Comhairle Cathrach Chorcaí
Cork City Council

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

Nial Colgan,
[redacted]

29/09/2026

RE: **Section 5 Declaration: R1065/26. 15 Blackrock Avenue (Eden), Blackrock, Cork.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 15th of July, 2026.

The Question before the Planning Authority was: "An attic conversion is proposed. No increase in floor area is proposed as it is an attic conversion, however we propose to provide natural light with 3 No. Velux roof lights located on the rear of the roof. Do the Local Authority consider this 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 4 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

It is considered that an attic conversion and insertion of 3 No. roof lights in the rear elevation of an existing dwelling at 15 Blackrock Avenue (Eden), Blackrock, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Is mise le meas,

Barry Neville

Barry Neville
Staff Officer
Planning & Integrated Development
Cork City Council

We are Cork.

PLANNER'S REPORT **Ref. R 1065/26**	Cork City Council Development Management Planning and Integrated Development

Application type	**SECTION 5 DECLARATION**
Question	*Whether an attic conversion and insertion of 3 No. roof lights in the rear elevation of an existing dwelling is development or is exempted development*
Location	15 Blackrock Avenue (Eden), Blackrock, Cork.
Applicant	Nial Colgan (owner)
Date	25/09/2026
Recommendation	**Is development and is exempted development**

This report is to be read in conjunction with previous planning report, dated 13/08/2026, which requested further information.

1. FURTHER INFORMATION ASSESSMENT

Further Information was requested on 13/08/2026. A response to same was received on 02/09/2026. There was 1 (one) No. item of further information requested.

1) **The applicant is requested to submit a 1:1000 scaled Site Location Map with the subject site delineated in red.**

The applicant has submitted a 1:1000 site location map as requested with the correct site outlined in red thereupon. This response is considered acceptable.

2. ADDITIONAL ENVIRONMENTAL ASSESSMENT

I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act 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.*

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 response to the further information relating to 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**.

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 response to the further information relating to the proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required**.

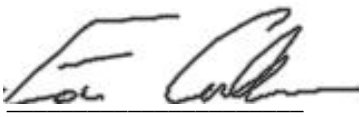
3. RECOMMENDATION
In view of the above and having regard to —

- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and

- Articles 6, 9 and 10 and Part 4 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

an attic conversion and insertion of 3 No. roof lights in the rear elevation of an existing dwelling at 15 Blackrock Avenue (Eden), Blackrock, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.



Eoin Cullinane
Executive Planner
25/09/2026

QDM Architecture,
19 South Mall,
Cork.

T: [redacted]
E: info@qdmarchitecture.com
W: www.qdmarchitecture.com

Attention: The Secretary
Company: Cork City Council
Client Name: Nial Cogan
Project Name: 15 Eden
Description / Reference:
Attic conversion.

Issue Date: 1 Sep 2026

Project Number: 25-27

PLANNING - FIRE CERTS - CONSULTATION - PROJECT MANAGEMENT

Section 5 Declaration: 15 Blackrock Avenue (Eden), Blackrock, Cork

Formal Submission - Response to RFI R1056/26

Dear Secretary,

We thank you for your letter dated the 13th August 2026, we now wish to respond to the queries raised.

Please post all correspondence to QDM Architecture, 19 South Mall, Cork City.

We enclose the following documents;

Author	Reference	Document / drawing	Revision	Quantity
QDM Architecture	-	Land Registry Map	-	-

We would like to respond numerically to the queries;

Query 1
The applicant is requested to submit a 1:1000 scaled Site Location Map with the subject site delineated in red.

We enclose a copy of Land Registry compliant map for purposes of identifying the subject site.

We trust all is in order, however should any further information be necessary, we shall gladly submit the required information upon request.

