



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

10th April 2025

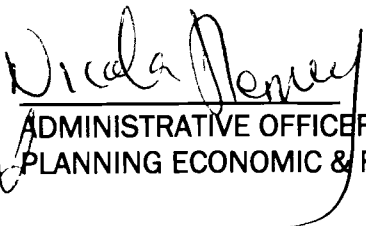
Fran & Vivienne Bass
Moat View Cottage
Kilqueeny
Avoca
Co. Wicklow
Y14T284

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX33/2025**

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: Fran & Vivienne Bass

Location: Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow

Reference Number: EX33/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/362

Section 5 Declaration as to whether “The installation of a velux roof window to the front roofslope of the existing house” at Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:


- a) The details received with this Section 5 application (EX33/2025) on the 18th March 2025.
- b) Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The installation of a velux roof window to the front roofslope of the existing house would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- 2) The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- 3) The works are considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they 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.

The Planning Authority considers that “The installation of a velux roof window to the front roofslope of the existing house” at Moat View Cottage, Kilqueeny, Avoca, 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 10th April 2025



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5
CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/362

Reference Number: EX33/2025

Name of Applicant: Fran & Vivienne Bass

Nature of Application: Section 5 Declaration request as to whether or not: -
"The installation of a velux roof window to the front
roofslope of the existing house" is or is not development
and is or is not exempted development.

Location of Subject Site: Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow

Report from Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether
"The installation of a velux roof window to the front roofslope of the existing house" at **Moat View
Cottage, Kilqueeny, Avoca, Co. Wicklow** is or is not exempted development within the meaning of
the Planning & Development Act 2000 (as amended).

Having regard to:

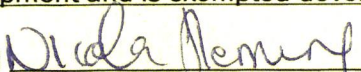
- a) The details received with this Section 5 application (EX33/2025) on the 18th March 2025.
- b) Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reason with respect to Section 5 Declaration:

- 1) The installation of a velux roof window to the front roofslope of the existing house would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- 2) The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- 3) The works are considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they 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.

Recommendation:

The Planning Authority considers that "The installation of a velux roof window to the front roofslope of the existing house" at Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 10th day of April 2025

ORDER:

I HEREBY DECLARE THAT "The installation of a velux roof window to the front roofslope of the existing house" at Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
Senior Engineer

Dated 10th day of April 2025

Planning, Economic & Rural Development



WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT

Section 5 – Application for declaration of Exemption Certificate

REF: EX33/2025
NAME: FRAN AND VIVIENNE BASS
DEVELOPMENT: NEW VELUX ROOFLIGHT TO FRONT ROOFSLOPE OF HOUSE
LOCATION: MOAT VIEW COTTAGE, KILQUEENY, AVOCA, CO. WICKLOW.

The Site: A detached dormer dwelling house located in the rural area to the southwest of the settlement of Avoca. The dwelling is not a protected structure.

Planning History:

10/2774 – permission granted for amendments to previously granted permission 09/249

09/249 – permission granted for demolition of existing dwelling, construction of replacement dwelling basement and effluent treatment system

Question:

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

‘The installation of a velux roof window to the front roofslope of the existing house at Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow’

Legislative Context:

-Planning and Development Act 2000 (as amended)

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 2(1) of the Act states the following in respect of ‘works’:

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

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;

-Planning and Development Regulations, 2001 (as amended)

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9(1)(a) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act;

Part 1 (Classes 1-8) of Schedule 2 describes classes of development situated within the curtilage of a house which are exempted development, provided that such development complies with the associated conditions and limitations.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether *‘the installation of a velux roof window to the front roof slope of the existing house Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow’* 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.

I am satisfied that the proposal involves works to the existing property and therefore constitutes development.

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

The works involve the installation of a new velux rooflight to the front roofslope of the existing house. The size of the roof window as indicated in the submitted plans is 1140mm x 1180mm and considered to be of modest size in the context of the roof area and building as a whole.

I consider that the works would fall under the remit of 4(1)(h). I do not consider that the alterations would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the house or neighbouring houses.

Recommendation:

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

Whether 'The installation of a velux roof window to the front roofslope of the existing house at Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow' is or is not development, and is or is not exempted development.

The Planning Authority considers that:

The installation of a velux roof window to the front roofslope of the existing house at Moat View Cottage, Kilqueeny, Avoca, Co. Wicklow" is development, and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- The details received with this Section 5 application (EX33/2025) on the 18th March 2025.
- Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The installation of a velux roof window to the front roofslope of the existing house would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- 2) The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- 3) The works are considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they 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.



09/04/2025
Suzanne White
Senior Executive Planner

Issue declaration as recommended
10/04/25
Mj LSE



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Suzanne White
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).
EX33/2025**

I enclose herewith application for Section 5 Declaration received completed on 18/03/2025.

