



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	Michael & Kathleen Gleeson
Address	Roscrea Road, Birr, Co Offaly.
Telephone No.	
E-mail	

2. Agent's (if any) address:

Agent	
Address	
Telephone No.	
E-mail	
Please advise where all correspondence in relation to this application is to be sent;	
Applicant [☒] Agent [☐]	

3. Location of Proposed Development:

Postal Address or Townland or Location (as may best identify the land or structure in question)	Ballyloughnane, Riverstown, Birr, 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 the rear of Existing dwelling consisting of Kitchen, dining & utility Room.
Proposed floor area of proposed works/uses: 40 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 ☒	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: 03/07/2026

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

GUIDANCE NOTES

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

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

This application form and relevant fee should be submitted to:

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

OR

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

Enquires:

Telephone 0818 06 5000

E-Mail planning@tipperarycoco.ie

FOR OFFICE USE ONLY

DATE STAMP

Fee Recd. € 80.00

Receipt No NEN AM/0/138774

Date 9/7/2026

Received by 

Planning Pack Map



Tailte
Éireann

CENTRE
COORDINATE:
ITM 626880.73946

PUBLISHED: 6C443-08_1
ORDER NO.:

MAP SERIES: 3817-A
MAP SHEETS:

An Coillín
Killeen

LEGEND
4.58
Proposed Site Boundary
Lands within Applicant's Ownership

Site Area = 0.581 Acres (0.254HA)

TIPPERARY CO. COUNCIL
RECEIVED
9 JUL 2026
PLANNING SECTION
55726/117
FILE NO.

Le Uil Lachdair
Ballyloughane

Location of Site Notice

2.72

2.41

3.20

4.20

0.77

0.23

0.24

0.62

3.80

0.48

2.12

0.51

0.64

0 25 50 75 100 125 150 175 200 225 250 Feet

OUTPUT SCALE: 1:2,500

Copyright reserved. This map is the property of the Tailte Éireann Group and is not to be reproduced or used in any form without the prior written permission of the Tailte Éireann Group. All rights reserved.

ADDITIONAL INFORMATION: This map is for information only and is not to be used for any other purpose. All rights reserved.



Copyright

COMPILED AND PUBLISHED BY:
Tailte Éireann
Planning Dept.
Dublin 8,
Ireland.
COPYRIGHT

Any user of the map is hereby notified that the map is the property of the Tailte Éireann Group and is not to be reproduced or used in any form without the prior written permission of the Tailte Éireann Group. All rights reserved.

Tailte Éireann 2026.
All rights reserved.

TIPPERARY CO. COUNCIL
RECEIVED

9 JUL 2026

PLANNING SECTION
FILE NO. 55/26/117

Ballyloughnane Td.

SITE LAYOUT PLAN

As per Contour Map No. 1000

LEGEND

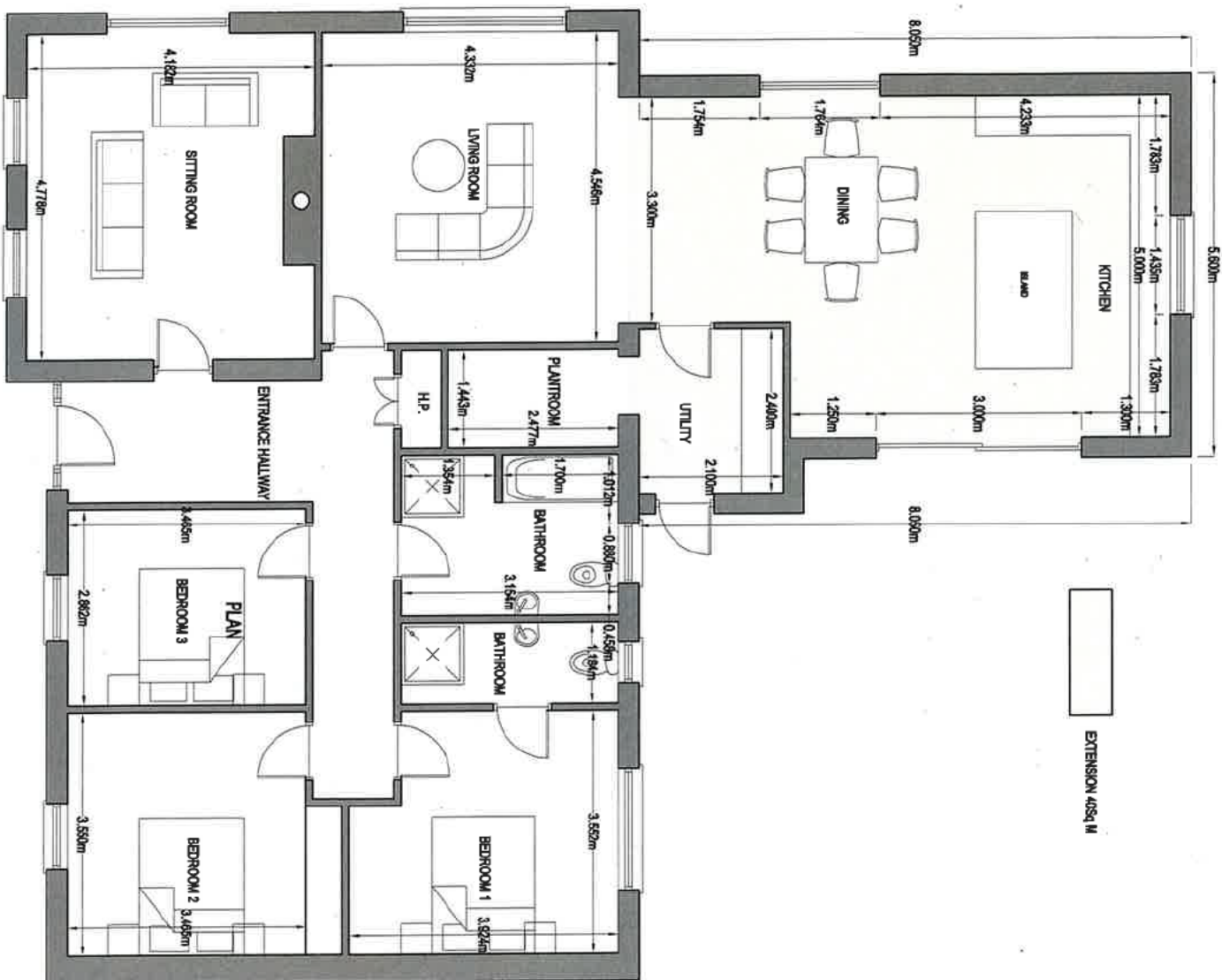
- Site outlined
- Landscaping
- Existing Road Edge
- New Native Species
- Redesign to be planted
- Contour line
- Spot level
- Existing hedge/grow to be retained
- Lower hedging & trees to be planted
- Boundary line
- Garage
- Water / Drain area



