

Comhairle Cathrach Chorcaí Cork City Council

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

Eileen Carol Greene,
c/o Gráinne Murphy,
Sigma Homes,
Unit A3 Donnybrook Commercial Centre,
Douglas
Cork

01/07/2022

**RE: Section 5 Declaration R718/22 25 Ros Barra, Deerpark, Cork
T12 CHF4**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 30th May 2022, I wish to advise as follows:

On review of the Section 5 inquiry, the applicant submitted detailed drawings of the proposed single storey rear extension.

1. The proposed flat roof extension is modest in scale. There are no concerns regarding residential amenity and visual amenity. The open space provision is acceptable and exceeds the 25sqm minimum requirement as set out in Section 2(1)(5) of the Planning Act, 2000 (as amended).
2. I draw the applicant's attention to Section 2(1)(7) of the Planning Act, 2000 (as amended), *the roof of any extension shall not be used as a balcony or roof garden*, in the interests of residential amenity.

In the general the proposal is modest in scale and the design will not detract from the character of the area. The proposal is well screened and there are no overlooking or overshadowing concerns.

It is considered *the construction of a rear extension as it currently stands*, as per plans and particulars submitted under this Section 5, **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**



We are Cork.



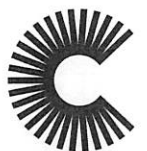
Comhairle Cathrach Chorcaí Cork City Council

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

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, 01st July 2022.

Is mise le meas,

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



We are Cork.

SECTION 5 DECLARATION – PLANNER'S REPORT

File Reference	R718/22
Description	Is the ground floor extension to the rear of the dwelling exempted development.
Applicant	Eileen Carol Greene (Agent Grainne Murphy)
Location	25 Ros Barra, Deerpark, Cork.

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

25 Ros Barra, Deerpark, Cork (T12 CHF4)

RELEVANT LEGISLATION

Planning and Development Act 2000 (as amended)

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.

Section 2(1)

CLASS 1

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.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(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.

(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.

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 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 metre 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.

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),

4.(1) *The following shall be exempted developments for the purposes of this Act—*

...

(h) 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 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.

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 relevant European sites are the Cork Harbour SPA (Site Code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly, it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

Flood Risk Assessment

The proposed development site is not located within Flood Zones A or B as defined in the *Flood Risk Management Guidelines for planning Authorities 2009*.

Assessment

On review of the section 5 inquiry, the applicant submitted detailed drawings of the proposed single storey rear extension.

The proposed flat roof extension is modest in scale. There are no concerns regarding residential amenity and visual amenity. The open space provision is acceptable and exceeds the 25sqm minimum requirement as set out above.

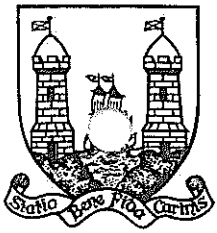
I draw the applicant's attention to Section 2(1) 7 above, *the roof of any extension shall not be used as a balcony or roof garden*, in the interests of residential amenity.

In general the proposal is modest in scale and the design will not detract from the character of the area. The proposal is well screened and there are no overlooking or overshadowing concerns.

Recommendation

It is considered that – *the construction of a rear extension as it currently stands*– is **development and is exempted development**.

Alan Swanwick,
Assistant Planner
27/06/2022



Comhairle Cathrach Chorcaí Cork City Council

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

Eileen Carol Greene,
c/o Gráinne Murphy,
Sigma Homes,
Unit A3 Donnybrook Commercial Centre,
Douglas
Cork

28/06/2022

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T12 CHF4**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, I wish to advise as follows:

On review of the Section 5 inquiry two potential issues will need to be addressed before a decision can be made regarding the status of the proposal.

