

Comhairle Cathrach Chorcaí Cork City Council

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

Jeffrey Godsell,
No. 2 Bishopscourt Green,
Bishopstown,
Cork T12 XY3Y

15/07/2022

**RE: Section 5 Declaration R715/22 No. 2 Bishopscourt Green,
Bishopstown, Cork T12 XY3Y**

A Chara,

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

Having regard to the information available, it appears to the Planning Authority that the single storey annex to the side of the house was converted from a garage to an extension of the house. The extension to the rear of the house together with single storey annex to the side of the house which is in use as part of the house would have a combined floor area in excess of 40 square metres. The height of the highest part of the roof of any such extension, which is flat roof, exceeds the eaves or parapet of the flat roof side annex. Therefore, the development would not come within the scope, including conditions and limitations 2(a) and 4(c), of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.

The Planning Authority decides that the said extension to rear of house at number 2 Bishopscourt Green, Bishopstown **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 15th July 2022.



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Is mise le meas,

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



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SECTION 5 DECLARATION – PLANNER'S REPORT

File Reference:	R715.22
Description:	Whether the construction of an extension to the rear of a dwelling is or is not exempted development?
Applicant:	Jeffery Godsell
Location:	2 Bishopscourt Green, Bishopstown

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 10.06.2022.

The response was received on the 28.06.2022.

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 response includes site layout plan (existing and proposed), ground floor plan and elevations. Some drawings are to scale – Appendix C drawing is not to scale. The rooms within the ground floor of the house have not been identified. It is noted from the plans that there will be access from the rear part of the single storey annex into the proposed extension.

Is or is not exempted development

Class 1 of Part 1 of Schedule 2

Description of Development "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".

The proposal will be assessed against the conditions and limitations of Class 1:

1a	<i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i>	The floor of the extension is 32.01m ² (6.6m x 4.85m). The floor area of the proposed extension does not exceed 40m ² .
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		<p>The floor plans of the house do not label the existing rooms in the single annex to the side of the house. This area is sub-divided into three rooms. On the front elevation there is a window. It is noted that the sales brochure described this as a utility room and formerly the garage.</p> <p>For the purposes of a Section 5 Referral a garage which has been converted for an extension to the house will need to be taken into account. It appears that the garage has been converted for an extension to the house.</p>
1b	<i>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.</i>	N/A – extension is ground floor only.
1c	<i>Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</i>	N/A – house is not detached.
2a	<i>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.</i>	The floor area of the extension together with the floor area of the side of the house would exceed 40 m ² .
2b	<i>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 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</i>	N/A – the proposed extension is ground floor only.
2c	<i>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.</i>	N/A – the house is not detached.
3	<i>Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i>	N/A – the proposed extension is ground floor only.

4a	<i>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.</i>	The rear wall does not include a gable. The extension is single storey and the height of the walls of the extension do not exceed the height of the rear wall.
4b	<i>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</i>	N/A – house does not include a gable.
4c	<i>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.</i>	The extension is single storey with a flat roof. The height of the highest part of the roof of the extension, which is flat roof, exceeds the eaves or parapet of the flat roof side annex. Notwithstanding its marginal exceedance the proposed development does not satisfy the stated requirement of condition 4(c).
5	<i>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.</i>	The area of private open space exceeds 25m ² .
6a	<i>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i>	On the west elevation there is a glazed patio door and the distance from the boundary it faces exceeds 1m.
6b	<i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i>	N/A – extension is ground floor only.
6c	<i>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 shall not be less than 11 metres from the boundary it faces.</i>	N/A – house is not detached.
7	<i>The roof of any extension shall not be used as a balcony or roof garden.</i>	The roof is flat. It is confirmed that the roof will not be used as a balcony or roof garden.

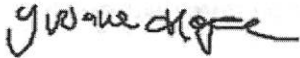
4. CONCLUSION

It is recommended that the applicant is advised as follows:

Having regard to the information available, it appears to the Planning Authority that the single storey annex to the side of the house was converted from a garage to an extension of the house. The extension to the rear of the house together with single storey annex to the side of the house which is in use as part of the house would have a combined floor area in excess of 40 square metres. The height of the highest part of

the roof of any such extension, which is flat roof, exceeds the eaves or parapet of the flat roof side annex. Therefore, the development would not come within the scope, including conditions and limitations 2(a) and 4(c), of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.

The Planning Authority decides that the said extension to rear of house at number 2 Bishopscourt Green, Bishopstown is development and is not exempted development.



Yvonne Hogan, A/SEP
Development Management
15.07.2022

Jeffrey Godsell
No 2 Bishopscourt Green
Bishopstown
Cork
T12 XY3Y

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council
City Hall
Cork
T12 T997

25/06/2022

Re: Section 5 Declaration R715/22 No 2 Bishopscourt Green, Bishopstown, Cork, T12 XY3Y

Dear Kate,

In response to the request for clarifications related to the application for a Section 5 Declaration in relation to my home at No 2 Bishopscourt Green please find details attached. I have addressed each clarification request in an attachment to this letter as below.

Clarification (a): Submit a site layout plan to scale showing the extend of the site, existing house and an outline of the conservatory which was demolished.

Response: Please see Appendix A

Clarification (b): Submit a site layout plan to scale showing the extend of the site, existing house and the proposed extension.

Response: Please see Appendix B

Clarification (c): Submit a ground floor plan to scale with the proposed extension and all rooms identified on the plan.

Response: Please see Appendix C

Clarification (d): Submit scaled elevation plans of the proposed extension. Drawings of elevations of the proposed structure shall show the main features of the house which would be contiguous to the proposed structure if it were erected.

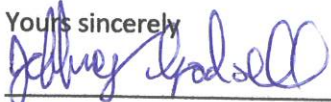
Response: Please see Appendix D

Clarification (e): One of the conditions attached to the Class 1 is that 'the roof of any extension shall not be used as a balcony or roof garden'. The applicant is requested to clarify if the roof will be used as a balcony or roof garden.

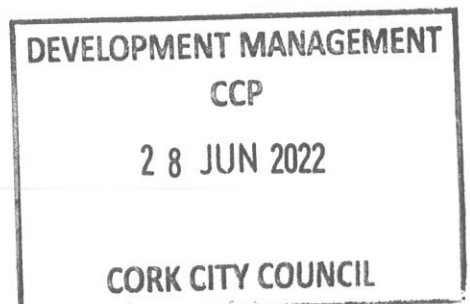
Response: I confirm that the roof of the extension shall not be used as a balcony or roof garden.

