



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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

Ned & Lisa Gaynor
68 Seapoint
Wicklow Town
A67 D562

19th Of March 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX25/2026

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning &
Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under
subsection (2) (a) may, on payment to An Coimisiún Pleanála of such fee as may be
prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of
the issuing of the declaration by the Local Authority.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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

Applicant: Ned and Lisa Gaynor

Location: 68 Seapoint, Wicklow Town

Reference Number: EX25/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/313

A question has arisen as to whether "the installation of three landscape windows to the side north elevation" at 68 Seapoint, Wicklow Town is or is not exempted development.

Having regard to:

- The details received with the Section 5 Declaration on the 23/02/2026
- PRR: 97/6488, PRR 98/9416, PRR 99/6, PRR 99/510, PRR 99/1040, PRR 01/4145, PRR 06/5617
- Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended),
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

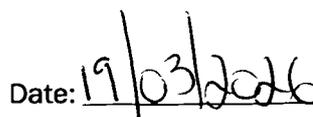
- The proposal would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended),
- The works is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- PRR 97/6488, the overall grant of permission for this estate, and in particular Condition 2, which restricted side windows in elevations overlooking adjoining houses, to have regard to the topography of the site.
- Planning applications for permission within the estate for side windows reflecting that such windows were material alterations of the existing permitted housing i.e.PRR 98/9416, PRR 99/6, PRR 99/510, PRR 99/1040, PRR 01/4145, PRR 06/5617
- The works (installation of 3 x landscape windows to the side) is considered to be development that would consist of the carrying out of works for the maintenance, improvement or other alteration of the structure, being works which do materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures given the character of the estate which provided for no side windows overlooking adjoining rear private amenity space; therefore the windows would not be exempted development within the meaning of Section 4(1)(h) Planning & Development Act 2000 (as amended).

The Planning Authority considers that "the installation of three landscape windows to the side north elevation" at 68 Seapoint, Wicklow Town is development and IS NOT exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date:





WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/313

Reference Number: EX 25/2026

Name of Applicant: Ned and Lisa Gaynor

Nature of Application: Section 5 Referral as to whether "*the installation of three landscape windows to the side north elevation*" is or is not development and is or is not exempted development.

Location of Subject Site: 68 Seapoint, Wicklow Town

Report from: Holly O'Connor, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the installation of three landscape windows to the side north elevation*" at 68 Seapoint, Wicklow Town is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details received with the Section 5 Declaration on the 23/02/2026
- b) PRR: 97/6488, PRR 98/9416, PRR 99/6, PRR 99/510, PRR 99/1040, PRR 01/4145, PRR 06/5617
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended),
- d) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The proposal would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended),
- ii. The works is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. PRR 97/6488, the overall grant of permission for this estate, and in particular Condition 2, which restricted side windows in elevations overlooking adjoining houses, to have regard to the topography of the site.
- iv. Planning applications for permission within the estate for side windows reflecting that such windows were material alterations of the existing permitted housing i.e.PRR 98/9416, PRR 99/6, PRR 99/510, PRR 99/1040, PRR 01/4145, PRR 06/5617
- v. The works (installation of 3 x landscape windows to the side) is considered to be development that would consist of the carrying out of works for the maintenance, improvement or other alteration of the structure, being works which do materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures given the character of the estate which provided for no side windows overlooking adjoining rear private amenity space; therefore the windows would not be exempted development within the meaning of Section 4(1)(h) Planning & Development Act 2000 (as amended).

Recommendation

The Planning Authority considers that "*the installation of three landscape windows to the side north elevation*" at 68 Seapoint, Wicklow Town **is development and is not exempted development** as recommended in the planning reports.

