

Comhairle Contae Chorcaí Cork County Council

Jack Reen,
Highbury,
Greenane,
Kanturk,
Co. Cork
P51 KF95

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



21st January, 2025

REF: D/297/24
LOCATION: Highbury, Greenane, Kanturk, Co. Cork

**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 19th December, 2024 the Planning Authority, having considered whether the proposed works to existing conservatory at **Highbury, Greenane, Kanturk, Co. Cork** is or is not development or is or is not exempted development, has declared that it is **not exempted development**.

Reason for Decision

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

- Sections 1, 2, 3, 4 and 6 of the Planning and Development Act 2000 (as amended)
- Condition No. 2 of Planning Reference No. 06/4726
- The plans and particulars received by the Planning Authority on 19th December, 2024
- Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

And Whereas the Planning Authority hereby decides that

The proposed works to the existing conservatory is development and is not exempted development as the works proposed do not comply with Condition No. 2 of Pl. Ref 06/4726 , as the revisions include a standing steam cladded roof which is not consistent with the existing dwelling.

The extension proposed does not comply with the Conditions and Limitations of Class 1 of Schedule 2, Part 1 Exempted Development of the Planning and Development Regulations, 2001 as amended as it includes an extension to the front of the building and Class 1 only considers exempt development to the rear.



We are Cork.



Recycled

NOW THEREFORE, Cork County Council, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the proposed alteration works to existing conservatory at **Highbury, Greenane, Kanturk, Co. Cork** is **not exempted development**.

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>

Recent Planning History

06/4726 Permission granted to Barry O Sullivan for the construction of conservatory extension to dwelling and detached garage with first floor store.

North of site

03/3173 Permission granted to Gedvydas Vaivada for a bunagalow.

STATUTORY PROVISIONS

The following statutory provisions are relevant to this referral case;

Planning and Development Act 2000, as amended

Section 2(1) states as follows:-

“In this Act, except where the context otherwise requires – ‘development’ has the meaning assigned to it by Section 3 ...”

Section 3 (1) states as follows:-

“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 in the use of any structures or other land.”

Section 4(1) identifies what may be considered as exempted development for the purposes of the Act, and Section 4(2) of the Act provides that the Minister, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations, 2001.

4.—(1) The following shall be exempted developments for the purposes of this Act—

(h) 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;

Planning and Development Regulations, 2001 as amended

Article 6(1) of the Planning & Development Regulations, 2001 as amended states as follows:-

“Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies 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 9(1) of the Planning & Development Regulations, 2001 as amended, provides a number of scenarios whereby development to which article 6 relates shall not be exempted development for the purposes of the Act.

Restrictions on exemption. 9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

Class 1 Schedule 2, Part 1 Exempted Development of the Planning and Development Regulations, 2001 as amended

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.

Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(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.

(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.

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.

(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.

(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

I note the details and drawings submitted as part of the application. I inspected the site on the 14.01.2025.

The proposed alterations are considered 'development' in accordance with Section 3 (1) of the Planning and Development Act, 2000.

The proposals include the following,

Blocking up the north façade windows to create new gable wall on conservatory.

Straighten the front façade wall of conservatory to be perpendicular to existing gable wall of main house and new proposed gable on conservatory.

Extending rear of conservatory 600mm to be in line with the existing rear wall of main house and to be perpendicular to new proposed gable wall of conservatory.

New pitched roof to conservatory in standing seam metal, keeping existing ridge height.

The existing conservatory is 13.6sqm and the proposed works will comprise a floor area of 15.64sqm.

I have reviewed the Classes of Exemptions as provided in Schedule 2, Part 1 Exempted Development of the Planning and Development Regulations, 2001 as amended and note Class 1 is of relevance. The extension proposed to the rear and front of the building would not appear to fall under Class 1 of Schedule 2, Part 1 Exempted Development of the Planning and Development Regulations, 2001 as amended, however as the proposals includes an extension to the front and rear, Class 1 only considers exempt development to the rear.

