



Halla na Cathrach
Corcaigh
T12 T997

City Hall
Cork
T12 T997

Margaret Crowley
C/O PABIA Consulting
Unit 1G, North Valley Business Centre
Mallow Road,
Cork

08/06/18

RE: Section 5 Declaration 10 Inishowen, Mayfield, Cork

Dear Sir/Madam,

I am asked by Mr. Patrick Ledwidge, Director of Services, Strategic Planning & Economic Development to refer to your request for a section 5 Declaration at the above address.

Having regard to:

- The plans and particulars received by the Planning Authority on 18/05/2018;
- The conditions and limitations of the Exempted Development Regulations – *Development within the curtilage of a house*, set out in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

It is considered that the development of the rear single-storey kitchen extension at No. 10 Inishowen, Mayfield, Cork **is Development and IS Exempted Development.**

Yours Faithfully,

Paul Hartnett
Assistant Staff Officer
Strategic Planning & Economic
Development

CORK CITY COUNCIL – Planner’s Report – Section 5 Declaration

File R478/18

Reference:

Development Description: The development of the rear single-storey kitchen extension (internal area 8.57sqm) completed in May 1983

Applicant: Margaret Crowley

Location: 10 Inishowen, Mayfield, Cork

Date: 06/06/2018

SUMMARY OF RECOMMENDATION

The proposed development is **Development**
and is **Exempted Development**

SECTION 5(1) OF THE PLANNING AND DEVELOPMENT ACT 2000

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.

DEVELOPMENT DESCRIPTION

The development of the rear single-storey kitchen extension (internal area 8.57sqm) completed in May 1983

SITE DESCRIPTION

The site comprises a two-storey end-of-terrace dwelling.

RECENT PLANNING HISTORY

TP 86/13102 Permission granted for alterations to dwelling

STATUTORY PROVISIONS

The following statutory provisions are relevant:

Planning and Development Act 2000 (as amended) (section)

- Section 2 (1) *“In this Act, except where the context otherwise requires...‘development’ has the meaning assigned to it by section 3...”*

<p>of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>(c)</p> <p>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.</p> <p>(b)</p> <p>(c)</p> <p>3.....</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)</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 meter from the boundary it</p>
--	---

ENVIRONMENTAL ASSESSMENT

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.**

Screening for Appropriate Assessment

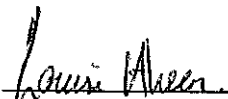
The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and 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.**

RECOMMENDATION

Having regard to:

- The plans and particulars received by the Planning Authority on 18/05/2018;
- The conditions and limitations of the Exempted Development Regulations – *Development within the curtilage of a house*, set out in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

It is considered that the development of the rear single-storey kitchen extension at No. 10 Inishowen, Mayfield, Cork Is **Development and IS Exempted Development.**



Louise Ahern
Assistant Planner
05/06/18



Halla na Cathrach
Corcaigh
T12 T997

City Hall
Cork
T12 T997

Margaret Crowley
C/O PABIA Consulting
Unit 1G, North Valley Business Centre
Mallow Road,
Cork

08/06/18

RE: Section 5 Declaration 10 Inishowen, Mayfield, Cork

Dear Sir/Madam,

I am asked by Mr. Patrick Ledwidge, Director of Services, Strategic Planning & Economic Development to refer to your request for a section 5 Declaration at the above address.

Having regard to:

- The plans and particulars received by the Planning Authority on 18/05/2018;
- The conditions and limitations of the Exempted Development Regulations – *Development within the curtilage of a house*, set out in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

It is considered that the development of the rear single-storey kitchen extension at No. 10 Inishowen, Mayfield, Cork **is Development and IS Exempted Development.**

Yours Faithfully,

Paul Hartnett
Assistant Staff Officer
Strategic Planning & Economic
Development

Cork City Council

CORK CITY COUNCIL – Planner’s Report – Section 5 Declaration

File R478/18
Reference:
Development Description: The development of the rear single-storey kitchen extension (internal area 8.57sqm) completed in May 1983
Applicant: Margaret Crowley
Location: 10 Inishowen, Mayfield, Cork
Date: 06/06/2018

SUMMARY OF RECOMMENDATION

The proposed development is **Development**
and is **Exempted Development**

SECTION 5(1) OF THE PLANNING AND DEVELOPMENT ACT 2000

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.

