



Comhairle Cathrach Chorcaí Cork City Council

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

Peter Bagi,
51 Pope's Hill,
Cork City,
T23 FT29

17/06/2024

RE: Section 5 Declaration R834/24 – 51 Popes Hill, Cork, T23 FT29.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 19/03/2024, I wish to advise as follows:

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

- Sections 2, 3 and 4 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 construction of an extension to the rear of *51 Popes Hill, 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.



We are Cork.

Is mise le meas,

David O'Regan

David O'Regan,
Assistant Staff Officer,
Community, Culture &
Placemaking Directorate

| | | |
|---|--|--|
| PLANNER'S REPORT Ref. R 834/24 | | Cork City Council Culture, Community and Placemaking |
| Application type | Section 5 Declaration | |
| Description | <i>Is the construction of a rear extension to the existing house at 51 Popes Hill, Cork, T23 FT29 development and if so, is it exempted development?</i> | |
| Location | 51 Popes Hill, Cork | |
| Applicant | Peter Bagi | |
| Date | 13/06/2024 | |
| Recommendation | <i>Is Development and Is Exempted Development</i> | |

This report should be read in conjunction with the previous Planner's Reports on file dated 27/03/2024 and 27/05/2024. That report recommended that the following clarification of further information be sought:

Thank you for the plans provided. The site plan however was not printed at the correct scale. Please submit a correctly printed site plan to allow measurements to be made.

In response the applicant has provided a plans printed at the correct scale. As these dimensions are derived from the plans provided they are all approximate. The main part of the rear garden is 5.8m x 4.8m or 27.84sqm. Unfortunately, there is a shed in this space measuring 3.8m x 1.6m or 6.8sqm. The main part of the garden is therefore reduced to 21.76sqm. There is however also a small yard between the rear of the existing building and the proposed extension (1.1m x 2m or 2.2sqm). Additionally, there is a footpath running on the northern side of the propose extension (5m x 1.2m or 6sqm).

In total therefore I am satisfied that the the rear garden area will be over 25sqm upon completion.

Conclusion

This report has assessed the following question:

Is the construction of a rear extension to the existing house at 51 Popes Hill, Cork, T23 FT29 development and if so, is it exempted development?

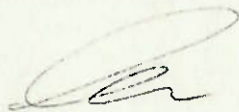
Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed extension is exempted development.

Recommendation

In view of the above and having regard to —

- Sections 2, 3 and 4 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 construction of an extension to the rear of 51 Popes Hill, Cork **Is Development and is Exempted Development.**



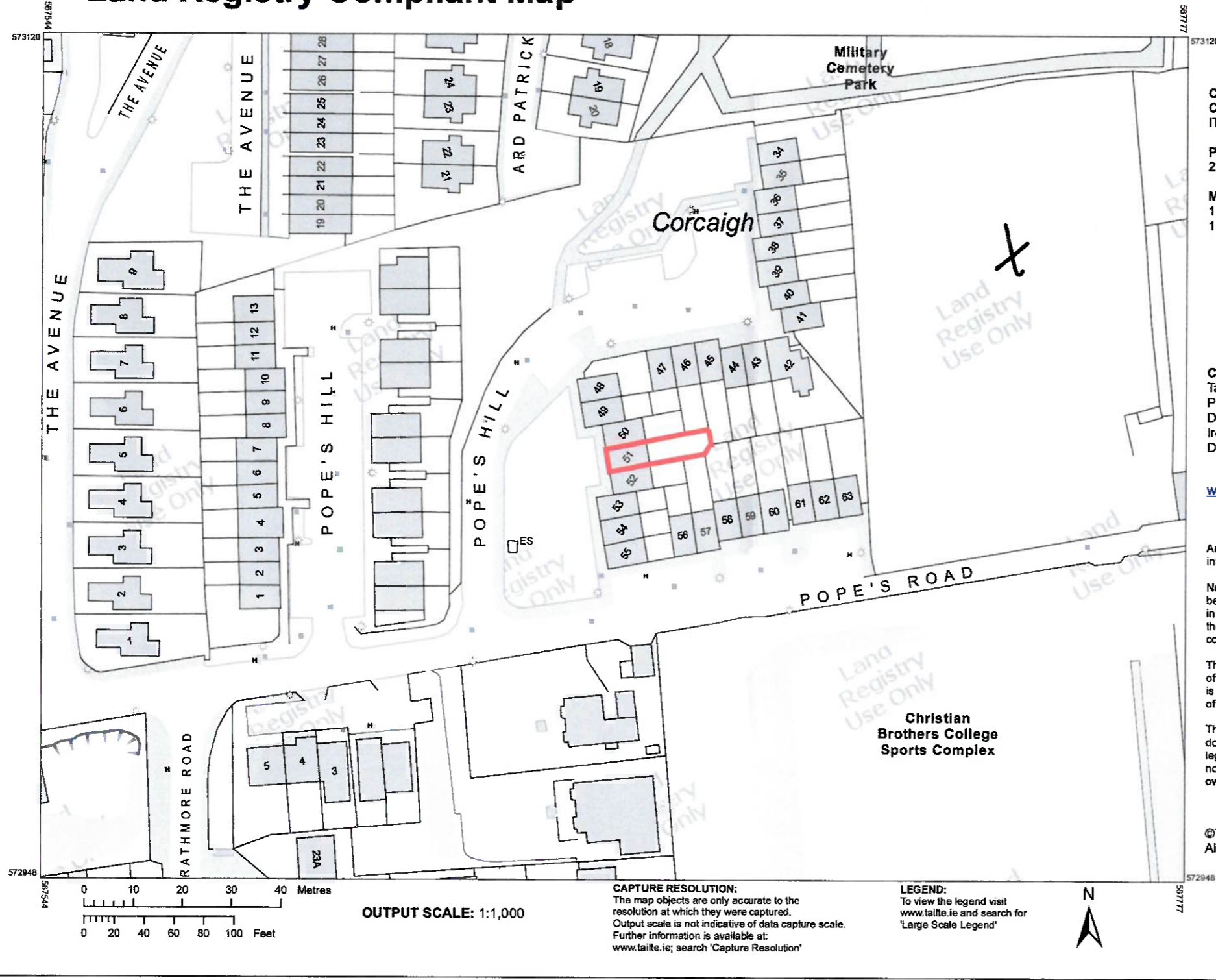
Martina Foley
A/ Senior Executive Planner

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 5. All structural elements to be designed and detailed by a registered Chartered Engineer.

Land Registry Compliant Map



Tailte Éireann



CENTRE COORDINATES:
ITM 567661,573034

PUBLISHED: 22/04/2024
ORDER NO.: 50395870_1

MAP SERIES: 1:1,000
MAP SHEETS: 6337-25, 6382-05

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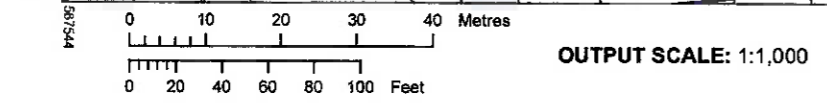
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LEGEND:
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DEVELOPMENT MANAGEMENT CCP
07 JUN 2024
CORK CITY COUNCIL

R834/24

SITE LOCATION MAP
SCALE 1:1000

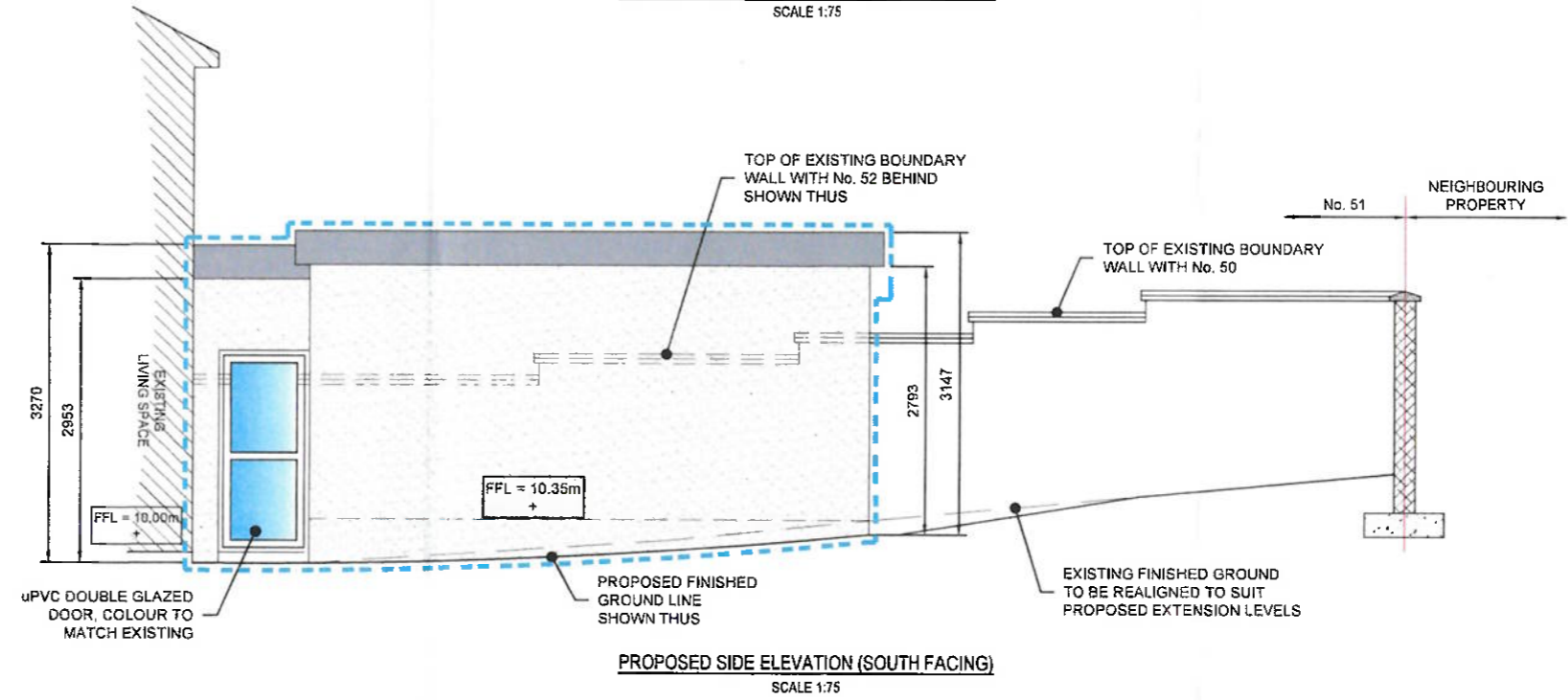
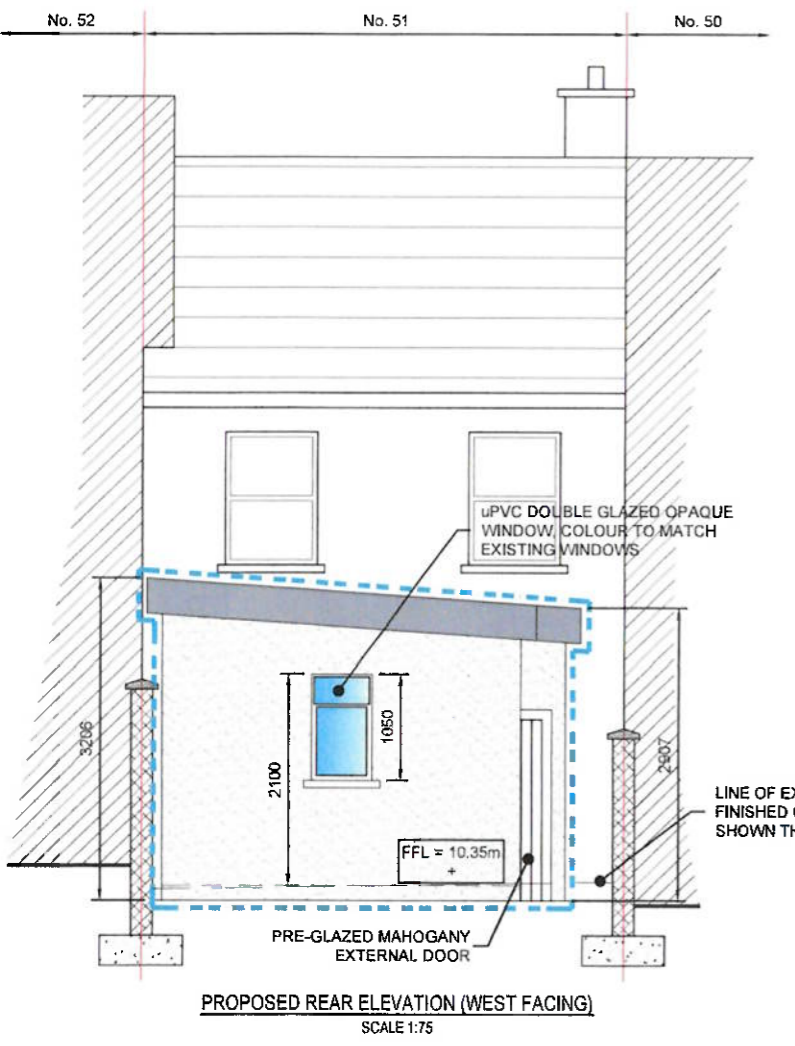
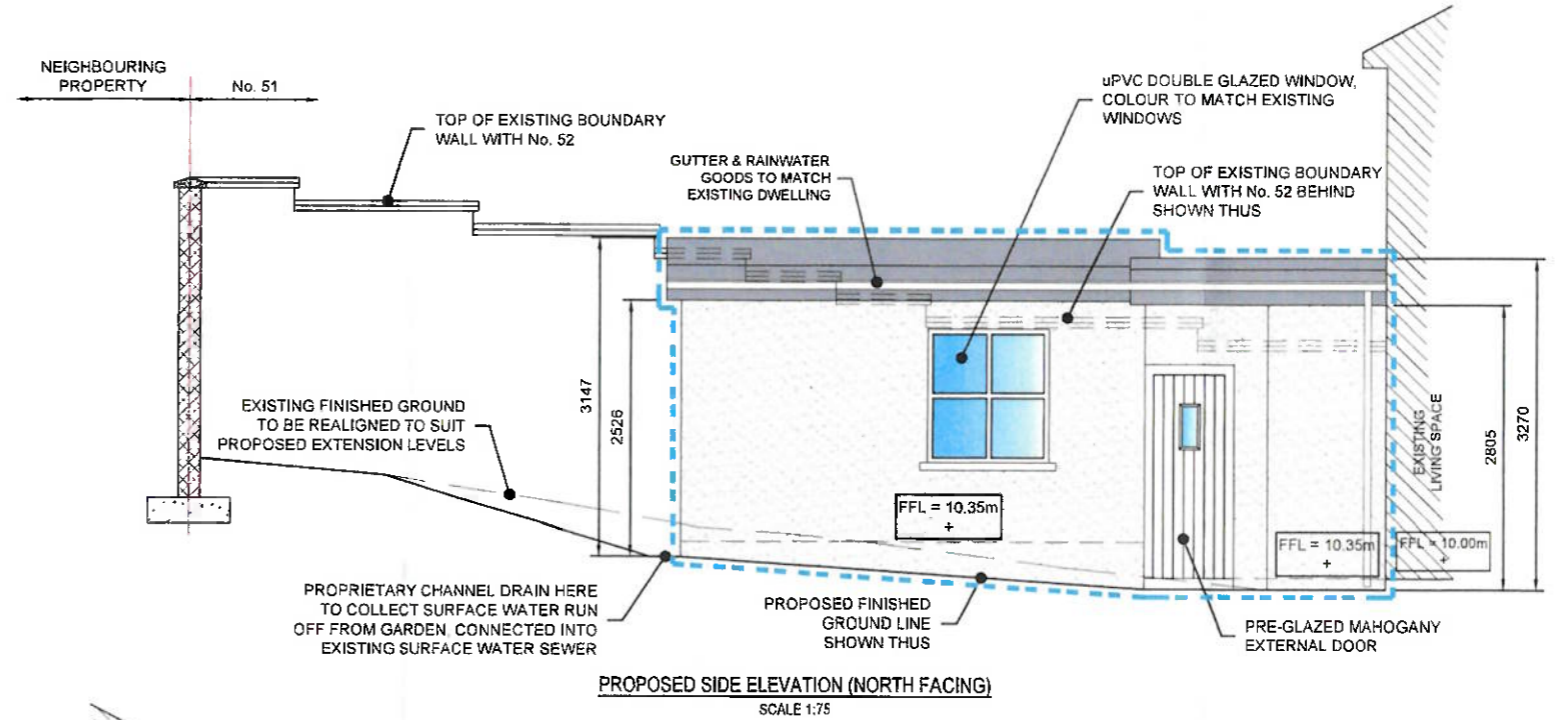
SITE BOUNDARY OUTLINED THUS
GROSS SITE AREA = 0.0098HA / 0.024AC

