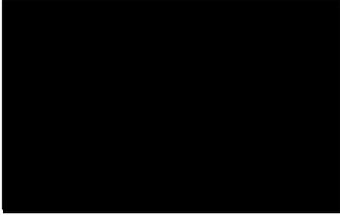




# Comhairle Cathrach Chorcaí Cork City Council

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



12/11/2025

**RE: Section 5 Declaration R993/25 12 Marble Hall Park, Ballinlough, Cork. T12F3P9**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 6<sup>th</sup> of October 2025.

The Question before the Planning Authority was "*is the proposed alteration of an existing garage to the side of a house for the purpose of converting it to a bedroom considered 'development' and if so, is it exempted development?*".

Having regard to —

- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and 10 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

the proposed alteration of an existing garage to the side of a house for the purpose of converting it to a bedroom at 12 Marble Hall Park, Ballinlough, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Is mise le meas,

*Anthony Angelini*

---

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



**We are Cork.**

Application type	<b>SECTION 5 DECLARATION</b>
Question	<i>Is the proposed alteration of an existing garage to the side of a house for the purpose of converting it to a bedroom considered 'development' and if so is it exempted development.</i>
Location	12 Marble Hall Park, Ballinlough, Cork
Applicant	Stephen Doyle (Owner)
Date	24/02/2026
<b>Recommendation</b>	<b>Is development and is exempted development</b>

#### INTERPRETATION

In this report '*the Act*' means the Planning and Development Act, 2000 as amended and '*the Regulations*' means the Planning and Development Regulations, 2001 as amended, unless otherwise indicated.

#### 1. REQUIREMENTS FOR A SECTION 5 DECLARATION APPLICATION

Section 5(1) of the Planning and Development Act 2000 as amended states,

*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.*

The requirements for making a section 5 declaration are set out in the Act.

#### 2. THE QUESTION BEFORE THE PLANNING AUTHORITY

The question to the planning authority is framed using the phrasing of section 5. The applicant states in the request, "*Is the proposed alteration of an existing garage to the side of a house for the purpose of converting it to a bedroom considered 'development' and if so, is it exempted development?*"

It is considered that the intention of the request is clear.

#### 3. SITE DESCRIPTION

The subject property is a two-storey, semi-detached dwelling, located in Marble Hall, Ballinlough. The property is situated in an area zoned ZO2 Sustainable Residential Neighbourhoods. The area is predominantly residential in nature.

#### 4. DESCRIPTION OF THE DEVELOPMENT

The proposed development provides for the alteration of an existing garage to the side of a house for the purpose of converting it to a bedroom.

#### 5. RELEVANT PLANNING HISTORY

None.

## 6. LEGISLATIVE PROVISIONS

### 6.1 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, and*
- (b) in relation to a protected structure or proposed protected structure, includes—*
  - (i) the interior of the structure,*
  - (ii) the land lying within the curtilage of the structure,*
  - (iii) any other structures lying within that curtilage and their interiors, and*
  - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii).*

*“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 4(2)**

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

#### **Section 4(3)**

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

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

**Section 5(1)**

See section 1 of this report.

**6.2 Planning and Development Regulations 2001 to 2018 as amended****Article 5(2)**

*In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.*

**Article 6(1)**

*Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.*

**Article 9**

Article 9 sets out restrictions on exemptions specified under article 6.

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

Classes 1-8 relate to development within the curtilage of a house and Class 1 relates to “the extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house”.

**Schedule 2, Part 1, Class 1***Exempted Development — General*

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
<p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b> <i>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.</i></p>	<p>1. (a) <i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i></p> <p>(b) <i>Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</i></p> <p>(c) <i>Subject to paragraph (a), where the house is detached, the floor area of any extension</i></p>

Column 1 Description of Development	Column 2 Conditions and Limitations
	<p>above ground level shall not exceed 20 square metres.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p>

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
	<p>5. <i>The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</i></p> <p>6. (a) <i>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i></p> <p>(b) <i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i></p> <p>(c) <i>Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</i></p> <p>7. <i>The roof of any extension shall not be used as a balcony or roof garden.</i></p>

## 7. ASSESSMENT

### 7.1 Development

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

‘Works’ is defined in section 3(1) of the Act as including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’. In relation to the proposed change of use of the garage to living accommodation, it is clear that the this proposal comprises both ‘works’ and a ‘material change of use’

Therefore, as the proposal comprises ‘works’, it is clearly therefore ‘development’ within the meaning of the Act.

### **CONCLUSION** **Is development**

### 7.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. Section 2(1) of the Act defines ‘exempted development’ as having ‘the meaning specified in section 4’ of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2).

It is considered that the proposal comes within **subsection (2) of section 4**, i.e. the Regulations, and not subsection (1).

**Section 4(1)**

It is not considered that the proposal comes within the scope of section 4(1) of the Act.

**Section 4(2)**

It is therefore necessary to consider whether the proposed rear extension comes under the scope of section 4(2) (i.e. exemptions specified in the Regulations), having regard to the use of the word ‘or’ in section 4(3).

It is considered that article 6 and **Class 1** applies, as it is an extension of a house by the change of use of an existing garage to living accommodation at the side of the house.

Having assessed the proposed extension against Class 1 and its conditions and limitations the following is noted:

*Condition / Limitation 1*

The house has been previously extended (A 13.48sqm conservatory has been constructed to the rear of the property), therefore this condition/limitation does not apply.

*Condition / Limitation 2*

The floor area of the garage to which the change of use is being considered (22.37sqm), and also previously constructed conservatory (13.48sqm), have a total combined floor area of 35.85m<sup>2</sup>. Therefore part (a) of this condition and limitation are satisfied (parts (b) and (c) do not apply).

*Condition / Limitation 3*

The proposed works are ground floor only therefore this condition/limitation does not apply.

*Condition / Limitation 4*

The height of the proposed extension does not exceed the height of the side walls of the house.

*Condition / Limitation 5*

The footprint of the existing dwelling is not being altered as the application is for a change of use of the existing garage, and therefore the area of existing open space will remain to the rear of the dwelling.

*Condition / Limitation 6*

Ground floor windows proposed are more than 1 metre from the boundaries they face.

*Condition / Limitation 7*

It does not appear that the roof is proposed to be used as a balcony or roof terrace.

**Restrictions on exemption**

It is not considered that any apply in this instance.

## CONCLUSION

### Is exempted development

#### 8. ENVIRONMENTAL ASSESSMENT

The provisions of sections 4(4), 4(4A) and 177U(9) of the Act are noted which state,

*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.*

*Section 4(4A)*

*Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—*

*(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and*

*(b) as respects which an environmental impact assessment or an appropriate assessment is required,*

*to be exempted development.*

*Section 177U(9)*

*In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.*

#### 8.1 Screening for Environmental Impact Assessment

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

#### 8.2 Screening for Appropriate Assessment

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

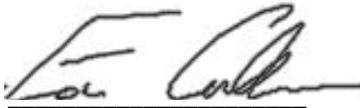
#### 9. RECOMMENDATION

In view of the above and having regard to —

- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and 10 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

the proposed alteration of an existing garage to the side of a house for the purpose of converting it to a bedroom at 12 Marble Hall Park, Ballinlough, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.



Eoin Cullinane  
Executive Planner  
12/11/2025

**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**

Stephen Doyle

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

12 Marble Hall Park,  
Ballinlough,  
Cork  
T12F3P9

**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 proposed alteration of an existing garage attached to the side of the house at 12 Marble Hall Park, Ballinlough, Cork, for the purpose of converting it into a bedroom, considered "development", and if so, is it exempted development?

The proposal includes the following:

- Replacement of the existing garage door with a glazed sliding door of same dimensions.
- Replacement of the existing flat roof. The new roof will remain below the existing parapet level, with no visible increase in height from the front elevation.
- A single rooflight that will not be visible from the front elevation, will project less than 0.15m from roof plane, will be sky-facing and will not overlook neighbouring properties.

