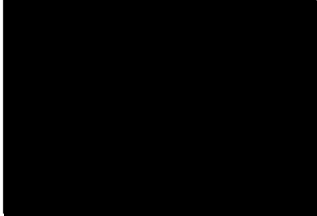


Comhairle Cathrach Chorcaí Cork City Council

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

Stephen Grogan,



30/06/2025

RE: Section 5 Request:
R958/25. 45 Brookville Estate, Riverstown, Glanmire.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 28th of May, 2025.

The question put before the Planning Authority is “whether the construction of a single storey rear extension to the existing dwelling house is exempted development”.

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 the *construction of a single storey rear extension to the existing dwelling house* **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Is mise le meas,

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



We are Cork.

PLANNER'S REPORT Ref. R958 /25		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	<i>Is the construction of a single storey rear extension to the existing dwelling house exempted development?</i>	
Location	45 Brookville Estate, Riverstown, Glanmire, Cork, T45XN72	
Applicant	Stephen Grogan (owner)	
Date	30/06/2025	
Recommendation	Is development and is exempted development	

This report should be read in conjunction with the previous Planner's Report on file dated 19/06/2025. That report recommended that the following further information be sought:

In accordance with Section 5(2)(b) of the Planning and Development Act 2000, as amended, the following further information should be sought;

In accordance with Schedule 2, Part 1, Exempted Development - General, of the Planning and Development Regulations 2001, as amended, the following development within the curtilage of a house can be exempted development subject to complying with 7no. conditions and limitations.

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.

This provision of the legislation has been fully reviewed, including the condition and limitations and it is noted that at present it has not been demonstrated that all conditions and limitations have been complied with;

Relevant conditions and limitations;

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. *It is noted from a review of available information, Google Street View, that the attached garage to the northern side of the dwelling remained in place in July 2009. The applicant has now indicated the conversion of same has taken place to a playroom and utility/pantry to the rear having a combined floor area of c.23sqm. The playroom only is c.14.4sqm.*

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. *As set out above the former attached domestic garage has been converted to a playroom c.14.4sqm in area. The utility/pantry adjoining same is c8.9sqm in area. The combined is therefore 23.3sqm and the proposed extension is 22sqm = 45.3sqm or over the allowable 40sqm. If the applicant can demonstrate that the utility/pantry was original and not altered the combined floor area would be 14.4sqm garage conversion only and 22sqm = 36.4sqm and below the threshold.*

Please provide full details regarding the chronology of development on site and all applicable floor areas for existing and proposed works.

A response, including a revised floor plan, was received on 20/06/2025. The plan now identifies the room in the north eastern corner of building as a Garage, not playroom. The response states:

The existing garage is still in place and has not been converted to a playroom. The labelling of the garage as a playroom resulted in a drafting error crossover from drawings we were preparing for a possible future planning application. When we construct the rear extension we will simply reuse the existing Kitchen room as a Pantry/Utility room. I understand the existing Kitchen may have been a partial conversion of the garage at some point before we came into possession of the property last year. However, the combined area of the Pantry/Utility (9sq.m) and the proposed rear extension (22sq.) comes to 31sq.m. and within the 40sq.m threshold for exemption. Please see the attached revised drawing with the amended labelling.

A site visit was undertaken on 27/06/2025. The garage roller door was still in place.

Following a review of the documentation submitted as apart of the FI response, and the site visit undertaken, it is recommended that a declaration be issued stating that the proposal is development, and is exempted development.

Conclusion

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 the —

the construction of a single storey rear extension to the existing dwelling house **Is Development and Is Exempted Development.**



Martina Foley
A/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

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

Stephen Grogan

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

45 Brookville Estate, Riverstown, Glanmire
T45XN72

3. QUESTION/ DECLARATION DETAILS

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

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

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

Is the construction of a single storey rear extension to the existing dwelling house at 45 Brookville Estate, Riverstown, Glanmire an exempted development?

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

The development consists of a single storey extension entirely to the rear of the existing dwelling. Conventional construction of masonry walls and tiled roof to match the existing house
Proposed gross internal floor area of the extension to be 22sq.m.

Please see maps and drawings attached

CORK CITY COUNCIL
PLANNING & DEVELOPMENT

29 MAY 2025

DEVELOPMENT MANAGEMENT

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

If so please supply details: N/A

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

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	22SQ.M.
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m)
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) 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 <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name of the owner if available		

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

Signature:

Date:

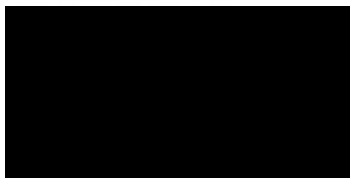
27/05/25



Comhairle Cathrach Chorcaí Cork City Council

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

Stephen Grogan,



19/06/2025

RE: Section 5 Request:
R958/25. 45 Brookville Estate, Riverstown, Glanmire.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 28th of May, 2025.

