Comhairle Contae Chorcaí Cork County Council

Maria Conran, c/o Liam Slattery, 3 Cois Na Gleann, Glanmire, Cork.

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



15th May, 2024

REF:

D/226/24

LOCATION:

1 Taobh Cnoic, Barrack Hill, Ballycotton, Co. Cork

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

Dear Madam,

On the basis of the information and plans submitted by you on the 30th April, 2024 the Planning Authority having considered whether the fitting of a new window to the side elevation of dwelling and construction of steps to the front door of the dwelling at 1 Taobh Cnoic, Barrack Hill, Ballycotton, Co. Cork is or is not development and is or is not exempted development has declared that it is exempted development.

Reason for Decision

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

- the particulars received by the Planning Authority on 30/04/2024,
- Sections 3 and 4 of the Planning and Development Act 2000 (as amended)
- Schedule 2, Part 1, Class 5 and Class 13 of the Planning & Development Regulations 2001 (as amended)
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended)

And Whereas Cork County Council has concluded that -

The fitting of a new window to the side elevation of dwelling and construction of steps to the front door of the dwelling at 1 Taobh Cnoic, Barrack Hill, Ballycotton, Co. Cork is development and is exempted development.





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

Planners Report

Section 5 Declaration Reference D/226/24

The Question

Whether the fitting of a new window to the side elevation of dwelling and construction of steps to the front door of the dwelling is / is not exempted development for the purposes of the Planning and Development Act.

Site Context

The subject site has a stated area of 0.017ha and is located at 1 Taobh Cnoic, Barrack Hill, within the development boundary of Ballycotton. The site comprises an existing part single storey, part storey and a half, semi-detached dwelling with a gross floor area of 156 sq.m.

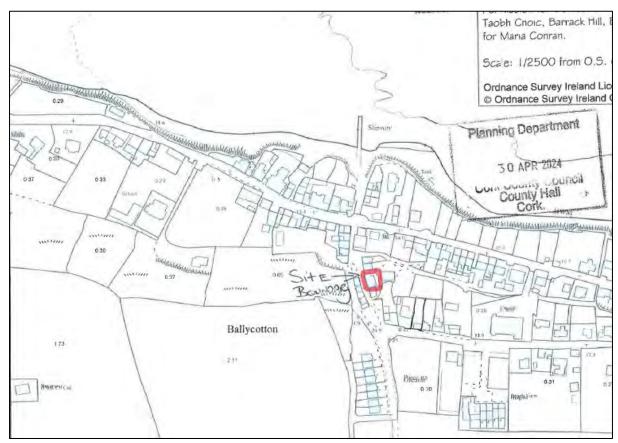


Figure 1: Site Location at 1 Taobh Cnoic, Barrack Hill, Ballycotton. Source: Submitted Site Location Map.

Planning History

There is no planning history on file for the site.

Appropriate Assessment / Environmental Impact Assessment

Section 4(4) of the PDA 2000 (as amended) de-exempts any development which requires an EIA or AA.

Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations lists the development types which may require an EIA, for the purposes of Part 10 of the Planning and Development Regulations 2001, (as amended).

Having regard to the above, it is considered that the development proposal would not require a mandatory or sub-threshold EIA. In relation to Appropriate Assessment and having regard to the nature of the proposal, it is considered that the requirement for AA is not warranted.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

Section 3 (1) states that,

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

"Works includes any act or operation of construction, excavation demolition extension, alteration, repair or renewal".

Section 4 (1)(h) states:

"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;"

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted from development for the purposes of the Planning and Development Act.

Planning and Development Regulations, 2001 (as amended)

Article 6 (1)

"Subject to article 9, development consisting of a class specified in column 1 of part 1 of schedule 2 shall be exempted for the purposes of the Act, provided that such development complied with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1."

Article 6, Part 1, Exempted Development - General

<u>Class 5</u> - The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, <u>railing</u> or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

- 1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.
- Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.
- 3. No such structure shall be a metal palisade or other security fence.

<u>Class 13</u> - The repair or improvement of any private street, road or way, being works carried out on land within the boundary of the street, road or way, and the construction of any private footpath or <u>paving</u>.

