

# Comhairle Contae Chorcaí Cork County Council

Dr. Maxim Kozachenko,  
8 Bridge Court,  
Bridgetown,  
Castlemartyr,  
Co. Cork.  
P25 FF10.

Pleanáil agus Forbairt,  
Halla an Chontae,  
Bóthar Charraig Ruacháin,  
Corcaigh T12 R2NC.  
Fón: (021) 4276891 • Faics: (021) 4276321  
R-phost: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Suíomh Gréasáin: [www.corkcoco.ie](http://www.corkcoco.ie)  
Planning & Development,  
County Hall,  
Carrigrohane Road, Cork T12 R2NC.  
Tel (021) 4276891 • Fax (021) 4276321  
Email: [planninginfo@corkcoco.ie](mailto:planninginfo@corkcoco.ie)  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



7<sup>th</sup> September 2023

REF: D/256/23  
LOCATION: 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork, P25 FF10.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir,

On the basis of the information submitted by you on 30<sup>th</sup> June, 1<sup>st</sup> August and 11<sup>th</sup> August 2023 the Planning Authority, having considered the question whether or not the proposed two-storey rear extension at **8 Bridge Court, Bridgetown, Castlemartyr, 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 2, 3, 4, and 5 the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- Schedule 2, Part 1, Class 1 of the Planning & Development Regulations 2001 (as amended) and
- The particulars received by the Planning Authority on 30<sup>th</sup> June, 1<sup>st</sup> August and 11<sup>th</sup> August 2023

**And Whereas Cork County Council has concluded that –**

It is considered that, the proposed two-storey extension to the rear of No. 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork, P25 EF10 is **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>*

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** D/25623  
**Description:** Construction of extension to rear of existing property  
**Applicant:** Dr. Maxim Kozachenko  
**Location:** 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork. P25 FF10  
**Date:** 06/09/2023

### SUMMARY OF RECOMMENDATION

**IS DEVELOPMENT AND IS EXEMPTED DEVELOPMENT**

### FURTHER INFORMATION

This report should be read in conjunction with the previous planner’s report on file dated 26/07/2023. Further Information was requested as follows:

1. Please submit a full set of existing and proposed elevation drawings and floor plans of the proposed extension.

### RESPONSE AND ASSESSMENT

A response to the Request for Further Information was received on 15/08/2023.

1. The applicant has submitted further drawings in response to the further information request. The submitted drawings confirm that the height of the highest part of the roof of the proposed extension will not exceed, the height of the highest part of the roof of the main dwelling which satisfies criteria 4(c) of Class 1.

The drawings also confirm that there will be no first floor elevation windows. Velux rooflight windows are proposed. I note from the section drawings the rooflight windows are above head height, over 2m above first floor FFL and therefore will not give rise to overlooking. Such windows can generally also be considered exempted development under Section 4(1)(h) of the Act and therefore I consider the proposed development satisfies criteria 6(b) of Class 1.

### RECOMMENDATION

Having regard to:

- the particulars received by the Planning Authority on 30/06/2023 and revised drawings received on 15/08/23;
- Sections 2, 3, 4 and 5 of the Planning and Development Act (2000, as amended);
- Schedule 2, Part 1, Class 1 of the Planning & Development Regulations 2001 (as amended);
- Articles 6 and 9 of the Planning and Development Regulations (2001, as amended);

it is considered that, the proposed two-storey extension to the rear of No. 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork, P25 EF10 **Is Development and Is Exempted Development.**

*Louise Ahern*

---

**Louise Ahern**  
**Executive Planner**

## Tracy OCallaghan

---

**From:** Maxim Kozachenko  
**Sent:** Friday 11 August 2023 12:30  
**To:** Tracy OCallaghan  
**Subject:** minor correction to two drawings  
**Attachments:** All Elevation Drawings on one page - different colour.jpg; Proposed Plan Section 5 - elevation 2.jpg

 External email >

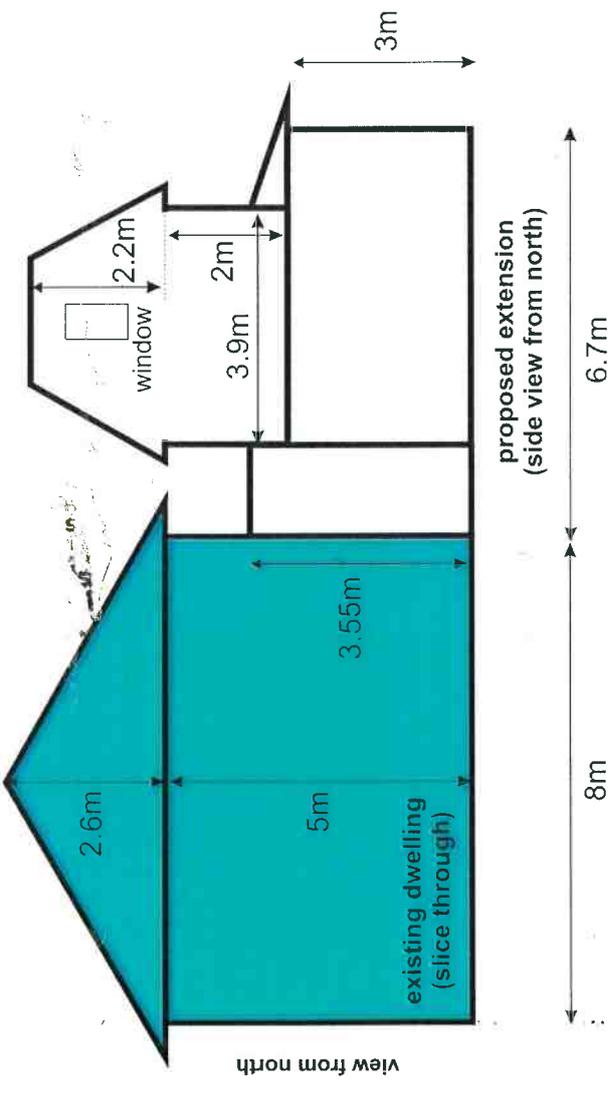
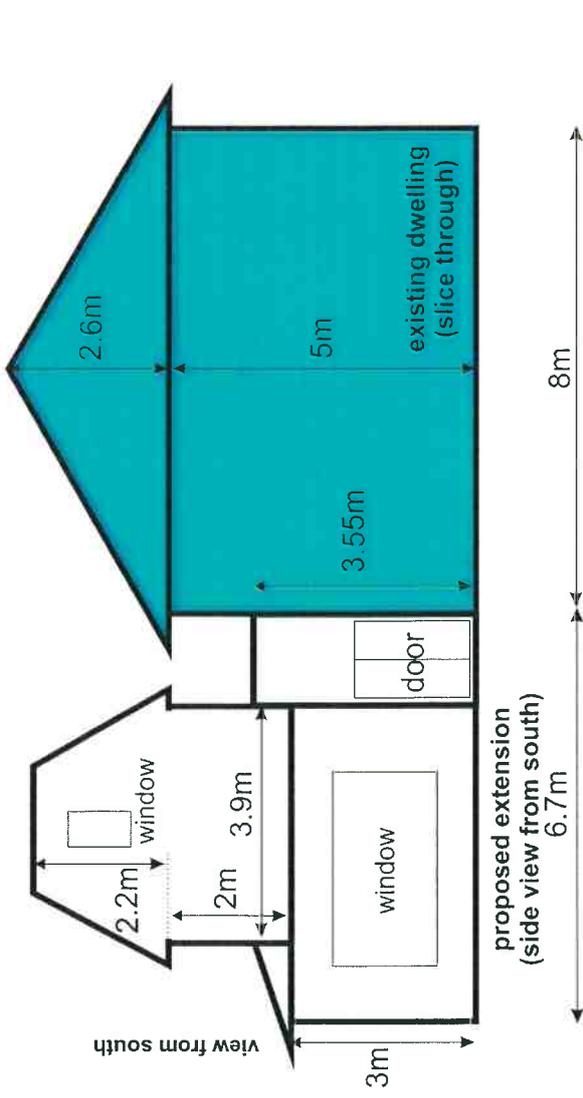
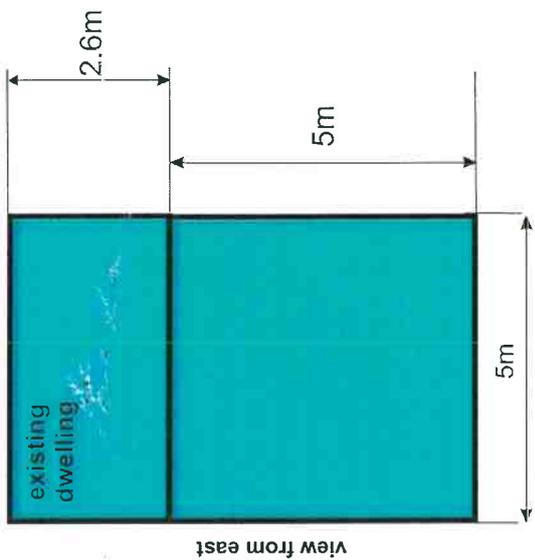
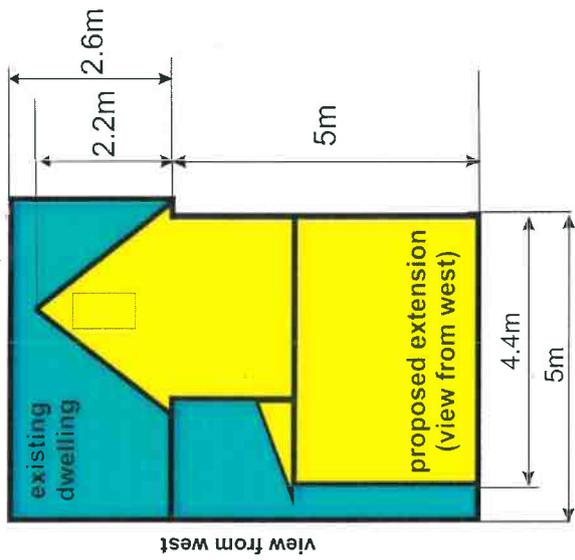
**CAUTION FROM CORK COUNTY COUNCIL IT SECURITY:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

