

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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10th March 2025

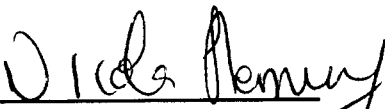
Ruth Wood
32 Seapoint Court
Bray
Co. Wicklow
A98 P974

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX21/2025

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: Ruth Woods

Location: 32 Seapoint Court, Bray, Co. Wicklow

Reference Number: EX21/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/237

Section 5 Declaration as to whether “the wrapping of front elevation” at 32 Seapoint Court, Bray, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- The details submitted with the Section 5 Declaration application.
- Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)
- An Bord Pleanála Declartions ABP-301692-18 and ABP-309407-21
- Planning Permission Bray Town Council PRR 99/36

Main Reasons with respect to Section 5 Declaration:

- The placement of external insulation with a finish in the off-white colour range would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- The character of Seapoint Court, which is dominated by Redbrick fronted houses, and in particular the cul-de-sac where the dwelling is located, consists of red brick fronted dwellings.
- The placement of the insulation on the front façade would totally conceal the redbrick finish to the dwelling and therefore would render the structure inconsistent with the character of the structure and of neighbouring structures, and therefore the works would not come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

The Planning Authority considers that “the wrapping of front elevation” at 32 Seapoint Court, Bray, Co. Wicklow is development and is NOT 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/2025/237

Reference Number: EX21/2025

Name of Applicant: Ruth Woods

Nature of Application: Section 5 Declaration request as to whether or not: -
"the wrapping of front elevation" is or is not development and
is or is not exempted development.

Location of Subject Site: 32 Seapoint Court, Bray, 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 wrapping of front elevation" at 32 Seapoint Court, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

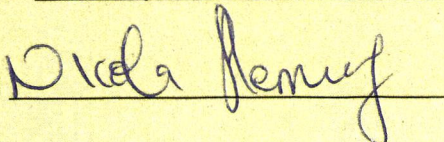
- a) The details submitted with the Section 5 Declaration application.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) An Bord Pleanála Declarations ABP-301692-18 and ABP-309407-21
- d) Planning Permission Bray Town Council PRR 99/36

Main Reason with respect to Section 5 Declaration:

- (i) The placement of external insulation with a finish in the off-white colour range would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The character of Seapoint Court, which is dominated by Redbrick fronted houses, and in particular the cul-de-sac where the dwelling is located, consists of red brick fronted dwellings.
- (iv) The placement of the insulation on the front façade would totally conceal the redbrick finish to the dwelling and therefore would render the structure inconsistent with the character of the structure and of neighbouring structures, and therefore the works would not come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

Recommendation:

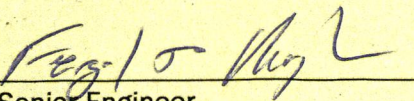
The Planning Authority considers that "the wrapping of front elevation" at 32 Seapoint Court, Bray, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed 

Dated 10th day of March 2025

ORDER:

I HEREBY DECLARE THAT "the wrapping of front elevation" at 32 Seapoint Court, Bray, Co. Wicklow is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 
Senior Engineer
Planning, Economic & Rural Development

Dated 10th day of March 2025

Nicola Fleming

From: Edel Bermingham
Sent: Friday 7 March 2025 15:52
To: Nicola Fleming
Subject: EX 21/2025

Nicola , before you print off EX 21/2025 just two small changes to points (iii) and point (iv) of the Main Reasons, can you replace them with the following - thanks Edel

- (iii) The character of Seapoint Court, which is dominated by Redbrick fronted houses, and in particular the cul-de-sac where the dwelling is located, consists of red brick fronted dwellings.
- (iv) The placement of the insulation on the front façade would totally conceal the redbrick finish to the dwelling and therefore would render the structure inconsistent with the character of the structure and of neighbouring structures, and therefore the works would not come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

Edel Bermingham SEP
Wicklow County Council
0404-20100

Section 5 Application EX 21 /2025

Date : 6/3/2025

Applicant : Ruth Woods

Address : 32 Seapoint Court, Bray , Co. Wicklow.

Exemption Whether or not :

Externally wrapping of dwelling .

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

Relevant Planning History

Dwelling in cul-de-sac around the corner from current Section 5 Declaration Dwelling-

BTC 99/36 Permission granted for reconstruction works and to build a two storey extension to rear and side of 22 Seapoint Court, Bray.

