



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

30<sup>th</sup> April 2025

Rik de Jager  
39 Dunbar Park  
Wicklow Town  
A67 D951

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) – EX45/2025**

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:** Rik de Jager

**Location:** 39 Dunbar Park, Wicklow Town

**Reference Number:** EX45/2025

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/425

Section 5 Declaration as to whether “the installation of 2 no. velux windows to the front roof elevation” at 39 Dunbar Park, Wicklow Town constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

#### Having regard to:

- a) The details submitted with the Section 5 Declaration application dated 12/04/2025;
- b) Onsite permissions PRR16/428 & PRR 21/597.
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- d) An Bord Pleanála Declarations RL2284, ABP-307712-20

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

- i. The installation of 2 no. velux roof windows come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- iii. The installation of the 2 no. velux roof windows to attic storage space would affect the exterior of the structure, but would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

The Planning Authority considers that “the installation of 2 no. velux windows to the front roof elevation” at 39 Dunbar Park, Wicklow Town 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  April 2025



WICKLOW COUNTY COUNCIL  
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/425

Reference Number: EX45/2025

Name of Applicant: Rik de Jager

Nature of Application: Section 5 Declaration request as to whether or not: -  
"the installation of 2 no. velux windows to the front roof elevation" is or is not development and is or is not exempted development.

Location of Subject Site: 39 Dunbar Park, Wicklow Town

Report from Maria Harte, GP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the installation of 2 no. velux windows to the front roof elevation" at 39 Dunbar Park, Wicklow Town is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

**Having regard to:**

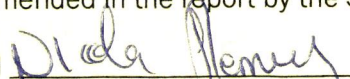
- a) The details submitted with the Section 5 Declaration application dated 12/04/2025;
- b) Onsite permissions PRR16/428 & PRR 21/597.
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- d) An Bord Pleanála Declarations RL2284, ABP-307712-20

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

- (i) The installation of 2 no. velux roof windows come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The installation of the 2 no. velux roof windows to attic storage space would affect the exterior of the structure, but would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

**Recommendation:**

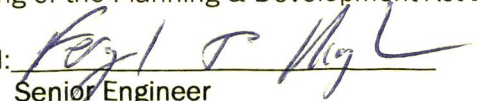
The Planning Authority considers that "the installation of 2 no. velux windows to the front roof elevation" at 39 Dunbar Park, Wicklow Town is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 30<sup>th</sup> day of April 2025

**ORDER:**

I HEREBY DECLARE THAT the "the installation of 2 no. velux windows to the front roof elevation" at 39 Dunbar Park, Wicklow Town 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 30<sup>th</sup> day of April 2025



**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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

**Ref:** EX42/2025  
**Name:** Rik de Jager.  
**Development:** Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).  
**RE:** Velux Windows.  
**Location:** 39 Dunbar Park, Wicklow. A67D951

**The Site:** The subject site lies c1km from the Main Street on the southern side of Wicklow Town. The dwelling is a two storey detached within an established residential area facing east with views of the Irish Sea. There is a large mature garden to the front and rear. There is off street parking to the front of the dwelling.



*Subject site at 39 Dunbar Road, Wicklow.*

**Question:** *Whether or not:*  
 The installation of 2 no. velux windows size 1180mm x 1140mm to the front roof plane as part of a non-habitable attic conversion is or is not development and constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

**WCC Planning History:**

**Subject site**

**REF:** 16/428  
**Applicant:** Rik de Jager.  
**Development:** 1) demolition of existing lean-to extension to rear, 2) ground floor flat roof extension to front totaling 17.5sqm with balcony over & modifications to front façade, 3) internal modifications & associated site works.  
**Decision:** GRANT.

**REF:** 21/597  
**Applicant:** Rik de Jager.  
**Development:** Use of flat roof area to front of the dwelling of extension as a balcony.  
**Decision:** GRANT.

