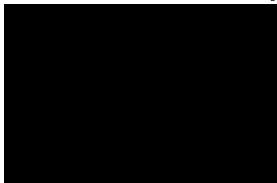




Comhairle Cathrach Chorcaí Cork City Council

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

Liam & Julie Slattery,



17/07/2026

**RE: Section 5 Declaration R1053/26. 3 Cois Na Gleann,
 Ballincrossig, Glanmire, Cork.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 23rd of June, 2026.

The Question before the Planning Authority was as follows: “Is the construction of a single storey extension to rear of existing dwelling exempt from planning requirements at 3 Cois Na Gleann, Ballincrossig, Glanmire, Cork?”

In considering this referral the Planning Authority had regard to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001;
- (d) Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).



We are Cork.



Comhairle Cathrach Chorcaí Cork City Council

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

The Planning Authority has concluded that –

- (a) the **works constitute development** which come within the scope of Section 3(1) of the Planning and Development Act 2000;
- (b) the construction of a single storey extension to the rear comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations and **complies with the conditions and limitations attached to that Class;**

Therefore, the Planning Authority decides that –

- (a) the construction of a single storey extension to the rear of the dwelling **IS DEVELOPMENT and IS EXEMPTED DEVELOPMENT.**

all 3 Cois Na Gleann, Ballincrossig, Glanmire, Cork.

Is mise le meas,

Anthony Angelini

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



We are Cork.

Application type	SECTION 5 DECLARATION
Question	Is the <i>construction of a single storey extension to rear of existing dwelling</i> exempt from planning requirements?
Location	3 Cois Na Gleann, Ballincrossig, Glanmire, Cork.
Applicant	Liam and Julie Slattery

1. REQUIREMENTS FOR A SECTION 5 DECLARATION APPLICATION

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

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

The question to the planning authority:

'Is the construction of a single storey extension to rear of existing dwelling exempt from planning requirements at 3 Cois Na Gleann, Ballincrossig, Glanmire, Cork?'

3. SITE DESCRIPTION

The subject property comprises a two-storey detached dwelling in Cois Na Gleann in Ballincrossig, an established housing area located in Glanmire. There is an existing conservatory extension to the rear of the dwelling measuring approximately 18 sq.m, which was granted planning permission under Reg. Ref. 06/4402. The house is a detached dwelling within a large plot with a roof that slopes to the rear as far as the eaves of the first floor.

The site does not lie in any special designation areas that impact the proposal.

4. PLANNING HISTORY

Subject Site

06/4402 – Permission GRANTED for construction of 2 no. conservatory extensions to rear of 2 no. permitted dwellings at Ballincrossig, Glanmire on 2/5/2006.

06/5885 - Permission GRANTED for *demolition of dwelling and construction of dwelling house* at Ballincrossig, Glanmire on 17/10/2006.

5. CURRENT LEGISLATIVE PROVISIONS

5.1 Planning and Development Act, 2000 as amended

Section 2(1),

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

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

Section 3(1),

‘In this Act, except where the context otherwise requires, “development” means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).’

Section 4(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.

5.2 Planning and Development Regulations, 2001 as amended

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 9(1) of the Regulations sets out circumstances in which development to which Article 6

relates shall not be exempted development, including (a) if the carrying out of such development would:-

(i) “Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act”...

(Article 6) Schedule 2, Part 1, Class 1

Classes 1-8 relate to development within the curtilage of a house and Class 1 relates to “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”.

Schedule 2, Part 1, Class 1

Exempted Development — General

<i>Column 1 Description of Development</i>	<i>Column 2 Conditions and Limitations</i>
<i>Development within the curtilage of a house</i> CLASS 1 <i>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.</i>	1. (a) <i>Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i> (b) <i>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.</i> (c) <i>Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.</i> 2. (a) <i>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.</i> (b) <i>Subject to paragraph (a), where the house is terraced or semi-detached</i>

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
	<i>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.</i> <i>(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.</i> <i>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i> <i>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.</i> <i>(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.</i> <i>(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</i>

Column 1 <i>Description of Development</i>	Column 2 <i>Conditions and Limitations</i>
	<i>highest part of the roof of the dwelling.</i> 5. <i>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.</i> 6. (a) <i>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i> (b) <i>Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i> (c) <i>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.</i> 7. <i>The roof of any extension shall not be used as a balcony or roof garden.</i>

6. ASSESSMENT

6.1 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’.

As noted above Section 3 (1) of the Planning and Development Act states that: ‘development’ means, ‘(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).’

The new rear extension clearly constitute ‘works’, which is defined in section 2(1) of the Act as including ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’.

