



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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23rd April 2025

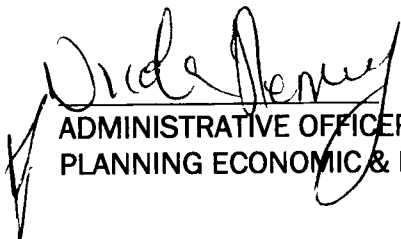
Ashford Property Services
The Square
Ashford
Co. Wicklow

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX39/2025 – Angela & Ian Denver

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 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 ECONOMIC & RURAL DEVELOPMENT**



*Tá an doiciméad seo ar fáil i bhformáid leighis príobháideach
This document is available in accessible formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhíse, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development





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

Applicant: Ian & Angela Denver

Location: 5 Florence Terrace, Florence Road, Bray, Co. Wicklow

Reference Number: EX39/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/398

Section 5 Declaration as to whether “a) Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and b) Provision of a new 1-1.5m high fence along existing boundary wall” at 5 Florence Terrace, Florence Road, Bray, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- i. The details submitted on 28/03/2025;
- ii. Section 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 1 & Class 5 of the Planning and Development Regulations 2001 (as amended).
- v. Record of Protected Structures Appendix 4 of the County Development Plan 2022-2028, Bray MD Local Area Plan 2018.

Main Reasons with respect to Section 5 Declaration:

1. 1 - 13 Florence Terrace is a protected structure B14 as set out in the Record of Protected Structures Appendix 4 of the Wicklow County Development Plan 2022-2028, and Bray MD LAP 2018.
2. The provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and new 1-1.5m high fence along existing boundary wall is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
3. The development would not come within the provisions of Class 1 of the Planning and Development Regulations 2001(as amended) as the extension would not accord with Limitation 1(b) which provides that where a house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 sqm, as the extension is above ground level and is c. 28sqm. Furthermore given the identified type of conservatory with side windows which would be within 11m of the side boundary it would not accord with Limitation 6(b) of Class 1.



*Ta an doic seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative format on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Sturthoir Seirbhíis, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



4. The proposed development of a rear extension on new platform with steps which includes replacement of existing sash window with door would materially affect the character of the structure or elements of the structure which contributes to its special architectural interest and therefore is not exempted works having regard to the provisions of section 57 of the Planning and Development Act 2000(As Amended)
5. There is no exemption within the Planning and Development Regulations 2001 (as amended) for a platform structure.
6. The proposed new 1-1.5m high fence along existing boundary wall would not come within the description and limitations as set out under Schedule 2, Part 1, Class 5, of the Planning and Development Regulations 2001 (as amended) as the height of the proposed fence together with existing boundary wall would exceed 2 metres from ground level whilst insufficient information has been submitted detailing the proposed material finish of the fence and therefore is not exempted development.

The Planning Authority considers that "a) Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and b) Provision of a new 1-1.5m high fence along existing boundary wall" at 5 Florence Terrace, Florence Road, Bray, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  April 2025



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/398

Reference Number: EX39/2025

Name of Applicant: Ian & Angela Denver

Nature of Application: Section 5 Declaration request as to whether or not: -
“a) Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and b) Provision of a new 1-1.5m high fence along existing boundary wall” is or is not development and is or is not exempted development.

Location of Subject Site: 5 Florence Terrace, Florence Road, Bray, Co. Wicklow

Report from Dara Keane, AP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether “a) Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and b) Provision of a new 1-1.5m high fence along existing boundary wall” at 5 Florence Terrace, Florence Road, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- i. The details submitted on 28/03/2025;
- ii. Section 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 1 & Class 5 of the Planning and Development Regulations 2001 (as amended).
- v. Record of Protected Structures Appendix 4 of the County Development Plan 2022-2028, Bray MD Local Area Plan 2018.

Main Reason with respect to Section 5 Declaration:

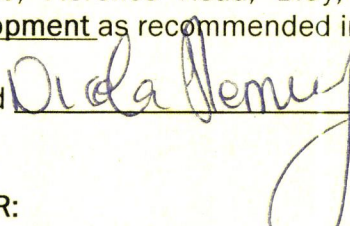
- 1) 1 - 13 Florence Terrace is a protected structure B14 as set out in the Record of Protected Structures Appendix 4 of the Wicklow County Development Plan 2022-2028, and Bray MD LAP 2018.
- 2) The provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and new 1-1.5m high fence along existing boundary wall is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 3) The development would not come within the provisions of Class 1 of the Planning and Development Regulations 2001(as amended) as the extension would not accord with

Limitation 1(b) which provides that where a house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 sqm, as the extension is above ground level and is c. 28sqm. Furthermore given the identified type of conservatory with side windows which would be within 11m of the side boundary it would not accord with Limitation 6(b) of Class 1.

- 4) The proposed development of a rear extension on new platform with steps which includes replacement of existing sash window with door would materially affect the character of the structure or elements of the structure which contributes to its special architectural interest and therefore is not exempted works having regard to the provisions of section 57 of the Planning and Development Act 2000(As Amended)
- 5) There is no exemption within the Planning and Development Regulations 2001 (as amended) for a platform structure.
- 6) The proposed new 1-1.5m high fence along existing boundary wall would not come within the description and limitations as set out under Schedule 2, Part 1, Class 5, of the Planning and Development Regulations 2001 (as amended) as the height of the proposed fence together with existing boundary wall would exceed 2 metres from ground level whilst insufficient information has been submitted detailing the proposed material finish of the fence and therefore is not exempted development.