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

*(Use additional sheets if required).*

- There will be no changes to the building footprint.
- External finishes, including render and colour, will be retained to match the existing appearance.
- The glazed sliding door will be finished with privacy glass in white PVC, featuring a stained glass pattern to match the existing fenestration style of the house.
- New roof finishes will be dark grey, matching the existing roof of the dwelling.
- Parking provision for multiple cars will be maintained within the property boundaries.
- The new roof structure will be slightly higher to allow for adequate insulation and ceiling height but will remain below the existing parapet level, with no visible increase in height from the front elevation.
- The rooflight will be more than 1m from boundary and will not overlook neighbouring properties.

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

**07 OCT 2025**

**DEVELOPMENT MANAGEMENT**

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

If so please supply details:

NO

5. Is this a Protected Structure or within the curtilage of a Protected Structure?  NO

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?  n/a

6. Was there previous relevant planning application/s on this site?  NO

If so please supply details:

n/a

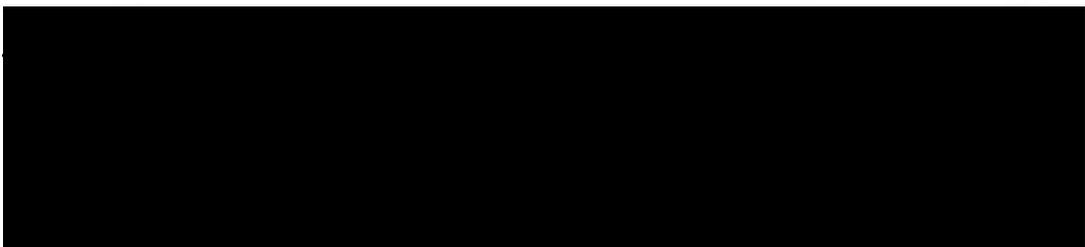
**7. APPLICATION DETAILS**

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 existing/proposed structure/s	22.37 sq.meters
(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 checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas. (sq m) Conservatory at the rear. 13.48 square meters
(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)
Garage/Storage	Bedroom

**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		



**CONFIDENTIAL CONTACT DETAILS**

These details will not be made available to the public.

**9. Applicant:**

[Redacted]	
------------	--

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

<b>Name(s):</b>	[Redacted]	
<b>Address:</b>	[Redacted]	
<b>Telephone:</b>	[Redacted]	
<b>E-mail address:</b>	[Redacted]	
<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>	[Redacted]
<b>Address</b>	[Redacted]

**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.

[Redacted]
------------

For Office Use Only: File Ref. No. _____
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## Planning and Development - Section 5 Declaration

### Schedule of Drawings / Maps / Plans

**Applicant Name:** Stephen Doyle

**Address:** 12 Marble Hall Park, Ballinglough, Cork, Ireland

**Date:** October 5th, 2025

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### Schedule of Submitted Maps, Plans and Drawings

No.	Document	No. of Copies
1	Site Location Map	2
2	Site Layout Map	2
3	Existing and Proposed Floor Plans	2
4	Existing Elevations	2
5	Proposed Elevations	2
6	Existing Sections	2
7	Proposed Sections	2



Official Tailte Éireann Registration Map  
This map should be read in conjunction with the folio.

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(centre-line of parcel(e) edged)

- Freehold
- Leasehold
- SubLeasehold
- 'S' Register



(see Section 8(b)(ii) of Registration of Title Act 1964 and Rule 224 & 225 Land Registration Rules 1972 - 2010).

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.landdirect.ie](http://www.landdirect.ie)

- Proposed Garage Conversion
- Boundaries



1:500

A3

PREPARED BY STEPHEN DOYLE



568120 mE, 571070 mN  
Centre coordinates

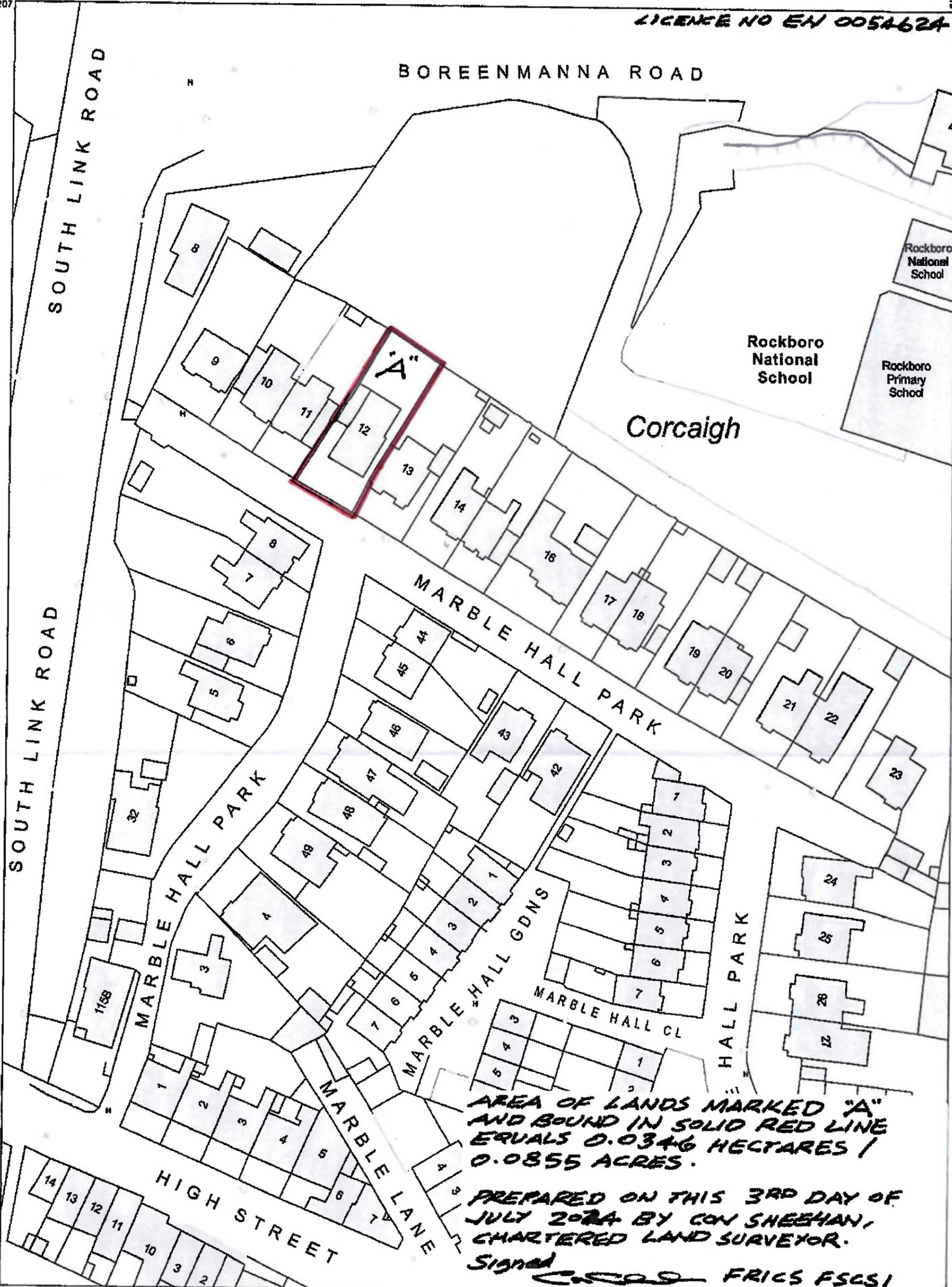
Creation Date: 18 August 2025 09:12:46

Application Number: S2025LR011044U

# Planning Pack Map

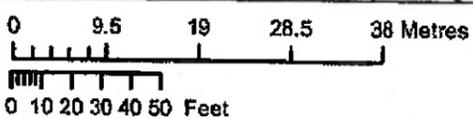
## SITE LOCATION MAP

LICENCE NO EN 005462A



AREA OF LANDS MARKED "A" AND BOUND IN SOLID RED LINE EQUALS 0.0346 HECTARES / 0.0855 ACRES.