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

CONCLUSION — *is development*

6.2 Exempted Development

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

Construction of rear extension

The proposed extension is located to the rear of the house floor area and would measure approximately 6sq.m.

The proposed development is assessed hereunder against the conditions and limitations of the Second Schedule, Part 1, Class 1 of the Planning and Development Regulations, 2001 (as amended):

Class 1

Condition / Limitation 1(a)

From the submitted drawings the proposed extension has a floor area of approximately 6 sq.m. When combined with the existing conservatory extension of approximately 18 sq.m, the cumulative floor area is approximately 24 sq.m, which is below the 40 sq.m limitation.

Condition / Limitation 1(b) and (c)

N/A.

Condition / Limitation 2(a)

The house has been previously extended by way of a conservatory (approximately 18 sq.m). The cumulative floor area of the existing and proposed extensions would be approximately 24 sq.m, which is below the 40 sq.m limitation.

Condition / Limitation 2(b) and (c)

N/A.

Condition / Limitation 3

N/A.

Condition / Limitation 4(a)

The rear wall of the house does not include a gable and the height of the walls of the extension would not exceed the height of the rear walls of the house.

Condition / Limitation 4(b)

N/A

Condition / Limitation 4(c)

The height of the highest part of the roof of the rear extension does not exceed the height of the highest part of the roof of the dwelling.

Condition / Limitation 5

The size of the remaining rear garden area is in excess of 25 sq.m.

Condition / Limitation 6(a)

All windows are shown on the drawings to be more than 1m from the boundary they face.

Condition / Limitation 6(b) and (c)

N/A

Condition / Limitation 7

The roof is not proposed to be used as a balcony or roof garden. Therefore, this condition is complied with.

Having regard to this **the rear extension works are considered exempt development.**

6.3 ENVIRONMENTAL ASSESSMENT

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

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.

6.4 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.

6.5 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.

7 CONCLUSION & RECOMMENDATION

In considering this referral the Planning Authority had regard to –

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001;
- (d) Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).

The Planning Authority has concluded that –

- (a) the **works constitute development** which come within the scope of Section 3(1) of the Planning and Development Act 2000;
- (b) the construction of a single storey extension to the rear comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations and **complies with the conditions and limitations attached to that Class;**

Therefore, the Planning Authority decides that –

- (a) the construction of a single storey extension to the rear of the dwelling **is development** and **is exempted development**.

all 3 Cois Na Gleann, Ballincrossig, Glanmire, Cork.



Sarah Carroll
Graduate Planner



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

Liam & Julie Slattery

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

3 Cois Na Gleann, Ballincrossig,
Glanmire, Cork

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.

to construct a single storey extension to rear of existing dwelling

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:

None

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:

064402 & 065885

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	existing 152m2 / proposed 6m2
(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) Type text here N/A	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 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:

Date: _____

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

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

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	applicant is owner

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.

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.

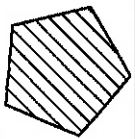
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks 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/>.

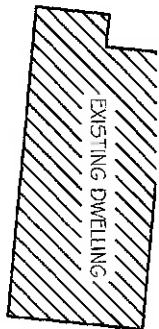
We request that you read these as they contain important information about how we process personal data.



LEGEND:

- EXTENSION MARKED BLUE
- SITE BOUNDARY MARKED RED

- EXISTING STORM DRAIN
- EXISTING FOUL DRAIN
- EXISTING MAINS WATER
- EXISTING GROUND LEVEL (+87.85)



