



Comhairle Cathrach Chorcaí Cork City Council

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

Finbarr & Kathleen O'Callaghan,
c/o Adrian Rodgers,
Knockglass,
Coachford,
Co. Cork.

30/04/2024

RE: Section 5 Declaration R837/24 Clover Lawn, Skehard Road, Blackrock, Cork.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 02/04/2024, 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, and
- Articles 6, 9 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

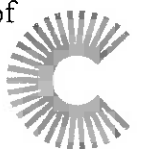
the works carried out to the existing dwelling house, consisting of the following:

Amendments to the front of the house which include:

- a) a bay window,*
- b) a hipped roof with an overhang forming a canopy*
- c) a support column*

at 17 Cloverlawn, Skehard Rd., Blackrock, Cork **IS DEVELOPMENT** and **IS NOT 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.



We are Cork.

Is mise le meas,

David O'Regan

**Assistant Staff Officer,
Community, Culture &
Placemaking Directorate**

PLANNER'S REPORT
Ref. R 837/24

Cork City
Council
Development Management
Strategic Planning and
Economic Development

Application type	SECTION 5 DECLARATION
Question	<i>Whether the following is development and, if so, is it exempted development:</i> <i>Amendments to the front of the house. Inclusion of a bay window, hipped roof with an overhang forming a canopy and support column.</i>
Location	17 Cloverlawn, Skehard Rd., Blackrock, Cork
Applicant	Finbarr and Kathleen O'Callaghan
Date	01/05/2024
Recommendation	Is development and is not exempted development

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.

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.

THE QUESTION BEFORE THE PLANNING AUTHORITY

The question to the planning authority is framed using the phrasing of section 5. The applicant states in the request, "*are amendments to the front of the house which include a bay window, hipped roof with an overhang forming a canopy and support column at 17 Cloverhill, Skehard Rd., Blackrock, Cork development and if so, exempted development?*"

In my opinion the intention of the request is clear, and that it is entirely reasonable to consider the question before the planning authority as being:

Whether the following are development and, if so, are they exempted development:

- 1. Amendments to the front of the house which include a bay window, hipped roof with an overhang forming a canopy and support column.*

SITE DESCRIPTION

The subject property is a two-storey semi-detached dwelling in the Sustainable Residential Neighbourhoods zoning area. The area is predominantly residential in nature.

DESCRIPTION OF THE DEVELOPMENT

The structures in question have been constructed and are fully in place on site it is noted.

RELEVANT PLANNING HISTORY

Details submitted with the application state that a previous planning permission was granted on site for the conversion of the existing domestic garage and attic to habitable space. The Planning Ref. is stated to be 89/15175.

LEGISLATIVE PROVISIONS

Planning and Development Act, 2000 as amended

Section 2(1)

"exempted development" has the meaning specified in section 4.

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and*
- (b) in relation to a protected structure or proposed protected structure, includes—*
 - (i) the interior of the structure,*
 - (ii) the land lying within the curtilage of the structure,*
 - (iii) any other structures lying within that curtilage and their interiors, and*
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii).*

"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 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)

See section 1 of this report.

Planning and Development Regulations 2001 to 2018 as amended

Article 5(2)

In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

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

Classes 1-8 relate to development within the curtilage of a house. Having examined the Classes it is considered that no specific Class relates to the works that have been carried out on site to date. The nearest Class to the works that have been carried out would be Class 7 however the class description does not specifically fit the type of works that have been carried out as the works are not specifically “the construction or erection of a porch outside any external door of a house.”

Schedule 2, Part 1, Class 7

Exempted Development — General

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
<i>Development within the curtilage of a house</i>	

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
<p>CLASS 7 <i>The construction or erection of a porch outside any external door of a house.</i></p>	<p>1. <i>Any such structure shall be situated not less than 2 metres from any road.</i></p> <p>2. <i>The floor area of any such structure shall not exceed 2 square metres.</i></p> <p>3. <i>The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.</i></p>

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'.

