

WICKLOW COUNTY COUNCIL

**PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5**

Director of Services Order No: 1543/2022

Reference Number: EX 50/2022

Name of Applicant: Brad MacPherson

Nature of Application: Section 5 Referral as to whether "Removal of Conservatory and construction of single story veranda to rear of dwelling at 190 Applewood Heights, Greystones, Co Wicklow" is or is not exempted development.

Location of Subject Site: 190 Applewood Heights, Greystones, Co Wicklow

RECOMMENDATION: Report from Lyndsey Blackmore AP & Edel Bermingham SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "Removal of Conservatory and construction of single story veranda to rear of dwelling at 190 Applewood Heights, Greystones, Co Wicklow" is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details submitted on the 2nd September 2022;
- b) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- c) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);
- d) Classes 1 & 50, Part 1, Schedule 2, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (a) The demolition of the conservatory and erection of a veranda would come within the definition of development set out in Section 3 of the Planning & Development Act 2000 (as amended);
- (b) The demolition of the conservatory would come within the scope of the exemption provided in Class 50, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended);

(c) The Veranda to the rear of the dwelling would come within the scope of the exemption provided in Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), and would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighboring structures.

The Planning Authority considers that "Removal of Conservatory and construction of a new 25sqm single story veranda to rear of dwelling at 190 Applewood Heights, Greystones, Co Wicklow" is development and is exempted development

ORDER:

That a declaration to issue stating:

That "Removal of Conservatory and construction of a new 25sqm single story veranda to rear of dwelling at 190 Applewood Heights, Greystones, Co Wicklow" is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____
2022

Director of Services
Planning Development & Environment

Dated 23 day of September



Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Brad MacPherson

Location: 190 Applewood Heights, Greystones, Co Wicklow

DIRECTOR OF SERVICES ORDER NO. 1543/2022

A question has arisen as to whether "Removal of Conservatory and construction of single story veranda to rear of dwelling at 190 Applewood Heights, Greystones, Co Wicklow" is or is not exempted development.

Having regard to:

- a) The details submitted on the 2nd September 2022;
- b) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- c) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);
- d) Classes 1 & 50, Part 1, Schedule 2, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (a) The demolition of the conservatory and erection of a veranda would come within the definition of development set out in Section 3 of the Planning & Development Act 2000 (as amended);
- (b) The demolition of the conservatory would come within the scope of the exemption provided in Class 50, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended);

The Planning Authority considers that "Removal of Conservatory and construction of a new 25sqm single story veranda to rear of dwelling at 190 Applewood Heights, Greystones, Co Wicklow" is development and is exempted development.

Signed: 

ADMINISTRATIVE OFFICER

PLANNING DEVELOPMENT & ENVIRONMENT

Dated 23 September 2022

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.

This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhíse, Forbairt Pleanála agus Comhshaol.

All correspondence should be addressed to the Director of Services, Planning Development & Environment.





Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment

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Brad MacPherson

23 September 2022

RE: Declaration in accordance with Section 5
of the Planning & Development Acts 2000 (As Amended)

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the
Planning & Development Act 2000 in respect of the following:

Exemption Ref. No: EX 50/2022

Applicant: Brad MacPherson

Nature of Application: Removal of Conservatory and construction of single
story veranda to rear of dwelling at 190 Applewood
Heights, Greystones, Co Wicklow

Location: 190 Applewood Heights, Greystones, Co Wicklow

Where a Declaration is used under this Section any person issued with a
Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of
such fee as may be prescribed, refer a declaration for review by the Board within
four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.



Section 5 Declaration

Ref: 50/2022
Name: Brad MacPherson
Development: Removal of Conservatory and construction of single storey veranda to rear of dwelling.
Location: 190 Applewood Heights Greystones

Observations: The applicant is seeking a Section 5 Declaration for extension to a dwelling house

The site

The subject site is located at 190 Applewood heights Greystones. Existing two storey semi-detached dwelling on site.

Question

The applicant has applied to see whether or not the following is or is not exempted development:

- Removal of Conservatory
- construction of single storey veranda to rear of dwelling.

Relevant Legislation:

-Planning and Development Act, 2000 (as amended)::

Section 2 (1) defines works as including: *"Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal"*;

Section 3 (1) defines development as: *"The carrying out of works on, in, over or under land or the making of any material change in the use of structures or other land"*;

Section 4 (1)(a) to (l) specifies various categories of development which shall be exempted for the purposes of the Act;

Section 4(1)(h) relates to *"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 characters of the structure or of neighbouring structures"*.

-Planning and Development Regulations, 2001 (as amended):

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9 (1) states that certain development to which article 6 relates shall not be exempted development for the purposes of the Act, when certain instances apply;

Part 1 (Classes 1-8) of Schedule 2 describes classes of development within the curtilage of a house, which are exempted development, provided that such development complies with the associated conditions and limitations;

The extension of house, by the construction of 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 of similar structure attached to the rear or to the side of the house.

