

Comhairle Cathrach Chorcaí Cork City Council

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

David Harrington
c/o Brian Kennedy & Associates
Engineers + Architects
Shannon House
Church Road
Douglas

13/11/2019

RE: Section 5 Declaration R541/19 13 Manor Drive,
Rochestown, Cork

A Chara,

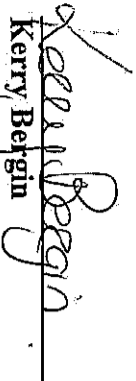
With reference to your request for a Section 5 Declaration at the above named property, I wish to advise as follows:

having regard to —

- the details, plans and particulars received by the Planning Authority on 13/09/2019,
- the provisions of the Planning and Development Regulations 2001, as amended,

it is considered that the subject development is Exempt from the requirement to obtain planning permission.

Yours faithfully,


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



We are Cork.

File Ref : R 541/19

Applicant : David Harrington

Location: 13 Manor Drive, Rochestown, Cork

Context

Under Section 5 of the Planning and Development Act 2000, 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 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.

Section 5 Reference

Whether the alterations made to the dwelling house, namely the use of the attached garage as an additional room and the provision of a bay window to the front of the room is or is not exempted development.

Site Location and Description

The property in question is a two storey, semi-detached dwelling, located in Manor Drive, Thornbury Heights Estate, Rochestown, Cork.

Planning History

No recent planning history evident.

Relevant Legislation

Planning and Development Act, 2000

Section 3 (1) of the Act defines "Development" as, '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 of the Act refers to 'Exempted Development' and Subsection (1) sets out categories of development that shall be exempted development for the purposes of this Act. In addition to specified exemptions in the Act, Subsection (2) of the Act provides that the Minister may by regulations provide for any class of development being exempted development. The Planning and Development Regulations, 2001 apply.

Planning and Development Regulations, 2001

Article 6 of Part 2 of the Regulations provides that subject to Article 9 (1) (a), development specified in Column 1 of Part 1 of the Second Schedule shall be exempted development for the purposes of the Act subject to the conditions and limitations specified in Column 2. Class 1 is described in Column 1 as follows:

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, shed or other similar structure attached to the rear or to the side of the house.

Section 4(1)(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;

Assessment

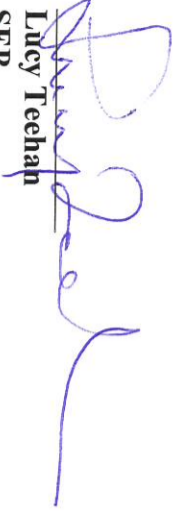
As submitted, the conversion of the existing garage to living space is considered to fall within the limitations of Class 1 of Article 6.
The provision of a bay window in place of the original garage ope, is considered to fall within Section 4(1) (H) of the Regulations.

Recommendation

Having regard to

- the details, plans and particulars received by the Planning Authority on 13/09/2019,
- the provisions of the Planning and Development Regulations 2001, as amended,

it is considered that the subject development is **Exempt** from the requirement to obtain planning permission.



Lucy Teehan
SEP

12/11/2019

Planning Pack Map

CENTRE COORDINATES:
ITM 572978.569353

PUBLISHED:
02/05/2018

ORDER NO.:
5005964_1

MAP SERIES:
1:1,000
1:2,500

MAP SHEETS:
6429-02
6429-A

SITE OUTLINED IN RED
DWELLINGS WITH GARAGE CONVERSION MARKED WITH BLUE 'X'

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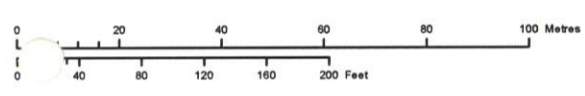
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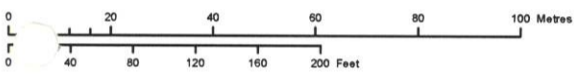
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