



**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](mailto:plandev@wicklowcoco)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

Eanna Dunne

15<sup>th</sup> May 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX30/2024

A Chara,

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,

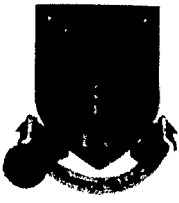
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT



*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas*  
*This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe.  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.





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

Applicant: Eanna Dunne

Location: 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/536/2024

A question has arisen as to whether “relocation of double doors on rear elevation to replace window and installation of window at original location of double doors” at 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co. Wicklow is or is not exempted development.


Having regard to:


- The details submitted with the Section 5 Declaration.
- Sections 2, 3 and 4(1)(h) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The proposal consists of works of demolition and construction, and is therefore development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- The replacement of the double door opening with a window, and the existing window with double doors would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as the works are works of improvement, and such works would be consistent with the character of the existing structure, and would not render it inconsistent with the character adjoining structures.

The Planning Authority considers that “relocation of double doors on rear elevation to replace window and installation of window at original location of double doors” at 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co. Wicklow is development and is exempted development

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  May 2024



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

CHIEF EXECUTIVE ORDER NO. CE/PERD/536/2024

Reference Number: EX30/2024

Name of Applicant: Eanna Dunne

Nature of Application: Section 5 Referral as to whether or not "relocation of double doors on rear elevation to replace window and installation of window at original location of double doors" is or is not development and is or is not exempted development.

Location of Subject Site: 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co. Wicklow

Report from Edel Bermingham SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "relocation of double doors on rear elevation to replace window and installation of window at original location of double doors" at 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

**Having regard to:**

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2 , 3 and 4(1)(h) of the Planning and Development Act 2000 (as amended)

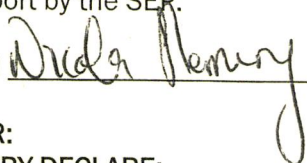
**Main Reason with respect to Section 5 Declaration:**

- i. The proposal consists of works of demolition and construction, and is therefore development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- ii. The replacement of the double door opening with a window, and the existing window with double doors would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as the works are works of improvement, and such works would be consistent with the character of the existing structure, and would not render it inconsistent with the character adjoining structures .

**Recommendation:**

The Planning Authority considers that "relocation of double doors on rear elevation to replace window and installation of window at original location of double doors" at 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co. Wicklow is development and is exempted development as recommended in the report by the SER.

Signed

  
\_\_\_\_\_

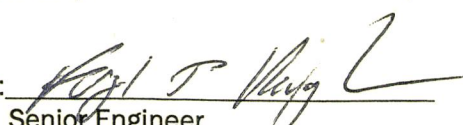
Dated 15<sup>th</sup> day of May 2024

**ORDER:**

**I HEREBY DECLARE:**

That "relocation of double doors on rear elevation to replace window and installation of window at original location of double doors" at 44 Monalin, Wicklow Hills, Newtownmountkennedy, 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 20<sup>th</sup> day of May 2024

## Section 5 Application EX 30/2024

Date : 29<sup>th</sup> April 2024.

Applicant : Eanna Dunne

Address : 44 Monalin, Wicklow Hill, Newtown

Exemption Whether or not :

Relocation of Double Doors on rear elevation to replace window , and installation of window at original location of double doors at 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co.Wicklow.

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

### Planning History :

ABP 27.241521 ( PRR 12/6477) Permission granted for alteration to ABP PL 27.227704 (PRR 06/6101)

ABP PL 27.227704 (PRR 06/6101) Permission for 935 residential units, Western Districbutor Road, and central landscaped greenway

### 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 following is or is not development or is or is not exempted development with respect to the following two queries i.e. :  
*Relocation of Double Doors on rear elevation to replace window , and installation of window at original location of double doors at 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co.Wicklow.*

It is indicated that the requirement to relocate the doors is to allow for a relocation of the existing kitchen within the existing foot print.

