

Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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

21st March 2025

Alphaplan Design
Suite 14, Block 1
Broomhall Business Park
Rathnew
Co. Wicklow

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

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: James McAvoy

Location: 23 Saunders Lane, Rathnew, Co. Wicklow

Reference Number: EX32/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/296

Section 5 Declaration as to whether “the installation of 3 velux roof windows to attic storage space on rear roof” at 23 Saunders Lane, Rathnew, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:


- The details submitted on the 12th March 2025
- PRR 05/ 2155, PRR 05/4290, PRR 05/3765, PRR 06/4714
- 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 3 velux roof windows come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- The installation of the 3 velux roof windows to attic storage space would affect the exterior of the structure , but 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 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 3 velux roof windows to attic storage space on rear roof” at 23 Saunders Lane, Rathnew, Co. Wicklow **is development and is exempted development** within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  March 2025



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5
CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/296

Reference Number: EX32/2025

Name of Applicant: James McAvoy

Nature of Application: Section 5 Declaration request as to whether or not: -
"the installation of 3 velux roof windows to attic storage space on rear roof" is or is not development and is or is not exempted development.

Location of Subject Site: 23 Saunders Lane, Rathnew, Co. Wicklow

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 3 velux roof windows to attic storage space on rear roof" at 23 Saunders Lane, Rathnew, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

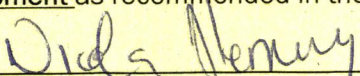
- a) The details submitted on the 12th March 2025
- b) PRR 05/ 2155, PRR 05/4290, PRR 05/3765, PRR 06/4714
- c) An Bord Pleanála Declarations RL2284, ABP-307712-20.
- d) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reason with respect to Section 5 Declaration:

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

Recommendation:

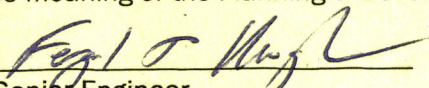
The Planning Authority considers that "the installation of 3 velux roof windows to attic storage space on rear roof" at 23 Saunders Lane, Rathnew, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 26th day of March 2025

ORDER:

I HEREBY DECLARE THAT "the installation of 3 velux roof windows to attic storage space on rear roof" at 23 Saunders Lane, Rathnew, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
Senior Engineer
Planning, Economic & Rural Development

Dated 27th day of March 2025

Section 5 Application EX 32/2025

Date : 19/3/2025

Applicant : James Mc Avoy

Address : 25 Saunders Lane, Rathnew, Wicklow, co. Wicklow. .

Exemption Whether or not :

The installation of 3 Velux roof windows to attic storage space on rear roof

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

Planning History :

PRR 05/2155 Permission granted for 170 dwellings at Merrymeeting Rathnew.

PRR 05/3765 Permission granted for the modifications to planning conditions no. 21(a) and 22(b) and deletion of conditions no. 21(b) and 22(a) on granted planning permission PRR 05/2155.

PRR 05/4290 Permission Revised rear window to house type P on granted planning ref. no. 05/2155 for housing development

PRR 06/4714 Permission granted modifications to planning condition no 22 (a) and deletion of planing condition no 21 (b) and modification of planning condition no 21 (a) on granted planning permission ref. no. 05/2155 for 170 dwellings.

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 (ii)*;

“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. the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land,

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 3 Velux roof windows to attic storage space on rear roof rooflights is or is not development or is or is not exempted development .

The submitted details show the location of the velux roof windows in the rear roof profile.

