



# Comhairle Cathrach Chorcaí Cork City Council

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

Thomas & Sinéad Elliot,  
25 Bridgewater,  
Carrigrohane,  
Cork, T12W3YK.

12/07/2024

**RE: Section 5 Declaration R854/24. 25 Bridgewater, Carrigrohane, Cork.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 31/05/2024, I wish to advise as follows:

As per previous report annotated drawings were sought by way of a Further Information request – these show the room uses and that the unit would be occupied as a single unit. Dimensions and a site layout show the rear shed and the remaining rear garden would, at 75 sq.m., far exceed the 25 sq.m. limitation.

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000
- Articles 6 and 9 of the Planning and Development Regulations 2001
- Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 and
- Section 4 (1) (h) of the Planning and development Act 2000 (as amended)

The Planning Authority has concluded that –

- the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000 (as amended);
- 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 (as amended) and complies with the conditions and limitations attached to that Class;



**We are Cork.**

- the alteration of an existing side window to a door and the reduction of two existing windows (one to the rear and one to the side) 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 –

- the construction of a single extension to the rear of the dwelling is development and is exempted development and
- the alteration of an existing side window to a door and the reduction of two existing windows (one to the rear and one to the side) is development and is exempted development.

all at 25 Bridgewater, Carrigrohane, Cork.

It is considered that the *the specific question for which a declaration is sought* **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT** at Property Address.

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.

Is mise le meas,

David O'Regan

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**David O'Regan,  
Assistant Staff Officer,  
Community, Culture &  
Placemaking Directorate**

PLANNER'S REPORT  
Ref. R 854/24

Cork City Council  
Development  
Management

Application type      **SECTION 5 DECLARATION**

Question              *Whether*  
*(a) the construction of a single storey extension to the rear of an existing dwelling;*  
*(b) the alteration of an existing side window to a door; and*  
*(c) the reduction of two existing windows (one to the rear and one to the side)*  
*is or is not development and if development whether it is exempted development.*

Location              25 Bridgewater, Carrigrohane, Cork.

Applicant              Tom and Sinead Elliott

## **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 has been reworded as follows:

*"Whether*

- (a) the construction of a single storey extension to the rear of an existing dwelling;*
- (b) the alteration of an existing side window to a door; and*
- (c) the reduction of two existing windows (one to the rear and one to the side)*

*is or is not development and if development whether it is or is not exempted development."*

## **3. SITE DESCRIPTION**

The subject property comprises a two-storey detached dwelling house located in 'Bridgewater' an estate of houses accessed directly off the Poulavone Roundabout on the eastern end of Ballincollig.

## **4. PLANNING HISTORY**

None available on the PES system.

## **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,*

- (a) 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 or*
- (b) development within the meaning of Part XXI.*

Section 4(1)(h) states as follows:

4.—(1) The following shall be exempted developments for the purposes of this Act—

- (h) 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;**

*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 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b>  <i>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.</i></p>	<ol style="list-style-type: none"> <li>1. (a) <i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i></li> <li>(b) <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></li> <li>(c) <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></li> <li>2. (a) <i>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.</i></li> <li>(b) <i>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.</i></li> <li>(c) <i>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</i></li> </ol>



<p style="text-align: center;"><i>Column 1</i></p> <p style="text-align: center;"><i>Description of Development</i></p>	<p style="text-align: center;"><i>Column 2</i></p> <p style="text-align: center;"><i>Conditions and Limitations</i></p>
	<p>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>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.</p> <p>(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.</p> <p>(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>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>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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</p>

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
	<p>than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>

## 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'. It is clear that an extension to a dwelling house and the alterations to the existing windows etc comprise 'works', which is defined in section 3(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. Section 2(1) of the Act defines 'exempted development' as having 'the meaning specified in section 4' of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2). In my opinion the proposed extension does not come within the scope of section 4(1). The proposed extension comes under the scope of **section 4(2)** (i.e. exemptions specified in the Regulations), having regard to the use of the word 'or' in section 4(3).

### Restrictions on exemption

A search of the Planning Enquiry System did not reveal the governing permission for the housing estate.

### Exempted Development Regulations – Second Schedule, Part 1, Class 1.

#### Class 1 Conditions and Limitations

The proposed rear extension (Item (a) of the re-worded question outlined above) should be assessed in the following manner against the Class 1 exemptions conditions and limitations:

#### Condition / Limitation 1(a)

The proposed ground floor is stated in the application form to measure 40 sq.m. and the house has not been previously extended.

#### Condition / Limitation 1(b) and (c)

N/A.

#### Condition / Limitation 2(a), 2(b) and (c)

N/A.



*Condition / Limitation 3*

N/A.

*Condition / Limitation 4(a)*

The height of the walls of the extension (which does not include a gable) does not exceed the height of the rear wall of the house.

*Condition / Limitation 4(b)*

N/A

*Condition / Limitation 4(c)*

The height of the highest part of the roof (which is a flat roofed extension) does not exceed the height of the eaves or parapet.

*Condition / Limitation 5*

Clarification was sought in relation to this item.

*Condition / Limitation 6(a)*

All windows within the proposed extension face the rear boundary of the property – clarification as to the distance to same is required however is in excess of 1m.

*Condition / Limitation 6(b) and (c)*

N/A

*Condition / Limitation 7*

The roof is not shown to be used as a balcony or rear garden.

**Other work proposed**

The other alterations proposed under (b) and (c) of the re-worded question as outlined above are considered by their nature to fall within the scope of 4 (1) (h) of the Planning and Development Act 2000 (as amended).

**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.

**9. FURTHER ASSESSMENT & RECOMMENDATION**

As per previous report annotated drawings were sought by way of a Further Information request – these show the room uses and that the unit would be occupied as a single unit. Dimensions and a site layout show the rear shed and the remaining rear garden would, at 75 sq.m., far exceed the 25 sq.m. limitation. (No. 5 above).

In considering this referral the Planning Authority had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000
- (b) Articles 6 and 9 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 (as amended);
- (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 (as amended) and complies with the conditions and limitations attached to that Class;
- (c) the alteration of an existing side window to a door and the reduction of two existing windows (one to the rear and one to the side) 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 construction of a single extension to the rear of the dwelling is development and is exempted development and
- (b) the alteration of an existing side window to a door and the reduction of two existing windows (one to the rear and one to the side) is development and is exempted development.

all at 25 Bridgewater, Carrigrohane, Cork.

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Evelyn Mitchell,  
Senior Executive Planner,  
10.07.2024

David O'Regan,  
Assistant Staff Officer,  
Community, Culture & Placemaking Directorate

Date: 01 July 2024

**RE: Section 5 Declaration R854/24. 25 Bridgewater, Carrigrohane, Cork**

A Chara,

Thank you for your request for additional information to satisfy the provisions of section 5(2)(b) of the Planning and Development Act 2000.

