#### WICKLOW COUNTY COUNCIL

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

Director of Services Order No:

1220/2022

Reference Number:

EX 41/2022

Name of Applicant:

Oisin Gibson C/O Pol Gallagher ZAP Architecture

Nature of Application:

Section 5 Referral as to whether or not – Lower ground floor bedrooms extended to add 16.4msq, - Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road. – Extension of 3.2msq to ground floor over gap in front elevation. – Larger windows. – Rooflight & Velux windows over eastern side of dwelling. – Purposed retaining wall to side of dwelling. – Purposed bridge to front door, at Hillcrest Lower Kindlestown, Greystones, Co Wicklow is or is not exempted development.

Location of Subject Site:

Hillcrest Lower Kindlestown, Greystones, Co Wicklow

RECOMMENDATION:

Report from Lyndsey Blackmore AP

With respect – Lower ground floor bedrooms extended to add 16.4msq, - Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road. – Extension of 3.2msq to ground floor over gap in front elevation. – Larger windows. – Rooflight & Velux windows over eastern side of dwelling. –Purposed retaining wall to side of dwelling. –Purposed bridge to front door, at Hillcrest Lower Kindlestown, Greystones, Co Wicklow to the query under Section 5 of the Planning & Development Act 2000 as to whether is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

#### Having regard to:

- The details submitted with this application 27th June 2022.
- Sections 2 & 3 of the Planning & Development Act 2000(as amended).
- Schedule 4(1)(h), of the Planning & Development Act 2000(as amended).
- Article 6(1) Planning & Development Regulations, 2001(as amended).
- Article 9 (1); Planning & Development Regulations, 2001(as amended).

  Port 4 (2): Planning & Development Regulations, 2001(as amended).
- Part 1 (Classes 1, 5 & 6) of Schedule 2 Planning & Development Regulations, 2001(as amended):

#### Main reasons with respect to section to Section 5 Declaration:

- 1. The changes consisting of the
- Lower ground floor bedrooms extended to add 16.4msq
- Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road.
- Extension of 3.2msq to ground floor over gap in front elevation.
- Larger windows
- -- Rooflight & velux windows over eastern side of dwelling.

Would 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. The development would therefore come within the scope of section 4(1)(h) of the Planning & Development Act 2000 (as amended) and the extension would not exceed 40msq in area & would come under Part 1 Classes 1, of Schedule 2 Planning & Development Regulations, 2001(as amended).

- 2. The changes consisting of
- Proposed retaining wall to side of dwelling
- Proposed bridge to front door.

Would not materially alter the external appearance of the building so as to render the appearance inconsistent with the character of the structure.

The development would not come within the scope of section 4(1)(h) of the Planning & Development Act 2000(as amended) and would not, given the height of the retaining wall and the differences in ground levels, fall under the conditions and Limitations of Part 1 (Classes 5 & 6) of Schedule 2 Planning & Development Regulations, 2001 (as amended).

The Planning Authority considers that Lower ground floor bedrooms extended to add 16.4msq, - Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road. - Extension of 3.2msq to ground floor over gap in front elevation. - Larger windows. - Rooflight & Velux windows over eastern side of dwelling at Hillcrest Lower Kindlestown, Greystones, Co Wicklow is development but is exempted development

The Planning Authority considers that Purposed retaining wall to side of dwelling. Purposed bridge to front door, at Hillcrest Lower Kindlestown, Greystones, Co Wicklow is development & is NOT exempted development

#### ORDER:

That a declaration to issue stating:

That Lower ground floor bedrooms extended to add 16.4msq, - Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road. - Extension of 3.2msq to ground floor over gap in front elevation. - Larger windows. - Rooflight & Velux windows over eastern side of dwelling is development but is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

That Purposed retaining wall to side of dwelling & Purposed bridge to front door is development & is NOT exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:

**Director of Services** 

Planning Development & Environment

Dated 22 day of July 2022



### Comhairle Contae Chill Mhantáin Ulickloui 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 Suíomh / Website: www.wicklow.ie

Oisin Gibson C/O Pol Gallagher ZAP Architecture 369 High Street London E15 4QZ

22 July 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 41/2022

Applicant:

Oisin Gibson C/O Pol Gallagher ZAP Architecture

Nature of Application:

Lower ground floor bedrooms extended to add 16.4msq, - Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road. - Extension of 3.2msq to ground floor over gap in front elevation. - Larger windows. - Rooflight & Velux windows over eastern side of dwelling. -Purposed retaining wall to side of dwelling. - Purposed bridge to front door, at Hillcrest

Lower Kindlestown, Greystones, Co Wicklow

Location:

Hillcrest Lower Kindlestown, 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 Pleanala 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 Ulicklow 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@wicklowcocc Suíomh / Website: www.wicklow.ie

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

Applicant: Oisin Gibson C/O Pol Gallagher ZAP Architecture

Location: Hillcrest Lower Kindlestown, Greystones, Co Wicklow

#### DIRECTOR OF SERVICES ORDER NO. 1220/2022

A question has arisen as to whether or not – Lower ground floor bedrooms extended to add 16.4msq, - Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road. – Extension of 3.2msq to ground floor over gap in front elevation. – Larger windows. – Rooflight & Velux windows over eastern side of dwelling. – Purposed retaining wall to side of dwelling. – Purposed bridge to front door, at Hillcrest Lower Kindlestown, Greystones, Co Wicklow is or is not exempted development.

#### Having regard to:

- The details submitted with this application 27<sup>th</sup> June 2022.
- Sections 2 & 3 of the Planning & Development Act 2000(as amended).
- Schedule 4(1)(h), of the Planning & Development Act 2000(as amended).
- Article 6(1) Planning & Development Regulations, 2001(as amended).
- Article 9 (1); Planning & Development Regulations, 2001(as amended).
- Part 1 (Classes 1, 5 & 6) of Schedule 2 Planning & Development Regulations, 2001(as amended):

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

- 1. The changes consisting of the
- Lower ground floor bedrooms extended to add 16.4msq
- Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road.
- Extension of 3.2msq to ground floor over gap in front elevation.
- Larger windows
- Rooflight & velux windows over eastern side of dwelling.

Would 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. The development would therefore come within the scope of section 4(1)(h) of the Planning & Development Act 2000 (as amended) and the extension would not exceed 40msq in area & would come under Part 1 Classes 1, of Schedule 2 Planning & Development Regulations, 2001(as amended).





### 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@wicklowcocc Suíomh / Website: www.wicklow.ie

- 2. The changes consisting of
- Proposed retaining wall to side of dwelling

Development Regulations, 2001 (as amended).

- Proposed bridge to front door.

Would not materially alter the external appearance of the building so as to render the appearance inconsistent with the character of the structure. The development would not come within the scope of section 4(1)(h) of the Planning & Development Act 2000(as amended) and would not, given the height of the retaining wall and the differences in ground levels, fall under the conditions and Limitations of Part 1 (Classes 5 & 6) of Schedule 2 Planning &

The Planning Authority considers that Lower ground floor bedrooms extended to add 16.4msq, - Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road. - Extension of 3.2msq to ground floor over gap in front elevation. - Larger windows. - Rooflight & Velux windows over eastern side of dwelling at Hillcrest Lower Kindlestown, Greystones, Co Wicklow is development but is exempted development is development but is exempted development.

The Planning Authority considers that Purposed retaining wall to side of dwelling & Purposed bridge to front door at Hillcrest Lower Kindlestown, Greystones, Co Wicklow is development & is NOT exempted development

Signed:

ADMINISTRATIVE OFFICER

PLANNING DEVELOPMENT & ENVIRONMENT

Dated 22 July 2022





Ref:

EX41/2022

Name:

Oisin Gibson

Development:

works/alterations

Location:

Hillcrest, Lower Kindelstown, Greystones

#### Site Details:

#### Service Road

Details: The subject site comprises an existing two storey dwelling on a site that slopes steeply downhill from the road.

Zoning RE: To protect, provide for and improve residential amenities of adjoining properties and areas while allowing for infill residential development that reflects the established character of the area in which it is located.

No previous planning history.

#### Google Images and Photographs:



#### Relevant Planning History:

None

#### Question:

In Section 3(iv) of the application form, the applicants have outlined details of the proposal.

Whether or not the following alterations to Hillcrest, Lower Kindelstown is development and is exempted development:

- lower ground floor bedrooms extended to add 16.4msq
- Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road.
- Extension of 3.2msq to ground floor over gap in front elevation
- Larger windows
- Rooflight and velux windows over eastern side of dwelling.

From the plans and particulars submitted the applicants have shown changes which are not included in the summary of the changes /alterations proposed.

It is not clear if this is to be the subject of a separate application, however for clarity I will include these additional changes in this report.

- Proposed retaining wall to side of dwelling
- Proposed bridge to front door.

#### Legislativa Context

#### Planning and Development Act 2000 (as amended)

Section 3(1) 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) states the following in respect of:

'works"

includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

"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
- (b) In relation to a "protected structure" or proposed protected structure, includes –
  - (i) The interior of the structure
  - (j) The land lying within the curtilage of the structure
  - (k) Any other structures lying within that curtilage and their interiors, and
    - (I) All fixtures and features which form part of the interior of the structure or structures referred to in subparagraph (i) or 9iii)

Section 4

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

The following are relevant for the purposes of this declaration:

**Section 2 (1)** defines works as including: "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal";

Section 4 (1)(a) to (I) specifies various categories of development which shall be exempted for the purposes of the Act;

#### Section 4 (1) (h)

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

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

#### -Planning and Development Regulations, 2001 (as amended):

Article 6(1) 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) states that certain development to which article 6 relates shall not be exempted development for the purposes of the Act, when certain instances apply;

Part 1 (Classes 1-8) of Schedule 2 describes classes of development within the curtilage of a house, which are exempted development, provided that such development complies with the associated conditions and limitations:

#### CLASS 1

The extension of house, by the construction of 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 of similar structure attached to the rear or to the side of the house.

#### **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.
- (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
   October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
  - (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the

floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

- (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
  - (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the sidewalls of the house.
  - (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
- 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
- 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
  - (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
  - (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

CLASS 5 The construction, erection or alteration, within or bounding the curtilage of a house, of a gate, gateway, railing or wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete.

#### **Conditions and Limitations**

The height of any such structure shall not exceed 2 metres or, in the case of a wall or fence within or bounding any wooden fence or a wall of brick, stone, blocks with decorative finish, other concrete blocks or mass concrete. garden or other space in front of a house, 1.2 metres. 2. Every wall other than a dry or natural stone wall bounding any garden or other space shall be capped and the face of any wall of concrete or concrete block (other than blocks with decorative finish) which will be visible from any road, path or public area, including public open space, shall be rendered or plastered. 3. No such structure shall be a metal palisade or other security fence.

#### CLASS 6

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house. (b) Any works within the curtilage of a house for— (i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or, (ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.

#### Conditions and Limitations

The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

#### 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.

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

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

- lower ground floor bedrooms extended to add 16.4msq
- Changes to 3 windows on lower ground floor southern elevation , underground light well not visible from the road.
- Extension of 3.2msq to ground floor over gap in front elevation
- Larger windows
- Rooflight and velux windows over eastern side of dwelling:

Following consideration of the proposed works I am satisfied that these works would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighboring structures. In this regard is noted that the appearance and design of the proposed building varies from many other buildings along the road.

