



Comhairle Cathrach Chorcaí Cork City Council

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

Annette O'Connor,
Jerry O'Connor,
38 Old Avenue,
Riverstown,
Glanmire,
Cork.

22/05/2024

RE: Section 5 Declaration R841/24 No 12 Quaker Road, Cork.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 26.04/2024, 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 19/04/2024.
- Sections 2 and 3 of the Planning and Development Act, 2000 (as amended).
- Classes 1(5) of Schedule 2, Part 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 the dwelling of approximately 6sqm at No. 12 Quaker Road, Cork is development and is **not 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

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

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R 841/24

Description: Is the construction of a single storey extension to the rear of the dwelling exempted from planning. Approx. extension 6sqm.

Applicant: Annette O’ Connor

Location: No. 12 Quaker Road, Cork. T12VY9A.

Date received: 19/04/2024.

SUMMARY OF RECOMMENDATION

Constitutes development; is not exempted development

Purpose of Report

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the 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.

Site Location & Description

The property is located at 12 Quaker Road, Cork. The dwelling subject to this Section 5 declaration is a on street 2-storey terraced dwelling.

Subject Development

The existing development subject to this Section 5 declaration request asks the following question of the Planning Authority: *‘Is the construction of a single storey extension to the rear of the dwelling exempted from planning. Approx. extension 6sqm.’*

Land use zoning

The site is zoned ZO 1 Sustainable Residential Neighbourhoods with the zoning objective to protect and provide for residential uses and amenities, local services and community, institutional, educational, and civic uses.

The site is located within a Zone of Archaeological Potential and the South Parish Architectural Conservation Area as per the Cork City Development Plan 2022-2028.

Planning History:

None.

Relevant Legislation:

Planning and Development Act, 2000

Section 3 (1) of the Act defines “Development” as, ‘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 2(1),

“exempted development” has the meaning specified in section 4.

“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.

The definition of “Structure” in Section 2 of the 2000 Act is as follows:

“any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and-

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes

i. the interior of the structure

ii. the land lying within the curtilage of the structure

iii. any other structures lying within that curtilage and their interiors, and

iv. all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (ii)”

Planning and Development Regulations 2001 (as amended)

Schedule 2, Part 1 of the above regulations relates to general exempted development.

Classes 1- 8 refer to development within the curtilage of a house.

Specifically, *Class 1* refers to an *extension* of a house as is as follows:

<p>CLASS 1</p> <p><i>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.</i></p>	<p>1. (a) <i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</i></p> <p>2. (a) <i>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 metres.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level,</i></p>
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	<p><i>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.</i></p> <p><i>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i></p> <p><i>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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>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.</i></p> <p><i>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i></p> <p><i>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i></p> <p><i>(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.</i></p> <p><i>7. The roof of any extension shall not be used as a balcony or roof garden.</i></p>
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Environmental Assessments

Sub-threshold EIS

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) 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 EIS is not required to be submitted.

Appropriate Assessment

The subject site is located southwest of an existing Special Protection area, namely Cork Harbour SPA (Site Code: 004030) and proposed NHA, namely Douglas River Estuary (Site Code: 001046).

The potential for this development to have significant impacts on any Natura 2000 site has been ruled out because it is of a type and scale of development which will not result in any impact on the habitats or species for which the Nature 2000 site is designated.

Planning Assessment

As per definition of “*development*” in Section 3 (1) of the Planning and Development Act 2000 (as amended), it is considered that the extension subject to this Section 5 Declaration request would constitute works, and as such, is ‘*development*’ and that the remaining question therefore is whether it is ‘*exempted development*’.

Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) relates to exempted development.

As noted above, Class 1 refers to the extension of a house. Class 1 sets out 7 conditions and limitations for such extensions, as set out above.

It is noted that the dwelling has been extended previously and extension subsequently demolished, there is no record of this extension on the planning system. The extension subject to this Section 5 Declaration is similar in size.

