

Comhairle Cathrach Chorcaí Cork City Council

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



05th July 2021

RE: R652/21—Section 5 Declaration Property: 33 Firgrove Lawn

Dear Sir/Madam,

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000;
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001;
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001;
- (d) Class 50 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001;
- (e) Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and
- (f) Further Information and revised details received on 03.06.2021 and 29.06.2021

The Planning Authority has concluded that -

- (a) the works constitute development which come within the scope of Section 3(1) of the Planning and Development Act 2000;
- (b) the demolition of the existing sun room comes within the scope of Class 50 of Part 1 of Schedule 2 to the Planning and Development Regulations and complies with the conditions and limitations attached to that Class;
- (c) the construction of a single storey extension to the rear comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations and complies with the conditions and limitations attached to that Class;
- (d) the alterations to the side constitute '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' as per Section 4 (1) (h) of the Planning and Development Act 2000 (as amended)

Therefore, the Planning Authority decides that -

- (a) the construction of a single storey extension to the rear of the dwelling is development and is exempted development and
- (b) the provision of a door in lieu of two windows to the side is development and is exempted development

We are Cork.

Hi Conor – just going through the revised drawings for 33 Firgrove – there seem to be a number of difference dimensions for the former garage area – 11.8 sq.m stated in total but the drawings show 5 + 7.3 sq.m. (12.3) and if measured manually seems to come out below this— (the en suite dimension for example seems to scale differently for me from the hard copy). Can you confirm that area as it needs to be added to the 22.2 of the new build. Also can you confirm that it is just the ensuite and bedroom that were the former garage as the 1982 planning application drawings, while they don't give an existing layout, may suggest the kitchen was formerly part of the garage in which case it may bring the total to just over the 40 sq.m. using the figures you supply. Can you also confirm the rear extension dimension is at 22.2 as the cumulative figures are quite tight. Any clarification on this would be useful. Evelyn

Evelyn Mitchell

A/Senior Planner

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

T: 021-492-4347 F: 021-492-4706

web: www.corkcity.ie

Kerry Bergin

From:	Evelyn Mitchell		
Sent:	02 July 2021 21:56		
To:	Kerry Bergin		
Subject:	Fw: 33 Firgrove Lawn		
Attachments:	OBH _ Section 5 App 210629 _ Rev A.pdf		
	Zer Zerstein er ipp Zirodzo z Nev Alpui		
Hi Kerry - part of the Section 5	file on 33 Firgrove Lawn as per my previous email- Evelyn		
From: Sent: Tuesday 29 June 2021 14:4 To: Evelyn Mitchell <evelyn_mitchell< td=""><td>3</td></evelyn_mitchell<>	3		
Subject: Re: 33 Firgrove Lawn			
Hi Evelyn,			
Apologies for the delay respondi	ng - i left a couple of VM's with you last week.		
Regarding your previous email and the points you raised, yes, you are correct - the area of the garage area is 12.3 sq.m the previous section 5 form had an incorrect figure. I have amended the form to the correct figure - please find attached. Apologies for the mistake.			
In terms of the proposed new are the external walls and should be existing is 22.2sq.m.	ea, it is measured as per the form - " Floor areas are measured from the inside of indicated in square meters (sq. M)" - so the figure of the additional floor area to the		
Regarding the former garage, yes of the original garage. This is supp	, to the best of my knowledge this is the correct original layout and measurement ported by the original drawings for the applications to 8, 11 and 22 Firgrove Lawn		
In terms of the cumulative area, v sq.m + 22.2sq.m) still falls quite a	vith the increased garage area of 12.3sq.m, the cumulative area of 34.5 sq.m (12.3 bit short of the 40 sq.m threshold.		
I hope the information above sufficiently responds to your queries - if you have any other questions, please don't hesitate to contact me on 085 867 8565.			
Thanks again for your assistance,			
Regards,			
Conor			
On Thu, Jun 17, 2021 at 9:17 AM I	Evelyn Mitchell < evelyn mitchell@corkcity.ie > wrote:		



29.05.2021 Planning Department, Cork City Council, City Hall. Anglesea Street, Cork

Comhairle Cathrach Chorcaí Cork City Council

0 3 - 06 - 2021

Strategic Planning & Economic Development Directorate

FAO: Kerry Bergin - Assistant Staff Officer RE:

R652/21 - Section 5 Declaration

Property – 33 Firgrove Lawn, Bishopstown, Cork, T12 XKV9

Ms. Bergin,

Thank you to the response to the Section 5 Declaration Application – Ref no: R652/21, dated 19th May. Please find a response to each point below:-

Point 01

"Please note that access to the site was unavailable on the date of inspection - please contact Ms. Evelyn Mitchell (SEP) on evelyn_mitchell@corkcity.ie with a view to arranging suitable date and time for same - Note the side gate should be left open for a specified time to allow for contactless inspection"

Response to Point 01 |

We received no notification of a date of inspection, either by post, phone or electronically. I will contact Ms. Evelyn Mitchell to organise a suitable date that the client can access the property, but in the meantime could all notifications or requests be directed to the above address please.