DEVELOPMENT DESCRIPTION

The development of the rear single-storey kitchen extension (internal area 8.57sqm) completed in May 1983

SITE DESCRIPTION

The site comprises a two-storey end-of-terrace dwelling.

RECENT PLANNING HISTORY

TP 86/13102 Permission granted for alterations to dwelling

STATUTORY PROVISIONS

The following statutory provisions are relevant:

Planning and Development Act 2000 (as amended) (section)

- Section 2 (1) *“In this Act, except where the context otherwise requires...‘development’ has the meaning assigned to it by section 3...”*

- Section 3 (1) *“In this Act, ‘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.”*
- 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.

Planning and Development Regulations 2001 (as amended) (article)

- Article 6 (1) *“Subject to article 7, 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 (1) *“Development to which article 6 relates shall not be exempted development for the purposes of the Act—*
 - (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,*
 - ...
- Schedule 2, Part 1, Class 1

Exempted Development — General

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

<p>of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>(c)</p> <p>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.</p> <p>(b)</p> <p>(c)</p> <p>3.....</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)</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 meter from the boundary it</p>
--	---

	<p>faces. (b) (c)</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
--	--

ASSESSMENT

I consider it reasonable to interpret the question being asked by the applicant as whether the construction of a single-storey extension (internal area 8.57sqm) to the rear of the dwelling is development and if so is it exempted development?

The site comprises a two-storey end-of-terrace dwelling. The development in question comprises a single-storey kitchen extension fully to the rear of the dwelling with mono-pitch roof.

Class 1 of Part 1 of Schedule 2 refers 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.”* There are a number of stipulations as set out above.

The house has been extended previously to the front, planning ref TP 86/13102. The permitted extension comprises an extension of the living room and a porch. The floor area of the permitted extension to the front is approximately 12sqm. The extension to the rear measures 8.57sqm internally. The combined floor space of both extensions is less than 40sqm.

The height of the walls of the extension do not exceed the height of the rear wall of the house. The roof height does not exceed that of the main dwelling. The area of private open space remaining exceeds 25sqm. There are no windows facing the boundary. The roof of the extension is a mono-pitch roof and is not in use as a balcony.

I consider the extension in question satisfies all of the stipulations set out in column 2 of Class 1 of Part 1 of Schedule 2.

ENVIRONMENTAL ASSESSMENT

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**.

Screening for Appropriate Assessment

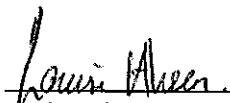
The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and 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**.

RECOMMENDATION

Having regard to:

- The plans and particulars received by the Planning Authority on 18/05/2018;
- The conditions and limitations of the Exempted Development Regulations – *Development within the curtilage of a house*, set out in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);

It is considered that the development of the rear single-storey kitchen extension at No. 10 Inishowen, Mayfield, Cork **Is Development and IS Exempted Development**.



Louise Ahern
Assistant Planner
05/06/18

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924564/4321
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

10 Inishowen, Mayfield, Cork

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.

The development of the rear single-storey kitchen extension (internal area 8.57sq.m) completed in May 1983 is exempted development.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

An extension to the front of the house was completed under PlanFile TP13102/86 and in compliance with same.

Comhairle Cathrach Chorcaí
Cork City Council

18 MAY 2018

Strategic Planning & Economic
Development Directorate

3. APPLICATION DETAILS

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

(a) Floor area of existing/proposed structure/s	8.57sq.m (area of rear extension)
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) The front extension was built in 1987, approx. 4yrs after completion of rear extension
(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

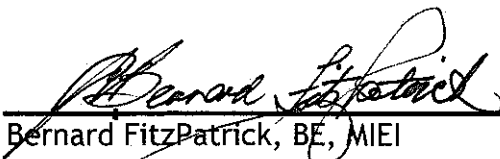
4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	Margaret Crowley	
Applicants Address	10 Inishowen, Mayfield, Cork	
Person/Agent acting on behalf of the Applicant (if any):	Name:	PABIA Consulting Ltd
	Address:	Unit 1G, North Valley Business Centre, Mallow Road, Cork
	Telephone:	[REDACTED]
	Fax:	[REDACTED]
	E-mail address:	[REDACTED]
Should all correspondence be sent to the above address? <small>(Please note that if the answer is 'No' all correspondence will be sent to the Applicant's address)</small>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

