

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

Director of Services Order No: 1407/2022

Reference Number: EX45/2022

Name of Applicant: Bridget Timmons C/O Liam Kenna

Nature of Application: Section 5 Referral as to whether "The installation of 4no. velux windows into the storage area of the attic of the dwelling" at Clarabeg, Moneystown, Co Wicklow is or is not is or is not exempted development.

Location of Subject Site: Clarabeg, Moneystown, Co. Wicklow

RECOMMENDATION: Report from Suzanne White SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "The installation of 4no. velux windows into the storage area of the attic of the dwelling" at Clarabeg, Moneystown, Co Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details received with this section 5 application (EX45/2022) on the 5th August 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).
- Section 4(1)(h), of the Planning and Development Act 2000(as amended).

Main Reasons with respect to Section 5 Declaration:

1. The proposal for "the installation of 4no. velux windows into the storage area of the attic of the dwelling" at Clarabeg, Moneystown, Co. Wicklow would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
2. The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that "The installation of 4no. velux windows into the storage area of the attic of the dwelling" at Clarabeg, Moneystown, Co Wicklow **is development but is exempted development**

a ORDER:

That a declaration to issue stating:

That "The installation of 4no. velux windows into the storage area of the attic of the dwelling" at Clarabeg, Moneystown, Co Wicklow is development but is exempted development within the meaning of the Planning & Development Acts 2000 (as amended) .

Signed: _____

**Director of Services
Planning Development & Environment**

Dated *25* day of August 2022



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco
Suíomh / Website: www.wicklow.ie

Bridget Timmons C/O Liam Kenna
Moneystown
Roundwood
Co Wicklow

August 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 45/2022

Applicant: Bridget Timmons C/O Liam Kenna

Nature of Application: "The installation of 4no. velux windows into the
storage area of the attic of the dwelling" at Clarabeg,
Moneystown. Co Wicklow

Location: Clarabeg, Moneystown. 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.





Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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Rphost / Email: plandev@wicklowcoco
Suíomh / Website: www.wicklow.ie

**DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING &
DEVELOPMENT ACT 2000 AS AMENDED**

Applicant: Bridget Timmons C/O Liam Kenna

Location: Clarabeg, Moneystown, Co. Wicklow

DIRECTOR OF SERVICES ORDER NO. 1407/2022

A question has arisen as to whether "The installation of 4no. velux windows into the storage area of the attic of the dwelling" at Clarabeg, Moneystown, Co Wicklow is or is not exempted development.

Having regard to:

- The details received with this section 5 application (EX45/2022) on the 5th August 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).
- Section 4(1)(h), of the Planning and Development Act 2000(as amended).

Main Reasons with respect to Section 5 Declaration:

1. The proposal for "the installation of 4no. velux windows into the storage area of the attic of the dwelling" at Clarabeg, Moneystown, Co. Wicklow would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
2. The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that "The installation of 4no. velux windows into the storage area of the attic of the dwelling" at Clarabeg, Moneystown, is development but is exempted development.

Signed: 

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated August 2022





WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

Section 5 – Application for declaration of Exemption Certificate

REF: EX45/2022
NAME: BRIDGET TIMMONS
DEVELOPMENT: PROPOSED INSTALLATION OF 4NO. VELUX WINDOWS TO REAR OF DWELLING
LOCATION: CLARABEG NORTH, MONEYSTOWN, CO. WICKLOW

The Site: A single storey bungalow located on the western side of the L-6088-30 public road.

Relevant Planning History:

03/9871: planning permission granted for bungalow, garage and septic tank

Question:

The applicant has applied for a determination as to whether “*the installation of 4no. velux windows into the storage area of the attic of the dwelling*” is or is not development and is or is not exempted development.

Legislative Context:

-Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states the following in respect of ‘development’:

“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 2(1) of the Act states the following in respect of ‘works’:

“Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

Section 4 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

Section 4(1)(h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

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)(a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act;

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

Assessment:

The Section 5 declaration application seeks an answer as to whether or not the *"the installation of 4no. velux windows into the storage area of the attic of the dwelling"* is or is not development; and is or is not exempted development.

The first assessment must be whether or not the proposal outlined above constitutes 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" include any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

The proposal involves alterations to an existing structure and would therefore involve works within the meaning of Section 3 of the Act, the provision of rooflights therefore constitutes development.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

In this regard it is noted that there is no specific exemption which would allow for the introduction of roof lights to the rear of an existing residential unit however it is noted from previous referrals to An Bord Pleanála, that it would be appropriate to consider such an alteration within the context of Section 4(1)(h).

