

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

Director of Services Order No: 1535/2022

Reference Number: EX 48/2022

Name of Applicant: Barbara Stewart C/O Churchfield Home Services

Nature of Application: Section 5 Referral as to whether 'The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437.' is or is not exempted development.

Location of Subject Site: No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437

RECOMMENDATION: Report from Nicky Casey AP & Suzanne White SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether 'The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437.' is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details received with this section 5 application (EX48/2022) on the 25th August 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437 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 works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, 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 The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437", **is development and is exempted development.**

d
ORDER:

That a declaration to issue stating:

That "The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437", is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____
2022

[Signature]
Director of Services
Planning Development & Environment

Dated 17. day of September



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Barbara Stewart C/O Churchfield Home Services

Áras An Chontae / County Buildings
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Rphost / Email: plandev@wicklowcoco
Suíomh / Website: www.wicklow.ie

19 September 2022

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

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

Exemption Ref. No: EX 48/2022

Applicant: Barbara Stewart C/O Churchfield Home Services

Nature of Application: "The installation of external wall insulation to the
front, side, and rear of the house at No. 28 Duncairn
Avenue, Bray, Co. Wicklow, A98 F437."

Location: No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98
F437

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,

PP

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment

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

Applicant: Barbara Stewart C/O Churchfield Home Services

Location: No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437

DIRECTOR OF SERVICES ORDER NO. 1535/2022

A question has arisen as to whether "The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437." is or is not exempted development.

Having regard to:

- The details received with this section 5 application (EX48/2022) on the 25th August 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437 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 works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, 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 'The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437' is development and is exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 19 September 2022

Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.





WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

Section 5 – Application for declaration of Exemption Certificate

REF: EX48/2022
NAME: BARBARA STEWART C/O CHURCHFIELD HOME SERVICES
DEVELOPMENT: INSTALLATION OF EXTERNAL WALL INSULATION TO THE FRONT,
SIDE, AND REAR OF THE HOUSE.
LOCATION: 28 DUNCAIRN AVENUE, BRAY, CO. WICKLOW, A98 F437.

The Site: A semi-detached 2-storey dwelling located on Duncairn Avenue in Bray.

Relevant Planning History:

22/918 - Churchfield Home Services, 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437.
Licence under Section 254 for scaffolding. Decision Due Date: 16/10/2022.

Question:

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

'The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437.'

Legislative Context:

-Planning and Development Act 2000 (as amended)

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

"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 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) 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;

-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;

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.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether or not *'the installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437'* is or is not development; and 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" include any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal.

I am satisfied that the proposal involves works to the existing property and therefore constitutes 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.

The works involve the installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437.

I consider that the works would fall under the remit of 4(1)(h). I do not consider that the alterations 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.

Recommendation:

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

Whether or not the installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437 is or is not development, and is or is not exempted development.

The Planning Authority considers that:

The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437 is development, and is exempted development.

Main Considerations with respect to Section 5 Declaration:

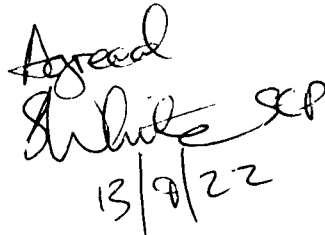
- The details received with this section 5 application (EX48/2022) on the 25th August 2022.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

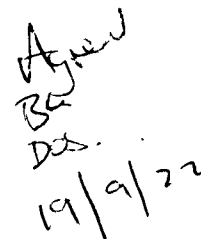
- 1) The installation of external wall insulation to the front, side, and rear of the house at No. 28 Duncairn Avenue, Bray, Co. Wicklow, A98 F437 would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore the development constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).



**Nicky Casey
Assistant Planner**



13/09/2022





Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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Suíomh / Website: www.wicklow.ie

26/08/2022

Barbara Stewart C/O Churchfield Home Services

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 48/2022
Installation of external Wall Insulation to front side & rear Elevations at Duncairn Avenue, Bray, Co Wicklow

A Chara

I wish to acknowledge receipt on the 25th of August 2022 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 21/09/2022.

