

Comhairle Contae Chorcaí Cork County Council

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



Mr. Francis Keane,
Keane Architecture,
Westwood,
Youngfield,
Glengarriff,
Beara,
Co. Cork.

3rd March, 2023.

Our Ref: D/4/23.



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

Dear Sir,

On the basis of the information and plans submitted by you on 3rd February, 2023 on behalf of Ben & Helen Holden, the Planning Authority declares that the proposed 39m² single storey extension to dwellinghouse at Coolieragh, Glengarriff, Beara, Co. Cork, is development and *not exempted development* having regard to Article 6, Schedule 2, Part 1 and Class 1 of the Planning and Development Regulations, 2001-2022.

Part of the proposed extension projects outwardly from the gable and to the side of the dwellinghouse and this does not constitute the requirement of such an extension being set to the rear of the dwellinghouse.

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.

Receipt No. WCP11272, in respect of €80.00, is issued herewith.

Yours faithfully,


KEVIN O'REGAN.
SENIOR EXECUTIVE OFFICER.



We are Cork.



Recycled

TO: Anne Lordan
Planning Department
Ref : D/4/23

Planning and Development Regulations 2001- 2022

Exempted Development under Schedule 2 Part 1 Class 1

Extension at Coolieragh, Glengarriff for Ben and Helen Hogan

Site

The site lies Coolieragh, Glengarriff in a remote area with easterly seaward views where a gable ended '*split level*' dwellinghouse with a rectangular footprint with extensive timber decking area stands in substantial tree lined grounds with a freestanding flat roofed garage. The dwellinghouse is set back around 65 metres and out of sight from the L-957-23- 3 road which terminates very close at the site serving just one further dwellinghouse the east. The approach to the house is greeted by an exposed rock face with vast amounts of rock tipped over boundaries and down the steep embankment to the south and east, at the far side (north) a new track of rock has been formed such recent works being vividly portrayed as per the enclosed photograph in the appendix.

Details of the development.

This Section 5 application (D/4/23) was received on the 3rd February 2023 and the site was visited on the 27th February 2023 and photographs taken as enclosed in the appendix. The submitted plans are somewhat deficient in that they do not indicate the existing timber decked area but are not so flawed to be unable to comprehend the development under consideration. The submitted plans show a flat roofed single storey extension with a stated floor area of 39 square metres. The proposed extension is at the rear **but also** projects to the side.

ASSESSMENT

This Section 5 "*exempt development*" application should be considered against Class 1 of Schedule 2, Part 1 of Article 6 of the Planning and Development Regulations 2001- 2022. For matters of convenience this is set out in the appendix. In addition, it should be set against Article 9 (1) including Article 9 (1) (iii) and (vi) and (viii) of the Planning and Development Regulations 2001- 2022.

The dwellinghouse has no planning history and has not been previously extended and in terms of designations lies in the heart of the area mapped High Value Landscape.

❖ **Extension at the Rear**

Class 1 must always determine whether the extension is to the front, side or rear. Houses can sometimes be built "*back to front*" which could raise doubt as to the front. Whilst the dwellinghouse is positioned at an angle within the plot it is crystal clear what is the front of the house and what is the rear of the house. In this case it is clear that the eastern face of the dwellinghouse facing the sea constitutes the front. It is also confirmed the extension is set primarily to the rear but also a part of it is set to the side and this would then extend to the side

in material intensification of the access point and where sightlines are reasonable. There are no obvious road safety issues.

(vi) Landscape

As outline above the site lies within the mapped High Value Landscape and Objective GI-14-9 of the County Development Plan 2002-2028 seek to protect it. A steep and now exposed rock face circa 3.0+ metres now greets the occupant arriving at the site with effectively tipped down the steep banks with extensive amounts of rock clearly recently cut and at the north of the dwellinghouse a new track has been formed and the curtilage having been altered. These works were not evidenced on the enclosed aerial photograph on 2015-2018 (see appendix) and appear very new.

Under Class 6 of the Planning and Development Regulations 2001-2022 (see appendix) this can allow paths and landscaping together with changes in levels within the curtilage of a dwellinghouse but providing they do not exceed 1.0 metre in level and can equally be “*de-exempted*” by Article 9 (1) if appropriate. Effectuality tipped rock in excess a 1.0 metre in height and down steep banks is seriously prejudicial to the High Value Landscape Area and the health of the trees and if repeated elsewhere would undermine the integrity of the same and cannot simple be ignored. However this “*development*” under consideration relates to a rear and side extension and that extension does not affect the landscape so to “*de-exempt*” it by Article 9(1) (vi) would be inappropriate. Rather the proper way to deal with that matter is a ‘*warning letter*’ under Section 152 having regard to Class 6 but as a separate matter (SKB23009) as follows.

The alledged unauthorised alteration to the curtilage, ground works, excavations, hardstanding and alterations including excavated rock in excess of 1.0 metre in height and the tipping of rock down tree lined steep embankments at Coolieragh, Glengarriff.

(viii) Consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

Whilst the ground works referred to above are unauthorised the “*split level*” dwellinghouse is not an unauthorised structure.

Conclusion

It is not relevant whether the extension is seen or not, which clearly it is not, the fact is the extension must be to the rear alone to constitute “*exempt development.*” Given the side sunroom projection this does **not** achieve that criterion.

