

WICKLOW COUNTY COUNCIL

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

Director of Services Order No: 237/2023

Reference Number: EX 3/2023

Name of Applicant: Darren Conlon

Nature of Application: Section 5 Referral as to whether 'The proposal is for the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow' is or is not exempted development.

Location of Subject Site: 43a La Touche Park, Greystones, Co. Wicklow

Report from Dara Keane GP & Edel Bermingham SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether 'The proposal is for the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow' is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details received with this section 5 application (EX 3/2023) on the 1st February 2023.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The proposal for The reduction in size of the front facing window would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
2. The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development having regard to the provision of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Recommendation

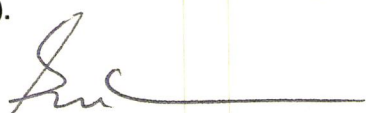
The Planning Authority considers that 'The proposal is for the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow' is development and is exempted development as recommended in the planning reports.

Signed  Dated 20th day of February 2023

ORDER:

That a declaration to issue stating:

That 'The proposal is for the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow' is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
Director of Services
Planning Development & Environment

Dated 20 day of February 2023



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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Rphost / Email: plandev@wicklowcoco
Suíomh / Website: www.wicklow.ie

Darren Conlon

20th February 2023

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

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

Exemption Ref No: EX 3/2023

Applicant: Darren Conlon

Nature of Application: 'The proposal is for the reduction in size of the front
facing window at 43a La Touche Park, Greystones,
Co. Wicklow'

Location: 43a La Touche Park, Greystones, Co. Wicklow

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

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Applicant: Darren Conlon

Location: 43a La Touche Park, Greystones, Co. Wicklow

DIRECTOR OF SERVICES ORDER NO 237/2023

A question has arisen as to whether 'The proposal is for the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow' is or is not exempted development.

Having regard to:

The details received with this section 5 application (EX 3/2023) on the 1st February 2023.

Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The proposal for The reduction in size of the front facing window would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
2. The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development having regard to the provision of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that 'The proposal is for the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow' is development and is exempted development.

Signed: 

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Dated 20th February 2023



WICKLOW COUNTY COUNCIL
Planning Department

Section 5 – Application for declaration of Exemption Certificate

Ref:	EX 3/2023
Name:	Darren Conlon
Development:	Reduce size of front facing window
Location:	43a La Touche Park, Greystones Co Wicklow

The Site: The site comprises of a large two storey detached dwelling located on a corner site in the estate of La Touche Park, a residential area with other dwellings located within the immediate vicinity.

Planning History: 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:

'The proposal is for the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow'.

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' 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."

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."*

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 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 involved works to the existing structure and therefore constitutes development.

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

The works involves the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow’.

I consider that the works 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.

Recommendation:

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

The reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow’..

The Planning Authority considers that:

The proposal for the reduction in size of the front facing window at 43a La Touche Park, Greystones, Co. Wicklow is development, and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details received with this section 5 application (EX 3/2023) on the 1st February 2023.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The proposal for the reduction in size of the front facing window at ~~43a La Touche Park, Greystones, Co. Wicklow~~ would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), ~~as set out in the documents lodged.~~
- 2) The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development ~~under~~ ^{having regard to the provisions of} Section 4(1)(h) of the Planning and Development Act 2000 (as amended).



Dara Keane
Graduate Planner
16/02/2023


17/2/23

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Dara Keane
Graduate Planner

FROM: Crystal White
Assistant Staff Officer

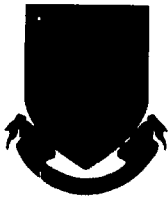
**RE:- EX 3/2023 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Reduce size of front facing window at 43a La Touche Park, Greystones, Co
Wicklow**

I enclose herewith for your attention application for Section 5 Declaration
received 1st of February 2023.

The due date on this declaration is the 28th of February 2023.



