

Comhairle Contae Chorcaí Cork County Council

Brendan & Gillian Cusack,
c/o Catarina Tinoco,
Growpad Architects,
Cube Building,
Monahan Road,
Cork.
T12 H1XY.

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



13th November 2023

REF: D/290/23
LOCATION: Foxwood, Ballingarry West, Belgooly, Co. Cork, P17 Y621.

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 12th October 2023 the Planning Authority, having considered the question whether or not the proposed removal of a garage door at the front elevation and replacement of same with a window at **Foxwood, Ballingarry West, Belgooly, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is exempted development.**

Reason for Decision

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

- Section 4(1)(h) of the Planning and Development Act 2000 (as amended)
- The planning history on the site, and
- The particulars received by the Planning Authority on 12th October 2023

And Whereas Cork County Council has concluded that –

The proposed removal of a garage door at the front elevation and replacement of same with a window at **Foxwood, Ballingarry West, Belgooly, Co. Cork** constitutes **development which is exempted development.** The proposed is an exempted development coming within the scope of Section 4(1)(h) of the Planning Acts because the alteration to the external appearance of the house/attached garage would not be 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.

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>

13 November 2023

S.5 DECLARATION

APPLICANT: BRENDAN & GILLIAN CUSACK

ADDRESS: FOXWOOD, BALLINGARRY WEST, BELGOOLY, EIRCODE P17 Y621, COUNTY CORK

Your Ref: D 290 23

Proposal

The proposal is for external alteration to existing garage attached to side of existing bungalow. It essentially, involves replacement of garage door with window opening.

It is unclear if the garage has already been converted into the office (or not).

I am only answering the question asked.

History

The house obtained Approval under Planning Register No.99/ 3961 with the side attached garage store (circa 22 m2).

Assessment

I have not inspected the site.

I am familiar with the area and location of the house.

I have examined the Permission (99 3961) for the house and confirm it was approved with the garage as constructed. I note conversion of garage to habitable room (in this case home office) would be exempted development under Class 1 of the Planning Regulations.

There have been no further planning applications.

The declaration simply asks '*whether the removal of garage door at front elevation and close-up existing opening for installation of window at front elevation*' is exempted development or not.

The Approval under 99 3961 contains 11 planning conditions – none of which are restrictive or limiting any change of use or alteration to external appearance.

Having regard to this separation distance from the site, coupled with the scale, and nature of development it there is no potential for the proposed development to give rise, or contribute to negative impacts on any Natura 2000 site which could be significant.

CONCLUSION

The proposal constitutes development.

The proposed is an exempted development coming within the scope of Section 4(1)(h) of the Planning Acts because the alteration to the external appearance of the house / attached garage would not be 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.

Regards

Steve Baxter
Executive Planner
BA Hons Dip Town Planning

Ref No. 2202

Tuesday, 10th October 2023

Cork County Council,
County hall office
Planning Department
Carrigrohane Road,
Cork
T12 R2NC

Re: Section 5 Declaration of Exemption removal of garage door at Front Elevation and close up existing opening for installation of window at Front Elevation at Foxwood, Ballingarry West, Belgooly, Co.Cork, P17 Y621

Dhaoine Uaisle,

On behalf of our clients, Brendan and Gillian Cusack we hereby enclose all required documentation for a Section 5 Declaration of Exemption for works consisting of removal of garage door at Front Elevation and close up existing opening for installation of window at Front Elevation at Foxwood, Ballingarry West, Belgooly, Co.Cork, P17 Y621

Accordingly, we enclose herewith the planning application documentation as follows:

- a) 4 No. Copies of Completed Application Form
- b) Postal order with planning fee of €80.00
- c) 4 No. Copies of Site Location Map at 1:10 560
- d) 4 No. Copies of Site Location Map at 1:2500 scale
- e) 4 No. Copies of Site Layouts at 1:500 scale
- f) 4 No. Copies of Proposed Design Drawings as per attached schedule

