

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
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Suíomh / Website: www.wicklow.ie

17th November 2024

Nicola Roughan
53 Delgany Park
Greystones
Co. Wicklow
A63 HF53

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) - EX93/2024

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





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

Applicant: Nicola Roughan

Location: 53 Delgany Park, Greystones, Co. Wicklow

Reference Number: EX93/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1367

Section 5 Declaration as to whether “1) addition of external insulation to front of house, 2) change front door to tilt and turn glass door in same location and same size of existing from door, 3) addition of entrance door to side of house with canopy over” at 53 Delgany Park, Greystones, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:


- i. The details submitted on 21/10/2024;
- ii. Sections 2 (1), 3 (1), 4 (1) of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 as amended;

Main Reasons with respect to Section 5 Declaration:

1. The proposed external alterations to the existing dwelling, as detailed in the documents submitted, would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
2. On the basis that the external wall insulation would be similar in appearance to the existing external wall treatment, the proposed works 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).

The Planning Authority considers that “1) addition of external insulation to front of house, 2) change front door to tilt and turn glass door in same location and same size of existing from door, 3) addition of entrance door to side of house with canopy over” at 53 Delgany Park, Greystones, 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 1st November 2024



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1367

Reference Number: EX93/2024

Name of Applicant: Nicola Roughan

Nature of Application: Section 5 Declaration request as to whether or not: -
"1) addition of external insulation to front of house, 2) change front door to tilt and turn glass door in same location and same size of existing front door, 3) addition of entrance door to side of house with canopy over" is or is not development and is or is not exempted development.

Location of Subject Site: 53 Delgany Park, Greystones, Co. Wicklow

Report from Chris Garde, EP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "1) addition of external insulation to front of house, 2) change front door to tilt and turn glass door in same location and same size of existing front door, 3) addition of entrance door to side of house with canopy over" at 53 Delgany Park, Greystones, 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 21/10/2024;
- ii. Sections 2 (1), 3 (1), 4 (1) of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 as amended;

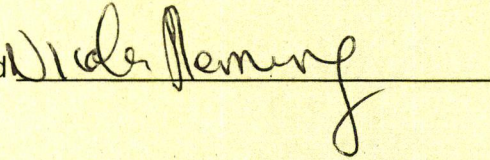
Main Reason with respect to Section 5 Declaration:

1. The proposed external alterations to the existing dwelling, as detailed in the documents submitted, would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
2. On the basis that the external wall insulation would be similar in appearance to the existing external wall treatment, the proposed works 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).

Recommendation:

The Planning Authority considers that "1) addition of external insulation to front of house, 2) change front door to tilt and turn glass door in same location and same size of existing front door, 3) addition of entrance door to side of house with canopy over" at 53 Delgany Park, Greystones, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed

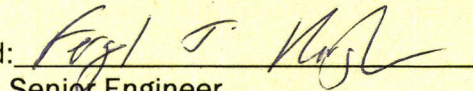


Dated 14th day of November 2024

ORDER:

I HEREBY DECLARE THAT "1) addition of external insulation to front of house, 2) change front door to tilt and turn glass door in same location and same size of existing front door, 3) addition of entrance door to side of house with canopy over" at 53 Delgany Park, Greystones, 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 17th day of November 2024

WICKLOW COUNTY COUNCIL

Planning Department

Section 5 – Application for declaration of Exemption Certificate

TO: Fergal Keogh SE, Edel Bermingham SEP, Suzanne White SEP.
FROM: Chris Garde EP.
SUBJECT REF: EX 93/2024
DECISION DUE DATE: 17/11/2024
APPLICANT: Nicola Roughan
ADDRESS: 53 Delgany Park, Greystones, Co. Wicklow A63 HF53
EXEMPTION QUERY: Is the
1. add external insulation to front of house
2. change front door to tilt and turn glass door in same location and same size
3. add entrance door to side of house, exempted development?

Application Site:

The subject site is located at 53 Delgany Park, Greystones, Co. Wicklow. Existing detached, single storey dwelling on site. The site is located within a medium-sized housing development of similar dwellings.

Planning History:

Ref 21/1418
Development: Proposed flattening of driveway in order to allow for parking, other associated landscape works and works to the grass verge including widening of the existing access.
Decision Grant

Question:

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

- 1) Addition of external insulation to front of house,
- 2) Change front door to tilt and turn glass door in same location and same size of existing front door,
- 3) Adding entrance door to side of house (with what appears from the plans submitted to be a canopy with dimensions of 1.35m by 0.7m (i.e. c.0.95sqm in area).

