



Comhairle Contae Thiobraid Árann
Tipperary County Council

RN: 200722 €80 cash
Tipperary County Council
RECEIVED
13 FEB 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	REBECCA LYONS
Address	7 PEARSE PARK CLONMEL
Telephone No.	[REDACTED]
E-mail	[REDACTED]

2. Agent's (if any) address:

Agent	N/A
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [<input checked="" type="checkbox"/>]	Agent [<input type="checkbox"/>]

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	7 PEARSE PARK, CLONMEL CO. TIPPERARY
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TIPPERARY CO. COUNCIL
RECEIVED
13 FEB 2026 ✓
PLANNING SECTION
FILE NO.

4. Development Details:

Please provide details of the proposed development for which an exemption under Section 5 of the Planning and Development Act is applied for.

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

THAT	THE PLACING OF A PITCHED ROOF OVER
	THE EXISTING PLAY ROOF IS AN
	EXEMPT DEVELOPMENT—SEE ATTACHED DRAWINGS.
	PRECEDENT CASE WITH AN BORD PLEAÁLA
	REFERENCE NUMBER 61.RL.2210
Proposed floor area of proposed works/uses: N/A sqm	

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

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

Signature of Applicant(s)



Date: 13/02/26.

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)

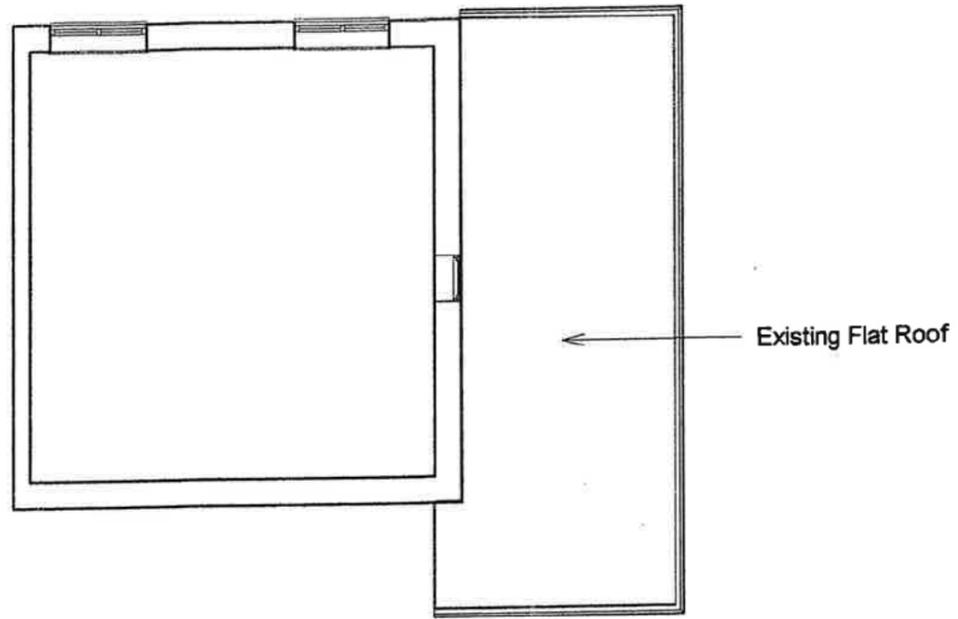
- (3) Where a proper and complete application is received, a decision must be conveyed to the applicant within four (4) weeks except where additional necessary information is required.

This application form and relevant fee should be submitted to:

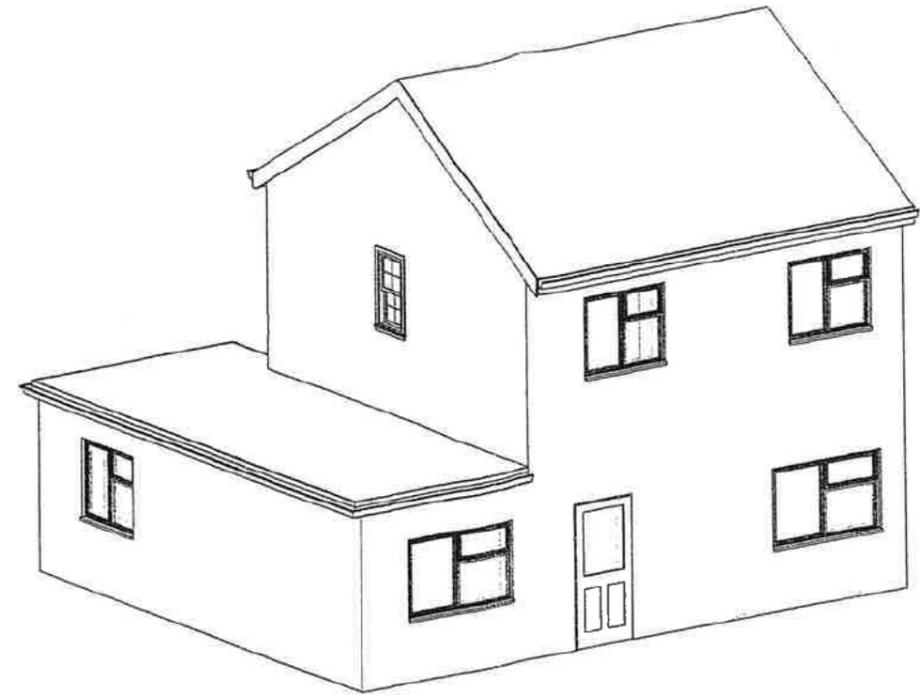
Planning Section, Tipperary County Council, Civic Offices, Limerick Road, Nenagh, Co. Tipperary	<u>OR</u>	Planning Section, Tipperary County Council, Civic Offices, Emmet Street, Clonmel, Co. Tipperary
Enquires:		
Telephone 0818 06 5000		
E-Mail planning@tipperarycoco.ie		

