Comhairle Cathrach Chorcaí
Cork City Council

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

Charles Colthurst,
c/o Martin English
RKA Consulting Engineers,
2 Clogheen Business Park,
Blarney Road,
Cork

31/05/2022

RE: Section 5 Declaration R707/22 No. 8 The Square, Blarney, Cork T23 T221

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, 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 the –
Demolition of an existing single storey extension to rear of house and the construction of a single storey extension (39.5m²)

Is development and is exempted development

Is mise le meas,

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

We are Cork.

PLANNER'S REPORT **Ref. R707/22**	Cork City Council Culture, Community and Placemaking

Application type	Section 5 Declaration
Description	*Confirmation is sought that the demolition of an existing single storey extension to rear of house and the construction of a single storey extension (39.5m²) is classified as exempted development.*
Location	No. 8 The Square, Blarney
Applicant	Charles Colthurst
Date	31/05/2022
Recommendation	*Is development and is exempted development*

This report should be read in conjunction with the previous Planner's Report on file dated 04/04/2022. That report recommended that the following further information be sought:

(1) Regarding compliance with the conditions and limitations associated with Class 50 development – demolition within the curtilage of a house please confirm:
   (a) that the abuting building to the north of the proposed demolition is in the ownership of the applicant,
   (b) the dimensions of the toilet enclosure to be demolished, and
   (c) whether the large outbuilding to the west of the toilet enclosure, as shown on ordnance survey mapping and visible on recent aerial photography is to remain on site.
   If this has been recently demolished or is proposed to be demolished please provide the dimensions.
   This structure should be included on a revised Existing & Proposed Site Plan to be submitted with the response.

(2) The additional details set out in the application form states that the existing two storey section will be refurbished. The following further information is required in order to assess whether the proposal is considered to be exempted in accordance with section 4(1)(h) of the Planning and Development Act 2000 (as amended):
   (a) Confirmation that no other changes are proposed to the external fabric of the existing two storey section of the house. If additional works are proposed then existing and proposed plans and elevations, as necessary, shall be submitted,
   (b) Photographs of the existing front elevation, clearly showing all existing openings and the adjoining properties at no. 7 & no. 9, The Square, and
   (c) Details of the proposed replacement windows and door, including images to show that they will look like.

Further information was received on 16/05/2022.

Assessment

As set out in the previous Planner's Report on the file it is considered that the question to be answered includes three elements, firstly the demolition of the existing extension and toilet enclosure, secondly the construction of a replacement extension and thirdly the refurbishment of the existing two storey section of the house.

The previous report concluded that the construction of a replacement extension accorded with the conditions / limitations set out under Class 1. Further information was requested to confirm whether the demolition and refurbishment of the residence were exempt

The following is a reassessment of the proposed demolition of the existing extension and toilet enclosure against the conditions / limitations set out in Class 50 based on the further information provided.

1. No such building or buildings shall abut on another building in separate ownership.	Confirmation has been received that the applicant is the owner of the adjoining property to the north, directly abutting. It is considered that this limiting condition is met.
2. The cumulative floor area of any such building, or buildings, shall not exceed: (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres.	The application states that the extension to be demolished is 20m². The toilet block is stated to be 1880mm x 860mm and therefore has a floor area of 1.616m² Regarding the larger structure the further information response states that it was demolished 18 months ago. It measured 5400mm x 2750mm. This therefore had a floor area of 14.58m². The cumulative floor area of recently demolished and proposed to be demolished therefore 36.195m². It is considered that this limiting condition is met.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.	Section 176 relates to classes of development for which environmental impact assessment is required. The proposal for this site is not one of the prescribed classes.

I conclude that the demolition proposed under this Section 5 Declaration Application is exempted from the requirement for planning permission as the development accords with Class 50 as set out in the *Planning and Development Regulations 2001 (as amended)*

Regarding the refurbishment of the existing home I note that section 4(1)(h) of the Act sets out that works affecting *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 structure* are exempted development.

Further information has been submitted regarding the extent of refurbishment proposed. This was referred to the Conservation Officer who welcomed the retention of the chimney stacks and front windows. Two door types were proposed as a replacement for the existing PVC door. The Conservation Officer has advised that the applicant can choose their preferred option.

I am satisfied therefore that the proposed refurbishment will 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 structure. I conclude that this aspect of the proposed works are therefore exempt from the requirement for planning permission in accordance with section 4(1)(h) of the *Planning and Development Act 2000 (as amended).*

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 the –

Demolition of an existing single storey extension to rear of house and the construction of a single storey extension (39.5m²)

Is development and is exempted development

Martina Foley
Executive Planner

CONSULTING ENGINEERS
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Kate Magner,
Development Management Section,
Community, Culture and Placemaking Directorate,
Cork City Council,
City Hall,
Cork City.

10th May 2022

Re: Section 5 Declaration R707/22 No. 8 The Square, Blarney

Dear Kate,

I refer to your letter, dated 04/04/2022, in relation to the above mentioned matter.

At this time, I wish to respond as follows:

1 (a) I hereby confirm that the applicant, Mr. Charles Colthurst, is the owner of the single storey dwelling (No.9) located directly north of and abutting the subject property.

1 (b) The toilet enclosure to be demolished measures 1880mm long x 860mm wide x 2300mm high. Please see enclosed a photograph of same taken today.

1 (c) The large outbuilding in the rear garden to the west of the toilet enclosure, which is still shown on the ordnance survey map and recent aerial photography was demolished approximately 18 months ago. The shed itself measured 5400mm long x 2750mm wide x 2300mm high. Please see enclosed a photograph of the outbuilding in question taken in February 2020 prior to its demolition due to its poor condition. I've also enclosed a photograph of the rear garden taken today showing the outbuilding no longer in place.

2 (a) It is proposed to install a 'Velux'type rooflight to the western roof slope. This rooflight will flood the stairwell with natural light.

It is also proposed to install a solar array panel to the western roof slope. The plan area of the array will be less than 12 sqm or less than 50% of the total roof area, therefore falling under Exempted Development.

Both chimney stacks are to be retained. However, the chimney breast to the central chimney will be removed as part of the proposed works in order to make better use of the internal space.

Please refer to RKA Dwg.06 Rev.01 showing the proposed elevations updated to show the proposed single storey extension to rear, existing 2 No. chimney stacks to existing roof, proposed solar array panels and proposed 1 No. rooflight to existing western roof slope.

2(b) Please find attached photographs of the existing front elevation, clearly showing all 4 No. window openings and 1 No. front entrance door to No. 8 and the adjoining properties at No.'s 7 & 9.

2 (c) Following positive discussions with Ashleigh Murray, Executive Architectural Conservation Officer Cork City Council, it has been decided to refurbish the existing 4 No. timber sash windows to the front elevation. We were originally proposing to replace same with new timber sash windows but we are happy to take Ms. Murray's advice and to refurbish the windows in question.

The existing PVC front door will be replaced with a new hardwood door. Please find attached photographs of hardwood doors of similar style to what we would be proposing to install. We are more than happy to engage with Ms. Murray in relation to the style of the hardwood door and ironmongery to be installed.

Whilst we were originally proposing to raise the height of the front door as it only measures circa 1900mm high, after discussions with Ms. Murray, we have agreed to leave the opening height as is as it is a defining character of the house like other houses in the Square.

I trust that this clarifies matters. Should you have any queries please do not hesitate in contacting me.

