



COMHAIRLE CONTAE CHILL MhANTÁIN  
Wicklow County Council

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

Áras An Chontae / County Buildings  
Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

Jason Tyler  
Tyler & Owens Architects  
Unit 1  
The Mash House  
Distillery Lofts  
Distillery Road  
Dublin 3  
D03 N627

26<sup>th</sup> July 2024

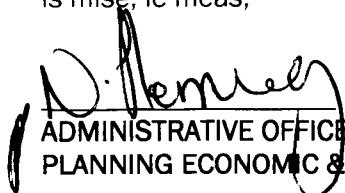
RE: Declaration in accordance with Section 5 of the Planning & Development Act 2000 (As Amended) – EX61/2024 for Shane & Jane Deasy – 93 Eagle Valley, Enniskerry, Co. Wicklow

A Chara,

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

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

Is mise, le meas,

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





# Comhairle Contae Chill Mhantáin Wicklow County Council

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

**Applicant:** Shane & Jane Deasy

**Location:** 93 Eagle Valley, Enniskerry, Co. Wicklow

**CHIEF EXECUTIVE ORDER NO. CE/PERD/963/2024**

Section 5 Declaration as to whether “works to return house to former state after house fire” at 93 Eagle Valley, Enniskerry, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

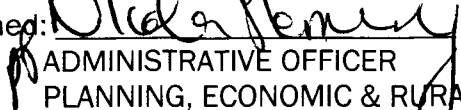
### Having regard to:

- a) The details submitted with the Section 5 Declaration
- b) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

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

- i. The works which are for the replacement and renewal of the existing roof, dormer windows and internal features would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended), and are therefore development having regard to the definition of development under Section 3.
- ii. These works would be exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended), as the replacement of the existing roof, and dormer window features, ceiling and the internal works will not materially affect the external appearance of the structure and neither will it render the structure inconsistent with the character of the structure or neighbouring structures, and is therefore exempted development.

**The Planning Authority considers that “works to return house to former state after house fire” at 93 Eagle Valley, Enniskerry, Co. Wicklow is development and is exempted development**

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  July 2024





WICKLOW COUNTY COUNCIL  
PLANNING & DEVELOPMENT ACT 2000 (As Amended)  
SECTION 5  
CHIEF EXECUTIVE ORDER NO. CE/PERD/963/2024

Reference Number: EX61/2024  
Name of Applicant: Shane & Jane Deasy  
Location of Subject Site: 93 Eagle Valley, Enniskerry, Co. Wicklow  
Nature of Application: Section 5 Declaration request as to whether or not "works to return house to former state after house fire" constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "works to return house to former state after house fire" at 93 Eagle Valley, Enniskerry, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- a) The details submitted with the Section 5 Declaration
- b) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The works which are for the replacement and renewal of the existing roof, dormer windows and internal features would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended), and are therefore development having regard to the definition of development under Section 3.
- ii. These works would be exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended), as the replacement of the existing roof, and dormer window features, ceiling and the internal works will not materially affect the external appearance of the structure and neither will it render the structure inconsistent with the character of the structure or neighbouring structures, and is therefore exempted development.

Recommendation:

The Planning Authority considers that "works to return house to former state after house fire" at 93 Eagle Valley, Enniskerry, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed Nicola Fleming

Dated 26<sup>th</sup> day of July 2024

ORDER:

I HEREBY DECLARE:

That "works to return house to former state after house fire" at 93 Eagle Valley, Enniskerry, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: Roy O'Keefe  
Senior Engineer  
Planning, Economic & Rural Development

Dated 26<sup>th</sup> day of July 2024



## **Section 5 Application : EX 61/2024**

Date : 18/7/2024.  
Applicant : Shane & Jane Deasy  
Address : 93 Eagle Valley, Enniskerry, Co. Wicklow

Whether or not :  
Works to return house to former state after house fire is development and is exempted development.

### **Planning History :**

03/8027 Permission granted for a single storey extension to existing dormer bungalow at 93 Eagle Valley , Powerscourt, Enniskerry, Co. Wicklow.  
98/9128 16 no. houses and garages on site no's 72 to 76 inclusive and 93 to 103 inclusive  
93/9048 Reduction of no. of houses from 150 to 100, change of site layout, house type and provision of a single entrance  
PL27/5/88282 (PRR91/6931) Permission granted for housing as part of development of hotel and golf course .

### **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, except where the context otherwise requires, "development" means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

Section 4

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;



**Assessment :**

The querist seeks confirmation that works to return house to former state after house fire development and is exempted development.

The works consist of the replacement of roof, dormer and ceiling, all internal stud wall, new plastering throughout, part replacement floors, windows and all internal fixtures and fittings. Indicated the replacement roof and dormer windows will be the same form, materials and colour as they were prior to the fire.

