



Comhairle Cathrach Chorcaí

Cork City Council

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

Felix O' Neill



25/04/2025

Section 5 Request:

RE: R924/25. 11 Summerstown Grove, Glasheen, Cork. T12 APX9

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 31st of March 2025, I wish to advise as follows:

The question placed before the Planning Authority was whether the fitting of an external wall insulation as part of a proposed energy upgrade at 11 Summerstown Grove, Glasheen, Cork development and if so, if it is exempted development.

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed external wall insulation is not exempted development.

The existing dwelling is finished in a wet dash render with a small section of brick finish on front elevation. The render to be applied is to be smooth cement render, and so, this would be contrary to Article 9(1)(a) i.e. contravene Condition 3 of permission 01/25608, which states:

Condition 3. 'All external finishes to include roof finish shall harmonise in colour and texture with the existing premises.'

Reason 3. 'In the interests of visual amenity.'

Note: Had the insulation been finished with external materials similar to existing, then the proposed works would have been exempted development. In addition, houses elsewhere in Cork City which have applied external wall insulation, have finished walls with dash render.



We are Cork.



Comhairle Cathrach Chorcaí Cork City Council

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

It is recommended that the applicant is advised as follows:

The Planning Authority had regard particularly to:

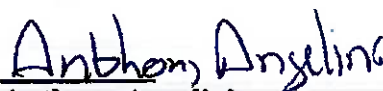
- (a) Sections 2, 3 and 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (b) the character and pattern of development of the house and in the area.
- (c) Articles 6, and 9 of the Planning and Development Regulations 2001 (as amended),
- (d) Further Information received on 11 April 2025, and
- (e) Relevant case law, including Cairnduff - v - O'Connell [1986] IR.73,

The Planning Authority has concluded that:

- a) The fitting of external wall insulation finished with smooth plastering of the external walls constitutes works which are development, as defined in Section 3 of the Planning and Development Act, 2000, as amended,
- b) The fitting of external wall insulation finished with smooth plastering of the external walls constitutes "works for the maintenance, improvement or other alteration of any structure" as defined in Section 4(1)(h) of the said Act,
- c) The fitting of external wall insulation finished with smooth plastering of the external walls does materially affect the external appearance of the existing dwelling so as to render its appearance inconsistent with its own character and that of neighbouring structures and accordingly does not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.
- d) The proposed development would contravene Condition 3 of permission 01/25608.

Therefore, the Planning Authority, in exercise of the powers conferred on it by Section 5 of the 2000 Act (as amended), hereby decides that the fitting of external wall insulation finished with smooth plastering of the external walls at 11 Summerstown Grove, Glasheen, Cork **IS DEVELOPMENT** and is **NOT EXEMPTED DEVELOPMENT**.

Is mise le meas,


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



We are Cork.

Planner's Report Ref. R924/25	Cork City Council, Planning and Integrated Development
Application type	Section 5 Declaration
Description	Is the fitting of an external wall insulation as part of a proposed energy upgrade at 11 Summerstown Grove, Glasheen, Cork development and if so, is it exempted development?
Location	11 Summerstown Grove, Glasheen, Cork
Applicant	Felix O'Neill
Date	25/04/2025
Recommendation	Is Development and Is Exempted Development

This report should be read in conjunction with the previous Planner's Reports on file dated 07/04/2025 and clarification letter dated 07/04/2025. That report recommended that the following clarification of further information be sought:

"The Planning Authority considers that the proposed finish could constitute works which materially affect the external appearance of the existing dwelling so as to render its appearance inconsistent with its own character and that of neighbouring structures having regard to the half brick feature on the structure and on the adjoining structure / structures in the estate and having regard to the existing finish on the remainder of the dwelling. Conditions 1 and 3 of T.P. 01/25608 are also noted.

As a result, the applicant is requested to clarify:

- a) Whether a like-for-like finish on the existing brick finish area is proposed by the use of matching brick slips over the proposed insulation – please submit brochure / physical sample of same if proposed.
- b) The intended finish to the house relative to the existing finish – i.e. smooth render/ wet dash finish and whether this will match the existing finish on the dwelling house."