1. The proposed extension will leave 24.5sqm of rear amenity space. I draw the applicant's attention Section 2(1) 5 above '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.' This makes the current proposal development and not exempted development and as it currently stands will require planning permission. Alternatively, if the scale of the proposal is adjusted to achieve the 25sqm of rear amenity space then the proposal would be development and exempted development. This leaves two options, the proposal is adjusted to achieve the 25sqm rear amenity space and is exempted development or the applicant submits a planning application with the proposal as it currently stands, which I am confident would receive a grant of planning permission.
2. I draw the applicant's attention to Section 2(1) 7 above, the roof of any extension shall not be used as a balcony or roof garden. Regardless of the status of the proposal, whether it is exempted development or whether it will require planning permission the use of the proposed flat roof extension is not permitted for use as a balcony, in the interests of residential amenity.



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Recommendation

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Alan Swanwick,
Assistant Planner

27/06/2022

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

25 Ros Barra, Deerpark, Cork

2. QUESTION/ DECLARATION DETAILS

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

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

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

is the ground floor extension to the rear of the dwelling (as per the attached drawings) exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

supporting documents attached are:
drawings C590-300 floor plans of dwelling with development
works outlined green & C590-301 - elevations of same

DEVELOPMENT MANAGEMENT

CCP

30 MAY 2022

CORK CITY COUNCIL

3. APPLICATION DETAILS

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

(a) Floor area of existing/proposed structure/s	115 sq. m/ 20 sq. m
(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) _____ _____ _____

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	Eileen Carol Greene	
Applicants Address	25 Ros Barra, Deerpark, Cork	
Person/Agent acting on behalf of the Applicant (if any):	Name:	Gráinne Murphy
	Address:	Sigma Homes, Unit A3, Donnybrook Commercial Centre, Douglas Cork
	Telephone:	[REDACTED]
	Fax:	
	E-mail address:	[REDACTED]
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

5. LEGAL INTEREST

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



The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above-captioned matter.
 The Bureau of Land Management has advised that the
 land described in the above-captioned matter is
 owned by the United States of America and is
 located in the State of California.
 The Bureau of Land Management has advised that the
 land described in the above-captioned matter is
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[Redacted]

[Redacted]

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 The Bureau of Land Management has advised that the
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 owned by the United States of America and is
 located in the State of California.

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

Signature: _____

Date: 09/05/2022

[Handwritten signature]
for Sigma Homes, Donnybrook, Douglas & Cork.

.....

