



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoc
Sulomh / Website: www.wicklow.ie

Violaine & Simon Deane

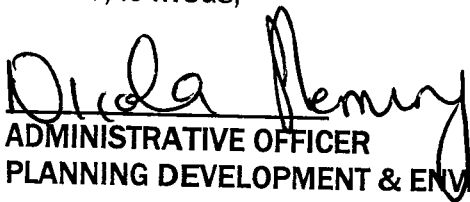
2nd November 2023

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX68/2023

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 DEVELOPMENT & ENVIRONMENT.

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.





Comhairle Contae Chill Mhantáin Wicklow County Council

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

Applicant: Violine & Simon Deane

Location: 140 Hillside, Greystones, Co. Wicklow, A63 F386

CHIEF EXECUTIVE ORDER NO. CE/PDE/1858/2023

A question has arisen as to whether “the extension of a house by the conversion for use as part of the house of the garage to the side of the house” at 140 Hillside, Greystones, Co. Wicklow, A63 F386 is or is not exempted development.

Having regard to:

- The details submitted under Section 5 Declaration on 24/09/2023 and on 16/10/2023.
- Sections 2(1), 3(1) of the Planning and Development Act 2000 (as amended)
- Articles 5(2), 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended
- Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 as amended

Main Reasons with respect to Section 5 Declaration:

The proposed development is works for the extension of the house, by the conversion for use as part of the house of the garage to the side of the house. This development comes within the scope of Class 1 and meets the conditions and limitations of same. On this basis, the proposed works is development and is exempted development.

The Planning Authority considers that “the extension of a house by the conversion for use as part of the house of the garage to the side of the house” at 140 Hillside, Greystones, Co. Wicklow, A63 F386 is development and is exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated  November 2023

*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 & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/1858/2023

Reference Number: EX 68/2023

Name of Applicant: Violine & Simon Deane

Nature of Application: Section 5 Referral as to whether "the extension of a house by the conversion for use as part of the house of the garage to the side of the house" is or is not exempted development

Location of Subject Site: 140 Hillside, Greystones, Co. Wicklow, A63 F386

Report from Holly O'Connor, EP & Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the extension of a house by the conversion for use as part of the house of the garage to the side of the house" at 140 Hillside, Greystones, Co. Wicklow, A63 F386 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details submitted under Section 5 Declaration on 24/09/2023 and on 16/10/2023.
- b) Sections 2(1), 3(1) of the Planning and Development Act 2000 (as amended)
- c) Articles 5(2), 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended
- d) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 as amended

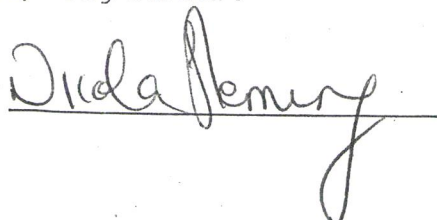
Main Reason with respect to Section 5 Declaration:

The proposed development is works for the extension of the house, by the conversion for use as part of the house of the garage to the side of the house. This development comes within the scope of Class 1 and meets the conditions and limitations of same. On this basis, the proposed works is development and is exempted development.

Recommendation

The Planning Authority considers that "the extension of a house by the conversion for use as part of the house of the garage to the side of the house" at 140 Hillside, Greystones, Co. Wicklow, A63 F386 is development and is exempted development as recommended in the report by the SEP.

Signed



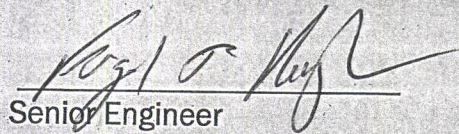
Dated 1st day of November 2023

ORDER:

I HEREBY DECLARE:

That "the extension of a house by the conversion for use as part of the house of the garage to the side of the house" at 140 Hillside, Greystones, Co. Wicklow, A63 F386 is development and is exempted development within the meaning of the Planning & Development Act 2000

Signed:


Senior Engineer

Dated 02nd day of November 2023

Planning Development & Environment

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO:	FERGAL KEOGH S.E. / EDEL BERMINGHAM S.E.P
FROM:	HOLLY O'CONNOR E.P.
SUBJECT REF:	EX 68/2023
DECISION DATE:	06/11/2023
APPLICANT:	VIOLINE & SIMON DEANE
ADDRESS:	140 HILLSIDE, GREYSTONES, CO.WICKLOW
EXEMPTION QUERY:	CONVERSION OF GARAGE TO LIVING SPACE, CHANGE DOOR AND ADD VELUX WINDOW.

