

Comhairle Cathrach Chorcaí Cork City Council

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

Aoife and Jason Smith,

23 Wilton Court,

Wilton,

Cork,

T12VYN2

25/06/2026

RE: Section 5 Declaration: R1048/26 23 Wilton Court, Wilton, Cork,
T12VYN2

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 29th of May, 2026, I wish to advise as follows:

The first issue for consideration is whether or not the matter at hand is 'development'?

'Development' as defined in the Act (3)(1) comprises two possible chief components: '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'. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

'Works' is defined in section 2(1) of the Act as 'the carrying out of any works on, in, over, or under land' including '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.'



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The addition of external insulation on the front wall of the house, increasing the height of the boundary wall and building a porch falls within the definition of 'works'. Therefore, the proposal constitutes development within the meaning of the Act.

Conclusion: The works are considered development.

Exempted Development

The proposed application of external insulation and smooth plaster finish to the front elevation does not fall within any class of exempted development under Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

Accordingly, consideration is given to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

External insulation constitutes works of improvement; however, such works are only exempt where they do not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or of neighbouring structures.

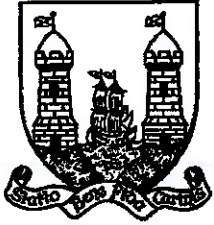
In this instance, the front elevation of the dwelling is characterised by a combination of light brown and pale-yellow brick cladding with sections of white render. This treatment is consistent across the adjoining dwellings, forming a coherent and uniform streetscape.

The proposed works would result in the replacement of the existing mixed material finish with a uniform smooth plaster finish. This would significantly alter the materiality, texture and visual composition of the front elevation.

Having regard to the established character of the dwelling and the consistent architectural treatment of the terrace, it is considered that the proposed works would materially affect the external appearance of the structure and render it inconsistent with the character of both the subject dwelling and neighbouring structures.



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This approach is supported by An Bord Pleanála determination ABP-309407-21, which found that the application of external insulation to the front of a dwelling constituted works that materially affected the external appearance and did not fall within the scope of Section 4(1)(h).

This position is supported by An Bord Pleanála determination **ABP-309407-21**, where the Inspector found that:

“the installation of external insulation to the front of the dwelling house constitutes works which materially affect the external appearance of the existing dwelling so as to render its appearance inconsistent with its own character and that of neighbouring structures, and accordingly does not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.”

Conclusion:

The proposed external insulation and render finish constitute development and do not qualify as exempted development.

In regards to the proposed porch, the construction of a porch constitutes ‘works’ and therefore development under Section 3 of the Act.

Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) provides an exemption for porches subject to specific conditions and limitations, including restrictions on floor area (not exceeding 2 square metres), height, and distance from the public road.

In this instance, insufficient details have been provided in relation to the size, height and siting of the proposed porch to enable a full assessment of whether it complies with the relevant conditions and limitations of Class 1.

Therefore, based on the information submitted, it is not possible to determine whether the proposed porch constitutes exempted development.



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In respect of the proposed increase in height of the boundary wall, such works fall within the definition of 'works' under Section 2(1) of the Act and therefore constitute development.

Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) provides exemptions for boundary walls and fences, subject to height limitations (generally 1.2 metres forward of the front of the house and 2 metres elsewhere).

The applicant has indicated an intention to increase the wall height by two standard blocks; however, no details have been provided in respect of the existing height, finished height, or the location of the wall relative to the dwelling.

Accordingly, there is insufficient information to determine whether the proposed development complies with the conditions and limitations of Class 5.

Therefore, it cannot be determined whether the proposed increase in boundary wall height constitutes exempted development.

Conclusion:

- External Insulation – The works are considered development and **not exempted development**.
- Porch – The works are considered development; however, based on the information submitted, **it cannot be determined whether they constitute exempted development**.
- Boundary Wall – The works are considered development; however, based on the information submitted, **it cannot be determined whether they constitute exempted development**.



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In view of the above and having regard to —

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

It is considered that:

- The proposed application to add external insulation to the front elevation is considered development and **NOT EXEMPT DEVELOPMENT**;
- The proposed porch constitutes development and **IT CANNOT BE DETERMINED, BASED ON THE INFORMATION SUBMITTED, WHETHER IT IS EXEMPT DEVELOPMENT**;
- The proposed boundary treatment constitutes development and **IT CANNOT BE DETERMINED, BASED ON THE INFORMATION SUBMITTED, WHETHER IT IS EXEMPT DEVELOPMENT**,

at No. 23 Wilton Court, Cork.

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 Coimisiún Pleanála within 4 weeks of the date it is issued., 25th of June, 2026.

Is mise le meas,

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



We are Cork.

