



Comhairle Contae Chill Mhantáin  
Wicklow County Council

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

Áras An Chontae / County Buildings  
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5<sup>th</sup> October 2024

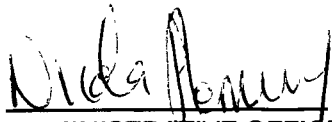
Karla Walsh & Ross Hazelton  
62 Delgany Hills  
Church Road  
Delgany  
Co. Wicklow

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX83/2024

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

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
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## DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

**Applicant:** Karla Walsh & Ross Hazelton

**Location:** 62 Delgany Hill, Church Road, Delgany, Co. Wicklow

**CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1257**

Section 5 Declaration as to whether "(a) provision of a 20sqm extension to rear and (b) installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling" at 62 Delgany Hill, Church Road, Delgany, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

### Having regard to:

- The details submitted on 18/09/2024;
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended).
- The planning history of the site particularly PRR 13/8876

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

- The provision of a rear extension and installation of 1 no. new window at ground level on the side (southern) elevation is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The proposed development of a rear extension to existing 2 storey end of terrace dwelling would not come within the description of Class 1 of Schedule 2, Part 1, of the Planning and Development Regulations 2001(as amended) as the existing dwelling onsite has previously been extended under PRR13/8876 by the conversion of existing attic to habitable space of 32.5sq, which when included together with the proposed 20sqm rear extension would exceed the 40sqm limit for extensions under the conditions and limitations for Class 1.
- The installation of 1 no. new window at ground level on the side (southern) elevation would not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore constitutes exempted development under Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

### The Planning Authority considers that

- "Provision of a 20 sqm extension to rear of existing dwelling" at 62 Delgany Hills, Church Road, Delgany, Co. Wicklow is **Development and is NOT Exempted Development**
- "installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling" at 62 Delgany Hills, Church Road, Delgany, Co. Wicklow is **Development and is Exempted Development.**

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 15<sup>th</sup> October 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1257

Reference Number: EX83/2024

Name of Applicant: Karla Walsh & Ross Hazelton

Nature of Application: Section 5 Declaration request as to whether or not: -  
"(a) provision of a 20sqm extension to rear and (b) installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling" is or is not development and is or is not exempted development.

Location of Subject Site: 62 Delgany Hill, Church Road, Delgany, Co. Wicklow

Report from Dara Keane, AP and Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "(a) provision of a 20sqm extension to rear and (b) installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling" at 62 Delgany Hill, Church Road, Delgany, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- i. The details submitted on 18/09/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended).
- v. The planning history of the site particularly PRR 13/8876

**Main Reason with respect to Section 5 Declaration:**

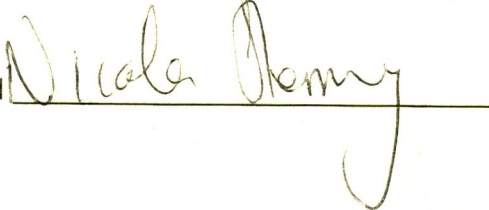
1. The provision of a rear extension and installation of 1 no. new window at ground level on the side (southern) elevation is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
2. The proposed development of a rear extension to existing 2 storey end of terrace dwelling would not come within the description of Class 1 of Schedule 2, Part 1, of the Planning and Development Regulations 2001(as amended) as the existing dwelling onsite has previously been extended under PRR13/8876 by the conversion of existing attic to habitable space of 32.5sq, which when included together with the proposed 20sqm rear extension would exceed the 40sqm limit for extensions under the conditions and limitations for Class 1.
3. The installation of 1 no. new window at ground level on the side (southern) elevation would not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore constitutes exempted development under Section 4(1) (h) of the Planning and Development Act 2000 (as amended).

**Recommendation:**

The Planning Authority considers that;

- a) "Provision of a 20 sqm extension to rear of existing dwelling" at 62 Delgany Hills, Church Road, Delgnay, Co. Wicklow is **Development and is NOT Exempted Development**
- b) "installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling" at 62 Delgany Hills, Church Road, Delgany, Co. Wicklow is **Development and is Exempted Development** as recommended in the report by the SEP.

Signed



Dated 14<sup>th</sup> day of October 2024

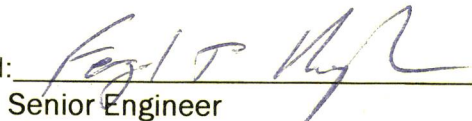
**ORDER:**

**I HEREBY DECLARE:**

That

- a) "Provision of a 20 sqm extension to rear of existing dwelling" at 62 Delgany Hills, Church Road, Delgnay, Co. Wicklow is **Development and is NOT Exempted Development**
- b) "installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling" at 62 Delgany Hills, Church Road, Delgany, Co. Wicklow is **Development and is Exempted Development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:



Senior Engineer  
Planning, Economic & Rural Development

Dated 15<sup>th</sup> day of October 2024



**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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**To:** Fergal Keogh S.E / Edel Bermingham S.E.P / Suzanne White S.E.P  
**From:** Dara Keane A.P.  
**Type:** Section 5 Application  
**REF:** EX 83/2024  
**Applicant:** Karla Walsh & Ross Hazelton  
**Date of Application:** 18/09/2024  
**Decision Due Date:** 15/10/2024  
**Address:** 62 Delgany Hill, Church Rd, Delgany  
**Exemption Query:** Proposed 20sqm extension to rear and installation of 1 no. new window at ground level on the southern side elevation of existing dwelling.

**Application Site:** The application site is a 2 storey end of terrace dwelling with converted attic located within Delgany Hills residential estate in the townland of Delgany, Co. Wicklow.

**Aerial Image**



## Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be reworded as follows:

- a) *Provision of a 20sqm extension to rear and;*
- b) *Installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling*

at No. 62 Delgany Hill, Church Rd, Delgany.'

## Relevant Planning History:

**PRR13/8876 (Smerd)** - Permission for the conversion of the existing attic to habitable accommodation (approx. area 32.5sqm)

## 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 20sqm extension to rear and;*
- b) *Installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling*

at No. 62 Delgany Hill, Church Rd, Delgany.'

## 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 permission under Act or be inconsistent with any use specified in 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,*

*(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,*

**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.*

*The conditions and limitations include:*

*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.*

*(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 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.*

*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.*

*7. The roof of any extension shall not be used as a balcony or roof garden.*

**Details submitted in support of the application**

Existing Dwelling GFA: 140sqm

Proposed Extension GFA: 20sqm

70sqm Private open space to be retained.

Proposed ridge height will not exceed that of the existing 2 storey dwelling onsite.



## An Bord Pleanála Referrals

### ABP-303783-19

An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (4) of the Planning and Development Act, 2000, as amended, hereby decides that the refurbishment of an existing dwelling, the construction of a single storey extension and the conversion of existing attic to provide new accommodation incorporating Velux type rooflights, at Tipperkevin, Naas, Co. Kildare is development and is not exempted development.

In not accepting the recommendation of the Inspector that the development would be exempted development, the Board had regard to case law as to the correct meaning of Section 4 (1) (h) of the Planning and Development Act, 2000, as amended, and did not accept that the attic conversion came within the scope of the exemption afforded by this legislative provision. Furthermore, the Board had regard to previous referral decisions made by it, which determined that the limit of 40 square metres in Condition and Limitation 2 (a) of Class 1 applied to any floor space that was not part of the original floor area of the house, including the floor area of an attic that had been converted after the construction of the original house (for example referral 06D.RL2477).

#### Assessment:

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

- a) Provision of a 20sqm extension to rear and;
- b) Installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling

at No. 62 Delgany Hill, Church Rd, Delgany 'is or is not development and is or is not exempted development:

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

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

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

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

I am satisfied that the proposal 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 it's associated Regulations.

a) Provision of a 20sqm extension to rear of existing 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>	Yes
<i>Was the house extended previously? Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i>	Yes, Attic conversion (32.5sqm) to habitable space permitted and carried out under PRR13/8876  Yes – Total proposed extensions on site will exceed 40sqm once completed (52.5sqm).
<i>Where the house is detached, 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.</i>	No- No extensions proposed above ground level.
<i>Is any part of the extension above ground floor and would its distance be less than 2 metres from any party boundary.</i>	No- No extensions proposed above ground level.
<i>Would the height of the walls of the extension exceed the height of the rear wall of the house?</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>	No– Heights of the walls of the extension do not exceed the height of the rear wall of the house.  No, flat roof extension does not exceed the height of the eaves or parapet.
<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>	No – 70sqm available to the rear.
<i>Would the window proposed at ground level in the extension be less than 1 metre from</i>	No – all windows are in excess of 1 metre from the boundary it faces

<i>the boundary it faces?</i>	
<i>Would the window proposed at first floor level in the extension be less than 11 metre from the boundary it faces?</i>	N/A- No windows proposed above ground level.
<i>Would the roof of the extension be used as a balcony or roof garden?</i>	No – proposed flat roof with no balcony or roof garden included in proposal.

Accordingly, the extension would not come within the provisions of Class 1 as the existing dwelling onsite has previously been extended under PRR13/8876 which includes the conversion of existing attic to habitable space of 32.5sqm which when included as part of the proposed 20sqm rear extension would exceed the 40sqm limit for extensions under the conditions and limitations for Class 1 of exempted development included within the planning and development regulations 2001(as amended).

b) Installation of one new window at ground level on the side (southern) elevation of existing two storey terrace dwelling

It is considered that given existing dwelling onsite located at the end of a terrace of houses and its overall design which already includes 2 no. obscure windows within the side (southern) elevation of the existing dwelling, the proposed installation of one new window at ground level on the side (southern) elevation of existing two storey terrace dwelling would be acceptable, and 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, and would therefore be exempt having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

**Conclusion:**

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 20sqm extension to rear and;
- b) Installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling

at No. 62 Delgany Hill, Church Rd, Delgany, is or is not development and is or is not exempted development:

The Planning Authority considers that:

- A) Provision of a 20sqm extension to rear of existing dwelling **is development but is NOT exempted development.**
- B) Installation of 1 no. new window at ground level on the side (southern) elevation of existing two storey terrace dwelling **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 18/09/2024;
- ii. Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended).
- v. *The planning history of the site, particularly PRR 13/8876*

Main Reasons with respect to Section 5 Declaration:

- The provision of a rear extension and installation of 1 no. new window at ground level on the side (southern) elevation is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The proposed development of a rear extension to existing 2 storey end of terrace dwelling would not come within the description of Class 1 of Schedule 2, Part 1, of the Planning and Development Regulations 2001(as amended) as the existing dwelling onsite has previously been extended under PRR13/8876 which includes <sup>by</sup> the conversion of existing attic to habitable space of 32.5sqm, which when included ~~as~~ <sup>together with</sup> ~~part~~ of the proposed 20sqm rear extension, would exceed the 40sqm limit for extensions under the conditions and limitations for Class 1, ~~of exempted development included within the planning and development regulations 2001(as amended).~~
- The installation of 1 no. new window at ground level on the side (southern) elevation would not materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house or of neighbouring houses, and therefore ~~the development~~ constitutes exempted development under Section 4(1) (h) of the Planning and Development Act 2000 (as amended).



