



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

29th May 2025

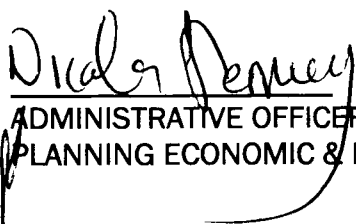
Patricia Lynch
147 Rose Hill
Ballynerrin Lower
Wicklow
A67 W260

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX51/2025**

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: Patricia Lynch

Location: 147 Rose Hill, Ballynerrin Lower, Co. Wicklow

Reference Number: EX51/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/537

Section 5 Declaration as to whether “1) The widening of the front door (800mm to 900mm +300mm side panel), 2) enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and 3) combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1” at 147 Rose Hill, Ballynerrin Lower, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

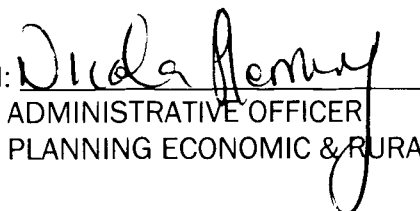
- i. The details received on 02/05/2025;
- ii. Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- iii. Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

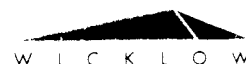
- 1) The widening of the existing front door (800mm to 900mm +300mm side panel), enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1, is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- 2) The widening of the existing front door (800mm to 900mm +300mm side panel), enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1 would not materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring structures, 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 “1) The widening of the front door (800mm to 900mm +300mm side panel), 2) enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and 3) combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1” at 147 Rose Hill, Ballynerrin Lower, 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  29th May 2025



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/537

Reference Number: EX51/2025

Name of Applicant: Patricia Lynch

Nature of Application: Section 5 Declaration request as to whether or not:-
"1) The widening of the front door (800mm to 900mm +300mm side panel), 2) enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and 3) combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1" is or is not development and is or is not exempted development.

Location of Subject Site: 147 Rose Hill, Ballynerrin Lower, Co. Wicklow

Report from Billy Slater, AP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "1) The widening of the front door (800mm to 900mm +300mm side panel), 2) enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and 3) combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1" at 147 Rose Hill, Ballynerrin Lower, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

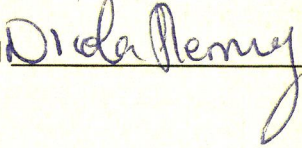
- i. The details received on 02/05/2025;
- ii. Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- iii. Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Main Reason with respect to Section 5 Declaration:

- 1) The widening of the existing front door (800mm to 900mm +300mm side panel), enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1, is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- 2) The widening of the existing front door (800mm to 900mm +300mm side panel), enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1 would not materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring structures, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Recommendation:

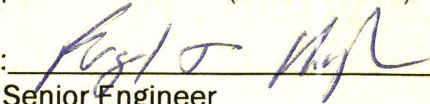
The Planning Authority considers that "1) The widening of the front door (800mm to 900mm +300mm side panel), 2) enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and 3) combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1" at 147 Rose Hill, Ballynerrin Lower, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 25th day of May 2025

ORDER:

I HEREBY DECLARE THAT "1) The widening of the front door (800mm to 900mm +300mm side panel), 2) enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and 3) combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1" at 147 Rose Hill, Ballynerrin Lower, 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 29th day of May 2025

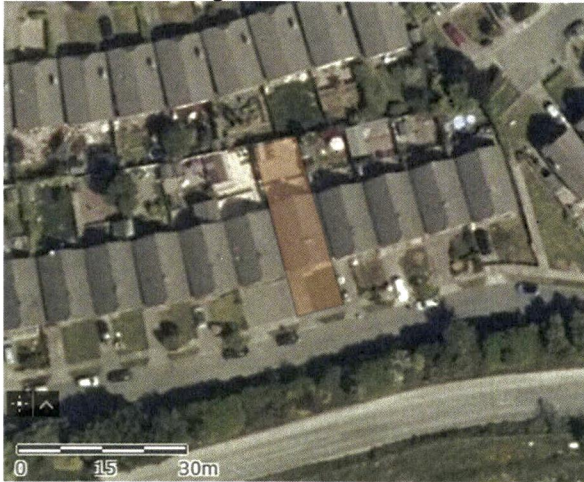


**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 51/2025
Applicant: Patricia Lynch
Date of Application: 02/05/2025
Decision Due Date: 29/05/2025
Address: 147 Rose Hill, Ballynerrin Lower, Co. Wicklow
Exemption Query: 1) widen front door (800mm to 900mm +300mm side panel), 2) make bedroom window bigger (1530mm x 1220mm to 2130mm x 1520mm), 3) combining 2 rooms at rear into 1 room & combining opening in each room into 1.

