Comhairle Cathrach Chorcaí
Cork City Council

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

Margaret Kennedy,
[redacted]

09/11/2026

RE: **Section 5 Declaration: R1069/26 No. 2 University View, Donovan Road, Cork.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 29/07/2026.

In considering this referral the Planning Authority had regard to –
(a) Sections 2, 3 and 4 of the Planning and Development Act 2000
(b) Articles 6 and 9 of the Planning and Development Regulations 2001
(c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2026

The Planning Authority has concluded that –
(a) the **works constitute development** which come within the scope of Section 3(1) of the Planning and Development Act 2000;

(b) the construction of a single storey extension to the rear comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations and **complies with the conditions and limitations attached to that Class**;

Therefore, the Planning Authority decides that –
(a) the construction of a single storey extension to the rear of the dwelling **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

at *2 University View, Donovan Road, Cork.*

Is mise le meas,

Anthony Angelini.

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

We are Cork.

PLANNER'S REPORT **Ref. R1069/26**	Cork City Council Development Management Strategic Planning and Economic Development

Application type	Section 5 Declaration
Description	'*Is the rear extension to this property exempt'*.
Location	*2 University View, Donovan Road, Cork*.
Applicant	Margaret Kennedy
Date on application / Date received	10/11/2026
Recommendation	Is Development and Is Exempted Development

This report should be read in conjunction with the pervious report on the file dated 10/08/2026 & 17/09/2026.

FURTHER INFORMATION REQUETSED

The demolished structures to the rear of 1 & 2 University View were abutted / adjoined and are currently under different ownership. To meet the Class 50(a) limitation the applicant is requested to provide details of when the rear returns were demolished and what the ownership status of the properties were at the time of demolition i.e. were the properties under the same ownership or separate ownership when demolition occurred. The applicant is requested to provide all necessary documentation, as applicable.

Please note, it cannot be declared that completed demolition are exempt if the works required permission beforehand.

FURTHER CLARIFICATION PROVIDED AND ASSESSMENT

A response to the further information request was received on October 10th 2026. The applicant clarifies that '*while the two attached houses that are the subject of the Section 5 Declaration applications are under different company names, the applicant owns the majority share and control both companies, and therefore Condition and Limitation 1 of Class 50 does not de-exempt the demolition works; i.e. neither of the rear lean-to's to the rear of the houses were in separate ownership*'.

Class 50(a) for the demolition of a building, or buildings, within the curtilage of a house, subject to two conditions and limitations i.e. no such building or buildings shall abut on another building in separate ownership, and the cumulative floor area of any such building, or buildings, shall not exceed in the case of a building, or buildings within the curtilage of a house, 40 square metres.

I am satisfied that the properties at 1 & 2 University View while under different company names are both in the ownership of the applicant and that no undue impact on a third-party property has occurred as a result of the development.

CONCLUSION & RECOMMENDATION

In considering this referral the Planning Authority had regard to –

(a) Sections 2, 3 and 4 of the Planning and Development Act 2000
(b) Articles 6 and 9 of the Planning and Development Regulations 2001
(c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2026

The Planning Authority has concluded that –

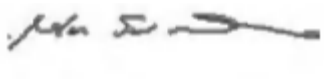
(a) the **works constitute development** which come within the scope of Section 3(1) of the Planning and Development Act 2000;

(b) the construction of a single storey extension to the rear comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations and **complies with the conditions and limitations attached to that Class**;

Therefore, the Planning Authority decides that –

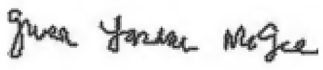
(a) the construction of a single storey extension to the rear of the dwelling **is development** and **is exempted development**.

at *2 University View, Donovan Road, Cork*.



_____

Alan Swanwick
Assistant Planner
09/11/2026



_____

Gwen Jordan McGee
Senior Executive Planner

FI Response

13/10/2026

[redacted]

[redacted]

refer to your letter dated 17 September 2026 and wish to clarify that while the two attached houses that are the subject of the Section 5 Declaration applications are under different company names, I own the majority share and control both companies, and therefore Condition and Limitation 1 of Class 50 does not de-exempt the demolition works; i.e. neither of the rear lean-to's to the rear of the houses were in separate ownership. I trust this clarifies the outstanding matter and hopefully the Declarations can now issue.

