



Comhairle Cathrach Chorcaí Cork City Council

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

Ciara Tobin,
6 Churchfield Way Upper,
Churchfield,
Cork.

10/06/2026

RE: Section 5 Declaration: R1046/26 6 Churchfield Way, Upper, Churchfield, Cork.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 15th of May, 2026.

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

The development consists of an existing single story bay window to the front elevation of the dwelling at 6 Churchfield Way Upper, Churchfield, Cork. The bay window was in existence prior to the purchase of the property in 2019. and appears historically to be in existence on street imagery from at least 2009 (photos attached to application). A declaration is sought under Section 5 of the planning and Development Act 2000 as to whether the existing development constitutes exempted development.

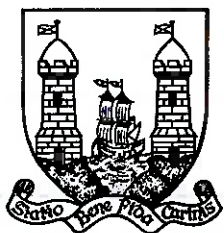
The question has been reframed as *whether an existing single story bay window to the front elevation of the dwelling at 6 Churchfield Way Upper, Churchfield, Cork is or is not development and, if so, is or is not exempted development.*

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'. 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.



We are Cork.



Comhairle Cathrach Chorcaí

Cork City Council

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

'Works' is defined in section 2(1) of the Act as 'the carrying out of any works on, in, over, or under land' including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal, and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure. '.

The Planning Authority considers that the bay window constitutes development as it comprises of works which includes construction and extension.

The next issue for consideration is whether or not the matter at hand is exempted development. The proposed works are not listed within Schedule 2 Part 1 of the Planning and Development regulations 2001 (as amended) which lists Exempted Development. Article 6 therefore does not provide for this type of development. Article 9 states that

The subject dwelling is mid-terrace. It is noted that the neighbouring dwelling also has a bay window with canopy across to the front door. The subject dwelling has a bay window with tiles above. The construction of the subject bay window development extended the footprint of the dwelling forward of the building line beyond the front wall. Same is not listed in column 1 of Part 1 of Schedule 2, as set out in Article 6, and does not constitute exempted development.

The Planning Authority considers that the bay window does not constitute exempted development as it extends the dwelling and is not a development of a class listed for exempted development in Column 1 of Part 1 of Schedule 2, as set out in Article 6.



We are Cork.



Comhairle Cathrach Chorcaí Cork City Council

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

In view of the above and having regard to —

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

It is considered that proposed bay window at the floor elevation **IS DEVELOPMENT** and is **NOT EXEMPTED DEVELOPMENT**.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Coimisiún Pleanála within 4 weeks of the date it is issued., 10th of June, 2026.

Is mise le meas,

Anthony Angelini

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



We are Cork.

PLANNER'S REPORT Ref. R1046/26		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>The development consists of an existing single story bay window to the front elevation of the dwelling at 6 Churchfield Way Upper, Churchfield, Cork. The bay window was in existence prior to the purchase of the property in 2019. and appears historically to be in existence on street imagery from at least 2009 (photos attached to application). A declaration is sought under Section 5 of the planning and Development Act 2000 as to whether the existing development constitutes exempted development.</i>	
Location	6 Churchfield Way Upper, Churchfield, Cork	
Applicant	Ciara Tobin	
Date	28/07/2026	
Recommendation	<i>Is Development and Is Not Exempted Development</i>	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states,

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

The requirements for making a section 5 declaration are set out in the Act.

2. The Question before the Planning Authority

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

The development consists of an existing single story bay window to the front elevation of the dwelling at 6 Churchfield Way Upper, Churchfield, Cork. The bay window was in existence prior to the purchase of the property in 2019. and appears historically to be in existence on street imagery from at least 2009 (photos attached to application). A declaration is sought under Section 5 of the planning and Development Act 2000 as to whether the existing development constitutes exempted development.

The question has been reframed as *whether an existing single story bay window to the front elevation of the dwelling at 6 Churchfield Way Upper, Churchfield, Cork is or is not development and, if so, is or is not exempted development.*

3. Site Description

The property in question is located on Churchfield Way Upper. The subject site has a two storey mid-terrace dwelling with 2 no. bays in an established residential area in the north of Cork City.

4. Planning History

There is no recent relevant planning history at the subject site.

5. Legislative Provisions

5.1 The Act

Section 2(1),

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1),

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or ‘the making of any material change in the use of any structures or other land’

Section 4(1)(h),

The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(2),

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.

Section 5(1),

(See section 1 of this report)

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

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

5.2 The Regulations

Article 6 (1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1)

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

(a) if the carrying out of such development would—

- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new*

development plan, in the draft variation of the development plan or the draft development plan,

6. Assessment

It should be stated at the outset that the purpose of this report is not to determine the acceptability or otherwise of the proposal at this location in respect to the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.

6.1 Development

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

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

'Works' is defined in section 2(1) of the Act as *'the carrying out of any works on, in, over, or under land' including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal, and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.'*

I consider that the bay window constitutes development as it comprises of works which includes construction and extension.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. The proposed works are not listed within Schedule 2 Part 1 of the Planning and Development regulations 2001 (as amended) which lists Exempted Development. Article 6 therefore does not provide for this type of development. Article 9 states that

The subject dwelling is mid-terrace. It is noted that the neighbouring dwelling also has a bay window with canopy across to the front door. The subject dwelling has a bay window with tiles above. The construction of the subject bay window development extended the footprint of the dwelling forward of the building line beyond the front wall. Same is not listed in column 1 of Part 1 of Schedule 2, as set out in Article 6, and does not constitute exempted development.

