



Comhairle Cathrach Chorcaí Cork City Council

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

Long Pham
12 Deerpark
Deerpark Road
Friars Walk
Cork
T12TYY5

02nd February 2022

RE: R702/21 12 Deerpark, Friars Walk, Cork

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advised and having regard to:

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Article 9 of the Planning and Development Regulations 2001 (as amended),

It is considered the proposed 37m² monopitch extension to the rear **Is Development** and is **Exempted Development**.

Yours faithfully,

Assistant Staff Officer
Community, Culture and Placemaking
Cork City Council



We are Cork.

PLANNER'S REPORT Ref. R701/21	Cork City Council Development Management Strategic Planning and Economic Development
Application type	Section 5 Declaration
Description	<i>Whether the construction of a 37m2 extension to the rear of existing residential dwelling is exempted development?</i>
Location	12 Deerpark, Friars Walk
Applicant	Long Pham (Pham Thi, Thanh Long)
Date	02/02/2022
Recommendation	<i>Is Development and IS Exempted Development</i>

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

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.

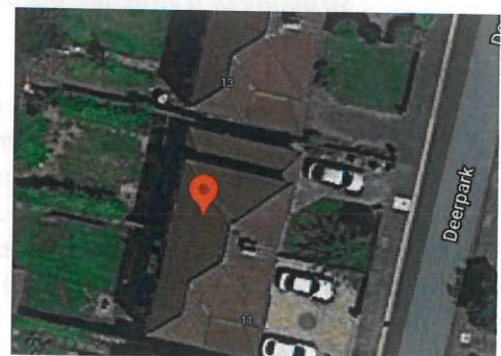
2. The Question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q2 of the application form:

Is the construction of a 37m2 extension to the rear of existing residential dwelling exempted development?

3. Site Description

The property in question is a 2-storey semi-detached residential unit in an established residential area. There is a 1m side access to the right.



4. Planning History

No known applications.

5. Legislative Provisions

5.1 The Act

Section 2(1),

"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.

other land'. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

'Works' is defined in section 2(1) of the Act as *'the carrying out of any works on, in, over, or under land' including '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.'*

I consider that the proposed rear extension constitutes works as it involves the construction of a new structure.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

Development within the curtilage of a house

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 of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Provided:

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

(b) *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.*

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

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.*

6. (a) *Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.*

(b) *Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.*

The applicant has supplied the following written details:

Proposal	Single storey monopitch roof extension
Extended Previously	No
Area	37sq.m
Remaining Open Space	Approx. 95sq.m
Height	3.7m
Windows	10m from rear boundary;
Distance from neighbouring side boundaries	1m from side boundary (high level horizontal window)
Proposed pitch style	Monopitch
Distance from rear boundary	10m

**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/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

12 DEER PARK,
FRIARS WALK, CORK.
T12 T445

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

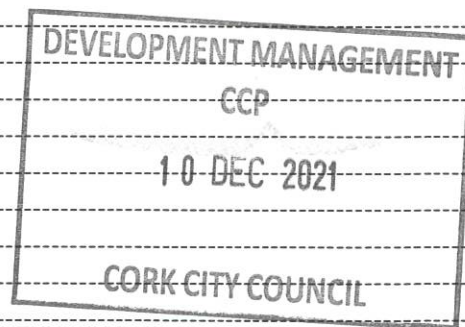
Sample Question: Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

Note: only works listed and described under this section will be assessed under the section 5 declaration.

IS THE CONSTRUCTION OF A 37M² EXTENSION TO
THE REAR OF EXISTING RESIDENTIAL DWELLING
EXEMPTED DEVELOPMENT?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).



