



Comhairle Cathrach Chorcaí Cork City Council

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

Nuala & Bruce Newton,
12 Kiltegan Park,
Rochestown Road,
Douglas,
Cork T12 R8NN.

12/01/2023

RE: Section 5 Declaration R747/22 12 Kiltegan Park, Rochestown Road, Douglas, Cork T12 R8NN.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received 02nd November 2022 and further information received 12th December 2022, I wish to advise as follows:

The Planning Authority, in view of the above and having regard to:

- the particulars received by the Planning Authority on 02/11/2022 and 12/12/2022,
- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- the provision of Schedule 2, Part 1, Class 1 the Planning and Development Regulations, 2001(as amended)

It is considered that the construction of two storey extension to rear of existing dwelling house at 12 Kiltegan Park, Cork **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 12th January 2023.

Is mise le meas,

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



We are Cork.

LANNER'S REPORT		Cork City Council Development Management Strategic Planning and Economic Development
Ref. R747/22		
Application type	Section 5 Declaration	
Description	<i>Proposal to build two storey extension to rear of existing dwelling house</i>	
Location	12 Kiltegan Park, Rochestown Road, Cork	
Applicant	Nuala and Bruce Newton	
Date	13/01/2023	
Recommendation	IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT	

This report is to be read in conjunction with previous planning report, dated 14/11/2022, where requested further information.

1. FURTHER INFORMATION ASSESSMENT

Further Information was requested on 14/11/2022. A response to same was received on 12/12/2022. The further information requested was as follows:

The applicant is therefore requested to submit an accurate and scaled set of existing and proposed site plans which should include the boundary and existing shed structure on site, in order for an assessment against the provisions of Class 1 of Schedule 2 to be made.

The applicant has submitted the required drawings.

The two storey rear extension as proposed may be exempt if it accords with the exemption set out in Class 1 in Schedule 2 of the *Planning and Development Regulations 2001* (as amended). The following is a review of the proposal against the conditions / limitations set out in Class 1.

<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p>	<p>(a) The house has previously been extended at ground floor with a conservatory addition. This would be replaced by the proposed two storey extension. The total floor area of the proposed extension would not exceed 40 sqm.</p> <p>(b) n/a</p> <p>(c) The first-floor extension area would measure 17.65 sq.m, and as this does not exceed 20 sq.m, this limitation is met.</p>
<p>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.</p> <p>(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.</p> <p>(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</p>	<p>(a) The house has been extended at ground floor with a conservatory addition. This would be replaced by the proposed two storey extension. The floor area of the proposed extension would not exceed 40 sq.m.</p> <p>(b) n/a</p> <p>(c) The proposed first floor extension would not exceed 20 sq.m. This condition/limitation is met.</p>

<p>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.</p>	
<p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p>	<p>An accurate proposed site plan has now been provided, and this shows that the upper floor of the extension would be within 2 metres of the existing boundary with the property to the south. This condition is therefore not met.</p>
<p>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.</p>	<p>(a) The height of the wall does not exceed the existing height of the rear wall of the dwelling. (b) n/a (c) The height does not exceed the height of the eaves / parapet</p>
<p>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.</p>	<p>An accurate proposed site plan has now been provided, and this demonstrates that more than 25 sq. m private open space would be retained.</p>
<p>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.</p>	<p>(a) An accurate proposed site layout plan has now been provided. It has been shown that the windows at ground floor level would not be within 1 m from the boundaries that they face. (b) The first-floor window to the rear of the proposed extension would be approximately 5 metres from the boundary it faces. Therefore, this condition has not been met. (c) The first-floor extension area would measure 17.65 sq.m. The first floor window to the rear of the proposed extension would be approximately 5 metres from the boundary it faces and the window serving the bedroom would be less than 11m from the boundary that it faces. Therefore, this condition has not been met</p>

	Given the dimensions of the extension and its relationship with the site boundaries, compliance with this limitation cannot be established.
7. The roof of any extension shall not be used as a balcony or roof garden.	The roof of the proposed extension does not appear to be used as a balcony or garden.

2. RECOMMENDATION

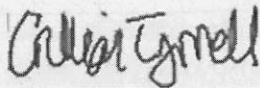
Recommendation

Having regard to:

- the particulars received by the Planning Authority on 02/11/2022 and 12/12/2022,
- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- the provision of Schedule 2, Part 1, Class 1 the Planning and Development Regulations, 2001(as amended)

the planning authority considers that —

the construction of *two storey extension to rear of existing dwelling house* at 12 Kiltegan Park, Cork **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.



