

Comhairle Contae Chorcaí Cork County Council

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



Brian & Ann Martin,
C/O Patrick A. Cashman,
Farran House,
Cork Road,
Midleton,
Co. Cork
P25 XY42

20th March, 2025

REF: D/214/25
LOCATION: Trabolgan, Whitegate, Midleton, Co. Cork.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir/Madam,

On the basis of the information submitted by you on 13th February, 2025 the Planning Authority, having considered whether the modifications that have been carried out to an extension originally permitted under 99/2755 as follows (a) omission of sliding patio door on eastern elevation of permitted extension (b) increase of floor plan dimension to southern and western sides of permitted extension by 0.6m giving an increased floor area of 12.5sqm and (c) alteration to monopitch roof by 0.3m at **Trabolgan, Whitegate, Midleton, 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 of the Planning and Development Act 2000, as amended.

And Whereas the Planning Authority hereby concludes that the modifications that have been carried out to an extension originally permitted under 99/2755 as follows (a) omission of sliding patio door on eastern elevation of permitted extension (b) increase of floor plan dimension to southern and western sides of permitted extension by 0.6m giving an increased floor area of 12.5sqm and (c) alteration to monopitch roof by 0.3m at **Trabolgan, Whitegate, Midleton, Co. Cork** are **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>

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

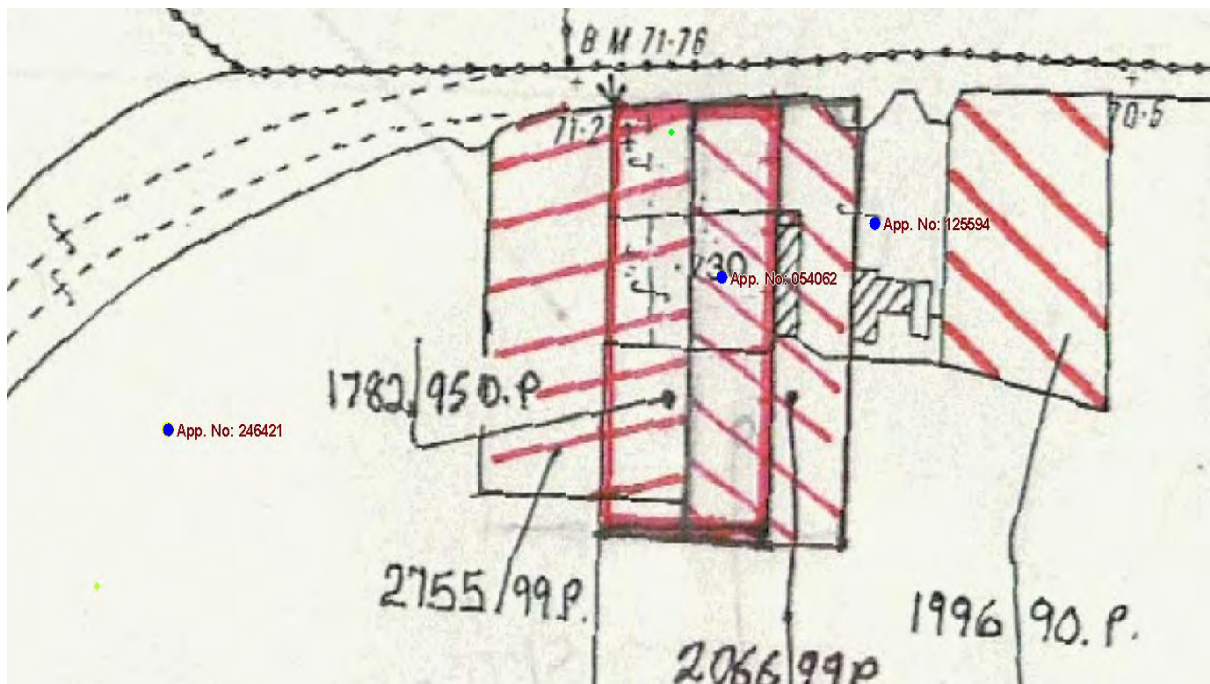
D214-25- Modifications to Permitted House

The Question

The applicant is querying whether modifications that have been carried out to an extension originally permitted under **99/2755** are/are not exempted development for the purposes of the act. The specific changes referenced in the declaration are set out as follows:

- a)- omission of sliding patio door on Eastern elevation of permitted extension
- b)- Increase of floor plan dimension to Southern and Western sides of permitted extension by 0.6m giving an increased floor area of 12.5sqm
- c)- Alteration to monopitch roof by 0.3m

Planning History





No recent planning activity on the site

PI Ref No. 99/2755- Permission for the construction of an extension to dwelling (this is the extension subject of this declaration)

95/1782 and 99/2066- OPP and PP granted for dwellinghouse.

Statutory Provisions

I consider the following statutory provisions relevant to this referral case:

Planning and Development Act, 2000

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".

