

Charles O'Sullivan,  
11 An Choill,  
Ballyard,  
Tralee,  
Co. Kerry  
V92 K8R6

7<sup>th</sup> January, 2025

REF: D/288/24  
LOCATION: 11 Raheen Park, Youghal, Co. Cork P36 V623.

**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 6<sup>th</sup> December, 2024 the Planning Authority, having considered whether a single storey extension, consisting of the enclosure of an open porch (measuring 3.4m<sup>2</sup>) and construction of a glazed sunroom (measuring 6m<sup>2</sup>), at the ground floor level to the rear of **11 Raheen Park, Youghal, Co. Cork** 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(1), 3(1) and 4(4) of the Planning and Development Act 2000, as amended.
- Section 2(1), 3(1), and 4(2) of the Local Government (Planning and Development) Act 1963, as amended,
- Articles 3 and 6 of the Planning and Development Regulations 2001 -2024, and
- Articles 9, 10 and Class 1, Part 1 of the Second Schedule of the Local Government (Planning and Development) Regulations, 1994,

**And Whereas the Planning Authority** hereby concludes that

The proposed single storey extension consisting of the enclosure of an open porch (measuring 3.4m<sup>2</sup>) and construction of a glazed sunroom (measuring 6m<sup>2</sup>), at the ground floor level to the rear of **No. 11 Raheen Park, Youghal, Co. Cork** is deemed to constitute "**development**" as described under the Act, and it is deemed to constitute "**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,



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**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>*

## Declaration on Exempted Development under Section 5 of the Planning and Development Act 2000

<i>Ref No.</i>	<b>D/288/24</b>
<i>Applicant</i>	Charles O'Sullivan
<i>Description</i>	Single-storey extension, consisting of the enclosure of an open porch (measuring 3.4m <sup>2</sup> ) and construction of a glazed sunroom (measuring 6m <sup>2</sup> ), at the ground floor level to the rear of 11 Raheen Park, Youghal
<i>Location</i>	11 Raheen Park, Youghal, Co. Cork, P36 V623

### 1. Section 5 Query

The query relates to the provision of a single-storey extension, consisting of the enclosure of an open porch (measuring 3.4m<sup>2</sup>) and construction of a glazed sunroom (measuring 6m<sup>2</sup>), at the ground floor level to the rear of 11 Raheen Park, Youghal, Co. Cork.

### 2. Site location and description

This site is located in an established residential area within the development boundary for Youghal, as defined in the Cork County Development Plan 2022. The subject site is situated c. 300m west of Main Street in the housing estate known as Raheen Park. The site comprises of an existing two-storey mid-terrace dwelling with garden space to the front and rear. Raheen Park is a Local Authority built housing estate of 60 no. dwelling in total. No. 11 Raheen Park is located at the front of the estate to the north. The site has a land use zoning category of Existing Residential/Mixed Residential and Other Use in the Cork County Development Plan 2022. The applicant states that the works were carried out appropriately 25 years ago, which would be circ. 1999.



Fig. 1: Aerial view of site (2021-2023) – approximate site boundary outlined in red

### 3. Planning History

There is no recent onsite planning history.



Fig. 2: Planning Enquiry System Map - approximate site boundary outlined in red

### 4. Legislative Context

Given that the applicant states that the development was carried out appropriately 25 years ago (Circa. 1999), the Local Government (Planning and Development) Act 1963, as amended, is also applicable to this Section 5 application.

Local Government (Planning and Development) Act 1963, as amended:

Section 2 (1) provide a definition of works and development, which states:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

“development” has the meaning assigned to it by section 3, and “develop” shall be construed accordingly;

Section 3 (1) states:

“Development” in this Act means, save where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any structures or other land.

Section 4(2) of the 1963 Act provided that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this

provision relevant to the subject site is Local Government (Planning and Development) Regulations, 1994.

Local Government (Planning and Development) Regulations, 1994

Article 9 of the 1994 Regulations states:

9. (1) (a) Subject to paragraph (b) and article 10, development of a class specified in column 1 of Part I of the Second Schedule shall be exempted development for the purposes of the Acts, provided that such development complies with the conditions and limitations specified in column 2 of the said Part I opposite the mention of that class in the said column 1.

The Second Schedule of Part 1 to the 1994 Regulations set out the classes of exempted development including 'development within the curtilage of a dwellinghouse'

Column 1 - Description of Development	Column 2 - Conditions and Limitations
<p>Class 1 - The extension of a dwellinghouse, by the construction or erection of an extension (including a conservatory) to the rear of the dwellinghouse or by the conversion for use as part of the dwellinghouse of any garage, store, shed or other similar structure attached to the rear or to the side of the dwellinghouse.</p>	<p>1(a) Where the dwellinghouse has not been extended previously, the floor area of any such extension shall not exceed 23sq.m.</p> <p>(b) Where the dwellinghouse has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions, shall not exceed 23sq.m.</p> <p>2. The height of any such extension shall not exceed the height of the eaves or parapet, as may be appropriate, of the dwellinghouse.</p> <p>3. The construction or erection of any such extension to the rear of the dwellinghouse shall not reduce the area of private open space of the dwellinghouse to the rear of the dwellinghouse to less than 25sq.m.</p>

Article 10 of Local Government (Planning and Development) Regulations, 1994, sets out circumstances in which development to which Article 9 relates shall not be exempted development.

Planning and Development Act 2000, as amended:

Section 3 (1) states:

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

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

Section 4 (2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001-2023.

Given that the applicant states the rear extension was built in circa. 1999, the provision of Class 1 of Schedule 2, Part 1 of the Planning & Development Regulations 2001, as amended, as not applicable to this Section 5 Application.

