

Finbarr O'Callaghan,
Calypso,
Hayes Hill,
Crosshaven,
Co. Cork
P43 RY60

6th May, 2025

REF: D/242/25
LOCATION: Calypso, Hayes Hill, Crosshaven, Co. Cork P43 RY60

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

Dear Sir,

On the basis of the information submitted by you on 9th April, 2025 the Planning Authority, having considered whether the change of a window to patio doors with a Juliet balcony at first floor level to the rear of dwelling at Calypso, Hayes Hill, Crosshaven, Co. Cork P43 RY60 is or is not development or is or is not exempted development, has declared that it is **not exempted development**.

Reason for Decision

The Planning Authority in considering this referral, had particular regard to

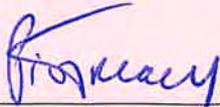
- the details submitted to the Planning Authority on the 9th April, 2025
- Sections 2, 3, 4 and 5 of the Planning and Development Act (2000, as amended)
- Article 9(1) of the Planning and Development Regulations (2001, as amended)

And Whereas the Planning Authority hereby concludes that

The change of a window to patio doors with a Juliet balcony at first floor level to the rear of dwelling at **Calypso, Hayes Hill, Crosshaven, Co. Cork P43 RY60** is development and is **not exempted development** as the development proposed would materially affect the external appearance of the dwelling so as to render its appearance inconsistent with the character of the dwelling and of neighbouring structures. Therefore, the proposed development is **not exempted development** as outlined in section 4(1)(h) of the Act.

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,



**PIO TREACY,
A/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>

Declaration on Exempted Development Under Section 5 of the Planning and Development Act 2000 as amended.

1.0 Introduction

1.1 Finbarr O Callaghan has submitted a Section 5 declaration asking whether the change of a window to patio doors with a Juliet balcony at first floor level to the rear of dwelling at Calypso, Hayes Hill, Crosshaven, Co. Cork P43RY60 is or is not development and is or is not exempted development?

2.0 Planning History and Policy



2.1 The following planning history relates to the subject site:

05/8851

Noel Grimes was refused permission for renovation and second storey extension to dwelling at Calypso, Hayes Hill, Crosshaven, Co. Cork.

81/716

David Cotter was granted planning permission for 2nd storey extension to dwellinghouse.

2.2 The site/property is located within the development boundary of Crosshaven as identified in the Cork County Development Plan 2022-2028 and is zoned 'Existing Residential/Mixed Residential and Other Uses'. Policy objective ZU 18-9 of the County Development Plan applies. The site/property is also located in a High Value Landscape where policy objectives GI 14-9 and GI 14-10 of the County Development Plan 2022-2028 apply.

2.3 It should be noted that the existing property is not a Protected Structure, not on the NIAH, not within an ACA and not within a flood extent zone as identified in the CDP 2022.

3.0 Relevant Legislation

- 3.1 According to Section 2(1) of the Planning and Development Act 2000 (as amended), the definition of “Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.
- 3.2 According to Section 3(1) of the Planning and Development Act 2000 (as amended), “Development” means, save where the context otherwise requires, the carrying out of works on, in or under land or the making of any material change in the use of any structures or other land.
- 3.3 Section 4(1)(h) of the Act is *“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.”*

4.0 Assessment

- 4.1 The application form outlines that the following is proposed:
- Changing an upstairs window to a patio door (dimensions 2200mm x 1840mm) with Juliet balcony safety railing,
 - Increasing the depth of the existing window opening (dimensions are 1020mm x 1840mm) and rerouting drainpipes,
 - The doors would be inward opening with an external metal safety railing 1100mm high, 1900mm across the width and 100mm from the wall.
- 4.2 The question being asked is whether the changing of this window as detailed represents exempted development? Firstly, having regard to the definition of ‘works’ as set out above, I am satisfied that the proposed development would constitute development. The next question is whether it would constitute exempted development?
- 4.3 The width of the window opening is not increasing but the height would be increasing by 1.18m. The style/look of the window would be changing from three window panes to two doors. The external appearance would also be altered by the construction of a metal safety railing measuring 1.9m in width and 1.1m in height.
- 4.4 Firstly, it is not clear from the planning history search that the existing dormer window has been authorized by a permission or an exemption certificate. If this window has been installed without either, then it possibly constitutes unauthorised development and where article 9(1)(a)(viii) may be triggered. I have examined history files and old aerial photographs and unfortunately cannot establish how long the window has been in place and/or if the window is authorized or not. A deferral could be sought to ask the owner about same if deemed necessary.
- 4.5 Leaving aside the issue of unauthorised development, I will assess the proposal as presented. The only exemption available to undertake external works to a dwelling is

Section 4(1)(h) of the Planning and Development Act 2000 as amended. This outlines as an exemption as follows:

“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.”

