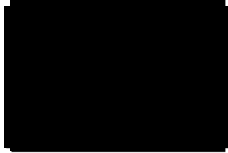


# Comhairle Cathrach Chorcaí Cork City Council

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

David Delaney and Emer O' Leary



29/01/2025

RE: Section 5 Declaration R909/24 1 Park Villas, Victoria Road,  
Cork, T12K512

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 23<sup>rd</sup> December 2024, I wish to advise as follows:

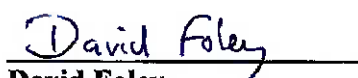
The Planning Authority, in view of the above and having regard to —

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

It is considered that the *the specific question for which a declaration is sought* **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT** at 1 Park Villas, Victoria Road, Cork, T12K512

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 29<sup>TH</sup> January, 2025.

Is mise le meas,

  
David Foley  
Development Management Section



**We are Cork.**

**Planning & Integrated Development  
Cork City Council**

|                                                 |                                                                                                                                                                            |                                                                                                      |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <b>PLANNER'S REPORT</b><br><b>Ref. R 909/24</b> |                                                                                                                                                                            | <b>Cork City Council</b><br>Development Management<br>Strategic Planning and Economic<br>Development |
| Application type                                | <b>SECTION 5 DECLARATION</b>                                                                                                                                               |                                                                                                      |
| Question                                        | <i>Whether the following is development and, if so, is it exempted development:</i><br><br><i>The construction of a single storey extension to rear of dwelling house.</i> |                                                                                                      |
| Location                                        | 1 Park Villa, Victoria Road, Cork                                                                                                                                          |                                                                                                      |
| Applicant                                       | David Delaney & Emer O'Leary                                                                                                                                               |                                                                                                      |
| Date                                            |                                                                                                                                                                            |                                                                                                      |
| Recommendation                                  | <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.

#### 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.

#### 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 construction of a single storey extension o rear of existing dwelling, together with minor alterations to side/rear of existing dwelling Exempt Development?"*

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

*Whether the following is development and, if so, are they exempted development:*

- *The construction of a single storey extension to rear of dwelling house.*

## **SITE DESCRIPTION**

The subject property is a two storey semi-detached dwelling and is located in an area that is zoned as ZO 01, Sustainable Residential Neighbourhoods. The wider area surrounding the site is predominantly residential in nature. The site is located within an area that is set out in the Cork City Development Plan 2022-2028 as an Architectural Conservation Area (ACA). The specific ACA is the Victoria Road ACA. The dwelling is listed on the NIAH record for historic buildings also it is noted.

## **DESCRIPTION OF THE DEVELOPMENT**

The proposed development proposes the construction of new single storey extension to the rear of the existing dwelling.

## **RELEVANT PLANNING HISTORY**

None.

## **LEGISLATIVE PROVISIONS**

**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—*

- where the context so admits, includes the land on, in or under which the structure is situate, and*
- in relation to a protected structure or proposed protected structure, includes—*
  - the interior of the structure,*
  - the land lying within the curtilage of the structure,*
  - any other structures lying within that curtilage and their interiors, and*
  - 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—*

- *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 5(1)**

See section 1 of this report.

### **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.*

#### Planning and Development Regulations, 2001 as amended

##### **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 sets out restrictions on exemptions specified under article 6.*

*Article 9(1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development, including (a) if the carrying out of such development would:-*

*9. (1) 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—*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft*

*variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

#### 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

| Column 1<br>Description of Development                                                                                                                                                                                                                                                                                                                                              | Column 2<br>Conditions and Limitations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Development within the curtilage of a house</i></p> <p><b>CLASS 1</b><br/> <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) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</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</p> |

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

(Article 6) Schedule 2, Part 1, Class 50

Class 50 relates to "the demolition of a building, or buildings".

Schedule 2, Part 1, Class 50

Exempted Development — General

| Column 1<br>Description of Development | Column 2<br>Conditions and Limitations |
|----------------------------------------|----------------------------------------|
|----------------------------------------|----------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>CLASS 50</b></p> <p><i>(a) The demolition of a building, or buildings, within the curtilage of—</i></p> <p><i>(i) a house,</i></p> <p><i>(ii) an industrial building,</i></p> <p><i>(iii) a business premises, or</i></p> <p><i>(iv) a farmyard complex.</i></p> <p><i>(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.</i></p> | <ul style="list-style-type: none"> <li>• <i>No such building or buildings shall abut on another building in separate ownership.</i></li> <li>• <i>The cumulative floor area of any such building, or buildings, shall not exceed:</i> <ul style="list-style-type: none"> <li>• <i>in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</i></li> <li>• <i>in all other cases, 100 square metres.</i></li> </ul> </li> <li>• <i>No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</i></li> </ul> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## ASSESSMENT

### 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'.

With regard to the proposed development, the main issues to consider is as follows:

*The construction of a single storey extension to rear of dwelling house.*

- I consider that the construction of the rear extensions constitutes 'works' as it comprises the alteration to a building on the site. As the proposal comprises 'works', it is clearly therefore 'development' within the meaning of the Act.