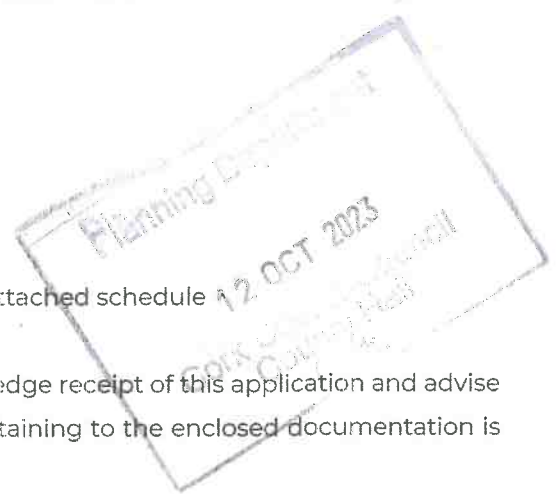
We should be obliged if you would kindly confirm acknowledge receipt of this application and advise us if any additional information or further clarifications pertaining to the enclosed documentation is required.

Thanking you in advance.

Is mise, le meas,


Catarina Tinoco MRIAI
Director/Architect

For and on behalf of **Growpad Architects**





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.	P12-000203
Cash/Cheque/ Credit Card	Postal Order
Date	12/10/2023
Declaration Ref. No.	D/290/23

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)

Brendan & Gillian Cusack

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

Foxwood, Ballingarry West, Belgooly, Co.Cork, P17 Y621
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3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought

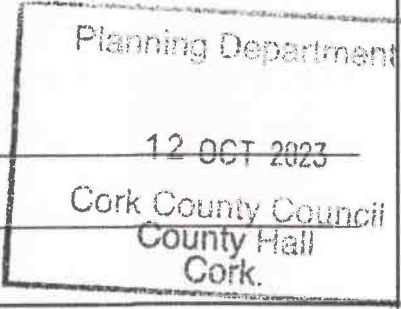
Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Removal of garage door at Front Elevation and close up existing opening for installation of window at Front Elevation at Foxwood, Ballingarry West, Belgooly, Co.Cork, P17 Y621

Planning Department
12 OCT 2023
Cork County Council
County Hall
Cork.

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):	200 SQM
(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 N/A	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 checked="" 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 checked="" 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)	Brendan Lynch
Date	10 OCT 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	Brendan Lynch
Date	10 OCT 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:

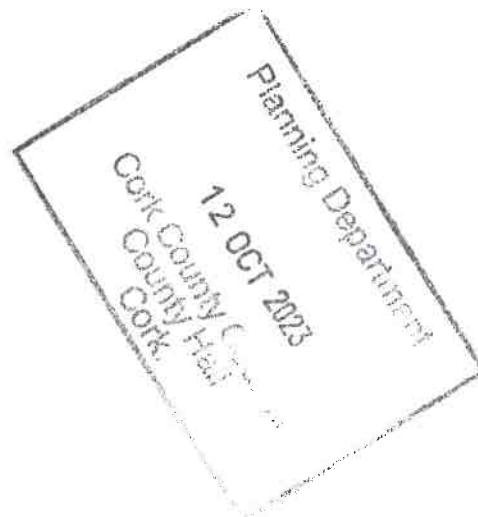
The application must be accompanied by the required fee of €80
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
Sufficient information should be submitted 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	10.10.2023



PROJECT	REFURBISHMENT PROJECT
ADDRESS	FOXWOOD, BALLINGARRY WEST, BELGOOLY, CO. CORK P17 Y621
PROJECT NUMBER	2202

DRAWING ISSUE SHEET

ISSUED TO		
CLIENT	BRENDAN AND GILLIAN CUSACK	
LOCAL AUTHORITY	CORK COUNTY COUNCILL	X
ENGINEER	FORREST CONSULTING ENGINEERS	
QUANTITY SURVEYOR		
MAIN CONTRACTOR	SQUARED SPACE	
M&E CONSULTANT		
FIRE CONSULTANT		

STATUS	PR=Preliminary, I=Information, C=Comment, A=Approval, PL = Planning, T=Tender, W=Construction, AB = As Built	PL
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KEY	E=Email, H= Hard Copy	H
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ISSUED BY		CT
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Sheet Number	Sheet Title	SCALE	10.10.2023
A1.1	LOCATION MAP	1:10560	0
A1.2	SITE LOCATION MAP	1:2500	0
A1.3	SITE LAYOUT	1:500	0
A2.1	PROPOSED GROUND FLOOR PLAN	1:100	0
A3.1	ELEVATIONS	1:100	0

