

# Comhairle Cathrach Chorcaí Cork City Council

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

Tony O Sullivan

Tony O Sullivan Architects LTD

64 The Glenties

Macroom

Co. Cork

02<sup>nd</sup> July, 2020

RE:

R575/20 - Section 5 Declaration

Property: 11 Bishops Court Lawn, Bishopstown

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advised to request further information

- 1. Please clarify whether the area located to the side of the house was original constructed/in use as a garage similar to the other houses in the estate and whether this was subsequently converted to domestic use.
- 2. Please note that the 40 sq.m. is a *cumulative* exemption limit which must include previous extensions <u>including garage conversions</u>. The drawings appear to show this area combined with the rear extension to be marginally under the 40 sq.m. however it is not possible to accurately measure the development from the drawings supplied. Please submit larger scaled drawings and written confirmation of the 'as constructed' size of both areas (side and rear) including any bridging floor area between the two areas and confirm that the size of the 'as constructed' extension accords fully with the drawings submitted.
- 3. Please submit an accurate site layout plan to clearly show:
  - the dimension between the additional side window (to dining area) and the boundary;
  - the area of remaining rear garden excluding any shed structures etc.
- 4. Please clarify/show the number and location of all velux windows on the development.

Yours faithfully,



Cork City Council
Development
PLANNER'S REPORT
Management
Ref. R 575/20
Strategic Planning
and Economic
Development

Application type

**SECTION 5 DECLARATION** 

Question

Whether the construction of an extension as constructed is development and if

so is or is not exempted development.

Location

11 Bishopscourt Lawn.

**Applicant** 

Michael O Brien

## 1. REQUIREMENTS FOR A SECTION 5 DECLARATION APPLICATION

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

The question to the planning authority is

'Whether the construction of an extension as constructed is development and if so is or is not exempted development.'

### 3. SITE DESCRIPTION

The subject property comprises a two storey semi-detached dwelling house in 'Bishopscourt Lawn' a housing estate in Bishopstown near Spioraid Naoimh Secondary School.

### 4. PLANNING HISTORY

<u>05/</u>29728: Permission granted for the construction of a second storey extension over the existing single storey ad construction of single storey extension to the rear.

## 5. CURRENT LEGISLATIVE PROVISIONS

# 5.1 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(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, as amended.

#### Section 4(3),

- A reference in this Act to exempted development shall be construed as a reference to development which is—
- (a) any of the developments specified in subsection (1), or
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

# 5.2 Planning and Development Regulations, 2001 as amended

#### 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.

#### Article 9,

Article 9 sets out restrictions on exemptions specified under article 6. Article 9(1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development, including (a) if the carrying out of such development would:-

(i) "Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act"...

## (Article 6) Schedule 2, Part 1, Class 1

Classes 1-8 relate to development within the curtilage of a house and Class 1 relates to "the extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house".

#### Schedule 2, Part 1, Class 1

Exempted Development — General

Column 1	Column 2		
Description of Development	Conditions and Limitations		
Development within the curtilage of a	rando, al 1 of CS Josh J. arterpart reprisentation of Scientife		
house	1 0 ° 044		
1 mml (5) 1 c (5)			
CLASS 1			
The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store,	<ol> <li>(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</li> <li>(b) Subject to paragraph (a), where the house is terraced or semi-detached,</li> </ol>		
shed or other similar structure attached	nouse is terracea or semi-aetachea,		

Column 1	Column 2	
Description of Development	Conditions and Limitations	
to the rear or to the side of the house.	the floor area of any extension above ground level shall not exceed 12 square metres.  (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.  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.  (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.	
	(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 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.	
	3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.	
	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.	

Column 1	Column 2
Description of Development	Conditions and Limitations
	(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.
	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.
	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 in faces.
	<ol><li>The roof of any extension shall not be used as a balcony or roof garden.</li></ol>

## 6. ASSESSMENT

### 6.1 Development

The first issue for consideration is whether or not the matter at hand is 'development', which is defined in the Act as comprising two chief components: 'works' and / or 'any material change in the use of any structures or other land'.

As noted above Section 3 (1) of the Planning and Development Act states that: '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."

The extension clearly constitutes 'works', which is defined in section 2(1) of the Act as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

As the proposal comprises 'works', it is clearly therefore 'development' within the meaning of the Act.

# **CONCLUSION** — is development

# 6.2 Exempted Development

The next issue for consideration is whether or not the matter at hand is exempted development.

# Construction of rear extension

Permission was granted under 05/29728 for a first floor side extension and a single storey extension to the rear. The single storey extension to the rear only was constructed along with a pitched roof over the (flat roofed) side area.

Many of the houses in the area retain flat roofs over this area and they are in use as garages. It is highly likely that this house was originally constructed with a garage area which was converted to domestic use. If this is the case, then this floor area must be used in calculating the cumulative exemption limit i.e. the side and the rear extension must not exceed 40 sq.m. The rear extension is stated to total 'circa 19 sq.m.' on the application forms. I measure this area from the drawings at 19.19 sq.m. made up of 18.98 sq.m. (5.2m x 3.65m) plus 0.21 sq.m. (0.7m x 0.3m). The side area (possible converted garage) measures 20.75 sq.m. (8.3m x 2.5m). This gives a total of 39.94 sq.m. These measurements are taken from some stated dimensions and some scaled however the drawing is 1:100 making errors possible. Given the total measurement at just under 40 sq.m. it would be prudent to seek clarification of the measurement (as constructed).

I note a new window was added to the side elevation to light the dining area – it appears that this may be 1m from the boundary from looking at the history file but again should be confirmed as it is not clear on this application.

In relation to the work carried out to the side area – i.e. the provision of a pitched roof I note the applicant has submitted some photos of pitched roofs in the area however the predominant character of houses in the immediate area appears to be flat rooved single storey side garages/converted garages. The pitched roof though a minor alteration could be said to have rendered the appearance inconsistent with the character of neighbouring structures under Section 4(1)h of the Planning and Development Act 2000 as amended:

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;

I note a recent planning application 19/38995 relating to a house to the west of the school for the construction of a pitched roof over a side area.

# 7. ENVIRONMENTAL ASSESSMENT

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state as follows:

Section 4(4),

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 4(4A)

Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

Section 177U(9)

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.

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 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 environmental impact assessment is not required.

7.2 Screening for Appropriate Assessment

The applicant has not submitted an appropriate assessment screening report. 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 these European sites. Accordingly it is considered that appropriate assessment is not required.

#### 8. CONCLUSION & RECOMMENDATION

# REQUEST FOR FURTHER INFORMATION

- 1. Please clarify whether the area located to the side of the house was original constructed/in use as a garage similar to the other houses in the estate and whether this was subsequently converted to domestic use.
- 2. Please note that the 40 sq.m. is a *cumulative* exemption limit which must include previous extensions including garage conversions. The drawings appear to show this area combined with the rear extension to be marginally under the 40 sq.m. however it is not possible to accurately measure the development from the drawings supplied. Please submit larger scaled drawings and written confirmation of the 'as constructed' size of both areas (side and rear) including any bridging floor area between the two areas and confirm that the size of the 'as constructed' extension accords fully with the drawings submitted.
- Please submit an accurate site layout plan to clearly show:
  - the dimension between the additional side window (to dining area) and the boundary;
  - the area of remaining rear garden excluding any shed structures etc.
- 4. Please clarify/show the number and location of all velux windows on the development.