Mise, le meas

SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
Wicklow
0404-20100

25/08/2022 16 19 00

Receipt No L1/0/300591
***** REPRINT *****

CHURCHFIELD HOME SERVICES
CROSSMOLINA
BUSINESS PARK
BALLINA RD
CROSSMOLINA
CO MAYO

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

Total 80 00 EUR

Tendered
Credit Card 80 00
28 DUNCAIRN AVE/2221368

Change 0 00

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

WICKLOW COUNTY COUNCIL
CUSTOMER SERVICE
22 AUG 2022

Dear Sir/Madam,

I am writing to you seeking an exemption on behalf of Barbara Stewart who resides in 28 Duncairn Avenue, Bray, Co. Wicklow A98 F437. The exemption I am seeking is regarding the installation of external wall insulation to the front, side and rear elevations of the property listed above.

The intended external wall insulation system proposed to be used is an NSAI approved Cantillana insulation, render system. The intention is to apply 100mm insulation board, base coat, mesh with an acrylic finish.

The area is not a conservation area, the property is not a listed building or protected structure nor is the property situated on a main public road. There is also precedent in the area with several other houses on the street having had various types of external wall insulation and/or alternative facades applied to their homes also.

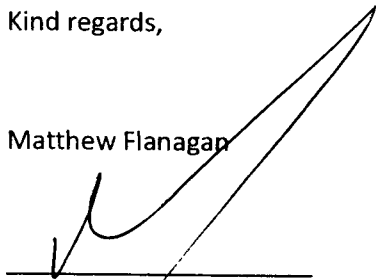
The works form part of the Better Energy Warmer Home Scheme which is run by the SEAI in conjunction with the Government Climate Action plan.

The intention of the scheme is to upgrade energy poor homes, create more economic homes which have less of a carbon footprint and reduce the impact of fuel and energy consumption on the environment along with creating a more comfortable living space for occupants.

On behalf of the occupants of this home please grant an exemption, if required, to install external wall insulation.

Kind regards,

Matthew Flanagan



Churchfield Home Services



Ph: 096 38 516
E: Matthew.Flanagan@churchfieldhomeservices.ie
W: www.churchfieldhomeservices.ie



THE HIGH QUALITY

SPECIALISTS

WICKLOW COUNTY COUNCIL
22 AUG 2022
PLANNING DEPT.



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: Churchfield Home Services

Address of applicant _____

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Churchfield Home Services

Address of Agent : Crossmolina Industrial Estate, Ballinc
Road, Crossmolina, Co. Mayo, F26 E9A0

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

3. Declaration Details

i. Location of Development subject of Declaration 28 Duncewin Avenue,
Broy, Co. Wicklow A98 F437

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/No. (No)

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier Barbara Steele, 28 Duncewin Avenue Broy,
Co. Wicklow, A98 F437

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration The proposed external
insulation works include for approx. 105m² brick
insulation with a smooth acrylic finish to the
front, side and rear upper elevations. Scaffolding
required to front and side elevations.

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration Section 254
Planning and Development Act 2000
• Planning and Development Regulations 2001.
• Section 5 Planning and Development Acts 2000.

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 Front Side and back elevations photos. Adjoining road photo. ordinance survey map. Sketch of all elevations. Site layout map.

viii. Fee of € 80 Attached ? Yes

Signed : John Hanrahan Dated : 17/08/2022

Additional Notes :

