

Comhairle Cathrach Chorcaí Cork City Council

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

Alan and Jill Mansfield,



23/06/2025

RE: Section 5 Request:

R956/25. 36 Lime Trees Road East, Maryborough Estate, Douglas.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 27th of May 2025.

The Question before the Planning Authority was whether "a <10 square metre extension to the rear of our house is exempted development?"

Having regard to:

- the particulars received by the Planning Authority on 27/05/2025
- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- the provision of Schedule 2, Part 1, Class 1 the Planning and Development Regulations, 2001(as amended)

the planning authority considers that:

the construction of a single storey extension to the rear of 36 Limetrees Road East, Maryborough Estate, Douglas, Cork IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.

Is mise le meas,

Anthony Angelini C Assistant Staff Officer

Planning & Integrated Development

Cork City Council



		Cork City Council	
PLANNER'S REPORT		Development	
Ref. R956/25		Management	
No.: 11359, 25		Strategic Planning and Economic Development	
Application type	Section 5 Declaration		
Description	Is a <10 square metre extension to the rear of our house exempted development?		
Location	36 Limetrees Road East, Maryborough Estate, Douglas, Cork T12 PT6H		
Applicant	Alan and Jill Mansfield		
Date	14/08/2025		
Recommendation	IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.		

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 response to Q2 on the application form, the applicant frames the following question:

"Is a <10 square metre extension to the rear of our house exempted development?"

In my opinion, and having reviewed the proposed drawings, it is considered that the question before the planning authority is clear.

3. Site Description

The property in question is a two-storey semidetached house located within an estate of similar houses. The house benefits from an existing addition at rear ground floor level of 7.8 square metres.

4. Planning History

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 <u>or</u> 'the making of any material change in the use of any structures or other land'

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	Column 2			
Description of Development	Conditions and Limitations			
Development within the curtilage	1. (a) Where the house has not been extended previously, the			
of a house	floor area of any such extension shall not exceed 40			
CLASS 1	square metres.			
The extension of a house, by the	(b) Subject to paragraph (a), where the house is terraced or			
construction or erection of an	semi-detached, the floor area of any extension above			
extension (including a	ground level shall not exceed 12 square metres.			
conservatory) to the rear of the	(c) Subject to paragraph (a), where the house is detached, the			
house or by the conversion for use	floor area of any extension above ground level shall not			
as part of the house of any garage,	exceed 20 square metres.			
store, shed or other similar	2. (a) Where the house has been extended previously, the floor			
structure attached to the rear or	area of any such extension, taken together with the floor			
to the side of the house.	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 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 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.
- 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 11 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 11 metres from the boundary it faces.
- 7. The roof of any extension shall not be used as a balcony or roof garden.

6. ASSESSMENT

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. '.

It is considered that the erection of a rear extension constitutes the carrying out of works and as such it constitutes development.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

The rear extension as constructed 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.

1. (a) Where the house has not been extended (a) n/a previously, the floor area of any such (b) n/a extension shall not exceed 40 square metres. (c) n/a (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 (a) The applicant has stated on the form that the house was previously extended at ground previously, the floor area of any such extension, taken together with the floor area floor by 7.8 square metres. It is noted that this of any previous extension or extensions 7.8 square metres will be incorporated into the constructed or erected after 1 October 1964, proposed extension. This combined with the including those for which planning proposed extended element results in permission has been obtained, shall not floorspace of less than 40 sq.m. exceed 40 square metres. (b) n/a (b) Subject to paragraph (a), where the house is (c) n/a 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 n/a distance of not less than 2 metres from any party boundary. 4. (a) Where the rear wall of the house does not (a) The height of the wall does not exceed the include a gable, the height of the walls of any existing height of the rear wall of the such extension shall not exceed the height of dwelling. the rear wall of the house. (b) n/a (b) Where the rear wall of the house includes a (c) The height does not exceed the height of the

eaves / parapet

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	A proposed site layout plan has been provided
extension to the rear of the house shall not	and from this it can be seen that no less that 25
reduce the area of private open space,	sq.m. private open space would remain to the
reserved exclusively for the use of the	rear of the house.
occupants of the house, to the rear of the	
house to less than 25 square metres.	
6. (a) Any window proposed at ground level in any	The windows to the southern elevation of the
such extension shall not be less than 1 metre	extension would be in excess of 1m from the
from the boundary it faces.	boundary they face.
(b) Any window proposed above ground level in	
any such extension shall not be less than 11	
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 11 metres from the boundary it	
faces.	
7. The roof of any extension shall not be used as a	The roof of the proposed extension does not
balcony or roof garden.	appear to be used as a balcony or garden.

