



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
Fais / Fax: (0404) 69462
Rphost / Email. plandev@wicklowcc
Suíomh / Website: www.wicklow.ie

16th December 2024

Karen Byrne
Manger
Stratford on Slaney
Baltinglass
Co. Wicklow

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX107/2024

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



Tá an doicimead seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative formats on request
Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhíse, 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: Karen Byrne

Location: Manger, Stratford on Slaney, Baltinglass, Co. Wicklow

Reference Number: EX107/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1474

Section 5 Declaration as to whether “the installation of 2 velux rooflights to the front of house” at Manger, Stratford on Slaney, Baltinglass, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- The details submitted on the 3rd December 2024
- An Bord Pleanála Declarations RL2284, ABP-307712-20.
- Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The installation of 2 velux rooflights 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 installation of the 2 velux rooflights would affect the exterior of the structure , but 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

The Planning Authority considers that “the installation of 2 velux rooflights to the front of house” at Manger, Stratford on Slaney, Baltinglass, 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  December 2024



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

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1474

Reference Number: EX107/2024

Name of Applicant: Karen Byrne

Nature of Application: Section 5 Declaration request as to whether or not: -
"the installation of 2 velux rooflights to the front of house"
is or is not development and is or is not exempted
development.

Location of Subject Site: Manger, Stratford on Slaney, Baltinglass, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether
"the installation of 2 velux rooflights to the front of house" at Manger, Stratford on Slaney,
Baltinglass, Co. Wicklow is or is not exempted development within the meaning of the Planning &
Development Act 2000 (as amended).

Having regard to:

- a) The details submitted on the 3rd December 2024
- b) An Bord Pleanála Declarations RL2284, ABP-307712-20.
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reason with respect to Section 5 Declaration:

- (i) The installation of 2 velux rooflights 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 installation of the 2 velux rooflights would affect the exterior of the structure, but 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

Recommendation:

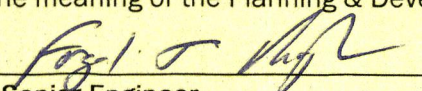
The Planning Authority considers that "the installation of 2 velux rooflights to the front of house" at Manger, Stratford on Slaney, Baltinglass, Co. Wicklow is is development and is exempted development as recommended in the report by the SEP.

Signed 

Dated 16th day of December 2024

ORDER:

I HEREBY DECLARE THAT "the installation of 2 velux rooflights to the front of house" at Manger, Stratford on Slaney, Baltinglass, Co. Wicklow is 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 16th day of December 2024

Section 5 Application EX 107 /2024

Date : 9/12/2024.

Applicant : Karen Byrne

Address : Manger , Stratford on Slaney

Exemption Whether or not :

The installation of 2 Velux Rooflights to front of house.

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

Planning History :

- 20/384 Permission granted for 19.5 sqm extension to the rear of the previously approved dwelling and exclusion of stove flue
- 17/374: Permission granted for relocation of existing entrance.
- 16/1146: Permission granted for construction of single storey dwelling, domestic garage, widening of existing site entrance, bored well, onsite wastewater treatment system, associated percolation area, all ancillary site works and services.
- 05/3849: Permission granted for single storey dwelling, septic tank and new site entrance.

An Bord Pleanála Referrals

06D.RL2284

Whether the installation of six number velux roof lights within the eastern roof plane and one number window within the northern gable wall of 32 Ballinlea Heights, Killiney, is or is not exempted development.

An Bord Pleanála has concluded that –

- (a) the said installation of six number roof lights in the eastern roof plane constitutes development which materially affects the external appearance of the structure, but which does not render its appearance inconsistent with the character of the structure and of neighbouring structures, and
- (b) the said provision of a window in the northern gable of the dwellinghouse constitutes development which materially affects the external appearance of the structure and which renders its appearance inconsistent with the character of the structure and of neighbouring structures:

ABP-307712-20

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford are development and are exempted development as

