



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

Hayley Hester & Dean Newsome

31st May 2023

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX28/2023

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.

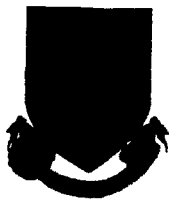
Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.

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

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.





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

Applicant: Hayley Hester & Dean Newsome

Location:

CHIEF EXECUTIVE ORDER NO. CE/PDE/966/2023

A question has arisen as to whether "the demolition of rear extension of 13.6sqm and replacement with 40sqm rear extension" at The Bungalow, Ballyfree East, Glenealy, Co. Wicklow is or is not exempted development.

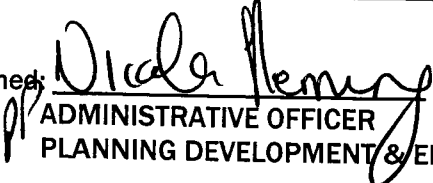
Having regard to:

- i. The details received with this Section 5 application (EX28/2023) on the 11th May 2023.
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000(as amended).
- iii. Article 6(1) of the Planning and Development Regulations, 2001, (as amended).
- iv. Article 9 of the Planning and Development Regulations, 2001(as amended).
- v. Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The demolition of a rear extension of 13.6sqm and its replacement with 40sqm rear extension would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- ii. The demolition of a rear extension of 13.6sqm and its replacement with 40sqm rear extension accords with the provisions of Schedule 2, Part 1, Class 1 and Class 50 of the Planning and Development Regulations 2001 (as amended) and therefore is exempted development.

The Planning Authority considers that "the demolition of rear extension of 13.6sqm and replacement with 40sqm rear extension" at The Bungalow, Ballyfree East, Glenealy, Co. Wicklow, is development and is exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 31st May 2023



WICKLOW COUNTY COUNCIL

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

CHIEF EXECUTIVE ORDER NO. CE/PDE/966/2023

Reference Number: EX 28/2023

Name of Applicant: Hayley Hester & Dean Newsome

Nature of Application: Section 5 Referral as to whether "the demolition of rear extension of 13.6sqm and replacement with 40sqm rear extension" is or is not exempted development.

Location of Subject Site:

Report from Andrew Spencer, AP & Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the demolition of rear extension of 13.6sqm and replacement with 40sqm rear extension" at The Bungalow, Ballyfree East, Glenealy, 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 received with this Section 5 application (EX28/2023) on the 11th May 2023.
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000(as amended).
- iii. Article 6(1) of the Planning and Development Regulations, 2001, (as amended).
- iv. Article 9 of the Planning and Development Regulations, 2001(as amended).
- v. Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

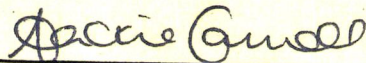
Main Reasons with respect to Section 5 Declaration:

- i. The demolition of a rear extension of 13.6sqm and its replacement with 40sqm rear extension would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- ii. The demolition of a rear extension of 13.6sqm and its replacement with 40sqm rear extension accords with the provisions of Schedule 2, Part 1,

Class 1 and Class 50 of the Planning and Development Regulations 2001 (as amended) and therefore is exempted development.

Recommendation

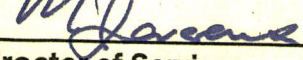
The Planning Authority considers that "the demolition of rear extension of 13.6sqm and replacement with 40sqm rear extension" at The Bungalow, Ballyfree East, Glenealy, Co. Wicklow is development and is exempted development as recommended in the planning report.

Signed  Dated 30th day of May 2023

ORDER:

I HEREBY APPROVE that a declaration to issue stating:

That "the demolition of rear extension of 13.6sqm and replacement with 40sqm rear extension" at The Bungalow, Ballyfree East, Glenealy, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
A/ Director of Services
Planning Development & Environment

Dated 31st day of May 2023



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF:	EX 28/2023
NAME:	HAYLEY HESTER AND DEAN NEWSOME
DEVELOPMENT:	DEMOLITION OF REAR EXTENSION AND REPLACEMENT WITH EXEMPT REAR EXTENSION
LOCATION:	THE BUNGALOW BALLYFREE EAST GLENEALY CO. WICKLOW

The Site: Existing detached bungalow located within the village of Glenealy.



