



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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

H August 2022

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

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

Exemption Ref. No: EX 43/2022

Applicant: Declan Roche

Nature of Application: Section 5 Referral as to whether or Not replacement of window in front elevation at ground floor level with glazed sliding doors is or is not exempted development.

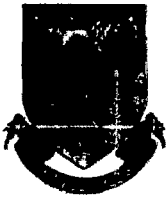
Location: 15 Kindlestown Park, Greystones

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,


PP 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: Declan Roche

Location 15 Kindlestown park, Greystones

DIRECTOR OF SERVICES ORDER NO. 1315/2022

A question has arisen as to whether or not is or is not exempted development.

Having regard to:

- The details received with this section 5 application (EX43/2022) on the 12th July 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The proposal for 'replacement of window in front elevation of house at ground floor level with glazed sliding doors' at 15 Kindlestown Park, Greystones, Co. Wicklow would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that replacement of window in front elevation at ground floor level with glazed sliding **doors is development but is exempted development.**

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 4 August 2022



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

Director of Services Order No: 1315/2022
Reference Number: EX43/2022
Name of Applicant: Declan Roche
Nature of Application: Section 5 Referral as to whether or Not replacement of window in front elevation at ground floor level with glazed sliding doors is or is not exempted development.
Location of Subject Site: 15 Kindlestown Park, Greystones, Co. Wicklow
RECOMMENDATION: Report from Suzanne White

Having regard to:

- The details received with this section 5 application (EX43/2022) on the 12th July 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

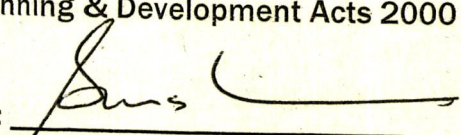
- 1) The proposal for 'replacement of window in front elevation of house at ground floor level with glazed sliding doors' at 15 Kindlestown Park, Greystones, Co. Wicklow would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that the replacement of window in front elevation at ground floor level with glazed sliding doors **is development but is exempted development**

d ORDER:

That a declaration to issue stating:

That the replacement of window in front elevation at ground floor level with glazed sliding doors **is development but is exempted development within the meaning of the Planning & Development Acts 2000 (as amended)**.

Signed: 

Director of Services
Planning Development & Environment

Dated 4 day of August 2022



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF: EX43/2022
NAME: DECLAN ROCHE
DEVELOPMENT: PROPOSED WORKS/ALTERATIONS TO FRONT OF HOUSE
LOCATION: 15 KINDLESTOWN PARK, GREYSTONES, CO. WICKLOW

The Site: An end of terrace 2-storey dwelling located on the eastern side of Kindlestown Park.

Relevant Planning History: None.

Question:

The applicant has applied for a determination as to whether works carried out at the above property is or is not development and is or is not exempted development. The proposed development is summarised as follows: *'replacement of window in front elevation of house at ground floor level with glazed sliding doors.'*

Legislative Context:

-Planning and Development Act 2000 (as amended)

Section 3(1) of the Act states the following in respect of 'development':

"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 2(1) of the Act states the following in respect of 'works':

"Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4(1)(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;*

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;

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

Assessment:

The Section 5 declaration application seeks an answer as to whether or not the *'replacement of window in front elevation of 15 Kindlestown at ground floor level with glazed sliding doors'* is or is not development; and is or is not exempted development.

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 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” include any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

I am satisfied that the proposal involved works to the existing property and therefore constituted 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 works involved the replacement of an existing window in the front elevation at ground floor level with glazed, sliding doors at 15 Kindlestown Park. It is noted that the doors match the window above in terms of width as well as colour and material (white uPVC). In addition, as the dwelling is at a lower level than the public road, the visibility of the doors within the streetscape is reduced. Furthermore, it is noted that the streetscape is not sensitive in terms of architectural character.

Therefore, I do not consider that the alterations materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the house or neighbouring houses. I consider that the works would fall under the remit of 4(1)(h).

Recommendation:

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

Whether or not '*replacement of window in front elevation of 15 Kindlestown Park at ground floor level with glazed sliding doors*' is or is not development, and is or is not exempted development.