Section 4(1)(h); Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures

With regard to Section 4(1)(h), it is considered, based on the information submitted with this section 5 application, in particular the number, position and size of the rooflights, that the proposed works 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 dwellings.

Recommendation:

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

Whether or not "*the installation of 4no. velux windows into the storage area of the attic of the dwelling*" is or is not development, and is or is not exempted development.

The Planning Authority considers that:

The proposal for "*the installation of 4no. velux windows into the storage area of the attic of the dwelling*" at Clarabeg, Moneystown, Co. Wicklow is development, and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details received with this section 5 application (EX45/2022) on the 5th August 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).
- Section 4(1)(h), of the Planning and Development Act 2000(as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The proposal for "*the installation of 4no. velux windows into the storage area of the attic of the dwelling*" at Clarabeg, Moneystown, Co. Wicklow would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).



Suzanne White
Senior Executive Planner

16/08/2022

Wicklow County Council
County Buildings
Wicklow
0404-20100

08/08/2022 16:20:30

Receipt No 11/0/239569

LIAM KENNA
MONEYSTOWN
ROUNDWOOD
CO WICKLOW

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

Total 80 00 EUR

Tendered
Credit Card 80 00
EX45/2022

Change 0 00

Issued By Charlie Redmond
From Customer Service Hub
Vat reg No 0015233H

L/K DESIGN
Moneystown,
Roundwood,
Co. Wicklow
E-mail: liam@kse.ie
Mob: 0879636167
22.07.22

Wicklow County Council
Planning Department,
County Council Buildings,
Wicklow Town.

RE: Section 5 application for Bridget Timmons, Clarabeg North, Moneystown, Co. Wicklow who is seeking advice on if the installation of 4 velux windows into the storage area of her attic to the rear of her dwelling is exempt development of part 1 of schedule 2 of the current planning regulations. -

Dear Sir / Madame,

Please find enclosed our Section 5 application for Bridget Timmons, Clarabeg North, Moneystown, Co. Wicklow who is seeking advice on if the installation of 4 velux windows into the storage area of her attic to the rear of her dwelling is exempt development of part 1 of schedule 2 of the current planning regulations.

I hope you find this satisfactory and look forward to hearing from you.

Kind Regards

Liam Kenna

Signed:
Liam Kenna



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
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**

1. Applicant Details

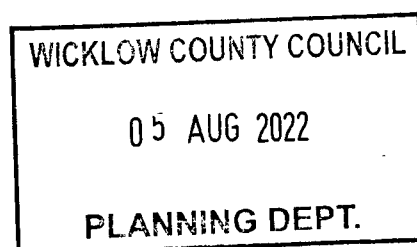
- (a) Name of applicant: _____ Bridget Timmons _____
Address of applicant: _____
Clarabeg North, Moneystown, CO. WICKLOW _____

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) LIAM KENNA _____
Address of Agent : _____
MONEYSTOWN, ROUNDWOOD, CO. WICKLOW _____

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



3. Declaration Details

- i. Location of Development subject of Declaration
Clarabeg North, Moneystown, CO. WICKLOW
- 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 _____

N/A

- 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
MY CLIENT WISHES TO CLARIFY IF THE INSTALLATION OF 4 VELUX WINDOWS INTO THE STORAGE AREA OF HER ATTIC TO THE REAR OF HER DWELLING IS EXEMPT DEVELOPMENT.
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
PART 1 OF SCHEDULE 2
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 _____
PLEASE SEE ATTACHED

viii. Fee of € 80 Attached ? ~~PLEASE SEE ATTACHED~~ *please contact me on 0879636167 for payment*

Signed : Liam LAMA Dated : 28/7/22

Additional Notes :