**Nearby Planning:**

**REF:** 24/60436  
**Location:** 29 Dunbar Park, Wicklow Town  
**Development:** retention of 3 no. rooflights in the front roof slope of the dwelling, 2 no. rooflights in the rear roof slope of the dwelling, the insertion of an additional external doorway in the front elevation of the dwelling.  
**Decision:** GRANT.

**REF:** 22/455  
**Location:** 37 Dunbar Park, Wicklow Town  
**Development:** construction of one dormer extension to side consisting of garage conversion with two floors and extension to rear together with extension to porch and external insulation.  
**Decision:** GRANT.

**An Bord Pleanála Referrals**

06D.RL2284

Whether the installation of six number velux roof lights within the eastern roof plane and one number window within the northern gable wall of 32 Ballinclea Heights, Killiney, is or is not exempted development.

An Bord Pleanála has concluded that –

- (a) the said installation of six number roof lights in the eastern roof plane constitutes development which materially affects the external appearance of the structure, but which does not render its appearance inconsistent with the character of the structure and of neighbouring structures, and
- (b) the said provision of a window in the northern gable of the dwelling/house constitutes development which materially affects the external appearance of the structure and which renders its appearance inconsistent with the character of the structure and of neighbouring structures:

ABP-307712-20

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford are development and are exempted development as

- (a) the attic was converted to provide additional habitable accommodation before the granting of planning permission under planning register reference number 04/537 and the implementation of that permission and, therefore, the question should be restated as follows: “whether the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of

- the original single storey house at 31 Marian Park, Waterford are or are not development or are or are not exempted development”, and
- (b) the works associated with the renovation of the existing habitable accommodation, including the altering, repositioning and addition of roof lights, constitute development which comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000 and is, therefore, exempted development:

**Relevant Legislation:**

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

**Section 2**

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and
- (b) in relation to a protected structure or proposed protected structure, includes—
- (i) the interior of the structure,
  - (ii) the land lying within the curtilage of the structure,
  - (iii) any other structures lying within that curtilage and their interiors, and
  - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

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

**Section 3 (1)(a)** In this act development is defines, except where the context otherwise requires, as: “The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land”;

**Section 2 (1)** defines works as any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

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

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

*development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

**Section 4 (2)** provides for certain classes of development to be designated as exempted development by way of legislation.



**Planning and Development Regulations, 2001 (as amended):**

**Article 6(1)** states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

**Article 9(1)(a)** details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act;

**Relevant Planning: Wicklow County Development Plan 2022-2028**

Zoning Objective: RE: Existing Residential under Wicklow Town – Rathnew LAP

*To protect, provide and improve residential amenities of existing residential areas;*

Level 2- Core Region Key Town.

**Details of Query: Proposal**

In accordance with the details submitted with Section 5 application:

It is proposed to install 2 no. roof lights to the front of the dwelling at 39 Dunbar Park, Wicklow Town. The dwelling is **not** a Protected Structure.

**Assessment**

The application seeks a declaration as to whether the;  
installation of 2 no. roof lights size 1180 x 1140mm to the front roof plane at 39 Dunbar Park, Wicklow Town as part of a non-habitable attic conversion *is or is not development and is or is not exempted development*;

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

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

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

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

*‘the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land’.*

Section 4 of the Planning and Development Act 2000 (as amended) provides that

4. — (1) *The following shall be exempted developments for the purposes of this Act—*

(h) *development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

The installations of 2 no. velux windows are considered to be works of maintenance/improvement to the dwelling and whilst they effect the exterior of the structure, having regard to the location within the roof plane on this detached dwelling the velux roof windows would not materially affect the external appearance and would not render this structure inconsistent with the character of the structure or of neighbouring structures. The works are therefore development and are exempted development.