FOR OFFICE USE ONLY

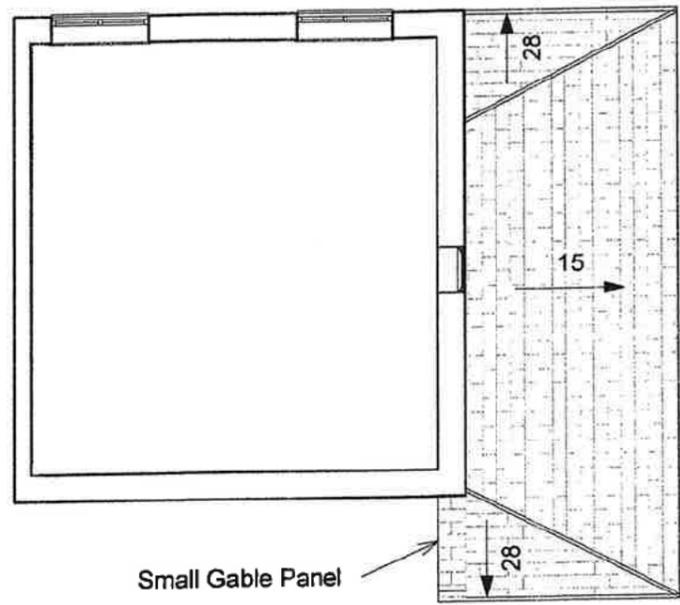
Fee Recd. € <u>80 cash</u>	DATE STAMP Tipperary County Council RECEIVED 13 FEB 2020 CASH OFFICE Civic Offices, Clonmel
Receipt No <u>200722</u>	
Date <u>13/2/20</u>	
Received by <u>[Signature]</u>	



