



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
Suíomh / Website: www.wicklow.ie

Bogdan Mascan


11th April 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) - EX24/2024

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





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

Applicant: Bogdan Mascan

Location: Grove Cottage, Hollywood Lower, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/459/2024

A question has arisen as to whether "a) provision of a new 39sqm extension to dwelling and b) demolition of existing single storey extension to side and rear of dwelling" at Grove Cottage, Hollywood Lower, Co. Wicklow is or is not exempted development.

Having regard to:

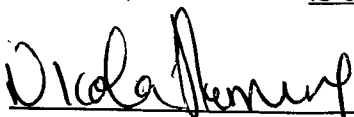
- i. The details submitted on 18/03/2024
- ii. An Bord Pleanála Declaration RL 3523, RL3491, RL2506
- iii. PRR 20/174
- iv. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- v. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- vi. Schedule 2, Pt.1 Class 1 and Class 50(b) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The provision of an extension and the demolition of existing extensions is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 2) The extension would not come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) as the extension projects c, 2m to the side of the rear wall of the dwelling.
- 3) The proposed demolitions would not come within the description as set out under Schedule 2, Part 1, Class 50(b), of the Planning and Development Regulations 2001 (as amended) as such works would not be on foot of an extension in accordance with Class 1 or in accordance with a permission for an extension.

The Planning Authority considers that "a) provision of a new 39sqm extension to dwelling and b) demolition of existing single storey extension to side and rear of dwelling" at Grove Cottage, Hollywood Lower, Co. Wicklow is development and is NOT exempted development

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 11th April 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/459/2024

Reference Number: EX24/2024

Name of Applicant: Bogdan Mascan

Nature of Application: Section 5 Referral as to whether or not “a) provision of a new 39sqm extension to dwelling and b) demolition of existing single storey extension to side and rear of dwelling” is or is not development and is or is not exempted development.

Location of Subject Site: Grove Cottage, Hollywood Lower, Co. Wicklow

Report from Billy Slater, AP & Edel Bermingham SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether “a) provision of a new 39sqm extension to dwelling and b) demolition of existing single storey extension to side and rear of dwelling” at Grove Cottage, Hollywood Lower, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- i. The details submitted on 18/03/2024
- ii. An Bord Pleanala Declaration RL 3523, RL3491, RL2506
- iii. PRR 20/174
- iv. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- v. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- vi. Schedule 2, Pt.1 Class 1 and Class 50(b) of the Planning and Development Regulations 2001 (as amended).

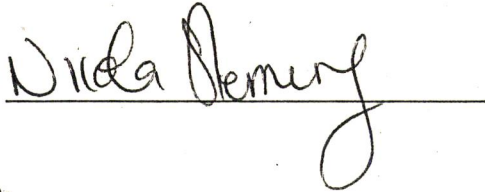
Main Reason with respect to Section 5 Declaration:

1. The provision of an extension and the demolition of existing extensions is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
2. The extension would not come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) as the extension projects c, 2m to the side of the rear wall of the dwelling.
3. The proposed demolitions would not come within the description as set out under Schedule 2, Part 1, Class 50(b), of the Planning and Development Regulations 2001 (as amended) as such works would not be on foot of an extension in accordance with Class 1 or in accordance with a permission for an extension.

Recommendation:

The Planning Authority considers that "a) provision of a new 39sqm extension to dwelling and b) demolition of existing single storey extension to side and rear of dwelling" at Grove Cottage, Hollywood Lower, Co. Wicklow is development and is not exempted development as recommended in the report by the SEP.

Signed



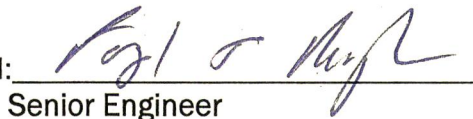
Dated 10th day of April 2024

ORDER:

I HEREBY DECLARE:

That "a) provision of a new 39sqm extension to dwelling and b) demolition of existing single storey extension to side and rear of dwelling" at Grove Cottage, Hollywood Lower, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Engineer
Planning, Economic & Rural Development

Dated 11th day of April 2024



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 24/2024
Applicant: Bogdan Mascan
Date of Application: 18/03/2024
Decision Due Date: 14/04/2024
Address: Grove Cottage, Hollywood Lower, Co. Wicklow
Exemption Query:

- Extension to dwelling – Class 1 Part 1 Schedule 2
- ~~We bought this house recently which comes with planning permission. The reference number is 20174. As we don't have the finances to build the extension planned in the above plan, we are planning to demolish 2 existing extensions at the rear and side of the house which were deemed unsound and failed to comply with Part A of building regulations by a structural engineer, and rebuild smaller extension up to 40m2 at the rear of the house where the current back extension is.~~

Application Site: The application site is occupied by a semi-detached two-story dwelling and is located in a level 10 rural area c.1km north of Hollywood Village.

Aerial / Site Image



Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows.

- A. Provision of a new 39sqm extension to dwelling, and
- B. Demolition of existing single storey extensions to side and rear of dwelling

at Grove Cottage, Hollywood Lower, Co. Wicklow.

Relevant Planning History:

Ref	20/174
Applicant	Gary and Christina Tutty
Development	Demolish existing single storey extensions to the side and rear of existing semi-detached two storey dwelling, build two storey extension to the side and rear of existing dwelling with single storey annex to side, reposition existing entrance, upgrade the existing septic tank to current EPA guidelines and for all associated works.
Decision	Grant

Question:

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

- A. Provision of a new 39sqm extension to dwelling, and
- B. Demolition of existing single storey extensions to side and rear of dwelling

at Grove Cottage, Hollywood Lower, Co. Wicklow is or is not exempted development:

Legislative Context

Planning and Development Act 2000 (as amended)

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

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

“works” includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal...”

Section 3(1) of the Act states the following in respect of ‘development’:

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

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

Section 4 (1) (h)

“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):

Subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1):

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) If the carrying out of such development would—

- (i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) Endanger public safety by reason of traffic hazard or obstruction of road users,*
And so on.

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

CLASS 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Associated conditions and limitations:

1. *(a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. *(a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.*
3. *(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.*

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

4. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*
5. *(a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.*
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
6. *The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*
(a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. *The roof of any extension shall not be used as a balcony or roof garden.*

CLASS 50 (b)

The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Associated conditions and limitations:

None

An Bord Pleanála Referrals

RL3523

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the first floor extension built at the side and to the rear of 5 Church Avenue, Sandymount, Dublin is development and is not exempted development. Whether a first floor extension built at the side and to the rear of 5 Church Avenue, Sandymount, Dublin is or is not development or is or is not exempted development.

The first floor extension constitutes works, which come within the scope of Section 3(1) of the Planning and Development Act 2000, and, therefore, constitutes development, (b) the development does not come with the scope of section 4(1)(h) of the Planning and Development Act, 2000, and (c) the first floor extension does not come within the scope of the exemption provided in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as it is positioned to the side rather than the rear of the existing house.

RL.3491

An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the said extension and alterations to an existing house at Annascannon, Thomastown, Killucan, County Westmeath, are development and are not exempted development.

(i) the extension and alterations to the house comprised works, which constitutes development, (ii) the extended area of the house fails to come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, arising from its location partly to the side of the house, (iii) neither the extension nor the alterations undertaken come under the exemption under section 4(1)(h) of the Planning and Development Act, 2000, as amended, arising from the nature and scale of the interventions made, which substantially exceed the scope of “maintenance, improvement or other alteration”,

RL 2506

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said extension at 38 Ragoon Road, Shantalla, Galway is not exempted development.

