



Halla na Cathrach  
Corcaigh  
T12 T997

City Hall  
Cork  
T12 T997

Maureen Lynch  
C/O Matthew Mullen  
A2 Architects  
3 Great Strand Street  
Dublin 1

09/02/18

**RE: Section 5 Declaration 6 Mount Verdon Terrace, Wellington Road, 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 considered the particulars submitted with the application and consulted the Planning and Development Regulations 2001(as amended);

It is considered that the subject development is **Development** and is **Not 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** R464/17

**Reference:**

**Development Description:** Is the switching of a dental surgery from the second floor to the ground floor and residential use from the ground floor to the second floor at Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork development and if so, is it exempted development.

**Applicant:** Maureen Lynch

**Location:** Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork

**Date:** 16/01/2018

### SUMMARY OF RECOMMENDATION

The proposed development is **Development**  
and is **NOT 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 works comprise change of use of ground floor from residential to dental surgery and change of use of second floor from dental surgery to residential use.

### SITE DESCRIPTION

The site comprises a three-storey terraced building on Wellington Road.

### RECENT PLANNING HISTORY

H.A 359 Permission GRANTED for change of use of second floor from residential use to use as a dental surgery at Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork.

## ASSESSMENT

No. 6 Mount Verdon Terrace is a terraced three-bay three-storey residential property located on Wellington Road with a box dormer roof extension. I note from the planning history permission was previously granted for change of use of second floor from residential use to use as a dental surgery.

The question before the planning authority is whether "*the switching of a dental surgery from the second floor to the ground floor and residential use from the ground floor to the second floor*" is development and if so is it exempted development?

Effectively, the development is change of use of ground floor from residential use to dental surgery use and change of use of the second floor from dental surgery use to residential use.

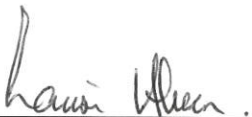
'Development' as defined in the Act (3)(1) comprises two possible chief components: *'the carrying out of any works on, in, over or under land', or 'the making of any material change in the use of any structures or other land'*.

I consider the change of use from residential to dental surgery and dental surgery to residential is a change of use, and is a material change of use. Therefore, as the proposed development is a material change of use, it comes under the definition of 'development'.

There is no exemption for the change of use from residential to dental surgery use or dental surgery to residential in the Planning and Development Regulations 2001 (as amended).

## RECOMMENDATION


Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the change of use **Is Development** and is **Not Exempted Development**.



**Louise Ahern**  
Assistant Planner

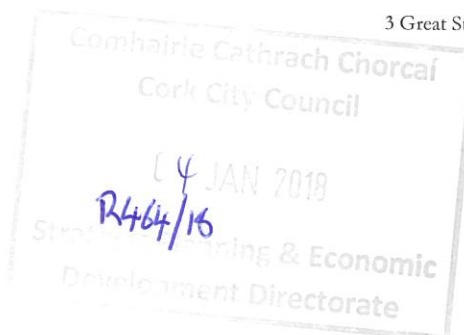
22/1/07

16/02/18.

  
SEP.  
14/2/2018.

Strategic Planning and Economic Development Directorate  
Cork City Council  
City Hall  
Anglesea Street  
Cork

3 Great Strand Street, Dublin 1, Ireland  
telephone +353 1 872 7393  
email office@a2.ie



20<sup>th</sup> December 2017

**Re: Application for Section 5 Declaration**  
**Site: Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork T23 E732**

Dear Sir/Madam,

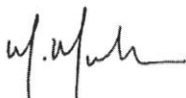
On behalf of my client Maureen Lynch I am to apply for a Section 5 Declaration for the above. I enclose herewith: -

- Completed application form.
- 2 copies of the Location Map at 1:1000 identifying the site and boundaries.
- 2 copies of Site Layout Plan at 1:500 indicating the site boundary in red.
- 2 copies of Existing Plans, Sections and Elevations at 1:100.
- Cheque for the planning fee due to you.

We await your acknowledgement of receipt of this application and, in due course, your decision on the application.

We will be pleased to discuss any matters of concern to you if you think this would be of use in your consideration of the application.

Yours faithfully,



Matthew Mullin

**A2 ARCHITECTS**  
Members of the Royal Institute of the Architects of Ireland

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

Fón/Tel: 021-4924564/4321

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**

Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork T23 E732

**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 switching of a dental surgery from the second floor to the ground floor and residential use from the ground floor to the second floor at Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork development and if so, is it exempted development?

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

*(Use additional sheets if required).*

Cork City Council, formally Cork Corporation granted planning permission for the change of use of the second floor from residential use to use as a dental surgery at Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork on 30/08/83, ref no. H.A 359. This application was made by the owner's daughter and daughters husband that have operated a private dental surgery from this property since this grant of permission. Permission to locate the surgery at the second floor was sought as the elderly owner required ground floor residential accommodation. Upon the late owners passing, the property was left to the daughter. Her and her husband decided to relocate the dental surgery from the second floor to the ground floor in 2006. This was to improve access for their clients. Concurrently they reinstated residential use on the second floor. No structural work or internal/external modifications to the building was undertaken upon the grant of permission in 83 or subsequently when the dental surgery was relocated to the ground floor and residential use was reinstated on the second floor. There has been no increase in size of either classes of use.