The question put before the Planning Authority is “whether the construction of a single storey rear extension to the existing dwelling house is exempted development”.

In accordance with Section 5(2)(b) of the Planning and Development Act 2000, as amended, the following further information should be sought:

In accordance with Schedule 2, Part 1, Exempted Development - General, of the Planning and Development Regulations 2001, as amended, the following development within the curtilage of a house can be exempted development subject to complying with 7no. conditions and limitations.



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Comhairle Cathrach Chorcaí

Cork City Council

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

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.

This provision of the legislation has been fully reviewed, including the condition and limitations and it is noted that at present it has not been demonstrated that all conditions and limitations have been complied with;

Relevant conditions and limitations;

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. **It is noted from a review of available information, Google Street View, that the attached garage to the northern side of the dwelling remained in place in July 2009. The applicant has now indicated the conversion of same has taken place to a playroom and utility/pantry to the rear having a combined floor area of c.23sqm. The playroom only is c.14.4sqm.**

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. **As set out above the former attached domestic garage has been converted to a playroom c.14.4sqm in area. The utility/pantry adjoining same is c8.9sqm in area. The combined is therefore 23.3sqm and the proposed extension is 22sqm = 45.3sqm or over the allowable 40sqm. If the applicant can demonstrate that the utility/pantry was original and not altered the combined floor area would be 14.4sqm garage conversion only and 22sqm = 36.4sqm and below the threshold.**

Please provide full details regarding the chronology of development on site and all applicable floor areas for existing and proposed works.

It is thus considered that **FURTHER INFORMATION** is required.

Is mise le meas,

Anthony Angelini

Assistant Staff Officer

Planning & Integrated Development

Cork City Council



We are Cork.

PLANNER'S REPORT Ref. R958/25		Cork City Council Planning & Integrated Development
Application type	Section 5 Declaration	
Description	<i>Is the construction of a single storey rear extension to the existing dwelling house exempted development?</i>	
Location	45 Brookville Estate, Riverstown, Glanmire, Cork, T45XN72	
Applicant	Stephen Grogan (owner)	
Agent	N/a	
Date	15/08/2025	
Recommendation	<i>Request Further Information.</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 Q2 of the application form:

Is the construction of a single storey rear extension to the existing dwelling house exempted development?

The intention of the request is clear.

3. SITE DESCRIPTION

The subject site relates to 45 Brookville Estate, Riverstown, Glanmire, Cork, T45XN72. The dwelling as existing is a semi detached 2 storey dwelling within an established residential development. To the northern side of the dwelling is a former attached domestic garage which has now been converted to residential use.

The subject property is outside of any Architectural Conservation Areas, Zone of Archaeological Potential or other designations.

4. PLANNING HISTORY

Planning Applications

No recent planning history. It is noted however that the former attached domestic garage has been converted to residential use / part of the dwelling.

5. LEGISLATIVE PROVISIONS

5.1 The Act

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) 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, 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.*

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)(a),

The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- i) By reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or*
- ii) The development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).*

Section 4(2)(b)

Regulations under paragraph (a) may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

Section 4(2)(c)

Regulations under this subsection may, in particular and without prejudice to the generality of paragraph (a), provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

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) (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 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.

Schedule 2, Part 1, Exempted Development - General, of the Planning and Development Regulations 2001, as amended, sets out the following exemption;

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.

Subject to complying with the following conditions and limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or 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.

Article 9 (1)(a)

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

- (i) if the carrying out of such development would... contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,*
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed 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,*
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,*
- (xi) obstruct any public right of way,*
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area 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 and the development would materially affect the character of the area,*

6. ASSESSMENT

The purpose of this report is to assess whether or not the matter in question constitutes development and whether it falls within the scope of exempted development. Matters pertaining to the acceptability of the

proposal in respect of the proper planning and sustainable development of the area is not a consideration under Section 5.

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: '(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.'

The proposal is for a single storey rear extension to the rear of an existing semi detached dwelling. The proposal constitutes development.

Whether the development is or is not exempted development is therefore to be determined.

6.2 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).

Schedule 2, Part 1, Exempted Development - General, of the Planning and Development Regulations 2001, as amended, sets out the following exemption;

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.