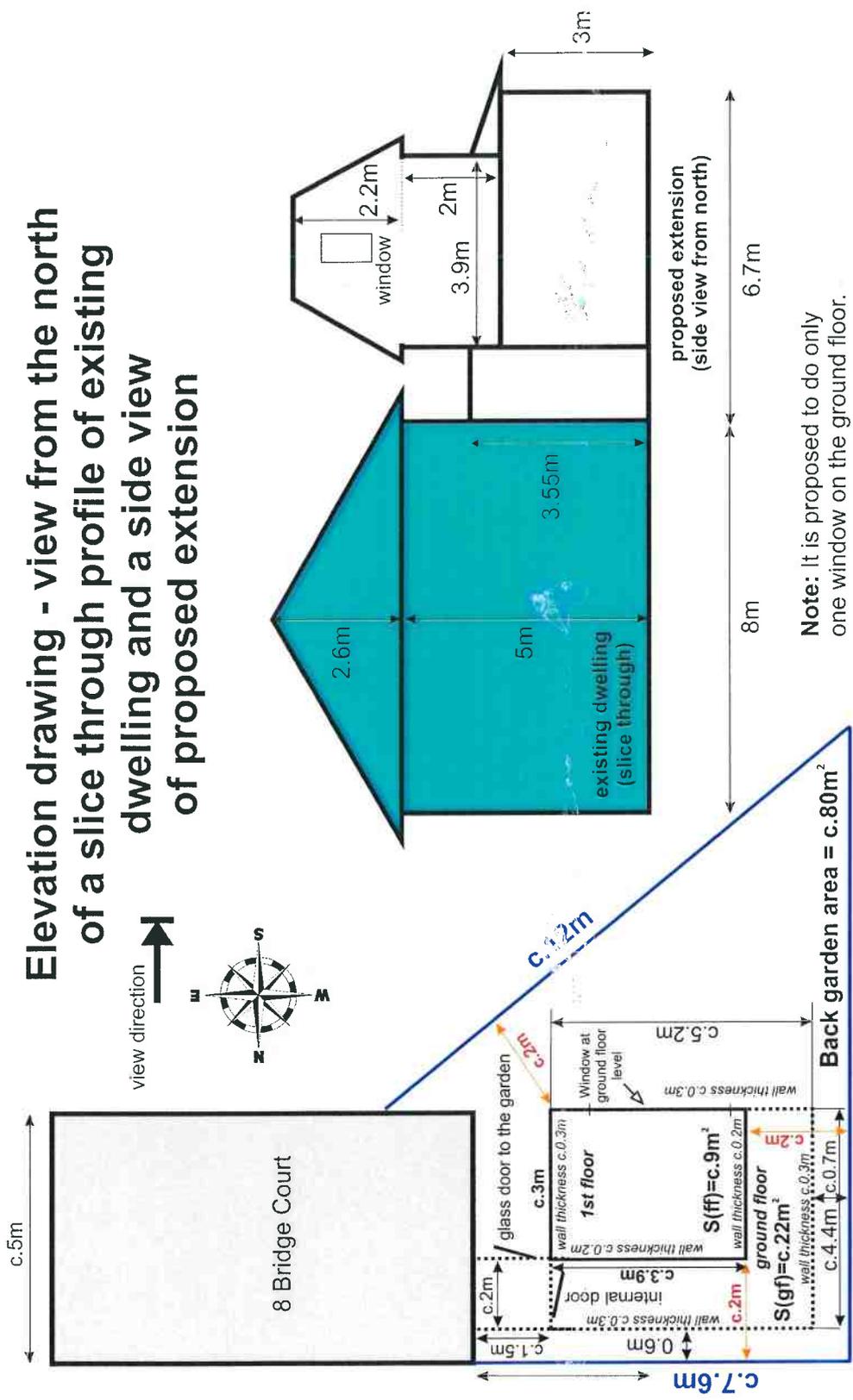
Dear Tracy,

I have notice one small type in two drawings. Please replace them with attached.

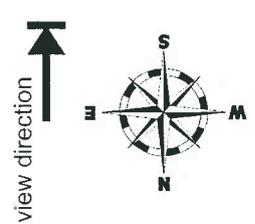
thanks

Maxim





# Elevation drawing - view from the north of a slice through profile of existing dwelling and a side view of proposed extension



**Note:** It is proposed to do only one window on the ground floor. On the first floor there will be only few sunlit windows in the roof. Windows in the walls are not proposed as it is not possible to obey the 11m distance from any party boundary rule.

- Comments:**
- (1.) The overall height of proposed extension (max c.7.2m) does not exceed the highest part of the roof of the house (7.6m).
  - (2.) The height of the walls of the extension (max c.5m) does not exceed the height of the rear wall of the house (5m).

## Tracy OCallaghan

---

**From:** Maxim Kozachenko  
**Sent:** Friday 11 August 2023 12:15  
**To:** Tracy OCallaghan  
**Subject:** Re: FW: Section 5 Application D256.23  
**Attachments:** All Elevation Drawings on one page - different colour.jpg; Proposed Plan Section 5 - elevation 4.jpg; Proposed Plan Section 5 - elevation 3.jpg; Proposed Plan Section 5 - elevation 2.jpg; Proposed Plan Section 5 - elevation 1.jpg

 External email >

**CAUTION FROM CORK COUNTY COUNCIL IT SECURITY:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Tracy,

Please find the correct drawings attached. Please ignore and delete drawings sent in my previous emails today.

Best wishes,

Maxim

On Fri, 11 Aug 2023 at 11:58, Maxim Kozachenko wrote:

Tracy, please do not send the drawings yet. i noticed one error. Will send you the corrected ones in few min.

On Fri, 11 Aug 2023 at 11:53, Maxim Kozachenko wrote:

Dear Tracy,

Please find attached a variation of the same drawing as in my previous email, but using different colors, which might turn out better when printed.

Best wishes,

Maxim

On Fri, 11 Aug 2023 at 11:46, Maxim Kozachenko wrote:

Dear Tracy,

In addition to my previous email please find attached drawing plotting all elevation drawings on one page.

Best wishes,

Maxim

On Fri, 11 Aug 2023 at 11:30, Maxim Kozachenko wrote:

Dear Tracy,

Please find elevation drawings from all four sides attached as requested.

Best wishes,

Maxim

On Fri, 11 Aug 2023 at 10:02, Tracy OCallaghan <[Tracy.OCallaghan@corkcoco.ie](mailto:Tracy.OCallaghan@corkcoco.ie)> wrote:

Good Morning,

I forwarded your drawing to our Area Planner who has advised that we need all elevations, from each side and showing location of all windows in the proposed extension which should correspond with floor plans.

Please submit the required drawings so your application can be progressed.

Kind Regards,

Tracy Ní Cheallacháin | Oifigeach Fóirne | Pleanáil agus Fobairt

Comhairle Contae Chorcaí | Hala an Chontae | Corcaigh | T12 R2NC | Éire

T +353-(0)21 -428 5633

[tracy.ocallaghan@corkcoco.ie](mailto:tracy.ocallaghan@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

Tairseach na gcustaiméirí: [www.yourcouncil.ie](http://www.yourcouncil.ie)

Tracy O' Callaghan | Staff Officer | Planning & Development

Cork County Council | County Hall | Cork | T12 R2NC | Ireland

T +353-(0)21 -428 5633

[tracy.ocallaghan@corkcoco.ie](mailto:tracy.ocallaghan@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

Customer Portal: [www.yourcouncil.ie](http://www.yourcouncil.ie)



**Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil. Please consider the Environment before printing this mail.**

**From:** Maxim Kozachenko

**Sent:** Thursday 10 August 2023 21:50

To: Tracy OCallaghan <Tracy.OCallaghan@CorkCoCo.ie>

Subject: Re: Section 5 Application D256.23

**CAUTION FROM CORK COUNTY COUNCIL IT SECURITY:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Tracy,

Please find attached additional drawing as requested. Hope it clarifies what has to be clarified. If not please call me on my mobile and I can clarify whatever is not clear. Original architectural plans of existing dwelling should be on file with Cork County Council submitted by Caraden Construction Ltd.

Best wishes,

Maxim

On Tue, 8 Aug 2023 at 15:17, Tracy OCallaghan <[Tracy.OCallaghan@corkcoco.ie](mailto:Tracy.OCallaghan@corkcoco.ie)> wrote:

Good Afternoon,

Please find FI clarification request in relation to your Section 5 Application D256.23.

Kind Regards,

Tracy Ní Cheallacháin | Oifigeach Fóirne | Pleanáil agus Fobairt

Comhairle Contae Chorcaí | Halla an Chontae | Corcaigh | T12 R2NC | Éire

T +353-(0)21 428 5633

[tracy.ocallaghan@corkcoco.ie](mailto:tracy.ocallaghan@corkcoco.ie) | [www.corkcoco.ie](http://www.corkcoco.ie)

Tairseach na gcustaiméirí: [www.yourcouncil.ie](http://www.yourcouncil.ie)

Tracy O' Callaghan | Staff Officer | Planning & Development

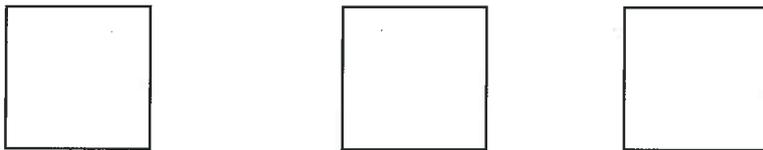
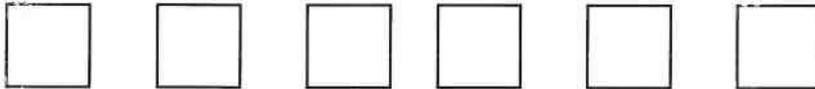
Cork County Council | County Hall | Cork | T12 R2NC | Ireland

T +353-(0)21 428 5633

Customer Portal: [www.yourcouncil.ie](http://www.yourcouncil.ie)

**Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil. Please consider the Environment before printing this mail.**

[www.corkcoco.ie](http://www.corkcoco.ie)



Smaoinigh ar an **timpeallacht** sula ndéanann tú an ríomhphost seo a phriontáil.  
Please consider the **Environment** before printing this mail.