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) is relevant for the purposes of this declaration:

“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 a permission under Act or be inconsistent with any use specified in a 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,

Planning and Development Regulations 2001 as amended: Schedule 2, Pt.1 Class 7, states that the following constitutes exempted development:

The construction or erection of a porch outside any external door of a house.

The conditions and limitations include:

- 1. Any such structure shall be situated not less than 2 metres from any road.*
- 2. The floor area of any such structure shall not exceed 2 square metres.*
- 3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.*

Details Submitted in support of Application:

The applicants are applying for a Section 5 Declaration in relation to the following;

- 1) Addition of external insulation to front of house,
- 2) Change front door to tilt and turn glass door in same location and same size of existing front door,
- 3) Adding entrance door to side of house (with what appears from the plans submitted to be a canopy with dimensions of 1.35m by 0.7m (i.e. c.0.95sqm in area).

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question i.e. whether or not *'1. add external insulation to front of house*

2. change front door to tilt and turn glass door in same location and same size

3. add entrance door to side of house',

at No. 53 Delgany Park, Greystones, Co. Wicklow A63 HF53' 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" include 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 it's associated Regulations.

The works involve the

- 1) Addition of external insulation to front of house,
- 2) Change front door to tilt and turn glass door in same location and same size of existing front door,
- 3) Adding entrance door to side of house (with what appears from the plans submitted to be a canopy with dimensions of 1.35m by 0.7m (i.e. c.0.95sqm in area),

at No. 53 Delgany Park, Greystones, Co. Wicklow A63 HF53

I consider that the works would fall under the remit of 4(1)(h) and side entrance and porch canopy would come within the provisions of Class 7. 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.

None of the provisions of Article 9 of the Planning and Development Regulations would apply to the extensions, such that it would no longer be exempted development.

Conclusion:

Is exempted development.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the:

- 1. add external insulation to front of house
- 2. change front door to tilt and turn glass door in same location and same size
- 3. add entrance door to side of house',
- at No. 53 Delgany Park, Greystones, Co. Wicklow A63 HF53' is or is not development; and.
- is or is not exempted development?

The Planning Authority consider that the:

- 1) Addition of external insulation to front of house,
- 2) Change front door to tilt and turn glass door in same location and same size of existing front door,
- 3) Adding entrance door to side of house (with what appears from the plans submitted to be a canopy with dimensions of 1.35m by 0.7m (i.e. c.0.95sqm in area),

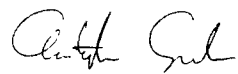
at No. 53 Delgany Park, Greystones, Co. Wicklow A63 HF53 is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 21/10/2024;
- ii. Sections 2 (1), 3 (1), 4 (1) 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 7 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The addition of an entrance door to side of house would come within the scope of the exempted development provided for under Class 7 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.
- The amendments to the front ope and installation of external wall insulation to the front of the house at No. 53 Delgany Park, Greystones, Co. Wicklow A63 HF53 would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- The works do 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).



Chris Garde
Executive Planner
Date: 11/11/2024

Please see my report attached
which super sedes this report.
Sikink SEP
13/11/24

Report noted. I never saw
SEP Report.
17/11/24

Supplementary Report - EX93/2024

The report of the Executive Planner is noted. Having reviewed the submitted information, I note that:

- i) The proposed finish to the external insulation is not stated. The existing dwelling has a render finish, painted off-white with a black plinth. The other houses in the estate are similar in appearance, albeit with some variation in colour and other alterations. It is considered that, provided that the finish to the external insulation is similar to that of the existing dwelling, that the external insulation would be exempt under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).
- ii) The proposed canopy is shown in outline over the proposed new side entrance door. An elevation drawing of the canopy has not been submitted and the height has not been stated, however it is likely that the canopy is minor in nature and would be expected to be no higher than eaves level. I would not consider that the canopy would fall under Class 7 as it is not enclosed and there is no existing external door to the house in this position. However, I would consider that the canopy would fall under Section 4(1)(h) of the Planning and Development Act 2000 (as amended), noting that it is limited in size and would be located on the side elevation of the dwelling.

In light of the above, the following amended recommendation is proposed.

Recommendation :

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the:

- 1. *add external insulation to front of house*
- 2. *change front door to tilt and turn glass door in same location and same size*
- 3. *add entrance door to side of house with canopy over',*
- at No. 53 Delgany Park, Greystones, Co. Wicklow is or is not development; and.

is or is not exempted development?

