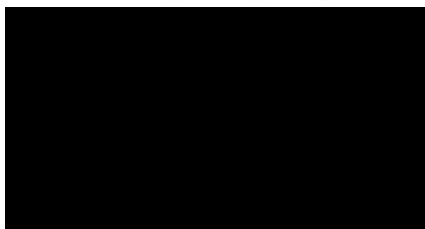




Comhairle Cathrach Chorcaí Cork City Council

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

Etienne O' Sullivan,



04/07/2025

RE: Section 5 Request:
R959/25. 70 Meadow Grove Estate, Blackrock

A Chara,

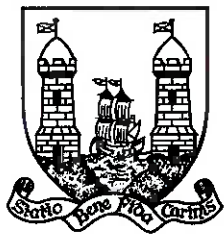
With reference to your request for a Section 5 Declaration at the above-named property, received on the 03rd of June, 2025.

The question put before the Planning Authority is whether the following are development and, if so, are they exempted development:

1. The construction of a single storey extension to rear of dwelling house.
2. The replacement of the garage door with window at the front of the dwelling;
3. The addition of external insulation to the dwelling.



We are Cork.



Comhairle Cathrach Chorcaí Cork City Council

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

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

1. The construction of a single storey extension to rear of dwelling house.
2. The replacement of the garage door with window at the front of the dwelling.
3. The addition of external insulation to the dwelling.

at 70 Meadow Grove Estate, Blackrock, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Is mise le meas,

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



We are Cork.

PLANNER'S REPORT
Ref. R 959/25

**Cork City
Council**
Development Management
Planning and Integrated
Development

Application type	SECTION 5 DECLARATION
Question	<i>Whether the following are development and, if so, are they exempted development:</i> <ol style="list-style-type: none"><i>1. The construction of a single storey extension to rear of dwelling house.</i><i>2. The replacement of the garage door with window at the front of the dwelling;</i><i>3. The addition of external insulation to the dwelling.</i>
Location	70 Meadow Grove Estate, Blackrock, Cork
Applicant	Etienne O'Sullivan (owner)
Date	15/08/2025
Recommendation	Is development and is exempted development

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, "*I would like to apply for a declaration of exemption for the construction of a rear extension of the kitchen area of the existing building, also the installation of a window in the place of the existing garage door and install external insulation?*"

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 the following are development and, if so, are they exempted development:

1. *The construction of a single storey extension to rear of dwelling house.*
2. *The replacement of the garage door with window at the front of the dwelling;*
3. *The addition of external insulation to the dwelling.*

3. SITE DESCRIPTION

The subject property is a two storey semi-detached dwelling in the Sustainable Residential Neighbourhoods zoning area. The area is predominantly residential in nature.

4. DESCRIPTION OF THE DEVELOPMENT

The proposed development proposes the construction of new rear extension, replacement of garage door with window and the addition of external insulation, all to an existing dwelling house.

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*

<p>Column 1 Description of Development</p>	<p>Column 2 Conditions and Limitations</p>
<p><i>Development within the curtilage of a house</i></p> <p>CLASS 1 <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>	<ol style="list-style-type: none"> 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> (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> (c) <i>Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</i> 2. (a) <i>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.</i> (b) <i>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.</i> (c) <i>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.</i>

Column 1 Description of Development	Column 2 Conditions and Limitations
	<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>

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’.

With regard to the proposed development, there are a number of items proposed and each will be dealt with accordingly:

1. *The construction of a single storey extension to rear of dwelling house.*
 - It is considered that the construction of the rear extension 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.
2. *The replacement of garage door with window at the front of the dwelling;*
 - It is considered that the front elevation alterations 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.
3. *The addition of external insulation to the dwelling;*
 - It is considered that the addition of external insulation 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

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).

With regard to the proposed development, there are a number of items proposed and each will be dealt with accordingly:

1. *The construction of a single storey extension to rear of dwelling house.*
 - It is considered 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 the following is found:

Condition / Limitation 1

The house, from reviewing planning history, has not been previously extended. The proposed extension is approximately 32.8sqm 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 25m² of open space will remain to the rear of the dwelling. An approximate measurement indicates approximately 100sqm 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.

