

Comhairle Cathrach Chorcaí Cork City Council

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

Barbara O'Connell,
32 Silverdale Road,
Ballinlough,
Cork.

06/07/2026

RE: **Section 5 Declaration: R1049/26 32 Silverdale Road, Ballinlough, Cork.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 2nd of June, 2026.

The Question before the Planning Authority was as follows: "*SEAI Insulation to be performed on this property. Would this work be considered exempted?*".

Having regard to —

- Sections 2, 3, and specifically 4(1)(h) of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

the works carried out to the existing dwelling house, consisting of the following:

Amendments to the front of the house which include:

- a) *external insulation and the covering of brick façade*

at 32 Silverdale Road, Ballinlough, Cork **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**

Is mise le meas,

Anthony Angelini

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



We are Cork.

PLANNER'S REPORT
Ref. R1049/26

Cork City
Council
Development Management
Strategic Planning and
Economic Development

Application type	SECTION 5 DECLARATION
Question	<i>Whether the following is development and, if so, is it exempted development:</i> <i>whether the proposed external insulation and covering of brick façade is exempt</i>
Location	32 Silverdale Road, Ballinlough, Cork
Applicant	Barbara O'Connell
Date	06/07/2026
Recommendation	Is development and is exempted development

INTERPRETATION

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.

REQUIREMENTS FOR A SECTION 5 DECLARATION APPLICATION

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

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

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

THE QUESTION BEFORE THE PLANNING AUTHORITY

The question to the planning authority is framed using the phrasing of section 5. The applicant states in the request, "SEAI Insulation to be performed on this property. Would this work be considered exempted".

In my opinion the intention of the request is clear, and that it is reasonable to consider the question before the planning authority as being:

Whether the following is development and, if so, exempted development:

- 1. Amendments to the front of the house which include proposed external insulation and covering of existing brick façade.*

SITE DESCRIPTION

The subject property is a two-storey semi-detached dwelling in Ballinlough. The area is predominantly residential in nature.

The brick façade on the upper section of the front elevation has been removed. Apart from that, the works proposed have not been constructed to date.

RELEVANT PLANNING HISTORY

Details submitted with the application state that there was a previous planning permission for the construction of a side extension to the dwelling. Ref 4026-73 refers.

LEGISLATIVE PROVISIONS

Planning and Development Act, 2000 as amended

Section 2(1)

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

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and*
- (b) in relation to a protected structure or proposed protected structure, includes—*
 - (i) the interior of the structure,*
 - (ii) the land lying within the curtilage of the structure,*
 - (iii) any other structures lying within that curtilage and their interiors, and*
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii).*

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

Section 3(1)

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

Section 4(1)(h)

4.(1) The following shall be exempted developments for the purposes of this Act—

...

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(2)

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

Section 4(3)

A reference in this Act to exempted development shall be construed as a reference to development which is—

- (a) any of the developments specified in subsection (1), or
- (b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

Section 5(1)

See section 1 of this report.

Planning and Development Regulations 2001 as amended

Article 5(2)

In Schedule 2, unless the context otherwise requires, any reference to the height of a structure, plant or machinery shall be construed as a reference to its height when measured from ground level, and for that purpose “ground level” means the level of the ground immediately adjacent to the structure, plant or machinery or, where the level of the ground where it is situated or is to be situated is not uniform, the level of the lowest part of the ground adjacent to it.

Article 6(1)

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

Article 9

Article 9 sets out restrictions on exemptions specified under article 6.

(Article 6) Schedule 2, Part 1

Classes 1-8 relate to development within the curtilage of a house. Having examined the Classes it is considered that no specific Class relates to the works that have been carried out on site to date.

ASSESSMENT

Development

The first issue for consideration is whether or not the matter at hand is ‘*development*’, which is defined in the Act as comprising two chief components: ‘*works*’ and / or ‘*any material change in the use of any structures or other land*’.

‘*Works*’ is defined in section 3(1) of the Act as including ‘*any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*’.

With regard to the proposed development, the main issues to consider is as follows:

Amendments to the front of the house which include

a) external insulation to cover the existing façade

- I consider that the specific details set out above constitutes ‘works’ as they comprise the alteration to a building on the site. As the proposal comprises ‘works’, it is clearly therefore ‘development’ within the meaning of the Act.

Therefore, as the proposal comprises ‘works’, it is clearly therefore ‘development’ within the meaning of the Act.

CONCLUSION

Is development

Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development. Section 2(1) of the Act defines 'exempted development' as having 'the meaning specified in section 4' of the Act (which relates to exempted development).