Subject to complying with the following conditions and limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. **It is noted from a review of available information, Google Street View, that the attached garage to the northern side of the dwelling remained in place in July 2009. The applicant has now indicated the conversion of same has taken place to a playroom and utility/pantry to the rear having a combined floor area of c.23sqm. The playroom only is c.14.4sqm.**

(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. **N/a. single storey only proposed.**

(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. **N/a. single storey only proposed.**

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. **As set out above the former attached domestic garage has been converted to a playroom c.14.4sqm in area. The utility/pantry adjoining same is c8.9sqm in area. The combined is therefore 23.3sqm and the proposed extension is 22sqm = 45.3sqm or over the allowable 40sqm. If the applicant can demonstrate that the utility/pantry was original and not altered the combined floor area would be 14.4sqm garage conversion only and 22sqm = 36.4sqm and below the threshold.**

(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. **N/a. single storey only.**

(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. single storey only.**

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary. **N/a. single storey only.**

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. **The rear wall does not include a gable, the walls of the extension do 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. **N/a**

(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. **Proposal complies with this requirement.**

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. **The construction will not reduce the private open space to below 25sqm**

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces. **The proposal complies with this requirement.**

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces. **N/a. single storey only.**

(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. **N/a. single storey only.**

7. The roof of any extension shall not be used as a balcony or roof garden. **N/a.**

While it appears the utility/pantry may have been provided under the parent permission, details regarding same or the conversion of the garage and all associated floor areas have not been provided. Additional detail/confirmation is required in order to allow for determination of this Section 5.

7. ENVIRONMENTAL ASSESSMENT

7.1 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 an environmental impact statement is not required.

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. RECOMMENDATION

Request further information.

In accordance with Section 5(2)(b) of the Planning and Development Act 2000, as amended, the following further information should be sought;

In accordance with Schedule 2, Part 1, Exempted Development - General, of the Planning and Development Regulations 2001, as amended, the following development within the curtilage of a house can be exempted development subject to complying with 7no. conditions and limitations.

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.


This provision of the legislation has been fully reviewed, including the condition and limitations and it is noted that at present it has not been demonstrated that all conditions and limitations have been complied with;

Relevant conditions and limitations;

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres. **It is noted from a review of available information, Google Street View, that the attached garage to the northern side of the dwelling remained in place in July 2009. The applicant has now indicated the conversion of same has taken place to a playroom and utility/pantry to the rear having a combined floor area of c.23sqm. The playroom only is c.14.4sqm.**

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres. **As set out above the former attached domestic garage has been converted to a playroom c.14.4sqm in area. The utility/pantry adjoining same is c8.9sqm in area. The combined is therefore 23.3sqm and the proposed extension is 22sqm = 45.3sqm or over the allowable 40sqm. If the applicant can demonstrate that the utility/pantry was original and not altered the combined floor area would be 14.4sqm garage conversion only and 22sqm = 36.4sqm and below the threshold.**

Please provide full details regarding the chronology of development on site and all applicable floor areas for existing and proposed works.


Aidan Walsh Senior Executive Planner Development Management 19/06/2025

20/06/2025

Anthony Angelini
Assistant Staff Officer
Planning and Integrated Development
Cork City Council,

**Re - Section 5 Request
R958/25 at 45 Brookville Estate**

Dear Anthony,

We write in response to your request for further information as follows;

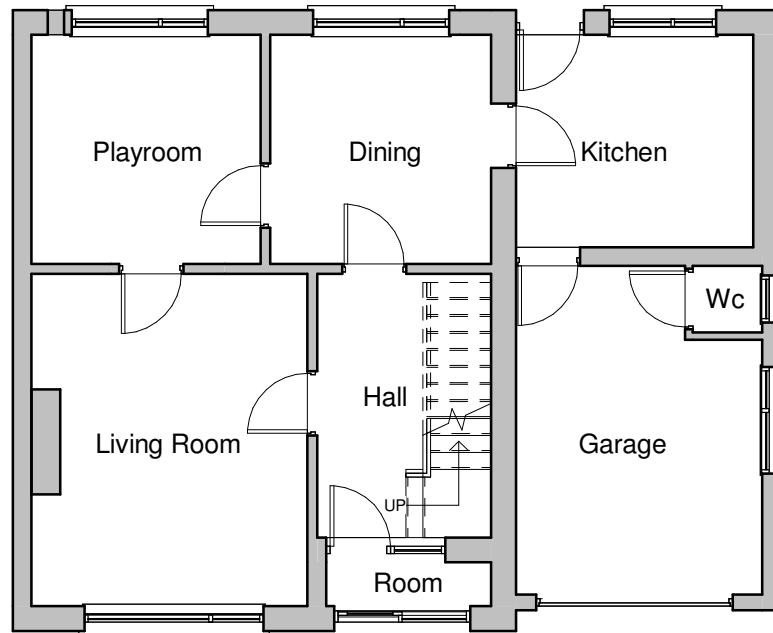
The existing garage is still in place and has not been converted to a playroom. The labelling of the garage as a playroom resulted in a drafting error crossover from drawings we were preparing for a possible future planning application. When we construct the rear extension we will simply reuse the existing Kitchen room as a Pantry/Utility room. I understand the existing Kitchen may have been a partial conversion of the garage at some point before we came into possession of the property last year. However, the combined area of the Pantry/Utility (9sq.m) and the proposed rear extension (22sq.) comes to 31sq.m. and within the 40sq.m threshold for exemption. Please see the attached revised drawing with the amended labelling.

