

Comhairle Contae Chorcaí Cork County Council

An Rannóg Pleanála,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC
Fón: (021) 4276891 Faics: (021) 4276321
Suíomh Gréasáin: www.corkcoco.ie
Planning Department,



Vera Webb,
C/O Sean Desmond Cons. Engineers,
The Granary,
The Glen,
Kinsale,
Co. Cork.

County Hall,
Carrigrohane Road, Cork T12 R2NC
Tel: (021) 4276891 Fax: (021) 4276321

15th March, 2023

REF: D/212/23
LOCATION: Tisaxon More, Kinsale, Co. Cork P17 HD51

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000**

Dear Sir/Madam,

On the basis of the information and plans submitted by you on the 17th February, 2023 the Planning Authority having considered whether the proposed domestic extension at **Tisaxon More, Kinsale, Co. Cork** is or is not development and is or is not exempted development has declared that it is **not exempted development**.

Reason for Decision

The Planning Authority in considering this referral had particular regard to:

- Schedule 2, Article 6, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended)

And Whereas Cork County Council has concluded that –

The proposed ground level extension is NOT attached to the rear elevation of the existing dwelling as set out in drawings submitted. The existing floor plan and site plan relative to the main front door entrance (west facing) to the dwelling – means the north elevation is clearly and logically a side elevation of the house. As the proposed development does NOT involve conversion to the side of the house – any side extension to the house requires Permission regardless of floor area and cannot come within the scope of Class 1 or any other exemption.

And Now therefore the Planning Authority hereby decides that

The proposed ground level extension to dwelling at **Tisaxon More, Kinsale, Co. Cork P17 HD51** **is development and is not exempted development.**

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,



KEVIN O' REGAN
SENIOR EXECUTIVE OFFICER
PLANNING DEPARTMENT

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

14 March 2023

x5807

S.5 DECLARATION

APPLICANT:, Vera Webb, Tisaxon More, Kinsale, County Cork.

Your Ref: D212 23

Proposal

The proposal is for a ground level 40m² extension attached to detached dwelling.

The existing cottage house obtained Permission under Planning Register No.451/63?

No record of any side extension kitchen on north elevation.

Assessment

I have not inspected the dwelling.

The first matter to state is the proposed ground level extension is NOT attached to the rear elevation of the existing dwelling as set out in the Declaration submitted.



The existing floor plan and Site Plan relative to the main front door entrance (west facing) to the dwelling – means the north elevation is clearly and logically a side elevation of the house.

And as the proposed does NOT involve conversion to the side of the house – any side extension to house requires Permission regardless of floor area and cannot come within the scope of Class 1 or any other exemption:

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



The extension on the side elevation of the dwelling therefore cannot be considered within the scope of Schedule 2, Article 6, Part 1, Class 1 (Development within the curtilage of a house) of the Planning Regulations 2001.

No requirement for AA or EIA due to size/ scale of proposal and relationship with designated sites etc.

CONCLUSION

The proposal constitutes development but cannot come within the scope of Schedule 2, Article 6, Part 1, Class 1 (Development within the curtilage of a house) – as the proposal involves extension on the side elevation of the dwelling (not rear).

Regards
Steve Baxter
Executive Planner
BA Hons Dip Town Planning



Sean Desmond Consulting Engineers Limited

Chartered Civil & Structural Engineers,

The Granary, The Glen, Kinsale, Co Cork

Tel 021 4773288 Mob 086 8987102

17th February 2023

Cork County Council,
Planning Department,
County Hall,
Carrigrohane Road,
Cork

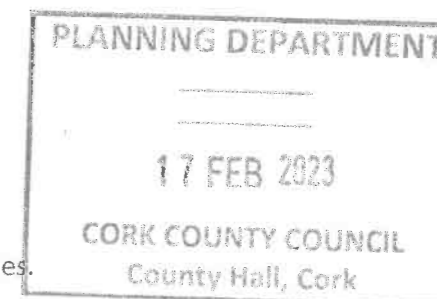
Section 5 Declaration of Exemption – Tisaxon More, Kinsale, Co Cork

A Chara,

Please find attached the Section 5 application including copies of the following:

1. Application form x 4 no
2. Copy of Section 1 - confidential contact info x 1 no
3. 1:10,560 map x 4 no
4. 1:2500 map x 4 no
5. 4 no copies of drawings of proposed development
6. Cheque for €80 -- application fee

Please contact the undersigned if you have any queries.



Yours Faithfully,

Sean Desmond

Sean Desmond BE CEng MIEI DipEng
Chartered Engineer
Mobile 086-8987102



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

✓
✓
✓
✓
✓
✓
✓

FOR OFFICE USE ONLY

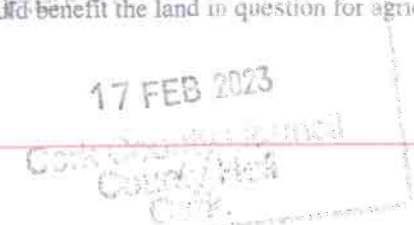
Receipt No.	PL20002224
Cash/Cheque/ Credit Card	CHEQUE
Date	22/2/23
Declaration Ref. No.	D/212/23

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.



DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

4. 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 metres (m²)

(a) Floor area of existing/proposed structure(s):	
(b) If a domestic extension is proposed, 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 (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use <u>N/A</u>	Proposed use _____ _____
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

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:		
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA) as designated in the County Development Plan? Yes <input type="checkbox"/> No <input type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

Planning Department
 17 FEB 2023
 Cork County Council
 County Hall

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	Vera Webb
Date	17 Feb 2023

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, explicit consent to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

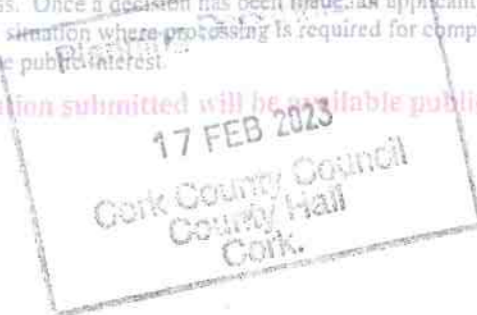
Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	Vera Webb
Date	17 Feb 2023

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie. However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.



ADVISORY NOTES:

The application must be accompanied by the required fee of €80
The application must 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 Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- 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 of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption 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 of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption 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.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	Sean Desmond
Date	17-2-23

Planning Department
17 FEB 2023
Cork County Council
County Hall
Cork.

Site Location Map

CENTRE COORDINATES:
ITM 560281,551998

PUBLISHED: 10/02/2023
ORDER NO.: 50316967_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK111

