



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

Michael Carroll  
1 Glenherbert  
Dargle Road  
Bray  
Co. Wicklow

*26th*  
Of January 2026

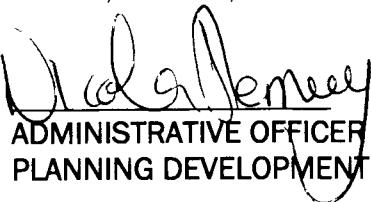
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) -EX67/2025**

A Chara,

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

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Coimisiún Pleanála of such fee as may be prescribed, refer a declaration for review by the Coimisiún within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

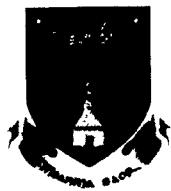
  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT.



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Ba chóir gach comhfheagras a sheoladh chug an Siúthoir Seirbhisi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development





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### DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

**Applicant:** Tresi O'Brien

**Location:** Vale Cottage, Pearse Road, Bray, Co. Wicklow

**Reference Number:** EX 67/2025

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/93

A question has arisen as to whether “*alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling*” at Vale Cottage, Pearse Road, Bray, Co. Wicklow is or is not exempted development.

**Having regard to:**

- a) The details submitted with the Section 5 Declaration application dated 12/01/2025; and submission of the 12/01/2026
- b) Onsite permissions EX23/2025 and nearby granted permissions PRR 24/60414, PRR 24/110, 00/630024;
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- d) Further information received 12/01/2026.

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

- (i) alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling 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) alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling 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 and 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** “*alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling*” at Vale Cottage, Pearse Road, Bray, Co. Wicklow **is development and IS exempted development.**

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 26/01/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/93

Reference Number: EX 67/2025

Name of Applicant: Tresi O'Brien

Nature of Application: Section 5 Referral as to whether *"alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling"* is or is not development and is or is not exempted development.

Location of Subject Site: Vale Cottage, Pearse Road, Bray, Co. Wicklow

Report from: Maria Harte, GP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling"* at Vale Cottage, Pearse Road, Bray, Co. Wicklow Is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

**Having regard to:**

- a) The details submitted with the Section 5 Declaration application dated 12/01/2025; and submission of the 12/01/2026
- b) Onsite permissions EX23/2025 and nearby granted permissions PRR 24/60414, PRR 24/110, 00/630024;
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended).
- d) Further information received 12/01/2026.

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

- (i) alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling 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) alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling 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 and 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 "alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling" Vale Cottage, Pearse Road, Bray, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: Nicola Jemmy

Date: 26/01/2026

**ORDER:**

**I HEREBY DECLARE:**

That "alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling" at Vale Cottage, Pearse Road, Bray, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Selina Flynn

Date: 26/01/2026

T/Senior Planner

Planning, Economic & Rural Development



**WICKLOW COUNTY COUNCIL**  
**PLANNING DEPARTMENT**  
**Section 5 – Application for declaration of Exemption Certificate**

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**Ref:** EX67/2025 Further Information  
**Name:** Tresi O Brien  
**Development:** Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).  
**RE:** alterations to windows & doors  
**Location:** Vale Cottage, Pearse Road, Bray. A98 D803

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*This application has been subject to a further information request. This report should be read in conjunction with the previous planning reports.*

**The Site:** The subject site involves 2 no. existing semi-detached dwellings along Pearse Road off the Dargle Road in Bray Town Centre.

**Question:** *Whether or not:*

Alterations to windows and doors to the front elevation at Vale Cottage, Pearse Street Bray including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling is or is not development and constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended).

**Further information was requested as follows:**

- 1. Please submit all relevant information in relation to the planning history of the existing dwelling, having particular regard to its current appearance similar to 2 dwellings. Any information should be supported by adequate evidence e.g. land registry records, owner affidavits, statutory declarations etc.**

**Item 1**

**Response:** The Applicant has submitted a declaration from Brendan Maloney practising solicitor, stating that the dwelling has always been occupied as a single dwelling. Exhibit 'BM1' shows the extent of the property . The information states that while the front elevation of the property may appear as two properties it has always been held under the one title and it was held as one family residence.

**Assessment:** The submitted documents have established that the subject dwelling is one dwelling and that the second door may historically have belonged to a shop pre-1962. The Planning Authority is satisfied that in this instance the proposed works would therefore not materially affect the external appearance such that the proposed front elevation would be inconsistent with the character of the structure and of neighbouring structures. Hence it is considered S4 (1) (h) applies.

**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 defined, 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 Bray Municipal District LAP 2018

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

Level 1-Metropolitan Area Consolidation Town Settlement.

**Details of Query: Proposal**

In accordance with the details submitted with Section 5 application:

It is proposed to remove 1 no. existing front door and move 1 no. window and door at the front of the dwelling at Vale Cottage, Pearse Road, Bray, Co. Wicklow.

The dwelling is **not** a Protected Structure.

The application seeks a declaration as to whether the; removal of 1 no. door and the repositioning of 1 no. door and 1 no. window to the front elevation at Vale Cottage , Pearse Road, Bray

*is or is not development and is or is not exempted development:*

The submitted details show the plans of the existing front elevation which shows 2 no. existing front doors. The proposal aims to reduce the number of front doors from 2 to 1. And relocate the other existing front door and 1 no. window.

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

The removal of the front door and repositioning of a front door and window 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 proposed works 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 removal of 1 no. front door and the repositioning of 1 no. front door and front window are considered to be works of maintenance/ improvement to the dwelling which effect the exterior of the structure. Having regard to the location within the streetscape, the removal of a front door and repositioning of a front door and window would not materially affect the external appearance and would not render this structure inconsistent with the character of the structure and 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:

alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling, at Vale Cottage, Pearse Street Bray, **is development and is or is not exempted development:**

The Planning Authority considers that:

alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling, at Vale Cottage, Pearse Street Bray **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 12/06/2025 and submission date 21/1/2026.
- b) Onsite permissions EX23/2025 and nearby granted permissions PRR 24/60414, PRR 24/110, 00/630024;
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- d) Further information received 12/01/2026.

Main Reasons with respect to Section 5 Declaration:

- (i) *alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling* 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) *alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling* 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 and 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*

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Maria Harte (Graduate Planner)

Dated: 22/01/2025

*Arod S Harte 22/1/2025*

# MEMORANDUM

## WICKLOW COUNTY COUNCIL

**TO: Maria Harte  
Graduate Planner**      **FROM: Nicola Fleming  
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).**  
**EX67/2025**

I enclose herewith application for Section 5 Declaration received completed on 12/06/2025 and Further Information received on 12/01/2026.