Condition / Limitation 7

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

2. *The replacement of replacement of garage door with window at the front of the dwelling;*

- It is considered that the proposed alterations to the front elevation come within the scope of section 4(1)(h) of the Planning and Development Act, “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”, and therefore, is considered to be exempted development.

3. *The addition of external insulation to the dwelling;*

- Section 4(1)(h) of the Act provides that 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.

External insulation is considered to come under maintenance, and it will be an improvement to the energy efficiency of the house. The addition of external insulation to this dwelling will alter the external appearance of the house. The test is whether it would materially affect the external appearance of the structure so as to render the appearance consistent with the character of the structure or of neighbouring structures.

In terms of whether the works would render the appearance inconsistent with the character of the structure, I would refer to case law (Cairnduff v. O’Connell, 1986), in which the matter of the character of the structure was discussed. The key elements of character to which the Supreme Court had regard included shape, colour, design, ornamental features and layout.

In terms of the character of the house and the neighbouring houses, it is a semi-detached house in an established urban residential area. The external finish is brick on the lower front elevation with a rough render finish at first floor level.

While it is considered that all the houses in the cul de sac would have had the same finishes and a sense of uniformity and consistency upon completion of construction, this uniformity and consistency has reduced over time with different painted finishes to the brick elements. It is noted that some other houses in this location have external insulation added. It is recognised that some of these changes would not have required planning permission.

Cumulatively all these result in a grouping of houses with interventions. While there is some remaining elements of uniformity and consistency in the houses in terms of form and ridge height and some compatibility in terms of their overall character and elevational treatment, there are many variances to the houses, leading to the erosion of the original character and uniformity.

It is noted that Section 4(1)(h) of the Act provides that development consisting of the carrying out of works 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 would be exempted development. The works proposed are to improve the energy efficiency of the dwelling and while the proposal will alter the external appearance of the dwelling, it is not considered, in this case, that the works will render the appearance inconsistent with the character of the structure or of neighbouring structures in this urban location.

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 —

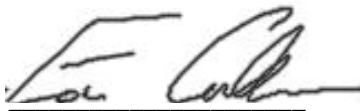
- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and 10 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

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

1. The construction of a single storey extension to rear of dwelling house.
2. The replacement of the garage door with window at the front of the dwelling;
3. The addition of external insulation to the dwelling.

at 70 Meadow Grove Estate, Blackrock, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.



Eoin Cullinane
Executive Planner
02/07/2025

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

Fón/Tel: 021-4924029

Líonra/Web: 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

MR ETIENNE O'SULLIVAN

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

70 MEADOW GROVE ESTATE
BLACK ROCK
T12D99X

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.

I would like to apply for a Declaration of Exemption for the construction of a rear extension of the kitchen area of the existing building, also the installation of a window in the place of the existing garage door and install external insulation.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

4. Are you aware of any enforcement proceedings connected to this site?
If so please supply details: None

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	EXISTING Floor Area = 128m ² Proposed Extension = 25m ²
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 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)

