



Comhairle Contae Thiobraid Árann
Tipperary County Council

PLANNING & DEVELOPMENT ACT, 2000 (as amended)

Application for a Section 5 Declaration
Development / Exempted Development

1. Applicant's address/contact details:

Applicant	ARNIS BARS
Address	13 ARD MUIRE, NEWPORT Co. TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	GERALD HALLINAN
Address	40 13 ARD MUIRE, NEWPORT Co TIPPERARY
Telephone No.	[REDACTED]
E-mail	[REDACTED]

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)	13 ARD MUIRE NEWPORT Co. TIPPERARY V94 E7 2T
---	---

Tipperary County Council
RECEIVED
10 FEB 2026
CASH OFFICE
Civic Offices, Clonmel

Receipt No 200 531
Issued 10 02 2026
€80.00 Charge

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.)

DEMOLISH EXISTING KITCHEN (3.1m ² x 2.6m ²) AND LOBBY AND CONSTRUCT NEW KITCHEN	
3.2m ² x 5.35m ²	
AREA TO BE DEMOLISHED 11.31m ²	
Proposed floor area of proposed works/uses: sqm 17.12m ²	

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 <input type="checkbox"/>
	C. Other <input type="checkbox"/>	
Where legal interest is 'Other', please expand further on your interest in the land or structure	N/A	
If you are not the legal owner, please state the name and address of the owner	Name: Address:	N/A

Signature of Applicant(s) [REDACTED]

Date:

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. € _____
Receipt No _____
Date _____
Received by _____

13 Ard Muire,
Newport,
Co. Tipperary

6th February 2026

Planning and Building Section
Tipperary County Council
Civic Offices
Emmett Street
Clonmel
Co. Tipperary



Re: 13 Ard Muire, Newport, Co. Tipperary.
- Proposed modifications

Dear Sir / Madam,

I am writing to see advice on a proposed modification to my home at 13 Ard Muire, Newport, Co. Tipperary.

I would like to demolish my existing kitchen and remove an existing PVC lobby screen and construct a new kitchens as shown on the attached drawings.

I enclose the following documentation (2No. Sets)
Planning form

Drawings :

- L(--)100 - Site plan (Scale 1 :200)
- L(--)101 - Site Front Elevation (Scale 1:100)
- L(--)102 - Proposed new Kitchen Floor plan (Scale 1:100)
- L(--)103 - North and East Elevation (Scale 1:100)
- L(--)104 - Sections 'AA' and 'BB' (Scale 1:100)
- Ordnance survey site map 1:1000
- Ordnance survey map 1:10560
- Photographic pictures, showing existing residence and outline of proposed new kitchen.

Can you advise me, if I would be required to apply for planning permission for this proposed modification / extension.

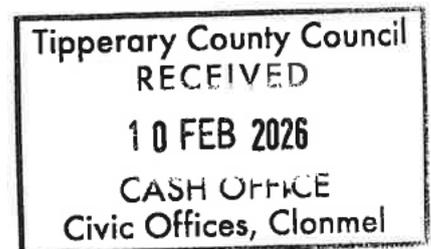
I await your advice.

Many thanks.

Your

[Redacted signature]

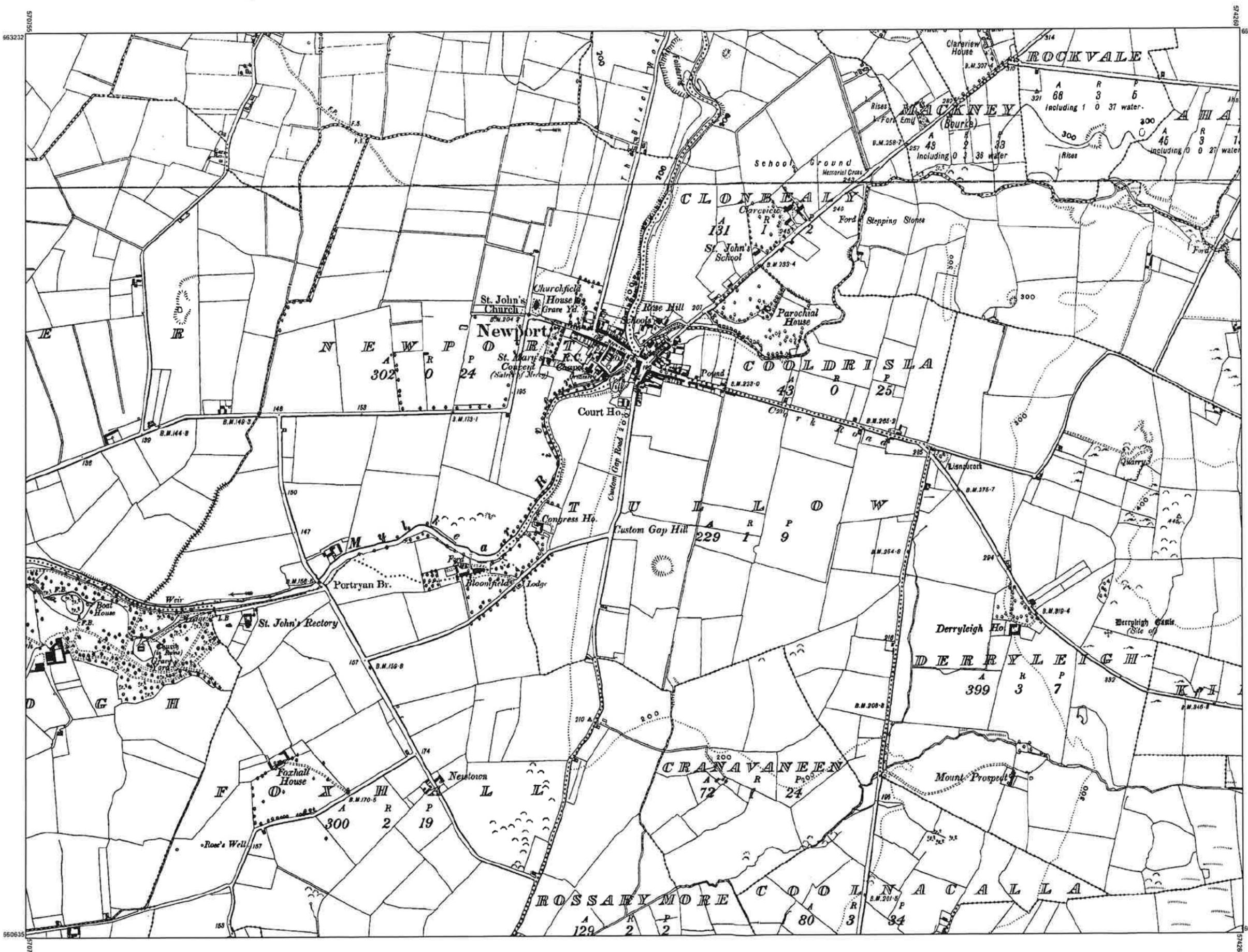
Arnis Bars



Site Location Map



Tailte Éireann



CENTRE COORDINATES:
ITM 572508,661934

PUBLISHED:
16/01/2026

ORDER NO.:
50512239_1

MAP SERIES:
6 Inch Raster
6 Inch Raster
6 Inch Raster
6 Inch Raster
6 Inch Raster

MAP SHEETS:
CE054
LK001
LK006
LK007
TY031+031A
TY037

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

www.tailte.ie

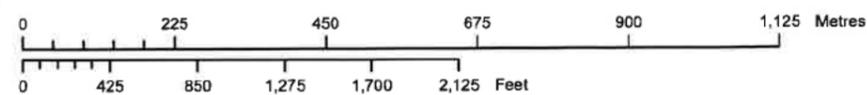
Any unauthorised reproduction infringes Tailte Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

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.

©Tailte Éireann, 2026.
All rights reserved.