Evelyn Mitchell, Senior Executive Planner, 01.07.2020



# Comhairle Cathrach Chorcaí Cork City Council

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

Tony O Sullivan Architects 64 The Glenties Macroom Cork P12 C921

30th September 2020

RE:

Section 5 Declaration R575/20 11 Bishopscourt Lawn, Bishopstown, Cork

Dear Sir/Madam,

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

In considering this referral the Planning Authority had regard to the fact that a permitted development (in this case T.P. 05/29728) must be implemented in its entirety rather than only certain elements of that permission. It has also had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000
- (b) Articles 6 and 6 of the Planning and Development Regulations 2001
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 and
- (d) Section 4 (1) (h) of the Planning and development Act 2000 (as amended)

The Planning Authority has concluded that -

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000;
- (b) the single storey extension to the rear comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations and complies with the conditions and limitations attached to that Class;
- (c) the alteration from a flat roof to a pitched roof constitutes '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'

Therefore, the Planning Authority decides that -

(a) the single extension to the rear of the dwelling is development and is exempted development and

We are Cork.

(b) the alteration from a flat roof to a pitched roof is development and is exem, \_\_d development

all at 11 Bishopscourt Lawn, Bishopstown, Cork.

Kerry Bergin

Assistant Staff Officer

Development Management Section

Community, Culture and Placemaking Directorate

Cork City Council

Cork City Council
Development
PLANNER'S REPORT Management
Ref. R 575/20 Strategic Planning
and Economic
Development

Application type

**SECTION 5 DECLARATION** 

Question

Whether the construction of an extension as constructed is development and if

so is or is not exempted development.

Location

11 Bishopscourt Lawn.

Applicant

Michael O Brien

#### 1. REQUEST FOR FURTHER INFORMATION

This report should be read in conjunction with my previous report which recommended that Further Information be sought. A request for Further Information was made in respect of this application on 01.07.2020 as per the following:

- '1. Please clarify whether the area located to the side of the house was original constructed/in use as a garage similar to the other houses in the estate and whether this was subsequently converted to domestic use.
- 2. Please note that the 40 sq.m. is a cumulative exemption limit which must include previous extensions including garage conversions. The drawings appear to show this area combined with the rear extension to be marginally under the 40 sq.m. however it is not possible to accurately measure the development from the drawings supplied. Please submit larger scaled drawings and written confirmation of the 'as constructed' size of both areas (side and rear) including any bridging floor area between the two areas and confirm that the size of the 'as constructed' extension accords fully with the drawings submitted.
- Please submit an accurate site layout plan to clearly show:
  - the dimension between the additional side window (to dining area) and the boundary;
  - the area of remaining rear garden excluding any shed structures etc.
- 4. Please clarify/show the number and location of all velux windows on the development.'

#### **FURTHER ENVIRONMENTAL ASSESSMENT**

Pursuant to article 103(1) of the Planning and Development Regulations 2001 as amended, having regard to the nature and scale of the proposed development and following a preliminary examination of, at the least, the nature, size or location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment and it is consequently concluded that E.I.A. is not required.

It is not considered that the response to the F.I. gives rise to a significant change or modification to the proposed development so that it would now have a significant impact on a European Site, or that it would require environmental impact assessment. Consequently, it is considered that appropriate assessment and environment impact assessment are not required.

#### **FURTHER PLANNING ASSESSMENT**

The applicant responded to the FI request on 10.08.2020. In this regard it is stated that the house had a garage which had been converted prior to its purchase by the current owner – the date of the conversion is unknown – it is stated this area was included in a planning application in 2005 and that 'hence it has subsequently obtained permission.' I note that permission was granted under 05/29728 for a first floor side extension and a single storey extension to the rear (with no mention of the garage conversion).

The permitted development was not enacted as granted. Instead a single storey extension to the rear only was constructed along with a pitched roof over the existing (flat roofed) side area (former garage area). As one cannot 'pick and choose' between elements of a permitted development the works must be assessed on their own merits as to whether they comply with relevant exempted regulations and legislation.

If this is the case, then the floor area of the former garage must be used in calculating the cumulative exemption limit i.e. the side and the rear extension must not exceed 40 sq.m. The former garage area is stated now to be 11.5 sq.m. (excluding a former kitchen area to rear of same which must have formed part of the original house — Note: this area was mistakenly included in my previous reports total measurement). The rear extension plus the former garage gives a total floor area of 32 sq.m.

1a	Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.	Has been extended (by garage conversion – see below)
1b	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.	n/a
1c	Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.	n/a
2a	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.	Total area = 32sq.m. (including 11.5 sq.m. of former side garage)
2b	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.	n/a and to the first and an analysis of an analysis
2c	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 any previous	n/a

3 7		
	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.	
3	Any above ground floor extension shall be at a distance of not less than 2 metres from any party boundary.	The rear extension is single storey.
4a	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.	Walls are below height of rear wall.
4b	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	n/a
4c	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.	Roof does not exceed the height of the eaves.
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.	The remaining open space to the rear of the dwelling is well in excess of 25 sq.m.
6a	Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.	The rear extension includes 2 windows which are located in excess of 1m from the adjoining boundaries with 1.5m between the former garage area and the adjoining boundary.
6b	Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.	The 3 roof lights do not face any boundary, being orientated skyward.
6c	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.	n/a
7	The roof of any extension shall not be used as a balcony or roof garden.	n/a

Note – the date of construction of the garage conversion is stated to be unknown but I note various exempted limitations on such conversions varying from 120sq.ft in the 1964 and 1967 Regulations 18 sq.m. in 1977 and 23 sq.m. in 1994.

The extension to the rear of the dwelling comes within the scope of Class 1 and satisfies all the relevant conditions and limitation set out in Class 1.

In relation to the work carried out to the side area – i.e. the provision of a pitched roof I note the applicant has submitted some photos of pitched roofs in the area. The predominant character of houses in the *immediate row* appears to be flat roofed single storey side garages/converted garages. The pitched roof however is considered to be a minor alteration which was likely carried out for maintenance reasons (such older flat roofs other giving trouble with rainfall ingress) which has not rendered the appearance of the house inconsistent with the character of neighbouring structures under Section 4(1)h of the Planning and Development Act 2000 as amended: i.e. '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;'

#### CONCLUSION

In considering this referral the Planning Authority had regard to the fact that a permitted development (in this case T.P. 05/29728) must be implemented in its entirety rather than only certain elements of that permission. It has also had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000
- (b) Articles 6 and 6 of the Planning and Development Regulations 2001
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 and
- (d) Section 4 (1) (h) of the Planning and development Act 2000 (as amended)

The Planning Authority has concluded that -

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000;
- (b) the single storey extension to the rear comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations and complies with the conditions and limitations attached to that Class;
- (c) the alteration from a flat roof to a pitched roof constitutes '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'

Therefore, the Planning Authority decides that -

- (a) the single extension to the rear of the dwelling is development and is exempted development and
- (b) the alteration from a flat roof to a pitched roof is development and is exempted development

all at 11 Bishopscourt Lawn, Bishopstown, Cork.

