

WICKLOW COUNTY COUNCIL

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

Director of Services Order No: 1419/2022

Reference Number: EX 44/2022

Name of Applicant: Mark Coleman

Nature of Application: Section 5 Referral as to whether "the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof at Pine Lodge Monterey Road, Greystones, Co Wicklow." is or is not is or is not exempted development.

Location of Subject Site: Pine Lodge Monterey Road, Greystones, Co Wicklow

RECOMMENDATION: Report from Patrice Ryan EP & Suzanne White SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof at Pine Lodge Monterey Road, Greystones, Co Wicklow." is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details submitted under Section 5 Declaration on 15/07/22 and the 12/08/2022.
- Sections 2(1), 3(1) and 4(1)h, of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

Having regard to the nature of the proposed development i.e, the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of the roof at Pine Lodge, Monterey Road, Greystones it is considered that the development would materially affect the external appearance of the structure and would render it inconsistent with the character of the structure and therefore does not come within the exempted development described under Sections 4(1) h, of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that "the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof at Pine Lodge Monterey Road, Greystones, Co Wicklow," is development but is not exempted development

ORDER:

That a declaration to issue stating:

That "the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof at Pine Lodge Monterey Road, Greystones, Co Wicklow," is development but is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____

A/

Director of Services
Planning Development & Environment

Dated 29th day of August 2022



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
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Suíomh / Website: www.wicklow.ie

Marc Coleman

August 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 44/2022

Applicant: Marc Coleman

Nature of Application: "the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof at Pine Lodge Monterey Road, Greystones, Co Wicklow."

Location: Pine Lodge Monterey Road, Greystones, 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
Planning Development and Environment**

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Rphost / Email: plandev@wicklowcoc
Suíomh / Website: www.wicklow.ie

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

Applicant: Marc Coleman

Location: Pine Lodge Monterey Road, Greystones, Co Wicklow

DIRECTOR OF SERVICES ORDER NO. 1419/2022

A question has arisen as to whether "the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof at Pine Lodge Monterey Road, Greystones, Co Wicklow." is or is not exempted development.

Having regard to:

- The details submitted under Section 5 Declaration on 15/07/22 and the 12/08/2022.
- Sections 2(1), 3(1) and 4(1)h, of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

Having regard to the nature of the proposed development i.e, the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of the roof at Pine Lodge, Monterey Road, Greystones it is considered that the development would materially affect the external appearance of the structure and would render it inconsistent with the character of the structure and therefore does not come within the exempted development described under Sections 4(1) h, of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that "the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof at Pine Lodge Monterey Road, Greystones, Co Wicklow" is development but is not exempted development.

Signed: _____

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Dated August 2022





WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

Ref:	EX 44/2022
Name:	Mark Coleman
Development:	Installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof.
Location:	Pine Lodge Monterey Road, Greystones.

Further Information was sought as follows:

1. Having regard to the provisions of Section 5(2)(b) of the Planning and Development Act 2000 (as amended), further information is required to fully assess the development. In this regard the following details should be submitted/ clarified –
 - a) Please submit full details of the size of the area, and exact details of works/ or photographic evidence of the works, and all necessary information to allow the Planning Authority to fully assess the Section 5 declaration application.

Response:

The applicant, Mark Coleman, submitted photographs of the rooflights installed. It is noted that these are 2 no. large cabrio roof lights with a double opening mechanism with one section of the roof light been top hung and second section which is bottom hung.

No response has been submitted from the owner/occupier of the property, Pine Lodge, Monterey Road, Greystones at the time of writing this report.

Recommendation:

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

“the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof”.

The Planning Authority considers that:

- The installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of the roof at Pine Lodge, Monterey Road, Greystones, **is development but is not exempted development** within the meaning of the Planning and Development Act, 2000(as amended).

A handwritten signature in dark ink, appearing to be 'De'.

Main Considerations with respect to Section 5 Declaration:

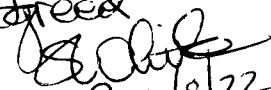
- The details submitted under Section 5 Declaration on 15/07/22 and the 12/08/2022.
- Sections 2(1), 3(1) and 4(1)h, of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

Having regard to the nature of the proposed development i.e, the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of the roof at Pine Lodge, Monterey Road, Greystones it is considered that the development would materially affect the external appearance of the structure and would render it inconsistent with the character of the structure and therefore does not come within the exempted development described under Sections 4(1) h, of the Planning and Development Act 2000 (as amended).