The Planning Authority considers that the:

- 1) Addition of external insulation to front of house,
- 2) Change front door to tilt and turn glass door in same location and same size of existing front door,
- 3) Addition of entrance door to side of house with canopy over

at No. 53 Delgany Park, Greystones, Co. Wicklow is development and is exempted development, providing that the external insulation would be similar in appearance to the existing external wall finish to the dwelling.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 21/10/2024;
- ii. Sections 2 (1), 3 (1), 4 (1) of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 as amended;

Main Reasons with respect to Section 5 Declaration:

- The proposed external alterations to the existing dwelling, as detailed in the documents submitted, would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- On the basis that the external wall insulation would be similar in appearance to the existing external wall treatment, the proposed works 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).



Suzanne White

Senior Executive Planner

13/11/2024

*Issue decision as recommended
17/11/24*



COMHAIRLE CONTAE CHILL Mhantáin
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22nd October 2024


Nicola Roughan
53 Delgany Park
Greystones
Co. Wicklow
A63 HF53

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX93/2024

A Chara

I wish to acknowledge receipt on 21/10/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 17/11/2024.

Mise, le meas



Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

21/10/2024 11 02 52

Receipt No L1/0/336089

NICOLA ROUGHAN
53 DELGANY PARK
GREYSTONES
CO WICKLOW

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
Cheque 80 00
53 DELGANY PARK

Change 0 00

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From Customer Service Hub
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County Buildings
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Co Wicklow
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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: Nicola Roughan
Address of applicant: 53 Delgany Park
Greystones, Co. Wicklow A63HF53

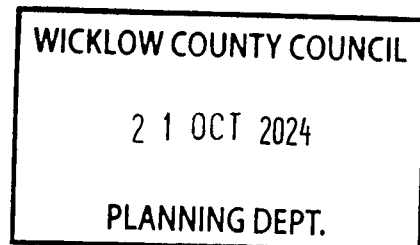
Note Phone number and email to be filled in on separate page.



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 53 Delgany Park
Greystones Co. Wicklow
A63 HF53

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. Add external insulation to front of house
2. Change front door to tilt and turn glass door in same location and same size. Add entrance door to side of 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 _____

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. Existing Layout x 2
2. Planned Layout x 2

viii. Fee of € 80 Attached ? Yes

Signed : Nishu Rana Dated : 15/10/24

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 -

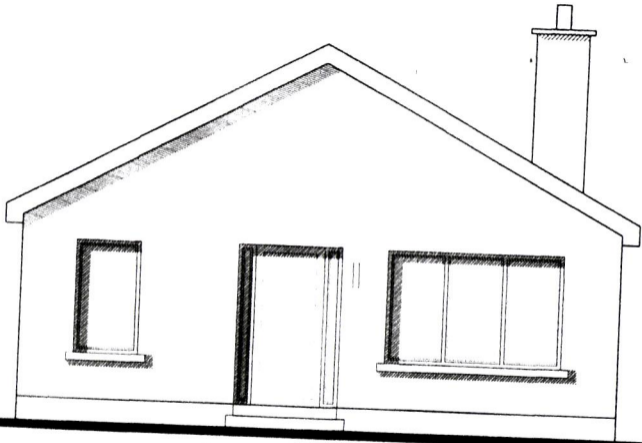
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

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.

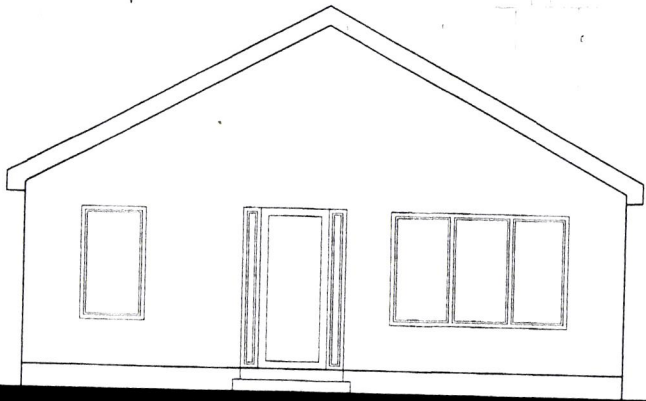
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