This application has been the subject of a further information request. This report should be read in conjunction with the previous planners report. Further information was requested on the 10/10/2023 and a response was received on 16/10/2023.

Further Information was sought on the following:

1. In order to fully assess if the proposed development comes within the scope of Schedule 2, Part 1, Class 1, Please clarify
 - (a) Has the house been extended previously, and if so what is the floor area of any such previous extension.
 - (b) Details of the floor area (in m2) of the proposed converted garage.

In response:

- (a) The house has not been previously extended.
- (b) The floor area of the garage would be approximately 8.21sqm.

Recommendation:

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

The extension of a house, by the conversion for use as part of the house of the garage to the side of the house at 140 Hillside Greystones is or is not exempted development

The Planning Authority considers that:

The proposed works is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted under Section 5 Declaration on 24/09/2023 and on 16/10/2023.
- b) Sections 2(1), 3(1) of the Planning and Development Act 2000 (as amended)
- c) Articles 5(2), 6(1) & 9(1) of the Planning and Development Regulations 2001 as amended
- d) Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 as amended

Main Reasons with respect to Section 5 Declaration:

The proposed development is works for the extension of the house, by the conversion for use as part of the house of the garage to the side of the house. This development comes within the scope of Class 1 and meets the conditions and limitations of same. On this basis, the proposed works is development and is exempted development.

Holly Connor Date: 24/10/2023
Holly O'Connor EP

Agreed
S. White SEP
26/10/23

Issue recommended
Kyl T Myler
04/11/23

MEMORANDUM
WICKLOW COUNTY COUNCIL

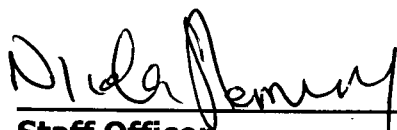
TO: Holly O'Connor
Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX68/2023 – Violine & Simon Deane**

I enclose herewith application for Section 5 Declaration received along with
Further Information as requested.

The due date on this declaration is 6th November 2023


Staff Officer
Planning Development & Environment

Nicola Fleming

From: Nicola Fleming
Sent: Wednesday 18 October 2023 09:06
To: 'simon deane'
Subject: RE: Planning exemption request for 140 Hillside (EX 68/2023)

Hi Simon I acknowledge receipt of your email. No hardcopy letter is required. Decision is due on 13/11/2023.

Regards,

Nicola Fleming

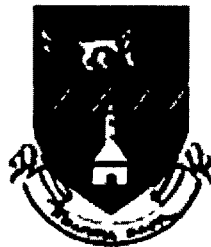
Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph☎: +353 (0404) 20148 | ✉: nfleming@wicklowcoco.ie

Website: <http://www.wicklow.ie>



From: simon deane [
Sent: Monday 16 October 2023 10:36
To: Nicola Fleming
Subject: Re: Planning exemption request for 140 Hillside (EX 68/2023)

Hi Nicola,

I hope all is well.

I just received a letter in relation to the above request.

The answer to the questions in the letter are as follows:

- a) the house has not been extended previously.
- b) the floor area of the proposed converted garage would be approximately 8.21m2

Is this email reply sufficient to confirm these points or do you require a written reply to be posted to Wicklow County Council?

Many thanks,

Simon

On 25 Sep 2023, at 12:17, Nicola Fleming <NFleming@wicklowcoco.ie> wrote:

Thanks Simon you will get an ack letter in the post in a couple of days

From: simon dean
Sent: Monday 25 September 2023 10:44
To: Nicola Fleming
Subject: Planning exemption request for 140 Hillside

Dear Nichola,

You were just speaking to my wife Violine about a planning exemption application and advised we could send to your email directly. I am sending you the mail as I have all of the documents saved on my laptop.