The due date on this declaration is 1<sup>st</sup> February 2026.

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



# Comhairle Contae Chill Mhantáin Wicklow County Council

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**Michael Carroll**  
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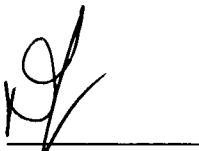
13<sup>th</sup> January 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX67/2025 for Tresi O'Brien**

A Chara

I wish to acknowledge receipt on 12/06/2025 full details supplied by you in respect of the above Section 5 application and Further Information submitted on 12/01/2026. A decision is due in respect of this application by 01/02/2026.

Mise, le meas

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



## icola Fleming

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**From:** Michael Carroll <2mcarroll1@gmail.com>  
**Sent:** Monday 12 January 2026 12:08  
**To:** Planning - Planning and Development Secretariat  
**Subject:** EX672025 for Tresi O'Brien  
**Attachments:** Affidavit.pdf

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Application for certificate of Exemption under Section 5 of the Planning and Development Act 2000  
(as amended) - EX67/2025 for Tresi O'Brien

Hi,  
With reference to the above please find a statutory declaration detailing the planning history of the existing dwelling and confirming that it was only ever a single dwelling.

Best Regards,  
Michael Carroll (087 982 0283)



# Comhairle Contae Chill Mhantáin Wicklow County Council

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24<sup>th</sup> June 2025

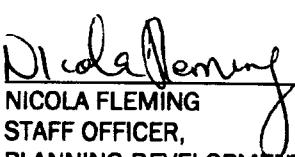
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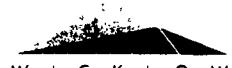
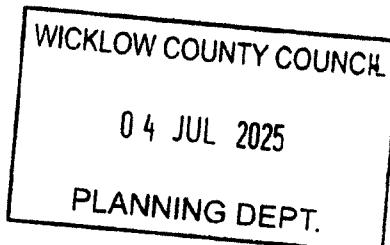
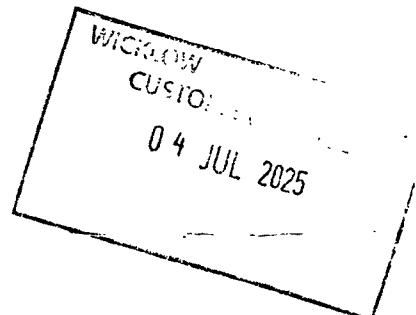
A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended), received on 12<sup>th</sup> June 2025 please be advised that in order to fully assess the Section 5 query, you are requested to submit further details concerning the proposed development, as follows:

1. Please submit all relevant information in relation to the planning history of the existing dwelling, having particular regard to its current appearance similar to 2 dwellings. Any information should be supported by adequate evidence e.g. land registry records, owner affidavits, statutory declarations etc.

Mise, le meas

  
NICOLA FLEMING  
STAFF OFFICER,  
PLANNING DEVELOPMENT AND ENVIRONMENT.



## DECLARATION of BRENDAN MALONEY

I **Brendan Maloney**, of Kilbride Cottage, Killarney Road, Bray County Wicklow, practising solicitor, aged 18 years and upwards **SOLEMNLY AND SINCERELY DECLARE** as follows:

1. This declaration relates to the property known as 1A, Pearse Road, Bray in the County of Wicklow (hereinafter called "the property").
2. I am familiar with and have reviewed the legal title documents to the property.
3. I was retained by Tresi O'Brien to review the legal title documents the property, with a view to the making of this declaration and I do so from fact within my own knowledge based on my review of the legal title to the property.
4. By deed of conveyance made the 10<sup>th</sup> November 1988 , John O'Brien (now deceased and father of Tresi O' Brien), purchased from Eugene Counihan, the property known as 1A, Pearse Road, Bray in the County of Wicklow and which had formerly been portion of the premises known as both Vale House, Pearse Road, Bray and Vale Cottage, Pearse Road, Bray. Attached to that deed of conveyance was map which outlined the extent of the property acquired and I beg to refer to a photocopy of the said map upon which marked with the letter "BM 1" I have endorsed my name prior to the swearing hereof.
5. The extent of the property then known as 1A, Pearse Road, Bray in the County of Wicklow is as outlined on the referred to attached map. By deed of conveyance made the 1<sup>st</sup> March 1993, the said John O'Brien sold to Elizabeth Dunne, a rear portion of the property comprising a first floor of the property together with ancillary rights of access.
6. The physical extent of the property to front bounding Pearse Road has remained unchanged for many years prior to and since John O'Brien's acquisition of the property . While the front extent of the property has the appearance of two properties it has always been held under the one legal title and I say and am advised that it was held as one family residence. A small shop, in the past but long since ceased may have been operated on the property by a then occupant family.
7. The said John O'Brien, on the 19<sup>th</sup> November 1993 conveyed so much of his ownership in the property to himself and his wife Teresa O'Brien as joint tenants.
8. Upon the death of the said John O'Brien, his wife the said Teresa O'Brien became the sole owner
9. Upon the death of the said Teresa O'Brien on the 8<sup>th</sup> November 2003 the property became vested in Tresi O' Brien and her children.

10. I make this solemn declaration conscientiously believing it to be true for the satisfaction of Wicklow County Council pursuant to the provisions of the Statutory Declarations Act 1938.

DECLARED before me

*Ryan O'Leary*

a ~~Commissioner for Oaths~~/Practising Solicitor by the said **Brendan Maloney** at Bray in the County of Wicklow this 17<sup>th</sup> day of December 2025 and I know the Deponent.

