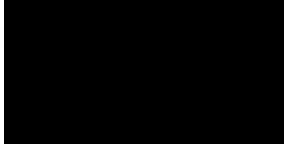




Comhairle Cathrach Chorcaí Cork City Council

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

Diarmuid Brennan



06/12/2024

**RE: Section 5 Declaration R873/24 20 Woodlawn, Model Farm
Road, Cork, T12X2A3**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 17TH September, 2024, I wish to advise as follows:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000
- (b) Article 9 of the Planning and Development Regulations 2001
- (c) Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and
- (d) Further Information and revised details received on 21.10.2024

The Planning Authority has concluded that —

- (a) the change of a flat roof to a sloped roof constitute *'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'* as per Section 4 (1) (h) of the Planning and Development Act 2000 (as amended)

Therefore, the Planning Authority decides that —

The change of a flat roof to a sloped roof is 'development' and is 'exempted development' all at 20 Woodlawn, Model Farm Road, Bishopstown, Cork.

It is considered that the *the specific question for which a declaration is sought* IS

DEVELOPMENT and IS EXEMPTED DEVELOPMENT at 20 Woodlawn, Model Farm Road, Cork, T12X2A3.



We are 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 Bord Pleanála within 4 weeks of the date it is issued, 06th December, 2024.

Is mise le meas,



David Foley
Planning & Integrated Development
Cork City Council

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R873/24
Description: Is change of a flat roof to sloped roof exempted development
Applicant: Diarmuid Brennan
Location: 20 Woodlawn, Model Farm Road
Date: 15.10.2024

1. REQUEST FOR FURTHER INFORMATION

This report should be read in conjunction with the Assistant Planner’s report dated 16.10.2024 which recommended that Further Information be sought. A request for Further Information was made in respect of this application on 16.10.2024 as per the following:

As neither an existing and proposed roof plan, or existing and proposed elevations have been provided it has not been possible to assess the impact of the proposed development against the provisions of Section 4 (1) (h) of the Planning and Development Act.

The applicant is therefore requested to submit further information, in the form of an accurate and scaled set of existing and proposed front and side elevations and roof plans (including the location of any rooflights) which should show the extent of garage roof that has been amended, in order for an assessment against the provisions of Section 4 (1) (h) can be made.

FURTHER ENVIRONMENTAL ASSESSMENT

Pursuant to article 103(1) of the Planning and Development Regulations 2001 as amended, having regard to the nature and scale of the proposed development and following a preliminary examination of, at the least, the nature, size or location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment and it is consequently concluded that E.I.A. is not required.

It is not considered that the response to the F.I. gives rise to a significant change or modification to the proposed development so that it would now have a significant impact on a European Site, or that it would require environmental impact assessment. Consequently, it is considered that appropriate assessment and environment impact assessment are not required.

FURTHER PLANNING ASSESSMENT

The applicant responded to the F.I. request on 21.10.2024 including scaled drawings showing the extent of the roof and location of the rooflights.

The work is considered to come within the scope of Section 4(1)h of the Planning and Development Act 2000 as amended: i.e. ‘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;’

CONCLUSION

In considering this referral the Planning Authority had regard to:

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000
- (b) Article 9 of the Planning and Development Regulations 2001
- (c) Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and
- (d) Further Information and revised details received on 21.10.2024

The Planning Authority has concluded that –

- (a) the change of a flat roof to a sloped roof constitute *‘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’* as per Section 4 (1) (h) of the Planning and Development Act 2000 (as amended)

Therefore, the Planning Authority decides that –

The change of a flat roof to a sloped roof is ‘development’ and is ‘exempted development’

all at 20 Woodlawn, Model Farm Road, Bishopstown, Cork.

Evelyn Mitchell,
Senior Executive Planner,
05.12.2024

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

Diarmuid Brennan

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

20 Woodlawn , Model Farm Road, Cork T12 X2A3

3. QUESTION/ DECLARATION DETAILS

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

Change of roof from flat roof to sloped roof on Garage at 20 Woodlawn , Model Farm Road,
Cork T12 X2A3

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

DEVELOPMENT MANAGEMENT
CCP

17 SEP 2024

CORK CITY COUNCIL

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

If so please supply details:

NONE

5. Is this a Protected Structure or within the curtilage of a Protected Structure? ☐ 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/None If so please supply details:

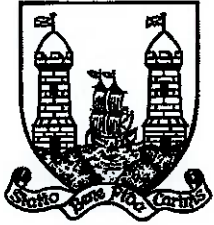
7. APPLICATION DETAILS

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	45
(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)?	Garage in situ since 1970
(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

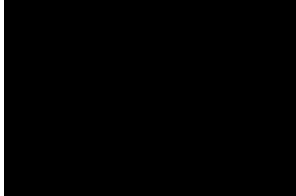
Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question	Owner	
If you are not the legal owner, please state the name of the owner if available		



Comhairle Cathrach Chorcaí Cork City Council

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

Diarmuid Brennan,



16/10/2024

RE: Section 5 Declaration R873-24 20 Woodlawn,
Model Farm Road, Cork

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, I wish to advise under the provisions of section 5(2)(b) of the Planning and Development Act 2000, as amended, that the following further information is required in order to properly assess this application:

As neither an existing and proposed roof plan, or existing and proposed elevations have been provided it has not been possible to assess the impact of the proposed development against the provisions of Section 4 (1) (h) of the Planning and Development Act.

The applicant is therefore requested to submit further information, in the form of an accurate and scaled set of existing and proposed front and side elevations and roof plans (including the location of any rooflights) which should show the extent of garage roof that has been amended, in order for an assessment against the provisions of Section 4 (1) (h) can be made.

Is mise le meas,

Majella McMorrow
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

SECTION 5 DECLARATION – PLANNER’S REPORT

File Reference: R873/24
Description: Is change of a flat roof to sloped roof exempted development
Applicant: Diarmuid Brennan
Location: 20 Woodlawn, Model Farm Road
Date: 15.10.2024

SUMMARY OF RECOMMENDATION

Further Information Required

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 Location

The property is a semi-detached house, and the area is predominantly residential in nature. The structure to which the question pertains to is a single-story side garage addition which previously benefitted from a flat roof.

Subject Development

The development subject to this Section 5 declaration request asks the following question of the Planning Authority:

Whether the change of roof form from flat roof to sloped roof on a garage is exempted development.

Planning History:

None

Relevant Legislation

Planning and Development Act, 2000

1.1 Planning and Development Act, 2000 as amended

Section 2(1),

“exempted development” has the meaning specified in section 4.

“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)

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.*

Definitions

The definition of "Structure" in Section 2 of the 2000 Act is as follows:

"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 situated, 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 (ii)"

Assessment

Sub-threshold EIS

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No3) 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 EIS is not required to be submitted.

Appropriate Assessment

The relevant European sites are the Cork Harbour SPA (Site Code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to its nature, scale and location it is considered that the proposed development would not affect the integrity of the sites referred to. Accordingly, it is considered that a Natura impact statement for the purposes of Article 6 of the Habitats Directive is not required to be submitted.

Assessment

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.

As per definition of "Structure" in Section 2 of the Planning and Development Act, 2000, the garage to which the changes are proposed is considered to be a structure.

As per definition of *"development"* in Section 3 (1) of the Planning and Development Act 2000 (as amended), it is considered that the replacement roof form to this garage constitutes works, and as such, is *'development'* and that the remaining question therefore is whether it is *'exempted development'*.

I have considered the proposal under Section 4(1)(h) of the Planning and Development Act, 2000 as amended.

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;

The applicant has submitted photographs of the front elevation of the garage showing the change in the roof form. However, it is unclear if this change has occurred to the parapet or the entire garage roof. Without the benefit of scaled elevations and roof plans showing the extent of the works that have been carried out, it is not possible to assess the amendments to the garage roof against Section 4(1)(h). The applicant is requested to submit these drawings by way of further information.

Recommendation

As neither an existing and proposed roof plan, or existing and proposed elevations have been provided it has not been possible to assess the impact of the proposed development against the provisions of Section 4 (1) (h) of the Planning and Development Act.

The applicant is therefore requested to submit further information, in the form of an accurate and scaled set of existing and proposed front and side elevations and roof plans (including the location of any rooflights)

which should show the extent of garage roof that has been amended, in order for an assessment against the provisions of Section 4 (1) (h) can be made.

A handwritten signature in black ink, reading "Gillian Tyrrell", enclosed within a thin black rectangular border.

Gillian Tyrrell
Assistant Planner
15/10/2024

21/10/2024

RE: Section 5 Declaration R873-24 20 Woodlawn, Model Farm Road, Cork

Dear Majella McMorrow,

Please find enclosed a scaled drawing of the front and side elevation and roof plans of the garage at 20 Woodlawn as requested.