S4(1)(h) "for the maintenance, improvement or alteration of any structure being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures"

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

Planning and Development Regulations, 2001

Article 6(1) of the Regulations states as follows:- "(a) Subject to article 9, development consisting 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 Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development.

Assessment

Having regard to the questions posed, the proposal constitutes "development" as set out under S3 of the Planning and Development Act 2000 in that "works" have been carried out on the site in the modification of the permitted extension. The question therefore is whether or not these "works" constitute "exempted development" for the purposes of the Act

The works could be considered to fall under the scope of S4(1)(h). This section deems works "for the maintenance, improvement or 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".

In my view, the works subject of this declaration do not fail the test outlined above in that the changes do not materially alter the external appearance of the structure relative to itself or neighboring properties. The modifications as outlined under question (a) and (c) are relatively minor cosmetic amendments that do not generate any new *material* impacts. In respect of question (b), the marginal widening of the external walls generates an additional 12.5sqm of floor area across the permitted extension. Given that this is a standalone dwelling on generous plot, this increase in size would be relatively imperceptible relative to the original grant and like (a) and (c) does not generate any negative externalities vis a vis neighbouring properties. While the additional 12.5sqm would ordinarily lead to a higher development contribution, it is noted that no charge applied to the extension under the authorising grant. This additional floor area would not generate an additional charge under the current development contributions scheme (in place since 2005) whereby the first 60sqm of any extension is exempt from contributions.

On this basis I would contend that the modifications 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". Consequently the proposal does not fail the test set out under S4(1)(h)

Article 9 Restrictions

Restrictions on exemptions are listed under Article 9 of the Regulations. These would not apply in the case of a consideration under S4

AA/ EIA

Section 4(4) of the Act 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 Part 10 of the Planning and Development Act.

Having considered that detail I am satisfied the works carried out would not have triggered any requirement for mandatory or sub-threshold EIA. The same conclusion also holds in respect of AA

Conclusion

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

(a) Section 2(1), 3(1), 4, of the Planning and Development Act, 2000, as amended,

The Planning Authority has concluded that:

The modifications to permitted extension granted under 99/2755, namely

a)- omission of sliding patio door on Eastern elevation of permitted extension

b)- Increase of floor plan dimension to Southern and Western sides of permitted extension by 0.6m giving an increased floor area of 12.5sqm

c)- Alteration to monopitch roof by 0.3m

Constitutes “development” but is deemed to be “exempted development” as per S4(1)(h) of the Act

Enda Quinn
Executive Planner
19/3/2025

Patrick A. Cashman

+

Associates

Architecture + Project Management

Established 1987

**The Secretary
Planning department
Cork County Council
County Hall
Cork**

05/02/2025

Re; Application for Section 5 Declaration of Exemption with regard to the following works to extension, permitted under Reg No 99/2755;

- 1. Omission of Sliding Patio Door on eastern elevation of permitted extension**
- 2. Increase of floor plan dimension to southern and western sides of permitted extension by 0.60m – giving an increased floor area of 12.50 sq m**
- 3. Consequential alteration to mono-pitched roof of 0.300m**

Dear Secretary,

We refer to the above and on behalf of our clients Brian and Ann Martin, we request your department to consider the works, which were carried out circa 2000/2001 along with the permitted works, to be an exempted development and eligible to receive a Section 5 Declaration.

In support of our clients application we submit the following;

- 1. 4 copies of duly completed and signed application form**
- 2. 1 copy of contact details.**
- 3. 4 copies of 25" O.S Maps**
- 4. 4 copies of 1:1000 O.S Maps**
- 5. 4 copies of site layout plan**
- 6. 4 copies of plans, section and elevations of the stated/ altered works**
- 7. 4 copies of plans and elevations of the permitted works under Reg No 99/2755**
- 8. Our client draft in the amount of €80.00 being the application fee.**

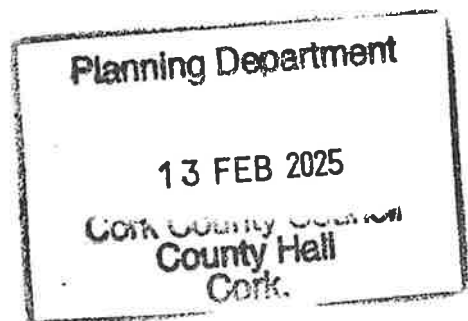
We trust that the foregoing and enclosures are in order and we await your validation and decision of this submission in due course.