Planning History (subject site): None.

Question:

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

- 1) The demolition of rear extension of 13.6sqm and replacement with 40sqm rear extension.

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 the following:

'Works' include "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.

-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 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 - *None are considered applicable in this instance.*

Schedule 2: Part 1, Class 1 and Class 50

<p>CLASS 1</p> <p>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.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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.</p> <p>(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.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed</p>
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<p>Class 50 (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.</p>	<p>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.</p> <p>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.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p> <p>1. No such building or buildings shall abut on another building in separate ownership.</p> <p>2. The cumulative floor area of any such building, or buildings, shall not exceed:</p> <p>(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</p> <p>(b) in all other cases, 100 square metres.</p> <p>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</p>
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Assessment:

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 2004 (as amended). 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 for the demolition of rear extension, floor area 13.6sqm and its replacement with a rear extension of 40sqm involves works and therefore constitutes development.

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

Development Description:

The construction of extension of 40sqm is a type of development which could come under Schedule 2: Part 1, Class 1 of the Planning & Development Regulations 2001(as amended). Refer to above table.

Relevant Conditions and Limitations:

1. (a) Floor area does not exceed 40 square metres? Yes.

(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. Yes
2. Total area of extensions since 1/10/1964 doesn't exceed 40sqm? Yes
4. (a) Height of the walls of any such extension shall not exceed the height of the rear wall of the house? – Yes.

(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. – Yes
5. Open space to the rear of the house reduced to less than 25 square metres? No.
6. (a) Window proposed at ground level not be less than 1 metre from the boundary it faces? Yes
7. Roof used as balcony or roof garden? No.

The demolition of rear extension of 13.6sqm is a type of development which could come under Schedule 2: Part 1, Class 50 (b) of the Planning & Development Regulations 2001(as amended). Refer to above table.

Relevant Conditions and Limitations:

1. No such building or buildings shall abut on another building in separate ownership. Yes
2. The cumulative floor area of any such building, or buildings, shall not exceed:

(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres – Yes.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act. Yes

Recommendation:

As the proposed extension meets the relevant conditions and limitations as above it is considered as a consequence that the proposed development comes within the scope of Schedule 2 Part 1 Class1 and Class 50 (b) of the Planning and Development Regulations 2001 (as amended).

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether or not the demolition of a rear extension of 13.6sqm and its replacement with 40sqm rear extension at the bungalow Ballyfree East Glenealy Co. Wicklow is or is not development; and is or is not exempted development:

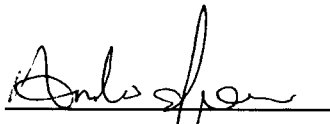
The Planning Authority considers that the demolition of a rear extension of 13.6sqm and its replacement with 40sqm rear extension is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details received with this Section 5 application (EX28/2023) on the 11th May 2023.
- Sections 2, 3, and 4 of the Planning and Development Act 2000(as amended).
- Article 6(1) of the Planning and Development Regulations, 2001, (as amended).
- Article 9 of the Planning and Development Regulations, 2001(as amended).
- Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The demolition of a rear extension of 13.6sqm and its replacement with 40sqm rear extension 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 demolition of a rear extension of 13.6sqm and its replacement with 40sqm rear extension accords with the provisions of Schedule 2, Part 1, Class 1 and Class 50 of the Planning and Development Regulations 2001 (as amended) and therefore is exempted development.



Andrew Spencer
Assistant Planner

25/05/2023

Agreed
White SR
20/5/23

11 steel
Glencoe SE 30/5/2023

MD
24/05/2023



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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Andrew Spencer
Assistant Planner

FROM: Nicola Fleming
Staff Officer

RE:- EX 28/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
For demolition of rear extension and replacement with exempt rear
extension

I enclose herewith for your attention application for Section 5 Declaration received 11th May 2023.

The due date on this declaration is 7th June 2023.

Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin
Wicklow County Council

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12th May 2023

Hayley Hester & Dean Newsome

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 28/2023
Demolition of rear extension and replacement with exempt rear extension

A Chara

I wish to acknowledge receipt on 11th May 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 7th June 2023.

