



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

David Norris
1 Springmount Cottage
Glencare Avenue
Bray
Co. Wicklow
A98 FC83

13th Of July 2026

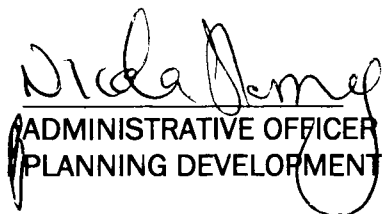
RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 76/2026

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: David Norris

Location: 1 Springmount Cottage, Glencare Avenue, Bray, Co. Wicklow

Reference Number: EX 76/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/852

A question has arisen as to whether *"the replacement of existing conservatory with like for like with improved energy efficient triple glazing"* at 1 Springmount Cottage, Glencare Avenue, Bray, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted on the 24th of June 2026;
- b) The Bray Municipal District Local Area Plan 2018-2024
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);
- e) Classes 1 Part 1, Schedule 2, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The demolition of the existing conservatory and construction of a new conservatory would be works, and therefore development having regard to Section 2 and 3(1)(a) of the Planning and Development Act 2000(as amended).
- ii. The replacement of the conservatory structure would not come within the provisions of Section 4(1)(h) as the works involve the demolition of the entire conservatory structure and therefore would not come within the meaning of Section 4(1)(h) as the structure is being replaced as opposed to works of maintenance, improvement or other alteration of any structure. Furthermore, it is not evident that the existing conservatory has permission.
- iii. The proposed conservatory would not come within the limitations of the exemption set out in Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

The Planning Authority considers that "the replacement of existing conservatory with like for like with improved energy efficient triple glazing" at 1 Springmount Cottage, Glencare Avenue, Bray, Co. Wicklow is development and IS NOT exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 13/09/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/852

Reference Number: EX 76/2026

Name of Applicant: David Norris

Nature of Application: Section 5 Referral as to whether *"the replacement of existing conservatory with like for like with improved energy efficient triple glazing"* is or is not development and is or is not exempted development.

Location of Subject Site: 1 Springmount Cottage, Glencare Avenue, Bray, Co. Wicklow

Report from: Lyndsey Blackmore, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"the replacement of existing conservatory with like for like with improved energy efficient triple glazing"* at 1 Springmount Cottage, Glencare Avenue, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

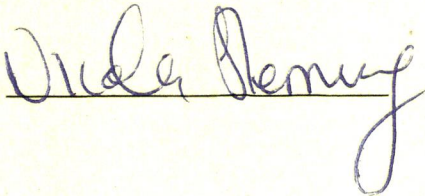
- a) The details submitted on the 24th June 2026;
- b) The Bray Municipal District Local Area Plan 2018-2024
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);
- e) Classes 1 Part 1, Schedule 2, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The demolition of the existing conservatory and construction of a new conservatory would be works, and therefore development having regard to Section 2 and 3(1)(a) of the Planning and Development Act 2000(as amended).
- ii. The replacement of the conservatory structure would not come within the provisions of Section 4(1)(h) as the works involve the demolition of the entire conservatory structure and therefore would not come within the meaning of Section 4(1)(h) as the structure is being replaced as opposed to works of maintenance, improvement or other alteration of any structure. Furthermore, it is not evident that the existing conservatory has permission.
- iii. The proposed conservatory would not come within the limitations of the exemption set out in Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Recommendation

The Planning Authority considers that *"the replacement of existing conservatory with like for like with improved energy efficient triple glazing"* at 1 Springmount Cottage, Glencare Avenue, Bray, Co. Wicklow is development and is not exempted development as recommended in the planning reports.

Signed: 

Date: 13/07/2026

ORDER:

I HEREBY DECLARE:

THAT *"the replacement of existing conservatory with like for like with improved energy efficient triple glazing"* at 1 Springmount Cottage, Glencare Avenue, Bray, Co. Wicklow is **development and is not exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: *Stella Cunningham*
T/Senior Planner
Planning, Economic & Rural Development

Date: *13/7/2026*

Section 5 Declaration

Ref: 76/2026
Name: David Norris
Development: Replacement of existing conservatory with like for like with improved energy efficient triple glazing.
Location: 1 Springmount Cottage, Glencare Avenue, Bray Co. Wicklow

Observations: The applicant is seeking a Section 5 Declaration for the replacement of existing conservatory with like for like with improved energy efficient triple glazing.

