

Comhairle Cathrach Chorcaí Cork City Council

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

Margaret Sheerin,
Berryfield House,
Clarks Hill,
Rochestown,
Cork

15th August, 2019

RE: Section 5 Declaration - Berryfield House, Clarks Hill, Rochestown, Cork

Dear Sir/Madam,

I am asked by the Director of Services, Community, Culture & Placemaking to refer to your request for a section 5 Declaration at the above address. Having regard to:

- The details, plans and particulars received by the Planning Authority on 15/04/2019, as amended by the revised details submitted on 06/08/2019
- The provisions of the Planning and Development Regulations 2001, as amended.

it is considered that, the proposal is development and that the development is **Not Exempted Development**.

Yours faithfully,

P.P. Assistant Staff Officer
Community, Culture & Placemaking
Cork City Council



We are Cork.

File Ref. : R 532/19
Applicant : Margaret Sheerin
Location: Berryfield House, Clarkes Hill, Rochestown.

Context

Under Section 5 of the Planning and Development Act 2000, 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 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.

Proposed Development

Proposed enclosed porch.

Site Location and Description

The property in question is a detached 2 storey dwelling located at Clarkes Hill, Rochestown.

Planning History

TP 02-4801 Permission granted for construction of dwelling.

Relevant Legislation

Planning and Development Act, 2000

Section 3 (1) of the Act defines "Development" as, 'except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'.

Section 4 of the Act refers to 'Exempted Development' and **Subsection (1)** sets out categories of development that shall be exempted development for the purposes of this Act. In addition to specified exemptions in the Act, **Subsection (2)** of the Act provides that the Minister may by regulations provide for any class of development being exempted development. The Planning and Development Regulations, 2001 apply.

Planning and Development Regulations, 2001

Article 6 of Part 2 of the Regulations provides that subject to **Article 9 (1) (a)**, development specified in Column 1 of **Part 1 of the Second Schedule** shall be exempted development for the purposes of the Act subject to the conditions and limitations specified in Column 2. **Class 7** is described in **Column 1** as follows:

CLASS 7

The construction or erection of a porch outside any external door of a house.

Column 2 provides a description of various conditions and limitations, some of which read as follows:

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.

Assessment

This report should be read in conjunction with the previous Planners Report on the file, which sought information on the floor area of the porch. The applicant has submitted floor plans which

indicate that the porch has a floor area of 4.67 sq m. The floor area of the proposed porch clearly exceeds the floor area limit set out in Class 7 of the Planning and Development Regulations – (Schedule 2, Part 1 - Exempted Development) 2001 (as amended).

Conclusion

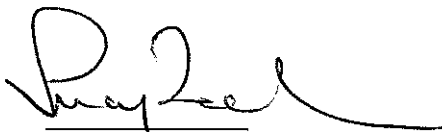
The proposed development is not considered to fall within the definition of exempted development, as defined by Class 7 of the Second Schedule (Part 1) of the 2001 Regulations, as it does not meet the conditions/limitations of Class 7.

Recommendation

Having regard to

- the details, plans and particulars received by the Planning Authority on 15/04/2019, as amended by the revised details submitted on 6/08/2019
- the provisions of the Planning and Development Regulations 2001, as amended

it is considered that the subject development is **NOT EXEMPT** from the requirement to obtain planning permission.



Lucy Teehan
SEP
7/08/2019

Comhairle Cathrach Chorcaí
Cork City Council
06 AUG 2019
Strategic Planning & Economic
Development Directorate

* Barry Fields,
Charles Hill,
Rochester -
AK.

ref: Margaret Sheerin, 6/08/2019.

Dear Eileen,

thank-you for your phone
call its good to hear we are
back on track.

Please see enclosed drawing
which was requested but
misplaced from file.

I look forward to hearing
from you soonest.

Regards

Margaret Sheerin

Margaret Sheerin,
Berry Field House,
Clarkes Hill,
Rochestown,
Co. Cork.
T12 FXD5

4th June, 2019

Our Ref: D/243/19

Re: Declaration of Exempted Development under Section 5 of the Planning and
Development Act 2000 as amended.

*Whether the proposed alterations to the front elevation of dwelling involving the removal
of a supported canopy and the construction of a new enclosed front porch at Berryfield
House, Clarkes Hill, Rochestown, Co. Cork is or is not exempted development.*

Dear Madam,

I refer to our letter of the 23rd May, 2019 in connection with the above.

I wish to advise that following recent boundary changes within Cork County that came into effect on
31st May, 2019, the location of your property is now within the confines of Cork City boundary, as a
consequence, all future correspondence should be forwarded to Cork City Council.

Yours faithfully,



JAMES KEANE
SENIOR EXECUTIVE OFFICER.
PLANNING DEPARTMENT.