Question 1:

*Please submit revised floor plans to show all the rooms and their uses annotated (existing and proposed ground floor)*

**Response 1:**

**Please find attached the following revised drawing which shows all the rooms and their uses annotated (existing and proposed ground floor)**

- **Floor Plan Rev B**

Question 2:

*Please confirm the dimensions of the area of the rear garden less any structures/sheds etc constructed in same and less the area of the proposed development. All such structures should be shown clearly on a revised site layout map drawn to scale. Please submit photographs of the rear garden area (to and from the existing house/rear boundary) as the planner was unable to gain access to the rear on the date of site inspection.*

**Response 2:**

**The dimensions of the area of the rear of the garden area less the area of the proposed development is 12.17m x 6.7m (area 81.5m<sup>2</sup>) and the area of a timber shed is 2.47m x 2.43m (area 6m<sup>2</sup>), therefore the area of the rear garden less any structures/sheds etc constructed in same and less the area of the proposed development is  $81.5\text{m}^2 - 6\text{m}^2 = \underline{75.5\text{m}^2}$**

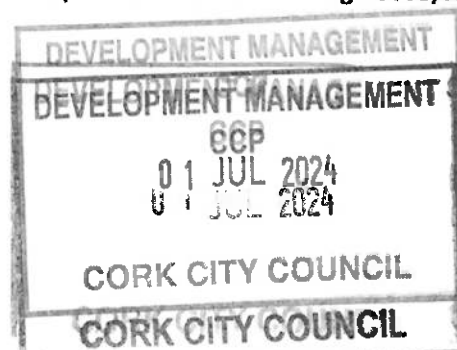
**Please find attached the following revised drawing which shows existing timber shed together with dimensions for verification.**

- **Site layout Plan Rev B**

**Please find attached photographs of the rear garden area (to and from the existing house/rear boundary)**

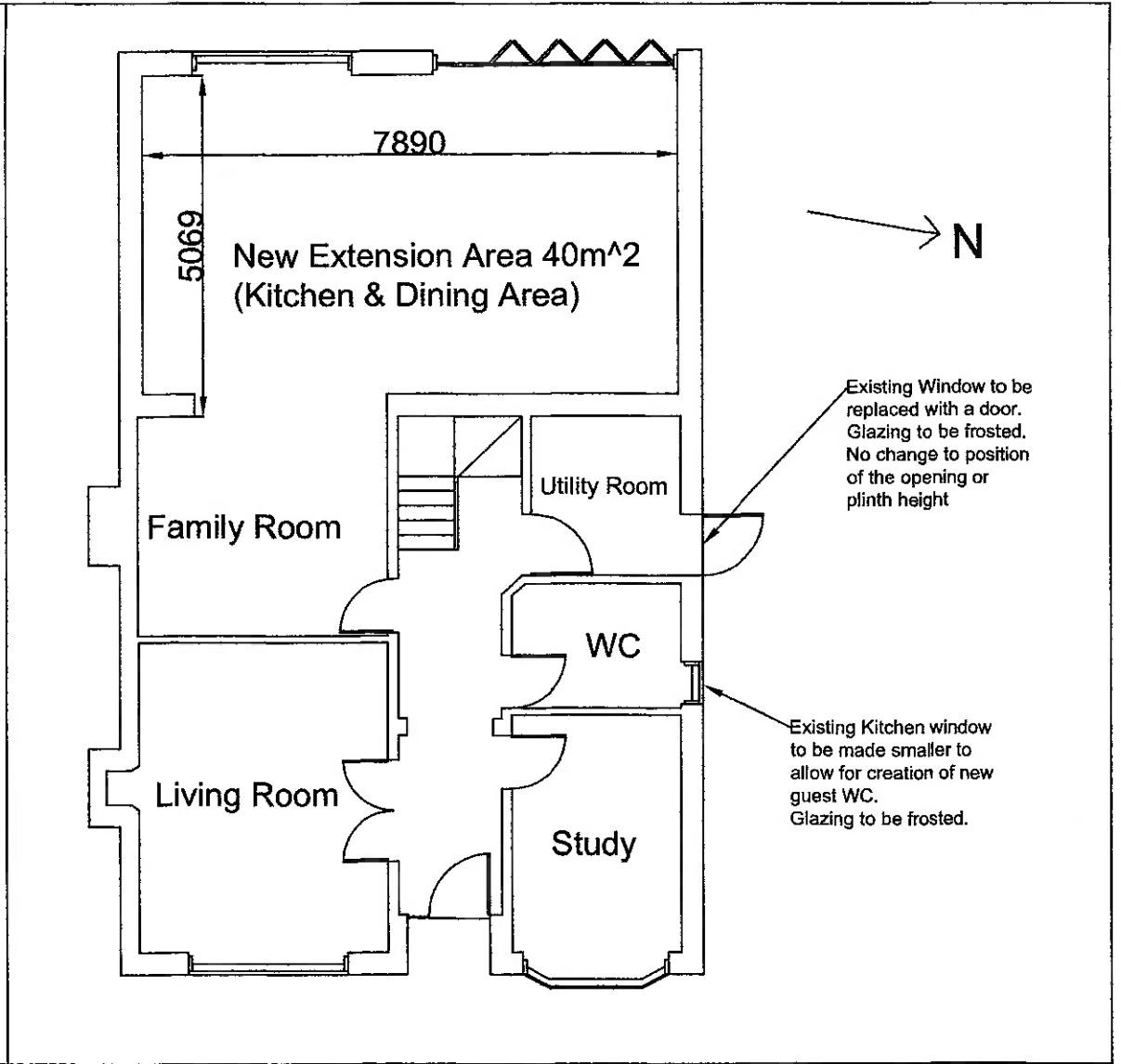
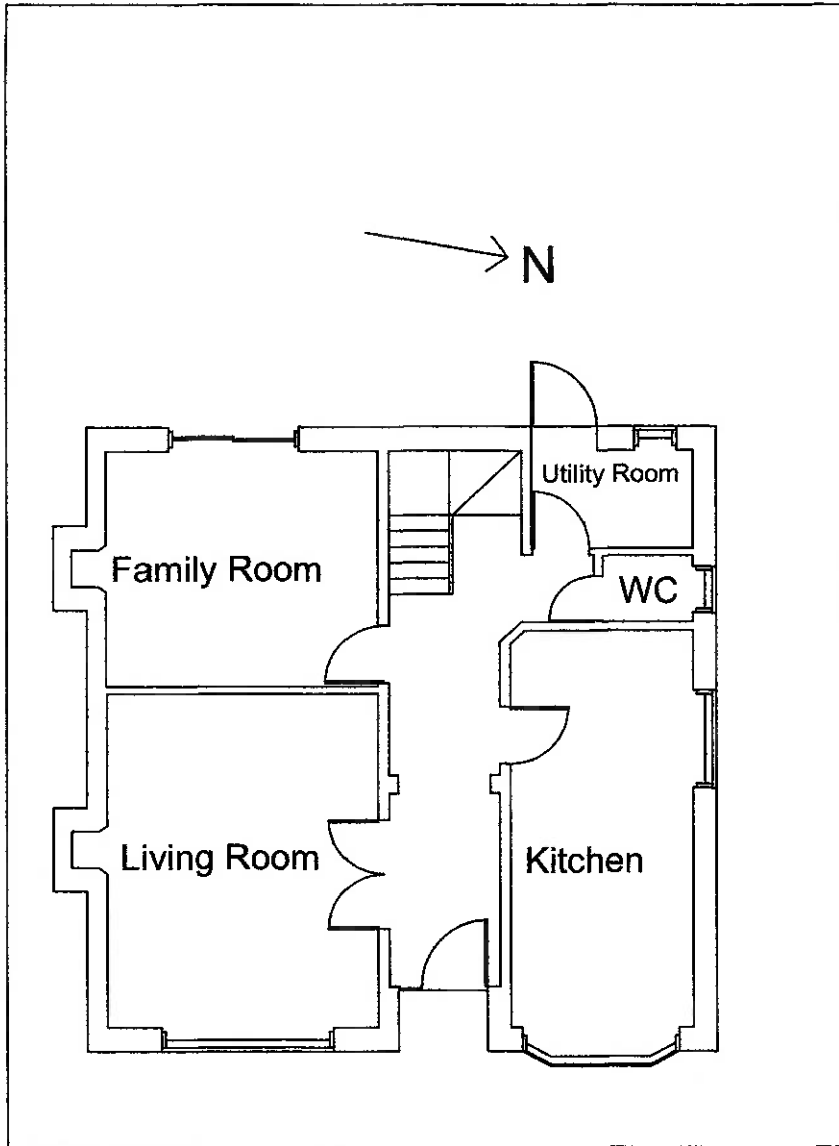
Kind Regards,