In response, the applicant has provided the following information (emailed on 11 April 2025):

1. '(a) It is proposed to finish this area in smooth render.'
'(b) It is proposed to finish the rest of the external wall area in smooth render.'
2. '...wet dash render is not feasible with their external wall insulation product because of the weight of wet dash.'

And

3. Brochure 'External Wall Insulation: A Specifier's Guide'

Conclusion

This report has assessed the following question:

Is the fitting of external wall insulation as part of a proposed energy upgrade at 11 Summerstown Grove, Glasheen, Cork development, and if so, is it exempted development?

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed external wall insulation is **not** exempted development.

The existing dwelling is finished in a wet dash render with a small section of brick finish on front elevation. The render to be applied is to be smooth cement render, and so, this would be contrary to Article 9(1)(a) i.e. contravene Condition 3 of permission 01/25608, which states:

Condition 3. 'All external finishes to include roof finish shall harmonise in colour and texture with the existing premises.'

Reason 3. 'In the interests of visual amenity.'

Note: Had the insulation been finished with external materials similar to existing, then the proposed works would have been exempted development. In addition, houses elsewhere in Cork City which have applied external wall insulation, have finished walls with dash render.

Recommendation

It is recommended that the applicant is advised as follows:

The Planning Authority had regard particularly to:

- (a) Sections 2, 3 and 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (b) the character and pattern of development of the house and in the area.
- (c) Articles 6, and 9 of the Planning and Development Regulations 2001 (as amended),
- (d) Further Information received on 11 April 2025, and
- (e) Relevant case law, including Cairnduff - v - O'Connell [1986] IR.73,

The Planning Authority has concluded that:

- (a) The fitting of external wall insulation finished with smooth plastering of the external walls constitutes works which are development, as defined in Section 3 of the Planning and Development Act, 2000, as amended,
- (b) The fitting of external wall insulation finished with smooth plastering of the external walls constitutes "works for the maintenance, improvement or other alteration of any structure" as defined in Section 4(1)(h) of the said Act,
- (c) The fitting of external wall insulation finished with smooth plastering of the external walls **does** materially affect the external appearance of the existing dwelling so as to render its appearance inconsistent with its own character and that of neighbouring structures and accordingly **does not** come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.
- (d) The existing dwelling (and houses within the area) are finished in a wet dash render with a small section of brick finish on front elevation. The render to be applied

is to be smooth cement render, and so, this would be contrary to Article 9(1)(a) '(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,' i.e. it would contravene Condition 3 of permission 01/25608, which states:

Condition 3. 'All external finishes to include roof finish shall harmonise in colour and texture with the existing premises.'

Reason 3. 'In the interests of visual amenity.'

Therefore, the Planning Authority, in exercise of the powers conferred on it by Section 5 of the 2000 Act (as amended), hereby decides that the fitting of external wall insulation finished with smooth plastering of the external walls at 11 Summerstown Grove, Glasheen, Cork is development and is not exempted development.

Hugh Killen,
Executive Planner

I concur with the recommendation subject to a minor modification of the wording of paragraph (d) as follows:

(d) The proposed development would contravene Condition 3 of permission 01/25608.
'

Evelyn Mitchell
Senior Executive Planner

25/04/25

COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL

R-Phost/E-Mail planning@corkcity.ie Fón/Tel: 021-
4924029
Líonra/Web: www.corkcity.ie

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

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

1. NAME OF PERSON MAKING THE REQUEST

Felix O Neill

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

11 Summerstown Grove, Glasheen, Cork. T12APX9

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 fitting external wall insulation exempted under planning for the house at the above address? The fitting of external wall insulation is part of a proposed energy upgrade for my house.

CORK CITY COUNCIL
PLANNING & DEVELOPMENT

10 MAR 2025

DEVELOPMENT MANAGEMENT

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

The external wall insulation will be fixed to the external wall of the house and a rendered finish applied. The current house has a wet dash finish with a small portion of cement brick faces on the left ground floor area of the front elevation. The rest of the front elevation has a wet dash finish. The proposed external wall insulation will also cover this brick area. The estate has a mix of houses with brick on the ground floor of the front elevation and those that do not. (All the front elevation is a rendered finish) The cement brick area is 5 m/sq approx.