Conditions and Limitations:

Where the house has not been previously extended, the floor area of any such extension shall not exceed 40msq.

Part 1 (Classes 38 – 57) of Schedule 2 describes class of miscellaneous development, which are exempted development, provided that such development complies with the associated conditions and limitations.

Class 50 (a) The demolition of a building, or buildings, within the curtilage of (i) a house.

Conditions and Limitations:

No such building shall abut on another building in separate ownership.

The cumulative floor area of any such building, or buildings, shall not exceed 40msq

Assessment:

Assessment: The applicant is requesting a Declaration in accordance with Section 5 for Removal of Conservatory and construction of single storey veranda to rear of dwelling at 190 Applewood Heights Greystones.

The applicants propose:

1. Demolishing existing conservatory of 10sqm
2. Construct a new single storey veranda of 25sqm to rear of dwelling;
4. All associated site works

The first assessment must be whether or not the works outlined above constitute development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“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.

It should be noted that Section 2 of the Act defines works as:

“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.

The proposal involves alterations and extensions to an existing dwelling and would therefore involve works within the meaning of Section 3 of the Act. As such it constitutes development.

Having regard to the nature of the proposed works, the various elements of the proposed development can be examined in accordance with the exempted development provisions of the Planning and Development Act 2000 (as amended) and Planning and Development Regulations 2001 (as amended) as follows:

1. Demolishing existing conservatory :

As detailed on the existing ground floor plan, the applicants are seeking to demolish a conservatory comprising a total floor area of 10 sqm attached to the rear wall of the dwelling.

Class 50 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) permits *"(a) The demolition of a building, or buildings, within the curtilage of – (i) a house"* subject to compliance with 3 No. Conditions and Limitations. Of note is Condition and Limitation No. 1 which states that *"No such building or buildings shall abut on another building in separate ownership"*.

Having regard to the existing ground floor plan, it is noted that the conservatory for demolition does not abut on another building in separate ownership. In this regard, it is considered that the proposed demolition is in accordance with the Conditions and Limitations comes and therefore comes within the scope of Class 50. Demolition of the conservatory is development and is exempted development.

2. Construct a new single storey verandah to rear of dwelling:

As detailed on the proposed site layout plan, the applicants are seeking a veranda extension of 25sqm to the rear of the existing dwelling.

Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) permits *"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 or any garage, store, shed or other similar structure attached to the rear or to the side of the house"* subject to 7 No. Conditions and Limitations.

This veranda is solely to the rear of the existing dwelling and accords with the conditions and limitations and therefore is development and is exempt development.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether

- i) Demolishing existing conservatory
- ii) Construction of a new single storey veranda;

constitutes exempted development within the meaning of the Planning and Development Act 2000 (as amended)

The Planning Authority considers that:

- i) Demolishing existing conservatory is development and is exempted development;
- ii) Construction of a new 25msq veranda to rear elevation is development and is exempted development;

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted on the 2nd September 2022;
- b) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- c) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);
- d) Classes 1 & 50, Part 1, Schedule 2, of the Planning and Development Regulations 2001 (as amended).


Main Reasons with respect to Section 5 Declaration:

(a) The demolition of the conservatory and erection of a veranda would come within the definition of development set out in Section 3 of the P.D. Act 2000 (as amended)
(a) The demolition of the conservatory *(note)* come within the scope of the exemption provided in Class 50, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended);

(c) The Veranda to the rear of the dwelling would come within the scope of the exemption provided in Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), and would 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.



Lyndsey Blackmore
Assistant Planner
16/09/22

Paul as notified

JP
24/9/22

Agreed
BC
005
23/9/22

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Lynsdey Blackmore
Assistant Planner**

**FROM: Crystal White
Assistant Staff Officer**

**RE:- Ex 50/2022 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Brad Macpherson- Removal of existing Conservatory & construction
of single story Veranda to rear of house.**

I enclose herewith for your attention application for Section 5 Declaration received 2nd of September 2022.

The due date on this declaration is the 29th September 2022.

**Senior Staff Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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02/09/2022

Brad Macpherson

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 50/2022
Removal of existing Conservatory and construction of single story Veranda to rear of house.**

A Chara

I wish to acknowledge receipt on the 02nd of September 2022 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 29/09/2022.

Mise, le meas

**SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**



Wicklow County Council
County Buildings
Wicklow
0404-20100

02/09/2022 11 14 27

Receipt No L1/0/301029
***** REPRINT *****

Brad Macpherson
190 Applewood Heights
Greystones
Co Wicklow
A63 EV77

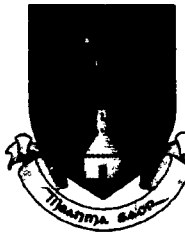
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

total	80 00 EUR
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Tendered	
Cheque	80 00
Section 5 BMacpherson	

Change	0 00
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Co Wicklow
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Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

WICKLOW COUNTY COUNCIL
CUSTOMER SERVICE
- 2 SEP 2022

1. Applicant Details

(a) Name of applicant: Brad Macpherson

Address of applicant: _____

Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) N/A

Address of Agent : _____

Note Phone number and email to be filled in on separate page.