I recommend that the applicant, Mr. Marc Coleman of Manco, New Road, Greystones, Co. Wicklow, A63 NP40 and the owner/occupier of Pine Lodge, New Road, Greystones Co. Wicklow, be informed accordingly.


Executive Planner
25/08/2022

Agreed

SEP 26/8/22

Report noted & agreed,

Manco ADOCS
29/8/2022



WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

Ref:	EX 44/2022
Name:	Mark Coleman
Development:	Installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof.
Location:	Pine Lodge Monterey Road, Greystones.

Application Site: The site comprises of a large detached 2-storey dwelling located on a site which was once the rear garden of Woodbrook House located to the south.

Planning History:

05/2571: Planning permission GRANTED to Alan and Caroline Grey for proposed 2-storey detached house on site to rear of woodbrook house, together with ancillary site development works including vehicular entrance and demolition of existing garage.

The following condition is noted with regard to this grant of permission:

Condition 8

The design of the proposed dwelling shall be amended in the following respects.

- *The proposed balcony and double doors on the side elevation (south) shall be omitted.*
- *The 2 no. first floor windows on the side elevation serving the master bedroom shall consist of obscure glass.*

Prior to commencement of development details shall be submitted to the Planning Authority for written agreement showing compliance with this condition.

REASON: *In the interest of residential amenity and proper planning and sustainable development.*

Question:

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

'The installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof'.

Legislative Context:

Planning and Development Act 2000 (as amended)

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

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

Section 4(1)(h): *"Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures."*

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)(a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act. The following are considered applicable to this Section 5 Declaration:

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

With regard to Article 9(1)(a)(i) as outlined above, while condition 8 of grant of permission 05/2571 is noted, this condition refers to a first floor balcony in the southern elevation and not to a second floor balcony in the eastern elevation. The proposal submitted under this Section 5 Declaration therefore does not contravene a condition attached to permission under the Act. Article 9(1)(a)(i) therefore does not apply in this instance.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether or not '*the proposal for the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof*' is or is not development; and 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 involves works to the existing land and therefore constitutes 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.

The proposal consists of:

“the installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof”.

The proposal consists of the installation of a fenestration which can be converted to a balcony structure for the dwelling on site within the elevation of a dwelling above ground floor level.

There are no exemptions listed for such development to a residential premises under *Article 6, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)* and therefore the proposal may only be considered under *Section 4(1)(h) of the Planning and Development Act 2000 (as amended)* which refers to exempted development as been:

“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”.

No drawings, photographs or other details have been submitted of the proposed multiplex Velux Cabrio or similar glazed walk-out balcony units. This detail is required in order to assess if the proposed works would materially affect the external appearance of the dwelling on site.

Further Information is therefore required.

Recommendation: FURTHER INFORMATION

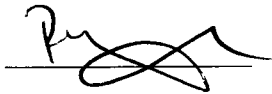
A. Request to issue to applicant Mr. Marc Coleman of Manco, New Road, Greystonws, Co. Wicklow, A63 NP40

1. Having regard to the provisions of Section 5(2)(b) of the Planning and Development Act 2000 (as amended), further information is required to fully assess the development. In this regard the following details should be submitted/ clarified –

- a) Please submit ~~full details of the size of the area, and~~ exact details of works/ or photographic evidence of the works, and all necessary information to allow the Planning Authority to fully assess the Section 5 declaration application. *drawings etc*

B. Notification to the Owners /Occupiers of Pine Lodge, New Road, Greystones, Co. Wicklow.

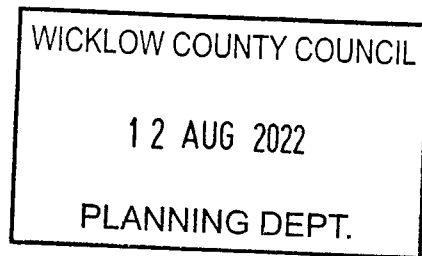
The Planning Authority has received a Section 5 declaration request in respect of works to Pine Lodge i.e. whether or not the installation of large multiplex Velux Cabrio or similar glazed walk-out balcony unit on eastern pitch of roof at Pine Lodge, New Road, Greystones, Co Wicklow is or is not exempted development. Having regard to the provisions of Section 5(2)(b) of the Planning and Development Act 2000 (as amended), it is considered appropriate that you submit any evidence to support that these works come within the exemption provisions of the Planning and Development Act 2000 (as amended), and associated Regulations.



