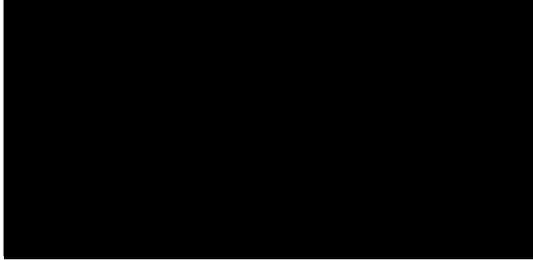




Comhairle Cathrach Chorcaí

Cork City Council

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



18/12/2025

RE: Section 5 Declaration: R1009/25 9, Presentation Place, Greenmount, Cork. T12 W7R2

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 09th of December, 2025.

The Question before the Planning Authority was “is the construction of a Kitchen/diner extension at 9 Presentation Place, Cork a development, and if so, is it an exempted development?”

Having regard to —

- The planning history of the site, and
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),

It is considered that the construction of approximately 18.64sqm single-storey rear extension to the rear of an existing mid-terrace two-storey dwelling at 9 Presentation Place, Greenmount, Cork, T12 W7R2, **Is Development and Is Exempted Development.**

For Clarity, the floor plans / site layout map includes ‘*proposed timber fencing*’, this did not form part of the question put before the Planning Authority, limited details are provided for same and as such it is not permitted as part of this declaration.

Is mise le meas,

Anthony Angelini

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



We are Cork.

PLANNER'S REPORT		Cork City Council
Ref. R1009 /25		Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<p><i>Is the construction of a Kitchen / diner extension at 9 Presentation Place, Cork a development, and if so, is it an exempted development?</i></p> <p><u>Additional Details Regarding the Question:</u> <i>Timber A-frame structure with slated roof to rear of house.</i></p>	
Location	9 Presentation Place, Greenmount, Cork, T12 W7R2.	
Applicant	Aidan Power & Angelique Muller	
Date of App	10/12/2025	
Recommendation	<i>Is Development and Is Exempted Development</i>	

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

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

In framing the question to the planning authority, the applicant states in Q3 of the application form:

‘Is the construction of a Kitchen / diner extension at 9 Presentation Place, Cork a development, and if so, is it an exempted development?’

3. Site Description

The property in question is a mid-terrace two-storey dwellinghouse.

4. Recent Relevant Planning History

On site

None.

5. Legislative Provisions

5.1 The 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, “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),

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)

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.

5.2 **The 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.

SCHEDULE 2, ARTICLE 6, PART 1, *Exempted Development — General*

Column 1 Description of Development	Column 2 Conditions and Limitations
<p><i>Development within the curtilage of a house</i> CLASS 1 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.</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. (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. (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. (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</p>

	<p>extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p>
	<p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p>
	<p>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.</p> <p>(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</p>
	<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 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act –

- (a) (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,
- (a) (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,

6. ASSESSMENT

It should be stated at the outset that the purpose of this report is not to determine the acceptability or otherwise of the proposal at this location in respect to the proper planning and sustainable development

of the area, but rather whether or not the matter in question constitutes development, and if so, falls within the scope of exempted development.

6.1 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.'*

I consider that the construction of a rear extension constitutes development.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. The question to be answered is as follows:

'Is the construction of a Kitchen / diner extension at 9 Presentation Place, Cork a development, and if so, is it an exempted development?'

The rear extension may be exempt if it accords with the exemption set out in Class 1 in Schedule 2 of the *Planning and Development Regulations 2001* (as amended). The following is a review of the proposal against the conditions / limitations set out in Class 1.

