



Tipperary County Council
RECEIVED
06 MAY 2026
CASH OFFICE
Civic Offices, Clonmel

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	John Carey and Linda O'Sullivan
Address	Ballymulcashel, Kilmurry Sixmilebridge, Co Clare
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	NHC construction Ltd
Address	Clashganny, Newcastle, Clonmel, Co. Tipperary
Telephone No.	[REDACTED]
E-mail	[REDACTED]
Please advise where all correspondence in relation to this application is to be sent;	
Applicant []	Agent [x]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	62 Oliver Plunkett Terrace Clonmel Co. Tipperary E91DP46
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TIPPERARY CO. COUNCIL
RECEIVED
06 MAY 2026
PLANNING SECTION
FILE NO. 25/26/64-...

Receipt No 203 449
Issued 06 05 2026
€80.00 Cheque

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.

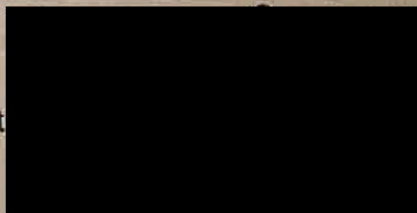
(Note: only works and uses listed and described under this section will be assessed under this Section 5 Application. Use additional sheets if required.)

<i>One storey extension to the rear of terraced house</i>
<i>Extension will contain 2 bedrooms and 1 bathroom</i>
<i>ICF build with flat roof</i>
Proposed floor area of proposed works/uses: 39 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



Date: 30/4/26

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.

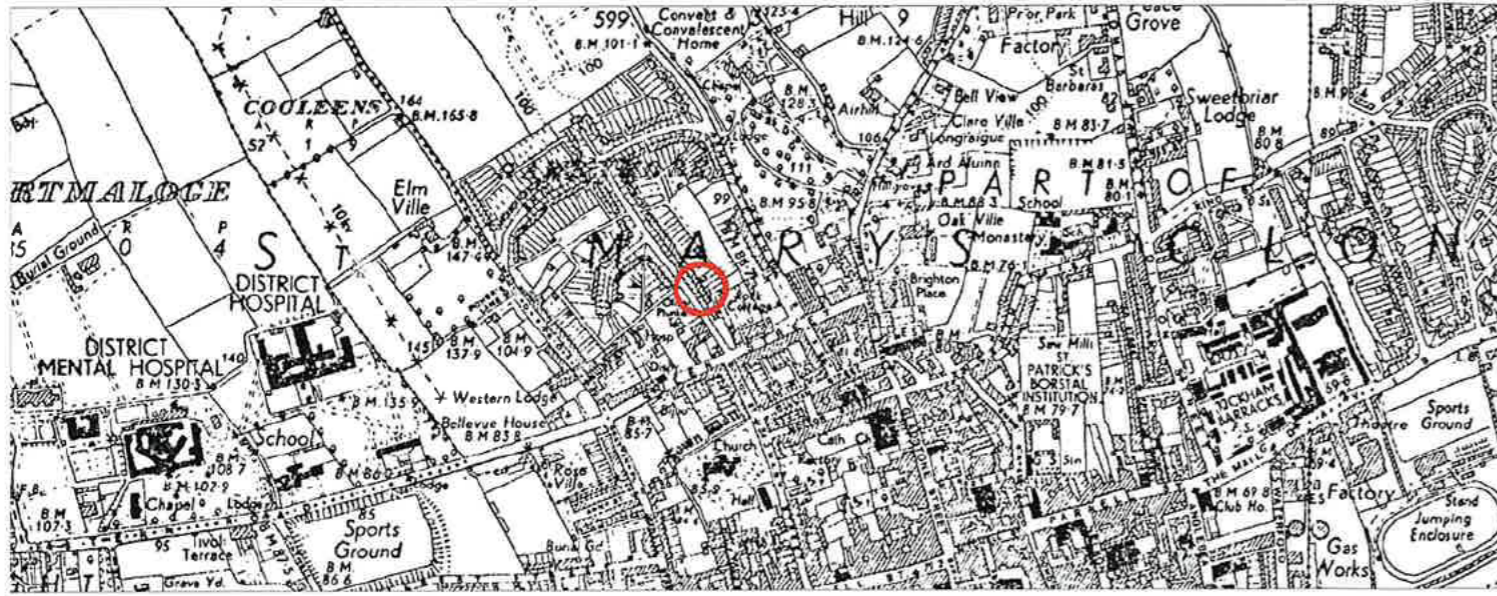
This application form and relevant fee should be submitted to:

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		


FOR OFFICE USE ONLY

Fee Recd. € <u>80.00</u>	DATE STAMP TIPPERARY CO. COUNCIL RECEIVED 06 MAY 2026 PLANNING SECTION FILE NO. <u>SS/26/24</u>
Receipt No <u>208449</u>	
Date <u>05/05/2026</u>	
Received by <u>C. Anon</u>	

scale 1:10,560



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PLANNING SECTION
FILE NO. 5512/24