The site

The subject site is located at 1 Springmount Cottage, Glencare Avenue, Bray, Existing dormer terraced dwelling on site.

Question

The applicant has applied to see whether or not the following is or is not exempted development:

the replacement of existing conservatory with like for like with improved energy efficient triple glazing.

Relevant Legislation:

-Planning and Development Act, 2000 (as amended):

Section 2 (1) defines works as including: "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal";

Section 3 (1) defines development as: "The carrying out of works on, in, over or under land or the making of any material change in the use of structures or other land";

Section 4 (1)(a) to (l) specifies various categories of development which shall be exempted for the purposes of the Act;

Section 4(1)(h) relates to "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 characters of the structure or of neighbouring structures".

-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) states that certain development to which article 6 relates shall not be exempted development for the purposes of the Act, when certain instances apply;

Part 1 (Classes 1-8) of Schedule 2 describes classes of development within the curtilage of a house, which are exempted development, provided that such development complies with the associated conditions and limitations;

The extension of house, by the construction of or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed of similar structure attached to the rear or to the side of the house.

Conditions and Limitations:

Where the house has not been previously extended, the floor area of any such extension shall not exceed 40msq.

Bray Municipal District Local Area Plan 2018-2024

Zoning Existing Residential: To protect and preserve existing residential uses and provide for infill residential development.

Assessment: The applicant is requesting a Declaration in accordance with Section 5 for the replacement of existing conservatory with like for like with improved energy efficient triple glazing.

The applicants propose:

The replacement of existing conservatory with like for like with improved energy efficient triple glazing.

The first assessment must be whether or not the works outlined above constitute development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

It should be noted that Section 2 of the Act defines works as:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

The proposal involves demolition of existing conservatory and construction of replacement to an existing dwelling and would therefore involve works within the meaning of Section 3 of the Act. As such it constitutes development.

Having regard to the nature of the proposed works, the proposed development can be examined in accordance with the exempted development provisions of the Planning and Development Act 2000 (as amended) and Planning and Development Regulations 2001 (as amended) as follows:

The replacement of existing conservatory with like for like with improved energy efficient triple glazing:

Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) permits *“The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house or any garage, store, shed or other similar structure attached to the rear or to the side of the house”* subject to 7 No. Conditions and Limitations.

This extension is a conservatory solely to the rear of the existing dwelling however it does not accord with the conditions and limitations as the window is less than 1 metre from the boundary it faces, and the private open space retained to the rear is less than 25sqm.

There is an existing conservatory on the site that appears to have been in place for many years. The applicant has sought an exemption cert under Section 4 (1) h of the Planning and Development Act 2000 which states the following development shall be exempt for the purposes of the Act:

Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure being works which only affect 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 neighbouring structures.

The proposed development is the replacement of a conservatory with a like for like conservatory for improvement and maintenance purposes

However, no planning permission exists for the existing conservatory which is not considered to be exempt development, and therefore the proposed replacement conservatory cannot be considered under Section 4 (1) h of the Planning and Development Act.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether the replacement of existing conservatory with like for like with improved energy efficient triple glazing constitutes exempted development within the meaning of the Planning and Development Act 2000 (as amended)

The Planning Authority considers that:

The replacement of existing conservatory with like for like with improved energy efficient triple glazing is development and is not exempted development

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted on the 24th June 2026;
- b) The Bray Municipal District Local Area Plan 2018-2024
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 9 (1) (a)(xii) of the Planning and Development Regulations 2001 (as amended);
- e) Classes 1 Part 1, Schedule 2, of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The demolition of the existing conservatory and construction of a new conservatory would be works, and therefore development having regard to Section 2 and 3(1)(a) of the Planning and Development Act 2000(as amended)
- ii. The replacement of the conservatory structure would not come within the provisions of Section 4(1)(h) as the works involve the demolition of the entire conservatory structure and therefore would not come within the meaning of Section 4(1)(h) as the structure is being replaced as opposed to works of maintenance, improvement or other alteration of any structure. Furthermore it is not evident that the existing conservatory has permission.

iii. The proposed conservatory would not come within the limitations of the exemption set out in The existing conservatory to the rear of the dwelling would not fall within the scope of the exemption provided in Class 1, Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), and does not have planning permission. Therefore the proposed replacement of the structure cannot be considered under Section 4 (1) (h) of the Planning and Development Act 2000.