3. Declaration Details

- i. Location of Development subject of Declaration

190 Applewood Heights, Greystones, A63 EV77

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes.

- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier _____

- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and 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. You should therefore set out the query for which you seek the Section 5 Declaration

To confirm that the proposed development, viz. Removal of existing 10 sq m conservatory and construction of a single-storey 25 sq m verandah to rear of the house as per the included drawings, is exempt from planning permission under the Act.

Additional details may be submitted by way of separate submission.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

Additional details may be submitted by way of separate submission. _____

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ?No. _____

vii. List of Plans, Drawings submitted with this Declaration Application _____

Site Location Map

Schedule of Materials

Order of Works

Foundation, Elevation, and Section drawings

Floorplan schematic with site boundaries marked

viii. Fee of € 80 Attached ? Yes _____

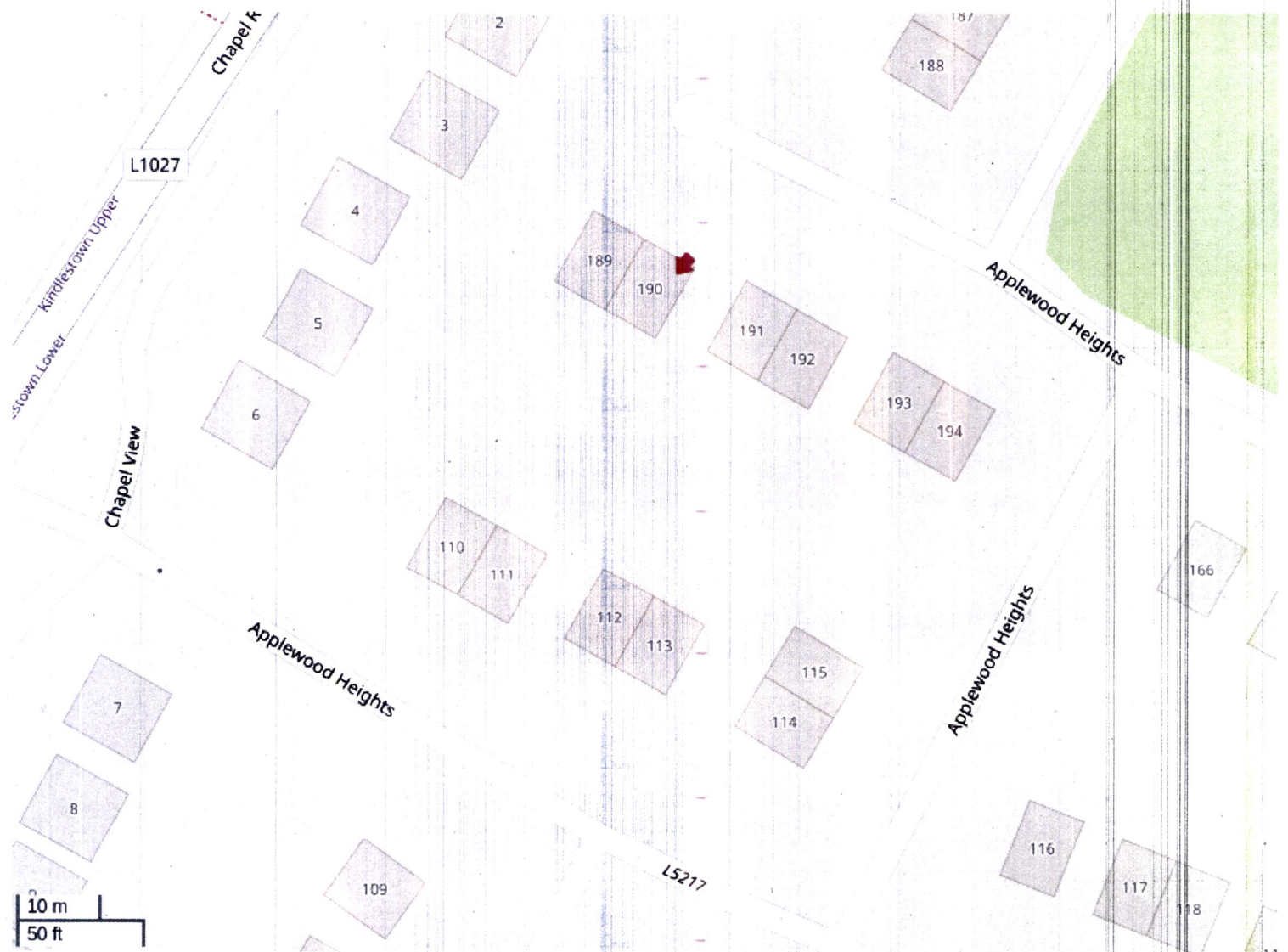
Signed : Bolam Dated : 30/8/2022

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.



