



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
Guthán / Tel (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

Laurita Gutberga

 Of March 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX21/2026

A Chara,

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 Coimisiún Pleanála of such fee as may be
prescribed, refer a declaration for review by the Coimisiún 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

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

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

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

Applicant: Laurita Gutberga

Location: Avila, Ballymurrin Lower, Kilbride, Co. Wicklow

Reference Number: EX 21/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/239

A question has arisen as to whether *"the installation of 3 rood windows (skylights) to the rear of the pitched roof"* at Avila, Ballymurrin Lower, Kilbride, Co. Wicklow is or is not exempted development.

Having regard to:

- The details submitted with the Section 5 Declaration application.
- An Bord Pleanála Declarations RL2284, ABP-307712-20.
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The installation of 3 roof windows (sky lights) come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- The installation of the 3 roof windows on the rear elevation of the existing cottage would affect the exterior of the structure , but would 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended).

The Planning Authority considers that "the installation of 3 rood windows (skylights) to the rear of the pitched roof" at Avila, Ballymurrin Lower, Kilbride, Co. Wicklow is development and IS exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 05/03/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/239

Reference Number: EX 21/2026

Name of Applicant: Laurita Gutberga

Nature of Application: Section 5 Referral as to whether "*the installation of 3 roof windows (skylights) to the rear of the pitched roof*" is or is not development and is or is not exempted development.

Location of Subject Site: Avila, Ballymurrin Lower, Kilbride, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the installation of 3 roof windows (skylights) to the rear of the pitched roof*" at Avila, Ballymurrin Lower, Kilbride, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details submitted with the Section 5 Declaration application.
- b) An Bord Pleanála Declarations RL2284, ABP-307712-20.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The installation of 3 roof windows (sky lights) come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The installation of the 3 roof windows on the rear elevation of the existing cottage would affect the exterior of the structure , but would 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended).

Recommendation

The Planning Authority considers that "*the installation of 3 roof windows (skylights) to the rear of the pitched roof*" at Avila, Ballymurrin Lower, Kilbride, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: Edel Bermingham

Date: 02/03/2026

ORDER:

I HEREBY DECLARE:

That "*the installation of 3 roof windows (skylights) to the rear of the pitched roof*" at Avila, Ballymurrin Lower, Kilbride, Co. Wicklow is **development and is exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 
T/Senior Planner
Planning, Economic & Rural Development

Date: 31/3/2026

Section 5 Application EX 21/2026

Date : 26/2/2026

Applicant : Laurita Gutberga

Address : Avila, Ballymurring Lower, Kilbride.

Exemption Whether or not :

The installation of 3 roof windows (skylights) to rear of pitched roof

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History :

None

An Bord Pleanála Referrals

06D.RL2284

Whether the installation of six number velux roof lights within the eastern roof plane and one number window within the northern gable wall of 32 Ballinclea Heights, Killiney, is or is not exempted development.

An Bord Pleanála has concluded that –

- (a) the said installation of six number roof lights in the eastern roof plane constitutes development which materially affects the external appearance of the structure, but which does not render its appearance inconsistent with the character of the structure and of neighbouring structures, and
- (b) the said provision of a window in the northern gable of the dwellinghouse constitutes development which materially affects the external appearance of the structure and which renders its appearance inconsistent with the character of the structure and of neighbouring structures:

ABP-307712-20

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford are development and are exempted development as

- (a) the attic was converted to provide additional habitable accommodation before the granting of planning permission under planning register reference number 04/537 and the implementation of that permission and, therefore, the question should be restated as

follows: “whether the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford are or are not development or are or are not exempted development”, and

- (b) the works associated with the renovation of the existing habitable accommodation, including the altering, repositioning and addition of roof lights, constitute development which comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000 and is, therefore, exempted development:

Relevant legislation :

Planning and Development Act 2000 (as amended)

“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)*;

“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 3 :

3.—(1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land,

Section 4 :

- 4.— (1) The following shall be exempted developments for the purposes of this Act—
- (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 Section 5 application seeks a declaration as to whether the installation of 3 roof windows (skylights) to rear roof is or is not development or is or is not exempted development .

The submitted details show the location of the roof windows in the rear roof profile. The existing old single storey cottage on site is not a Protected Structure.

The placement of roof window within the roof are operations of construction / alteration , therefore works having regard to the interpretation set out in Section 2 of the Planning and Development Act 2000(as amended). The installation of these windows would therefore come within the definition of development as set out in Section 3 (1)(a) of the Planning and Development Act 2000(as amended).