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

## CONCLUSION

### Is development

#### 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).

With regard to the proposed development, the main issues to consider is as follows:

- *The construction of a single storey extension to rear of dwelling house.*
- *The location of the site within an area defined as an ACA.*

I consider that article 6 and **Class 1** applies, as it is an extension of a house by the construction of an extension to the rear of the house. Having assessed the proposed extension against Class 1 and its conditions and limitations I find as follows:

*Condition / Limitation 1*

The house, from reviewing planning history, has not been previously extended. The proposed extension is approximately 23.7m<sup>2</sup> in area and is a single storey extension. Therefore part (a) of this condition and limitation are satisfied (parts (b) and (c) do not apply).

*Condition / Limitation 2*

The house does not appear to have been previously extended therefore this condition/limitation does 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 walls of the proposed extension do not exceed the height of the rear wall of the house. The highest part of the roof of the proposed extension does not exceed the height of the highest part of the roof of the dwelling. Therefore parts (a) and (c) of this condition and limitation are satisfied (part (b) does not apply).

*Condition / Limitation 5*

More than 25m<sup>2</sup> of open space will remain to the rear of the dwelling. A proposed site layout drawing has been submitted it is noted and aerial imagery indicates that in excess of 100m<sup>2</sup> of 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. 2 No. proposed first floor windows to directly face the rear garden will not be less than 11 metres from the boundary it faces.

*Condition / Limitation 7*

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

***Restrictions on exemption***

The proposed development is located in an Architectural Conservation Area as set out in the Cork City Development Plan 2022-2028. Article 9. 1. (a)(xii) as set out in the Planning and Development Regulations (as amended) states the following:

*“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—*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,”*

As this site and dwelling is located in an area that is defined as an ACA the proposed development must not materially affect the character of the area. Having discussed the matter with the City Conservation Officer it is considered that the proposed development does not materially affect the character of the ACA and therefore, I do not consider that this restriction can apply in this instance.

#### **CONCLUSION**

**Is exempted development**

#### **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—*

- *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*
- *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 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 proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required**.

#### **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 Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

the planning authority considers that —

the proposed works to the existing dwelling house, consisting of the following:

The construction of a single storey extension to rear of dwelling house

at 1 Park Villas, Victoria Road, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.



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Tadhg Hartnett  
Executive Planner  
27/01/2025



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Lucy Teahan  
Senior Executive Planner  
28/01/2025

## 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

David Delaney & Emer O'Leary

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

1 Park Villas, Victoria Road, Cork

#### 3. QUESTION/ DECLARATION DETAILS

**PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:**

Is the construction of a single storey extension to rear of existing dwelling , together with minor alterations to side/rear of existing dwelling Exempt Development.

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

*(Use additional sheets if required).*

Please refer attached report and drawings

**CORK CITY COUNCIL  
PLANNING & DEVELOPMENT**

23 DEC 2024

**DEVELOPMENT MANAGEMENT**

4. Are you aware of any enforcement proceedings connected to this site?  
If so please supply details:

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:

#### 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                                                                                                                                                            | 23.7sqm                                                                                                           |
| (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 checked="" type="checkbox"/><br>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/ previous use (please circle)                                                                                                                                                                     | Proposed/existing use (please circle)                                                                             |

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

Signature: 

Date: 23 Dec 2024

#### **ADVISORY NOTES:**

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

*The application should be sent to the following address:*

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

Please email [planning@corkcity.ie](mailto:planning@corkcity.ie) with any queries.

- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.*

#### **DATA PROTECTION**

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

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

1. Plan, drawings and maps accompanying an application for a Section 5 Declaration on exempted development shall all be in metric scale and comply with the following requirements:-

**\* NOTE 2 COPIES OF PLANS AND PARTICULARS ARE REQUIRED**

- (a) site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon), the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land, which is subject of the application, shall be outlined in blue and wayleaves shall be shown in yellow,
  - (b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such scale as may be agreed with the Planning Authority prior to the submission of the application in any particular case,
  - (c) the site layout plan and other plans shall show the level or contours, where applicable, of any land and the proposed structures relative to Ordnance survey datum or a temporary local benchmark,
  - (d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity at a scale of not less than 1:200, as may be appropriate,
  - (e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,
  - (f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site layout plans shall indicate the distances of any such structure from the boundaries of the site,
  - (g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance survey sheet number,
  - (h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,
  - (i) plans and drawings shall indicate the name and address of the person by whom they were prepared.
2. An application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan, shall, in addition to meeting the requirements above, be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.
  3. A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular, which accompanies the application.

# Mulcahy Ralphs Architects Ltd

Unit 206 Acorn Business Centre  
Mahon Industrial Estate  
Cork,  
T12 K7CV

The Development Management Section,  
Community, Culture & Placemaking Directorate  
Cork City Council  
Anglesea Street  
Cork  
T12 T997

20<sup>th</sup> December 2024

**Re: Proposed alteration and extension of existing two storey dwelling.**

**At: 1 Park Villas, Victoria Road**

**For: David Delaney & Emer O'Leary**

**CORK CITY COUNCIL  
PLANNING & DEVELOPMENT**

**23 DEC 2024**

**DEVELOPMENT MANAGEMENT**

To Whom it Concerns;

On behalf of the applicants, who are the legal owners, please find attached Section 5 Declaration application.