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 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 development site relative to these European sites and related watercourses and to the nature and scale of the development it is considered that the development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

8. RECOMMENDATION

Having regard to:

- the particulars received by the Planning Authority on 20/05/2025
- Sections 2, 3, and 4 of the Planning and Development Act 2000 as amended, and
- the provision of Schedule 2, Part 1, Class 1 the Planning and Development Regulations, 2001(as amended)

the planning authority considers that —

the construction of a single storey extension to the rear of 36 Limetrees Road East, Maryborough Estate, Douglas, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Gillian Tyrrell Assistant Planner

23.06.2025

COMHAIRLE CATHRACH CHORCAÍ CORK CITY COUNCIL

Strategic Planning & Economic Development Directorate, Cork City Council, City Hall, Anglesea Street, Cork. R-Phost/E-Mail planning@corkcity.ie Fón/Tel: 021-4924564/4321

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM

under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT 36 LIME TREES ROAD EAST, MARMBOROLIGH ESTATE,

1	DOUGLAS, CORK T12 PT6+1						
2. 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. 15 a < 10 square meter extension to the						
	rear of curt house an exempted development?						
L							
	ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT: (Use additional sheets if required).						
WE ARE BUILDING A 3.65m x 2.7m (<10sq m) & EXTENSION TO THE REAR OF OUR HOUSE. THE PURPOSE OF THIS							
DE ARE BUILDING A 3.65 M X 2.7 M (2.10 Sq m) @ EXTENSION TO THE REAL OF OUR HOUSE. THE PURPOSE OF THIS IS TO ENHANCE THE CURRENT LIVING AREA, AND PROVIDE MORE USABLE AND FUNCTIONAL LIVING STACE. IT IS A SINGLE STORY DEVELOPMENT.							
-							
4	CORK CITY COUNCIL PLANNING & DEVELOPMENT						
-	2 0 MAY 2025						
	DEVELOPMENT MANAGEMENT						
	DEAGLOLWEIN MAINOCHTCH						

3. 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 existi	ing/proposed structur	10 sq/M			
(b) If a domestic exter	us	Yes	No 🗌		
extensions/structu	his	If yes, please p	rovide floor areas. (sq m)		
location after 1st O	ng those	7.2	A		
for which planning obtained)?		7.8 59	<u> </u>		
(c) If concerning a cha	inge of use of land an	d / or build	ing(s), please st	ate the following:	
Existing/ previous use (plea	ase etrcle)	Proposed/existing use (please circle)			
·	/				
	,				
4. APPLICANT/ CONT	ACT DETAILS				
Name of applicant (princ	ipal, not agent):		_		
		ALAN A	- JILL MA	NSPELD	
Applicants Address	36 LIME TR	ees p	CAS CAG	Γ,	
	MALLY POROU	GH EST	ATE, DOU	CORK CORK	
	T12 PT6+1				
Person/Agent acting on	Name:				
behalf of the Applicant	Address:				
(if any):					
	Telephone:	 			
	/				
	Fax:				
	F 27 . 1.1	ļ			
	E-mail address:				
Should all correspondence	e be sent to the abo) ve address	s? Yes	No []	
(Please note that if the answer is 'No				W []	
address)					
5. LEGAL INTEREST					
Please tick appropriate bo	x to show applicant'	s A. Owi	ner /	B. Other	
legal interest in the land of		4.4	V		
Where legal interest is 'O				1	
your interest in the land/s					
If you are not the legal ov	wner, please state th	e		_	

name and address of the owner if available

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

Signature:		,		<u> </u>		
Date: [6]	21,53		,			
•••••		************		 	**********	••••

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

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, Strategic Planning & Economic Development Directorate, Cork City Council, City Hall, Anglesea Street, Cork.

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- 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 Bord Pleanála refer a declaration for review by the Board 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 Board 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

The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution

36 Lime Trees Road East,

Maryborough Estate,

Douglas,

Cork

T12 PT6H

CORK CITY COUNCIL PLANNING & DEVELOPMENT

2 8 MAY 2025

DEVELOPMENT MANAGEMENT

27th May 2025

RE: Section 5 exemption request for 36 Lime Trees Road East,
Maryborough Estate, Douglas, Cork.

A Chara,

I refer to your recent letter regarding a section 5 planning exemption request for the above property (see copy attached).

We purchased this property in December 2024 and have been granted approval for the Vacant Property Grant (ref: VPRG0369) by the City council. We intend using the grant monies to build a 3.65m x 2.70m (9.855 sq m) single story extension to the rear of the property with the same roof pitch as the existing extension.

The Vacant Property officer visited the house in January 2025, inspected same and approved the works without issue.

