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,

County Hall,

Carrigrohane Road, Cork T12 R2NC

Tel: (021) 4276891 Fax: (021) 4276321



Philip Healy, C/O JK Design & Architectural Services, Currahoo, Ballinspittle, Co. Cork.

30th March, 2023

REF: D/216/23

LOCATION: Ballydownis West, Kilbrittain, Co. Cork

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

Dear Sir,

On the basis of the information and plans submitted by you on the 1st March, 2023 the Planning Authority having considered whether the proposed extended playroom/family room to granted dwelling under Planning Register No. 22/4428 at **Ballydownis West, Kilbrittain, 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 extended playroom/family room to granted dwelling under Planning Register No. 22/4428 is **NOT** an exempted development because the question being asked is to:

- a) Vary and increase the size and external appearance of a proposal already granted planning permission under Planning Register No. 22/4428 for which there is no legislative provision for and
- b) Cannot be an exempted development by virtue of Schedule 2, Article 6, Part 1, Class 1 (Development within the curtilage of a house) of the Planning Regulations 2001 – because it exceeds 40m².

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,

~ Jil

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

S.5 DECLARATION

APPLICANT: Ballydownis West, Killbrittain, County Cork.

Your Ref: D216. 23

Proposal

The proposal is stated as being for a proposed extended playroom / family room to granted dwelling under Planning Register No. 22/4428.

I have not inspected the site – but a colleague, has informed me that the granted extension under Planning Register No.22/4428 has not yet commenced construction.

Assessment

I am confused by the submitted form which states in Q.4(a) floor area of existing structure 10m2. The existing dwelling (94 m2) was granted under Planning Register No.22/4428 – with an extension (64m2).

The proposed development constitutes development.

There is no provision for using S.5 of the Planning Act to vary any proposal already granted Planning Permission – in this case under Planning Register No.22/4428.

Requirement for Appropriate Assessment has been screened out for this proposed development having regard to the lack of ecological or hydrological connection between the development site and any European Site.

Conclusion

The proposal constitutes development.

But it is NOT an exempted development because the question being asked is to:

- a. Vary and increase the size and external appearance of a proposal already granted Planning Permission under Planning Register No.22/4428 for which there is no legislative provision for and
- b. Cannot be an exempted development by virtue of Schedule 2, Article 6, Part 1, Class 1 (Development within the curtilage of a house) of the Planning Regulations 2001 – because it exceeds 40m2.

Regards
Steve Baxter
Executive Planner
BA Hons Dip Town Planning



Currahoo, Bailinspirile, Co Cork, Mobile: 087 8067766, Email: [keoghan@gmail.com

23 February 2023

The Planning Department

Cork County Council

Floor 2

County Hall

Carrigrohane Road

Cork. T12 R2NC

Application for Section 5 Declaration of Exemption at Ballydownis, Ballydownis West, Kilbrittaqin, Co. Cork, For Philip Healy.

A Chara,

I have been instructed by the above-named applicant to submit this Application for a Section 5 Declaration of Exemption for a Proposed extended Play room / Family Room to that already granted under Pl. Ref. 22/04428 at Ballydownis, Ballydownis West, Kilbrittain, Co. Cork.

Please find enclosed the following documentation in support of it.

- (1) Application Fee € 80.
- (2) I no. Copy of Section 1 (Application Form) Confidential Contact Information.
- (3) 4 no. copies of Application Form including Data Protection Declaration Section signed by applicant.
- (4) 4 no. copies of O.S. Site Location Map @ 1: 10560.
- 5) 4 no copies of O.S. Site Location Map @ 1: 2500
- (6) 4 no copies of Proposed Site Layout Plan Sheet 1 @ 1:300
- (7) 4 no copies of Proposed Site Layout Plan Sheet 1@ 1:300
- (8) 4 no copies of Proposed Floor Plan @ 1:100
- (9) 4 no copies of Proposed Front & Rear Elevations @ 1:100
- (10) 4 no copies of Proposed Side Elevations and Typical Sections @ 1:100

DI MAR 2013

CORK COUNTY COUNCIL

County Hall, Cork

Mise Le Meas

James Keoghan.

