

Comhairle Contae Chill Mhantáin Uicklou County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

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

Brian Farrell & Aedamar O'Rourke, Glansekin, Portland Road North, Greytones Co. Wicklow

June 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX59/2025 –

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

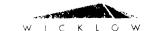
Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanala of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

ADMINISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT







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

Applicant: Brian Farrell & Aedamar O'Rourke

Location: Glansekin, Portland Road North , Greytones, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/609

A question has arisen as to whether "the provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling" at Glansekin, Portland Road North, Greytones, Co. Wicklow is or is not exempted development.

Having regard to:

- i. The details received on 16/05/2025;
- ii. Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- iii. Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- a) The provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- b) The provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling, having regard to its location within the covered veranda and limited extent, would not materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring 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 provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling" at Glansekin, Portland Road North, Greystones, Co. Wicklow is development and is exempted development

Signed:]

ADMINISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated June 2025





WICKLOW COUNTY COUNCIL PLANNING & DEVELOPMENT ACTS 2000 (As Amended) SECTION 5 CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/609

Reference Number:

EX 59/2025

Name of Applicant:

Brian Farrell & Aedamar O'Rourke

Nature of Application:

Section 5 Referral as to whether or not "the provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling".is or is not development and is or is not exempted

development.

Location of Subject Site:

Glansekin, Portland Road North, Greytones, Co. Wicklow

Report from Dara Keane (AP) & Suzanne White (SEP)

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling" Glansekin, Portland Road North, Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

i. The details received on 16/05/2025;

ii. Sections 2 and 3 of the Planning and Development Act 2000 (as amended);

iii. Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Main Reason with respect to Section 5 Declaration:

- a) The provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- b) The provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling, having regard to its location within the covered veranda and limited extent would not materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Recommendation

The Planning Authority considers that "the provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling" at Glansekin, Portland Road North, Greytones, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed Dicka Memuy

Dated 12 day of June 2025

ORDER:

I HEREBY DECLARE:

That "the provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling" at Glansekin, Portland Road North, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

Senior Engineer

Planning, Economic & Rural Development

Dated / 2 day of June 2025



To:

Fergal Keogh S.E / Edel Bermingham S.E.P / Suzanne White S.E.P

From:

Dara Keane A.P.

Type:

Section 5 Application

REF:

EX 59/2025

Applicant:

Brian Farrell & Aedamar O'Rourke

Date of Application: 16/05/2025 Decision Due Date: 12/06/2025

Address:

Glansekin, Portland Road North, Greystones, Co. Wicklow

Exemption Query:

Proposed 3sqm link extension between Kitchen and Living room and a

Bay Window.

Application Site:

The application site is a two-storey Domestic Revival style house located on Portland Road North in the townland of Killincarrig, Greystones, Co. Wicklow. The proposed site is located within the

Greystone-Delgany Architectural Conservation Area (ACA).

Aerial Image



Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be re worded as follows:

- a) Provision of a 3sqm link extension at ground level between Kitchen and Living room;
- b) Installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling

at Glansekin, Portland Road North, Greystones.'

Relevant Planning History: None noted.

Question:

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

- a) Provision of a 3sqm link extension at ground level between Kitchen and Living room;
- b) Installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling;

at Glansekin, Portland Road North, Greystones, Co. Wicklow.' is or is not exempted development:

Legislative Context

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

"works" includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

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 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."

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and Development Regulations 2001(as amended)

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 permission under Act or be inconsistent with any use specified in permission under the Act,
 - (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
 - (iii) Endanger public safety by reason of traffic hazard or obstruction of road users.
 - (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

And so on.

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.

Details submitted in support of the application

Existing Dwelling GFA: N/A

Proposed Extension GFA: 3sqm

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question: Whether the;

- a) Provision of a 3sqm link extension at ground level between Kitchen and Living room;
- b) Installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling;

at Glansekin, Portland Road North, Greystones.' 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:

<u>"development"</u> 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:

<u>"works"</u> 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.

I am satisfied that the proposal would involve <u>works</u> to the existing structure and therefore the proposal does constitute development.

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

Section 4(1)(h) provides the carrying out of works for the maintenance, improvement or other alteration of any structure are exempted where such works would not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or neighbouring structures. Having regard to the minor nature and the siting of the proposed works, I do not consider that the provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground floor level on the side (north east) elevation of existing three storey detached dwelling would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the house or neighbouring houses. I therefore consider that the works would fall under the remit of 4(1) (h) of the Planning and Development Act 2000 (as amended).