I have reviewed the conditions of Pl. Ref 06/4726 and note condition no. 2 is as follows:

The external finish and roof shall be consistent with that of the existing building.

The submitted revisions to the conservatory will not comply with this condition as the revisions include a standing seam roof cladding which is not consistent with the existing dwelling.



Figure 1 Existing dwelling and conservatory on site



Figure 2 Existing dwelling with proposed works.

Conclusion

WHEREAS a question has arisen as to *Whether* the alterations proposed to the existing conservatory *is development and is or is not exempted development*:

AND WHEREAS Cork County Council, in considering this referral, had regard particularly to –

- (a) Sections 1,2, 3, 4 and 6 of the Planning and Development Act, 2000, as amended
- (b) Class 1 of Schedule 2, Part 1 Exempted Development of the Planning and Development Regulations, 2001 as amended,
- (c) Condition no. 2 of Pl. Ref 06/4726

The Planning Authority has concluded that:

The proposed works to the existing conservatory is development and is not exempted development as the works proposed do not comply with condition no. 2 of Pl. Ref 06/4726 , as the revisions include a standing steam cladded roof which is not consistent with the existing dwelling.

The extension proposed does not comply with the conditions and limitations of Class 1 of Schedule 2, Part 1 Exempted Development of the Planning and Development Regulations, 2001 as amended as it includes an extension to the front of the building and Class 1 only considers exempt development to the rear.



Carol Dunne
Executive Planner

21/01/2025

Conclusion

WHEREAS a question has arisen as to: *Whether* the alterations proposed to the existing conservatory *is development and is or is not exempted development*?

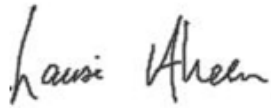
AND WHEREAS Cork County Council, in considering this referral, had regard particularly to –

- (a) Sections 1,2, 3, 4 and 6 of the Planning and Development Act, 2000, (as amended)
- (b) Class 1 of Schedule 2, Part 1 Exempted Development of the Planning and Development Regulations, 2001 (as amended),
- (c) Article 9(1) of the Planning and Development Regulations 2001 (as amended), and
- (d) Condition no. 2 of Pl. Ref 06/4726

AND WHEREAS Cork County Council has concluded that the alterations proposed to the existing conservatory structure at Highbury, Greenane, Kanturk, Co. Cork, P51 KF95 would not come within

the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, (as amended) or Section 4(1)(h) of the Planning and Development Act 2000, (as amended) and is restricted by Article 9(1) of the Planning and Development Regulations, 2001 (as amended).

NOW THEREFORE, Cork County Council, in exercise of the powers conferred on it by Section 5 of the 2000 Act, hereby decides that the alterations proposed to the existing conservatory structure at Highbury, Greenane, Kanturk, Co. Cork, P51 KF95, **IS NOT exempted development.**

A handwritten signature in black ink, appearing to read "L. Ahern", written over a horizontal line.

L Ahern
A/Senior Executive Planner
21/01/2025



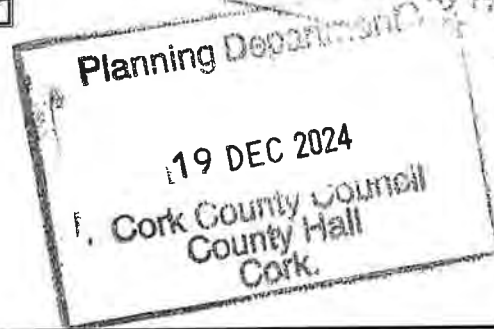
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

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:

(Please tick ✓)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>



FOR OFFICE USE ONLY

Receipt No.	P12-0002461
Cash/Cheque/ Credit Card	CASH
Date	19/12/2024
Declaration Ref. No.	D/297/24

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)