PREPARED ON THIS 3RD DAY OF JULY 2024 BY CON SHEEHAN, CHARTERED LAND SURVEYOR.  
Signed *CON SHEEHAN* FRICS FCSI



OUTPUT SCALE: 1:1,000



CENTRE COORDINATES:  
ITM 568230,571091

PUBLISHED: 02/07/2024  
MAP SERIES: 1:1,000  
ORDER NO.: 50407828\_1  
MAP SHEETS: 6383-16

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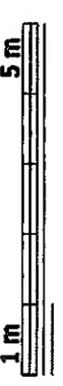
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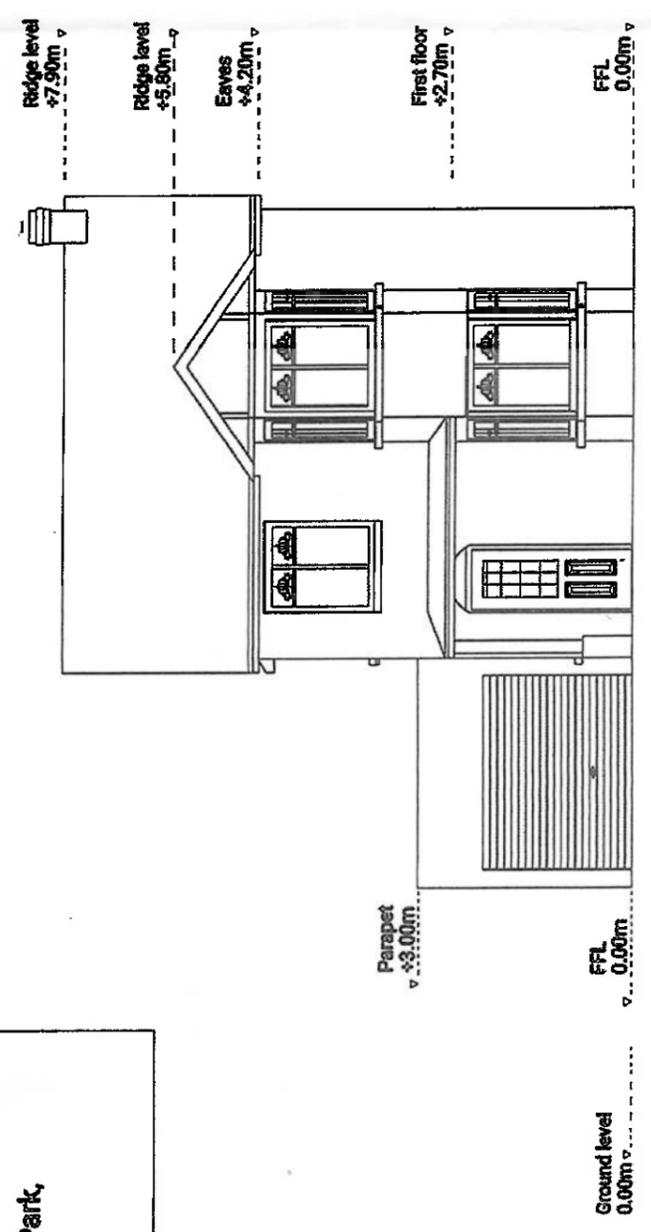
**Tailte Éireann**

**ELEVATIONS EXISTING**  
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 Existing:

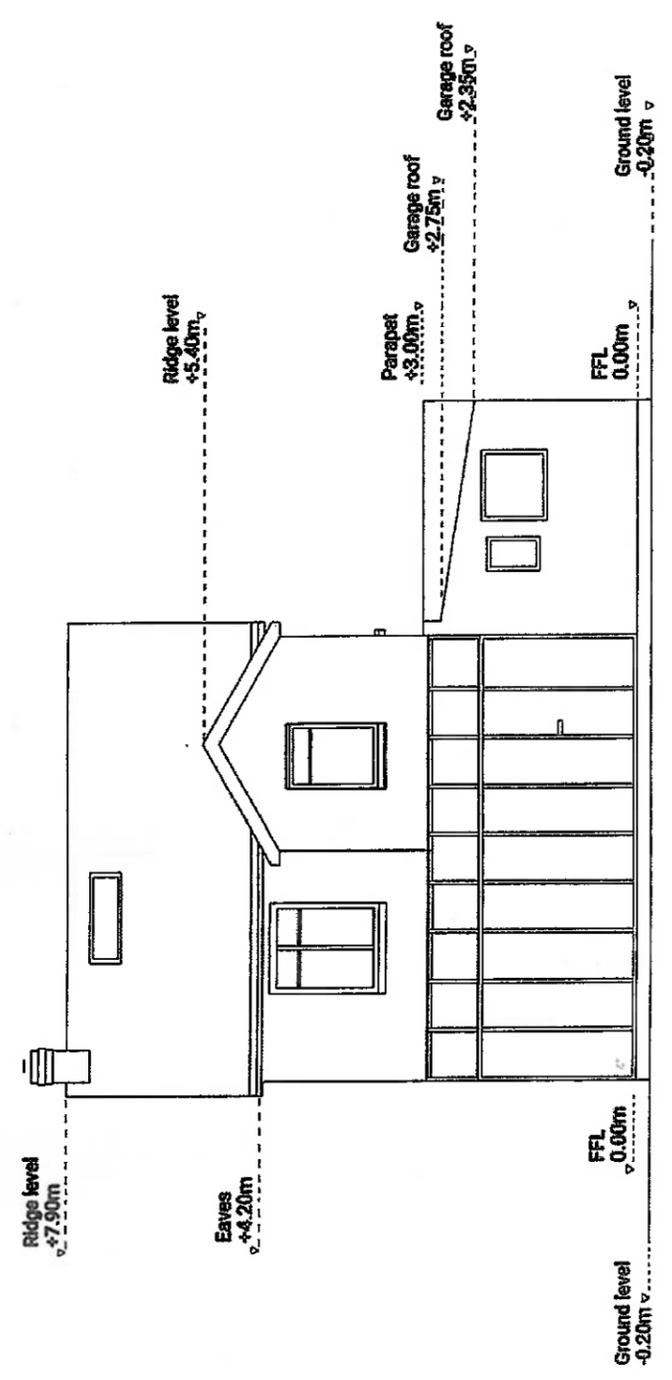
Prepared by: Stephen Doyle  
 Address:  
 12 Marble Hall Park,  
 Ballinlough,  
 Cork