The removal of the double doors , the construction new walling to reduce that opening to allow for installation of a window, and the demolition of part of the exterior wall to allow for the installation of the double doors, are works of construction/ demolition, and would therefore come within the definition of development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)

Section 4(1)(h) provides that the carrying out of works of maintenance/ improvement are exempted where such works would not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or neighbouring structures. It is considered that the relocation of the door, and provision of replacement window would not be inconsistent with the character of the structure or neighbouring structures, given the nature of the works are similar to existing character of the rear elevation and would be consistent with the character of neighbouring structures. Accordingly the works are considered exempted development.

**Recommendation :**

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

Relocation of double doors on rear elevation to replace window , and installation of window at original location of double doors at 44 Monalin, Wicklow Hills, Newtownmountkennedy, Co.Wicklow

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

The Planning Authority consider that :

The relocation of double doors on rear elevation to replace window , and installation of window at original location of double doors **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration.
- b) Sections 2 , 3 and 4(1)(h) of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The proposal consists of works of demolition and construction, and is therefore development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- ii. The replacement of the double door opening with a window, and the existing window with double doors would come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as the works are works of improvement, and such works would be consistent with the character of the existing structure, and would not render it inconsistent with the character adjoining structures .

*Edel Donoghue SP.*

29/4/2024

*Issue declaration as above  
Karl J. Kelly  
01/05/24*

# MEMORANDUM

## WICKLOW COUNTY COUNCIL

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**TO: Edel Bermingham  
Senior Executive 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).  
EX30/2024**

I enclose herewith application for Section 5 Declaration received 9<sup>th</sup> April 2024.

The due date on this declaration is 6<sup>th</sup> May 2024.

  
\_\_\_\_\_  
**Staff Officer  
Planning Development & Environment**



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe**  
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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

15<sup>th</sup> April 2024

Mr. Eanna Dunne

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**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX30/2024**

A Chara

I wish to acknowledge receipt on 09/04/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 06/05/2024.

Mise, le meas

**NICOLA FLEMING**

**STAFF OFFICER**

**PLANNING ECONOMIC & RURAL DEVELOPMENT**





Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

09/04/2024 11 57 06

Receipt No L1/0/327703

MR EANNA DUNNE  
44 MONALIN  
WICKLOW HILLS  
NEWTOWNMOUNTKENNEDY  
CO WICKLOW

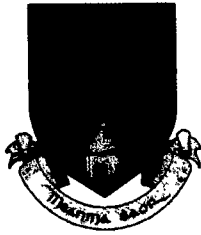
PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Cash	80 00
A63 CH05	

Change	0 00
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Issued By Ruth Graham  
From Customer Service Hub  
Vat reg No 0015233H



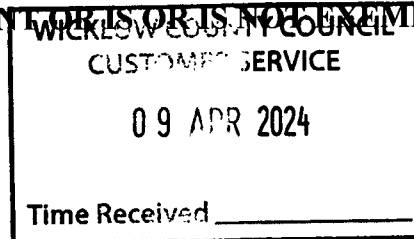
Wicklow County Council  
County Buildings  
Wicklow  
Co Wicklow  
Telephone 0404 20148  
Fax 0404 69462

**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 FOR IS OR IS NOT EXEMPTED DEVELOPMENT**



**1. Applicant Details**

(a) Name of applicant: Mr. Eanna Dunne

Address of applicant: . . .

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

**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) Not applicable

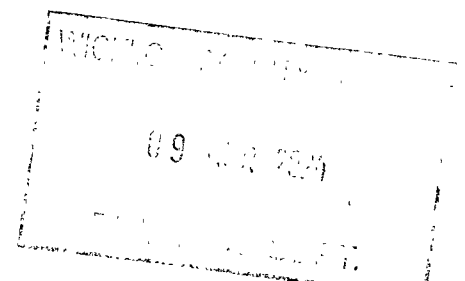
Address of Agent : Not applicable

**3. Declaration Details**

i. Location of Development subject of Declaration:  
44 Monalin, Wicklow Hills, Newtownmountkenedy, Co. Wicklow, A63 CH05.

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 Not Applicable



- 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 wish to relocate existing double doors from one location to another location on the rear elevation as shown on the attached drawings. In the location of the existing double doors, we are seeking to install a window, to match the existing windows in the house, and build up the opening to suit, including the provision of a new concrete window cill.