Evelyn Mitchell, Senior Executive Planner, 28.09.2020 whether the construction of an extension as constructed is development and if so is or is not exempted development



64 The Glenties, Macroom, Co. Cork, P12 C921

tel: +353 (0)87 990 1651 email: info@tosarchitects.ie web: tosarchitects.ie

Date:

2020-08-06

Our Ref:

20008

Planning Dept Cork City Council City Hall Anglesea St Cork Cork City Council

1 0 -08 - 2020

Strategic Planning & Economic

Devicement Directorate

Comhairle Cathrach horcaí

Re: Application for Declaration of Exemption for extension to dwelling at 11 Bishops Court Lawn, Bishopstown, Cork for Michael O'Brien

Ref: R575/20

Dear Sir/Madam,

I refer to your letter dated 2<sup>nd</sup> July 2020 and I hereby reply to your queries as follows:

- 1. The house was purchased by Michael O'Brien in 1995. It appears that there was a garage to the side of the house which had previously been converted prior to 1995 and prior to being purchased. The date that this conversion took place is not known. When purchased in 1995, the side section of the house comprised of a Utility Room to the front and a kitchen to the rear of the house. This is still the case. This converted garage was included in a planning application in 2005, planning ref 05/29728. Hence it has subsequently obtained permission.
- 2. Enclosed are 2 drawings at a scale of 1:100 which indicate the floor areas of the extension and previous converted side extension. Combined, they total 32sqm. However, as previously adviced, planning permission was granted for a substantial extension to the dwelling on the 26<sup>th</sup> Aug 2005, planning ref 05/29728. This application gave permission for the ground floor extension/conversion and a first floor extension. The ground floor extension was constructed as per this planning permisson, the first floor extension was not constructed. Therefore, a reduced extension was constructed to that permitted with less of an impact on the surroundings.
- Enclosed is a site schematic plan at 1:200 for the house and back garden.
   There is 1.5m between the side conversion/extension and the boundary wall.
   There is approx 178sqm of private open space retained to the rear of the house
- 4. Enclosed is a copy of the side elevation indicating the position of the 3no. roofligths to the single storey section to the side of the dwelling.

As previously noted in our submission, we are seeking clarity as to whether the partial construction of what was permitted, planning ref 05/29728, is in compliance with the planning permission granted on site. This was constructed in good faith within the envelope of what was permitted.

I trust that the submitted information is sufficient for you to consider this application, but if I can be of any further assistance to you, or should you require any further information, please do not hesitate in contacting me.

Yours Sincerely

Tony O'Sullivan MRIAI

Tony O'Sullivan Architects Ltd



64 The Glenties, Macroom, Co. Cork, P12 C921

tel: +353 (0)87 990 1651 email: info@tosarchitects.ie web: tosarchitects.ie

Date:

2020-08-06

Our Ref:

20008

Re: Application for Declaration of Exemption for extension to dwelling at 11 Bishops Court Lawn, Bishopstown, Cork for Michael O'Brien