*Faint, illegible text, likely bleed-through from the reverse side of the page.*

*Faint, illegible text, likely bleed-through from the reverse side of the page.*

[www.corkcoco.ie](http://www.corkcoco.ie)

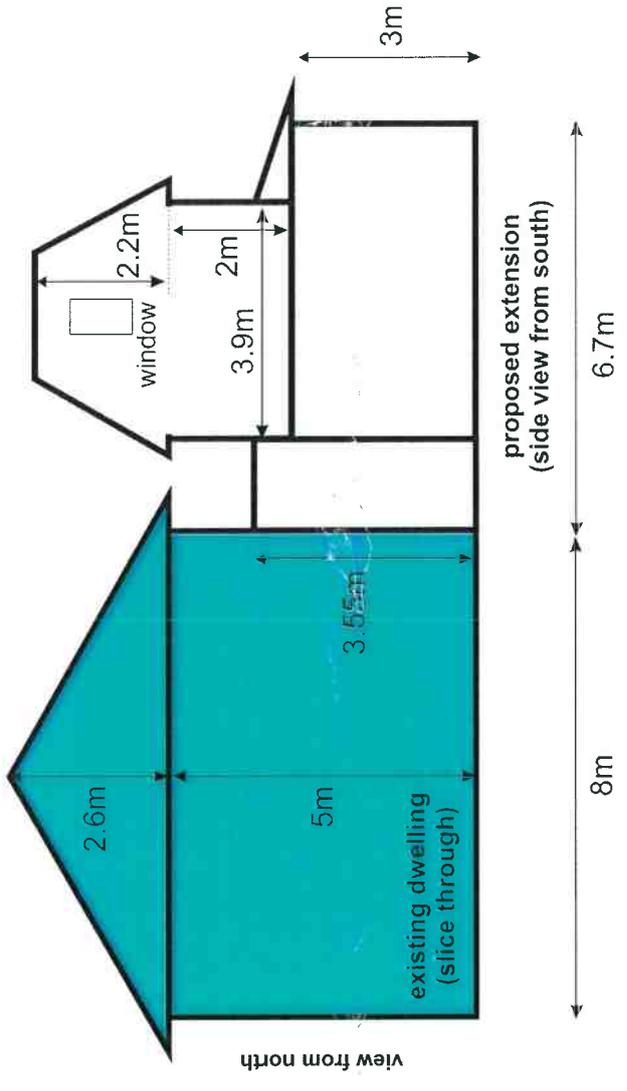
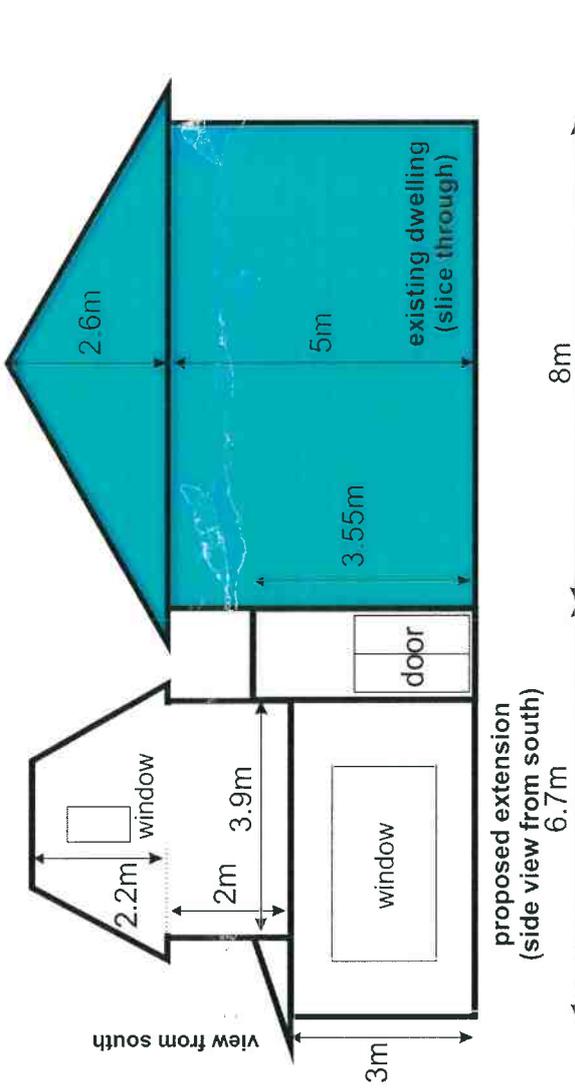
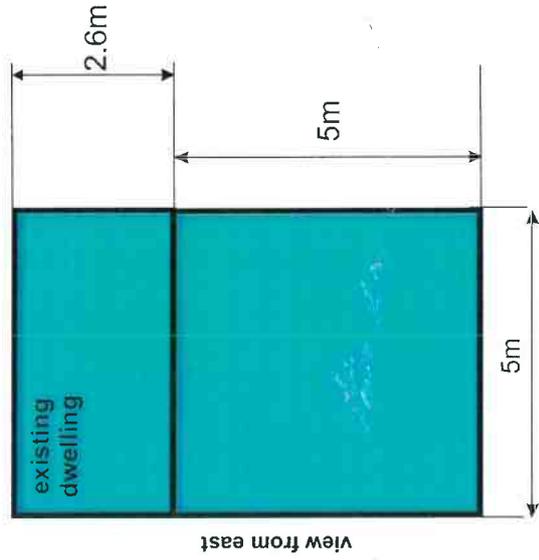
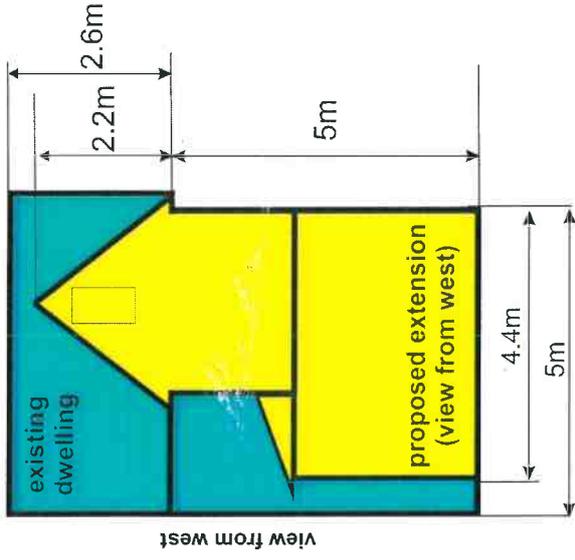




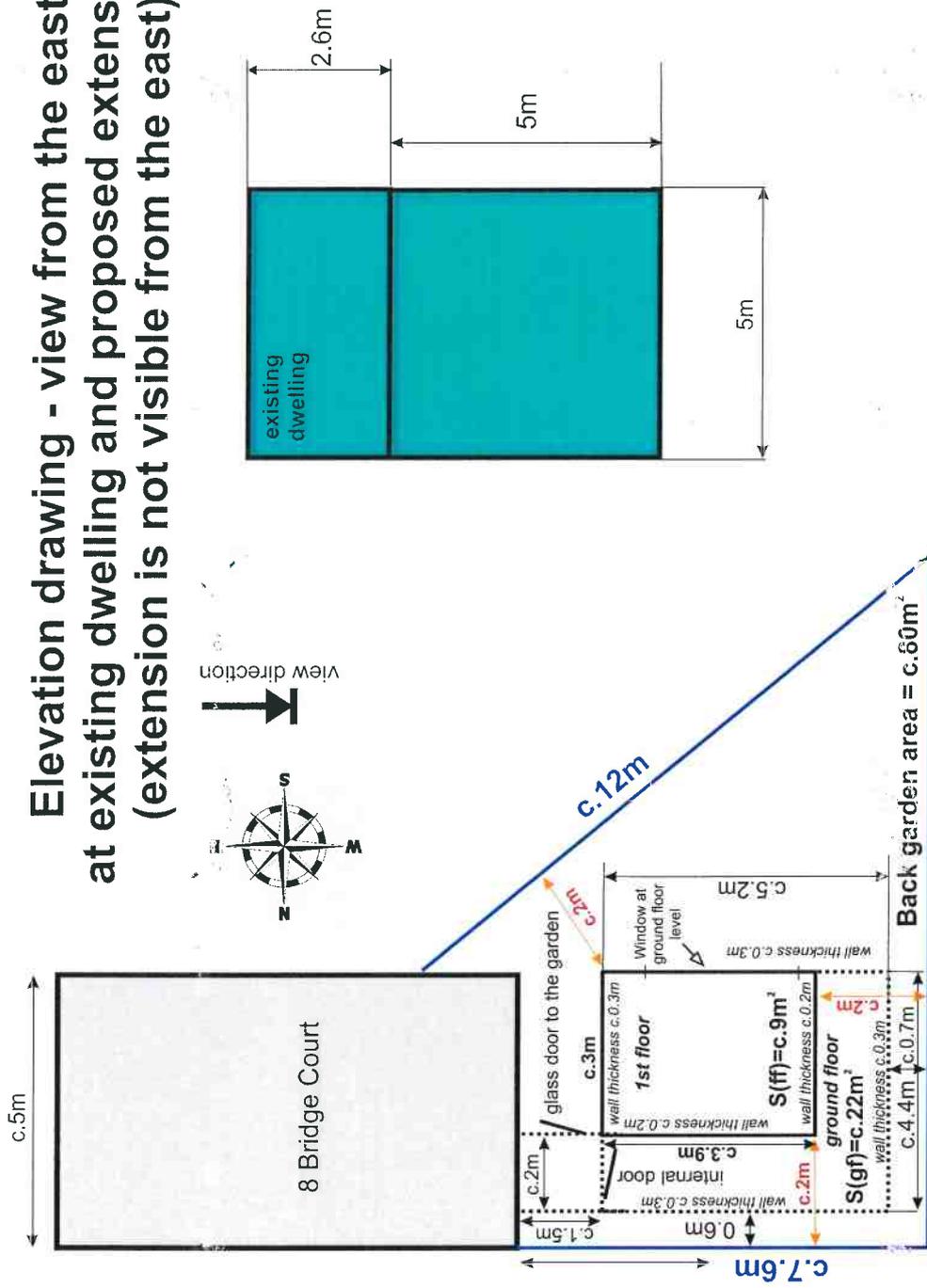
Smaoinigh ar an timpeallacht sula ridéanann tú an ríomhphost seo a phriontáil.  
 Please consider the **Environment** before printing this mail.