- 4.6 I consider that the development proposed would materially affect the external appearance of the dwelling so as to render its appearance inconsistent with the character of the dwelling and of neighbouring structures. I therefore consider that the proposed development is not exempted development as outlined in section 4(1)(h) of the Act.

Appropriate Assessment

- 4.7 The subject site is within the screening zone of the Cork Harbour SPA and having regard to the scale of the proposed development, its siting relative to the SPA, coupled with the lack of a hydrological connection between the site and the SPA, it is considered that the subject matters of this application would not be likely to give rise to significant impacts on the Natura 2000 site.

Recommendation

Whereas a question has arisen as to whether the change of a window to patio doors with a Juliet balcony at first floor level to the rear of dwelling at Calypso, Hayes Hill, Crosshaven, Co. Cork P43RY60 is or is not development and is or is not exempted development,

And whereas the Planning Authority has had regard to:

- (a) Sections 2,3,4 and 5 of the Planning and Development Act 2000 as amended,
- (b) Article 9, (1) of the Planning and Development Regulations 2001-2024 as amended,

And whereas the Planning Authority has concluded that:

- (a) The proposed development would not constitute exempted development under section 4(1)(h) of the Planning and Development Act 2000 as amended,

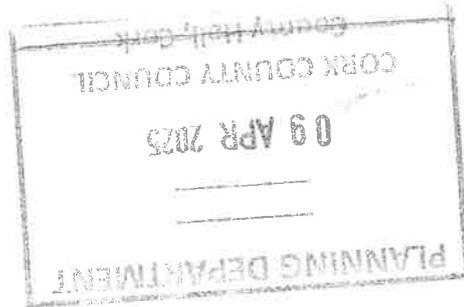
The Planning Authority concludes that the change of a window to patio doors with a Juliet balcony at first floor level to the rear of dwelling at Calypso, Hayes Hill, Crosshaven, Co. Cork P43RY60 is development and is not exempted development.

Susan Hurley
Executive Planner
06/05/2025

A handwritten signature in black ink that reads "Susan Hurley". The signature is written in a cursive style with a prominent flourish at the end.

Calypso
Hayes Hill
Crosshaven
Cork
P43RY60

Planning & Develoment
Cork County Council
County Hall
Carrigrohane Road
Cork



Wednesday 9 April 2025

Dear Sir/ Madam

Please find enclosed application for Section 5 declaration of exemption.

I am asking if changing an upstairs window to a patio door with Juliet balcony safety railing would be classed as exempt development.

The window is to the rear of the property.

The work would involve increasing the depth of the existing window opening and re routing the necessary drainpipes.

Existing window dimensions are 1020mm x 1840mm

Proposed new patio door dimensions 2200mm x 1840mm

The doors would be inward opening with an external metal safety railing 1100mm high, 1900mm across the width, and 100mm from the wall

The aim of this change is to increase the light in the upstairs living area and to maximise the view of Crosshaven and the harbour.

Yours sincerely

Finbarr O'Callaghan
Finocall@gmail.com
M: 0873541874





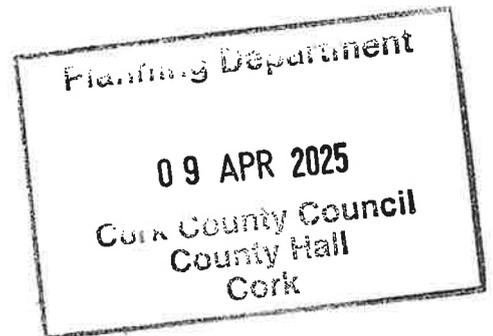
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:**
- 1 No. Copy of Contact Details:**
- 4 No. Copies 6" O.S. Maps:**
- 4 No. Copies 25" O.S. Maps:**
- 4 No. Copies of Site Layout Plan:**
- 4 No. Copies Scaled Drawings of Development:**
- €80 Application Fee:**

<input checked="" type="checkbox"/>



FOR OFFICE USE ONLY

Receipt No.	PLG 0048014
Cash/Cheque/ Credit Card	CARD
Date	9/4/25
Declaration Ref. No.	D/242/25

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)

FINBARR O'CALLAGHAN

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

CALYPSO, MAYES HILL, CROSSHAVEN,
CORK, P43 RY60

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 change of a window to patio doors with a juliet balcony (safety railing) exempted development?

The window is at the rear of the property

Current window	1020 x 1840mm	(H x W)
Proposed patio doors	2200 x 1840mm	(H x W)

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):	
(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 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 _____ _____	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin-left: auto;"> <p style="text-align: center;">Planning Department</p> <p style="text-align: center;">09 APR 2025</p> <p style="text-align: center;">Cork County Council County Hall Cork</p> </div>
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please state relevant reference number(s):

5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:		
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):		

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

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

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council’s Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	
Date	09/04/2025

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.

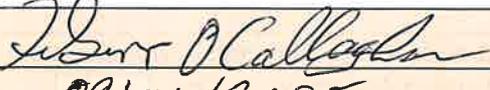
Special Categories of data / Sensitive Personal data include:

- 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	09/04/2025

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.