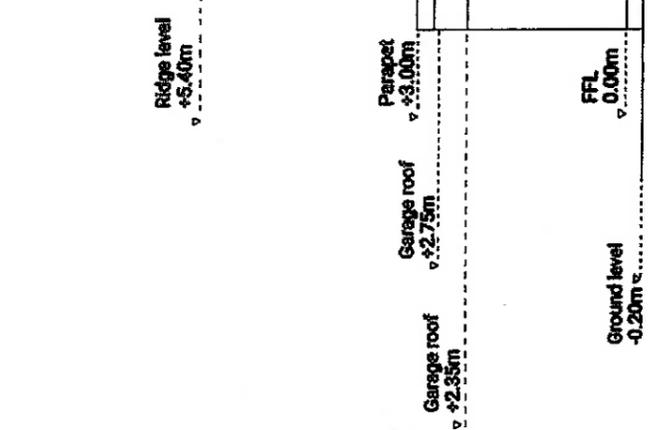
**SOUTH WEST ELEVATION (existing)**



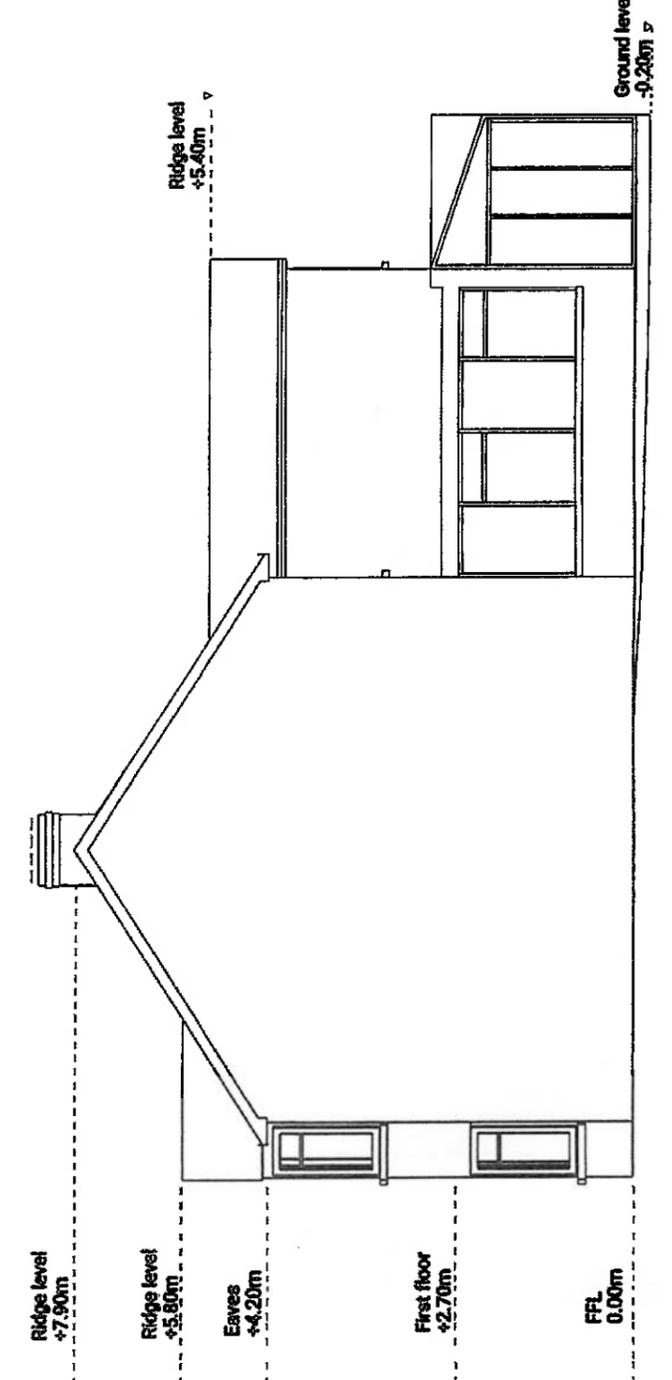
**NORTH EAST ELEVATION (existing)**



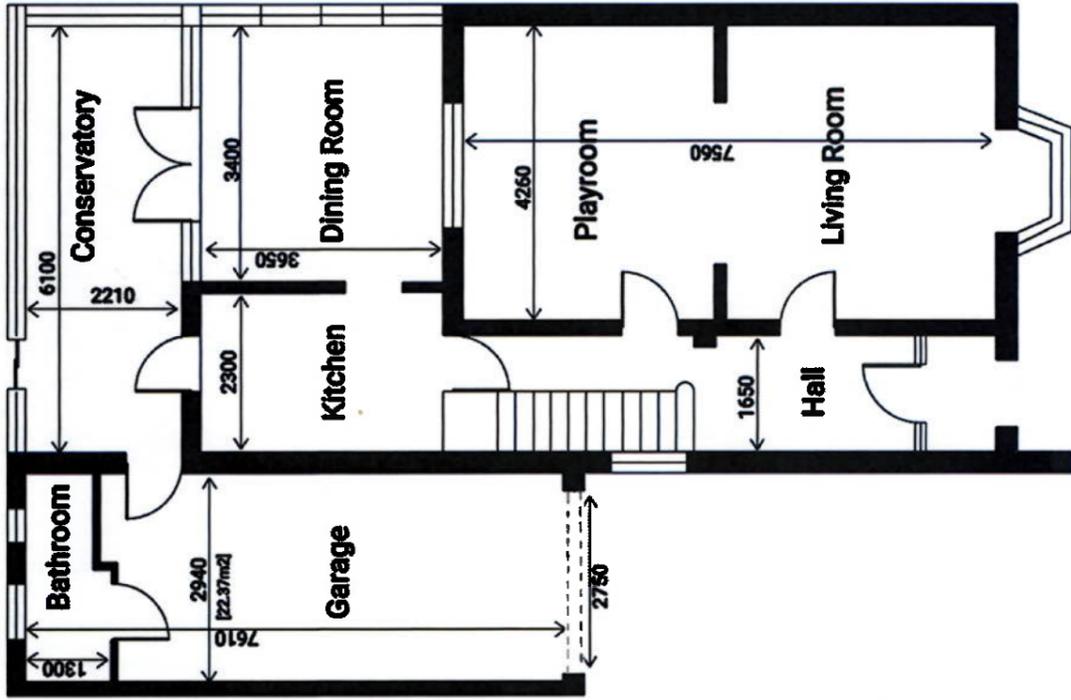
**NORTH WEST ELEVATION (existing)**



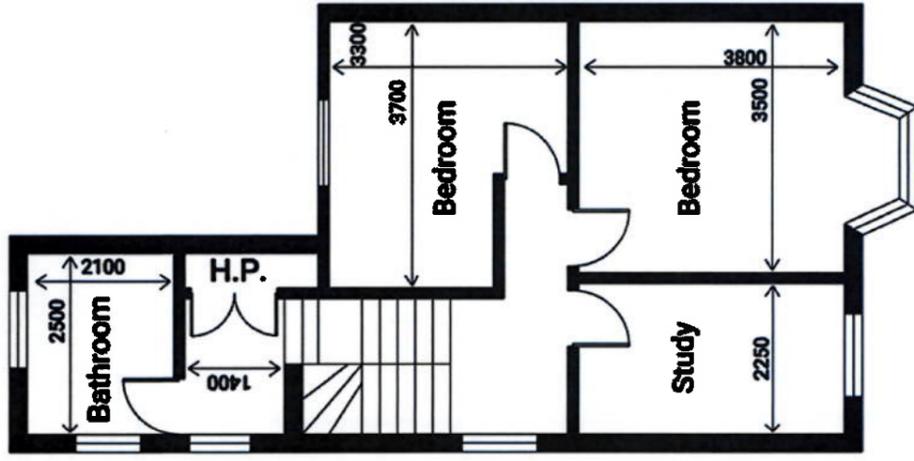
**SOUTH EAST ELEVATION (existing)**



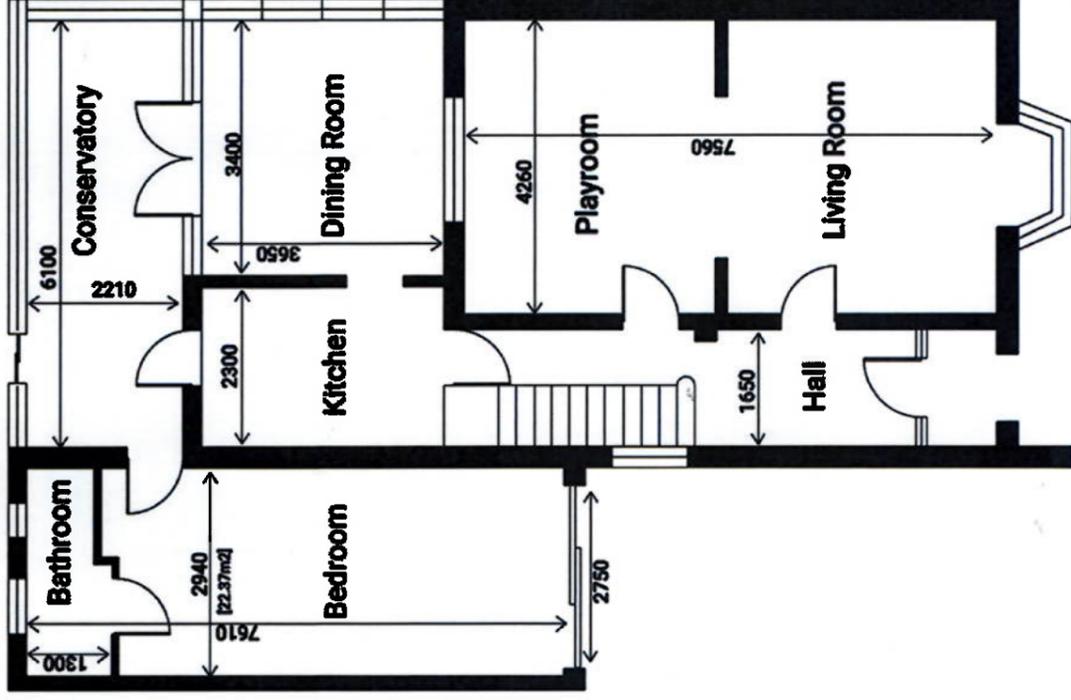
GROUND FLOOR PLAN (existing)



