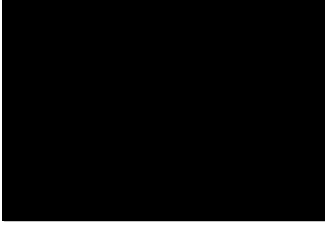




Comhairle Cathrach Chorcaí Cork City Council

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

Trevor O'Sullivan



24/06/2025

RE: Section 5 Request:
R954/25. 17 Baker's Road, Gurranabraher, Cork.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 26th of May 2025.

As per Q2 of the application form, the question put before the Planning Authority is:

"Is the extension at 17 Baker's Road, Gurranabraher to the rear (Extn 1) 11m² approx which is constructed of a block and a flat roof with a single storey, an exempted development? Also (Extn2) which consists of a single storey extension, block and a flat roof, (23m² approx) also an exempted development? Both extensions have been in situ for over 40 years.

The Planning Authority has determined that:

1. The construction of a rear and side extension constitutes development.
2. The inclusion of a second front door in the front elevation is development consisting of the carrying out of works for the alteration of structure, being works which 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.



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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),
- SCHEDULE 2, ARTICLE 6, PART 1, of the Planning and Development Regulations 2001 (as amended),

It is considered that proposed construction of a single storey rear and side extension at 17 Bakers Road, Cork City **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 Bord Pleanála within 4 weeks of the date it is issued.

Is mise le meas,

Anthony Angelini

Assistant Staff Officer

Planning & Integrated Development

Cork City Council



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PLANNER'S REPORT		Cork City Council
Ref. 954/25		Planning and Integrated Development
Application type	Section 5 Declaration	
Description	<i>House extension</i>	
Location	17 Baker's Road, Gurranabraher, Cork	
Recommendation	Is Development and Is Not Exempted Development.	

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

As per Q2 of the application form:

Is the extension at 17 Baker's Road, Gurranabraher to the rear (Extn 1) 11m2 approx which is constructed of a block and a flat roof with a single storey, an exempted development? Also (Extn2) which consists of a single storey extension, block and a flat roof, (23m2 approx) also an exempted development? Both extensions have been in situ for over 40 years.

3. SITE DESCRIPTION

The S5 application concerns a semi-detached, two-storey dwelling located at 17 Bakers Road, Gurranabraher. The dwelling has been extended to the side and to the rear.

4. PLANNING HISTORY

No planning history shown on planning enquiry.

5. STATUTORY PROVISIONS

5.1 The Act

Section 2(1),

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

Section 3(1),

In this Act, 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;

5.2 The Regulations

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,*
- (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,*

SCHEDULE 2, ARTICLE 6, PART 1, Exempted Development — General

Column 1 Description of Development	Column 2 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	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.

structure attached to the rear or to the side of the house	<p>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.</p> <p>(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.</p> <p>(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.</p>
	<p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p>
	<p>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.</p> <p>(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.</p> <p>(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.</p>
	<p>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.</p>
	<p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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.</p>
	<p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>

6. ASSESSMENT

This report assesses if the matter in question constitutes development, and if so falls, if it falls within the scope of exempted development.

It does not determine the acceptability of the proposal at this location in respect to the proper planning and sustainable development of the area.

6.1 Development

Is the matter at hand is 'development'.

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

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

The construction of a rear and side extension constitutes development.

6.2 Exempted development

Is the development exempted development. The question to be answered is:

- 1) Is the extension which consists of a single storey extension, block and a flat roof, (23m2 approx) to the side of the dwelling exempted development?
- 2) Is the extension to the rear (Extn 1) 11m2 approx which is constructed of a block and a flat roof with a single storey, an exempted development?

It is stated that both extensions have been in situ for over 40 years.

1) Is the construction of a side extension to the existing house exempted development?

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	<i>The extension is to the side of the house and is therefore not exempted development.</i>
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The inclusion of a second front door in the front elevation is development consisting of the carrying out of works for the alteration of structure, being works which 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.

The above works are therefore development, but is not exempted development.

