



# Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Louise Forde & Janet Hurley  
82 Togher Road  
Cork

15/03/2021

**RE: R634/20 – Section 5 Declaration**  
**Property: 42 Ardfallen Terrace, Friars Street, Cork**

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I wish to advise:

The extension as built on site is **Development** and is **Not Exempted Development**.

Yours faithfully,

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Kerry Bergin  
Assistant Staff Officer  
Community, Culture and Placemaking  
Cork City Council



We are Cork.

## SECTION 5 DECLARATION – PLANNER’S REPORT

**File Reference:** R634/21  
**Description:** Retention of a two storey rear extension  
**Applicant:** Louise Forde and Janet Hurley  
**Location:** 42 Ardfallen Terrace, Friars Street  
**Date:** 10.03.2021

### SUMMARY OF RECOMMENDATION

**Constitutes development; is not exempted development**

This report should be read in conjunction with the previous report on the file dated 18.02.2021.

#### 1. Further Information Requested

The applicant is requested to submit further evidence of how long the extension, as built, has been in situ.

#### 2. Further Information Provided

No further information has been provided aside from a handwritten note from the applicant stating that the submitted information was all that was available to them.

#### 3. Assessment

No new information has been submitted to the Council. The Council has already considered the documents and details under the provisions of Section 160, Article 6, of the Planning and Development Act, 2000. Following a site visit and desktop study of aerial photographs, the Council was not satisfied that the addition as built corresponds with the plans that have been submitted. ~~The addition observed on site differs from that as shown on the plans, in particular the pitched roof which is not indicated on the plans or sections.~~ The Council cannot be satisfied that the extension on site has been in situ for in excess of seven years.

In this instance, as no further evidence has been provided, it cannot be concluded that the addition, as built, benefits from the provisions of Section 160, Article 6, of the Planning and Development Act, 2000.

#### 4. Recommendation

The extension as built on site is **Development** and is **Not Exempted Development**.

**COMHAIRLE CATHRACH CHORCAÍ  
CORK CITY COUNCIL**

Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)  
Fón/Tel: 021-4924762  
Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

**SECTION 5 DECLARATION APPLICATION FORM**  
under Section 5 of the Planning & Development Acts 2000 (as amended)

**1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT**

H2 ARDFALLEN TERRACE,  
FRIAR STREET, T12 P47E  
CORK.

**2. QUESTION/ DECLARATION DETAILS**

**PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:**  
Sample Question: Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?  
  
*Note: only works listed and described under this section will be assessed under the section 5 declaration.*  
  
IS EXTENSION AT REAR OF RESIDENCE OF  
H2 ARDFALLEN TERRACE, FRIAR STREET DEVELOPMENT  
AND IF SO IS IT EXEMPTED DEVELOPMENT

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**  
*(Use additional sheets if required).*  
  
EXTENSION CARRIED OUT JULY 1975  
DOUBLE HEIGHT BATHROOM OVER KITCHEN  
KITCHEN MEASURES 10½ sq metres  
BATHROOM MEASURES 10½ sq metres  
OUTSIDE AREA 12½ sq metres

3. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

NO

4. Is this a Protected Structure or within the curtilage of a Protected Structure?

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?

5. Was there previous relevant planning application/s on this site?

If so please supply details:

SEE ENCLOSED RECONSTRUCTION GRANT CERT FOR

**6. 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 meters (sq. M)

(a) Floor area of existing/proposed structure/s	21.5 <del>SQ</del> METRES
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) <u>21.5 sq metres</u>
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ <u>previous</u> use (please circle)	Proposed/ <u>existing</u> use (please circle)
-----	-----
-----	-----
-----	-----

**8. LEGAL INTEREST**

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 in question		
If you are not the legal owner, please state the name and address of the owner if available		

9. I / We confirm that the information contained in the application is true and accurate:

Signature: Louise Ford, Janet Hurley.