*In order to process your query, it may be necessary for Cork County Council to collect Personal
information from you. Such information will be processed in line with our privacy statement which is
available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>*

1. General Details

<i>Applicant/Agent's Name</i>	Margaret Sheerin
<i>Description</i>	Porch to front of dwelling / covert existing 'A' roof of porch to flat roof and bring forward existing front door
<i>Location</i>	Berryfield House, Clarkes Hill, Rochestown.

2. Declaration Sought

A declaration is sought by the above named applicant regarding the subject dwelling at Berryfield House, Clarkes Hill, Rochestown.

The submitted documentation has not posed a formal question to the Planning Authority regarding the works proposed to be undertaken to the subject dwelling, however, the cover note references a proposal to convert an existing 'A' roof of porch to flat roof and to bring forward an existing front door, serving the subject dwelling at Berryfield House, Clarkes Hill.

One could also view the proposed works as involving the removal of an existing front door canopy and 2 no. metal supports and for the construction of a new flat roofed enclosed porch, to include the bringing forward of the existing front door to serve the new fully enclosed porch.



*Part of subject dwelling to which works are proposed
Canopy primarily finished in glass and supported with 2 no. metal supports to be amended to a flat roof fully enclosed porch, to include the bringing forward of the existing front door to serve the new enclosed porch*



*Subject dwelling to which works proposed
Supported canopy to be removed and replaced with new flat roofed enclosed porch*

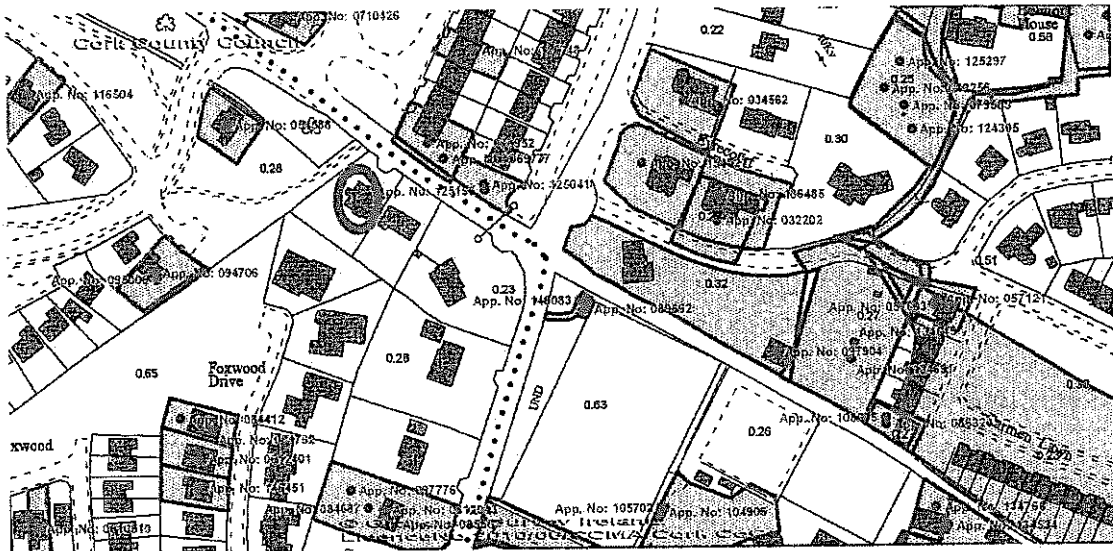


Supported canopy to be removed and replaced with new flat roofed enclosed porch

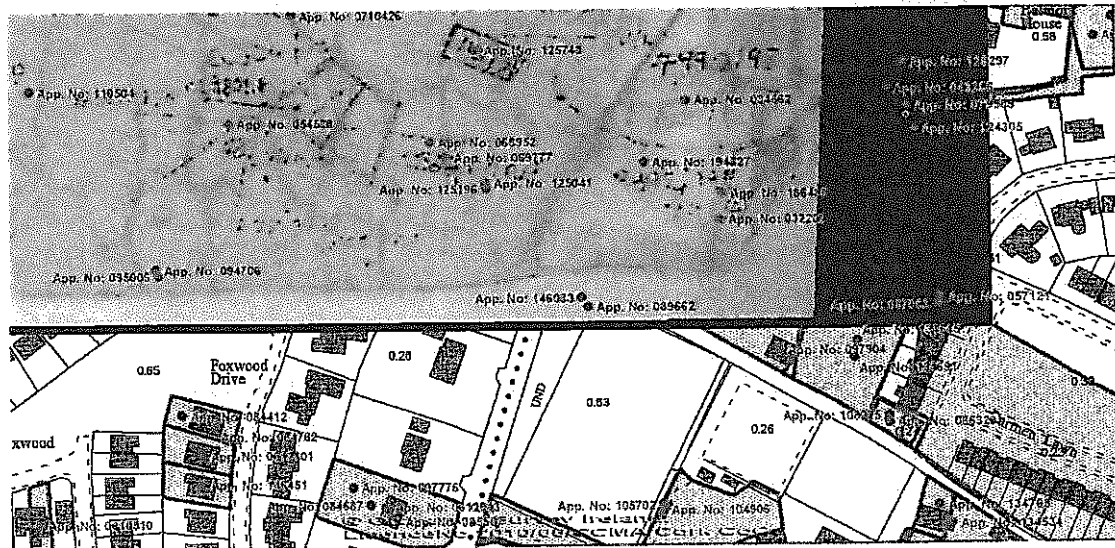
3. Planning History

There is no recent planning history at the subject site of the proposed works.

