



Comhairle Cathrach Chorcaí

Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

John Lynch,
6 Oakwood Square,
Blackrock,
Cork.

29/11/2022

RE: Section 5 Declaration R744/22 6 Oakwood Square, Blackrock, Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 19th October 2022, and further information received 18th November 2022, I wish to advise as follows:

The Planning Authority, in view of the above and having regard to:

- The particulars received by the Planning Authority on 07/11/2022 and 18/11/2022,
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- The provision of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended),

It is considered that “*the construction of a single storey extension to the rear of 6 Oakwood Square, Blackrock, Cork*” **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 29th November 2022.

Is mise le meas,

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

Application type	SECTION 5 DECLARATION
Question	<i>Proposal to build bedroom outside sunroom on ground floor still less than 12 sqm</i>
Location	6 Oakwood Square, Blackrock Cork
Applicant	John Lynch
Date	29/11/2022
Recommendation	IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.

This report is to be read in conjunction with previous planning report, dated 10/11/2022, which requested further information.

1. FURTHER INFORMATION ASSESSMENT

Further Information was requested on 10/11/2022. A response to same was received on 18/11/2022. The further information requested was as follows:

The applicant is therefore requested to submit an accurate and scaled set of existing and proposed site plans which should include the boundary and existing shed structure on site, in order for an assessment against the provisions of Class 2 of Schedule 2 to be made. In addition, it is noted that the applicant is proposing to add rooflights to the existing rear extension however from a site visit it appears that these are already in place. Clarification on this point should be provided as part of the further information request.

The applicant has submitted the required drawings. These demonstrate that 25 sq.m. of open space would be retained to the rear of the dwelling thus complying with the provisions of Schedule 2, Part 1, Class 1 the Planning and Development Regulations. The rooflights are also now shown as existing which satisfies this element of the query.

2. ADDITIONAL ENVIRONMENTAL ASSESSMENT

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state,

Section 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.

Section 4(4A)

Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

*(b) as respects which an environmental impact assessment or an appropriate assessment is required,
to be exempted development.*

Section 177U(9)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the response to the further information relating to the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that **environmental impact assessment is not required.**

Screening for Appropriate Assessment

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the response to the further information relating to the proposed development would not affect the integrity of these European sites. Accordingly, it is considered that **appropriate assessment is not required.**

3. RECOMMENDATION

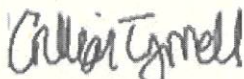
Recommendation

Having regard to:

- the particulars received by the Planning Authority on 07/11/2022 and 18/11/2022,
- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- the provision of Schedule 2, Part 1, Class 1 the Planning and Development Regulations, 2001(as amended)

the planning authority considers that —

the construction of a single storey extension to the rear of 6 Oakwood Square, Blackrock, Cork **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**



Gillian Tyrrell
Assistant Planner
29/11/2022

Kate Magner

From: Andrew Scanlan <[REDACTED]>
Sent: Friday 18 November 2022 11:10
To: Kate Magner
Cc: John Lynch
Subject: 6 Oakwood Square RFI
Attachments: 21212_6 Oakwood Square.pdf

You don't often get email from [REDACTED] [Learn why this is important](#)

[EXTERNAL EMAIL] This email originated from outside Cork City Council. Do not follow guidance, click links or attachments unless you recognise the sender and know the content is safe.

Hello Kate,

Section 5 Declaration R746 ; 6 Oakwood Square Blackrock

Further to your RFI (dated 11/11/22) please see attached plans for you to consider.

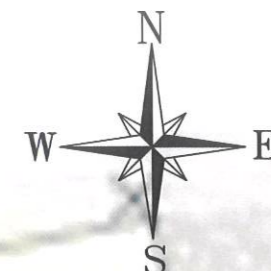
- Scaled drawing of existing site plan for assessment against the provisions of Class 1 schedule 2 ; boundary & shed included
- Scaled drawing of proposed site plan for assessment against the provisions of Class 2 schedule 2; ditto
- For clarification existing Roof lights noted .

