

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@wicklowco.ie
Suíomh / Website: www.wicklow.ie

Judith Meagher
c/o David Leyden MRIAAI
LHA Architecture
45 South Hill
Dartry
Dublin 6

18th April 2023

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) - EX23/2023

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 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.



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

Applicant: Judith Meagher

Location: Granabeg Upper, Valleymount, Co. Wicklow W97X9D5

DIRECTOR OF SERVICES ORDER NO 674/2023

A question has arisen as to whether "construction of a single storey extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended" at Granabeg Upper, Valleymount, Co. Wicklow W97 X95D is or is not exempted development

Having regard to:

- i. The details submitted with the Section 5 application on 05/04/2023.
- ii. Sections 2, 3, & 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt. 1 Class 1 of the Planning & Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The provision of an extension is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The extension would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

The Planning Authority considers that construction of a single story extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended", at Granabeg Upper, Valleymount, Co. Wicklow, W91 X9D5' **is development and is exempted development.**

Signed: 

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated: 13th April 2023

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

Director of Services Order No: 674/2023

Reference Number: EX 23/2023

Name of Applicant: Judith Meagher

Nature of Application: Section 5 Referral as to whether "construction of a single storey extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended" is or is not exempted development.

Location of Subject Site: Granabeg Upper, Valleymount, Co. Wicklow W97X9D5

Report from Billy Slater, GP & Edel Bermingham SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "construction of a single storey extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended" at Granabeg Upper, Valleymount, Co. Wicklow W97 X95D is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- i. The details submitted with the Section 5 application on 05/04/2023.
- ii. Sections 2, 3, & 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt. 1 Class 1 of the Planning & Development Regulations 2001 (as amended)

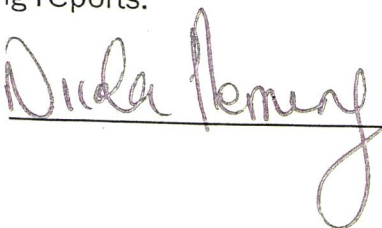
Main Reasons with respect to Section 5 Declaration:

- The provision of an extension is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The extension would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Recommendation

The Planning Authority considers that the proposal for the construction of a single storey extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended, at Granabeg Upper, Valleymount, Co. Wicklow, W91 X9D5 is development and is exempted development as recommended in the planning reports.

Signed




Dated 18th day of April 2023

ORDER:

That a declaration to issue stating:

That construction of a single story extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended, at Granabeg Upper, Vallemount, Co. Wicklow, W91 X9D5" is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:



Director of Services
Planning Development & Environment

Dated th 18 day of April 2023



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

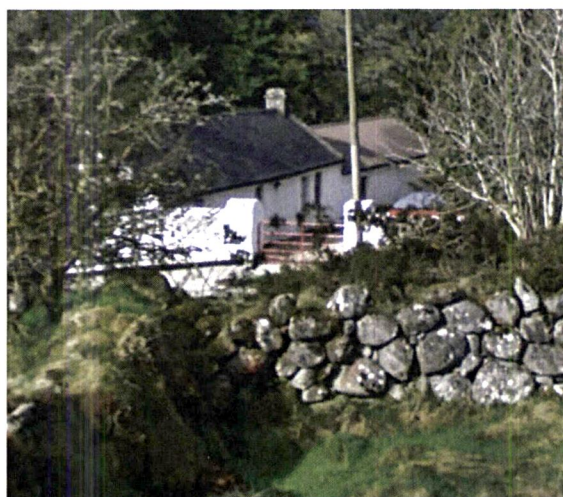
To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater G.P.
Type: Section 5 Application
REF: EX 29/2023
Applicant: Judith Meagher
Date of Application: 05/04/2023
Decision Due Date: 02/05/2023
Address: Granabeg Upper, Valleymount, Co. Wicklow, W91 X9D5.
Exemption Query: Construction of a single story extension with a floor area of 39m2 to the rear of existing dwelling which has not been previously extended.

Application Site: The application site is a detached single story cottage located in a level 10 rural area.

Aerial Image



Site Image



Relevant Planning History: None

Question:

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

- *Construction of a single story extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended, at Granabeg Upper, Valkeymount, Co. Wicklow, W91 X9D5.*

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

Legislative Context

Planning and Development Act 2000 (as amended)

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

*“**‘structure’** means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—*

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

*“**‘works’** includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”*

Section 3(1) of the Act states the following in respect of **‘development’**:

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

Section 4 sets out the types of works that while considered ‘development’, can be considered ‘exempted development’ for the purposes of the Act.