SITE LAYOUT PLAN 1:500
Site Area 266Ha

Client : Michael & Kathleen Gleeson	Date : 25-06-2026
Scale : 1:500	
Title : Site layout Plan	DRAWING NO. SP/22/012
Proposed extension to the rear of existing dwelling at Ballyloughnane, Riverstown, Birr, Co Tipperary. R42PE03	
Prepared: Noel Lyons Woodfield, Birr, Co Offaly. Tel No 087-1223340	

TIPPERARY CO. COUNCIL
RECEIVED
 9 JUL 2026
 PLANNING SECTION
 FILE NO. 55/26/117



mb & a
architectural
services

Creating
 Ambience
 C. & W. Wexmouth
 t: 087 8538215
 i: info@mba.ie
 m: 087 8538215

CLIENT:
Diedan Gleason

PROJECT:
Proposed Extension
at Ballyfourna, Riverstown,
Co. Tipperary.

PROPOSED PLAN

DATE: 28/04/26	SCALE: Not to scale
DATE: 28/04/26	SCALE: Not to scale



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: 10th July 2026

Our Ref: S5/26/117

Civic Offices, Nenagh

Michael & Kathleen Gleeson
Roscrea Road
Birr
Co. Offaly

Re: Application for a Section 5 Declaration – Extension to the rear of existing dwelling at Ballyloughnane, Rivertown, Birr, Co. Tipperary

Dear Mr & Mrs Gleeson,

I acknowledge receipt of your application for a Section 5 Declaration received on 9th July 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.: S5/26/117

Applicant: Michael & Kathleen Gleeson

Development Address: Ballyloughane, Riverstown, Birr, Co. Tipperary

Proposed Development: Extension to the rear of dwelling

1. GENERAL

On the 09/07/2026, 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 Ballyloughane, Riverstown, Birr, Co. Tipperary

- Extension to the rear of dwelling

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 45 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 45 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 total area of private open space within the curtilage of the house, reserved exclusively for the use of the occupants 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 8 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 8 metres from the boundary it faces.
- 6. The roof of any extension shall not be used as a balcony or terrace.
- 7. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.

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 in Riverstown, on the northern side of the R489. It contains a detached dwelling.

b. Relevant Planning History

5118934 – Planning permission granted for a house and septic tank

2560110 - Planning permission granted for a new dwelling extension to the rear and side of existing dwelling house and proposed revisions to the window design throughout and ancillary works

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”*

The proposal is for an extension to the rear of dwelling

A review of the Classes of exempted development has been carried out. The following exemption, which pertains specifically to Development within the curtilage of a house, is noted:

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

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.

The following is an assessment against the conditions / limitations of Class 1:

Conditions and Limitations

1.

- a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 45 square metres.

The house has not been extended previously, and the stated floor area of the extension is 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.

N/A as the proposal relates to a detached dwelling

- 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.

N/A as the proposal relates to a ground floor extension

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 45 square metres.

The house has not been extended previously.

- 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.

N/A as the proposal relates to a detached dwelling

- 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.

N/A as the proposal relates to a ground floor extension

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

N/A as the proposal relates to a ground floor extension

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 extension would 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.

N/A 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 main part of the proposed extension would have a pitch roof with a full gable. A small element (the utility room) would have a flat roof.