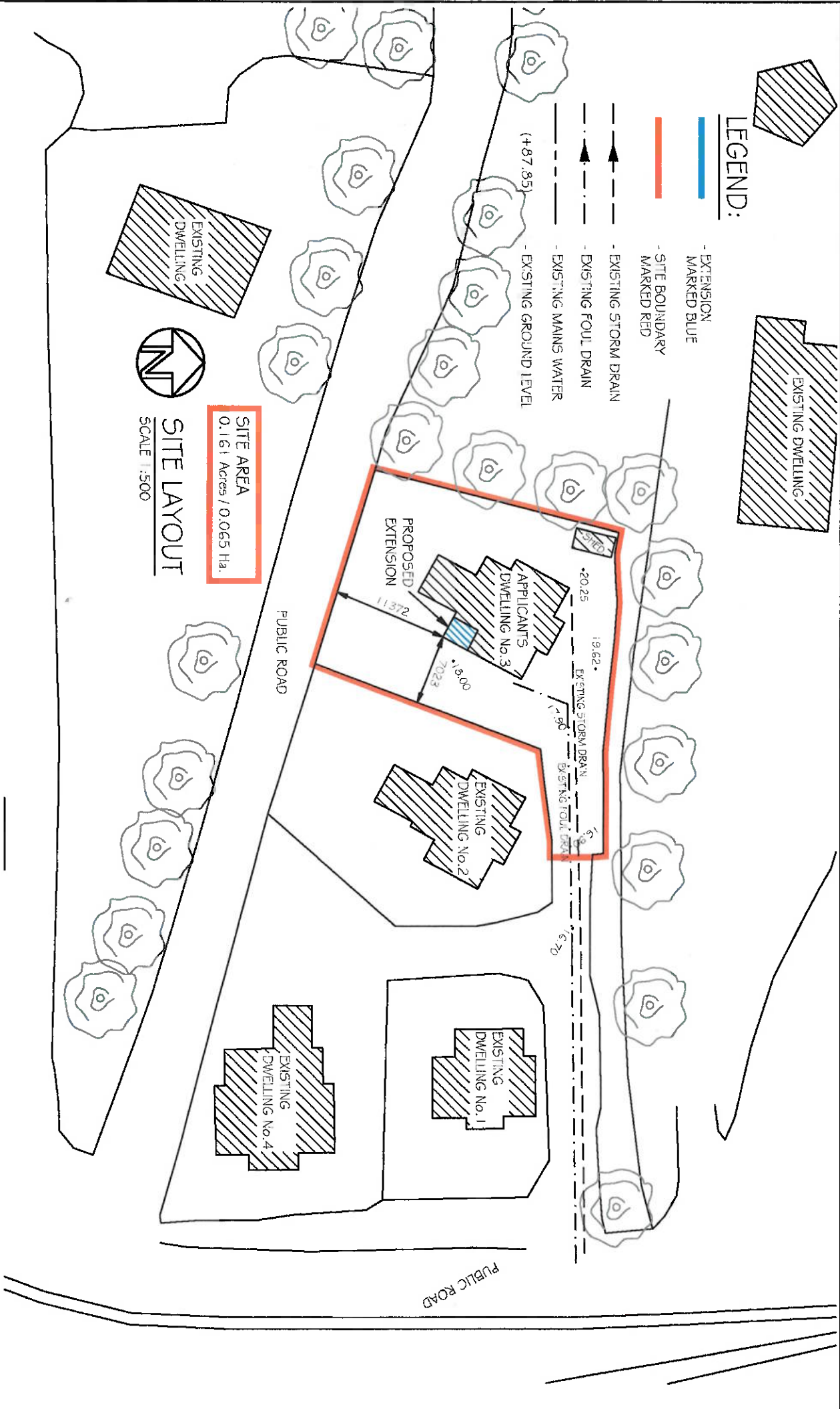
EXISTING DWELLING



SITE AREA
0.161 Acres / 0.065 Ha.