The dwelling is detached and the total floor area of the extensions does not exceed 40msq and is less then 20msq at first floor level.

- Proposed retaining wall to side of dwelling
- Proposed bridge to front door.

These proposed works would alter the external appearance of the building. The proposed bridge extends beyond the front elevation of the existing dwelling and the proposed retaining wall to the side elevation. From the plans submitted it would appear that the new retaining wall exceeds 2m in height and the ground level at lower ground level would be altered by over 1m.

Recommendation

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether The following alterations to Hillcrest, Kindelstown Lower Greystones are development and are exempted development:

- lower ground floor bedrooms extended to add 16.4msq
- Changes to 3 windows on lower ground floor southern elevation , underground light well not visible from the road.
- Extension of 3.2msq to ground floor over gap in front elevation
- Larger windows
- Rooflight and velux windows over eastern side of dwelling.
- Proposed retaining wall to side of dwelling
- Proposed bridge to front door.

#### The Planning Authority considers that:

The following proposed changes to the building

- lower ground floor bedrooms extended to add 16.4msq
- Changes to 3 windows on lower ground floor southern elevation, underground light well not visible from the road.
- Extension of 3.2msq to ground floor over gap in front elevation
- Larger windows
- Rooflight and velux windows over eastern side of dwelling.

is development and is exempted development.

The following proposed changes to the building

- Proposed retaining wall to side of dwelling
- Proposed bridge to front door.

Is development and is not exempt development

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

- The details submitted with this application 27<sup>th</sup> June 2022
- Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- Schedule 4(1)(h), of the Planning and Development Act 2000(as amended).
- Article 6(1) Planning and Development Regulations, 2001 (as amended):
- Article 9 (1); Planning and Development Regulations, 2001 (as amended):
- Part 1 (Classes 1, 5 &6) of Schedule 2 Planning and Development Regulations, 2001 (as amended):

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

- 1) The changes consisting of the
- lower ground floor bedrooms extended to add 16.4msq
- Changes to 3 windows on lower ground floor southern elevation , underground light well not visible from the road.
- Extension of 3.2msq to ground floor over gap in front elevation
- Larger windows
- Rooflight and velux windows over eastern side of dwelling.

would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighboring structures. The development would therefore come within the scope of section 4(1)(h) of the Planning and Development Act 2000 (as amended) and the extension would not exceed 40msq in area and would come under Part 1 Classes 1, of Schedule 2 Planning and Development Regulations, 2001 (as amended).

- 2) The changes consisting of
- Proposed retaining wall to side of dwelling
- Proposed bridge to front door.

would materially alter the external appearance of the building so as to render the appearance inconsistent with the character of the structure .

The development would not come within the scope of section 4(1)(h) of the Planning and Development Act 2000 (as amended) and would not, given the height of the retaining wall and the differences in ground levels, fall under the conditions and Limitations of Part 1 (Classes 5 &6) of Schedule 2 Planning and Development Regulations, 2001 (as amended).

Lyndsey Blackmore Assistant Planner

21/07/2022

22/7/22

Page **7** of **7** 

#### **MEMORANDUM**

#### WICKLOW COUNTY COUNCIL

TO: Lyndsey Blackmore Executive Planner FROM: Crystal White Assistant Staff Officer

RE:- Ex 41/2022- Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended)
Oisin Gibson C/O Pol Gallagher Zap Architecture Purposed works/alterations at Hillcrest Lower, Kindelstown, Greystones, Co Wicklow

I enclose herewith for your attention application for Section 5 Declaration received 27<sup>th</sup> June 2022.

The due date on this declaration is the 24<sup>th</sup> July 2022.

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

Oisin Gibson C/O Pol Gallagher ZAP Architecture 369 High Street London E15 4QZ UK

28<sup>th</sup> June 2022

Re: EX 41/2022 Application for a Declaration in accordance with Section 5 of the Planning and Development Acts 2000 (as amended) – Purposed works/alterations at Hillcrest, Lower Kindelstown, Greystones, Co Wicklow

A Chara,

I wish to acknowledge receipt of application in the above regard received on the 27<sup>th</sup> of June 2022 and to advise that a decision is due on this application on the 24<sup>th</sup> July 2022.

Mise le meas

SENIOR STAFF OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT



Wicklow County Council County Buildings Wicklow 0404-20100



Receipt No. : L1/308943/296114 \*\*\*\*\*\* REPRINT \*\*\*\*\*\*

**OISIN GIBSON** HILLCREST **KINDLESTOWN** GREYSTONES CO.WICKLOW

EXEMPTION CERTIFICATES
GOODS 80.00

80.00

VAT Exempt/Non-vatable

Total:

80.00 EUR

Tendered:

Credit Card

80.00

REF:OISIN GIBSON

Change:

0.00

Issued By : Cashier5MW From : Revenue Section 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: Mr Oisin Gibson 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) Pol Gallagher ARB RIBA M.ARCH, B.ARCH

Address of Agent: ZAP Architecture, 369 High Street, London E15 4QZ, UK

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

#### 3. Declaration Details

WICKLOW COUNTY COUNCIL

27 JUN 2022

PLANNING DEPT.

- i. Location of Development subject of Declaration THE DEVELOPMENT IS LOCATED IN A63 Y765, HILLCREST, LOWER KINDELSTOWN GREYSTONES.
- ii. THIS EXEMPT ALTERATIONS TO THIS FAMILY HOME ARE BY VIRTUE OF UPDATING AN OLD HOUSE TO FULLY ENJOY FAMILY LIFE IN THE VICINITY, BY EXTENDING THE BEDROOMS AND DINING AREA FOR MODERN FAMILY LIVING. THE WINDOW WIDENING IS ALL ABOUT ENJOYING THE VIEWS TO THE WATER ON THE EASTERN ELEVATION.

iii. A	Are you th	ne owner	and/or	occupier	of these	lands at the	location	under i	. above?	Yes
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iii.	If 'No' to occupier			above,	please	supply	the	Name	and	Address	of	the	Owner,	and	or

- 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 Additional details may be submitted by way of separate submission. WE HAVE SUPPLIED A ONE PAGE SUMMARY OF WHAT IS CONSIDERED EXAMPT DEVELOPMENT (for ease of understanding the changes)
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration THIS IS SUMMARISED IN ATTACHMENT 'EXEMPT DEVELOPMENT SUMMARY REV A

Additional details may be submitted by way of separate submission. SEE ATTACHMENT

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure)?\_N/A

vii. List of Plans, Drawings submitted with this Declaration Application FULL DRAWING PACK ATTACHED SHOWING EXEMPTED DEVELOPMENT ALTERATIONS IN COLOURED GREEN LINES - LABELLED PERMITTED DEVELOPMENT

'PROPOSED DESIGN 7th April 2022'

viii.Fee of € 80 Attached ? YES

Signed:\_\_Dated: 11th may 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 ATTACHED
- Floor area of structure in question whether proposed or existing. SHOWN ON ATTACHED PACK
- Floor area of all relevant structures e.g. previous extensions. SHOWN ON ATTACHED PACK
- Floor plans and elevations of relevant structures. SHOWN ON ATTACHED PACK
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc. - SHOWN ON ATTACHED PACK
- B. Land Reclamation -

### **SECTION 5 - EXEMPT DEVELOPMENT LOCATED AT:**

A63 Y765, HILLCREST, LOWER KINDELSTOWN - GREYSTONES, CO. WICKLOW

# **SUMMARY OF CHANGES / ALTERATIONS CONSIDERED** 'EXEMPT' BY THE ARCHITECT.

- A. Lower ground floor bedrooms extended to add 16.4m2 (ie larger bedroom)
- B. 3 windows altered on lower ground floor southern elevation (to create more usability and natural light within the 3 compartmentalised spaces this is under the ground level in a light well and not visible from the street).
- C. Ground floor dining area created by extending 3.2m over gap in front elevation. (This squares off the front of the house and allows a dining area overlooking the sea view, no worse than the existing overlooking from the existing kitchen area.
- D. Larger windows proposed to enjoy better the sea view over Greystones harbour. (The existing windows offer the same aspect but are not full width appreciating the view to the maximum).
- E. Glazed roofltight over the proposed new dining space and Velux windows proposed in the existing pitched roof to the Eastern side. This allows morning light to penetrate into the kitchen / dining space from above).

#### WICKLOW COUNTY COUNCIL GUIDANCE ON THE ABOVE DESIGN MOVES

CLASS 1 - Extension of a house

The second of th

- (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 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.
- The design proposal does not exceed 40 square meters and does not exceed 20 square meters above ground level.
- 3. 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- The above ground floor extension is not distanced less than 2 meters from any party boundary.
- 4. (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.
- The height of the walls of the proposed extension does not exceed the height of the side walls.
- 7. 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
- 8. The proposed extension to the rear does reduce the area of private open space less than 25 square meters
- 9. 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- 10.Any proposed window at ground level in proposed extension is not located less than 1 meter from the boundary it faces.
- 11.7. The roof of any extension shall not be used as a balcony or roof garden.
- 12. The roof of proposed extension is not used as a balcony nor roof garden.

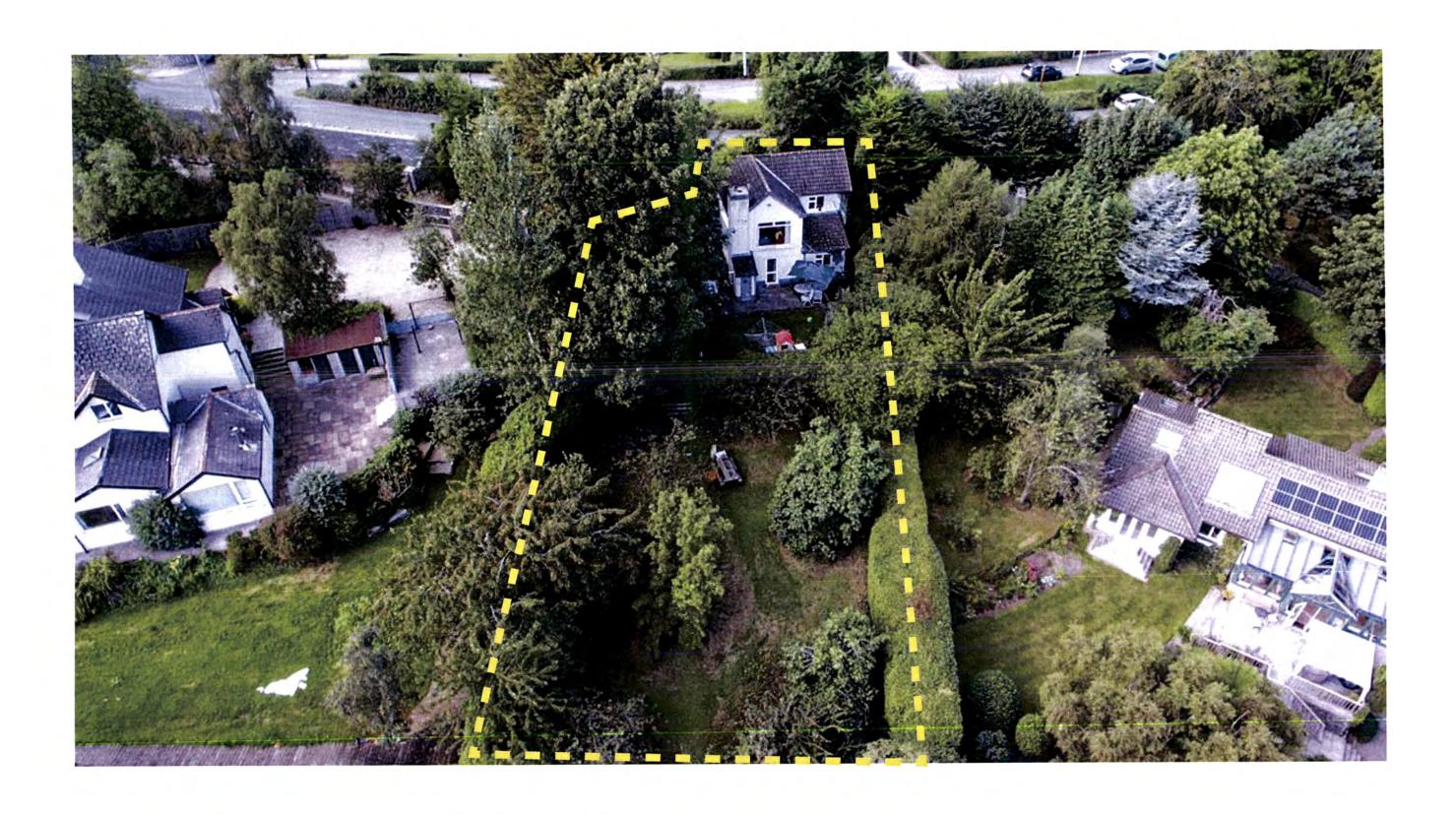
**SOURCE:** Part 1: Planning Regulations, https://www.wicklow.ie/Living/ Services/Planning/Planning-Applications/Exempted-Development HILLCREST, LOWER KINDELSTOWN, IRELAND EXISTING DRAWINGS