Dara Keane  
Assistant Planner  
10/10/2024

Agreed as amended  
White SEP  
10/10/24

Issue declaration as recommended  
Myl T Myl L 83  
15/10/24



**Comhairle Contae Chill Mhantáin  
Wicklow County Council**

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
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**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Dara Keane  
Assistant 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).  
EX83/2024**

I enclose herewith application for Section 5 Declaration received 18<sup>th</sup> September 2024.

The due date on this declaration is 15<sup>th</sup> October 2024.

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**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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19<sup>th</sup> September 2024

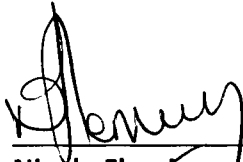
**Karen Walsh & Ross Hazelton  
62 Delgany Hills  
Church Road  
Delgany  
Co. Wicklow**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and  
Development Acts 2000 (as amended). – EX83/2024**

A Chara

I wish to acknowledge receipt on 18/09/2024 details supplied by you in respect of the above  
Section 5 application. A decision is due in respect of this application by 15/10/2024.

Mise, le meas



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



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

09/09/2024 10 25 50

Receipt No L1/0/334306

\*\*\*\*\* REPRINT \*\*\*\*\*

KARLA WALSH  
62 DELGANY HILL  
DELGANY  
CO WICKLOW Q80

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 Cashier5MW  
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:

Karla Walsh and Ross Hazelton

Address of applicant:

62 Delgany Hills, Church Road, Delgany, Co. Wicklow

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: N/A

WICKLOW COUNTY COUNCIL

18 SEP 2024

PLANNING DEPT.

**3. Declaration Details**

- i. Location of Development subject of Declaration:  
62 Delgany Hills, Church Road, Delgany, Co. Wicklow
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
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, 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:  
We are planning to construct a single storey, 20sqm extension to the rear of our two-storey, three-bedroom end terrace house.  
The development will also include the installation of one new window at the ground floor level, on the side (southern) elevation of existing house structure.  
(We have attached the photographs showing the existing side elevation facing the access road. The road is approx. 1600mm lower than the house so the proposed window will not be visible to passers-by). Taking the above into account, we are seeking a certificate of exemption.

*Additional details may be submitted by way of separate submission.*

We have submitted detailed drawings together with this application form.

- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration.  
We believe Exempted Development Section - Article 6, Schedule 2, Part 1, Class 1 of the Planning and Development Regulations, is relevant to this submission.

*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

- L.01 - Site Location Map
- S.01 - Existing Site Layout Plan
- S.02 - Existing Ground Floor and First Floor Plan
- S.03 - Existing Attic and Roof Plan
- S.04 - Existing Drainage Plan
- S.05 – Existing Elevations
- S.06 – Existing Sections
- P.01 – Proposed Site Layout Plan
- P.02 – Proposed Ground Floor Plan and Roof Plan
- P.03 – Proposed Drainage Plan
- P.04 – Proposed Elevations
- P.05 – Proposed Sections
- D.01 – Photographs showing Existing Side Elevation

- viii. Fee of € 80 Attached?  
Paid via telephone Monday 9<sup>th</sup> of September

Signed: Kate H. S. Dated: 17/09/2024  
Ross Hazelton 17/9/24

**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 -

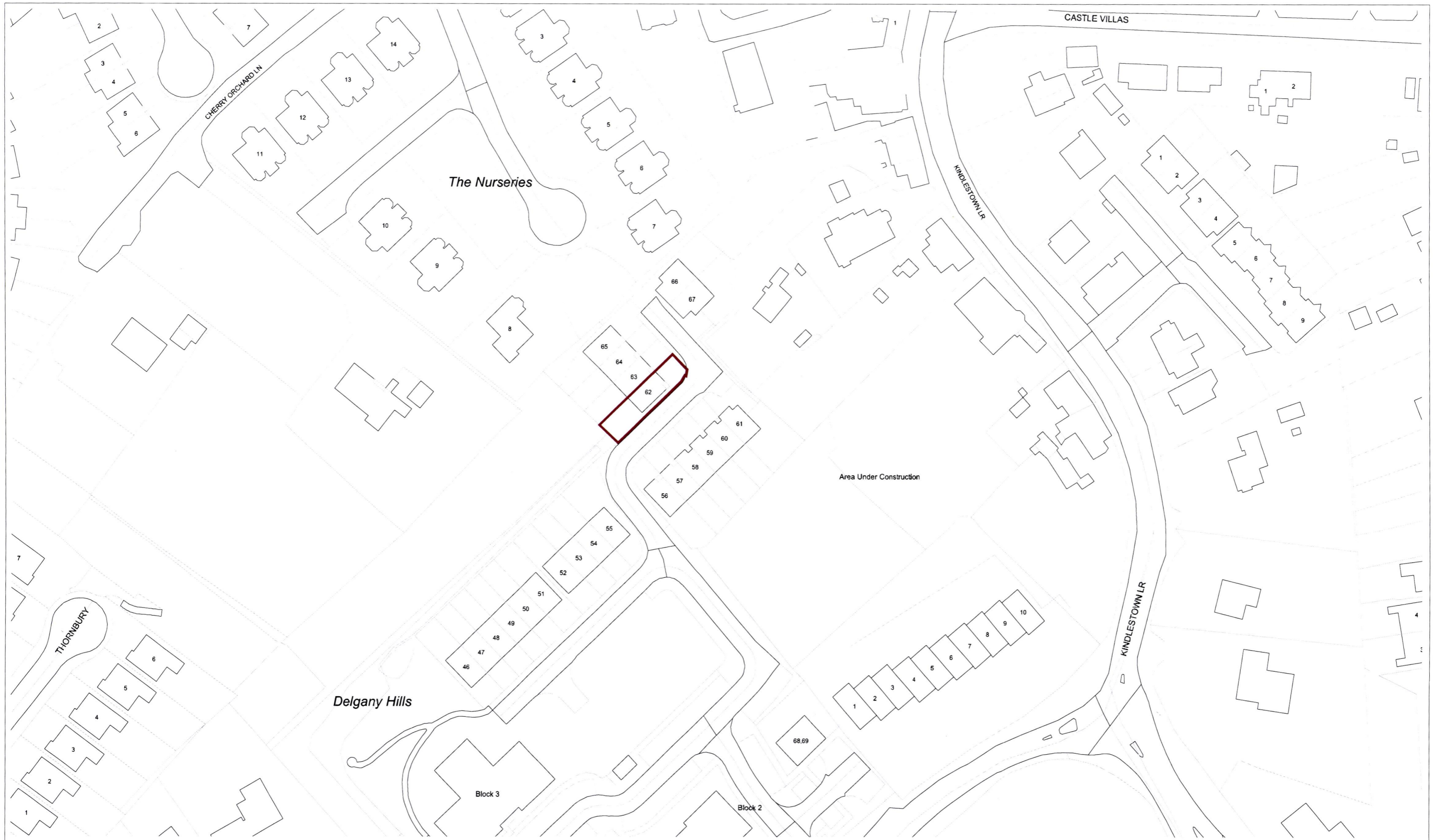
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 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.