Note : All in relation to HD (Adaption Grant) ref HD 2021/2199

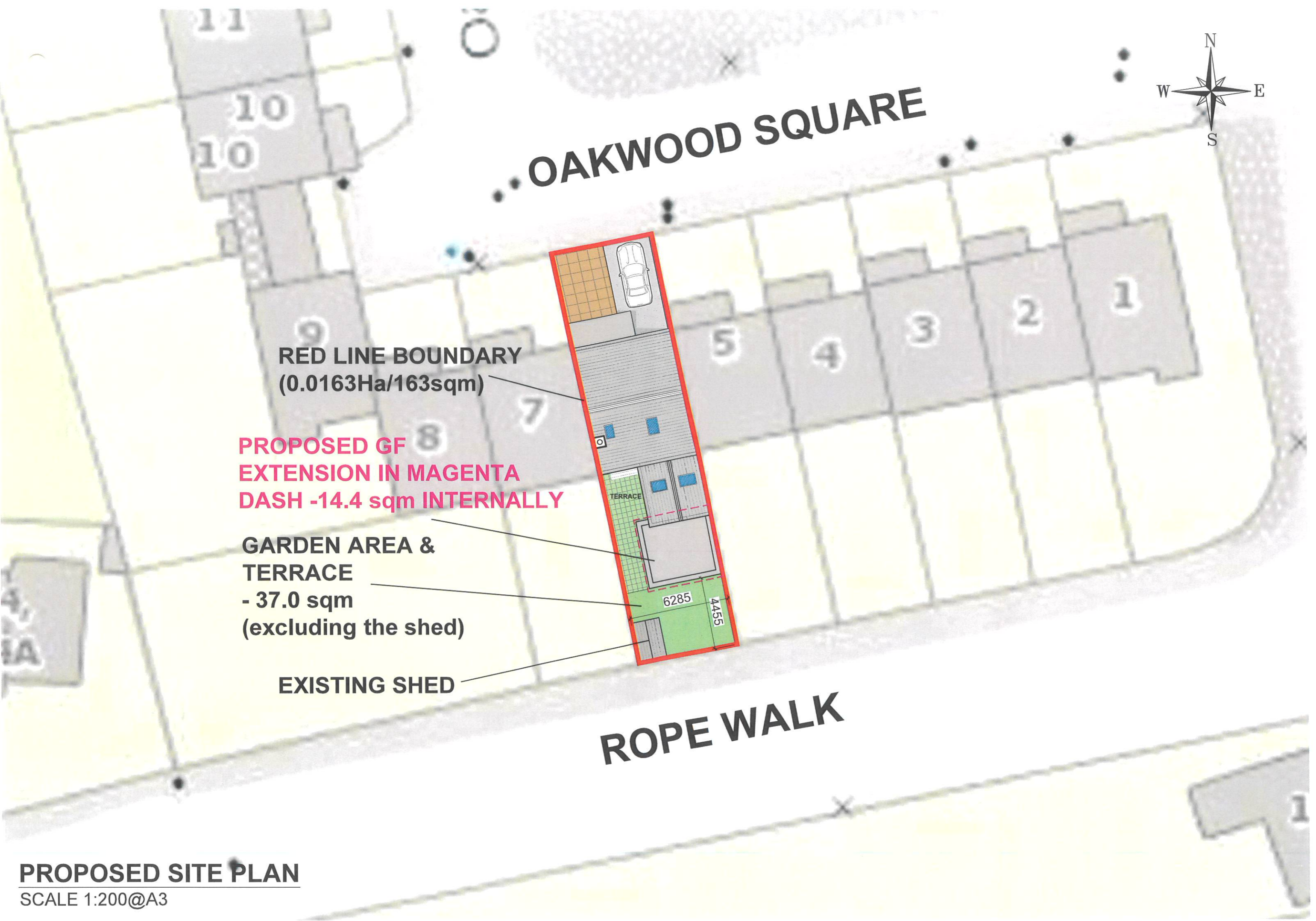
Let me know if you require any further
Perhaps you could acknowledge receipt.