Point 02

" Please clarify/colour up the exact extent of the area located to the side of the house which was originally in use as a garage and confirm the area of same. Please clarify if known when this area was converted to domestic use."

Response to Point 02

The area of the original garage is 11.8 sq.m. – this has been outlined in the existing ground level plan - OBH _ PP _ 1000 Rev A - Please find attached.

The original date of the conversion of the garage to domestic use is unknown – there are no records related to the property on the councils online planning portal and previously discussions with the planning department have not found any paper records.

Point 03

"Please submit an accurate site layout plan to clearly show the dimension between the additional side window/door (if glazed) and the intervening party boundary and confirm the measurement is as available on site"

Response to Point 03 |

Please find attached Proposed ground level plan - OBH _ PP _ 2000 Rev A - with additional dimensions between the side window and boundary wall.

Please note that the any glazed panel on door will be obscured opaque glazing to eliminate any potential overlooking issues. The side window, located in the same location as the existing glass conservatory, is to be set at a high level to eliminate any potential overlooking issues. The measurement will be available onsite.

Point 04

"It is noted that the question posed to the Planning Authority did not make mention of the alterations proposed to the side (eastern) elevation - i.e. proposed brickwork and door in lieu of two windows and slight increase in roof height- If you wish these elements to be included in the question regarding exemption status of same please advise accordingly and submit a re-phrased question as per Q.2 of the application form"

Response to Point 04

Please find attached amended Section 5 declaration form with re-worded Q2 to include the side door in lieu of 2 windows.

To simplify the Section 5 declaration, please note that the existing cladding will be retained and the proposed brickwork will not be included in the application, and additionally the extension will retain the existing roofline and not be included in the application.

Point 05

"Please supply annotated floor plans of the existing and proposed house (all room's to be annotated). Please confirm the intended use of the house as a single dwelling unit"

Response to Point 05

Please find attached the existing ground first and floor level plans (OBH PP 1000 Rev / OBH PP 1010 Rev A) along with the proposed ground and first floor level plans (OBH PP 2000 Rev / OBH PP 1010 Rev A / OBH PP 2010 Rev A) with all rooms fully annotated.

I also confirm that the intended use of the house is as a single dwelling unit.

Point 06 |

"Please supply existing and proposed western elevation drawings."

Response to Point 06

Please find attached the amended Elevations Existing drawing – "OBH _ PP _ 3000 Rev A", and additional drawing Elevations – Proposed West , "OBH _ PP _ 4010", which provides existing and proposed western elevation drawings.

In support of the application and clarifications, we enclose the following documentation

- 1 no. copies of Section 5 Declaration Application Form with revised Q2
- 2 Drawing | OBH _ PP _ 1000 Rev A PLAN Existing LO
- 3 Drawing | OBH _ PP _ 1010 Rev A PLAN Existing L1
- 4 Drawing | OBH _ PP _ 2000 Rev A PLAN Proposed LO
- 5 Drawing | OBH _ PP _ 2010 Rev A PLAN Proposed L1
- 6 Drawing | OBH _ PP _ 3000 Rev A ELEVATIONS Existing
- 7 Drawing | OBH _ PP _ 4000 Rev A ELEVATIONS Proposed North, South, East + Section
- 8 Drawing | OBH _ PP _ 4010 Rev A ELEVATIONS Proposed West

We look forward to hearing from you in due course – should you have any queries please don't hesitate to contact me.