Date: 26/1/21



## CONTACT DETAILS

**10. Applicant:**

<b>Name(s)</b>	Louise Forde + Jade Morley
<b>Address</b>	<div style="background-color: black; width: 100%; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 20%; height: 15px; margin-bottom: 5px;"></div>

**11. Person/Agent acting on behalf of the Applicant (if any):**

<b>Name(s):</b>	
<b>Address:</b>	<div style="border-bottom: 1px dashed black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px dashed black; height: 15px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px dashed black; height: 15px;"></div>
<b>Telephone:</b>	
<b>E-mail address:</b>	
<b>Should all correspondence be sent to the above address?</b> <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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**12. ADDITIONAL CONTACT DETAILS**

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

**ADVISORY NOTES:**

The application must be accompanied by the required fee of €80

The application should 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 Development Management Section, Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.**

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- 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 is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration 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 was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration 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.*

**DATA PROTECTION:** The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.



# Planning Pack Map



National Mapping Agency

**CENTRE COORDINATES:**  
ITM 567403.571261

**PUBLISHED:** 14/12/2020  
**ORDER NO.:** 50161568\_1

**MAP SERIES:** 1:1,000  
**MAP SHEETS:** 6382-15  
1:1,000 6382-20

**COMPILED AND PUBLISHED BY:**

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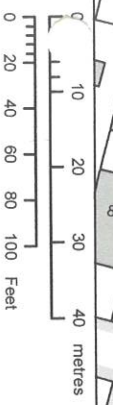
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**LEGEND:**

<http://www.osi.ie>  
search 'Large Scale Legend'



OUTPUT SCALE: 1:1,000

**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'



571347 567286 567519 571347

571175 567286 567519 571175

whom it may concern,

I am

writing to you to apply for a  
Section 5 Exemption for an extension  
to 42 ARDFALEU Terrace, Fria Street,

my father who owned the above house  
passed away in September and we are  
now looking to sell the property.

We had an extension put on to the  
rear of the house that consisted of a  
Kitchen  $10\frac{1}{2}$  sq metres and a bathroom  
above it  $10\frac{1}{2}$  sq metres.

The out door area is  $12$  sq metres

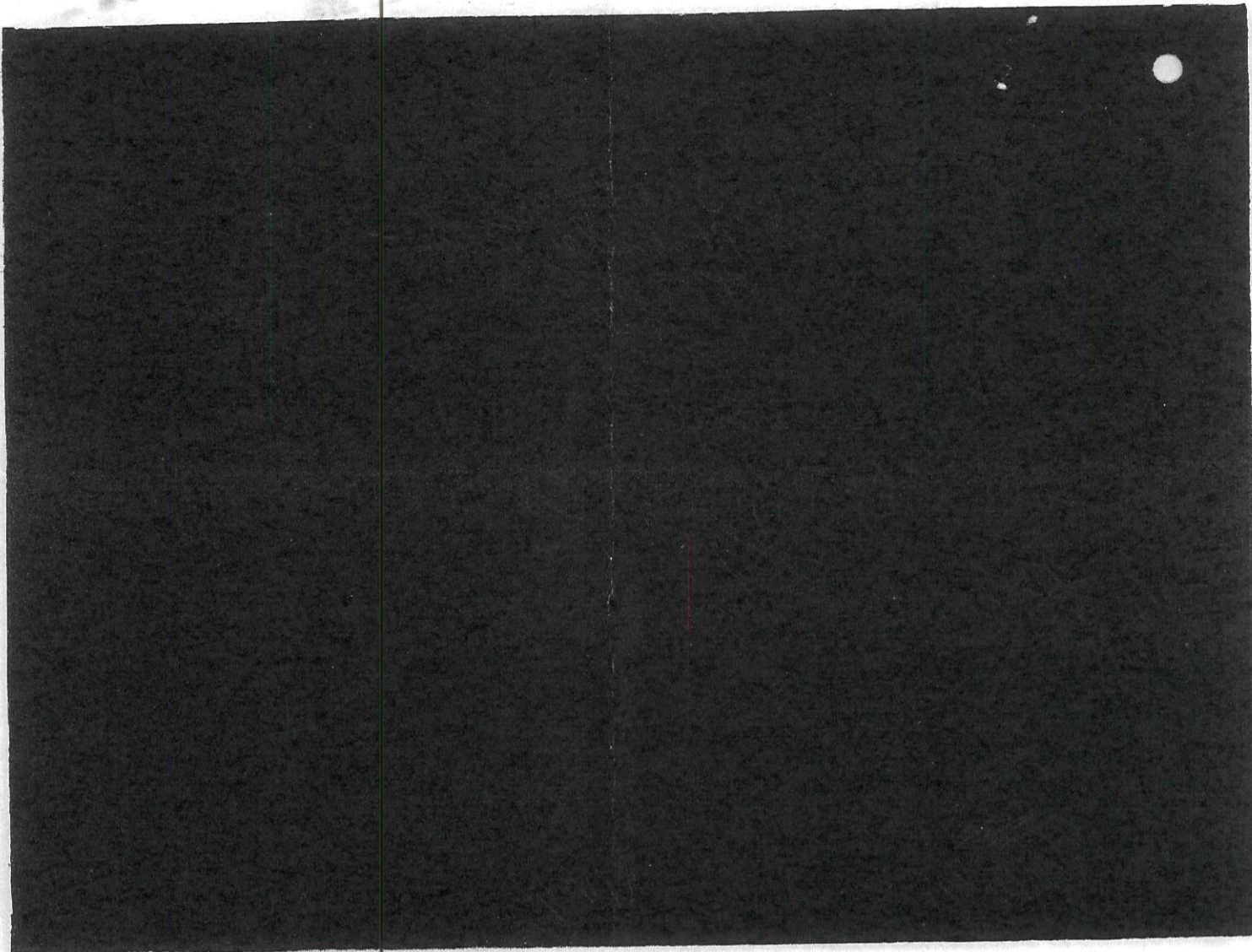
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I have enclosed the original drawings  
of the extension and the planning Reconstruction  
grant certificate, no 5288. I have  
enclosed a self addressed envelope for  
these two documents to post back to  
me when you have finished with them  
please.