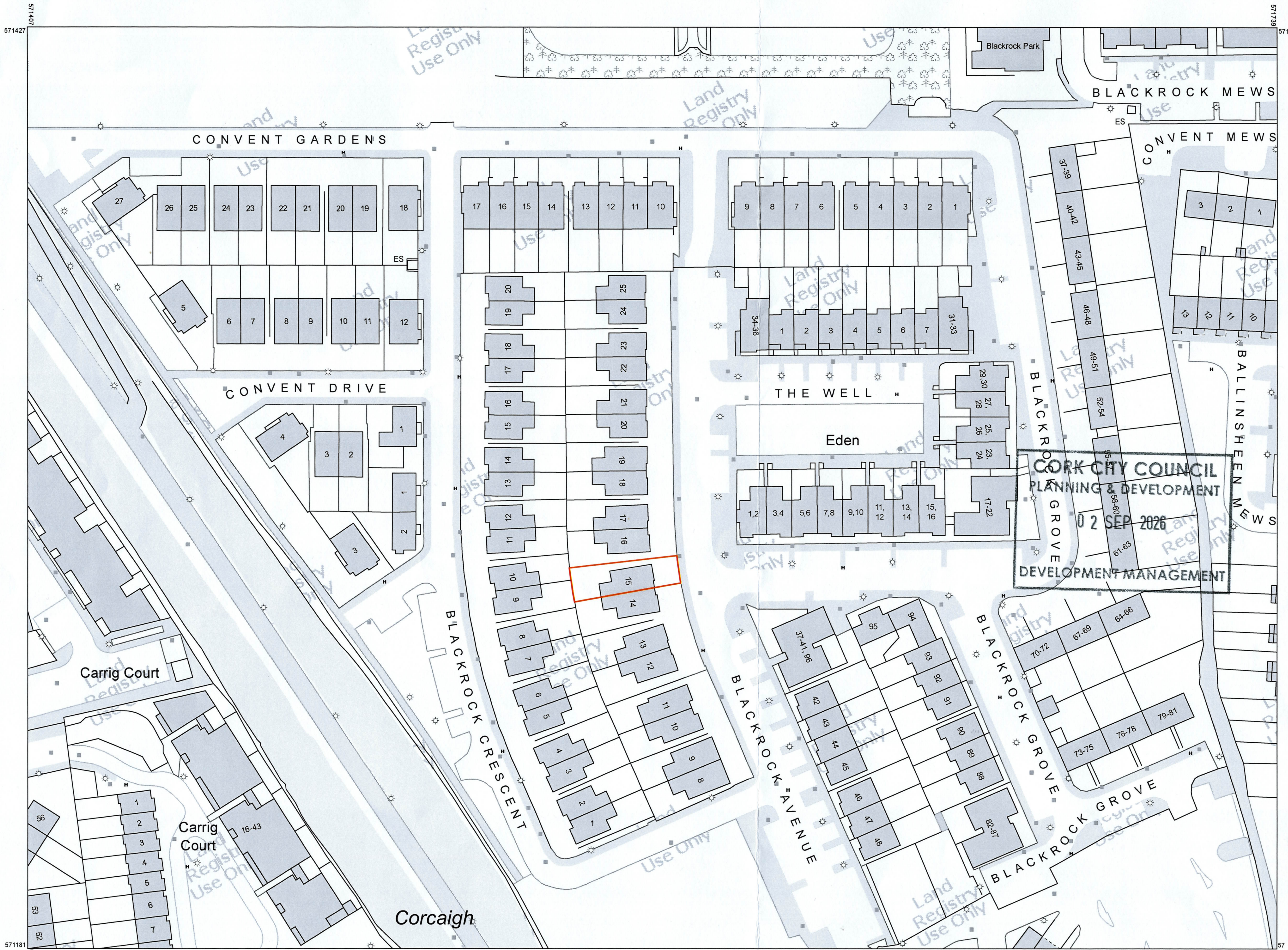
Regards [redacted]

Gary Quigley.

CORK CITY COUNCIL
PLANNING & DEVELOPMENT
0 2 SEP 2026
DEVELOPMENT MANAGEMENT

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Land Registry Compliant Map



0 20 40 60 80 100 Metres

0 40 80 120 160 200 Feet

OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

N

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19 South Mall
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Job Number
25-27
Job Name
15 Eden

Comhairle Cathrach Chorcaí
Cork City Council

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

Nial Colgan,
[redacted]

13/08/2026

RE: **Section 5 Declaration: R1065/26 15 Blackrock Avenue (Eden), Blackrock, Cork.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 22nd of August, 2026.

The Question before the Planning Authority was whether "An attic conversion is proposed. No increase in floor area is proposed as it is an attic conversion, however we propose to provide natural light with 3 No. Velux roof lights located on the rear of the roof. Do the Local Authority consider this exempted development?"

The applicant is requested to submit a 1:1000 scaled Site Location Map with the subject site delineated in red.

It is thus considered that **FURTHER INFORMATION** is required.

Is mise le meas,

Anthony Angelini

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

We are Cork.

PLANNER'S REPORT **Ref. R 1065/26**	Cork City Council Development Management Planning and Integrated Development

Application type	**SECTION 5 DECLARATION**
Question	*Whether an attic conversion and insertion of 3 No. roof lights in the rear elevation of an existing dwelling is development or is exempted development*
Location	15 Blackrock Avenue (Eden), Blackrock, Cork.
Applicant	Nial Colgan (owner)
Date	13/08/2026
Recommendation	**Further Information Required**

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 not framed using the phrasing of section 5. The applicant states in the request, *"An attic conversion is proposed. No increase in floor area is proposed as it is an attic conversion, however we propose to provide natural light with 3 No. Velux roof lights located on the rear of the roof. Do the Local Authority consider this exempted development?"*.

It is considered that the intention of the request is clear, and that it is entirely reasonable to consider the question before the planning authority as being:

> *Whether an attic conversion and insertion of 3 No. roof lights in the rear elevation of an existing dwelling is development or is exempted development.*

3. SITE DESCRIPTION

The subject property is a semi-detached, two storey dwelling house. The area is predominantly residential in nature.

4. DESCRIPTION OF THE DEVELOPMENT

The proposed development proposes an attic conversion to residential use along with the insertion of 3 No. Velux roof windows in the rear elevation.

5. RELEVANT PLANNING HISTORY

None specific to the dwelling itself since construction.

There are a large number of applications which include the subject site relating to the development of the full residential development. These are available through the Cork City Council Planning Maps.

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.

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'*. It is considered that the proposed development constitutes 'works' as it comprises the alteration to the rear elevation of the dwelling unit. 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 (1) of section 4**.

Section 4(1)

Section 4(1)(h) of the Act states the following:

> *(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;*

It is considered that this proposal comes within the scope of section 4(1), being the works proposed to the rear elevation by way of the insertion of 3 No. roof windows. It is considered that this would come under the scope of section 4(1)(h).