The ground works and tipped rock will be addressed under file SKB23009.





West Cork Planning Section,
Cork County Council,
Norton House,
Skibbereen
Co. Cork
P81 AT28

Keane Architecture,
Westwood,
Youngfield,
Glengarriff,
Beara
Co. Cork
P75 CC79

2nd February 2023

Re: Application for Section 5 Declaration Of Exemption for proposed extension to property at
Coolieragh, Glengarriff, Beara, Co. Cork

Dear Sir/Madame,

Please find enclosed 4no. copies of the above application on behalf of our clients, Ben & Helen Holden.

We hope the enclosed application meets with your approval and we look forward to your decision in due course.

Yours sincerely,



Francis Keane

Keane Architecture

REG. No. _____
PLANNING (WEST) DEPT
03 FEB 2023
CORK COUNTY COUNCIL
NORTON HOUSE, SKIBBEREEN, CO. CORK P81 AT28



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:

X
X
X
X
X
X
X

REG. No. _____
 PLANNING (WASTE) DEPT
03 FEB 2022
 CORK COUNTY COUNCIL
 HORTON HOUSE, SUBSISTENT CO. CORK P21 1722

FOR OFFICE USE ONLY

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

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.

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 dwelling - 102m ² & Extension - 39m 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 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
N/A	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):

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:	N/A	
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):	N/A	

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:

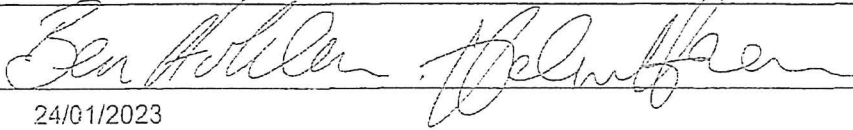
Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

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	24/01/2023

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:

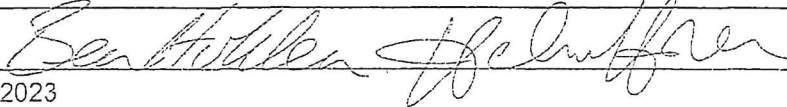
- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

REG. NO. _____
 PLANNING (WEST) DEPT.
 03 FEB 2023
 CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, CO. CORK T12 V2W6

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	24/01/2023

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.

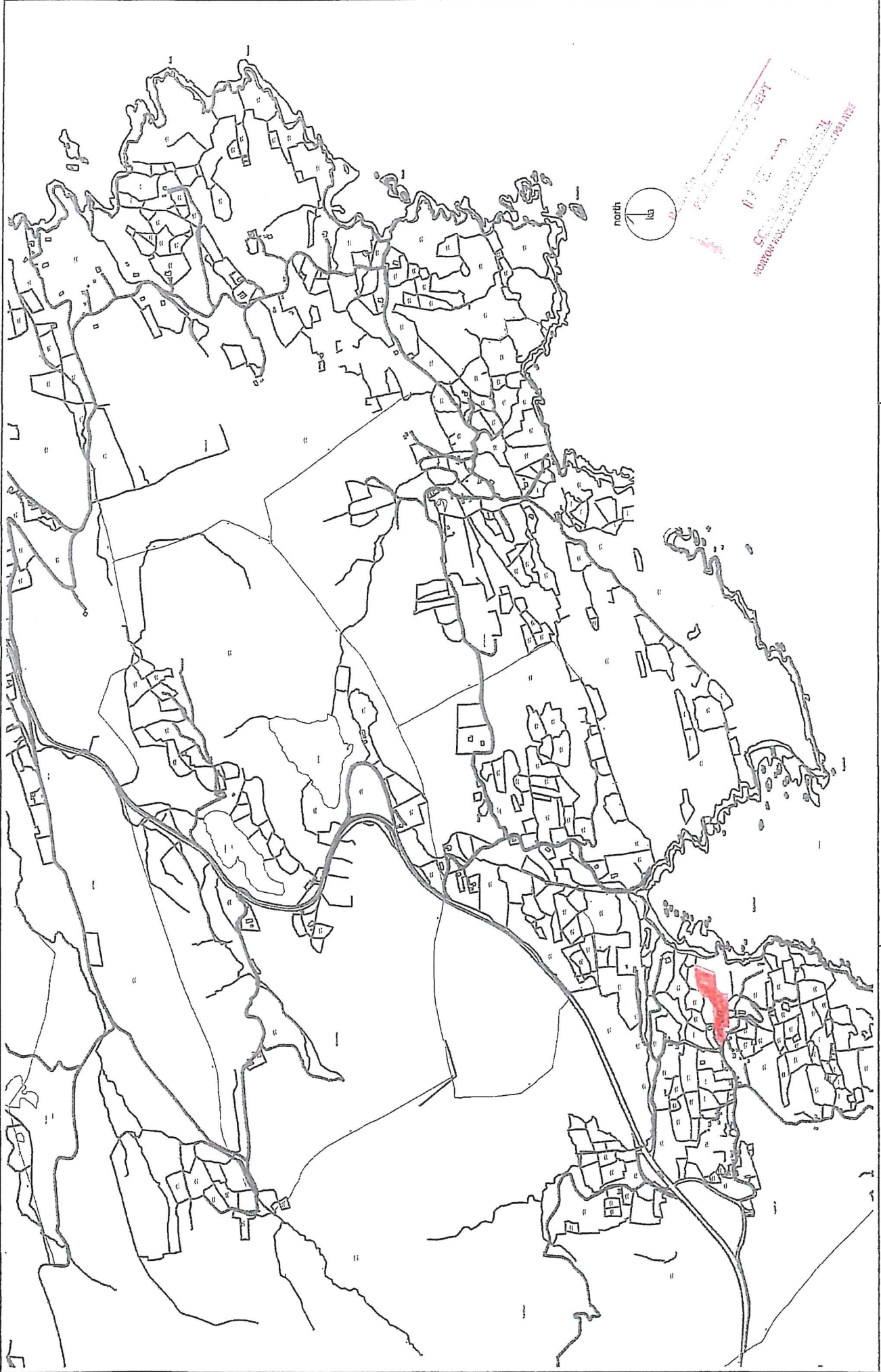
- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and 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	24/01/2023