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

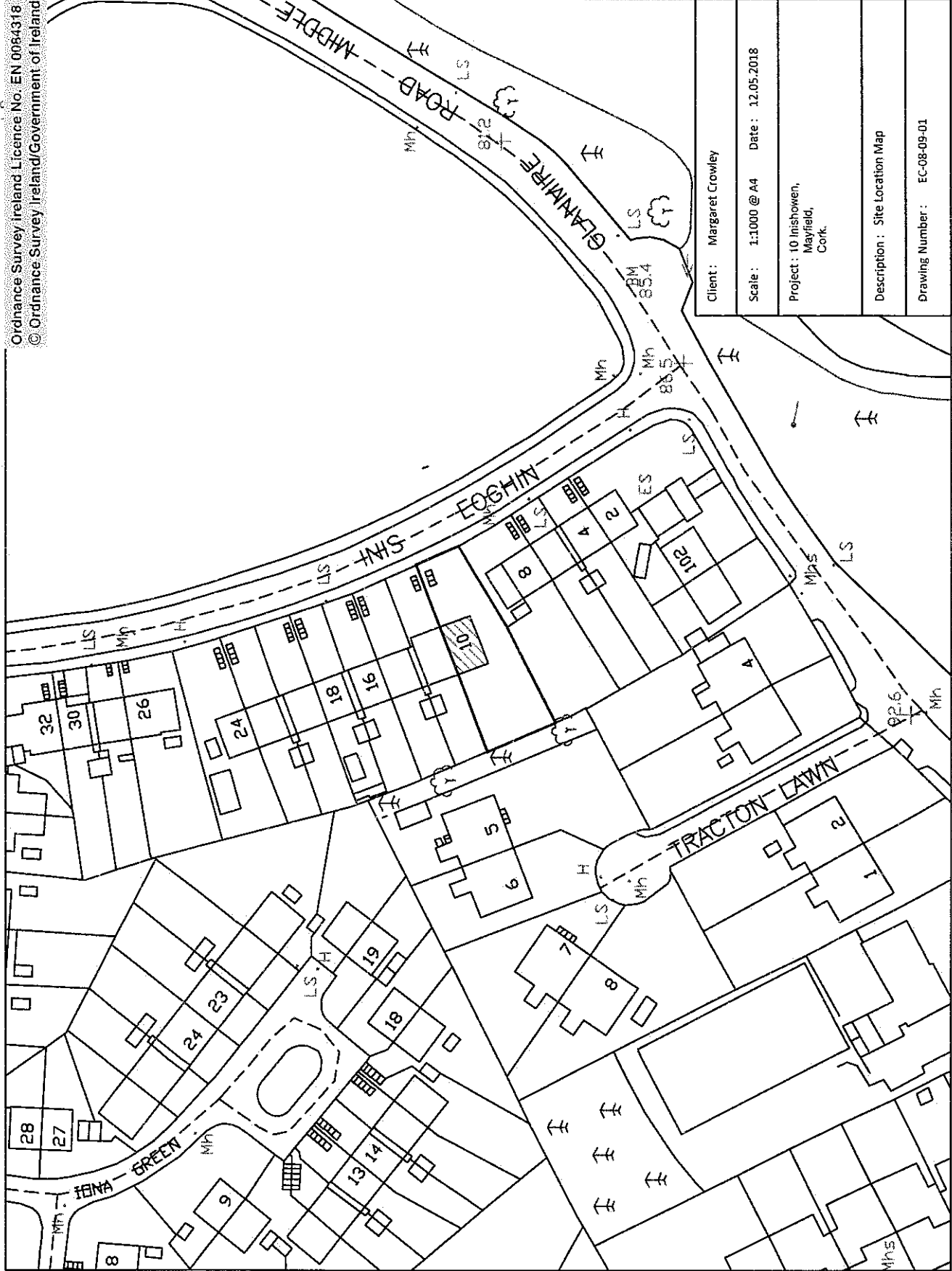
Signature: 
Bernard FitzPatrick, BE, MIEI

Date: 16 May 2018

Ordnance Survey Ireland Licence No. EN 0094318
 © Ordnance Survey Ireland/Government of Ireland

PABIA Cons g Ltd
 Unit 3
 North Valley Business Centre,
 Mallow Road,
 Cork
 T23 RR74
 Tel: 021 242 8890
 Email: info@pabiale
 Web Site: www.pabiale
 Engineering Consultancy - Planning & Design
 Project Management - Surveys
 Dangerous Substances Act Consultancy

