

Comhairle Contae Chorcaí Cork County Council

Chinna Nachiappan,
21 Maple Avenue,
Janeville,
Carrigaline,
Co. Cork
P43VK74

14th November, 2024

REF: D/272/24
LOCATION: 21 Maple Avenue, Janeville, Carrigaline, Co. Cork P43VK74.

**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 18th October, 2024 the Planning Authority, having considered whether the proposed 33.25 sqm rear extension to existing dwelling at **21 Maple Avenue, Janeville, Carrigaline, Co. Cork P43VK74** is or is not development or 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:

- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, as amended,
- Part 1, Schedule 2 of the Planning and Development Regulations 2001-2024 as amended and
- Article 9 (1) of the Planning and Development Regulations 2001-2024 as amended, and
- The plans and particulars received on 18th October 2024

And Whereas the Planning Authority hereby concludes that

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charrraig 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



The subject extension would meet with the conditions and limitations of Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001-2024 as amended, and the proposed 33.25 sqm rear extension to existing dwelling at **21 Maple Avenue, Janeville, Carrigaline, Co. Cork P43VK74** constitutes **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,



**PIO TREACY,
ADMINISTRATIVE 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>

D272/24

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

1.0 Introduction

1.1 Chinna Nachiappan has submitted a Section 5 declaration asking whether a proposed 33.25 sqm rear extension to existing dwelling, at 21 Maple Avenue, Janeville, Carrigaline, Co. Cork P43VK74, is or is not development and is or is not exempted development?

2.0 Planning History and Policy



20/4650

Astra Construction Services Ltd were granted planning permission for the construction of 82 no. dwelling houses and all ancillary site development works. The proposed development consists of the construction of 2 no. 5 bedroom detached dwelling houses, 4 no. 4 bedroom detached dwelling houses, 10 no. 4 bedroom semi-detached dwelling houses, 38 no. 3 bedroom semi-detached dwelling houses, 10 no. 2 bedroom townhouses and 18 no. 3 bedroom townhouses. Access to the proposed development will be via the existing junction with the Carrigaline Road and internal road network permitted by Cork County Council Planning Reference 16/4289 and proposed development provides for the realignment and extension of the permitted spine road.



Part of Permitted Layout Plan 20/4650

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.”*
- 3.4 Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001-2024 as amended are particularly relevant.

4.0 Assessment

- 4.1 The application form outlines that the total area of the subject extension would be 33.25 sqm. The subject extension would be located on the southern rear elevation of the house. The house is a semi-detached two storey dwelling.
- 4.2 Class 1 allows for the extension of a house to the rear provided a number of conditions/limitations are met.

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.

- 4.3 Condition/limitation 1 outlines that where the house has not been extended previously the floor area of any such extension shall not exceed 40 sqm. Also, where the house is terraced the floor area of any extension above ground level shall not exceed 12 sqm. This is a semi-detached dwelling and the proposed extension is single storey. The dwelling has not been previously extended and the proposed extension is less than 40 sqm. Therefore, I am satisfied it meets the requirements of condition/limitation 1.
- 4.4 Condition/limitation 2 refers to a dwelling which has been previously extended so this is not relevant. Condition/limitation 3 requires that any above ground level extension shall be a distance of not less than 2m from any party boundary. The subject extension is single storey and not above ground level so this is not relevant.
- 4.5 Condition/limitation 4 outlines 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. The height of the extension is 3.491m and the height of the rear wall of the house is 5.6m and does not include a gable. Therefore, as the height of the walls of the extension does not exceed 5.6m, the subject extension meets with this condition/limitation.
- 4.6 Condition/limitation 4(c) requires the height of the highest part of the roof of any such extension to 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. The highest part of the proposed extension does not exceed the height of the eaves of the dwelling nor does it exceed the height of the highest part of the roof of the dwelling. Therefore, it meets with this condition/limitation.
- 4.7 Condition/limitation 5 outlines that 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. There is more than 25 sqm of private amenity space remaining to the rear.
- 4.8 Condition/limitation 6 states that any window proposed at ground level in any proposed extension shall not be less than 1m from the boundary it faces. Also, any window proposed above ground level shall not be less than 11m from the boundary it faces. This is a single storey extension and all the windows are on the west elevation and are more than 1m from the boundary they face.