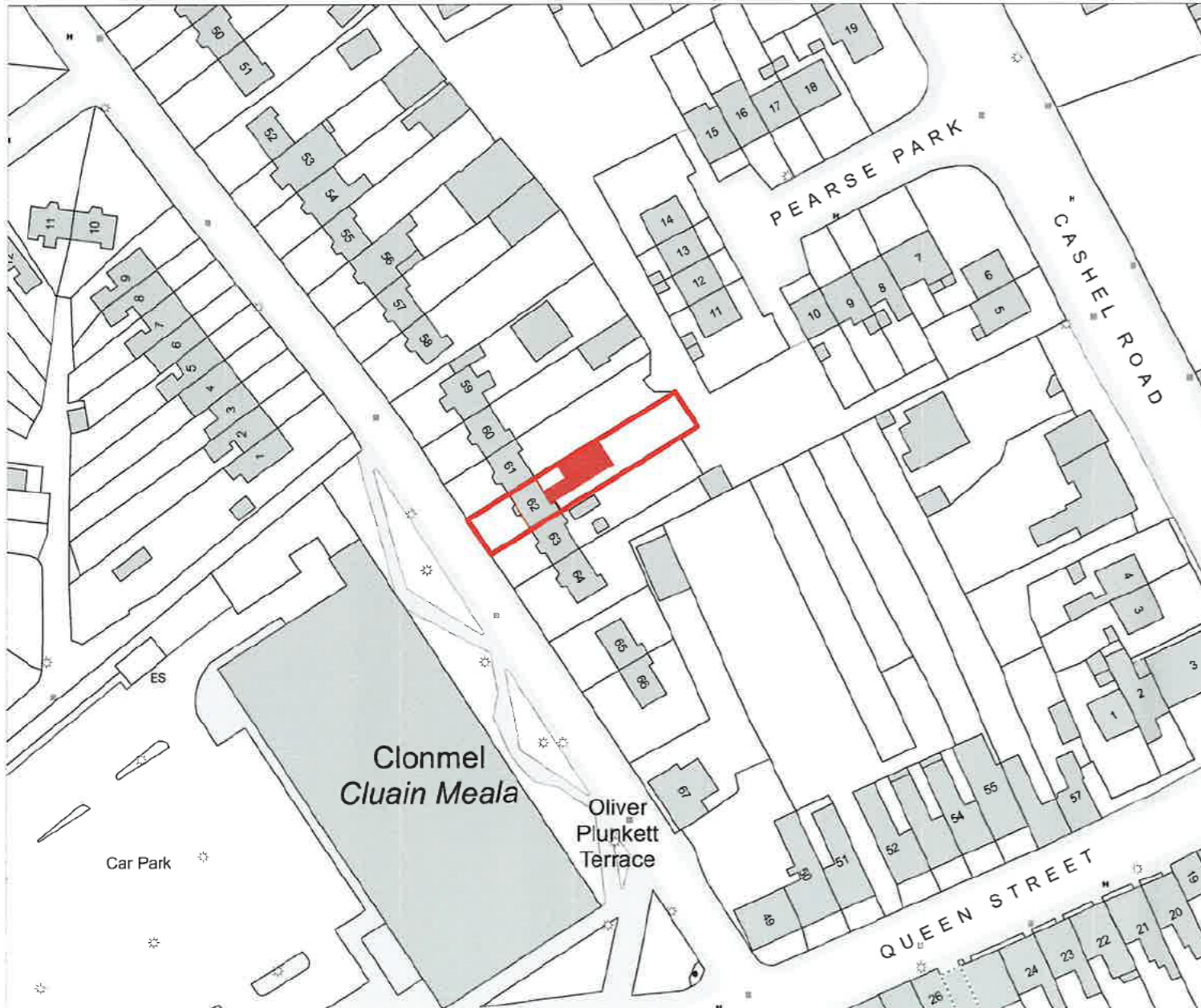


Newcastle
Co. Tipperary

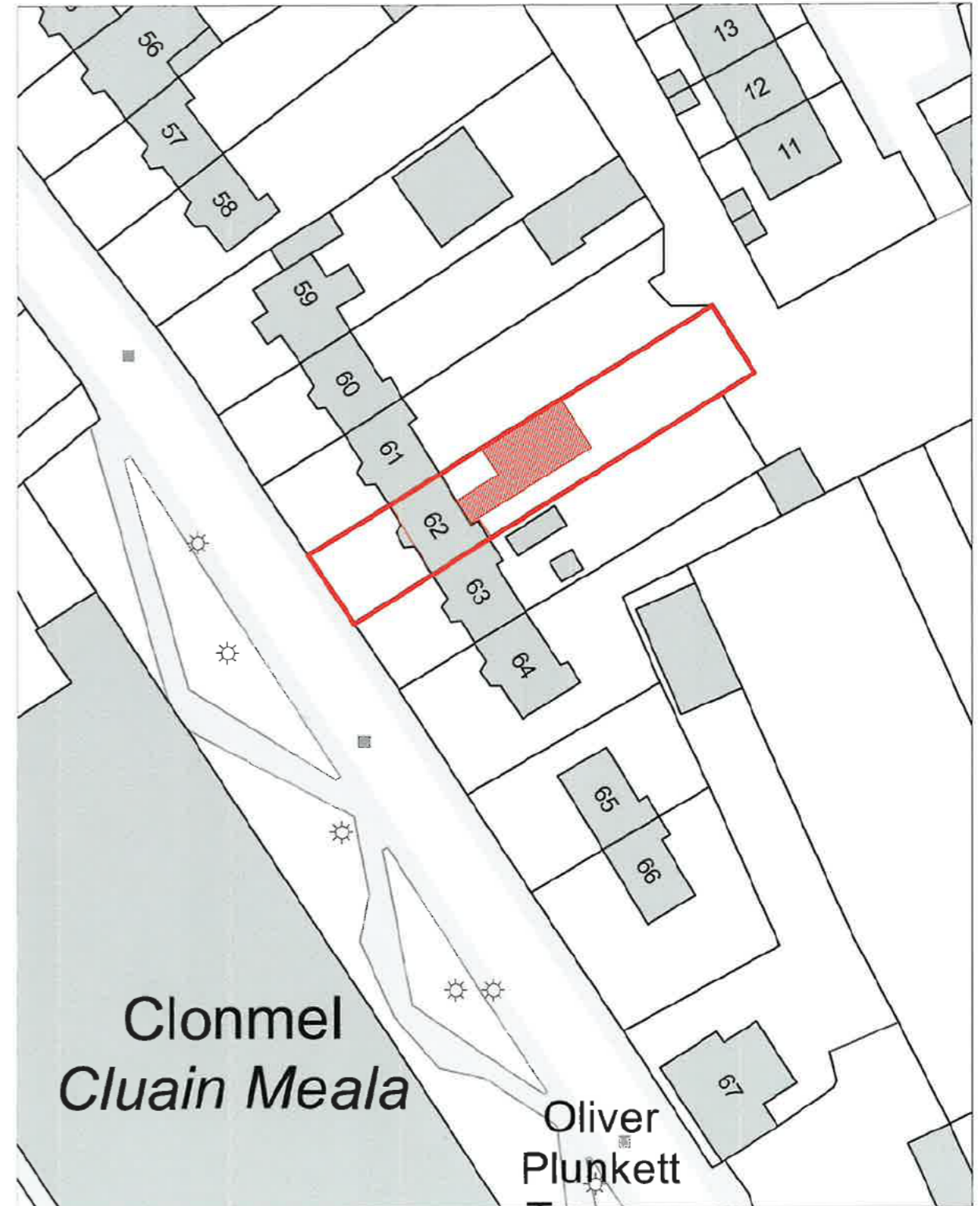
nhcconstruction.com
+353 (0)1 4625765

STAGE	Planning exemption application	DATE	28/04/2026
CLIENT	Linda OSullivan and John Carey	SCALE	1/200
PROJECT	62 Oliver Plunkett Terrace	SHEET	A3
DRAWING	Proposed extension	DRAWN	SC
		CHECK	NH
		REVISION	1