Per your request, I am now attaching the following maps, drawings and photos:

- A land registry compliant map highlighting the location of the above property.
- A floor plan of the current ground floor of the property with the existing kitchen extension and dimensions highlighted. We understand that this extension was built in the late 1970's or early 1980's.
- A photo of the existing extension with the dimensions also highlighted.
- A floor plan of the proposed extension with the dimensions highlighted.
- A photo of the rear of the property showing the original 1970s/1980s extension along with the measurements of the proposed new extension. Note that the proposed new extension does not interfere or touch with the existing boundary with 34 Lime Trees Road East.

The proposed extension is a squaring off of the existing extension and will have one south facing sliding door that doesn't look on or over any other adjoining properties. As previously mentioned, this is a single-story extension with the same roof pitch that is already present.

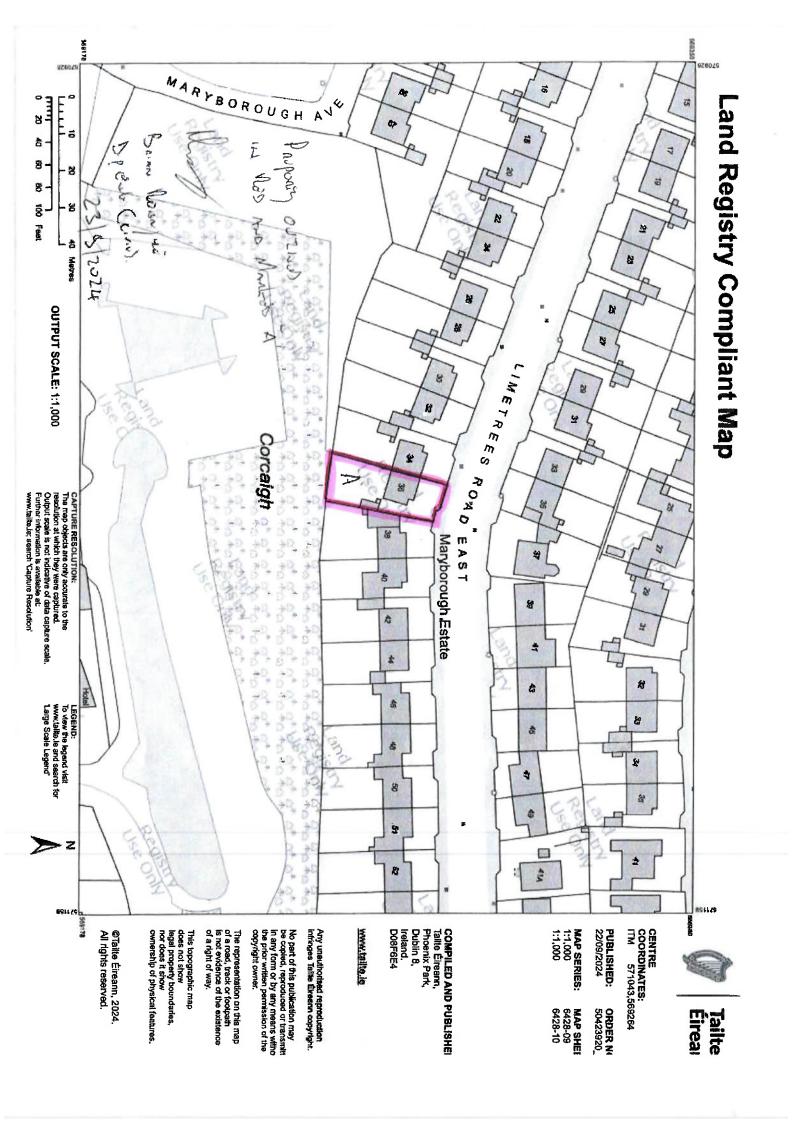
The idea for the new extension is to enhance the existing living area and open it up as a new kitchen living area to be enjoyed by our family.

We understand that given the size of the proposed development, it does not need planning permission, and would therefore hope that you would issue an exemption certificate at your earliest convenience so that we can provide same to the Vacant Planning Officer.



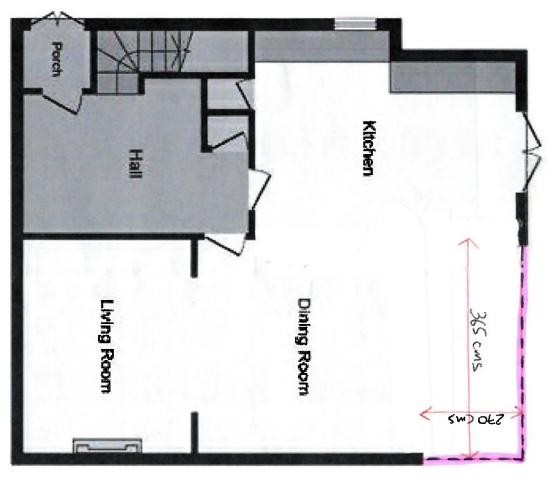








Ground Floor



Ground Floor