Should you require any additional information, please do not hesitate to contact me.

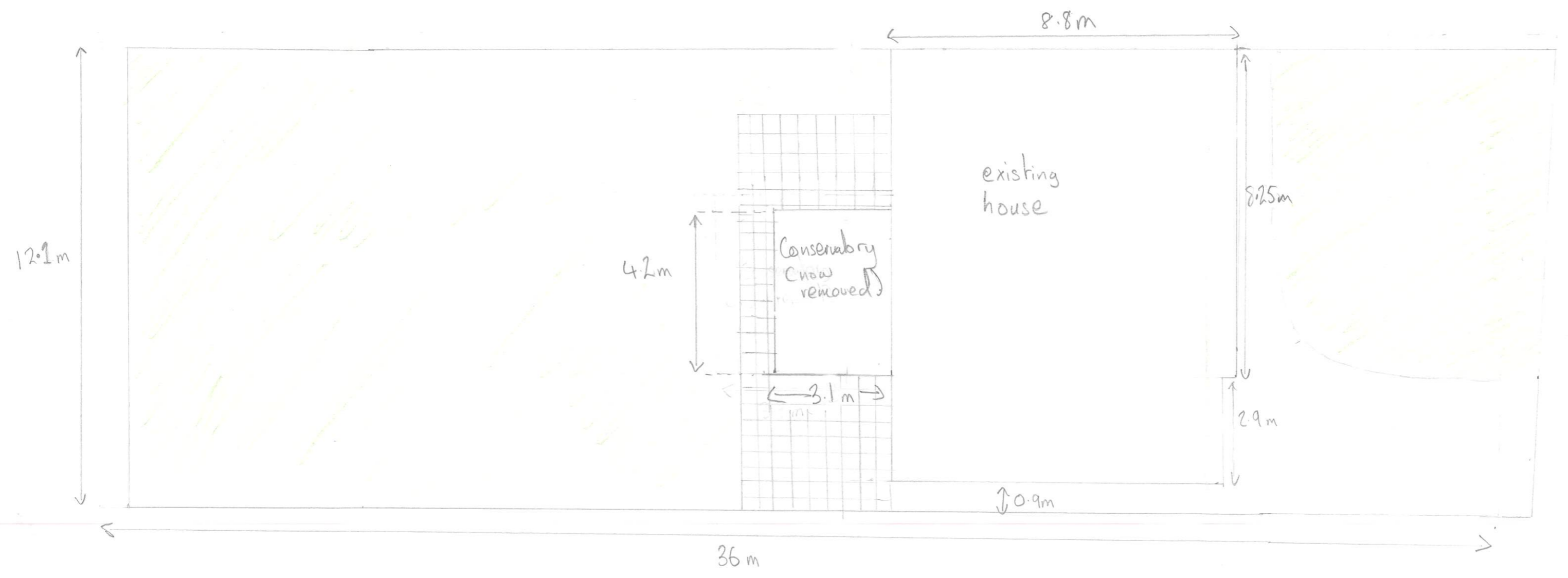
Yours sincerely



Jeffrey Godsell

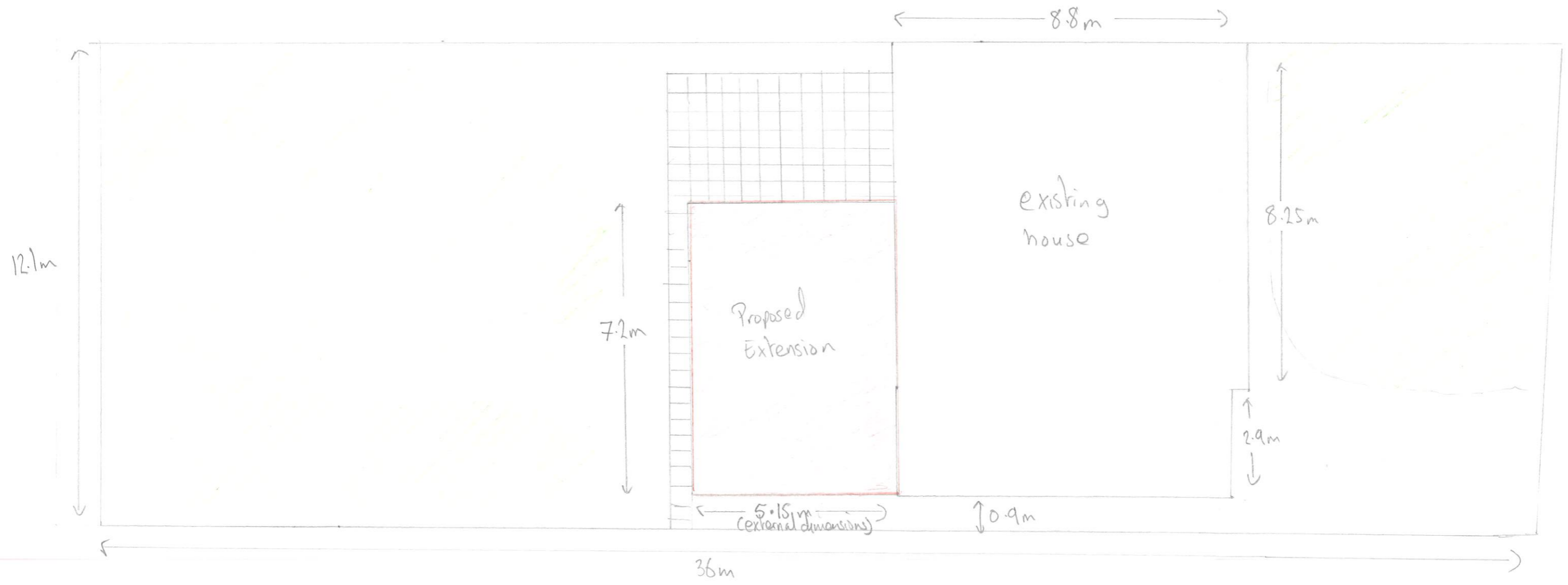


Appendix A
Scale 1:100

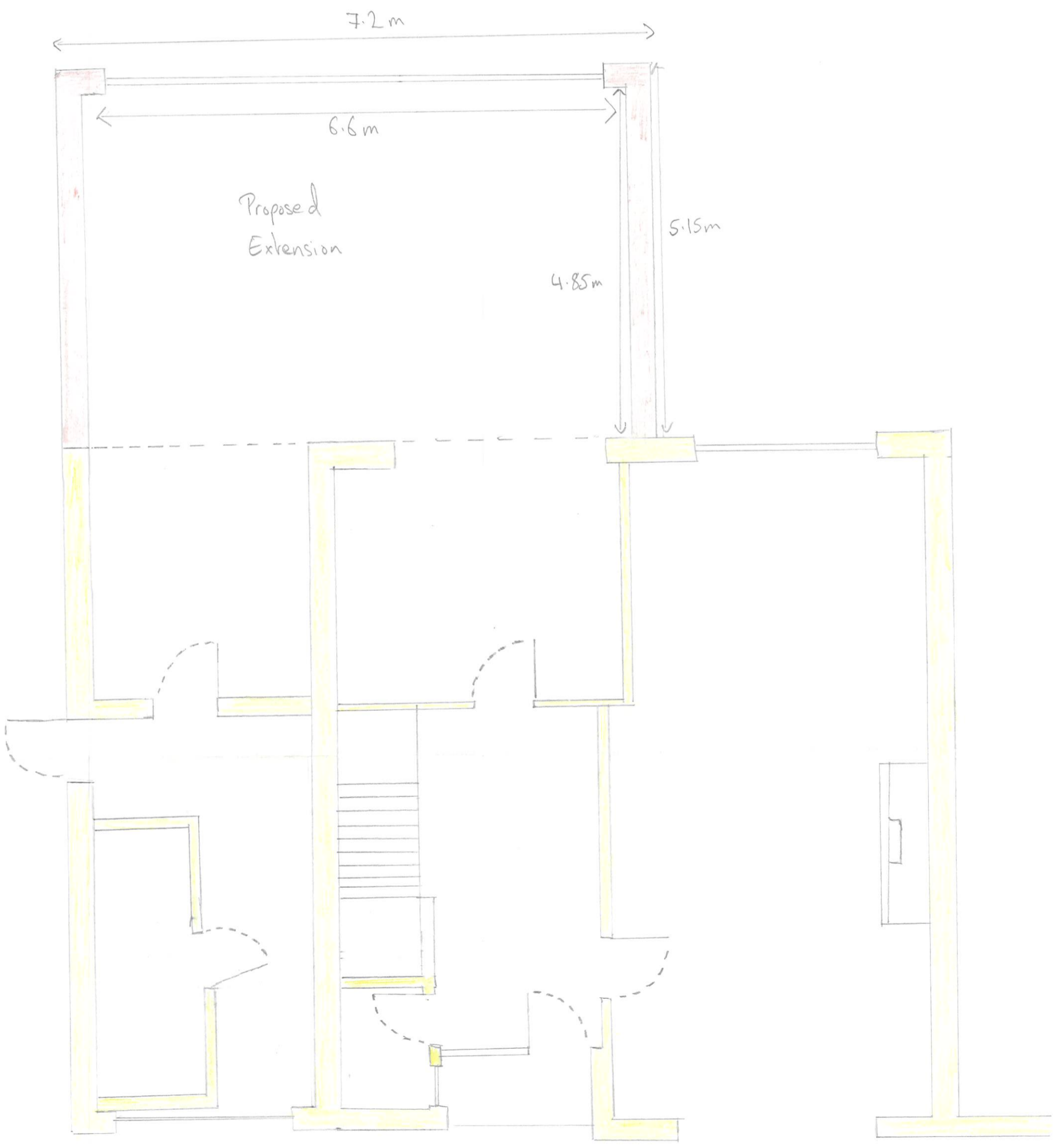


Appendix B

Scale 1:100



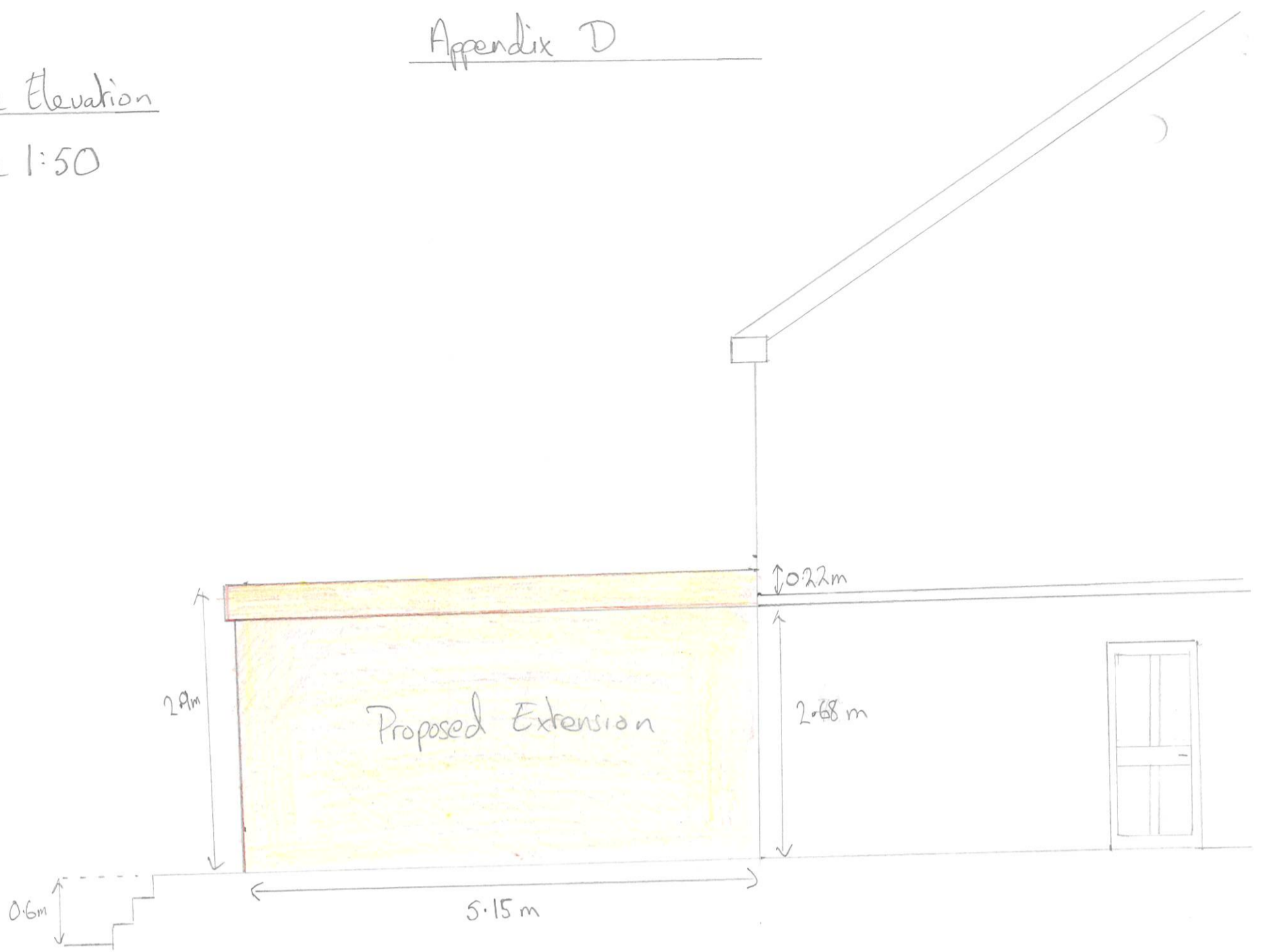
Appendix C
Scale 1:50



Appendix D

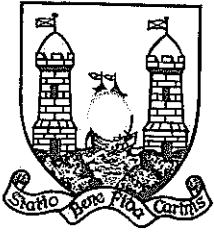
Side Elevation

Scale 1:50



Rear Elevation





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

Jeffrey Godsell,
No. 2 Bishopscourt Green,
Bishopstown,
Cork T12 XY3Y

10/06/2022

**RE: Section 5 Declaration R715/22 No. 2 Bishopscourt Green,
Bishopstown, Cork T12 XY3Y**

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise and having regard to the provisions of section 5(2)(b) of the Planning and Development Act 2000, as amended, that the following further information is required in order to properly assess this application:

- a) Submit a site layout plan to scale showing the extent of the site, existing house, and an outline of the conservatory which was demolished.
- b) Submit a site layout plan to scale showing the extent of the site, existing house, and the proposed extension.
- c) Submit a ground floor plan to scale with the proposed extension and all rooms identified on the plan.
- d) Submit scaled elevation plans of the proposed extension. Drawings of elevations of the proposed structure shall show the main features of the house which would be contiguous to the proposed structure if it were erected.
- e) One of the conditions attached to the Class 1 is that *'the roof of any extension shall not be used as a balcony or roof garden'*. The applicant is requested to clarify if the roof will be used as a balcony or roof garden.

Note:

- Plans relating to extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the extension proposed,



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- Plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site or layout plans shall indicate the distances of any such structure from the boundaries of the site.
- Plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon)
- The north point shall be indicated on all maps and plans other than drawings of elevations and sections and maps or plans

Is mise le meas,

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



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SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R715.22
Description: Whether the construction of an extension to the rear of a dwelling is or is not exempted development?
Applicant: Jeffrey Godsell
Location: 2 Bishopscourt Green, Bishopstown
Site inspection: 18.05.2022