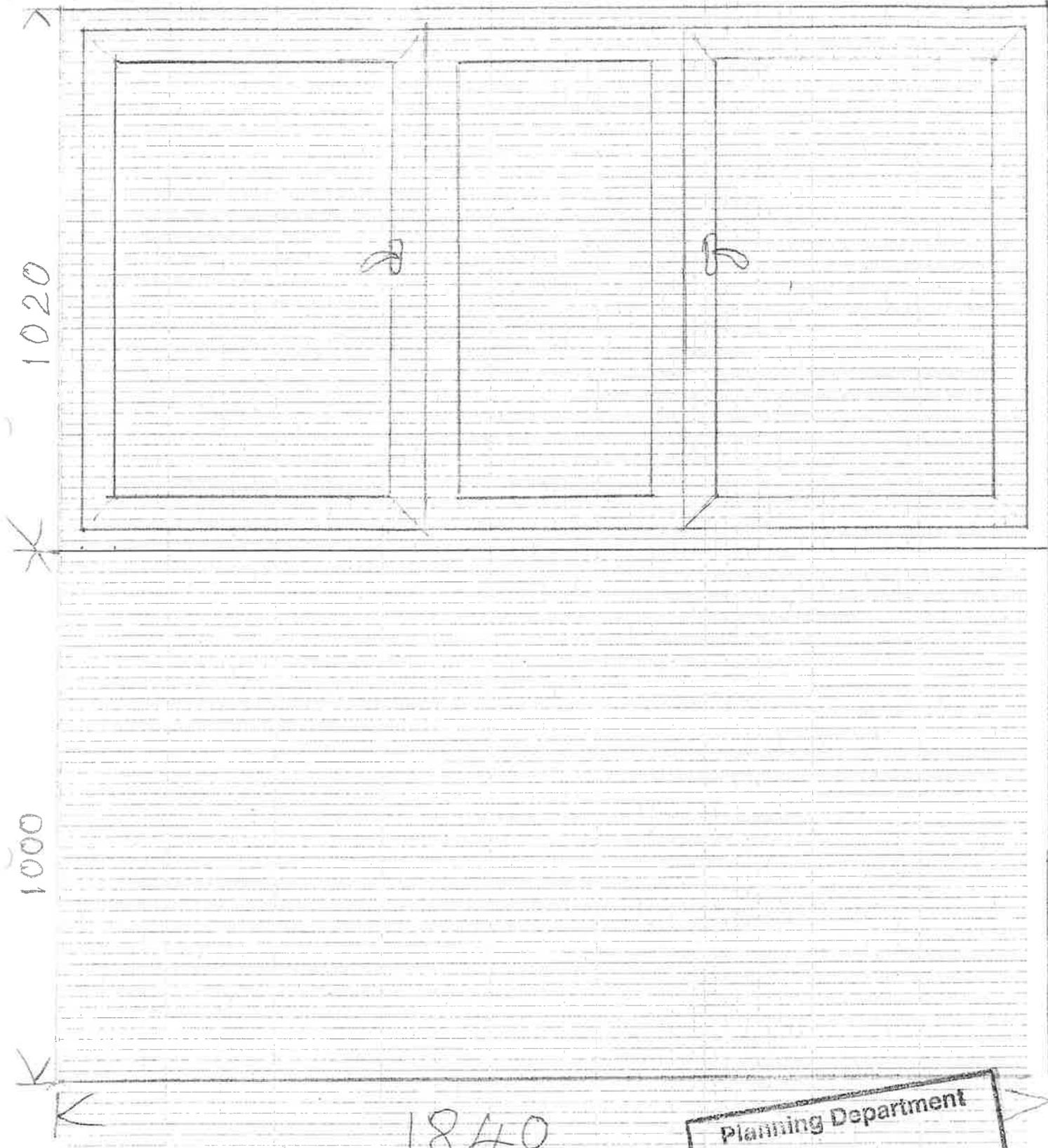
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be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

