

Comhairle Contae Chorcaí Cork County Council

Katarzyna Zgolak,
63 Droimneach,
Bweeng,
Co. Cork.
P51 EOK1

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891
R-phost: planninginfo@corkcoco.ie
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



21st December 2023

REF: D/310/23
LOCATION: 63 Droimneach, Bweeng.

**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 24th November 2023 the Planning Authority, having considered the question whether or not the construction of a single storey extension to the rear of the existing dwelling is or is not exempted development at **63 Droimneach, Bweeng, 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:

- Sections 2 and 3 of the Planning and Development Act, 2000 (as amended),
- Schedule 2, Part 1, Class 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)
- Article 9 of the Planning and Development Regulations, 2001 (as amended) and
- The particulars received by the Planning Authority on 24th November 2023

And Whereas Cork County Council has concluded that –

The proposed construction of a single storey extension to the rear of the existing at **63 Droimneach, Bweeng, Co. Cork is development and is exempted development.**

Having regard to original parent planning permission relating to the land (An Bord Pleanála Ref: 04.214892), it is also noted that the development subject of the question before the Planning Authority would not appear to contravene any conditions of that permission that would render it de-exempt under article 9 of the regulations. i.e. the carrying out of the subject development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

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

Please note 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>

- I. Application Type – Section 5 Declaration
- II. Description - Whether or not the construction of a single storey extension to the rear of the existing dwelling is or is not development and is or is not exempted development.
- III. Location – 63 Droimneach, Bweeng, Co. Cork, P51 E0K1
- IV. Applicant – Katarzyna Zgolak

1.0 Requirements for a Section 5 Declaration Application

Section 5(1) of the Planning and Development Act as amended states:

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this 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.

2.0 The Question Before The Planning Authority

Whether or not the construction of a single storey extension to the rear of the existing dwelling is or is not development and is or is not exempted development.

The following works are shown/annotated on the submitted drawings:

- 23 sq m rear extension with a mono pitch roof (3.9 m x 6.16 m);
- Eaves height of 2.7 m;
- Maximum height of 3.2 m;
- Render finish; and
- Roof tile to match the existing.

In the interests of clarity, it should be highlighted that the Section 5 declaration relates solely to the construction of the single storey extension to the rear of the dwelling as per Q3 of the submitted form.

3.0 Site Location

- I. The subject site is located at 63 Droimneach, Bweeng, Co. Cork, P51 E0K1 and comprises a semi-detached two storey dwelling house.

4.0 Relevant Planning History

There is no relevant planning history pertaining to the subject dwelling.

I note ENF 23/159 in relation to the dwelling.

5.0 Relevant Planning Legislation and Regulations

Planning and Development Act 2000, (as amended)

Section 2(1) of the Act defines “works” as follows:

“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.

Section 3 (1) of the Act defines “development” as follows:

“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.”

Planning and Development Regulations, 2001 (as amended)

Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2021 (as amended) states:

‘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.’

6.0 Planning Assessment

Works is defined in the Act as *‘the carrying out of works on, in, under or works and includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’*.

Having regard to the above, it can be reasonably determined that the construction of a single storey extension to the rear of the existing dwelling is development.

The question before the Planning Authority is to determine, whether or not construction of a single storey extension to the rear of the existing dwelling is or is not exempted development.

Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2021 (as amended) states *‘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.’* subject to the following conditions and limitations:

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

The extension is annotated as 23 sq m. From review of available aerial photography and the pattern of the rear projections, it appears that the dwelling has not previously been extended. I note that the property does not have any roof lights that would facilitate the conversion at attic level.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

The extension is single storey therefore there is no floor area proposed above ground level.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

Not applicable - refer to 1(a).

2. *(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*

Not applicable - refer to 1(a).

(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.

Not applicable - refer to 1(a).

(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.

Not applicable - refer to 1(a).

3. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

The extension is single storey therefore there is no floor area proposed above ground level.

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.*

The height of the walls of the extension do not exceed the height of the original 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.

Not applicable – refer to 4 (a).

(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.

The maximum height of the extension (3.2 m) does not exceed the highest part of the existing 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.

The submitted drawing indicates that 30 sq m of private open space will be retained to the rear of the dwelling house.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

The window/door on the eastern elevation is in excess of 1 m from the shared boundaries.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

Not applicable.

(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.

Not applicable.

7. The roof of any extension shall not be used as a balcony or roof garden.

The submitted drawings do not indicate that the roof of the extension is to be used as a balcony or roof garden.