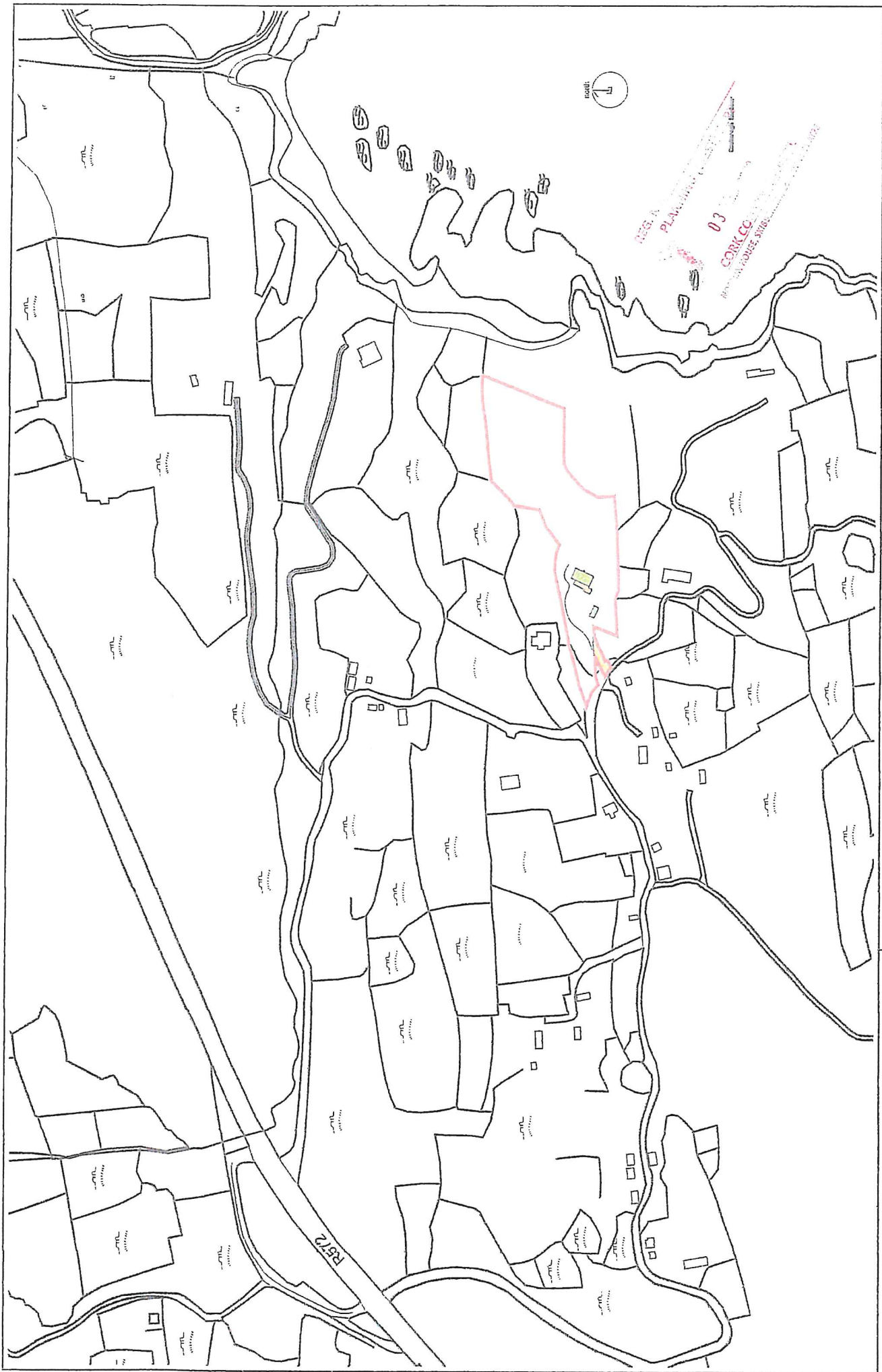
REG. No. _____
 PLANNING (WEST) DEPT
 03 FEB 2023
 CORK COUNTY COUNCIL
 NORTON HOUSE, SKIBBEREEN, Co. CORK P81 AT28



