

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

Director of Services Order No: 2034/2022

Reference Number: EX 72/2022

Name of Applicant: Marion Davis C/O Liam Kenna

Nature of Application: Section 5 Referral as to whether "The change of existing structure from local shop on main road in Roundwood to residential unit" is or is not exempted development.

Location of Subject Site: Ashtown, Roundwood, Co Wicklow

Report from Patrice Ryan EP & Edel Bermingham SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "The change of existing structure from local shop on main road in Roundwood to residential unit" 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 this Section 5 Application on the 10/11/2022 and as clarified by Further Information received on 09/12/2022.
- b) Section 2, 3 & 4 of the Planning & Development Act 2000 (as amended).
- c) Article 10 (6) of the Planning & Development Regulations 2001, as amended;
- d) Schedule 2, Part 4 Exempted Development-Classes of Use of the Planning & Development Regulations 2001, as amended.

Main Reasons with respect to Section 5 Declaration:

- The change of use from a shop to a dwelling would be a material change of use, and therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- The change of use would come within the provision of Article 10 (6) of the Planning & Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that "The change of existing structure from local shop on main road in Roundwood to residential unit" **is development and is exempted development** as recommended in the planning reports.

Signed  Dated 22 day of December 2022

ORDER:

That a declaration to issue stating:

That "The change of existing structure from local shop on main road in Roundwood to residential unit" is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:  Dated 22nd day of December
2022

A/ Director of Services
Planning Development & Environment



COMHAIRLE CONTAE CHILL MhANTÁIN
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

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Marion Davis
C/O Liam Kenna
Moneystown
Roundwood
Co Wicklow

22nd December 2022

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

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

Exemption Ref No: EX 72/2022

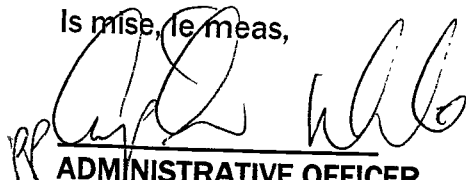
Applicant: Marion Davis C/O Liam Kenna

Nature of Application: "The change of existing structure from local shop on
main road in Roundwood to residential unit"

Location: Ashtown, Roundwood, Co Wicklow

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.



Comhairle Contae Chill Mhantáin
Wicklow County Council

Forbairt Pleanála agus Comhshaol
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**DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING &
DEVELOPMENT ACT 2000 AS AMENDED**

Applicant: Marion Davis C/O Liam Kenna

Location: Ashtown, Roundwood, Co Wicklow

DIRECTOR OF SERVICES ORDER NO 2034/2022

A question has arisen as to whether "The change of existing structure from local shop on main road in Roundwood to residential unit" is or is not exempted development.

Having regard to:

- a) The details submitted with this Section 5 Application on the 10/11/2022 and as clarified by Further Information received on 09/12/2022.
- b) Section 2, 3 & 4 of the Planning & Development Act 2000 (as amended).
- c) Article 10 (6) of the Planning & Development Regulations 2001, as amended;
- d) Schedule 2, Part 4 Exempted Development-Classes of Use of the Planning & Development Regulations 2001, as amended.

Main Reasons with respect to Section 5 Declaration:

- The change of use from a shop to a dwelling would be a material change of use, and therefore development having regard to the provisions of Section 3 of the Planning & Development Act 2000 (as amended).
- The change of use would come within the provision of Article 10 (6) of the Planning & Development Regulations 2001 (as amended).

The Planning Authority considers that "The change of existing structure from local shop on main road in Roundwood to residential unit" is development and is exempted development.

Signed


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

^{nel}
Dated 22 December 2022

WICKLOW COUNTY COUNCIL
Planning Department
Section 5 – Application for declaration of Exemption Certificate

Ref: EX 72/2022
Name: Marion Davis C/O Liam Kenna
Development: The Change of existing structure from local shop on main road in Roundwood to residential unit.
Location: Ashtown, Roundwood, Co. Wicklow

Further Information was sought as follows:

Item 1

Article 10(6)(d)(vii) requires that: *“Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting”* where Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended) defines a ‘habitable room’ as: *“a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres”*.

In this regard the kitchen of the proposed dwelling is in excess of 6.5sq.m . There are no windows or roof lights in this room. The applicant is requested to submit further information demonstrating how the development complies with Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended).

Response and Assessment

The applicant has submitted revised drawings as part of this Section 5 which includes 2 no. proposed roof lights measuring 1.8m x 0.8m each to be installed in the flat roof of the kitchen.

The proposed roof lights will not be visible from the public road and are considered to be exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and which states the following:

(1): The following shall be exempted developments for the purposes of this Act—

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

Having regard to the above it is considered that the proposal is now consistent with Article 10(6)(d)(vii) of the Planning and Development Regulations 2001(as amended) and therefore the applicant has addressed Item 1 of the Further Information Request to the satisfaction of the Planning Authority.

Item 2

Article 10 (6)(d)(vi) of the Planning and Development Regulations 2001 (as mended) requires:

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the “Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act or any subsequent updated or replacement guidelines.

The applicant is requested to demonstrate how the development complies with the minimum storage space requirements of the *"Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities"* issued under section 28 of the Act noting that designated internal storage has not been indicated on the floor plans of the residential unit. The applicant is advised that a minimum of 6 sq.m is required for a 2 bed 4 person unit and that section 3.31 of the Apartment Guidelines states that internal storage should "be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. In such cases this must be in addition to minimum aggregate living/dining/kitchen or bedroom floor areas. A store off a hallway or landing will facilitate access, but hot presses or boiler space will not count as general storage. As a rule, no individual storage room within an apartment should exceed 3.5 square metres".

Response and Assessment

The revised drawings submitted by the applicant now show the inclusion of a storage room in the layout of the proposed residential dwelling. Internal modifications will be carried out to include this storage area in the floor layout of the dwelling. These internal modifications will not impact on the exterior appearance of the building and are considered to be exempt development under Section 4 (1)(h) of the Planning and Development Act 2000(as amended) and as outlined above.

Having regard to the above it is considered that the proposal is consistent with Article 10 (6)(d)(vi) of the Planning and Development Regulations 2001 (as amended) and therefore the applicant has addressed Item 2 of the Further Information Request to the satisfaction of the Planning Authority

Item 3

The applicant states that they intend to carry out the works however it would appear when viewed externally that the building on site has already been converted. The applicant is requested to clarify this and to amend the 'proposed' drawings as necessary to reflect the structure as it is on site in particular the front elevation.

Please clarify the above with cognisance being had to the limitations set out under Article 10(6)(d).

Response and Assessment

The applicant has confirmed that the majority of the works are complete and that the only remaining works to be complete are the storage rooms and skylights. The applicant has submitted revised elevations which accurately show the dwelling on site. These are considered to be acceptable and the changes made to the fenestration area considered to be acceptable under Section (4)(1)(h) of the Planning and Development Act.

As noted in the previous report relating to this Section 5, it is noted from google maps that the building was not converted in July 2018 and was therefore converted sometime between July 2018 and the present day (19/12/2022). The relevant period is the 18th February 2018 until 31 December 2025 as outlined under Article 10(6)(d) of the Planning and Development Regulations 2001 (as amended).

It is considered that the proposal is consistent Article 10(6)(d) of the Planning and Development Regulations 2001 (as amended) and that the applicant has addressed Item 3 of the Further Information Request to the satisfaction of the Planning Authority.

RECOMMENDATION:

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

- The Change of existing structure from local shop on main road in Roundwood to residential unit.

The Planning Authority considers that:

The change of use of existing structure from local shop on main road in Roundwood to residential unit **IS Exempted Development.**

Main Considerations with respect to Section 5 Declaration:


- a) The details submitted with this Section 5 Application on the 10/11/2022 and as clarified by Further Information received on the 09/12/2022.
- b) Sections 2 and 3 of the Planning and Development Act 2000 (as amended).
- c) ~~Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).~~
- (c) d) ~~Articles 10 (6) of the Planning and Development Regulations 2001, as amended;~~
- (c) e) Schedule 2, Part 4 Exempted Development-Classes of Use of the Planning and Development Regulations 2001, as amended.

Main Reasons with respect to Section 5 Declaration:

~~As all of the limitations set out under Article 10 (6) of the Planning and Development Regulations 2001 (as amended) have been met, it is considered that the proposal consisting of the change of use of existing structure from local shop on main road in Roundwood to residential unit constitutes development and IS exempted development.~~


Executive Planner
19/12/2022

- The change of use from a shop to a dwelling would be a material change of use, and therefore development having regard to the provisions of section 3 of the Planning and Development Act 2000 (as amended).
- The change of use would come within the provisions of Article 10(6) of the Planning and Development Regulations 2001 (as amended).