Having regard to the above, it is considered that the conditions and limitations of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2021 (as amended) have been met and the works are exempted.

7.0 Recommendation

In considering this referral, regard has been had to:

- (a) Sections 2 and 3 of the Planning and Development Act, 2000 (as amended);
- (b) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001 (as amended)

And whereas, the Planning Authority has concluded that:

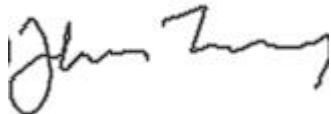
- (a) The works constitute 'works' that are 'development'.
- (b) The works **is development and is exempted development.**

Ciara Cosgrave
Assistant Planner
13.12.2023

.....
I note the above assessment.

Having regard to original parent planning permission relating to the land ABP ref: 04.214892, it is also noted that the development subject of the question before the Planning Authority would not appear to contravene any conditions of that permission that would render it de-exempt under article 9 of the regulations. i.e. the carrying out of the subject development would not contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

Based on the question put forward and the information submitted the recommendation is endorsed.



John Tierney
A/Senior Executive Planner
20/12/2023



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:

FOR OFFICE USE ONLY

Receipt No.	CACO185754
Cash/Cheque/ Credit Card	CASH
Date	24/11/2023
Declaration Ref. No.	D/310/23

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

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

KATARZYNA ZGOLAK

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

63 DROIM NEACH
BWEENING
CO. CORK
P51 EOK1

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

IS THE PROPOSED SINGLE STOREY
EXTENSION TO THE REAR OF THE
EXISTING DWELLING EXEMPTED
DEVELOPMENT

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 (m²)

(a) Floor area of existing/proposed structure(s):	23 square meters
(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 <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas (m ²) 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 _____	
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please state relevant reference number(s): EF/23/159

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:

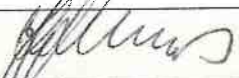
Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

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	23/11/2023

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.

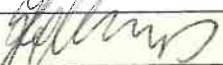
Special Categories of data / Sensitive Personal data include:

- 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	23/11/2023

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.

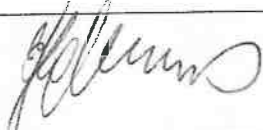
ADVISORY NOTES:

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.

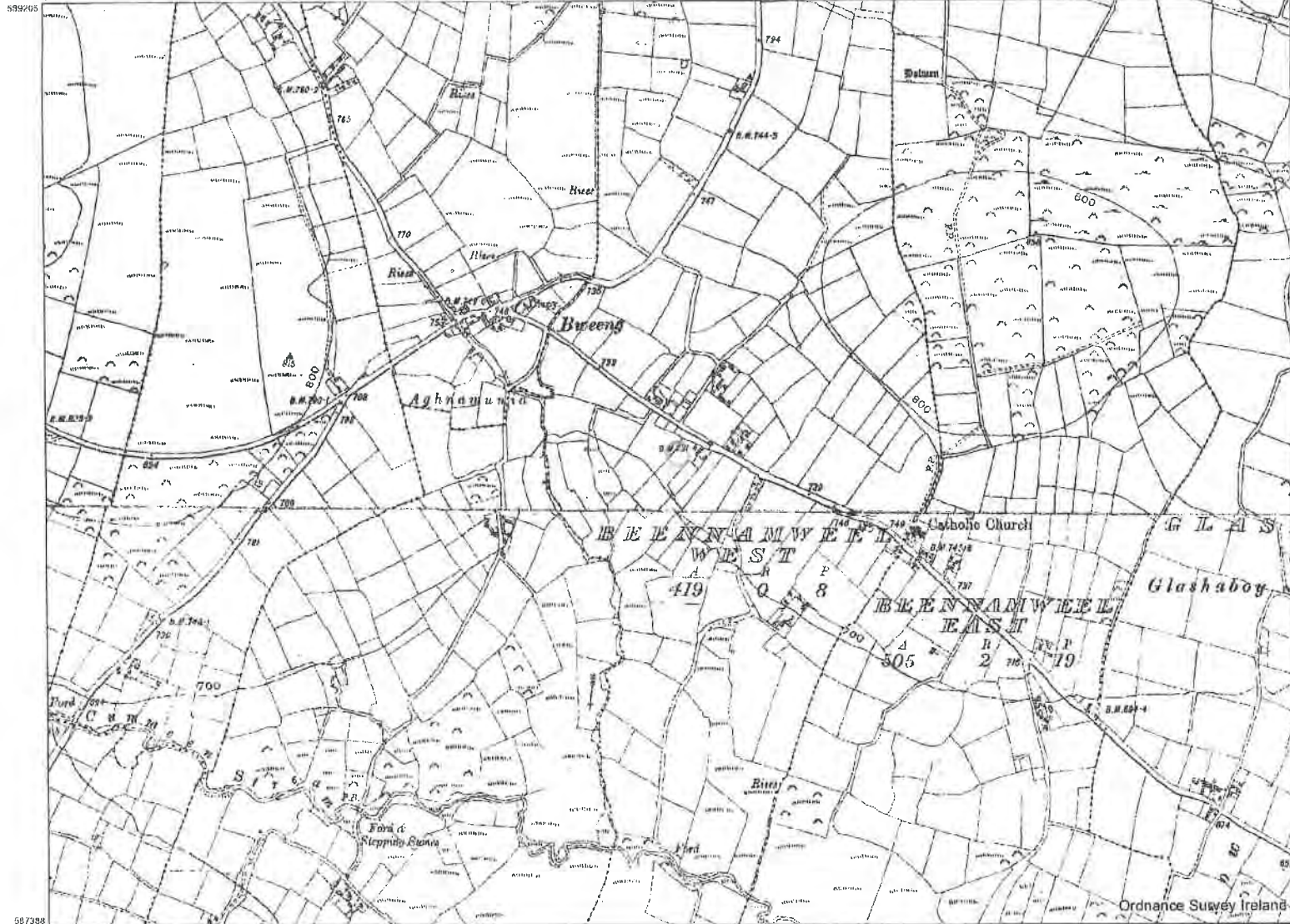
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant, to submit information on the question which has arisen and 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 Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	
Date	23 / 11 / 2023

