



Halla na Cathrach
Corcaigh
T12 T997

City Hall
Cork
T12 T997

Leonard Barrett
Barrett & Associates
Santa Maria, Springfort
Montonotte
Cork

08/06/18

RE: Section 5 Declaration 12A Meadow Grove Estate Blackrock

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 —

- Sections 2, 3, and 4 of the Planning and Development Act 2000, as amended, and
- Articles 5(2) and 6(1) and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended,
-

the planning authority has concluded that —

- the existing extension is considered to be part of the original house in the context of Class 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended, as it is not included as part of the 40 square metres stipulated under condition and limitation 1(a) and 2(a) of Class 1;
- the existing extension is to be removed / demolished in order to accommodate the proposed new rear extension;
- any replacement development must either be exempted development or have planning permission;
- condition and limitation 1(a) and 2(a) of Class 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended stipulates that any extension shall not exceed 40 square metres; and therefore
- a 44 square metre rear extension would not satisfy condition and limitation 1(a) and 2(a) of Class 1 of Part 1 of Schedule 2 of the Planning and Development

Regulations, 2001 as amended, as it exceeds 40 square metre stipulation (there is no provision for allowances to be made for removed / demolished existing floor space),

and therefore the planning authority considers that —

the construction of a 44 sqm rear extension at 12A Meadow Grove Estate, Cork **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.

Yours Faithfully,



Paul Hartnett
Assistant Staff Officer
Strategic Planning & Economic
Development
Cork City Council