## 1.0 Site Location

The 0.01 Ha site is located on the South side of Victoria Road.

The site currently accommodates a substantial two storey 5 bay semidetached dwelling.

**Figure 1 Aerial View of site**



## 2.0 Planning Context

The site is zoned 'ZO 01 Sustainable Residential Neighbourhoods' and located within the Victoria Road Architectural Conservation Area. The existing dwelling dates from 1885-1895 and is listed on the National Inventory of Architectural Heritage reg no. 20508124 with the following citation,

### *Description:*

*Semi-detached five-bay two-storey house, built 1890, with two-storey gabled projection incorporating single-storey bay and with balcony area over three-bay single-storey flat-roofed entrance projection; set back behind railings.*

### *Appraisal:*

*Semi-detached late-nineteenth century house with timber sash windows and partially intact cast-iron railings to front. The building retains additional significance as one of a group of such houses.*



View of existing dwelling from north (Source: NIAH)

As the dwelling was constructed prior to October 1964 and there have been no extensions constructed since then, the provisions of exempt development are deemed to apply.

### 3.0 Proposed Development

The existing dwelling contains many original features; however, the building has had little work carried out in the recent past and the existing services and roof finish are considered to be in need of repair and renewal. The existing suspended timber ground floors are also considered to be in poor condition and underpinning is required.



View of existing from rear

The applicants propose to carry out work in a limited number of areas as follows,

- Demolition of single storey outbuildings to rear
- Internal alterations to ground and first floor of existing rear annex.
- Construction of single storey extension to rear (22.7sqm Gross Internal Floor Area)
- Construction of new garden store to rear
- Associated landscaping works to rear.
- Alteration to existing ground floor window to side
- Removal of one first floor window to north side of annex
- New window openings to rear façade of annex.

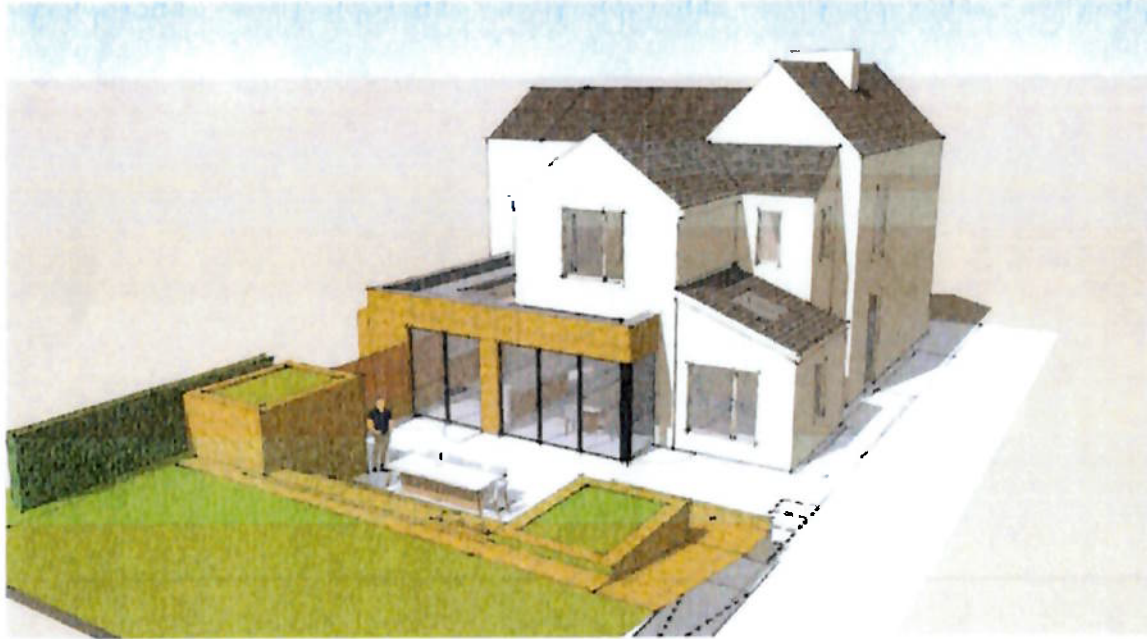
Please refer attached drawings noting the above.

It is also proposed to carry out improvement to the buildings thermal envelope to improve energy efficiency.

The proposed works are local in nature and focussed on providing an enhanced relationship between the kitchen and extended living spaces and garden.

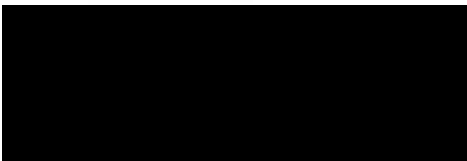
### 4.0 Conclusion

As the proposed works do not impact the character of the ACA and fall within exempt development rules, the proposed works are not considered to be subject to the prior Grant of Planning Permission.