J K Design& Architectural Services Currahoo Ballinspittal Co Cork, Mobile; 087 8067766, Email: (keoghan@gmail.com



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

<u>FO</u>	R SECTION 5 DI	ECLARATION OF EXEMPTION
APPLICANT CHEC	<u>CKLIST</u>	(Please tick $\sqrt{\ }$)
4 No. Copies of Ap 1 No. Copy of Com 4 No. Copies 6" O 4 No. Copies 25" of 4 No. Copies of Si 4 No. Copies Scale €80 Application F	ntact Details: S. Maps: O.S. Maps: te Layout Plan: ed Drawings of Development:	
FOR OFFICE U	USE ONLY	
Receipt No.	PLE 0039845	
Cash/Cheque/ Credit Card	CASH	
Date	1/3/23	
Declaration Ref. No.	1216/23	DATE STAMP HERE
	e viewed by the public. Plea	that any information/documentation that you submit ase do not submit any information that you do not wan
 A copy of the 	he details submitted to the Council's	Reclamation, the following additional information is required: s Environment Department (Inniscarra) for a Waste Licence Permit he land reclamation would benefit the land in question for agricultural

DATA PROTECTION

Details of existing and proposed levelsDetails of fill material and duration of fill.

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.

	NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A - CONTACT DETAILS)
hilip l	Healy
2.	POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF EXEMPTION IS SOUGHT:
allyd	ownis, Ballydownis West, Kilbrittain Co. Cork.
	QUESTION/DECLARATION DETAILS: state the specific question for which a Declaration of Exemption is sought
ote:	Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption
ection	n 5 Declaration of Exemption sought for proposed extended Play Room / Family Room to that already granted under Pl. Ref.
2/044	ZO.
-	
-	
	Planning Department
- 10	
	0 MAR 2023
	Cork County Council
-	Coff County Hall

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	(\mathbf{m}^2)
(a) Floor area of existing/proposed structure(s):	10 Sq.m
(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 No IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII
(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 No I 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	A. Owner B. Other
legal interest in the land or structure:	
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 / A	ARCHITECTURAL CONSERVATION AREA:
6. PROTECTED STRUCTURE DETAILS / A Is this a Protected Structure/Proposed Protected Structure: Yes No	
Is this a Protected Structure/Proposed Protected Str	ructure or within the curtilage of a Protected lanning & Development Act 2000 been requested
Is this a Protected Structure/Proposed Protected Structure: Yes No If yes, has a Declaration under Section 57 of the Pl	ructure or within the curtilage of a Protected lanning & Development Act 2000 been requested
Is this a Protected Structure/Proposed Protected Structure: Yes No If yes, has a Declaration under Section 57 of the Pl or issued for the property by the Planning Authority If yes, please state relevant reference No. Is this site located within an Architectural Conserv	lanning & Development Act 2000 been requested y: Yes No

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

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:

ilid to liavillg your filloffila	ation processed for the following purposes.
Processing of your Declare	ation of Exemption application by the Planning Authority
I give permission fo	r my personal information to be processed for the purpose stated above
Signed (By Applicant Only)	Philip Healy
Date	23-Feb-2023
GDPR Special Catego	ories of data / Sensitive Personal data - Explicit Consent
a declaration application, e	of personal data / sensitive personal data are provided as part of / in support of xplicit consent to the processing of the special categories of data must be m the data refers, namely the Data Subject.
Special Categories of data	Sensitive Personal data include:
Race	
Ethnic origin	
Political opinions	

Genetic data

• Philosophical beliefs • Trade union membership

• Biometric data

Health data

Religion

• 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 do	ata submitted to	the Planning Authority to be processed
for the purpose stated above.			
Signed			
Date			

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 MAR 2023 Cork County Council County Hall Cork

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.