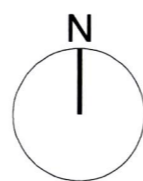


OSI LICENCE NUMBER: 50421186

1 Site Location Map  
L.01 1:1000

House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow



Drawing:  
SITE LOCATION MAP

Scale: 1:1000@A3

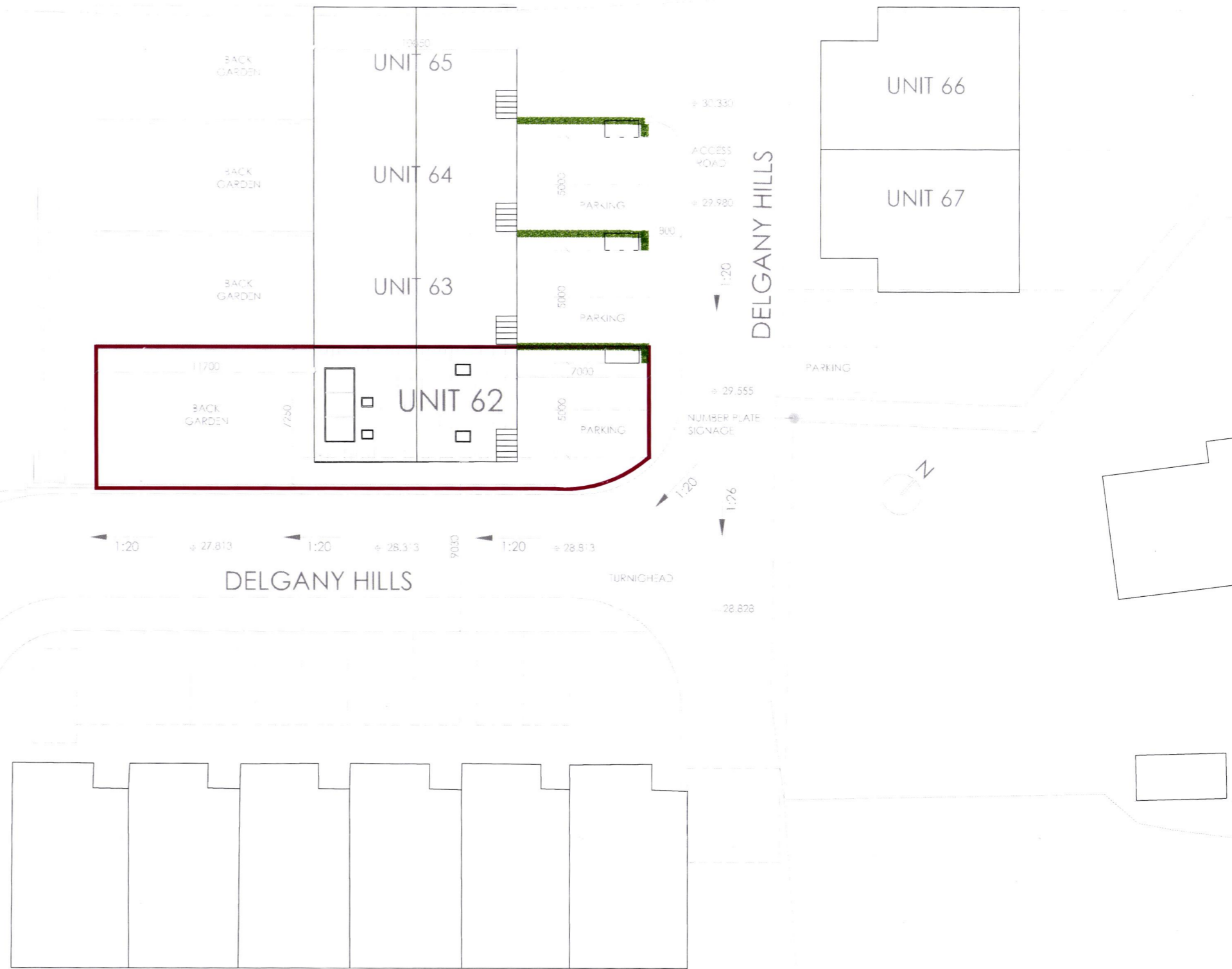
Drawing No: L.01

Date: 09.2024

# Delgany Hills

52

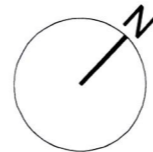
DELGANY HILLS



1 Site Layout Plan  
S.01 1:250

House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow

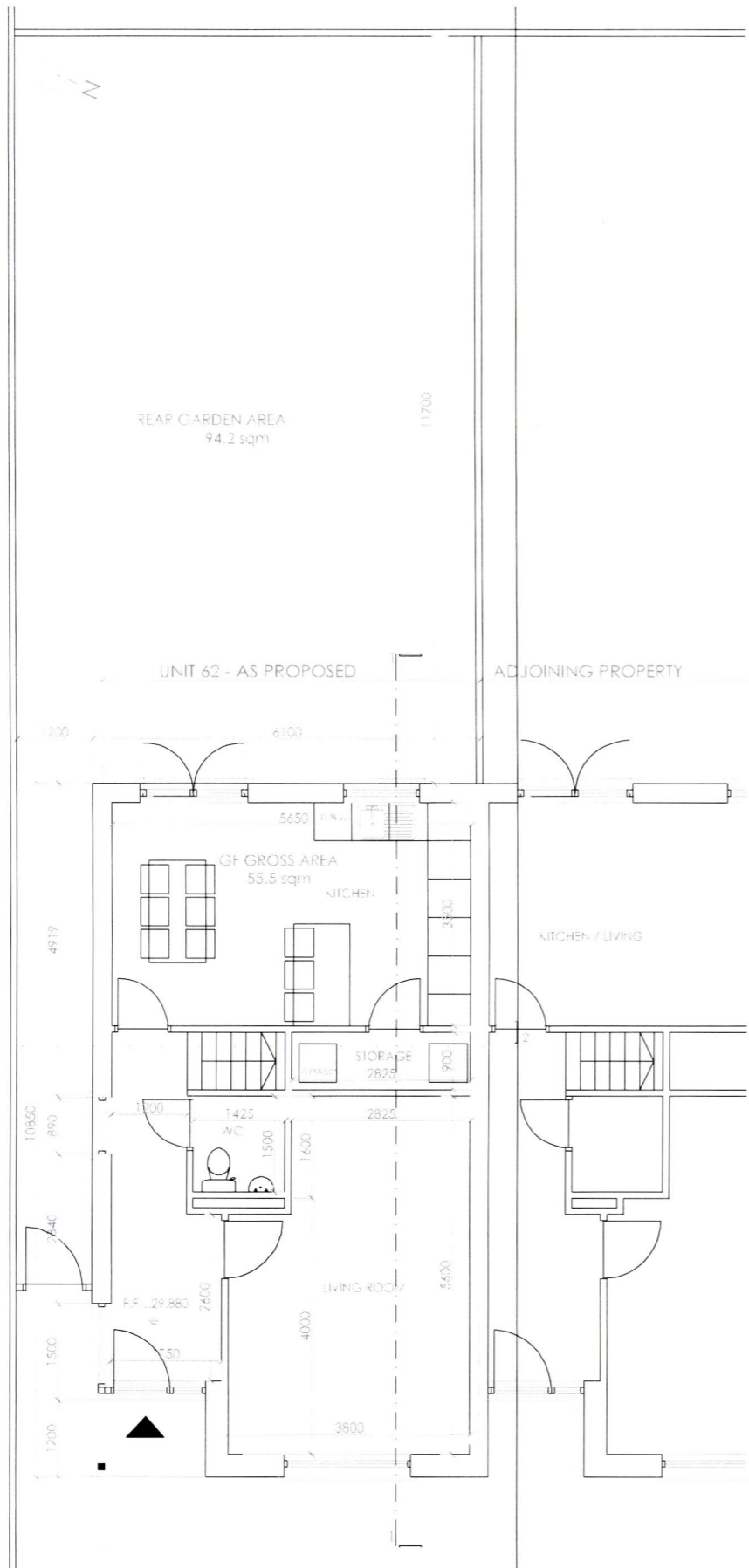


Drawing:  
SITE LAYOUT PLAN - AS EXISTING

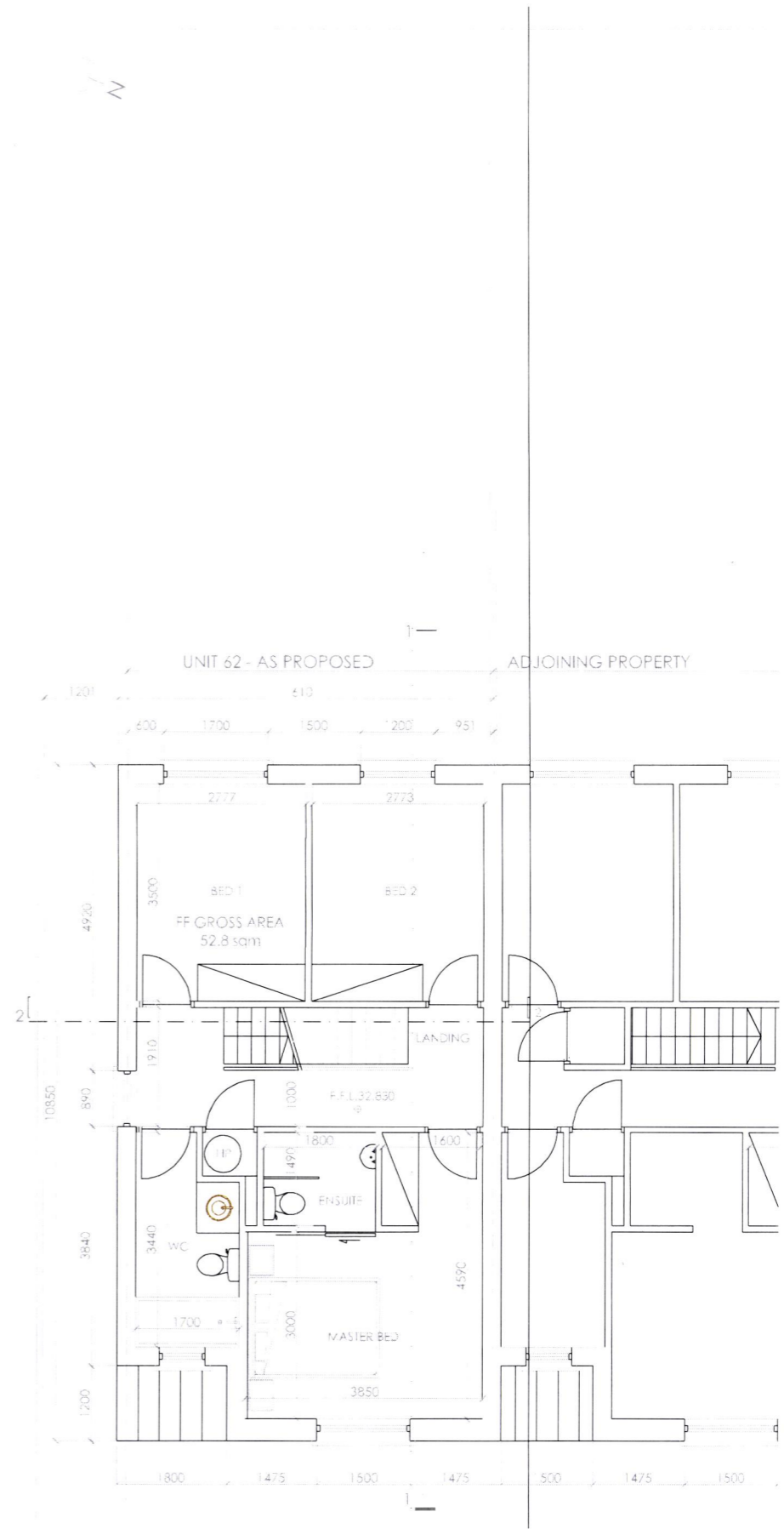
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Drawing No: S.01

Date: 09.2024



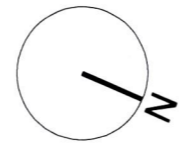
**1** Ground Floor Plan  
**S.03** 1:100