GS Services
Building Engineers
16 The Laurels, Castlepark, Mallow, Co. Cork
M - 087 9539255
E - gsservices@outlook.ie

| | | | |
|---------------|---|------------|----|
| Client | PETER & EDINA BAGI 51 POPES HILL, CORK CITY, T23 FT29 | | |
| Project | SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING | | |
| Drawing Title | SITE LOCATION MAP | | |
| Drawn By | AS SHOWN | Checked By | GS |
| Date | APRIL 2024 | | |

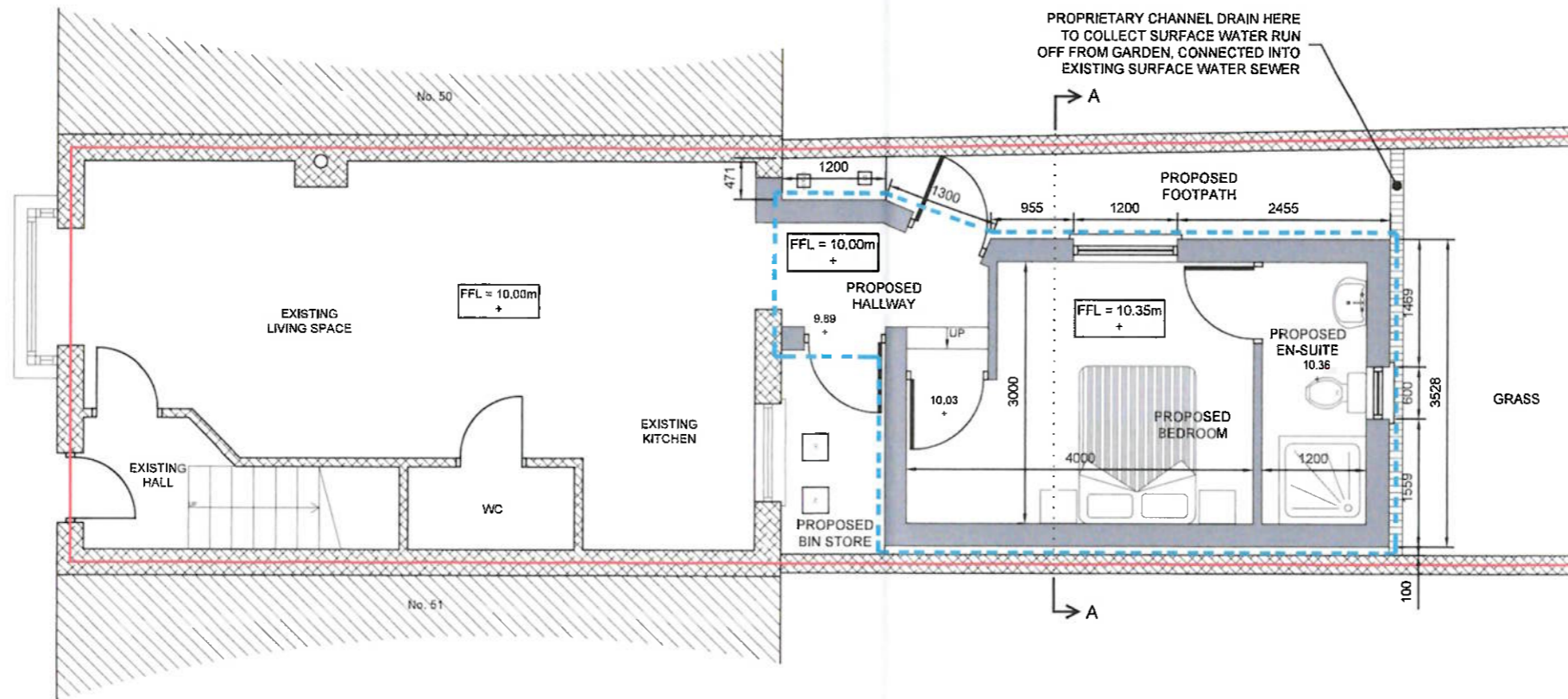
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LEGEND:
 9.83 + EXISTING SPOT LEVEL SHOWN THUS
 - - - - - PROPOSED SINGLE STOREY EXTENSION OUTLINED THUS



| | |
|--|--|
| 16 The Laurels, Castlepark, Mallow, Co. Cork M - 087 9539255 E - gsservices@outlook.ie | Sheet PETER & EDINA BAGI 51 POPES HILL, CORK CITY, T23 FT29 |
| | Project SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING |
| | Drawing Title PROPOSED EXTENSION BUILDING ELEVATIONS |
| | DWG No. 24.P07_A02 All Scales AS SHOWN Drawn by GS Date APRIL 2024 |

- General Notes:**
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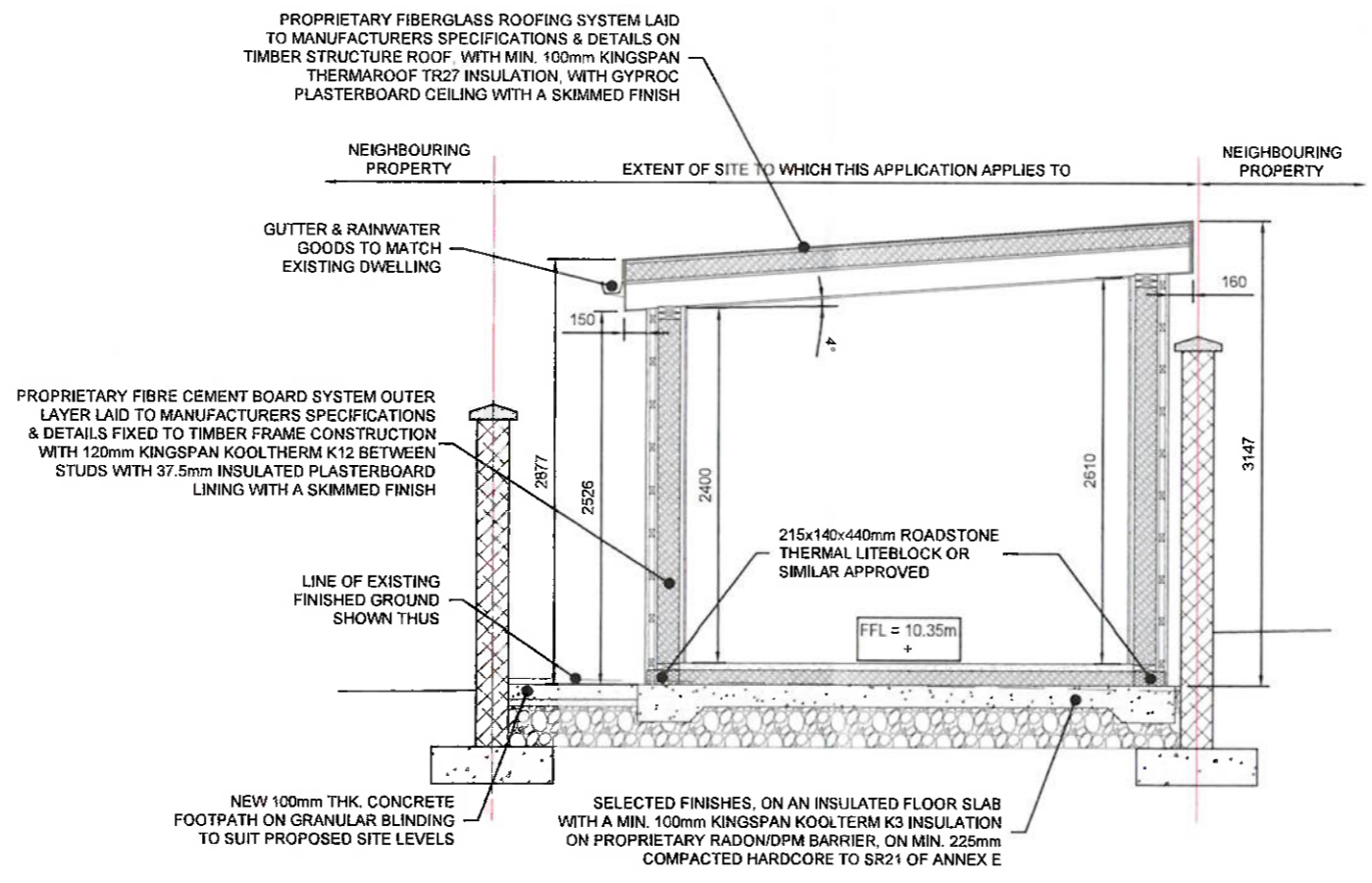


