



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

**Matthew & Jennifer Kehoe
21 Thorndale
Delgany
Co. Wicklow
A63 XN40**

3rd
July 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX68/2025

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: Matthew & Jennifer Kehoe

Location: 21 Thorndale, Delgany, Co. Wicklow

Reference Number: EX 68/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/694

A question has arisen as to whether “the installation of 2no. velux windows to the front roof elevation” at 21 Thorndale, Delgany, Co. Wicklow is or is not exempted development.

Having regard to:

- a) The details submitted with the Section 5 Declaration application dated 16/06/2025;
- b) Onsite permissions 07/1554, Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- c) 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 2no. velux windows to the front roof elevation” at 21 Thorndale, Delgany, Co. Wicklow is development and is exempted development

Signed:

ADMINISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated 3rd July 2025



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/694

Reference Number: EX 68/2025

Name of Applicant: Matthew & Jennifer Kehoe

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

Location of Subject Site: 21 Thorndale, Delgany, Co. Wicklow

Report from Maria Harte, GP & Fergal Keogh, SE

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the installation of 2no. velux windows to the front roof elevation" at 21 Thorndale, Delgany, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

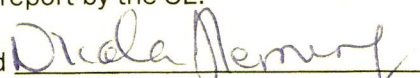
- a) The details submitted with the Section 5 Declaration application dated 16/06/2025;
- b) Onsite permissions 07/1554, Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- c) An Bord Pleanála Declarations RL2284, ABP-307712-20.

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 2no. velux windows to the front roof elevation" at 21 Thorndale, Delgany, Co. Wicklow is development and is exempted development as recommended in the report by the SE.

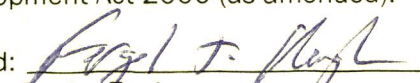
Signed 

Dated 2nd day of July 2025

ORDER:

I HEREBY DECLARE:

That "the installation of 2no. velux windows to the front roof elevation" at 21 Thorndale, Delgany, 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 03rd day of July 2025



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

Ref: EX68/2025
Name: Matthew & Jennifer Kehoe
Development: Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).
RE: 2 Velux Windows to front of dwelling.
Location: 21 Thorndale, Delgany, Co. Wicklow.

The Site: The subject site lies within the Thorndale Housing Development within the urban area of Delgany. The existing dwelling is a semi-detached 2 storey structure. There is off street parking to the front of the dwelling.



Question: *Whether or not:*
The installation of 2 no. velux windows size 1.6m x 0.980m 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: 03/9301; 06/6087; 07/1554; 14/1089; 14/1505; All related to overall housing development.
07/1554- James Gallagher, GRANTED permission for the erection of housing development.

Nearby Exemption

REF: EX34/19- Granted Section 5 for the installation of 2 rooflight to front plane of dwelling at 13 Thorndale, Delgany, Co. Wicklow.

An Bord Pleanala 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: The application site is located in an area zoned *RE 'Existing Residential'* under Greystones - Delgany & Kilcoole Local Area Plan 2013-2019.

Zoning Objective:

To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.

Level 3- Urban Area

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 21 Thorndale, Delgany. The dwelling is **not** a Protected Structure.

Assessment

This Section 5 application seeks a declaration as to whether the; installation of 2 no. roof lights size to the front roof plane at 21 Thorndale, Delgany, Co Wicklow, 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 semi-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 21 Thorndale, Delgany 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 21 Thorndale, Delgany **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 16/06/2025;
- b) Onsite permissions 07/1554, Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended);
- c) 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)

Maria Harte G.P

Maria Harte (Graduate Planner)

Dated: 25/06/2025

Agreed
P. Harte
24/06/25

Issue date/when recommended
03/07/25



Comhairle Contae Chill Mhantáin Wicklow County Council

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Planning, Economic and Rural Development

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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).
EX68/2025**

I enclose herewith application for Section 5 Declaration received completed
on 16/06/2025

The due date on this declaration is 13th July 2025.



Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

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**Matthew & Jennifer Kehoe
21 Thorndale
Delgany
Co. Wicklow
A63 XN40**

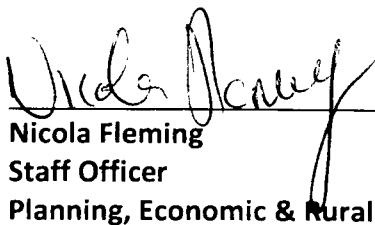
20th June 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX68/2025

A Chara

I wish to acknowledge receipt on 16/06/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 13/07/2025.