Section 4 (1) (h)

“development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.”

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and Development Regulations 2001(as amended)

Article 6 (1):

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1):

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) If the carrying out of such development would—

(i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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, store, shed or other similar structure attached to the rear or to the side of the house.

The conditions and limitations include:

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.

Details submitted in support of the application

Existing Cottage

GFA	Not disclosed
Ridge Height	4.285m
FFL	0.00

Proposed extension

GFA	39sqm
Ridge Height	4.614m
FFL	-0.60

Private open space retained In excess of c.500sqm to rear alone

The proposed extensions relative ridge height is to measure 0.27m below that of the existing cottage.

Assessment:

It is proposed to extend the existing dwelling via the construction of a single story gable-roofed extension to the rear of the existing dwelling. The plans state the gross floor area of the proposed extension to be 39sqm. It is stated that the existing cottage has not been previously extended. Upon review of present day and historic mapping (25inch 1888-1913), it is observed that the existing footprint of the dwelling is shown as same across both maps. It can therefore be determined that the existing cottage has not been previously extended.

The Section 5 declaration application seeks an answer with respect to the following question: Whether or not the *'Construction of a single story extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended, at Granabeg Upper, Valleymount, Co. Wicklow, W91 X9D5.'* is or is not exempted development.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

It should be noted that Section 2 of the Act defines works as:

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

I am satisfied that the proposal would involve works to the existing structure and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations. Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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, store, shed or other similar structure attached to the rear or to the side of the house.

Relevant Schedule 2, Pt.1 Class 1 Checklist

<i>Is the extension to the rear?</i>	<i>Yes</i>
<i>Was the house extended previously?</i>	<i>No</i>
<i>Would the 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, exceed 40 square metres.</i>	<i>No</i>
<i>Would the height of the walls of the extension exceed the height of the rear wall of the house?</i>	<i>No</i>
<i>Is the roof flat and does the height of the highest part of the roof of the extension 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, exceed the height of the highest part of the roof of the dwelling?</i>	<i>No and no</i>
<i>Is any part of the extension above ground floor and would its distance be less than 2 metres from any party boundary.</i>	<i>No. The extension is single storey</i>
<i>Would the construction or erection of the</i>	<i>No, the private open would not be reduced to</i>

extension to the rear of the house 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.	less than 25sqm.
Would the window proposed at ground level in the extension be less than 1 metre from the boundary it faces?	No, the window in the rear elevation would be more than 1m from the boundary it faces.
Would the roof of the extension be used as a balcony or roof garden?	No

Nothing under Article 9 would exempt this extension in particular development -
 is not within or adjoining any public road and is not connected to
 any public road etc. therefore the development would not give rise
 to any impacts on the public road etc, and Art 2 of the Act can't be relevant

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the proposal for the 'Construction of a single story extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended, at Granabeg Upper, Vallemount, Co. Wicklow, W91 X9D5' is or is not exempted development,

The Planning Authority considers that:

The proposal of the 'Construction of a single story extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended, at Granabeg Upper, Vallemount, Co. Wicklow, W91 X9D5' is development and is **exempted development**.

Main Considerations with respect to Section 5 Declaration:

- The details submitted on 05/04/2023;
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The provision of an extension is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The extension would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore ~~exempted~~ ^{exempted} development.

Billy Slater

Billy Slater G.P.
17/04/2023

Not as notified

*Ann A. 30/7
17/4/23*

*Agreed
as
Amended
Ba
D.C.S.
18/4/23*



Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment MEMORANDUM

Áras An Chontae / County Buildings
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WICKLOW COUNTY COUNCIL

**TO: Billy Slater
Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 23/2023
the construction of a single storey extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended at Granabeg Upper, Valleymount, Co. Wicklow W91 X9D5**

I enclose herewith for your attention application for Section 5 Declaration received 5th April 2023

The due date on this declaration is the 2nd May 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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6th April 2023

**Judith Meagher
c/o David Leyden MRIAAI
LHA Architecture
45 South Hill
Dartry
Dublin 6**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 23/2023
the construction of a single storey extension with a floor area of 39m² to the rear of existing dwelling which has not been previously extended – Granabeg Upper, Valkeymount, Co. Wicklow W91 X9D5**

A Chara

I wish to acknowledge receipt on the 31st March details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 2nd May 2023.