- (a) the attic was converted to provide additional habitable accommodation before the granting of planning permission under planning register reference number 04/537 and the implementation of that permission and, therefore, the question should be restated as follows: “whether the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford are or are not development or are or are not exempted development”, and
- (b) the works associated with the renovation of the existing habitable accommodation, including the altering, repositioning and addition of roof lights, constitute development which comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000 and is, therefore, exempted development:

Relevant legislation :

Planning and Development Act 2000 (as amended)

“structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes—

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (ii)*;

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 :

3.—(1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any land or structures situated on land, or

Section 4 :

4.— (1) The following shall be exempted developments for the purposes of this Act—

- (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the

interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Assessment

The Section 5 application seeks a declaration as to whether the installation of 2 velux rooflights to front pitch to allow for light into coatpress and hallway is or is not development or is or is not exempted development .

The submitted drawings identify the two velux, which are of a minor scale.

The placement of velux within the roof are works of construction and alteration, and therefore 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;

Given the works are for maintenance/ improvement, and whilst they effect the exterior of the structure, having regard to the location within the roof plane, the minor nature of the velux to be installed , they would not materially affect the external appearance and would not render this structure inconsistent with the character of the structure or of neighbouring structures.

The works are therefore development ,and are exempted development.



Recommendation :

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

The installation of 2 Velux Rooflights to front of house at Manger, Stratford on Slaney, Baltinglass, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the installation of 2 Velux Rooflights to the front of house at Manger, Stratford on Slaney, Baltinglass, Co. Wicklow, **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration :

- a) The details submitted on the 3rd December 2024
- b) An Bord Pleanala Declarations RL2284, ABP-307712-20.
- c) Sections 2 , 3 and 4 of the Planning and Development Act 2000 (as amended)

Main Reasons with respect to Section 5 Declaration :

- (i) The installation of 2 velux rooflights 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 installation of the 2 velux rooflights would affect the exterior of the structure , but 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, and would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

John Cunningham SEP

9/12/2024

*Issue declaration is recommended
by T. May 2 22
16/12/24*



Comhairle Contae Chill Mhantáin
Wicklow County Council

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Suíomh / Website: www.wicklow.ie

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).
EX107/2024

I enclose herewith application for Section 5 Declaration received completed on 03/12/2024.

The due date on this declaration is 9th January 2025.

Staff Officer
Planning, Economic & Rural Development





COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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5th December 2024

Karen Byrne
Manger
Stratford on Slaney
Baltinglass
Co. Wicklow

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX107/2024

A Chara

I wish to acknowledge receipt on 03/12/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 09/01/2025.

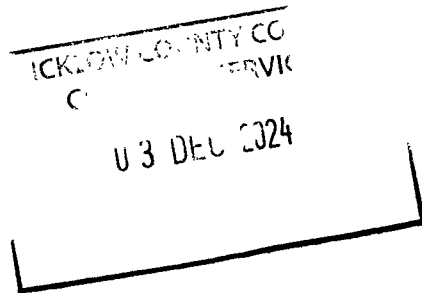
Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Manger,
Stratford on Slaney,
Baltinglass,
Co. Wicklow.
085-1518315

29 November 2024



Planning Department,
Wicklow County Council,
Council Building,
Wicklow Town,
County Wicklow

RE: Section 5 application for myself, Karen Byrne, Manger, Stratford on Slaney, Baltinglass, Co. Wicklow, seeking advice on if installing 2no velux windows to form lightwells on the front of my dwelling is exempt development of part 1 of schedule 2 of the current planning regulations.

Dear Sir/ Madame,

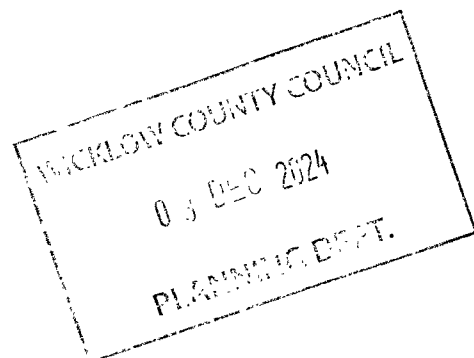
Please find enclosed a section 5 application for myself, Karen Byrne, Manger, Stratford on Slaney, Baltinglass, Co. Wicklow, seeking advice on if installing 2no velux windows to form lightwells on the front of my dwelling is exempt development of part 1 of schedule 2 of the current planning regulations.

