

Conhairle Contae Chorcaí
Cork County Council

Rannóg Pleanála, Teach Norton,
Bóthar Chorcaí, An Sciobairín,
Co. Chorcaí P81 AT28.
Fón: (028) 40340 • Faisc (028) 21660
Suíomh Greasain: www.corkcoco.ie
Planning Section, Norton House,
Cork Road, Skibbereen,
Co. Cork P81 AT28.
Tel: (028) 40340 • Fax: (028) 21660
Web: www.corkcoco.ie



Paraic & Emer Connolly,
c/o Brian Wilcox,
Lannin Design,
The Old Schoolhouse,
Ardfield,
Clonakilty P85 W288,
Co. Cork.

COPY

4TH July, 2023.

Our Ref: D/23/23.

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

Dear Sir/Madam,


On the basis of the information and plans submitted on 8th June, 2023 on behalf of Paraic & Emer Connolly, the Planning Authority declares that the construction of one and a half storey extension to the rear of a dwelling house at Caher, Kilcrohane, Bantry, Co. Cork constitutes exempt development in accordance with Class 1 (development within the curtilage of a house) Schedule 2, Part 1 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. WCP11638, in respect of €80.00, is issued herewith.

Yours faithfully,



PIO TREACY.
ADMINISTRATIVE OFFICER.

Anne Lordan

From: Tim Twomey
Sent: Monday 3 July 2023 17:17
To: Anne Lordan
Subject: RE: D/23/23 - Section 5 Request

Hi Anne,

I agree with the Area Planner's recommendation.

Regards,
Tim

From: Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Sent: Monday 3 July 2023 09:00
To: Tim Twomey <Tim.Twomey@CorkCoCo.ie>
Subject: FW: D/23/23 - Section 5 Request

Hi Tim,

Attached report from Ms. Olivia Field, Area Planner for your recommendation and sign-off.

Regards

Anne.

Anne Lordan | Oifigeach Foirne Cúnta | **Pleanáil agus Foirbairt**
Comhairle Contae Chorcaí | Teach Norton | Bóthar Chorcaí | An Sciobairín | Co. Chorcaí |
P81 AT28 | Éire
T +353-(0)28 – 40340 | Ext. 7121
Anne.Lordan@corkcoco.ie | www.corkcoco.ie
Tairseach na gcustaiméirí: www.yourcouncil.ie

Anne Lordan | Assistant Staff Officer | **Planning and Development**
Cork County Council | Norton House | Cork Road | Skibbereen | Co. Cork | P81 AT28 | Ireland
T +353-(0)28 – 40340 | Ext. 7121
Anne.Lordan@corkcoco.ie | www.corkcoco.ie
Customer Portal: www.yourcouncil.ie

From: Olivia Field <Olivia.Field@CorkCoCo.ie>
Sent: Friday 30 June 2023 16:42
To: Tim Twomey <Tim.Twomey@CorkCoCo.ie>; Anne Lordan <Anne.Lordan@CorkCoCo.ie>
Subject: FW: D/23/23 - Section 5 Request

Hi Tim,

Please find attached my report for this Section 5 application.

Regards,

D/23/23

Applicant: Paraic & Emer Connolly

Location: Caher, Kilcrohane, Bantry, Co. Cork.

This application was received on 08/06/2023 and a decision is due on 05/07/2023.

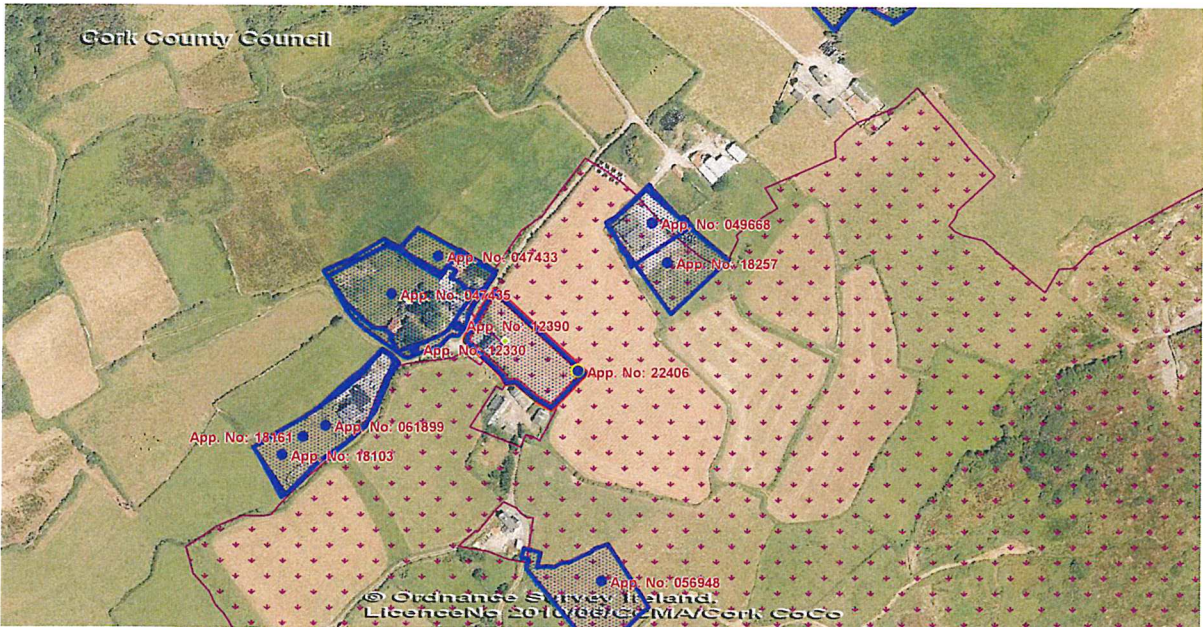
This Section 5 Declaration of Exemption is asking the following question:

- Whether a one and a half storey extension to the rear of a dwelling house is exempt development or development.

Site Description

There is an existing farmhouse on site which adjoins and lies south east of a local primary road at Caher, Kilcrohane on the Sheeps Head Peninsula.

Maps



In terms of planning designations, the subject site is located in a rural coastal area with sea views to the south. The site lies within a High Value Landscape area.

The site is not located within any flood risk zone as mapped on the Draft PFRA Flood Risk Maps on the Planning Enquiry System.

AA

The site adjoins the Sheep’s Head to Toe Head Special Protection Area and lies approximately 350m away from the Sheep’s Head SAC.

It is important to note that under a previous planning application made on this site for a new garage located within the SPA, under ref. no. 22/406, Council’s Ecologist ruled out any adverse impacts on the habitats and species that are protected within the adjoining SPA. It is therefore considered that this proposal which will occur on an existing hardstanding area, outside the designated site of an SPA, will not give rise to, or contribute to negative impacts on any Natura 2000 site which could be significant.

EIA

Having regard to the nature and scale of the proposed development, and to the nature of the receiving environment, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Relevant Exemption Class 1 – *Development within the curtilage of a house.*

Part 1	
<i>Exempted Development – General</i>	
Column 1	Column 2
Description of Development	Conditions and Limitations
<i>Development within the curtilage of a house</i>	
CLASS 1	
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.	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p>

(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.

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

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.

(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.

(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.

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.

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

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

(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.

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

Assessment/Recommendation

This application is seeking to construct a one and a half storey extension measuring 29.25 sqm onto the rear elevation of an existing detached farmhouse.

The house is gable ended to the road. The front elevation of the house is clearly defined with a front porch. It is therefore accepted that the new extension will be constructed to the rear of the house.

The existing house has not been previously extended.

The proposed extension does not exceed 20 sqm above ground level.

The proposed extension will be located more than 2 metres away from any party boundary.

The rear wall of the house does not include a gable and the height of the new extension does not exceed the height of the side walls of the existing house.

The height of the highest part of the A-framed roof of the new extension does not exceed the height of the highest part of the roof of the dwelling.

The rear extension will not reduce the amount of private open space to less than 25 sqm on site.

There are no windows at ground level located within 1 metre of any boundary it faces.

There are no windows at first floor level located within 11 metres from the boundary it faces.

It is considered that the rear extension complies with the 7 no. conditions attached to Class 1 and therefore constitutes exempt development under Class 1 (Development within the curtilage of a house), Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended.

Restrictions on Exempt Development

Under Article 9 (1) Development to which Article 6 relates shall not be exempt development for the purposes of the Act, (a) if the carrying out of such development would –

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

This site is located within a rural coastal area, designated as a High Value Landscape under the Cork County Development Plan 2022.

The proposed development does not adjoin a Scenic Route. The site is flat and relatively level with the adjoining public road. The Planning Authority is satisfied that the new extension will not interfere with the character of the landscape nor will it detract from the character of views obtained from any nearby Scenic Routes.

Recommendation

The Planning Authority is satisfied that this proposal complies with the 7 no. limitations set down under Class 1.

It is considered that the rear extension constitutes exempt development in accordance with Class 1 (Development within the curtilage of a house), Schedule 2, Part 1 of the Planning and Development Regulations 2001 as amended.