It is considered that the given the works are for the replacement and renewal of the existing roof, dormer windows and internal features of 93 Eagle Valley, they would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended). These works are therefore development having regard to the definition under Section 3 of the Act i.e.

*(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or*

Section 4(1)(h) provides that 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;*

The works of replacement of the existing roof, and dormer window features and ceiling and the internal works are identified to be carried out such that they will match the dwelling prior to the fire, it is therefore considered that the works will not affect the external appearance of the structure and would be consistent with the character of the structure and neighbouring structures and is therefore exempted development.

**Recommendation :**

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

Works to return house to former state after house fire at 93 Eagle Valley, Enniskerry, Co. Wicklow Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that Works to return house to former state after house fire **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration
- b) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration :

- i. The works which are for the replacement and renewal of the existing roof, dormer windows and internal features would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended), and are therefore development having regard to the definition of development under Section 3.
- ii. These works would be exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended), as the replacement of the existing roof, and dormer window features, ceiling and the internal works will not materially affect the external appearance of the structure and neither will it render the structure inconsistent with the character of the structure or neighbouring structures, and is therefore exempted development.

*Seal Birmingham LLP*

18/7/2024

*Issue declaration as recommended  
by J. High  
24/07/24*



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

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

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**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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

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

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**RE:- Application for Certificate of Exemption under Section 5 of the**  
**Planning and Development Acts 2000 (as amended).**  
**EX61/2024**

I enclose herewith application for Section 5 Declaration received completed on 09/07/2024

The due date on this declaration is 5<sup>th</sup> August 2024.

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

*Tá an doicimead seo ar fáil i bhformáid eile ar iarratas*  
*This document is available in alternative formats on request*

Ba chóir gach comhfheagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development







**COMHAIRLE CONTAE CHILL Mhantáin**  
**Wicklow County Council**

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe**  
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11<sup>th</sup> July 2024

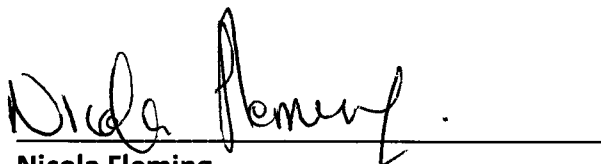
**Jason Tyler**  
**Tyler & Owens Architects**  
**Unit 1, The Mash House**  
**Distillery Lofts**  
**Distillery Road**  
**Dublin 3**  
**D03 N627**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX61/2024 – Shane & Jane Deasy, 93 Eagle Valley, Enniskerry, Co. Wicklow**

A Chara

I wish to acknowledge receipt on 09/07/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 05/08/2024.

Mise, le meas

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



5<sup>th</sup> July '24

Wicklow County Council

County Buildings

Wicklow

Co Wicklow

**Re: 93 Eagle Valley, Enniskerry, Co Wicklow.**

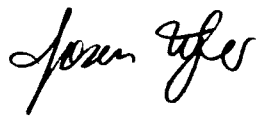
Dear Sir / Madam,

On behalf of our clients, Shane and Jane Deasy, we wish to apply for a Declaration in accordance with Section 5 of the Planning & Development Acts 2000. In support of this application, we include the following information;

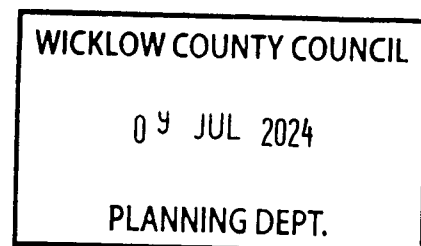
- Completed & Signed Application Form
- Application Fee in the amount of €80.00.
- 1no. copy of the TOA Drawings: 2024-21-S-100.
- 1no. copy of OSi Map.
- 1no. copy of photos of the current state of the fire-damaged house.

We trust the enclosed is in order. However, if you have any further queries, do not hesitate to contact me at 01-5250050.

Yours sincerely,



Jason Tyler, Dip. Arch Tech. B. Arch



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

09/07/2024 11 01 58

Receipt No L1/0/331624

TYLER OWENS  
ARCHITECTS  
THE MASH HOUSE  
DISTILLERY ROAD  
DUBLIN 3

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

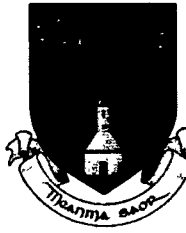
Total	80 00 EUR
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Tendered Cheque	80 00
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Change	0 00
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Wicklow County Council  
County Buildings  
Wicklow  
Co Wicklow  
Telephone 0404 20148  
Fax 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: **Shane and Jane Deasy**  
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) **Jason Tyler**

Address of Agent : **Tyler&Owens Architects, Unit 1, The Mash House, Distillery  
Lofts, Distillery Road, Dublin 3, D03 N627**

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

**3. Declaration Details**

- i. Location of Development subject of Declaration **93 Eagle Valley, Enniskerry, Co  
Wicklow.**

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

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

\_\_\_\_\_  
\_\_\_\_\_

iv. Section 5 of the Planning and Development Act provides that: If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration  
*Additional details may be submitted by way of separate submission.*

Following a house fire, can this house be returned to its former state with no additions, extensions, or increased floor space?