Mise, le meas

NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT

Hayley Hester and Dean Newsome

8th May 2023

Delivered BY HAND

Planning Department
Wicklow County Council
County Buildings,
Station Road,
Wicklow Town

Dear Sir/Madam,

Please find enclosed application form for a declaration in accordance with section 5 of the planning development acts 2000 (as amended).

My partner and I have been approved for the vacant homes grant. Within this grant we must submit a certificate of exemption under the planning acts as we plan to use this grant to build an extension to the rear of the house into an open plan kitchen/living room.

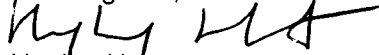
See attached, map of lands owned by myself and Dean Newsome, and drawing of existing house. You will see in the existing house there is an existing room (office) of 13.6 m2 at the rear of the house.

See attached, drawing of the proposed extension to be built at the rear of the house. As per the drawing, we will be knocking the walls of the office and joining the existing office room of 13.6 m2 with the proposed extension 40m2 to a total floor space of 53.6 m2. This total floor space will be the open plan kitchen/living room. We will be knocking though the current bathroom for an entrance into the kitchen/living room and moving the bathroom into the current kitchen room. We will be sectioning the current kitchen into part bathroom and part utility while keeping the current back door as the door into the utility room from the new kitchen.

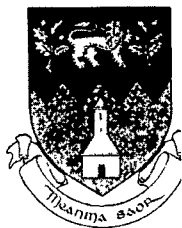
Please find enclosed copy of payment confirmation re application fee of €80.

I look forward to hearing from you.

Kind regards,



Hayley Hester



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: HAYLEY HESTER + DEAN NEWSOME

Address of applicant: _____

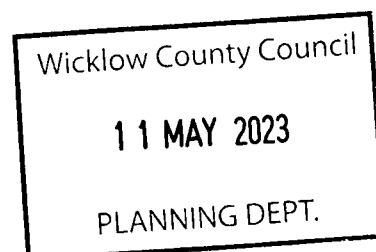
Note Phone number and email to be filled in on separate page.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) n/a

Address of Agent : _____

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



3. Declaration Details

i. Location of Development subject of Declaration THE BUNGALOW
BALLYFREE EAST, GLENEALY, CO. WICKLOW A67PR22

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
☒ Yes ☐ No.

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, 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 Fee demolition of
rear extension and replacement with
exempt rear extension

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 Class 1

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 _____

viii. Fee of € 80 Attached ? PAYMENT CONFIRMATION ATTACHED

Signed : W. L. L. L. Dated : 11/5/23

Additional Notes :

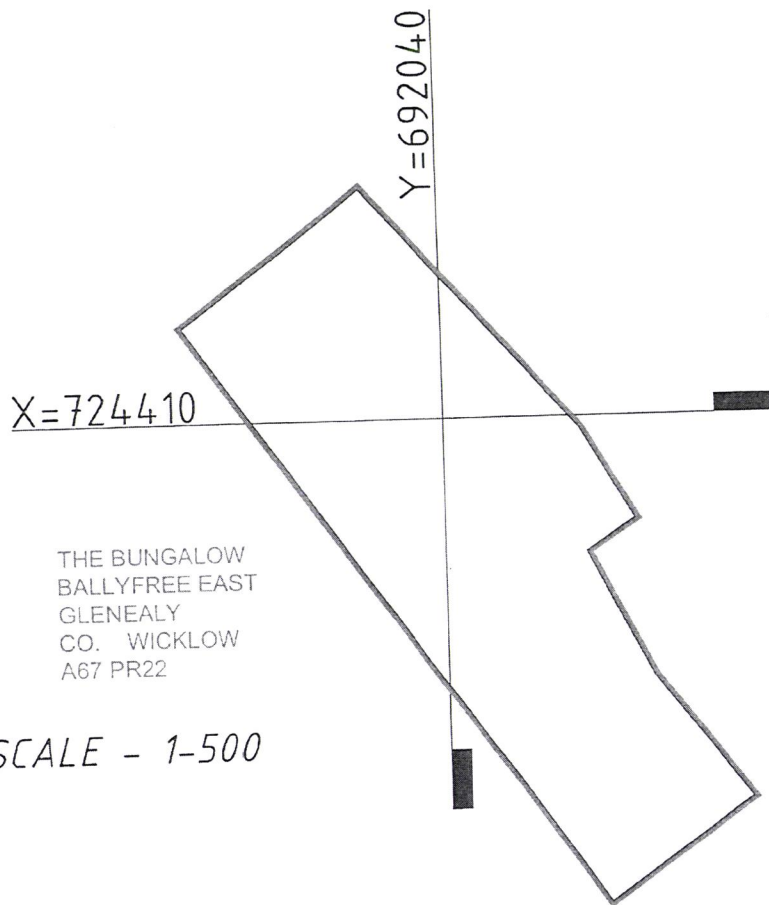
As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