Lyndsey Blackmore
Executive Planner
02/07/26

Sh. Birmingham TSP

Agreed as modified 8/7/2026



MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Lyndsey Blackmore
Executive Planner**

**FROM: Aoife Kinsella
Clerical Officer**

**RE: - EX76/2026 - 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 24/06/2026.

The due date on this declaration is the 21/07/2026.

Aoife Kinsella

**Clerical Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin Wicklow County Council

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Suíomh / Website: www.wicklow.ie

David Norris
1 Springmount Cottage
Glencare Avenue
Bray
Co. Wicklow
A98 FC83

24th of June 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX76/2026

A Chara

I wish to acknowledge receipt on 24/06/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 21/07/2026

Mise, le meas



Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



Wicklow Cpuntly Council
County Buildings
Wicklow
0404-20100

16-06-2026 12:32

Receipt No . L1/314964/365308
***** REPRINT *****

DAVID NORRISS
1 SPRINGMOUNT COTTAGE
GLENARD AVENUE
BRAY
CO. WICKLOW
A98 SC83

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT	0.00

Total 80.00 EUR

Tendered.
Credit Card 80 00

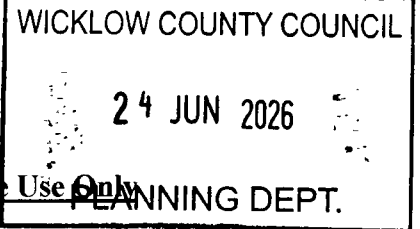
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From: Customer Service Hub



Placed on 24/6/2026

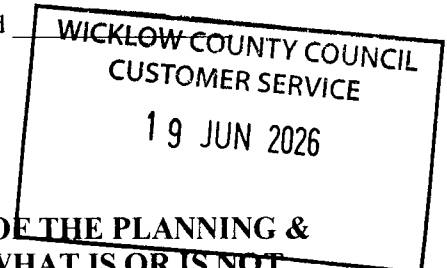
Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

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

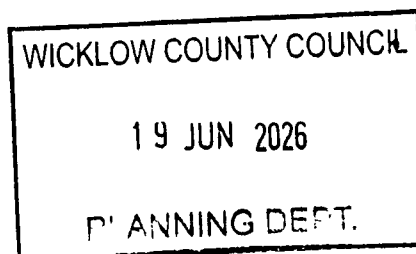
- (a) Name of applicant: DAVID NORRIS
- Address of applicant: 1 SPRINGMOUNT COTTAGE
GLENLARE AVE, BRAY, CO WICKLOW, A98FC83.

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) N/A
- Address of Agent : _____
- _____

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



3. Declaration Details

i. Location of Development subject of Declaration 1 SPRINGMOUNT COTTAGE,
GLENCARE AVENUE, BRAY, CO WICKLOW
A98FC83.

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes No.

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 Replacement of existing conservatory as it now leaks water and glazing is dilapidated. Replacement will be like for like in size with improved energy efficient triple glazing.
Existing conservatory is not noted on the title plans but was already built on purchase in 2003.
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 _____
PDA Section 4 (1) (h) on works, maintenance or improvements of any structure without affecting the appearance

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
Floor Plan + elevation - attached - proposed
Floor plan to remain the same.
- drawings are to scale -
location plan shows adjoining lane +
neighbour properties

viii. Fee of € 80 Attached ? yes I've paid over the phone - receipt sent to
David Morris
payment made 16.6.26

Signed : D.W. Morris Dated : 16.6.26

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.