OUTPUT SCALE: 1:10,560

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

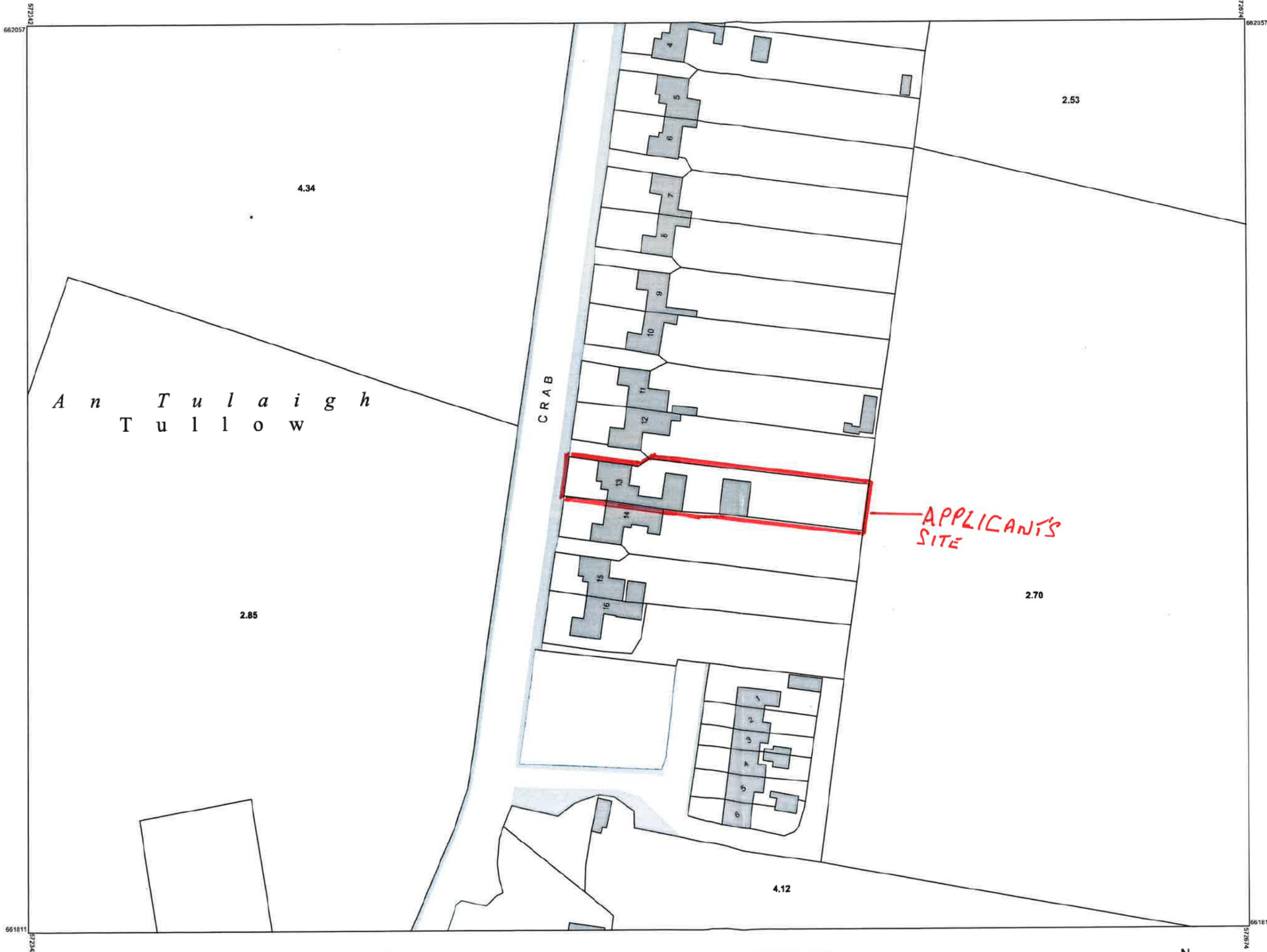
LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



Planning Pack Map



Tailte
Éireann



CENTRE COORDINATES:
ITM 572508,661934

PUBLISHED:
16/01/2026

ORDER NO.:
50512239_1

MAP SERIES:
1:2,500

MAP SHEETS:
4626-A

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

www.tailte.ie

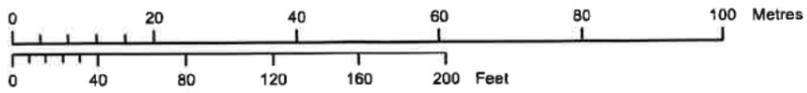
Any unauthorised reproduction infringes Tailte Éireann copyright.

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

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.

©Tailte Éireann, 2026.
All rights reserved.



OUTPUT SCALE: 1:1,000

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

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



Applicant: Arnis Bars,

Address : 13 Ard Muire, Newport, Co. Tipperary. (Eir code: V94E72T)

Application: Construction of new Kitchen



PHOTO: Road frontage

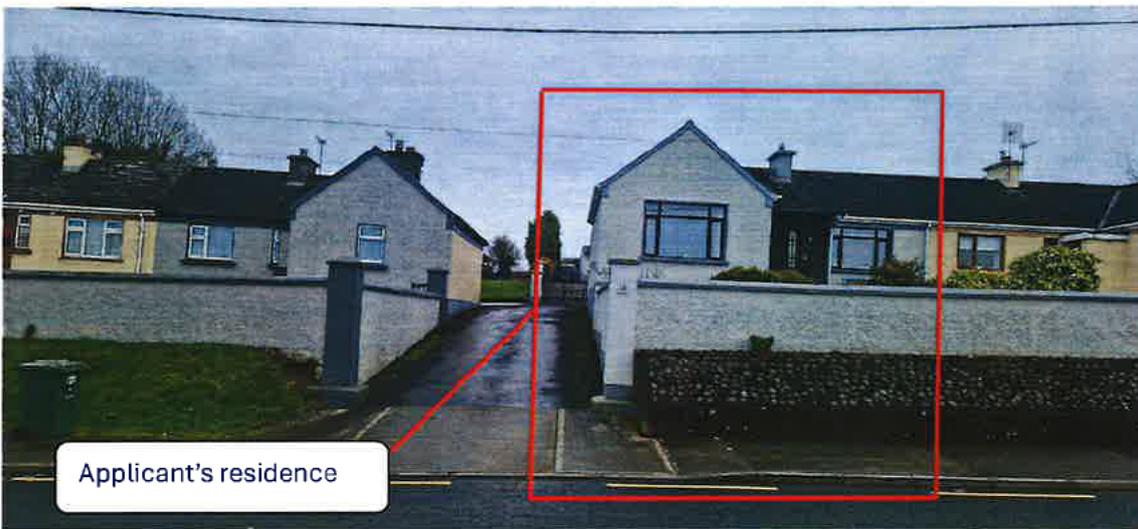


PHOTO: Applicant's Residence

Applicant: Arnis Bars,

Address : 13 Ard Muire, Newport, Co. Tipperary. (Eir code: V94E72T)

Application: Demolish existing kitchen, remove PVC screen and construction of new proposed Kitchen

