

# 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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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

Julia Craul

16<sup>th</sup> May 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX27/2023**

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.**



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

**Applicant:** Julia Craul

**Location:** Athdown, Manor Kilbride, Blessington, W91 YY56

**CHIEF EXECUTIVE ORDER NO. CE/PDE/863/2023**

A question has arisen as to whether “the breaking open and provision of a single door to the gable end of bungalow” at Athdown, Manor Kilbride, Blessington, W91 YY56” is or is not exempted development.

**Having regard to:**

- i. The details submitted with the Section 5 Declaration.
- ii. Sections 2 , 3 , 4(1)(h) of the Planning and Development Act 2000 (as amended)

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

- i. The breaking opening of the gable end of the bungalow and provision of a new single door would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000(as amended)
- ii. The new opening and door would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended), as the works are for the maintenance/ improvement of the structure, and would be consistent with the character of the existing structure, and would not render it inconsistent with neighbouring structures.

**The Planning Authority considers that “the breaking open and provision of a single door to the gable end of bungalow” at Athdown, Manor Kilbride, Blessington W91 YY56, is development and is exempted development.**

Signed: 

ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 16<sup>th</sup> May 2023



**WICKLOW COUNTY COUNCIL**

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

CHIEF EXECUTIVE ORDER NO. CE/PDE/863/2023

Reference Number: EX 27/2023

Name of Applicant: Julia Craul

Nature of Application: Section 5 Referral as to whether "the breaking open and provision of a single door to the gable end of bungalow" is or is not exempted development.

Location of Subject Site: Athdown, Manor Kilbride, Blessington, W91 YY56

Report from Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the breaking open and provision of a single door to the gable end of bungalow" at Athdown, Manor Kilbride, Blessington, W91 YY56 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- i. The details submitted with the Section 5 Declaration.
- ii. Sections 2 , 3 , 4(1)(h) of the Planning and Development Act 2000 (as amended)

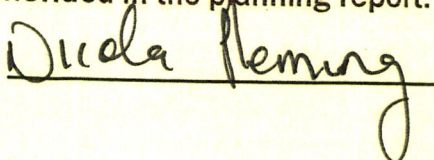
**Main Reasons with respect to Section 5 Declaration:**

- i. The breaking opening of the gable end of the bungalow and provision of a new single door would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000(as amended)
- ii. The new opening and door would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended), as the works are for the maintenance/ improvement of the structure, and would be consistent with the character of the existing structure, and would not render it inconsistent with neighbouring structures.

**Recommendation**

The Planning Authority considers that "the breaking open and provision of a single door to the gable end of bungalow" at Athdown, Manor Kilbride, Blessington, W91 YY56 is development and is exempted development as recommended in the planning report.

Signed



Dated 16<sup>th</sup> day of May 2023



**ORDER:**

I HEREBY APPROVE that a declaration to issue stating:

That " the breaking open and provision of a single door to the gable end of bungalow" at Athdown, Manor Kilbride, Blessington, W91 YY56 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 

day of May 2023

## **Section 5 Application EX 27/2023.**

Date : 15<sup>th</sup> May 2023..

Applicant : Julia Craul

Address : Athdown, Manor Kilbride W91YY56

Exemption Whether or not :

The breaking open and provision of a single door to the gable end of bungalow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

### **Planning History :**

87/3319 Permission granted for bungalow at Athdown, Manor Kilbride.

### **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 on, in, over or under land or the making of any material change in the use of any structures or other 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 following is or is not development or is or is not exempted development with respect to the following two queries i.e. :

Break out opening and provision of a single door to gable end of bungalow at Athdown, Manor Kilbride, Co. Wicklow..

The provision of new opening in gable end of dwelling would come within the definition of works, and therefore is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)

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. It is considered that the provision of a door to the gable end of the dwelling would not materially affect the external appearance of the structure or make it inconsistent with neighbouring structures, and is therefore considered exempt development.