- LEGEND:**
- 9.85 + EXISTING SPOT LEVEL SHOWN THUS
 - PROPOSED SINGLE STOREY EXTENSION OUTLINED THUS



PROPOSED GROUND FLOOR PLAN
SCALE 1:75

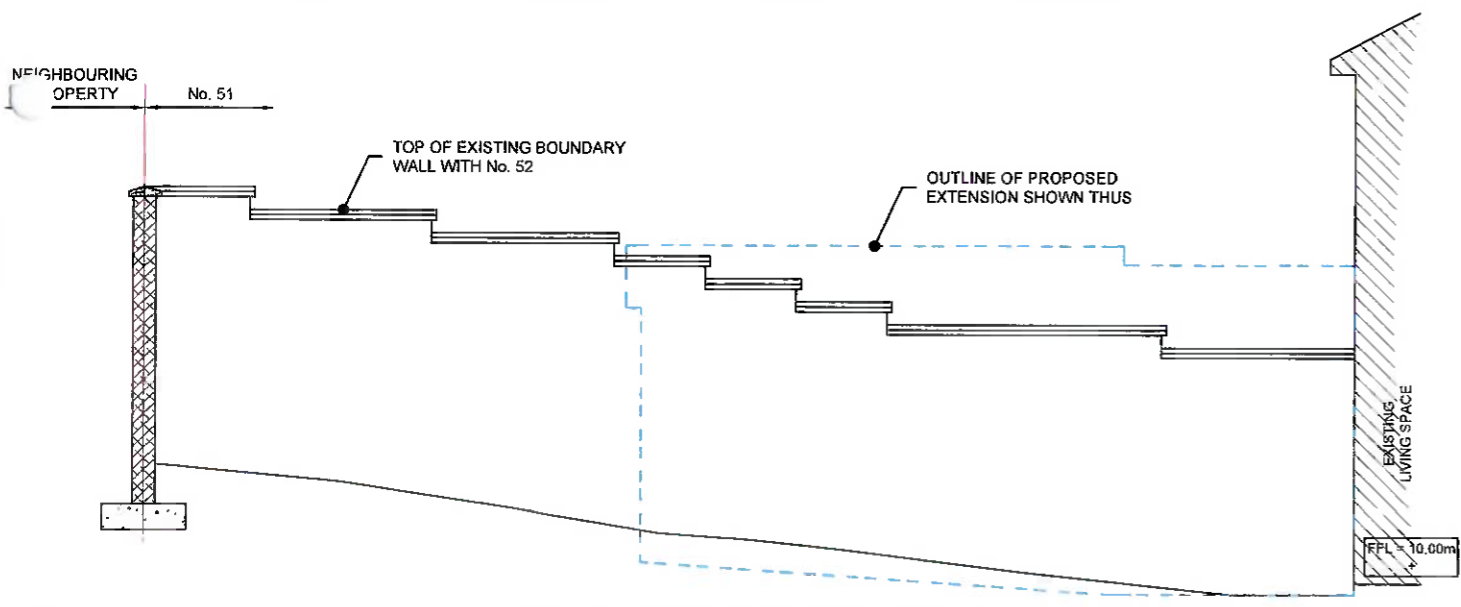
GROSS FLOOR AREAS
EXISTING DWELLING = 34.0m²
PRO. EXTENSION = 17.60m²



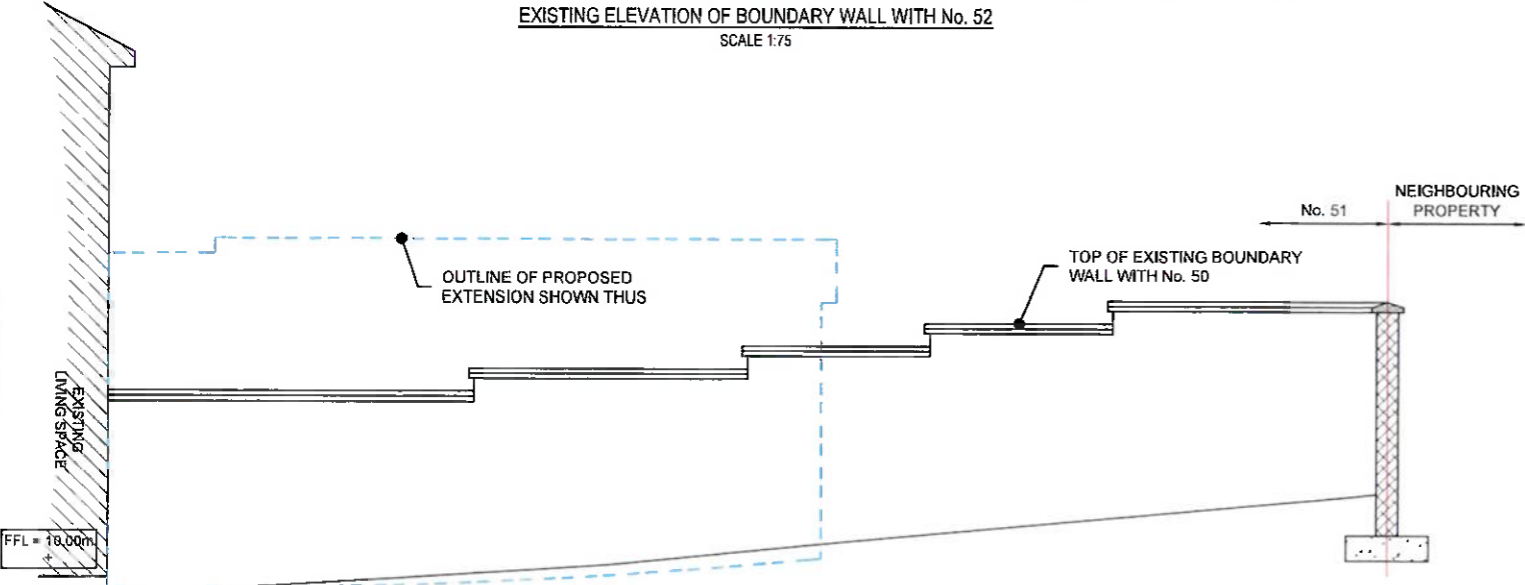
PROPOSED SECTION A - A
SCALE 1:50

| | | | | |
|---|---------------|---|----------|------------|
| <p>16 The Laurels, Castlepark, Mallow, Co. Cork M - 087 9539255 E - gsservices@outlook.ie</p> | Sheet | PETER & EDINA BAGI 51 POPES HILL, CORK CITY, T23 FT29 | | |
| | Project | SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING | | |
| | Drawing Title | PROPOSED EXTENSION GROUND FLOOR PLAN & SECTION A - A | | |
| | Rev No | A3 Scale | Drawn by | GS |
| 24.P07_A01 | AS SHOWN | | | APRIL 2024 |

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EXISTING ELEVATION OF BOUNDARY WALL WITH No. 52
 SCALE 1:75

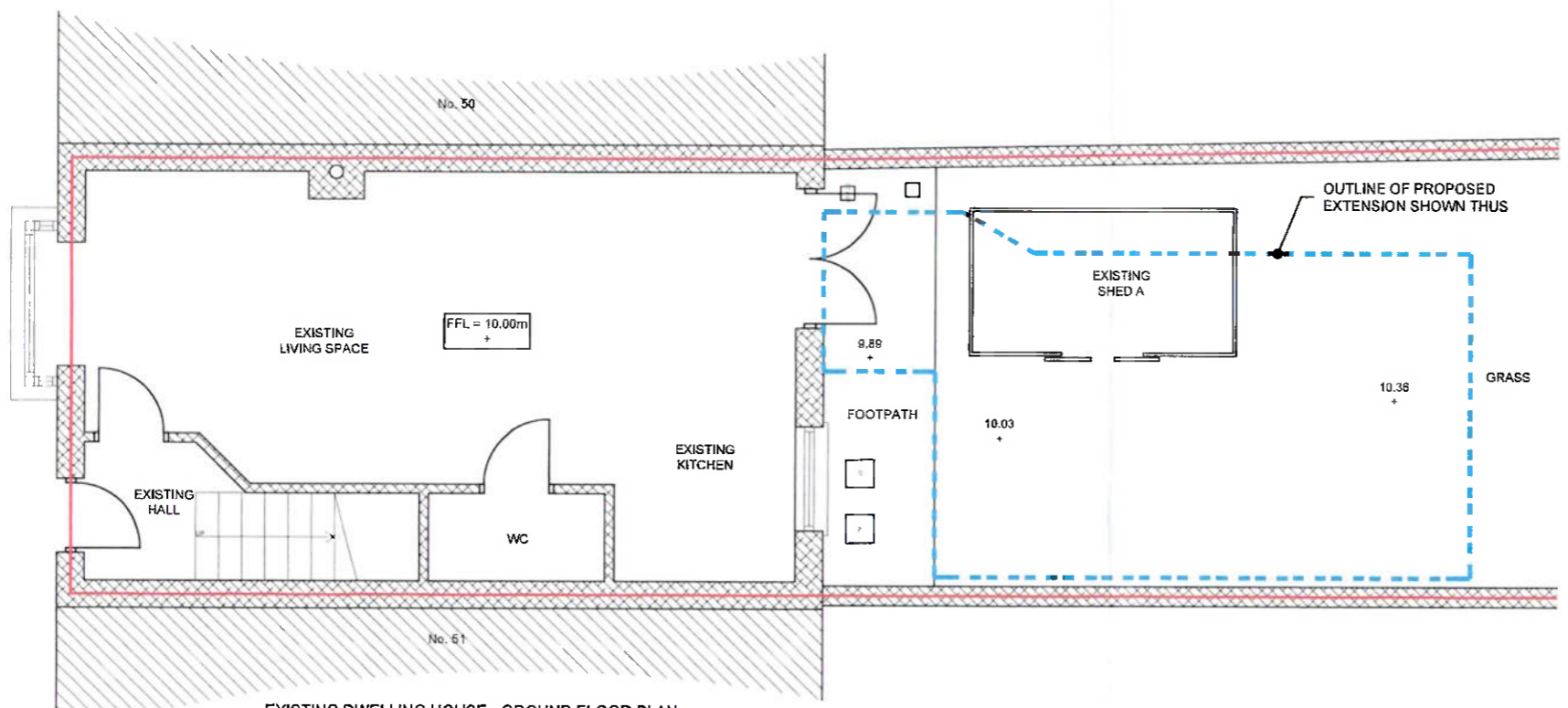


EXISTING ELEVATION OF BOUNDARY WALL WITH No. 50
 SCALE 1:75



EXISTING DWELLING HOUSE - FRONT ELEVATION
 SCALE 1:75

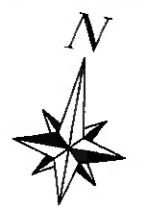
EXISTING DWELLING HOUSE - REAR ELEVATION
 SCALE 1:75



