

Comhairle Cathrach Chorcaí Cork City Council

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

Bernadette Whelan
C/O Adrian O'Brien
54 Daffodil Fields
Ballincollig
Cork

21/10/2019

**RE: Section 5 Declaration R525/19 13 Parknamore
Heights, Ballincollig**

A Chara,

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

The installation of bay windows to the single storey extension which is to the rear of the dwelling and other works as per the plans and particulars received on the 19.07.2019 and 05.09.2019, at 13 Parknamore Heights, Ballincollig is development and is exempted development.

Is misa le meas,

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



We are Cork.

Section 5 Declaration – Planner’s Report – Response to Request for Further Information

R 525.19

File Reference:

Description: Whether the installation of bay windows to the rear of a dwelling is or is not exempted development

Applicant: Bernadette Whelan

Location: 13 Parknamore Heights, Ballincollig

SUMMARY OF RECOMMENDATION

Is development and is exempted development

Introduction

This report should be read in conjunction with my previous report.

A response to the Request for Further Information was received by the Planning Authority on the 05.09.2019.

1) Floor area of existing extensions

The response has confirmed that the floor area of the existing extensions is 36.74m².

2) Floor area of proposed extension

The bay window to the west will result in an additional floor area of 1.5m². The bay window to the south does not result in any additional floor area.

Assessment

Window to the southern side

This does not result in any increase in floor area to the dwelling as the window will be 600mm above finished floor level.

The window to the southern elevation, which is to the rear of the dwelling, is considered to come within the scope of Section 4(1)(h) of the Planning and Development Act 2000. On the southern elevation there is an existing large window and patio door. The existing window is to be replaced by a bay window. The proposed works involve the carrying out of works of alteration of the structure, and the works 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.

This is development and is deemed to be exempted development.

Window to the western side

As this window results in an increase in floor area of the dwelling, it is being assessed under Class 1 of Schedule 2 of the Planning and Development Regulations 2001.

The extension is to the rear of the dwelling. A number of conditions and limitations are attached to Class 1 and of relevance in this instance are 1(a), 2(a), 5 and 6(a).

- Condition 1(a)

The floor area does not exceed 40m².

This is satisfactory.

- Condition 2(a)

The floor area of the extension taken together with the floor areas of the previous extensions is 38.24m² does not exceed 40m².

This is satisfactory.

- Condition 5

The construction the extension will not reduce the area of private open space to the rear of the house to less than 25 square metres.

This is satisfactory.

- Condition 6(a)

The proposed window on the west elevation is more than 1m from the boundary it faces.

This is satisfactory.

The window to the western side and associated extension comes within the scope of Class 1 of the Planning and Development Regulations and satisfies the relevant conditions and limitations attached.

Restrictions on exemption

The governing permission for the site and residential scheme may be grant of planning permission reference 82/2596. There are no details available on this permission and it cannot be fully confirmed if any conditions de-exempting extensions were attached. It is viewed that it would have been unlikely that a condition was attached de-exempting extensions.

On balance, this bay window and associated increase in floor area is considered to be development and is deemed to be exempted development.

Conclusion

The installation of bay windows to the single storey extension which is to the rear of the dwelling and other works as per the plans and particulars received on the 19.07.2019 and 05.09.2019, at 13 Parknamore Heights, Ballincollig is development and is exempted development.


Yvonne Hogan
Assistant Planner

Development Management – Community, Culture and Placemaking

24.09.2019

Agreed E. Mikhlin (SEP) 16.10.2019

Page 2 of 2

* I have checked history - governing permission appears to be 937/99 with subsequent change in density & house types under 4166A/80, 4147/80 & 709/82. No condition restricting rear extensions.
(Em-)