**Recommendation:**

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

*the installation of 2 no. velux roof to the front roof elevation of 39 Dunbar Park Wicklow Town is development and is or is not exempted development:*

The Planning Authority considers that:

The installation of 2 no. velux windows to attic space at 39 Dunbar Park, Wicklow Town **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration application dated 12/04/2025;
- b) Onsite permissions PRR16/428 & PRR 21/597 and ~~nearby granted permissions PRR 24/60436 and PRR 22/455;~~
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- d) An Bord Pleanala Declarations RL2284, ABP-307712-20

Main Reasons with respect to Section 5 Declaration:

- (i) The installation of 2 no. velux roof windows come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The installation of the 2 no. velux roof windows to attic storage space would affect the exterior of the structure, but would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

*Maria Harte GP*

Maria Harte (Graduate Planner)

Dated: 24/04/2025

*Paul S. Nye GP 24/4/2025*

*Issue declaration as recommended  
Paul S Nye  
30/04/25*





*Variety of roof-scape design along Dunbar Park, Wicklow.*



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## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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**TO: Maria Harte**  
**Graduate Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX45/2025**

I enclose herewith application for Section 5 Declaration received completed on 12/04/2025.

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

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





# Comhairle Contae Chill Mhantáin Wicklow County Council

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**Rik de Jager  
39 Dunbar Park  
Wicklow Town  
Co. Wicklow  
A67 D951**

16<sup>th</sup> April 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX45/2025**

A Chara

I wish to acknowledge receipt on 15/04/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 12/05/2025.

Mise, le meas

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



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

15/04/2025 13 19 50

Receipt No L1/0/343936

RIK DE JAGER  
39 DUNBUR PARK  
WICKLOW TOWN  
CO WICKLOW

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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Issued By Cashier5MW  
From Customer Service Hub  
Vat reg No 0015233H

1



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

Office Use Only

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

**RECEIVED 15 APR 2025**

**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: Rik de Jager

Address of applicant: 39 Dunbur Park, Wicklow Town, Co. Wicklow, A67 D951

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: N/A

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

**3. Declaration Details**

i. Location of Development subject of Declaration

39 Dunbur Park, Wicklow Town, Co. Wicklow, A67 D951

- 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, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration

I am seeking a declaration as to whether installing 2 no. Velux windows size 1180mm x 1140mm to the front roof plane of 39 Dunbur Park, Wicklow Town, Co. Wicklow as part of a non habitable attic conversion is or is not development and is or is not exempted development.

*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 4 (1)(h) of the Planning and Development Act 2000, as amended, relating to works that do not materially affect the external appearance of a structure so as to render the appearance inconsistent with the character of the structure and neighbouring structures.

*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

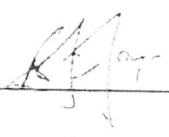


vii. List of Plans, Drawings submitted with this Declaration Application

- Copy of plans previously submitted for planning permission (planning File Number 21597 granted 6/7/21) which includes Site Location Map and Front Elevation
- Drawing of Front Elevation with proposed 2 no. Velux windows on roof slope

viii. Fee of € 80 Attached?

Will be paid in person or by phone today 15/04/25

Signed: 