*Brendan  
Maloney  
FOL*

*BLR*

COMMISSIONER FOR OATHS/PRACTISING SOLICITOR

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DECLARATION  
OF  
BRENDAN MALONEY

EXHIBIT 'BM 1'

Brendan Maloney

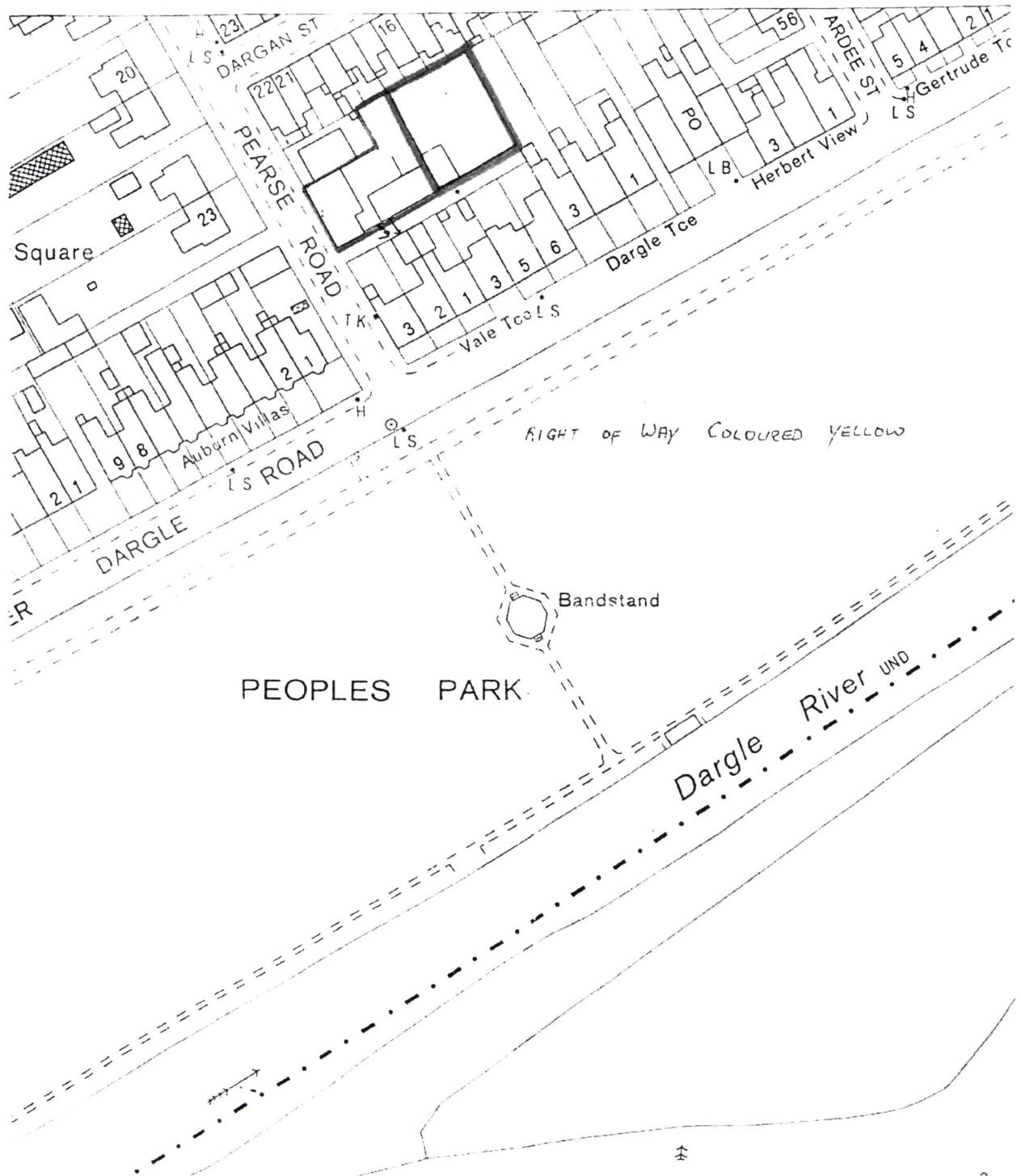
RSC

Commissioner for Oaths/Practising Solicitor

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OLDCONNAUGHT Ph





# Comhairle Contae Chill Mhantáin Wicklow County Council

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24<sup>th</sup> June 2025

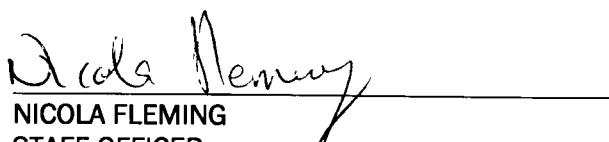
**RE: Application for Certificate of Exemption under Section 5 of the Planning & Development Acts 2000 (as amended). – EX67/2025 for Tresi O'Brien**

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended), received on 12<sup>th</sup> June 2025 please be advised that in order to fully assess the Section 5 query, you are requested to submit further details concerning the proposed development, as follows:

1. Please submit all relevant information in relation to the planning history of the existing dwelling, having particular regard to its current appearance similar to 2 dwellings. Any information should be supported by adequate evidence e.g. land registry records, owner affidavits, statutory declarations etc.

Mise, le meas

  
NICOLA FLEMING  
STAFF OFFICER,  
PLANNING DEVELOPMENT AND ENVIRONMENT.





**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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

---

**Ref:** EX67/2025  
**Name:** Tresi O Brien  
**Development:** Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).  
**RE:** alterations to windows & doors  
**Location:** Vale Cottage, Pearse Road, Bray. A98 D803

---



**The Site:** The subject site involves 2 no. existing semi-detached dwellings along Pearse Road off the Dargle Road in Bray Town Centre.

**Question:** *Whether or not:*  
Alterations to windows and doors to the front elevation at Vale Cottage, Pearse Street Bray including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling 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:** EX23/2025  
**Applicant:** Tresi O' Brien  
**Development:** Rear extension, first floor extension to existing bathroom  
**Decision:** Main Reasons with respect to Section 5 Declaration  
1. The construction of a 2-storey extension comprising a ground floor area of 17.92sqm and first floor area of 4.36sqm all to the rear of a semi-detached dwelling **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 construction of a 2-storey extension comprising a ground floor area of 17.92sqm and first floor area of 4.36sqm all to the rear of a semi-detached dwelling accords with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and therefore is **exempted development**.

**Nearby Planning:**

**REF:** 24/60414

**Applicant:** Mark & Sarah Harrison

**Location:** Vale House, Pearse Road, Bray.

**Development:** the removal of an existing single storey extension to rear of house and for the construction of a two-storey extension to rear of house and for the provision of a number of windows on side gable of existing house including ancillary works

**Decision:** Refused.

**REF:** 24/110

**Applicant:** Mark & Sarah Harrison

**Location:** Vale House, Pearse Road, Bray.

**Development:** the removal of an existing single storey extension to rear of house and for the construction of a two-storey extension to rear of house and for the provision of a number of windows on side gable of existing house including ancillary works

**Decision:** Refused.

**REF:** 00/630024

**Applicant:** Teresa O Brien

**Location:** Pearse Road, Bray

**Development:** Change of use from Hairdressing Salon to flat unit at ground floor.

**Decision:** Grant.

**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 defined, 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 Bray Municipal District LAP 2018

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

Level 1-Metropolitan Area Consolidation Town Settlement.