The requirement to relocate the doors is to allow for moving the existing kitchen from its current location to an alternative location within the same space. There will not be any increase in the area of the property.

*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 of the Planning and Development Regulations does not make reference to the relocation of doors and the provision of a new window. However, Class 1 would be the closest relevance to the query.

*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 \_\_\_\_\_

001 Existing Floor Plans, Front and Rear Elevations

002 Proposed Floor Plans, Front and Rear Elevations

003 Existing & Proposed Site Plan

004 Site Location Map with property highlighted in Red

viii. Fee of € 80 Attached ? Yes, Cash

Signed : Emma Dave Dated : 8<sup>th</sup> April 2024 .

**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.

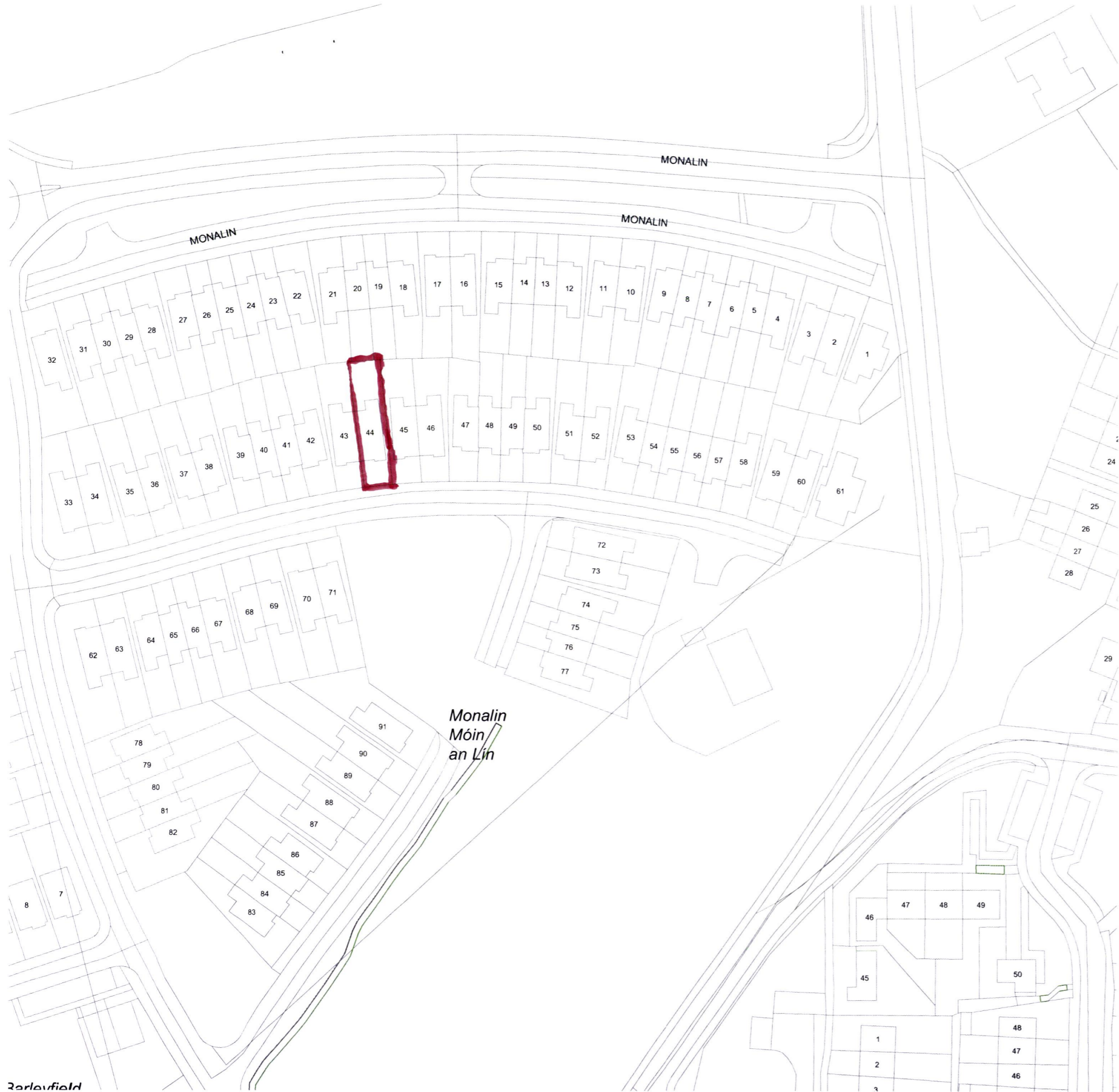
- Site layout plan showing location of structure and any adjoining farm structures

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.



