

# Comhairle Contae Chorcaí Cork County Council

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Planning Section, Norton House,  
Cork Road, Skibbereen,  
Co. Cork P81 AT28.  
Tel: (028) 40340 • Fax: (028) 21660  
Web: [www.corkcoco.ie](http://www.corkcoco.ie)



Mairead O'Shea &  
Patricia O'Driscoll,  
c/o Denis Scannell,  
15, Wolfe Tone Way,  
Clonakilty,  
Co. Cork.

28<sup>th</sup> September, 2023.

Our Ref: D/33/23.

RE/ **Declaration request on exempted development under Section 5  
of the Planning & Development Act, 2000 (as amended).**

Dear Sir,

On the basis of the information and plans submitted on 12<sup>th</sup> September, 2023 on behalf of Mairead O'Shea & Patricia O'Driscoll, the Planning Authority declares that the rear extension at No. 4 Tawnies Upper, Clonakilty, Co. Cork is development and is exempted development coming within the scope of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001 (as amended).

Please note that any material departure from the proposals as submitted may remove the development from the Exempted category and require the submission of an application for 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.*

*Receipt No. WCP12120, in respect of €80.00, is issued herewith.*

Yours faithfully,

  
**KEVIN O'REGAN**  
**SENIOR EXECUTIVE OFFICER**

REG. No. \_\_\_\_\_  
PLANNING (WEST) DEPT  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

REG. No. \_\_\_\_\_  
PLANNING (WEST) DEPT  
02 OCT 2023  
CORK COUNTY COUNCIL  
NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

NAME OF APPLICANT: Patricia O Driscoll & Mairead O Shea  
ADDRESS OF DEVELOPMENT: No 4 Tawnies Upper Clonakilty  
DEVELOPMENT: Extension to dwelling  
APPLICATION TYPE:- Exempted Development

### Assessment

Consideration as to whether a development constitutes exempted development or not is governed by Sections 4 and 5 of the Planning and Development Act 2000 and Articles 5,6,7,8,9,10 and 11 of the Planning and Development Regulations 2001-2018.

#### *Is the proposal development?*

The proposal comes within the definition of development in S.3 of the Planning and Development Act 2000 for the following reason:-

In the Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making or any material change in the use of any structures or other land.

#### *Is the proposal exempted development?*

The proposed development as described in the application form, and from visual inspection of the site, falls under Part 1 Class 1 of the Second Schedule of the 2001-2018 Planning and Development Regulations.

The Class Definition is-.*The extension of a house by the construction or erection of an extension (including a conservatory) to the rear of a 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 dwelling house is located within the rural countryside in a standalone site with distant view out over Galley Head

#### The relevant conditions for this class are as follows:

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

**House extension is a stated 29sq/m which is well below under the 40q/m exemption.**

(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.*

**N/A single story extension**

(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.*

**N/A single story extension**

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.*

**House has not been extended previously, this is the only extension**

*(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.*

**N/A single story extension**

*(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.*

**No previous extensions have occurred**

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

**N/A single story extension**

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.*

**This is considered to be complied with from the drawings submitted flat roof single story extension**

*(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*

**N/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.*

**It is clear from the information provided if the flat roof proposed is single story level as this has been indicated on the drawings**

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 rear garden appears from the drawings to be large there is a large distance between the extension and the rear boundary well in excess of 25 sq/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.

This drawings and layout provided show the extension access door and window on eastern elevation to be approximately 4.3 away from the boundary it faces, the rear boundary windows are 46 metres away from the rear boundary, no windows are existing at the western side party boundary. This is considered to comply

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

**The extension is single story, so this is 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.

**N/A semi-detached dwelling**

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

**This has not been indicated however there is no access to the flat roof as the dwelling is single story**

**Conclusion:**

Submitted drawings are considered to show the proposed development to be exempted development.