Client: Ben & Helen Holden
Project: Coolteragh House

keane architecture design + planning + build
keanearchitecture.ie
francis.keane - dip.arch.
westwood - blencarriff - beara - co. cork - p75 cc79

Drawing Status: issue for exemption cert
Drawing Title: site location map
Scale: A3 - 1:10560
Dwg. No. P01302-05 - 24/01/2023

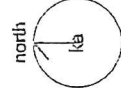
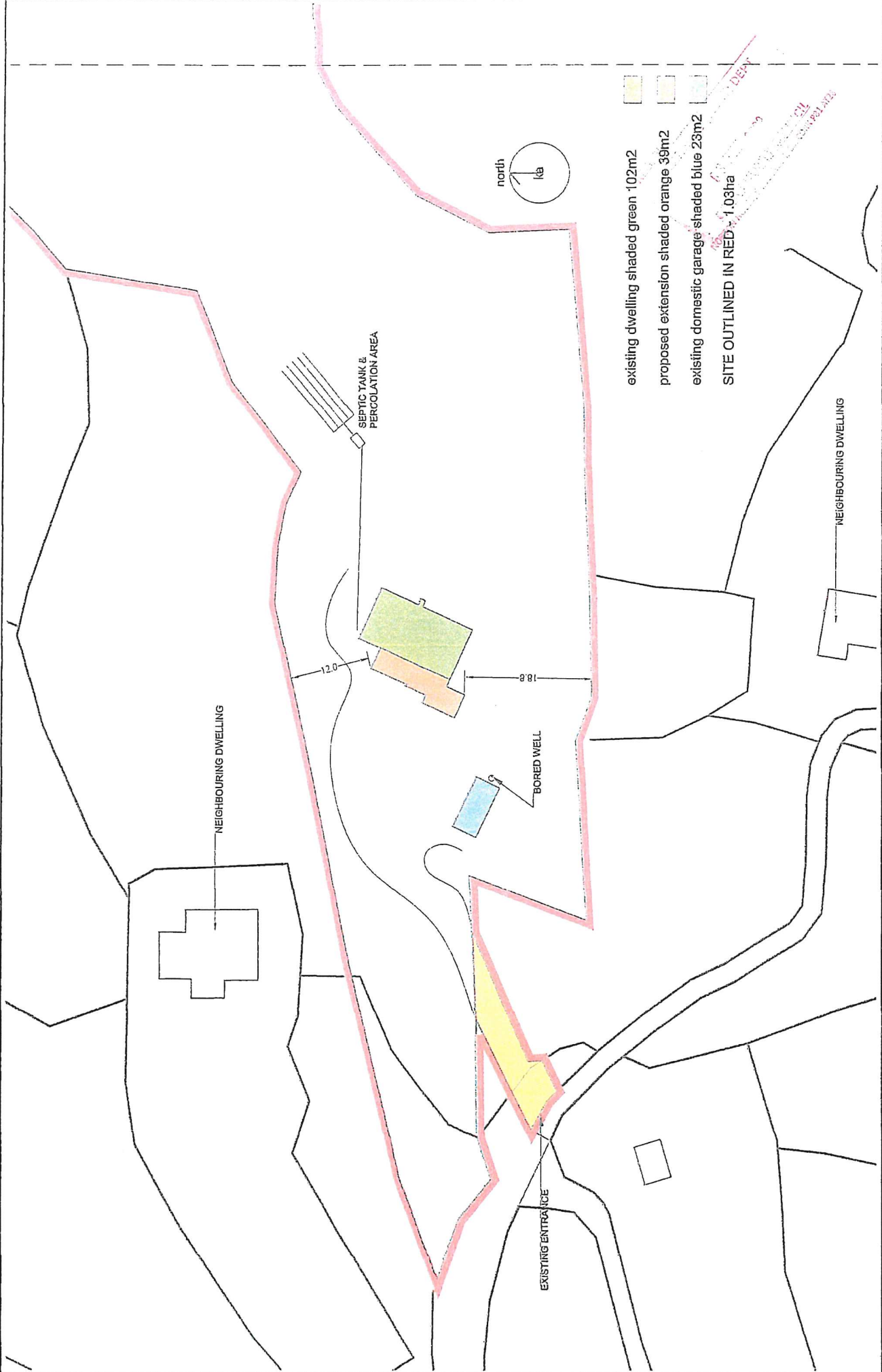


Client: Ben & Helen Holden
Project: Coolferagh House

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Drawing Status: issue for exemption cert
Drawing Title: site location map
Scale: A3 - 1:2500
Dwg. No. P01302-05 - 24/01/2023



- existing dwelling shaded green 102m²
- proposed extension shaded orange 39m²
- existing domestic garage shaded blue 23m²
- SITE OUTLINED IN RED - 1.03ha