Amend as notified

24/12/22

Deciding to issue
as detailed in
App/TMP
22/12/22

Section 5 Application

Ref: EX 72/2022
Name: Marion Davis C/O Liam Kenna
Development: The Change of existing structure from local shop on main road in Roundwood to residential unit.
Location: Ashtown, Roundwood, Co. Wicklow

Planning History

20/845: Planning permission GRANTED for change of use from a commercial shop to a private dwelling, demolition of 99.5sqm of existing building construction of 63.9 sqm extension, new wall to front of building, new entrance to front of building, new parking area and garden area to front of building and associate works.

05/3991: Planning permission GRANTED for new shopfront elevation to McCann's Gala Grocery Store, comprising the raising of the front walling, roof structure and finishes to form new front facade, the relocation of the internal fuel storage area, the installation of 6 no. dummy display windows, new automatic external door, internal roller shutter door, overhead canopies, fascia panels and pillasters with associated signage and the provision of a new external fuel storage area to front

00/2348: Outline permission REFSUED to Fergus Brennan for demolition of existing house/office and provision of 14 no. semi-detached dwellings.

Roundwood Town Plan 2022-2028
Level 6 Town

Zoning: Tertiary Development Area.

Relevant Legislation:

Planning and Development Act 2000 (as amended)

Section 2 : (1) In this Act, except where the context otherwise requires—

“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,

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

Section 3:

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

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

Section 4

(1): The following shall be exempted developments for the purposes of this Act—

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

(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

- a) any of the developments specified in subsection (1), or*
- b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.*

Planning and Development Regulations 2001(as amended)

Article 10(6) – inserted *by the* Planning and Development (Amendment) (No. 2) Regulations 2018 (S.I. No. 30 of 2018) - Provision to provide an exemption for the change of use, and any related works, of certain vacant commercial premises to residential use.

Schedule 2: Part 4 Exempted Developments – Classes of Use.

Assessment:

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.

The proposed development is also considered to be ‘works’ noting that it would require alteration, repair or renewal to the structure on site.

The usage prior to vacancy was a local shop. The change of use from shop to residential would be development given that it would be a material change of use when **Schedule 2: Part 4 Exempted Development – Classes of Use of the Planning and Development Regulations 2001 (as amended)** is considered.

I am therefore satisfied that the proposal for the Change of existing structure from local shop on main road in Roundwood to residential unit involves works and therefore constitutes development.

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

The conversion come within the provisions set out under **Article 10 (6)**, and the following sets out compliance/non-compliance with respect to each element of Article 10 (6):

(b) This sub-article relates to a proposed development, during the relevant period, that consists of a change of use to residential use from Class 1, 2, 3, 6 or 12 of Part 4 to Schedule 2

Yes- Proposal is for the change of use from retail to residential.

(i) the structure concerned was completed prior to the making of the Planning and Development (Amendment) (No. 2) Regulations 2018,

Yes - structure was completed prior to the 8th February 2018.

(ii) the structure concerned has at some time been used for the purpose of its current use class, being Class 1, 2, 3 or 6, or 12,

Yes

(iii) the structure concerned, or so much of it that is the subject of the proposed development, has been vacant for a period of 2 years or more immediately prior to the commencement of the proposed development, then the proposed development for residential use, and any related works, shall be exempted development for the purposes of the Act, subject to the conditions and limitations set out in paragraph (d).

Yes: The applicant states that the shop has not been open for 10 years. From Google Maps it is noted that the unit was last active in circa 2009 however has not been operational since at least 2018.

(d) (i) The development is commenced and completed during the relevant period.

Yes: The relevant period is the 18th February 2018 until 31 December 2025. It would appear that the unit is already in use as a residential dwelling. It is noted that the unit was vacant in July 2018 (see image below taken from Google Maps):



It would appear that the change of use has been completed or at least commenced as of September 2022 (see image below taken from Google Maps):



(d)(i) The development is commenced and completed during the relevant period. (ii) Subject to sub-paragraph (iii), any related works, including works as may be required to comply with subparagraph (vii), shall – (I) primarily affect the interior of the structure, (II) retain 50 per cent or more of the existing external fabric of the building, and (III) not materially affect the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures.

(iii) Any related works for the alteration of existing ground floor shop fronts shall be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures.

Yes: The applicant has submitted existing and proposed floor plans and elevations. It is noted that the windows installed on site are different in shape to those indicated on the drawings submitted however their location is the same and the shape, size and form of consistent with adjoining existing residential properties in the immediate vicinity. A new entrance door appropriate to a residential use has been installed in place of the commercial entrance door. These are the same shape and size.

The double garage doors which previously led to a storage area are still in situ and still lead to a storage area.

(iv) No development shall consist of or comprise the carrying out of works to the ground floor area of any structure which conflicts with any objective of the relevant local authority development plan or local area plan, pursuant to the Part 1 of the First Schedule to the Act, for such to remain in retail use, with the exception of any works the purpose of which is to solely provide on street access to the upper floors of the structure concerned.

Acceptable: The application site is located in the Level 6 Town of Roundwood in the tertiary development area which is furthest from the main primary development area which contains the main retail/commercial zone of Roundwood Village.

The proposed change of use of the single storey commercial/retail unit would not conflict with any objective in the Roundwood Town Plan 2022-2028 or the Wicklow County Development Plan 2022-2028.

(v) No development shall consist of or comprise the carrying out of works which exceeds the provision of more than 9 residential units in any structure.

1 no. 2 bed unit to be provided.

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

No: While storage is indicated in the storage areas associated with the former shop on site, there is no internal link between the proposed residential unit and these storage areas and it is not clear if any of these storage areas will be dedicated to the proposed residential dwelling. No dedicated storage areas have been indicated within the floor plan of the dwelling itself however it is noted that the room sizes are generous and that the applicant could easily provide internal storage in compliance with

The applicant will be requested to address this by way of Further Information and to clarify what storage areas will be dedicated to the use of the residential dwelling and how these storage areas will be accessed internally from the residential dwelling. At least 6sq.m of dedicated storage shall be provided with no individual storage area exceeding.

(vii) Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting.

Article 10(6)(a) of the Planning and Development Regulations *defines a 'habitable room'* as:

"a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres";

Further Information required noting the size of the kitchen area and that no windows are provided in this room. Noted that there is access via a porch to this room.

(viii) No development shall consist of or comprise the carrying out of works to a protected structure, as defined in section 2 of the Act, save where the relevant planning authority has issued a declaration under section 57 of the Act to the effect that the proposed works would not materially affect the character of the structure or any element, referred to in section 57(1)(b) of the Act, of the structure.

Not applicable.

(ix) No development shall contravene a condition attached to a permission under the Act or be inconsistent with any use specified or included in such a permission.

The development will not contravene a condition.

(x) No development shall relate to any structure in any of the following areas:

(I) an area to which a special amenity area order relates;

(II) an area of special planning control;

(III) within the relevant perimeter distance area, as set out in Table 2 of Schedule 8, of any type of establishment to which the Major Accident Regulations apply.

Not Applicable

(xi) No development shall relate to matters in respect of which any of the restrictions set out in subparagraph (iv), (vii), (viiA), (viiB), (viiC), (viii) or (ix) of article 9(1)(a), or paragraph (c) or (d) of article (9)(1), would apply.

Not Applicable.

(xii) No development shall consist of or comprise the carrying out of works for the provision of an onsite wastewater treatment and disposal system to which the code of practice made by the Environmental Protection Agency pursuant to section 76 of the Environmental Protection Agency Act 1992 relates and entitled Code of Practice — Wastewater Treatment and Disposal Systems Serving Single Houses together with any amendment to that Code or any replacement for it.

Not Applicable.

Notification Requirement

As has applied since the introduction of the 2018 regulations, a planning authority must be notified in writing of the details of the development at least 2 weeks prior to the commencement of the proposed change of use, and related works, and the notification must include information on the location and details of residential units being developed. The new regulations further require that the notification must include the Eircode for the relevant property.

In this regard it would appear that the change of use has already taken place, however the applicant will be requested to confirm this by way of Further Information.

RECOMMENDATION: Further Information

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the conversion of ground level commercial unit to a 2 bed residential unit at Ashtown, Roundwood, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended) it would appear from the details submitted that the works may be considered exempted, however the following is noted from the drawings and details submitted: *Information is required to fully assess the query.*

1. **Article 10(6)(d)(vii)** requires that: "Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting" where **Article 10(6)(a)** of the Planning and Development Regulations 2001 (as amended) defines a 'habitable room' as: "a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres".

