



RECEIVED
30 DEC 2025
PLANNING SECTION
SS/25/163

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

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

1. Applicant's address/contact details:

Applicant	DAMIEN CROWE
Address	42 ASSUMPTION PARK, ROSCREA, CO. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	NEIL O CONNOR
Address	CORVILLE, ROSCREA, 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)	42 ASSUMPTION PARK, ROSCREA, CO. TIPPERARY
---	--

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.)

EXTENSION TO REAR OF HOUSE
Proposed floor area of proposed works/uses: 832 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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	<input type="checkbox"/>
<i>Where legal interest is 'Other', please expand further on your interest in the land or structure</i>		
<i>If you are not the legal owner, please state the name and address of the owner</i>	Name: Address:	

Signature of Applicant(s) 

Date: 11/12/2025

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

GUIDANCE NOTES

- (1) All queries on the form must be completed and the form must be accompanied by the relevant fee. The amount of the fee is currently **€80.00**.
- (2) This application should be accompanied by **TWO COPIES** of the following documentation
 - OSI Site Location Map with the site outlined clearly – 1:1000 in urban areas and 1:2500 in rural areas
 - Floor Plans & Elevations at a scale of not less than 1:200
 - Site layout plan indicating position of proposed development relative to premises and adjoining properties
 - Other details e.g. brochures, photographs if appropriate.

(All dimensions must be given in metric scale and drawings should be accompanied by a brief description outlining the use of the proposed development)

- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

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

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80 -

Receipt No 134121

Date 30/12/25

Received by _____

Planning Pack Map



Tailte Éireann

CENTRE COORDINATES:
ITM 613750.690337

PUBLISHED: 19/12/2025
ORDER NO.: 50509311_1

MAP SERIES: 1:1,000
MAP SHEETS: 4050-23

COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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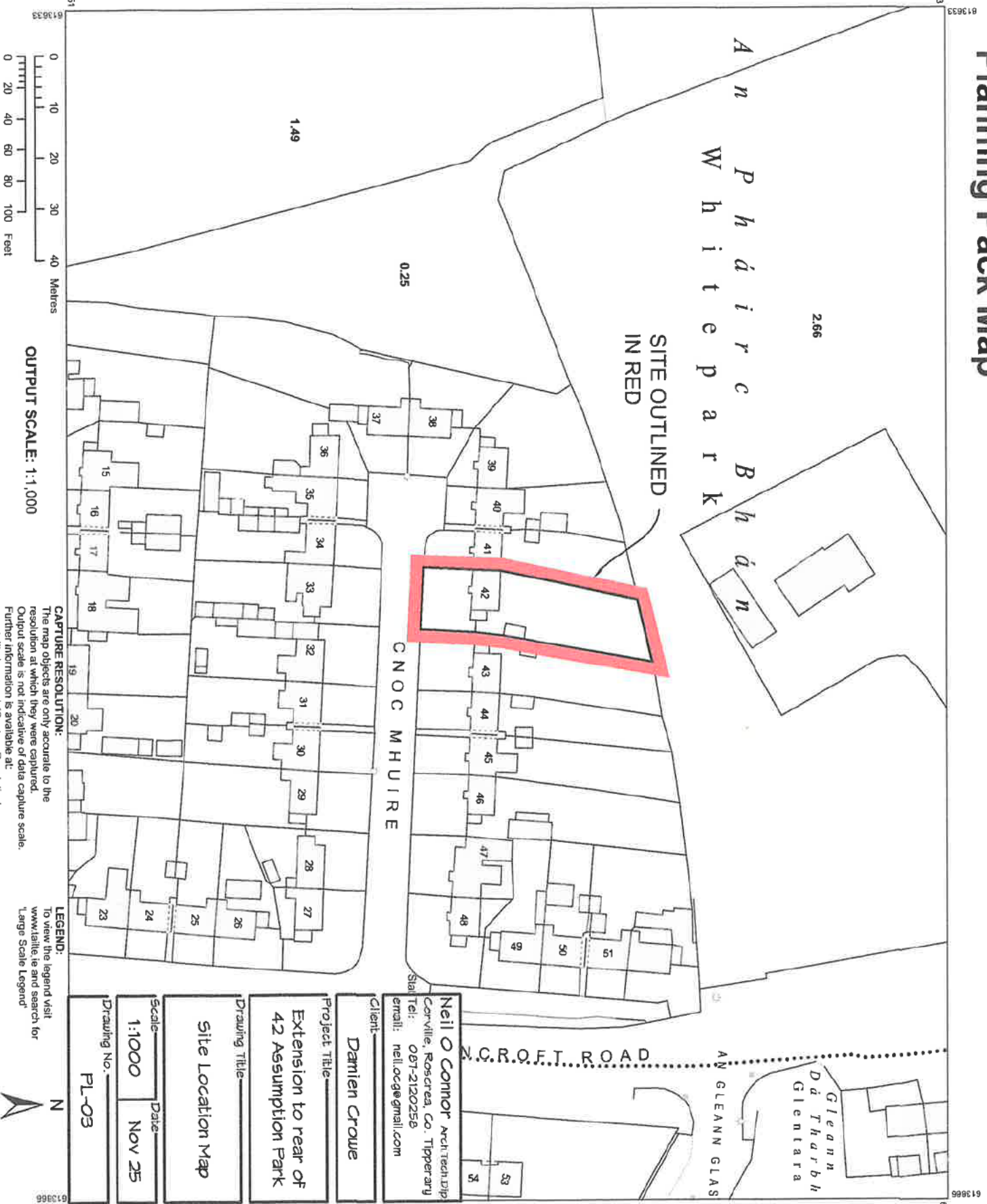
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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Neil O'Connor Arch Tech Dip
Corville, Roscrea, Co. Tipperary
Tel: 087-2120258
email: neil.oc@gmail.com