AND WHEREAS An Bord Pleanála has concluded that - the extension would not come within the scope of the exemption provided in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, because it is positioned partly to the side, projecting beyond the side wall of the house by a distance of 1.95 metres.

Extract Inspectors Report

The view can be taken that the “rear of the house” is confined to the area beyond the rear wall of the main house, excluding any additions by way of extensions, or structures ancillary to the residential use of the house that project beyond the side/gable wall. As such, the extension would not fall within the definition of Class One in that an extension must extend from and beyond the rear of the house if it is to be in accordance with the description within Class One. On the basis of the foregoing, it can be concluded that there is no provision for exemptions for development to the side, even if the projection is at the rear of the house such as in the case of the development subject of the Question and therefore that the development is development and is not exempted development.

Details submitted in support of the application

It is stated in the application form provided that the applicant has recently purchased the subject dwelling which was under PRR20/174 granted permission for the demolition of the existing extensions and the construction of a sizeable extension of some 98sqm. The applicant states that as they do not possess the finances to carry out the development as granted under PRR20/174 that they are now planning to demolish the existing extensions and construct a smaller extension of up to 40sqm to the rear of the dwelling.

Existing Dwelling

GFA	82.9sqm (including 22.5sqm extensions to be demolished)
Ridge Height	7.43m
FFL	0.00m

Proposed extension

GFA	39sqm
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Ridge Height not disclosed
FFL not disclosed

Private open space retained In excess of c.1000sqm available to the rear alone

Assessment:

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

- A. Provision of a new 39sqm extension to dwelling, and
- B. Demolition of existing single storey extensions to side and rear of dwelling

at Grove Cottage, Hollywood Lower, Co. Wicklow is or is not exempted development.

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

“development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

It should be noted that Section 2 of the Act defines works as:

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

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

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

A. Provision of a new 39sqm extension to dwelling

Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Relevant Schedule 2, Pt.1 Class 1 Checklist

<i>Is the extension to the rear?</i>	<i>No – show plan displays that the extension shall also protrude to the side of the dwelling post the demolition of the existing side extension.</i>
<i>Was the house extended previously?</i>	<i>Yes – stated that the extensions are to be demolished reducing the dwelling to its original floorplan.</i>
<i>Would the extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, exceed 40 square metres.</i>	<i>Yes – However, following the demolition of the existing extensions the extensions shall not surpass 40sqm.</i>
<i>Would the height of the walls of the extension exceed the height of the rear wall of the house?</i>	<i>Not stated – Unlikely due to the single-storey nature of extension.</i>
<i>Is the roof flat and does the height of the highest part of the roof of the extension 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, exceed the height of the highest part of the roof of the dwelling.?</i>	<i>Not stated – Unlikely due to the single-storey nature of extension.</i>
<i>Is any part of the extension above ground floor and would its distance be less than 2 metres from any party boundary.</i>	<i>No. The extension is single storey</i>
<i>Would the construction or erection of the extension to the rear of the house 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.</i>	<i>No, the private open would not be reduced to less than 25sqm.</i>
<i>Would the window proposed at ground level in the extension be less than 1 metre from the boundary it faces?</i>	<i>Not stated</i>
<i>Would the roof of the extension be used as a balcony or roof garden?</i>	<i>Not stated</i>

Insufficient information with regard to the design of the proposed extension have been provided as to ensure compliance with the associated limitations of Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended). Moreover, the floor plan provided details that the proposed extension which is to be sited to the rear of the existing dwelling in replacement of the existing rear extension would, post the demolition of the existing side extension, be sited to the rear and side of the dwelling and would therefore fall outside of the description / limitations of Schedule 2, Part 1, Class 1.

B. Demolition of existing single storey extensions to side and rear of dwelling

Schedule 2, Pt.1 Class 50(b) of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

No associated limitations apply. Subsequent to the proposed extensions shortcomings under Schedule 2, Pt.1 Class 1, the proposed demolitions would also fall outside of the remit of Schedule 2, Part 1, Class 50(b) as such works to a habitable structure relates only to demolitions in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively.

It is noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per *Article 9 (1)*.

Conclusion:

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

- A. Provision of a new 39sqm extension to dwelling, and
- B. Demolition of existing single storey extensions to side and rear of dwelling

at Grove Cottage, Hollywood Lower, Co. Wicklow is or is not exempted development.

The Planning Authority considers that:

- A. The proposal for the provision of a new 39sqm extension to dwelling is development and is NOT exempted development.
- B. The proposal for the demolition of existing single storey extensions to side and rear of dwelling is development and is NOT exempted development.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 18/03/2024;
- ii. An Bord Pleanála Declaration RL 3523, RL3491, RL2506
- iii. PRR 20/174
- iv. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- v. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- vi. Schedule 2, Pt.1 Class 1 and Class 50(b) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The provision of an extension and the demolition of existing extensions is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).

- The extension would not come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) ~~and is therefore not exempted development.~~ as the extension projects c. 2m to the side of the rear wall of the dwelling.
- The proposed demolitions would ~~not come within~~ subsequently fall outside of the description as set out under Schedule 2, Part 1, Class 50(b), of the Planning and Development Regulations 2001 (as amended) ~~and is therefore not exempted development.~~ as such works would not be on foot of an extension in accordance with Class 1 or in accordance with a permission for an extension.

Billy Slater

Billy Slater A.P.
04/04/2024

Agreed as amended.

Edel Birmingham SP.

4/4/2024

Issue declaration as recommended
Foyl T. Muff 52
11/04/24

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Billy Slater
Assistant Planner

FROM: Nicola Fleming
Staff Officer

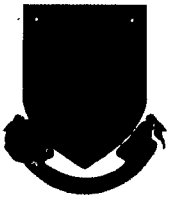
**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX24/2024**

I enclose herewith application for Section 5 Declaration received 18th March 2024.

The due date on this declaration is 14th April 2024.



Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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21st March 2024

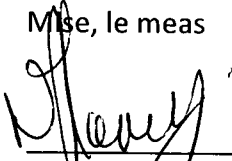
Bogdan Mascan

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX24/2024

A Chara

I wish to acknowledge receipt on 18/03/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 14/04/2024.

Mise, le meas



NICOLA FLEMING
STAFF OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT



Nicola Fleming

From: BI Mascan
Sent: Friday 15 March 2024 10:29
To: Planning - Planning and Development Secretariat
Subject: Section 5 Exemption Grove Cottage
Attachments: Section 5 application_Grove Cottage_Bogdan Mascan.doc

Dear Sir/Madam,

My name is Bogdan Mascan, as per my recent phonecall, please find attached an application form for a section 5 exemption- Extension to dwelling - Class 1 Part 1 of Schedule 2.

I have already paid for this through the phone under my name.

To give you some background, We bought this house recently which comes with planning permission. The reference number is 20174. As we don't have the finances to build the extension planned in the above plan, we are planning to demolish 2 existing extensions at the rear and side of the house which were deemed unsound and failed to comply with Part A of building regulations by a structural engineer, and rebuild a smaller extension up to 40m2 at the rear of the house where the current back extension is.

Please do not hesitate to contact me should you require any further information.

Happy St Patrick's Day!!!