Application Site: The application site is located in the level 2 urban settlement of Wicklow Rathnew within the Rose Hill housing development, and is occupied by a detached dormer 1.5 storey dwelling, with parking to the and a private garden to the rear. The site is accessed via the L-51011-5 and is bound by further dwellings to the north, east and west.

Aerial / Site Image



Relevant Planning History:

Ref 94/337
Applicant Marlton Construction
Development housing development (house Nos 121-138 incl & 143-155 incl)
Decision Grant

Question:

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

- 1) Widening of front door (800mm to 900mm +300mm side panel),
- 2) Enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and
- 3) Combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1,

at 147 Rose Hill, Ballynerrin Lower, Co. Wicklow is or is not exempted development:

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) 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):

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,

And so on,

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.

Details submitted in support of the application:

- Land registry maps
- Elevation drawings of the proposed door / rear windows and floor plans.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question:

Whether the

- 1) Widening of front door (800mm to 900mm +300mm side panel),
- 2) Enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and
- 3) Combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1,

at 147 Rose Hill, Ballynerrin Lower, Co. Wicklow 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” 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.

I am satisfied that the proposal would involve works of demolition and alteration to the existing dwelling and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

Section 4(1)(h) provides that the carrying out of works of maintenance/ improvement are exempted where such works would not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or neighbouring structures. Having regard to the minor nature and the siting of the proposed works, I do not consider that the widening of the front door, enlarging of rear first floor window, and breaking through of two rooms into one with installation of patio door at the rear would 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 therefore consider that the works would fall under the remit of 4(1)(h) of the Planning and Development Act 2000 (as amended).

Recommendation:

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

- 1) Widening of front door (800mm to 900mm +300mm side panel),
- 2) Enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and
- 3) Combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1,

at 147 Rose Hill, Ballynerrin Lower, Co. Wicklow is or is not exempted development.

The Planning Authority considers that:

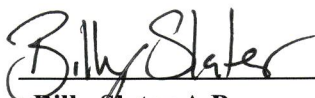
The widening of the front door (800mm to 900mm +300mm side panel), enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1, at 147 Rose Hill, Ballynerrin Lower, Co. Wicklow is development and is exempted development

Main Considerations with respect to Section 5 Declaration:

- i. The details received on 02/05/2025;
- ii. Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- iii. Section 4(1)(h) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The widening of the existing front door (800mm to 900mm +300mm side panel), enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1, is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- The widening of the existing front door (800mm to 900mm +300mm side panel), enlarging of rear bedroom window (1530mm x 1220mm to 2130mm x 1520mm), and combining of 2 rooms at rear into 1 room inclusive of combining opening in each room into 1 would not materially affect the external appearance of the house so as to render its appearance inconsistent with the character of the house or of neighboring ^{structures} houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).


Billy Slater A.P.
 22/05/2025

Agreed
 Willie SSP
 23/5/25

Issue declaration as recommended
 Page 1 T My L 2
 29/05/25



Comhairle Contae Chill Mhantáin Wicklow County Council

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Planning, Economic and Rural Development**

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Suíomh / Website www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Billy Slater
Assistant Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX51/2025**

I enclose herewith application for Section 5 Declaration received completed on 02/05/2025.

The due date on this declaration is 29th May 2025

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





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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8th May 2025

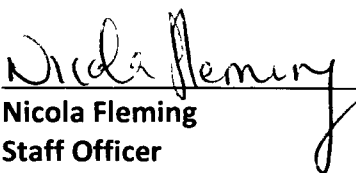
**Patricia Lynch
147 Rose Hill
Ballynerrin Lower
Wicklow
A67 W260**

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Act 2000 (as amended). – EX51/2025 –

A Chara

I wish to acknowledge receipt on 02/05/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 29/05/2025.

