



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

Rosalind Watson

11<sup>th</sup> September 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) – EX56/2023**

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.





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

**Applicant: Rosalind Watson**

**Location: 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow**

**CHIEF EXECUTIVE ORDER NO. Brook Avenue, Tinnapark, Kilpedder A63 PF75**

A question has arisen as to whether "conversion of attached garage to residential use, installation of a new window and block wall in place of garage doors, replacement of existing windows and painting of dwelling" at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow is or is not exempted development.

### Having regard to:

- The details submitted with the Section 5 Declaration Application on the 16<sup>th</sup> August 2023 and 6<sup>th</sup> September 2023.
- Planning Permission Register Reference PRR 88/8706
- Section 3 and 4 (1)(h), and 4 (2) of the Planning & Development) Act 2000 (as amended)
- Article 6, 9 and Schedule 2 : Part 1: Class 1 of the Planning and Development Regulations 2001 (as amended)

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

- The works of conversion, and installation of windows/ blockwork would come with the provisions of Section 3 of the Planning and Development Act 2000(as amended), and is therefore development
- The conversion of the garage to residential use would come within the description and limitations set out under Class 1 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended).
- The external alterations as part of the conversion of the existing garage, and which would affect the exterior of the structure would not it is considered materially affect the external appearance such that it would be inconsistent with the character of the structure or neighbouring structures, and would therefore be exempted having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

**The Planning Authority considers that** "conversion of attached garage to residential use, installation of a new window and block wall in place of garage doors, replacement of existing windows and painting of dwelling" at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow **is development and is exempted development.**

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 11<sup>th</sup> September 2023



**WICKLOW COUNTY COUNCIL**

**PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5**

**CHIEF EXECUTIVE ORDER NO. CE/PDE/1604/2023**

Reference Number: EX 56/2023

Name of Applicant: Rosalind Watson

Nature of Application: Section 5 Referral as to whether "conversion of attached garage to residential use, installation of a new window and block wall in place of garage doors, replacement of existing windows and painting of dwelling" is or is not exempted development

Location of Subject Site: 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow

Report from Billy Slater, AP & Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "conversion of attached garage to residential use, installation of a new window and block wall in place of garage doors, replacement of existing windows and painting of dwelling" at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

**Having regard to:**

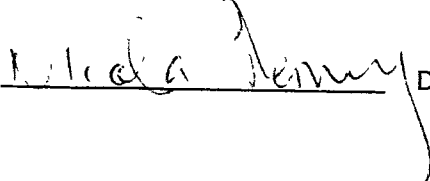
- a) The details submitted with the Section 5 Declaration Application on the 16<sup>th</sup> August 2023 and 6<sup>th</sup> September 2023.
- b) Planning Permission Register Reference PRR 88/8706
- c) Section 3 and 4 (1)(h), and 4 (2) of the Planning & Development Act 2000 (as amended)
- d) Article 6, 9 and Schedule 2 : Part 1: Class 1 of the Planning and Development Regulations 2001 (as amended)

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

- The works of conversion, and installation of windows/ blockwork would come with the provisions of Section 3 of the Planning and Development Act 2000(as amended), and is therefore development
- The conversion of the garage to residential use would come within the description and limitations set out under Class 1 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended).
- The external alterations as part of the conversion of the existing garage, and which would affect the exterior of the structure would not it is considered materially affect the external appearance such that it would be inconsistent with the character of the structure or neighbouring structures, and would therefore be exempted having regard to the provisions of Section4(1)(h) of the Planning and Development Act 2000 (as amended).

## Recommendation

The Planning Authority considers that "conversion of attached garage to residential use, installation of a new window and block wall in place of garage doors, replacement of existing windows and painting of dwelling" at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow is development and is exempted development, as recommended in the report by the SEP.

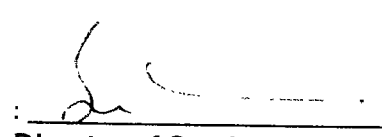
Signed  Dated 11<sup>th</sup> day of September 2023

## ORDER:

### I HEREBY DECLARE:

That "conversion of attached garage to residential use, installation of a new window and block wall in place of garage doors, replacement of existing windows and painting of dwelling" at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow **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 11<sup>th</sup> day of September 2023

## **Section 5 Declaration Report EX 56/2023.**

Date : 11<sup>th</sup> September 2023.

