



# Comhairle Cathrach Chorcaí Cork City Council

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

Roy Hegarty  
66 Father Matthew Road,  
Turners Cross,  
Cork T12 TRX7

04/05/2022

**RE: Section 5 Declaration R710/22 66 Father Matthew Road,  
Turners Cross, Cork T12 TRX7**

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 and having regard to —

- Sections 2, and 3 of the Planning and Development Act 2000 (as amended), and
- Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended),

it is considered that (i) the ground floor installation of a Velux window to the rear of dwelling to replace single leaf Velux with triple leaf Velux as per plans and particulars submitted under this Section 5, 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.**

## Assessment of Further Information Submission

This report should be read in conjunction with the previous report dated 26/04/2022. In respect of this application, the Planning Authority sought further information on the following:

- a. The dimensions/size of the proposed Velux window shall be submitted before an assessment can be made regarding the exempted eligibility of the proposed works.
- b. The location of the dwelling shall be marked in red on the location maps.

### Item 1:

The applicant submitted the requested dimensions for the proposed Velux window. The dimensions are 1.88m x 1.15m including sills. The central leaf is a pane of glass. Left and right are windows.

The information submitted is deemed satisfactory.

### Item 2:

The applicant submitted the updated location map with the location of the dwelling mark in red.

The information submitted is deemed satisfactory.

## Assessment

Considering the pitch of the roof, the scale of the subject dwelling (bungalow), and the dimensions of the proposed Velux window, the proposed works are considered to be reasonable and not likely to negatively impact on the privacy or amenity of residents to the rear of the subject site.

## RECOMMENDATION

In view of the above and having regard to —

- Sections 2, and 3 of the Planning and Development Act 2000 (as amended), and
- Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended),

It is considered that (i) the ground floor level installation of a Velux window to the rear of dwelling to replace single leaf Velux with triple leaf Velux as per plans and particulars submitted under this Section 5, is development and is **Exempted Development**.

---

Alan Swanwick,

Assistant Planner

03/05/2022



Roy Hegarty.  
66 Father Matthew  
Rd  
Turners Cross

Hello,  
regarding Section 5 R710/22

The dimensions are 1.88m x 1.15m.  
including sills.

The central leaf is a pane of  
glass.

Left + right are windows.

Kind regards  
Roy Hegarty.



# Planning Pack Map

**CENTRE COORDINATES:**  
ITM 567491,570793

**PUBLISHED:** 31/03/2022  
**ORDER NO.:** 50259615\_1

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 6382-20

DEVELOPMENT MANAGEMENT  
CCP  
29 APR 2022

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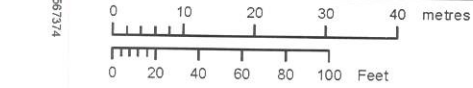
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# Site Location Map