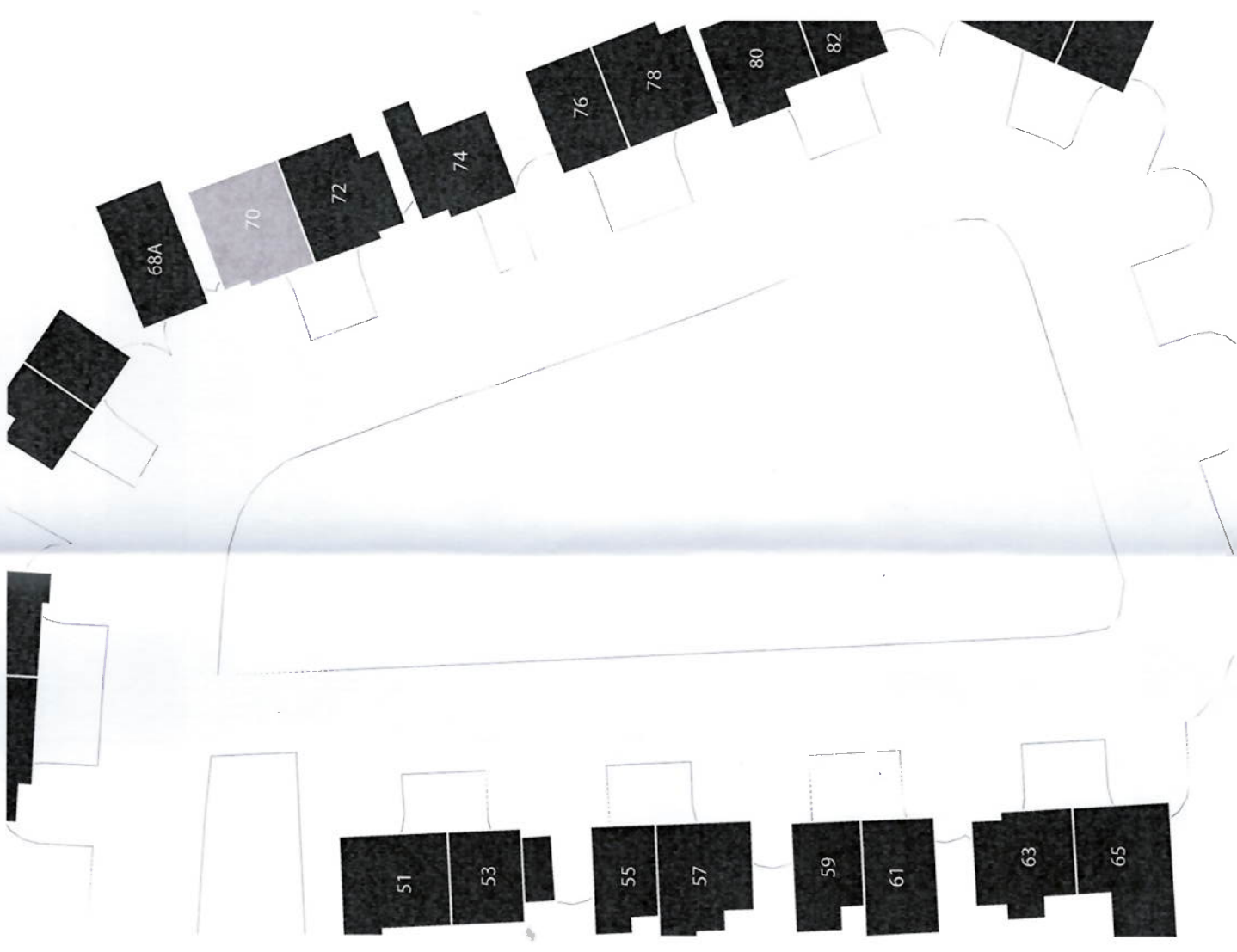
7. LEGAL INTEREST

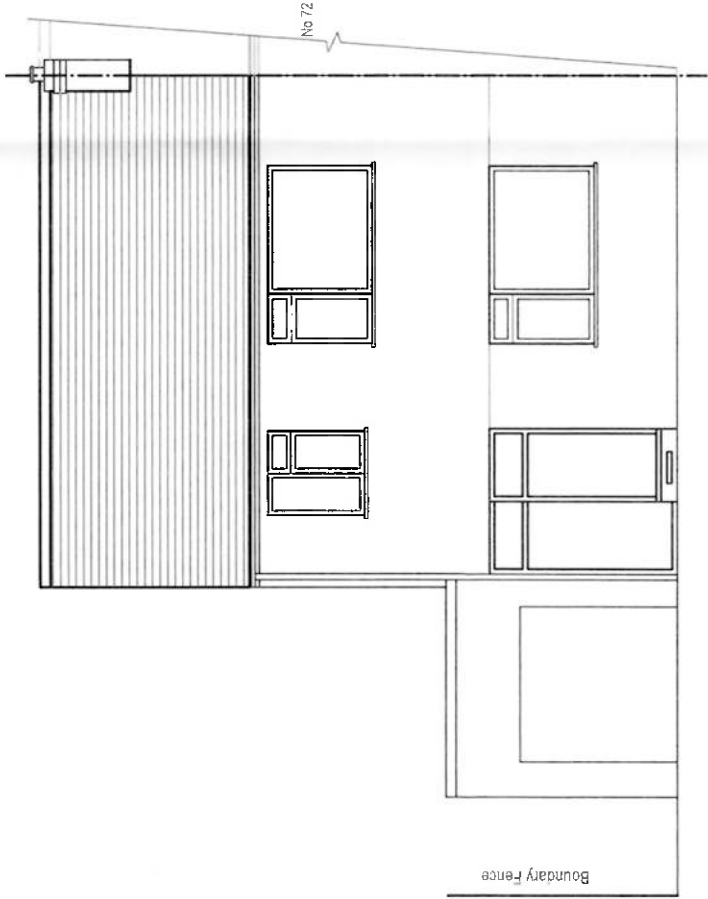
Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name of the owner if available		