Conclusion:

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

- a) Provision of a 3sqm link extension at ground level between Kitchen and Living room;
- b) Installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling;

at Glansekin, Portland Road North, Greystones, Co. Wicklow 'is or is not development and is or is not exempted development:

The Planning Authority considers that:

The provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling is Development and is Exempted Development.

Main Considerations with respect to Section 5 Declaration:

- i. The details received on 16/05/2025;
- ii. Sections 2 and 3 of the Planning and Development Act 2000 (as amended);
- iii. Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

contained within the

Main Reasons with respect to Section 5 Declaration:

- a) The provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- b) The provision of a 3sqm link extension between Kitchen and Living room and installation of 1 no. new Bay window at ground level on the side (north east) elevation of existing three storey detached dwelling would not materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

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Dara Keane Assistant Planner

09/06/2025

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Dara Keane Assistant Planner FROM:

Nicola Fleming Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX59/2025

I enclose herewith application for Section 5 Declaration received completed on 16/05/2025.

The due date on this declaration is 12th June 2025.

Staff Officer

Planning, Economic & Rural Development



Comhairle Contae Chill Mhantáin Uicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

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

Frank Downey
5D Architecture
Beechmore Lodge
Blackditch
Magheramore
Co. Wicklow
A67 W670

20th May 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX59/2025 for Brian Farrell & Aedamar O'Rourke

A Chara

I wish to acknowledge receipt on 16/05/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 12/06/2025.

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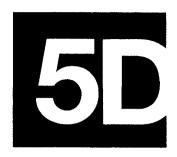
Nicola Fleming

Staff Officer

Planning, Economic & Rural Development







15th May 2025

Planning Department, Wicklow County Council, County Buildings, Station Road, Wicklow Town, Co. Wicklow. WICKLOW COUNTY COUNCIL

1 6 MAY 2025

PLANNING DEPT.

Our Ref: 5D2514

RE: Application for a declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended) as to what is or is not development at Glanseskin, Portland Road North, Greystones, Co. Wicklow, A63 AV25.

Dear Sirs,

We now enclose the relevant documentation & drawings in connection with the above application.

We look forward to hearing from you.

Thank You.

Yours Sincerely

Frank Downey MRIAI

BA(Hons) Arch, Dip. Arch, Prof. Dip (Arch)

WICKLOW COUNTY COUNCIL

1 6 MAY 2025

PLANNING DEPT.

List of enclosures:

RE: Application for a declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended) as to what is or is not development at Glanseskin, Portland Road North, Greystones, Co. Wicklow, A63 AV25.

No. of copies

Drawing No.

Scale

Description

1 no copy of drwg no. 2514 01 – Scale 1:100 (A3 size) – Existing & proposed ground floor plans.

1 no copy of drwg no. 2514 02 – Scale 1:100 (A3 size) – Existing & proposed first floor plans(no change).

1 no copy of drwg no. 2514 03 – Scale 1:100 (A3 size) – Existing & proposed south east & north east elevations.

1 no copy of drwg no. 2514 04 - Scale 1:500 (A3 size) - Site layout plan.

1 no copy of drwg no. 2514 05 - Scale 1:1000 (A3 size) - Site identification map.

1 no copy of drwg no. 1922 06 - Scale 1:10560 (A4 size) - Site location map.

1 no. application form.

1 no. copy of Copyright receipt from OSI.

1 no cheque to the value of €80.00.

Invoice / Receipt



Tailte Éireann Surveying Phoenix Park, Dublin 8 D08 F6E4 VAT No. IE 4102063GH custserv@tailte.ie +353-1-802-5300

€209.10

Grand Total:

Invoice #: 50466276

Invoice Date: 14 May 2025, 11:29:59 Order Date: 14 May 2025, 11:24:50

Sold to: Frank Downey 5D Architecture Unit 3 Village Mill Enterprise Park Rathnew, Wicklow, 0000 Ireland

T: 0868280775

Payment Method

Pay by Card Terminal

Product	SKU	Price	Qty	VAT %	Tax	Subtotal
Planning Pack	471016	€85.00	1	23.0 %	€19.55	€104.55
729248,711699, A4,	1:1,000, Landscap	e, AutoCAD DW	/G , ITM			
Planning Pack	471018	€85.00	1	23.0 %	€19.55	€104.55
731962,690728, A4,	1:2,500, Landscap	e, AutoCAD DW	/G , ITM			
					Subtotal:	€170.00
					Tax:	€39.10

