Comhairle Contae Chorcaí Cork County Council

Eanna & Theresa Powell, c/o Patrick A. Cashman Associates, Farren House, Cork Road, Midleton, Co. Cork. P25 XY42 Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891
R-phost: planninginfo@corkcoco.ie

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Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,

Carrigrohane Road, Cork T12 R2NC. Tel (021) 4276891

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



19th December 2023

REF:

D/313/23

LOCATION:

No. 42, The Woodlands, Midleton.

RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE

PLANNING & DEVELOPMENT ACT 2000 - 2010.

Dear Sir/Madam,

On the basis of the information submitted by you on 30th November 2023 the Planning Authority, having considered the question whether a proposed new window at ground floor level, construction of a glazed porch & domestic rear extension and a new flat roof over an existing sunroom is or is not exempted development at No. 42, The Woodlands, Midleton Co. Cork 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(1), Section 4(1)(h) and Section 4(2) of the Planning and Development Act 2000 (as amended)
- Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001 (as amended)
- Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and
- The particulars received by the Planning Authority on 30th November 2023

And Whereas Cork County Council has concluded that -

The proposed new window at ground floor level, construction of a glazed porch & domestic rear extension and a new flat roof over an existing sunroom at No. 42, The Woodlands, Midleton Co. Cork 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

Planners Report

Section 5 Declaration Reference D/313/23

The Question

Whether a proposed new window at GF level, construction of a glazed porch & domestic rear extension and a new flat roof over an existing sunroom is / is not exempted development for the purposes of the Planning and Development Act.

Site Context

The subject site is located within an established residential development at 42 The Woodlands, Midleton, c. 25m west of the Owenacurra River and c. 180m west of Main Street. The site comprises an existing two storey semi-detached dwelling with an existing sunroom and garden to the rear of the property.



Figure 1: Site Location at 42 The Woodlands, Midleton. Source: EPA Maps.

Planning History

There is no planning history on file for the site.

Appropriate Assessment / Environmental Impact Assessment

Section 4(4) of the PDA 2000 (as amended) de-exempts any development which requires an EIA or AA.

Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations lists the development types which may require an EIA, for the purposes of Part 10 of the Planning and Development Regulations 2001, (as amended).

Having regard to the above, it is considered that the development proposal would not require a mandatory or sub-threshold EIA. In relation to Appropriate Assessment and having regard to the nature of the proposal and the distance to Natura 2000 site, I am satisfied that requirement for AA is not warranted.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

Section 3 (1) states that,

"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 structures or other land".

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

Section 4 (1)(h) states:

"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 of neighbouring structures;"

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted from development for the purposes of the Planning and Development Act.

Planning and Development Regulations, 2001 (as amended)

Article 6 (1)

"Subject to article 9, development consisting of a class specified in column 1 of part 1 of schedule 2 shall be exempted for the purposes of the Act, provided that such development complied 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."

Article 6, Part 1, Exempted Development - General

Class 7 - The construction or erection of a porch outside any external door of a house.

- 1. Any such structure shall be situated not less than 2 metres from any road.
- 2. The floor area of any such structure shall not exceed 2 square metres.
- 3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

Article 9(1) sets out circumstances in which exempted development defined by Article 6 Second Schedule shall not be exempted development.

Assessment

The works may be scheduled as follows:

- Insertion of a window unit at ground floor level measuring 2.00m high x 0.800mm wide on the northern elevation of the existing dwelling.
- Construction of a glazed porch with sidelights at main entrance located under the existing tiled canopy over existing front door.
- Construction of flat roofed domestic extension to the western (rear) elevation of the existing dwelling the floor area of same is approximately 14.980 sqm.
- Construction of flat roof and re-modelling of existing sun room on western (rear) elevation 0 the floor area of same is approximately 7.320 sqm.

