



# Comhairle Cathrach Chorcaí

## Cork City Council

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

Spyridon Dendrinios,  
c/o William Rea B.E.,  
47 Bridgewater,  
Carrigrohane,  
Cork.

31/10/2023

**RE: Section 5 Declaration R804/23 Grove House, 3 Grosvenor Place, Wellington Road, Cork T23 P22C.**

---

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 02<sup>nd</sup> October 2023, I wish to advise as follows:

In view of the above and having regard to:

- Sections 2, 3, 4 and 57 of the Planning and Development Act 2000 (as amended), and
- Articles 6, and 9 of the Planning and Development Regulations 2001(as amended),

The Planning Authority considers that –

---

*the proposed change of use* at Grove House, 3 Grosvenor Place, Wellington Road, 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, 31<sup>st</sup> October 2023.

---

Please note that this determination is based on the premise that the proposed development is a change of use only. No works proposed to facilitate this change of use have been set out in the Section 5 application and accordingly are outside of the scope of this determination. Any such works may require planning permission. It is recommended that the applicant contact Cork City Council's Conservation Officer, Ashleigh Murray, to discuss any works proposed.



**We are Cork.**

Is mise le meas,



*Kate Magner*

---

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

<b>PLANNER'S REPORT</b> <b>Ref. R804 /23</b>		Cork City Council Culture, Community and Placemaking
<b>Application type</b>	Section 5 Declaration	
<b>Description</b>	<i>See section 2 below</i>	
<b>Location</b>	Grove House, 3 Grosvenor Place, Wellington Road	
<b>Applicant</b>	Spyridon Dendrinios	
<b>Date</b>	14/12/2023	
<b>Recommendation</b>	<i>Is Development and Is Exempted Development</i>	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

### 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 framing the question to the planning authority, the applicant states in Q2 of the application form:

*Confirmation requested that the above property does not require planning permission to restore it to its previous use, being a single private dwellinghouse.*

*I believe that the development falls under Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 and is therefore exempted development.*

In the section of the form set aside for additional details the applicant has stated:

*This property dates to c. 1850. It was built as a private residence with servants' quarters. It was converted into bedsit apartment, thought to be in the 1950's.*

*This is presumed to have been discontinued on or before 2013, when legislation was introduced to discontinue such accommodation. It appears to have been unoccupied since.*

### 3. Site Description

The property in question is a three storey, plus attic, terraced period home. It forms part of the Grosvenor Place Terrace identified in the National Inventory of Architectural Heritage (NIAH Ref. No. 20863032). The NIAH description states that this is a :

*Terrace of six two-bay three-storey houses, built c.1850, with returns to north (rear) and some porches added to south elevation. Some now converted to apartments.*

The dwelling is also identified in Register of Protected Structures set out in the *Cork City Development Plan 2022 – 2028* (RPS Ref. No. 612).

#### 4. Planning History

There are no recent planning applications associated with 3 Grosvenor Place.

#### 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.

###### Section 3(1),

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

###### Section 3(3)

For the avoidance of doubt, it is hereby declared that, for the purposes of this section, the use as two or more dwellings of any house previously used as a single dwelling involves a material change in the use of the structure and of each part thereof which is so used.

###### Section 4(2),

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.

###### Section 5(1),

(See section 1 of this report)

###### Section 57(1)

Notwithstanding section 4(1)(a), (h), (i), (ia) (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—

(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

###### Section 177U (9) (screening for appropriate assessment)

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.

##### 5.2 The Regulations

###### Article 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.

###### SCHEDULE 2, PART 1, Exempted Development — Change of use

Column 1 Description of Development	Column 2 Conditions and Limitations
Class 14	

Development consisting of a change of use –  (e) from use as 2 or more dwellings, to use as a single dwelling, of any structure previously used as a single dwelling,	[none]
---	--------

## 6. ASSESSMENT

It should be stated at the outset that the purpose of this report is not to determine the acceptability or otherwise of the proposal at this location in respect to the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.

### 6.1 Development

The first issue for consideration is whether or not the matter at hand is ‘development’.

‘Development’ as defined in the Act (3)(1) comprises two possible chief components: ‘the carrying out of any works on, in, over or under land’, or ‘the making of any material change in the use of any structures or other land’. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

The application does not make reference to any proposed works however it explicitly requests confirmation that a change of use, to restore a previous use as a single private dwelling house, is exempted development.

I consider that the proposed change of use, is a material change, and is therefore development.

### 6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. In preparing this report I note that I discussed the matter on of Cork City Council’s Conservation Officers. They have been in correspondence with the owners of the property and have knowledge of future proposals for works, which they have informed the owner will require planning permission.

I am satisfied that the proposed development relates only to a change of use which is explicitly exempted under Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended). In addition I note that the limitation placed on this exemption for Protected Structures, as set out in Section 57(1), does not apply in this instance as, following discussion with the Conservation Officer, I am satisfied that the change of use only will not materially affect the character of the structure or any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

In the interest of clarity I recommend that the cover letter be revised to include the following text:

Please note that this determination is based on the premise that the proposed development is a change of use only. No works proposed to facilitate this change of use have been set out in the Section 5 application and accordingly are outside of the scope of this determination. Any such works may require planning permission. It is recommended that the applicant contact Cork City Council’s Conservation Officer, Ashleigh Murray, to discuss any works proposed.

## 7. ENVIRONMENTAL ASSESSMENT

### 7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that 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 an environmental impact statement is not required to be submitted.

### **7.2 Screening for Appropriate Assessment**

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. 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 proposed development would not affect the integrity of the European sites referred to above. Accordingly it is considered that appropriate assessment is not required.