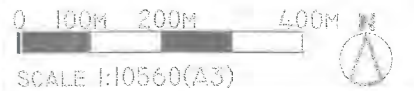


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REVISION	DR	CK	DATE
0	ISSUE FOR PLANNING	AR	CT 10.10.2023

Drawings:
 01 - Site Plan
 02 - Floor Plans
 03 - Sectional Elevation
 04 - Elevation
 05 - Landscape Plan
 06 - Planning Statement
 07 - Planning Statement
 08 - Planning Statement
 09 - Planning Statement
 10 - Planning Statement
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Planning Department
 12 OCT 2023
 Cork County Council
 County Hall
 County Hall
 Cork



CLIENT
 BRENDAN AND GILLIAN CUSACK

ADDRESS
 FOXWOOD, BALLINGARRY WEST
 BELCOOLY, CO. CORK P17 Y621

PROJECT NUMBER 2202 **STAGE** PL

DRAWING TITLE
 LOCATION MAP

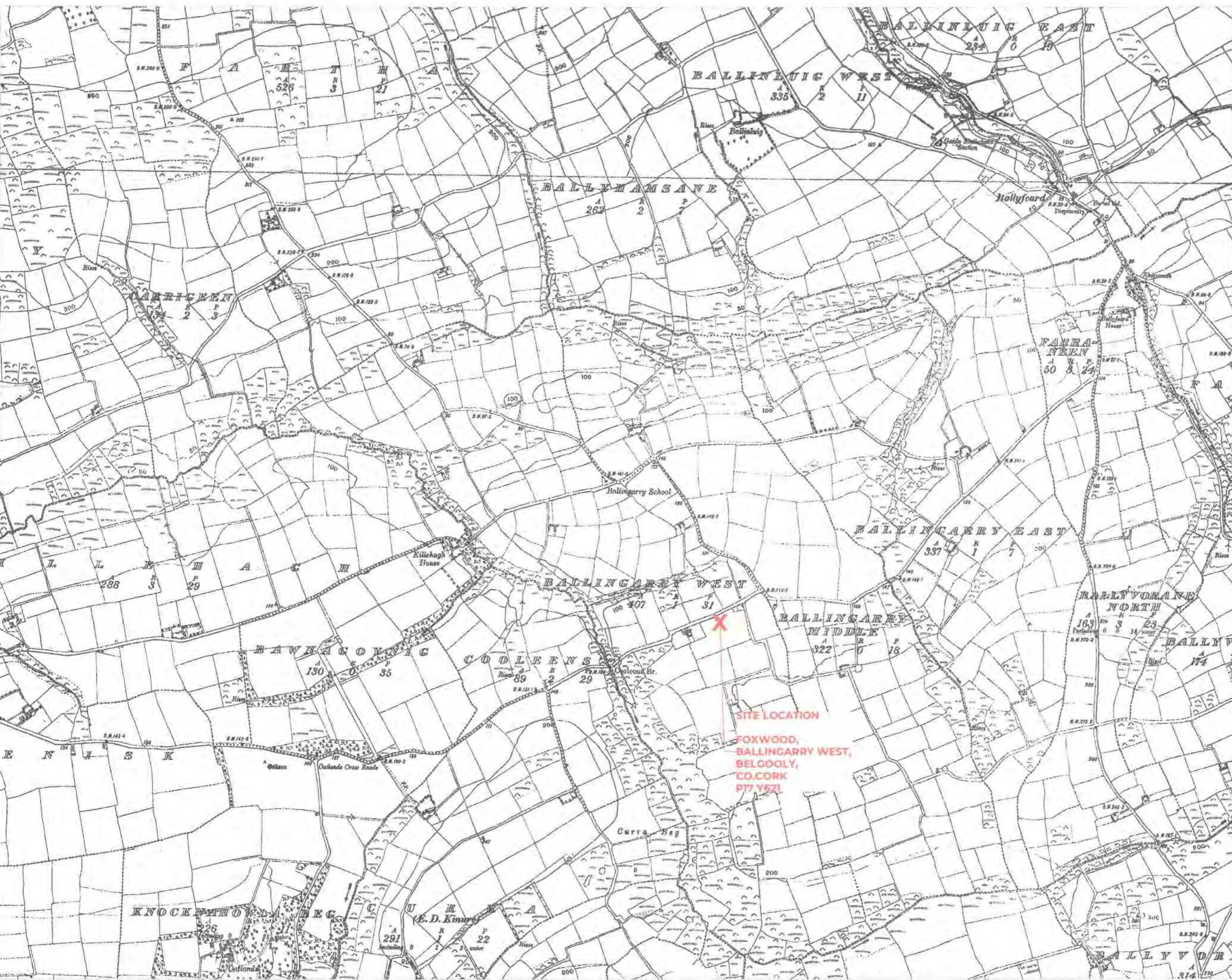
ISSUE FOR PLANNING **SCALE** 1:10560

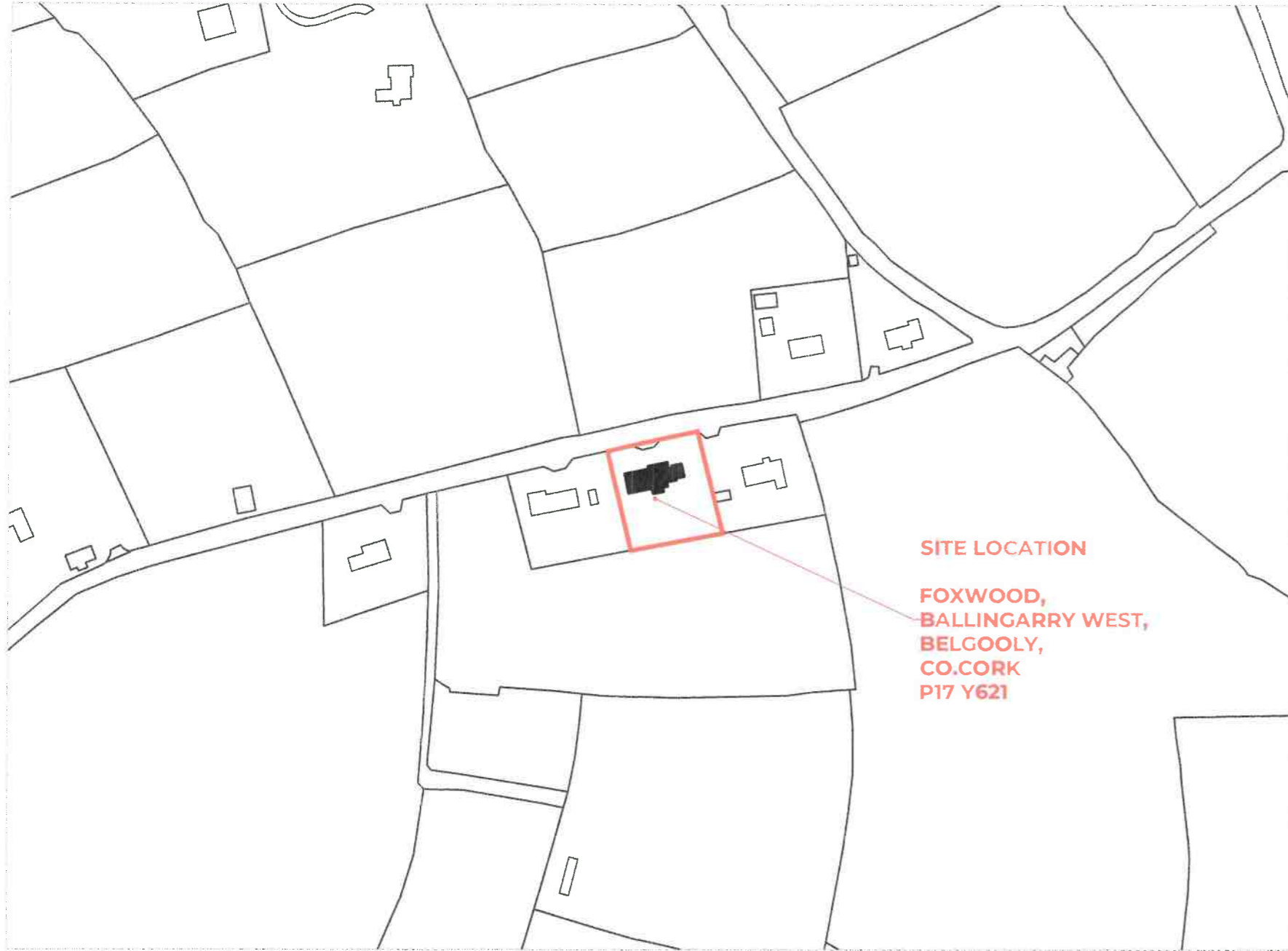
SHEET NUMBER A1.1 **REVISION** 0

10.10.2023

GROWPAD ARCHITECTS
 LEVEL 1, THE CHASE, CARMANHALL RD,
 SANDYFORD, DUBLIN D18 Y3X2
 CUBE BUILDING, MONAHAN RD, CORK T12 HWY
 • hello@growpad.ie p. 087 610 8574

LOCATION MAP
 SCALE 1:10560





SITE LOCATION

**FOXWOOD,
BALLINGARRY WEST,
BELGOOLY,