SEPTIC TANK & PERCOLATION AREA

BORED WELL

EXISTING ENTRANCE

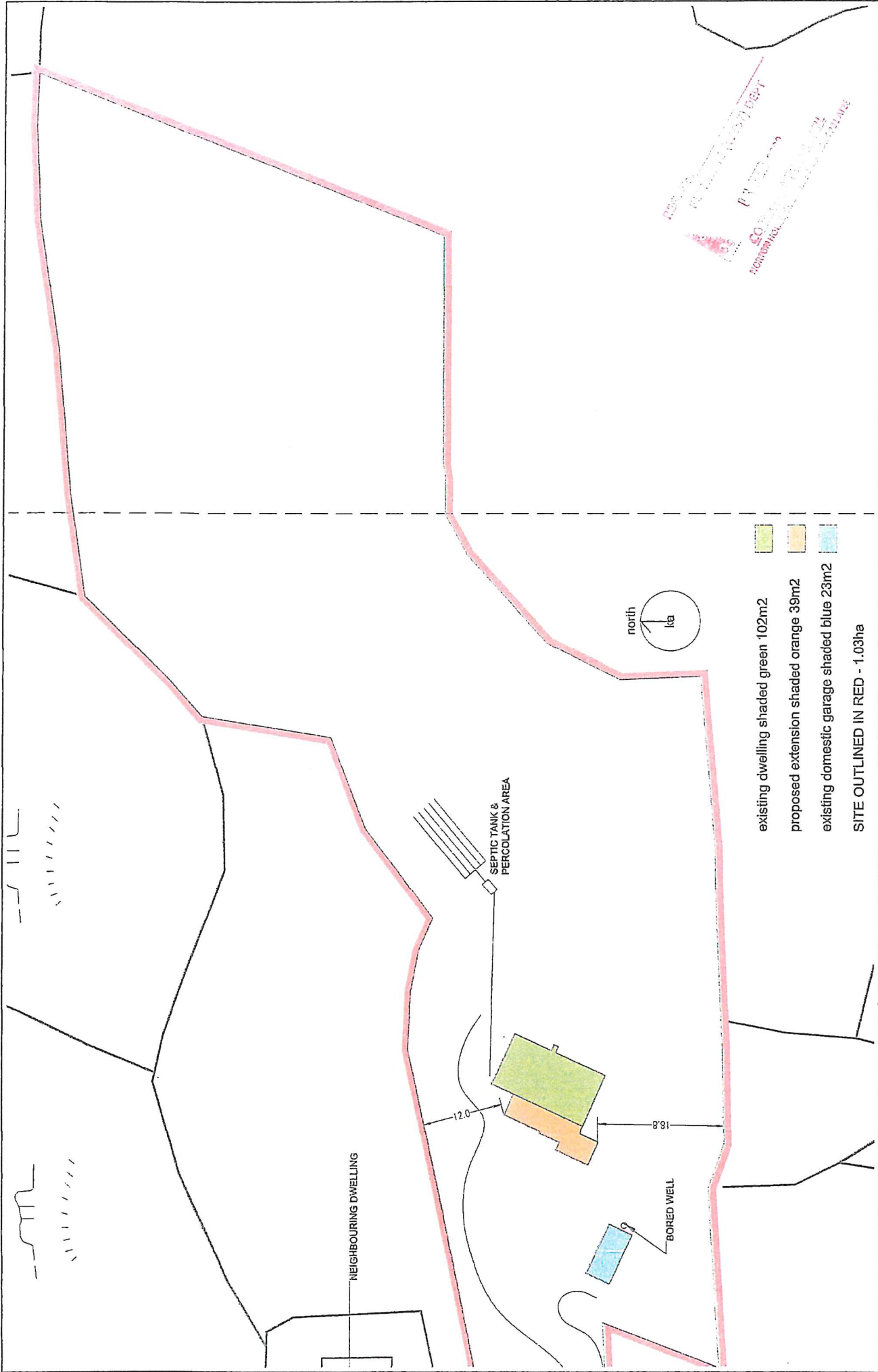
NEIGHBOURING DWELLING

NEIGHBOURING DWELLING

Client: Ben & Helen Holden
 Project: Coolieragh House

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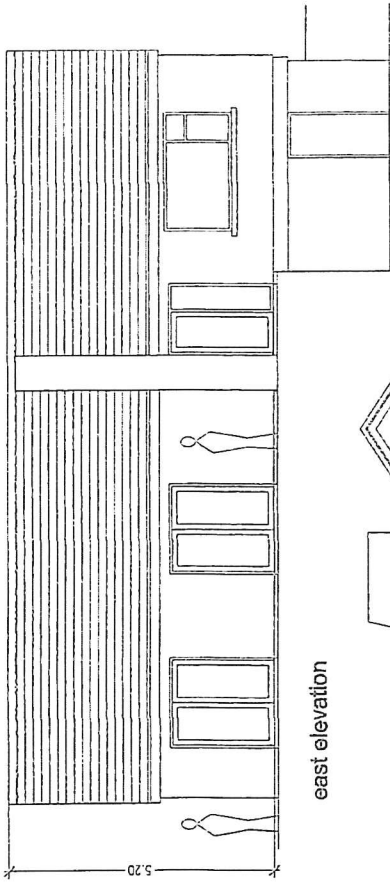
Drawing Status: issue for exemption cert
 Drawing Title: site layout plan (part a)
 Scale: A3 - 1:500
 Dwg. No. P01302-05 - 24/01/2023