Mise, le meas



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





Wicklow County Council
County Buildings
Wicklow
0404-20100

02/05/2025 15:28:31

Receipt No. : L1/0/344827
***** REPRINT *****

TRISH LYNCH
147 ROSEHILL
WICKLOW TOWN
WICKLOW
A67 W260

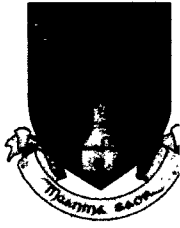
EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total : 80.00 EUR

Tendered :
Cash 80.00

Change : 0.00

Issued By : Annmarie Ryan
From : Customer Service Hub
Vat reg No.0015233H



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: _____

PATRICIA Lynch

Address of applicant: _____

147 ROSE HILL
BALLYNEREIN LOWER WICKLOW A64N260.

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.

WICKLOW COUNTY COUNCIL

02 MAY 2025

PLANNING DEPT.

3. Declaration Details

i. Location of Development subject of Declaration 144 ROSE Hill
Ballyporeen Lower
Wicklow A64 N260

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 NA

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 1) Widen Front door 800mm to 900mm deep + 300mm Side panel which will alter (w) & (H) 2) Make Bedroom Window bigger - (Currently 1530 x 1220) to 2130 (w) x 1520 (H) & move out 100mm into the outer reveal creating a deeper internal window sill. 3) Combining 2 Rooms at Rose into 1 Room & combining opening in each room into 1. 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 _____

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 _____

3 Drawings in total numbered as follows:

① Front Door

② PATIO DOORS & WINDOW on ground Floor

③ BACK ELEVATION including Ground floor alterations and upper window in bigger opening.

+ Site Map

viii. Fee of € 80 Attached ? ✓

Signed : Patricia Lynch Dated : _____

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. none.
- Floor plans and elevations of relevant structures. ✓
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