The placement of velux windows within the roof are operations of construction / alteration , therefore works having regard to the interpretation set out in Section 2 of the Planning and Development Act 2000(as amended). The installation of rooflights would therefore come within the definition of development as set out in Section 3 (1)(a) 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 roof windows 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 3 Velux roof windows to attic storage space on rear roof at 23
Saunders Lane, Rathnew, Co. Wicklow
constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the installation of 3 Velux roof windows to attic storage space on rear roof at 23 Saunders Lane, Rathnew, Co. Wicklow **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted on the 12th March 2025
- b) PRR 05/ 2155, PRR 05/4290, PRR 05/3765, PRR 06/4714
- c) An Bord Pleanala Declarations RL2284, ABP-307712-20.
- d) 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 3 velux roof windows come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The installation of the 3 velux roof windows to attic storage space would affect the exterior of the structure , but 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 come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

John Cunningham

19/3/2025

*Issue declaration as recommended
Fog 1 To May 2025
27/03/25*

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
Senior Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX32/2025**

I enclose herewith application for Section 5 Declaration received completed on 12/03/2025.

The due date on this declaration is 8th April 2025.



Staff Officer
Planning, Economic & Rural Development



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

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

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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Alphaplan Design
Suite 14 Block 1
Broomhall Business Park
Rathnew
Co. Wicklow

13th March 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX32/2025 for James McAvoy

A Chara

I wish to acknowledge receipt on 12/03/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 08/04/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100



12/03/2025 13 40 48

Receipt No L1/0/342199
***** REPRINT *****

JAMES MCAVOY
25 SANNDERS LANE
RATHNEW
CO WICKLOW

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 Annmarie Ryan
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: JAMES M'ANON
Address of applicant: 25 SAUNDERS LANE
RATHNEW 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) ALPHAPLAN DESIGN
Suite 14 Block 1, Broomhall Business Park
Rathnew Co Wicklow
Address of Agent : Tel 086 2461269 & 0404 64123
Email eugene@alphaplansdesign.com
Website www.alphaplansdesign.com

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

3. Declaration Details

i. Location of Development subject of Declaration 25 SAUNDERS WAY
RATTANBURG
CO. CLICKLOW

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

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

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, 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 _____
3 VELUX ROOF WINDOWS TO ATTIC
STORAGE SPACE LOCATED ON
THE REAR OF THE ROOF OF
THIS HOUSE

Additional details may be submitted by way of separate submission.

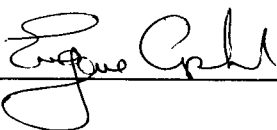
v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____
SCHEDULE 2 PART 1

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 _____
SITE LOCATION MAP
SITE LAYOUT PLAN
PHOTO GRAPH OF VELUX WINDOWS.