CO.CORK
P17 Y621**

SITE LOCATION MAP
SCALE 1:2500

Description:
Digital Landscape Model (DLM)

Publisher / Source:
Ordnance Survey Ireland (OSI)

Data Source / Reference:
PRIME2

File Format:
Autodesk AutoCAD (DWG, R2013)

File Name:
v_5036152_1.dwg

Clip Extent / Area of Interest (AOI):
LLX,LLY= 568706.94,554572.71
LRX,LRV= 570289.94,554572.71
ULX,ULY= 568706.94,555002.71
URX,URV= 570289.94,555002.71

Projection / Spatial Reference:
Projection: IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
X,Y= 569998.44,554787.71

Reference Index:
Map Series | Map Sheets
1:5,000 | 6612

Data Extraction Date:
Date= 05-Oct-2023

Source Data Release:
DLM LS Release V1.168.116

Product Version:
Version= 1.4

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

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

Suirbhreacht Ordán is Ireann, 2023
Arna thionscnu agus arna fhoilsiú ag Suirbhreacht Ordán is Ireann, Páirc an Fhionnuisce, Baile na Cliaith 8, Ire.

Sí á ann at irgeadh neamh darálthe c'ficheart Shuirbhreacht Ordán is Ieann agus Rialtas na h-Ireann.