Yours Faithfully



Pat Cashman

Patrick A Cashman
Dip ArchT Dip P.M. CIOB IPMI IAAS
Farren House
Cork Road, Midleton, Co Cork
P25XY42
T 086 2768482
E patrickacashman@gmail.com





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

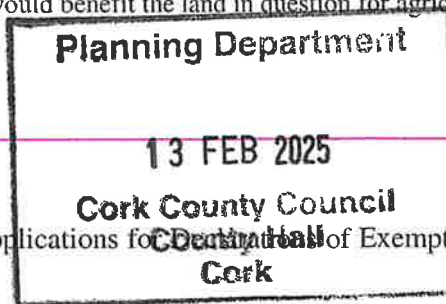
Receipt No.	PL20002481
Cash/Cheque/ Credit Card	POSTAL ORDER
Date	13/2/25
Declaration Ref. No.	D/214/25

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 Declaration 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):	
(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: <i>3/99.2755</i>
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use <i>NO CHANGE PROPOSED</i>	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 checked="" 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


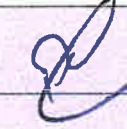
13 FEB 2023
 Planning Department
 Cork County Council
 County Council
 Cork

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	04/02/2025	

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.

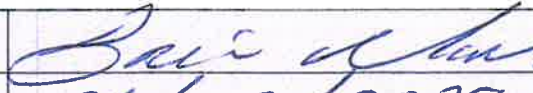
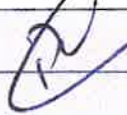
Special Categories of data / Sensitive Personal data include:

- 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

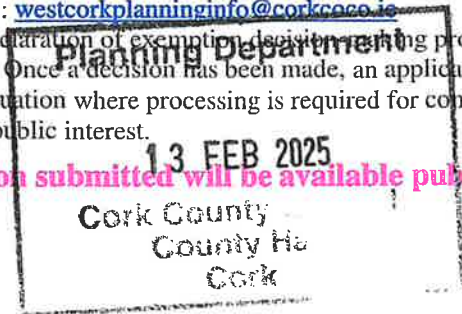
I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed		
Date	04/02/2025	

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.



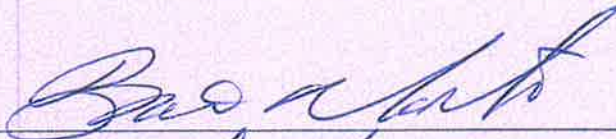
ADVISORY NOTES:

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	04/02/2025

Planning Department

13 FEB 2025
Cork County Council
County Hall
Cork

Site Location Map;

EXTRACT FROM MAP 6512- D



Tailte Éireann

APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION FOR BRIAN and ANN MARTIN at TRABOLGAN WHITEGATE

SUBJECT SITE OUTLINED IN RED

SCALE OF 1:1000@A4 -

DATE 06/02/2025

Plotted P.A.C.

T h a i d h g i n

B a l l y t i g e e n

G h a b h o
G l a n a g o w

9.45

15.24

11.90

T r á B h o l g a n
T r a b o l g a n

CENTRE COORDINATES:
ITM 583216,561880

PUBLISHED: 06/02/2025 ORDER NO.: 50447016_1

MAP SERIES: 1:2,500 MAP SHEETS: 6512-D

13 FEB 2025

COMPILED AND PUBLISHED BY:
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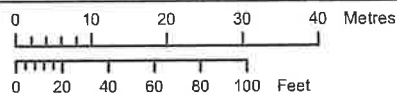
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Planning Department