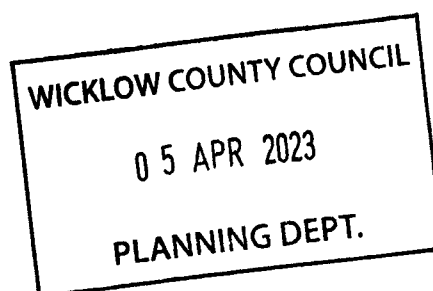
Mise, le meas

**NICOLA FLEMING
STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**

Planning Dept.
Wicklow County Council
County Buildings
Wicklow
Co Wicklow

31.03.23

Dear Sir/Madam



RE/ Section 5 Declaration – Single Storey Extension to Rear of Existing Dwelling @
Granabeg Upper, Valkeymount, Co. Wicklow

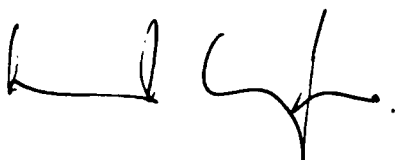
Please find the following enclosed:

- Completed application form.
- 2 No. copies Site Location Map @1:1000
- 2 No. copies of Plans Sections + Elevations @ 1:100

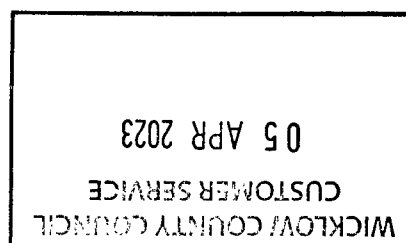
I would be grateful if I could be contacted on
by card over the phone.

to make payment of the appropriate fee

Yours Sincerely



David Leyden BArch MRIAI DipArb



Wicklow County Council
County Buildings
Wicklow
0404-20100

05/04/2023 15 11 14

Receipt No L1/0/311368
***** REPRINT *****

LHA ARCHITECTURE
45 SOUTH HILL
DARTRY
DUBLIN 6

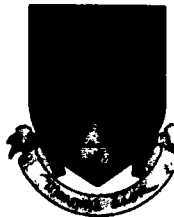
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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County Buildings
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Date Received 05/04/23
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: **Judith Meagher**
Address of applicant:

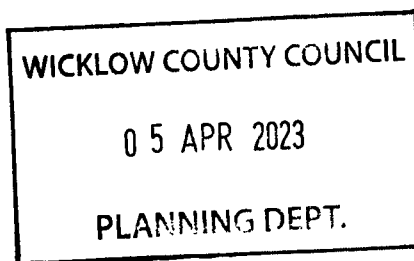
4

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) **David Leyden MRIAI**
Address of Agent : **LHA Architecture,
45 South Hill, Dartry, Dublin 6**

3. Declaration Details

- i. Location of Development subject of Declaration
Granabeg Upper, Vallemount, Co. Wicklow, W91 X9D5
- 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 – **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

the construction of a single storey extension with a floor area of 39m2 to the rear of an existing dwelling which has not been previously extended

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration

Class 1 exempted development in accordance with Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)

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

***A_01 – 1:1000 site location map + photos
B_01 – 1:100 plans sections and elevations***

viii. Fee of € 80 Attached ?

Please call me on to take payment by card

Signed : _____ Dated : **31.03.23**

David Leyden MRIAI, Agent

ADDITIONAL CONTACT INFORMATION

An Ghreanach
Bheag Uachtarach
Granabeg Upper

Description:
=====

Digital Landscape Model (DLM)

Publisher / Source:
=====

Ordnance Survey Ireland (OSi)

Data Source / Reference:
=====

PRIME2

File Format:
=====

Autodesk AutoCAD (DWG_R2013)

File Name:
=====

v_50325320_1.dwg

Clip Extent / Area of Interest (AOI):
=====

LLX,LLY= 699926.8185,702395.1987
LRX,LRY= 700509.8185,702395.1987
ULX,ULY= 699926.8185,702825.1987
URX,URY= 700509.8185,702825.1987

Projection / Spatial Reference:
=====

Projection= IREN95_Irish_Transverse_Mercator

Centre Point Coordinates:
=====

X,Y= 700218.3185,702610.1987

Reference Index:
=====

Map Series | Map Sheets
1:5,000 | 3840
1:5,000 | 3841

Data Extraction Date:
=====

Date= 25-Mar-2023

Source Data Release:
=====

DCMLS Release V1.162.115

Product Version:
=====

Version= 1.4

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Arna thiomsú agus arna fhoilsiú ag Suirbhéireacht Ordanáis Éireann, Páirc an Fhionnuisce, Baile Átha Cliath 8, Éire.