- 4.9 Condition/limitation 7 outlines that the roof of any extension shall not be used as a balcony or roof garden. The floor plans submitted do not propose a balcony/roof garden on the proposed roof and also it will have a slightly sloping roof so unlikely to be able to accommodate a roof.
- 4.10 Article 9 (1) (a) of the Planning and Development Regulations 2001-2024 as amended outlines that development to which article 6 relates shall not be exempted development for the purposes of the Act, if the carrying out of such development would meet with one of the categories (i) through (xii). I am satisfied that the proposed development does not trigger any items of article 9(1)(a).

Appropriate Assessment

- 4.11 The subject site is within the screening zone of the Cork Harbour Special Protection Area (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 a proposed 33.25 sqm rear extension to existing dwelling, at 21 Maple Avenue, Janeville, Carrigaline, Co. Cork P43VK74 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) Part 1, Schedule 2 of the Planning and Development Regulations 2001-2024 as amended,
- (c) Article 9, (1) of the Planning and Development Regulations 2001-2024 as amended,

And whereas the Planning Authority has concluded that the subject extension would meet with the conditions and limitations of Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001-2024 as amended,

The Planning Authority concludes that a proposed 33.25 sqm rear extension to existing dwelling, at 21 Maple Avenue, Janeville, Carrigaline, Co. Cork P43VK74 is development and is exempted development.



