Comhairle Contae Chorcaí Cork County Council

Sinead Lee, 32 Sarsfield Terrace, Youghal, Co. Cork. 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



23rd August 2023

REF:

D/268/23

LOCATION:

"Leesuir", 20 Kilcoran Park, Youghal, Co. Cork

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 28th July 2023 the Planning Authority, having considered the question whether or not the construction of a ground floor domestic rear extension at "Leesuir", 20 Kilcoran Park, Youghal, 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(1) and Section 3(1) the Planning and Development Act 2000 (as amended),
- Article 6 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 28th July 2023

And Whereas Cork County Council has concluded that -

The construction of a ground floor domestic rear extension at "Leesuir", 20 Kilcoran Park, Youghal, Co. Cork constitutes development which 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/268/23

Description: Ground Floor Domestic Extension to Rear of Dwelling

Applicant: Sinead Lee

Location: "Leesuir", 20 Kilcoran Park, Youghal, Co. Cork

Date: 23/08/2023

SUMMARY OF RECOMMENDATION

FURTHER INFORMATION REQEST

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

"Leesuir", 20 Kilcoran Park, Youghal, Co. Cork

SUBJECT DEVELOPMENT

Ground floor domestic extension to rear of "Leesuir", 20 Kilcoran Park, Youghal, Co. Cork.





PLANNING HISTORY

None

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 a

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

Column 1	Column 2			
Description of Development	Conditions and Limitations			
Development within the curtilage of a house				
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	 (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40sqm. 			
other similar structure attached to the rear or to the side of the house.	(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.			
	(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20sqm.			
	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.			

- (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

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 ground floor extension to the rear of "Leesuir", 20 Kilcoran Park, Youghal, Co. Cork 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. It is noted however that part of the side garage has been converted to a kitchen. The extension to the rear measures 26.3sqm and was constructed in 2011 comprising of a bedroom with en-suite. The garage conversion measures 12.54sqm.

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 fully to the rear of a semi-detached 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. The floor area of the extension does not exceed 40sqm. (floor area measures 26.3sqm).
 - b) The house is a semi-detached house. There is no extension above ground floor.
 - c) The house is not detached.
- 2. a) There is no planning history on the subject site. It is noted that part of the original garage has been converted to a kitchen. The floor area of the kitchen measures 12.54sqm. The floor area of the rear extension taken together with the conversion of the garage to kitchen equates to 38.84sqm.
 - b) The house is a semi-detached house. There is no above ground floor extension.
 - c) The house is not detached.
- 3. This is a semi-detached property. The extension is located at ground floor only. There is no above ground floor extension.
- 4. a) The rear wall of the house does not include a gable and the height of the walls of the extension do not exceed the height of the rear wall of the house.
- 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) There is a kitchen window on the side elevation which is located 1.22m from the boundary it faces.
 - b) There is no above ground floor window.
 - c) The dwelling is not detached.
- 7. The roof of the extension is hipped and is not used as a balcony or roof garden.

Having regard to:

- the plans and particulars received by the Planning Authority on 26/08/2023;
- Section 2(1) and Section 3(1) the Planning and Development Act 2000 (as amended);
- Article 6 of the Planning and Development Regulations 2001 (as amended)
- Schedule 2, Part 1, Class 1 of the *Planning & Development Regulations 2001 (as amended)*

it is considered that, the ground floor extension and garage conversion at "Leesuir", 20 Kilcoran Park, Youghal, Co. Cork, **Is Development and Is Exempted Development**.