Damien Crowe

Project Title
Extension to rear of
42 Assumption Park

Drawing Title
Site Location Map

Scale 1:1000
Date Nov 25

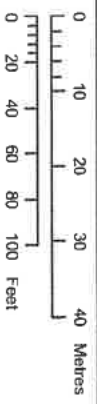
Drawing No. PL-03

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

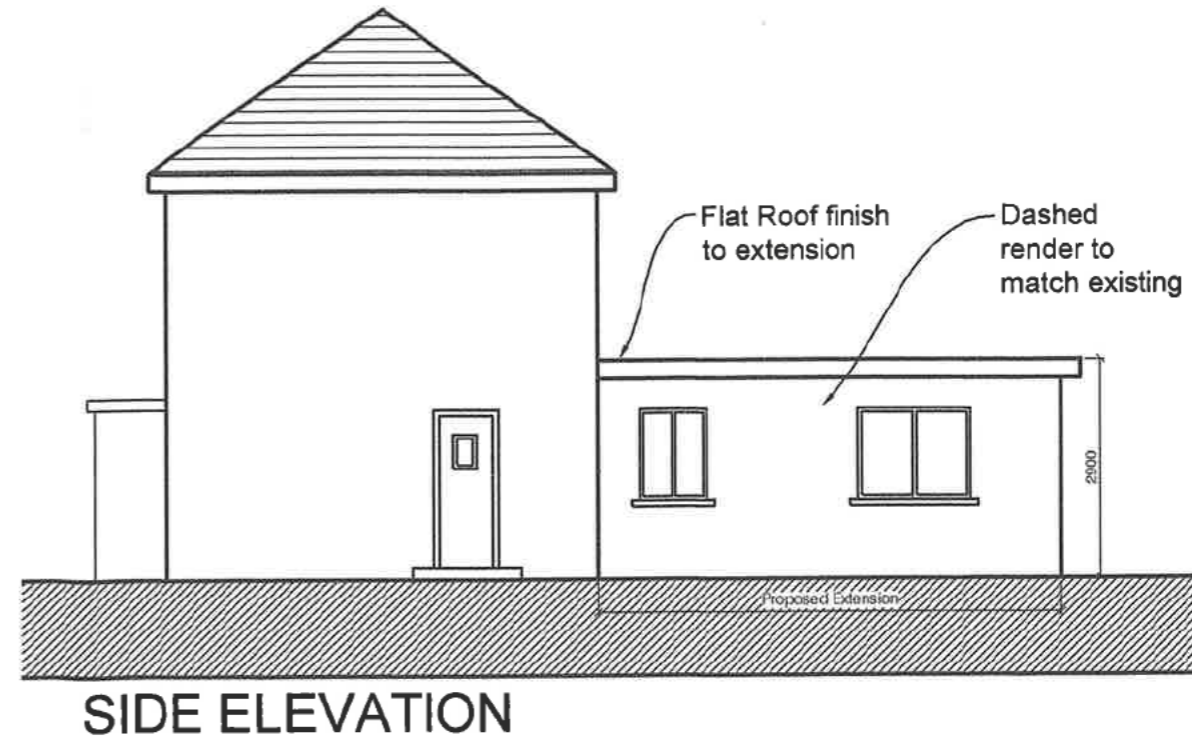
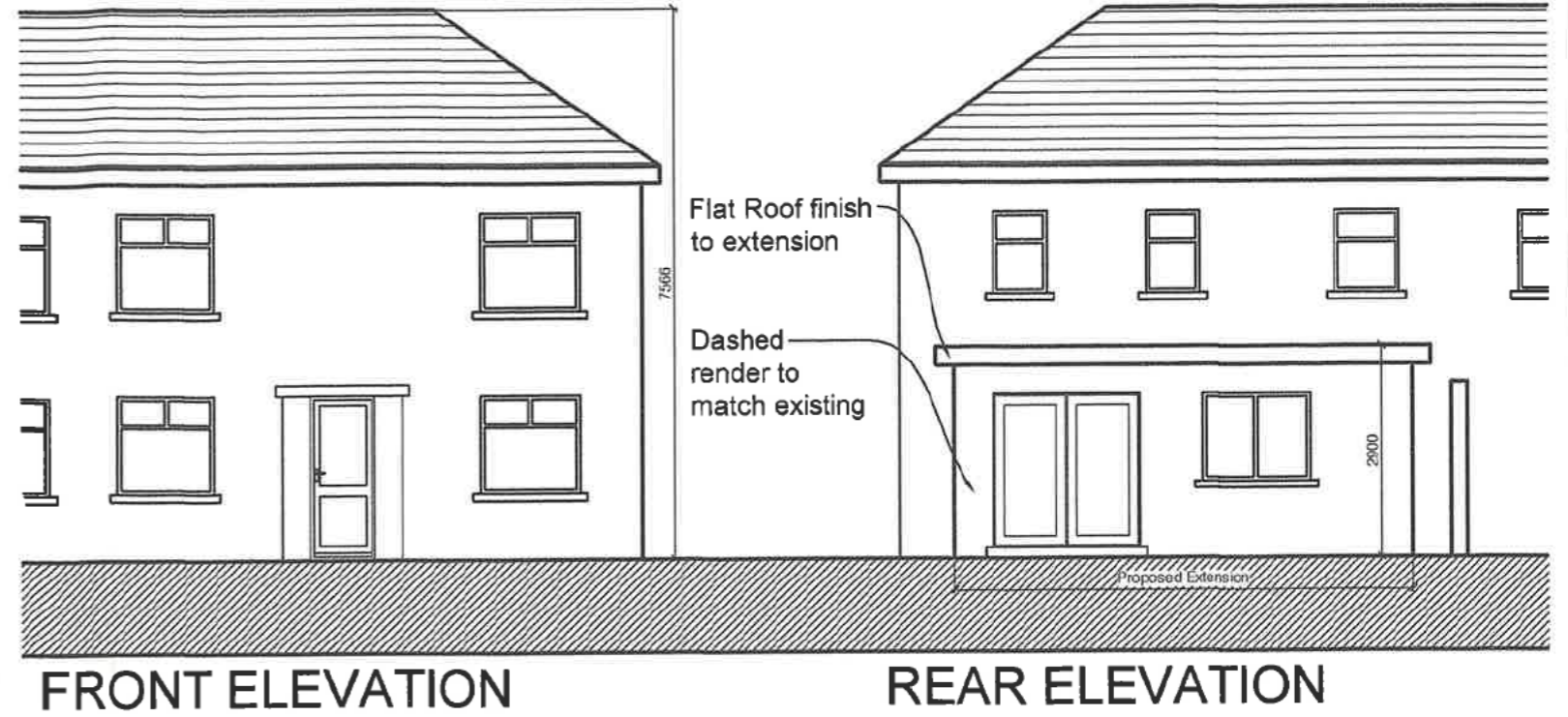
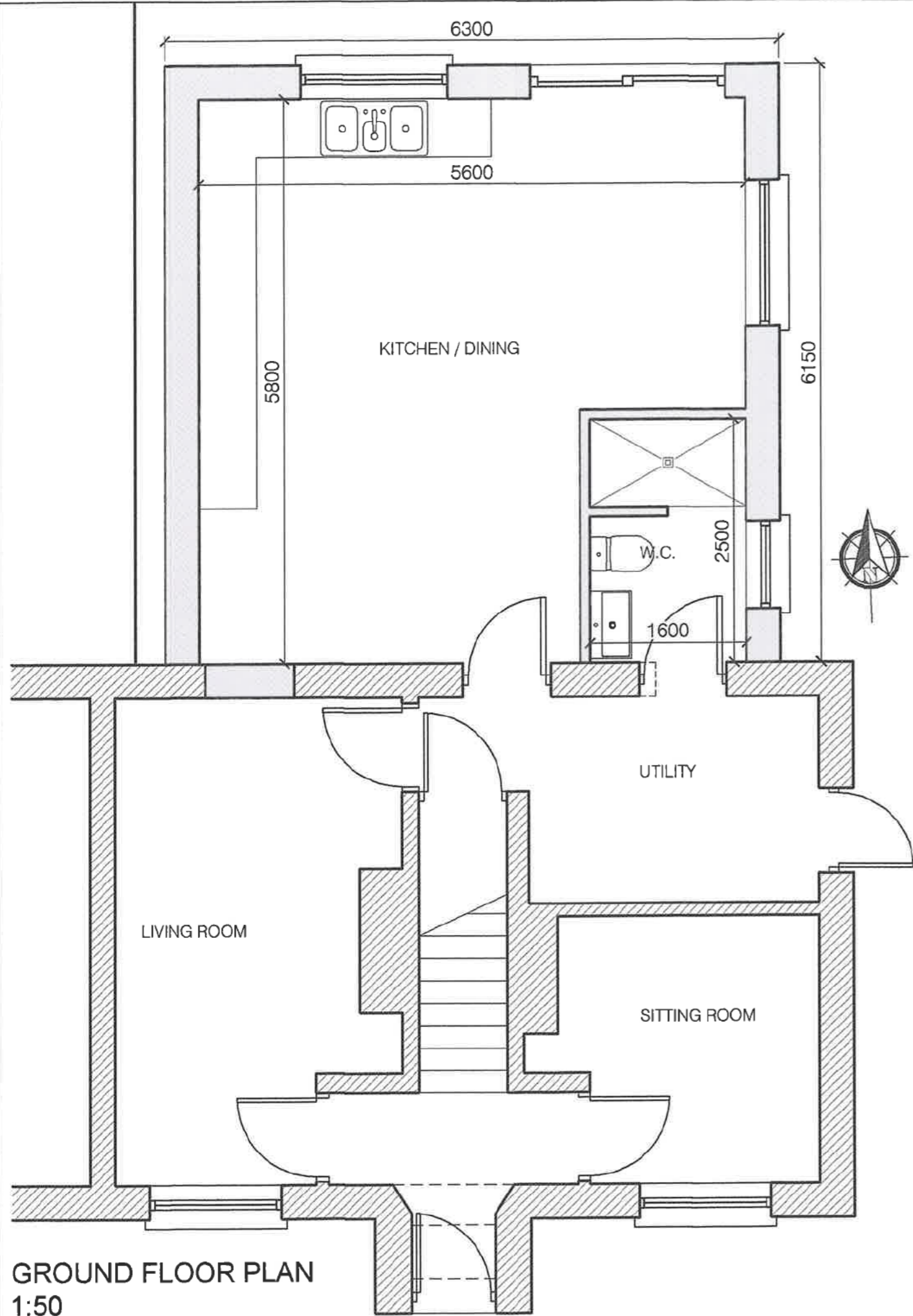


CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie, search 'Capture Resolution'

OUTPUT SCALE: 1:1,000



SS/25/163



Neil O Connor Arch.Tech.Dip
 Corville, Roscrea, Co. Tipperary
 Tel: 087-2120258
 email: nell.ocg@gmail.com

Client:
 Damien Crowe

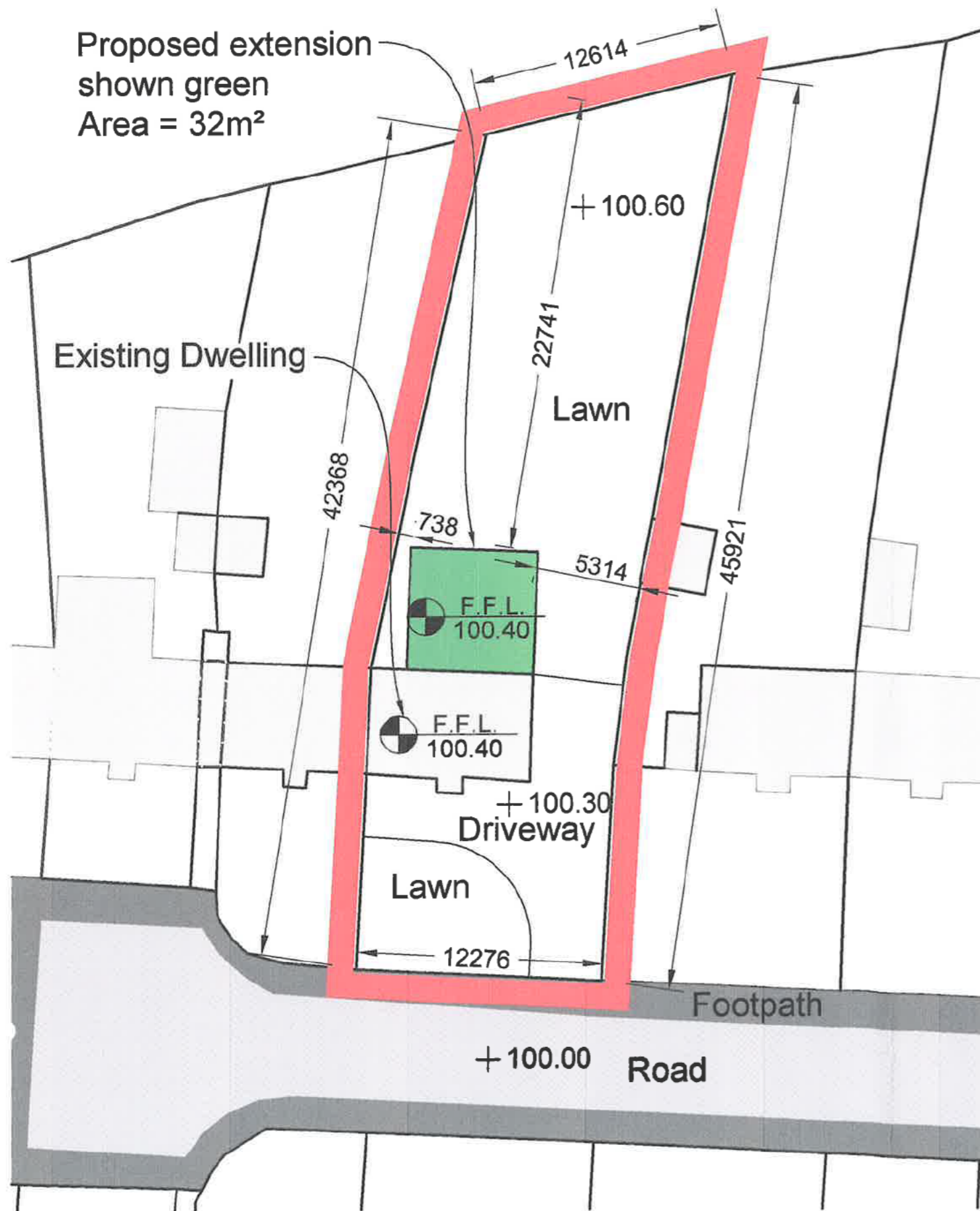
Project Title:
 Extension to rear of
 42 Assumption Park