I hope this clarifies the situation but please come back to us if you have any further queries.

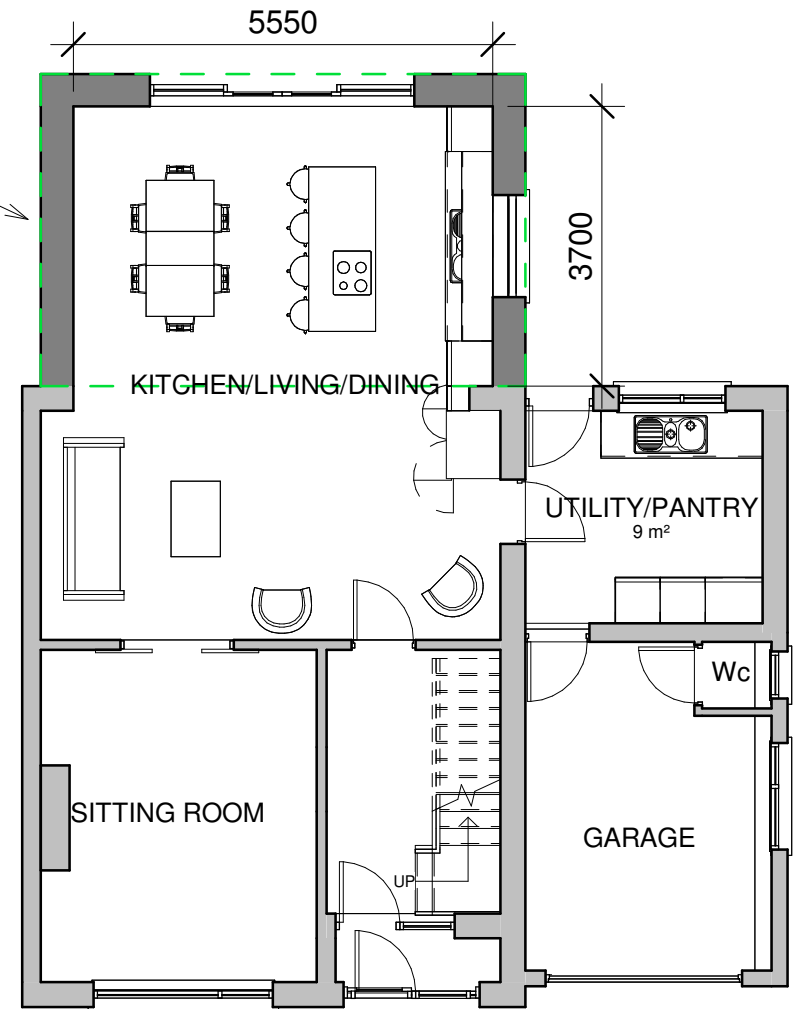
[Redacted]

[Redacted]

