



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Aras 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

Rachel Cregan

11 July 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX72/2025

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**



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

Applicant: Rachel Cregan

Location: 10 Caste Street, Wicklow Town, Co. Wicklow

Reference Number: EX 72/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/714

A question has arisen as to whether “1). adding of 1 no. velux window to rear roof, 2). replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and 3). moving the back door to the middle of the wall, with two no. smaller windows either side of door” at 10 Caste Street, Wicklow Town, Co. Wicklow is or is not exempted development.

Having regard to:

- i. The details received on 23/06/2025;
- ii. Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- iii. Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

- A. The adding of 1 no. velux window to rear roof and replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and; moving the back door to the middle of the wall, with two no. smaller windows either side of door, is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- B. The adding of 1 no. velux window to rear roof and replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and; moving the back door to the middle of the wall, with two no. smaller windows either side of door, would **not** materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring houses, and therefore the development constitutes **exempted development** under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that “1). adding of 1 no. velux window to rear roof, 2). replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and 3). moving the back door to the middle of the wall, with two no. smaller windows either side of door” at 10 Caste Street, Wicklow Town, Co. Wicklow **is development and is exempted development**

Signed:

ADMINISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated 11th July 2025

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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/714

Reference Number: EX 72/2025

Name of Applicant: Rachel Cregan

Nature of Application: Section 5 Referral as to whether or not “1). adding of 1 no. velux window to rear roof, 2). replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and 3). moving the back door to the middle of the wall, with two no. smaller windows either side of door” is or is not development and is or is not exempted development.

Location of Subject Site: 10 Caste Street, Wicklow Town, Co. Wicklow

Report from Maria Harte, GP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether “1). adding of 1 no. velux window to rear roof, 2). replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and 3). moving the back door to the middle of the wall, with two no. smaller windows either side of door” at 10 Caste Street, Wicklow Town, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- i. The details received on 23/06/2025;
- ii. Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- iii. Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

Main Reason with respect to Section 5 Declaration:

- A. The adding of 1 no. velux window to rear roof and replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and; moving the back door to the middle of the wall, with two no. smaller windows either side of door, is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- B. The adding of 1 no. velux window to rear roof and replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and; moving the back door to the middle of the wall, with two no. smaller windows either side of door, would **not** materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring houses, and therefore the development constitutes **exempted development** under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Recommendation

The Planning Authority considers that "1). adding of 1 no. velux window to rear roof, 2). replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and 3). moving the back door to the middle of the wall, with two no. smaller windows either side of door" at 10 Caste Street, Wicklow Town, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed Nickie Plemey

Dated 9th day of July 2025

ORDER:

I HEREBY DECLARE:

That "1). adding of 1 no. velux window to rear roof, 2). replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and 3). moving the back door to the middle of the wall, with two no. smaller windows either side of door" at 10 Caste Street, Wicklow Town, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: Paul D. May
Senior Engineer
Planning, Economic & Rural Development

Dated 10th day of July 2025



WICKLOW COUNTY COUNCIL

PLANNING DEPARTMENT

To: Fergal Keogh S.E. / Edel Bermingham S.E.P.

From: Maria Harte G.P.

Type: Section 5 Application

REF: EX 72/2025

Applicant: Rachel Cregan

Date of Application: 23/06/2025

Decision Due Date: 20/07/2025

Address: 10 Castle Street, Wicklow Town, Co. Wicklow. A67 RP23.

Exemption Query:

- 1) Add velux window to rear roof to allow light into bathroom. Currently there is no natural light in bathroom;
- 2) Replace two rear first floor windows with one larger window bedroom window in the middle of the rear elevation;
- 3) Move back door to middle of the wall, with two no. smaller windows either side of door.

Application Site: The application site is located within the level 2 urban settlement of Wicklow Town, and is occupied by a terraced two-storey dwelling, with off-street parking to the front with a small garden and a private garden to the rear. The site is accessed via the L-5708-0 and is bound by further dwellings to the east and west.

Site Image



Relevant Planning History:

There is no planning history associated with subject site.

Question:

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

1. Adding 1 no. velux window to rear roof to allow light into bathroom and;
2. Replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation;
3. Moving the back door to the middle of the wall, with two no. smaller windows either side of door,

at 10 Castle Street, Wicklow Town, Co. Wicklow 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) is relevant for the purposes of this declaration:

“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.

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):

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 a permission under Act or be inconsistent with any use specified in a 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,

And so on,

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.

Details submitted in support of the application:

- Tailte Éireann Map re. folio:WW39462F
- Elevation drawings of the existing and proposed door / rear windows.