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 2 Bishopscourt Green, within an established residential area. On the site there is a semi-detached two storey dwelling. The other semi-detached dwelling is to the north of the site.

3. The Question before the Planning Authority

Whether the construction of an extension to the rear of a dwelling is or is not exempted development?

4. Planning history

66/659 – permission granted for development – 22.12.1966

68/1298 – permission granted for housing development – 18.07.1968

Planning files are not available.

5. Planning legislation

5.1 Planning and Development Act, 2000 as amended

Section 2(1),

“exempted development” has the meaning specified in section 4.

“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.

Section 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.

Section 4(2),

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

Section 4(3),

A reference in this Act to exempted development shall be construed as a reference to development which is—

- (a) any of the developments specified in subsection (1), or
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

5.2 Planning and Development Regulations, 2001 as amended

Article 6(1),

Subject to article 9, development 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,

Article 9 sets out restrictions on exemptions specified under article 6. Article 9(1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development, including (a) if the carrying out of such development would:-

- (i) "Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act"...

(Article 6) Schedule 2, Part 1, Class 1

Classes 1-8 relate to development within the curtilage of a house and Class 1 relates to "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".

Schedule 2, Part 1, Class 1

Exempted Development — General

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>Development within the curtilage of a house</p> <p>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,</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.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above</p>

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
<p>shed or other similar structure attached to the rear or to the side of the house.</p>	<p>ground level shall not exceed 12 square metres.</p> <p>(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.</p> <p>(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 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.</p>

Column 1 Description of Development	Column 2 Conditions and Limitations
	<p>(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.</p> <p>(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 level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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 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>