Yours Sincerely,

Conor Daly



Comhairle Cathrach Chorcaí Cork City Council

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



19th May 2021

RE: R652/21 – Section 5 Declaration Property: 33 Firgrove Lawn

Dear Sir/Madam,

With reference to your request for a section 5 Declaration at the above named property, I am advised to request further information

- 1. Please note that access to the site was unavailable on the date of inspection please contact Ms. Evelyn Mitchell (SEP) on evelyn_mitchell@corkcity.ie with a view to arranging suitable date and time for same Note the side gate should be left open for a specified time to allow for contactless inspection.
- 2. Please clarify/colour up the exact extent of the area located to the side of the house which was originally in use as a garage and confirm the area of same. Please clarify if known when this area was converted to domestic use.
- Please submit an accurate site layout plan to clearly show the dimension between the additional side window/door (if glazed) and the intervening party boundary and confirm the measurement is as available on site;
- 4. It is noted that the question posed to the Planning Authority did not make mention of the alterations proposed to the side (eastern) elevation i.e. proposed brickwork and door in lieu of two windows and slight increase in roof height– If you wish these elements to be included in the question regarding exemption status of same please advise accordingly and submit a re-phrased question as per Q.2 of the application form;
- 5. Please supply annotated floor plans of the existing and proposed house (all rooms to be annotated). Please confirm the intended use of the house as a single dwelling unit;
- Please supply existing and proposed western elevation drawings.



Yours faithfully,

Assistant Staff Officer Community, Culture and Placemaking 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

33 Firgrove Lawn, Bishopstown, Cork, T12 XKV9

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.

Does the construction of a single storey rear extension with a side-door in lieu of two windows, at No. 33 Firgrove Lawn, Bishopstown Cork quality as an exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

See attached OS Map, existing and proposed drawings of the dwelling

- -The extension to situated at the rear of the property with no side extension.
- The extension measures 22.2 sq.m and is a maximum of 2.9m in height.
- The extension does not reduce the area of private open space on the property to less than 25 sq.m. there is approx. 358 sq .m of open space retained.
- The garage has been previously been converted to habitable space which measures 11.8 sq.m. Date of the conversion is unknown.
- The intended use of the house is as a single dwelling unit

3. Are you aware of any enforcement proce If so please supply details:	Are you aware of any enforcement proceedings connected to this site? No No				
4. Is this a Protected Structure or within the	Is this a Protected Structure or within the curtilage of a Protected Structure? No				
If yes, has a Declaration under Section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested or issued for the property by the section 57 requested for 57 requested f	of the Pl he Planni	anning & Deve ng Authority?	elopment Act 2000 been		
5. Was there previous relevant planning application of the second of the	plication/	s on this site?	□ <u>No</u>		
6. APPLICATION DETAILS					
Answer the following if applicable. Note: Floor areas a should be indicated in square meters (sq. M)	re measure	ed from the insid	de of the external walls and		
(a) Floor area of existing/proposed structure	e/s	Area of Existing Structure - 148.2 sq.m Area of Proposed Structure - 22.2 sq.m			
(b) If a domestic extension, have any previous	ıs	Yes 🗸	No _		
extensions/structures been erected at th		If yes, please	provide floor areas. (sq m)		
location after 1 st October, 1964, (includin for which planning permission has been obtained)?	Conservatory to the rear measuring 7.5 sq.m which be demolished - date of construction unknown [See attached drawings for information]				
(c) If concerning a change of use of land and	/ or build	ing(s), please	state the following:		
		/existing use (
8. LEGAL INTEREST					
Please tick appropriate box to show applicant's	A Ow	nor	P. Othor		
legal interest in the land or structure	1	iiei	_b_Other _/		
Where legal interest is 'Other', please state	Agent				
your interest in the land/structure in question	, Berre				
If you are not the legal owner, please state the	Propert	v is for sale. Cur	rent legal owners are Cormes		
me and address of the owner if available Property is for sale. Current legal owners are Corma Collins / Vourneen Hennessy.					
9. I / We confirm that the information contained Signature:Conor Daly	d in the a	pplication is t	true and accurate:		
Date:08.04.2021					

CONTACT DETAILS

10. Applicant:

Name(s)	Rory O Brien
Address	Wegdwood, 39 Laburnum Park, Model Farm Road, T12 P93R

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

Name(s):	Conor Daly			
Address:		orden (1)		
Telephone:				
E-mail address:				75
Should all correspon (Please note that if the answe address)	idence be sent to the above address? r is 'No', all correspondence will be sent to the Applicant's	Yes	7	No 🗌

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.