viii. Fee of € 80 Attached ? YES

Signed :  Dated : 10/3/2025


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



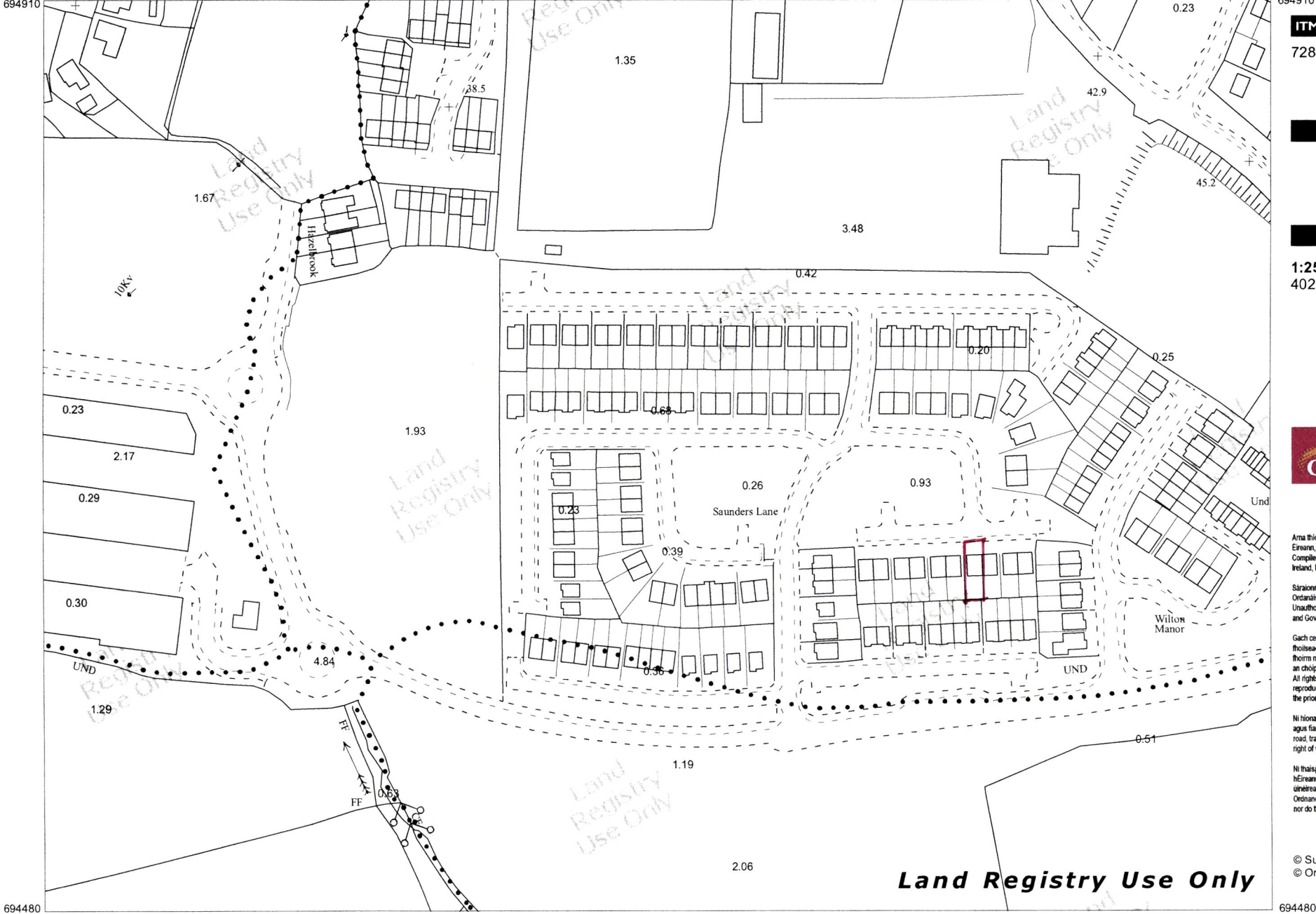
Agriculture, Fisheries and Food.

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.

Land Registry Compliant Map



ITM CENTRE PT COORDS
 728756,694695

DESCRIPTION

MAP SHEETS

1:2500
 4020-A 4020-C



Arna thionsú agus arna fhoilséú ag Suirbhéireacht Ordánais Éireann, Páirc an Fhionnuisce, Baile Átha Cliath 8, Éire.
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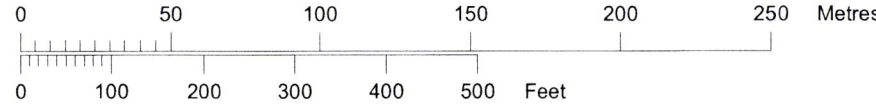
Gach cead ar cosnaimh. Ní ceadmhach aon chuid den fhoilseáchan seo a chóipeáil, a athirgeadh nó a tharchur in aon form nár ar aon bhealach gan cead i scríbhinn roimh ré ó úinéir an chóipchirt.
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Ní hionann bóthar, bealach nó cosán a bheith ar an léarscáil seo agus fianaise ar cheard sli. The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

Ní thaispeánann léarscáil de chuid Ordánais Shuirbhéireacht na hÉireann leorann phointí dea-thuill de mhaoin rianmh, ná úinéireacht de ghneithe thíosicúla.
 Ordnance Survey maps never show legal property boundaries, nor do they show ownership of physical features.