<p>CLASS 50</p> <p>(a) The demolition of a building, or buildings, within the curtilage of—</p> <p>(i) a house,</p> <p>(ii) an industrial building,</p> <p>(iii) a business premises, or</p> <p>(iv) a farmyard complex.</p> <p>(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance</p>	<p>1. No such building or buildings shall abut on another building in separate ownership.</p> <p>2. The cumulative floor area of any such building, or buildings, shall not exceed: (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and (b) in all other cases, 100 square metres.</p>
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with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

6. Assessment

The application form states that a conservatory (which was to the rear of the house) was deconstructed after the applicant.

The question shall be reformulated to include this, and form part of the assessment.

The drawings are not to scale. A site layout plan and elevation plans have not been included. The ground floor plan will need to be expanded to include all the ground floor and to include the names of the rooms.

6.1 Development

The first issue for consideration is whether or not the matter at hand is 'development', which is defined in the Act as comprising two chief components: 'works' and / or 'any material change in the use of any structures or other land'.

As noted above Section 3 (1) of the Planning and Development Act states that: '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 in the use of any structures or other land.*

The demolition of the conservatory and the construction of the proposed 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.

Construction of Extension

The relevant class in the Regulations is Class 1 and the description of the development is '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.'

The proposal is a single storey extension to a semi-detached dwelling at 2 Bishopstown Green, with a floor area of 33.31m². The floor plan submitted does not include the full extent of the ground floor of the house.

The extension is to the rear of the house and to the rear of the single storey annex to the side.

I note that the applicant has submitted a Statutory Declaration from the personal representative of the previous registered owner and it declares that there has been no development (including exempted development) within the meaning of the Acts since the property was purchased in 1974.

The house is part of a development which was permitted in 1966 and 1968. The floor plans from these planning files are not available.