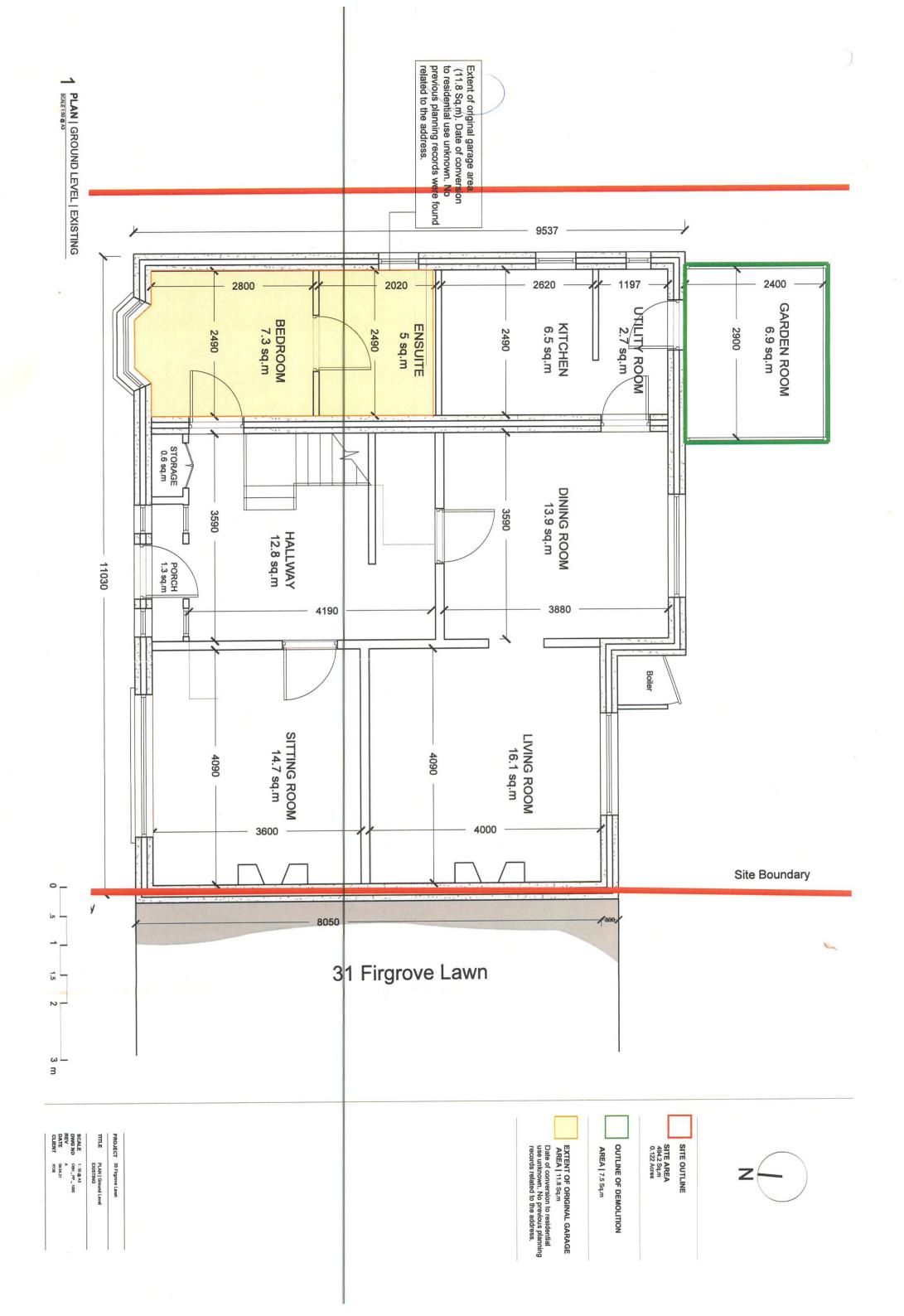
The application should be sent to the following address:

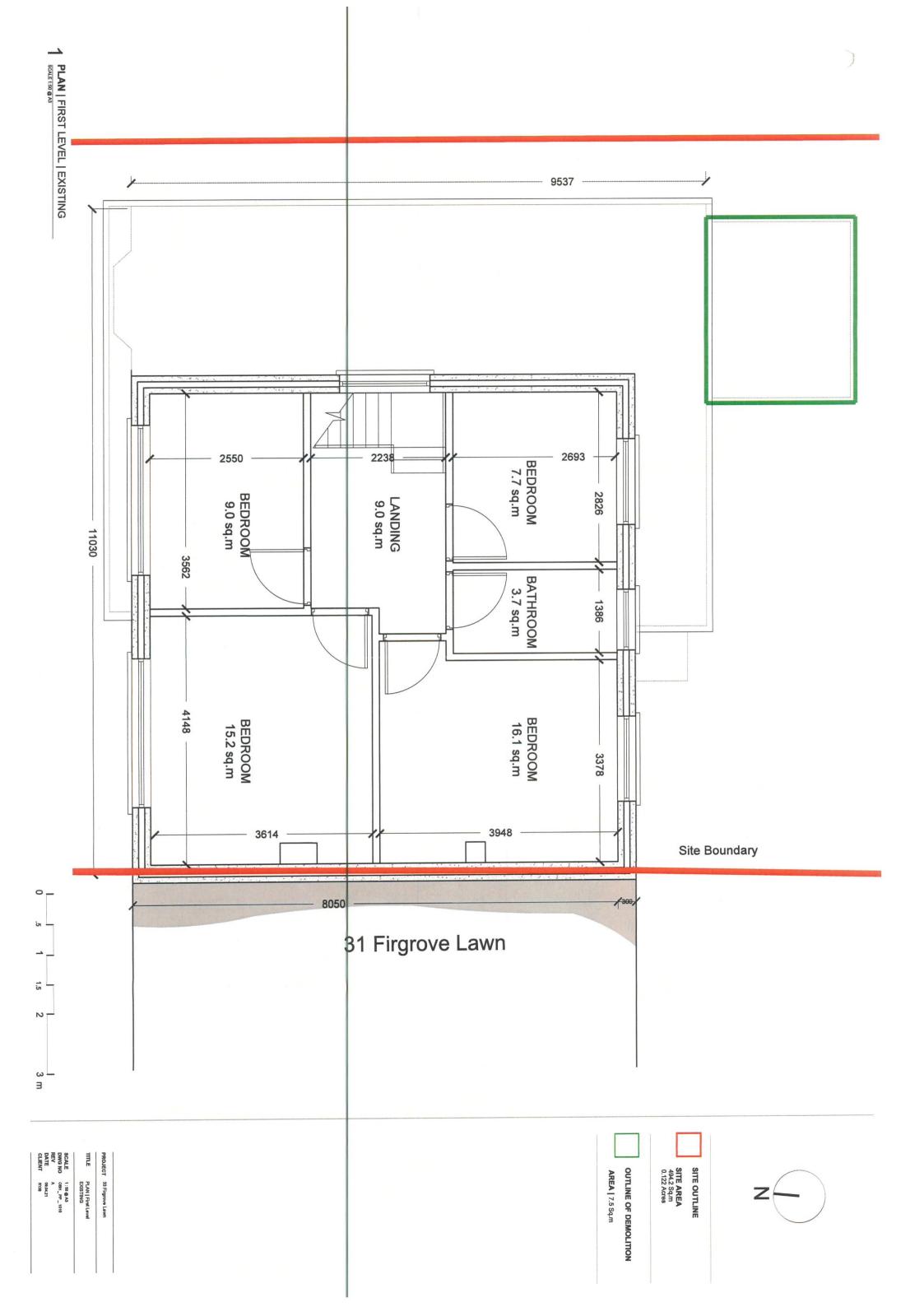
The Development Management Section, Community, Culture & Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

