

Kevin O'Riordan,
C/O Tadhg Sheehan,
Sleaveen West,
Macroom,
Co. Cork

21st March, 2025

REF: D/216/25
LOCATION: Currahaly, Farren, 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 21st February, 2025 the Planning Authority, having considered whether the extension to the rear of dwelling at **Currahaly, Farren, 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:

- Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, 2001, as amended.
- Section 3(1) and 4(1) of the Planning and Development Act, 2000, as amended
- Article 6 and 9 of the Planning and Development Regulations 2001, as amended
- The Planning history of the site

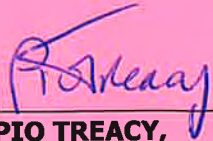
And Whereas the Planning Authority hereby concludes that the 2 storey extension constructed to the rear of the dwellinghouse, amounting to a floor area of 32.93sq.m, at **Currahaly, Farren, Co. Cork** is **exempted development**.

Please note that the status of the car port on site did not form part of the question posed in this Section 5 application, however it is considered that the car port is not exempt as there is no specific exemption for a car port and it does not come within the scope of Schedule 2, Part 1, Class 3 of the Planning and Development Regulations, 2001, as amended.

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,

A handwritten signature in blue ink, appearing to read 'P. Treacy', is written over a horizontal line.

**PIO TREACY,
A/SENIOR EXECUTIVE 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

Ref No.	D/216/25
Applicant	Kevin O' Riordan
Description	Whether the extension to the rear of an existing dwelling is exempted development
Location	Currahaly, Farran, Co. Cork.

This application is querying whether the existing 2storey extension at the rear of an existing 2storey dwellinghouse is exempted development.

Site location and background to the referral

The site is located at Currahaly, Farran, Co. Cork.

It is noted that there is a pending planning application on the site at present.

25/4190

Pending application for planning permission to retain detached domestic garage as constructed and detached sunroom as constructed and all associated site works for Kevin O' Riordan. (decision is due on 7/4/25).

99/241

Planning permission was granted on the site for a dwellinghouse for Kevin O' Riordan.

The question posed in this application is whether the 2storey extension constructed to the rear of the 2storey dwellinghouse is exempted development under Schedule 2, Part 1, Class 1 of the Planning & Development Regulations, 2001, as amended.

Statutory Provisions

Planning and Development Act, 2000

In order to assess this proposal, regard has to be had to the Planning and Development Act 2000, as amended.

S.3.(1) in this Act, "development" means, 'except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'.

'Works' are defined in Section 2 of the Planning and Development Act 2000, as amended as follows:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Exempted Development

Section 4 of the Act refers to 'Exempted Development' and Subsection (1) sets out categories of development that shall be exempted development for the purposes of the Act.

The following shall be exempted developments for the purposes of this Act;

Section 4 (1) (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 & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Class 1 is described in Column 1 as follows:

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i> CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>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.</p> <p>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</p>

	<p>1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(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.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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.</p> <p>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.</p> <p>6. (a) Any window proposed at ground floor 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</p>
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	<p>shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden</p>
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Assessment

Particulars of the case

There is an existing 2storey extension constructed to the rear of the dwellinghouse. The extension has a total floor area of 32.93sq.m. There is also a car port constructed to the rear of the extension however the section 5 application does not appear to relate to the car port, though it is included within the red line boundary on the elevation drawings but excluded on the site layout plan.

Planning and Development Regulations, 2001 (as amended)

The extension is clearly 'development', and the question is whether or not this development would constitute 'exempted development' under Class 1 of the Planning and Development Regulations, 2001.

Class 1 relates to domestic extensions to the rear of a house only. The extension alone (without the car port) comes within the scope of Class 1 of the Planning and Development Regulations, 2001 being less than 40 square metres in area and to the rear of the dwelling house and complying with all of the relevant conditions and limitations set out in Class 1.

None of the criteria set out in the subsections of Article 9 of the Planning and Development Regulations 2001, as amended, are applicable to this case.

Conclusion

On the basis of the planning history of the site, the Planning and Development Act and Regulations it is considered that;

The 2storey extension constructed to the rear of the dwellinghouse, amounting to a floor area of 32.93sq.m, comes within the scope of Schedule 2, Part 1, Class 1 of the Planning & Development Regulations, 2001, as amended.

Carol Stack

Carol Stack,

Area planner.

19/3/25

The status of the car port on site did not form part of the question posed in this Section 5 application, however it is considered that the car port is not exempted as there is no specific exemption for a car port and it does not come within the scope of Schedule 2, Part 1, Class 3 of the Planning & Development Regulations, 2001, as amended.

Appendix 1 - photos of extension





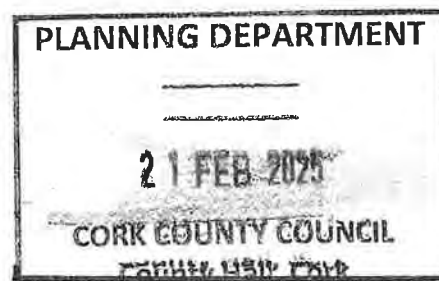
CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

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:

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
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FOR OFFICE USE ONLY

Receipt No.	PLG0047635
Cash/Cheque/ Credit Card	CASH
Date	21/2/25
Declaration Ref. No.	D/216/25

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 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)

KEVIN O'RIORDAN

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

CURRAHALY, FARREN, CO. CORK

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

IS THE EXTENSION TO REAR OF DWELLING (EDGED RED)
ON ATTACHED DRAWINGS (FLOOR PLANS/ELEVATIONS)
EXEMPT FROM PLANNING - UNDER PLANNING
& DEVELOPMENT REGULATIONS - SCHEDULE 2 -
PART 1 - EXEMPTED DEVELOPMENT - GENERAL -
CLASS 1.