Notwithstanding this,

Class 1(5) clearly states that “*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*”.

On review of the site layout map submitted with this Section 5 Declaration request the remaining rear private amenity provision would be approximately 7sqm, and as such, the proposed development as declared in this Section 5 Declaration would not satisfy all relevant conditions outlined in Classes 1 of Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended).

Conclusion

Having regard to:

- the particulars received by the Planning Authority on 19/04/2024.
- Sections 2 and 3 of the Planning and Development Act, 2000 (as amended).
- Classes 1(5) of Schedule 2, Part 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 the dwelling of approximately 6sqm at No. 12 Quaker Road, Cork is development and is **not exempted development**.

Alan Swanwick
Assistant Planner
21/05/2024

The Development Management Section,
Strategic Planning & economic Development Directorate,
Cork City Council,
City Hall,
Cork.

22nd April 2024

Section 5 Declaration Application At No. 12 Quaker Road, Cork. T12 VY9A

Dear Sir / Madam,

We have been asked by Annette O'Connor to make a Section 5 Declaration application, to determine if the following is exempt development:

The construction of a single storey extension to the rear of the existing dwelling at 12 Quaker Road, Cork.

Attached is a drawing showing plans, elevations, section and a site layout. Also attached are a number of photos of the existing back yard area.

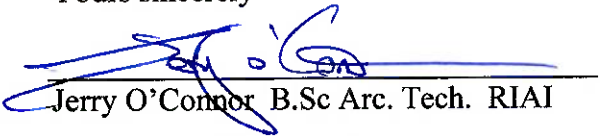
As can be seen on the drawings the proposed extension is single storey and approximately 6 sq.m in area. The proposed extension replaces a previous single storey section, in the same general location. This section was partially demolished prior to Annette O'Connor acquiring the property, however the rear wall and the outline of the roof can still be seen on the attached photos. It can also be seen on the current OS maps, see attached.

This previous single storey section was approximately 6 sq.m in area and the proposed extension will be a similar area and the remaining open space will be the same as previously.

Annette O'Connor is applying for the vacant homes renovation grant and has been discussing this with Colm Linehan in City Hall. Colm advised that an exemption application be made, just to make sure that the paperwork is all in order.

Given the very modest extension size and the fact that it is replacing a similar single storey section, we look forward to receiving confirmation of it being exempt from the requirement of planning permission.

Yours sincerely


Jerry O'Connor B.Sc Arc. Tech. RIAI

ENC. €80 APPLICATION FEE.



**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

No. 12 QUAKER ROAD, CORK T12 VY9A.

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.

IS THE CONSTRUCTION OF A SINGLE STOREY EXTENSION TO THE REAR OF THE DWELLING EXEMPT FROM PLANNING. - APPROX EXTENSION AREA = 6 sqm

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

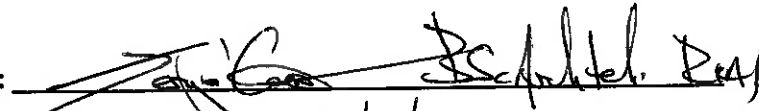
EXTENSION WILL BE A REPLACEMENT OF A SIMILAR SIZED ROOM, WHICH WAS IN PLACE SINCE BEFORE THE 1960 - APPROX. THE PREVIOUS ROOM WAS DEMOLISHED PRIOR TO THE APPLICANT ACQUIRING THE PROPERTY.

THE PROPOSED EXTENSION IS PART OF THE GENERAL REFURBISHMENT OF THE PROPERTY - AND AS PART OF THE VACANT HOMES GRANT APPLICATION, WE WERE ADVISED BY COLM LINDHAN OF CORK CITY COUNCIL TO APPLY FOR AN EXEMPTION CERT. JUST TO HAVE ALL PAPER WORK IN ORDER.