We wish to submit an application under section 5 of the planning laws to determine if a planning application can be granted for the change we wish to make to our primary residence.

The proposal is to change the garage area of the house to a living space and we have attached a drawing of room after the proposed change along with current photos of the house, the application itself and a location map.

We are located in the Hillside estate in Greystones, where as an estimate, approximately three quarters of the houses in the estate have a living area located in the same location that we wish to change from a garage space to a living space.

The window to be installed will be chosen to be visually similar as the window installed in the living room of our house. This will then match other houses in the estate from an aesthetics perspective.

Thanks & Kind Regards,

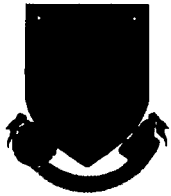
Simon

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<image003.jpg>

Simon Deane and Violine Deane



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
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10/10/2023

Violaine & Simon Deane

RE: EX 68/2023

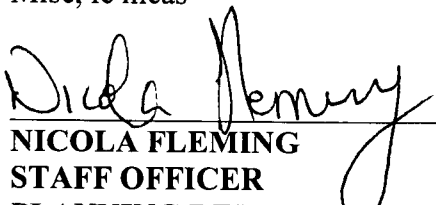
Conversion of attached garage of house into living space, garage door changed to window and addition of a velux window

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended), received on 25/09/2023 in order to fully assess if the proposed development comes within the scope of Schedule 2, Part 1, Class 1, please clarify

- (a) Has the house been extended previously, and if so what is the floor area of any such previous extension
- (b) Details of the floor area (in m²) of the proposed converted garage.

Mise, le meas



NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO:	FERGAL KEOGH S.E. / EDEL BERMINGHAM S.E.P
FROM:	HOLLY O'CONNOR E.P.
SUBJECT REF:	EX 68/2023
DECISION DATE:	23/10/2023
APPLICANT:	VIOLINE & SIMON DEANE
ADDRESS:	140 HILLSIDE, GREYSTONES, CO.WICKLOW
EXEMPTION QUERY:	CONVERSION OF GARAGE TO LIVING SPACE, CHANGE DOOR AND ADD VELUX WINDOW.

Site Location:

The subject site is located in the urban settlement of Greystones, in the existing housing estate Hillside located west of the town. The site is on lands zoned RE Existing residential. The site is accessed via the Local Road L52137-0. The subject site is that of no.140, a semidetached house which has a side entrance and a garage attached to the front.

Planning History:

None on subject site.

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—

"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) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4: Exempted development.

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;

Planning & Development Regulations 2001 (as amended)***Schedule 2, Part 1- Exempted Development- Development within the curtilage of a house –***

CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, storeroom or other similar structure attached to the rear or to the side of the house.

Conditions & Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

Submission:

The applicants are applying for a Section 5 Declaration in relation to the following;

Change of garage area to living space to include installation of window to front elevation and velux window to roof.

Assessment:

This Section 5 application seeks a declaration as to whether the extension of a house, by the conversion for use as part of the house of the garage to the side of the house is or is not exempted development.

It is considered that this conversion is development. The second assessment is to determine whether or not the works would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

The development is the type of development which could come under Class 1 of the Planning & Development Regulations 2001 (as amended). The extension is on ground floor and is to the side. The size total floor area has not been detailed/ shown on drawings, this information is necessary to clarify that the floor area does not exceed 40sqm. The height does not exceed the highest part of the house and the private open space is not reduced to less than 25sqm. No windows are proposed above ground floor, the proposed window at ground floor will be more than 1m from the boundary it faces. The roof is not indicated to be used as a roof garden. The door change and installation of a velux window are considered to be works that are exempt under S.4(1)(h) of the P& Act 2000 (as amended) as they consist of the carrying out of works for the maintenance, improvement or other alteration of the structure, being works 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 proposed conversion of the garage at first floor to the side of the existing dwelling appears to fall within the conditions and limitations of Class 1 of Part 1 of Schedule 2, however further information is necessary to clarify the size/ floor area to ensure the proposal meets conditions and limitations as set out under 1 (a)