Section 5 Declaration – Planner’s Report

File Reference:

R1048/26

Description:

Change the finish of the exterior wall on house. Intention is to insulate walls to increase energy efficiency. We want the finish to be smooth plaster. Currently it is a mix of plaster and exposed bricks. Does this require planning permission? Potential addition of porch extending out from original front door entrance again to reduce heat loss and increase energy efficiency/rating.

We want to increase the height of the boundary walls surrounding the house for additional security and privacy by 2 standard block levels. Please see additional attachment (23 Wilton Court Additional Images.pdf) with images of house and surrounding houses some with similar finish to what we would like.

Applicant:

Aoife and Jason Smith

Location:

23 Wilton Court, Wilton, Cork, T12VYN2

Site inspection:

09/06/2026

Purpose of Report

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

Site Description

The site was inspected on 9 June 2025.

The property is located within Wilton Court, an established residential estate in Wilton. Access to the estate is provided via Summerstown Road to the north. The site also fronts Sarsfield Road, albeit from a slightly lower level, and is separated from it by an iron and rendered brick fence and a fringe green area.

The subject property comprises a semi-detached dwelling featuring a forward-projecting section, which originally functioned as a garage but has since been incorporated as an integral part of the

main dwelling. The house is west-facing and benefits from a driveway to the front and a private rear garden.

The front elevation is finished with a combination of materials, including light brown and pale yellow brick cladding applied to the solid wall sections, and white painted render between openings such as windows and doors. The projecting front element is fully finished in white painted render. Window frames are white throughout.

The neighbouring properties, specifically Nos. 20 to 26 within the same row, exhibit a consistent architectural design and material palette. While there are minor variations in the proportion of painted render relative to brick cladding, the overall appearance remains uniform across the row. It is considered that the immediate setting is characterised by a high degree of visual consistency, with very limited variation in architectural features along the front elevations of the dwellings. The only variation might be that some of the properties have converted their garage into an integral part of the dwelling.

The property and its surrounding area are not subject to any built heritage designations. The site is zoned under Objective ZO1 – Sustainable Residential Neighbourhoods, and falls within the Landscape Character Type “City Harbour and Estuary” as defined in the Cork City Development Plan 2022–2028.

Planning History

Application site:

No recent planning history on site.

Nearby sites:

11/35052 – 20 Wilton Court, Wilton, Cork

Permission GRANTED for the change of use of part of dwelling from a garage to living space at no 20 Wilton Court, Wilton, Cork. The development shall consist of removing up and over garage door and replacing it with PVC window and built-up plastered block to sill under, dated 25/1/2012.

07/32137 – 19 Wilton Court, Wilton, Cork

Permission GRANTED to erect a single storey extension and remove existing boundary and replace it with a new 2 meter high boundary, dated 18/2/2008.

Legislative provisions

The Planning and Development Act

Section 2(1),

“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, except where the context otherwise requires, "development" means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4(1)(h),

The following shall be exempted developments for the purposes of this 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;

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 2001-2013.

Section 5(1),

(See Section 1 of this report above)

Section 177U (9) (screening for appropriate assessment)

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.

The Planning and Development Regulations

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(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—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

...

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

Assessment

The purpose of this report is to assess whether or not the matter in question constitutes development and whether it falls within the scope of exempted development.

Matters pertaining to the acceptability of the proposal in respect of the proper planning and sustainable development of the area is not a consideration under Section 5.

Development

The first issue for consideration is whether or not the matter at hand is 'development'?

'Development' as defined in the Act (3)(1) comprises two possible chief components: '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'. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

'Works' is defined in section 2(1) of the Act as 'the carrying out of any works on, in, over, or under land' including '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.'

The addition of external insulation on the front wall of the house, increasing the height of the boundary wall and building a porch falls within the definition of 'works'. Therefore, the proposal constitutes development within the meaning of the Act.

Conclusion: The works are considered development.

Exempted Development

The proposed application of external insulation and smooth plaster finish to the front elevation does not fall within any class of exempted development under Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

Accordingly, consideration is given to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

External insulation constitutes works of improvement; however, such works are only exempt where they do not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or of neighbouring structures.

In this instance, the front elevation of the dwelling is characterised by a combination of light brown and pale-yellow brick cladding with sections of white render. This treatment is consistent across the adjoining dwellings, forming a coherent and uniform streetscape.

The proposed works would result in the replacement of the existing mixed material finish with a uniform smooth plaster finish. This would significantly alter the materiality, texture and visual composition of the front elevation.

Having regard to the established character of the dwelling and the consistent architectural treatment of the terrace, it is considered that the proposed works would materially affect the external appearance of the structure and render it inconsistent with the character of both the subject dwelling and neighbouring structures.

