Comhairle Cathrach Chorcaí
Cork City Council

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

Mary O' Brien,
[redacted]

25/08/2026

RE: **Section 5 Declaration: R1070/26. 1 Woods Place, York Street, Cork.**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 31st of July, 2026.

The Question before the Planning Authority was: "Is the replacement of 3 no. windows to 3 no. sash windows and keeping the measurements of the old windows development, and if so, is it exempted development under section 5".

Having regard to —

- Sections 2, 3, 4 and 82 of the Planning and Development Act 2000 (as amended), and

It is considered that proposed replacement of 3 no. windows to 3 no. sash windows in the Wellington Road and Saint Luke's Architectural Conservation Area, at 1 Woods Place York Street 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. R1070/26**		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	*Whether* *requires planning permissions*	
Location	1 Woods Place York Street	
Applicant	Mary O'Brien	
Date	24/08/2026	
Recommendation	*Whether the replacement of 3 no. windows to 3 no. sash windows in an ACA 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

In framing the question to the planning authority, the applicant states in Q3 of the application form:

Is the replacement of 3 no. windows to 3 no. sash windows and keeping the measurements of the old windows development, and if so, is it exempted development under section 5.

This has been rephrased to:
Whether the replacement of 3 no. windows to 3 no. sash windows in an Architectural Conservation Area Is Development and Is or Is Not Exempted Development

3. SITE DESCRIPTION

The property in question is a two storey terraced dwelling in established residential area of terraced dwellings in the city centre.



Figure 1 Terraced dwelling at 1 Woods Place, York Street (24/08/2026)

4. PLANNING HISTORY

There is no recent relevant planning applications attached to this site.

5. LEGISLATIVE 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, "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), The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(2), 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 2001-2013.

Section 5(1), (See section 1 of this report)

Section 82.(1) Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

Section 177U (9) (screening for appropriate assessment)
In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

6. ASSESSMENT

It should be stated at the outset that the purpose of this report is not to determine the acceptability or otherwise of the proposal at this location in respect to the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.

6.1 Development

The first issue for consideration is whether or not the matter at hand is *'development'*.

'Development' as defined in the Act (3)(1) comprises two possible chief components: *'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. '*.

I consider that the proposed replacement of the existing windows constitutes development as it comprises of works which includes renewal.

6.2 Exempted development

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

The proposed works are not listed within Schedule 2 Part 1 of the Planning and Development regulations 2001 (as amended) which lists Exempted Development. Article 6 therefore does not provide for this type of development.

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;

The existing windows dimensions are to remain the same original size. The proposed windows are to be sash windows on the front elevation. Dwellings in the area include sash windows as a character element. The proposed renewal works do not materially affect the external appearance of the structure and the windows remains consistent with the character of the structure.

The subject site is located in south off the Wellington Road in the Wellington Road and Saint Luke's ACA and, notwithstanding the above, the restrictions set out in Section 82 (1) are noted.

Section 82.(1) Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), the carrying out of works to the exterior of a structure located in an architectural conservation area shall be exempted development only if those works would not materially affect the character of the area.

In line with the above, this application has been referred to the Conservation Officer for comment. The Conservation Officer's comments conclude that the proposed works would not materially affect the character of the area. This has been reasoned by its location on a more minor street within the ACA, given that the windows and door are not historic, and that the size of the window openings is not being altered. They also refer to sash windows which may improve the character of the front elevation.

Given the design, context and character of the ACA and of the proposed renewal works it is considered that same accords with the exemption set out under Section 82 (1) – Notwithstanding paragraph (a), (h), (i), (ia), (j), (k) or (l) of section 4(1), or any regulations made under section 4(2), that the change proposed does not materially impact upon the character of the building or upon the character of other dwellings in the vicinity.

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. CONCLUSION

The question has been asked whether:

the replacement of 3 no. windows to 3 no. sash windows in an Architectural Conservation Area is Development and is or is not Exempted Development

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed replacement windows are exempted development

9. RECOMMENDATION

In view of the above and having regard to —

- Sections 2, 3, 4 and 82 of the Planning and Development Act 2000 (as amended), and

It is considered that proposed replacement of 3 no. windows to 3 no. sash windows in the Wellington Road and Saint Luke's Architectural Conservation Area, at 1 Woods Place York Street is **Development** and is **Exempted Development**.



_____

Gordon O'Meara
Graduate Planner
24/08/2026



_____

Aidan Walsh
Senior Executive Planner

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

MARY O'BRIEN

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

1 WOODS PLACE, YORK STREET CORK T23Y52C

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 REPLACEMENT OF 3 WINDOW to 3 sash windows and keeping the measurements of the old windows. Is this is so is it exempted development under section 5.