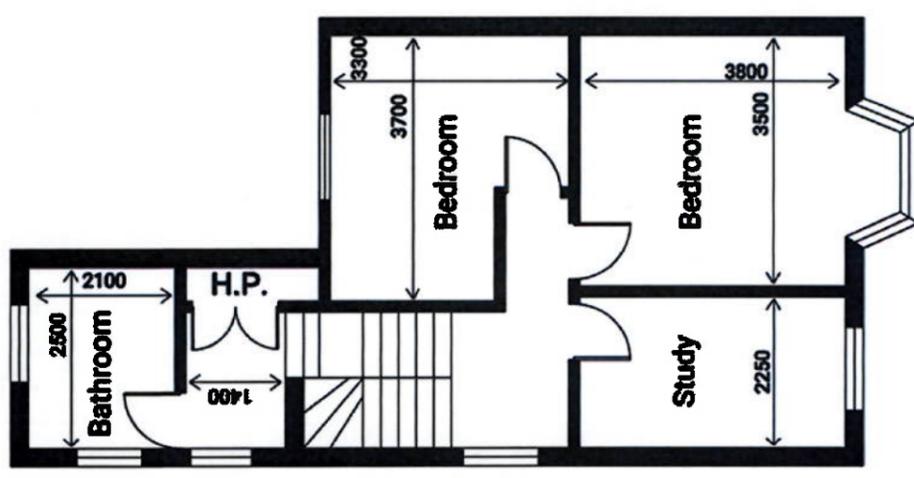
FIRST FLOOR PLAN (existing)



GROUND FLOOR PLAN (proposed)



FIRST FLOOR PLAN (proposed)



# FLOOR PLAN EXISTING & PROPOSED

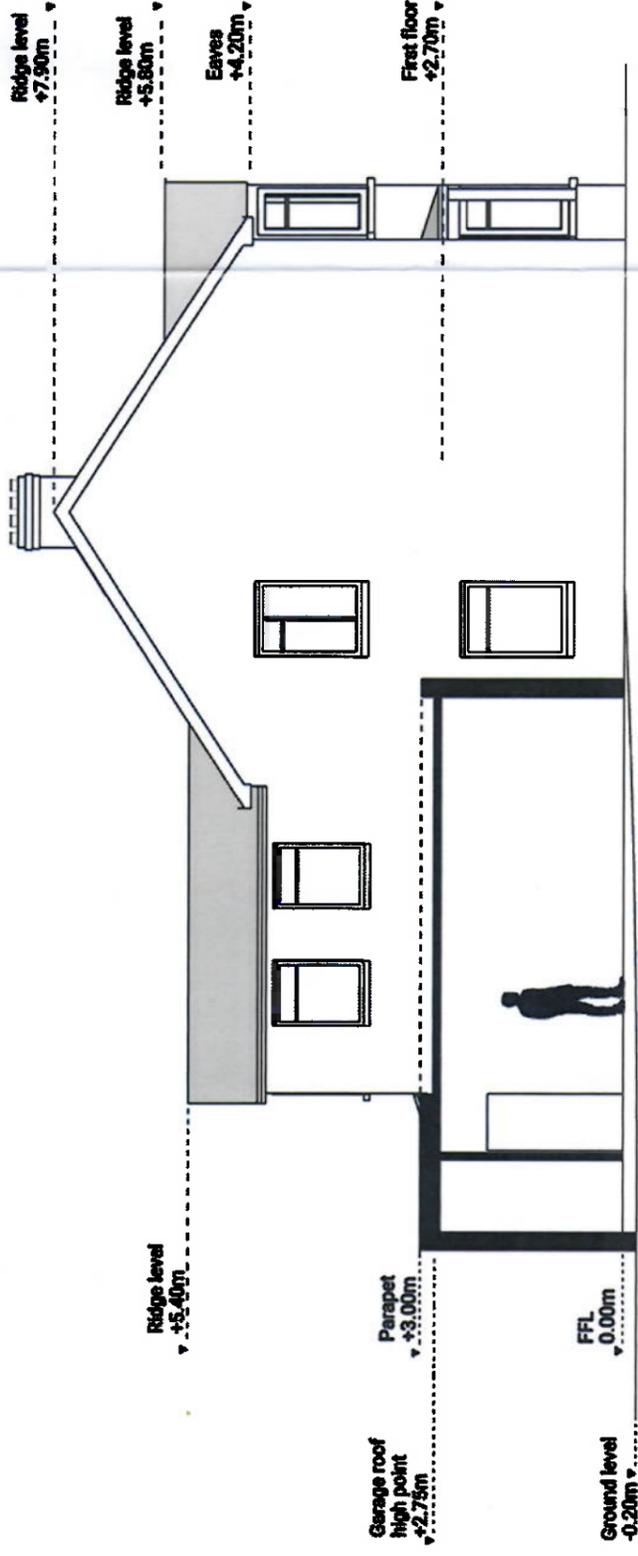
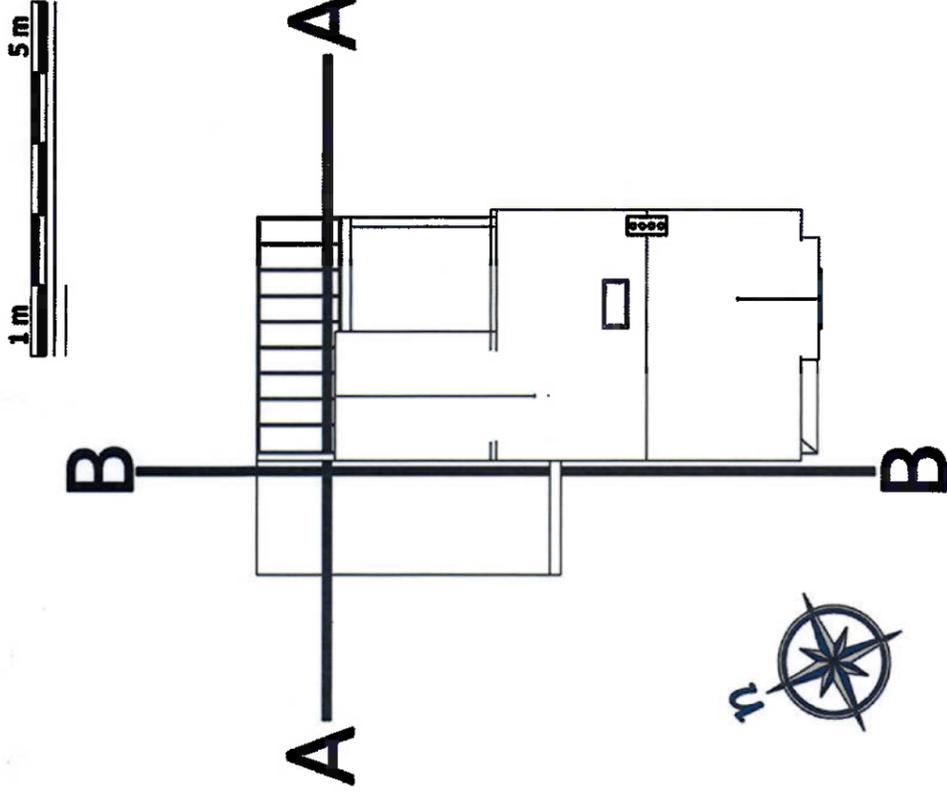
Scale 1:100 @A3