The entire area of extension amounts to

14.980 sqm (rear extension)

1.100sqm (glazed porch)

7.320 sqm (remodeling of existing sunroom)

23.40 sqm

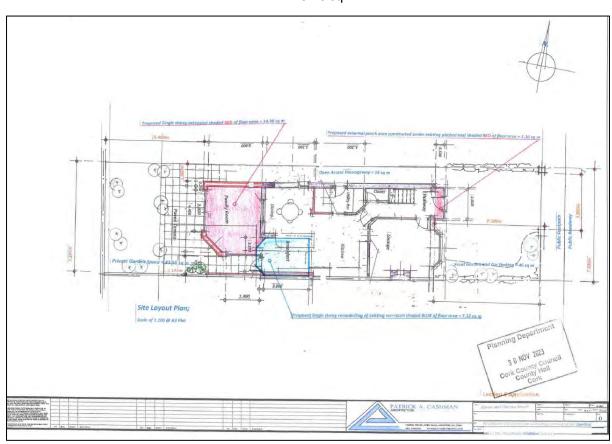


Figure 2: Site Layout Plan for 42 The Woodlands, Midleton.

The Applicant has confirmed that the remaining open attached to the dwelling comprises an enclosed private garden in excess of 43 sqm as well as car parking for two vehicles in the front garden amounting to an area in excess of 47 sqm. The maximum parapet height is less than 3.00m above ground level and roof deck level is 2.75m above ground level. There is also more than 1.00m separation between all flanking window and adjacent boundary walls — north and south elevations and approximately 6.50m separation to western boundary. It is stated that there is no first floor extension or alteration to first floor existing window fenestration.

Having regard for the question posed to the Planning Authority, the proposal constitutes "development" as set out under Section 3 of the Planning and Development Act 2000, in that "works", which by interpretation as set out under Section 2 of the Act, includes "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal", are proposed to be carried out on the subject site.

Is or is not development?

The first issue for consideration is whether or not a proposed new window at GF level, construction of a glazed porch & domestic rear extension and a new flat roof over an existing sunroom is 'development' which is defined in Section 3(1) and 'works' is defined in Section 2(1) of the Act. It is considered that the development as described by the Referrer clearly falls within the definition of 'development'.

Is or is not exempted development?

Rear flat roofed domestic extension & rear flat roof & re-modelling of existing sun room

Class 1, of Part 1, Schedule 2 of the Regs, which pertains to development within the curtilage of a house, allows for the extension of a house, up to 40sq.m, to the rear of the house. This is regarded as exempted development for the purposes of this Act, however, is subject to a number of caveats.

Upon review of the conditions and limitations set out under Column 2, pertaining to Class 1 of the exempted development provisions, it is considered that none of these are applicable to the development proposed. The proposed rear flat roofed domestic extension (14.980sqm) and flat roof over and re-modeling of existing sunroom (7.320sqm) is exempted development.

Cosmetic Alterations

With respect to the proposed cosmetic alterations to the dwelling (namely the proposed new window at GF level, sidelights at the main entrance associated with the porch) I would be satisfied that these could be considered "exempt development "as per S4(1)(h) of the Act as these changes would not materially affect the external appearance of the structure so as to render the appearance inconstant with the character of the structure or of neighbouring structures.

<u>Porch</u>

The proposed glazed front porch which has a floor area of 1.10sqm is considered "exempted development" as it does not exceed a floor area of 2sqm, is not situated less than 2m from the road and the height of the structure is less than 4m as required for a tiled or slated pitched roof. The proposed porch is therefore in accordance with Schedule 2, Article 6, class 7 of the regulations.

Recommendation

It is considered that a proposed new window at GF level, construction of a glazed porch & domestic rear extension and a new flat roof over an existing sunroom is works and amounts to development. The issue to be considered is whether the development is exempted development or not.

The Planning Authority has concluded that a proposed new window at GF level, construction of a glazed porch & domestic rear extension and a new flat roof over an existing sunroom at 42 The Woodlands, Midleton "is development and is exempted development".

Alannah Hurley

Assistant Planner 14/12/2023

Hamah Huday

Patrick A Cashman Associates

Architecture + Project Management
Established 1987

W. S. PARTIMENT

The Secretary
Planning Department
Cork County Council
Floor 2
County Hall
Carrigrohane Road
Cork.