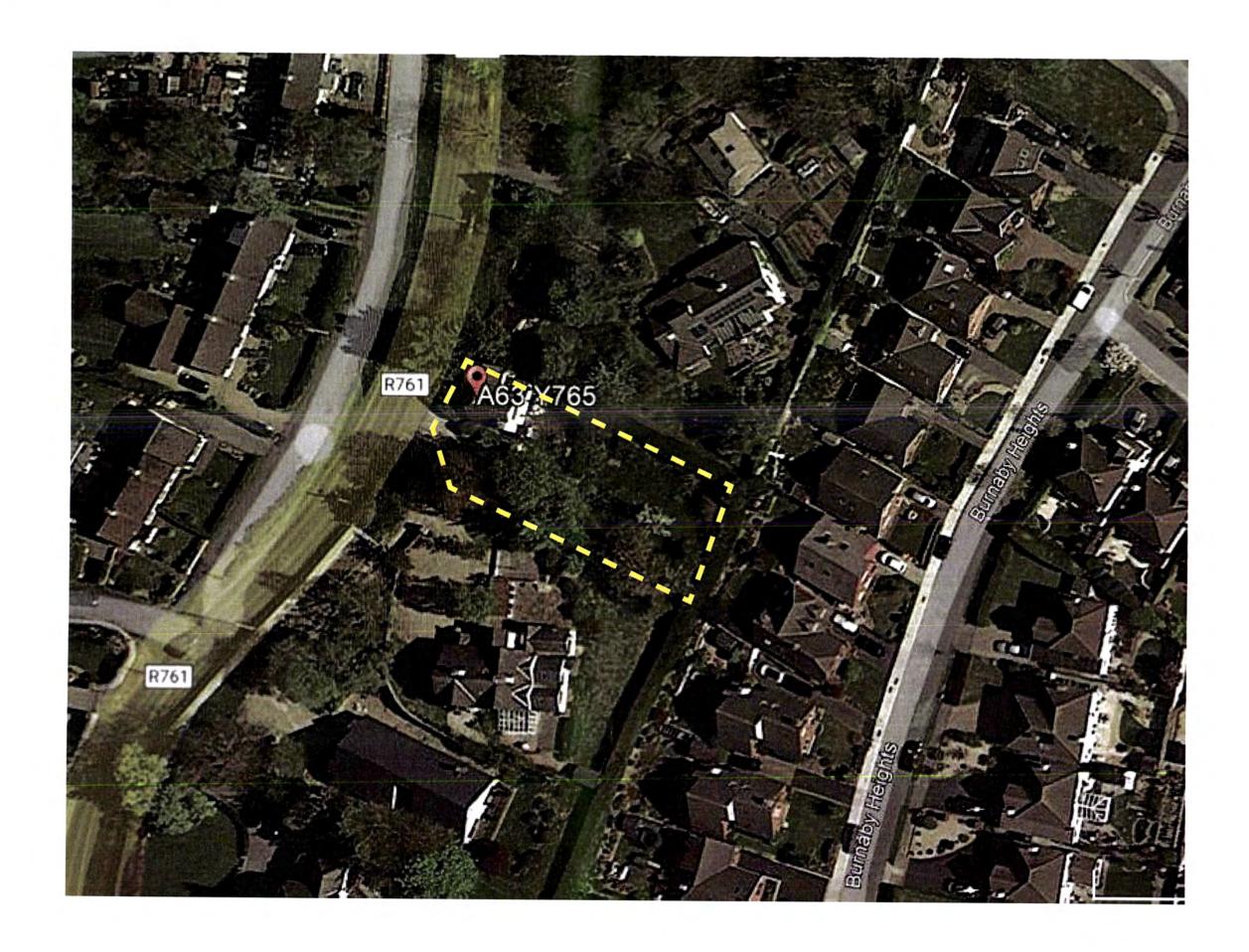
7th April 2022

SITE INTRODUCTION

# AERIAL VIEW OF THE SITE



# SITE BOUNDARY



# SITE PHOTO



# SITE PHOTOS









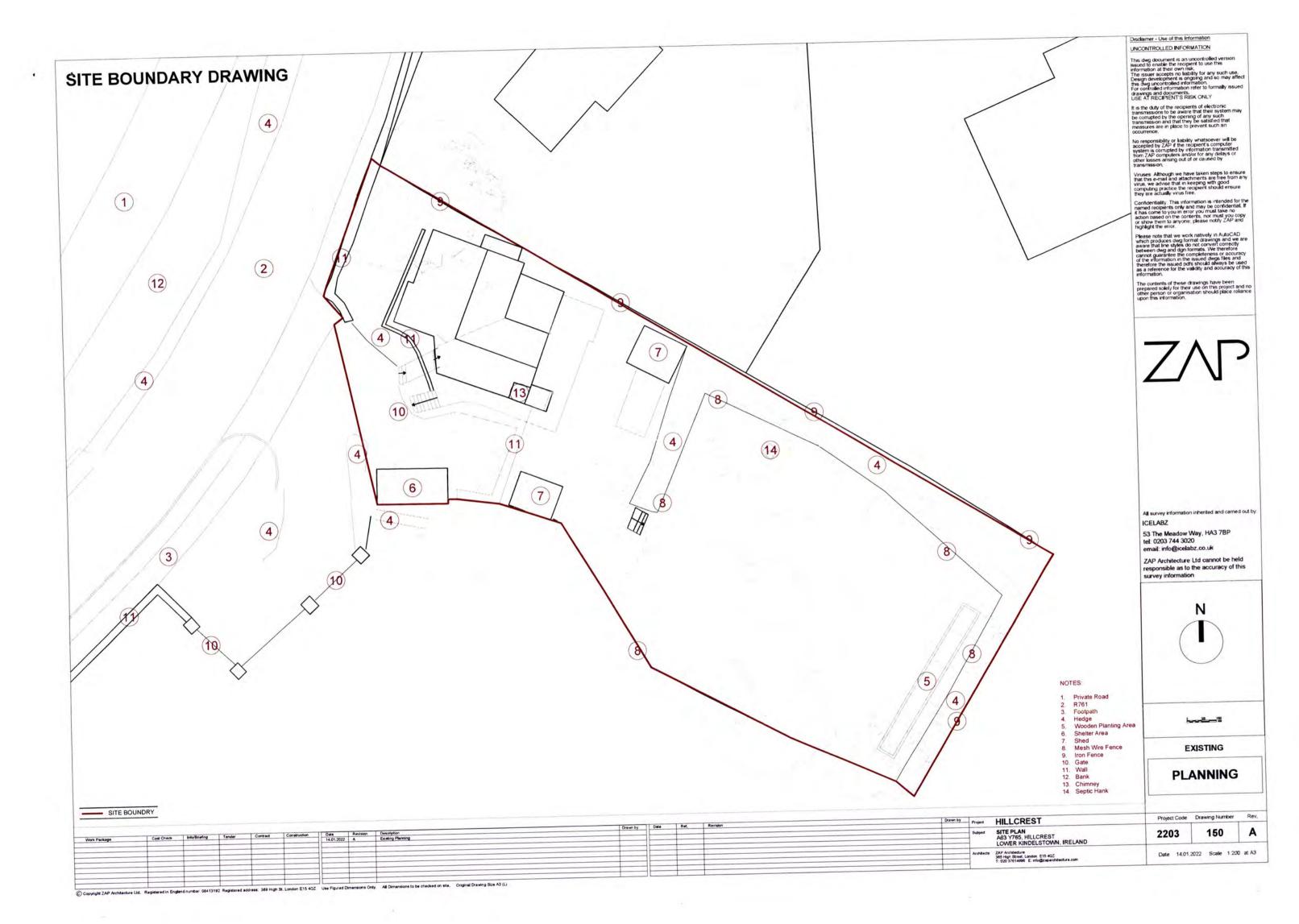
# TERRAIN SECTION

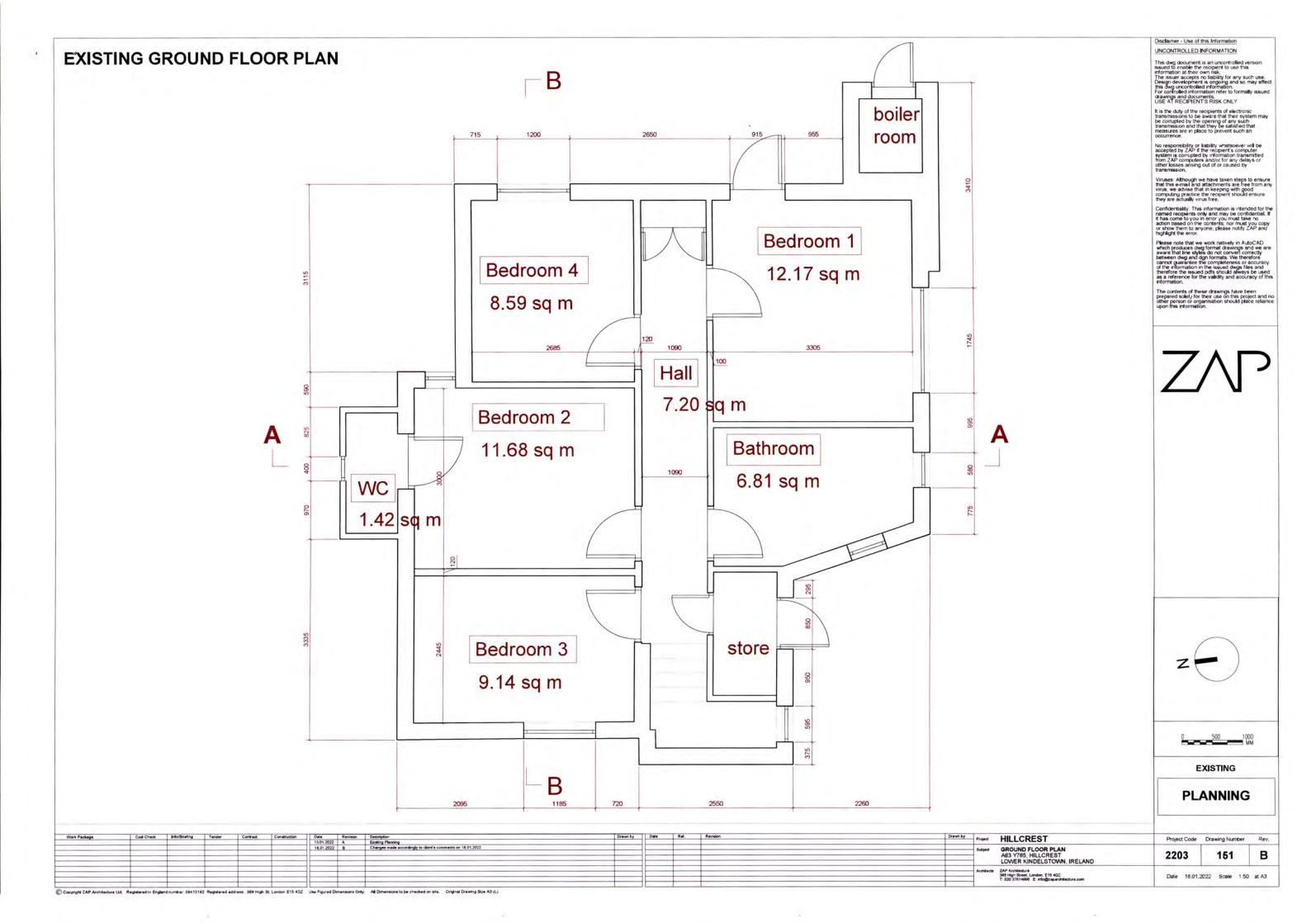
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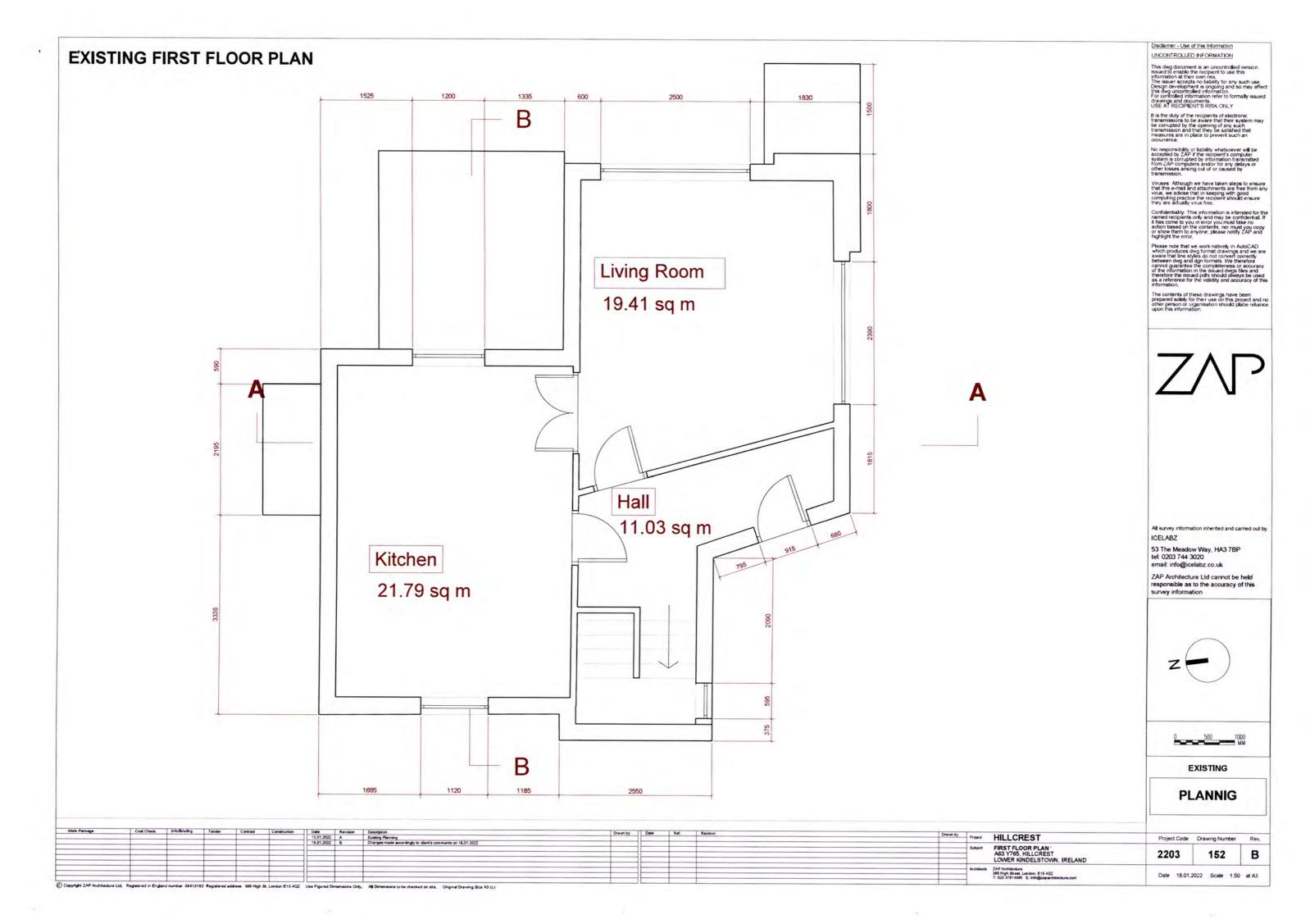
### STAIRS TO THE GARDEN AND GF ENTRANCE



EXISTING DRAWINGS







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Date 18.01.2022 Scale 1.50 at A3