Patrice Ryan
Executive Planner
10/08/2022



10/8/2022.



The Enforcement Officer
Planning Department
Wicklow County Council
County Buildings
Wicklow

12/08/2022

**RE: EX 44/2022 Application for a Declaration in accordance with
Section 5 of the Planning and Development Acts 2000 (as amended) –
'The installation of large multiple Velux Cabrio or similar glazed walk out
balcony units on eastern pitch of roof' at "Pine Lodge", Monterey Road,
Greystones, Co. Wicklow A63 HV58**

Dear Madam/Sir,

Further to your letter of 10/08/2022, which I received by Registered Post today, please find enclosed six (6) No. A4 photographs showing the works in connection with the installation of the multiple Velux Cabrio glazed balcony units at "Pine Lodge". The photographs were taken July 13th to July 15th.

For your information, if you go to www.velux.ie, under the menu Roof Lights, you can see the photographs and specifications of the Velux Cabrio Balcony units, along with a video showing how the units open out to form walk out balconies.

I appreciate your attention to this matter and look forward to hearing further from you.

Kind regards,

A handwritten signature in black ink that reads "Marc Coleman".

Marc Coleman















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

Marc Coleman

10/08/2022

RE: EX 44/2022 Application for a Declaration in accordance with Section 5 of the Planning and Development Acts 2000 (as amended) – ‘The installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof’ at Pine Lodge Monterey Road, Greystones if this constitutes exempted development.

A Chara,

The Planning Authority has received an application under Section 5 The installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof’ at Pine Lodge Monterey Road, Greystones is or is not development or is or is not exempted development within the meaning of this Act (EX 44/2022). To assess this application the Planning Authority has issued a request to the applicant to submit further information. This further information request requires the submission of the following information i.e.

1. Having regard to the provisions of Section 5(2)(b) of the Planning and Development Act 2000 (as amended), further information is required to fully assess the development. In this regard the following details should be submitted/ clarified –
 - a) Please submit exact details of works dimensions etc/ or photographic evidence of the works, and all necessary information to allow the Planning Authority to fully assess the Section 5 declaration application.

Mise le meas

SENIOR STAFF OFFICER

PLANNING DEVELOPMENT & ENVIRONMENT





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

Owner/Occupier
Pine Lodge
New Road
Greystones
Co Wicklow

10/08/2022

RE: EX 44/2022 Application for a Declaration in accordance with Section 5 of the Planning and Development Acts 2000 (as amended) – 'The installation at second floor level of large multiplex velux cabrio or similar glazed walk out balcony units on eastern pitch of roof' at Pine Lodge Monterey Road, Greystones if this constitutes exempted development.

A Chara;

The Planning Authority has received a Section 5 declaration request in respect of works to Pine Lodge i.e. whether or not the installation of large multiplex Velux Cabrio or similar glazed walk-out balcony unit on eastern pitch of roof at Pine Lodge, New Road, Greystones, Co Wicklow is or is not exempted development. Having regard to the provisions of Section 5(2)(b) of the Planning and Development Act 2000 (as amended), it is considered appropriate that you submit any evidence to support that these works come within the exemption provisions of the Planning and Development Act 2000 (as amended), and associated Regulations.

Mise le meas

**SENIOR STAFF OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT .**



MEMORANDUM

WICKLOW COUNTY COUNCIL

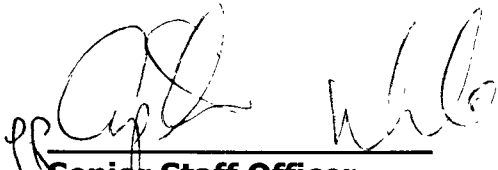
TO: Patrice Ryan
Executive Planner

FROM: Crystal White
Assistant Staff Officer

RE:- Ex 44/2022- Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended)
Marc Coleman works/alterations installation of large multiplex Velux Cabrio or similar glazed walk-out balcony units on eastern pitch of the roof of Pine Lodge Monterey Road, Greystones at second floor level

I enclose herewith for your attention application for Section 5 Declaration received 15th July 2022.