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:
   NO

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:

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) NOT APPIC

(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)
(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	N/A	
If you are not the legal owner, please state the name of the owner if available	N/A.	

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]

11. Owner Details (if the applicant above is not the legal owner):

[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.

[redacted]

For Office Use Only:

File Ref. No. _____

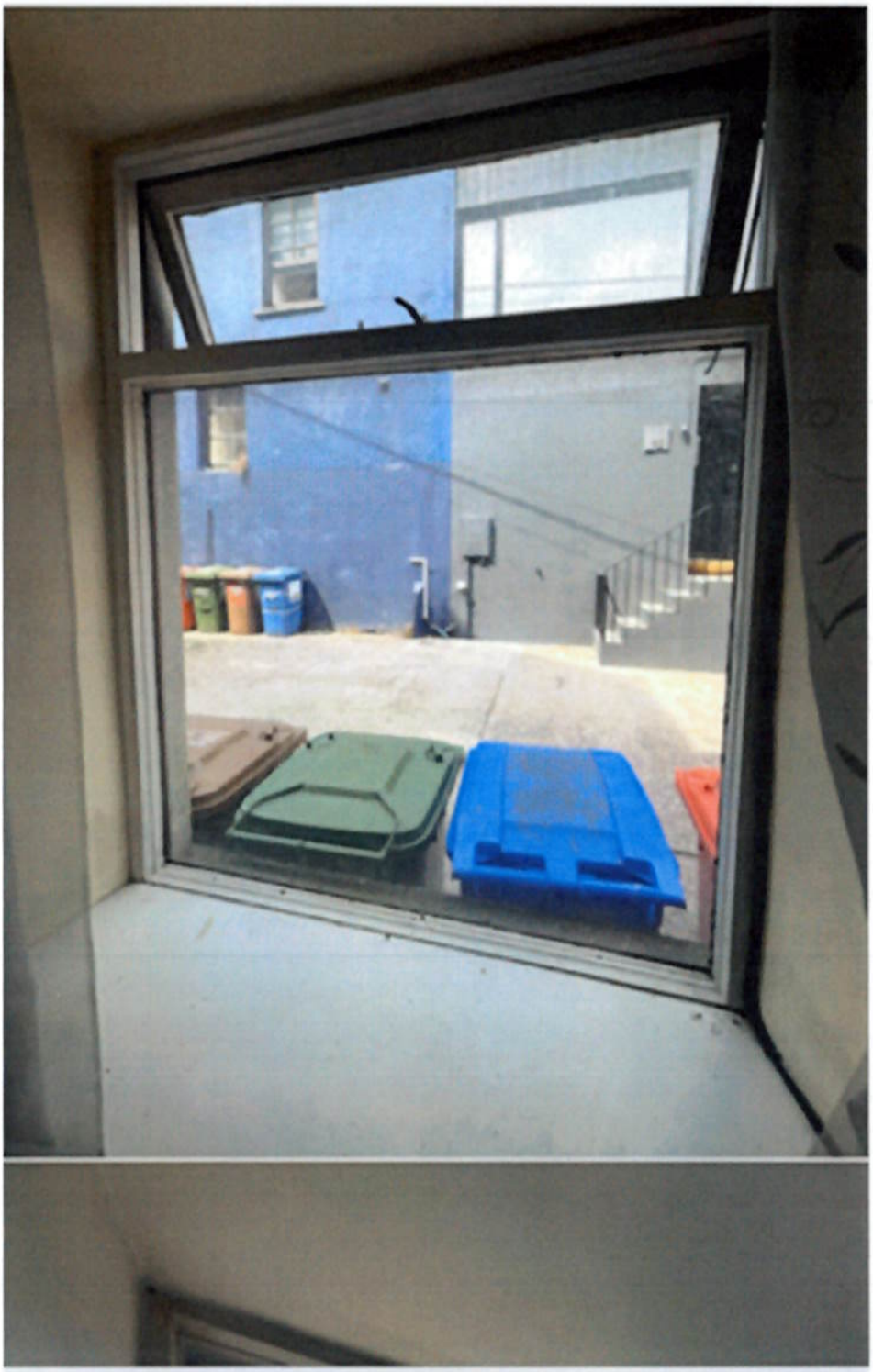


13:47

7 Messages

Inbox

To replace the wind...



13:47

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To replace the wind...



