

**Comhairle Contae Thiobraid Árann**  
Tipperary County Council

As refer to SJC.  
Tipperary County Council  
RECEIVED  
19 MAR 2024  
CASH OFFICE  
Civic Offices, Clonmel

Receipt No 179 358  
€80-00 card  
19 03 2024

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

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

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

Applicant	Kathleen + Gerard Hayes
Address	No. 2 William STREET CASHEL Co. Tipperary E25WN29
Telephone No.	[REDACTED]
E-mail	

**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 [ <input checked="" type="checkbox"/> ]	Agent [ <input type="checkbox"/> ]

**3. Location of Proposed Development:**

Postal Address or Townland or Location (as may best identify the land or structure in question)	E25WN29
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**TIPPERARY CO. COUNCIL**  
**RECEIVED**  
19 MAR 2024  
PLANNING SECTION  
FILE NO. ....

**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.)

To renovate the existing garage to turn into a downstairs bedroom.	
Current garage is fully serviced.	
Proposed floor area of proposed works/uses:	sqm 6.57m x 2.67m

**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) Kathleen Hayes  
John Hayes

Date: 17/01/24

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

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)
  
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

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

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

**OR**

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

**Enquires:**

**Telephone 0818 06 5000**

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

**FOR OFFICE USE ONLY**

PLN040

**DATE STAMP**

**Fee Recd. €** \_\_\_\_\_

Receipt No \_\_\_\_\_

Date \_\_\_\_\_

Received by \_\_\_\_\_

Cashel

Map Preview A4 1:1,000 Landscape

Westey Square



William Street

Ashmore House

Ager's Lane

CASHEL



William Street

Social Services

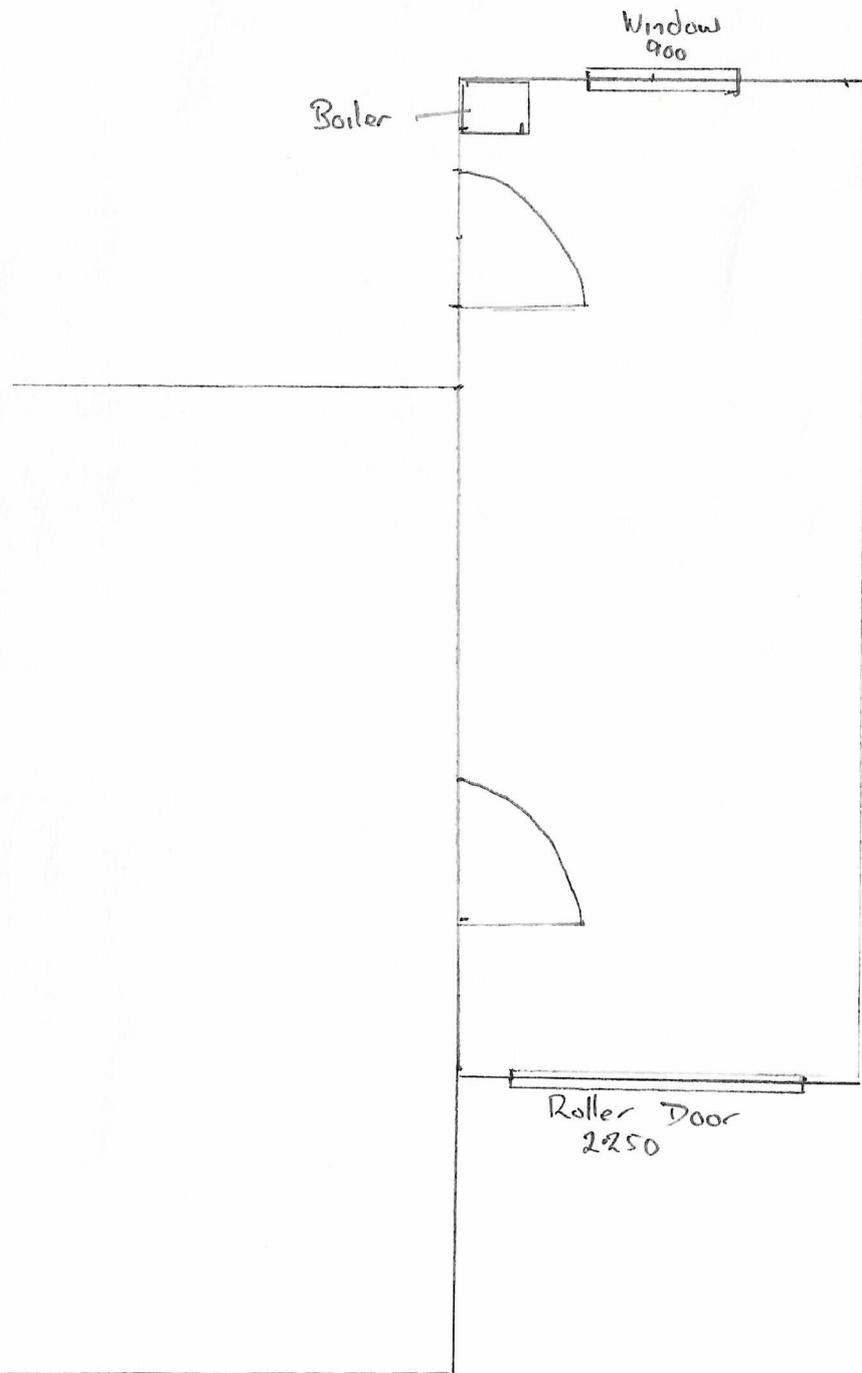
Carrig Oir

Lortca



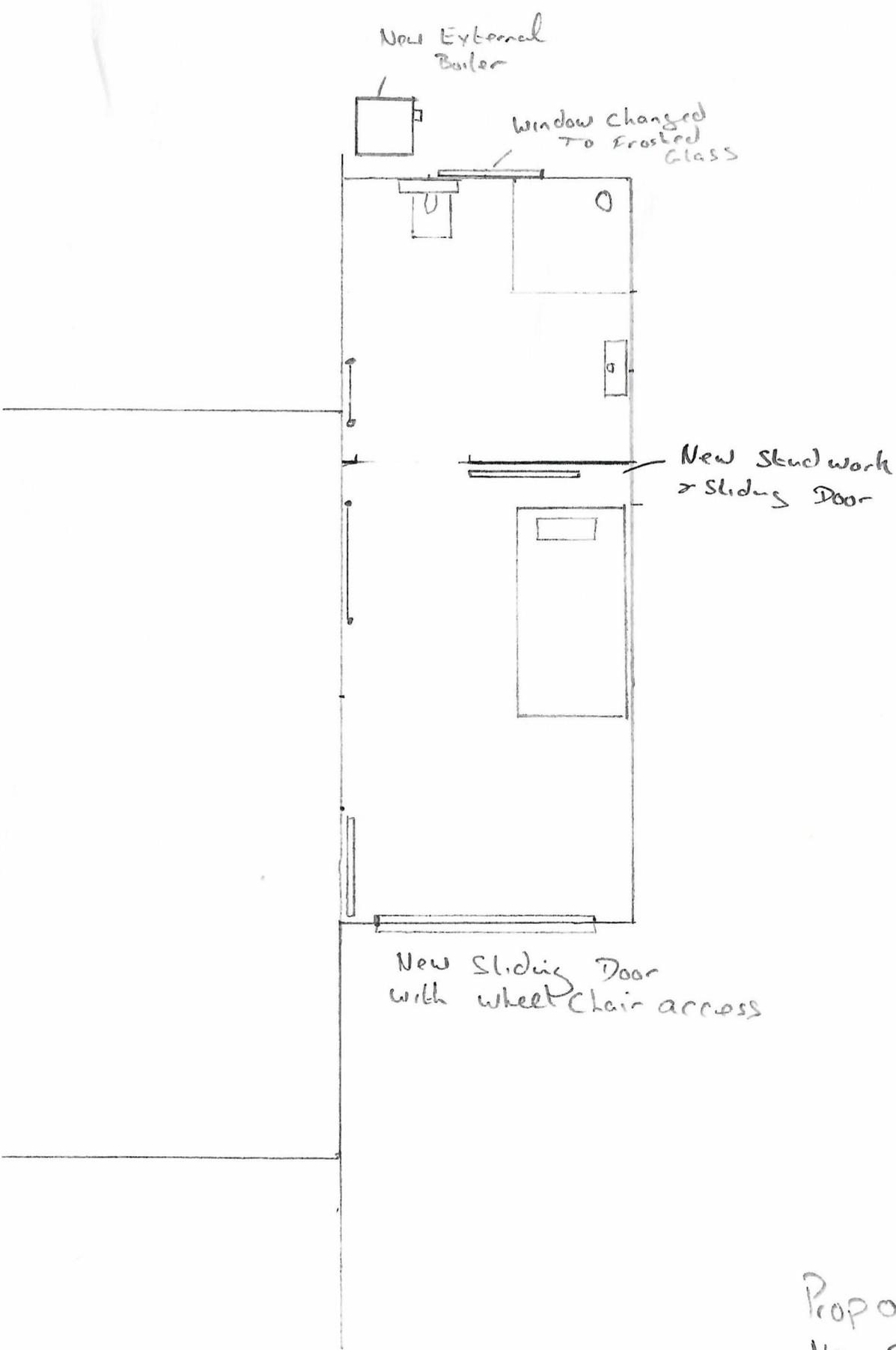
Street Map

# Existing Garage



1:50

#2 William St  
Cashel  
Co. Tipperary



New External Boiler

Window changed to Frosted Glass

New Studwork & Sliding Door

New Sliding Door with wheel chair access

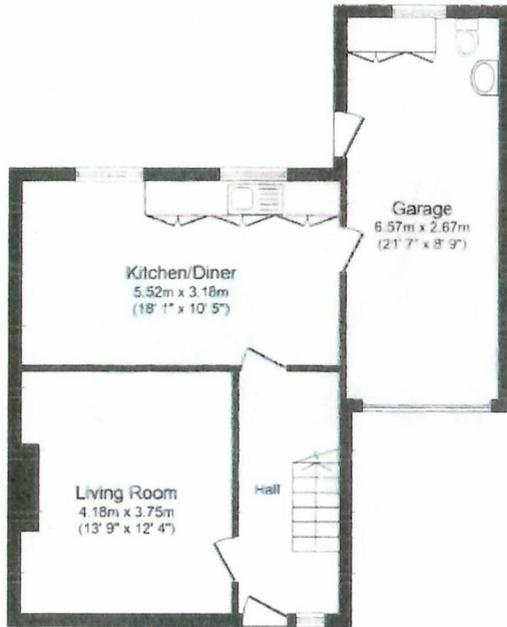