Dated: 15/04/2025

**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.

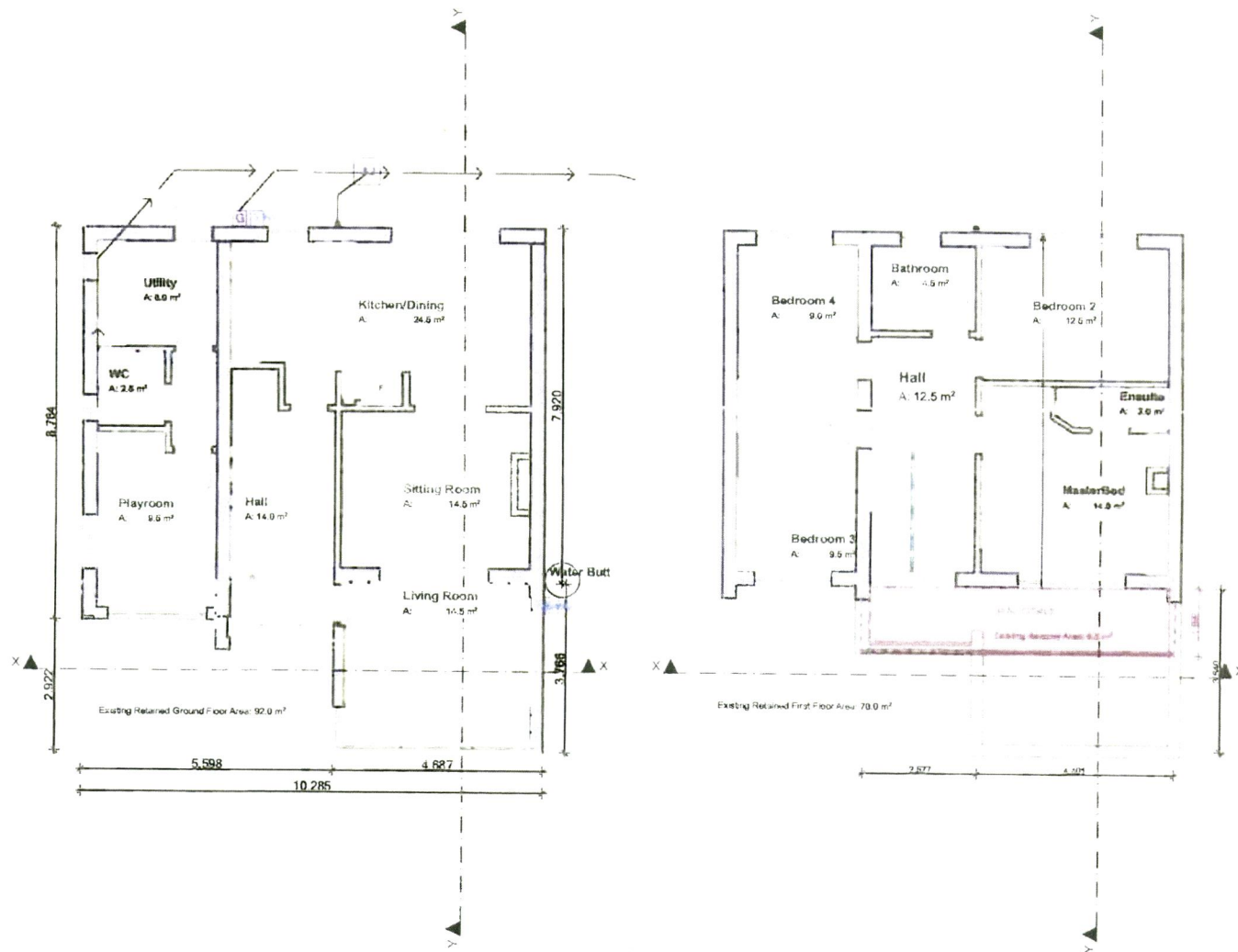






# P-04 Scheme Plans

1. The proposed development is a two-story residential building with a total floor area of 10,285 m². The ground floor area is 92.0 m² and the first floor area is 70.0 m². The building is located on a plot of 10,285 m². The proposed development is a two-story residential building with a total floor area of 10,285 m². The ground floor area is 92.0 m² and the first floor area is 70.0 m². The building is located on a plot of 10,285 m².