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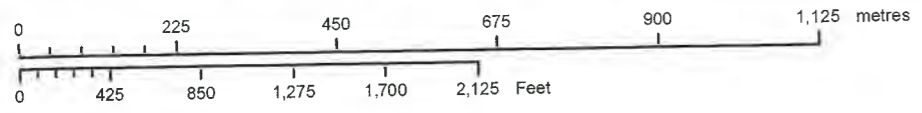
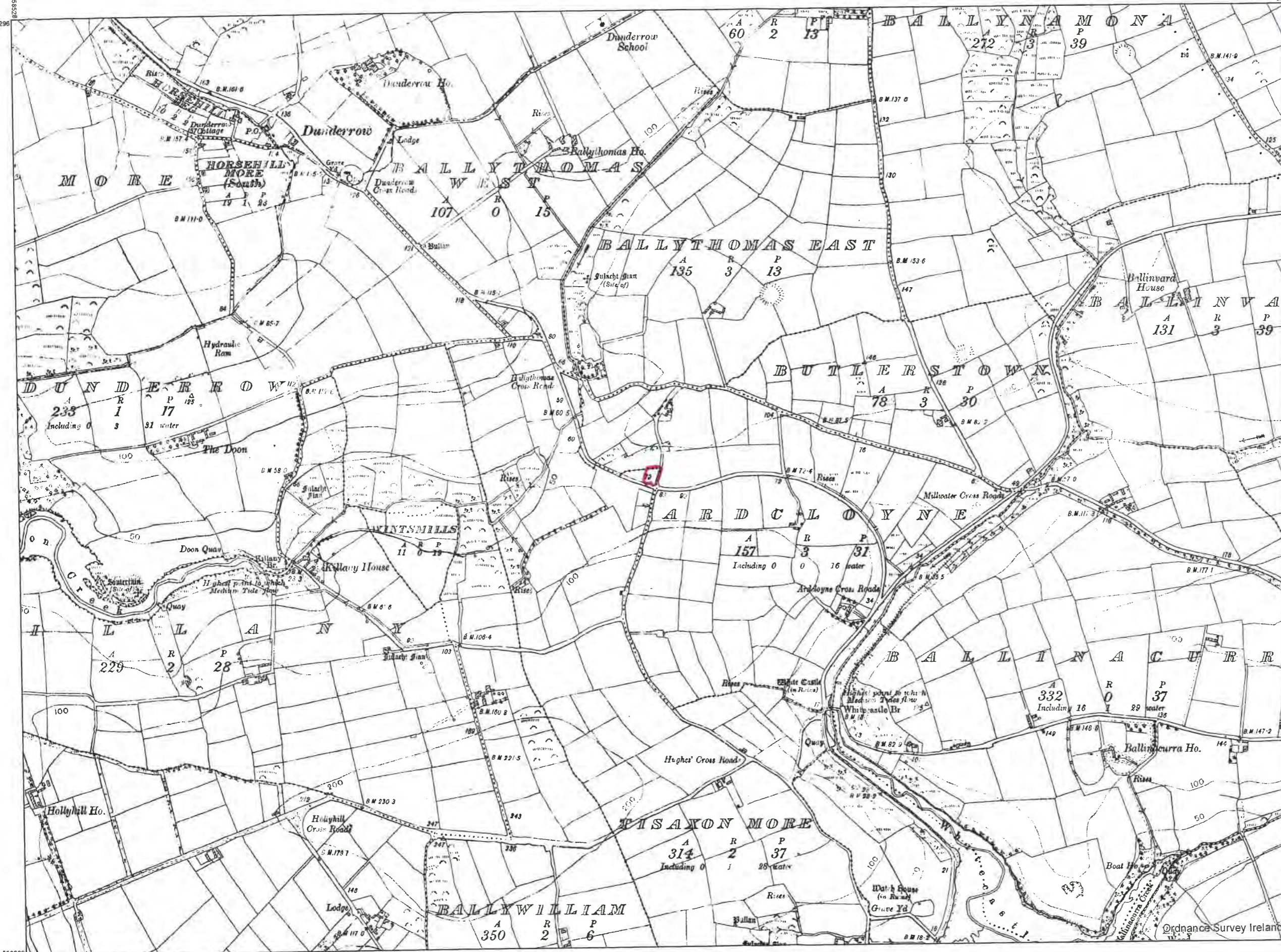
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The map objects are only accurate to the
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Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie>, search 'Capture Resolution'



553296
553296
550699
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Planning Pack Map



National Mapping Agency

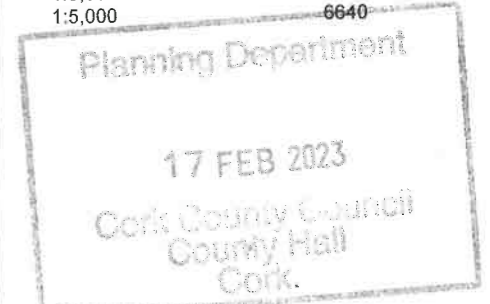
CENTRE COORDINATES:
ITM 560281,551998

PUBLISHED:
10/02/2023

ORDER NO.:
50316967_1

MAP SERIES:
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1:5,000

MAP SHEETS:
6609
6610
6639
6640



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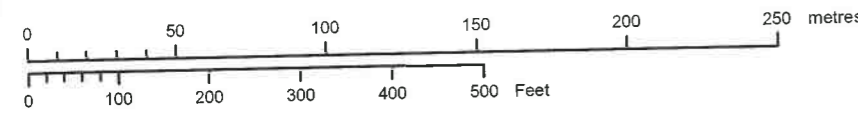
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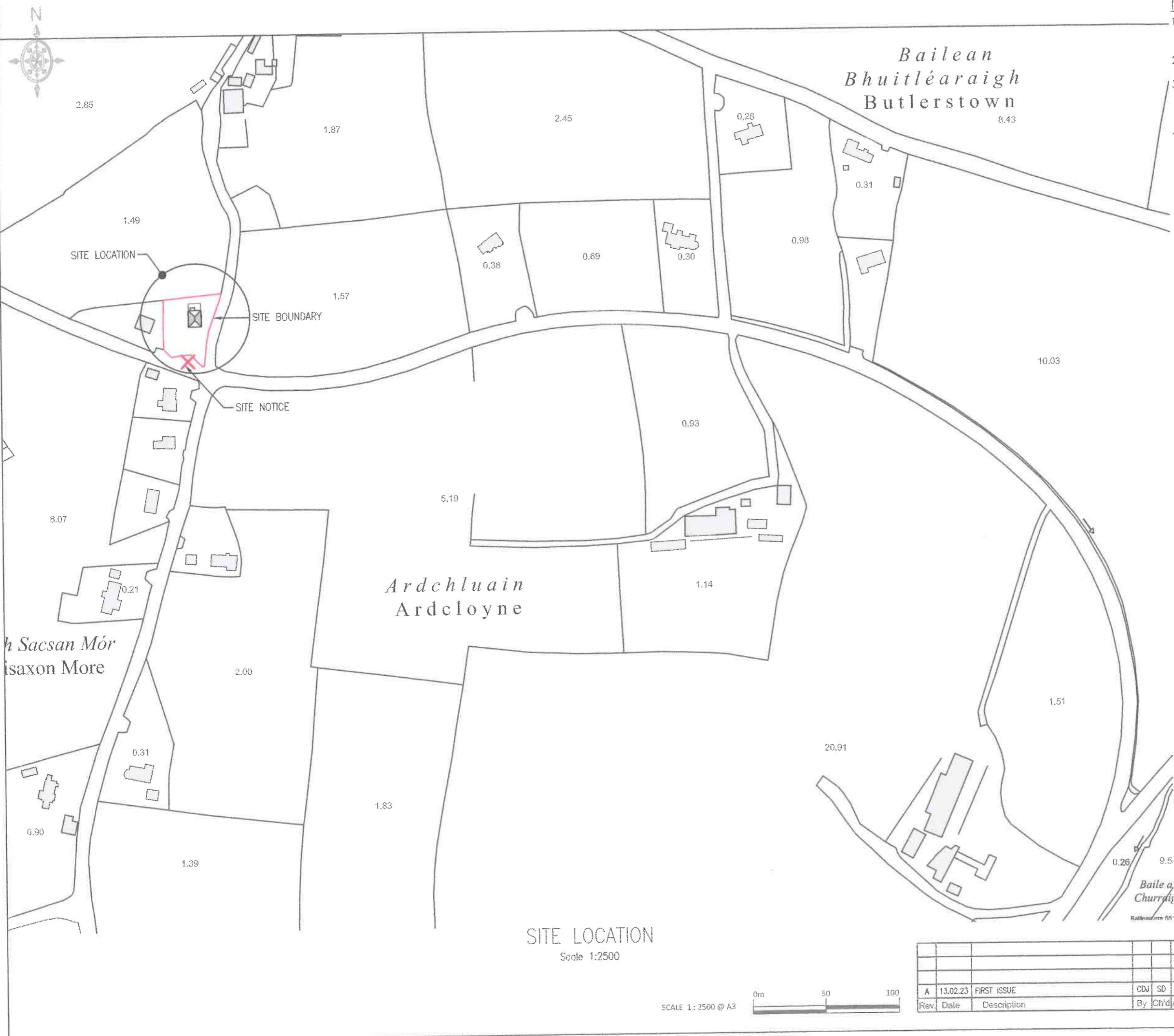
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OUTPUT SCALE: 1:2,500


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Further information is available at:
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Planning Department
 17 FEB 2023
 Cork County Council
 County Hall
 Cork

Project TISAXON MORE KINSALE, COUNTY CORK	
Title SITE LOCATION	
 DESMOND CONSULTING. THE GRANARY, THE GLEN KINSALE, COUNTY CORK. Tel: 353 (0) 21 4773288 E-mail: sean.desmond@desmondconsulting.ie	
Scales: 1:2500 (at A3)	
Drg. No. 1580-001	Revision A