**2** First Floor Plan  
**S.03** 1:100

House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow

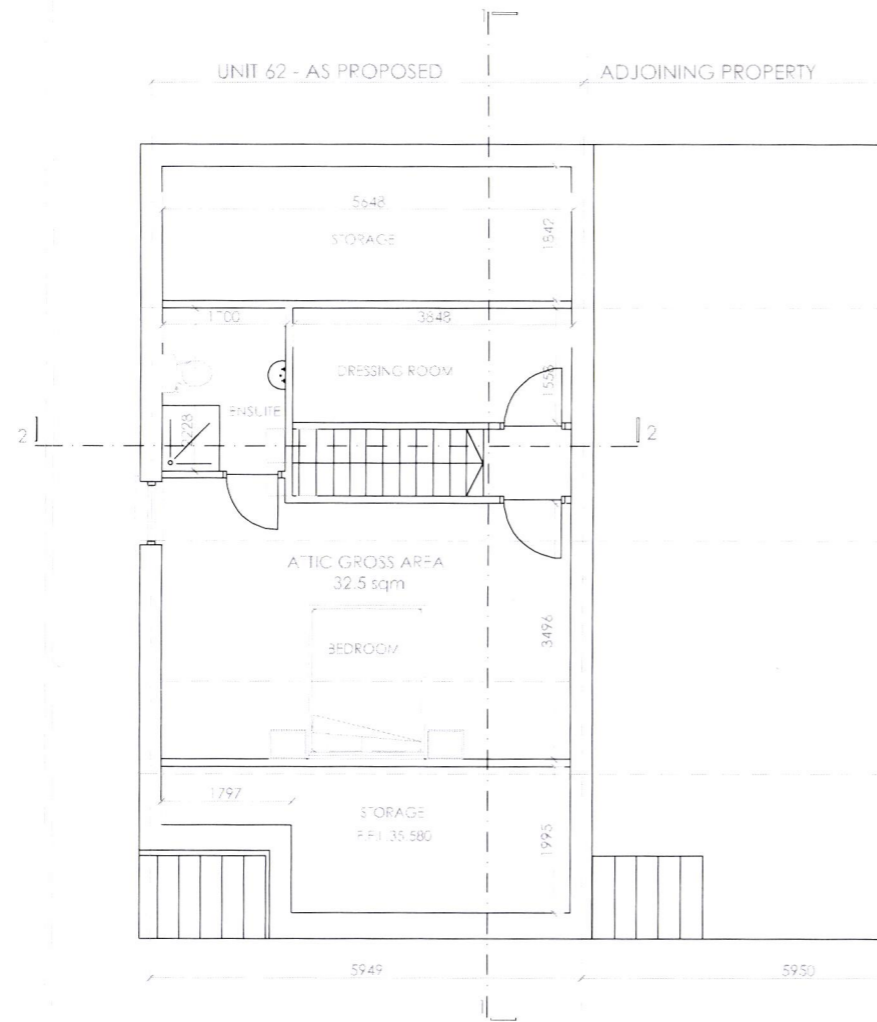


Drawing:  
EXISTING PLANS

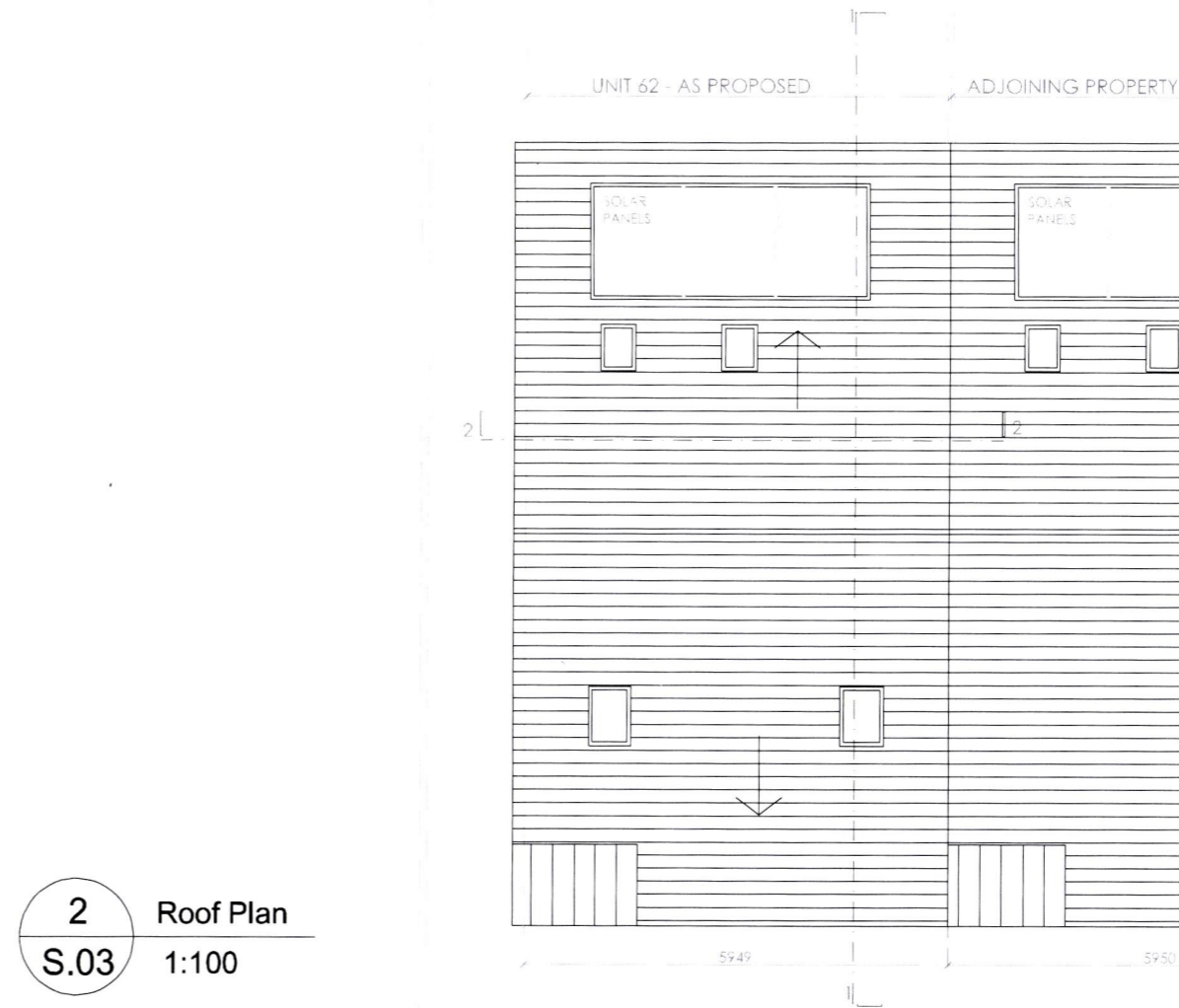
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Drawing No: S.02

