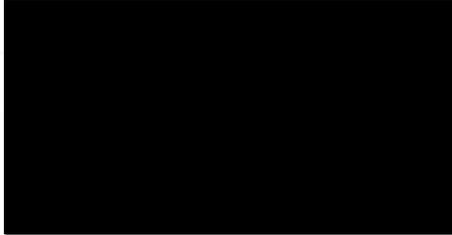




# Comhairle Cathrach Chorcaí Cork City Council

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



13/01/2026

RE: **Section 5 Declaration. R1010-25. 39 Halldene Avenue, Bishopstown, Cork. T12 YWH6**

A Chairde,

With reference to your request for a Section 5 Declaration at the above-named property, received on 10<sup>th</sup> of December 2025.

The Question before the Planning Authority was whether the construction of a structure / domestic shed for use incidental to the enjoyment of the main house in the rear garden at 39 Halldene Avenue, Bishopstown, Cork T12 YWH6 is or is not development and is or is not exempted development.

It is recommended that the applicant is advised as follows:

The Planning Authority, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000,
- (b) Classes 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (c) Article 9 of the Planning and Development Regulations, 2001, and
- (d) the documentation and drawings submitted by the owners in connection with this referral.



**We are Cork.**



# Comhairle Cathrach Chorcaí Cork City Council

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

The Planning Authority has concluded that the construction of the structure / domestic shed within the back garden and within the curtilage of the house constitutes works and therefore is development, and comes within the scope of the exempted development set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, including the conditions and limitations thereto.

The Planning Authority hereby decides that the said construction of a structure / domestic shed in the rear garden uses incidental to the enjoyment of the house, at 39 Halldene Avenue, Bishopstown, Cork T12 YWH6 **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Is mise le meas,

---

**Anthony Angelini**  
**Assistant Staff Officer**  
**Planning & Integrated Development**  
**Cork City Council**



**We are Cork.**

## Section 5 Declaration – Planner’s Report

File reference:	R10102.25
Description:	Whether the construction of a structure / domestic shed for use incidental to the enjoyment of the main house in the rear garden at 39 Halldene Avenue, Bishopstown, Cork T12 YWH6 is or is not development and is or is not exempted development.
Applicant:	Owen Flanagan and Catherine Flanagan
Location:	39 Halldene Avenue, Bishopstown, Cork T12 YWH6
Site inspection:	6 <sup>th</sup> January 2026
Decision due date:	16 <sup>th</sup> January 2026

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### 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 Description

The application site is located at 39 Halldene Avenue, Bishopstown, Cork, which is part of an established residential area. There is a two storey semi-detached house on the site. There are houses to the east, west and north.

On site inspection, it was observed that the structure is in place in the rear garden with internal works underway.

### 3. The Question before the Planning Authority

Whether the construction of a structure / domestic shed for use incidental to the enjoyment of the main house in the rear garden at 39 Halldene Avenue, Bishopstown, Cork T12 YWH6 is or is not development and is or is not exempted development.

### 4. Planning History

Application site:

TP 2216/69

182 houses, Halldene Estate

This may be the governing permission for the estate, there is no layout available to verify.

No conditions were attached to the grant of planning permission de-exempting exempted development under the planning legislation.

Nearby sites:

TP 4533/74

Extension to Halldene Estate – 87 houses (Halldene Gardens, Halldene Way, Halldene Grove)  
Similar to TP 2216/69 no conditions were attached to the grant of planning permission de-exempting exempted development under the planning legislation

1636826 – 37 Halldene Avenue

Permission to extend existing kitchen and front porch and to construct a bay window to the existing TV room at ground floor and to construct a first floor extension over the existing TV room, proposed extended porch, hall and proposed extended kitchen and to install a roof light to the front elevation of the dwelling

Grant conditional

1536335 – 45 Halldene Avenue

Construction of first floor and ground floor extensions and install rooflight to rear/side of existing semi-detached two storey dwelling along with all ancillary site works

Grant conditional

## 5. Planning Legislation

### Planning and Development Act, 2000 as amended

#### Section 2(1)

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

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and – (a) where the context so admits, includes the land on, in or under which the structure is situate

“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)

The following shall be exempted developments for the purposes of this Act –

(j) development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such;

#### 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—

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

Section 4(4)

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning and Development Regulations, 2001 as amended

Article 6(1) provides 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 2.

Part 1 (Classes 1 – 8) of Schedule 2 describes classes of development situated within the curtilage of a house which are exempted development, provided that such development complies with the conditions and limitations expressed at Column 2 for each class. Of relevance is Class 3.

Schedule 2	
<i>Article 6</i>	
Part 1	
Exempted Development – General	
Column 1 Description of Development	Column 2 Conditions and Limitations
Development within the curtilage of a house	
<p><b>CLASS 3</b> The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.</p>	<ol style="list-style-type: none"> <li>1. No such structure shall be constructed, erected or placed forward of the front wall of a house.</li> <li>2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.</li> <li>3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.</li> <li>4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.</li> <li>5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.</li> </ol>

	6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.
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Article 9(1) states that:

Development to which Article 6 relates shall not be exempted development for the purposes of the Act –

(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

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use

## 6. Assessment

### 6.1 Outline of Proposal

As set out in the application, the proposal is for the construction of a structure / domestic shed for use incidental to the enjoyment of the main house, in the rear garden of 39 Halldene Avenue, Bishopstown.