Senior Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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Suíomh / Website: www.wicklow.ie

02/02/2023

Darren Conlon

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 3/2023
Reduce size of front facing window at 43a La Touche Park, Greystones, Co Wicklow

A Chara

I wish to acknowledge receipt on the 1st of February 2023 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 28/02/2023.

Mise, le meas

SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
Wicklow
0404-20100

01/02/2023 14 02 26

Receipt No L1/0/308108
***** REPRINT *****

Darren Conlon
43 La Touche Park
Greystones
Co Wicklow

EXEMPTION CERTIFICATES	80 00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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Issued By Lorraine Byrne
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: DARREN CONLON

☐ Address of applicant: _____

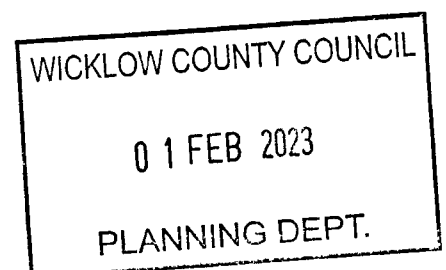
Note Phone number and email to be filled in on separate page.

☒ 2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____

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 43 LA TOUCHE PARK,
GREYSTONES, CO. WICKLOW, A63 K228

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 _____

REDUCE SIZE OF FRONT FACING WINDOW

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 _____

INCREASE ENERGY EFFICIENCY OF HOME

CURRENTLY THERE IS APPROX 13FT SINGLE GLAZED WINDOW
IN SITU + REQUIRES REPLACEMENT / UPGRADE.

Additional details may be submitted by way of separate submission.

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

vii. List of Plans, Drawings submitted with this Declaration Application _____
- SITE LOCATION - GOOGLE MAPS AERIAL VIEW + WCC PLANNING
MAP
- STREET VIEW OF HOUSE + SURROUNDINGS
- SIMILAR STYLE HOUSES WITH ALREADY REDUCED WINDOWS
- IMAGES

viii. Fee of € 80 Attached ? _____

Signed :  Dated : 01/2/23

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. 150m²
- Floor area of all relevant structures e.g. previous extensions. 150m²
- 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.

SITE MAP



Site Map:

43 La Touche Park, Greystones, Co. Wicklow



Reduce window size & upgrade from single glaze:

43 La Touche Park, Greystones, Co. Wicklow

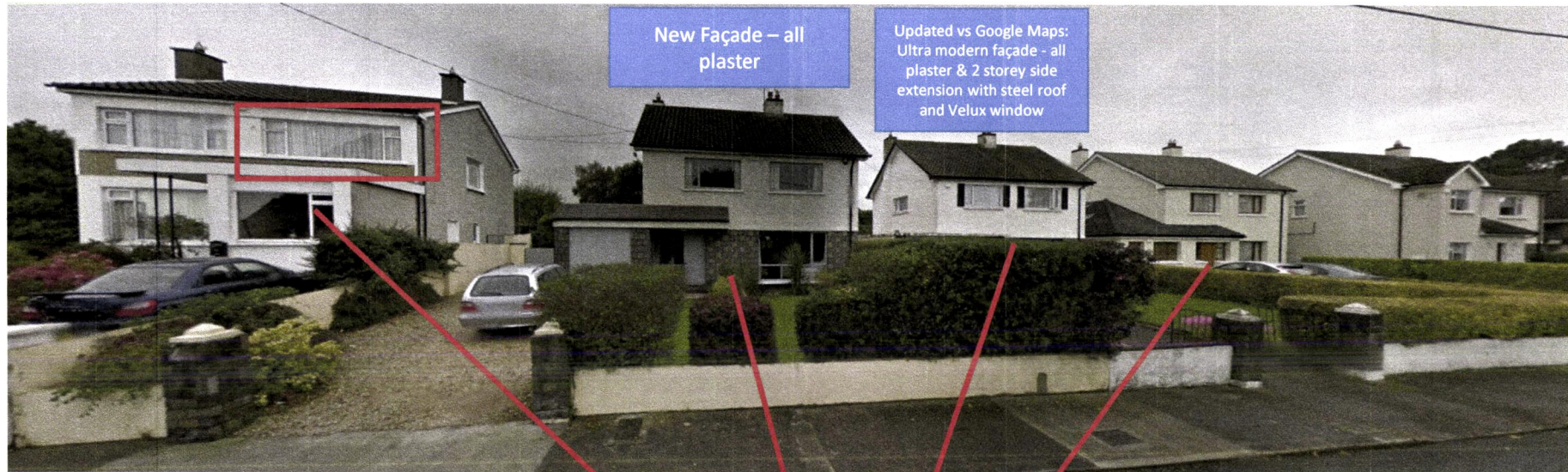


Currently there is a approx. 13ft long single glazed window.

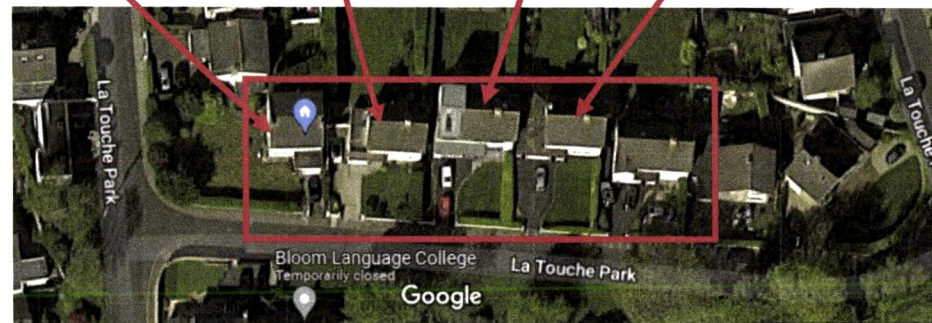
Seeking new Energy efficient window, but to also reduce overall size of window for overall energy/efficiency

Adjacent Houses

(43 La Touche Park is a corner house)



43 La Touche Park is a corner house – on a row of houses that are all different to one another



41 La Touche Park, Greystones, Co. Wicklow:
Complete revamp / build of extension / modern style



WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

PRR NAME	17/703 Dolores Thomas
DEVELOPMENT	Permission for: The development will consist of the demolition of internal partitions, stairs and single storey structure to the side of the main house and construction of internal alterations, new stairs, rooflights to front and rear, new windows, door and porch to front, new two storey extension to side, roof dormer to rear, new external insulation and render finish with associated ancillary works. All for use as a single dwelling unit
LOCATION SITE VISIT	41 La Touche Park, Greystones 10 th July 2017

Site location/features: existing 2 storey house within residential area, La Touche Park, Greystones

Planning history: none

Greystones-Delgany and Kilcoole Local Area Plan 2013-2019:

RE Existing Residential: To protect, provide for an improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.