Date: 09.2024



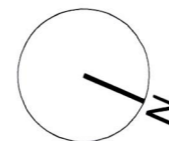
**1** Attic Floor Plan  
**S.03** 1:100



**2** Roof Plan  
**S.03** 1:100

House owner:  
 Karla Walsh and Ross Hazelton

Address:  
 62 Delgany Hills,  
 Church Road,  
 Delgany,  
 Co. Wicklow

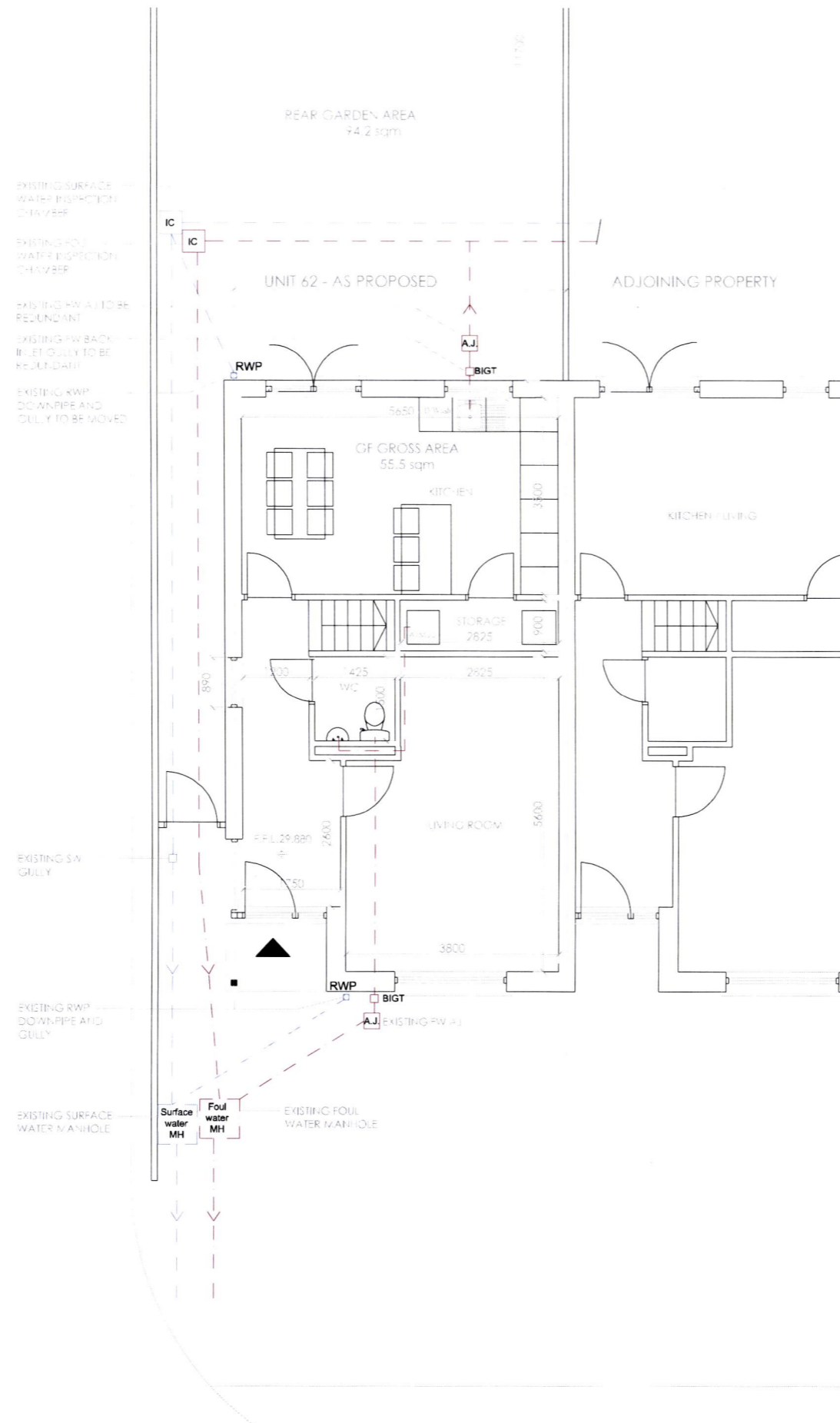


Drawing:  
 EXISTING PLANS

Scale: 1:100@A3

Drawing No: S.03

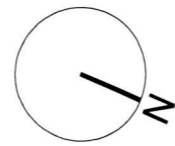
Date: 09.2024



1 Drainage Plan  
S.04 1:100

House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow



Drawing:  
EXISTING PLANS

Scale: 1:100@A3

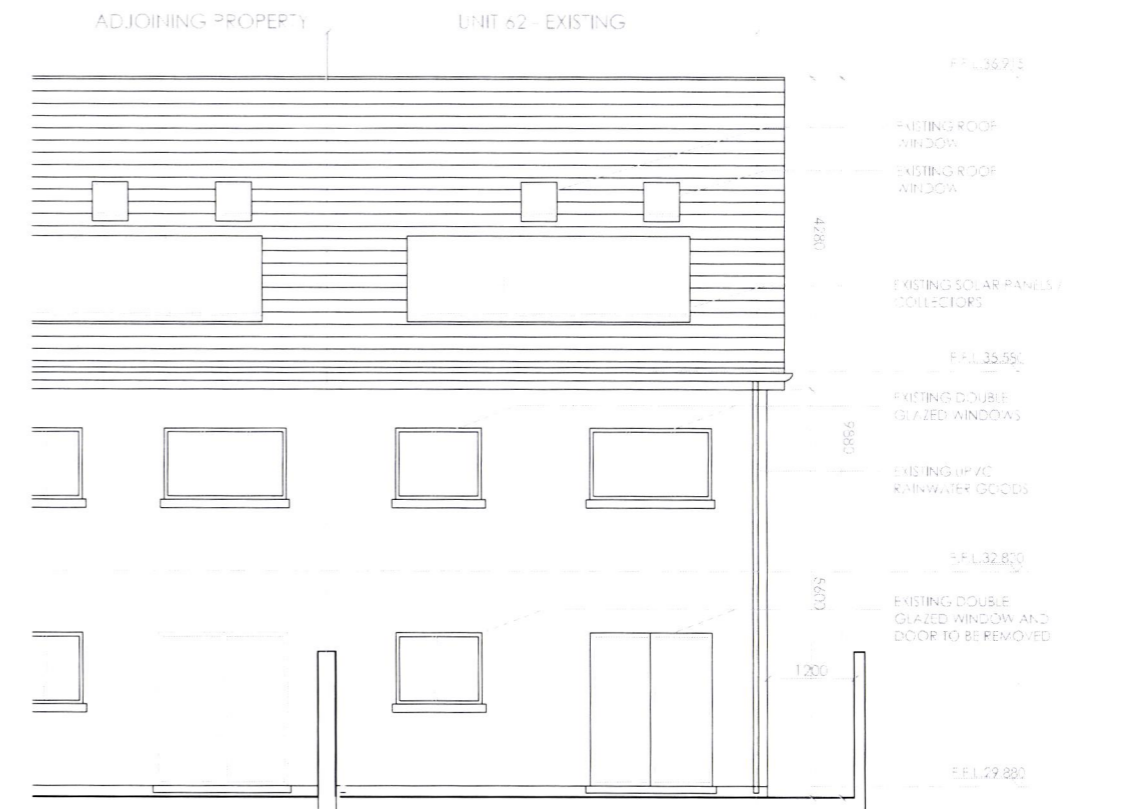
Drawing No: S.04

Date: 09.2024



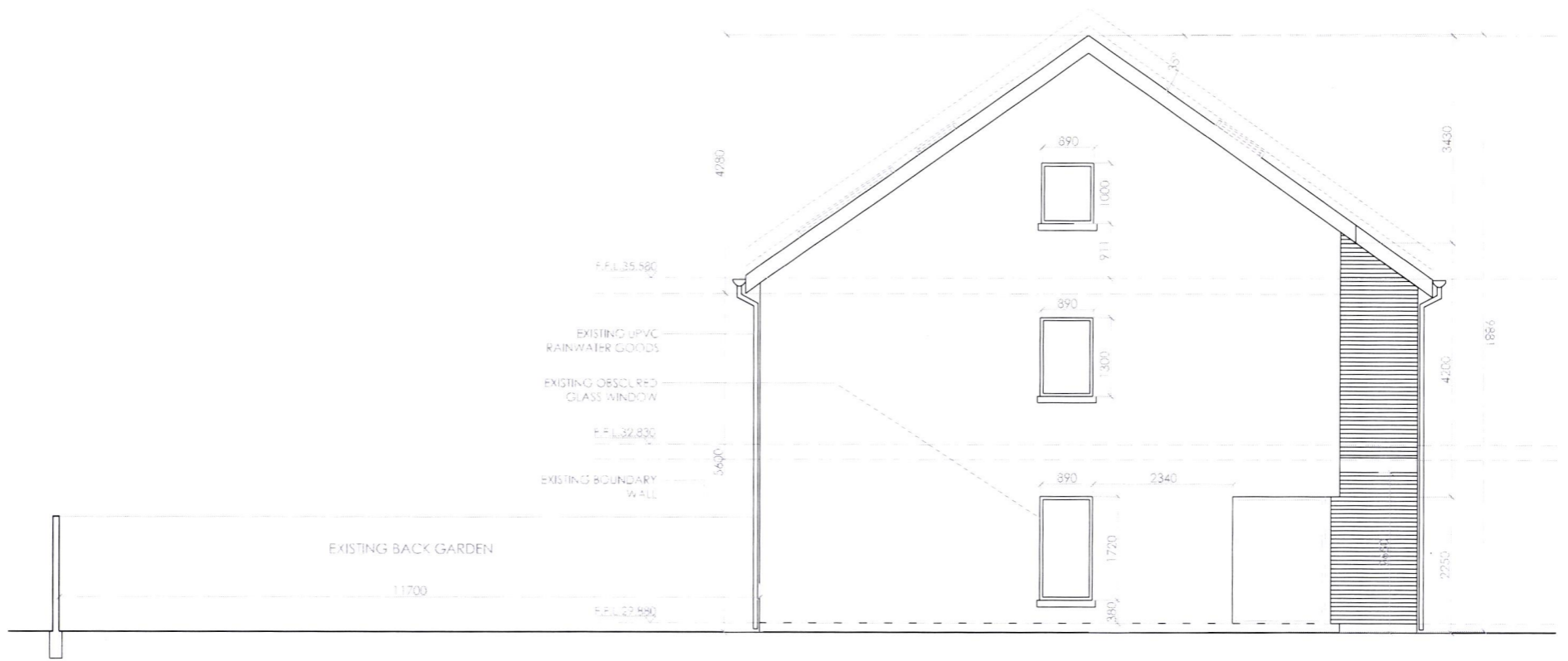


**1** Front (East Facing) Elevation  
**S.05** 1:100



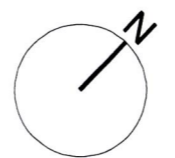
**2** Back (West Facing) Elevation  
**S.05** 1:100