The documentation with the referral provides drawings, maps and the following information on the structure:

- Shed, located to the right rear of the garden behind the rear elevation
- Tools/equipment storage (garden tools, ladder, barbeque, house/car maintenance tools, outdoor furniture) occasional and incidental hobby space, non-habitable use, non-commercial use, non-industrial use, not for keeping of animals
- Use solely for purposes incidental to the enjoyment of the main house
- No other ancillary structure within the curtilage
- Remaining usable private open space is minimum total of 100 m<sup>2</sup>
- Shed will be entirely invisible from the road
- Finishes and colours will conform with the style of the house
- Standard pitch roof
- Height = 2.771m
- Size = 8.145m x 3.055m
- Area = 24.88m<sup>2</sup>
- No window within 3m of any boundary
- Similar garden sheds commonly found in the area

The structure is located parallel to the rear/north boundary of the site. The structure is in place, and works were underway to the interior during site inspection.

The floor plans show one room internally. On the south elevation there is a pedestrian door to the east side, double glazed door and glazing to the west side. On the west elevation there is glazing.

### 6.2 Development

The first issue for consideration is whether or not the matter at hand is ‘development’.

As noted above Section 3(1) of the Planning and Development Act 2000 as amended states that: ‘development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land.

The proposal is for the construction of a concrete base and the construction of a structure on the concrete base all within the curtilage of a house. The definition of ‘works’ includes ‘construction’.

Having regard to sections 2 and 3 of the Planning and Development Act 2000 as amended, I consider that the proposed structure constitutes ‘development’ within the meaning of the Act, being the carrying out of an act of construction on land.

I am therefore satisfied on the basis of the above that as the subject shed falls within the definition of ‘works’ it therefore constitutes ‘development’.

#### CONCLUSION — is development

##### *6.3 Exempted Development*

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

Development can be exempted from the requirement for planning permission by virtue of either Section 4 of the Planning and Development Act, 2000, as amended, or Article 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended.

Under Class 3 of Part 1 of the Planning and Development Regulations 2001, as amended, there is a planning exemption for the construction, or erection or placing within the curtilage of a house of a garage or other similar structure subject to conditions and limitations.

#### Class 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

I consider that the structure comes within the scope of Class 3 as it is within the curtilage of a house and is a similar structure to a store or shed. Each of the conditions and limitations are assessed below:

Conditions and Limitations	Assessment
1. No such structure shall be constructed, erected or placed forward of the front wall of a house.	The structure is not placed forward of the front wall of the house. It is in the rear garden, facing the rear elevation of the house.  This is satisfactory.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.	The total area of the structure is 24.88m <sup>2</sup> and there are no other such structures within the curtilage of the house.  This is satisfactory.

<p>3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.</p>	<p>As per the application, the remaining private usable open space at the side and rear will be a minimum of 100m<sup>2</sup>.</p> <p>There is a remaining area of private open space that is in excess of 25m<sup>2</sup> in area.</p> <p>This is satisfactory.</p>
<p>4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.</p>	<p>The proposed roof finish is 40mm Kingspan cladded roof, slate in colour and the external wall finish is 40mm horizontal rex composite panel grey in colour.</p> <p>As the structure is not placed to the side of the house, this is satisfactory.</p>
<p>5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.</p>	<p>As per the application, the height is 2.771 m. The roof is pitched and the maximum of the height of the structure would accord with this condition and limitation.</p> <p>This is satisfactory.</p>
<p>6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.</p>	<p>As per the application the use is not for human habitation. It is for storage of tools, equipment, hobby space and such uses are for purposes incidental to the enjoyment of the house.</p> <p>On this basis, I am satisfied that the proposal complies with Condition No. 6.</p> <p>This is satisfactory.</p>

The proposal comes within the scope of Class 3 and satisfies all conditions and limitations.

CONCLUSION — is exempted development

## 7. Restrictions on Exemption

Article 9(1)(a) provides that development to which Article 6 relates, shall not be exempted development, if the carrying out of such development would, inter alia... (i) contravene a condition attached to a permission under the Act and (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure.

As per TP 2216/69 permission was granted for 182 houses, Halldene Estate. There was no conditions attached de-exempting exempted development in the planning legislation.

The restrictions set out in Article 9 do not apply.

## 8. Environmental Assessment

The proposal comprises a small, detached structure built within the curtilage of a house for purposes incidental to the enjoyment of the house. Such structures are not of a Class of development listed under Part 1 or 2 (Schedule 5) of the Planning and Development Regulations 2001. As such, Environmental Impact Assessment does not apply in this case.

The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having considered the nature, scale, and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site. The reason for this conclusion is based on the nature and limited scale of the development, the location of the development within the curtilage of a dwelling, the lack of direct connection to designated sites. I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) is not required.

The provisions of Section 4(4) of the Planning and Development Act 2000 (as amended) are not relevant.

## 9. Recommendation

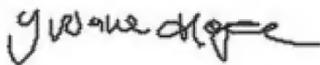
It is recommended that the applicant is advised as follows:

The Planning Authority, in considering this referral, had regard particularly to -

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000,
- (b) Classes 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (c) Article 9 of the Planning and Development Regulations, 2001, and
- (d) the documentation and drawings submitted by the owners in connection with this referral.