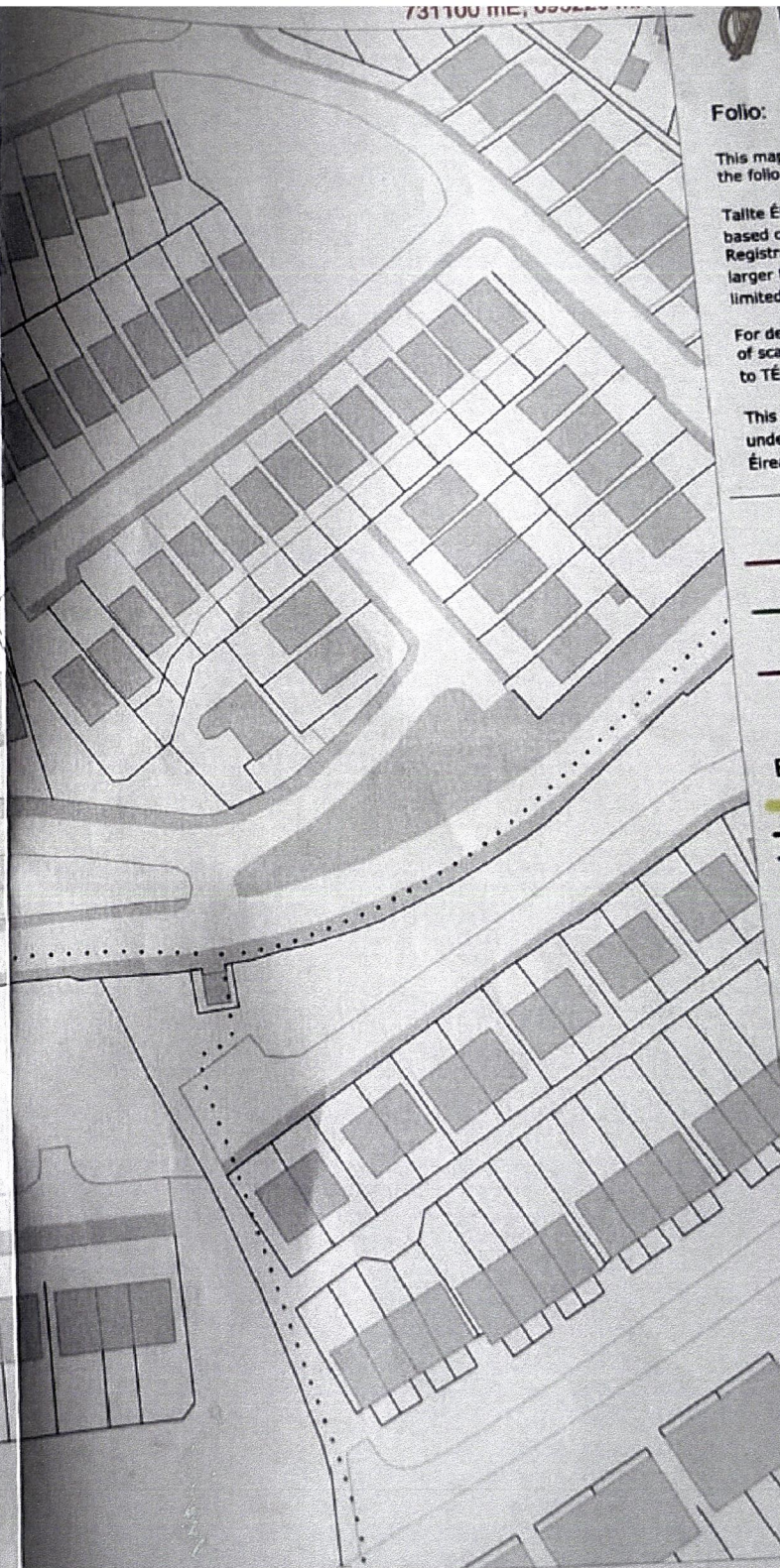
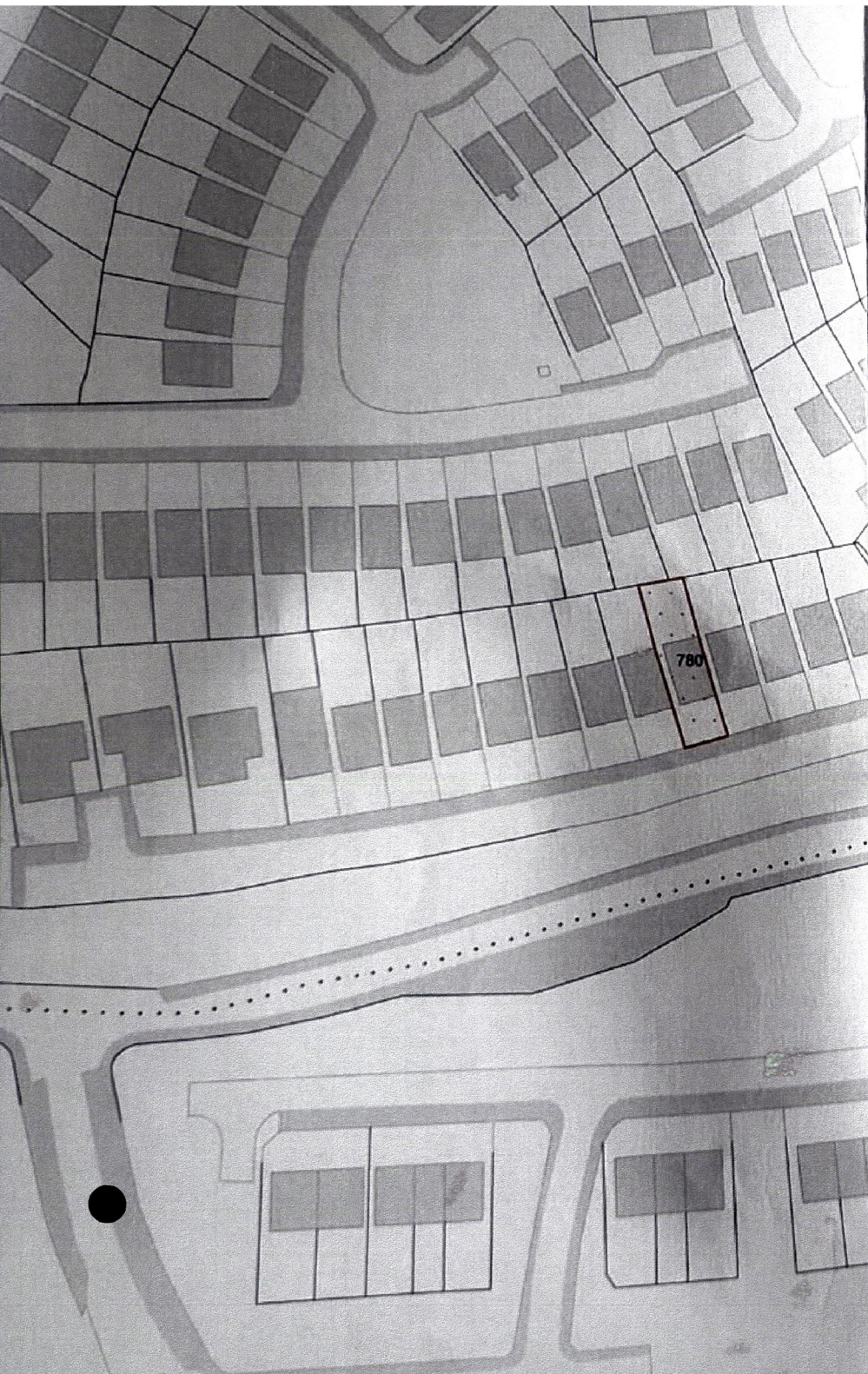
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

