

# Comhairle Cathrach Chorcaí Cork City Council

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

Dermot Harrington  
Cook Architects  
Nations House  
14 Parnell Place  
Cork

14/12/2020

**RE: Section 5 Declaration R612/20 Dunleer, 6 Woodleigh Park,  
Model Farm Road**

A Chara,

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

- a) The construction of the extension and alterations to dwelling comprises works and therefore constitutes development
- b) The rear extension comes within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and complies with all of the relevant Conditions and Limitations to which this Class is subject, and is therefore exempted development.
- c) The interior works to include altering the interior layout of the existing lounge and kitchen and changing the existing kitchen window on the east side elevation to a door for the new utility come within the scope of Section 4(1) of the Planning and Development Act 2000, as amended, and are therefore exempted development.

Is misa le meas,

**Kerry Bergin**  
**Development Management Section**  
**Community, Culture and Placemaking Directorate**  
**Cork City Council**



**We are Cork.**

## SECTION 5 DECLARATION – PLANNER’S REPORT

<b>File Reference:</b>	R 612.20
<b>Description:</b>	Whether the construction of an extension to the rear of a dwelling is or is not exempted development
<b>Applicant:</b>	Miriam Hassett and Patrick Hassett
<b>Location:</b>	Dunleer, 6 Woodleigh Park, Model Farm Road

### 1. 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.

### 2. Site Description

The site is located at 6 Woodleigh Park and established residential area. On the site there is a detached dwelling with the public road to the south. There are houses adjoining the site to the north, the east and west of the site. The public road is to the south.

### 3. Subject Development

Whether the construction of an extension to the rear of a dwelling is or is not exempted development.

### 4. 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.

### 5. 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.

### 6. Planning history

*On subject site:*

86/13362 – John Horgan

		<p>The planning file 70/2675 is to hand and permission was granted for a two storey extension to the rear – a copy of the drawings is attached.</p> <p>The planning file 86/13362 is not available.</p> <p>The 70/2675 drawings show a flat roof garage to the east side of the dwelling. Examining the 70/2675 drawings and the drawings in this Section 5 Referral, the permitted two storey extension was not constructed. A store was to have been removed for the extension, and this is still in place.</p> <p>The garage to the east side has been converted to a kitchen, ensuite and wardrobe with a monopitch roof – for use as part of the house. There does not appear to have been an increase in the footprint of the previous garage area– the rear building line of this part of the house is as per that in the 70/2675 drawings.</p> <p>The current floor plans do not identify a ‘granny flat’ though it is noted that there is an ensuite bedroom with wardrobe at ground floor level. A condition attached to 86/13362 stated that the ‘proposed extension shall be used only as an integral part of the existing family unit and shall not be used for any commercial purpose’ as it was the policy to retain dwelling units in this area as single family units. The second condition related to the height of living room window cill.</p> <p>The floor plans in this referral show that the garage has been converted, and the house therefore has been extended by 17.5m<sup>2</sup>.</p> <p>The floor area of the proposed extension is 19m<sup>2</sup>.</p>
1b	<i>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.</i>	n/a
1c	<i>Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</i>	n/a – extension is single storey

6b	<i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i>	n/a – extension is single storey
6c	<i>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.</i>	n/a – extension is single storey
7	<i>The roof of any extension shall not be used as a balcony or roof garden.</i>	The roof is part monopitch and part flat roof. There is no indication that it will be used as a balcony or roof garden.

The proposed extension satisfies the conditions and limitations set out in Class 1.

*Restrictions on exemption*

There are a number of restrictions on exemption are set out in Article 9 and none of these apply.

*Other proposed works set out in the drawings*

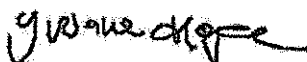
Some works are proposed for the interior of the existing dwelling e.g. altering the interior layout (existing kitchen will be a pantry and utility room). These interior works would come within the scope of Section 4(1)(h) of the Act.