SITE LOCATION MAP

190 APPLEWOOD HEIGHTS
PROPOSED REAR VERANDAH

190 Applewood Heights Rear Veranda

Schedule of Materials

Concrete

Concrete foundations	1 CuM	
Blockwork		
215 solid blocks	65 No	
Cement and sand mortar	.25 CuM	

Timber

Floor

50 x 50 grounds	8 M	
75 x 35 grounds	4M	
100 x 50 joists	76 M	28 no 3metre lenghts
125 x 50 beams	16 M	6 no 3metre lenghts
175 x 25 fascia	8 M	3 no 3 metre lenghts
Deck boarding	24 SqM	54 no 3 metre lenghts

Walls

100 x 100 posts	12 M	5 no 2.4 metre lenghts
100 x 50 studding	56 M	20 no 3 metre lenghts
125 x 50 framing	37 M	15 no 3 metre lenghts
50 x 20 glazing beads	96 M	42 no 2.4 metre lenghts
100 wide T & G boarding	17 Sq M	

Roof

50 x 25 battens	40 M	15no 3 metre lenghts
100 x 75 beam	8 M	3 no 3 metre lenghts
125 x 50 rafters	90 M	27 no 3.6 metre lenghts
200 x 25 fascia	15 M	5 no 3.6 metre lenghts
100 wide T & G soffite boarding	25 Sq M	

General

150 thick wool insulation	25 Sq M	
Corrugated sheeting	26 Sq M	10 no 3.2 metre sheets
150 mm lead flashing	9 M	
200 mm wide lead apron	9 M	
100 mm pvc gutter	8 M	
ends	2 NO	
outlet	1 No	
75 mm diam rwp	3 M	
bends	2 No	
toe	1 No	

6mm toughened glass	10 Sq M	in 11 no panes
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S S angle brackets for floor beams	6 No	
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100mm SS seating brackets for posts	5 No	
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Screws, bolts, fixings etc

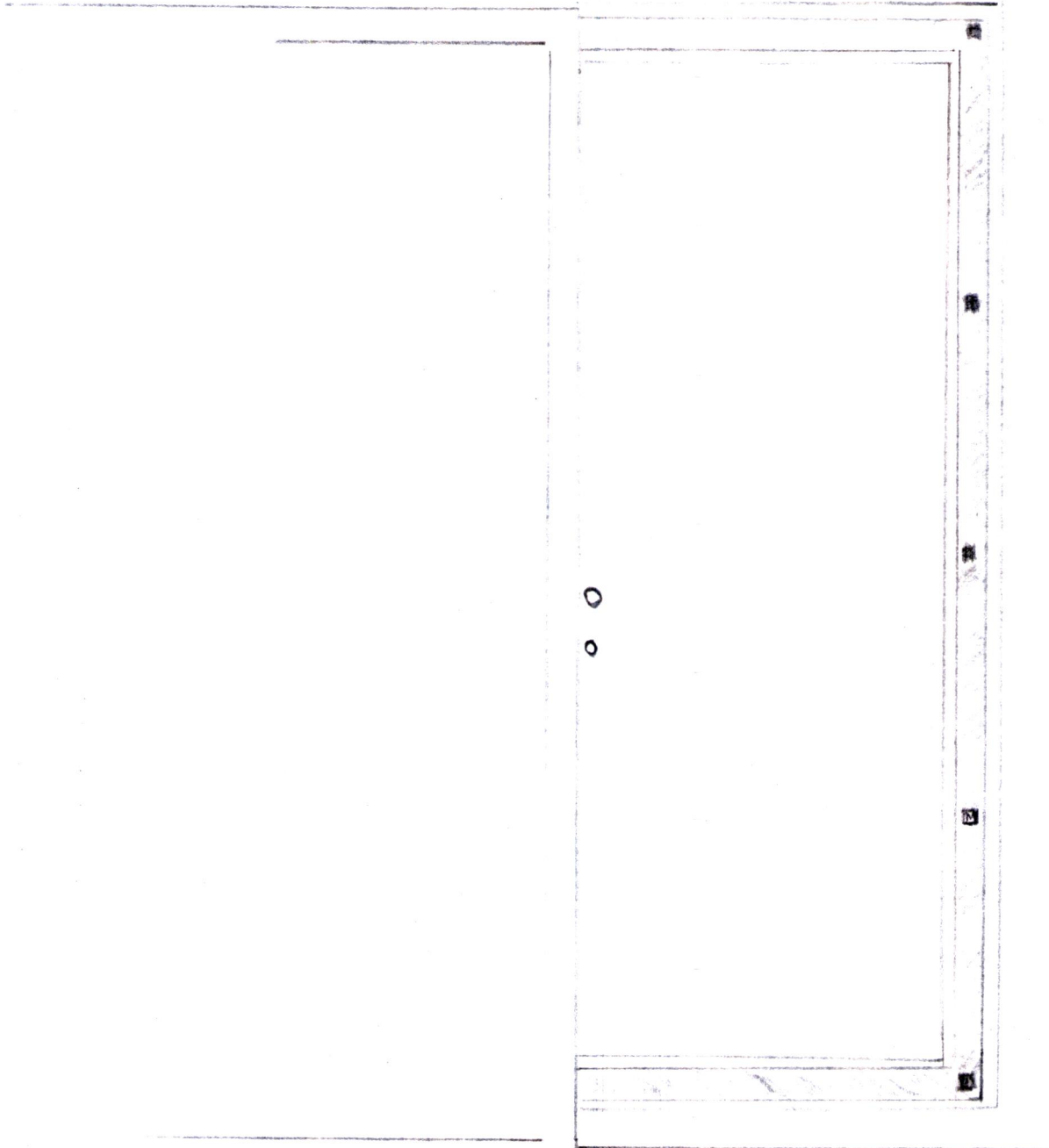
Proposed Verandah to rear of 190 Applewood Heights