The following is a review of the development against the conditions / limitations set out in Class 1.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. (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. (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.	(a) Total extension is less than 40sq.m (b) n/a (c) n/a This condition / limitation is met
---	---

<p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.</p> <p>(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.</p>	<p>(a) The house has not been extended previously. (b) n/a (c) n/a This condition / limitation is met.</p>
<p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p>	<p>N/a</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>(a) The single storey extension does not exceed the height of the rear wall of the house (b) n/a (c) The pitched roof single storey extension does not exceed the height of the eaves or parapet of the existing two-storey dwelling.</p> <p>This limitation is met.</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>A scaled drawing / site plan has been provided. Following a measurement of same there is more than 25m² remaining open space to the rear of the dwelling.</p> <p>This condition / limitation is met</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>(a) The elevation drawing & floor plan show 1 no. window and 1 no. door on the southeast elevation (rear), the site layout drawing, provided with the application, indicates the window & door serving the extension is in excess of 1 metre from the site boundary.</p> <p>(b) n/a</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.	(c) n/a This condition / limitation is met.
7. The roof of any extension shall not be used as a balcony or roof garden.	The roof is a pitched roof extension to a two-storey dwelling. The use of the roof as a balcony is not proposed or permitted as part of this declaration.

I consider that the extension, as shown in the plans provided, is in accordance with the exempted development provisions set out in Class 1.

The proposed drawing includes 1 no. rooflight to serve the extension. This is consideration to come under 4(1)(h) of the regulations for 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.

The extension is in accordance with the limitations as set out in Article 9.

I recommend that a declaration be issued to state that the proposed development is development and is exempted development.

7. ENVIRONMENTAL ASSESSMENT

7.1 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.

7.2 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 appropriate assessment is not required.

8. Conclusion

The question has been asked *'Is the construction of a kitchen / diner extension at 9 Presentation Place, Cork a development, and if so, is it an exempted development?'*

The floor plans / site layout map includes 'proposed timber fencing' this did not form part of the question before the Planning Authority, limited details are provided for same and as such is not permitted as part of this declaration.

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered the construction of the single storey extension to the rear of the mid-terraced two-storey dwelling is development and is exempted development.

9. RECOMMENDATION

In view of the above and having regard to —

- The planning history of the site, and
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),

It is considered that the construction of approximately 18.64sqm single-storey rear extension to the rear of an existing mid-terrace two-storey dwelling at 9 Presentation Place, Greenmount, Cork, T12 W7R2, **Is Development and Is Exempted Development.**

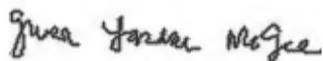
For Clarity, the floor plans / site layout map includes '*proposed timber fencing*', this did not form part of the question put before the Planning Authority, limited details are provided for same and as such it is not permitted as part of this declaration.



Alan Swanwick

Assistant Planner

18/12/2025



Gwen Jordan McGee

Senior Executive Planner

18/12/2025

**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

Aidan Power & Angelique Muller

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

9 Presentation Place
Greenmount
Cork, T12 W7R2

3. QUESTION/ DECLARATION DETAILS

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

Sample Question: Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?

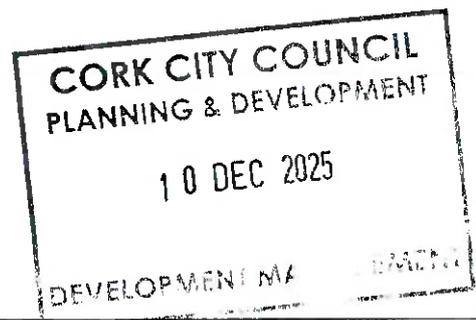
Note: only works listed and described under this section will be assessed under the section 5 declaration.

Is the construction of a kitchen/diner extension at 9 Presentation Place, Cork a development, and if so, is it an exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Timber A-frame structure with slated roof to rear of house



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?