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**Kate Killian**  
**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:**

✓
✓
✓
✓
✓
✓
✓

REG. No. D/33/23  
 PLANNING (WEST) DEPT  
 12 SEP 2023  
 CORK COUNTY COUNCIL  
 NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28

**FOR OFFICE USE ONLY**

<b>Receipt No.</b>	
<b>Cash/Cheque/ Credit Card</b>	
<b>Date</b>	
<b>Declaration Ref. No.</b>	

**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.*



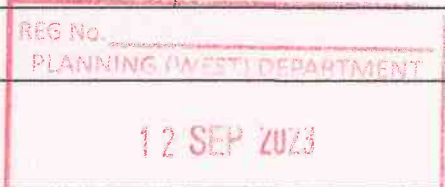


**4. APPLICATION DETAILS:**

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):	2990 m <sup>2</sup>
(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 _____ _____  Proposed use _____ _____	N/A
(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

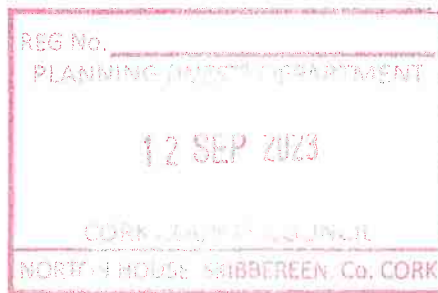
Signed (By Applicant Only)	Patricia O'Scalle Mairead O'Shea
Date	11/09/2023

**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	Patricia O'Scalle Mairead O'Shea
Date	11/09/2023

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](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westecorkplanninginfo@corkcoco.ie](mailto:westecorkplanninginfo@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.**



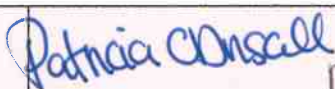

**ADVISORY NOTES:**

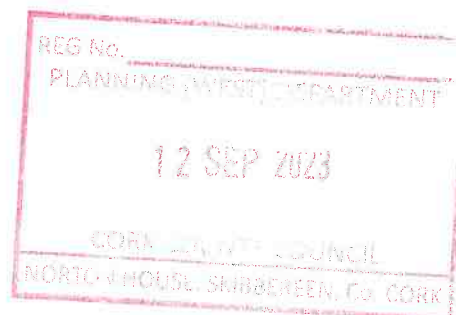
The application must be accompanied by the required fee of €80  
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.  
 Sufficient information should be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