This detached house has been severely damaged due to an extensive fire that started in the attic. Lithium batteries caused huge damage, and subsequent water damage has left the house uninhabitable. The entire roof, dormers, and ceiling need to be replaced along with all internal stud walls, new plastering throughout, part replacement floors, windows and all internal fixtures and fittings. The replacement roof and dormer windows will be the same form, materials and colour as they were prior to the fire resulting in the same external appearance.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration **Section 4(1)(h)**  
*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  
**2024-21-S-100 - The Floor Plans, Section, Elevations, Context Elevations, Site Plan, OSI Map**

viii. Fee of € 80 Attached ? **YES**

Signed : 

Dated : 05.07.2024

**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.

**ADDITIONAL CONTACT INFORMATION**  
**NOT TO BE MADE AVAILABLE WITH APPLICATION**

**Please note:**





# Planning Pack Map



**Tailte  
Éireann**



**CENTRE  
COORDINATES:**  
ITM 721751,717102

**PUBLISHED:** 25/06/2024  
**ORDER NO.:** 50406199\_1

**MAP SERIES:** 1:2,500  
**MAP SHEETS:** 3567-C, 3616-A

**COMPILED AND PUBLISHED BY:**  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
D08F6E4

[www.tailte.ie](http://www.tailte.ie)

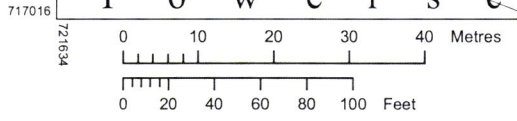
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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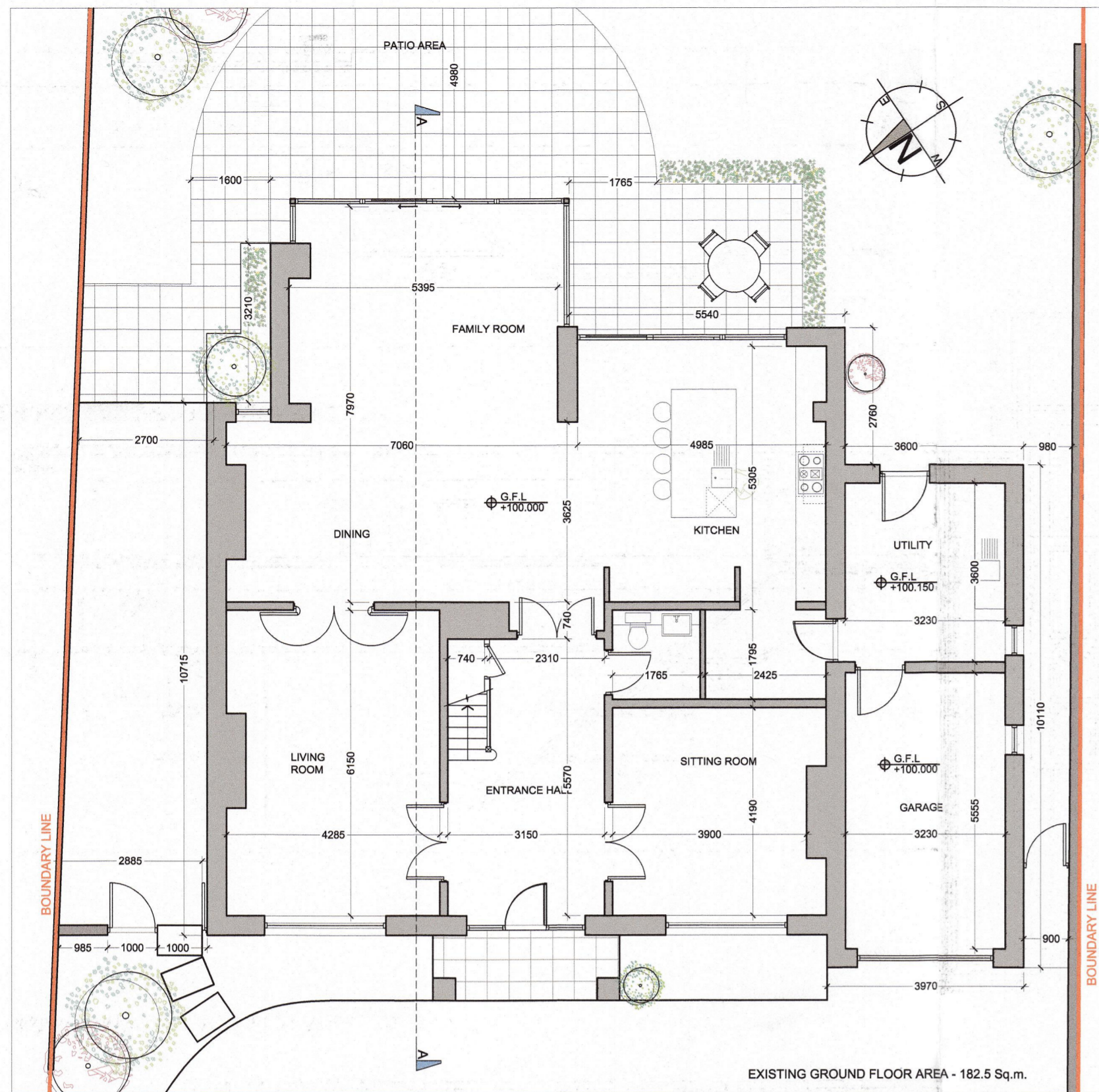
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**CAPTURE RESOLUTION:**  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