Planning Pack Map

CENTRE COORDINATES:
ITM 557963.570261

PUBLISHED: 08/07/2019
ORDER NO.: 50072573_1

MAP SERIES: 1:1,000
MAP SHEETS: 6380-23

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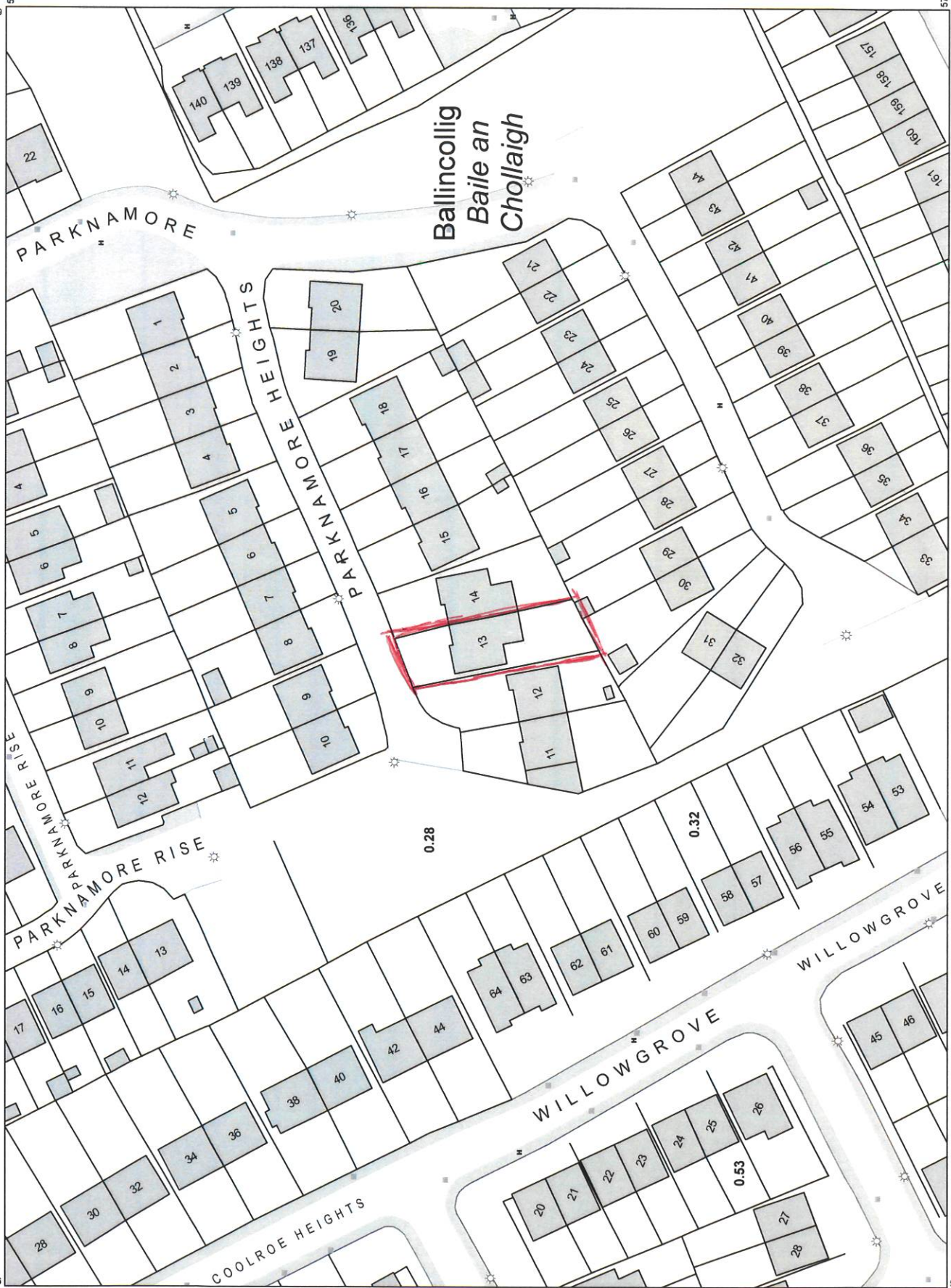
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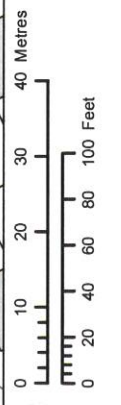
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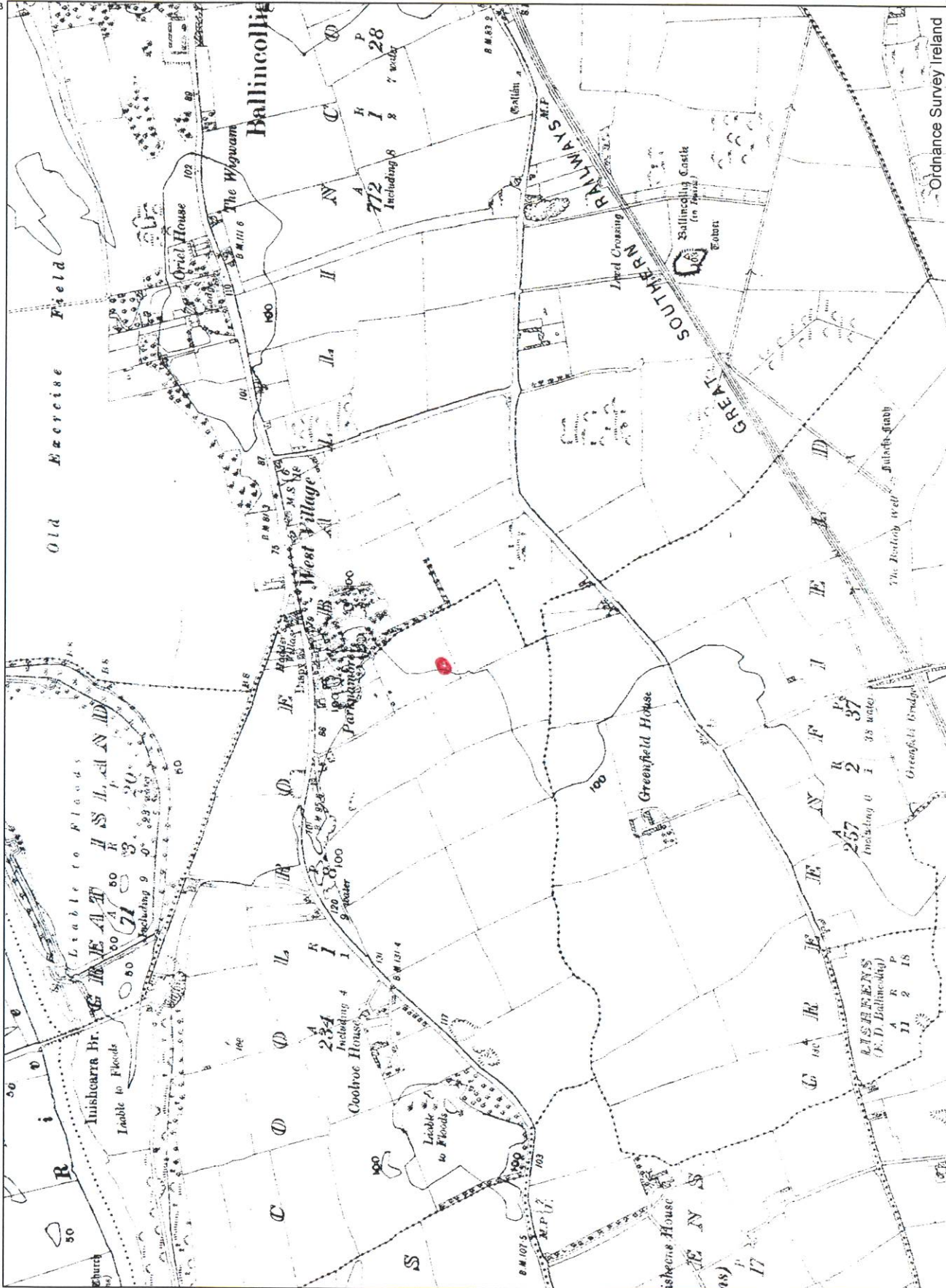
557846