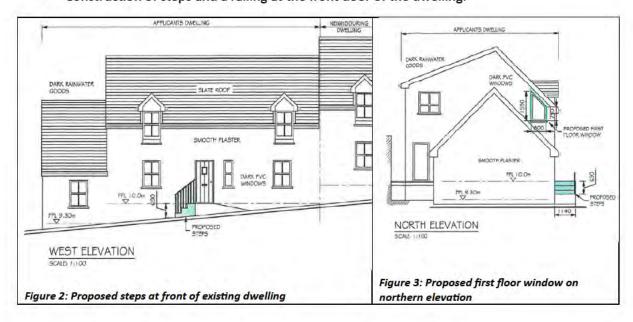
The width of any such private footpath or paving shall not exceed 3 metres.

Article 9(1) sets out circumstances in which exempted development defined by Article 6 Second Schedule shall not be exempted development.

Assessment

The works may be scheduled as follows:

- Insertion of a window unit at first floor level measuring 1590mm high and 800mm wide on the northern elevation of the existing dwelling.
- Construction of steps and a railing at the front door of the dwelling.



Having regard for the question posed to the Planning Authority, the proposal constitutes "development" as set out under Section 3 of the Planning and Development Act 2000, in that "works", which by interpretation as set out under Section 2 of the Act, includes "any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal", are proposed to be carried out on the subject site.

Is or is not development?

The first issue for consideration is whether or not the construction of steps and a railing at the front door on the west/front elevation and a proposed new window at first floor level on the northern/side elevation is 'development' which is defined in Section 3(1) and 'works' is defined in Section 2(1) of the Act. It is considered that the development as described by the applicant clearly falls within the definition of 'development'.

Is or is not exempted development?

Construction of steps to the front door of the dwelling

Class 5, of Part 1, Schedule 2 of the Regs, which pertains to the construction, erection or alteration or a railing within or bounding the curtilage of a house. This is regarded as exempted development for the purposes of this Act, however, is subject to a number of caveats, including that the height of any such structure shall not exceed 1.2 metres at the front of the house. The height of the proposed steps according to the drawings is 0.69m.

Class 13, of part 1, Schedule 2 of the Regs, which pertains to the repair or improvement of any private street, road or way being works carried out on the land within the boundary of the street, road or way and the construction of any private footpath or paving. The caveat in this instance is that the width of any such private footpath or paving shall not exceed 3 metres. The width of the proposed steps according to the submitted drawings is 1.14m.

Upon review of the conditions and limitations set out under Column 2, pertaining to Class 5 and Class 13 of the exempted development provisions, it is considered that none of these are applicable to the proposed development. The proposed front steps and the railing is exempted development. The Area Engineer also confirmed via email correspondence on 07/05/2024 that there are no concerns regarding the proposed development, from a roads point of view.

Cosmetic Alterations

With respect to the proposed cosmetic alteration to the dwelling, namely the proposed new window at first floor level on the side/northern elevation is considered "exempt development "as per S4(1)(h) of the Act as these changes would not materially affect the external appearance of the structure so as to render the appearance inconstant with the character of the structure or of neighbouring structures.

Conclusion and Recommendation

Having regard to:

- the particulars received by the Planning Authority on 30/04/2024.
- Sections 3 and 4 of the Planning and Development Act (2000, as amended)
- Schedule 2, Part 1, Class 5 and Class 13 of the Planning & Development Regulations 2001 (as amended)
- Articles 6 and 9 of the Planning and Development Regulations (2001, as amended)

It is considered that, the proposed fitting of a new window to the side elevation of the existing dwelling and construction of steps to the front door of the dwelling at 1 Taobh Cnoic, Barrack Hill, Ballycotton "is development and is exempted development."

Alannah Hurley

Assistant Planner 14/05/2024

Alamah Hurley

Eveleen Crowley

From:

Alannah Hurley

Sent:

Wednesday 15 May 2024 10:59

To:

Eveleen Crowley

Subject:

FW: Section 5 Application Ref. No. D/226/24 - 1 Taobh Cnoic, Barrack Hill,

Ballycotton

Attachments:

D226.24.pdf; D226.24 Maps - Drawings.pdf

From: Paul ODonovan

Sent: Tuesday, May 7, 2024 11:08 AM

To: Alannah Hurley

Subject: FW: Section 5 Application Ref. No. D/226/24 - 1 Taobh Cnoic, Barrack Hill, Ballycotton

Hi Alannah,

I have no issue with the fitting of a new window to side elevation of dwelling and construction of steps to the front door of the dwelling at 1 Taobh Cnoic, Barrack Hill, Ballycotton from a roads point of view.