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

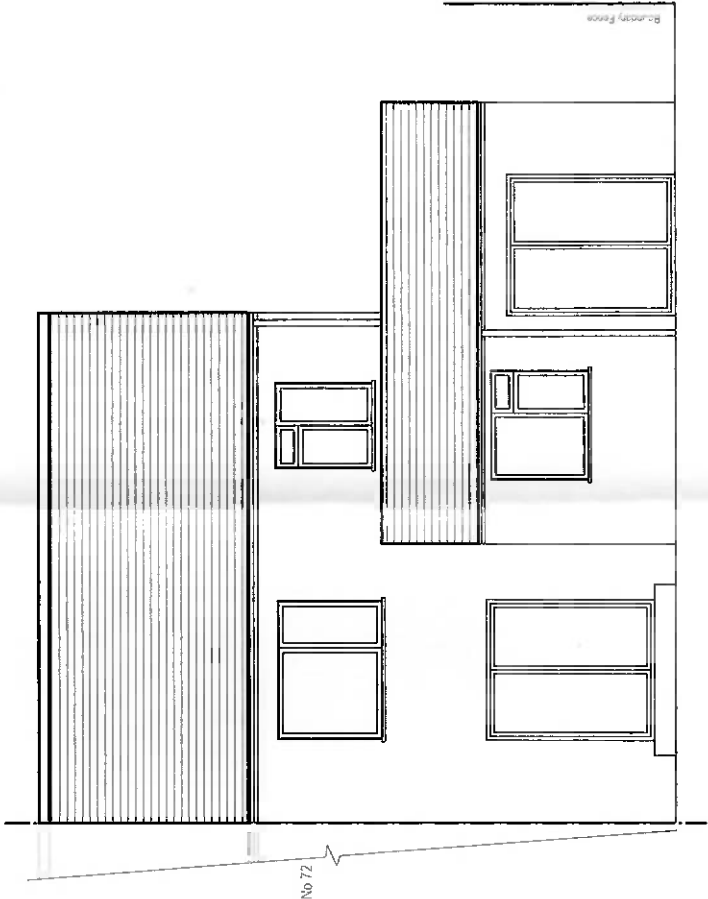
Signature: [Redacted Signature]