Wicklow County Council County Buildings Wicklow 0404-20100

16/05/2025 11 03 54

Receipt No. 1 1/0/345455

FRANK DOWNEY BEECHWOOD BLACK DITCH MAGHERMORE WICKLOW

GOODS 80 00 VAT Exempt/Non-vatable

EXEMPTION CERTIFICATES

80.00

Total 80 00 EUR

Tendered
Cheque 80 00
A63 AV25

Change 0.00

Issued By Ruth Graham From Customer Service Hub Vat reg No 0015233H



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: Brian Farrell & Aedamar O' Rourke
Address of applicant: Glanseskin, Portland Road North, Greystones, Co.
Wicklow, A63 AV25.

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Frank Downey of 5D ArchitectureAddress of Agent : Beechmore Lodge, Blackditch, Magheramore,Co. Wicklow. A67 W670

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

WICKLOW COUNTY COUNC .

1 6 MAY 2025

PLANNING DEPT.

WICKLOW COUNTY COUNCIL

1 6 MAY 2025

PLANNING DEPT.

3. Declaration Details

Location of Development subject of Declaration: Glanseskin, Portland Road North, Greystones, Co. Wicklow
Are you the owner and/or occupier of these lands at the location under i. above ? Yes/ $\frac{No}{No}$.
If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier n/a
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, an 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 We have been asked to provide link between new kitchen and the existing livingroom, 3sq. metres in size and all under existing roof along with elevational changes to the south east & north east elevations. We have also been asked to provide a bay window to the north east elevation.
Additional details may be submitted by way of separate submission.
Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration Is it exempted development

Additional details may be submitted by way of separate submission.

i.	Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)? No
ii.	List of Plans, Drawings submitted with this Declaration Application. See letter & list of enclosures
iii.	Fee of € 80 Attached ? Cheque enclosed
Signed	Dated: 15 / 05 / 2025
Additi	onal 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.