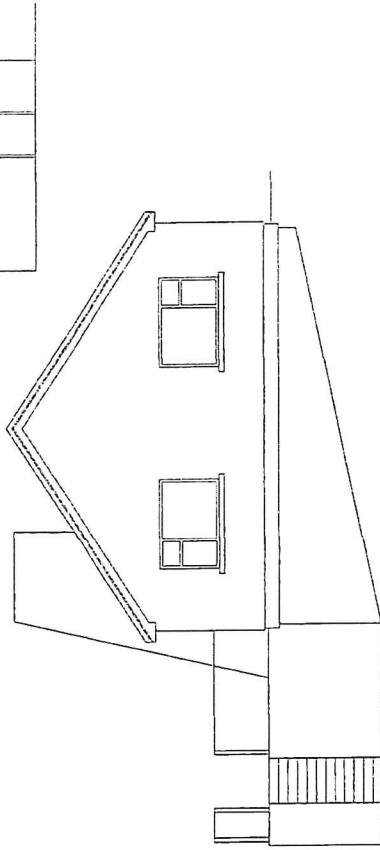
Drawing Status: issue for exemption cert
 Drawing Title: site layout plan (part b)
 Scale: A3 - 1:500
 Dwg. No. P01302-05 - 24/01/2023

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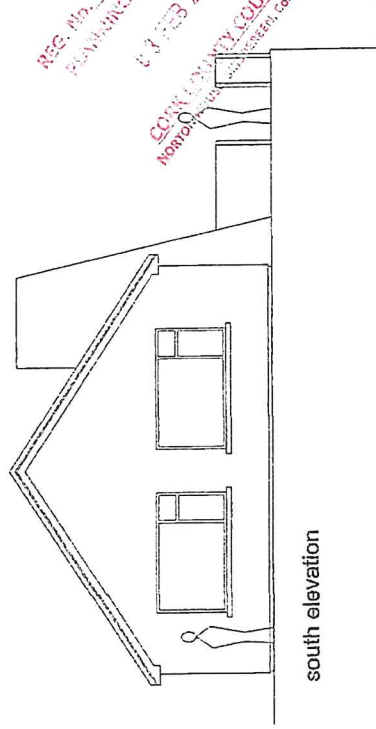
Client: Ben & Helen Holden
 Project: Coopieragh House



