Comhairle Contae Chorcaí Cork County Council

Eleanor Coughlan, c/o Martha Stapleton, Main Street, Cappawhite, Co. Tipperary. E34 H063.

31st March 2023

Pleanáil agus Forbairt, Halla an Chontae, Bóthar Charraig Ruacháin, Corcaigh T12 R2NC.

Fón: (021) 4276891 • Faics: (021) 4276321 R-phost: planninginfo@corkcoco.ie Suíomh Gréasáin: www.corkcoco.ie Planning & Development,

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

Email: planninginfo@corkcoco.ie Web: www.corkcoco.ie



REF:

D/222/23

LOCATION:

No. 16 The Brambles, Castlepark, Mallow, Co. Cork, P51 FPC9.

RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE

PLANNING & DEVELOPMENT ACT 2000 - 2010.

Dear Madam,

On the basis of the information submitted by you on 14th March 2023 the Planning Authority, having considered the question whether or not the proposed extension to the rear of the dwelling at **No. 16 The Brambles, Castlepark, Mallow, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development**.

Reason for Decision

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

- Section 3 of the Planning and Development Act 2000, as amended,
- Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and
- Section 4(1) (h) of the Planning and Development Act 2000, as amended, and
- The particulars received by the Planning Authority on 14th March 2023

And Whereas Cork County Council has concluded that -

The construction of a single storey extension at the rear of a house at No. 16 The Brambles, Castlepark, Mallow, Co. Cork constitutes development and is exempted development.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.





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

Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

Ref No.	D/222/23	
Applicant	Eleanor Coughlan	
Description	Extension to Dwelling	
Location	16, The Brambles, Castlepark, Mallow	

The application comprises an extension to a dwelling at no. 16, The Brambles, Castlepark, Mallow.



The two storey semi-detached dwelling is located to the north east of Mallow town. The site is located outside of an ACA. A single storey flat roofed extension is proposed to the rear of the dwelling. The floor area is 5.4 sq m. Alterations to the dwelling are also proposed.

Legislative Context

Planning and Development Act 2000, as amended

Section 2 (1)

Works includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

Section 3 (1)

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 states that the following shall be exempted development for the purposes of this Act-

Section 4(1) (h) relates to 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 neighbouring structures.

The Planning and Development Regulations 2001 as amended.

Article 6(1) states that 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 conditions and limitations specified in Column 2 of said Part 1 opposite the mention of that class in said Column 1.

CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres. (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.
- 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. (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. (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.
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- 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.(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
- 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.
- 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

- 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. (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.
- 7. The roof of any extension shall not be used as a balcony or roof garden.

Article 9(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act-

- (a) if the carrying out of such development would-
- (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (ii) consist of or comprise the formation, layout out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4m in width.
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main, or electricity supply line or cable, or any works to which class 25, 26 or 31(a) specified in column 1 of Part 1 of Schedule 2 applies.
- (vi) interfere with the character of a landscape or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features, or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.
 - (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended.
 - (viiB) comprise development in relation to which a planning authority or An Bord Pleanala is the competent authority in relation to appropriate assessment and the development would require an appropriate

assessment because it would be likely to have a significant effect on the integrity of a European site.

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
- (ix) Consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of any existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.
- (x) Consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility.
- (xi) obstruct any public right of way.
- (xii) Further to provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.
- (b) in an area to which a special amenity area order relates, if such development would fall under (i),(ii), (iii) or (iv)
- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive
- (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

The activity comprises development as defined in Section 3 (1) of the Planning and Development Act, 2000 where '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'.

1. Extension

Class 1 - The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house. The proposed extension would be positioned to the rear of the dwelling.

Condition 2(a) - Where the house has been extended previously, the floor area of such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1st Octobeer 1964, including those for which planning permission has been sought, shall not exceed 40 sq m. The floor area of the proposed development is 5.4 sq m, which falls within the limit.

Condition no. 4 – With regard to height, the proposal complies with condition 4.

Condition 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 sq m. This condition is complied with.

Condition 6(a) - Any window proposed at ground floor level in any such extension shall not be less than 1m from the boundary it faces. This condition is complied with.

Article 9 (1) (a) states that development to which article 6 relates shall not be exempted development for the purposes of the Act under a number of specified conditions;

If the carrying out of such development would -

(i) contravene condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

(viiB) comprise development in relation to which a planning authority or An Bord Pleanala is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site.

The site is located a minimum of c.400m from a watercourse and c.320m from the Blackwater River Special Area of Conservation. Having regard to the nature and scale of the development in Mallow town and the distance from the Blackwater River SAC, it is considered that significant impacts on the SAC can be screened out.