In this case the relevant wording is "*...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/such appearance inconsistent with the character of the structures or of neighbouring structures*".

The internal conversion of the attic is considered exempt by way of not affecting the external appearance of the dwelling.

It is considered that the proposed insertion of 3 No. Velux roof lights would 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 and therefore can be considered exempt.

It is noted that no 1:1000 scale Site Location Map was submitted with the application as is required. It is considered that further information should be requested in relation to same.

Restrictions on exemption
I do not consider that any apply in this instance.

CONCLUSION
Is exempted development

8. ENVIRONMENTAL ASSESSMENT
I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act 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
It is recommended that the following further information be sought:

1. The applicant is requested to submit a 1:1000 scaled Site Location Map with the subject site delineated in red.



Eoin Cullinane

Executive Planner
13/08/2026

QDM Architecture,
19 South Mall,
Cork.

T: [redacted]
E: info@qdmarchitecture.com
W: www.qdmarchitecture.com

Attention:	Cork City Council	**Issue Date:**	20 Jul '26
Company:	-		
Client Name:	Nial Colgan		
Project Name:	15 Blackrock Avenue	**Project Number:**	25-27
Description / Reference:			
Section 5 Declaration			

PLANNING - FIRE CERTS - CONSULTATION - PROJECT MANAGEMENT

SECTION 5 DECLARATION

Dear Sir / Madame,

We enclose a copy of the Section 5 Declaration Application, along with the statutory fee of €80.

We would ask that the following be noted;

1. Our query relates to the conversion of the existing attic to allow for living accommodation, along with associated access stairs.
2. It is proposed to utilise 3 No. Velux roof lights to provide natural light, which will not be visible from the public road.
3. The overall area of the proposed attic conversion will be 29 sqM. Due to the nature of the dormer construction, no additional floor space will be created.
4. The works have no impact on the available private amenity space.

We would consider the works as being minor, however given the fact that alterations would involve alteration to the building envelope above ground floor level, we would appreciate the Council's view on this matter.

We trust the above is satisfactory, however should any further information be required please do not hesitate to contact this office.

CORK CITY COUNCIL
PLANNING & DEVELOPMENT
22 JUL 2026
DEVELOPMENT MANAGEMENT

Regards,

[redacted]

Gary Quigley.

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COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Strategic Planning & Economic Development Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924564/4321
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

15 Blackrock Avenue (Eden),
Blackrock,
Cork.

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.

Question 1:
An attic conversion is proposed. No increase in floor area is proposed as it is an attic conversion, however we propose to provide natural light with 3 No. Velux roof lights located on the rear of the roof. Do the Local Authority consider this exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:
(Use additional sheets if required).

There will be no affect on the private amenity space, which exceeds 25 sqM.
The proposed velux roof lights will be below the existing ridge level.
The roof lights will be located on the rear roof.
Similar conversions have been carried out to neighbouring properties.
No loss of light shall result form the conversion.
No overlooking shall result form the conversion.

3. 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	29 sqM
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1st October, 1964, (including those for which planning permission has been obtained)?	Yes [X] No [ ] If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ [redacted] Family dwelling	Proposed/existing use (please circle) --- --- ---

4. APPLICANT/ CONTACT DETAILS

[redacted]

Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes [X] No [ ]

5. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	**A.** Owner X	**B.** Other
Where legal interest is **'Other'**, please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

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

Signature: 

Date: 15 July 2026

Gary Quigley

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, Strategic Planning & Economic Development 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



Front Elevation
1:100

Rear Elevation
1:100

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info@qdmarchitecture.com

QDM Architecture
19 South Mall,
Cork.

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Job Number: 25-27
Job Name: 15 Eden