Section 4(3) of the Act states that exempted development either means development specified in section 4(1) or development which is exempted development having regard to any regulations under section 4(2).

With regard to the proposed development, the main issues to consider is as follows:

Amendments to the external finish of the house which include:

a) external insulation to cover the existing brick façade

- I consider that the works proposed can be considered exempt under Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as they are works that affect the interior of the structure but also 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.

Restrictions on exemption

I do not consider that any apply in this instance.

CONCLUSION

Is exempted development

ENVIRONMENTAL ASSESSMENT

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

Section 4(4),

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

Section 4(4A)

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

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and*
 - (b) as respects which an environmental impact assessment or an appropriate assessment is required,*
- to be exempted development.*

Section 177U(9)

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

8.1 Screening for Environmental Impact Assessment

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

8.2 Screening for Appropriate Assessment

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

RECOMMENDATION

In view of the above and having regard to —

- Sections 2, 3, and specifically 4(1)(h) of the Planning and Development Act 2000 as amended, and
- Articles 6, 9 and Part 1 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

the works carried out to the existing dwelling house, consisting of the following:

Amendments to the front of the house which include:

- a) external insulation and the covering of brick façade*

at 32 Silverdale Road, Ballinlough, Cork **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Lucy Teehan

SEP

06/07/2026

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

BARBARA O'CONNELL

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

32 SILVERDALE RD. BALLINLOUGH.

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.

SEAI Insulation to be performed on this property. Would this work be considered exempted.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

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? ☐

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? ☐ No

6. Was there previous relevant planning application/s on this site? ☒

If so please supply details:

TP4206

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)	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		
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: 2/6/2026

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

Name(s)	BARBARA V CONNELLY
Address	32, SULLIVAN ROAD

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

Name(s):	
Address:	
Telephone:	
E-mail address:	
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.

Mobile No.

Email Address:

For Office Use Only:

File Ref. No. _____

ADVISORY NOTES:

The application must be accompanied by the required fee of €80. Payment may be made at the Cork City Council cash desk, by cheque, by telephone with a credit/debit card, or by electronic fund transfer.

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

**The Development Management Section, 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 protections policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>

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

1. Plan, drawings and maps accompanying an application for a Section 5 Declaration on exempted development shall all be in metric scale and comply with the following requirements:-

*** NOTE 2 COPIES OF PLANS AND PARTICULARS ARE REQUIRED**

- (a) site or layout plans shall be drawn to a scale of not less than 1:500 (which shall be indicated thereon), the site boundary shall be clearly delineated in red, and buildings, roads, boundaries, septic tanks and percolation areas, bored wells, significant tree stands and other features on, adjoining or in the vicinity of the land or structure to which the application relates shall be shown, land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land, which is subject of the application, shall be outlined in blue and wayleaves shall be shown in yellow,
 - (b) other plans, elevations and sections shall be drawn to a scale of not less than 1:200 (which shall be indicated thereon), or such scale as may be agreed with the Planning Authority prior to the submission of the application in any particular case,
 - (c) the site layout plan and other plans shall show the level or contours, where applicable, of any land and the proposed structures relative to Ordnance survey datum or a temporary local benchmark,
 - (d) drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity at a scale of not less than 1:200, as may be appropriate,
 - (e) plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed,
 - (f) plans and drawings of floor plans, elevations and sections shall indicate in figures the principal dimensions (including overall height) of any proposed structure and the site, and site layout plans shall indicate the distances of any such structure from the boundaries of the site,
 - (g) any map or plan which is based on an Ordnance Survey map shall indicate the relevant Ordnance survey sheet number,
 - (h) the north point shall be indicated on all maps and plans other than drawings of elevations and sections,
 - (i) plans and drawings shall indicate the name and address of the person by whom they were prepared.
2. An application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area in a draft of a proposed development plan or a proposed variation of a development plan, shall, in addition to meeting the requirements above, be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure.
 3. A planning authority may, by notice in writing, require an applicant to provide additional copies of any plan, drawing, map, photograph or other particular, which accompanies the application.

Notification of Decision to Grant
Outline Permission / Permission / Approval

WITHOUT CONDITIONS UNDER SECTION 26 OF THE ACT

To: Mr. L. J. O'Connell,
32, Silverdale Road,
Ballinlough,
Cork.

Reference No. in
Planning Register T.P. 4206

Application Received: 7th June, 1973.