**Details of Query: Proposal**

In accordance with the details submitted with Section 5 application:

It is proposed to remove 1 no. existing front door and move 1 no. window and door at the front of the dwelling at Vale Cottage, Pearse Road, Bray, Co. Wicklow.

The dwelling is **not** a Protected Structure.

**Assessment**

The application seeks a declaration as to whether the; removal of 1 no. door and the repositioning of 1 no. door and 1 no. window to the front elevation at Vale Cottage , Pearse Road, Bray

*is or is not development and is or is not exempted development:*

The submitted details show the plans of the existing front elevation which shows 2 no. existing front doors. The proposal aims to reduce the number of front doors from 2 to 1. And relocate the other existing front door and 1 no. window.

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

The removal of the front door and repositioning of a front door and window 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 proposed works 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 removal of 1 no. front door and the repositioning of 1 no. front door and front window are considered to be works of maintenance/ improvement to the dwelling which substantially effect the exterior of the structure, having regard to the location within the streetscape, the removal of a front door and repositioning of a front door and window would materially affect the external appearance and would render this structure inconsistent with the character of the structure and of neighbouring structures. The works are therefore development and are NOT exempted development.

#### **Recommendation:**

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

*alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling, at Vale Cottage, Pearse Street Bray, is development and is or is not exempted development:*

The Planning Authority considers that:

alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling, at Vale Cottage, Pearse Street Bray **is development and is NOT exempted development.**

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

- a) The details submitted with the Section 5 Declaration application dated 12/06/2025;
- b) Onsite permissions EX23/2025 and nearby granted permissions PRR 24/60414, PRR 24/110, 00/630024;
- c) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);

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

- (i) *alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling* come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended). *and are*  
*~~These works~~ are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)*

(iii) alterations to windows and doors to the front elevation including the reduction of 2 no. front doors to 1 no. front door and the movement of 1 no. downstairs front window all to the front elevation of the dwelling would affect the exterior of the structure, would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and of neighbouring structures, and would therefore **NOT** 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: 20/06/2025

Noted. I would not concur that the proposed works would materially affect the external appearance such that the proposed front elevation would be inconsistent with the character of the structure and of neighbouring structures. In this regard, I would note that the existing dwelling is not of any particular character and would be of a typical local authority urban house from the 40's - 60's. If the existing dwelling is a single dwelling, then it is unusual to have 2 front doors and the front elevation would be somewhat unbalanced. What is proposed would not result in an untypical LA urban dwelling and would not be unusual for a single dwelling.

In relation to the character of neighbouring structures, I consider that the established character is that of LA urban dwellings from the 40's - 60's, with some more modern versions as well (potentially).

Hence, I would consider S4(1)(h) applies. However, given the front elevation indicates ~~that~~ the subject structure was once 2 dwellings (or possibly a terrace of 3), I consider F.I should move to establish the history of the structure and whether any amalgamation of separate dwellings has taken place.

\* Having looked at old OS maps, it would appear the dwellings were constructed in 1909 or earlier.  and may well have been 3 dwellings (3 chimneys noted).

Fix as follows

1. Please submit all relevant information in relation to the planning history of the existing dwelling, having particular regard to its current appearance similar to 2 dwellings. Any information should be supported by adequate evidence, e.g. land registry records, owner affidavits, statutory declarations, etc.

Page 1 of 11 pg 2 of 25  
23/06/25



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

## MEMORANDUM

## **WICKLOW COUNTY COUNCIL**

**TO: Maria Harte  
Graduate Planner**      **FROM: Nicola Fleming  
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).**  
**EX67/2025**

I enclose herewith application for Section 5 Declaration received completed on 12/06/2025

The due date on this declaration is 9<sup>th</sup> July 2025.

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





# Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
Planning, Economic and Rural Development**

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

**Michael Carroll**  
**1 Glenherbert**  
**Dargle Road**  
**Bray**  
**Co. Wicklow**

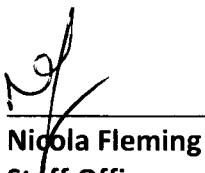
12<sup>th</sup> June 2025

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX67/2025 for Tresi O'Brien**

A Chara

I wish to acknowledge receipt on 12/06/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 09/07/2025.

Mise, le meas

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



Wicklow County Council  
County Buildings  
Wicklow  
0404 20100

12/06/2025 11:04:43

Receipt No L1/0/346702

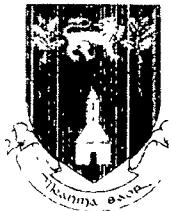
Irish O'Brien  
Bale Cottage  
Pearse Road  
Bray  
Co Wicklow

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	
 Total	80.00 EUR

Tendered	
Credit Card	80.00

Change	0.00
--------	------

Issued By Joanne Tighe  
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Date Received \_\_\_\_\_

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

RECEIVED 12 JUN 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: Tresi O'Brien  
Address of applicant: Moyad, Convent Road, Bray, Co. Wicklow

---

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

**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) Michael Carroll  
Address of Agent : 1 Glenherbert, Dargle Road, 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  
Vale Cottage, Pearse Road, Bray, Co. Wicklow
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
Yes, No.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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