scale 1:1000



scale 1:500

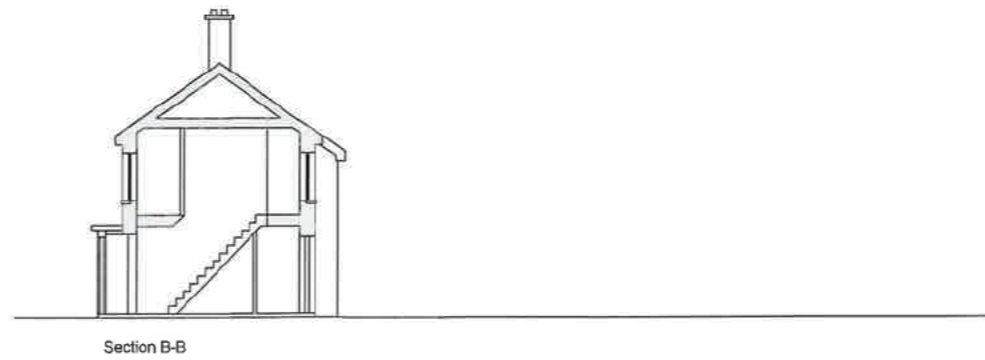
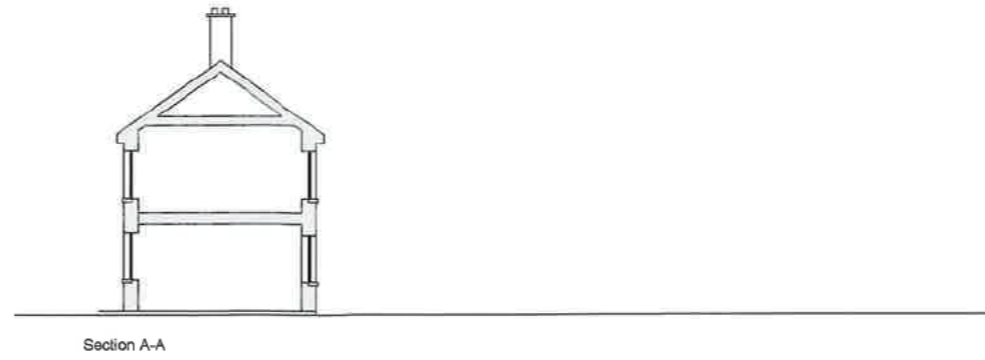
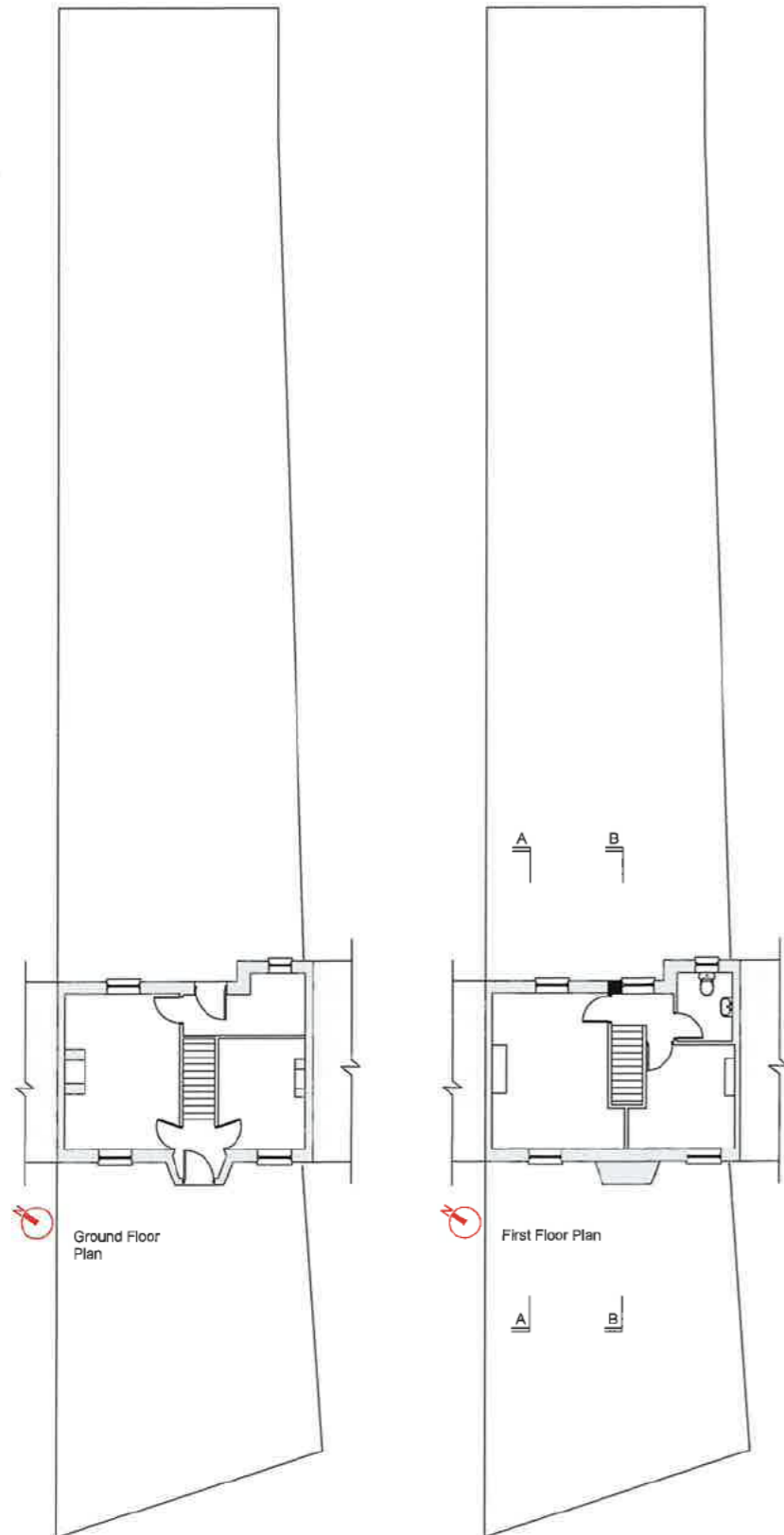




Newcastle
Co. Tipperary

nhcconstruction.com
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STAGE	Planning exemption application	DATE 30/04/2026
CLIENT	Linda OSullivan and John Carey	SCALE 1/200 SHEET A3
PROJECT	62 Oliver Plunkett Terrace	DRAWN SC CHECK NH
DRAWING	Existing two storey terraced house	REVISION 1



