



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel (0404) 20148
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Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

5th June 2025

Luke Cassoni
78 Charnwood
Bray
Co. Wicklow
A98 Y563

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX55/2025

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

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/582

Reference Number: EX55/2025

Name of Applicant: Luke Cassoni

Nature of Application: Section 5 Declaration request as to whether or not: -
"garage conversion" is or is not development and is or is
not exempted development.

Location of Subject Site: 78 Charnwood, Bray, 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
"garage conversion" at 78 Charnwood, Bray, Co. Wicklow is or is not exempted development
within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- i. The details received on 14/05/2025;
- ii. Sections 2, 3, and 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 and Development Regulations 2001 (as amended).


Main Reason with respect to Section 5 Declaration:

1. The proposed garage conversion is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
2. The proposed garage conversion is inclusive of the provision of an extension to front of the existing garage. As the proposed extension is to the front of the dwelling it is considered that the works would fall outside of the description of Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) and therefore does not constitute exempted development.

Recommendation:

The Planning Authority considers that "garage conversion" at 78 Charnwood, Bray, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed 


Dated  day of June 2025

ORDER:

I HEREBY DECLARE THAT "garage conversion" at 78 Charnwood, Bray, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

Senior Engineer
Planning, Economic & Rural Development

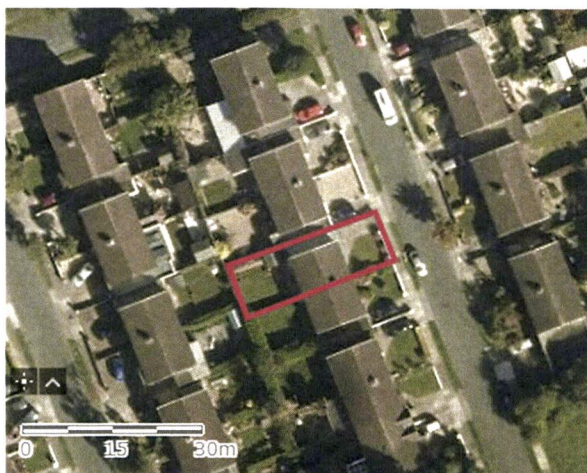
Dated  day of June 2025



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 55/2025
Applicant: Luke Cassoni
Date of Application: 14/05/2025
Decision Due Date: 10/06/2025
Address: 78 Charnwood, Bray, Co. Wicklow
Exemption Query: Garage conversion
Application Site: The application site is located in the level 1 urban settlement of Bray Rathnew within the Charnwood housing development, and is occupied by a 2-storey dwelling, with parking facilities to the front and a private garden to the rear. The site is accessed via the L-19654-10 local public road and is bound by further dwellings within the Charnwood estate beyond all site boundaries.

Aerial / Site Image



Relevant Planning History:

No relevant planning history on site.

Question:

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

- Garage Conversion

at 78 Charnwood, Bray, Co. Wicklow 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) 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) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9 (1):

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,*

And so on,

Schedule 2, Part 1 outlines classes of exempt development as well as associated conditions and limitations. The following are of relevance.

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

Associated conditions and 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.*

3. *(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.

4. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*

5. *(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.

6. *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.*

(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:

- Cover letter
- Eircode finder site map
- Floor plans of the existing garage / proposed conversion inclusive of a Kitchen Utility and pantry / bathroom / office and sitting room.
- Site Photographs

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question:

Whether a

- Garage Conversion

at 78 Charnwood, Bray, Co. Wicklow 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 dwelling and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

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.

It is noted in this regard that although the proposal shall see to the conversion of the existing garage attached to the side of the house for use as part of the house (in keeping with the description of Schedule 2, Pt.1 Class 1) the proposal is also inclusive of the provision of a minor extension to front of the garage. This extension measures approximately 600mm in depth, with an associated floor area of some 1.368sqm. As the proposed extension is to the front of the dwelling it is considered that the Exemption Query would fall outside of the remit of Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) and therefore does not constitute exempted development.

Recommendation:

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

Garage Conversion

at 78 Charnwood, Bray, Co. Wicklow is or is not exempted development.

The Planning Authority considers that:


The proposed Garage Conversion at 78 Charnwood, Bray, Co. Wicklow **is development** and is **not exempted development**.