Prepared by: Stephen Doyle  
Address:

12 Marble Hall Park,  
Ballinlough,  
Cork

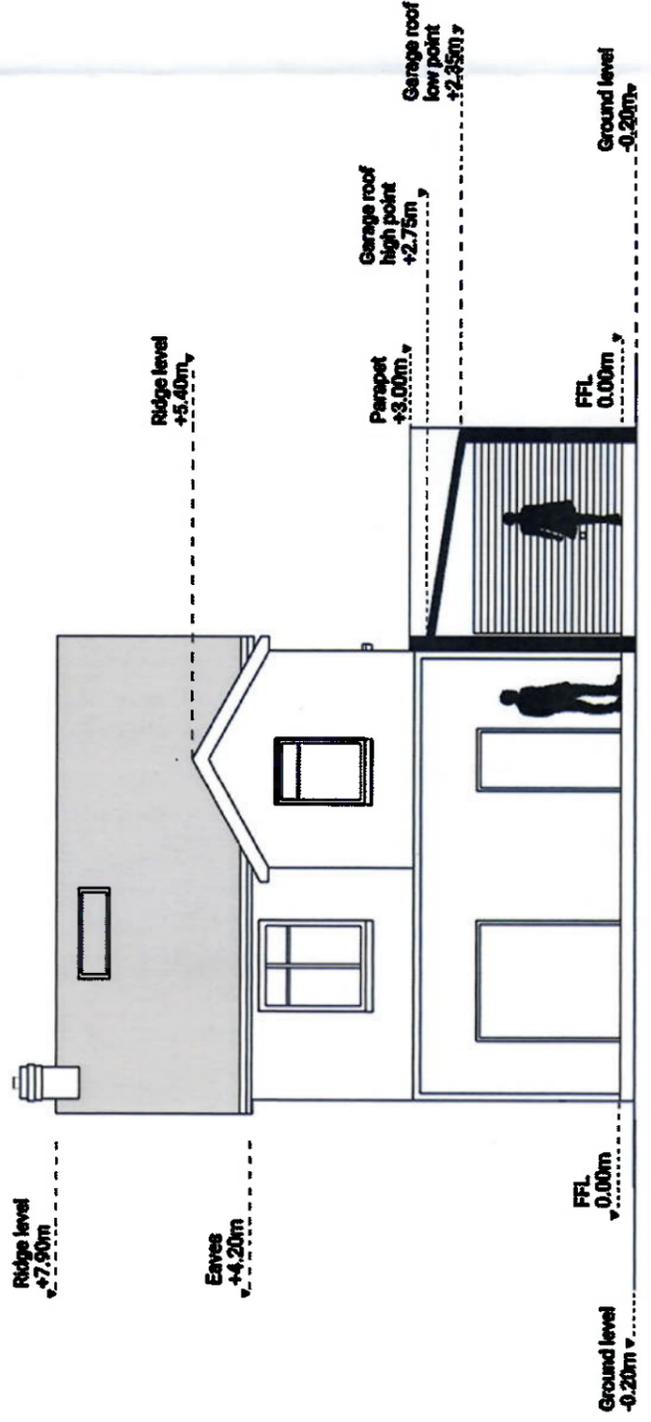
# SECTION B-B (existing)

North West



# SECTION A-A (existing)

North East



## SECTIONS EXISTING

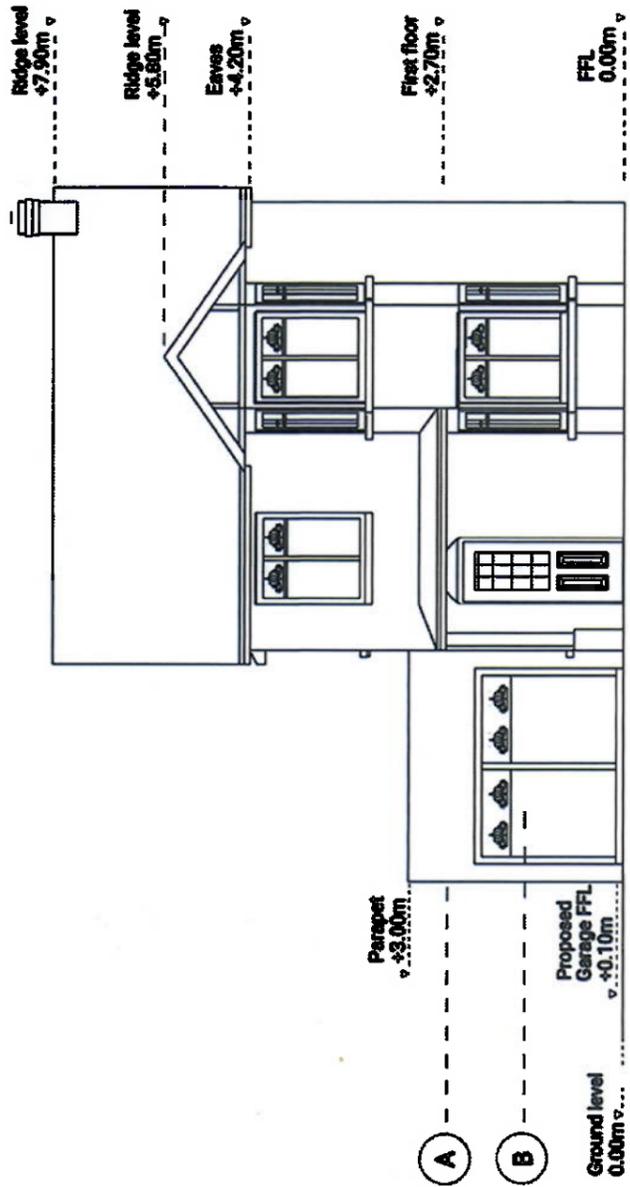
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Existing:

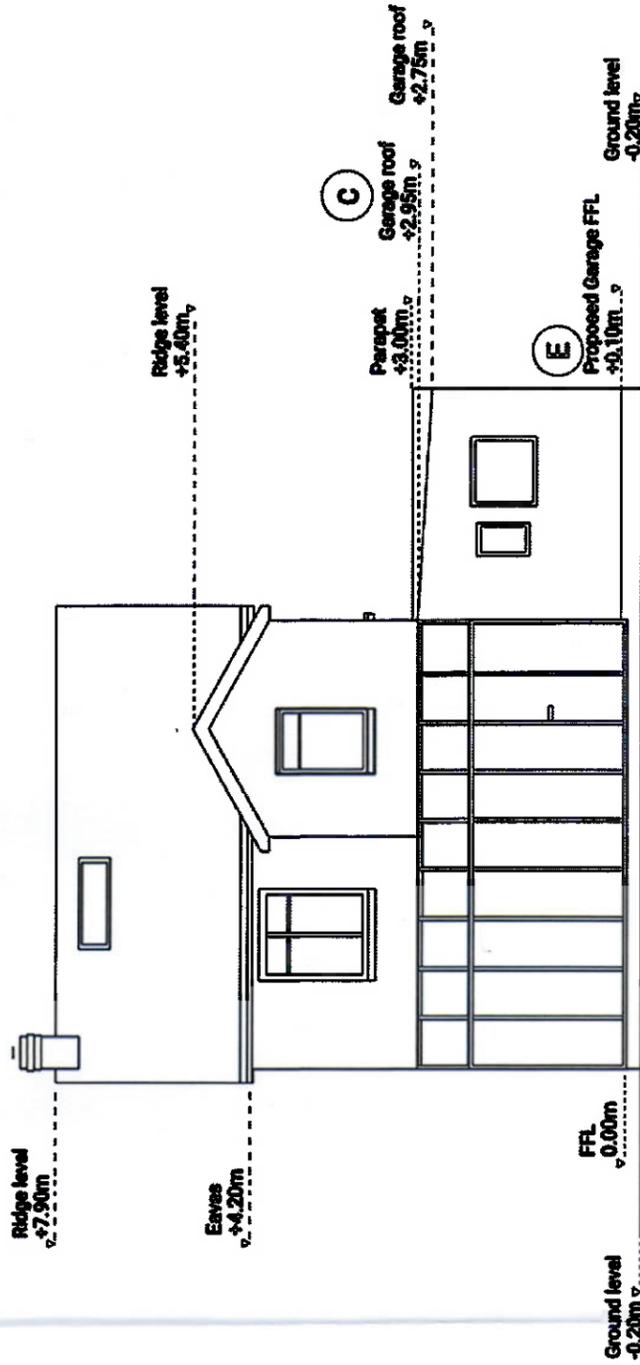
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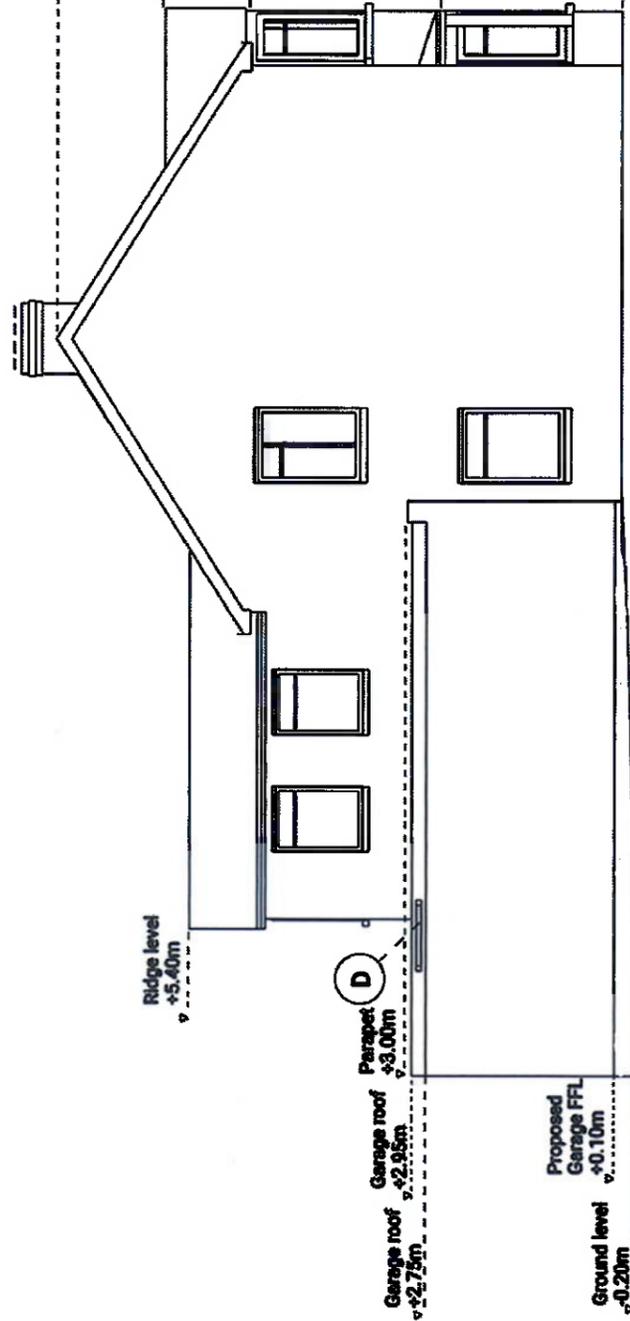
**SOUTH WEST ELEVATION (proposed)**



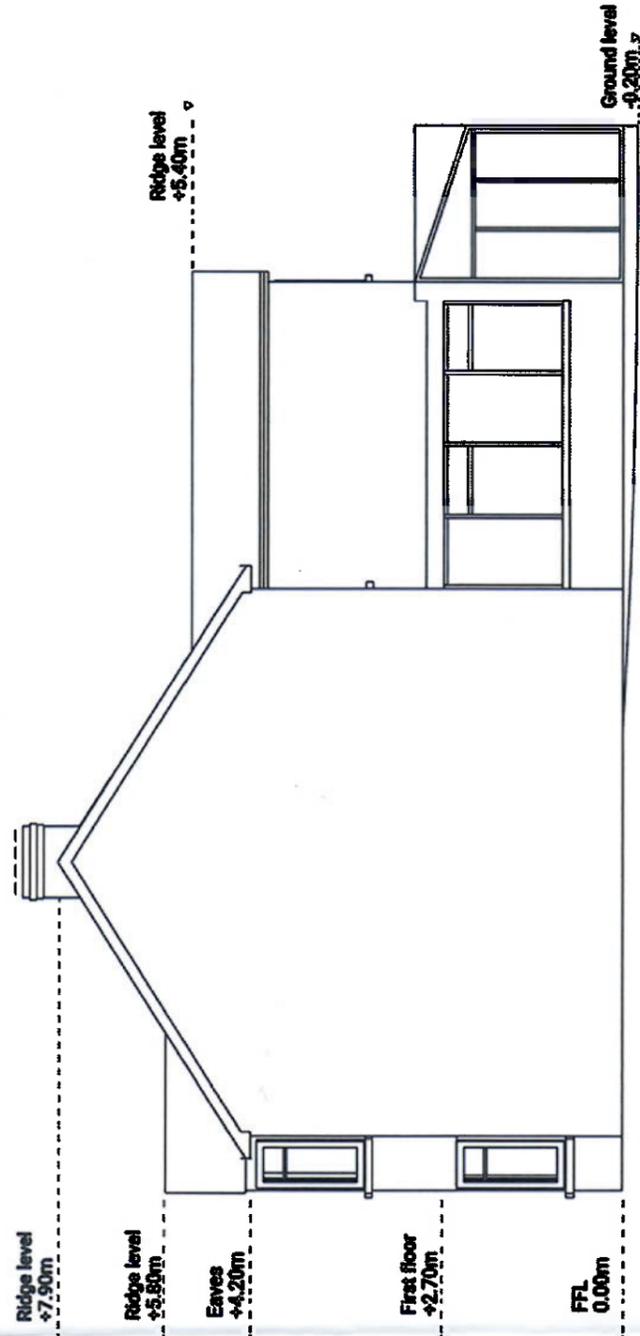
**NORTH EAST ELEVATION (proposed)**



**NORTH WEST ELEVATION (proposed)**



**SOUTH EAST ELEVATION (proposed)**



- A** External finishes, including render and colour, will be retained in keeping with the existing.
- B** The existing garage door will be replaced with a glazed sliding door, designed with privacy glass in white PVC with a stained glass pattern to match the existing fenestration style of the house.  
This will provide natural light and ventilation.  
Dimensions to match existing garage door (2.75m x 2.1m)  
All works will be carried out in accordance with current Building Regulations and Technical Guidance Documents.

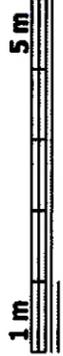
- C** The proposed roof height will allow for suitable insulation and ceiling height, and will remain below the existing parapet level, ensuring no height alteration to the front elevation.
- D** The proposed rooflight is skyward-facing and does not overlook neighbouring properties. Projection < 0.15m above roof plane.
- E** Proposed FFL raised by approx 100mm to meet damp proofing and insulation requirements.