*[Faint, illegible text]*

*[Faint, illegible text]*

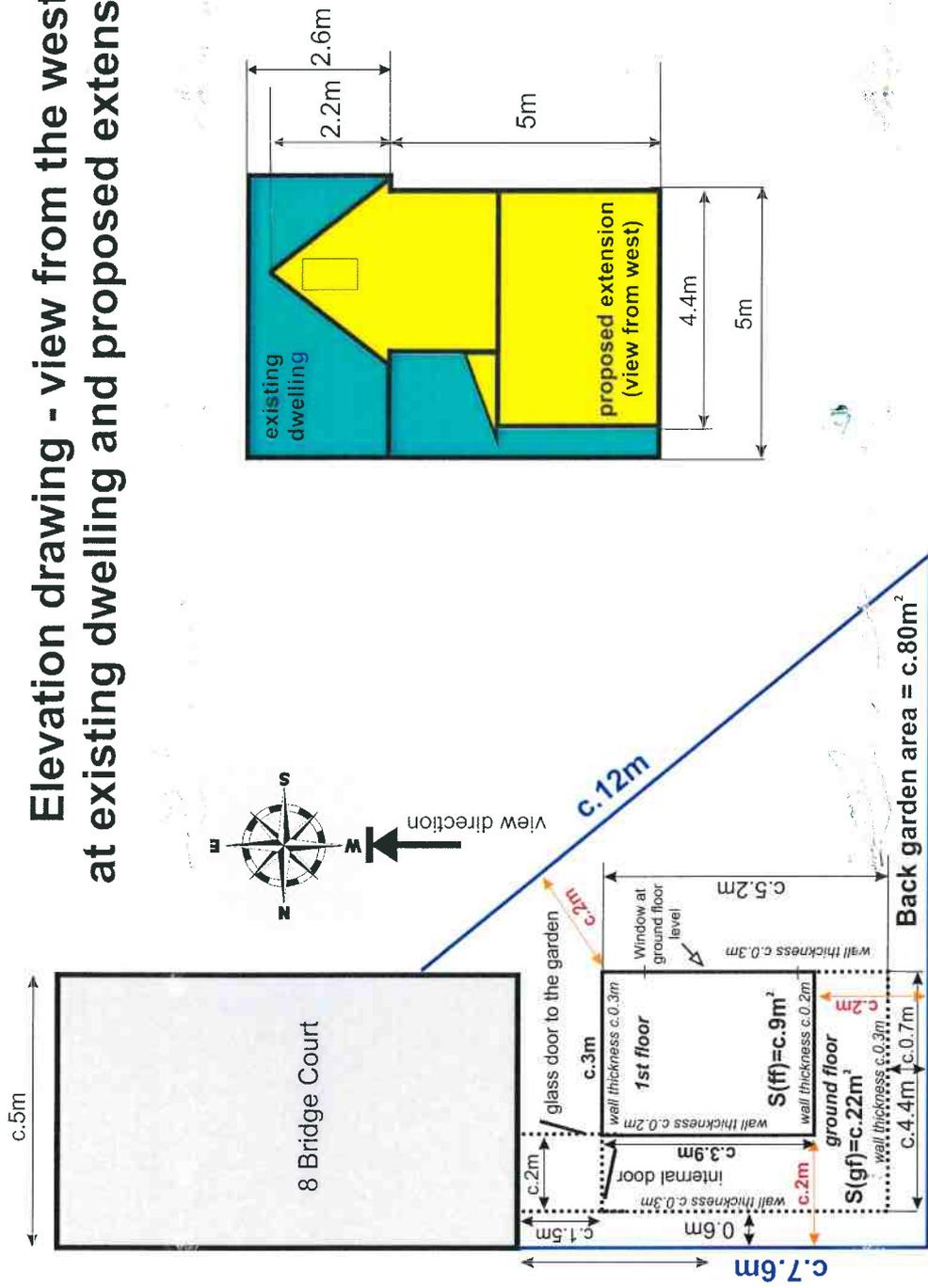


**Elevation drawing - view from the east  
at existing dwelling and proposed extension  
(extension is not visible from the east)**



**c.13m**

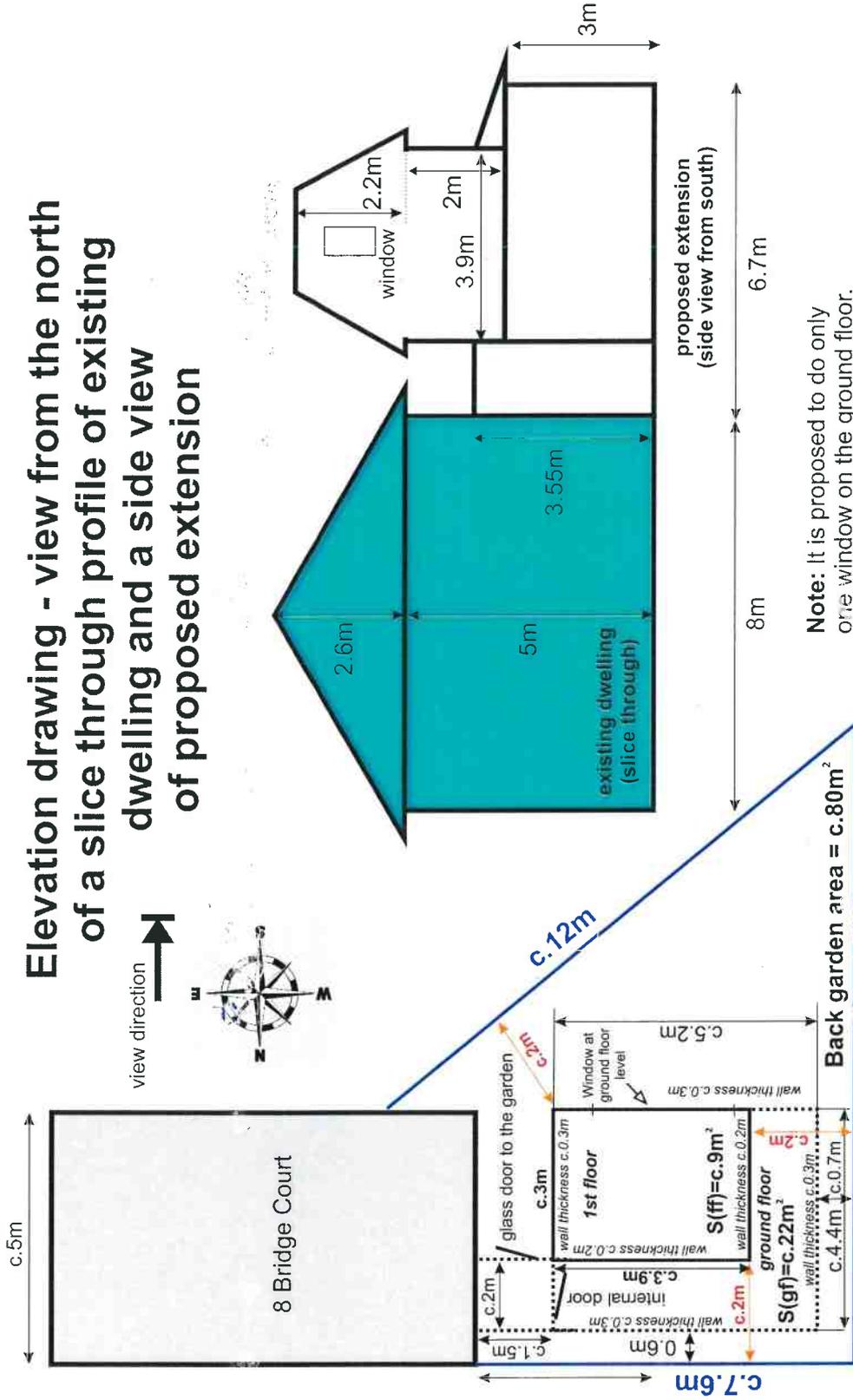
# Elevation drawing - view from the west at existing dwelling and proposed extension



## Comments:

- (1.) The overall height of proposed extension (max c.7.2m) does not exceed the highest part of the roof of the house (7.6m).
- (2.) The height of the walls of the extension (max c.5m) does not exceed the height of the rear wall of the house (5m).

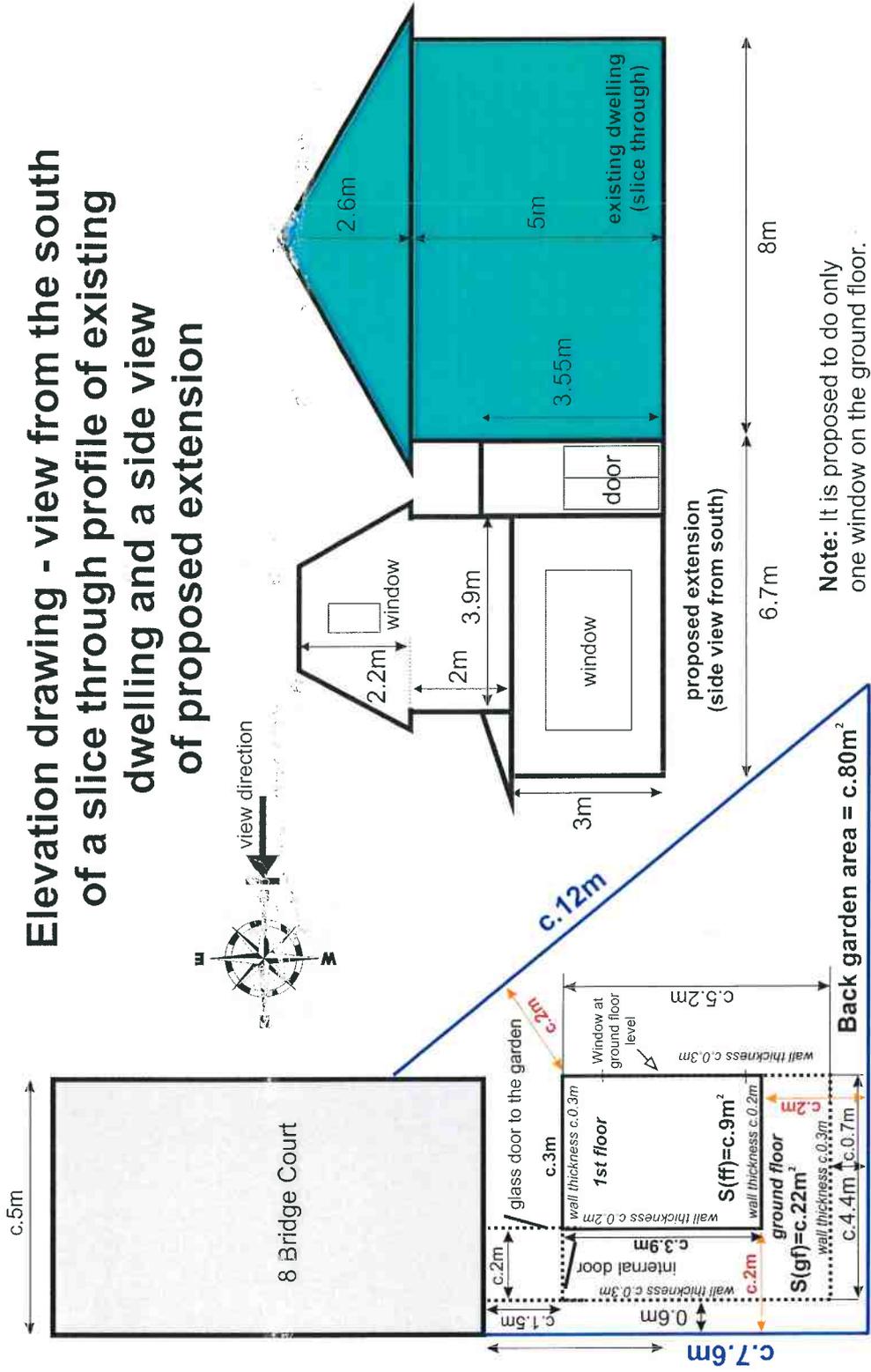
# Elevation drawing - view from the north of a slice through profile of existing dwelling and a side view of proposed extension



**Note:** It is proposed to do only one window on the ground floor. On the first floor there will be only few sunlit windows in the roof. Windows in the walls are not proposed as it is not possible to obey the 11m distance from any party boundary rule.