Regards,

Innealtóir Cúnta Bóithre agus Iompar Pól Ó Donnabháin

Comhairle Contae Chorcaí An Lóiste, Bóthar Eochaille,

Mainistir na Corann Corcaigh P25 TF98 Éire

www.corkcoco.ie

Tairseach na gcustaiméirí: www.yourcouncil.ie

Assistant Engineer Roads & Transportation Paul O Donovan

Cork County Council The Lodge, Youghal Road. Midleton County Cork P25 1F98 Ireland

www.corkcoco.ie

Customer Portal: www.yourcouncil.ie



Smaoinigh ar an timpeallacht sula ndéanann tú an ríomhphost seo a phriontáil. Please consider the Environment before printing this mail.

Liam Slattery

Diploma in Civil Engineering

Mitchelstown, Co. Cork

086 3892939 slatteryliam@yahoo.com

Cork County Council, Planning Department, County Hall, Cork

29th April 2024

To install a first floor window and construct steps to front door of Existing Dwelling at 1 Taobh Cnoic, Barrack Hill, Ballycotton, Co. Cork for Maria Conran.

Dear Sir/Madam,

Please find enclosed:

- □ Payment for €80.00
- 4 no. Application forms
- □ 4no. ordnance maps 1:10560, 1:2500
- 40. drawings of proposed development (see below)

Planning Department

30 APR 2024

County Ocuncil County Hall Cork.

DRG. No.	DRG. TITLE	SIZE - SCALE	COPIES
01	Site Layout	A4 – 1:200	6
02	Elevations & Section	A3 – 1:100	6
03	Floor Plans	A3 – 1:75	6

Yours sincerely,

Liam Slattery



CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

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.	112-0002375
Cash/Cheque/ Credit Card	Chaque
Date	30/04/024
Declaration Ref. No.	0/226/24

(Please tick $\sqrt{}$)





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^{rd} 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.

MARIA CORAL POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF 2, 1 TAOBH CHOIC, BARRACH HULL,
BALLUTATE: EXEMPTION IS SOUGHT: cottos, Co. Coer 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 كقالد COSRAZ Tut AROUE FIRST FLOOR WINDOW Hopiac to LUSIC OF THE VIEW of WOULD ALSO LIVE TO ADD DWELCING, THE FRONT DOUR, THIS WILL WHE PROPOSA) COUNCIL a) the FIRST FLOOR WARROW AN THEY AprilsAn SECTIONS WAS THE BEST OPTION.

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

1.

(a) Floor area of existing/proposed structure(s):	K 181.2
(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 No No If yes, please provide floor areas (m²) and previous planning reference(s) where applicable ORKIVAL RALIMO 99 39
(c) If a change of use of land and/or building(s) is proposed, please state the following:	
Existing/previous use	Proposed use
(d) Are you aware of any enforcement proceedings connected to this size?	Yes Noteming Department
	If yes, please state relevant reference number(s):
LEGAL INTEREST OF APPLICANT IN T	HE LAND/STRUCTURE:
Please tick appropriate box to show applicant's egal interest in the land or structure: Where legal interest is "Other", please state our interest in the land/structure:	A. Owner B. Other
f you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	
	RCHITECTURAL CONSERVATION AREA:
this a Protected Structure/Proposed Protected Structure: Yes No	cture or within the curtilage of a Protected
yes, has a Declaration under Section 57 of the Plar r issued for the property by the Planning Authority:	nning & Development Act 2000 been requested Yes
yes, please state relevant reference No	
A Maria and the first of the second state of t	on Area (ACA), as designated in the County

