

Comhairle Cathrach Chorcaí Cork City Council

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

Amandine & Gavin Wheeler,
29 Nuns Walk,
Pouladuff Road,
Cork T12 H3V5

05/07/2022

RE: Section 5 Declaration R720/22 29 Nuns Walk, Pouladuff Road,
Cork T12 H3V5

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 08th June 2022, I wish to advise as follows:

The site was visited on 04th July 2022.

On review of the Section 5 inquiry, the applicant submitted detailed drawings of the proposed single storey rear extension.

1. The proposed flat roof extension is modest in scale, 15.5sqm. A first-floor dormer extension of 24.4sqm was undertaken in 1976 (reference no. 6227). No record of permission is on the system. The applicant submitted scale drawings of the extension. The total combined area of the proposed extension is 39.9sqm and is within 40sqm exempted development permissible.
2. There are no concerns regarding residential amenity and visual amenity.
3. The open space provision is acceptable and exceeds the 25sqm minimum requirement as set out in Section 2(1)(5) of the Planning Act, 2000 (as amended).
4. I draw the applicant's attention to Section 2(1)(7) of the Planning Act, 2000 (as amended), *the roof of any extension shall not be used as a balcony or roof garden*, in the interests of residential amenity.

In the general the proposal is modest in scale and the design will not detract from the character of the area. The proposal is well screened and there are no overlooking or overshadowing concerns.



We are Cork.



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It is considered that *the construction of a rear extension as it currently stands*, as per plans and particulars submitted under this Section 5, **IS DEVELOPMENT** and **IS 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, 05th July 2022.

Is mise le meas,

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



We are Cork.

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference	R720/22
Description	Is the construction of a single storey 15m2 extension at No.29 Nuns Walk, Cork, development and if so, is it exempted development.
Applicant	Amandine & Gavin Wheele
Location	29 Nuns Walk, Poulafuff Rd, Cork.

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.

Site Location

Subject Development

Subject Site Planning History

Relevant Legislation

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(1)(h),

4.(1) The following shall be exempted developments for the purposes of this Act—

...

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 2(1)

CLASS 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(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.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

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.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metre from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

a

Section 5(1),

If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this 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.

Sub-threshold EIS

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) Regulations 2011) 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 an EIS is not required to be submitted.

Appropriate Assessment

The relevant European sites are the Cork Harbour SPA (Site Code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly, it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

Assessment

The site was visited on 04/07/2022.

On review of the section 5 inquiry, the applicant submitted detailed drawings of the proposed single storey rear extension.

The proposed flat roof extension is modest in scale 15.5sqm. A first floor dormer extension of 24.4sqm was undertaken in 1976 reference No. 6227. No record of permission is on the system. The applicant submitted scale drawings of the extension. The total combined area of the proposed extension and first floor dormer extension is 39.9sqm and is within the 40sqm exempted development permissible.

There are no concerns regarding residential amenity and visual amenity.

The open space provision is acceptable and exceeds the 25sqm minimum requirement as set out above.

I draw the applicant's attention to Section 2(1) 7 above, *the roof of any extension shall not be used as a balcony or roof garden*, in the interests of residential amenity.

In general, the proposal is modest in scale and the design will not detract from the character of the area. The proposal is well screened and there are no overlooking or overshadowing concerns.

Recommendation

It is considered that – *the construction of a rear extension as it currently stands*– is development and is exempted development.

Alan Swanwick
Assistant Planner
05/07/2022

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: 021-4924709

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

29 Nuns walk, Pouladuff road, Cork City
T12 H3V5

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 construction of a single storey 15 m² extension at No 29 Nuns walk, Cork development and if so, is it exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

DEVELOPMENT MANAGEMENT

CCP

08 JUN 2022

CORK CITY COUNCIL

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:

Dormer in 1976 - Reference No. 6227

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	66,7m ² / 15,5m ²
(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 checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) <u>Dormer 24,4m²</u>
(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)
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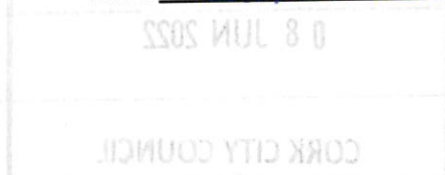
7. LEGAL INTEREST

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		

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

Signature: *A. Mulcahy*

Date: 07/06/2022



CONTACT DETAILS

9. Applicant:

Name(s)	Amandine & Gavin Wheeler
Address	29 Nuns Walk, Pauladuff road, Cork City, T12 H3V5

10. 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 type="checkbox"/> No <input type="checkbox"/>

11. 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.

Tel. No. _____

Mobile No. _____

Email Address: _____

For Office Use Only: File Ref. No. <u>R720/22</u>
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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.**