30/11/2023.

Re;

Application for Section 5 Declaration of Exemption.

Extension to No 42 The Woodlands, Midleton, Co Cork For, Eanna and Theresa Powell.

Dear Secretary

Our clients propose to complete the detailed and scheduled works shown on the drawings accompanying this application. They are the registered owners of the subject site and dwelling.

The works may be scheduled as follows;

- 1 Insertion of a window unit at ground floor level measuring 2.00m high x 0.800mm wide on the northern elevation of the existing dwelling.
- 2 Construction of glazed porch with sidelights at main entrance located under the existing tiled canopy over existing front door.
- 3 Construction of flat roofed domestic extension to the western (rear) elevation of the existing dwelling the floor area of same is approximately 14.980 sq m
- 4 Construction of flat roof over and re-modelling of existing sun room on western (rear) elevation the floor area of same is approximately 7.320 sq m.

The entire area of extension amounts to;

14.980 sq m

7.320 sq m 1.100 sq m.

Total

23.40 sq m

We confirm that the remaining open/amenity space attached to the dwelling comprises an enclosed private garden in excess of 43 sq m as well as adequate car parking for two vehicles in front garden space amounting to an area in excess of 47 sq.m.

We confirm that the maximum parapet height is less than 3.00m above ground level and roof deck level is 2.75m above ground level.

There is more than 1.00m separation between all flanking windows and adjacent boundary walls – north and south elevations and approximately 6.50m separation to western boundary.

There is no first floor extension or alteration to first floor existing, window fenestration.

3 0 NOV 2023

CORK COUNTY COUNCIL

County Hall, Cork

We enclose the following documents for your consideration;

- 4 no copies of duly completed and signed application form including appended contact details for our clients
- 2 4 no copies of O.S Map to scale of 1.10,650 @ A3 Plot
- 3 4 No copies of O.S Map to scale of 1.1000 @ A4 Plot
- 4 4 no copies of site Layout Plan to Scale of 1.100 @ A3 Plot
- 5 4 Sets of Floor Layout plans to scale of 1,100 @ A3 Plot
- 6 4 Sets of elevations and cross section to scale o 1.100 @a3 Plot.

Our clients payment of € 80.00 will be lodged with these documents

We trust that our clients application can be considered and we await your decision on the application in due course

Yours faithfully

Patrick A Cashman

30/11/2023

Patrick A Cashman
Dip ArchT Dip P.M. CIOB IPMI IAAS
Farren House
Cork Road, Midleton, Co Cork

T 086 2768482

E patrickacashman@gmail.com





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 $\sqrt{\ }$)

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FOR OFFICE USE ONLY

Receipt No.	PL9004 L893
Cash/Cheque/ Credit Card	Card
Date	30/11/2023
Declaration Ref. No.	2/3/3/20

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 (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.

30 MON SARS

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,

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

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

EAHHA + THOUGH DONALL

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

- 10 A2 THE WOODLAHDS.

CLUBE TO WIDLEON COCORD

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

1. VERTICAL WHOON ATC. FLOVER ON HORMORY GOVERNORY
2. GLAZOD DORCH CONCRUCIED CHOOSE OXISTING
COMODY OF ESSIDEM (FROM) GLOVOSTION.
3. CONSIDERCTION OF HEN FLAN ROOFED SMIGHE STOREY
CRIDISION OH WBIDDLY (ROOR) CLOVESTON 3498SOM
1 ROMONOCCING + DOWNING FLAT ROOF OURD
ORIGING SUM-RM ON WOMEN GLORATION - +732 SOW
Planning Department
6003
Cork County Council
Cork Control
2

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 ²)