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

Site Location Map

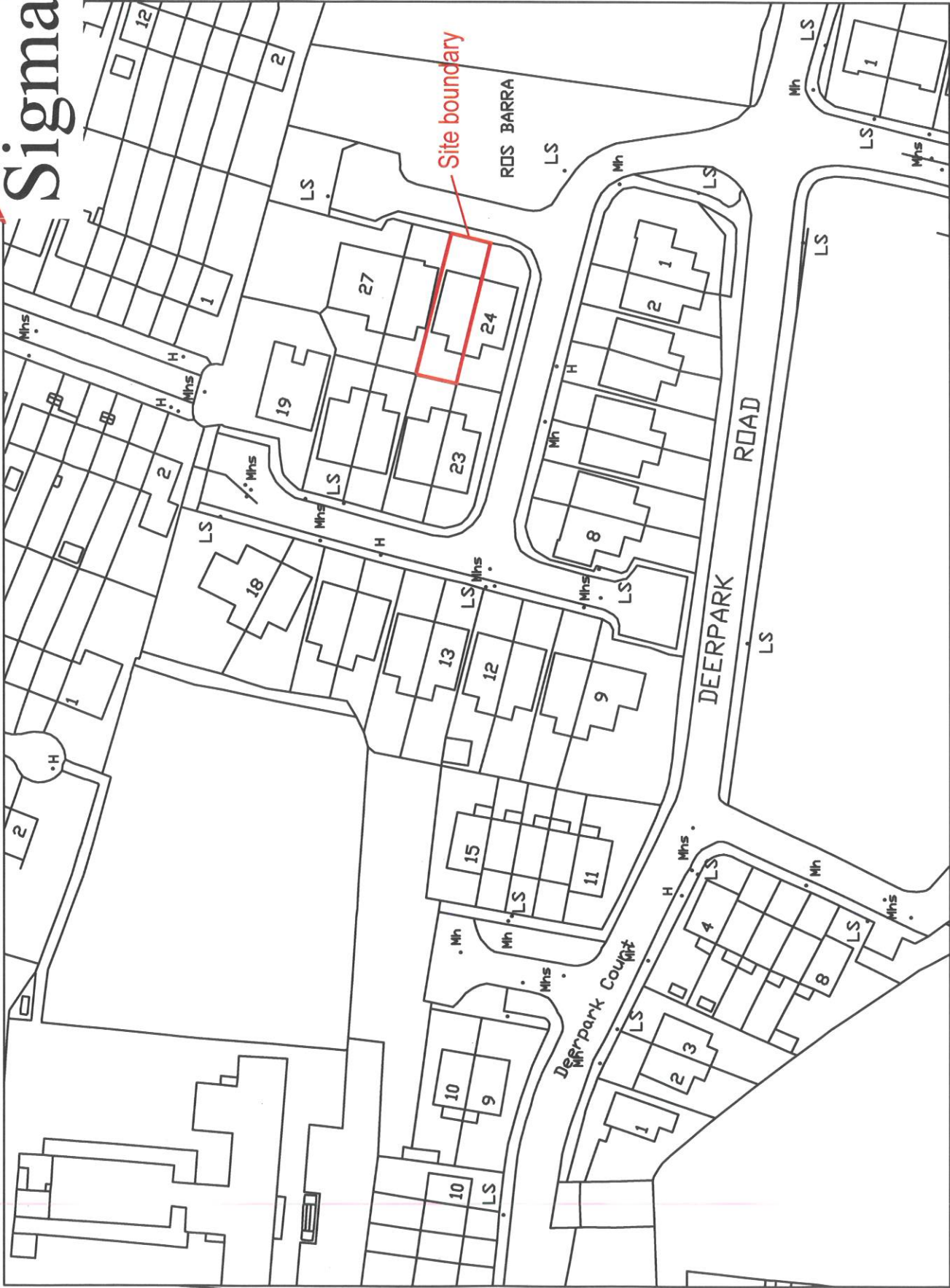
SigmaHomes