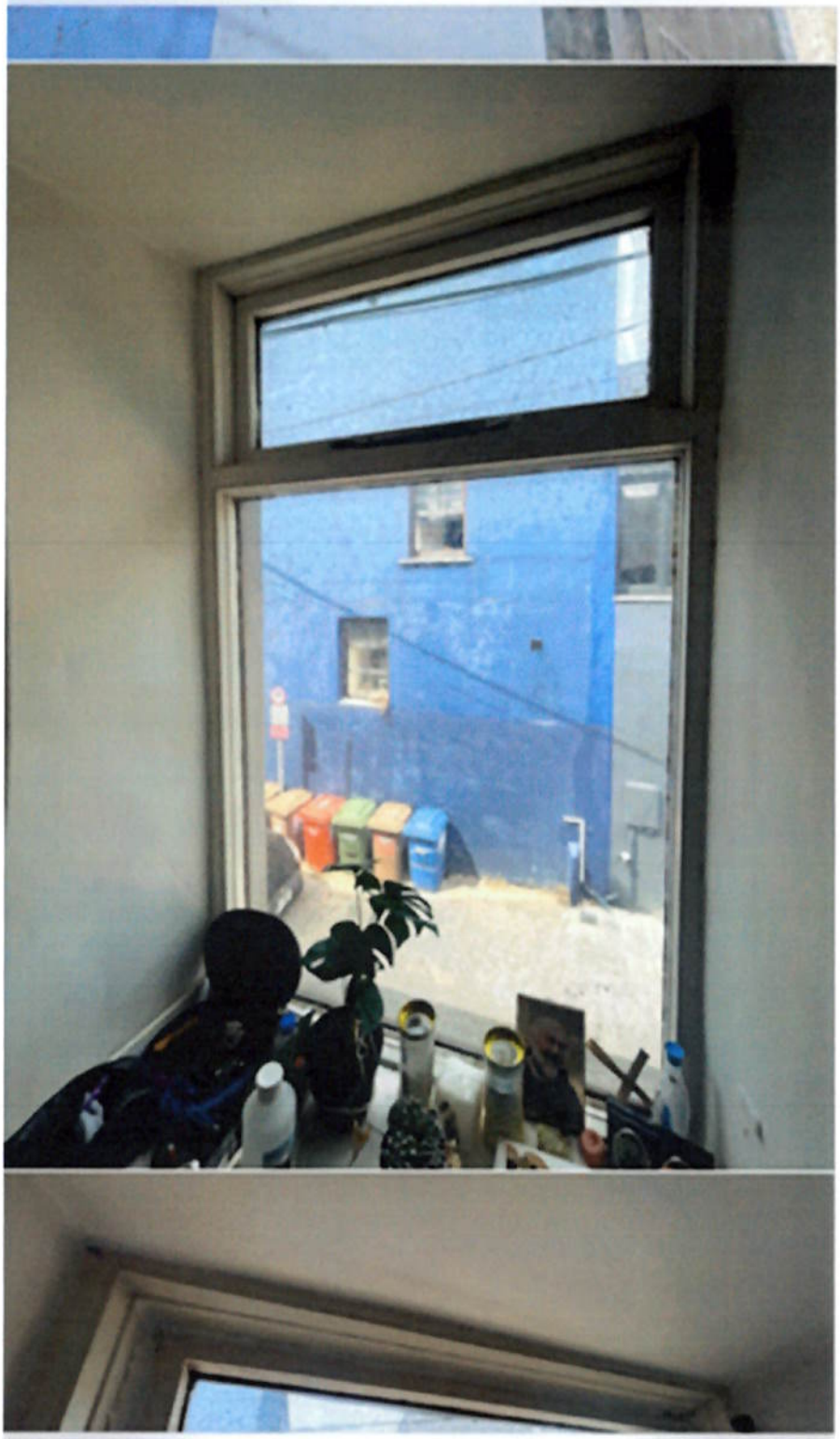


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7 Messages

Inbox

To replace the wind...