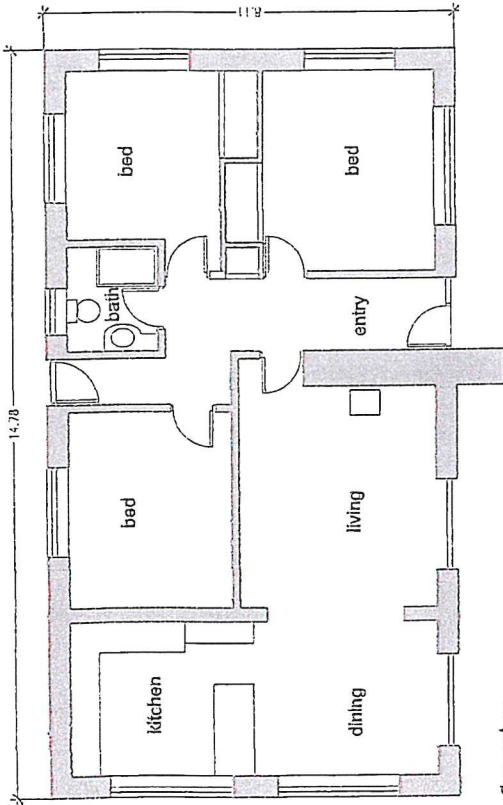
east elevation



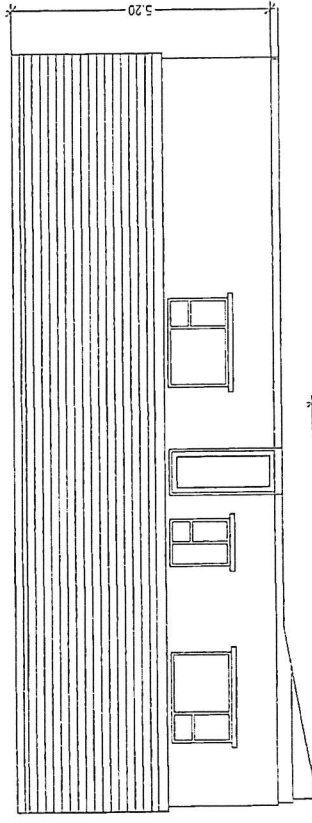
north elevation



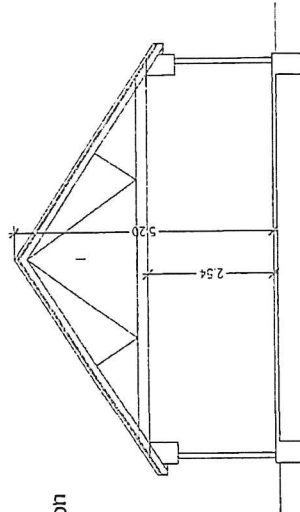
south elevation



floor plan



west elevation



section

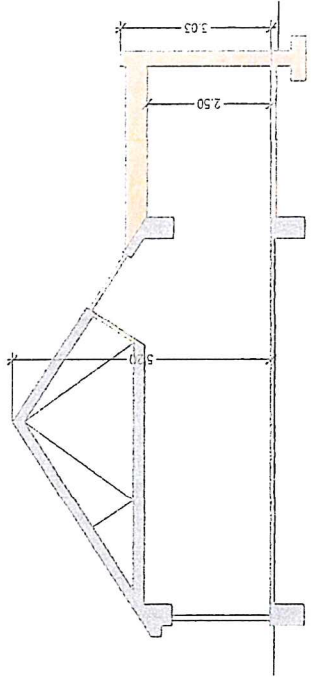
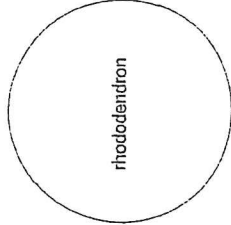
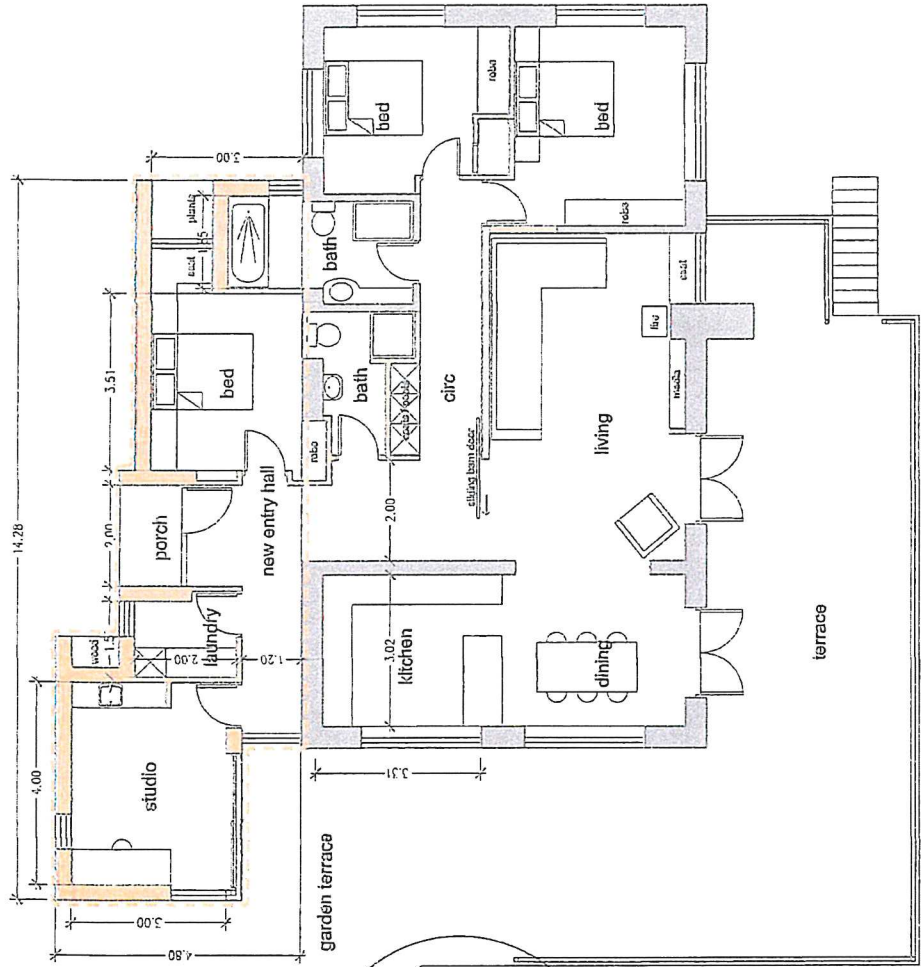
REG. No.
 PLANNING (WEST) DEPT.
 03 FEB 2023
 COUNTY COUNCIL
 NORTH DUBLIN

Client: Ben & Helen Holden
 Project: Coolieragh House

design + planning + build
 keanearchitecture.ie

Drawing Status: issue for exemption cert
 Drawing Title: existing floor plans, section & elevations
 Scale: A3 - 1:100
 Dwg. No. P01302-05 - 24/01/2023

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section

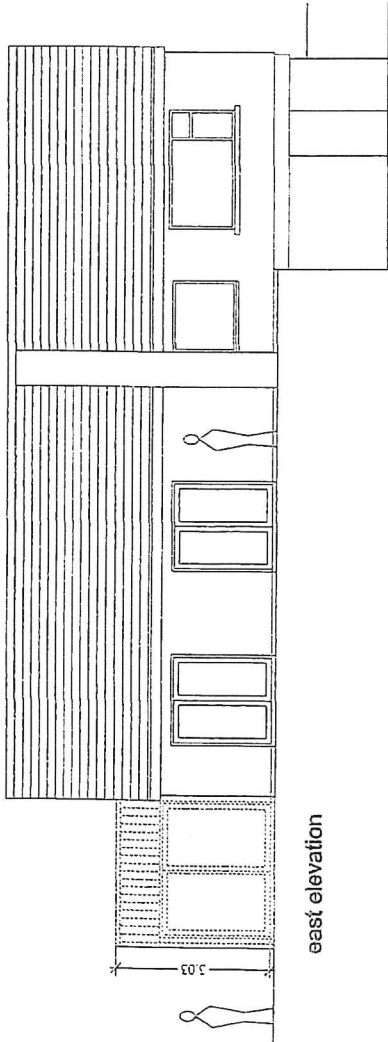
REC'D BY:
PLANNING & INVESTMENT DEPT
13 FEB 2023
CORK COUNTY COUNCIL
MORTGAGE REGISTRATION, CO. CORK