<i>Signed (Applicant or Agent as appropriate)</i>	
Date	09/04/2025

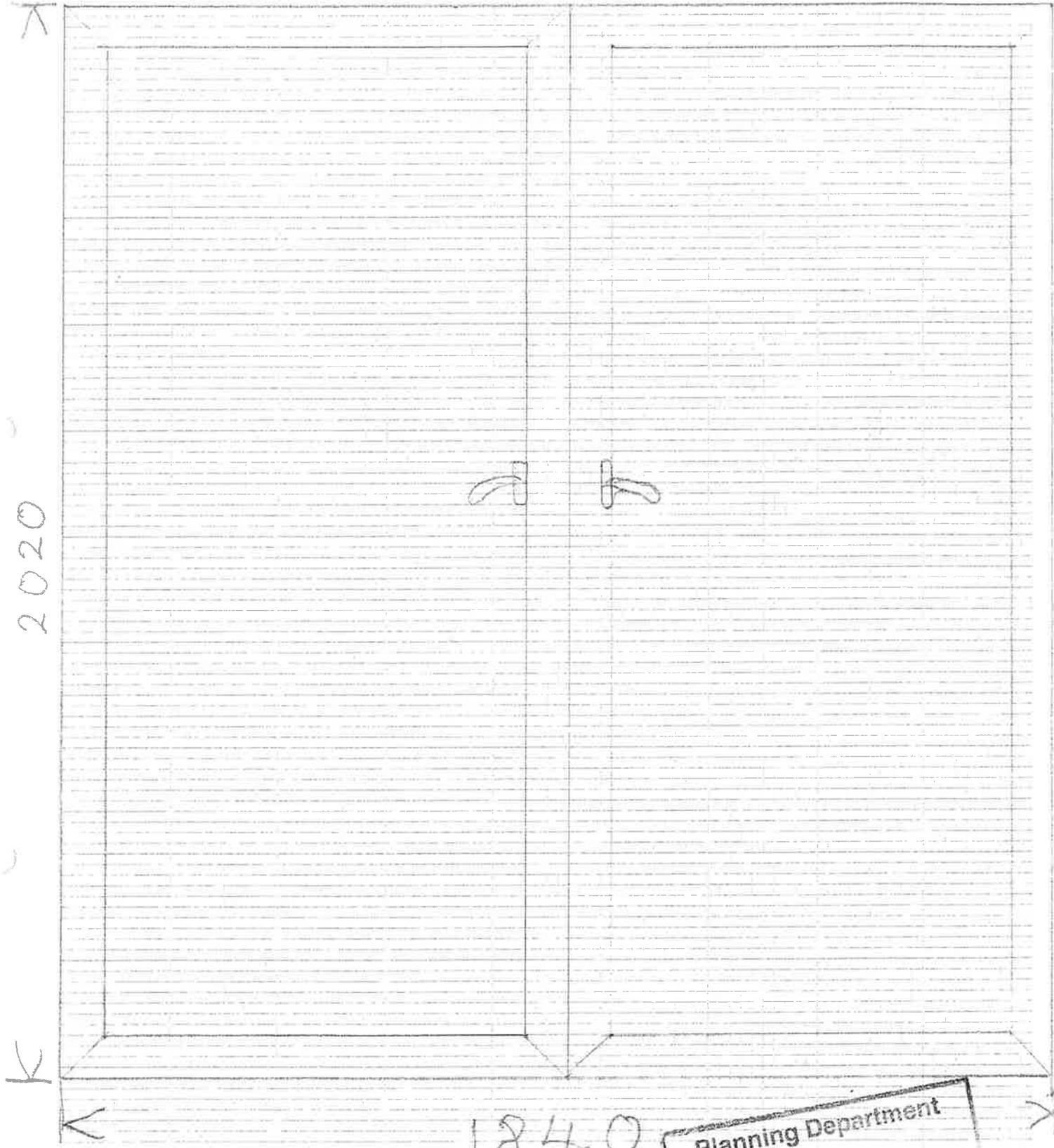


1. 100 CALYPSO
EXISTING WINDOWS



Planning Department
09 APR 2025
Cook County Council
Court Staff
Clerk

1.100 CALYPSO
FRENCH DOORS