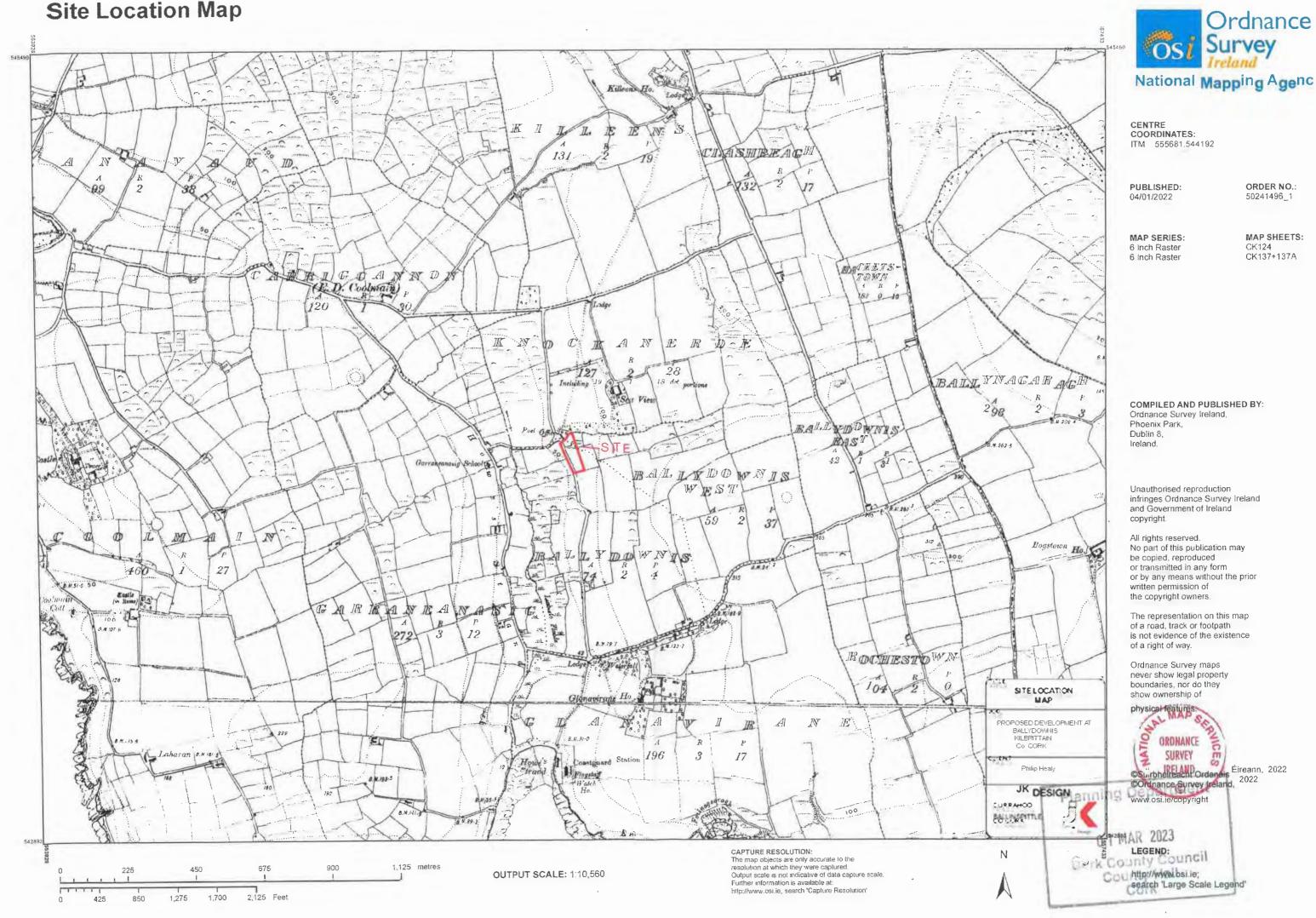
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be 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 <u>Planning and Development Acts 2000</u>, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	Philip Healy	
Date	23-Feb-2023	



Site Location Map



Planning Pack Map 4.49 National Mapping Agency 2.87 2.62 CENTRE COORDINATES' ITM 555681,544192 PUBLISHED: ORDER NO .: 5024 496_1 Garrán an Easaigh 2.34 4.60 Garraneanasig An Cnocán MAP SERIES: MAP SHEETS: 6695 R u a1.5,888 5.22 Knockaneroe 0.92 4.99 0.81 COMPILED AND PUBLISHED BY: 0.65 Ordnance Survey Ireland' Phoenix Park, Dublin o. Ireland. 11.56 D Unauthorised reproduction infringes ordnance Survey reland and Government of reland [] 0.23 0.29 0.22 Baile Uí copyright. Dhonnasa Thiar All rights reserved B a l l y d o w n i s Plawings to this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of 0.23 0.62 the copyright owners. D I MAR 2023 The representation on this map of a road, trick or footpath Cark Cou is not evidence of the existence of a right of way Ordnance Survey maps 7.43 never show legal property Baile Uí SITELOCATION 0.42 Dhonnasa 12.45 ORDNANCE Ballydownis PROPOSED DEVELOPMENT AT BALLYDOVINIS KILBRITTAIN SURVEY IRELAND CUENT OSuirbheireach Ordanais Éireann 2022 Ordanace Suivey reland, Philip Healy JK DESIGN 0.66 www.osi.ie/copyright