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

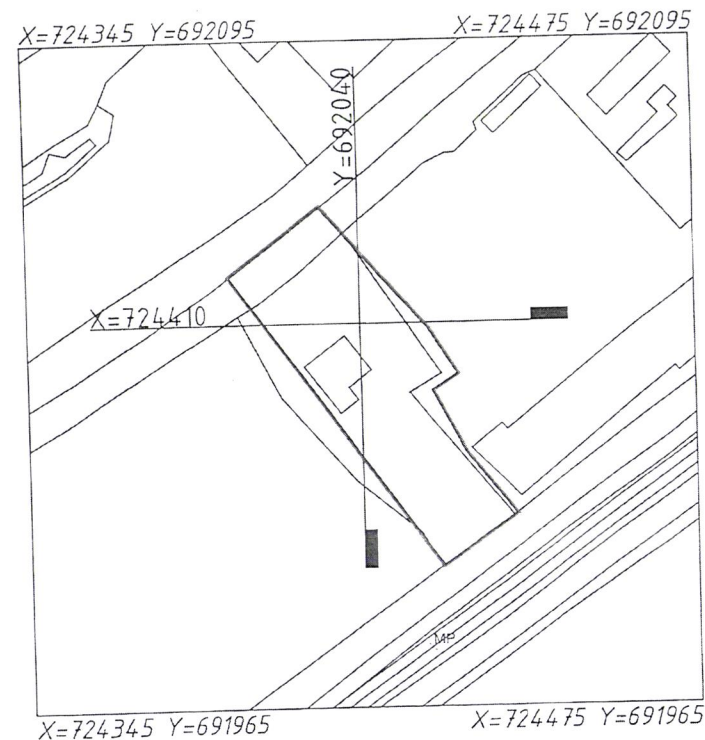
- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures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



SCALE - 1-500



SCALE - 1-1000

This map is computer generated from O.S. digital files plotted in accordance with Land Registry Requirements for Acceptance of Computer Generated Maps Appendix 4

I hereby certify that the land outlined in red measures 0.1480 hectares 0.3657 Acres.

Signed: 
Patrick Sutton

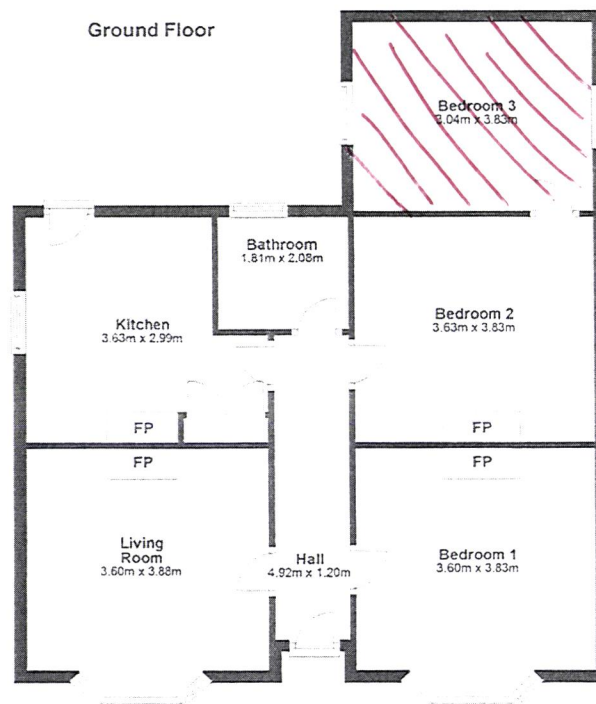


Ordnance Survey Ireland Licence
CYAL50233083, Copyright Ordnance Survey
Ireland/Government of Ireland.