2. Alterations to dwelling

It is proposed to replace a double glazed door to the rear with a window. A double glazed door is proposed to the side of the existing rear projection.

Section 4 states that the following shall be exempted development for the purposes of this Act-

Section 4(1) (h) relates to 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 neighbouring structures.

No element of the proposed works is considered to materially affect the external appearance of the structure such that it would render the appearance inconsistent with the character of the structure or neighbouring structures.

Conclusion

Based on the available information and having regard to;

- (a) section 3 of the Planning and Development Act 2000, as amended,
- (b) Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and
- (d) Section 4(1) (h) of the Planning and Development Act 2000, as amended

it is considered that the proposed development constitutes development and exempted development.

Sharon McDonnell

31/03/23



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

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:

(Please tick $\sqrt{\ }$)



Planning Department

14 MAR 2023

Cork County Council
County Hall
Cork

FOR OFFICE USE ONLY

Receipt No.	PL2000 2234
Cash/Cheque/ Credit Card	cash
Date	15/3/23
Declaration Ref. No.	5/222/23

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

Hall, Carrigrohane Road, Cork, Ireland.

• 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

1



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

ELEANOR COUGHLAN

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

NO. 16, THE BRAMBLES, CASTLEPARK, MALLOW, CO. CORK, EIRCOSE: PSIFFCG

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

15 THE PROPOSED	EXTENSION
TO THE REAR OF TH	E ETISTING
DIVELLING EXEMPTE	D DEVELOPMENT
	''
	Planning Department
	14 MAR 2023
	Cork County Council County Hall
	Cork

	(m^2)
(a) Floor area of existing/proposed structure(s):	115.5m ² /120.9m ²
(b) If a domestic extension is proposed, have	Yes No L
any previous extensions/structures been erected at this location after 1 st October,	If yes, please provide floor areas (m ²) and
1964 (including those for which planning	previous planning reference(s) where applicable:
permission has been obtained):	
(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	Yes No No
proceedings connected to this site?	If we also the also the afternoon and the articles
	If yes, please state relevant reference number(s):
Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner B. Other
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):	
PROTECTED STRUCTURE DETAILS / A	ARCHITECTURAL CONSERVATION AREA:
In this a Dratastad Ctanatuma/Dramanad Dratastad Ct	ructure or within the curtilage of a Protected
Structure: Yes No	L Company
Structure: Yes No	
	lanning & Development Act 2000 been requested
Structure: Yes No If yes, has a Declaration under Section 57 of the Pl	lanning & Development Act 2000 been requested
Structure: Yes No If yes, has a Declaration under Section 57 of the Pl or issued for the property by the Planning Authority	lanning & Development Act 2000 been requested y: Yes Planning Department
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 Conservation.	ation Area (ACA), as designated in MARCO Poly
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 Conserved Development Plan? Yes	anning & Development Act 2000 been requested y: Yes Planning Department ation Area (ACA), as designated in MARC2023
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 Conservation.	anning & Development Act 2000 been requested y: Yes Planning Department ation Area (ACA), as designated in MARC202024 No Cork County Council County Half

DATA PROTECTION DECLARATION:

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

Signed (By Applicant Only)	ny personal information to be processed for the purpose stated above
Date	7th March 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 sens	sitive personal data 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.





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)	Monto Stepleton	
Date	3rd March 2023	