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have by order dated **28 JUN 1973** decided to grant
~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

for the development of land, namely:—

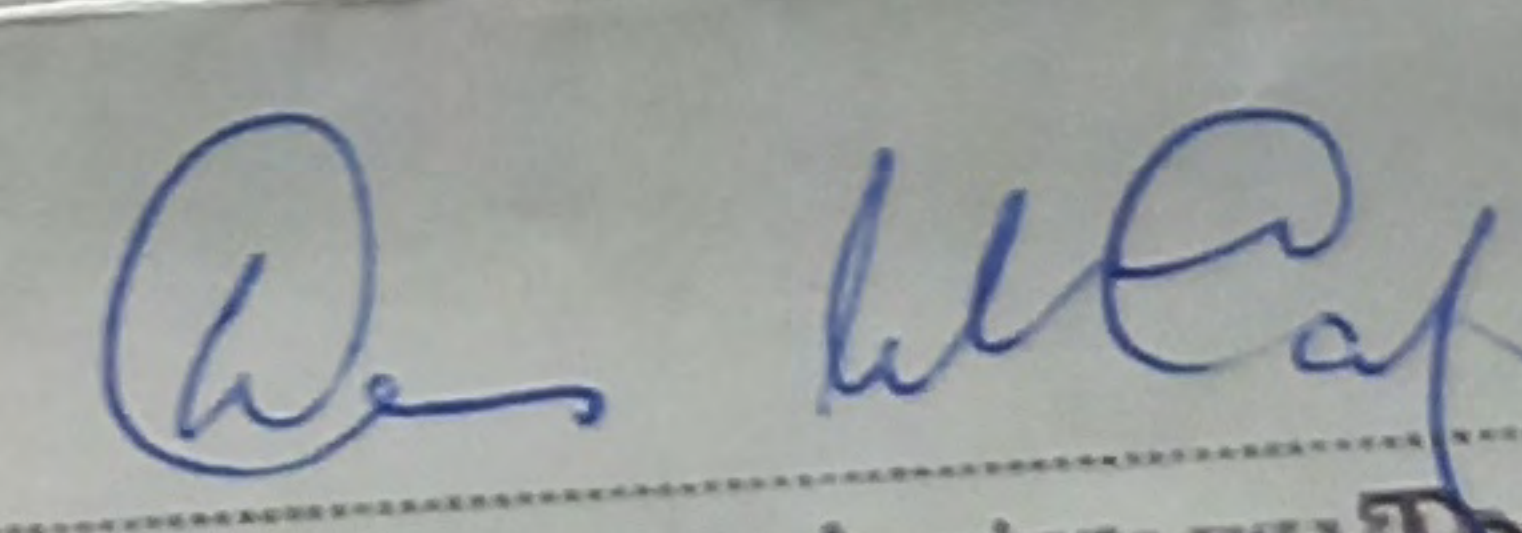
Extension of garage & use for playroom, toilets
and wash hand basin at 32, Silverdale Road.
In accordance with plans and particulars submitted on 7th June, 1973.

If there is no appeal against the said decision, a grant of
~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~
in accordance with the decision will be issued after the expiration of the period within which
an appeal may be made to the Minister for Local Government (see footnote).

It should be noted that until a grant of
~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~
has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the Corporation of Cork

Date: **28 JUN 1973**

Staff Officer, 

City Architect & ~~Assistant Town Clerk~~
Town Planning Office.

NOTE 1: Any appeal against a decision of a planning authority under section 26 of the Act of 1963 may be made to the Minister for Local Government.

The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision.

Appeals should be addressed to the Secretary, Department of Local Government (Planning Appeals Section), Custom House, Dublin 1. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person the name of the applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated.

NOTE 2: Grant of Permission under the Local Government (Planning and Development) Act, 1963 is not to be taken as a waiver of the provisions of any Building Bye-Law, Local Act, Order, Regulation or other Statutory Provision in force in the Cork County Borough. Approval under the Corporation's Building Bye Laws should also be obtained in addition to the Planning Permission.

Hi Anthony,

Many thanks for your quick reply and your continued attention to my planning development query.

The thickness of the insulation is 100ml. and the finish is a rendering in the colour of choice. My choice is almost the same as that of the house at the moment.

I took a photo of the brochure and have been trying to match up the colour with the original green, and also with the garage door which is also green.

I will send a copy to you. I think it is a choice between 366, 375 or 392.

Regards

Barbara





- Main benefits of...
- Crack repair
 - Water repellent
 - Anti-fungal
 - Can be used
 - Vapour
 - Faster
 - Spray
 - Anti



White



0121



0004



0002



0010



0005



0016



0018



0008



0042



0003



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Robert Ruth
Cashel, Co.
handyman.tipp@
085 225 094



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PHONE
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