Proposed  
New Bedroom and  
Bathroom with  
DOL. M Access

1:50  
#2 William St  
Cashel  
Co. Tipperary

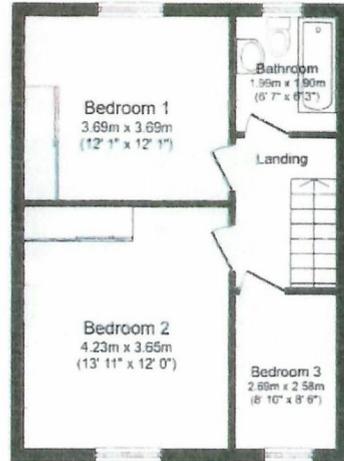


C8Q6G





**Ground Floor**



**First Floor**

Total floor area 100.3 sq.m. (1,079 sq.ft.) approx

This plan is for illustration purposes only and may not be representative of the property. Plan not to scale. Powered by PropertyBox



E 25 WN 29







Comhairle Contae Thiobraid Árann  
Tipperary County Council

Comhairle Contae  
Thiobraid Árann,  
Oifigi Cathartha,  
Cluain Meala,  
Co. Thiobraid Árann  
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  
e customerservice  
@tipperarycoco.ie  
tipperarycoco.ie

Date: 25<sup>th</sup> March 2024

Our Ref: S5/24/37

Civic Offices, Clonmel

**Kathleen & Gerard Hayes**  
**No 2 William Street**  
**Cashel**  
**Co. Tipperary**  
**E25 WN29**

**Re: Application for a Section 5 Declaration – To convert the existing garage into a downstairs bedroom at No.2 William Street, Cashel, Co. Tipperary.**

Dear Sir/Madam,

I acknowledge receipt of your application for a Section 5 Declaration received on 19<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