The house has sale agreed to a family renting in Ballincollig at the moment. Their engineer recommended that we apply for an exemption for the change of the garage roof from a flat felt roof to a pitched tile roof.

We made the change based on the reading of the Planning leaflet 5 "Doing work around the house".

We hope this is all in order.

Kind Regards

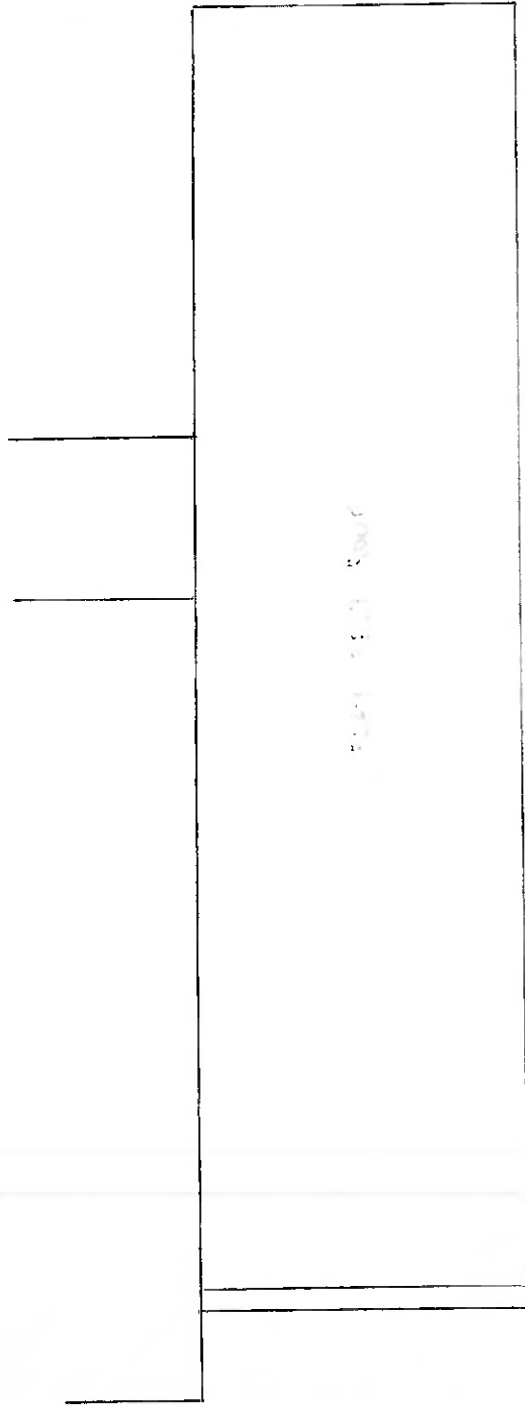
Diarmuid & Siobhan Brennan

PS – Please feel free to contact us if you wish by phone or email if you have any questions.