English | Gaeilge

1 SPRINGMOUNT COTTAGES

GLENARD AVENUE

BRAY

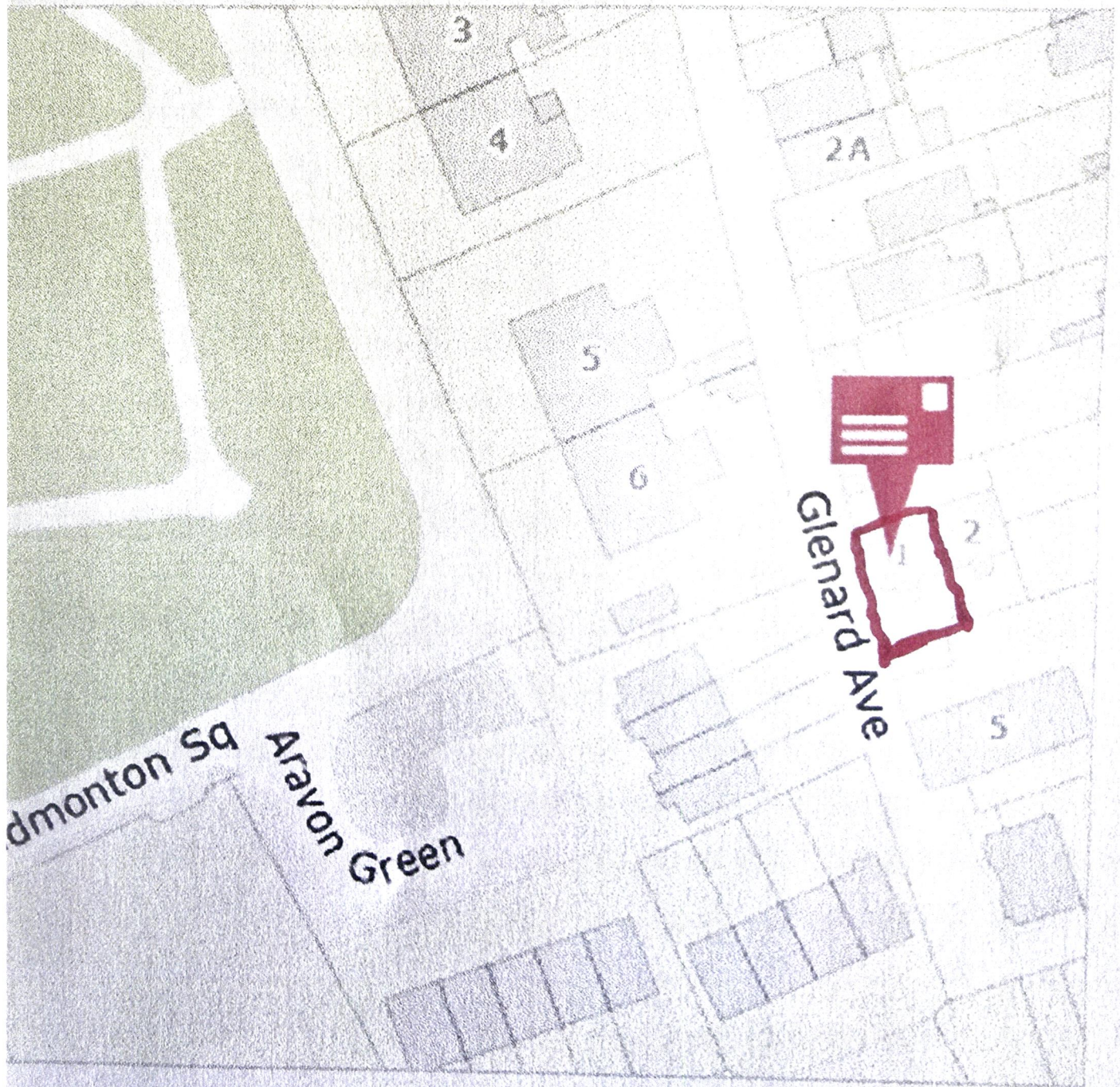
CO. WICKLOW

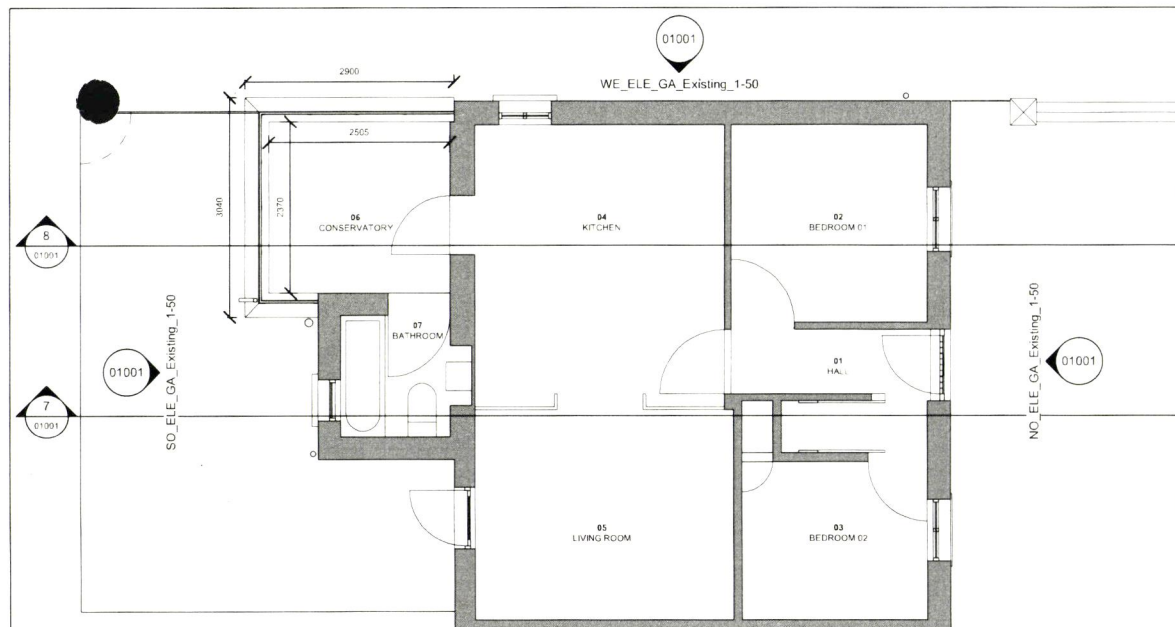