This permission allowed for a partial render finish to the extension permitted.

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.

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;

Bord Pleanála Referrals

ABP-301692-18

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(a) of the 2000 Act, hereby decides that the installation of external insulation to front, side and back of house at 134 Cabra Road, Dublin is development and is not exempted development.

An Bord Pleanála has concluded that - (a) The character of Cabra Road in the vicinity of the house site is derived principally from the extent of original orange hued redbrick and ornamental features depicted in stone, brick detailing and timber. (b) The works, which amount to – (i) the entire concealment and removal of key original materials, finishes and ornamental features in the façade as viewed from the street, and

(ii) a red tile façade, are visually incongruous with regard to the original and adjoining houses and materially alter the character of house in the context of the streetscape.

The works, therefore, are development and are not exempt because the proposed works would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the house and neighbouring properties as defined under section 4 (1)(h) of the Planning and Development Act 2000, as amended:

ABP-309407-21

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the installation of external insulation to the exterior of the dwelling house at number 16 Beech Park Avenue, Foxrock, Dublin is development and is not exempted development as -

(a) the installation of external insulation to the exterior of the dwellinghouse constitutes works which are development, as defined in section 3 of the Planning and Development Act, 2000, as amended,

(b) the installation of external insulation to the exterior of the dwelling house constitutes "works for the maintenance, improvement or other alteration of any structure" as defined in section 4(1)(h) of the said Act,

(c) the installation of external insulation to the exterior of the dwellinghouse constitutes works which amount to the entire concealment of exterior details and finishes which are defining characteristics of the semi-detached housing along Beech Park Avenue and which, therefore, materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and that of neighbouring structures, and the installation of external insulation to the exterior of the dwellinghouse accordingly does not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended

Assessment

The Section 5 Declaration seeks confirmation as to whether the wrapping of the front elevation of 32 Seapoint Court is or is not development and is or is not exempted development.

The dwelling is semi-detached dwelling in an existing housing estate located to the northern extremity of Bray. The estate is accessed off Seapoint Road, and would have as its boundary the Dargle River and associated pedestrian access. The dwelling is located in one of two cul-de-sacs which form the estate. The character of the estate is that of two-storey redbrick fronted houses, with nap plaster to sides and rear. There is one dwelling in this small estate that has had plaster added to it, but this was by way of permission for an extension reference BTC PRR 99/36



32 Seapoint Court



22 Seapoint Court

Photos of cul-de-sac, and showing 32 Seapoint Court with works commenced



The wrapping of the front of the dwelling would it is considered be works as it would involve the placement of external rigid panels of insulation to the dwelling and the applying a final render finish. This operation would be acts of alteration/ repair and therefore are works having regard to the definition set out in Section 2 of the Planning and Development Act 2000(as amended). These works would come within the definition of development having regard to Section 3 of the Planning and Development Act 2000(as amended).

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

- 4.— (1) The following shall be exempted developments for the purposes of this Act—
(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the

structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

The works are for the maintenance/ improvement of the dwelling structure. The works would materially affect the external appearance given that the placement of insulation would obscure the redbrick finish to the front elevation of this dwelling. The adjoining houses to this dwelling and predominantly in the estate are defined by their redbrick finish. Whilst one house within the estate has been altered this relates solely to the extension to that dwelling, and only partially to that extension as seen in photograph above. Given the context of the dwelling which sits in a row of redbrick fronted houses and opposite red brick fronted houses, the works would result in a finish that is material different to the neighbouring structures, and therefore the works would not come within the provisions of Section 4(1)(h) and is therefore not exempted development.

In coming to the conclusion above I am mindful of the Declarations issued by An Bord Pleanala, in particular Declaration Reference ABP-309407-21, which identified that the installation of external insulation to the exterior of the dwelling house constitutes works which amount to the entire concealment of exterior details and finishes which are defining characteristics of the semi-detached housing along Beech Park Avenue. It is considered that similarly in this case the placement of exterior insulation would conceal the redbrick finish, and this redbrick finish is the defining feature of Seapoint Court.

