

Comhairle Contae Chorcaí Cork County Council

Rannóg Pleanála, Teach Norton,
Bóthar Chorcaí, An Sciobairín,
Co. Chorcaí P81 AT28.
Fón: (028) 40340 • Faics (028) 21660
Suíomh Greasáin: www.corkcoco.ie
Planning Section, Norton House,
Cork Road, Skibbereen,
Co. Cork P81 AT28.
Tel: (028) 40340 • Fax: (028) 21660
Web: www.corkcoco.ie



Mr. Michael Fitzgerald,
12, Willow Park,
Clonakilty,
Co. Cork. P85 EY71.

3rd February, 2023.

Our Ref: D/1/23.

RE/ **Declaration request on exempted development under Section 5
of the Planning & Development Act, 2000 (as amended)**

Dear Sir,

On the basis of the information and plans submitted by you on 11th January, 2023, the Planning Authority declares that the proposed provision of a pitched roof on extension at 12, Willow Park, Clonakilty, Co. Cork is development and *not exempted development* having specific regard to the provisions of Schedule 2, Article 6, Part 1, Class 1 (conditions 2 (a) and 4(a) and 4 (c)) of the Planning & Development Regulations, 2001 (as amended).

The dimensions provided for as part of the application show that the floor area of the extensions combined exceed the permitted exempted 40 sq.m. and it is therefore considered that the proposal to provide a pitched roof is not exempt. Further to this the rear wall of the kitchen/dining extension appears to be above that of the rear wall of the main dwelling, thus not complying with conditions and limitation 4(a).

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.

Receipt No. WCP11042, in respect of €80.00, is issued herewith.

Note: The planning status of the existing rear extension will need to be regularised in any future planning application submitted.

Yours faithfully,


**KEVIN O'REGAN,
SENIOR EXECUTIVE OFFICER.**

Anne Lordan

From: Tim Twomey
Sent: Thursday 2 February 2023 16:34
To: Anne Lordan
Subject: RE: D/1/23 - Section 5 request

Hi Anne,

I agree with the Area Planner's recommendation. The proposal is 'development' and not 'exempted development' having specific regard to the provisions of Schedule 2, Article 6, Part 1, Class 1 [conditions 2 (a) and 4 (a) and 4 (c)] of the Planning and Development Regulations 2001 (as amended).

Note to Applicant: The planning status of the existing rear extension will need to be regularised in any future planning application submitted.

Regards,
Tim

From: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Sent: Thursday 2 February 2023 15:50
To: Tim Twomey <Tim.Twomey@CorkCoCo.ie>
Subject: FW: D/1/23 - Section 5 request

Hi Tim,

Attached please find report from Ms. Kate Killian, Area Planner for your Recommendation and signoff.

Regards

Anne.

Anne Lordan | Oifigeach Foirne Cúnta | **Pleanáil agus Foirbairt**
Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co. Chorcaí |
P81 AT28 | Éire
T +353-(0)28 – 40340 | Ext. 7121
Anne.Lordan@corkcoco.ie | www.corkcoco.ie
Tairseach na gcustaiméirí: www.yourcouncil.ie

Anne Lordan | Assistant Staff Officer | **Planning and Development**
Cork County Council | Norton House | Cork Road | Skibbereen | Co. Cork | P81 AT28 | Ireland
T +353-(0)28 – 40340 | Ext. 7121
Anne.Lordan@corkcoco.ie | www.corkcoco.ie
Customer Portal: www.yourcouncil.ie

From: Kate Killian <Kate.Killian@CorkCoCo.ie>
Sent: Thursday 2 February 2023 14:48
To: Anne Lordan <Anne.Lordan@CorkCoCo.ie>; Tim Twomey <Tim.Twomey@CorkCoCo.ie>
Subject: FW: D/1/23 - Section 5 request

Please find attached exemption certification – refused
Kate

NAME OF APPLICANT: Michael Fitzgerald
ADDRESS OF DEVELOPMENT: 12 Willow Park
DEVELOPMENT: Provide for a pitched roof on extension
APPLICATION TYPE:- Exempted Development

Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001.

Is the proposal development?

The proposal comes within the definition of development in S.3 of the Planning and Development Act 2000 for the following reason:-

In the Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making or any material change in the use of any structures or other land.

Is the proposal exempted development?

The proposed development as described in the application form, and from visual inspection of the site, falls under Part 1 Class 1 of the Second Schedule of the 2001 Planning and Development Regulations.

