



Comhairle Cathrach Chorcaí Cork City Council

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

Sadia Akram,
92 Curraghwoods,
Frankfield,
Cork T12 XK5K.

23/08/2022

**RE: Section 5 Declaration R731/22 92 Curraghwoods, Frankfield,
Cork**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 10th August 2022, I wish to advise as follows:

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),

The proposed works are to be carried out internally and will not affect the external appearance of the structure, the structure is not protected or within an architectural conservation area (ACA).

It is considered that the *removal of an internal chimney breast on ground floor and first floor within a semi-detached house* **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**

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, 23rd August 2022.



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Comhairle Cathrach Chorcaí Cork City Council

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

Is mise le meas,

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



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SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R731/22

Description Is the removal of an internal chimney breast on ground floor and first floor within a semi-detached house exempt from planning permission.

Applicant Sadia Akram

Location 92 Curraghwoods, Frankfield, Cork, T12 XK5K.

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.

SITE LOCATION

The site is located in Frankfield, Douglas. The dwelling is semi-detached. The chimney is located in the centre of two dwellings and services both dwellings. The external chimney stack is to remain.

Subject Development

We intend to remove an internal chimney breast on the ground and first floor, but the external chimney stack will remain and not be removed. In order to make the wall even, 3 clay chimney flue lines will be removed on the ground and first floor on our side – necessary supports in place in order to ensure the wall is structurally sound. The required supports will be put in place and the wall rebuilt to ensure it is totally safe.

Subject site planning history

No planning history available on subject site.

RELEVANT LEGISLATION

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),

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 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.

Sub-threshold EIS

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 EIS is not required to be submitted.

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.

Assessment

The subject site is in an area zoned **ZO 1 Sustainable Residential Neighbourhoods**.

The principle of the proposed development is in accordance with the zoning objective, ZO 1 Sustainable Residential Neighbourhoods with the zoning objective to protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses.

This section 5 proposes the removal of the internal chimney breast on ground floor and first floor level. The dwelling is not a protected structure and is not located within an ACA. *Section 4(1)(h)* of the Planning and Development Act 2000 (as amended) considers the internal alterations as exempted development if the structure is not a protected structure and if the work will not impact on the exterior and character of the building and wider area. The proposed works are solely internal works and meet the said criteria for exempted development.

Recommendation

Having reviewed the details submitted I recommend the following:

The proposed works are to be carried out internally and will not affect the external appearance of the structure, the structure is not protected or within an ACA and the proposed works are considered development and exempted development.

Alan Swanwick
Assistant Planner
19/08/2022

10 AUG 2022

CORK CITY COUNCIL

R-Phone/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924762

Líonra/Web: www.corkcity.ie

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

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

92 ULRAGHWOODS, FRANKFIELD, CORK
T12 XCSK

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 removal of an internal chimney breast on ground floor and first floor within a semi-detached house exempt from planning permission?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

We intend to remove an internal chimney breast on the ground and first floor but the external chimney stack will remain and not be removed. In order to make the wall even, 3 clay chimney flue liners will be removed on the ground and first floor on our side. Necessary supports put in above as required. In order to ensure the wall is structurally sound the required supports will be put in place and the wall rebuilt to ensure it is totally safe.

Cork City Council

10 AUG 2022

Community, Culture
and Placemaking

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

If so please supply details:

NO

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?

If so please supply details:

NO

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	
(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) _____
(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) _____ _____ _____

please see attached drawing

8. 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		

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

Signature: 

Date: 10/05/2022

CONTACT DETAILS

10. Applicant:

Name(s)	SADIA AKRAM.
Address	92 CRRAGWOODS ----- FRANKFIELD, CORK ----- T12 XESE.

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

Name(s):	
Address:	----- ----- -----
Telephone:	
E-mail address:	
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 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.