Olivia Field

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Olivia Field
Assistant Planner
30/06/2023



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.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

REG. No. D/23/23.
PLANNING (WEST) DEPT

08 JUN 2023

CORK COUNTY COUNCIL

NORTON HOUSE, SKIBBEREEN, CO. CORK P81 AT2E

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)

PARAIC AND EMER CONNOLLY

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

CAHER, KILCROHANE, BANTRY, CO. CORK P75 X803

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

ONE AND A HALF STOREY EXTENSION TO THE REAR OF A DWELLING HOUSE LOCATED AT CAHER, KILCROHANE, BANTRY, CO. CORK.

REG. No. _____

PLANNING (WEST) DEPT

08 JUN 2023

CORK COUNTY COUNCIL

NORTON HOUSE, SKIBBEREEN, CO. CORK P81 AT22

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):	COTTAGE = 83 sq. M. PROPOSED EXTENSION = 29.25 sq. M.
(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: N/A
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use N/A N/A	REG. No. _____ PLANNING (WEST) DEPT Proposed use N/A 08 JUN 2023 CORK COUNTY COUNCIL NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT26
(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): SKB22087

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 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

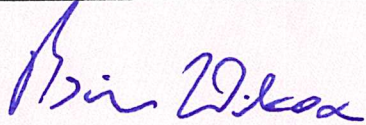
ADVISORY NOTES:

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.

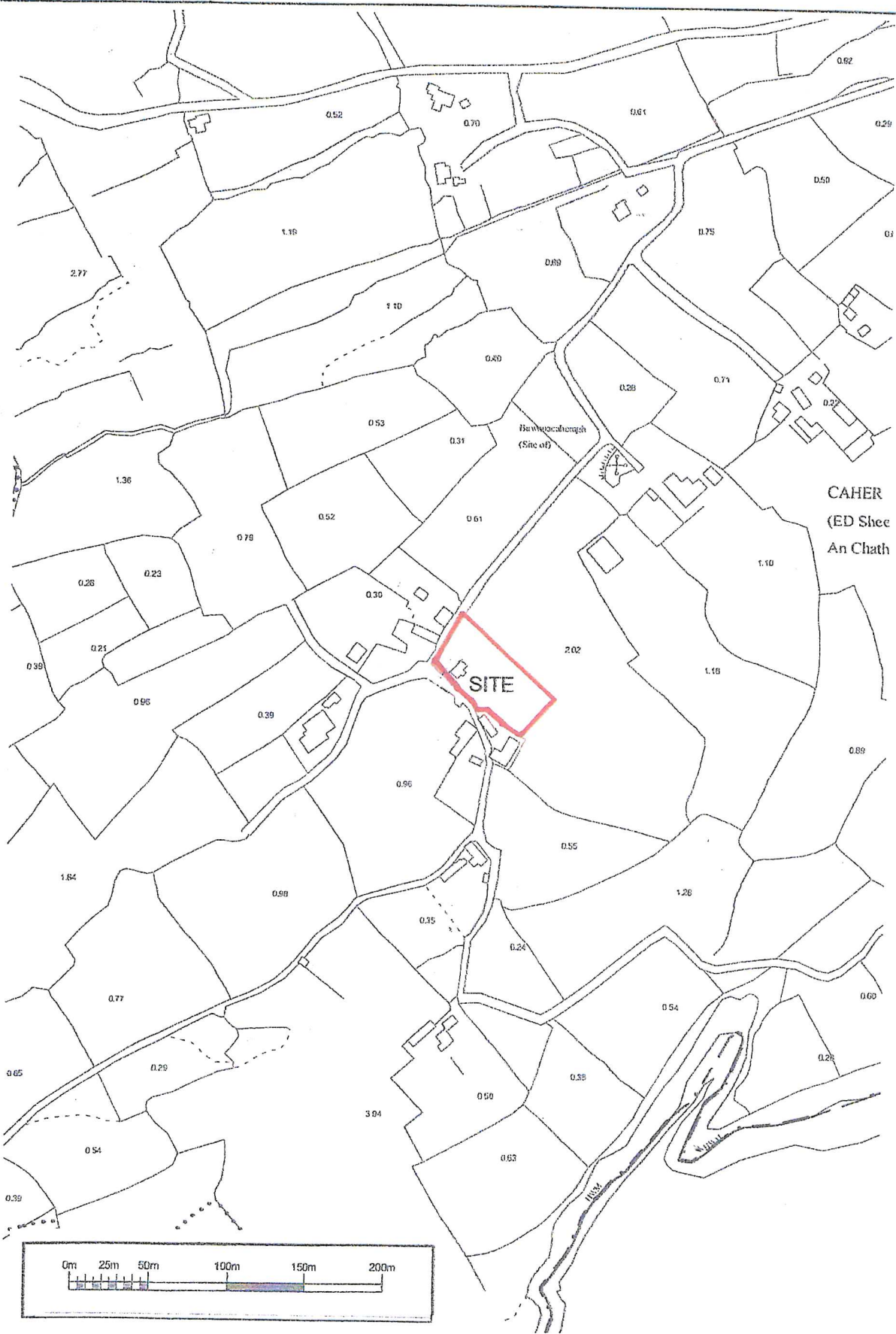
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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	31-May-2023