PLANNING DEPARTMENT

21 FEB 2025

CORK COUNTY COUNCIL

County Hall, Cork

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	32.93 m 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 _____ _____ _____	
(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:

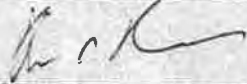
Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

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)	
Date	17/02/2025

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	

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.

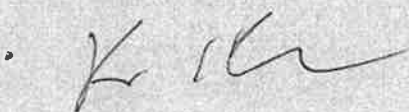
The application should be sent to the following address:

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	17/02/2025

Surveyed 1842
Revised 1935
Levelled 1934

Record PLACE Map



69694

ITM CENTRE PT. COORDS.

546967,568458

DESCRIPTION

MAP SHEETS

6 inch
CK072 CK084



Produced by National Map Services,
Unit 7, South Ring Business Park,
Kinsale Road,
Co. Cork
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

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cead i scríbhinn roimh ré ó úinéirí an chóipchirt.
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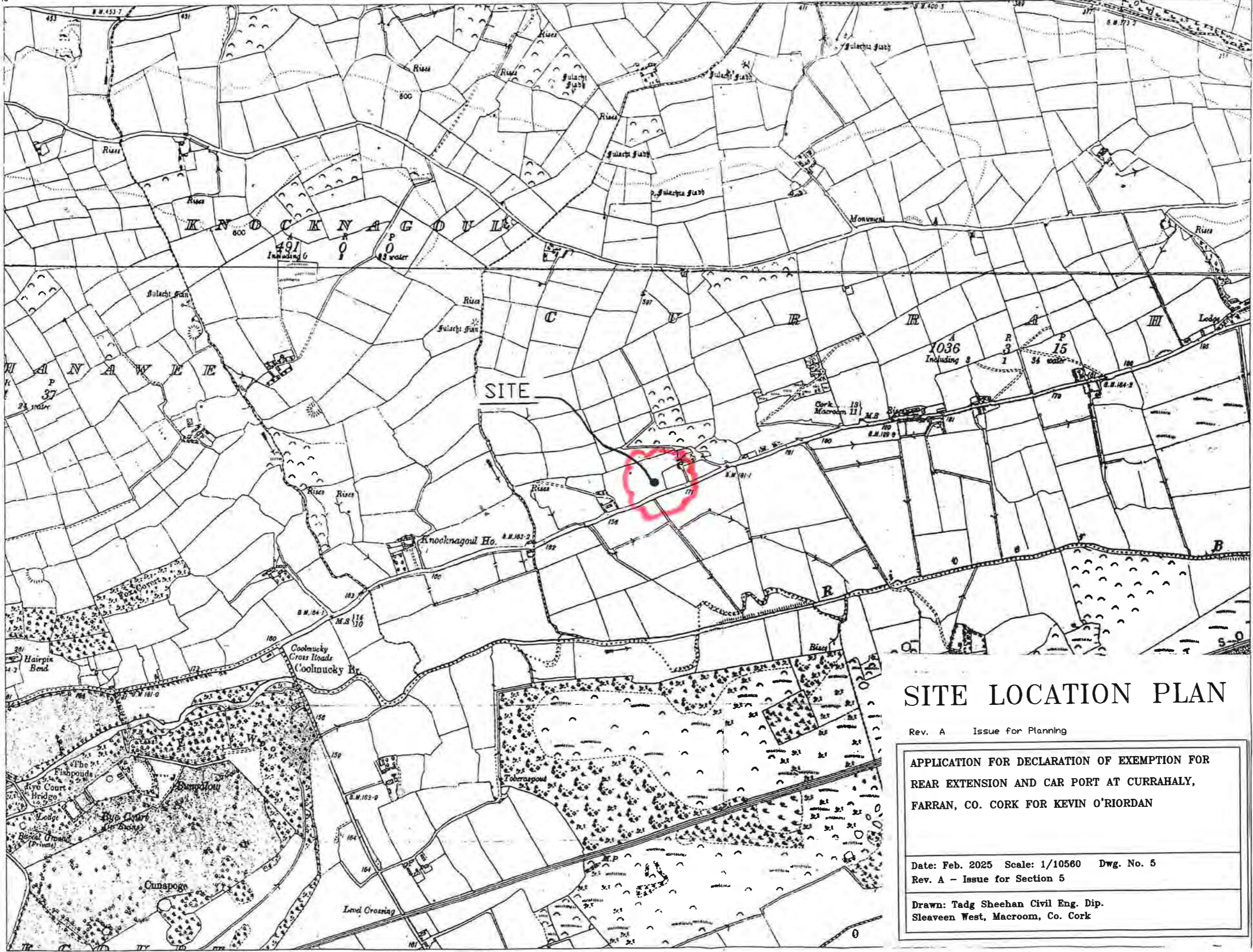
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69694