Recommendation:

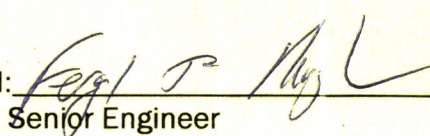
The Planning Authority considers that "a) Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and b) Provision of a new 1-1.5m high fence along existing boundary wall" at 5 Florence Terrace, Florence Road, Bray, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed: 

Dated  day of April 2025

ORDER:

I HEREBY DECLARE THAT "a) Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and b) Provision of a new 1-1.5m high fence along existing boundary wall" at 5 Florence Terrace, Florence Road, Bray, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

Senior Engineer
Planning, Economic & Rural Development

Dated  day of April 2025

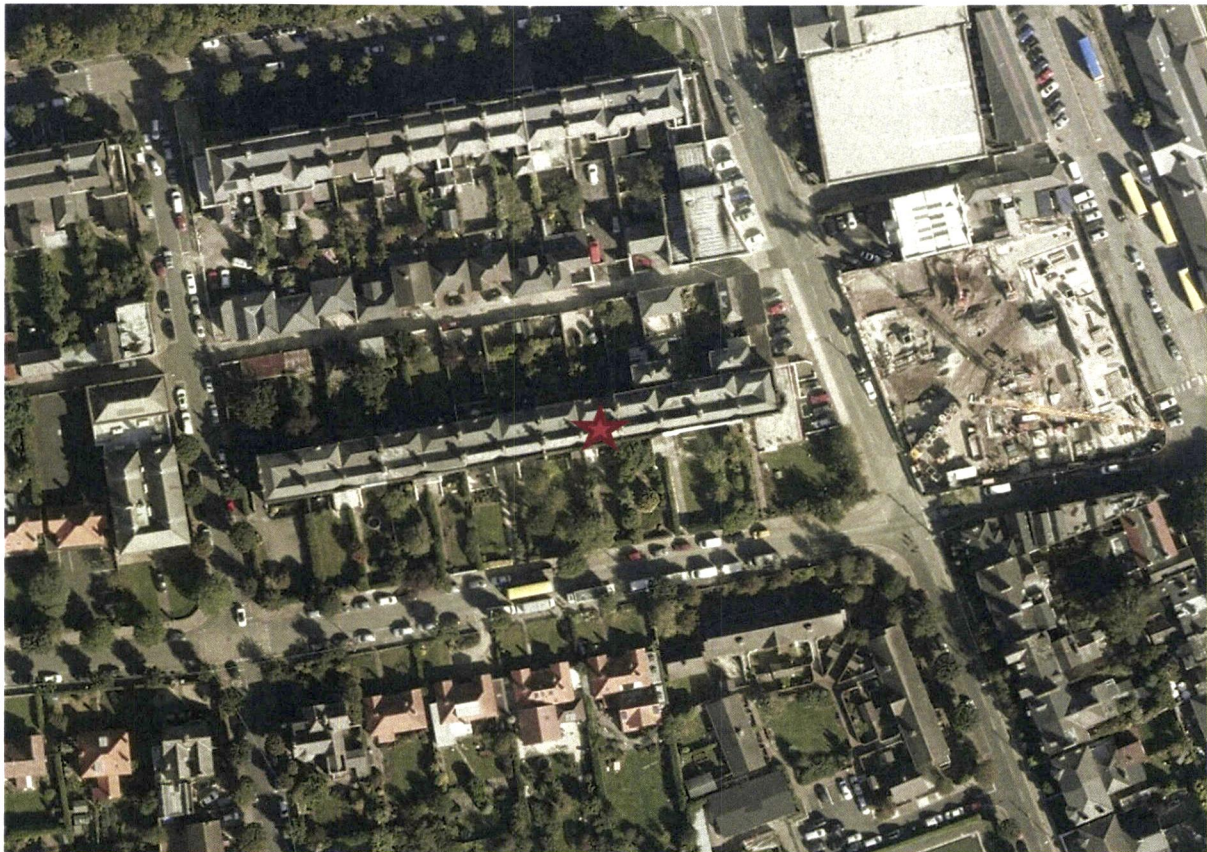


**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

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 39/2025
Applicant: Ian & Angela Denver
Date of Application: 28/03/2025
Decision Due Date: 24/04/2025
Address: No. 5 Florence Terrace, Florence road, Bray, Co. Wicklow
Exemption Query: Replace sash window with door, conservatory, fence, steps to elevated garden

Application Site: The application site is a mid-terrace 3 storey dwelling located along Florence Road within the townland of Bray, Co. Wicklow. The dwelling itself is a protected structure (ID: 14) under the Wicklow County Development Plan 2022-2028 and has also been listed as part of the NIAH Survey (Rag No. 16,301,202).

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 rear extension on new platform with steps which includes replacement of existing sash window with door,*
- B. *Provision of a new 1-1.5m high fence along existing boundary wall.*

at No. 5 Florence Terrace, Florence road, Bray, Co. Wicklow

Relevant Planning History: None noted.

Heritage:

1 - 13 Florence Terrace is a protected structure (B14) - Structure and railings

Listed on NIAH Reg no. 16301202 – regional rating of architectural category of special interest.