**ELEVATIONS PROPOSED**

Scale 1:100 @A3

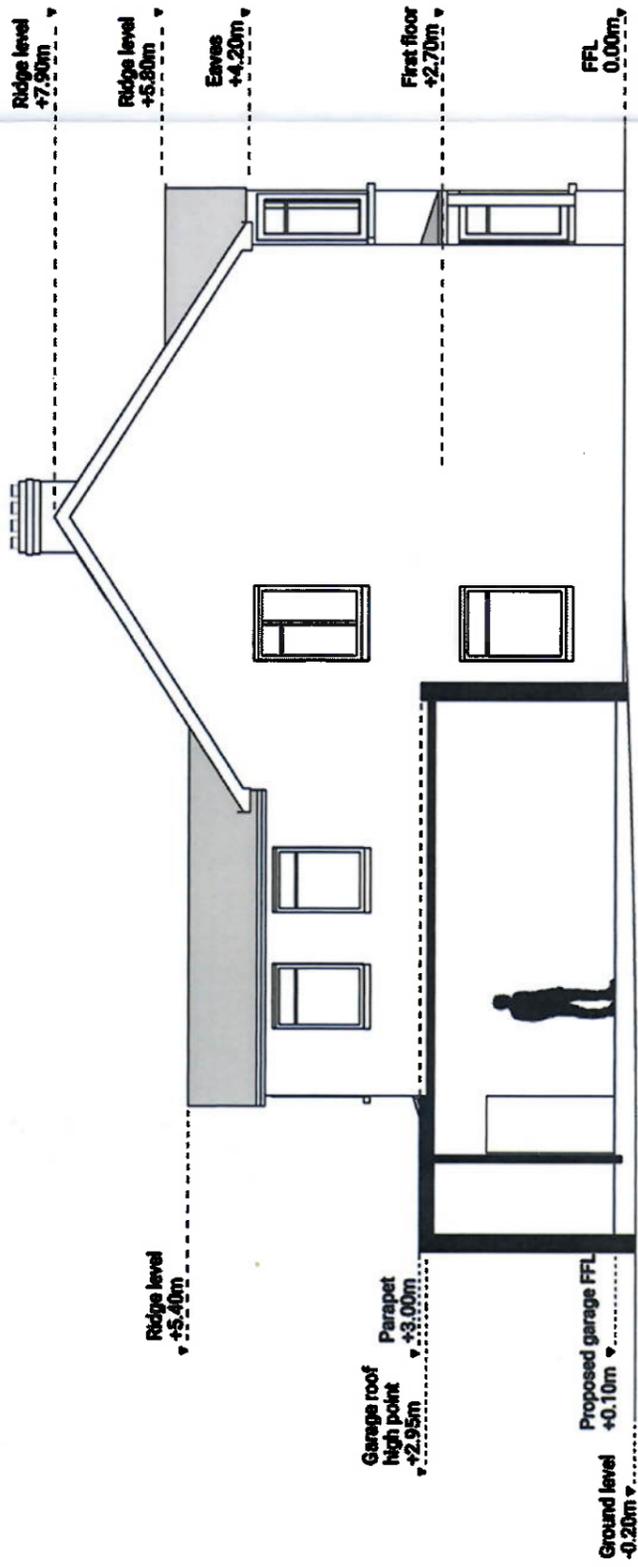
Proposed

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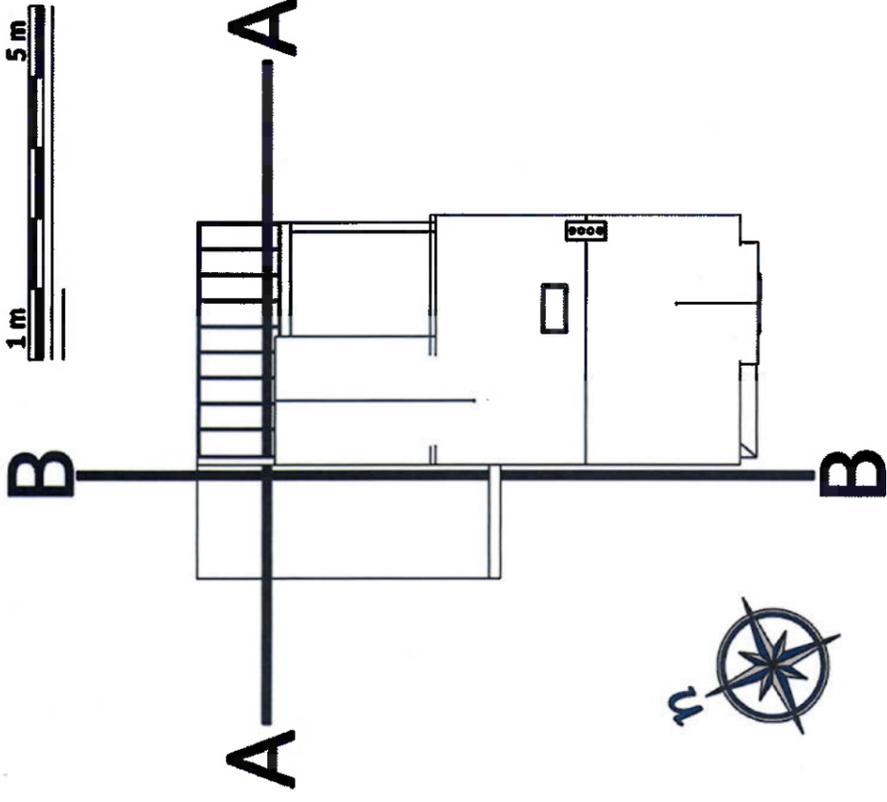
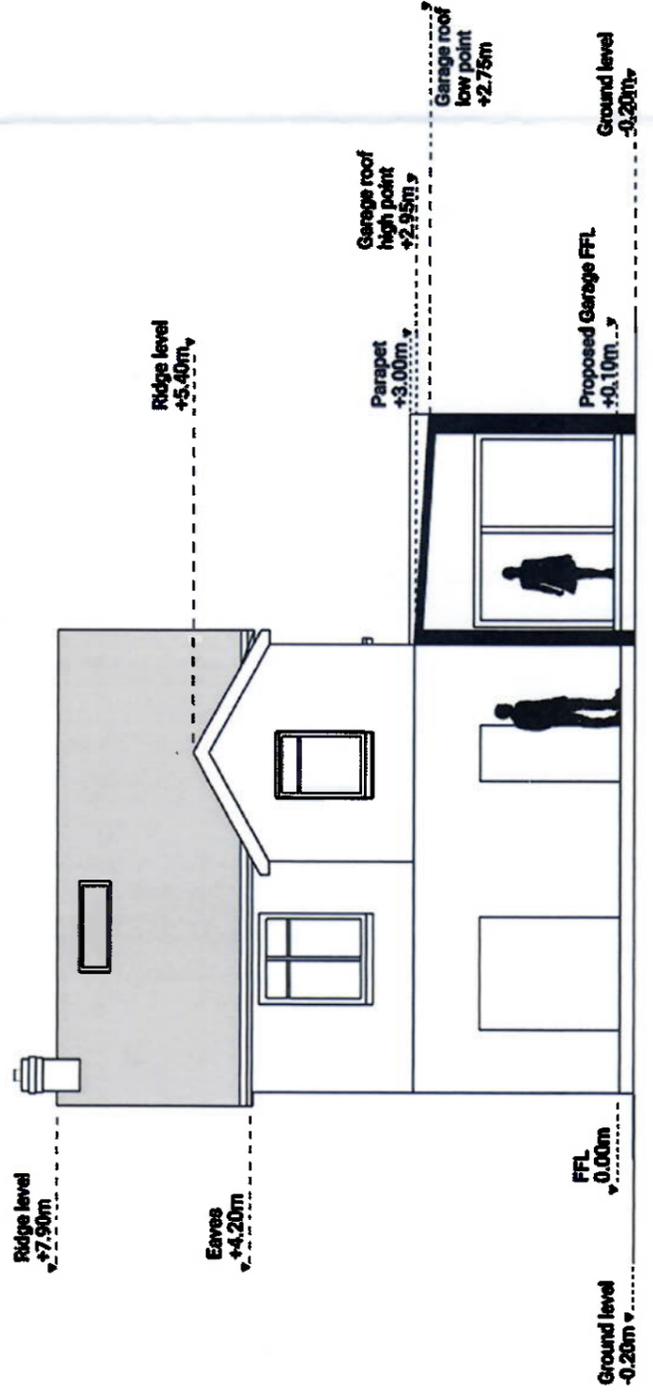
# SECTION B-B (proposed)

North West



# SECTION A-A (proposed)

North East



# SECTIONS PROPOSED

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