Surveyed 1973
 Revised 2016
 Levelled 1968

Urban PLACE Map

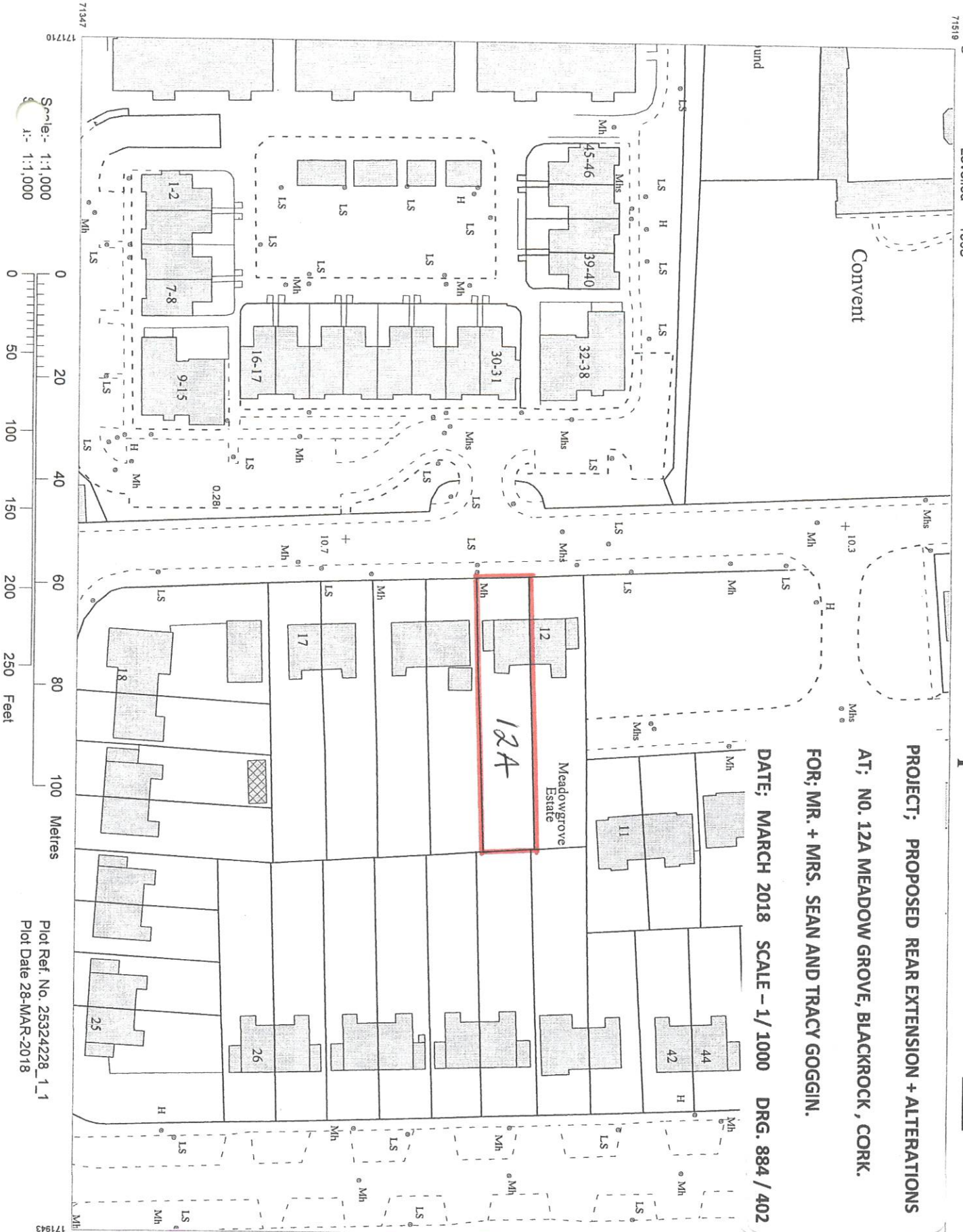


PROJECT; PROPOSED REAR EXTENSION + ALTERATIONS

AT; NO. 12A MEADOW GROVE, BLACKROCK, CORK.

FOR; MR. + MRS. SEAN AND TRACY GOGGIN.

DATE; MARCH 2018 SCALE - 1/1000 DRG. 884 / 402



ITM CENTRE PT. COORDS
 571783,571495

DESCRIPTION

MAP SHEETS



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 Unit 7 South Ring Business Park,
 Kinsale Road,
 Co. Cork
 On behalf of Ordnance Survey Ireland,
 Phoenix Park, Dublin 8.

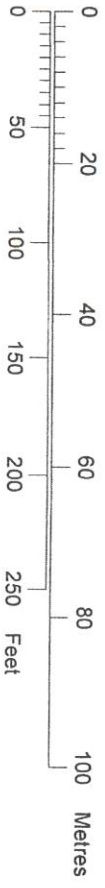
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Scale: 1:1,000
 1" = 1:1,000



Plot Ref. No. 25324228_1_1
 Plot Date 28-MAR-2018

Application type	SECTION 5 DECLARATION
Question	<i>Is the proposed single storey extension at rear of dwelling house as indicated "yellow" on the attached drawing no.884/403 at the above mentioned property development and if so, exempted development?</i>
Location	12A Meadow Grove Estate
Applicant	Sean & Tracy Goggin c/o Barratt and Associates
Date	01/06/2018
Recommendation	<i>Is development and is not exempted development</i>

INTERPRETATION

In this report 'the Act' means the Planning and Development Act 2000 as amended and 'the Regulations' means the Planning and Development Regulations 2001 as amended unless otherwise indicated.

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

Is the proposed single storey extension at rear of dwelling house as indicated "yellow" on the attached drawing no.884/403 at the above mentioned property development and if so, exempted development?

3. SITE DESCRIPTION

The subject property is a two-storey semi-detached dwelling located within the Meadow Grove Estate, on the western side of Convent Road.

4. DESCRIPTION OF THE DEVELOPMENT

The proposed development comprises a new single-storey rear extension measuring 44 sqm in total. The existing single storey extension to the rear of the property (measuring 4m²) is to be demolished. This proposed extension will include the full areas of both aforementioned existing extensions. The proposal also includes the alteration to the roof of the existing side extension to change it from a pitched roof to a flat roof.

5. RELEVANT PLANNING HISTORY

None

6. LEGISLATIVE PROVISIONS

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(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.*

Section 5(1),

Quoted above under section 1 of this report.

6.1 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 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

<p style="text-align: center;">Column 1 Description of Development</p>	<p style="text-align: center;">Column 2 Conditions and Limitations</p>
<p><i>Development within the curtilage of a house</i></p> <p>CLASS 1</p> <p><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"> 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> (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> (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> 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> (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> (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</i>

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
	<p><i>above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</i></p> <p><i>(a) Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i></p> <p><i>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.</i></p> <p><i>(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.</i></p> <p><i>(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.</i></p> <p><i>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.</i></p> <p><i>6. (a) 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><i>(b) 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><i>(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</i></p>

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

7. ASSESSMENT

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 comprises ‘*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*

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 development to which this request relates does not come within the scope of section 4(1).

It is therefore necessary to consider whether it 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).