I hope you find this application satisfactory and look forward to hearing from you.

Kind regards,

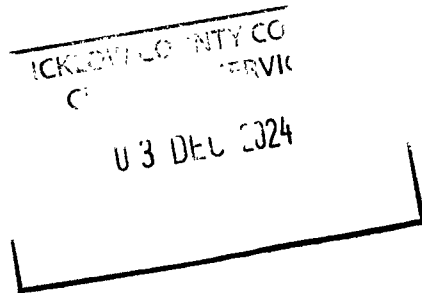
A handwritten signature in black ink, appearing to read "Karen Byrne", written over a horizontal line.

Karen Byrne. BSc Arch. Tech.



Manger,
Stratford on Slaney,
Baltinglass,
Co. Wicklow.

29 November 2024



Planning Department,
Wicklow County Council,
Council Building,
Wicklow Town,
County Wicklow

RE: Section 5 application for myself, Karen Byrne, Manger, Stratford on Slaney, Baltinglass, Co. Wicklow, seeking advice on if installing 2no velux windows to form lightwells on the front of my dwelling is exempt development of part 1 of schedule 2 of the current planning regulations.

Dear Sir/ Madame,

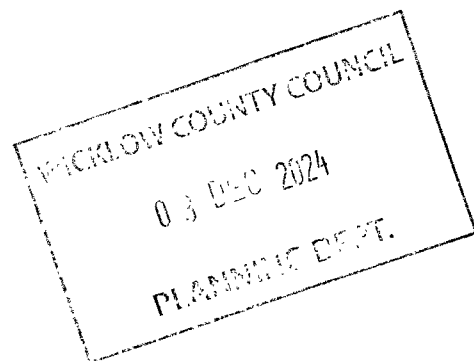
Please find enclosed a section 5 application for myself, Karen Byrne, Manger, Stratford on Slaney, Baltinglass, Co. Wicklow, seeking advice on if installing 2no velux windows to form lightwells on the front of my dwelling is exempt development of part 1 of schedule 2 of the current planning regulations.

I hope you find this application satisfactory and look forward to hearing from you.

Kind regards,

A handwritten signature in black ink, appearing to read "Karen Byrne", written over a horizontal line.

Karen Byrne. BSc Arch. Tech.



Wicklow County Council
County Buildings
Wicklow
0404-20100

04/12/2024 12:30:16

Receipt No L11/0/338108

KAREN BYRNE

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

Total 80 00 EUR

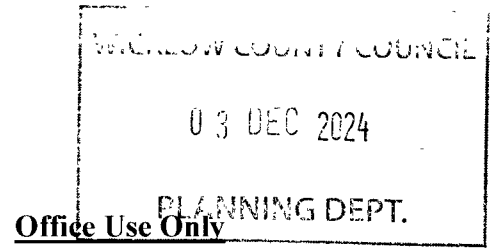
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107/2024

Change 0 00

Issued By Cindy Driver
From Customer Service Hub
Vat reg No 0015233H



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



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: KAREN BYRNE
Address of applicant:
MANGER, STRATFORD ON SLANEY, BALTINGLASS, CO. WICKLOW

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

2. Agents Details (Where Applicable)

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

Address of Agent : _____

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

3. Declaration Details

Location of Development subject of Declaration:

MANGER, STRATFORD ON SLANEY, BALTINGLASS, CO. WICKLOW

i. 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 seeking a determination if 2no velux windows to the front of my house, within the existing pitch with minimal projection, allowing light into a windowless coat press and dark hallway, acting as a lightwell, 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

PART 1 OF SCHEDULE 2


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
KB-01-24 -Site Location Map
KB-02-24 -Site Location Map
KB-03-24 -Ground Floor Plan & Elevation
KB-04-24 -Elevation & Sections
KB-05-24 -Site Plan

viii. Fee of € 80 Attached ?

Please contact me for payment over the phone

Signed :  Dated : 29/11/24

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.