Also enclosed is a map that John Semmens  
requested.

Regards  
Louise Forde





**CONDITIONS**

1. The reconstructions must be completed in accordance with the approved plans and specifications.
2. The reconstruction must be certified by an authorised officer of the Minister to have been completed in a satisfactory manner.
3. The reconstructed house must comply with all the requirements of the Housing Acts 1966 to 1970, including occupation by the applicant where required.
4. The works shall be open to inspection by any authorised officer of the Minister at any time before the grant is paid.
5. Materials and appliances manufactured or produced in Ireland shall be used as far as possible in the reconstruction of the house and the materials and appliances shall conform with the current standard quality for the particular work.
6. The house must be in the occupation of the applicant who must continue in occupation when the work of reconstruction is completed.
7. Throughout the reconstruction of the house rates of wages and conditions of labour generally recognised by Trade Unions in the area must be paid and observed.
8. Notwithstanding the issue of any certificate, payment of a grant will not be made until the Minister has satisfied himself as to the accuracy of the certificate.

**SECOND GRANTS**

Where a second grant is sanctioned, the amount of the grant is 1/3rd of the estimated cost of the qualifying works subject to a maximum of £200. However where the work includes the provision of a fitted bathroom or an extra room or rooms to relieve overcrowding and involves an increase in the floor-area of the house, the grant is £50 for each eligible room, subject to a maximum of £200.

**NOTE:** ANY COMBINATION OF GRANTS WILL NOT EXCEED £200.



2 DEC 1976

HOUSING ACTS

CERTIFICATE OF APPROVAL TO A RECONSTRUCTION GRANT

Name of applicant:

PATRICK J. O'BYRNE  
42 ARDFALION TERRACE  
SPARRS ST.  
CORK.

FORM G/  
FORM I/

5288

Location of house

ABOVE

Location of Separate Dwelling within house

Date of Commencement of Works

July 1975

Estimated Cost

£ 1512-00

Normal Grant

£ 200-00

Second Grant (See overleaf)

I certify that the house referred to above is suitable for reconstruction.

Subject to the terms of the memorandum on the back of this certificate the applicant appears to be eligible for a grant in respect of the works referred to in the enclosed estimate.

Sufficient work ~~has~~ not been done to warrant a payment.

Date

28/1/75

Signed

W. M. M.

INSTRUCTIONS TO APPLICANT

THIS FORM GIVES APPROVAL TO THE WORKS SET OUT IN THE ATTACHED ESTIMATE AND PROVISIONALLY ALLOCATES A STATE GRANT AS INDICATED ABOVE.

PLEASE READ THE CONDITIONS ON THE BACK OF THIS CERTIFICATE.

Normally the grant is paid when the work is completed. However, in certain circumstances an instalment may be paid when the Department's Inspector is satisfied that half the work, measured in value has been carried out.

When the work has been completed please sign the form below and return this certificate to:—

Department of Local Government  
Housing Grants Section  
O'Connell Bridge House  
Dublin 2.

Form H

I have completed the work in accordance with the conditions attached to the allocation of the grant shown above.