15 Eden,
Blackrock,
Cork

Original Design by: GQ
Date: 25 Nov '25

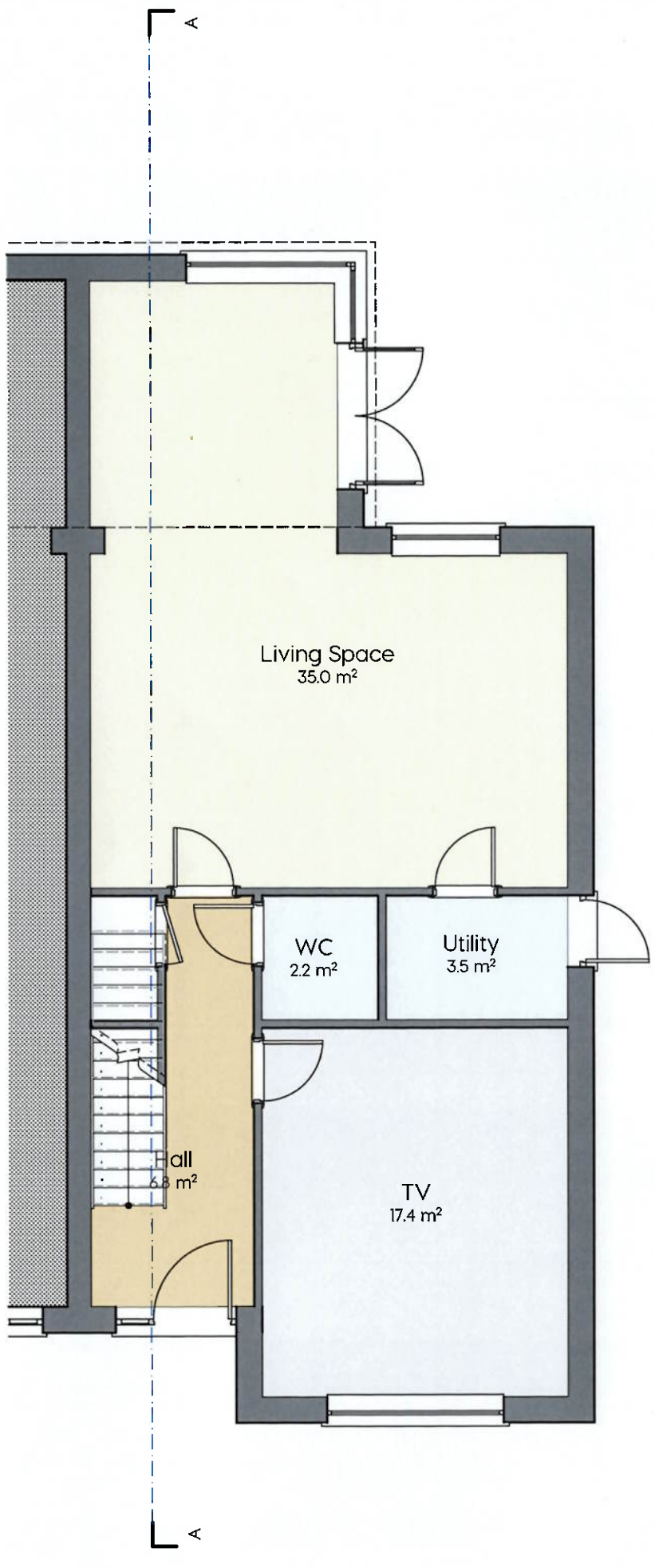
Drawing Name: Existing Elevations

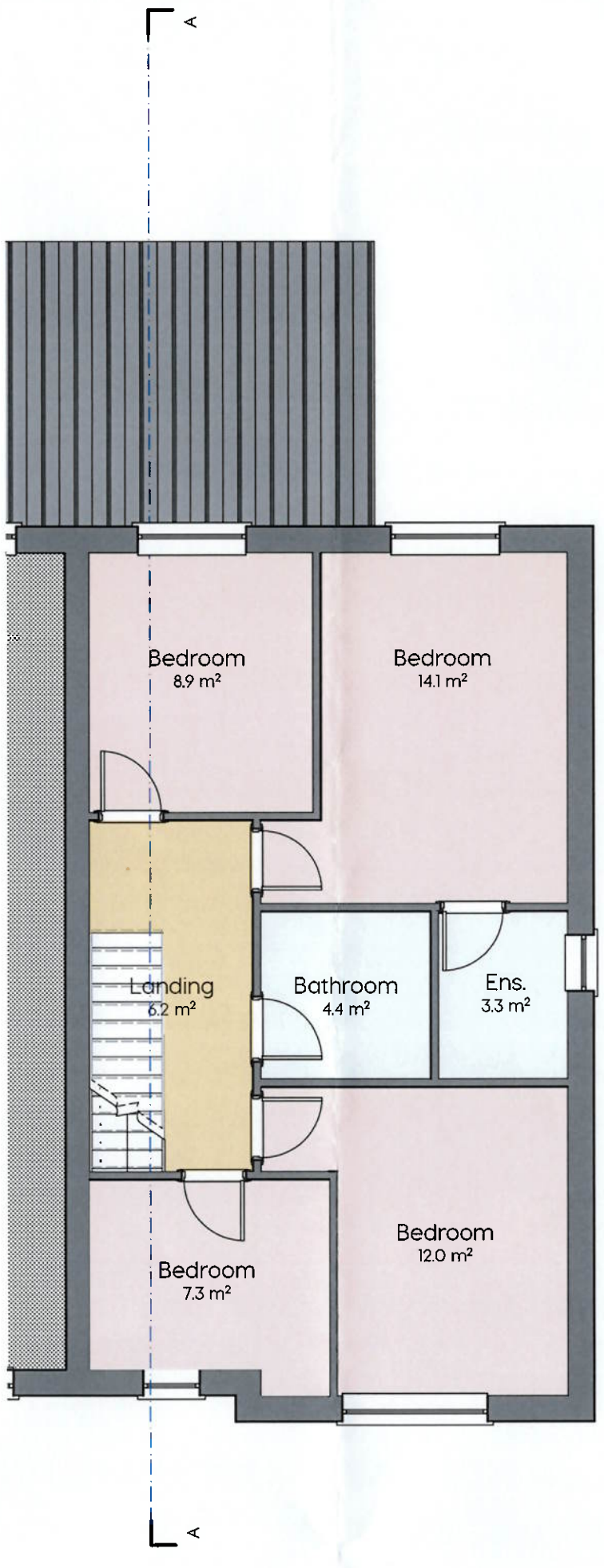
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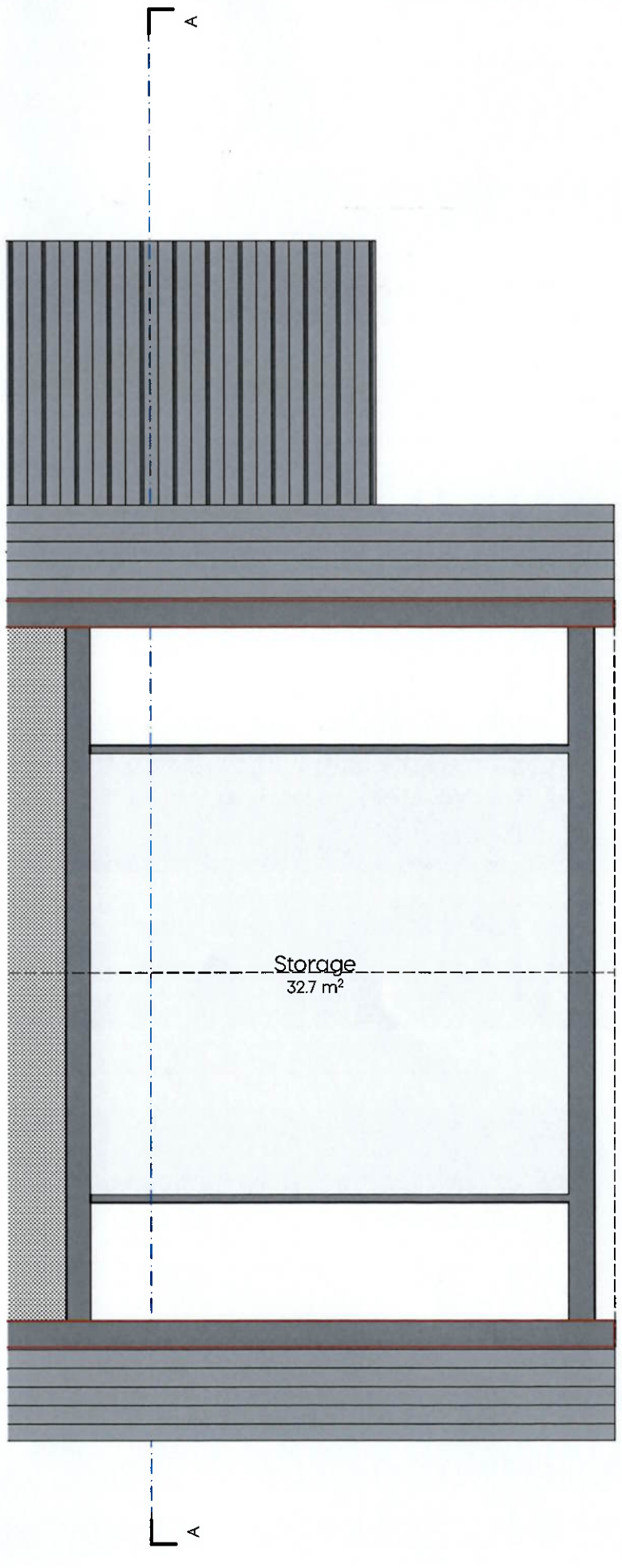
Drawing No: PD-5