Susan Hurley
Executive Planner
11/11/2024



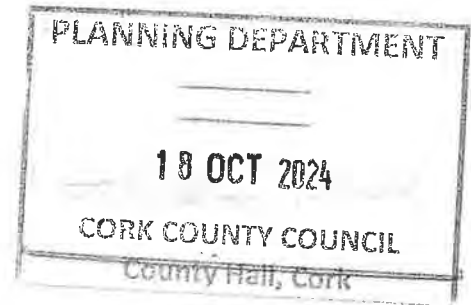
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

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.	R290046403
Cash/Cheque/ Credit Card	CARD
Date	18/10/2024
Declaration Ref. No.	D/272/24

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)

Chinna Nachiappan

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

21 Maple Avenue
Janeville
Carrigaline
Cork - P43VK74

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

I would like confirmation my proposed 33.25m2 rear extension design is exempt development.

Planning Department
18 OCT 2024
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):	Proposed Rear Extension 33 25m2
(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: _____ Proposed use: _____	
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):



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

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

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input 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)	
Date	16-Oct-2024

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	16-Oct-2024

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, Skibbercen, 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:

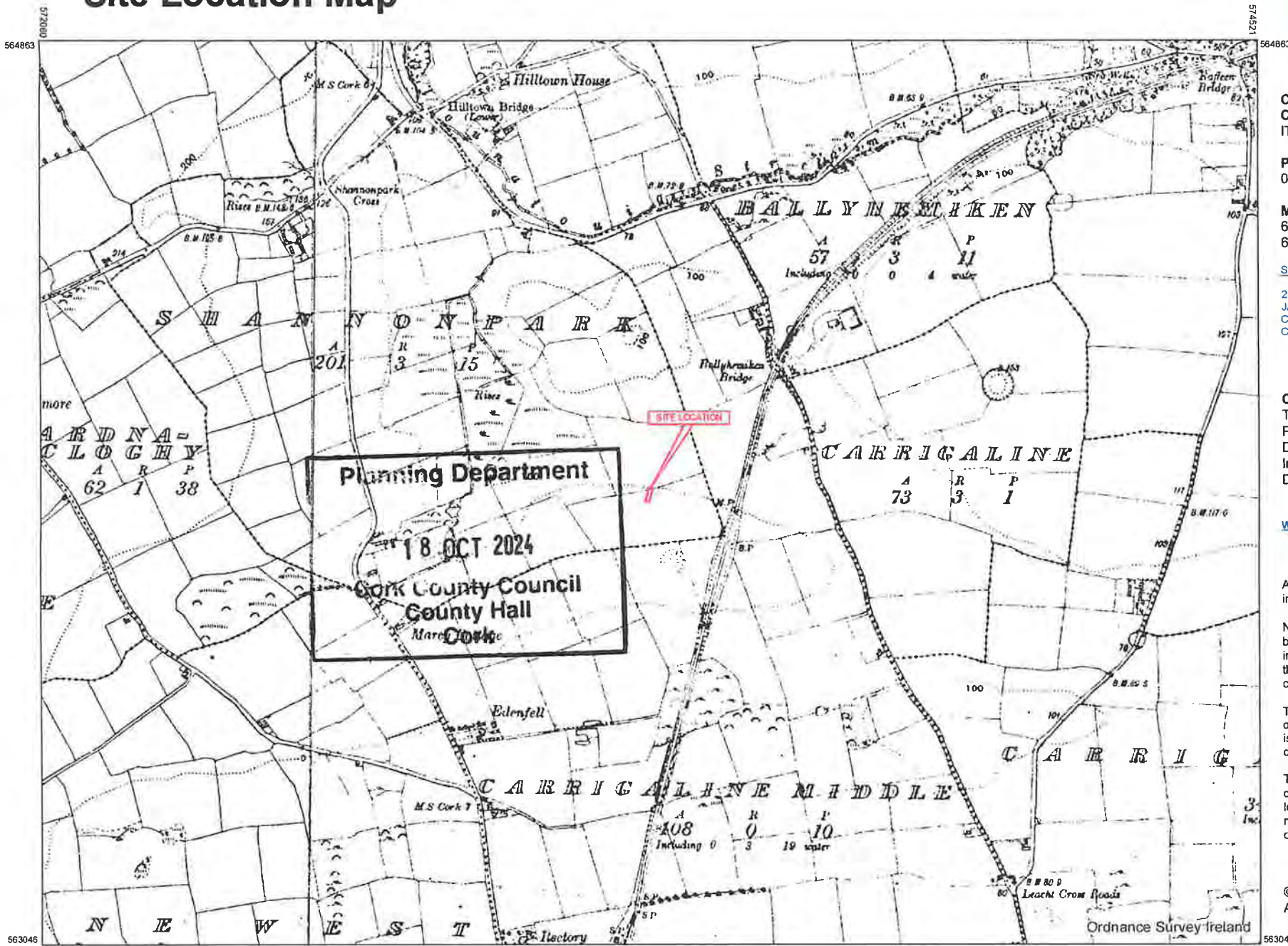
Signed (Applicant or Agent as appropriate)	
Date	16-Oct-2024