Signed:

Dickla Henney

Date:

19/03/2026

ORDER:

I HEREBY DECLARE:

THAT "the installation of three landscape windows to the side north elevation" at 68 Seapoint, Wicklow Town is **development** and is **not exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:

Stel Samson

T/Senior Planner

Planning, Economic & Rural Development

Date:

19/03/2026

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO: EDEL BERMINGHAM S.P/ PATRICE RYAN S.E.P
FROM: HOLLY O'CONNOR E.P.
SUBJECT REF: EX 25/2026
DECISION DATE: 22/03/2026
APPLICANT: NED & LISA GAYNOR
ADDRESS: 68 SEAPOINT, WICKLOW TOWN
EXEMPTION QUERY: 3 X WINDOWS TO SIDE ELEVATION-GROUND FLOOR

Site Location:

The subject site is located in the housing estate Seapoint, in the urban area of Wicklow Town, on lands zone RE-Existing Residential. The site can be accessed via the L51038-4 which adjoins the Regional Road R750. The subject site consists of a dormer style detached dwelling.

Planning History:

None on subject site. Estate was developed in the early 90s.

Estate Permission

97/6488 change of house type & site layout on sites 1-63incl. on approved site(92/8351) together with 6 no. additional houses on sites 64-69incl. and water pu

Condition No. 2.

Notwithstanding the provisions of the Local Government (Planning and Development) Regulations,1994, no development which is included in Part I of the Second Schedule of the Regulations, as amended shall be carried out if

- (a) The works carried out under Class 1 (house extension) involve windows to the side of the extension within 2m of a parallel neighbouring property, or windows that will overlook adjacent properties,
- (b) Works carried out under Class 3 (garages, sheds etc.) are greater than 15 square meters in area or with windows within 2m of a parallel neighbouring property, or windows that will overlook adjacent properties,
- (c) Works carried out under Class 5 (boundary construction .) are not consistent with the boundary treatment proposed in the document submitted.

REASON : To control the extent of development on the site in the interests of visual and residential amenity of the area.

No. 3 Seapoint

98/9416 Permission granted for new window to side of house.

99/6 - 67 Seapoint -Retention of velux rooflights

99/510 - 66 Seapoint -Permission for Velux Rooflight.

99/1040 – 24 Seapoint -Permission granted for Window & Double doors on rear elevation and additional window on side elevation.

01/4145 – 3 Seapoint- Permission granted for Windows to Rear and Side.

06/5617 – 62 Seapoint.- Permission granted for velux rooflights to the front elevations of existing dwelling.

Land use:

Settlement: Wicklow Town- Rathnew Local Area Plan

Zoning RE – Existing Residential

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

“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) In this Act, except where the context otherwise requires, "development" means—

(a) 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, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

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;

(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in subsection (1), or

(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

Planning & Development Regulations 2001 (as amended)

Article 6 (1) 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) (a) and (b) 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.

Declaration details submitted:

3 x landscape windows to the side north elevation sizes as follows;

- 2m x 0.5m
- 1.6m x 0.5m
- 1.6m x 0.5m

Assessment:

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 2 of the Act defines works as “works” alteration of the interior or exterior of a structure. 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. I am satisfied that the proposal would involve works to a structure 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. The parent permission PRR: 97/6488, included in the terms and conditions that no exempted development (as per P & D Regulations, Schedule 2, Part1(1994)) shall be carried out to an extension or a shed/garage if the works involve windows to the side within 2m of a parallel neighbouring property or windows that will overlook adjacent properties. *In addition it is evident that permission has been required for the provision of side windows/ velux to external elevations having regard to the applications for same within this estate.*

The installation of side windows would 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 having regard to the conditions of the parent permission which ensured these works weren't carried out under exempt development regulations noting that the installation of side windows would materially change these structures; therefore the work is **not** exempt as per S.4.1.(h).