**3** South - (Side) Elevation  
**S.05** 1:100



House owner:  
 Karla Walsh and Ross Hazelton

Address:  
 62 Delgany Hills,  
 Church Road,  
 Delgany,  
 Co. Wicklow



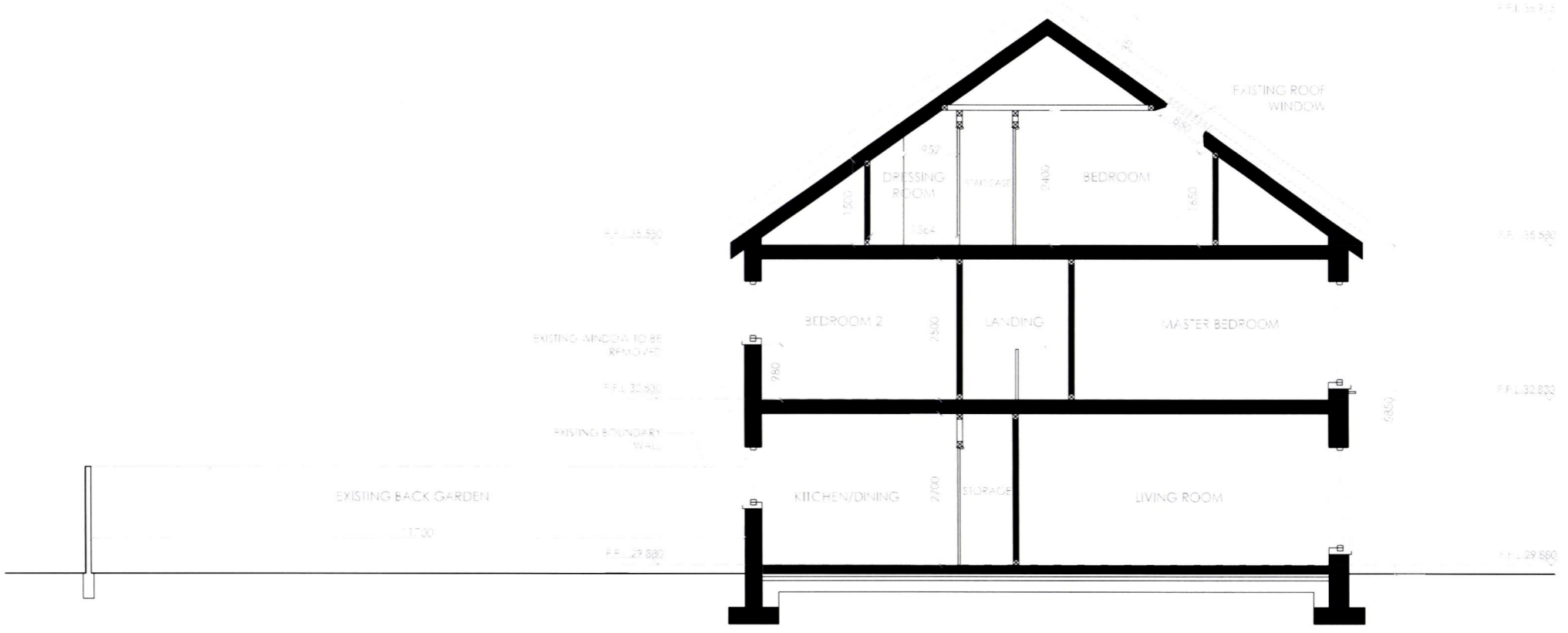
Drawing:  
 EXISTING ELEVATIONS

Scale: 1:100@A3

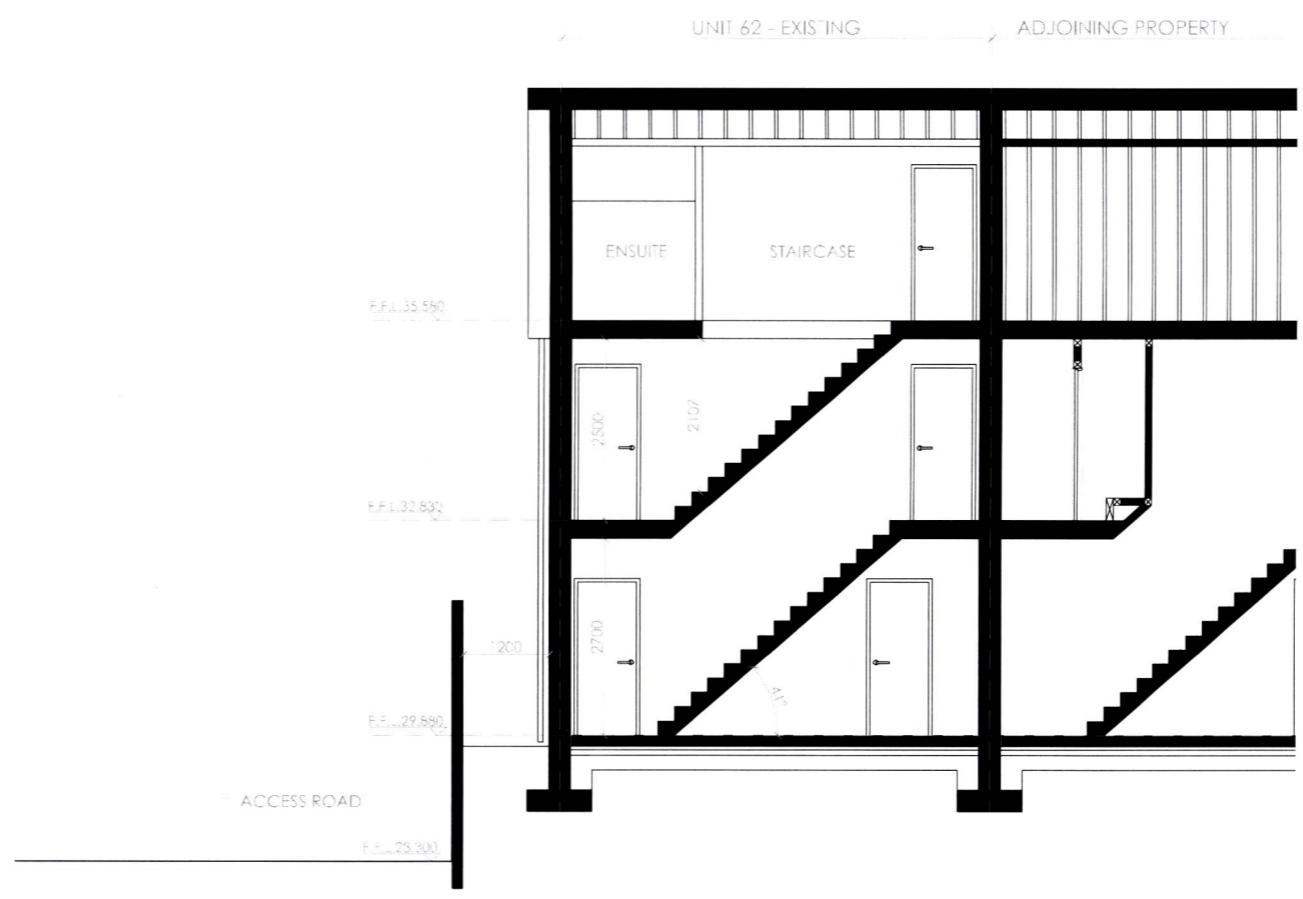
Drawing No: S.05

Date: 09.2024

1 Section 1-1  
S.06 1:100

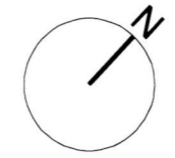


2 Section 2-2  
S.06 1:100



House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow



Drawing:  
EXISTING SECTIONS

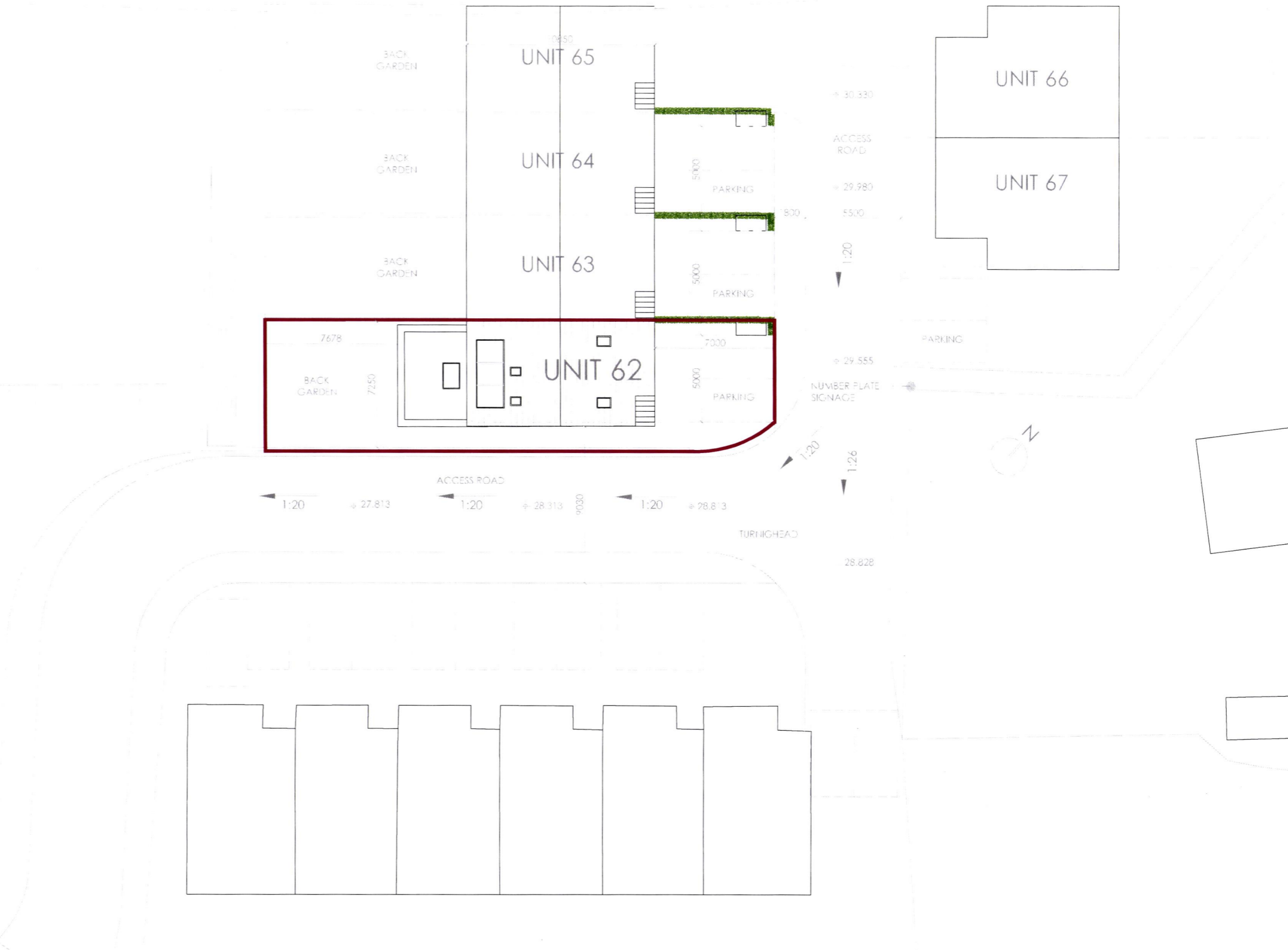
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Drawing No: S.06