Kind regards,
Bogdan Mascan

Wicklow County Council
County Buildings
Wicklow
0404-20100

15/03/2024 09:42:03

Receipt No. : L1/311848/326695
***** REPRINT *****

BOGDAN MASCAN
GROVE COTTAGE
HOLLYWOOD LWER
CO WICKLOW
W91X306

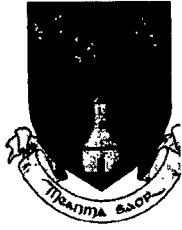
EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total : 80.00 EUR

Tendered :
Credit Card 80.00

Change : 0.00

Issued By : Marian Jameson
From : Customer Service Hub
Vat reg No.0015233H



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

Office Use Only

Date Received _____

Fee Received _____

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

1. Applicant Details

- (a) Name of applicant: **Bogdan Mascan**
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 – **Grove Cottage, Hollywood Lower, Co, Wicklow, W91X306**
- ii. Are you the owner and/or occupier of these lands at the location under i. above?
Yes

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iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier N/A

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

- **Extension to dwelling - Class 1 Part 1 of Schedule 2**

- **We bought this house recently which comes with planning permission. The reference number is 20174. As we don't have the finances to build the extension planned in the above plan, we are planning to demolish 2 existing extensions at the rear and side of the house which were deemed unsound and failed to comply with Part A of building regulations by a structural engineer, and rebuild a smaller extension up to 40m2 at the rear of the house where the current back extension is.**

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 _____

Extension to dwelling-Class 1, Part 1 of schedule 2

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**

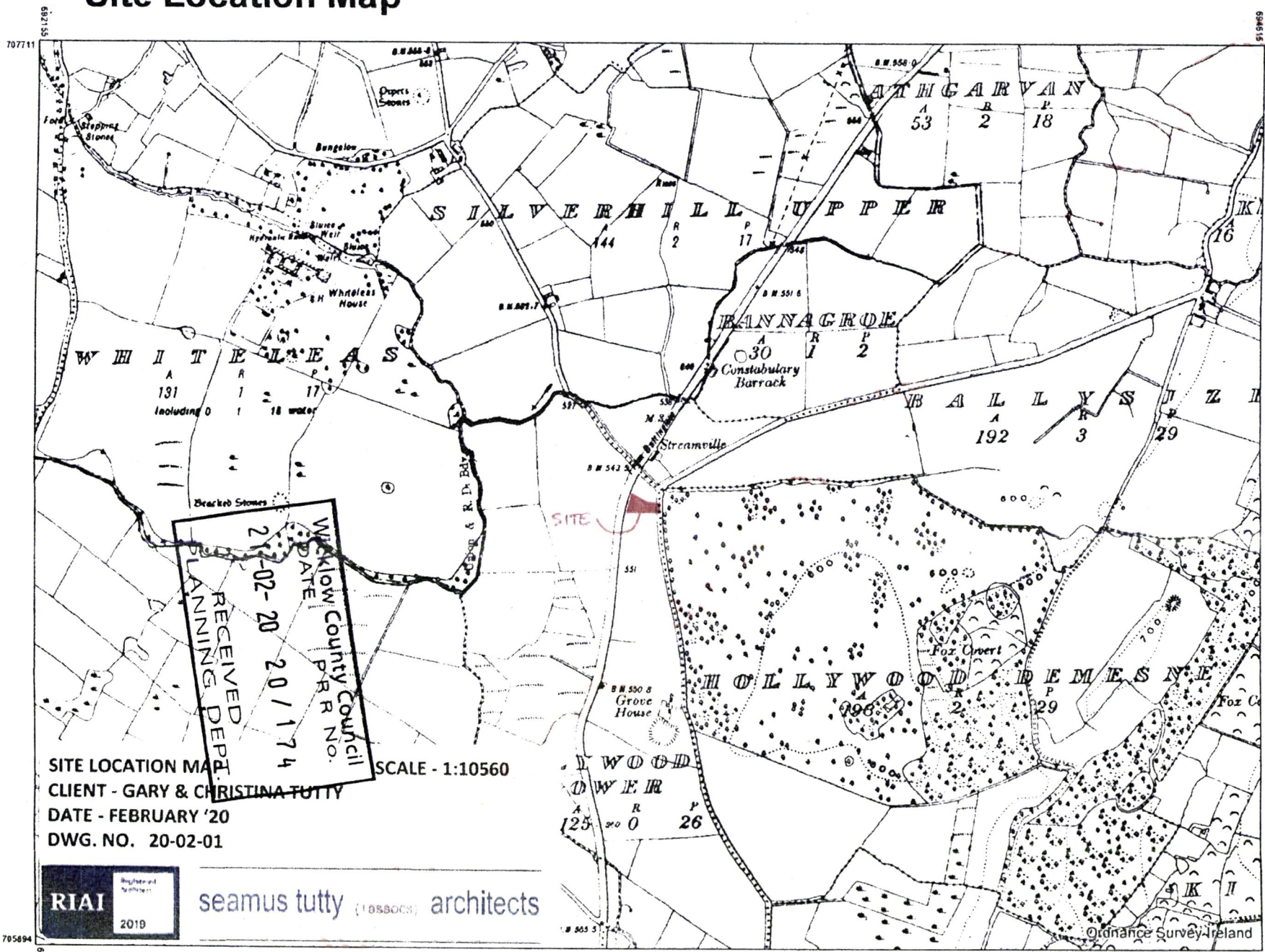
vii. List of Plans, Drawings submitted with this Declaration Application
Planning permission reference number 20174. To highlight again, we are not actually building this extension but intend to build a small extension at the rear of the house within the limit of 40 m2.

viii. Fee of € 80 Attached? by phone - **Paid by phone**

Signed: **bi.mascan**

Dated: **15/03/2024**

Site Location Map



CENTRE COORDINATES:
ITM 693386,706803

PUBLISHED: 05/02/2020
ORDER NO.: 50106314_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: KE029 WW009

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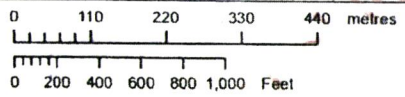
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DATE 20-02-20
Wicklow County Council
PR No. 20/1174