148758

67096

148758



SITE LOCATION PLAN

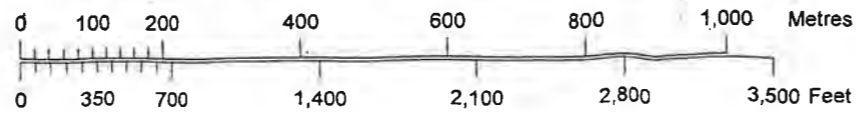
Rev. A Issue for Planning

**APPLICATION FOR DECLARATION OF EXEMPTION FOR
REAR EXTENSION AND CAR PORT AT CURRAHALY,
FARRAN, CO. CORK FOR KEVIN O'RIORDAN**

Date: Feb. 2025 Scale: 1/10560 Dwg. No. 5
Rev. A - Issue for Section 5

Drawn: Tadh Sheehan Civil Eng. Dip.
Sleaveen West, Macroom, Co. Cork

Scale:- 1:10,560
Scála:- 1:10,560



Plot Ref. No. 25322504_1
Plot Date 07-MAR-2018



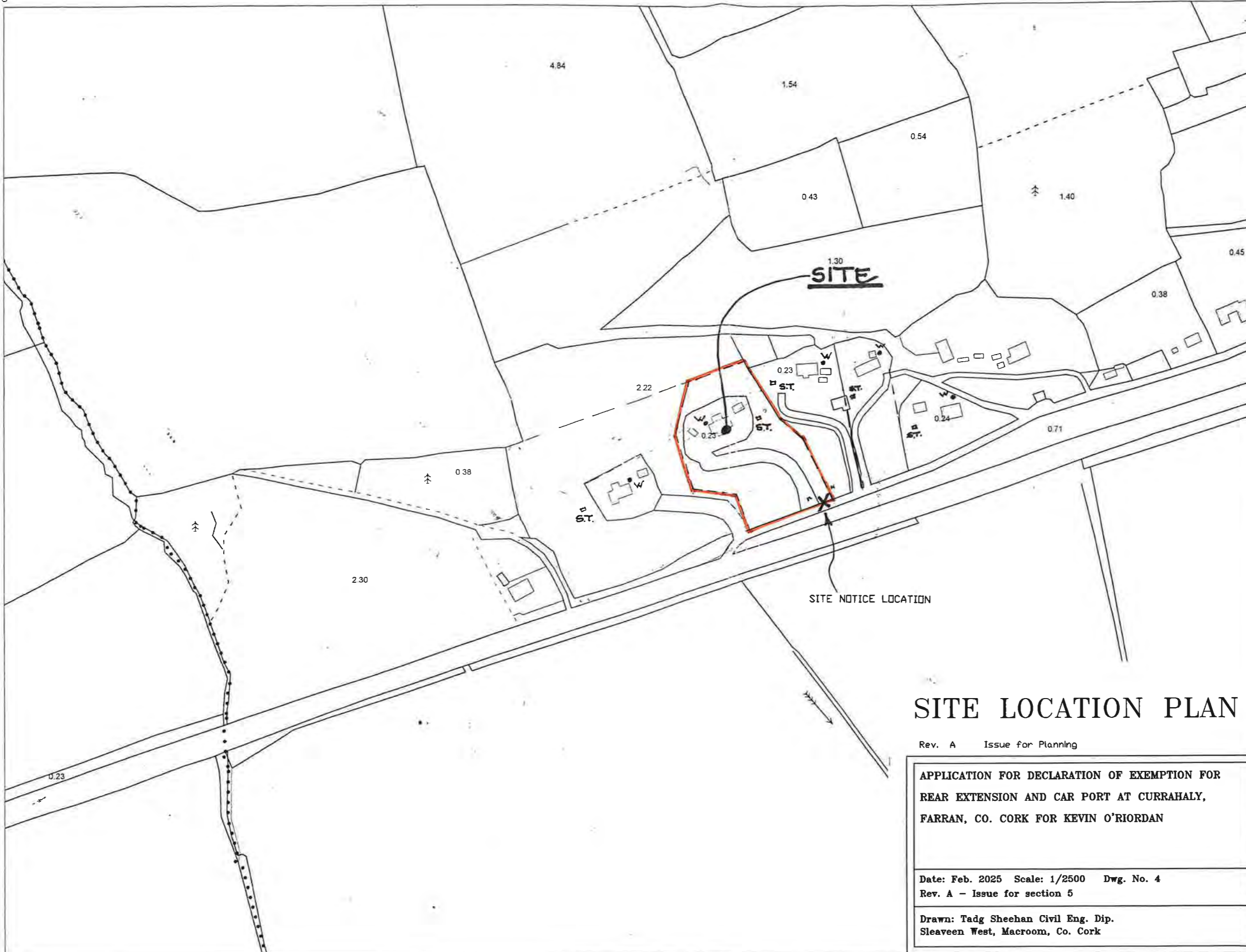
Surveyed 2000
Revised 2015
Levelled

Rural PLACE Map



146590
68702

147420
68702



ITM CENTRE PT. COORDS.
546967,568458

DESCRIPTION

MAP SHEETS

Digital Map
6422



Produced by National Map Services,
Unit 7, South Ring Business Park,
Kinsale Road,
Co. Cork
On behalf of Ordnance Survey Ireland,
Phoenix Park, Dublin 8.