(a) Floor area of existing/proposed structure(s):	
(a) Proof area of existing/proposed structure(s).	498+7-32 = 2230 SOM
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes No If yes, please provide floor areas (m²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following:	
Existing/previous use	Proposed use
Downsuc / Perlate Dudling	HO CHAHGE
(d) Are you aware of any enforcement proceedings connected to this site?	Yes No V If yes, please state relevant reference number(s):
5. LEGAL INTEREST OF APPLICANT IN T	THE LAND/STRUCTURE:
5. LEGAL INTEREST OF APPLICANT IN T Please tick appropriate box to show applicant's legal interest in the land or structure: Where legal interest is "Other", please state your interest in the land/structure: If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	A. Owner B. Other Planning Department 3 0 NOV 2023
Please tick appropriate box to show applicant's legal interest in the land or structure: Where legal interest is "Other", please state your interest in the land/structure: If you are not the legal owner, please state the name of the owner/s (address to be supplied at	A. Owner B. Other Planning Department 3 0 NOV 2023 Cork County Hall
Please tick appropriate box to show applicant's legal interest in the land or structure: Where legal interest is "Other", please state your interest in the land/structure: If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	A. Owner B. Other Planning Department 3 0 NOV 2023 Cork County Council RCHITECTURAL CONSERVATION AREA:
Please tick appropriate box to show applicant's legal interest in the land or structure: Where legal interest is "Other", please state your interest in the land/structure: If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details): 6. PROTECTED STRUCTURE DETAILS / A Is this a Protected Structure/Proposed Protected Str	A. Owner B. Other Planning Department 3 0 NOV 2023 CORE COUNTY COUNTY RCHITECTURAL CONSERVATION AREA: ucture or Within the curtilage of a Protected unning & Development Act 2000 been requested
Please tick appropriate box to show applicant's legal interest in the land or structure: Where legal interest is "Other", please state your interest in the land/structure: If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details): 6. PROTECTED STRUCTURE DETAILS / A Is this a Protected Structure/Proposed Protected Structure: Yes No If yes, has a Declaration under Section 57 of the Plant	A. Owner B. Other Planning Department 3 0 NOV 2023 CORE COUNTY COUNTY RCHITECTURAL CONSERVATION AREA: ucture or within the curtilage of a Protected unning & Development Act 2000 been requested

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.corkeoco.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 informatio	n to be processed for the purpose stated a	above
Signed (By Applicant Only)	Trovell	Effeull	
Date	30/11/00	23	

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, explicit consent to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

and to having your information processed for the following purposes:

- 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;

Planning Department

Sensitive personal data being submitted in support of Declaration of Exemption Application

Delicit, o pers.	31111	T. C.	
I give permissi	ion f or my sens itive personal da	uta submitted to the Planning Author	ity to be processed
for the purpose star	ed above.	() []	
Signed	Howell	lefael!	
Date	20/11	10003	

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.

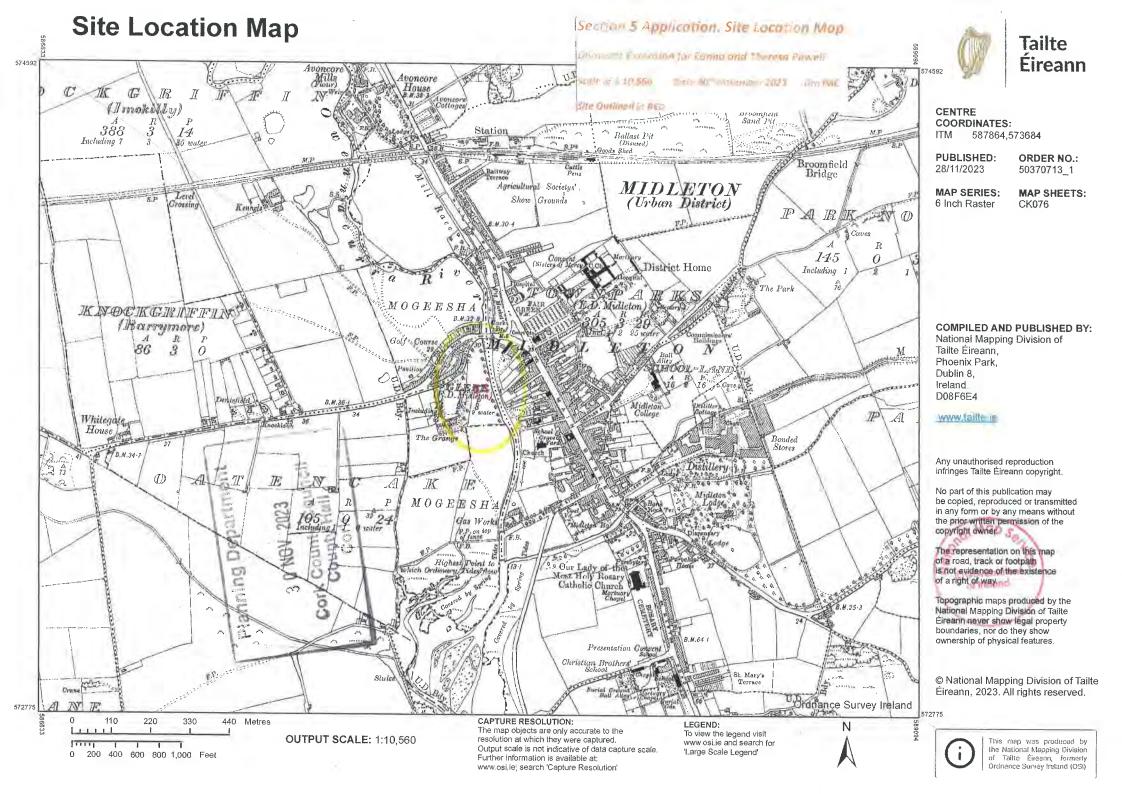
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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.