# P-05 Proposed Revised Balcony Design

1. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

2. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

3. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

4. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

5. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

6. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

7. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

8. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

9. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

10. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

11. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

12. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

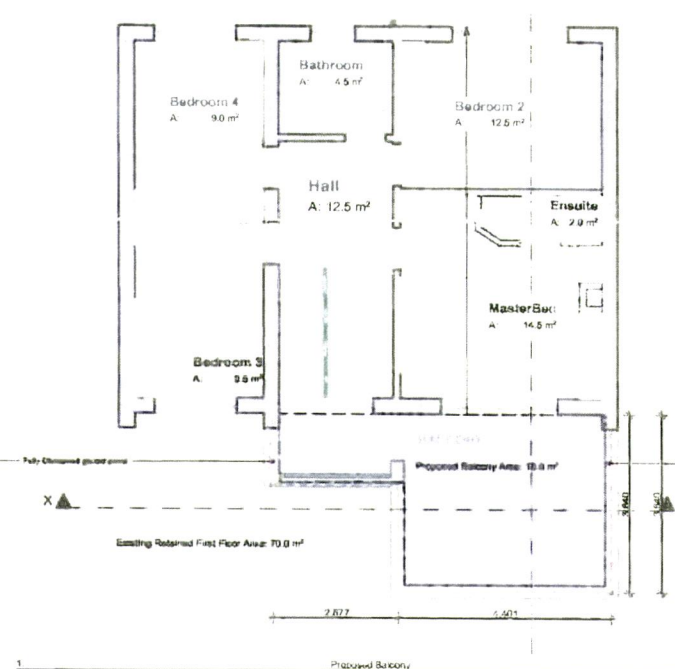
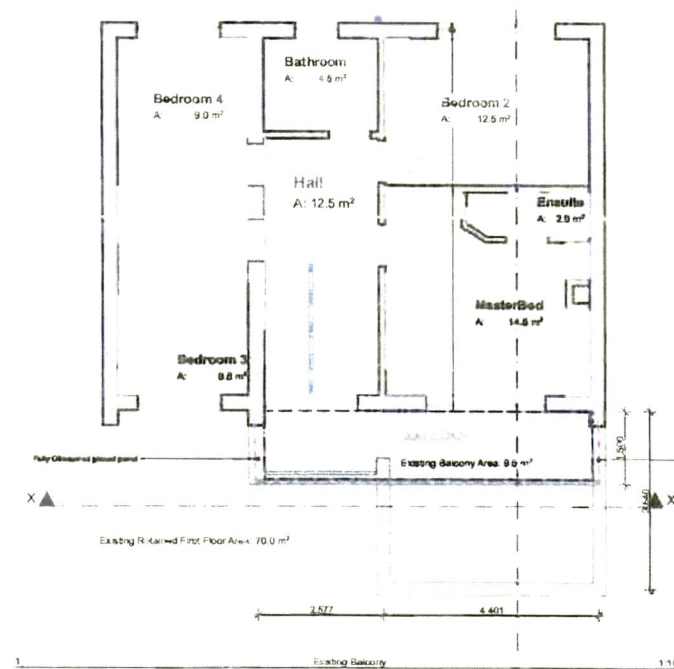
13. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

14. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

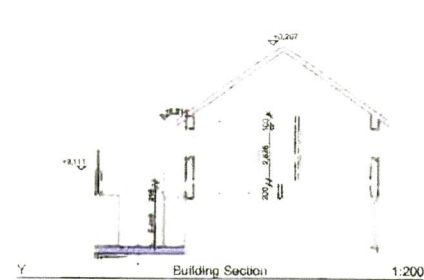
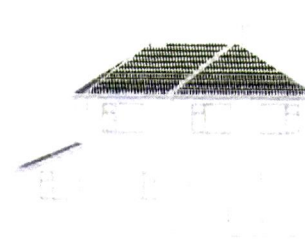
15. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

16. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.

17. The proposed balcony design is shown in the attached drawings. The design is based on the existing floor plan and the proposed balcony area is 18.0 m<sup>2</sup>.





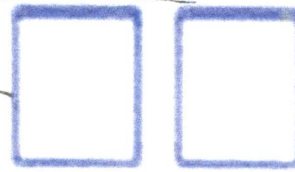


3.

Proposed Velux  
Roof windows

2 No.

Size 1180mm x 1140mm



5,370

3,080

1,800

1,100

3,511 4,336 5,061

5,370

Proposed Elevation