8. DATA PROT	ECTION DECLARATION:	
In order for the Plannin	ng Authority to process the personal data you have provided, your con	sent is
provided by you in line	he box below, you consent to the Planning Authority processing the per	rsonal data
http://www.corkcoco.ie	with the terms of Cork County Council's Privacy Policy available at exprivacy-statement-cork-county-council or in hardcopy from any Council or in hardcopy fro	** ***
and to having your info	ormation processed for the following purposes:	incil office;
	claration of Exemption application by the Planning Authority	
	n for my personal information to be processed for the purpose stated	ahaya
Signed	2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	above
(By Applicant Only)	Merso lanne	
Date	29-4-24	
GDPR Special Cate	egories of data / Sensitive Personal data - Explicit Conse	nt
Where Special Categori	es of personal data / sensitive personal data are provided as part of / il	
a deciaration application	I, explicit consent to the processing of the special categories of data	nust he
given by the person to w	hom the data refers, namely the Data Subject.	
Special Categories of da	ta / Sensitive Personal data include:	
Race		
 Ethnic origin 		
 Political opinions 		
 Religion 		
 Philosophical beliefs 		
 Trade union member 		
 Genetic data 	*	
 Biometric data 		
 Health data 	1,4	
 Concerning a natural 	person's sex life	
 Sexual orientation 		
In order for the Planning	Authority to process the sensitive personal data you have provided, y	
is required, by ticking the	DOX below, you consent to the Planning Authority processing the do	reonal data
provided by you in line w	Ith the terms of Cork County Council's Privacy Policy available at	
https://www.corkcoco.ie/	privacy-statement-cork-county-council or in hardcony from any Court	icil office
and to maying your inform	lation processed for the following purposes:	
	ata being submitted in support of Declaration of Exemption Appl	
☐ I give permission for	my sensitive personal data submitted to the Planning Authority to be	processed
for the purpose stated abo	ive.	ргосеззеи
Signed	Marza Conras	
Date	-29 1, 20	
	$\propto 7-74-04$	
You have the right to withdraw	your consent by contacting the Planning Department, Ground Floor, County Hall,	
THE PROBLEM TO ALL, COIK; ICI.	(V41) 44/0031 Email: Dianninginto@corkeoco ie or by contacting the Diagram of	partment,
The state of the read, Skill	bereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie f personal data is withdrawn during the declaration of exemption decision-making	
information cannot be considered	ed as part of the decision making process. Once a decision-making	process this

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.

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

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.

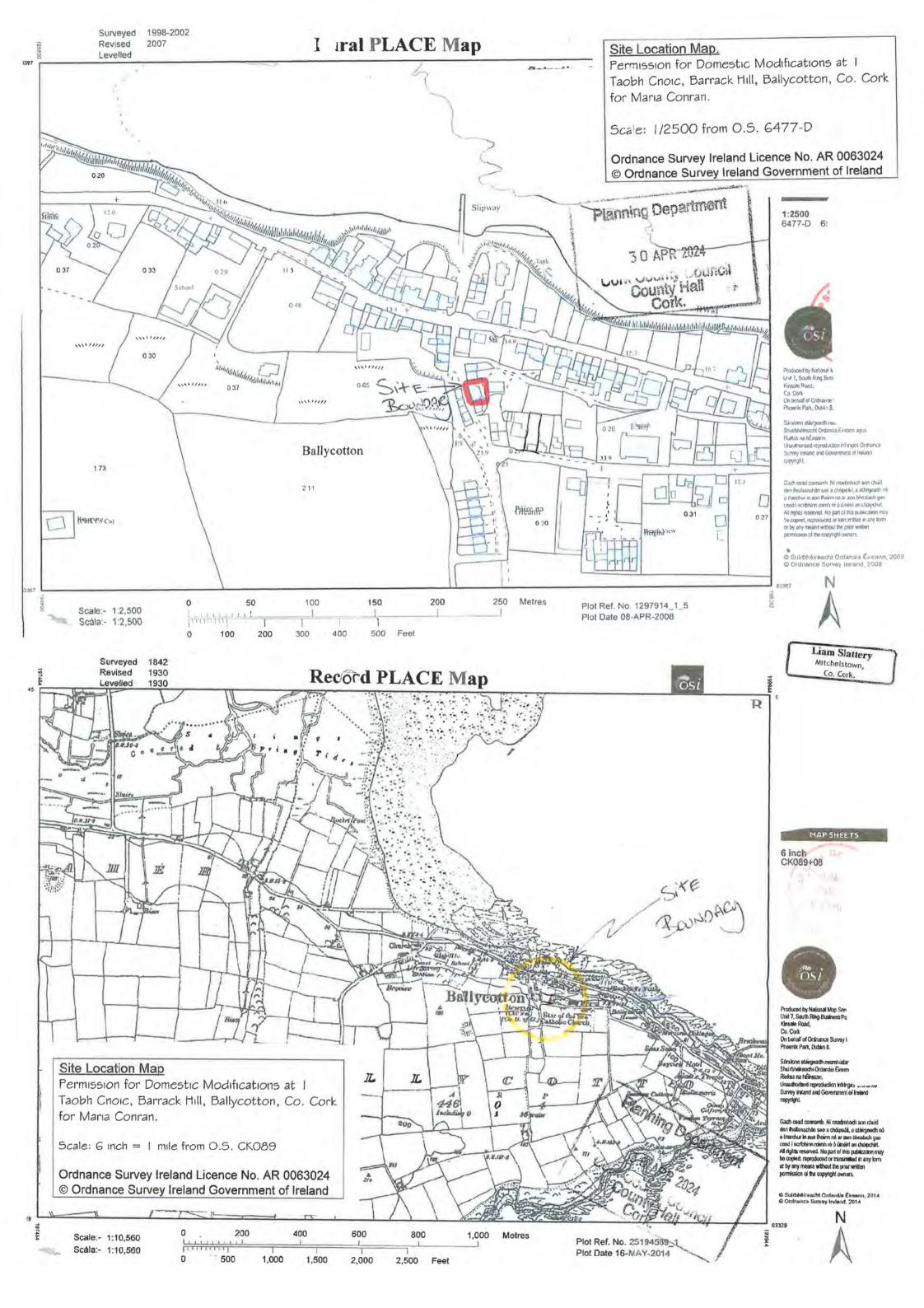
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and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