An existing kitchen window on the east elevation is to be replaced by a door with a glazed panel for a new utility room. This relates to an existing feature of the dwelling, and this is not part of the new extension. The condition and limitation 6a does not apply (as an aside there is a 1m separation distance from the east boundary). This alteration would come within the scope of Section 4(1)(h) of the Act.

**10. Recommendation**

It is recommended that the applicant is advised as follows:

- (a) The construction of the extension and alterations to dwelling comprises works and therefore constitutes development
- (b) The rear extension comes within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and complies with all of the relevant Conditions and Limitations to which this Class is subject, and is therefore exempted development.
- (c) The interior works to include altering the interior layout of the existing lounge and kitchen and changing the existing kitchen window on the east side elevation to a door for the new utility come within the scope of Section 4(1) of the Planning and Development Act 2000, as amended, and are therefore exempted development.



Yvonne Hogan  
14.12.2020

BARDAS CHORCAÍ - CORK CORPORATION  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 to 1983

NOTIFICATION OF DECISION TO GRANT

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

SUBJECT TO / ~~WITHOUT~~ CONDITIONS UNDER SECTION 26 OF THE ACT OF 1963

To: ... Mr. John Horgan,  
"Dunleer",  
Woodleigh Park,  
Model Farm Road,  
CORK.

Reference No. in  
Planning Register T.P. .... 13,362/86

Application  
Received: ..... 14th November, 1986

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have  
by order dated 9/11/86 ..... decided to grant

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

for the development of land, namely:-

Granny flat at "Dunleer", Woodleigh Park, Model Farm Road, Cork  
In accordance with plans and particulars submitted on 14th November, 1986

Subject to the conditions set out in Column 1 of attached Schedule, the reasons for the imposition of such conditions are set out in Column 2 of said Schedule.

If there is no appeal against the said decision, a grant of

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to An Bórd Pleanála (see footnote).

It should be noted that until a grant of

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

has been issued the development in question is NOT AUTHORISED.

N.B.-This permission is subject to

.....<sup>2</sup>.....No. condition(s)

Signed on behalf of the Corporation of Cork

Date: ..... 9/11/86 .....

Staff Officer, Planning Department

NOTE 1: An appeal against a decision of a planning authority under Section 26 of the Act of 1963 may be made to An Bórd Pleanála. An appeal shall be made in writing and shall state the subject matter of the appeal and the grounds of the appeal. An appeal by the applicant for permission **should be accompanied by this form**. In the case of an appeal by any other person, the name of the applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated.

A fee of ..... must accompany each appeal to An Bórd Pleanála.

Submission Fee £ .....

The applicant for permission may appeal within **one month** beginning on the day of receipt by him of the decision. Any other person may appeal **within three weeks** beginning on the date of the decision.

*Appeals should be addressed to: An Bórd Pleanála, Floor 3, Block VI and VII, Irish Life Centre, Lr. Abbey Street, Dublin 1.*

NOTE 2: Grant of permission under the Local Government (Planning & Development) Act, 1963, is not to be taken as a waiver of the provisions of any Building Bye-Law, Local Act, Order, Regulation or any other Statutory Provision in force in the Cork County Borough. Approval under the Corporation's Bye-Laws should also be obtained in addition to the Planning Permission.

NOTE 3: Please ensure that the requirements of the Chief Fire Officer are complied with.