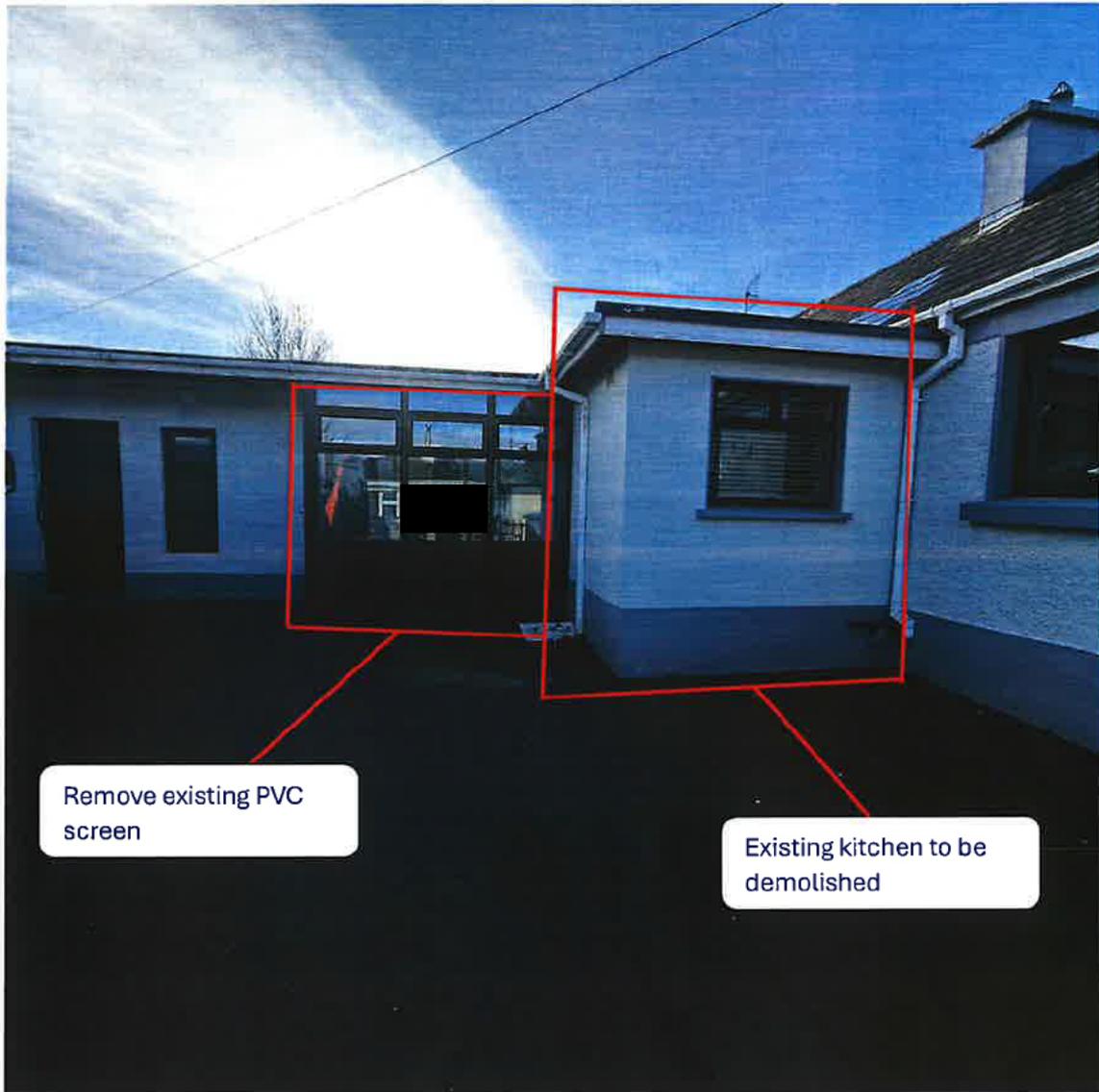


PHOTO: Rear of residence showing existing kitchen to be demolished and PVC screen removed

Applicant: Arnis Bars,

Address: 13 Ard Muire, Newport, Co. Tipperary. (Eir code: V94E72T)

Application: Demolish existing kitchen, remove PVC screen and construction of new proposed Kitchen

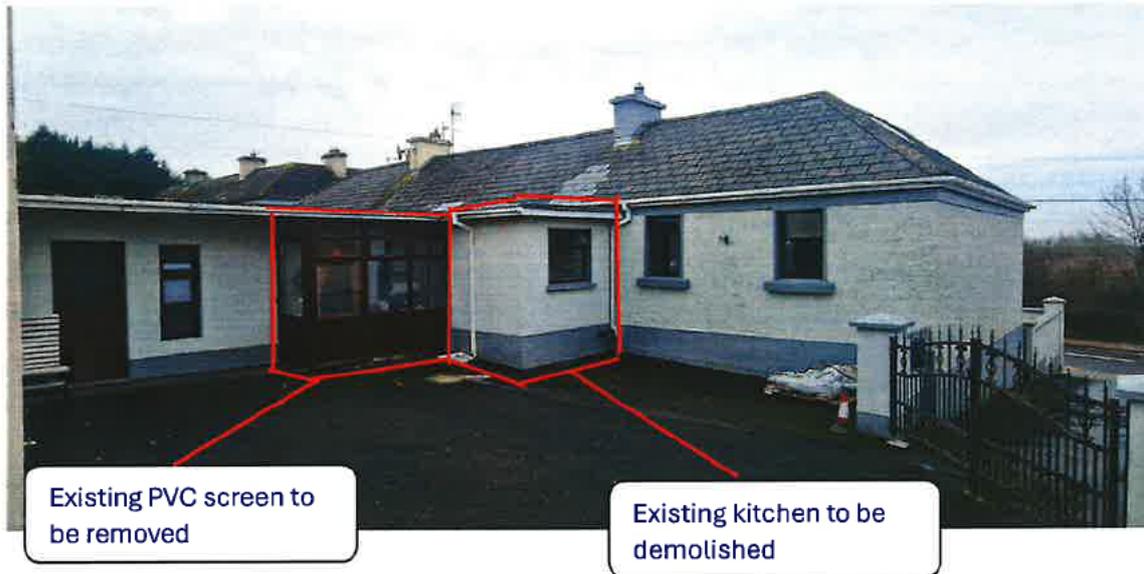


PHOTO: Rear of residence showing existing kitchen to be demolished and PVC screen removed

Applicant: Arnis Bars,

Address : 13 Ard Muire, Newport, Co. Tipperary. (Eir code: V94E72T)

Application: Demolish existing kitchen, remove PVC screen and construction of new proposed Kitchen