See previous report of Assistant Planner dated the 30<sup>th</sup> August 2023, further information request issued on foot of that report and a reply was received on the 6<sup>th</sup> September 2023.

### **Assessment of Further Information :**

#### Item 1

1.a) Clarify if the existing dwelling has undergone any previous extensions.

Indicated that the house has never been extended – therefore limitation no. 2 of Class 1 has been met.

b) The scale of the garage subject to conversion.

Indicated that the garage is 3.63 x 3.37 m i.e. 12.23sqm , and therefore the extension would not exceed the Limitation no. 3 of Class 1 .

Having regard to the submitted details and further information received, the conversion of the garage would come within the provisions of Class 1 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended).

### **Recommendation :**

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

Conversion of attached garage to residential use, installation of a new window and block wall in place of garage doors, replacement of existing windows, and painting of dwelling, at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that :

Conversion of attached garage to residential use, installation of a new window and block wall in place of garage doors, replacement of existing windows, and painting of dwelling, at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow

**is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration Application on the 16th August 2023 , and 6<sup>th</sup> September 2023.
- b) Planning Permission Register Reference PRR 88/8706
- c) Section 3 and 4 (1)(h), and 4 (2) of the Planning & Development) Act 2000 (as amended)

c) Article 6, 9 and Schedule 2 : Part 1: Class 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

- The works of conversion, and installation of windows/ blockwork would come with the provisions of Section 3 of the Planning and Development Act 2000(as amended), and is therefore development
- The conversion of the garage to residential use would come within the description and limitations set out under Class 1 : Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended).
- The external alterations as part of the conversion of the existing garage, and which would effect the exterior of the structure would not it is considered materially affect the external appearance such that it would be inconsistent with the character of the structure or neighbouring structures, and would therefore be exempted having regard to the provisions of Section4(1)(h) of the Planning and Development Act 2000(as amended).

*Seán Bannigan SEP.*

11/9/2023

*Agreed  
Be  
DJS.  
11/9/23*

**MEMORANDUM**  
**WICKLOW COUNTY COUNCIL**

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**TO: Edel Bermingham**  
**Senior Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

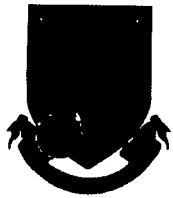
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**RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 56/2023**

I enclose herewith for your attention application for Section 5 Declaration. Further Information was received on 6<sup>th</sup> September 2023.

The due date on this declaration is the 26<sup>th</sup> September 2023.

  
**Staff Officer**  
**Planning Development & Environment**



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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

17<sup>th</sup> August 2023


Rosalind Watson

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 56/2023**

A Chara

I wish to acknowledge receipt on 6<sup>th</sup> September 2023 Further Information supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 26<sup>th</sup> September 2023.

Mise, le meas

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





## Nicola Fleming

---

**From:** Rosalind Watson  
**Sent:** Wednesday 6 September 2023 10:41  
**To:** Nicola Fleming  
**Subject:** Re: Attn: Nicola Fleming  
**Attachments:** image001.jpg

Hi Nicola

I appreciate you sending the email ahead of the letter.

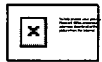
I can confirm that the house has not undergone any extension since it was originally built.

And the garage floor area is: 3.63m Deep x 3.37m Wide.

If you need any further information please contact me by email or by phone 086 8430131.

Kind regards

Su



Virus-free. [www.avast.com](https://www.avast.com)

On Tue, Sep 5, 2023 at 9:01 AM Nicola Fleming <[NFleming@wicklowcoco.ie](mailto:NFleming@wicklowcoco.ie)> wrote:

Hi Su the planning has come back and in order to fully assess the Section 5 query you are requested to submit further details inclusive of:

1. Clarify if the existing dwelling has undergone any previous extension
2. The size of the garage floor area which is to be converted should be submitted.

An official letter will be issued in the post but I said I would just email this to you also to speed things up for your mam.