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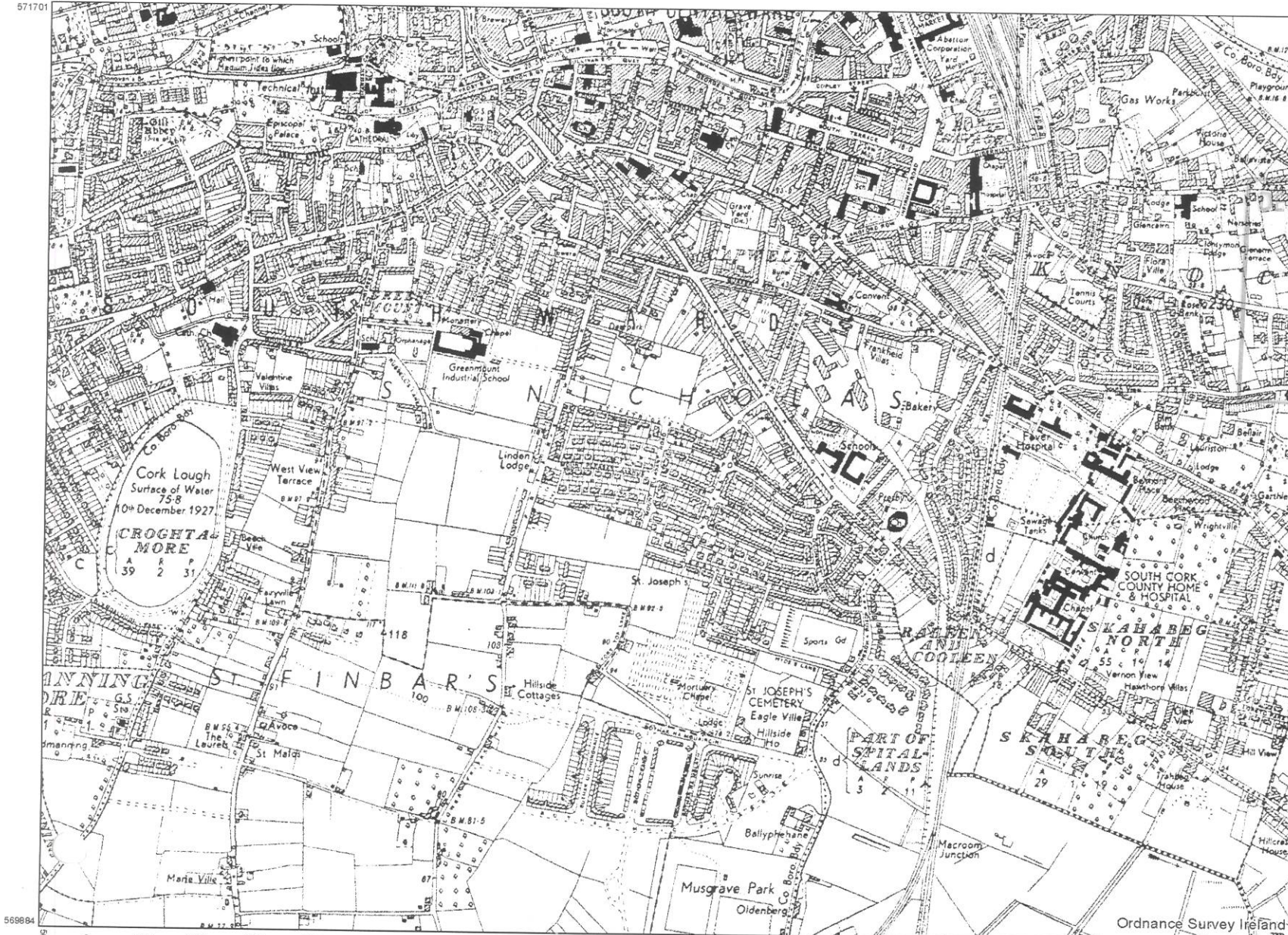
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Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Roy Hegarty  
66 Father Matthew Road,  
Turners Cross,  
Cork T12 TRX7



26/04/2022

**RE: Section 5 Declaration R710/22 66 Father Matthew Road,  
Turners Cross, Cork T12 TRX7**

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, the applicant is requested to submit the following information to enable the Planning Authority to make a full assessment:

1. The dimensions/size of the proposed Velux window shall be submitted before an assessment can be made regarding the exempted eligibility of the proposed works.
2. The location of the dwelling shall be marked in red on the location maps.

Is mise le meas,

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



**We are Cork.**



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



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## SECTION 5 DECLARATION – PLANNER’S REPORT

<b>File Reference:</b>	<b>R710/22</b>
<b>Description</b>	Ground floor level installation of Velux window to rear of house. To replace single leaf Velux with triple leaf Velux.
<b>Applicant</b>	Roy Hegarty
<b>Location</b>	66 Father Matthew Road, Turners Cross, Cork. (T12 TRX7)

### 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

The site is located at 66 Father Matthew Road, Turners Cross, off Mount Pleasant Road. The proposed development is single storey semi-detached dwelling in an urban residential area. To the east and west of the site are single storey dwellings. The subject site comprises of a driveway at the front and moderately sized recreational area to the rear. The predominant dwelling type in the area is a mix of one and two storey dwellings.

### Subject Development

Ground floor level installation of Velux window to rear of house. To replace single leaf Velux with triple leaf Velux.

### Subject site planning history

TP 16/3709 – Conditional grant of permission for a one storey extension to an existing dwelling and relocation of the existing front door to the side of the new extension.

### 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 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.

### **Assessment**

- The applicant states that the rear bathroom of the dwelling was decommissioned, and kitchen was extended into the space. The purpose of the proposed development is to give more natural light into the extended kitchen area to the rear of the dwelling. I note the application is minor in scale and will not impede on the privacy of nearby dwellings. The proposed Velux window is to the rear of the dwelling and will likely not detract from the visual amenity of the area. To fully assess this the dimensions of the proposed window will need to be submitted to the planning authority. Also, the location maps are not marked and do not show the location of the dwelling in question.

### **Recommendation**

I recommend a request for further information for the following:

1. The dimensions/size of the proposed Velux window shall be submitted before an assessment can be made regarding the exempted eligibility of the proposed works.
2. The location of the dwelling shall be marked in red on the location maps.