Louise Ahern

Executive Planner



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:

FOR OFFICE USE ONLY

Receipt No.	CACO163852
Cash/Cheque/ Credit Card	Card
Date	28/07/2023
Declaration Ref. No.	0/268/23



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^{rd} 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.corke.goo.je/Privacy-Policy or hardcopy from our offices at County Hall, Carrigraphane Road, Cork

http://www.corkcoco.ie/Privacy-Policy or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

1	NAME OF AL	DDI ICANT, (ADDI	ECC TO DE CUDDI IEI	AT OTIESTION A	- CONTACT DETAILS)
	THE PROPERTY REPORT OF THE	FIRE AND LARMIN	eas tu de surrige	JAITHESTRA -	- C.C.F.Y. E.P.C. L. 1319/ L.P.11/251

SINEAD LEE

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

"Leesoir" 20 Kilcoran Park, Youghal, Co. Cork

Planning Department

3. QUESTION/DECLARATION DETAILS:

28 JUL 2023

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 18

Downstairs hedroom with wheelchair accessible en-suite.

An extension was built onto the house in 2011. It consists of a bedroom with ensuite Both my Parents have passed and i'm in the process of selling the house. Probate has been granted and my sister and Lare the legal owners of the house.

I believe it's exempt from planing pamission and need proof of same.

4	Δ	PPI	IC	A	TI	IN	DE	TA	TT	S.

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^2)

(a) Floor area of existing/proposed structure(s):	26.3M2	
(b) If a domestic extension is proposed, have	Yes No	
any previous extensions/structures been		
erected at this location after 1st October,	If yes, please provide floor areas (m ²	
1964 (including those for which planning	previous planning reference(s) where	
permission has been obtained):	garage conversion, 1	2.6m2
(c) If a change of use of land and/or building(s)		
is proposed, please state the following:		
Existing/previous use	Proposed use	
Estimate previous disc	Dodroad	
	with ensoite	
	- WITH ENSOITE	
(d) Are you aware of any enforcement	Yes No	
proceedings connected to this site?		
	If yes, please state relevant reference	number(s):
LEGAL INTEREST OF APPLICANT IN	THE LAND/STRUCTURE:	
Please tick appropriate box to show applicant's	A. Owner B. Other	
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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)	Smean Lee
Date	24 - July - 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	Smood Lee	
Date	24-7-23	

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcocd.te or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcocd.te 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 crasure 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)	Singa Lee	
Date	29-July-2023	- market in the contract of th

Planning Department

28 JUL 2023

Cork County Council
County Hall
Cork

Planning Pack Map Tailte Éireann Cnoc an Mhaignéaraigh Magnershill 1.26 1.27 CENTRE Bán Mór COORDINATES: 1.70 ITM 610009.576995 Bawnm/ore PUBLISHED: ORDER NO.: 25.43 25/07/2023 50347911_1 Fearann Eochaille MAP SERIES: MAP SHEETS: 1:1,000 6301-13 Youghal-lands 6301-14 1:1,000 6301-18 Pianaino Department 0.25 28 JUL 2023 Cork County Council County Hall compiled ANG PUBLISHED BY: Cill Chuaráin National Mapping Division of Seafield = Tailte Éireann, Phoenix Park, Dublin 8, Ireland. D08F6E4 2.83 www.tailte.ie Any unauthorised reproduction infringes Tailte Éireann copyright 0.40 No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner. 0.23 Cnoc Uí Mhearaígh The representation on this map of a road, track or footpath is not evidence of the existence Knockaverry of a right of way. Topographic maps produced by the National Mapping Division of Tailte Éireann never show legal property boundaries, nor do they show Gort Na Gno ownership of physical features. Gort na Gno 1.06 © National Mapping Division of Tailte Éireann, 2023. All rights reserved. 0.77 al (miant) П 2.27 CAPTURE RESOLUTION: 250 Metres



This map was produced by the National Mapping Division of Tailte Eirann, formerly Ordnance Survey Ireland (OSi) Extension to Rear of Dwelling House

At

No. 20 Kilcoran, Youghal, Co. Cork

For

Eleanor O Brien

Planning Department

28 JUL 2023

Cork County Council County Half Cork.

Finbarr Foley
Crompaun View, Clonpriest,
Youghal, Co. Cork.
Phone 087 9066059
Email finbarrfoleyclonpriest@gmail.com

Job Title

Drg. Title page

Drg. No. Scale Date Drawn by
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