County Plan Code

561966
561794

561966
561794



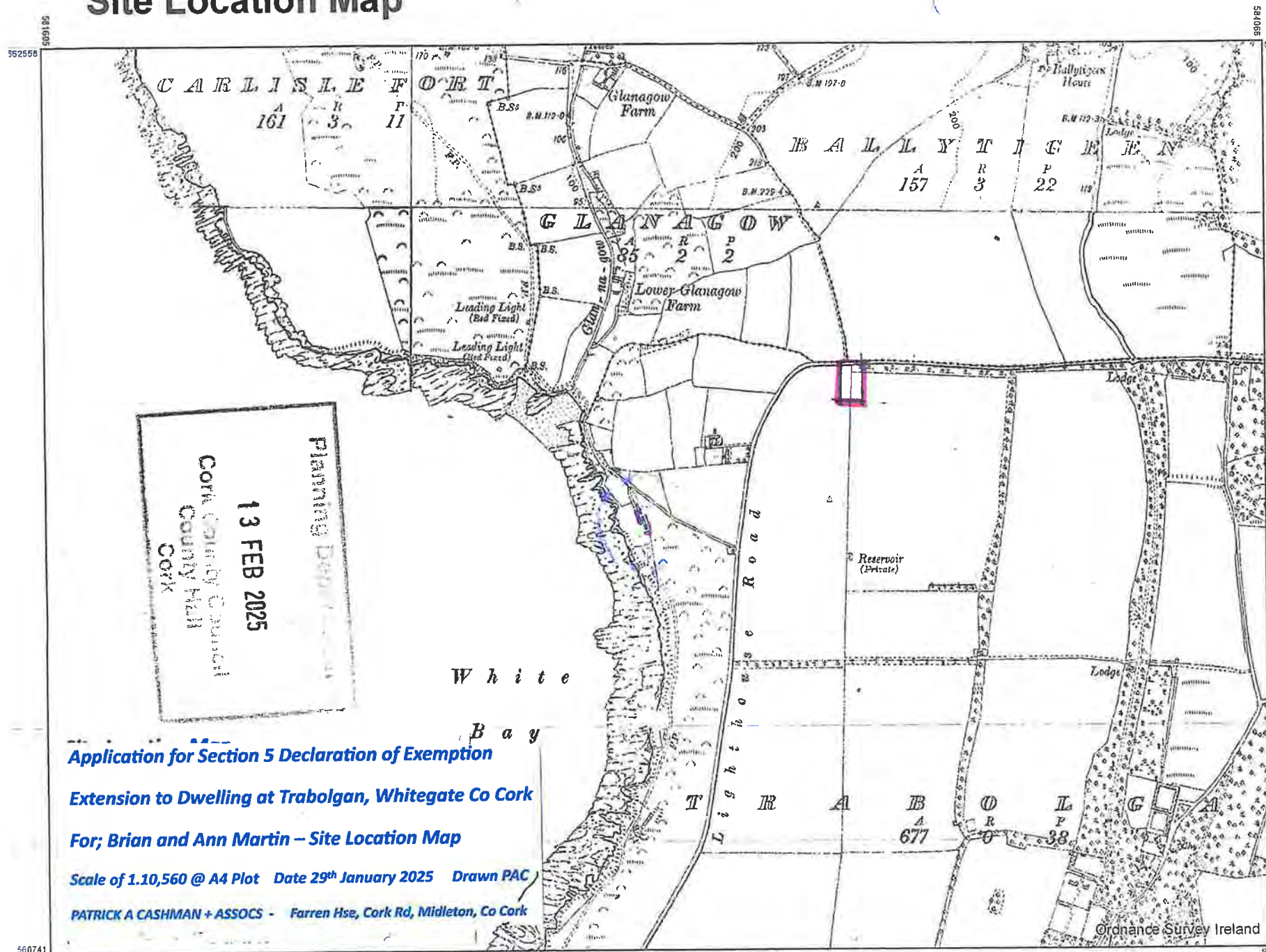
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CAPTURE RESOLUTION:
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LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'



Site Location Map



CENTRE COORDINATES:
ITM 582836,561650

PUBLISHED: 22/02/2022
ORDER NO.: 50252127_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: CK087, CK088, CK099, CK100+100A

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LEGEND:
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PLANNING DEPARTMENT
13 FEB 2025
CORK COUNTY COUNCIL
COUNTY HALL
CORK

Application for Section 5 Declaration of Exemption
Extension to Dwelling at Trabolan, Whitegate Co Cork
For; Brian and Ann Martin – Site Location Map
Scale of 1:10,560 @ A4 Plot Date 29th January 2025 Drawn PAC
PATRICK A CASHMAN + ASSOCS - Farren Hse, Cork Rd, Middleton, Co Cork