Signed

Date 1975

Arrangements are being made for payment of an instalment of £150. 19/1/76



ESTIMATE OF RECONSTRUCTION WORK

Applicant's Name and Address *VATRICK J OBYENE*

Location of House *42 Ardara Road, Teel.*

Description of proposed work:—

*Build New 2 Storey Extension  
as per plan. All work to comply with  
Dept. of Local Authority Requirements*

NUMBER OR QUANTITY	ESTIMATE
..... M./YDS.	EXCAVATION, FOUNDATION, RISING WALLS AND D.P.C.
..... M/SQ. YDS.	EXTERNAL WALLING COMPLETE: TYPE .....
..... M/SQ. YDS.	PARTITIONS COMPLETE: TYPE .....
..... ITEM	GABLES .....
..... No.	CHIMNEY STACK .....
..... No.	CHIMNEYS FROM RIDGE UP INCLUDING .....
..... M/SQ. YDS.	CONCRETE SUB FLOOR INCLUDING HARDCORE .....
..... M/SQ. YDS.	CONCRETE FLOOR ON HARDCORE .....
..... SQUARES	TIMBER GROUND FLOORING. JOISTS SIZE .....
..... SQUARES	TIMBER FLOORING UPPER FLOOR/S. JOISTS SIZE .....
..... SQUARES	TIMBER FLOORING SHEETING ONLY .....
..... M/SQ. YDS.	CEILING COMPLETE: JOISTS SIZE ..... TYPE .....
..... M/SQ. YDS.	RECEIL WITH .....
..... M/SQ. YDS.	HACK OFF AND/OR PLASTER INTERNAL: TYPE .....
..... M/SQ. YDS.	HACK OFF AND/OR PLASTER EXTERNAL: TYPE .....
..... M/FT.	REINF./PRESTRESSED CONCRETE CILLS AS SPECIFIED .....
..... M/FT.	REINF./PRESTRESSED CONCRETE LINTELS .....
..... M/SQ. YDS.	FLAT ROOFS: INSULATED REINFORCED CONCRETE AS SPECIFIED .....
..... SQUARES	..... FELT AND TIMBER AS SPECIFIED .....
..... SQUARES	ROOFING COMPLETE .....
..... SQUARES	ROOF COVERING ONLY: TYPE .....
..... ITEM	REPAIRS TO .....
..... ITEM	NEW STAIRS ..... Go: ..... Rise: .....
..... No.	INTERNAL DOORS: SIZE ..... TYPE .....
..... No.	EXTERNAL DOORS: SIZE ..... TYPE .....
..... M/SQ. FT.	WINDOWS: TYPE .....
..... M/YDS.	GUTTERS AND/OR DOWNPIPE: TYPE .....
..... ITEM	ALLOWANCE ON BATH, WASH-HAND BASIN AND HOT WATER SYSTEM .....
..... OTHER ITEMS	<i>New Extensions as per drawing</i> <i>216 @</i>
<p><i>W. J. L.</i> Inspector Date <i>28/1/75</i> TOTAL £ <i>1512.</i></p>	



ESTIMATE OF RECONSTRUCTION WORK

Applicant's Name and Address  
 Location of House  
 Description of proposed work  
*Build new 2 story structure  
 on old plan set work to complete  
 diff. & finish exterior*

ESTIMATE	NUMBER OR QUANTITY
Excavation, Foundation, Retaining Walls and D.P.C.	M. Yds.
External Walling Complete: Type	M. Sq. Yds.
Partitions Complete: Type	M. Sq. Yds.
Garage	Item
Chimney Stack	No.
Chimneys from Ridge up including	No.
Concrete 2nd Floor including Handovers	M. Sq. Yds.
Concrete Floor on Handovers	M. Sq. Yds.
Timber Ground Flooring, Joists Size	Squares
Timber Flooring Upper Floor, Joists Size	Squares
Timber Flooring Sheeting Only	Squares
Ceiling Complete: Joists Size Type	M. Sq. Yds.
Roof with	M. Sq. Yds.
Hack Out and/or Plaster Internal: Type	M. Sq. Yds.
Hack Out and/or Plaster External: Type	M. Sq. Yds.
Reinforced Concrete Class as Specified	M. Ft.
Reinforced Concrete Lintels	M. Ft.
Flat Roof: Insulated Reinforced Concrete as Specified	M. Sq. Yds.
Pelt and Timber as Specified	
Roofing Complete	Squares
Roof Covering only: Type	Squares
Repairs To	Item
New Stairs	Item
Go: Rise:	
Internal Doors: Size Type	No.
External Doors: Size Type	No.
Windows: Type	M. Sq. Ft.
Gutters and/or Downpipes: Type	M. Yds.
Allowance on Bath, Wash-Hand Basin and Hot Water System	Item
Other Items	

Total  
 Inspector  
 Date  
 1-12-12