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

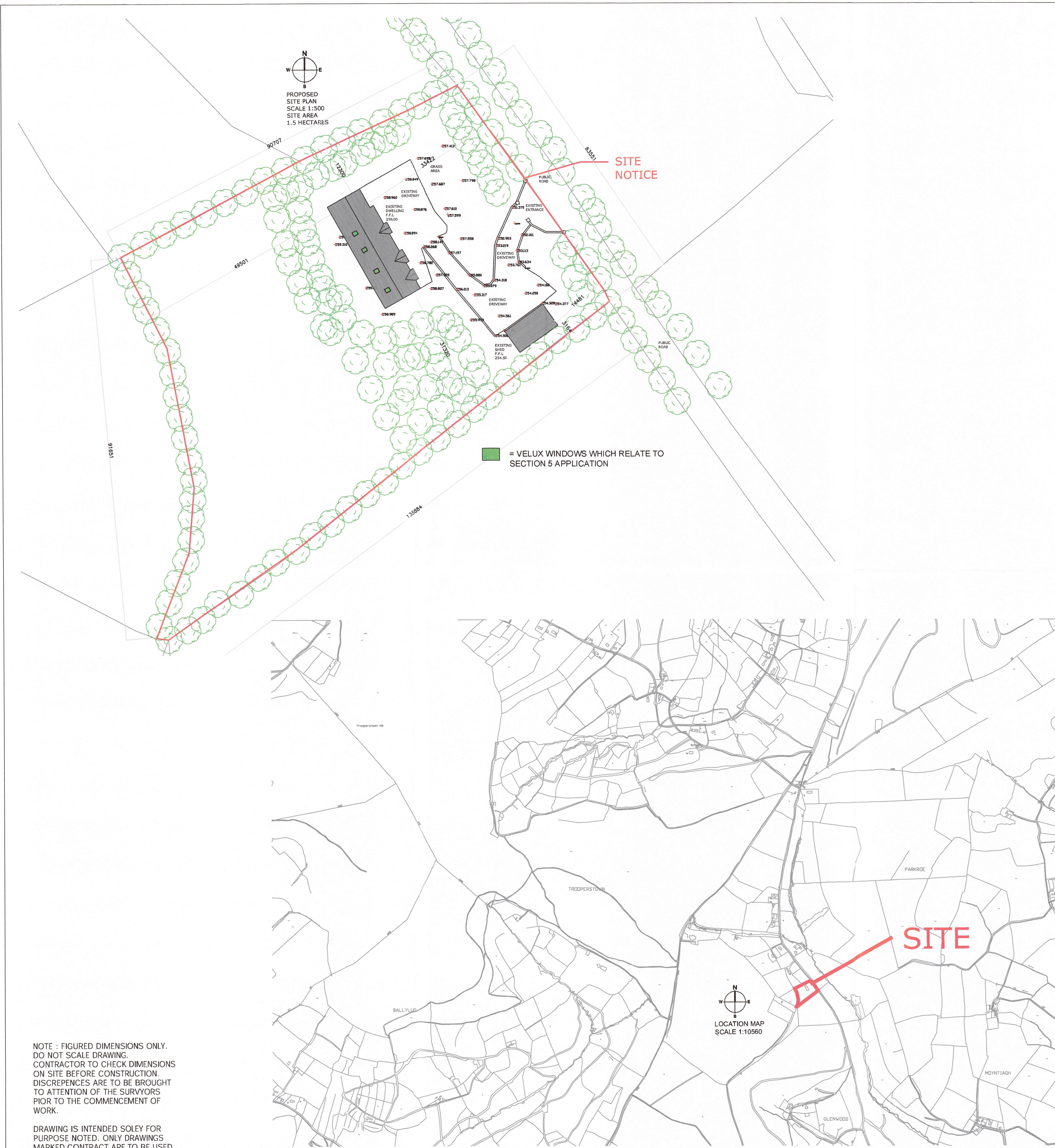
A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- 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.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.