This approach is supported by An Bord Pleanála determination ABP-309407-21, which found that the application of external insulation to the front of a dwelling constituted works that materially affected the external appearance and did not fall within the scope of Section 4(1)(h).

This position is supported by An Bord Pleanála determination **ABP-309407-21**, where the Inspector found that:

“the installation of external insulation to the front of the dwelling house constitutes works which materially affect the external appearance of the existing dwelling so as to render its appearance inconsistent with its own character and that of neighbouring structures, and accordingly does not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.”

Conclusion:

The proposed external insulation and render finish constitute development and do not qualify as exempted development.

In regards to the proposed porch, the construction of a porch constitutes ‘works’ and therefore development under Section 3 of the Act.

Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) provides an exemption for porches subject to specific conditions and limitations, including restrictions on floor area (not exceeding 2 square metres), height, and distance from the public road.

In this instance, insufficient details have been provided in relation to the size, height and siting of the proposed porch to enable a full assessment of whether it complies with the relevant conditions and limitations of Class 1.

Therefore, based on the information submitted, it is not possible to determine whether the proposed porch constitutes exempted development.

In respect of the proposed increase in height of the boundary wall, such works fall within the definition of ‘works’ under Section 2(1) of the Act and therefore constitute development.

Class 5 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) provides exemptions for boundary walls and fences, subject to height limitations (generally 1.2 metres forward of the front of the house and 2 metres elsewhere).

The applicant has indicated an intention to increase the wall height by two standard blocks; however, no details have been provided in respect of the existing height, finished height, or the location of the wall relative to the dwelling.

Accordingly, there is insufficient information to determine whether the proposed development complies with the conditions and limitations of Class 5.

Therefore, it cannot be determined whether the proposed increase in boundary wall height constitutes exempted development.

Conclusion:

- External Insulation – The works are considered development and NOT exempted development.
- Porch – The works are considered development; however, based on the information submitted, it cannot be determined whether they constitute exempted development.
- Boundary Wall – The works are considered development; however, based on the information submitted, it cannot be determined whether they constitute exempted development.

Environmental Assessment

Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) 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 an Environmental Impact Statement is not required to be submitted.

Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the Habitats Directive, the Appropriate Assessment Guidelines for Planning Authorities 2009 (revised 2010) and the Act are noted. 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 the European sites referred to above. Accordingly, it is considered that an 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
- Article 6 and Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

It is considered that:

- The proposed application to add external insulation to the front elevation is considered development and NOT exempt development;

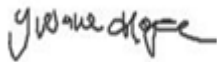
- The proposed porch constitutes development and it cannot be determined, based on the information submitted, whether it is exempt development;
- The proposed boundary treatment constitutes development and it cannot be determined, based on the information submitted, whether it is exempt development,

at No. 23 Wilton Court, Cork.



Sarah Carroll - Graduate Planner
Cork City Council
25.06.2026

I concur with the report and recommendation set out above.



Yvonne Hogan – A/SEP
Cork City Council
25.06.2026

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

Aoife & Jason Smith

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

23 Wilton Court, Wilton, Cork, T12VYN2

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.

Change the finish of the exterior wall on house. Intention is to insulate walls to increase energy efficiency. We want the finish to be smooth plaster. Currently it is a mix of plaster and exposed bricks. Does this require planning permission?

Potential addition of porch extending out from original front door entrance again to reduce heat loss and increase energy efficiency/rating.

We want to increase the height of the boundary walls surrounding the house for additional security and privacy by 2 standard block levels.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Please see additional attachment (23 Wilton Court Additional Images.pdf) with images of house and surrounding houses some with similar finish to what we would like.

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

If so please supply details:

No

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

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

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

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	n/a
(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 ☐ 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/ 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 ☒	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 of the owner if available		

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

Signature:



Date:

20 May 2026

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

Name(s)	[REDACTED]
Address	[REDACTED] [REDACTED]

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

Name(s):			
Address:			
Telephone:			
E-mail address:			
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 ☒	No ☐	

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

Name(s)	
Address	

12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

Tel. No.

[REDACTED]

Mobile No.

[REDACTED]

Email Address:

[REDACTED]

[REDACTED]

For Office Use Only:

File Ref. No. _____

We would like to render the external walls of the house. Here are the current layout and a mock-up of the proposed outcome. Some areas of the mock-up need to be ignored such as the windows which will not be changed in size or style. For the front drive we plan to raise the walls and possibly panel along the top by an additional 2 standard block layers for further privacy. We want to add a porch or ledge at the front doorway as heat is lost in the house and should will also be required with possible increase energy efficiency. A gate widening of entrance.