TIPPERARY CO. COUNCIL
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PLANNING SECTION
FILE NO. 35/26/24



Newcastle
Co. Tipperary

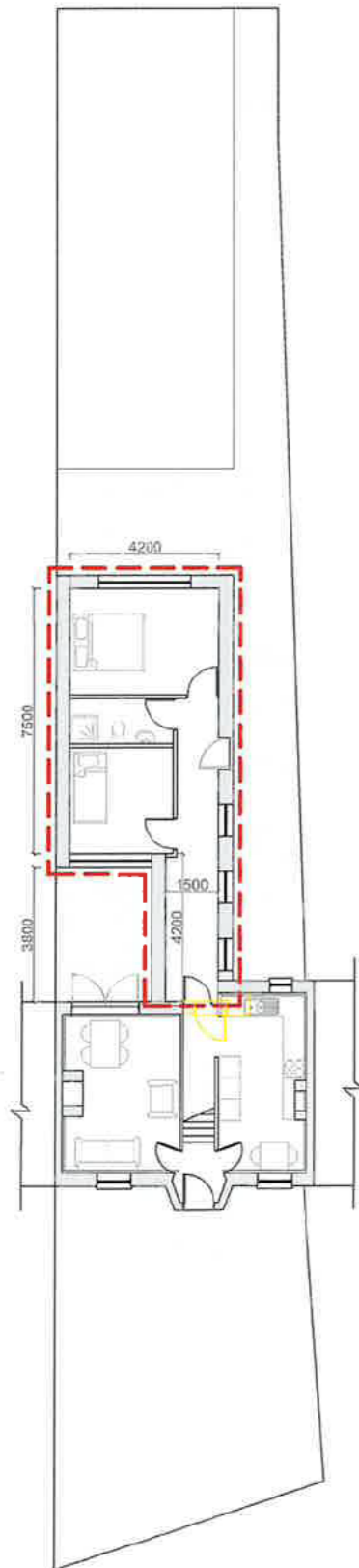
nhcconstruction.com
+353 (0)1 4625765

STAGE	Planning exemption application	DATE	30/04/2026
CLIENT	Linda O'Sullivan and John Carey	SCALE	1/200
		SHEET	A3
PROJECT	62 Oliver Plunkett Terrace	DRAWN	SC
		CHECK	NH
DRAWING	Proposed extension	REVISION	1

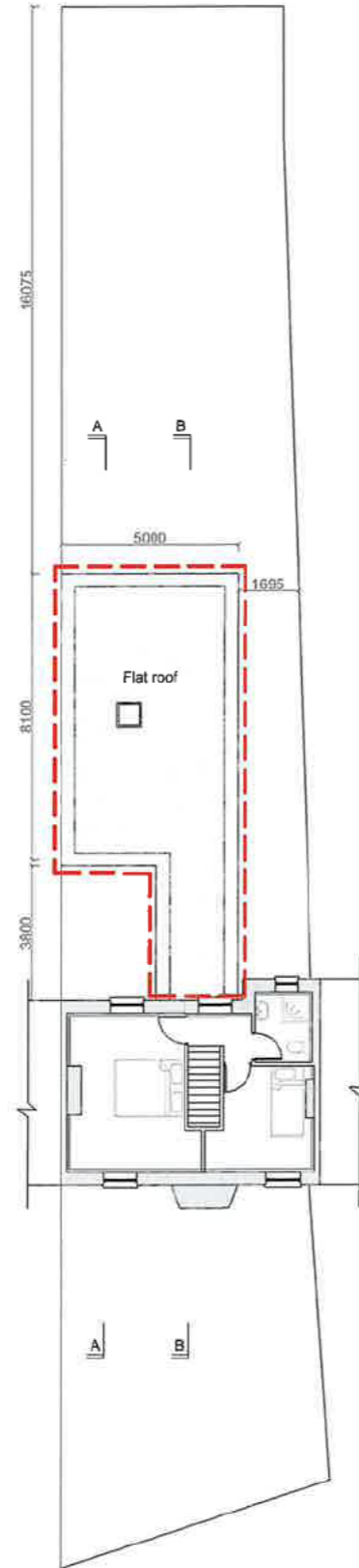
One storey rear extension to terraced house