Class 1, Part 1 of the Second Schedule of the Local Government (Planning and Development) Regulations, 1994 are applicable.



Fig. 3: Extract from site location map

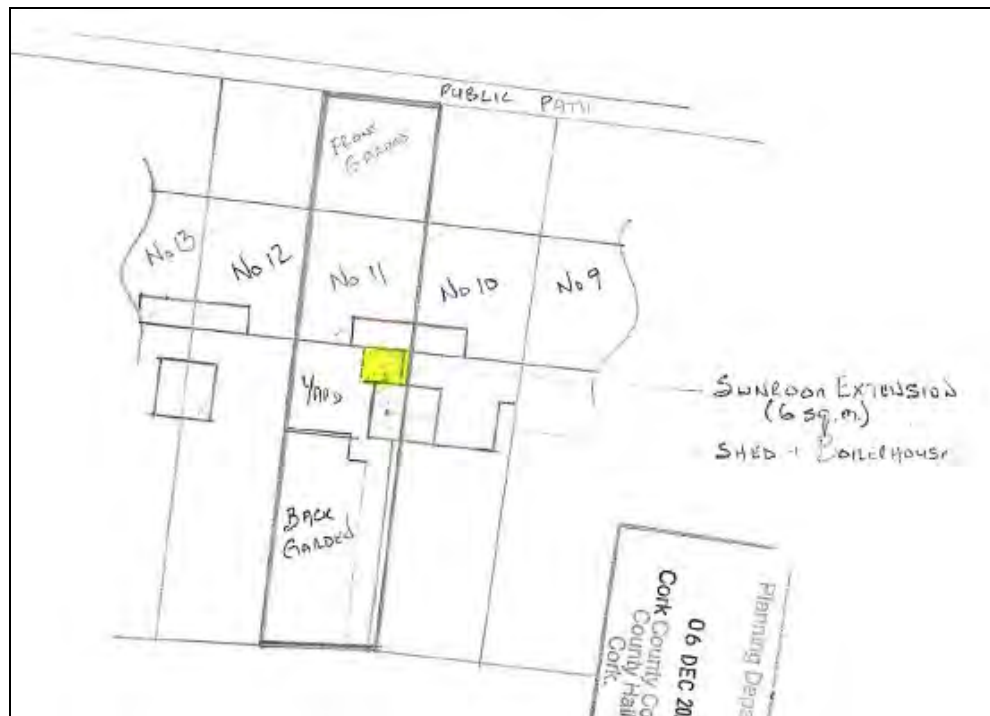


Fig. 4: Extract from site layout plan

### 5. Assessment

The query relates to whether the provision of a single-storey extension, consisting of the enclosure of an open porch (measuring 3.4m<sup>2</sup>) and construction of a glazed sunroom (measuring 6m<sup>2</sup>), at the ground floor level to the rear of 11 Raheen Park, Youghal, Co. Cork, is or is not exempted development.