The due date on this declaration is the 11th August 2022.



Senior Staff Officer
Planning Development & Environment

Wicklow County Council
County Buildings
Wicklow
040 9100

15/07/2022 16 05 55

Receipt No L11/0/298300

***** REPRINT *****

Marc Coleman
Mancos New Road
Greystones
Co Wicklow
A63NP40

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

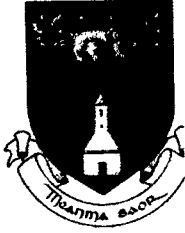
Total	80 00 EUR
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Tendered	
Credit Card	80 00

Change	0 00
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Issued By Brid Keogh
From Customer Service Hub
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EX 44/2022



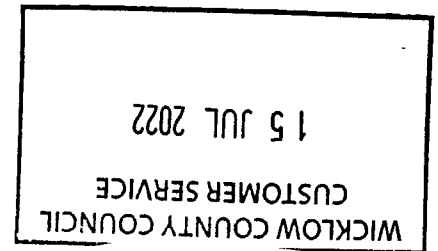
Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

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: Marc Coleman
Address of applicant: _____

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

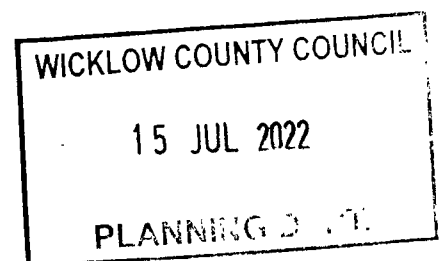
2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) _____

Address of Agent : _____

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

3. Declaration Details

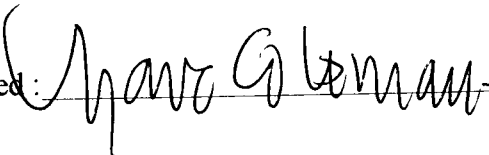


- i. Location of Development subject of Declaration
Pine Lodge Monterey Road Greystones Co. Wicklow A63 HV58
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
No.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier. Owner name not known at time of writing this. Address is Pine Lodge Monterey Road Greystones Co. Wicklow A63 HV58
- 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. Installation of large multiple Velux Cabrio or similar glazed walk-out Balcony Units on eastern pitch of roof of Pine Lodge, at 2nd Floor level.
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 _____

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) ? Pine Lodge is not a Protected Structure but it adjoins a Protected Structure ref. #08-74.
- vii. List of Plans, Drawings submitted with this Declaration Application As a Planning Application does not appear to have been filed for the works described at iv. Above, no drawings are being submitted with this Declaration Application. I

have submitted a site location map.

viii. Fee of € 80 Attached ? Yes.