The Planning Authority has concluded that the construction of the structure / domestic shed within the back garden and within the curtilage of the house constitutes works and therefore is development, and comes within the scope of the exempted development set out under Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, including the conditions and limitations thereto.

The Planning Authority hereby decides that the said construction of a structure / domestic shed in the rear garden uses incidental to the enjoyment of the house, at 39 Halldene Avenue, Bishopstown, Cork T12 YWH6 is development and is exempted development.



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Yvonne Hogan, Executive Planner  
13<sup>th</sup> January 2026

I concur with the above recommendation.

*Evelyn Mitchell*

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Evelyn Mitchell, SEP. 13.01.2026

### Appendix 1 – Site inspection photographs



*Front/side and south/west elevation*



*Front/side elevation*

## **Section 5 Declaration Request Letter (Planning Exemption for Garden Shed)**

From: Owen and Catherine Flanagan  
39 Halldene Avenue, Bishopstown, Cork T12 YWH6

To: Planning Department  
Community, Culture & Placemaking Directorate, Cork City Council, City Hall, Anglesea Street

Date: 20/11/2025

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### **Request for a Declaration Under Section 5 of the Planning and Development Act 2000 (as amended) in Respect of a Proposed Domestic Garden Shed**

Dear Sir/Madam,

Pursuant to kind guidance from your office, we, Owen and Catherine Flanagan, being the owners and occupiers of the domestic dwelling property at 39 Halldene Avenue, Bishopstown, Cork T12 YWH6, hereby submit this formal request pursuant to Section 5 of the Planning and Development Act 2000 (as amended), seeking a Declaration from the Cork City Planning Department as to whether the proposed structure described herein constitutes development and/or exempted development within the meaning of said Act and the Planning and Development Regulations 2001–2023 (as amended).

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#### **1. Description of the Proposed Development**

The proposed works consist of the erection of a single-storey, detached domestic pitched-roof garden shed outbuilding within the curtilage of the existing dwellinghouse, wholly to the rear, and out of view from the front of property and from the road.

The salient specifications of the proposed structure are as follows:

- Use: Non-habitable ancillary shed outbuilding for storage and incidental use
- External Dimensions:
  - Length: 8.15 m
  - Width: 3.06 m
  - Height To Roof Ridge (maximum): 2.771 m
- Internal Floorspace: < 24 m<sup>2</sup>
- External Area: 24.88 m<sup>2</sup>
- Roof Type: Pitched

- Location on Site: To be positioned entirely to the rear of existing dwellinghouse in the back right corner of garden and out of sight from front of property and from the road.
- Existing Site Conditions: The subject property is not located within an Architectural Conservation Area, Special Amenity Area Order, or other designated protected zone to the best of our knowledge. No other ancillary freestanding structures exist on site. Similar garden sheds are commonly found in the rear of properties in the locale.
- Intended Use: Storage (garden tools, ladder, barbeque, house/car maintenance tools, outdoor furniture); occasional and incidental hobby use. No commercial, industrial, or habitable use whatsoever is planned or proposed.

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## 2. Basis for Exemption under Class 3, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)

It is our understanding that the proposed development may be considered exempted development, having regard to the criteria set out under Class 3, Part 1, Schedule 2 of the Regulations, which permit the construction of certain structures ancillary to a house, subject to compliance with the relevant conditions and limitations, including *inter alia*:

1. The total area of such structures within the curtilage of the house must not exceed 25 sq. metres.
2. The structure must not reduce the private open space to less than 25 sq. metres.
3. The height must not exceed 3 metres for a flat roof or 4 metres for a pitched roof.
4. The structure must be not forward of the front wall of the dwellinghouse.
5. The structure must be used solely for a purpose incidental to the enjoyment of the dwellinghouse.

Based on the foregoing, and subject to the Planning Department's assessment, it is our view that the proposed shed/outbuilding appears to comply with all applicable criteria for exemption for the relevant reasons below:

(a) It is to be located entirely within the curtilage of the house. The external dimensions of the shed are to be 8.145 m by 3.055 m, eliciting a floor area of less than 25 square metres (24.88 m<sup>2</sup>). (Note: there is no other existing freestanding shed, tent, awning, shade, greenhouse, garage, store, or other such similar structure constructed, erected or placed upon the curtilage of the property.)

(b) Its construction will not reduce the amount of private open space to the rear or side of the house to below 25 sq. m<sup>2</sup>; in fact, the remaining private open space at rear and side of property comprises no less than 100 m<sup>2</sup>.

(c) Its external wall and roof colourings will conform with those of the existing dwelling. Furthermore, any shed window shall be more than 3m from rear garden boundaries.

(d) Its proposed roof height is 2.771 m, which is well below the maximum height permitted for non-pitched roofs (3 metres) and for pitched roofs (4 metres).

(e) It is proposed to position it to the right rear of the dwelling and freestanding from the property, with no part of the structure placed at the side of the dwelling or forward of/beyond any wall of the dwelling including front, rear and side.

(e) It is not proposed to be used for human habitation or for the keeping of animals, and will be used solely for purposes incidental to the enjoyment of the main house.