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 PLANNING (WEST) DEPT
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 CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28



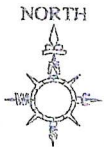
CYAL50245099
© Ordnance Survey Ltd

- Notes:**
1. All dimensions shown are in meters unless otherwise stated.
 2. Figure dimensions to be used in preference to plotted dimensions. All dimensions to be checked on site.
 3. This drawing to be used in conjunction with all other relevant drawings and site conditions.
 4. Any discrepancies found on drawings to be reported immediately to DVCA Consultants.
 5. No part of this work may be modified, reproduced or copied in any form or by any means, without permission from DVCA Consultants.
 6. All co-ordinates given in ITRF.
 7. All levels given to MSL (m) NAP.
- MAP No
6747
STM CO-ORDINATES
476650,650167

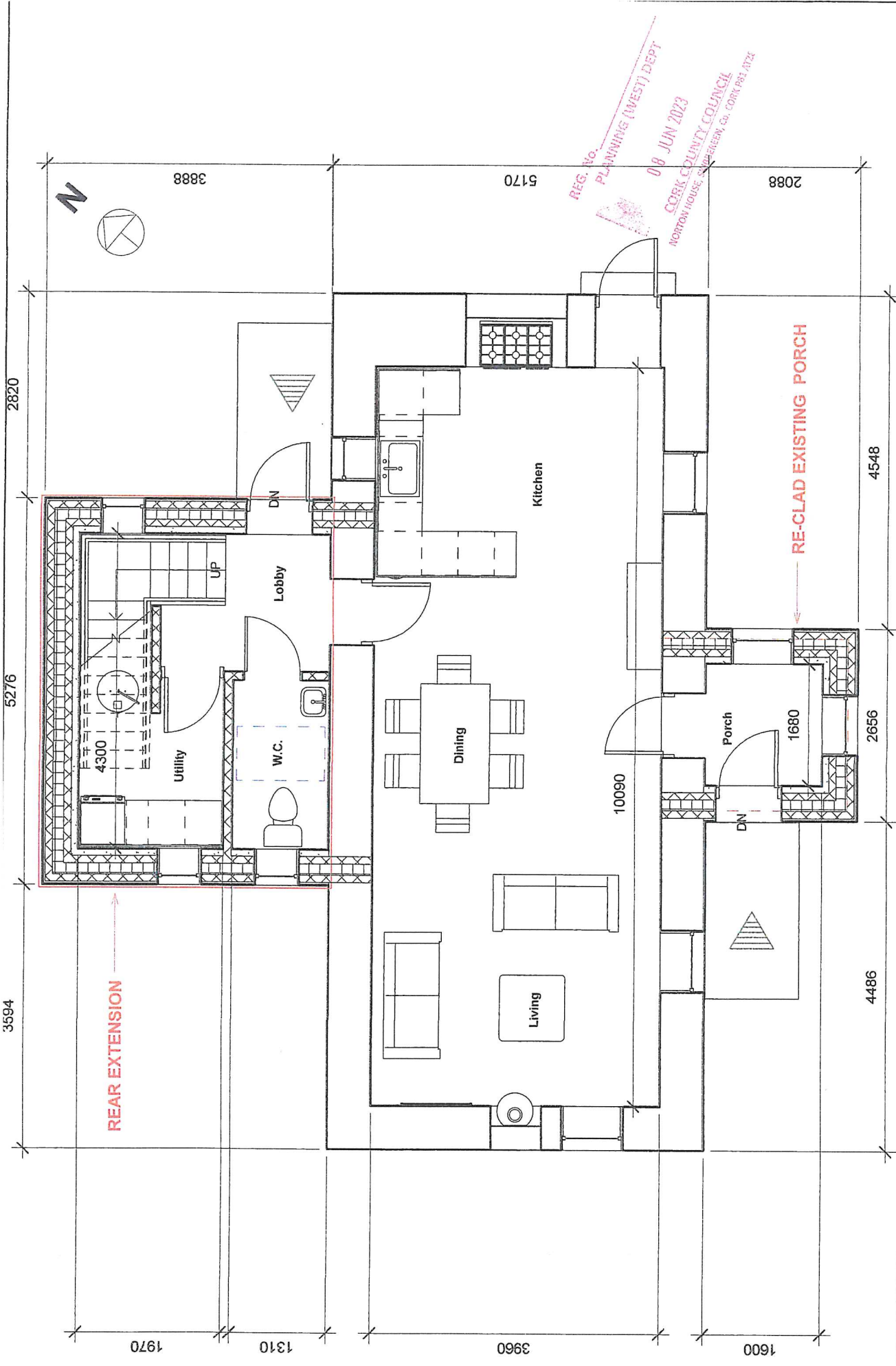
NORTH HOUSE, SMITHSBURY, CO. CORK, IRELAND
 CORK COUNTY COUNCIL
 08 JUN 2023
 PLANNING (WEST) DEPT