Tom and Sinéad Elliott



# Current Floor Plan

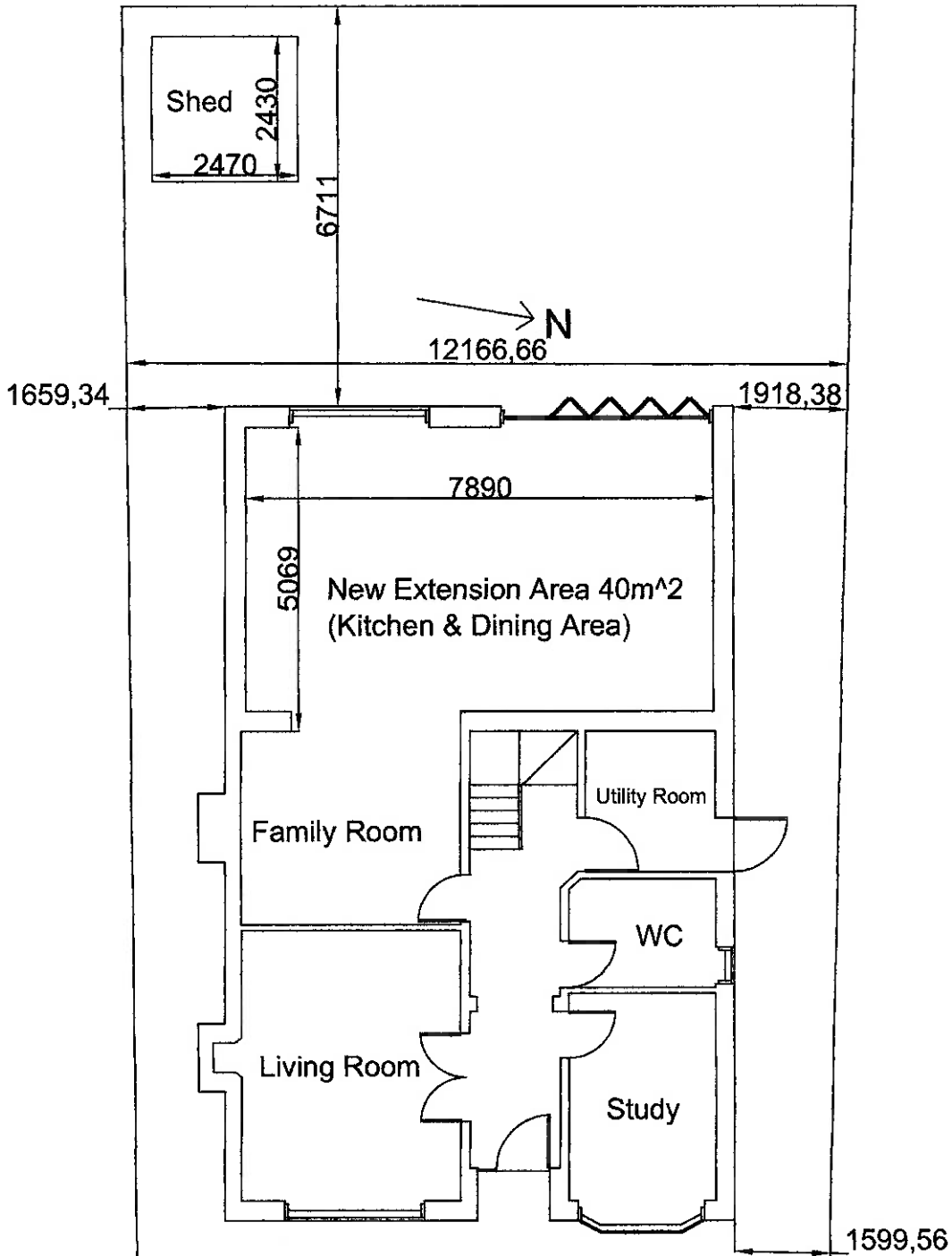
# Proposed Floor Plan



Drawn By
Name: Tom Elliott
Address: 25 Bridgewater, Carrigrohane, Cork.

Drawing Title: Floor Plan Rev B
Scale: 1:100
Units: mm





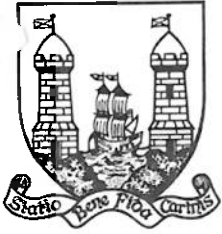
Note: Boundary Measurements are to inside of boundary walls

Drawn By  
Name: Tom Elliott  
Address: 25 Bridgewater, Carrigrohane, Cork.

Drawing Title: Site Layout Plan Rev B  
Scale: 1:110  
Units: mm

Photographs of the rear garden area (to and from the existing house/rear boundary)





# Comhairle Cathrach Chorcaí Cork City Council

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

Thomas & Sinéad Elliot,  
25 Bridgewater,  
Carrigrohane,  
Cork, T12W3YK.

27/06/2024

**RE: Section 5 Declaration R854/24. 25 Bridgewater, Carrigrohane, Cork.**

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 following further information is required in order to properly assess this application:

- 1. Please submit revised floor plans to show all the rooms and their uses annotated (existing and proposed ground floor).*
- 2. Please confirm the dimension of the area of rear garden less any structures/sheds etc constructed in same and less the area of the proposed development. All such structures should be shown clearly on a revised site layout map drawn to scale. Please submit photographs of the rear garden area (to and from the existing house/rear boundary) as the planner was unable to gain access to the rear on the date of site inspection.*

Is mise le meas,

*David O'Regan*

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**David O'Regan,  
Assistant Staff Officer,  
Community, Culture &  
Placemaking Directorate**



**We are Cork.**

PLANNER'S REPORT  
Ref. R /24

Cork City Council  
Development  
Management  
Strategic Planning  
and Economic  
Development

Application type	<b>SECTION 5 DECLARATION</b>
Question	<i>Whether the construction of an extension tot eh rear is development and if so whether it is exempted development.</i>
Location	25 Bridgewater, Carrigrohane, Cork.
Applicant	Tom and Sinead Elliott

## **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 has been reworded as follows:

*“Whether*

- (a) the construction of a rear extension to the rear of an existing dwelling;*
- (b) the alteration of an existing side window to a door; and*
- (c) the reduction of two existing windows (one to the rear and one to the side)*

*is or is not development and if development whether it is or is not exempted development.”*

## **3. SITE DESCRIPTION**

The subject property comprises a two-storey detached dwelling house located in ‘Bridgewater’ an estate of houses accessed directly off the Poulavone Roundabout on the eastern end of Ballincollig.

## **4. PLANNING HISTORY**

None recent. Housing estate application not available.