Gach cead ar cosnamh. Ní ceadmhach aon chuid den fhoilseachán seo a chloicil, a ar irgeadh nó a tharchur inaon thóim nó ar aon bhealach gan cead i scríbhinn roimh ré in aon chloicil.

Ní áonann b'fhéidir, bealach nó cos ná bheith ar an líne síle agus fianaise ar chuid síle.

Ní áonann b'fhéidir, bealach nó cos ná bheith ar an líne síle agus fianaise ar chuid síle.

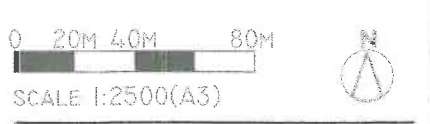
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REVISION	DR	CK	DATE
0	ISSUE FOR PLANNING	AR	CT 10.10.2023

LEGEND
Boundary

NOTES



CLIENT
BRENDAN AND GILLIAN CUSACK

ADDRESS
FOXWOOD, BALLINGARRY WEST
BELGOOLY, CO. CORK P17 Y621

PROJECT NUMBER 2202
STAGE PL

DRAWING TITLE
SITE LOCATION MAP

ISSUE FOR PLANNING
SCALE 1:2500

SHEET NUMBER A1.2
REVISION 0
10.10.2023

GROWPAD ARCHITECTS
LEVEL 1, THE CHASE, CARMANHALL RD,
SANDYFORD, DUBLIN D18 Y3X2
CUBE BUILDING, MONAHAN RD, CORK T12 H1KX
• hello@growpad.ie p. 087 610 8574

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REVISION	DR	CK	DATE
0 ISSUE FOR PLANNING	AR	CT	10.10.2023

LEGEND

NOTES

Planning Department
12 OCT 2023
Cork County Council
County Hall
Cork.