Description: Terraced three-bay two-storey over basement former house, built c.1875 as part of a relatively uniform but non identical row of thirteen, constructed in stages from c.1870. The asymmetrical front elevation shares a projecting full-height gabled bay with the neighbouring house to the east, with the combined properties forming a symmetrical 'palace front'. The façade is finished in unpainted lined render with moulded quoins, string courses and a parapet with projecting eaves course, whilst the bay has giant order pilasters a pediment-like gable. The hipped roof, which is largely hidden behind the parapet, is covered in slate and has shared rendered chimneystacks with pronounced corbelling. The entrance is set within the bay and consists of a partly glazed timber door, jambs with decorative brackets, and a plain semi-circular fanlight. It is reached via a flight of stone steps with decorative cast-iron railings. The steps are shared with those of the neighbouring building to the east. The windows are flat-headed, and have replacement uPVC frames. The building faces onto a street, but is separated from it by a relatively large garden, enclosed by a rendered wall with decorative cast-iron railings and a matching gate.

Appraisal: Relatively grand, though somewhat altered, Victorian terraced house (now a nursing home), which forms a part of one of Bray's most complete and most impressive 19th-century groupings.

Report:

Heritage Officer- The proposal involves the construction of a platform and conservatory to the rear of 5 Florence Terrace, the removal of an existing sash window and its replacement with a door in similar style.

It is noted that the property is a Protected Structure (RPS reference B14) and that the proposals entail 'works' as defined in the PDA (s. 2 (1) 2000). In order to qualify as 'exempted works' as per s. 57 of the PDA it must be shown that the proposals would not materially affect the character of the Protected Structure or any element that contributes to its special interest.

It is my view that changes to the exterior appearance through the addition of the platform and conservatory and alterations to original window opening as proposed, are works which would materially alter the character of the Protected Structure and therefore are not exempted development.

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 rear extension on new platform with steps which includes replacement of existing sash window with door,*
- B. *Provision of a new 1-1.5m high fence along existing boundary wall.*

at No. 5 Florence Terrace, Florence road, Bray, Co. Wicklow is or is not development and 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.

Section 57 (1) states “Notwithstanding section 4(1)(a),(h),(i),(j),(k) or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of – (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest”.

“protected structure” means—

(a) a structure, or

(b) a specified part of a structure,

which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition;

“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

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

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,

Schedule 2, Part 1 outlines classes of exempt development as well as associated conditions and limitations. The following are of relevance.

CLASS 1

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 of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

The conditions and limitations include:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

CLASS 5

The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

Associated conditions and limitations:

1. The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.

2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.

3. No such structure shall be a metal palisade or other security fence.

Assessment:

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

- A. Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door,
- B. Provision of a new 1-1.5m high fence along existing boundary wall.

at No. 5 Florence Terrace, Florence road, Bray, Co. Wicklow 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” 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 works 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.

A. Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door,

Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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 of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Relevant Schedule 2, Pt.1 Class 1 Checklist

<i>Is the extension to the rear?</i>	Yes
<i>Was the house extended previously? Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i>	No, Floor area of existing dwelling and proposed extension not included in the plans submitted.
<i>where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.</i>	Yes & N/A- Insufficient information has been provided to show proposed Floor area of rear extension.
<i>Is any part of the extension above ground floor and would its distance be less than 2 metres from any party boundary.</i>	Yes & No – The proposed above ground extension will be located 2 metres from both party boundaries.
<i>Would the height of the walls of the extension exceed the height of the rear wall of the house?</i>	No– Proposed heights of the walls of the extension do not exceed the height of the rear wall of the house.
<i>Is the roof flat and does the height of the highest part of the roof of the extension exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, exceed the height of the highest part of the roof of the dwelling?</i>	No, pitched roof extension which does not exceed existing building height.

<i>Would the construction or erection of the extension to the rear of the house reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</i>	No – At least 25sqm available to the rear.
<i>Would the window proposed at ground level in the extension be less than 1 metre from the boundary it faces?</i>	No – No windows proposed at ground level.
<i>Would the window proposed at first floor level in the extension be less than 11 metre from the boundary it faces?</i>	N/A –Insufficient information submitted to show windows proposed at first floor level in the extension will be at least 11 metre from the boundary it faces.
<i>Would the roof of the extension be used as a balcony or roof garden?</i>	No – proposed is a pitched roof with no balcony or roof garden included in proposal.

Insufficient information has been submitted to fully assess the proposed rear extension under Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001. Further information is required.

However, given that the proposed development relates to a Protected Structure, Section 57(1) of the Planning and Development Act 2000 (as amended) is also applicable. In this regard, Section 57 (1) states “Notwithstanding section 4(1)(a), (h), (i), (j), (k) or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of – (a) the structure, or (b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest”. The question therefore arises as to whether the proposed works would materially affect the character of the protected structure or any element of the structure which contributes to its interest.

Works that might ordinarily be exempt are not exempt by reason of Section 57, if the works materially affect the character of the structure or element of the structure which contributes to its special architectural interest.

It is considered that the proposed changes to the exterior appearance of the existing dwelling through the addition of the platform, conservatory, and alterations to original window opening as proposed, are works which would materially alter the character of the Protected Structure and therefore are not exempted development.

B. Provision of a new 1-1.5m high fence along existing boundary wall.

The provision of a 1-1.5m high fence along the existing boundary has been noted. However, I would be satisfied that the proposed fence would not materially alter the character of the Protected Structure and therefore Section 57(1) of the Planning and Development Act 2000 (as amended) is not applicable in this case.

Schedule 2, Pt.1 Class 5 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

'The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.'

