



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
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Jane & Alan McCarthy
267 Redford Park
Greystones
Co. Wicklow
A63 Y710

 September 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX80/2024

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





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: Jane & Alan McCarthy

Location: 267 Redford Park, Greystones, Co. Wicklow A63 Y710

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1142

Section 5 Declaration as to whether “the installation of 6 velux rooflights and attic conversion” at 267 Redford Park, Greystones, Co. Wicklow A63 Y710 constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- The details submitted on the 9th September 2024
- An Bord Pleanála Declarations RL2284, ABP-307712-20.
- Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The installation of 6 velux rooflights and attic conversion come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- The conversion and installation of the 6 velux rooflights would affect the exterior of the structure , but 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

The Planning Authority considers that “the installation of 6 velux rooflights and attic conversion” at 267 Redford Park, Greystones, Co. Wicklow A63 Y710” is development and is exempted development

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 11th September 2024



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1142

Reference Number: EX80/2024

Name of Applicant: Jane & Alan McCarthy

Nature of Application: Section 5 Declaration request as to whether or not: -
"the installation of 6 velux rooflights and attic conversion" is or is not development and is or is not exempted development.

Location of Subject Site: 267 Redford Park, Greystones, Co. Wicklow A63 Y710

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the installation of 6 velux rooflights and attic conversion" at 267 Redford Park, Greystones, Co. Wicklow A63 Y710 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

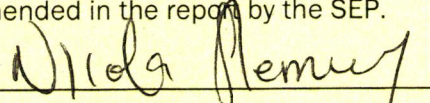
- a) The details submitted on the 9th September 2024
- b) An Bord Pleanála Declarations RL2284, ABP-307712-20.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reason with respect to Section 5 Declaration:

- (i) The installation of 6 velux rooflights and attic conversion come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The conversion and installation of the 6 velux rooflights would affect the exterior of the structure, but 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

Recommendation:

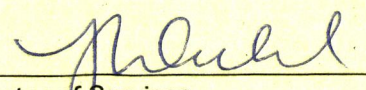
The Planning Authority considers that "the installation of 6 velux rooflights and attic conversion" at 267 Redford Park, Greystones, Co. Wicklow A63 Y710 is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 11th day of September 2024

**ORDER:
I HEREBY DECLARE:**

That "the installation of 6 velux rooflights and attic conversion" at 267 Redford Park, Greystones, Co. Wicklow A63 Y710" is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
A/ Director of Services
Planning, Economic & Rural Development

Dated 11th day of September 2024

Section 5 Application EX 80 /2024

Date : 9/9/2024.

Applicant : Jane & Alan Mc Carthy

Address : 267 Redford Park, Greystones, Co.Wicklow. A63 Y710.

Exemption Whether or not :

The installation of 6 Velux Rooflights and attic conversion

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History :

21/845 Permission granted for

a) front infill extension of car port to contain en-suite, wardrobe and entrance hall along with modifications to the front elevation of the house and landscaping to front garden. b) widening of vehicular entrance and create new pedestrian entrance off public pavement. c) construction of new detached 18sqm Home Office in the rear garden with all associated site development works, drainage and landscaping to accommodate the Home Office

An Bord Pleanála Referrals

06D.RL2284

Whether the installation of six number velux roof lights within the eastern roof plane and one number window within the northern gable wall of 32 Ballinlea Heights, Killiney, is or is not exempted development.

An Bord Pleanála has concluded that –

- (a) the said installation of six number roof lights in the eastern roof plane constitutes development which materially affects the external appearance of the structure, but which does not render its appearance inconsistent with the character of the structure and of neighbouring structures, and
- (b) the said provision of a window in the northern gable of the dwellinghouse constitutes development which materially affects the external appearance of the structure and which renders its appearance inconsistent with the character of the structure and of neighbouring structures:

ABP-307712-20

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the

original single storey house at 31 Marian Park, Waterford are development and are exempted development as

- (a) the attic was converted to provide additional habitable accommodation before the granting of planning permission under planning register reference number 04/537 and the implementation of that permission and, therefore, the question should be restated as follows: “whether the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford are or are not development or are or are not exempted development”, and
- (b) the works associated with the renovation of the existing habitable accommodation, including the altering, repositioning and addition of roof lights, constitute development which comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000 and is, therefore, exempted development:

Relevant legislation :

Planning and Development Act 2000 (as amended)

“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,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

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

Section 3 :

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

Section 4 :

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 Section 5 application seeks a declaration as to whether the installation of 6 velux and attic conversion is or is not development or is or is not exempted development .

