



**COMHARLE 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@wicklowco.ie](mailto:plandev@wicklowco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

**Lumondt Kritzing**


*John*  
**July 2023**

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) – EX41/2023**

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: Lumondt Kritzinger**

**Location:**

**CHIEF EXECUTIVE ORDER NO. CE/PDE/1243/2023**

A question has arisen as to whether "installation of 4 no velux windows in the attic of existing dwelling" at 7 Waverly Avenue, Greystones, Co. Wicklow is or is not exempted development.

**Having regard to:**

- The details submitted under Section 5 Declaration on 28/06/23
- Sections 2(1), 3(1) and 4(1)h, of the Planning and Development Act 2000 (as amended)
- Site inspection carried out on 13/07/23

**Main Reasons with respect to Section 5 Declaration:**

Having regard to the alignment of proposed Velux windows with the slope of the roof, and the fact that it does not break the line of the roof of the existing dwelling, it is considered that the development would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and therefore comes within the exempted development provisions described under Sections 4(1) h, of the Planning and Development Act 2000 (as amended).

**The Planning Authority considers that "installation of 4 no velux windows in the attic of existing dwelling" at 7 Waverly Avenue, Greystones, Co. Wicklow is development and is exempted development.**

Signed: 

**ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT**

Dated  July 2023



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/1243/2023

Reference Number: EX 41/2023

Name of Applicant: Lumondt Kritzinger

Nature of Application: Section 5 Referral as to whether "installation of 4 no velux windows in the attic of existing dwelling" is or is not exempted development

Location of Subject Site:

Report from Solomon Aroboto, EP & Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "installation of 4 no velux windows in the attic of existing dwelling" at 7 Waverly Avenue, 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 submitted under Section 5 Declaration on 28/06/23
- Sections 2(1), 3(1) and 4(1)h, of the Planning and Development Act 2000 (as amended)
- Site inspection carried out on 13/07/23

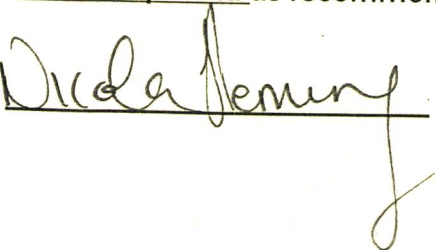
**Main Reasons with respect to Section 5 Declaration:**

Having regard to the alignment of proposed Velux windows with the slope of the roof, and the fact that it does not break the line of the roof of the existing dwelling, it is considered that the development would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and therefore comes within the exempted development provisions described under Sections 4(1) h, of the Planning and Development Act 2000 (as amended).

**Recommendation**

The Planning Authority considers that "installation of 4 no velux windows in the attic of existing dwelling" at 7 Waverly Avenue, Greystones, Co. Wicklow" is development and is exempted development. as recommended in the report by the SEP.

Signed

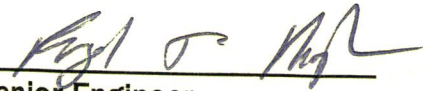


Dated 20<sup>th</sup> day of July 2023

**ORDER:**

I HEREBY DECLARE:

That "installation of 4 no velux windows in the attic of existing dwelling" at 7 Waverly Avenue, Greystones, Co. Wicklow" **is development and is exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

**Senior Engineer**

**Planning Development & Environment**

Dated 2<sup>nd</sup> day of July 2023

## **Report for – Section 5 declaration**

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**File Reference:** EX 41/2023

**Applicant's Name:** Lumondt Kritzinger

**Address:**

**Description:** Installation of 4 Velux windows in attic

**Date of site visit** 12/07/23

### **Section 5 Referral**

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

Installation of 4 no Velux windows in the attic of existing dwelling

At 7 Waverly Avenue, Greystones, Co. Wicklow, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)

### **Planning History**

141925 – Permission was granted for the overall residential scheme consisting of residential scheme comprising 130 no. 2 storey houses and a 2 storey creche of c244sqm. The residential element comprises 92 no. 3 bed houses, 34no. 4 bed houses, and 4 no. 5 bed houses, ranging in size from c109sqm to c165sqm. All associated site development, access, landscaping, open spaces, boundary treatment works, car parking and infrastructural services provision.