Site Location Map



CENTRE COORDINATES:
ITM 550336,588297

PUBLISHED: 19/11/2023
ORDER N: 50369089

MAP SERIES: 6 Inch Raster
MAP SHE: CK041
6 Inch Raster CK050

COMPILED AND PUBLISHED BY:
National Mapping Division of
Táirte Éireann,
Phoenix Park,
Dublin 8,
Ireland
D08F6E4

www.tairte.ie

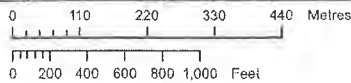
Any unauthorised reproduction infringes Táirte Éireann copyright

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.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Topographic maps produced by the National Mapping Division of Táirte Éireann never show legal proper boundaries, nor do they show ownership of physical features.

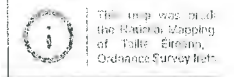
© National Mapping Division of Táirte Éireann, 2023. All rights reserved.



OUTPUT SCALE: 1:10,560

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

LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'



This map was made by the National Mapping Division of Táirte Éireann, Ordnance Survey Ireland.

Planning Pack Map



Taithe Éireann



CENTRE COORDINATES:
ITM 550336,588297

PUBLISHED: 19/11/2023 **ORDER #:** 50369085

MAP SERIES: 1:2.500 **MAP SHEET:** 6097-D

COMPILED AND PUBLISHED BY:
National Mapping Division of Taithe Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.taithe.ie

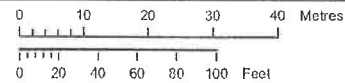
Any unauthorised reproduction infringes Taithe Éireann copyright

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.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Topographic maps produced by National Mapping Division of Taithe Éireann never show legal property boundaries, nor do they show ownership of physical features.

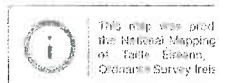
© National Mapping Division of Taithe Éireann, 2023. All rights reserved.



