



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
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Suíomh / Website: www.wicklow.ie

19th March 2025

Fionnuala Meehan & Colm Divilly
17 Burnaby Heights
Greystones
Co. Wicklow
A63 WE04

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX25/2025

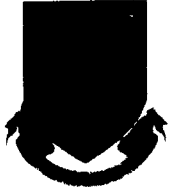
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

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: Fionnuala Meehan & Colm Divilly

Location: 17 Burnaby Heights, Greystones, Co. Wicklow

Reference Number: EX25/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/270

Section 5 Declaration as to whether "closing in front porch" at 17 Burnaby Heights, Greystones, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

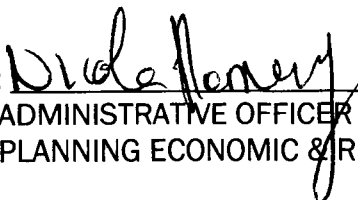
Having regard to:

- i. The details submitted on 27/02/2025;
- ii. Sections 2 (1), 3 (1), 4 (1) of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. Having regard to the existing dwelling on site, the size, position and the floor area of the application, it is considered that the closing in of the existing front porch comes within the description and limitations of works specified under Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 as amended. Such works come within the scope of Section 4-1 (h) of the Planning & Development Act 2000 (as amended) and therefore is exempt development.

The Planning Authority considers that "closing in front porch" at 17 Burnaby Heights, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  March 2025



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/270

Reference Number: EX25/2025
Name of Applicant: Fionnuala Meehan & Colm Divilly
Nature of Application: Section 5 Declaration request as to whether or not: -
"closing in front porch" is or is not development and is or is
not exempted development.
Location of Subject Site: 17 Burnaby Heights, Greystones, Co. Wicklow

Report from Neal Murphy, EP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "closing in front porch" at 17 Burnaby Heights, Greystones, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- i. The details submitted on 27/02/2025;
- ii. Sections 2 (1), 3 (1), 4 (1) of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended).

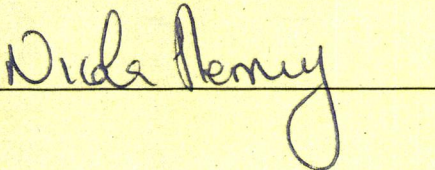
Main Reason with respect to Section 5 Declaration:

1. Having regard to the existing dwelling on site, the size, position and the floor area of the application, it is considered that the closing in of the existing front porch comes within the description and limitations of works specified under Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 as amended. Such works come within the scope of Section 4-1 (h) of the Planning & Development Act 2000 (as amended) and therefore is exempt development.

Recommendation:

The Planning Authority considers that "closing in front porch" at 17 Burnaby Heights, Greystones, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed

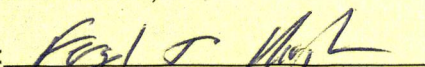


Dated 19th day of March 2025

ORDER:

I HEREBY DECLARE THAT "closing in front porch" at 17 Burnaby Heights, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


Senior Engineer
Planning, Economic & Rural Development

Dated 19th day of March 2025



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

TO: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
FROM: Neal Murphy E.P
REF: EX25/2025
DECISION DUE: 26/03/2025
NAME: FIONNUALA MEEHAN & COLM DIVILLY
DEVELOPMENT: CLOSING IN FRONT PORCH
LOCATION: 17 BURNABY HEIGHTS, GREYSTONES



Site Location and Description

The subject site is located in Burnaby Heights, a residential estate in Greystones consisting of units of similar architectural design with a relatively uniform building line. The site contains a detached, two storey dwelling with off street parking to the front and garden to the rear. It is noted that a number of dwellings in the immediate vicinity have closed in their porch.

Question:

The applicants have applied to see whether or not the following is or is not development and is or is not exempted development:

- Close in the 3.5m x 1.64m porch to the front of the house which involves the following:
- Front of the porch – placing a window and windowsill in the existing gap.
- Side of the porch – placing a solid panel on the left of the existing gap and a front door with a glass panel on either side of the remaining gap.

Relevant Planning History

None.

Legislative Context

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

“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...”

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 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) is relevant for the purposes of this declaration:

“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) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and 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):

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) If the carrying out of such development would –

- (i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) Endanger public safety by reason of traffic hazard or obstruction of road users,*

Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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 of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

The conditions and limitations include:

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

Other Conditions and Limitations include:

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.

2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.

3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*

4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*

5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

Details Submitted in support of Application:

The applicants are applying for a Section 5 Declaration in relation to the following:

- Closing in front porch.

No additional extension/building etc. to be performed.