22SQ.M SINGLE STOREY
EXTENSION OUTLINED IN GREEN



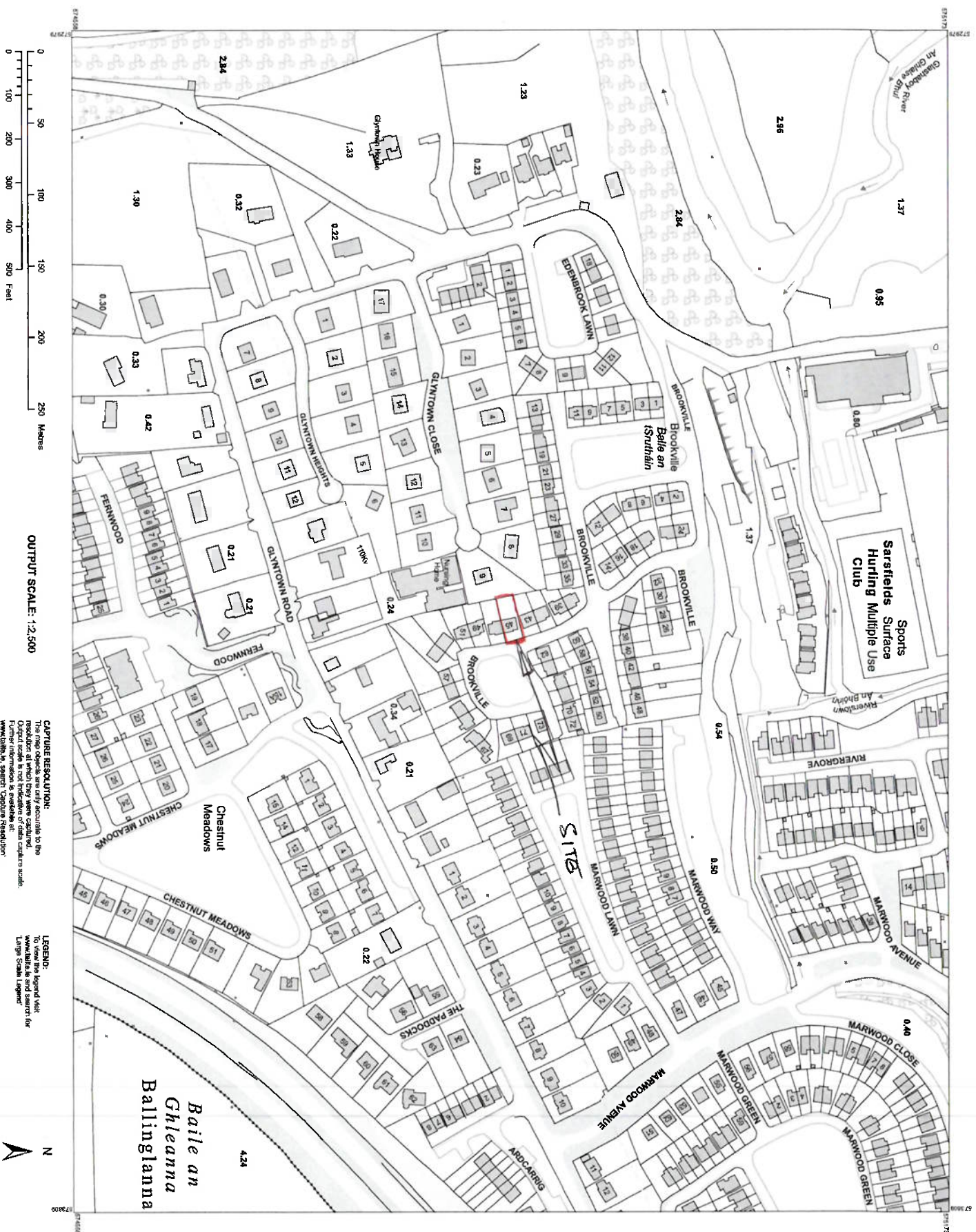
Ground Floor - EXISTING
1 : 100



Ground Floor - PROPOSED
1 : 100

B	AMENDED LABELLING OF PLAYROOM TO GARAGE	20/06/25
A	SECTION 5 APPLICATION	28/05/25
REV	DESCRIPTION	DATE
PROJECT: Extension of existing dwelling house at 45 Brookville Estate, Glanmire, Cork		
CLIENT: Stephen Grogan		
DRAWING NO.	2	REV. B
SCALE:	1 : 100	
DRAWING TITLE: GF PLANS		

Planning Pack Map



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ORDER NO.: 5046389_1

MAP SERIES: 1:2,500 6339-A 1:2,500 6339-C
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COMPILED AND PUBLISHED BY:
Taite Éireann,
Phoenix Park,
Dublin 8,
Ireland.
DOI: 5046389