The Class Definition is-.*The extension of a house by the construction or erection of an extension (including a conservatory) to the rear of a 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 dwelling house is located within the Town Centre of Clonakilty

The relevant conditions for this class are as follows:

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

From the drawings and dimensions provided with the application the PA calculation is that the extensions cumulative floor space is 43sq/m which is over the exempted size and thus placing a pitched roof over this would not be considered to be exempt

(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.*

The extension is single story and photographs have been submitted to prove this

(c) *Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.*

N/A

2. (a) *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.*

From the drawings and dimensions provided with the application the PA calculation is that the extensions cumulative floor space is 43sq/m which is over the exempted size and thus placing a pitched roof over this would not be considered to be exempt

(b) 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.

No indication has been given as to any previous extensions, extension is single story and dwelling is detached

(c) 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 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.

N/A

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

Single story extension

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.*

The drawings provided with the application do not provide the overall height of the extensions walls from the photographs submitted with the application it would appear that the wall of the dining/kitchen extension is ever so slightly higher than the rear wall of the main dwelling which would also be exempt the proposal and the existing extension.

(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

N/A

(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.

It is considered that from the roof plan provided the height of the extensions roof would not exceed the roof height of the main dwelling

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.*

There are no dimensions provide for in the submitted drawings but it would appear that the open space remaining is in excess of 25sq/m

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

This would appear to be complied with as one of the photographs shows the gable elevation has no window facing the adjacent site

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

Single story extension

(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 than 11 metres from the boundary it faces.*

N/A

7. *The roof of any extension shall not be used as a balcony or roof garden.*

This is considered to be complied with

Conclusion:

Applicants have applied for to provide a pitched roof over an existing extension to the rear of their dwelling at 12 Willow Park. In order to assess if the proposed replacement of the flat roof to that of a pitch roof construction would be exempted development, the Planning Authority must first determine if the extension in its own right is exempt, as there is no specific classification for a replacement roof.

The dimensions provide for as part of the application show that the floor area of the extensions combined exceed the permitted exempted 40sq/m and it is therefore considered that the applicants proposal to provide a pitched roof is also **not exempt**. Further to this the rear wall of the kitchen/dinning extension appears to be above that of the rear wall of the main dwelling, thus not complying with conditions and limitation 4 (a).

Kate Killian
Executive Planner
02/02/2023



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:**

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>

FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

DATE STAMP HERE

REG. No. D11/23
 PLANNING (WEST) DEPT
 11 JAN 2023
 CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

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.

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A – CONTACT DETAILS)

MICHAEL FITZGERALD

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

12 WILLOW PARK,
CIONAKILTY,
CO - CORK P85 EY 71

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought

Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

CONSTRUCTION OF A PITCHED SLATE
ROOF OVER EXISTING CONSERVATORY,
KITCHEN AND DINING AREA TO
PROTECT EXISTING DWELLING FROM
INCLEMENT WEATHER AND PROVIDING
GOOD THERMAL INSULATION – WHICH
THE EXISTING ROOF CONSTRUCTION
CURRENTLY DOES NOT ADEQUATELY
PROVIDE.

REG. No.

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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"/> REPLACEMENT ROOF 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	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 checked="" type="checkbox"/>

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 NORTHMOLE, SNIBBEREEN, CO. CORK P81 ATZ

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

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)	<i>Michael Fitzgerald</i>
Date	9 - 1 - '23

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	<i>Michael Fitzgerald</i>
Date	9 - 1 - '23

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.



11 JAN 2023
CORK COUNTY COUNCIL
HOUSE, SKIBBEREEN, Co. CORK P51 AT28


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.