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### **EXISTING ELEVATION 03**



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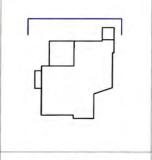
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#### **EXISTING ELEVATION 04**



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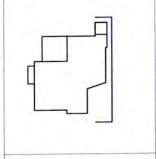
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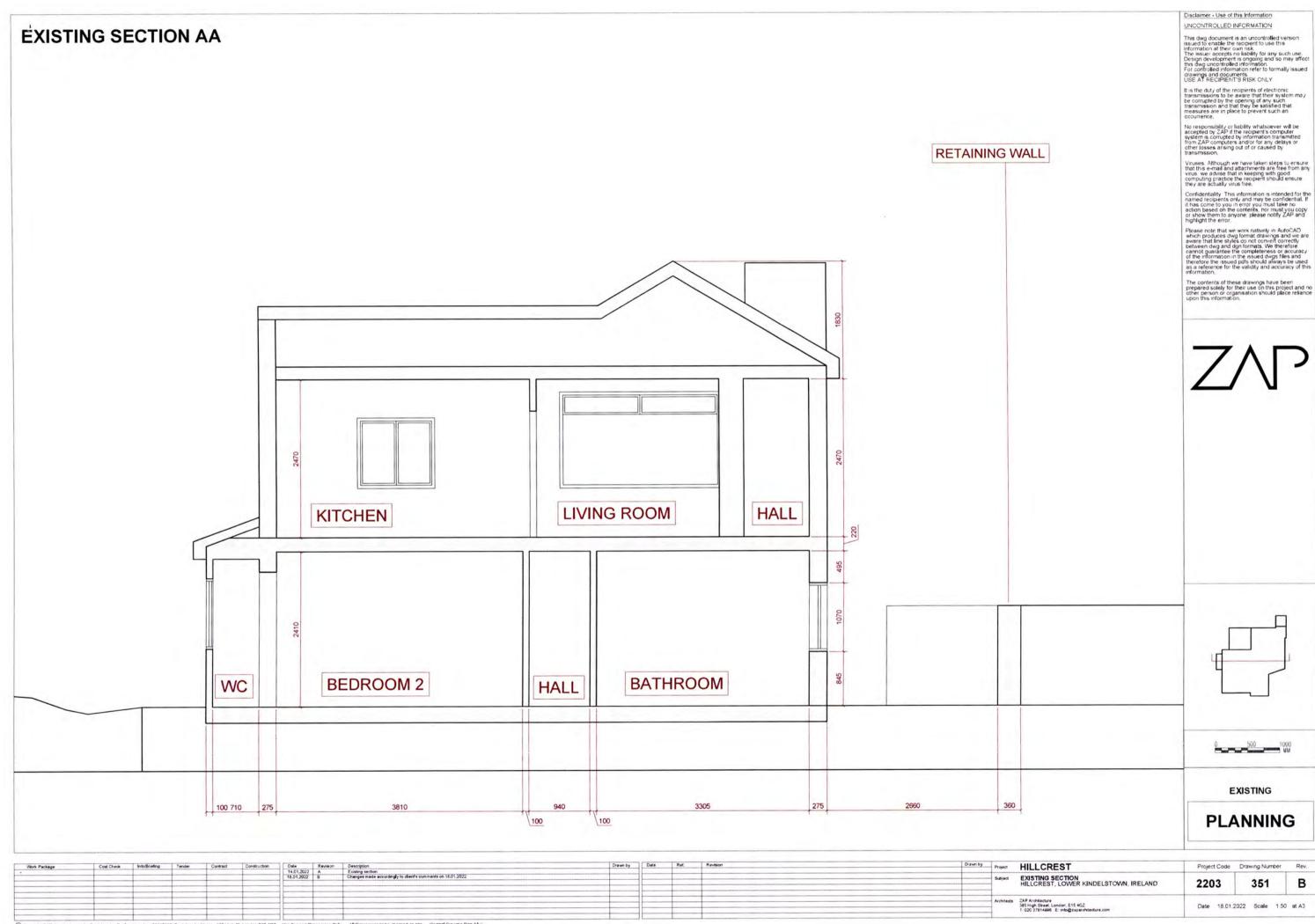