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

Signature: _____

Date: _____


19/4/2024

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

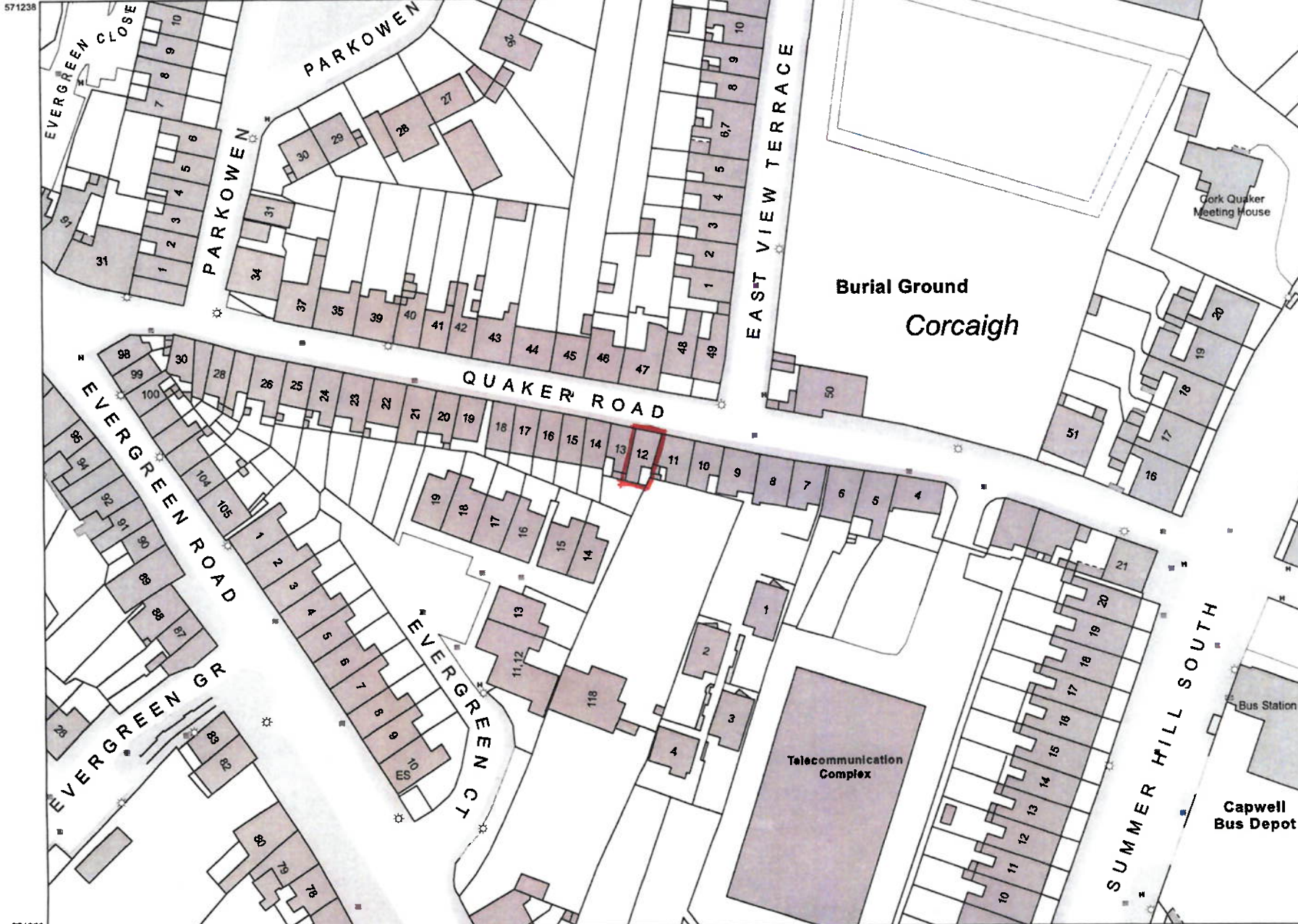
The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution

Planning Pack Map

~~Section 5 Declaration Application~~
APRIL 2024



Tailte Éireann



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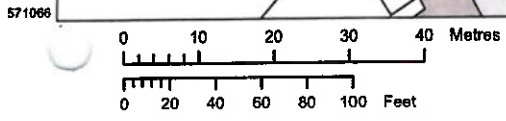
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OUTPUT SCALE: 1:1,000

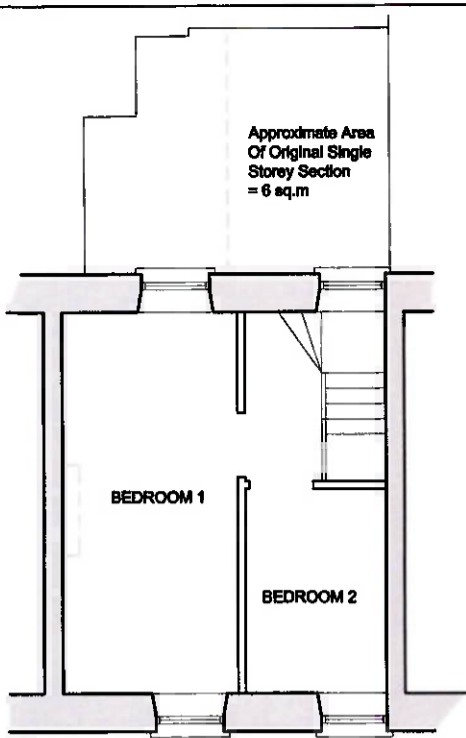
CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at:

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

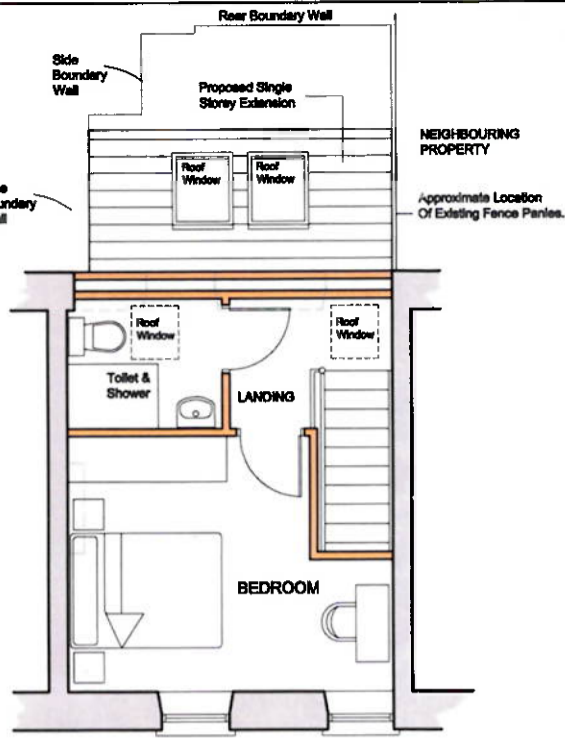


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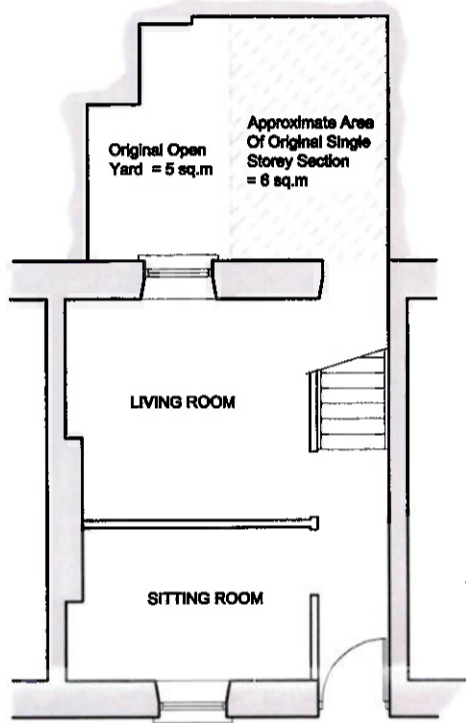
EXISTING FIRST FLOOR PLAN