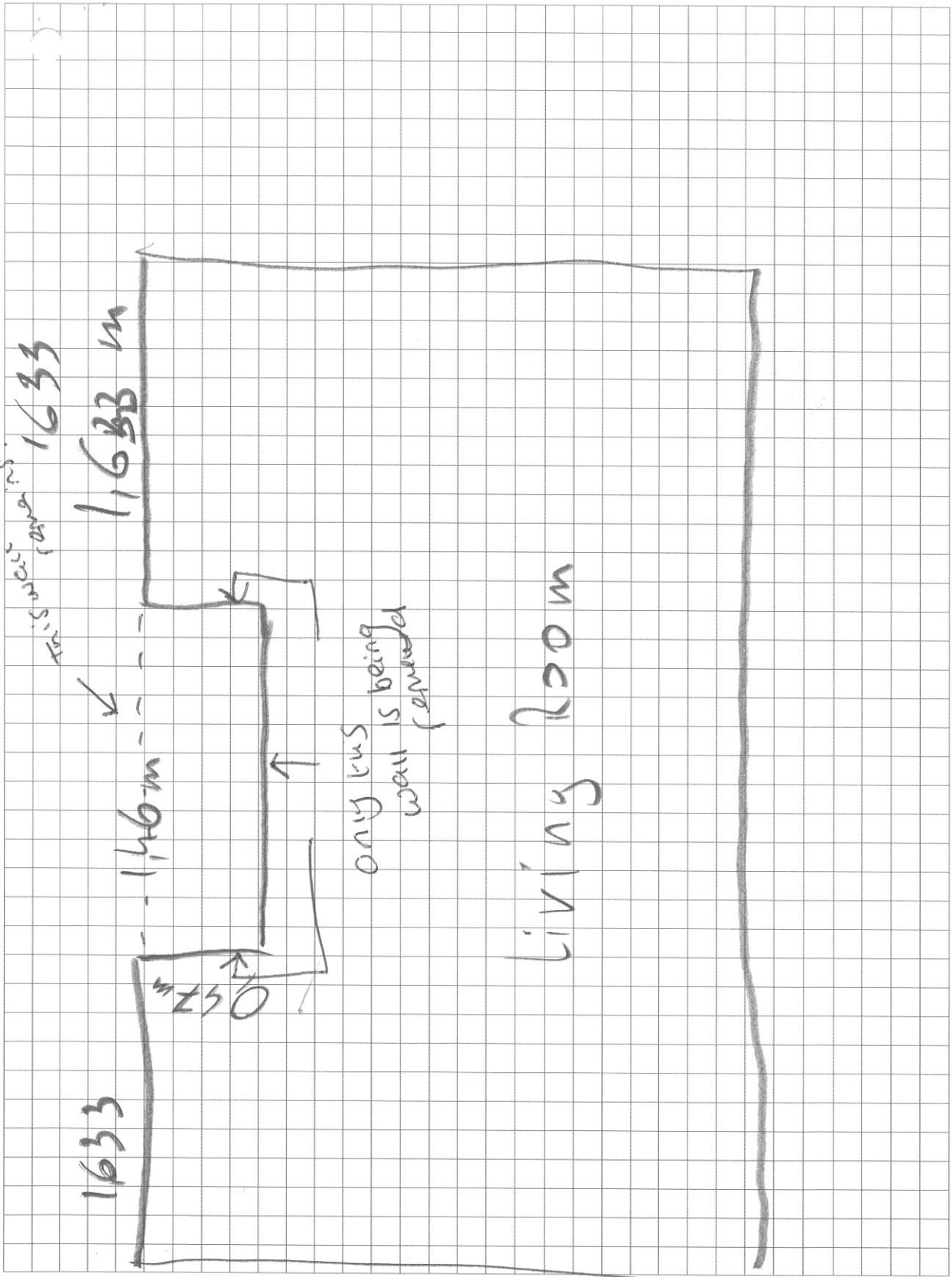
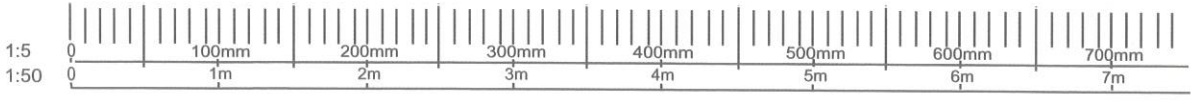
ADVISORY NOTES:

<p>The application must be accompanied by the required fee of €80</p> <p>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.</p> <p>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.</p> <p><i>The application should be sent to the following address:</i></p> <p style="text-align: center;">The Development Management Section, Community, Culture & Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.</p>
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- 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.



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