SITE LOCATION MAP
CLIENT - GARY & CHRISTINA TUTTY
DATE - FEBRUARY '20
DWG. NO. 20-02-01

SCALE - 1:10560

RIAI Registered Architect
2019
seamus tutty (1858003) architects



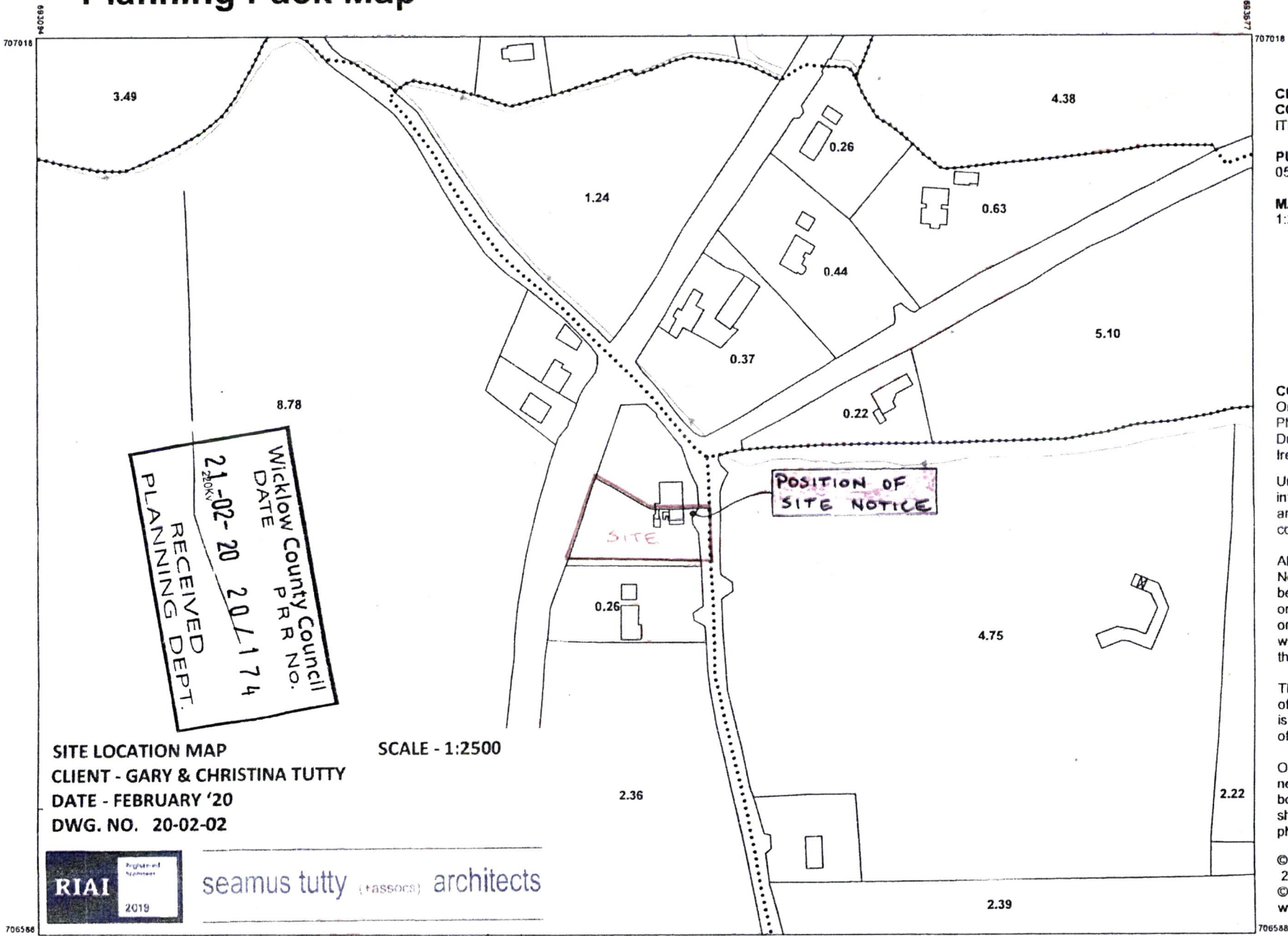
OUTPUT SCALE: 1:10,560

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 <http://www.osi.ie>; search 'Capture Resolution'



LEGEND:
<http://www.osi.ie>
search 'Large Scale Legend'

Planning Pack Map



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 21-02-20
 Wicklow County Council
 DATE
 P.R.R. No.
 20/174

SITE LOCATION MAP
CLIENT - GARY & CHRISTINA TUTTY
DATE - FEBRUARY '20
DWG. NO. 20-02-02

SCALE - 1:2500



seamus tutty (+associates) architects

CENTRE COORDINATES:
 ITM 693386,706803

PUBLISHED: 05/02/2020
ORDER NO.: 50106314_1

MAP SERIES: 1:2,500
MAP SHEETS: 378 1-A

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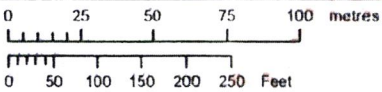
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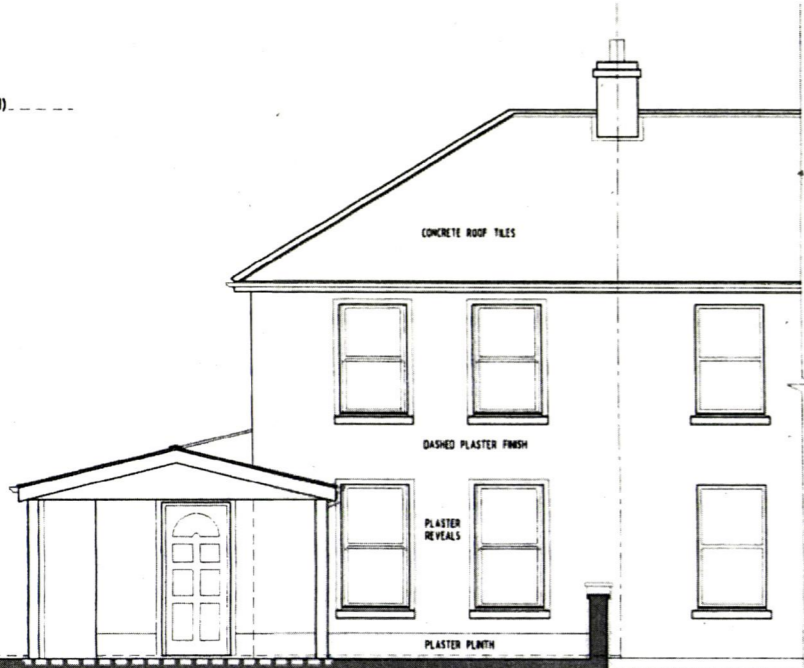
LEGEND:
<http://www.osi.ie>
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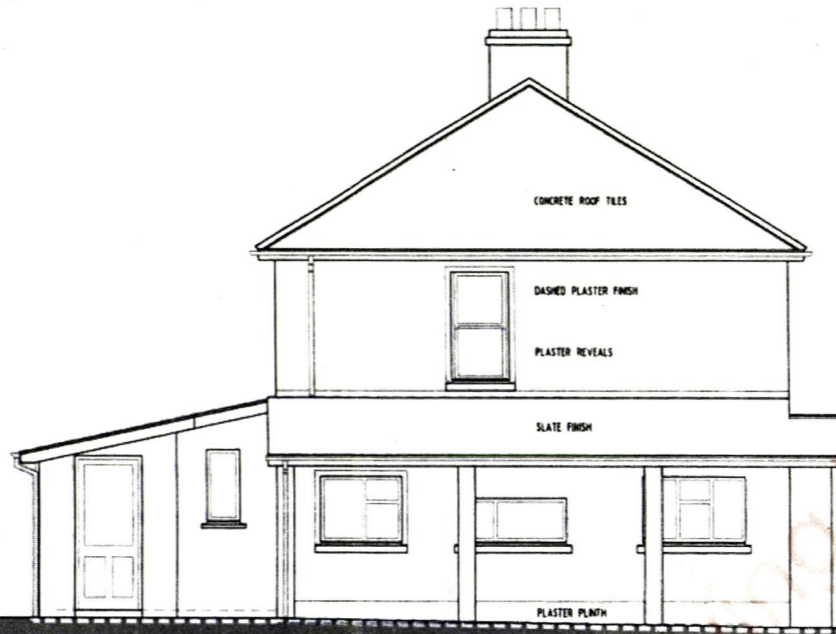
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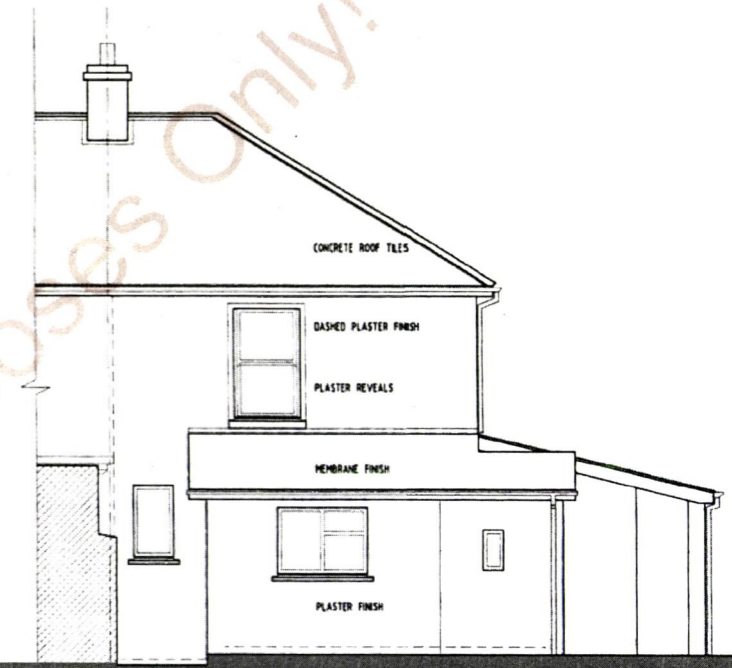
RIDGE +7.43 (+/-0.10)