LEGEND

— Site boundary



Client: Emer & Paraic Connolly.		Title: Site Location Map 2 1:2,500	
Project: REAR EXTENSION Caher, Kilcrohane, Bantry, Co.Cork		Drawn: BW	Finalist No.:
		Checked: LD	Drawing No.:
		Scale: 1:2,500 (A3)	Rev: P01
		Date: 05/23	



REG. NO. PLANNING (WEST) DEPT
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 CORK COUNTY COUNCIL
 NORTON HOUSE, WATERGREEN, CO. CORK P21 AT2K

Paraic & Emer Connolly

Alterations & Extensions

Ground Floor Layout

Project number: PCE/01/23
 Date: 29/05/23
 Drawn by: BW
 Checked by: LD

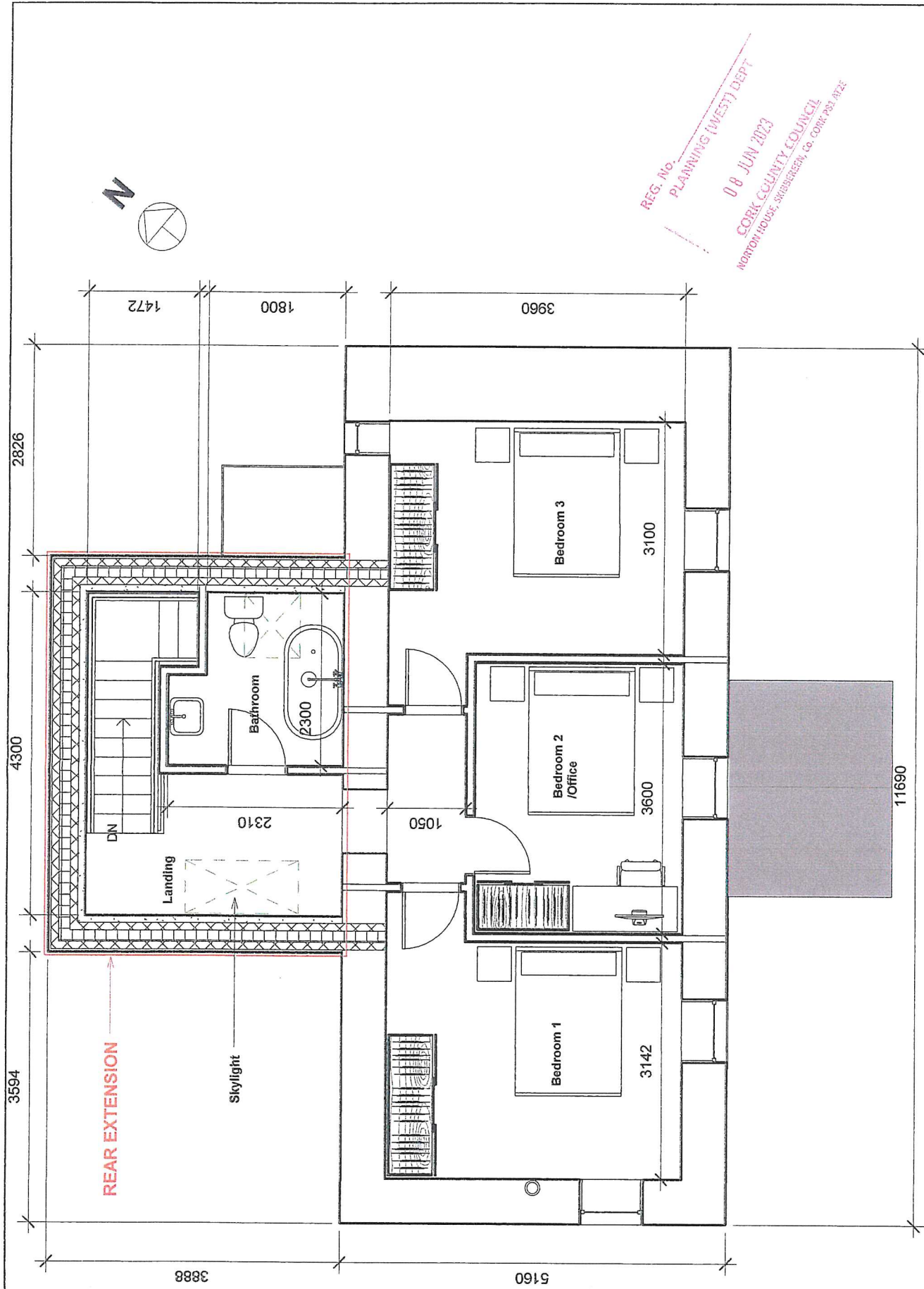
A101 (D3)