The due date on this declaration is 14th April 2025.

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





**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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**Fran & Vivienne Bass
Moat View Cottage
Kilqueeny
Avoca
Co. Wicklow
Y14 T284**

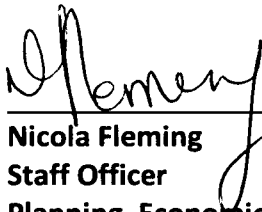
21st March 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX33/2025

A Chara

I wish to acknowledge receipt on 18/03/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 14/04/2025.

Mise, le meas



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



Wicklow County Council
County Buildings
Wicklow
0404-20100



18/03/2025 12:17:02

Receipt No 11/0/342441
***** REPRINT *****

FRAN & VIVIENNE BASS
MOAT VIEW COTTAGE
KILQUEENEY
AVOCA
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 VANESSA PORTER
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: Fran and Vivienne Bass

Address of applicant: MOAT VIEW COTTAGE, KILQUEENY,
 AVOCA, COUNTY WICKLOW, Y14T284

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

<p>WICKLOW COUNTY COUNCIL</p> <p>18 MAR 2025</p> <p>PLANNING DEPT.</p>
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2. Agents Details (Where Applicable)

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

Address of Agent : N/A

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

3. Declaration Details

i. Location of Development subject of Declaration _____
MOAT VIEW COTTAGE, KILQUEENY, AVOCA,
COUNTY WICKLOW, Y14 T284

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 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 seeking a determination as to whether the
installation of a velux roof window to the front
of ~~our~~^{our} house, to allow light into a poorly lit part
of a room, would be considered exempted development.

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 _____
Sections 2, 3 and 4 of the Planning and Development
Act 2000 (as amended).

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 _____

- (1). Site Location Map (from Google maps)
- (2). Drawing of position of proposed velux window on roof
- (3). Floor plans of existing structure.
- (4). Elevations of existing structure.
- (5). Site Layout plan.

viii. Fee of € 80 Attached ? Yes

Signed : Vivienne Bass
Jon Bass

Dated : 18 Mar 2025
18 Mar 25

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.

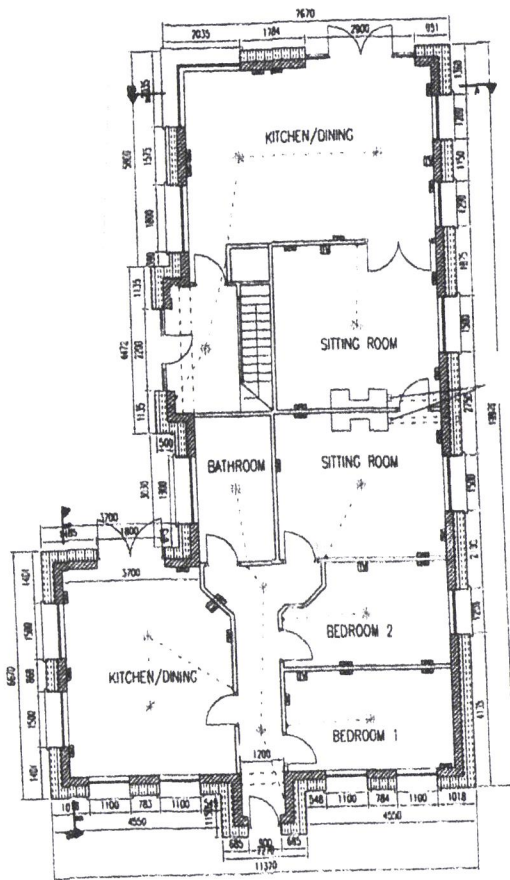
(1)

Site Location Map

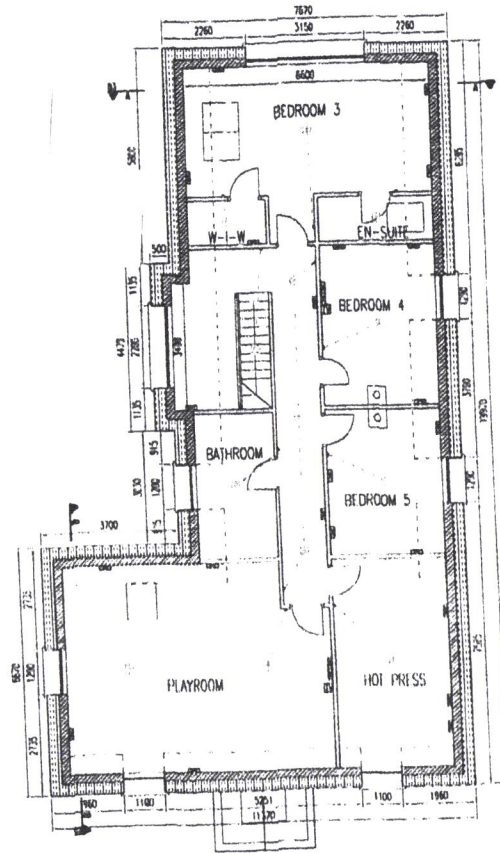


(3).