Recommendation :

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

the wrapping of front elevation of 32 Seapoint Court, Bray, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the wrapping of the front elevation of 32 Seapoint Court, Bray, Co. Wicklow **is Development and is Not Exempted Development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted with the Section 5 Declaration application.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) An Bord Pleanala Declarations ABP-301692-18 and ABP-309407-21
- d) Planning Permission Bray Town Council PRR 99/36

Main Reasons with respect to Section 5 Declaration :

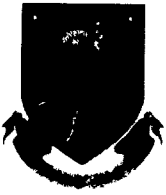
- (i) The placement of external insulation with a finish in the off-white colour range would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)

- (ii) The works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- (iii) The character of Seapoint Court which is dominated by Redbrick fronted houses, and in particular the cul-de-sac where the dwelling is located which consists of red brick fronted dwellings.
- (iv) The placement of the insulation on the front façade would totally conceal the redbrick finish to the dwelling and therefore would render this structure inconsistent with the character of the structure and of neighbouring structures, and therefore the works would not come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

Ed Lanningham SR

6/3/2025

*Issue declaration as recommended
by J. M. M. L. SR
10/03/25*



Comhairle Contae Chill Mhantáin
Wicklow County Council

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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).
EX21/2025

I enclose herewith application for Section 5 Declaration received completed on 20/02/2025

The due date on this declaration is 19th March 2025

Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin
Wicklow County Council

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Ruth Woods
32 Seapoint Court
Bray
Co. Wicklow
A98 P974

25th February 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX21/2025

A Chara

I wish to acknowledge receipt on 20/02/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 19/03/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

24/02/2025 09 48 58

Receipt No L1/0/341330

RUTH WOODS
32 SEAPOINT COURT
BRAY
CO WICKLOW
A98 P974

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
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County Buildings
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Fee Received _____

RECEIVED 20 FEB 2025

**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: Ruth Woods

Address of applicant: 32 Seapoint court, bray, co.wicklow, A98 P974

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) _____

Address of Agent : _____

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

3. Declaration Details

i. Location of Development subject of Declaration:

32 Seapoint Court, Bray, Co. Wicklow, A98 P974

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.

I am requesting a declaration on whether the externally wrapping the front of my house in an off-white color, which differs from the red-bricked appearance of other houses in the area, constitutes development and whether this is classified as 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.

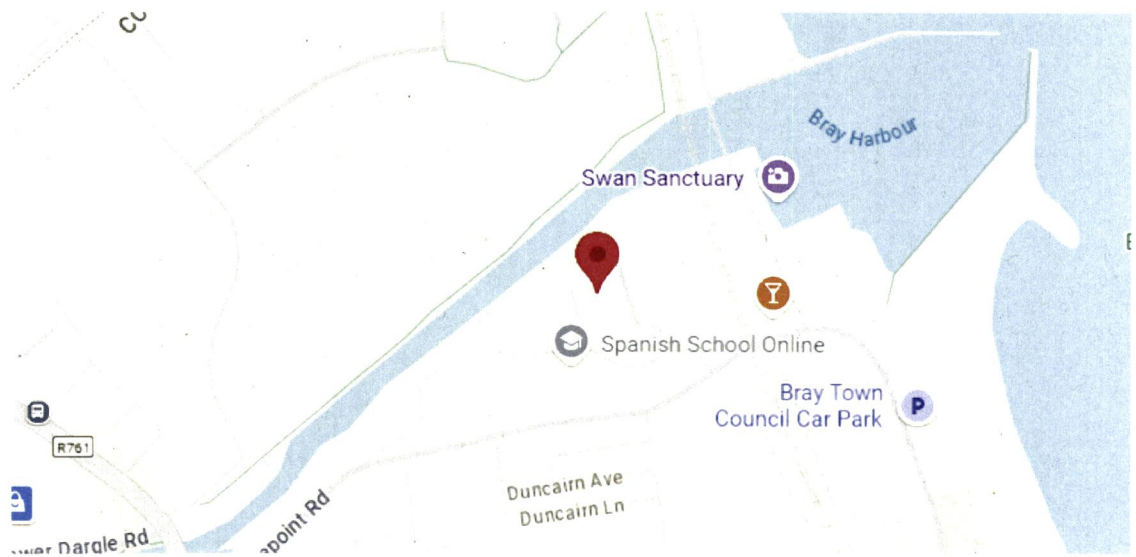
Section 4(1)(h) of the Planning and Development Act 2000, as amended, relating to works that do not materially affect the external appearance of a structure so as to render the appearance inconsistent with the character of the structure and neighbouring structures.

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



- 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.

ADDITIONAL CONTACT INFORMATION
NOT TO BE MADE AVAILABLE WITH APPLICATION

Please note:

- This page will not be published as part of the planning file.