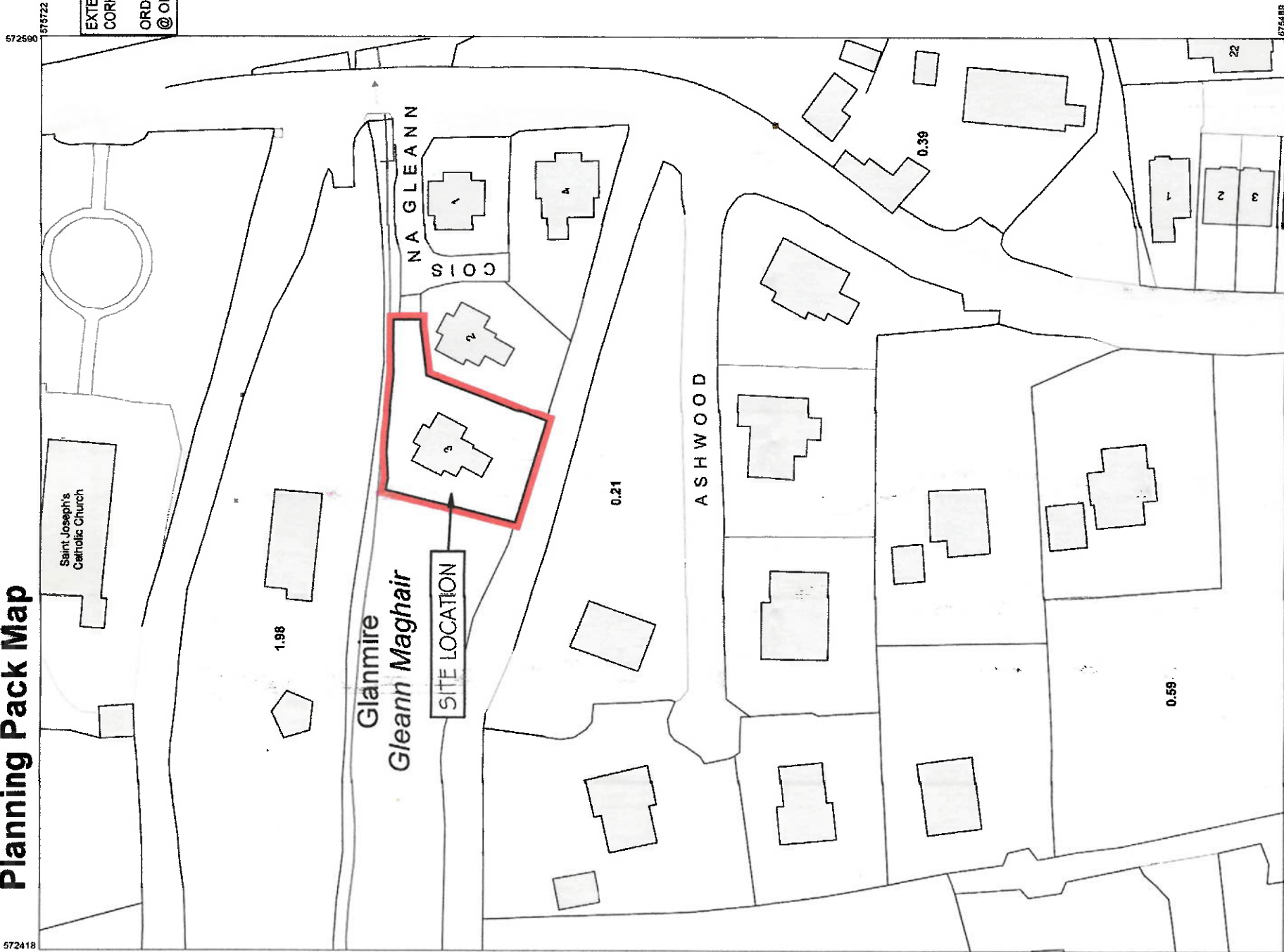
SCALE 1:500

SITE LAYOUT



ISSUED FOR PLANNING		04.26
REV.	DESCRIPTION	DATE
A	LIAM SLATTERY Diploma in Civil Engineering MITCHELSTOWN Co. Cork Ph: 086 3892936 email: slatteryliam@yahoo.com	
Date:	Scale:	Dwg. No.:
April 2026	A4 - 1:500	21
DRG. TITLE:		SITE LAYOUT

Planning Pack Map



COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.tailte.ie; search 'Capture Resolution' LEGEND: To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