Mise, le meas



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



Wicklow County Council
County Buildings
Wicklow
0404-20100

13/06/2025 09:32:44

Receipt No: 11/0/346759

JENNIFER KEOGH
THORNDALE
DELGANY
CP WICKLOW

EXEMPTION CERTIFICATES	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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From: Customer Service Hub
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Co Wicklow
Telephone 0404 20148
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Office Use Only

Date Received _____

Fee Received _____

RECEIVED 16 JUN 2023

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: Matthew & Jennifer Kehoe.
Address of applicant: 21 Thorndale, Delgany.
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) 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
21 Tharndale, Delgany, Co. Wicklow.
A63 XN40
- 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 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 we are seeking a determination as to whether the installation of velux windows x 2 to the front of our home, within the roofline, to allow light into our proposed attic conversion in order to provide storage, would be considered 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
Sections 2, 3, 4 of the planning and development Act 2000 (as amended)

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
1) Site location map via OS Map with red X marking property.
2) Image of position of proposed velux windows on roof.
3) existing and proposed Contiguous Street elevation & home front elevation.
4) Floor plans of existing structure & proposed attic
5) completed application form.

viii. Fee of € 80 Attached ? will pay Friday 13/6/25 over the phone.

Signed : Jennifer Kehoe Dated : 12/6/25
J. Kehoe

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 -

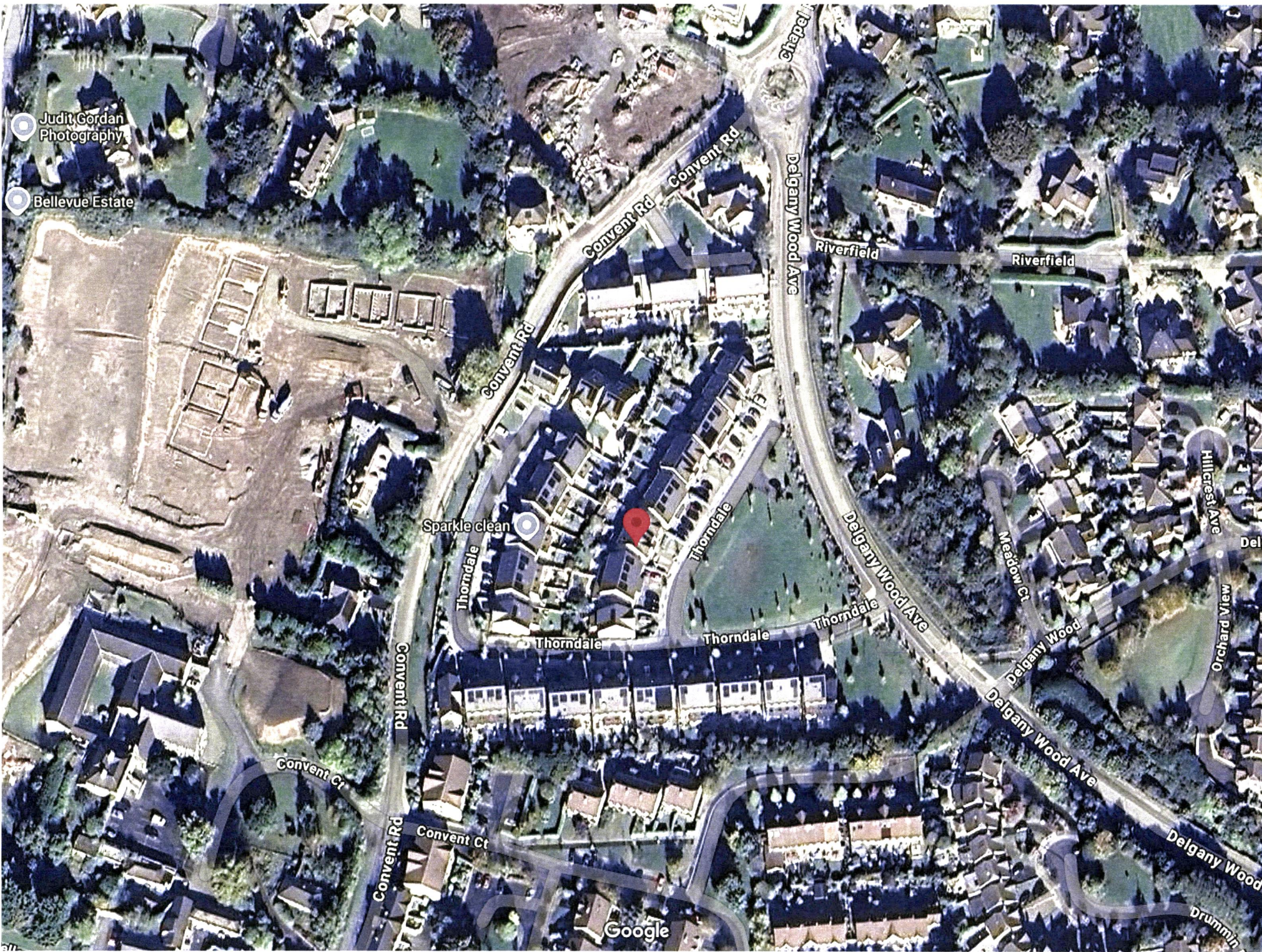
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