Recommendation:

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

The installation of 3 x landscape windows to the side north elevation ~~sizes as follows;~~

• ~~2m x 0.5m~~

• ~~1.6m x 0.5m~~

• ~~1.6m x 0.5m~~

at 68 Seapoint, Wicklow Town, Wicklow, IRL, A67 D562 constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that the installation of 3 landscape windows to the side north elevation of ~~the house~~ 68 Seapoint, Wicklow Town

is development and is not exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details received with the Section 5 Declaration on the 23/02/2026,
- b) ~~The planning history including~~ PRR: 97/6488 , PRR 98/9416 , PRR 99/6 , PRR 99/510 , PRR 99/1040 , PRR 01/4145, PFR 06/5617
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended),
- d) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The proposal would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended),
- ii. The works is development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. PRR 97/6488, the overall grant of permission for this estate, and in particular Condition 2 , which restricted side windows in elevations overlooking adjoining houses, to have regard to the topography of the site.
- iv. Planning applications for permission within the estate for side windows reflecting that such windows were material alterations of the existing permitted housing i.e.PRR 98/9416 , PRR 99/6 , PRR 99/510 , PRR 99/1040 , PRR 01/4145, PRR 06/5617
- v. The works (installation of 3 x landscape windows to the side) is considered to be development that would consist of the carrying out of works for the maintenance, improvement or other alteration of the structure, being works which do materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures given the character of the estate which provided for no side windows overlooking adjoining rear private amenity space;-therefore the windows would not

be exempted development within the meaning of Section 4(1)(h) of the ~~the work is not exempt as per the~~ Planning & Development Act 2000 (as amended) ~~and the associated Regulations.~~

Holly O'Connor

_____ **Date 12/03/2026**
Holly O'Connor E.P

St. Birmingham TSP

Agreed 18/3/2026



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Holly O'Connor **FROM: Nicola Fleming**
Executive Planner **Staff Officer**

**RE:- EX25/2026 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)**

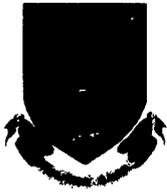
I enclose herewith for your attention application for Section 5 Declaration received 23/02/2026.

The due date on this declaration is the 22/03/2026.



Staff Officer
Planning Development & Environment





COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Ned & Lisa Gaynor
68 Seapoint
Wicklow Town
A67 D562

24th February 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX25/2026

A Chara

I wish to acknowledge receipt on 23/02/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 22/03/2026.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

23/02/2026 10 06 25

Receipt No L11/0/359372

***** REPRINT *****

NED & LISA GAYNOR
68 SEAPOINT
WICKLOW TOWN

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAI Exempt/Non vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00

Change 0 00

Issued By VANESSA PORTER
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Wicklow County Council
County Buildings
Wicklow
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Telephone 0404 20148
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Office Use Only

Date Received _____

Fee Received _____

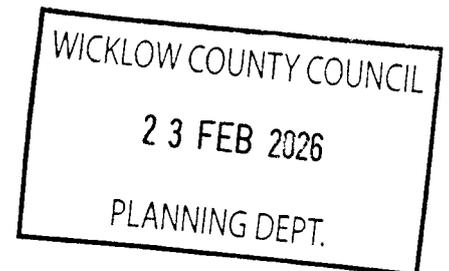
**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: Ned and Lisa Gaynor

Address of applicant: 68 Seapoint, Wicklow Town, A67 D562

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 _____
68 Seapoint, Wicklow Town, A67 D562

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, an 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 _____

We are interested in installing three landscape windows (2000mm x 500mm, 1600mm x 500mm and 1600mm x 500mm in size) on the side, North Facing, of our detached house in Seapoint, Wicklow Town – Eircode A67D562

Seeing as the aspect is not facing the front of the house, we are unsure if the installation would be exempt from planning or not.

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 _____

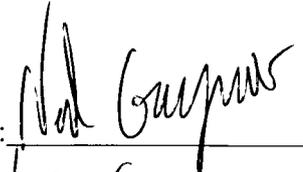
Don't know

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 _____
Site Location Map (Seapoint) _____
Site Location Map (Wicklow Town) _____
Drawing showing window sizes and installation positions in gable end _____
AI modified picture with indication of how install windows might look _____
Photo taken in direction of neighbours houses _____

viii. Fee of € 80 Attached ? _____

Signed :  _____ Dated : 20 Feb 2026


Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
- Site Location Map
 - Floor area of structure in question - whether proposed or existing.
 - Floor area of all relevant structures e.g. previous extensions.
 - Floor plans and elevations of relevant structures.

- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

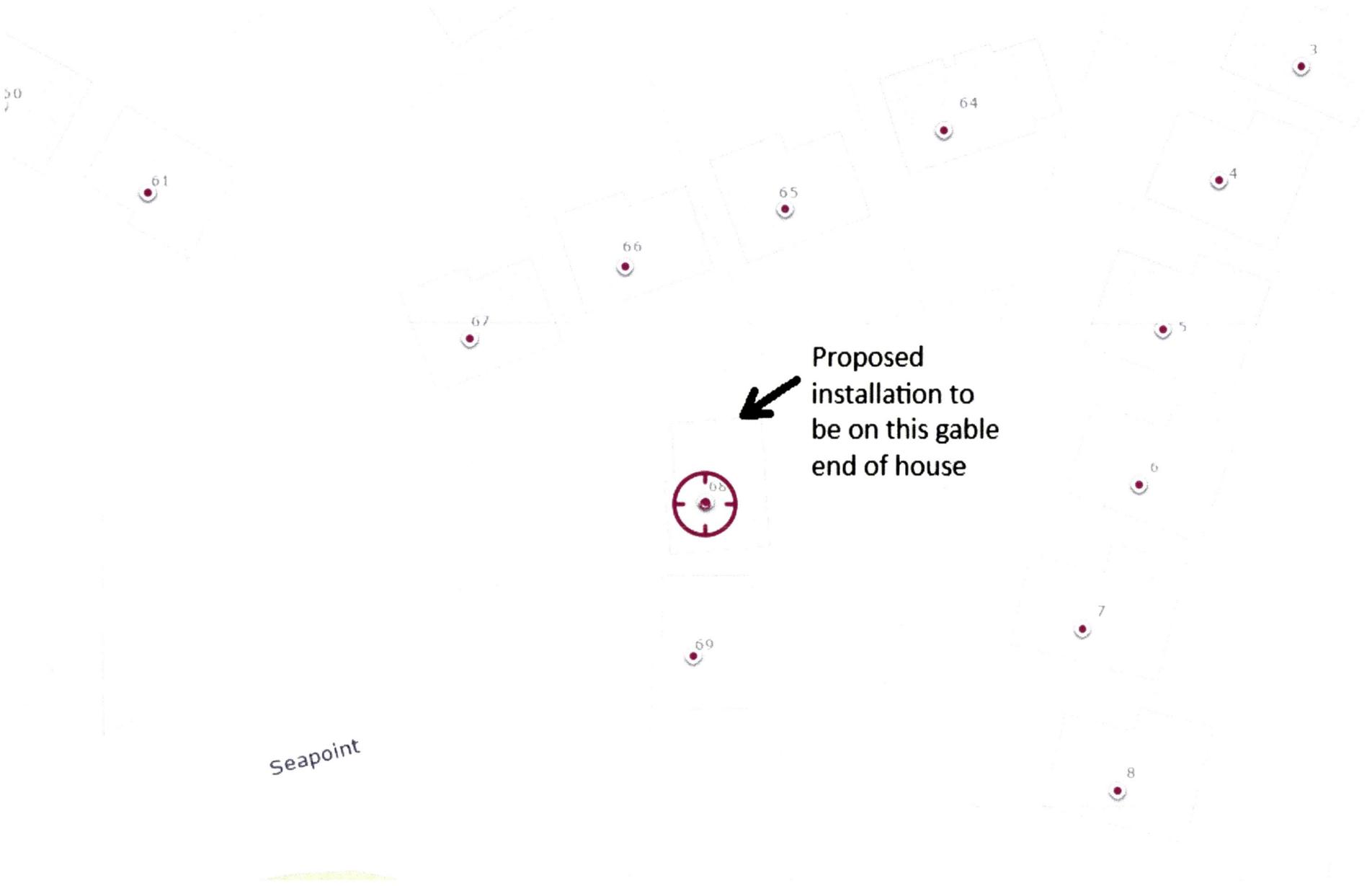
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures 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.



