



Comhairle Cathrach Chorcaí Cork City Council

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

Frank O Meara
I Empress Villas
Summerhill North
Cork

02nd June, 2021

RE: R658/21– Section 5 Declaration
Property: I Empress Villas, Summerhill North, Cork

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advised to request further information:

Please submit scaled drawings :

- (i) elevations of proposed structure,
- (ii) a scaled site layout plan showing the proposed structure relative to the remaining garden area, house and any/other existing structures.

Yours faithfully,

Kerry Bergin
Assistant Staff Officer
Community, Culture and Placemaking
Cork City Council



We are Cork.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states,

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The requirements for making a section 5 declaration are set out in the Act.

2. The Question before the Planning Authority

In response to Q2 on the application for the applicant does not frame a question. Rather the following description is written under seeking a declaration:

Looking to build a home office

I would frame this as a question has been submitted regarding whether the construction of a structure to the rear of 1 Empress Villas is development or exempt development.

The structure is to be used as a home office, with no plumbing. The area is stated as being 3.4m by 4.2m.

3. Site Description

The property in question is a two storey terraced house on the south in St. Lukes.

The dwelling is not a Protected Structure, it is on the National Inventory of Architectural Heritage .

4. Planning History

There are no recent planning applications associated with the site.

5. Legislative Provisions

5.1 The Act

Section 2(1),

"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.

1. *No such structure shall be constructed, erected or placed forward of the front wall of a house.*
2. *The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, exceed or placed within the said curtilage, exceed 25 squared meters*
3. *The construction, erection of placing within the curtilage of a house of any such structure shall not reduce the amount of private open spaces reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*
4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*
5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres, or in any other case, 3 metres.*
6. *The structure shall not be used for human habitation or for the keeping of pigs poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

Assessment

The structure is to be placed to the rear of the existing dwelling.

The dwelling is not a Protected Structure.

Whilst the area of the proposed structure would seem to fit in with the area allowed above under class 3, it is not clear on the drawings submitted, that proposal meets the point 3 limitations (i.e. reducing amount of private open space() .

The construction, erection of placing within the curtilage of a house of any such structure shall not reduce the amount of private open spaces reserved exclusively for the use of the occupants of the house to the rear of to the side of the house to less than 25 square metres.

Also, more detailed scaled drawings are required to assess the proposal.

Therefore the following Further Information is required.

Please submit scaled drawings :

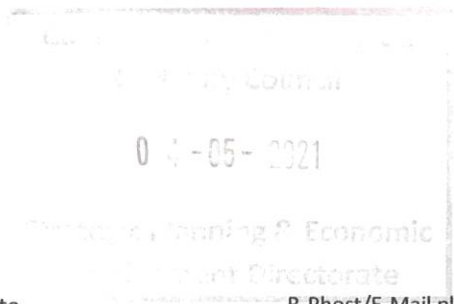
- (i) elevations of proposed structure,
- (ii) a scaled site layout plan showing the proposed structure relative to the remaining garden area, house and any/other existing structures.

Melissa Walsh
Senior Executive Planner

02/06/2021

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.



R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924762
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

1 Empress Villas, Summerhill North, Cork. T23 H2 T1

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.

We are looking at putting a a home office in our lower tier of our back garden. (3.4m x 4.2m and 2.9m high at the front and 2.3m high at the back. Our Garden is in 2 sections and we would like to put the unit in the lower tier. I have attached photos for clarification.

We are also looking at removing the old hedge at either side of the lower tier only and replacing it with a Wooden fence 5ft tall. This is a major security issue at the moment as the hedge to the left is rotten and there are gaps. We live very close to railway bridge.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:
(Use additional sheets if required).

The unit will have electrics but not plumbing of any kind. -Our neigherbours are No 2 Empress Villas and 1 Empress Place. I have attached a basic drawing and visual of the unit. -----

3. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

4. Is this a Protected Structure or within the curtilage of a Protected Structure?

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

5. Was there previous relevant planning application/s on this site?

If so please supply details:

6. 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	It is currently unused space. Garden which we have left and cornered off. The full tier measures roughly 4.5m x 7m. We are looking at putting in a Home office. (3.4m 4.2m)
(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 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) ----- ----- -----

8. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner I owe the house.	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		

9. I / We confirm that the information contained in the application is true and accurate:

Signature: _____

Date: _____

CONTACT DETAILS

10. Applicant:

<i>Name(s)</i>	Frank O'Meara
<i>Address</i>	1 Empress villas, Summerhill North, Cork. T23H2T1