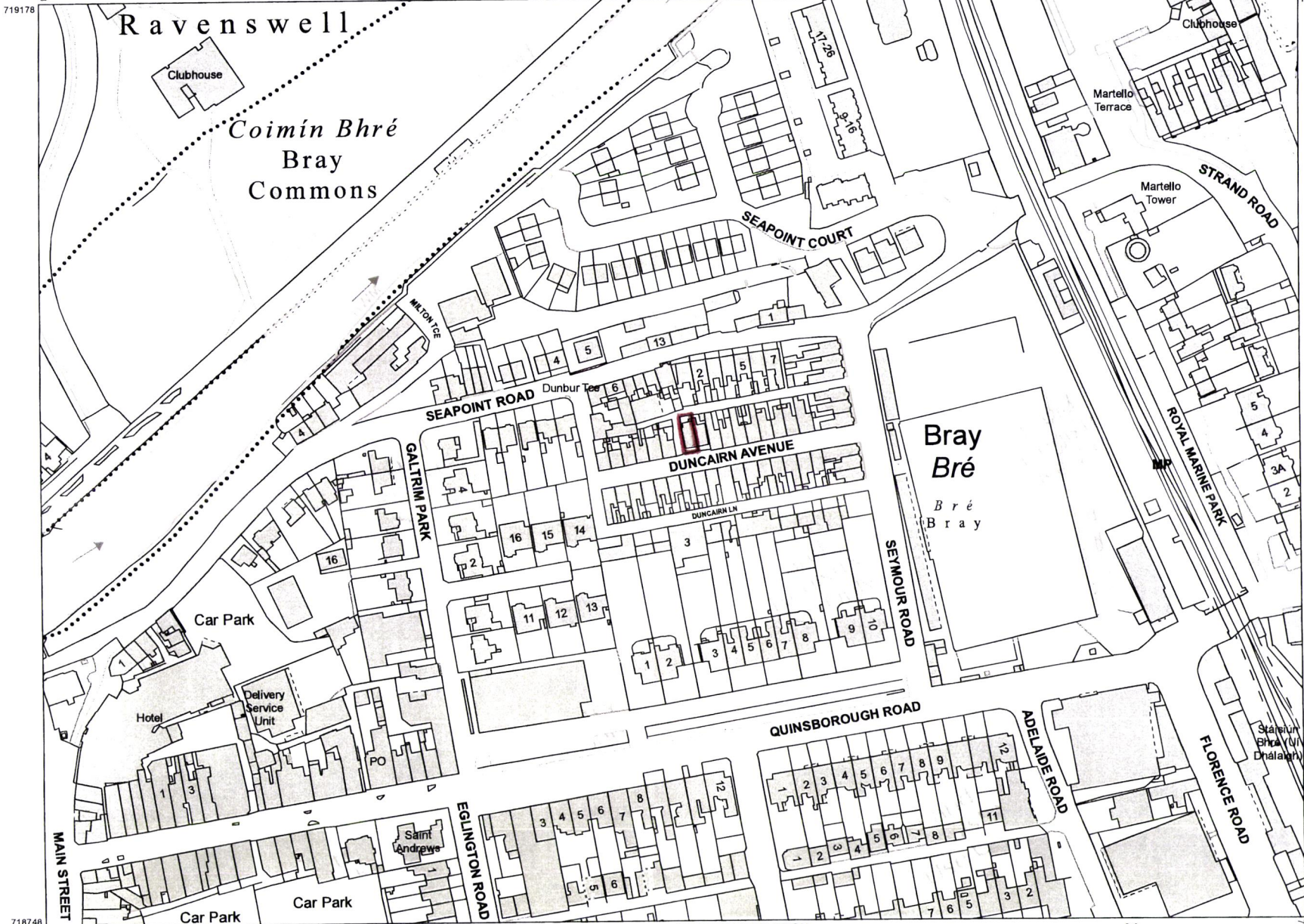
As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- 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