The Planning Authority considers that:

The proposal for '*replacement of window in front elevation of 15 Kindlestown Park at ground floor level with glazed sliding doors*' is development, and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details received with this section 5 application (EX43/2022) on the 12th July 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The proposal for '*replacement of window in front elevation of house at ground floor level with glazed sliding doors*' at 15 Kindlestown Park, Greystones, Co. Wicklow would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).



03/08/2022

Suzanne White
Senior Executive Planner

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Suzanne White
Senior Executive Planner

FROM: Crystal White
Assistant Staff Officer

**RE:- Ex 43/2022- Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Declan Roche C/O Tom Creed FRIAI Purposed works/alterations
amendments to the front of the house at 15 Kindlestown,
Greystones, Co Wicklow**

I enclose herewith for your attention application for Section 5 Declaration received 12th July 2022.

The due date on this declaration is the 08th August 2022.



Senior Staff Officer
Planning Development & Environment

Wicklow County Council
County Buildings
Wicklow
0404-20100

12/07/2022 15:22:06

Receipt No 11/0/298050

DECLAN ROCHE
15 KINDLESTOWN
GREYSTONES
CO WICKLOW

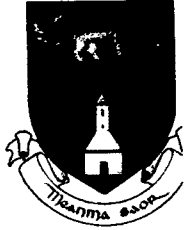
EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non vatable	

Total 80.00 EUR

Tendered
Cheque 80.00
EX 43/2022

Change 0.00

Issued By Brid Keogh
From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
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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: Declan Roche
Address of applicant: .

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

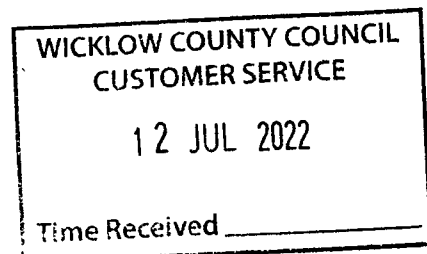
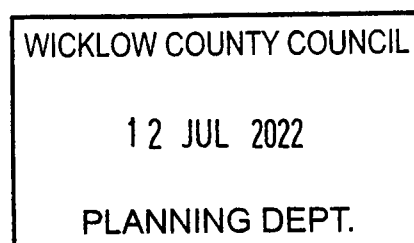
2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable Tom Creed FRIAI
Address of Agent : 10 Toner House, Sidminton Place Bray Co. Wicklow

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

3. Declaration Details

- i. Location of Development subject of Declaration
ii. 15 Kindlestown, Greystones, Co. Wicklow A63 R243



iii. 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 N/A

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 The applicant and his wife have lived in the house, No.15 for quite a few years. Recently Mrs Roche has developed a mild incapacity and because of this disability has trouble walking and moving in and out and about the house. The current new doorway was introduced to allow her easy access from the front room of the house to the front, west facing patio, and as such has worked very well in this regard. The roches simply had the cill and masonry below cut out and then replaced the window with a doorway for access purposes described above. No other material changes were made to the open or front wall of the house. The photos that accompany this application show the effects and minimal intervention that was made in the front of the house. Because of level differences between the street and the house there is very little or no impact on the streetscape, as shown in the photographic evidence provided, as the front of the house is down a level from the street and obscured by bushes and shrubs.

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 Section 5 –
Declaration and referral on development and exempted development. Planning and development act 2000

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 _____
Sk Elevation and plan of new/exist door in place of original window
Photos of the house with the old window and the new/exist door
- viii. Fee of € 80 Attached ? Yes _____