Yours sincerely,

Martin English (Agent)
RKA Consulting Engineers

Encl.
2 No. Copies of RKA. Dwg. 06 Rev.01
2 No. Copies of Photographs

EXISTING EAST (FRONT) ELEVATION No.'s 8 & 9

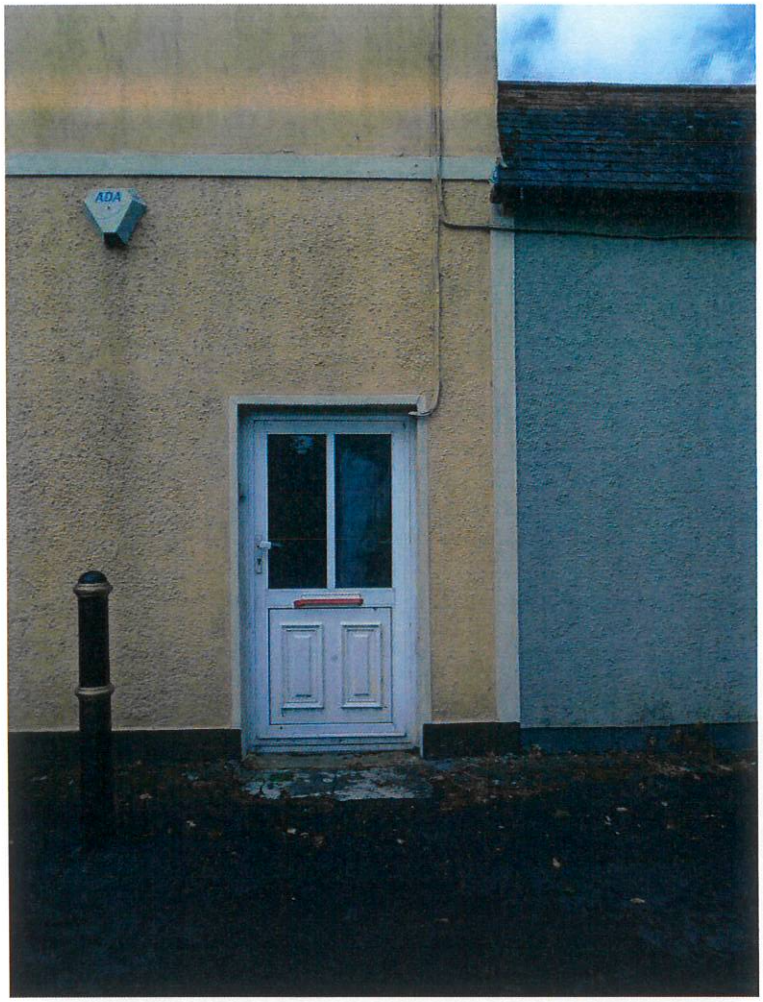
EXISTING EAST (FRONT) ELEVATION No.8

EXISTING EAST (FRONT) ELEVATION No.'s 7 - 9

EXISTING EAST (FRONT) ELEVATION No.'s 8 - 10

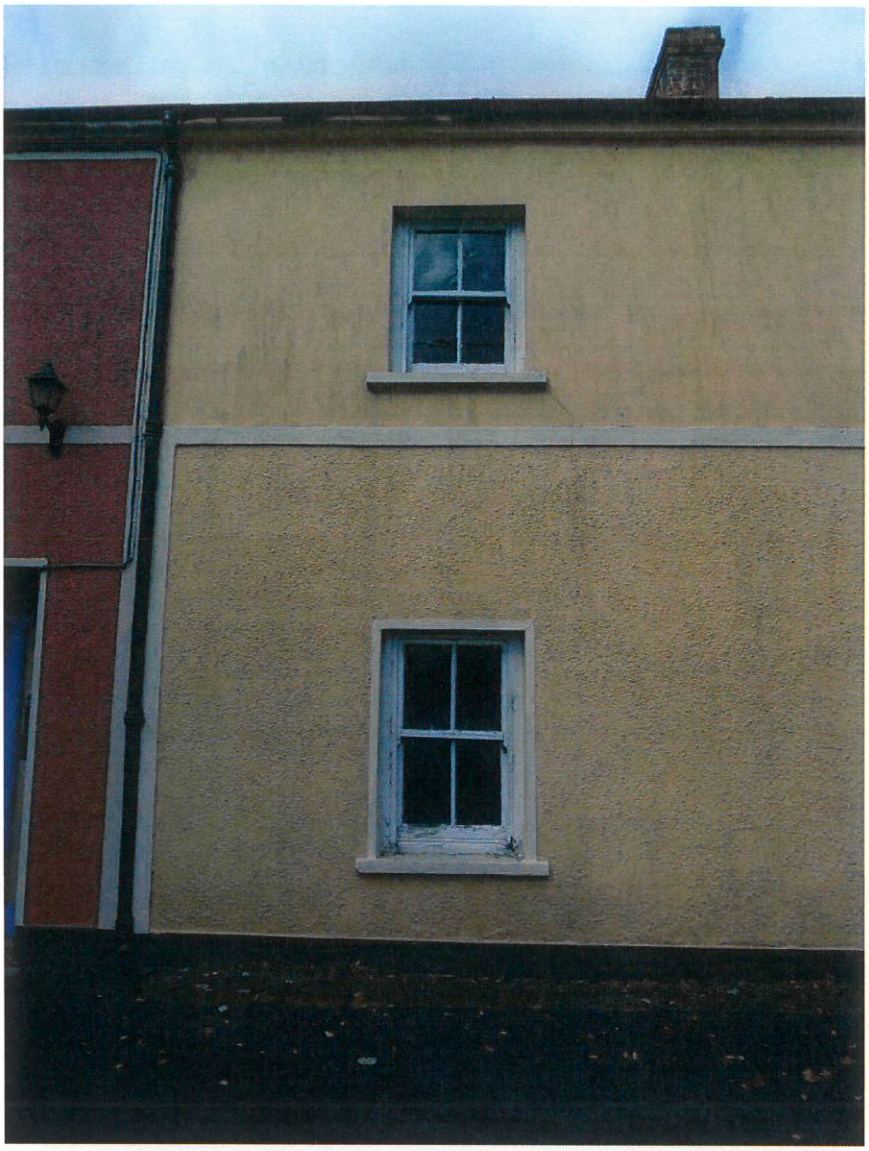
EXISTING EAST (FRONT) ELEVATION No.7

EXISTING EAST (FRONT) ELEVATION OF ROW OF HOUSES TO SOUTH



EXISTING PVC FRONT DOOR TO No. 08 BE REPLACED

EXISTING SASH WINDOWS TO No.08 to BE REFURBISHED



EXISTING SASH WINDOWS TO No. 08 TO BE REFURBISHED

EXISTING TOILET ENCLOSURE TO BE DEMOLISHED

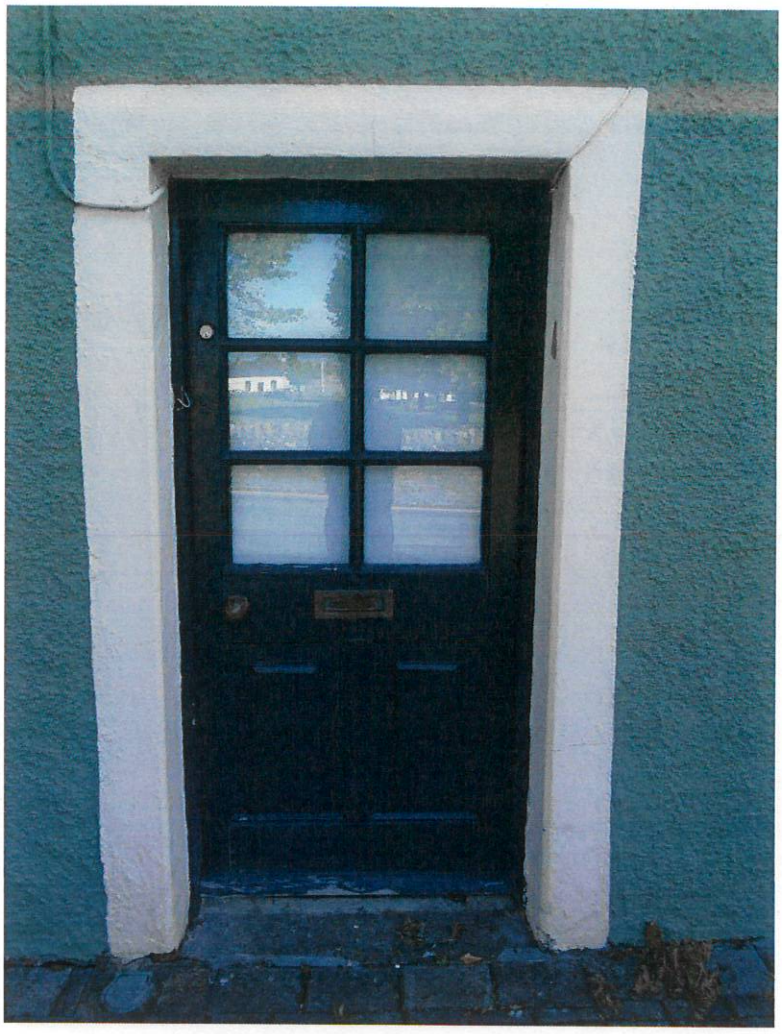
EXISTING TOILET ENCLOSURE TO BE DEMOLISHED

EXISTING TOILET ENCLOSURE TO BE DEMOLISHED

ORIGINAL OUTBUILDING (DEMOLISHED CIRCA NOVEMBER 2020)

EXISTING REAR GARDEN (PICTURE TAKEN 10 MAY 2022)