CLIENT: V Kelly THE BUNGALOW BALLYFREE EAST A67 PR22		
MAP TITLE: Map Suitable for First Registration		
DRAWING NUMBER: 22-004		
SCALE: As Shown	DATE: 04-11-22	
MOBILE: 086 0794813 EMAIL: info@mapit.ie		

THIS DRAWING IS COPYRIGHT OF MAP-IT ANY
VARIANCES NOTED HEREIN SHOULD BE BROUGHT TO
THE ATTENTION OF THE MAP-IT IMMEDIATELY

Ground Floor



Total area: approx. 78.5 sq. metres

Email Agent



*Name

e.g. John Doe

*Email

e.g. john.doe@email.com

Phone

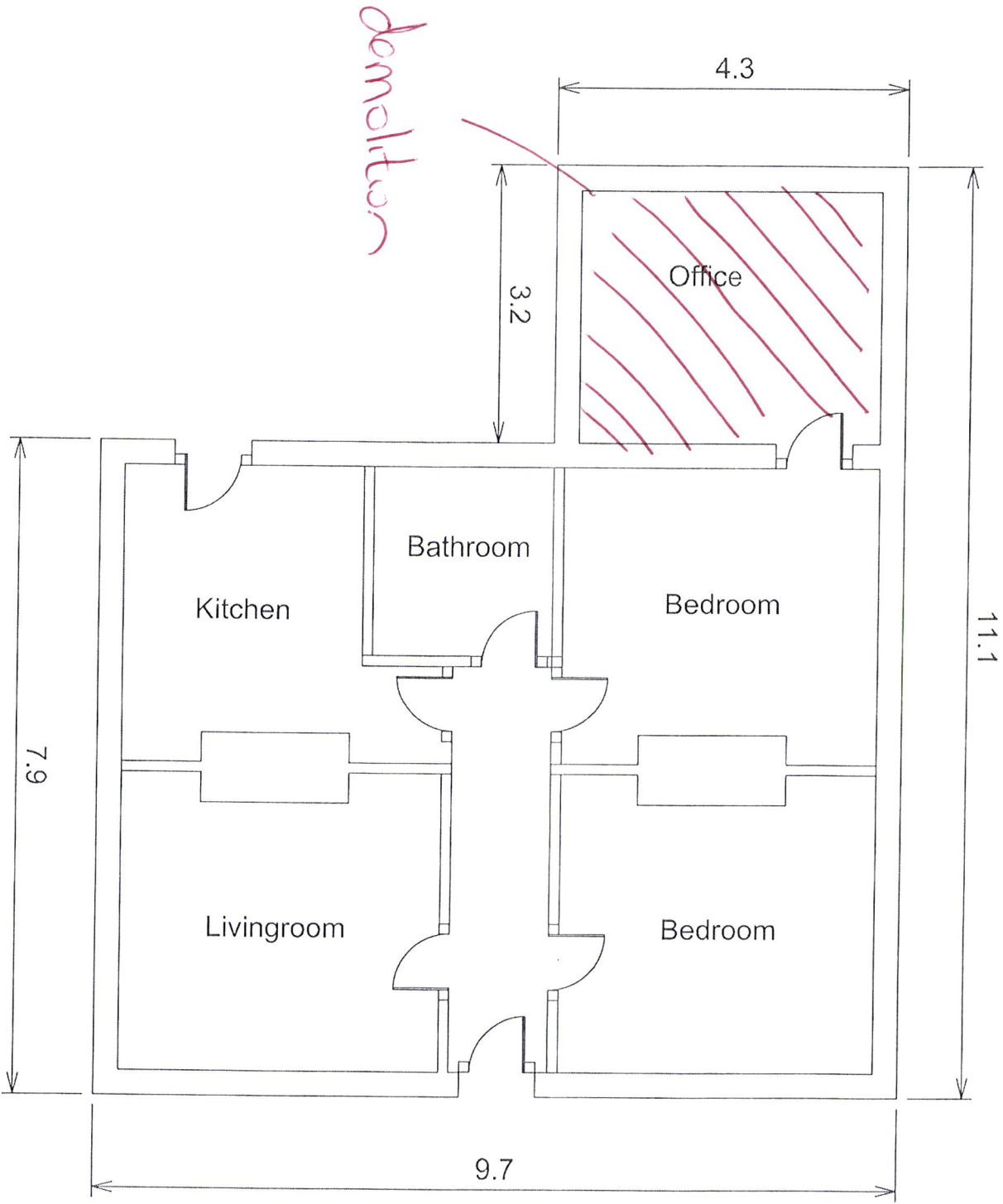
e.g. 087 123 4567

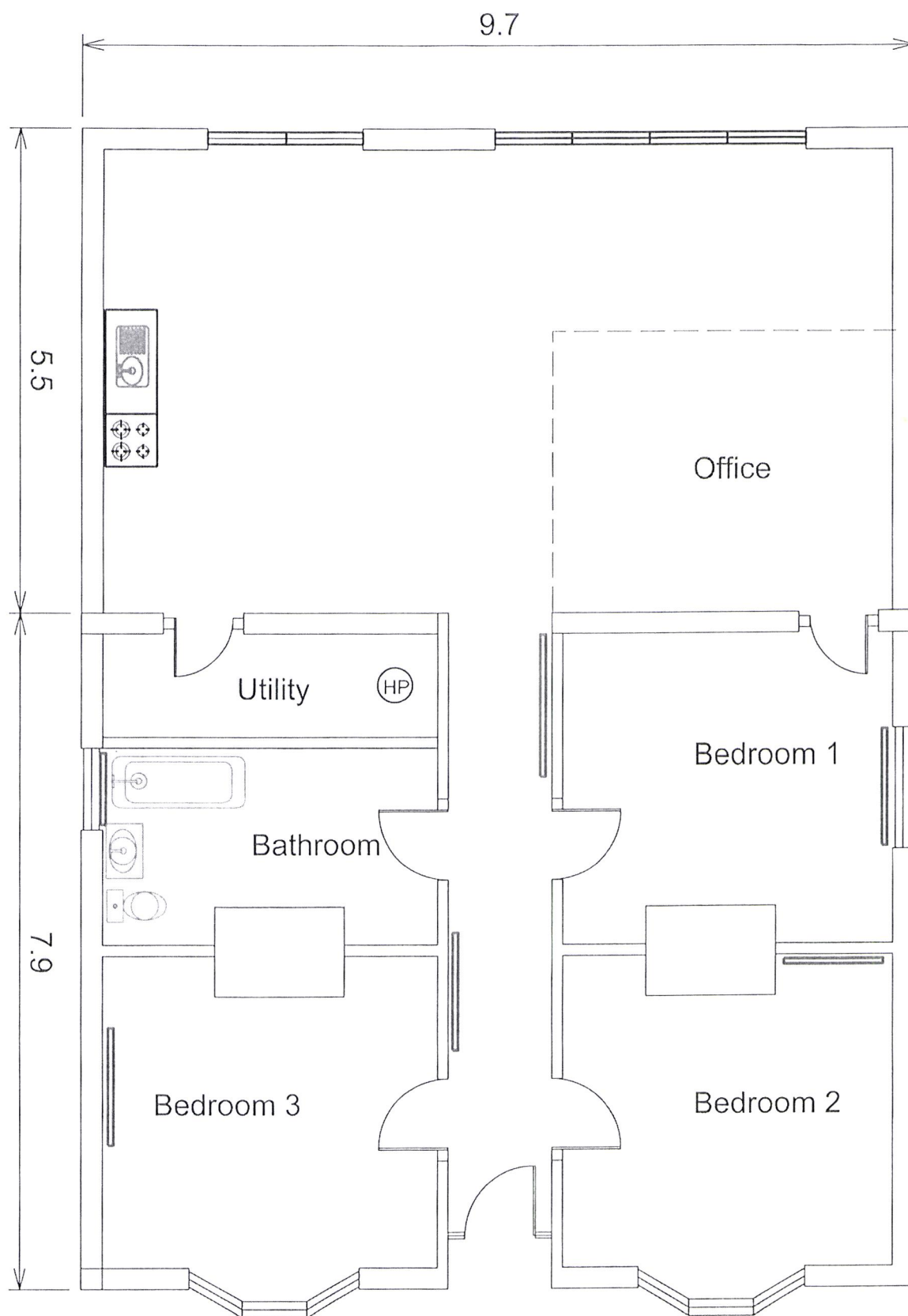
Your Message*

Your Message..