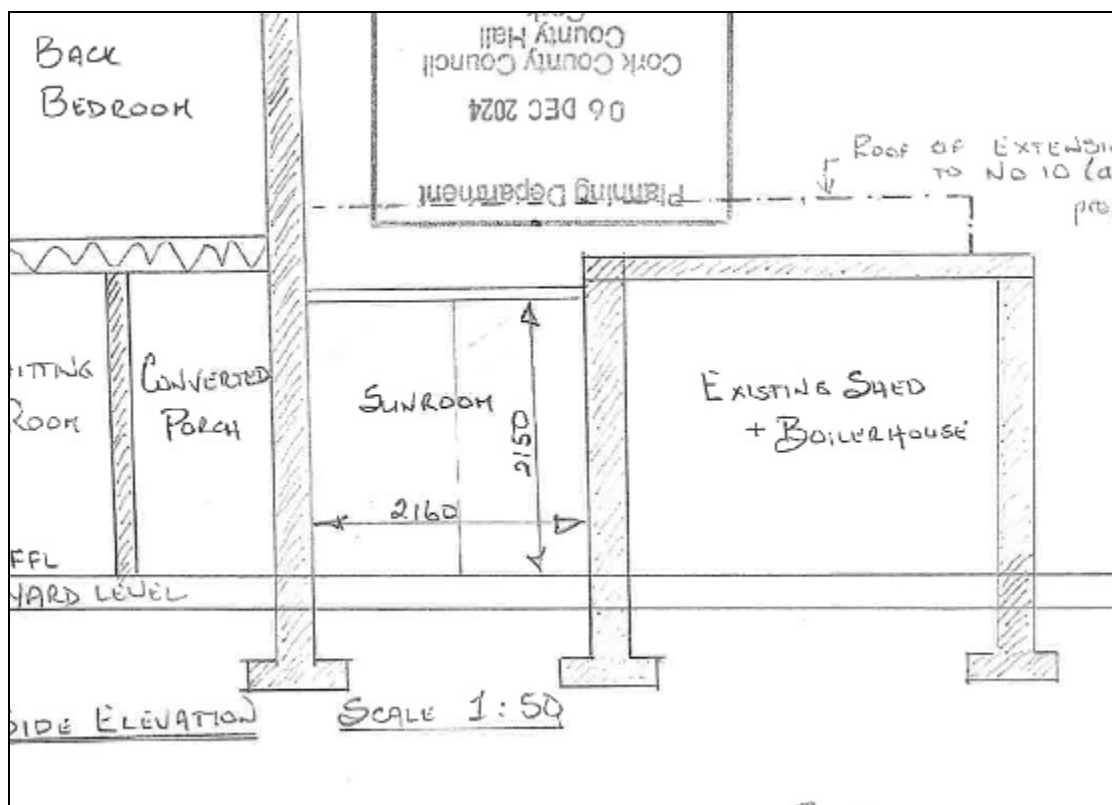
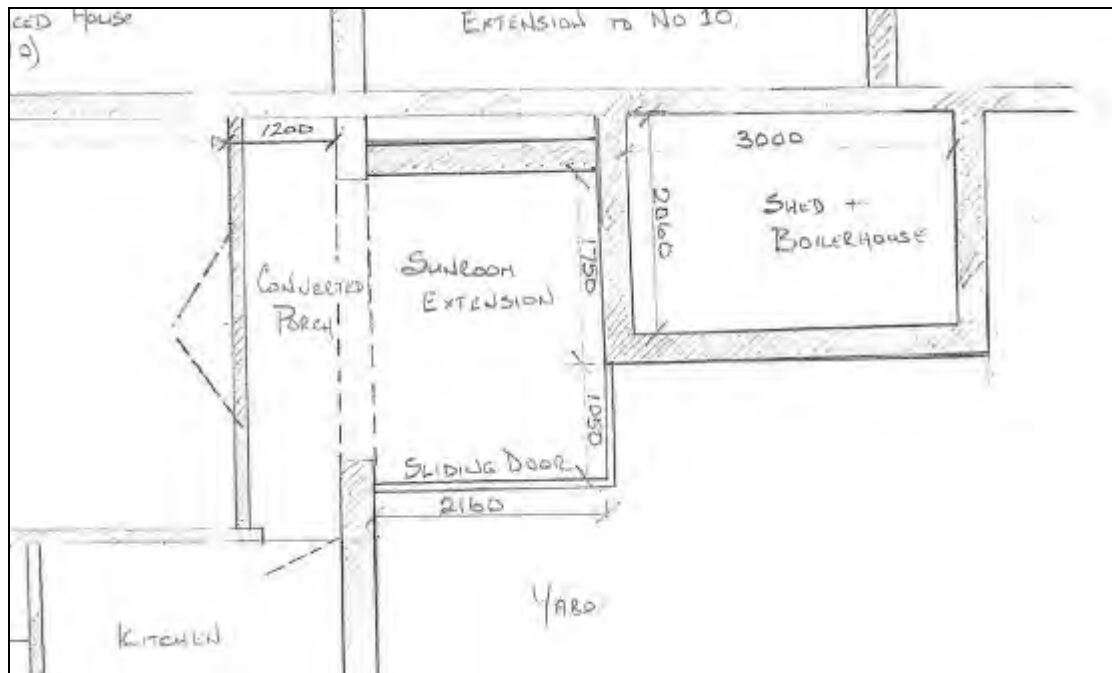


Fig. 5: Extract from submitted drawings

### Class 1 – Extension to rear of dwelling

The terraced dwellings in Raheen Park were originally constructed with an open porch area to rear of the dwellings. This porch area is within the main building fabric and does not protrude passed the rear façade. At No. 11, a sunroom was constructed to the rear with the that porch area now enclosed. For the purposes of this Section 5 application, the sunroom and porch area can be considered the one extension to the rear of the dwelling.

Taking account of Class 1, Part 1 of the Second Schedule of the 1994 Regulations the following is noted in relation to the subject site:

- The GFA of the extension is 9.4m<sup>2</sup> (porch 3.4 m<sup>2</sup> + sunroom 6m<sup>2</sup>). Condition 1 of Class 1, Part 1 of the Second Schedule of the 1994 Regulations of states that the extension shall not exceed 23m<sup>2</sup>.
- The height of the extension does not exceed the height of the rear wall of the house.
- The height of the highest part of the roof of the extension does not exceed the height of the eaves of the dwelling. The flat roof to the sunroom is at the same level as the top of the windowsill for the adjacent ground floor window, as shown in the submitted site photograph and elevation drawing.
- The remaining private open space in the rear garden is in excess of 25m<sup>2</sup>.

Taking account of the above, it is considered that the rear extension is in compliance with the conditions and limitations of the Class 1, Part 1 of the Second Schedule of the Local Government (Planning and Development) Regulations, 1994

Consideration must also be given to Article 10 (Restriction on exemption) of the 1994 Regulations, which in effect de-exempts certain works in a number of situations.

Having reviewed all the restrictions contained in Article 10 of the 1994 Regulations against the development at No. 11 Raheen Park, it is considered that none of the restrictions on exemption as set out in Article 10 of the 1994 Regulations apply to this development.

## **6. AA/ EIA**

Section 4(4) of the Planning and Development 2000 Act, as amended, essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, Part 2 of Schedule 5 lists development which may require EIA for the purposes of Part 10 of the Planning and Development Act. Having considered that detail I am satisfied the proposal does not trigger any requirement for mandatory or sub-threshold EIA.

Similarly, and having regard to the nature of the proposal and the distance to Natura 2000 site, I am satisfied that requirement for AA is not warranted having regard to the scale and nature of the proposal and lack of any physical or hydrological connection between the development site and any European Site.



## 7. Conclusion and recommendation

In considering this application, and having had regard particularly to –

- (a) Section 2(1), 3(1), and 4(4) of the Planning and Development Act 2000, as amended,
- (b) Section 2(1), 3(1), and 4(2) of the Local Government (Planning and Development) Act 1963, as amended,
- (c) Articles 3 and 6 of the Planning and Development Regulations 2001 -2024, and
- (d) Articles 9, 10 and Class 1, Part 1 of the Second Schedule of the Local Government (Planning and Development) Regulations, 1994,

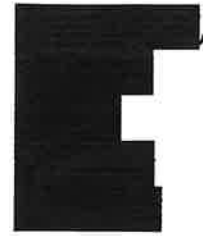
The rear extension to this dwelling at No. 11 Raheen Park, Youghal, Co. Cork is deemed to constitute “development” as described under the Act, and it is deemed to constitute “exempted development”.



