



# 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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

John O'Leary  
8 Blainroe Cottages  
Kilpoole  
Co. Wicklow  
A67 EH10

22nd

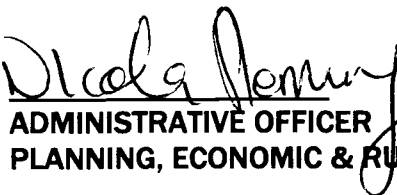
October 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000  
(As Amended) – EX107/2025**

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:** John O'Leary

**Location:** 8 Blainroe Cottages, Kilpoole, Co. Wicklow

**Reference Number:** EX 107/2025

**CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1072**

A question has arisen as to whether "increase in size of 1 no. velux rooflight to front roof plane" at 8 Blainroe Cottages, Kilpoole, Co. Wicklow is or is not exempted development.

### Having regard to:


- a) The details submitted with the Section 5 Declaration application dated 15/09/2025;
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- c) An Bord Pleanála Declarations RL2284, ABP-307712-20.

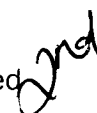
### Main Reasons with respect to Section 5 Declaration:

- (i) The increase in size of 1 no. velux roof light would be works having regard to the definition 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(1)(a) of the Planning and Development Act 2000(as amended);
- (iii) The increase in size of 1 no. velux rooflight to front roof plane 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 "increase in size of 1 no. velux rooflight to front roof plane" at 8 Blainroe Cottages, Kilpoole, Co. Wicklow is development and is exempted development

Signed

  
ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  2nd October 2025



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1072

Reference Number: EX 107/2025

Name of Applicant: John O'Leary

Nature of Application: Section 5 Referral as to whether or not "increase in size of 1 no. velux rooflight to front roof plane" is or is not development and is or is not exempted development.

Location of Subject Site: 8 Blainroe Cottages, Kilpoole, Co. Wicklow

Report from Maria Harte, GP & Edel Bermingham, A/SP.

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "increase in size of 1 no. velux rooflight to front roof plane" at 8 Blainroe Cottages, Kilpoole, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

**Having regard to:**

- a) The details submitted with the Section 5 Declaration application dated 15/09/2025;
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- c) An Bord Pleanála Declarations RL2284, ABP-307712-20.

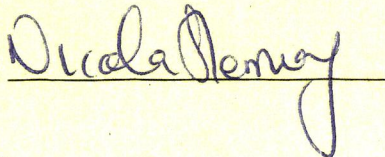
**Main Reason with respect to Section 5 Declaration:**

- (i) The increase in size of 1 no. velux roof light would be works having regard to the definition 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(1)(a) of the Planning and Development Act 2000(as amended);
- (iii) The increase in size of 1 no. velux rooflight to front roof plane 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 "increase in size of 1 no. velux rooflight to front roof plane" at 8 Blainroe Cottages, Kilpoole, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed



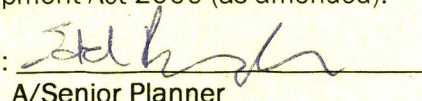
Dated 2nd day of October 2025

**ORDER:**

**I HEREBY DECLARE:**

That "increase in size of 1 no. velux rooflight to front roof plane" at 8 Blainroe Cottages, Kilpoole, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