The height of the flat roofed extension would exceed the height of the eaves.

The height of the highest part of the roof of the main extension would 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 total area of private open space within the curtilage of the house, reserved exclusively for the use of the occupants 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.

The curtilage of the house has not been identified on the submitted site layout plan.

- b) Any window proposed above ground level in any such extension shall not be less than 8 metres from the boundary it faces.

The proposed extension would not contain a window less than 1 metre 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 8 metres from the boundary it faces.

N/A as the proposal relates to a ground floor extension

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

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

8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.

The proposal relates to the principal house.

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 Ballyloughane, Riverstown, Birr, Co. Tipperary is or is not exempted development:

- Extension to the rear of dwelling

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 to the rear of dwelling', is development and is **not exempted development** as:

- The proposal fails to satisfy condition / limitation 4(a) of Class 1 which stipulates that **'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 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: 28/07/2026

Senior Executive Planner: *Jonathan Flood*

Date: 29/7/2026

HABITATS DIRECTIVE APPROPRIATE ASSESSMENT (AA) SCREENING REPORT

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

(a) File Reference No:	S5 26 117
(b) Brief description of the project or plan:	See planners report
(c) Brief description of site characteristics:	See planners report.
(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
Ballyduff Clonfinane Bog SAC	https://www.npws.ie/protected-sites/sac/000641	10	N	N
All Saints Bog and Esker SAC	https://www.npws.ie/protected-sites/sac/000566	10	N	N
Sharavogue Bog SAC	https://www.npws.ie/protected-sites/sac/000585	10	N	N
Kilcarren Firville Bog SAC	https://www.npws.ie/protected-sites/sac/000647	10	N	N
Liskeenan Fen SAC	https://www.npws.ie/protected-sites/sac/001683	10	N	N
Lisduff Fen SAC	https://www.npws.ie/protected-sites/sac/002147	10	N	N
Lough Derg NE Shore SAC	https://www.npws.ie/protected-sites/sac/002241	15	N	N
Redwood Bog SAC	https://www.npws.ie/protected-sites/sac/002353	15	N	N
River Shannon Callows SAC	https://www.npws.ie/protected-sites/sac/000216	15	N	N

Ridge Road, Sw Of Rapemills SAC	https://www.npws.ie/protected-sites/sac/000919	10	N	N
Island Fen SAC	https://www.npws.ie/protected-sites/sac/002236	10	N	N
Lough Derg (Shannon) SPA	https://www.npws.ie/protected-sites/spa/004058	15	N	N
River Little Brosna Callows SPA	https://www.npws.ie/protected-sites/spa/004086	10	N	N
Middle Shannon Callows SPA	https://www.npws.ie/protected-sites/spa/004096	15	N	N
All Saints Bog SPA	https://www.npws.ie/protected-sites/spa/004103	10	N	N
Dovegrove Callows SPA	https://www.npws.ie/protected-sites/spa/004137	10	N	N
SLIEVE BLOOM MOUNTAINS SPA	https://www.npws.ie/protected-sites/spa/004160	15	N	N

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. - 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	None
Operational phase e.g.	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	
In-combination/Other	None

(b) Describe any likely changes to the European site:

Examples of the type of changes to give consideration to include: • 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	None
---	------

(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.

Conclusion:		
	Tick as Appropriate:	Recommendation:
(i) It is clear that there is no likelihood of significant effects on a European site.	√	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.	☐	☐ Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission

(iii) Significant effects are likely.	☐	☐ Request NIS ☐ Refuse planning permission
Signature and Date of Recommending Officer:	Olive O'Donnell	28/07/2026

APPENDIX 2

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

File Reference:	S5 26 117	
Development Summary:	See planners report	
Was a Screening Determination carried out under Section 176A-C?	☐ Yes, no further action required ☒ No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1 , of the Planning and Development Regulations 2001 (as amended)? (Tick as appropriate)		
☐ Yes, specify class _____		EIA is mandatory No Screening required
☒ 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)		
No the development is not a project listed in Schedule 5, Part 2		No Screening required
☐ 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
☐ 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		Screening required Determination
☒ No, Schedule 7A information/screening report has not been submitted by the applicant		Preliminary required Examination

DELEGATED EMPLOYEE'S ORDER

Date: 30/07/2026



Date: 30th July 2026

Our Ref: S5/26/117

Civic Offices, Nenagh

Michael & Kathleen Gleeson
Roscrea Road
Birr
Co. Offaly

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 9th July 2026 in relation to the following proposed works:

Extension to the rear of dwelling at Ballyloughane, Riverstown, Birr, 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.

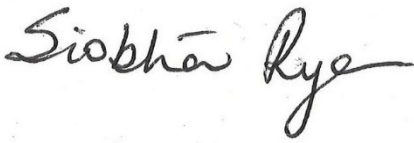
Tipperary County Council has concluded that the proposed 'Extension to the rear of dwelling', is development and is **not exempted development** as:

- The proposal fails to satisfy condition / limitation 4(a) of Class 1 which stipulates that '**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 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 large, flowing 'S' and a distinct 'R'.

for **Director of Services**