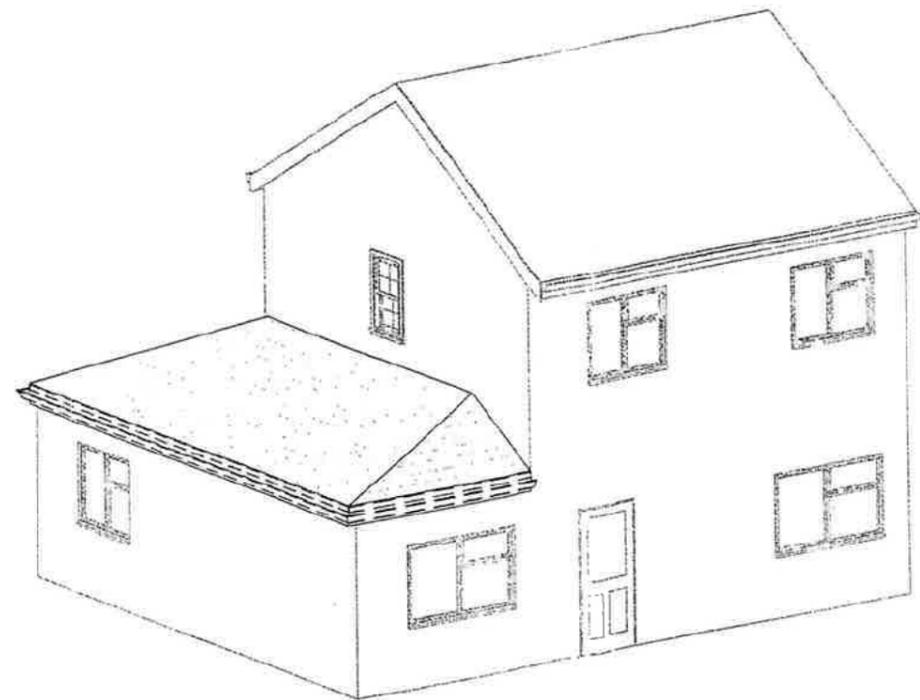
EXISTING ROOF



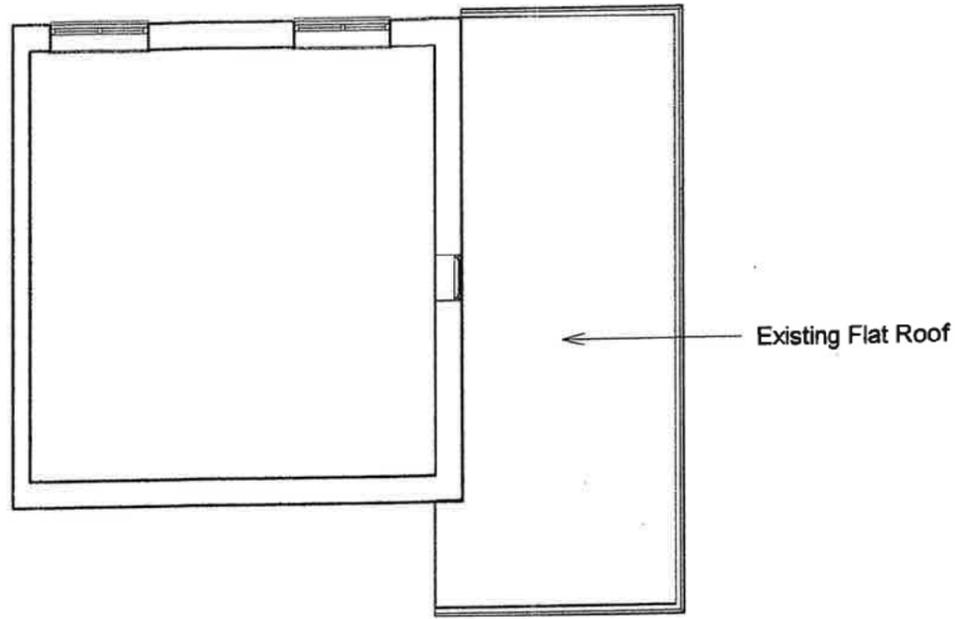
EXISTING BUILDING



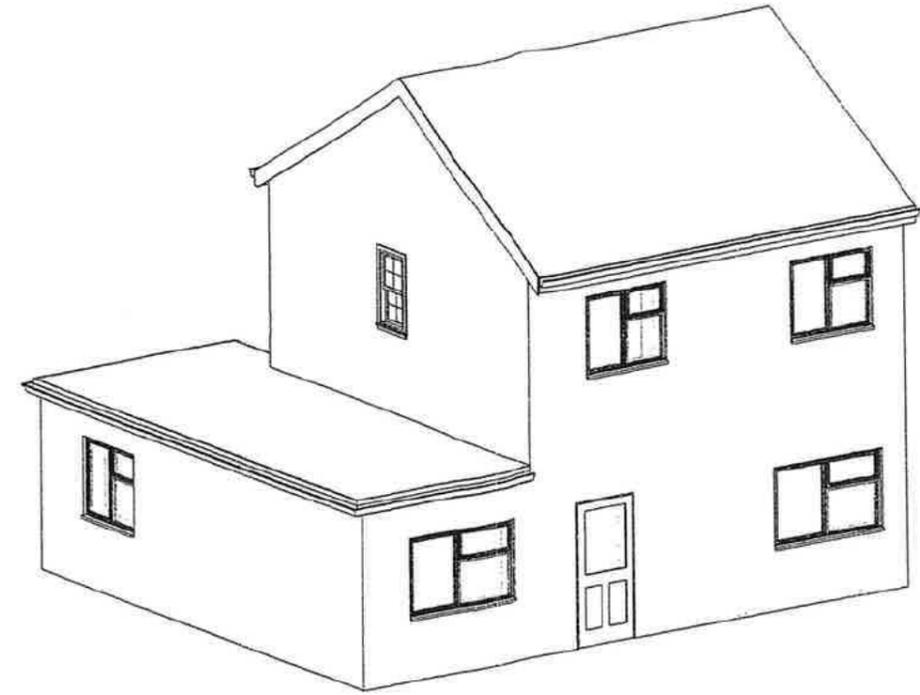
NEW ROOF



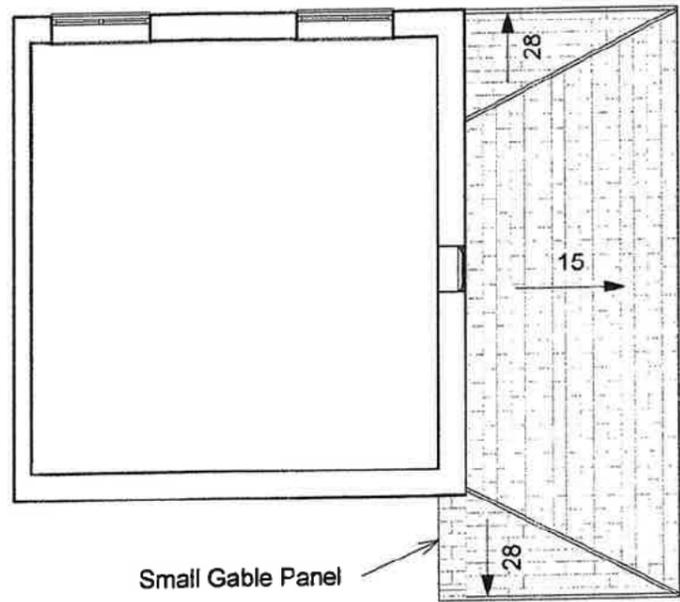
PROPOSED BUILDING



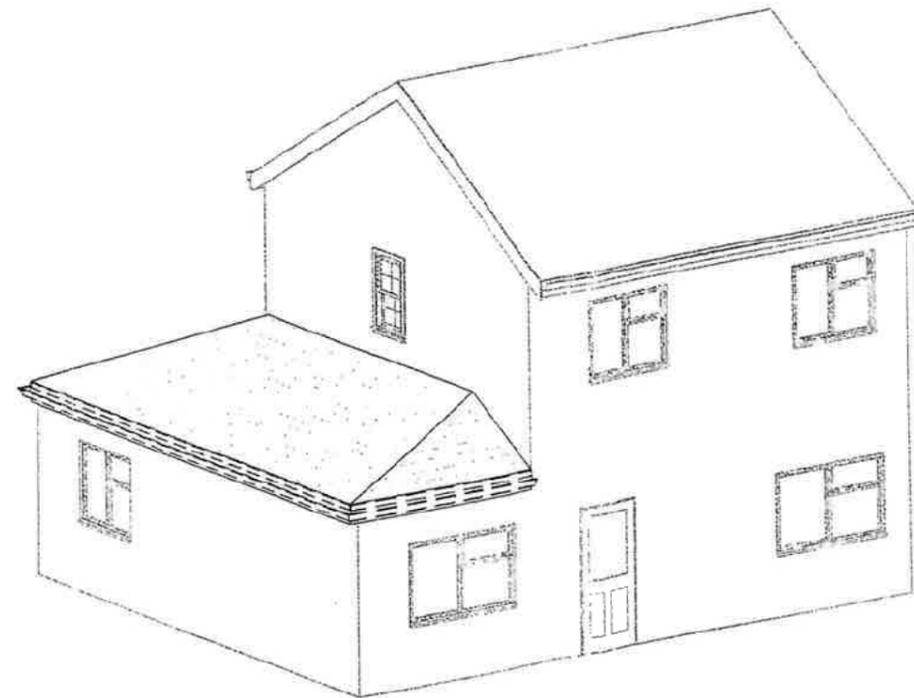
EXISTING ROOF



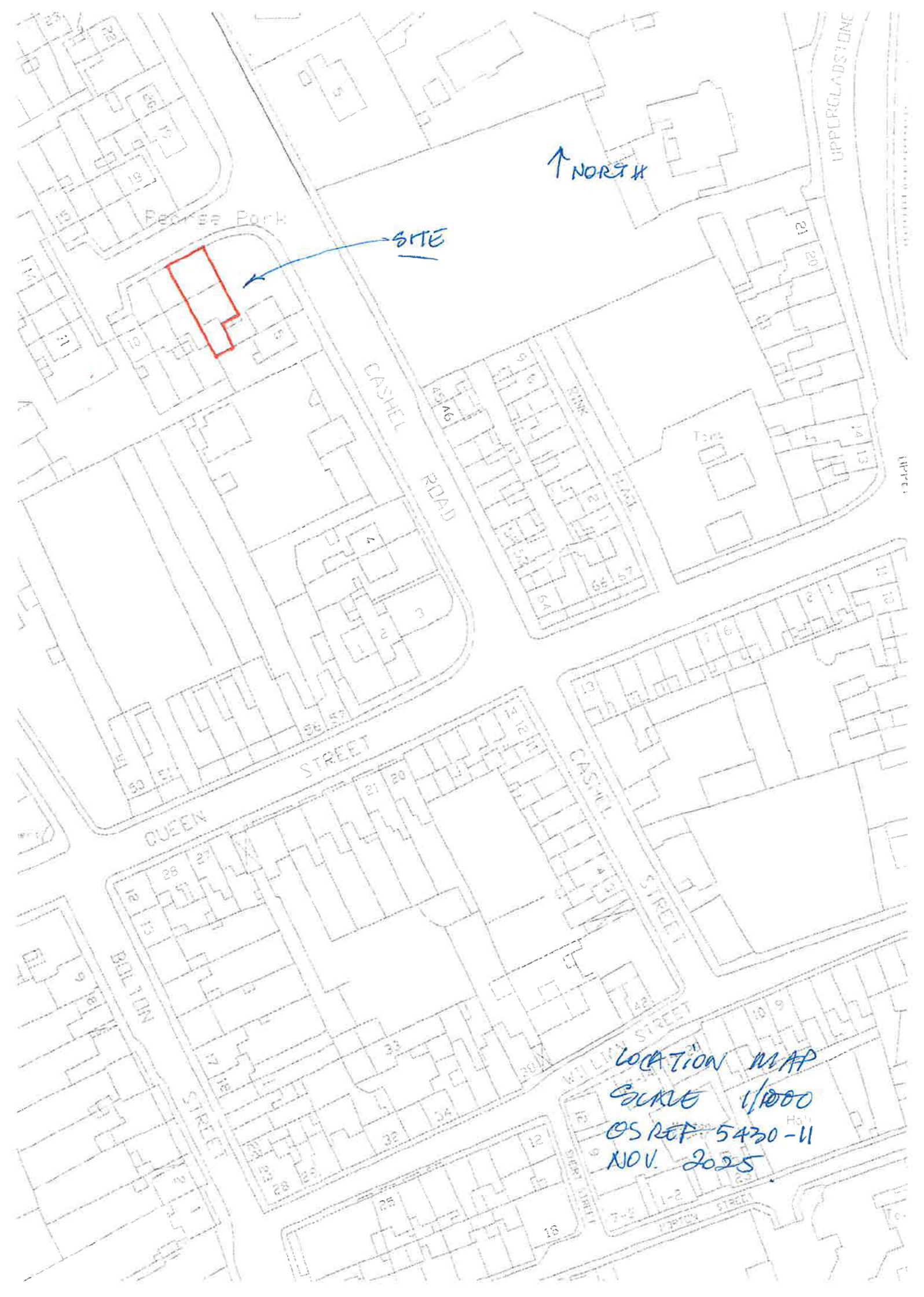
EXISTING BUILDING



NEW ROOF



PROPOSED BUILDING



↑ NORTH

SITE

LOCATION MAP
SCALE 1/1000
OS REF 5430-11
NOV 2025

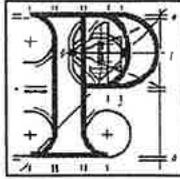


↑ NORTH

→ SITE

LOCATION MAP
SCALE 1/1000
OS REF 5430-11
NOV. 2025

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Galway City

Planning Authority Reference Number: P/DC/3/1/14

An Bord Pleanála Reference Number: 61.RL.3210

WHEREAS a question has arisen as to whether works at 53 Castlelawn Heights, Galway consisting of-

- (1) construction of a single storey rear extension in conjunction with an existing single storey side elevation garage conversion for use as part of the house is or is not exempted development, and
- (2) erection of a pitched roof over the existing side elevation single storey converted garage is or is not development or is or is not exempted development:

AND WHEREAS Pat and Theresa Keane care of Westcon Design Group Limited of Orantown Centre, Oranmore, County Galway requested a declaration on the said question from Galway City Council and the said Council issued a declaration on the 13th day of February, 2014 stating that the said (1) construction of a single storey rear extension in conjunction with an existing single storey side elevation garage conversion for use as part of the house is exempted development and (2) the erection of a pitched roof over the existing side elevation single storey converted garage is development and is not exempted development:

- (2) the erection of a pitched roof over the existing side elevation single storey converted garage is development and is exempted development.

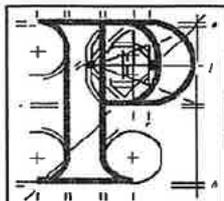
MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2014.

An Bord Pleanála



Board Direction

Ref: 61.RL.3210

