



Comhairle Cathrach Chorcaí Cork City Council

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

Diarmuid Ryan
12 Castlemeadows
Skelard Road
Blackrock
Cork

08/01/2022

**RE: Section 5 Declaration R697/21 15 Deanwood Avenue, Togher,
Cork**

A Chara,

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

In considering this referral the Planning Authority had regard to –

- (a) Local Government (Planning and Development) Act, 1963
- (b) Local Government (Planning and Development) Regulations, 1977
- (c) Local Government (Planning and Development) (Amendment) Regulations, 1981

The Planning Authority has concluded that –

- (a) the extension to the rear of the dwelling which involved the part conversion of the shed constitutes development as set out in Local Government (Planning and Development) Act, 1963
- (b) the extension to the rear of the dwelling which involved the part conversion of the shed comes within the scope of Class I in Part 1 of the Third Schedule of the Local Government (Planning and Development) Regulations, 1977, as amended by the Local Government (Planning and Development) (Amendment) Regulations, 1981

The Planning Authority decides that –

- (a) the extension to the rear of the dwelling which involved the part conversion of the shed at 15 Deanwood Avenue, Togher, Cork is development and is exempted development



We are Cork.

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R697.21
Description: Whether the extension constructed to the rear of house is development and if so, is it exempted development?
Applicant: Diarmuid Ryan
Address: 15 Deanwood Avenue, Togher, Cork

1. REQUEST FOR FURTHER INFORMATION

This report should be read in conjunction with my previous report which recommended that Further Information be sought. A request for Further Information was made in respect of this application on 08.12.2021 as per the following:

Submit floor plans of the pre-existing ground floor layout (i.e. before the extension was constructed) and existing ground layout to include the kitchen, extension (where applicable), shed and garage to scale. The floor plan shall detail the floor area (in m²) of the extension used as part of the dwelling house, which shall include any part of the pre-existing shed or garage which has been converted for use as part of the dwelling.

2. FURTHER ENVIRONMENTAL ASSESSMENT

Pursuant to article 103(1) of the Planning and Development Regulations 2001 as amended, having regard to the nature and scale of the proposed development and following a preliminary examination of, at the least, the nature, size or location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment and it is consequently concluded that EIA is not required.

It is not considered that the response to the FI gives rise to a significant change or modification to the proposed development so that it would now have a significant impact on a European Site, or that it would require environmental impact assessment. Consequently, it is considered that appropriate assessment and environment impact assessment are not required.

3. FURTHER PLANNING ASSESSMENT

The applicant responded to the FI Request on 15.12.2021.

The response includes ground floor plans pre and post construction. It is stated that the works took place around 1990.

The legislation in place at the time was the Local Government (Planning and Development) (Amendment) Regulations, 1981.

Under SI No 154/1981, the Local Government (Planning and Development) Regulations, 1977 (S.I. No. 65 of 1977) was amended as follows: -

by the substitution in Class I in column I of Part I of the Third Schedule to the said Regulations of "23 square metres" for "18 square metres".

The wording of Class I in Part 1 of the Third Schedule of the Local Government (Planning and Development) Regulations, 1977 was as follows:

Any works for the provision of an extension to the rear of a dwellinghouse or the conversion for use as part of a dwellinghouse of any garage, store, shed or other similar structure attached to the rear or to the side of the dwellinghouse, where the height of any structural addition does not exceed that of the dwellinghouse and the original floor area of the dwellinghouse is not increased by more than 18 square metres.

The extension (described as 'foyer' in the plans) is entirely to the rear of the house and the floor area is 6.79m². The extension is single storey and the height does not exceed that of the dwellinghouse.

The extension involved part of the conversion of an existing shed which is the rear of the dwelling. Its floor area has been reduced from 7.16m² to 5.36m².

The extension which involved the part conversion of a shed to the rear comes within the scope of Class I.