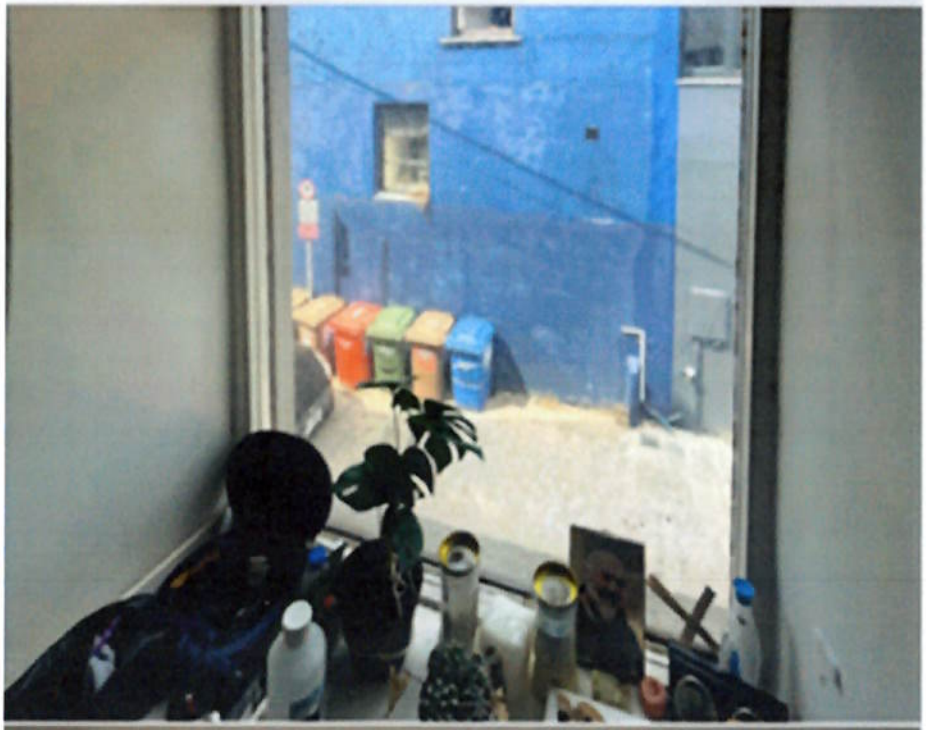


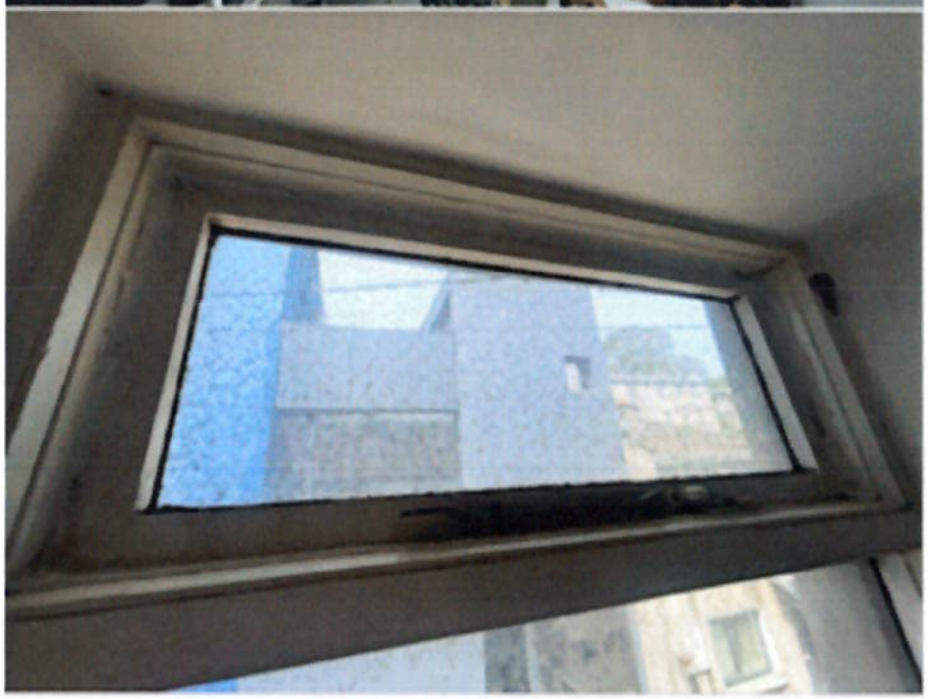
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7 Messages

Inbox

To replace the wind...





See More

ADRIAN CREMIN WINDOW & DOOR REPAIRS

Coolcarron, Fermoy, Co. Cork
T: 086 103 7722
E: adriancremin7@gmail.com
Adrian Cremin Window & Door Repair & Sales
VAT No. IE 5412151M

To:

Mary O' Brien.
1 Woods Place, York St. Cork.
T23 Y52C

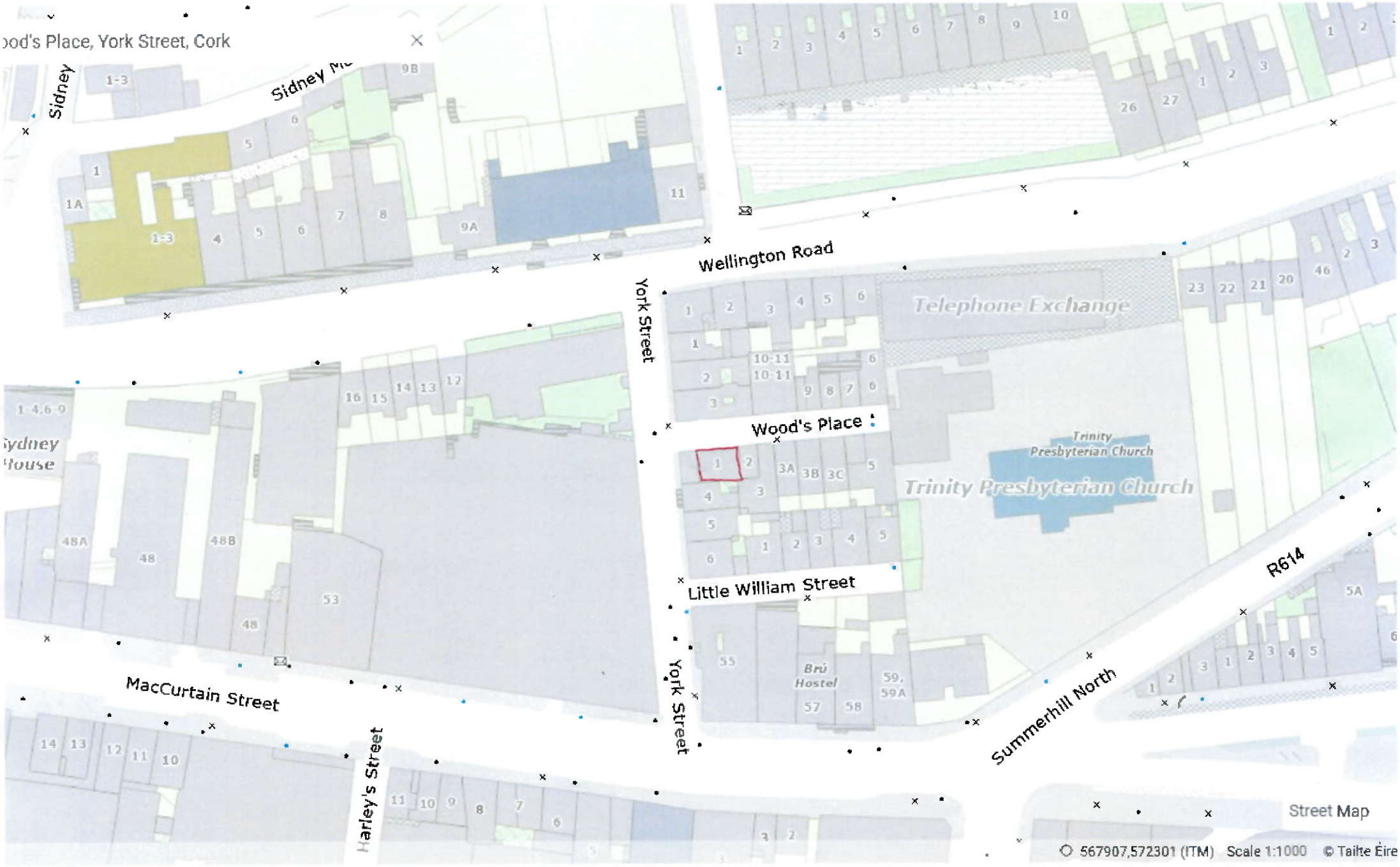
INVOICE No.: [redacted]

Date: 27-07-2026.

INVOICE

DETAILS	PRICE
Windows.	
Front Top left	
900mm x 1500mm	
Front Top Right	
900mm x 1500mm	
Bottom Front Left	
1190 x 1500	
Front Door + Toplight frame	
900mm x 2290mm.	

Bank Details:
BIC: AIBKIE2D
IBAN: IE86AIBK93608121442188


ood's Place, York Street, Cork
Sidney
Sidney
1-3
9B
6
5
1
1A
1-3
4
5
6
7
8
9A
11
Wellington Road
York Street
1
2
3
4
5
6
10-11
10-11
9
8
7
6
Telephone Exchange
Wood's Place
1
2
3A
3B
3C
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1
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5
Trinity Presbyterian Church
Trinity Presbyterian Church
Little William Street
York Street
55
Brú Hostel
59, 59A
57
58
Summerhill North
R614
5A
1-4,6-9
Sydney House
16
15
14
13
12
48A
48
48B
53
48
MacCurtain Street
Harley's Street
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Street Map
567907,572301 (ITM)
Scale 1:1000
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