The applicant maintains that the proposed 44 sqm extension is exempted development under Class 1 as the 4 sqm of the existing single storey extension is excluded from the calculation of the 40 sqm limit, as per *Condition and Limitation 2(a)* of Class 1.

However, I note that while the proposed new rear extension is to include all of the floor space currently occupied by the rear extension. It will in fact need to be demolished in order to accommodate the proposed new extension.

Therefore, Class 50 (b) will need to be availed of. Once a structure or part thereof is demolished, it is no longer a structure, and cannot be replaced, rebuilt or otherwise considered as ‘*existing*’ floor space unless such replacement development is exempted development or has planning permission.

I therefore do not accept that the existing floor space of the extension can be considered to be ‘*existing*’ floor space when the extension is to be removed and considered to be exempt from

the 40 sqm limitation of Class 1. Once the extension is removed or demolished, any replacement development must come within the parameters of Class 1 in order for it to be considered exempted development under Class 1. At 44 sqm, the proposed rear extension does not satisfy *Condition and Limitation 1(a) and 2(a)* of Class 1, and is therefore not exempted development.

In addition, I note that the existing side extension of the building, is stated on the application form as being part of the original house. This appears now to be used as part of the habitable accommodation of the house. From looking at other houses in the estate of the same design it appears that this extension was originally a garage and has subsequently been converted to habitable living space for the house. The applicant has not submitted information as to when this conversion took place but from the appearance of the house it is unlikely that this occurred pre-1964. Therefore the floorspace of this extension would have to be added to the overall floorspace calculation for the proposed extension and therefore again does not satisfy *Condition and Limitation 1(a) and 2(a)* of Class 1,

Restrictions on exemption

Notwithstanding the above, I note the restrictions on exemption set out in section 82(1) of the Act and article 9(1)(a)(xii) of the Regulations. I note too the following extract from paragraph 15.3 of An Bord Pleanála Inspector’s report for PL 28.246769 in relation to a larger, two-storey rear extension on this site:

“I consider that the proposed development will not seriously injure the visual amenities or character of this Architectural Conservation Area.”

Having regard to the nature and scale of the proposed extension to which this declaration request relates, I do not consider that it would materially affect the character of the area.

I do not consider that any other restrictions apply in this instance.

Conclusion: *is not exempted development*

8. ENVIRONMENTAL ASSESSMENT

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state,

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.

8.1 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.**

8.2 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

In view of the above and having regard to —

- Sections 2, 3, and 4 of the Planning and Development Act 2000, as amended, and
- Articles 5(2) and 6(1) and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended,

the planning authority has concluded that —

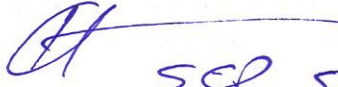
- the existing extension is considered to be part of the original house in the context of Class 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended, as it is not included as part of the 40 square metres stipulated under condition and limitation 1(a) and 2(a) of Class 1;
- the existing extension is to be removed / demolished in order to accommodate the proposed new rear extension;
- any replacement development must either be exempted development or have planning permission;
- condition and limitation 1(a) and 2(a) of Class 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended stipulates that any extension shall not exceed 40 square metres; and therefore
- a 44 square metre rear extension would not satisfy condition and limitation 1(a) and 2(a) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as amended, as it exceeds 40 square metre stipulation (there is no provision for allowances to be made for removed / demolished existing floor space),

and therefore the planning authority considers that —

the construction of a 44 sqm rear extension at 12A Meadow Grove Estate, Cork **IS DEVELOPMENT and IS NOT EXEMPTED DEVELOPMENT.**



SHARON O'CONNELL
ASSISTANT PLANNER

 SEP 5/6/18

[Faint, mostly illegible text from the reverse side of the page, appearing as bleed-through. Some words like 'DEVELOPMENT' and 'EXEMPTED' are visible.]

**Re; Proposed rear extension and alterations to dwelling house,
At; No. 12A Meadow Grove Estate, Blackrock, Cork.**

For ; Mr. and Mrs. Sean and Tracy Goggin .

29 / 03 / 2018

SECTION 5 DECLARATION APPLICATION

Dear Sir / Madam ,

We wish to make a formal application for a Section 5 Exemption certificate regarding the above proposed development.

The proposed development will comprise of a 40 sq.m single storey extension to the rear of existing dwelling house.