Planning Department
18 OCT 2024
Cork County Council
County Hall
Cork

Site Location Map



Tailte
Éireann



CENTRE COORDINATES:
ITM 573291,563955

PUBLISHED: 08/10/2024
ORDER NO.: 50427284_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK086, CK087

SITE ADDRESS:

21 MAPLE AVENUE,
JANEVILLE
CARRICALINE,
CO CORK

COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

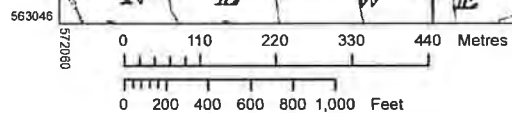
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LEGEND:
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www.tailte.ie and search for
'Large Scale Legend'



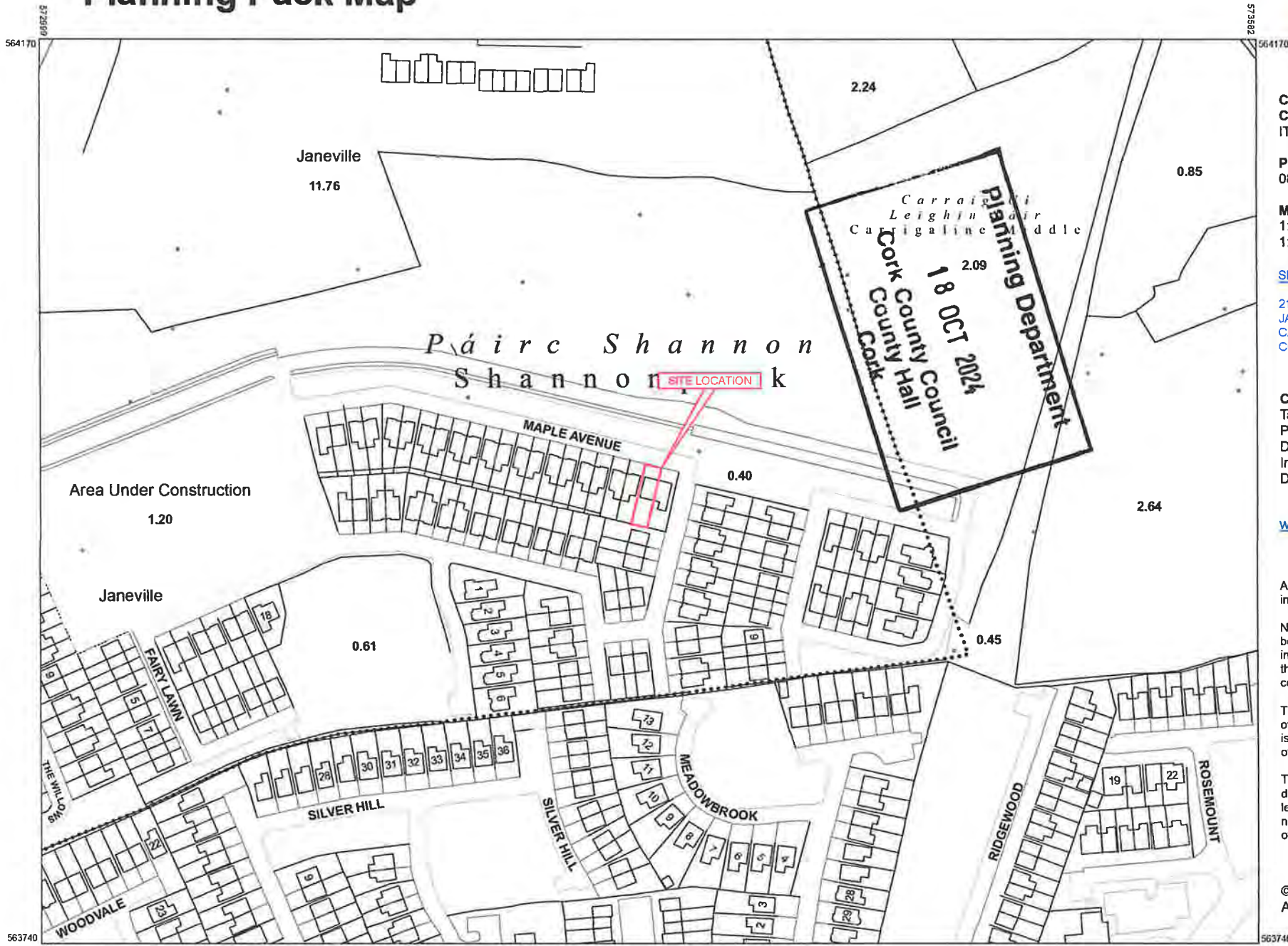
563046

563046

Planning Pack Map



Tailte Éireann



Carrigaline
 Leighlin
 Carrigaline Middle
 2.09
 18 OCT 2024
 Cork County Council
 Planning Department

CENTRE COORDINATES:
ITM 573291,563955

PUBLISHED: 08/10/2024
ORDER NO.: 50427284_1

MAP SERIES: 1:2,500
MAP SHEETS: 6471-C
1:2,500 6510-A

SITE ADDRESS:

21 MAPLE AVENUE,
JANEVILLE
CARRIGALINE,
CO. CORK

COMPILED AND PUBLISHED BY:

Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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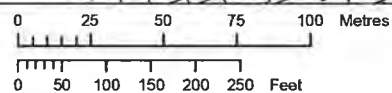
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'





Planning Department
18 OCT 2024
Carrigrohane Council
Cork

MAPLE AVENUE

SITE LOCATION



NOTES:

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Rev	Description	By	Chkd	Date
B	Issued for Planning	NMS	RMS	10.10.24
A	Issued for Information	NMS	RMS	12.09.24

ServStream
ENGINEERING

Unit 18
Barr na Sraide
Ballincollig
Cork
Ireland
Tel: +353 (0)21 487 6190
Email: info@servstream.ie
Web: www.servstream.ie