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

Consideration:

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

The extension of a house, by the conversion for use as part of the house of the garage to the side of the house at 140 Hillside Greystones is or is not exempted development

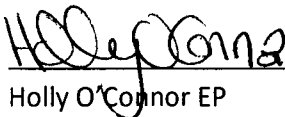
The Planning Authority considers that:


In consideration of the above, the works may come within the remit of Class 1 of Part 1 of the Planning and Development Regulations and Section 4(1) (h) of the Planning & Development Act 2000 (as amended) however the applicant has not provided all of the details necessary to ensure the development complies with the conditions and limitations of the Class 1. I recommend further information is sought in relation to the proposed floor area of the structure.

Recommendation: Further Information

I recommend further information is sought in relation to the following:

1. In order to fully assess if the proposed development comes within the scope of Schedule 2, Part 1, Class 1, Please clarify
 - (a) Has the house been extended previously, and if so what is the floor area of any such previous extension.
 - (b) Details of the floor area (in m2) of the proposed converted garage.

 Date: 05/10/2023
Holly O'Connor EP


8/10/23.

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Holly O'Connor
Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX68/2023 – Violine & Simon Deane**

I enclose herewith application for Section 5 Declaration received 25th September 2023.

The due date on this declaration is 23rd October 2023.



Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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Suíomh / Website: www.wicklow.ie

26th September 2023

Violine & Simon Deane

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended).
Ex 68/2023 – conversion of attached garage of house into living space, garage door changed to window and addition of a velux window**

A Chara

I wish to acknowledge receipt on 25th September 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 23rd October 2023.

Mise, le meas

NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT



Nicola Fleming

From: simon deane
Sent: Monday 25 September 2023 10:44
To: Nicola Fleming
Subject: Planning exemption request for 140 Hillside
Attachments: Section 5 app - pg5.pdf; Section 5 app - pg4.pdf; Section 5 app - pg3.pdf; Section 5 app - pg2.pdf; Section 5 app - pg1.pdf; section 5 receipt copy.pdf

Dear Nichola,

You were just speaking to my wife Violine about a planning exemption application and advised we could send to your email directly. I am sending you the mail as I have all of the documents saved on my laptop.

We wish to submit an application under section 5 of the planning laws to determine if a planning application can be granted for the change we wish to make to our primary residence.

The proposal is to change the garage area of the house to a living space and we have attached a drawing of room after the proposed change along with current photos of the house, the application itself and a location map.

We are located in the Hillside estate in Greystones, where as an estimate, approximately three quarters of the houses in the estate have a living area located in the same location that we wish to change from a garage space to a living space.

The window to be installed will be chosen to be visually similar as the window installed in the living room of our house. This will then match other houses in the estate from an aesthetics perspective.

Thanks & Kind Regards,

Simon

Wicklow County Council
County Buildings
Wicklow
0404-20100

08/09/2023 12 20 26

Receipt No L1/0/318559
***** REPRINT *****

CIOLINE DEANE
140 HILLSIDE
GREYSTONES
CO 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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Issued By Charlie Redmond
From Customer Service Hub
Vat reg No 0015233H



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

Office Use Only

Date Received _____

Fee Received _____

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

1. Applicant Details

(a) Name of applicant: _____ Violine Deane and Simon Deane _____

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) _____

Address of Agent : _____

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

3. Declaration Details

- i. Location of Development subject of Declaration 140 Hillside, Greystones, Co. Wicklow, A63 F386

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes

- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier _____

- 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 _____
_____section 5 Referral as to whether to conversion of attached garage of the house into a living space, garage door changed for a window, and addition of a Velux window, with no additional extension/building etc. to be performed at 140 Hillside, Greystones, Co Wicklow" is or is not exempted development. _____

Additional details may be submitted by way of separate submission.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____
_____That a garage attached to the house to can be converted domestic use provided it has a floor area of less than 40 square metres. _____

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. Drawing of space to be converted showing velux window and window
2. Location map
3. Photos showing front and back of house.

viii. Fee of € 80 Attached ? yes

Signed : Jim Deane Dated : 24 Sept 23

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.