[redacted]

[redacted]

[redacted]

Comhairle Cathrach Chorcaí
Cork City Council

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

Margaret Kennedy,
[redacted]

17/09/2026

RE: Section 5 Declaration: R1069/26 No. 2 University View, Donovan Road, Cork.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 29/07/2026.

It is recommended that the following further clarification be sought:

There is provision under Class 50(a) for the demolition of a building, or buildings, within the curtilage of a house, subject to two conditions and limitations i.e. no such building or buildings shall abut on another building in separate ownership, and the cumulative floor area of any such building, or buildings, shall not exceed in the case of a building, or buildings within the curtilage of a house, 40 square metres.

1 The demolished structures to the rear of 1 & 2 University View were abutted / adjoined and are currently under different ownership. To meet the Class 50(a) limitation the applicant is requested to provide details of when the rear returns were demolished and what the ownership status of the properties were at the time of demolition i.e. were the properties under the same ownership or separate ownership when demolition occurred. The applicant is requested to provide all necessary documentation, as applicable.

Please note, it cannot be declared that completed demolition are exempt if the works required permission beforehand.

Is mise le meas,

Anthony Angelini.

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Assistant Staff Officer
Planning & Integrated Development
Cork City Council

We are Cork.

PLANNER'S REPORT **Ref. R1069/26**	Cork City Council Development Management Strategic Planning and Economic Development

Application type	Section 5 Declaration
Description	'*Is the rear extension to this property exempt'*.
Location	*2 University View, Donovan Road, Cork*.
Applicant	Margaret Kennedy
Date on application / Date received	10/11/2026
Recommendation	Request Further Clarification

This report should be read in conjunction with the pervious report on the file dated 24/08/2026.

FURTHER INFORMATION REQUETSED

1. The applicant is requested to provide rear elevation drawing that accurately show the proposed extension and the existing building.
2. Please submit an accurately scaled site layout map that includes the entire rear garden area, boundary line, the proposed development and all existing ancillary structures located in the rear garden area.
3. Please clarify if the rear utility areas are to be fully demolished or incorporated into the proposed rear extensions.
4. Please clarity if the utility areas and side garage areas form part of the original structure.
   (a) If later additions please clarity when the utility areas and side garages were constructed.
   (b) If a later addition please provide scaled floor plans for the side garage areas.

FURTHER INFROMATION PROVIDED AND ASSESSMENT

A response to the further information request was received on August 27th, 2026.

All items that formed part of the request for further information are associated with the requirements outlined in Article 6, Class 1 of the regulations and is assessed having consideration for the applicant response to the request for further information.

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

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 45 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.	Limited planning history details available. **(a)** Following a request for further information the applicant has confirmed that the utility room and the garage are pre 1964 hence form part of the original structure. I consider the applicant response satisfactory. The applicant has confirmed that the utility room 7.8sqm (built before 1964) has been completely demolished to make way for the rear extension because the utility room is pre 1964 its floor area is excluded from the new extension's floor area calculation. Extension floor area including utility 47.8sqm. Extension floor area minus utility 40sqm. **(b)** N/A **(c)** N/A This condition / limitation is met
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 45 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 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. (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.	Limited planning history details available. **a)** Following a request for further information the applicant has confirmed that the utility room and the garage are pre 1964 hence formed part of the original structure. I consider the applicant response satisfactory. The applicant confirmed that the utility room 7.8sqm (built before 1964) was completely demolished to make way for the rear extension. because the utility room is pre 1964 its floor area is excluded from the new extension's floor area calculation, which totals at 40sqm. **(b)** N/A **(c)** N/A This condition / limitation is met
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.	N/A