1 of 4

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? No

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:

There was a planning application and approval received to construct a 2 story extension to the side of the existing dwelling, which was built. (Approx 22 years ago)

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	224 m/sq (Ground and first floor)
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes No If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	

Existing/ previous use (please circle)	Proposed/existing use (please circle)
--	---------------------------------------

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner ☒	B. Other
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name of the owner if available		

8. I / We confirm that the information contained in the application is true and accurate:

Signature: _____

Date: _____

10/3/25

2 of 4

CONFIDENTIAL CONTACT DETAILS

These details will not be made available to the public.

9. Applicant:

Name(s)	_____
Address	_____

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

Name(s):	_____
----------	-------



Comhairle Cathrach Chorcaí Cork City Council

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

Felix O'Neill,



07/04/2025

RE: Section 5 Request.

R924/25: 11 Summerstown Grove, Glasheen, Cork. T12 APX9.

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on the 10th of March 2025, I wish to advise as follows.

The Planning Authority has been tasked with determining whether the fitting of an external wall insulation as part of a proposed energy upgrade is exempted development.

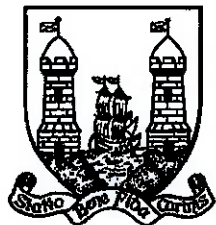
The Planning Authority considers that the proposed finish could constitute works which materially affect the external appearance of the existing dwelling so as to render its appearance inconsistent with its own character and that of neighbouring structures having regard to the half brick feature on the structure and on the adjoining structure/structures in the estate and having regard to the existing finish on the remainder of the dwelling. Conditions 1 and 3 of T.P. 01/25608 are also noted.

As a result, the applicant is requested to clarify:

- a) Whether a like-for-like finish on the existing brick finish area is proposed by the use of matching brick slips over the proposed insulation – please submit brochure/physical sample of same if proposed.
- b) the intended finish to the house relative to the existing finish – i.e. smooth render/wet dash finish and whether this will match the existing finish on the dwelling house.



We are Cork.



Comhairle Cathrach Chorcaí **Cork City Council**

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

It is thus considered that **FURTHER INFORMATION** is required to process the application.

Is mise le meas,

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



We are Cork.

Planner's Report Ref. R924/25	Cork City Council, Planning and Integrated Development
Application type	Section 5 Declaration
Description	Planning exemption required to install external wall installation
Location	11 Summerstown Grove, Glasheen, Cork
Applicant	Felix O'Neill
Date	4 April 2025
Recommendation	Further Information request

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;

'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 fitting external wall insulation exempted under planning for the house at the above address? The fitting of external wall insulation is part of a proposed energy upgrade for my house.'

Additional details regarding question/ works / development

'The external wall insulation will be fixed to the external wall of the house and a rendered finish applied. The current house has a wet dash finish with a small portion of cement brick faces on the left ground floor area of the front elevation. The rest of the front elevation has a wet dash finish. The proposed external wall insulation will also cover this brick area. The estate has a mix of houses with brick on the ground floor of the front elevation and those that do not. (All the front elevation is a rendered finish). The cement brick is 5m/sq approx.'

3. Site Description

The subject site is at 11 Summerstown Grove, Glasheen, Cork and is located on the corner of Summerstown Grove and Summerstown Road. The site comprises a two-storey semi-detached dwelling with a large two-storey side extension. The house has a pitched and hipped roof finished in concrete tiles. The front of house is finished in wet dash cement render with a small section to front elevation finished in 'grey' brick finish. There is a single storey front extension which sits in front of the original house (i.e. in front of the section which includes the brick finish). The majority of the street contains similar external finishes.

The building is not; a Protected Structure or within an Architectural Conservation Area.

There is an area of public open space directly opposite / East of the site.

3.1 Legislative provisions

The Planning and Development 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 above)

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.

The Planning and Development Regulations**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(1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(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,

...

(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,

4. 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.

The purpose of this report is to assess whether or not the matter in question constitutes development and whether it falls within the scope of exempted development.

The submissions indicates that the proposed insulation works is externally added and finished in a cement render.

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.'

The addition of external insulation to house falls within the definition of 'works'. Therefore, the proposal constitutes development within the meaning of the Act.