570175

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Site Location Map

571169 559193 571169 559193



CENTRE COORDINATES:
ITM 557963.570261

PUBLISHED:
08/07/2019

MAP SERIES:
6 Inch Raster
6 Inch Raster CK073

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556

Comhairle Cathrach Chorcaí
Cork City Council

05 SEP 2019

Strategic Planning & Economic
Development Directorate

O'Brien Walsh

Architecture & Design Services

www.obwarchitecture.com

To: Cork City Council,
The Development Management Section,
Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

30-08-19


RE: Application for exemption for planning for extension to rear of existing dwelling, **13 Parknamore Heights, Coolroe, Ballincollig, Cork. R525/19**

Dear Sir / Madam

Further to your letter re the above reference number, received on the 27-8-19, we respond as follows:

1. The floor areas of extensions constructed on site is 36.74 sq.m ref planning nos. S/96/0361 and S/02/1537
2. Both bay windows are as follows
 - Bay window on the South Elevation will be 600 mm min. off FFL, no increase in area
 - Bay window to the West has an area of 1.5 sq.m

With both planning permissions and new bay window to the West, the areas will not exceed 40sq.m


Yours sincerely

Adrian O'Brien MCIAT MRIAI

O'Brien Walsh Architecture and Design, 54 Daffodil fields, Ballincollig, Co. Cork.

Tel : 086 8321830



O'Brien Walsh
Architecture & Design Services
www.obwarchitecture.com

Comhairle Cathrach Chorcaí
Cork City Council
19 JUL 2019
Strategic Planning & Economic
Development Directorate

To: Cork City Council,
The Development Management Section,
Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

12-07-19

RE: Application for exemption for planning for extension to rear of existing dwelling,**13 Parknamore Heights, Coolroe, Ballincollig, Cork.**

Dear Sir / Madam

Our client Bernadette Whelan wishes to construct a new bay window to Southern side and bay window to the west side of existing extension to rear of existing dwelling.

No works will be carried out to the front or side of the dwelling. We enclose the following:

- Os map scale 1:1000 for location of dwelling
- Part Survey of existing dwelling permitted under planning 2596/82, S/02/1537 and S/96/0361
- Site layout map indicating location of bay windows
- Floor plan, elevations for proposed 2no. bay windows to rear of existing dwelling.

We seek an exemption certificate from Cork City Council for the proposed extension works to rear of existing dwelling.

The works are of a very minor nature and both bay windows replace existing windows in the same location, the area of the bay windows is small and adds no real additional sq. footage to the dwelling.

We attach the fee €80 as applicable

Yours sincerely

Adrian O'Brien MCIAT MRAI

O'Brien Walsh Architecture and Design, 54 Daffodil fields, Ballincollig, Co. Cork.