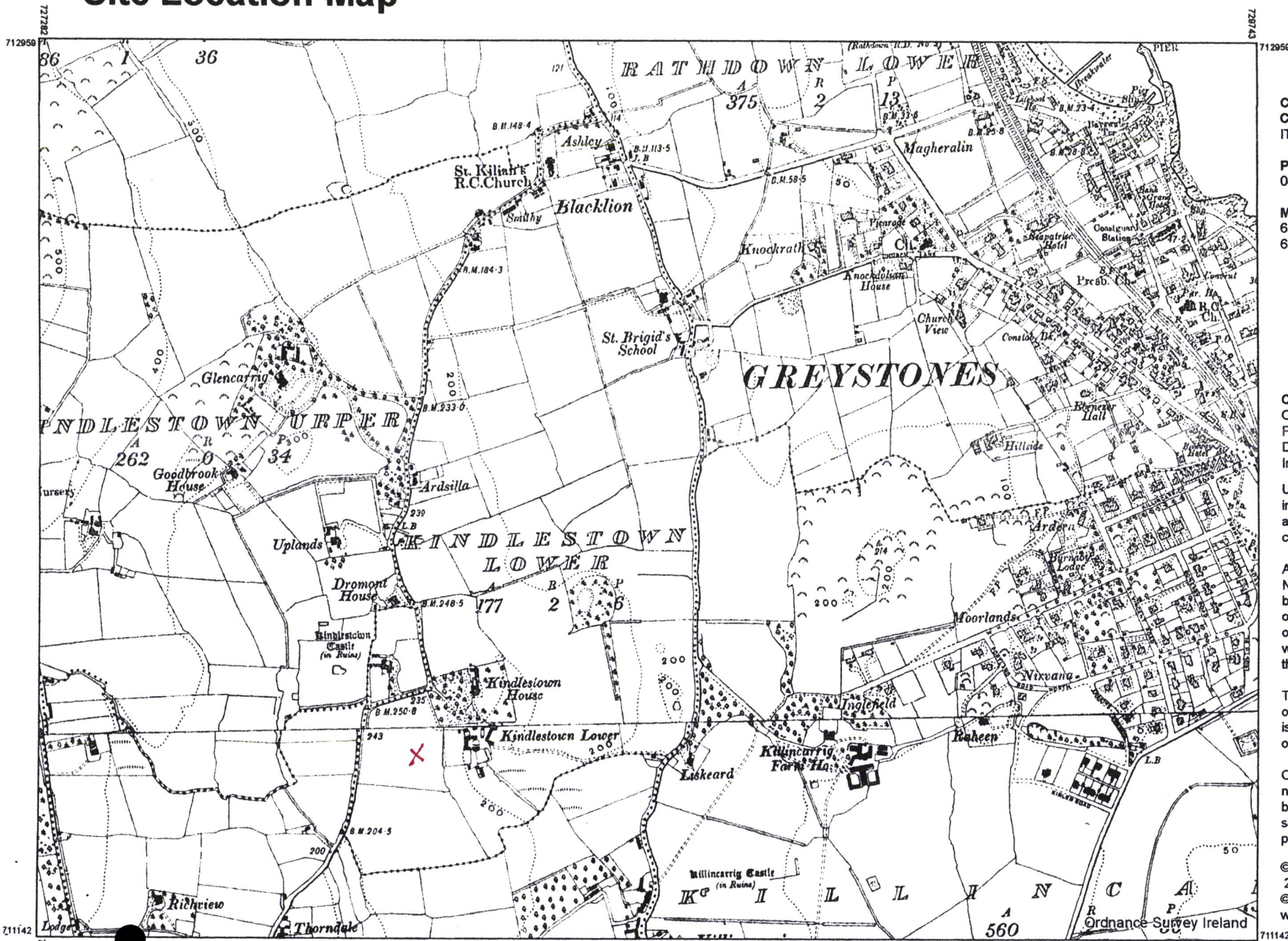
Signed: JIM CREEED Dated: 11.07.2022
(AGENT)

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.

Site Location Map



CENTRE COORDINATES:
ITM 728513,712051

PUBLISHED: 08/06/2022
ORDER NO.: 50272969_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: WW008, WW013

COMPILED AND PUBLISHED BY:
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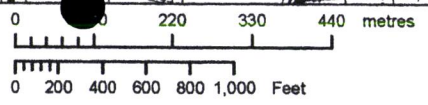
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OUTPUT SCALE: 1:10,560