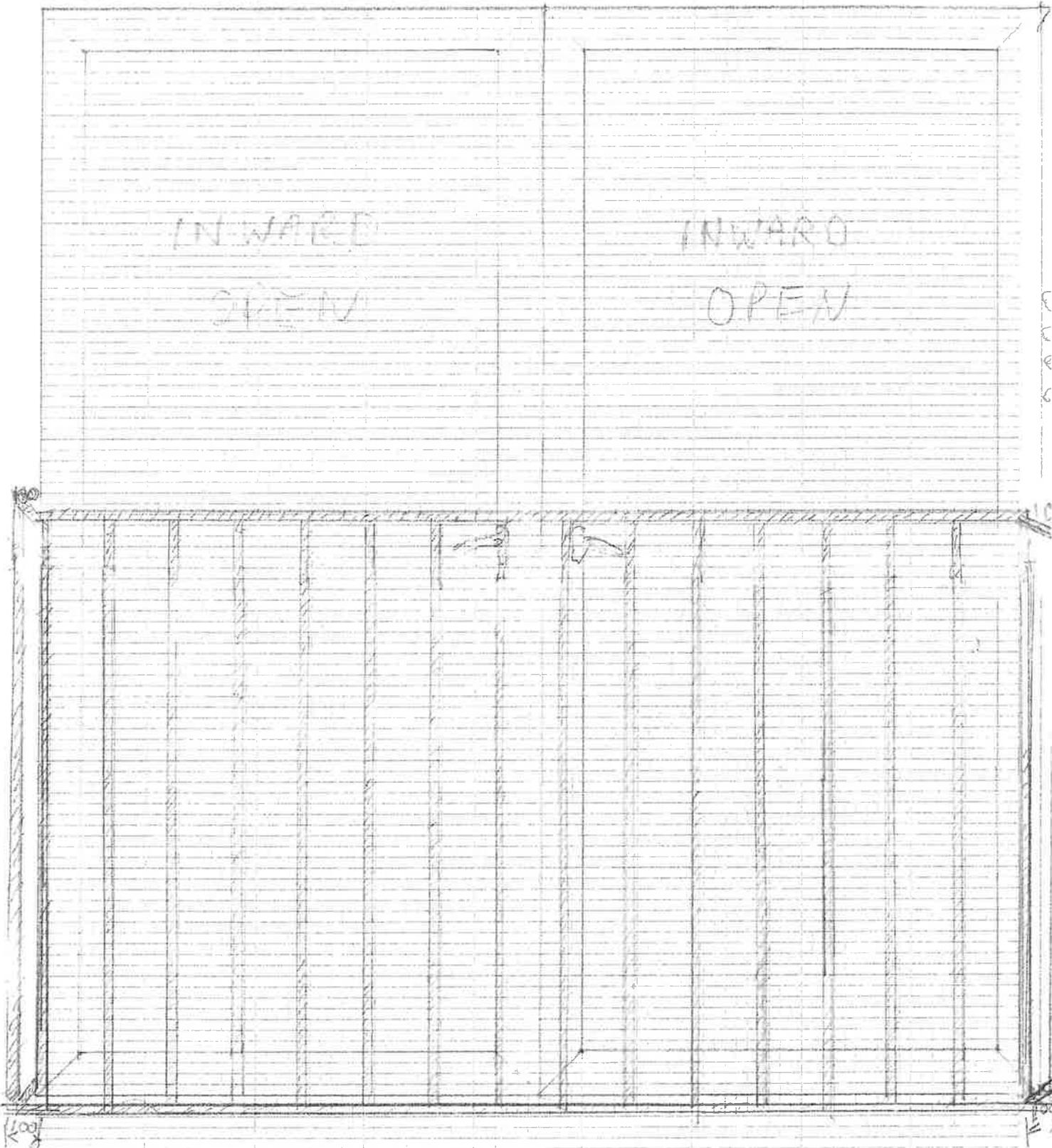


2020

1840

Planning Department
09 APR 2025

1.105 CALYPSO
ELEVATION VIEW FRENCH DOORS WITH SAFETY RAIL



1840

GUTTER

RAIN PIPE

Slate
Roof

TILED
Roof

GUTTER

FIRST FL
BEDRM
WINDOW

PROPOSED
FRENCH
DOORS

FLX ROOF

TILED