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14th, July 2014.

The Board generally approved of the terms of the draft order, as set out below.

The Board decided that –

- (1) the construction of a single storey rear extension in conjunction with an existing single storey side elevation garage conversion for use as part of the house is development and is exempted development, and
- (2) the erection of a pitched roof over the existing side elevation single storey converted garage is development and is exempted development

WHEREAS a question has arisen as to whether works at 53 Castletown Heights, Galway consisting of-

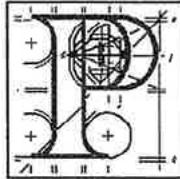
- (1) construction of a single storey rear extension in conjunction with an existing single storey side elevation garage conversion for use as part of the house is or is not exempted development, and
- (2) erection of a pitched roof over the existing side elevation single storey converted garage is or is not development or is or is not exempted development:

AND WHEREAS Pat and Theresa Keane care of Westcon Design Group Limited of Orantown Centre, Oranmore, County Galway requested a declaration on the said question from Galway City Council and the said Council issued a declaration on the 13th day of February, 2014 stating that the said (1) construction of a single storey rear extension in conjunction with an existing single storey side elevation garage conversion for use as part of the house is exempted development and (2) the erection of a pitched roof

- (2) the erection of a pitched roof over the existing side elevation single storey converted garage is development and is exempted development.

Board Member: _____ Date: 15th, July 2014
Paddy Keogh

An Bord Pleanála



Inspector's Report –Reference Case

An Bord Pleanala Ref. No. :	RL 61. RL 3210
Planning Authority:	Galway City Council
Referring Party:	Pat and Theresa Keane
Other Parties to Reference:	Galway City Council