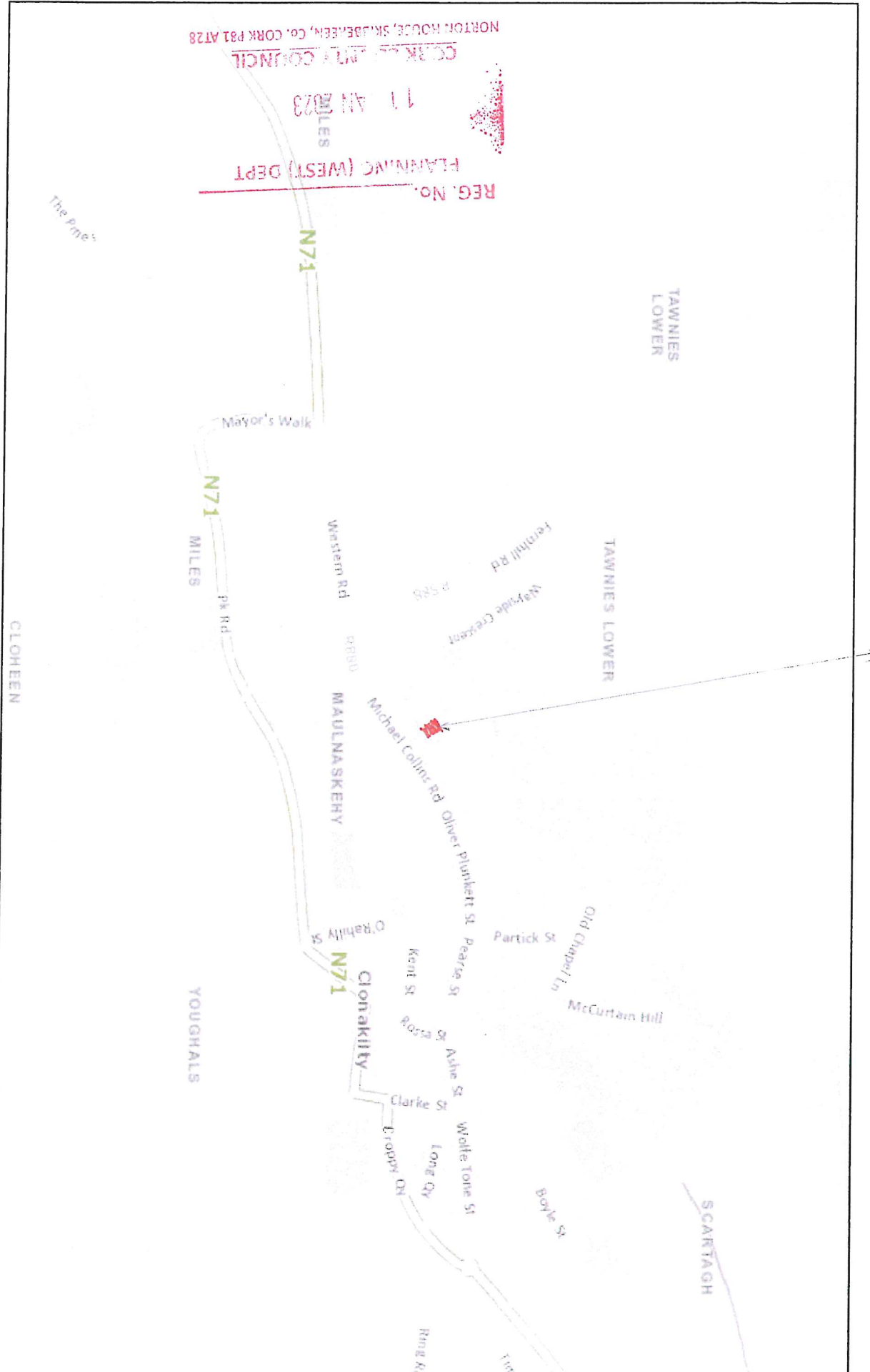
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be 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:

<i>Signed (Applicant or Agent as appropriate)</i>	
Date	9 - 1 - '23

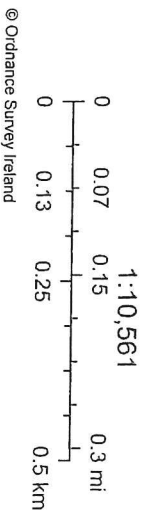
REG. No. _____
PLANNING (WEST) DEPT
 11 JAN 2023
CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