**LEGEND:**  
To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

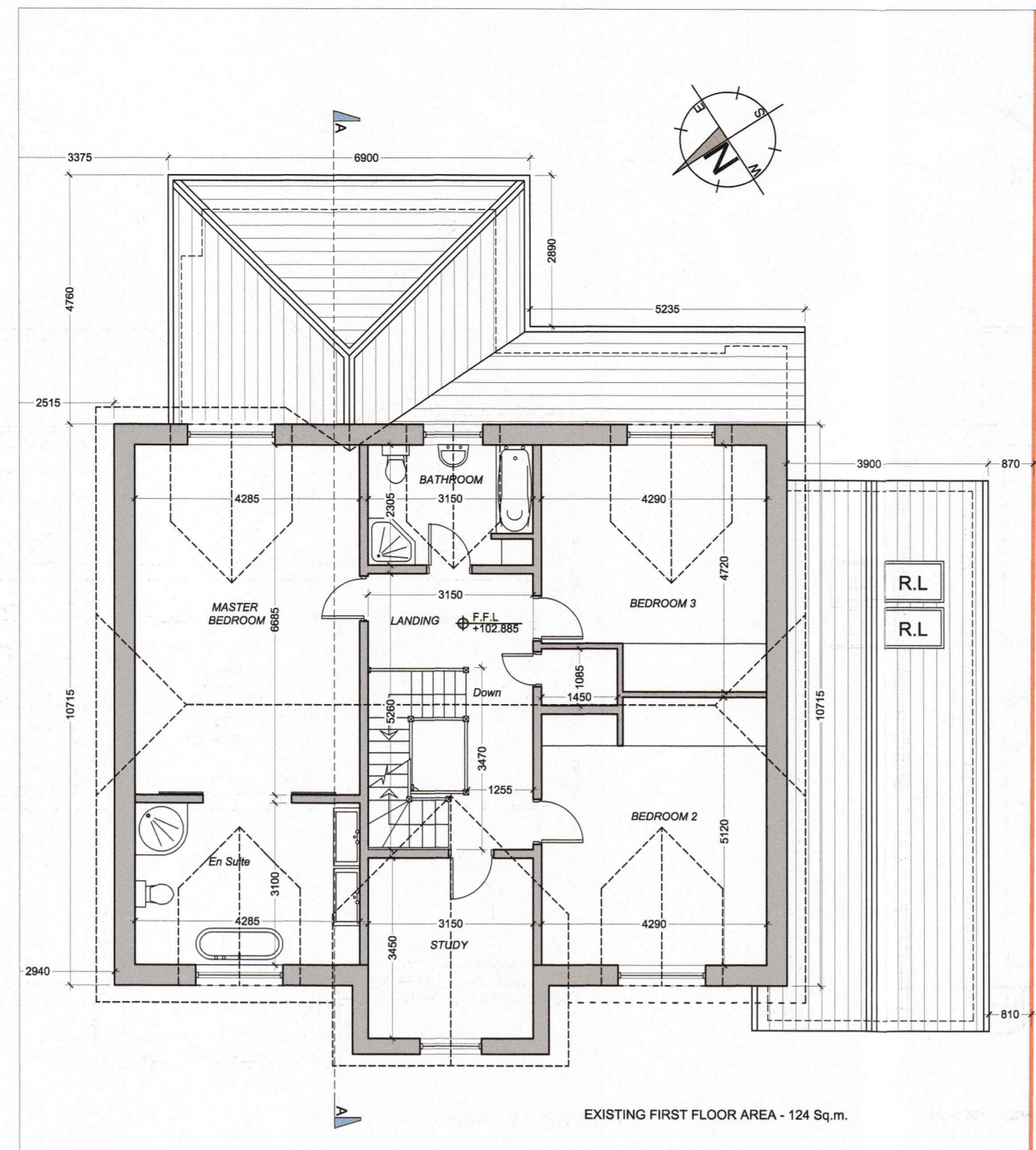






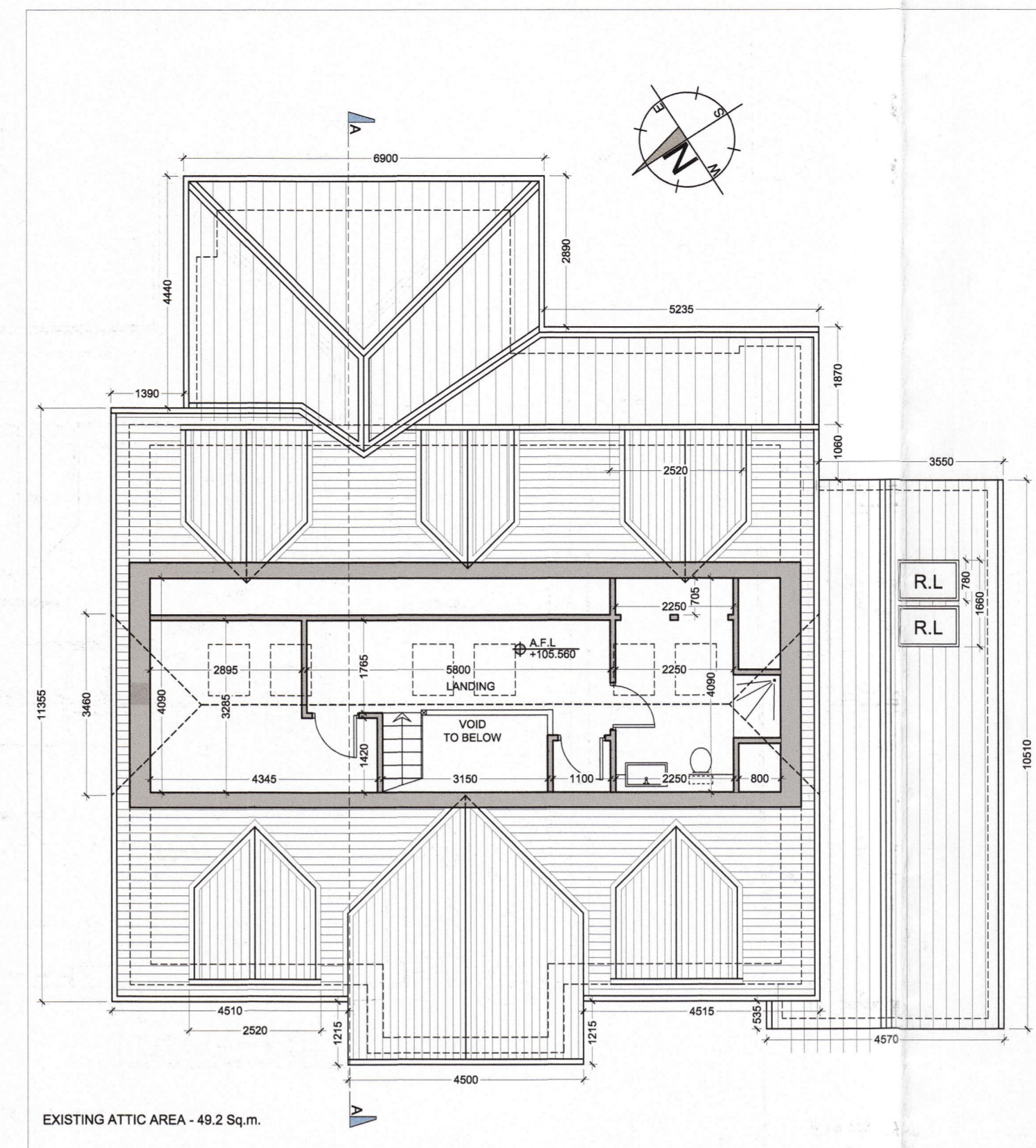
EXISTING GROUND FLOOR PLAN. SCALE...1:100

EXISTING GROUND FLOOR AREA - 182.5 Sq.m.



EXISTING FIRST FLOOR PLAN. SCALE...1:100

EXISTING FIRST FLOOR AREA - 124 Sq.m.



EXISTING ATTIC PLAN. SCALE...1:100

EXISTING ATTIC AREA - 49.2 Sq.m.