Order of Construction Work

1. Remove all plants and shrubs and relocate,
2. Carefully take down existing conservatory (for sale or re-use). Store re-useable items away from siteworks.
3. Clear site of all rubble etc. and expose all hard surfaces and foundations.
4. Break up and remove all hard surfaces etc. that will interfere with the new foundations and then level site.
5. Set up a permanent benchmark to set floor level of new build. (existing house floor level).
6. Survey and record details of location and depth of all underground services (water, gas, surface water, foul water etc.
7. Carry out any necessary alterations to underground services to suit new foundations.
8. Hire concrete mixer and purchase cement, sand and gravel, and concrete solid blocks.
9. Excavate foundation trench to required levels below benchmark to firm ground. Protect all existing under ground pipes and ducts exposed.
10. Establish the top level of the foundations and mark with timber pegs.
11. Mix the foundation concrete and pour into foundations to peg level. Check overall level of foundations.
12. After 24 hours mark out the position of rising walls on foundations then mix cement and sand and lay two courses of concrete blocks, on flat, in stretcher bond.
13. Hack off pebble dashing on house wall to provide smooth surface to accommodate the fixing of timbers and flashings.
14. Purchase structural timbers for the floor and stud walls, timber posts, and timber decking. Include all steel brackets, post supports, bolts and screws as required.
15. Consider buying cheap 6mm plywood sheets or heavy grade plastic sheeting as temporary protection for decking when laid.
16. Set out the positions of the timber posts and bolt the metal shoes in place.
17. Bolt timber wall plate to the house wall, checking the level to suit finished floor level.
18. Bolt timber wall plates to concrete block rising walls, checking levels.
19. Fix angle brackets as cross beam supports and fix timber beams (check levels).
20. Lay floor joists at 450mm centres to cross beams and screw fix. (check levels).
21. Cut posts to required length, notch to receive beam and fit to shoes.
22. Prepare cut to length and screw fix floor decking to joists.
23. Fit fascia board to perimeter.
24. Lay temporary protective covering over decking.
25. Purchase timbers for roof structure.
26. Purchase corrugated roof panels, accessories and fixings.
27. Purchase lead flashing and lead apron, including pipe collar.
28. Alter vertical soil stack to clear new roof.
29. Fix timber wall plate to back wall with bolts, checking height and level to suit fall of roof.
30. Cut and fit beams to notch in vertical posts.
31. Cut rafters to length and splay cut ends to suit roof pitch. Space at 450mm centres and screw fix to beams at both ends.