Ref: R575/20 Support Photos



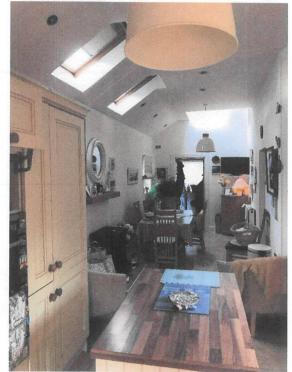
View from Front of House



View of Side Passage from Front



View of Side Passage from Rear

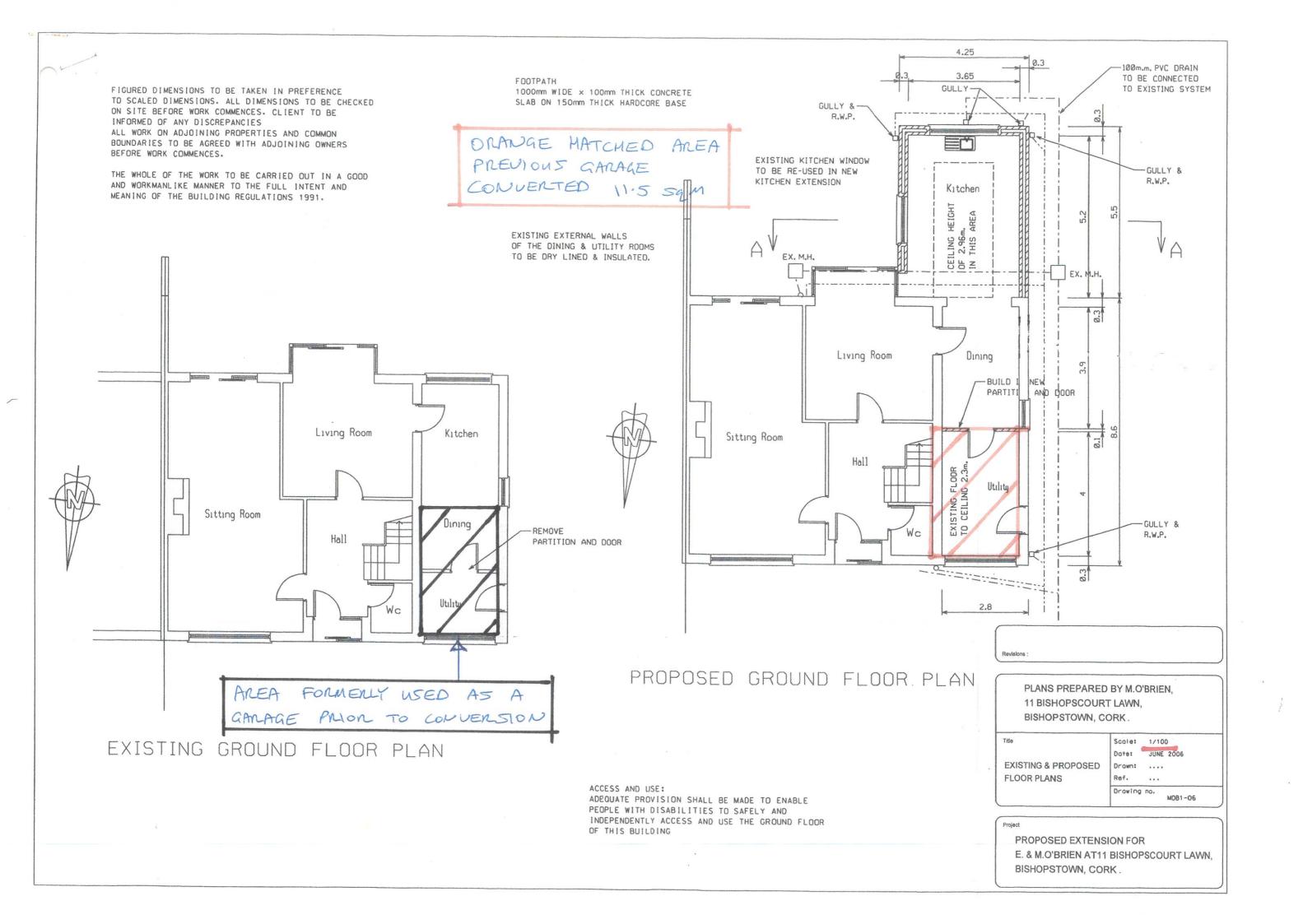


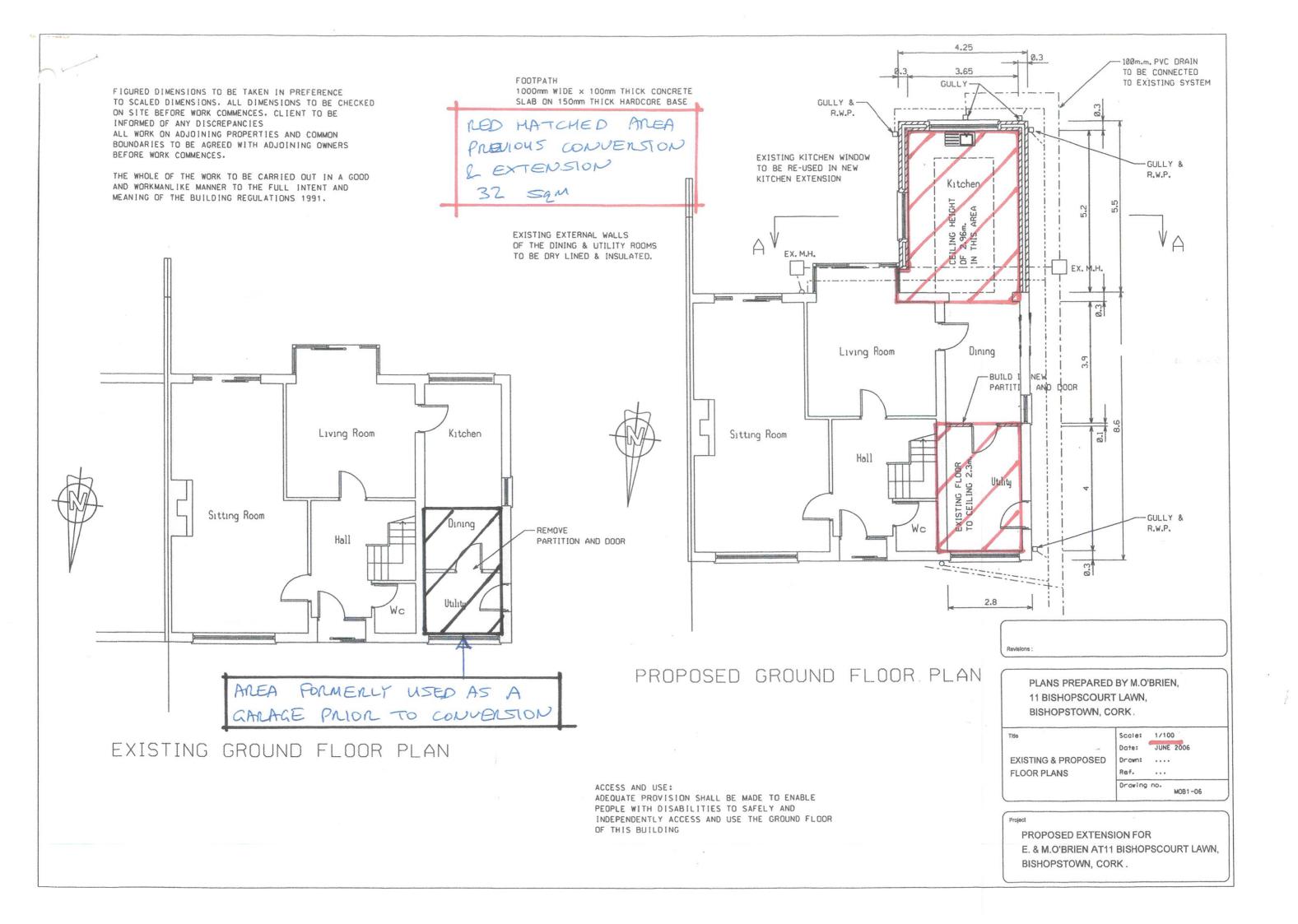
Internal View of Rooflights

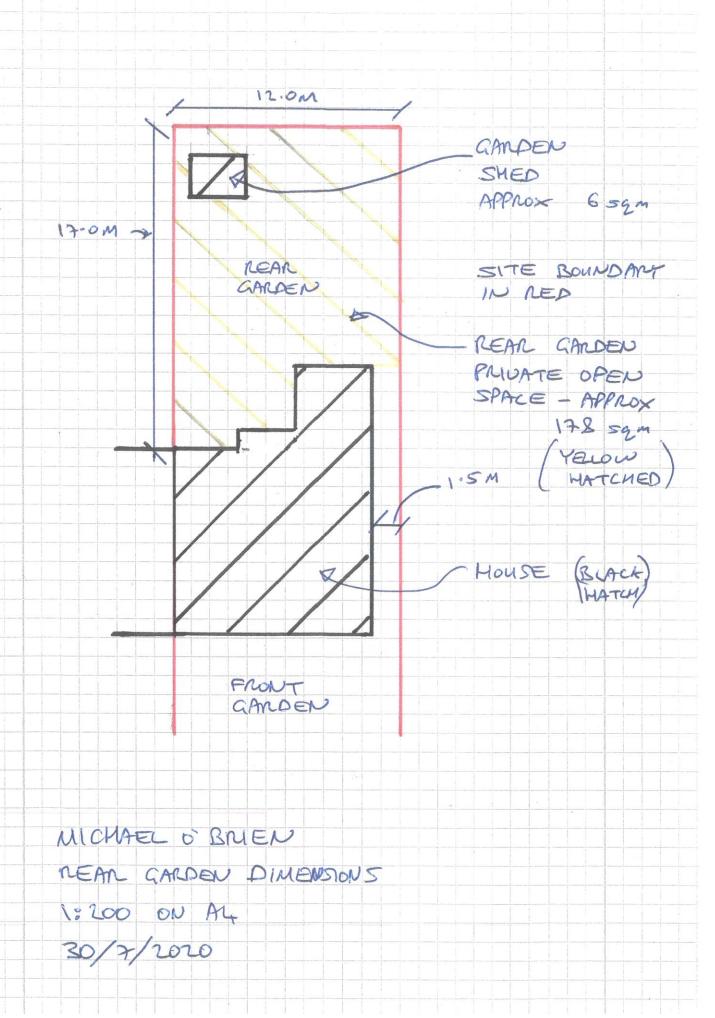




Views of Garden Vegetation – Minimal Impact on Adjoining Properties





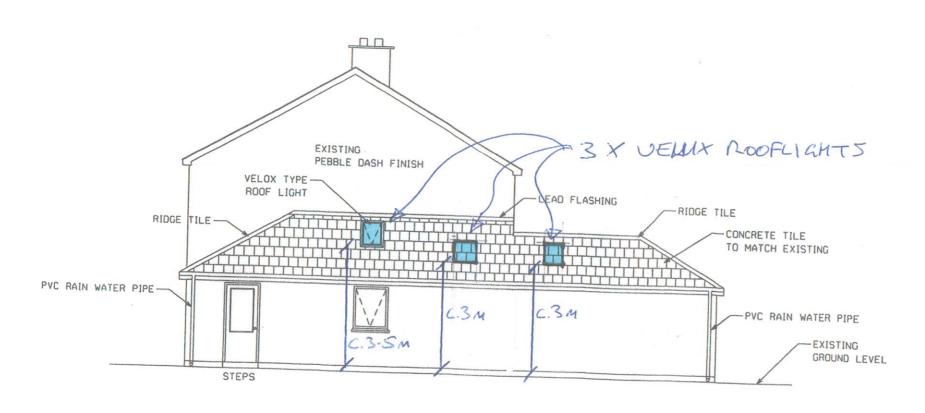


ROOF INSULATION:
150 m.m. THICK, MOY OR SIMILAR GLASS FIBRE QUILT
THERMAL INSULATION WITH 100m.m. LAPS.