3. Are you aware of any enforcement proceedings connected to this site?
If so please supply details:

4. Is this a Protected Structure or within the curtilage of a Protected Structure?

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:

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	EXISTING 99m ² / PROP. 37m ²
(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)
_____	_____
_____	_____
_____	_____

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
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:

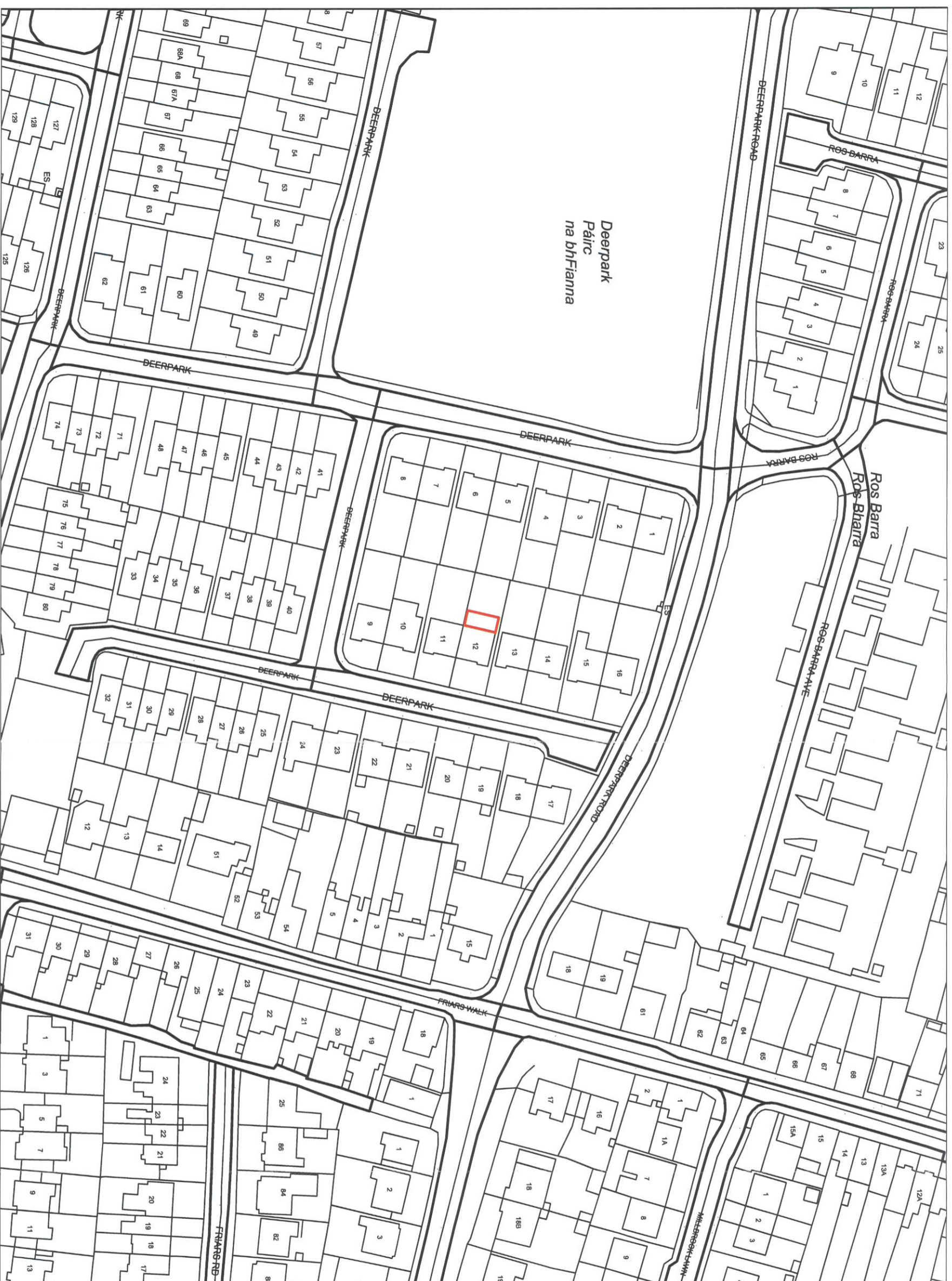
Signature: _____ 

Date: 09/12/2021

- 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.