### 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	GFA: 238 sqm. Area related to application 48 sqm at ground and 2nd floors
(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 type="checkbox"/> If yes, please provide floor areas. (sq m) <hr/> n/a
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) <u>Second floor previously in use as dental surgery</u> Ground floor previously in use as residential	Proposed/existing use (please circle) <u>Second floor currently in use residential use</u> Ground floor currently in use as dental surgery

### 4. APPLICANT/ CONTACT DETAILS

Name of applicant (principal, not agent):	Maureen Lynch	
Applicants Address	Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork T23 E732	
Person/Agent acting on behalf of the Applicant (if any):	Name:	A2 Architects
	Address:	A2 Architects, 3 Great Strand Street, Dublin 1 D01 N6T8
	Telephone:	[REDACTED]
	Fax:	n/a
	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 type="checkbox"/>	No <input checked="" type="checkbox"/>

### 5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <b>X</b>	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 and address of the owner if available	n/a	

6.1 / We confirm that the information contained in the application is true and accurate:

Signature: Mareen Lynch

Date: 04/01/2018

.....

<input type="checkbox"/>	EMAIL	<input type="checkbox"/>	POST
<input type="checkbox"/>	COURIER	<input type="checkbox"/>	HAND
<input type="checkbox"/>	PICK UP	<input type="checkbox"/>	DISK



Architects

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 telephone +353 1 872 7393  
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TO Cork City Council  
 ATTN Planning Department

<b>PROJECT</b>	<b>JOB NO.</b>	<b>DISCIPLINE</b>	<b>SHEET NO.</b>
Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork	1701	Architecture	1 of 1

<b>DRAWING SERIES</b>  Work Stage PLANNING (SECTION 5)	<b>ISSUE</b>	
	DAY	20
	MONTH	12
	YEAR	17

NO.	DRAWING/SPEC TITLE:	SCALE	REVISION No.
A100	OSI Map	1:1000@A3	P1
A101	Existing Site Layout Plan	1:500@A3	P1
A200	Existing Ground & First Floor Plans	1:100@A3	P1
A201	Existing Second & Third Floor Plans	1:100@A3	P1
A300	Existing Front Elevation	1:100@A3	P1
A301	Existing Rear Elevation	1:100@A3	P1
A400	Existing Section A-A	1:100@A3	P1
A401	Existing Section B-B	1:100@A3	P1

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PURPOSE OF ISSUE & TYPE	P: PRINTS D: DIGITAL
FOR INFORMATION	
FOR PLANNING (SECTION 5)	P
FOR BUILDING CONTROL	
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FOR TENDER	
FOR CONSTRUCTION	
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Surveyed 1973  
Revised 2016  
Levelled 1973-1983

# Urban PLACE Map



**ITM CENTRE PT. COORDS**  
568070,572391

**DESCRIPTION**

**MAP SHEETS**

1:1000  
6382-05 6383-01  
6382-10 6383-06

**Authorised Internet Map**



Scale:- 1:1,000  
Scale:- 1:1,000



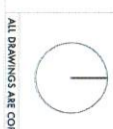
Plot Ref. No. 19756056\_1\_1  
Plot Date 17-AUG-2017

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*(Small text in Irish and English regarding copyright and map usage)*



**LEGEND**  
SITE BOUNDARY  
OS Map Sheet Ref No: 6382-05, 6382-10, 6383-01, 6383-06  
Site Area: 0.0186 ha / 186 sqm



ALL DIMENSIONS ARE GIVEN IN METRES UNLESS OTHERWISE SPECIFIED.

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DUBLIN 1 IRELAND  
001 8783  
17-2531 87238  
17-2531 87238  
www.osi.ie



ISSUE /	DATE /	SCALE /	SECTION
1701	19/2/17	1:1000/3	
DWG NO. /	REV. /	DWG NO. /	REV. /
1701	A100		P1

**OSI Map**  
PROJECT /  
CLIENT /  
DRAWING /



OS Map Sheet Ref No: 6382-05, 6382-10, 6383-01, 6383-06  
 Site Area: 0.0165 ha / 186 sqm