PROPOSED
SITE PLAN
SCALE 1:500
SITE AREA
1.5 HECTARES

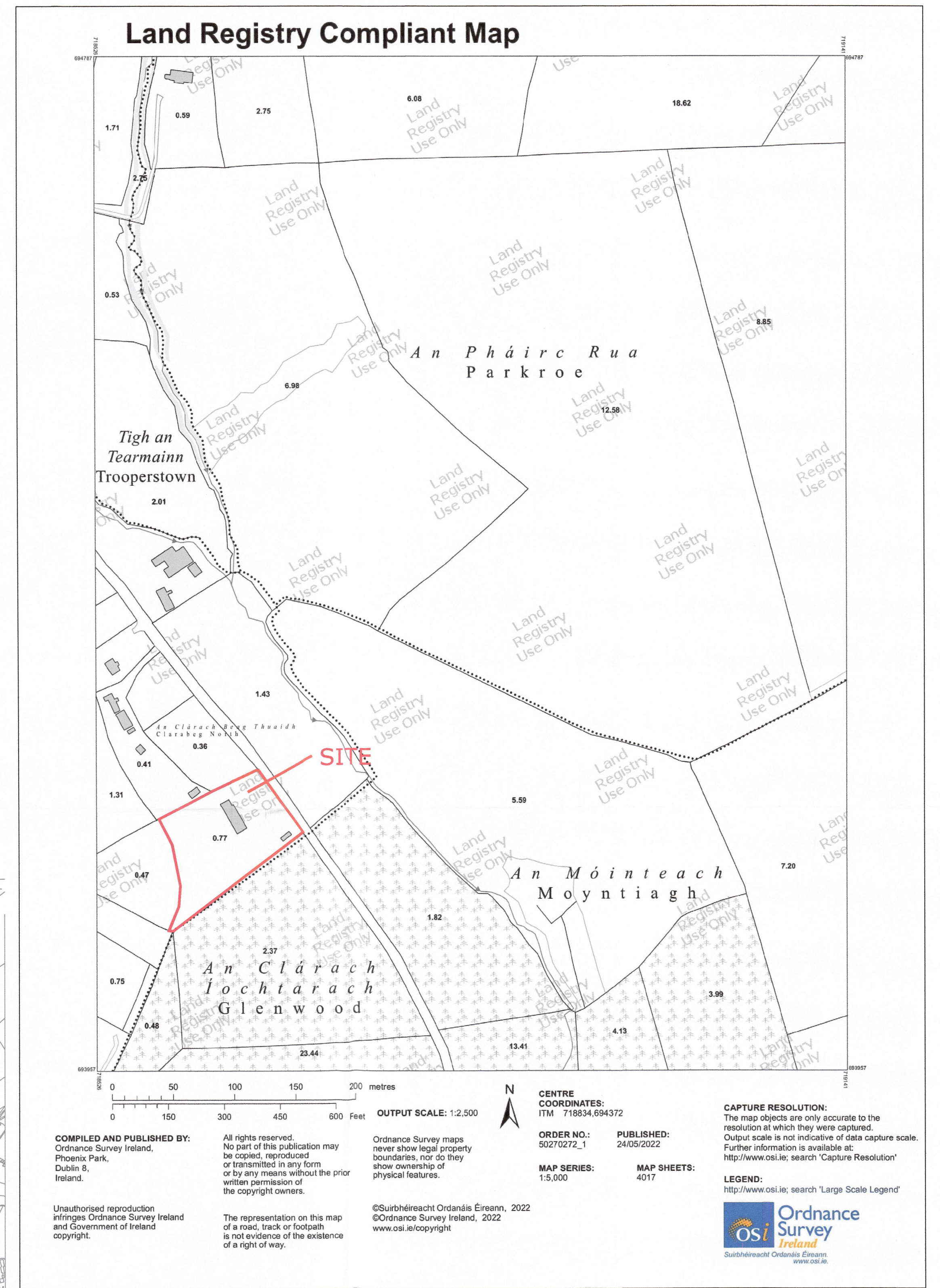
SITE
NOTICE

■ = VELUX WINDOWS WHICH RELATE TO SECTION 5 APPLICATION

LOCATION MAP
SCALE 1:10560

NOTE : FIGURED DIMENSIONS ONLY.
DO NOT SCALE DRAWING.
CONTRACTOR TO CHECK DIMENSIONS
ON SITE BEFORE CONSTRUCTION.
DISCREPANCIES ARE TO BE BROUGHT
TO ATTENTION OF THE SURVYORS
PIOR TO THE COMMENCEMENT OF
WORK.

DRAWING IS INTENDED SOLEY FOR
PURPOSE NOTED. ONLY DRAWINGS
MARKED CONTRACT ARE TO BE USED
FOR CONSTRUCTION.