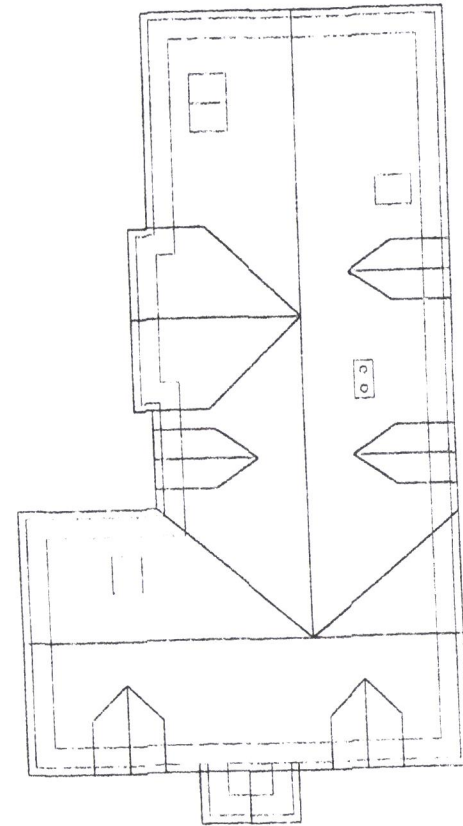
Floor Plans



GROUND FLOOR PLAN



FIRST FLOOR PLAN

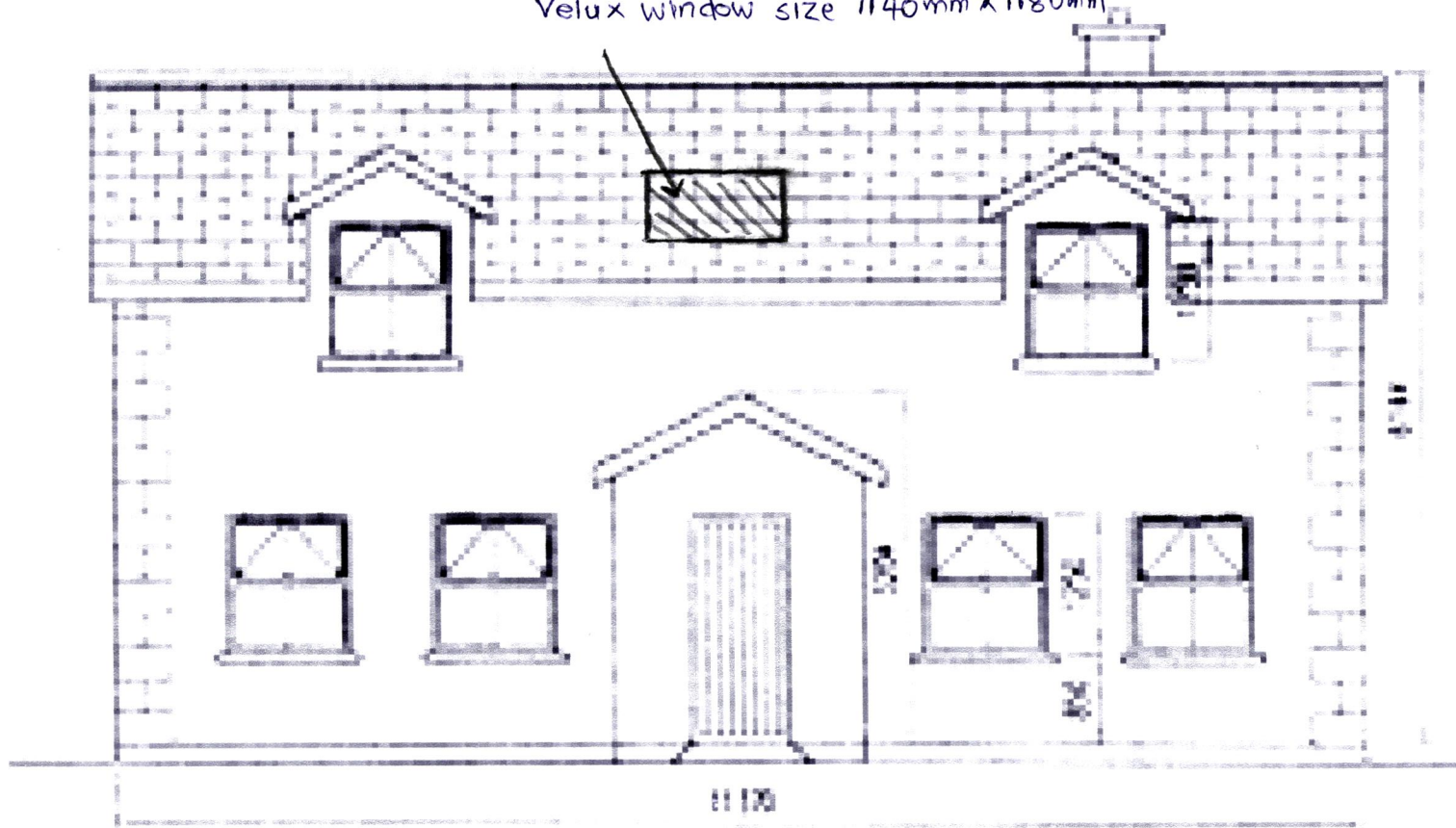


ROOF PLAN

(2).

Position of Proposed Velux Window

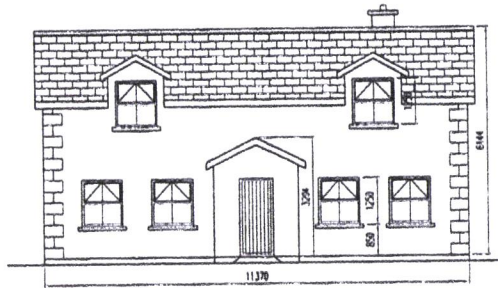
Velux window size 1140mm X 1180mm



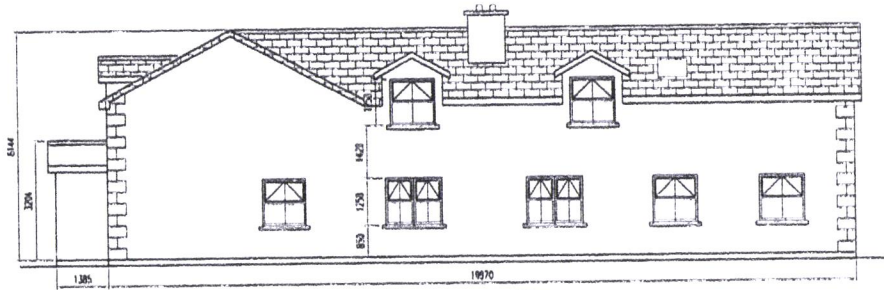