your design and build team

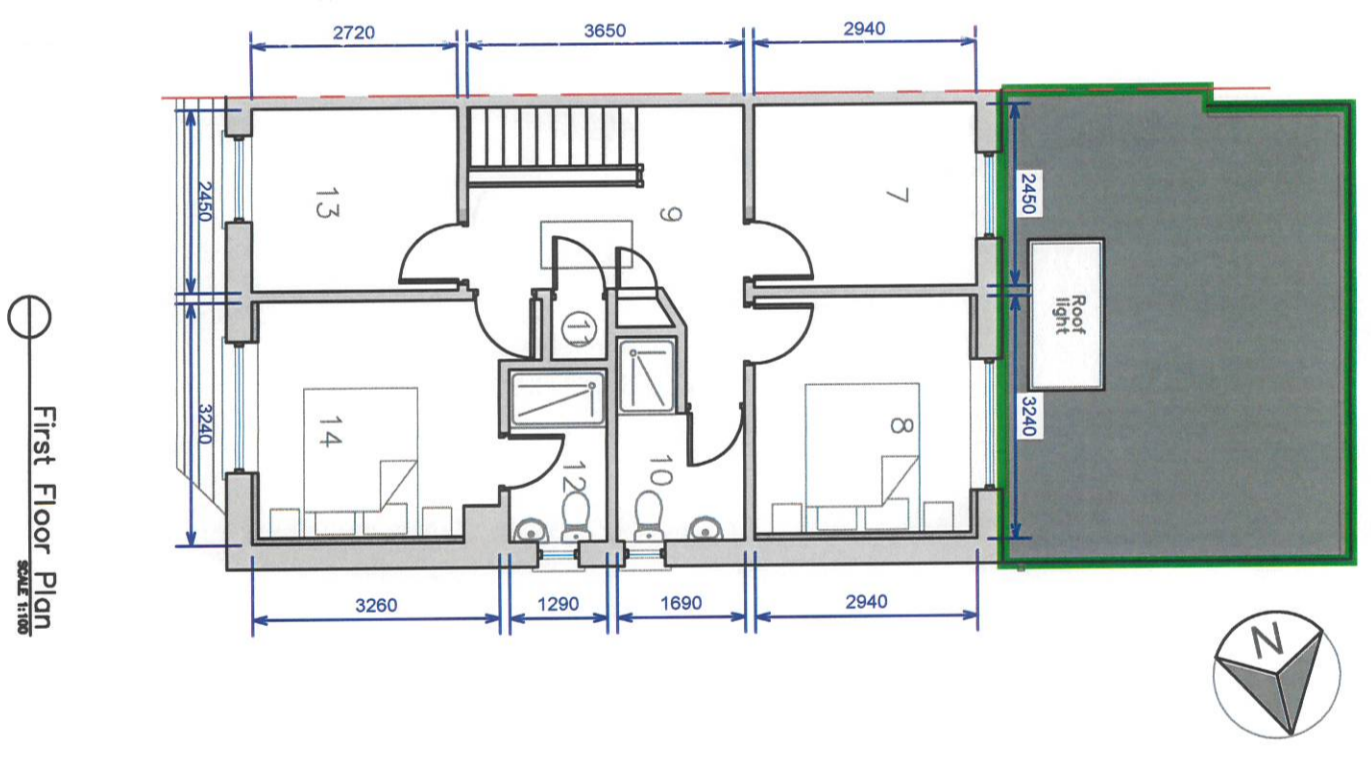
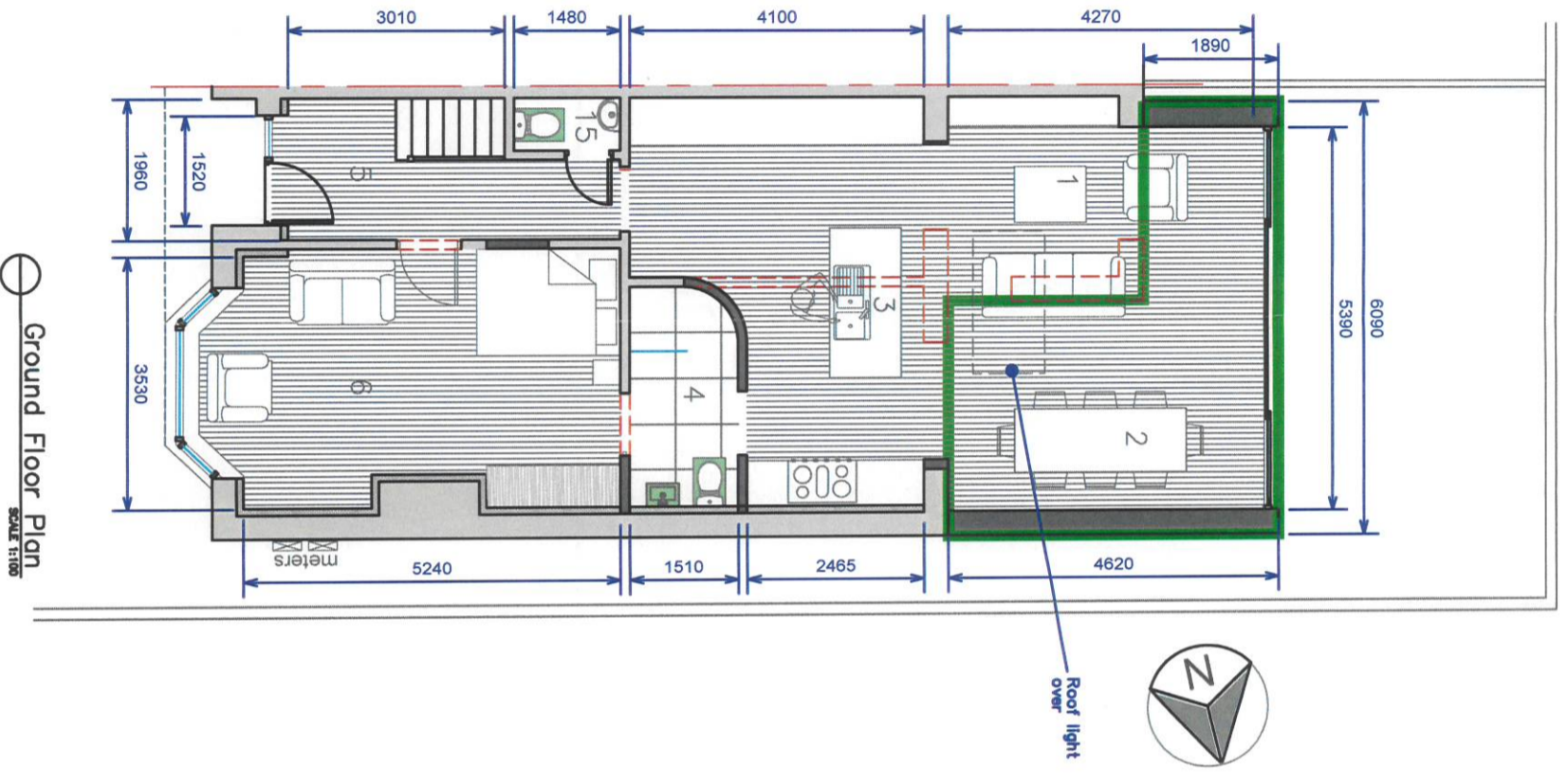
CENTRE
COORDINATES:
ITM 567101,571057