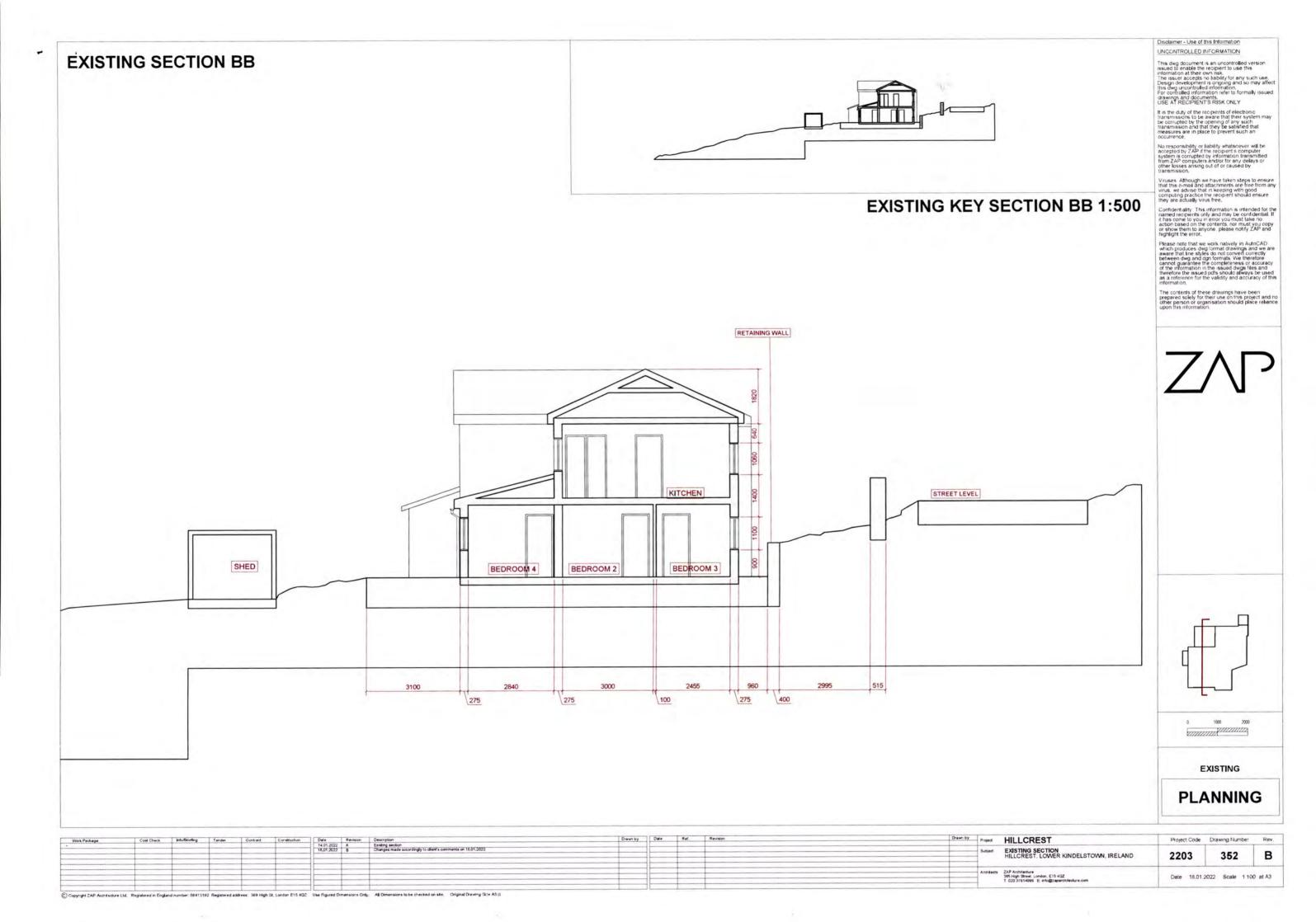


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**PLANNING** 

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SITE MODEL

### 'VISUAL 1- access from the road



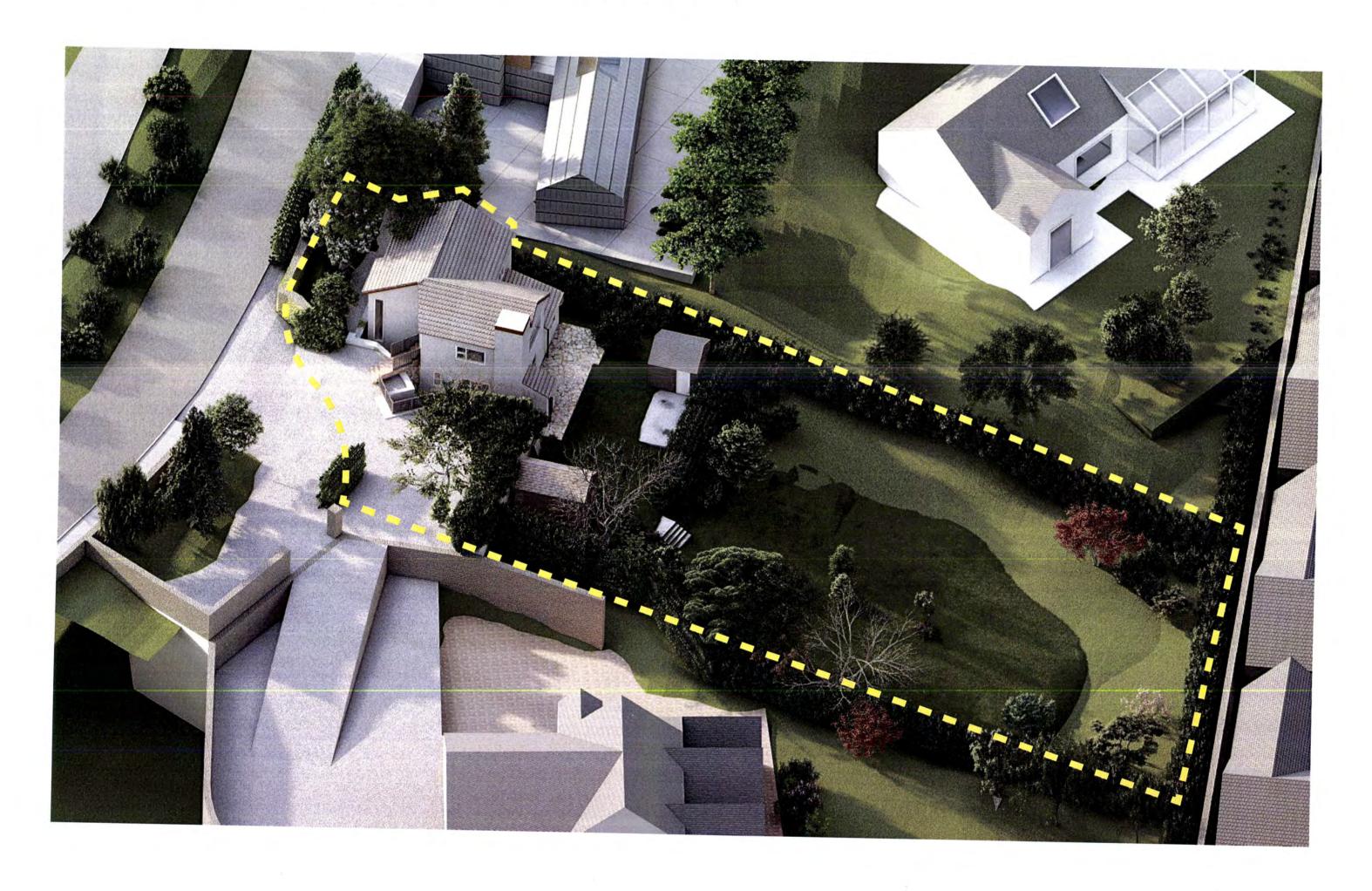
### ''VISUAL 2- garden view



## ''VISUAL 3- garden view



# AXONOMETRIC - SITE BOUNDARY



#### "AXONOMETRIC - CLOSE UP



HILLCREST

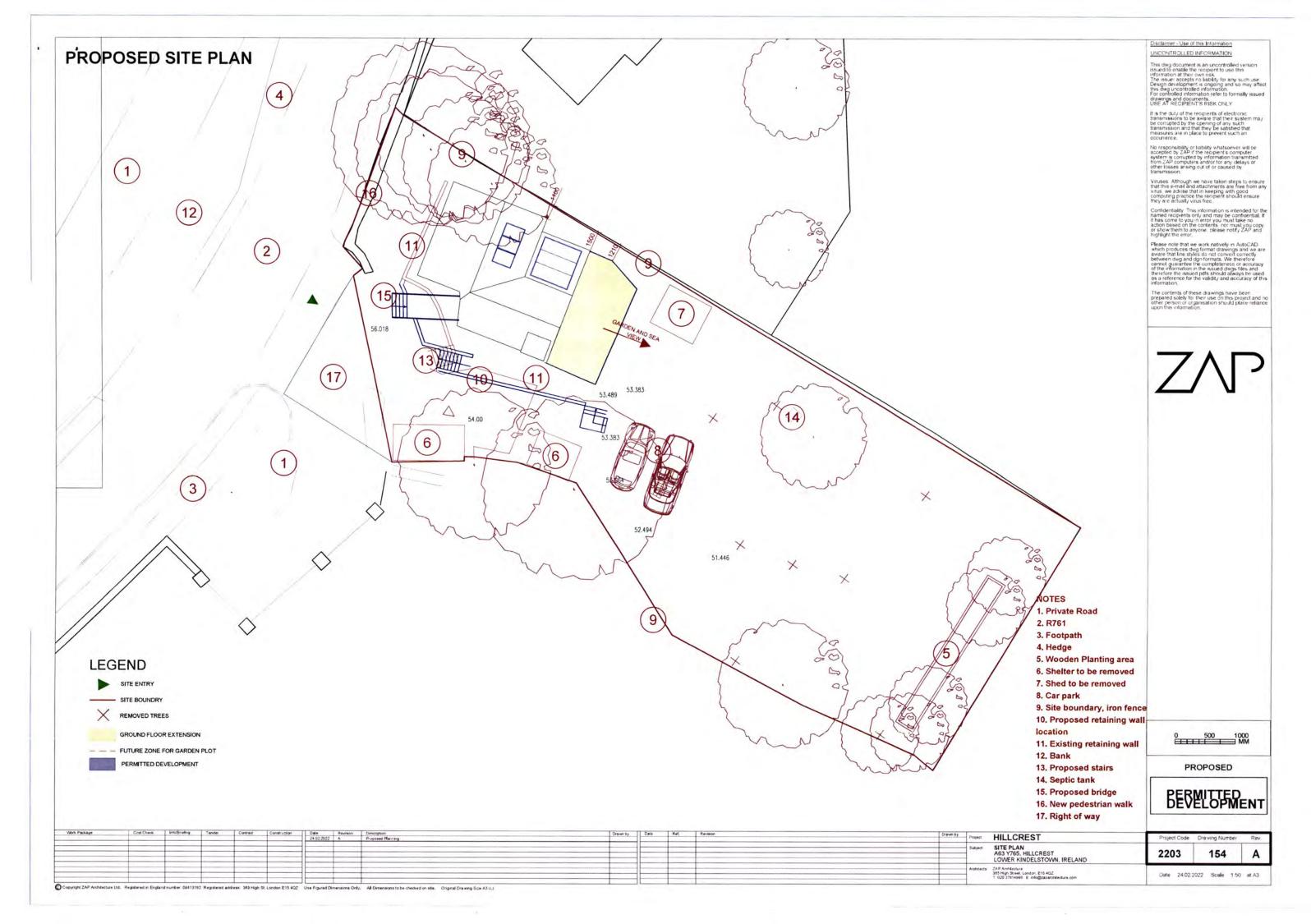