2) Is the construction of a rear extension to the existing house exempted development?

<p>CLASS 1</p> <p>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</p>	<p><i>The extension is to the rear of the house. Item addressed.</i></p>
<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p>	<p><i>House is semi-detached. The rear extension is single storey.</i></p> <p><i>No floor plans have been submitted. However, the site plan submitted appears to show that the floor areas of both extensions combined do not exceed 40 square metres. Item addressed.</i></p>
<p>2. 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.</p> <p>(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.</p> <p>(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.</p>	<p><i>House is semi-detached. The rear extension is single storey. The date of construction is unclear.</i></p> <p><i>No floor plans have been submitted. However, the site plan submitted appears to show that the floor areas of both extensions combined do not exceed 40 square metres. Item addressed.</i></p>

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.	<i>N/A – Rear extension is single storey.</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. (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.	<i>No drawings of the elevation have been submitted. However, initial inspection would show that the walls of the extension do not exceed the height of the rear wall of the house. Item addressed.</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>The site plan submitted does not include dimensions but having used the site plan to measure the private amenity space to the rear of the rear building line, it appears to be less than 25 sq m. Not addressed.</i>
The roof of any extension shall not be used as a balcony or roof garden.	<i>n/a</i>
6. (a) <u>Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</u> (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.	<i>No drawings of the elevation/floor plan have been submitted so this cannot be determined. Not addressed.</i>
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7. ENVIRONMENTAL ASSESSMENT

7.1 Screening for Environmental Impact Assessment

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

7.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate*

Assessment Guidelines for Planning Authorities 2009 (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of the European sites referred to above. Accordingly it is considered that appropriate assessment is not required.

8. RECOMMENDATION

In view of the above and having regard to —

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 6, and 9 of the Planning and Development Regulations 2001 (as amended),
- **SCHEDULE 2, ARTICLE 6, PART 1**, of the Planning and Development Regulations 2001 (as amended),

It is considered that proposed *construction of a single storey rear and side extension at 17 Bakers Road, Cork City* **Is Development** and is **Not Exempted Development**.

MDelaney
Exec Planner
23/06/2025

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924029

Lionra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. NAME OF PERSON MAKING THE REQUEST

KEEVOR O SULLIVAN

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

17 BAKERS ROAD
GURANABRATH
CORK.

T23 T62E

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 EXTENSION AT 17 BAKERS ROAD TO THE REAR (EXT 1) 11m² APPROX WHICH IS CONSTRUCTED OF BLOCK AND A FLAT ROOF AND A SINGLE STORY AN EXEMPTED DEVELOPMENT?

ALSO (EXT 2) WHICH CONSISTS OF A SINGLE STORY

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

EXTENSION, BLOCK AND A FLAT ROOF, ALSO AN EXEMPTED DEVELOPMENT. 23m² APPROX

BOTH EXTENSIONS HAVE BEEN IN SITU FOR OVER 40 YEARS.

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

If so please supply details:

no

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

N/A

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:

YES. FRONT PORCH AND DRIVEWAY BUILT MUCH LATER THAN THE EXTENSIONS

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	EXT 1 1172 APPROX EXT 2 23M ² APPROX
(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 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)	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 <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: 22-5-23

566047e, 572542n

Land Registry Map.
(Computer Generated)

Property at:
17 Baker's Road
Gurranebraher, Cork.
T23 T62E

Location Map



Date: 16-04-25

Plot Scale : 1:1000 (A4)

CYAL50442247
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565814e, 572370n

(Computer Generated)

Property at:
17 Baker's Road
Gurranebraher, Cork.
T23 T62E

Photo Location Map



Date: 16-04-25
Plot Scale : 1:200 (A4)

CYAL50442247
© Taille Éireann – Surveying.