SITE SIZE: 0.75acre

- 2no velux windows to which this application relates
- THESE DRAWINGS ARE FOR PLANNING PERMISSION PURPOSES ONLY
 - NO ALTERATIONS TO BE MADE TO THE DESIGN OR LAYOUT WITHOUT PRIOR CONSENT OF THE ARCHITECT
 - ALL DRAWINGS COPYRIGHT OF KAREN BYRNE, ARCHITECTURAL TECHNOLOGIST. THESE DRAWINGS CANNOT BE RE-PRODUCED WITHOUT CONSENT

Revisions	
No.	Description

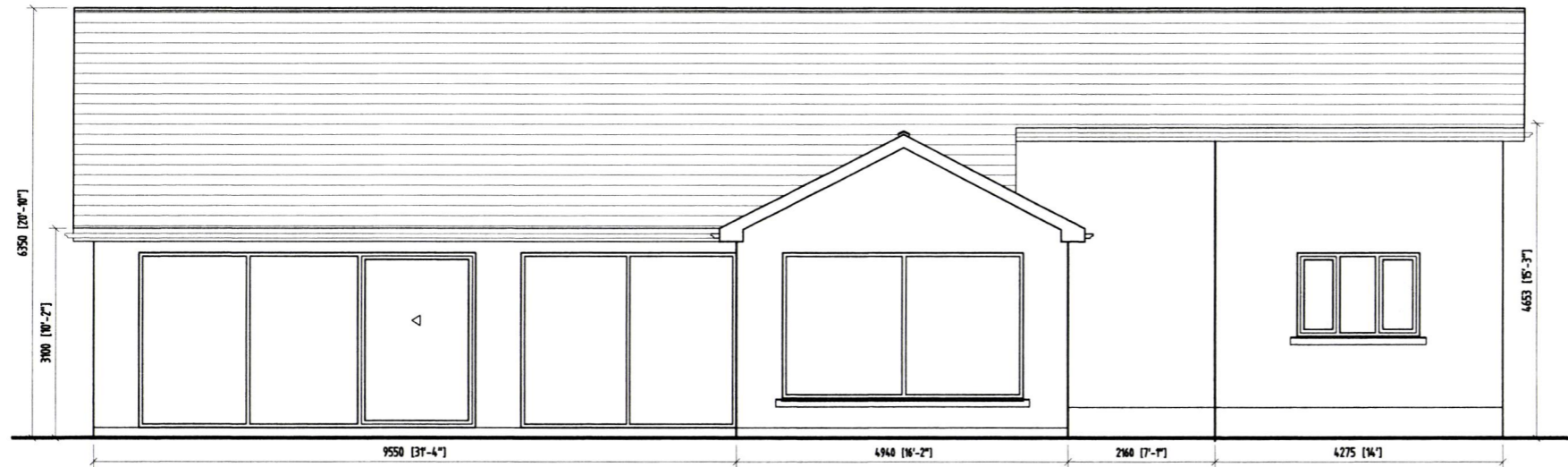
TITLE
SITE LAYOUT

CLIENT
KAREN BYRNE

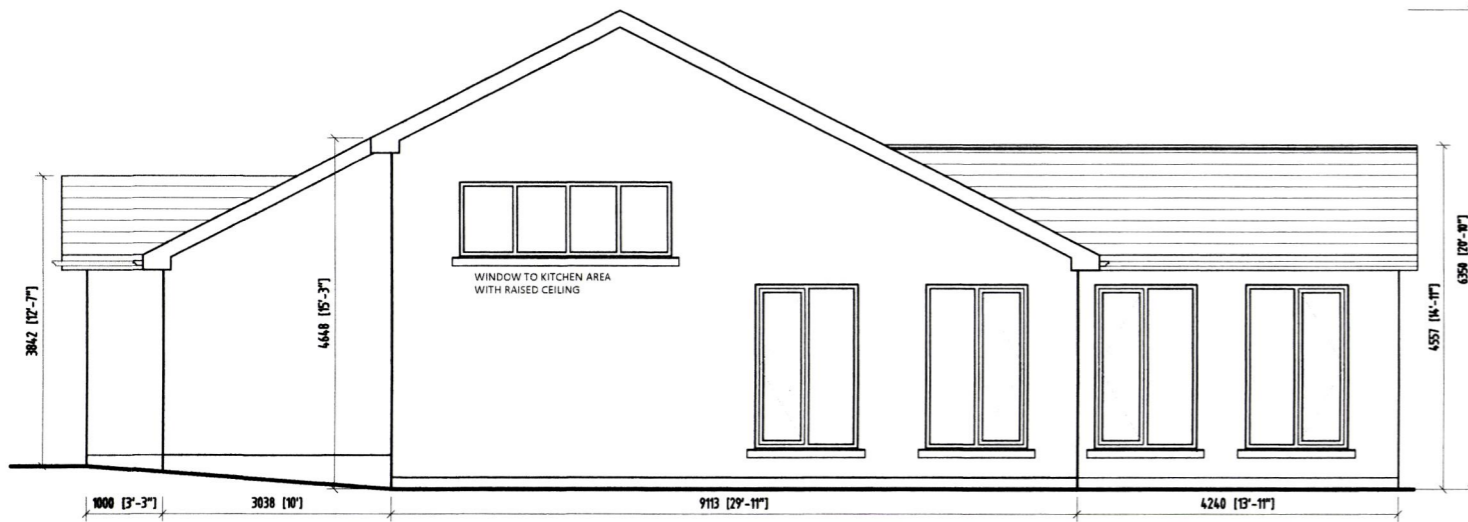
PROJECT 2no velux windows Manger Stratford on Slaney Co. Wicklow	PREPARED BY KAREN BYRNE Arch. Tech. Manger, Stratford on Slaney Co. Wicklow