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### 3. Documentation Submitted

For the purposes of clarity, the following supporting documentation is enclosed:

1. Site Location Map.
2. Photograph taken in the rear garden of property to illustrate the context and position of the proposed shed in the right of rear garden
3. Floor Plan Drawings of the proposed structure.
4. Photograph from the front road showing property frontage.

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### 4. Request

In accordance with Section 5 of the Planning and Development Act 2000 (as amended), we hereby request that the Planning Authority issue a written Declaration determining whether:

1. The proposed structure constitutes “development” within the meaning of the Act; and
2. If so, whether such development is exempted development pursuant to Class 3 of Schedule 2, Part 1 of the Planning and Development Regulations 2001–2023.

Payment of the prescribed fee of €80 is included with this application.

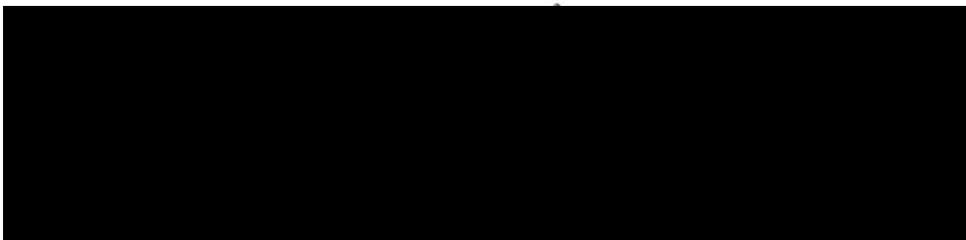
We trust that the enclosed documentation and form is in order.

Should any further information, drawings, or clarification be required, we will be pleased to furnish same without delay.

Thank you for your consideration of this request.

Yours faithfully,

Owen and Catherine Flanagan



**COMHAIRLE CATHRACH CHORCAÍ**  
**CORK CITY COUNCIL**

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

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)

Fón/Tel: 021-4924029

Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

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

**1. NAME OF PERSON MAKING THE REQUEST**

Owen and Catherine Flanagan

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

39 Halldene Avenue, Bishopstown, Cork T12 YWH6

**3. 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 IN THE BACK OF THE REAR GARDEN OF THE ABOVE LOCATION OF A 24 SQUARE METRE STANDARD PITCHED-ROOF DOMESTIC SHED FOR USE INCIDENTAL TO THE ENJOYMENT OF THE MAIN HOUSE CONSIDERED DEVELOPMENT, AND, IF SO, IS IT EXEMPTED DEVELOPMENT?

**CORK CITY COUNCIL**  
**PLANNING & DEVELOPMENT**

11 DEC 2025

**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**

\* PLEASE SEE ADDITIONAL SUPPORTING DOCUMENTATION. \*

- THE SHED IS TO BE LOCATED IN THE RIGHT REAR OF THE GARDEN BEHIND THE REAR ELEVATION OF THE MAIN HOUSE.
- IT IS TO BE A TOOLS/EQUIPMENT STORAGE AND HOBBY SPACE FOR NON-HABITABLE/NON-COMMERCIAL USE.
- THERE IS NO OTHER SUCH ANCILLARY STRUCTURE WITHIN THE DWELLING'S CURTILAGE.
- THE REMAINING PRIVATE USABLE OPEN SPACE AT THE SIDE AND IN THE REAR OF PROPERTY WILL BE A MINIMUM TOTAL OF 100 SQUARE METRES.
- THE PROPOSED SHED IS TO BE ENTIRELY INVISIBLE FROM THE ROAD.
- FINISHES AND COLOURS WILL CONFORM WITH THE STYLE OF THE HOUSE.
- THE HEIGHT OF THE PROPOSED PITCHED ROOF IS 2.771 METRES; (< PERMITTED 4 METRES).
- THE EXTERNAL SIZE IS PROPOSED TO BE:  
8.145 METRES X  
3.055 METRES; (< PERMITTED 25 SQUARE METRES).
- NO WINDOW IS TO BE WITHIN 3 METRES OF ANY SIDE BOUNDARY.
- SIMILAR GARDEN SHEDS ARE COMMONLY FOUND IN THE LOCALE, LOCAL AREA AND ACROSS BISHOPSTOWN.

**DEVELOPMENT MANAGEMENT**

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

*If so please supply details:*

No (N/A)

5. 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?

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

*If so please supply details:*

No

**7. 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 <del>existing</del> /proposed structure/s	Internally < 24 square metres Externally = 8.145m x 3.055m
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) <u>N/A (Freestanding shed is proposed)</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)
N/A	N/A

**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 of the owner if available		

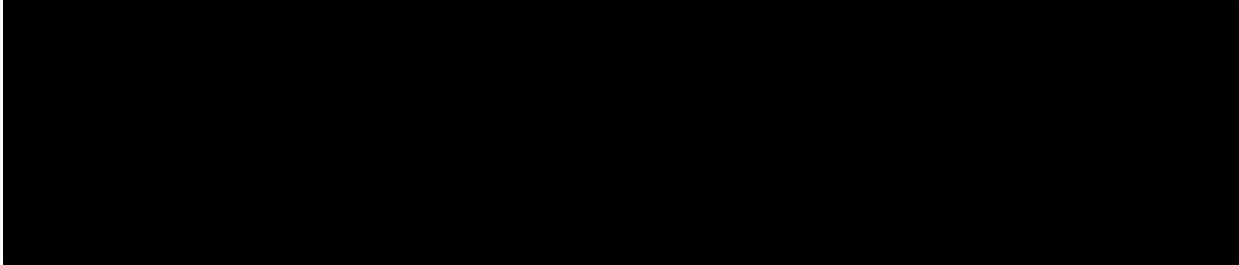
8.17 We confirm that the information contained in the application is true and accurate:



**CONFIDENTIAL CONTACT DETAILS**

These details will not be made available to the public.