'Works' is defined in section 3(1) of the Act as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

With regard to the proposed development, the main issues to consider is as follows:

Amendments to the front of the house which include

- a) *a bay window,*
- b) *hipped roof with an overhang forming a canopy,*
- c) *a support column.*

- I consider that the specific details set out above constitutes 'works' as they comprise the alteration to a building on the site. As the proposal comprises 'works', it is clearly therefore 'development' within the meaning of the Act.

Therefore, 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).

With regard to the proposed development, the main issues to consider is as follows:

Amendments to the front of the house which include:

- a) a bay window,*
- b) a hipped roof with an overhang forming a canopy*
- c) a support column*

- I consider that there is no Class of works as set out in (Article 6) Schedule 2, Part 1 of the Planning and Development Regulations 2001 that covers the specific works carried out to date on site.
- I further consider that the works carried out to date cannot be considered exempt under Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as they a) are not works that affect only the interior of the structure and b) do 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.

Restrictions on exemption

I do not consider that any apply in this instance.

CONCLUSION

Is not exempted development

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**.

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 6, 9 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

the works carried out to the existing dwelling house, consisting of the following:

Amendments to the front of the house which include:

- a) a bay window,*
- b) a hipped roof with an overhang forming a canopy*
- c) a support column*

at 17 Cloverlawn, Skehard Rd., Blackrock, Cork **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.



Tadhg Hartnett
Executive Planner
29/04/2024

**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: 021-4924029

Líonra/Web: www.corkcity.ie

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

1. NAME OF PERSON MAKING THE REQUEST

FINBARR & KATHLEEN O' CALLAGHAN

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

17 CLOVERLAWN, SKEHARD ROAD
BLACKROCK, CORK.

3. 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.

EXEMPTION IS SOUGHT FOR AMENDMENTS TO THE FRONT OF THE HOUSE. INCLUSION OF A BAY WINDOW, HIPPED ROOF WITH AN OVERHANG FORMING A CANOPY & SUPPORT COLUMN.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

DEVELOPMENT MANAGEMENT
CCP

02 APR 2024

CORK CITY COUNCIL

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

If so please supply details:

NO

5. 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?

N/A.

6. Was there previous relevant planning application/s on this site?

If so please supply details:

REFER TO ATTACHED WITH PREVIOUS PLANNING REFERENCE NO.'S.

7. APPLICATION DETAILS

NOTE
6514.99 M²
Additional
at Bay Window

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	GF = 94.59 M ² FF = 48.85 M ² SF = 44.4 M 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 checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) GF - 38.44 - Extension SF - 44.4 - Attic Conversion
(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)
<u>N/A</u>	<u>N/A</u>

- 128.10
SqM.
Total.
N/A.

7. 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 of the owner if available		

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

Signature:

[Signature] [Signature]

Date:

24/03/24.

ADVISORY NOTES:

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

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

Please email planning@corkcity.ie with any queries.

- 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

"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protections policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>

We request that you read these as they contain important information about how we process personal data.

1. Plan, drawings and maps accompanying an application for a Section 5 Declaration on exempted development shall all be in metric scale and comply with the following requirements:-

* NOTE 2 COPIES OF PLANS AND PARTICULARS ARE REQUIRED

(a) site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon), the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land, which is subject of the application, shall be outlined in blue and wayleaves shall be shown in yellow,

(b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such scale as may be agreed with the Planning Authority prior to the submission of the application in any particular case,

(c) the site layout plan and other plans shall show the level or contours, where applicable, of any land and the proposed structures relative to Ordnance survey datum or a temporary local benchmark,

(d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity at a scale of not less than 1:200, as may be appropriate,

(e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,

(f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site layout plans shall indicate the distances of any such structure from the boundaries of the site,

(g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance survey sheet number,

(h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,

(i) plans and drawings shall indicate the name and address of the person by whom they were prepared.