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for **Director of Services**

# TIPPERARY COUNTY COUNCIL

## Application for Declaration under Section 5

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

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**Planning Ref.:** S5/24/37

**Applicant:** Kathleen and Gerard Hayes

**Development Address:** No.2 William Street, Cashel, Tipperary

**Proposed Development:** Conversion of existing garage to a downstairs bedroom and bathroom (6.57m x 2.67 m)

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### 1. GENERAL

On the 19<sup>th</sup> March 2024 a request was made for a declaration under Section 5 of the Planning and Development Act, 2000 as amended as to whether the following is “development” and is or is not “exempt development”:

**Conversion of existing garage to a downstairs bedroom and bathroom (6.57m x 2.67 m)**

### 2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

#### **Planning and Development Act 2000 (as amended)**

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

## 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.

Schedule 2, Part 1 'Exempted Development - General:

**Class 1** of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 considers the following works to be exempted development subject to the conditions and limitations set out below;

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 (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

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.

### **3. ASSESSMENT**

#### ***Site Location***

The site comprises an existing dwelling at No.2 William Street, Cashel, Tipperary.

#### ***Relevant Planning History***

A review of the Planning Register and I Plan has been undertaken and no planning permission has been traced to No.2 William Street, Cashel, Tipperary.



Figure 1 Planning history

**a. Assessment**

**A) “Is or is not Development”**

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

**B) “Is or is not Exempted Development”**

The works proposed comprise of the conversion of an existing garage to the side of the dwelling to a bedroom and a bathroom. A consequence of this alteration is that the window arrangement on the front elevation will be amended.