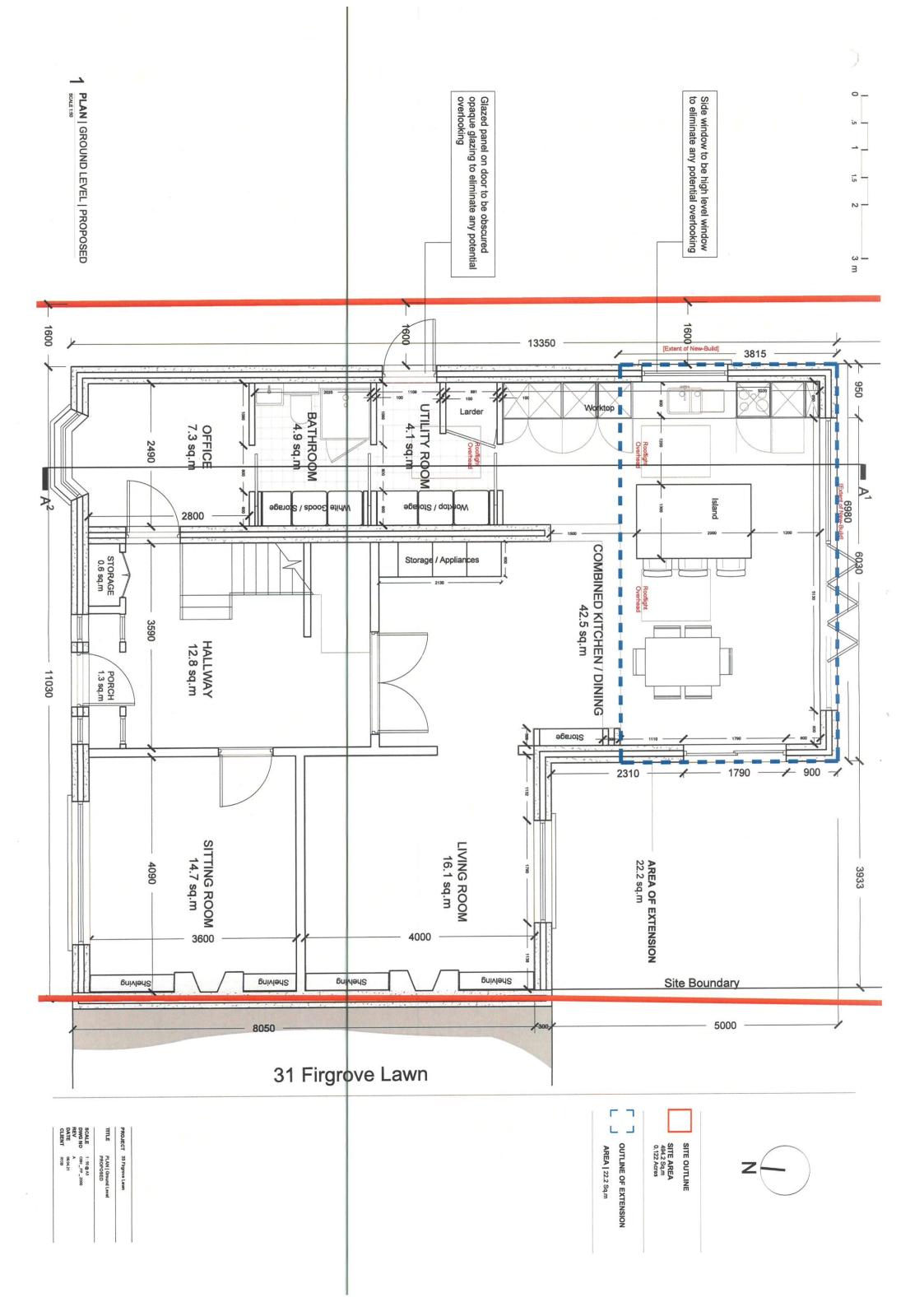
- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any 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.