# Bardas Chorcaí Cork Corporation



CITY HALL  
CORK  
Tel.021-966222/966017

Ref

Schedule of conditions attached to  
Planning Permission issued by the  
Cork Corporation - T.P. 13,362/86

Column 1. CONDITIONS

Column 2. REASONS FOR CONDITIONS

- |   |   |
|---|---|
| <p>1. The proposed extension shall be used only as an integral part of the existing family unit and shall not be used for any commercial purpose.</p> <p>2. The living room window cill shall line up with the existing sitting room cill. Details of design of same shall be agreed with the Planning Authority prior to commencement of work.</p> | <p>1. It is Corporation Policy to retain dwelling units in this area as single family units.</p> <p>2. In the interests of the amenity of the area.</p> |
|---|---|

Nations House  
14 Parnell Place  
Cork  
Tel. 021 4311260  
Fax 021 4311260

21<sup>st</sup> October 2020

Planning Department  
Cork City Council,  
City Hall,  
Anglesea Street,  
Cork

Re: Section 5 Declaration Application – Dunleer . 6 Woodleigh Pk . Model Farm Rd . Cork

Dear Sir/Madam,

On behalf of our Clients, Miriam & Patrick Hassett, we wish to make a Section 5 Declaration Application relating to the above property.

In support of our application we enclose the following:

1. 1no. copies of Section 5 Declaration Application Form.
2. 1no. copies of Architects Drawings.
3. Application Fee in the amount of [€]80.00, made payable to Cork City Council.

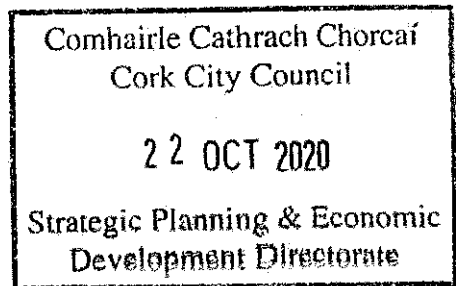
We look forward to hearing from you in due course and should you have any queries please don't hesitate in contacting us.

Yours Sincerely,



Dermot Harrington MRIAI for cook architects

Cc Miriam & Patrick Hassett



**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](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924762

Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

**SECTION 5 DECLARATION APPLICATION FORM**  
under Section 5 of the Planning & Development Acts 2000 (as amended)

**1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT**

DUNLEER, 6 WOODLEIGH PK, MATEL FARM RD,  
CORK, T12 AFH6

**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 PROPOSED EXTENSION TO REAR OF EXISTING  
DWELLING EXEMPTED DEVELOPMENT

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

*(Use additional sheets if required).*

SEE ATTACHED DESIGN DMS + STREET DMS  
OF DWELLING



3. Are you aware of any enforcement proceedings connected to this site? **No**  
 If so please supply details:

4. Is this a Protected Structure or within the curtilage of a Protected Structure? **No**

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

5. Was there previous relevant planning application/s on this site? **No**  
 If so please supply details:

**6. APPLICATION DETAILS**

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

(a) Floor area of existing/proposed structure/s	121 sqm EXIST / 19 sqm PROPOSED
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input 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)
_____	_____
_____	_____
_____	_____

**8. LEGAL INTEREST**

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question	AGENT	
If you are not the legal owner, please state the name and address of the owner if available	MIRIAM + PATRICK KASSET, 6 WOODLEIGH PK, MODEL FARM RD.	

9. I ~~do~~ confirm that the information contained in the application is true and accurate:

Signature: [Signature] (DELMONT HAZELWOOD MOUNTAIN)

Date: 21.10.20.

## CONTACT DETAILS

### 10. Applicant:

<b>Name(s)</b>	MIRIAM & PATRICK HASSET
<b>Address</b>	6 WOODUSIGU RL, ----- MODEL FARM RD, CORIC ----- -----

### 11. Person/Agent acting on behalf of the Applicant (if any):

<b>Name(s):</b>	DEWMA HARRETT	
<b>Address:</b>	COOK ARCHITECTS ----- NATIONS HOUSE, 14 PALMER PLACE, ----- CORIC -----	
<b>Telephone:</b>	[REDACTED]	
<b>E-mail address:</b>	[REDACTED]	
<b>Should all correspondence be sent to the above address?</b> <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"/>

### 12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

#### ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

*The application should be sent to the following address:*

**The Development Management Section, Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.**

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

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

**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.