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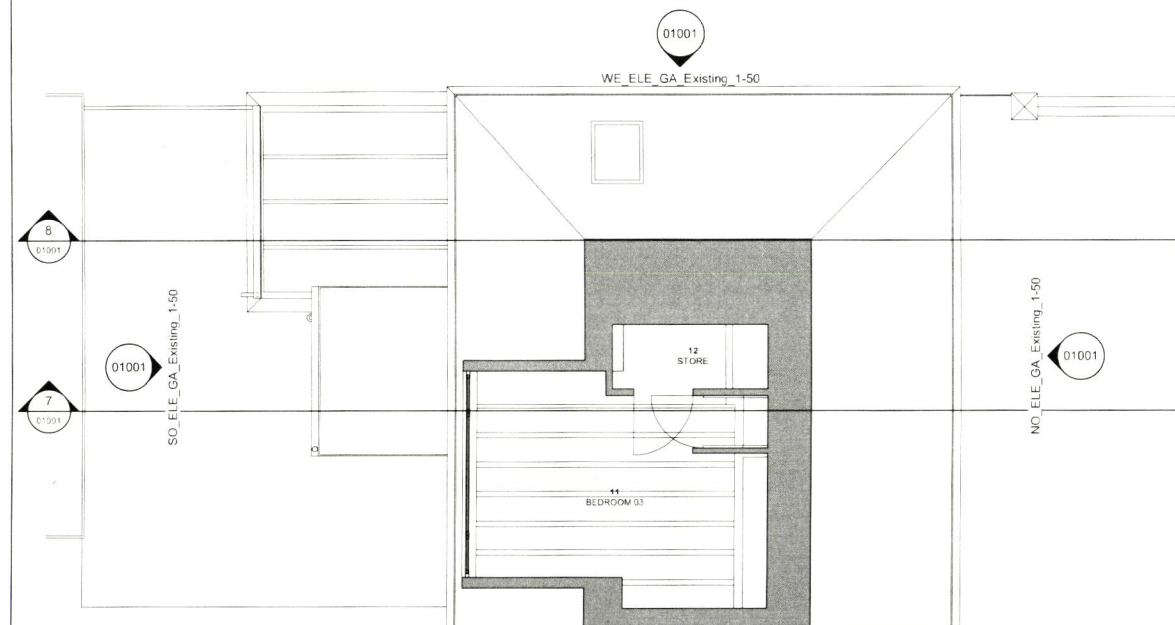
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A98 FC83