A63 Y765, HILLCREST, LOWER KINDELSTOWN, IRELAND PERMITTED DEVELOPMENT

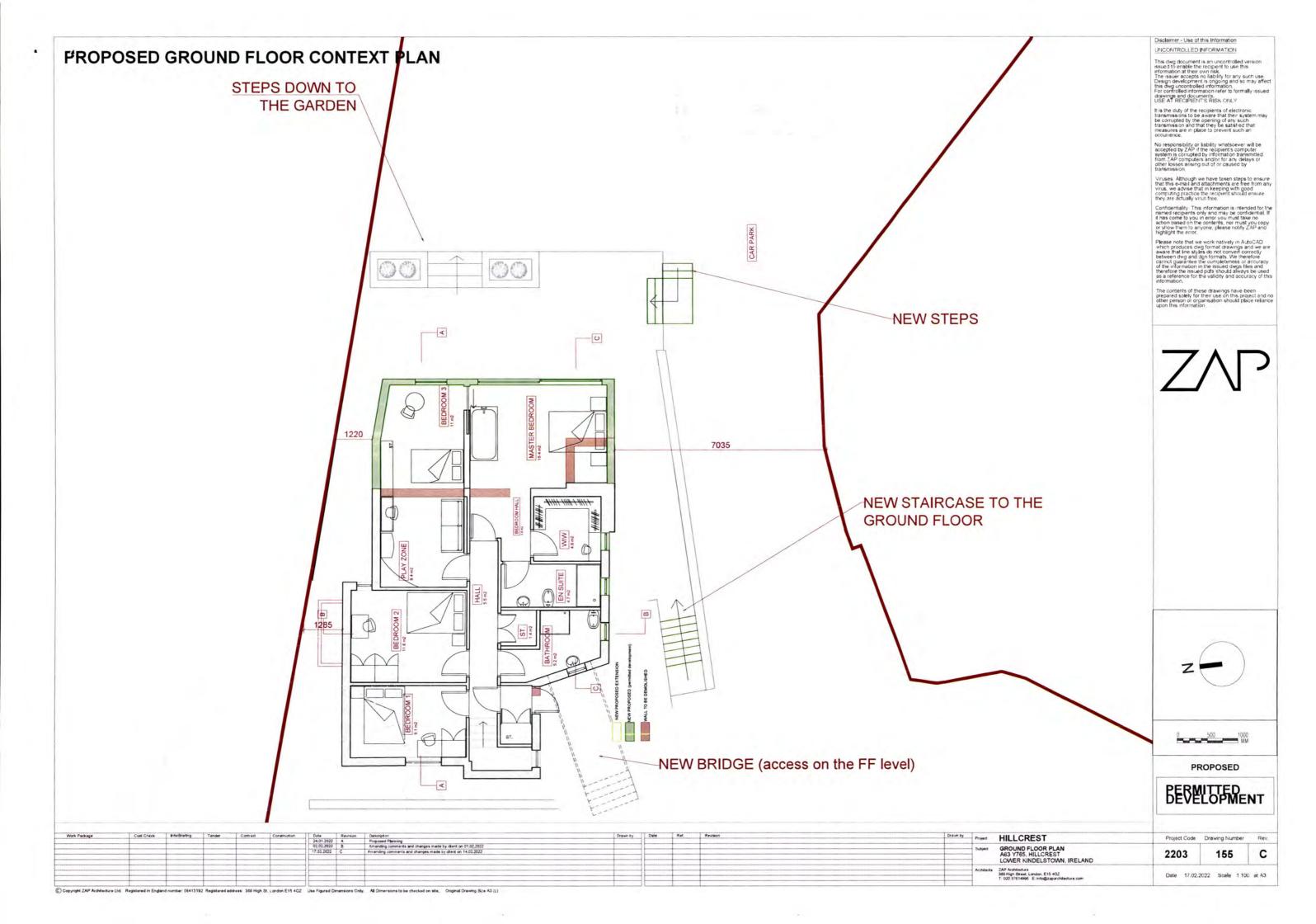
PROPOSED DESIGN

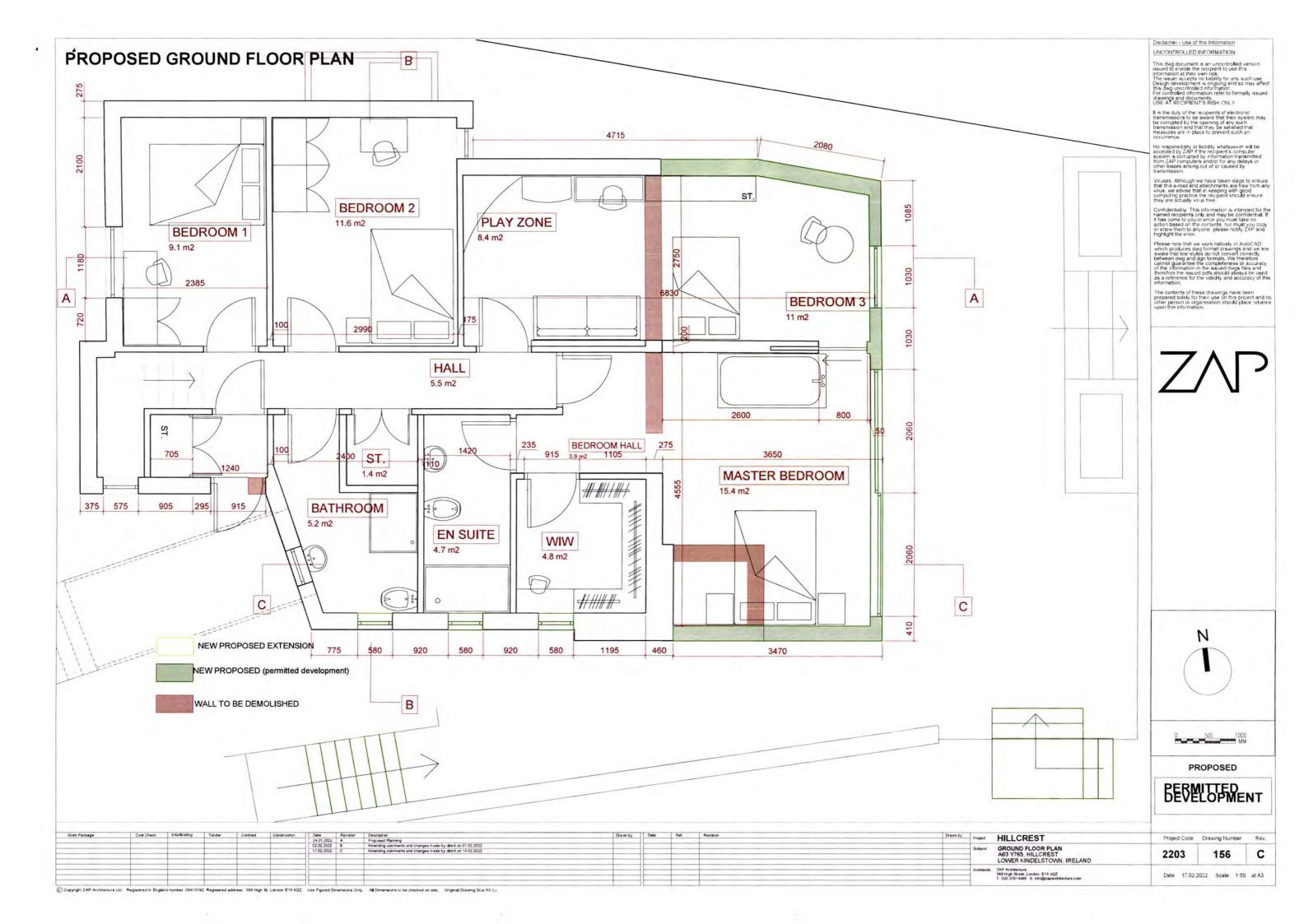
7th April 2022

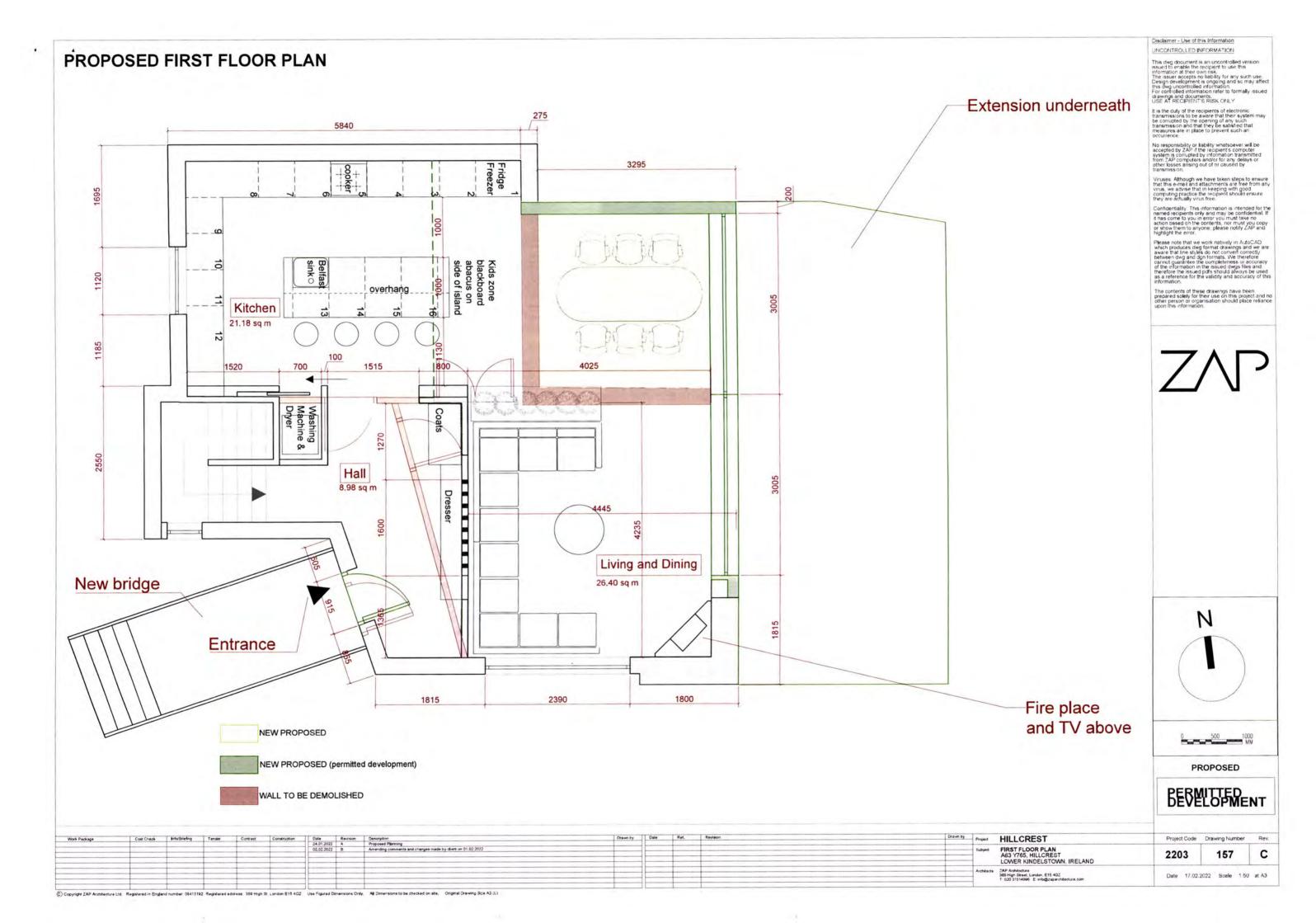


PROPOSED DRAWINGS

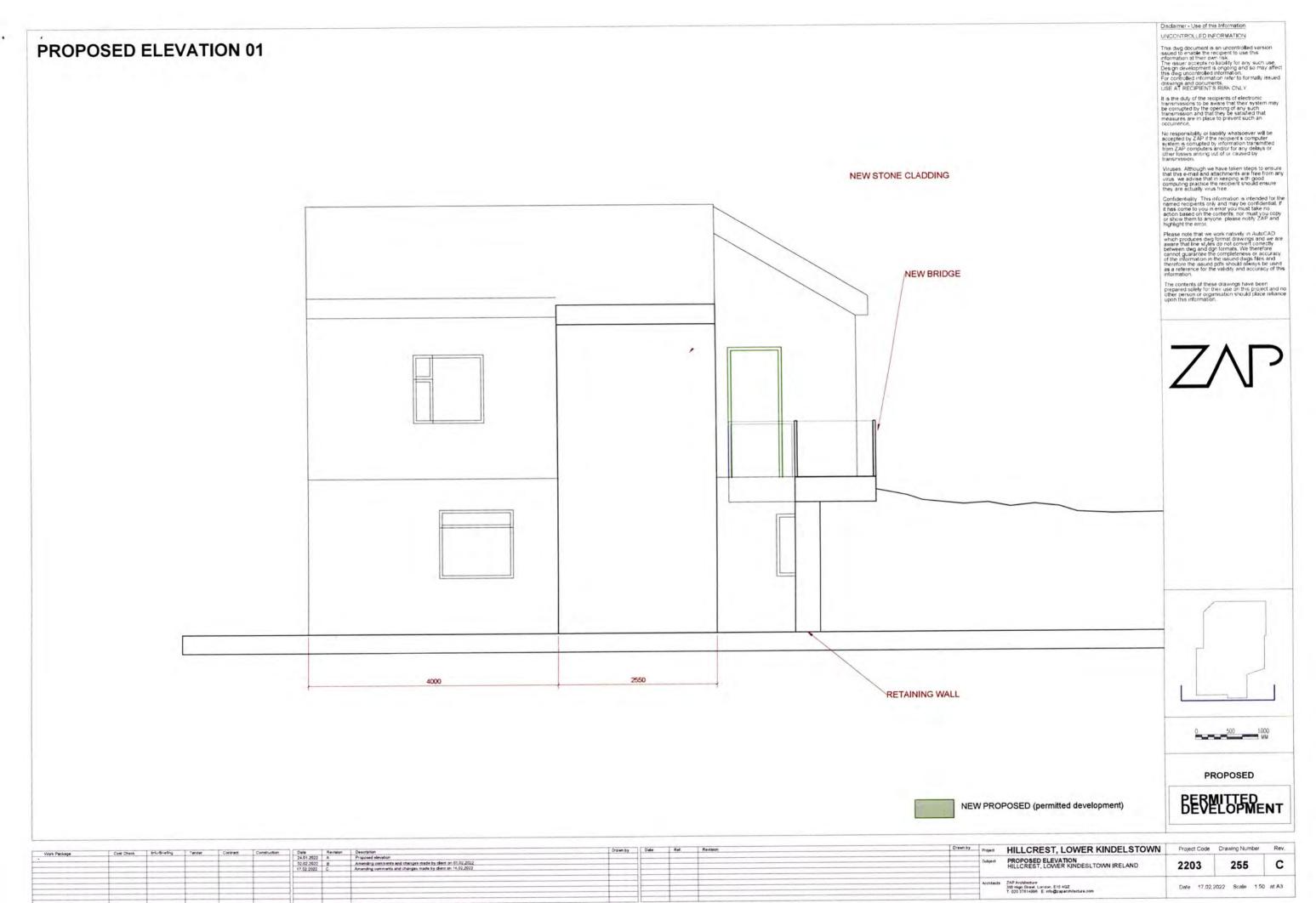








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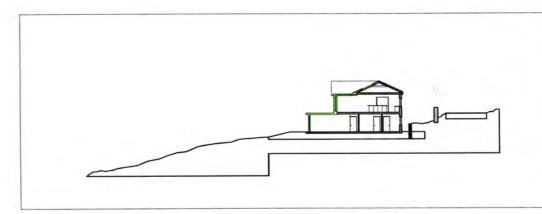