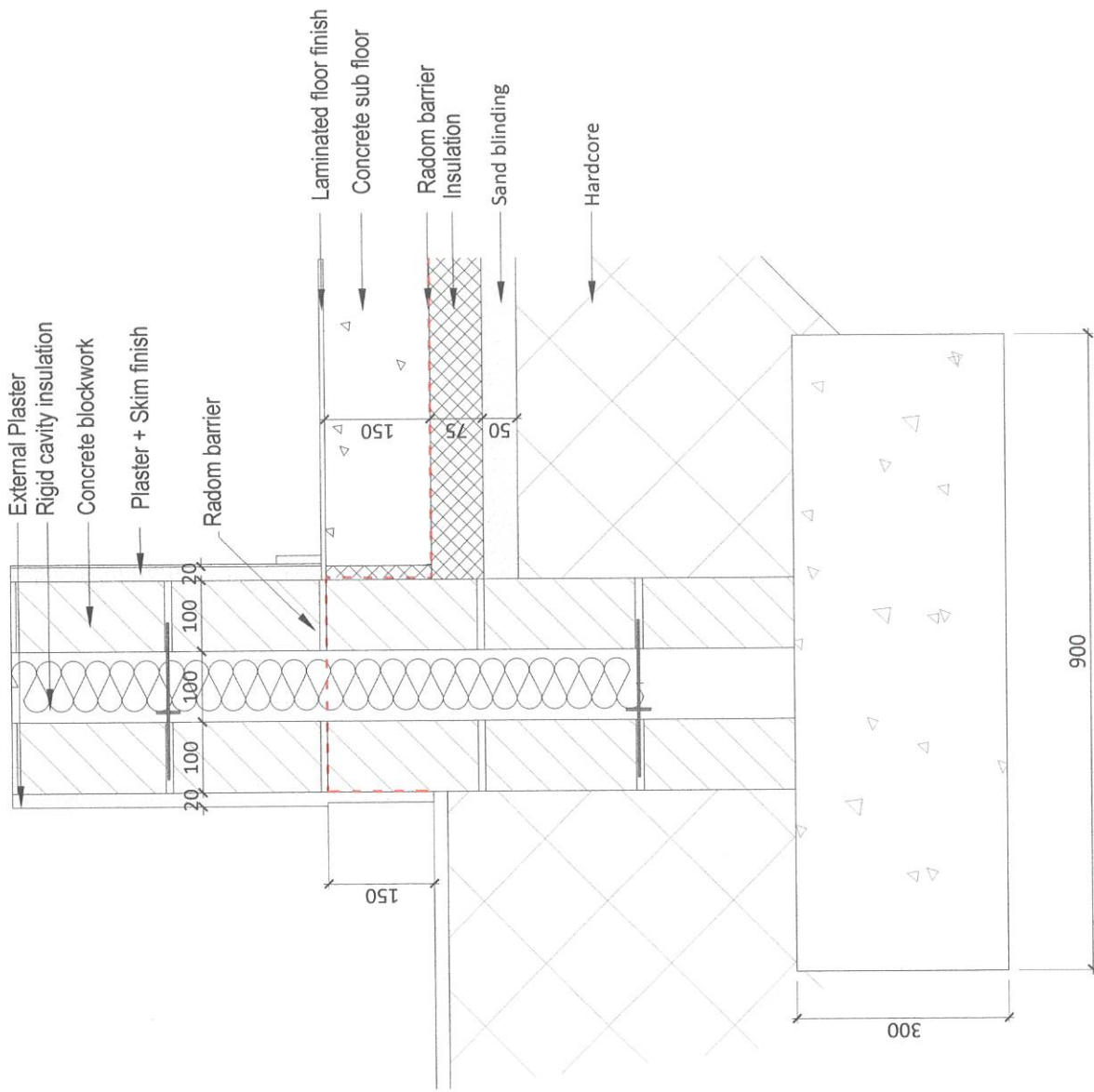
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks 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

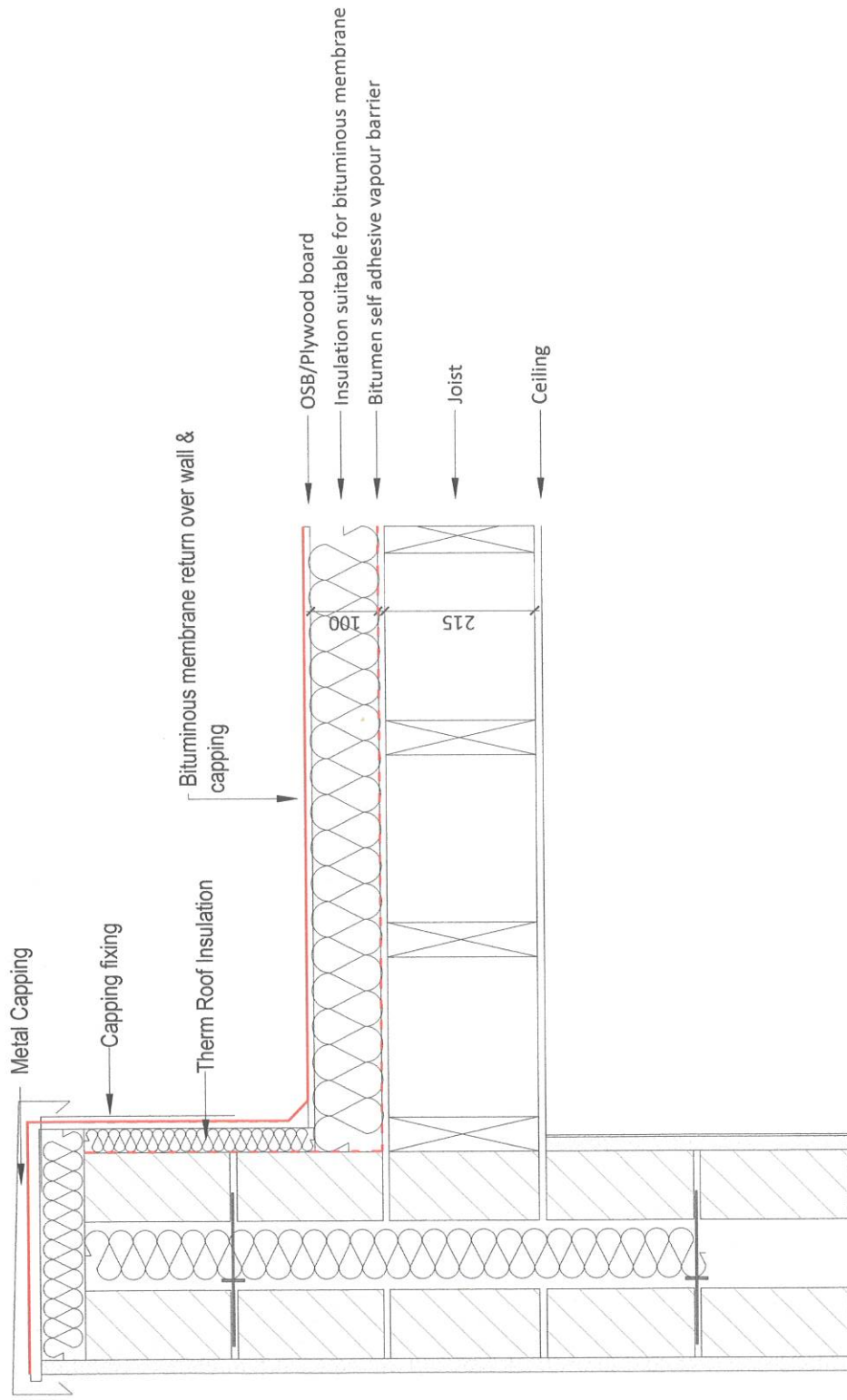
"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protection policy is available at <https://www.corkcity.ie/en/council-services/public-info/adpr/>.

