



# Comhairle Cathrach Chorcaí Cork City Council

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

Ray Crowley  
12 Lotabeg Terrace  
Mayfield  
Cork

07<sup>th</sup> October 2021

**RE: R597/20 – Section 5 Declaration**  
**Property: 12 Lotabeg Terrace, Mayfield, Cork**

Dear Sir/Madam,

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

the matters raised in the previous report on file dated 10/09/2020, and having regard to Exempted Development – General Class 7 as set out in Schedule 2, Article 6, Part 1 of the *Planning and Development Regulations 2001* (as amended), it is considered that the construction of stone work finish around porch door at 12 Lotabeg Terrace, Mayfield **Is Development and Is Exempted Development.**

Yours faithfully,

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Kerry Bergin  
Assistant Staff Officer  
Community, Culture and Placemaking  
Cork City Council



**We are Cork.**

<b>PLANNER'S REPORT</b> <b>Ref. R597/20</b>		<b>Cork City Council</b> Development Management Strategic Planning and Economic Development
<b>Application type</b>	Section 5 Declaration	
<b>Description</b>	<i>Construct stone work finish around porch door</i>	
<b>Location</b>	12 Lotabeg Terrace, Mayfield	
<b>Applicant</b>	Ray Crowley	
<b>Date</b>	07/10/2021	
<b>Recommendation</b>	<i>Is Development and Is Exempted Development</i>	

This report should be read in conjunction with the previous report on the file dated 10/09/2020. That report recommended that the following further information be sought:

1. *Confirmation of the specific exemption upon which the applicant is relying.*
2. *A site plan, to scale with principle dimensions shown, including distance to boundary showing that the proposed development accords with any limitations set out to the exemption which the applicant is relying upon.*
3. *Plans to, scale with principle dimensions shown, showing that the proposed development accords with any limitations set out to the exemption which the applicant is relying upon.*
4. *Details of the proposed stone cladding material.*

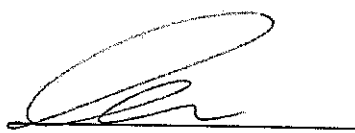
The applicant has submitted the information requested. The following is review of the development against the conditions and limitations set out for a Class 7 exemption: *The construction or erection of a porch outside any external door of a house.*

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

<b>Column 2 Conditions and Limitations</b>	<b>Assessment</b>
1. Any such structure shall be situated not less than 2 metres from any road.	The porch is over 2 metres from any road
2. The floor area of any such structure shall not exceed 2 square metres.	The internal floor area of the porch is less than 2 square metres
3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.	The porch and roof are less than 4 metres in height

**Recommendation**

In view of the above, the matters raised in the previous report on file dated 10/09/2020, and having regard to Exempted Development – General Class 7 as set out in Schedule 2, Article 6, Part 1 of the *Planning and Development Regulations 2001* (as amended), it is considered that the construction of stone work finish around porch door at 12 Lotabeg Terrace, Mayfield **Is Development and Is Exempted Development.**

  
Martina Foley  
Executive Planner

**RE: Section 5 Declaration R597/20 12 Lotabeg Terrace, Mayfield, Cork**

A chara,

With reference to your request for further information for my section 5 application please find enclosed site plans, drawings, and photographs which I hope to answer the request.

1. The specific exemption I am looking for is the extension of the existing front porch of the house and putting 30mm thick tiled stone effect cladding around the porch.
2. I have enclosed the 2 site plans and shown on one that the porch is 2800mm away from the eastern boundary. The extension to the porch is under 2 square metres, it is under 4 square metres in height, with a pitched and slated roof and it is over 8 metres from the public road, so I hope it is under the limitations for the exemption for a front porch.
3. I have hand drawn the principal dimensions of the old and the existing porch and have enclosed photographs of both the old and existing porch. The porch is 2,800mm from the Eastern boundary.
4. The cladding is a tile stone effect cladding and it is 30mm thick grey in colour. I have also enclosed a picture of the cladding. It is similar to the cladding used in my neighbour's porch in the enclosed photographs.

I hope I have enclosed all the relevant information needed to go ahead with this project and if you want my email address is [REDACTED] or my phone number is [REDACTED]

Kind regards,

Roy





804

2000 10 10

Asst. Secy. of State for East Asian and Pacific Affairs [REDACTED] [REDACTED]  
U.S. Department of State, Washington, D.C. 20520-1200

Dear Mr. [REDACTED]:

I am pleased to hear that you are planning to visit the United States in the near future. It would be a pleasure to meet with you and discuss the current situation in your country.