Regards,

Nicola Fleming

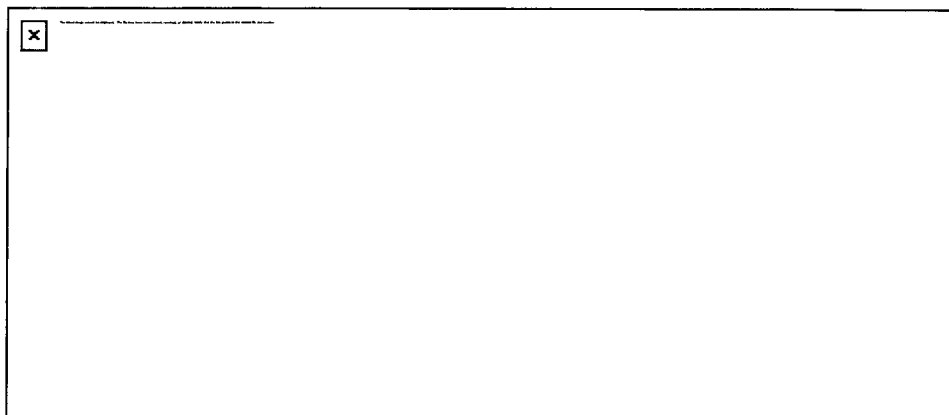
Staff Officer

Planning Department

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

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

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



**From:** Rosalind Watson  
**Sent:** Tuesday 29 August 2023 10:21  
**To:** Planning - Planning and Development Secretariat  
**Subject:** Attn: Nicola Fleming

Hi Nicola

Just wondering if there is any chance of a decision on my Mum's Section 5 application before 12 September?

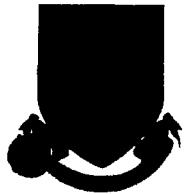
There is at least an 8 week lead time on her new triple glazed windows and I am keen to get the house ready for winter.

Many thanks.

Su Watson



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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

05/09/2023

**Rosalind Watson**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Act 2000 (as amended) EX 56/2023**

A Chara

In relation to your application for Certificate of exemption under Section 5 of the Planning & Development Act 2000 (as amended) in order to fully assess your query the following further details should be submitted\_ -

1. Clarify if the existing dwelling has undergone any previous extensions.
2. The size of the garage floor area which is to be converted should be submitted.

Mise, le meas

**SENIOR STAFF OFFICER**

**PLANNING DEVELOPMENT AND ENVIRONMENT**





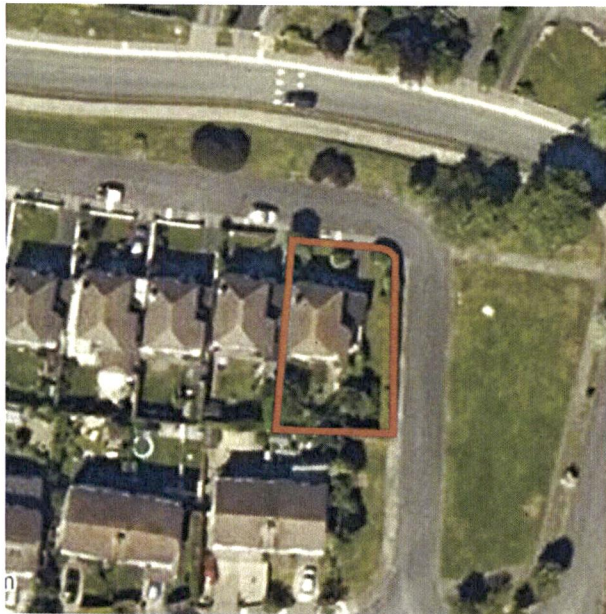
**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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**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 56/2023  
**Applicant:** Rosalind Watson  
**Date of Application:** 16/08/2023  
**Decision Due Date:** 12/09/2023  
**Address:** 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow  
**Exemption Query:** Replace garage door with block and new window similar to neighbour. Replace old Georgian style white windows with plain style triple glazed windows in white woodgrain finish – Note: a house close by at the rise has plain style windows recently installed. Change colour of house to colourtrend wild garlic or similar as (white with a subtle hint of grey) with lorelei or similar on corner stones.

**Application Site:** The subject site is located within the larger western residential suburb of the of the level 2 settlement of Wicklow Town. The site is accessed via the L-50991-28 local public road, in itself accessed off of Friarshill road. The subject site is occupies by a tow story detached dwelling. The application site is located within an existing residential zoning and is surrounded by further dwellings beyond all site parameters.