We request that you read these as they contain important information about how we process personal data.



HOUSE RENOVATION & EXTENSION
29 NUNS WALK, POULADUFF ROAD
CORK CITY - MARCH 2022
DRAWING NUMBER: 2021-AW-DTW-ZZ-A-1001
A4 @ 1:10

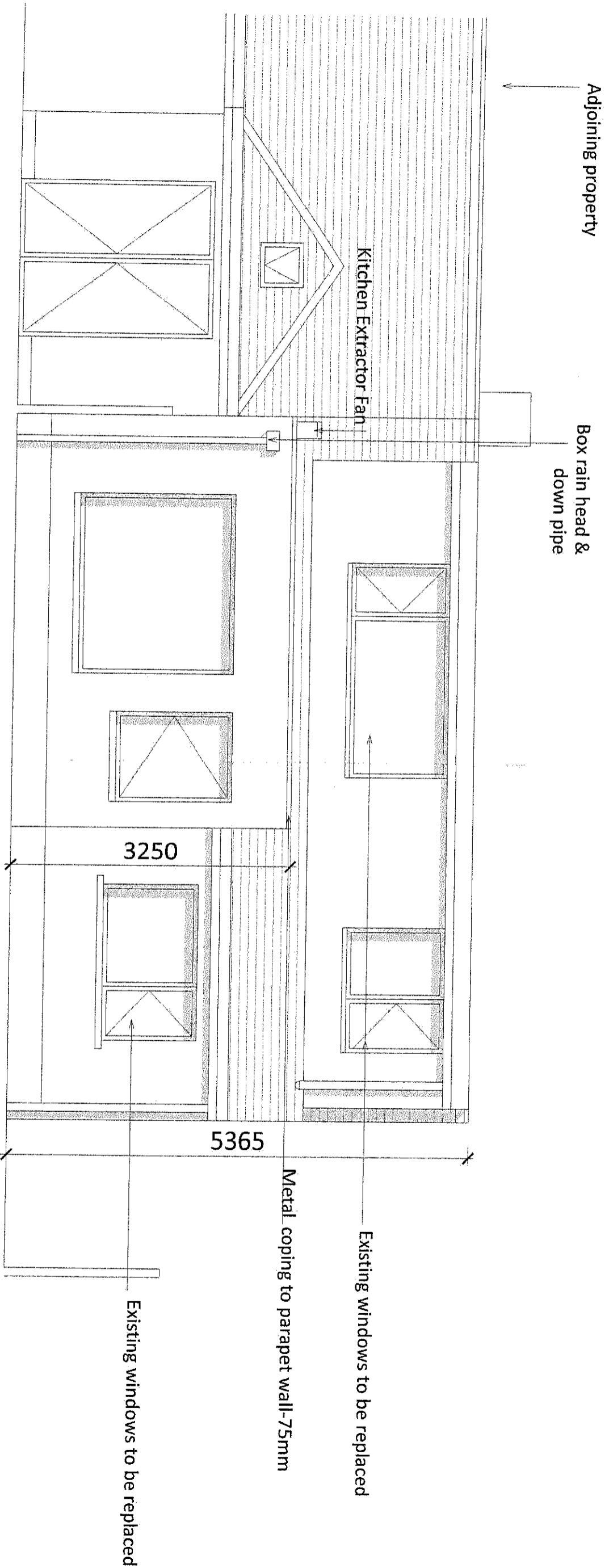
EXTENSION WALL & FLOOR DETAIL



HOUSE RENOVATION & EXTENSION
 29 NUNS WALK, POULADUFF ROAD
 CORK CITY - MARCH 2022
 DRAWING NUMBER: 2021-AW-DTW-ZZ-A-1000
 A4 @ 1:10