floor plan
proposed extension outlined dashed orange - 39m²

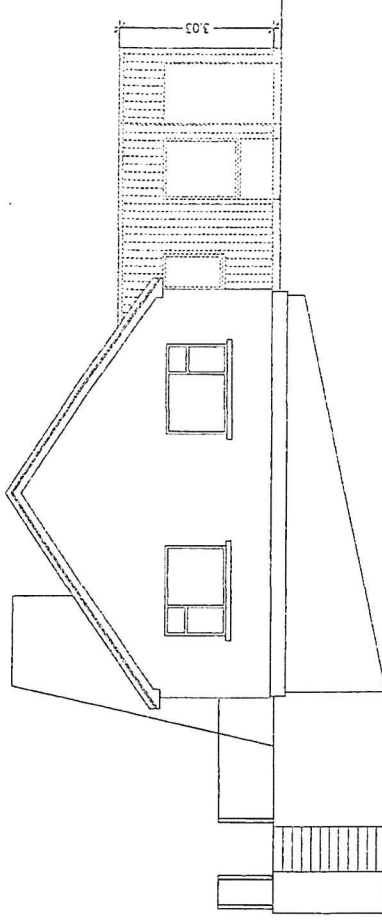
Client: Ben & Helen Holden
Project: Coolferagh House

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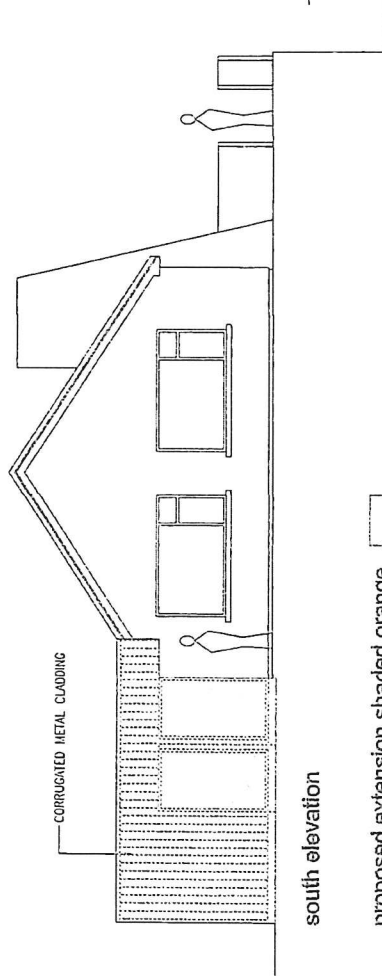
Drawing Status: issue for exemption cert
Drawing Title: proposed floor plans & section
Scale: A3 - 1:100
Dwg. No. P01302-05 - 24/01/2023



east elevation

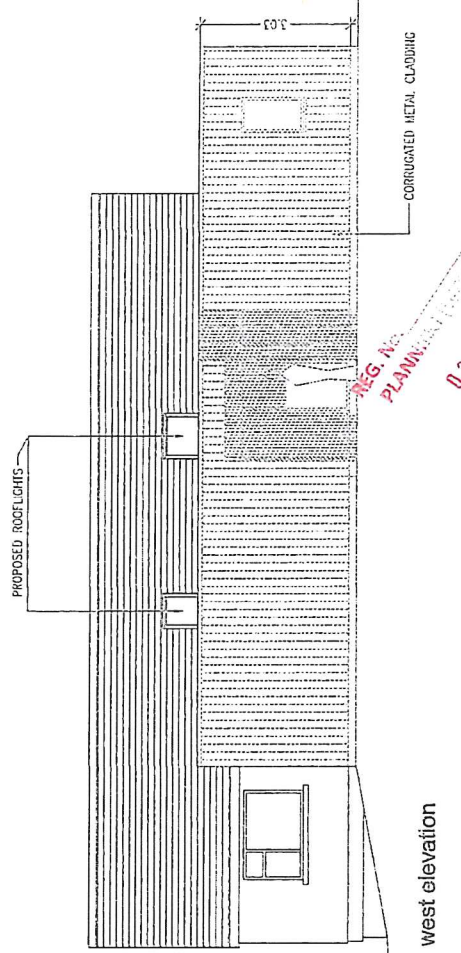


north elevation



south elevation

proposed extension shaded orange



west elevation

REG. NO. 03 FEB 2017
 PLANNING PERMISSION
 CORK COUNTY
 WYNNON HOUSE, SKIBBEREEN

Client: Ben & Helen Holden
 Project: Cooliaragh House

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 westwood - glengarriff - beara - co. cork - p75 cc79

Drawing Status: issue for exemption cert
 Drawing Title: proposed elevations
 Scale: A3 - 1:100
 Dwg. No. P01302-05 - 24/01-2023