PROJECT
21 Maple Avenue, Carrigaline,
Cork

TITLE
Site Plan

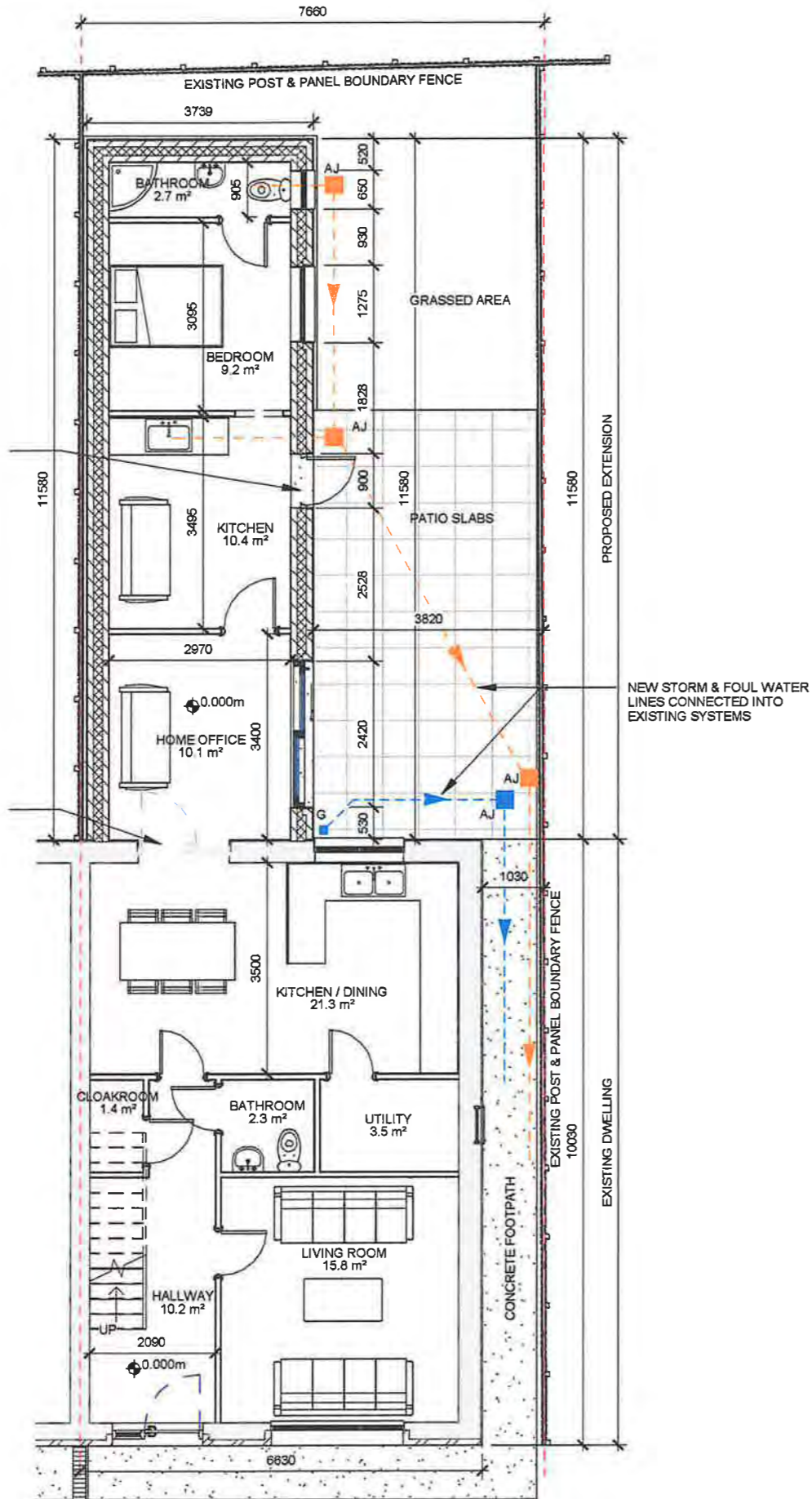
Project Status	INFORMATION	Date	12.09.2024
Drawn by	NMS	Checked by	RMS
Project number	10724	Scale (@ A3)	1 : 500