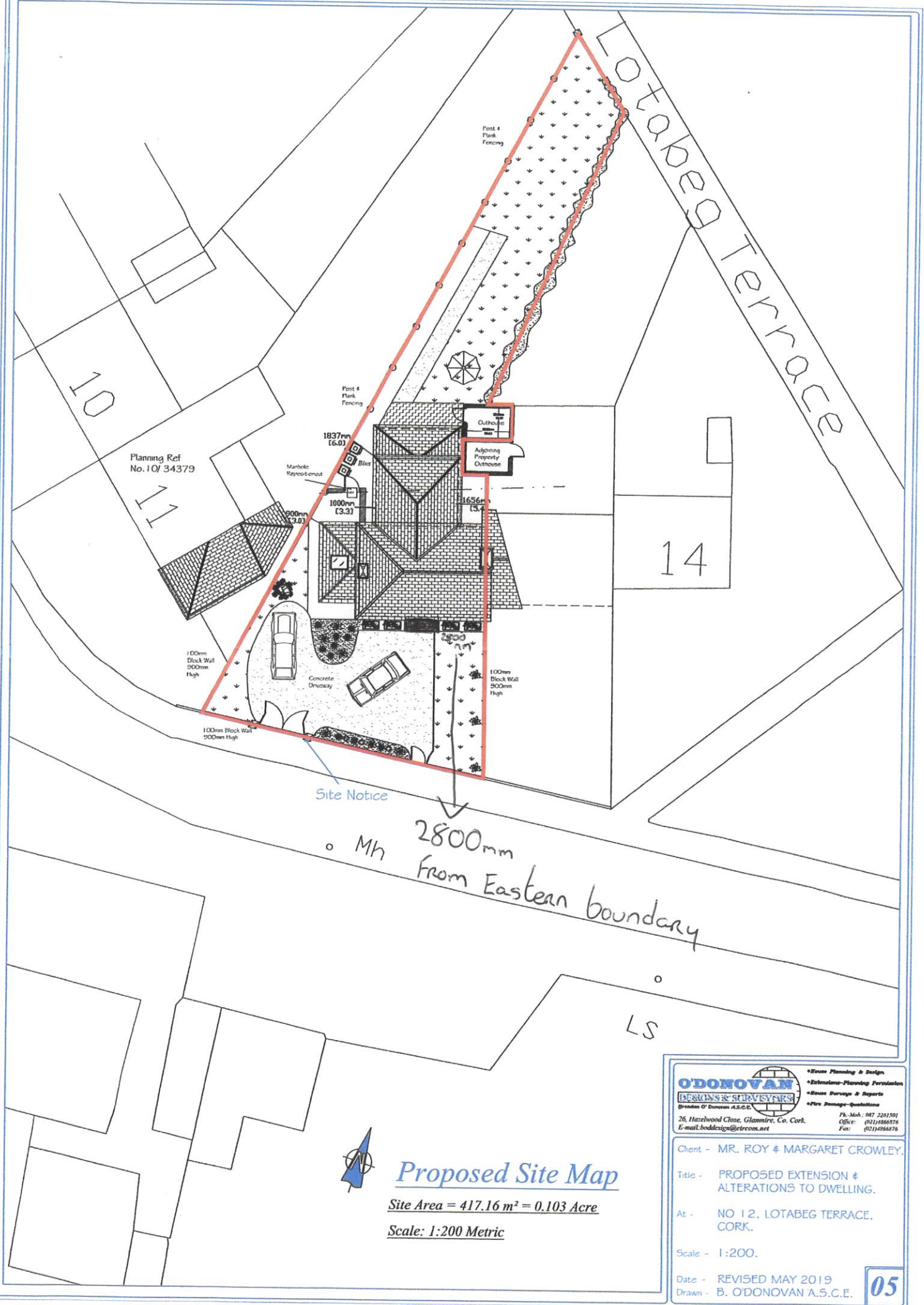
The United States is committed to a policy of peaceful relations with all nations. We believe that dialogue and cooperation are the best ways to resolve international disputes. We are interested in your views on these issues and would like to hear from you.

If you have any questions or need further information, please do not hesitate to contact me. I will be happy to assist you in any way I can.

Sincerely,  
[Signature]

Yours truly,

[Signature]



### Proposed Site Map

Site Area = 417.16 m<sup>2</sup> = 0.103 Acre

Scale: 1:200 Metric

**ODONOVAN**  
DESIGN & SURVEYERS

Brendan O'Donovan A.S.C.E.