SITE LOCATION
 Scale 1:2500

SCALE 1:2500 @ A3

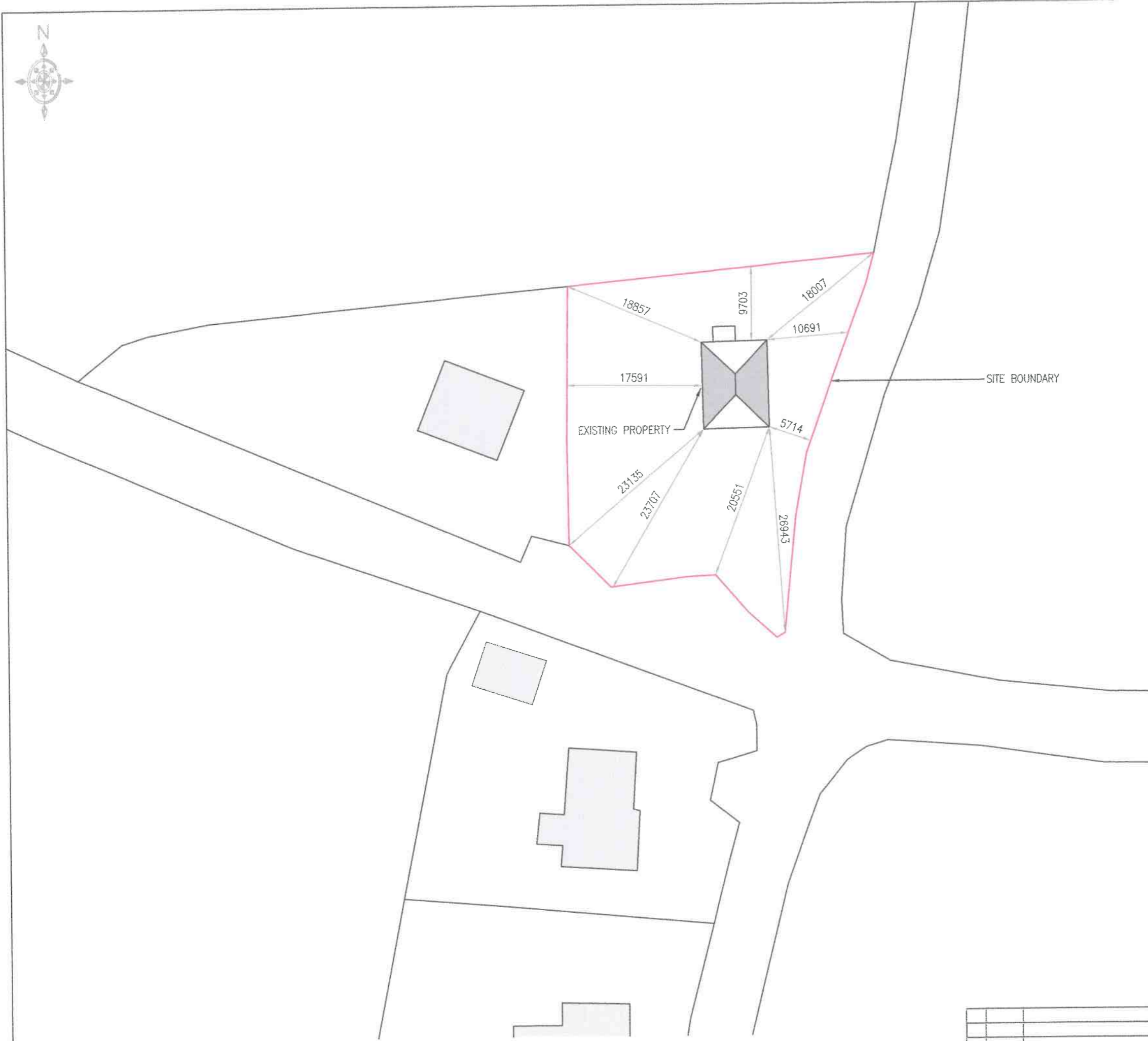


Rev.	Date	Description	By	Ch'd	App
A	13.02.23	FIRST ISSUE	CDJ	SD	SD



NOTES

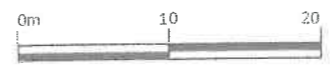
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Planning Department
17 FEB 2023

EXISTING SITE PLAN
Scale 1:500

SCALE 1:500 @ A3



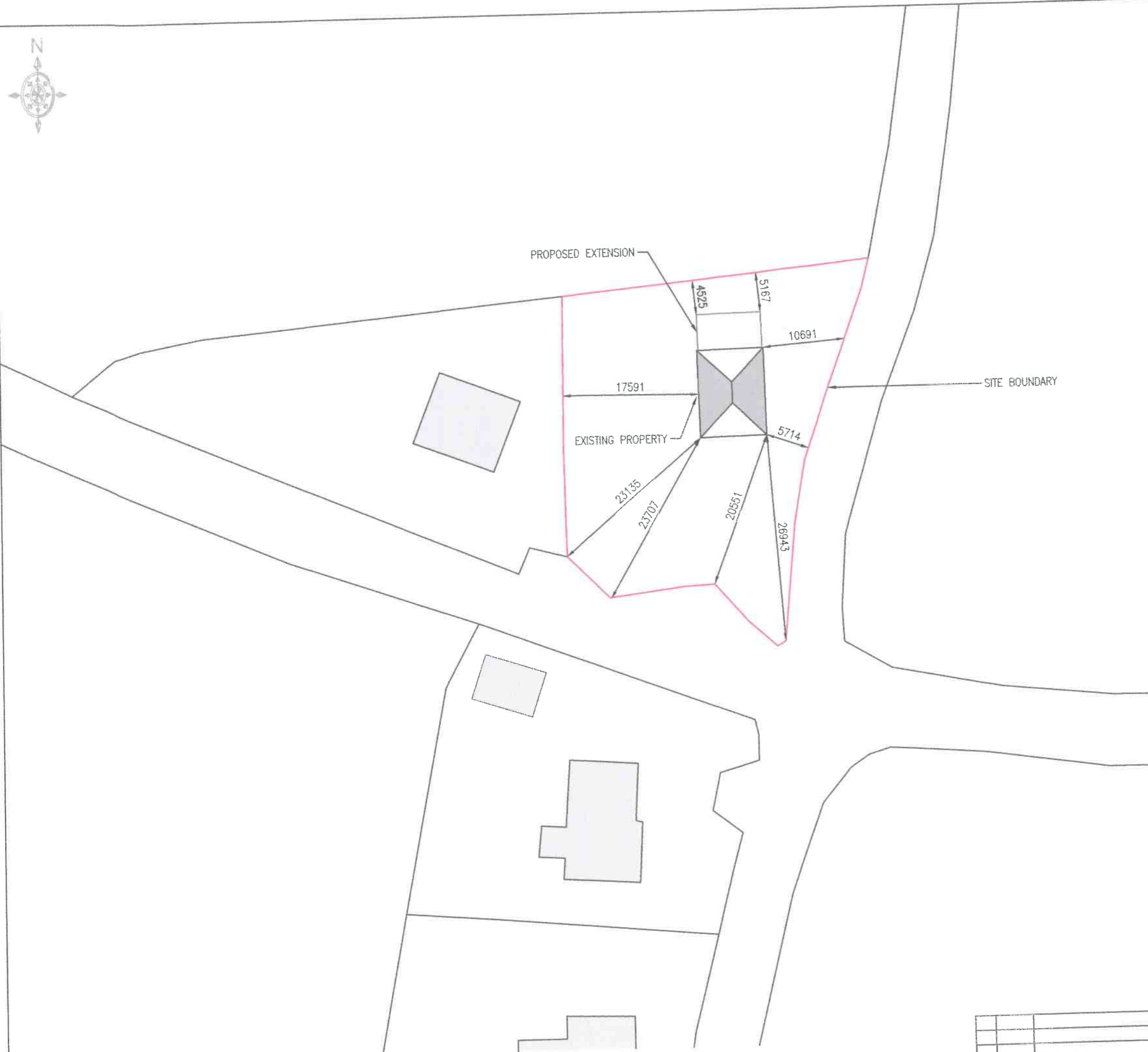
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Project TISAXON MORE KINSALE, COUNTY CORK	
Title EXISTING SITE PLAN	
	DESMOND CONSULTING. THE GRANARY, THE GLEN KINSALE, COUNTY CORK. Tel: 353 (0) 21 4773288 E-mail: sean.desmond@desmondconsulting.ie
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Drg. No. 1580-002	Revision A