OUTPUT SCALE: 1:2.500

500 Feet

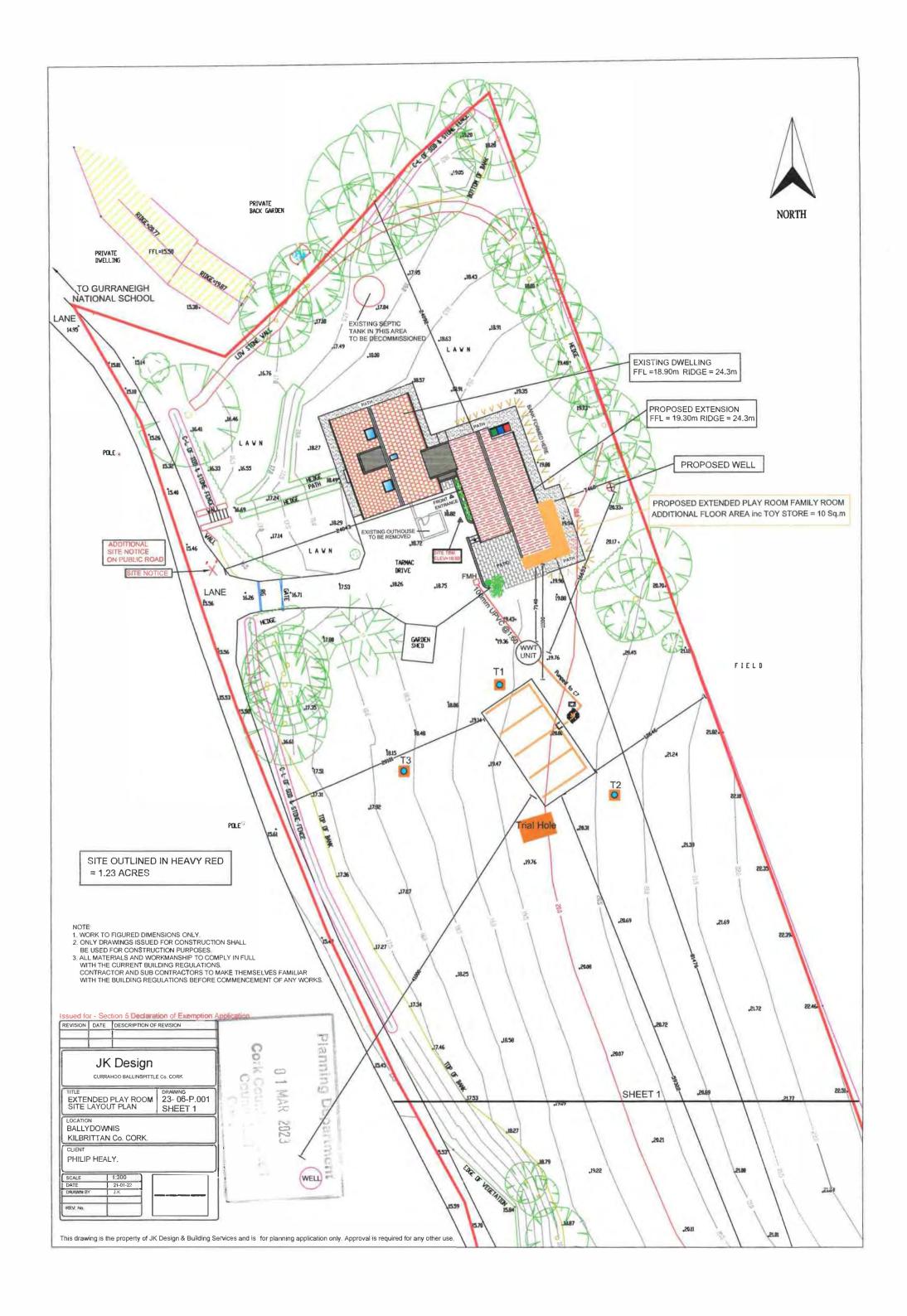
CAPTURE RESOLUTION:

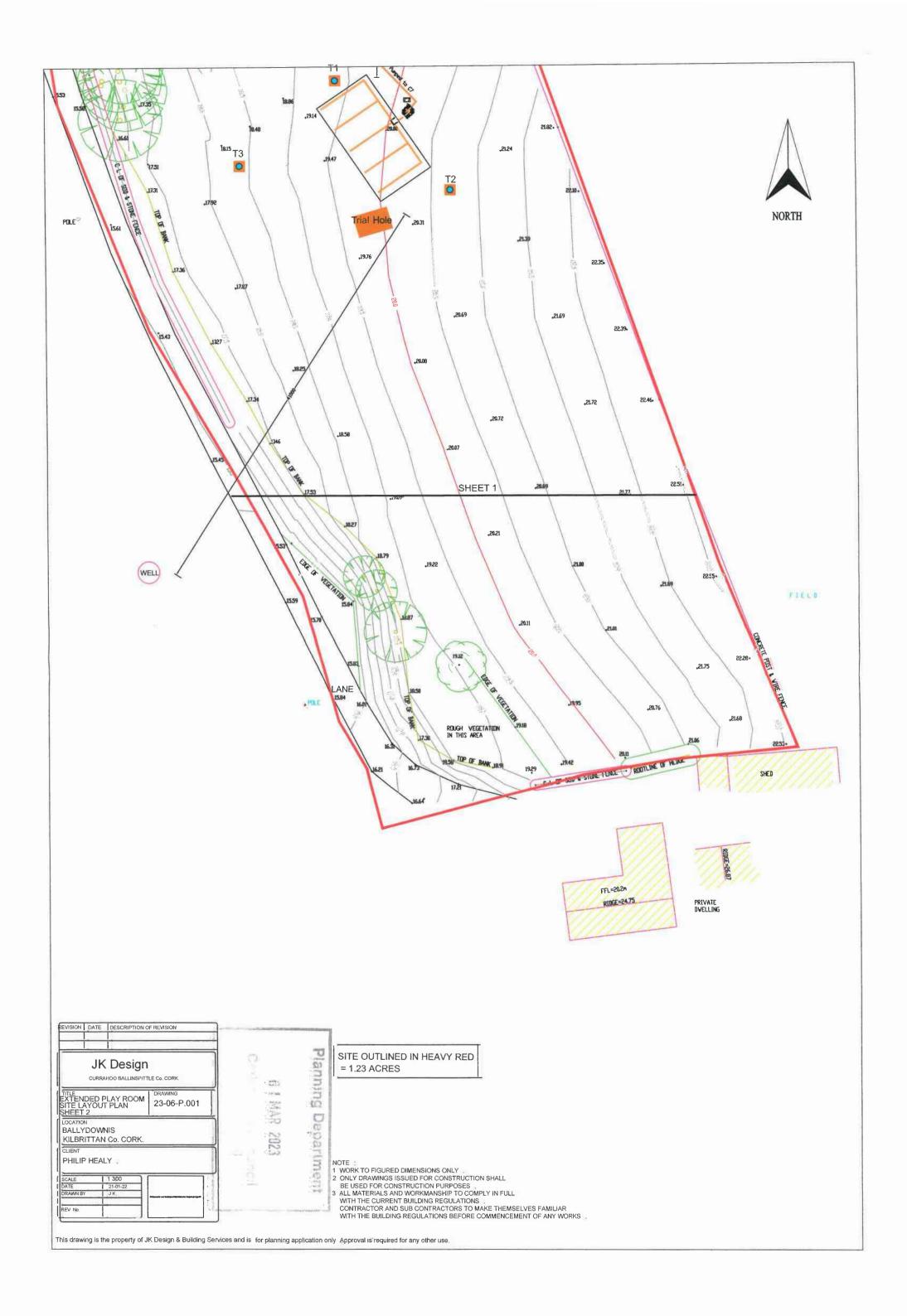
CAPTURE RESOLUTION.
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale. Further information is available at http://www.osi.ie; search 'Capture Resolution'