Date: 09.2024

# Delgany Hills

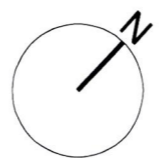
52



1 Site Layout Plan  
P.01 1:250

House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow

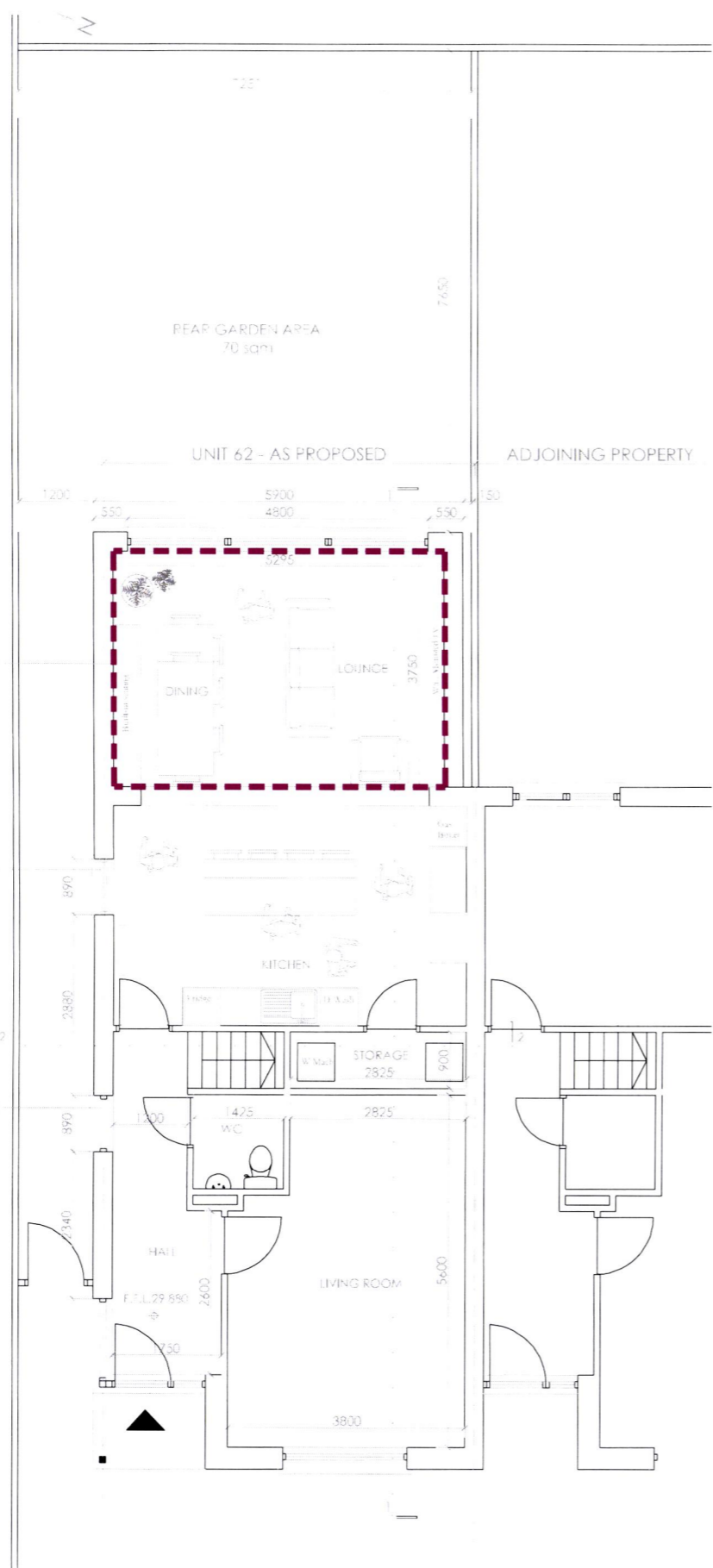


Drawing:  
SITE LAYOUT PLAN - AS PROPOSED

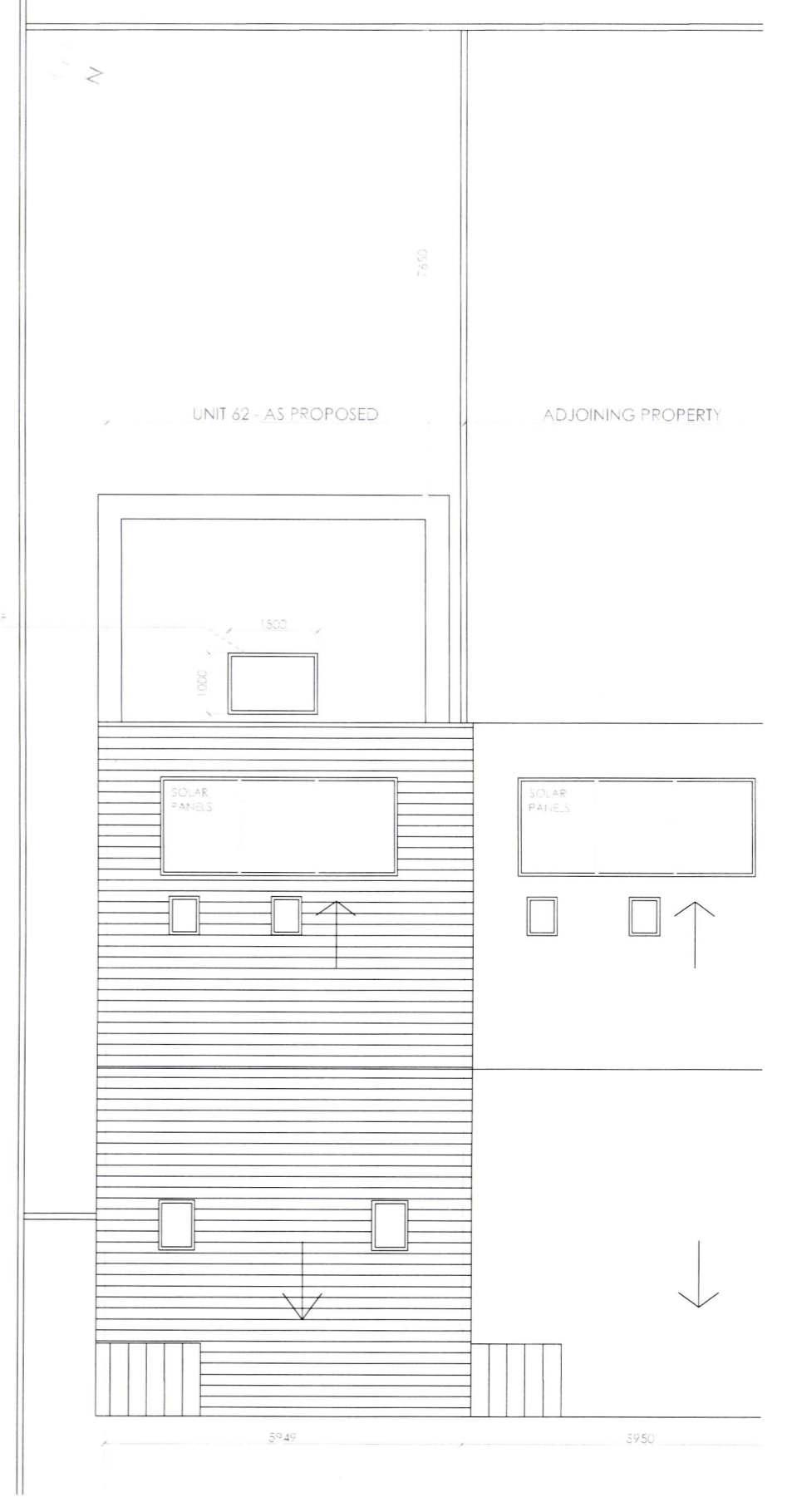
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Drawing No: P.01

Date: 09.2024



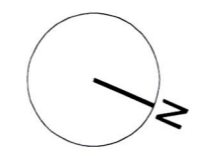
**1** Ground Floor Plan  
**P.02** 1:100