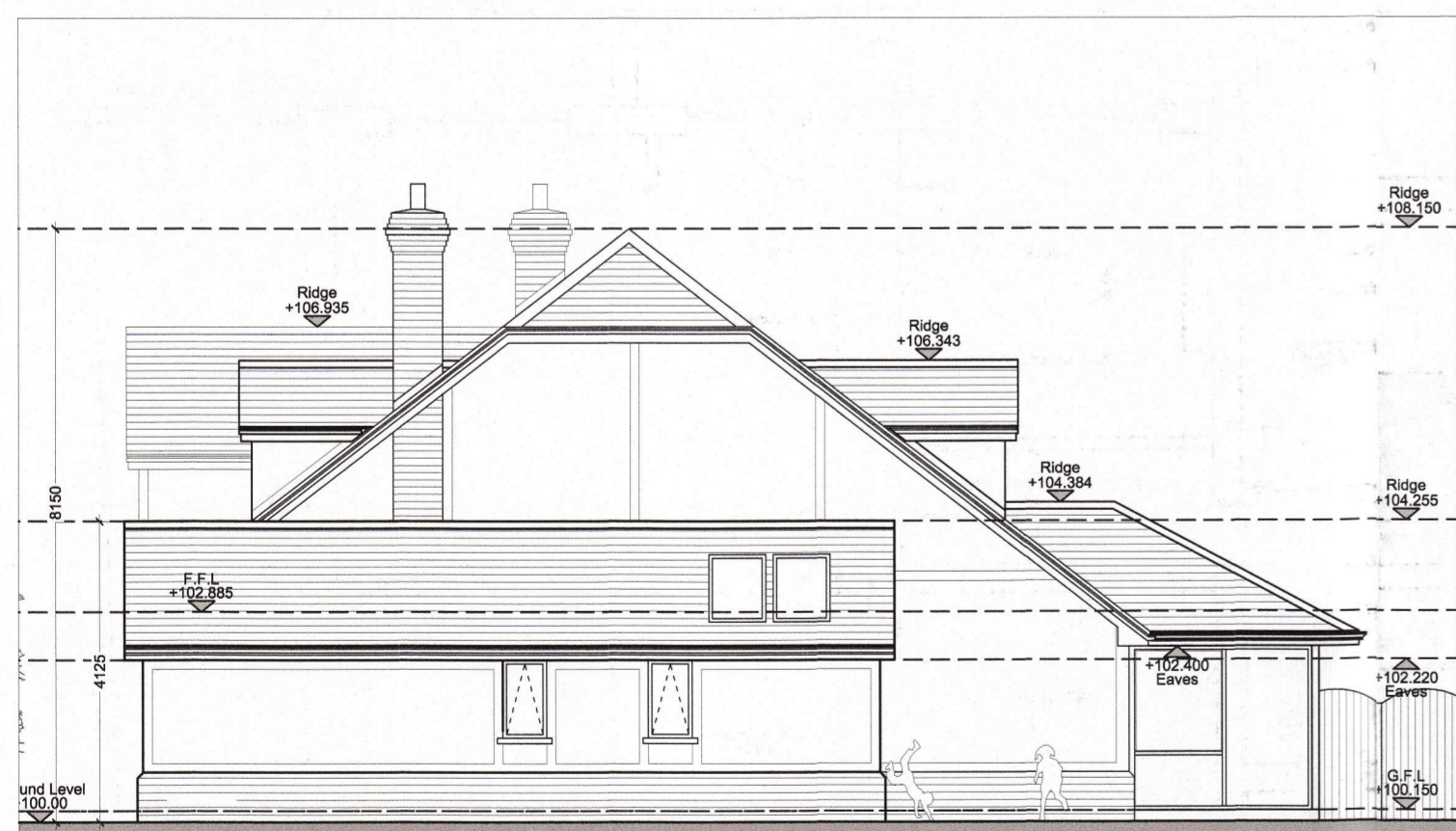
EXISTING SITE PLAN. SCALE...1:250



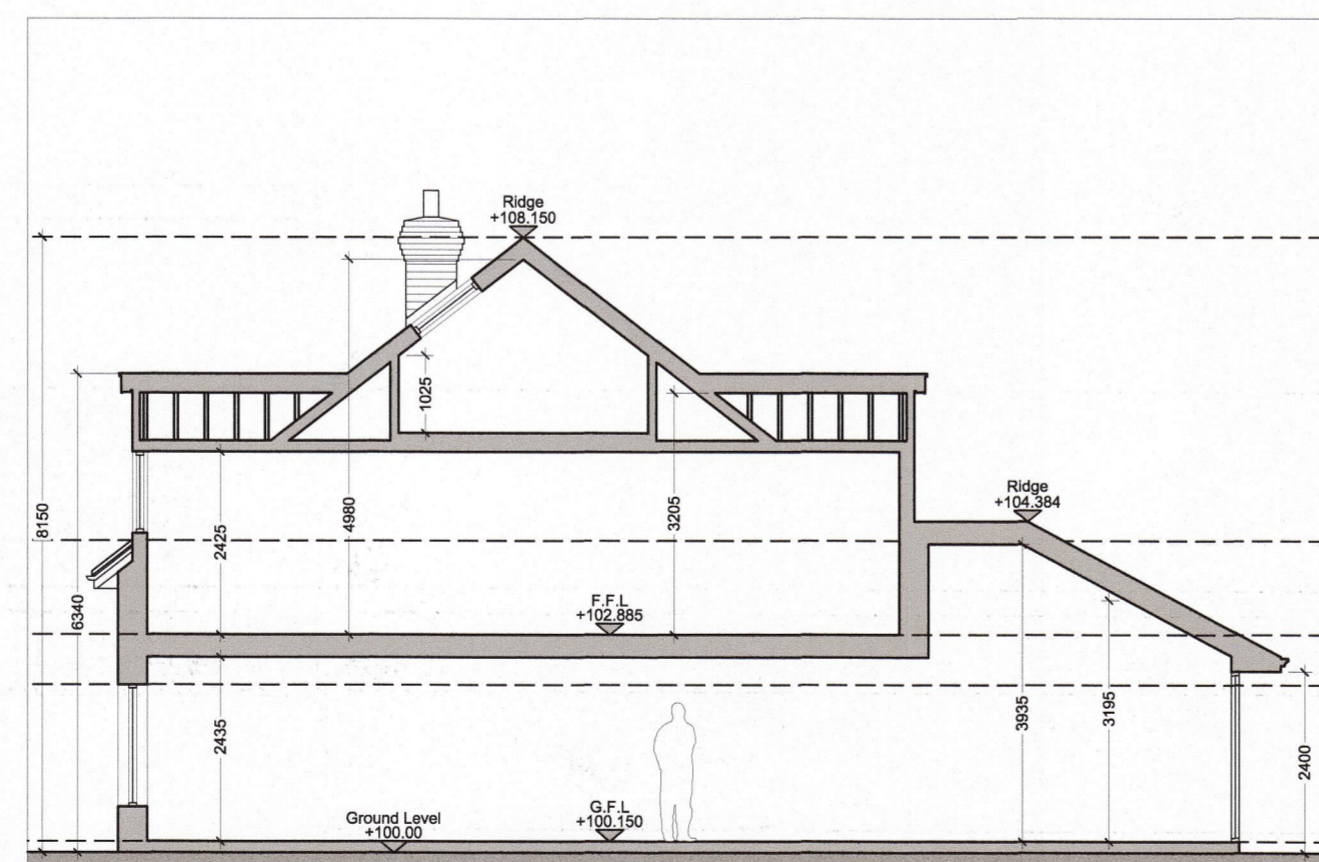
EXISTING REAR (SOUTH-EAST) ELEVATION. SCALE...1:100