CEILINGS:

12.5m.m. THICK FOIL BACKED PLASTERBOARD SLAB
BUTT JOINTED AND FIXED TO JOISTS WITH APPROVED
SLAB NAILS WITH 5m.m. THICK SKIM COAT GYPWELD
BOARD PLASTER FINISH

12.5mm FOIL-BACKED PLASTERBOARD FIXED
TO UNDERSIDE OF TRUSS AND FINISHED WITH
GYPLITE BONDING COAT AND 2mm THICK COAT
OF GYPLITE FINISH COAT



PROPOSED WEST ELEVATION

Revisions :

PLANS PREPARED BY M.O'BRIEN, 11 BISHOPSCOURT LAWN, BISHOPSTOWN, CORK.

EXISTING & PROPOSED
WEST ELEVATION

Scale:
Date:
Drawn:
Ref.

Scale: 1/100
Date: JUNE 2006
Drawn: ...
Ref. ...
Drawing no. MOB5-06

roject



# Comhairle Cathrach Chorcaí **Cork City Council**

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

Tony O Sullivan

Tony O Sullivan Architects LTD

64 The Glenties

Macroom

Co. Cork

02<sup>nd</sup> July, 2020

R575/20 - Section 5 Declaration RE:

Property: 11 Bishops Court Lawn, Bishopstown

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advised to request further information

- Please clarify whether the area located to the side of the house was original 1. constructed/in use as a garage similar to the other houses in the estate and whether this was subsequently converted to domestic use.
- 2. Please note that the 40 sq.m. is a cumulative exemption limit which must include previous extensions including garage conversions. The drawings appear to show this area combined with the rear extension to be marginally under the 40 sq.m. however it is not possible to accurately measure the development from the drawings supplied. Please submit larger scaled drawings and written confirmation of the 'as constructed' size of both areas (side and rear) including any bridging floor area between the two areas and confirm that the size of the 'as constructed' extension accords fully with the drawings submitted.
- Please submit an accurate site layout plan to clearly show: 3.
  - the dimension between the additional side window (to dining area) and the boundary;
  - the area of remaining rear garden excluding any shed structures etc.
- Please clarify/show the number and location of all velux windows on the development.

Yours faithfully,

Community, Culture and Placemaking

Cork City Council



We are Cork



64 The Glenties, Macroom, Co. Cork, P12 C921

tel: +353 (0)87 990 1651 email: info@tosarchitects.ie web: tosarchitects.ie

Date:

2020-04-16

20008

Comhairle Cathrach Chorcaur Ref:

Cork City Council

2 0 APR 2020

Strategic Planning & Economic Development Directorate

Planning Dept Cork City Council City Hall Anglesea St Cork

Re: Application for Declaration of Exemption for extension to dwelling at 11 Bishops Court Lawn, Bishopstown, Cork for Michael O'Brien

Dear Sir/Madam,

I have been appointed as planning consultant to make an application for Declaration of Exemption on behalf of my client Michael O'Brien for an extension to a dwelling at the above address which was constructed in 2006/07.

Planning permission was granted for a substantial extension to the dwelling on the 26<sup>th</sup> Aug 2005, planning ref 05/29728, the application prepared and submitted by JCA Architects. This included for a single storey rear extension and a first floor side extension constructed above an existing flat roofed garage. The single storey element as a stand-alone extension would have been classed as exempted development. All neighbours were consulted, and no issues were raised by anyone and the application proceeded through the planning process without any third party submissions.

Tenders were sought for the works and due to high construction costs at the time, the overall works were not affordable. The intention was that these works would be carried out in two phases with the single storey extension and roof repair works being carried out in the first phase, with the first floor extension being built at a later date. Mr O'Brien, who was a senior engineer with the Environment Dept in Cork Corporation, discussed this approach with some senior planners and staff in the Planning Dept who suggested that this approach would be acceptable under the permitted application. Works then proceeded in good faith following these discussions.

As time passed, Phase 2 of the works, ie the first floor extension was never constructed. This was primarily down to ill health and a downturn in the economy. The applicants now wish to regularise the planning situation with their dwelling and seek clarity as to whether the partial construction of what was permitted could be classed as exempted development. A number of points to note are as follows:-

- The rear section of the extension is built in accordance with the permission on site. As a stand-alone, that extension would not have required planning
- The only change to the front elevation is the changing of an existing flat roof to a pitched roof. The flat roof was nearing the end of its life and remedial works were required.

- A number of other properties in the immediate vicinity have replaced the flat roofs to the side of their properties with a pitched roof (see photos to appendix). Therefore, what has been constructed is not out of character
- The pitched roof that was constructed is substantially lower than the roof that was permitted. This has had a positive, rather than negative impact on immediate neighbours
- All immediate neighbours were consulted prior to the works and no issues were raised. All of these immediate neighbours still remain in the area

To support this submission, I enclose the following information:-

- 1 copy completed application form
- 2 copies Google Map extract indicating house location
- 2 copies site plan, floor plans, section and elevations drawings of planning ref 05/29728
- 2 copies plan, section and elevation drawings of as-built drawings
- 2 copies comparison North (front) Elevation showing the as-built elevation comparted to the permitted elevation
- Fee, €80 cheque

I trust that the submitted information is sufficient for you to consider this application, but if I can be of any further assistance to you, or should you require any further information, please do not hesitate in contacting me.

Yours Sincerely

Zony O'Sullivan MRIAI

Tony O'Sullivan Architects Ltd

2020 Registered Architect

> Tony O'Sullivan Member No. 17110

Community Culture & Placemaking 20 APR 2020

# **APPENDIX**



2no. houses across road to south with flat roofs changed to pitched roofs



20 APR 2020 RECEIVED

# 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

Fón/Tel: 021-4924762

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

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

II BISHOPS COUNT LAWN, BISHOPS TOWN, CONK.

