Comhairle Cathrach Chorcaí
Cork City Council

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

Marie O'Mahony,
[redacted]

04/09/2026

RE: Section 5 Declaration: R1066/26 8 Donnybrook Cottages, Cork.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 27th of July 2026.

The Question before the Planning Authority was as follows: "Installation of external Insulation at 5 Grange Way, Pinecroft, Douglas. Are these works exempt under Section 5."

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 dwelling 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.

We are Cork.

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 front of the house which include:

a) external insulation to cover the dwelling façade

As stated above the proposed installation of front façade external wall insulation must comply with all of the conditions attached to Class 63.

- Condition No. 1 relates to the thickness of the proposed insulation not exceeding 150 millimetres. The applicant has submitted no specific details in relation to this it is noted. No elevations or plans have been submitted showing the proposed insulation and so it is not possible to assess if this condition has been complied with.

- Condition No. 2 relates to the external wall insulation not encroaching on any public road. Again, the applicant has submitted no specific details in relation to this. No elevations or plans have been submitted showing the proposed insulation and its relationship with the existing public road that runs directly adjacent to the north of the dwelling. Having examined this issue, the road serving this row of terraced dwellings is listed as a local secondary road (L-6632) and is a public road. Therefore, the proposed external insulation as it will encroach onto the public road does not comply with this condition.

- Condition No. 3 relates to the requirement that any proposed external wall insulation and related works shall not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and that of neighbouring structures. It is noted that within the confines of the wider terraced row of housing with dwellings located to the east and the west of the site that various front porch extensions and developments have been constructed. It is considered that these additions have altered what was the original design consistency of the original row of terraced housing from what it was at the time of construction to what it is now. As a consistent appearance with regard to the character of the structures is no longer discernible, the Planning Authority does not consider the external insulation works proposed to be a material alteration from other adjacent dwellings located to the east and the west of the site.

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Restrictions on exemption
The Planning Authority notes that the site and dwelling is located within the Douglas-Donnybrook Architectural Conservation Area. Having received feedback from the City Council Conservation Officer who has stated the following: "*due to the scale of the modern porch existing to the front elevation of the building, and the condition of the terrace in general where many houses have been heavily modified and/or extended, we feel that in this exceptional case the proposed works could be considered exempted development, as they will not result in any further impact on the character of the house.*" Given this feedback it is considered that the proposed works would not have a material impact on the wider ACA.

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 Class 63 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the Planning Authority considers that —

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

external insulation and the covering of dwelling façade

at 8 Donnybrook Cottages, Donnybrook Hill, Cork **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Coimisiún Pleanála within 4 weeks of the date it is issued, 04/09/2026

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Is mise le meas,

Anthony Angelini

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

We are Cork.

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PLANNER'S REPORT **Ref. R1066/26**	Cork City Council Development Management Strategic Planning and Economic Development

Application type	**SECTION 5 DECLARATION**
Question	*Whether the following is development and, if so, is it exempted development:* *whether the proposed external insulation and covering of stone façade is exempt*
Location	8 Donnybrook Cottages, Donnybrook Hill, Cork
Applicant	Marie O'Mahony
Date	03/09/2026
Recommendation	**Is development and is not 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: *"Installation of external Insulation at 5 Grange Way, Pinecroft, Douglas. Are these works exempt under Section 5."*

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

> *Whether the following is development and, if so, exempted development:*
>
> *1. Installation of external Insulation*

SITE DESCRIPTION
The subject property is a single storey terraced cottage/dwelling that is located within a row of similar style cottages that runs to the east and west of the site. Existing residential areas are also in place adjacent to the north and the south of the site also. The site is located in an area that is zoned as ZO 01 Sustainable Residential Neighbourhoods as set out in the Cork CDP 2022-2028. The surrounding area is predominantly residential in nature.

DESCRIPTION OF THE DEVELOPMENT
The works proposed have not been constructed to date on site it is noted.

RELEVANT PLANNING HISTORY
It is noted that the dwelling is located in the former Cork County Council area. No record of recent planning application for the site appear on the Planning Register.