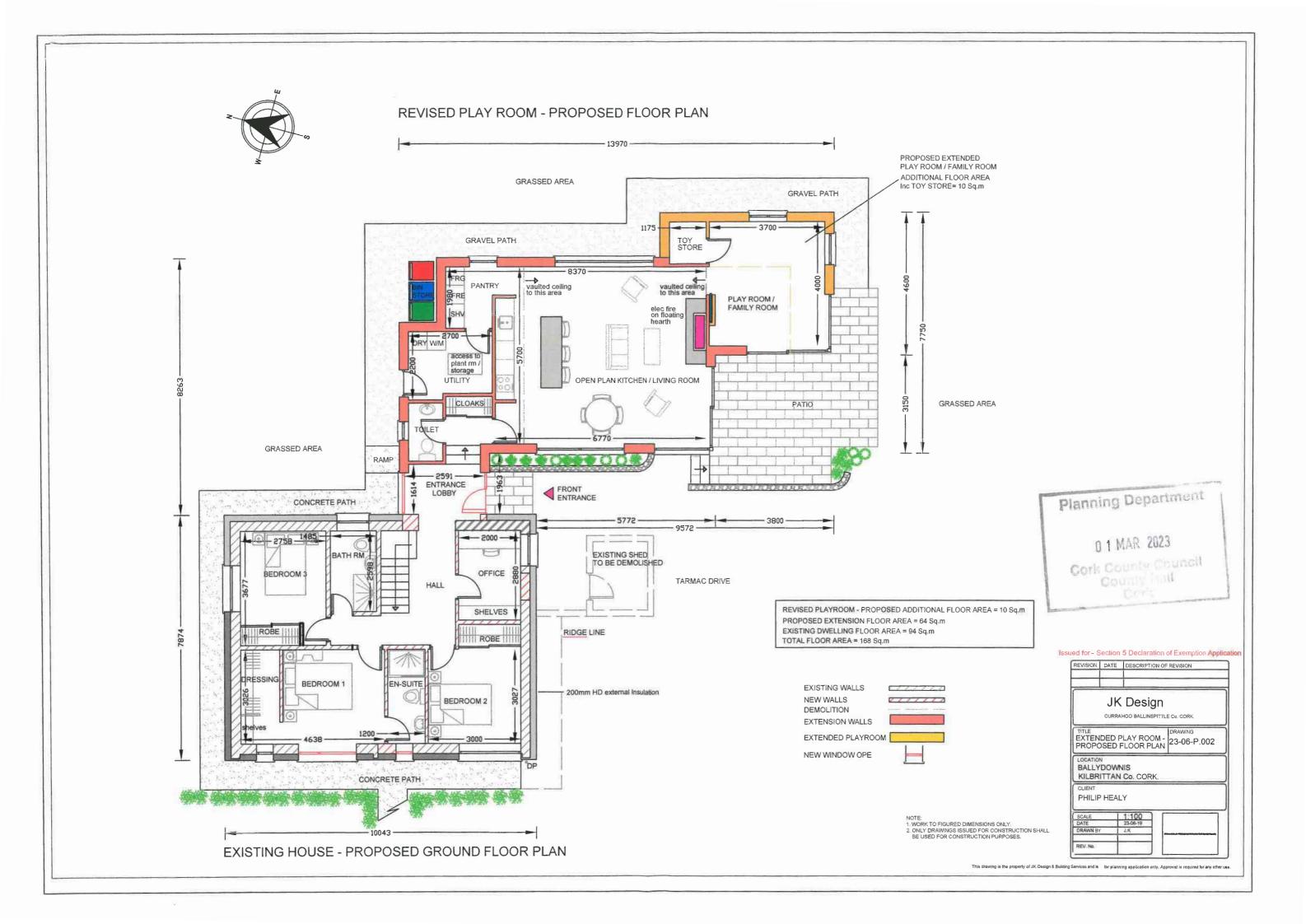
LEGEND'