Additional floor area : 39m²

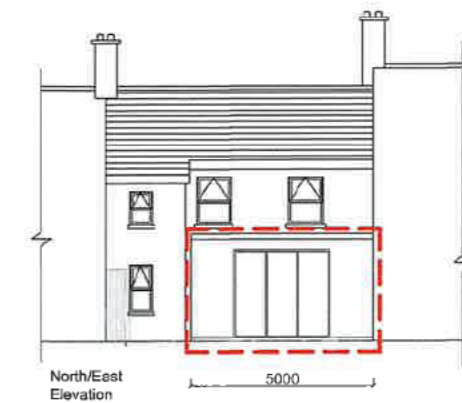
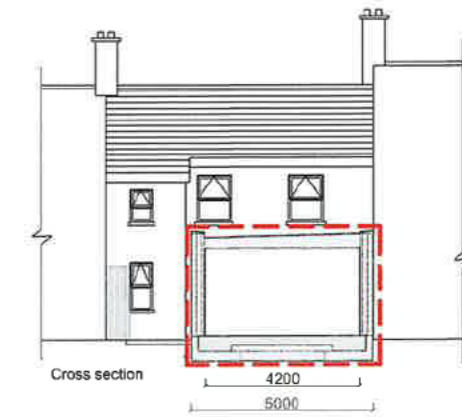
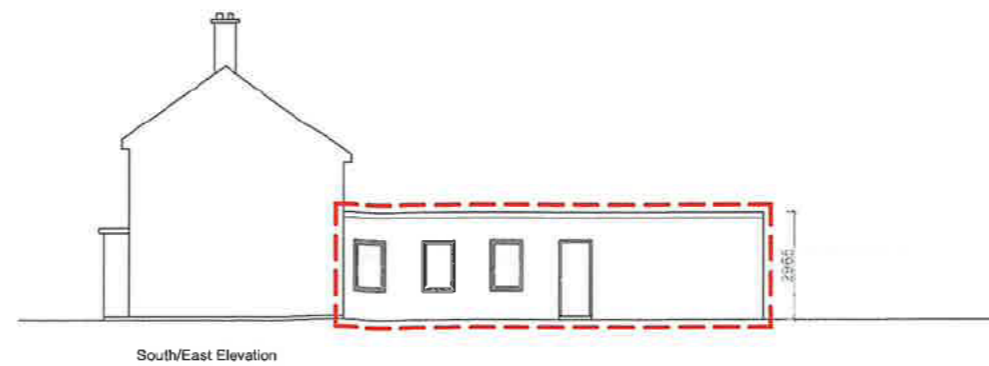
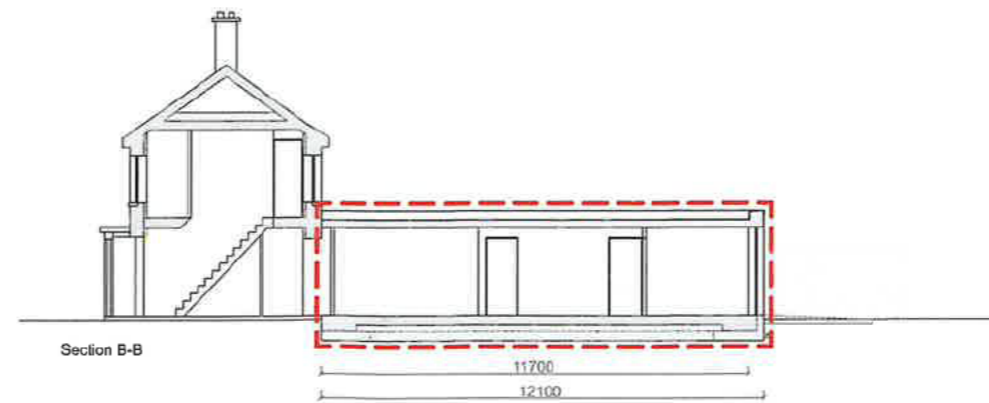
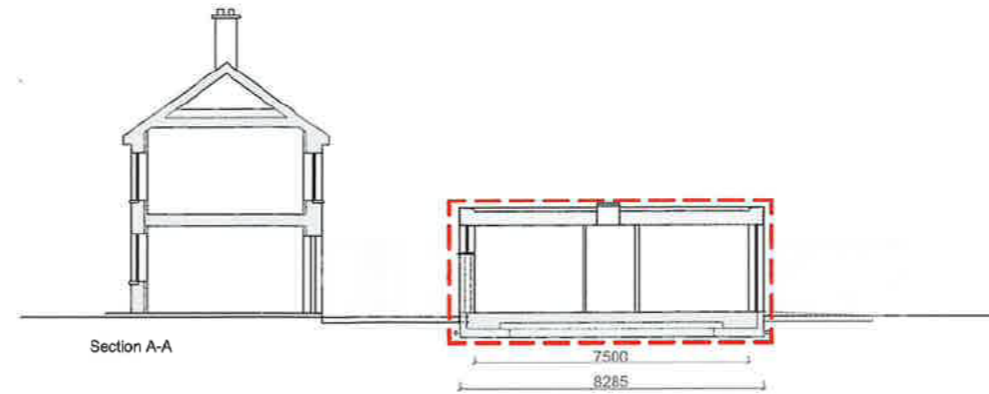
Material : ICF, external plaster render and flat roof



Ground Floor Plan



First Floor Plan



TIPPERARY CO. COUNCIL
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PLANNING SECTION
FILE NO. 22/26/64



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 tÁonach,
Co. Thiobraid Árann
Tipperary County Council,
Civic Offices, Nenagh,
Co. Tipperary
E45 A099

t 0818 06 5000/601
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 6th May 2026

Our Ref: S5/26/64

Civic Offices, Clonmel

**John Carey & Linda O'Sullivan,
C/O NHC Construction Ltd,
Clashganny,
Newcastle,
Clonmel,
Co. Tipperary.**

Re: Application for a Section 5 Declaration – One storey extension to the rear of terraced house, extension will contain 2 bedrooms and 1 bathroom, ICF build with flat roof at 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary, E91 DP46.