No 12 Willow Park

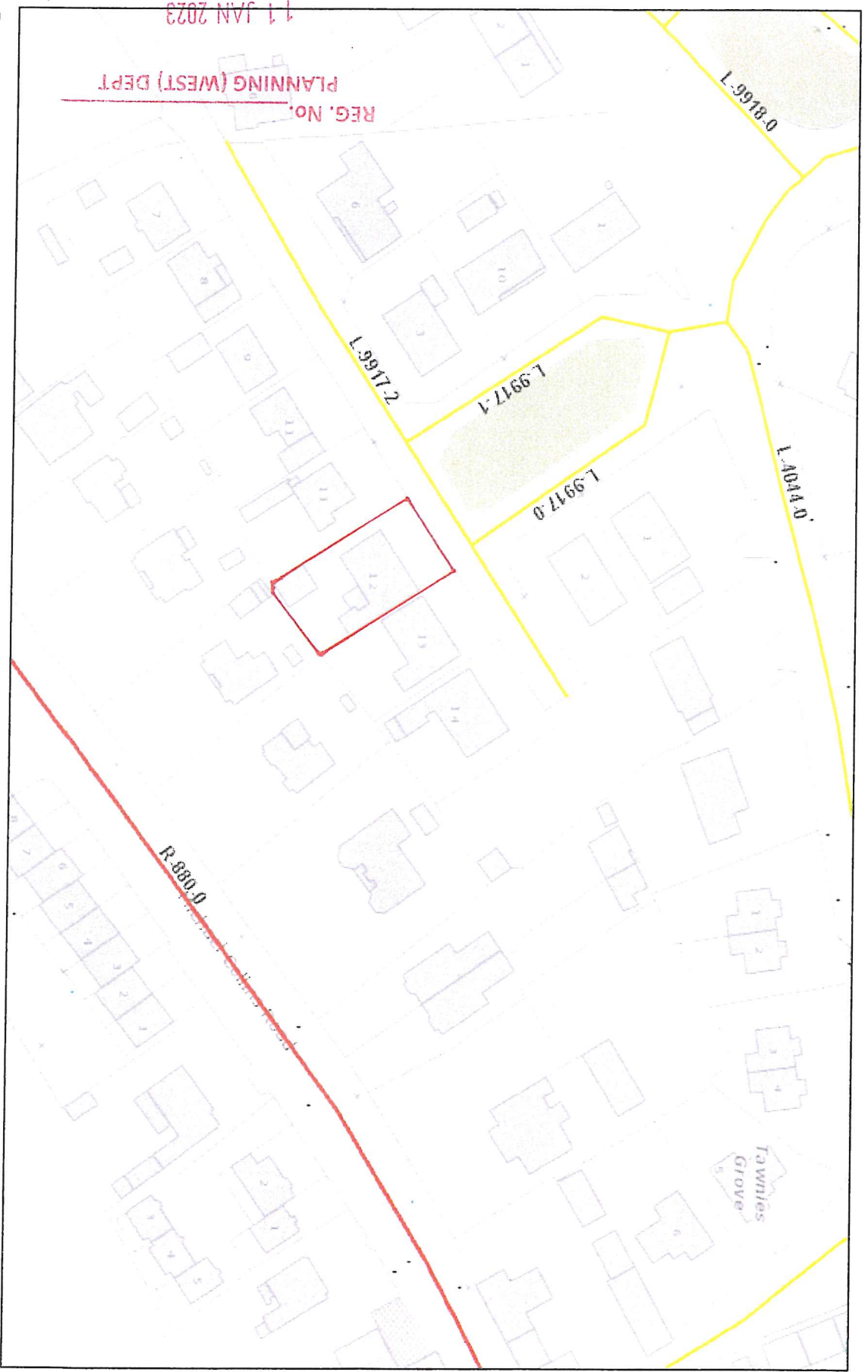


REG. No. 11
PLANNING (WEST) DEPT.
11 AN 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREN, CO. CORK P81 AT28