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Planning Department
 17 FEB 2023
 Cork County Council
 County Hall
 Cork


PROPOSED SITE PLAN
Scale 1:500

SCALE 1:500 @ A3

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A	13.02.23	FIRST ISSUE	CDJ	SD	SD

Project
**TISAXON MORE
KINSALE, COUNTY CORK**

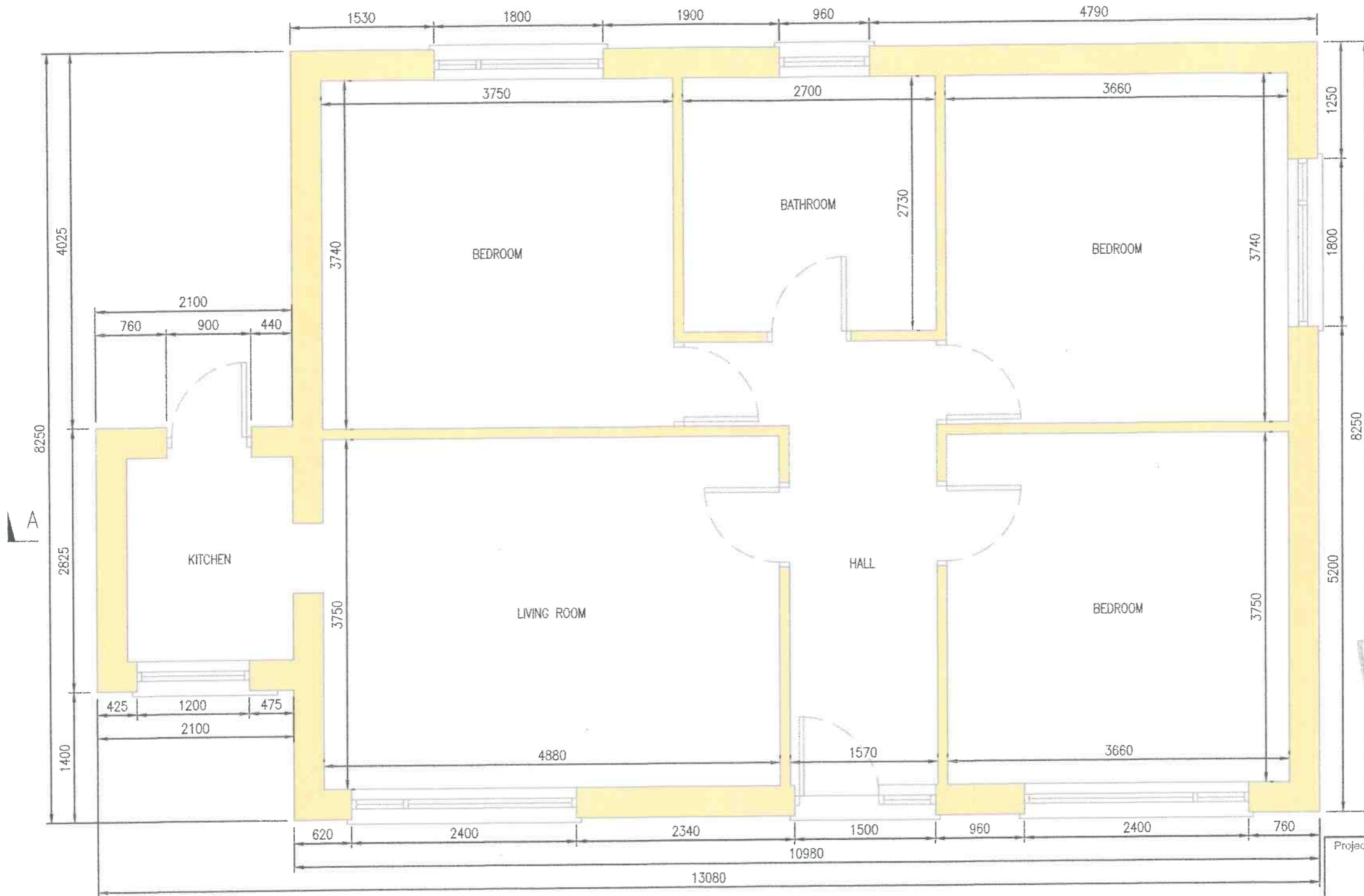
Title
PROPOSED SITE PLAN



DESMOND CONSULTING.
 THE GRANARY, THE GLEN
 KINSALE, COUNTY CORK.
 Tel: 353 (0) 21 4773288
 E-mail: sean.desmond@desmondconsulting.ie

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Drg. No. **1580--003** Revision **A**



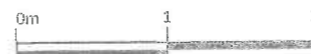
Planning Department
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 Cork County Council
 County Hall
 Cork

EXISTING GROUND FLOOR PLAN
 Scale 1:50

NOTES

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SCALE 1:50 @ A3



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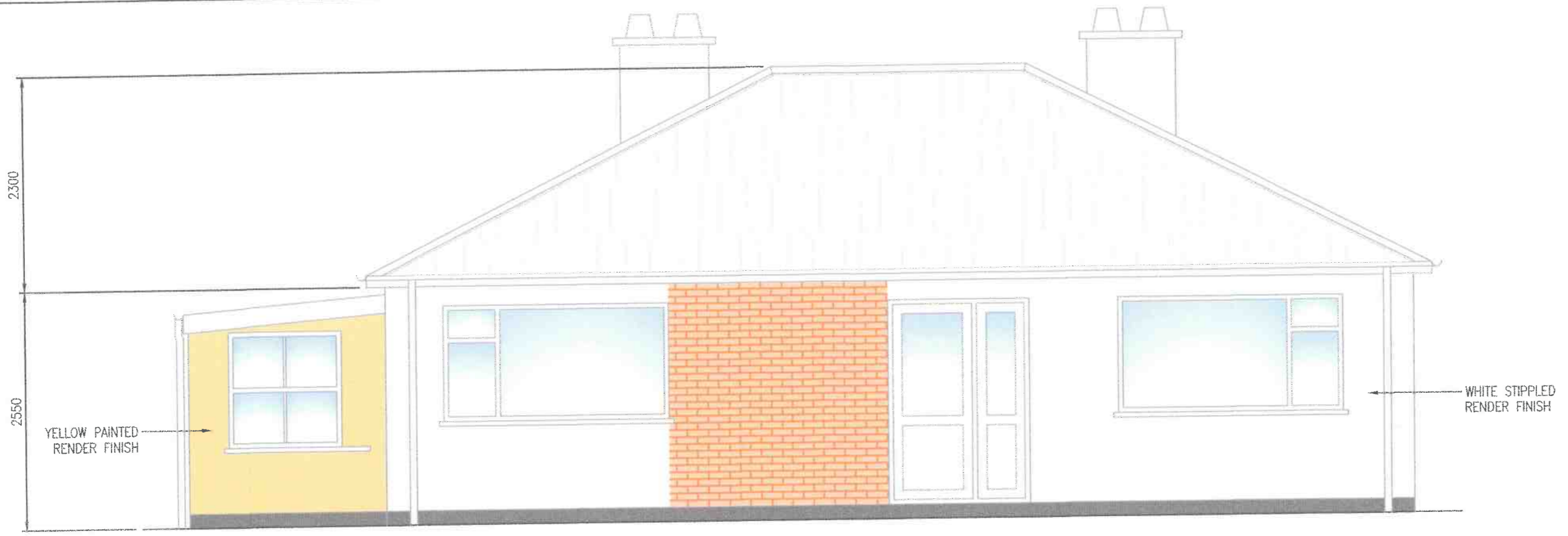
Project
**TISAXON MORE
 KINSALE, COUNTY CORK**