A/Senior Planner  
Planning, Economic & Rural Development

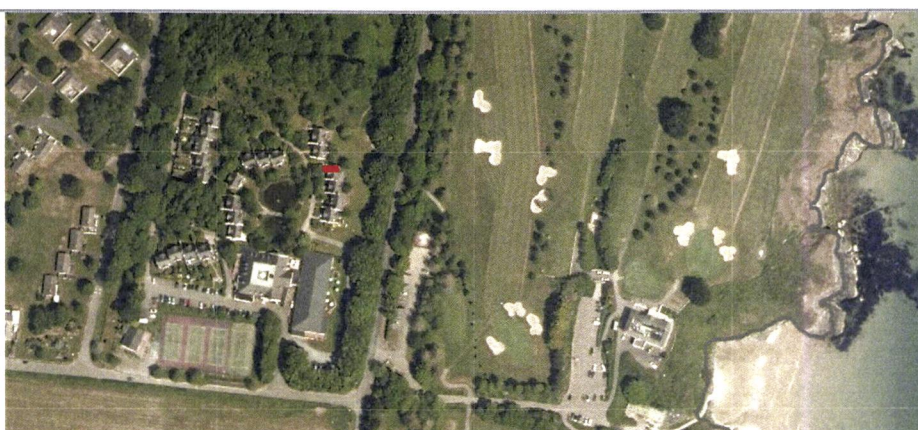
Dated 2nd day of October 2025



**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

**Section 5 – Application for declaration of Exemption Certificate**

**Ref:** EX107/2025  
**Name:** John O Leary  
**Development:** Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).  
**RE:** Increase in size of Velux rooflight.  
**Location:** 8 Blainroe Cottages, Kilpoole, Co Wicklow. A67 EH10.



**The Site:** The subject site lies c1.8km from the settlement boundary of Wicklow Town. The dwelling is a dormer style terraced house within an established residential area which faces west within a development of identical terraced dwellings. The development is within a large communal mature garden to the front and rear. There is off street parking to the front of this dwelling. The development is close to Blainroe nursing/care home.

**Question:** *Whether or not:*  
 The installation of 1 no. velux rooflight size 1180mm x 1140mm to the front roof plane is or is not development and constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

**WCC Planning History:**

**Subject site**

**REF:** 03/8111  
**Applicant:** First Care Ireland Ltd.  
**Development:** permission for COU with minor alterations form existing hotel to nursing home and the replacement of existing treatment plant servicing existing hotel and any associated ancillary site works at existing Blainroe Hotel site, Kilpoole, Co Wicklow.  
**Decision:** Granted Subject to 10 conditions.

**REF:** 03/9589  
**Applicant:** First Care Ireland Ltd.  
**Development:** Extension to existing nursing home.  
**Decision:** Granted Subject to 10 conditions.

**REF:** 07/2581

**Applicant:** First care Ireland.

**Development:** continuing care community comprising: sheltered residential accommodation for elderly persons in 5 no 2 storey blocks containing 40 no type a 61 sqm ground floor units, 5 no type b 63 sqm ground floor units and 45 no type c 61 sqm first floor dwellings all with own door access. Detached 860 sqm single storey campus activity and day care pavilion providing a comprehensive range of medical and non-medical services and facilities for future residents. Lifts and communal stairways serving first floor units. Provision of balconies to all first floor units. New vehicular access and internal driveways within the site. Provision of 90 no car parking spaces. Communal landscaped areas covering approx. 11,000 sqm located chiefly within the central section of the overall development. Provision of an on-site sewage treatment plant with percolation area. Connection to existing well at Blainroe Nursing Home. Refuse storage

**Decision:** Withdrawn subject to refusal.

**REF:** 06/6571

**Applicant:** Kevin & Margaret Doherty

**Location:** 27 Blainroe Cottages, Kilpoole, Wicklow.

**Development:** Two storey side extension.

**Decision:** Grant Subject to 4 conditions.

**REF:** 97/6435

**Applicant:** Christeeg Catering Co. Ltd

**Development:** 54 holiday homes, replacement & upgrading of sewerage treatment plan, new well & water storage tanks, tennis courts & ancillary works

**Decision:** Refused

### **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 dwelling/house 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):**

**Section 2**

“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 (1)(a)** In this act development is defines, except where the context otherwise requires, as: “The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land”;

**Section 2 (1)** defines works as 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 4 (1) (a) to (l)** specifies various categories of development, which shall be exempted for the purposes of the Act;

In particular, section 4 (1) (h) is:

*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)** provides for certain classes of development to be designated as exempted development by way of legislation.