#### Recommendation :

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

The breaking open and provision of a single door to the gable end of bungalow, Athdown, Manor Kilbride, Co.Wicklow, W91 YY56

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

The Planning Authority consider that :


The breaking open and provision of a single door to the gable end of bungalow, **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2 , 3 , 4(1)(h) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The breaking opening of the gable end of the bungalow and provision of a new single door would come within the definition of development as set out in Section 3 of the Planning and Development Act 2000(as amended)
- The new opening and door would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended), as the works are for the maintenance/ improvement of the structure, and would be consistent with the character of the existing structure, and would not render it inconsistent with neighbouring structures.

  
15/5/2023

# **MEMORANDUM**

## **WICKLOW COUNTY COUNCIL**

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**TO: Edel Bermingham**  
**Senior Executive Planner**

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

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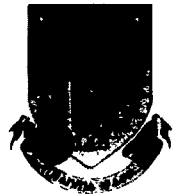
**RE:- EX 27/2023 - Declaration in accordance with Section 5 of the  
Planning & Development Acts 2000 (as amended)  
To break out door on the gable end of bungalow from the living  
room (at the kitchen)**

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

The due date on this declaration is 1<sup>st</sup> June 2023.

  
\_\_\_\_\_  
**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](http://www.wicklow.ie)

8<sup>th</sup> May 2023

**Julia Craul**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 27/2023**  
**To break out a single door on the gable end of bungalow from the living room (at the kitchen)**

A Chara

I wish to acknowledge receipt on 5<sup>th</sup> May 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 1<sup>st</sup> June 2023.

Mise, le meas

  
\_\_\_\_\_  
**NICOLA FLEMING**  
**STAFF OFFICER**  
**PLANNING DEVELOPMENT AND ENVIRONMENT**

Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

05/05/2023 10 11 00

Receipt No L1/0/312719

JULIA CRAUL  
ATHDOWN  
MANOR KILBRIDE  
BLESSINGTON  
CO WICKLOW  
W91YY56

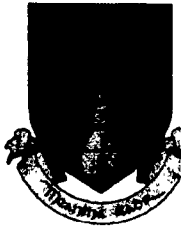
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Cheque	80 00

Change	0 00
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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**

WICKLOW COUNTY COUNCIL  
CLERK'S OFFICE  
05 MAY 2023

**1. Applicant Details**

(a) Name of applicant: \_\_\_\_\_

JULIA CRAUL

Address of applicant: \_\_\_\_\_

R

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

WICKLOW COUNTY COUNCIL  
05 MAY 2023  
PLANNING DEPT.

**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) \_\_\_\_\_

Address of Agent : \_\_\_\_\_

NONE

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

### 3. Declaration Details

i. Location of Development subject of Declaration ATH DOWN  
MANOR KILBRIDE BLESSINGTON  
CO WICKLOW W91 Y56

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

MAY I BREAK OUT A SINGLE DOOR  
ON THE GABLE END OF THE BUNGALOW  
FROM THE LIVING ROOM (AT THE KITCHEN)  
I HAVE NO NEIGHBOURS ON THIS SIDE  
OF THE HOUSE, ONLY FORESTRY AND GRAZING  
*Additional details may be submitted by way of separate submission.* PASTURE

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

SECTION 5 - DEVELOPMENTS OF A MINOR  
NATURE

*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. GRANT OF PLANNING PERMISSION FOR HOUSE  
2. COPY OF HOUSE PLAN  
3. LAND REGISTRY MAP SHOWING SITE LAYOUT