Relevant Schedule 2, Pt.1 Class 5 Checklist

The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any garden or other space in front of a house, 1.2 metres.	Yes – The proposed new fence will be 1-1.5m on top of the existing wall onsite and therefore will exceed 2 metres from ground level
Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered.	N/A- Proposed will be a fence structure.
No such structure shall be a metal palisade or other security fence.	N/A- Proposed fence finish not stated.

The proposed new 1-1.5m high fence along existing boundary wall would not come within the description and limitations as set out under Schedule 2, Part 1, Class 5, of the Planning and Development Regulations 2001 (as amended) as the height of the proposed fence together with existing boundary wall would exceed 2 metres from ground level and therefore is not exempted development. Insufficient information has also been submitted to confirm that the proposed fence shall not be metal palisade or other security fence.

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 rear extension on new platform with steps which includes replacement of existing sash window with door,
- B. Provision of a new 1-1.5m high fence along existing boundary wall.

at No. 5 Florence Terrace, Florence road, Bray, Co. Wicklow is or is not development and is or is not exempted development:

The Planning Authority considers that:

- A. Provision of a rear extension on new platform with steps which includes replacement of existing sash window with door **is development but is NOT exempted development.**
- B. Provision of a new 1-1.5m high fence along existing boundary wall **is development but is NOT exempted development.**

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 28/03/2025;
- ii. Section 2, 3, 4 and 57(1) of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 1 & Class 5 of the Planning and Development Regulations 2001 (as amended).
- v. Record of Protected Structures Appendix 4 of the County Development Plan 2022-2028, Bray MD Local Area Plan 2018 and ~~Wicklow CDP 2022~~

Main Reasons with respect to Section 5 Declaration:

- 1) 1 - 13 Florence Terrace is a protected structure B14 as ~~per~~ set out in the Record of Protected Structures Appendix 4 of the Wicklow County Development Plan 2022-2028, and Bray MD LAP 2018.
- 2) The provision of a rear extension on new platform with steps which includes replacement of existing sash window with door and new 1-1.5m high fence along existing boundary wall is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 3) The development would not come within the provisions of Class 1 of the Planning and Development Regulations 2001(as amended) as the extension would not accord with Limitation 1(b) which provides that where a house is terraced or semi-detached the floor area of any extension above ground level shall not exceed 12 sqm. as the extension is above ground level and is c. 28sqm. Furthermore given the identified type of conservatory with side windows which would be within 11m of the side boundary it would not accord with Limitation 6(b) of Class 1
- 4) The proposed development of a rear extension on new platform with steps which includes replacement of existing sash window with door would materially affect the character of the structure or elements of the structure which contributes to its special architectural interest and therefore is not exempted works having regard to the provisions of ~~under~~ section 57 of the Planning and Development Act 2000(As Amended)
- 5) There is no exemption within the ~~Insufficient information has been submitted to show that the proposed rear extension on new platform with steps which includes replacement of existing sash window with door would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) for a platform structure~~
- 6) The proposed new 1-1.5m high fence along existing boundary wall would not come within the description and limitations as set out under Schedule 2, Part 1, Class 5, of the Planning and Development Regulations 2001 (as amended) as the height of the proposed fence together with existing boundary wall would exceed 2 metres from

ground level whilst insufficient information has been submitted detailing the proposed material finish of the fence and therefore is not exempted development.

Dara Keane

Dara Keane
Assistant Planner
22/04/2025

22/4/2025

Note the assessment which I would generally concur with. However I would note from examination of the submission the conservatory is c. 28sqm. Given platform sizing Accordingly this extension which is not a ground level would be contrary to limitation 1(b) which provides that

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 sqm

In addition given the identified conservatory style which shows side windows, such windows would not be 11m from side boundaries. It is also highlighted that there is no exemption for a platform within the Regulations

Therefore the Section 5 Declaration is amended as set out above

Ed Cunningham SP.

22/4/2025

*Issue declaration is amended & recommended
Pg 15 May 2025
23/04/25*



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Deirdre Burns
Heritage Officer

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX39/2025**

I enclose herewith application for Section 5 Declaration received completed on 28/03/2025. Dara Keane is the Planner assigned to this file.

The due date on this declaration is 24th April 2025.

Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

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MEMORANDUM

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TO: Dara Keane
Assistant Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
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Staff Officer
Planning, Economic & Rural Development



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This document is available in alternative formats on request

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Suíomh / Website: www.wicklow.ie

**Ashford Property Services
The Square
Ashford
Co. Wicklow**

2nd April 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX39/2025

A Chara

I wish to acknowledge receipt on 28/03/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 24/04/2025.

Mise, le meas

**Nicola Fleming
Staff Officer
Planning, Economic & Rural Development**



*Tá an doiciméad seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stúirthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



Ashford Property Services.
Property Consultants
The Square Ashford. Co, Wicklow.
Mobile 087-2775923.
Email:

Wicklow County Council
County buildings
Wicklow

Planning Dept. Section 5 Application

for Angela and Ian Denver at No. 5 Florence terrace, Florence Road Bray A98KW83

A Chara

Please find the following documents attached:

- 1) **Completed application form**
- 2) **Site location map**
- 3) **Proposed platform and conservatory to rear existing two story over basement dwelling**
- 4) **Photographs of existing buildings and draft design for conservatory.**
- 5) **The proposed developments will include the following.**
- 6) **Replace the existing Sash Window on the middle floor with a door exiting the building (sash style door).**
- 7) **The new door leads to a platform, roughly 7M long and 4M wide touching the boundary wall on one side.**
- 8) **Place a conservatory 5M on the platform, 2M away from the boundary wall**
- 9) **Place a fence on our side of the shared wall to ensure privacy (roughly 1-1.5M high)**
- 10) **Steps (3-4) down from the platform to the elevated garden level**
- 11) **Appropriate fee €80.00**

WICKLOW COUNTY COUNCIL

28 MAR 2025

PLANNING DEPT.