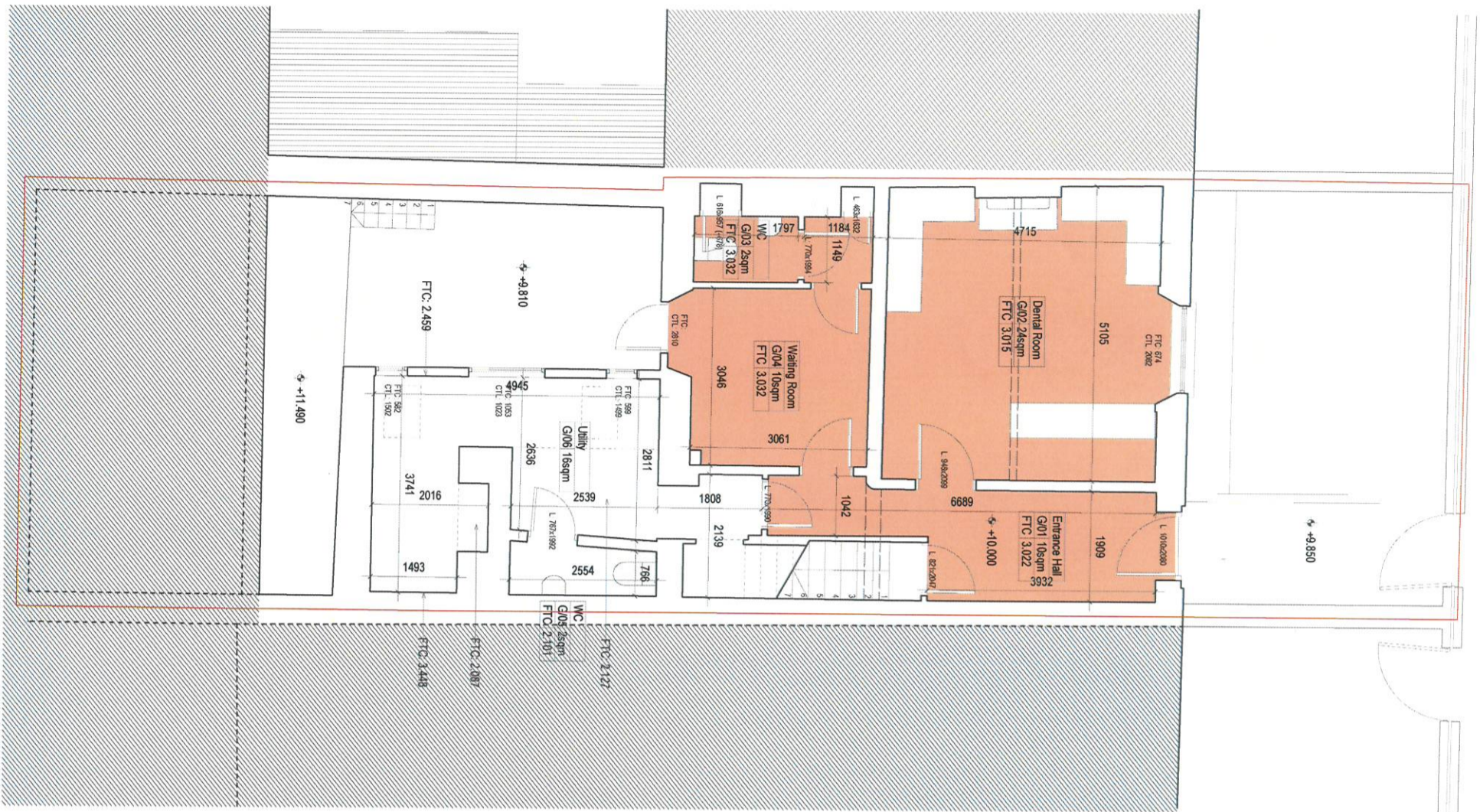
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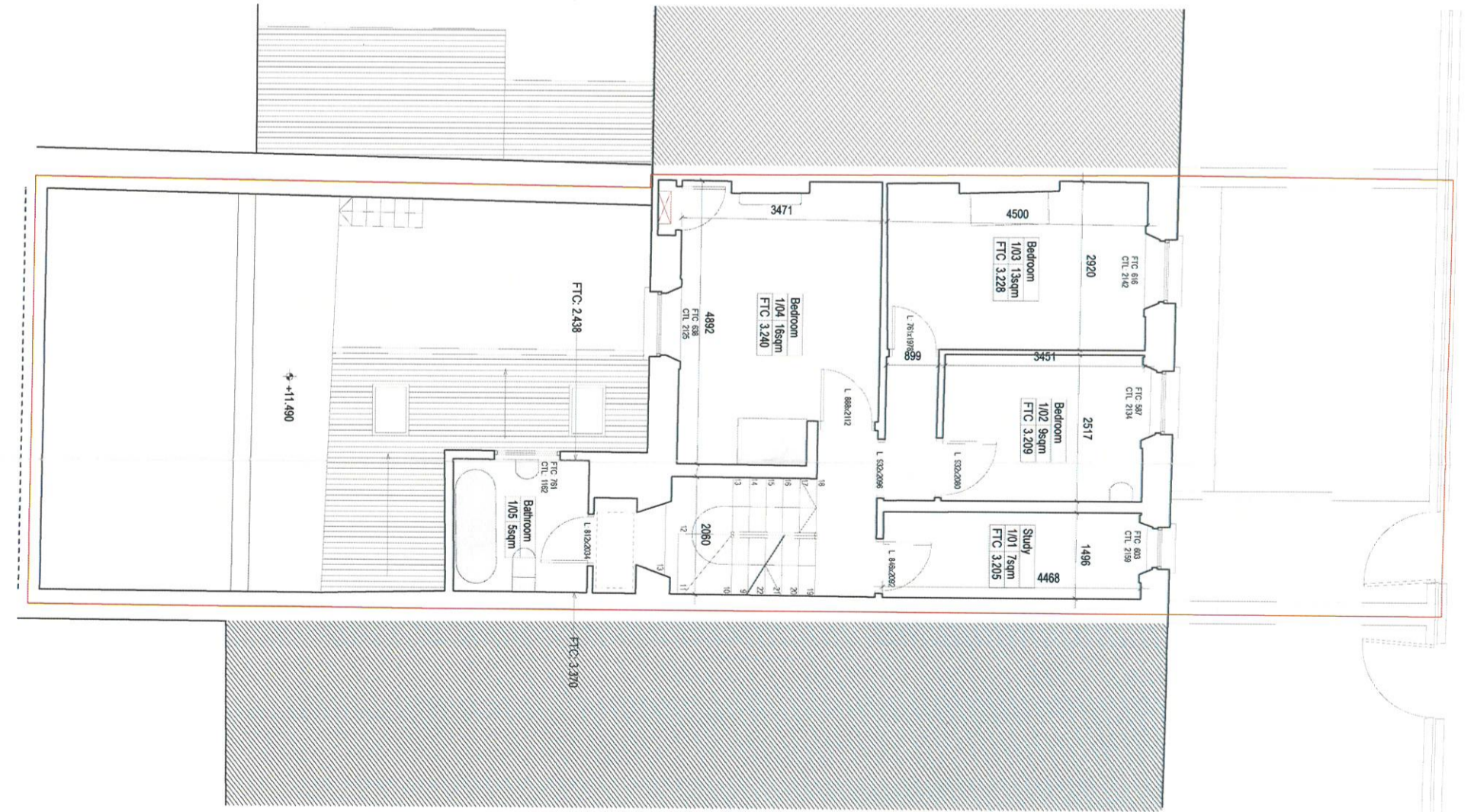
**AZ ARCHITECTS** DRAWING /  
 3 GREEN STANDA STREET  
 DOCKLEIGH  
 11-353 1827293  
 11-353 1827294  
 info@azarchitects.co.nz  
 www.azarchitects.co.nz