Reference:	Whether (1) construction of a single storey rear extension, in conjunction with an existing single storey side elevation garage conversion, is exempted development (2) erection of a pitched roof over the existing side elevation single storey converted garage is development, and is or is not exempted development.
Location:	53 Castlelawn Heights, Galway
Date of Site Inspection:	12/6/14
Inspector:	Louise Kiernan
Appendices:	Appendix 1: Site Context Map Appendix 2: Key map and associated photos

exceed the height of the highest part of the roof of the dwelling'. It was the referrer's opinion that as the conversion of a garage to the side of a dwelling house is classed as exempt development that the provision of any roof to any such conversion is also exempted providing it meets with the conditions and limitations described in 4(c) and that as the proposed hipped roof meets with these conditions and limitations is this not therefore development. However in their reply on 5/3/14 the Planning Authority considered that condition and limitation 4(c) does not apply as *'the sentence only refers to an extension and does not mention the word conversion'*. The Planning Authority then quoted precedence on a similar case decided by An Bord Pleanála, RL 28. 2930, which considered that the provision of a hipped roof over the conversion and extension was development, but exempt development, as it comes within the scope of section 4(1) (h) of the Planning and Development Act, as amended, as there were a number of other similar developments in the area and that such a development would not be inconsistent. However the subject Planning Authority considered that in the case of the proposal set before Galway City Council considered that S. 4(1) (h) would not apply, as the vast majority of the dwellings in this section of the estate have no side gardens and are semi-detached structures, there are only a small number of dwellings with side garages and only one example would have a pitched roof. It was therefore considered that the pitched roof would *'render the appearance inconsistent with the character of the neighbouring structures'*, would therefore require planning permission, and would not be exempted development.