**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;

**Relevant Planning: Wicklow County Development Plan 2022-2028****Details of Query: Proposal**

In accordance with the details submitted with Section 5 application:

It is proposed to install 1 no. roof light to the front of the dwelling at 8 Blainroe Cottages, Kilpoole. The dwelling is **not** a Protected Structure.

**Assessment**

The application seeks a declaration as to whether the;  
installation of 1 no. roof light size 1180mm x 1140mm to the front roof plane at 8 Blainroe Cottages, Kilpoole *is or is not development and is or is not exempted development*:

The submitted details show the location of the velux rooflight in the front roof profile.

The first question to be asked therefore is whether or not development is taking place?

The placement of velux rooflights within the roof are operations of construction / alteration and therefore are works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended).

The installation of the rooflight would therefore come within the definition of development given the provisions of *Section 3(1) (a)* of the planning and development Act 2000 (as amended)i.e.

*'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 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;*

The installations of 1 no. velux rooflight is considered to be works of maintenance/ improvement to the dwelling and whilst the rooflight effects the exterior of the structure, having regard to the location within the roof plane on this terraced dwelling where of the proposed size have been already used readily throughout the development, the velux rooflight 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 to whether:

*the installation of 1 no. velux rooflight to the front roof elevations of 8 Blainroe Cottages, Kilpoole, Wicklow is development and is or is not exempted development:*

The Planning Authority considers that:

<sup>increase in size of</sup>  
The installation of 1 no. velux rooflight to the front roof plane at 8 Blainroe, Kilpoole, Wicklow is **development and is exempted development.**

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration application dated 15/09/2025;
- ~~b) Nearby permissions; PRR 24/60436; PRR 22/455;~~
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- d) An Bord Pleanála Declarations RL2284, ABP-307712-20.

Main Reasons with respect to Section 5 Declaration:

- (i) <sup>increase in size of</sup> The installation of 1 no. velux roof light <sup>would be</sup> comes within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended); <sup>having regard to the definition (1)(a)</sup>
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended);
- (iii) <sup>increase in size of</sup> The installation of the 1 no. velux rooflight to front roof plane would <sup>affect the exterior of</sup> 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).

*Maria Harte GP*

Maria Harte (Graduate Planner)

Dated: 30/09/2025

Site Photos



Subject Site

*Amend to amended*  
*Sid R*  
*ALP*  
*21/10/2025*





Front and rear elevations of row of terrace dwellings that have modified velux rooflight to the same size as proposed for exemption.



# Comhairle Contae Chill Mhantáin Wicklow County Council

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## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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**TO: Maria Harte**  
**Graduate 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).  
EX107/2025**

I enclose herewith application for Section 5 Declaration received completed on 15<sup>th</sup> September 2025.

The due date on this declaration is 12<sup>th</sup> October 2025.



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**Staff Officer**  
**Planning, Economic & Rural Development**





# Comhairle Contae Chill Mhantáin Wicklow County Council

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16<sup>th</sup> September 2025

**John O'Leary  
8 Blainroe Cottages  
Kilpoole  
Co. Wicklow  
A67 EH10**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and  
Development Act 2000 (as amended). – EX107/2025**

A Chara

I wish to acknowledge receipt on 15/09/2025 full details supplied by you in respect of the  
above Section 5 application. A decision is due in respect of this application by 12/10/2025.

Mise, le meas

**Nicola Fleming  
Staff Officer**

**Planning, Economic & Rural Development**



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

15/09/2025 12 39 26

Receipt No L1/0/351583

John O'Leary  
8 Blainroe Cottages  
Kilpoole  
Co Wicklow

|                         |       |
|-------------------------|-------|
| EXEMPTION CERTIFICATE S | 80 00 |
| GOODS                   | 80 00 |
| VAT Exempt/Non-vatable  |       |