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SITE LOCATION PLAN

Rev. A Issue for Planning

**APPLICATION FOR DECLARATION OF EXEMPTION FOR
REAR EXTENSION AND CAR PORT AT CURRAHALY,
FARRAN, CO. CORK FOR KEVIN O'RIORDAN**

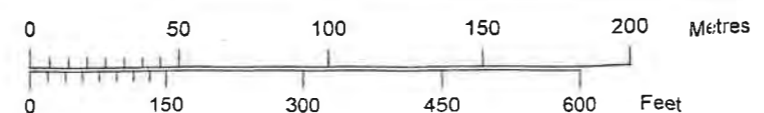
Date: Feb. 2025 Scale: 1/2500 Dwg. No. 4
Rev. A - Issue for section 5

Drawn: Tadh Sheehan Civil Eng. Dip.
Sleaveen West, Macroom, Co. Cork

Gach cead cosnamh. Ní ceadmhach aon chuid
den fhoilseachán seo a chóipeáil, a atáirgeadh nó
a tharchur in aon fhoirm ná ar aon bhealach gan
cead i scríbhinn roimh ré ó úinéirí an chóipchirt.
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Scale:- 1:2,500
Scála:- 1:2,500



Plot Ref. No. 25322504_1_1
Plot Date 07-MAR-2018



68087
146590

68087
147420

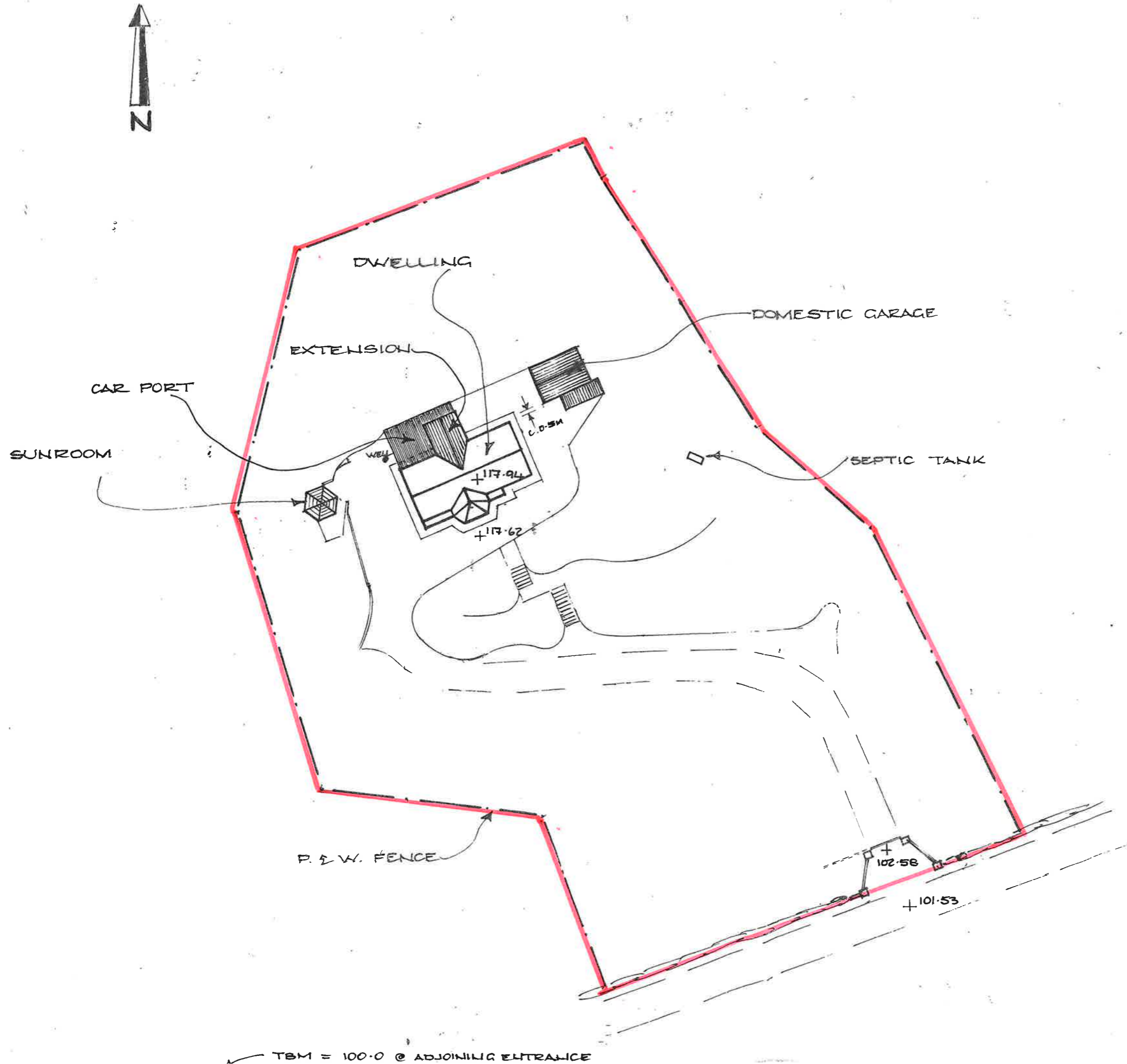
SITE LAYOUT PLAN

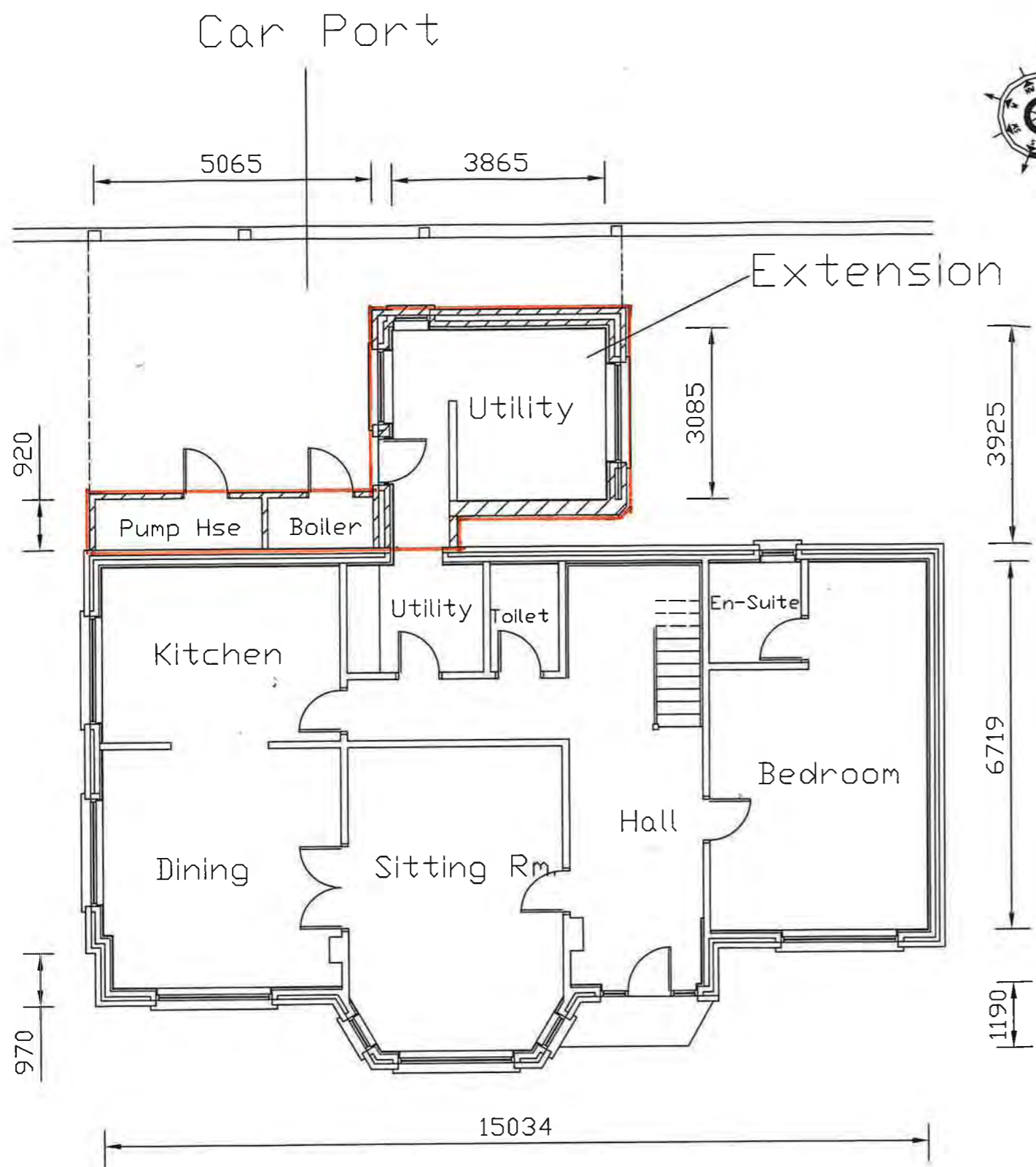
Rev. A Issue for Planning

APPLICATION FOR DECLARATION OF EXEMPTION FOR
REAR EXTENSION AND CAR PORT AT CURRAHALY,
FARRAN, CO. CORK FOR KEVIN O'RIORDAN