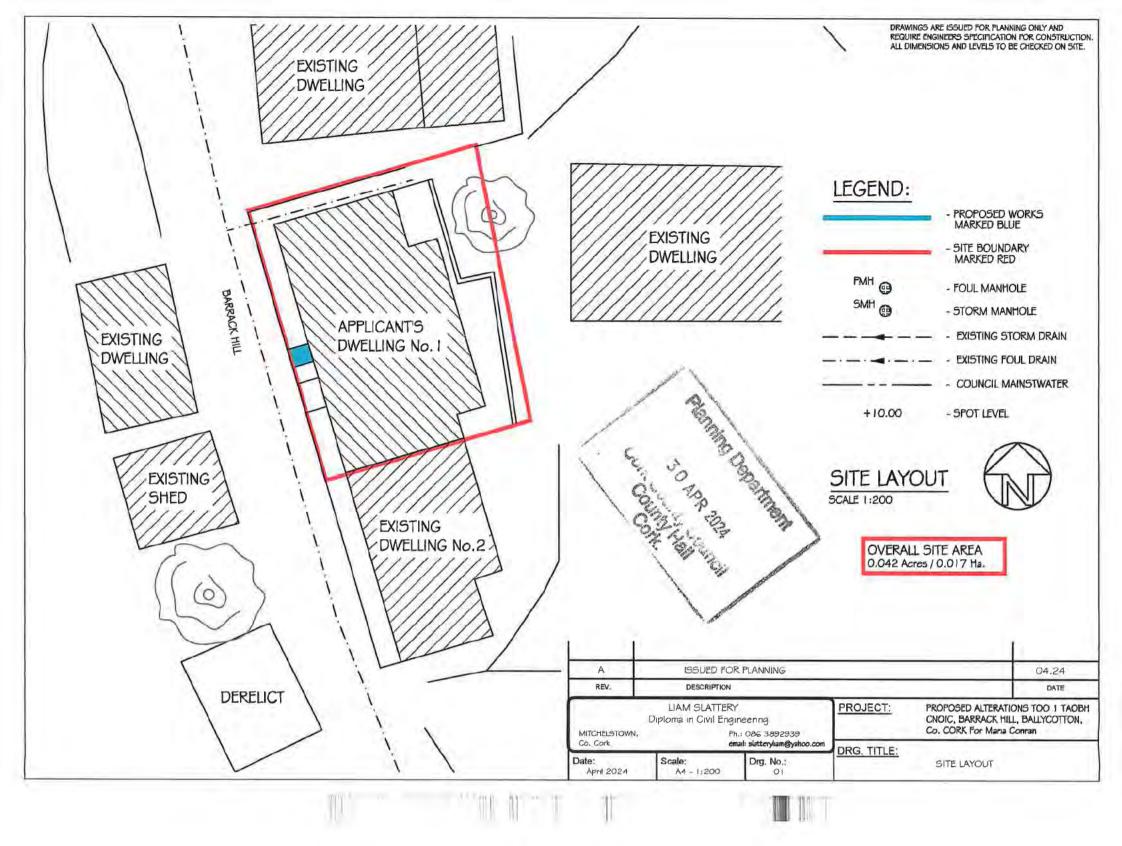
The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be 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 <u>Planning and Development Acts 2000</u>, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	Harra Donas	
Date	29-4-24	