Land Registry Compliant Map

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Dublin 8,
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CENTRE
COORDINATES:
ITM 718834.694372

ORDER NO.:
50270272_1

MAP SERIES:
1:5,000

MAP SHEETS:
4017

OUTPUT SCALE: 1:2,500

PUBLISHED:
24/05/2022

LEGEND:
<http://www.osi.ie>; search 'Large Scale Legend'

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
<http://www.osi.ie>; search 'Capture Resolution'



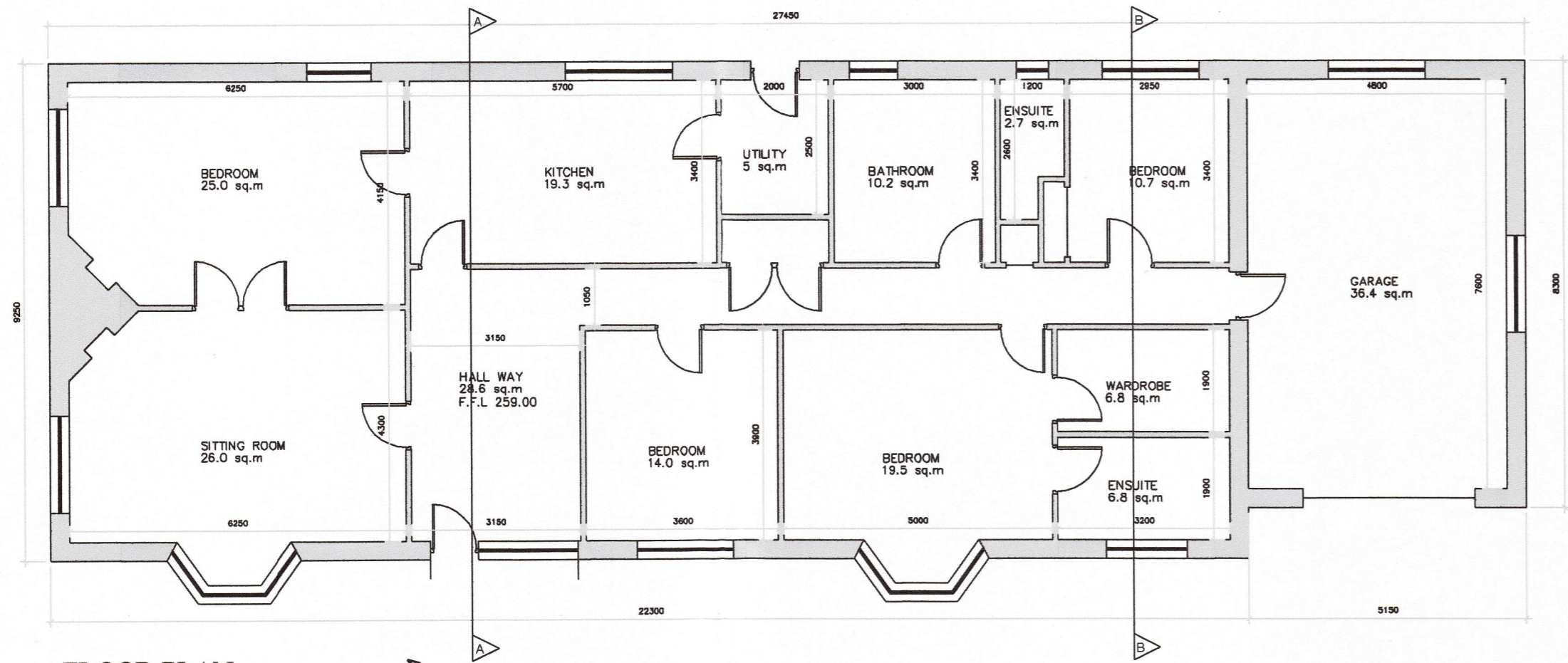
DRAWING:
EXISTING SITE LAYOUT, OS
MAPS.
SCALE 1: 10560, 2500,
500