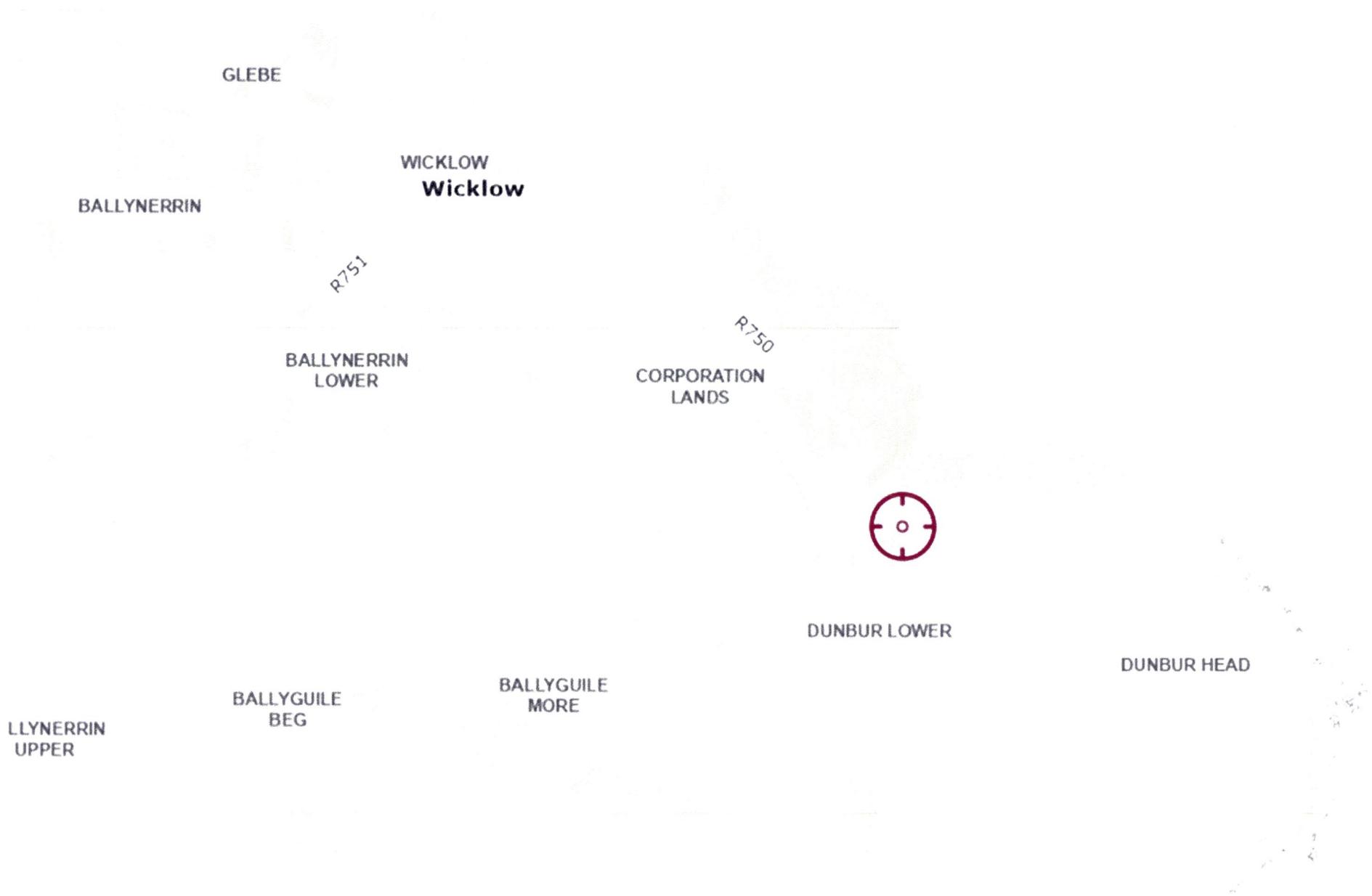
Location Map – Taken from Eircode Finder