## **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(1)(h) states as follows:**

**4. —(1) The following shall be exempted developments for the purposes of this Act—**

- (h) 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;**

**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 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b>  <i>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.</i></p>	<p>1. (a) <i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i></p> <p>(b) <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></p> <p>(c) <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></p> <p>2. (a) <i>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.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>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</i></p>

Column 1 Description of Development	Column 2 Conditions and Limitations
	<p data-bbox="868 271 1326 412"><i>October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</i></p> <p data-bbox="775 454 1326 555">3. <i>Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i></p> <p data-bbox="775 598 1326 763">4. (a) <i>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.</i></p> <p data-bbox="810 779 1326 945">(b) <i>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.</i></p> <p data-bbox="810 960 1326 1238">(c) <i>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.</i></p> <p data-bbox="783 1281 1326 1485">5. <i>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.</i></p> <p data-bbox="783 1527 1326 1659">6. (a) <i>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i></p> <p data-bbox="818 1675 1326 1807">(b) <i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i></p> <p data-bbox="818 1823 1326 1984">(c) <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</i></p>

Column 1 Description of Development	Column 2 Conditions and Limitations
	<p>than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>

## 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'. It is clear that an extension to a dwelling house and the alterations to the existing windows etc comprise 'works', which is defined in section 3(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. Section 2(1) of the Act defines 'exempted development' as having 'the meaning specified in section 4' of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2). In my opinion the proposed extension does not come within the scope of section 4(1). The proposed extension comes under the scope of **section 4(2)** (i.e. exemptions specified in the Regulations), having regard to the use of the word 'or' in section 4(3).

### Restrictions on exemption

As the history file for the overall housing estate is as yet unavailable I cannot state that a condition limiting the construction of rear extensions was not placed on the governing estate planning permission file de-exempting the construction of rear extensions.

### Exempted Development Regulations – Second Schedule, Part 1, Class 1.

#### Class 1 Conditions and Limitations

The proposed rear extension (Item (a) of the re-worded question outlined above) should be assessed in the following manner against the Class 1 exemptions conditions and limitations:

#### Condition / Limitation 1(a)

The proposed ground floor is stated in the application form to measure 40 sq.m. and the house has not been previously extended.

#### Condition / Limitation 1(b) and (c)

N/A.

#### Condition / Limitation 2(a), 2(b) and (c)

N/A.

*Condition / Limitation 3*

N/A.

*Condition / Limitation 4(a)*

The height of the walls of the extension (which does not include a gable) does not exceed the height of the rear wall of the house.

*Condition / Limitation 4(b)*

N/A

*Condition / Limitation 4(c)*

The height of the highest part of the roof (which is a flat roofed extension) does not exceed the height of the eaves or parapet.

*Condition / Limitation 5*

Clarification is needed in this regard (remaining garden area). I was unable to gain access to the rear of the property on the date of inspection.

*Condition / Limitation 6(a)*

All windows within the proposed extension face the rear boundary of the property – clarification as to the distance to same is required however is in excess of 1m.

*Condition / Limitation 6(b) and (c)*

N/A

*Condition / Limitation 7*

The roof is not shown to be used as a balcony or rear garden.

**Other work proposed**

The alterations proposed under (b) and (c) of the re-worded question as outlined above are considered to fall within the scope of 4 (10) (h) of the Planning and Development Act 2000 (as amended).

**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.

**9. RECOMMENDATION**

I recommend that Further Information be sought on the application as follows:

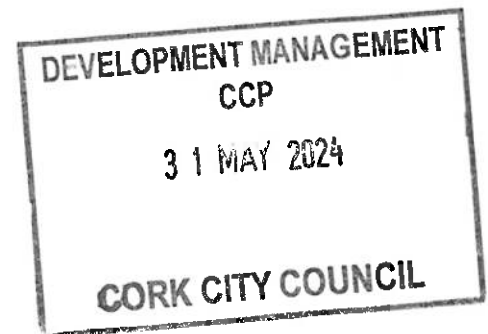
1. Please submit revised floor plans to show all the rooms and their uses annotated (existing and proposed ground floor).
2. Please confirm the dimension of the area of rear garden less any structures/sheds etc constructed in same and less the area of the proposed development. All such structures should be shown clearly on a revised site layout map drawn to scale. Please submit photographs of the rear garden area (to and from the existing house/rear boundary) as the planner was unable to gain access to the rear on the date of site inspection.

---

Evelyn Mitchell,  
Senior Executive Planner,  
26.06.2024

25 Bridgewater,  
Carrigrohane,  
Cork,  
T12W3YK.

Cork City Planning,  
City Hall,  
Anglesea St,  
Cork.  
29<sup>th</sup> May 2024.



Dear Sir/Madam,

With regard to our home at 25 Bridgewater, please find enclosed:

- 2 x completed Section 5 Declaration Application Form
- 2 x Site Location map
- 2 x Planning pack map
- 2 x Floor Plan drawings
- 2x Site Layout drawings
- 2x South Elevation drawings
- 2x West Elevation Drawings
- 2x North Elevation Drawings

Payment of €80 has been made to your office.

Should you require anything further, please do not hesitate to contact us.

We look forward to hearing from you soon.

Yours Sincerely,

Tom & Sinéad Elliott

*Tom Elliott*

*Sinéad Elliott*

**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: 021-4924029

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. NAME OF PERSON MAKING THE REQUEST**

Tom & Sinéad Elliott

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

25 Bridgewater, Carrigrohane, Cork, T12W3YK.

**3. 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.*

1. Is the construction of a single storey extension to the rear of above named property exempted development?
2. Can an existing side window be changed to a side door?
3. Can a window to the rear of the property be reduced in size to accommodate the building of the planned ground floor extension?
4. Can an existing side window be reduced in size ?

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

*(Use additional sheets if required).*

1. The planned single storey extension will be entirely to the rear of the property and will not exceed 40 sqm.
2. The existing downstairs side window that we wish to replace with a side door does not overlook our neighbour's garden or any windows. It is facing a brick wall which acts as the boundary between the two properties. The distance between our dwelling and the boundary wall is 1.7m. The height of the boundary wall is 1.85m. This new external door is required to replace the existing utility room door which currently opens out to the back garden. The existing door will be blocked off to accommodate the planned ground floor extension.
3. The existing stairs/landing window to the rear of the property is at a lower height than the upstairs bedroom windows. It will require resizing to accommodate the roof height of the planned rear extension.
4. It is proposed that the existing kitchen window to the side of the property will be resized to accommodate a new wheelchair accessible bathroom on the ground floor.

Note: No changes will be made to front of house (East Elevation)

4. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

No

5. 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?  N/A

6. Was there previous relevant planning application/s on this site?  No

If so please supply details:

### 7. 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	40 sq.m
(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)
N/A	N/A

### 7. 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
Where legal interest is 'Other', please state your interest in the land/structure in question	N/A	
If you are not the legal owner, please state the name of the owner if available	N/A	

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

Signature: Tom Elliott Sinead Elliott

Date: 29<sup>th</sup> May 2024

### **ADVISORY NOTES:**

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

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.**

Please email [planning@corkcity.ie](mailto:planning@corkcity.ie) with any queries.