Tel : 086 8321830



Comhairle Cathrach Chorcaí Cork City Council

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

Bernadette Whelan
C/O Adrian O'Brien
54 Daffodil Fields
Ballincollig
Cork

27/08/2019

RE: Section 5 Declaration R525/19 13 Parknamore Heights,
Ballincollig

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise the following Further Information is requested;

- a) Submit details of the floor areas of all extension(s) constructed to date
- b) Submit details of any additional increase in floor area resulting from the proposed works

Yours faithfully,

Paul Hartnett
Assistant Staff Officer
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

Section 5 Declaration – Planner's Report

File Reference: R 525.19
Description: Whether the installation of bay windows to the rear of a dwelling is or is not exempted development
Applicant: Bernadette Whelan
Location: 13 Parknamore Heights, Ballincollig
Site inspection: 15.08.2019

SUMMARY OF RECOMMENDATION

Seek Further Information

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 Inspection and Location

The site was inspected on the 15.08.2019. The site is located at 13 Parknamore Heights, an established residential estate in Ballincollig.



Rear elevation



Side elevation

Subject Development

Whether the installation of bay windows to the southern side and to the western side of an existing single storey annex to the rear of a dwelling is or is not exempted development?

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.

Planning history

On subject site:

822596 – no details available

96361 – Murphy – first floor extension to dwellinghouse – unconditional

021537 – Murphy – retention of extension to dwellinghouse – conditional

Planning policy

The site is within the development boundary of Ballincollig and is zoned 'existing built up area'.

Planning legislation

Planning and Development Act 2000

Section 2 (1) In this Act, except where the context otherwise requires "alteration" includes

- (a) plastering or painting or the removal of plaster or stucco, or
- (b) the replacement of a door, window or roof,

materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures;

“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) “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) of the Planning and Development Act 2000 states that the following shall be exempted development for the purposes of the Act

Sub-Section (h) states that ‘*development consisting of the carrying out of works for the maintenance, improvements or other alterations of any structure, being works which effect only the interior of the structure or which do not materially effect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures*’.

Planning and Development Regulations 2001

Class 1 of Part 1 of Schedule 2

Assessment

To the rear of the semi-detached dwelling there is a single storey extension/annex.

It is proposed to install a bay window on the southern side and on the western side of this part of the dwelling. The bay windows are to project 400mm from the wall of the extension.

From the plans, it would seem that some other works are proposed – installation of a door along the west elevation, increasing kitchen area and installing a WC by removal of a wall between kitchen and utility. These works would come within the scope of Section 4(1)(h) of the Act.

It is considered that the installation of bay windows is development. The issue is whether the works is or is not exempted development.

The relevant parts of the legislation are Section 4(1)(h) of the Act and Class 1 of the Planning and Development Regulations 2001.

The bay window on the southern side is raised above the finished floor level of the ground floor, with what appears to be a window seat internally. This would not give rise to an increase in floor area.

The bay window on the western side seems to finish at the finished floor level and there may be an increase in floor area. The house has been extended in the past. There is no detail on the area of the extension(s).

Conclusion

The applicant will need to submit details of the floor areas of the extension(s) undertaken to date and it will need to be determined if there is an increase in floor area of the dwelling.

FI Request:

- a) Submit details of the floor areas of all extension(s) constructed to date.
- b) Submit details of any additional increase in floor area resulting from the proposed works.


Yvonne Hogan
20.08.2019

Agreed MD
20/08/19.

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

13 Parknamore Heights, Coolroe, Ballincollig, 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.

Our client Bernadette Whelan wishes to construct a new bay window to Southern side and bay window to the west side of existing extension to rear of existing dwelling.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

We seek an exemption certificate from Cork City Council for the proposed extension works to rear of existing dwelling.

The works are of a very minor nature and both bay windows replace existing windows in the same location, the area of the bay windows is small and adds no real additional sq. footage to the dwelling

Relevant Planning permissions are 2596/82, S/02/1537 and S/96/0361.

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	1.5sq.m additional area for bay window
(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) <u>2596/82, S/02/1537 and S/96/0361</u>
(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):		Bernadette Whelan
Applicants Address	13 Parknamore Heights, Coolroe, Ballincollig, Cork.	
Person/Agent acting on behalf of the Applicant (if any):	Name:	
	Address:	Type 54 Daffodil Fields, Ballincollig, Co. Cork
	Telephone:	
	Fax:	
	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 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 yes	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	

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

Signature: M. J. Bernadette Walsh

Date: 12-7-19

.....

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

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.

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.

The application should be sent to the following address:

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

- 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.