Proposed
installation to
be on this gable
end of house

Seapoint

Location Map – Taken from Eircode Finder



Sketch Showing Size and Location of Proposed Window Installation

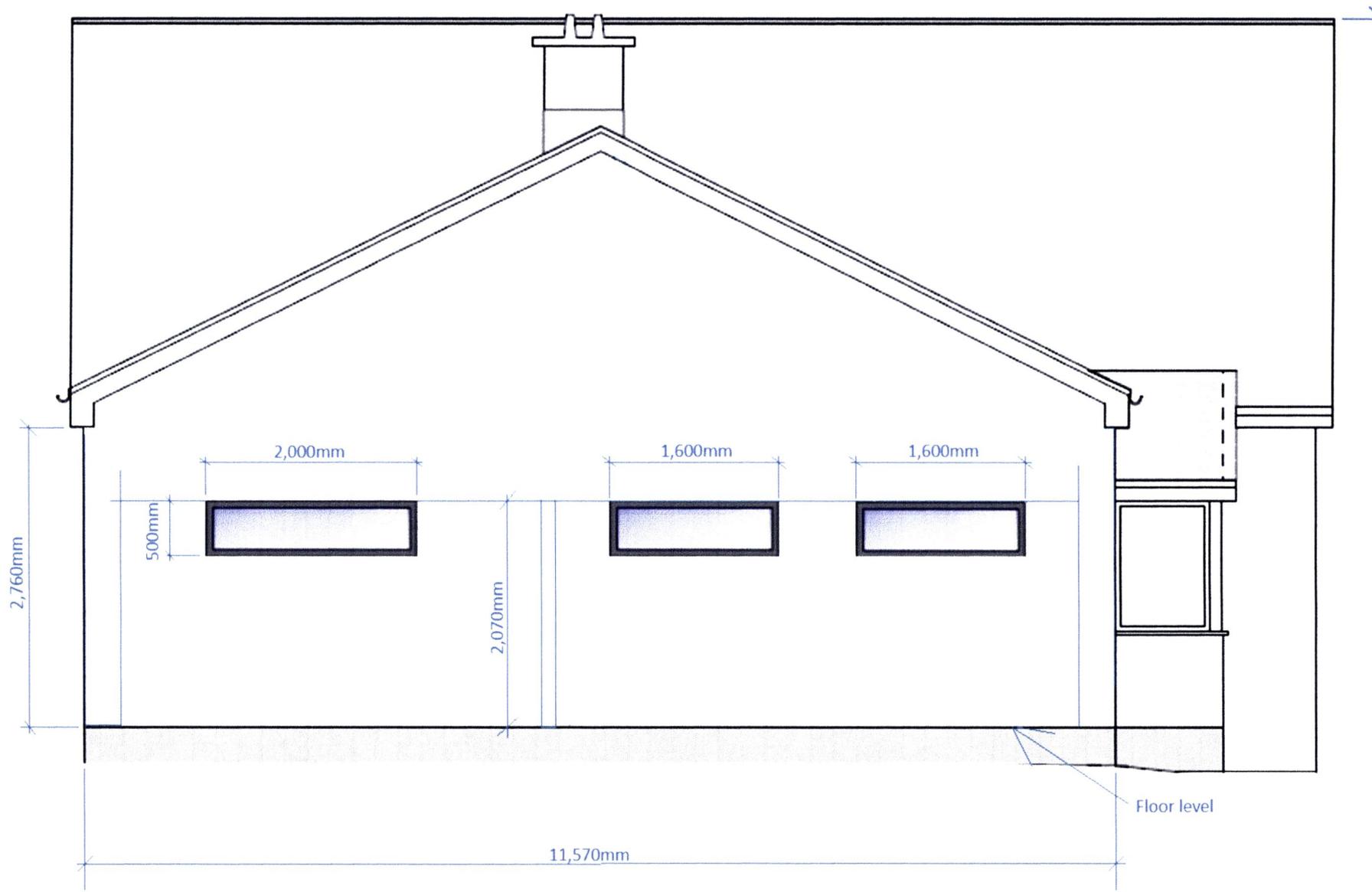