If so please supply details:

No

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	18.64m 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: 

Date: _____

Planning Pack Map



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Éireann

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ITM 567182,571100

ORDER NO.:
50505748_1

MAP SERIES:
1:1,000
1:1,000

MAP SHEETS:
6382-19
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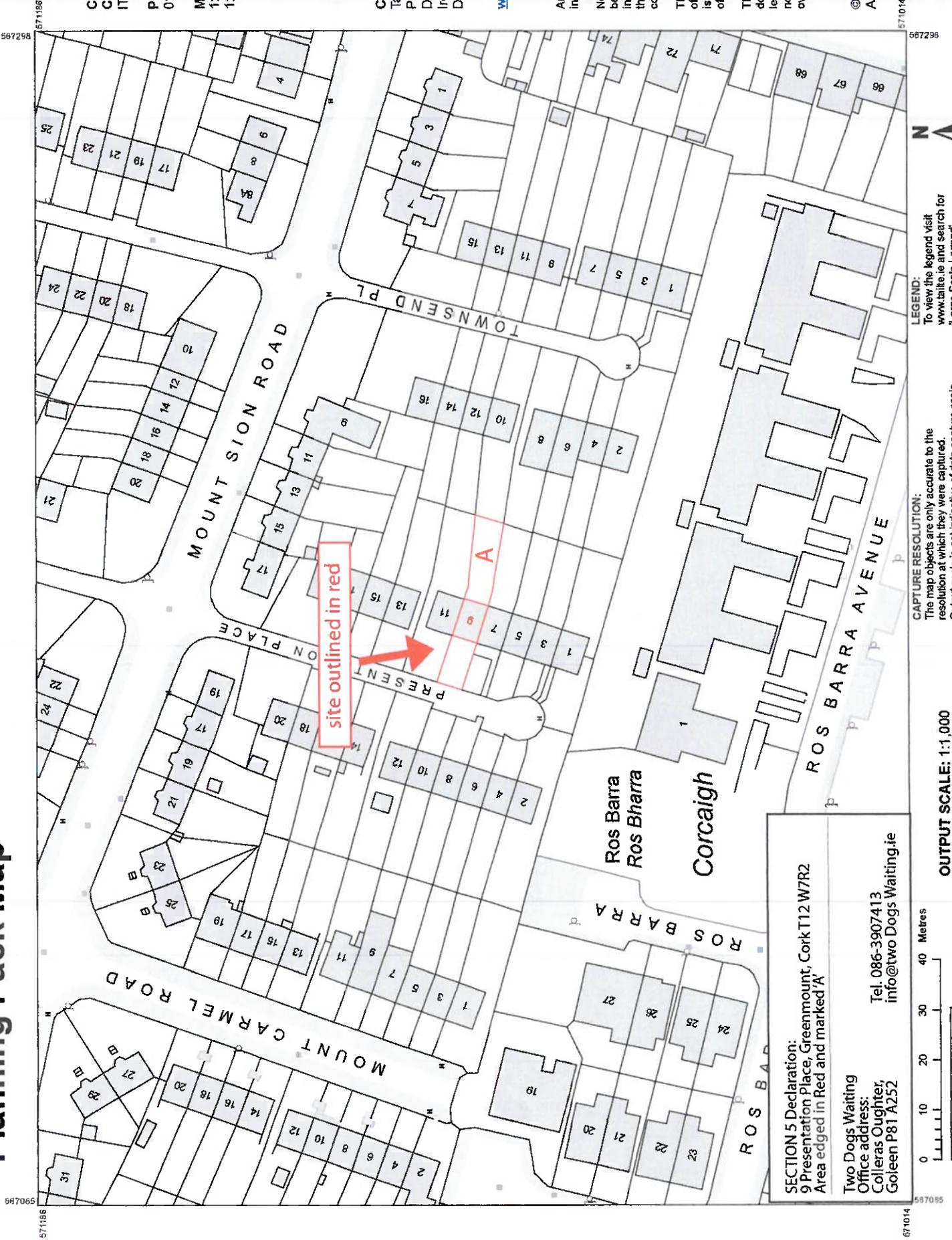
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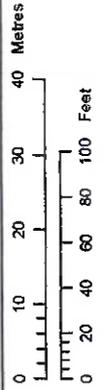
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SECTION 5 Declaration:
9 Presentation Place, Greenmount, Cork T12 W7R2
Area edged in Red and marked 'A'