The subject matter of the referral does not include the shed which is now interlinked to the house, rather than being a standalone structure. On site inspection it was observed that this is used for storage and accommodates a gas boiler. It is questionable as to whether this now functions as an 'extension' to the house or ancillary to the house? In any event the inclusion of the floor area of the shed together with the extension/foyer 12.15m². It is less than 23m² and satisfies Class I.

The works would come within the scope of Class I in Part 1 of the Third Schedule of the Local Government (Planning and Development) Regulations, 1977 as amended by Local Government (Planning and Development) (Amendment) Regulations, 1981. None of the restrictions in Article 11 of Local Government (Planning and Development) Regulations, 1977 would apply.

4. CONCLUSION

It is recommended that the applicant is advised as follows:

In considering this referral the Planning Authority had regard to –

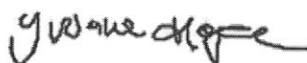
- (a) Local Government (Planning and Development) Act, 1963
- (b) Local Government (Planning and Development) Regulations, 1977
- (c) Local Government (Planning and Development) (Amendment) Regulations, 1981

The Planning Authority has concluded that –

- (a) the extension to the rear of the dwelling which involved the part conversion of the shed constitutes development as set out in Local Government (Planning and Development) Act, 1963
- (b) the extension to the rear of the dwelling which involved the part conversion of the shed comes within the scope of Class I in Part 1 of the Third Schedule of the Local Government (Planning and Development) Regulations, 1977, as amended by the Local Government (Planning and Development) (Amendment) Regulations, 1981

The Planning Authority decides that –

- (a) the extension to the rear of the dwelling which involved the part conversion of the shed at 15 Deanwood Avenue, Togher, Cork is development and is exempted development



Yvonne Hogan, Area Planner
Development Management
07.01.2022



Comhairle Cathrach Chorcaí Cork City Council

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

Diarmuid Ryan

12 Castlemeadows

Shehard Road

Blackrock

Cork

08/12/2021

RE: Section 5 Declaration R697/21 15 Deanwood Avenue, Togher, Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise that further information is required:

Please submit floor plans of the pre-existing ground floor layout (i.e. before the extension was constructed) and existing ground layout to include the kitchen, extension (where applicable), shed and garage to scale. The floor plan shall detail the floor area (in m²) of the extension used as part of the dwelling house, which shall include any part of the pre-existing shed or garage which has been converted for use as part of the dwelling.

Is misa le meas,

Kerry Bergin
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

SECTION 5 DECLARATION – PLANNER'S REPORT

File Reference: R697.21

Description: Whether the extension construction to the rear is development and if so, is it exempted development.

Applicant: Diarmuid Ryan

Location: 15 Deanwood Avenue, Togher, Cork

1. Purpose of Report

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

2. Site Location

The site is located at 15 Deanwood Avenue, Togher. A semi-detached dwelling with a garage occupies the site. The site is located within an established residential area. The house is for sale. The public road is to the south of the site. The adjoining semi-detached dwelling is to the west. There are houses to the north and east of the site. The established land use is residential.

3. The Question before the Planning Authority

Whether the extension to the rear of the house is development and if so, is it exempted development.

4. Planning history

None

5. Planning legislation

The application form states that the extension was constructed approximately 35 years ago, which would be 1986.

The legislation in place at the time is the:

- Local Government (Planning and Development) Act, 1963 and
- S.I. No. 65 of 1977 – Local Government (Planning and Development) Regulations, 1977
- S.I. No. 154/1981 – Local Government (Planning and Development) (Amendment) Regulations, 1981

Local Government (Planning and Development) Act, 1963

Section 2 Interpretation

(1) In this Act, save where the context otherwise requires—

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal

Section 3 Development

The extension clearly constitutes 'works', which is defined in section 2(1) of the Act as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

As the proposal comprises 'works', it is clearly therefore 'development' within the meaning of the Act.

CONCLUSION — is development

6.2 Exempted Development

The next issue for consideration is whether or not the proposal is exempted development.