## 2. QUESTION/ DECLARATION DETAILS

<u>Sample Question:</u>	Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?
Note: only works listed a	nd described under this section will be assessed under the section 5 declaration.
	estancia de la gradificio en Aldrá Desilho, de fuebro la Farica (1902)
IS THE HOLE	DEVELOPMENT?
	72393781237712
(Use additional sheets if	REGARDING QUESTION/ WORKS/ DEVELOPMENT: required).
	Community Culture & Placomakins
	RECEIVED

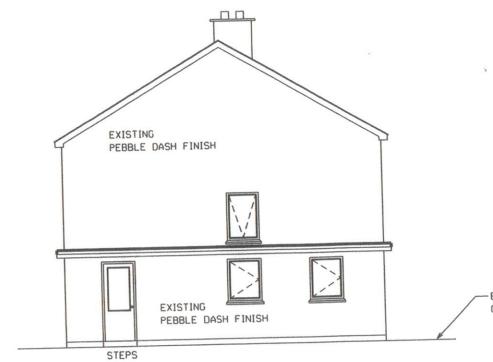
# As-Built Drawings Extension Highlighted in Red

ROOF INSULATION:
150 m.m. THICK. MOY OR SIMILAR GLASS FIBRE QUILT
THERMAL INSULATION WITH 100m.m. LAPS.

CEILINGS:

12.5m.m. THICK FOIL BACKED PLASTERBOARD SLAB
BUTT JOINTED AND FIXED TO JOISTS WITH APPROVED
SLAB NAILS WITH 5m.m. THICK SKIM COAT GYPWELD
BOARD PLASTER FINISH

12.5mm FOIL-BACKED PLASTERBOARD FIXED
TO UNDERSIDE OF TRUSS AND FINISHED WITH
GYPLITE BONDING COAT AND 2mm THICK COAT
OF GYPLITE FINISH COAT



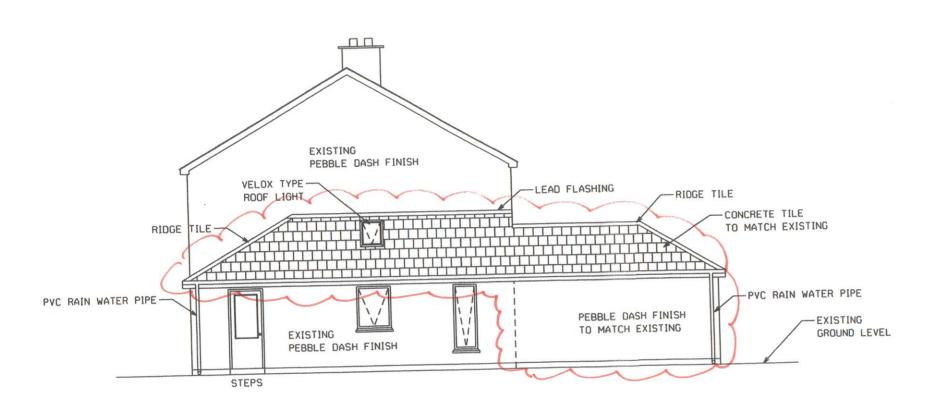
New windows to be PVC to match existing.

New roofs to be tile to match existing.

New rainwater goods to be PVC to match existing.