**Comments:**  
 (1.) The overall height of proposed extension (max c. 7.2m) does not exceed the highest part of the roof of the house (7.6m).  
 (2.) The height of the walls of the extension (max c. 5m) does not exceed the height of the rear wall of the house (5m).

# Elevation drawing - view from the south of a slice through profile of existing dwelling and a side view of proposed extension



**Note:** It is proposed to do only one window on the ground floor. On the first floor there will be only few sunlight windows in the roof. Windows in the walls are not proposed as it is not possible to obey the 11m distance from any party boundary rule.

- Comments:**
- (1.) The overall height of proposed extension (max c. 7.2m) does not exceed the highest part of the roof of the house (7.5m).
  - (2.) The height of the walls of the extension (max c. 5m) does not exceed the height of the rear wall of the house (5m).

# 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](http://www.corkcoco.ie)  
Planning Department,



Dr. Maxim Kozachenko,  
8 Bridge Court,  
Bridgetown,  
Castlemartyr,  
Co. Cork.  
P25 FF10.

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

By Email

8<sup>th</sup> August 2023

Our Ref.: D/256/23

**RE: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.**

***Whether the proposed two-storey rear extension at 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork is or is not development and is or is not exempted development.***

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. There is insufficient information on the file at present to enable the Planning Authority to assess the application in full. Accordingly, it is recommended that the following **FURTHER INFORMATION** is submitted:

1. You are required to please submit a full set of existing and proposed **elevation** drawings to include the existing dwelling and the proposed extension.

Yours faithfully,

---

Tracy O' Callaghan,  
Staff 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>*

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** D/25623  
**Description:** Construction of extension to rear of existing property  
**Applicant:** Dr. Maxim Kozachenko  
**Location:** 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork. P25 FF10  
**Date:** 26/07/2023

### SUMMARY OF RECOMMENDATION

#### CLARIFICATION REQUEST

#### FURTHER INFORMATION

This report should be read in conjunction with the previous planner’s report on file dated 26/07/2023. Further Information was requested as follows:

1. Please submit a full set of existing and proposed elevation drawings and floor plans of the proposed extension.

#### RESPONSE AND ASSESSMENT

A response to the Request for Further Information was received on 21/08/2023.

1. The response to the FI request includes a ground floor plan and first floor plan of the proposed extension and a section drawing of the proposed extension. The response does not include elevation drawings of the proposed extension and the applicant has not illustrated how the proposed extension relates to the existing dwelling. A full set of elevation drawings is required.

#### RECOMMENDATION

There is insufficient information on the file at present to enable the Planning Authority to assess the application in full. Accordingly, it is recommended that the following **FURTHER INFORMATION** is requested:

1. Please submit a full set of existing and proposed elevation drawings to include the existing dwelling and the proposed extension.



**Louise Ahern**  
Executive Planner

## Tracy OCallaghan

---

**From:** Maxim Kozachenko  
**Sent:** Monday 31 July 2023 17:16  
**To:** Tracy OCallaghan  
**Subject:** Re: FW: Section 5 Application D/256/23  
**Attachments:** Proposed Plan Section 5 - Elevation.jpg; Proposed Plan Section 5 - ground floor.jpg; Proposed Plan Section 5 - 1st floor.jpg; Proposed Plan Section 5 - UPDATED\_290623.jpg

 External email >

**CAUTION FROM CORK COUNTY COUNCIL IT SECURITY:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Tracy,

Thank you for your email. Please find additional drawings attached as requested. If more details are required, please let me know.

I would like to point out that the main parameters of proposed development have been outlined on the drawing submitted with my application (see attached file "Proposed Plan Section 5 - UPDATED\_290623"). As I was assured by Enda Quinn (Executive Planner) during our pre-planning meeting this type of drawing should suffice the Section 5 declaration application. Drawing submitted with my application illustrate that the proposed development fits all required parameters in terms of dimensions and position on site relative to site boundaries. The main points to look out for are: the "above ground floor" element of the proposed development is kept 2m away from any party boundary and has no windows in the walls, the height of the walls do not exceed the height of the wall of the main dwelling, and the height of the roof does not exceed the height of the roof of the existing dwelling, the walls of the proposed development do not go beyond the side plain of the main dwelling.

Thanking you and all for your time spent on evaluation of my application.

Best wishes,

Dr. Maxim Kozachenko

On Wed, 26 Jul 2023 at 12:54, Tracy OCallaghan <[Tracy.OCallaghan@corkcoco.ie](mailto:Tracy.OCallaghan@corkcoco.ie)> wrote:

Good Afternoon,

Please find Further Information Request in relation to your Section 5 Application D/256/23.

Kind Regards,

Tracy Ní Cheallacháin | Oifigeach Fóirne | Pleanáil agus Fobairt

Comhairle Contae Chorcaí | Halla an Chontae | Corcaigh | T12 R2NC | Éire

T +353-(0)21 - 428 3633

[tracy.ocallaghan@corkcoco.ie](mailto:tracy.ocallaghan@corkcoco.ie) [www.corkcoco.ie](http://www.corkcoco.ie)

Tairseach na gcustaiméirí: [www.yourcouncil.ie](http://www.yourcouncil.ie)

Tracy O' Callaghan | Staff Officer | Planning & Development

Cork County Council | County Hall | Cork | T12 R2NC | Ireland

T +353-(0)21 - 428 5633

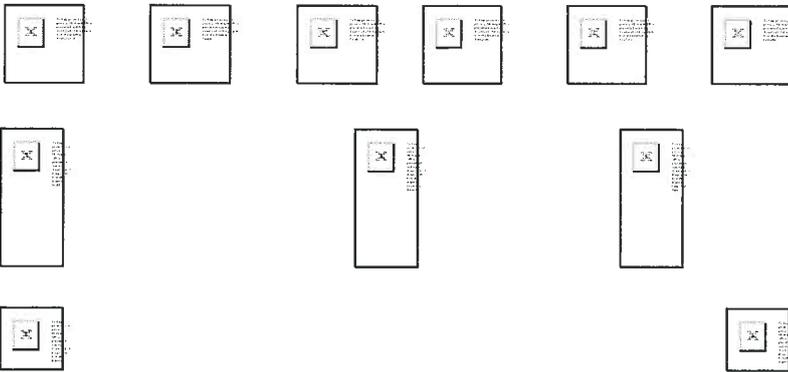
[tracy.ocallaghan@corkcoco.ie](mailto:tracy.ocallaghan@corkcoco.ie) [www.corkcoco.ie](http://www.corkcoco.ie)

Customer Portal: [www.yourcouncil.ie](http://www.yourcouncil.ie)



Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil. Please consider the Environment before printing this mail.

[www.corkcoco.ie](http://www.corkcoco.ie)

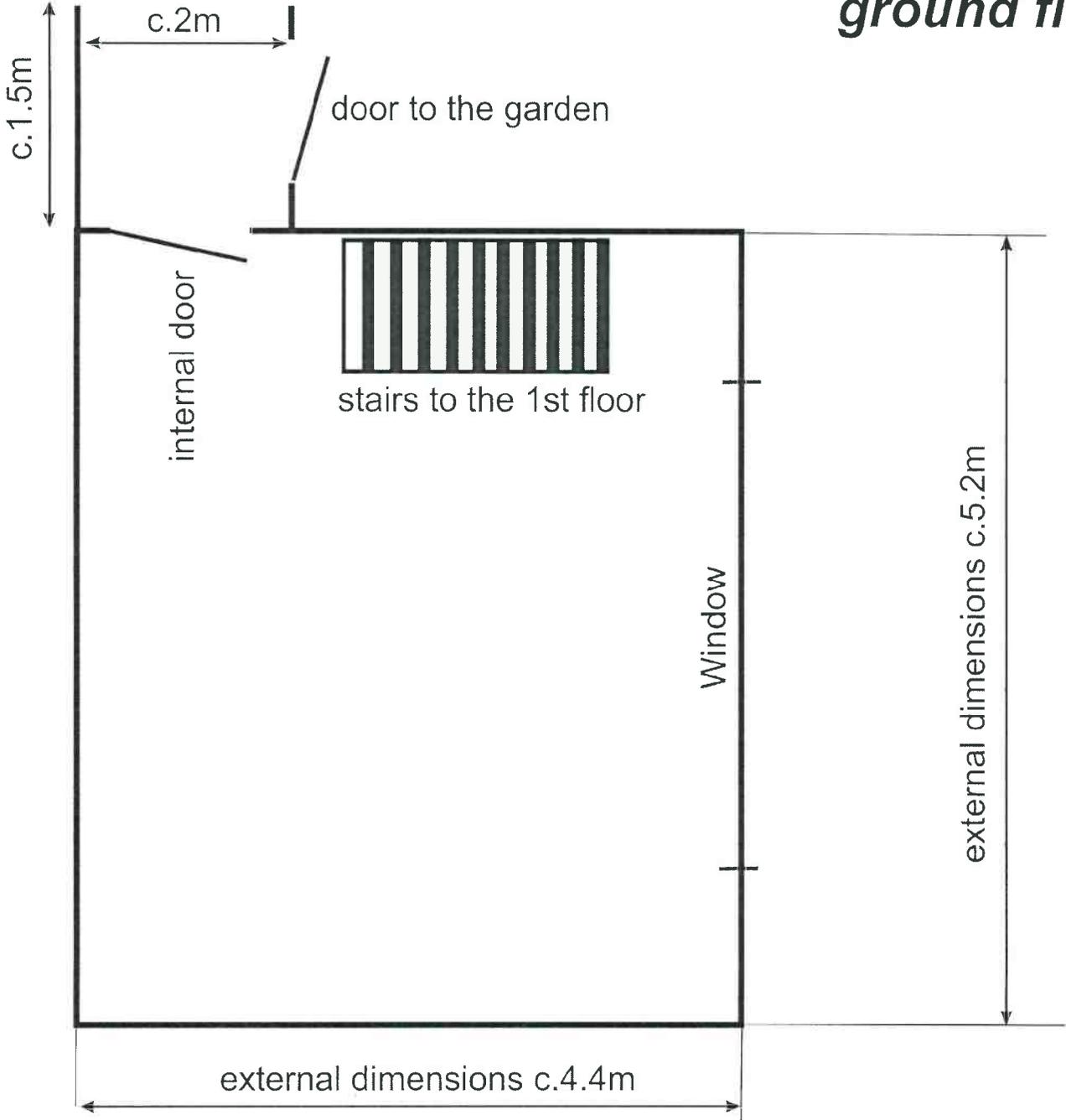


Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil. Please consider the Environment before printing this mail.