Title
EXISTING GROUND FLOOR PLAN

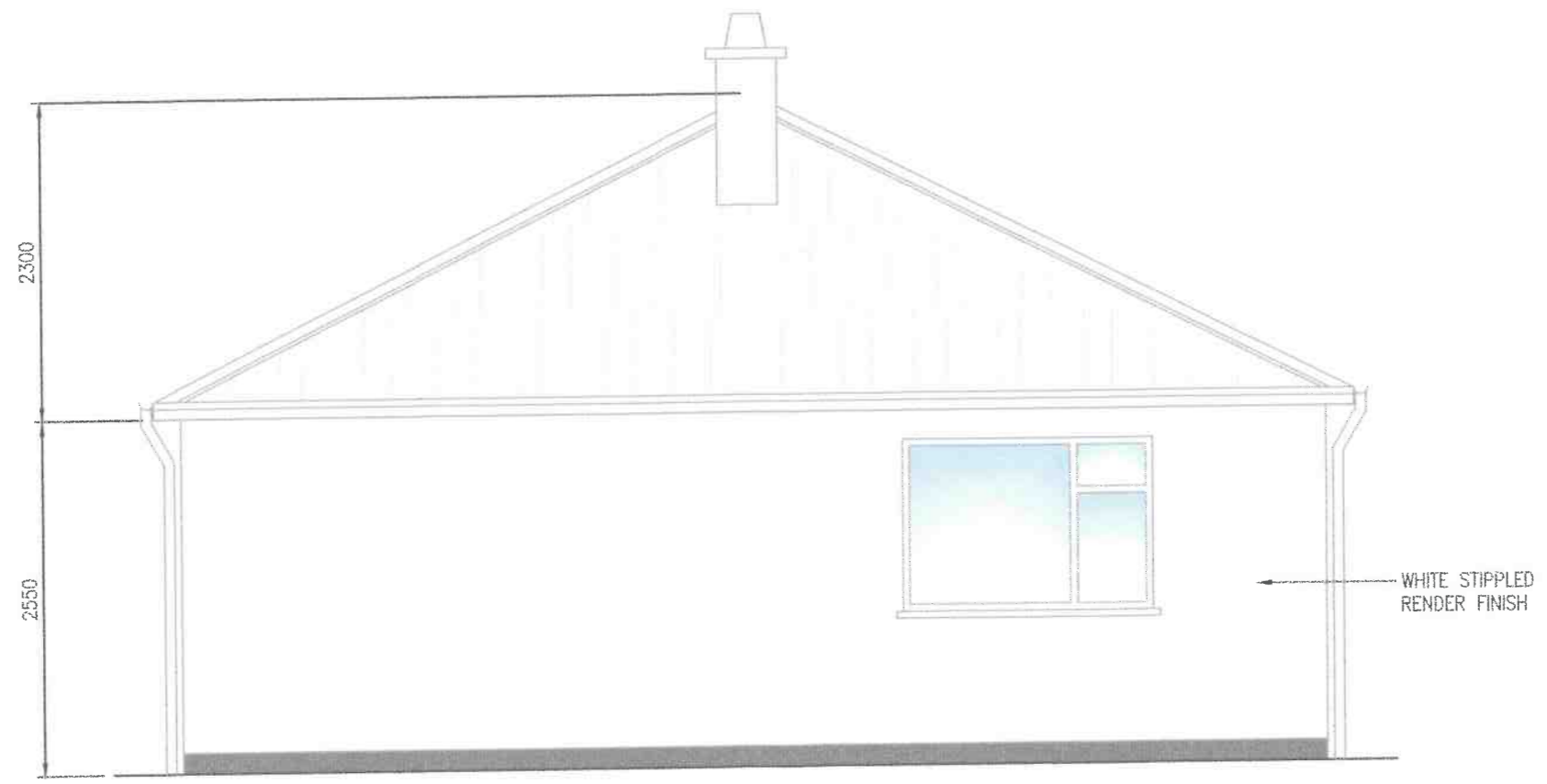
DESMOND CONSULTING.
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 KINSALE, COUNTY CORK.
 Tel: 353 (0) 21 4773268
 E-mail: sean.desmond@desmondconsulting.ie

Scales: 1:50 (at A3)

Drg. No. **1580-005** Revision **A**



EXISTING FRONT (WEST) ELEVATION
Scale 1:50



EXISTING SIDE (SOUTH) ELEVATION
Scale 1:50


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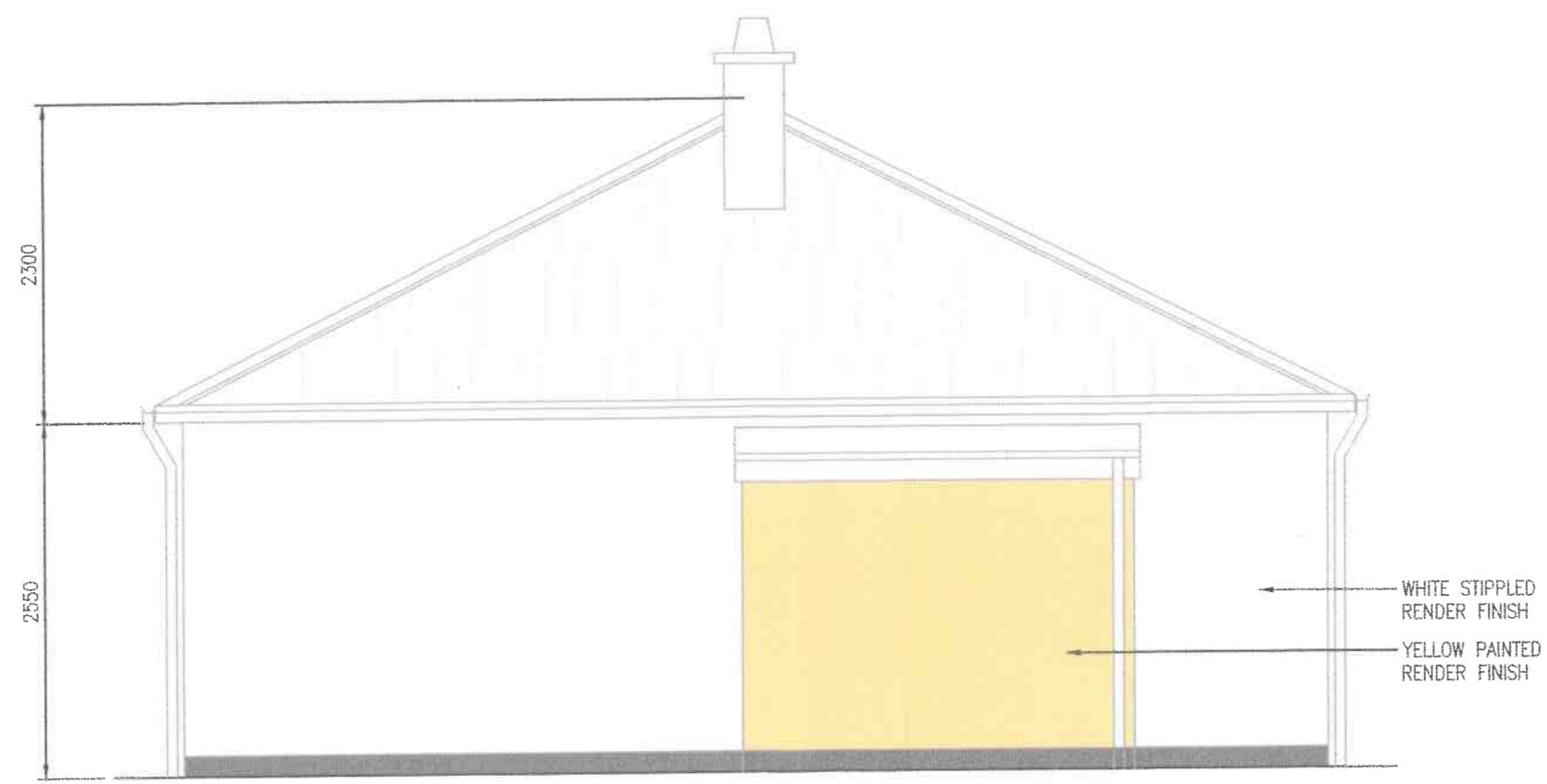
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Project TISAXON MORE KINSALE, COUNTY CORK	
Title EXISTING ELEVATIONS SHEET 1	
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Scales: 1:50 (at A3)	
Drg. No. 1580--007	Revision A