Centre Point Coordinates:
X,Y= 567178.8367, 570936.2799

Map Series | Map Sheets
1:1,000 | 6382-20
1:1,000 | 6382-19

Order Number
50222400

Data Extraction Date:
Date= 26-Sep-2021

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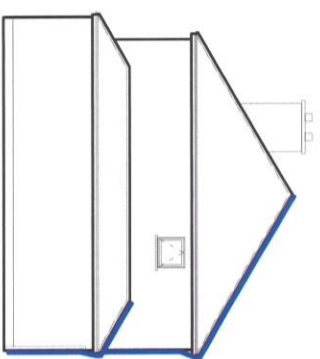
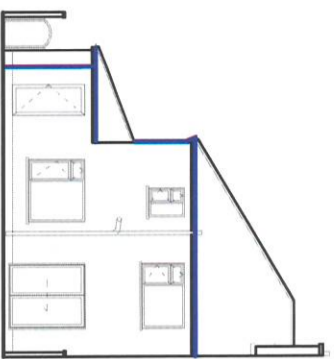
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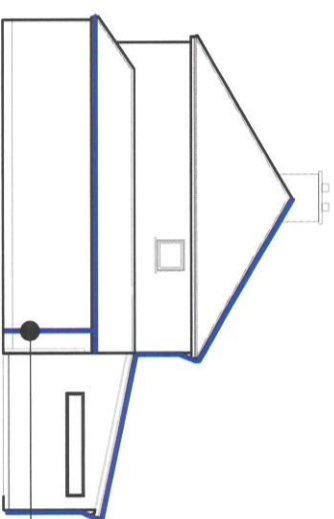
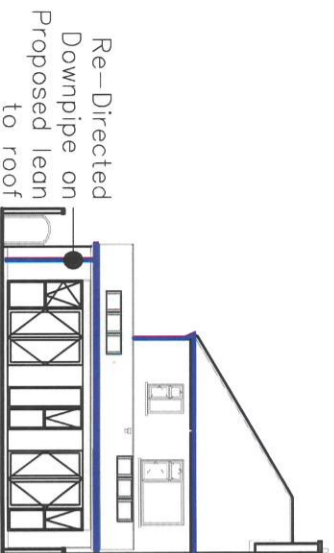




01
R005

EXISTING DOWNPIPE LAYOUT

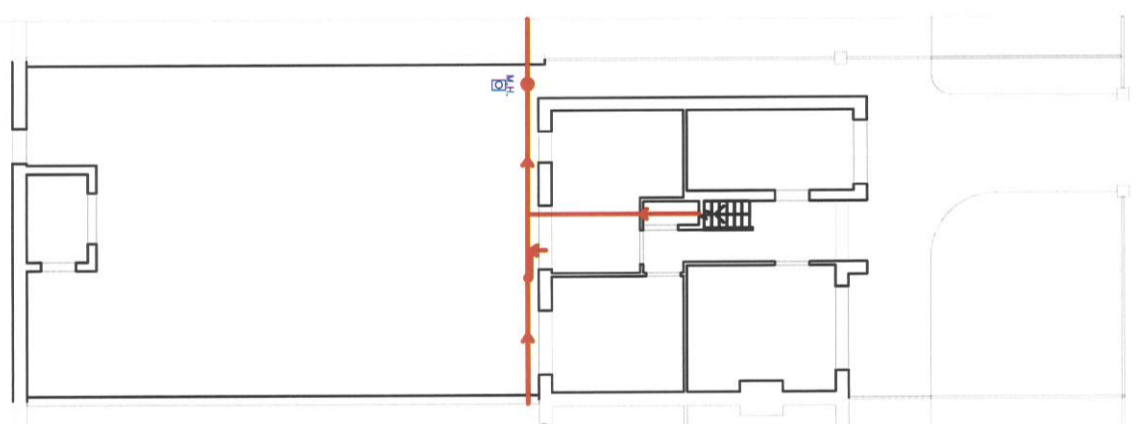
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02
R005