We enclose the following as part of our application;

1. Completed application form.
2. 2 copies of detail drawings ref. 884 / 401, 402 and 403
3. 2 copies of OS map @ 1/1000 scale and six inch
4. Appropriate fee of e80.00

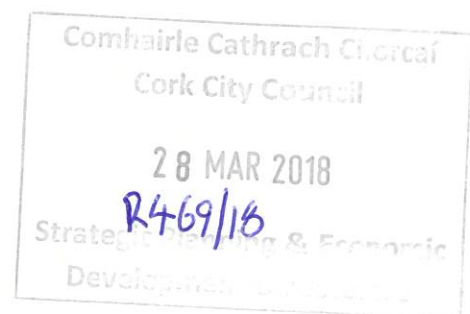
Please confirm receipt of this application and do not hesitate to contact this office for any further information.

Yours faithfully,



Leonard Barrett
Barrett and Associates

Kevin,
Section 5 For report
Doe 28/04/18
Paul



Surveyed 1841-1842
Revised 1929-1950
Levelled 1928-1929

Record PLACE Map



72341

PROJECT: PROPOSED REAR EXTENSION + ALTERATIONS

AT; NO. 12A MEADOW GROVE, BLACKROCK, CORK.

FOR; MR. + MRS. SEAN AND TRACY GOGGIN.

DATE; MARCH 2018 SCALE – SIX INCH DRG. 884 /401

TTM CENTRE PT. COORDS
571783.571495

DESCRIPTION

MAP SHEETS

6 inch
CK074 CK075



Produced by National Map Services,
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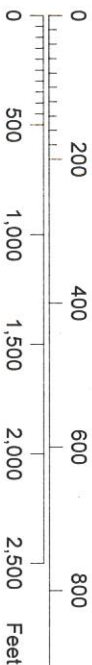
N

70525

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Scale:- 1:10,560
Scale:- 1:10,560



Plot Ref. No. 25324228_1
Plot Date 28-MAR-2018

173056

Surveyed 1973
 Revised 2016
 Levelled 1968

Urban PLACE Map



PROJECT; PROPOSED REAR EXTENSION + ALTERATIONS

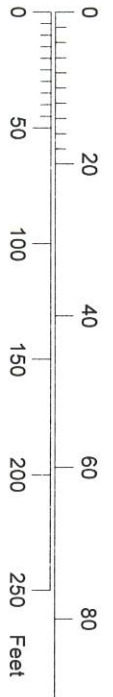
AT; NO. 12A MEADOW GROVE, BLACKROCK, CORK.

FOR: MR. + MRS. SEAN AND TRACY GOGGIN.

DATE; MARCH 2018 SCALE - 1/ 1000 DRG. 884 / 402



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



Plot Ref: No. 25324228_1_1
 Plot Date 28-MAR-2018

ITM CENTRE PT COORDS
 571783,571495

DESCRIPTION

MAP SHEETS

1:1000
 6383-15



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**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

NO. 12A MEADOW GROVE ESTATE, BLACKROCK

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 PROPOSED SINGLE STOREY EXTENSION AT REAR OF DWELLING HOUSE AS INDICATED 'YELLOW' ON ATTACHED DRG. NO. 884/403 AT THE ABOVE MENTIONED PROPERTY DEVELOPMENT, AND IF SO, EXEMPTED DEVELOPMENT?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

THE PROPOSED EXTENSION INDICATED "YELLOW" IS NOT GREATER THAN 40.0 SQ.M INTERNAL FLOOR AREA. ALTERATIONS INCLUDE NEW EXTERNAL CLAD INSULATION WITH SMOOTH PLASTER RENDER, NEW CHARCOAL WINDOWS + DOORS AND NEW ZINC CLAD CANOPY AT FRONT.

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)