EXISTING REAR (EAST) ELEVATION
Scale 1:50



EXISTING SIDE (NORTH) ELEVATION
Scale 1:50

- NOTES**
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A	13.02.23	FIRST ISSUE	CDJ	SD	SD

Planning Department
17 FEB 2023
Cork County Council
Cork City Hall
Cork

Project
TISAXON MORE
KINSALE, COUNTY CORK

Title
EXISTING ELEVATIONS
SHEET 2

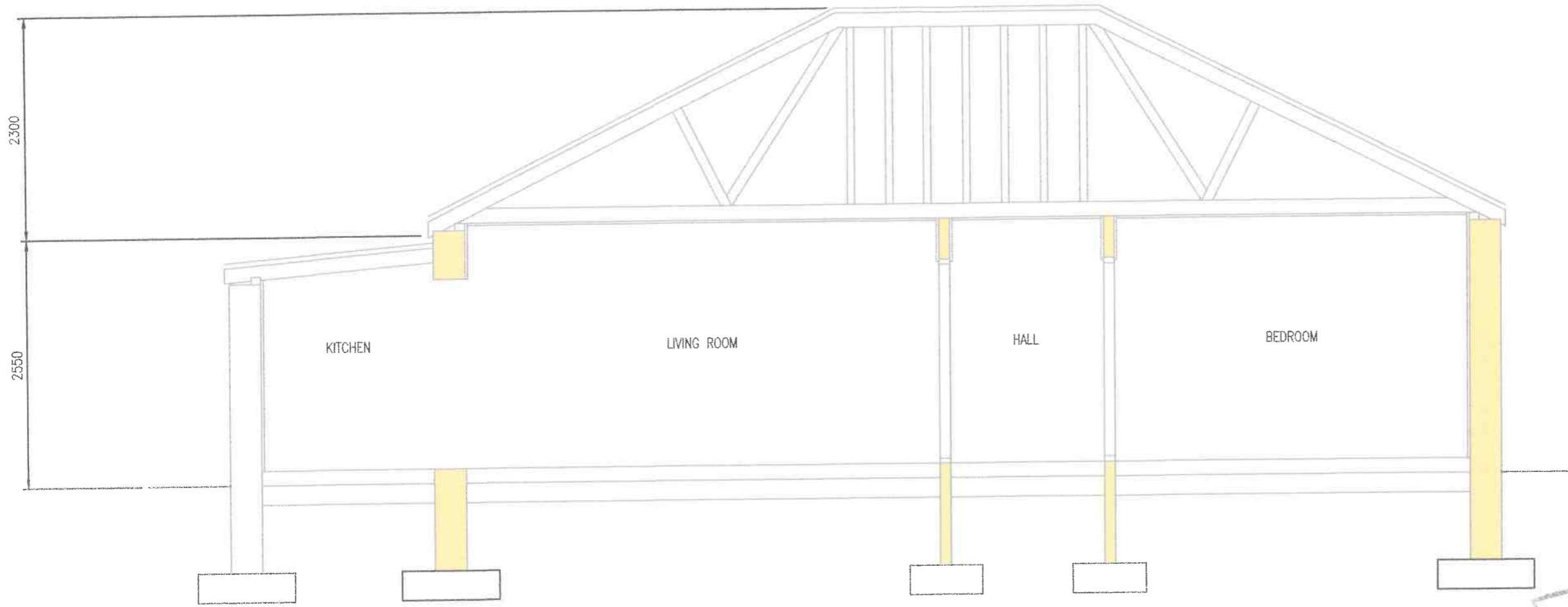


DESMOND CONSULTING.
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E-mail: sean.desmond@desmondconsulting.ie

Scales. 1:50 (at A3)

Drg. No. 1580-008
Revision A

SCALE 1:50

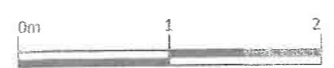


EXISTING SECTION A-A
Scale 1:50

NOTES


1. ALL DIMENSIONS IN MILLIMETRES (mm) AND LEVELS IN METRES ABOVE ORDANCE DATUM (mAOD) UNLESS NOTED OTHERWISE.
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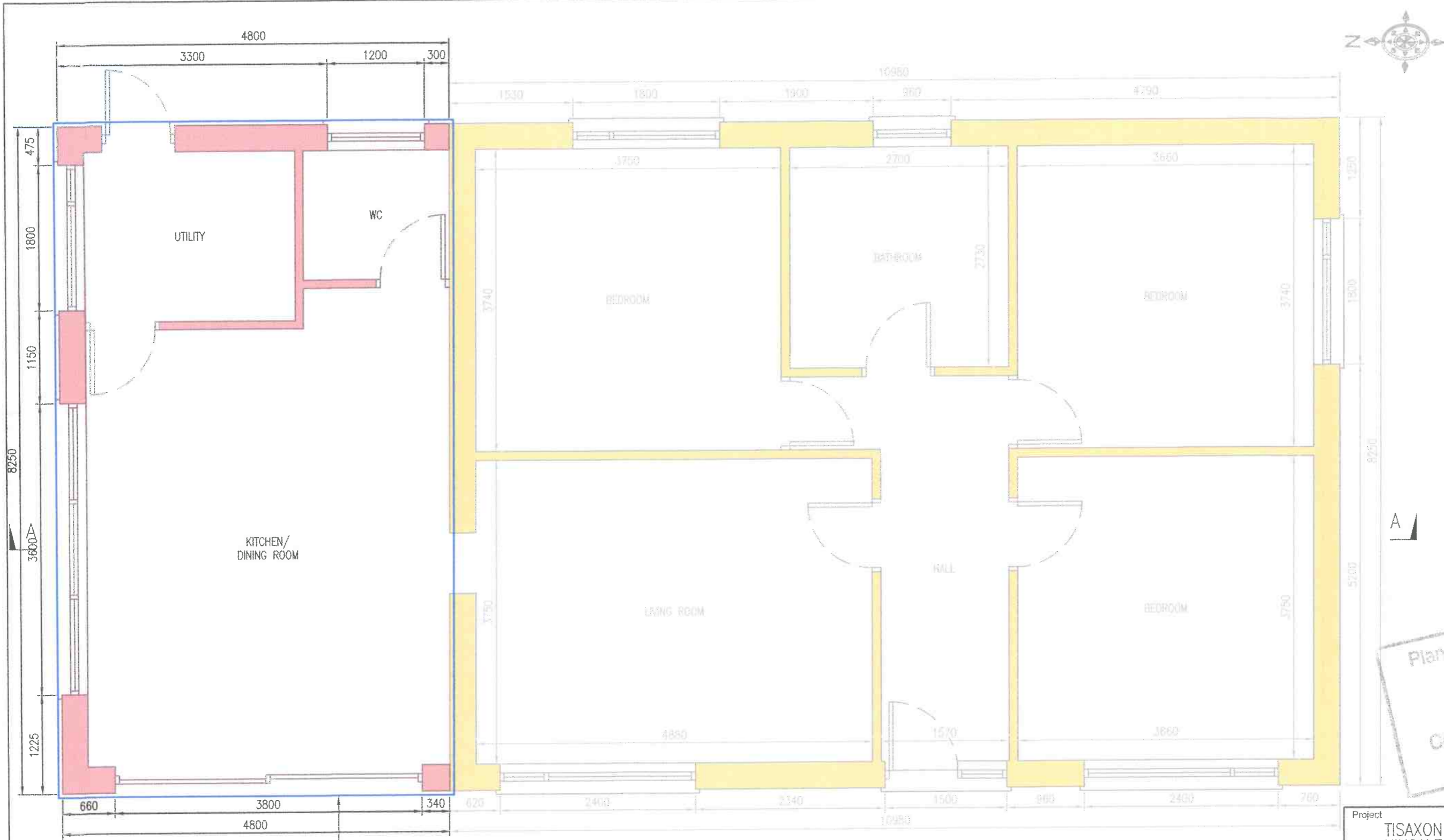
SCALE 1:50 @ A3



Rev.	Date	Description	By	Ch'd	App
A	13.02.23	FIRST ISSUE	CDJ	SD	SD

Planning Department
17 FEB 2023
Cork County Council
County Hall
Cork.