OUTPUT SCALE: 1:1,000

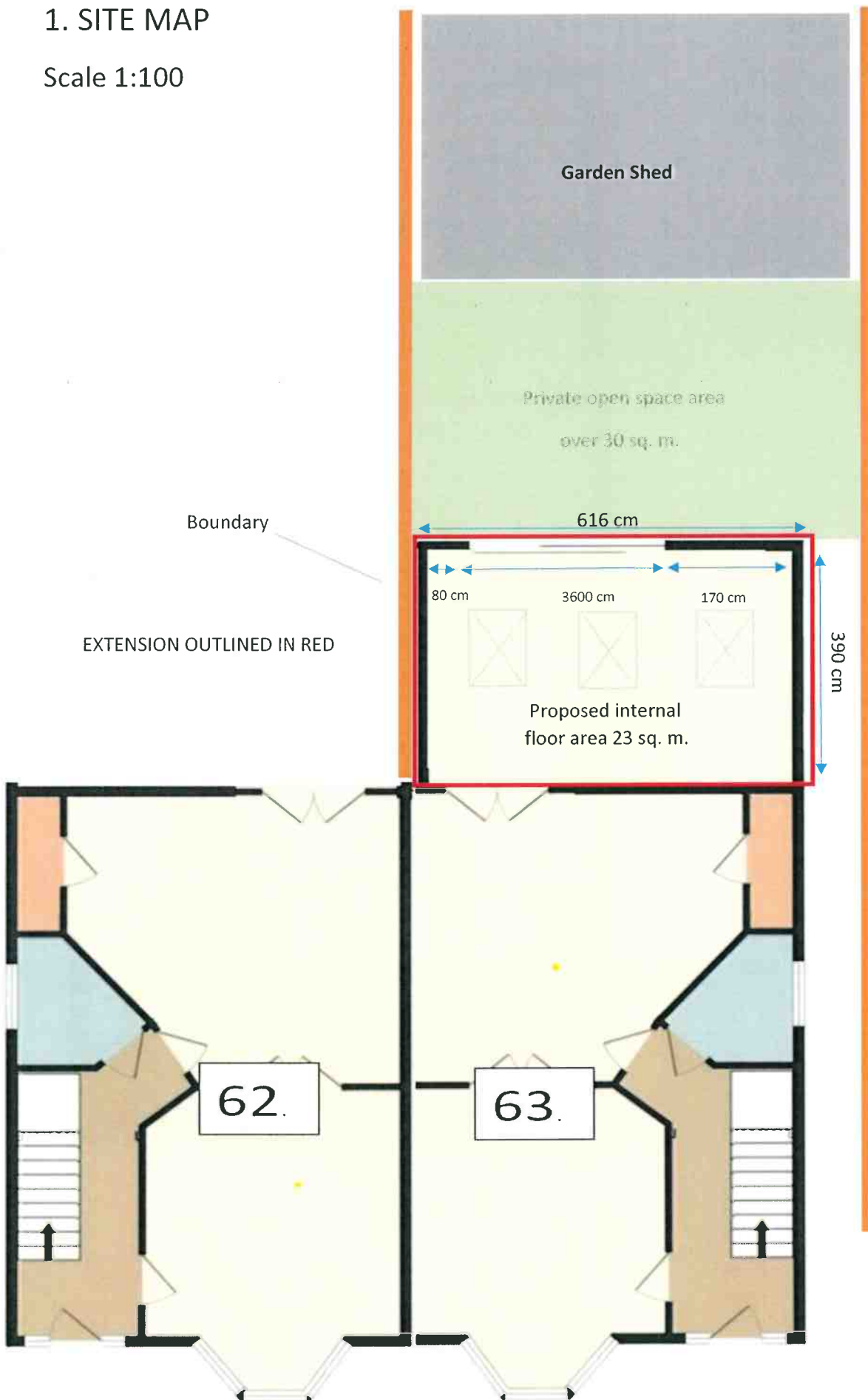
CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.osi.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'