Current Revision: 10 Jun '26 r001

ISSUED FOR DISCUSSION
DO NOT SCALE OFF THIS DRAWING. REFER TO "REVISION DETAILS" SHEET FOR DESCRIPTION OF CHANGES.







www.qdmarchitecture.com
info@qdmarchitecture.com
QDM Architecture
19 South Mall,
Cork.
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Job Number	Job Name		Original Design by	Drawing Name	Scale	Drawing No	Current Revision
25-27	15 Eden	15 Eden, Blackrock, Cork	GQ Date 25 Nov '25	Existing Floor Layout	1:75	PD-4	10 Jun '26 r001

ISSUED FOR DISCUSSION

DO NOT SCALE OFF THIS DRAWING. REFER TO "REVISION DETAILS" SHEET FOR DESCRIPTION OF CHANGES.

KEY:
1 No change to front elevation.
2 New velux windows.



Front Elevation
1:100

Rear Elevation
1:100

www.qdmarchitecture.com
info@qdmarchitecture.com

QDM Architecture
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Cork.
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Job Number: 25-27
Job Name: 15 Eden

15 Eden,
Blackrock,
Cork

Original Design by: GQ
Date: 25 Nov '25

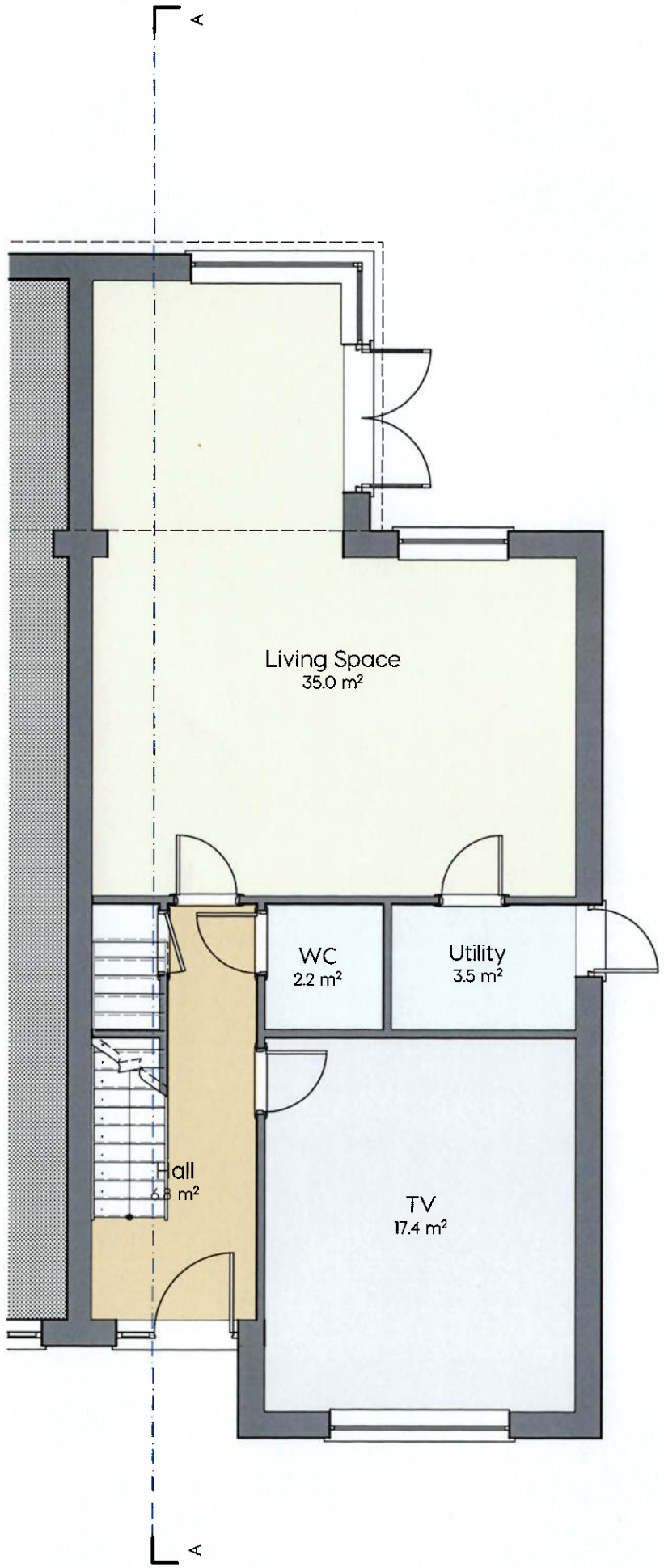
Drawing Name: **Proposed Elevations**

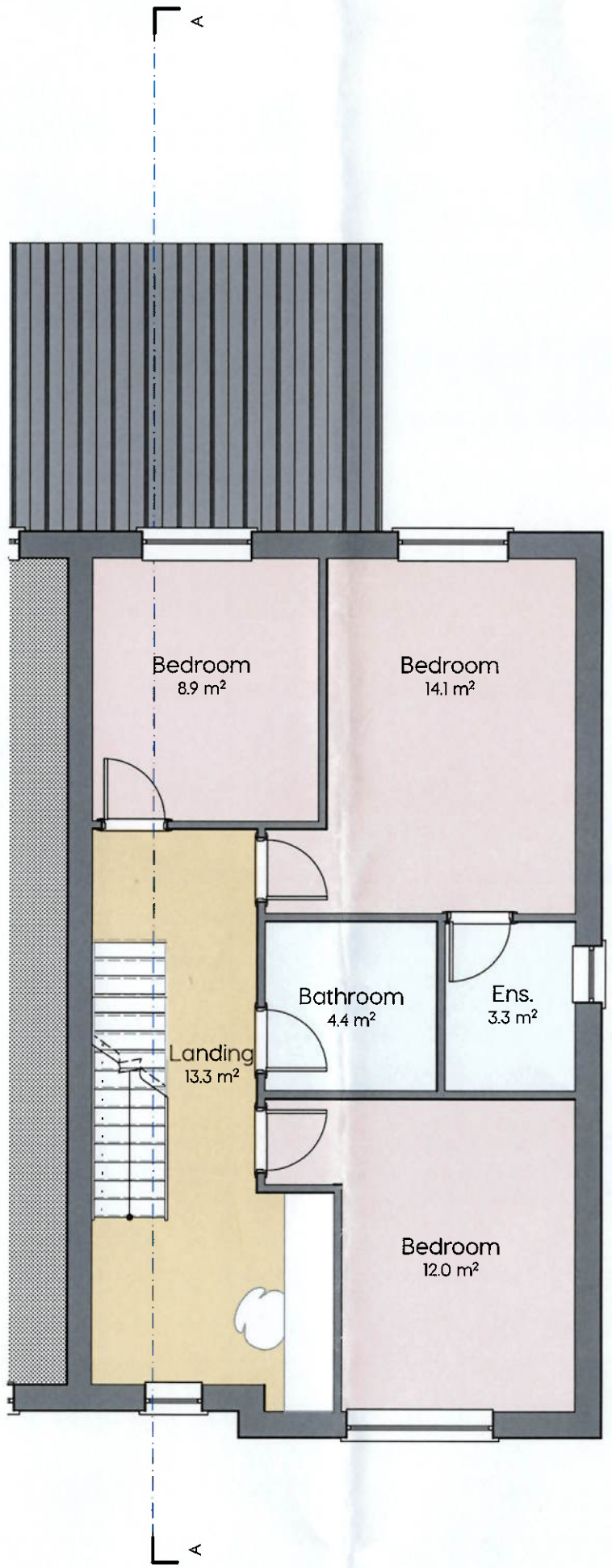
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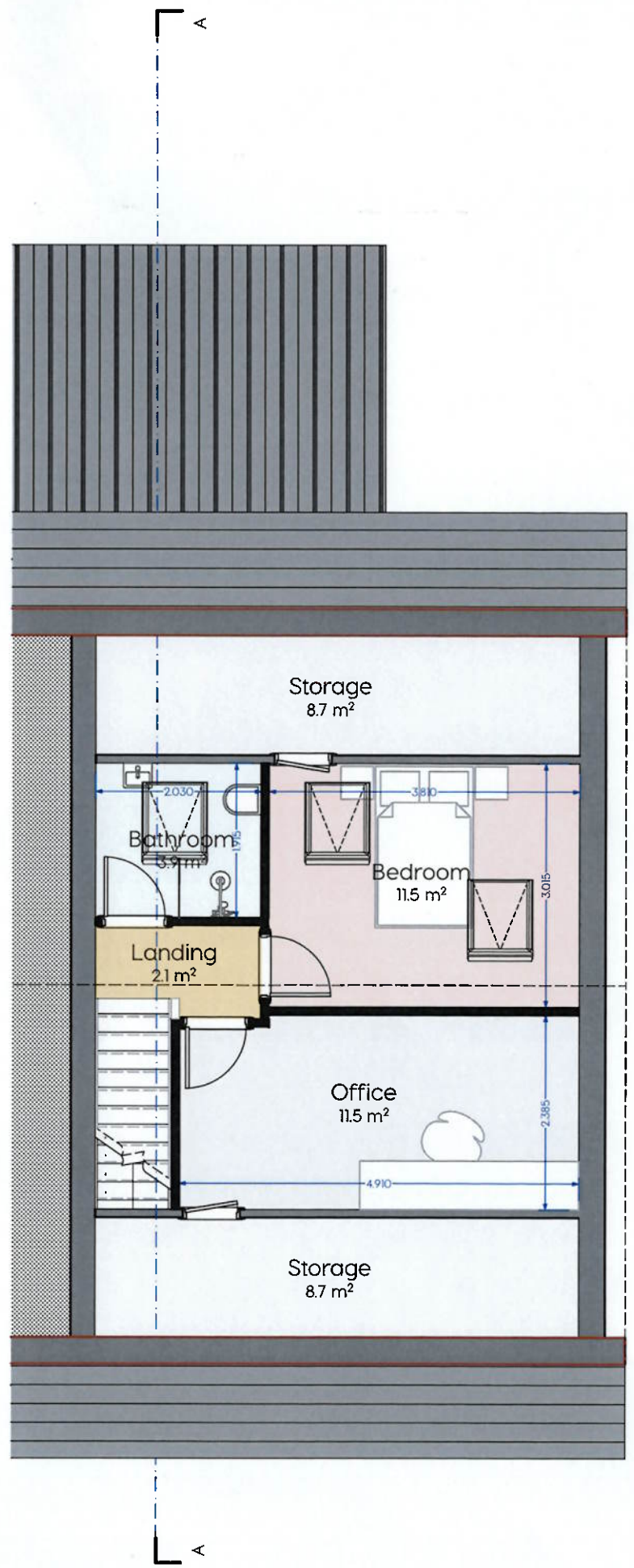
Drawing No: PD-2