EXISTING DWELLING HOUSE - GROUND FLOOR PLAN
 SCALE 1:75

GROSS FLOOR AREA = 34.0m²

LEGEND:
 9.83 + EXISTING SPOT LEVEL SHOWN THUS
 - - - - - PROPOSED SINGLE STOREY EXTENSION OUTLINED THUS



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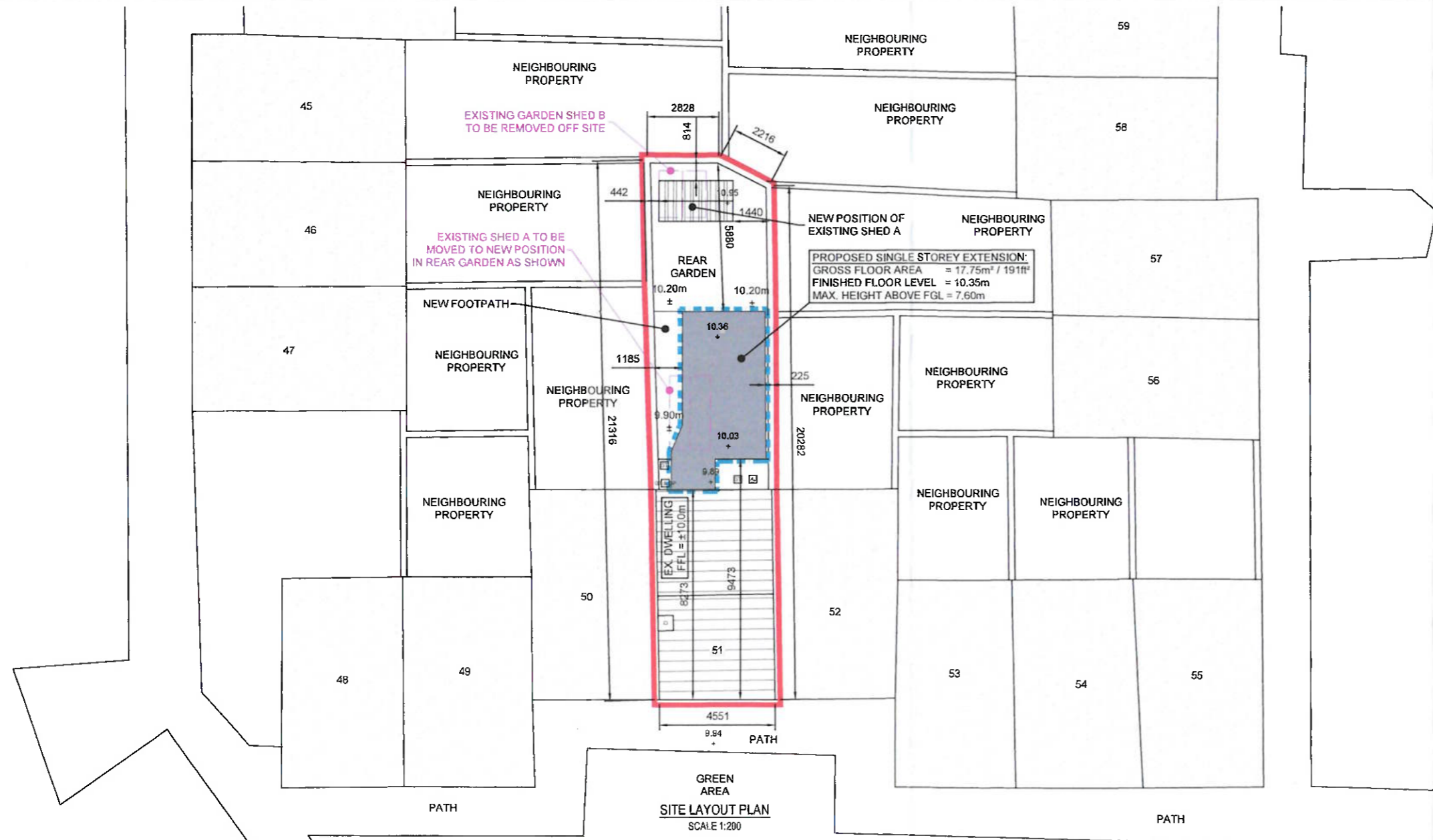
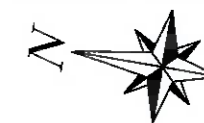
| | | | |
|---------------|---|----|------------|
| Client | PETER & EDINA BAGI 51 POPES HILL, CORK CITY, T23 FT29 | | |
| Project | SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING | | |
| Drawing Title | EXISTING DWELLING GROUND FLOOR PLAN & ELEVATIONS | | |
| Drawn By | AS SHOWN | GS | APRIL 2024 |

DO NOT SCALE FROM DRAWING USE FIGURED DIMENSIONS ONLY

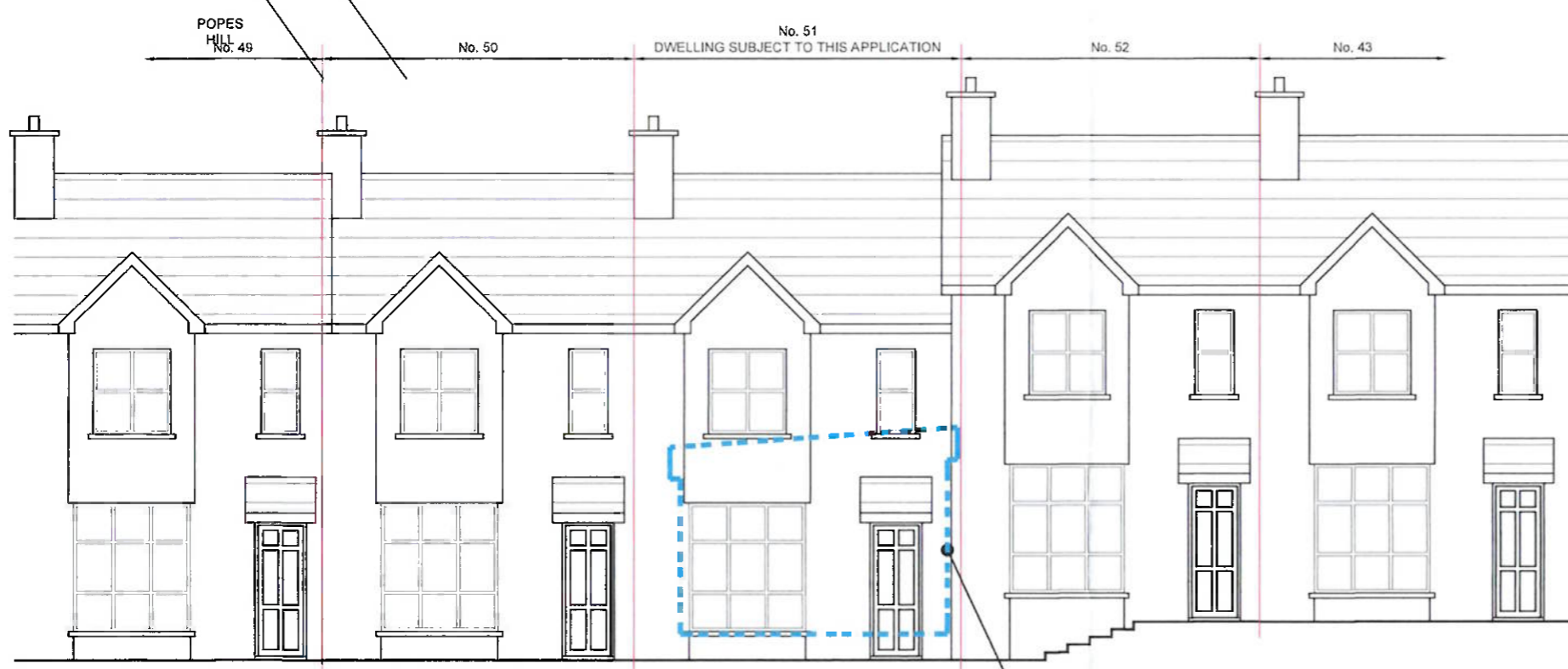
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LEGEND:

- SITE BOUNDARY OUTLINED THUS
GROSS SITE AREA = 0.0098HA / 0.024AC
- 9.83 + EXISTING SPOT LEVEL SHOWN THUS
- - - - - PROPOSED SINGLE STOREY EXTENSION OUTLINED THUS
- - - - - EXISTING ITEM TO BE REMOVED / RE-POSITIONED SHOWN THUS



SITE LAYOUT PLAN
SCALE 1:200



FRONT CONTIGUOUS ELEVATION
SCALE 1:100

OUTLINE OF PROPOSED EXTENSION BEHIND SHOWN THUS

| | | |
|---|---|------------|
| <p>16 The Laurels, Castlepark, Mallow, Co. Cork M - 087 9539255 E - gsservices@outlook.ie</p> | PETER & EDINA BAGI 51 POPES HILL, CORK CITY, T23 FT29 | |
| | SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING | |
| SITE LAYOUT PLAN & CONTIGUOUS ELEVATIONS | | |
| No. 24.P07_S02 | AS SHOWN | APRIL 2024 |



Comhairle Cathrach Chorcaí Cork City Council

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

Peter Bagi,
51 Pope's Hill,
Cork City,
T23 FT29.

27/05/2024

RE: Section 5 Declaration R834/24 – 51 Popes Hill, Cork, T23 FT29.

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:

This report recommends that the following further information is provided in order to facilitate assessment:

The plans provided are no adequate to facilitate assessment of your application. You may need to seek the advice of an agent or draftsman to ensure the plans are correct and provided the information needed.

As part of my review of the conditions and limitations associated with Class 1 type exempted development, I noticed that the site plan provided does not appear to be printed to the correct scale. It is not possible to confirm whether or not the rear garden area will be over 25sqm upon completion of the proposed extension. Additionally, it is not possible to ascertain whether the proposed window on the northern elevation is more than 1m from the property boundary.

It is recommended that clarification be sought from the applicant to provide a scaled site plan to allow this assessment to proceed. The request should read:

Thank you for the plans provided. The site plan however was not printed at the correct scale. Please submit a correctly printed site plan to allow measurements to be made.



We are Cork.

Is mise le meas,

David O'Regan

**Assistant Staff Officer,
Community, Culture &
Placemaking Directorate**

| | | |
|-------------------------|---|--|
| PLANNER'S REPORT | | Cork City Council Culture, Community and Placemaking |
| Ref. R 835/24 | | |
| Application type | Section 5 Declaration | |
| Description | <i>Are laying hard surface and covering patio with aluminium sunroom at rear of property an exempted development?</i> | |
| Location | 32a Coopers Grange, Old Quarter, Ballincollig | |
| Applicant | Anindya Kumar Bhattacharjee | |
| Date | 08/05/2024 | |
| Recommendation | <i>Request clarification</i> | |

This report should be read in conjunction with the previous Planner's Report on file dated 27/03/2024. That report recommended that the following further information be sought:

1. Site Layout Plan

To show both the proposed extension and the ground floor of the existing residence.

This should be dimensioned and at a scale of not less than 1:500. Dimensions should indicate the start and finish point of the distance shown. The plan should demonstrate compliance with all of the restrictions / limitations associated with Class 1 development exemptions (aka rear extensions).

2. Floor Plan

To show both the proposed extension and the ground floor of the existing residence.

This should be dimensioned and at a scale of not less than 1:200. Dimensions should indicate the start and finish point of the distance shown. The plan should demonstrate compliance with all of the restrictions / limitations associated with Class 1 development exemptions for rear extensions.

As the site appears to slope please include finished floor levels and show any internal steps that may be required, in the interest of clarity.

Please note that the current configuration shown for what may be an linking hallway between the extension and the existing ground floor may not comply with Building Regulations. This is not assessed through the Section 5 process but you may wish to revise the design in advance of submission, in the interest of consistency.

3. Elevations

Please ensure this plans is dimensioned and at a scale of not less than 1:200. It should show details of the proposed roof, whether it is flat, pitched etc.

In response the applicant has provided a detailed plans. As part of my review of the conditions and limitations associated with Class 1 type exempted development I noticed that the site plan provided does not appear to be printed to the correct scale. It is not possible to confirm whether or not the rear garden area will be over 25sqm upon completion of the proposed extension. Additionally it is not possible to ascertain whether the proposed window on the northern elevation is more than 1m from the property boundary.

It is recommended that clarification be sought from the applicant to provide a scaled site plan to allow this assessment to proceed. The request should read:

Thank you for the plans provided. The site plan however was not printed at the correct scale. Please submit a correctly printed site plan to allow measurements to be made.