In this regard the kitchen of the proposed dwelling is in excess of 6.5sq.m. There are no windows or roof lights in this room. The applicant is requested to submit further information demonstrating how the development complies with Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended).

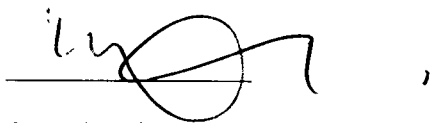
2. **Article 10 (6)(d)(vi) of the Planning and Development Regulations 2001 (as amended) requires:**

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

The applicant is requested to demonstrate how the development complies with the minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act noting that designated internal storage has not been indicated on the floor plans of the residential unit. The applicant is advised that a minimum of 6 sq.m is required for a 2 bed 4 person unit and that section 3.31 of the Apartment Guidelines states that internal storage should "be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. In such cases this must be in addition to minimum aggregate living/dining/kitchen or bedroom floor areas. A store off a hallway or landing will facilitate access, but hot presses or boiler space will not count as general storage. As a rule, no individual storage room within an apartment should exceed 3.5 square metres".

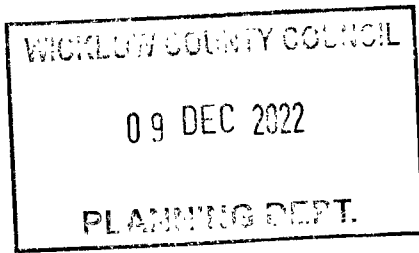
3. The applicant states that they intend to carry out the works however it would appear when viewed externally that the building on site has already been converted. The applicant is requested to clarify this and to amend the 'proposed' drawings as necessary to reflect the structure as it is on site in particular the front elevation.

Please clarify the above with cognisance being had to the limitations set out under **Article 10(6)(d)**.



Executive Planner
28/11/2022

April 26 2022
28/11/2022



L/K DESIGN
Moneystown,
Roundwood,
Co. Wicklow
E-mail: liam@kse.ie
Mob: 0879636167
21.10.22

Wicklow County Council
Planning Department,
County Council Buildings,
Wicklow Town.

RE: EX 72/2022 - Section 5 application for Marion Davis, Ashtown, Roundwood, Co. Wicklow who is seeking to change of use of existing structure used as a shop to residential use under exempt development class 1, 2, 3, or 6 of part 1 of schedule 1. Planning amendment No 2 Regulations 2018.

Dear Sir / Madame,

Please find enclosed our response to the requested further information for my clients request for exempt development as per above. The existing structure was used as a local shop on the main road in Roundwood for many years but has not been open for over 10 years now and my client wishes to turn the structure into a residential unit in line with change of use of existing structure used as a shop to residential use under exempt development class 1, 2, 3, or 6 of part 1 of schedule 1. Planning amendment No 2 Regulations 2018. Reference 72/2022.

Item 1:

Please find attached revised drawings which now show two proposed roof light (1.8m x 0.8m each) to be installed in the flat roof of the existing kitchen. These new sky lights will meet the natural light regulations of the current building regulations as they are 14 % of the rooms floor area.

Item 2:

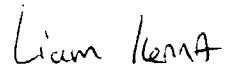
Please find attached revised drawings which now show two storage rooms beside the kitchen which are 3.1 sqm and 3.5 sqm in size. This will give a total storage size of 6.6 sqm which meets the requirements sustainable urban housing manual.

Item 3:

We can confirm the majority of the works are complete and the only remaining works to be completed now are the two storage rooms and the sky lights. We have attached updated drawings as requested.

I hope you find this satisfactory and look forward to hearing from you.

Kind Regards

A handwritten signature in black ink that reads "Liam Kenna". The signature is written in a cursive style with a large initial 'L'.

Signed:
Liam Kenna



Comhairle Contae Chill Mhantáin Wicklow County Council

Forbairt Pleanála agus Comhshaol Planning Development and Environment

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29/11/2022

Marion Davis
C/O Liam Kenna
Moneystown
Roundwood
Co Wicklow

RE: EX 72/2022

'Change of existing structure from local shop on main road in Roundwood to residential unit at Ashtown, Roundwood, Co Wicklow.'

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 10th November 2022.

Further Information:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether the conversion of ground level commercial unit to a 2 bed residential unit at Ashtown, Roundwood, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000 (as amended) it would appear from the details submitted that the works may be considered exempted, however the following information is required to fully assess the query ie;

1. **Article 10(6)(d)(vii)** requires that: *"Rooms for use, or intended for use, as habitable rooms shall have adequate natural lighting" where Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended) defines a 'habitable room' as: "a room used for living or sleeping purposes but does not include a kitchen that has a floor area of less than 6.5 square metres"*.

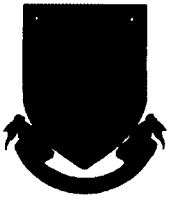
In this regard the kitchen of the proposed dwelling is in excess of 6.5sq.m . There are no windows or roof lights in this room. The applicant is requested to submit further information demonstrating how the development complies with Article 10(6)(a) of the Planning and Development Regulations 2001 (as amended).

2. **Article 10 (6)(d)(vi) of the Planning and Development Regulations 2001 (as amended) requires:**

(vi) Dwelling floor areas and storage spaces shall comply with the minimum floor area requirements and minimum storage space requirements of the "Sustainable Urban Housing: Design Standards for New Apartments — Guidelines for Planning Authorities" issued under section 28 of the Act or any subsequent updated or replacement guidelines.

The applicant is requested to demonstrated how the development complies with the minimum storage space requirements of the *"Sustainable Urban Housing: Design*





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
Suíomh / Website: www.wicklow.ie

Standards for New Apartments — Guidelines for Planning Authorities” issued under section 28 of the Act noting that designated internal storage has not been indicated on the floor plans of the residential unit. The applicant is advised that a minimum of 6 sq.m is required for a 2 bed 4 person unit and that section 3.31 of the Apartment Guidelines states that internal storage should “be additional to kitchen presses and bedroom furniture, but may be partly provided in these rooms. In such cases this must be in addition to minimum aggregate living/dining/kitchen or bedroom floor areas. A store off a hallway or landing will facilitate access, but hot presses or boiler space will not count as general storage. As a rule, no individual storage room within an apartment should exceed 3.5 square metres”.

3. The applicant states that they intend to carry out the works however it would appear when viewed externally that the building on site has already been converted. The applicant is requested to clarify this and to amend the ‘proposed’ drawings as necessary to reflect the structure as it is on site in particular the front elevation.

Please clarify the above with cognisance being had to the limitations set out under **Article 10(6)(d)**.

Mise, le meas



**SENIOR STAFF OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**





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

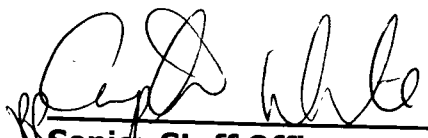
TO: Patrice Ryan
Executive Planner

FROM: Crystal White
Assistant Staff Officer

**RE:- EX 72/2022 - Declaration in accordance with Section 5 of the
Planning & Development Acts 2000 (as amended)
Change of existing structure from local shop on main road in Roundwood
to residential unit at Ashtown, Roundwood, Co Wicklow**

I enclose herewith for your attention application for Section 5 Declaration received 11th of November 2022.

The due date on this declaration is the 8th of December 2022.


Senior Staff Officer
Planning Development & Environment





**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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

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15/11/2022

**Marion Davis
C/O Liam Kenna
Moneystown
Roundwood
Co Wicklow**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). Ex 72/2022
Change of existing structure from local shop on main road in Roundwood to residential unit at Ashtown, Roundwood, Co Wicklow**

A Chara

I wish to acknowledge receipt on the 11th of November 2022 details supplied by you in respect of the above section 5 application. A decision is due in respect of this application by 08/12/2022.