IT MANAGEMENT

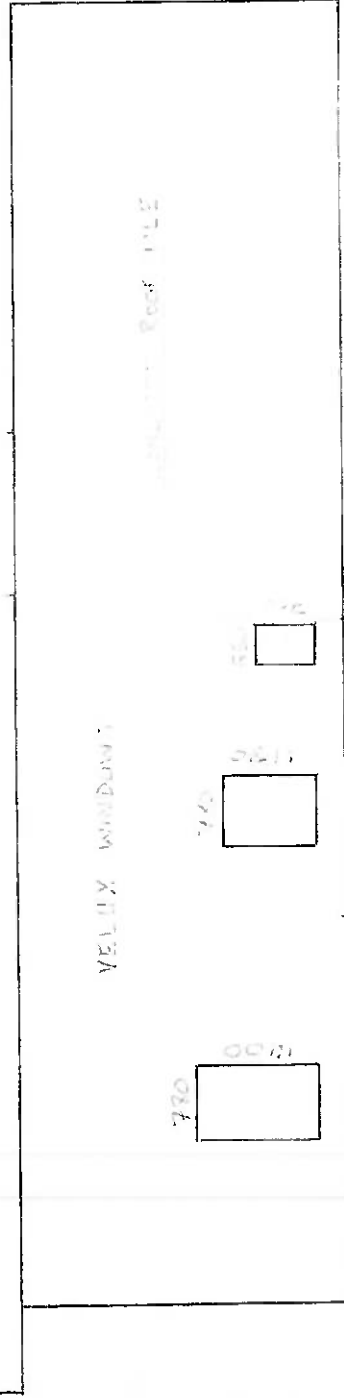
21 OCT 2024

COUNCIL



DEVELOPMENT MANAGEMENT
COP

21 OCT 2024



PROPOSED ROOF PLAN

SCALE 1:50

D. BRENNAN

Land Registry Compliant Map



Tailte
Éireann

CENTRE
COORDINATES:
ITM 564898,570797

PUBLISHED:
08/08/2024

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1:1,000

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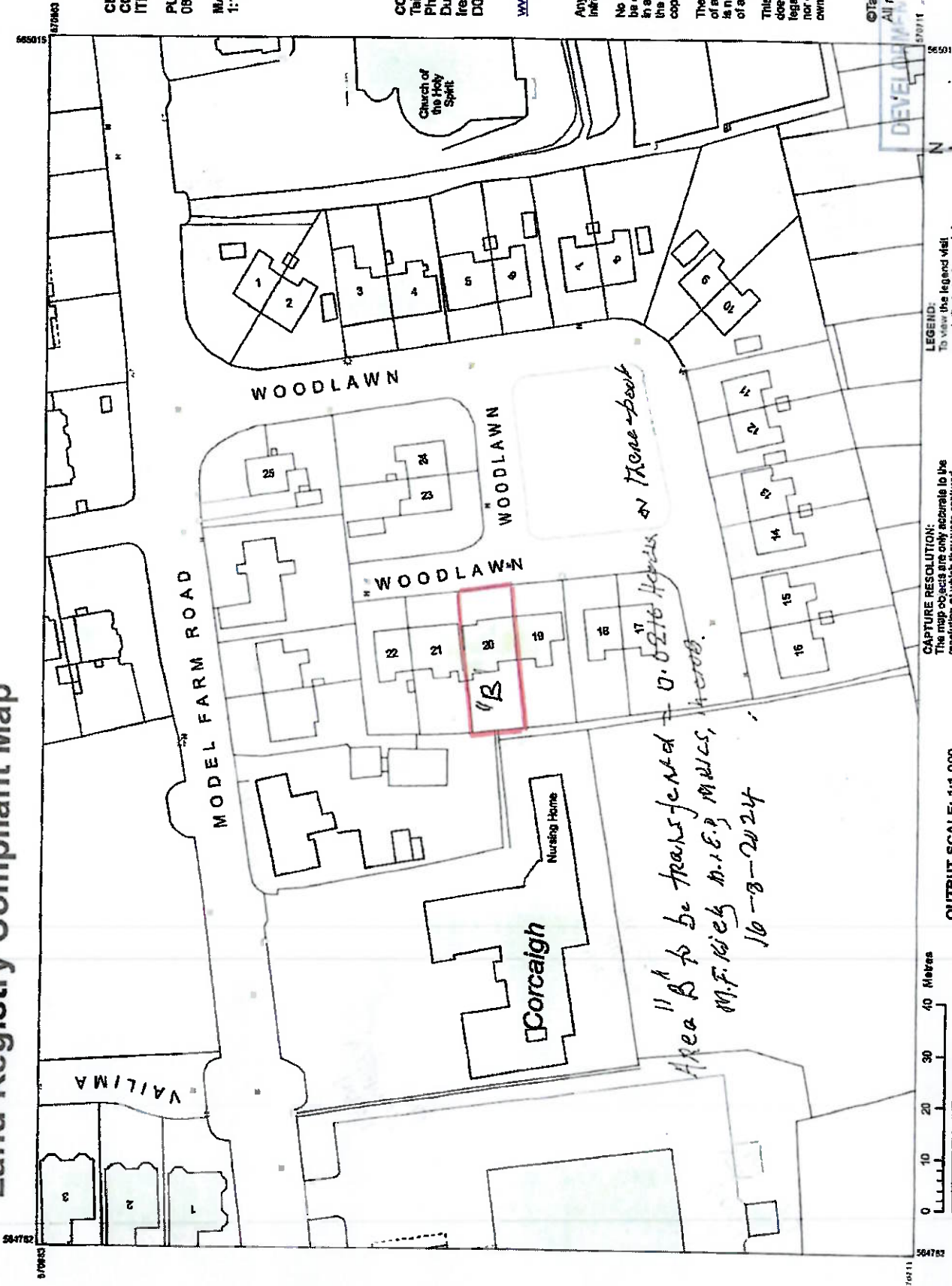
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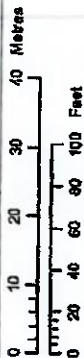
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17 SEP 2024