However, it is noted that permission was granted on this site to B and M Sheerin under Planning Reg. No. 02/4801 for the construction of a dwellinghouse and garage.



*Extract from Planning Register
Subject dwelling encircled above*



*Extract from Planning Register - partial history map
Subject dwelling encircled above*

I attach the permitted front elevation of the dwelling and the permitted ground floor layout. It is evident below that the permitted front door arrangement to serve the dwelling was narrower than that constructed. Similarly, while there was provision for a canopy over the narrower front door, this canopy was not supported nor depicted on the permitted floor plans.

4. Statutory Provisions

(A) Planning and Development Act 2000 (as amended)

Works are defined in Section 2 of the Planning and Development Act 2000 as amended to include "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal".

Section 2(1) of the Planning and Development Act states as follows: "In this act, except where the context otherwise requires – 'development' has the meaning assigned to it by Section 3..."

Section 3.1 of the Planning and Development Act states as follows: "In this Act 'development' means except where the context otherwise requires the carrying out of works on/in/over or under land or the making of any material change in the use of any structures or other land"

Section 2(1) In this Act, except where the context otherwise requires - "house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designated for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building;

(B) Planning and Development Regulations, 2001

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 said column 1.

Schedule 2 Part 1 – Exempted Development General

Development within the curtilage of a house

CLASS 7

Column 1 – Description of Development

"The construction or erection of a porch outside any external door of a house".

Column 2 – Conditions and Limitations

1. Any such structure shall not 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.

5. Assessment

Having regard to the matters outlined above, it is considered that the subject declaration relates to:

- 1) Alterations to the front elevation of a dwelling involving the removal of a supported canopy and for the construction of a new enclosed front porch at Berryfield House, Clarkes Hill, Rochestown.**

As set out above the subject Section 5 request proposes alterations to the front elevation of a detached brick faced dwelling at Berryfield House, Clarkes Hill,

Rochestown where alterations are proposed to the front elevation involving the removal of a supported canopy and for the construction of a new flat roofed porch. It is intended to reuse the existing front door, with the front door to be brought forward.

The undertaking of alterations to the dwelling to include the removal of an existing supported canopy and the construction of a new flat roofed porch is considered to constitute the carrying out of 'works'. It is therefore considered that the proposed alterations and construction works to the dwelling constitute works, within the meaning of S3 of the Planning and Development Act 2000.


The key question arising in this case for the Planning Authority relates to whether the proposed new flat roofed porch to the front elevation comes within the scope of the provisions of Schedule 2, Class 7 of the Planning and Development Regulations 2001 (as amended).


Having inspected this site, I am satisfied that the proposed porch is situated well in excess of 2 metres from any road. The submitted drawings also indicate that the flat roofed porch is to extend to a height not exceeding 3 metres (2.82 m). However, it is unclear the intended depth of the porch and given the lack of information regarding the depth of the porch, it is also unclear if the floor area of the porch does / does not exceed 2 square metres. Accordingly, to enable the further consideration of the subject request, further information is required. and the deferral of the subject Section 5 request is recommended herein for the applicant to submit the following:

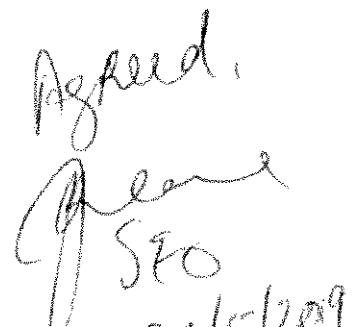
6. Conclusion

Accordingly, whereas the Planning Authority has been requested to adjudicate on whether alterations to the front elevation of a dwelling involving the removal of a supported canopy and for the construction of a new enclosed front porch at Berryfield House, Clarkes Hill, Rochestown is or is not development and is or is not exempted development, it is considered further information is required to enable a final determination of whether the proposed works come within the scope of Schedule 2, Class 7 of the Planning and Development Regulations 2001 (as amended). The deferral of this request is recommended for the applicant to submit the following:

1. Submit a drawing clearly indicating the depth of the proposed new flat roofed enclosed porch to serve Berryfield House.
2. Indicate clearly the proposed floor area of the enclosed porch.


Ronnie Barry,
Executive Planner,
22/05/19.