Send

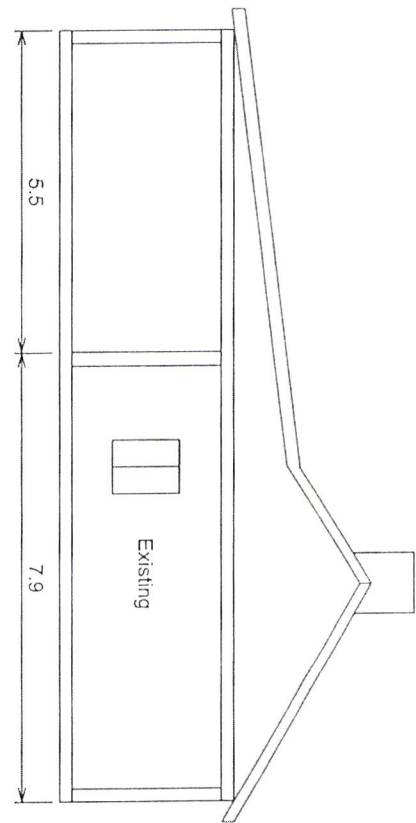
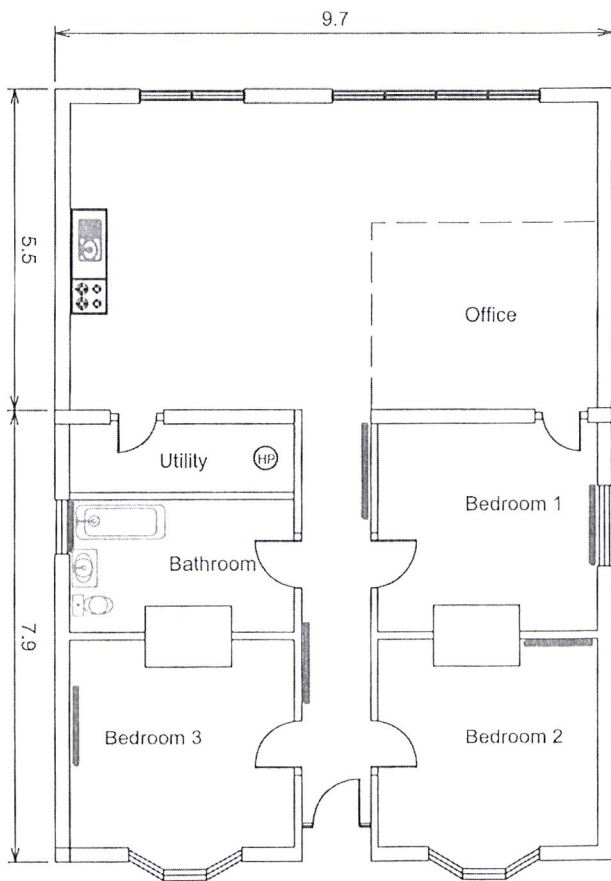
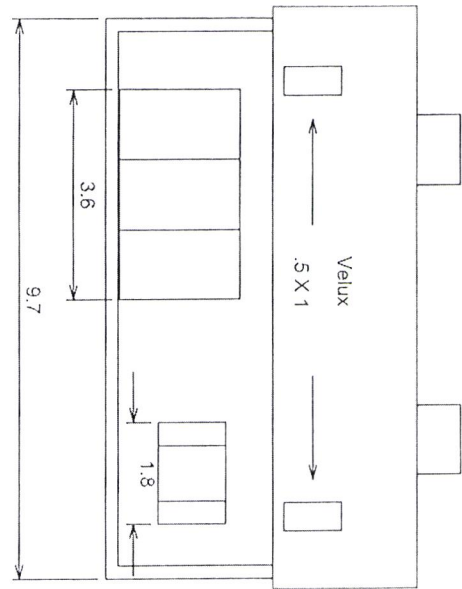
Existing Building





Existing building footprint approx. 90.39 sq metres

Building footprint with extension approx. 129.98 sq metres



Existing building footprint approx. 90.39 sq metres

Building footprint with extension approx. 129.98 sq metres