To the side of the house there is a side annex with a flat roof and on the front elevation there is a window. Some houses in the estate have garage doors to the side.

The sales brochure for the house describes the utility room as *formerly the garage*. The conversion of a garage for an extension to the house comprises works which constitute development. I note that there was a conservatory to the rear. This also would have been development, and it may have been exempted development. These raises concerns about the dependability of the Statutory Declaration of the Personal Representative.

The following table will examine whether the proposal complies with the conditions and limitations associated with this class of development:

1a	<i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i>	<p>The floor of the extension is 33.31m².</p> <p>To the side of the house there is a single storey annex. For some houses along this row there are single storey annex to the side with garage door. The subject site has a window on its front elevation of the single storey annex.</p> <p>The floor plans are incomplete in terms what this part of the house is used as.</p> <p>The sales brochure includes a utility room as <i>formerly the garage</i>.</p> <p>There are concerns that the garage may have been converted as an extension of the house.</p> <p>The applicant will need to submit a full set of plans of the ground floor to scale and detail the use of these rooms.</p>
1b	<i>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.</i>	N/A – extension is ground floor only.
1c	<i>Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</i>	N/A – house is not detached.
2a	<i>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</i>	The applicant will need to submit a full set of plans of the ground floor to scale and detail the use of these rooms.

	<i>after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</i>	
2b	<i>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 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</i>	N/A – the proposed extension is ground floor only.
2c	<i>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.</i>	N/A – the house is not detached.
3	<i>Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i>	N/A – the proposed extension is ground floor only.
4a	<i>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.</i>	The rear wall does not include a gable. Elevation plans will be required.
4b	<i>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</i>	N/A – house does not include a gable.
4c	<i>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.</i>	Elevation plans are required.
5	<i>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.</i>	It is stated in the application form that the rear garden will exceed 25 square metres. A scaled site layout plan will be required.
6a	<i>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i>	The side walls of the extension do not include any windows. The rear/west elevation has a patio door.

		A scaled site layout plan will be required.
6b	<i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i>	N/A – extension is ground floor only.
6c	<i>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 shall not be less than 11 metres from the boundary it faces.</i>	N/A – house is not detached.
7	<i>The roof of any extension shall not be used as a balcony or roof garden.</i>	The roof is flat. This will need to be clarified.

Demolition of Conservatory

A check on Google Earth shows the conservatory to the rear of the house:



The demolition of this comes may come within the scope of Class 50(b), if the extension is in accordance with Class 1.

6.3 Environmental Assessment & Restrictions on Exemption

A number of restrictions on exemption are set out in Section 4(4) of the Act and Article 9 of the Regulations.

Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that environmental impact assessment is not required.

The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed

development would not affect the integrity of these European sites. Accordingly it is considered that appropriate assessment is not required.

None of the restrictions in Article 9 apply.

7. Recommendation

It is recommended that a request for further information issues: -

FI Request:

- a) Submit a site layout plan to scale showing the extent of the site, existing house, and an outline of the conservatory which was demolished.
- b) Submit a site layout plan to scale showing the extent of the site, existing house, and the proposed extension.
- c) Submit a ground floor plan to scale with the proposed extension and all rooms identified on the plan.
- d) Submit scaled elevation plans of the proposed extension. Drawings of elevations of the proposed structure shall show the main features of the house which would be contiguous to the proposed structure if it were erected.
- e) One of the conditions attached to the Class 1 is that *'the roof of any extension shall not be used as a balcony or roof garden'*. The applicant is requested to clarify if the roof will be used as a balcony or roof garden.

Note:

- Plans relating to extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the extension proposed,
- Plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site or layout plans shall indicate the distances of any such structure from the boundaries of the site.
- Plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon)
- The north point shall be indicated on all maps and plans other than drawings of elevations and sections and maps or plans



Yvonne Hogan, A/SEP, 10.06.2022

chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://s3-eu-west-1.amazonaws.com/mediamaster-s3eu/2/6/26765b3da4c1f3144dc79b4703ff1807.pdf

2 Bishopscourt Green, Bishopstown, Cork.



ERA Downey McCarthy are delighted to present this substantial and spacious four bedroom semi detached residence situated in this most sought after location overlooking the green in Bishopscourt. This most desirable address is within easy walking distance to the CUH, CUMH, CIT and Wilton Shopping Centre.



AMV: €395,000

PSRA Licence No. 002584

Accommodation

- Porch 1.73m x 1.01m
- Reception Hallway 3.38m x 3.33m
- Downstairs W.C 1.65m x 1.36m
- Living Room/Lounge 8.36m x 4.32m

A sliding aluminium door allows access into the porch. The porch has a tile floor, one light fitting and access to the reception hallway is gained from a solid wooden door with an attractive stained glass panel to the side.

A spacious hallway with plenty of natural light coming in from a side window on the return of the stairs. Features include parquet flooring, one radiator, one light fitting, storage press and a downstairs W.C is accessed off the hallway.

One W.C, one wash hand basin, fitted mirror, one light fitting, vinyl flooring and a radiator.

A fine spacious living room with a dual aspect, one large window to the front and one large window to the rear. An open plan room with a centre fireplace with an open fire, tile surround and marble hearth. Features include a semi solid wooden floor, two light fittings with ceiling roses, coving around the ceiling, two large radiators, and a doorway at the end of the room leads into the dining room.



- Dining Room 4.03m x 4.15m

A good spacious dining room with plenty of room for a table and chairs. This room can be accessed from the hallway and the living room. Sliding doors from this area allow access into the sun room at the rear. Access to the kitchen is gained from this room as well. The room has parquet flooring, the hot press is housed here, two storage presses, cupboard, one radiator and centre light fitting.

- Kitchen 2.78m x 3.2m

The kitchen has fitted units at eye and floor level, space for an electric cooker, dishwasher and a double drainer sink is neatly positioned underneath the window that overlooks the back garden. The kitchen has space for a fridge freezer, one centre light fitting, tile flooring, electric radiator and a doorway gives access to a large utility room and a wet room.



- Utility Room 4.84m x 2.9m

Formerly the garage, this very convenient utility space houses the gas boiler, has plumbing for a washing machine and drier, specially fitted floor, a door allowing access to the side of the property and a large window to the front. A door allows access into the wet room.

- Bathroom/Wet Room

The wet room contains one W.C, one wash hand basin and a Mira Sport electric shower. The room has fully tiled walls, shaver light, fitted mirror, two globe light fittings, extractor fan and a Dimplex heater.