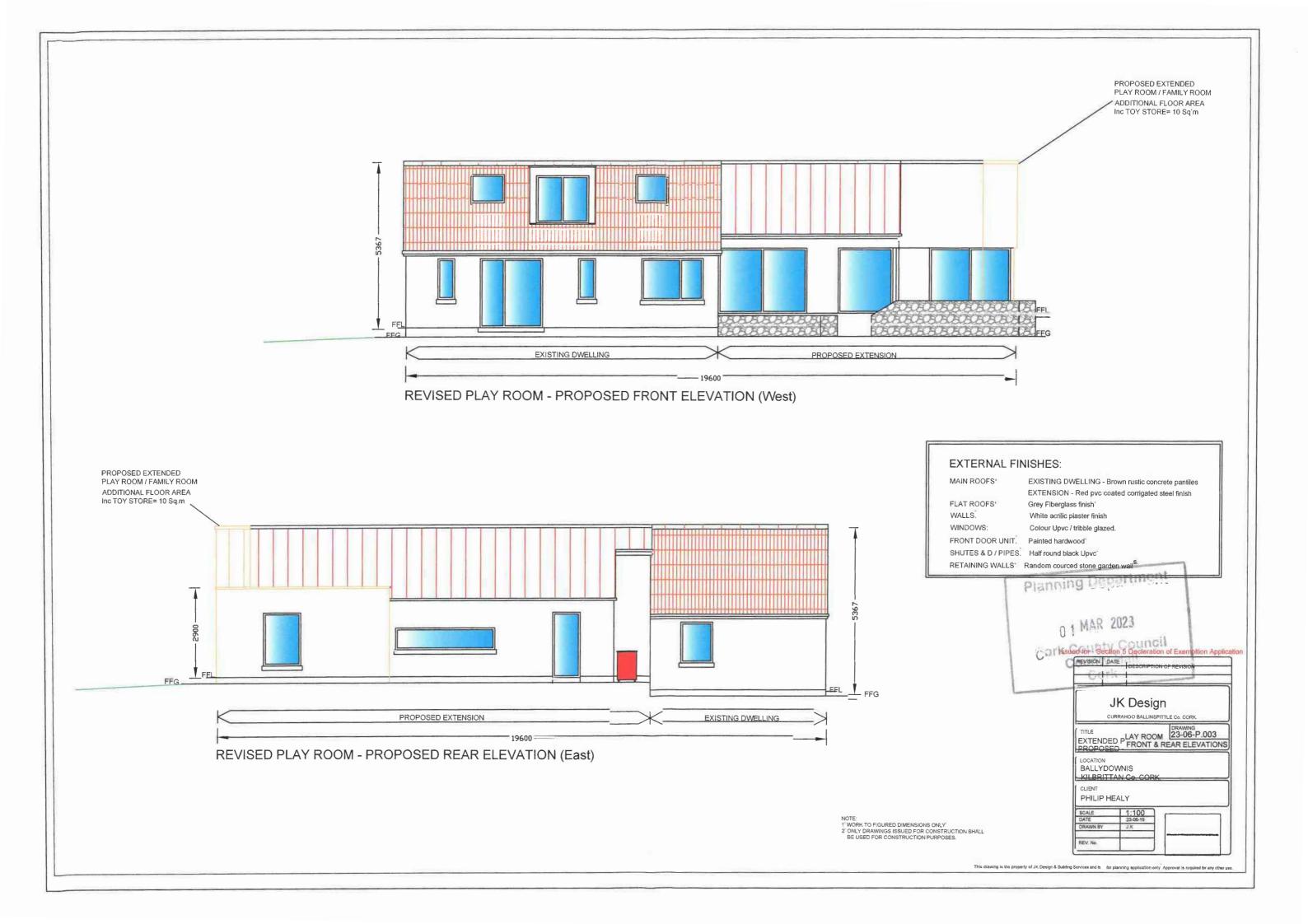
http://www.osi.ie.

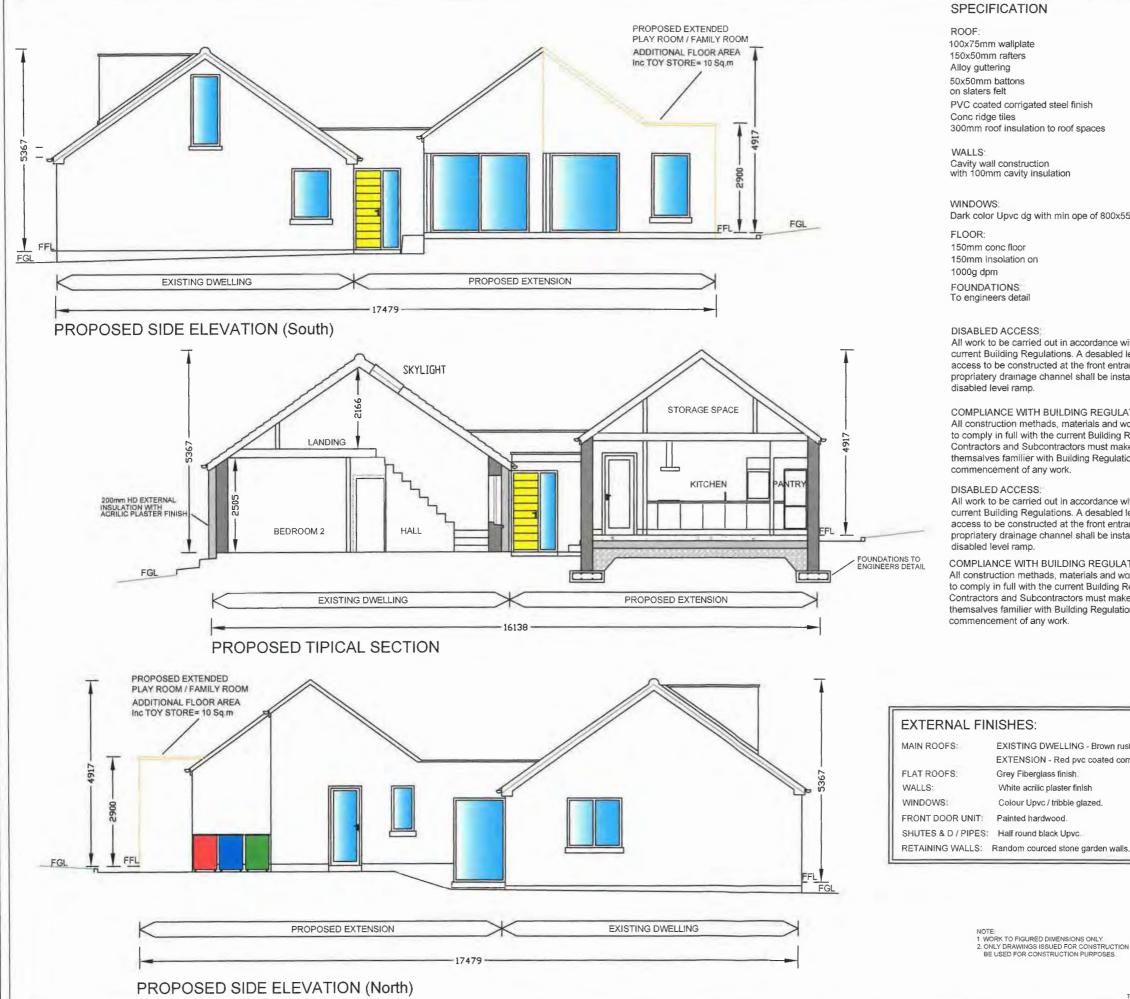
search 'Large Scale Legend'