- 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**

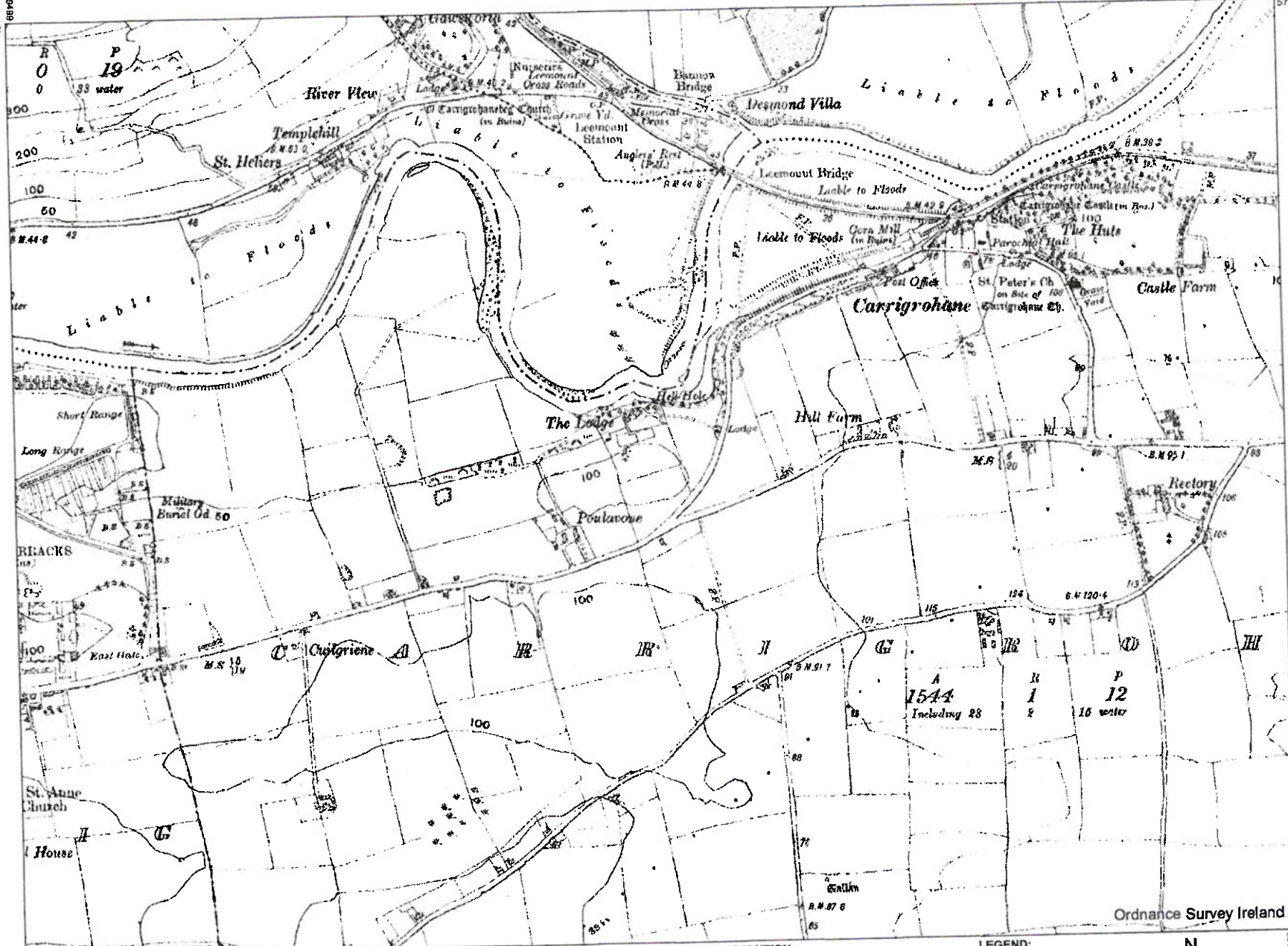
*"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protection policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>*

*We request that you read these as they contain important information about how we process personal data.*

# Site Location Map



**Tailte Éireann**



**CENTRE COORDINATES:**  
ITM 560730,571204

**PUBLISHED:** 26/05/2024  
**ORDER NO.:** 50402736\_1

**MAP SERIES:** 6 Inch Raster  
**MAP SHEETS:** CK073

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

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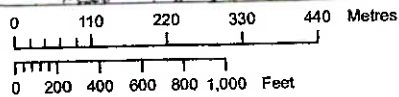
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**LEGEND:**  
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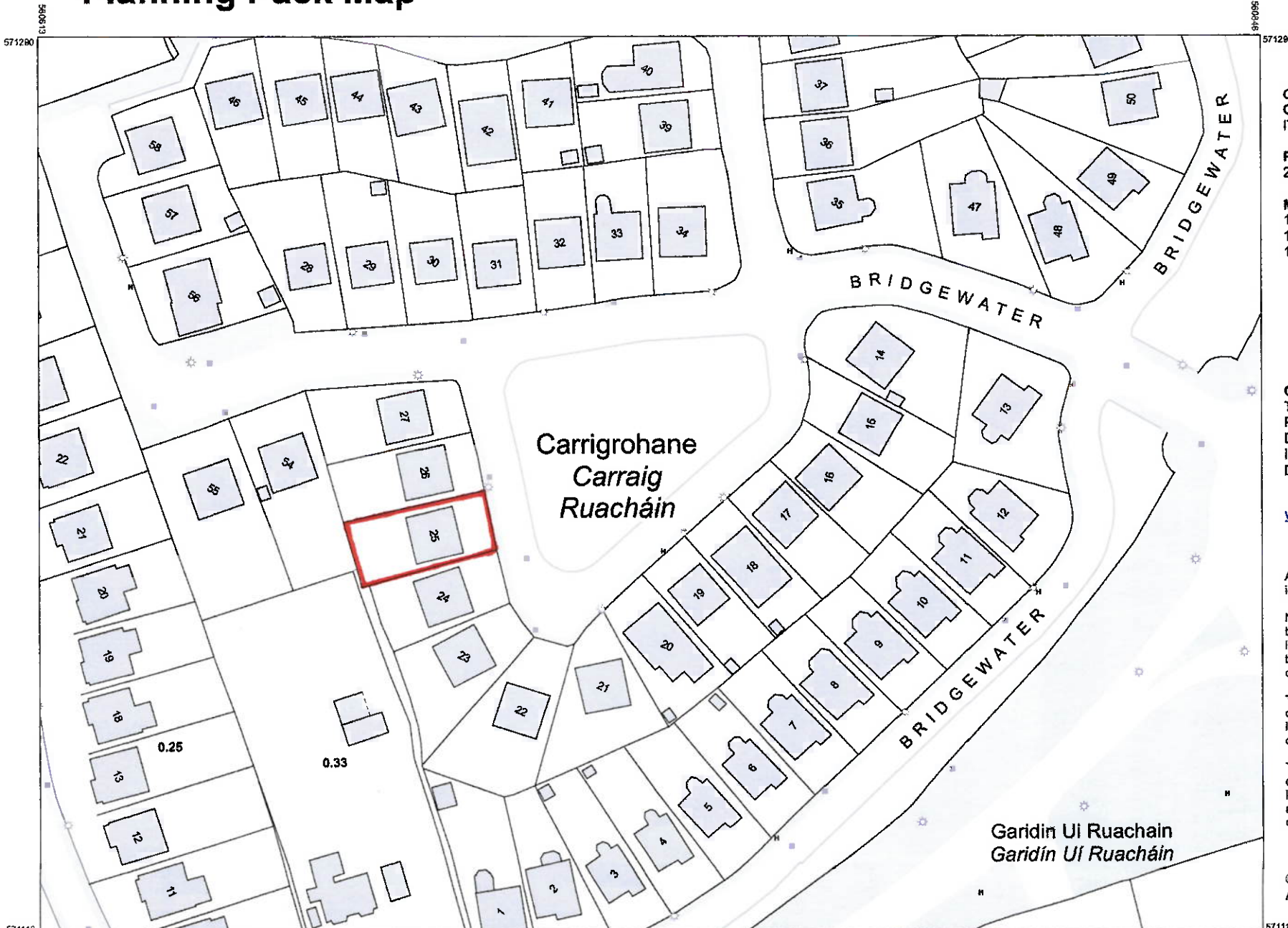