**Existing Site Layout Plan**

ISSUE / DATE: 18/07/17  
 SECTION 5 / DRAWING / AM  
 JOB NO. / DWG NO. / REV. /  
 1701 / A101 / P1



01 Existing Ground Floor Plan  
A200 Scale: 1:100 @ A3



02 Existing First & Half Landing Floor Plan  
A200 Scale: 1:100 @ A3

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LEGEND:  
 SITE BOUNDARY  
 AREA CURRENTLY IN USE AS DENTAL SURGERY SINCE 2006 PREVIOUS TO THIS, THE AREA WAS IN RESIDENTIAL USE. APPROX AREA = 46sqm

REVISION /	DATE	DESCRIPTION

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PROJECT /  
 Existing Ground & First Floor Plans  
 CLIENT /  
 Kieran Heenan, 8 Mount Vernon Terrace, Wellington Road, Cork, T23 2E2

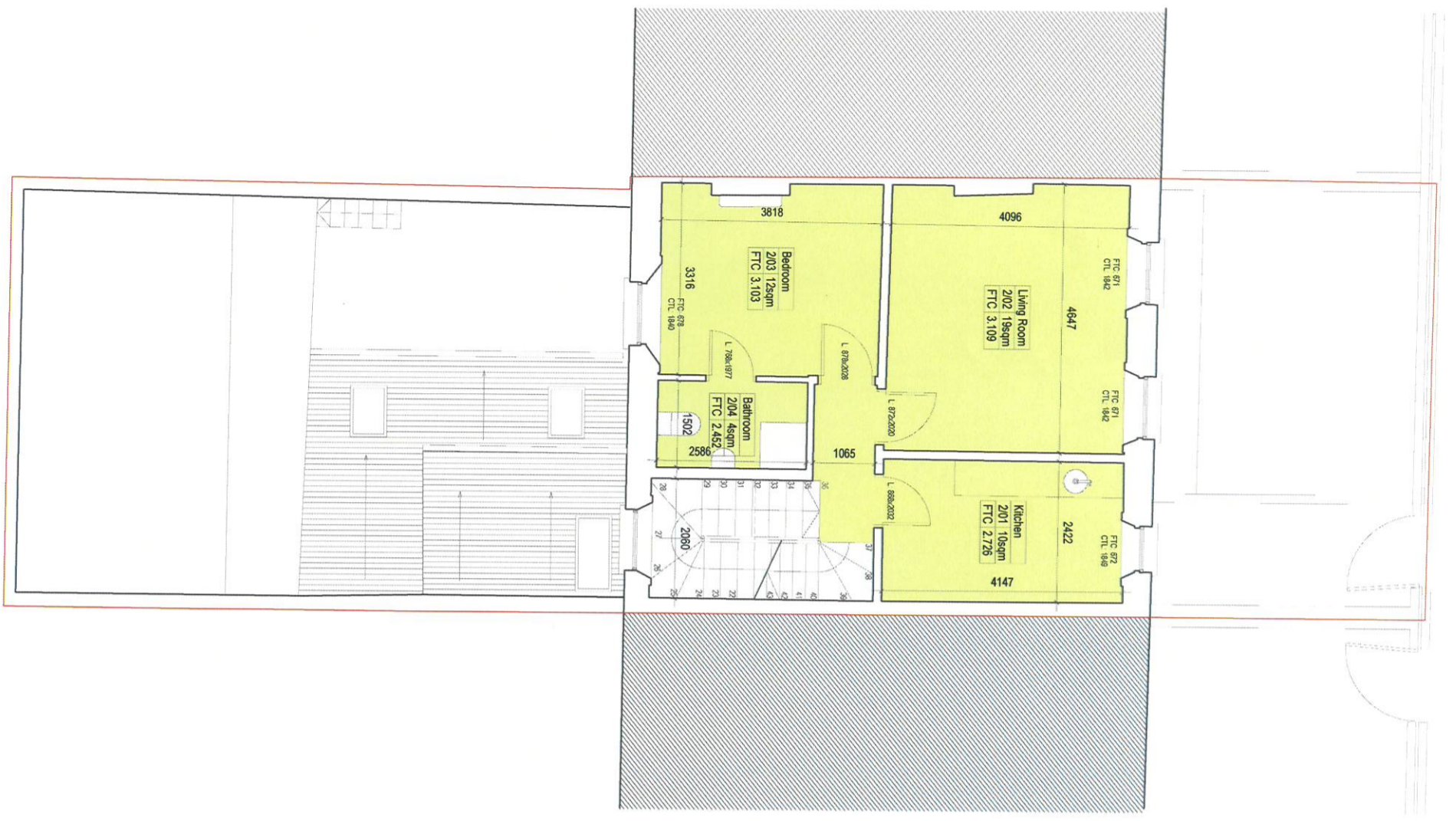
ISSUE /  
 1701

DATE /  
 19/01/17

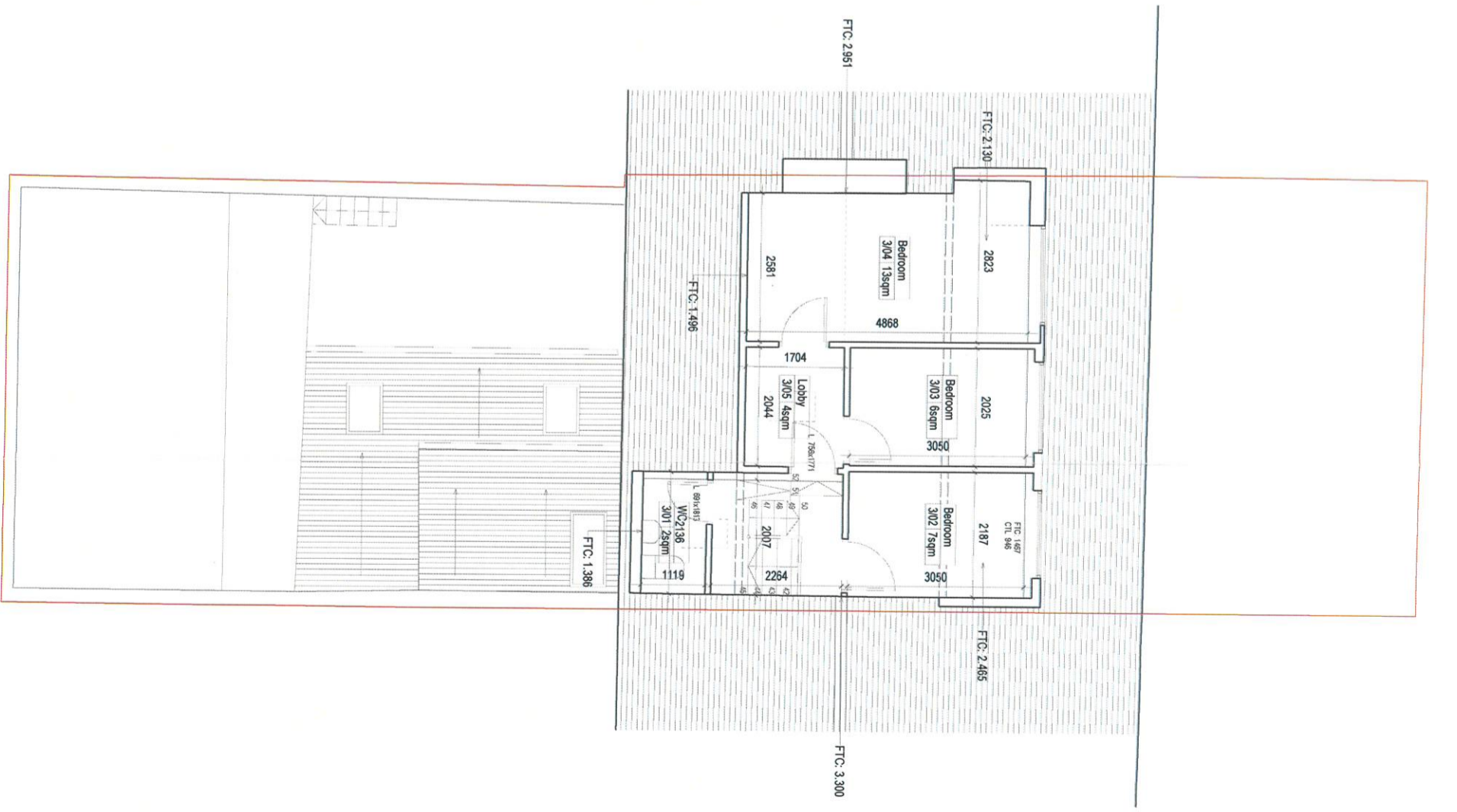
SCALE /  
 1:100 @ A3

DWG NO. /  
 A200

REV. /  
 P1



01 Existing Second Floor Plan  
A201 Scale: 1:100 @ A3



02 Existing Third Floor/ Attic Plan  
A201 Scale: 1:100 @ A3

01 Existing Second Floor Plan  
A201 Scale: 1:100 @ A3

02 Existing Third Floor/ Attic Plan  
A201 Scale: 1:100 @ A3

LEGEND