PROPOSED = 40.0 SQ.M

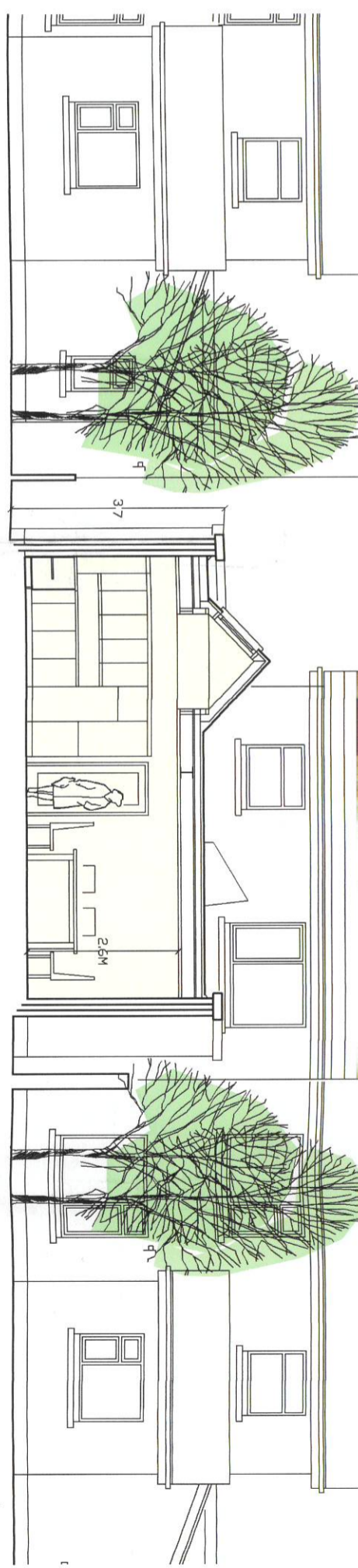
(a) Floor area of existing/proposed structure/s	EXISTING = 117.0 SQ.M
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) N/A
(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):	MR. + MRS. SEAN + TRACY GOGGIN		
Applicants Address	NO. 12 A MEADOW GROVE ESTATE, BLACKROCK.		
Person/Agent acting on behalf of the Applicant (if any):	Name:	to MR. LEONARD BARRETT.	
	Address:	BARRETT + ASSOCIATES SANTA-MARIA. SPRINGFORT, MONTENAPPE	
	Telephone:	CORK	
	Fax:	→	
	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"/>	YES

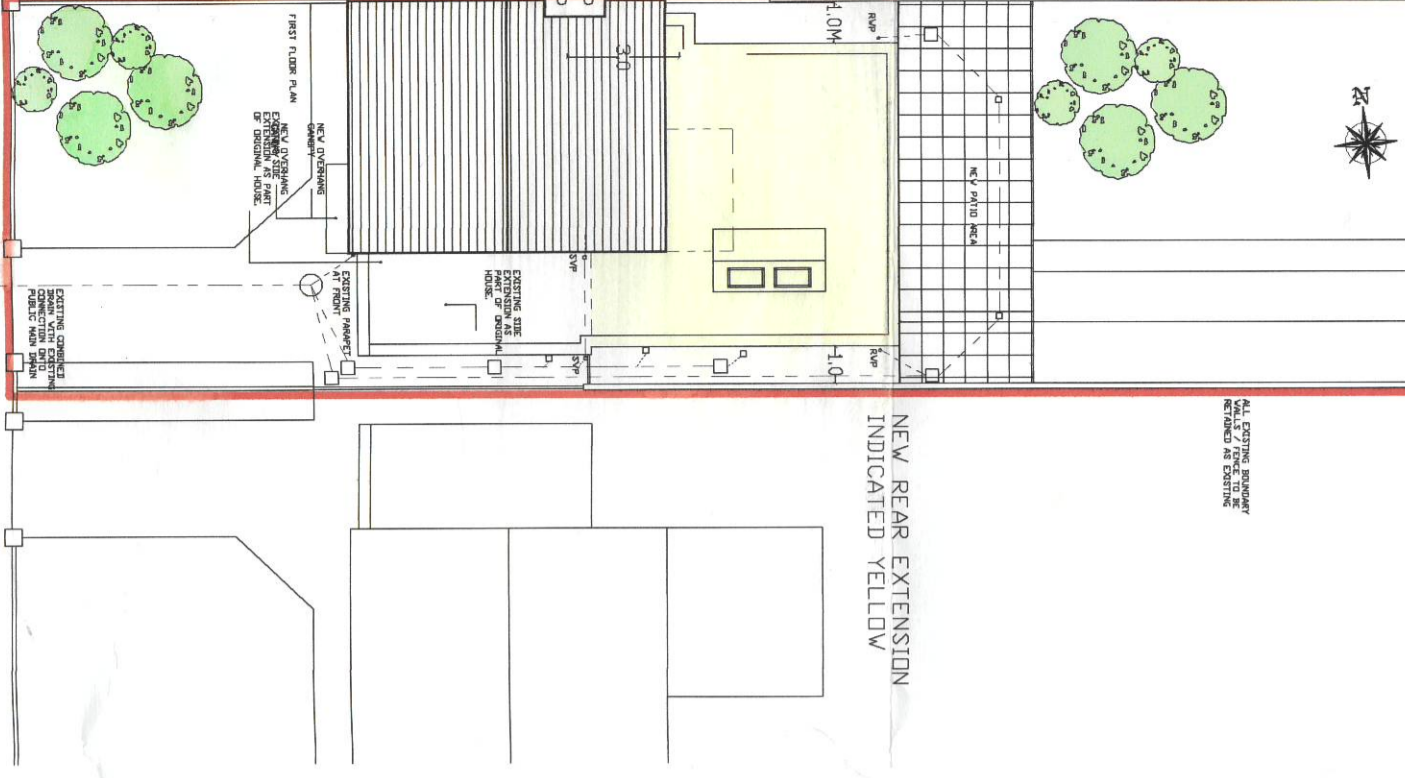
5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other
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	