Scale: 1:50

1. This Drawing has been prepared for the purposes of a Planning Permission Application Only.

2. All Works to Comply Fully with Current Building Regulations & all such detail may not be shown in this Drawing.

LANNIN DESIGN
 ARCHITECTURE & PLANNING




REG. No.
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 CORK COUNTY COUNCIL
 MORTON HOUSE, SPOHRGREN, Co. CORK, P21, RT2E

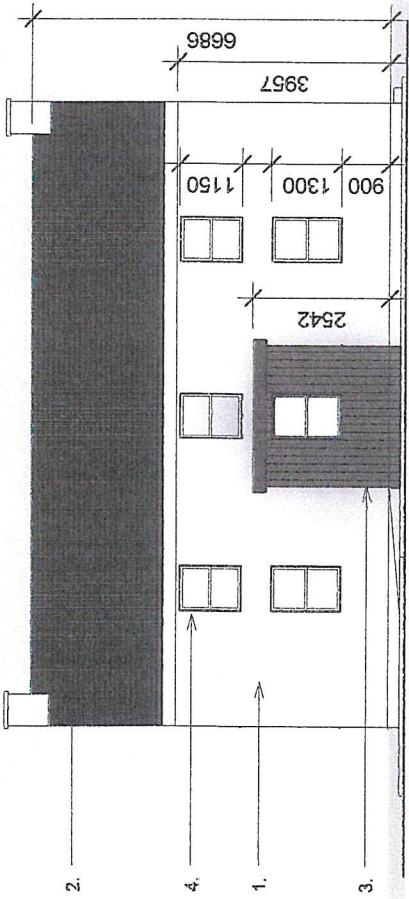
First Floor Layout	
Project number PCE/01/23	LD
Date 29/05/23	BW
Drawn by	Checked by
Scale 1 : 50	

1. This Drawing has been prepared for the purposes of a Planning Permission Application Only.
 2. All Works to Comply Fully with Current Building Regulations & all such detail may not be shown in this Drawing.

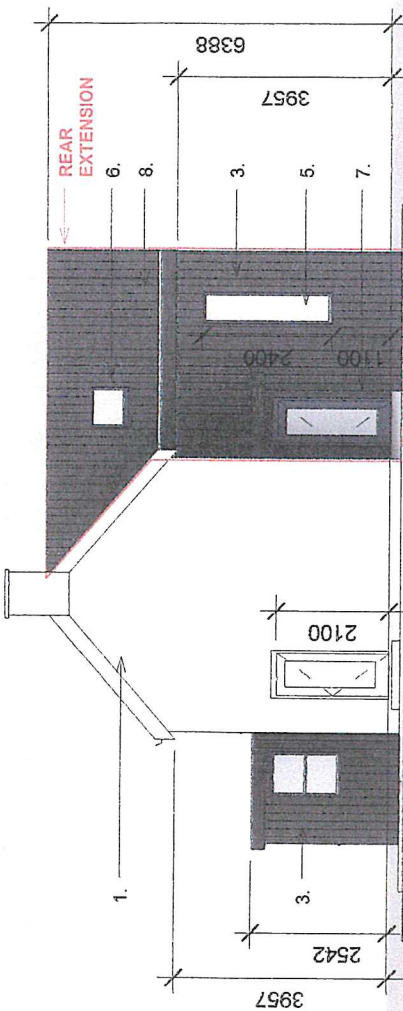
Paraic & Emer Connolly
Alterations & Extensions