Date: Feb. 2025 Scale: 1/500 Dwg. No. 3
Rev. A - Issue for Section 5

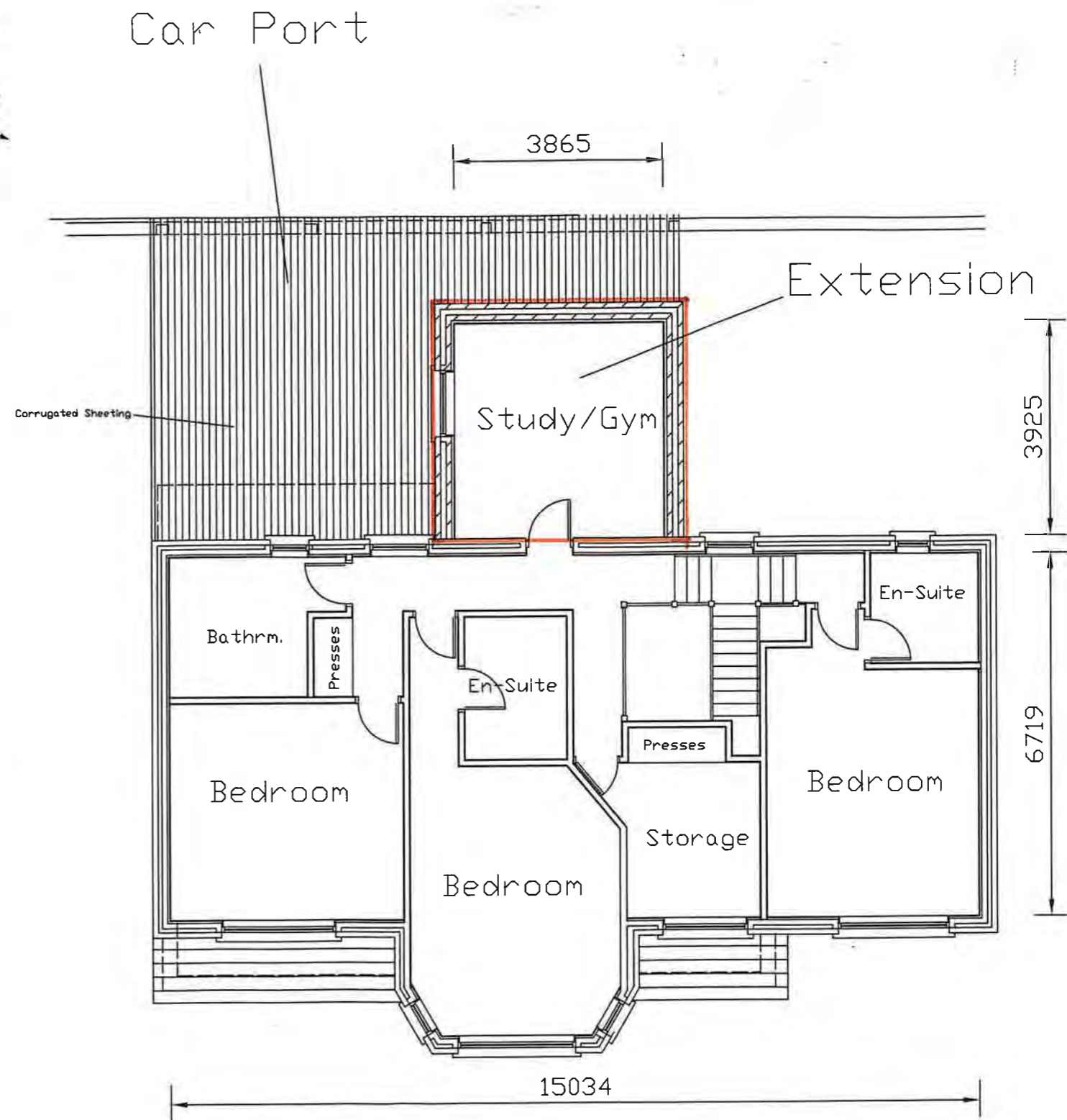
Drawn: Tadg Sheehan Civil Eng. Dip.
Sleaveen West, Macroom, Co. Cork