**Google Maps Image and Site Image**



**Section 5 Referral**

From examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows,

- *Conversion of attached garage to residential use and installation of a new window and block wall in place of garage doors, replacement of existing windows, and painting of dwelling, at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow.*

## **Planning History:**

### **Subject Site:**

**Ref** 88/8706

**Applicant** Thunderhill Ltd

**Development** 73 houses (ext. of duration of permission applied for by Terence McMenamin granted on the 13th April, 1994)

**Decision** Grant

### **Question:**

The applicants have applied to see whether or not the following is or is not development and is or is not exempted development:

*Conversion of attached garage to residential use and installation of a new window and block wall in place of garage doors, replacement of existing windows, and painting of dwelling, at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow.*

## **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)** is relevant for the purposes of this declaration:

*“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,*

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.*
- 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.*
- 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.*
- (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.*
- 7. The roof of any extension shall not be used as a balcony or roof garden.*

Other Conditions and Limitations include:

- 1. No such structure shall be constructed, erected or placed forward of the front wall of a house.*
- 2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.*

3. *The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.*

4. *The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.*

5. *The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

6. *The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.*

#### **Details Submitted in support of Application:**

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

- *Conversion of attached garage to residential use and installation of a new window and block wall in place of garage doors, replacement of existing windows, and painting of dwelling, at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow.*

It is noted by the applicant that similar works have occurred within neighboring dwellings referencing both the change in windows, garage conversion, and change of dwelling colour.

#### **Assessment:**

It is proposed to convert the existing attached garage (located to the east of the dwelling) from a garage to domestic residential use via the installation of a block wall and front facing window in place of the garage door. No further details have been provided regarding the scale of the conversion. It is stated that the windows shall be replaced to a 'plain style' triple glazed window and that the dwelling shall be painted in a 'colourtrend wild garlic or similar as (white with a subtle hint of grey) with lorelei or similar on corner stones.'

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 it's 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 or side?</i>	<i>Yes</i>
<i>Was the house extended previously?</i>	<i>Unknown</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>Unknown</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>Yes existing roof is flat and no the extension does not exceed the height of the eaves or parapet</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 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.</i>	<i>No, no change in private open space.</i>
<i>Would the window proposed at ground level in the extension be less than 1 metre from the boundary it faces?</i>	<i>No, the window on the front elevation would be more than 1m from the boundary it faces.</i>
<i>Would the roof of the extension be used as a balcony or roof garden?</i>	<i>No</i>

As the proposed scale of the garage conversion or status of the dwelling with regard to if it has been previously extended is not stated, it is considered that further information is required.

It is noted that under the housing developments parent permission PRR88/4068 that condition 3 outlines that “external roofs and walls shall match the finish and colour of houses already constructed in the estate”. In this regard it is considered that the proposed change in colour to off-white is considered to “match” that of the existing dwellings within the housing estate and would therefore be in compliance with the above condition. It is considered that the proposed works inclusive of the replacement of the existing windows and external paint colour to a colour in the white



to off-white rage does 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).

It is noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per *Article 9 (1)*

**Recommendation:**

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the *'Conversion of attached garage to residential use and installation of a new window and block wall in place of garage doors, replacement of existing windows, and painting of dwelling, at 1 The Rise, Friars Hill, Wicklow Town, Co. Wicklow'* is or is not exempted development,

The Planning Authority considers that:

The proposal of the *'Conversion of attached garage to residential use and installation of a new window and block wall in place of garage doors, replacement of existing windows, and painting of dwelling, at 1 The Rise, Friars Hill, Wicklow Town', Co. Wicklow* is development and that Further Information is required to determine if the proposed development is exempt development.

**Recommendation:**

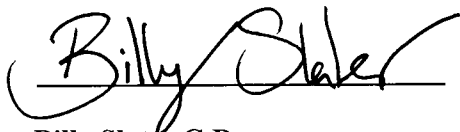
**FURTHER INFORMATION**

1. In order to fully assess the section 5 query, you are requested to submit further details inclusive of;

a) Clarify if the existing dwelling has undergone any previous extensions.

b) ~~The scale of the garage subject to conversion.~~

The size of the garage floor area which is to be converted should be submitted.