Two Dogs Waiting
Office address:
Colleras Oughter,
Goleen P81 A252
Tel. 086-3907413
info@two.dogs.waiting.ie



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the
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LEGEND:
To view the legend visit
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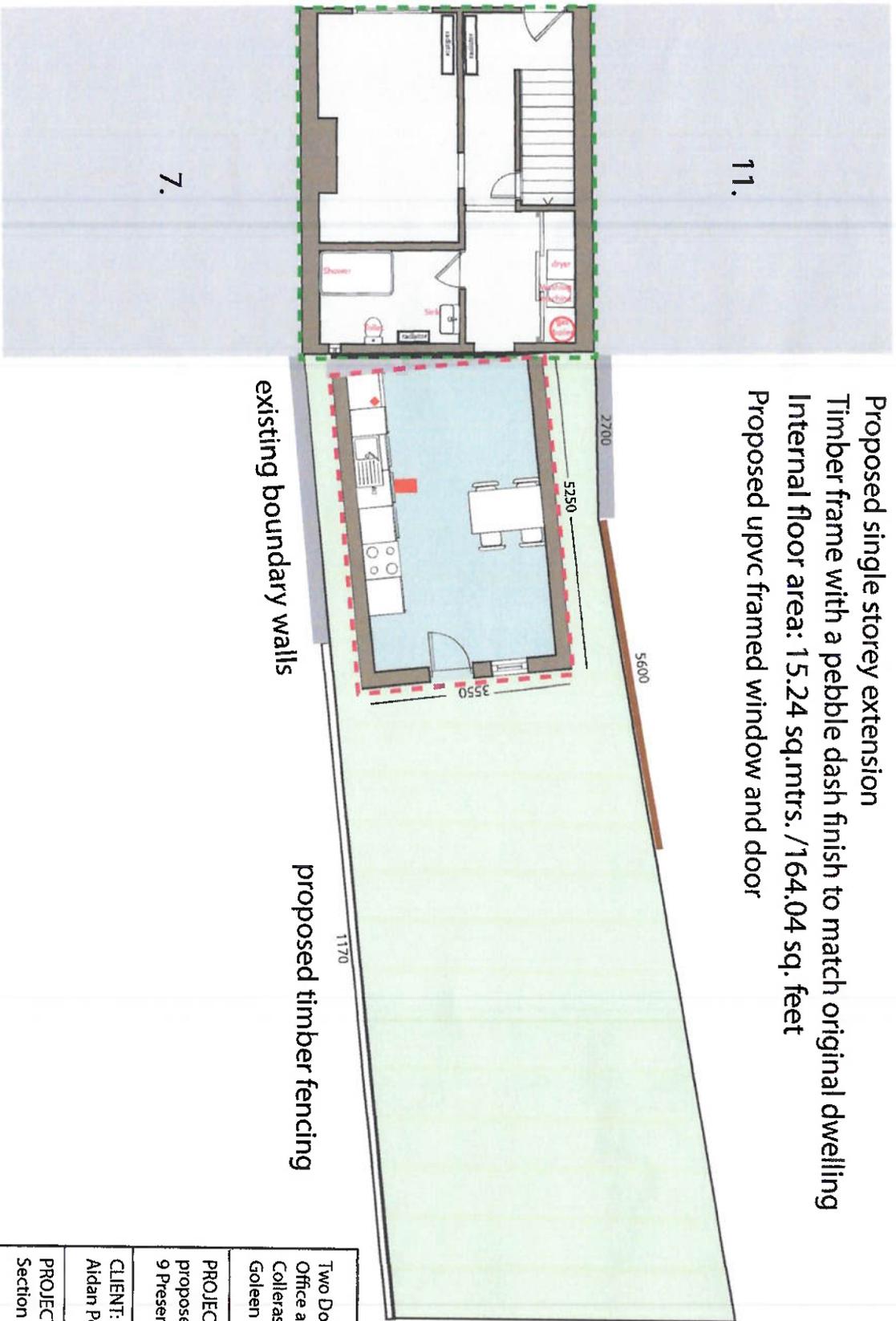
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567046