Land Registry Compliant Map



CENTRE COORDINATES:
ITM 726590,718963

PUBLISHED: 17/08/2022
ORDER NO.: 50285943_1

MAP SERIES: 1:1,000
MAP SHEETS: 3568-08
1:1,000 3568-09
1:1,000 3568-13
1:1,000 3568-14

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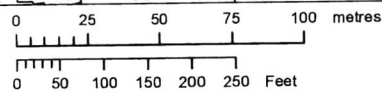
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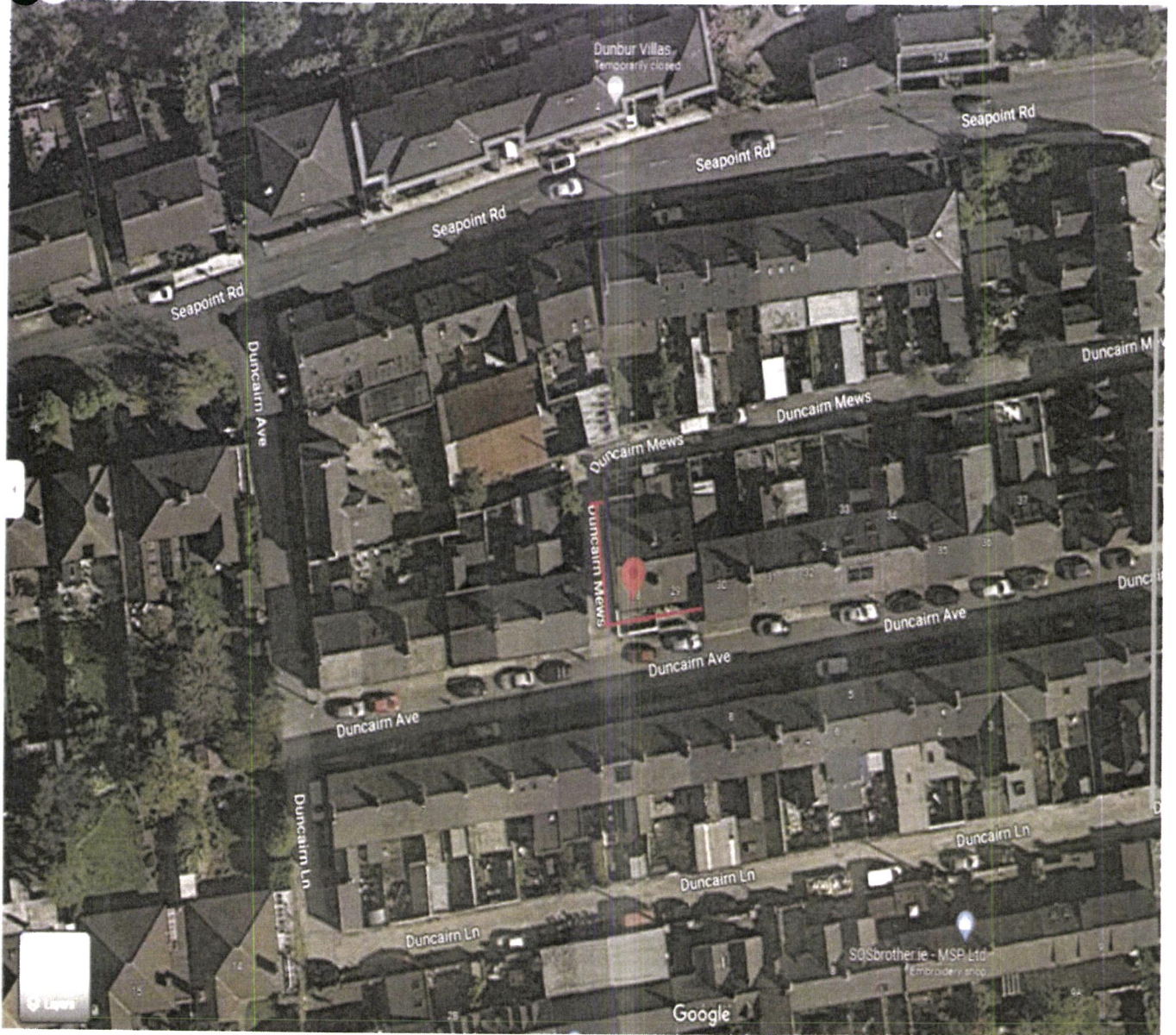
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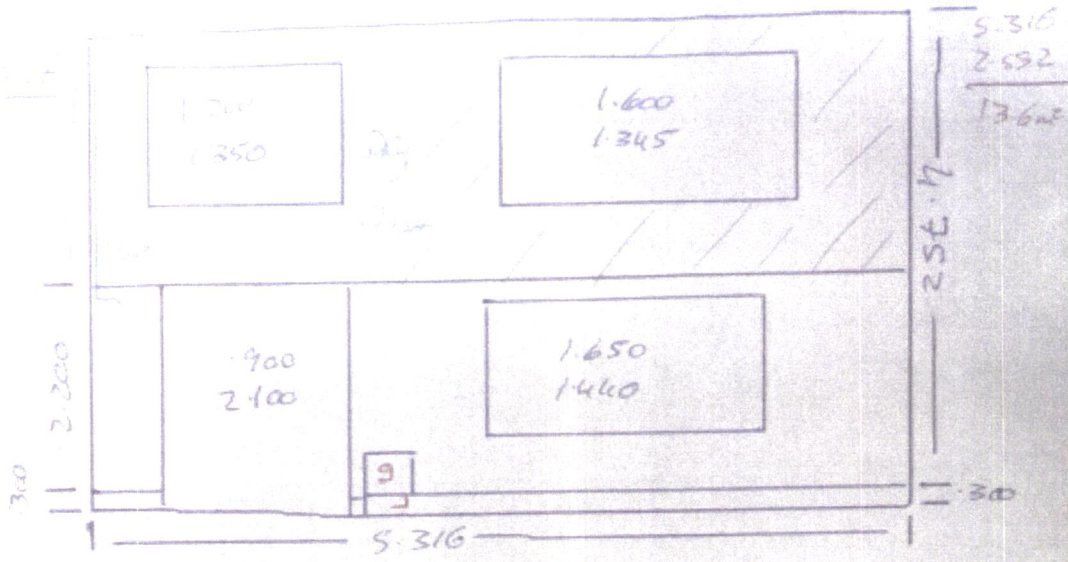