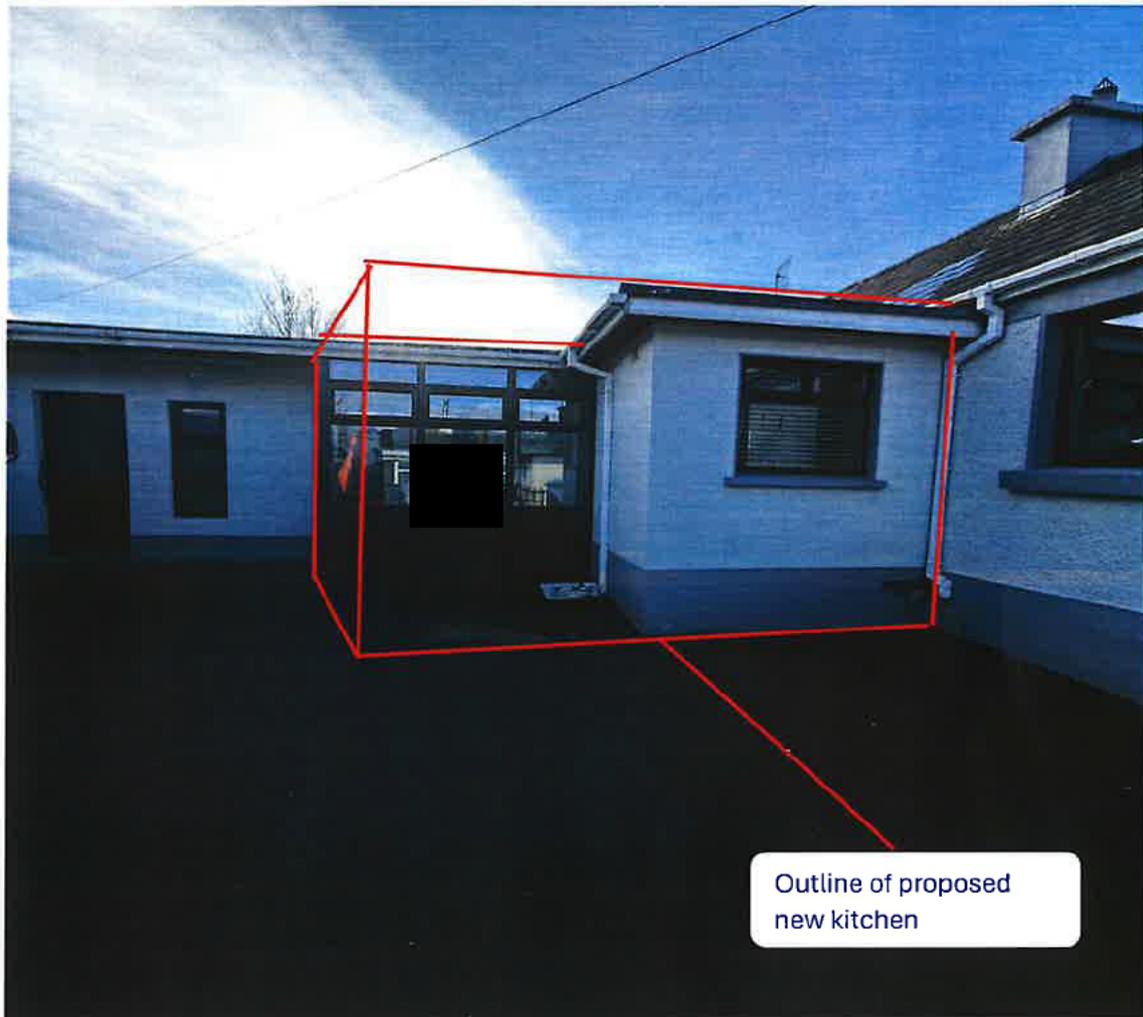


PHOTO: Rear of residence showing outline of proposed new kitchen

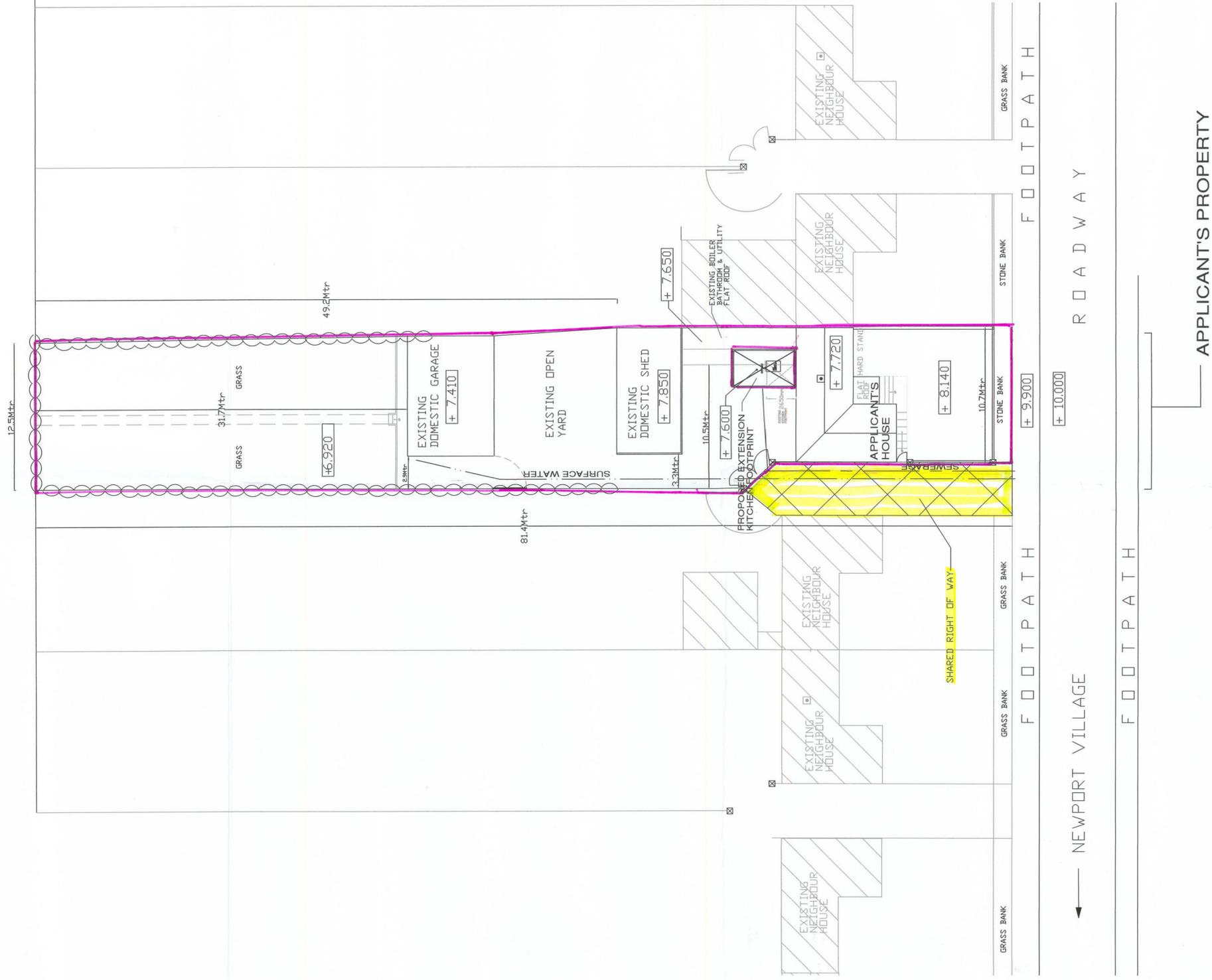
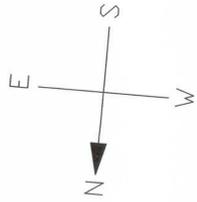
Applicant: Arnis Bars,

Address: 13 Ard Muire, Newport, Co. Tipperary. (Eir code: V94E72T)

Application: Demolish existing kitchen, remove PVC screen and construction of new proposed Kitchen



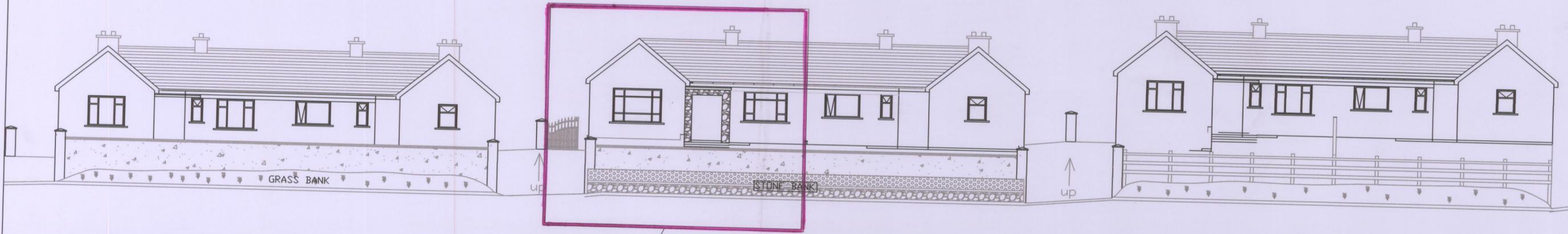
PHOTO: Rear of residence showing outline of proposed new kitchen



PROPOSED KITCHEN EXTENSION
at 13 ARD MUIRE, NEWPORT
Co. TIPPERARY
 FOR
 ARNIS BARS, 13 ARD MUIRE, NEWPORT,
 Co. TIPPERARY
 (Eircode : V94E72T)
 - SITE PLAN

Scale	Date	Job. No.	Drg. No.	Rev.
1:200	20/1/2026	BARS 2025	L(--)100	0

Scale 1 to 200 ON A1 Sheet



APPLICANT'S PROPERTY

FRONT ELEVATION (WEST)

PROPOSED KITCHEN EXTENSION
at 13 ARD MUIRE, NEWPORT
Co. TIPPERARY

FOR

ARNIS BARS, 13 ARD MUIRE, NEWPORT,
 Co. TIPPERARY
 (Eircode : V94E72T)

PROPOSED NEW KITCHEN
 – FRONT (WEST) ELEVATION

Scale	Date	Job. No.	Drg. No.	Rev.
1:150	20/1/2026	BARS 2025	L(--)101	0

PROPOSED NEW KITCHEN CONSTRUCTION

ROOF CONSTRUCTION:

175mmX40mm TREATED TIMBER JOISTS WITH
100mm INSULATION BETWEEN, 18mm PLYWOOD
SHEET, 6.0mm FELT, UNDERSIDE 13mm
PLASTERBOARD, SKIMMED