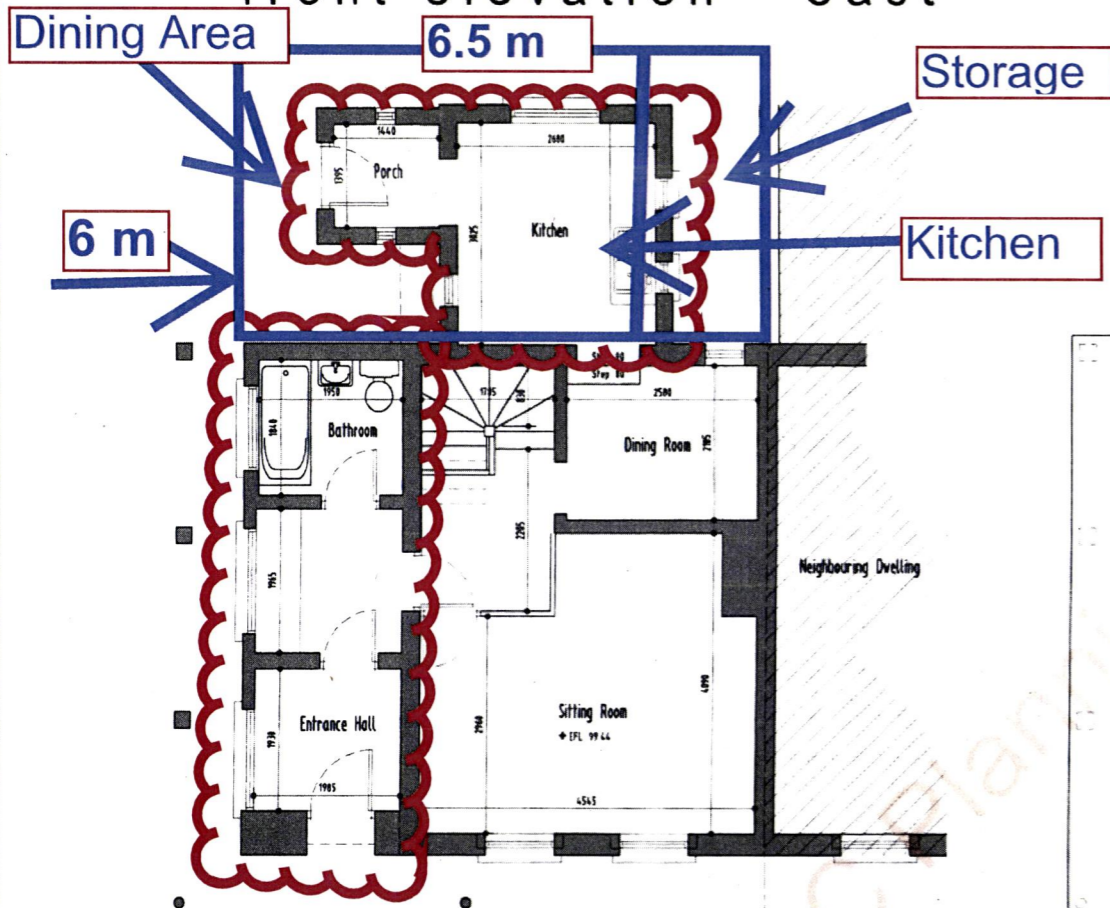
front elevation - east



side elevation - south

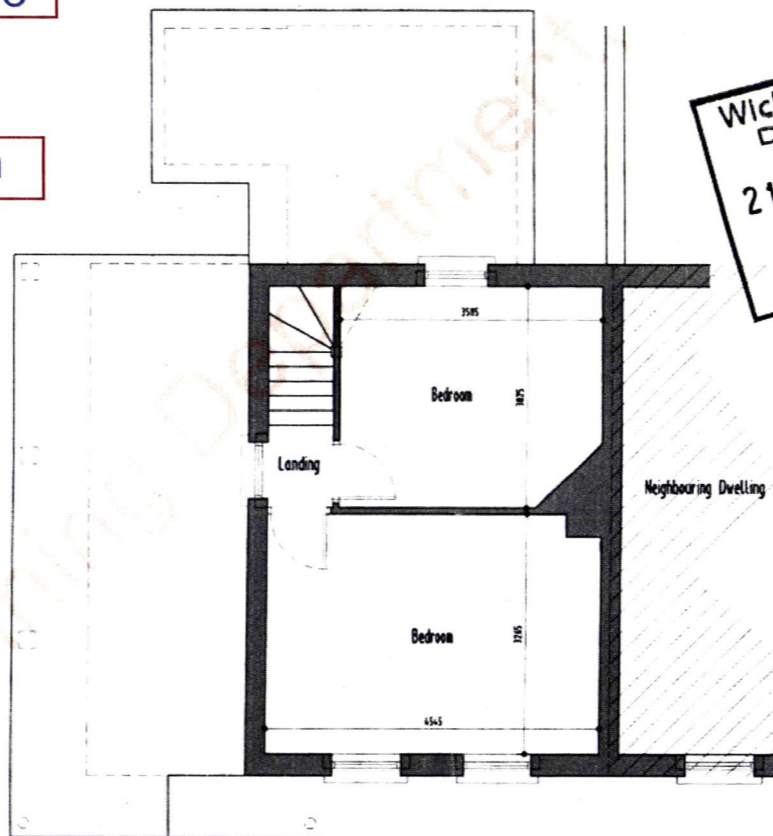


rear elevation - west



ground floor plan

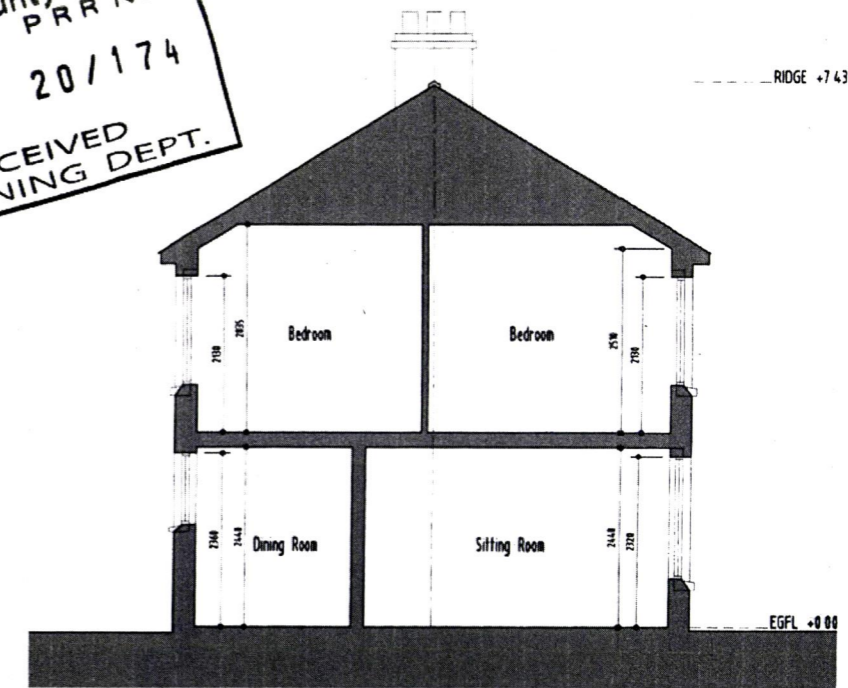
Ground Floor Area 53.9 SqM = 580 SqFt. approx.
Total Floor Area 82.9 SqM = 892 SqFt. approx.
Demolitions 22.5 SqM = 242 SqFt. approx.



first floor plan

FF Area 29.0 SqM = 312 SqFt. approx.