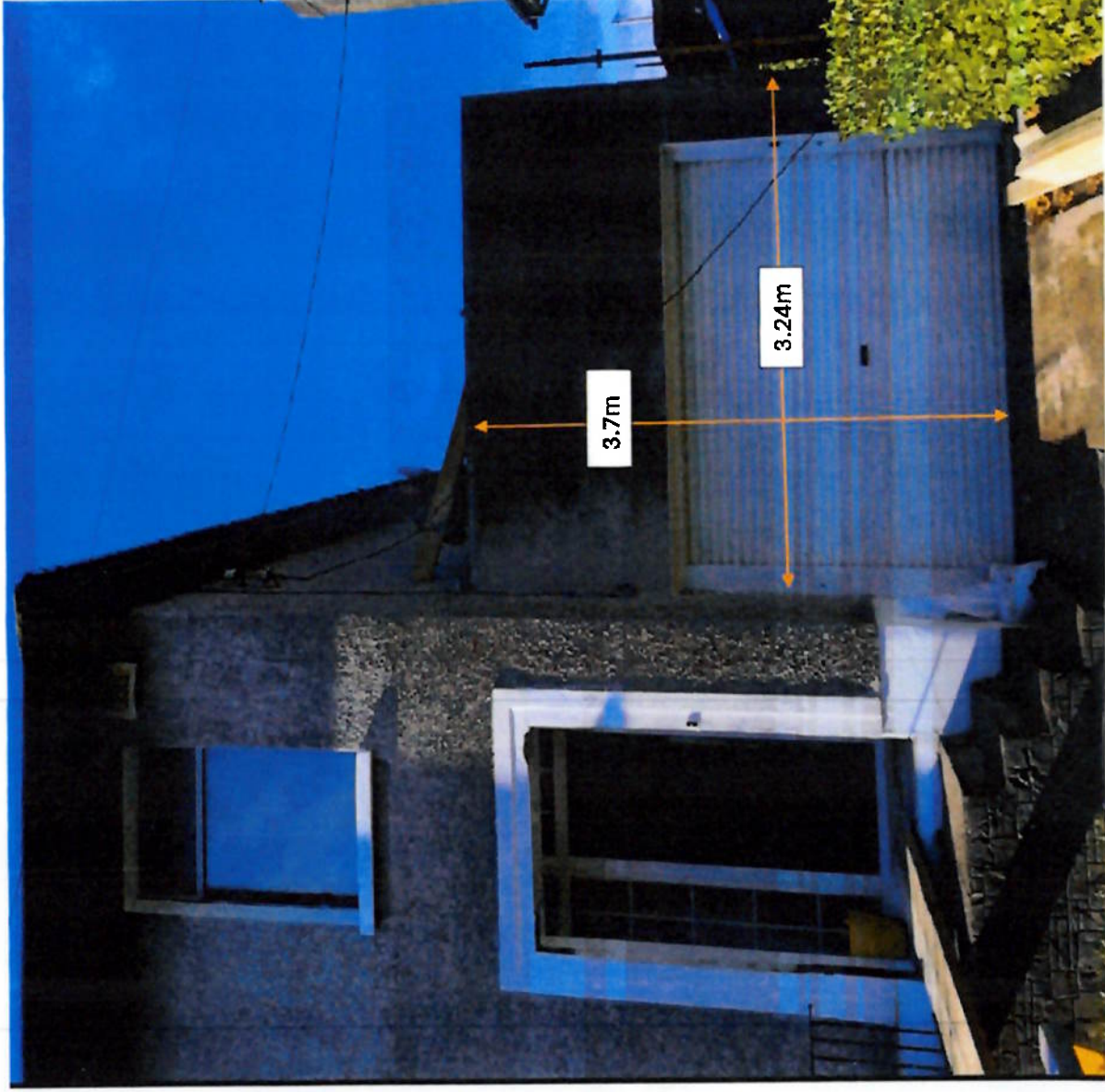
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OUTPUT SCALE: 1:1,000



2022 - BEFORE

**Original Garage -
flat roof
(felt)**



DEVELOPMENT No. 4

17 SEP 2024

ADRIAN



2023 - AFTER

Garage – Mono roof

(roof tiles)

DEVELOPMENT

17 SEP 2024

000000



20 Woodlawn

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PARENT MANAGEMENT

17 SEP 2024

WINDY CITY COUNCIL