View of proposed development from rear

Yours sincerely,



Christopher Ralphs

RIAI Registered Architect

# Land Registry Compliant Map



Tailte  
Éireann

CENTRE  
COORDINATES:

ITM 568618,571481

ORDER NO.:  
50423244\_1

PUBLISHED:  
18/09/2024

MAP SHEETS:  
6363-11

MAP SERIES:  
1:1,000

COMPILED AND PUBLISHED BY:

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Dublin 8,  
Ireland.  
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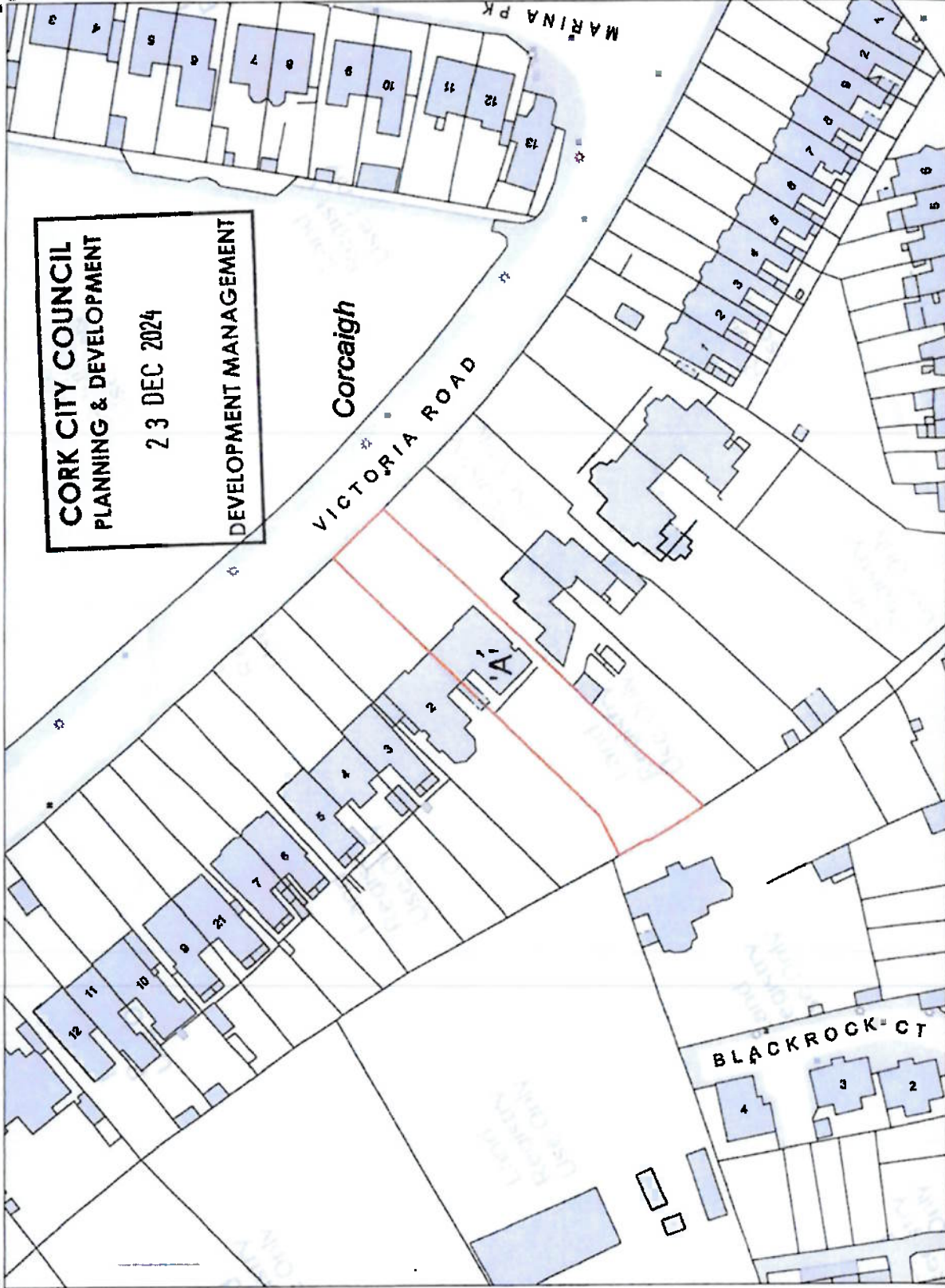
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# OPTION 7