### **Previous Relevant Board References**

06D.RL.2284- whether the installation of six number velux roof lights within the eastern roof plane and one number window within the northern gable wall is or is not development or 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:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that -

(a) the said installation of six number roof lights in the eastern roof plane of the dwelling house is development and is exempted development, and

(b) the said provision of a window in the northern gable is development and is not exempted development.

## **Relevant Legislation**

### ***Planning and Development Act 2000 as amended Section 2(1)***

*“Works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal*

*“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,*

### ***Section 3(1) of the Planning and Development Act 2000 as amended defined a development as follows: -***

*“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.*

### ***Planning and Development Act 2000- 2010 Section 4(1) (h) as amended - defined an Exempted development as follows: -***

*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*

## ***The Planning and Development Regulation 2001 as amended***

### ***Article 6***

*(3) 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 (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,*

*(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,*

*(viii) Consist of or compromise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use*

## **Assessment**

The issue is to determine whether the construction and provision of,

4 no Velux windows in the attic of existing dwelling

is or is not exempted development within the meaning of the Planning and Development Acts, 2000 as amended.

The subject site is located on a corner site in a housing estate in Greystones and has on it a detached two storey house and garden.

Having regard to the definition of development in Section 3 of the Planning and Development Act 2000 (as Amended), it is considered that the works of,

Installation of 4 no Velux windows in the attic of existing dwelling is development.

The next question therefore to ask is whether the development is or is not exempted development.

I consider that the works of the installation of 4 no Velux windows in the attic of existing dwelling would not materially affect the external appearance of the dwelling and is not inconsistent with the character of the structure on which it is located because the Velux windows installed is aligned with the slope of the roof, and do not break the line of the roof. The Velux windows do not significantly alter the shape, colour, design, features or layout of the roof. It is considered that the development does not render the appearance of the dwelling inconsistent with the character of the neighbouring structures.

In addition, I examined a similar referral case assessed by the Board under 06D.RL2284 in relation to installation of 6 no. velux roof lights within the roof plane of a house. The Board decided that the works constituted development and exempted development.

From the foregoing, it is considered that the,

Installation of 4 no Velux windows in the attic of existing dwelling

Would fall within the provisions Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

## **Conclusion**

On basis on the above assessment, it is considered that,

Installation of 4 no Velux windows in the attic of existing dwelling

At 7 Waverly Avenue, Greystones, Co. Wicklow, is development and is exempted development.

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

Installation of 4 no Velux windows in the attic of existing dwelling

At 7 Waverly Avenue, Greystones, Co. Wicklow, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended)

**The Planning Authority considers that the:**

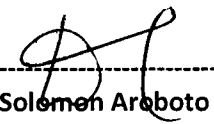
Installation of 4 no Velux windows in the attic of existing dwelling is development and is exempted development.

**Main Considerations with respect to Section 5 Declaration:**

- The details submitted under Section 5 Declaration on 28/06/23
- Sections 2(1), 3(1) and 4(1)h, of the Planning and Development Act 2000 (as amended)
- Site inspection carried out on 13/07/23

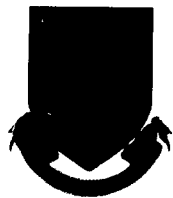
**Main Reasons with respect to Section 5 Declaration:**

Having regard to the alignment of proposed Velux windows with the slope of the roof, and the fact that it does not break the line of the roof of the existing dwelling, it is considered that the development would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and therefore comes within the exempted development provisions described under Sections 4(1) h, of the Planning and Development Act 2000 (as amended).

  
-----  
Solomon Araboto E/P  
13/07/21

*Agreed as amended*  
*White SP*  
*13/7/21*





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## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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**TO: Solomon Arboto**  
**Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
Ex 41/2023 – 4 velux windows in attic**

I enclose herewith for your attention application for Section 5 Declaration  
received 28<sup>th</sup> June 2023

The due date on this declaration is 25<sup>th</sup> July 2023.