Gillian Tyrrell
Assistant Planner
12.01.2023



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3. The third part of the document is a list of names and addresses.

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12 Kiltegan Park
Rochestown Road
Cork
T12 R8NN

12/12/2022

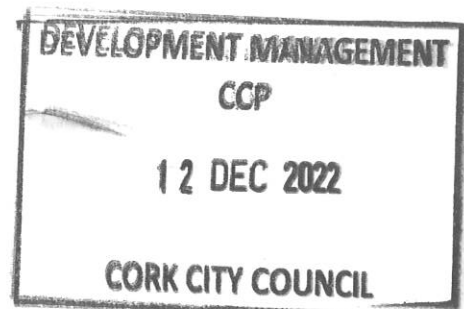
Re: Section 5 Declaration R747/22 12 Kiltegan Park, Rochestown Road, Douglas, Cork,
T12 R8NN

Dear Kate,

Further to your letter dated 15/11/2022 concerning our request for a Section 5 Declaration, please now find enclosed a site layout map showing the current and proposed development. Please let us know if you require any further information and we look forward to hearing back from you soon.

Yours faithfully

Bruce & Nuala Newton





Comhairle Cathrach Chorcaí Cork City Council

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

Nuala & Bruce Newton,
12 Kiltegan Park,
Rochestown Road,
Douglas,
Cork T12 R8NN

15/11/2022

RE: Section 5 Declaration R747/22 12 Kiltegan Park, Rochestown Road, Douglas, Cork T12 R8NN.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, I wish to advise under the provisions of section 5(2)(b) of the Planning and Development Act 2000, as amended, that the further information is required in order to properly assess this application.

A proposed site plan has not been provided and as such it has not been possible to assess the proposed development against the provisions of Class 1 in Schedule 2 of the *Planning and Development Regulations 2001* (as amended).

The applicant is therefore requested to submit an accurate and scaled set of existing and proposed site plans which should include the boundary and existing shed structure on site, in order for an assessment against the provisions of Class 1 of Schedule 2 to be made.

Is mise le meas,

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



We are Cork.

**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

Strategic Planning & Economic Development 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

12 KILTEGAN PARK, ROCHESTOWN ROAD,
DOUGLAS, CORK, T12 R8NN

2. QUESTION/ DECLARATION DETAILS

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

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

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

Is CONSTRUCTION OF PROPOSED 2 STOREY
EXTENSION TO REAR OF EXISTING DWELLING
HOUSE EXEMPTED DEVELOPMENT?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

CORK CITY COUNCIL
PLANNING DIRECTORATE

~~01 NOV 2022~~

Ref. No.

Cork City Council

02 NOV 2022

Community, Culture
and Placemaking

3. APPLICATION DETAILS

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

(a) Floor area of existing/proposed structure/s		EXISTING :- 121.5 m ² PROPOSED EXTENSION :- 35.3 m ²
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:		
Existing/ previous use (please circle)	Proposed/existing use (please circle)	
N/A	N/A	

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		
Applicants Address	NUALA + BRUCE NEWTON	
Person/Agent acting on behalf of the Applicant (if any):	Name:	
	Address:	12 KILTEGAN PARK ROCHESTOWN ROAD, DOUGLAS, CORK T12 RBNN
	Telephone:	[REDACTED]
	Fax:	
	E-mail address:	[REDACTED]
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

5. LEGAL INTEREST

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

PROPERTY OF THE
UNITED STATES GOVERNMENT
OFFICE OF THE SECRETARY OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20250

[REDACTED]
[REDACTED]

Should an easement be shown to the above address?
 No Yes

LEGAL INTEREST	
Legal interest in the land or structure	
When legal interest is Other, please state	
your interest in the land/structure in detail	
If you are not the legal owner, please state the name and address of the owner if available	

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

Signature:  Nuala Newby

Date: 27/10/22 27/10/22

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, Strategic Planning & Economic Development
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution

Land Registry Compliant Map



CENTRE COORDINATES:
 ITM 571008,569582

PUBLISHED:
 20/10/2022

ORDER NO.:
 50298084_1

MAP SERIES:
 1:1,000

MAP SHEETS:
 642B-04

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 of a road, track or footpath
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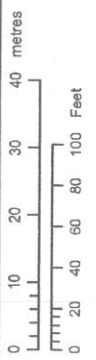
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LEGEND:
<http://www.osi.ie>;
 search 'Large Scale Legend'



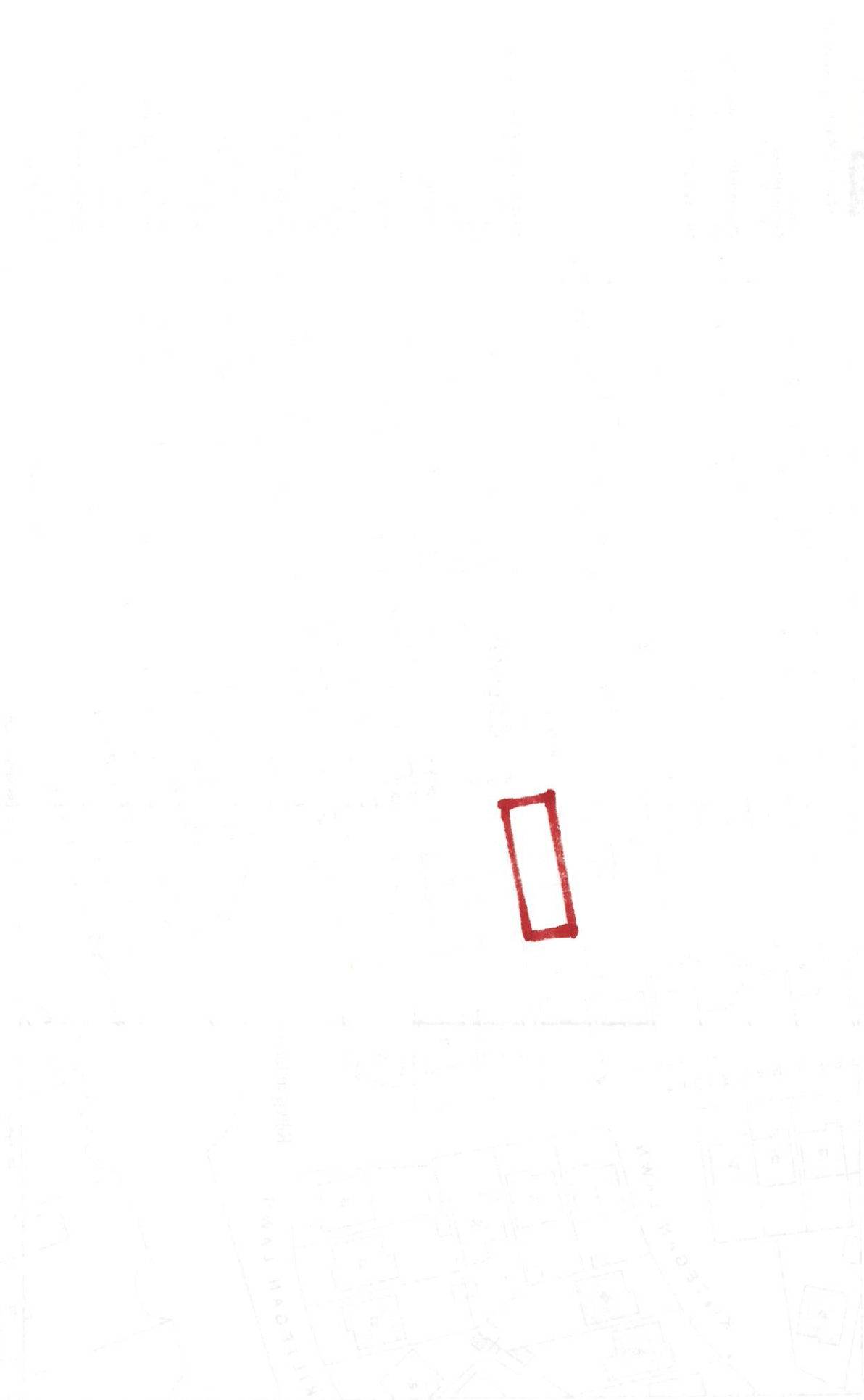
CAPTURE RESOLUTION:
 The map objects are only accurate to the
 resolution at which they were captured.
 Output scale is not indicative of data capture scale.
 Further information is available at:
<http://www.osi.ie>; search 'Capture Resolution'