PROJECT:
BRIDGET TIMMONS,
CLARABEG NORTH,
MONEYSTOWN,
CO. WICKLOW

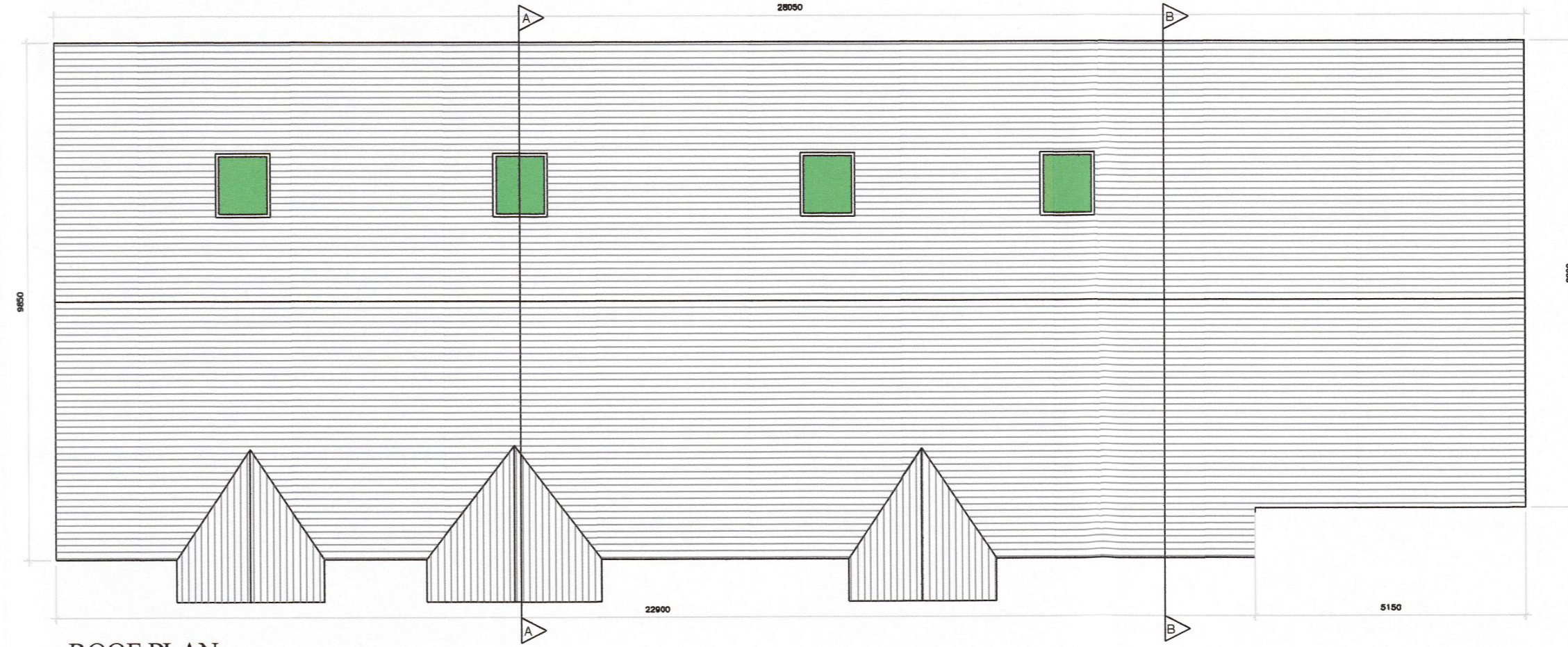
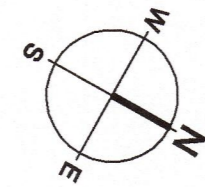
DRAWING NO. SHEET NO.
001 1

DRAWING BY:
LIAM KENNA

DATE:
22.07.22



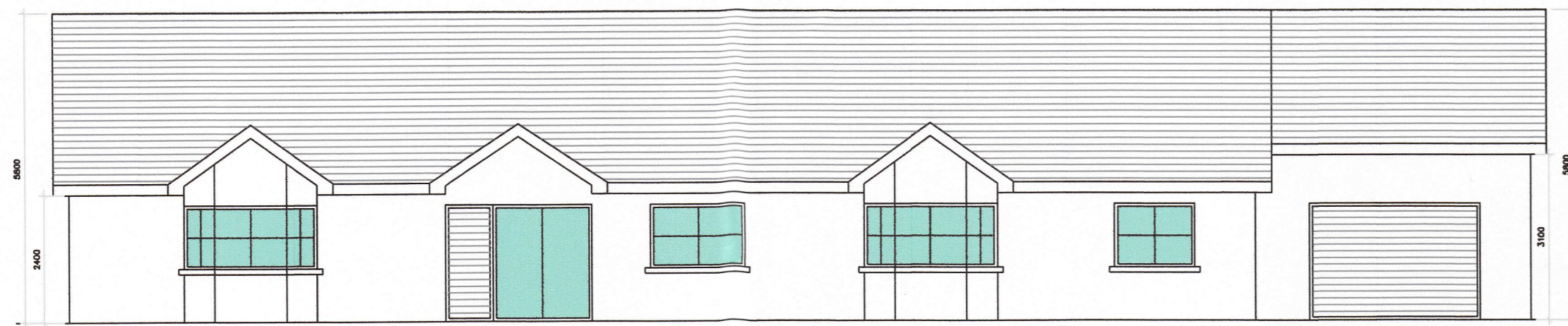
FLOOR PLAN
SCALE 1:100
FLOOR AREA 223 SQM