Existing Floor Plans- S5/0325/01 - 1:100

Proposed Floor Plans- S5/0325/02

Front Elevations - S4/0325/03

Site Layout – S5/0325/04

Location Map – 3568-08 & 13

viii. Fee of € 80 Attached ? Yes

Signed : John Dated : 10-06-05

**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

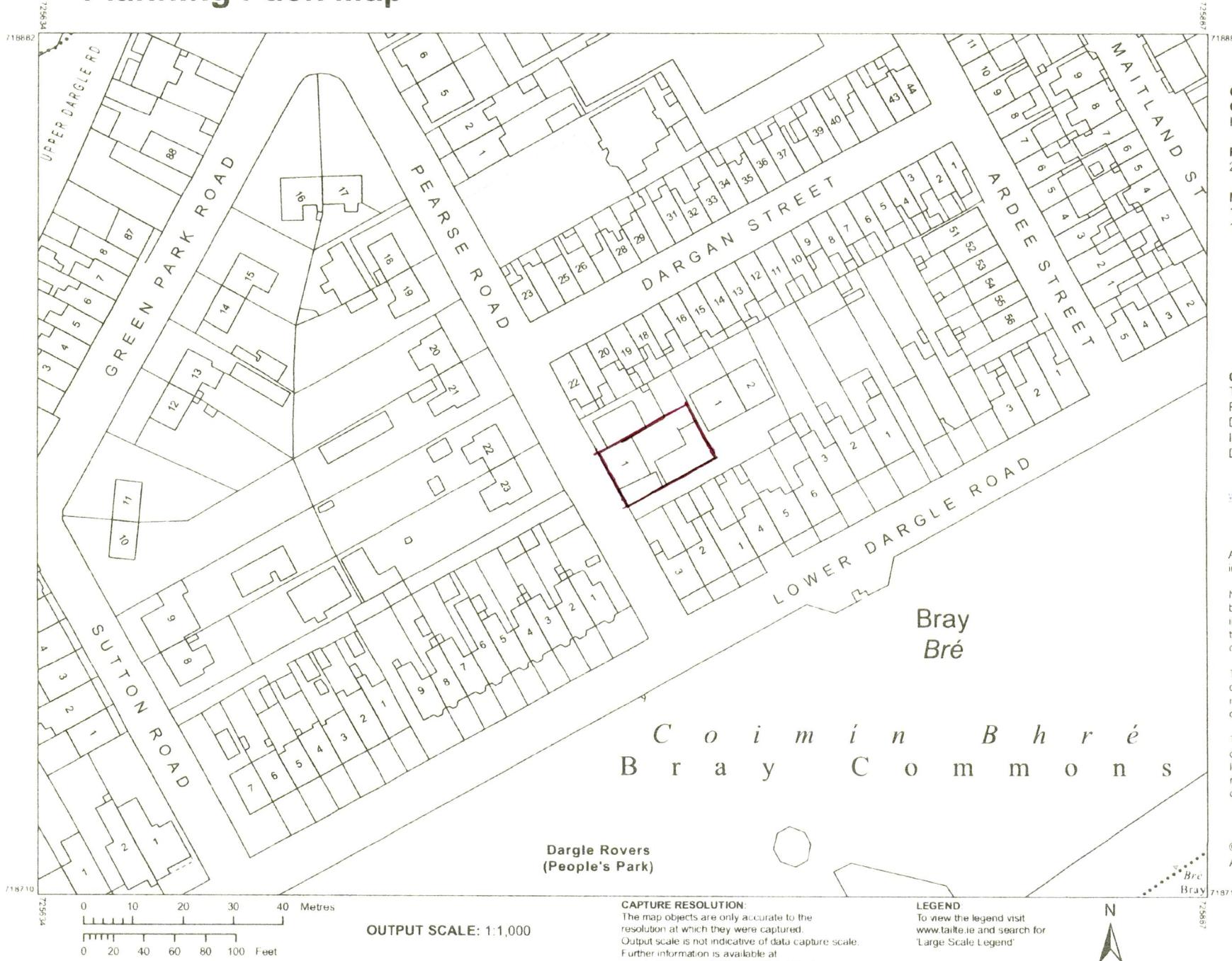
amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000( as amended) there is a certification process with respect to land reclamation 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.

# Planning Pack Map



Tailte  
Éireann

CENTRE  
COORDINATES:  
ITM 725751,718796

PUBLISHED: 20/02/2025 ORDER NO.: 50450069\_1

MAP SERIES:  
1:1,000 MAP SHEETS:  
3568-08  
1:1,000 3568-13

COMPILED AND PUBLISHED BY:  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

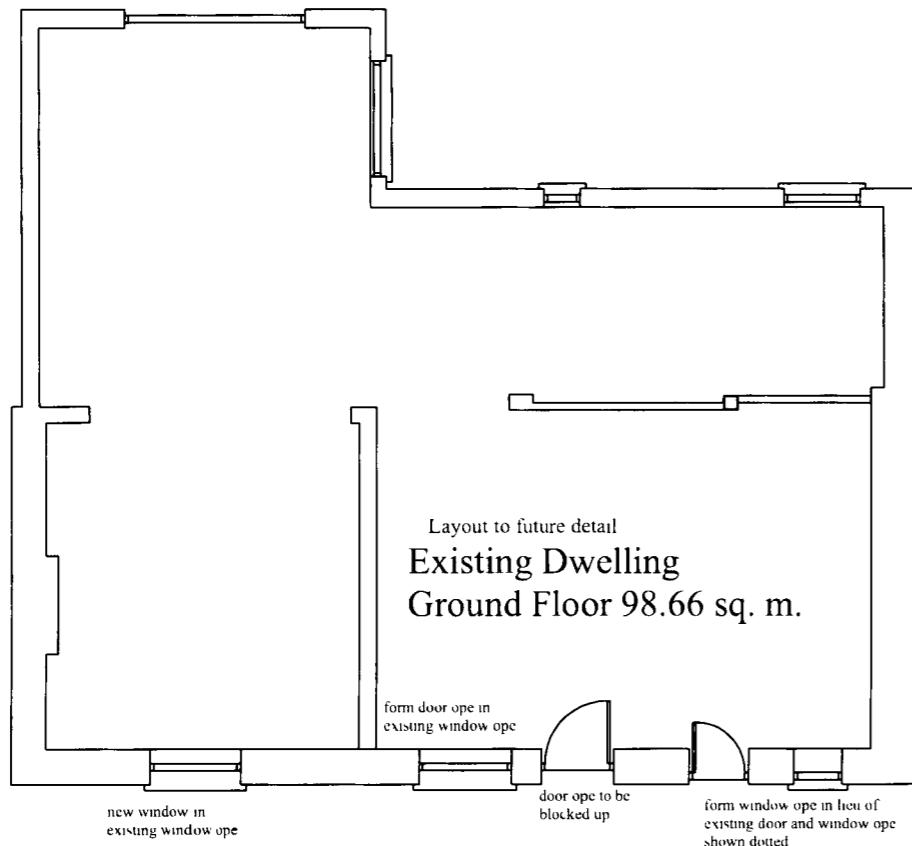
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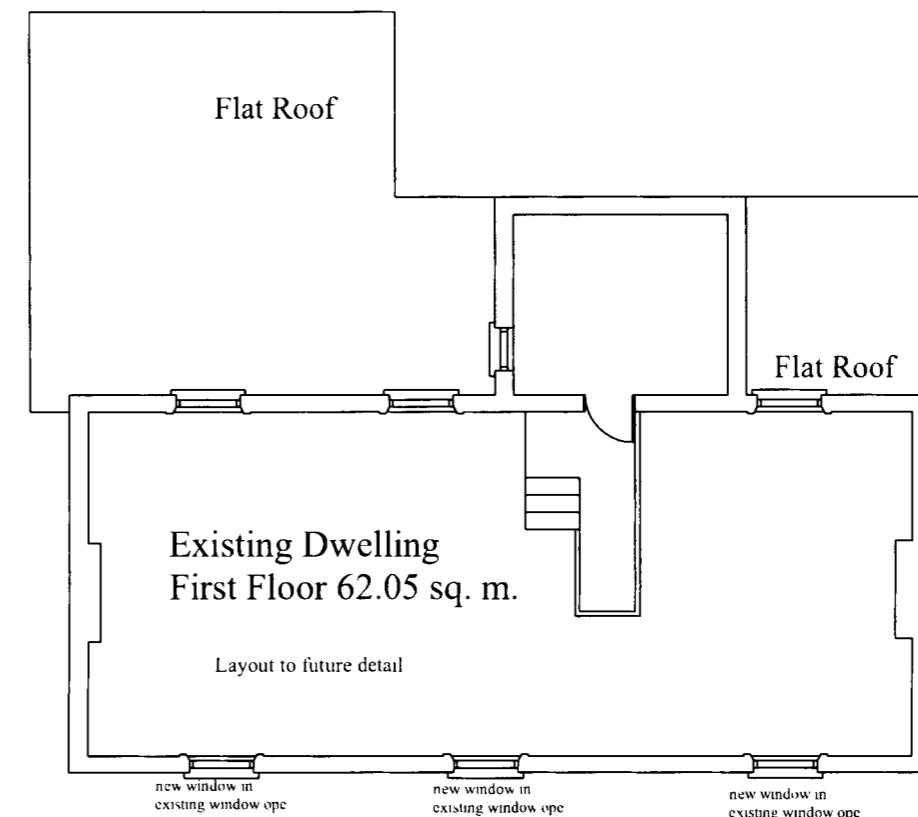
The representation on this map  
of a road, track or footpath  
is not evidence of the existence  
of a right of way.