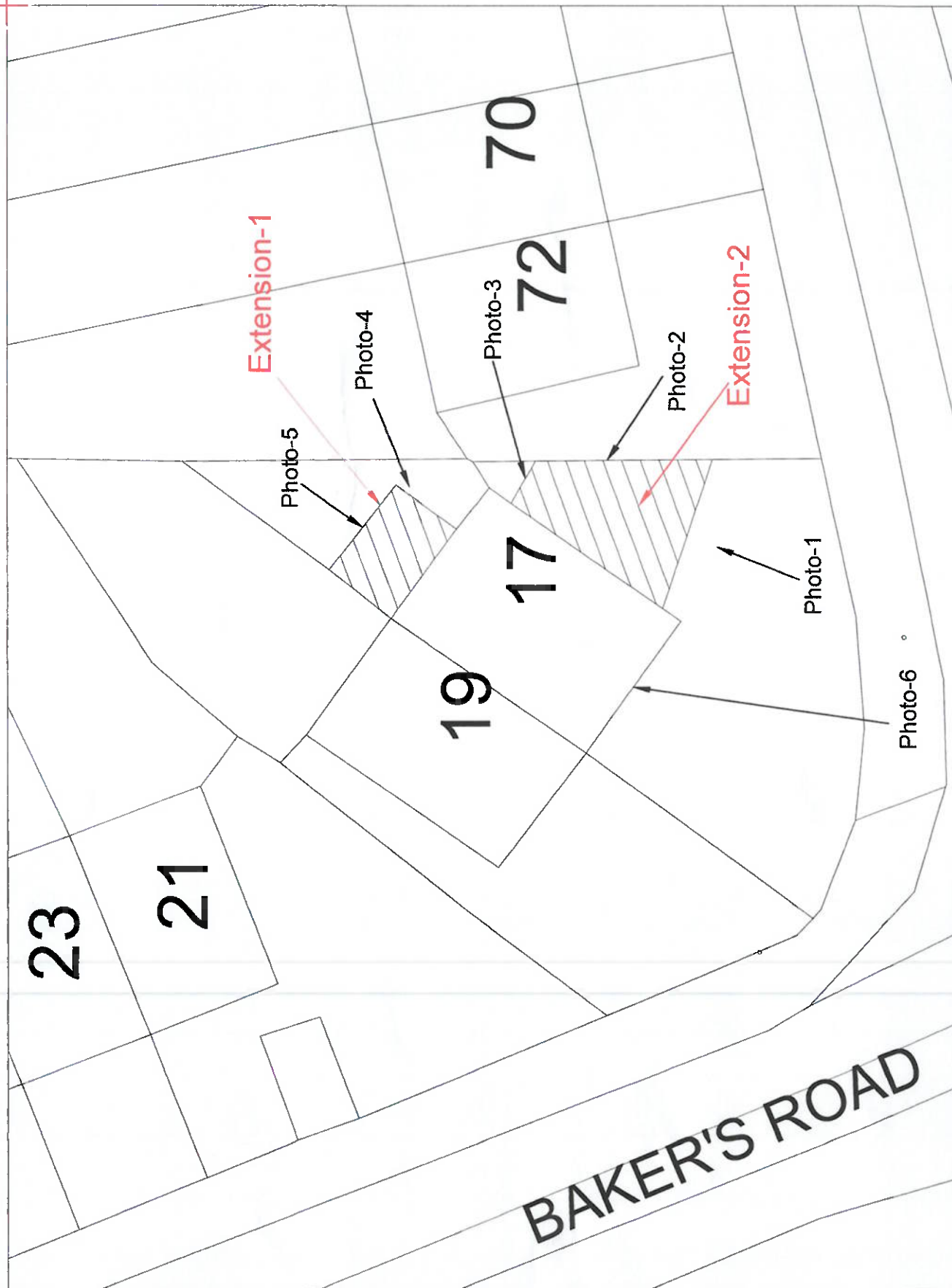




Photo-1



Photo-2



Photo-3



Photo-4



Photo-5



Photo-6

(Computer Generated)

Property at:
17 Baker's Road
Gurranebraher, Cork.
T23 T62E

Photo's



16-04-25

Plot Scale : 1:200 (A4)

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