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. (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. (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.	The height of the extension does not exceed the height of the rear wall of the house. The height of the extension does not exceed the height of the side walls of the house. The height of the highest part of the single storey Flat roof extension does not exceed the height of the eaves or parapet of the building. This condition / limitation is met
5. The construction or erection of any such extension to the rear of the house shall not reduce the total area of private open space within the curtilage of the house, reserved exclusively for the use of the occupants of the house to less than 25 square metres.	A scaled drawing / site plan have been provided. There is more than 25m^2 remaining open space to the rear of both dwelling. This condition / limitation is met
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 8 metres from the boundary it faces. (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 8 metres from the boundary it faces.	(a) 1 no. rear facing window / slider is not less than 1 metre from the boundary it faces. (b) n/a (c) n/a This condition / limitation is met
7. The roof of any extension shall not be used as a balcony or terrace.	The use of the roof as a balcony is not proposed or permitted as part of this declaration.
8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.	N/A

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

- <u>The demolished rear utility room</u>

There is provision under Class 50(a) for the demolition of a building, or buildings, within the curtilage of a house, subject to two conditions and limitations i.e. no such building or buildings shall <u>abut</u> on another

building in separate ownership, and the cumulative floor area of any such building, or buildings, shall not exceed in the case of a building, or buildings within the curtilage of a house, 40 square metres.

There is a small utility room to the rear of the property (7.8sqm) that was demolished and now forms part of the extension. This abuts the neighbouring property utility room at NO. 1 University View which also seeks a section 5 declaration for a rear extension reference no. R1063. Both Section 5 applications are submitted by the same applicant, but the properties are under different ownership as is evident in the letters of consent submitted with the applications. Having consideration for the retention nature of the demolition works, it remains unclear when the demolition works were undertaken and what the ownership status of the properties were at that time. If the properties were under the same legal ownership at the time demolition works were undertaken, then the limitations of Class 50 would be met.

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 appropriate assessment is not required.

Conclusion

The question has been asked:

Question - '*Whether the following is development and, if so, exempted development: The rear extension to no. 2 University View, Donovan Road'.*

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that further clarification is required to allow for the assessment of the proposed development.

RECOMMENDATION

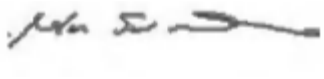
It is recommended that the following further clarification be sought:

There is provision under Class 50(a) for the demolition of a building, or buildings, within the curtilage of a house, subject to two conditions and limitations i.e. no such building or buildings shall abut on another building in separate ownership, and the cumulative floor area of any such building, or buildings, shall not exceed in the case of a building, or buildings within the curtilage of a house, 40 square metres.

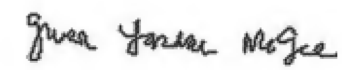
1. The demolished structures to the rear of 1 & 2 University View were abutted / adjoined and are currently under different ownership. To meet the Class 50(a) limitation the applicant is requested to provide details of when the rear returns were demolished and what the ownership status of the

properties were at the time of demolition i.e. were the properties under the same ownership or separate ownership when demolition occurred. The applicant is requested to provide all necessary documentation, as applicable.

Please note, it cannot be declared that completed demolition are exempt if the works required permission beforehand.



Alan Swanwick
Assistant Planner
17/09/2026



Gwen Jordan McGee
Senior Executive Planner

FI Response:1,2 University View

R1063/26 and R1069/26

From: [redacted]
Date: Tue, 25 Aug 2026 at 13:01
Subject: Re: Responce to Cork City Council
To: [redacted]

Hi Margaret,

Please find drawing to satisfy item 1 and item 2 for the section 5 Declaration. Attached is one drawing showing the rear elevation and the site plan which Cork County Council is looking for.

Our response is as follows:-

1. Please find rear elevation showing the proposed extension and the existing building behind.

2. Please find Site Plan to scale of 1 in 200 showing entire extent of the site. we also confirm no other structures in the rear garden.

3. We confirm the rear utility rooms were completely demolished and incorporated into the rear extensions.

4. The purchase of the dwellings confirmed that the utility rooms and the garages were all pre 1964 hence formed part of the original structure.

We don't know dates of the construction so no response to item (a) and (b)

if you want we can send this in letter format or you can sent it to the local authority.

