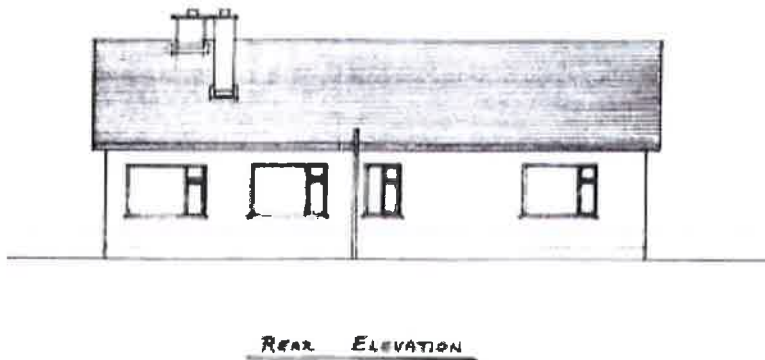
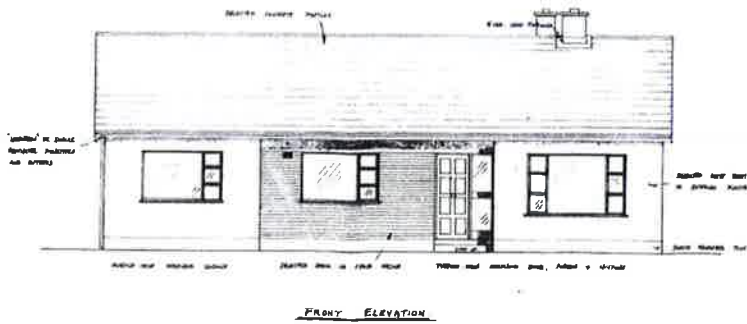
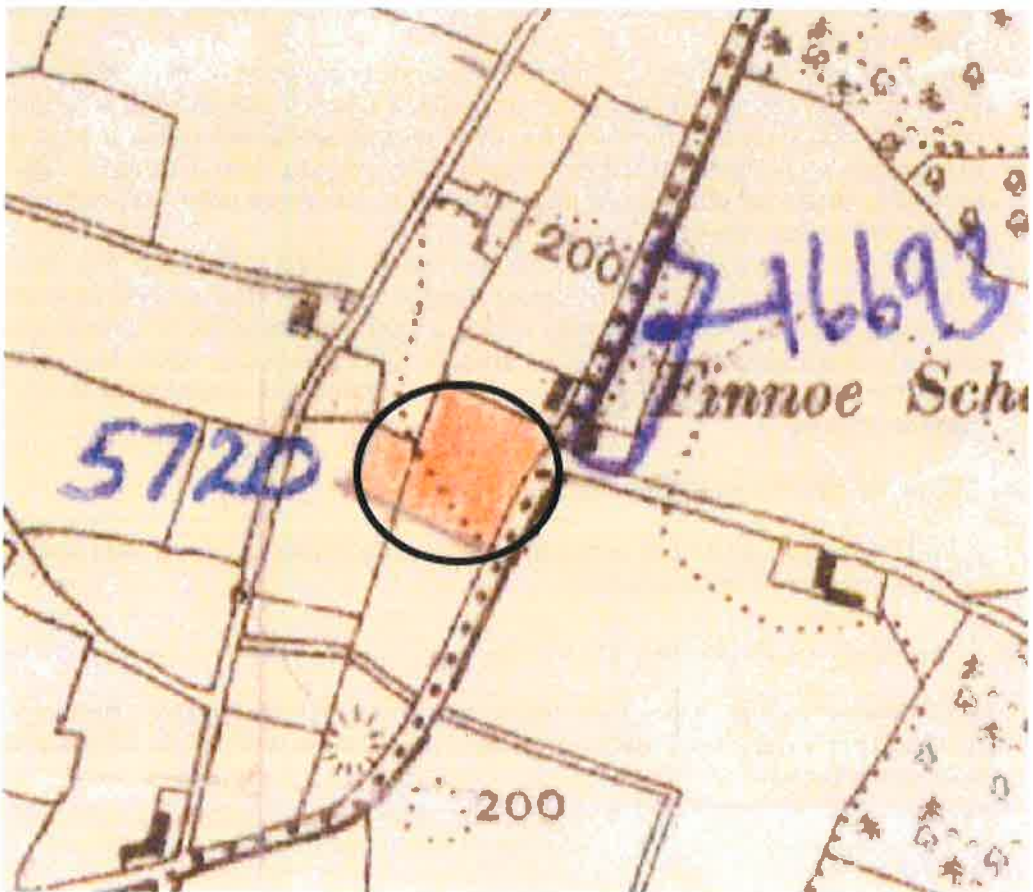


Figure 3 Planning history



Figure 4 Historic planning history



**c. Assessment**

**A) "Is or is not Development"**

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

**B) "Is or is not Exempted Development"**

Relevant parts of Class 1 are as follows:

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

Referring to the drawings under permission ref. 515720 I am satisfied that the house has not been previously extended.