DRAWING NUMBER	10724-1001	REV	B
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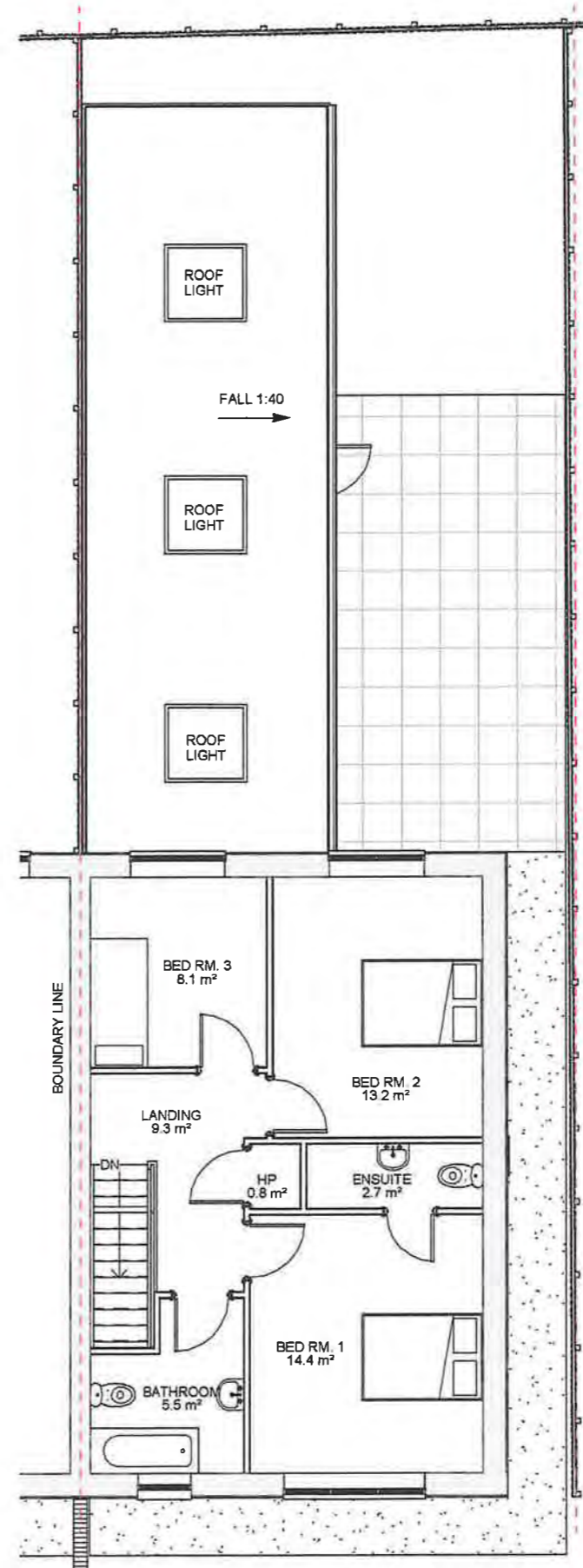
TOTAL INTERNAL AREA OF EXTENSION = 33.25 m²
 TOTAL REMAINING EXTERNAL AREA TO REAR OF HOUSE = 51 m²

EXISTING REAR DOOR TO BE REUSED FOR NEW EXTENSION DOOR IF POSSIBLE. CONTRACTOR TO ASSESS FEASIBILITY

EXISTING EXTERNAL DOOR AND WINDOW REMOVED. WALL AND FLOOR MADE GOOD FOLLOWING REMOVAL. DOOR TO BE REUSED FOR NEW KITCHEN DOOR



Ground Floor FFL
 1:100



Extension Roof Plan
 1:100



NOTES:

Planning Department
 1.8 OCT 2024
 Cork County Council
 County Hall
 Cork

LEGEND:

- - - - - SITE BOUNDARY
- - - - - PROPOSED STORM LINE (110mm DIA. UPVC)
- - - - - PROPOSED FOUL LINE (110mm DIA. UPVC)

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Rev	Description	By	Chkd	Date
B	Issued for Planning	NMS	RMS	10.10.24
A	Issued for Information	NMS	RMS	12.09.24