#### PROPOSED SECTION AA



#### **KEY SECTION AA 1:500**

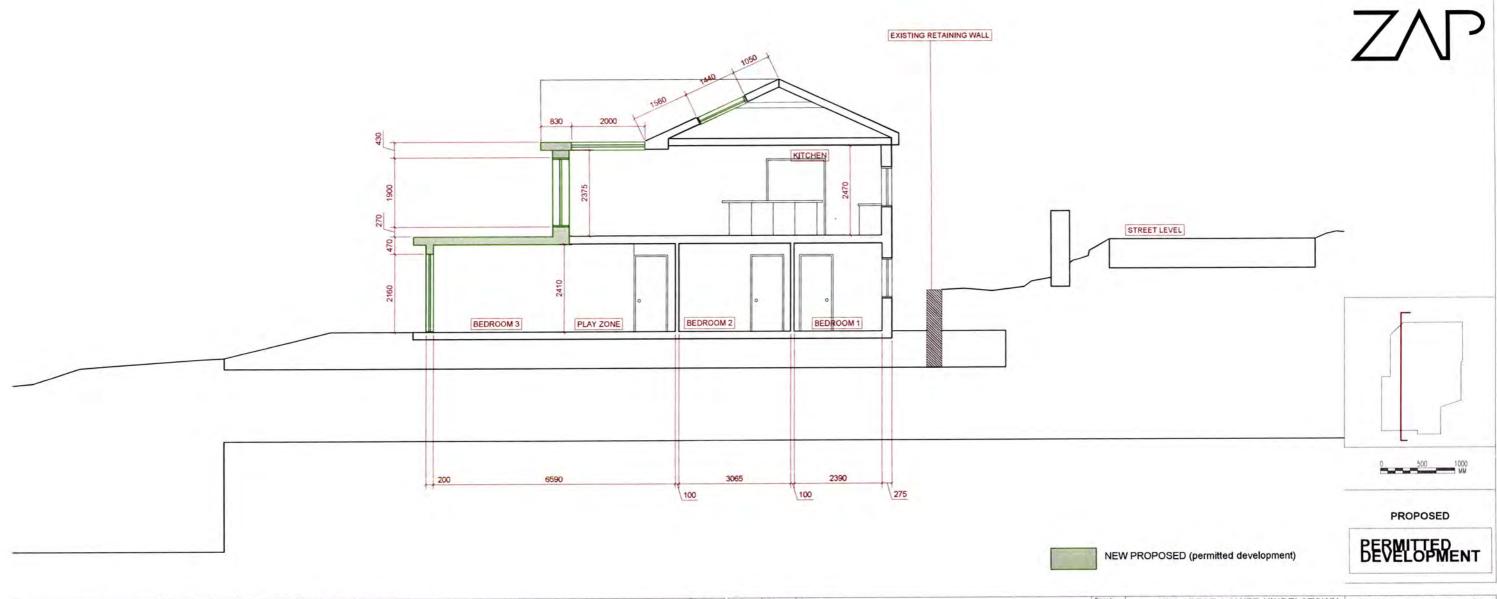
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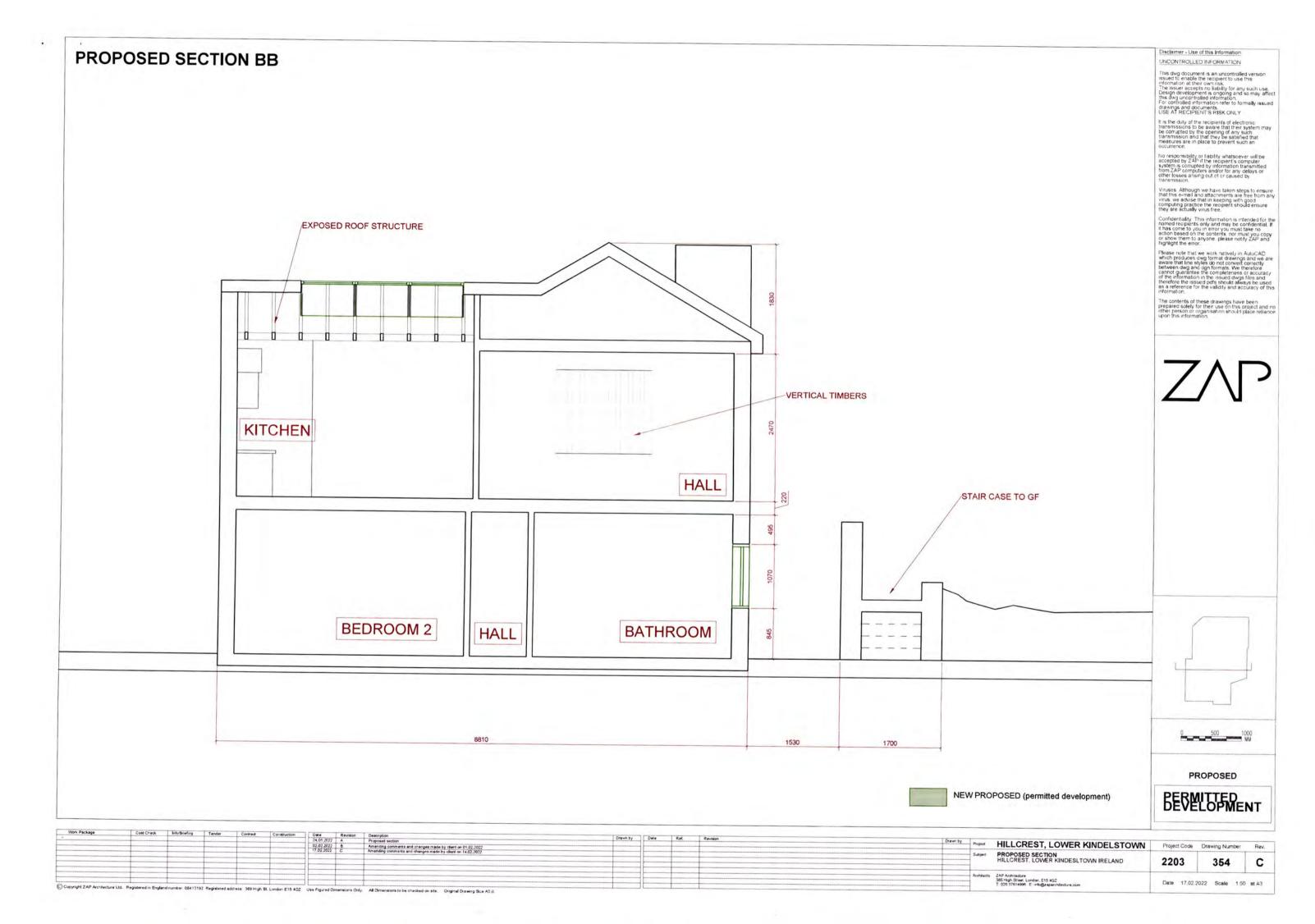
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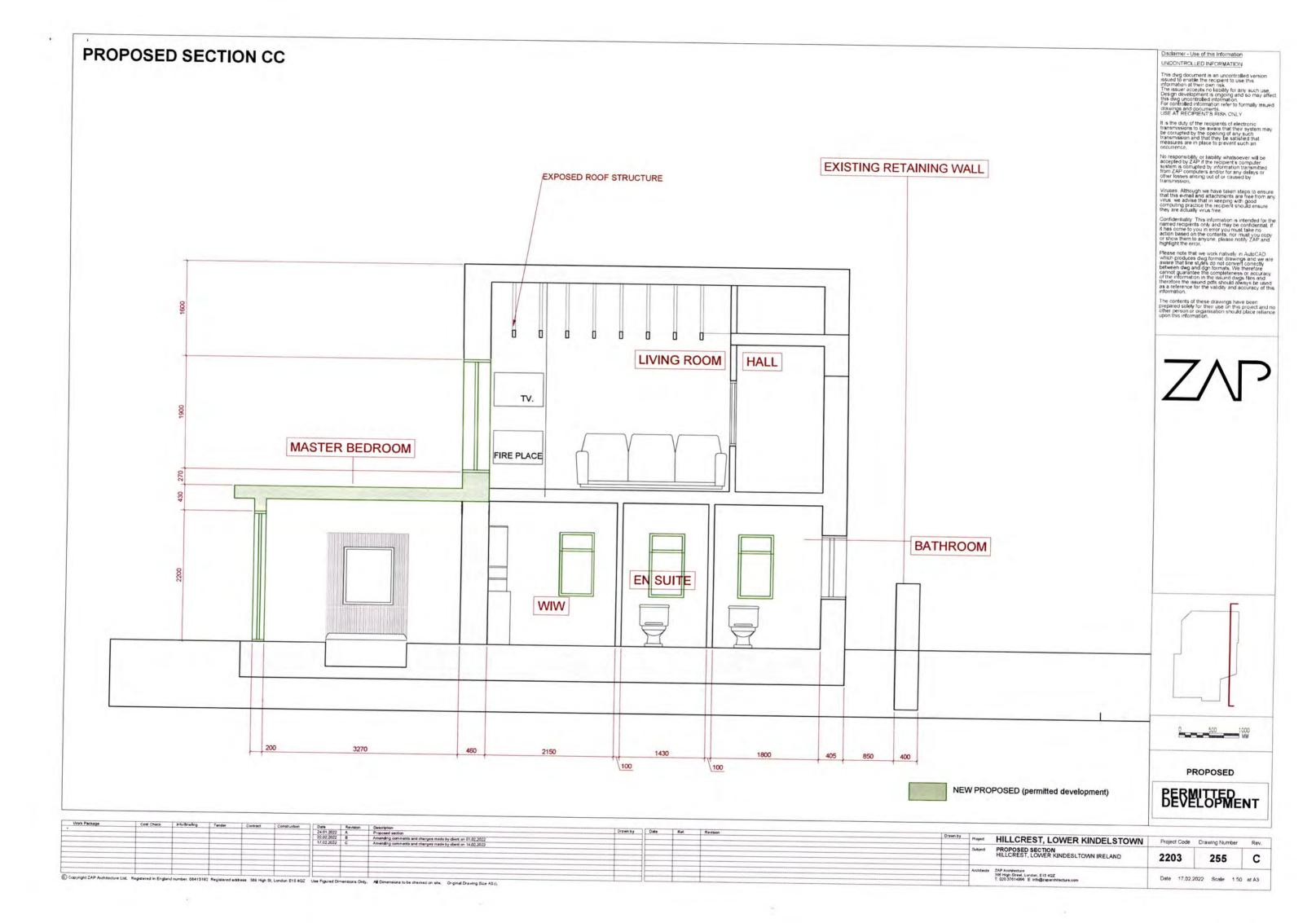
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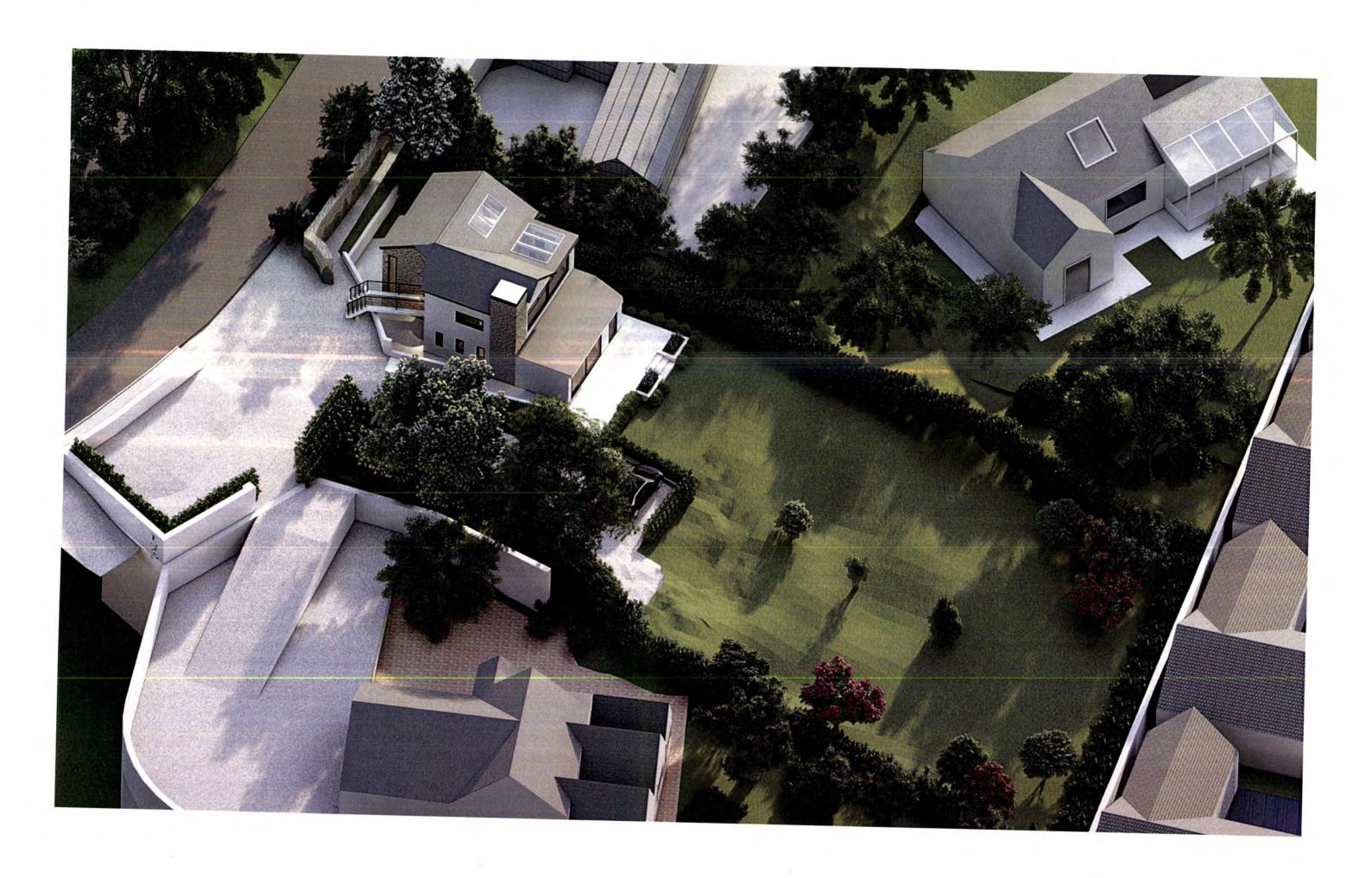