1:200 @A3: 003 EXISTING & PROPOSED SITE PLAN - 44 MONALIN



Description:  
 =====  
 Digital Landscape Model (DLM)

Publisher / Source:  
 =====  
 Ordnance Survey Ireland (OSI)

Data Source / Reference:  
 =====  
 PRIME2

File Format:  
 =====  
 Autodesk AutoCAD (DWG\_R2013)

File Name:  
 =====  
 v\_503908'9\_1.dwg

Clip Extent / Area of Interest (AOI):  
 =====  
 LLX.LLY= 725996.0,705642.51  
 LRX.LRY= 726579.0,705642.51  
 ULX.ULY= 725996.0,706072.51  
 URX.URY= 726579.0,706072.51

Projection / Spatial Reference:  
 =====  
 Projection= IREN95\_Irish\_Transverse\_Mercator

Centre Point Coordinates:  
 =====  
 X,Y= 726287.5,705857.51

Reference Index:  
 =====  
 Map Series | Map Sheets  
 1:2,500 | 3789-D

Data Extraction Date:  
 =====  
 Date= 25-Mar-2024

Source Data Release:  
 =====  
 DCMLS Release V1,174,118

Product Version:  
 =====  
 Version= 1.4

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Ana thiomsú agus ana fhoilsiú ag Suirbhéireacht Ordánais Éireann, Páirc an Fhionnúisce, Baile Átha Cliath 8, Éire.

Sáraíonn atáirgeadh neamhúdaraithe cóipcheart Shuirbhéireacht Ordánais Éireann agus Rialtas na hÉireann.

Gach cead ar cosnamh. Ní ceadmhach aon chuid den fhoilseachán seo a chóipeáil, a atáirgeadh nó a tharchur in aon fhoirm ná ar aon bhealach gan cead i scríbhinn roimh ré ó úinéirí an chóipchirt.

Ní hionann bóthar, bealach nó cosán a bheith ar an léarscáil seo agus fianaise ar chead síl.

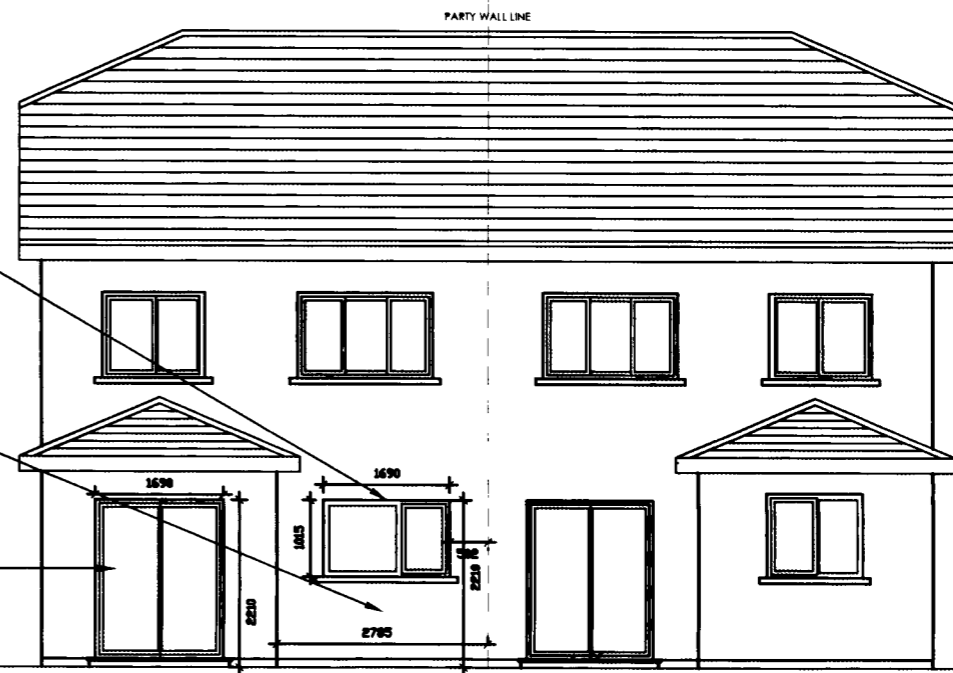
Ní thaispeánann léarscail de chuid Ordánais Shuirbhéireacht na hÉireann teorann phointí dleathúil de mhain riamh, ná úinéireacht de ghnéithe fhisiciúla.