Wicklow County Council
DATE 21-02-20
PRR No. 20/174
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main section

GENERAL NOTES:

- THESE DRAWINGS ARE PREPARED FOR PLANNING PURPOSES ONLY
- ALL MEASUREMENTS ARE SHOWN IN METRIC
- ALL MEASUREMENTS TO BE CHECKED ON SITE PRIOR TO CONSTRUCTION
- DEFICIENCIES IN DIMENSIONS MUST BE NOTIFIED TO THE ARCHITECT
- NO ALTERATIONS TO BE MADE TO THE DESIGN OR LAYOUT WITHOUT THE PRIOR CONSENT OF THE ARCHITECT
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- ALL INSURANCES ARE THE RESPONSIBILITY OF THE MAIN CONTRACTOR

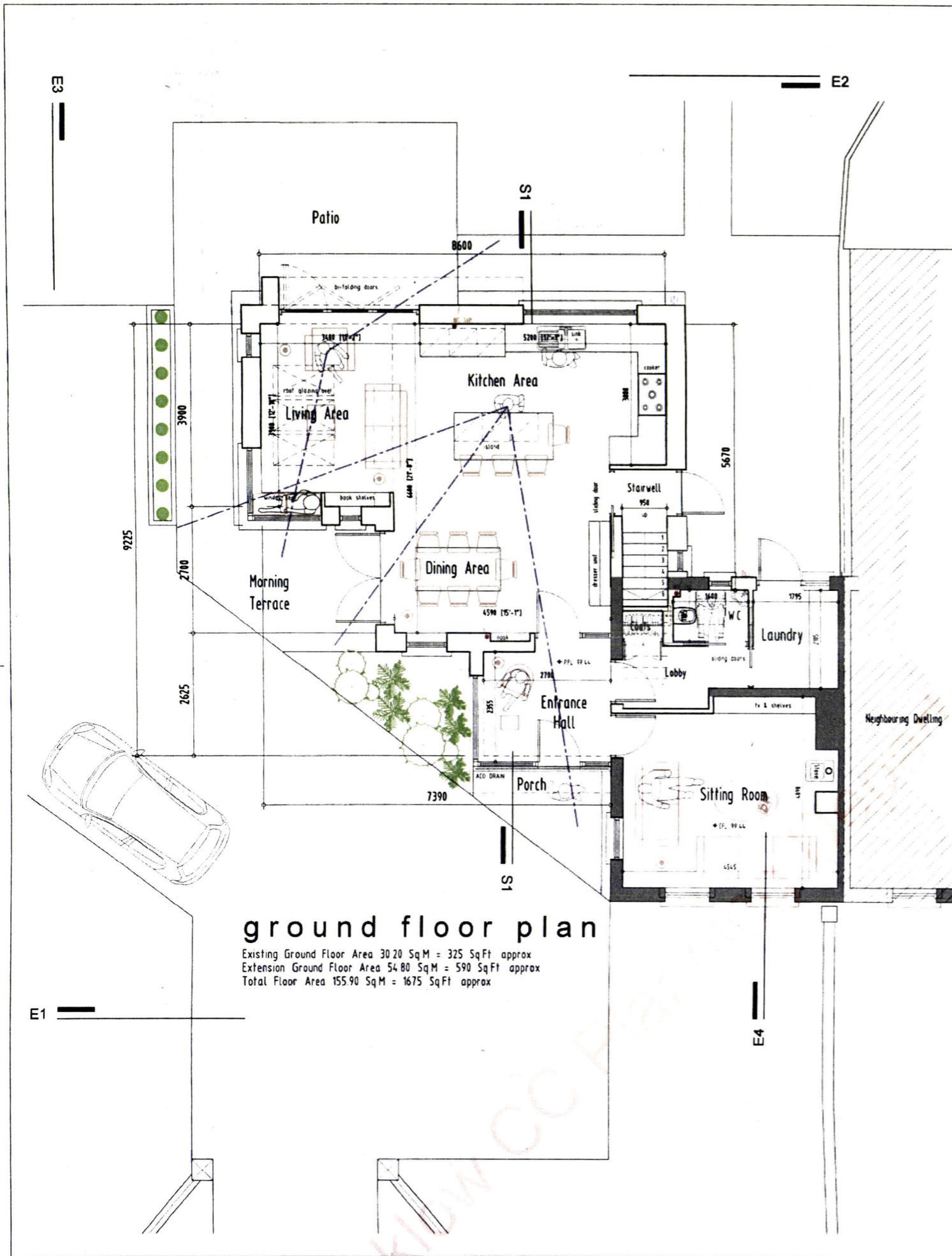
LEGEND:

- EFL=99.44 Existing floor level thus
- EXISTING WALLS IN PLAN THUS
- AREA FOR DEMOLITION
- BUILDING FOR DEMOLITION IN ELEVATION