# Planning Pack Map



Tailte  
Éireann



**CENTRE COORDINATES:**  
ITM 560730,571204

**PUBLISHED:** 26/05/2024  
**ORDER NO.:** 50402736\_1

**MAP SERIES:** 1:1,000  
1:1,000  
1:2,500  
**MAP SHEETS:** 6381-16  
6381-17  
6381-C

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

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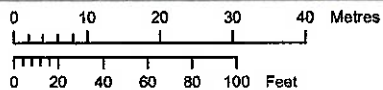
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**OUTPUT SCALE: 1:1,000**

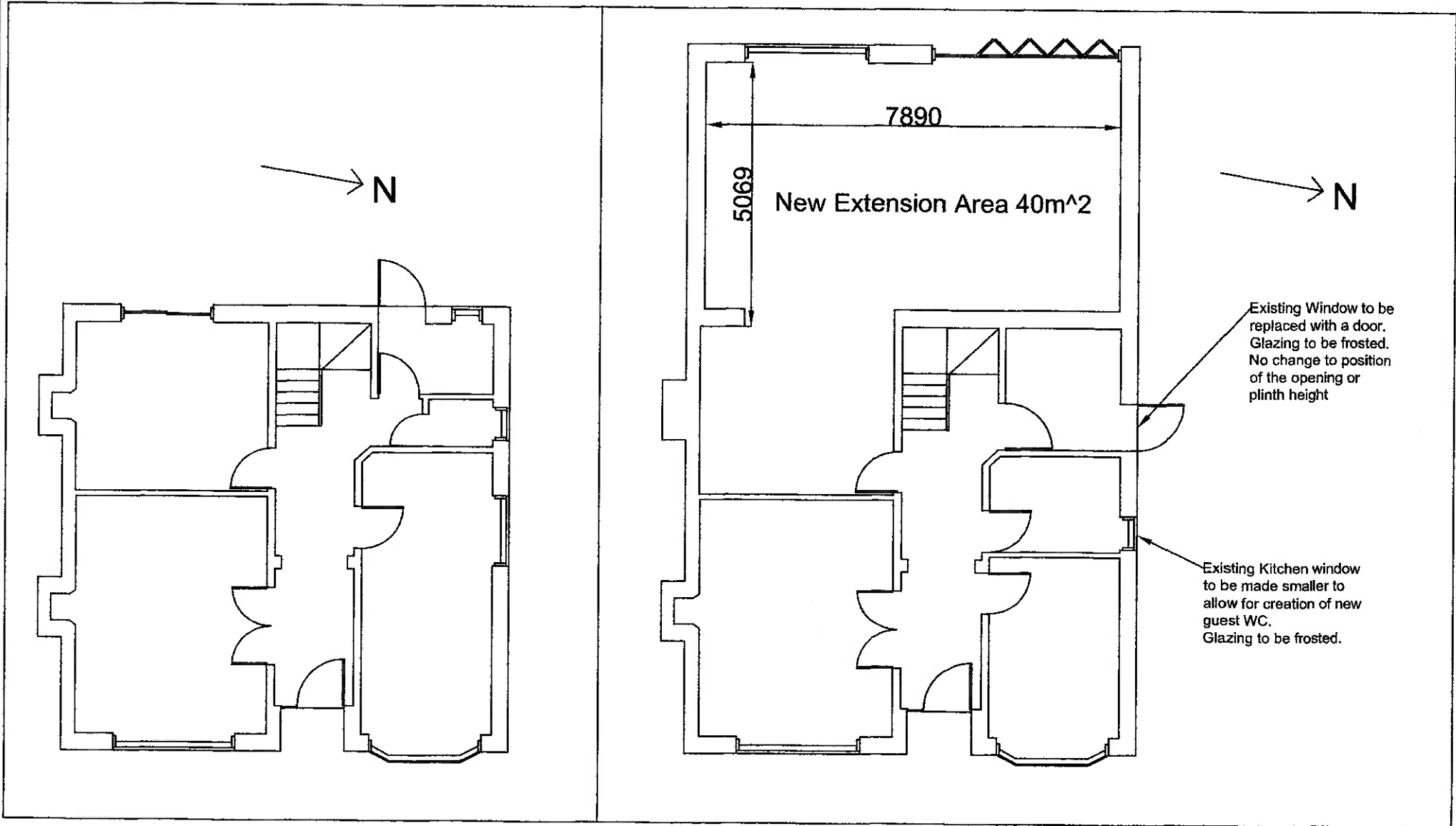
**CAPTURE RESOLUTION:**  
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**LEGEND:**  
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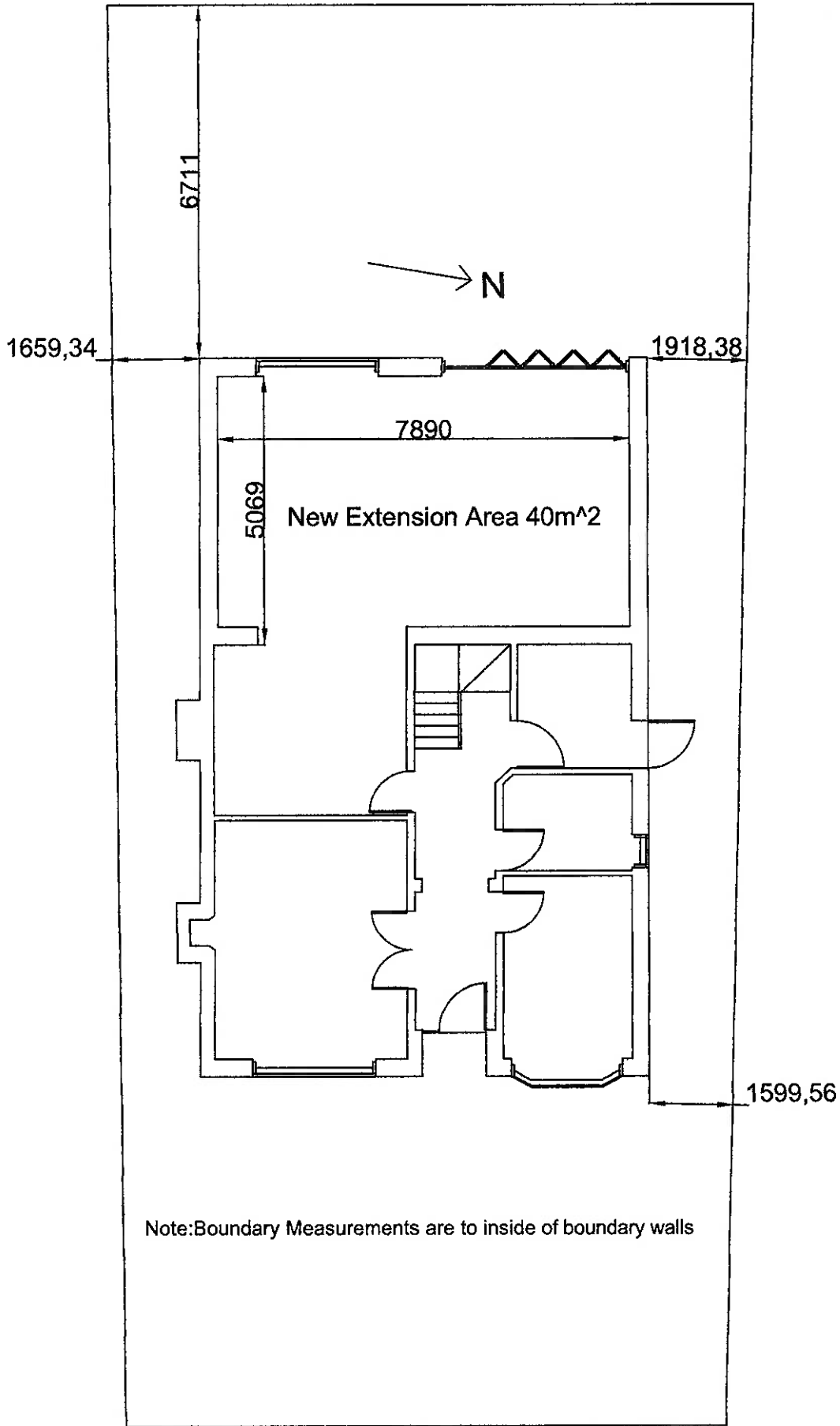
# Current Floor Plan

# Proposed Floor Plan



Drawn By
Name: Tom Elliott
Address: 25 Bridgewater, Carrigrohane, Cork.