ServStream
 ENGINEERING

Unit 1B
 Barr na Sráide
 Ballincollig
 Cork
 Ireland

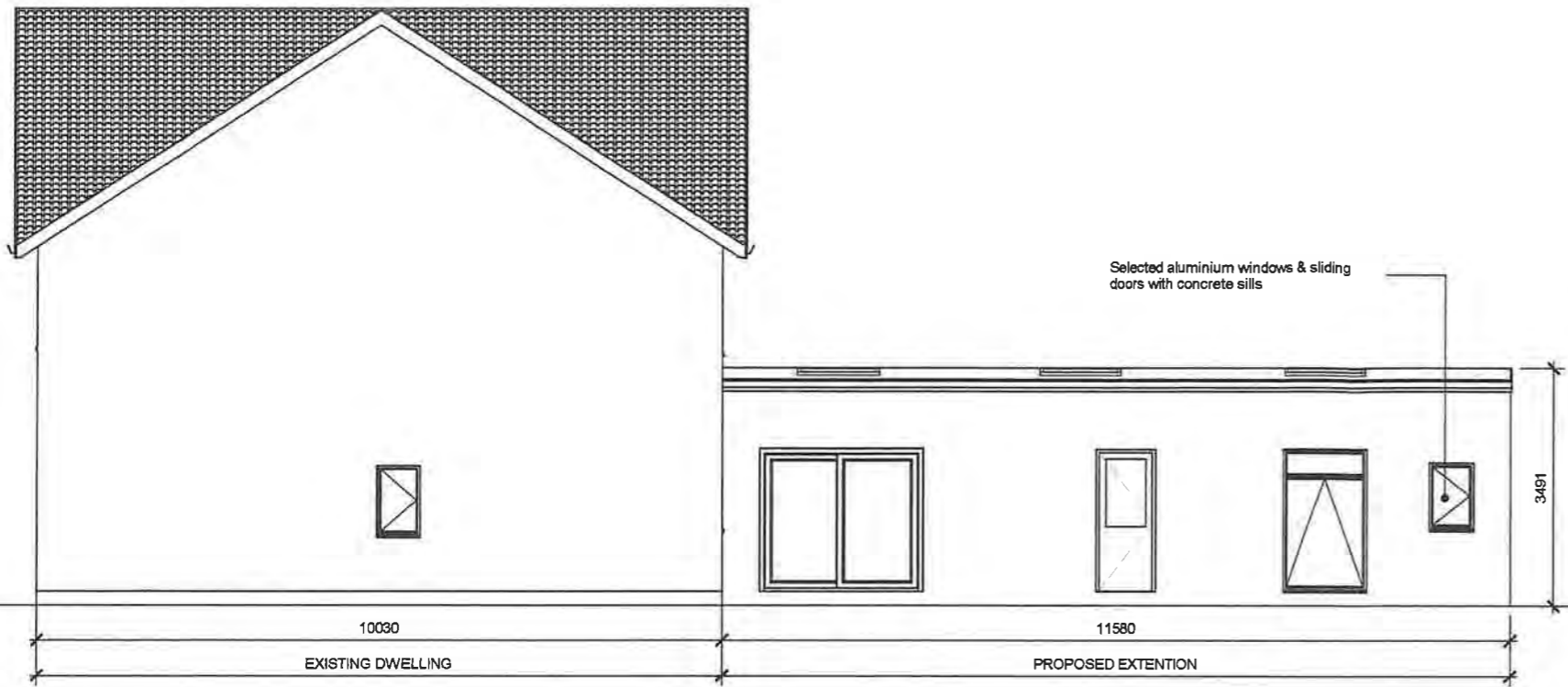
Tel: +353 (0)21 487 6190
 Email: info@servstream.ie
 Web: www.servstream.ie

PROJECT
 21 Maple Avenue, Carrigaline,
 Cork

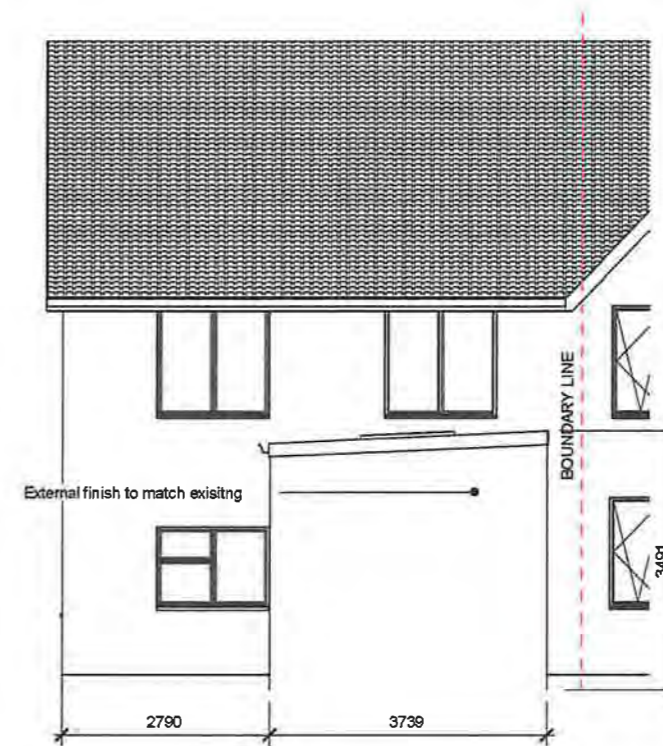
TITLE
 Proposed Floor & Roof Plan

Project Status INFORMATION	Date
Drawn by NMS	Checked by RMS
Project number 10724	Scale (@ A3) As indicated