Jack Reen

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

Highbury
GREENANE,
KONTUCK,
Co. Cork,
PS1 KF95



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

- WORKS TO CONSERVATORY ONLY.
- BLOCK UP NORTH FACADE WINDOWS, TO CREATE NEW GABLE WALL OF CONSERVATORY.
- STRAIGHTEN FRONT FACADE WALL OF CONSERVATORY TO BE PERPENDICULAR TO EXISTING GABLE WALL OF MAIN HOUSE + NEW PROPOSED GABLE OF CONSERVATORY.
- EXTENDING REAR OF CONSERVATORY ROOM, TO BE IN LINE WITH EXISTING REAR WALL OF MAIN HOUSE, AND TO BE PERPENDICULAR TO NEW PROPOSED GABLE WALL OF CONSERVATORY.
- NEW PITCHED ROOF TO CONSERVATORY IN STANDING SEAM SHEET METAL. KEEPING EXISTING RIDGE HEIGHT.

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):	Existing = 13.6m ² , Proposed 15.64m 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 <input checked="" type="checkbox"/> No <input 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 _____ <u>n/a</u> _____ _____ <u>n/a</u> _____	Proposed use _____ <u>n/a</u> _____
(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 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)	Jack Rea
Date	17/12/2024

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	Jack Rea
Date	17/12/2024

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, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.

ADVISORY NOTES:

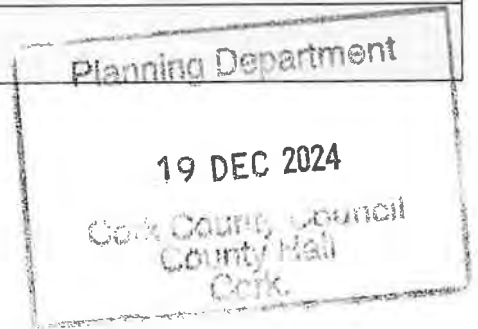
The application must be accompanied by the required fee of €80
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
The application should be sent to the following address:
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. **I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:**

Signed (Applicant or Agent as appropriate)	
Date	17/12/2024



Planning Pack Map



Tailte Éireann



CENTRE COORDINATES:
ITM 538554,603668

PUBLISHED: 15/11/2024
ORDER NO.: 50434390_1

MAP SERIES: 1:1,000
1:2,500
MAP SHEETS: 5814-23
5814-D

COMPILED AND PUBLISHED BY:
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Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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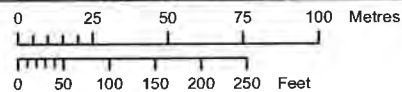
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Kanturk
Ceann Toirc