Agreed

22/5/19

Agreed,

SFO
22/5/2019

Planning Pack Map



National Mapping Agency

CENTRE COORDINATES:
ITM 572447.568793

PUBLISHED: 15/05/2019
ORDER NO.: 50062752_1

MAP SERIES: 1:2,500
MAP SHEETS: 6429-A

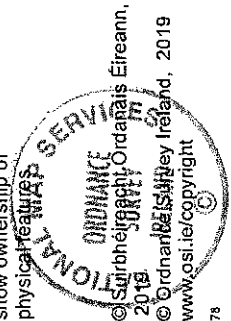
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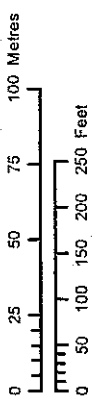


LEGEND:
<http://www.osi.ie>
search:1:area:Scale:1:abstract



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

OUTPUT SCALE: 1:2,500



569008

569008

566578

566578

Margaret Sheerin,
Berry Field House,
Clarks Hill,
Rochestown,
Co. Cork.
T12 FXD5

23rd May, 2019

Our Ref.: D/243/19

Re: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.

Whether the proposed alterations to the front elevation of dwelling involving the removal of a supported canopy and the construction of a new enclosed front porch at Berryfield House, Clarks Hill, Rochestown, Co. Cork is or is not exempted development.

Dear Madam,

I refer to your application for a Declaration of Exemption in relation to the above.

The Planning Authority has insufficient information to make a determination. To enable further consideration to be given to the application and to determine whether the proposed works come within the scope of Schedule 2, Class 7 of the Planning and Development Regulations 2001 (as amended) you are requested to submit the following:

- Submit a drawing clearly indicating the depth of the proposed new flat roofed enclosed porch to serve Berryfield House.
- Indicate clearly the proposed floor area of the enclosed porch.

Yours faithfully,



**JAMES KEANE,
SENIOR EXECUTIVE OFFICER.
PLANNING DEPARTMENT**

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

15/5/2019

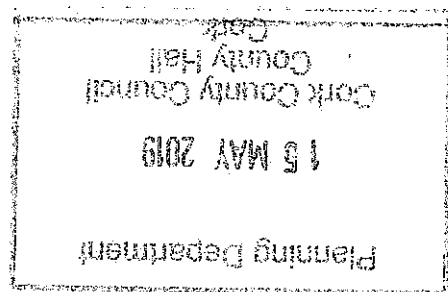
NAME: Mrs. Margaret Sheerin

Adcl: "BERRY FIELD ACADEY,"
CHARLES Hill,
ROCHESTOWN,
CORK. T12FXD5.

COPY
D/243/19
—

LOCATION: AS ABOVE.

DEVELOPMENT: CONVERT EXISTING A
ROOF OF PORCH TO FLAT ROOF &
BRING FORWARD EXISTING FRONT DOOR



Planning Department
 15 MAY 2019
 Cork County Council
 County Hall
 Cork.