Notes:
This drawing is for Section 5 purposes only

- DOTTED GREEN LINE INDICATES EXISTING DWELLING
- DOTTED RED LINE INDICATES AREA OF PROPOSED WORKS/CHANGES

Proposed single storey extension
 Timber frame with a pebble dash finish to match original dwelling
 Internal floor area: 15.24 sq.mtrs. / 164.04 sq. feet
 Proposed upvc framed window and door



existing boundary walls

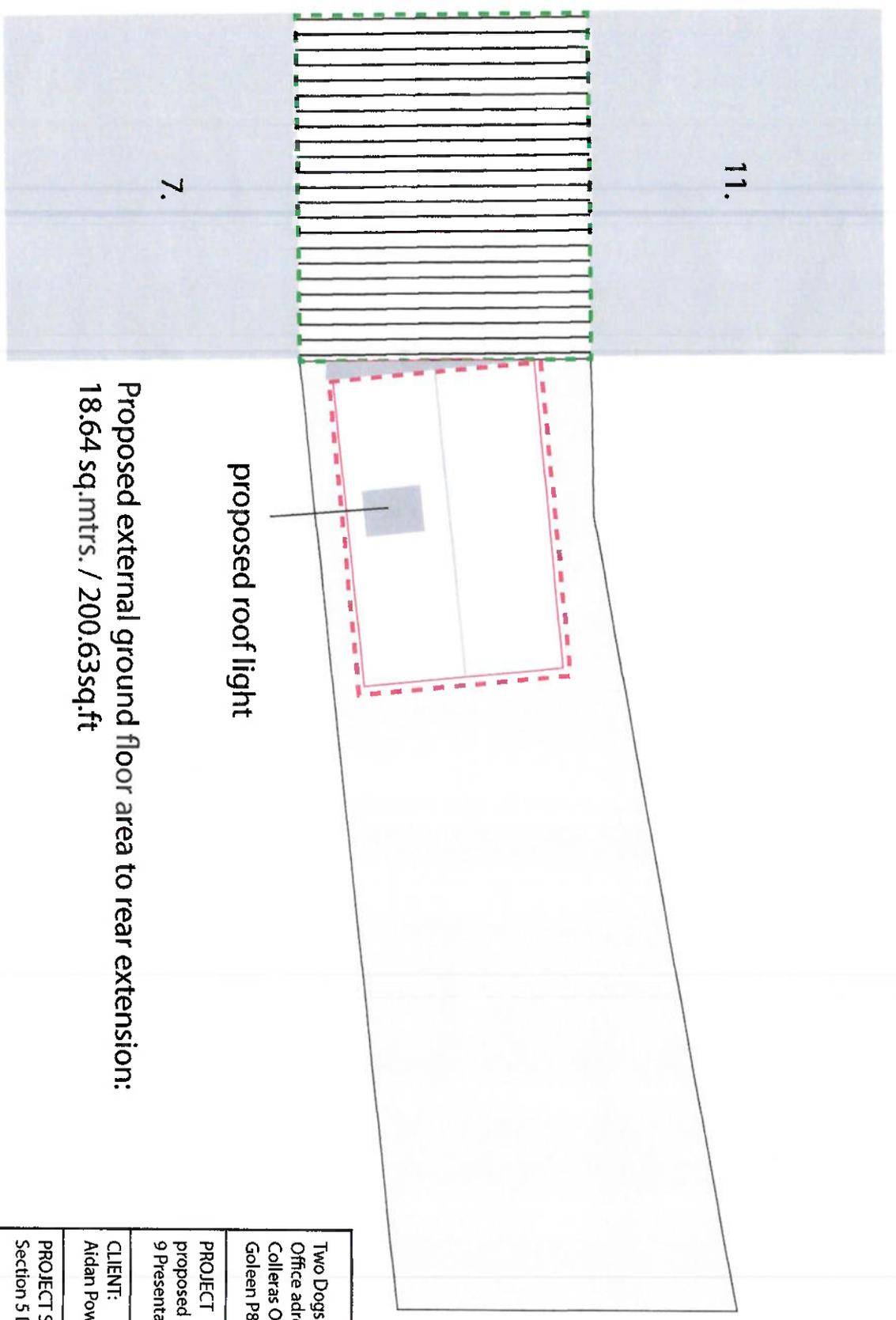
proposed timber fencing

Two Dogs Waiting Office address: Colleras Oughter, Goleen P81 A252	Tel. 086-3907413 info@twodogswaiting.ie
PROJECT proposed extension to existing dwelling house - 9 Presentation Place, Greenmount, Cork T12 W7R2	