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Claudine Mahu  
Assistant Planner  
06/01/2025

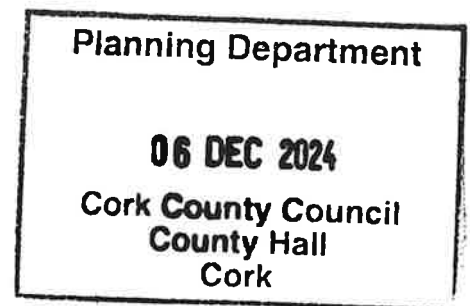
**The Planning Department,  
Cork County Council),  
Floor 2,  
County Hall,  
Carrigrohane Road,  
Cork,**



5<sup>th</sup> December 2024

**T12 R2NC.**

**Re: 11 Raheen Park, Youghal, Co. Cork. P36 V623  
Application for Section 5 Declaration of Exemption**



Dear Sir / Madame.

I enclose completed application, in respect of a request for a Section 5 Declaration of Exemption on the construction of a sunroom to the rear of my property at 11 Raheen Park, Youghal, Co. Cork.

The purpose of seeking the declaration is to complete the sale of the property to a third party. The property is a former local authority house, which has been in private ownership of my family since the early 1990's. It is a 3 bedroomed terraced house, originally constructed with a detached outhouse / shed.

Approximately 25 years ago, my late aunt constructed a 6m<sup>2</sup> sunroom to the rear of the house which is an infill development between the house and the shed. The adjoining property to the east (No. 10 Raheen Park) has a larger extension which was constructed on the boundary. The roof of the adjoining extension is approximately 600 mm higher than the roof of the sunroom on my property.

Having regard to the provisions of Schedule 2, Part 1, of the Planning and Development Regulations (*S.I. No 600 of 2001*), as amended, I can confirm that it

- is the only extension to the property,
- is at ground floor level,
- is substantially less than 40 m<sup>2</sup>, measuring approximately 6m<sup>2</sup>,
- has a retained private open space, reserved exclusively for the use of the occupants of the house in excess of 25 m<sup>2</sup>, (*retained back garden is approximately 150 m<sup>2</sup>*),
- has a roof level below the height of the adjoining boundary wall, and

- the windows at ground level are 2.7m from the boundary with adjoining property (No. 12 Raheen Park),

which satisfies the conditions and limitations, specified in Column 2 for a Class 1 development.

Please find attached

- 4 No copies of the application form,
- 1 No. Copy of Contact Details,
- 4 No copies of a site location map at a scale of 1:10,000 (*based on 6" O.S. Maps*) – *Drawing No 1.*
- 4 No copies of a site location map at a scale of 1:2,500 (*based on 25" O.S. Maps*) – *Drawing No 2.*
- 4 No copies of a site location map at a scale of 1:1,000 – *Drawing No 3.*
- 4 No copies the site layout plan at a scale of 1:250, with the sunroom extension highlighted in yellow – *Drawing No 4.*
- 4 No copies of the plan of the ground floor layout of the existing structure and the sunroom extension – *Drawing No 5.*
- 4 No. copies of the back and side elevation of the sunroom extension – *Drawing No 6.*
- 4 No. photographs of the sunroom extension
- Cheque for €80 application fee

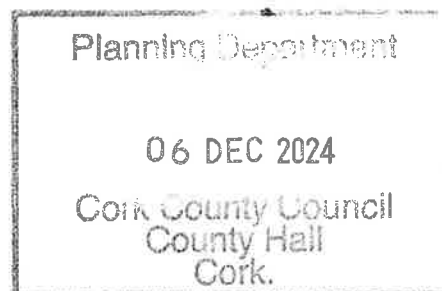
in respect of this application.

Yours faithfully,



Charles O'Sullivan

087-6490484





# CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

**APPLICANT CHECKLIST**

(Please tick ✓)

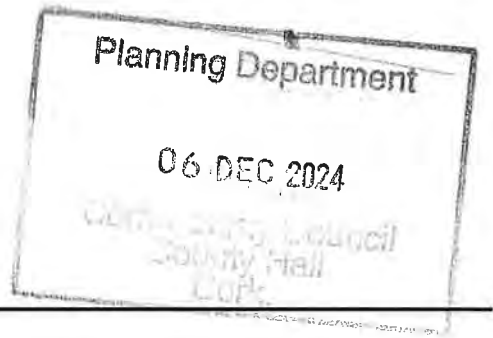
- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

✓
✓
✓
✓
✓
✓
✓
✓

**FOR OFFICE USE ONLY**

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	D/288/24

**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 3<sup>rd</sup> 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](mailto:dpo@corkcoco.ie) or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.*



**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 (m<sup>2</sup>)

(a) Floor area of existing/proposed structure(s):	Exist ground floor 33 sq. m plus 6 sq. m shed / Extension 6 sq. m
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> 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 <sup>2</sup> ) 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):

Planning Department  
 06 DEC 2024  
 Cork County Council  
 County Hall  
 Cork.