**9. Applicant:**



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

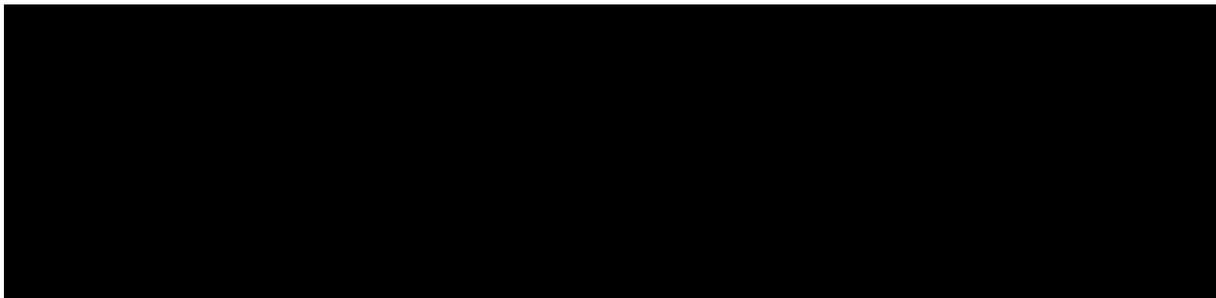
<b>Name(s):</b>	N/A
<b>Address:</b>	
<b>Telephone:</b>	
<b>E-mail address:</b>	
<b>Should all correspondence be sent to the above address?</b> (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input type="checkbox"/> No <input type="checkbox"/>

**11. Owner Details (if the applicant above is not the legal owner):**

<b>Name(s)</b>	
<b>Address</b>	

**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.



BARDAS CHORCAI – CORK CORPORATION  
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS 1963

NOTIFICATION OF A GRANT OF  
~~XXXXXXXXXXXXXXXXXXXX~~ / PERMISSION / ~~XXXXXXXXXXXX~~ APPROVAL

UNDER SECTION 26 OF THE ACT

Mr. Ml. O'Halloran,  
c/o J. J. McCarthy, B.E.,  
To : \_\_\_\_\_ Reg No. T.P. \_\_\_\_\_ 2216/69  
17, South Mall, \_\_\_\_\_  
\_\_\_\_\_ Application Received : \_\_\_\_\_ 28/10/69  
Cork \_\_\_\_\_

APPLICATION BY \_\_\_\_\_ Ml. O'Halloran, c/o  
J. J. McCarthy, B.E.  
OF \_\_\_\_\_ 17, South Mall, Cork

FOR :—

~~XXXXXXXXXXXXXXXXXXXX~~ / PERMISSION / ~~XXXXXXXXXXXX~~ APPROVAL  
Erection of 182 Houses

FOR \_\_\_\_\_  
AT \_\_\_\_\_ Halldene Estate, Curraheen Road, Cork

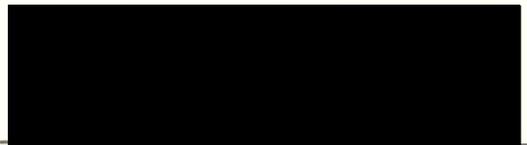
Further to notification of decision to grant dated \_\_\_\_\_ 19/2/70