- Sun Room 3.02m x 3.72m

A spacious sunroom that gets plenty of natural daylight as it is South on the left and due West at the rear. The room has PVC glass panel windows, glass panel roof and a glass panel door leads out to the back garden. Features include one radiator, four power points and an attractive ceramic tile floor.

- Stairs and landing 4.51m x 1.48m

Stairs are fully carpeted leading to the first floor landing. A window to the side of the property allows in natural daylight and features include one light fitting, an access hatch for the attic and solid doors lead into all rooms.

- Bedroom 1 4.32m x 4.2m

A very spacious main bedroom with an en suite bathroom. One window to the front of the property is fitted with roller blind, curtains and curtain pole. The room has plenty of space for a double bed, recess storage into the walls, one radiator, carpet flooring and one centre light fitting. A solid door allows access into the en suite bathroom.




- En Suite
The en suite has one W.C, one wash hand basin, fitted mirror, Triton electric shower in a fully tiled shower cubicle, fully tiled walls and floors, globe light fitting, extractor fan and a Creda heater.
- Bedroom 2 4.22m x 3.17m
This bedroom has one large window overlooking the rear of the property. The room has recess storage into the walls, one radiator, one centre light fitting and carpet flooring.
- Bedroom 3 3.84m x 3.32m
A large double bedroom with one window overlooking the front. Features include one radiator, one centre light piece, carpet flooring and a storage press over the stairs.
- Bedroom 4 2.77m x 2.98m
Another double bedroom with a built in wardrobe that has a vanity unit and an inset mirror. This room has one centre light fitting, one radiator and carpet flooring. One window overlooks the rear of the property.
- Main Bathroom 2.58m x 1.63m
The main bathroom has a three piece suite with a fitted bath, one W.C, one wash hand basin, fitted bathroom cabinet, a mirror, glass shelf, radiator, vinyl flooring and a window overlooking the rear of the property.

Features

- 170 Sq.M / 1,830 Sq.Ft. Approx.
- Built in the 1970's
- Overlooking the green
- Exclusive location
- Natural Gas fired central heating
- South-West facing rear garden
- Not overlooked at the back
- Within close proximity to CUH & CUMH
- Primary and secondary schools on your doorstep
- Close proximity to sporting facilities, South Link Rd etc.
- Walking distance to Wilton Shopping Centre, Lidl and Aldi

Directions

Please see Eircode T12 XY3Y for directions.

	<p>Michael Downey 60 South Mall, Cork 087 7777117 michael@eracork.ie</p>
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The above details are for guidance only and do not form part of any contract. They have been prepared with care but we are not responsible for any inaccuracies. All descriptions, dimensions, references to condition and necessary permission for use and occupation, and other details are given in good faith.



€395,000

PSRA Licence No. 002584

**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

Number 2, Bishopscourt Green, Bishopstown, Cork, T12XY3Y

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 an extension to the rear of No. 2 Bishopscourt Green, Bishopstown
Cork development and if so is it exempted development?

DEVELOPMENT MANAGEMENT

CCP

1-7 MAY 2022

CORK CITY COUNCIL

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

I purchased the property in December 2020 and received a statutory declaration from the seller that there has been no development works on site (as attached). The proposed extension will be 4.9 m long by 6.8 m wide as shown in the accompanying sketch. There will be no windows on the two side walls of the extension and one glass sliding door on the rear wall. The glass sliding door will be a minimum of 0.6 m in from the side wall and over 1 m from the boundary wall. There will be up to two skylights. The height of the structure will be approximately 3 meters including the height of the roof. The ground level of the extension will match the ground level of the existing house. The rear garden shall exceed 25 square meters following the construction of the extension.

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

If so please supply details:

I am not aware of any enforcement notices

4. Is this a Protected Structure or within the curtilage of a Protected Structure? No

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:

yes, please see attached.

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	approximately 33 square meters (and definitely under 40 square meters)
(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"/> Not to my knowledge If yes, please provide floor areas. (sq m) I deconstructed a conservatory after moving in 2022.
(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 type="checkbox"/> yes	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: Jeffrey Godsell



Date: 12/15/2022

CONTACT DETAILS

10. Applicant:

Name(s)	Jeffrey Godsell
Address	No. 2 Bishopscourt Green, Bishopstown, Cork ----- ----- -----

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

Name(s):	
Address:	----- ----- -----
Telephone:	
E-mail address:	
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

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.

STATUTORY DECLARATION

I, **Mary Higgins** of 3 Greenfields, Parkway Drive, Model Farm Road, Cork aged 18 years and upwards do solemnly and sincerely declare as follows:-

1. I am the Legal Personal Representative of Sarah Lyons the registered owner of the property known as 2 Bishopscourt Green, Bishopstown, Cork.
2. There has been no development (including exempted development) within the meaning of the Local Government (Planning and Development) Acts, 1963 to 1998 or the Planning and Development Acts 2000 – 2010 as amended and any statutory modification thereof whether by way of amendment, addition, deletion or repeal and re-enactment with or without amendment for which Planning Permission was required by law since the date on which the late Sarah Lyons purchased the property in 1974.
3. That there have been no relevant works (including material change of use) within the meaning of the Building Control Acts, 1990 to 2007 and the Regulations made thereunder and any statutory modifications thereof whether by way of amendment, addition, deletion or repeal and re-enactment with or without amendment carried out on or to the Property since the date on which I acquired ownership of the Property.
4. That there has been no construction work as defined in the Safety Health and Welfare at Work (Construction) Regulations 2001 and any statutory modification thereof whether by way of amendment, addition, deletion or repeal and re-enactment with or without amendment carried out on or to the Property since the date on which I acquired ownership of the Property.
5. There are no unauthorised developments or uses on the Property and no warning letters or enforcement notices have been served by the Local

Authority alleging the contrary since the date on which I acquired ownership of the Property.

6. Since the date on which I acquired ownership of the Property no notices have been served in relation to the Property under the Building Control Act, 1990 or the Regulations made thereunder.

I make this solemn declaration conscientiously believing the same to be true, for the satisfaction of Jeffrey Godsell and by virtue of the Statutory Declarations Act 1938.