11. Person/Agent acting on behalf of the Applicant (if any):

<i>Name(s):</i>	
<i>Address:</i>	----- ----- -----
<i>Telephone:</i>	
<i>E-mail address:</i>	
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input type="checkbox"/> No <input type="checkbox"/>

12. ADDITIONAL CONTACT DETAILS

Mobile : ~~XXXXXXXXXX~~

Email: ~~XXXXXXXXXX~~

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

ADVISORY NOTES:

<p>The application must be accompanied by the required fee of €80</p> <p>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.</p> <p>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.</p> <p><i>The application should be sent to the following address:</i></p>

- 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

"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protections policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>.

We request that you read these as they contain important information about how we process personal data.

Garden - Top Left

Empress Place

Custom Eco Room

MIN 8200

MIN 2900

800
x
1900

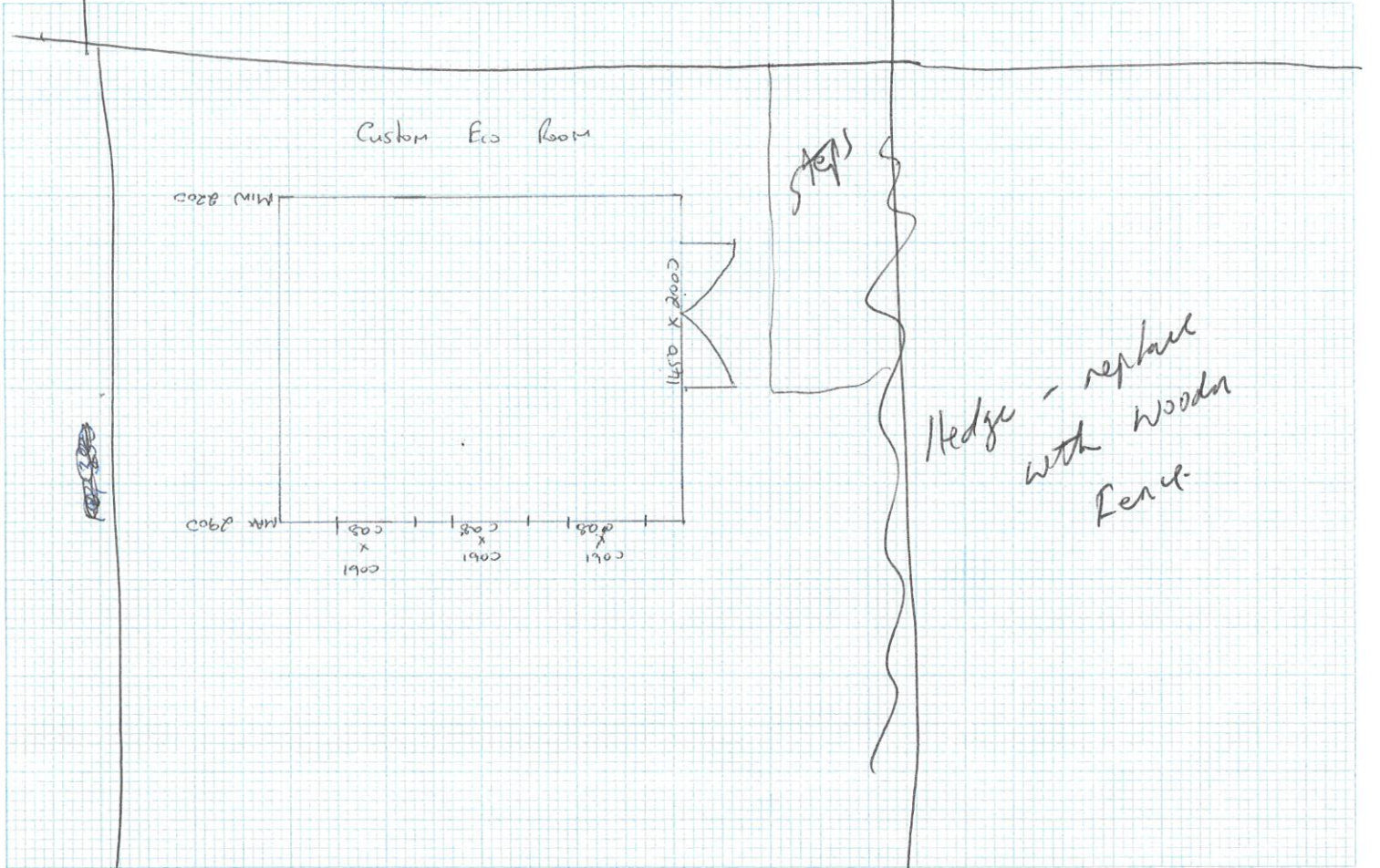
800
x
1900

800
x
1900

6000 x 0.571

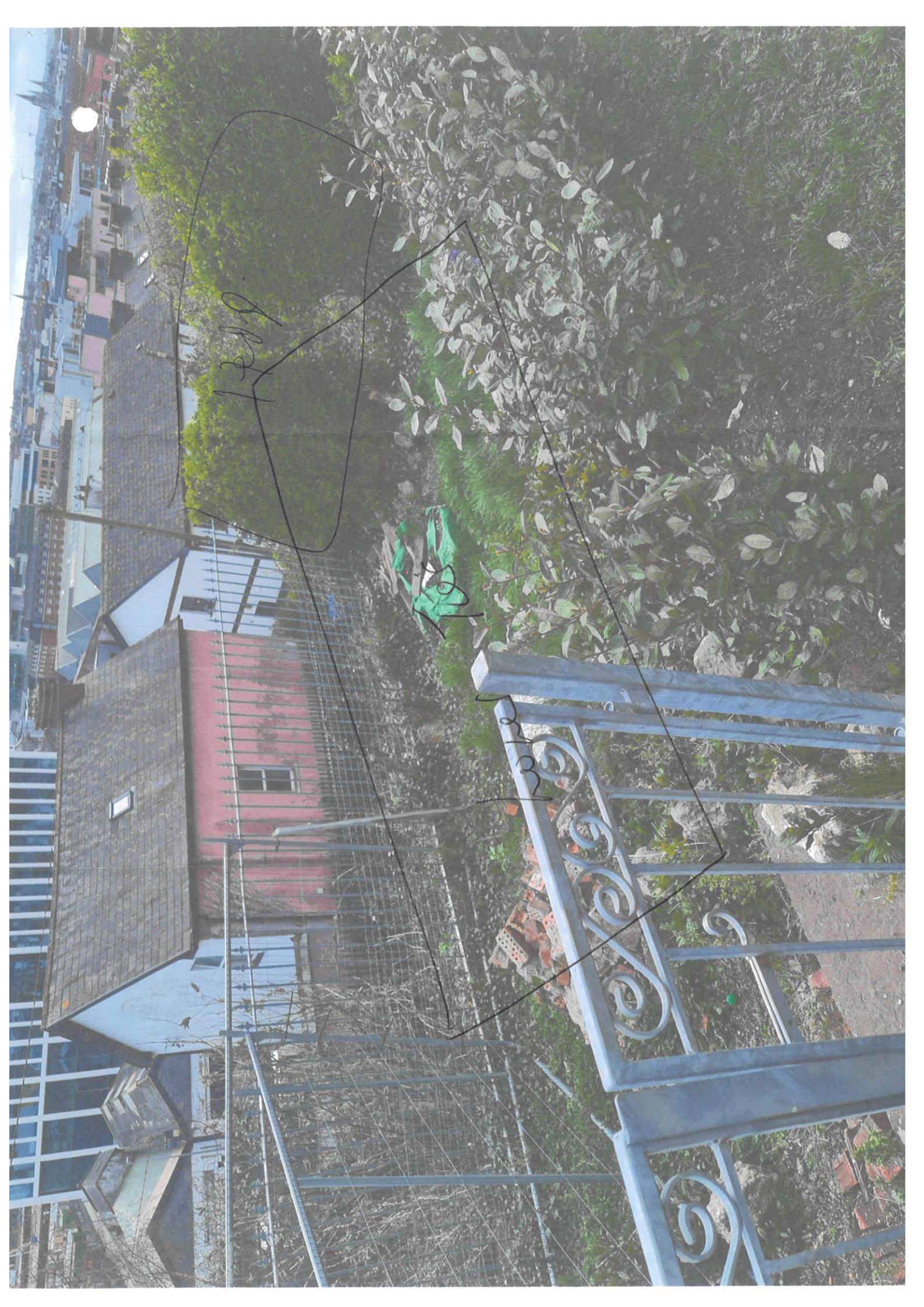
Steps

Hedge - replace with wooden fence





(51°54'06"N 8°27'40"W) 69 m



Kedip

K



low Top

Top

Garden