Date: 11-May-2025

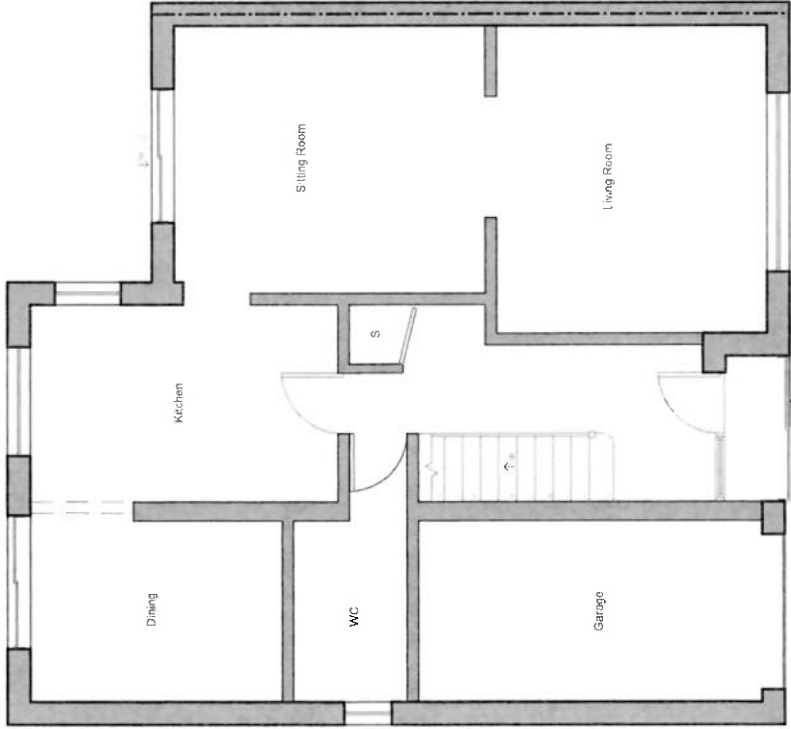




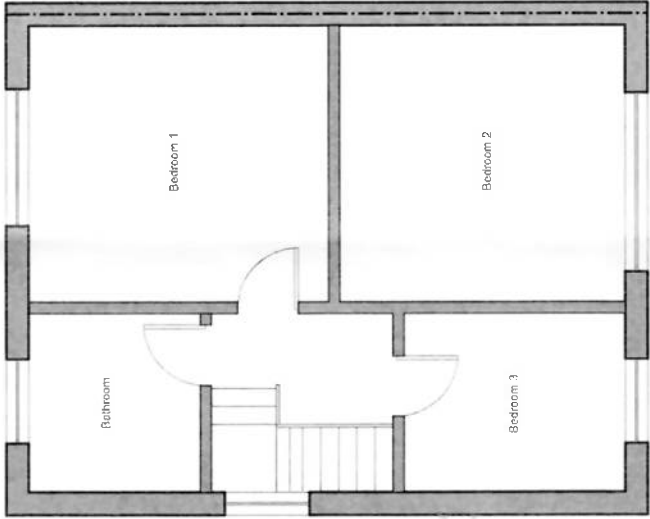
Existing Front Elevation



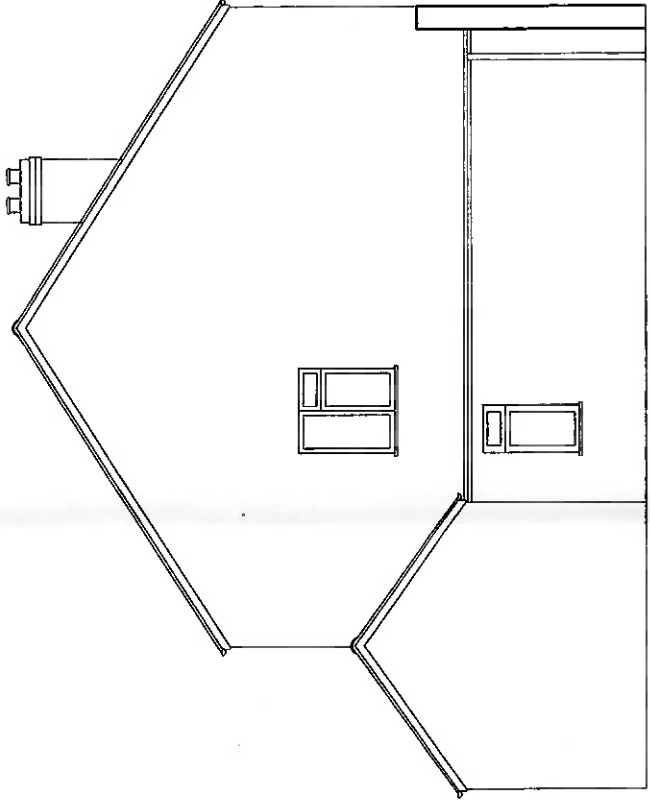
Existing Rear Elevation



Existing Ground Floor Plan



Existing First Floor Plan

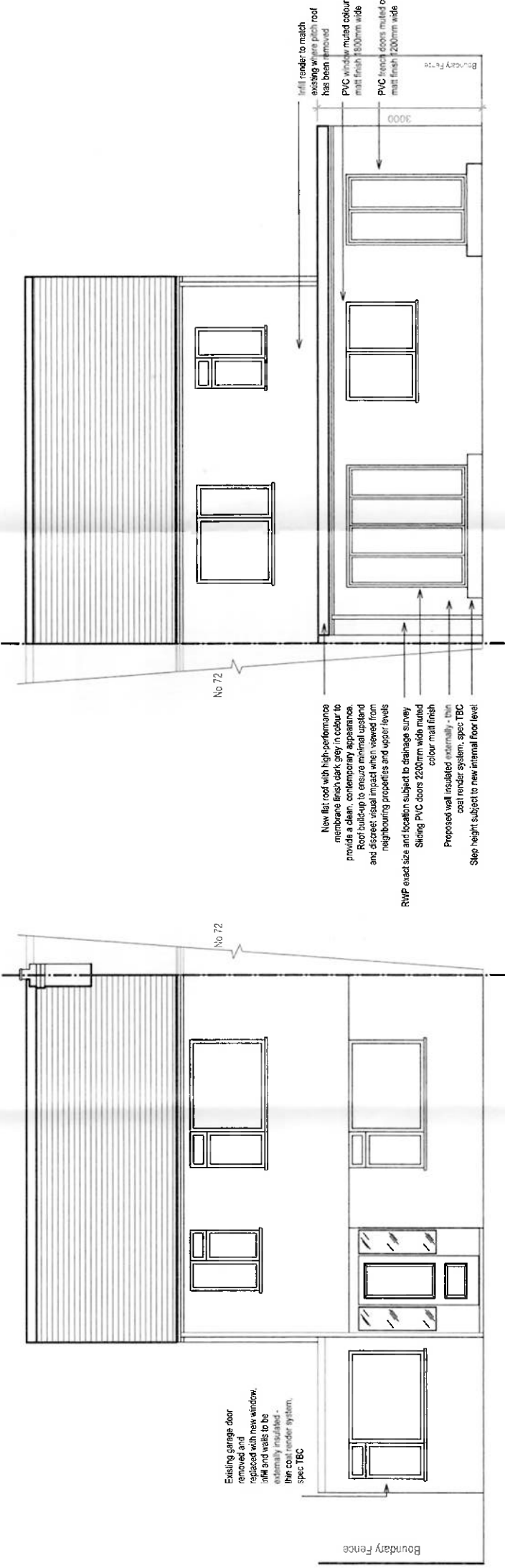


Existing Side Elevation

1:100 @ A3
DO NOT SCALE
PLANNING ONLY
NOT FOR BUILD

Project 70 Meadow Grove
Client EOS
Date 22/05/25
STATUS Planning

RAT OFFICE
18 Ashwin Street,
Hackney,
London E8 3DL
www.ratoffice.com



Proposed Front Elevation

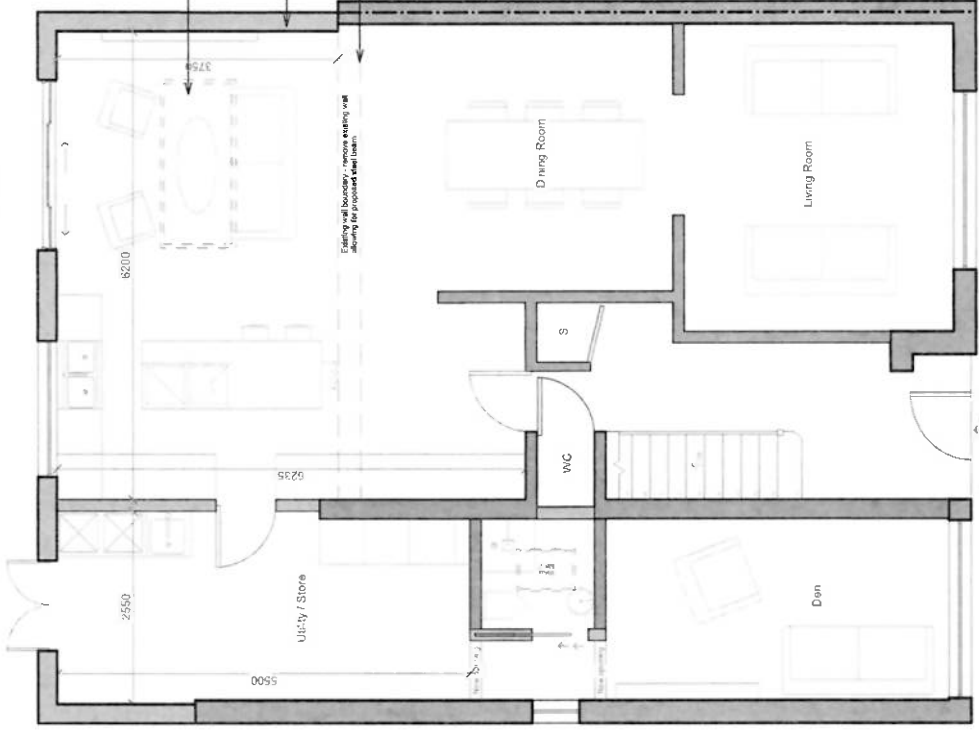
Proposed Rear Elevation

Proposed extension designed in accordance with Cork City Council Development Plan 2022-2028 sustainability objectives, including Policy Objective 10.1 (Energy Efficiency in Buildings) and Objective 10.3 (Low Carbon