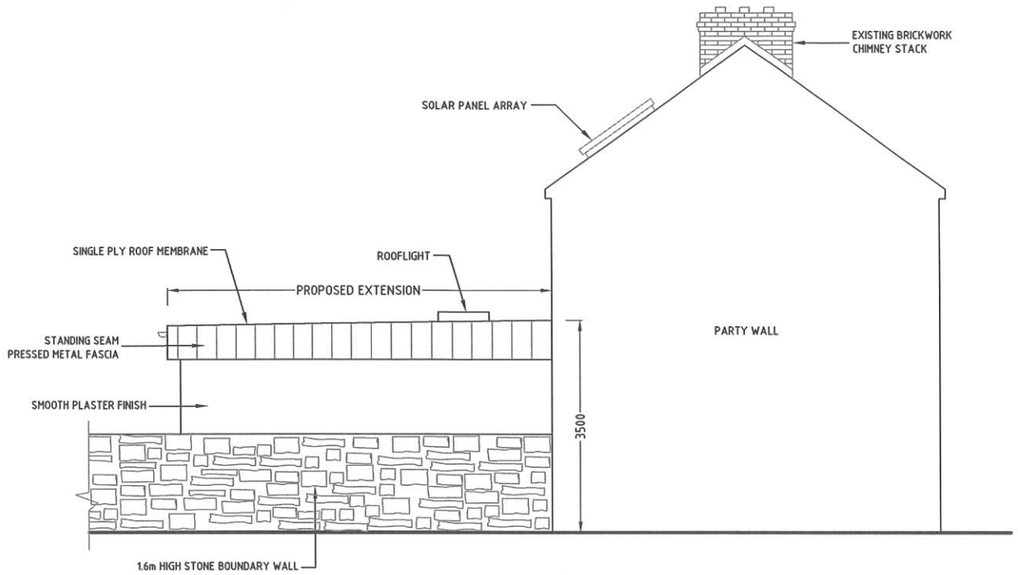
HARDWOOD DOOR STYLE – OPTION A



HARDWOOD DOOR STYLE – OPTION B

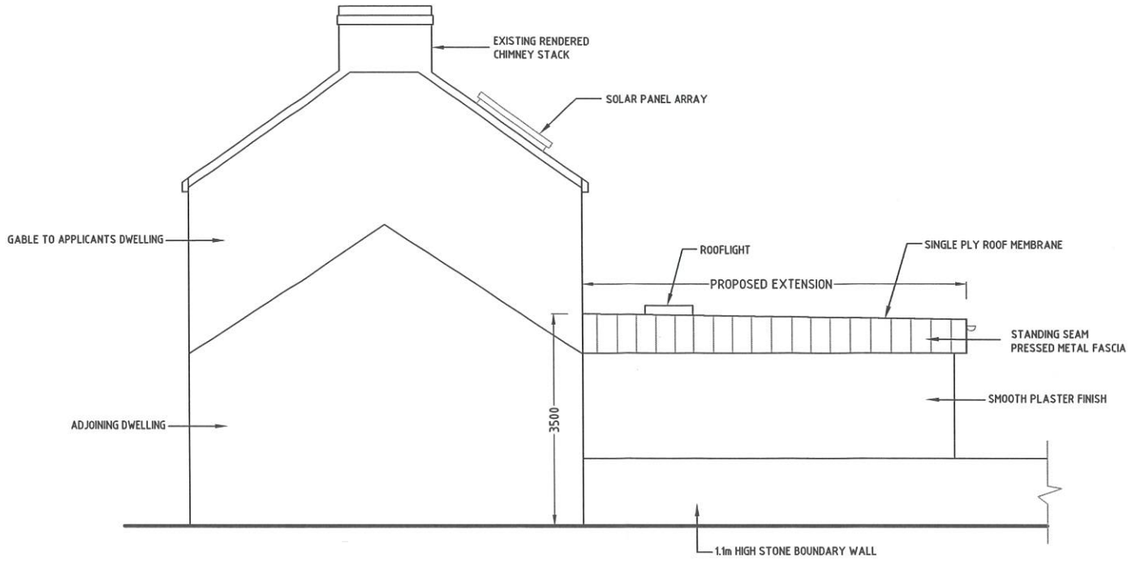
Original Drawing Size A1

Notes



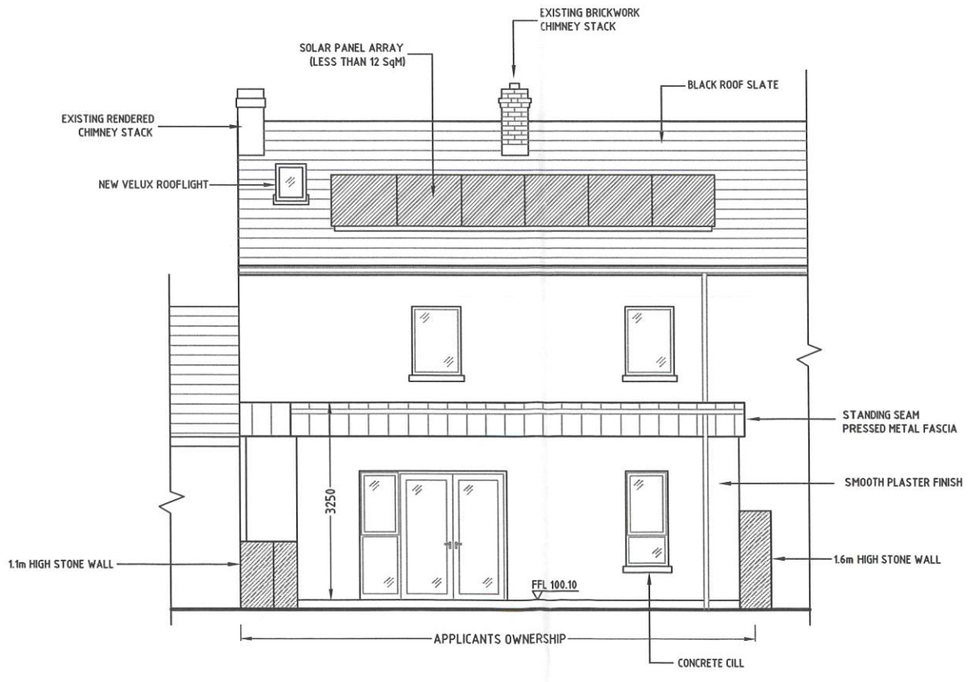
PROPOSED SOUTH ELEVATION (-/-)

SCALE 1:100



PROPOSED NORTH ELEVATION (-/-)

SCALE 1:100



PROPOSED WEST ELEVATION (-/-)

SCALE 1:100

Rev	Date	Drawn	Description	Ch'k'd
01	May '22	ME	Revised & Issued for Information	GOM
0	Feb '22	ME	Issued for Information	GOM

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W: www.rka.ie

RAY KEANE & ASSOCIATES
CONSULTING ENGINEERS
CIVIL | STRUCTURAL | PROJECT MANAGEMENT

Client:
BLARNEY CASTLE ESTATE

Project:
REFURBISHMENT OF HOUSE
AT THE SQUARE, BLARNEY, CO.CORK.

Drawing Title:
PROPOSED ELEVATIONS

Designed: ME	Drawn: ME	Date: FEB 2022
Eng Chk: GOM	Dwg. Chk: GOM	Scale: 1:100 @ A3
Project. No: 0600496 F		
Drawing No: 06	Status: Disc	Rev: 01

Comhairle Cathrach Chorcaí
Cork City Council

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

Martin English
RKA Consulting Engineers,
2 Clogheen Business Park,
Blarney Road,
Cork

04/04/2022

RE: **Section 5 Declaration R707/22 No. 8 The Square, Blarney**

A Chara,

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

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:

(1) Regarding compliance with the conditions and limitations associated with Class 50 development – demolition within the curtilage of a house please confirm:

(a) that the abutting building to the north of the proposed demolition is in the ownership of the applicant,

(b) the dimensions of the toilet enclosure to be demolished, and

(c) whether the large outbuilding to the west of the toilet enclosure, as shown on ordnance survey mapping and visible on recent aerial photography is to remain on site.

If this has been recently demolished or is proposed to be demolished please provide the dimensions.

This structure should be included on a revised Existing & Proposed Site Plan to be submitted with the response.

(2) The additional details set out in the application form states that the existing two storey section will be refurbished. The following further information is required in order to assess whether the proposal is considered to be exempted in accordance with section 4(1)(h) of the Planning and Development Act 2000 (as amended):

(a) Confirmation that no other changes are proposed to the external fabric of the existing two storey section of the house. If additional works are proposed then existing and proposed plans and elevations, as necessary, shall be submitted,

(b) Photographs of the existing front elevation, clearly showing all existing openings and the adjoining properties at no. 7 & no. 9, The Square, and

(c) Details of the proposed replacement windows and door, including images to show that they will look like.

Is mise le meas,

Kate Magner

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

PLANNER'S REPORT **Ref. R707/22**	Cork City Council Culture, Community and Placemaking

Application type	Section 5 Declaration
Description	*Confirmation is sought that the demolition of an existing single storey extension to rear of house and the construction of a single storey extension (39.5m²) is classified as exempted development.*
Location	No. 8 The Square, Blarney
Applicant	Charles Colthurst
Date	04/04/2022
Recommendation	*Further information is required*

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

1. Requirements for a Section 5 Declaration

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

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

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

2. The Question before the Planning Authority

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

Confirmation is sought that the demolition of an existing single storey extension to rear of house and the construction of a single storey extension (39.5m²) is classified as exempted development.

The following additional details have been provided on the application form:

The original dwelling is two storey which had a single storey extension (20m²) added in the 1970's to rear. The existing two storey section will be refurbished extensively.
In terms of private rear open space 55m² will remain to the rear which is well above the minimum requirement of 25m². An outside toilet enclosure will also be demolished.

3. Site Description

The property in question a terraced dwelling on the western side of the square in the historic centre of Blarney Village. It is bound to the rear by an access lane, which separates the rear yard / garden from a coach parking area associated with Blarney Castle.