the Cork Corporation hereby conveys a grant of

~~XXXXXXXXXXXXXXXXXXXX~~ / PERMISSION / ~~XXXXXXXXXXXX~~ APPROVAL

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

Signed on behalf of the Corporation of Cork



Staff officer, Planning Department

Date : 10/4/70



## SCHEDULE

Column 1 — Conditions

Column 2 — Reasons for Conditions

- | Column 1 — Conditions   | Column 2 — Reasons for Conditions  |
|---|--|
| <p>1. The applicant before embarking on any part of the development, by virtue of a grant of permission issued in pursuance of this decision to grant permission, is to enter into a covenant and bond with one independent surety for the completion of the necessary services of roads, footpaths, drains, open spaces, public lighting and other work incidental thereto to the standard specification in the schedule of minimum requirements which has been prepared by the City Engineer, or alternatively, the specification which has been agreed between the City Engineer and the applicant, and maintenance in manner similar to the manner in which the like services are maintained by the Corporation until such time as their being taken in charge by the Corporation. (Schedule of minimum requirements for development works attached).</p> | <p>To ensure satisfactory completion of the proposed development. (Section 20 S.S.2e of the Local Government (Planning &amp; Development) Act, 1903.</p> |
| <p>2. (a) that work on and concerning only 45 houses out of the total of 142 houses be proceeded with pending final completion of the south west sewer relief scheme. The houses referred to are Nos. 2, 4, 6, 8, 10 and 12 Halldene Avenue; 1, 3, 5, 7, 9, 11, 13, 15, 17, 19 and 21 Halldene Villas and Nos. 1-29 Halldene Drive inclusive.</p>   | <p>It is hoped (but cannot be guaranteed) to be able to accept drainage from at most 41 houses at end of this year.</p>                                  |
| <p>(b) that none of the 41 houses mentioned in (a) above be occupied until sewerage facilities for them have become available and connection of houses thereto are authorized by Corporation.</p>   | <p>To ensure that none of the houses will be occupied until sewerage from them can be taken to public sewer.</p>   |
| <p>(c) that applicant shall give an undertaking in writing to Corporation that (b) above shall be strictly complied with.</p>   | <p>Ditto.</p>  |
| <p>3. (a) that houses 3, 5, 7 and 9 be set back at least 15'0" from building line of Halldene Drive.</p>  | <p>To preserve visual amenity.</p>   |
| <p>(b) that layout of the estate generally be revised in order to eliminate the long lines of houses in Halldene Avenue and Halldene Drive in accordance with a revised layout plan to be approved by Corporation.</p>  | <p>Ditto.</p>  |
| <p>(c) that at least two different house-types be used and that this second house-type shall be of a visually</p>   | <p>Ditto.</p>  |

Column 1 - Conditions

Column 2 - Reasons for Conditions

4. (a) That E.S.B. be consulted regarding location of houses 66,68,70,72,74,76, 78,80,82,84 and 86 in relation to 38 K.V. overhead line and also regarding diversion of 10 K.V. lines.

It would appear that these houses are too close to the overhead 38 K.V. lines.

(b) If change in layout becomes necessary due to E.S.B. requirements the revised layout must be submitted to and approved by Corporation before work in connection with the balance of the 182 houses is commenced.

To ensure orderly development of the area.

5. (a) That road name plates (to be supplied by Corporation) shall be erected by applicant in positions to be approved by Corporation.

To ensure easy identification of roads, etc.

(b) That applicant shall pay a charge of \$5 each for above mentioned name plates to Corporation.

6. That the developer make a contribution of \$7,087 towards the expenditure which will be incurred by the Corporation in respect of work facilitating the proposed development, that is erection of 182 houses at Malldene Estate, Curraheen Road which said payment will be made on the following terms:-

This area was included in the south west drainage proposals to accommodate development with a consequent increase in cost and the development charge is necessary to recoup this. The Corporation is empowered to require this contribution by Section 26, Sub-Section 2 (L)(i)(ii) and (iii) of the Local Government (Planning & Development) Act, 1903.

(a) The contribution will be paid in one instalment of £3,543.10.0 at commencement of the development, the second instalment of £3,543.10.0d. twelve months after commencement.

(b) Where the works to be carried out by the Corporation as aforesaid have not been commenced within seven years from the date of completion of the development, then the said contribution shall be refunded by the Corporation to the developer or any instalment of said contribution paid by the developer up to that date shall be refunded to him.

(c) Where the works to be carried out by the Corporation as aforesaid have within the period of seven years from the date of completion of the development, been carried out in part only or in such manner as to facilitate the development to a lesser extent, a proportionate part of the contribution or any instalment thereof paid during that period, as may be determined

(d) The Corporation shall pay interest annually to the developer at the rate of 6% per annum on any part of said contribution or instalments remaining unexpended at the expiration of a period of seven years from the date of completion of the development, which said interest shall be payable on the said monies so long as and in so far as they are retained unexpended by the Corporation.

7. That a 6 ft. wide concrete footpath be provided on the northern side of the open space at Maldene Avenue.

8. Revised public lighting layout must be submitted following consultation with E.S.B. Lighting Consultant.

9. Revised drainage proposals must be submitted providing for following:

Storm Sewers

(a) Reduced manhole spacing in the sections CI to DI and G to F.

Foul Sewers

(b) Reduced manhole spacing in the sections 6 to 7.

(c) Adequate gradient between manhole 20 and manhole 21.

(d) Details of connection of the Maldene Avenue sewer to the proposed manhole on the new south west suburbs foul sewer.

10. That nothing in this permission shall imply approval of any development including drainage in the area marked "Future Development" in the layout Drawing No. M.O.H/C2/2.

11. That all E.S.B. and Post Office cables shall be laid underground only and that developer make necessary arrangements with the proper authorities at an early stage in development.

12. That front fences if any adjoining public roads shall not exceed 2'0" in height.

Amenity and pedestrian safety.

The public lighting layout submitted is not satisfactory. Lantern spacing is inadequate. Maximum spacing should be 40 metres on straights. Junctions in particular are inadequately catered for and there appears to be no provision for lighting the Folia Boreen frontage. A lighting scheme to C.P. 1004 Standard B.I. using 125 M.B.I. Mercury Discharge lanterns should be submitted.

As shown spacing is excessive.

Ditto.

As shown gradient is inadequate.

This information has not yet been submitted.

To ensure orderly development of the area. Development of this 'future' area should be deferred until the completion of the Twopot river section of interceptor sewer.