OUTPUT SCALE: 1:1,000



Scale: 1:1000

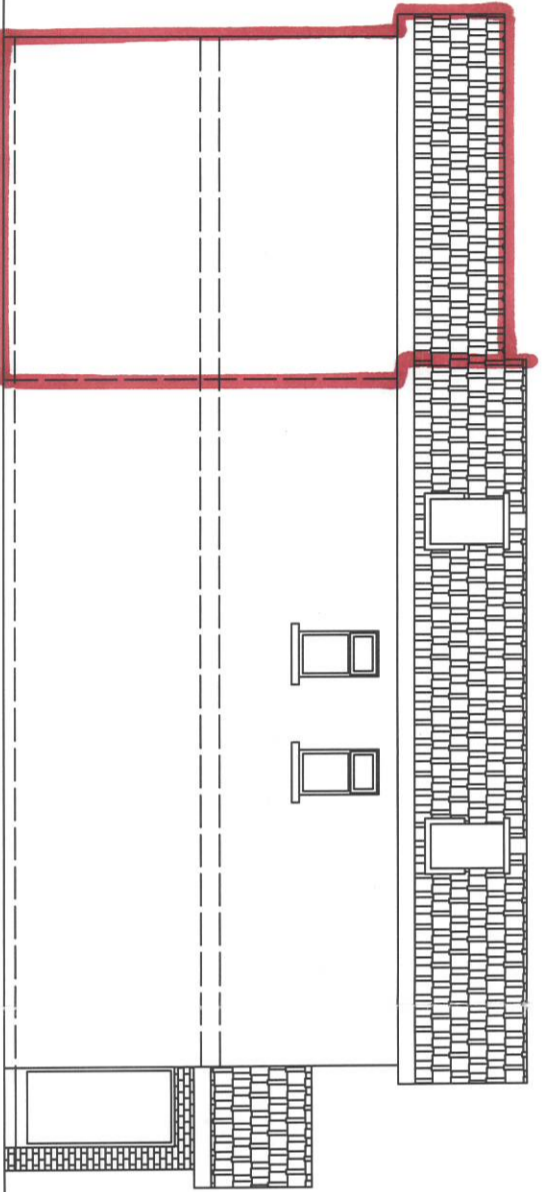
North Arrow



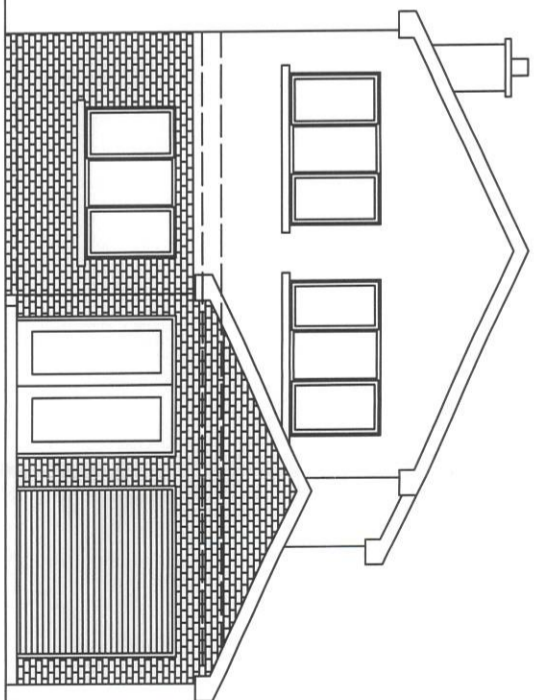
Architectural Drawing