Barleyfield

# 1:1000 @A3: 004 SITE LOCATION PLAN - 44 MONALIN



44 MONALIN  
PROPOSED FRONT ELEVATION  
(NO CHANGE)



44 MONALIN  
PROPOSED REAR ELEVATION

NEW WINDOW TO BE PROVIDED TO EXISTING OPENING. WINDOW TO MATCH EXISTING. NEW CONCRETE CILL TO BE PROVIDED.

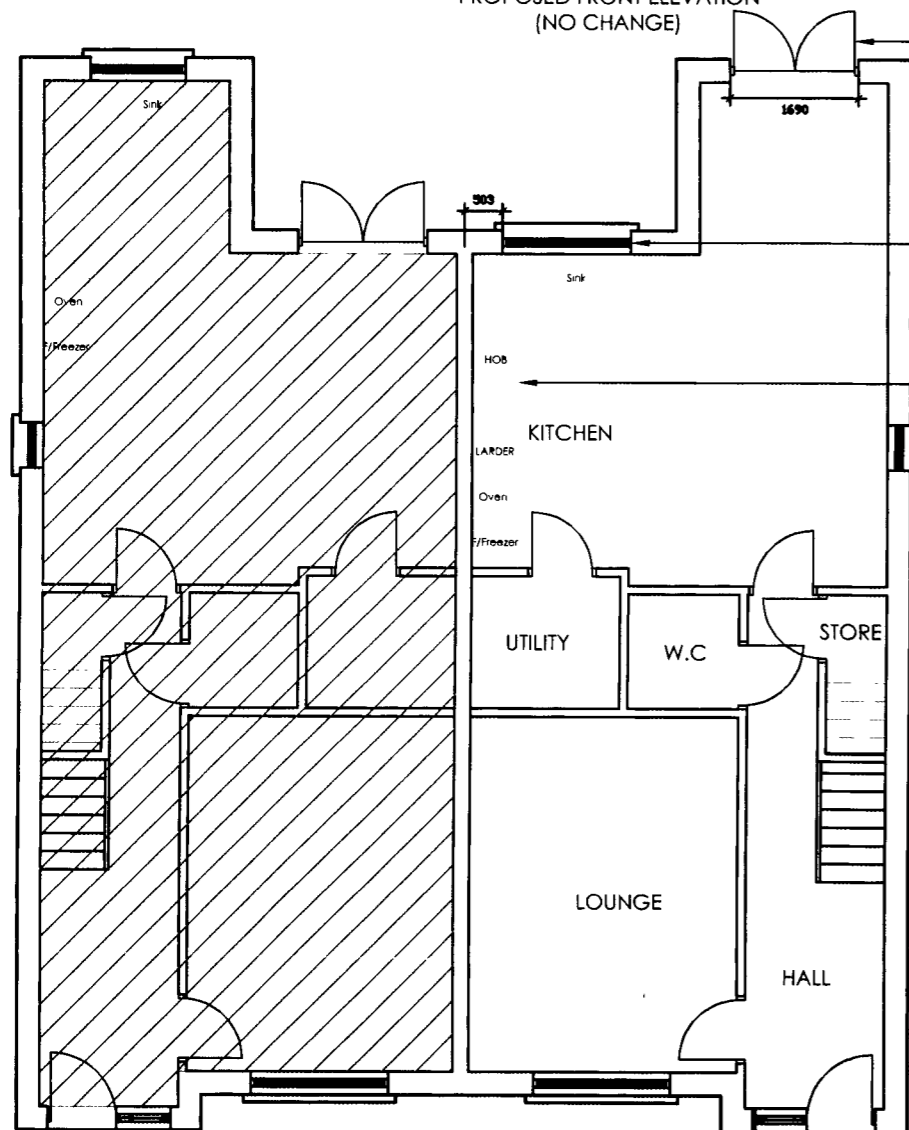
NEW RENDER FINISH TO BE PROVIDED TO INFILL SECTION OF OPENING BELOW WINDOW CILL. RENDER TO MATCH EXISTING.