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

**(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.**

**(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.**

N/a. The house has not been previously extended.

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

N/a. The proposed extension is single storey.

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

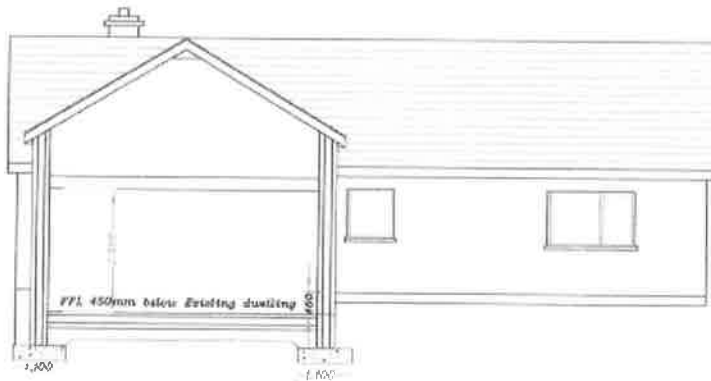
**(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.**

**(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.**

The rear wall of the house does not include a gable. The height of the walls of the proposed extension exceed the height of the rear wall of the house. As such, the proposal fails to comply with Condition/Limitation 4(a). The extension would have a pitched roof, the height of which would not exceed the height of the roof of the existing house.



BACK ELEVATION (C).



SECTION S/S

**5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.**

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

**6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.**

**(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.**



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

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

Single storey extension with pitched roof.

**C) Restrictions under Article 9**

I note no restrictions on exemptions under Article 9 of the Planning and Development Regulations 2001, as amended that would apply.

**D) Requirement for Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)**

**Appropriate Assessment (AA)**

The proposed development has been screened as to the requirement for AA and it has been determined that the requirement for Stage 2 AA does not arise. See Screening Report attached.

**Environmental Impact Assessment (EIA):**

The proposed development is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended. See screening report attached.

**4. RECOMMENDATION**

A question has arisen as to whether the proposed development at Carney Commons, Carney, Nenagh, Co. Tipperary is or is not exempted development:

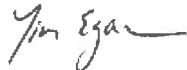
*40sq.m single storey extension to the rear of the existing house, to accommodate a new kitchen/living area.*

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 *40sq.m single storey extension to the rear of the existing house, to accommodate a new kitchen/living area*, is development and is **not exempted development**. 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*'.

District Planner:



Date: 28/03/2024

A/Senior Executive Planner:



Date: 3/4/2024

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/35**      **Delegated Employee's Order No:** \_\_\_\_\_

**SUBJECT: Section 5 Declaration**

I, Dave Carroll, A/Director of Services, Tipperary County Council, by virtue of the powers delegated to me in accordance with the provisions of Section 154 of the Local Government Act 2001, as amended by Schedule 1, Part 1 of the Local Government Reform Act 2014 under Chief Executive's Order No. 37256 dated 4th March, 2024, hereby order that pursuant to the provisions of the Planning and Development Act 2000, as amended, that an application under Section 5 from Patrick King, Carney Commons, Carney, Nenagh, Co. Tipperary, E45 TD70, re: 40sq.m single storey extension to the rear of the existing house, to accommodate a new kitchen/living area at Carney Commons, Carney, Nenagh, Co. Tipperary is development and 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 40sq.m single storey extension to the rear of the existing house, to accommodate a new kitchen/living area, is development and **is not exempted development**. 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'

**Signed:**



**Dave Carroll,  
A/Director of Services,  
Planning and Development (including Town Centre First),  
Emergency Services and Emergency Planning and  
Tipperary/Cahir/Cashel Municipal District**

**Date: 5/04/2024**

SCANNED



Comhairle Contae Thiobraid Árann  
Tipperary County Council

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

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

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

Date: 5 April 2024

Our Ref: S5/24/35

Civic Offices, Nenagh

**Patrick King,  
Carney Commons,  
Carney,  
Nenagh,  
Co. Tipperary, E45 TD70.**

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

Dear Mr King,

I refer to your application for a Section 5 Declaration received on 14<sup>th</sup> March 2024, in relation to the following proposed works:

**40sq.m single storey extension to the rear of the existing house, to accommodate a new kitchen/living area at Carney Commons, Carney, 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 –

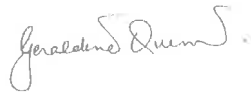
- Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- Articles, 6 and 9 of the Planning and Development Regulations 2001, as amended,
- Schedule 2, Part 1 Class 1 of the Planning and Development Regulations 2001 as amended.
- The declaration application and supporting information.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

SCANNED

Tipperary County Council has concluded that the 40sq.m single storey extension to the rear of the existing house, to accommodate a new kitchen/living area, is development and **is not exempted development**. 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'

**NOTE:** Any person issued with a Declaration of a Planning Authority may refer the Declaration for review to An Bord Pleanála, 64 Marlborough Street, Dublin 1, within four (4) weeks of the date of issue of the Declaration and on payment of the prescribed fee.

Yours sincerely,



---

for **Director of Services**