For the front of the house we would like to increase the height of the wall and put in a gate. We may need to widen the current driveway entrance. We would like to put a porch at the front of the house. This was not included in the initial mock-up so need to account for this. We want to clarify if there will be any issues with skimming over the brick. It was suggested that we may need to apply for planning permission to skim over the bricks as plan to insulate the house to increase energy efficiency. A house on the corner of our block has done something like this when they carried out extension works. We want a smooth finish to our house. Many houses in this area have been rendered as seen in images. Do we require planning permission to do this?





**Táille
Éireann**

Clárúcháin, Luacháil,
Suirbhreacrairí
Registration, Valuation,
Surveying

Official Táille Éireann Registration Map

This map should be read in conjunction with the folio.

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

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.taille.ie.

This map incorporates TÉ Surveying map data under a licence from TÉ. Copyright © Táille Éireann and Government of Ireland.

(centre-line of parcel(s) edged)

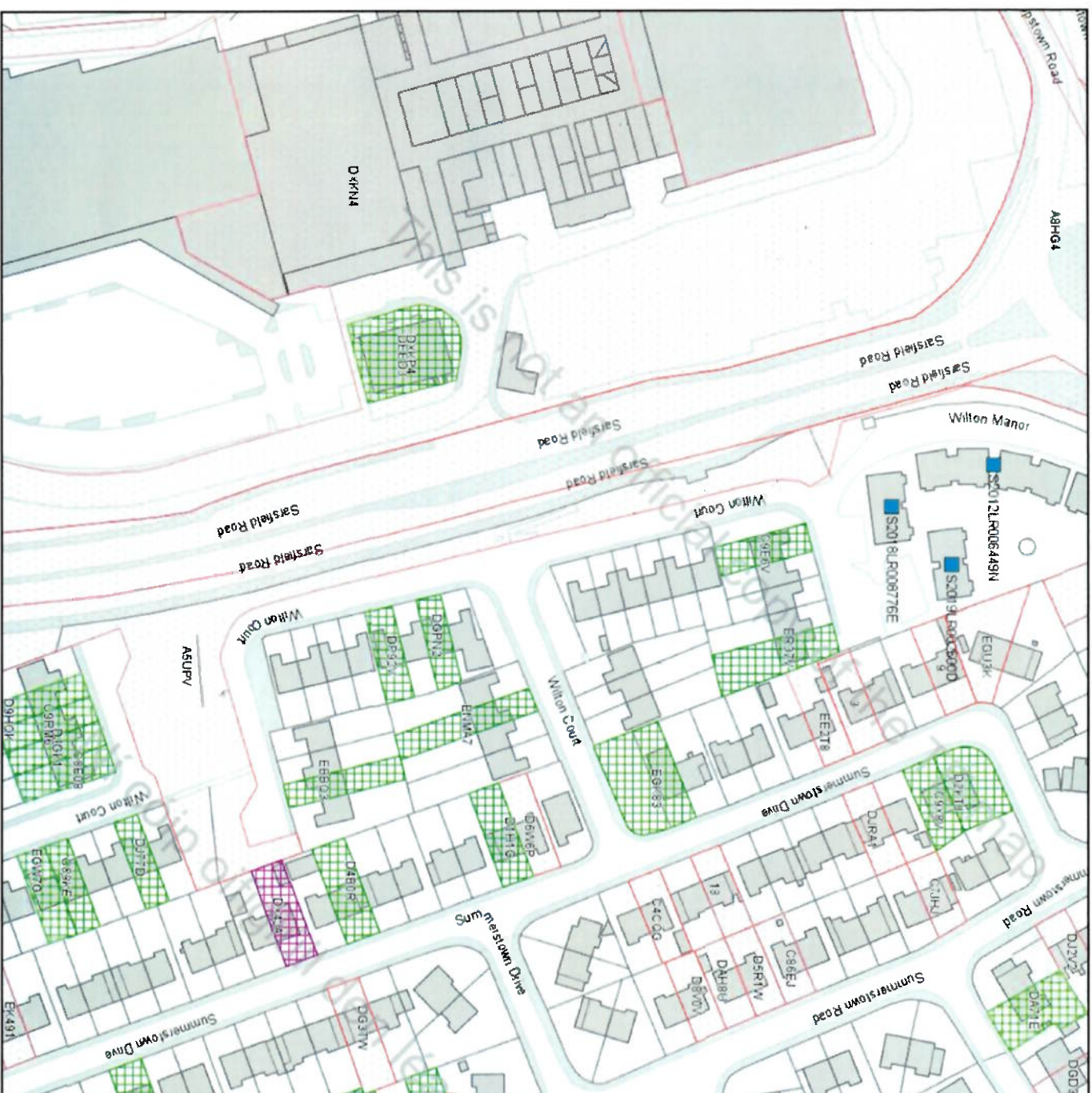
- Freehold
- Leasehold
- Subleasehold
- 'S' Register

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

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie



Táille Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent.

(see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006