EXISTING FRONT (NORTH-WEST) ELEVATION. SCALE...1:100



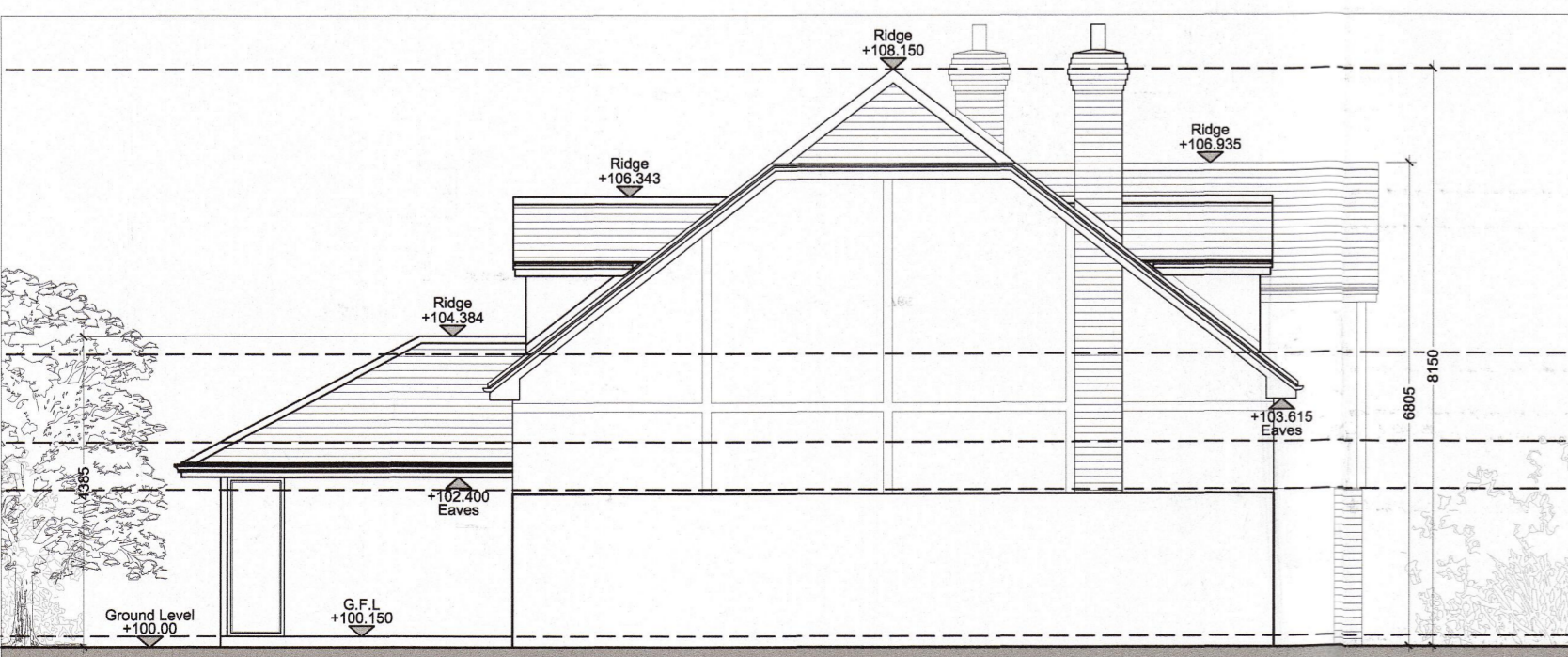
EXISTING SIDE (SOUTH-WEST) ELEVATION. SCALE...1:100