### **8. Conclusion**

The question has been asked as follows:

*Confirmation requested that the above property does not require planning permission to restore it to its previous use, being a single private dwellinghouse.*

*I believe that the development falls under Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 and is therefore exempted development.*

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed altered layout is development and is exempted development.

### **9. RECOMMENDATION**

In view of the above and having regard to —

- Sections 2, 3, 4 and 57 of the Planning and Development Act 2000 (as amended), and
- Articles 6, and 9 of the Planning and Development Regulations 2001 (as amended),

It is considered that proposed change of use **Is Development and is Exempted Development.**

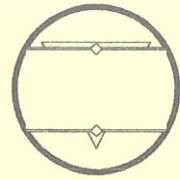
#### **Note – Please add the following text to the determination letter:**

Please note that this determination is based on the premise that the proposed development is a change of use only. No works proposed to facilitate this change of use have been set out in the Section 5 application and accordingly are outside of the scope of this determination. Any such works may require planning permission. It is recommended that the applicant contact Cork City Council's Conservation Officer, Ashleigh Murray, to discuss any works proposed.



Martina Foley  
Executive Planner

# WILLIAM REA CONSULTING ENGINEER



47 Bridgewater,  
Carrigrohane,  
Co. Cork.

PHONE 021- 4876211  
MOBILE 086 - 2366800  
EMAIL [williamreabe@hotmail.com](mailto:williamreabe@hotmail.com)

Our Ref.

Your Ref.

Date.

The Development Management Section,  
Community, Culture and Placemaking Directorate,  
Cork City Council,  
City Hall,  
Anglesea Street,  
Cork.

25<sup>th</sup> September 2023

**Re: Application for a Section 5 Declaration.**  
**Applicant: Spyridon Dendrinis.**  
**Property at Grove House, 3 Grosvenor Place, Wellington Road, Cork.**

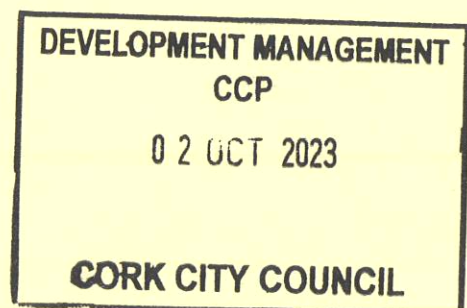
Dear Sirs / Madams,

I attach the following documentation in making this application:-

- (a) A Section 5 application form.
- (b) An original Ordnance Survey Map Scale 1:1000
- (c) Cheque in the sum of €80.00

Yours sincerely,

  
William Rea B.E.



**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](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924709

Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

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

**1. NAME OF PERSON MAKING THE REQUEST**

Spyridon Dendrinós

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

Grove House, 3 Grosvenor Place, Wellington Road, T23 P22C, Cork

**3. 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.*

Confirmation requested that the above property does not require planning permission to restore it to its previous use, being a single private dwellinghouse.

I believe the development falls under Class 14(e) of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 and is therefore Exempted Development.

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**

*(Use additional sheets if required).*

This property dates to circa 1850. It was built as a private residence with servants' quarters. It was converted into bedsit apartments, thought to be in the 1950s.

This use is presumed to have been discontinued on or before 2013, when legislation was introduced to discontinue such accommodation. It appears to have been unoccupied since.

**DEVELOPMENT MANAGEMENT**  
**CCP**

**02 OCT 2023**

**CORK CITY COUNCIL**



4. Are you aware of any enforcement proceedings connected to this site? No  
 If so please supply details:

5. 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?

6. Was there previous relevant planning application/s on this site?   
 If so please supply details:

**7. 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)

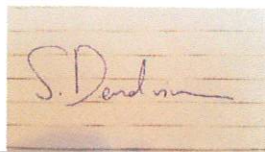
(a) Floor area of existing/proposed structure/s	185m <sup>2</sup> main residence, additional 80m <sup>2</sup> ancillary
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) N / A
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing <u>previous use</u> (please circle)  Private residence to bedsits.	<u>Proposed</u> /existing use (please circle)  Re-convert bedsits to private residence.

**7. 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 <input type="checkbox"/>
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 of the owner if available		

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

Signature: \_\_\_\_\_



Date: 29/09/2023

# Land Registry Compliant Map



**CENTRE COORDINATES:**  
ITM 568168, 572513

**PUBLISHED:** 22/09/2023  
**ORDER NO.:** 50358789\_1

**MAP SERIES:** 6383-01  
1:1,000  
6383-06  
1:1,000

**COMPILED AND PUBLISHED BY:**  
National Mapping Division of  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

Any unauthorised reproduction  
infringes Tailte Éireann copyright.

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

The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
of a right of way.

Topographic maps produced by the  
National Mapping Division of Tailte  
Éireann never show legal property  
boundaries, nor do they show  
ownership of physical features.

© National Mapping Division of Tailte  
Éireann, 2023. All rights reserved.

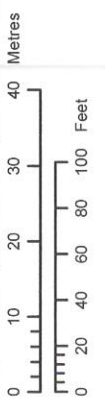
This map was produced by  
the National Mapping Division  
of Tailte Éireann, formerly  
Ordnance Survey Ireland (OSI)



**LEGEND:**  
To view the legend visit  
[www.osi.ie](http://www.osi.ie) and search for  
'Large Scale Legend'

**CAPTURE RESOLUTION:**  
The map objects are only accurate to the  
resolution at which they were captured.  
Output scale is not indicative of data capture scale.  
Further information is available at:  
[www.osi.ie](http://www.osi.ie), search 'Capture Resolution'

**OUTPUT SCALE:** 1:1,000



572599 568284 572427 568051