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

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

**6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:**

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

**7. APPROPRIATE ASSESSMENT:**


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

**8. DATA PROTECTION DECLARATION:**

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

**Processing of your Declaration of Exemption application by the Planning Authority**

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

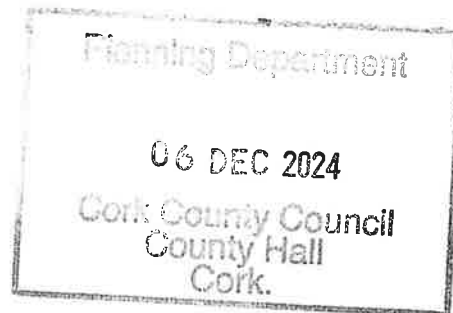
Signed (By Applicant Only)	
Date	05-Dec-2024

**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	

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](mailto:planninginfo@corkcoco.ie) or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: [westcorkplanninginfo@corkcoco.ie](mailto: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.

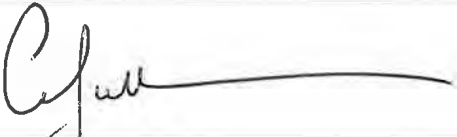
The application should be sent to the following address:

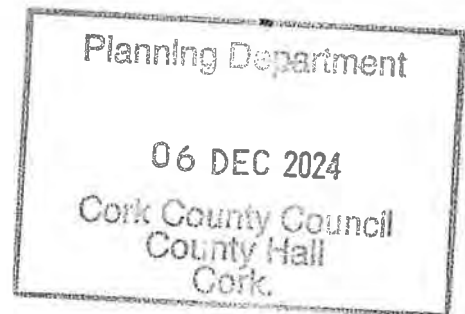
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- 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:**

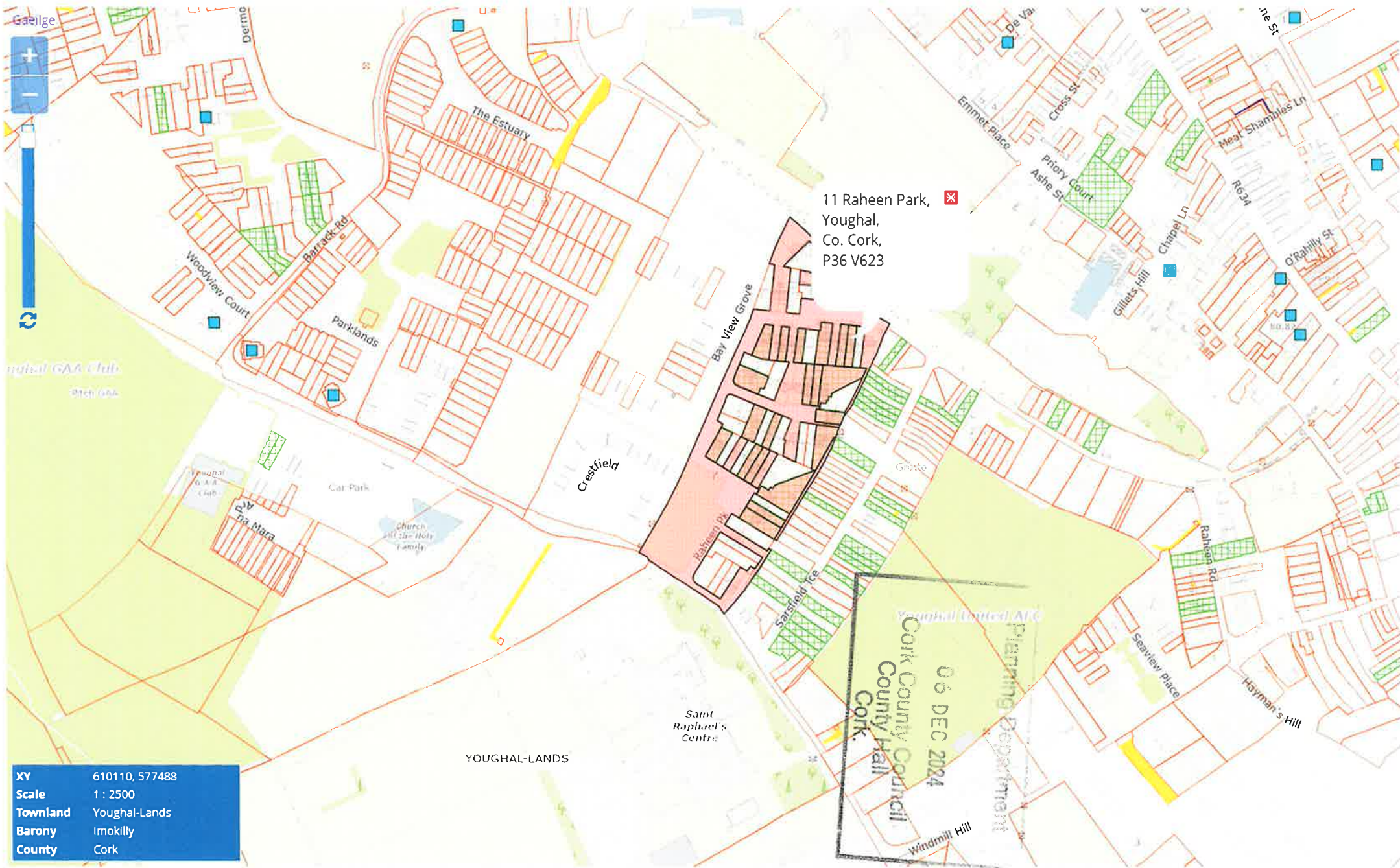
Signed (Applicant or Agent as appropriate)	
Date	05-Dec-2024