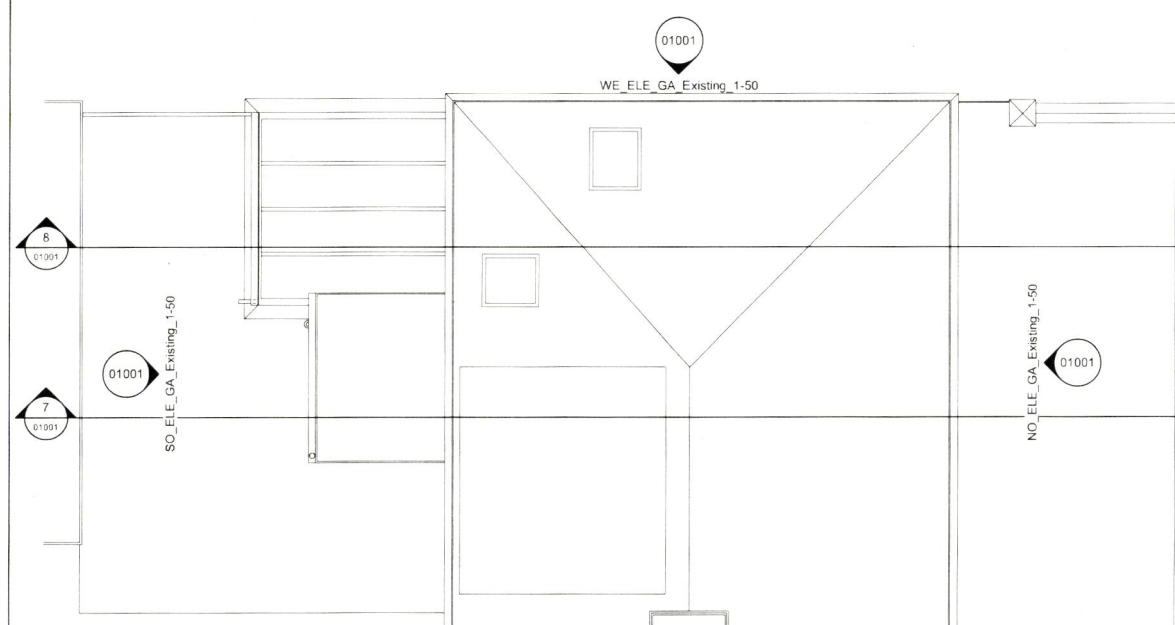




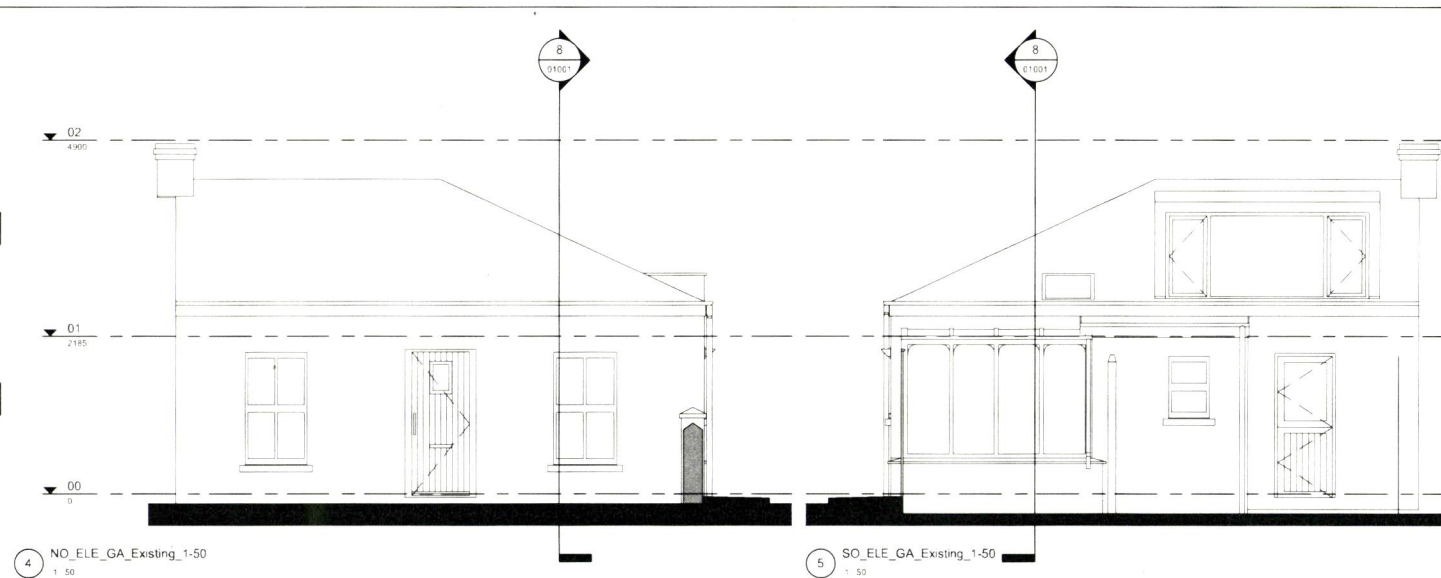
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1 50