Drawing Title:
 Plans & Elevations

Scale: 1:100 Date: Nov 25

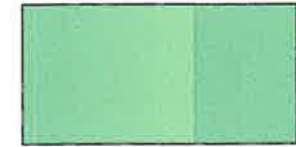
Drawing No.:
 PL-01

ss/25/163



LEGEND

Proposed Extension
Area = 32m²



Site Boundary



Site Levels based on a
temporary bench mark

+ 98.90

Finished Floor Level



OS No - 4050-23

AREA EDGED IN RED = 0.05 HECTARES

Neil O Connor Arch.Tech.Dip
Corville, Roscrea, Co. Tipperary
Tel: 087-2120258
email: neil.ocg@gmail.com

Client
Damien Crowe

Project Title
**Extension to rear of
42 Assumption Park**

Drawing Title
Site Layout Plan

Scale
1:250

Date
Nov 25

Drawing No.
FL-02

SS/25/163



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
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Civic Offices, Nenagh,
Co. Tipperary
E45 A099

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

Date: 5th January 2026

Our Ref: S5/25/163

Civic Offices, Nenagh

**Damien Crowe
C/O Neil O Connor
Corville
Roscrea
Co. Tipperary**

Re: Application for a Section 5 Declaration – Construction of an extension to rear of dwelling at 42 Assumption Park, Roscrea, Co. Tipperary.

Dear Neil,

I acknowledge receipt of your application for a Section 5 Declaration received on 30th December 2025, 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.: S5/25/163
Applicant: Damien Crowe
Development Address: 42 Assumption Park, Roscrea
Proposed Development: Extension to rear of house

1. GENERAL

On 30.12.2025 a request was received for a declaration under Section 5 of the Planning and Development Act 2000, as amended, as to whether or not the following works constituted development and if so, whether same was exempted development:

Extension to rear of house (measuring 32sqm)

The Planning Authority noted at the time of the site visit that construction works had commenced.

2. SITE LOCATION

The site is located at 42 Assumption Park, an existing housing development to the north of Roscrea Town. The structure is an end terraced 2 storey dwelling.



3. PLANNING HISTORY

No planning history traced on site.

The housing development was originally constructed by Tipperary County Council.



4. STATUTORY PROVISIONS:

Section 2 (1) of the Planning and Development Act 2000, as amended, states as follows:-

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....’

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 of the Planning and Development Act 2000, as amended, provides for Exempted Development and Section 4(1) sets out works which shall be exempted development for the purposes of this act. Section 4(2) (a) of the same Act states that ‘the Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act.

Section 4(4) of the Planning and Development Act 2000, as amended, states -

‘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.’

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, Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended sets out an exemption for:

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

This exemption is subject to the following conditions/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..

5. (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

Section 6(1) of the Regulations states as follows:

“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.”

5. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) & APPROPRIATE ASSESSMENT

(AA):

EIA:

Section 4 (4) of the Planning and Development Act 2000, as amended states:

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.