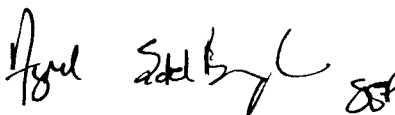
Main Considerations with respect to Section 5 Declaration:

- i. The details received on 14/05/2025;
- ii. Sections 2, 3, and 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 and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The proposed garage conversion is considered works and is therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- The proposed garage conversion is inclusive of the provision of an extension to front of the existing garage. As the proposed extension is to the front of the dwelling it is considered that the works would fall outside of the description of Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) and therefore does not constitute exempted development.


Billy Slater A.P.
03/06/2025


3/6/2025.

*Issue declaration as recommended
Fig. 1 to May 25
5/6/25*



Comhairle Contae Chill Mhantáin Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Billy Slater
Assistant Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX55/2025**

I enclose herewith application for Section 5 Declaration received completed on 14/05/2025.

The due date on this declaration is 10th June 2025.



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





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Suíomh / Website: www.wicklow.ie

**Luke Cassoni
78 Charnwood
Bray
Co. Wicklow
A98 Y563**

16th May 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX55/2025

A Chara

I wish to acknowledge receipt on 14/05/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 10/06/2025.

Mise, le meas

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



Nicola Fleming

From: Nicola Fleming
Sent: Wednesday 14 May 2025 11:19
To: 'Luke Cassoni'
Subject: RE: Section 5 Declaration Request – Garage Conversion - 78 Charnwood, Bray, Co. Wicklow

Hi Luke,

Can you forward me a site location map please (eircode map will suffice) , a site location map is required in order to process your application.

Regards,

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

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

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

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



Comhairle Chontae Chill Mhantáin
Wicklow County Council

From: Luke Cassoni [mailto:luke.cassoni@wicklowcoco.ie]
Sent: Tuesday 13 May 2025 21:51
To: Planning - Planning and Development Secretariat
Subject: Section 5 Declaration Request – Garage Conversion - 78 Charnwood, Bray, Co. Wicklow

External Sender - From: Luke Cassoni

Signed

This message came from outside your organisation.

CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good evening,

I hope this email finds you well. I was speaking to someone in the planning department about 1-2 weeks ago regarding converting an existing garage.

Please see the Section 5 Application attached along with a cover letter.

If there are any questions please let me know and if you need to get in touch with me, please contact me on 086 405 6652.

Kind regards,

13th May 2025

78 Charnwood, Bray, Co. Wicklow A98 Y563

To Whom It May Concern,

I am writing to request a declaration under Section 5 of the Planning and Development Act 2000 (as amended) to determine whether the proposed works to my property constitute exempted development.

The proposed conversion of the existing garage will reconfigure the space into three distinct areas:

- A utility room and pantry
- A bathroom
- A multi-purpose office/study/sitting area

The existing garage door will be replaced with a window to match the finish of the front of the house.

To achieve a level front façade and alignment with the existing porch, the proposed conversion will include a minor extension to the garage - approximately 600mm in depth - so that the front of the converted garage is flush with the existing porch/house. In addition, the front porch will be modified with a new external door to enhance the entrance and optimise the internal hallway space.

All works will comply fully with current building regulations, including thermal performance, electrical safety, and water and waste services. A new insulated warm roof will be installed as part of the garage conversion, along with modernised plumbing, electrics, and heating.

Please find attached:

- Existing floor plan of the garage & the proposed floor plan for the garage conversion
- Photos of the front of the house and the garage for the proposed

If you have any questions or should any clarification or additional information be required, I would be happy to provide it.

Thank you for your time and consideration.

Kind regards,
Luke Cassoni.

Wicklow County Council
County Buildings
Wicklow
0404-20100

21/05/2025 10:27.08

Receipt No. : L1/0/345624
***** REPRINT *****

LUKE CASSONI
78 CHARNWOOD
BRAY
CO WICKLOW

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total : 80.00 EUR

Tendered :
Credit Card 80.00
78 CHARNWOOD

Change : 0.00

Issued By : Ruth Graham
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 _____

RECEIVED 14 MAY 2025

**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: Luke Cassoni
Address of applicant: 78 Charnwood, Bray, Co. Wicklow A98 Y563

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 78 Charnwood, Bray, Co. Wicklow

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 Garage conversion

Additional details may be submitted by way of separate submission.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration Section 4(1)(h)
under the Planning & Development Act 2000.