A Chara,

I acknowledge receipt of your application for a Section 5 Declaration received on 6th 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.: S5/26/64

Applicant: John Carey & Linda O'Sullivan

Development Address: 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary, E91 DP46

Proposed Development: One storey extension to the rear of terraced house.

1. GENERAL

On the 6th of May 2026, 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 “exempt development”:

- One storey extension to the rear of terraced house.

The works are to be located at 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary.

2. STATUTORY PROVISION

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.

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.

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.

3. ASSESSMENT

a. Site Location

The site comprises a terraced two storey dwelling at 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary. This is a predominately residential area on the western side of Clonmel.

Figure 1 Subject Site



b. Relevant Planning History

On site

None recorded

Adjacent

None relevant

Figure 2 Planning history



c. Assessment

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”

The works proposed comprise of the construction of a single storey domestic extension to the rear of a dwelling.

Figure 3 Proposed floor plans



Figure 4 Rear elevation, note kink in eaves line.

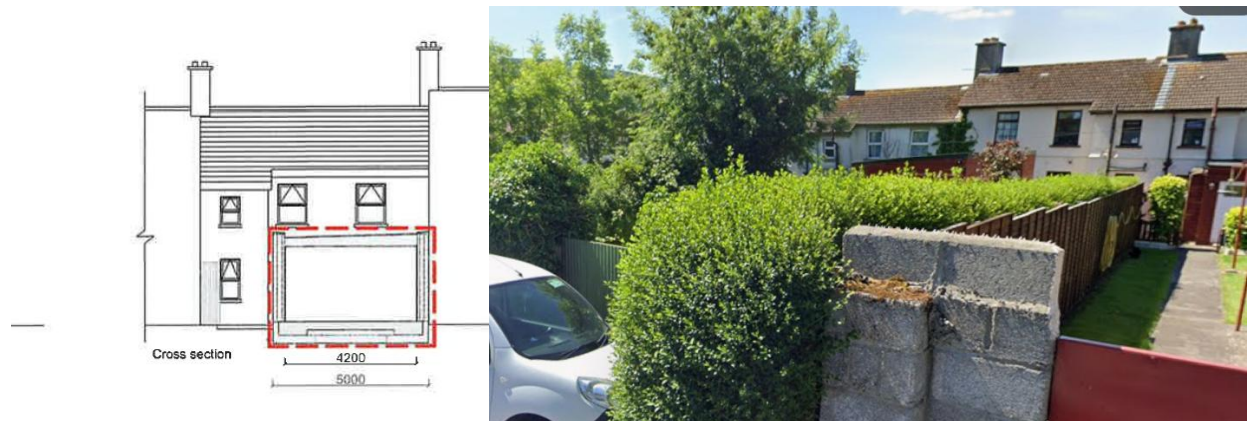


Figure 5 Rear elevation

Measured internally, the extension provides 37.8 sqms of floor space. the dwelling has not been previously extended. The height of the extension does not exceed the height of the rear wall of the house. The area of private rear amenity space will not be reduced to less than 25 sqms. Windows are proposed on the southeastern and northeastern elevations. These windows are more than 1 metre from the boundary they face. The roof will not be used as a balcony.

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 to the construction element.

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

The subject site is located c. 1km from the Lower River Suir SAC and within 15 Kms of the Comeragh mountains SAC and the Nier Valley Woodlands SAC.

The proposed development is located within a long established residential area and comprises of modifications to the dwelling. 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 is 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
- the consequent absence of a direct pathway to these European sites,

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.

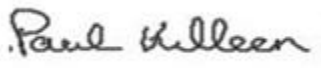
4. RECOMMENDATION

A question has arisen as to whether the development of a one storey extension to the rear of terraced house is or is not exempted development. The subject site is located at 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary.

In considering this declaration, the Planning Authority had regard to:

- (a) Sections 2, 3 & 4 of the Planning and Development Act 2000 (as amended)
- (b) Part 1 Class 1 of Schedule 2 Planning & Development Regulations 2001, as amended.
- (c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Having considered the information received, the Planning Authority has determined that the works proposed constitute development and are "exempted development".

Signed: 
District Planner

Date: 15/05/26

Signed: 
Senior Executive Planner

Date: 22.5.2026

**Appendix 1
HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT**

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

(a)	File Reference No:	S5/26/64
(b)	Brief description of the project or plan:	Domestic extension
(c)	Brief description of site characteristics:	Existing mid terrace residential property at 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary
(d)	Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	n/a
(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 ² (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Lower River Suir SAC 002137	https://www.npws.ie/protected-sites/sac/002137	500 ms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Nier Valley SAC 000668	https://www.npws.ie/protected-sites/sac/000668	10.5 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	No
Comeragh Mountains SAC 01952	https://www.npws.ie/protected-sites/sac/001952	11.2 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	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 	No impacts
<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 	The wastewater will discharge to Clonmel WWTP, which ultimately discharges, under licence to the River Suir. the last available Annual Environmental Report issued by the EPA for the facility raised no concerns with the operation of the municipal Waste water treatment plant in Clonmel.
In-combination/Other	No likely in combination effects

(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 	No impacts
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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

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.