The proposed development is an for an extension to a dwelling and is not a type of development included for under Schedule 5 of the Planning and Development Regulations 2001, as amended.

AA

The proposed development has been screened as to the requirement for AA and it has been determined that AA is not required. See Screening Report attached.

6. ASSESSMENT

a. Assessment

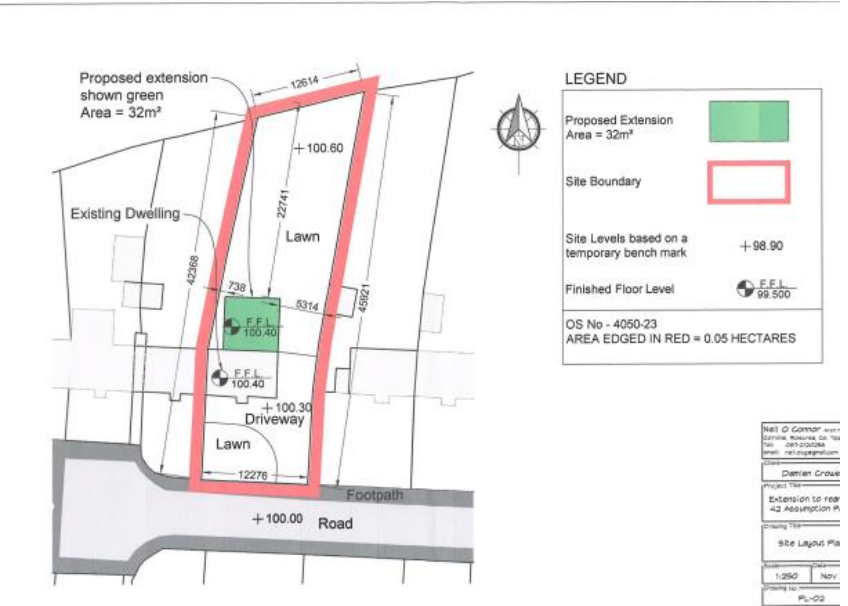
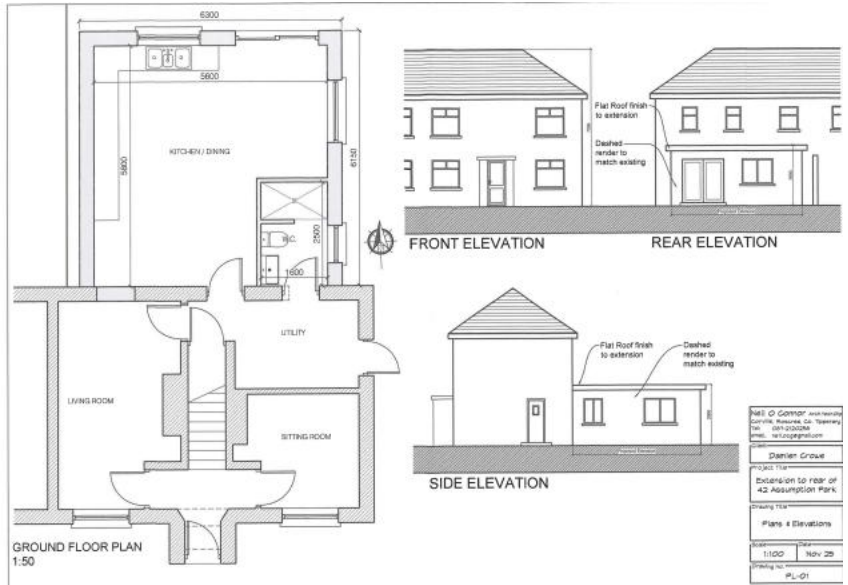
A) “Is or is not Development”

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”

In relation to the proposal for a 32sqm extension to the dwelling, the proposals satisfies the planning exemption provided under Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001.

- The proposed extension is less than 40sqm and the dwelling has not been previously extended.
- The proposed extension will not render the remaining private open space less than 25sqm.
- The height of the extension is lower than the rear wall of the dwelling etc.