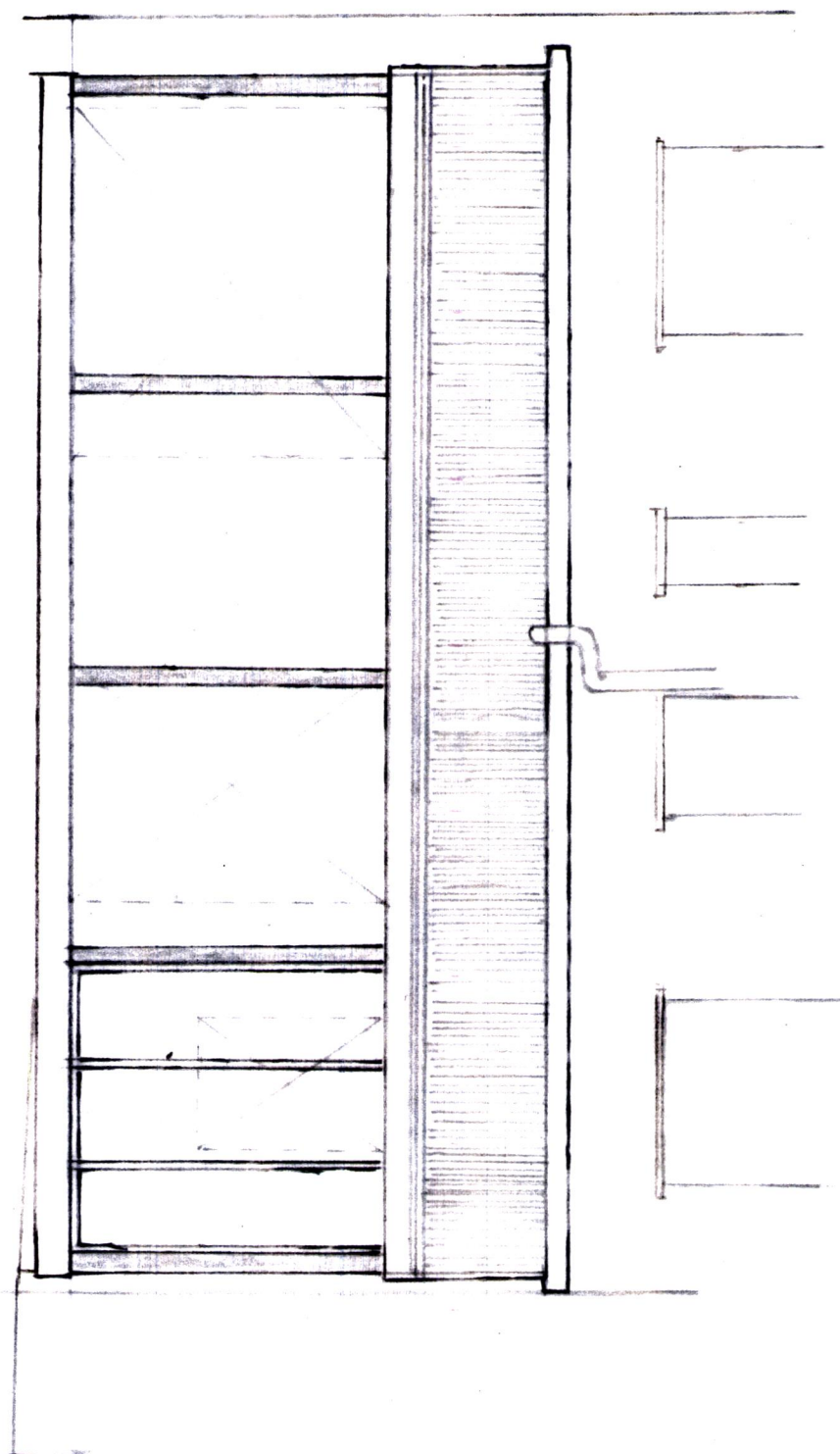
32. Cut and fit three rows of noggins screw fixed to rafters.
33. Fix four/five lengths of roofing battens to rafters.
34. Cut and screw fix fascia and verge boards to perimeter of roof.
35. Purchase roof insulation and T & G boarding for roof soffit and stud walls, electrical cables for lights and sockets.
36. Cut groove in back wall for lead flashing.
37. Fit corrugated sheeting to roof battens with approved fixings.
38. Dress lead apron to corrugations, including pipe collar, and dress lead flashing into groove with lead wedges. Point groove in cement and sand mortar.
39. Install cables for lights and switches in roof .
40. Install insulation between rafters.
41. Cut and pin T & G boarding to roof soffit, staggering joints to suit rafter spacing.
42. Purchase T & G boarding and insulation also glazing beads for stud walls.
43. Cut and fit timber framing for stud walls and glazed screens.
44. Measure sizes of opening for each glazed panel and purchase glass.
45. Insert insulation between vertical studs.
46. Cut and pin T & G boarding to both sides of stud partitions and trim around glazed openings.
47. Fix external glazing beads and insert glass panes. Fix internal glazing beads.
48. Paint all fascia boards, verge boards and T & G boarding.
49. Purchase and fix uPVC gutter and down pipe and accessories.
50. Purchase and fit new light fittings switches.