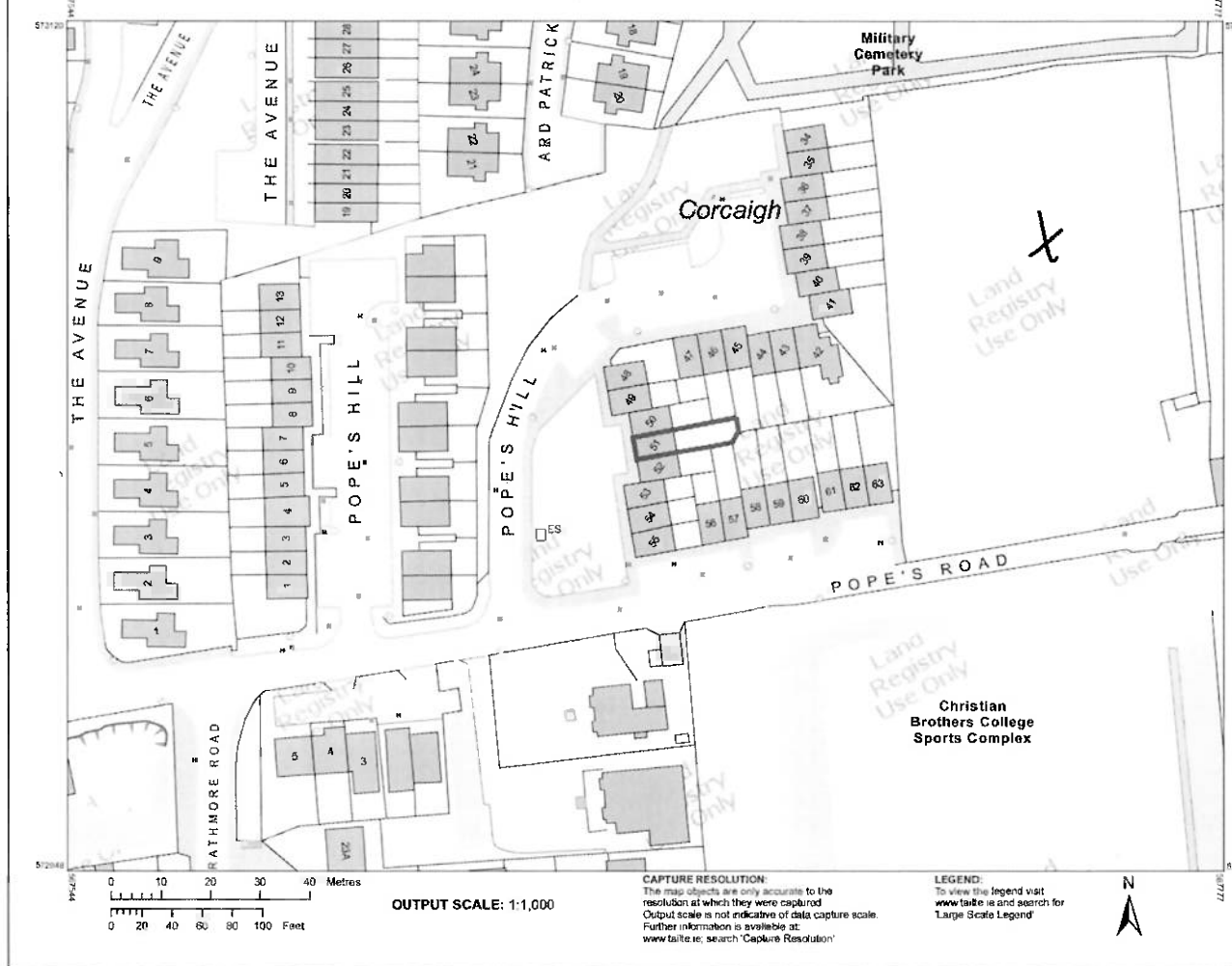
Martina Foley
Executive Planner

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ITM 567661,573034

PUBLISHED: 22/04/2024
ORDER NO.: 50395870_1

MAP SERIES: 1:1,000
MAP SHEETS: 6337-25, 6382-05

COMPILED AND PUBLISHED BY:
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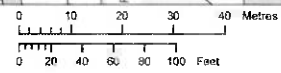
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LEGEND:
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SITE LOCATION MAP
SCALE 1:1000

SITE BOUNDARY OUTLINED THIS CROSS SITE: 71167 - 8.00000000 11.00000000

DEVELOPMENT MANAGEMENT

CCP

U 8 MAY 2024

CORK CITY COUNCIL

GS Services
Building Engineers
13 The Linn, Castlepark, Malton, Co. Cork
M - 087 9539200
E - gservices@outlook.ie

| | | | |
|---------|---|----------|------------|
| Drawn | PETER & EDINA BAGI | | |
| Project | 51 POPE'S HILL, CORK CITY, T23 FT29 | | |
| Client | SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING | | |
| Scale | SITE LOCATION MAP | | |
| Sheet | 24.P07_S01 | AS SHOWN | APRIL 2024 |

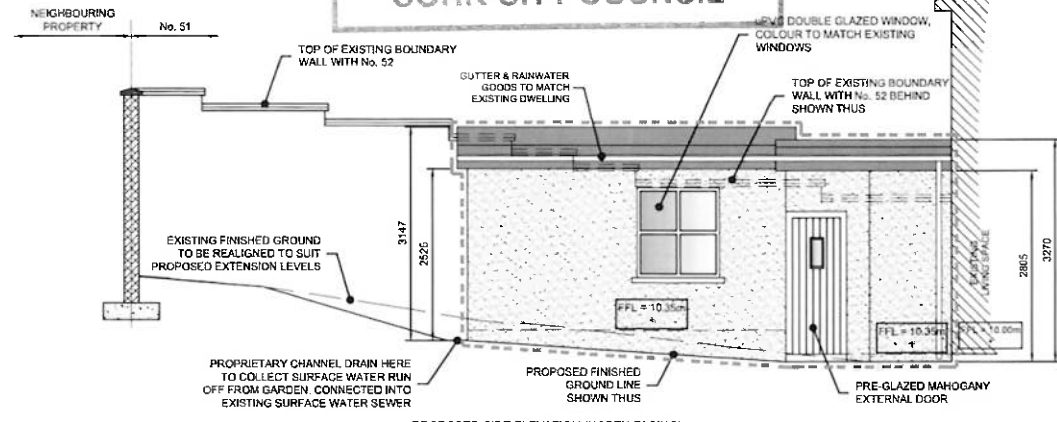
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LEGEND:
 ■■■■ EXISTING SPOT LEVEL SHOWN THUS
 - - - - - PROPOSED SINGLE STOREY EXTENSION OUTLINED THUS

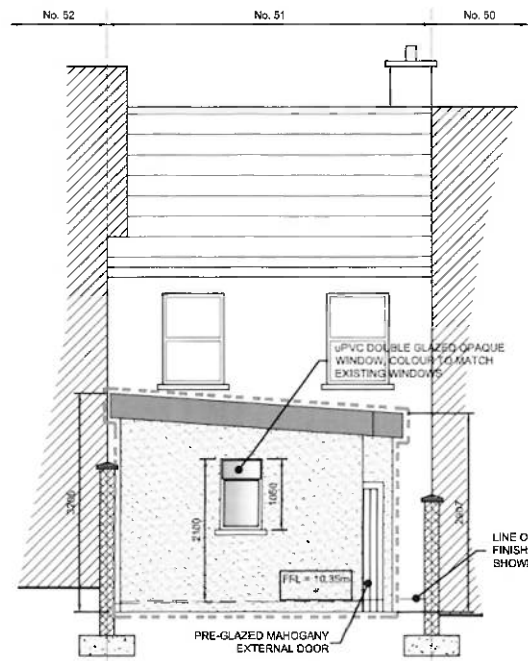
DEVELOPMENT MANAGEMENT
 COP
 0 8 MAY 2024
 CORK CITY COUNCIL



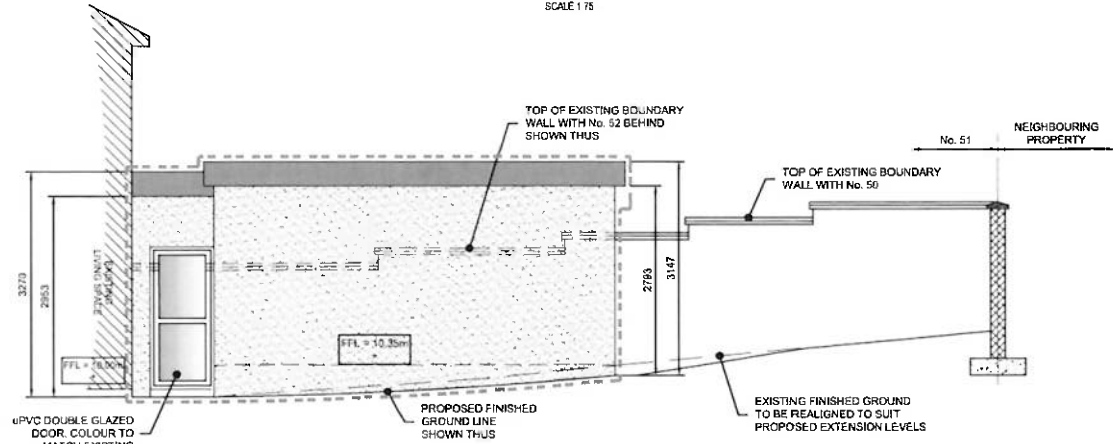
PROPOSED FRONT ELEVATION (EAST FACING)
 OUTLINE OF PROPOSED EXTENSION SHOWN THUS



PROPOSED SIDE ELEVATION (NORTH FACING)
 SCALE 1:75



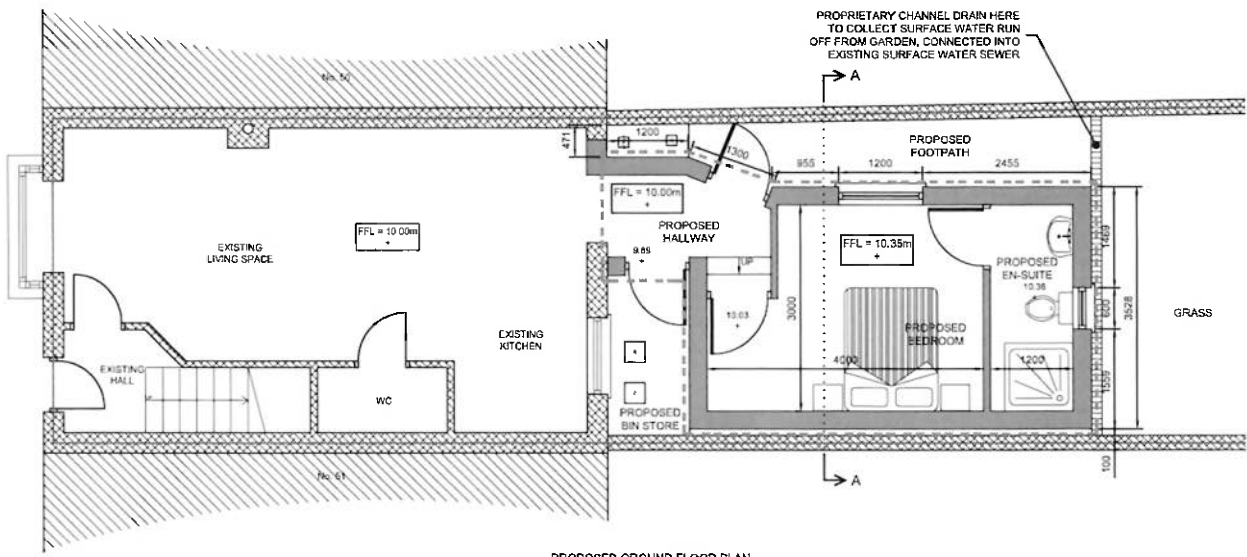
PROPOSED REAR ELEVATION (WEST FACING)
 SCALE 1:75



PROPOSED SIDE ELEVATION (SOUTH FACING)
 SCALE 1:75

| | |
|--|--|
| <p>GS Services Building Engineers 18 The Levens, Carrigrohane, Co. Cork M: 087 2532222 E: gs@gservices.ie</p> | Date: PETER & EDNA BAGI 51 POPES HILL, CORK CITY, T23 FT29 |
| | Title: SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING |
| Project No: PROPOSED EXTENSION BUILDING ELEVATIONS | Date: APRIL 2024 |
| Drawing No: 24.P07.A02 | Status: AS SHOWN Scale: GS |