5.0 GROUNDS OF REFERRAL

This is referral against a declaration made on behalf of Pat and Theresa Keane of no. 53 Castlawn Heights in relation to the declaration of Galway City Council that the erection of a pitched roof over the existing side elevation single storey converted garage is not exempted development. The main issues raised are as follows:-

- The existing single storey extension in the form of a converted garage to the side of the dwelling house (18.5 sq.m.) is exempted development under Class 1 exemption, Part 1 of Schedule 2 of the Planning and Development Regulations 2001.
- The combined area of both existing and proposed extensions is 40 sq.m. with a remaining rear garden area of 66 sq.m. As such the proposed development is exempt development under Class 1 exemption and Class 2(a) exemption, as amended under Part 1 of Schedule 2 of the Planning and Development Regulations 2001.
- The term *'extension of a house'* under Class 1 Exempt development is described as *'the construction or erection of an extension (including a conservatory) to the rear of a 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 side of the house'*. This description clearly states that the conversion of an attached garage structure to the side of a dwelling house is classed under the description of an extension.

Planning and Development Regulations, 2001, as amended:

Article 6 refers to Exempted Development and states that 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 lists development within the curtilage of a house:-

Column 1 – 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.

Column 2 – Conditions and Limitations

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

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.

(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 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.

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

8.0 ASSESSMENT

8.1 The question to be determined in this Section 5 reference case is whether (1) construction of a single storey rear extension is or is not exempt development and (2) erection of a pitched roof over the existing side elevation single storey converted garage is development, and is or is not exempted development.

Whether construction of a single storey rear extension, in conjunction with an existing single storey side elevation garage conversion, is exempted development

'(a) the said works to the existing garage (including the replacement of original windows and the provision of the mono-pitch roof covering) come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, and (b) the extension to the rear of the house and the conversion of part of the original garage for use as part of the house have a combined floor area of less than 40 square metres and, accordingly, both these elements of the development come within the scope, including conditions and limitations, of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001'. The Board decided that the conversion of an existing garage to domestic use including replacement of windows and extension to rear of the house, is development, and that same come within the scope of section 4(1) (h) of the Planning and Development Act 2000, as amended, and as such is exempted development. In said case account was taken of the pattern of development in the area and that as there were a number of other similar developments in the area that such a development would not be inconsistent. In the case of the subject case, the Planning Authority in this same analogy, considered that the pitched roof would render the appearance inconsistent with the character of the neighbouring structures and would therefore require planning permission and would not be exempted development. However I do not agree in this regard.

- 8.5 In relation to the works to be carried out to the existing structure, which consists of the replacement of the flat roof on the garage conversion to that of a pitched roof, I note Section 4(1) (h) of the Planning and Development Act 2000, as amended. The question therefore arises as to whether the development would be classed as *'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'*. Having visited the site and the general area, I am of the opinion that these works can be reasonably categorised as being for the improvement of the structure. Whilst I accept that the works comprising replacement of the existing flat roof with a pitched roof materially affects the external appearance of the structure, I consider that as the proposed finishes and roof style generally reflect those of the established dwelling, and also having regard to the number of dwellings within the estate which have been altered and extended in a similar fashion (see appendix 2: key map and associated photos), I consider that the erection of a pitched roof over the existing single storey converted garage is not such as to render the appearance inconsistent with the character of the structure or neighbouring structures. I therefore consider that the said works consisting of the erection of a pitched roof over the existing side elevation single storey converted garage is development, and is exempted development, within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended.

- a) Section 3 (1) of the Planning and Development Act 2000, as amended;
- b) Section 4(1)(h) of the Planning and Development Act 2000, as amended
- c) Articles 6 and 9 of the Planning and Development Regulations, 2001, and
- d) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001;

AND WHEREAS An Bord Pleanála has concluded that:-

- (a) The proposed single storey extension to the rear of the house in conjunction with an existing single storey side elevation garage conversion for use as part of the house have a combined floor area not in excess of 40 square metres and, accordingly, both these elements of the development come within the scope, including conditions and limitations, of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001:
- (b) The erection of a pitched roof over the existing side elevation single storey converted garage is development, and comes within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, and is therefore exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3) (a) of the Planning and Development Act, 2000, hereby decides that the works consisting of:-

- (1) construction of a single storey rear extension in conjunction with an existing single storey side elevation garage conversion, is exempted development, and;
- (2) erection of a pitched roof over the existing side elevation single storey converted garage is development, and is exempted development.