Alan Swanwick  
Assistant Planner  
26/04/2022



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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: 021-4924564/4321  
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**

66 Father Matthew Road.  
Turners Cross Cork T12 T12X7

**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.

Ground floor level installation of  
Velux windows to rear of house.  
To replace single leaf velux with  
triple leaf velux.

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

(Use additional sheets if required).

A bathroom was removed at ground  
level to create a bigger kitchen.  
Hence more natural light would be  
desirable.

There are No Neighbours or windows  
in visual eye line of proposed  
window.

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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?  No

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	N/A
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> 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) N/A
(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)
N/A	N/A

**7. APPLICANT/ CONTACT DETAILS**

Name of applicant (principal, not agent):	Roy Hegarty.		
Applicants Address	66 Father Matthew Road Turners Cross, Cork T12TRX7		
Person/Agent acting on behalf of the Applicant (if any):	Name:		
	Address:		
	Telephone:		
	Fax:		
	E-mail address:		
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 <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 <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

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

Signature: Roy Hegarty

Date: 29/3/22

### 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.

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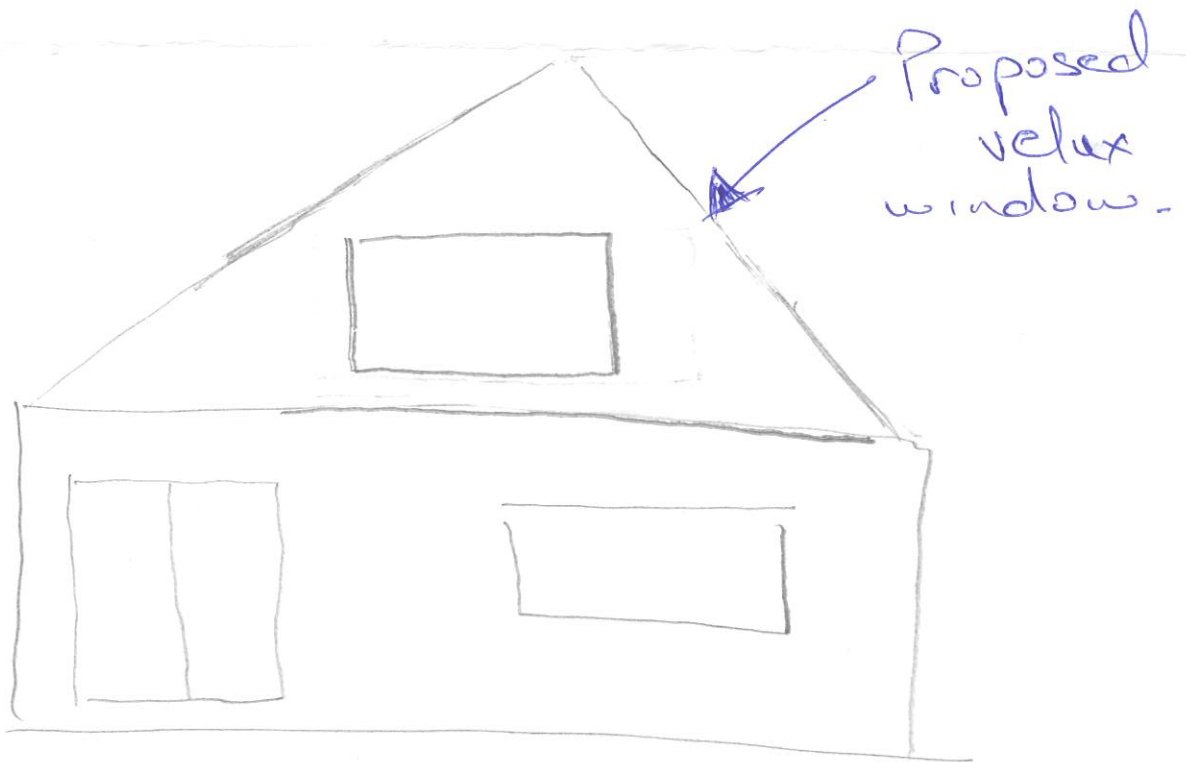
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66 Father Matthew Road Turners Cross

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amateur Drawing of proposed  
velux window, to Rear of  
House.



# Planning Pack Map

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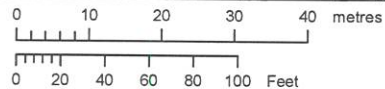
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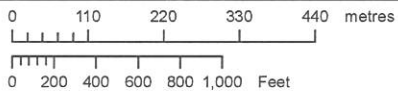
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