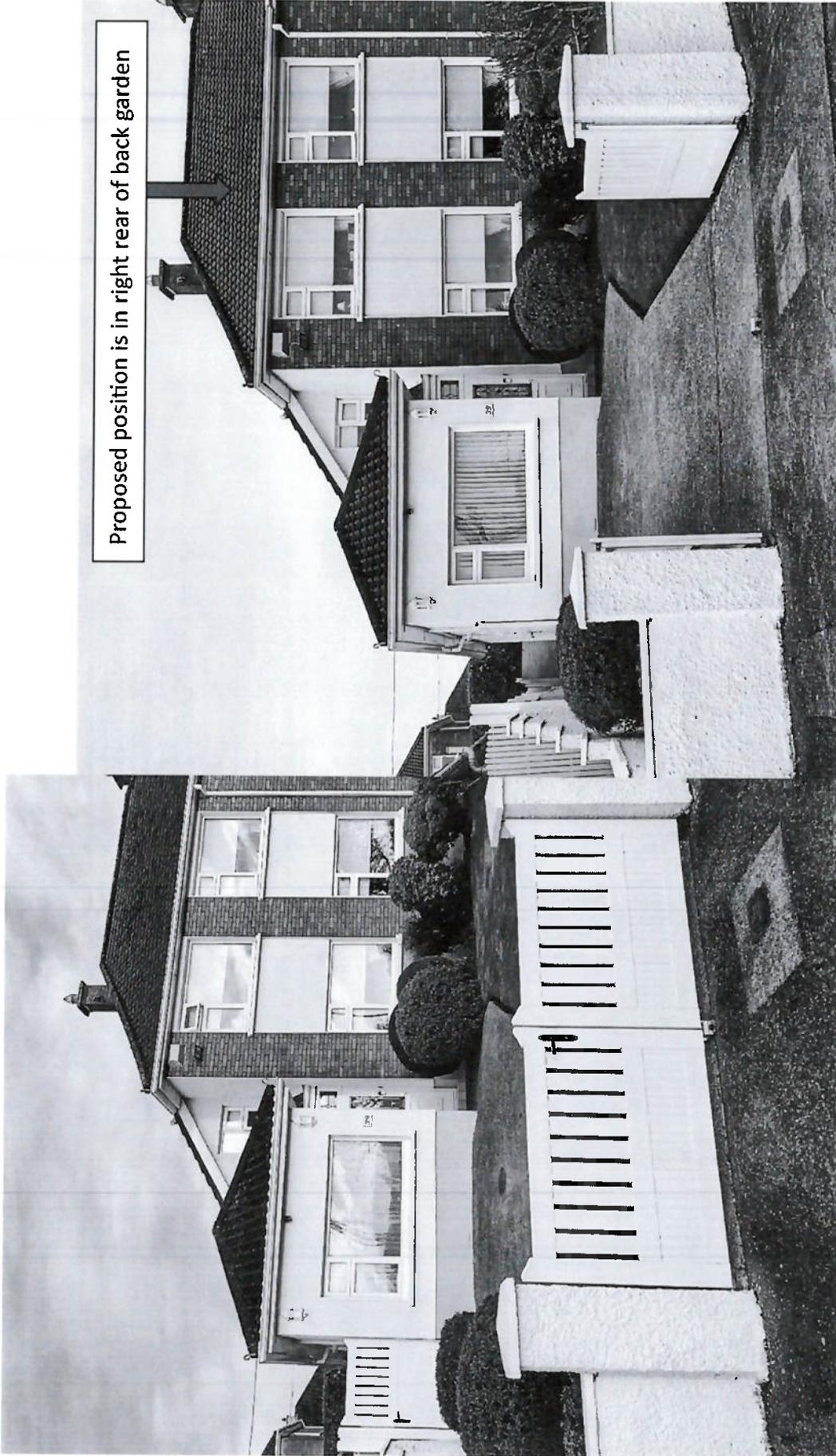
Visual amenity.

Visual amenity.

NOTE 1: Any appeal against a decision of a planning authority under section 26 of the Act of 1963 may be made to the Minister for Local Government.

The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision.