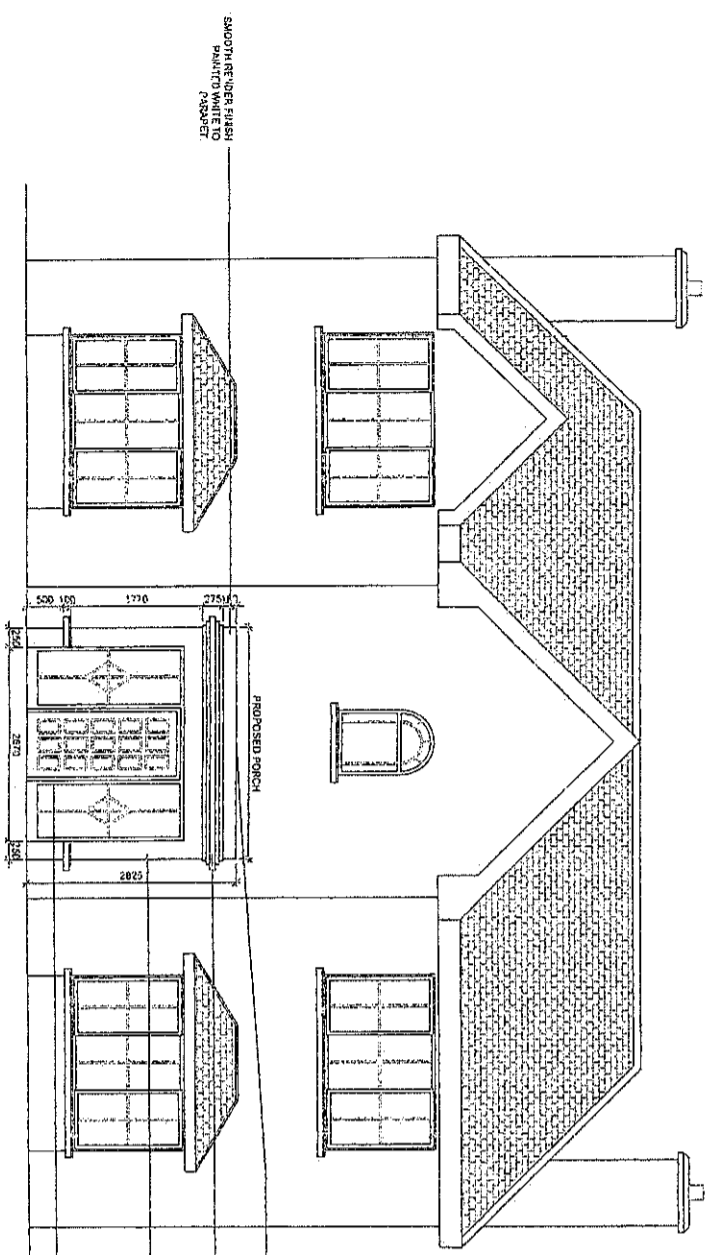
02 PROPOSED ELEVATION
 SCALE: 1:50



01 EXISTING ELEVATION
SCALE: 1:50

EXISTING PORCH
ENCLOSURE TO BE
REMOVED.

EXISTING EXTERNAL DOOR
TO BE REMOVED ONLY
EXISTENTIAL ELEVATION



02 PROPOSED ELEVATION
SCALE: 1:50

FLAT ROOF BEHIND
FRAPANE:

RENDER STEPPED PLINTEL

SMOOTH RENDER FINISH TO
BE FINISHED WHITE

EXISTING EXTERNAL DOOR
TO BE REQUESTED ON NEW
EXISTENTIAL ELEVATION

Planning Department
15 MAY 2019
Illinois Council
County Hall
Cook County
Cook

PLANNING INQUIRY

Margaret Sherrins
Berryfield House,
Clarks Hill, Roddestown,
Co. Cork.

Existing & Proposed
Dwelling Elevations

J.D. A1 1:100 May 2019
19-959 301 A

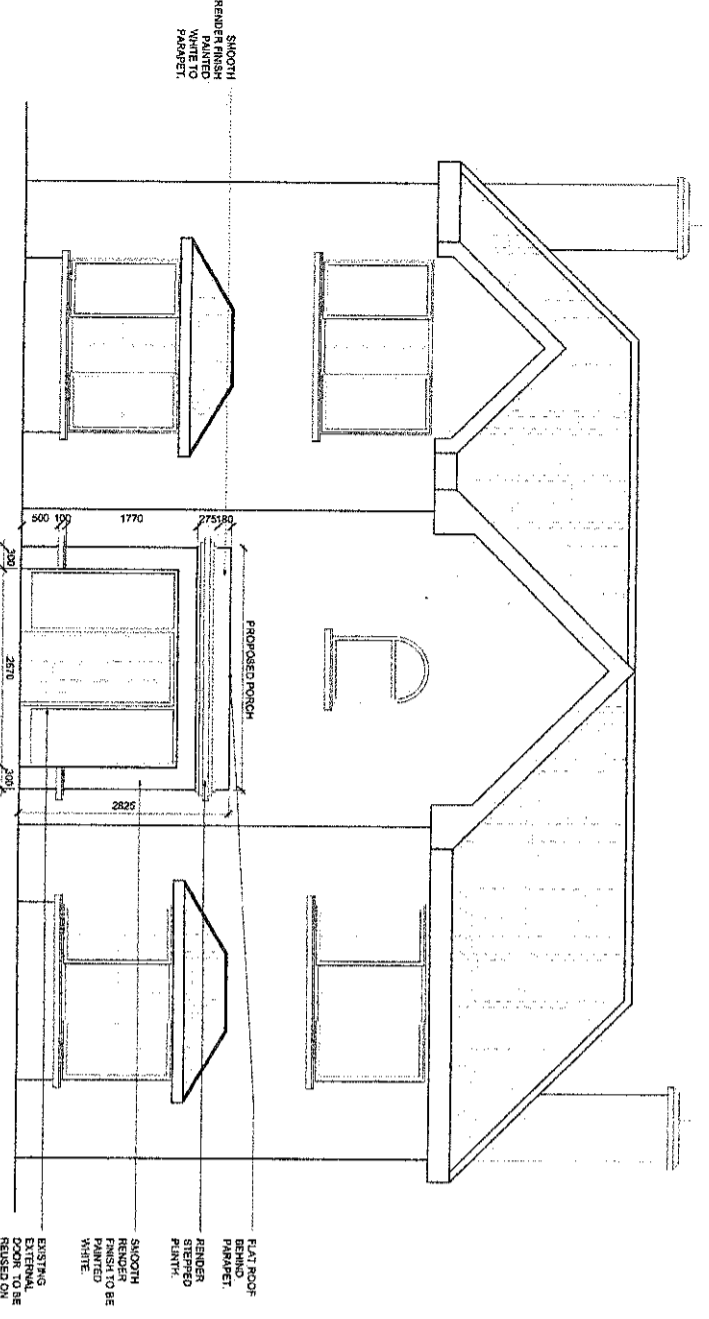
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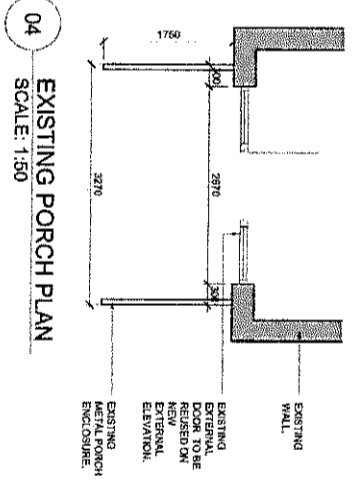
01 SITE LOCATION MAP