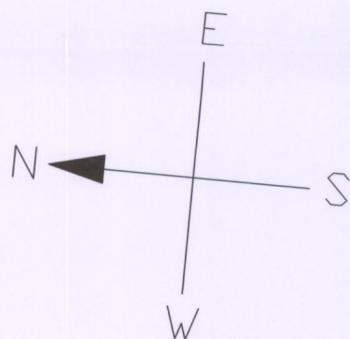
WALL CONSTRUCTION:

100mm EXTERNAL INSULATION, PLASTERED, 100mm SOLID CONCRETE
BLOCK, 50mm GAP, 100mm SOLID CONCRETE BLOCK, 40mm INTERNAL
WALL INSULATION, 13mm PLASTERBOARD AND SKIMMED PLASTERED

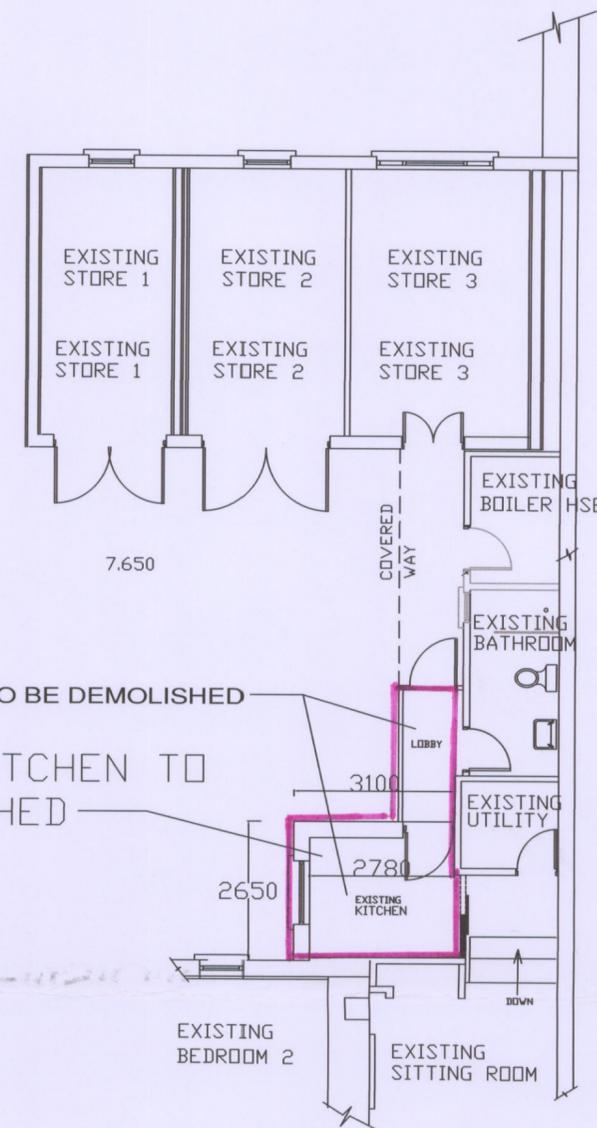
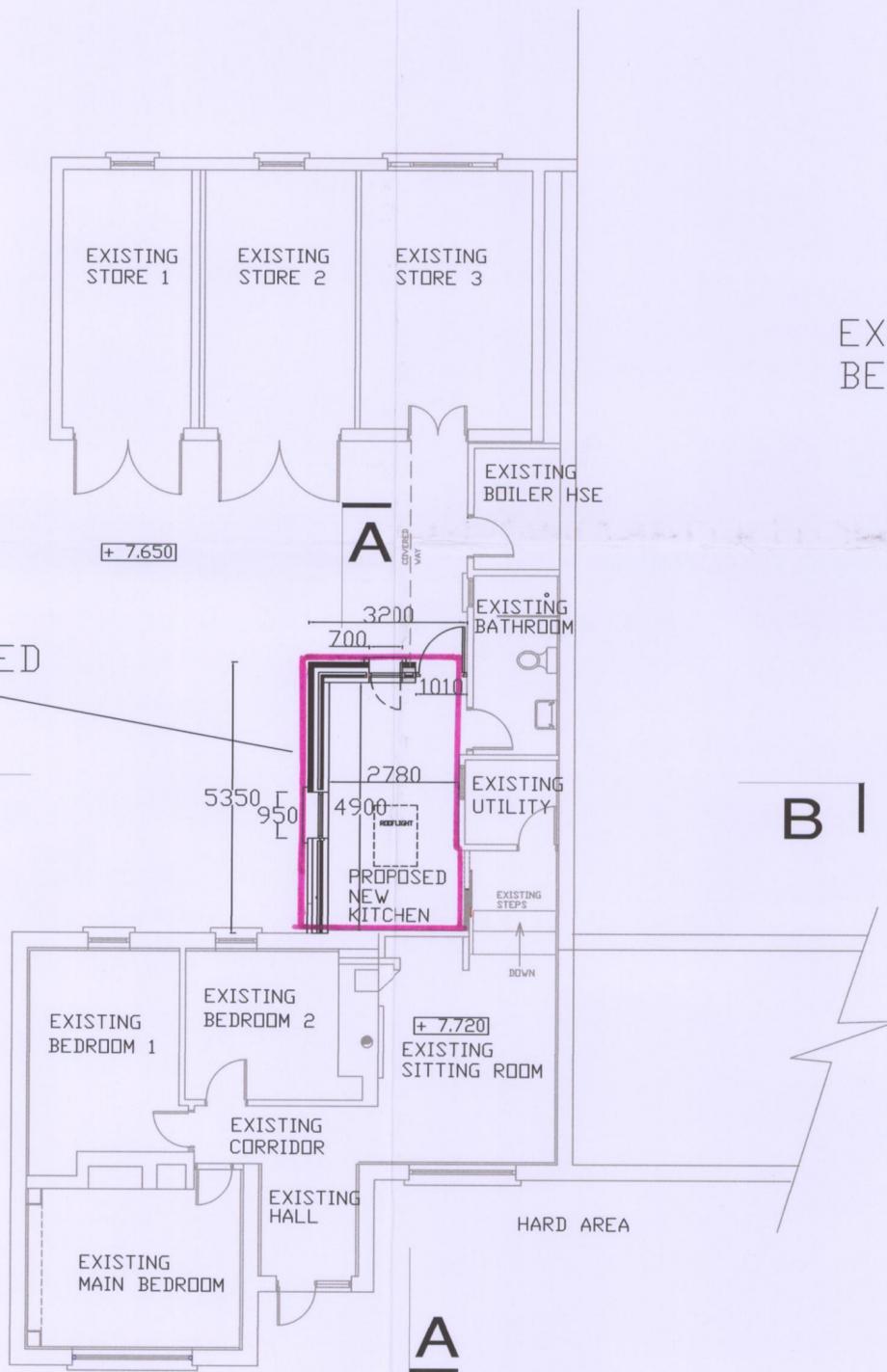
WINDOWS: TRIPLE GLAZED PVC TO MATCH EXISTING WINDOWS