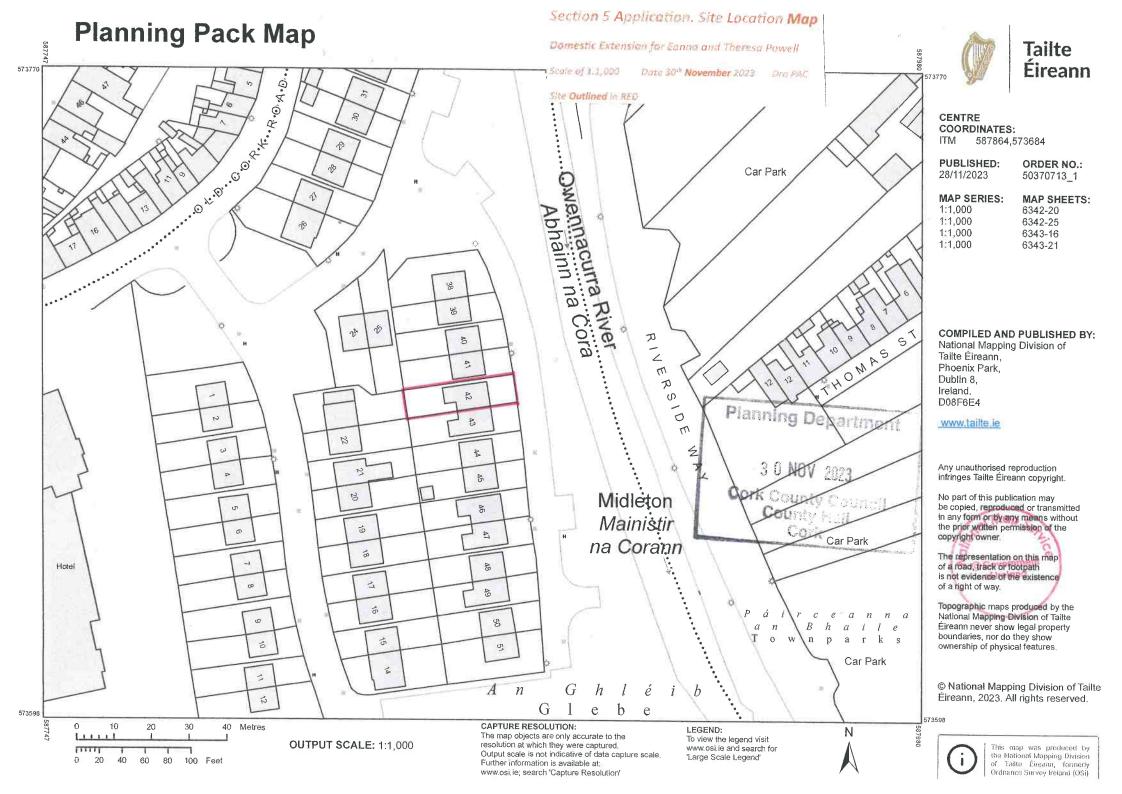
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be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