12 Kiltegan Park, Rochestown Road, Douglas, Cork

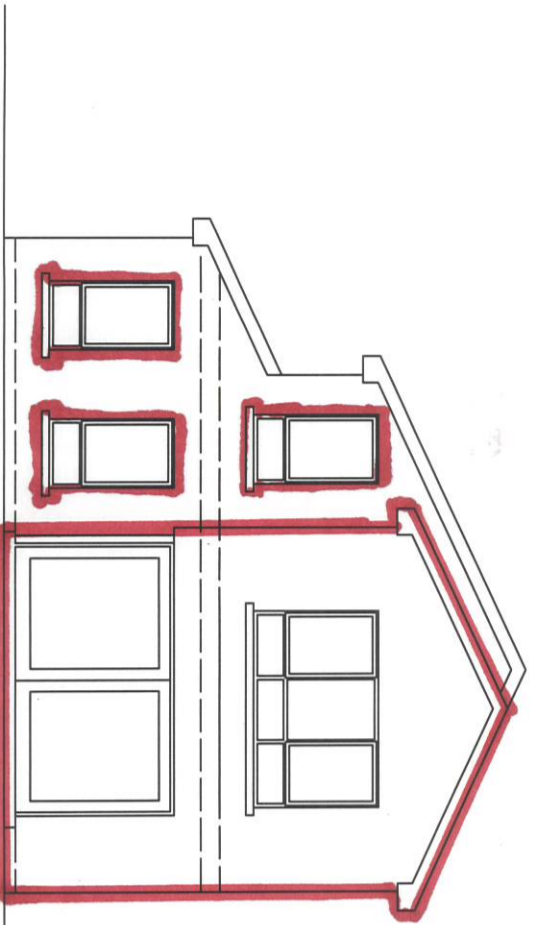


Side Elevation (1:100)

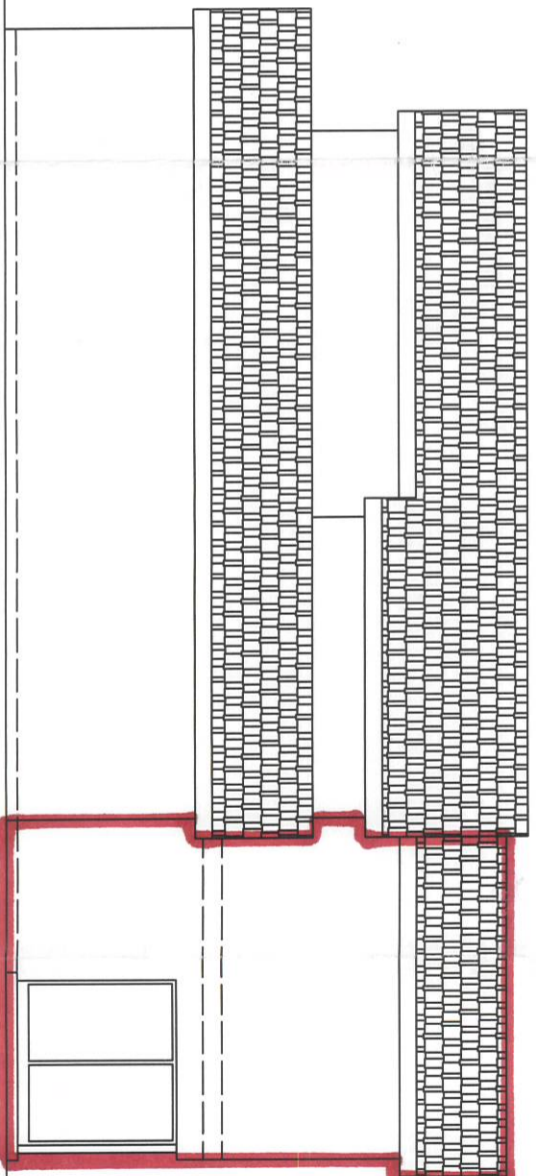


Front Elevation (To Remain Unaltered)