CLIENT: Aidan Power /Angelique Muller	
PROJECT STAGE: Section 5 Declaration	
DRAWING TITLE: proposed floor plan	
SCALE 1/100	
DATE: 2 December 2025	

Section 5 declaration - proposed development at 9 Presentation Place, Greenmount, Cork T12 W7R2

Notes:
This drawing is for Section 5 purposes only

- DOTTED GREEN LINE INDICATES EXISTING DWELLING
- DOTTED RED LINE INDICATES AREA OF PROPOSED WORKS/CHANGES



proposed roof light

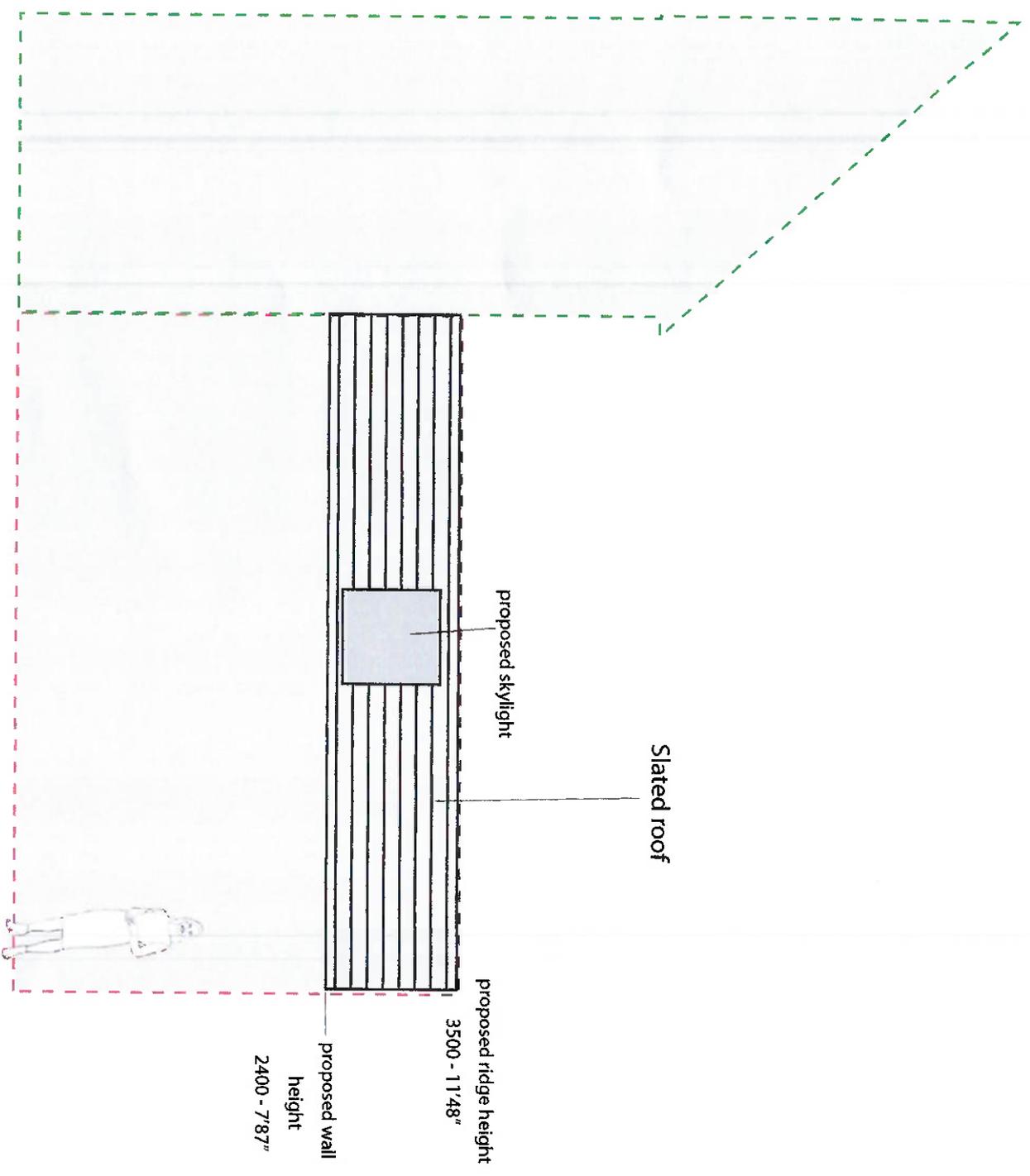
Proposed external ground floor area to rear extension:
18.64 sq.mtrs. / 200.63sq.ft