EX. O.S. MAP

MAP SERIES: 6382-19
1:1,000



OUTPUT SCALE: 1:1,000

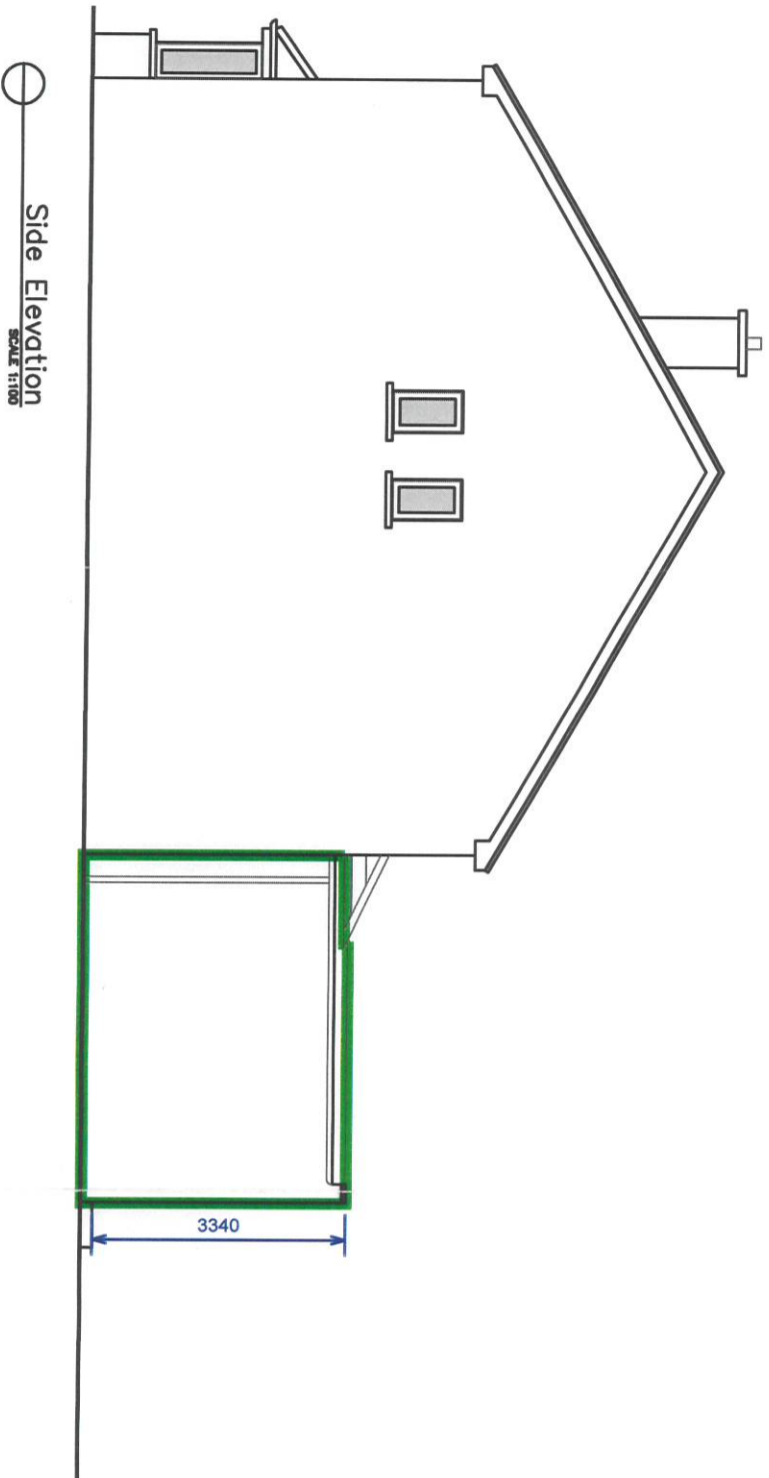