Planning Department

14 MAR 2023

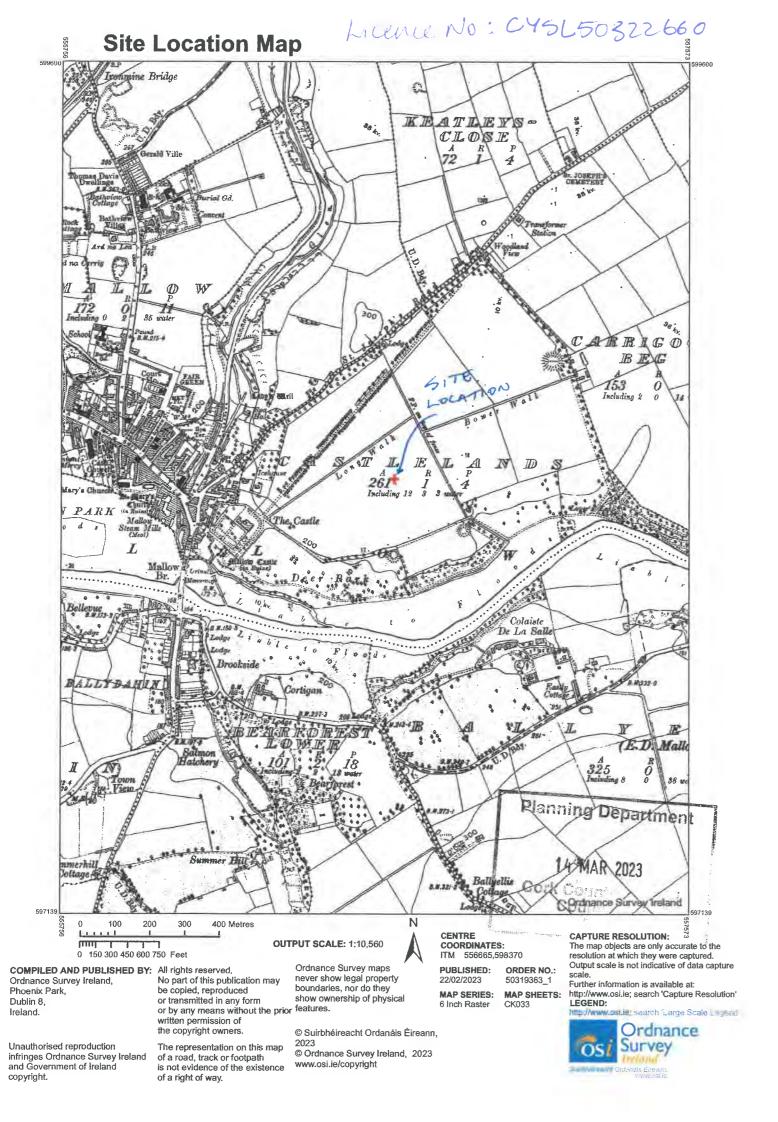
Cork County Add

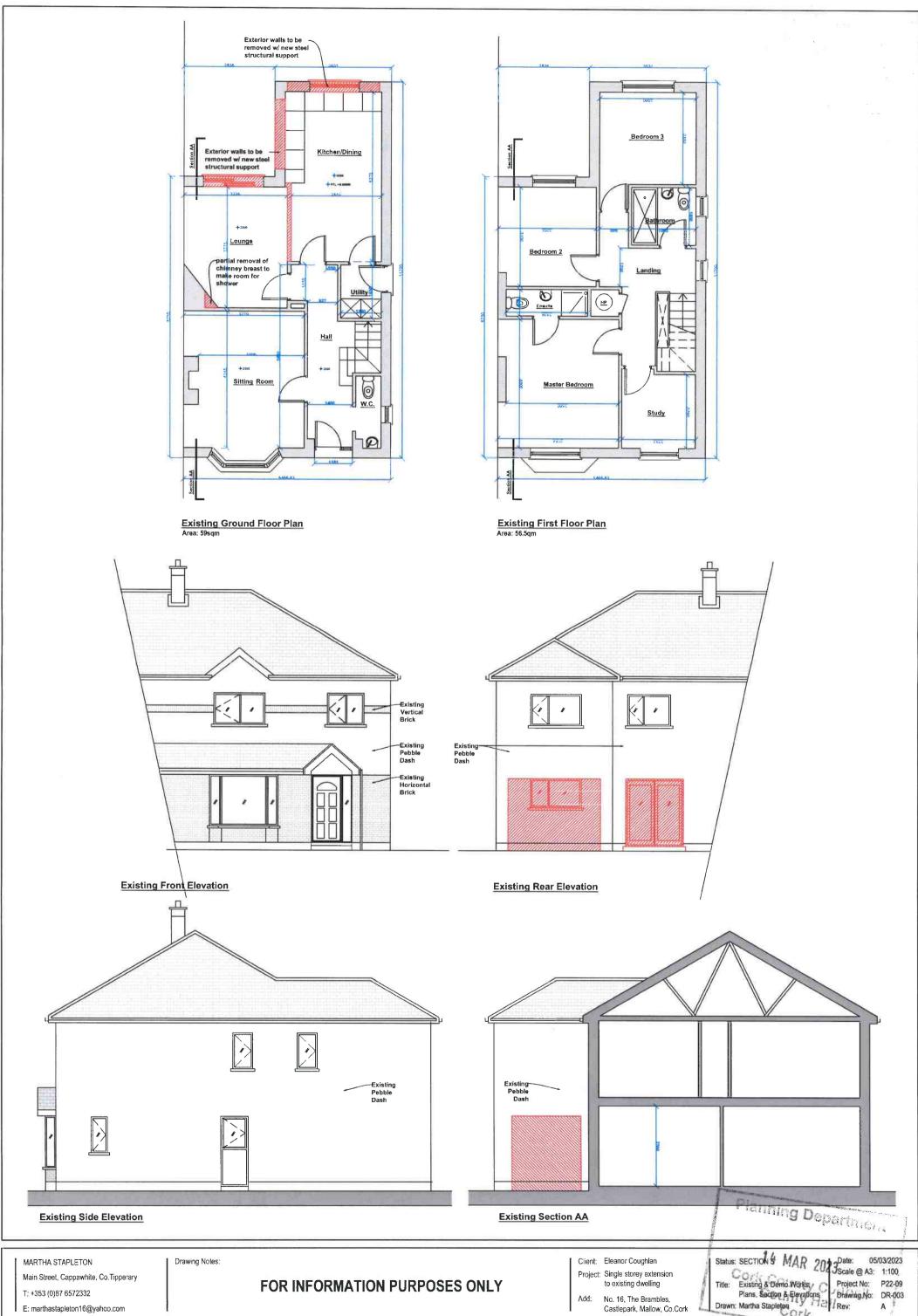