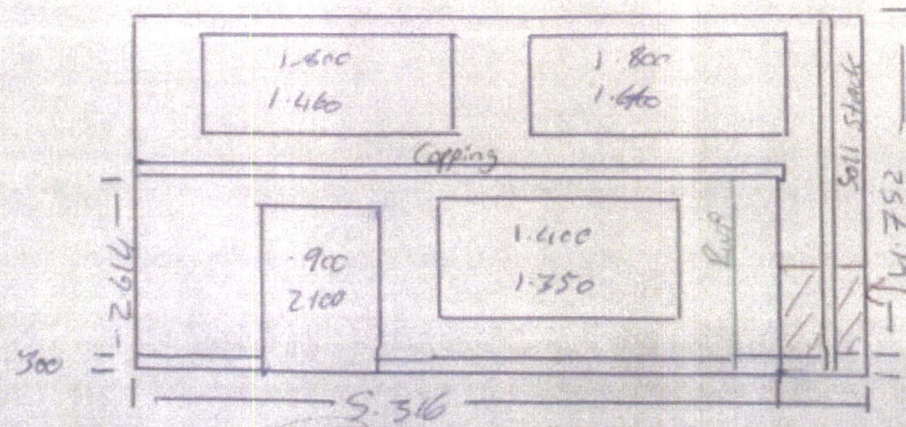
Side

2.614
 2.458
 6.62
 -4.2

 2.22m²

Backing onto kitchen units
 no IWI

Red



5.316
 5.052

 26.88

Backing onto 19 Batten
 no IWI

CMS EWI
 => 10.5m²
 Total EWI = 12.6m²
 DASH = 11.2

Space
 4.372
 5.052

 47.54m²