<i>Signed (Applicant or Agent as appropriate)</i>	 
Date	11/09/2023,



# Site Location Map



Tailte  
Éireann

**CENTRE  
COORDINATES:**  
ITM 537401.542604

**PUBLISHED:**  
14/08/2023

**ORDER NO.:**  
50351336\_1

**MAP SERIES:**  
6 Inch Raster  
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CK135

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CK135

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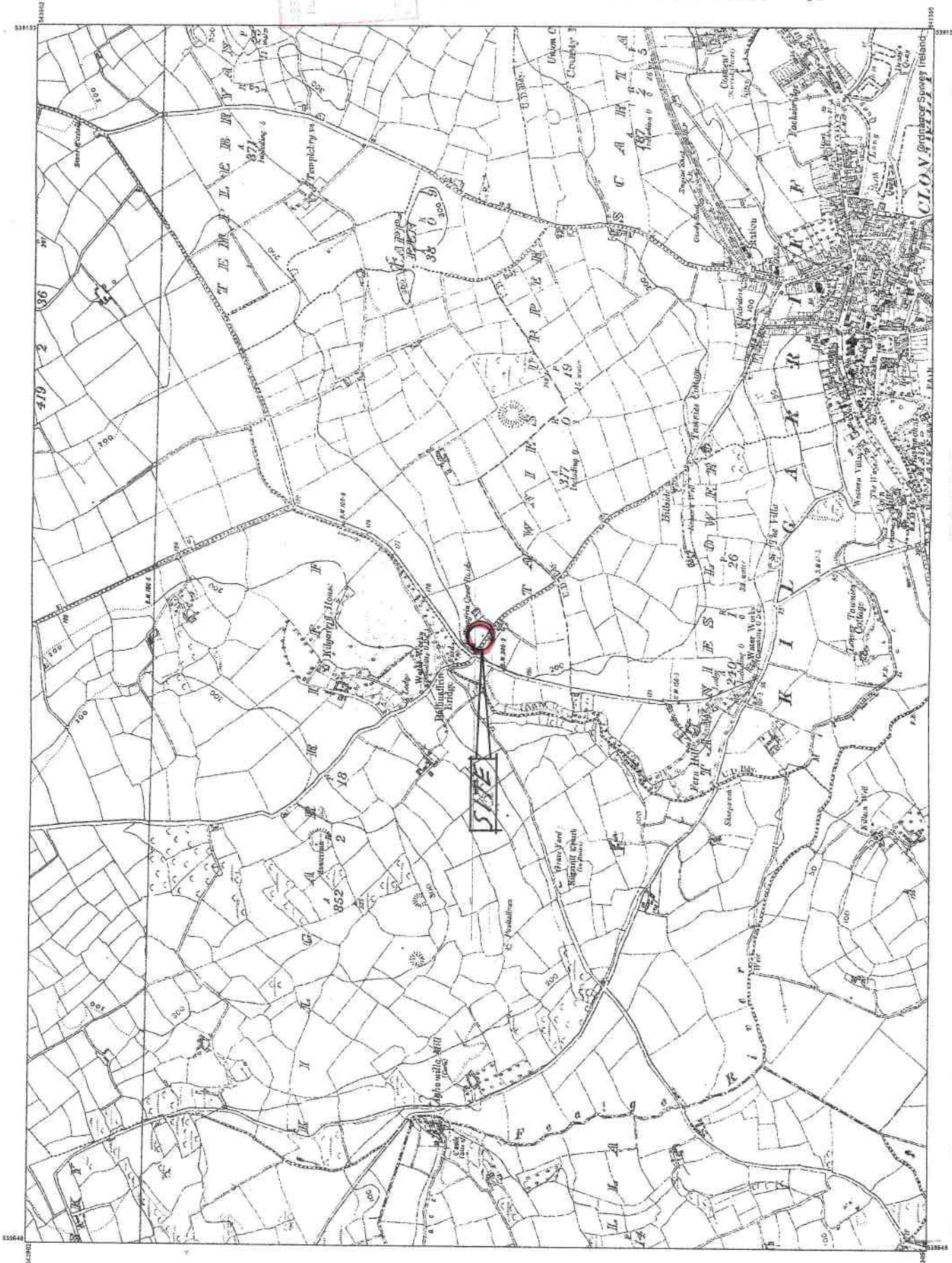
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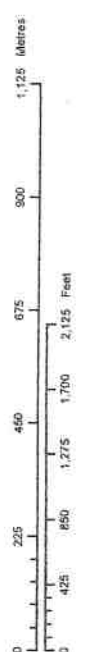
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1/4