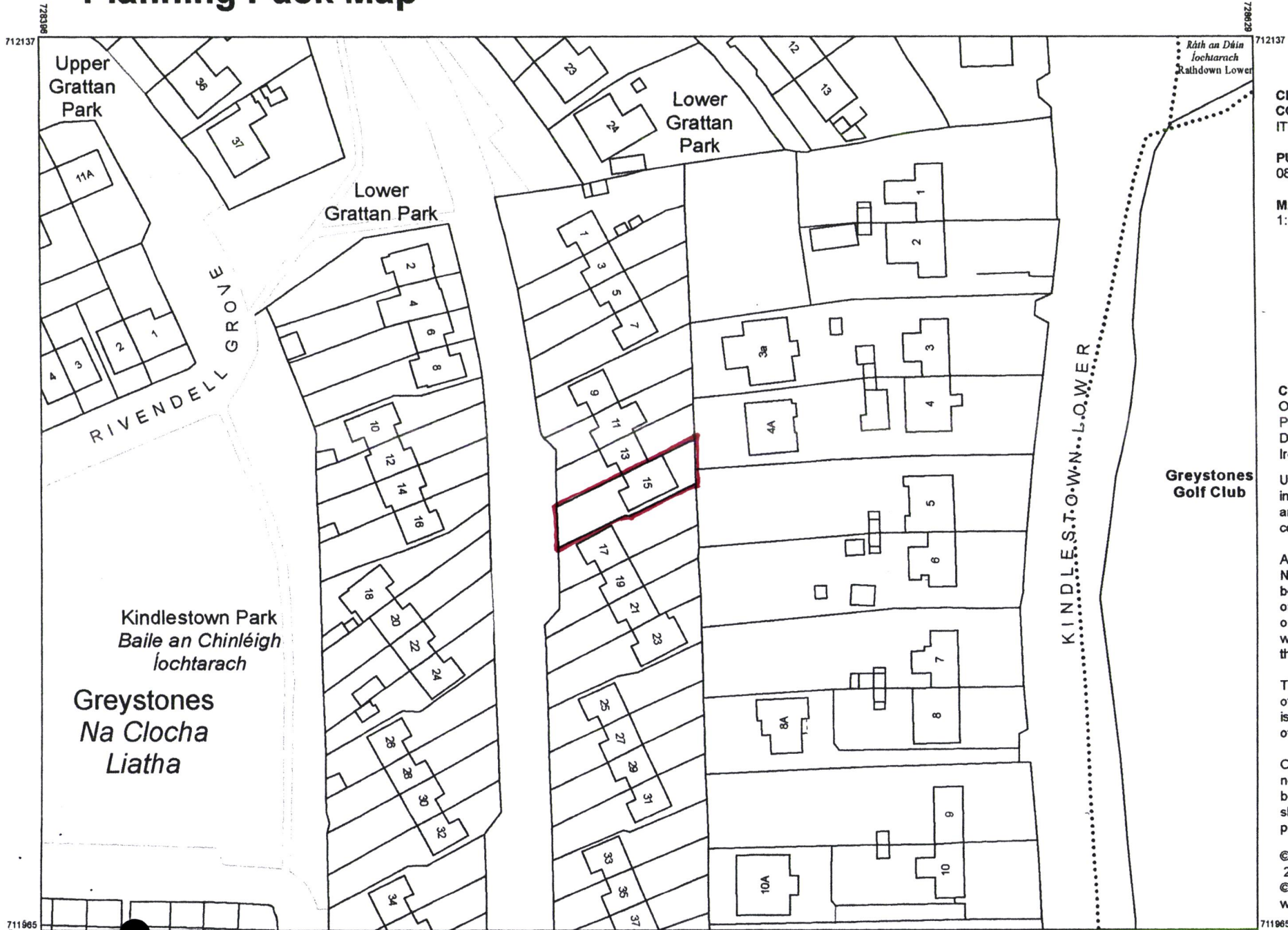
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71142
71282