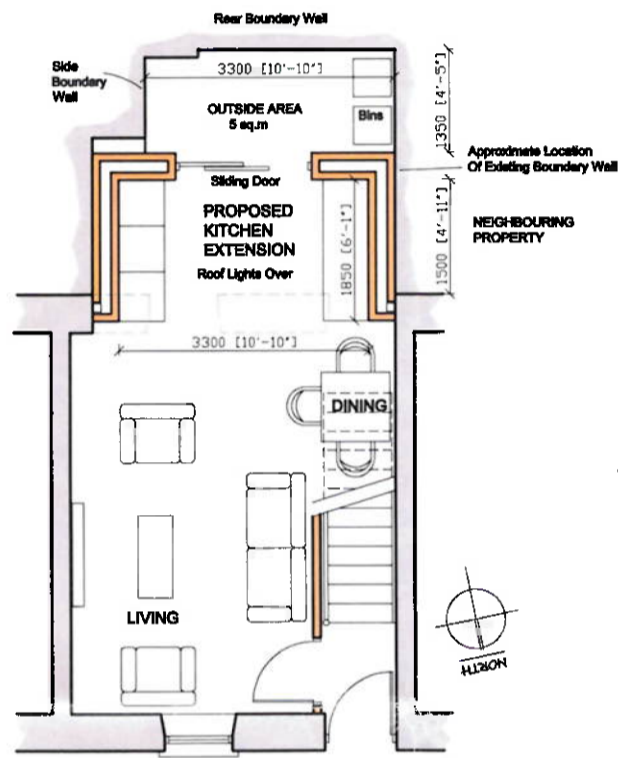
PROPOSED FIRST FLOOR PLAN



FRONT / STREET ELEVATION



EXISTING GROUND FLOOR PLAN

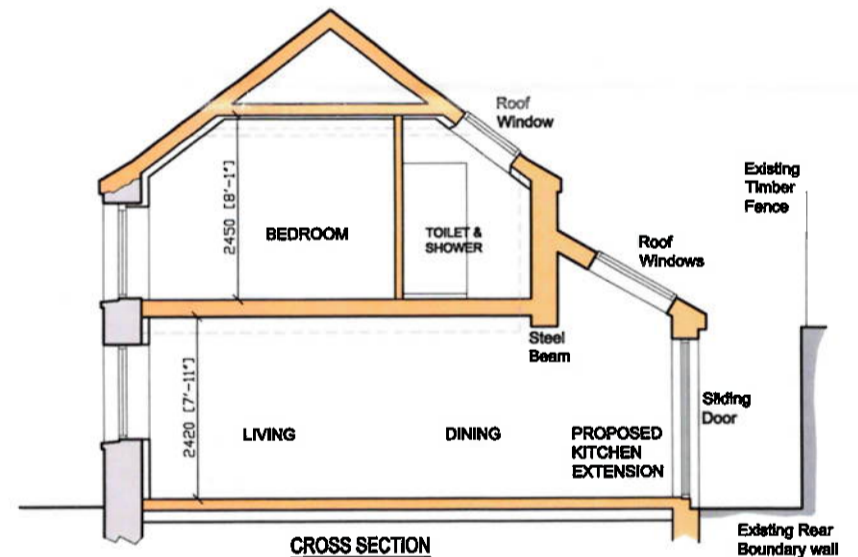


PROPOSED GROUND FLOOR PLAN

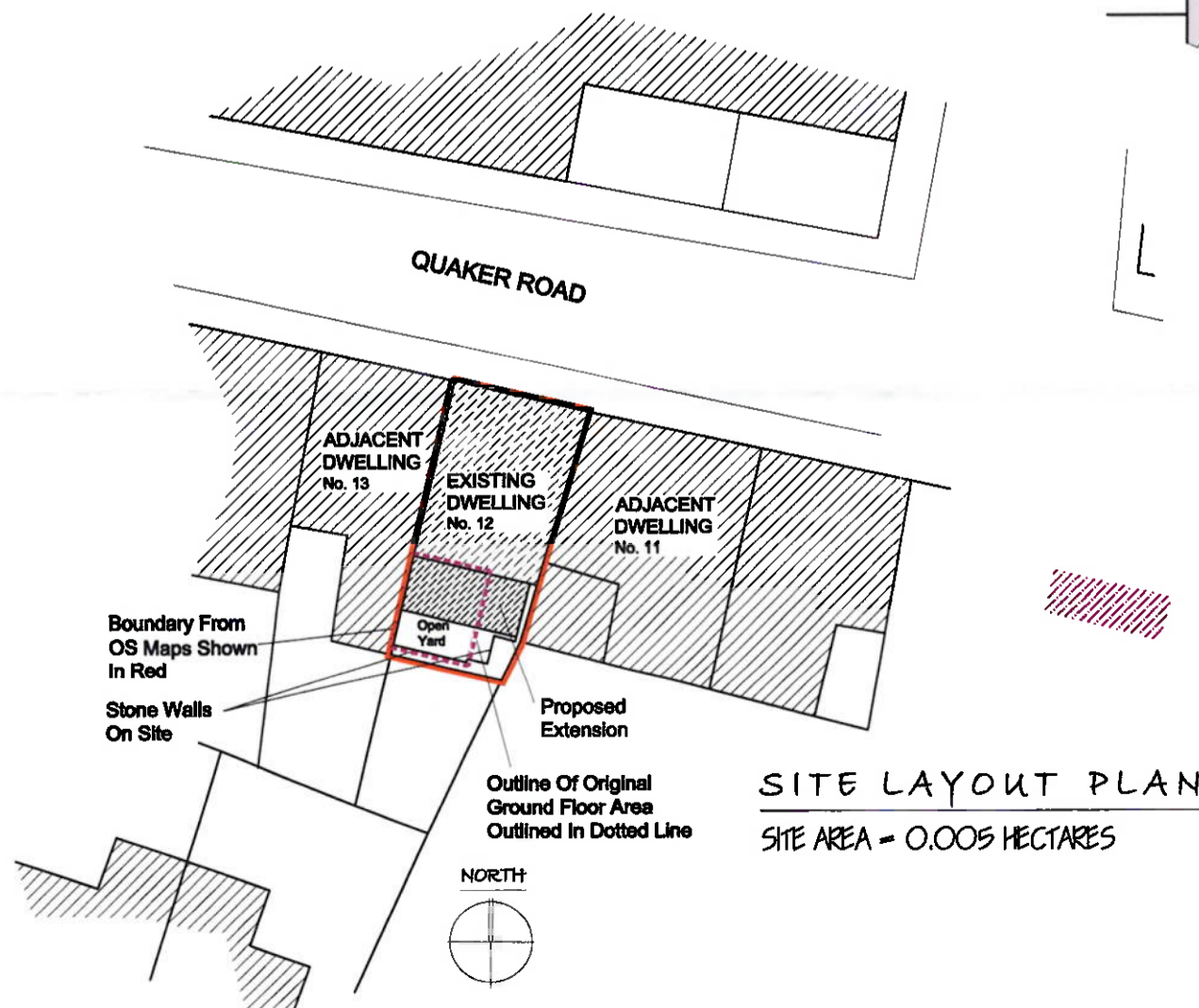
PROPOSED REAR EXTENSION = 6 sq.m



REAR ELEVATION



CROSS SECTION



SITE LAYOUT PLAN

SITE AREA = 0.005 HECTARES

PART 5 DECLARATION
ISSUE APRIL 2024

Client	Annette O'Connor		
Project	Proposed Extension To Existing Dwelling At 12 Quaker Road, Cork T12 VY9A		
Drawing Title	Section 5 Declaration Of Exemption Issue		
Scale @ A3	Date	Drawn	Drawing No.
1:100 & 1:250	April 2024	JOC	2023-21-