Roof

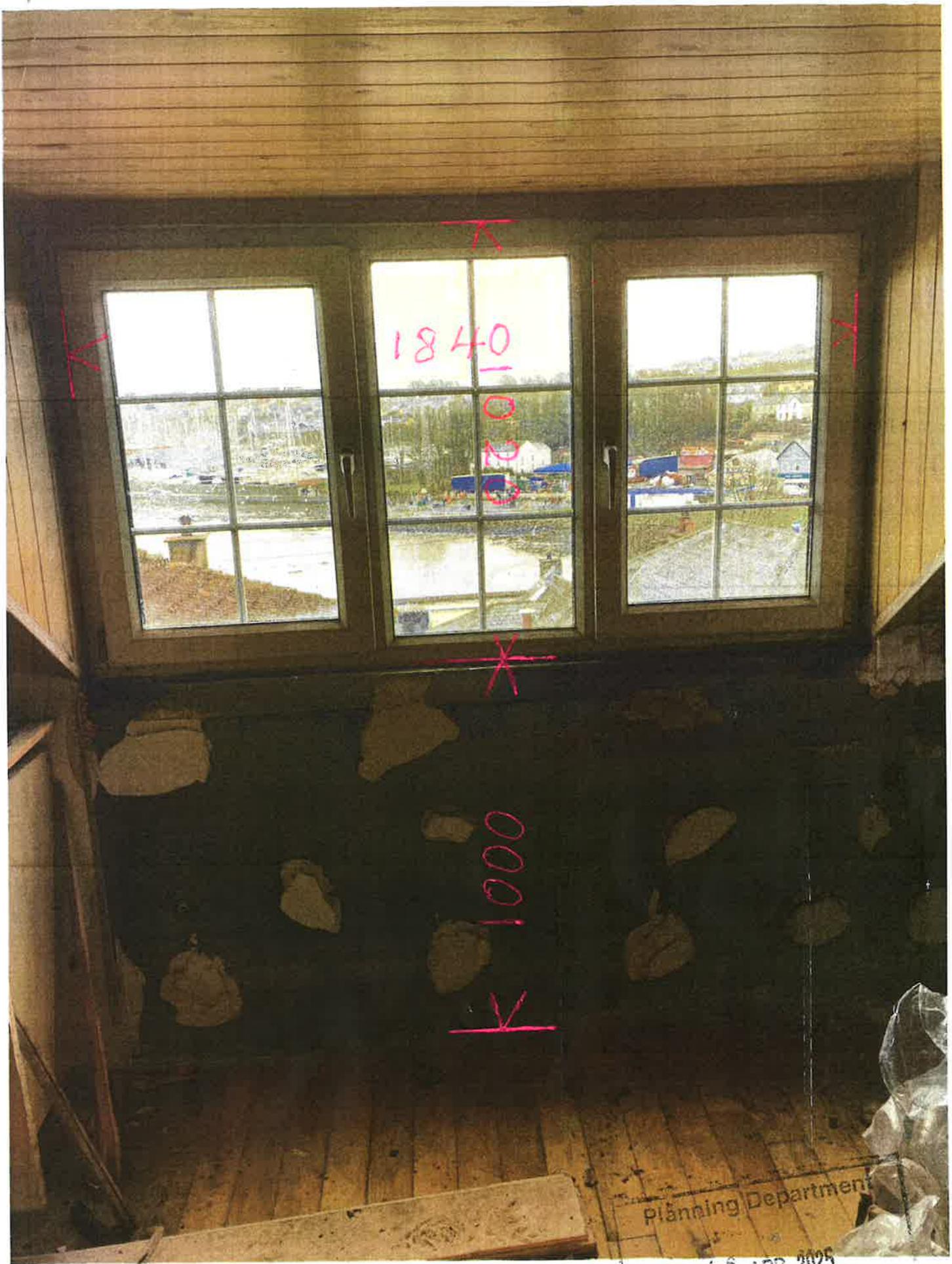
GUTTER

TILED
Roof

Planning Department
09 APR 2025



09 APR 2025
CIVIL ENGINEERING



1840

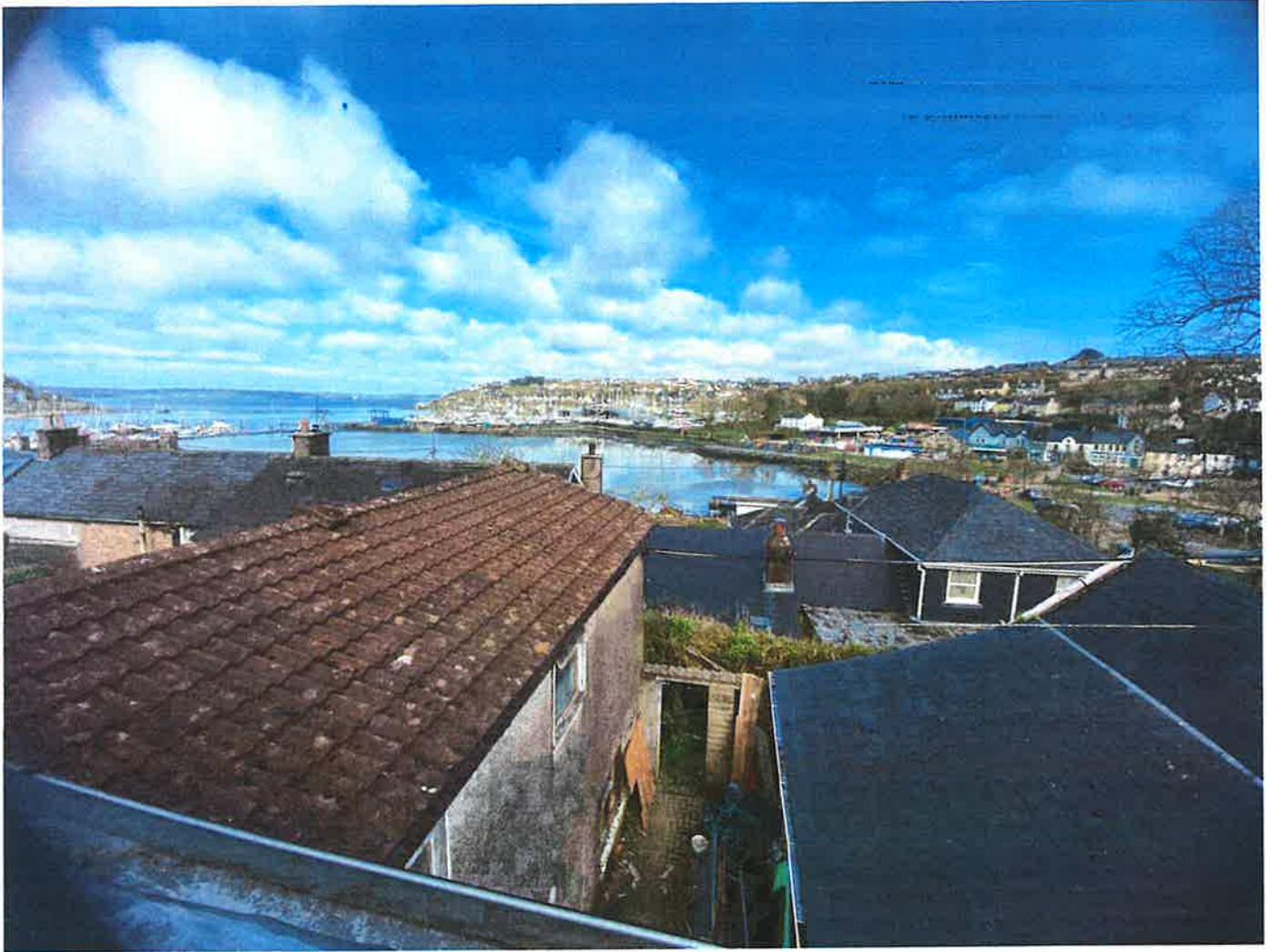
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Planning Department