Should you require any further information, please do not hesitate to contact the undersigned.

Yours faithfully. 

Pat O'Connor. Dated the 10th March. 2024.

Wicklow County Council
County Buildings
Wicklow
0404-20100

28/03/2025 16:43:57

Receipt No L1/0/343066

PATRICK O'CONNOR
ASHFORD PROPERTY
THE SQUARE
ASHRORD

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non vatable	

Total	80.00 EUR
-------	-----------

Tendered	
Cheque	80.00
5 FLORANCE TERRACE	BRAY

Change	0.00
--------	------

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Wicklow County Council
County Buildings
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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: Ian + Angela Deane
Address of applicant: No 5 Florence Terrace,
Florence Road, Bray, Co Wicklow, A48, K083

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) _____

Pats. Connor

Ashford Property Services

Address of Agent : _____

*Planning - Architectural
& Property Consultants*

The Square,

Ashford, Co. Wicklow.

Mobile: 087 2775923

oconnor.ashford@gmail.com

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

3. Declaration Details

- i. Location of Development subject of Declaration No 15 Florence Terrace, Florence Road, Bray, Co Wicklow, A98KW83
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/ No. 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 _____

- 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.

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) ? Yes

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

Location Map
Site layout

viii. Fee of € 80 Attached ? Yes

Signed :