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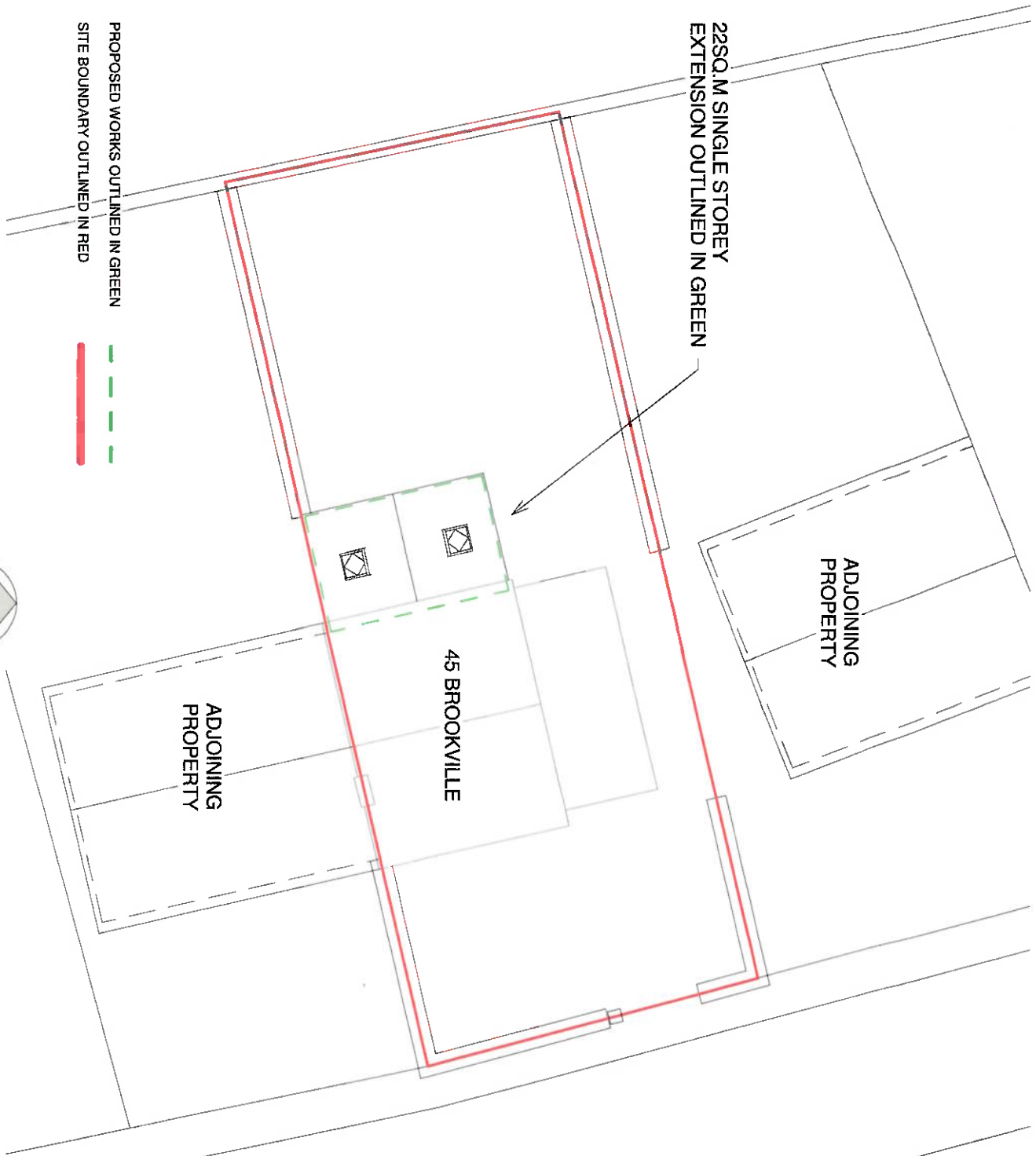
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CAPTURE RESOLUTION:
This map depicts terrain accurately to the best of our knowledge and belief.
Output scale is not indicative of data capture scale.
Further information is available at:
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LEGEND:
To view this legend visit:
www.taite.ie and search for 'Taite Scale Legend'