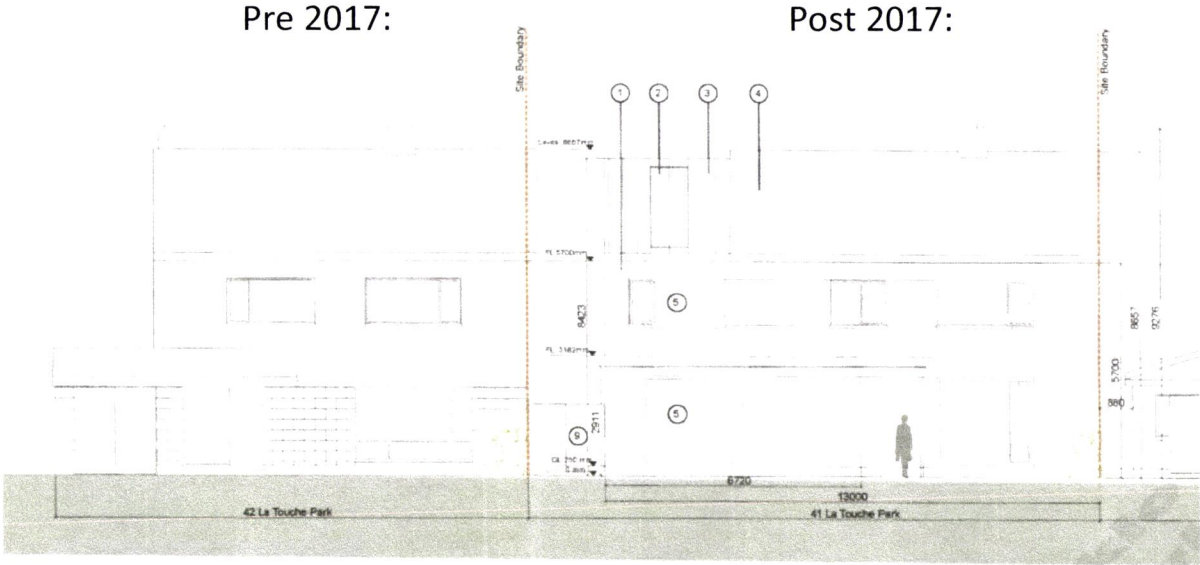
Reports: none

Third parties: none

Description of proposed development:

Permission for

- Demolition of existing single storey extension to side of main house
- New two storey extension to side of existing house
- New roof dormer to rear of house
- Roof lights to the front of house including skylight in existing concrete tile roof and inline glazing on the new zinc clad roof element
- Internal works
- New porch



11 La Touche Park, Greystones, Co.
Wicklow



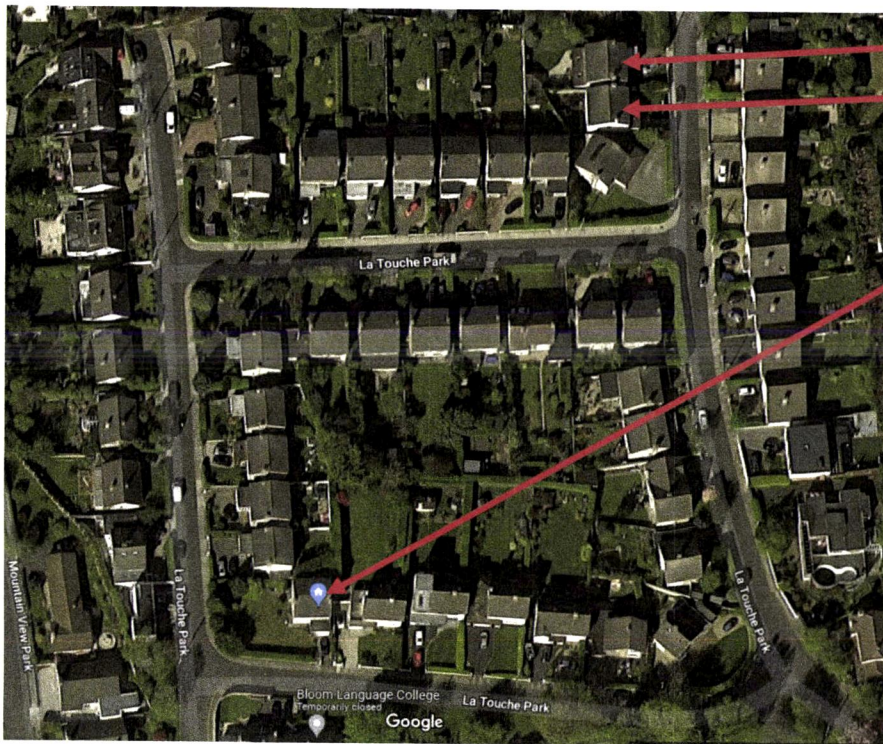
- Window size already reduced

12 La Touche Park, Greystones, Co.
Wicklow



- Window size already reduced

La Touche Park, Greystones, Co. Wicklow



11 La Touche Park

12 La Touche Park

43 La Touche Park

Site Map:

43 La Touche Park, Greystones, Co. Wicklow