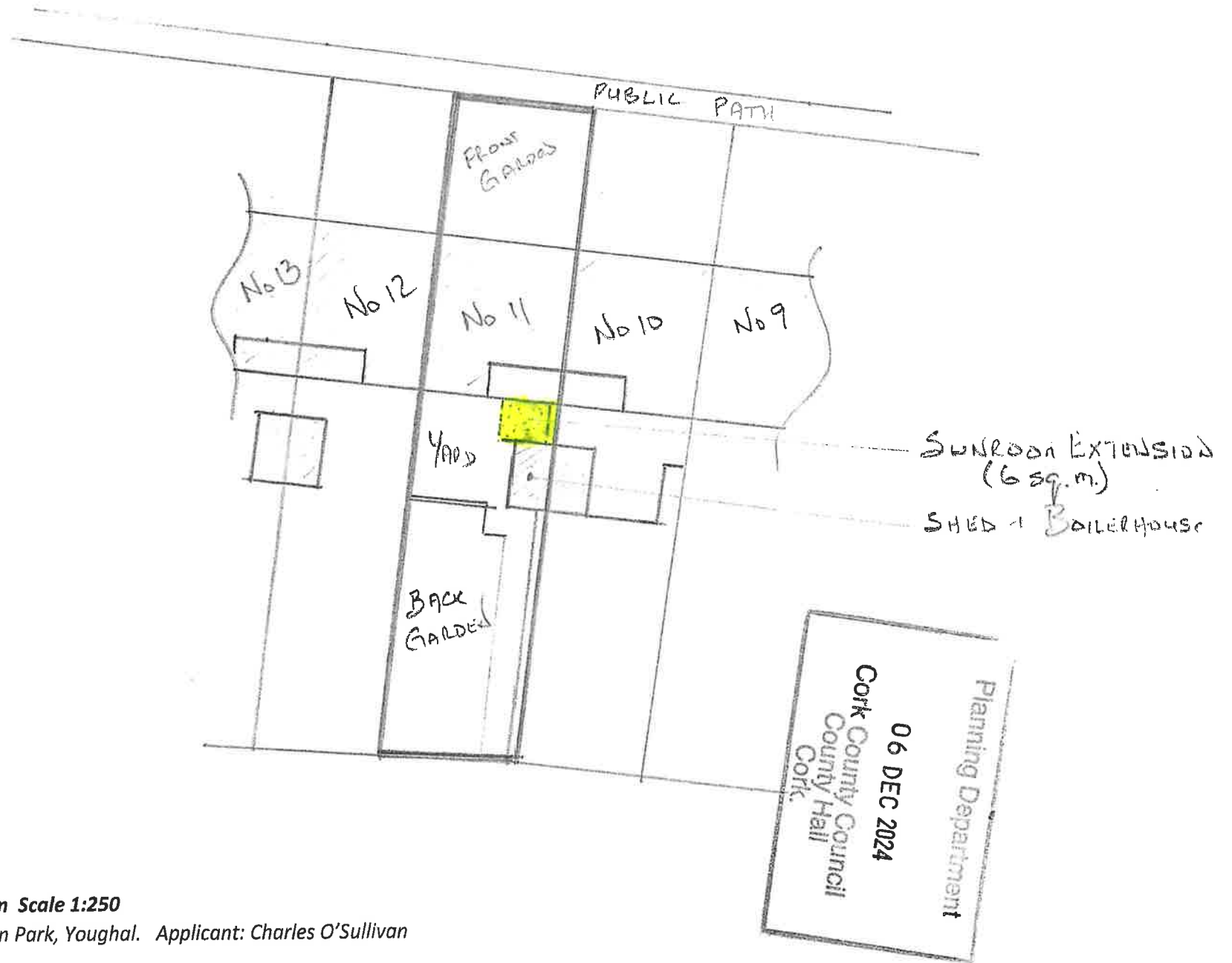
**Drawing No. 1 Site Location Map - Scale 1:10000 – based on 6" O.S. Maps**  
 Section 5 Application – 11 Raheen Park, Youghal. Applicant: Charles O’Sullivan



**Drawing No. 2 Site Location Map based on 25" O.S. Maps**  
 Section 5 Application – 11 Raheen Park, Youghal. Applicant: Charles O'Sullivan