The site is located within the Blarney Architectural Conservation as designated in the *Cork County Development Plan 2014*.

4. Planning History

None recent

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 82

Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

In considering an application for permission for development in relation to land situated in an architectural conservation area, a planning authority, or the Board on appeal, shall take into account the material effect (if any) that the proposed development would be likely to have on the character of the architectural conservation area.

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 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,

(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,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

SCHEDULE 2, ARTICLE 6, PART 1, *Exempted Development — General*

Column 1 Description of Development	Column 2 Conditions and Limitations
Development within the curtilage of a house 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 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.

Column 1 Description of Development	Column 2 Conditions and Limitations
CLASS 50 (a) The demolition of a building, or buildings, within the curtilage of— (i) a house, (ii) an industrial building, (iii) a business premises, or (iv) a farmyard complex. (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.	1. No such building or buildings shall abut on another building in separate ownership.
	2. The cumulative floor area of any such building, or buildings, shall not exceed: (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres.
	3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

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'*, <u>or</u> *'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 proposed works constitute development.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. Following a review of the information provided I consider that the question to be answered includes three elements, firstly the demolition of the existing extension and toilet enclosure, secondly the construction of a replacement extension and thirdly the refurbishment of the existing two storey section of the house. These will be discussed separately.

The following is a review of the proposed demolition of the existing extension and toilet enclosure against the conditions / limitations set out in Class 50.

1. No such building or buildings shall abut on another building in separate ownership.	The Existing & Proposed Site Plan (Dwg. No. 01), Existing Ground Floor Plan (Dwg. No. 02), shows that the extension to be demolished abuts on another building adjoining to its north. It is not clear whether this is in the ownership of the applicant. Further information is required to assess this aspect of the proposed demolition.
2. The cumulative floor area of any such building, or buildings, shall not exceed: (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres.	The application states that the extension to be demolished is 20m². No floor area or plans of the toilet block have been provided. I note that recent aerial photography and ordnance survey mapping shows a larger structure adjoining the toilet block to its west. This is not shown on the site plan or mentioned in the application. Further information is required to assess this aspect of the proposed demolition.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.	Section 176 relates to classes of development for which environmental impact assessment is required. The proposal for this site is not one of the prescribed classes.

The following is a review of the ground floor extension element of the proposal against the conditions / limitations set out in Class 1.

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.	(a) Total new extension will be less than 40m² (b) n/a (c) n/a
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	(a) Previous extension of 20m² to be demolished (b) n/a (c) n/a

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.	N/a
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.	(a) The single storey extension will not exceed the height of the rear wall of the house (b) n/a (c) The height does not exceed the hight of the eaves or parapet
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.	The remaining garden area is greater than 25m².
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.	(a) All windows are over 1m from boundaries (b) n/a (c) n/a
7. The roof of any extension shall not be used as a balcony or roof garden.	The flat roof does not appear to be accessible.

Regarding the refurbishment of the existing home I note that section 4(1)(h) of the Act sets out that works affecting *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 structure* are exempted development.

The proposed floor plans provided (Dwgs. No. 04 & 05) show the replacement of windows and the door on the front elevation and the windows on rear elevation. No details of existing windows have been provided. Further information is required to confirm the extent of works to the exterior of the existing building in order to assess whether the refurbishment will impact *the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structure.*

7. ENVIRONMENTAL ASSESSMENT

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

7.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

8. Conclusion

The question has been asked:

Confirmation is sought that the demolition of an existing single storey extension to rear of house and the construction of a single storey extension (39.5m²) is classified as exempted development.

Having considered the additional details and plans submitted with the application and the relevant legislation as set out above, it is considered that further information is required to determine whether the proposed development is expected development.

9. RECOMMENDATION

The following further information is required to assess the subject application:

(1) Regarding compliance with the conditions and limitations associated with Class 50 development – demolition within the curtilage of a house please confirm:
   (a) that the abuting building to the north of the proposed demolition is in the ownership of the applicant,
   (b) the dimensions of the toilet enclosure to be demolished, and
   (c) whether the large outbuilding to the west of the toilet enclosure, as shown on ordnance survey mapping and visible on recent aerial photography is to remain on site.
   If this has been recently demolished or is proposed to be demolished please provide the dimensions.
   This structure should be included on a revised Existing & Proposed Site Plan to be submitted with the response.

(2) The additional details set out in the application form states that the existing two storey section will be refurbished. The following further information is required in order to assess whether the proposal is considered to be exempted in accordance with section 4(1)(h) of the Planning and Development Act 2000 (as amended):

(a) Confirmation that no other changes are proposed to the external fabric of the existing two storey section of the house. If additional works are proposed then existing and proposed plans and elevations, as necessary, shall be submitted,

(b) Photographs of the existing front elevation, clearly showing all existing openings and the adjoining properties at no. 7 & no. 9, The Square, and

(c) Details of the proposed replacement windows and door, including images to show that they will look like.

Martina Foley
Executive Planner

CONSULTING ENGINEERS
CIVIL | STRUCTURAL | PROJECT MANAGEMENT
RAY KEANE & ASSOCIATES

T: +353 (0)21 4399799 E: admin@rka.ie
W: www.rka.ie

Development Management Section,
Community, Culture & Placemaking Directorate,
Cork City Council,
City Hall,
Cork City.

2nd March 2022

Re: Application For Section 5 Declaration for No. 8 The Square, Blarney, Cork T23T221.

Dear Sir/Madam,

On behalf of the applicant, Mr. Charles Colthurst, please find the following information in relation to the above mentioned application:

1. 2 no. copies of Application Form
2. 2 no. copies of Site Location Map 1:1000
3. 2 no. copies of Drawings :-

   Drg.01 - Existing & Proposed Site Plan
   Drg.02 - Existing Ground Floor Plan
   Drg.03 - Existing First Floor Plan
   Drg.04 - Proposed Ground Floor Plan
   Drg.05 - Proposed First Floor Plan
   Drg.06 - Proposed Elevations

4. Fee – €80

DEVELOPMENT MANAGEMENT
CCP
03 MAR 2022
CORK CITY COUNCIL

I trust that this is to your satisfaction and if you have any queries, please do not hesitate to contact me

Yours sincerely,

Martin English (Agent)
RKA Consulting Engineers

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

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

R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924564/4321
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. 8 THE SQUARE, BLARNEY, CORK.
T23T.221

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.

CONFIRMATION IS SOUGHT THAT THE DEMOLITION OF AN EXISTING SINGLE STOREY EXTENSION TO REAR OF HOUSE AND THE CONSTRUCTION OF A SINGLE STOREY EXTENSION (39.5m²) IS CLASSIFIED AS EXEMPTED DEVELOPMENT.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

THE ORIGINAL DWELLING IS TWO STOREY WHICH HAD A SINGLE STOREY EXTENSION (20 m²) ADDED IN THE 1970'S TO THE REAR. IT IS PROPOSED TO DEMOLISH THIS EXTENSION AND CONSTRUCT A SINGLE STOREY EXTENSION (39.5m²) TO REAR. THE EXISTING TWO STOREY SECTION WILL BE REFURBISHED EXTENSIVELY.
IN TERMS OF PRIVATE REAR OPEN SPACE, 55m² WILL REMAIN TO THE REAR WHICH IS WELL ABOVE THE MINIMUM REQUIREMENT OF 25m². AN OUTSIDE TOILET ENCLOSURE WILL ALSO BE DEMOLISHED.

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

4. Is this a Protected Structure or within the curtilage of a Protected Structure? ☐ NO

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? ☐ N/A

5. Was there previous relevant planning application/s on this site? ☐ NO
If so please supply details:

6. APPLICATION DETAILS

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

(a) Floor area of existing/proposed structure/s	102m² – EXISTING 39.5m² – PROPOSED
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1st October, 1964, (including those for which planning permission has been obtained)?	Yes ☑ No ☐ If yes, please provide floor areas. (sq m) 20m² – TO BE DEMOLISHED
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) N/A	Proposed/existing use (please circle) N/A

7. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		MR. CHARLES COLTHURST
Applicants Address		BLARNEY CASTLE ESTATE, BLARNEY, CORK.
Person/Agent acting on behalf of the Applicant (if any):	Name:	MARTIN ENGLISH
	Address:	RKA CONSULTING ENGINEERS, 2 CLOGHEEN BUSINESS PARK, BLARNEY ROAD, CORK.
	Telephone:	[redacted]
	Fax:	—
	E-mail address:	[redacted]
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)		Yes ☑ No ☐

[redacted]

[redacted]

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	**A.** Owner ✓	**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		

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

Signature: _____ (AGENT)

Date: 28/02/22

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, Community, Culture & Placemaking 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.