# Planning Pack Map



# Tailte Éireann

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**MAP SERIES:**  
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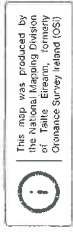
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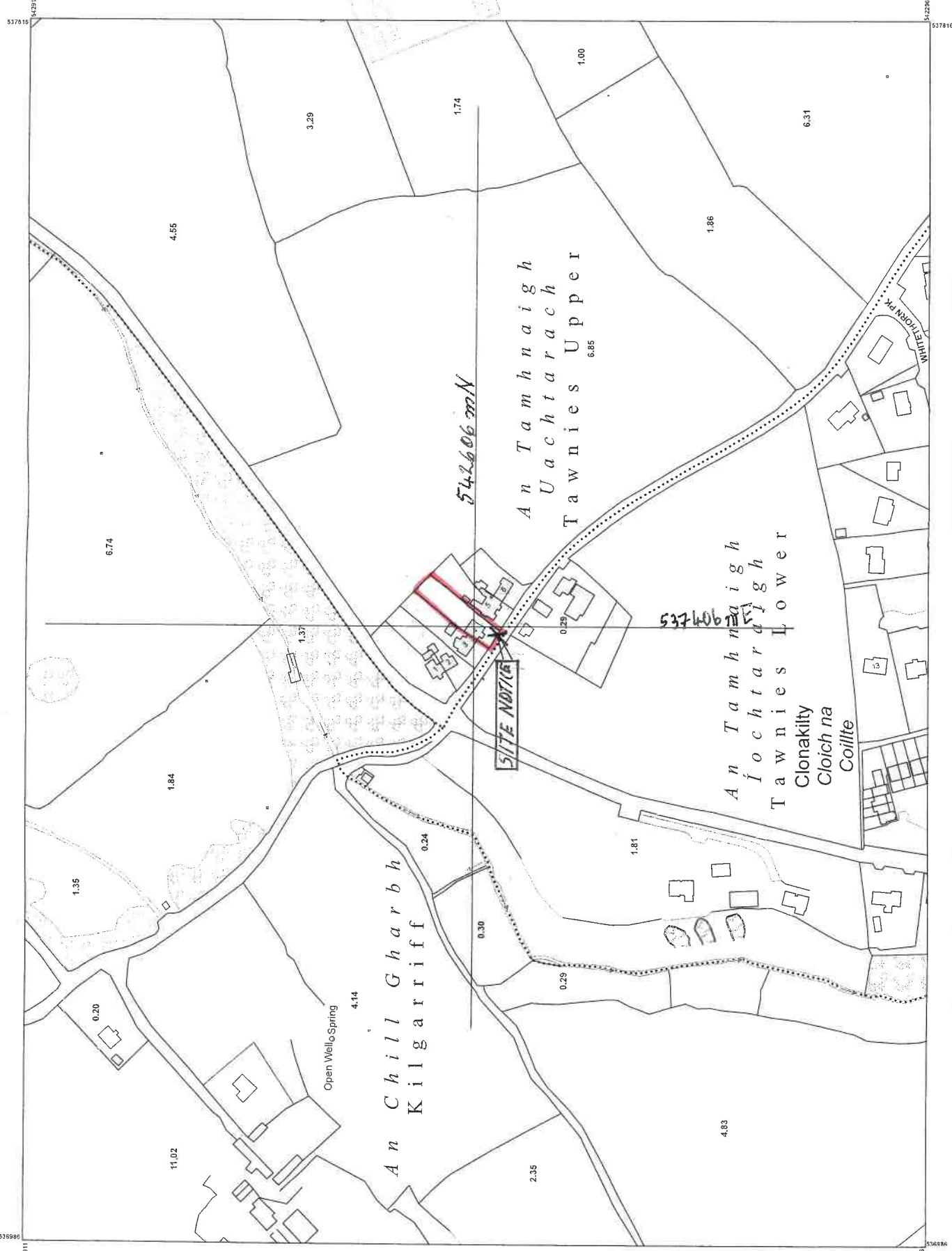
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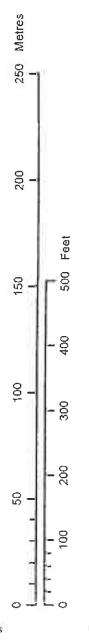
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**OUTPUT SCALE:** 1:2,500



538986 42911 537816 542911 537816

**LEGEND**

- Existing Dwellinghouse.....
- Existing Rear Extension (Exempt).....
- Existing Front Porch (To Be Retained).....

**DRAWINGS**

- 1- 6" SITE LOCATION
- 2 - 1/ 2500 SITE LOCATION
- 3 - 1/ 2500 SITE LAYOUT
- 4 - PLANS, ELEVATIONS & SECTION

**PLANNING DRAWING**

DRG. ISSUED FOR	DATE	APPROVED
Approved		
Revised		
Finalized		
Final Cost		
Contract		
Construction		