Signed:  - Dated : July 15th, 2022

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

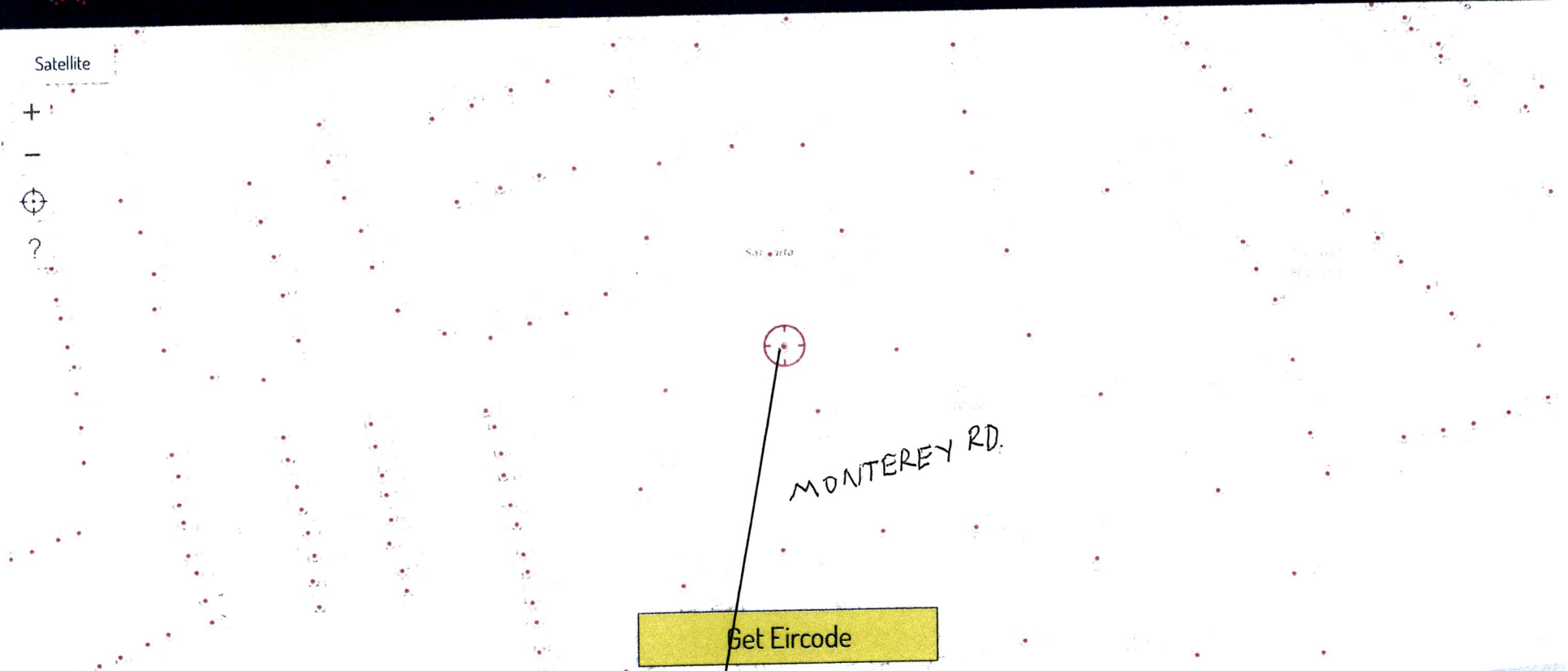
- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures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

Satellite

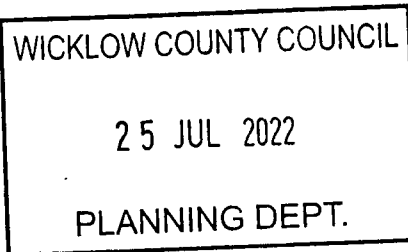


MONTEREY RD.

Get Eircode

A63 HV5P PINE LODGE





July 25th 2022

The Enforcement Officer
Planning Department
Wicklow County Council
County Buildings
Whitegates
Wicklow Town
A67 FW96

Ref. Pine Lodge, Monterey Road, Greystones, Co. Wicklow, A63 HV58
Section 5 Referral # EX 44/2022

Dear Madam/Sir,

Thank you for your letter of July 19th, 2022 in connection with the above.

Further to the Section 5 Referral # EX 44/2022, I wish to make a further submission which confirms that under the original grant of planning permission Reference # 05/2571 for the construction of Pine Lodge, precedent has been established in respect of protecting the privacy and amenity value of the adjoining properties. Having reviewed The Final Grant of Permission, I wish to draw your attention to a number of the 16 Conditions applied to the Final Grant:

Condition 7. The flat roof on the side elevation above the garage shall not be used as a balcony.

REASON: In the interests of ensuring the privacy of the adjoining property.

Condition 8. The design of the proposed dwelling shall be amended in the following respects:

The proposed balcony and double doors on the side elevation (south) shall be omitted.
The 2 no. first floor windows on this side elevation serving the master bedroom shall consist of obscure glass.

Prior to commencement of development details shall

be submitted to the Planning Authority for written agreement showing compliance with this condition.

I attach a copy of The Planning Schedule Reference # 05/2571 for your convenience.

Thank you for your further consideration in this matter.

Kind regards,


Marc Coleman

PLANNING AND DEVELOPMENT ACTS 2000 - 2002

Reference Number in Register: 05/2571

S C H E D U L E

Pursuant to the Planning & Development Acts 2000 - 2002, permission is hereby granted, having regard to the policies and objectives of the 'Greystones/Delgany' Development Plan 1999 and the residential zoning of the subject site, its location within the existing urban area and in close proximity to public transport facilities and the pattern of development surrounding the site, it is considered that, subject to compliance with the conditions set out in the schedule below, the proposed development would not (seriously) injure the residential amenities of adjoining properties and would therefore be in accordance with the proper planning and development of the area.