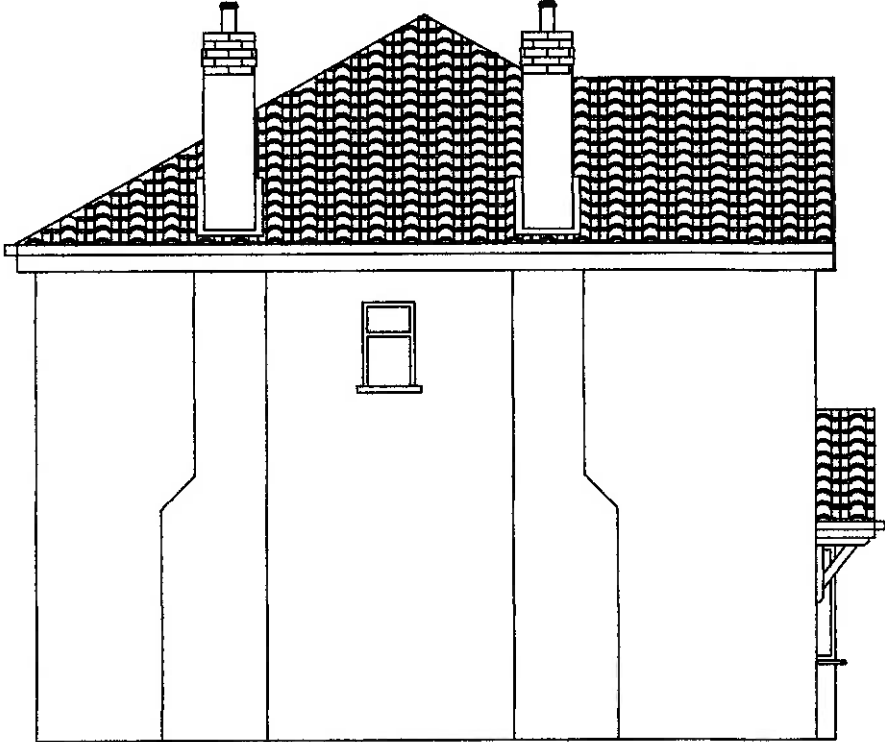
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Scale: 1:100
Units: mm



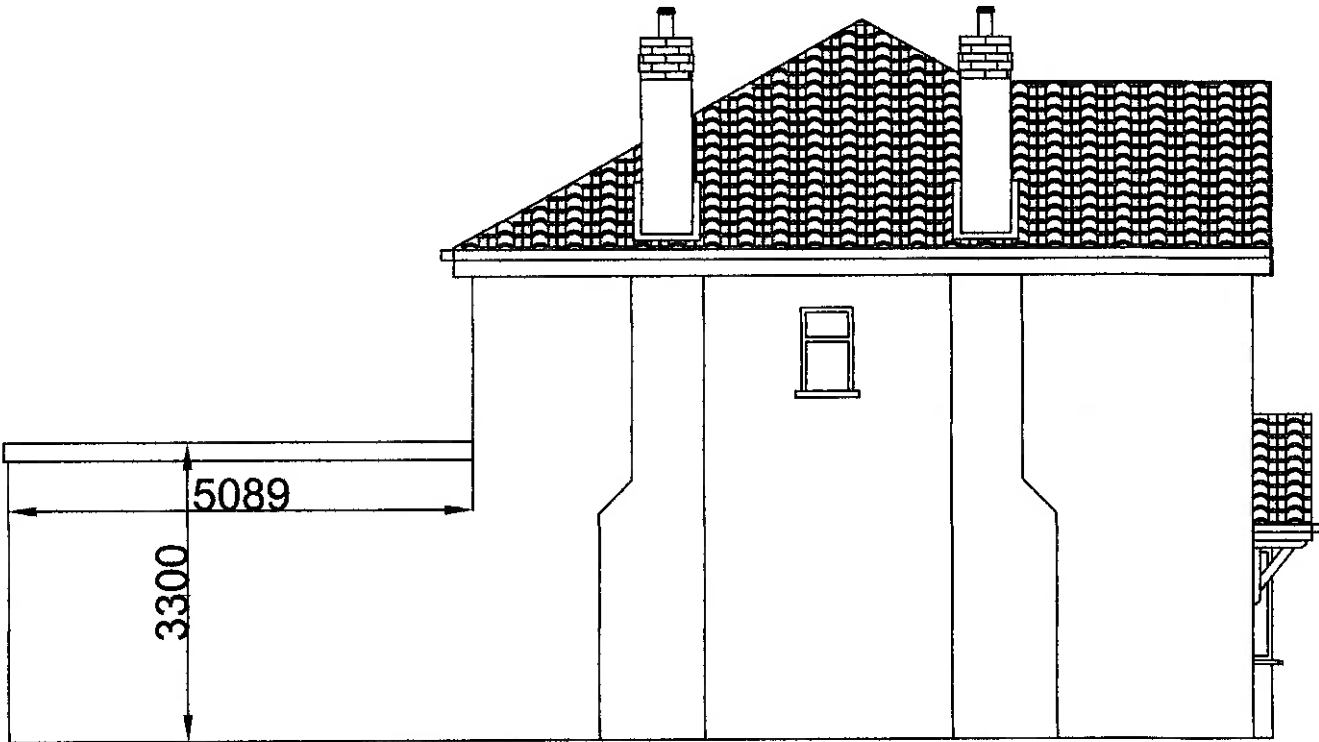
Drawn By
Name: Tom Elliott
Address: 25 Bridgewater, Carrigrohane, Cork.