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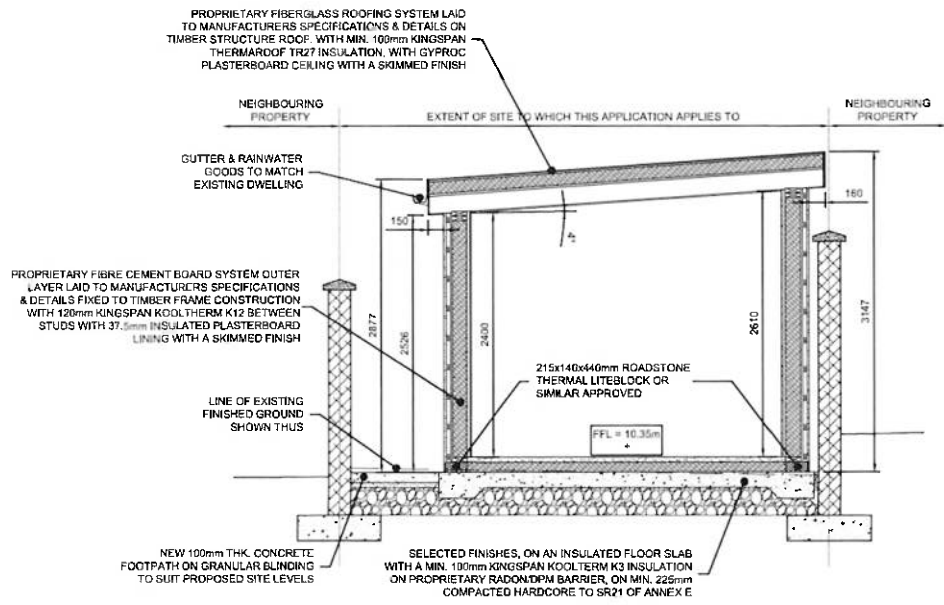
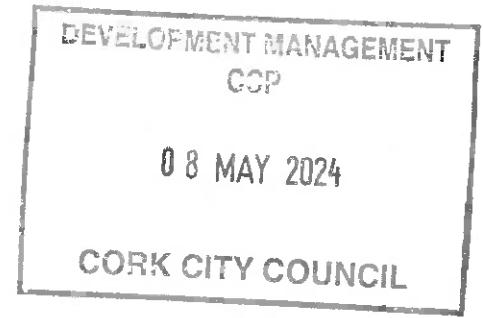


LEGEND:
 8.85 + EXISTING SPOT LEVEL SHOWN THUS
 --- PROPOSED SINGLE STOREY EXTENSION OUTLINED THUS



PROPOSED GROUND FLOOR PLAN
 SCALE 1/75

GROSS FLOOR AREAS
 EXISTING DWELLING = 34.0m²
 PRO. EXTENSION = 17.60m²



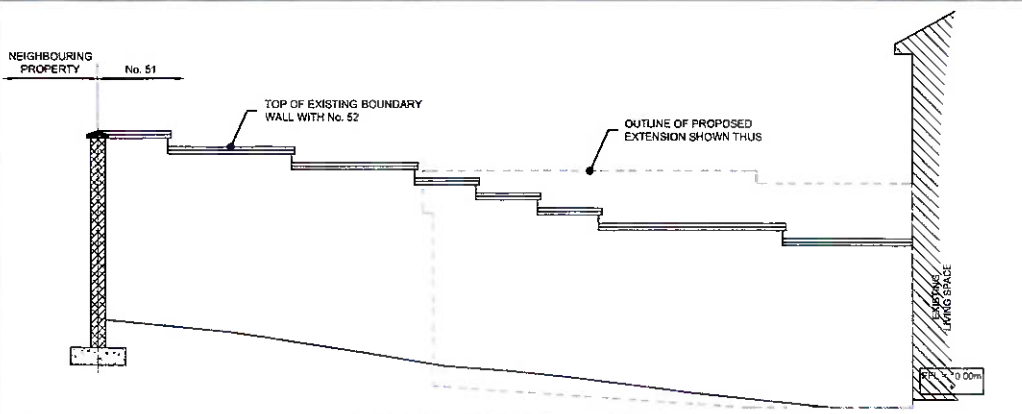
PROPOSED SECTION A - A
 SCALE 1/50

| | |
|---|---|
| GS Services Building Engineers 15 The Larch, Castlepark, Malton, Co. Cork M - 087 9329255 E - gservices@edfcock.ie | Date: PETER & EDINA BAGI 51 POPES HILL, CORK CITY, T23 FT29 |
| | Paper: SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING |
| | Project: PROPOSED EXTENSION GROUND FLOOR PLAN & SECTION A - A Date: 24.07.2021 Title: AS SHOWN Author: GS Date: APRIL 2024 |

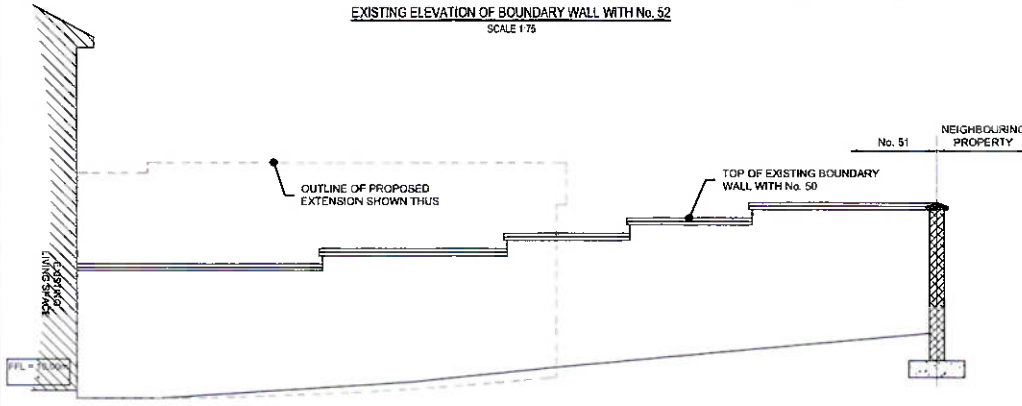
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EXISTING ELEVATION OF BOUNDARY WALL WITH No. 52
SCALE 1:75

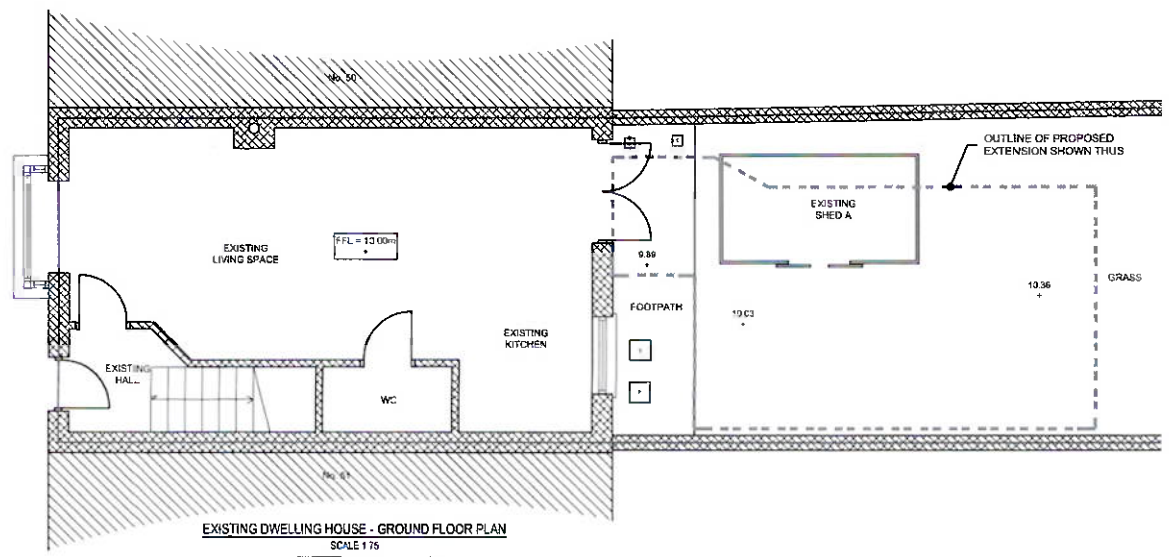


EXISTING ELEVATION OF BOUNDARY WALL WITH No. 50
SCALE 1:75



EXISTING DWELLING HOUSE - FRONT ELEVATION
SCALE 1:75

EXISTING DWELLING HOUSE - REAR ELEVATION
SCALE 1:75



EXISTING DWELLING HOUSE - GROUND FLOOR PLAN
SCALE 1:75

GROSS FLOOR AREA = 34.0m²

DEVELOPMENT MANAGEMENT
CCP
08 MAY 2024
CORK CITY COUNCIL

EXISTING SPOT LEVEL SHOWN THUS
PROPOSED SINGLE STOREY EXTENSION OUTLINED THUS



| | |
|---|--|
| <p>GS Services Building Engineers 18 The Lovers, Cahoon's Mill, Co. Car. M: 087 9502355 E: gservices@gs.ie</p> | <p>PETER & EDINA BAGI 51 POPES HILL, CORK CITY, T23 FT28</p> |
| | <p>SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING</p> |
| <p>EXISTING DWELLING GROUND FLOOR PLAN & ELEVATIONS</p> | |
| <p>24 POT_EX01</p> | <p>AS SHOWN GS APRIL 2024</p> |

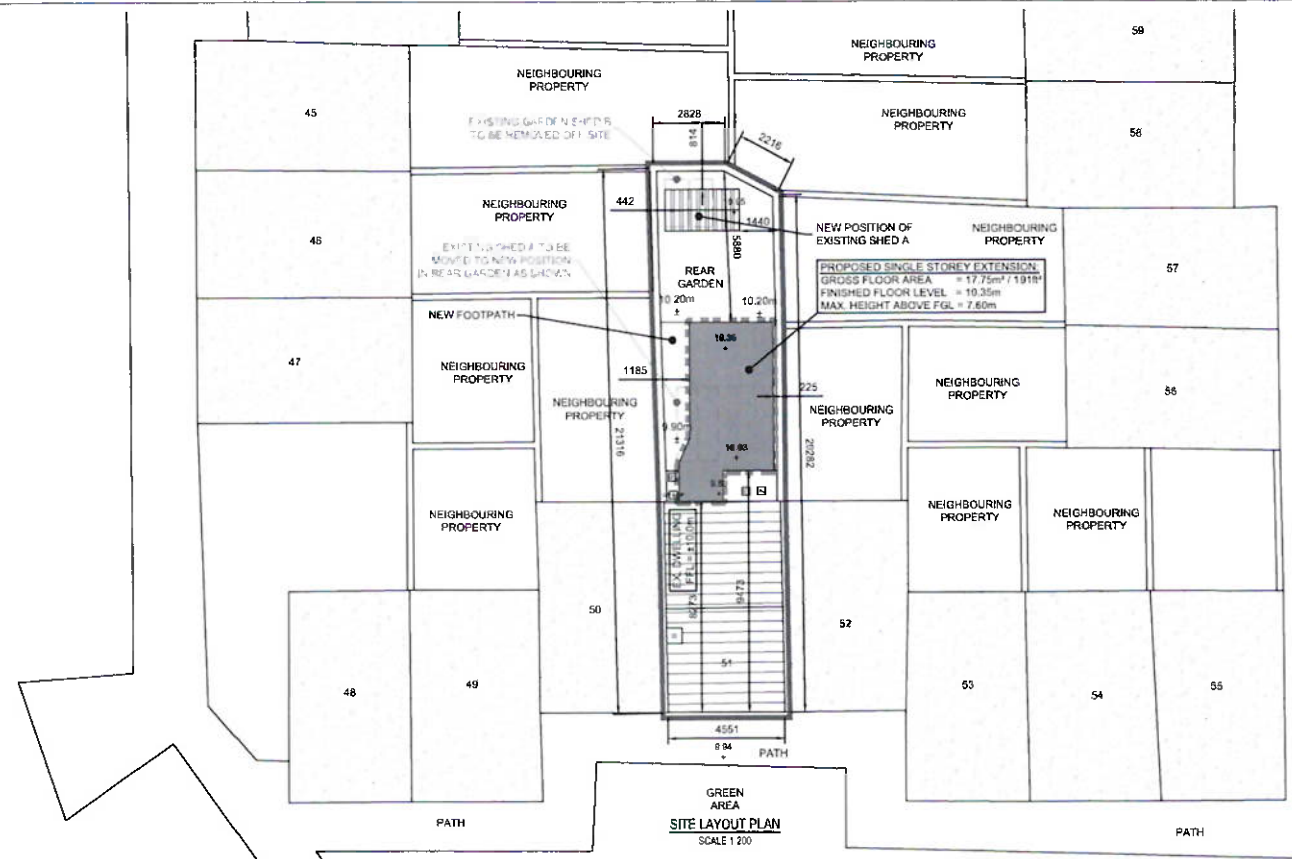
DO NOT SCALE FROM DRAWING USE FIGURED DIMENSIONS ONLY