71142
71282

Planning Pack Map



CENTRE COORDINATES:
ITM 728513,712051

PUBLISHED: 08/06/2022
ORDER NO.: 50272969_1
MAP SERIES: 1:1,000
MAP SHEETS: 3674-16

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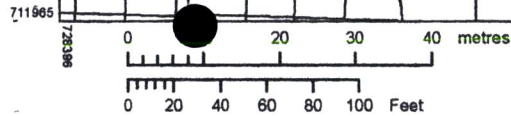
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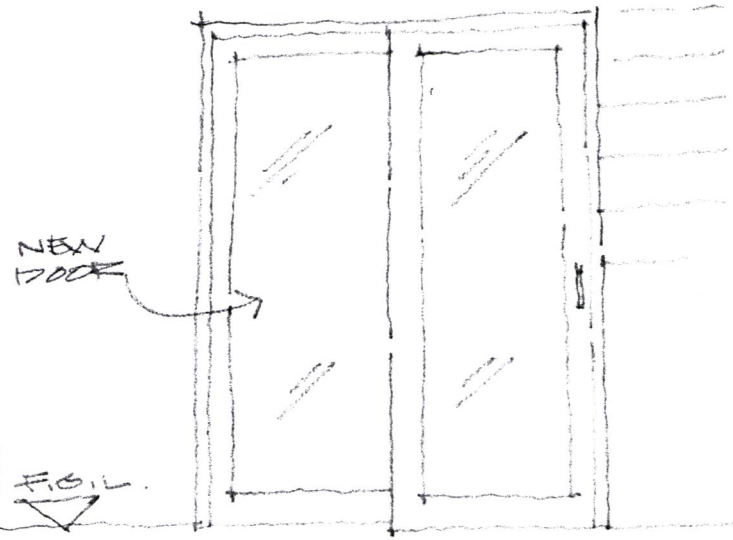
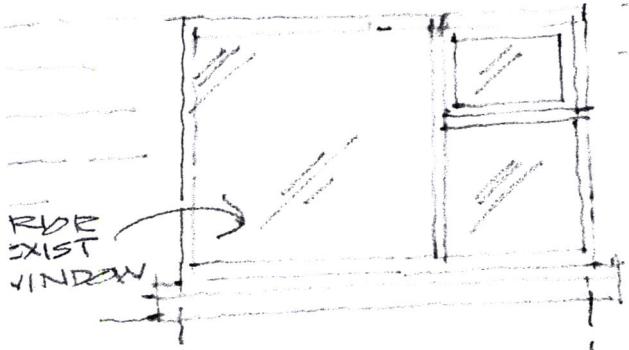
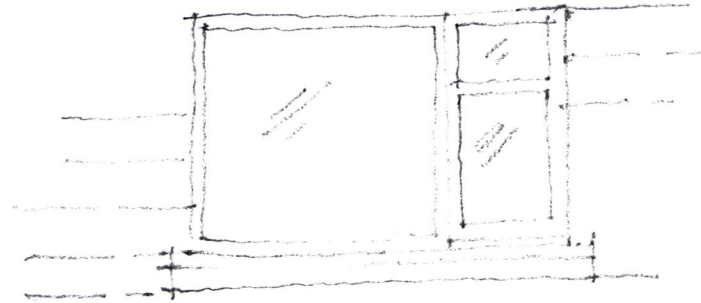
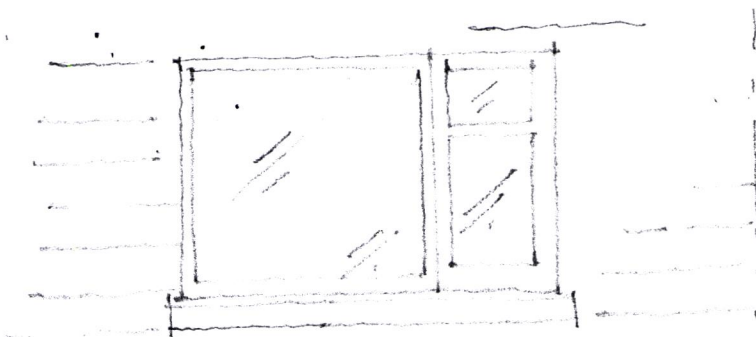
LEGEND:
<http://www.osi.ie>;
search 'Large Scale Legend'



OUTPUT SCALE: 1:1,000

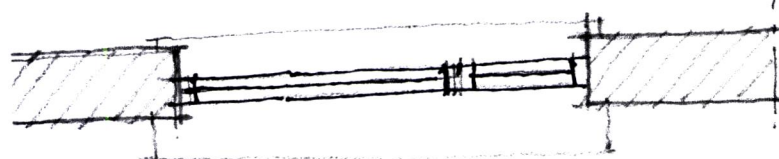
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Further information is available at:
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ORIGINAL SK. ELEVATION - WINDOW

NEW/EXIST SK. ELEVATION



ORIGINAL CONDITION

SK. PLAN WINDOW

NEW EXIST CONDITION

SK. PLAN DOOR

NO 15 KNDIESTAYN
 WINDOW REPLACEMENT
 WITH SLIDING DOOR TO
 FRONT ELEVATION
 (NOT TO SCALE)



TOM CREE D.