Jan Wenzel Dated : 28/01/2025

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

Land Registry Compliant Map

**CENTRE
COORDINATES:**
ITM 726718,718774

PUBLISHED: 16/03/2021 **ORDER NO.:** 50178905_1

MAP SERIES: 1:1,000 **MAP SHEETS:** 3568-09
1:1,000 3568-14

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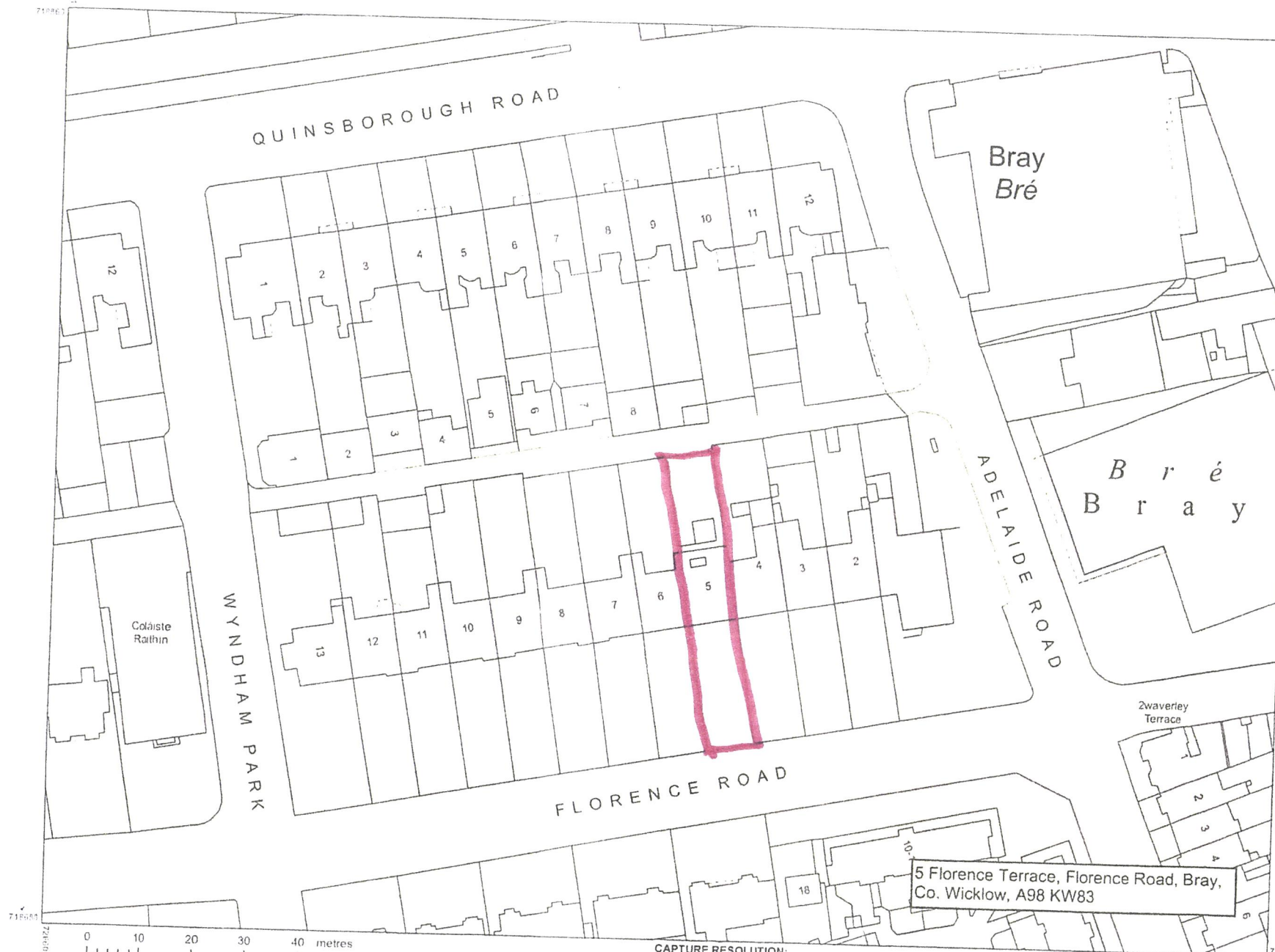
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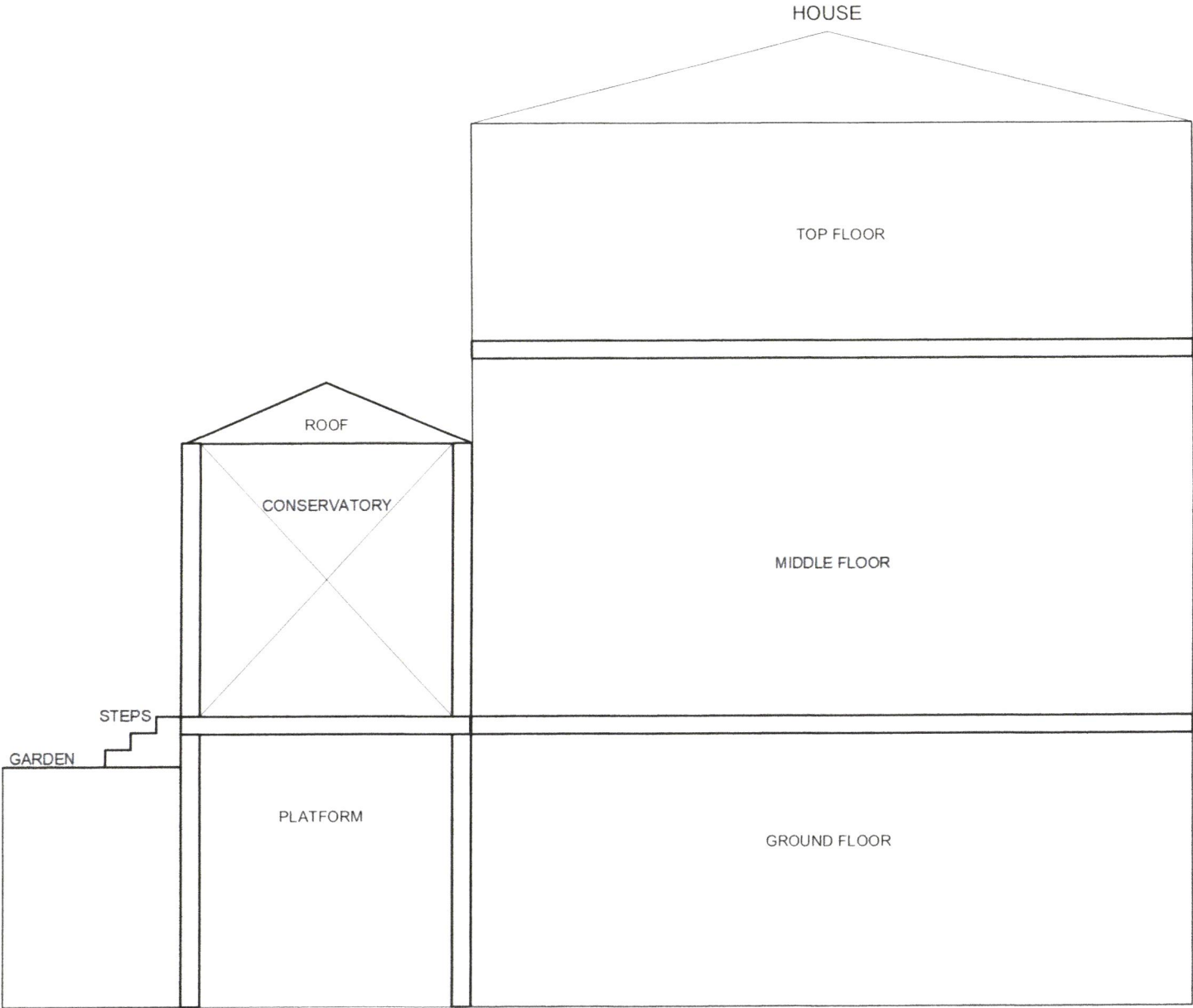