Section 4 of the Planning and Development Act 2000 (as amended) provides that

4.— (1) The following shall be exempted developments for the purposes of this Act—
(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;

Given the works are for maintenance/ improvement, and whilst they effect the exterior of the structure, having regard to the location within the roof plane, the roof windows would not materially affect the external appearance and would not render this structure inconsistent with the character of the structure or of neighbouring structures.

The works are therefore development ,and are exempted development.

Recommendation :

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

the installation of 3 roof windows (skylights) to the rear of pitched roof of Avila,
Ballymurrin Lower, Kilbride,Co. Wicklow, A67 V058

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the installation of 3 roof windows(skylights) to the rear of pitched roof at Avila, Ballymurrin Lower, Kilbride,Co. Wicklow, A67 V058 , **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

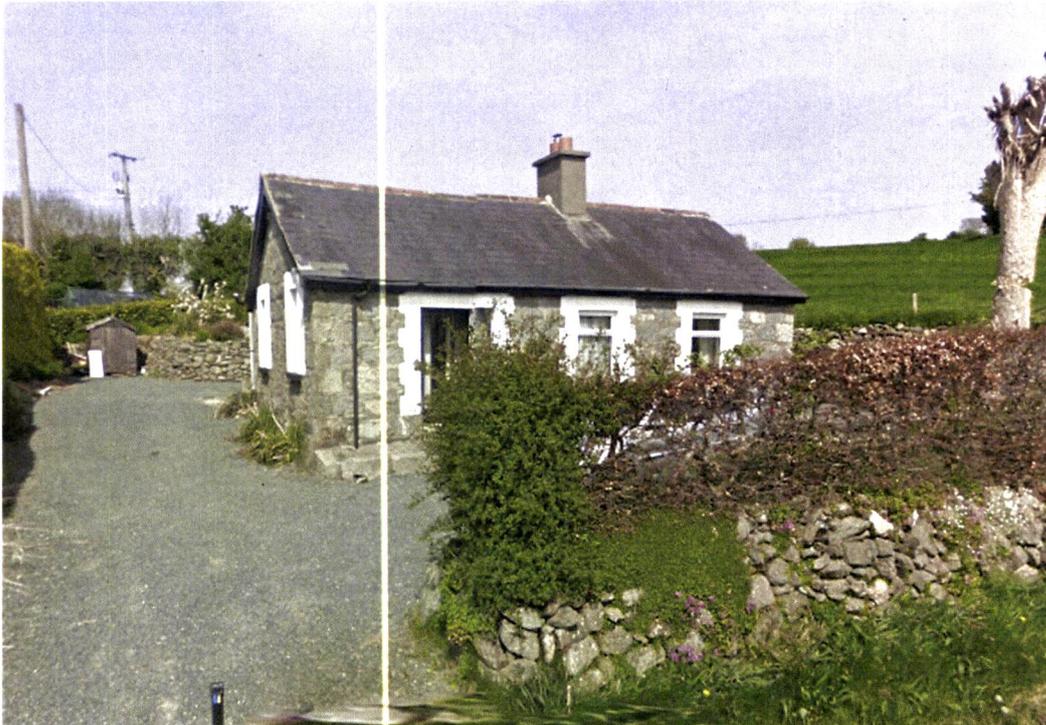
- a) The details submitted with the Section 5 Declaration application.
- b) An Bord Pleanála Declarations RL2284, ABP-307712-20.
- c) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration :

- (i) The installation of 3 roof windows (sky lights) come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The installation of the 3 roof windows on the rear elevation of the existing cottage would affect the exterior of the structure , but would 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

Sh. Cunningham TSP

26/2/2025





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
Guthán / Tel (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
A/Senior Planner

FROM: Nicola Fleming
Staff Officer

RE:- EX21/2026 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)

I enclose herewith for your attention application for Section 5 Declaration received 16/02/2026.

The due date on this declaration is the 15/03/2026.

Staff Officer
Planning Development & Environment





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
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Laurita Gutberga

17th February 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX21/2026

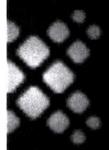
A Chara

I wish to acknowledge receipt on 16/02/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 15/03/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development

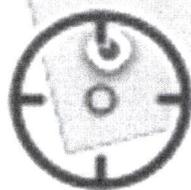




EIRCODE[®]
10 years of finding life easier



Satellite



Nicola Fleming

From: Nicola Fleming
Sent: Monday 16 February 2026 14:23
To: 'gutberg@tcd.ie'
Subject: FW: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : -EX21/2026

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 16th February 2026.

We received your Section 5 application form however this is incomplete as per our additional notes section and is return herewith: -

- site location map (an eircode map will suffice)

We need these documents to be able to access the application.