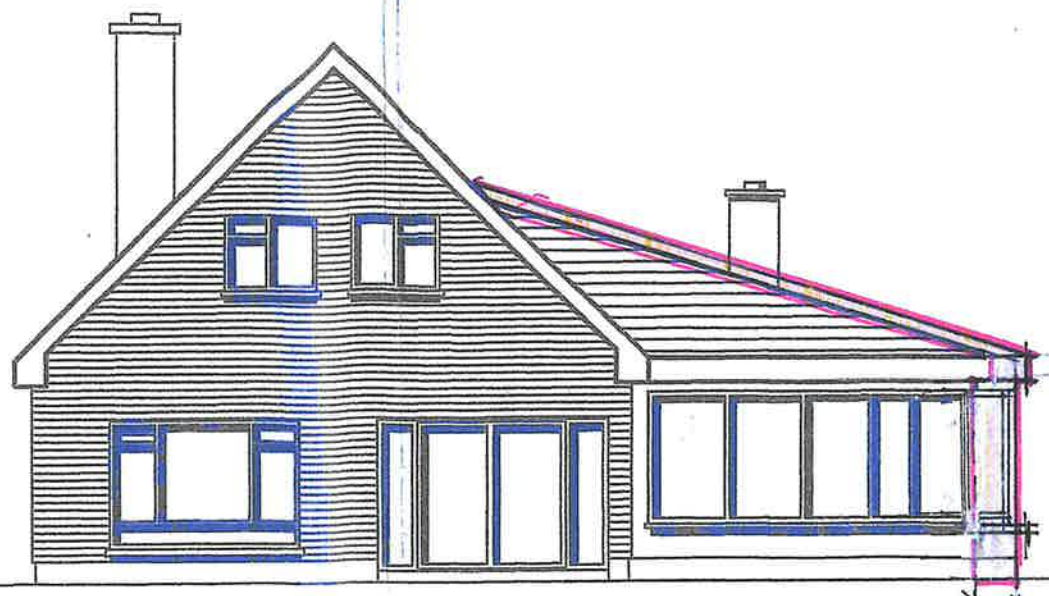
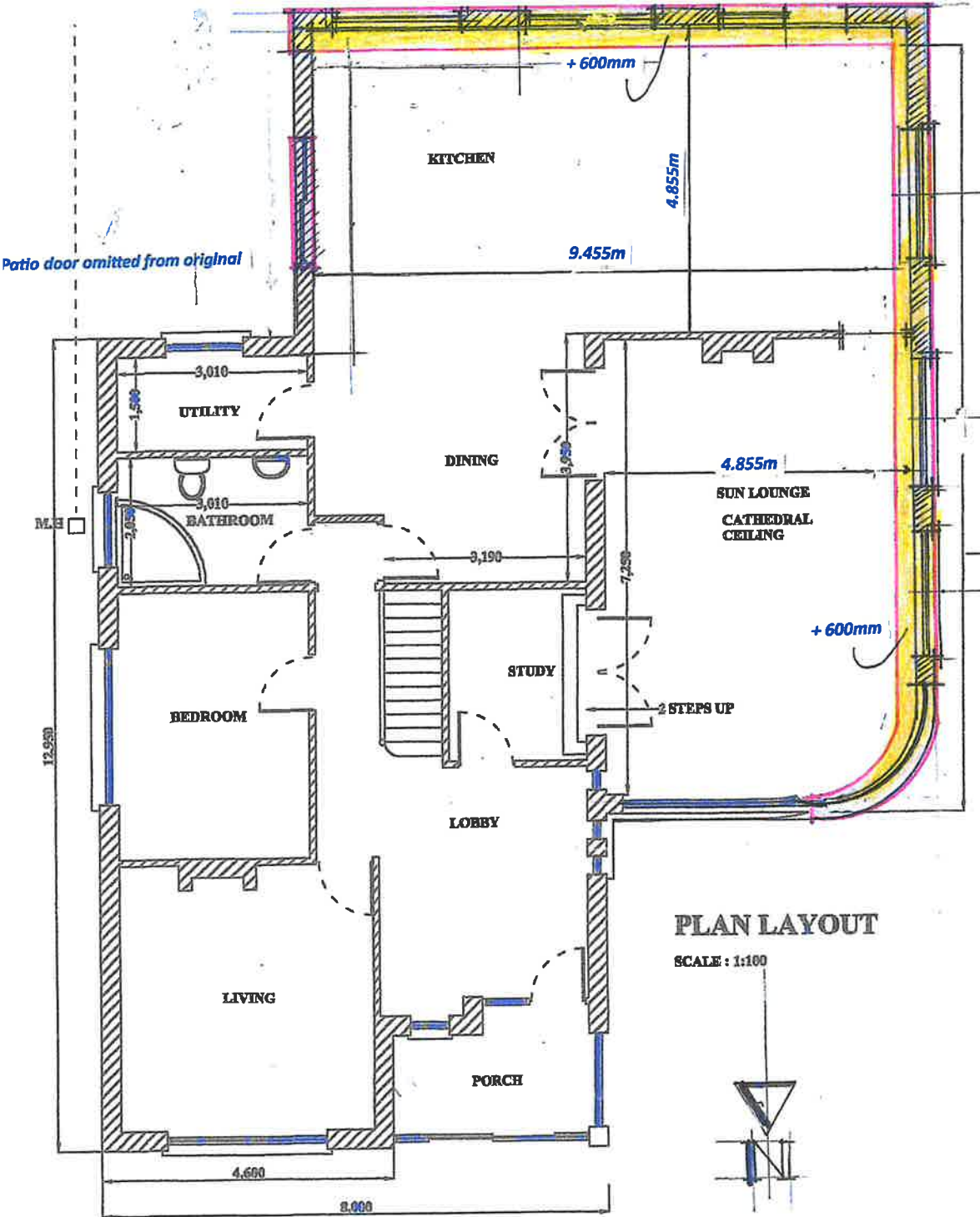
OUTPUT SCALE: 1:10,560

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: <http://www.osi.ie>; search 'Capture Resolution'