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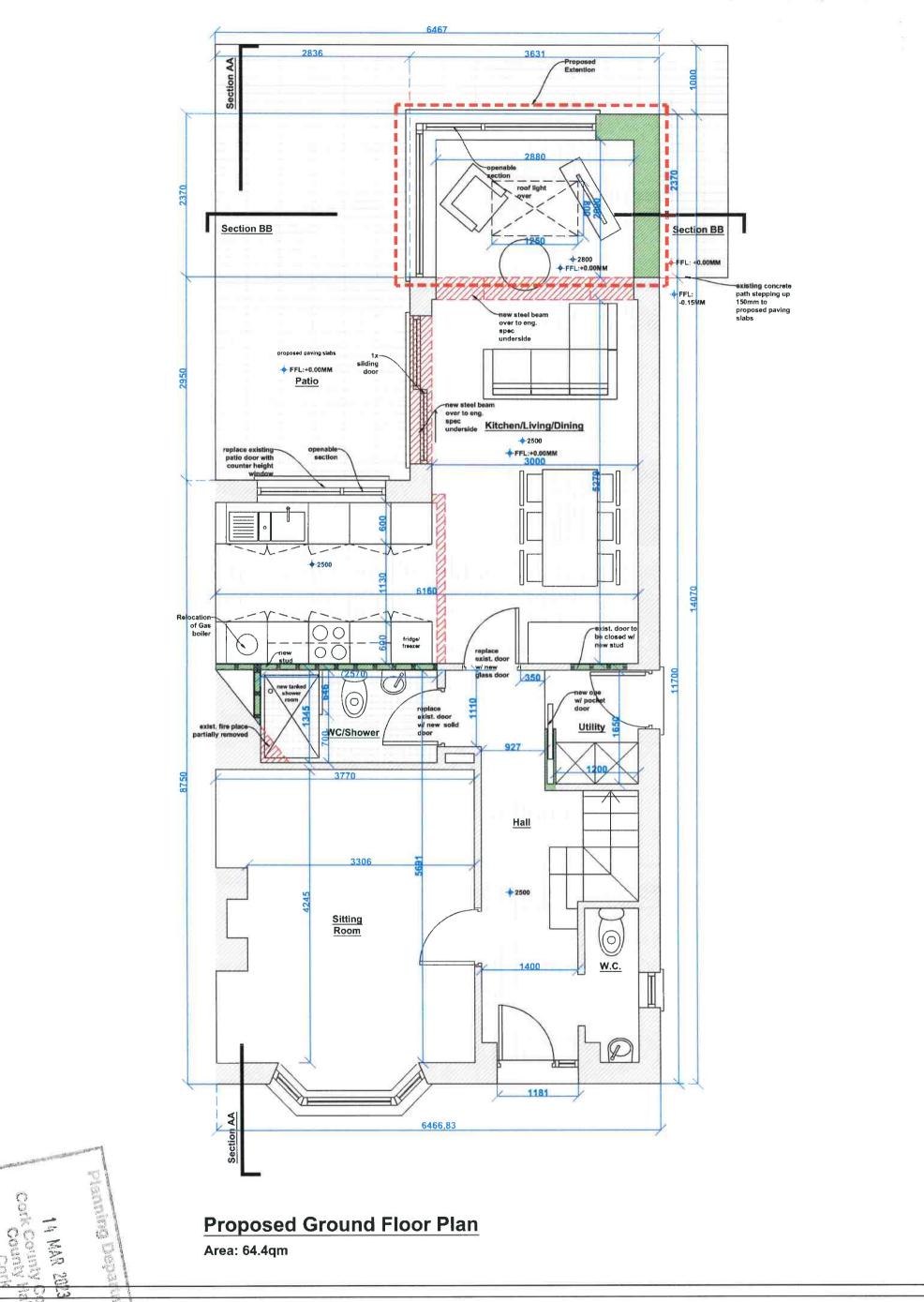
Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland





Add: No. 16, The Brambles, Castlepark, Mallow, Co.Cork

Title: Existing & Demo Works,
Plans, Section & Elevations
Drawn: Martha Stapleton



MARTHA STAPLETON

Main Street, Cappawhite, Co.Tipperary
T: +353 (0)87 6572332
E: marthastapleton16@yahoo.com

Drawing Notes:

FOR INFORMATION PURPOSES ONLY

Client: Eleanor Coughlan

Project: Single storey extension to existing dwelling

Add: No. 16, The Brambles, Castlepark, Mallow, Co.Cork Status: SECTION 5

Drawn: Martha Stapleton

Title: Proposed Ground Floor Plan

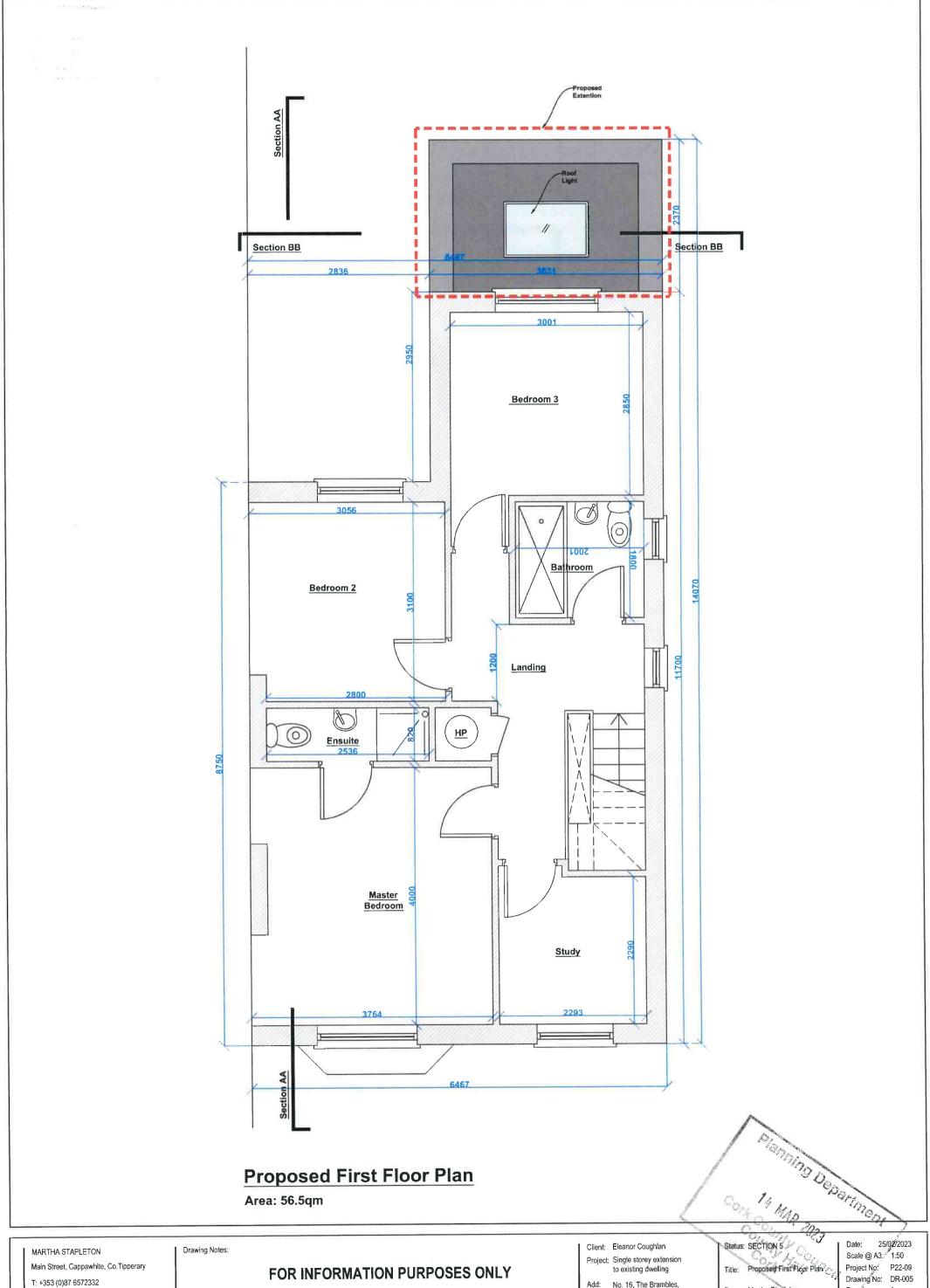
 Date:
 05/03/2023

 Scale @ A3:
 1:50

 Project No:
 P22-09

 Drawing No:
 DR-004

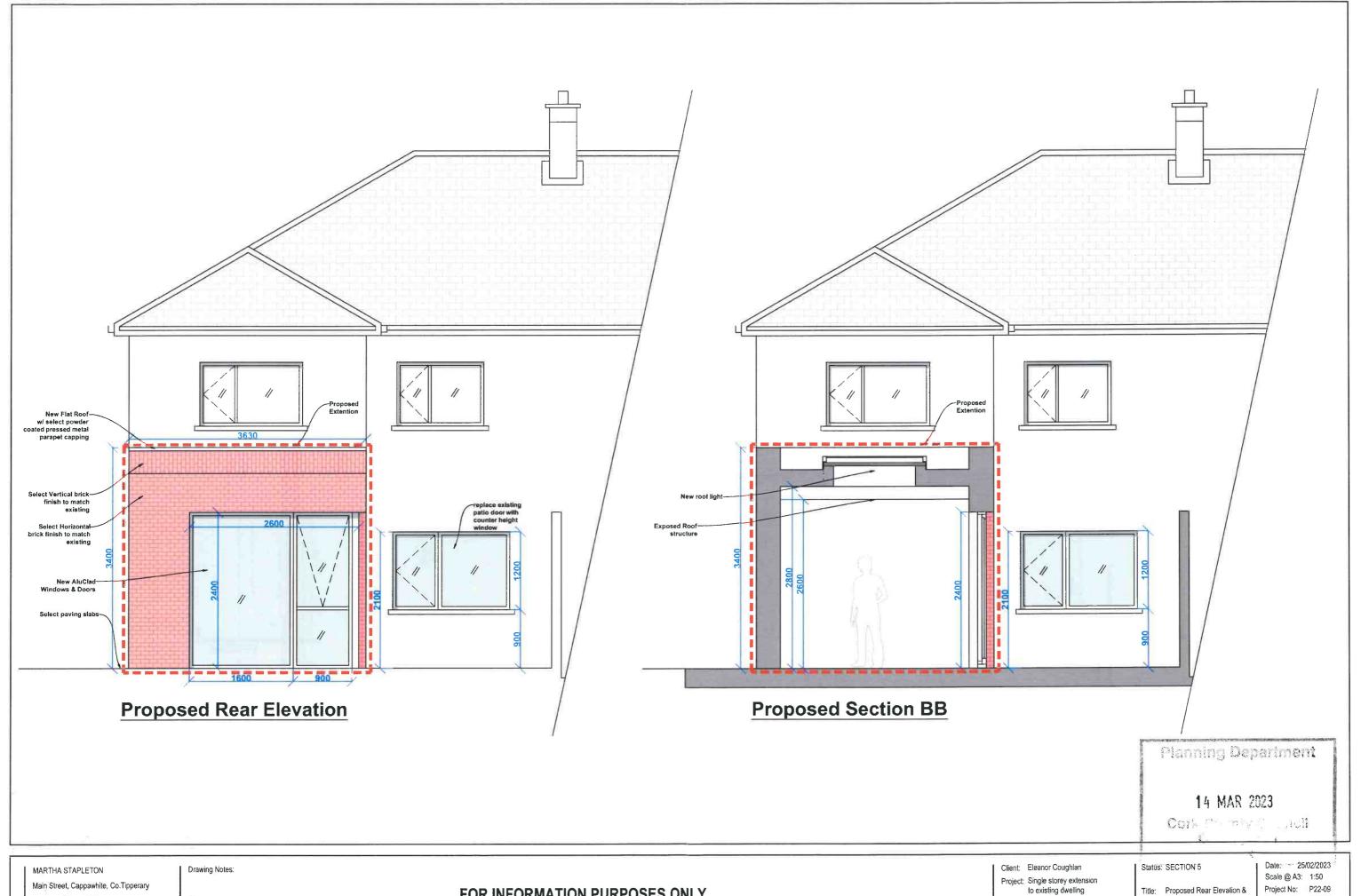
 Rev:
 A



E: marthastapleton16@yahoo.com

No. 16, The Brambles, Castlepark, Mallow, Co.Cork Drawn: Martha Stapleton

Project No. P22-09 Drawing No. DR-005