No impacts

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:	Paul Killeen	Date: 15/05/26

EIA Pre-Screening

Establishing a development is a 'sub-threshold development'

File Reference:

S5/26/64

Development Summary:

Domestic extension

Was a Screening Determination carried out under Section 176A-C?

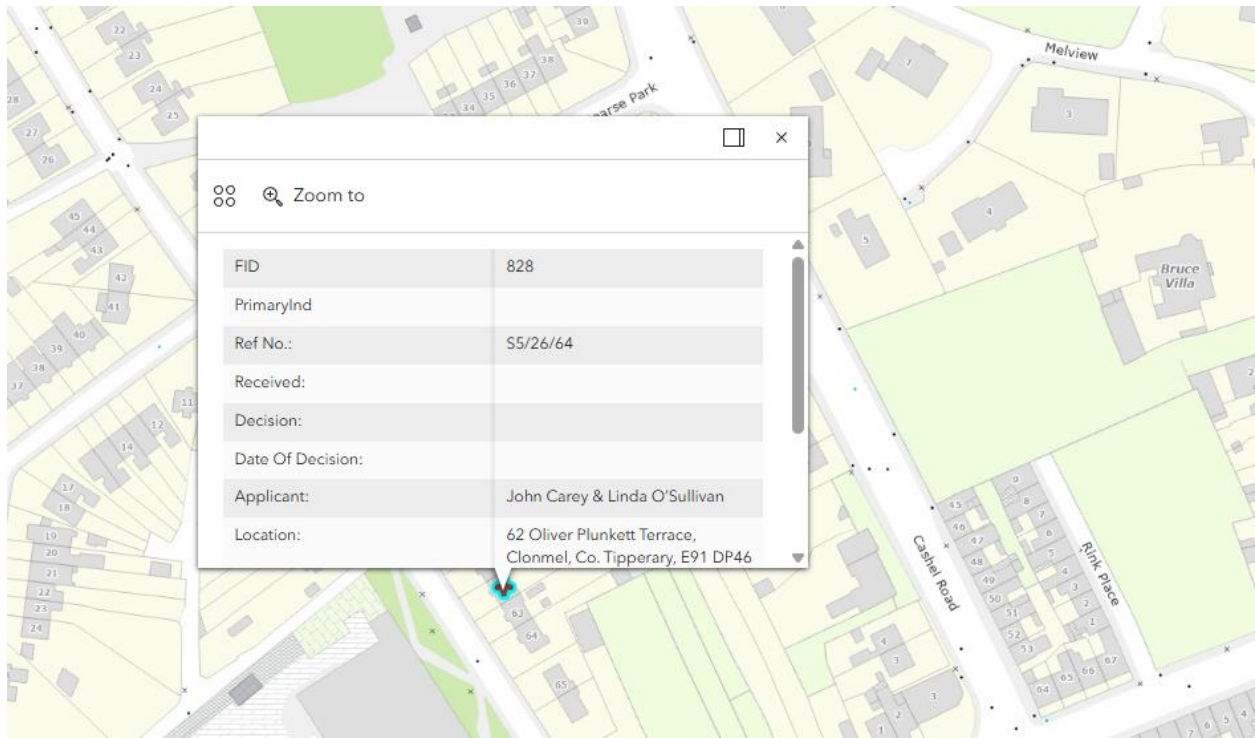
Yes, no further action required

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 Preliminary Examination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	

Figure 6 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/64** **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 John Carey & Linda O'Sullivan, C/O NHC Construction Ltd, Clashganny, Newcastle, Clonmel, Co. Tipperary, re: One storey extension to the rear of terraced house at 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary, E91 DP46 is development and 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 Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Having considered the information received, the Planning Authority has determined that the works proposed constitute development and are "**exempted development**".

Signed: 

Brian Beck
Director of Services

Date: 26/05/2026



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

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E45 A099

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e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 26th May 2026

Our Ref: S5/26/64

Civic Offices, Nenagh

**John Carey & Linda O'Sullivan
C/O NHC Construction Ltd
Clashganny
Newcastle
Clonmel
Co. Tipperary**

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 6th May 2026 in relation to the following proposed works:

One storey extension to the rear of terraced house at 62 Oliver Plunkett Terrace, Clonmel, Co. Tipperary, E91 DP46.

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 Planning & Development Regulations 2001, as amended.
- c) Articles 6 and 9 of the Planning & Development Regulations 2001, as amended

Having considered the information received, the Planning Authority has determined that the works proposed constitute development and are "**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**