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

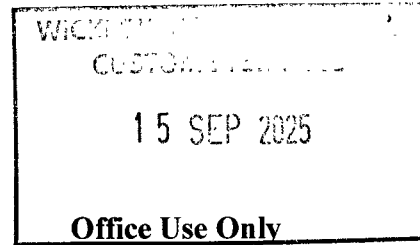
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| Tendered     |       |
| Postal Order | 80 00 |

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| Change | 0 00 |
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From Customer Service Hub  
Vat reg No 0015233H



**Wicklow County Council**  
**County Buildings**  
**Wicklow**  
**Co Wicklow**  
**Telephone 0404 20148**  
**Fax 0404 69462**



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: **John O'Leary**

Address of applicant: **8 Blainroe Cottages,  
Kilpoole,  
Co. Wicklow.  
A67 EH10**

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

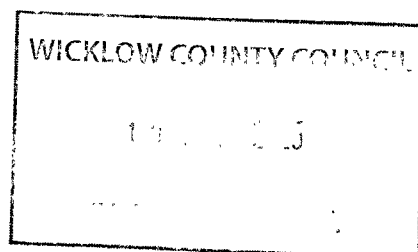
**2. Agents Details (Where Applicable)**

(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:

**Front roof elevation of house**

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?

**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:

**I wish to increase the Velux window size from CK04 to SK06 on the front roof of my house.**

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

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

**I believe the original planning file did not specify what the size Velux was to be installed on the front elevation, there are several houses on the Western boundary which have SK06 windows installed to the front elevation from build.**

*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

**Drawing of the front elevation, outlining Existing and proposed.**

**Site layout plan**

**OSI Map**

**Records Place Map**

viii. Fee of € 80 Attached ? YES

Signed : John O'Leary Dated : 10/9/2025

**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 -

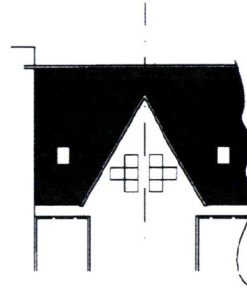
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act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

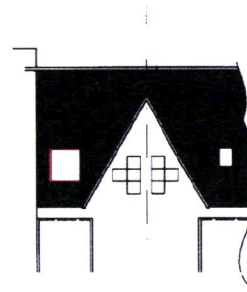
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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 complex or within 100metres of that complex.