Billy Slater G.P.  
30/08/2023

Agreed as needed  
2nd SEP

8/9/2023



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

## MEMORANDUM

### WICKLOW COUNTY COUNCIL

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**TO: Billy Slater**  
**Graduate Planner**

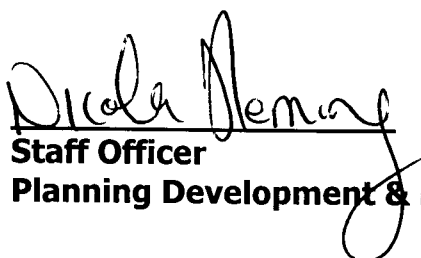
**FROM: Nicola Fleming**  
**Staff Officer**

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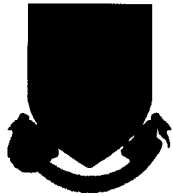
**RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 56/2023**

I enclose herewith for your attention application for Section 5 Declaration received 16<sup>th</sup> August 2023.

The due date on this declaration is the 12<sup>th</sup> September 2023.

  
**Staff Officer**  
**Planning Development & Environment**





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17<sup>th</sup> August 2023

**Rosalind Watson**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 56/2023**

A Chara

I wish to acknowledge receipt on 16<sup>th</sup> August 2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 12<sup>th</sup> September 2023.

Mise, le meas

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



## Nicola Fleming

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**From:** Nicola Fleming  
**Sent:** Wednesday 16 August 2023 09:32  
**To:**  
**Subject:** EX 56/2023 application under section 5 for exempted development

Hi Rosalind,

I tried calling this morning I have received your application. We require a site location map in order to process your application. A map from the Eircode site will suffice.

Regards,

*Nicola Fleming*

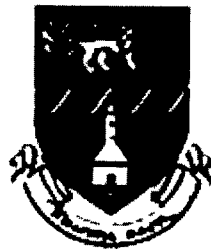
Staff Officer

Planning Department

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

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

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





Satellite



 **EIRCODE**



Rialtas na hÉireann  
Government of Ireland

Department of the Environment,  
Climate & Communications

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©Eircode 20

Wicklow County Council  
County Buildings  
Wicklow  
0404 20100

09/08/2023 12:24:00

Receipt No L1/0/317153

ROSALIND WATSON  
1 THE RISE  
FRIARS HILL  
WICKLOW TOWN

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Credit Card	80.00
REF SUSANNA WATSON	

Change	0.00
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Issued By Cindy Driver  
From Customer Service Hub  
Vat reg No 0015233H

9<sup>th</sup> August 2023

Planning Department  
Wicklow County Council  
County Buildings  
Wicklow  
Co. Wicklow

Re: Section 5 Submission for Exempted Development

Dear Sir/Madam

Please find attached my completed 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.

Below are some comments that relate to my application.

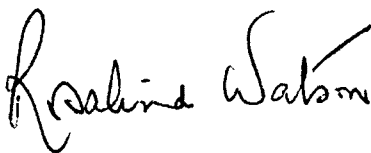
The garage conversion is needed to provide utility space and a downstairs bedroom, as I will turn 80 this year and may need it in the future.

The house was built around 1995/1996 and the existing windows are now well over 20 years old. The new windows are required to improve energy efficiency.

Regarding the new house colour scheme - while the original planning conditions for the 73 houses within the estate (Planning Register Reference 4068/88) state that "external roofs and walls shall match the finish and colour of houses already constructed on the estate" it seems that other houses within the estate have, over time, been painted in different colours. This makes the row of houses at the front substantially different from other houses within the estate.

I am seeking clarification before ordering new windows and arranging for painters to commence work.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rosalind Watson'. The signature is fluid and cursive, with the first name 'Rosalind' written in a larger, more prominent script than the surname 'Watson'.

Rosalind Watson



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: ROSALIND WATSON

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  
1 THE RISE, FRIARS HILL, WICKLOW TOWN  
A67 F896

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

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

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration Replace garage door with block and new window similar to neighbours. Replace old Georgian style white windows with plain style triple glazed windows in white woodgrain finish - note: a house close by at The Rise has plain style windows recently installed. Change colour of house to Colourtend Wild Garlic or similar (white with a subtle hint of grey). Additional details may be submitted by way of separate submission. with Lorelei or similar on corner stones.

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

*Additional details may be submitted by way of separate submission.*

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure ( or proposed protected structure) ? NO

vii. List of Plans, Drawings submitted with this Declaration Application \_\_\_\_\_

viii. Fee of € 80 Attached ? paid cash desk 9/8/23

Signed : Ronnie Watson Dated : 9/8/23

**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.

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