Sáraíonn atáirgeadh neamhúdairithe cóipcheart Shuirbhéireacht Ordanáis Éireann agus Rialtas na hÉireann.

Gach cead ar cosnamh. Ní ceadmhach aon chuid den fhoilseachán seo a chóipeáil, a atáirgeadh nó a tharchur in aon fhoirm ná ar aon bhealach gan cead i scríbhinn roimh ré ó úinéirí an chóipchirt.

Ní hionann bóthar, bealach nó cosán a bheith ar an léarscáil seo agus fianaise ar chead slí.

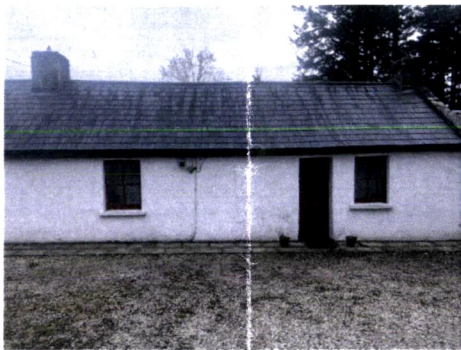
Ní thaispeánann léarscáil de chuid Ordanáis Shuirbhéireacht na hÉireann teorann phointí dleathúil de mhaoin riamh, ná úinéireacht de ghnéithe fhisiciúla.

SITE LOCATION MAP - 1:1000

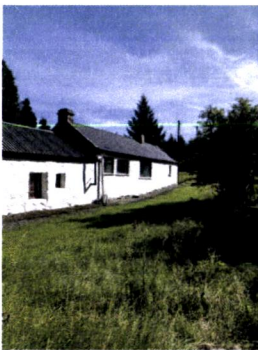
RED LINE INDICATES EXTENT OF BOUNDARY
YELLOW INDICATES RoW



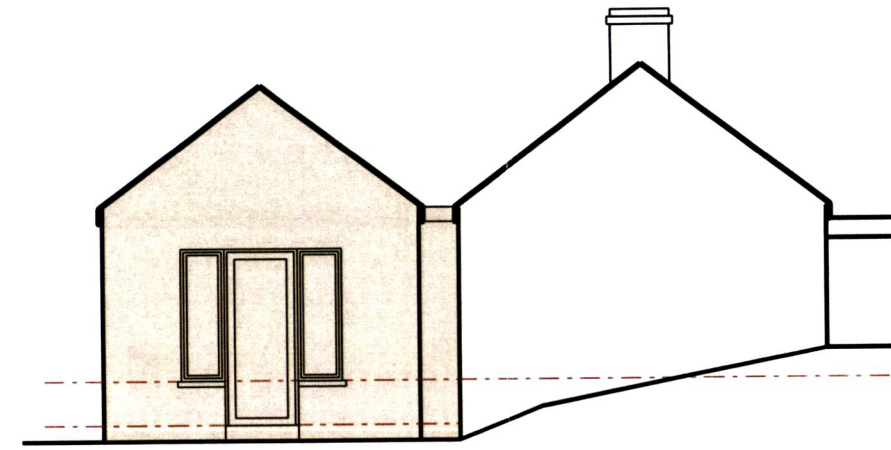
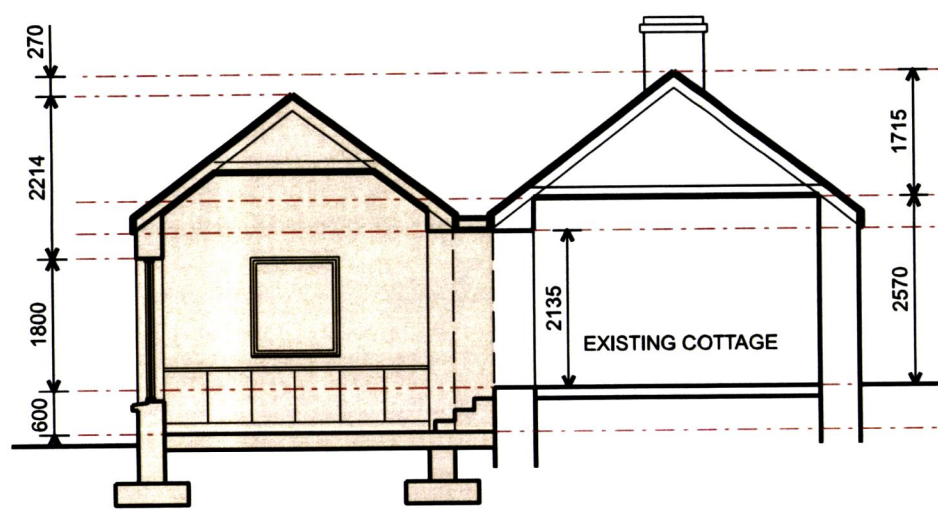
AERIAL VIEW