5 Florence Terrace, Florence Road, Bray,
Co. Wicklow, A98 KW83

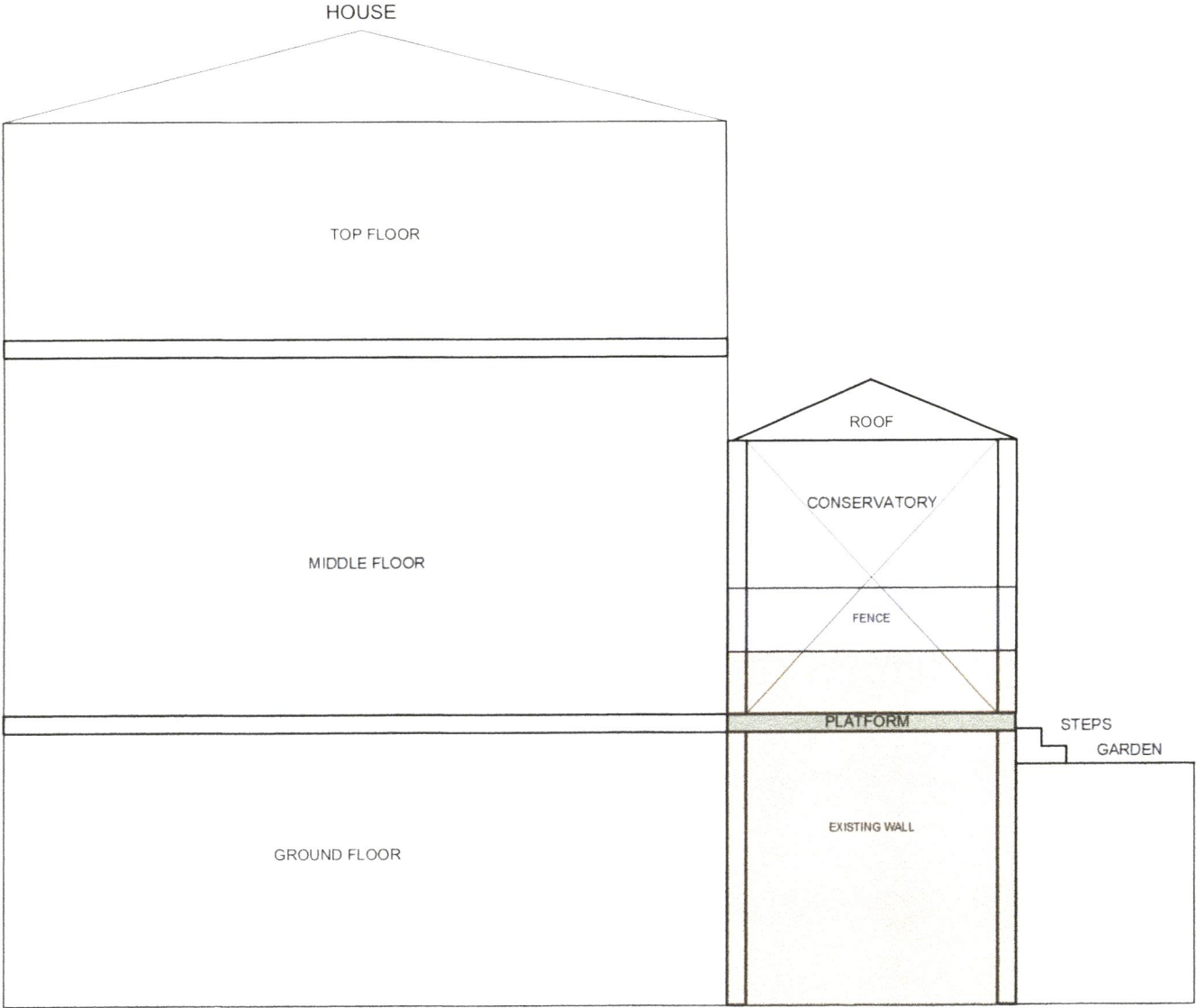
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<http://www.osi.ie>; search 'Capture Resolution'