OUTPUT SCALE: 1:2,500



PROPOSED WORKS OUTLINED IN GREEN
SITE BOUNDARY OUTLINED IN RED

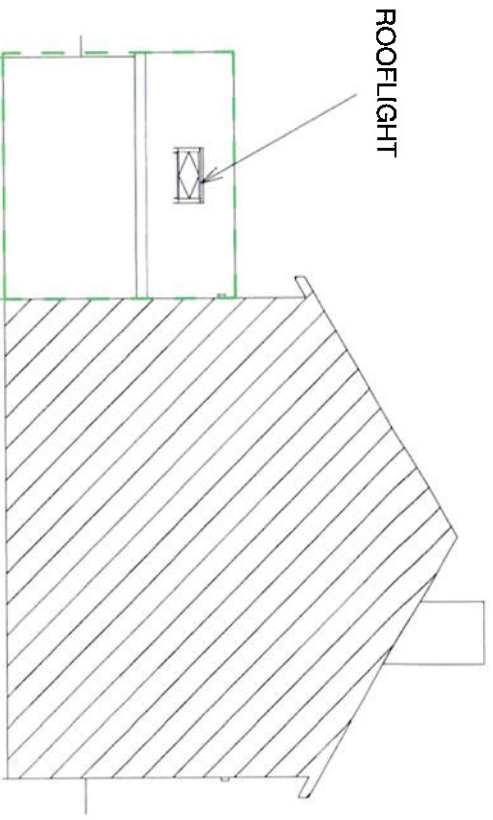
SITE LAYOUT

1:200

SITE AREA = 0.038 Hectares



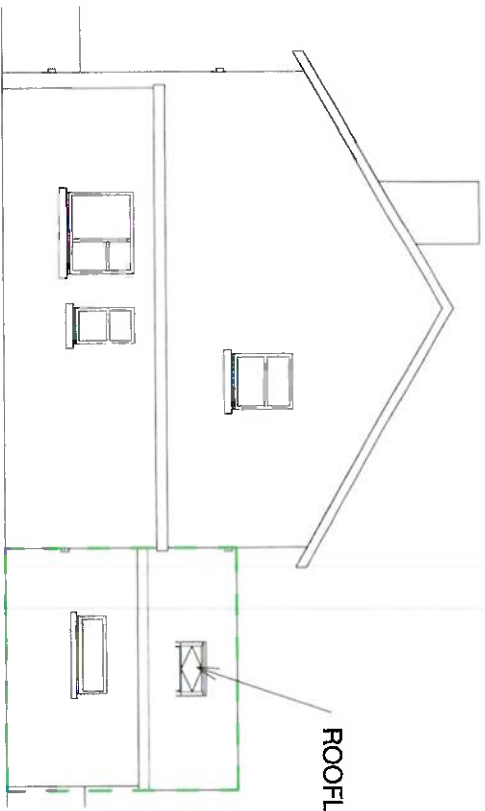
PROJECT:		45 Brookville Estate, Glanville, Cork	
CLIENT:		Stephen Grogan	
DRAWING NO.	1	REV.	A
SCALE:	1 : 200		
DRAWING TITLE:		Site Plan	
REV	DESCRIPTION	DATE	
A	SECTION 5 APPLICATION	28/05/25	