Revision	Detail	Date	Rev. By

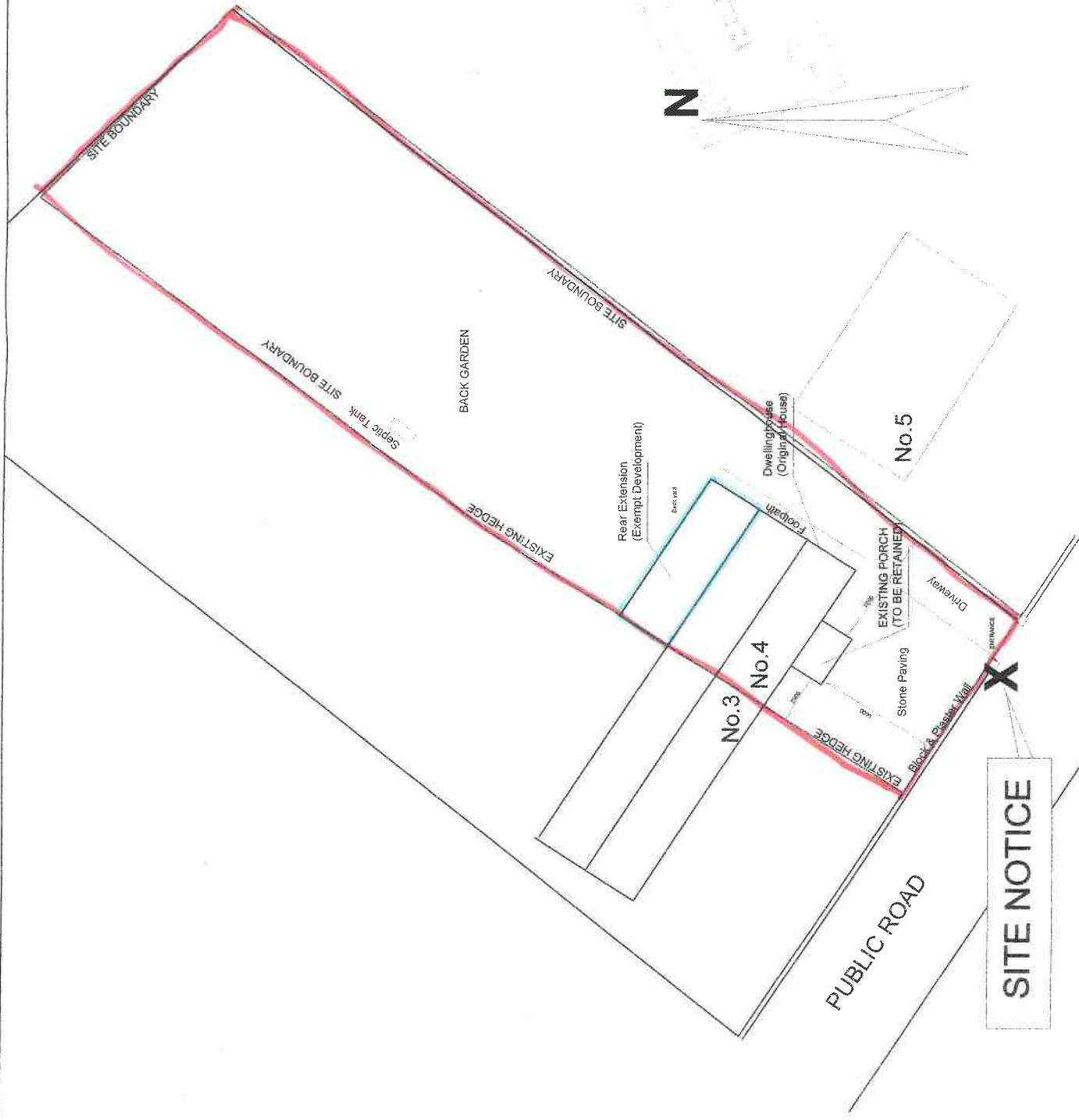
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Prepared By: Chris Stewart, BEC Eng. M. J.E.I.  
 Consulting Engineer  
 15 Wolfe Tone Way  
 Clonsilla  
 Tel: 01-254 5499

Job No: 15/15/15/15/15  
 Client: Mr. & Mrs. James Upper  
 Location: Clonsilla

Dwg. Title: 1 / 2500 SITE LAYOUT

Date	Drawn	Dwg. No.	Rev.
15/15/15	CS	3	0



3/14