Current Revision: 10 Jun '26 r001

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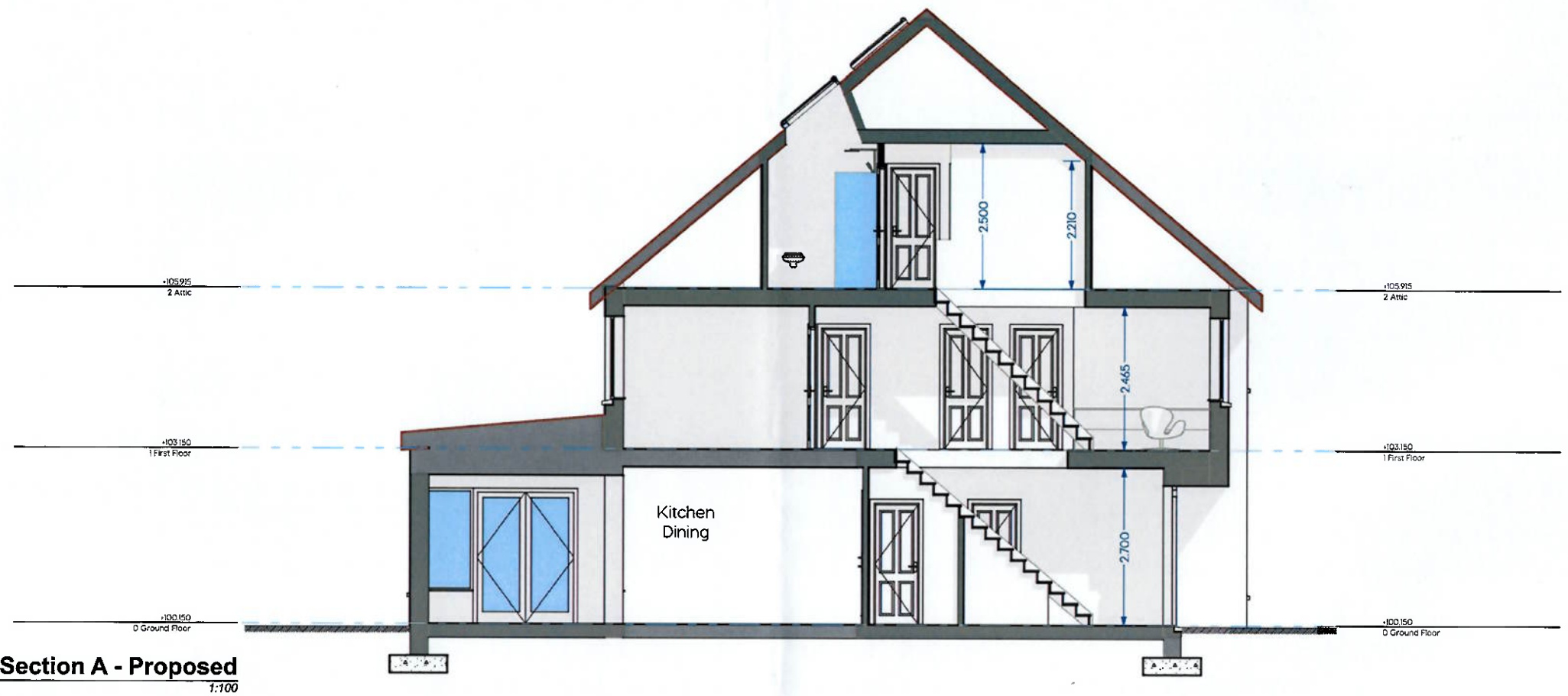