560741

560741



North Elevation

Altered works outlined in RED and shaded YELLOW

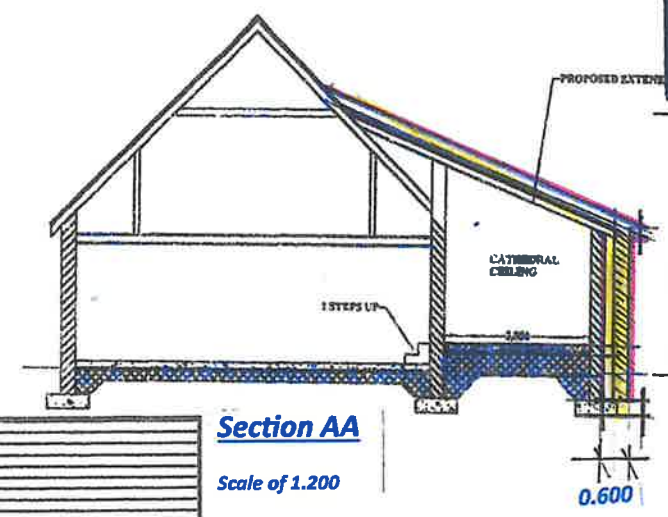


South/Elevation

Layout Drawing – as built dwelling
Application for Section 5 Declaration of Exemption
Extension to Dwelling at Trabolgan, Whitegate Co Cork
For; Brian and Ann Martin
 Scale of 1.100@ A3 Plot Date 29th January 2025 Drawn PAC
 PATRICK A CASHMAN + ASSOCS - Farren Hse, Cork Rd, Middleton, Co Cork
 t 086 2768482 e. patrickacashman@gmail.com

FIGURE D DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON SITE.
ARCHITECT TO BE INFORMED OF ANY DISCREPANCIES BEFORE WORK PROCEEDS.
THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS

Altered works outlined in RED and shaded YELLOW



Section AA
 Scale of 1.200



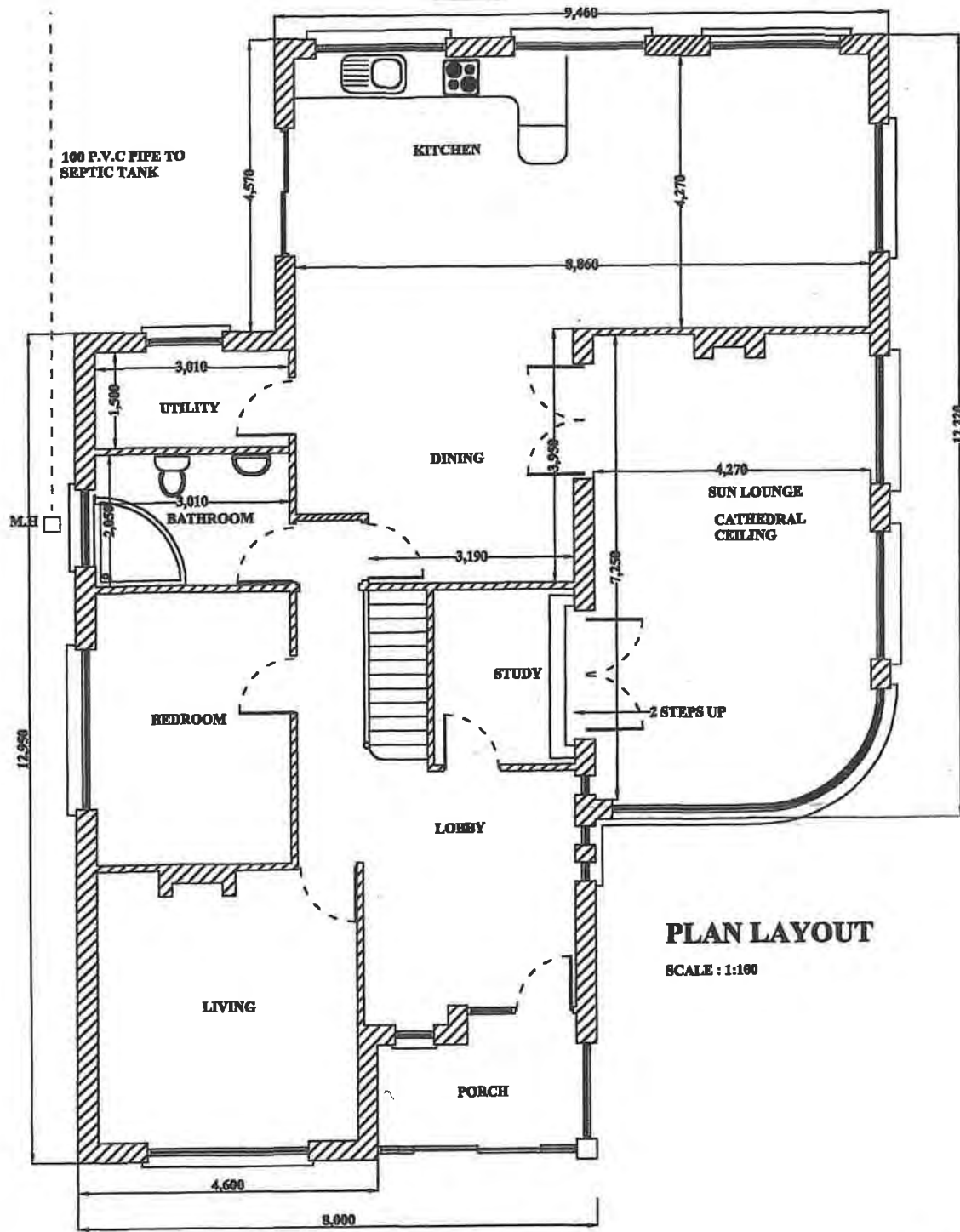
East Elevation

Altered works outlined in RED and shaded YELLOW



West Elevation

Planning Department
 13 FEB 2025
 Cork County Council



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

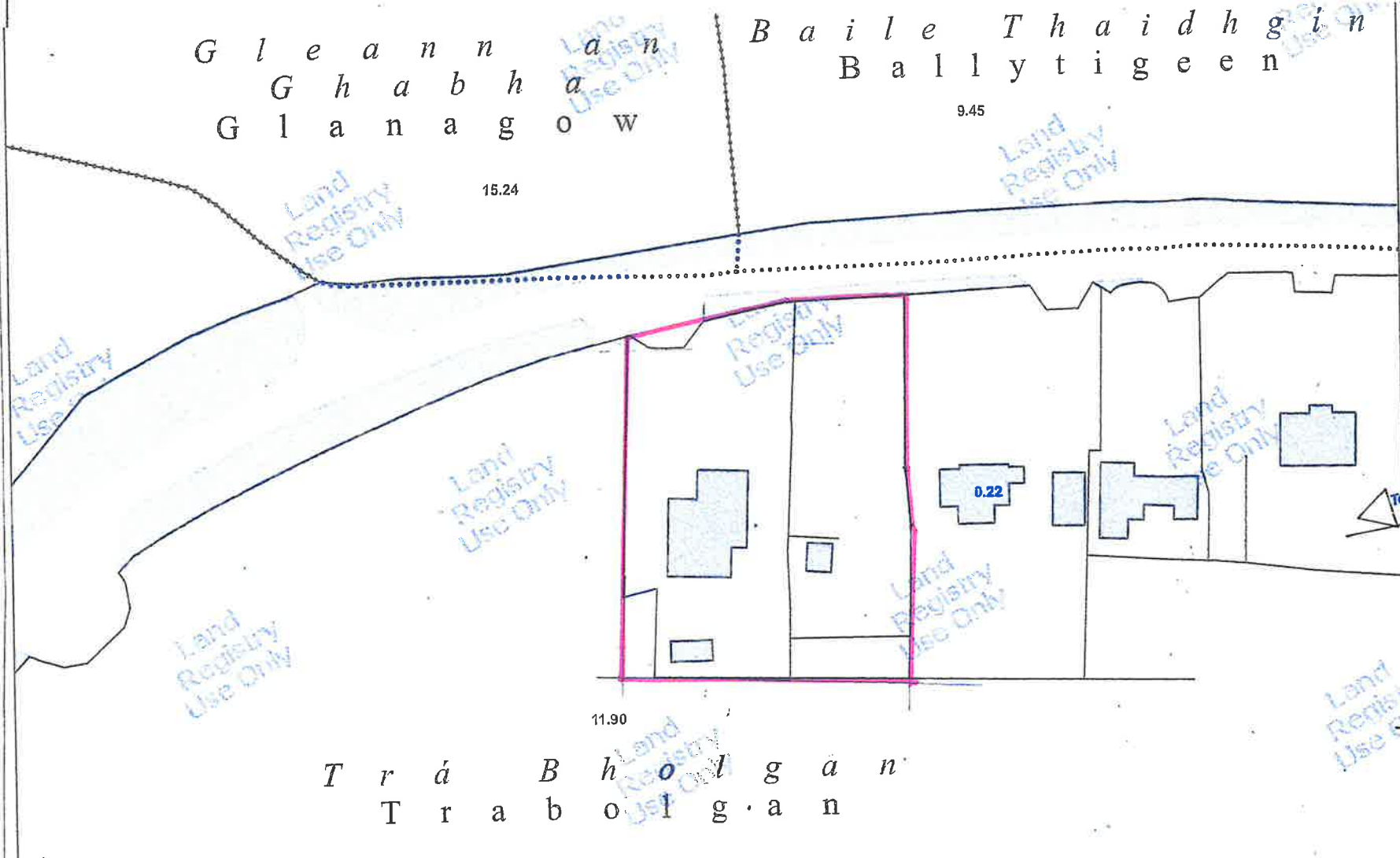
Layout Drawing –
Approved planning permission drawing
Application for Section 5 Declaration of Exemption
Extension to Dwelling at Trabolgan, Whitegate Co Cork
For; Brian and Ann Martin
 Scale of 1.100@ A3 Plot Date 29th January 2025 Drawn PAC
 PATRICK A CASHMAN + ASSOCS - Farren Hse, Cork Rd, Midleton, Co Cork
 t 086 2768482 e. patrickacashman@gmail.com

FIGURE DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING
ALL DIMENSIONS TO BE CHECKED ON SITE.
ARCHITECT TO BE INFORMED OF ANY DISCREPANCIES BEFORE WORK PROCEEDS.
THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT DRAWINGS