26, Hazelwood Close, Glanmire, Co. Cork.  
E-mail: boddesign@eircom.net

\*Home Planning & Design  
\*Estimation-Planning Formulation  
\*Home Drawings & Reports  
\*Fire Damage-Quotations

Ph. Mob. 087 2281901  
Office: (021)4866876  
Fax: (021)4866876

Client - MR. ROY & MARGARET CROWLEY.

Title - PROPOSED EXTENSION & ALTERATIONS TO DWELLING.

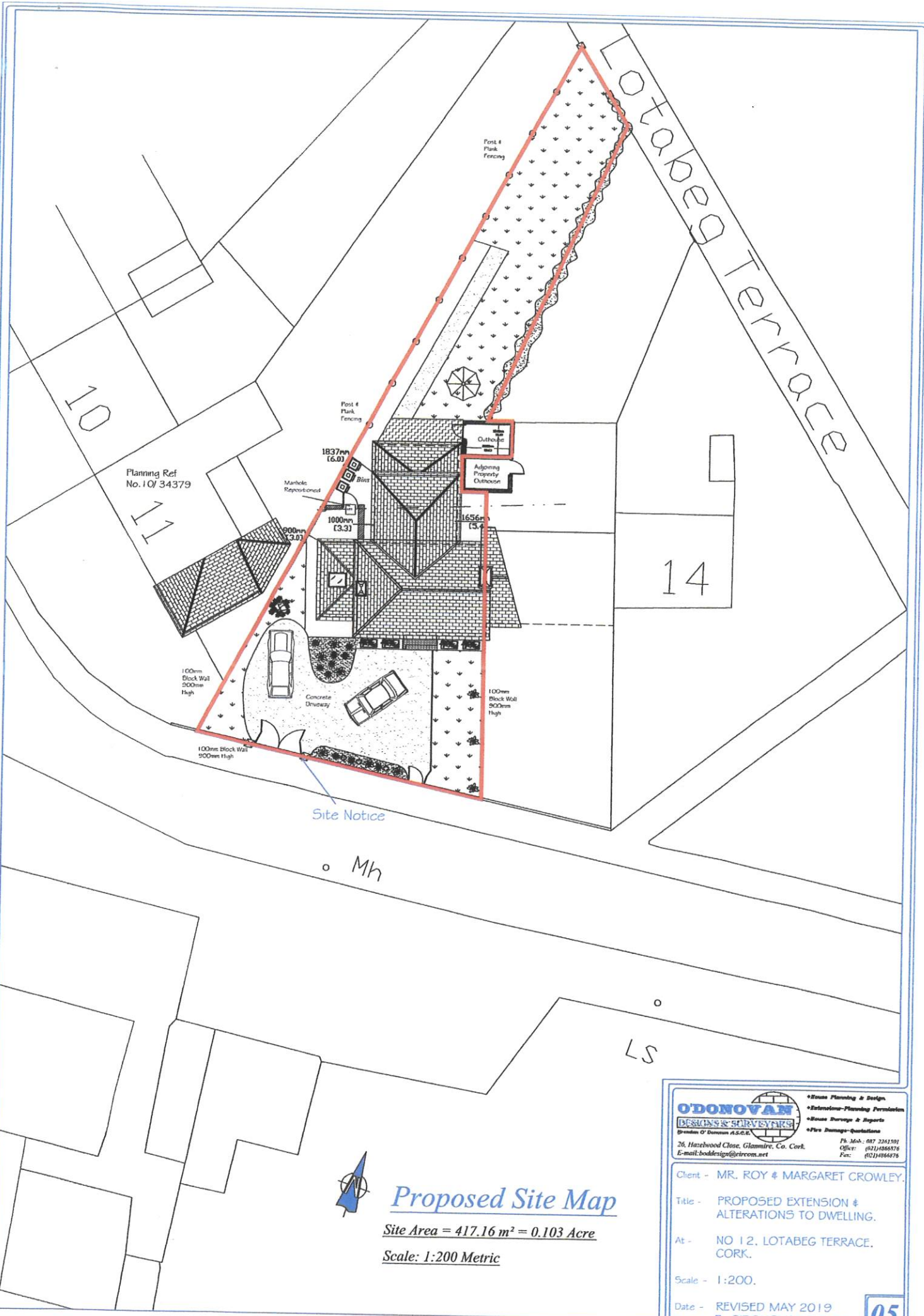
At - NO 12, LOTABEG TERRACE, CORK.