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Job Number: 25-27
Job Name: 15 Eden
15 Eden, Blackrock, Cork
Original Design by: GQ
Date: 25 Nov '25

Drawing Name: **Proposed Floor Layout**
Scale: 1:75
Drawing No: PD-1
Current Revision: 10 Jun '26 r001

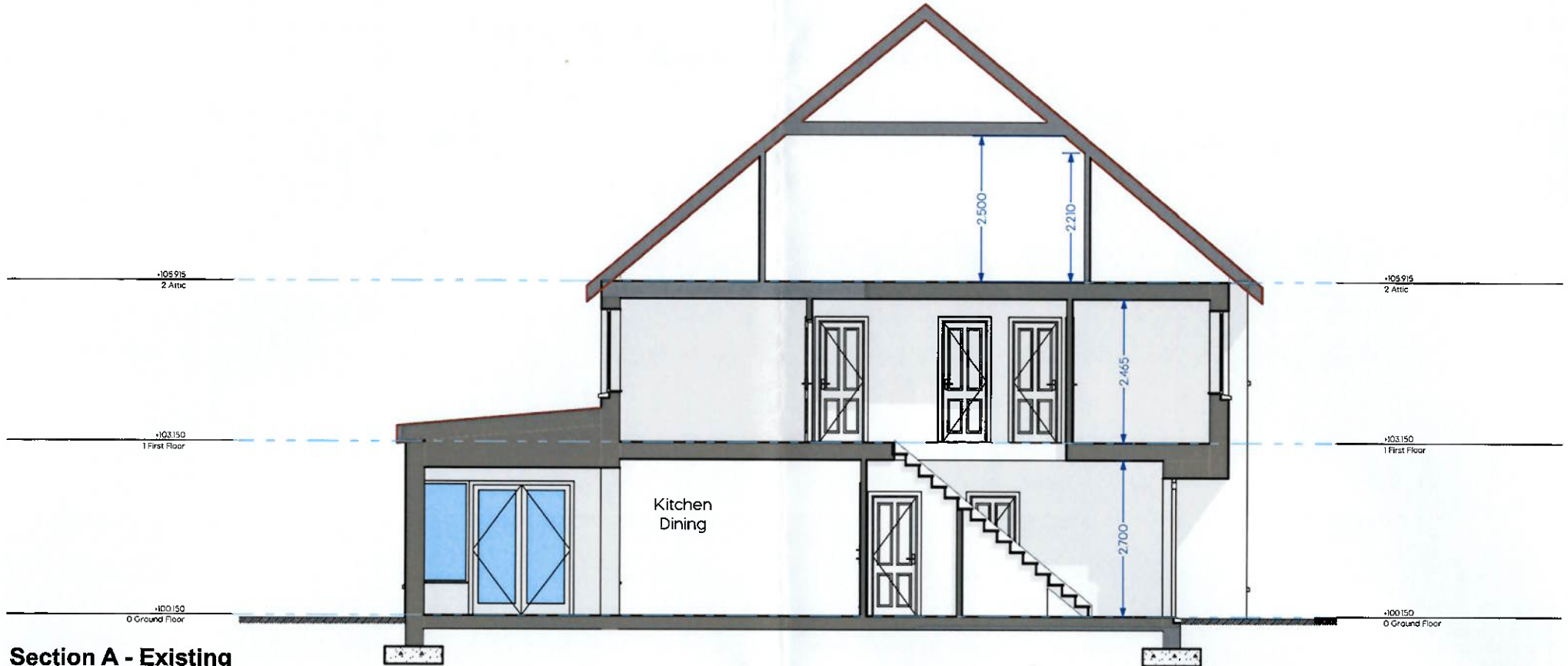
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A

Section A - Proposed

1:100



A

Section A - Existing

1:100

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Job Number	Job Name		Original Design by	Drawing Name	Scale	Drawing No	Current Revision
25-27	15 Eden	15 Eden, Blackrock, Cork	GQ Date 25 Nov '25	Section	1:100	PD-3	10 Jun '26 r001

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