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 727800,711128

PUBLISHED: 12/06/2025
ORDER NO.: 50472550_1

MAP SERIES: 1:2,500
1:1,000
1:2,500
1:2,500
MAP SHEETS: 3673-D
3674-21
3731-B
3732-A

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
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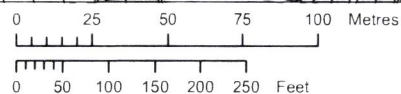
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LEGEND:
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'Large Scale Legend'



Site Location Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 727800,711128

PUBLISHED: 12/06/2025
ORDER NO.: 50472550_1

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

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

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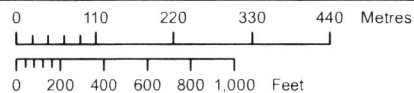
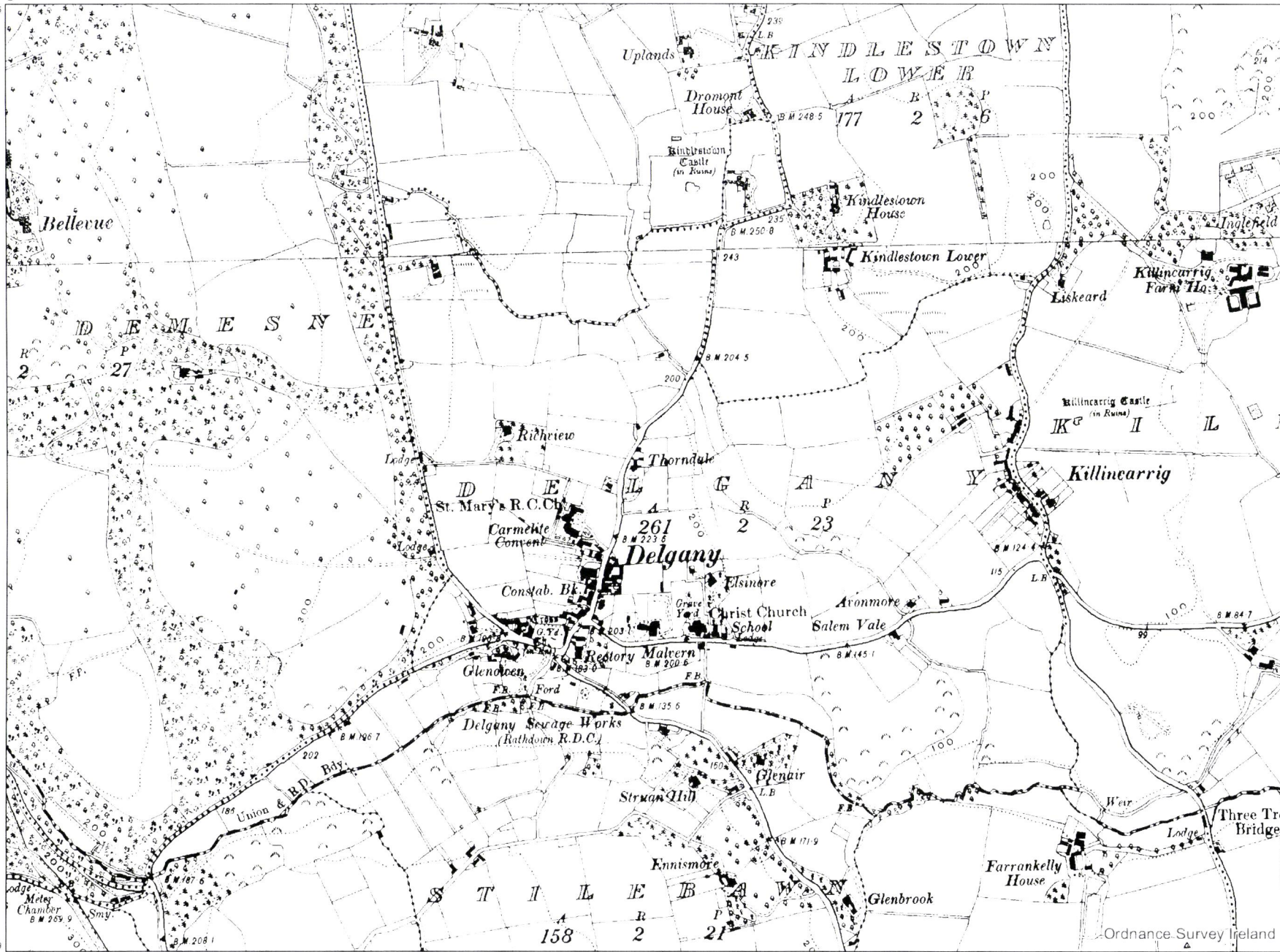
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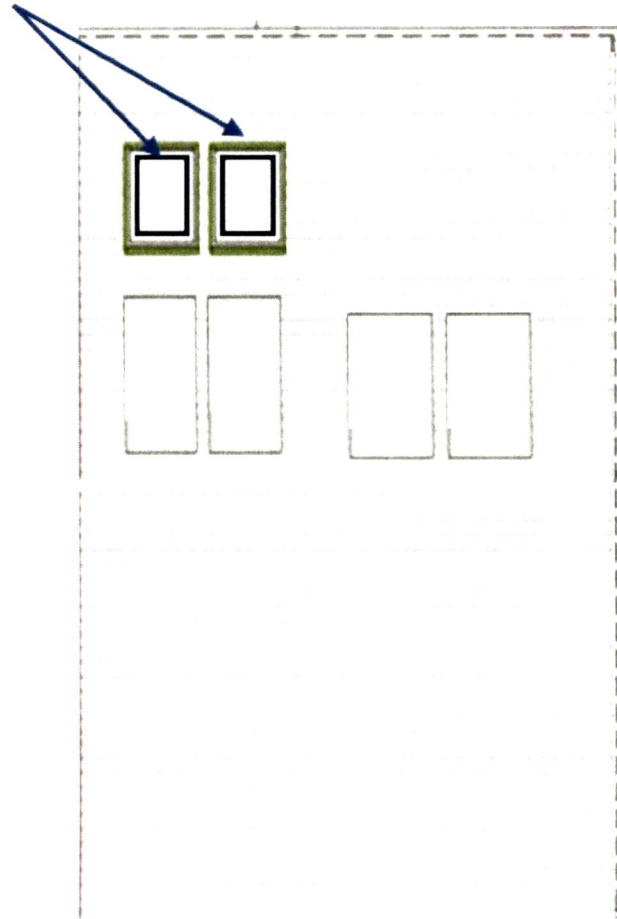
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Further information is available at:
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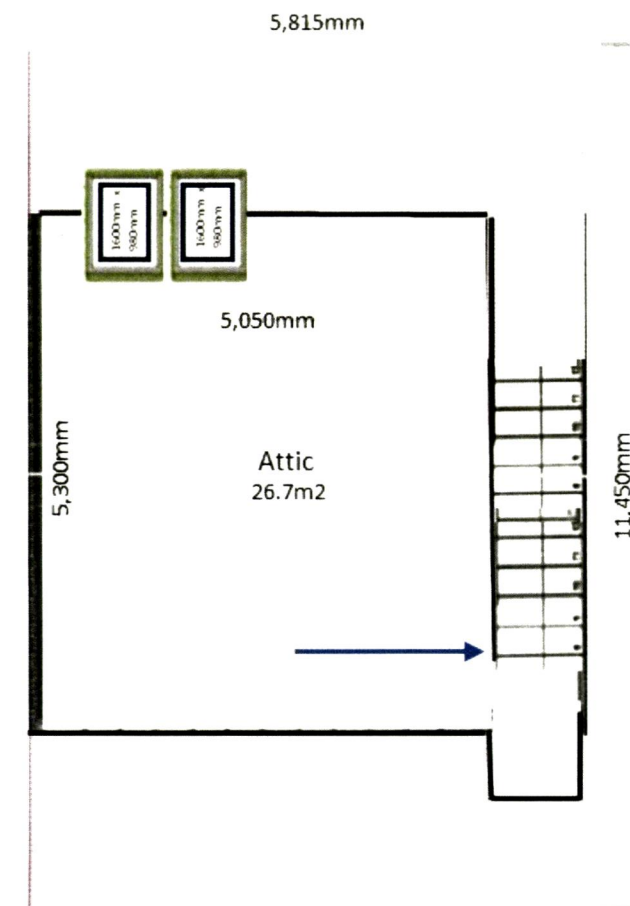
LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'