GROUND FLOOR PLAN

Rear Extension Floor Area = 17.76sq.m
 Original Ground Floor Area = 115.73sq.m



FIRST FLOOR PLAN

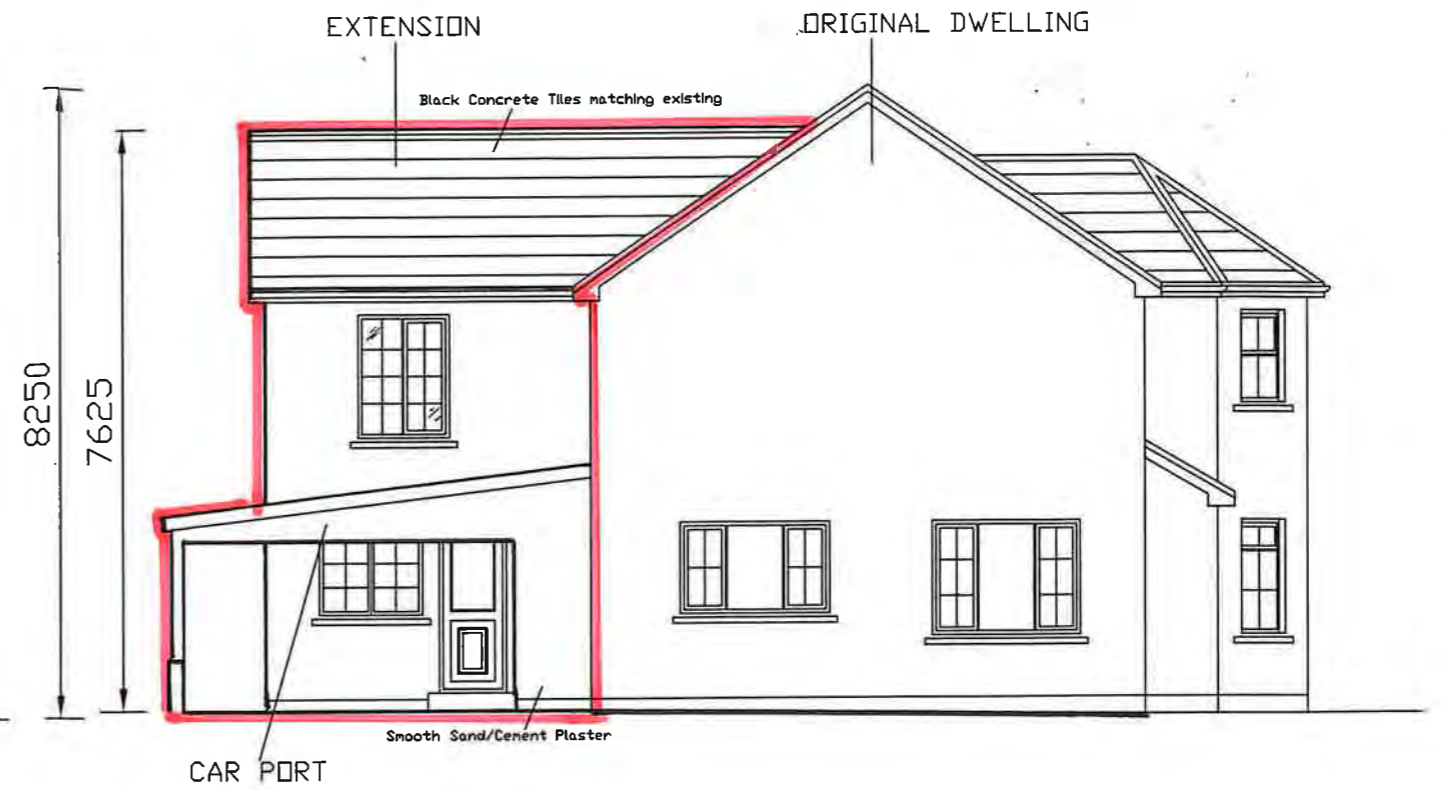
Rear Extension Floor Area = 15.17sq.m
 Original Frist Floor Area = 108.85sq.m

EXTENSION TO REAR OF DWELLING AT CURRAHALY, FARRAN, CO. CORK FOR KEVIN O' RIORDAN

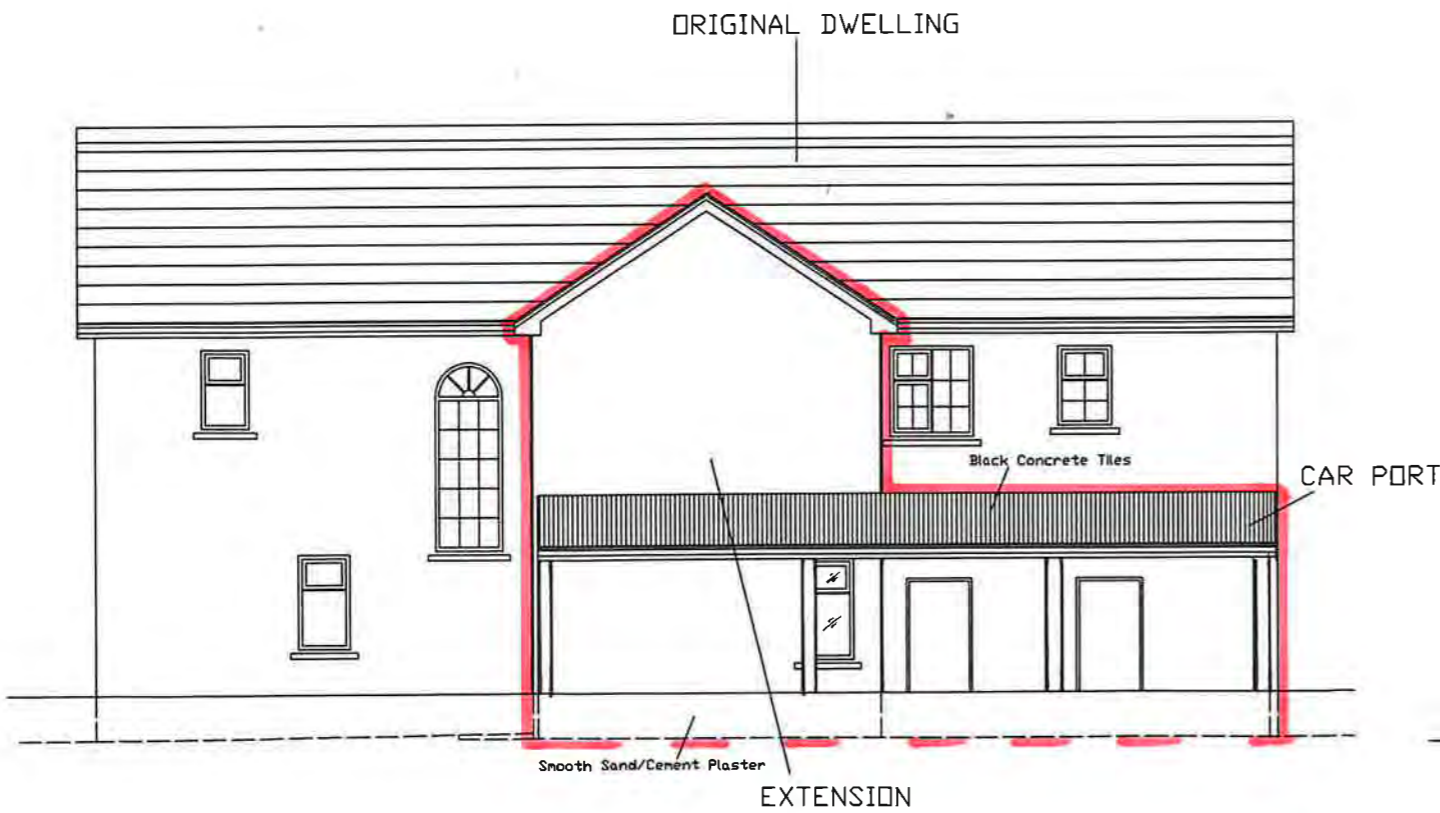
DATE: February 2025, SCALE: 1/100, DWG. NO. 1 - Rev. 1 - Issue for exemption cert
 DRAWN: Tadh Sheehan Civil Eng. Dip., Sleaven West, Macroom, Co. Cork