PROPOSED VERANDAH TO REAR
190 Applewood Heights Greystones Co. Wicklow



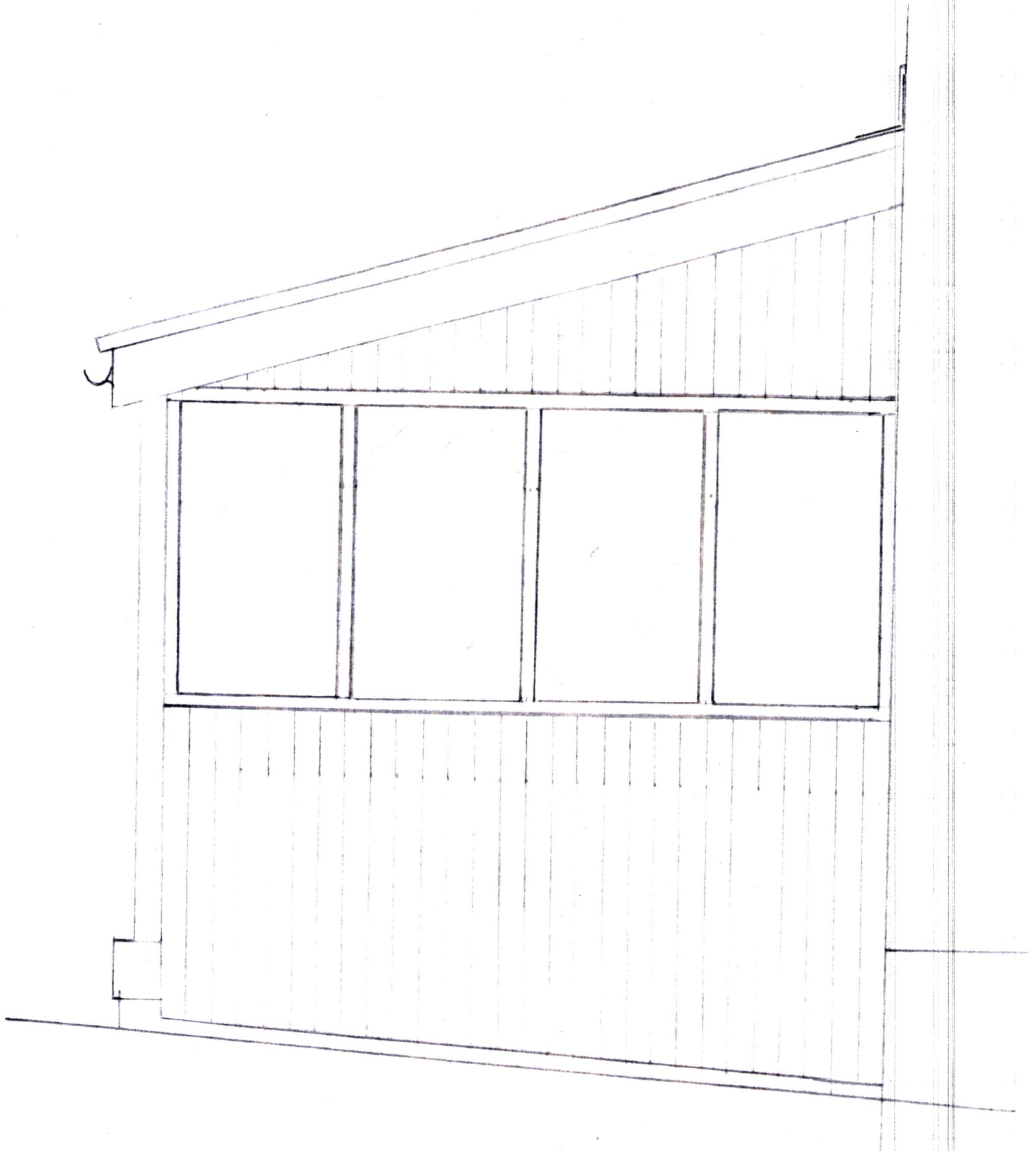
FOUNDATIONS
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PROPOSED VERANDAH TO REAR
190 Applewood Heights Greystones Co. Wicklow



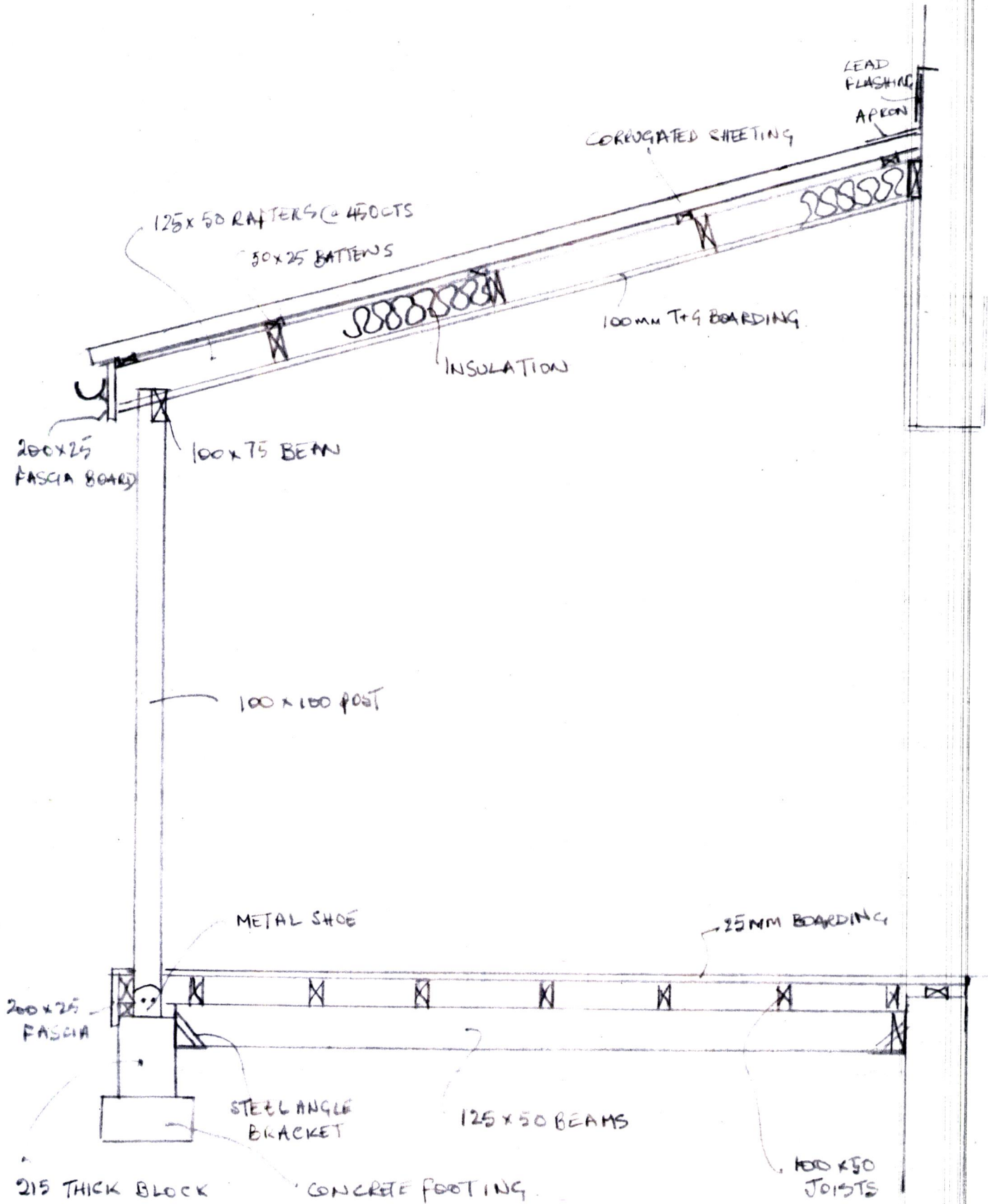
WEST ELEVATION
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PROPOSED VERANDAH TO REAR
190 Applewood Heights Greystones Co. Wicklow