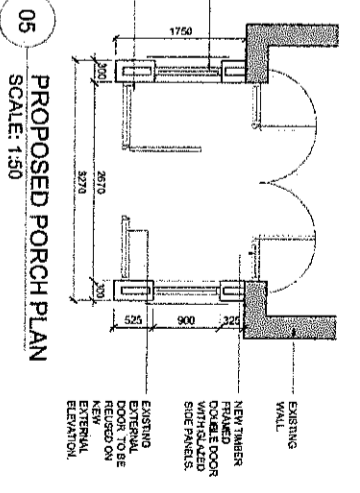
02 EXISTING ELEVATION



03 PROPOSED ELEVATION
SCALE: 1:50



04 EXISTING PORCH PLAN
SCALE: 1:50



05 PROPOSED PORCH PLAN
SCALE: 1:50

EXISTING PORCH ENCLOSURE TO BE REBUILT
EXISTING EXTERNAL DOOR TO BE REBUILT ON NEW EXTERNAL ELEVATION

FLAT ROOF BEHIND PARAPET FINISHED WITH STEPPED PLINTH.
SMOOTH RENDER FINISH TO BE PAINTED WHITE.
EXISTING EXTERNAL DOOR TO BE REBUILT ON NEW EXTERNAL ELEVATION.

EXISTING WALL
EXISTING EXTERNAL DOOR TO BE REBUILT ON NEW EXTERNAL ELEVATION.
EXISTING METAL PORCH ENCLOSURE.

EXISTING WALL
NEW TIMBER FRAME DOOR WITH GLAZED SIDE PANELS.
EXISTING EXTERNAL DOOR TO BE REBUILT ON NEW EXTERNAL ELEVATION.
NEW PORCH ENCLOSURE FOOTPRINT OF EXISTING PORCH STRUCTURE.
600mm DOUBLE WINDOWS TO SIDE OF PORCH.

SITE LOCATION:
BERRYFIELD HOUSE,
CLARKESHILL,
ROCHESTOWN,
CORK,
T12 FXD5.
A 1300419 JP Issued for Planning.
2018

Margaret Sheridan
Berryfield House,
Clarkeshill, Rochestown,
Co. Cork.
Existing & Proposed
Dwelling Elevations

J.D.	J.D.	A1	1:100	May 2019
19-959		301	A	

C+W O'BRIEN
ARCHITECTS
No. 1 Sarsfield Quay, Dublin 7, D08T7 R0TH
1, 31-33 O'Connell Street, Cork, Co. Cork
D01N1 K01001
www.obrienarchitects.ie

showing and 2mm recess. The staircases shown are minimum 1.000m in width with hardwood strings, moulded newel posts to detail, handrail and balusters at max 100mm centres Provide 2 no bearing supports additional to strings, Carry plaster down inside string and cover joint with quadrant fixed to string.
 Contractor to allow a pc sum for bathroom and toilet fittings plumbing to be included in tender figure

Pre-stressed or 11G steel lintels to all windows and doors
 A.H (RP): 50 studwork to max 450 centres with a minimum of two rows of noggings pieces. Where partitions are placed at right angles to joists use double sole pieces to comply with the regs

10 thick walls comprise of 100 brick outer skin with render plus 100 cavity insulated with 60mm thick rigid insulation fixed in accordance with manufacturers requirements with stainless steel wall ties and 100 or 215 blockwork inner skin to comply with Part "L" of the regs

or to allow a pc sum for bathroom and toilet fittings Plumbing to be included in tender figure
 Remove all rubbish from site and make good clean and tidy

NORTH WEST SIDE ELEVATION

Form new foundations to house to sizes shown and reinforce with 12.5mm reinforcing main steel at 1 bar for every 150m wide of foundation with 12.5mm m.s. distribution bars fixed to main steel at 300mm centres. Provide proper laps and cover to detail.