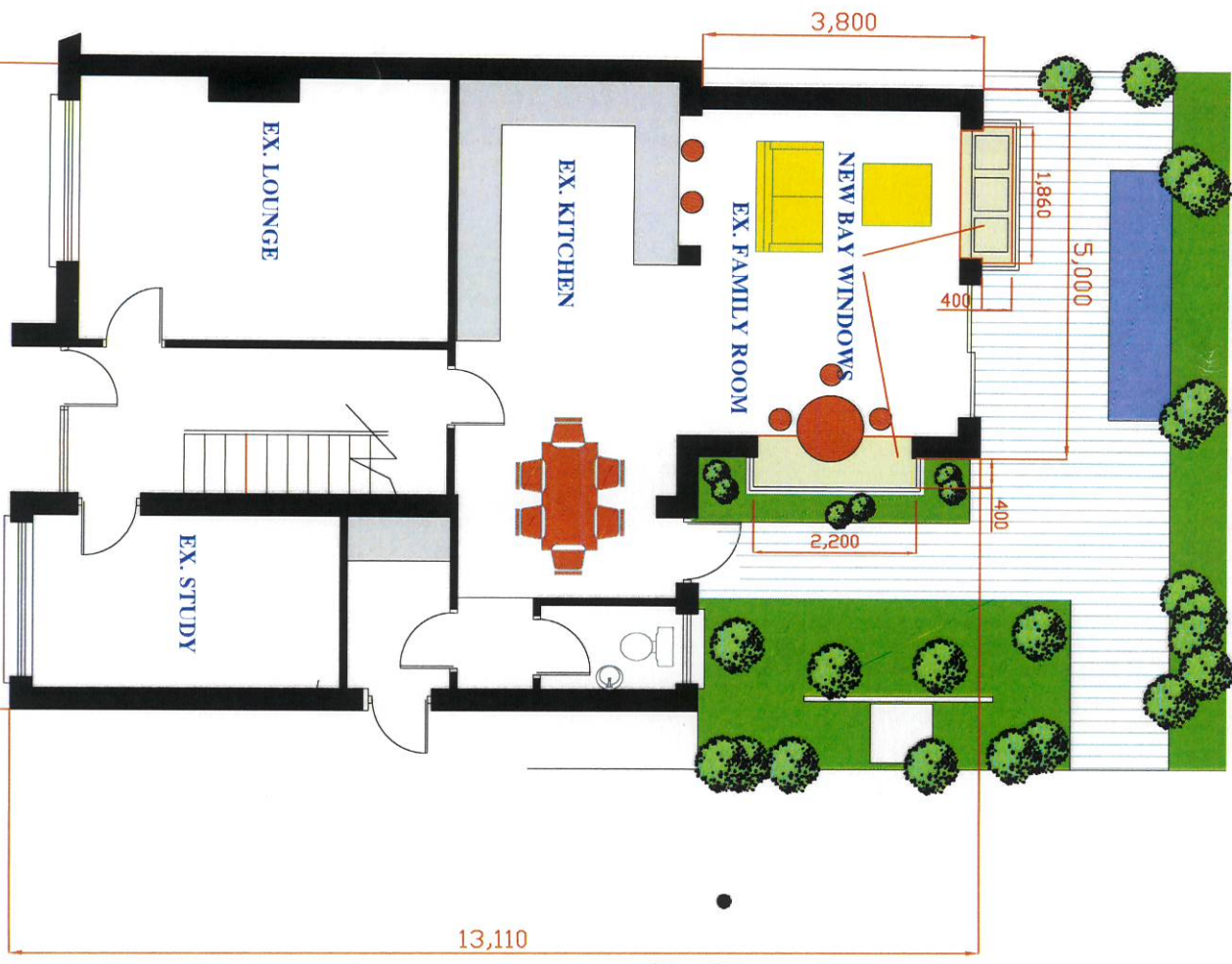
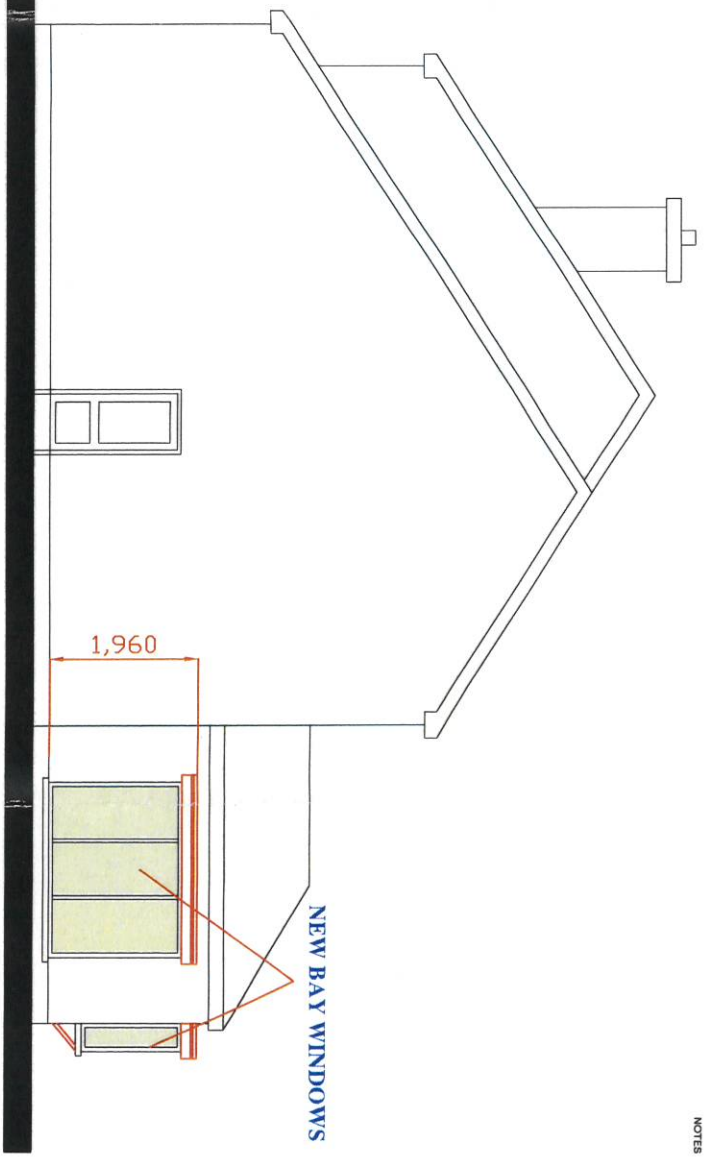
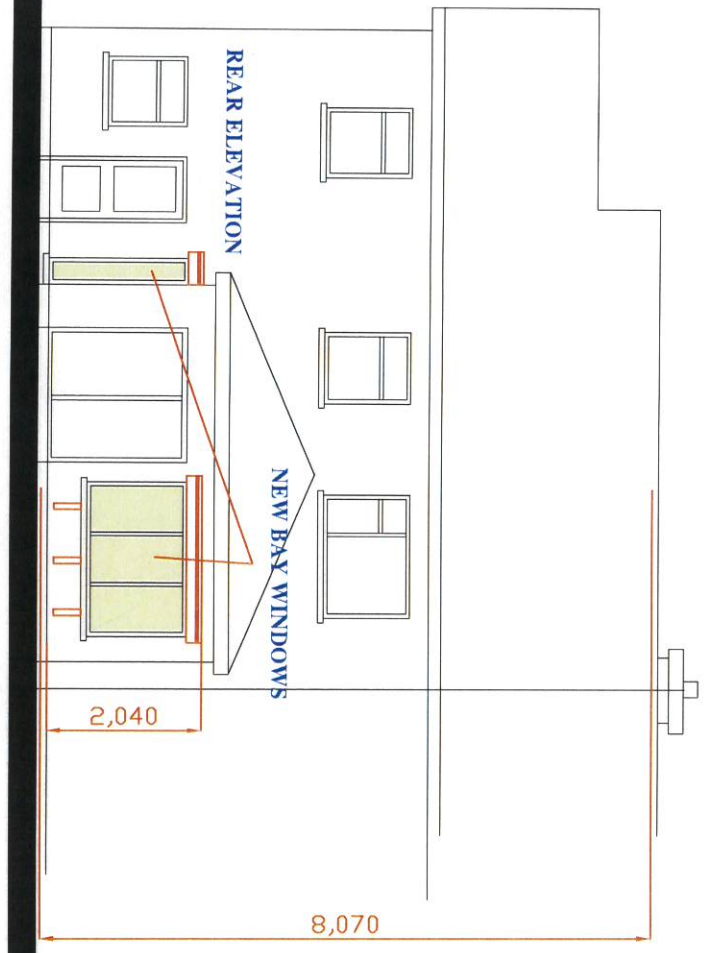
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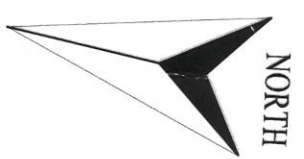
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NOTES