-EXISTING GROUND LEVEL

# EXISTING WEST ELEVATION



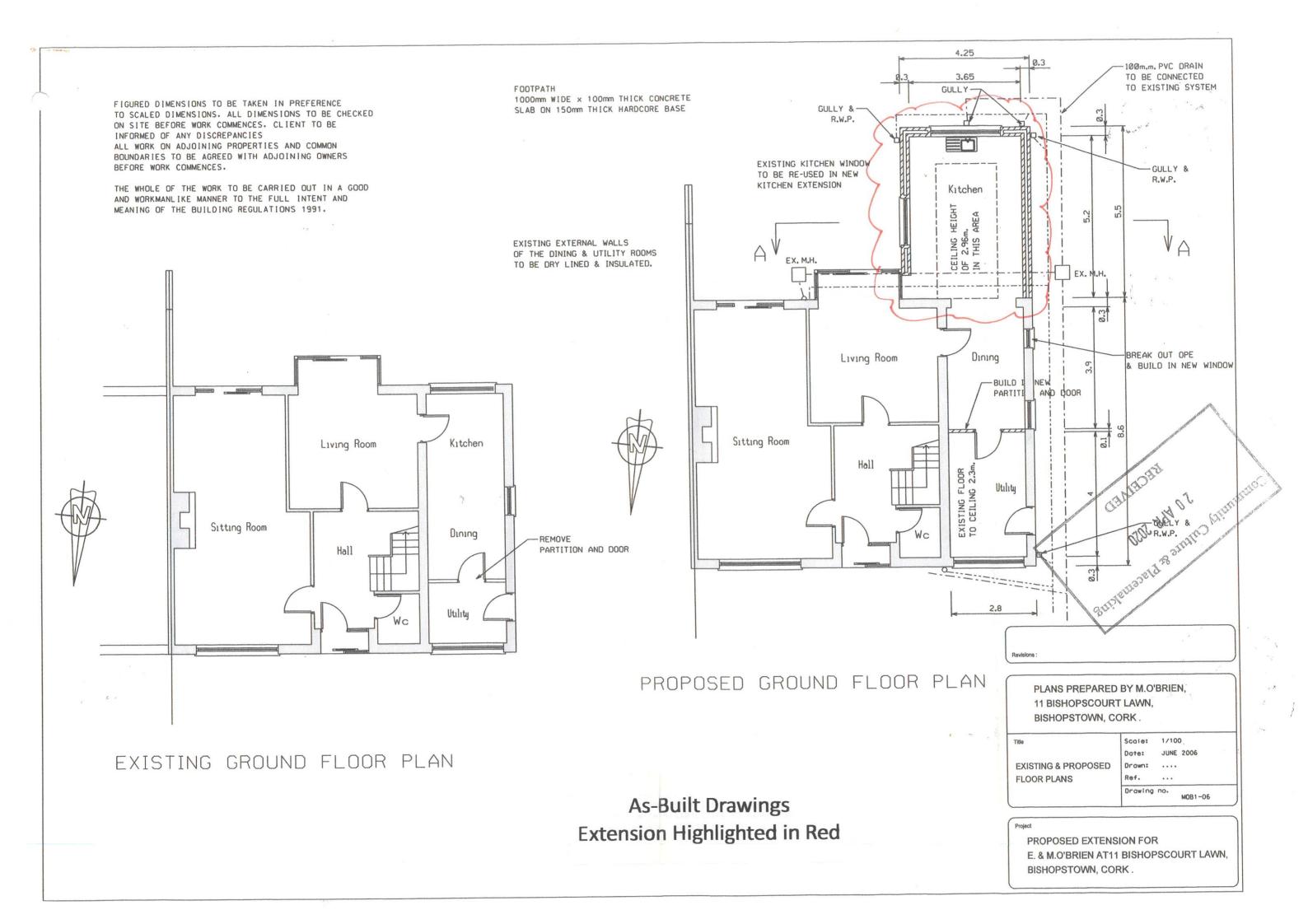
PROPOSED WEST ELEVATION

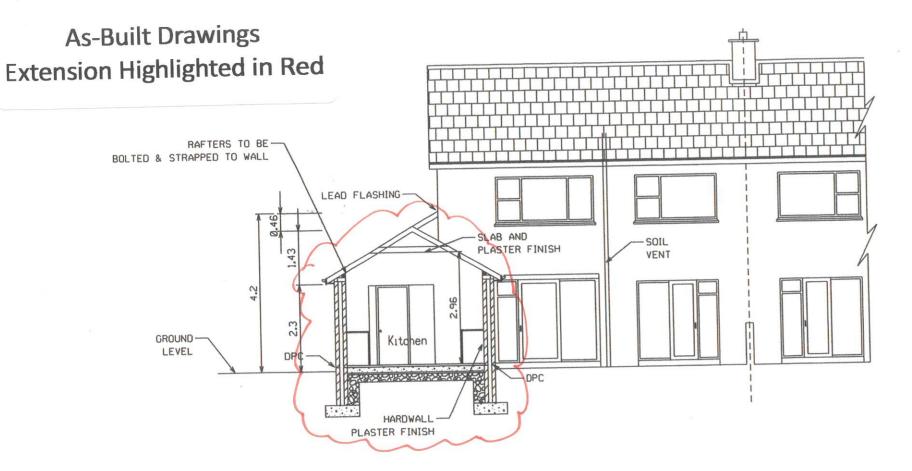
112m.m. X 19m.m. WHITE DEAL BULLNOSED SKIRTING BOARD TO ALL ROOMS. 50m.m. × 19m.m. WHITE DEAL ARCHITRAVE SURROUND TO ALL INTERNAL DOORS. 175m.m. X 25m.m. HARDWOOD WINDOW BOARD & Flacemaking WITH SPLAYED EDGE. HARDWOOD DOOR SADDLE 20 APR 2020 RECEIVED PLANS PREPARED BY M.O'BRIEN, 11 BISHOPSCOURT LAWN, BISHOPSTOWN, CORK . Scale: 1/100-Date: **EXISTING & PROPOSED** Drawn: Ref. WEST ELEVATION Drawing no. PROPOSED EXTENSION FOR

E. & M.O'BRIEN AT11 BISHOPSCOURT LAWN,

BISHOPSTOWN, CORK.

3.	If so please supply details:	eedings coi	nnected to this	site?	
4.	. Is this a Protected Structure or within the curtilage of a Protected Structure? \( \subseteq \mathcal{O} \circ\)				>
	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 ap If so please supply details: ルビド、ルロ、ロシ / ユタテュ&	oplication/s	on this site? [	<b> 1 1 1 1 1 1 1 1 1 </b>	
6.	APPLICATION DETAILS				
Answer should b	the following if applicable. Note: Floor areas one indicated in square meters (sq. M)	are measure	d from the inside	of the external walls and	
(a	) Floor area of existing/proposed structur	e/s	EXTENSIO	N-C.19 59M	
			ORIGINAL	- C.145 SAN	1
(b	o) If a domestic extension, have any previous extensions/structures been erected at t location after 1 <sup>st</sup> October, 1964, (includit for which planning permission has been obtained)?	his ng those	Yes	No rovide floor areas. (sq m)	E. 55
(c	) If concerning a change of use of land an	d / or build	ing(s), please st	ate the following:	N. M. A.
	ng/ previous use (please circle)		existing use (p		
	N/A		N/A		13
8. LEG	AL INTEREST				
* SECTION OF THE PROPERTY OF T	e tick appropriate box to show applicant interest in the land or structure	's A. Ow	ner	B. Other	12
CYCLCSONICHS INCOME	e legal interest is 'Other', please state				
	nterest in the land/structure in question			100 67 19 4	
	are not the legal owner, please state the and address of the owner if available	ie			
9. I <del>/ W</del>	e confirm that the information contain	ed in the a	pplication is t	rue and accurate:	
Signati		202	MIRIAN	And the second second second	
Date: _	16/4/2020	Pecistered Ar  A  Tony O'Sulliva	11	2020 Pegistered Architect	
				Tony O'Sullivan Member No. 17110	
	2	2 of 3	1	Wellings Mo. 17 110	





SECTION A-A

FLOOR : 50m.m. SAND / CEMENT SCREED ON 150m.m. MINIMUM THICK CONCRETE FLOOR SLAB. ON 55m.m. EXTRUDED POLYSTYRENE INSULATION UNDER ENTIRE FLOOR SLAB. INSULATION TO BE TURNED UP AT SLAB EDGE FOR FULL DEPTH OF SLAB. ON RADON BARRIER. D.P.M. TO BE TAKEN UP SIDE OF SLAB AND LAPPED WITH D.P.C. IN WALL. ON 50m.m. SAND BLINDING. ON 200m.m. MIN. WELL COMPACTED HARDCORE. LEAD FLASHING -CONCRETE TILE Es Bedroom 2 Bedroom TO MATCH EXISTING Sitting Room PEBBLE DASH FINISH GROUND -TO MATCH EXISTING LEVEL

PROPOSED EAST ELEVATION

EXTERNAL WALL FINISHES:
PEBBBLE DASH.PLASTER.
SCUD IN CEMENT AND SHARP SAND (1:3)
RENDER AND FLOAT IN CEMENT AND SAND PLASTER
20m.m. THICK. WOOD FLOAT FINISH

INTERNAL WALL FINISHES
PLASTER, SCUD IN CEMENT AND SHARP SAND (1:3)
GYPLITE BONDING PLASTER IN TWO COATS 11m.m. THICK
GYPWELD FINISHING PLASTER IN ONE COAT 2m.m. THICK

RADON BARRIER:
MONARFLEX 300 MICRON VIRGIN OR EQUAL
COMBINED DPC AND RADON GAS BARRIER HAVING 200m.m.
LAPS SEALED WITH STRIPS OF DOUBLE SIDED MONOBOUND TAPE
IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.

FOUNDATION:
900m.m. × 300m.m. DEEP REINFORCED STRIP FOUNDATION
TO BE TAKEN DOWN TO A SUITABLE BEARING STRATUM
TOP OF FOUNDATION TO HAVE MINIMUM COVER OF
700m.m. BELOW FINISHED GROUND LEVEL.
FOUNDATION EXCAVATION TO BE FREE FROM WATER
AND CHECKED AND APPROVED BY AN ENGINEER BEFORE
POURING OF FOUNDATIONS.
REINFORCMENT TO CONSIST OF 8 NO. 12m.m. DIAMETER
HIGH TENSION BARS (SECTIONAL) WITH 12m.m. DIAM. MILD
STEEL BARS AS BINDERS AT 600m. CENTRES.

2 0 APR 2020

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PLANS PREPARED BY M.O'BRIEN, 11 BISHOPSCOURT LAWN, BISHOPSTOWN, CORK

Title

Scale: 1/100 Date: JUNE

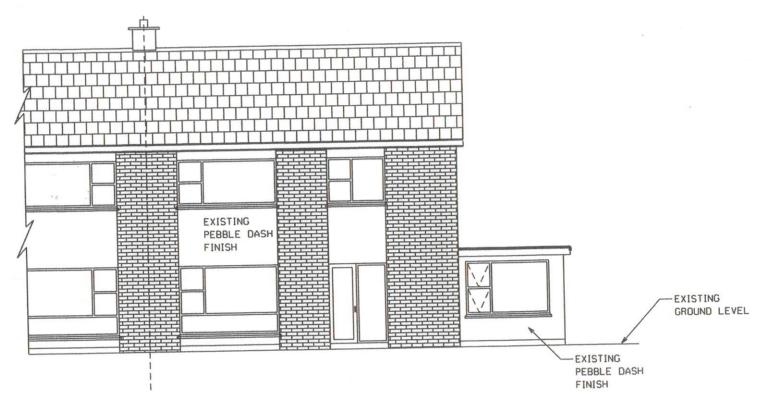
SECTION A-A & PROPOSED EAST ELEVATION

Drawn: ...