SPECIFICATION

ROOF

100x75mm wallplate 150x50mm rafters Alloy guttering 50x50mm battons

on slaters felt

PVC coated corrigated steel finish

Conc ridge tiles

300mm roof insulation to roof spaces

WALLS:

Cavity wall construction with 100mm cavity insulation

WINDOWS:

Dark color Upvc dg with min ope of 800x550 mm

150mm conc floor 150mm insolation on

1000g dpm

FOUNDATIONS To engineers detail

DISABLED ACCESS

All work to be carried out in accordance with the current Building Regulations. A desabled level ramp access to be constructed at the front entrance and a propriatery drainage channel shall be installed at the

COMPLIANCE WITH BUILDING REGULATIONS: All construction methads, materials and workmanship to comply in full with the current Building Regulations. Contractors and Subcontractors must make themsalves familier with Building Regulations before commencement of any work.

DISABLED ACCESS.

All work to be carried out in accordance with the current Building Regulations. A desabled level ramp access to be constructed at the front entrance and a propriatery drainage channel shall be installed at the disabled level ramp

COMPLIANCE WITH BUILDING REGULATIONS. All construction methads, materials and workmanship to comply in full with the current Building Regulations. Contractors and Subcontractors must make themsalves familier with Building Regulations before commencement of any work.

EXISTING DWELLING - Brown rustic concrete pantiles

EXTENSION - Red pvc coated corrigated steel finish

DRAINS:

Drains to be 100mm Upvc @1:40

RADON BARRIER;

Monarplex Radon Barrier with two Radon Sumps and Vent Pipes Radon Barrier and Sumps to be installed in accordance with Monafactures requirements and the 2005 Building Regulations.

CONSERVATION OF FUEL AND ENERGY:

A Building Energy Assessment shal be carried out on the building prier to and on completion of its construction. At least one Renuable Energy Saurce shall be used in the provision of Heat and Energy for the building. Boilers must have a minium sustainable net effeciancy of 86%. The Building must be completly draft sealed and a air permeability pressure test carried out on the building prior to plastering

STRUCTURAL STEEL;

All Structural Steel to sizes indicated, prepaired and painted. All Steel to be supported on P.C Concrete Pad

> Planning Department 0 1 MAR 2023 Cork County Council County Hall Cork

Issued for - Section 5 Decleration of Exemption Application

REVISION DATE DESCRIPTION OF REVISION JK Design CURRAHOO BALLINSPITTLE Co CORK 23-06-P.004 PROPOSED - SIDE 23-06-ELEVATIONS & TYPICAL SECTION BALLYDOWNIS KILBRITTAN Co. CORK PHILIP HEALY

Grey Fiberglass finish

Painted hardwood

White acrilic plaster finish

Colour Upvc / tribble glazed.

1 WORK TO FIGURED DIMENSIONS ONLY.
2. ONLY DRAWINGS ISSUED FOR CONSTRUCTION SHALL BE USED FOR CONSTRUCTION PURPOSES.

This drawing is the property of JK Design & Building Services and is for planning application only. Approval is required for any other use.