Construction). The building fabric prioritises thermal performance, airtightness, and sustainable material use to support reduced operational energy demand and long-term climate resilience.

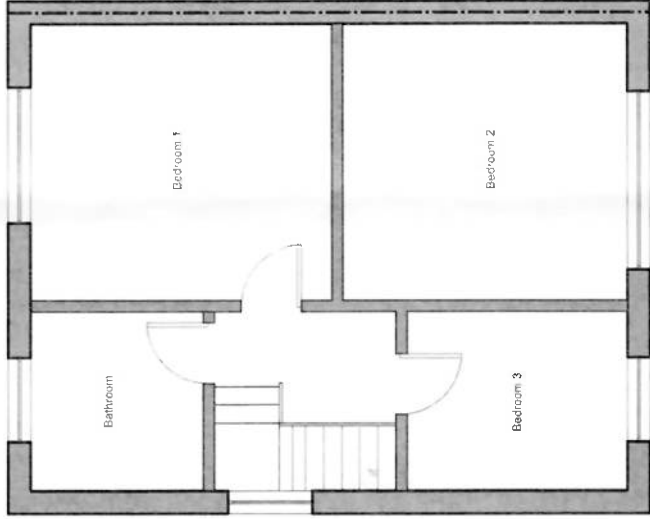
Proposed external wall to be 250mm overall thickness timber frame construction, high-performance external insulation, thin coat render system, spec TBC.
Proposed walls to achieve high thermal performance and airtightness, to support low operational energy.

Proposed
Existing

Fire safety strategy for proposed, including compartmentation, subject to on-site assessment by a fire safety consultant in accordance with Part B of the Building Regulations and Cork City Council requirements.
Proposed rooflight (2200mm x 1000mm), opening TBC, located upstand and sliding up to roofline, installed in accordance with manufacturer's guidelines.
Proposed wall built to party wall boundary as drawn, minimising visual and structural impact on neighbouring property.
Proposed structural steel beam location. Final dimensions, section type and load-bearing specification to be determined by structural engineer, with installation feasibility to be assessed on site with the main contractor.



Proposed Ground Floor



Proposed First Floor Plan (Unchanged)

New flat roof with high-performance membrane finish dark grey in colour to provide a clean, contemporary appearance. Roof build-up to ensure minimal upstand and discreet visual impact when viewed from neighbouring properties and upper levels.
Walls to be externally insulated, thin coat render system, spec TBC.
RWP exact size and location subject to drainage survey.

Proposed Side Elevation