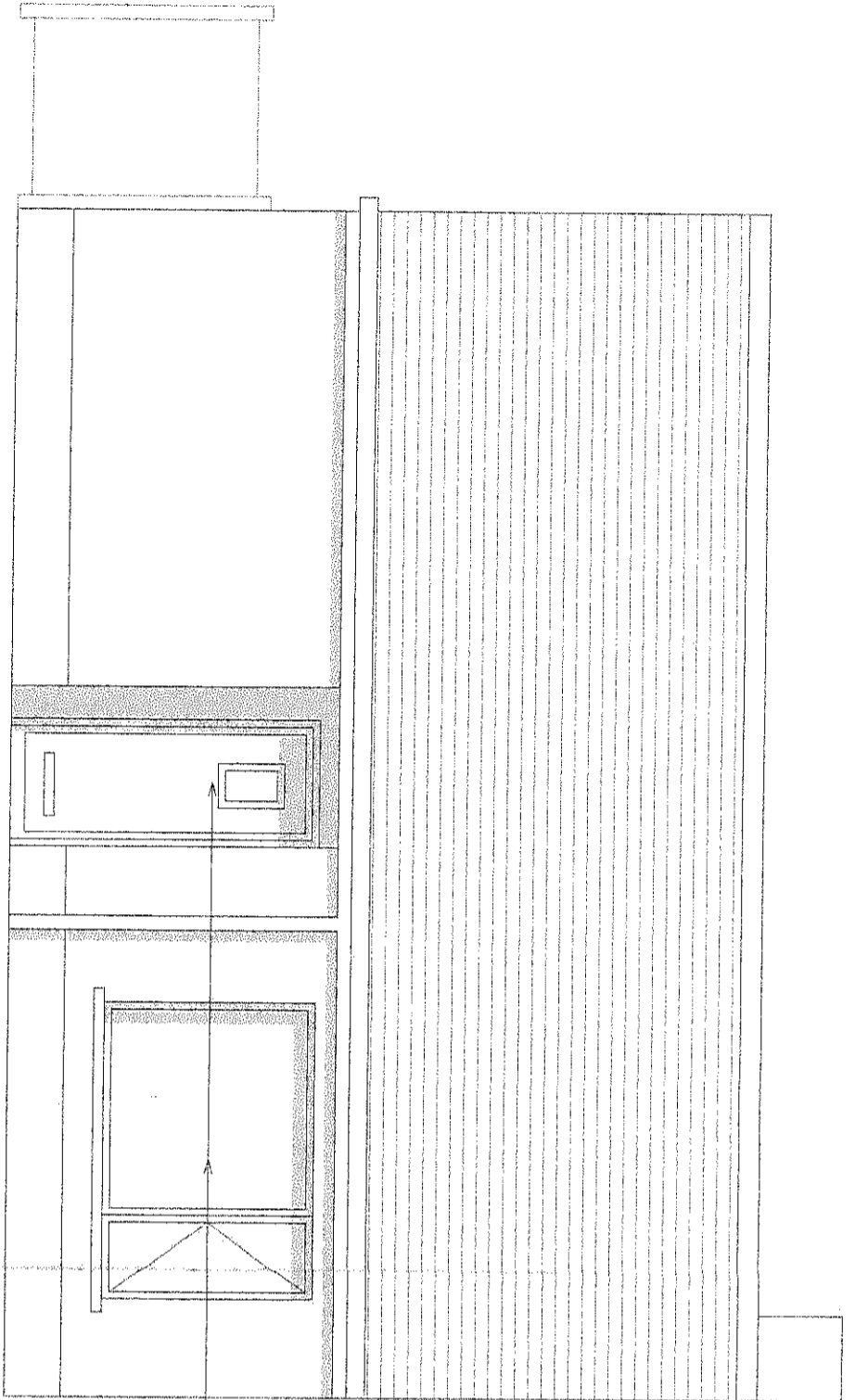
EXTENSION PARAPET ROOF DETAIL





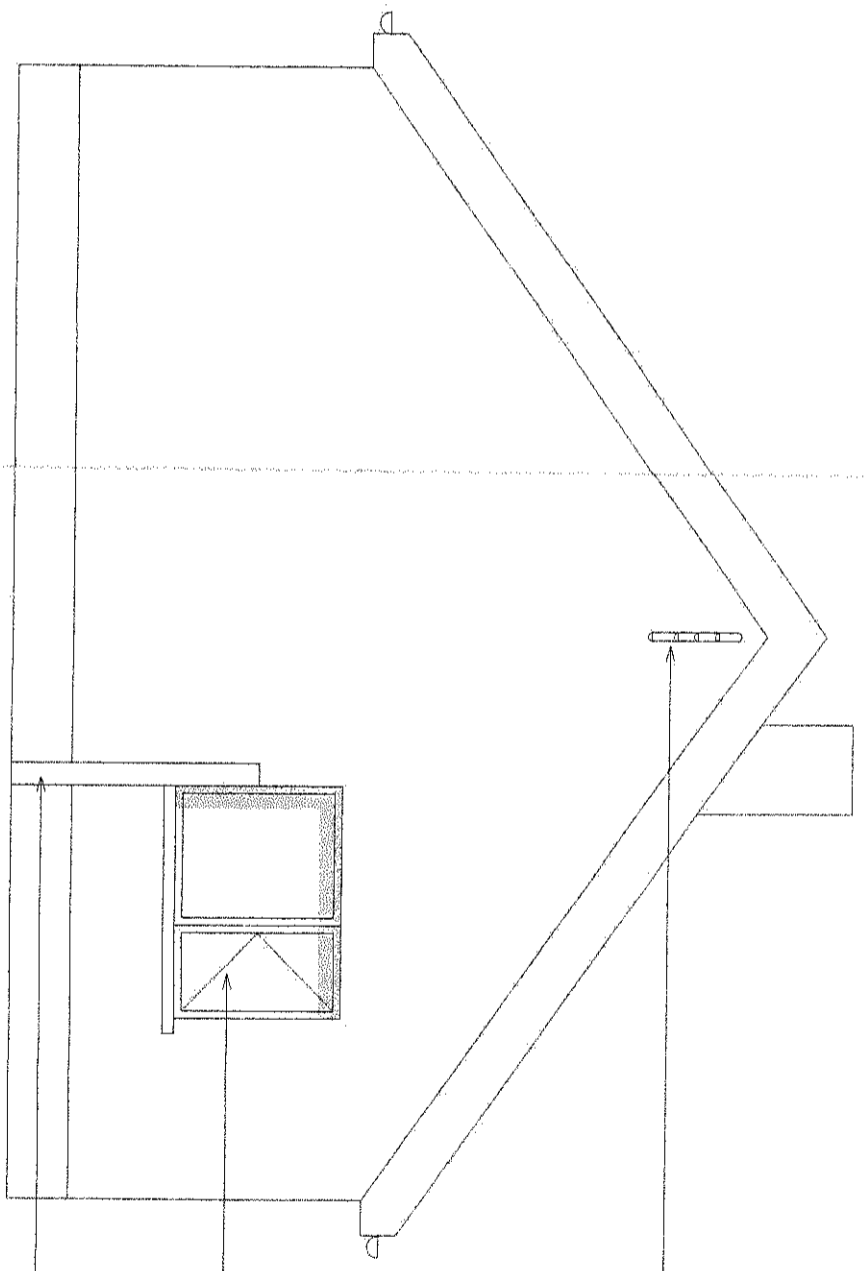
HOUSE RENOVATION & EXTENSION
 29 NUNS WALK, POULADUFF ROAD
 CORK CITY - MARCH 2022
 DRAWING NUMBER: 2021-AW-HT-01-A-1003
 A3 @ 1:50