This topographic map  
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legal property boundaries,  
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GROUND FLOOR PLAN



FIRST FLOOR PLAN

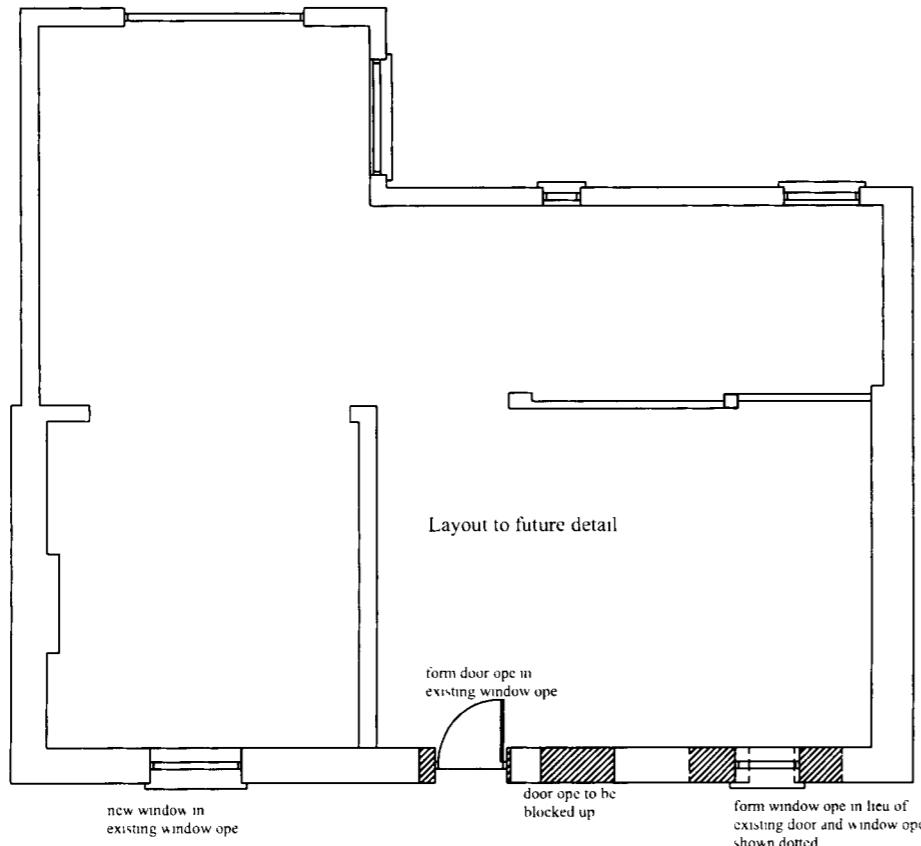


**MICHAEL CARROLL**  
Architectural & Energy Design  
Glenherbert, Dargle Road, Bray.  
tel: 087 982 0283  
email: 2mcarroll1@gmail.com