On behalf of Mr John Lynch

Kind Regards
Andrew J. Scanlan MRICS MSCSI
M tel [REDACTED]



OAKWOOD SQUARE



RED LINE BOUNDARY
(0.0163Ha/163sqm)

**PROPOSED GF
EXTENSION IN MAGENTA
DASH -14.4 sqm INTERNALLY**

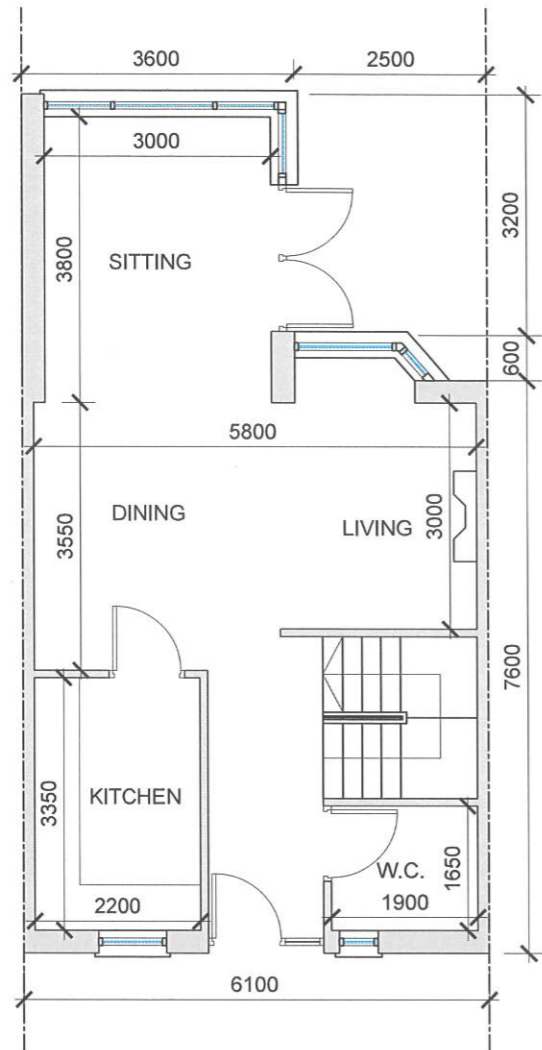
**GARDEN AREA &
TERRACE**
- 37.0 sqm
(excluding the shed)