Philip Byrne,

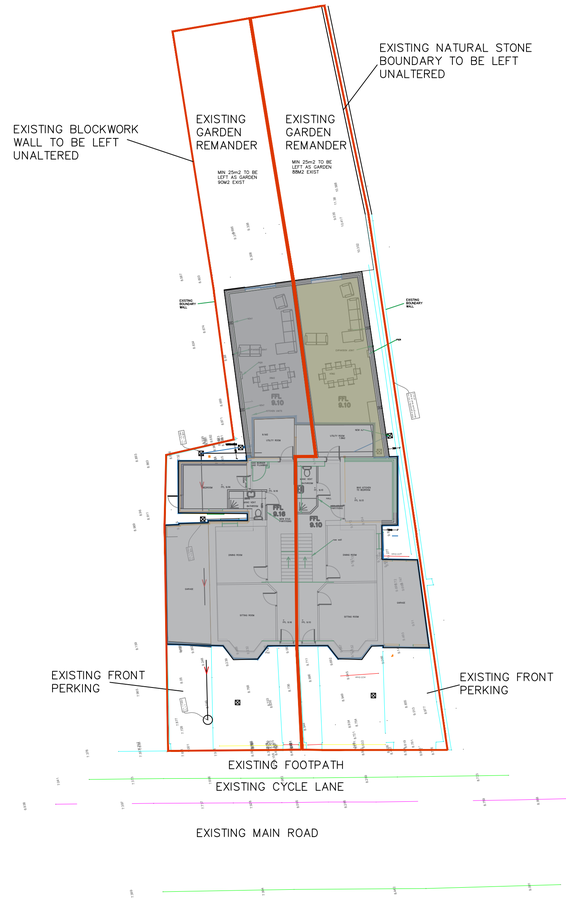
[redacted]

DRAWINGS PROTECTED BY COPYRIGHT LAW

NO DIMENSIONS TO BE SCALED FROM DRAWING : ALL DIMENSIONS TO BE CHECKED BY CONTRACTOR ON SITE : ANY ERRORS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT.



REAR ELEVATION
SCALE 1:50



EXISTING SITE PLAN
1:200

Z:\BM Ltd. Branding\Byrne MacCabe LOGO FINAL no bg.jpg

UPPER MAIN ST
GRAIGNAMANAGH,
CO. KILKENNY.

TEL: 0599725684
FAX: 0599725684
E-MAIL: info@bmccdesign.ie

CONSTRUCTION DRAWINGS

TITLE PROPOSED EXTENSION
AT 1 & 2 UNIVERSITY VIEW CORK
FOR MARGARET KENNEDY

DWG. REAR ELEVATION & SITE LAYOUT

SCALE AS SHOWN JOB NO 26-079 DRAWING NO 005
DATE 28/05/26 DRN PHILIP BYRNE REV -

Comhairle Cathrach Chorcaí
Cork City Council

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

Margaret Kennedy,

[redacted]

29/07/2026

RE: **Section 5 Declaration: R1069/26 No. 2 University View, Donovan Road, Cork.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 29/07/2026.

The Question before the Planning Authority was: "Is the rear extension to this property exempt?"

It is recommended that the following further information be sought:

1. The applicant is requested to provide rear elevation drawing that accurately show the proposed extension and the existing building.
2. Please submit an accurately scaled site layout map that includes the entire rear garden area, boundary line, the proposed development and all existing ancillary structures located in the rear garden area.
3. Please clarify if the rear utility areas are to be fully demolished or incorporated into the proposed rear extensions.
4. Please clarity if the utility areas and side garage areas form part of the original structure.
   (a) If later additions please clarity when the utility areas and side garage were constructed.
   (b) If a later addition please provide scaled floor plans for the side garage areas showing the total floor area of the garage.

Is mise le meas,

Anthony Angelini.

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

We are Cork.