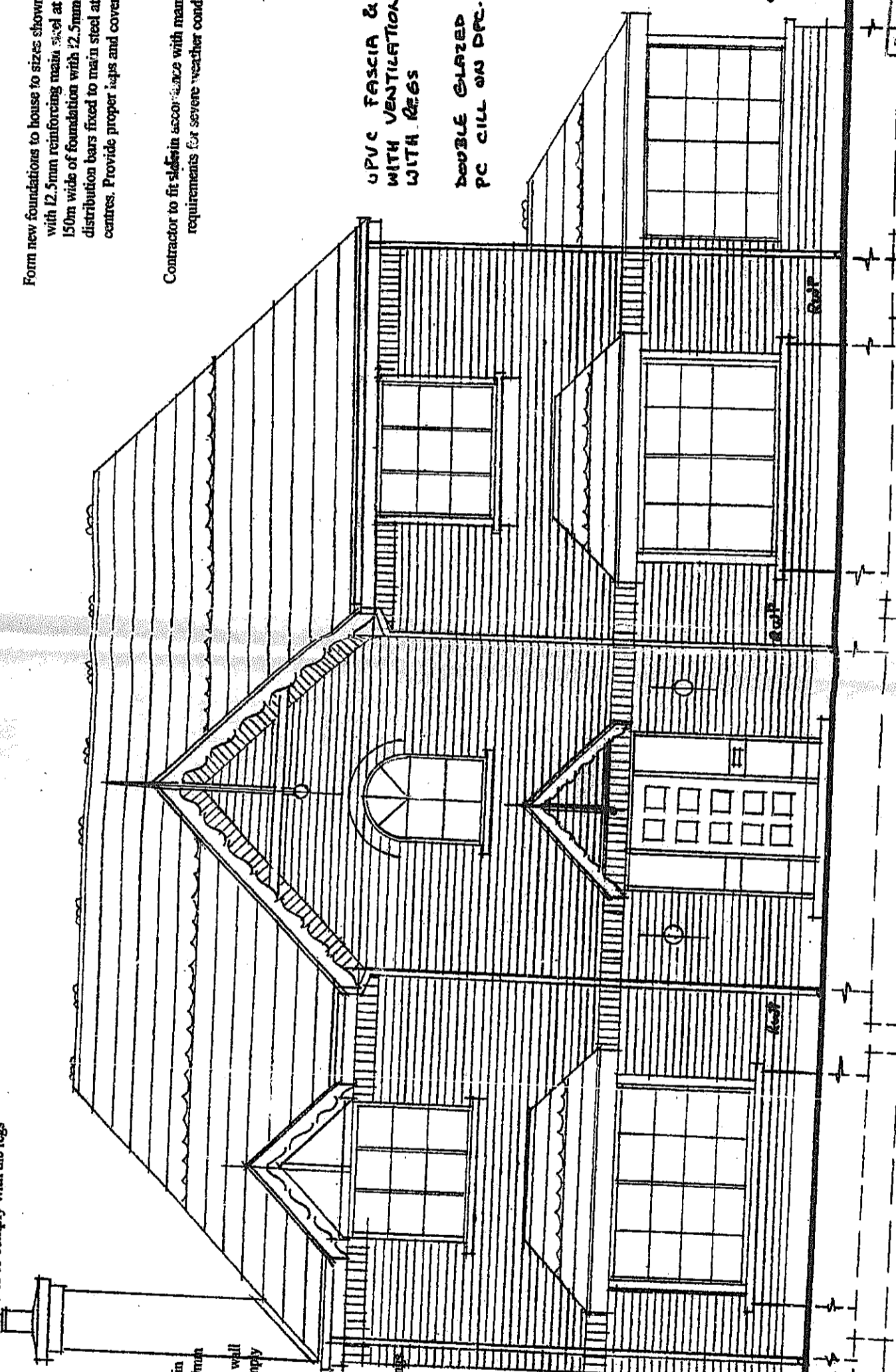
Contractor to fit slabs in accordance with manufacturers requirements for severe weather conditions

UPVC FASCIA & SOFFIT WITH VENTILATION TO COMPLY WITH REGS

DOUBLE GLAZED WINDOWS ON PC CILL ON DPC.

UPVC FASCIA & SOFFIT
 100 HOLLOW SECTIONS.
 INSITU CONCRETE CILL ON DPC.
 BRICK

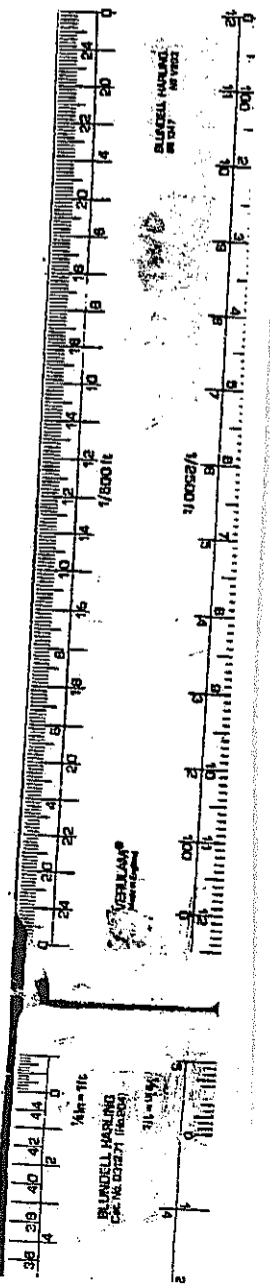
WHITE UPVC OR ALUMINIUM WINDOWS TO DETAIL