EXISTING SHED

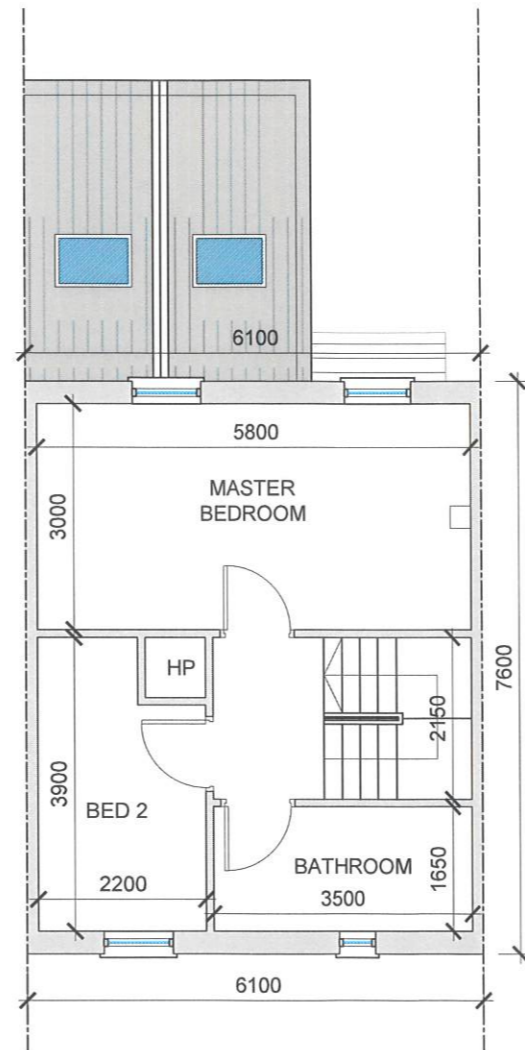
ROPE WALK

PROPOSED SITE PLAN

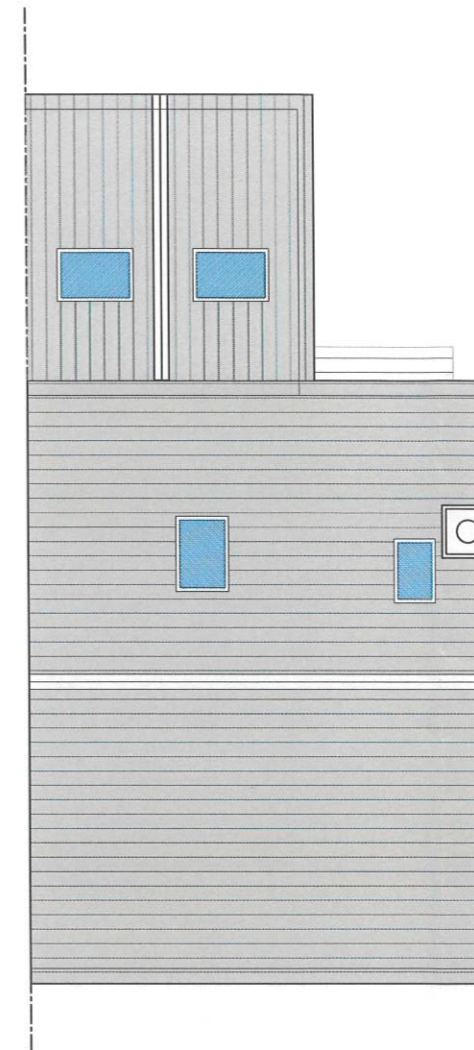
SCALE 1:200@A3



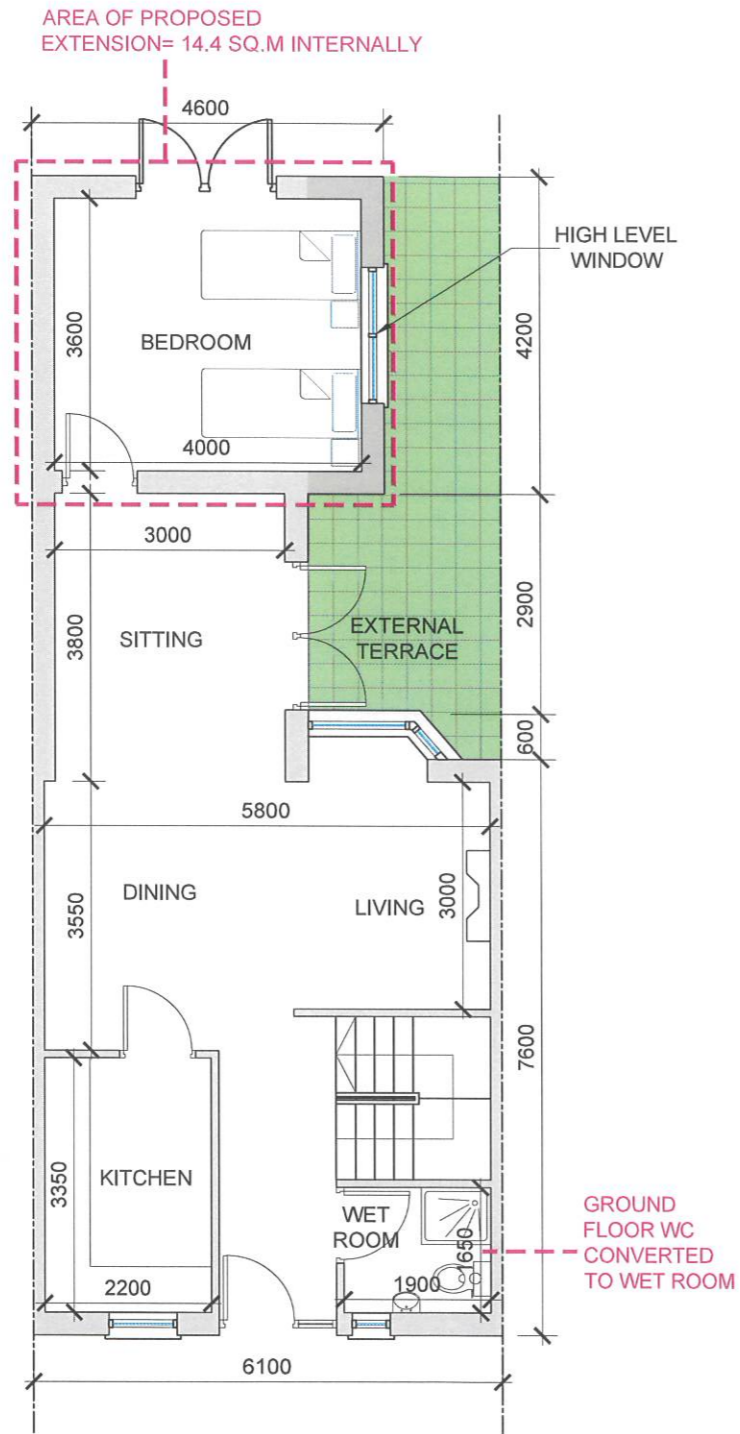
EXISTING GROUND FLOOR PLAN
SCALE 1:100



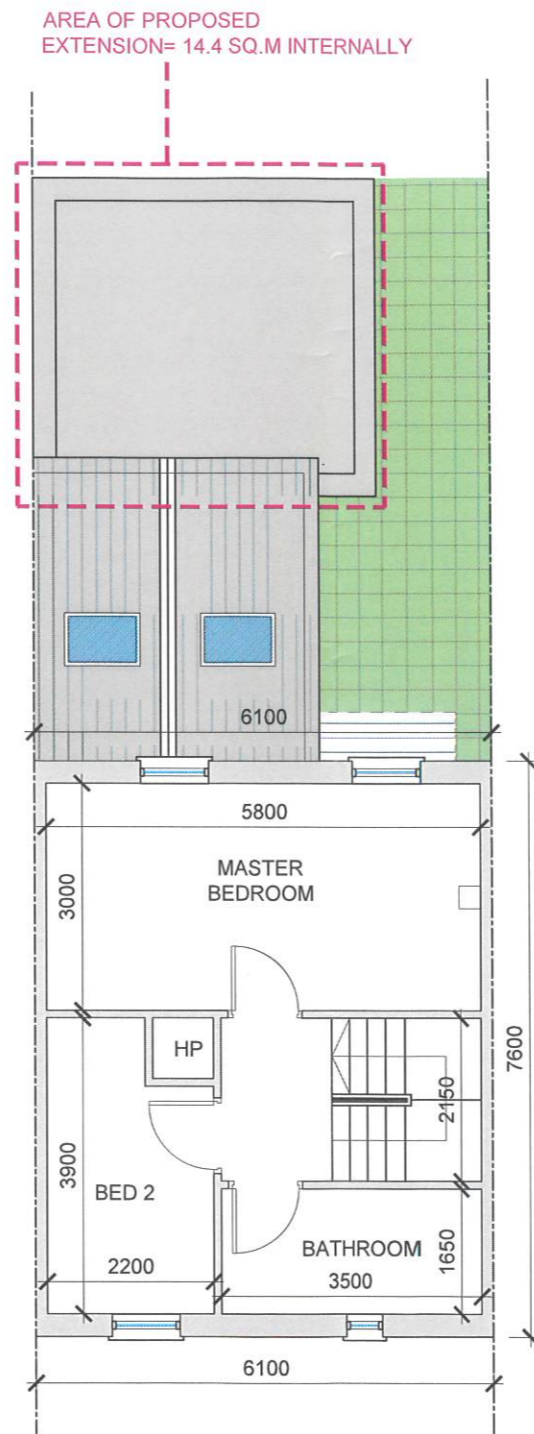
EXISTING FIRST FLOOR PLAN
SCALE 1:100



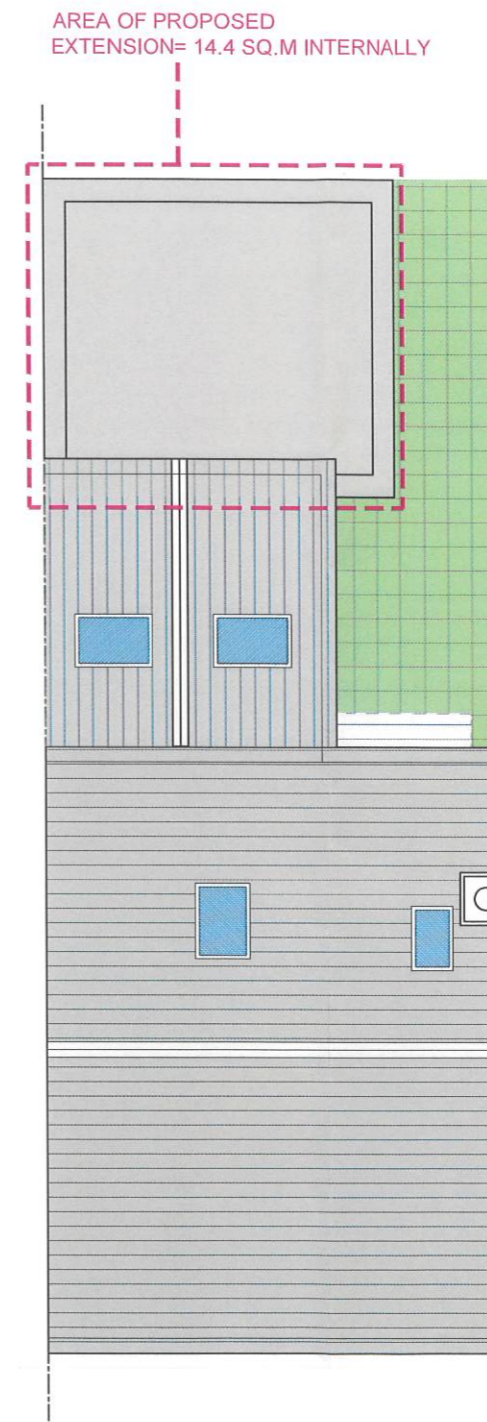
EXISTING ROOF PLAN
SCALE 1:100



PROPOSED GROUND FLOOR PLAN
SCALE 1:100



PROPOSED FIRST FLOOR PLAN
SCALE 1:100



PROPOSED ROOF PLAN
SCALE 1:100



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

John Lynch,
6 Oakwood Square,
Blackrock,
Cork.

11/11/2022

RE: Section 5 Declaration R746/22 6 Oakwood Square, Blackrock,
Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, I wish to advise under the provisions of section 5(2)(b) of the Planning and Development Act 2000, as amended, that the following further information is required in order to properly assess this application:

A proposed site plan has not been provided and as such it has not been possible to assess the proposed development against the provisions of Class 1 in Schedule 2 of the Planning and Development Regulations 2001 (as amended).

The applicant is therefore requested to submit an accurate and scaled set of existing and proposed site plans which should include the boundary and existing shed structure on site, in order for an assessment against the provisions of Class 2 of Schedule 2 to be made.

In addition, it is noted that the applicant is proposing to add rooflights to the existing rear extension however from a site visit it appears that these are already in place. Clarification on this point should be provided as part of the further information request.

Is mise le meas,

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924564/4321

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

6 oakwood square, Blackrock, Cork

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Proposed to build shed on outside junction
of ground floor still less than 12m

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

R/758/22 SS

CORK CITY COUNCIL
PLANNING DIRECTORATE
19 OCT 2022
Ref. No.....

3. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s		12.59 metres.
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:		
Existing/ previous use (please circle)	Proposed/existing use (please circle)	
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4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		John Lynch	
Applicants Address	6, Oakwood Square Dachau.		
Person/Agent acting on behalf of the Applicant (if any):	Name:		
	Address:		
	Telephone:		
	Fax:		
	E-mail address:		
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available	As Above	

6.1 / We confirm that the information contained in the application is true and accurate:

Signature: _____
F. Lynch

Date: _____
19/10/22

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

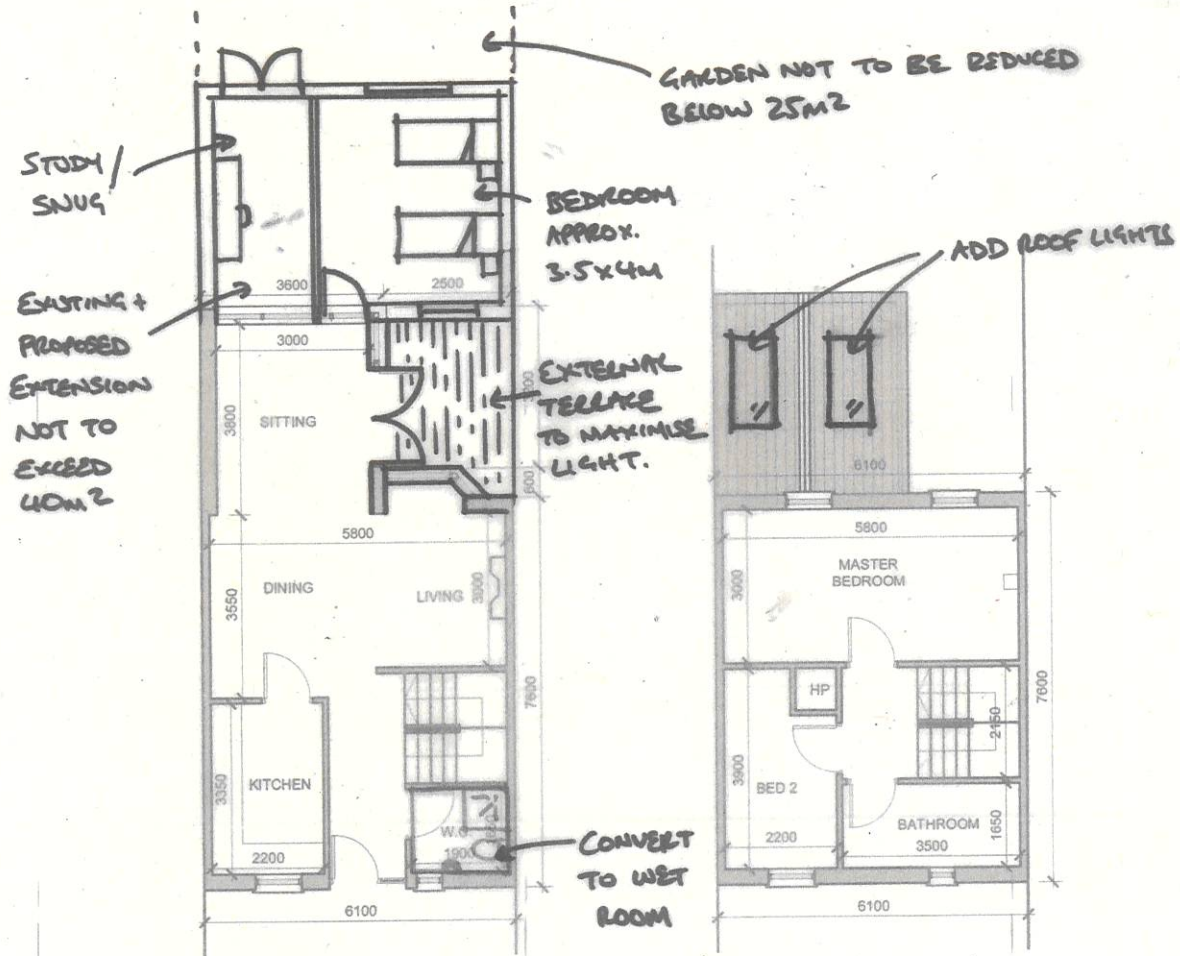
The Development Management Section, Strategic Planning & Economic Development
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution



EXISTING GROUND FLOOR PLAN

SCALE 1:100

EXISTING FIRST FLOOR PLAN

SCALE 1:100

EXISTING ROOF PLAN

SCALE 1:100