CENTRE COORDINATES:
ITM 572504 575606

PUBLISHED: 01/06/2026

ORDER NO.: 50539266_1

MAP SERIES: 6339-A

MAP SHEETS: 6339-A

OUTPUT SCALE: 1:1,000

Scale: 0 9.5 19 28.5 38 Metres

Scale: 0 10 20 30 40 50 Feet

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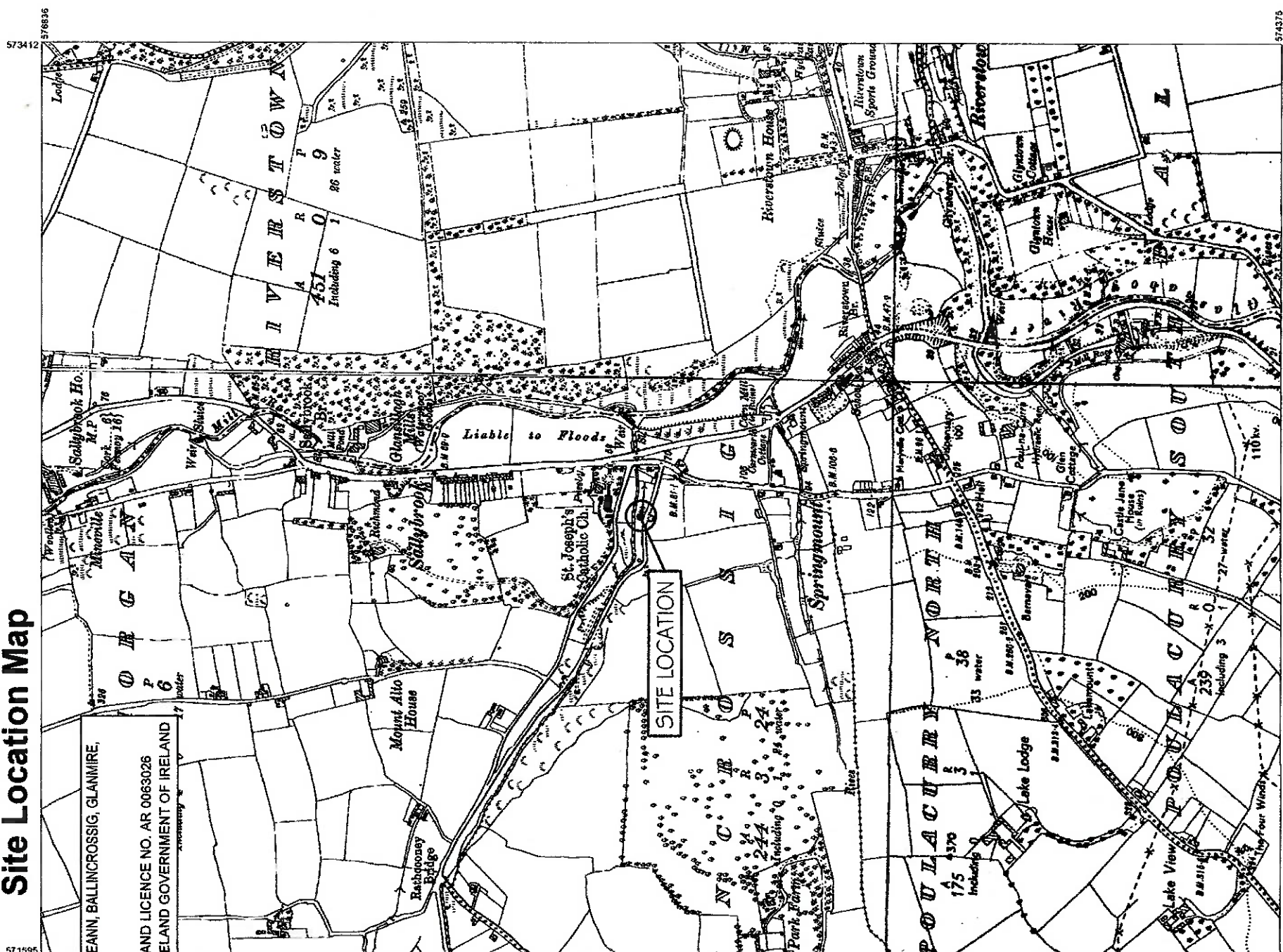
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Site Location Map



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Dublin 8,
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D08F6E4

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CENTRE COORDINATES:
ITM 572504 575606