Part Survey of existing dwelling permitted under planning 2596/82, S/02/1537 and S/96/0361

NEW BAY WINDOWS TO EXISTING DWELLING TO REAR

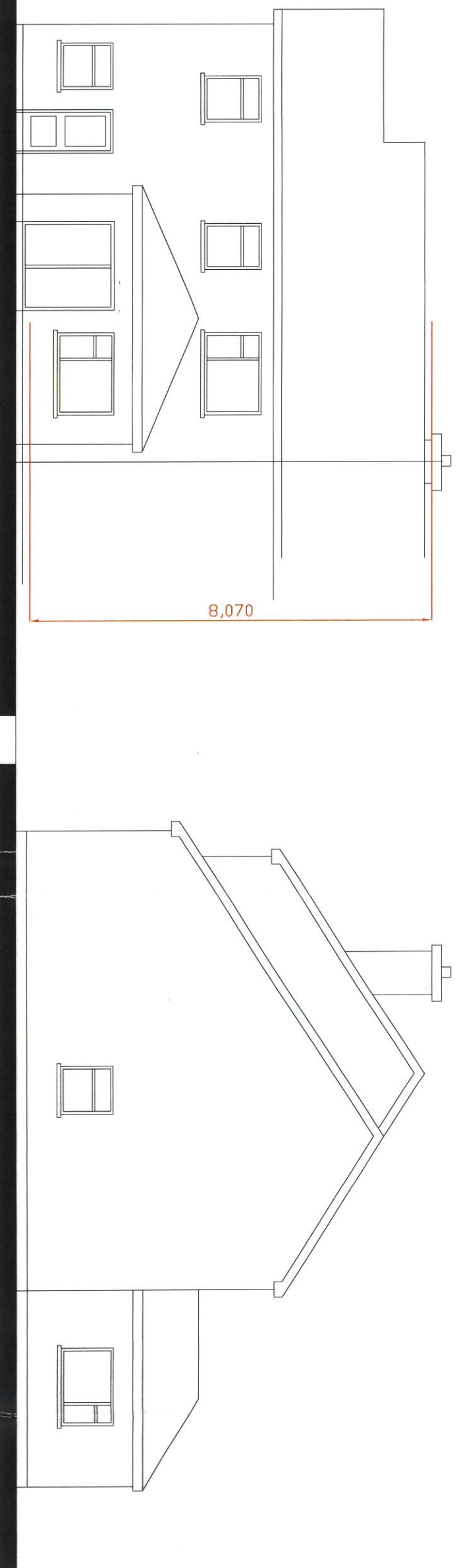


REV/ DATE	BY	NOTES
O'BRIEN WALSH ARCHITECTURE & DESIGN Glanmire & Ballincollig obwarchn@gmail.com obwarchitecture.com		
PROJECT:	PROPOSED MINOR ALTERATIONS TO REAR OF EXISTING DWELLING	
LOCATION:	13 PARKMARE HEIGHTS, COOLROE	
CLIENT:	BERNADETTE WHELAN	
TITLE:	PLANS, ELEVATIONS	
DWG. NO.:	1098/p2	
SCALE:	1:100	
DATE:	JULY 2019	