PLANNER'S REPORT **Ref. R1069/26**	Cork City Council Development Management Strategic Planning and Economic Development

Application type	**SECTION 5 DECLARATION**
Question	*Is the rear extension to this property exempt.*
Location	*No. 2 University View, Donovan Road, Cork.*
Applicant	Margaret Kennedy
Date Received	10/11/2026
Recommendation	**Request Further Information**

INTERPRETATION
In this report *'the Act'* means the Planning and Development Act, 2000 as amended and *'the Regulations'* means the Planning and Development (Exempted Development (Act of 2000)) (No. 4) Regulations 2026, 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 rear extension to this property exempt'*.

The question relates to the rear extension of 2 University View, Donovan Road, Cork.

SITE DESCRIPTION
The subject properties consist of a two-storey semi-detached dwelling. The dwelling is served by vehicular entrance and attached side garage. The area is in close proximity to the main University College Cork Campus to the west.

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—

(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.

Planning and Development (Exempted Development (Act of 2000)) (No. 4) Regulations 2026.

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.

Schedule 2, Part 1, Class 1
Exempted Development

Column 1 *Description of Development*	*Column 2* *Conditions and Limitations*
Development within the curtilage of a house 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.	1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 45 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. 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 45 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 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. (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. 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

	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. (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. (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. 5. The construction or erection of any such extension to the rear of the house shall not reduce the total area of private open space within the curtilage of the house, reserved exclusively for the use of the occupants of the house to less than 25 square metres. 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 8 metres from the boundary it faces. (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 8 metres from the boundary it faces. 7. The roof of any extension shall not be used as a balcony or terrace. 8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.

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:

Whether the following is development and, if so, exempted development: The rear extension to no. 2 University View, Donovan Road.

I consider that the specific details set out above constitutes 'works' as they comprise 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:

1. *Whether the following is development and, if so, exempted development:*
   The rear extension to no. 2 University View, Donovan Road.

I consider that article 6 and **Class 1** applies, as the proposed development is for a rear extension to a house(s). Having assessed the proposed extension against Class 1 and its conditions and limitations I find as follows:

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 45 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) It is unclear if the utility room form part of the original footprint of the building and then to determined if the proposed extension does not exceed 45sqm. It is unclear if the attached side garage forms part of the original building of was a later addition. (b) n/a (c) n/a Request further information.
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 45 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 extensions above ground level constructed or erected after 1 October 1964,	Limited planning history details available. Request further information. N/A

including those for which planning permission has been obtained, shall not exceed 12 square metres. (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.	N/A
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.	N/A
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. (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. (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.	Insufficient rear elevation drawing provided. Request further information.
5. The construction or erection of any such extension to the rear of the house shall not reduce the total area of private open space within the curtilage of the house, reserved exclusively for the use of the occupants of the house to less than 25 square metres.	A scaled drawing / site plan has been provided. There is more than 25m^2 remaining open space to the rear of both dwelling. This condition / limitation is met
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 8 metres from the boundary it faces. (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 8 metres from the boundary it faces.	(a) Insufficient rear elevation drawing provided. Request further information. (b) n/a (c) n/a
7. The roof of any extension shall not be used as a balcony or terrace.	The use of the roof as a balcony is not proposed or permitted as part of this declaration.

8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.	N/A

I consider that there is insufficient information to make a determination on the proposed development. It is recommended that further information is sought as set out below.

CONCLUSION
Request Further Information

ENVIRONMENTAL ASSESSMENT
I note the provisions of sections 4(4), 4(4A) and 177U(9) of the Act which state,

Section 4(4),

Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 4(4A)

Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

Section 177U(9)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

8.1 Screening for Environmental Impact Assessment
Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly it is considered that **environmental impact assessment is not required**.

8.2 Screening for Appropriate Assessment
The applicant has not submitted an appropriate assessment screening report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of these European sites. Accordingly it is considered that **appropriate assessment is not required**.

Conclusion
The question has been asked:

Question - '*Whether the following is development and, if so, exempted development: The rear extension to no. 2 University View, Donovan Road'*.

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that further information is required to allow for the assessment of the proposed development.