FLOOR CONSTRUCTION

100mm SCREED ON 100mm INSULATION
INSULATION ON 1200 GAUGE DN
COMPACTED 804 GRAVEL



NEW PROPOSED
KITCHEN



EXISTING KITCHEN PLAN

EXISTING KITCHEN TO
BE DEMOLISHED

TO BE DEMOLISHED

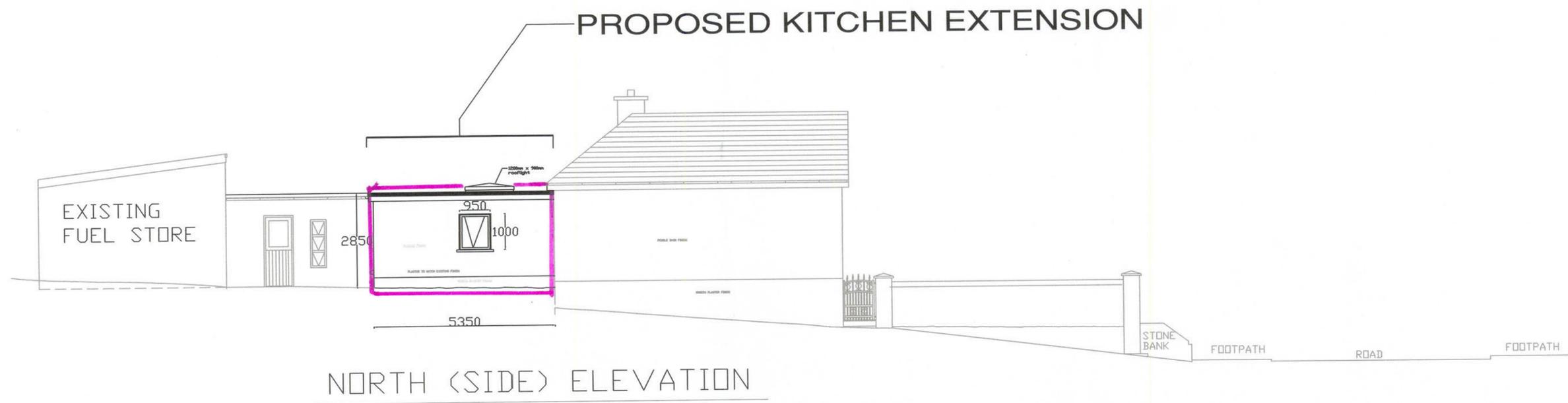
**PROPOSED KITCHEN EXTENSION
at 13 ARD MUIRE, NEWPORT
Co. TIPPERARY**

FOR

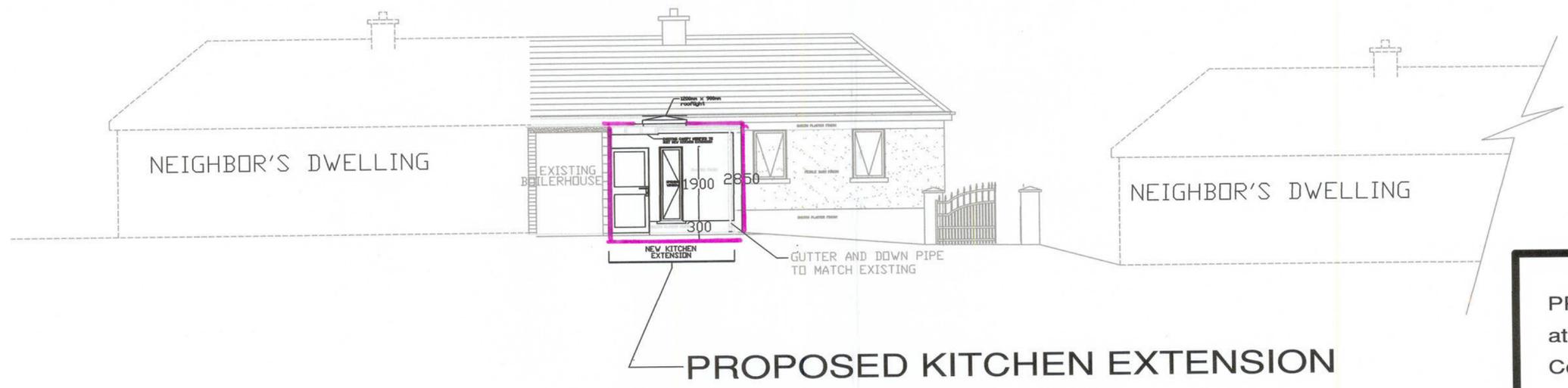
ARNIS BARS, 13 ARD MUIRE, NEWPORT,
Co. TIPPERARY
(Eircode : V94E72T)

PROPOSED NEW KITCHEN
FLOOR PLAN

Scale	Date	Job. No.	Drg. No.	Rev.
1:100	20/2/2026	BARS 2025	L(---)102	0



NORTH (SIDE) ELEVATION



EAST (REAR) ELEVATION

PROPOSED KITCHEN EXTENSION

PROPOSED KITCHEN EXTENSION
 at 13 ARD MUIRE, NEWPORT
 Co. TIPPERARY

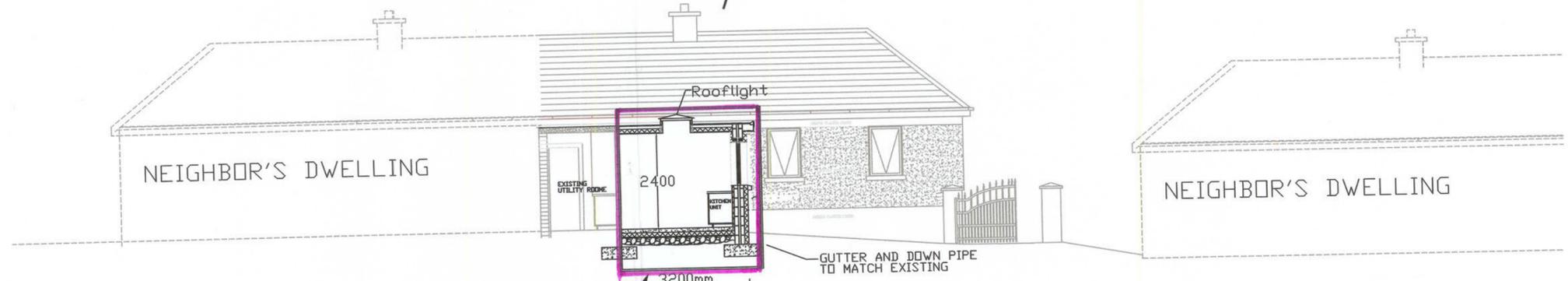
FOR

ARNIS BARS, 13 ARD MUIRE, NEWPORT,
 Co. TIPPERARY
 (Eircode : V94E72T)

NORTH AND EAST ELEVATIONS

Scale	Date	Job. No.	Drg. No.	Rev.
1:100	5/2/2026	BARS 2025	L(---)103	0

APPLICANT'S PROPERTY

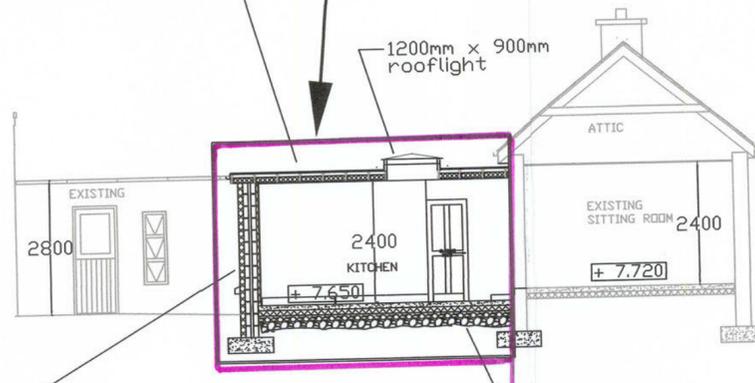


SECTION "B-B"

PROPOSED KITCHEN EXTENSION

ROOF CONSTRUCTION:

175mmX40mm TREATED TIMBER JOISTS WITH 100mm INSULATION BETWEEN, 18mm PLYWOOD SHEET, 6.0mm FELT, UNDERSIDE 13mm PLASTERBOARD, SKIMMED



SECTION "A-A"

WALL CONSTRUCTION:

100mm EXTERNAL INSULATION, PLASTERED, 100mm SOLID CONCRETE BLOCK, 50mm GAP, 100mm SOLID CONCRETE BLOCK, 40mm INTERNAL WALL INSULATION, 13mm PLASTERBOARD AND SKIMMED PLASTERED

WINDOWS: TRIPLE GLAZED PVC TO MATCH EXISTING WINDOWS

FLOOR CONSTRUCTION

100mm SCREED ON 100mm INSULATION ON 1200 GAUGE ON COMPACTED 804 GRAVEL

PROPOSED KITCHEN EXTENSION
at 13 ARD MUIRE, NEWPORT
Co. TIPPERARY

FOR
ARNIS BARS, 13 ARD MUIRE, NEWPORT
Co. TIPPERARY
(Eircode : V94E72T)
PROPOSED NEW KITCHEN
SECTION "A-A" AND "B-B"

Scale 1:100	Date 20/2/2025	Job. No. BARS 2025	Drg. No. L(--)-104
----------------	-------------------	-----------------------	-----------------------



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 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 10th February 2026

Our Ref: S5/26/11

Civic Offices, Clonmel

Arnis Bars
13 Ard Mhuire
Newport
Co. Tipperary
V94 E72T

Re: Application for a Section 5 Declaration – Demolish existing kitchen and lobby and construct new kitche at 13 Ard Mhuire, Newport, Co. Tipperary, V94 E72T.