Cork County Council
19 DEC 2024
Planning Department



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



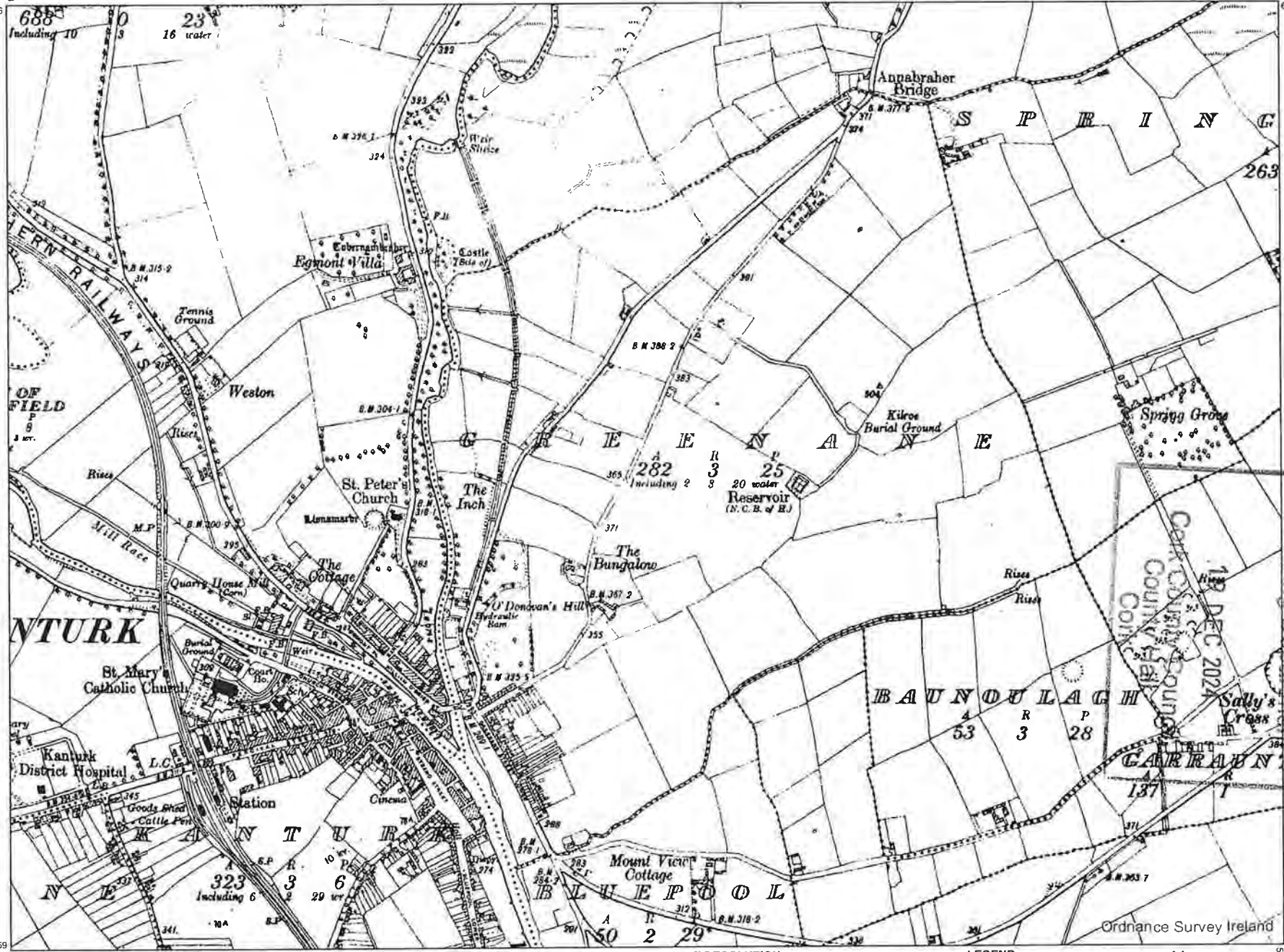
Site Location Map



Tailte Éireann

537323
604576
602759

539784
604576
602759



CENTRE COORDINATES:
ITM 538554,603668

PUBLISHED: 15/11/2024
ORDER NO.: 50434390_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK023