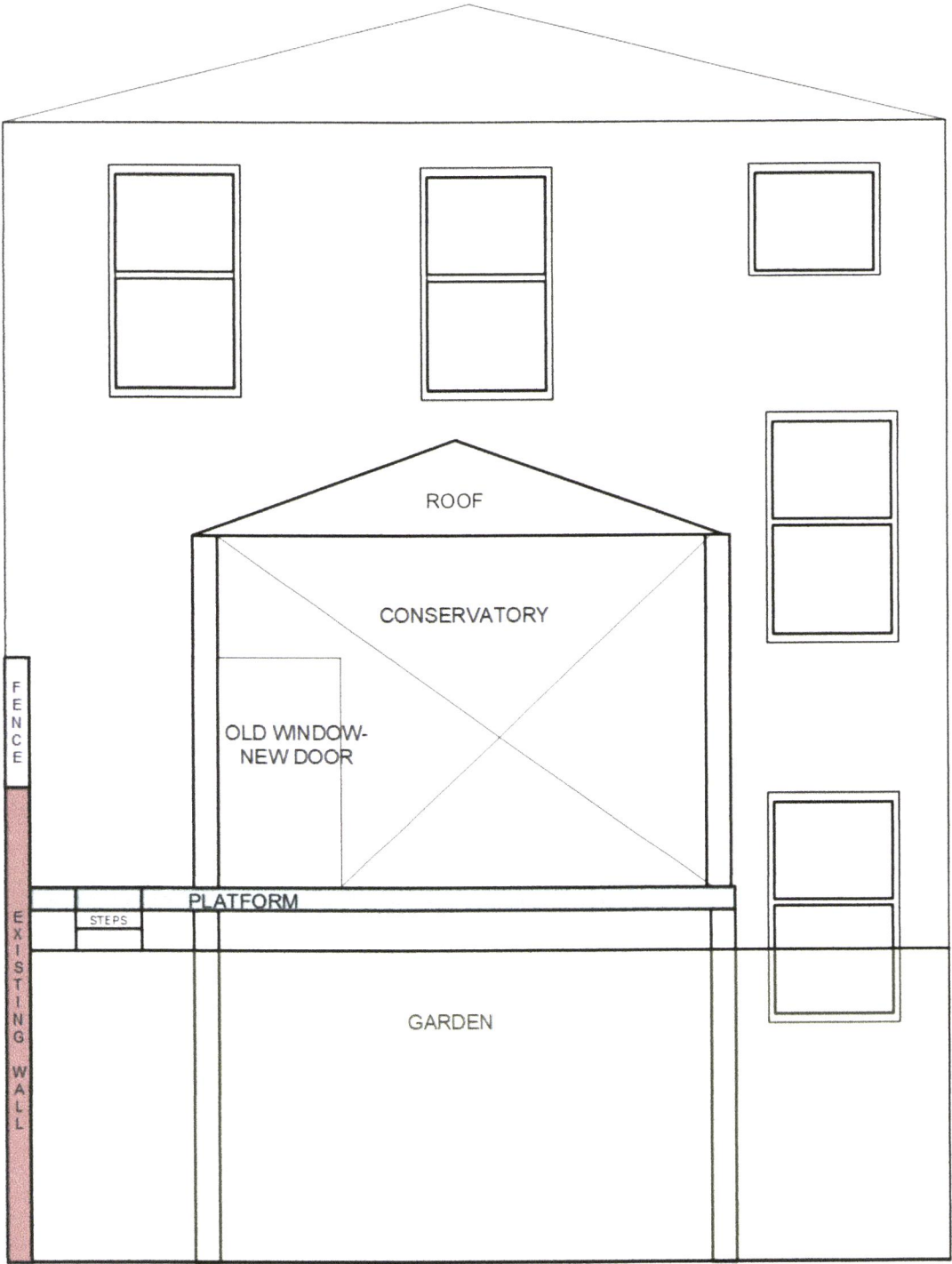
RIGHT SIDE VIEW

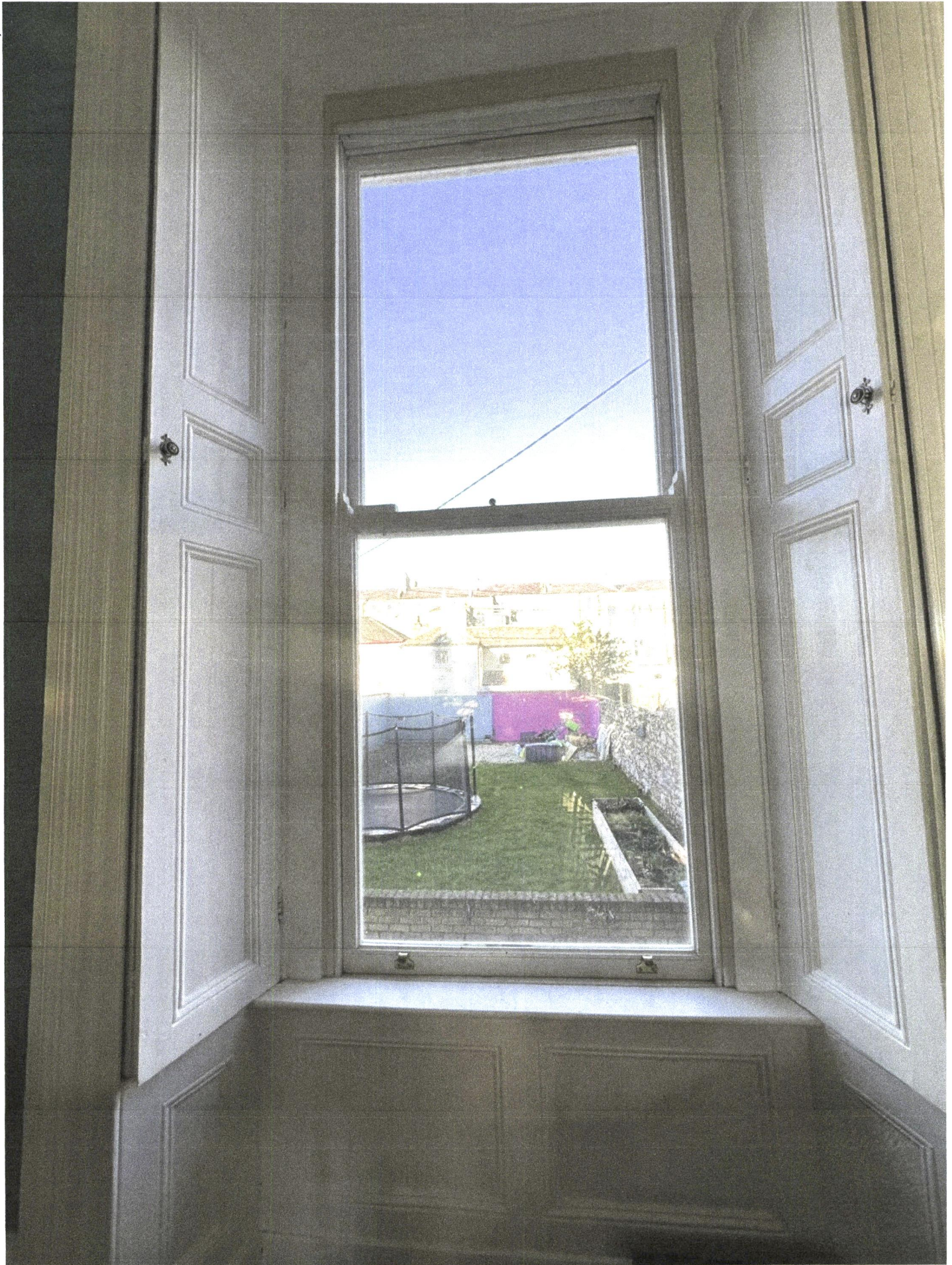


LEFT SIDE VIEW



BACK OF HOUSE









Proposed
Conservatory.

Style