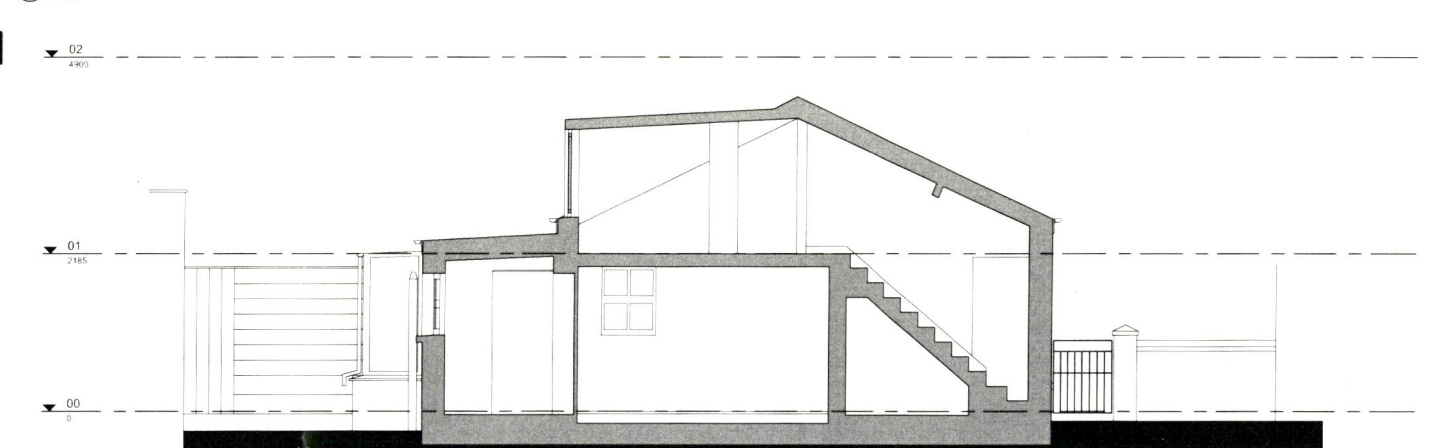
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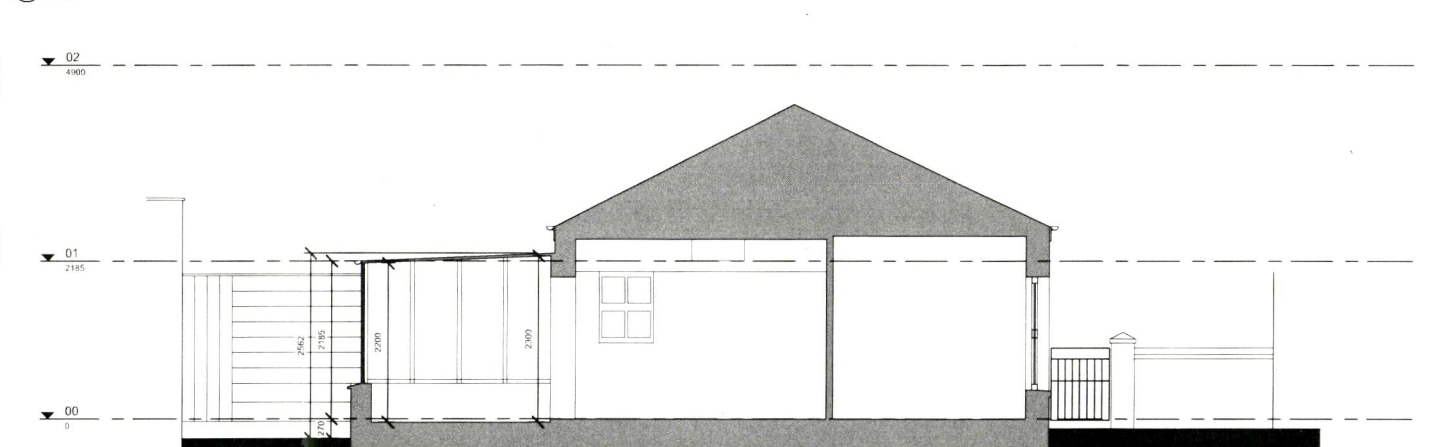
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- General Notes
- Do not scale off this drawing.
 - Use figured dimensions only.
 - All dimensions to be verified prior to the commencement of any work or the production of any shop drawing.
 - All omissions and discrepancies to be reported to the Architect immediately.
 - This drawing is to be read in conjunction with all related Architect's and Engineer's drawings and any other relevant information.