COMPILED AND PUBLISHED BY:
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Dublin 8,
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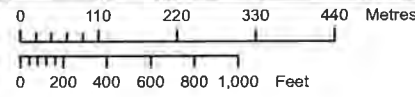
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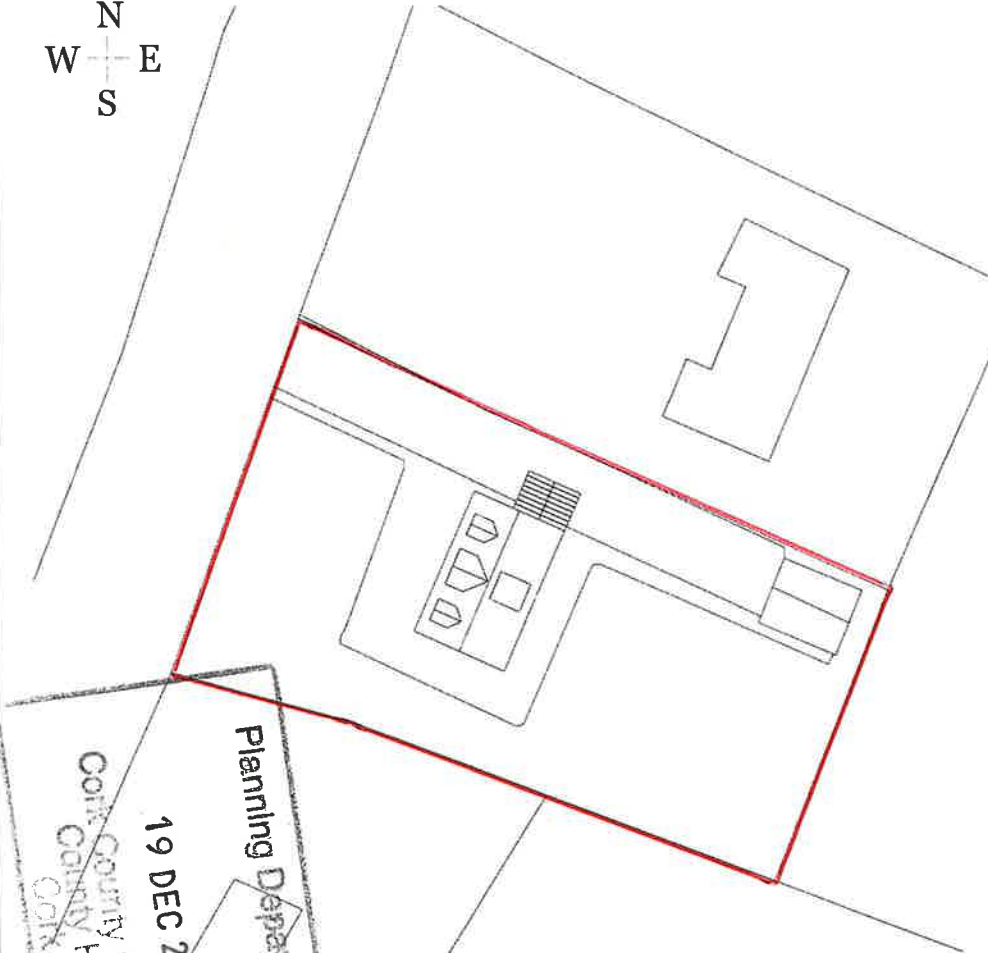
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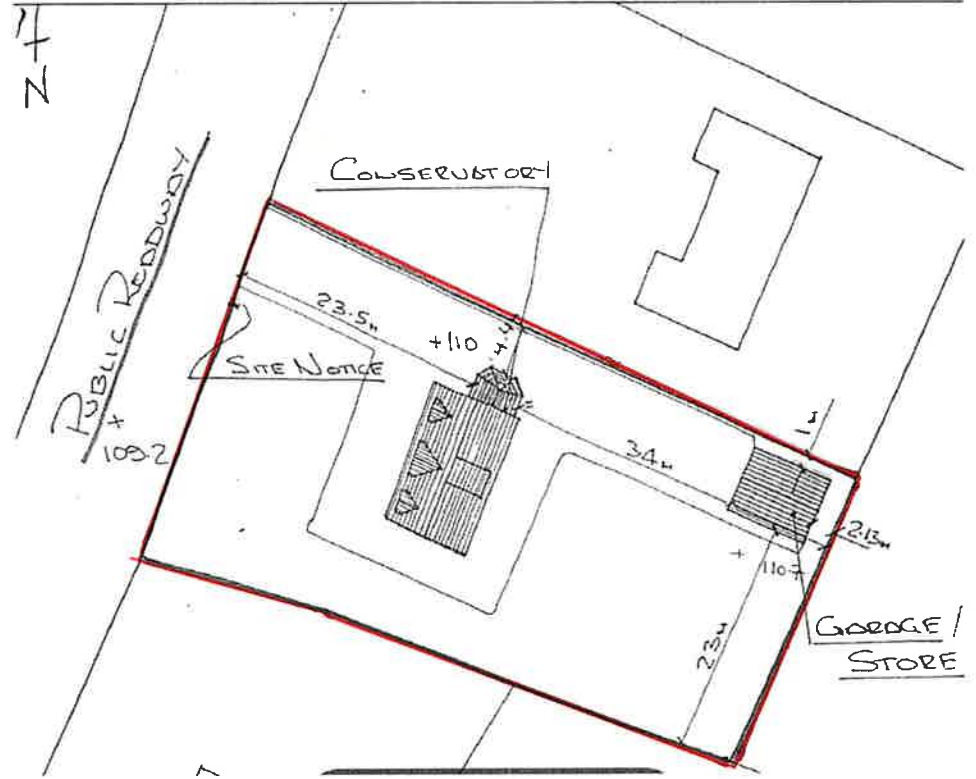
LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