Mise, le meas

**SENIOR EXECUTIVE OFFICER
PLANNING DEVELOPMENT AND ENVIRONMENT**



Wicklow County Council
County Buildings
Wicklow
0404-20100

15/11/2022 14 24 08

Receipt No L 1/0/304589

LIAM KENNA DESIGN
MONEYSTOWN
ROUNDWOOD
CO WICKLOW

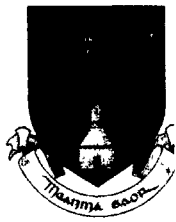
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00
REF M DAVIES

Change 0 00

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



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

Office Use Only

Date Received _____

Fee Received _____

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

1. Applicant Details

(a) Name of applicant: _____ Marion Davis _____
Address of applicant: _____

Knockraheen, Roundwood, Co. Wicklow _____

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

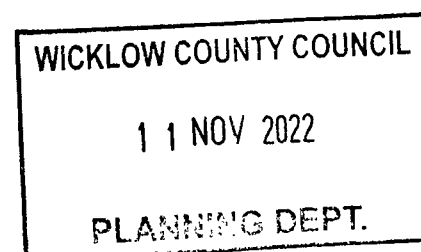
2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) LIAM KENNA _____

Address of Agent : _____

MONEYSTOWN, ROUNDWOOD, CO. WICKLOW

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



3. Declaration Details

- i. Location of Development subject of Declaration
Ashtown, Roundwood, Co. Wicklow
- 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, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration

Please find enclosed our clients request for exempt development as per above. The existing structure was used as a local shop on the main road in Roundwood for many years but has not been open for over 10 years now and my client wishes to turn the structure into a residential unit in line with change of use of existing structure used as a shop to residential use under exempt development class 1, 2, 3, or 6 of part 1 of schedule 1 . Planning amendment No 2 Regulations 2018.

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

class 1, 2, 3, or 6 of part 1 of schedule 1 . Planning amendment No 2 Regulations 2018.

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 _____
PLEASE SEE ATTACHED
- viii. Fee of € 80 Attached ? PLEASE CONTACT AGENT FOR PAYMENT

Signed : Liam Lewis Dated : 9/11/22

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 exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

L/K DESIGN
Moneystown.
Roundwood.
Co. Wicklow
E-mail: liam@kse.ie
Mob: 0879636167
21.10.22

Wicklow County Council
Planning Department.
County Council Buildings,
Wicklow Town.

RE: Section 5 application for Marion Davis, Ashtown, Roundwood, Co. Wicklow who is seeking to change of use of existing structure used as a shop to residential use under exempt development class 1, 2, 3, or 6 of part 1 of schedule 1. Planning amendment No 2 Regulations 2018.

Dear Sir / Madame,

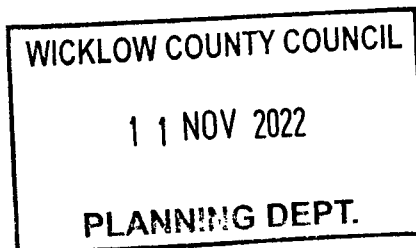
Please find enclosed our clients request for exempt development as per above. The existing structure was used as a local shop on the main road in Roundwood for many years but has not been open for over 10 years now and my client wishes to turn the structure into a residential unit in line with change of use of existing structure used as a shop to residential use under exempt development class 1, 2, 3, or 6 of part 1 of schedule 1. Planning amendment No 2 Regulations 2018.

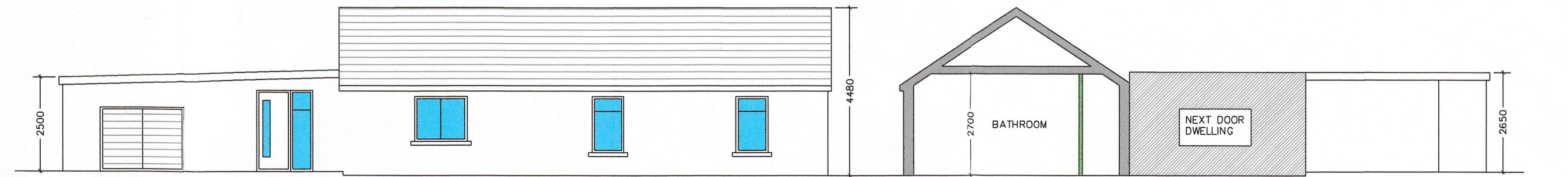
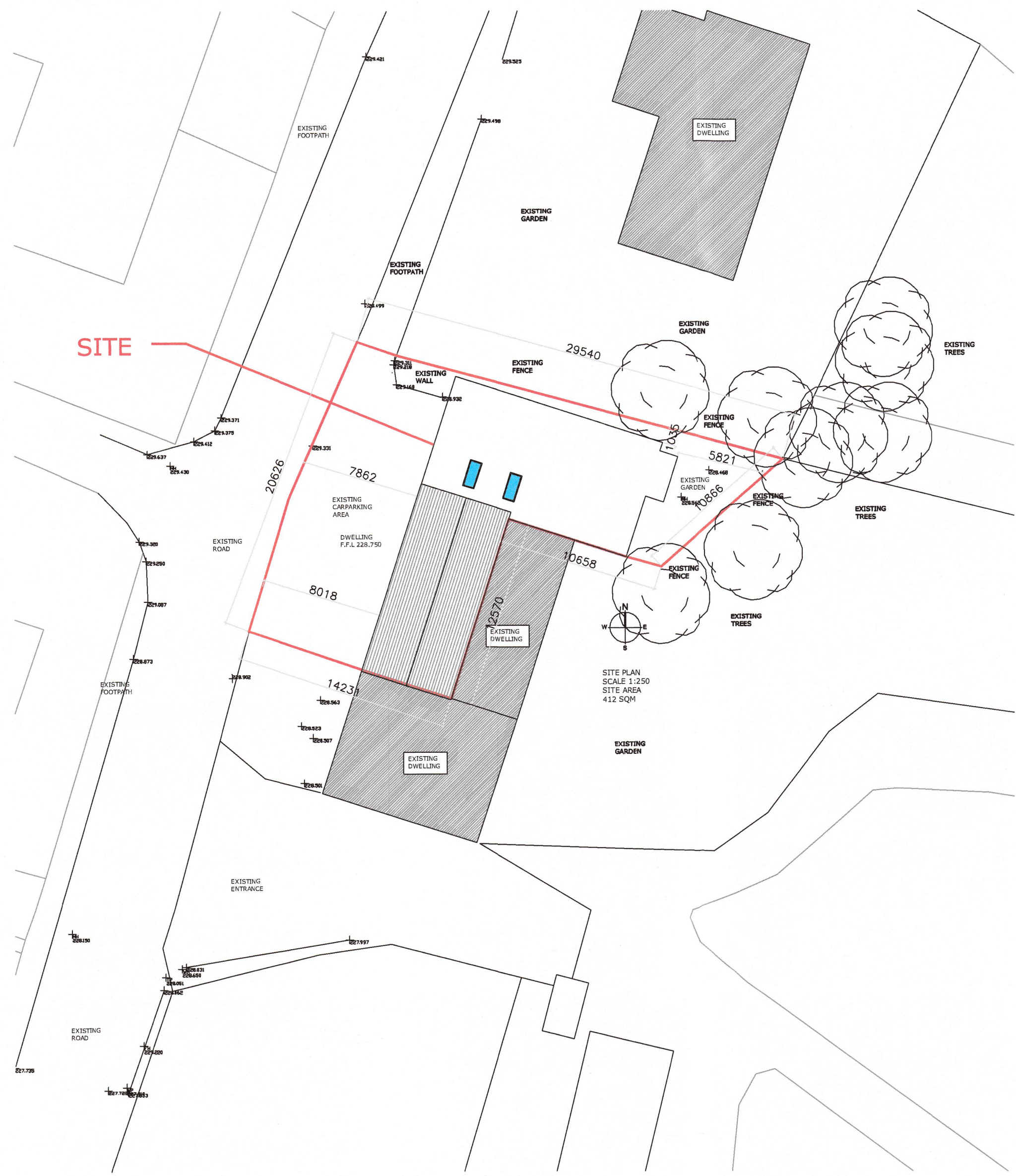
I hope you find this satisfactory and look forward to hearing from you.