revison	date	by	app	description
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Key Plan



Client

David Norriss

Project Name

1 Springmount Cottage

Project Address

1 Springmount Cottage, Glenard Ave,

Bray, Wicklow, A98 FC83, Ireland

Design Stage

Concept

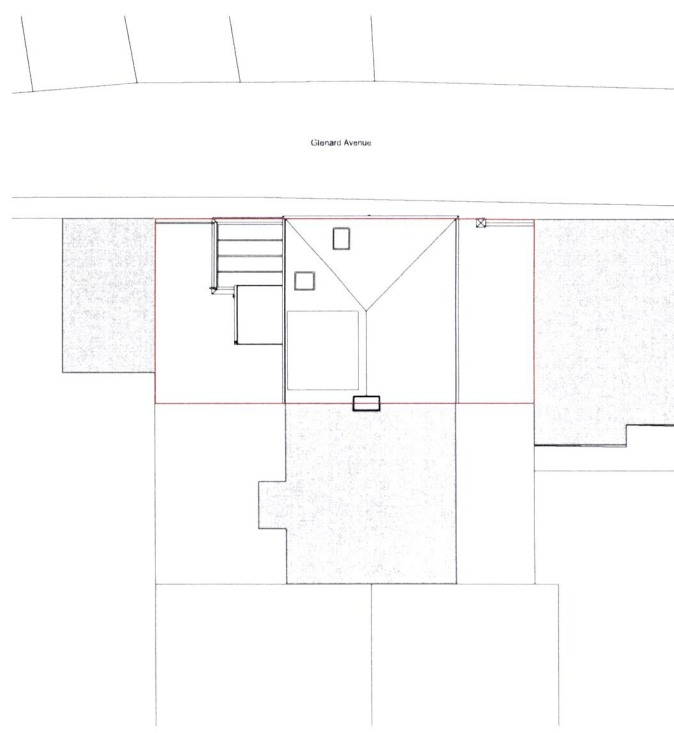
Drawing Title

Existing Drawings

Scale	Sheet Size	Date
1 : 50	A1	29/05/2026
1 : 100	A3	
Drawn	Checked	Approved
CWO	SBN	MBN
Revision	Sustainability Code	
	ZZ	

Drawing No

0012-HAP-EXZZ-ZZDR-AR-01001



Glenard Avenue

- General Notes
- 1. Do not scale off this drawing.
 - 2. User should dimensions only.
 - 3. All dimensions to be verified prior to the commencement of any work or the production of any other drawing.
 - 4. All materials and dimensions to be reported to the Architect on request.
 - 5. This drawing is to be used in conjunction with all related documents and Engineer's drawings and any other relevant information.

Drawn	Scale	By	Appr	Revision
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Key Plan
Site boundary



Scale

David Norriss

Project Name

1 Springmount Cottage

Project Address

1 Springmount Cottage, Glenard Ave,

Bray, Wicklow, A98 FC83, Ireland

Design Stage

Concept

Drawing Title

Site Layout Plan

Scale

Sheet Size

Date

1:100 A1 29/05/2026

1:200 A3

Drawn

Checked

Approved

CWO SBN MBN

Revision

00001