



Comhairle Cathrach Chorcaí Cork City Council

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

Walter O'Grady,
273 Blarney Street
Cork
T23 N6V2

31st July, 2019

**RE: Section 5 Declaration –
273 Blarney Street, Cork City**

Dear Sir/Madam,


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

Having regard to:

- Section 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000 (as amended)
- The particulars received by the Planning Authority on 27.06.2019
- The pattern of development in the area

The Planning Authority considers that the installation of 2 no. rooflights on the front elevation of the dwelling at 273 Blarney Street is **Development** and is **Exempted Development**.

Yours Faithfully,



Eileen Kiely
Clerical Officer
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R 522.19
Description: Whether the installation of rooflights on the front/south roof elevation is or is not exempted development
Applicant: Walter O’Grady
Location: 273 Blarney Street, Cork City
Site inspection: 10.07.2019

SUMMARY OF RECOMMENDATION

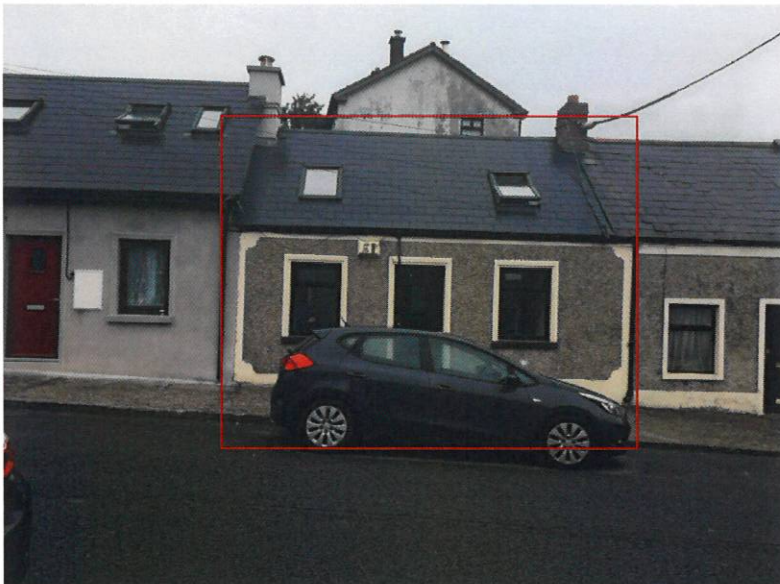
Constitutes development; is exempted development

Purpose of Report

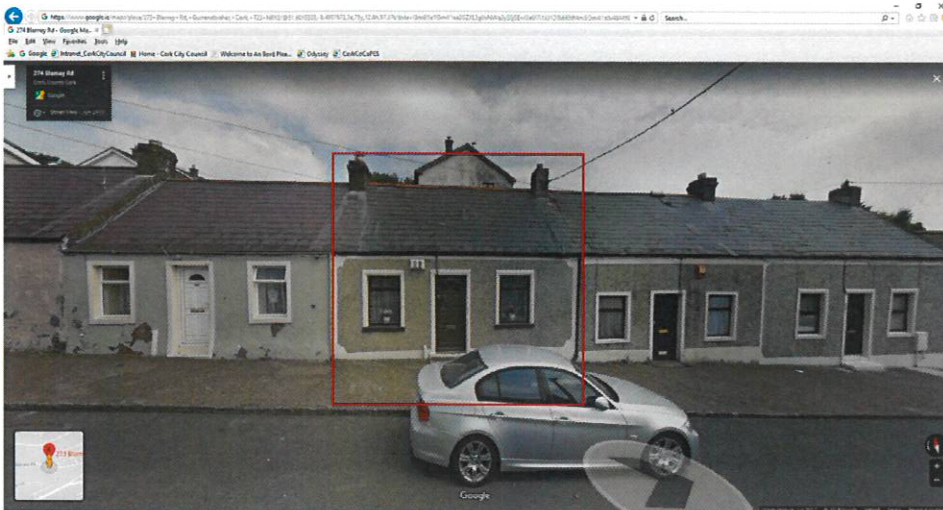
Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the 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 Inspection and Location

The site is located on Blarney Street. There is an existing, mid-terraced, single storey dwelling located on site. The site adjoins a road to the south. There is a mix of house types and finishes along this street.



Subject site outlined in red



Screenshot from Google Streetview – June 2017

Subject Development

Whether the rooflights installed to the front/south elevation can be classified as exempted development?