Conclusion: The works are considered development.

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) of the act does afford some exempted development where the works to the exterior of a structure 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 structure.

The houses along this section of Summerstown Grove are characterised by their wet dash rendered walls with small section of partial brick finish to front elevations.

In terms of previous planning permissions, there are two permissions which are 01/25608 and 92/17711.

- **0125608** Demolish existing garage and build a two-storey side extension. **Grant**
Condition 3 states "3. All external finishes to include roof finish shall harmonise in colour and amenity.
Reason 3 states: "3. In the interests of visual texture with the existing premises."
- **9217711** Conditions TBC. **Grant**

The existing dwelling is finished in a wet dash render with a small section of brick finish on front elevation. Should the render to be applied simply be smooth cement render, then this would be contrary to Article 9(1)(a) i.e. contravene condition 3 of permission 0125608. Further information will be requested to clarify if the external finish will be wet dash render.

Further information will also be requested to ask whether the small section of brick can be added to replace existing brick finish on front elevation.

5. Environmental Assessment

5.1 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.

5.2 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 an Appropriate Assessment is not required.

6. Recommendation

In view of the above and having regard to –

- Section 2, 3 and 4 of the Planning and Development Act 2000 (as amended), and
- Articles 6 of the Planning and Development Regulations 2001 (as amended).

The existing dwelling is finished in a wet dash render with a small section of brick finish on the front elevation. Should the render to be applied simply be smooth cement render, then this would be contrary to Planning and Development Regulations Article 9(1)(a)(i)

"(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," i.e. contravene condition 3 of permission 0125608. Further information will be requested to clarify if the external finish will be wet dash render.

The Planning Authority considers that further information is required to determine if the proposed works is exempted, as follows:

1. The existing dwelling is finished in a wet dash render with a small section of brick finish on the front elevation. Should the render to be applied simply be smooth cement render, then this would be contrary to Planning and Development Regulations Article 9(1)(a)(i)
"(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,"

i.e. contravene condition 3 of permission 0125608. Please confirm whether the external render being finished will be wet dash render, and

- 2) The small section of brick on front elevation is reflected on the majority of neighbouring houses on this section of road. Please confirm on the front elevation whether the small section to front elevation will be finished with brick similar to existing

Hugh Killen
Executive Planner
07.04.2025

S.E.P. ASSESSMENT

I note the typo above and that the wording of Condition 3 of 01/25608 is as follows:

- | | |
|---|--|
| 3. All external finishes to include roof finish shall harmonise in colour and texture with the existing premises. | 3. In the interests of visual amenity. |
|---|--|

In addition Article 9(1) (a) (ii) of the Planning and Development Regulations 2001 (as amended) is the relevant legislation in terms of contravention of conditions of previous permissions on site (Article 6 referenced above under Recommendation above).

The hard copy file should be ordered from archives to establish the finishes on the submitted drawings as proposed/granted to establish whether the proposed development would contravene this condition.

In the interim the following Further Information should be sought:

REQUEST FOR FURTHER INFORMATION

Please note that the Planning Authority considers that the proposed finish could constitute works which materially affect the external appearance of the existing dwelling so as to render its appearance inconsistent with its own character and that of neighbouring structures having regard to the half brick feature on the structure and on the adjoining structure/structures in the estate and having regard to the existing finish on the remainder of the dwelling. Conditions 1 and 3 of T.P. 01/25608 are also noted.

As a result you are requested to clarify:

- (a) Whether a like-for-like finish on the existing brick finish area is proposed by the use of matching brick slips over the proposed insulation – please submit brochure/physical sample of same if proposed;
- (b) the intended finish to the house relative to the existing finish – i.e. smooth render/wet dash finish and whether this will match the existing finish on the dwelling house.