Assessment:

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

Whether the

1. Adding of 1 no. velux window to rear roof to allow light into bathroom and;
2. Replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and;
3. Moving the back door to the middle of the wall, with two no. smaller windows either side of door,

at 10 Castle Street, Wicklow Town, Co. Wicklow 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.

The Planning Authority is satisfied that the proposal would involve works of demolition and alteration to the existing dwelling and therefore the proposal does constitute 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.

Section 4(1)(h) provides that the carrying out of works of maintenance/ improvement are exempted where such works would not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or neighbouring structures. Having regard to the minor nature and the siting to the rear of the proposed works, the Planning Authority does not consider that the movement of the rear/back door, enlarging of rear first floor window, and repositioning of window on the rear ground floor either side of the back door would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the house or neighbouring houses. I therefore consider that the works would fall under the remit of 4(1) (h) of the Planning and Development Act 2000 (as amended).

Recommendation:

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

1. Adding of 1 no. velux window to rear roof to ~~allow light into bathroom and~~;
2. Replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and;
3. Moving the back door to the middle of the wall, with two no. smaller windows either side of door,

at 10 Castle Street, Wicklow Town, Co. Wicklow is or is not exempted development.

The Planning Authority considers that:

1. Adding of 1 no. velux window to rear roof to ~~allow light into bathroom and~~;
2. Replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and;
3. Moving the back door to the middle of the wall, with two no. smaller windows either side of door,

at 10 Castle Street, Wicklow Town, Co. Wicklow is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- i. The details received on 23/06/2025;
- ii. Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- iii. Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The adding of 1 no. velux window to rear roof to ~~allow light into bathroom and~~; replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and; moving the back door to the middle of the wall, with two no. smaller windows either side of door, is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).

2. The adding of 1 no. velux window to rear roof to ~~allow light into bathroom and~~;

replacing two rear first floor windows with one larger window bedroom window in the middle of the rear elevation and; moving the back door to the middle of the wall, with two no. smaller windows either side of door, would **not** materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring houses, and therefore the development constitutes **exempted development** under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Maria Harte G.P.

Maria Harte G.P.
02/07/2025

Agal S. Harte G.P.
02/07/2025

Issue declaration of recommended
14/07/25



Comhairle Contae Chill Mhantáin Wicklow County Council

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Suíomh / Website www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Maria Harte
Graduate Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX72/2025**

I enclose herewith application for Section 5 Declaration received completed
on 23/06/2025

The due date on this declaration is 20th July 2025.

Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

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Rachel Cregan

27th June 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX72/2025

A Chara

I wish to acknowledge receipt on 23/06/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 20/07/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404 20100

20/06/2025 16 08 51

Receipt No L1/0/34/172
***** REPRINT *****

RACHEL CREGAN
53 LARCHFIELD
DUNBOYNE
CO MEATH

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

Total	80 00 EUR
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Tendered
Credit Card 80 00
10 CASTLE ST, WICKLOW TOWN

Change	0 00
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County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

RECEIVED 23 JUN 2025

**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:** Rachel Cregan
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

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

3. Declaration Details

- i. **Location of Development subject of Declaration:**
10 Castle St, Wicklow Town, Wicklow, A67 RP23
- ii. **Are you the owner and/or occupier of these lands at the location under i. above? Yes/ No.**

Owner as off 17Jun2025. Needs work before I can move in.

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, 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.

I would like to add a velux window to the roof in bathroom. The roof is at the back of the house. There are no windows or natural light in the bathroom currently.

I would like to replace the two windows in the bedroom to the back of the house with one larger window in the middle of the wall.

I would like to move the backdoor to the middle of the wall, with two small windows
Additional details may be submitted by way of separate submission. either side of the door