Additional details may be submitted by way of separate submission.

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

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

viii. Fee of € 80 Attached ? No - As submitted this application via email.

Signed :  Dated : May 1, 2025

Additional Notes :

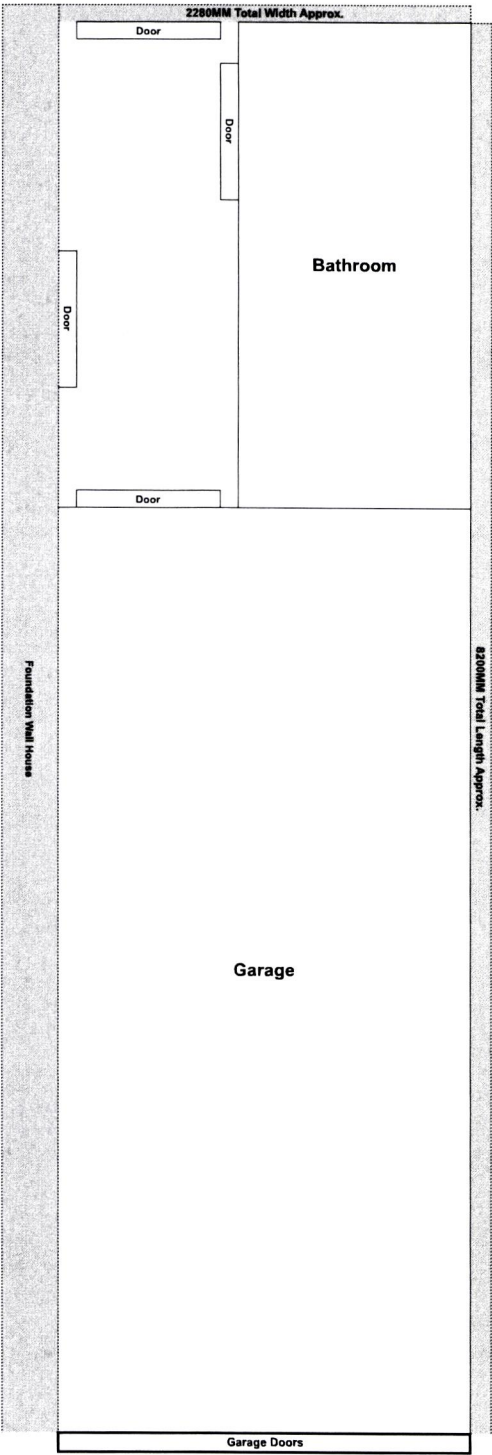
As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
- Site Location Map
 - Floor area of structure in question - whether proposed or existing.
 - Floor area of all relevant structures e.g. previous extensions.
 - Floor plans and elevations of relevant structures.
 - Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