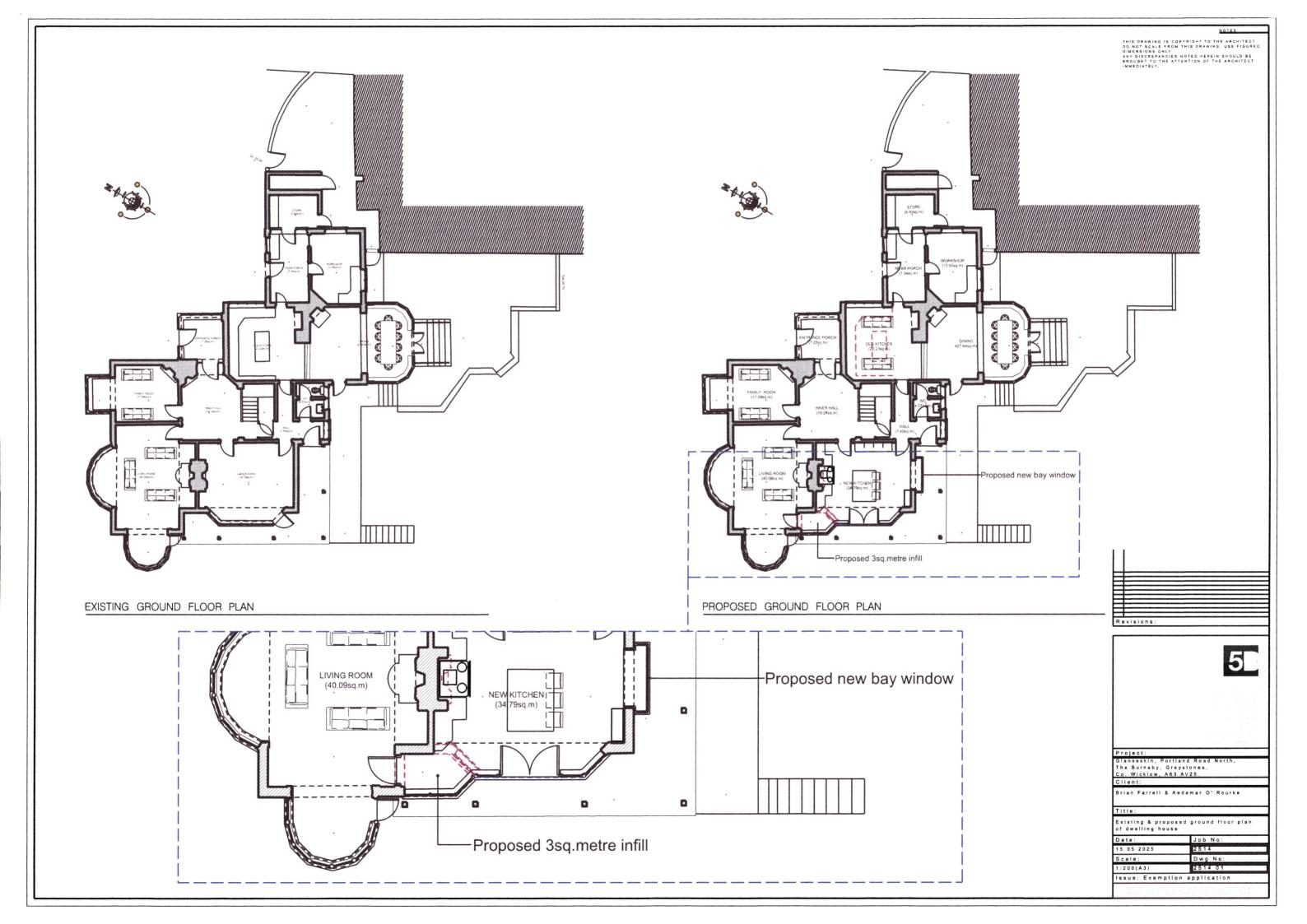
B. Land Reclamation -

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.

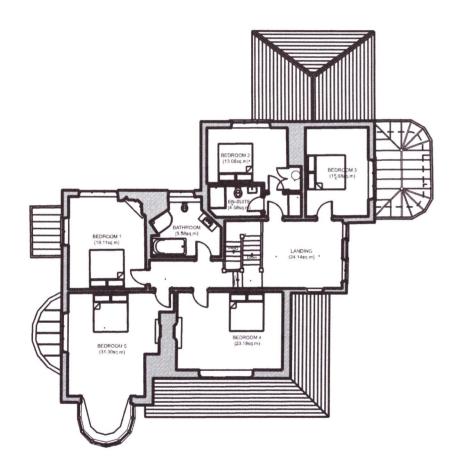
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 - Class 10 Part 3 of Schedule 2.

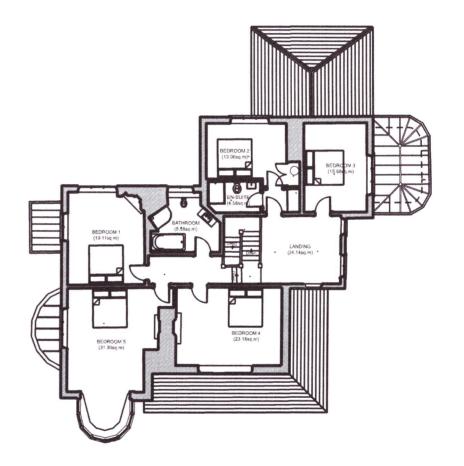
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



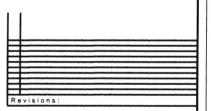
THIS DRAWING IS COPYRIGHT TO THE ARCHITECT.
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BROUGHT OTHE ATTENTION OF THE ARCHITECT
IMMEDIATELY.



EXISTING FIRST FLOOR PLAN



PROPOSED FIRST FLOOR PLAN - NO CHANGE



5D

Project: Glanseskin, Portland Road Nort The Burnaby, Greystones, Co. Wicklow, A63 AV25 Cilent:

Brian Farrell & Aedamar O'Rourke

Existing & proposed first floor plan of dwelling house - No Change

Scale: Dwg No:
1:200(A3) 2514 02
Issue: Exemption application





Tailte *ireann
Data Source /Reference:
PRIME2
File Format: ===================================
File Name: ===================================
Clip Extent/Area of Interest (AOI): ===================================
Projection / Spatial Reference: ===================================
Centre Point Coordinates: ===================================
Reference Index: ===================================
Data Extraction Date: ===================================
Source Data Release: ===================================
Product Version: ===================================
License /Copyright: ===================================
www.tailte.ie





Date:	Job No:	Project:	SD Architecture is a Registered Tracing Name for Frank Dividey Architects Lis		
15 05 2025	2514	Glanseskin, Portland Road North,			
Scale:	Dwg No:	The Burnaby, Greystones, Co. Wicklow, A63 AV25			
1:1000(A3)	2514 05	Client:	Title:		
Issue: Planning		Brian Farrell & Aedamar O' Rourke	Site identification / location map		

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