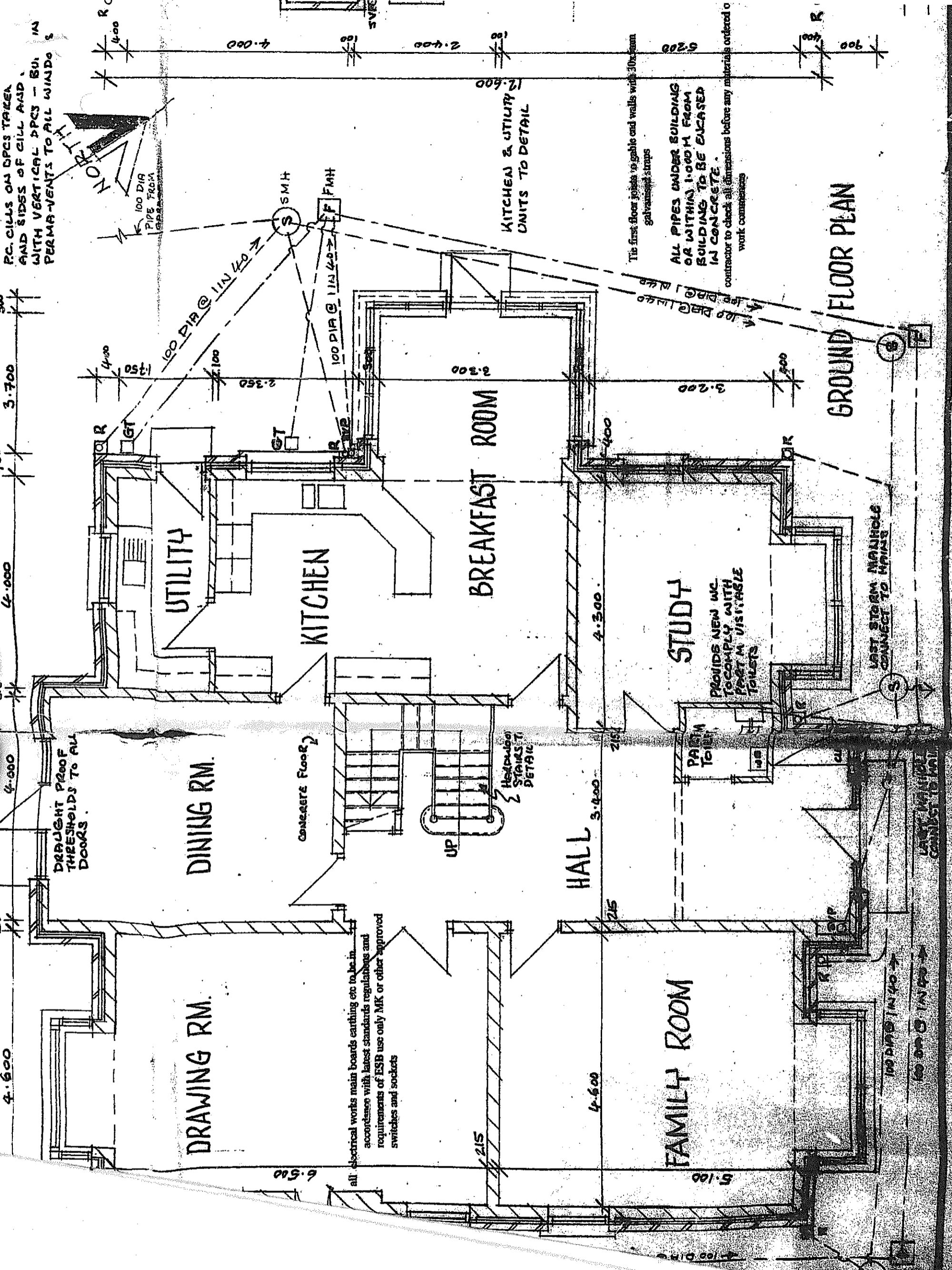
Rev. No. S/02/K88/1
 Planning Department
 31 OCT 2002
 City Council

FRONT ELEVATION (North East)

ardcore level exceed 900mm reinforce floor slab with weld mesh reinforcing to detail



RC. CILLS ON DPCS TAKEN AND SIDES OF CILL AND WITH VERTICAL DPCS - BU. IN PERM-VENTS TO ALL WINDOWS



GROUND FLOOR PLAN

The first floor joists to gable end walls with 30x30mm galvanneal straps

ALL PIPES UNDER BUILDING OR WITHIN 1.000 M FROM BUILDING TO BE EMBEDDED IN CONCRETE.

contractor to check all dimensions before any materials ordered or work commences