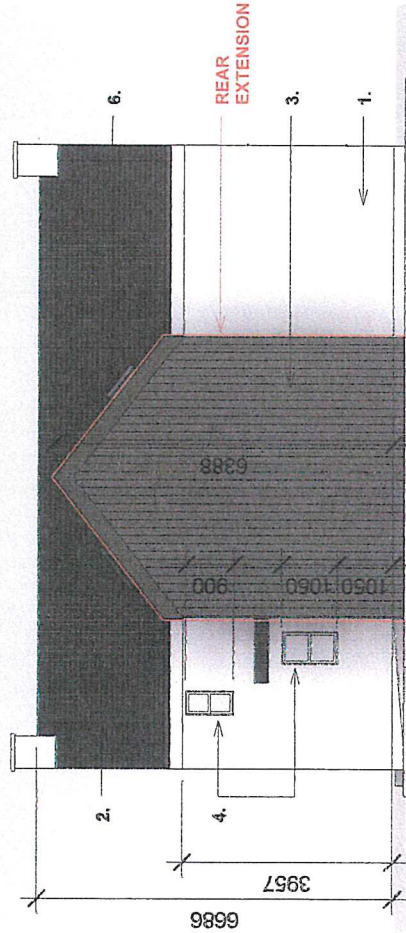
LANNIN DESIGN
 ARCHITECTURE & PLANNING



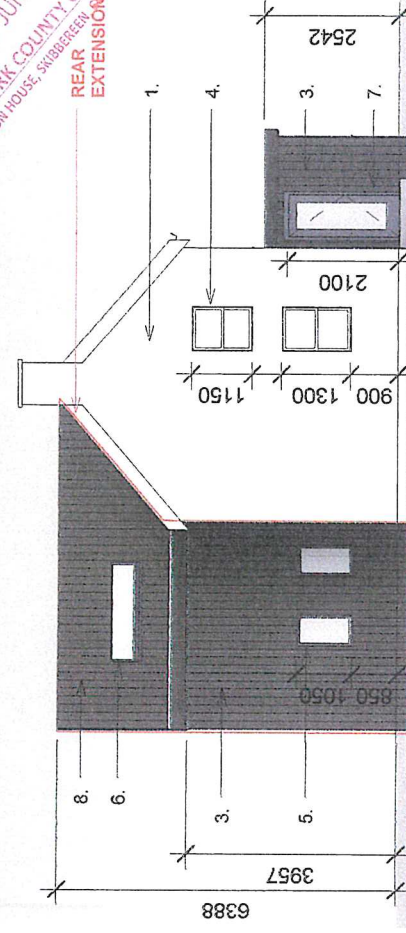
1 South (Front)
1 : 100



2 East
1 : 100




3 North (Rear)
1 : 100



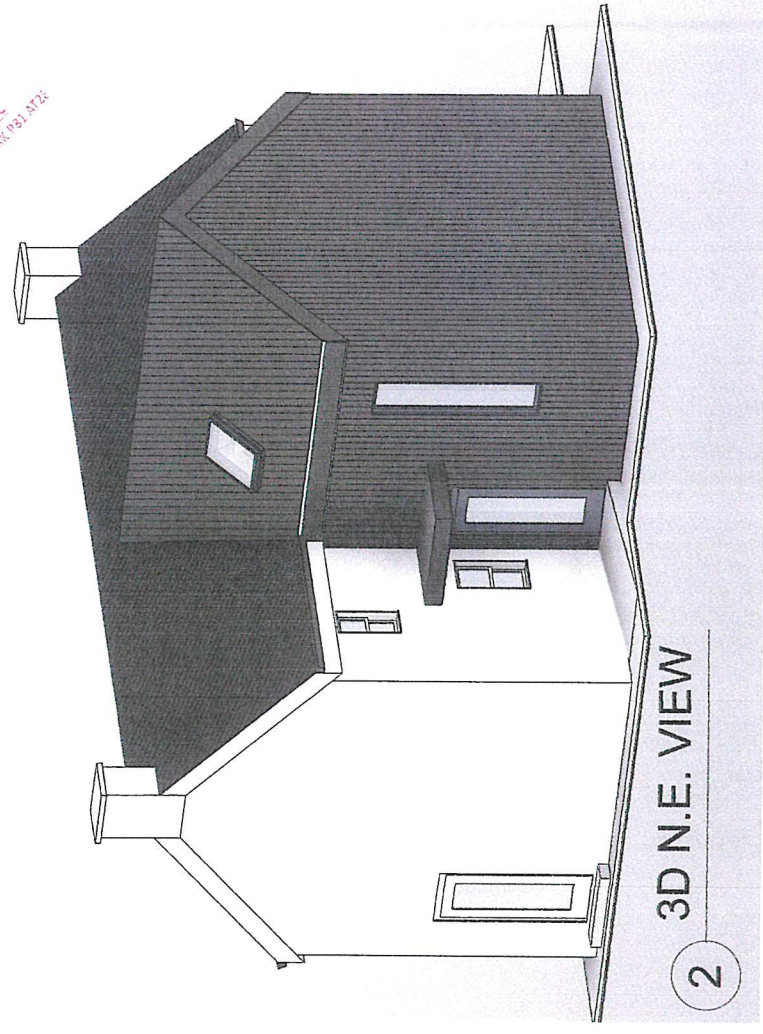
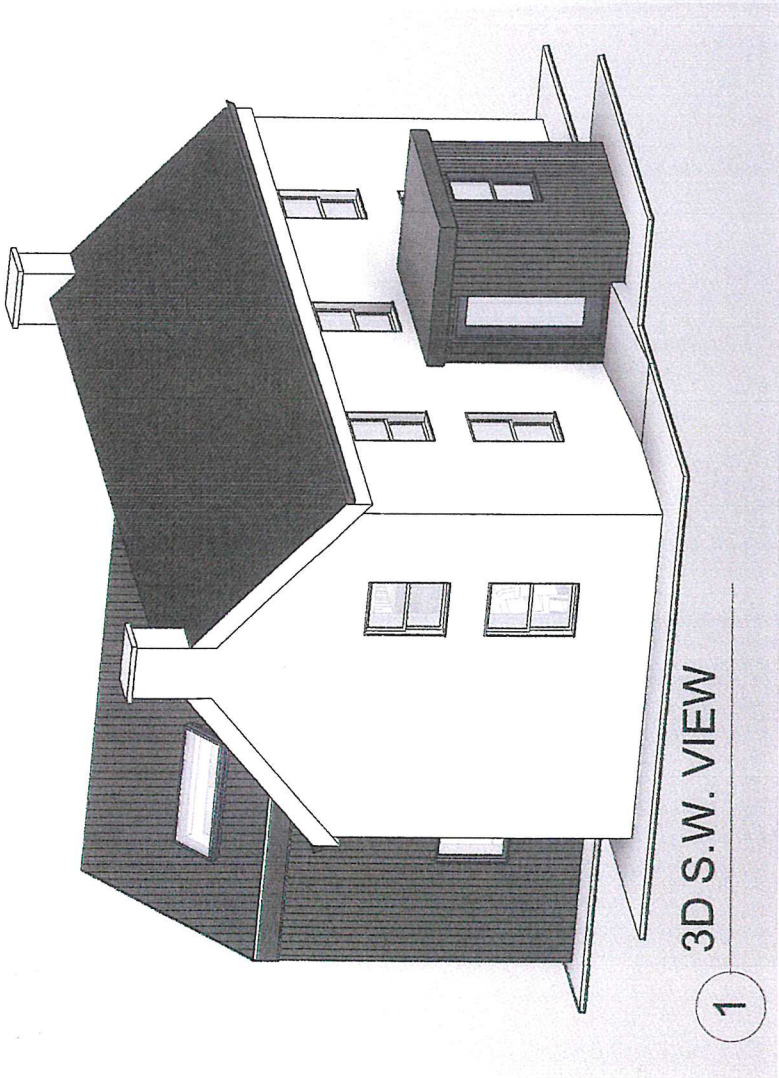
4 West
1 : 100

REG. No. _____
PLANNING (WEST) DEPT
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CORK COUNTY COUNCIL
MORTON HOUSE, SMIBERGEN, CORK P23, N23

- 1. - Smooth Render
- 2. - Slate Roof
- 3. - Scorched Larch Cladding
- 4. - Sliding Sash Windows
- 5. - Double Glazed Windows
- 6. - Skylights
- 7. - Double Glazed Door
- 8. - Scorched Larch Roof Cladding

 <p>LANNIN DESIGN ARCHITECTURE & PLANNING</p>	<p>Paraic & Emer Connolly Alterations & Extensions</p>		<p>2D Elevations</p>	
	<p>1. This Drawing has been prepared for the purposes of a Planning Permission Application Only. 2. All Works to Comply Fully with Current Building Regulations & all such detail may not be shown in this Drawing.</p>		<p>Project number PCE/01/23</p>	<p>Date 29/05/23</p>
		<p>Drawn by BW</p>	<p>Checked by LD</p>	<p>Scale 1 : 100</p>

REC. NO. _____
 PLANNING (WEST) DEPT
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 CORK COUNTY COUNCIL
 HORTON HOUSE, SHIBBINGEN, Co. CORK P53 ATZ



Paraic & Emer Connolly Alterations & Extensions	3D Elevations		Project number PCE/01/23	Date 29/05/23	Drawn by BW	Checked by LD	Scale LD
	1. This Drawing has been prepared for the purposes of a Planning Permission Application Only. 2. All Works to Comply Fully with Current Building Regulations & all such detail may not be shown in this Drawing.		A104 (D3)				