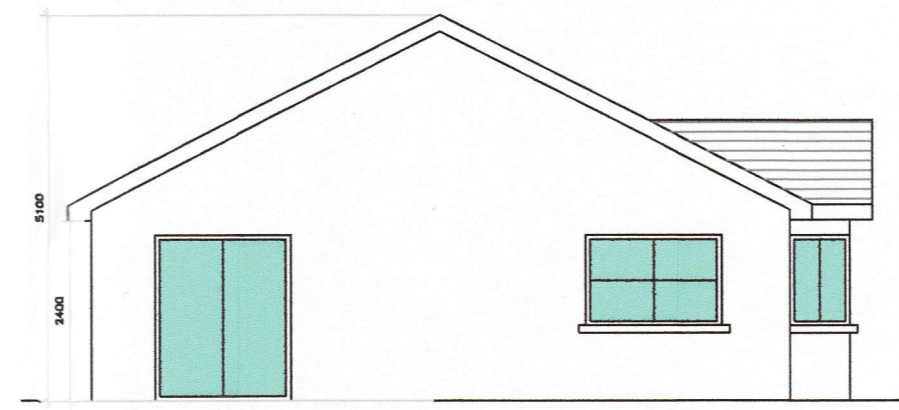
ROOF PLAN
SCALE 1:100

■ = VELUX WINDOWS WHICH RELATE TO SECTION 5 APPLICATION

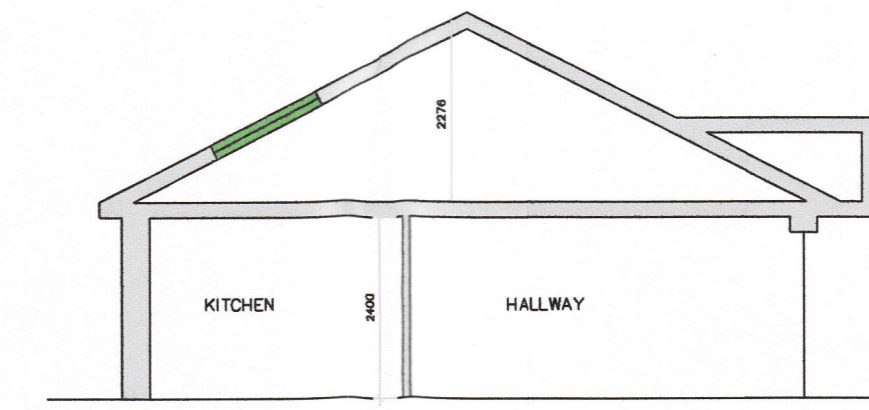
FINISHES:
ROOF: TILES
WALLS: Nap plaster render
CILLS: Concrete
WINDOWS: PVC timber effect glazed windows