RECOMMENDATION

It is recommended that the following further information be sought:

1. The applicant is requested to provide rear elevation drawing that accurately show the proposed extension and the existing building.
2. Please submit an accurately scaled site layout map that includes the entire rear garden area, boundary line, the proposed development and all existing ancillary structures located in the rear garden area.
3. Please clarify if the rear utility areas are to be fully demolished or incorporated into the proposed rear extensions.
4. Please clarity if the utility areas and side garage areas form part of the original structure.
   (a) If later additions please clarity when the utility areas and side garage were constructed.
   (b) If a later addition please provide scaled floor plans for the side garage areas showing the total floor area of the garage.



_____

Alan Swanwick
Assistant Planner
24/08/2026



_____

Gwen Jordan McGee
Acting Senior Planner
24/08/2026

Re: 2 University View, Donovan Road, Cork

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Development Management Section, Planning & Integrated Development 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

Margaret Kennedy

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

1 & 2 University View, Donovan Road, Cork City

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 Rear extension to this property exempt?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

2 University View T12 KX89
1 " " T12 KD7W

4. **Are you aware of any enforcement proceedings connected to this site?**
   If so please supply details: ~~No~~ This is it!

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:

   Not to my knowledge

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	40 sq m
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1st October, 1964, (including those for which planning permission has been obtained)?	Yes ☐ 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) Domestic ~~N/A~~	Proposed/existing use (please circle) Domestic

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	**A.** Owner Part 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:

Signatur[redacted]

Date: [redacted]

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

[redacted]

[redacted]

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

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

[redacted]

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. _____

Mobile No. _____

Email Address: _____

For Office Use Only:

File Ref. No. _____

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, Planning & Integrated Development, Cork City Council, City Hall, Anglesea Street, Cork.

Please email 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 Coimisiún Pleanála refer a declaration for review by the Commission 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 Comission 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 protections policy is available at https://www.corkcity.ie/en/council-services/public-info/gdpr/

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,

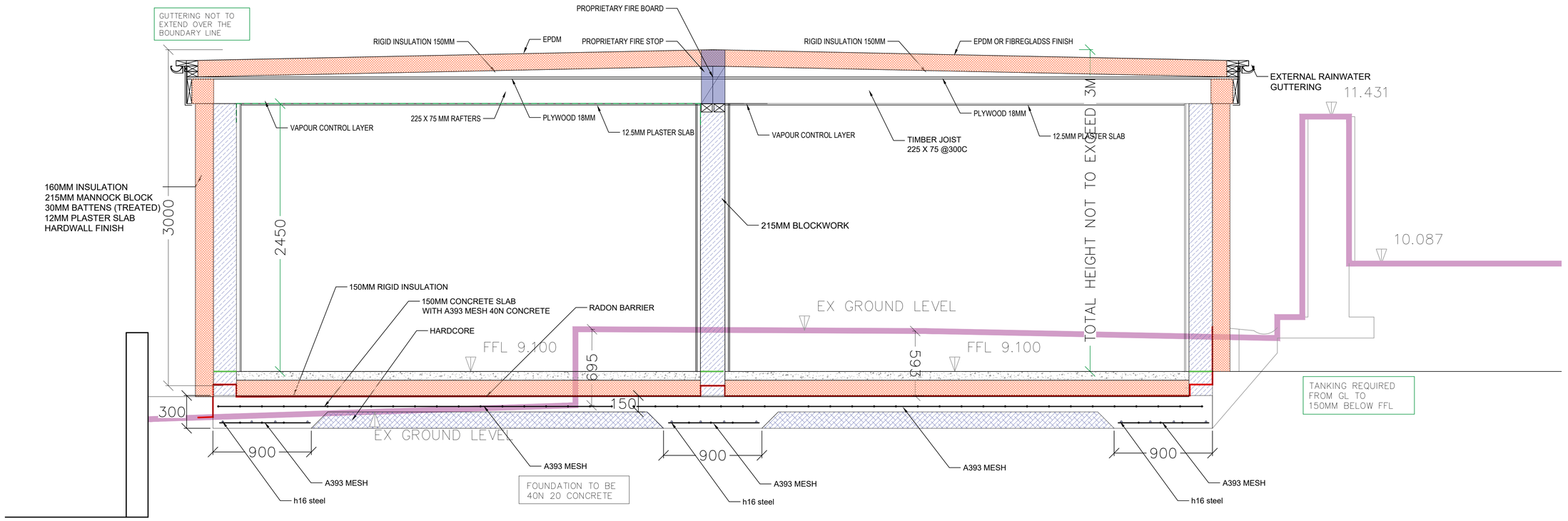
(i) plans and drawings shall indicate the name and address of the person by whom they were prepared.