Scale - 1:200.

Date - REVISED MAY 2019

Drawn - B. O'DONOVAN A.S.C.E.





Planning Ref  
No. 10/34379

Site Notice



### Proposed Site Map

Site Area = 417.16 m<sup>2</sup> = 0.103 Acre

Scale: 1:200 Metric

**ODONOVAN**  
DESIGN & SURVEYING  
Division O'Donovan A.S.C.E.

26 Hazelwood Close, Glanville, Co. Cork  
E-mail: boddesign@eircom.net

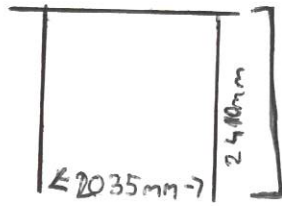
Phone: 087 2361592  
Office: (021) 4866376  
Fax: (021) 4866378

- House Planning & Design
- Extension-Planning Permission
- House Surveys & Reports
- Fire Damage-Quotations

Client - MR. ROY & MARGARET CROWLEY.  
 Title - PROPOSED EXTENSION & ALTERATIONS TO DWELLING.  
 At - NO 12, LOTABEG TERRACE, CORK.  
 Scale - 1:200.  
 Date - REVISED MAY 2019  
 Drawn - B. O'DONOVAN A.S.C.E.

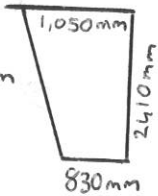
# Old Porch dimensions

width: 2,035mm  
height: 2,410mm



Front View of old Porch

width at top: 1,050mm  
width at bottom: 830mm  
Height: 2410mm



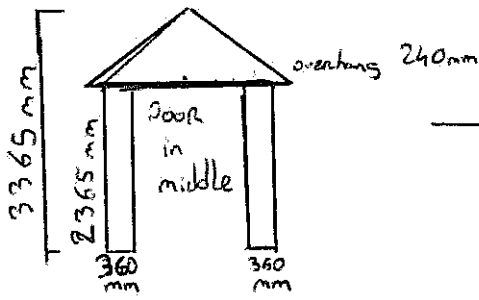
Side View of Old Porch  
from Western side

width: 613mm  
height: 2410mm



Side View of Old Porch  
from Eastern Side.

# New Porch Dimensions



Front view of new porch

Total height : 3365 mm

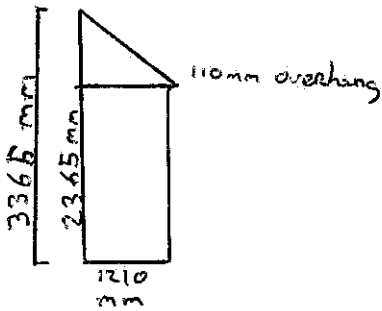
Height of part to be

Cladded : 2365 mm

Total width : 2155 mm

Width to be cladded : 720 mm (2 x 360 mm)

Overhang : 240 mm both sides.



Side view of New porch  
from both Western and  
Eastern side

Total Height : 3365 mm

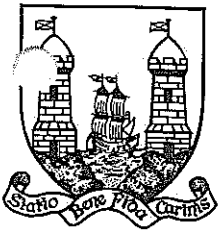
Height of part to

be cladded : 2,365 mm

Total width : 1,210 mm

Overhang : 110 mm





# Comhairle Cathrach Chorcaí Cork City Council

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

Ray Crowley  
12 Lotabeg Terrace  
Mayfield  
Cork

15/09/2020

RE: Section 5 Declaration R597/20 12 Lotabeg Terrace, Mayfield, Cork

A Chara,

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

In view of the above it is recommended that Further Information be sought in accordance with Section 5(2)(b) of the *Planning and Development Act 2000*. The information to be sought is as follows:

1. Confirmation of the specific exemption upon which the applicant is relying.
2. A site plan, to scale with principle dimensions shown, including distance to boundary showing that the proposed development accords with any limitations set out to the exemption which the applicant is relying upon.
3. Plans to, scale with principle dimensions shown, showing that the proposed development accords with any limitations set out to the exemption which the applicant is relying upon.
4. Details of the proposed stone cladding material.

Is misa le meas,

**Kerry Bergin**  
Community, Culture and Placemaking Directorate  
Cork City Council



We are Cork.