Kind Regards

Signed:
Liam Kenna

Liam Kenna

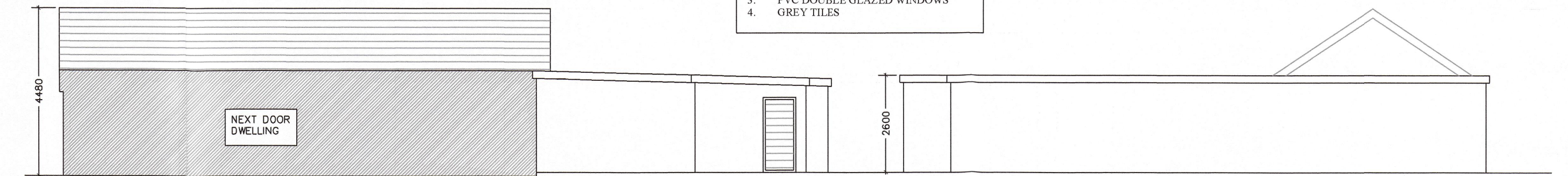




FRONT ELEVATION
SCALE 1 : 100

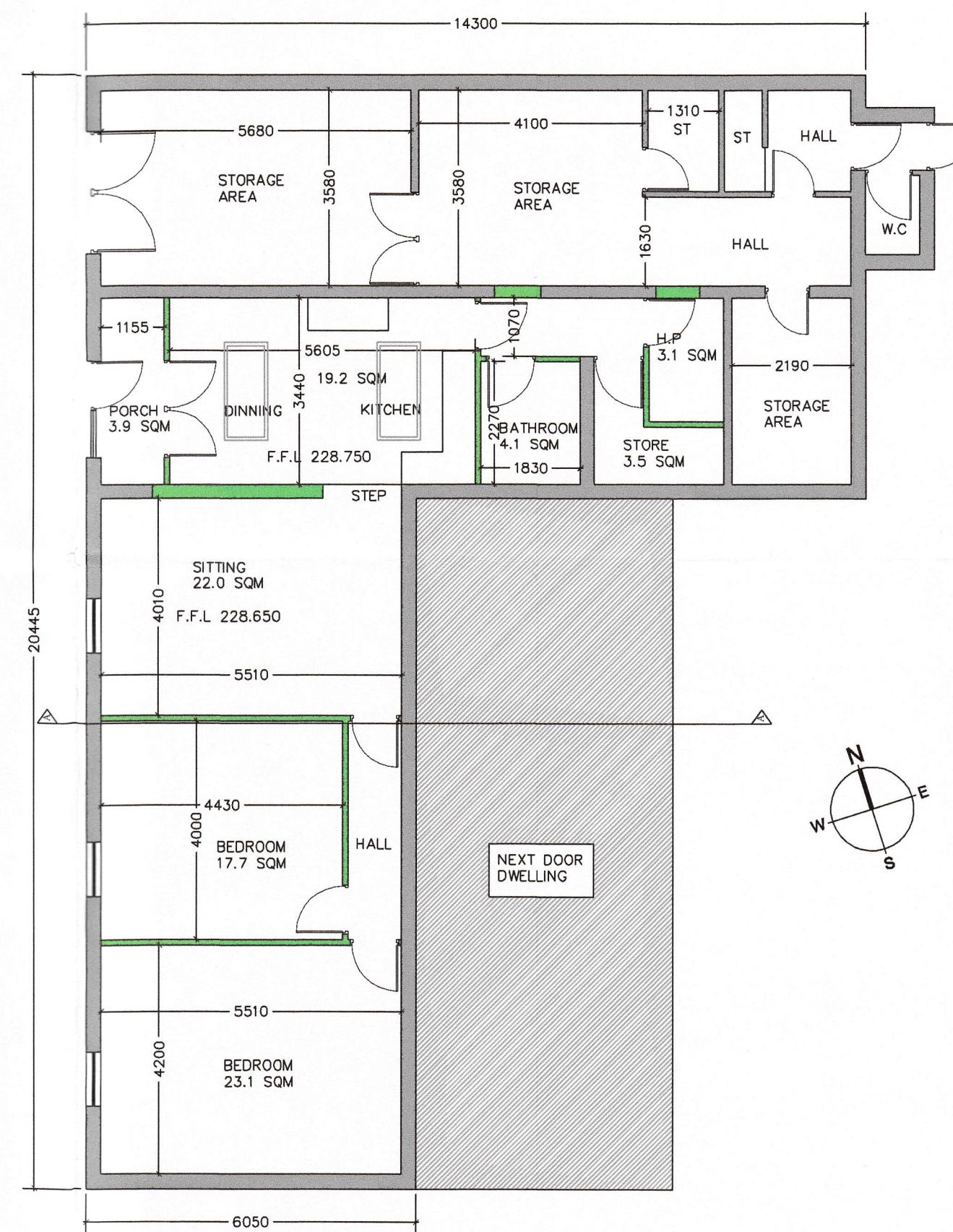
SECTION A-A
SCALE 1 : 100

1. NAP PLASTER
2. PVC FACIA AND SOFFIT
3. PVC DOUBLE-GLAZED WINDOWS
4. GREY TILES



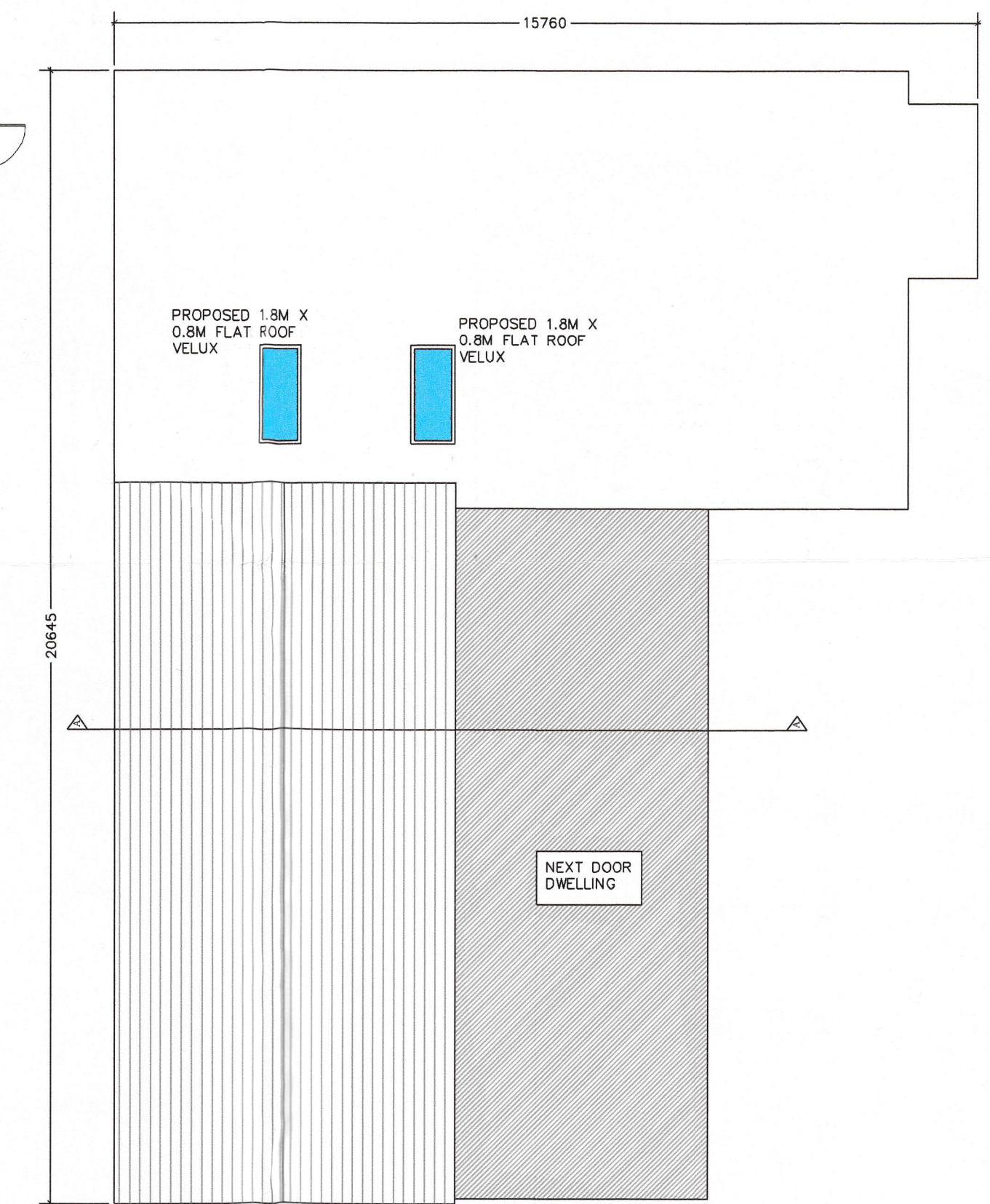
REAR ELEVATION
SCALE 1 : 100

SIDE ELEVATION
SCALE 1 : 100

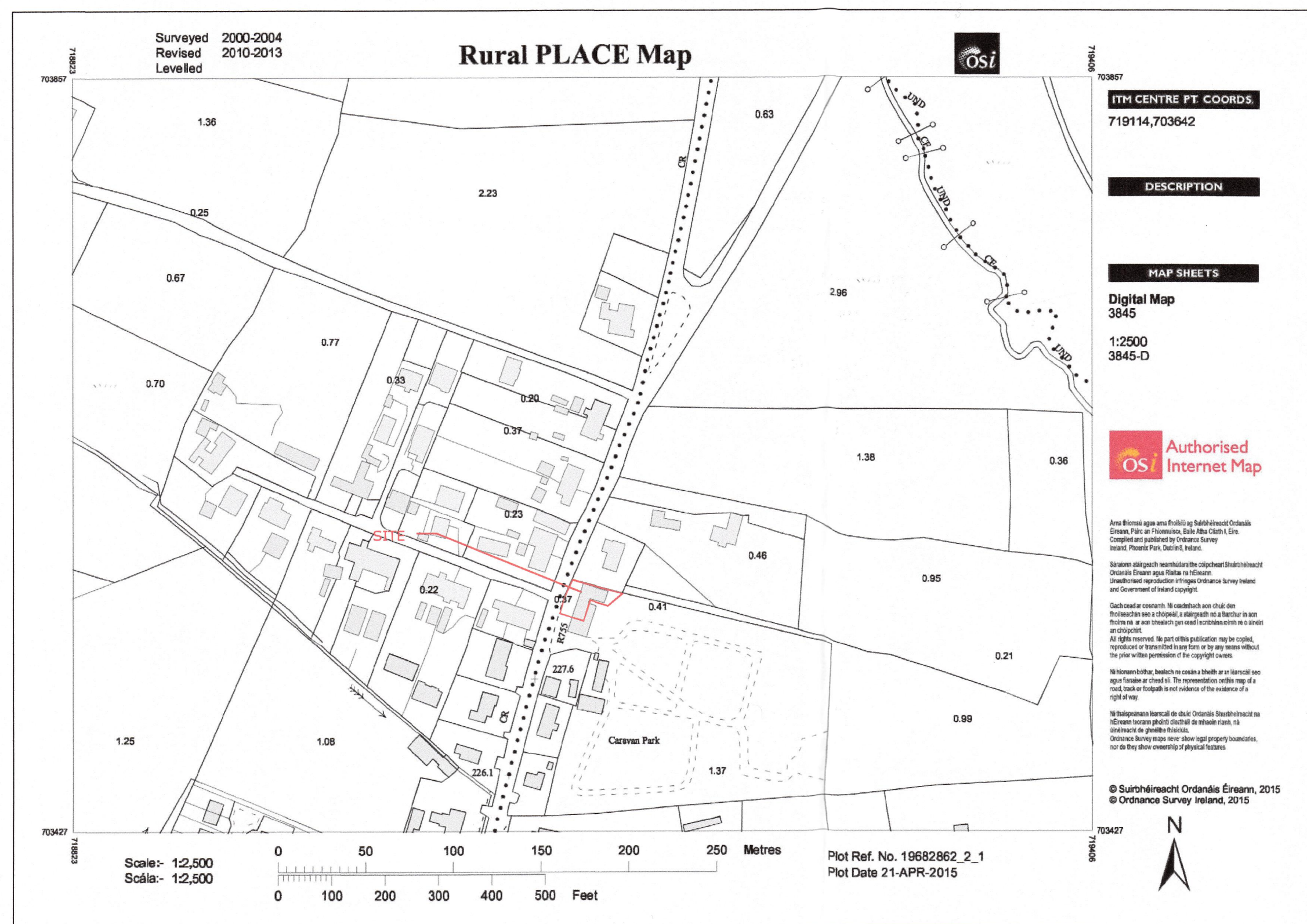


GROUND FLOOR PLAN
SCALE 1 : 100

GROUND FLOOR AREA - 172.4 sq m



ROOF FLOOR PLAN
SCALE 1 : 100



NOTE : FIGURED DIMENSIONS ONLY.