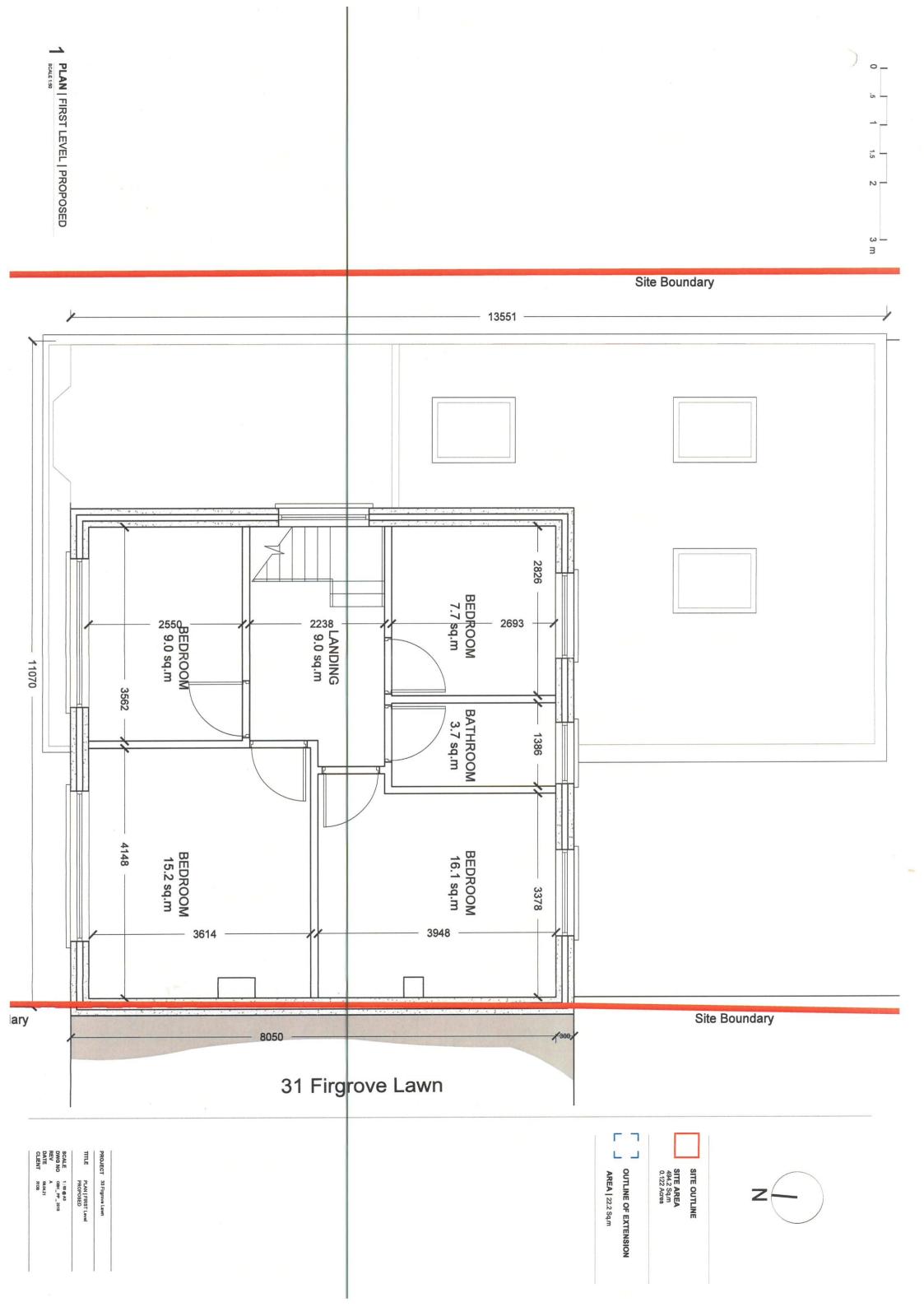
The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation 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.