EXISTING BOUNDARY WALLS AND FENCES

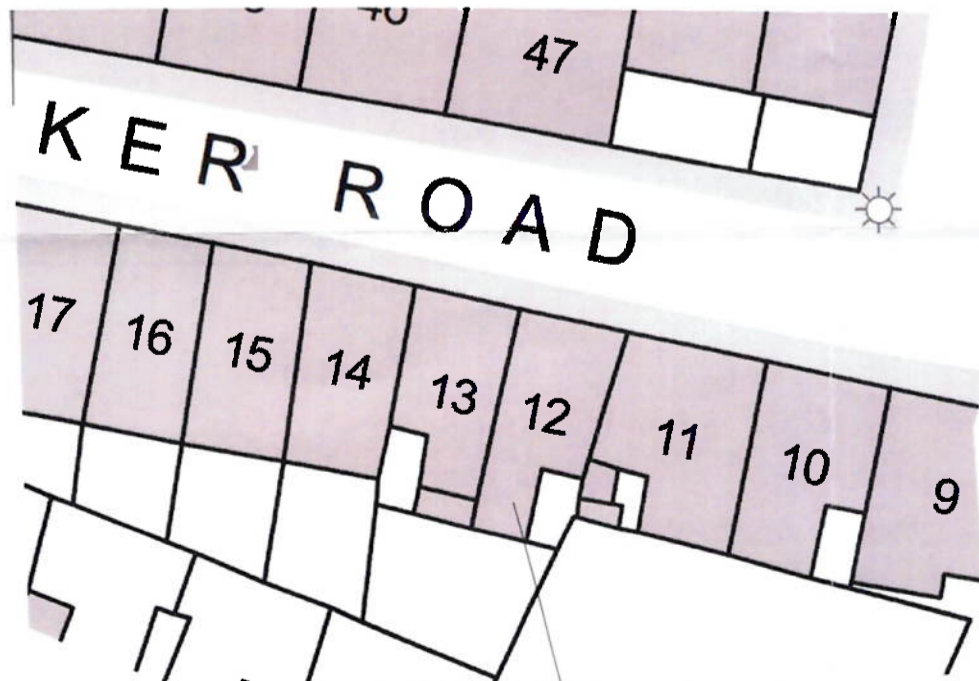


REAR WALL OF ORIGINAL SINGLE STOREY PORTION OF DWELLING



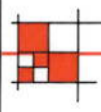
GROUND FLOOR VIEWS FROM INSIDE TOWARDS BACK WALL

FIRST FLOOR VIEW FROM INSIDE TOWARDS BACK WALL



Original Single Storey Section Shown On OS Maps

**PART 5 DECLARATION
ISSUE APRIL 2024**

Client			
Annette O'Connor			
Project			
Proposed Extension To Existing Dwelling At 12 Quaker Road, Cork T12 VY9A			
Drawing Title			
Section 5 Declaration Of Exemption issue			
Scale B A3	Date	Drawn	Drawing No.
NTS	April 2024	JOC	2023-21-
 O'Connor • Architectural Design & Planning <small>ARCHITECTURAL DESIGN PLANNING CONSULTANTS PROJECT MANAGEMENT</small> Old Avenue, Riverstown, Glanmire, Cork. (43 Bank Place Mallow Co. Cork.) Tel: 087 2693666 info@ocadp.ie www.ocadp.ie			