DO NOT SCALE DRAWING.
CONTRACTOR TO CHECK DIMENSIONS
ON SITE BEFORE CONSTRUCTION.
DISCREPANCIES ARE TO BE BROUGHT
TO ATTENTION OF THE SURVYORS
PRIOR TO THE COMMENCEMENT OF
WORK.

DRAWING IS INTENDED SOLEY FOR
PURPOSE NOTED. ONLY DRAWINGS
MARKED CONTRACT ARE TO BE USED
FOR CONSTRUCTION.

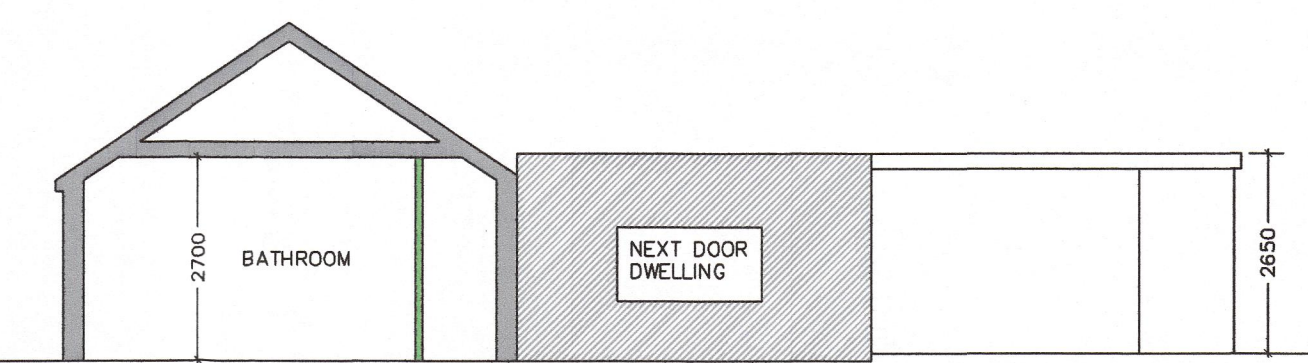
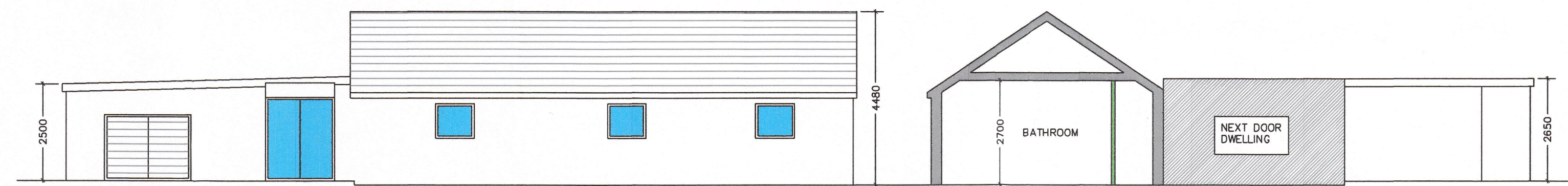
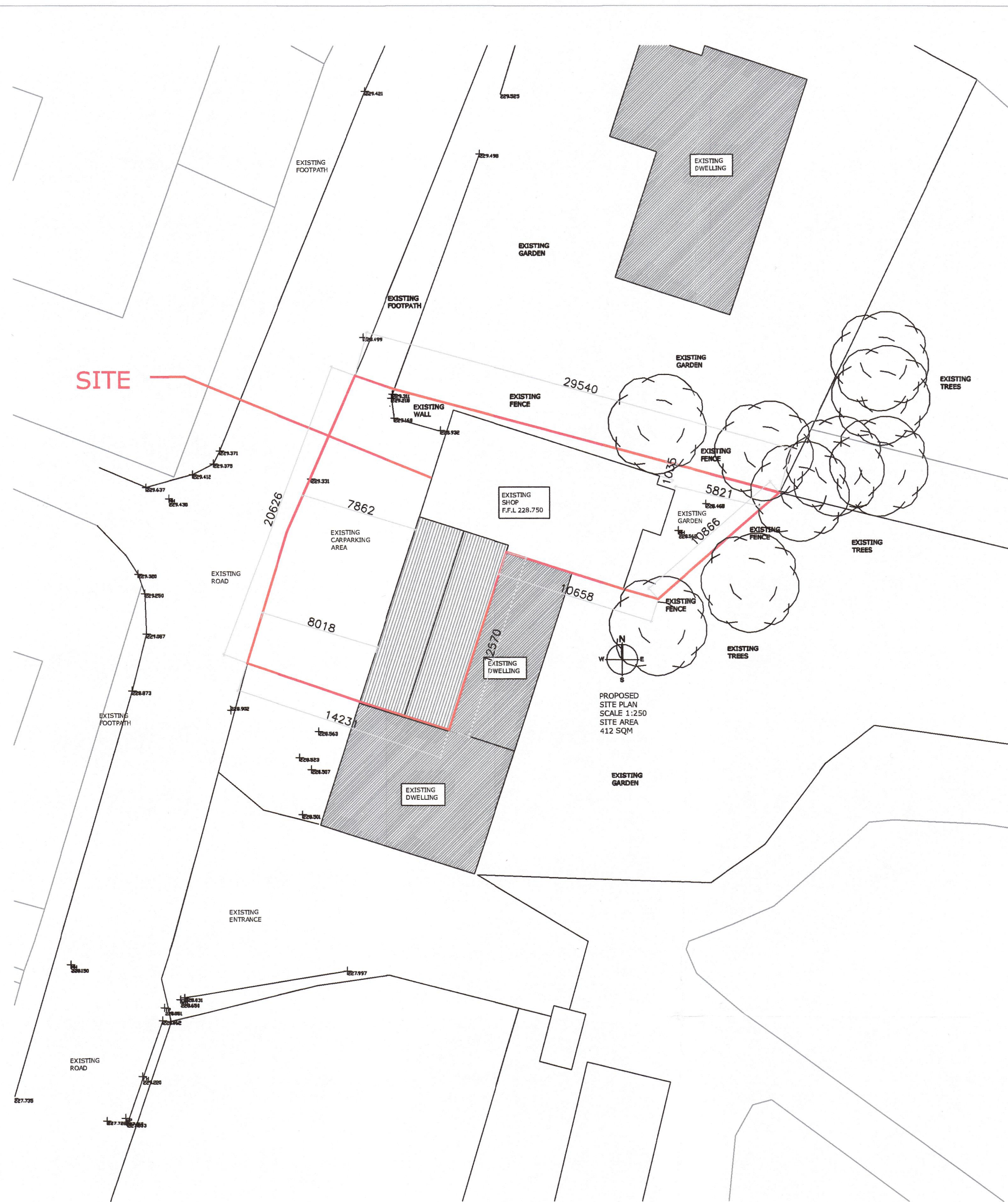
DRAWING:
PROPOSED SITE LAYOUT,
PROPOSED DWELLING,
SURFACEWATER DETAIL AND OS
MAP.
SCALE 1 : 2500, 250, 100, 50