From the submitted details the works were undertaken in 2009 prior to the development permitted by reference to PRR21/845. Five of the rooflights are located within the eastern roof plane, and one is located within the western roof plane. The attic was converted for use as an office and games room.

The placement of velux within the roof and conversion are works, and are therefore considered to come within the definition of development having regard to Section 3 of the Planning and Development Act 2000(as amended).

Section 4 of the Planning and Development Act 2000 (as amended) provides that

- 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;

Given the works are for maintenance/ improvement, and whilst they effect the exterior of the structure, having regard to the location within the roof plane, the velux would not materially affect the external appearance and would not render this structure inconsistent with the character of the structure or of neighbouring structures.

The works are therefore development ,and are exempted development.

Recommendation :

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

- the installation of 6 Velux Rooflights and attic conversion 267 Redford Park, Greystones, Co.Wicklow. A63 Y710,

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the installation of 6 Velux Rooflights and attic conversion 267 Redford Park, Greystones Co.Wicklow. A63 Y710. **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted on the 9th September 2024
- b) An Bord Pleanála Declarations RL2284, ABP-307712-20.
- c) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration :

- (i) The installation of 6 velux rooflights and attic conversion come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The conversion and installation of the 6 velux rooflights would affect the exterior of the structure , but 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

[Handwritten signature]

9/9/2024

*Agreed James A1005
11/09/24*

Wicklow County Council
County Buildings
Wicklow
0404-20100

09/09/2024 13 09 55

Receipt No L1/0/334324
***** REPRINT *****

JANE & ALAN MCCARTHY
267 REDFORD PARK
GREYSTONES
CO WICKLOW
A63 Y710

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

Total	80 00 EUR
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Tendered Credit Card	80 00
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Change	0 00
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From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
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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: Jane & Alan McCarthy

Address of applicant: 267 Redford Park, Greystones, Co. Wicklow A63 Y710

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

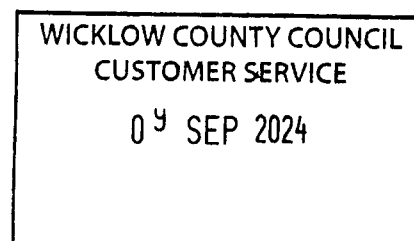
2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) N/A

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: 267 Redford Park, Greystones, Co. Wicklow A63 Y710 _____

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

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

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

We would like to clarify that 6x Velux windows fitted during an attic conversion carried out in 2009 are exempt development

The windows are not visible from the road and the works do not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or neighbouring houses

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? No

vii. List of Plans, Drawings submitted with this Declaration Application _____

Document showing photos of the house from the road, straight on and from both sides. Also an aerial photo showing the positioning of the Velux windows.

Note: There are 4x other Velux windows also shown in the accompanying photographs which were added as part of a different conversion in 2022 and these already have planning permission – planning register number 21845

viii. Fee of € 80 Attached ? _____

Signed : _____ Dated : _____

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.

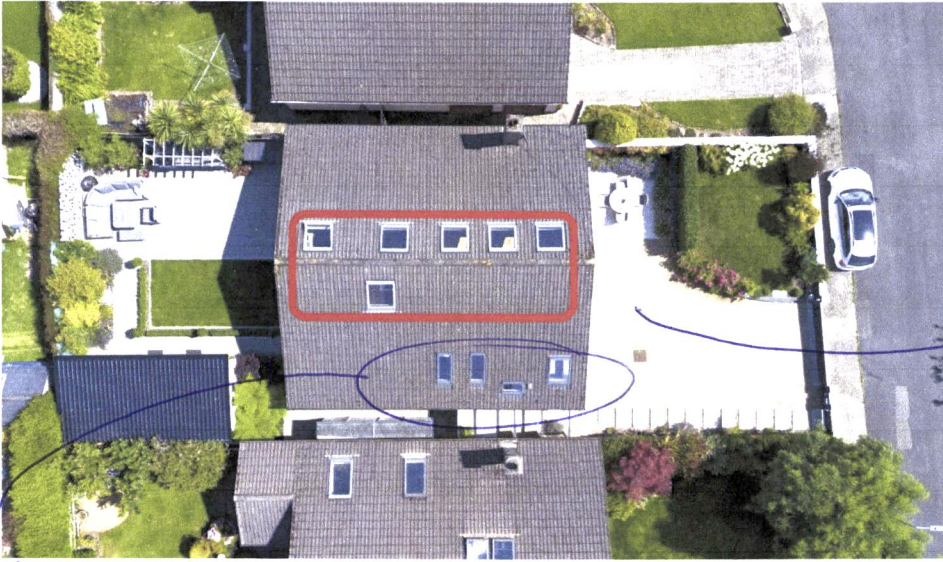
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.