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.



Folio: WW16909F

This map should be read in conjunction with the folio.

Talite Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale.

For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.talite.ie.

This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Talite Éireann and Government of Ireland.

- (centre-line of parcel(s) edged)
- Freehold
 - Leasehold
 - SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- ⌋ Soak Pit

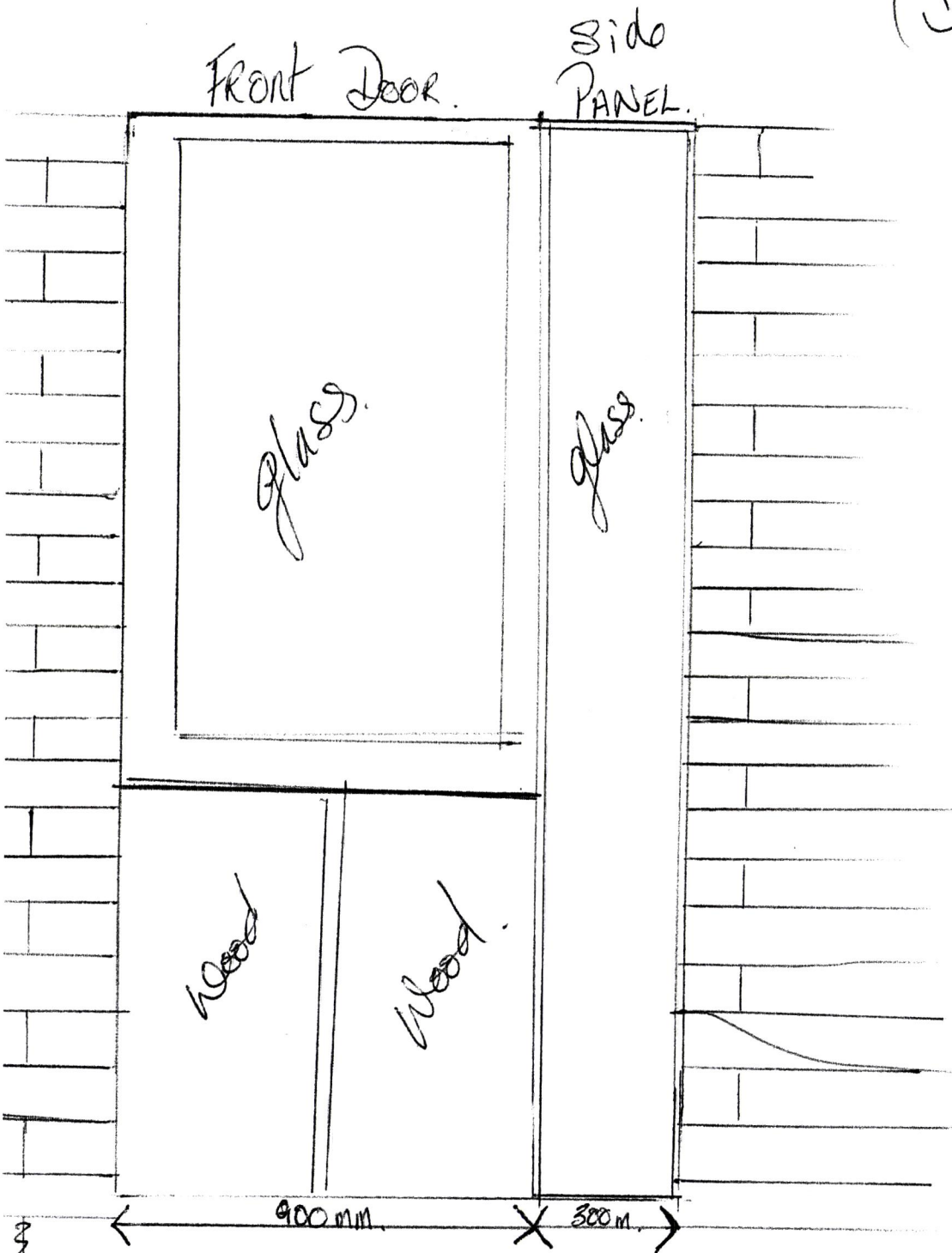


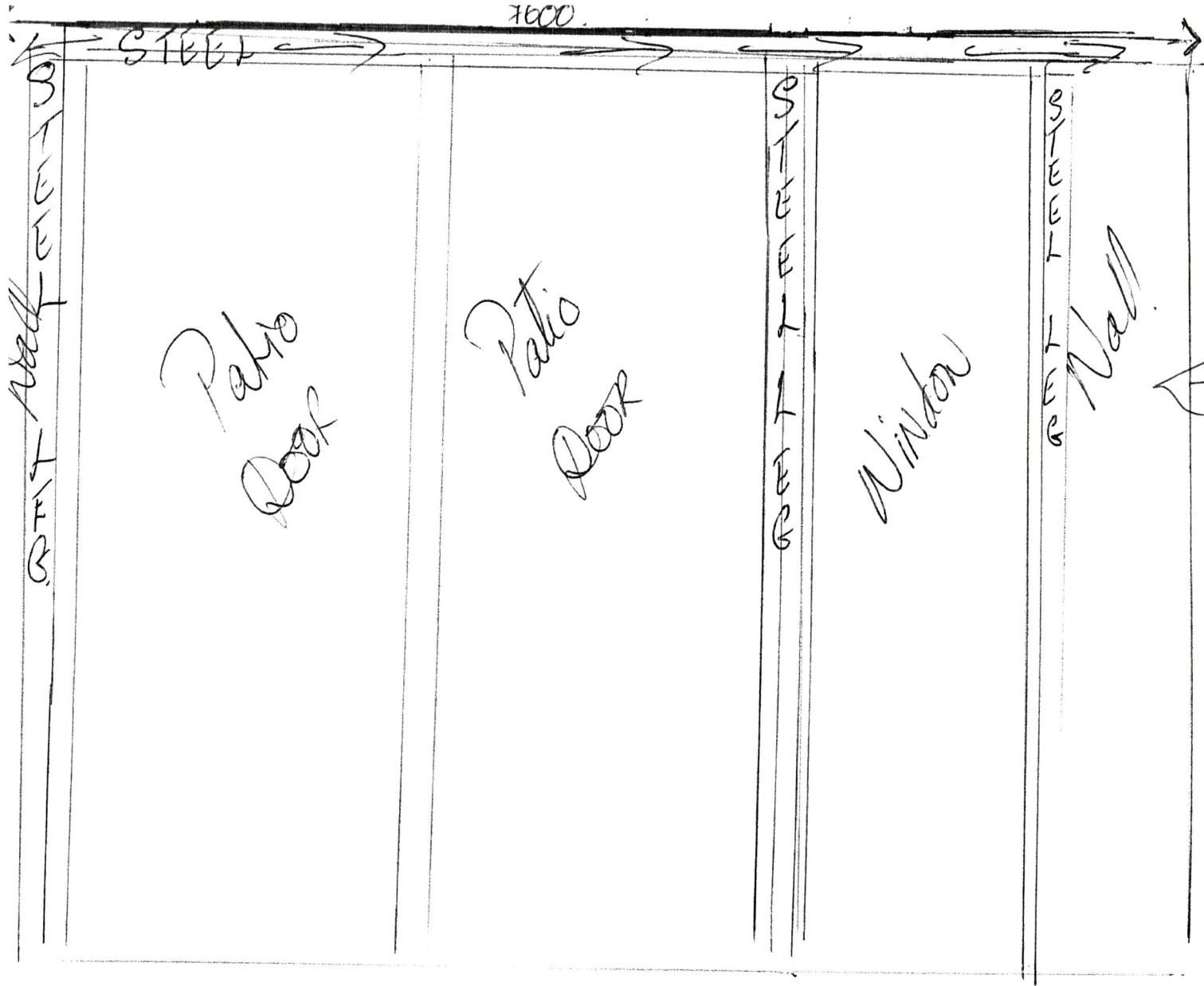
A full list of burdens and their symbology can be found at: www.landdirect.ie