CLIENT
BRENDAN AND GILLIAN CUSACK

ADDRESS
FOXWOOD, BALLINGARRY WEST
BELGOOLY, CO. CORK P17 Y621

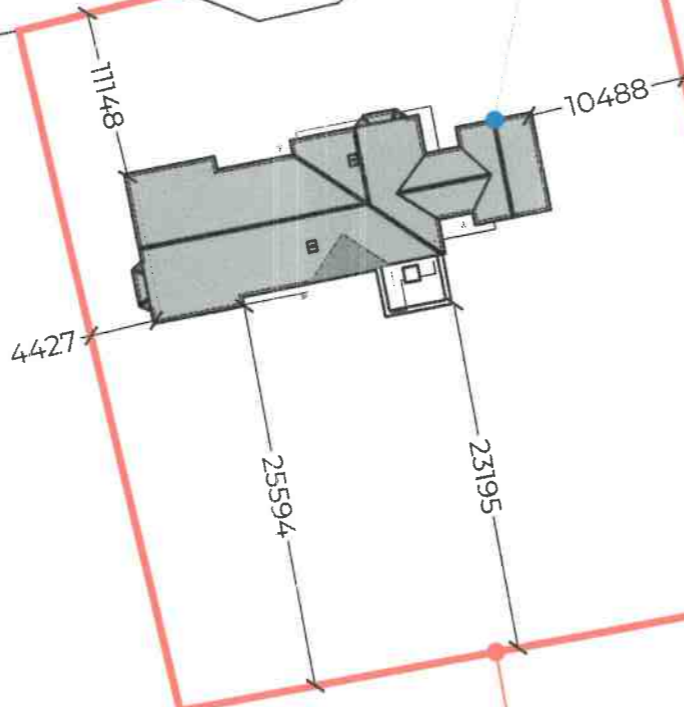
PROJECT NUMBER 2202
STAGE PL

DRAWING TITLE
SITE LAYOUT

ISSUE FOR PLANNING
SCALE 1:500

SHEET NUMBER A1.3
REVISION 0
10.10.2023

PROPOSED REMOVAL OF GARAGE DOOR AND REDUCTION OF EXISTING OPENING TO INSTALL WINDOW



SITE LOCATION
FOXWOOD,
BALLINGARRY WEST,
BELGOOLY,
CO.CORK
P17 Y621

SITE LAYOUT
SCALE 1:500

GROWPAD ARCHITECTS
LEVEL 1, THE CHASE, CARMANHALL RD,
SANDYFORD, DUBLIN D18 Y3X2
CUBE BUILDING, MONAHAN RD, CORK T12 HTX
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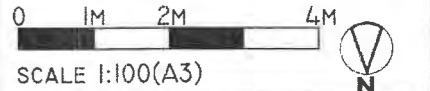
REVISION	DR	CK	DATE
0	ISSUE FOR PLANNING	AR	CT 10.10.2023

LEGEND

	Proposed Addition
	To be Demolished
	Proposed Structure
	Existing Structure

NOTES

Planning Department
12 OCT 2023
Cork County Council
County Hall
Cork.