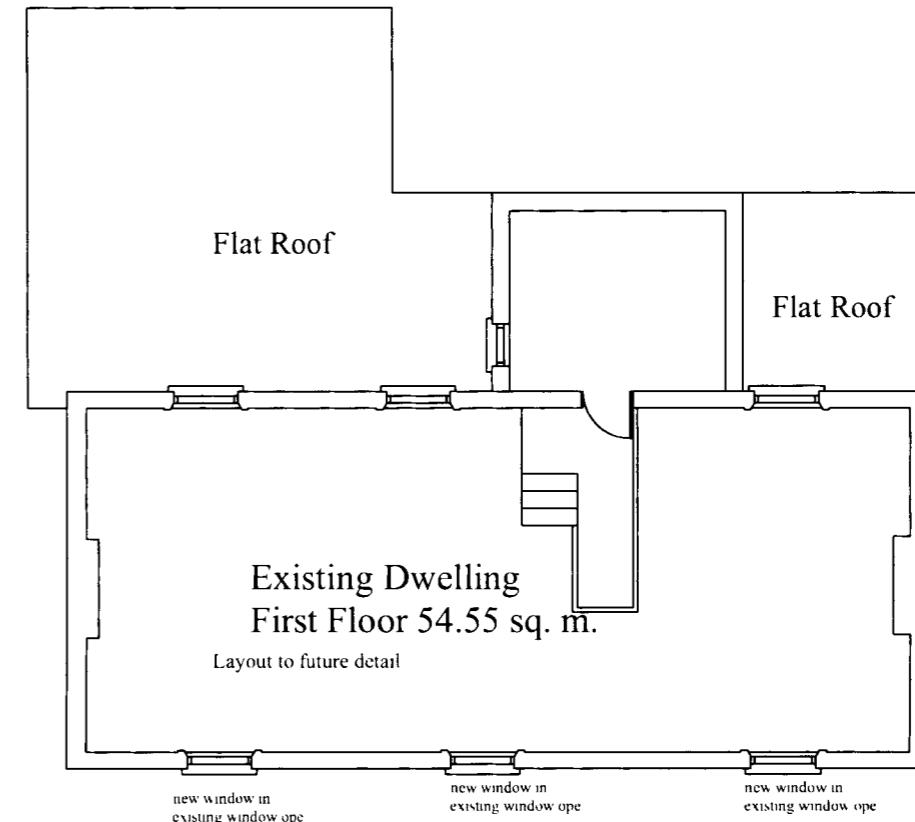
EXISTING FLOOR  
PLANS

PROPOSED ALTERATIONS FRONT  
OF DWELLING AT PEARSE  
ROAD, BRAY, CO. WICKLOW.