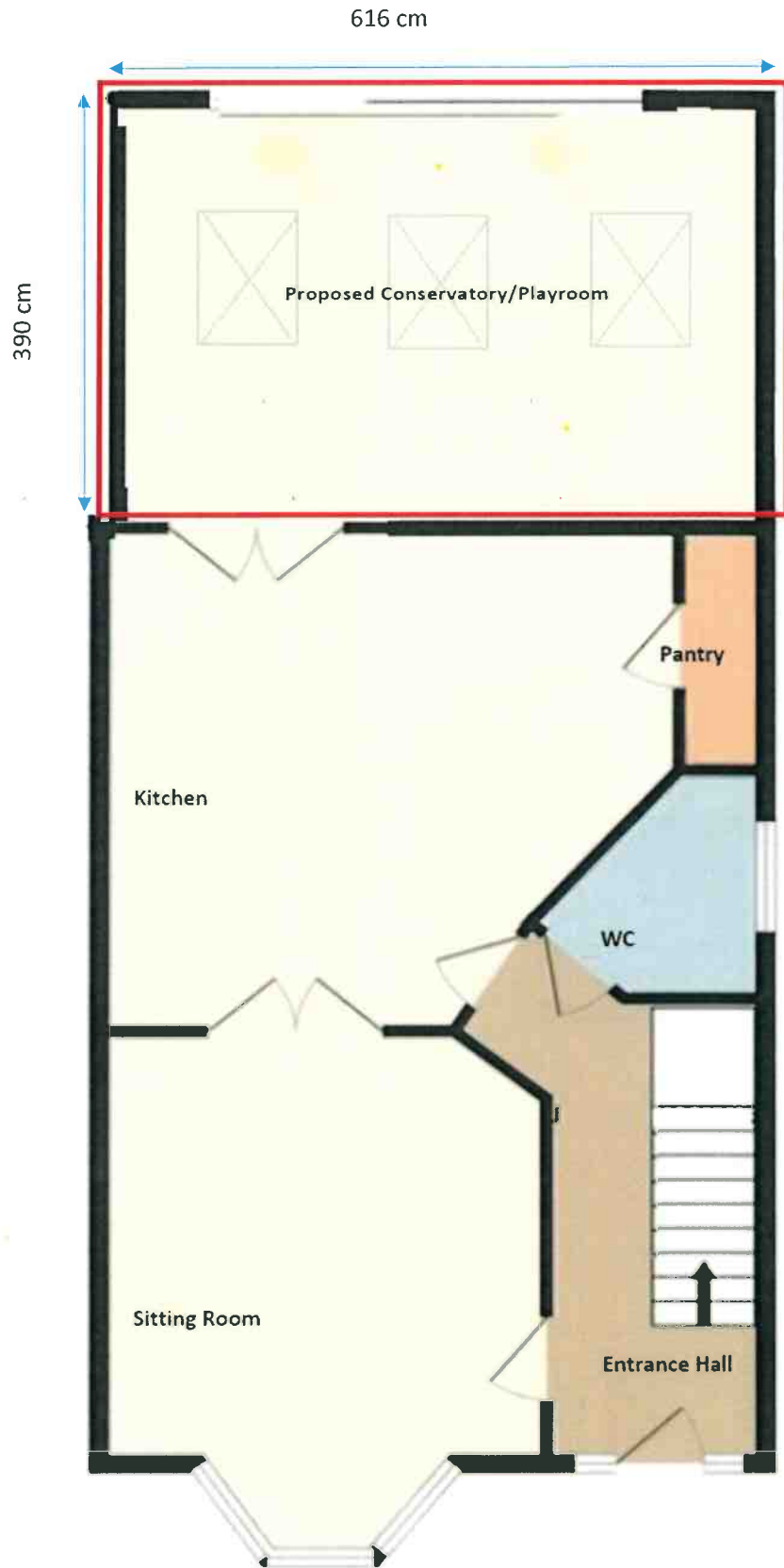
1. SITE MAP

Scale 1:100



2. FLOOR PLAN

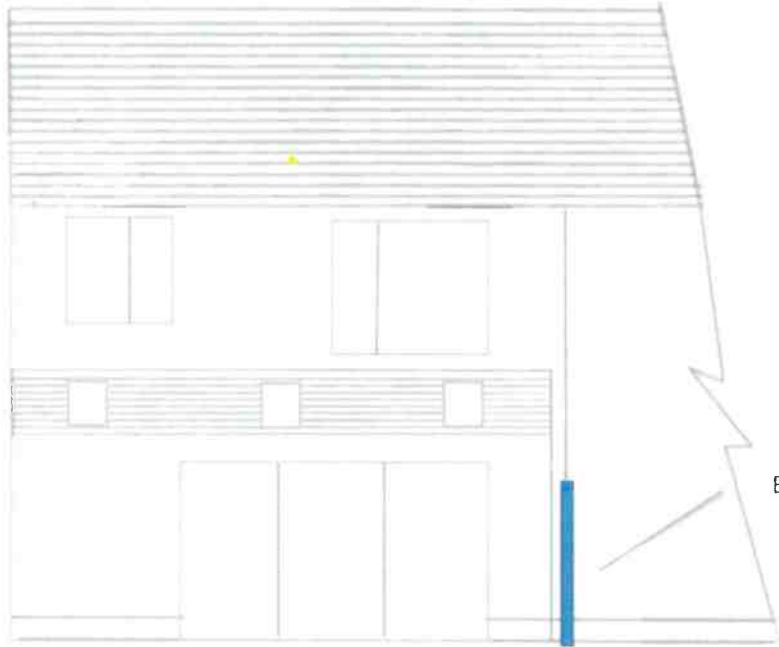
Scale 1:75



3. SIDE ELEVATION

Scale 1:100





PROPOSED REAR ELEVATION

Scale 1:100

ALL EXTERNAL IN HARMONY IN COLOR
AND TEXTURE AS MAIN DWELLING

Existing boundary fence

FRONT ELEVATION

NO CHANGE



Extension Roof Plan – 3x Velux windows

Scale 1:50