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.

DRAWINGS PROTECTED BY COPYRIGHT LAW

NO DIMENSIONS TO BE SCALED FROM DRAWING : ALL DIMENSIONS TO BE CHECKED BY CONTRACTOR ON SITE : ANY ERRORS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT.



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UPPER MAIN ST.
GRAIGNAMANAGH,
CO. KILKENNY.

TEL: 0599725684
FAX: 0599725684
E-MAIL: info@bmccdesign.ie

CONSTRUCTION DRAWINGS

TITLE	PROPOSED EXTENSION
AT	1 & 2 UNIVERSITY VIEW CORK
FOR	MARGARET KENNEDY
DWG.	SECTION & NOTES

SCALE	AS SHOWN	JOB NO	26-079	DRAWING NO	004
DATE	28/05/26	DRN	PHILIP BYRNE	REV	-


ersity View, Donovan Road, Cork
UCC Bridge
Donovan's Bridge
O'Donovan R
The Glucksman
Geography Building
Student Centre
Crossleigh
St Finbar's
Street Map

NO DIMENSIONS TO BE SCALED FROM DRAWING : ALL DIMENSIONS TO BE CHECKED BY CONTRACTOR ON SITE : ANY ERRORS OR DISCREPANCIES TO BE REPORTED TO THE ARCHITECT.

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CONSTRUCTION DRAWINGS

TITLE PROPOSED EXTENSION
AT 1 UNIVERSITY VIEW CORK
FOR MARGARET KENNEDY

DWG. FLOOR PLAN & NOTES

SCALE AS SHOWN JOB NO 26-079 DRAWING NO 003
DATE 28/05/26 DRN PHILIP BYRNE REV -

MIN 25m2 TO BE LEFT AS GARDEN 90M2 EXIST

MIN 25m2 TO BE LEFT AS GARDEN 88M2 EXIST

EXTENSION CAN NOT EXCEED 3m IN HEIGHT FOR EXEMPTION

EXISTING BOUNDARY WALL

EXISTING BOUNDARY WALL

VENT

EXPANSION JOINT

PIER

38M2

40M2

FFL 9.10

FFL 9.10

KITCHEN UNITS

UTILITY ROOM TO BE REMOVED AND INCORPORATED INTO EXTENSION 9.1M2

9.1M2 UTILITY ROOM

UTILITY ROOM 7.8M2

NEW AJ

UTILITY ROOM TO BE REMOVED AND INCORPORATED INTO EXTENSION 7.8M2

Wall is generally 2.0-2.1m above ground level at rear of no.2

C.L. = 8.84m
I.L. = 8.26m

1200X1050

GAS BURNER AND PLUMBING

BEDROOM

FFL 9.06

STEP DOWN 50MM

FFL 9.16

2378

MANC VENT

BATHROOM

1874

FFL 9.16

NEW STUD PARTITIONS

MANC VENT

BATHROOM

3000

FFL 9.10

HALL

NEW STUD PARTITIONS

FFL 9.10

WAS KITCHEN TO BEDROOM

FFL 9.10

NEW FLAT ROOF OVER

C.L. = 8.90m
I.L. = 7.95m

DINING ROOM

DINING ROOM

nee wall

GARAGE

GARAGE

SITTING ROOM

SITTING ROOM

FFL 9.16

FFL 9.10

ACO Drain

ACO Drain

EXTENT PRE 1964 BUILDING

38M3 UNIVERSITY VIEW 1 EXTENSION

40M3 UNIVERSITY VIEW 1 EXTENSION

EXTENSION PLAN
SCALE 1:100

DRAWINGS PROTECTED BY COPYRIGHT LAW