T: +353 (0)87 6572332

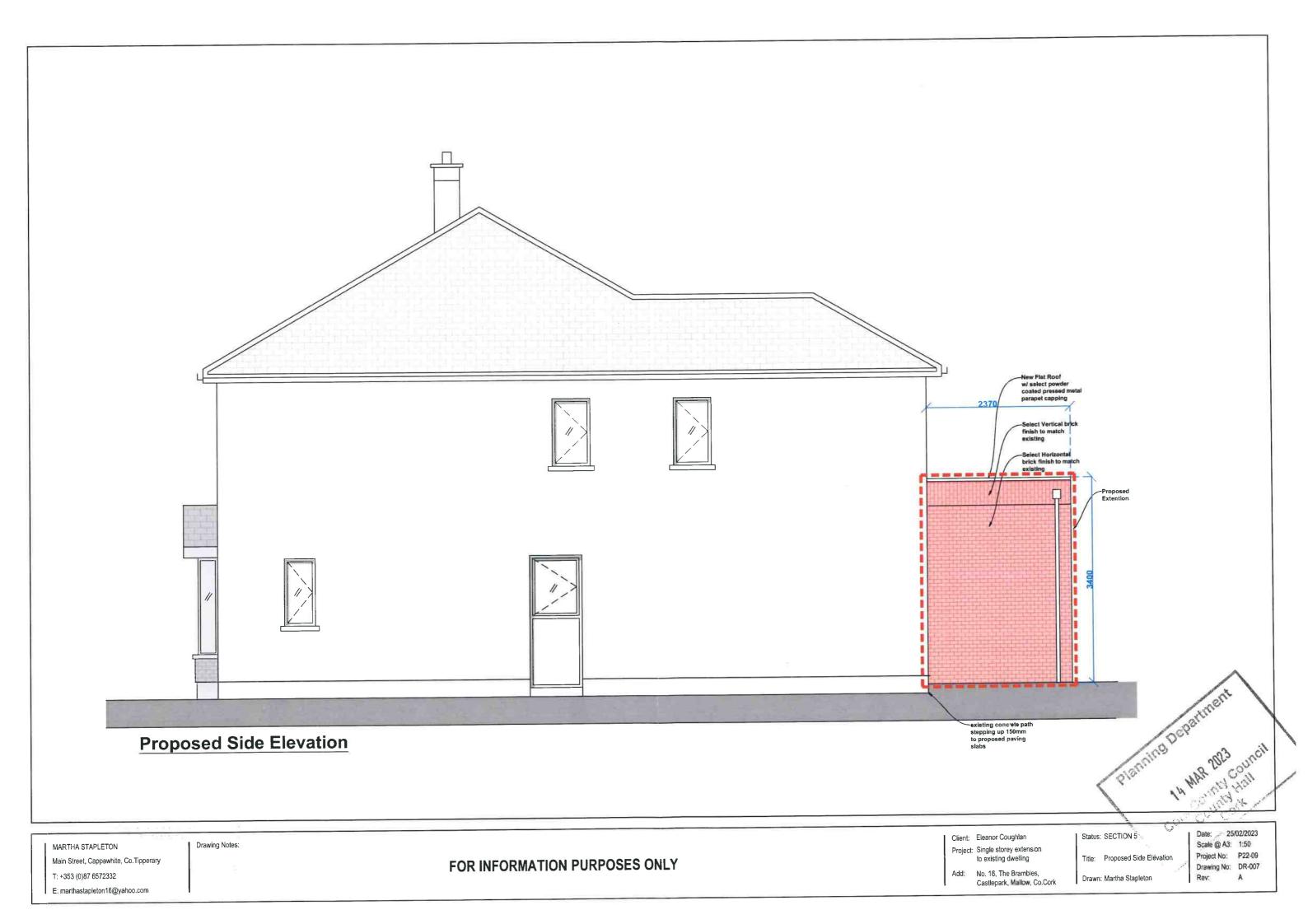
E: marthastapleton16@yahoo.com

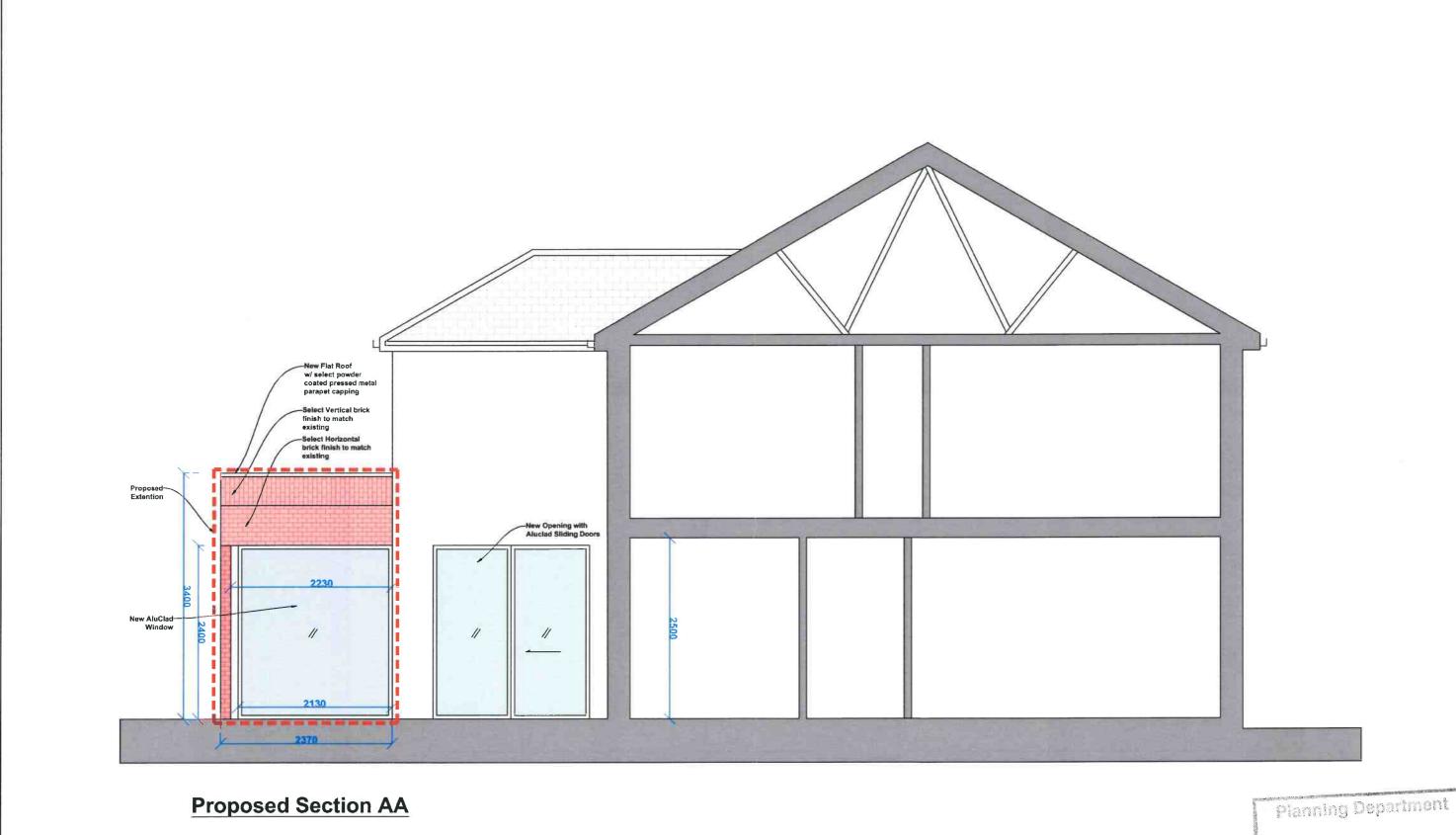
FOR INFORMATION PURPOSES ONLY

No. 16, The Brambles, Castlepark, Mallow, Co.Cork Title: Proposed Rear Elevation & Section BB

Drawn: Martha Stapleton

Drawing No: DR-006 Rev:





14 MAR 2023

Cork Schmitz C. fimeli Charter Hell

MARTHA STAPLETON Main Street, Cappawhite, Co.Tipperary T: +353 (0)87 6572332 E: marthastapleton16@yahoo.com

Drawing Notes:

FOR INFORMATION PURPOSES ONLY

Client: Eleanor Coughlan Project: Single storey extension to existing dwelling

Add: No. 16, The Brambles, Castlepark, Mallow, Co.Cork

Status: SECTION 5

Title: Proposed Section AA

Drawn: Martha Stapleton

Project No: P22-09 Drawing No: DR-008 Rev:

Date: 25/02/2023

Scale @ A3: 1:50