1/100	S5/0325/01
SCALE	NUMBER
FEB. 2025	Pre Planning Only
DATE	ISSUE



GROUND FLOOR PLAN

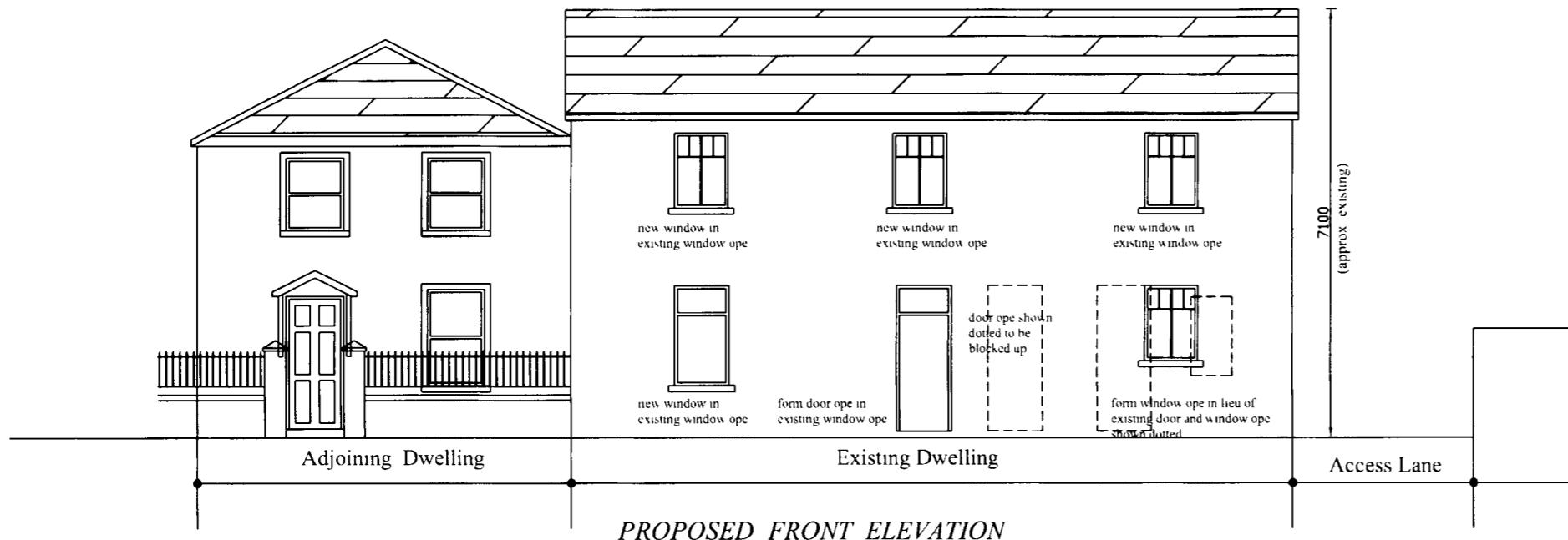


FIRST FLOOR PLAN

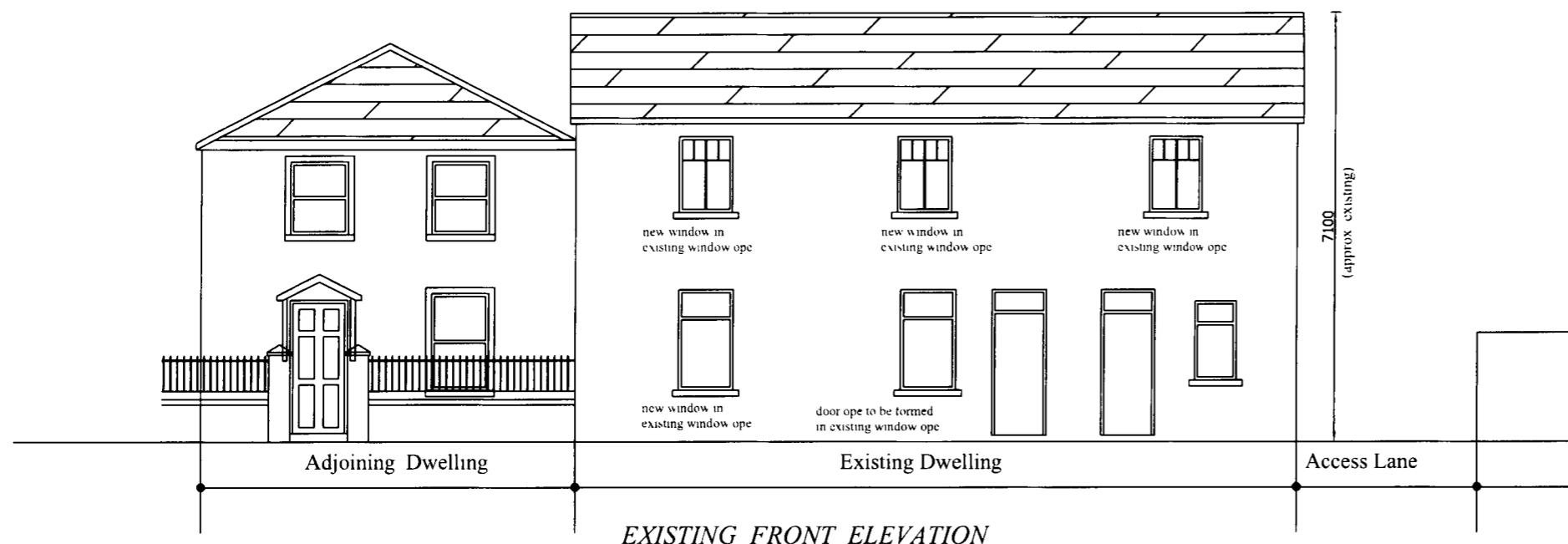


<b>MICHAEL CARROLL</b> Architectural & Energy Design Glenherbert, Dargle Road, Bray. tel: 087 982 0283 email: 2mcarroll1@gmail.com	<b>PROPOSED FLOOR PLANS</b>
PROPOSED ALTERATIONS FRONT OF DWELLING AT PEARSE ROAD, BRAY, CO. WICKLOW.	1/100 SCALE JUNE 2025 DATE

S5/0325/02  
NUMBER  
Pre Planning Only  
ISSUE



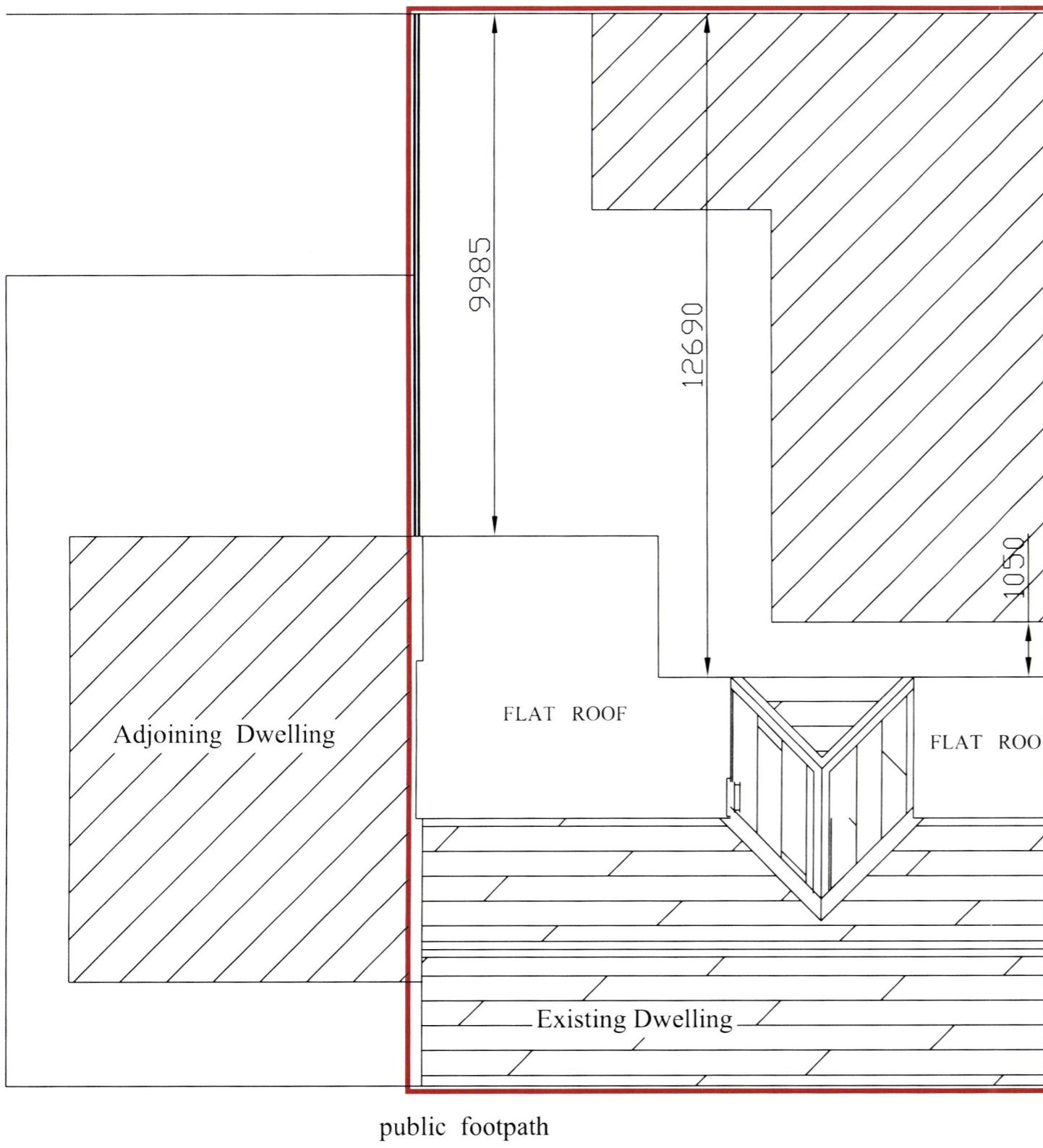
PROPOSED FRONT ELEVATION



EXISTING FRONT ELEVATION

<b>MICHAEL CARROLL</b> Architectural & Energy Design Glenherbert, Dargle Road, Bray. tel: 087 982 0283 email: 2mcarroll1@gmail.com	<b>FRONT ELEVATIONS</b>
<b>PROPOSED ALTERATIONS FRONT OF DWELLING AT PEARSE ROAD, BRAY, CO. WICKLOW.</b>	1/200 SCALE JUNE 2025 DATE

S5/0325/03  
NUMBER  
Pre Planning Only  
ISSUE



Roadway

MICHAEL CARROLL Architectural & Energy Design Glenherbert, Dargle Road, Bray. tel: 087 982 0283 email: 2mcarroll1@gmail.com	SITE LAYOUT	
PROPOSED ALTERATIONS TO DWELLING AT PEARSE ROAD, BRAY, CO. WICKLOW.	1/100 SCALE JUNE 2025 DATE	S5/0325/04 NUMBER Pre Planning Only ISSUE