EAST ELEVATION



WEST ELEVATION
1:50

Existing windows &
front door to be replaced



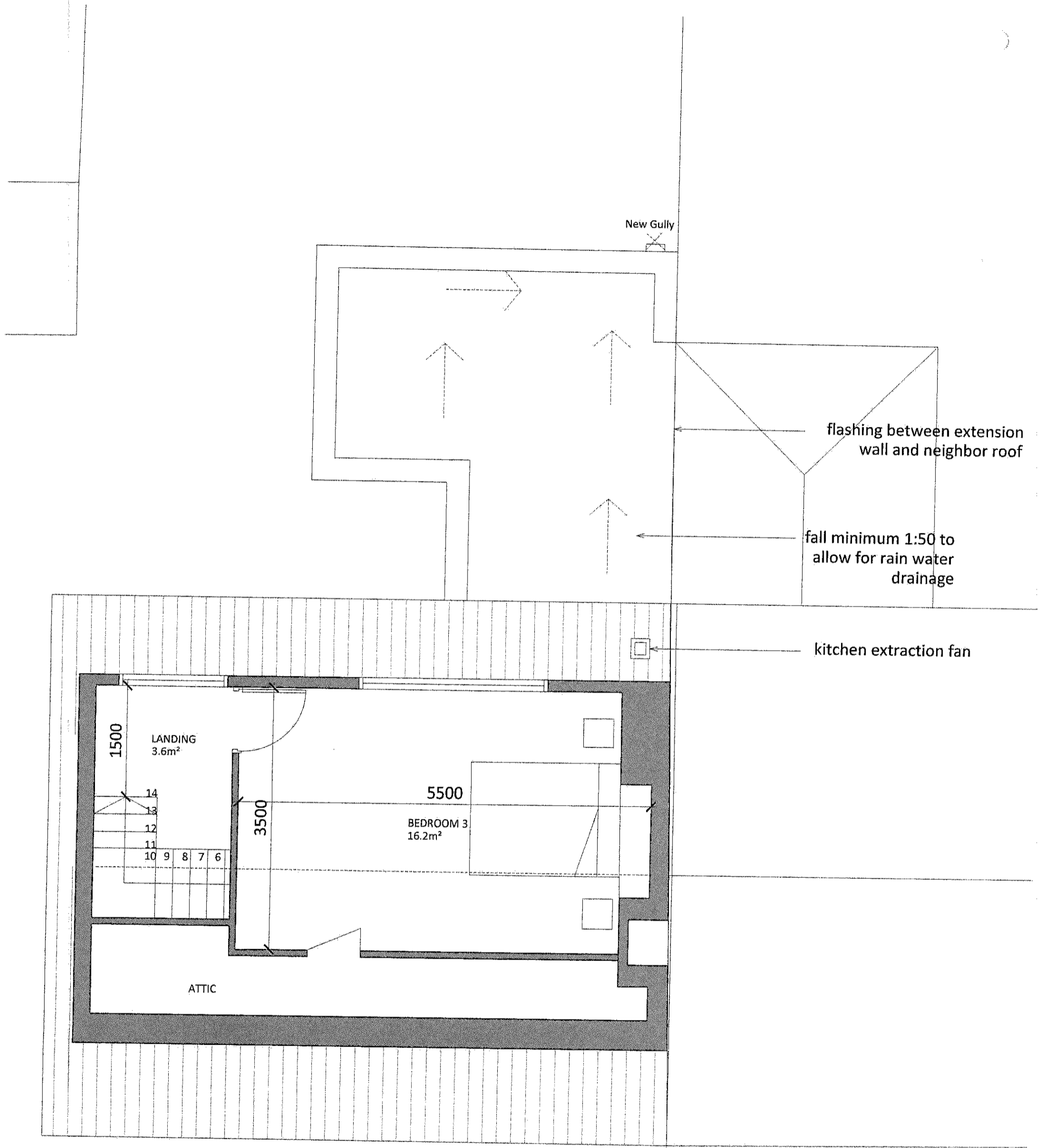
NORTH ELEVATION
1:50

Existing electrical cables on gable

Existing windows to be replaced

Existing side passage gate post

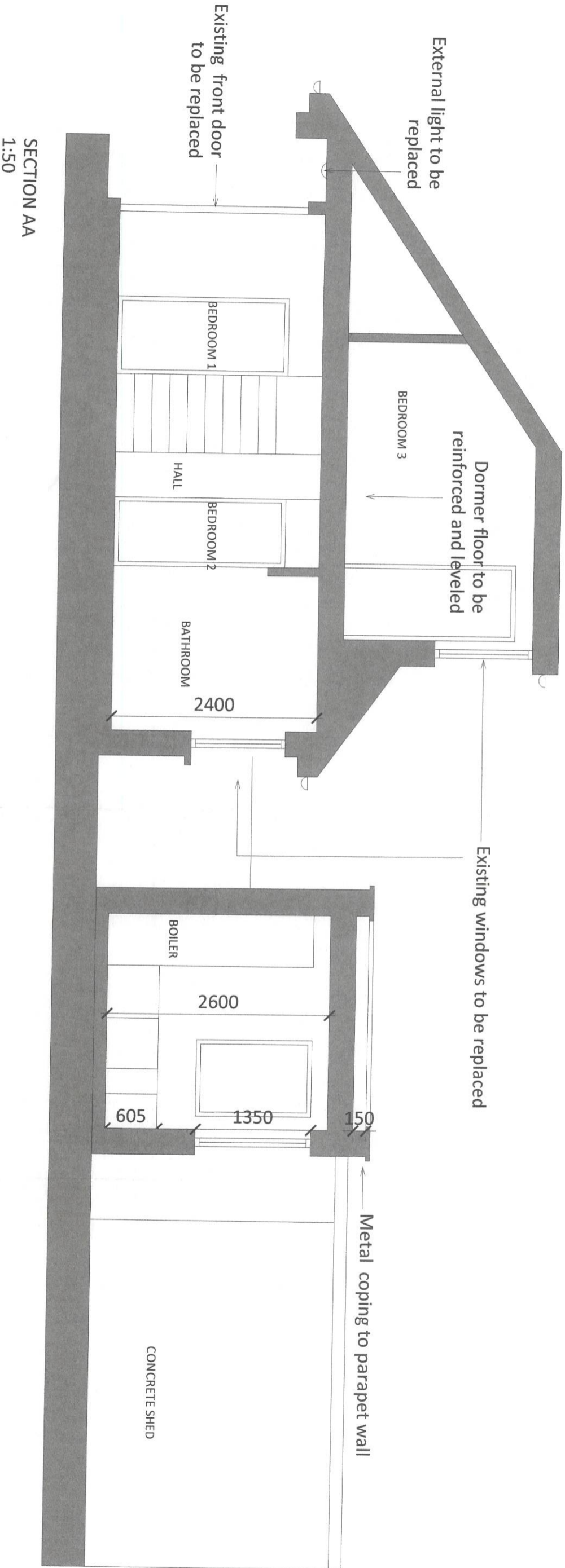
HOUSE RENOVATION & EXTENSION
29 NUNS WALK, POULADUFF ROAD
CORK CITY - MARCH 2022
DRAWING NUMBER: 2021-AW-HT-01-A-1001
A3 @ 1:50
NORTH & WEST ELEVATIONS



⊕ ROOF PLAN PROPOSED
24.4m²
1:50

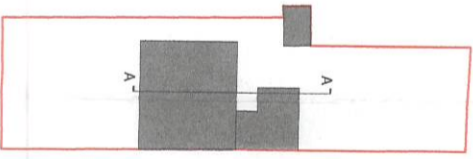
HOUSE RENOVATION & EXTENSION
29 NUNS WALK, POULADUFF ROAD
CORK CITY - MARCH 2022
DRAWING NUMBER: 2021-AW-HT-01-A-1006
A3 @ 1:50

ROOF PLAN PROPOSED



HOUSE RENOVATION & EXTENSION
 29 NUNS WALK, POULADUFF ROAD
 CORK CITY - MARCH 2022
 DRAWING NUMBER: 2021-AW-HT-01-A-1005
 A3 @ 1:50

SECTION AA



Warm roof 300mm :
 Bituminous membrane
 Plywood/OSB board
 Flat roof insulation
 Vapor control layer
 Plywood/OSB board
 Ceiling joists
 Skimmed plasterboards
 150mm Upstand