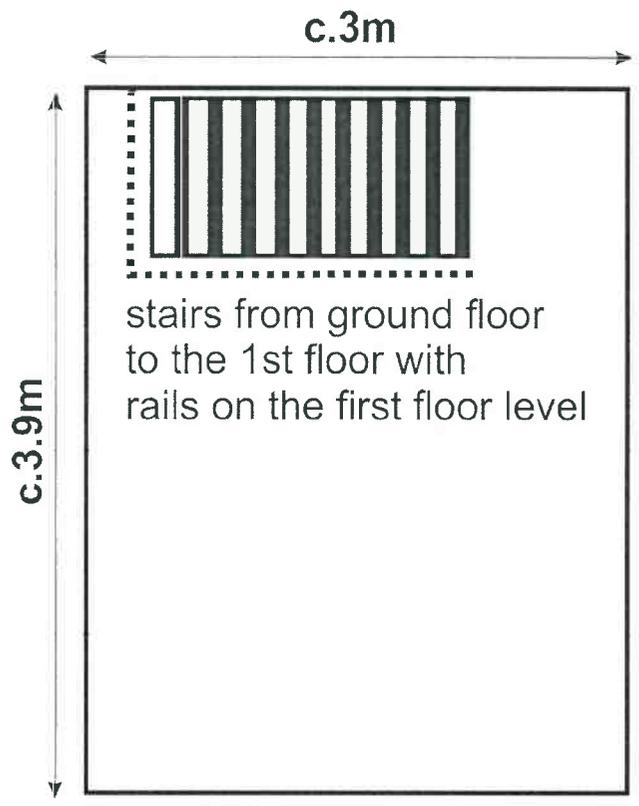
*[Faint, illegible text, likely bleed-through from the reverse side of the page]*

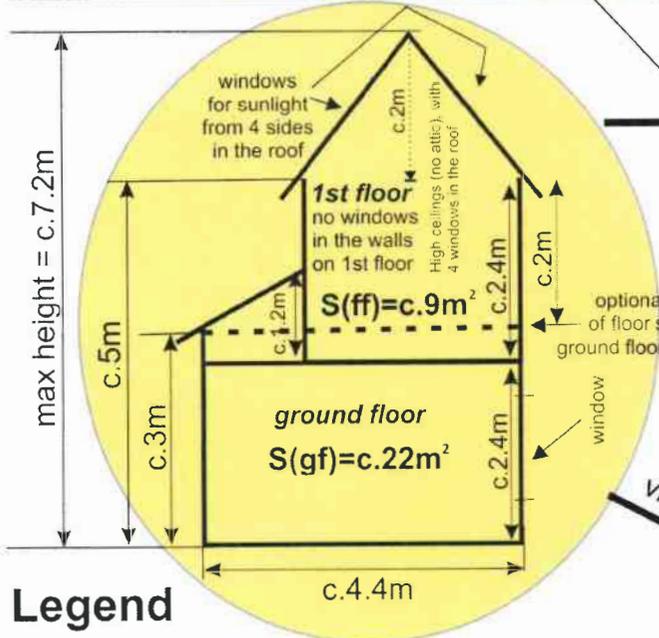
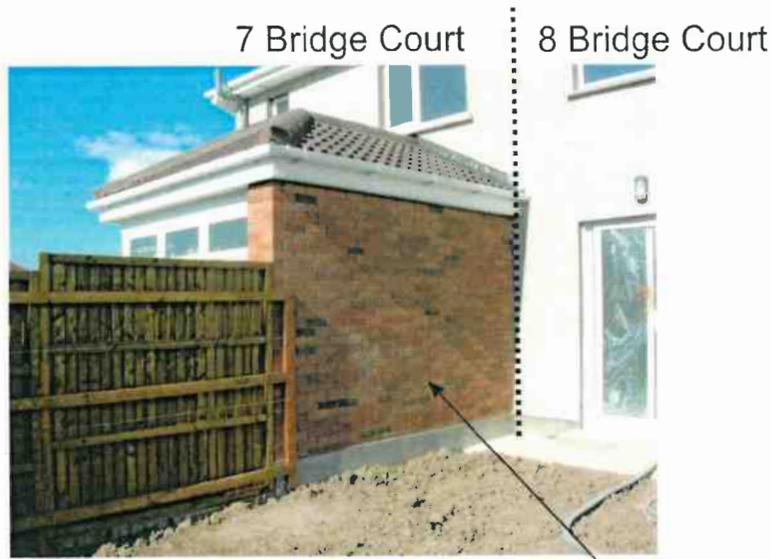


*ground floor plan*



*1st floor plan*

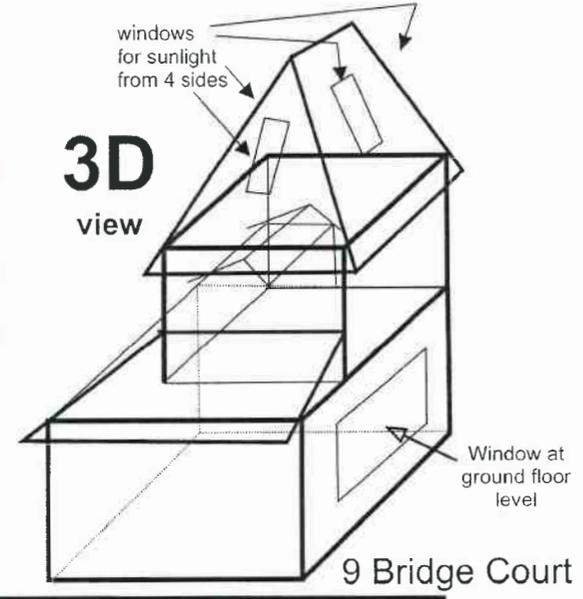
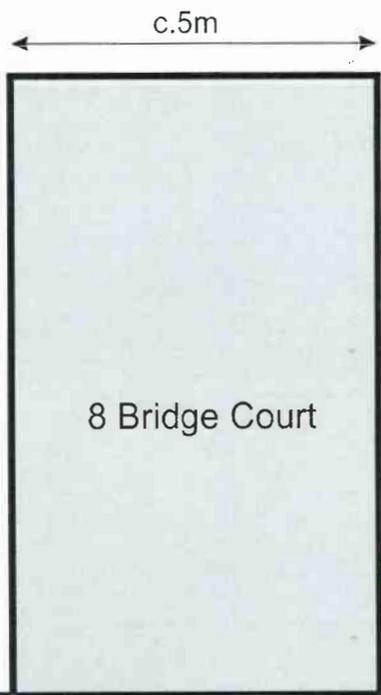




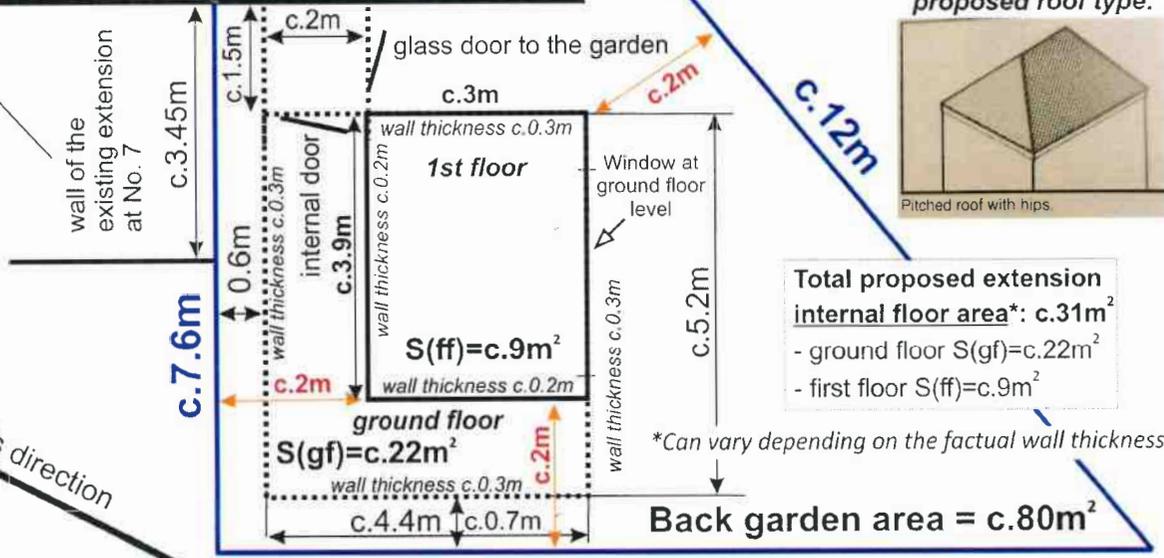
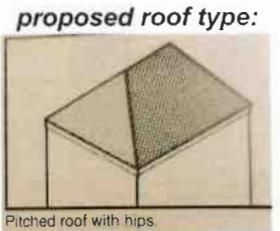
**Legend**

- Garden boundaries (fence)
- ..... Walls of the proposed extension on the ground floor (gf) level
- Walls of the proposed extension on the first floor (ff) level

7 Bridge Court



Total proposed extension external footprint area: c.26m<sup>2</sup>



Total proposed extension internal floor area\*: c.31m<sup>2</sup>  
 - ground floor S(gf)=c.22m<sup>2</sup>  
 - first floor S(ff)=c.9m<sup>2</sup>

\*Can vary depending on the factual wall thickness.

Back garden area = c.80m<sup>2</sup>

**Comments:**  
 (1.) The overall height of proposed extension (max c.7.2m) does not exceed the highest part of the roof of the house.  
 (2.) The height of the walls of the extension (max c.5m) does not exceed the height of the rear wall of the house.

# 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](http://www.corkcoco.ie)  
Planning Department,



Dr. Maxim Kozachenko,  
8 Bridge Court,  
Bridgetown,  
Castlemartyr,  
Co. Cork.  
P25 FF10.

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

By Email

25<sup>th</sup> July 2023

Our Ref.: D/256/23

**RE: Declaration of Exempted Development under Section 5 of The Planning and Development Act 2000 – 2010.**

***Whether the proposed two-storey rear extension at 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork is or is not development and is or is not exempted development.***

Dear Sir,

I refer to your application for a Declaration of Exemption in relation to the above. There is insufficient information on the file at present to enable the Planning Authority to assess the application in full. Accordingly, it is recommended that the following **FURTHER INFORMATION** is submitted:

1. You are required to please submit a full set of existing and proposed elevation drawings and floor plans of the proposed extension.