Project TISAXON MORE KINSALE, COUNTY CORK	
Title EXISTING SECTION A-A	
 DESMOND CONSULTING. <small>THE GRANARY, THE GLEN KINSALE, COUNTY CORK. Tel: 353 (0) 21 4773288 E-mail: sean.desmond@desmondconsulting.ie</small>	
Scales. 1:50 (at A3)	
Drg. No. 1580--009	Revision A



Planning Department
 17 FEB 2023
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 Cork

PROPOSED GROUND FLOOR PLAN
 Scale 1:50

- NOTES**
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Project
**TISAXON MORE
 KINSALE, COUNTY CORK**

Title
PROPOSED GROUND FLOOR PLAN

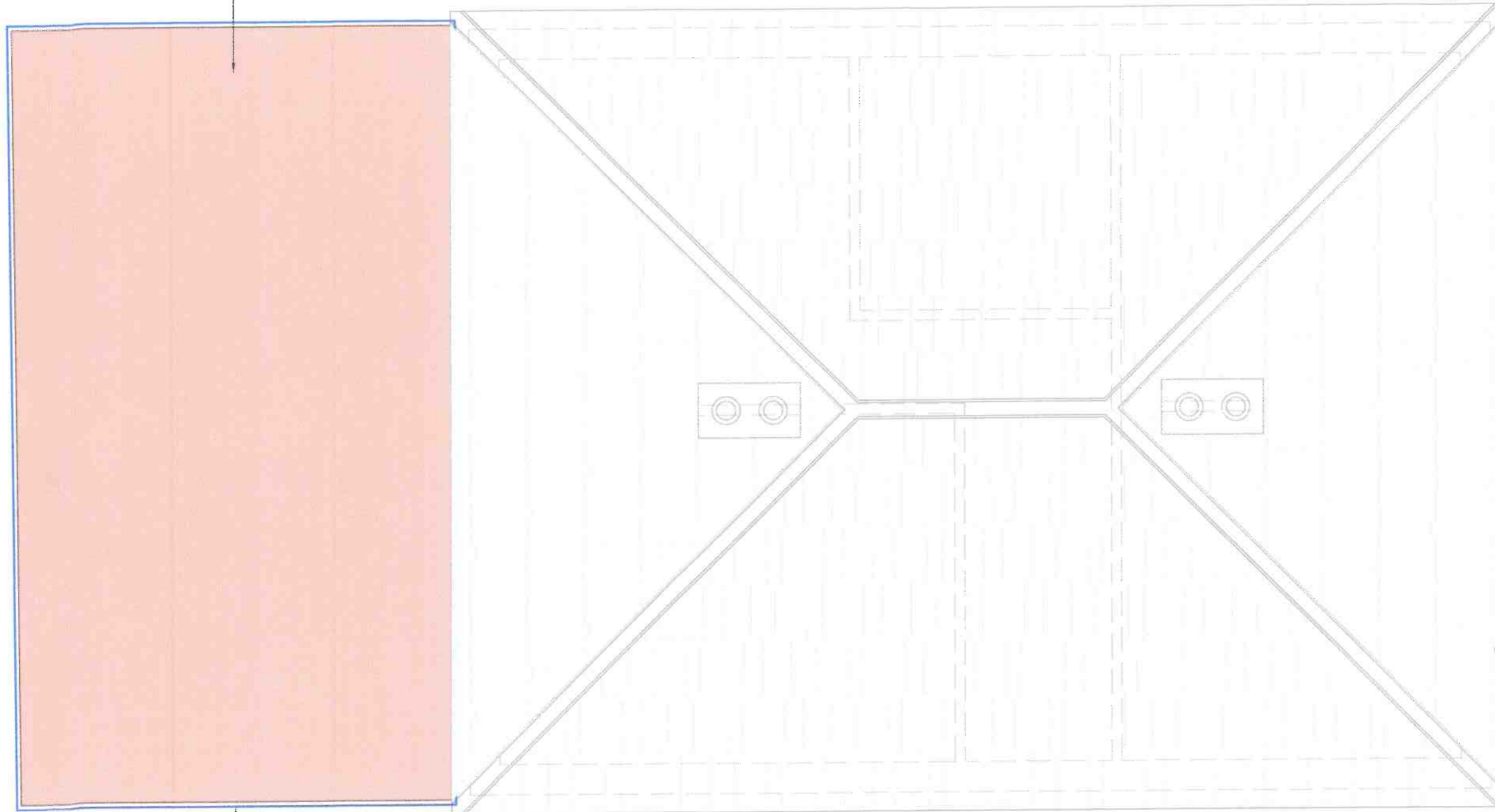
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Scales: 1:50 (at A3)

Drg. No. **1580-015** Revision **A**



PROPOSED FLAT ROOF



PROPOSED REAR EXTENSION
(40m²) OUTLINED IN BLUE

PROPOSED ROOF PLAN

Scale 1:50

Planning Department
17 FEB 2023
Cork County Council
County Hall
Cork


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SCALE 1:50 @ A3

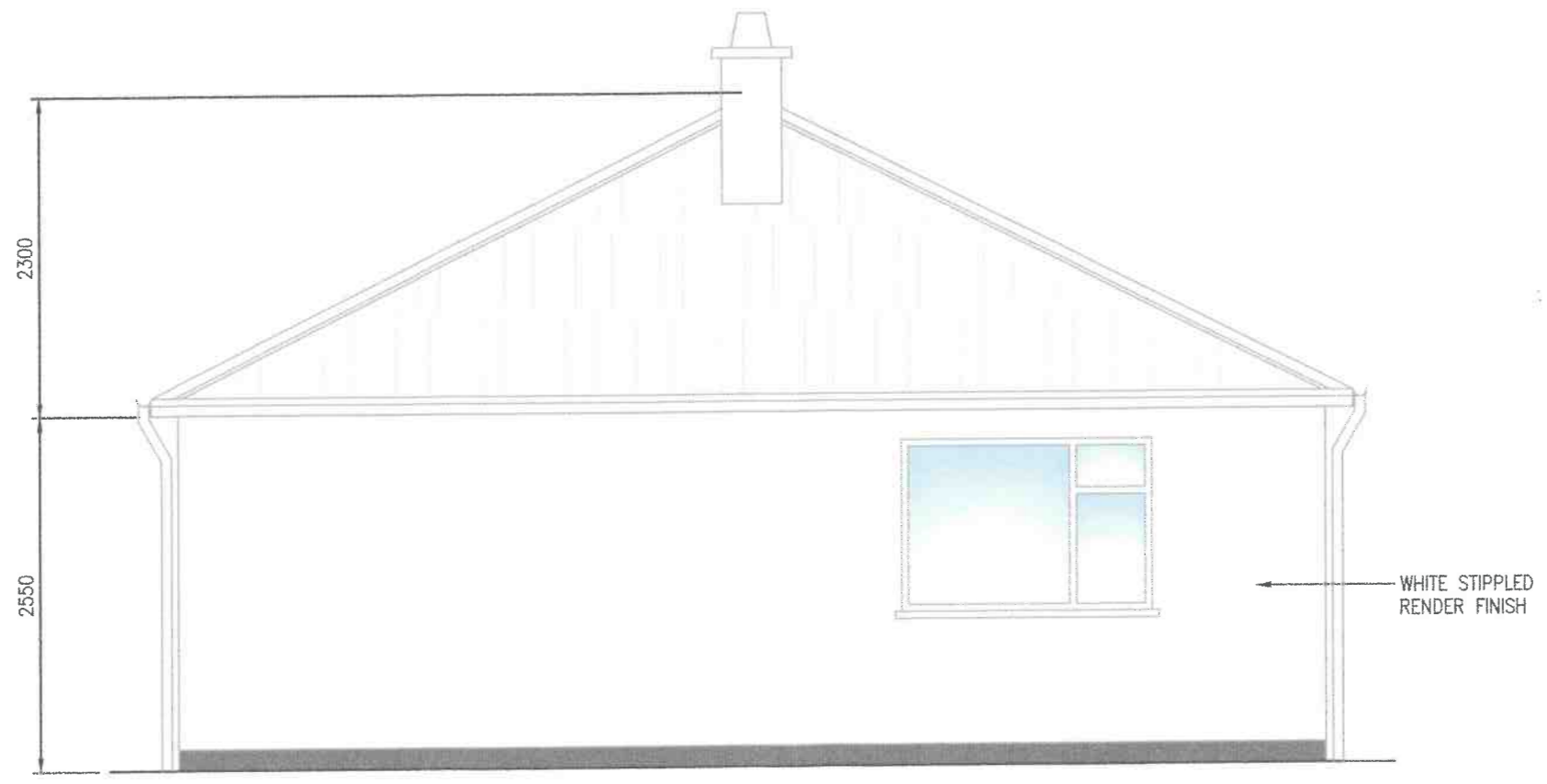


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Title PROPOSED ROOF PLAN	
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Scales. 1:50 (at A3)	
Drg. No. 1580-016	Revision A