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SCALE A3 SHEET - 1:500	REVISION 01	DATE Dec 2024	DRG No. KB-05-24
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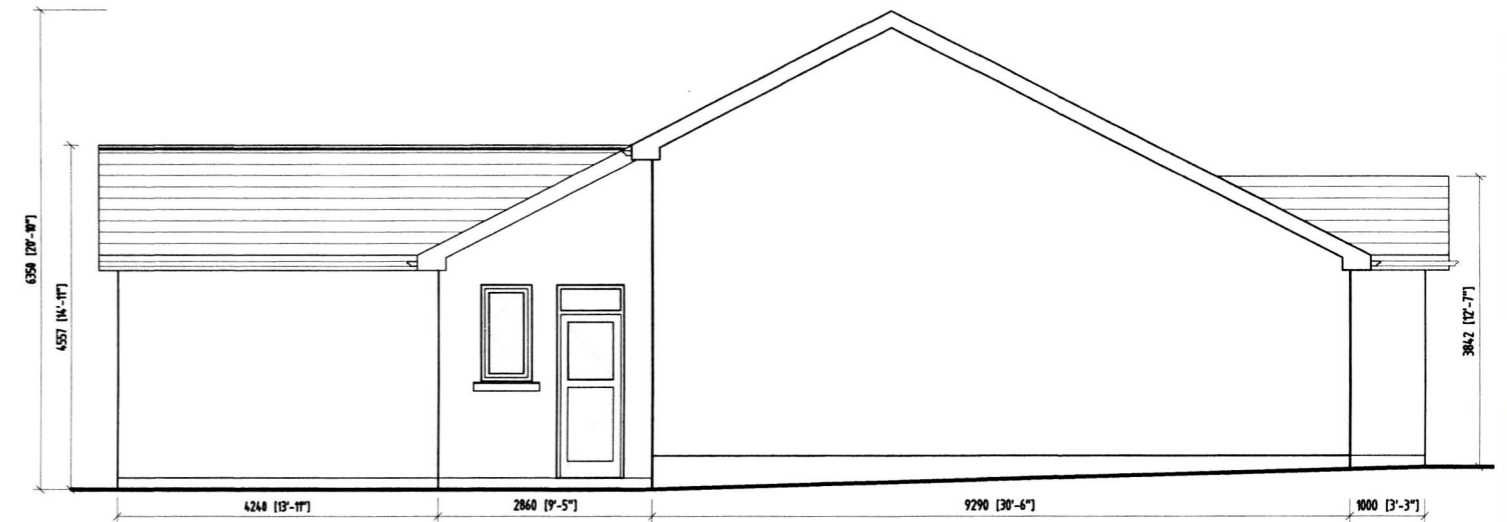
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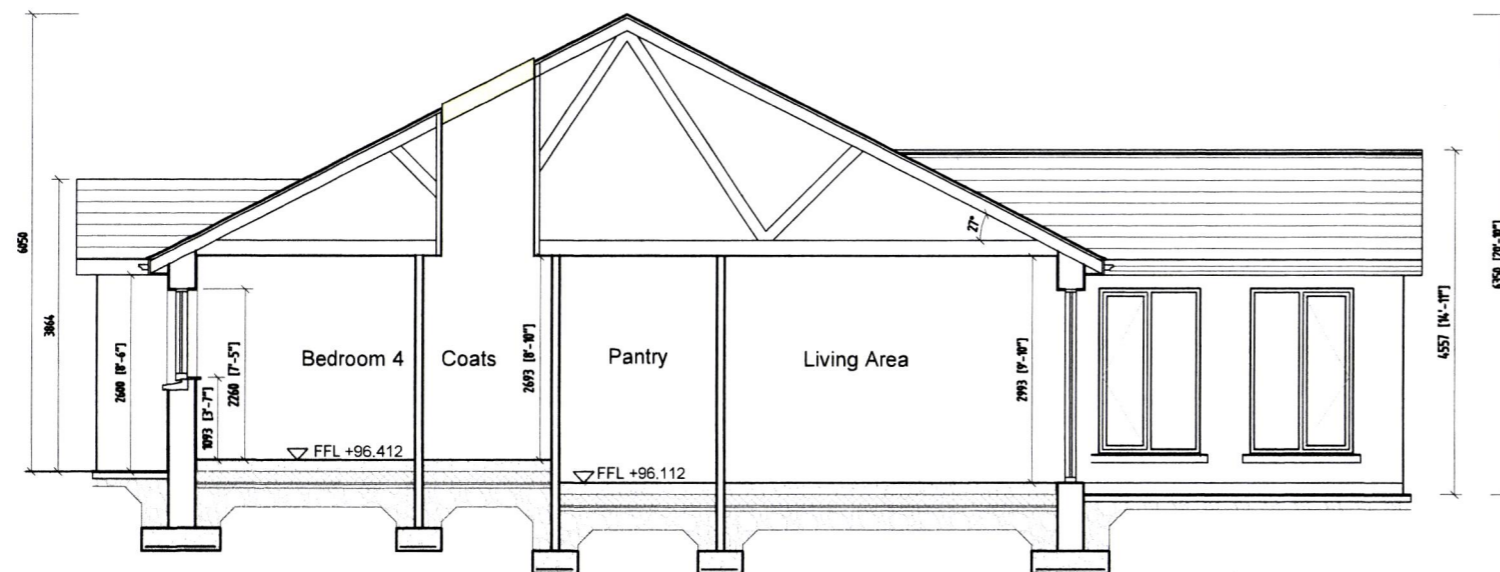
South East Elevation
Scale: 1:100