2. An application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan, shall, in addition to meeting the requirements above, be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.

3. A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular, which accompanies the application.

The Development Management Section
Community, Culture & Placemaking Directorate
Cork City Council
City Hall
Anglesea Street
Cork
24/03/24

RE: Application For Declaration of Exemption at :
17 Cloverlawn, Skehard Road, Blackroad Cork

To Whom it concerns:

I'm acting on behalf of my Uncle Finbarr O'Callaghan of 17 Cloverlawn, Skehard Road, Blackroad Cork in the submission of an application for Declaration of exemption.

Finbar and his wife Kathleen have resided at the above address for over 40 yrs. In this time retention was granted for an attic and garage conversion in 1989 (Ref 89/15175)

(See planning reference numbers provided by Cork City Council attached.)

Minor alterations and modifications were made to the property in years past including a bay window was added to the front of the house. A hipped roof was built with an overhang forming a canopy and a structural column was also added.

Refer to attached drawing DR-001- to DR-A-0007.

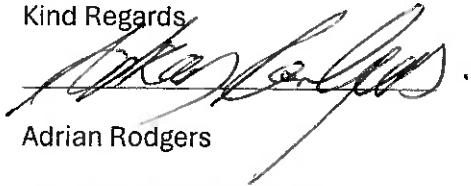
After consulting with members of the planning department it was advised that a declaration of exemption should be sought instead of a retention package.

Attached please find completed application form:

- 2 No. Copies of:
- DR-0001 Existing Ground Floor Plan
- DR-0002 Existing First Floor Plan
- DR-0003 Existing Second Floor Plan
- DR-0004 Section A-A
- DR-0005 Section B-B
- DR-0006 Elevations
- DR-0007- Site Plan
- 1 No. Copy of OS Map (Site Boundary indicated in Red)
- Payment of 85 Euro was made to the Cork City Council
- Payment Reference No Payment made on date of Submission
-

If there is any additional information required, please do not hesitate to contact me.

Kind Regards

A handwritten signature in black ink, appearing to read 'Adrian Rodgers', written over a horizontal line.

Adrian Rodgers

Bsc. Construction Econ.



Comhairle Cathrach Chorcaí Cork City Council

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

To: Finbarr O'Callaghan

01/02/2024

RE: Planning Search

Properties: 17 Clover Lawn, Skehard Road, Cork T12 T6FX

Dear Sir/Madam,

I refer to your request for a planning search received on the 24th of January 2024 and I wish to reply as follows: -

Planning History

Planning laws were introduced on 1st October 1964 and anything built before this date did not require the benefit of a planning permission.

- 89/15175 Finbarr O'Callaghan – For Retention of attic and garage conversion to residence at 17 Clover Lawn, Skehard Road, Cork
Permission
- 84/12230 Coleman Bros Housing - New Dwelling (s) located at Clover Lawn Skehard
Permission
- 82/11051 Cork Co-op Housing Soc – New Dwelling (s) located at Clover Lawn Skehard
Permission

In relation to Derelict or Vacant Sites there are no levies owing to Cork City Council at this address.

Eileen Quinlan
Clerical Officer
Community, Culture and Placemaking

Land Registry Compliant Map



Tailte
Éireann



CENTRE COORDINATES:
ITM 571143,570696

PUBLISHED:
28/02/2024

ORDER NO.:
50385835_1

MAP SERIES:
1:1,000
1:1,000
1:1,000
1:1,000

MAP SHEETS:
6383-19
6383-20
6383-24
6383-25

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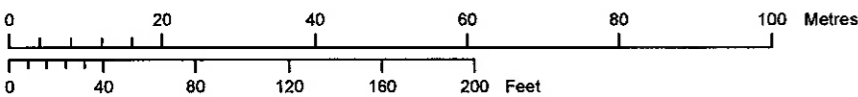
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