Metal coping to parapet wall

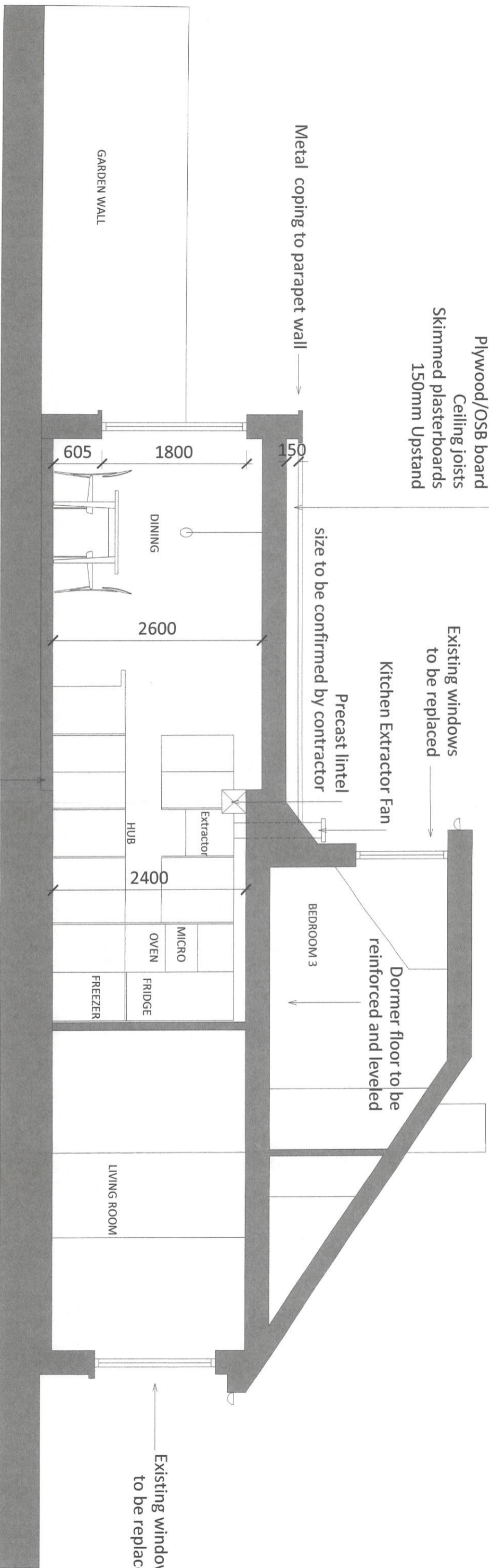
size to be confirmed by contractor
 Precast lintel

Existing windows
 to be replaced
 Kitchen Extractor Fan

Dormer floor to be
 reinforced and leveled

Existing windows
 to be replaced

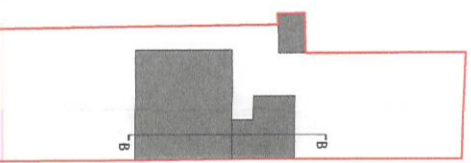
Existing floor to be leveled with
 extension floor

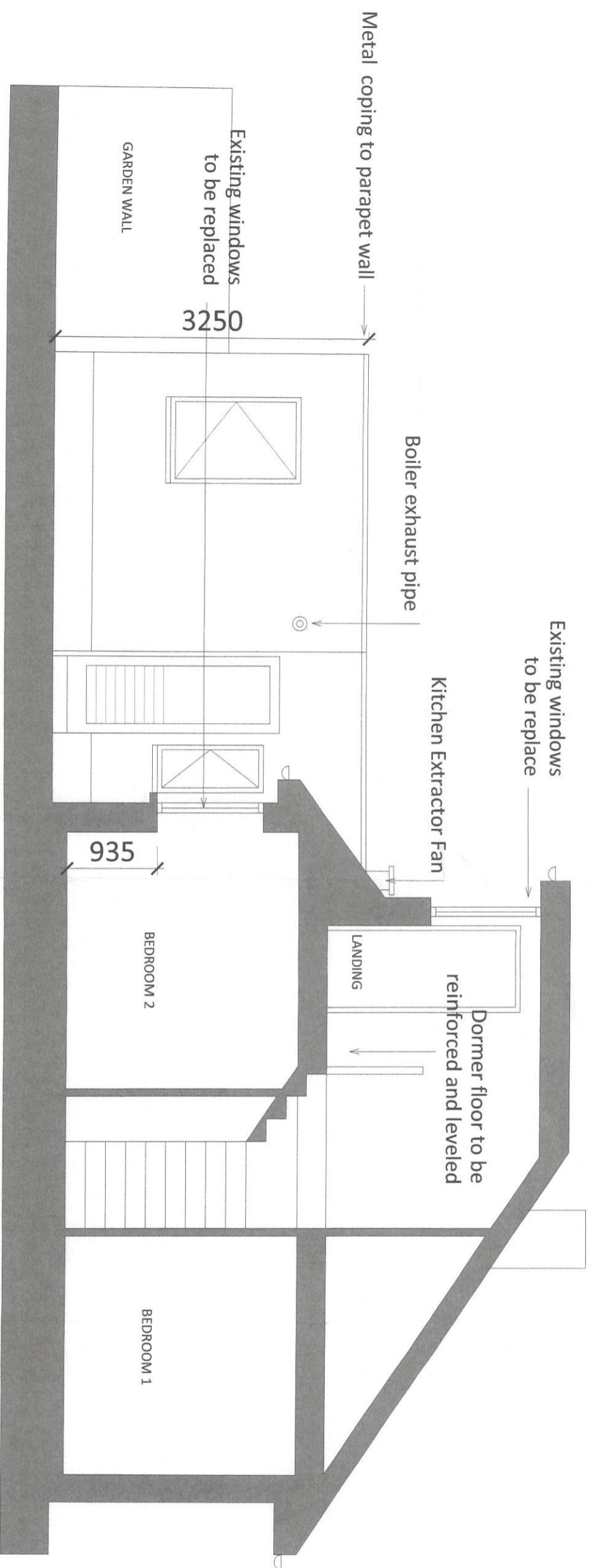


SECTION BB
 1:50

HOUSE RENOVATION & EXTENSION
 29 NUNS WALK, POULADUFF ROAD
 CORK CITY - MARCH 2022
 DRAWING NUMBER: 2021-AW-HT-01-A-1004
 A3 @ 1:50