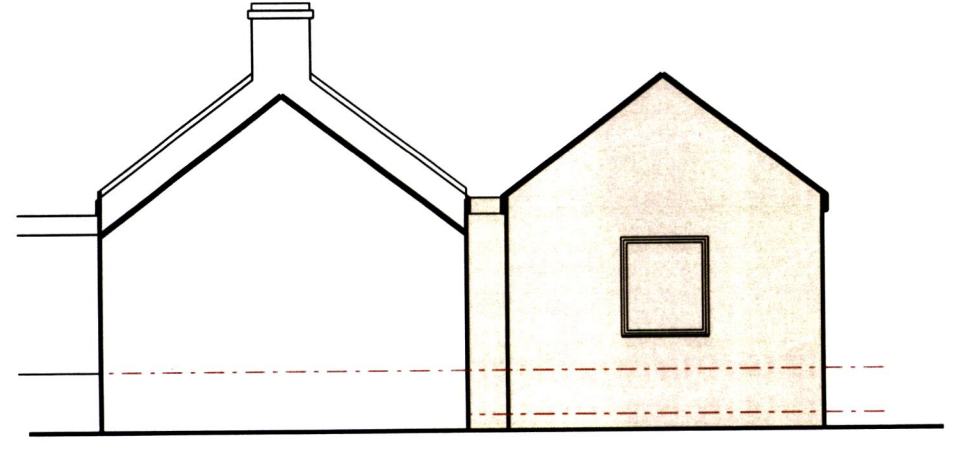
NORTH ELEVATION WITH FRONT DOOR



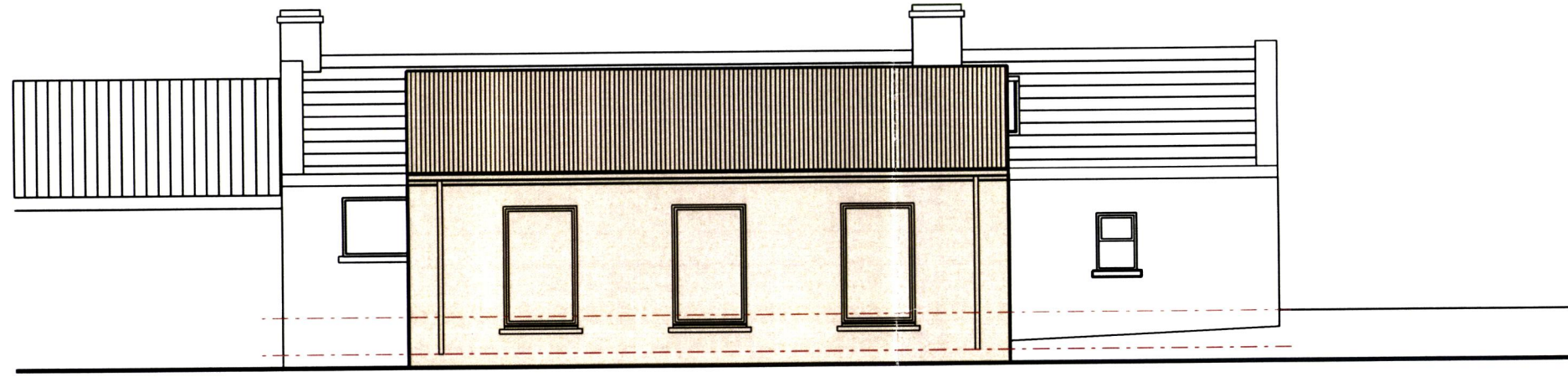
SOUTH ELEVATION TO REAR



EAST ELEVATION



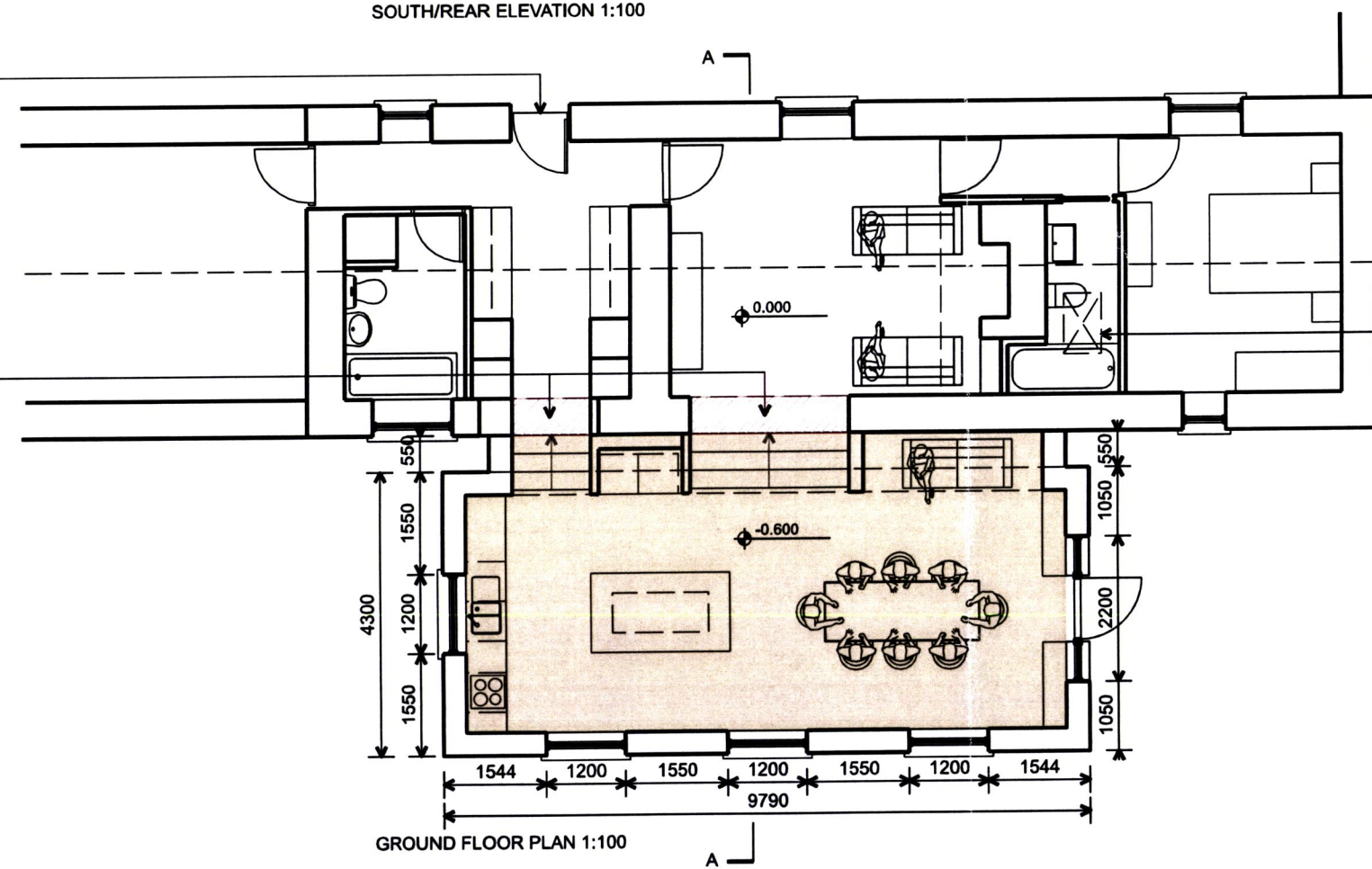
WEST ELEVATION 1:100



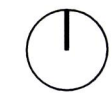
SOUTH/REAR ELEVATION 1:100

EXISTING FRONT DOOR

BREAK OUT EXISTING WINDOW
OPES TO FORM OPENINGS



NEW ROOFLIGHT WINDOW



- EXTENT OF PROPOSED REAR EXTENSION - AREA 39M2
- EXTENT OF DEMOLITION



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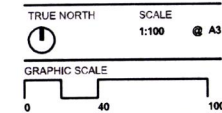
CLIENT
JUDITH MEAGHER

PROJECT ADDRESS
GRANABEG UPPER
VALLEYMOUNT
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W91 X9D5

PROJECT NO.
2302

ISSUE DATE FOR
01 31.03.23 SECTION V DECLARATION

REVISIONS	
01	
01	
01	
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DRAWING	
PLAN SECTION + ELEVATIONS	
DRAWING NUMBER	ISSUE
B01	01



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