  
\_\_\_\_\_  
**Staff Officer**  
**Planning Development & Environment**





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29<sup>th</sup> June 2023

Lumondt Kritzingner

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended).  
Ex 41/2023 – 4 velux windows in attic**

A Chara

I wish to acknowledge receipt on 28<sup>th</sup> June 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 25<sup>th</sup> July 2023.

Mise, le meas

NICOLA FLEMING  
STAFF OFFICER  
PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

28/06/2023 12 32 27

Receipt No L1/0/315222  
\*\*\*\*\* REPRINT \*\*\*\*\*

LUMONDI KRITZINGER  
7 WAVERLY AVENUE  
GREYSTONES

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

Total	80 00 EUR
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Tendered	
Cash	80 00

Change	0 00
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Issued By Charlie Redmond  
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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**

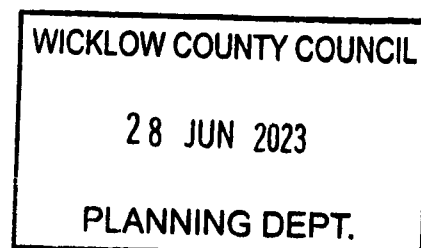
(a) Name \_\_\_\_\_ of \_\_\_\_\_  
applicant: LUMONOT KRITZINGER  
Address of applicant: \_\_\_\_\_  
\_\_\_\_\_

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

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

*Additional details may be submitted by way of separate submission.*

Please see separate submission

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

*Additional details may be submitted by way of separate submission. \_\_\_\_\_*

4 x Velux Windows in Attic.

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

ATTACHED

viii. Fee of € 80 Attached ?

Signed :



Dated : \_

28/6/23

**Additional Notes :**

Dear Wicklow County Council

We purchased number \_\_\_\_\_ in  
December 2019 – which was the Showhouse at the time and  
fully furnished/fitted with carpets/lighting etc. Our house is a  
4 bedroom house and had a fully fitted and complete Attic  
room that was ready to be used/fully fitted. We have used the  
Attic as a family room and gym area since then.

In 2020 we decided to fit 4 Velux windows to the Attic for  
more light/fresh air – 2 to the left side and 2 to the right hand  
side. (our roof is A framed when looking at it from the front of  
the house – see the pictures attached). The Velux windows are  
all the same size 66cmx98cm. They are fitted on the second  
floor of the house and overlook our neighbours' house on the  
East, and overlook a road on the West. Their lowest point in  
the Attic is 6 feet from the floor. They have been fitted  
relatively high on the walls/ceiling making it very difficult to  
look through them and down to any neighbouring houses  
unless you are 7 feet tall – they therefore do not infringe on  
the privacy of any neighbour in any way whatsoever. They are  
at an angle facing up to the sky following the contour of the  
ceiling slant from the top ceiling to the side wall – they  
therefore have been positioned facing upwards.

At the time we had them fitted we were told by the contractor  
that we did not need planning permission – and therefore we  
did not apply for planning permission as a result. In our  
development (Waverly) of about 80 houses we probably have  
about 15-20 houses with Velux windows at this point in time,  
so Velux windows are the norm and residents have them to the  
sides, back and front of their properties. They are functional  
and aesthetically pleasing at the same time.

We have recently sold our house and the purchaser's Solicitor  
has asked that we provide planning permission/exemption for  
the Velux windows. We disputed that this was need, and it is  
only after investigating this further that we discovered that  
indeed for side facing Velux windows we might need to notify  
the Planning Department. We are therefore submitting this  
Application along with supporting photographs, to ask for  
your permission that we can proceed with the sale of our  
house with the Velux windows as they are. We are in a  
predicament that we might lose our buyers if our sale is  
delayed, and furthermore we have just bought a new house  
ourselves which we might also lose to somebody else should  
the transfer of 7 Waverly Avenue be delayed.