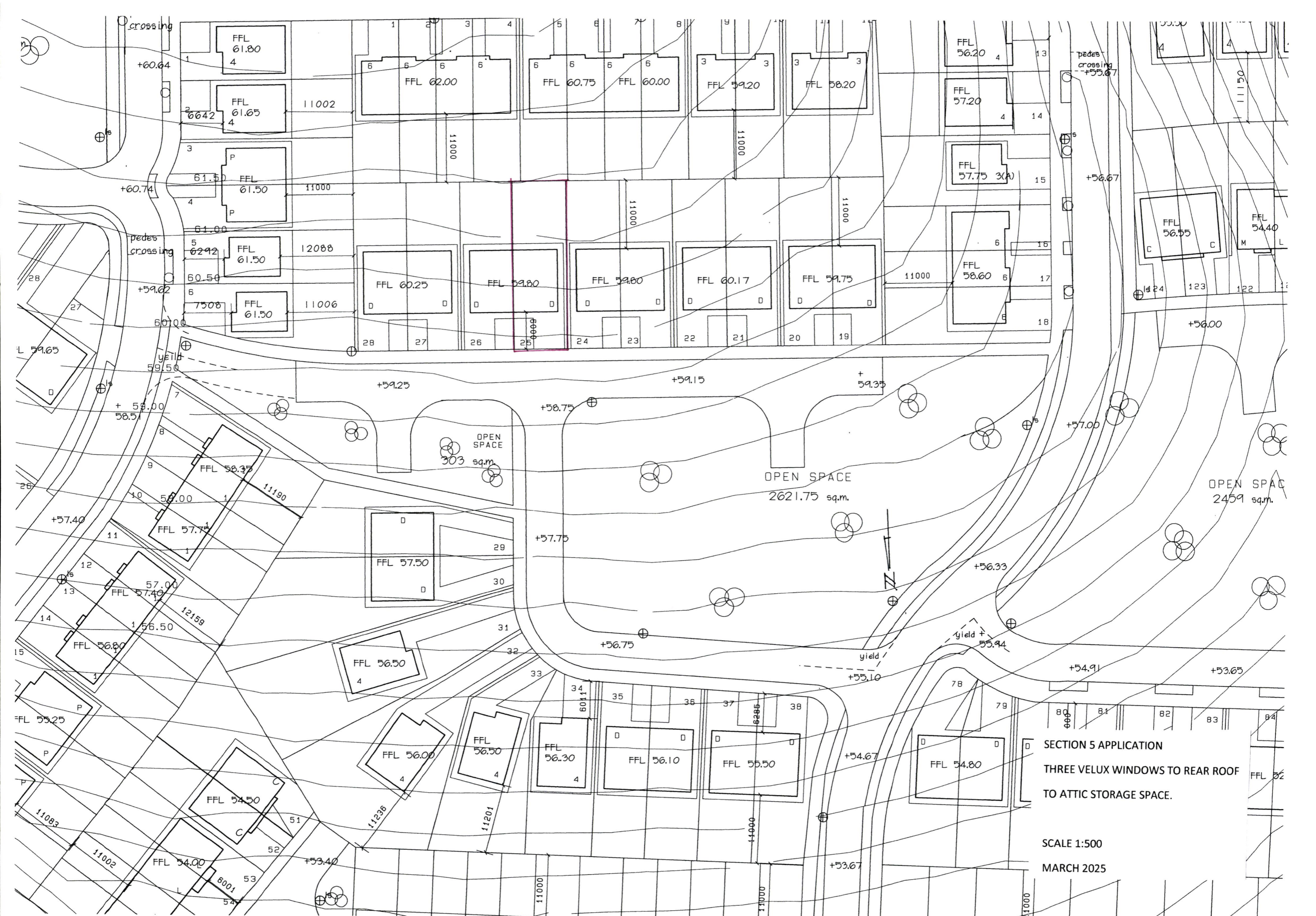
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Scale:- 1:2,500
 Scála:- 1:2,500



Plot Ref. No. 19620894_1_1
 Plot Date 14-MAY-2012





SECTION 5 APPLICATION
 THREE VELUX WINDOWS TO REAR ROOF
 TO ATTIC STORAGE SPACE.

SCALE 1:500
 MARCH 2025