Louise Kiernan
Inspector
17th June, 2014



Comhairle Contae Thiobraid Árann
Tipperary County Council

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

Comhairle Contae
Thiobraid Árann,
Oifigí Cathartha,
An tAonach,
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Our Ref: S5/26/14

13th February 2026

Rebecca Lyons
7 Pearse Park
Clonmel
Co Tipperary

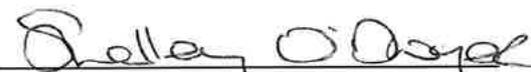
Re: Application for a Section 5 Declaration – That the placing of a pitched roof over the existing play roof is an exempt development at 7 Pearse Park, Clonmel, Co. Tipperary.

A Chara,

I acknowledge receipt of your application for a Section 5 Declaration received on 13th 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.: S5/26/14

Applicant: Rebecca Lyons

Development Address: 7 Pearce Park, Clonmel, Co. Tipperary

Proposed Development: the placing of a pitched roof over the existing flat roof.

1. GENERAL

On the 13th of February 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”:

- the placing of a pitched roof over the existing flat roof.

The site is located at 7 Pearce Park, Clonmel, Co. Tipperary.

2. STATUTORY PROVISION

The following statutory provisions are relevant to this referral case;

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)(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.

3. **ASSESSMENT**

a. Site Location

The site comprises an existing two storey end of terrace dwelling at 7 Pearce Park, Clonmel, Co. Tipperary.

Figure 1 Site location



b. Relevant Planning History

S5/25/148 – query in respect of the placing of a pitched roof over the existing flat roof – determined to be development but **NOT** exempted development.

Figure 2 Planning history



c. Assessment

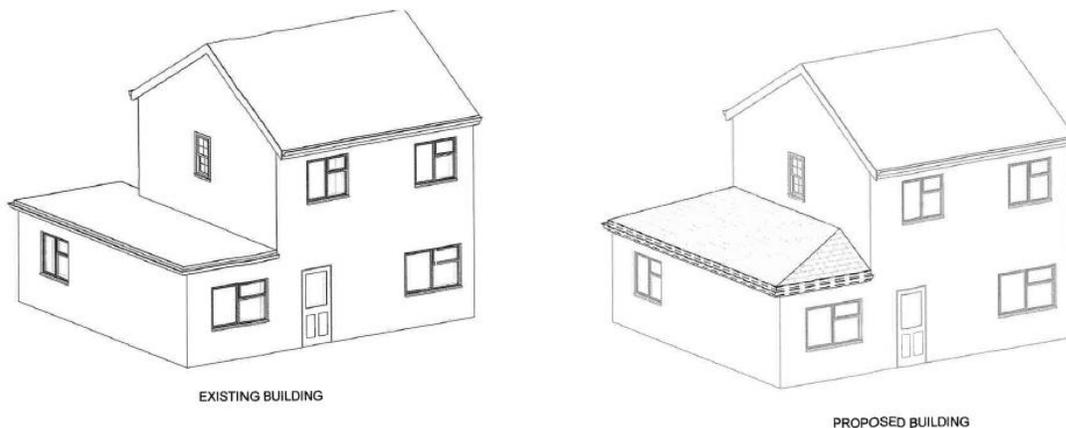
A) "Is or is not Development"

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

B) "Is or is not Exempted Development"

The works proposed comprise of the placing of a pitched roof over the existing flat roof.

Figure 3 Floor plans



The subject site is not a protected structure not is it located within a designated Architectural Conservation Area.

The querist has submitted a precedent case from An Coimisiún Pleanála (RL3210). This related to a proposal to replace a flat roof with a pitched roof over an extension to the side of a semi detached dwelling within a housing estate in Galway.

The report of the Planning inspector is worth noting. The inspector in this instance acknowledged that the works would impact the character of the structure. Notwithstanding, given that the finishes proposed and the proposed roof style were in keeping with the principle dwelling, given that other properties have been extended in a similar manner, it was considered that the works would not be inconsistent with the character of the structure or of neighbouring structure.

In relation to this proposal, it is considered that the material finishes proposed are consistent with the principle dwelling. It is noted that a neighbouring property has also replaced a flat roof with a pitched roof.

Figure 4 Neighbouring property with pitched roof.



The Planning Authority is therefore satisfied that, in this particular instance, the works proposed are not inconsistent with the character of the structure or of neighbouring structures and can be considered exempt under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

C) Restrictions under Article 9

Works which 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 are not exempt.

It is noted that the roof of a side extension is to be modified. There is no evidence of an application of site for this extension. A review of historic maps show that the width of the dwelling on site is the same as the width of the site.

Figure 5 Historic maps



It would appear that the side extension formed part of the original dwelling. As such it is not an unauthorised structure.

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

The subject site is located c. 540 metres from the Lower River Suir SAC, 9.1 kms from the Nier Valley SAC and 10.5 Kms from the Comeragh mountains SAC.

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

It is not considered that Appropriate Assessment issues arise.

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

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) The details submitted by the querist 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”.