DRAWING BY:
LIAM KENNA

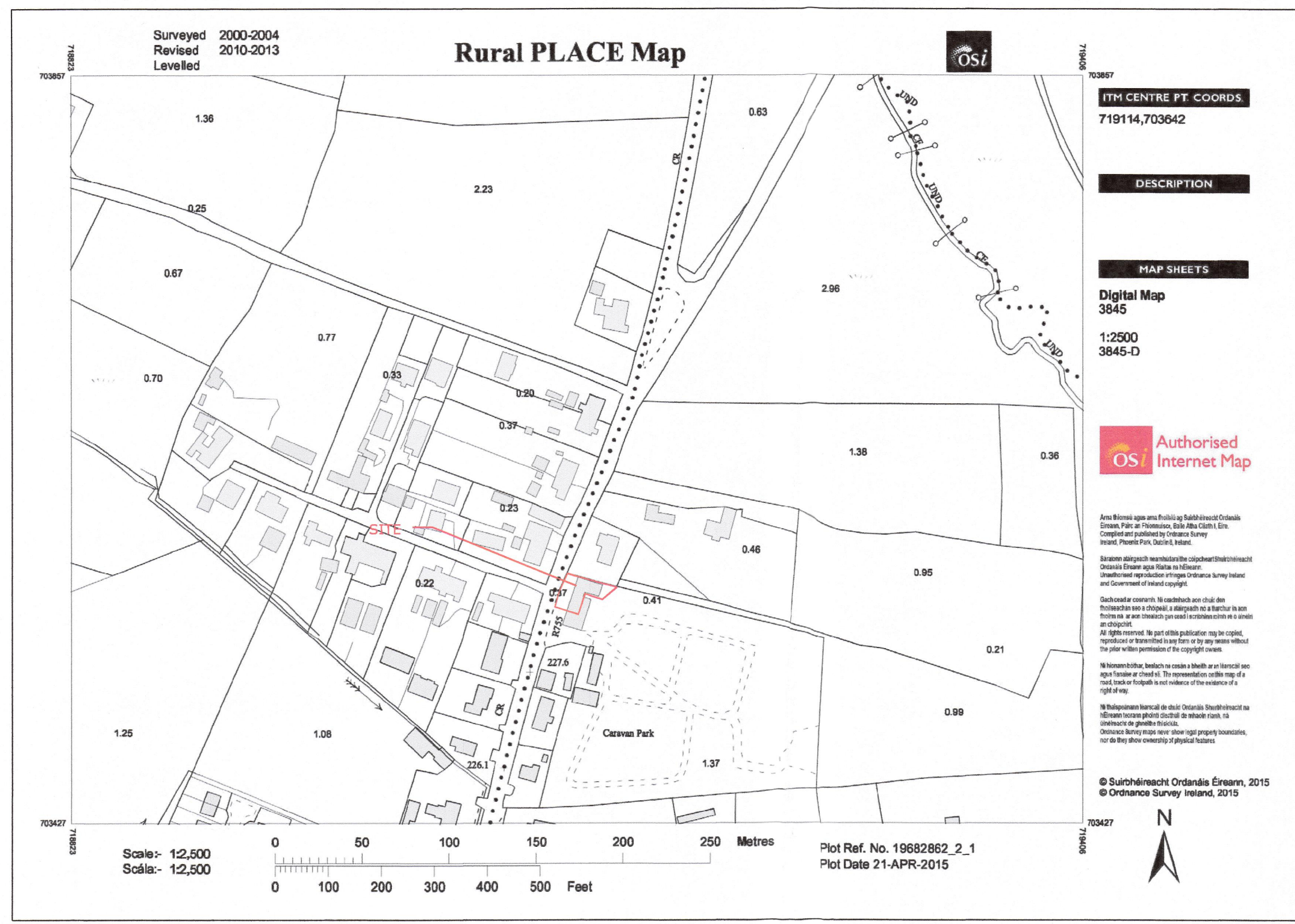
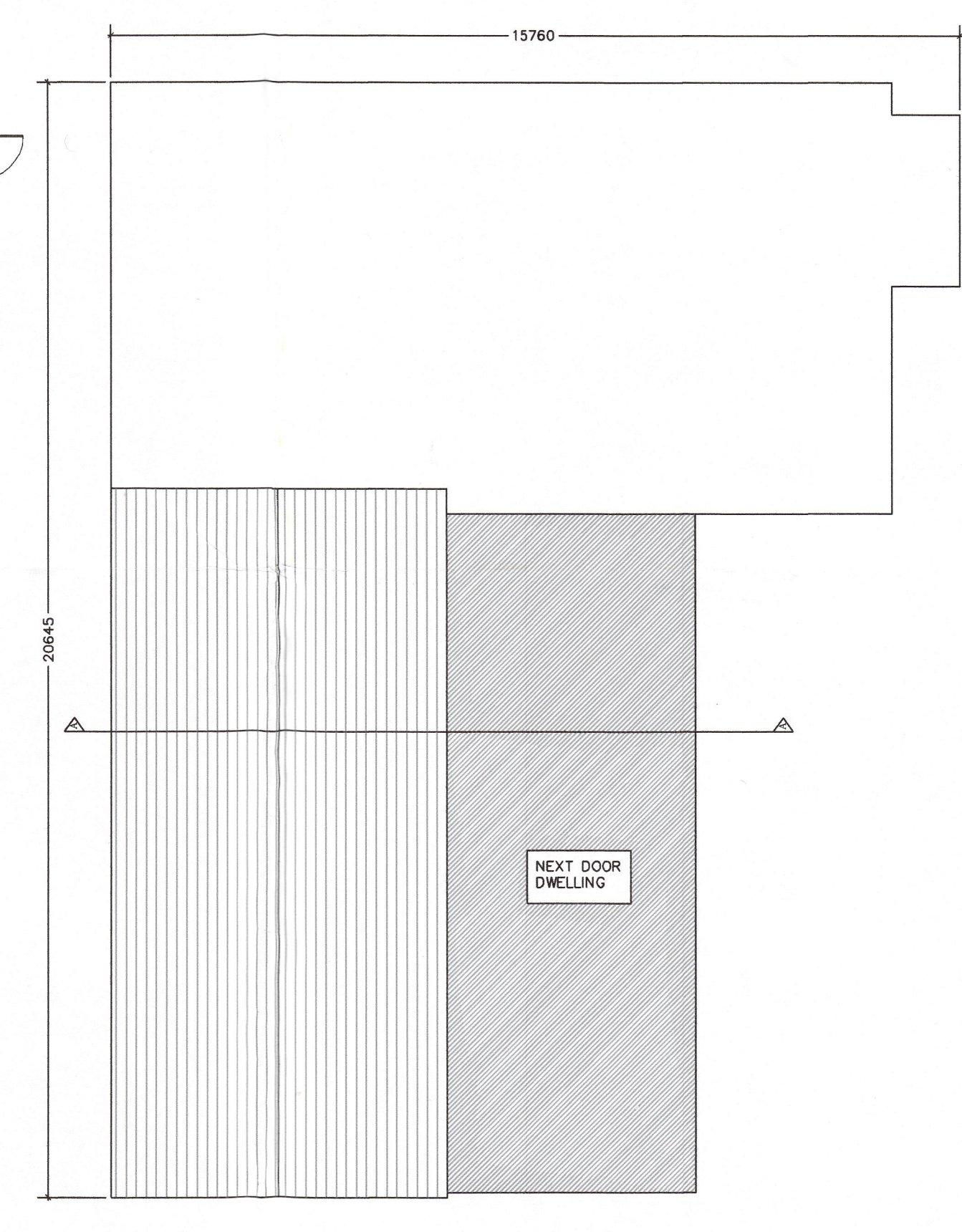
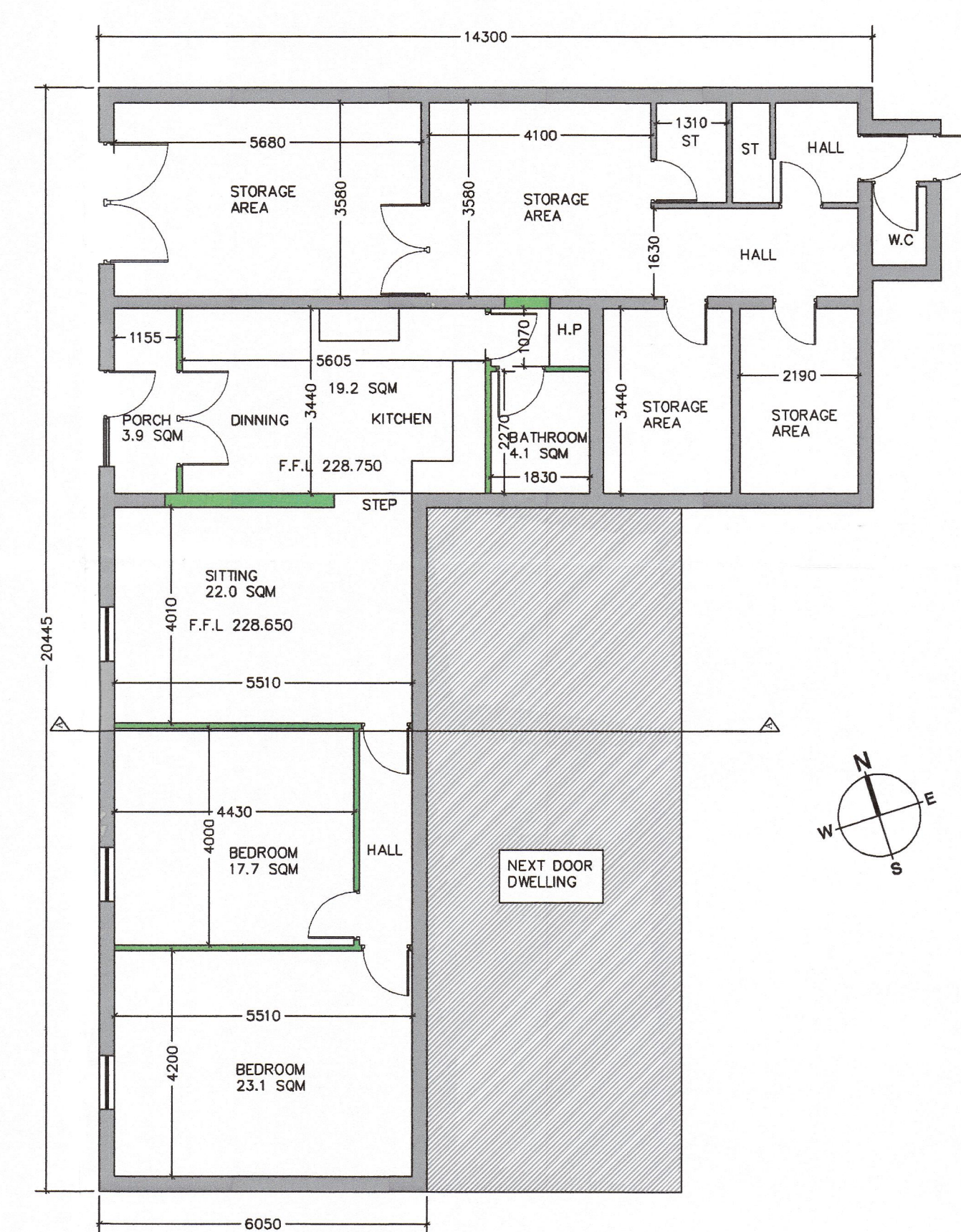
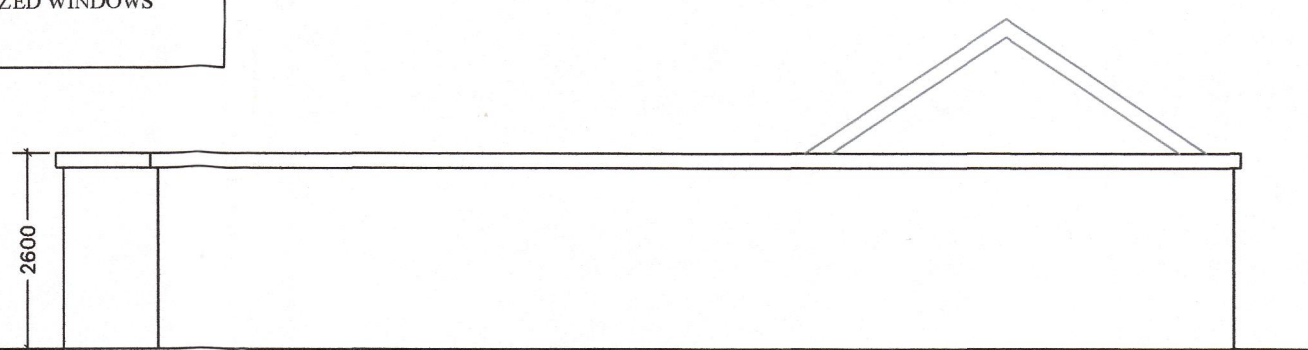
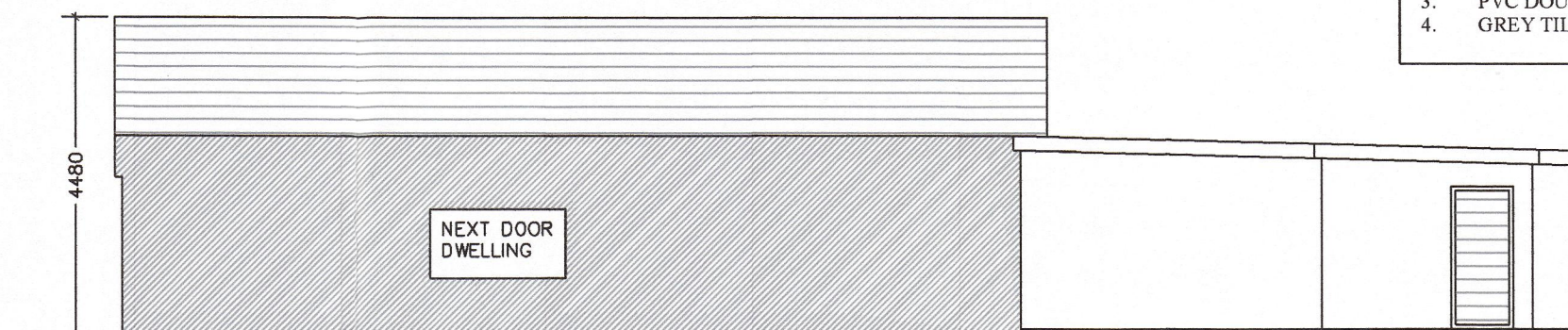
DATE:
05.12.22

PROJECT:
MARION DAVIS,
ASHTOWN,
ROUNDWOOD,
CO. WICKLOW

DRAWING NO. SHEET NO.
F.I.001 1



1. NAP PLASTER
2. PVC FACIA AND SOFFIT
3. PVC DOUBLE GLAZED WINDOWS
4. GREY TILES



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PROPOSED SITE LAYOUT,
PROPOSED DWELLING,
SURFACEWATER DETAIL AND OS
MAP.
SCALE 1: 2500, 250, 100, 50

PROJECT:
MARION DAVIS,
ASHTOWN,
ROUNDWOOD,
CO. WICKLOW

DRAWING BY:
LIAM KENNA

DATE:
21.10.22

DRAWING NO.
002

SHEET NO.
2