1. This permission refers to the development as described in the documents lodged, save as the conditions hereunder require.

REASON: For clarification.

2. **Before development commences**, the developer shall pay the sum of €5,000 (updated at the time of payment in accordance with changes in the Consumer Price Index as published by the Central Statistics Office) to the Planning Authority as a contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority.

The contribution sought is in accordance with Wicklow County Council's Development Contribution Scheme and Section 48(1) of the Planning and Development Acts 2000 to 2002.

REASON: The public infrastructure and facilities included in the Development Contribution Scheme will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

3. **Before development commences**, the developer shall pay the sum of (a) €5,055 (b) €1,760 (c) €1,185 and (d) €1,000 (updated at the time of payment in accordance with changes in the Consumer Price Index as published by the Central Statistics Office) to the Planning Authority as a contribution in respect of (a) Killincarrig bypass (b) Greystones Sewerage Improvements (c) Greystones water supply scheme and (d) Greystones playing pitches which benefit the proposed development.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provision of Section 48(12) of the Planning and Development Acts 2000 to 2002.

REASON: The said works will facilitate the development and it is considered reasonable that the developer should contribute towards the cost thereof.

5. All surface water run-off from roofs, entrances, driveways, parking areas etc. shall be collected and disposed of within the site to soakpits or adjacent watercourses. In particular, no such surface water run-off shall be allowed to flow onto the public roadway or adjoining properties. Soakpits to serve the development shall be located a distance of at least 5 metres from the dwelling.

REASON: In the interests of traffic safety and residential amenity.

6. The entrance shall be installed in such a manner so that the existing wall on the front boundary is maintained.

REASON: In the interest of privacy and orderly planning.

7. The flat roof on the side elevation above the garage shall not be used as a balcony.

REASON: In the interests of ensuring the privacy of the adjoining property.

8. The design of the proposed dwelling shall be amended in the following respects.

- The proposed balcony and double doors on the side elevation (south) shall be omitted.
- The 2 no. first floor windows on the side elevation serving the master bedroom shall consist of obscure glass.

Prior to commencement of development details shall be submitted to the Planning Authority for written agreement showing compliance with this condition.

REASON: In the interest of residential amenity and proper planning and sustainable development.

9. Any external lighting of the proposed development shall be cowled and directed away from the public road.

REASON: In the interests of traffic safety.

10. The existing planting along the (N.S.E.W.) site boundaries (a) shall be retained and (b) shall be reinforced by additional planting to match existing.

REASON: In the interests of visual amenity and integrating the development into the landscape.

11. The roof finish shall be (a) blue/black slate, (b) blue/black or grey, or (c) turf brown tiles, unless another roof finish is agreed in writing by the Planning Authority.

REASON: In the interests of visual amenity.

12. The external walls shall have a cement rendered finish. They shall be dashed or painted in the off-white colour range, unless the Planning Authority agrees another paint colour in writing.

REASON: In the interests of visual amenity.

13. A screen fence or wall (capped and rendered on both sides) shall be erected along the southern and southeastern site boundaries.

REASON: In the interest of visual amenity and to protect the residential amenities of the adjoining property.

14. A separate 12mm watermain shall be provided from the existing public main to serve this development only and a separate shut-off valve shall be located within the site.

REASON: In order to ensure an adequate water supply in the interests of residential amenity and public health and to enable the occupier to isolate their water supply.

15. Effective composting facilities, capable of dealing with all organic and garden waste that will be generated by this development, shall be provided before the house is occupied.

REASON: To reduce waste in the interests of proper planning and development.

16. **PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT**, the applicant shall lodge security with the Council for the satisfactory compliance with the conditions of this permission. This security is required by the Council for application at its absolute discretion if such conditions are not duly complied with to its satisfaction. In order to secure the return of this security, the applicant shall, on the completion of the development, submit a report, including photographs where appropriate, from a suitably qualified professional (with professional indemnity insurance) certifying that all conditions of this permission have been complied with in full. The security shall be given by a lodgment with the Council of the sum of €1,000.

REASON: To ensure satisfactory compliance with the conditions of this permission.