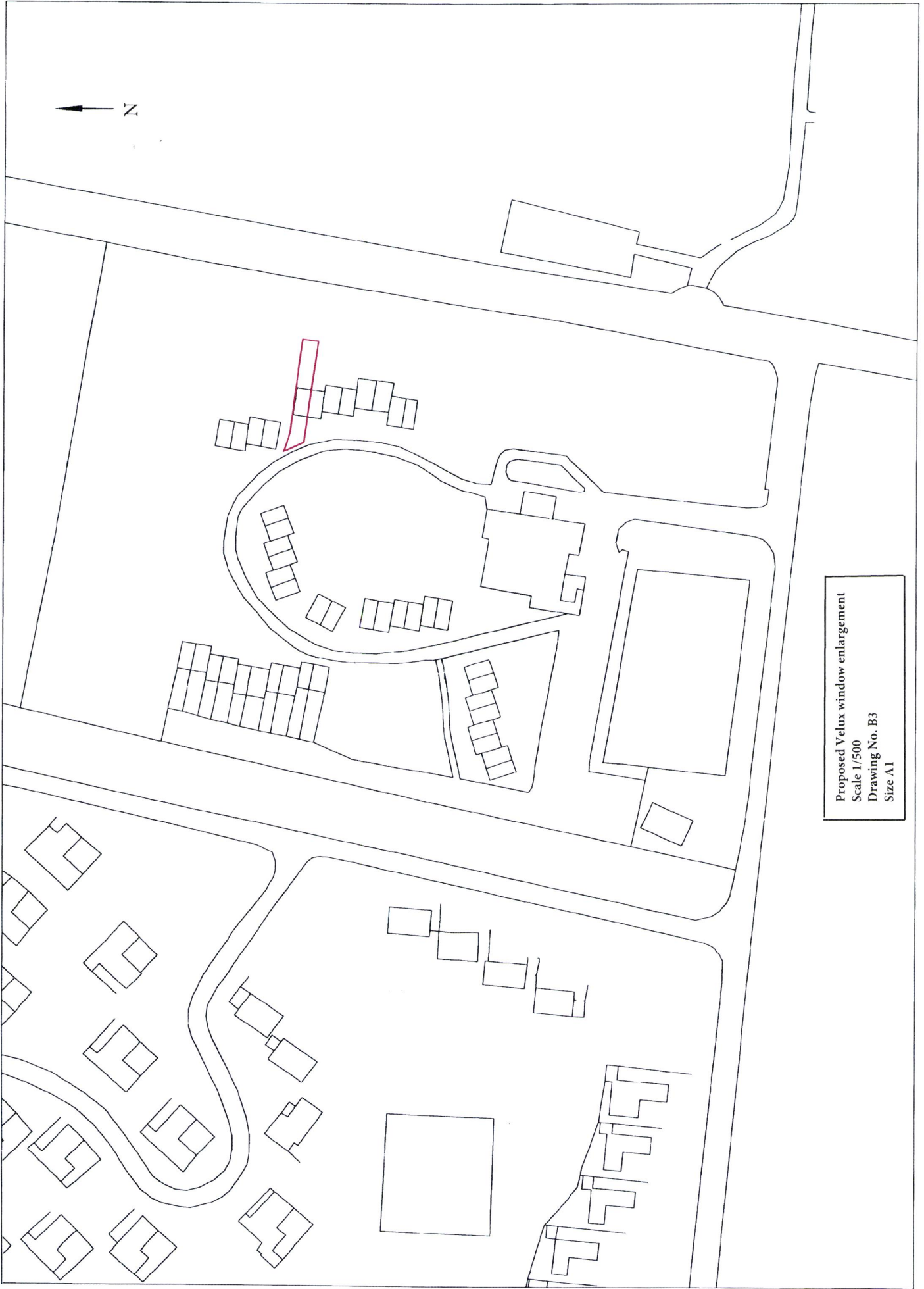


Existing Front Elevation



Proposed Front Elevation

Proposed Velux window enlargement at No. 8  
Blainroe cottages  
Drawing No.B4  
Elevations & Plan  
Scale 1/100  
Drawing size A1



Proposed Velux window enlargement  
Scale 1/500  
Drawing No. B3  
Size A1

Surveyed 1838  
Revised 1908  
Levelled

# Record PLACE Map



191008

ITM CENTRE PT. COORDS

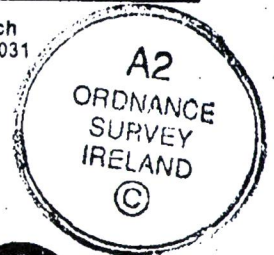
732938,690136

DESCRIPTION

DRG. WO. B1

MAP SHEETS

6 inch  
WW031



Produced by National Map Centre,  
34 Aungier Street, Dublin 2  
On behalf of Ordnance Survey Ireland,  
Phoenix Park, Dublin 8.