PUBLISHED: 01/06/2026

ORDER NO.: 50539266_1

MAP SERIES: 6339-A

MAP SHEETS: 6339-A

OUTPUT SCALE: 1:10,560

Scale: 0 100 200 300 400 Metres

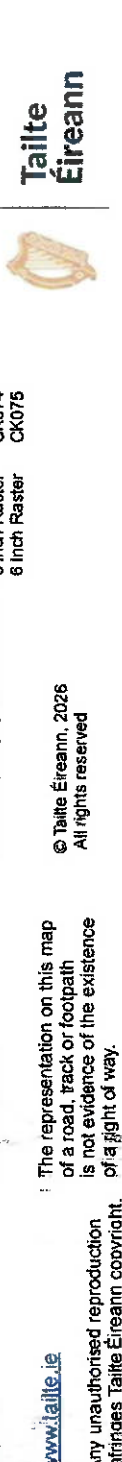
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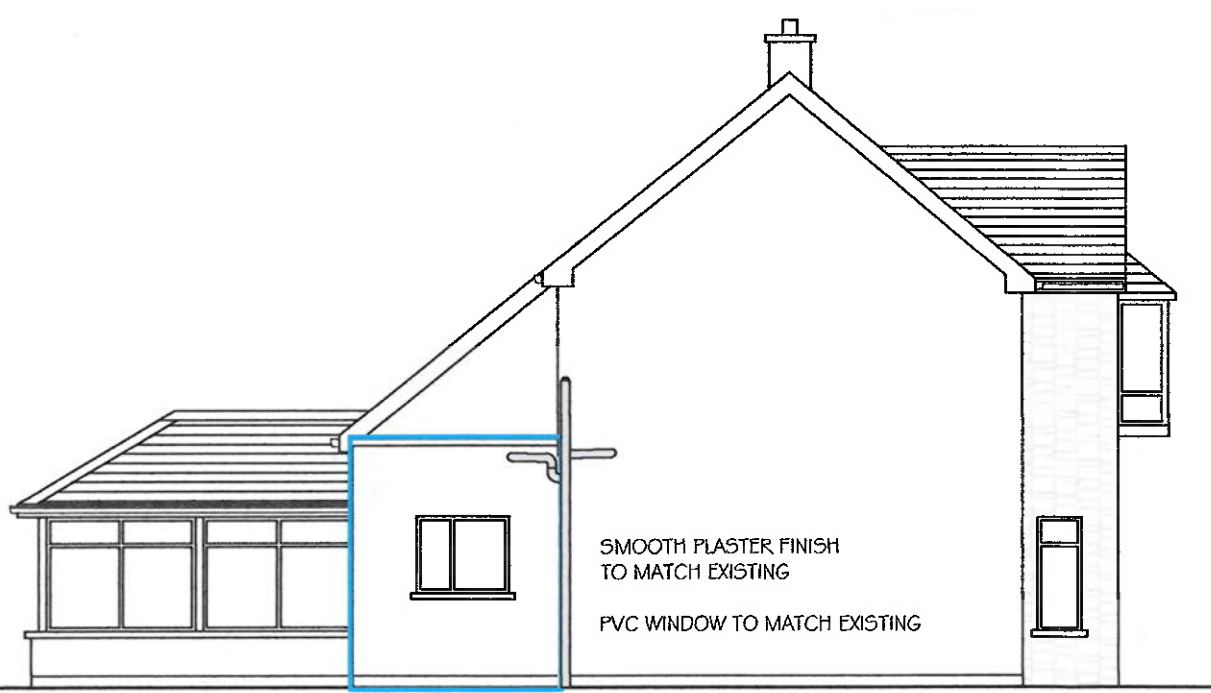
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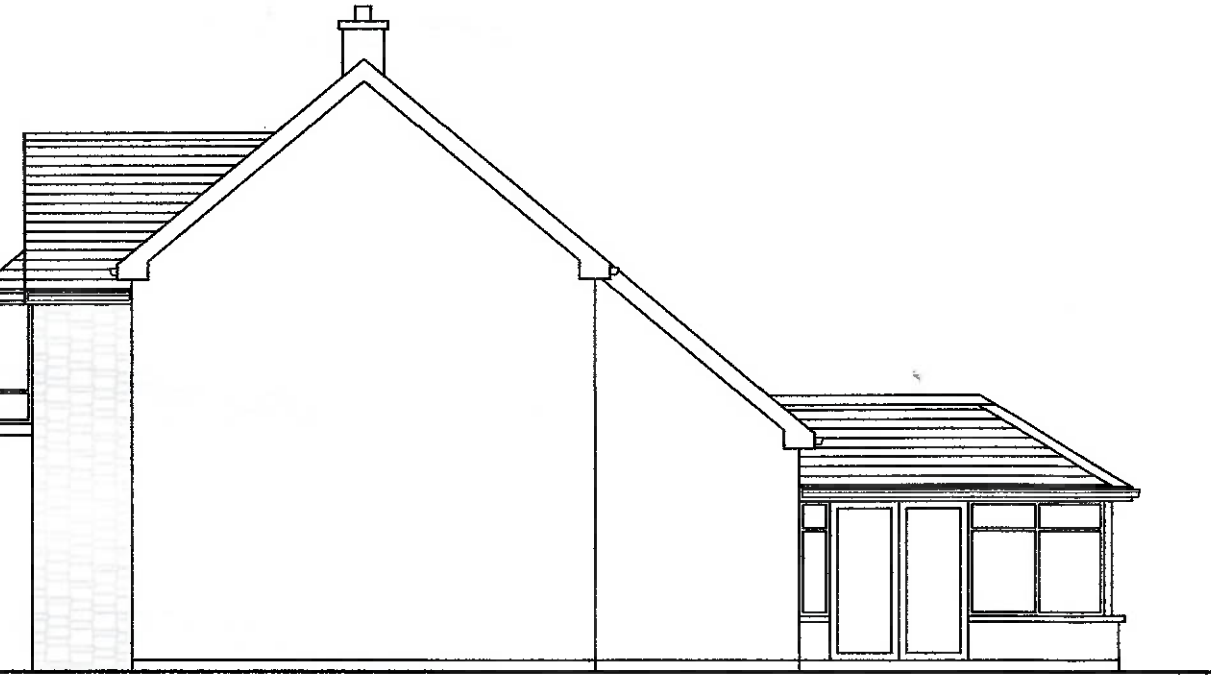
SIDE ELEVATION - EAST