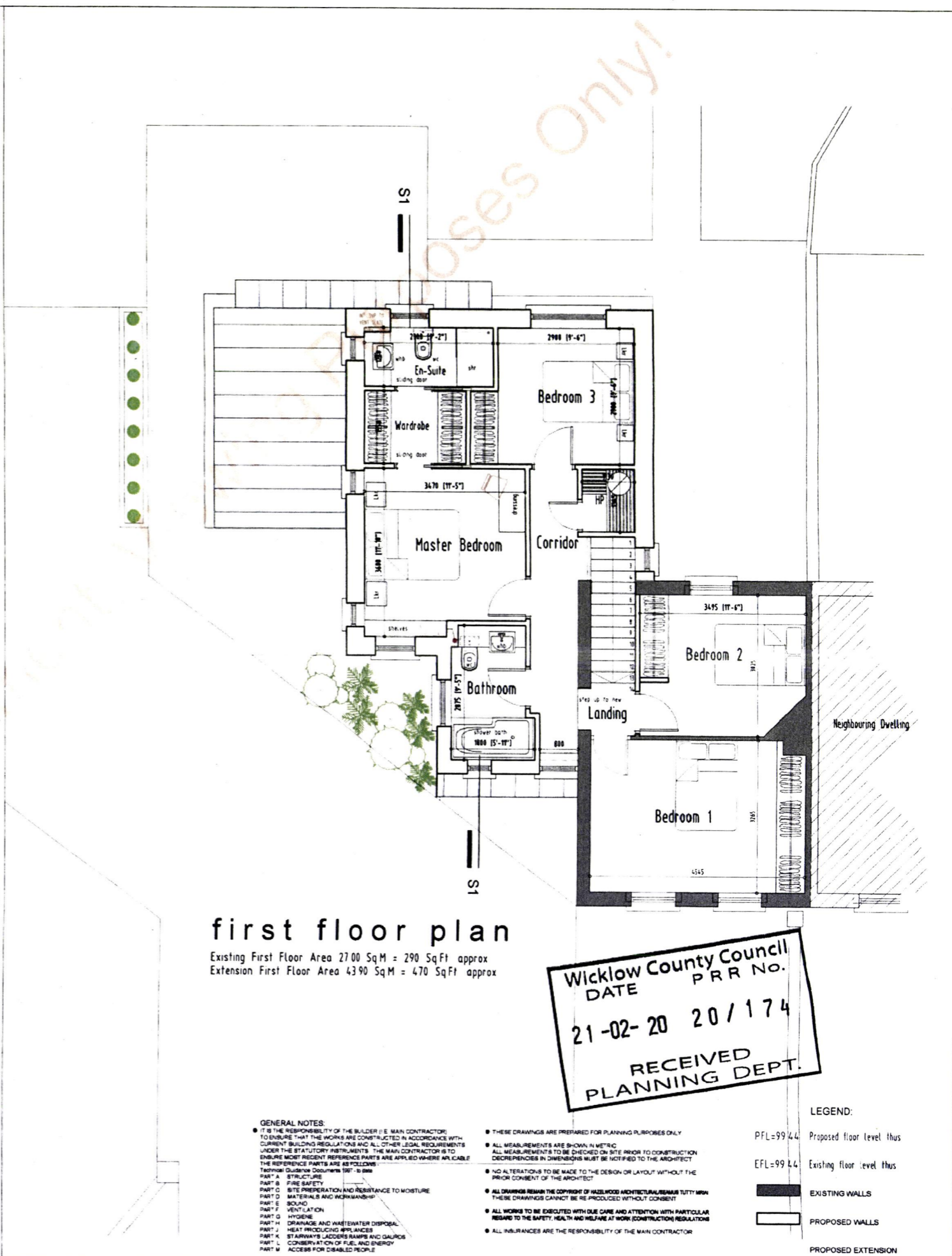


Revision No.	Date	Description

planning issue



ground floor plan
 Existing Ground Floor Area 30.20 SqM = 325 SqFt approx
 Extension Ground Floor Area 54.80 SqM = 590 SqFt approx
 Total Floor Area 155.90 SqM = 1675 SqFt approx



first floor plan
 Existing First Floor Area 27.00 SqM = 290 SqFt approx
 Extension First Floor Area 43.90 SqM = 470 SqFt approx

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- GENERAL NOTES:**
- IT IS THE RESPONSIBILITY OF THE BUILDER (I.E. MAIN CONTRACTOR) TO ENSURE THAT THE WORKS ARE CONSTRUCTED IN ACCORDANCE WITH CURRENT BUILDING REGULATIONS AND ALL OTHER LEGAL REQUIREMENTS UNDER THE STATUTORY INSTRUMENTS. THE MAIN CONTRACTOR IS TO ENSURE MOST RECENT REFERENCE PARTS ARE APPLIED WHERE APPLICABLE. THE REFERENCE PARTS ARE AS FOLLOWS:
 - Technical Guidance Documents 197 - 199
 - PART A STRUCTURE
 - PART B FIRE SAFETY
 - PART C SITE PREPARATION AND RESISTANCE TO MOISTURE
 - PART D MATERIALS AND WORKMANSHIP
 - PART E SOUND
 - PART F VENTILATION
 - PART G HYGIENE
 - PART H DRAINAGE AND WASTEWATER DISPOSAL
 - PART J HEAT PRODUCING APPLIANCES
 - PART K STAIRWAYS, LADDERS, RAMPS AND GALLERIES
 - PART L CONSERVATION OF FUEL AND ENERGY
 - PART M ACCESS FOR DISABLED PEOPLE

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- ALL INSURANCES ARE THE RESPONSIBILITY OF THE MAIN CONTRACTOR.

- LEGEND:**
- PFL=99.44 Proposed floor level thus
 - EFL=99.44 Existing floor level thus
 - EXISTING WALLS
 - PROPOSED WALLS
 - PROPOSED EXTENSION



planning issue



E1 — front elevation - east

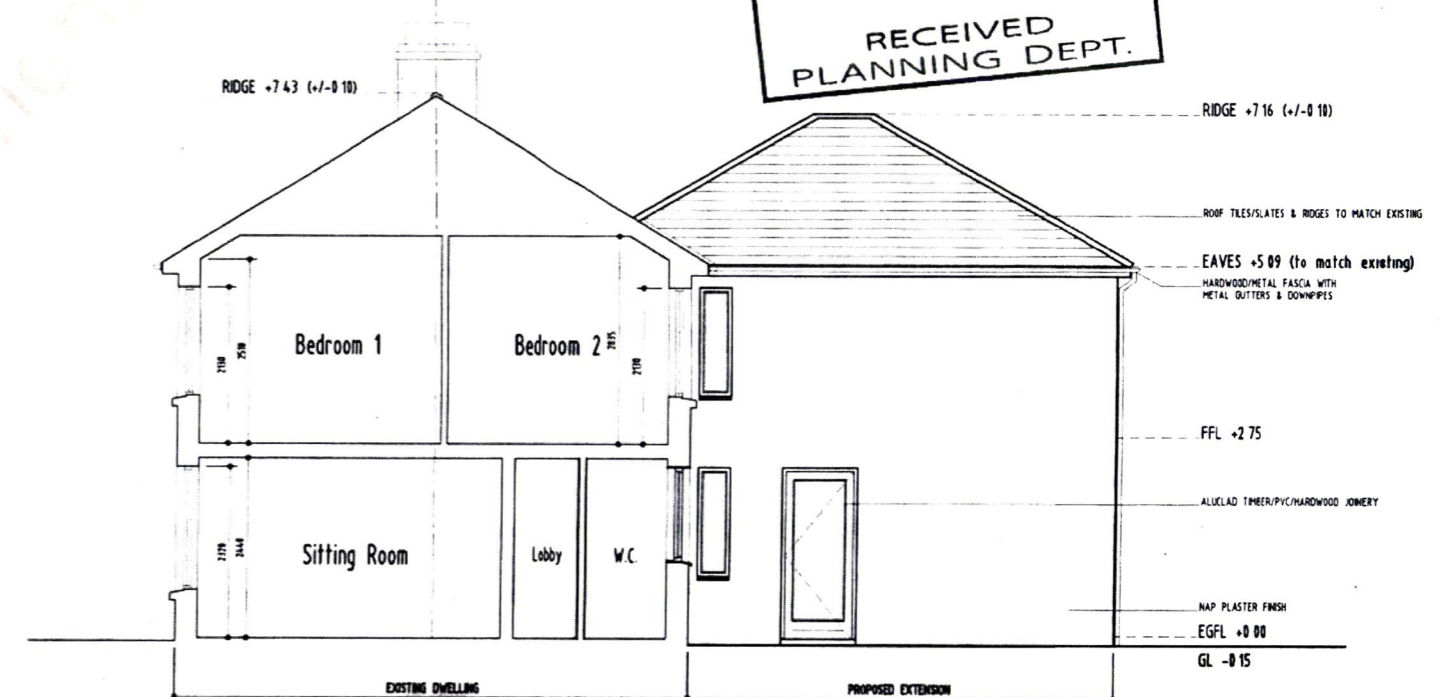


E2 — rear elevation - west

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E3 — side elevation - south



E4 — sectional elevation - north

- GENERAL NOTES
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 - PART A STRUCTURE
 - PART B FIRE SAFETY
 - PART C SITE PREPARATION AND RESISTANCE TO MOISTURE
 - PART D MATERIALS AND WORKMANSHIP
 - PART E SOUND
 - PART F VENTILATION
 - PART G HYGIENE
 - PART H DRAINAGE AND WASTEWATER DISPOSAL
 - PART J HEAT PRODUCING APPLIANCES
 - PART K AIRWAYS/LADDERS/RAMP AND GALLERIES
 - PART L CONSERVATION OF FUEL AND ENERGY
 - PART M ACCESS FOR DISABLED PEOPLE
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 - ALL INSURANCES ARE THE RESPONSIBILITY OF THE MAIN CONTRACTOR
- LEGEND:
 PFL=99.44 Proposed floor level thus
 EFL=99.44 Existing floor level thus



seamus tutty (+assoc) architects
 Silverhills, Ballymore Eustace, Naas, Co. Kildare
 Ph: 087 8294606
 email: info@staa.ie