A Chara,

I acknowledge receipt of your application for a Section 5 Declaration received on 10th February 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.: S5/26/11
Applicant: Arnis Bars
Development Address: 13 Ard Mhuire, Newport
Proposed Development: Demolish existing kitchen and lobby and construct new kitchen.

1. GENERAL

On the 10/02/20256 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 13 Ard Mhuire, Newport:

- Demolish existing kitchen and lobby and construct new kitchen

2. STATUTORY PROVISIONS

Planning and Development Act 2000, as amended

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

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

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

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

Section 4(1) of the Planning and Development Act, 2000, as amended states:

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

4.- (2) (a) of the Planning and Development Act 2000, as amended, states as follows:

(2)(a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- (i) *by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- (ii) *the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

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

4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations 2001, as amended

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

Exempted Development.

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

Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended states:

Description of Development

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

Conditions and Limitations

1.
 - (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*
 - (b) *Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.*
 - (c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*
2.
 - (a) *Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*
 - (b) *Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor*

area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

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

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

4.

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

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

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

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

6.

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

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

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

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

Article 9 of the Planning and Development Regulations 2001, as amended sets out restrictions on exemptions and states:

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

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

3. ASSESSMENT

a. Site Location

The site is located at 13 Ard Mhuire, Newport. It contains a single storey, semi-detached dwelling and outbuildings

b. Relevant Planning History

19601032 – Retention permission granted for 1) utility/boiler room. 2) fuel store 3) domestic garage and all associated site works

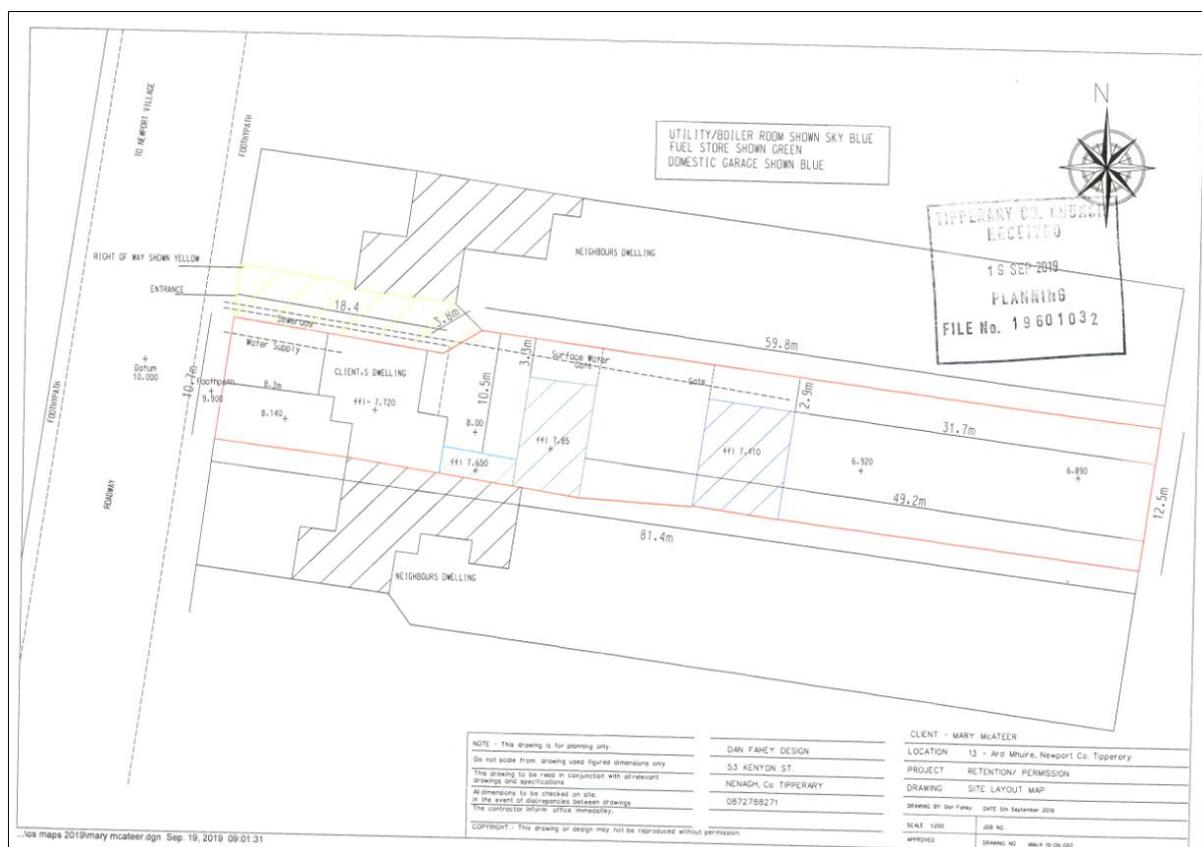


Figure 1: Approved Site Layout Plan

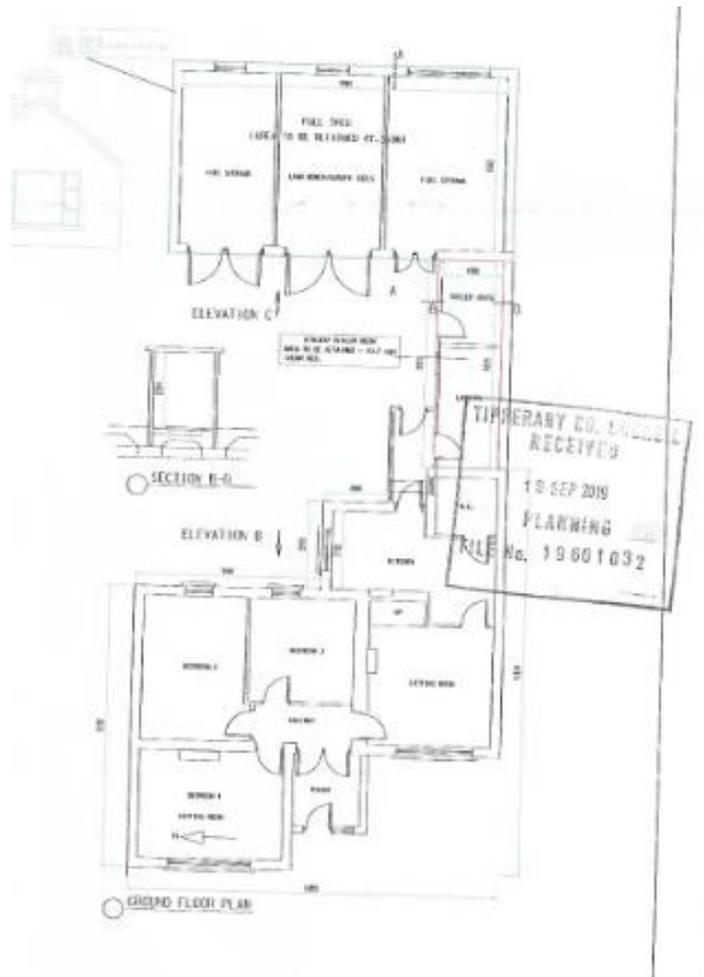


Figure 2: Approved Ground Floor Plan

51/6218 – Planning permission granted for retention of extension to residence at Ard Mhuire (planning permission granted on 16/05/1978)

51/10057 - Planning permission granted for extension to dwelling (planning permission granted on 13/01/1983)

c. Assessment

Pursuant to Section 5 of the Planning & Development Acts this report will examine whether the proposal constitutes a) development and b) exempted development.