<b>PLANNER'S REPORT</b>		<b>Cork City Council</b> Development Management Strategic Planning and Economic Development
<b>Ref. R597/20</b>		
<b>Application type</b>	Section 5 Declaration	
<b>Description</b>	<i>Construct stone work finish around porch door</i>	
<b>Location</b>	12 Lotabeg Terrace, Mayfield	
<b>Applicant</b>	Ray Crowley	
<b>Date</b>	10/09/2020	
<b>Recommendation</b>	<i>Further Information be Requested</i>	

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

### 1. Requirements for a Section 5 Declaration

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

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

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

### 2. The Question before the Planning Authority

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

*Construct stone work finish around porch door*

Additional details are provided on the application form as follows:

*Construct a stone work finish around porch. Two sides of porch are equal 1.2m with and height of 2.38. the front of the porch is 2.02m with and 2.38m height but stone work on front will only be 36cm in from both sides and 18cm up from the bottom because the front door is in the rest of the space.*

### 3. Site Description

The property in question is a two storey demi-detached dwelling. It is an ex-council house.

### 4. Planning History

There is one recent planning permission associated with the site summarised as follows:

App Ref	Description	Condition(s)
19/38285	Permission to demolish existing kitchen and outhouse and construct a rear two storey ground floor extension with a dry dash finish to the entire dwelling and all associated site works	One condition – development to be retained in accordance with submitted plans

There is a current Enforcement File (E8122) relating to the subject application. This relates to a complaint received regarding non-compliance with Permisison 19/38285.

**5. Legislative Provisions**

**5.1 The Act**

**Section 2(1).** "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

**Section 3(1).** In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land"

**Section 4(1)(h).** The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

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

**Section 5(1).** (See section 1 of this report)

**Section 177U (9)** (screening for appropriate assessment) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

**5.2 The Regulations**

**Article 6 (1)** Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

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

Column 1 Description of Development	Development within the curtilage of a house CLASS 7 The construction or erection of a porch outside any external door of a house.
Column 2 Conditions and Limitations	1. Any such structure shall be situated not less than 2 metres from any road. 2. The floor area of any such structure shall not exceed 2 square metres. 3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

**Article 9 (1)**

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

- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (a) (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*

**6. ASSESSMENT**

**5.1 Development**

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

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

‘Works’ is defined in section 2(1) of the Act as ‘the carrying out of any works on, in, over, or under land’ including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal, and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.’.

I consider that the construction of a porch as described on the application form is development as per the above definitions.

**5.2 Exempted development**

The next issue for consideration is whether or not the development as detailed is exempted development. I note that the application does not include and plans or scaled drawings to show the extent of the works. I consider that this information is required to ensure compliance with the exemption set out as Class 7 in the schedule.

**7. ENVIRONMENTAL ASSESSMENT**

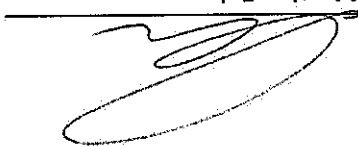
**7.1 Screening for Environmental Impact Assessment**

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.

1. Confirmation of the specific exemption upon which the applicant is relying.
2. A site plan, to scale with principle dimensions shown, including distance to boundary showing that the proposed development accords with any limitations set out to the exemption which the applicant is relying upon.
3. Plans to, scale with principle dimensions shown, showing that the proposed development accords with any limitations set out to the exemption which the applicant is relying upon.
4. Details of the proposed stone cladding material.

  
Martina Foley  
Executive Planner

**8. RECOMMENDATION**

In view of the above it is recommended that Further Information be sought in accordance with Section 5(2)(b) of the *Planning and Development Act 2000*. The information to be sought is as follows:

**COMHAIRLE CATHRACH CHORCAÍ  
CORK CITY COUNCIL**

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



R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924762

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

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

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

12 LOTABEG TERRACE, MAYFIELD, CORK  
T23 H0A8

**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.

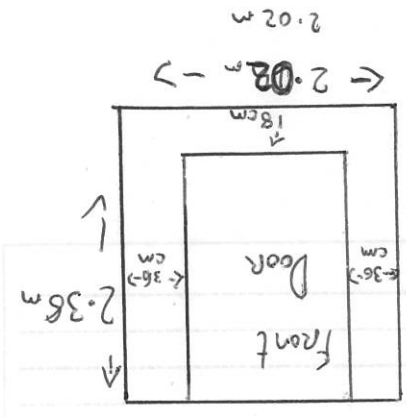
Construct stone work finish around porch door.