Yours faithfully,

---

Tracy O' Callaghan,  
Staff 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>*

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** D/25623  
**Description:** Construction of extension to rear of existing property  
**Applicant:** Dr. Maxim Kozachenko  
**Location:** 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork. P25 FF10  
**Date:** 26/07/2023

### SUMMARY OF RECOMMENDATION FURTHER INFORMATION REQUEST

#### PURPOSE OF REPORT

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

#### SITE LOCATION

8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork. P25 FF10

#### SUBJECT DEVELOPMENT

Two-storey domestic extension to the rear of No. 8 Bridge Court, Bridgetown, Castlemartyr.

#### PLANNING HISTORY

02/2280 Residential development – 114 no. dwelling units.

#### LEGISLATIVE CONTEXT

##### Planning & Development Act 2000 (as amended)

S.2(1) *In this Act, except where the context otherwise requires—*

*“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

S.3 – (1) *In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structure or other land.*

##### Planning & Development Regulations 2001 (as amended)

Article 6 *Subject to article 9, development consisting of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such*

*development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

SCHEDULE 2, Part 1, *Exempted development – General*

<b>Column 1</b> <b>Description of Development</b>	<b>Column 2</b> <b>Conditions and Limitations</b>
<p><i>Development within the curtilage of a house</i></p> <p>CLASS 1</p> <p>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.</p>	<ol style="list-style-type: none"> <li>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40sqm. <ul style="list-style-type: none"> <li>(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 12sqm.</li> <li>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20sqm.</li> </ul> </li>   <li>2. (a) Where the house has been extended previously, the floor are 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. <ul style="list-style-type: none"> <li>(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.</li> <li>(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</li> </ul> </li> </ol>

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

	<p>proposed at above ground level shall not be less than 11 metres from the boundary it faces</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden</p>
--	---

### **SUB-THRESHOLD EIAR**

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that an EIAR is not required to be submitted.

### **APPROPRIATE ASSESSMENT**

The relevant European site is the Ballymacoda(Clonpriest and Pillmore) SAC (Site Code 000077). Having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

### **ASSESSMENT**

The question before the Planning Authority can be reasonably construed as *‘whether the construction of a two-storey extension to the rear of No. 8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork. P25 FF10 is or is not development and is or is not exempted development.’* As noted above, there is no recent relevant planning history on the subject site aside from the original permission for the overall residential development.

As set out in Section 2(1) of the Act “Works” includes “any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.....” As set out in 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 structure or other land. The extension therefore constitutes development.

SCHEDULE 2, Part 1 *Exempted Development*, Class 1 of the P&D Regulations provides for “*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 development is located within the curtilage of a house and is located to the rear of a mid-terrace house and is therefore considered to fall within the description of development set out in Column 1 of Class 1 subject to the conditions and limitations set out in Column 2.

#### Class 1, Column 2 Conditions and Limitations:

1. a) The house has not been extended previously. There is no evidence of any planning history on the site and the applicant has confirmed the house has not been extended previously. The floor area of the extension does not exceed 40sqm. (Gross external floor area measures 31sqm)

- b) The house is a mid-terrace house. The floor area above ground floor level is 9sqm.
  - c) The house is not detached.
2. a) The house has not been extended since 1<sup>st</sup> October 1964. There is no planning history on the subject site.
    - b) The house is a mid-terrace house and has not been extended previously.
    - c) The house is not detached.
  3. This is a mid-terrace property. The above ground floor extension is situated greater than 2m from the boundary walls.
  4. The applicant has not provided drawings of existing and proposed elevations therefore it is not possible to determine whether the height of the walls of the extension exceed the height of the rear wall of the house or whether the height of the highest part of the roof of the extension exceeds the height of the highest part of the roof of the main dwelling. Further details are required.
  5. The area of private open space reserved exclusively for the use of the occupants of the house, to the rear of the house has not been reduced to less than 25sqm.
  6. a) & b) Floor plans and elevations of the proposed extension are required in order to determine the location of windows. Further details are required.
    - c) The dwelling is not detached.
  7. The roof of the extension will not be used as a balcony or roof garden.

#### **RECOMMENDATION**

There is insufficient information on the file at present to enable the Planning Authority to assess the application in full. Accordingly, it is recommended that the following **FURTHER INFORMATION** is requested:

1. Please submit a full set of existing and proposed elevation drawings and floor plans of the proposed extension.



---

**Louise Ahern**  
**Executive Planner**



## **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"/>

### FOR OFFICE USE ONLY

Receipt No.	CAC 0163218
Cash/Cheque/ Credit Card	CASH
Date	30/6/2023
Declaration Ref. No.	D/256/23

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 3<sup>rd</sup> 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](mailto: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)**

Dr Maxim Kozachenko

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

8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork, P25FF10

**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

<p>The aim of the proposed development is to construct an extension to the rear of the property in line with the current planning rules and regulations for a small scale extension, which does not require planning permission. The proposed development will not exceed the</p>
<p>maximum allowed in the legislation 40 square metres floor area and will consist of the following elements: (1) ground floor with external footprint of c.26 square metres and internal floor area of up to c. 22 square metres; (2) first floor with internal floor area of c.9 square metres.</p>
<p>Therefore, the factual internal floor area of the extension is unlikely to exceed 31 square metres. Details of proposed development are shown on the attached schematic drawing. It has been prepared in consultation with and following helpful advice given at the pre-planning</p>
<p>meeting by Executive Planner Enda Quinn (Cork County Council). Every effort was made to make the proposed development compliant with all requirements outlined in the legislation. In particular, the first floor element (above ground floor) of the proposed extension is positioned in</p>
<p>a way that there is at least 2m distance from any <b>party boundary (fence) to the outer walls of the first floor</b>. The floor area of extension above ground level does not exceed 12 square metres. <b>The height of the highest part of the roof (max c.7.2m) of proposed extension does not</b></p>
<p>exceed the height of the highest part of the roof of the main dwelling. The height of the walls of the extension (max c.5m) will not exceed the height of the rear wall of the house. The overall area of the garden is 80 square metres, thus, construction of extension with an overall</p>
<p>footprint of c.26 square metres will reduce the area of open space to 54 square metres, which is above the 25 square metres minimum threshold outlined in the legislation. It is proposed to install a window on the ground floor, and up to four rooflights (windows in the roof of</p>
<p>e.g. the following type <a href="https://www.velux.ie/products/roof-windows">https://www.velux.ie/products/roof-windows</a>) in the first floor part of the proposed extension. This text is complimented with a schematic drawing entitled "Proposed Plan Section 5", which provides a visual insight about the proposed development.</p>

**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 (m<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	31 square metres (not above 40 square metres)
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> 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 <sup>2</sup> ) 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 NA _____ _____ _____  Proposed use NA _____ _____ _____	
(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:**

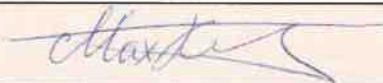
Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes  No

## 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)	
Date	27-Jun-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	
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](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westcorkplanninginfo@corkcoco.ie](mailto: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:

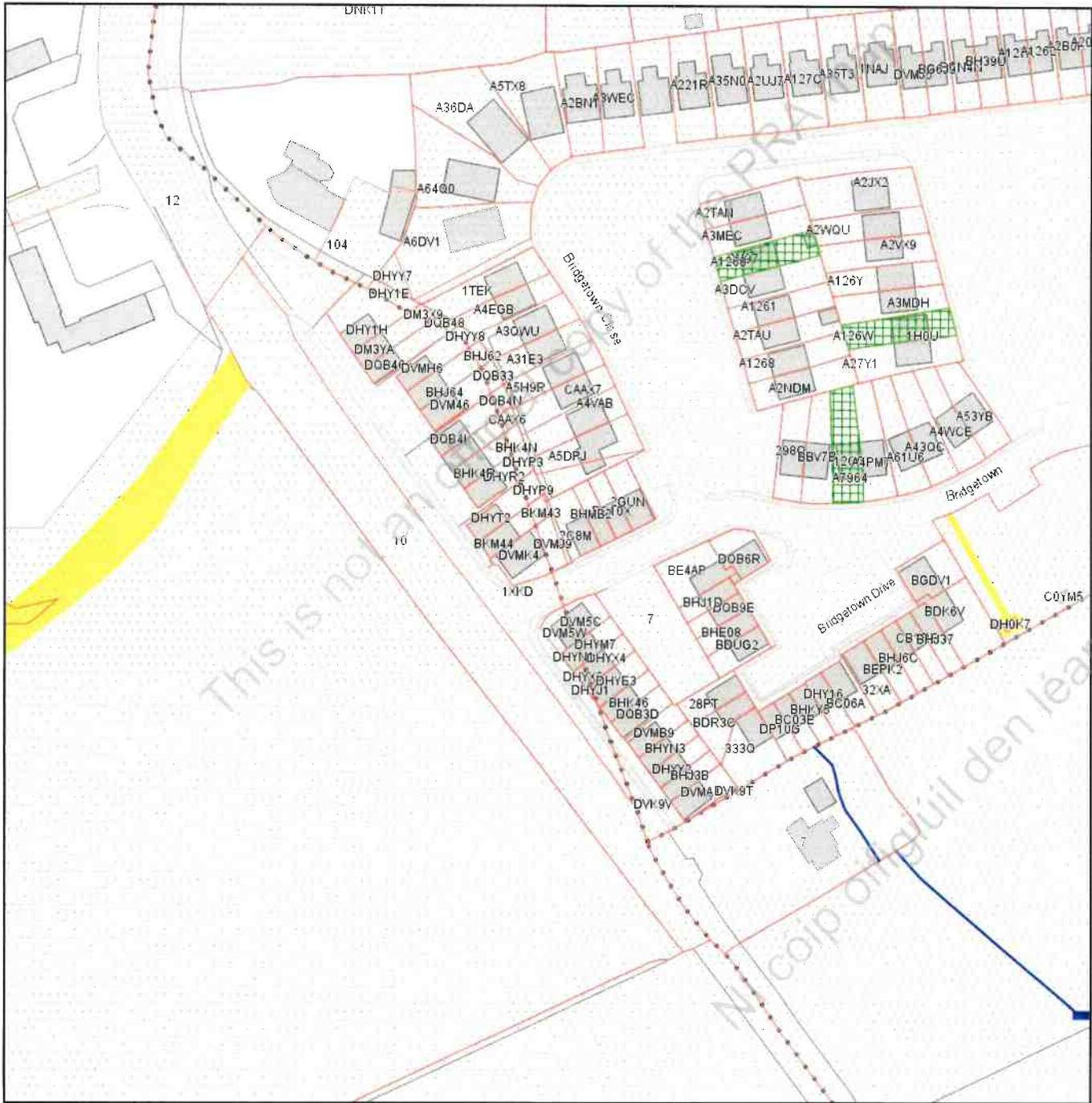
The application must be accompanied by the required fee of €80  
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.  
Sufficient information should be submitted 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)	
Date	27-Jun-2023



# The Property Registration Authority

## An tÚdarás Clárúcháin Maoine



Official Property Registration Map

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale accuracy is limited to that of the original OSI Map Scale.