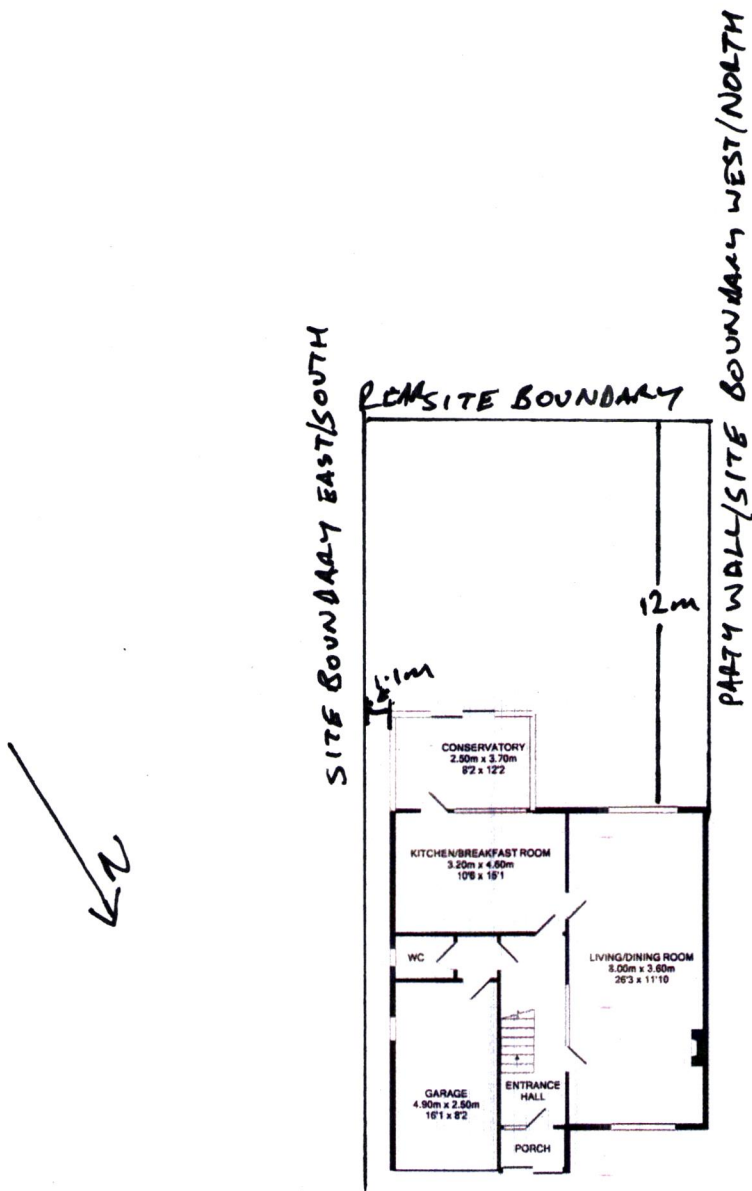


NORTH & SOUTH ELEVATION
scale 1:200

PROPOSED VERANDAH TO REAR
190 Applewood Heights Greystones Co. Wicklow



CROSS SECTION
scale 1:2020



FLOOR PLAN SCHEMATIC (EXISTING)
 1910 APPLEWOOD HEIGHTS
 REAR VERANDAH

NOT TO SCALE