SITE BOUNDARY

AREA PREVIOUSLY IN USE AS DENTAL PRACTICE BETWEEN 1993 - 2005. PLANNING PERMISSION FOR CHANGE OF USE OF 2ND FLOOR TO DENTAL SURGERY GRANTED BY CORK CORPORATION ON 30/06/83 REF NO. HA. 369. PREVIOUS TO THIS THE AREA WAS IN RESIDENTIAL USE. UPON THE RELOCATION OF THE DENTAL SURGERY TO THE GROUND FLOOR IN 2005, THIS AREA WAS RETURNED TO RESIDENTIAL USE. APPROX. AREA = 494sqm

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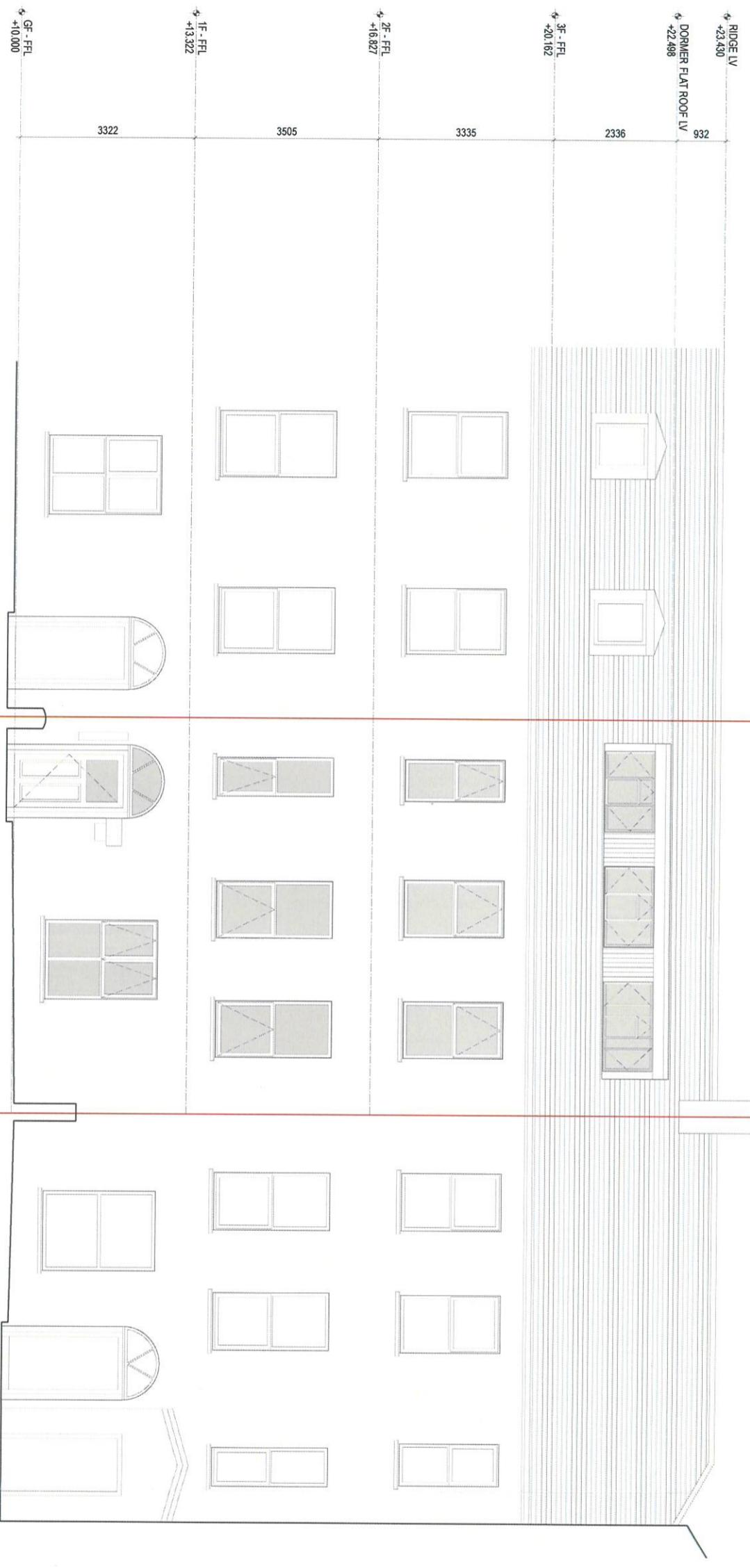
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PROJEC / CLIENT /