267 Redford Park – Section 5 application

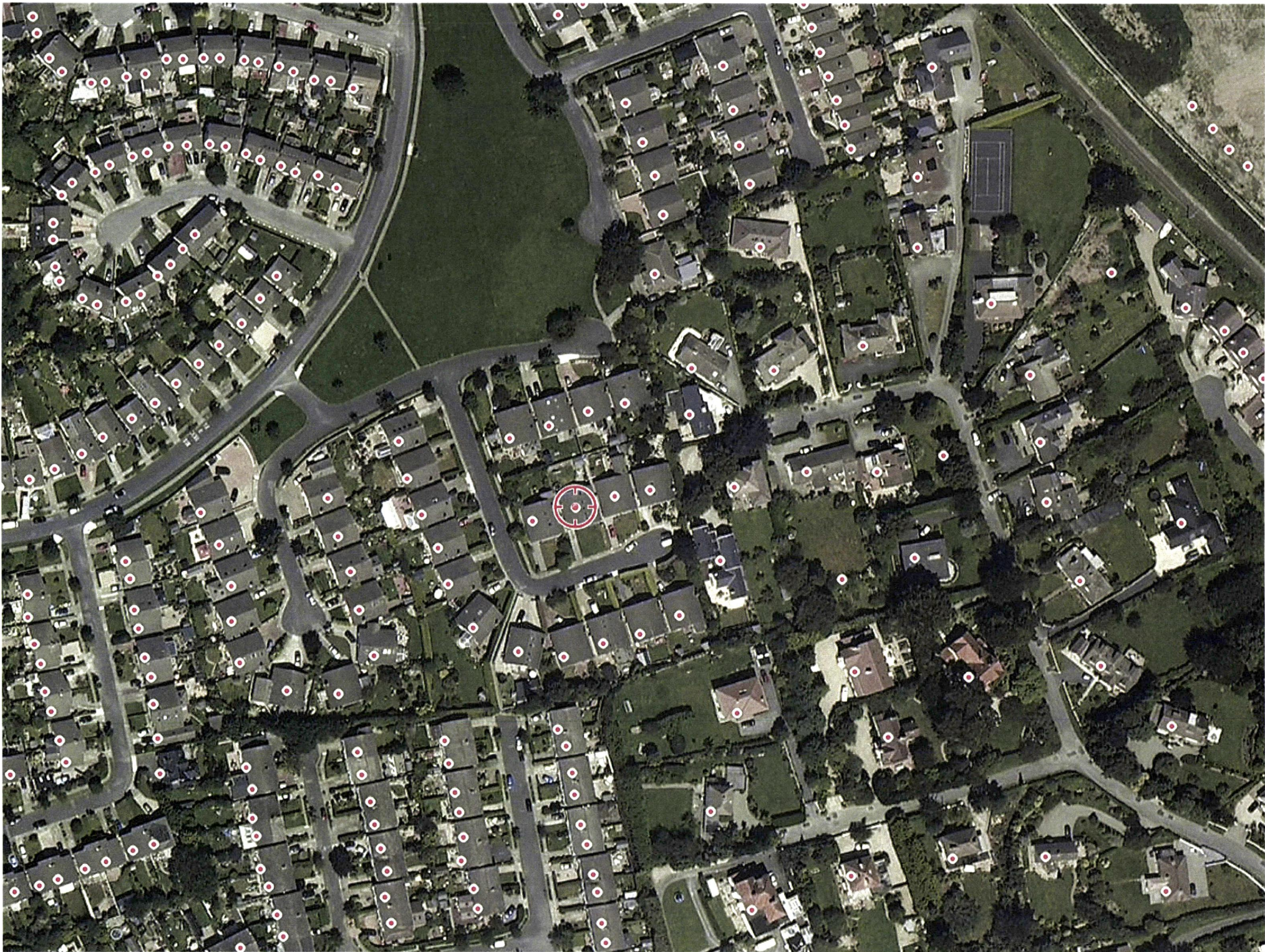
Photos from front of house and aerial view