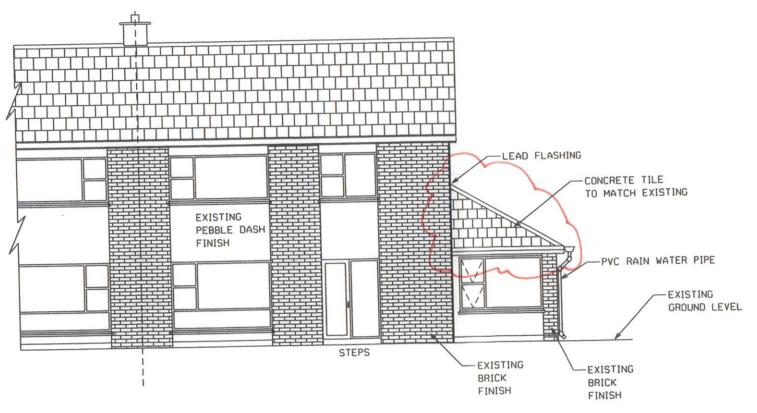
Drawing no.

ing no. MOB2-06

Project



EXISTING NORTH ELEVATION



PROPOSED NORTH ELEVATION

ROOF : CONCRETE TILES TO MATCH EXISTING ON 50m.m. X 38 m.m. VAC-VAC TREATED TIMBER BATTENS. ON ONE LAYER TYVEK H.D. PLUS OR SIMILAR. LAPPED 150 m.m. & FIXED TO RAFTERS WITH GALVANISED FELT NAILS. ON 150m.m. X 44m.m. RAFTERS @ 400m.m. CENTRES ON 150m.m. X 44m.m. JOISTS @ 400m.m. CENTRES 100m.m. X 44m.m. COLLAR ON 100m.m. X 75m.m. WALL PLATE BOLTED OR STRAPPED TO WALL AT 1.0m. CENTRES LATERAL SUPPORT TO BE GIVEN TO GABLE WALLS AT CEILING LEVELS WITH GALVANISED MILD STEEL STRAPS AT 2.0m. CENTRES (SECTIONAL SIZE 30m.m. X 5m.m.) MUST SPAN 2 JOISTS AND ANCHOR TO AN UNCUT BLOCK. PACK AND NOG TRUSSES OFF WALL.

# As-Built Drawings Extension Highlighted in Red

WINDOWS AND DOORS (EXTERNAL)
ALL WINDOWS TO BE WHITE U.P.V.C.
WITH HERMETICALLY SEALED
DOUBLE GLAZED UNITS.

ALL EXTERNAL DOORS TO BE WHITE U.P.V.C. INSTALLED AS PER MANUFACTURES INSTRUCTIONS.

ALL INTERNAL DOORS TO BE PANELLED
WHITE DEAL FRAMES
IRONMONGERY TO CONSIST OF BRASS BUTT HINGES 100m.m.
LEVER MORTICE LOCKS WITH BRASS LEVER HANDLES
COMMUNITY CUlture & Placemaking

2 0 APR 2020

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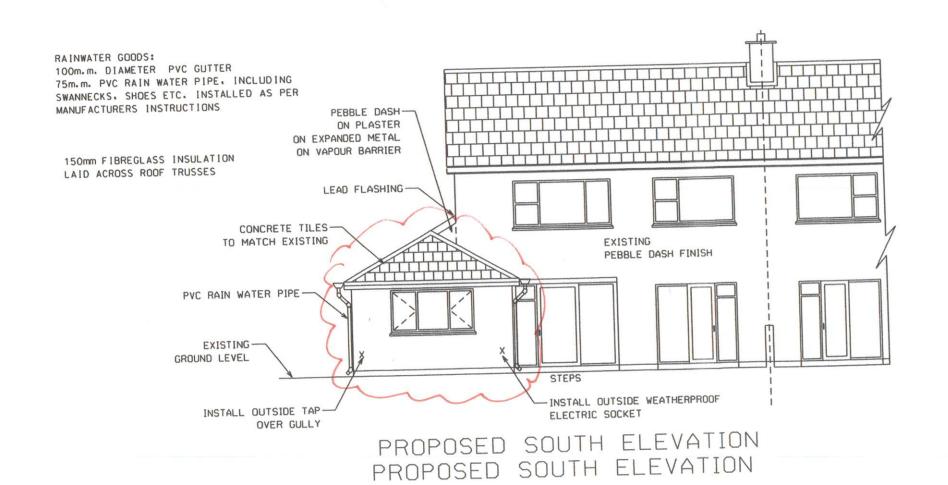
Revisions :

PLANS PREPARED BY M.O'BRIEN, 11 BISHOPSCOURT LAWN, BISHOPSTOWN, CORK

Project



EXISTING SOUTH ELEVATION



100m.m. X 100m.m. PRECAST CONCRETE LINTELS
REINFORCED WITH 2 NO. 12m.m. M.S. BARS.LINTOLS OVER
ALL OPENINGS IN INTERNAL AND EXTERNAL WALLS TO HAVE
A MINIMUM BEARING OF 200m.m. WITH D.P.C. UNDER AND
TAKEN UP BACK AND SIDES OF LINTOL

200m.m. X 100m.m. PRECAST CONCRETE WINDOW CILLS.
SUNK WEATHERED.THROATED. GROOVED REINFORCED
WITH 2 NO. 12m.m. M.S. BARS. AND
BEDDED IN CEMENT MORTAR.
CILL TO HAVE D.P.C. UNDERNEATH AND TO BE TAKEN UP
THE BACK AND SIDE OF CILL AND LAPPED WITH
VERTICAL D.P.C.

FACIA AND SOFFITS:
175m.m. HIGH SWISH OR SIMILAR APPROVED
SOLID UPVC FACIA (COLOUR TO MATCH EXISTING)
FIXED TO TREATED SOFTWOOD BACKING WITH
SECRET FIXINGS IN ACCORDANCE WITH
MANUFACTURERS INSTRUCTIONS

200m.m. WIDE SWISH OR SIMILAR APPROVED SOLID UPVC (COLOR TO MATCH EXISTING) TONGUED AND GROOVED SOFFIT SHEETING. FIXED TO DEAL GROUNDS WITH SECRET FIXINGS IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS

PROVIDE VENTILATION AT EAVES TO PROMOTE CROSS-VENTILATION. THESE OPENINGS TO HAVE AN AREA EQUAL TO 10m.m. WIDE STRIP RUNNING FULL LENGTH OF EAVES TO.13 Sq.M. ) Placemaking Community Culture & Placemaking 2 0 APR 2020 RECEIVED PLANS PREPARED BY M.O'BRIEN, 11 BISHOPSCOURT LAWN, BISHOPSTOWN, CORK 1/100 JUNE 2006 Date: Drawn: **EXISTING & PROPOSED** SOUTH ELEVATION Ref. MOB4-06

Project



A3

NORTH ELEVATION - PERMITTED