DECLARED before me James Joseph Handan
a (commissioner for oaths) (~~peace commissioner~~)
(~~person authorised by section 72 of~~
the ~~Solicitors (Amendment) Act 1994~~)
to take and receive statutory declarations,
by Mary Higgins

Mary Higgins
Mary Higgins

who is personally known to me

or

(who is identified to me by Keeran Curran
who is personally known to me

or

(whose identity has been established to me
before the taking of this Declaration by the
production to me of
passport number
issued on _____ by the
authorities of _____
which is an authority recognised by
the Irish Government) at Dungarven

in the City/County of Waterford

this 18 day of December 2020

James Joseph Handan
Commissioner for Oaths/Peace Commissioner/
Practising Solicitor

22



PLANNING SEARCH

(1964 to 25th March 2020)

**Carried out in the Office of
THE PLANNING DEPARTMENT
of
CORK CITY COUNCIL**

IN REPECT OF LANDS AT: 2 BishopsCourt Green, Bishopstown, Cork.

In accordance with your instructions we or our agents carried out a search of the Planning Offices of *Cork City Council* and made a search against the above lands/premises. Our search was strictly carried out against the highlighted or marked map or address provided to us to carry out the search. This search was not conducted against any alternative description(s) of the address nor were original planning applications for the lands or property in question returned. No responsibility is or can be taken for any errors or omissions in the records of the registers including software faults/glitches in the records of the database. On search from **1964 to date** we noted the following:-

ZONING : Residential, Local Services & Institutional Uses as designated in the Cork City Development Plan 2015-2021.

ROAD WIDENING: Nil.

ENFORCEMENTS: Upon search of the register we found nothing recorded.

MISCELLANOUS: Nil.

CPOS Nil.

All searches will be carried out strictly in accordance with the requisition only as set out. No Responsibility is or can be taken for any Errors or Omissions in the records of the Register including computer software / glitches in the database records.





PROTECTED STRUCTURE STATUS: Upon search of the register we found nothing recorded.

PLANNING APPLICATIONS:

There are no individual planning applications solely relating to this property which is within the development to which the following applies:

66/659.

Development Type: Approval.

Development Description: Development.

Development Address: Bishopscourt Road/Avenue, Bishopstown, Cork.

Applicant Name: F.J. McCarthy Ltd.

Decision: Conditional.

Grant Date: 22/12/1966.

Appeals: Nil.

68/1298.

Development Type: Permission.

Development Description: Housing Development.

Development Address: Bishopscourt, Bishopstown, Cork.

Applicant Name: D.J. McCarthy

Decision: Conditional.

Grant Date: 18/07/1968.

Appeals: Nil.

Date: 26 March 2020

Corporate Access (Legal Services) Limited

All searches will be carried out strictly in accordance with the requisition only as set out. No Responsibility is or can be taken for any Errors or Omissions in the records of the Register including computer software / glitches in the database records.

Member of
ILSA
Irish Law Searchers Association

GOPY

BARDAS CHORCAI - CORK CORPORATION
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 ~~TO 1983~~

NOTIFICATION OF A GRANT OF
~~OUTLINE PERMISSION/PERMISSION/~~ APPROVAL

UNDER SECTION 26 OF THE ACT

TO: S.G. McCarthy Limited, Reg No. T.P. 659/66
C/O Patrick Whelan, Architect,
Beechmount, Sarsfields Court, Application
Glanmire, Co. Cork. Received: 14th September 1966

APPLICATION BY S.G. McCarthy Limited,
OF C/O Patrick Whelan, Architect, Beechmount, Sarsfields Court, Glanmire, Co. Cork.

FOR :-

~~OUTLINE PERMISSION/PERMISSION/~~ APPROVAL

FOR Development
AT Bishopscourt Road/Avenue, Cork.

Further to notification of decision to grant dated 3rd November 1966

the Cork Corporation hereby conveys a grant of

~~OUTLINE PERMISSION/PERMISSION/~~ APPROVAL
for the development/~~development~~ described subject to the conditions (if any) set out in the said notification.

Date: 22nd December 1966

Signed on behalf of the Corporation of Cork

Michael Finney
Staff Officer, Planning Department.

COPY

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BARDAS CHORCAI - CORK CORPORATION

LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963 ~~1963 TO 1968~~

NOTIFICATION OF A GRANT OF

~~OUTLINE PERMISSION / PERMISSION / APPROVAL~~

UNDER SECTION 26 OF THE ACT

TO: D.J. McCarthy, Reg No. T.P. 1298/68
C/O Patrick Whelan,
Redgarth, Application
Douglas Road, Cork. Received: 19th February 1968

APPLICATION BY D.J. McCarthy
 OF C/O Patrick Whelan, Redgarth, Douglas Road, Cork.

FOR :-

~~OUTLINE PERMISSION / PERMISSION / APPROVAL~~

FOR Housing
 AT Bishopscourt, Wilton, Cork.