General Notes:

1. Do not scale from drawing use figured dimension
2. All dimensions are in millimeters
3. This drawing is for planning purposes only
4. All work to comply with the current Building Regulations and other statutory guidelines
5. All structural alterations to be designed and detailed by a registered Chartered Engineer

LEGEND:

- SITE BOUNDARY OUTLINED THUS
- GROSS SITE AREA = 0.0098HA / 0.024AC
- EXISTING SPOT LEVEL SHOWN THUS
- PROPOSED SINGLE STOREY EXTENSION OUTLINED THUS
- EXISTING ITEM TO BE REMOVED / RE-POSITIONED SHOWN THUS



DEVELOPMENT MANAGEMENT
CCP

08 MAY 2024

CORK CITY COUNCIL



| | |
|--|--|
| <p>GS Services Building Engineers 10 The Linn, Cork City, Malton, Co. Cork M: 087 953920 E: gservices@corkcity.ie</p> | <p>PETER & EDNA BAGI 51 POPES HILL, CORK CITY, T23 FT29</p> |
| | <p>SECTION 5 DECLARATION FOR A PROPOSED SINGLE STOREY EXTENSION TO THE REAR OF EXISTING DWELLING</p> |
| <p>SITE LAYOUT PLAN & CONTIGUOUS ELEVATIONS</p> | |
| <p>24.P07_S02</p> | <p>AS SHOWN</p> |
| <p>GS</p> | <p>APRIL 2024</p> |



Comhairle Cathrach Chorcaí Cork City Council

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

Peter Bagi,
51 Pope's Hill,
Cork City,
T23 FT29.

28/03/2024

RE: Section 5 Declaration R834/24 – 51 Popes Hill, Cork, T23 FT29.

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:

This report recommends that the following further information is provided in order to facilitate assessment:

The plans provided are no adequate to facilitate assessment of your application. You may need to seek the advice of an agent or draftsman to ensure the plans are correct and provided the information needed.

Please provide plans that show the following.

1. Site Layout Plan

To show both the proposed extension and the ground floor of the existing residence. This should be dimensioned and at a scale of not less than 1:500. Dimensions should indicate the start and finish point of the distance shown. The plan should demonstrate compliance with all of the restrictions / limitations associated with Class 1 development exemptions (aka rear extensions).

2. Floor Plan

To show both the proposed extension and the ground floor of the existing residence. This should be dimensioned and at a scale of not less than 1:200. Dimensions should indicate the start and finish point of the distance shown. The plan should demonstrate compliance with all of the restrictions / limitations associated with Class 1 development exemptions for rear extensions.



We are Cork.

As the site appears to slope, please include finished floor levels and show any internal steps that may be required, in the interest of clarity.

Please note that the current configuration shown for what may be a linking hallway between the extension and the existing ground floor may not comply with Building Regulations. This is not assessed through the Section 5 process, but you may wish to revise the design in advance of submission, in the interest of consistency.

3. Elevations

Please ensure these plans is dimensioned and at a scale of not less than 1:200. It should show details of the proposed roof, whether it is flat, pitched etc.

If a gap between the rear wall of the existing residence and the extension is proposed, please confirm if this will be roofed over in any way.

Is mise le meas,

David O'Regan

**Assistant Staff Officer,
Community, Culture &
Placemaking Directorate**

| | | |
|--|--|--|
| PLANNER'S REPORT Ref. R834/24 | | Cork City Council Culture, Community and Placemaking |
| Application type | Section 5 Declaration | |
| Description | <i>Is the construction of a rear extension to the existing house at 51 Popes Hill, Cork, T23 FT29 development and if so, is it exempted development?</i> | |
| Location | 51 Popes Hill, Cork | |
| Applicant | Peter Bagi | |
| Date | 27/03/2024 | |
| Recommendation | <i>Further information required</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 Q3 of the application form:

Is the construction of a rear extension to the existing house at 51 Popes Hill, Cork, T23 FT29 development and if so, is it exempted development? Construction includes removal of existing timber shed and moving of existing steel shed to east side of garden.

The following additional details were provided on the form:

As per the "extension layout" (page 1) the area of the new extension - single storey (ground level), is 16,5 m².

As per attached "new garden layout", remaining free garden area will be 35,4m². Window - facing to North will be more than 1m from the 2m high, concrete wall.

Page 3 and 4 are images of the new plant extension and garden layout. Extension will be timber frame.

3. Site Description

The property in question is a two storey mid terrace dwelling with a relatively long rear garden. It is a two bedroom residence and the garden is east facing. Recent aerial photographs show that there were no rear extensions when the photograph was taken, though two sheds can be seen.

4. Planning History

There are no recent planning applications associated with the subject 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.

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 4(1)(h),

The following shall be exempted developments for the purposes of this Act-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;

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 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, ARTICLE 6, PART 1, Exempted Development — General

| Column 1 Description of Development | Column 2 Conditions and Limitations |
|--|--|
| <p><i>Development within the curtilage of a house</i></p> <p>CLASS 1</p> <p>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.</p> | <p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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 40 square</p> |

| | |
|--|--|
| | 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 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 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 11 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 11 metres from the boundary it faces. |
| | 7. The roof of any extension shall not be used as a balcony or roof garden. |

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act

-
- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (a) (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,

Article 10 (1)

Development which consists of a change of use within any one of the classes of use as specified in Part 4 of Schedule 2, shall be exempted development for the purposes of the Act, provided that the development, if carried out would not –

- (c) be inconsistent with any use specified or included in such a permission, or
- (d) be development where the existing use is an unauthorised, save where the change of use consists of resumption of a use which is not unauthorised and which has not been abandoned

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.

'Works' is defined in section 2(1) of the Act as *'the carrying out of any works on, in, over, or under land' including '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.'*

I consider that the construction of a rear extension constitutes development.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. As set out above the question to be answered is:

Is the construction of a rear extension to the existing house at 51 Popes Hill, Cork, T23 FT29 development and if so, is it exempted development?

Usually a review is undertaken at this point to confirm whether the development accords with the conditions and limitations set out for Class 1 type development. A review of the plans submitted however indicates that the plans, though a good attempt and illustrating the proposed development, do not include all of the detail required. Specifically the plans provided are not dimensioned or scaled in a standard way and do not show the footprint of the existing ground floor of the home.

To conclude I recommend that the following further information be sought to aid in the assessment of his application:

The plans provided are no adequate to facilitate assessment of your application. You may need to seek the advice of an agent or draftsman to ensure the plans are correct and provided the information needed.

Please provide plans that show the following.

1. Site Layout Plan

To show both the proposed extension and the ground floor of the existing residence.

This should be dimensioned and at a scale of not less than 1:500. Dimensions should indicate the start and finish point of the distance shown. The plan should demonstrate compliance with all of the restrictions / limitations associated with Class 1 development exemptions (aka rear extensions).

2. Floor Plan

To show both the proposed extension and the ground floor of the existing residence.

This should be dimensioned and at a scale of not less than 1:200. Dimensions should indicate the start and finish point of the distance shown. The plan should demonstrate compliance with all of the restrictions / limitations associated with Class 1 development exemptions for rear extensions.

As the site appears to slope please include finished floor levels and show any internal steps that may be required, in the interest of clarity.

Please note that the current configuration shown for what may be an linking hallway between the extension and the existing ground floor may not comply with Building Regulations. This is not assessed through the Section 5 process but you may wish to revise the design in advance of submission, in the interest of consistency.

3. Elevations

Please ensure this plans is dimensioned and at a scale of not less than 1:200. It should show details of the proposed roof, whether it is flat, pitched etc.

If a gap between the rear wall of the existing residence and the extension is proposed please confirm if this will be roofed over in any way.

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. RECOMMENDATION

This report recommends that the following further information is provided in order to facilitate assessment:

The plans provided are no adequate to facilitate assessment of your application. You may need to seek the advice of an agent or draftsperson to ensure the plans are correct and provided the information needed.

Please provide plans that show the following.

4. Site Layout Plan

To show both the proposed extension and the ground floor of the existing residence.

This should be dimensioned and at a scale of not less than 1:500. Dimensions should indicate the start and finish point of the distance shown. The plan should demonstrate compliance with all of the restrictions / limitations associated with Class 1 development exemptions (aka rear extensions).

5. Floor Plan

To show both the proposed extension and the ground floor of the existing residence.

This should be dimensioned and at a scale of not less than 1:200. Dimensions should indicate the start and finish point of the distance shown. The plan should demonstrate compliance with all of the restrictions / limitations associated with Class 1 development exemptions for rear extensions.

As the site appears to slope please include finished floor levels and show any internal steps that may be required, in the interest of clarity.

Please note that the current configuration shown for what may be an linking hallway between the extension and the existing ground floor may not comply with Building Regulations. This is not assessed through the Section 5 process but you may wish to revise the design in advance of submission, in the interest of consistency.

6. Elevations

Please ensure this plans is dimensioned and at a scale of not less than 1:200. It should show details of the proposed roof, whether it is flat, pitched etc.

If a gap between the rear wall of the existing residence and the extension is proposed please confirm if this will be roofed over in any way.



Martina Foley
Executive Planner

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

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



Fón/Tel: 021-4924029

Líonra/Web: 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

PETER BAGI

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

51 POPE'S HILL, CORK CITY, CO CORK
T23 FT29

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.

Is the construction of a rear extension to the existing house at 51 Pope's Hill, Cork, T23 FT29 a development and if so, is it exempted development? Construction includes removal of existing timber shed and moving of existing steel shed to East side of garden.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required). As per attached "extension layout" (page 1) the area of new extension - single storey (ground level), is 16,5 m².

As per attached "new garden layout", remaining free garden area will be 35,4 m². Window-facing to North will be more than 1m from the 2m high concrete wall.

Page 3 and 4 are images of the new planned extension and garden layout. Extension will be timber frame.

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

If so please supply details:

NO ; N/A

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:

N/A

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 | <u>67 m² / 46.5 m²</u> |
| (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) |
| <u>N/A</u> | <u>N/A</u> |

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: 19/03/2024

ADVISORY NOTES:

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

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

Please email planning@corkcity.ie with any queries.

- 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.

1. Plan, drawings and maps accompanying an application for a Section 5 Declaration on exempted development shall all be in metric scale and comply with the following requirements:-

* NOTE 2 COPIES OF PLANS AND PARTICULARS ARE REQUIRED

(a) site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon), the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land, which is subject of the application, shall be outlined in blue and wayleaves shall be shown in yellow,

(b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such scale as may be agreed with the Planning Authority prior to the submission of the application in any particular case,

(c) the site layout plan and other plans shall show the level or contours, where applicable, of any land and the proposed structures relative to Ordnance survey datum or a temporary local benchmark,

(d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity at a scale of not less than 1:200, as may be appropriate,

(e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,

(f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site layout plans shall indicate the distances of any such structure from the boundaries of the site,

(g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance survey sheet number,

(h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,

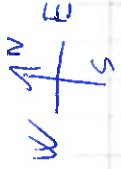
(i) plans and drawings shall indicate the name and address of the person by whom they were prepared.

2. An application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan, shall, in addition to meeting the requirements above, be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.