December 2, 2022



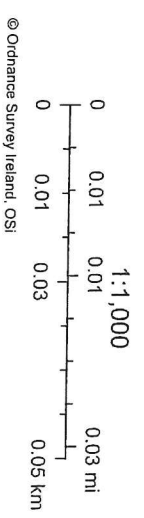
No 12 Willow Park

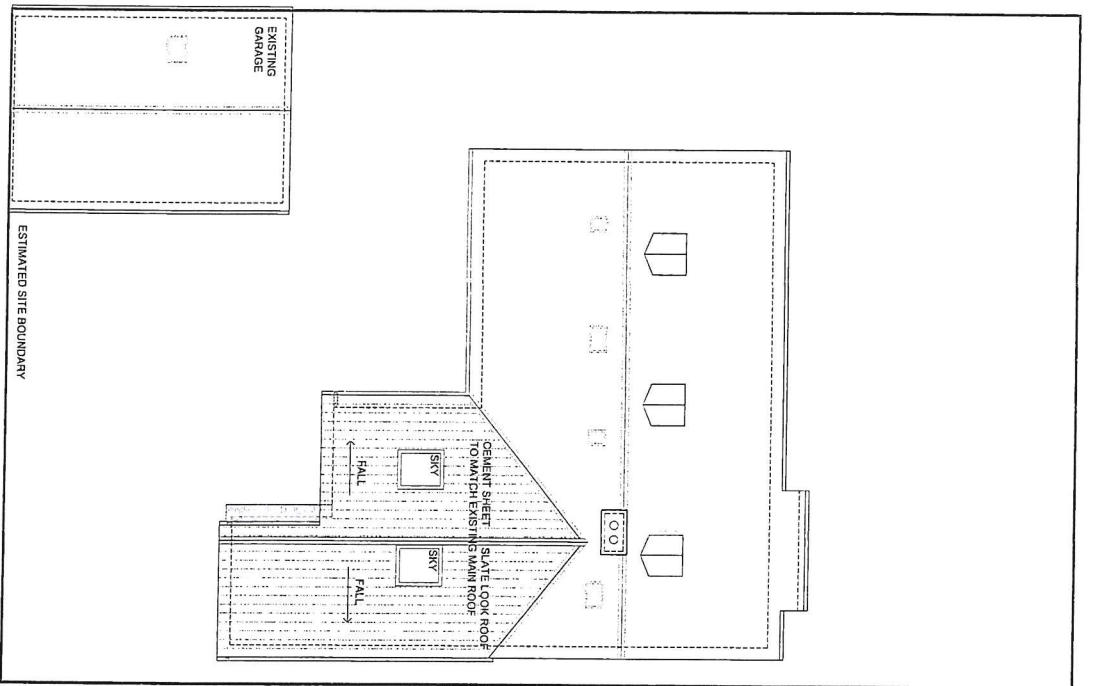
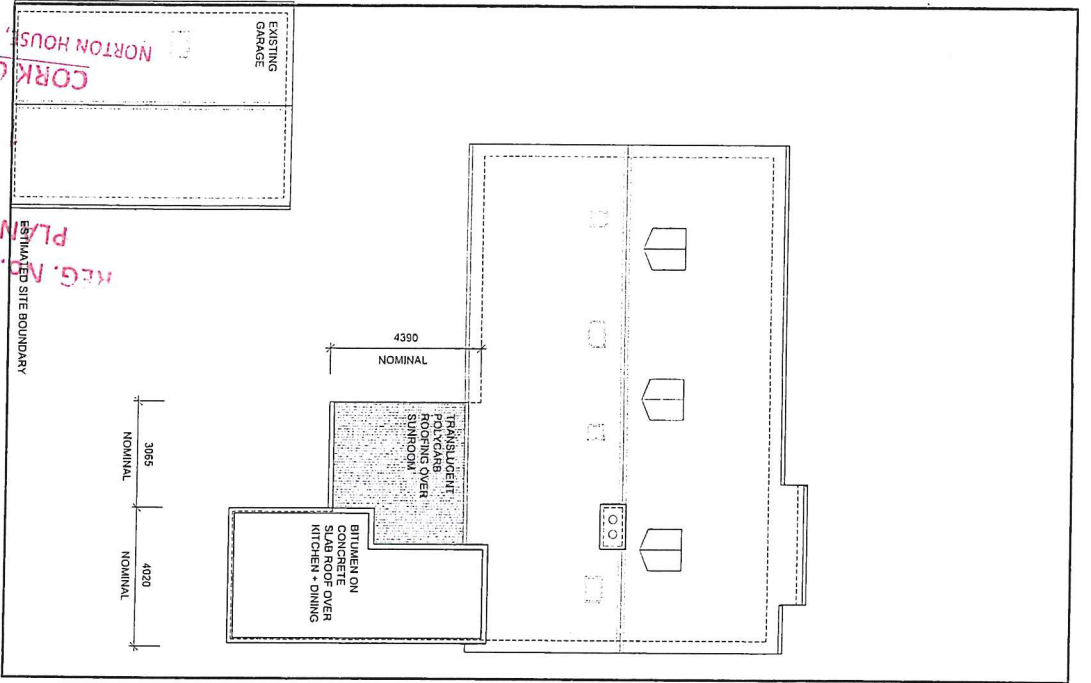


CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, CO. CORK P81 AT28

December 2, 2022

- Local Bridges
- Regional Bridges
- National Bridges
- Road Network with Labels
- National
- Regional
- Road Network
- Local
- National





01 EXISTING ROOF PLAN

SCALE 1:196

REVISION	DATE	REVISION DESCRIPTION
A	22.11.2022	ISSUED FOR PLANNING EXEMPTION REVIEW

PLANNING EXEMPTION REVIEW

PROJECT NAME
FITZGERALD RESIDENCE
ROOF RENOVATION
PROJECT ADDRESS
WILLOW PARK, CLONMALKILTY

PROJECT NUMBER
22-001
DRAWING TITLE
EXISTING + PROPOSED ROOF PLAN

SCALE
1/150
DATE
NOV 22

DRAWING NO.
PL-1-101
REVISION
A



CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBERDEN, CO. CORK P11 A128
1 JUN 2023
M.E.G. M. PLANNING (WEST) DEPT.

Nb 12 Willow Park