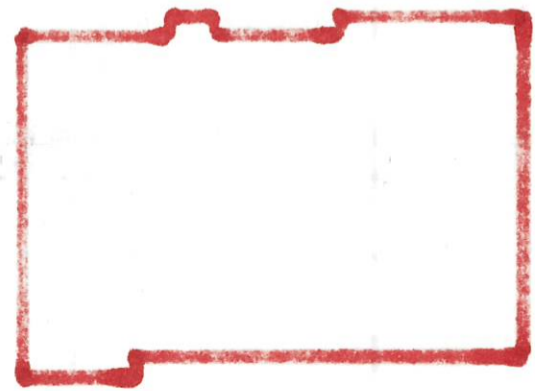
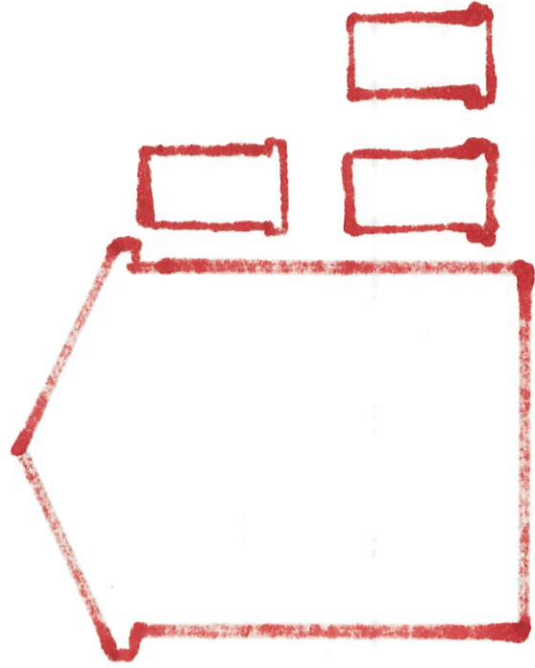
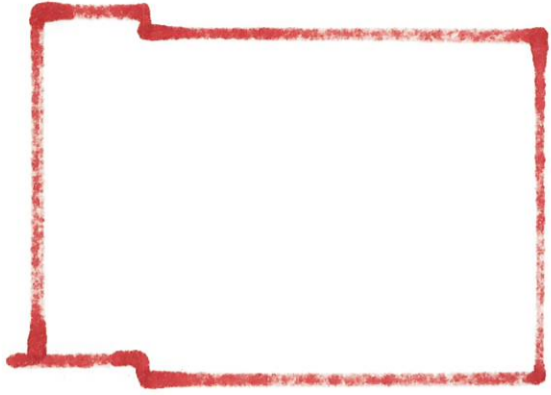
PROPOSED EXTENSION SHOWN OUTLINED RED
NEW WINDOW POSITIONS SHOWN OUTLINED RED