Application is currently classed as incomplete and decision date cannot be noted until the above documentation is received.

Regards,

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph ☎: +353 (0404) 20148 | ✉: nfleming@wicklowcoco.ie

Website: <http://www.wicklow.ie>



Comhairle Chontae Chill Mhantáin
Wicklow County Council

Wicklow County Council
County Buildings
Wicklow
0404-26100

16/02/2026 12:21:45

Receipt No L170/359008

***** REPRINT *****

LAURITA GUTEERGA
AVILLA
BALLYNURRIN LWR
KILBRIDE
CO WICKLOW
A67V058

PLANNING APPLICATION FEES	80 00
---------------------------	-------

GOODS	80 00
-------	-------

VAT Exempt/Non-vatable

Total	80 00 EUR
-------	-----------

Tendered Credit Card	80 00
-------------------------	-------

Change	0 00
--------	------

Issued By Anmarie Ryan
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 _____

RECEIVED 16 FEB 2026

**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: _____ Laurita Gutberga _____

_____ 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 Avila, Ballymurrin Lower, Kilbride, Co. Wicklow, A67 V058

ii. _____

iii. 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 _____

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.

iv. I seek a declaration under Section 5 of the Planning and Development Act 2000 (as amended) as to whether the proposed installation of three flush-fitting roof windows (skylights) to the existing pitched roof of my dwelling at Avila, Ballymurrin Lower, Kilbride, Co. Wicklow constitutes development and, if so, whether it is exempted development.

The proposed works consist of:

- Installation of two roof windows on the rear roof slope serving the living room
- Installation of one roof window on the rear roof slope serving Bedroom 1

The roof windows will be flush-fitting conservation-style roof windows, installed on the rear elevation only, and will not alter the structure, height, or external profile of the roof other than the insertion of the roof windows.

The dwelling is a single private residence and is not a protected structure.

Additional details may be submitted by way of separate submission.

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

v. I consider the following provisions relevant:

Planning and Development Act 2000 (as amended)

Planning and Development Regulations 2001 (as amended), Schedule 2, Part 1, Class 1

Article 6 of the Planning and Development Regulations 2001 (as amended), relating to exempted development for improvements or alterations to an existing dwelling.

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

List of Plans, Drawings submitted with this Declaration Application

vii.

- Site Location Map showing the dwelling at Avila, Ballymurrin Lower, Kilbride, Co. Wicklow
- Existing floor plan of dwelling
- Roof plan showing proposed location of three roof windows
- Contractor quotation for roof works including roof windows

RoofQuote (1)

- Roof window specification – FAKRO 78 × 98 cm centre pivot roof windows (3 units)

FAKRO

- Photographs of existing roof (rear elevation)

viii. Fee of € 80 Attached ? yes receipt number 359008



Signed : _____ Dated : _____
16/02/2026

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 -

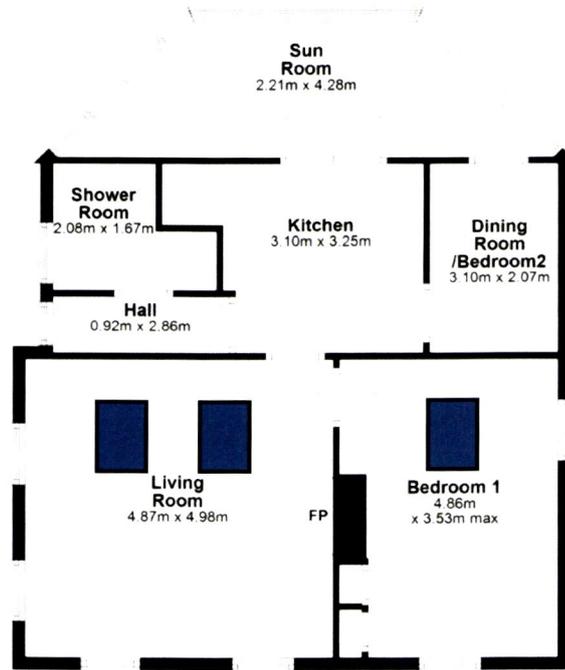
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 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

Ground Floor



Total area: approx. 81.7 sq. metres

- “FAKRO-78×98 – CENTRE PIVOT WHITE ROOF WINDOW (TH/HA66C) with slate flashing”
- Size: 78 × 98 cm (that’s a common “standard” skylight size)
- Finish: White
- Roof covering: Slate flashing
- Quantity: 3 units (2 living room + 1 bedroom)



Photo of the garden side of the roof that the windows will go into



L5664