6383-03
 REVISION DATE = 21-Jul-2008
 SURVEY DATE = 31-Dec-1973
 LEVELLED DATE = 31-Dec-1973
 6338-23
 REVISION DATE = 07-Jan-2007
 SURVEY DATE = 31-Dec-1974
 LEVELLED DATE = 31-Dec-1968
 Clip Extent:
 LLX,LLY = 170161,72957
 LRX,LRX = 170394,72957
 ULX,ULY = 170161,73129
 URX,URY = 170394,73129
 Projection:
 IG
 ITM Centre Point Co-ordinate:
 X,Y = 570234,573105
 Extraction Date:
 18-Nov-2008
 Copyright:
 © Suirbheacht Ordnáis Éireann, 2008
 © Ordnance Survey Ireland, 2008



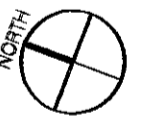
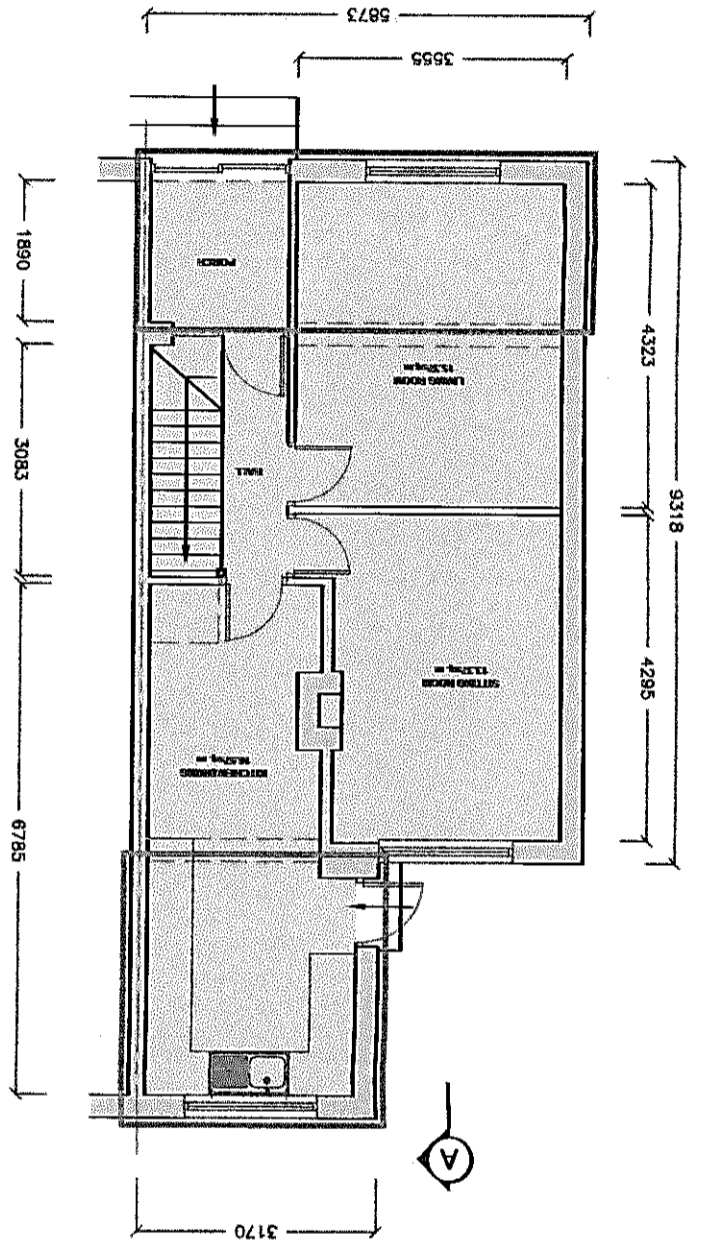
Client : Margaret Crowley
Scale : 1:1000 @ A4 Date : 12.05.2018
Project : 10 Inishowen, Mayfield, Cork.
Description : Site Location Map
Drawing Number : EC-08-09-01