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
Various Classes set out in this section relate to development within the curtilage of a dwelling/house. Having examined the Classes it is considered that Class 63 relates to the works that are proposed for the dwelling. Class 63 is set out as follows:

CLASS 63	Conditions
The addition of external wall insulation to a house and any necessary works to facilitate its installation.	1. The thickness of external wall insulation shall not exceed 150 millimetres on the front, rear or gable walls of the building. 2. The external wall insulation shall not encroach on any public road. 3. The external wall insulation and related works shall not materially

affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and that of neighbouring structures.

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
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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).

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As stated above the proposed installation of front façade external wall insulation must comply with all of the conditions attached to Class 63.

- Condition No. 1 relates to the thickness of the proposed insulation not exceeding 150 millimetres. The applicant has submitted no specific details in relation to this it is noted. No elevations or plans have been submitted showing the proposed insulation and so it is not possible to assess if this condition has been complied with.

- Condition No. 2 relates to the external wall insulation not encroaching on any public road. Again, the applicant has submitted no specific details in relation to this. No elevations or plans have been submitted showing the proposed insulation and its relationship with the existing public road that runs directly adjacent to the north of the dwelling. Having examined this issue, the road serving this row of terraced dwellings is listed as a local secondary road (L-6632) and is a public road. Therefore, the proposed external insulation as it will encroach onto the public road does not comply with this condition.

- Condition No. 3 relates to the requirement that any proposed external wall insulation and related works shall not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and that of neighbouring structures. It is noted that within the confines of the wider terraced row of housing with dwellings located to the east and the west of the site that various front porch extensions and developments have been constructed. It is considered that these additions have altered what was the original design consistency of the original row of terraced housing from what it was at the time of construction to what it is now. As a consistent appearance with regard to the character of the structures is no longer discernible, I do not consider the external insulation works proposed to be a material alteration from other adjacent dwellings located to the east and the west of the site.

Restrictions on exemption

I note that the site and dwelling is located within the Douglas-Donnybrook Architectural Conservation Area. Having received feedback from the City Council Conservation Officer who has stated the following: "*due to the scale of the modern porch existing to the front elevation of the building, and the condition of the terrace in general where many houses have been heavily modified and/or extended, we feel that in this exceptional case the proposed works could be considered exempted development, as they will not result in any further impact on the character of the house."* Given this feedback it is considered that the proposed works would not have a material impact on the wider ACA.

CONCLUSION
Is not 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 Class 63 of Schedule 2 of the Planning and Development Regulations 2001 to 2018

the planning authority considers that —

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

external insulation and the covering of dwelling façade

at 8 Donnybrook Cottages, Donnybrook Hill, Cork **IS DEVELOPMENT** and **IS NOT EXEMPTED DEVELOPMENT**.



_____

Tadhg Hartnett
Acting Senior Executive Planner
03/09/2026

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Development Management Section, Planning & Integrated Development 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

MARIE O'MAHONY

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

8 DONNYBROOK COTTAGES. 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.

I WISH to APPLY for INSULATION of EXTERIOR WALL of MY HOUSE, WHICH IS PAINTED BRICK, THE COLOUR WILL BE WHITE. THIS IS WITH THE S.E.A.I. WOULD THIS WORK BE EXEMPT.

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

CORK CITY COUNCIL
PLANNING & DEVELOPMENT
27 JUL 2026
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?** ☐

   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:
   N/A

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 1st October, 1964, (including those for which planning permission has been obtained)?	Yes ☐ No ☐ If yes, please provide floor areas. (sq m) N/A
(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: [redacted]

Date: ____

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

[redacted]

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

[redacted]

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:

[redacted]

For Office Use Only:

File Ref. No. _____

ADVISORY NOTES:

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

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

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

The application should be sent to the following address:

The Development Management Section, Planning & Integrated Development, 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 Coimisiún Pleanála refer a declaration for review by the Commission 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 Comission 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.


8 Donnybrook Cottages, Donnybrook, Douglas, Cork
Donnybrook Cottages
Donnybrook Cottages
Donnybrook Hill
Calderwood Road
Car Park
Car Park
Childcare Centre
Ardarrig Park
Street Map
569833,568509 (ITM) Scale 1:1000 © Tailte Éireann - Surveying