For details of the terms of use, and limitations as to scale, accuracy and other conditions relating to Land Registry Maps, see [www.prai.ie](http://www.prai.ie).

This map incorporates Ordnance Survey Ireland (OSi) mapping data under a licence from OSi. Copyright © OSi and Government of Ireland.

- (centre-line of parcel(s) edged)
- Freehold
- Leasehold
- SubLeasehold
- 'S' Register

(see Section 8(b)(II) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

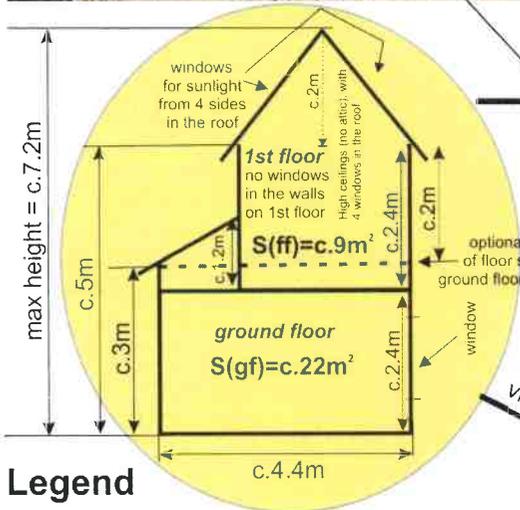
- Burdens** (may not all be represented on map)
- Right of Way / Wayleave
  - Turbary
  - Pipeline
  - Well
  - Pump
  - Septic Tank
  - ▽ Soak Pit

A full list of burdens and their symbology can be found at: [www.landdirect.ie](http://www.landdirect.ie)

The registry **operates** a non-conclusive boundary system. The Registry Map **identifies** properties not boundaries meaning neither the **description** of land in a register nor its **identification by reference** to a registry map is conclusive as to the boundaries or extent.

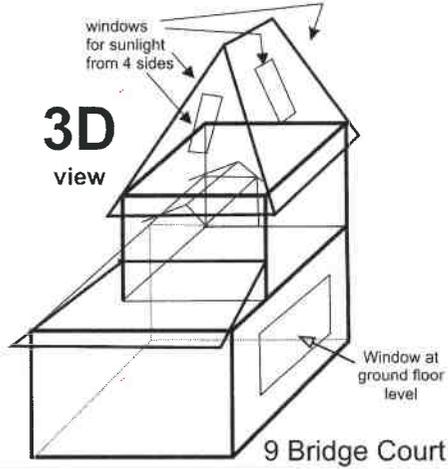
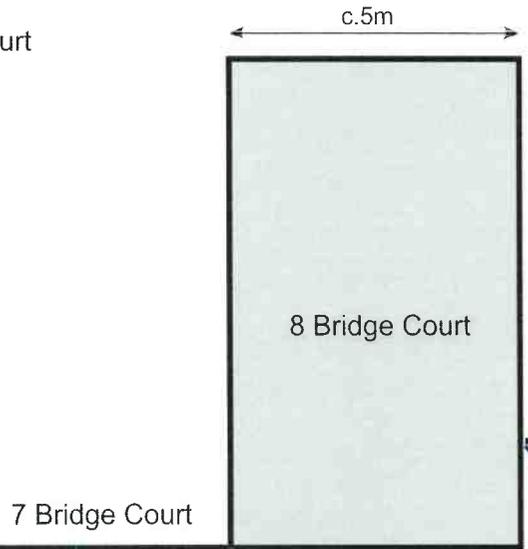
(see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



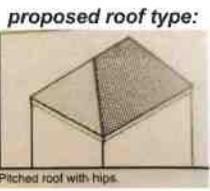


**Legend**

- Garden boundaries (fence)
- Walls of the proposed extension on the ground floor (gf) level
- Walls of the proposed extension on the first floor (ff) level

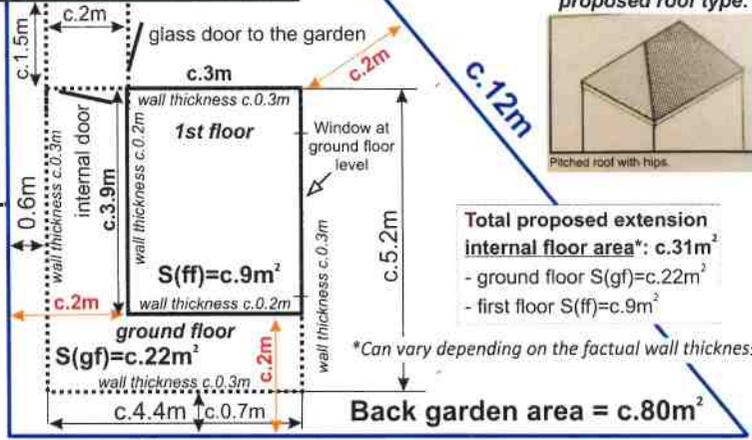


Total proposed extension external footprint area: c.26m<sup>2</sup>



Total proposed extension internal floor area\*: c.31m<sup>2</sup>  
 - ground floor S(gf)=c.22m<sup>2</sup>  
 - first floor S(ff)=c.9m<sup>2</sup>

\*Can vary depending on the factual wall thickness.



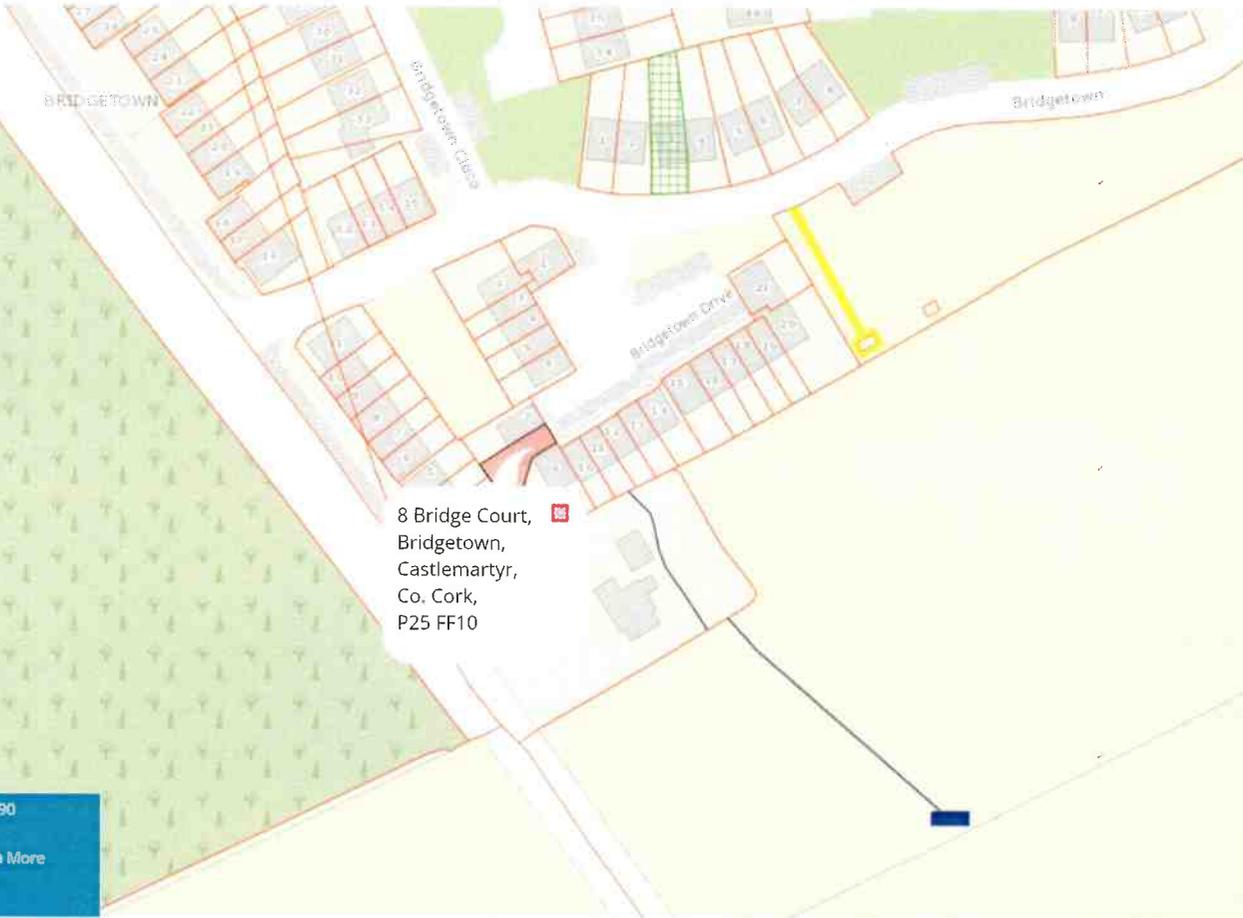
**Comments:**  
 (1.) The overall height of proposed extension (max c.7.2m) does not exceed the highest part of the roof of the house.  
 (2.) The height of the walls of the extension (max c.5m) does not exceed the height of the rear wall of the house.

Gaeilge

+  
-

Vertical zoom slider

Refresh icon



8 Bridge Court,  
Bridgetown,  
Castlemartyr,  
Co. Cork,  
P25 FF10

XY 596361, 572990  
 Scale 1 : 1000  
 Townland Gortnahomna More  
 Barony Imokilly  
 County Cork

Property Details

> Back

Folio Number	CK121236F
Title Level	Freehold
Plan Number	BDR3C
Property Number	1
Area of selected plans	Not available.
Number of Plans on this folio:	1
Address	8 Bridge Court, Bridgetown, Castlemartyr, Co. Cork, P25 FF10

Add to Basket    Create Alert

\*PRA Boundaries and Plan Area **are not conclusive**. See [Section 62\(2\) of Registration of Title Act 2006](#) and [Rule R3 of the Land Registration Rules 2012](#).

- View Basket
- Print Current View

Help

✕ 🔍

Show search results for P25FF10

BRIDGETOWN