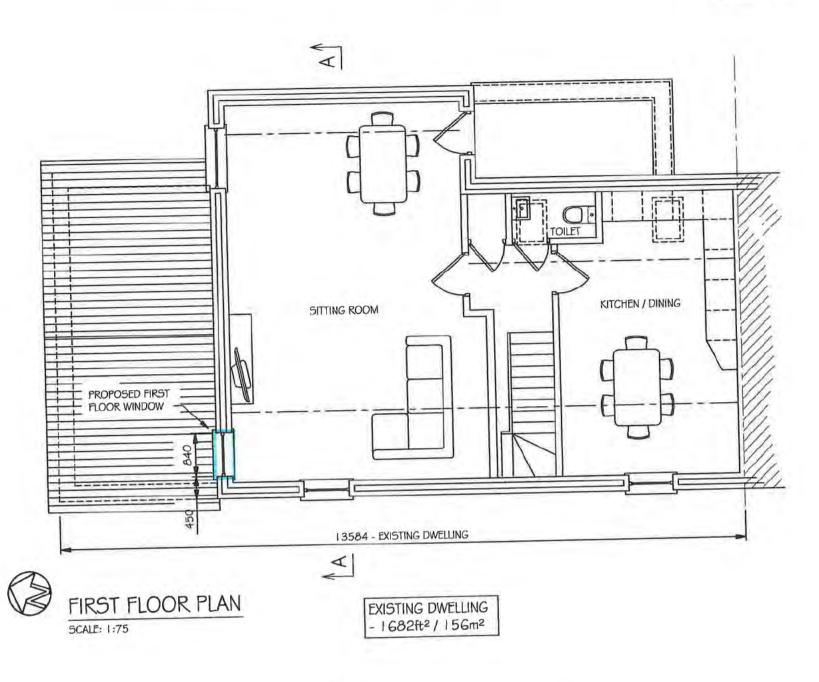
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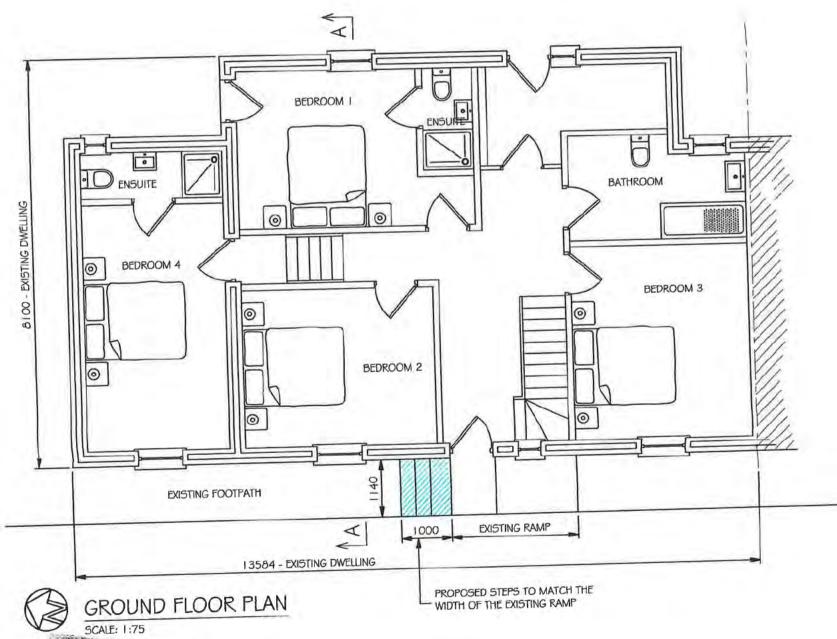
PROPOSED ALTERATIONS TOO I TAOBI CNOIC, BARRACK HILL, BALLYCOTTON, Co. CORK For Mana Conran.

FLOOR PLANS

PROJECT:

DRG. TITLE:





A

REV.

MITCHELSTOWN,

Co. Cork

Date: April 2024 ISSUED FOR PLANNING

Ph.: 086 3892939 email: slatteryliam@yahoo

> Drg. No.: 03

DESCRIPTION

LIAM SLATTERY Diploma in Civil Engineering

> Scale: A3 - 1:75

Planning Department

30 APR 2024

County Hall
Cork.