I consider that the bay window does not constitute exempted development as it extends the dwelling and is not a development of a class listed for exempted development in Column 1 of Part 1 of Schedule 2, as set out in Article 6.

7. Environmental Assessment

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

7.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly, it is considered that appropriate assessment is not required.

8. Conclusion

The question has been asked *whether an existing single story bay window to the front elevation of the dwelling at 6 Churchfield Way Upper, Churchfield, Cork is or is not development and, if so, is or is not exempted development.*

Having considered the submitted documents with the application and the relevant legislation as set out above, it is considered that the proposed altered layout is development and is not exempted development

9. Recommendation

In view of the above and having regard to —

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

It is considered that proposed bay window at the floor elevation is **Development** and is **Not Exempted Development**.



Gordon O'Meara
Graduate Planner



Melissa Walsh
Senior Executive Planner

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

Lionra/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

CIARA TOBIN

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

6 Churchfield Way Upper, Churchfield,
Cork, T23 W29 N

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.

The development consists of an existing single story bay window to the front elevation of the dwelling at 6 Churchfield Way Upper, Churchfield, Cork. The bay window was in existence prior to the applicant's purchase of the property in 2019.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

and appears historically to be in existence on Street Imagery from at least 2009 (photos attached to application)

A declaration is sought under Section 5 of the Planning and Development Act 2000 as to whether the existing development constitutes exempted development.

CORK CITY COUNCIL
PLANNING & DEVELOPMENT
08 MAY 2026

DEVELOPMENT MANAGEMENT

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

If so please supply details:

No N/A

5. Is this a Protected Structure or within the curtilage of a Protected Structure? ☒

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:

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	
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes ☐ No ☒ If yes, please provide floor areas. (sq m)
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) N/A	Proposed/existing use (please circle) N/A

7. LEGAL INTEREST

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

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

Signature: [Signature]

Date: 8/15/2015

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

Name(s)	[Redacted]
Address	[Redacted] [Redacted]

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

Name(s):	N/A	
Address:	N/A	
Telephone:	N/A	
E-mail address:	N/A	
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes ☒	No ☐

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

Name(s)	
Address	

12. ADDITIONAL CONTACT DETAILS

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

Tel. No.

[Redacted]

Mobile No.

[Redacted]

Email Address:

[Redacted]

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, Community, Culture & Placemaking
Directorate, 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 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

"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 protection policy is available at <https://www.corkcity.ie/en/council-services/public-info/adm/>

We request that you read these as they contain important information about how we process personal data.





Tailte Éireann

**Clárúcháin, Luacháil,
Suirbhéireacht
Registration, Valuation,
Surveying**

Official Taite Éireann Registration Map

This map should be read in conjunction with the folio

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

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

This map incorporates T  Surveying map data under a licence from T 
Copyright   T ille  ireann and Government of Ireland.

(centre-line of parcel(s) edged)

Freehold

Leasehold

Subleasehold

'S' Register

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

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Septic Tank

 Soak

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

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

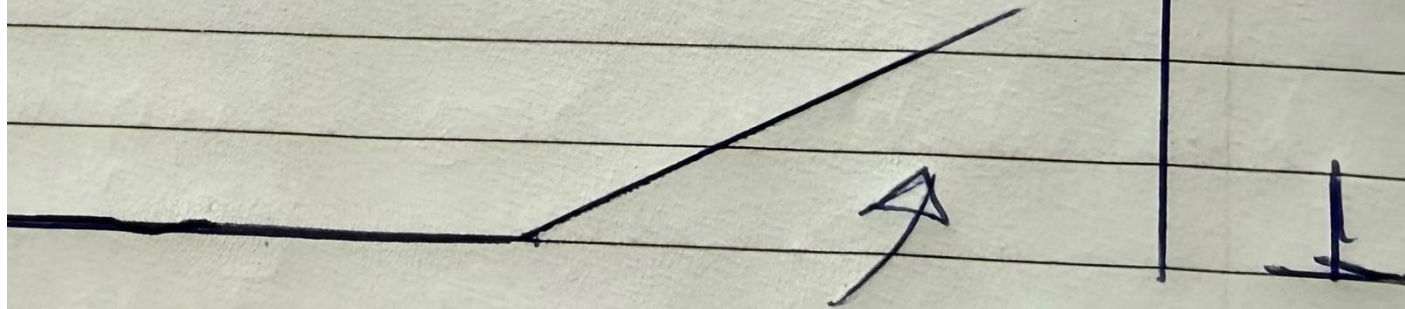
(see Section 85 of the Registration of Title Act, 1964). As Inserted by Section 62 of the Registration of Deed and Title Act 2006.



2.63 metres



3.5
Metres



Current Photo of Property (From Google Maps 2022)



Google Maps 2009 Photo