viii. Fee of € 80 Attached ? YES

Signed : Julia Crowe Dated : 4<sup>TH</sup> MAY 2023

**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 -

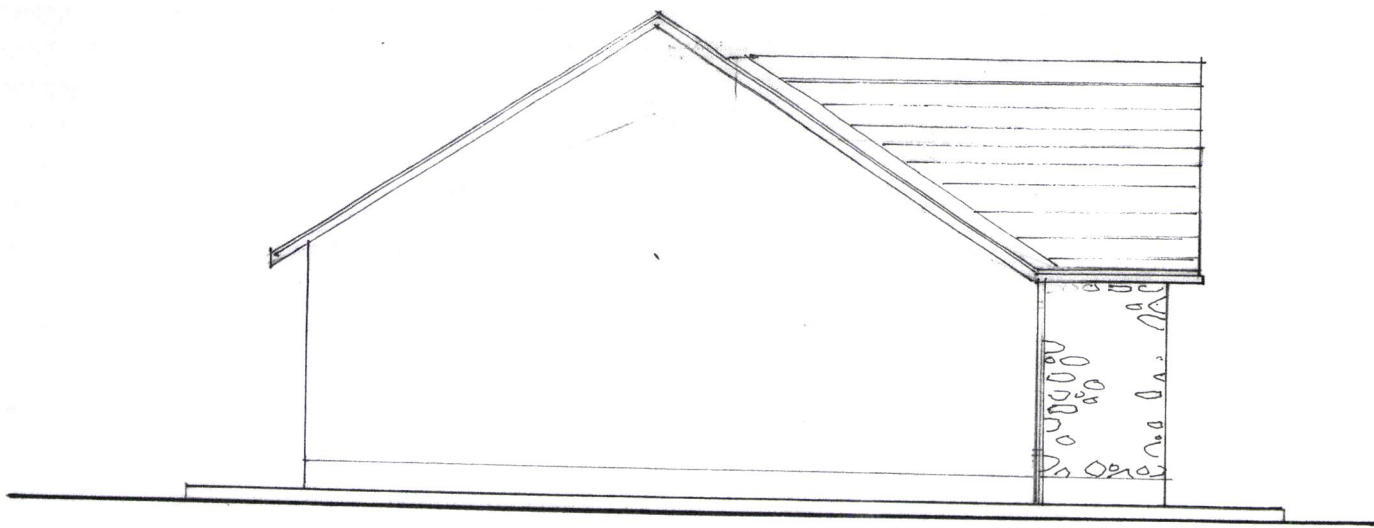
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

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.

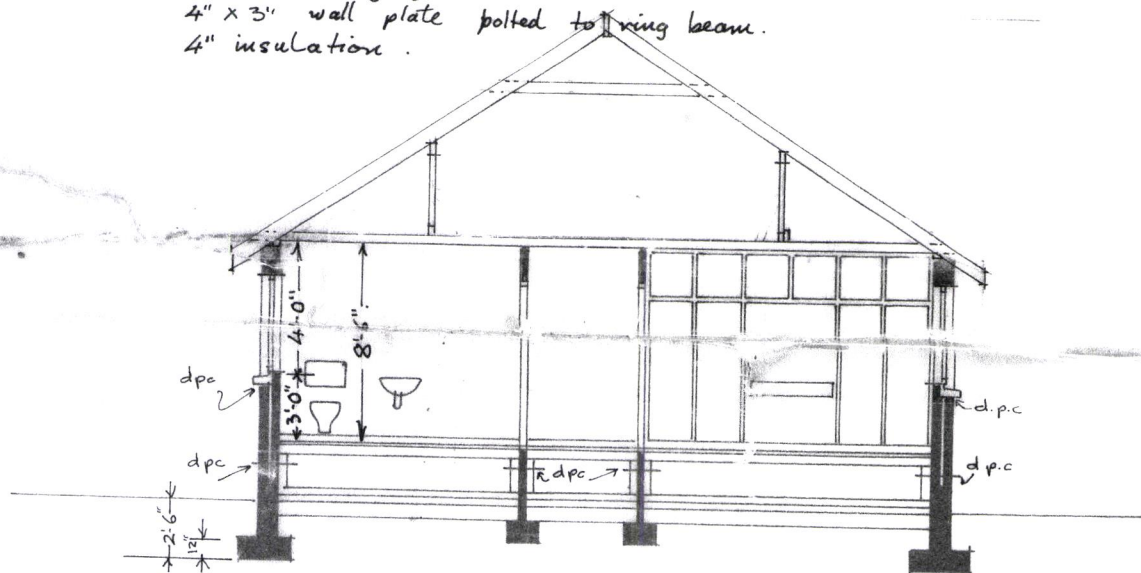
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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



End Elevation.