3. A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular, which accompanies the application.

10

1 square = 0.125m
Area: 16.5m²



3

1.25

1.25

2.5

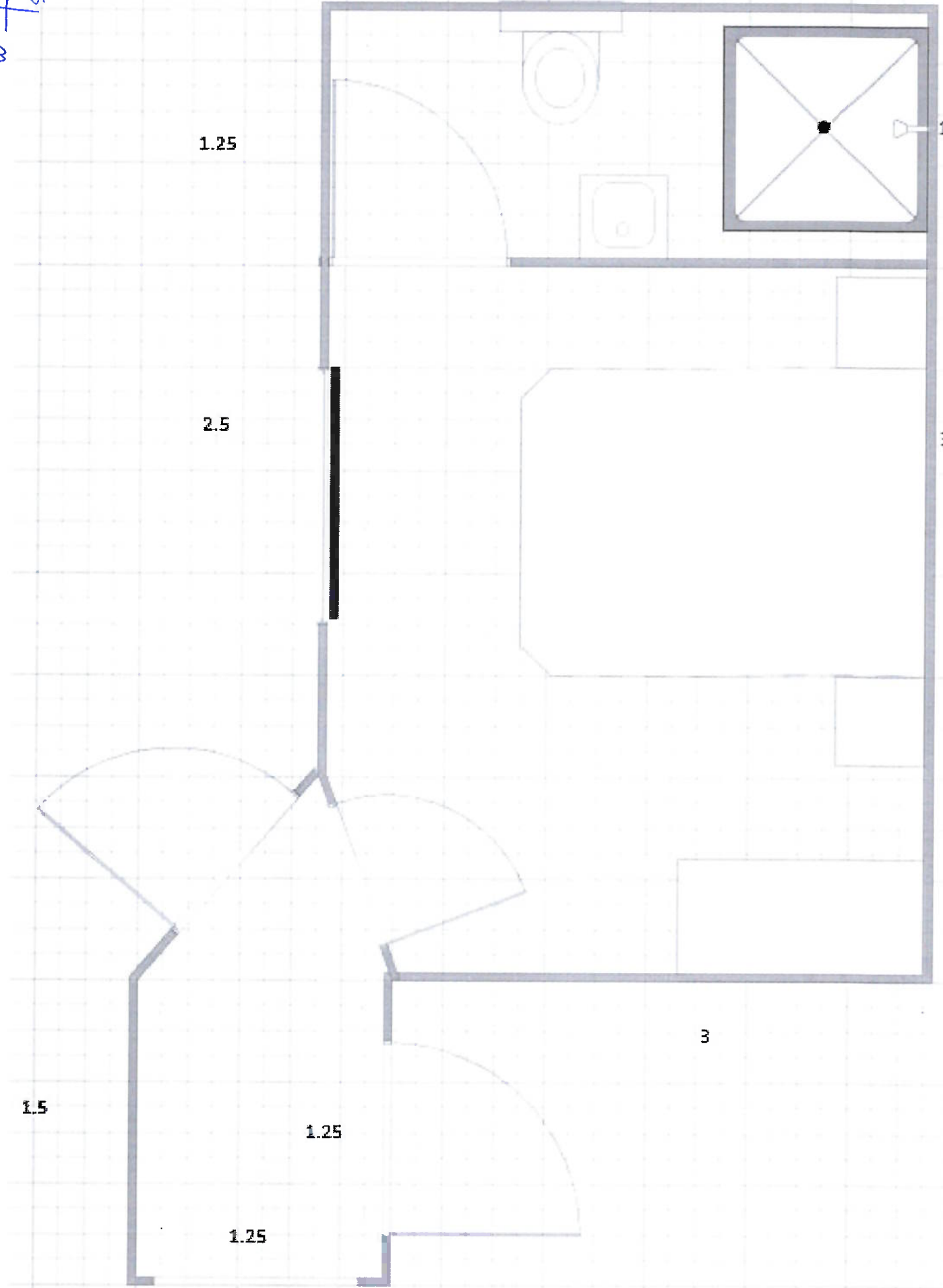
3.5

3

1.5

1.25

1.25



2



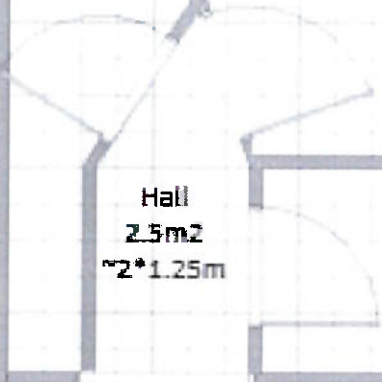
2.5m

1 square = 0.25m
Garden: 57.3m²
Extension: 16.5m²
Shed: 5.4m²
Remaining free: 35.4m²

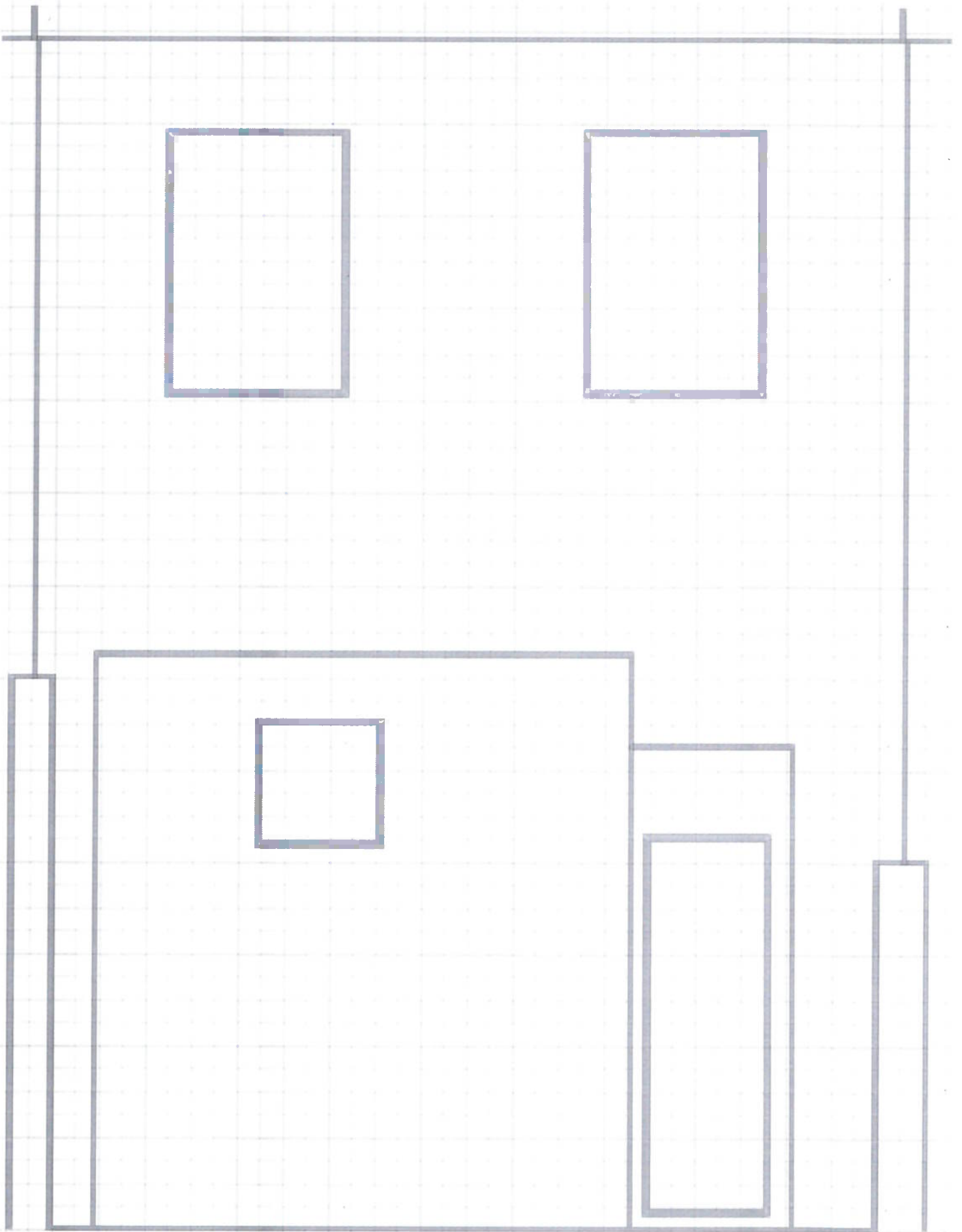


13m

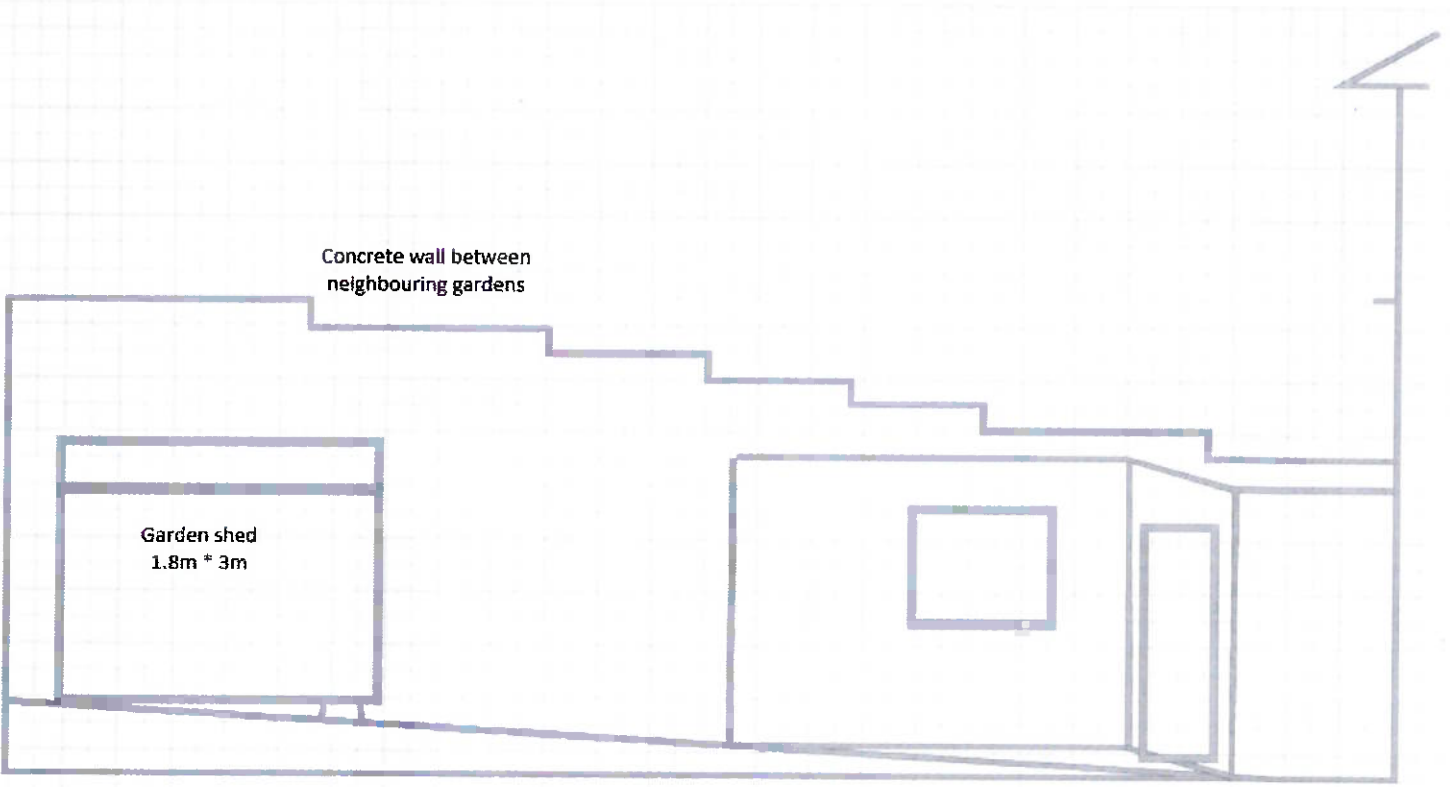
11.8m



4.5m



Front view, East to West
1 square = 0.125m



Side view, North to South
1 square = 0.25m