EXISTING DOUBLE DOORS RELOCATED TO POSITION OF WINDOW. OPENING TO BE WIDENED TO SUIT.

EXISTING DOUBLE DOORS RELOCATED TO POSITION OF WINDOW. OPENING TO BE WIDENED TO SUIT.

NEW WINDOW TO BE PROVIDED TO EXISTING OPENING. WINDOW TO MATCH EXISTING. NEW CONCRETE CILL TO BE PROVIDED.

NEW KITCHEN AND LAYOUT TO BE PROVIDED IN THE RELOCATED LOCATION, INCLUDING ALL ASSOCIATED DRAINAGE, ELECTRICAL AND PLUMBING WORKS.

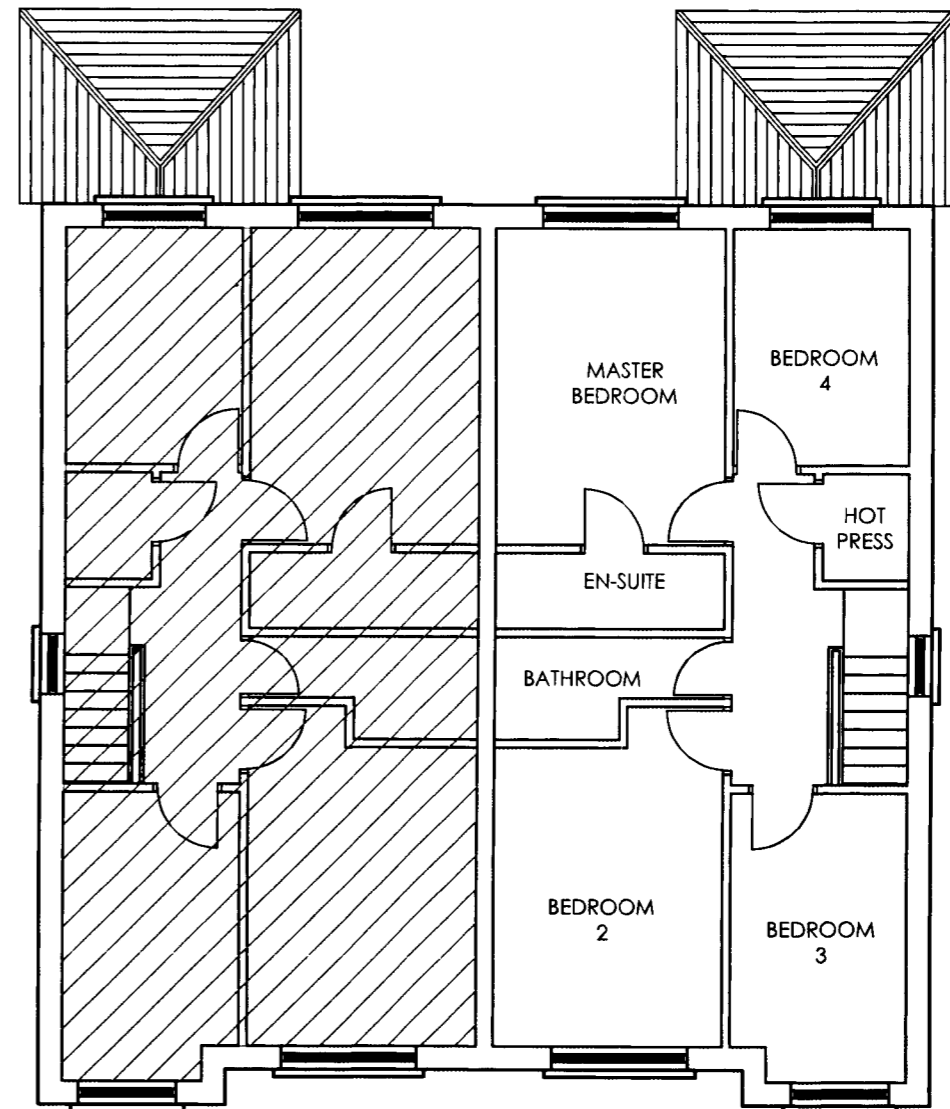


44 MONALIN  
PROPOSED GROUND FLOOR  
PLAN

PROPOSED  
GROUND FLR  
GROSS AREA =  
65 SQ.M

FIRST FLR  
GROSS AREA =  
60 SQ.M

TOTAL GROSS  
FLOOR AREA =  
125 SQ.M  
(NO CHANGE)