09 APR 2025

Confidential

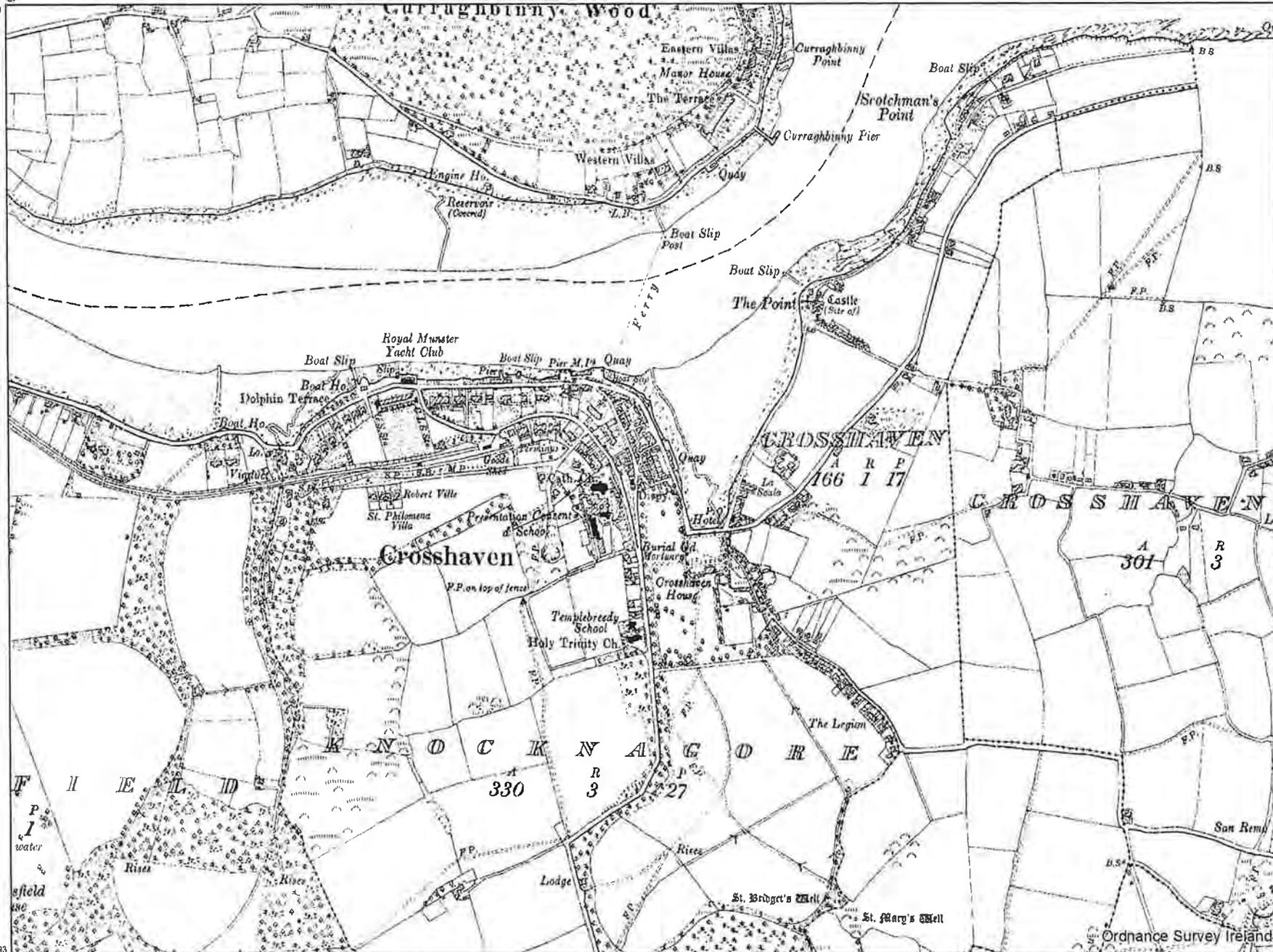


Planning Department
09 APR 2025
Cork County Council
County Hall
Cork

Site Location Map



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CENTRE COORDINATES:
ITM 579517,561202