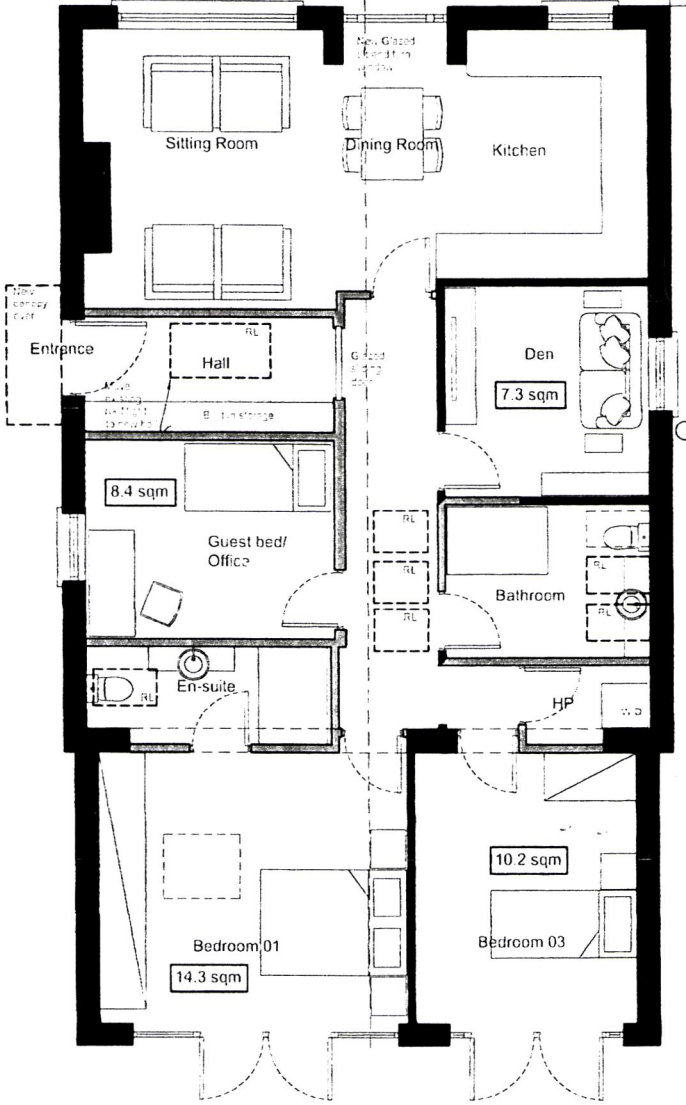
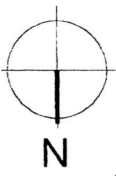
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



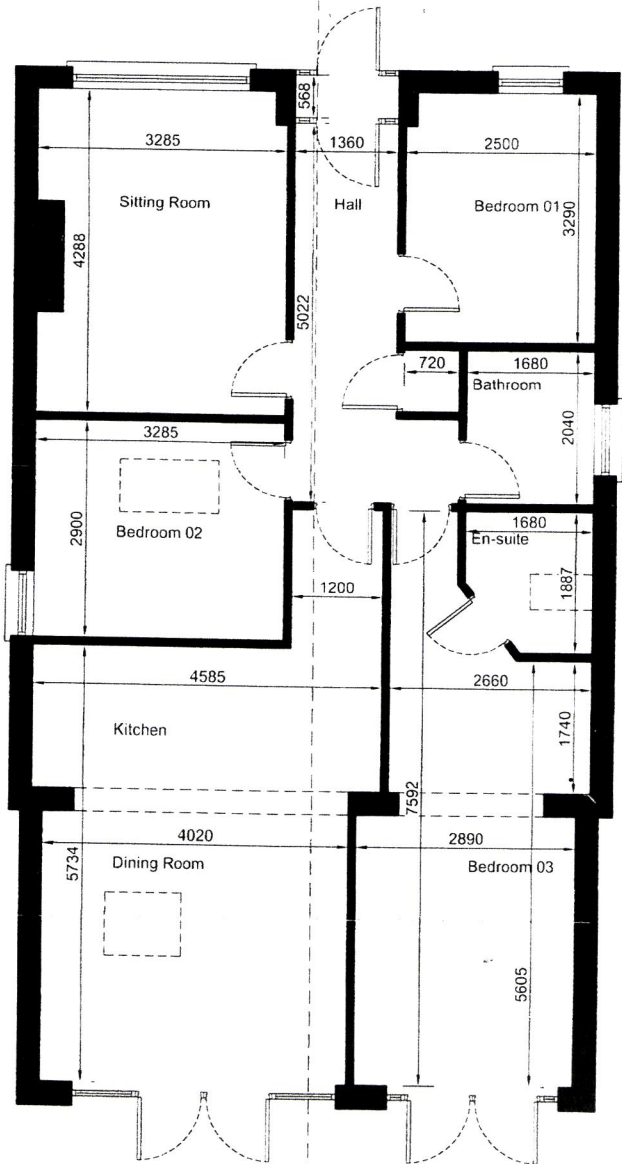
Proposed Front Elevation (scale 1:100)



Existing Front [East] Elevation (scale 1:100)



Proposed Floor Plan (scale 1:100)



Existing Floor Plan (scale 1:100)