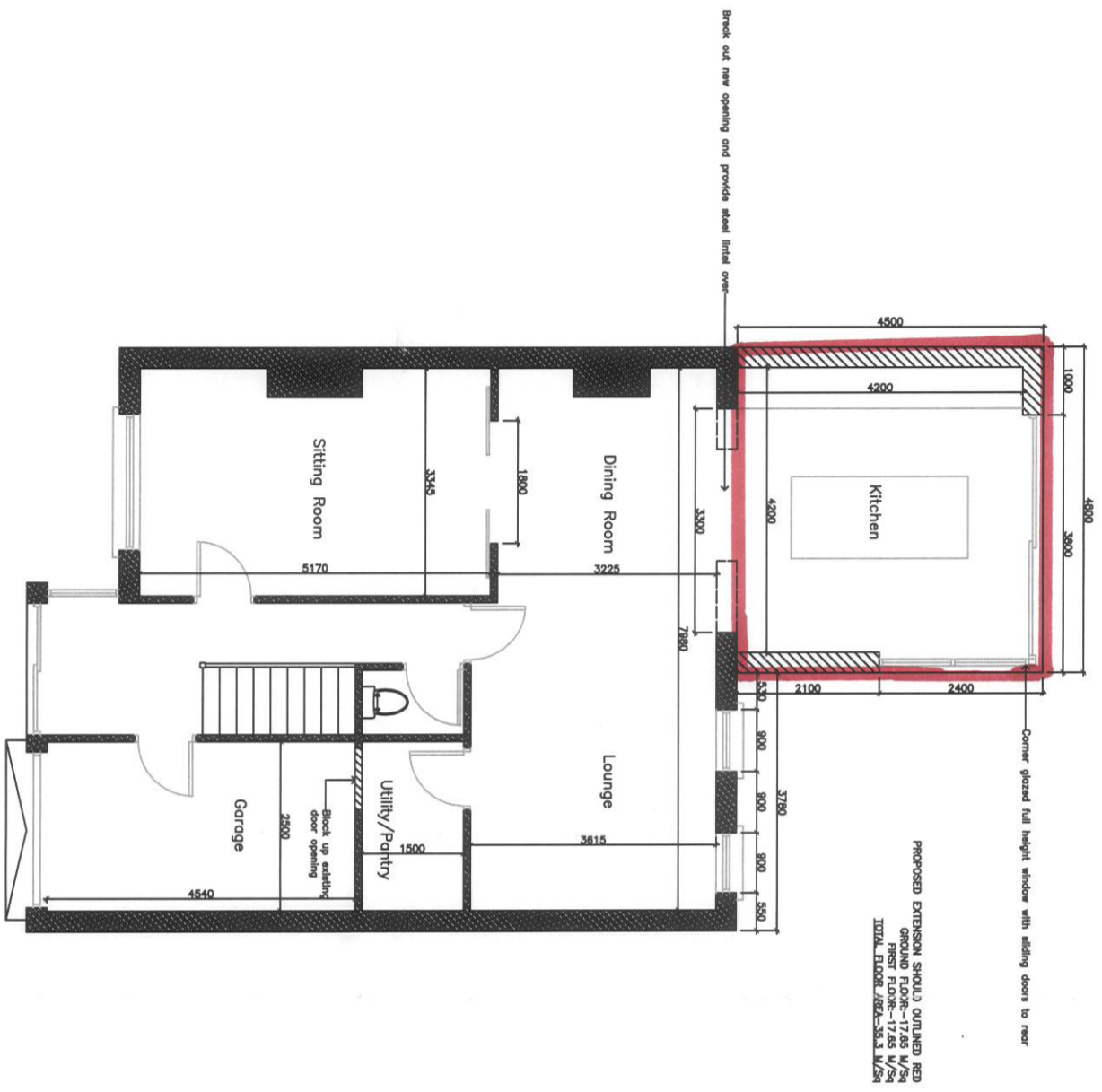
Rear Elevation



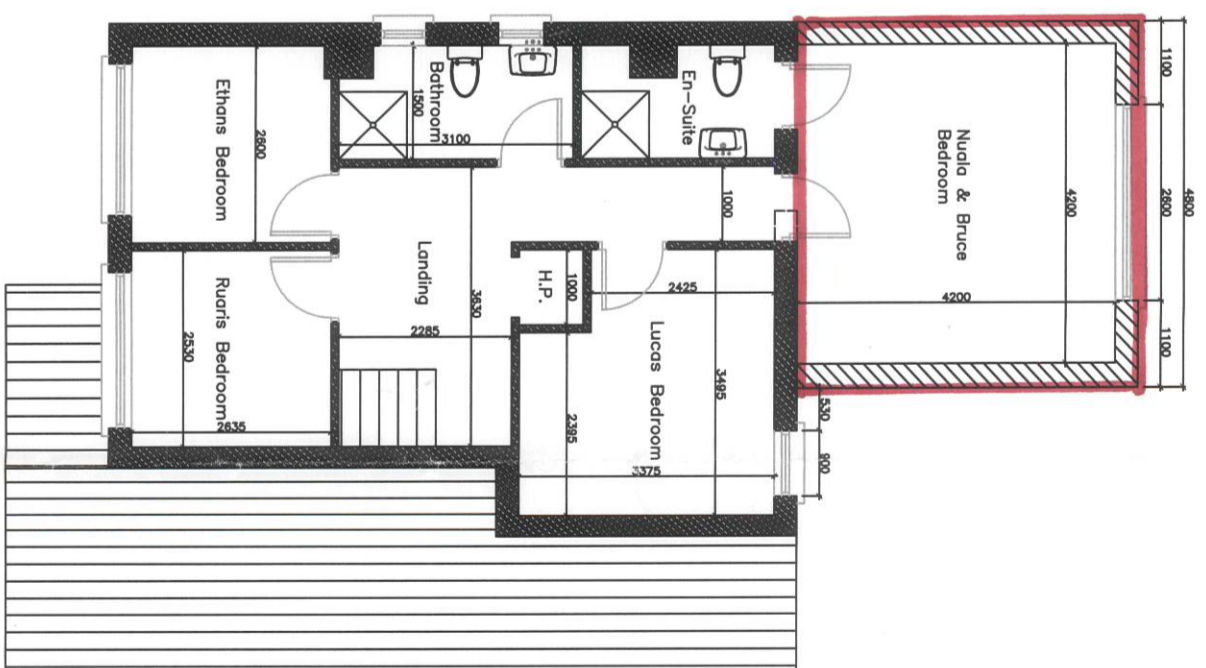
Side Elevation



12 Kiltegan Park, Rochestown Road, Douglas, Cork



Ground Floor Plan (1:100)



First Floor Plan (1:100)