SCALE 1:100



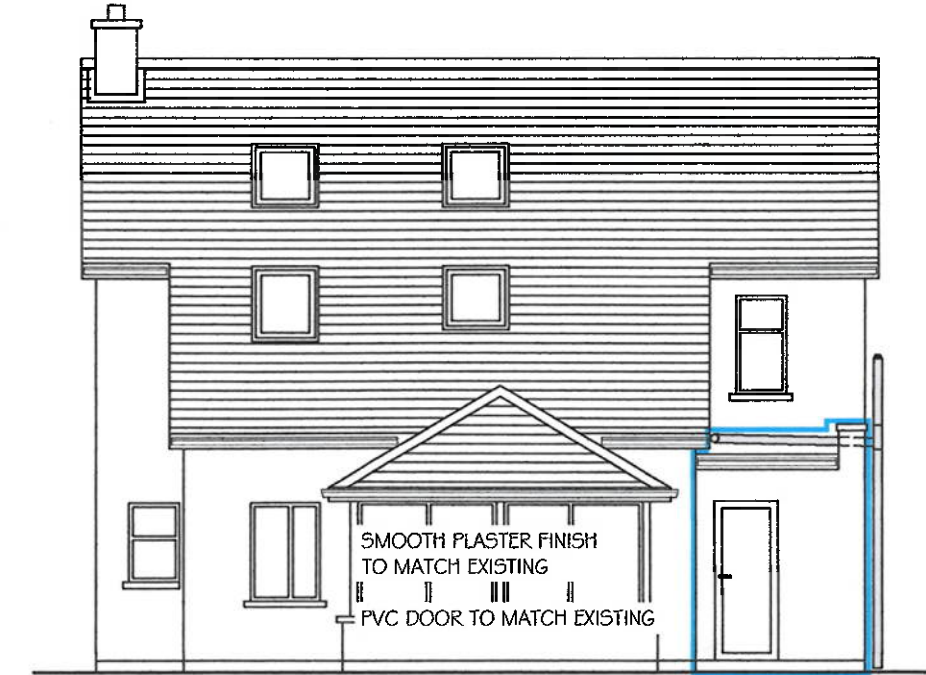
FRONT ELEVATION - NORTH

SCALE 1:100



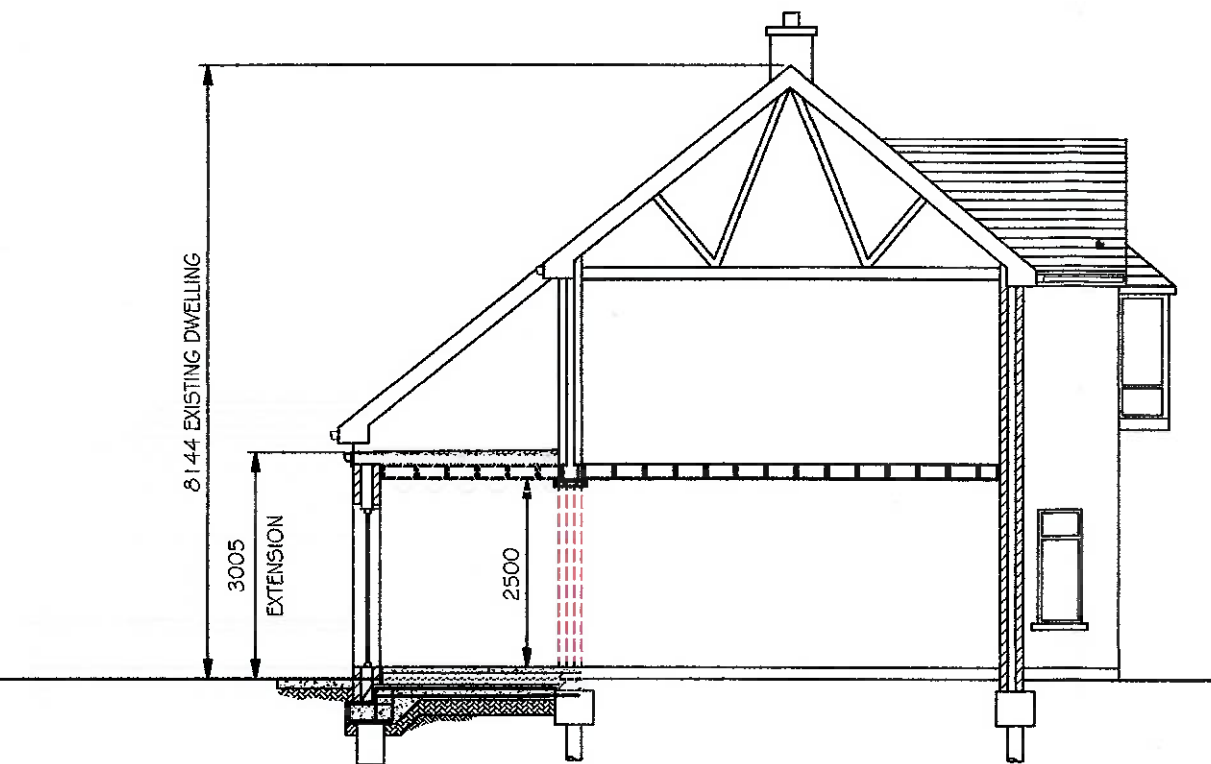
SIDE ELEVATION - WEST

SCALE 1:100



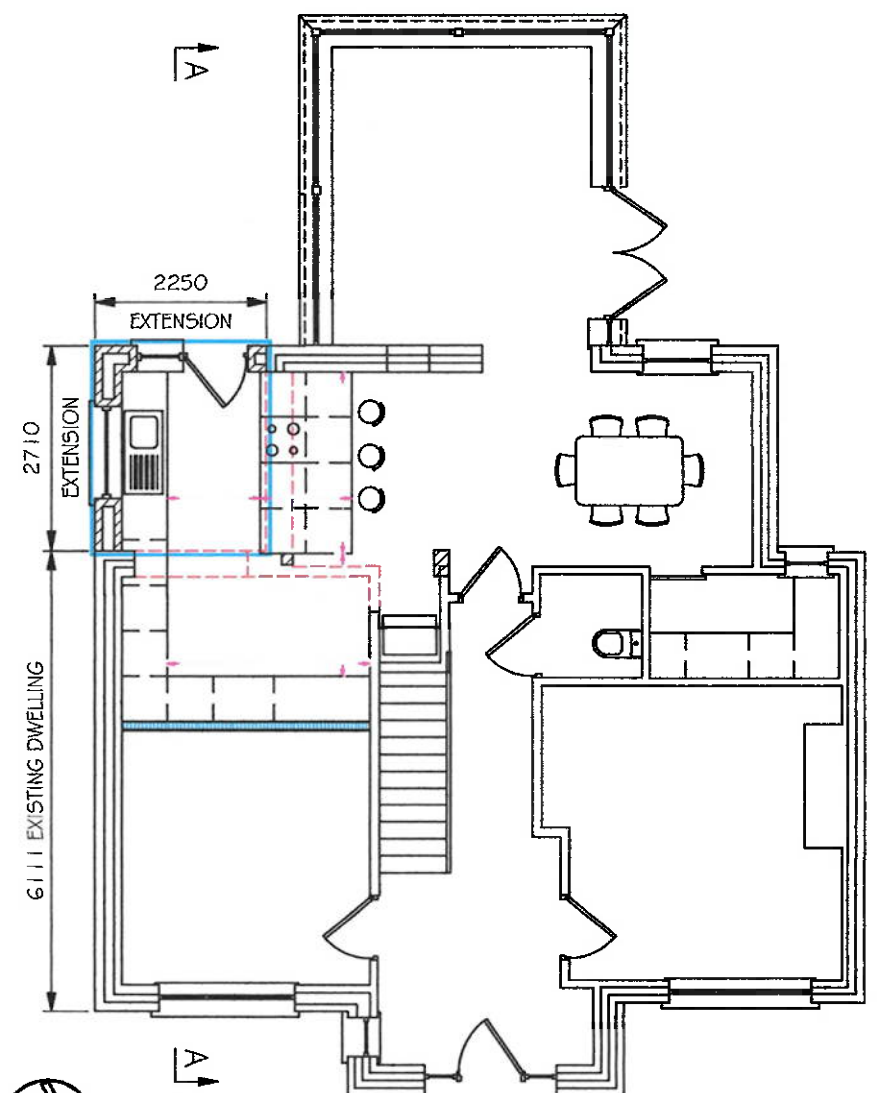
REAR ELEVATION - SOUTH

SCALE 1:100



SECTION A-A

SCALE 1:100



FLOOR PLAN

SCALE 1:100

A	ISSUED FOR PLANNING	04.22
REV	DESCRIPTION	DATE
LIAM SLATTERY Diploma in Civil Engineering MITCHELSTOWN, Co. Cork Ph.: 086 3892939 email: slatteryliam@yahoo.com		
Date: Aug 2022	Scale: A3 1:100	Drw. No.: 22
DRG. TITLE:		EXTENSION DETAILS

EXTENSION AT 3 COIS NA GLEANN,
BALLINCROSSIG, GLANMIRE, CORK
for Liam & Julie Slattery