Talite Éireann Registration operates non-conclusive boundary system.
The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (Section 85 of the Registration of Title Act 1964). As inserted by Section 62 of the Registration of Deed and Title Act 20

①.

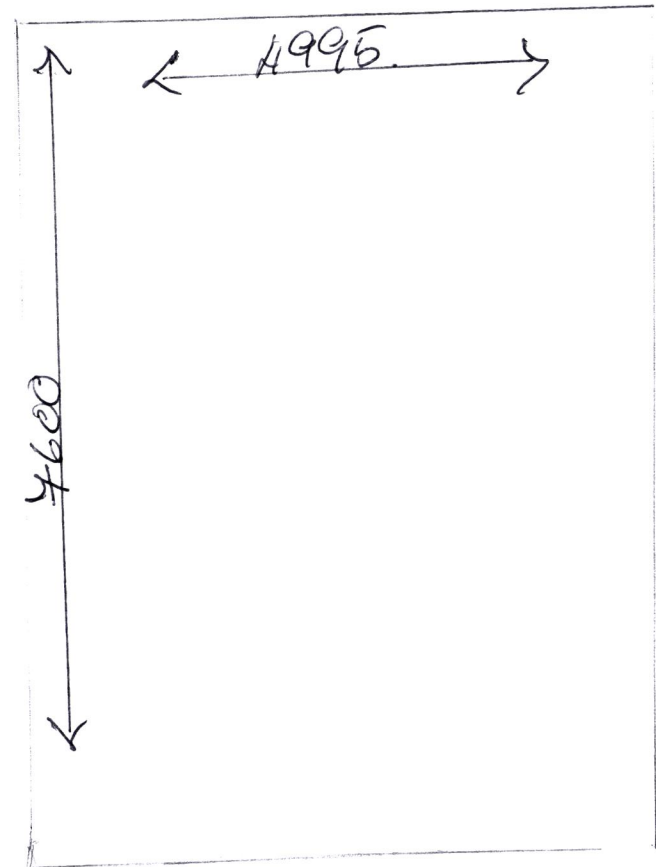
Door width + Side light = 1,200 mm.
(May put Side light on left)





②
Back Wall of
Ground floor.
from inside

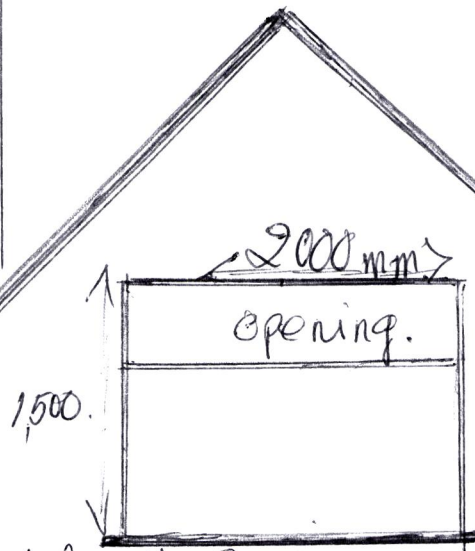
Floor Plan when divider
wall is knocked ↓



(3)



Window fitted
further out in reveal
on the outside - leaving
a small reveal window
sill.



I will take HOS advice on window openings
when ordering window

STEEL.