FRONT ELEVATION
SCALE 1:100

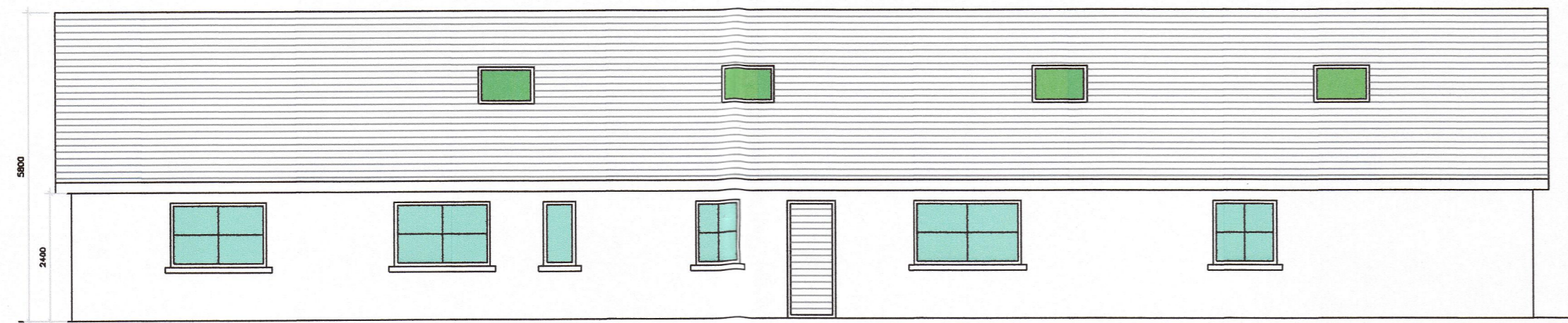


SIDE ELEVATION
SCALE 1:100

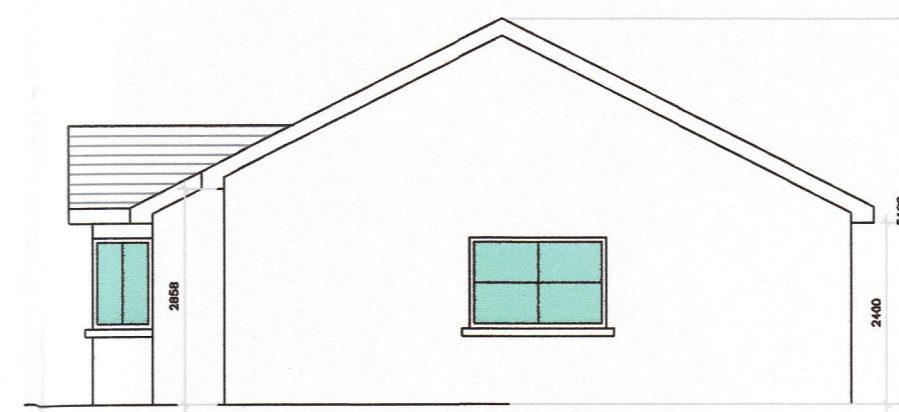


SECTION A-A
SCALE 1:100

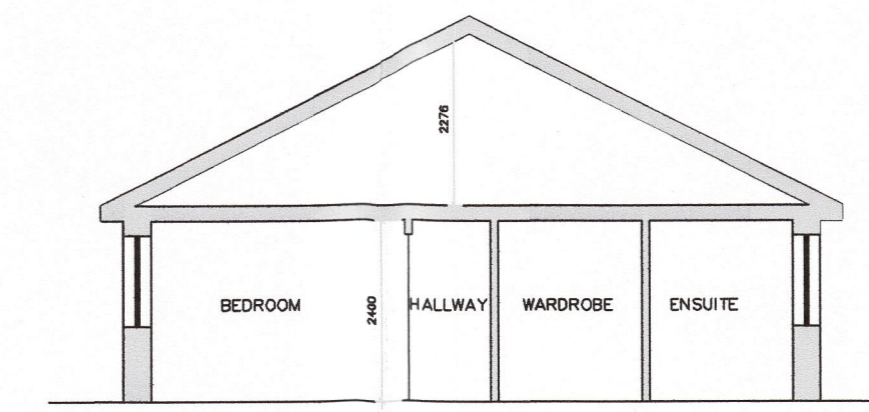
■ = VELUX WINDOWS WHICH RELATE TO SECTION 5 APPLICATION



REAR ELEVATION
SCALE 1:100



SIDE ELEVATION
SCALE 1:100



SECTION B-B
SCALE 1:100

NOTE : FIGURED DIMENSIONS ONLY.
DO NOT SCALE DRAWING.
CONTRACTOR TO CHECK DIMENSIONS
ON SITE BEFORE CONSTRUCTION.
DISCREPANCIES ARE TO BE BROUGHT
TO ATTENTION OF THE SURVYORS
PRIOR TO THE COMMENCEMENT OF
WORK.

DRAWING IS INTENDED SOLEY FOR
PURPOSE NOTED. ONLY DRAWINGS
MARKED CONTRACT ARE TO BE USED
FOR CONSTRUCTION.

DRAWING:
EXISTING DWELLING
SCALE 1: 100

PROJECT:
BRIDGET TIMMONS,
CLARABEG NORTH,
MONEYSTOWN,
CO. WICKLOW

DRAWING BY:
LIAM KENNA

DATE:
22.07.22

DRAWING NO.
001

SHEET NO.
1