We therefore kindly request your consideration for our

situation. Our primary motivation/request is that it is quite evident given the number of Velux windows within 300 metres from our house, that it is an acceptable norm to have Velux windows in our development. Our neighbour 2 doors away to the East (number 3 Waverly) has put in extensive Velux windows only last month, which means that their neighbour (number 5 Waverly) – which happens to be our neighbour as well, would not have opposed the Velux windows. Our neighbours have never once complained about our Velux windows.

We kindly request your favourable consideration given the urgency of the matter and the predicament we find ourselves in.

Sincerely

Lumondt and Lara Kritzinger



LUMONDT KRITZINGER

28 June 2023

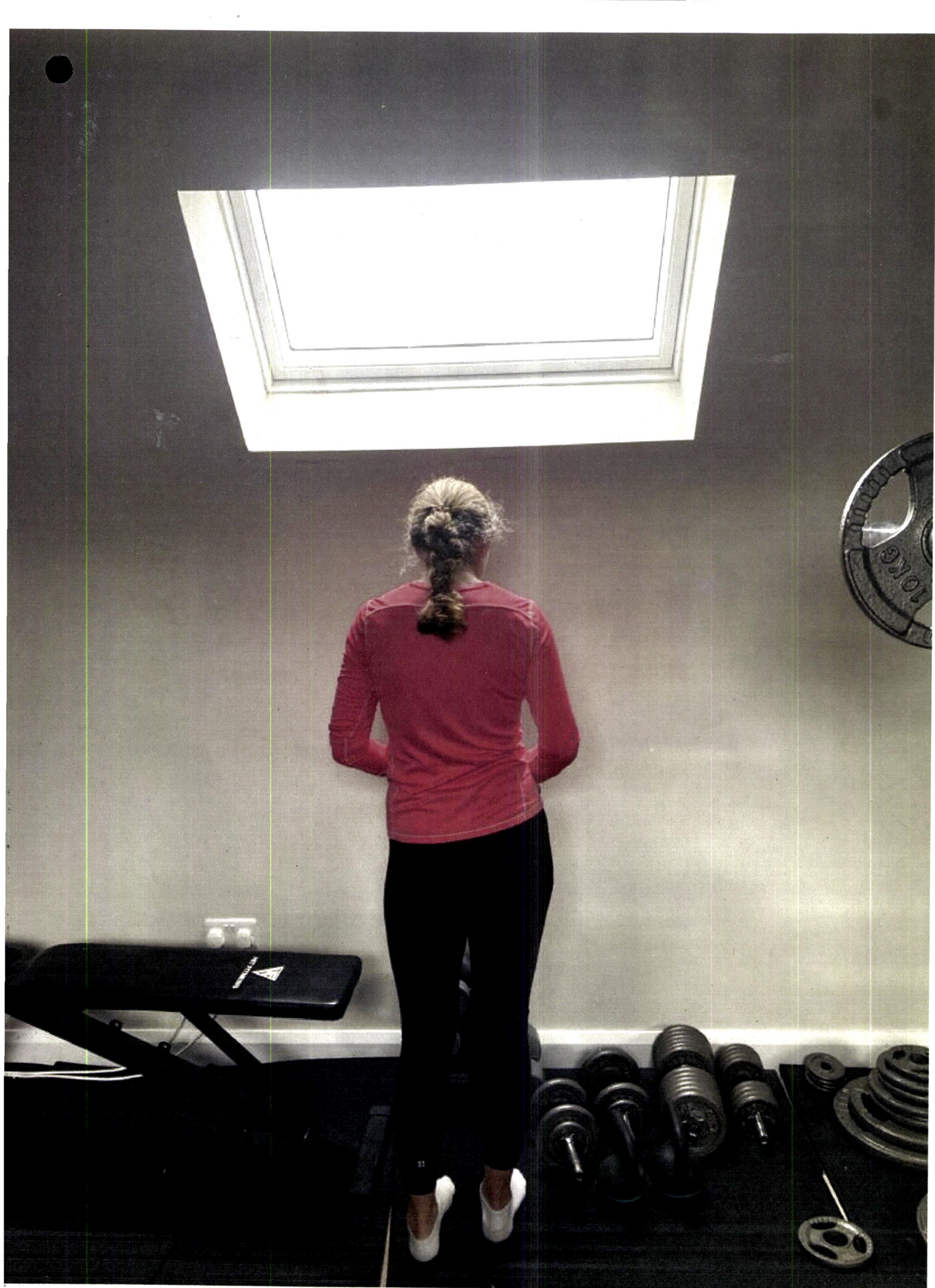
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LARA KRITZINGER