**2** Roof Plan  
**P.02** 1:100

House owner:  
 Karla Walsh and Ross Hazelton

Address:  
 62 Delgany Hills,  
 Church Road,  
 Delgany,  
 Co. Wicklow

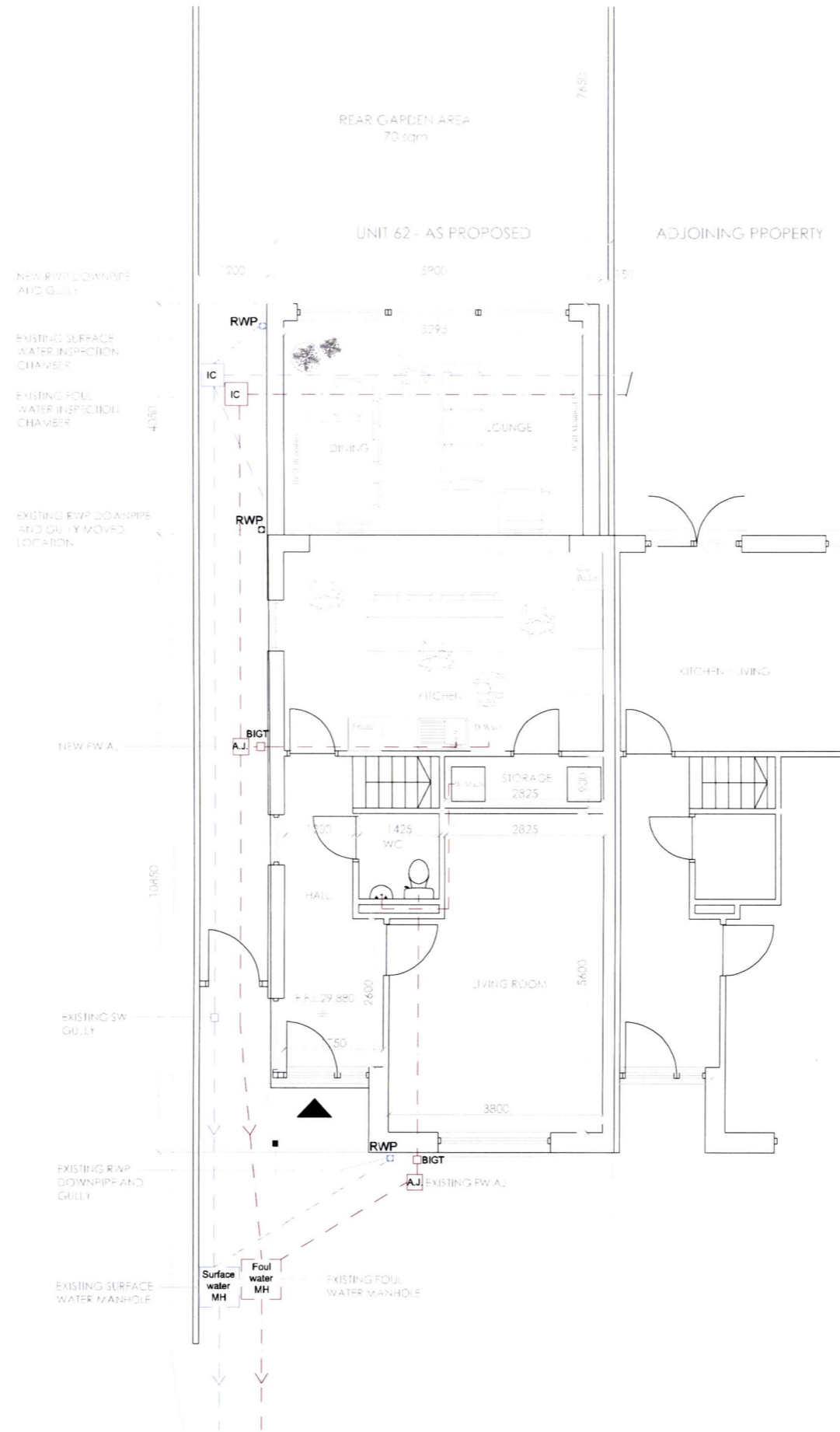


Drawing:  
 PLANS - AS PROPOSED

Scale: 1:100@A3

Drawing No: P.02

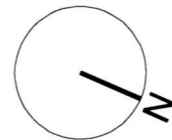
Date: 09.2024



**1** Drainage Plan  
**P.03** 1:100

House owner:  
 Karla Walsh and Ross Hazelton

Address:  
 62 Delgany Hills,  
 Church Road,  
 Delgany,  
 Co. Wicklow



Drawing:  
 PLANS - AS PROPOSED

Scale: 1:100@A3

Drawing No: P.03

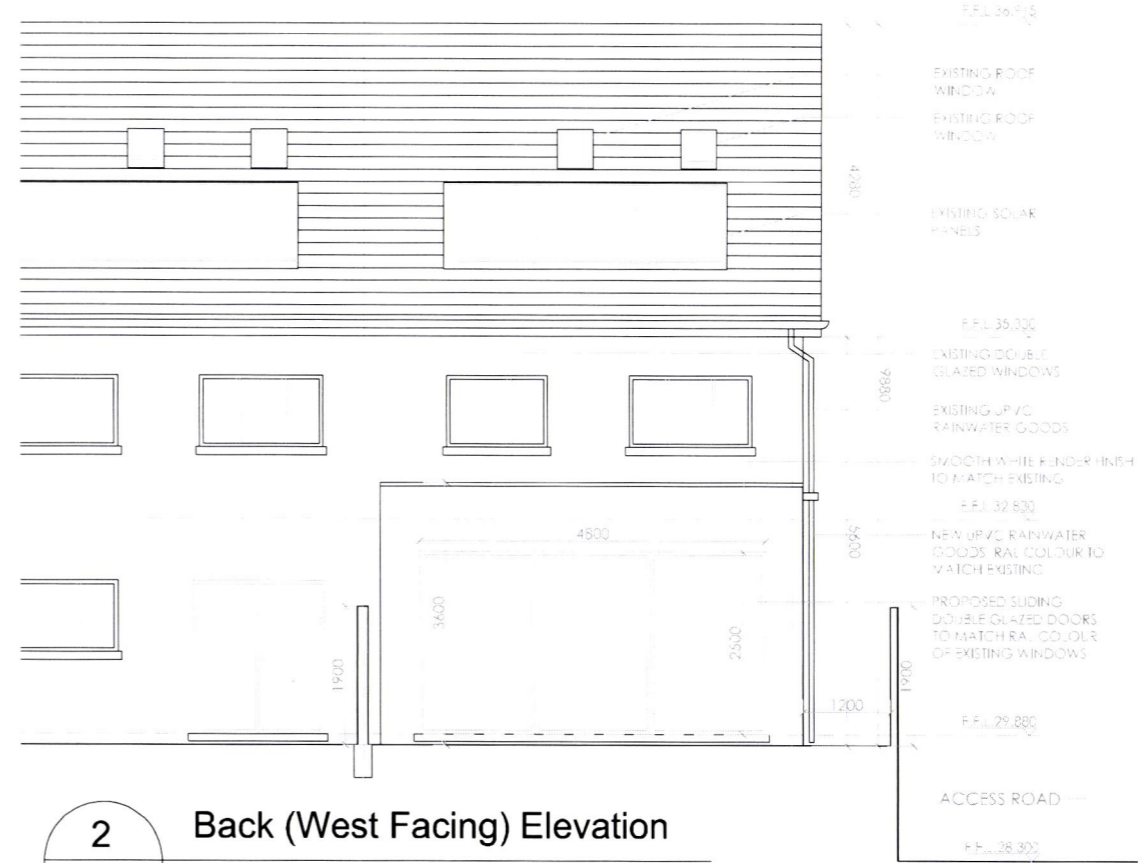
Date: 09.2024

UNIT 62 - AS EXISTING ADJOINING PROPERTY

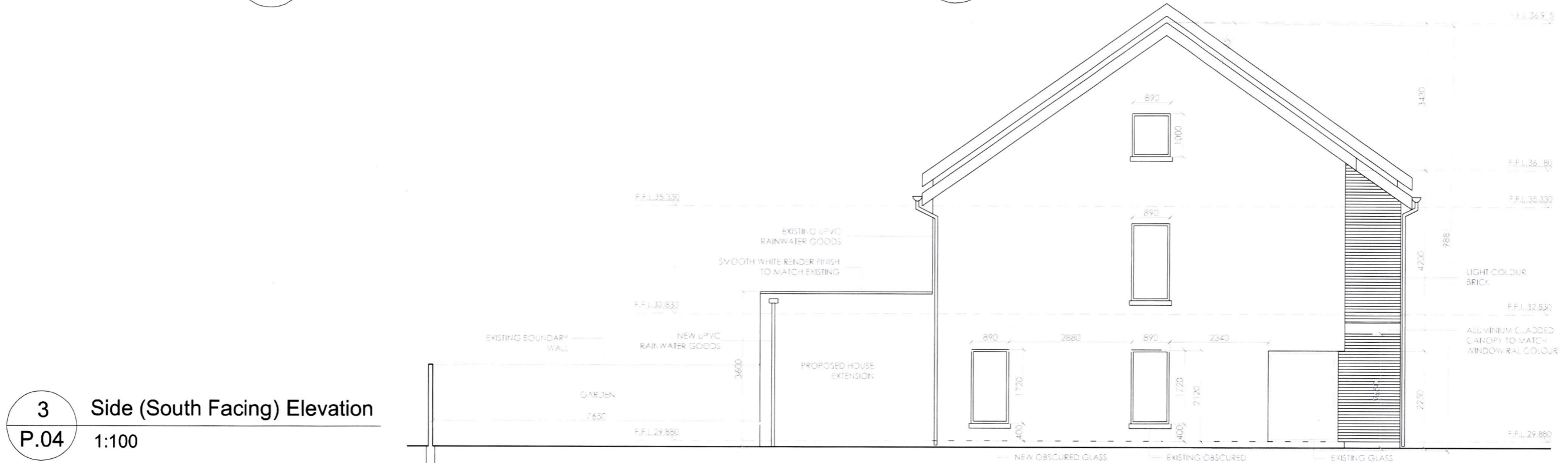
ADJOINING PROPERTY UNIT 62 - AS PROPOSED



**1** Front (East Facing) Elevation  
**P.04** 1:100



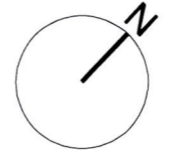
**2** Back (West Facing) Elevation  
**P.04** 1:100



**3** Side (South Facing) Elevation  
**P.04** 1:100

House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow



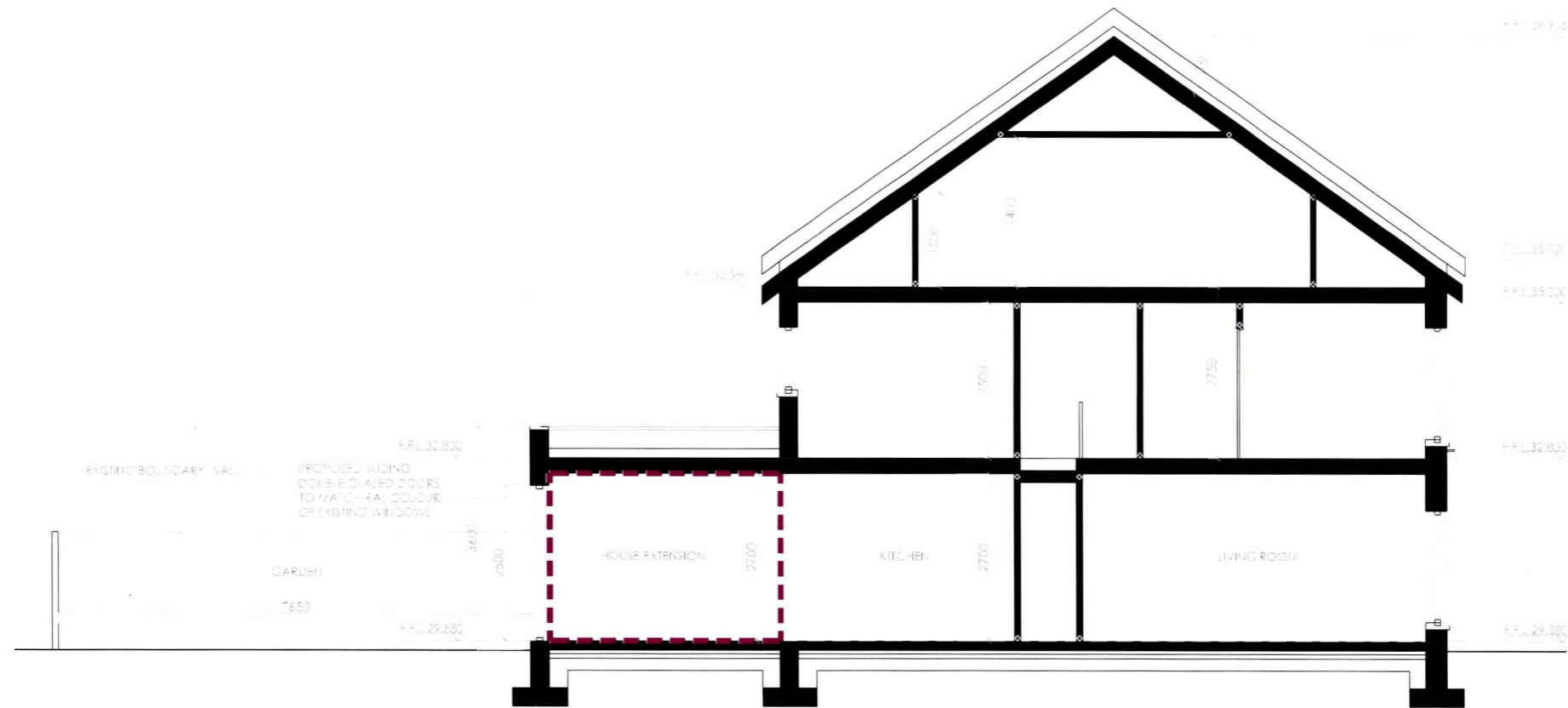
Drawing:  
**ELEVATIONS - AS PROPOSED**

Scale: 1:100@A3

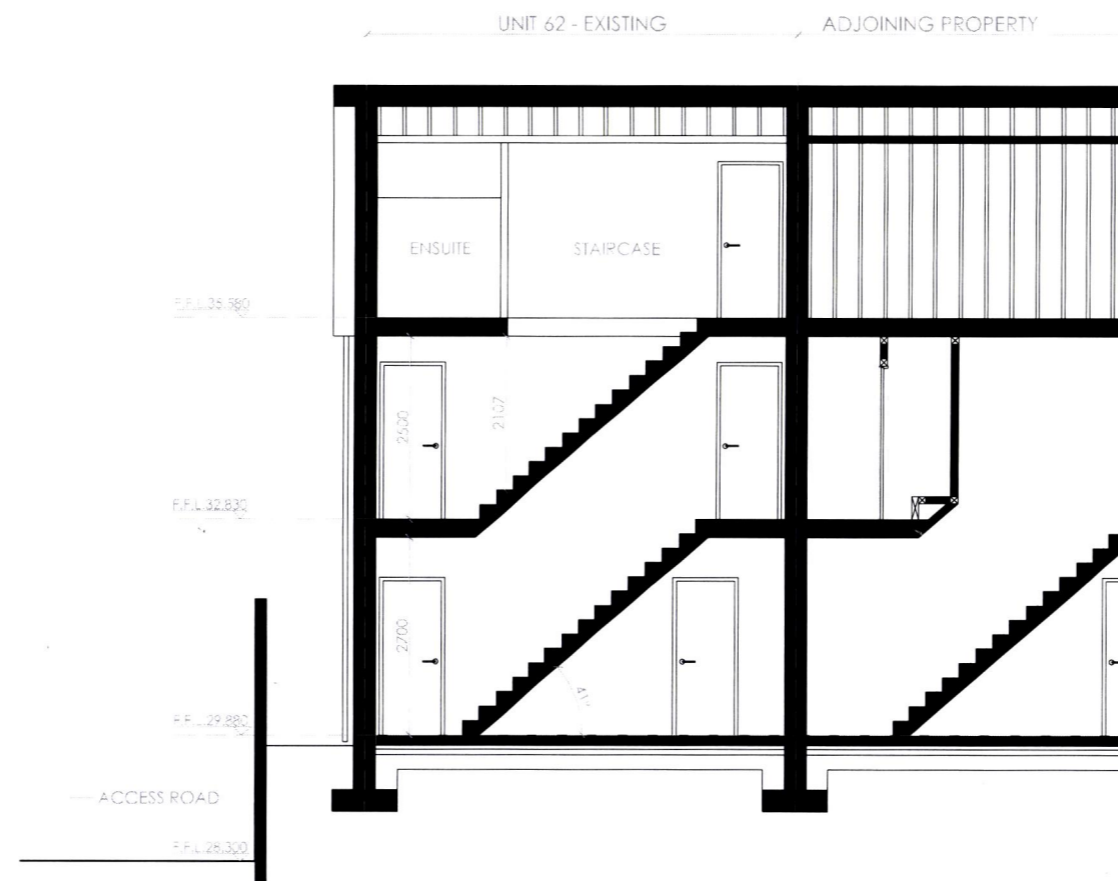
Drawing No: P.04

Date: 09.2024

1 Section 1-1  
P.05 1:100

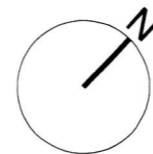


2 Section 2-2  
P.05 1:100



House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow



Drawing:  
SECTIONS - AS PROPOSED

Scale: 1:100@A3

Drawing No: P.05

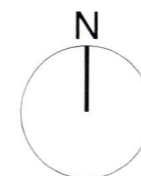
Date: 09.2024



1 Photographs showing Side Elevation  
D.01

House owner:  
Karla Walsh and Ross Hazelton

Address:  
62 Delgany Hills,  
Church Road,  
Delgany,  
Co. Wicklow



Drawing:  
PHOTOGRAPHS SHOWING SIDE ELEVATION

Scale: N/A @A3

Drawing No: D.01

Date: 09.2024