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

Schedule 2, Article 6, Class 1, 6

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

1. Drawings of a) current layout and b) proposed layout
2. Land register
3. Aerial view from Google Maps.

viii. Fee of € 80 Attached? - Paid over the phone on 20Jun2025

Signed :  Dated : 21 Jun 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 -

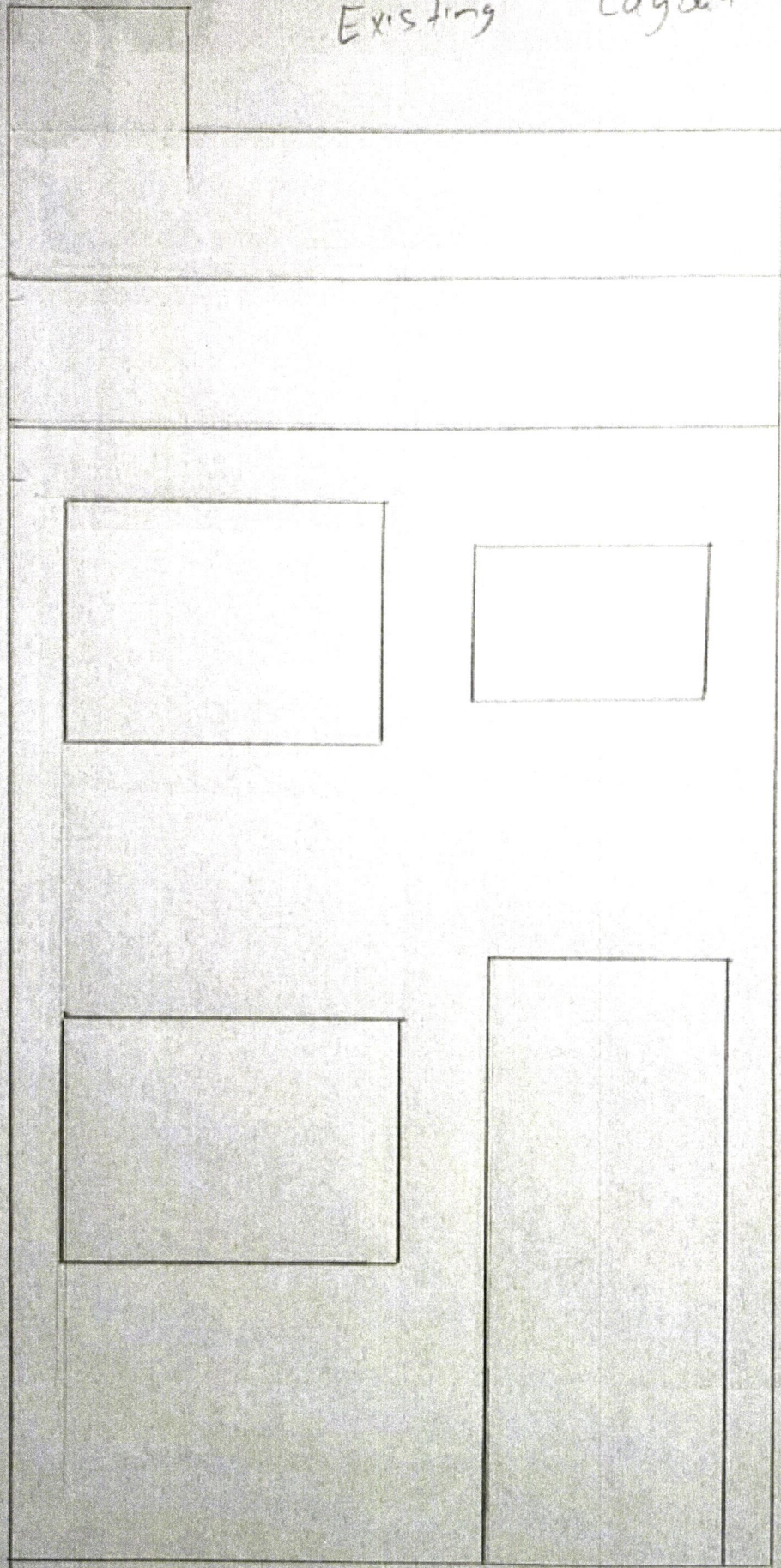
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act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

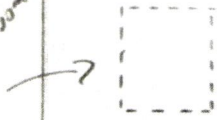
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure
-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

Existing Layout



Proposed changes

Velux
in bathroom
ceiling



larger window
in middle of
room as opposed
to two either
side

back door in
middle of wall
with two small
windows either
side

WW39462F

Application Number: P2025LR026889X

732110 mE, 694010 mN


**Tailte
Éireann**

 Clárachán, Luacháil,
Súrbhéireacht
Registration, Valuation,
Surveying

Folio: WW39462F

 This map should be read in conjunction with
the folio.

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(centre-line of parcel(s) edged)

Freehold

Leasehold

SubLeasehold

Burdens (may not all be represented on map)

Right of Way / Wayleave

Turbary

Pipeline

Well

Pump

Septic Tank

Soak Pit


 A full list of burdens and their
symbology can be found at:
www.landdirect.ie
**Tailte Éireann Registration operates a
non-conclusive boundary system.**
**The TÉ Registration map identifies
properties not boundaries meaning
neither the description of land in a
folio nor its identification by reference
to a TÉ Registration map is conclusive
as to the boundaries or extent. (see
Section 85 of the Registration of Title Act,
1964). As inserted by Section 62 of the
Registration of Deed and Title Act 2006.**

 731790 mE, 693750 mN
Date Printed: 27/02/2025

Creation Date: 27 February 2025 12:49:23

Application Number: P2025LR026889X

1:1000



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7/9



10 Castle Street, Wicklow,
.... .



utine Hill



Healthy Habits Store and
Online Health Food Store
Healthfood store

East Coast Garage



Castle St

Castle St



10 Castle St
Recently viewed

Wellfield C/

Monkton Row