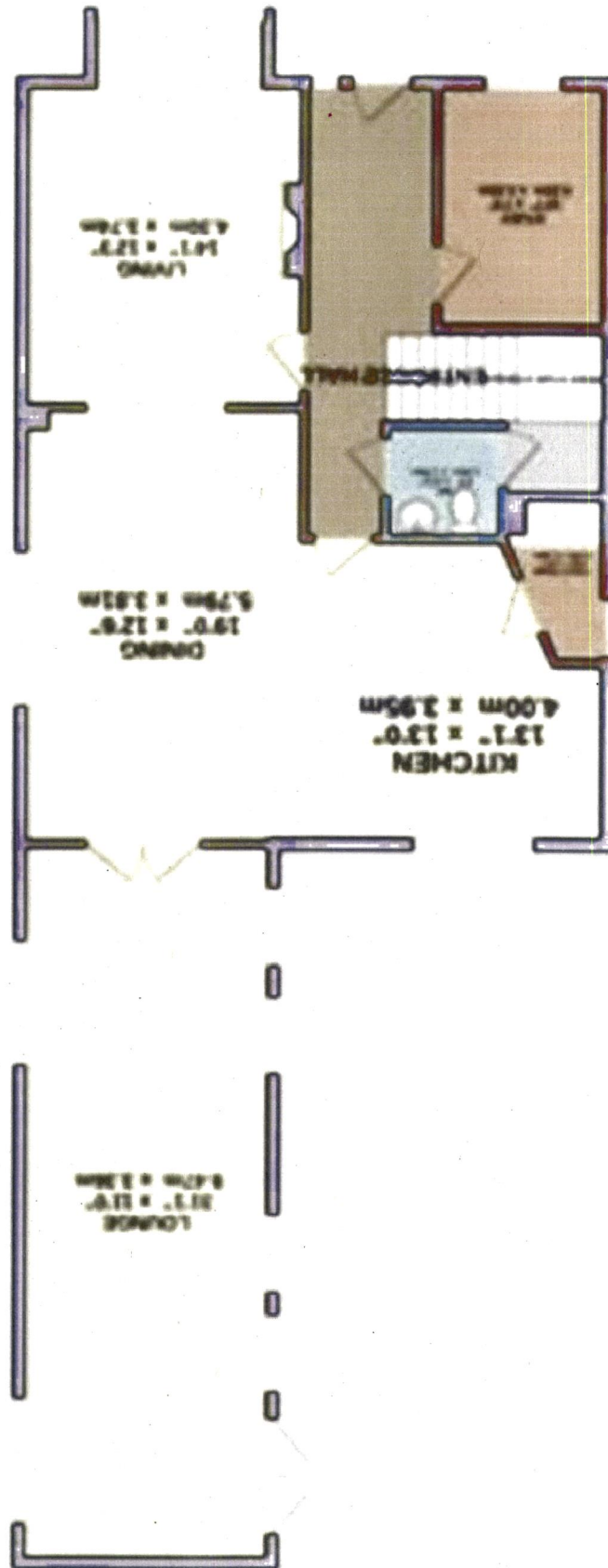




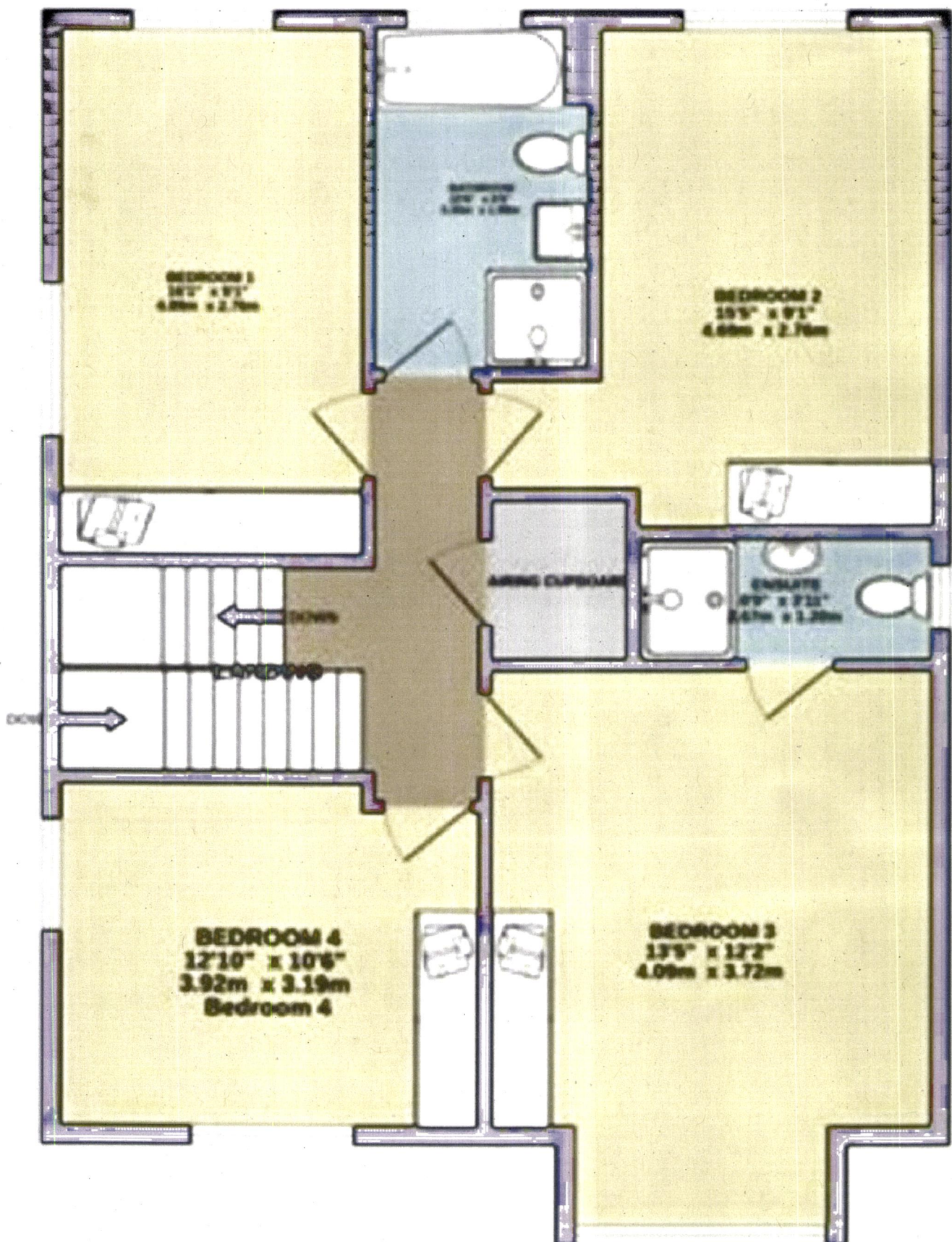






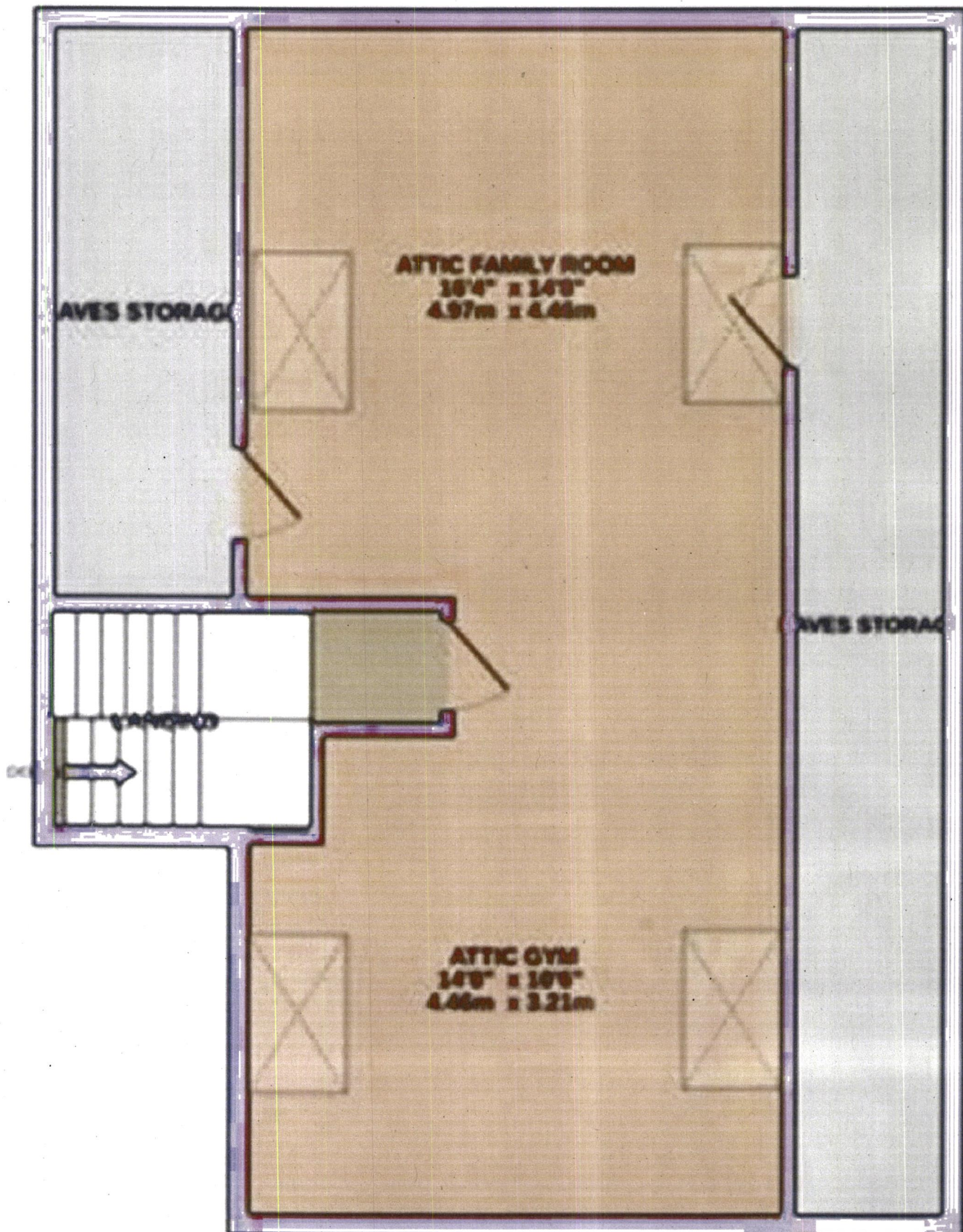


# 1ST FLOOR





## 2ND FLOOR





### The Curlew

3 Bedroom Semi-detached  
109 sq. m. / 1,173 sq. ft.



### The Osprey

3 Bedroom Semi-detached  
118 sq. m. / 1,270 sq. ft.



### The Petrel

4 Bedroom Semi-detached  
133 sq. m. / 1,431 sq. ft.



### The Kinglet

4 Bedroom Detached  
146 sq. m. / 1,571 sq. ft.  
(Note: floor plans are not currently available)



### The Caspian

4 Bedroom Detached  
159 sq. m. / 1,711 sq. ft.



### The Kingfisher

5 Bedroom Detached  
165 sq. m. / 1,776 sq. ft.