ISSUE / SECTION 1

DATE / ISSUE / SCALE / DRAWN / JMB

1701 A201 P1



01 Front Elevation  
A300 Scale: 1:100 @ A3

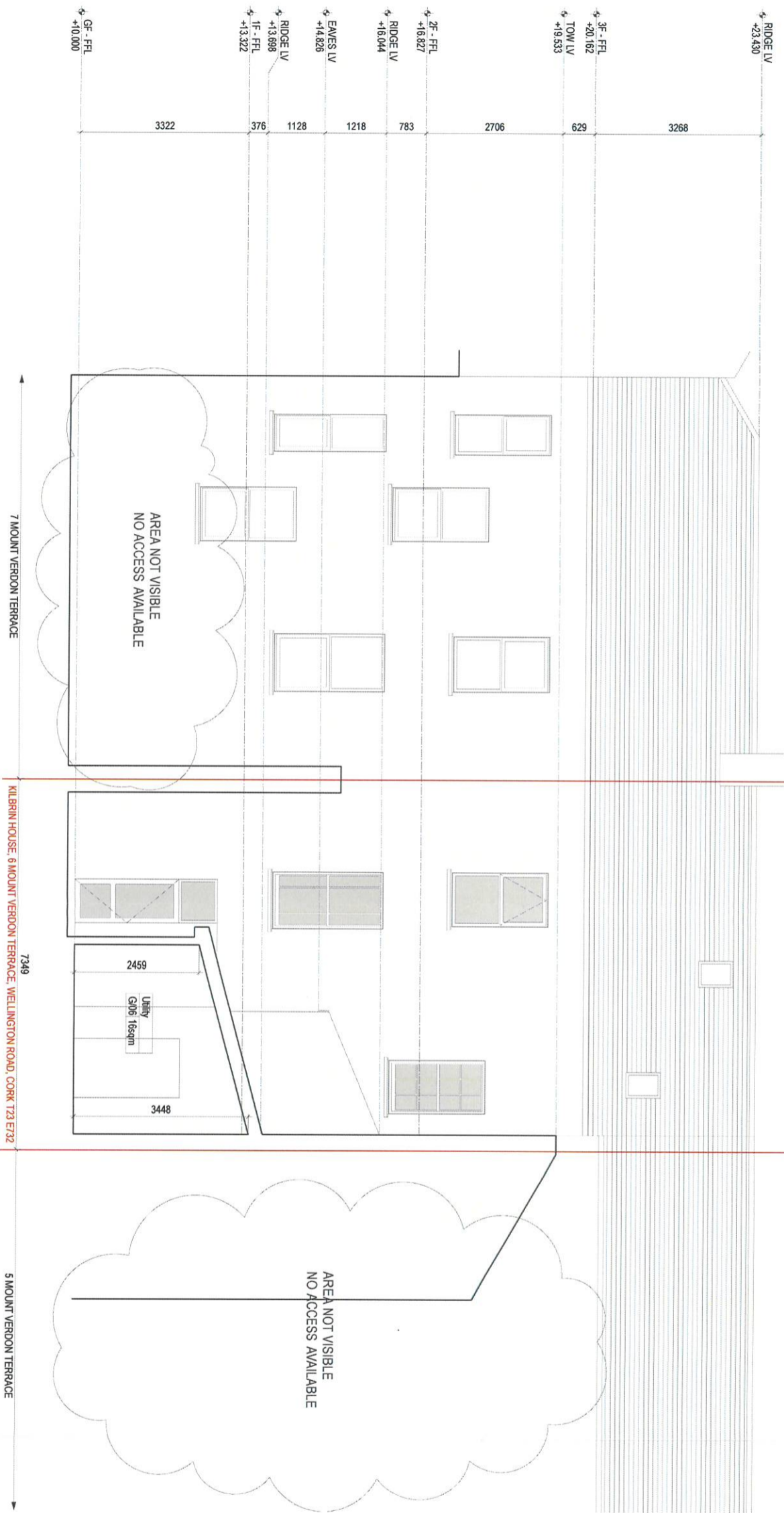
LEGEND / SITE BOUNDARY

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	<b>PROJECT /</b> Kilbrin House, 6 Mount Vernon Terrace, Wellington Road, Cork T23 E732	<b>CLIENT /</b> Client	<b>ISSUE /</b> <b>SECTION 1</b>	<b>DATE /</b> <b>SCALE /</b> <b>DRAWN /</b>	<b>ISSUE /</b> <b>SECTION 1</b>	<b>DATE /</b> <b>SCALE /</b> <b>DRAWN /</b>	<b>JOB NO. /</b> <b>1701</b>	<b>DWG NO. /</b> <b>A300</b>	<b>REV. /</b> <b>P1</b>
	<b>PROJECT /</b> Kilbrin House, 6 Mount Vernon Terrace, Wellington Road, Cork T23 E732	<b>CLIENT /</b> Client	<b>ISSUE /</b> <b>SECTION 1</b>	<b>DATE /</b> <b>SCALE /</b> <b>DRAWN /</b>	<b>ISSUE /</b> <b>SECTION 1</b>	<b>DATE /</b> <b>SCALE /</b> <b>DRAWN /</b>	<b>JOB NO. /</b> <b>1701</b>	<b>DWG NO. /</b> <b>A300</b>	<b>REV. /</b> <b>P1</b>