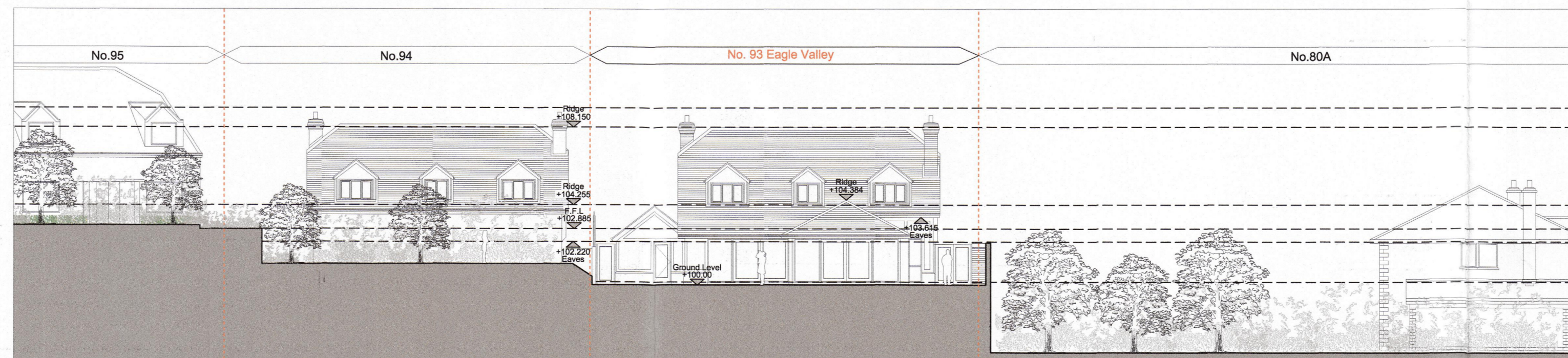
EXISTING SECTION A-A. SCALE...1:100



EXISTING FRONT (NORTH-WEST) CONTEXT ELEVATION. SCALE...1:200



EXISTING SIDE (NORTH-EAST) ELEVATION. SCALE...1:100



EXISTING REAR (SOUTH-EAST) CONTEXT ELEVATION. SCALE...1:200

REV	DESCRIPTION	DRAWN BY	CHECKED	DATE
<p><b>TYLERIOWENS ARCHITECTS</b></p> <p>The Mash House, Distillery Lofts Design Studios, Distillery Road, Dublin 3. E-mail: info@tylerowens.ie Tel: +353 (0)1 525 0050</p>				
<p>CLIENT: Shane Deasy</p> <p>PROJECT: 93 Eagle Valley, Eniskerry, Co.Wiklow</p>		<p>DWG NO: 2024-21-S-100</p>		
<p>DRAWING: Existing Floor Plans, Section, Elevations, Context Elevations, Site Plan</p> <p>SCALE: As shown @ A1</p>		<p>DRAWN BY: AH / IT</p>		
<p>STATUS: SURVEY</p>		<p>© This drawing is copyright. Figures and dimensions are to be taken from this drawing. All dimensions to be checked on site. Architects to be informed immediately of any discrepancies before work proceeds.</p>		