Roof:

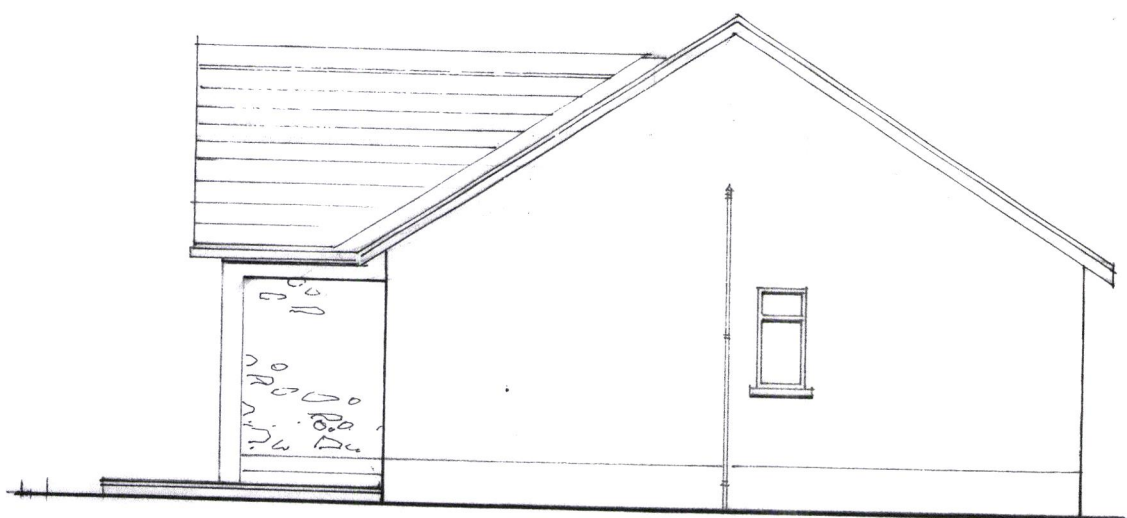
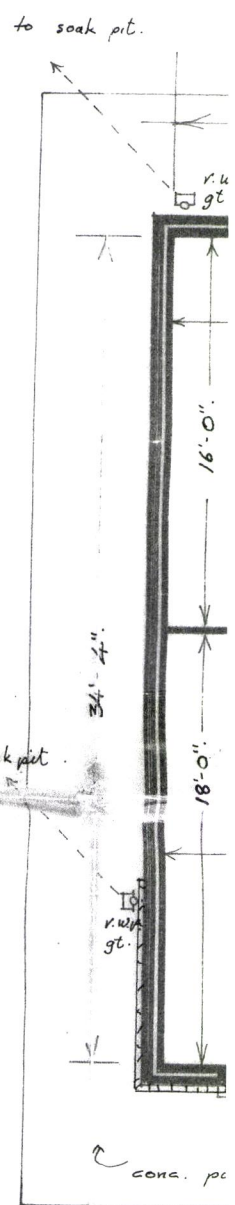
- Conc. roof tiles at  $22\frac{1}{2}^\circ$  pitch.
- roofing felt.
- $4\frac{1}{2} \times 1\frac{1}{2}$  rafters at 14" crs. /  $7 \times 1\frac{1}{4}$  ridge. /  $2 \times 1\frac{1}{2}$  battens.
- $7 \times 3$  purlin.
- $3 \times 3$  struts.
- $4 \times 1\frac{1}{2}$  collars to every fourth rafter.
- $3 \times 1\frac{1}{2}$  hangers.
- $4\frac{1}{2} \times 1\frac{1}{2}$  runners.
- $4 \times 1\frac{1}{2}$  ceiling joists.
- $4 \times 3$  wall plate bolted to ring beam.
- 4" insulation.



Floor:

- 1" T + G. flooring
- $4 \times 1\frac{1}{2}$  joists
- $3 \times 2$  fassels.
- 4" surface conc.
- 4" hard core. on dry filling.

Section A-A.



End Elevation.

PROPOSED SINGLE STOREY HOUSE OF 1737 sq. ft.

AT.

FOR.