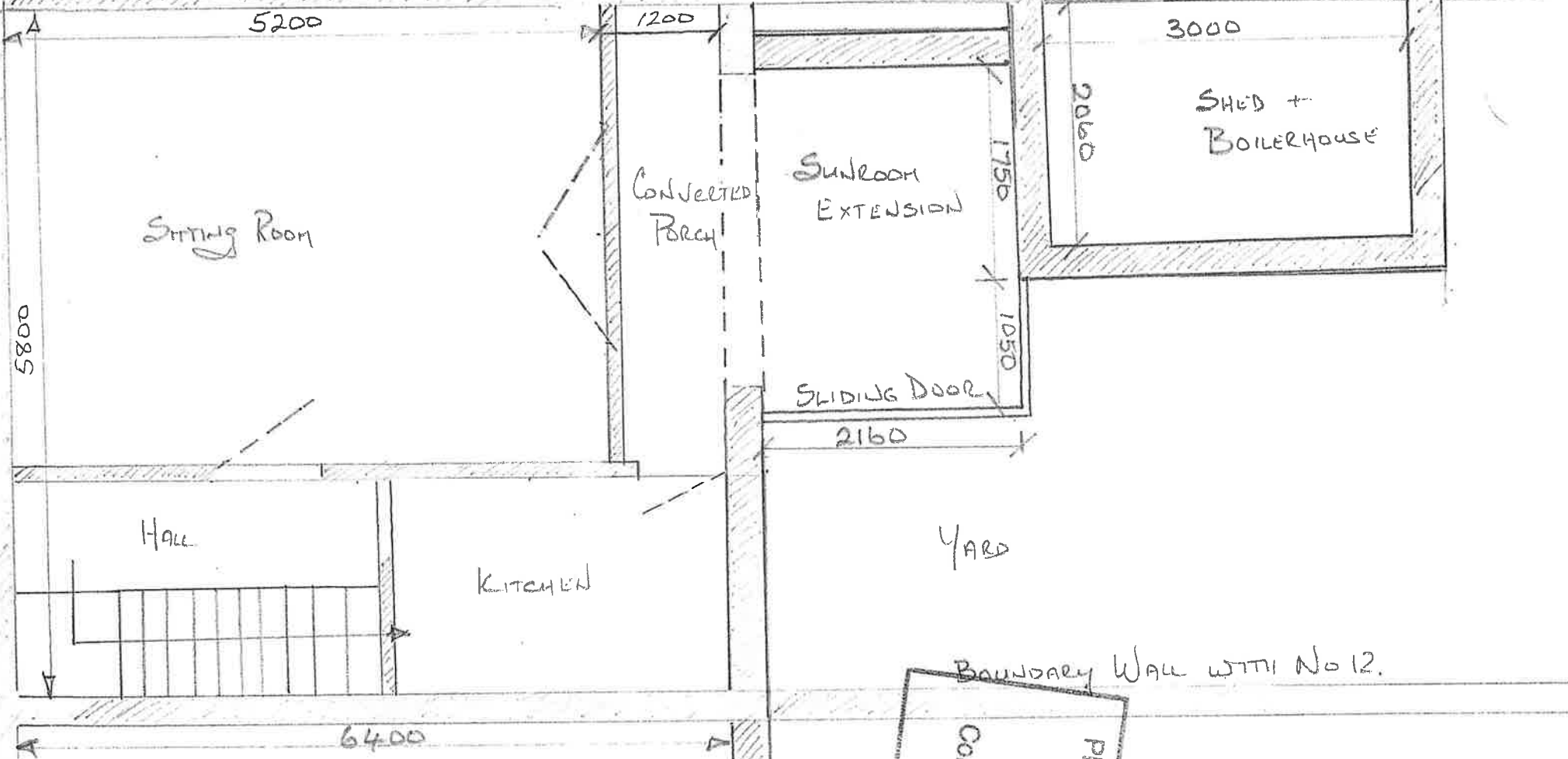
**Drawing No. 3 Site Location Map Scale 1:1000**  
Section 5 Application – 11 Raheen Park, Youghal. Applicant: Charles O'Sullivan



**Drawing No. 4 Site Layout Plan Scale 1:250**  
 Section 5 Application – 11 Raheen Park, Youghal. Applicant: Charles O'Sullivan

Adjoining TERRACED House  
(No 10)

