

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

Director of Services Order No: 1183/2022

Reference Number: EX 38/2022

Name of Applicant: Heidi & Jeffery Griffins

Nature of Application: Section 5 Referral as to whether or not Proposal for 2 no. Velux roof lights to the front of the house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92 is or is not exempted development.

Location of Subject Site: 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92

RECOMMENDATION: Report from Nicky Casey Assistant Planner

With respect Proposal for 2 no. Velux roof lights to the front of the house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92 to the query under Section 5 of the Planning & Development Act 2000 as to whether or is exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details received with this Section 5 application (EX38/2022) on the 21st of June 2022.
- Sections 2, 3, & 4 of the Planning & Development Act 2000 (as amended).

Main reasons with respect to section to Section 5 Declaration:

1. The Proposal for 2 no. Velux roof lights to front of house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92 would be development having regard to Section 3 of the Planning & 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, & therefore the development constitutes exempted development under Section 4(1)(h) of the Planning & Development Act 2000 (as amended)

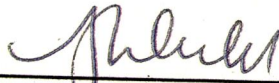
The Planning Authority considers that Proposal for 2 no. Velux roof lights to the front of the house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92 is development but is exempted development

ORDER:

That a declaration to issue stating:

That Proposal for 2 no. Velux roof lights to the front of the house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92 is development but is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:



Director of Services
Planning Development & Environment

Dated 15th day of July 2022



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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

Heidi & Jeffery Griffins

July 2022

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

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

Exemption Ref. No: EX 38/2022

Applicant: Heidi & Jeffery Griffins

Nature of Application: Proposal for 2 no. Velux roof lights to the front of the house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92

Location: 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92

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 MCHANTÁIN Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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

Applicant: Heidi & Jeffery Griffins

Location: 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92

DIRECTOR OF SERVICES ORDER NO. 1183/2022

A question has arisen as to whether or not Proposal for 2 no. Velux roof lights to the front of the house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92 is or is not exempted development.

Having regard to:

- The details received with this Section 5 application (EX38/2022) on the 21st of June 2022.
- Sections 2, 3, & 4 of the Planning & Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The Proposal for 2 no. Velux roof lights to front of house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92 would be development having regard to Section 3 of the Planning & 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, & therefore the development constitutes exempted development under Section 4(1)(h) of the Planning & Development Act 2000 (as amended)

The Planning Authority considers that Proposal for 2 no. Velux roof lights to the front of the house at 315 Charlesland Park, Greystones, Co Wicklow, A63 NP92 is development but is exempted development.

Signed: 

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated July 2022





WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

Section 5 – Application for declaration of Exemption Certificate

REF: EX38/2022
NAME: HEIDI & JEFFERY GRIFFINS
DEVELOPMENT: 2 NO. VELUX ROOFLIGHTS TO FRONT OF HOUSE.
LOCATION: 315 CHARLESLAND PARK, GREYSTONES, CO. WICKLOW. A63NP92

The Site: A mid-terraced 2-storey dwelling located within the Charlesland Park residential development.

Relevant 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 2 no. Velux rooflights to front of house at 315 Charlesland Park, Greystones, Co. Wicklow, A63NP92.'

Legislative Context:

-Planning and Development Act 2000 (as amended)

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

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

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

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

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

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

-Planning and Development Regulations, 2001 (as amended)

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9(1)(a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act;

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

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether or not *'the proposal is for 2 no. Velux rooflights to front of house at 315 Charlesland Park, Greystones, Co. Wicklow, A63NP92'* is or is not development; and is or is not exempted development.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

"development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

It should be noted that Section 2 of the Act defines works as:

"works" include any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

I am satisfied that the proposal involved works to the existing property and therefore constituted development.

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

The works involved the installation of 2 no. Velux rooflights to front of house at 315 Charlesland Park, Greystones, Co. Wicklow, A63NP92.

I consider that the works would fall under the remit of 4(1)(h). I do not consider that the alterations materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the house or neighbouring houses.

Recommendation:

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

Whether or not the proposal for 2 no. Velux rooflights to front of house at 315 Charlesland Park, Greystones, Co. Wicklow, A63NP92 is or is not development, and is or is not exempted development.