Two Dogs Waiting
Office address: Colleras Oughter, Goleen P81 A252
Tel. 086-3907413 Info@twodogswaiting.ie
PROJECT
proposed extension to existing dwelling house - 9 Presentation Place, Greenmount, Cork T12 W7R2
CLIENT:
Aidan Power / Angelique Muller
PROJECT STAGE:
Section 5 Declaration
DRAWING TITLE:
proposed roof plan
SCALE
1/100
DATE: 2 December 2025

Section 5 declaration - proposed development at 9 Presentation Place, Greenmount, Cork T12 W7R2

Notes:
This drawing is for Section 5 purposes only

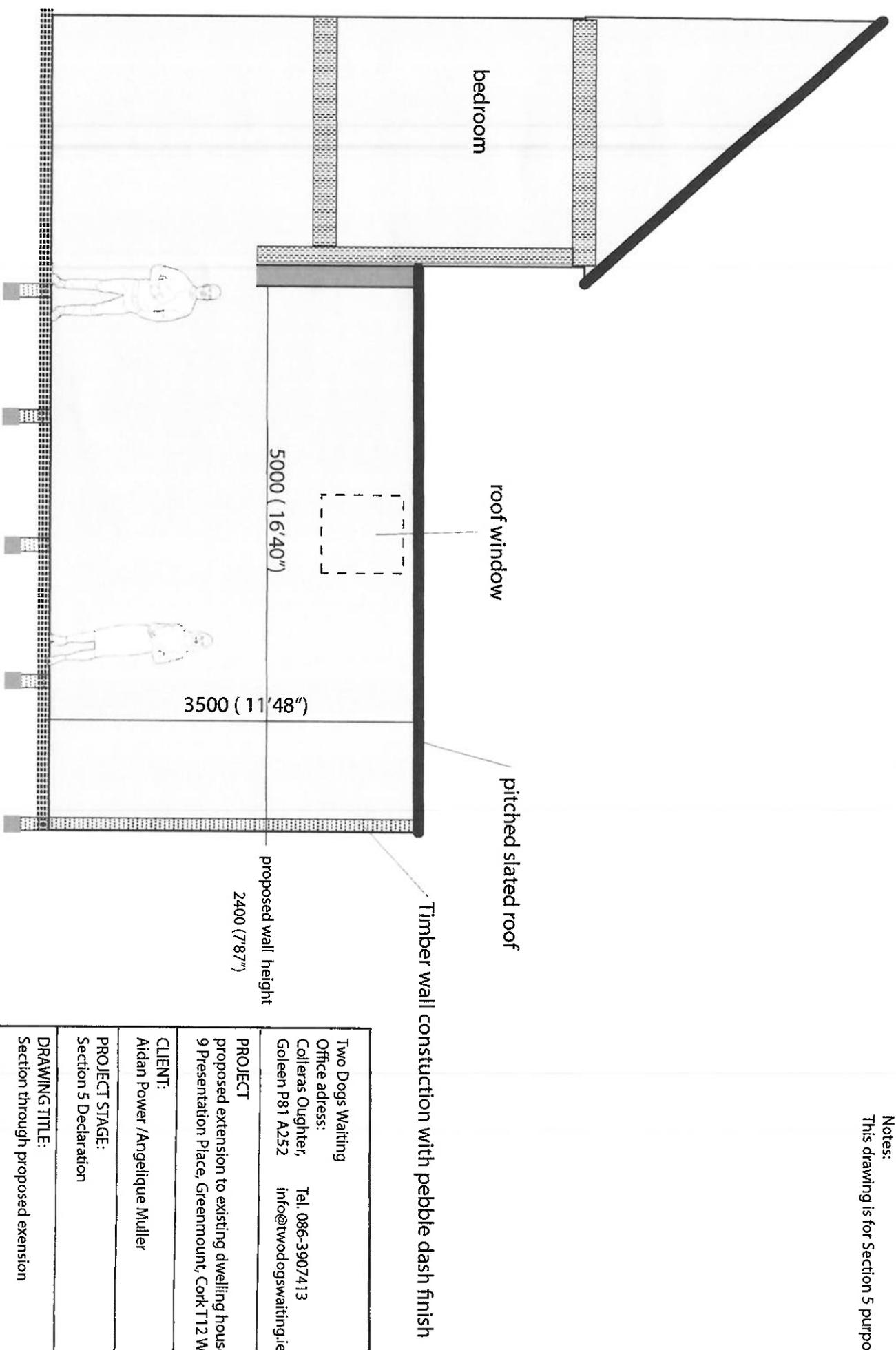
- DOTTED GREEN LINE INDICATES EXISTING DWELLING
- DOTTED RED LINE INDICATES AREA OF PROPOSED WORKS/CHANGES



Section 5 declaration - proposed development at 9 Presentation Place, Greenmount, Cork T12 W7R2

<p>Two Dogs Waiting Office address: Colleras Oughter, Goleen P81 A252 Tel. 086-3907413 info@twodogswaiting.ie</p>
<p>PROJECT proposed extension to existing dwelling house - 9 Presentation Place, Greenmount, Cork T12 W7R2</p>
<p>CLIENT: Aidan Power /Angelique Muller</p>
<p>PROJECT STAGE: Section 5 Declaration</p>
<p>DRAWING TITLE: proposed side elevation</p>
<p>SCALE 1/50</p>
<p>DATE: 2 December 2025</p>

Notes:
This drawing is for Section 5 purposes only



Section 5 declaration - proposed development at 9 Presentation Place, Greenmount, Cork T12 W7R2

<p>Two Dogs Waiting Office address: Colleras Oughter, Goleen P81 A252 Tel. 086-3907413 info@twodogswaiting.ie</p>
<p>PROJECT proposed extension to existing dwelling house - 9 Presentation Place, Greenmount, Cork T12 W7R2</p>
<p>CLIENT: Aidan Power /Angelique Muller</p>
<p>PROJECT STAGE: Section 5 Declaration</p>
<p>DRAWING TITLE: Section through proposed extension</p>
<p>SCALE 1/50</p>
<p>DATE: 2 December 2025</p>