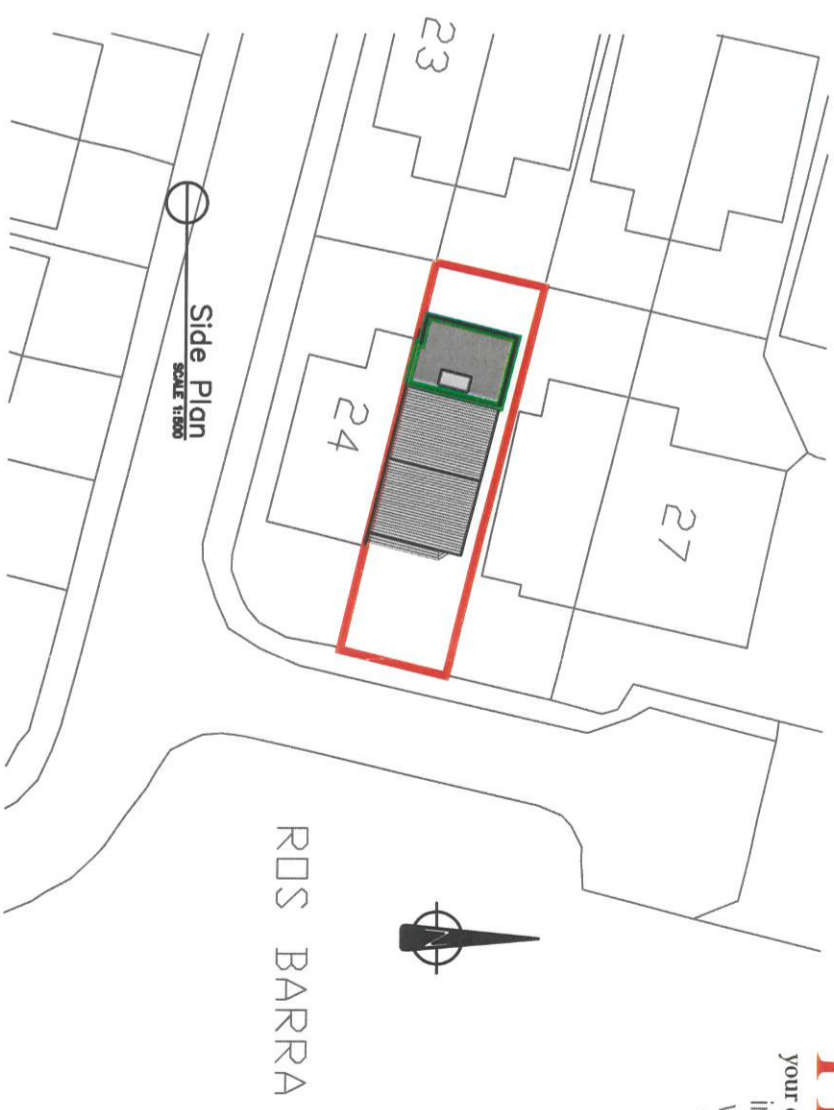
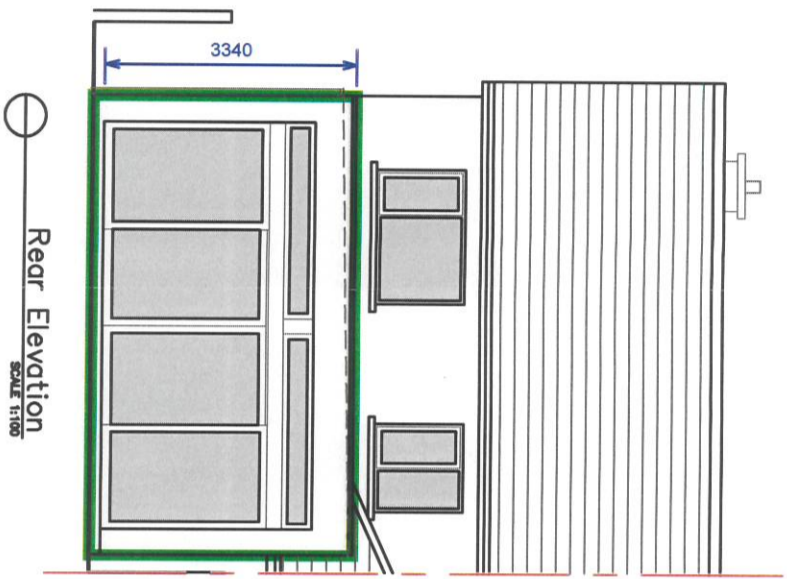