PROPOSED FRONT (WEST) ELEVATION
Scale 1:50



PROPOSED SIDE (SOUTH) ELEVATION
Scale 1:50

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Planning Department
17 FEB 2023
Cork County Council
County Hall
Cork

Project
TISAXON MORE
KINSALE, COUNTY CORK

Title
PROPOSED ELEVATIONS
SHEET 1

DESMOND CONSULTING.
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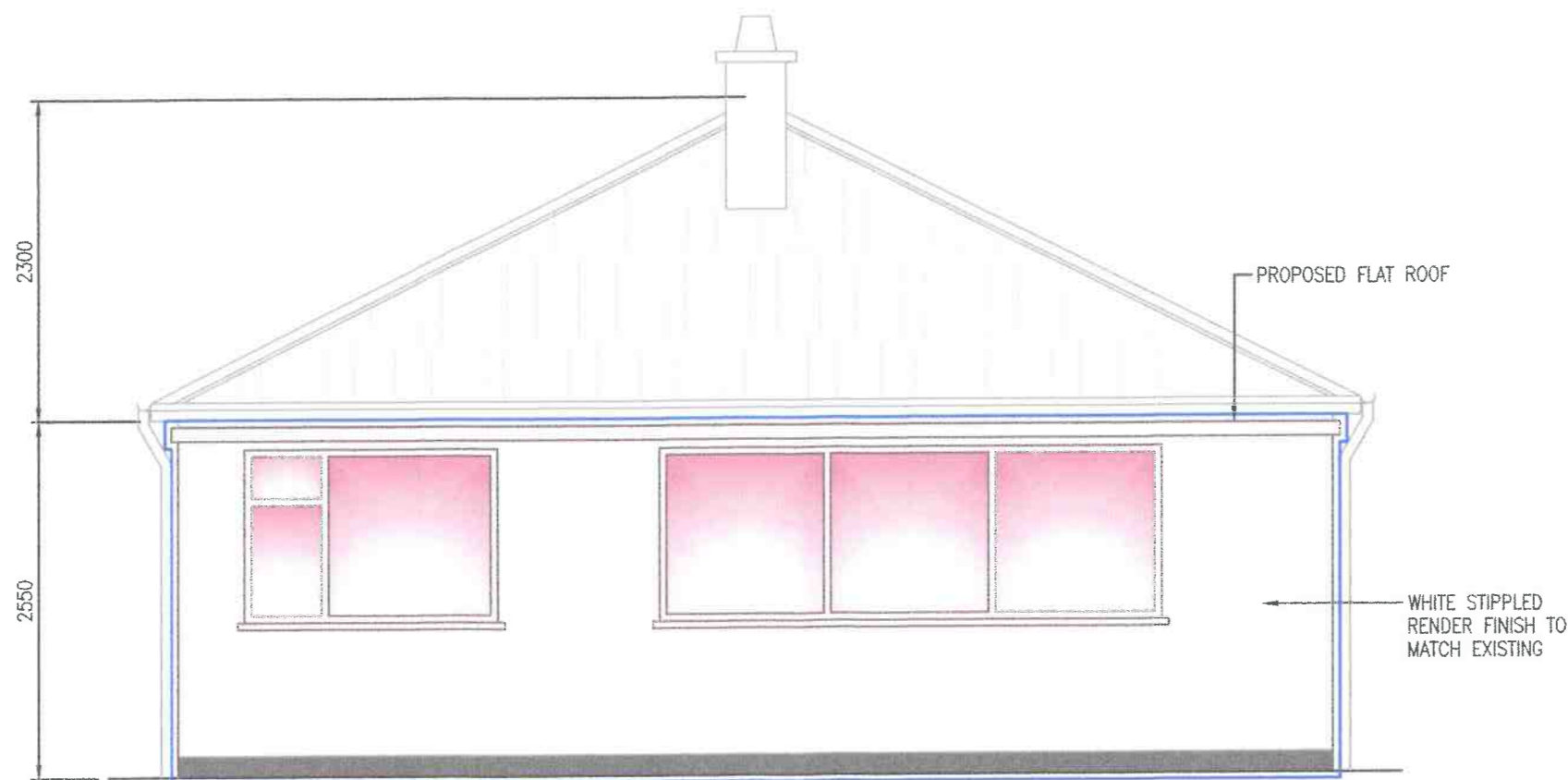
Scales: 1:50 (at A3)

Drg. No. 1580-017
Revision A



PROPOSED REAR (EAST) ELEVATION

Scale 1:50



PROPOSED SIDE (NORTH) ELEVATION

Scale 1:50


NOTES

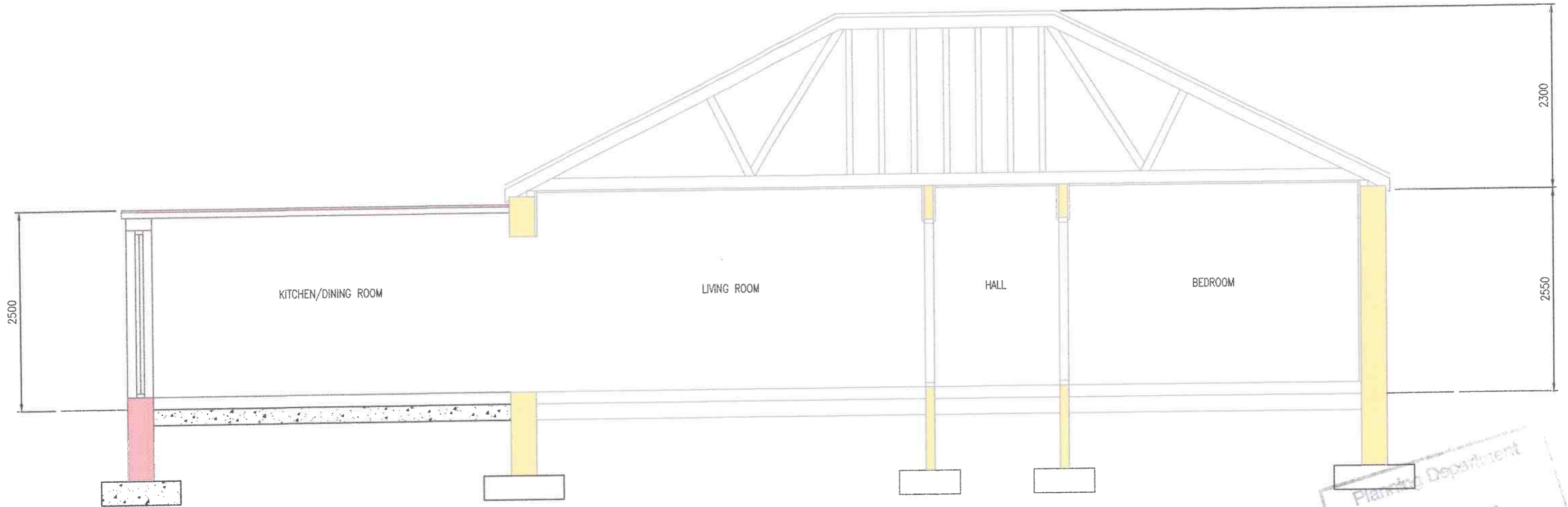
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 DESMOND CONSULTING. THE GRANARY, THE GLEN KINSALE, COUNTY CORK. Tel: 353 (0) 21 4773288 E-mail: sean.desmond@desmondconsulting.ie	
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PROPOSED SECTION A-A
Scale 1:50

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Cork County Council
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