SECTION BB

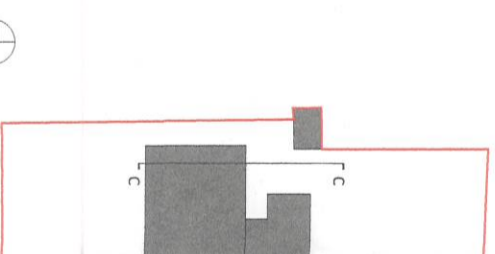


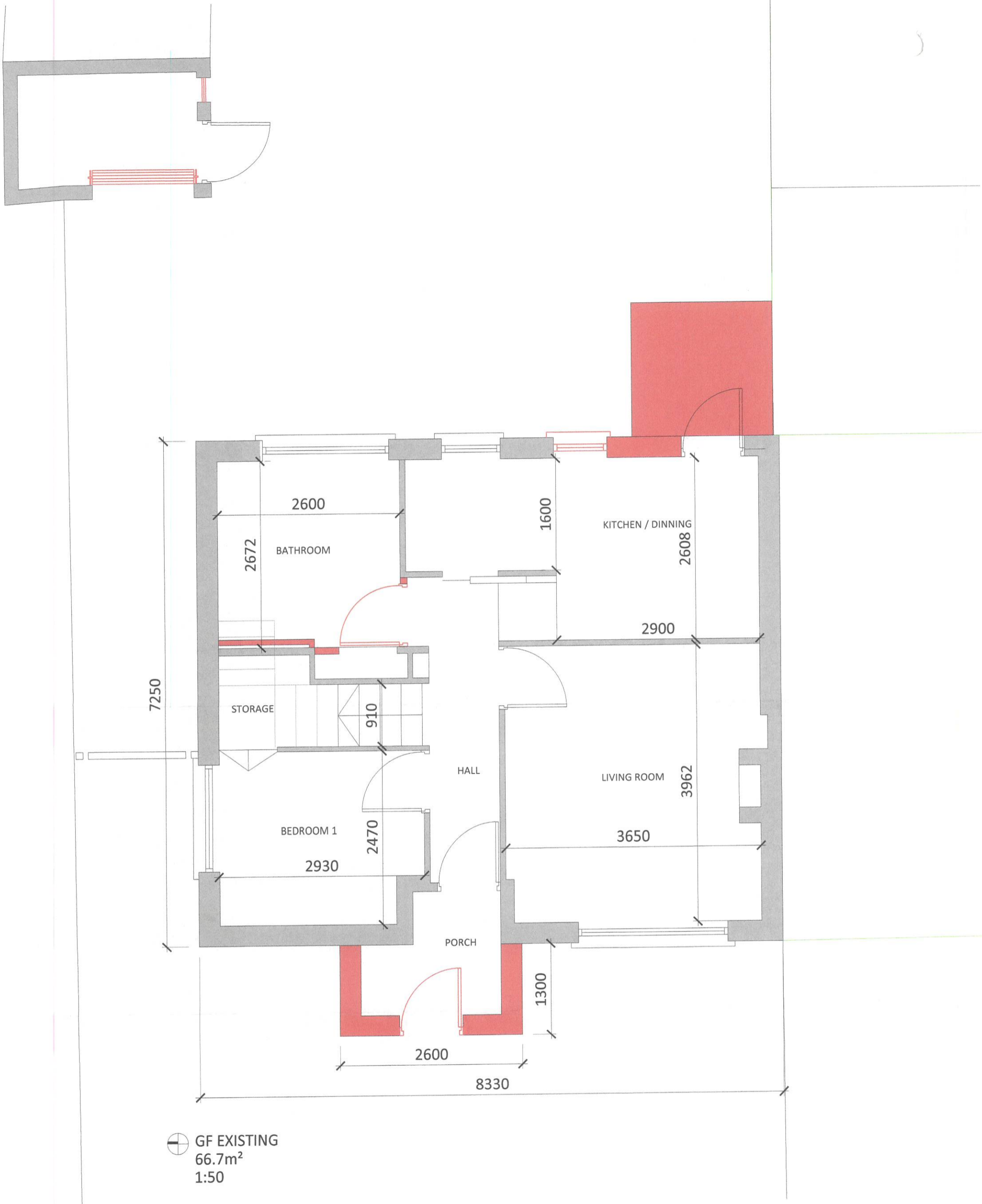


SECTION CC
1:50

HOUSE RENOVATION & EXTENSION
29 NUNS WALK, POULADUFF ROAD
CORK CITY - MARCH 2022
DRAWING NUMBER: 2021-AW-HT-01-A-1002
A3 @ 1:50

SECTION CC





HOUSE RENOVATION & EXTENSION
 29 NUNS WALK, POULADUFF ROAD
 CORK CITY - MARCH 2022
 DRAWING NUMBER: 2021-AW-HT-01-A-1008
 A3 @ 1:50

GROUND FLOOR PLAN EXISTING