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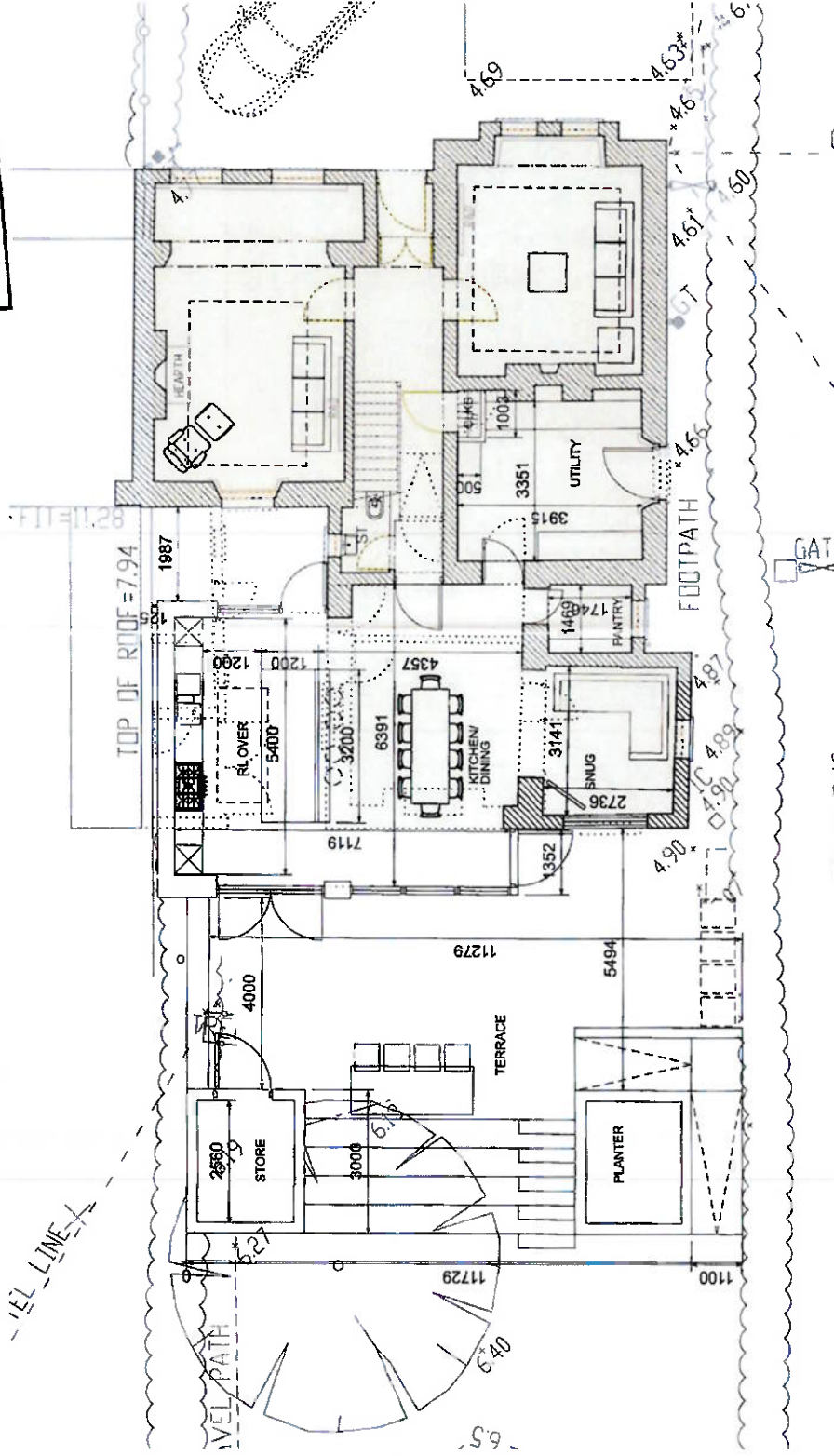


KEY:

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□ PROPOSED 22.7 SQM

□ EXISTING

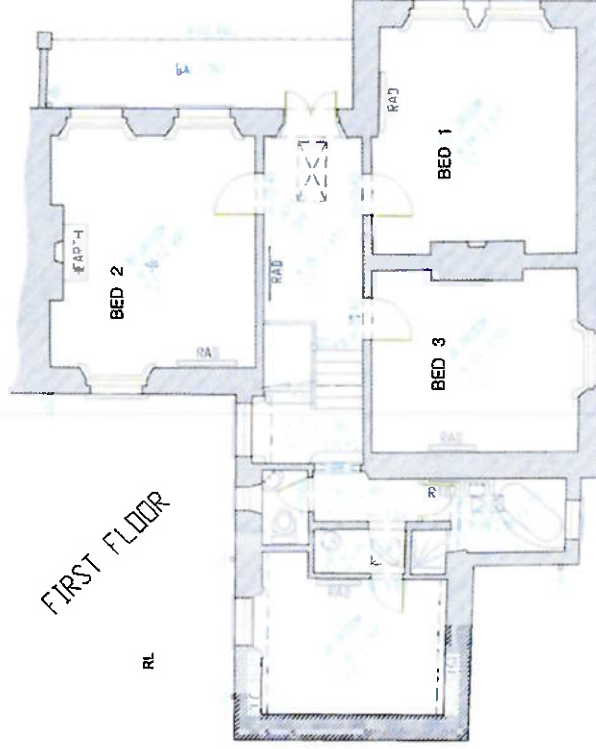


PROPOSED GROUND FLOOR PLAN 1:100 @ A3

PROPOSED EXTENSION & ALTERATION  
TO EXISTING BUILDING  
11700 WILSON ROAD, CORK  
FOR DAVID DELANEY & DAVID O'LEARY  
Rev D

PLANNING

Mulcahy Ralphs Architects  
Unit 208 Adam Business Centre, Mahon, Cork  
Tel: 021 494 1111  
Scale: 1:100 @ A3  
Date: 11/11/24  
DWG: 24028101200109