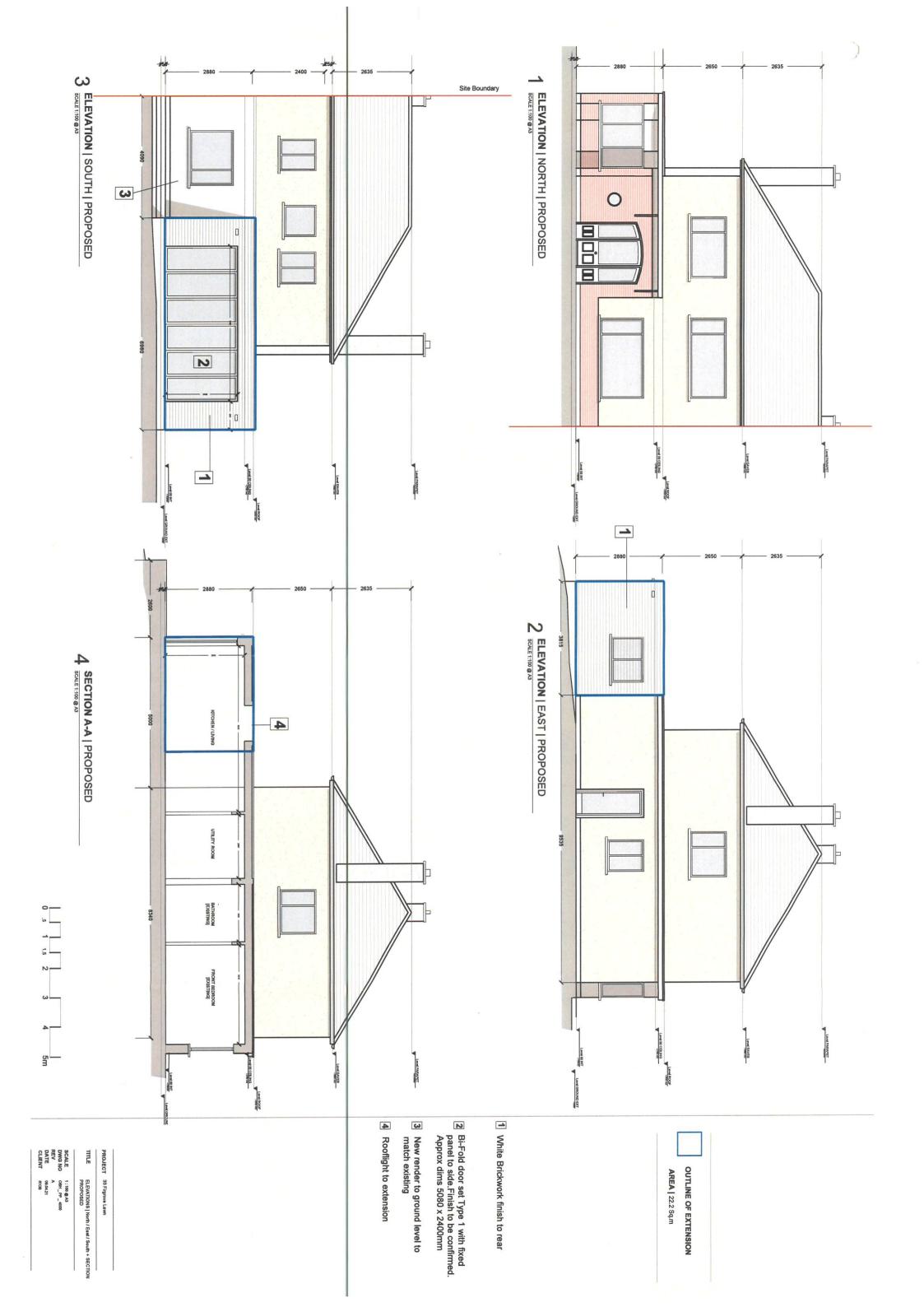












ELEVATION | WEST | PROPOSED

PROJECT 33 Figrove Lawn

TITLE ELEVATION | Versit
PROPOSED

SCALE 1: 100 g/A3

DWG NO CRI_P_4001

REV - ...
DATE 300421

CLIENT ROS

1 White Brickwork finish to rear

AREA | 22.2 Sq.m



09.04.2021
Planning Department,
Cork City Council,
City Hall.
Anglesea Street,
Cork

RE: Section 5 Declaration Application – 33 Firgrove Lawn, Bishopstown, Cork, T12 XKV9

To whom it may concern,

On behalf of Mr. Rory O' Brien, I wish to make a Section 5 Declaration application relating to the above property.

In support of our application, we enclose the following:

- 1 no. copies of Section 5 Declaration Application Form
- 2 1 no. copies of OS Location Map
- 3 1 no. copies of Architects drawings Existing & Proposed
- 4 Application fee, to the amount of €80, made payable to Cork City Council

We look forward to hearing from you in due course – should you have any queries please don't hesitate to contact me.

Yours Sincerely,

Conor Daly

Contracte Cathrach Chorcal Cork City Council

9-04-2021

Todic Planning & Economic

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

33 Firgrove Lawn, Bishopstown, Cork, T12 XKV9

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.

Does the construction of a single storey rear extension at No. 33 Firgrove Lawn, Bishopstown Cork quality as an exempted development?

The extension to situated at the rear of the property with no side extension.

The extension measures 22.2 sq.m and is a maximum of 3m in height.

The extension does not reduce the area of private open space on the property to less than 25 sq.m. - there is approx. 358 sq.m of open space retained.

The garage has been previously been converted to habitable space - which measures 11.8 sq.m

ADDITIONAL DETAILS REGARDING OUESTION/ WORKS/ DEVELOPMENT:
(Use additional sheets if required).
See attached OS Map, existing and proposed drawings of the dwelling

4.	Is this a Protected Structure or within the	curtilage	of a Prote	cted Structure? No
	If yes, has a Declaration under Section 57 or requested or issued for the property by the			
5.	Was there previous relevant planning application/s on this site? \square No If so please supply details:			
6.	APPLICATION DETAILS			
	the following if applicable. Note: Floor areas are note indicated in square meters (sq. M)	e measure	ed from the	inside of the external walls and
(a) Floor area of existing/proposed structure/	's	Area of Existing Structure - 148.2 sq.m Area of Proposed Structure - 22.2 sq.m	
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including for which planning permission has been obtained)?		S	Yes No Sirved No	
(c)) If concerning a change of use of land and /	or build	ling(s), plea	ase state the following:
	AL INTEREST			se (please circle)
Please	tick appropriate box to show applicant's	A OW	ner	B Other
	nterest in the land or structure	7 11 0 11	1101	
	e legal interest is 'Other', please state nterest in the land/structure in question	Agent		
If you are not the legal owner, please state the name and address of the owner if available		Property is for sale. Current legal owners are Corma Collins / Vourneen Hennessy.		
		l in the a	pplication	is true and accurate:

CONTACT DETAILS

10. Applicant:

Name(s)	Rory O Brien
Address	Wegdwood, 39 Laburnum Park, Model Farm Road, T12 P93R

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

Name(s):	Conor Daly
8 2	
Address:	
Telephone:	
E-mail address:	
	ence be sent to the above address? 'No', all correspondence will be sent to the Applicant's No No No No No No No No

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.