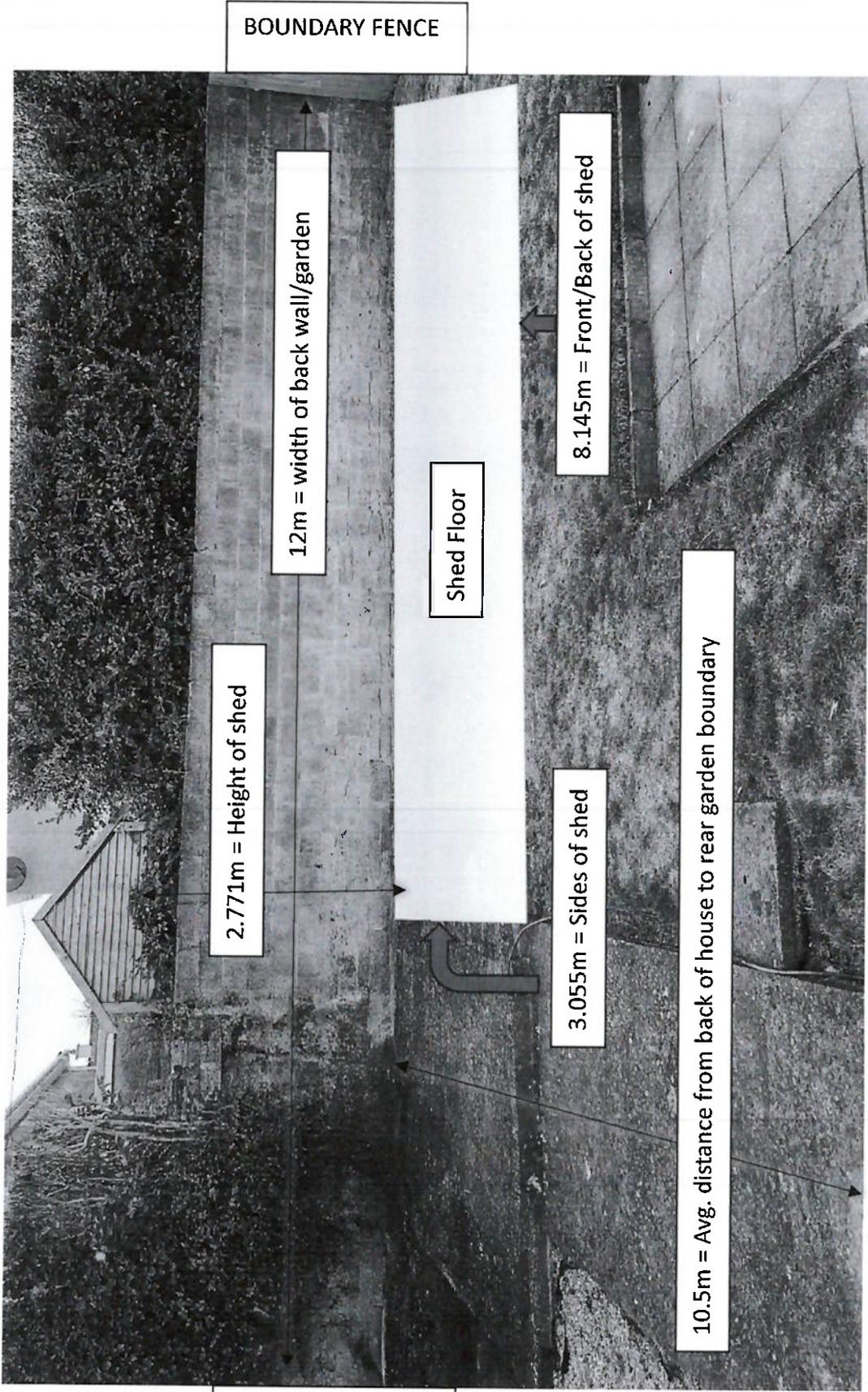
Appeals should be addressed to the Secretary, Department of Local Government (Planning Appeals Section), Custom House, Dublin 1. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person the name of the



Proposed position is in right rear of back garden

PHOTO SHOWING FRONT OF T12YWH6

PHOTO TAKEN FROM SOUTH OF PROPERTY, PROPOSED SHED IS ON THE NORTH SIDE



BOUNDARY FENCE

2.771m = Height of shed

12m = width of back wall/garden

Shed Floor

3.055m = Sides of shed

8.145m = Front/Back of shed

10.5m = Avg. distance from back of house to rear garden boundary

REAR GARDEN AT T12YWH6

VIEW FROM SOUTH (EXISTING GARDEN SHED VISIBLE IN PHOTO IS IN REAR OF GARDEN OF HOUSE ON THE NORTH SIDE)





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www.countryclean.co



**Property Details**

Back

Folio Number	CK12255F
Title Level	Freehold
Plan Number	121
Property Number	1
Area of selected plots	Not available.
Number of Plans on this folio:	1
Address	Kaureel, 39 Healdene Avenue, Bishoptown, Cork, T12 YRH6

Add to Basket    Create Alert

\*Title E-realm Registration Boundaries and Plan Area are not conclusive. See Section 62.2.2 of Registration of Title Act 2006 and Rules 6.2.1 of the Land Registration Rules 2002.

View Basket    Print Current View    Help



Scale

+

0 100 200 300 400 500 600 700 800 900 1000

0

XY: 563338, 559176  
 Scale: 1:1000  
 Townland: Not available  
 Barony: Not available  
 County: Cork

NORTH

Folio: CK12255F

This map should be read in conjunction with the folio.

Tailte Éireann (TÉ) Registration mapping is based on TĒ Surveying mapping. Where TĒ Registration maps are printed at a scale that is larger than the TĒ Surveying scale, accuracy is limited to that of the TĒ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TĒ Registration maps, see [www.tailte.ie](http://www.tailte.ie).

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit



A full list of burdens and their symbology can be found at: [www.landirect.ie](http://www.landirect.ie)

Tailte Éireann Registration operates a non-conclusive boundary system. The TĒ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TĒ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.



563440 mE, 569410 mN



Halldene Drive

Halldene Lawn

Halldene Avenue

Halldene Avenue

- 35, 33, 31, 29, 27, 25, 23, 21, 19, 17, 15, 13, 11, 9, 7, 5, 3, 2
- 36, 34, 32, 30, 28, 26, 24, 22, 20, 18, 16, 14, 12, 10, 8
- 47, 45, 43, 41, 39, 37, 35, 33, 31, 29, 27, 25
- 4, 6, 8, 10
- 37, 39