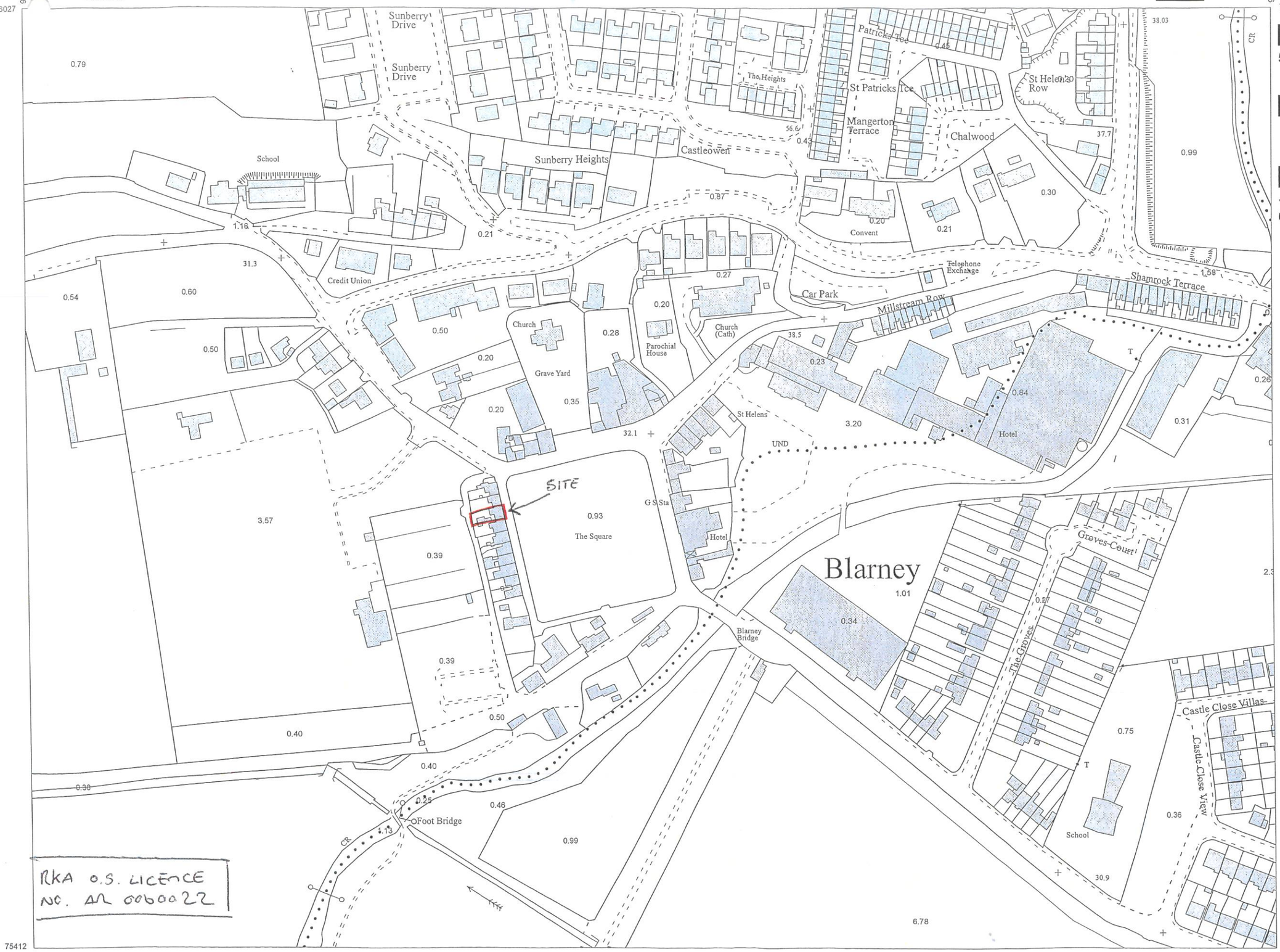
DATA PROTECTION

"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.

Surveyed 1996
Revised 2014
Levelled

Rural PLACE Map



Scale:- 1:2,500
Scála:- 1:2,500

0 50 100 150 200 Metres
0 150 300 450 600 Feet

Plot Ref. No. 25242127_1_1
Plot Date 05-OCT-2015

ITM CENTRE PT. COORDS.
560970,575781

DESCRIPTION
SITE LOCATION MAP

MAP SHEETS
1:2500
6289-C 6336-A

LEGEND:
SITE OUTLINED IN RE

NATIONAL MAP SERVICES ORDNANCE SURVEY IRELAND ©

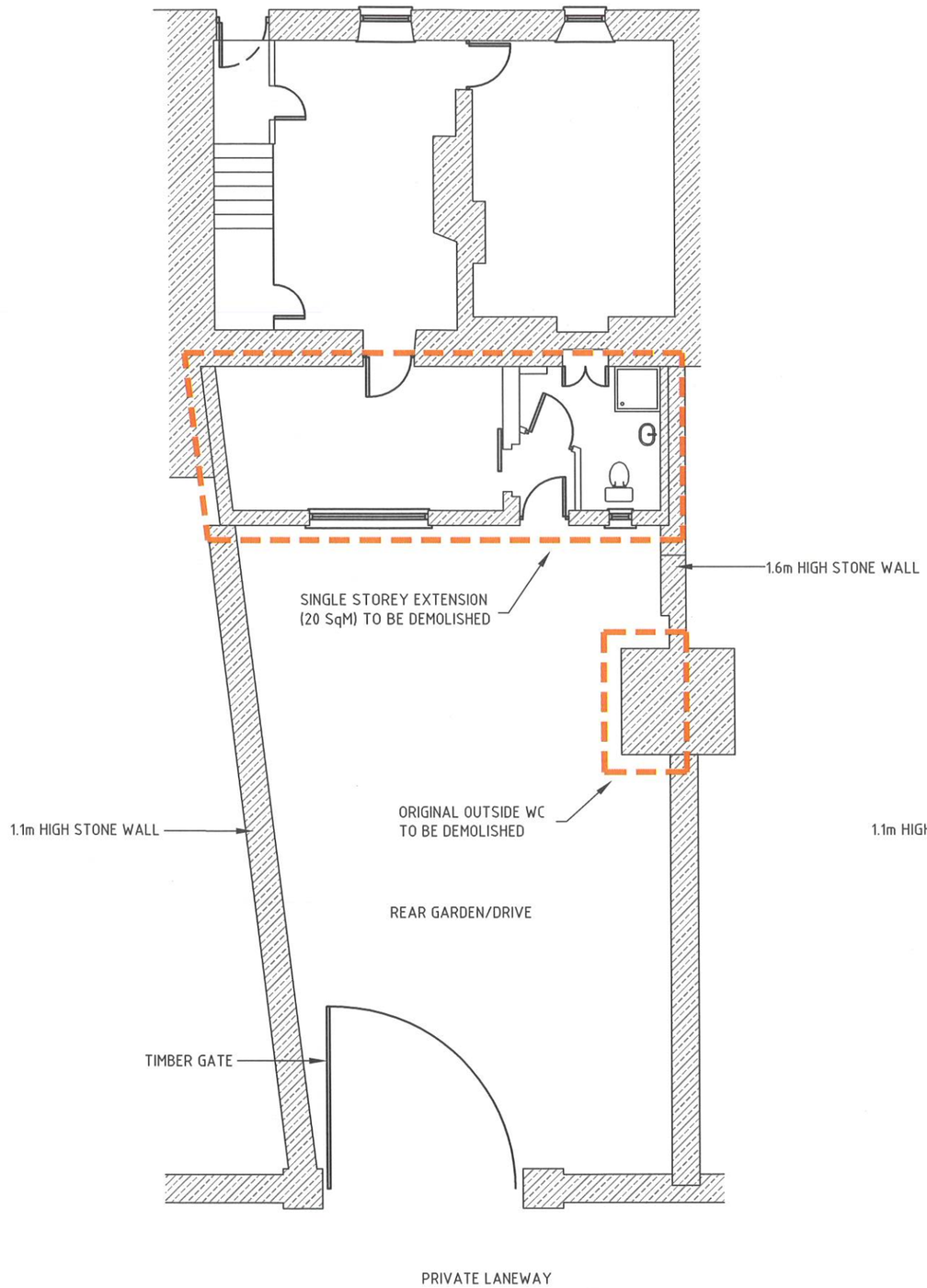
Authorised Selling Agent

Produced by National Map Services,
Unit 7, South Ring Business Park,
Kinsale Road,
Co. Cork
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