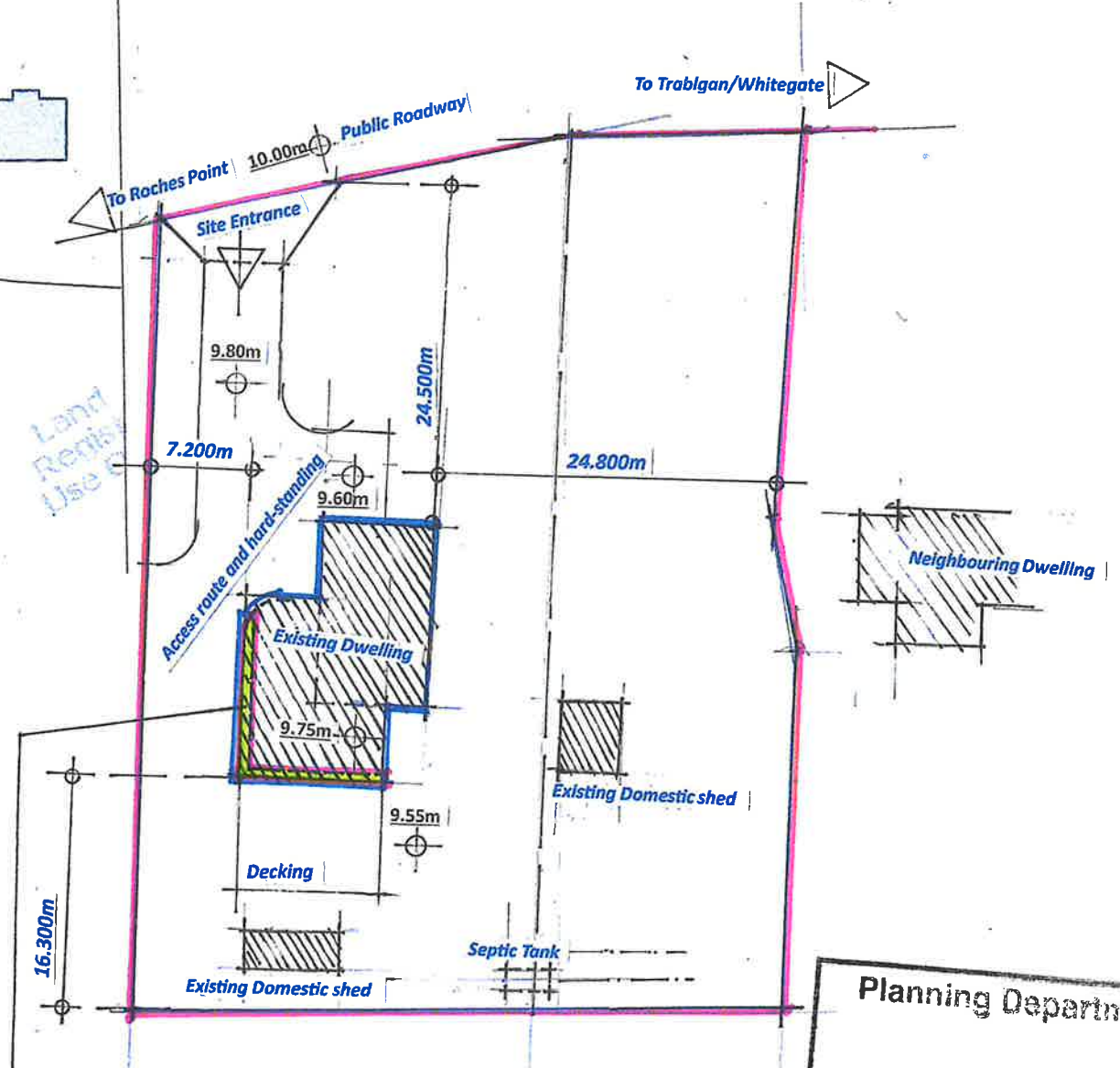
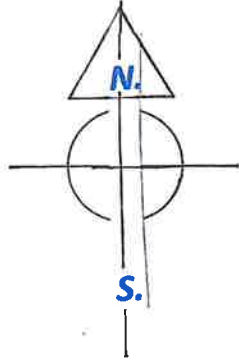
PROPOSED EXTENSION
AT TRABOLGAN, WHITEGATE
MR BRIAN MARTIN
 SCALE : 1:100 DATE : APR 1999

Planning Department
 13 FEB 2025
 Cork County Council
 County Hall
 Cork

Planning Department
 13 FEB 2025
 Cork County Council
 County Hall
 Cork



Site Location Map;
Scale of 1.1000 @ A3 Plot
Proposed site Outlined in RED



Site Layout Plan;
Scale of 1.500 @ A3 Plot
Proposed site Outlined in RED
Subject of application Outlined in RED and shaded YELLOW

Planning Department
13 FEB 2025
Cork County Council
County Hall
Cork

REV	DATE	BY	DESCRIPTION	REV	DATE	BY	DESCRIPTION