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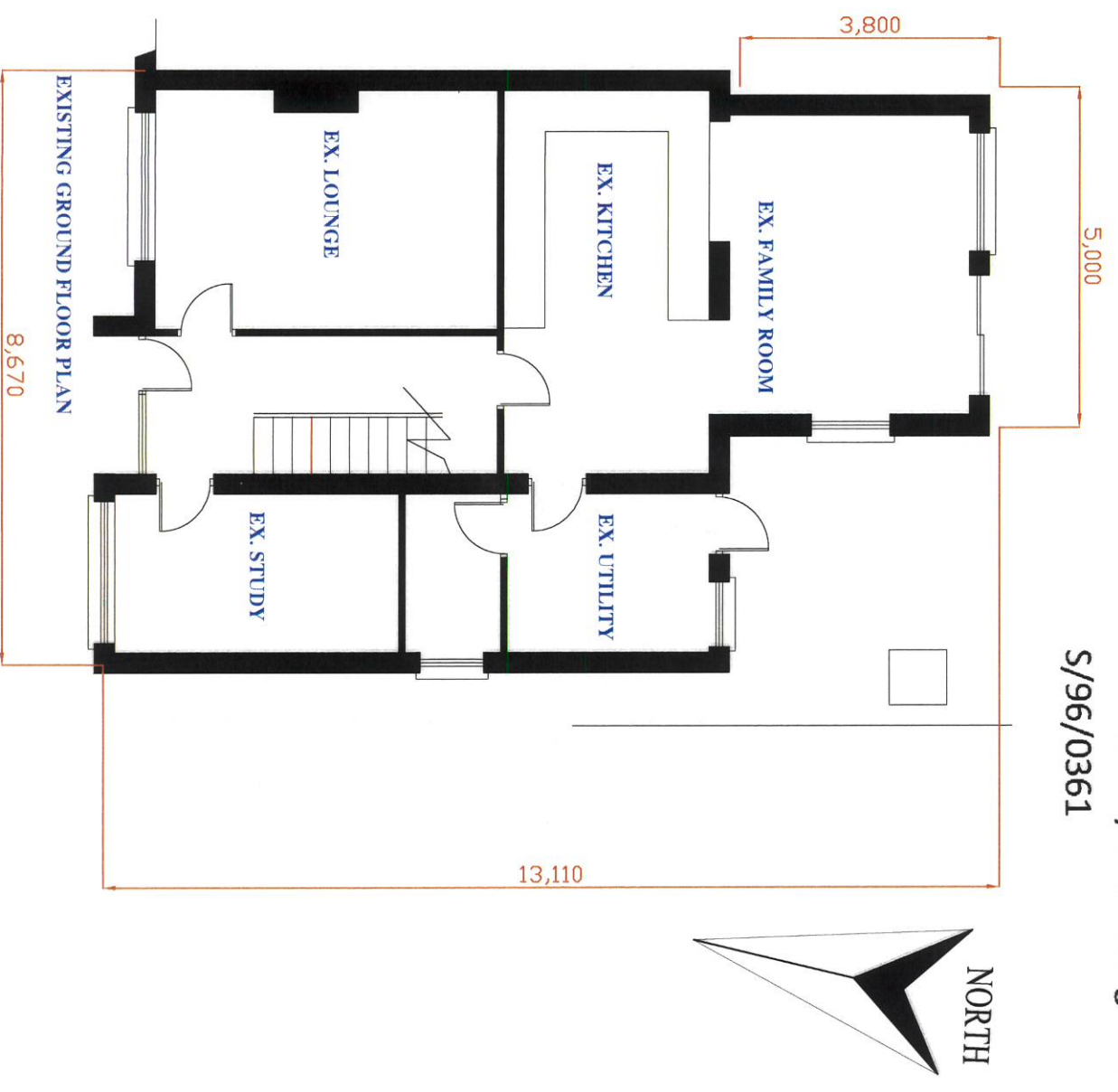
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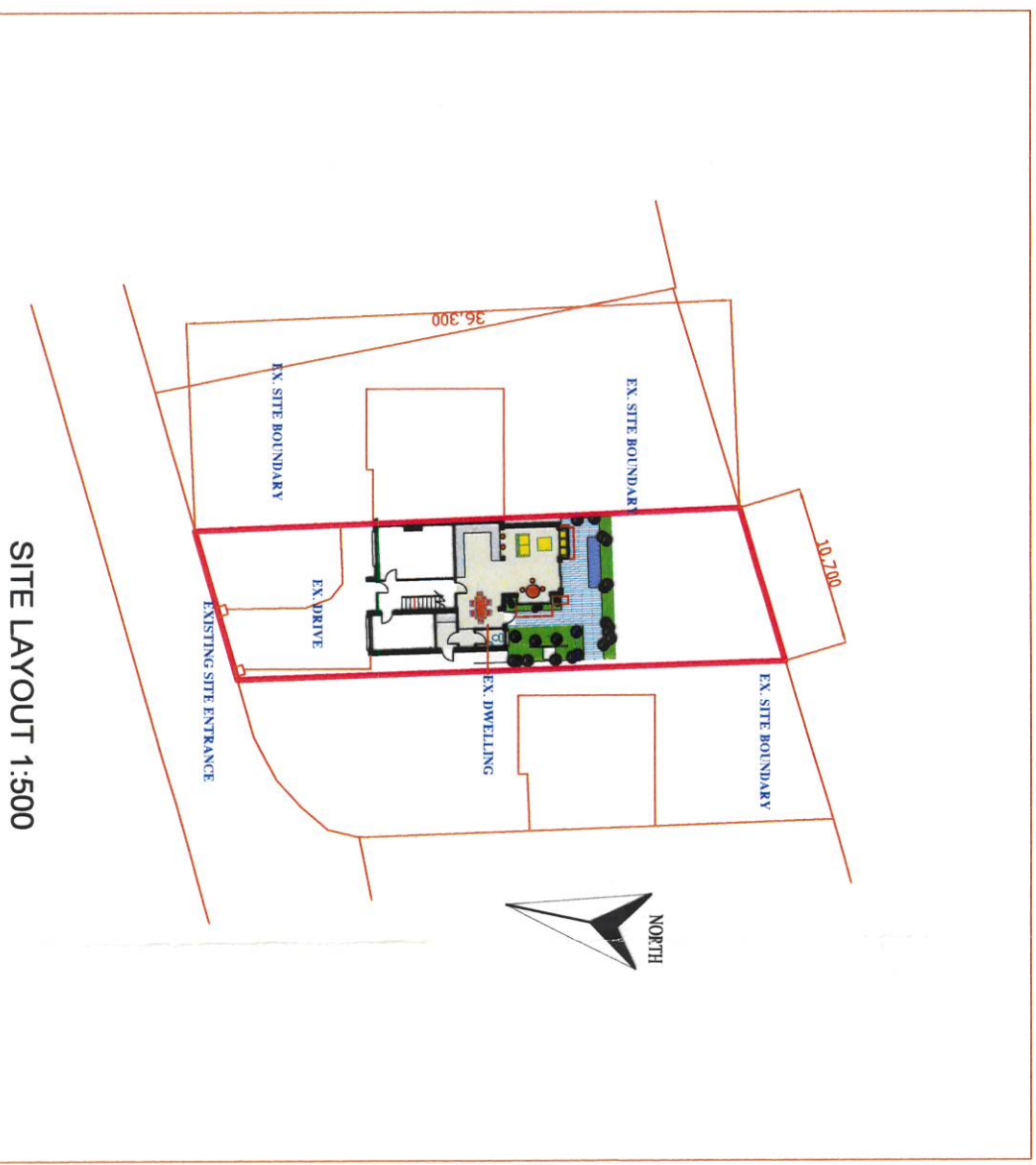
EXISTING REAR ELEVATION

EXISTING SIDE ELEVATION

- Part Survey of existing dwelling permitted under planning 2596/82, S/02/1537 and S/96/0361



EXISTING GROUND FLOOR PLAN



SITE LAYOUT 1:500

REV	DATE	BY	NOTES

O'BRIEN WALSH ARCHITECTURE & DESIGN
 Glannie & Ballincollig
 obwarchi@gmail.com obwarchitecture.com

PROJECT: PROPOSED MINOR ALTERATIONS TO REAR OF EXISTING DWELLING

LOCATION: 13 PARKMARE HEIGHTS, COOLROE

CLIENT: BERNADETTE WHELAN

TITLE: APPROX SURVEY OF EXISTING

DWG. NO.: 1099/p1

SCALE: 1:100 AND 1:500

DATE: JULY 2019

ALL WORK TO BE IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS AND GOOD BUILDING PRACTICE. PLANNING PERMISSIONS CHECKED ON SITE.