C) Is the exemption restricted under Article 9

I note no restrictions under Article 9 which relate to the proposed development. There is no planning history attached to this site. The site is not within a zone of archaeological potential and will not impact on any recorded monument. The development has been assessed with regard to the requirement of AA and EIA above and it is deemed that neither are required. The dwelling is not within an ACA and the existing building is not a protected structure. The proposed development will not endanger public safety by reason of a traffic hazard etc.

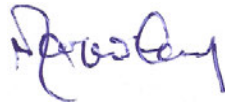
4. RECOMMENDATION

In considering this Declaration, Tipperary County Council has had regard to:

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

It has concluded that – The proposed development as presented on the drawings and details provided with the Declaration application, constitutes “development” within the meaning of the Planning and Development Act 2000, and is “exempted development” .

Executive Planner:



Date: 22.01.2026

Senior Executive Planner:



Date: 27/1/2026





HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5/25/163
(b) Brief description of the project or plan:	Extension at rear of dwelling. 32sqm
(c) Brief description of site characteristics:	Existing dwelling in urban area
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	None
(e) Response to consultation:	None

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
002336 Island Fen SAC	https://www.npws.ie/protected-sites/sac/002336	Within 5km	None	No
002332 Coolrain Bog, SAC	https://www.npws.ie/protected-sites/sac/002332	Within 5km	None	No
002162 River Barrow and River Nore SAC	https://www.npws.ie/protected-sites/sac/002162	Within 15km	None	No
002147 Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	Within 15km	None	No
000585 Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	Within 15km	None	No
000412 Slieve Bloom Mountains SAC	https://www.npws.ie/protected-sites/sac/000412	Within 15km	None	No
004160 Slieve Bloom Mountains SPA	https://www.npws.ie/protected-sites/spa/004160	Within 15km	None	No
004233 River Nore SPA	https://www.npws.ie/protected-sites/spa/004233	Within 15km	None	No

STEP 3. Assessment of Likely Significant Effects

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

Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
-----------------	---

<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	No potential 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 	No potential impacts.
---	-----------------------

In-combination/Other	No potential impacts
-----------------------------	----------------------

(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 potential impacts
---	----------------------

(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.

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

EIA Pre-Screening
Establishing a development is a 'sub-threshold development'

File Reference:	S5/25/150
Development Summary:	Extension & garden shed at rear of dwelling. 8sqm
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

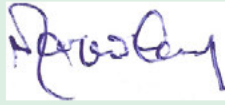
C. If Yes, has Schedule 7A information/screening report been submitted?

- Yes, Schedule 7A information/screening report has been submitted by the applicant
- No, Schedule 7A information/screening report has not been submitted by the applicant

Screening Determination required

Preliminary Examination required

Signed:



Executive Planner:

Date: 22.01.2026

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/25/163** **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 Damien Crowe C/O Neil O Connor, Corville, Roscrea, Co.Tipperary, re: Extension to rear of house at 42 Assumption Park, Roscrea, Co Tipperary 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) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001, as amended.
- (c) The details submitted with the Declaration

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

Signed: 
Brian Beck
Director of Services

Date: 27/01/2026



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Date: 27th January 2026

Our Ref: S5/25/163

Civic Offices, Nenagh

Damien Crowe
C/O Neil O Connor
Corville
Roscrea
Co. Tipperary

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

Dear Neil,

I refer to your application for a Section 5 Declaration received on 30th December 2025 in relation to the following proposed works:

Extension to rear of house at 42 Assumption Park, Roscrea, Co Tipperary.

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

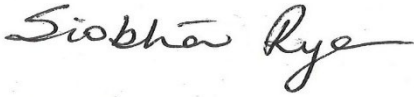
AND WHEREAS Tipperary County Council, in considering this referral, had regard particularly to –

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

It has concluded that – The proposed development as presented on the drawings and details provided with the Declaration application, constitutes “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 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**