PROPOSED DOWNPIPE LAYOUT

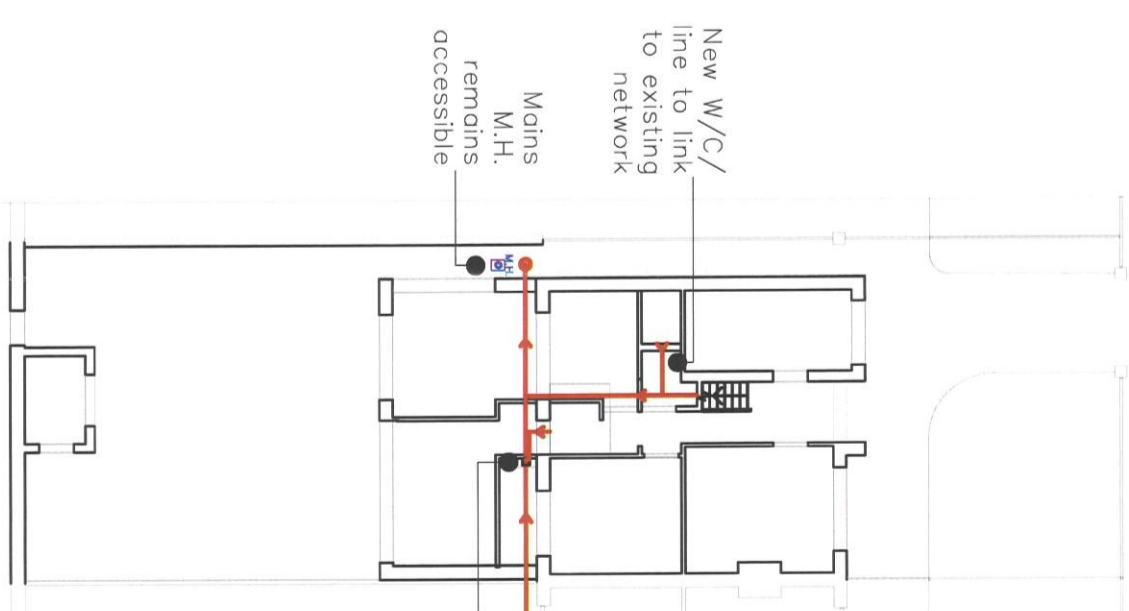
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03
R005

EXISTING WASTE PIPE MANAGEMENT

Scale: 1:100



04
R005

PROPOSED WASTE PIPE MANAGEMENT

Scale: 1:100

M. DELEA / ARCHITECTURAL DESIGN

Project: 12 Deepark
T12 TYY5

Client: Thanh Long Pham

Drawing Title: RAIN & WASTE MANAGEMENT

Date: 22.11.21

Project No.: 21_DRPK

Drawing No.: 21_DRPK_R005

Scale @ A1: AS SHOWN

Revision: A



/ Council

121 11:58:18

No. : LODGE1/0/1167969

HAN
ARK FRIARS WALK

EXEMPTION CERTS - FEES 58800 80.00

80.00

Exempt/Non-vatable

HAN DEERPARK FRIARS WAK

80.00 EUR

81.00

1.00

By: James McCarthy



Cork City Council
City Hall
Cork

10/12/2021 11:58:18

Receipt No. : LODGE1/0/1167969

***** REPRINT *****

LONG PHAN
DEERPARK FRIARS WALK

EXEMPTION CERTS - FEES 58800 80.00

GOODS 80.00

VAT Exempt/Non-vatable

LONG PHAM DEERPARK FRIARS WAK

Total : 80.00 EUR

Tendered :
Cash 81.00

Change : 1.00

PLANNING DEPARTMENT

CASHDESK RECEIPT CHECKLIST

Name: Long Pham

Amount: €80 TP No.: N/A

Description/ Address: Deerpark Fours Walk

Business Unit	Description
I4110	Copies of Planning Permission <ul style="list-style-type: none">• Copies of Planning Decisions• Copies of Final Grant• General copying• Archive Retrieval• Microfiche
TI4110 (Transitions Area)	

I4114	• Application Fees
TI4114 (Transitions Area)	

I4116	• Section 5 applications (Exemption Certs) <ul style="list-style-type: none">• Extension of Duration Applications• Planning Searches
TI4116 (Transitions Area)	

I4117	• Submissions/Objections on Planning Applications
TI4117 (Transitions Area)	

I4118	• Recouped Enforcement Expenses
TI4118 (Transitions Area)	
I4121	• Section 254 Licence fees (Fingerpost signs)
TI4121 (Transitions Area)	
I4122	• SHD Fees (Strategic Housing Developments)
TI4122 (Transitions Area)	
I4124	• Planning Bond Letters
TI4124 (Transitions Area)	
I4100	• Outdoor Event Licences
TI4100 (Transitions Area)	

Planning Contributions

TP NO. : _____ JDE Account NO.: _____

Amount: _____

Signed: John Somers Date: 10/12/21