Síreola aitheascadh neamhdarthe adpoheast  
Shuibhreachta Ordánais Éireann agus  
Riailas na hÉireann.  
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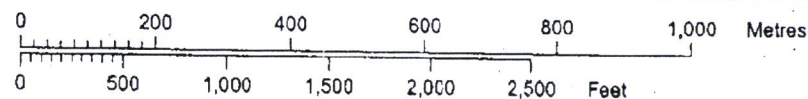
Gach cead aonnamh. Ní admhach aon chuid  
den fhoilsicéad seo a dhéanfaí, a aitheascadh nó  
a thráchtar in aon mhoim ná ar aon bhealach gan  
cead i scríobáin roimh ré ó údair an dhóipoint.  
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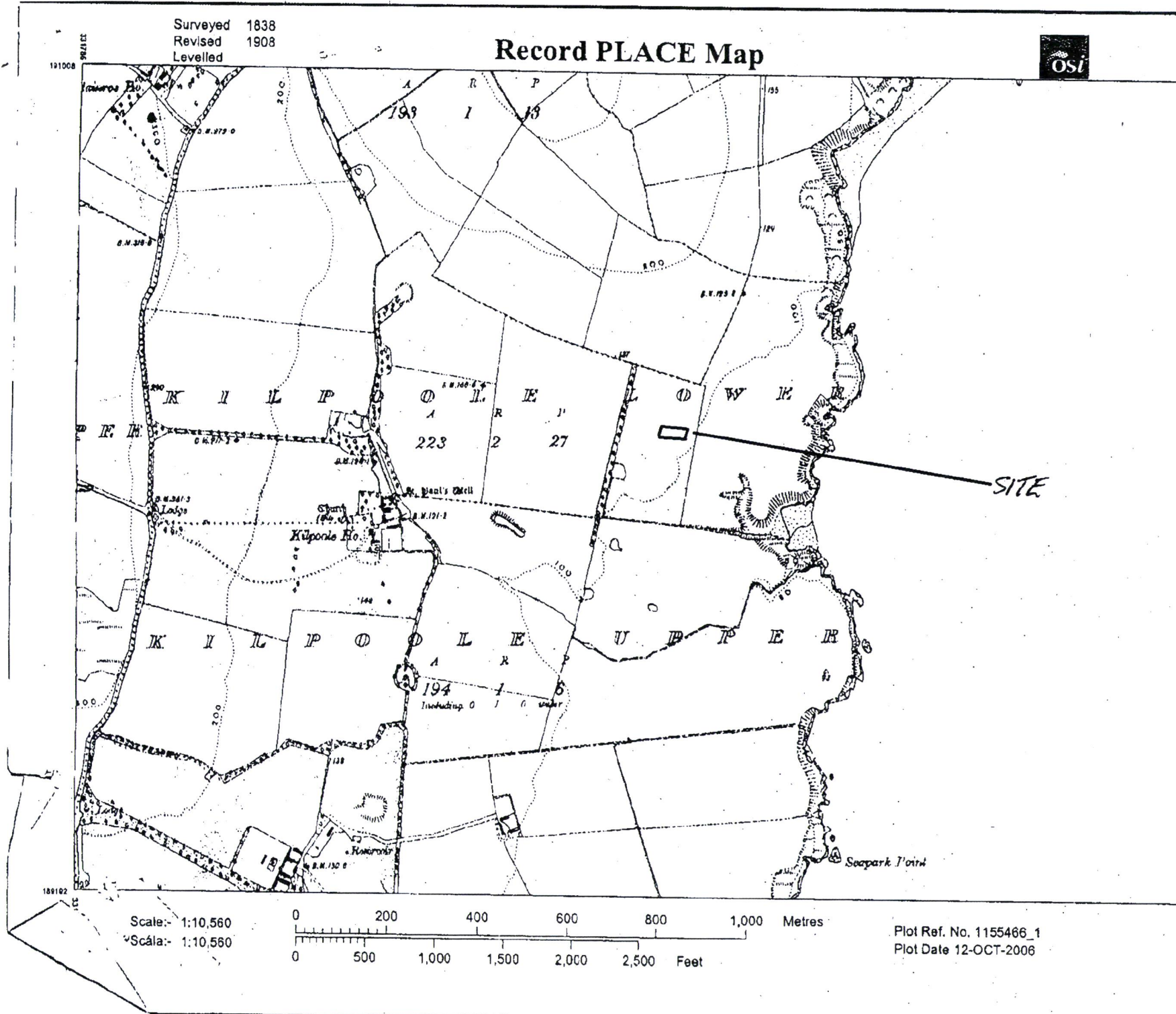


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