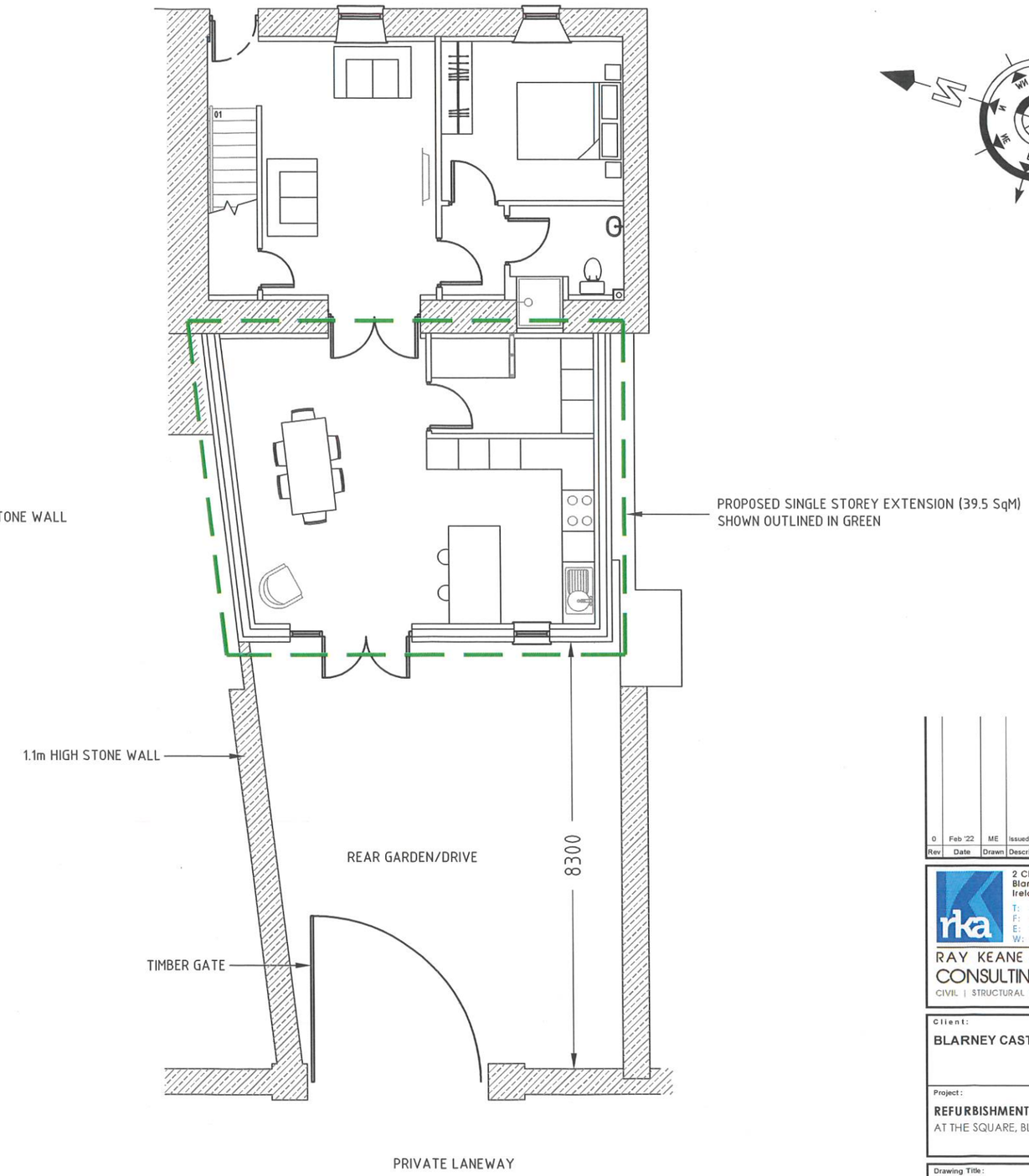
N

Original Drawing Size A1

Notes



EXISTING SITE PLAN
SCALE 1:100



PROPOSED SITE PLAN
SCALE 1:100

Rev	Date	Drawn	Description	Ch'k'd
0	Feb '22	ME	Issued for Tender	GOM

2 Clogheen Business Park,
Blarney Road, Cork,
Ireland.
T: +353 (0)21 4399799
F: +353 (0)21 4399797
E: admin@rka.ie
W: www.rka.ie
RAY KEANE & ASSOCIATES
CONSULTING ENGINEERS
CIVIL | STRUCTURAL | PROJECT MANAGEMENT

Client:
BLARNEY CASTLE ESTATE

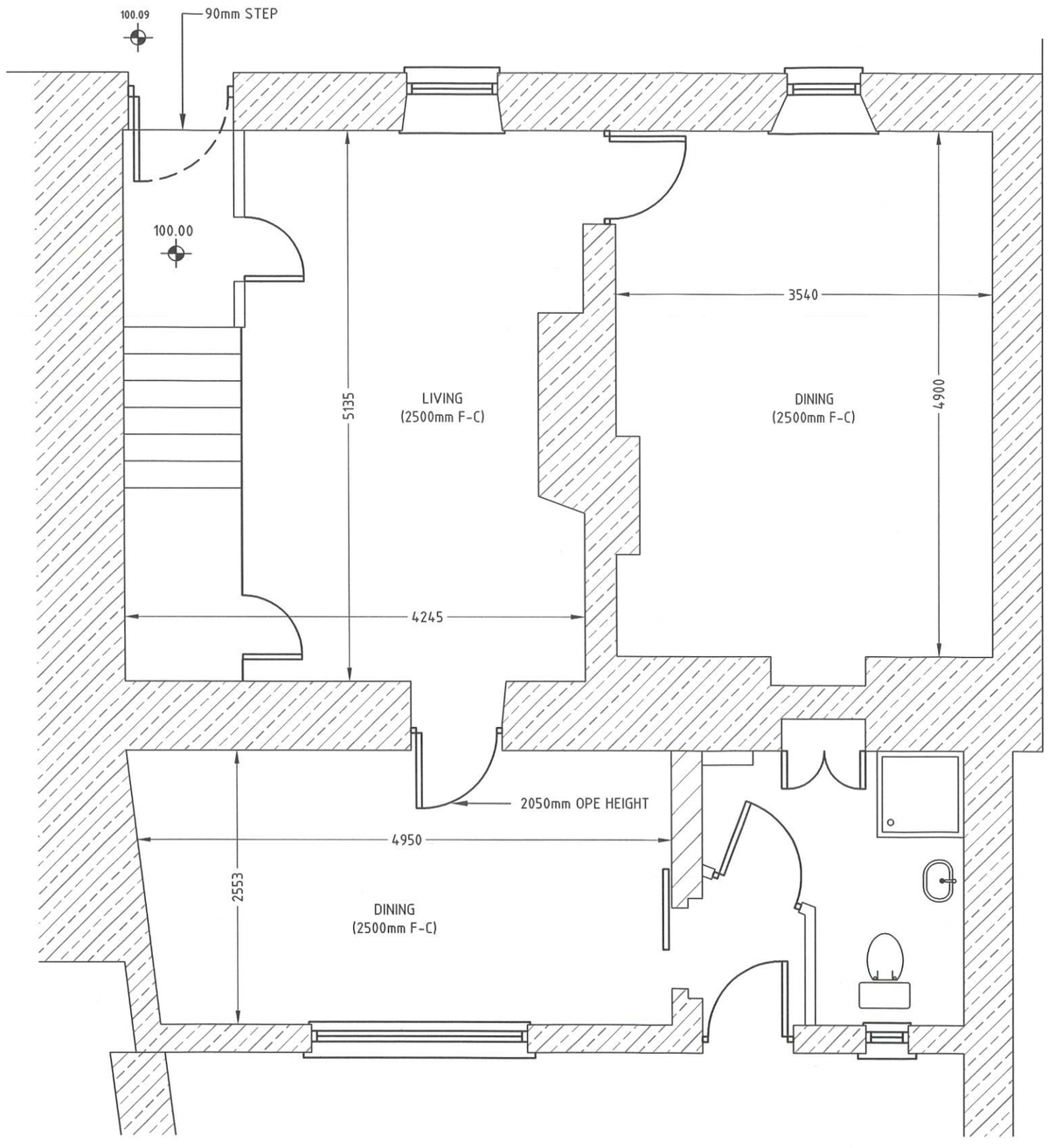
Project:
REFURBISHMENT OF HOUSE
AT THE SQUARE, BLARNEY, CO.CORK.