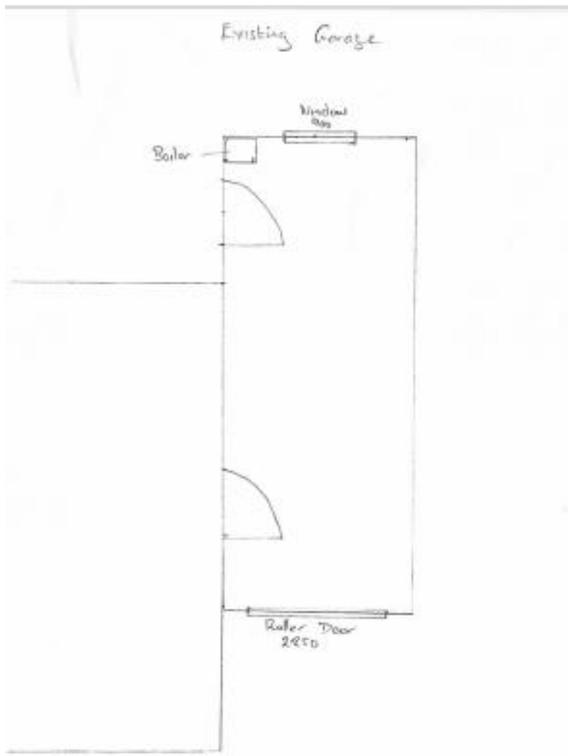


Image 1: Existing Garage

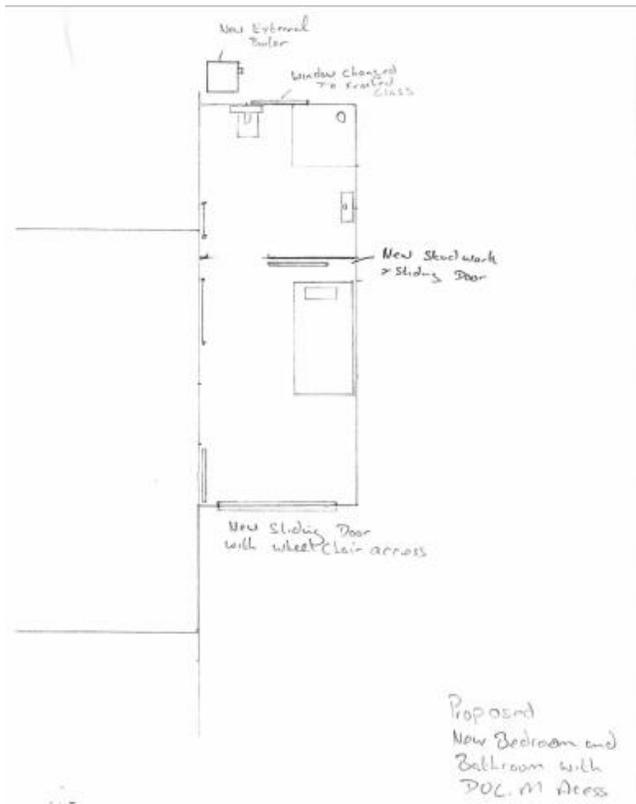


Image 2: Proposed Conversion



Image 3: Rear of existing garage



Image 4: Front of existing garage

It is considered that conversion of a side garage to a bedroom and a bathroom can be considered under **Class 1** of Part 1 of Schedule 2. The proposal satisfies the conditions and limitations attached to this exemption.

It is considered that the alteration to provide for a new sliding door instead of the existing garage door does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures and avails of an exemption under Section 4(1)(h) of the Planning and Development Act 2000, as amended.

#### C) Restrictions under Article 9

It is noted that no exemptions under Article 9 of the Planning and Development Regulations 2001, as amended that would apply. Whilst the site is within the Zone of Archaeological Potential associated with Cashel Town the proposal does not require groundworks.

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

The subject site is located 3km southeast of the Lower River Suir SAC (002137)

The proposed development is located within a long-established residential area and comprises of minor alterations to the structure on site. The property is connected to the mains waste water infrastructure.

Having regard to:

- the small-scale nature of the development,
- the location of the site in a serviced urban centre,
- the location of the development relevant to the closest European site (Lower River Suir)
- The intervening land uses between the subject site and the SAC and

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

The proposed development has been subject to a preliminary examination to determine the requirement for EIA. EIA is not required in respect of the development. See attached.

#### **4. RECOMMENDATION**

The submitted Section 5 Declaration application relates to the Conversion of existing garage to a downstairs bedroom and bathroom (6.57m x 2.67 m) at No. 2 William Street, Cashel, Co. Tipperary.

Having regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Part 1, Class 1, of Schedule 2 of the Planning & Development Regulations 2001, as amended
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended, and
- (d) The details submitted by the querist with the Declaration

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes “works” and “development” within the meaning of the Planning and Development Act 2000, and ***is “exempted development”***.

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

Signed: *Sara Jane Condon*  
Assistant Planner

Date: 26<sup>th</sup> March 2024



Signed:  
Senior Executive Planner

Date: 27.03.2024

**Original**

**TIPPERARY COUNTY COUNCIL**

**DELEGATED EMPLOYEE'S ORDER**

File Ref: **S5/24/37**      **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 Kathleen & Gerard Hayes, No 2 William Street, Cashel, Co. Tipperary, E25 WN29 re: Conversion of existing garage to a downstairs bedroom and bathroom (6.57m x 2.67 m) at No.2 William Street, Cashel, Co. Tipperary is exempted development.

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Part 1, Class 1, of Schedule 2 of the Planning & Development Regulations 2001, as amended
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended, and
- (d) The details submitted by the querist with the Declaration

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, and is **"exempted development"**.

**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: 28/03/2024**



Date: 28 March 2024

Our Ref: S5/24/37

Civic Offices, Nenagh

**Kathleen & Gerard Hayes,  
No 2 William Street,  
Cashel,  
Co. Tipperary, E25 WN29.**

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

Dear Sir/Madam

I refer to your application for a Section 5 Declaration received on 19<sup>th</sup> March 2024, in relation to the following proposed works:

**Conversion of existing garage to a downstairs bedroom and bathroom (6.57m x 2.67 m) at No.2 William Street, Cashel, Co. Tipperary**

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

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

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000, as amended,
- (b) Part 1, Class 1, of Schedule 2 of the Planning & Development Regulations 2001, as amended
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended, and
- (d) The details submitted by the querist with the Declaration

Tipperary County Council has concluded that the proposal presented on the drawings and details provided with the Declaration application, constitutes "works" and "development" within the meaning of the Planning and Development Act 2000, and is **"exempted development"**.

**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

A handwritten signature in blue ink, reading "Geraldine Quinn". The signature is enclosed in a thin blue rectangular border.

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for **Director of Services**