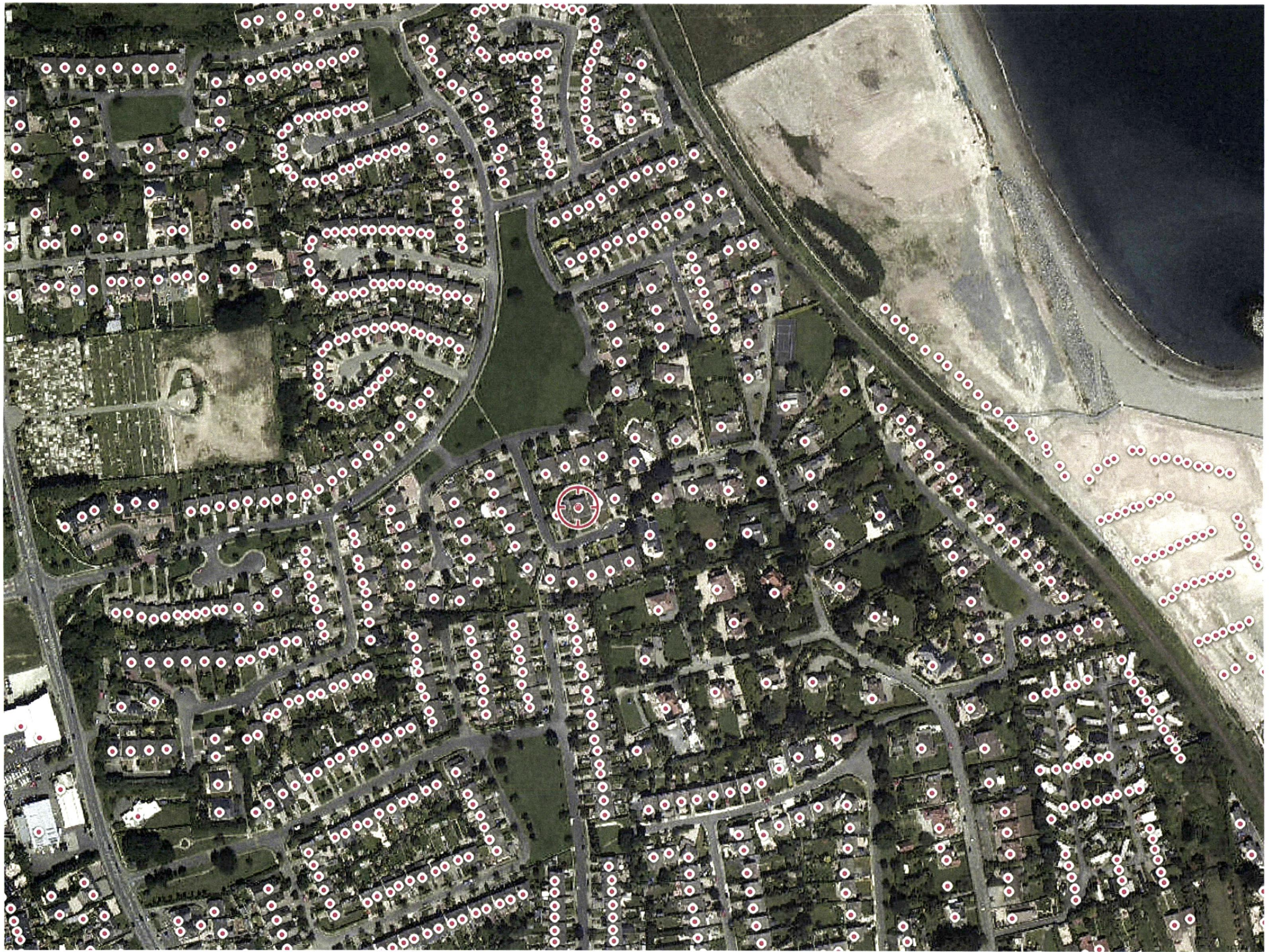


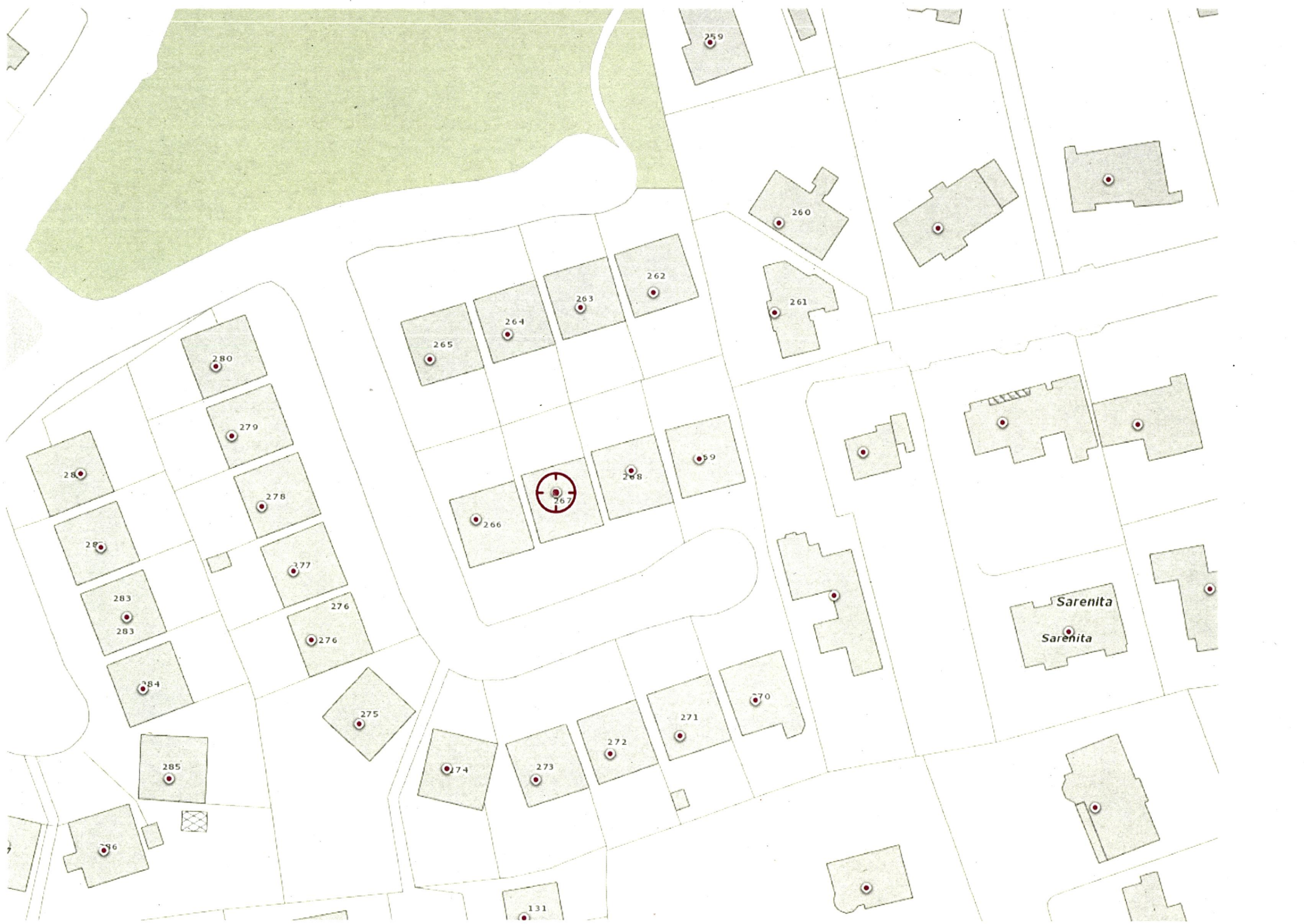
6x VELUX
MARKED IN
RED BOX

NB: The other 4x Velux windows visible were part of a different conversion in 2022 and have planning permission granted. Planning register number 21845









Sarenita
Sarenita