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

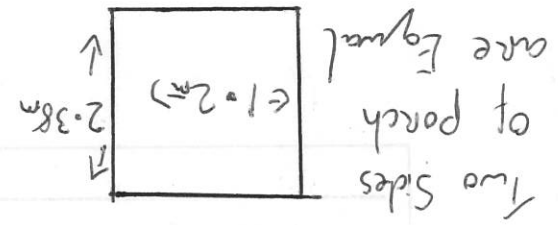
(Use additional sheets if required).

Construct a stone work finish around porch. Two sides of porch are equal 1.2m width and height of 2.38m. The front of the porch is 2.02m width and 2.38m height. But stone work on front will only be 36cm in from both sides and 18cm up from the bottom because the front door is in the rest of the space.





2 of 4



Signature: Floy Gaudin  
 Date: 26th August 2020

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

B. Other	A. Owner <input checked="" type="checkbox"/>	Please tick appropriate box to show applicant's legal interest in the land or structure
		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

8. LEGAL INTEREST

Proposed/existing use (please circle)	Existing/previous use (please circle)
(c) If concerning a change of use of land and / or building(s), please state the following:	
(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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m)	
(a) Floor area of existing/proposed structure/s	

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)

6. APPLICATION DETAILS

3. Are you aware of any enforcement proceedings connected to this site?  
 If so please supply details: ES122
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?
5. Was there previous relevant planning application/s on this site?  Yes  
 If so please supply details: Yes, 1938285



SAINT JOSEPH'S PK

Our Lady Crowned Catholic Church

LOTABEG TERRACE

LOTABEG TERRACE

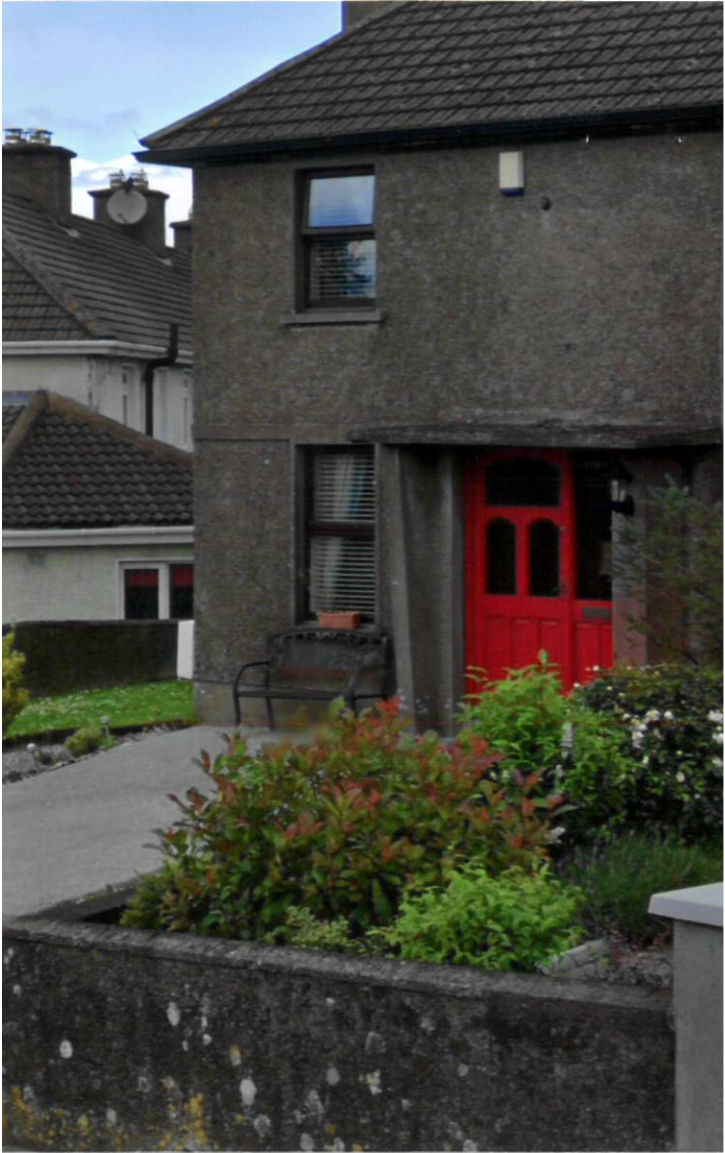
Cork  
Corcaigh

BOHERBOY ROAD

NORTH RING ROAD

SPRINGFIELD RD

N













Boherboy Rd