Further to notification of decision to grant dated 3rd May 1968

the Cork Corporation hereby conveys a grant of

~~OUTLINE PERMISSION / PERMISSION / APPROVAL~~

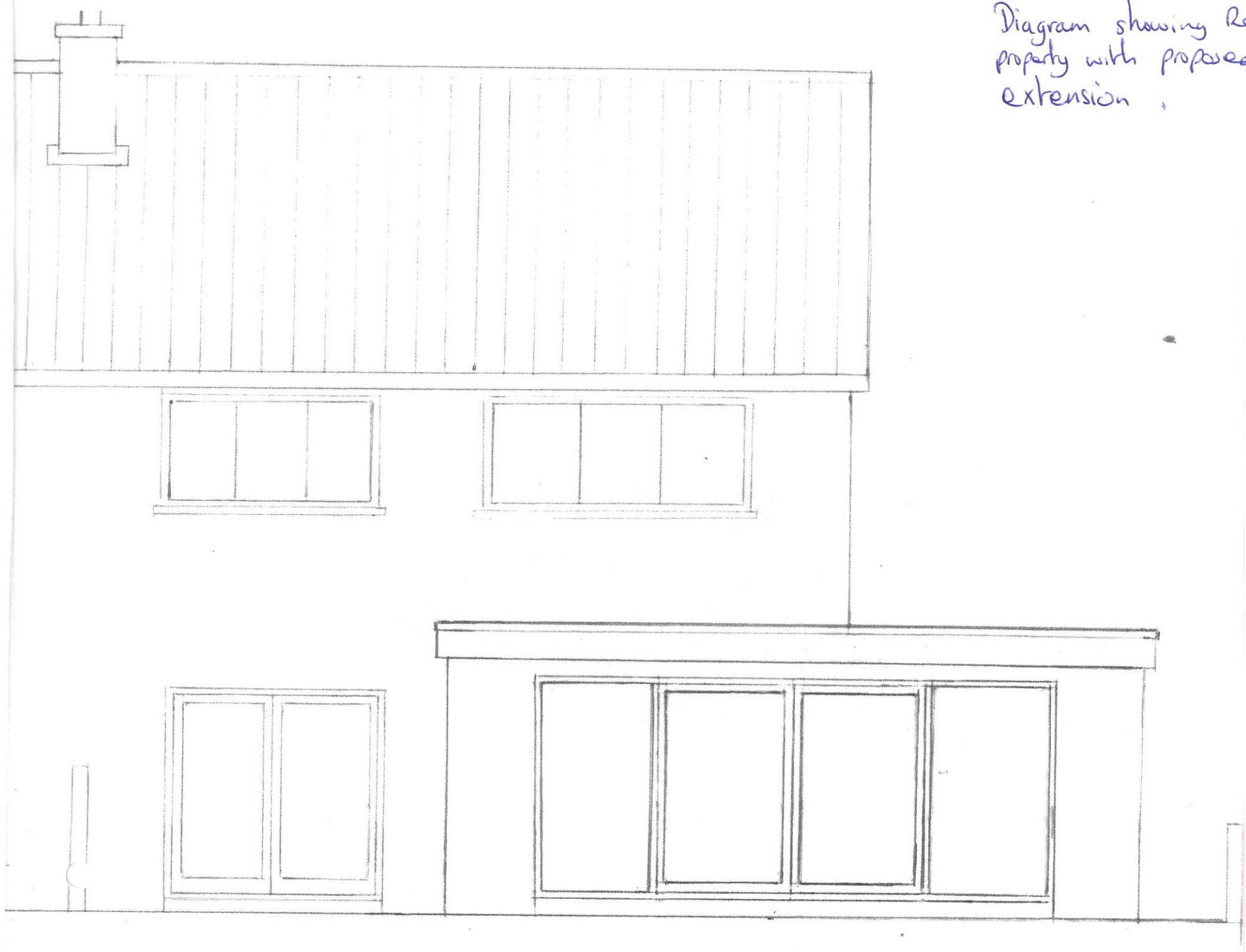
for the development/retention described subject to the conditions (if any) set out in the said notification.

Date: 18th July 1968

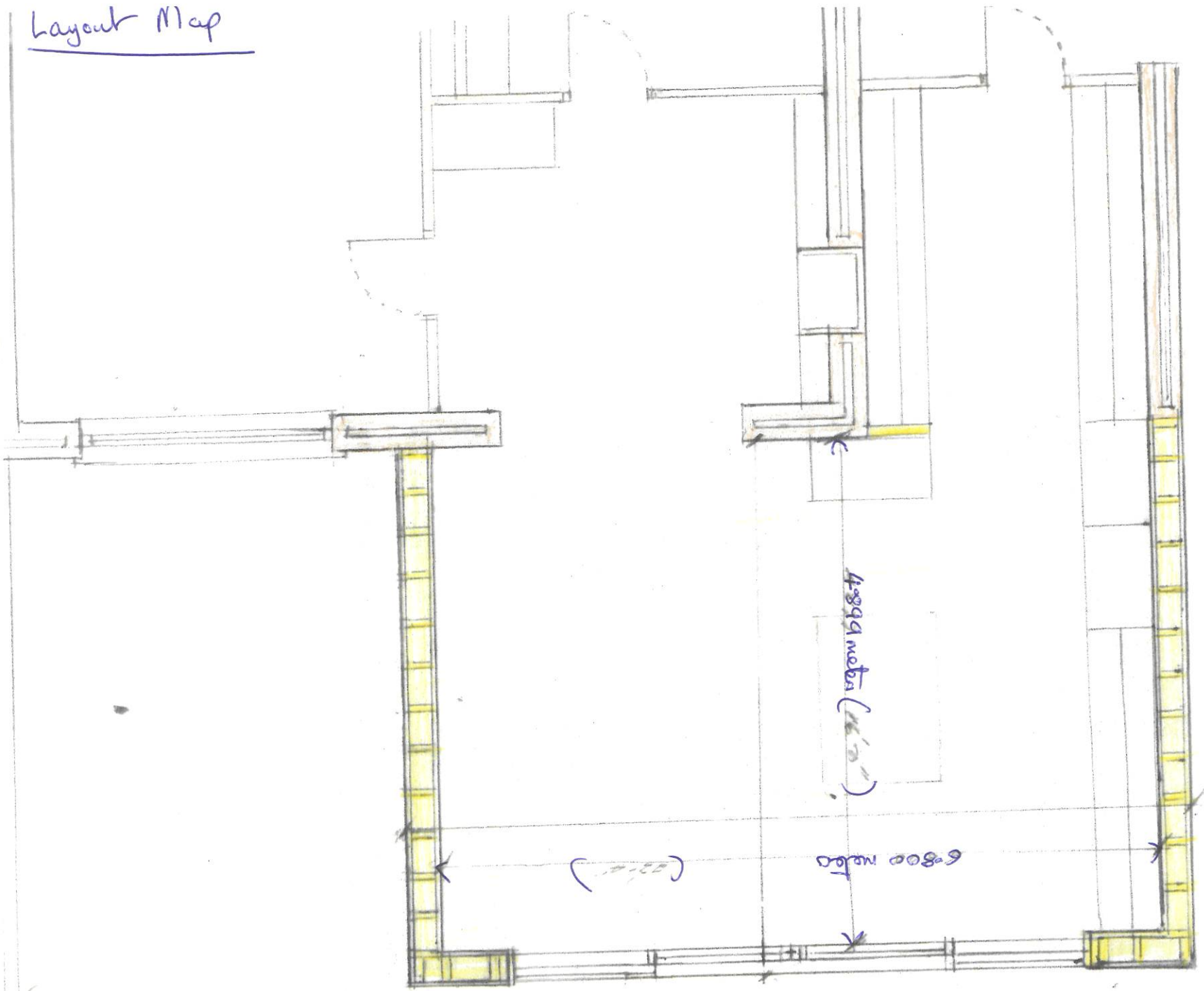
Signed on behalf of the Corporation of Cork

Michael Kiernan
 Staff Officer, Planning Department.

Diagram showing Rear of
property with proposed
extension .



Layout Map



Area = $6.800 \times 4.800 = 32.64$