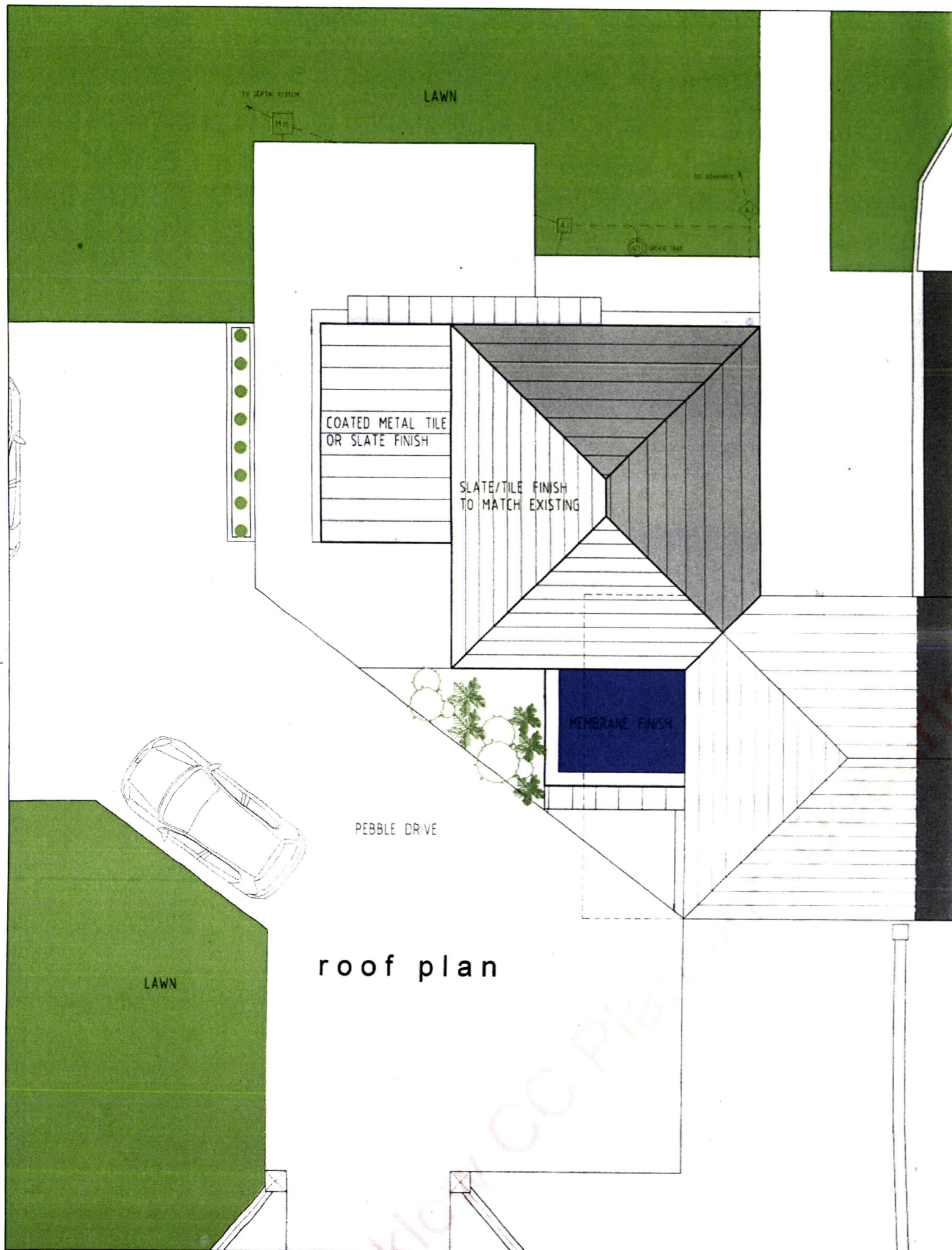
title
 proposed elevations

client
 gary & christina tutty

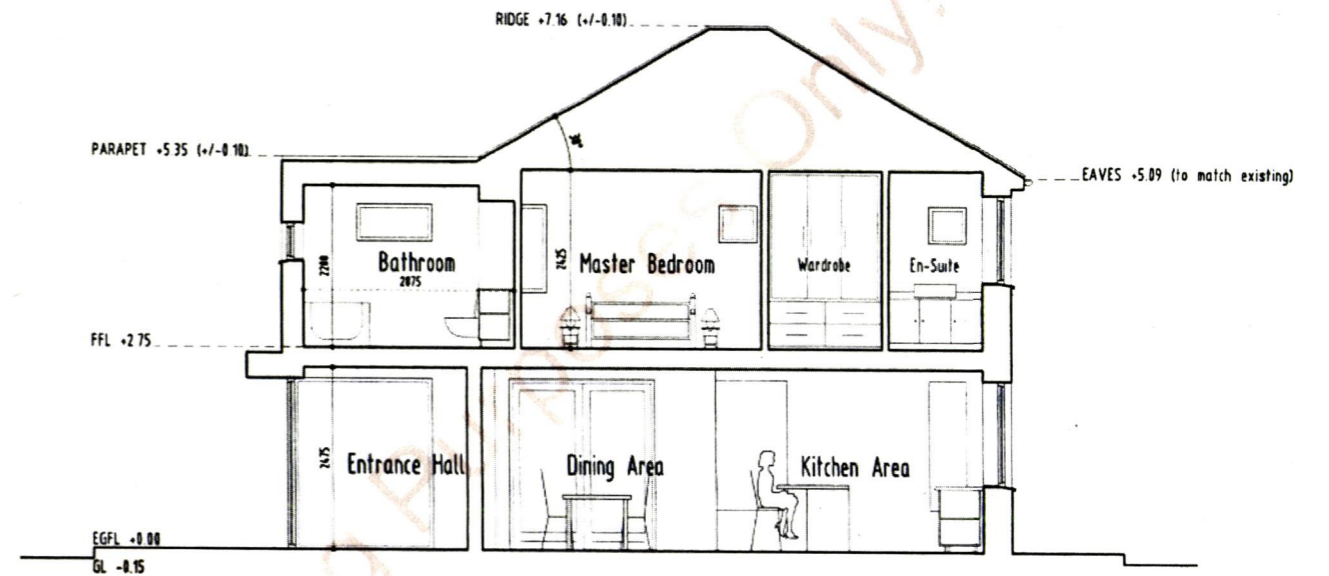
project
 proposed extension to existing dwelling at:
 hollywood lower, hollywood, co. wicklow

Revision No	Date	Description	scale	date
			1:100	jan. '20
			drawn	chk'd
			ct	st

20-02-12



roof plan



S1 section thru' extension



contiguous roadside elevation 1:150

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GENERAL NOTES

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 TECHNICAL GUIDANCE DOCUMENTS (TGD): IS 8839
 PART A STRUCTURE
 PART B FIRE SAFETY
 PART C SITE PREPARATION AND RESISTANCE TO MOISTURE
 PART D MATERIALS AND WORKMANSHIP
 PART E SOUND
 PART F VENTILATION
 PART G HYGIENE
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- ALL INSURANCES ARE THE RESPONSIBILITY OF THE MAIN CONTRACTOR

LEGEND:

- PFL=99.44 Proposed floor level thus
- EFL=99.44 Existing floor level thus
- PROPOSED



Revision No.	Date	Description

planning issue