Sub-threshold EIAR

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 EIAR 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.

Planning history

On subject site:

None

Nearby sites:

1737539 – 272 Blarney Street – permission to carry out alterations and first floor extension to rear and windows to front of dwellinghouse – grant conditional

Planning policy

The site is zoned ZO4 Residential, Local Services and Institutional Uses.

Planning legislation

Section 4 (1) of the Planning and Development Act 2000 states that *the following shall be exempted development for the purposes of the Act –*

Sub-Section (H) states that *'development consisting of the carrying out of works for the maintenance, improvements or other alterations of any structure, being works which effect only the*

interior of the structure or which do not materially effect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures'.

Assessment

Two no rooflights have been installed on the front/south roof plan of a single storey dwelling.

The issue here is whether the incorporation of the rooflights to the front of the dwelling materially affects the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures? The rooflights are 0.8m² each and considered to be modest in scale on the roofplane of the house.

Along this street there is a mix of house forms and finishes, with some rooflights and box dormer windows.

Having regard to the location and size of the windows, the existing character of the street, I would not consider that they 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.

In this regard I would consider the velux window to be exempted development for the purposes of Section 4 (1) (h) of the Planning and Development Act 2000.

Recommendation

It is recommended that the Planning Authority decides this referral in accordance with the following:

Having regard to:

- Section 2(1), 3(1) and 4 (1)(h) of the Planning and Development Act 2000 (as amended)
- the particulars received by the Planning Authority on 27.06.2019
- the pattern of development in the area

The Planning Authority considers that the installation of 2 no rooflights on the front elevation of the dwelling at 273 Blarney Street is development and is exempted development.


Yvonne Hogan
Assistant Planner
19.07.2019

Agreed.

Melisse Walsh, Sr. Ex. Planner
19/07/19

Comhairle Cathrach Chorcaí
Cork City Council

27 JUN 2019

Strategic Planning & Economic
Development Directorate

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Strategic Planning & Economic Development Directorate E-Mail planning@corkcity.ie
Cork City Council, City Hall, Anglesea Street, Cork. Fón/Tel: 021-4924564/4321

Lionra/Web:

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

273 Blarney Street, Cork, T23 N6V2

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 the installation of two roof windows at 273 Blarney Street, Cork development and if so, is it exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

The roof windows are installed as shown in the attached photo. In early 2018, John Whelan, Development Management/Senior Staff Officer Cork City Council, confirmed on a phone call that it was okay to do so. Some information that John and I discussed at the time that may be relevant is that:

- the windows are not overlooking any neighbours,
- the street is over 12m wide at my location,
- the roof windows are 0.8 m² each,
- another house on this row of single story terrace houses, number 271, had an original (c.1900) roof window before it was redeveloped recently,
- The purpose of the roof windows is for natural light and solar heat gain.

Other more recent information is that the house at 272 next door was redeveloped and now has three front facing roof windows.

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		
(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 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)	
_____	_____	
_____	_____	
_____	_____	

4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):		Walter O'Grady	
Applicants Address	273 Blarney Street, Cork, T23 N6V2		
Person/Agent acting on behalf of the Applicant (if any):	Name:	Walter O'Grady	
	Address:	273 Blarney Street, Cork, T23 N6V2	
	Telephone:	[REDACTED]	
	Fax:		
	E-mail address:		
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		

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

Signature: Dalter O'Grady
Date: 27 June 2019

.....

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



House at 273 Blarney Street

Surveyed 1974
 Revised 2015
 Levelled 1983

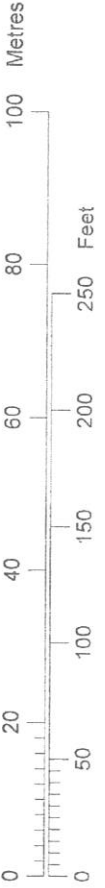
Land Registry Compliant Map



566345



Scale:- 1:1,000
 Scála:- 1:1,000



Plot Ref. No. 25266672_3_1
 Plot Date 20-JUN-2016

Land Registry Use Only

572307
 ITM CENTRE PT. COORDS
 566228.5 21

DESCRIPTION

MAP SHEETS

1:1000
 6382-08



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.

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 cead / seilbhinn riomh ná ó úndéir an chloicéit.
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