Signed: Paul Killean

Date: 03/03/26

C. Conway

Signed:
Senior Executive Planner

Date: 9.3.2026

Appendix 1

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT				
STEP 1. Description of the project/proposal and local site characteristics:				
(a) File Reference No:		S5/26/14		
(b) Brief description of the project or plan:		Modification to roof		
(c) Brief description of site characteristics:		7 Pearce park, Clonmel, Co. Tipperary – existing built up residential area		
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW		None		
(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	540 metres	Surface water collected and discharged to public sewer	yes
Nier Valley woodlands 000404	https://www.npws.ie/protected-sites/sac/00404	9.1 kms	No due to distance and the lack of any relevant ex-situ factors of significance to these species.	Nier Valley woodlands 000404
Comeragh Mountains SAC 01952	https://www.npws.ie/protected-sites/sac/001952	10.5 kms	No due to distance and the lack of any relevant ex-situ factors of significance	Comeragh Mountains SAC 01952

to these species.

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 	No impacts
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.) 	No impacts

- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the structure or ecological function of the site

(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.

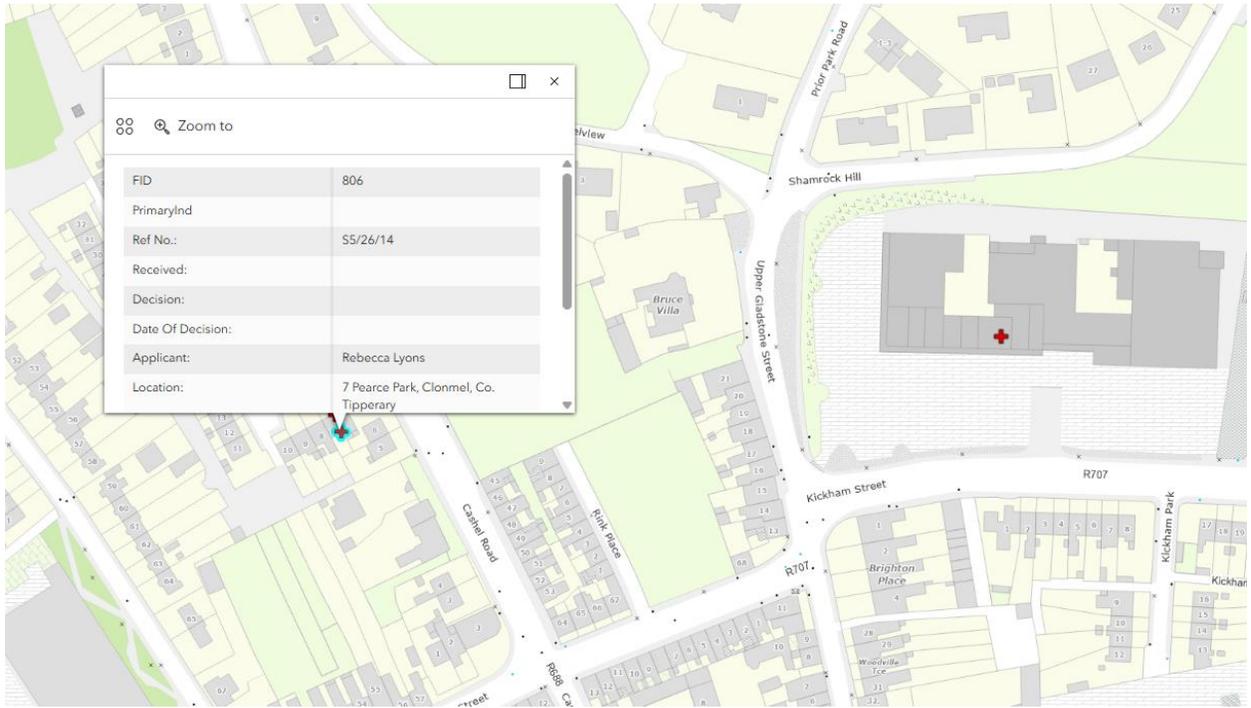
No impacts

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: 03/03/26

EIA Pre-Screening	
Establishing a development is a 'sub-threshold development'	
File Reference:	S5/26/14
Development Summary:	Modify roof
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 Determination required
<input type="checkbox"/> No, Schedule 7A information/screening report has not been submitted by the applicant	Preliminary Examination required

Figure 6 Site entered on Planning register



Original

TIPPERARY COUNTY COUNCIL

DELEGATED EMPLOYEE'S ORDER

File Ref: **S5/26/14** **Delegated Employee's Order No:** _____

SUBJECT: Section 5 Declaration

gq
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 Rebecca Lyons, 7 Pearse Park, Clonmel, Co Tipperary Re: The placing of a pitched roof over the existing flat roof at 7 Pearse Park, Clonmel, 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) The details submitted by the querist 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* **Date: 10/3/2026**
Brian Beck
Director of Services



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
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Oifigí Cathartha,
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Date: 10th March 2026

Our Ref: S5/26/14

Civic Offices, Nenagh

Rebecca Lyons
7 Pearse Park
Clonmel
Co Tipperary

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

Dear Rebecca,

I refer to your application for a Section 5 Declaration received on 13th February 2026 in relation to the following proposed works:

The placing of a pitched roof over the existing flat roof at 7 Pearse Park, Clonmel, 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) The details submitted by the querist 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**”.

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

Geraldine Quinn
for **Director of Services**