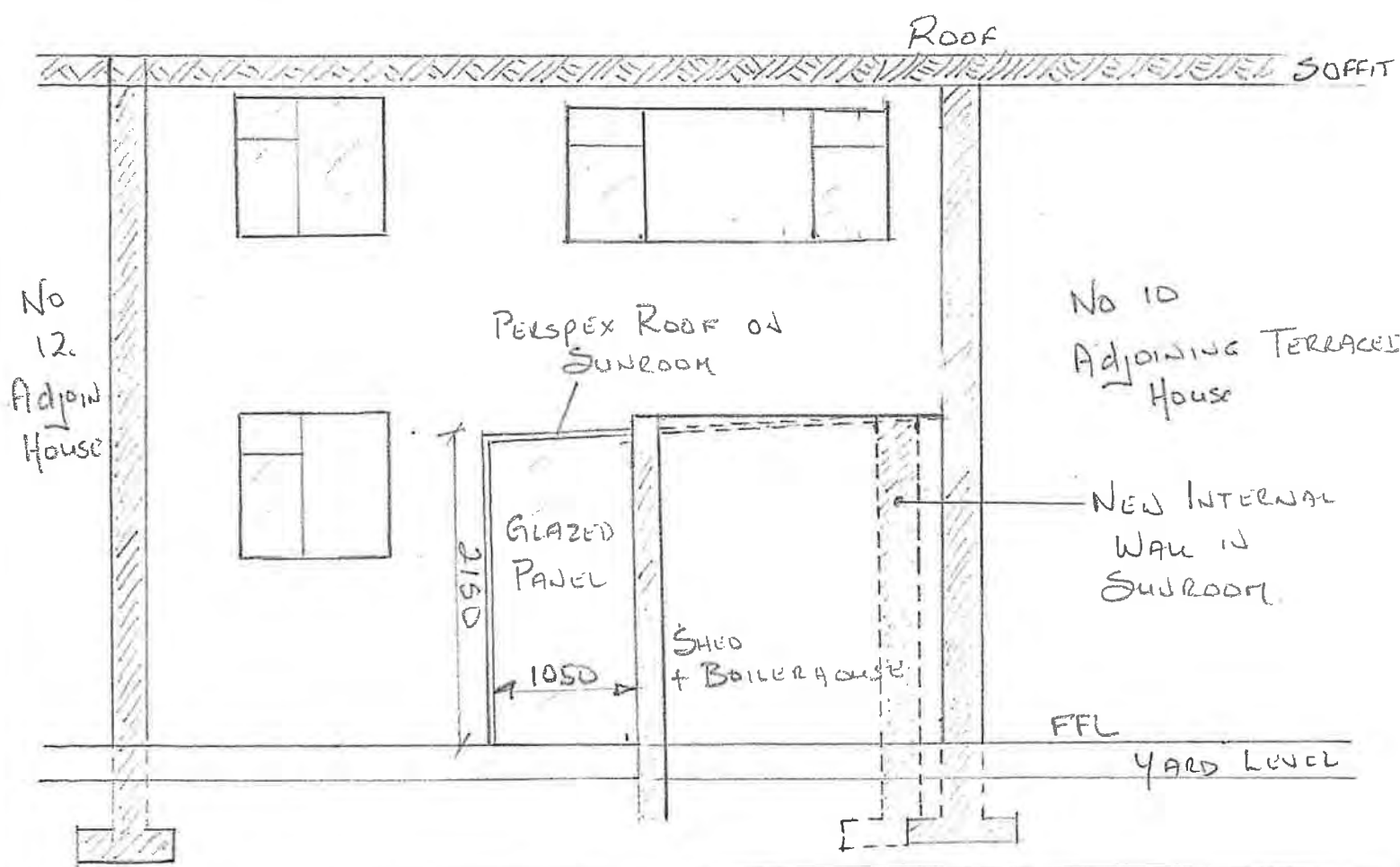
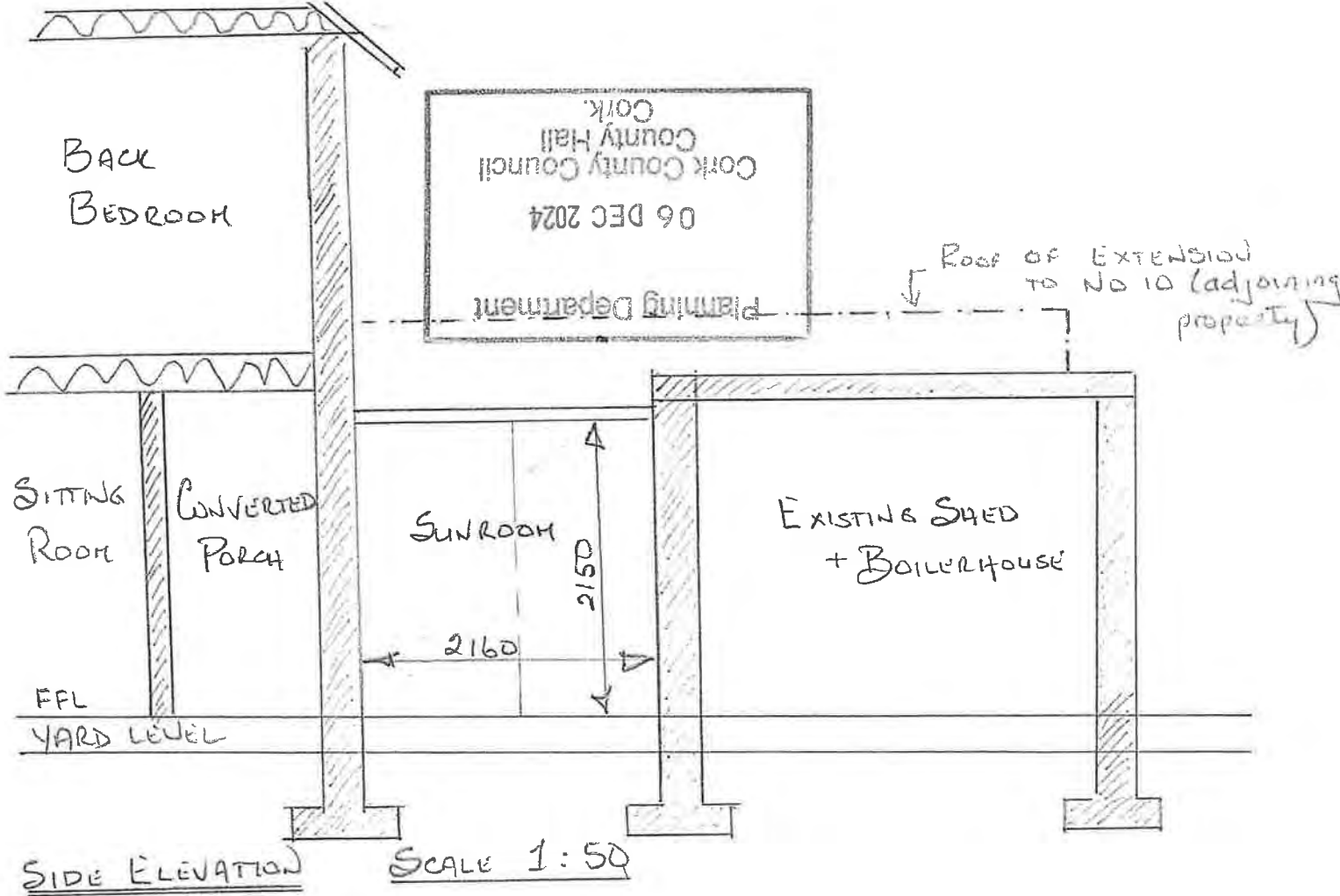
EXTENSION TO No 10.



Adjoining TERRACED House  
(No 11)

06 DEC 2024  
 Planning Department  
 Cork County Council  
 County Hall  
 Cork

Drawing No. 5 Plan of Ground Floor Layout and Sunroom Extension Scale 1:50  
 Section 5 Application - 11 Raheen Park, Youghal. Applicant: Charles O'Sullivan



**Drawing No. 6 Back and Side Elevations Scale 1:50**  
 Section 5 Application – 11 Raheen Park, Youghal. Applicant: Charles O'Sullivan



Photo of Extension to rear of 11 Raheen Park Youghal. (Shed to right is part of original structure)

Section 5 Application – 11 Raheen Park, Youghal. Applicant: Charles O’Sullivan

06 DEC 2024  
Planning Depart  
County of  
County of