ROOFLIGHT

West Elevation

1 : 125

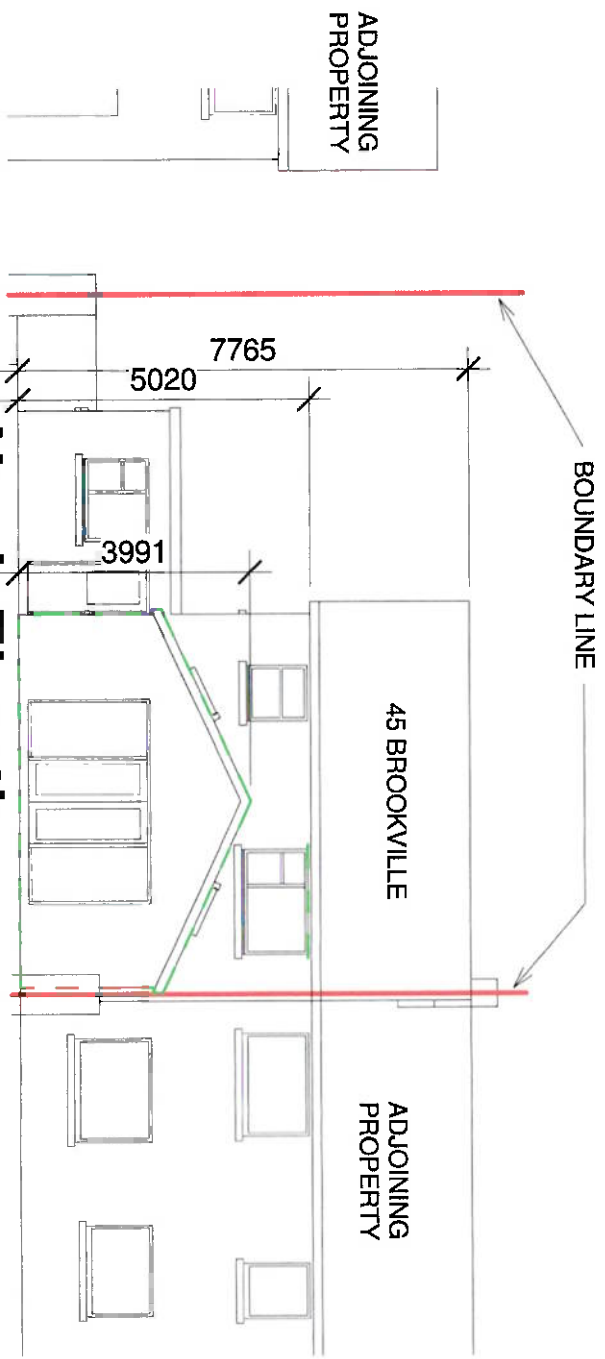


ROOFLIGHT

East Elevation

1 : 125

22SQ.M SINGLE STOREY
EXTENSION OUTLINED IN GREEN



BOUNDARY LINE

45 BROOKVILLE

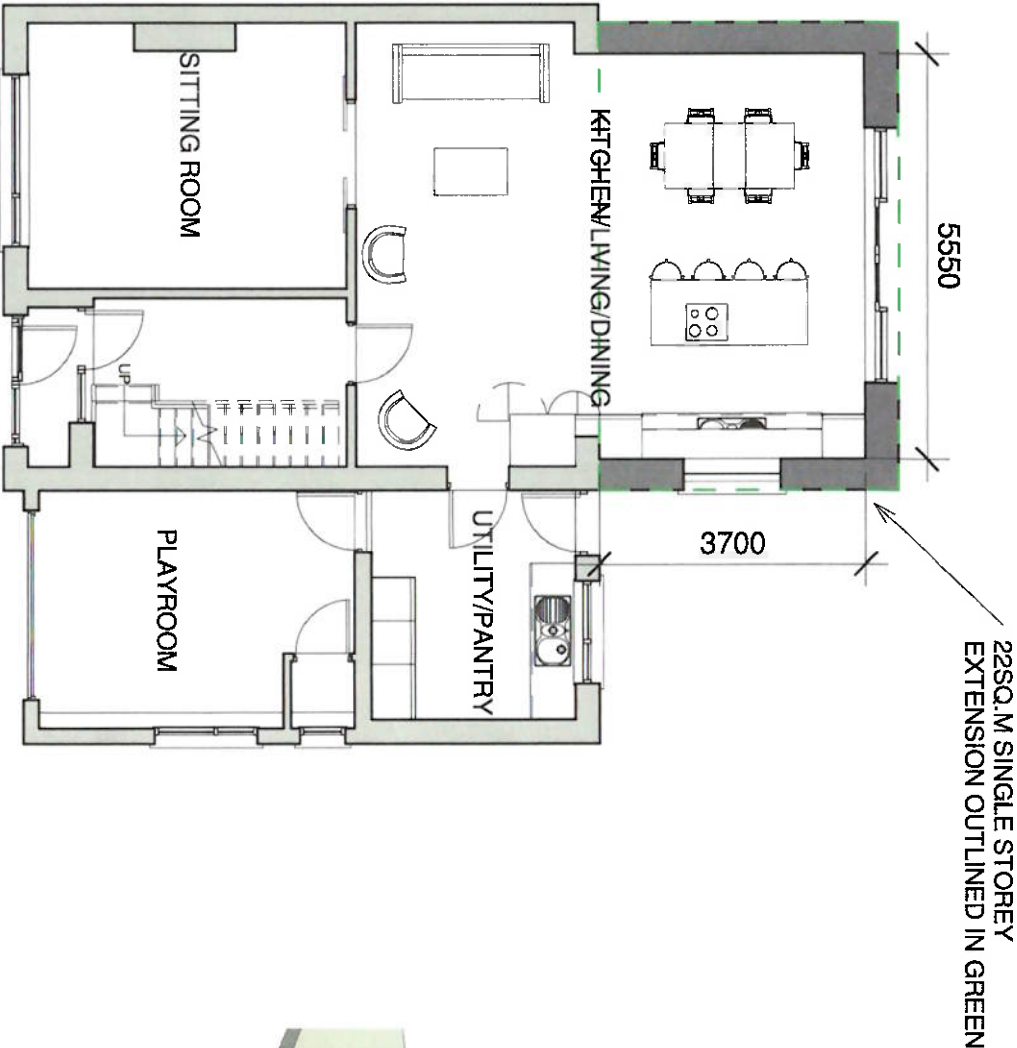
ADJOINING
PROPERTY

ADJOINING
PROPERTY

North Elevation

1 : 125

SECTION 5 APPLICATION		28/05/25
REV	DESCRIPTION	DATE
A	Extension of existing dwelling house at 45 Brookville Estate, Glanmire, Cork	
CLIENT: Stephen Grogan		
DRAWING NO. 3		
SCALE: 1 : 125		
DRAWING TITLE: ELEVATIONS - PROPOSED		REV. A



PROPOSED 3D IMAGE

Ground Floor - PROPOSED

1 : 100

A	SECTION 5 APPLICATION	28/05/25
REV	DESCRIPTION	DATE
PROJECT: Extension of existing dwelling house at 45 Brookville Estate, Glanmire, Cork		
CLIENT: Stephen Grogan		
DRAWING NO.	2	REV
SCALE:	1 : 100	A
DRAWING TITLE: GF PLAN - PROPOSED		