A) “Is or is not Development”

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

B) “Is or is not Exempted Development”

Assessment against the conditions / limitations of Class 1:

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

As per the above planning history, the dwellinghouse has been previously extended. These extensions comprise a porch at the front of the house and an existing utility room, kitchen, lobby, bathroom and boiler house to the rear of the house. These extensions to the rear are attached to existing stores. Thus, the existing utility room, kitchen, lobby, bathroom boiler house and stores are all attached and together they comprise one large extension to the rear of the house which in itself exceeds 40sqm.

The floor area of the proposed extension and the floor area of these existing extensions (constructed after 1st October 1964) exceed 40 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.

As per the above, the floor area of the proposed extension and the floor area of the existing extensions (constructed after 1st October 1964) 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.

Not applicable as the proposal relates to a ground floor extension.

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

Not applicable as the proposal relates to a semi-detached dwelling.

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

Not applicable as the proposal relates to a ground floor extension only.

4.

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

The rear wall of the house does not include a gable and the height of the walls of the proposed extension would 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.

Not applicable as the rear wall of the house does not include a gable.

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

The proposed extension would have a flat roof with a rooflight, which would exceed the height of the eaves of the dwelling. As such, the proposal fails to comply with Condition/Limitation 4(c).

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

The extension would not reduce the area of private open space to the rear of the house to less than 25 sq m.

***6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.***

The proposed extension would not contain a window less than 1 metre from the boundary it faces.

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

There is no proposal to use the roof of the extension as a balcony or roof garden

C) Restrictions under Article 9

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

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

Appropriate Assessment (AA)

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

Environmental Impact Assessment (EIA):

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

4. RECOMMENDATION

A question has arisen as to whether the following proposed development at 13 Ard Mhuire, Newport is or is not exempted development:

- Demolish existing kitchen and lobby and construct new kitchen

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

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

Tipperary County Council has concluded that the *proposed extension*, is development and is **not exempted development**.

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

The proposal fails to satisfy condition / limitation 4(c) of Class 1 which stipulates that ***The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.***

District Planner: *Olive O'Donnell*

Date: 04/03/2025

Senior Executive Planner: *Jonathan Flood* Date: 4/3/2026

AA Screening Form

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

(a) File Reference No:	S5 26 11
(b) Brief description of the project or plan:	As per planners report
(c) Brief description of site characteristics:	As per planners report
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW	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
Silvermine Mountains SAC 000939	Silvermine Mountains SAC National Parks & Wildlife Service (npws.ie)	15	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Glenomra Wood SAC 001013	Glenomra Wood SAC National Parks & Wildlife Service (npws.ie)	15	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Silvermines Mountains West SAC 002258	Silvermines Mountains West SAC National Parks & Wildlife Service (npws.ie)	15	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N

Slieve Bernagh Bog SAC 002312	Slieve Bernagh Bog SAC National Parks & Wildlife Service (npws.ie)	15	No due to distance and the lack of any relevant ex-situ factors of significance to Nthese species	N
Clare Glen SAC 000930	Clare Glen SAC National Parks & Wildlife Service (npws.ie)	10	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Keeper Hill SAC 001197	Keeper Hill SAC National Parks & Wildlife Service (npws.ie)	10	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Glenstal Wood SAC 001432	Glenstal Wood SAC National Parks & Wildlife Service (npws.ie)	10	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N
Lower River SAC Shannon 002165	Lower River Shannon SAC National Parks & Wildlife Service (npws.ie)	500m	Development wastewater is to public sewer and soakaways on site will be part of development. Therefore it is not considered that any connections exist that my negatively impact upon the SAC	N
Lough Derg (Shannon) SPA 004058	Lough Derg (Shannon) SPA National Parks & Wildlife Service (npws.ie)	15	No due to distance and the lack of any relevant ex-situ factors of	N

			significance to these species	
Slievefelim to Silvermines Mountains SPA 004165	<u>Slievefelim to Silvermines Mountains SPA National Parks & Wildlife Service (npws.ie)</u>	10	No due to distance and the lack of any relevant ex-situ factors of significance to these species	N

¹ Short paraphrasing and/or cross reference to NPWS is acceptable – it is not necessary to reproduce the full text on the QI/SCI.

² If the site or part thereof is within the European site or adjacent to the European site, state here.

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Possible Significance of Impacts: (duration/magnitude etc.)
Construction phase e.g. <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	The construction phase will not result in significant environmental impacts that could affect European Sites within the wider catchment area
Operational phase e.g. <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and activities • Physical presence of structures (e.g. collision risks) • Potential for accidents or incidents 	No impact. Given the nature and scale of the development, it is considered that there is no real likelihood of any significant effects on European Sites in the wider catchment area

In-combination/Other	No 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 	<p>None.</p> <p>The application site is not located within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species directly or ex-situ.</p> <p>Given the scale of the proposed development and the significant distance between the proposed development site and any European Sites is such that the proposal will not result in any likely changes to the European sites that comprise part of the Natura 2000 network</p>
---	--

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

Yes No

Step 4. Screening Determination Statement

The assessment of significance of effects:

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

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

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	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening

effect on a European site.		<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input type="checkbox"/>	<input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	04/03/2026
Signature and Date of the Decision Maker:		

EIA Pre-Screening Establishing a development is a 'sub-threshold development'			
File Reference:	S5 26 11		
Development Summary:	See Planners report		
Was a Screening Determination carried out under Section 176A-C?	<input type="checkbox"/> Yes, no further action required <input checked="" type="checkbox"/> No, Proceed to Part A		
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)			
<input type="checkbox"/> Yes, specify class _____		EIA is mandatory No Screening required	
<input checked="" type="checkbox"/> No		Proceed to Part B	
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds? (Tick as appropriate)			
<input checked="" type="checkbox"/> No, the development is not a project listed in Schedule 5, Part 2		No Screening required	
<input type="checkbox"/> Yes the project is listed in Schedule 5, Part 2 and meets/exceeds the threshold, specify class (including threshold): _____		EIA is mandatory No Screening required	
<input type="checkbox"/> Yes the project is of a type listed but is <i>sub-threshold</i> : _____		Proceed to Part C	
C. If Yes , has Schedule 7A information/screening report been submitted?			
<input type="checkbox"/> Yes, Schedule 7A information/screening report has been submitted by the applicant		Screening required Determination	
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary Examination required	
Signature and Date of Recommending Officer:	Olive O'Donnell	Date:	04/03/2026

Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/11** **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 Arnis Bars, 13 Ard Mhuire, Newport, Co. Tipperary, V94 E72T Re: Demolish existing kitchen and lobby and construct new kitchen at 13 Ard Mhuire, Newport, Co Tipperary is development and is exempted development.

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

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

Tipperary County Council has concluded that the *proposed extension*, is development and is **not exempted development**.

The proposal fails to satisfy condition / limitation 2(a) of Class 1 which stipulates that Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The proposal fails to satisfy condition / limitation 4(c) of Class 1 which stipulates that The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

Signed: 
Brian Beck
Director of Services

Date: 04/03/2026



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 5000/6000
e customerservice
@tipperarycoco.ie
tipperarycoco.ie

Date: 4th March 2026

Our Ref: S5/26/11

Civic Offices, Nenagh

Arnis Bars
13 Ard Mhuire
Newport
Co. Tipperary
V94 E72T

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 10th February 2026 in relation to the following proposed works:

Demolish existing kitchen and lobby and construct new kitchen at 13 Ard Mhuire, Newport, 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.

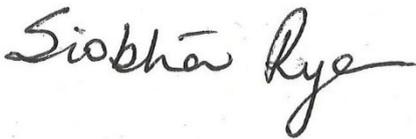
Tipperary County Council has concluded that the *proposed extension*, is development and is **not exempted development**.

The proposal fails to satisfy condition / limitation 2(a) of Class 1 which stipulates that Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

The proposal fails to satisfy condition / limitation 4(c) of Class 1 which stipulates that The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

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

Yours sincerely

A handwritten signature in black ink, reading "Siobhán Rye". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

for **Director of Services**