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Dwg: 24/2024/01/100100

PLANNING

PLAN

EXISTING FIRST FLOOR PLAN

FOR DAVID DELANEY & DAVID O'LEARY

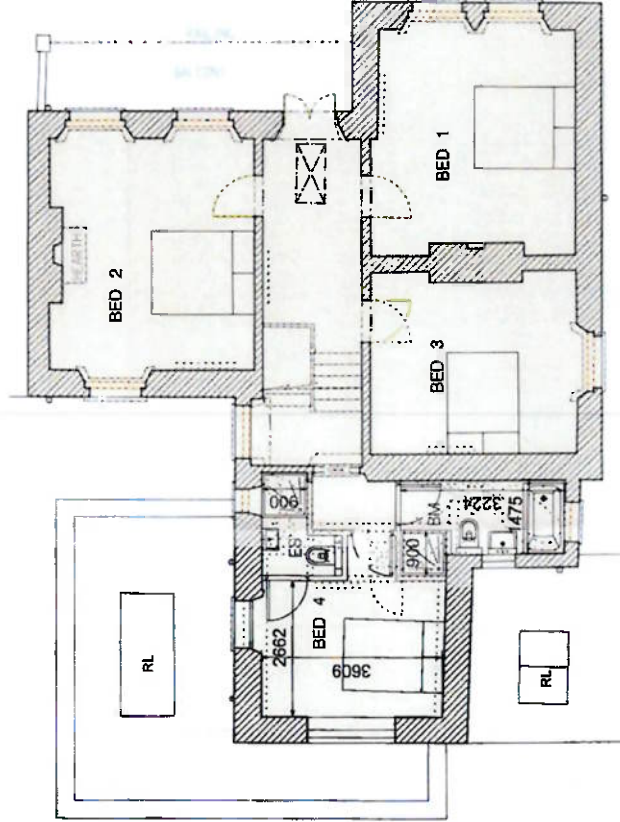
EXISTING FIRST FLOOR PLAN 1:100 @ A3  
PROPOSED EXTENSION & ALTERATION  
TO EXISTING DWELLING AT  
1 PARK VILLAGE, VICTORIA ROAD, CORK  
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KEY:

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■ EXISTING



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PROPOSED FIRST FLOOR PLAN 1:100 @ A3

PROPOSED EXTENSION & ALTERATION  
TO EXISTING DWELLING AT  
1 PARK VILLAS, VICTORIA ROAD, CORK

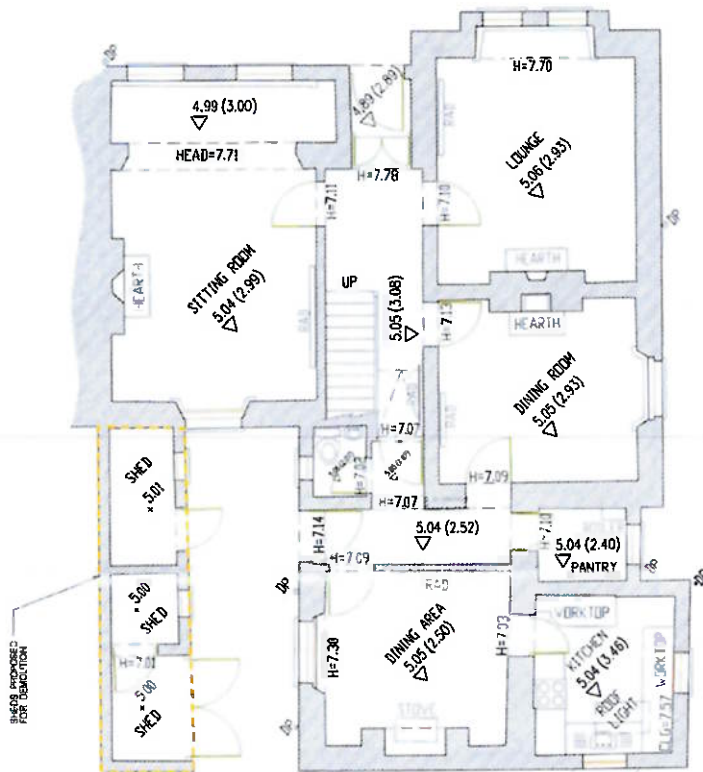
FOR DAVID O'DONOVAN & DAVID O'LEARY

PROPOSED FIRST FLOOR PLAN

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24/03/2012/2011/10



EXISTING PROPOSED  
FLOOR FINISH

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PLANNING & DEVELOPMENT  
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# EXISTING GROUND FLOOR PLAN 1:100 @ A3