-  DEVELOPMENT WORKS
(FOR WHICH EXEMPTION IS BEING SOUGHT)
-  EXISTING WALLS
-  WALLS REMOVED
-  WALLS ADDED

- ROOMS**
1. LOUNGE
 2. DINING ROOM
 3. KITCHEN
 4. EN-SUITE
 5. HALL
 6. BEDROOM
 7. BEDROOM
 8. BEDROOM
 9. LANDING
 10. BATHROOM
 11. HOT PRESS
 12. EN-SUITE
 13. BEDROOM
 14. BEDROOM
 15. W.C.

TITLE
FLOOR PLANS OF DEVELOPMENT WORKS

CLIENT	25 Ros Barra Deerpark Cork	PAGE SIZE	A3	DRAWN BY	GM	STAGE	PLANNING
NO. REV.	C590	NO. DWTG.	300	REV.	-	SCALE	1:100



DEVELOPMENT WORKS
(FOR WHICH EXEMPTION IS BEING SOUGHT)

TITLE
ELEVATIONS OF DEVELOPMENT WORKS

CLIENT	FACE SIZE	DRAWN BY	STAGE	REV	SCALE
25 Ros Barra Deerpark Cork	A3	GM	PLANNING	-	1.100
JOB REF	C590	DWG NO	301		