Proposed area for closing in: 5.74sqm

Assessment:

It is proposed to enclose an existing front porch which is open on two sides with a window on the eastern elevation (front) and one solid panel, two glazed panels and a front door on the northern elevation. The stated gross floor area of the proposed enclosure is approximately 5.74sqm. It should be noted that a number of dwellings in the immediate vicinity have carried out similar developments as the proposed.

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” 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 Planning Authority is satisfied that the proposal **would involve works to the existing structure** and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as

amended) or it's associated Regulations. The proposed closing in of the existing porch measures approximately 5.74sqm in floor area. No elevations were received with the application but any development should 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.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the 'Closing in Front Porch' at 17 Burnaby Heights, Greystones, Co. Wicklow is or is not exempted development,

The Planning Authority considers that:

In consideration of the above, the proposed development is considered to come within the scope of Section 4-1 (h) of the Planning & Development Act 2000 (as amended) and therefore **is exempt development.**

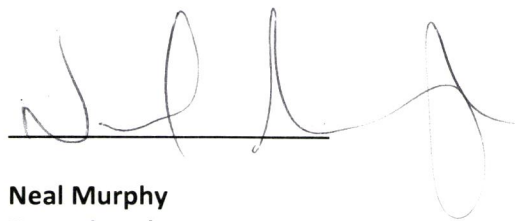
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Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 27/02/2025;
- ii. Sections 2 (1), 3 (1), 4 (1) of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

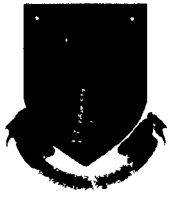
Having regard to the existing dwelling on site, the size, position and the floor area of the application, it is considered that the closing in of the existing front porch comes within the description and limitations of works specified under Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 as amended. Such works come within the scope of Section 4-1 (h) of the Planning & Development Act 2000 (as amended) and therefore is exempt development.



Neal Murphy
Executive Planner
12/03/2025

*Agreed
St. John's SEP
12/3/25*

*Issue declaration as detailed
page 1 to page 4
19/3/25*



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Neal Murphy
Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX25/2025**

I enclose herewith application for Section 5 Declaration received completed on 27/02/2025

The due date on this declaration is 26th March 2025

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





COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

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Fionnuala Meehan & Colm Divilly
17 Burnaby Heights
Greystones
Co. Wicklow
A63 WE04

28th February 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX25/2025 –

A Chara

I wish to acknowledge receipt on 27/02/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 26/03/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

27/02/2025 09:48:30

Receipt No L1/0/341513

F MEEHAN
17 BURNABY
GREYSTONES
CO WICKLOW
63 WE04

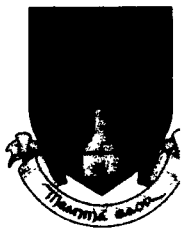
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
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Fee Received _____

RECEIVED 27 FEB 2023

**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:
Fionnuala Meehan and Colm Divilly
Address of applicant:
17 Burnaby Heights, Greystones, Co Wicklow, A63 WE04
-

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
17 Burnaby Heights, Greystones, Co Wicklow, A63 WE04
- 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
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, 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 would like to close in the 3.5m x 1.64m porch at the front of the house, which involves the following (illustrated in photos):
- Front of the porch - placing a window and windowsill in the existing gap
- Side of the porch - placing a solid panel on the left of the existing gap, and a front door with a glass panel on either side of the remaining gap

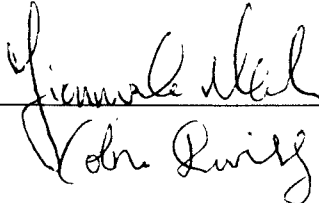
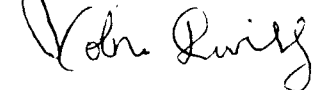
Additional details may be submitted by way of separate submission.

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

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
Existing Porch - side profile - A63WE04.jpeg
Existing porch - front profile - A63WE04.jpeg
Existing porch - inside view - A63WE04.jpeg
Location – A63WE04.jpeg
Existing Porch - side profile proposed change - A63WE04.jpeg
Existing porch - front profile proposed change - A63WE04.jpeg
- viii. Fee of € 80 Attached ? **Paid over the phone 27th Feb 2025**

Signed:  Dated: 27/2/2025


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.

Church

lands

Glen

Delgany Wood

Burnaby Heights Burnaby Heights

Burnaby Heights

Greystones Golf Club

R761

R761

R761







Window here

Windowsill here





917

Solid panel here

Glass panel to left of front door

Front door here

Glass panel to right of front door