44 MONALIN  
PROPOSED FIRST FLOOR PLAN  
(NO CHANGE)

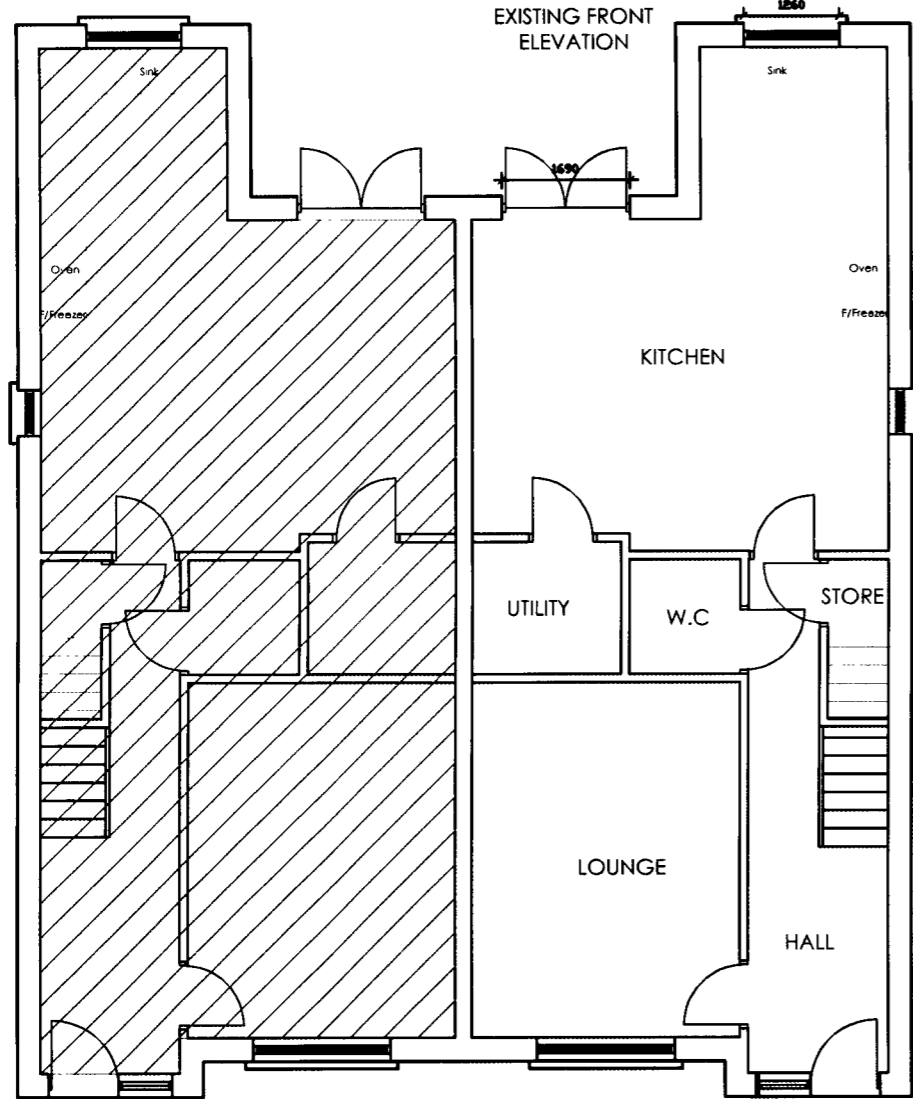




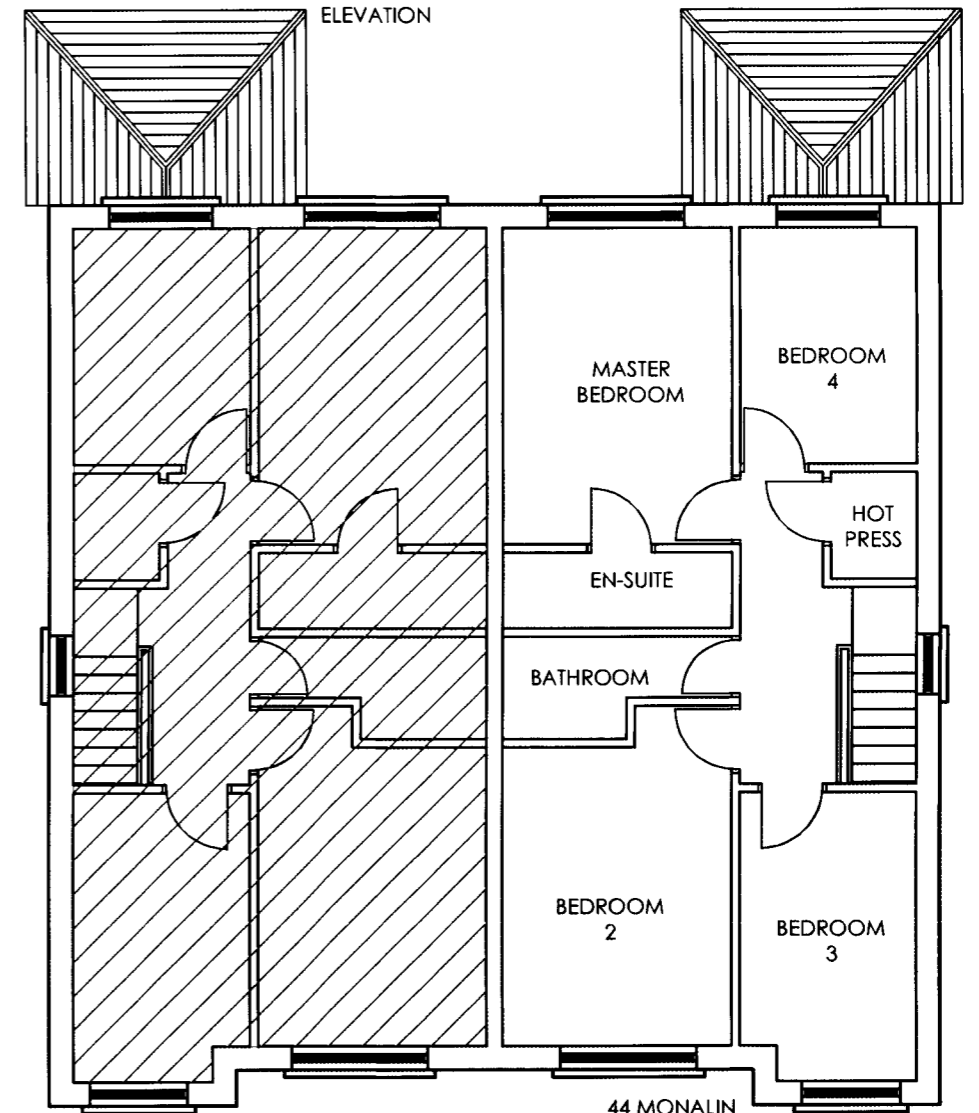
44 MONALIN  
EXISTING FRONT  
ELEVATION



44 MONALIN  
EXISTING REAR  
ELEVATION



44 MONALIN  
EXISTING GROUND  
FLOOR PLAN



44 MONALIN  
EXISTING FIRST FLOOR  
PLAN

EXISTING  
GROUND FLR  
GROSS AREA =  
65 SQ.M  
FIRST FLR  
GROSS AREA =  
60 SQ.M  
TOTAL GROSS  
FLOOR AREA =  
125 SQ.M  
(NO CHANGE)