Drawing Title: Site Layout Plan Rev A
Scale: 1:110
Units: mm

# Current South Elevation



# Proposed South Elevation

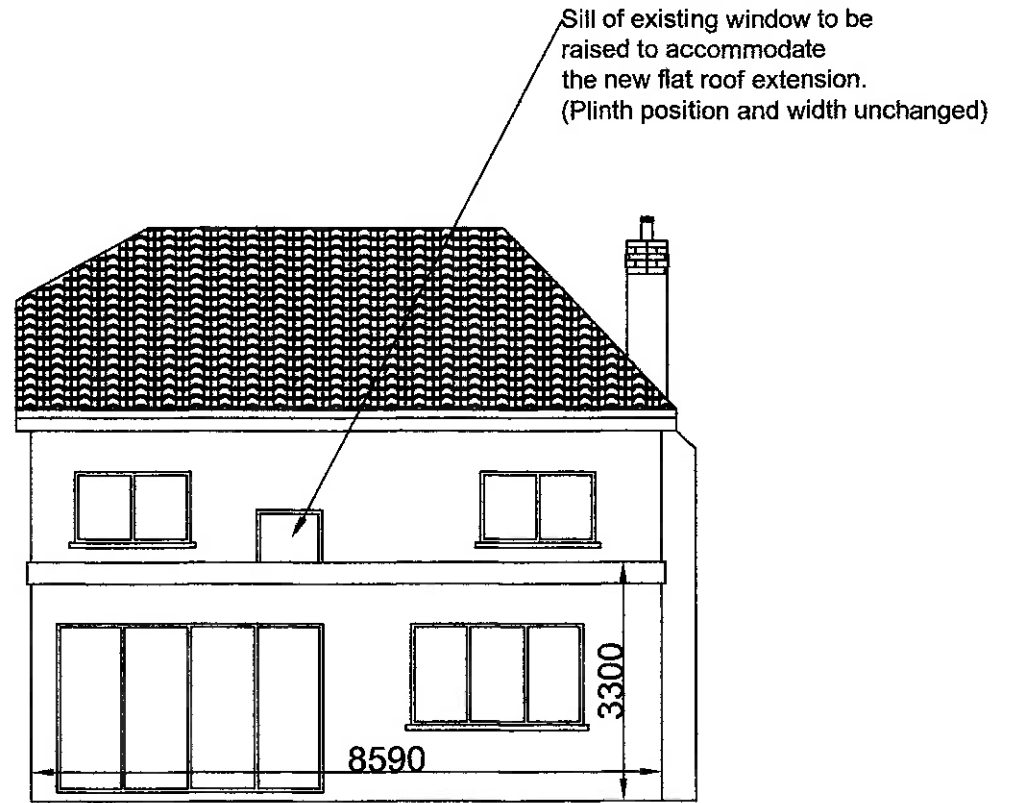


Drawn By  
Name: Tom Elliott  
Address: 25 Bridgewater, Carrigrohane, Cork.

Drawing Title: South Elevation Rev A  
Scale: 1:80  
Units: mm

# Current West Elevation

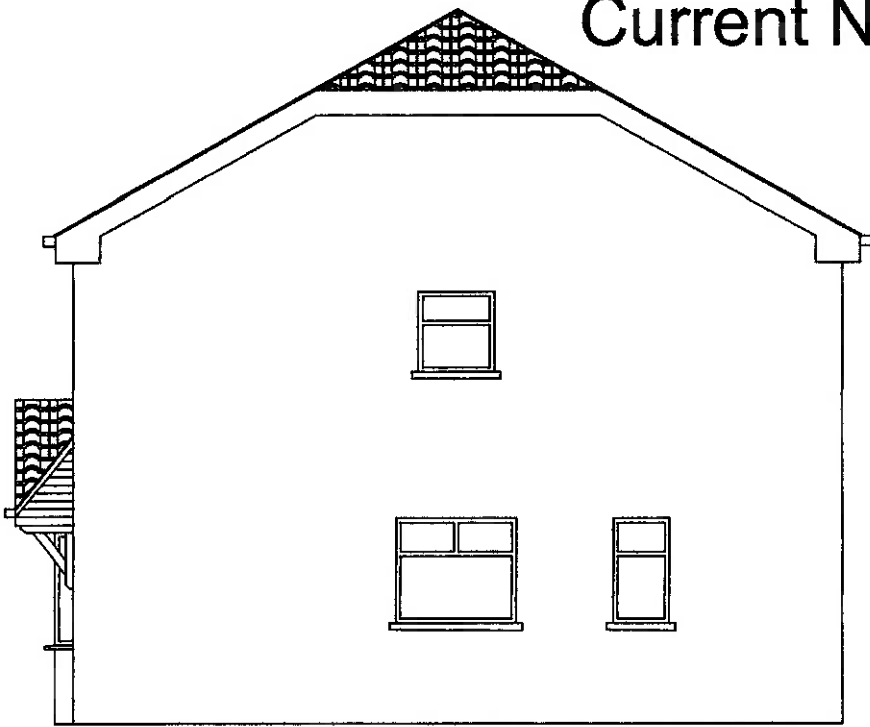
# Proposed West Elevation



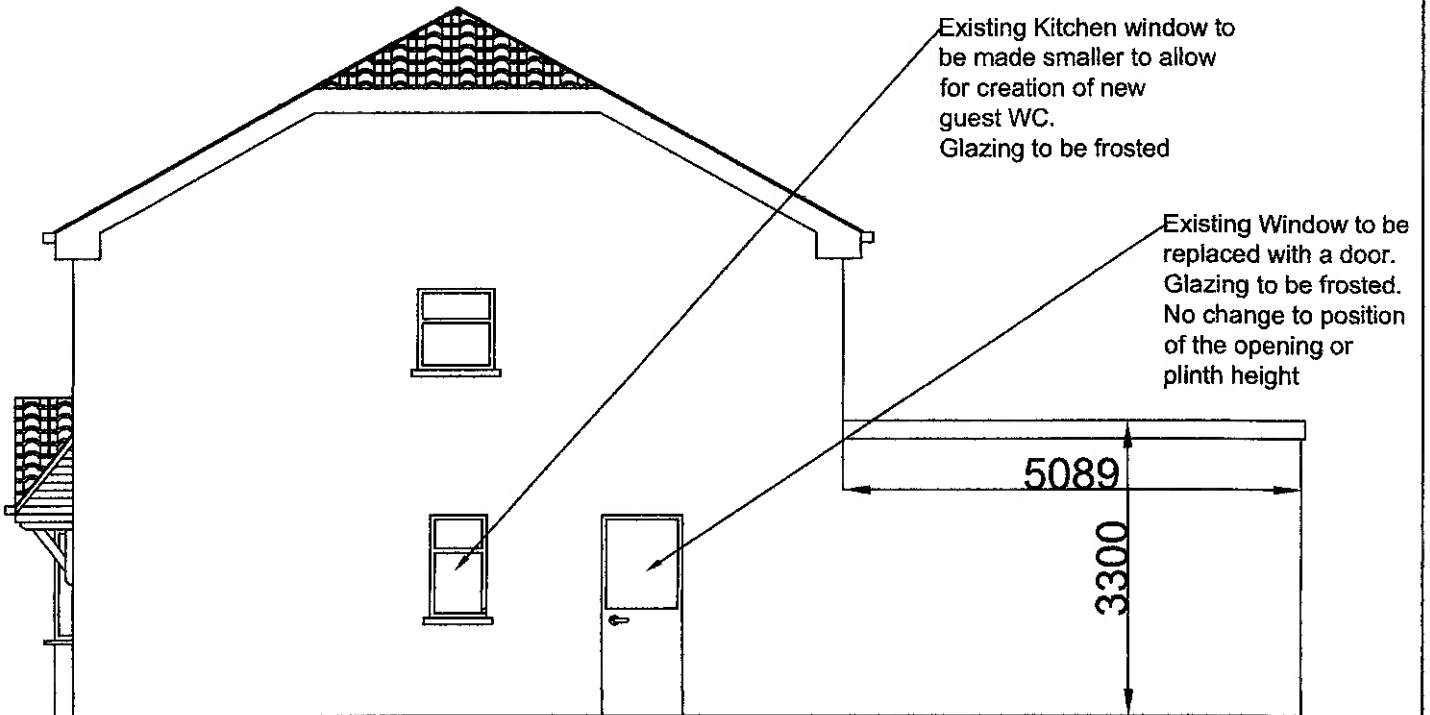
Drawn By
Name: Tom Elliott
Address: 25 Bridgewater, Carrigrohane, Cork.

Drawing Title: West Elevation Rev A
Scale: 1:100
Units: mm

# Current North Elevation



# Proposed North Elevation



Drawn By  
Name: Tom Elliott  
Address: 25 Bridgewater, Carrigrohane, Cork.

Drawing Title: North Elevation Rev A  
Scale: 1:80  
Units: mm