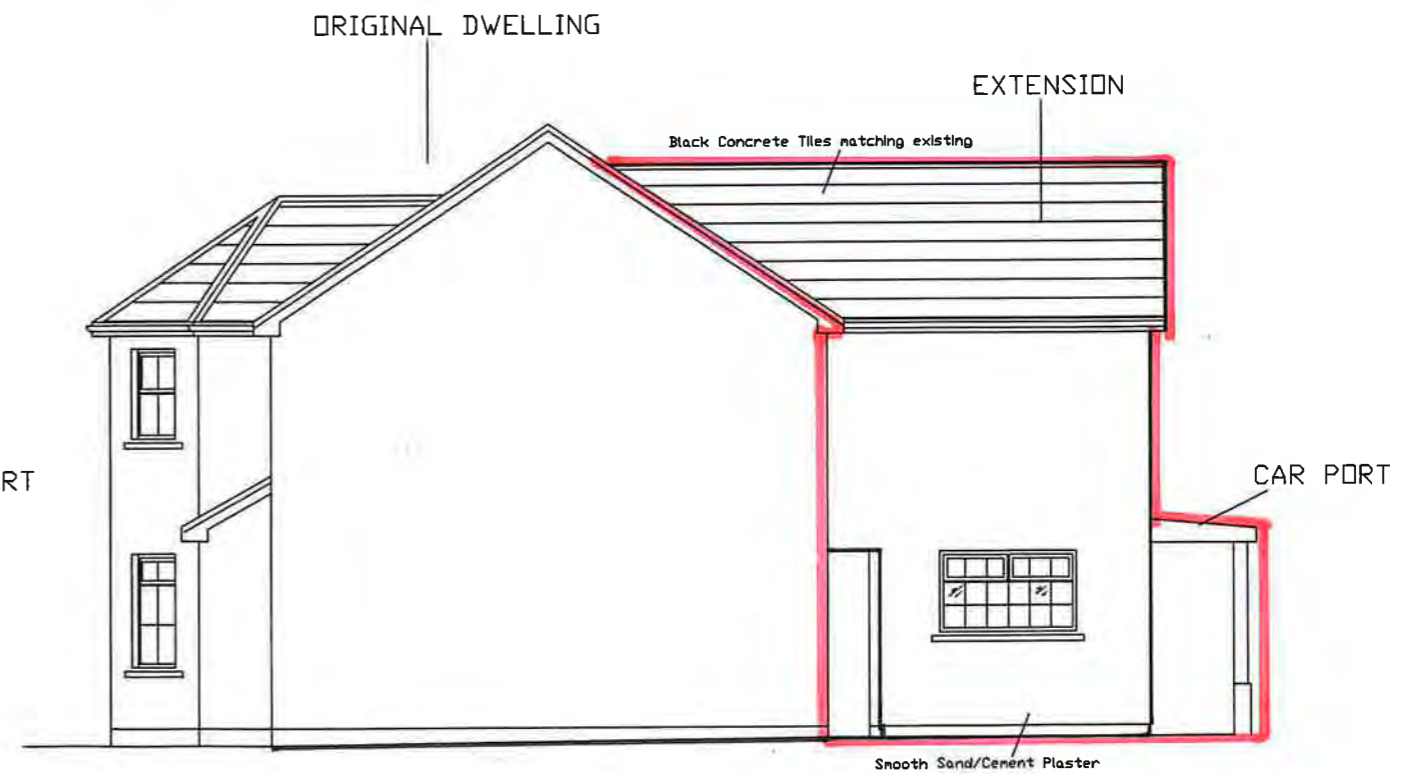
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



SIDE ELEVATION

EXTENSION TO REAR OF DWELLING AT CURRAHALY, FARRAN, CO. CORK FOR KEVIN O' RIORDAN

DATE: February 2025, SCALE: 1/100, DWG. NO. 2 - Rev. 1 - Issue for exemption cert
 DRAWN: Tadg Sheehan Civil Eng. Dip., Sleaven West, Macroom, Co. Cork