Ordnance Survey Ireland



Proposed Site Plan
Scale 1:500



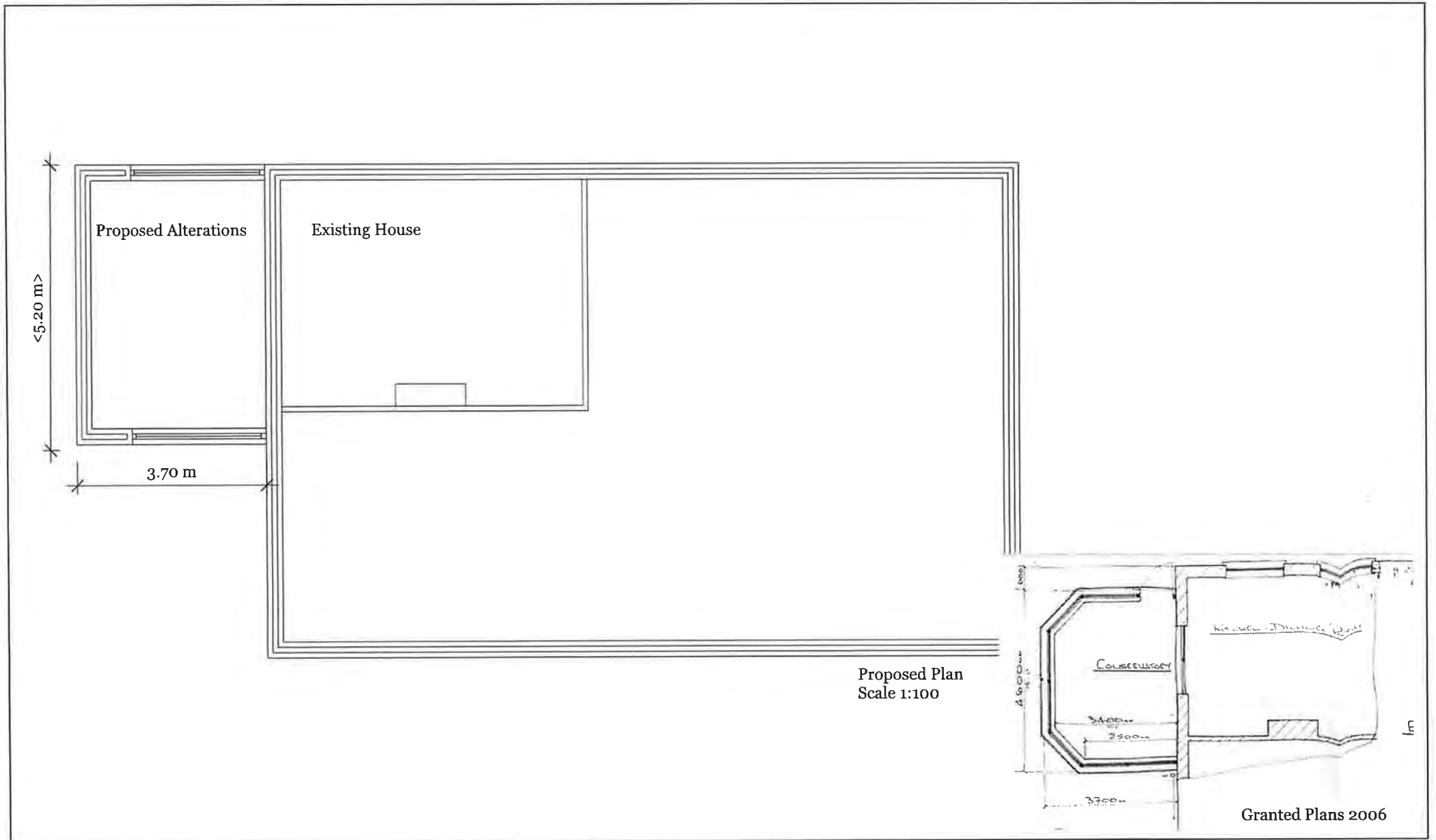
Granted Site Plan 2006
Scale 1:500

Planning Department
 19 DEC 2024
 Cork County Council
 County Hall
 Cork

Site Layout Plan

Jack Reen

REVISIONS	
	REMARKS
1	17/12/2024
2	17/12/2024
3	---
4	---
5	---



Proposed Plan
Scale 1:100

Granted Plans 2006

Proposed Plan

Jack Reen

REVISIONS

	MM/DD/YY	REMARKS
1	16/12/2024	...
2	.../.../...	...
3	.../.../...	...
4	.../.../...	...
5	.../.../...	...

A 01

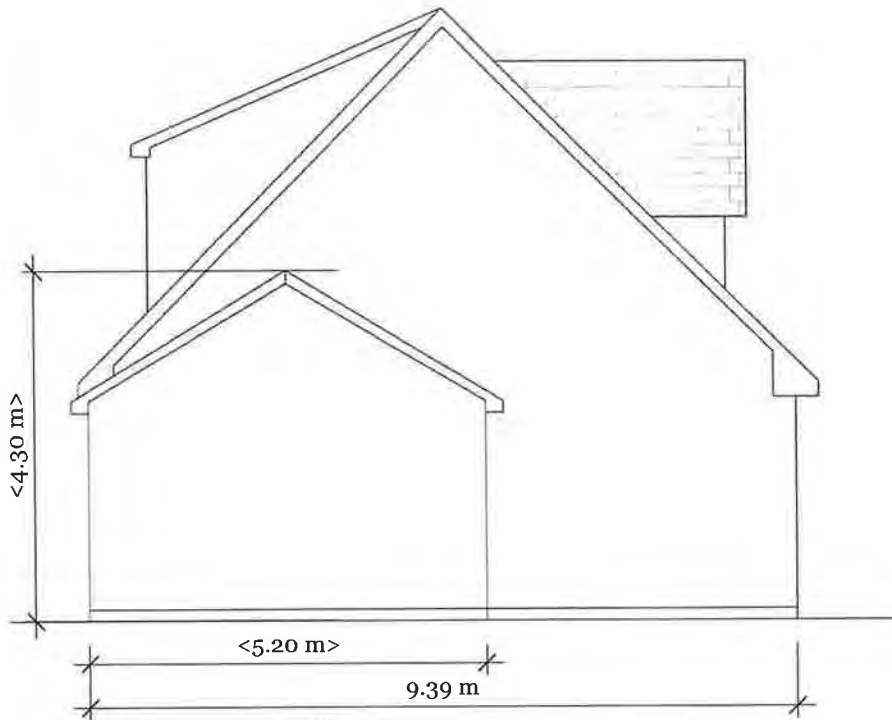


Proposed Front Elevation

Jack Reen

REVISIONS	
MM/DD/YY	REMARKS
1 16/12/2024	
2 ---/---/---	...
3 ---/---/---	...
4 ---/---/---	...
5 ---/---/---	...

A 02



Proposed Elevation
Scale 1:100



Granted Elevation 2006



Proposed Side Elevation

Jack Reen

REVISIONS		
	MM/DD/YY	REMARKS
1	16/12/2024	...
2	--/--/--	...
3	--/--/--	...
4	--/--/--	...
5	--/--/--	...

Existing House

Standing Seam PD 510 T-S
Roof Cladding System

4.30 m

18.43 m

Proposed Rear Elevation
Scale 1:100

19 DEC 2024
Cork County Council
Planning Department

Proposed Rear Elevation

Jack Reen

REVISIONS

	MM/DD/YY	REMARKS
1	16/12/2024	...
2	--/--/--	...
3	--/--/--	...
4	--/--/--	...
5	--/--/--	...

A 04