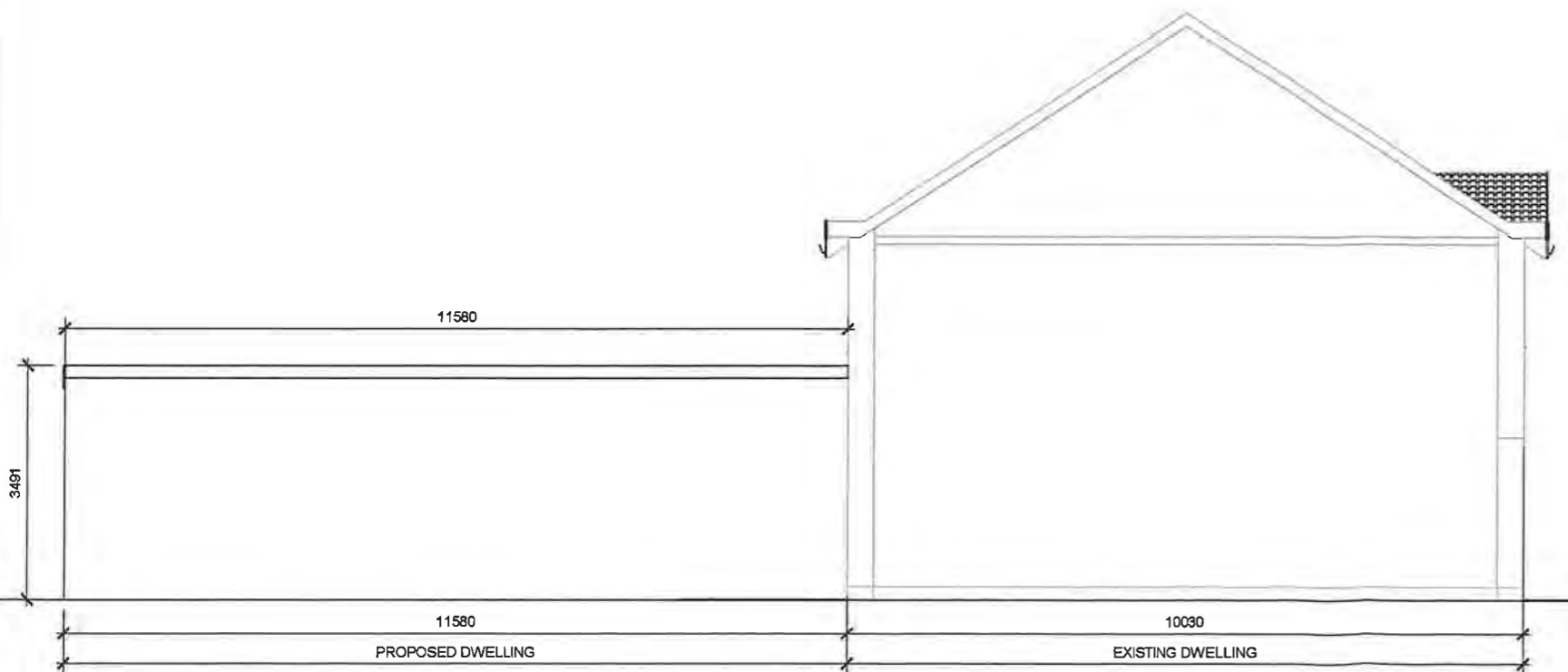
DRAWING NUMBER	REV
10724-1010	B



West Elevation
1 : 100



South Elevation
1 : 100



East Elevation
1 : 100

NOTES:

Planning Department

18 OCT 2024
Cork County Council
County Hall
Cork

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Rev	Description	By	Chkd	Date
B	Issued for Planning	NMS	RMS	10.10.24
A	Issued for Information	NMS	RMS	12.09.24

ServStream
ENGINEERING

Unit 18
Barr na Sráide
Ballincollig
Cork
Ireland

Tel: +353 (0)21 487 6190
Email: info@servstream.ie
Web: www.servstream.ie

PROJECT
21 Maple Avenue, Carrigaline,
Cork

TITLE
Proposed Elevations

Project Status INFORMATION	Date 12.09.2024
Drawn by NMS	Checked by RMS
Project number 10724	Scale (@ A3) 1 : 100

DRAWING NUMBER 10724-1011	REV B
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