PROPOSED EXTENSION & ALTERATION  
TO EXISTING BUILDING AT  
11 PARK WALK VICTORIA ROAD CORK

FOR MR DAVID DELANEY & MISS O'LEARY

EXISTING GROUND FLOOR PLAN

Rev 00

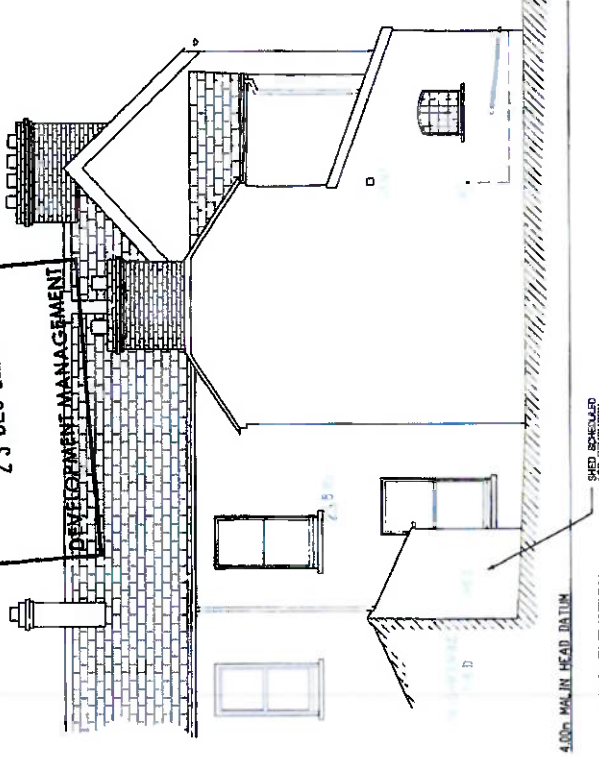
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Mulcahy R. A. Architects Ltd  
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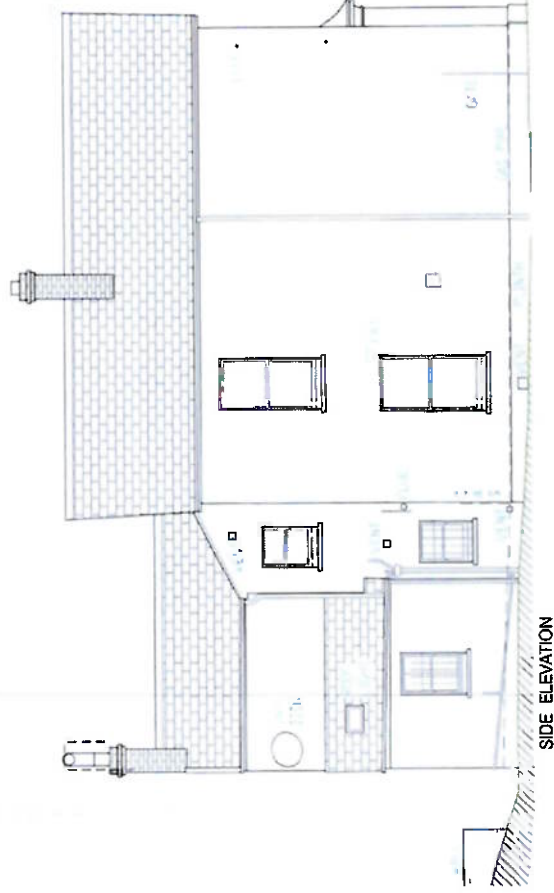
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23 DEC 2024

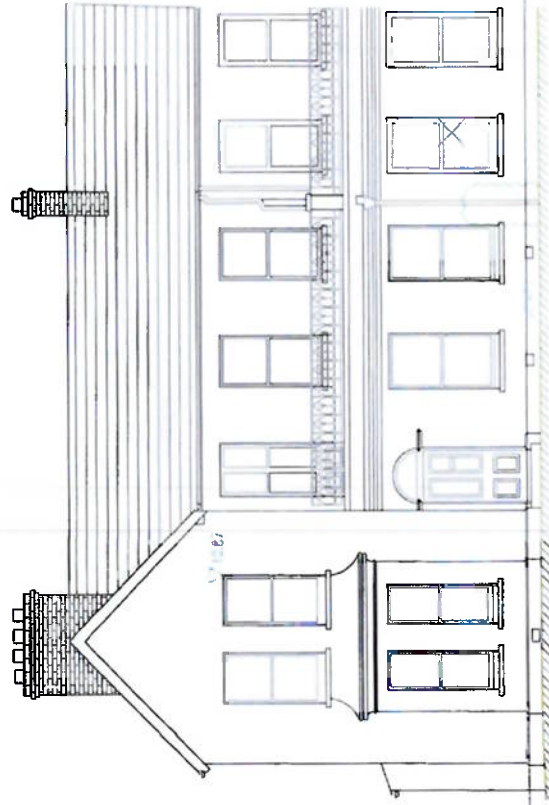
DEVELOPMENT MANAGEMENT



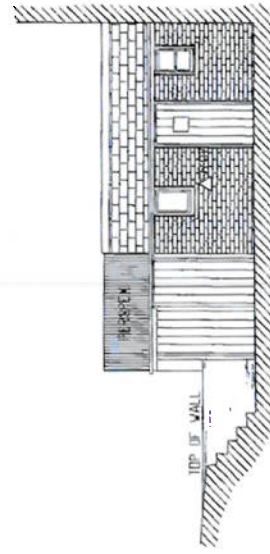
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



ELEVATION OF SHEDS SCHEDULED FOR DEMOLITION

EXISTING ELEVATIONS 1:100 @ A3

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PROPOSED DEMOLITION & ALTERATION  
TO EXISTING BUILDING & SHEDS  
1 TANK VALLEY VICTORIA ROAD CORK