(4).

Elevations

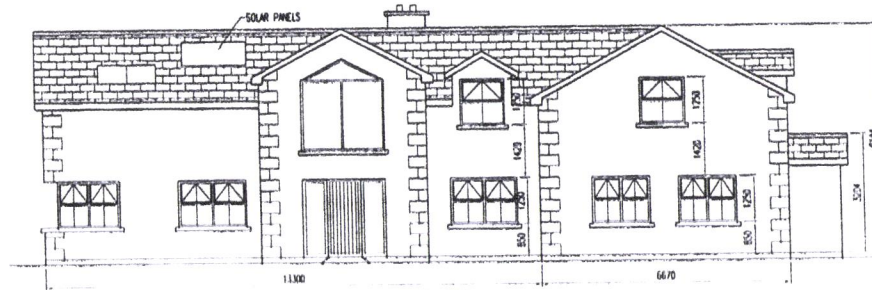
A2



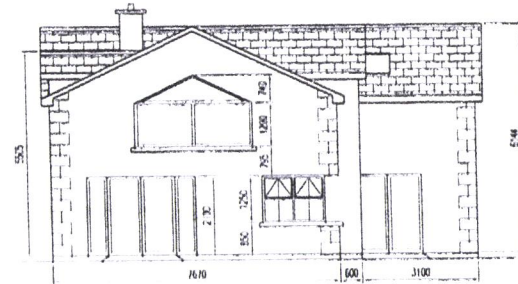
FRONT ELEVATION



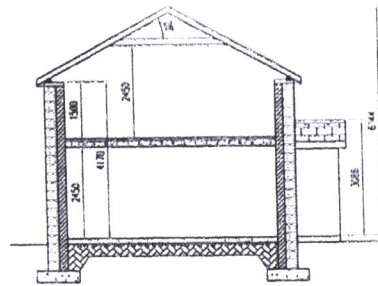
SIDE ELEVATION



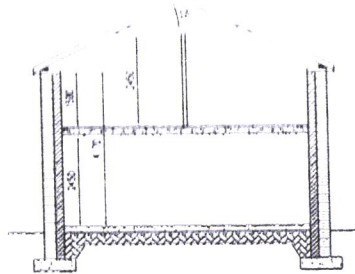
SIDE ELEVATION



REAR ELEVATION



SECTION B-B



SECTION A-A

(5).

Site Layout Plan