CLIENT
BRENDAN AND GILLIAN CUSACK

ADDRESS
FOXWOOD, BALLINGARRY WEST
BELGOOLY, CO. CORK P17 Y621

PROJECT NUMBER 2202 STAGE PL

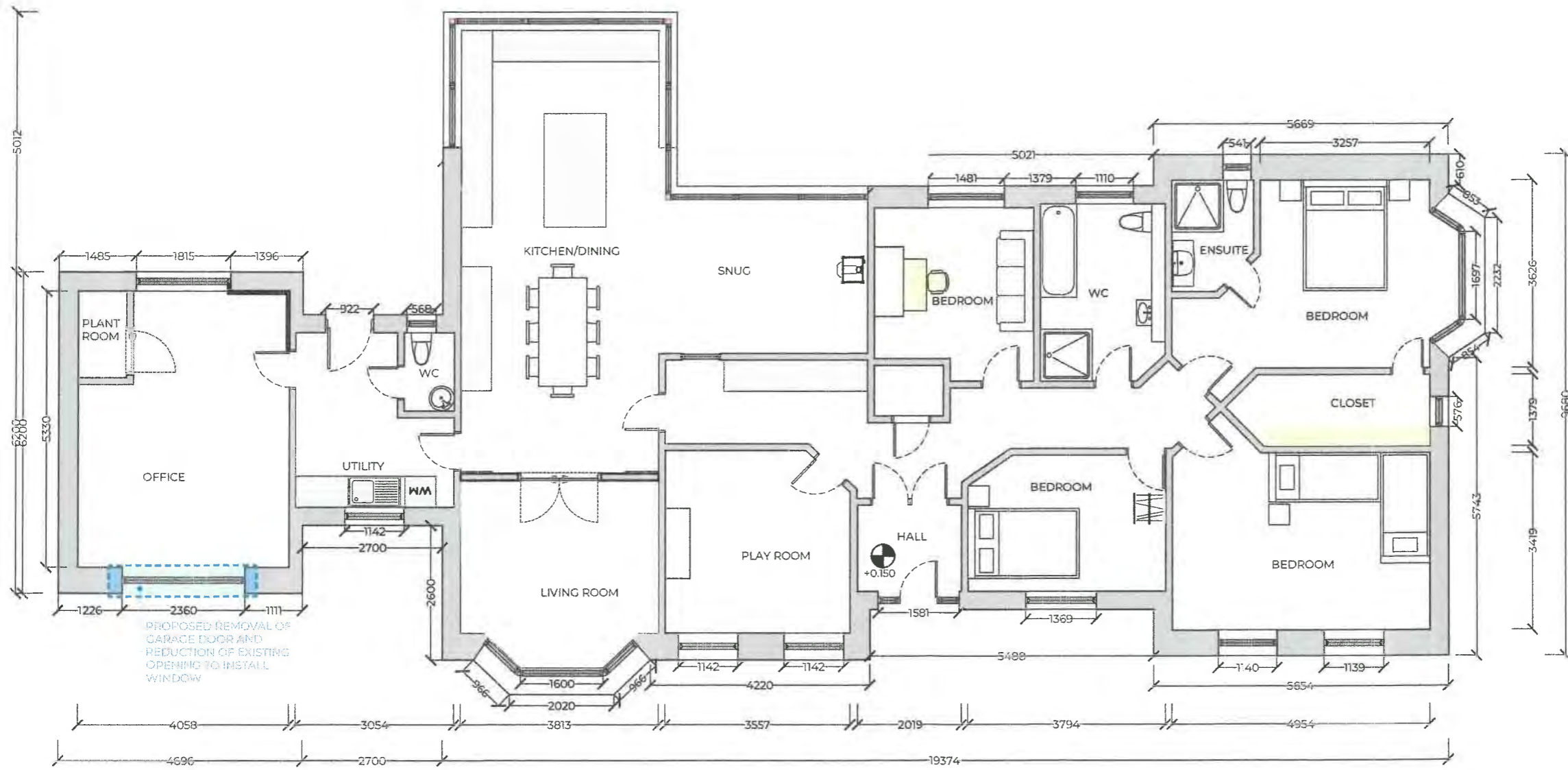
DRAWING TITLE
PROPOSED GROUND FLOOR PLAN

ISSUE FOR PLANNING SCALE 1:100

SHEET NUMBER A2.1 REVISION 0

10.10.2023

GROWPAD ARCHITECTS
LEVEL 1, THE CHASE, CARMANHALL RD,
SANDYFORD, DUBLIN D18 Y3X2
CUBE BUILDING, MONAHAN RD, CORK T12 H1XY
e. hello@growpad.ie p. 087 610 8574



PROPOSED GROUND FLOOR PLAN
SCALE 1:100

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REVISION	DR	CK	DATE
0	ISSUE FOR PLANNING	AR	CT 10/10/2023

LEGEND

	Boundary
	Proposed Addition
	To be Demolished
	Proposed Structure
	Existing Structure

NOTES

Planning Department
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Cork County Council
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SCALE 1:100(A3)

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PROJECT NUMBER 2202 **STAGE** PL

DRAWING TITLE
ELEVATIONS

ISSUE FOR PLANNING **SCALE** 1:100

SHEET NUMBER A3.1 **REVISION** 0

GROWPAD ARCHITECTS
LEVEL 1, THE CHASE, CARMANHALL RD,
SANDYFORD, DUBLIN D18 Y3X2
CUBE BUILDING, MONAHAN RD, CORK T12 HDY
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----- **EXISTING FRONT ELEVATION**
SCALE 1:100



----- **PROPOSED FRONT ELEVATION**
SCALE 1:100