CROSS SECTION THRD. EXTENSION

NEW REAR EXTENSION INDICATED YELLOW



NEW REAR EXTENSION INDICATED YELLOW



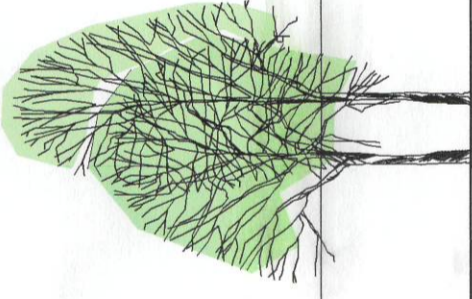
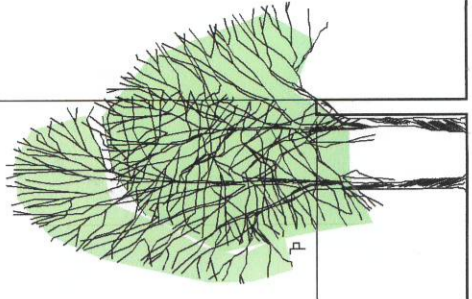
REAR ELEVATION - EAST FACING
NEW REAR EXTENSION INDICATED YELLOW

BARRETT AND ASSOCIATES PLANNING — DESIGN — SUPERVISION
 SANTA MARIA, SPRINGFORT, MONTENOTTE, CORK. PH. 087/7418761 DIP. ARCH. MASJ. MCABE MRCS. CHARTERED.
PROPOSED REAR EXTENSION AND ALTERATIONS 884/403
 AT: NO. 12A MEADOW GROVE ESTATE, BLACKROCK, CORK. MARCH 2018
 FOR: MR. AND MRS. SEAN AND TRACY GOGGIN 1/100/200

NO. 12A MEADOW GROVE ESTATE

NEW REAR EXTENSION INDICATED YELLOW

EXISTING WHITE FASCIA AND SOFFIT, GUTTERS AND RWPS
NEW EXTERNAL SMOOTH PLASTER INSULATED RENDER
NEW CHARCOAL GREY WINDOWS AND DOORS



SIDE ELEVATION - SOUTH FACING

NO. 12A MEADOW GROVE ESTATE

EXISTING WHITE FASCIA AND SOFFIT, GUTTERS AND RWPS
NEW EXTERNAL SMOOTH PLASTER INSULATED RENDER
NEW CHARCOAL GREY WINDOWS AND DOORS

EXISTING PARAPET AT FRONT. EXISTING SIDE EXTENSION AS PART OF ORIGINAL HOUSE

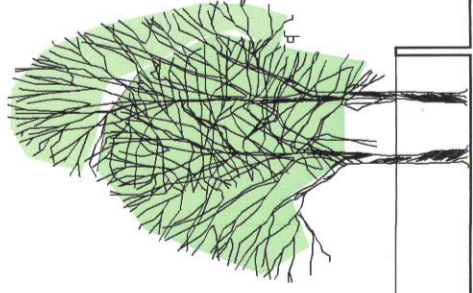
NEW CHARCOAL GREY WINDOWS AND DOOR TO REPLACE EXISTING

NEW ZINC CLAD CANOPY

NEW 150MM CLAD ON EXTERNAL INSULATION TO COVER ALL EXTERNAL WALL SURFACES OF EXISTING HOUSE. CUT STONE AT FRONT TO BE COVERED

FRONT ELEVATION - WEST FACING

NO. 12A MEADOW GROVE



NEW ZINC CLAD CANOPY AT FRONT DOOR