Class 1 of the Local Government (Planning and Development) Regulations, 1977, states as follows:

An extension to the rear of a dwellinghouse or the conversion for use as part of a dwellinghouse of any garage, store, shed or other similar structure attached to the rear or to the side of the dwellinghouse, where the height of any structural addition does not exceed that of the dwellinghouse and the original floor area of the dwellinghouse is not increased by more than 18 square metres.

Under the Planning and Development) (Amendment) Regulations, 1981, the area was increased to 23 square metres.

No floor plans have been submitted.

To the southeast corner of the house there is a single storey structure, with a garage door with a monopitch roof. Other houses along this road have similar single storey structures to the side.

An extension has been constructed which links the house to the flat roof structure. The east side elevation of the extension aligns with the side elevation of the house and as such is it entirely to the rear of the house. There is a door on the east side elevation and on the north rear elevation of the extension. The extension is used as a utility/back hallway i.e. in use as part of the dwelling. Part of the single storey structure may have converted for use as part of the dwelling house – it used for storage and accommodates a gas boiler.

The applicant will need to submit floor plans and quantify exactly the total floor area of the extension and any part of the shed which has been converted. This is required to ensure a full and accurate assessment can be made, for clarity and for record keeping purposes.

The height of the extension/annex is single storey and it does not exceed the height of the dwellinghouse.

CONCLUSION —

Further information is required.

6.3 Restrictions on Exemption

None of the restrictions on exemption set out in Article 10 would apply.

7. Conclusion & Recommendation

It is recommended a request for further information issues:

Submit floor plans of the pre-existing ground floor layout (i.e. before the extension was constructed) and existing ground layout to include the kitchen, extension (where applicable), shed and garage to scale. The floor plan shall detail the floor area (in m²) of the extension used as part of the dwelling house, which shall include any part of the pre-existing shed or garage which has been converted for use as part of the dwelling.

Diarmuid Ryan,
[REDACTED]
Skehard Road,
Blackrock,
Cork.

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

Date: 03/11/21

To Whom It May Concern:

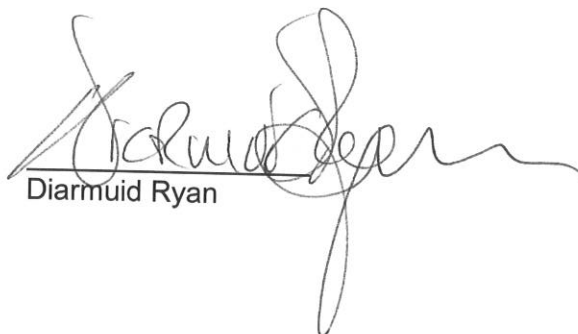
RE: Application for exempted development at 15 Deanwood Avenue, Togher,
Cork.

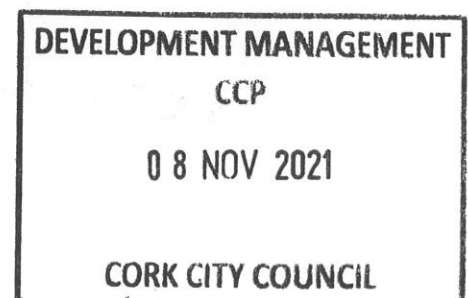
Please find enclosed the attached Section 5 Declaration Application Form combined
with:

- The most up-to-date Ordinance Survey Map of the dwelling at 1:1000 (2
Copies)
- Supplementary Site Plan Drawing @ 1:500 (2 Copies)
- Relevant Application Fee €80

I trust the attached is satisfactory and I look forward to your favourable decision.

Respectfully yours,


Diarmuid Ryan



08 NOV 2021

CORK CITY COUNCIL

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

Fón/Tel: 021-4924762

Líonra/Web: 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

15 DEANWOOD AVENUE, TOGHER, CORK. T12 ER2C

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 THE CONSTRUCTED ANNEX (SINGLE STOREY) 6.3m² TO THE REAR OF THE DWELLING DEVELOPMENT & IF SO, IS IT EXEMPTED DEVELOPMENT.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

THIS ANNEX WAS CONSTRUCTED 35 YEARS AGO (APPROX). ITS A SINGLE STOREY LEAN-TO THAT IS COVERS & ENCLOSES THE SPACE BETWEEN THE ORIGINAL BACK DOOR & SHED/OUTHOUSE THAT IS SITUATED DIRECTLY TO THE REAR OF THE HOUSE.