Drawing Title:
EXISTING & PROPOSED SITE PLAN

Designed: ME	Drawn: ME	Date: FEB 2020
Eng Chk: GOM	Dwg. Chk: GOM	Scale: 1:50 @ A1 1:100 @ A3
Project. No: 0600496 F		
Drawing No: 01	Status: Tender	Rev: 0

Original Drawing Size A1

Notes



EXISTING GROUND FLOOR PLAN

SCALE 1:50

Rev	Date	Drawn	Description	Ch'k'd
0	Feb '22	ME	Issued for Tender	GOM

2 Clogheen Business Park,
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RAY KEANE & ASSOCIATES
CONSULTING ENGINEERS
CIVIL | STRUCTURAL | PROJECT MANAGEMENT

Client:
BLARNEY CASTLE ESTATE

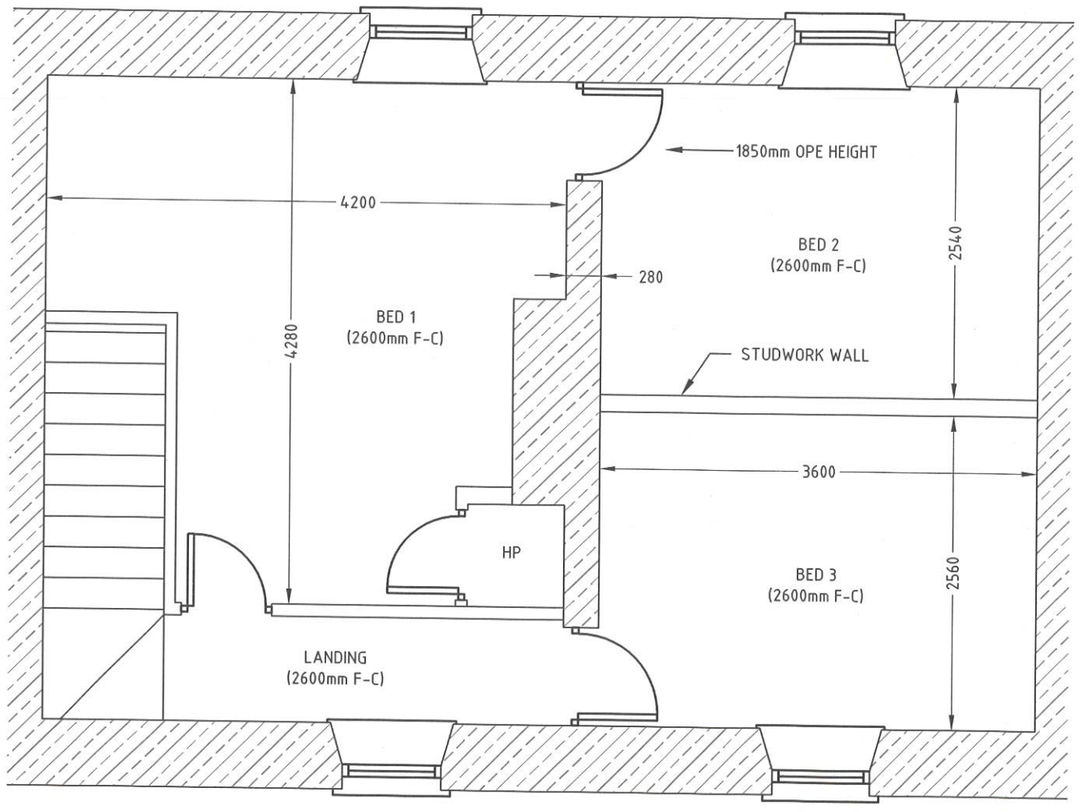
Project:
REFURBISHMENT OF HOUSE
AT THE SQUARE, BLARNEY, CO.CORK.

Drawing Title:
EXISTING GROUND FLOOR PLAN

Designed: ME	Drawn: ME	Date: FEB 2020	
Eng Chk: GOM	Dwg. Chk: GOM	Scale: 1:25 @ A1	
Project. No: 0600496 F		1:50 @ A3	
Drawing No: 02		Status: Tender	Rev: 0

Original Drawing Size A1

Notes



EXISTING FIRST FLOOR PLAN
SCALE 1:50

Rev	Date	Drawn	Description	Ch'k'd
0	Feb '22	ME	Issued for Tender	GOM

2 Clogheen Business Park,
Blarney Road, Cork,
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CIVIL | STRUCTURAL | PROJECT MANAGEMENT

Client:
BLARNEY CASTLE ESTATE

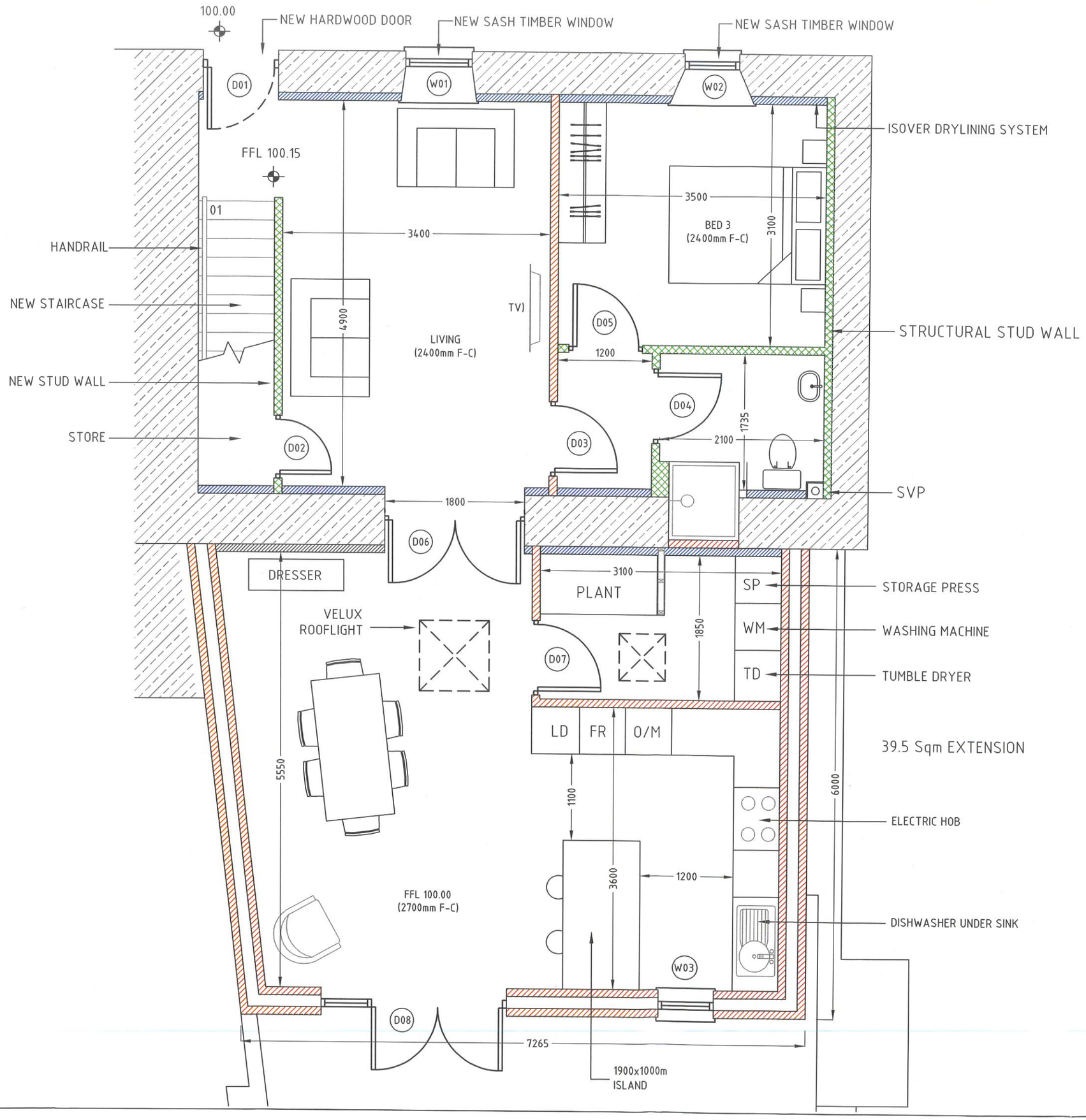
Project:
REFURBISHMENT OF HOUSE
AT THE SQUARE, BLARNEY, CO.CORK.

Drawing Title:
EXISTING FIRST FLOOR PLAN

Designed: ME	Drawn: ME	Date: FEB 2020
Eng Chk: GOM	Dwg. Chk: GOM	Scale: 1:25 @ A1
Project. No: 0600496 F		1:50 @ A3
Drawing No: 03	Status: Tender	Rev: 0

Original Drawing Size A1

Notes



LEGEND:
F-C = FLOOR TO CEILING HEIGHT

NOTE:
EXISTING HOUSE = 83 SqM
PROPOSED EXTENSION =39.5 SqM

MATERIALS LEGEND:

- EXISTING MASONRY WALLS
- STANDARD BLOCKWORK WALLS
- TIMBER STUDWORK
- NEW 'ISOVER' BREATHABLE DRYLING SYSTEM

Rev	Date	Drawn	Description	Ch'k'd
0	Feb '22	ME	Issued for Tender	GOM

2 Clogheen Business Park,
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CIVIL | STRUCTURAL | PROJECT MANAGEMENT

Client:
BLARNEY CASTLE ESTATE

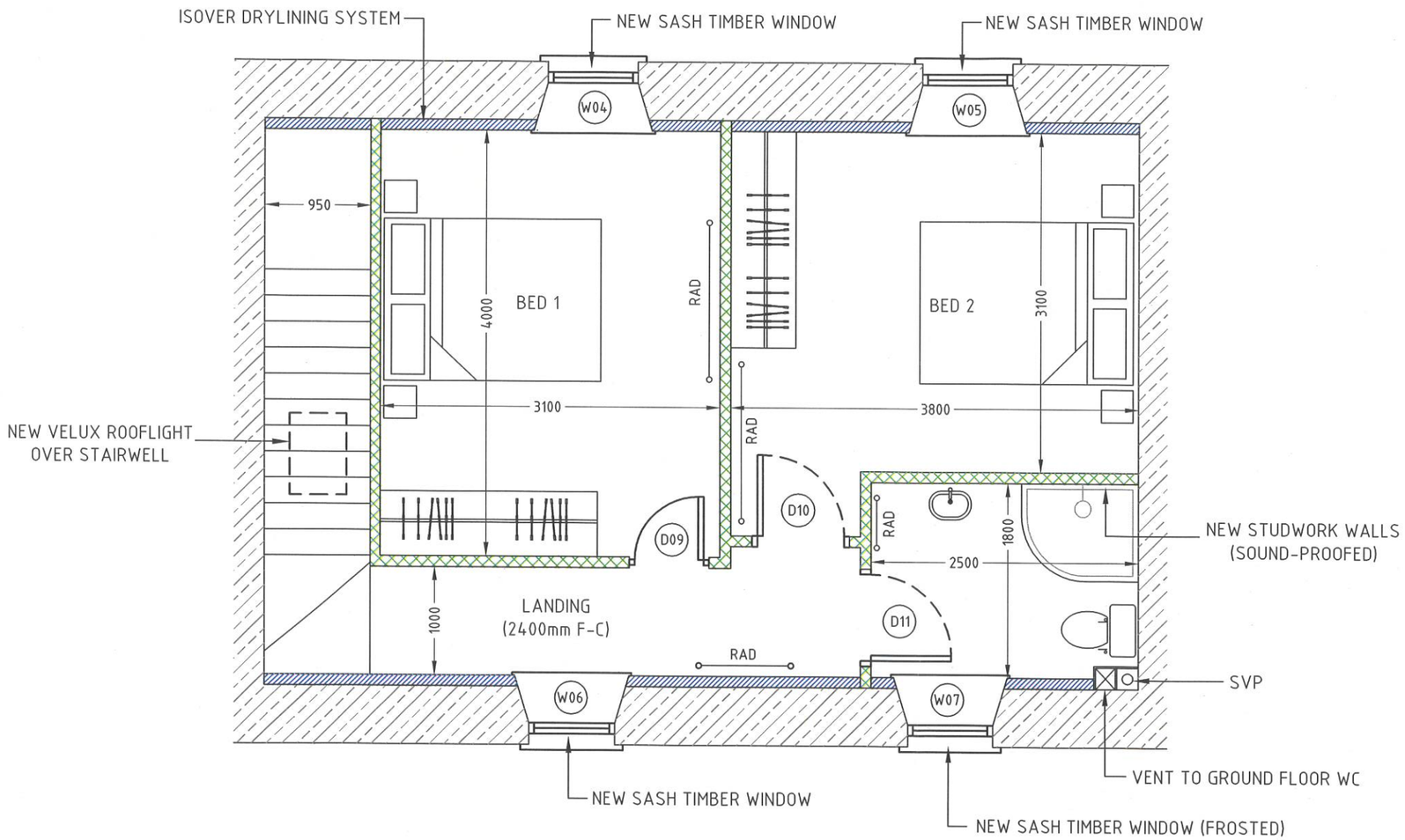
Project:
REFURBISHMENT OF HOUSE
AT THE SQUARE, BLARNEY, CO.CORK.

Drawing Title:
PROPOSED GROUND FLOOR PLAN

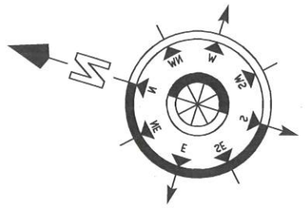
Designed: ME	Drawn: ME	Date: FEB 2020
Eng Chk: GOM	Dwg. Chk: GOM	Scale: 1:25 @ A1
Project. No: 0600496 F		1:50 @ A3
Drawing No: 04	Status: Tender	Rev: 0

Original Drawing Size A1

Notes



PROPOSED FIRST FLOOR PLAN
SCALE 1:50



LEGEND:
F-C = FLOOR TO CEILING HEIGHT

NOTE:
EXISTING HOUSE = 83 SqM
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Client:
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Project:
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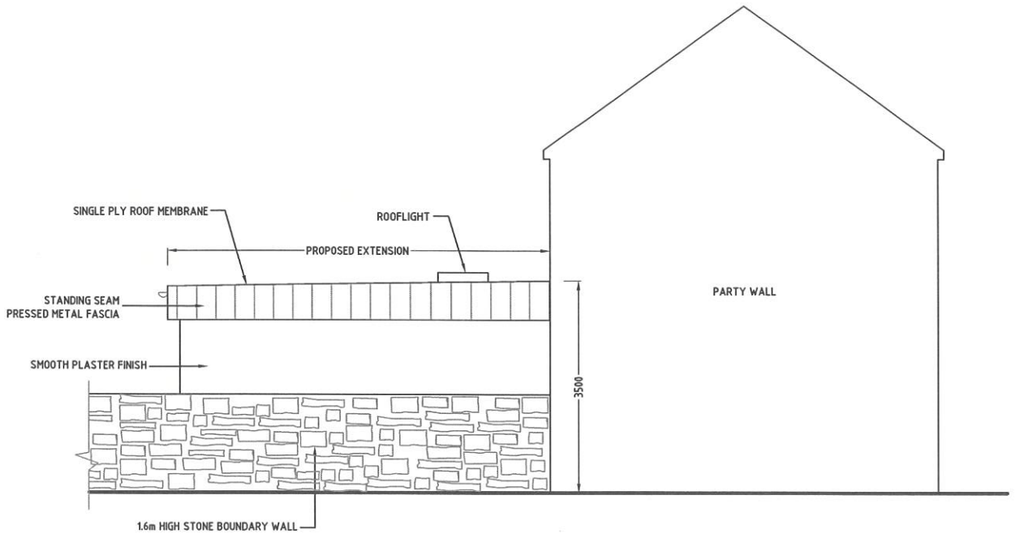
AT THE SQUARE, BLARNEY, CO.CORK.

Drawing Title:
PROPOSED FIRST FLOOR PLAN

Designed: ME	Drawn: ME	Date: FEB 2020
Eng Chk: GOM	Dwg. Chk: GOM	Scale: 1:25 @ A1
Project. No: 0600496 F		1:50 @ A3
Drawing No: 05	Status: Tender	Rev: 0

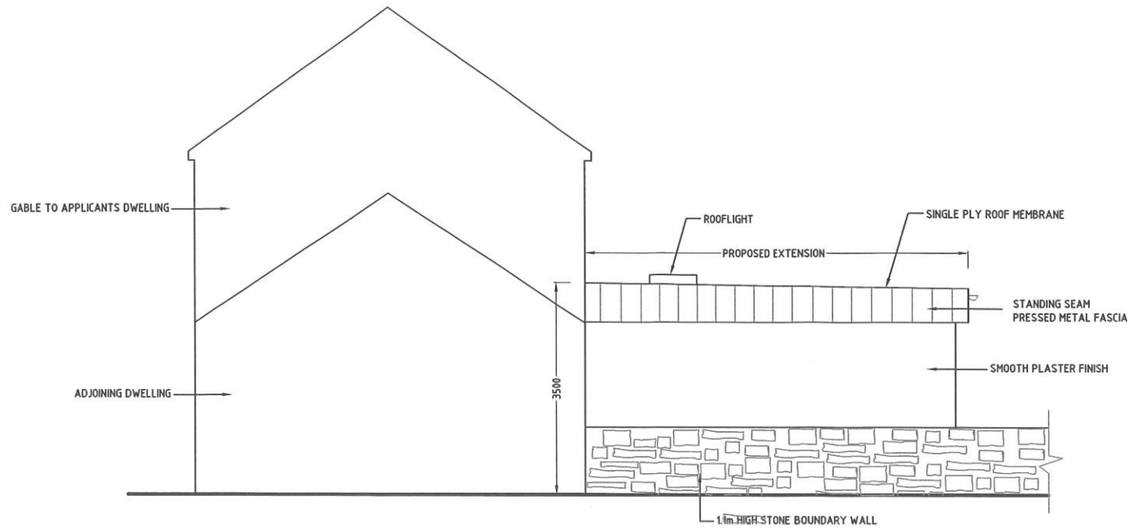
Original Drawing Size A1

Notes



PROPOSED SOUTH ELEVATION (- / -)

SCALE 1:100



PROPOSED NORTH ELEVATION (- / -)

SCALE 1:100

PROPOSED WEST ELEVATION (- / -)

SCALE 1:100

Rev	Date	Drawn	Description	Ch'k'd
0	Feb '22	ME	Issued for Tender	GOM

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Client:
BLARNEY CASTLE ESTATE

Project:
REFURBISHMENT OF HOUSE
AT THE SQUARE, BLARNEY, CO.CORK.

Drawing Title:
PROPOSED ELEVATIONS

Designed: ME	Drawn: ME	Date: FEB 2020
Eng Chk: GOM	Dwg. Chk: GOM	Scale: 1:50 @ A1
Project. No: 0600496 F		1:100 @ A3
Drawing No: 06	Status: Tender	Rev: 0