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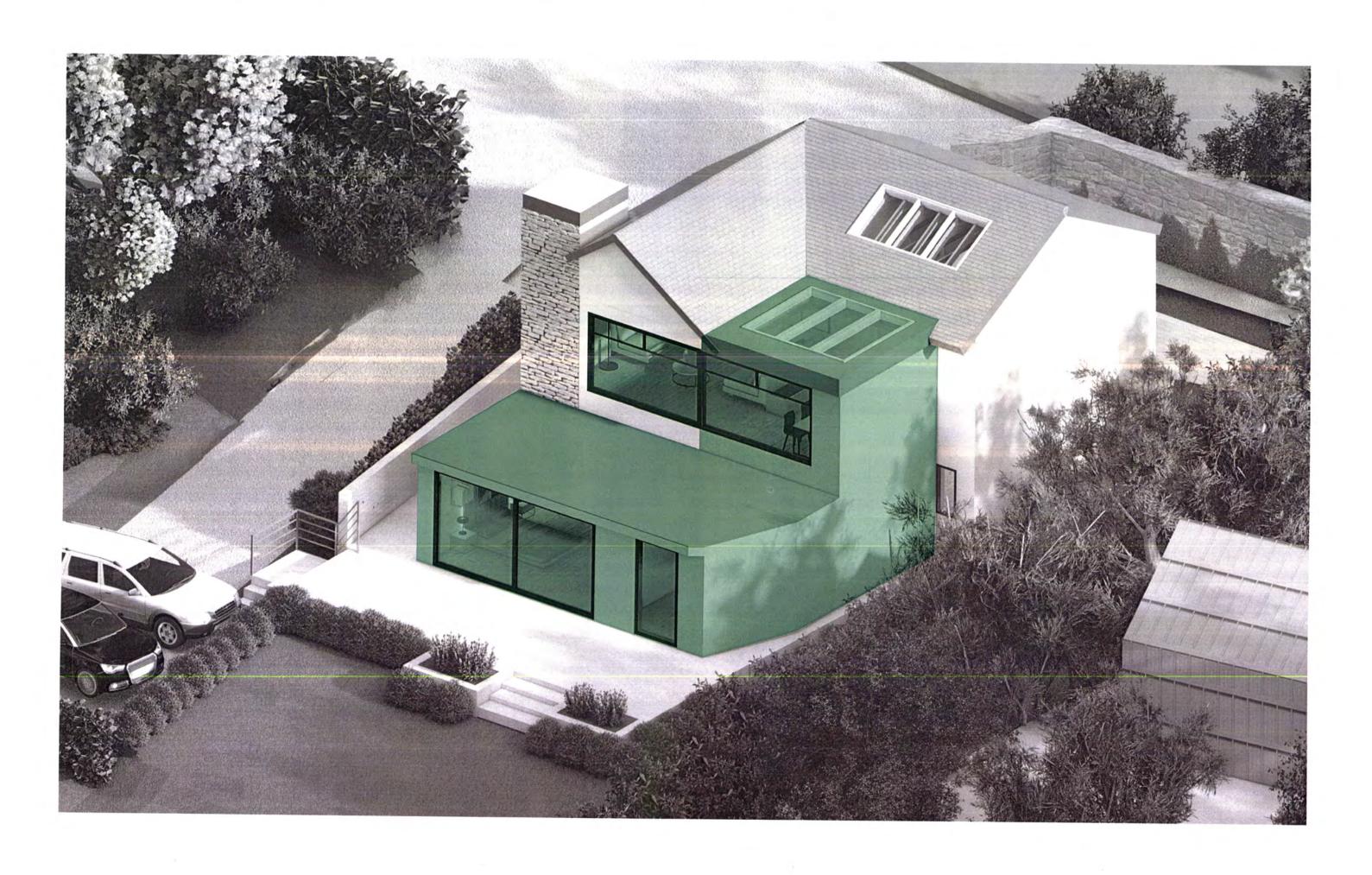


PROPOSED EXTERNAL VISUALS

# AXONOMETRIC VIEW



# AXONOMETRIC VIEW- new additions



# AXONOMETRIC VIEW- close up



#### MAIN ENTRANCE VISUAL 1



## MAIN ENTRANCE VISUAL 2



# EXTERNAL VISUAL 1



#### EXTERNAL VISUAL 2



PROPOSED INTERNAL VISUALS

## LIVING ROOM



## KITCHEN- visual



## MASTER BEDROOM- visual 1



# BEDROOM 3- visual