— SITE BOUNDARIES OUTLINED RED



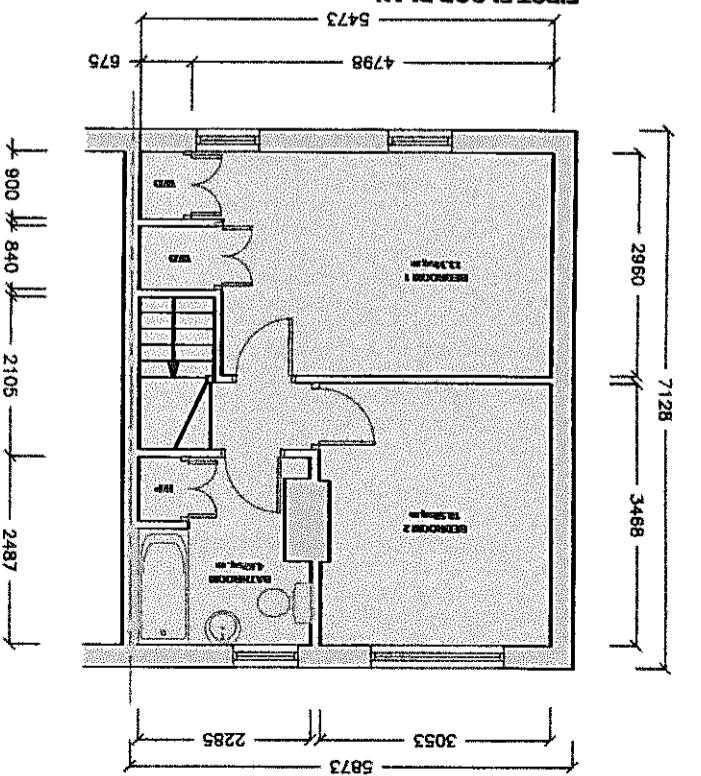
GROUND FLOOR PLAN

57.11sqm

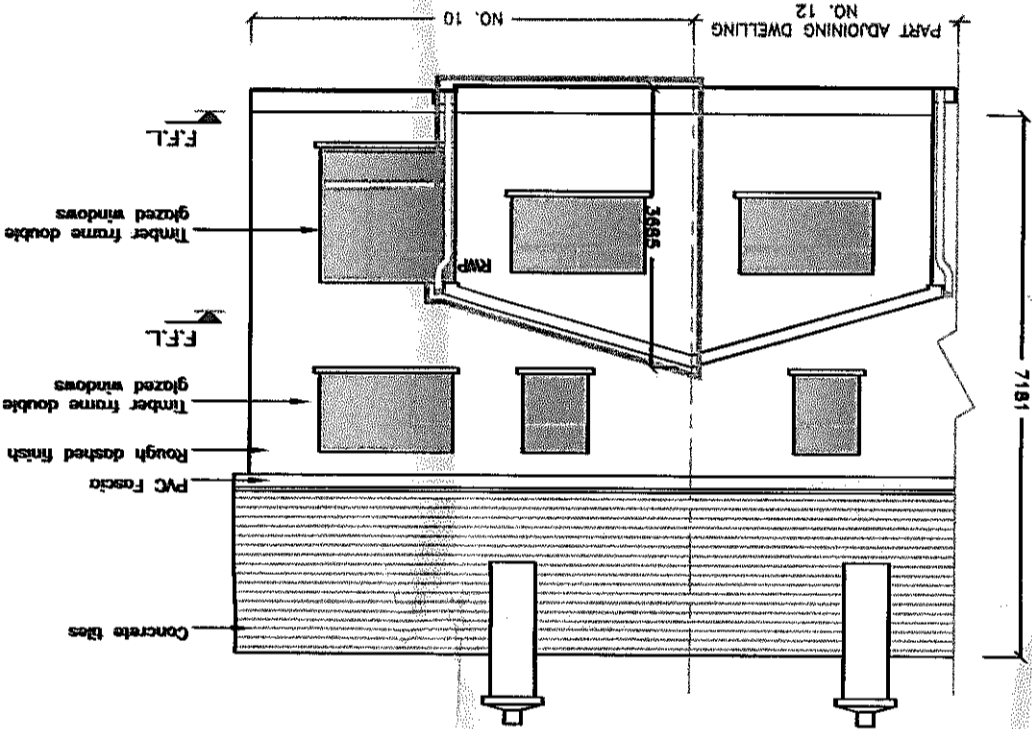


FIRST FLOOR PLAN

35.67sqm



REAR ELEVATION



FRONT ELEVATION