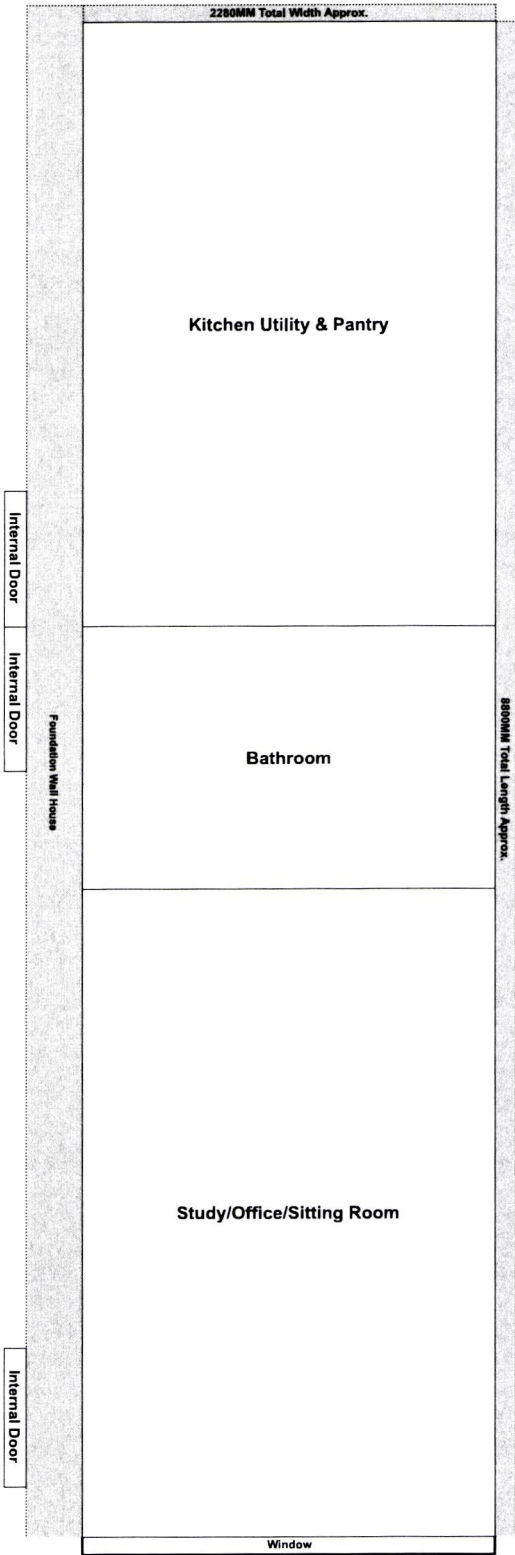
B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of

Existing Garage Layout



Coverted Garage Layout





Geographic Address

Postal Address

English | Gaeilge

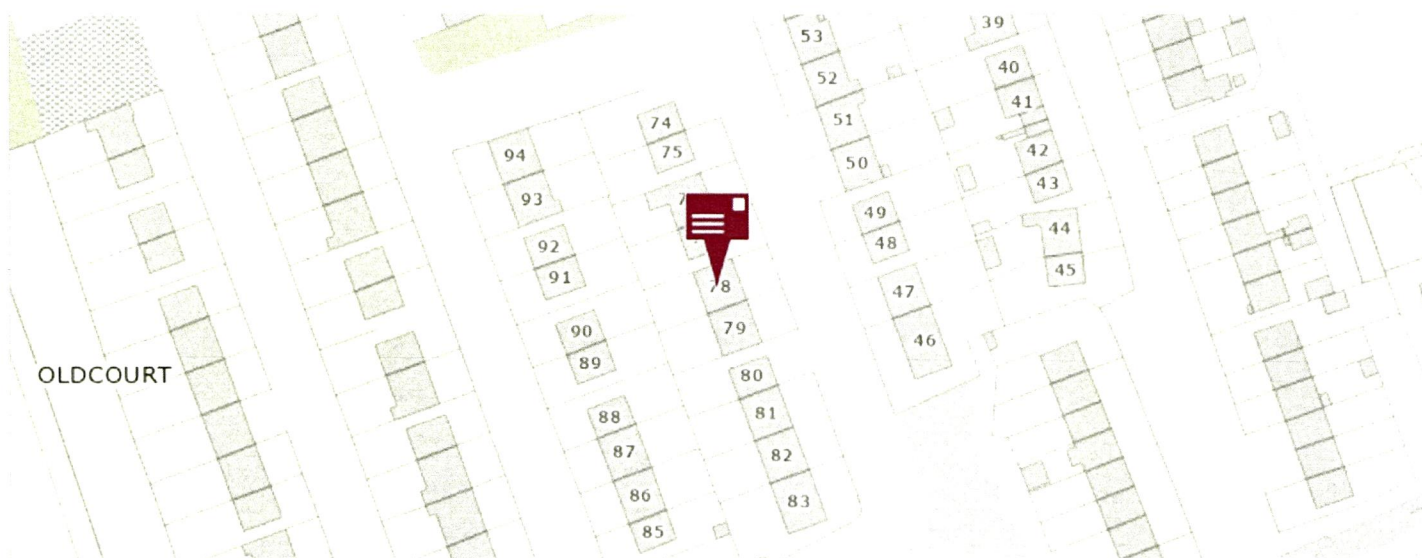
78 CHARNWOOD

BRAY

CO. WICKLOW

A98 Y563

[Address Query ?](#)



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