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

If so please supply details:

NONE

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:

NONE.

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	97.2m ² (EXTG) 6.3m ² (NEW)
(b) If a domestic extension, 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. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle)	Proposed/existing 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		

9.1) We confirm that the information contained in the application is true and accurate:

Signature:

Darwin Ryan

Date:

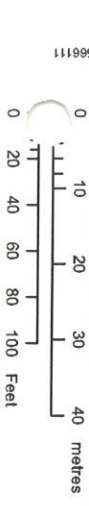
02/11/21

- 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



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'



CENTRE COORDINATES:
ITM 566228,569752

PUBLISHED: 02/11/2021
ORDER NO.: 50230377_1

MAP SERIES: 1:1,000
MAP SHEETS: 6427-03

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

Unauthorised reproduction infringes Ordnance Survey Ireland and Government of Ireland copyright.

All rights reserved. No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owners.

The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

© Suirbhéiríacht Ordnálaí Éireann, 2021
© Ordnance Survey Ireland, 2021
www.osi.ie/copyright

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

WILTON CORK

Date 03/11/21

Pay CORK CITY COUNCIL

EIGHTY EUROS ONLY € 80.00

DIARMUID RYAN



150218
Cheque No.

Branch Sort Code

Account No.

Diarmuid Ryan

⑈000217⑈ 90⑈2805⑈ 28041904⑈ 09

	<ul style="list-style-type: none"> • Copies of Planning Decisions • Copies of Final Grant • General copying • Archive Retrieval • Microfiche
TI4110 <i>(Transitions Area)</i>	

I4114	<ul style="list-style-type: none"> • Application Fees
TI4114 <i>(Transitions Area)</i>	

I4116	<ul style="list-style-type: none"> • Section 5 applications (Exemption Certs) • Extension of Duration Applications • Planning Searches
TI4116 <i>(Transitions Area)</i>	

I4117	<ul style="list-style-type: none"> • Submissions/Objections on Planning Applications
TI4117 <i>(Transitions Area)</i>	

I4118	<ul style="list-style-type: none"> • Recouped Enforcement Expenses
TI4118 <i>(Transitions Area)</i>	

I4121	<ul style="list-style-type: none"> • Section 254 Licence fees (Fingerpost signs)
TI4121 <i>(Transitions Area)</i>	

I4122	<ul style="list-style-type: none"> • SHD Fees (Strategic Housing Developments)
TI4122 <i>(Transitions Area)</i>	

I4124	<ul style="list-style-type: none"> • Planning Bond Letters
TI4124 <i>(Transitions Area)</i>	

I4100	<ul style="list-style-type: none"> • Outdoor Event Licences
TI4100 <i>(Transitions Area)</i>	

Planning Contributions

TP NO. : _____ JDE Account NO.: _____

Amount: _____

Signed: *Dee O'Leary* Date: 8/11/2021



EXISTING ANNEX FOR WHICH EXEMPTION CERTIFICATE IS SOUGHT (AREA 6.3m²)

SITE LOCATION (AREA 332m²)

A	31/08/21	FOR RETENTION		D.RYAN	
REV.	DATE.	DESCRIPTION.		DRN.	CKD.
CLIENT & PROJECT: EXEMPTION CERTIFICATE APP. 15 DEANWOOD AVENUE TOGHER CORK			DRAWING TITLE: SITE PLAN		
Diarmuid Ryan B.Sc. (Hons), B.Eng., Aff. I.E.I. BIM ENGINEER Castlemeadows, Skehard Road, Blackrock, Cork				Tel: 087 2683968	
DATE:	DRAWN:	CHECKED:	SCALE:	JOB NO:	DRG. NO:
NOV'02 2021	D.RYAN	N/A	1:500	RYAN1	RYANBEXEMPT_01
					REV: A