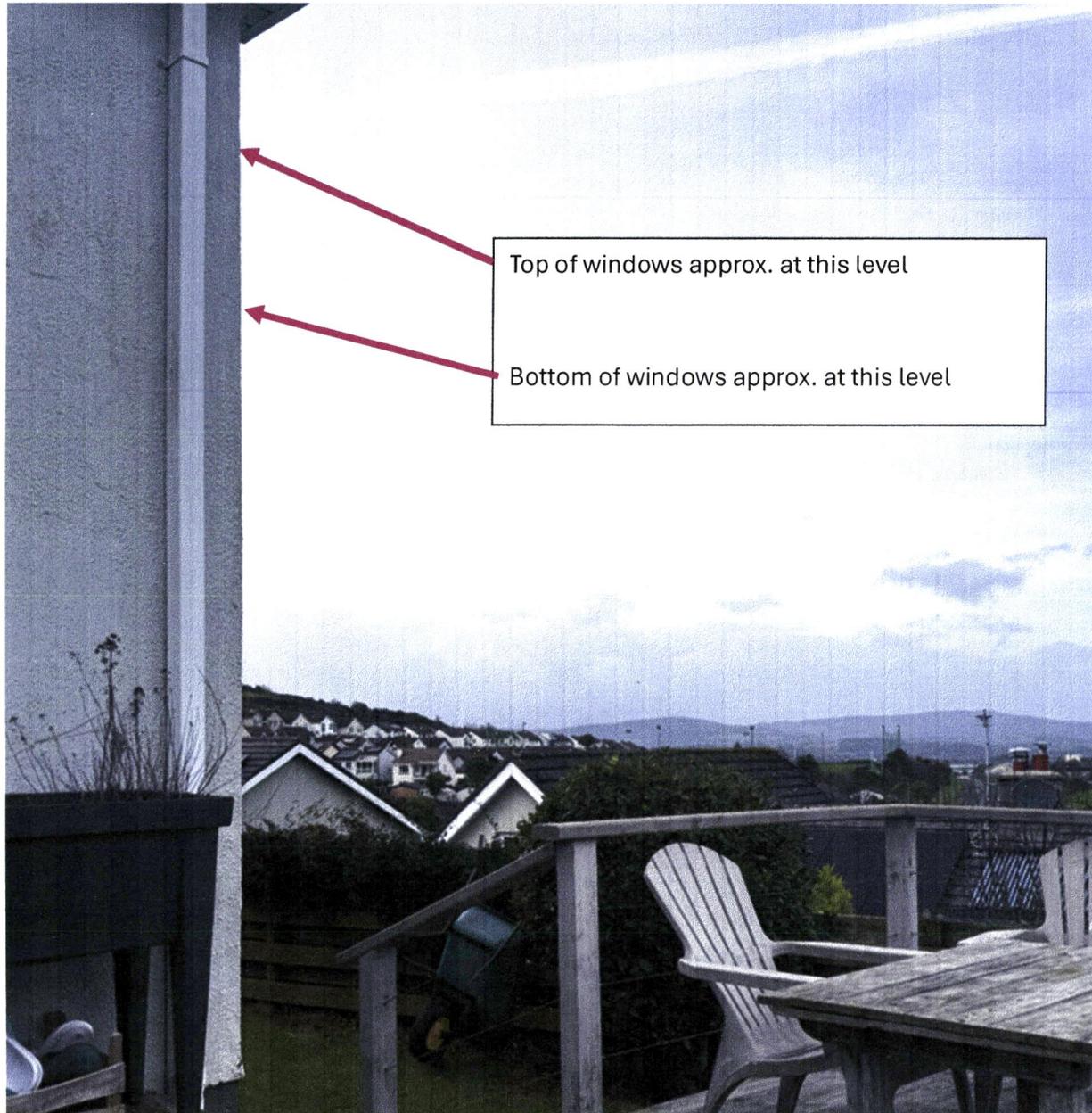


Photo Modified Using AI to Give Indication of How Windows Will Look



View Towards Neighbours House from Side of 68 Seapoint



Top of windows approx. at this level

Bottom of windows approx. at this level