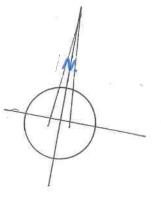
Signed (Applicant or Agent as appropriate)	Powell	Glad 1
Date	30/11/00	23

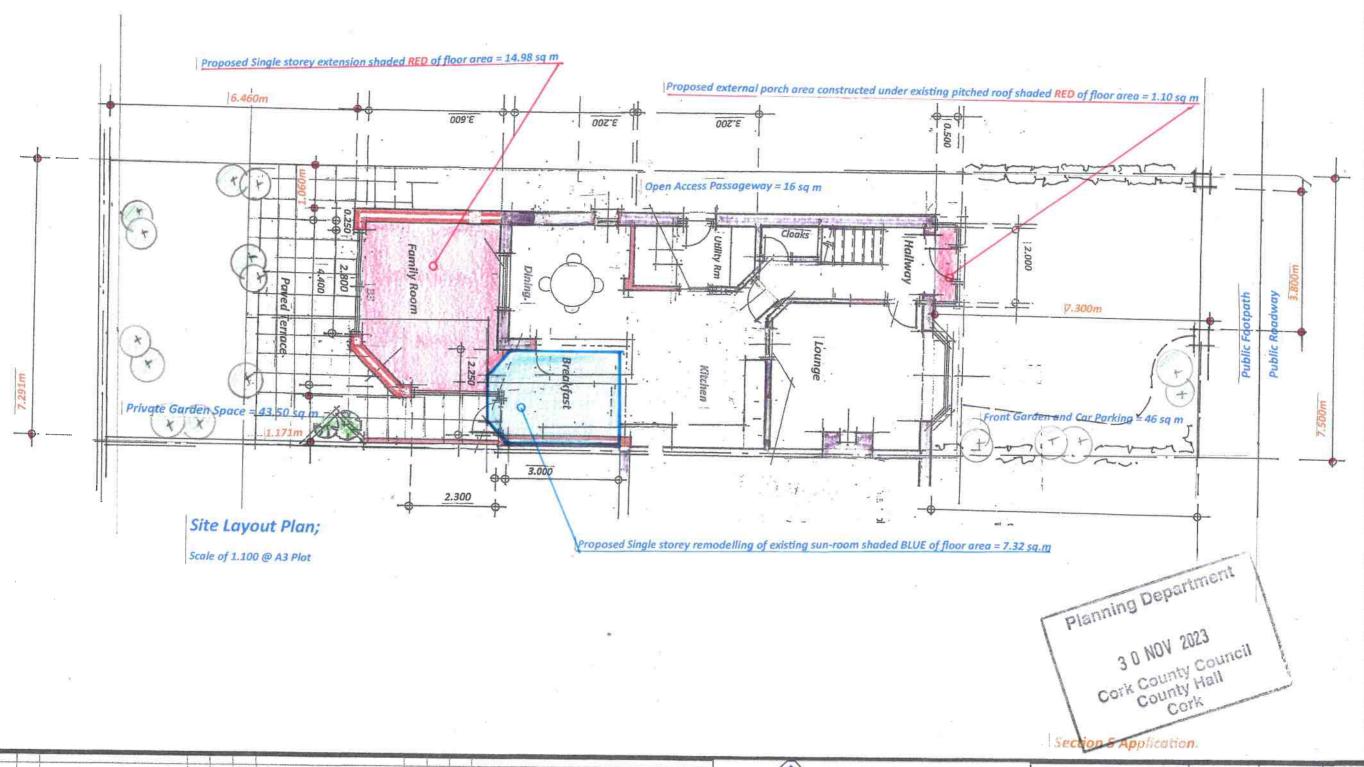












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