Evelyn Mitchell
Senior Executive Planner
07.04.2025

LOCATION MAP

SCALE 1:1000

MAP REF 6427-02

REVISION

ISSUED FOR PLANNING
DESCRIPTION

JCS

AT 11 SUMMERSTOWN GROVE

FUR MR FELIX O' NEILL

DRAWING TITLE LOCATION MAP

SCALE

US MAP REF

1:1000

6427 02

SITE OUTLINE
AREA OF SITE





Front Elevation of 11 Summerdown Street



Front Elevation of 11 Summerstown Grove



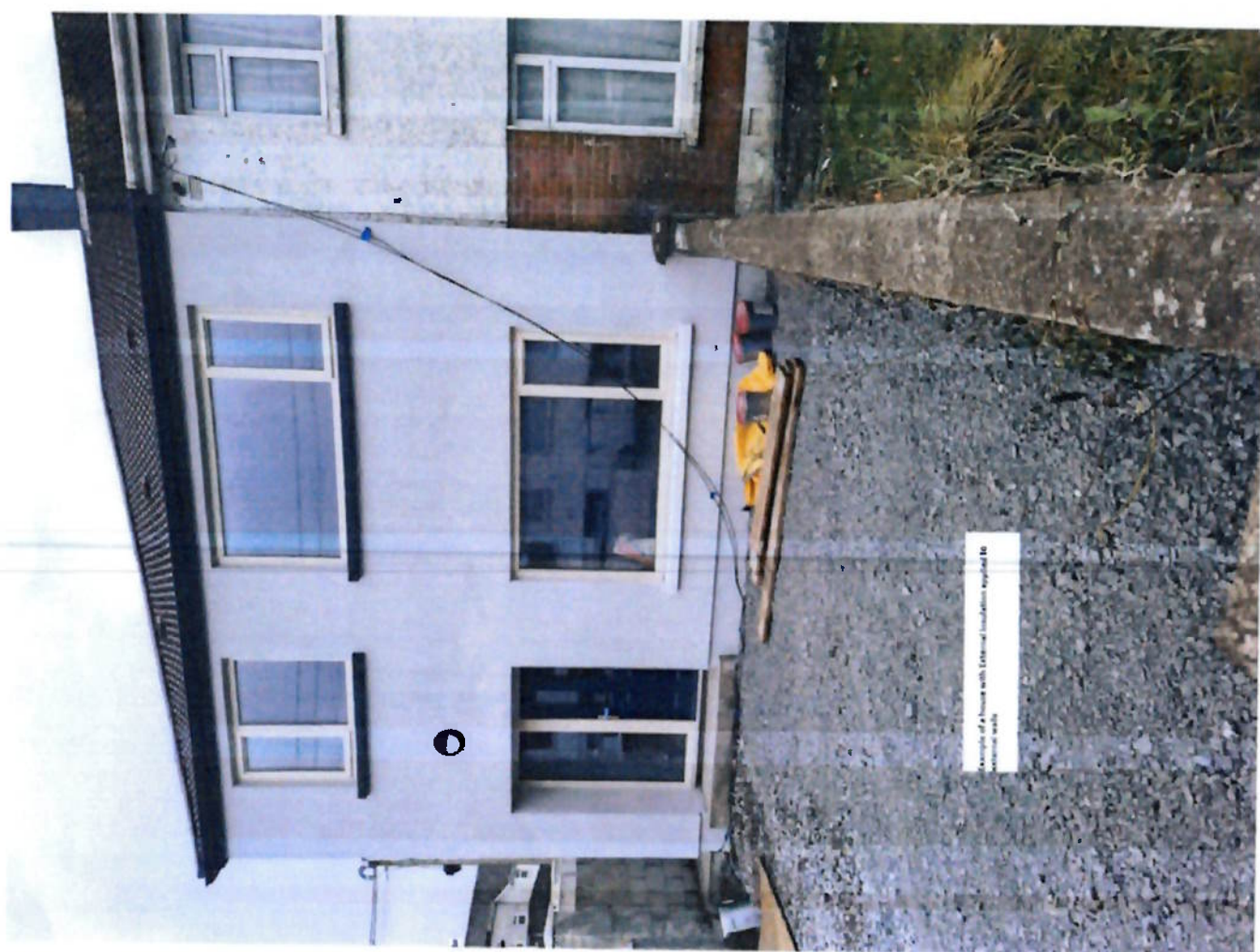
Side Elevation of 11 Summerdown Grove



Rear Elevation of 11 Summerstown Grove



Example of houses in Sumnerstown
Groups without any brick on front
of elevation



Example of a house with External Insulation Applied (Ei)
External walls