The Planning Authority considers that:

The proposal for 2 no. Velux rooflights to front of house at 315 Charlesland Park, Greystones, Co. Wicklow, A63NP92 is development, and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details received with this section 5 application (EX38/2022) on the 21st June 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

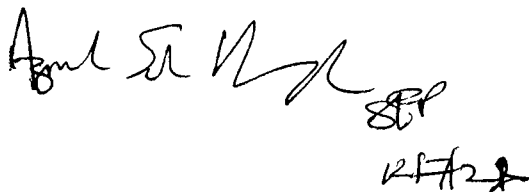
Main Reasons with respect to Section 5 Declaration:


- 1) The proposal for 2 no. Velux rooflights to front of house at 315 Charlesland Park, Greystones, Co. Wicklow, A63NP92 would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).



12/07/2022

**Nicky Casey
Assistant Planner**



Agreed 
A/DUS 15/07/2022

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Nicky Casey
Executive Planner**

**FROM: Crystal White
Assistant Staff Officer**

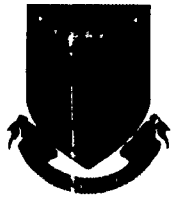
**RE:- Ex 38/2022- Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Heidi & Jeffery Griffins 2 Velux Windows to the front of the house at
315 Charlesland Park, Greystones, Co Wicklow.**

I enclose herewith for your attention application for Section 5 Declaration received 21st June 2022.

The due date on this declaration is the 18th July 2022.



**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

22nd June 2022

Heidi & Jeffery Griffins

**Re: EX 38/2022 Application for a Declaration in accordance with
Section 5 of the Planning and Development Acts 2000 (as
amended) – 2 Velux Windows to the front of the house at 315
Charlesland Park Greystones Co Wicklow**

A Chara,

I wish to acknowledge receipt of application in the above regard received on the 21st of June 2022 and to advise that a decision is due on this application on the 18th July 2022.

Mise le meas

SENIOR STAFF OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT



Wicklow County Council
Council Buildings
Wicklow
0404-20100

21/06/2022 11:01:46

Receipt No L1/0/296713

***** REPRINT *****

Heidi & Jeffery Griffiths
315 Charlesland Park
Greystones
Co Wicklow

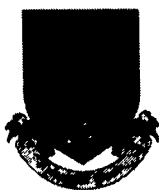
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non taxable	

Total 80 00 EUR

Tendered
Credit Card 80 00

Change 0 00

Issued By Charlie Redmond
From Revenue Section
Vat reg No 0015233H



Wicklow County Council
 County Buildings
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 Co Wicklow
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 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: HEIDI AND JEFFERY GRIFFITHS.

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 :

N/A

<p>WICKLOW COUNTY COUNCIL</p> <p>21 JUN 2022</p> <p>PLANNING DEPT.</p>
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Note Phone number and email to be filled in on separate page.

3. Declaration Details

i. Location of Development subject of Declaration

315 CHARLESLAND PARK
GREYSTONES
CO WICKLOW
A63 NP92

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, 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

Additional details may be submitted by way of separate submission. 2 X VELUX WINDOWS

TO THE FRONT OF THE HOUSE OF 315 CHARLESLAND PARK
GREYSTONES CO. WICKLOW MEASURING 55x98cm EACH. PLEASE
REFERENCE EX58/19 FOR SIMILAR APPLICATION IN THE VICINITY

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

N/A

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) ?

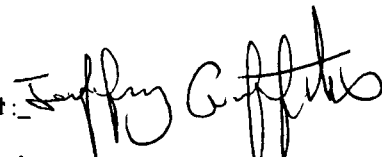
GOOGLE MAP LOCATION AND
PHOTO OF THE PROPERTY

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

GOOGLE MAP AND PHOTO OF
THE PROPERTY

viii. Fee of € 80 Attached ?

PAID AT WICKLOW COUNTY
COUNCIL OFFICE

Signed:  Dated: 21/6/2022
Heidi Griffiths

Additional Notes :

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

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

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

B. Land Reclamation -

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

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

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

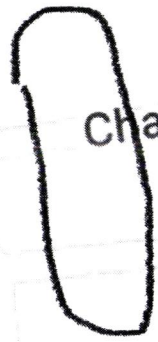
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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

REF : 315 CHARLESLAND PARK GREYSTONES CO WICKLOW A63 NP92

Charlesland Park

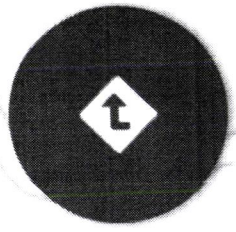
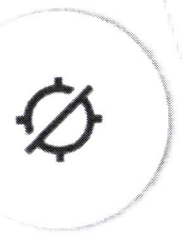
Charlesland Park

Charlesland Park
Montessori Greystone



Charlesland Park

Glenheron View



Glenheron View

Glenheron View

Glenheron W

Glenheron View

R761

Kilcoole Rd

Google