FOR DAVID DELANEY & SONS O'LEARY

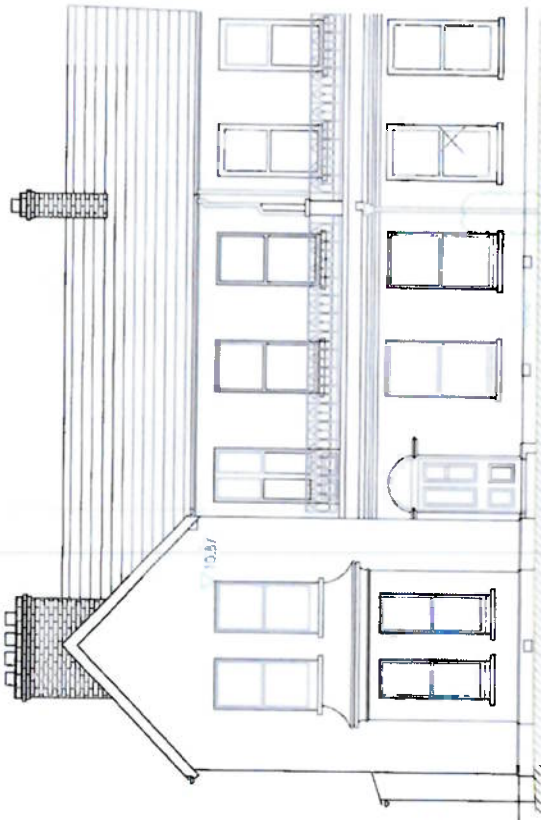
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Rev: 00

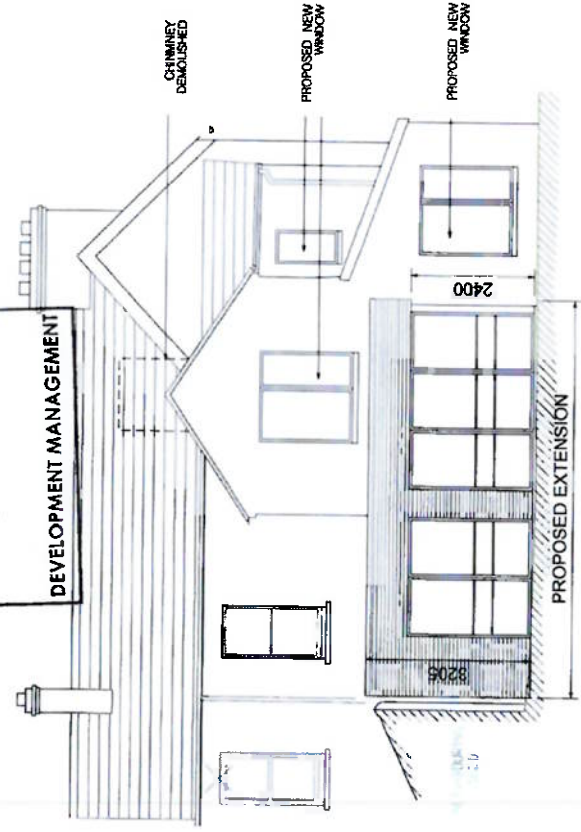
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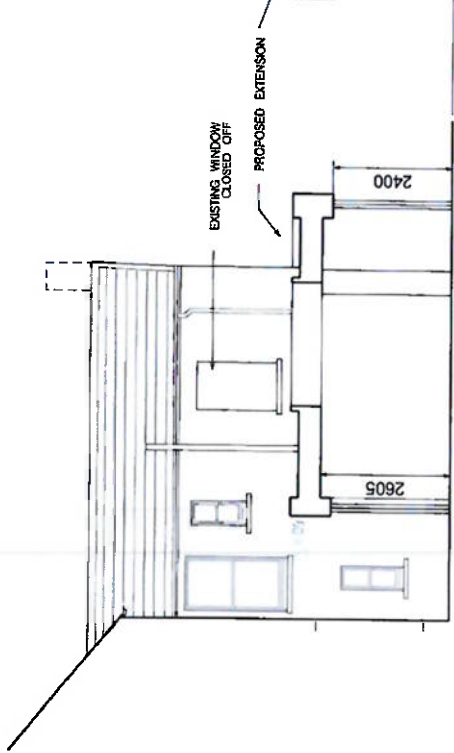
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FRONT ELEVATION



REAR ELEVATION



SECTION



SIDE ELEVATION

PROPOSED ELEVATIONS 1:100 @ A3

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PROPOSED EXTENSION & ALTERATION  
TO EXISTING BUILDING AT  
17000 VICTORIA ROAD CORK

FOR DAVID DELANEY & SONS QUARRY

PROPOSED ELEVATIONS

Rev 00

PLANNING

Mulcahy Ralphs Architects  
Unit 208 Acorn Business Centre, Mahon, Cork  
Web: www.mulcahyralphs.com  
Scale 1:100 @ A3 Date 11/11/24 Dwg 24024 (1/250) 10

Row (2)

SKETCH

PROPOSED EXTENSION & ALTERATION  
TO EXISTING DWELLING AT  
1 PARK VILLAS VICTORIA ROAD CORK

FOR DAVID DELANEY & EMER O'LEARY

## PROPOSED SITE LAYOUT PLAN

Mulcahy Ralphs Architects  
Unit 4, MIC, Bessboro Road Cork

Scale Date Dwg  
1:250@A3 11/11/24 24028/01/2050/03

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PROPOSED SITE LAYOUT PLAN 1:250 @ A3

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