01 Rear Elevation  
A301 Scale: 1:100 @ A3

LEGEND  
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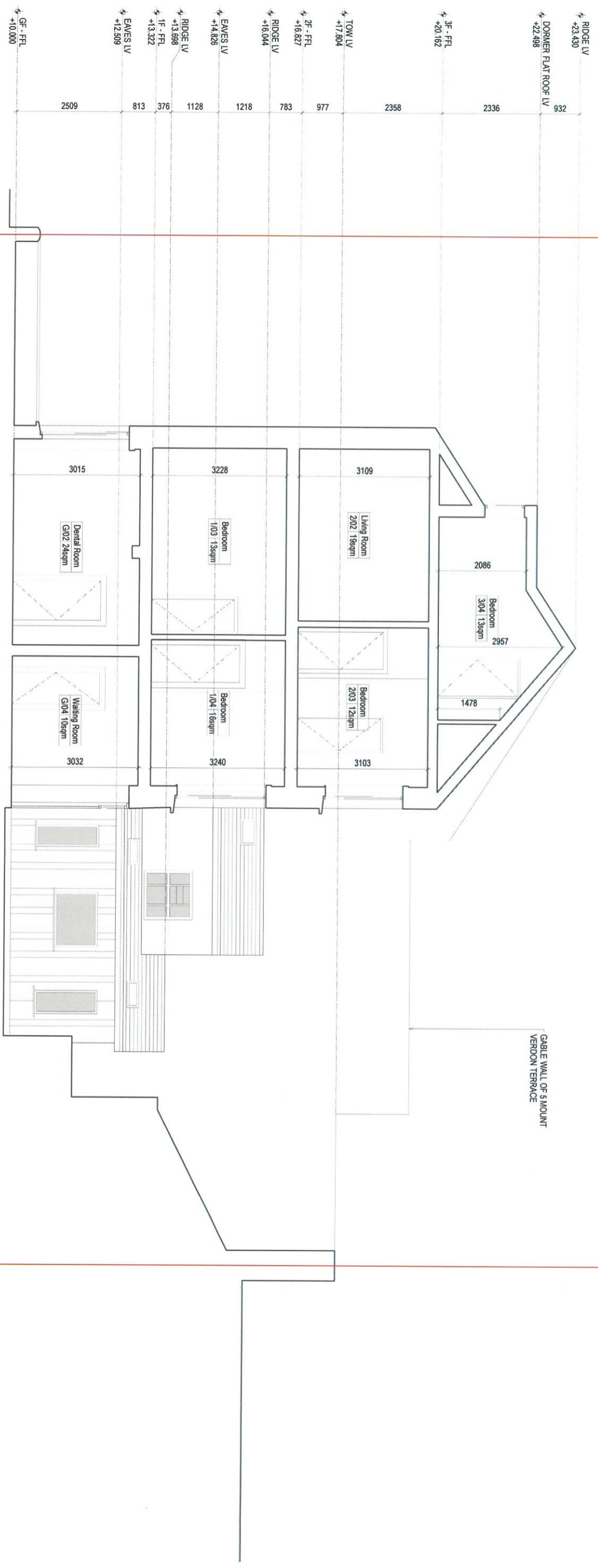
3 GREAT STIRLING STREET  
DUBLIN 11  
01 877 2241  
11-1331 877234  
a2@architects.ie  
www.a2.ie

**PROJECT /**  
Kilbrin House, 8 Mount Verdon Terrace, Wellington Road, Corr 173 E732  
CLIENT /  
Harcourt Lynch

**ISSUE /**  
SECTION 5  
1701

**DATE /**  
SCALE /  
DRAWN /  
DWG NO. /  
REV. /

19/09/17  
1:500 A1 / 1:100 A3  
P1



01 Section A-A  
A400 Scale: 1:100 @ A3

KILBRIN HOUSE, 6 MOUNT VERDON TERRACE, WELLINGTON ROAD, CORK T23 E732

MOUNT VERDON VILLA, BELGRAVE AVENUE

LEGEND / SITE BOUNDARY

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	3 GREAT STRAND STREET DUBLIN 1 D01A81 T: +353 1 8727264 F: +353 1 8727264 www.az.ie	<b>Existing Section A-A</b> Kilbrin House, 6 Mount Verdon Terrace, Wellington Road, Cork T23 E732



01 Section B-B  
A401 Scale: 1:100 @ A3

MOUNT VERDON VILLA, BELGRAVE AVENUE  
KILBRIN HOUSE, 8 MOUNT VERDON TERRACE, WELLINGTON ROAD, COBK T23 E732  
24682  
WELLINGTON ROAD

Legend: SITE BOUNDARY

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REV. NO. / DATE	DESCRIPTION

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1701 A401 P1	19/12/17	

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Existing Section B-B  
 PROJECT /  
 D011818 Kilbrin House, 8 Mount Verdon Terrace, Wellington Road, Co. Wick T23 E732  
 CLIENT /  
 HANSEN SYDNE