PUBLISHED: 17/02/2025
ORDER NO.: 50449247_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK099

COMPILED AND PUBLISHED BY:
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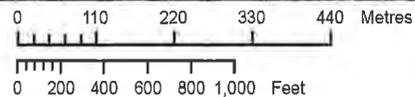
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Planning Department
 09 APR 2025



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LEGEND:
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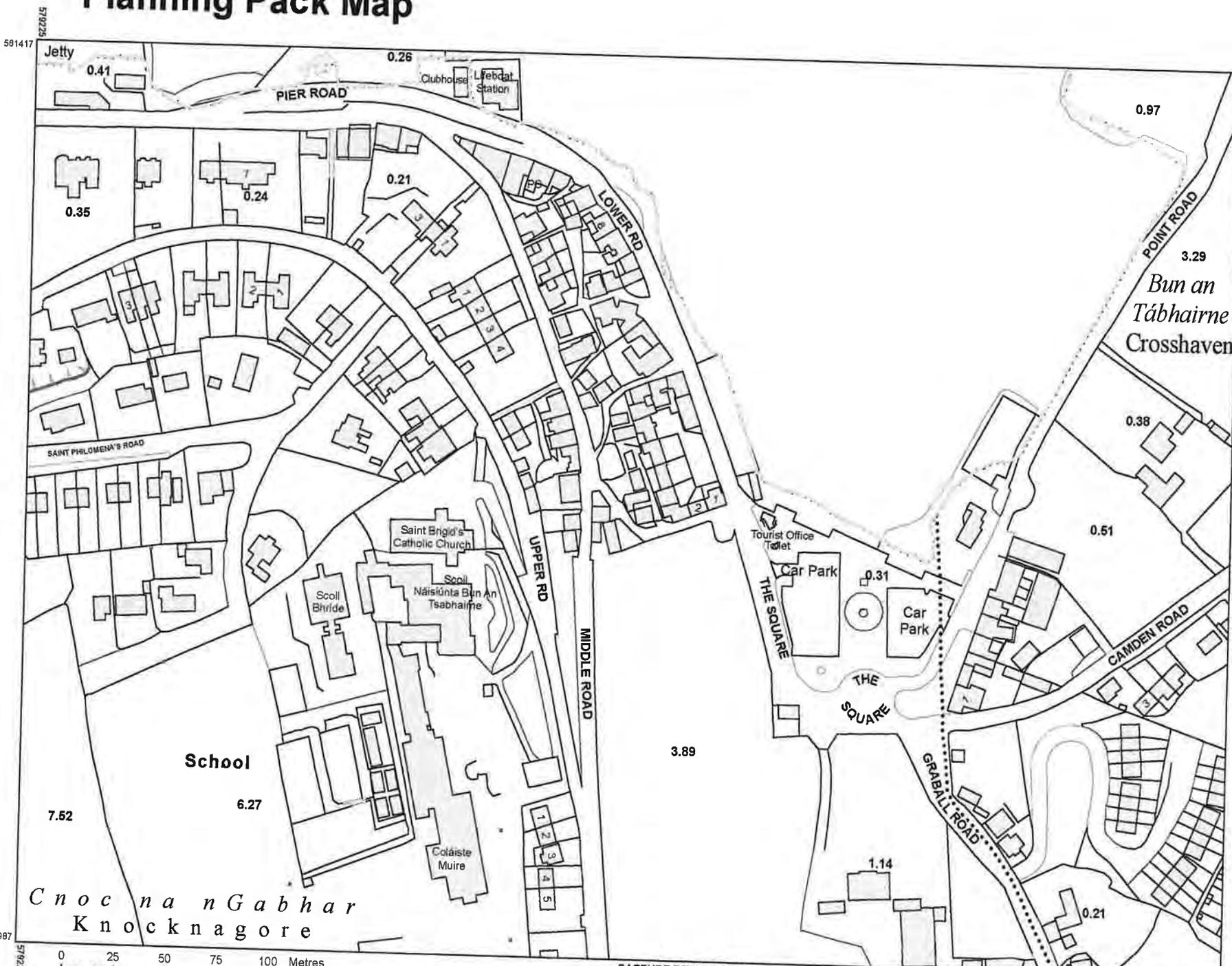
562845

580747

Planning Pack Map



Tailte Éireann



CENTRE COORDINATES:
 ITM 579517,561202
PUBLISHED: 7/02/2025
MAP SERIES: 1:2,500
ORDER NO.: 50449247_1
MAP SHEETS: 6511-D, 6549-B

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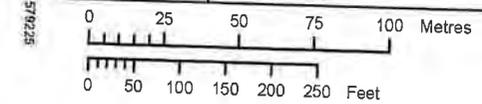
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LEGEND:
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