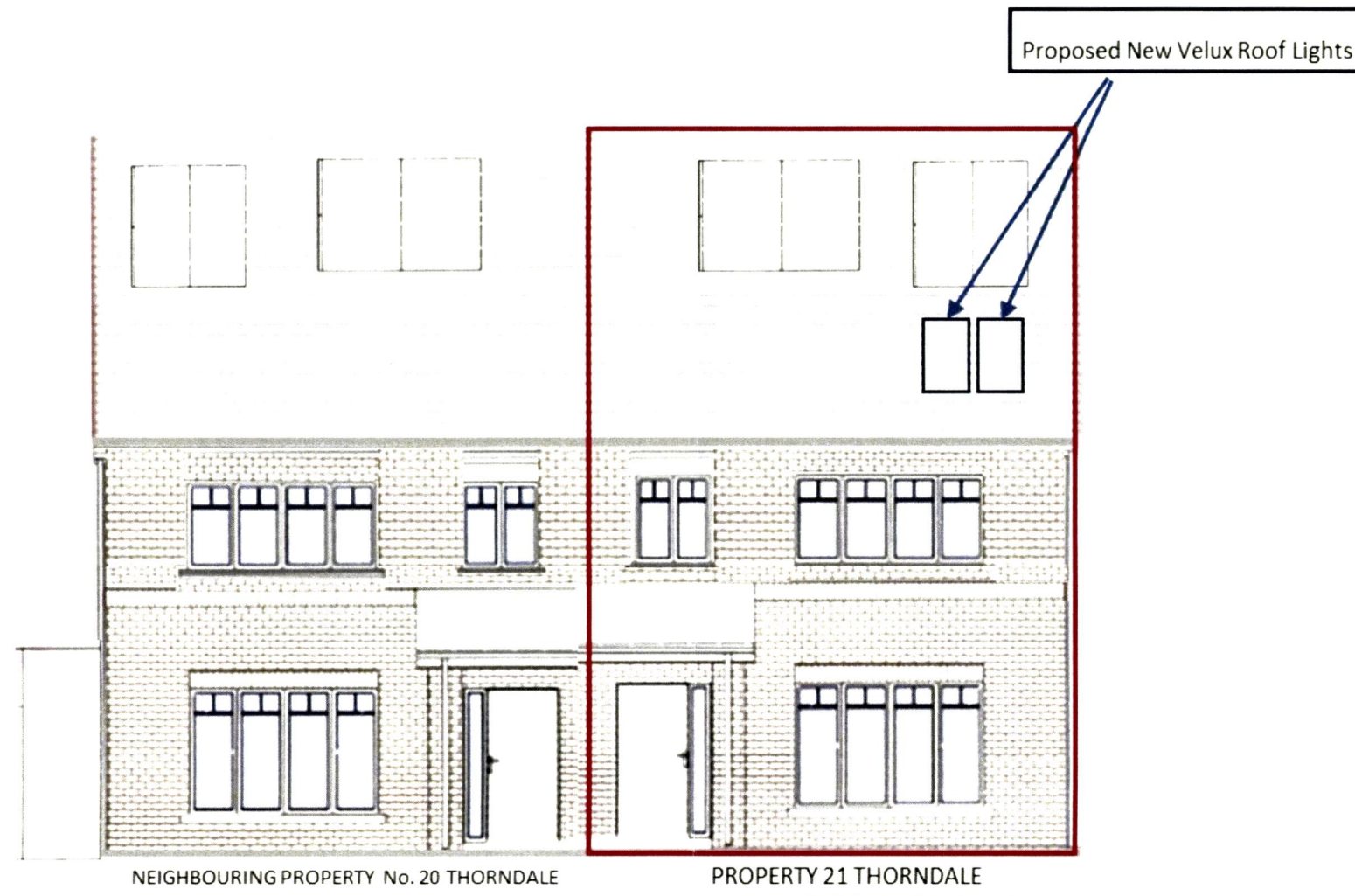
Proposed New Velux Roof Lights



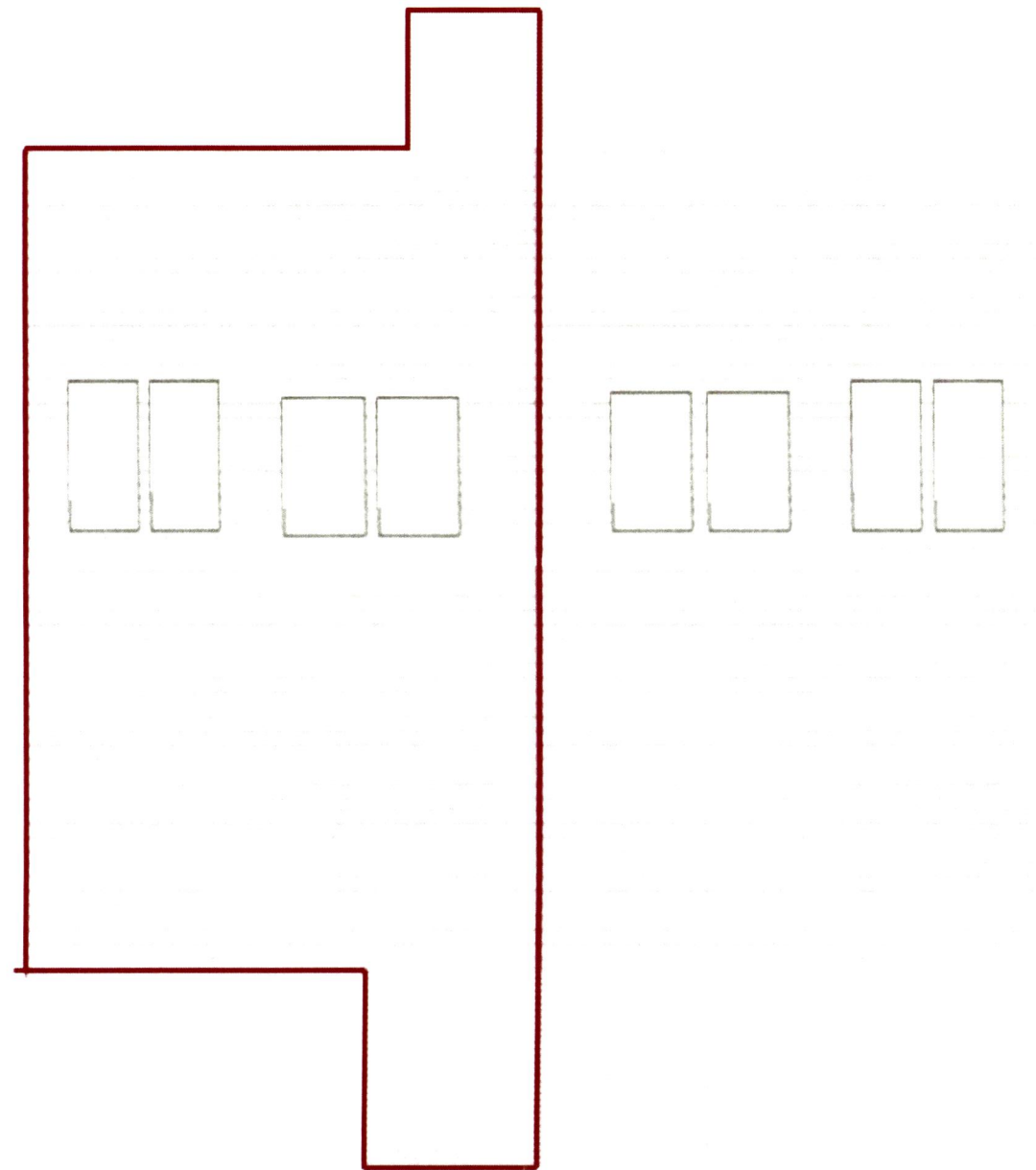
Proposed Roof Plan View



Proposed Attic Floor Plan



Front Elevation



Existing Roof Plan View



NEIGHBOURING PROPERTY 19 THORNDALE



NEIGHBOURING PROPERTY No. 20 THORNDALE

PROPERTY 21 THORNDALE



Existing Street Elevation



Proposed Street Elevation