South West Elevation
Scale: 1:100



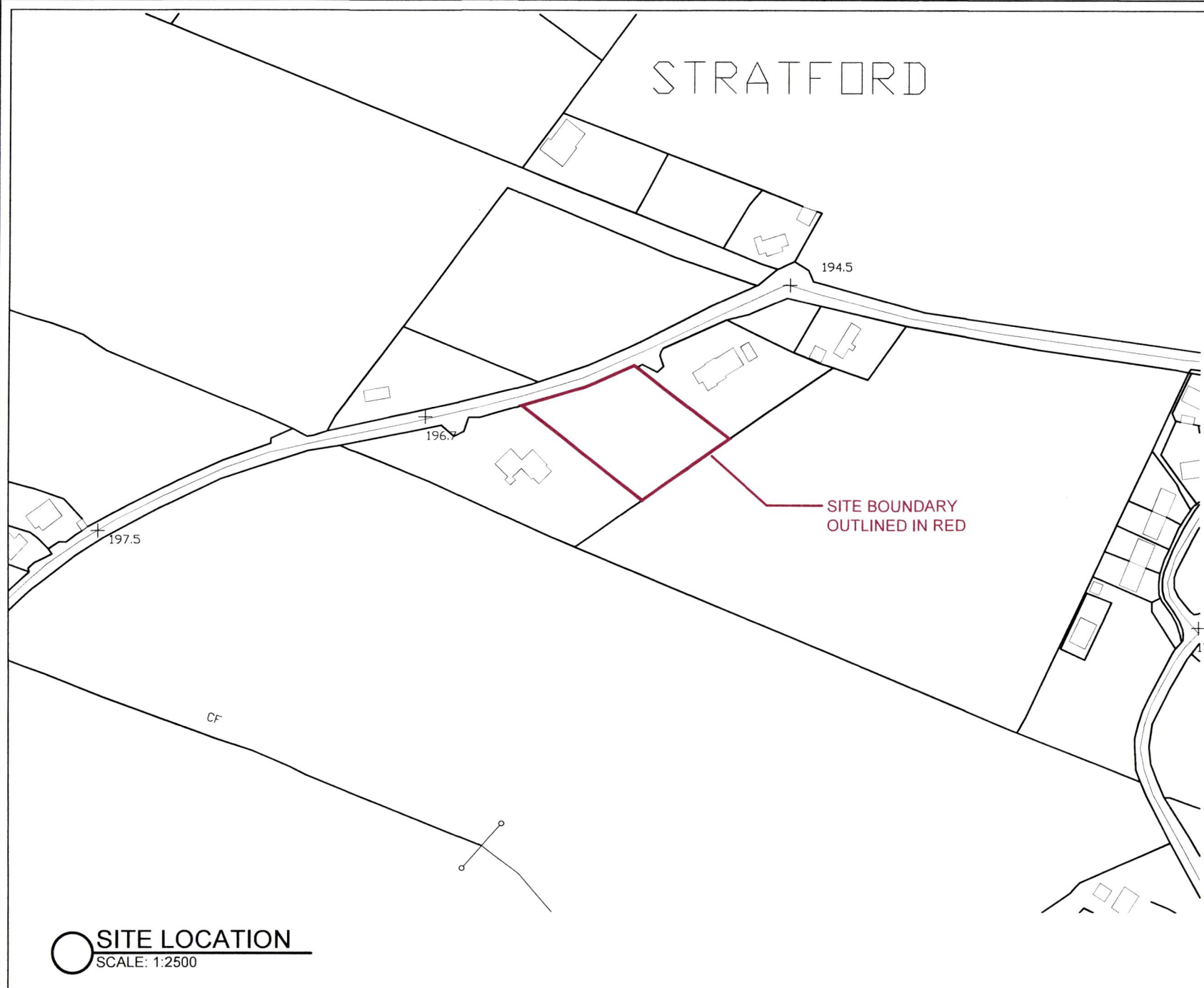
North East Elevation
Scale: 1:100



Section A-A
Scale: 1:100

- Area 2 no velux windows to which this application relates
- THESE DRAWINGS ARE FOR PLANNING PERMISSION PURPOSES ONLY
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Revisions			
No.	Date	Description	
TITLE SECTIONS & ELEVATIONS			
CLIENT KAREN BYRNE			
PROJECT 2no velux windows at Manger Stratford on Slaney Co. Wicklow		PREPARED BY KAREN BYRNE Arch. Tech. Manger, Stratford on Slaney Co. Wicklow	
SCALE A3 SHEET - 1:100	REVISION 01	DATE Dec 2024	DRG. No. KB-04-24



STRATFORD

SITE BOUNDARY
OUTLINED IN RED

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SURVEY DATE = 07-Jan-2004

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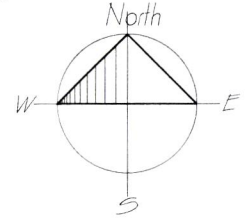
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15-Aug-2016

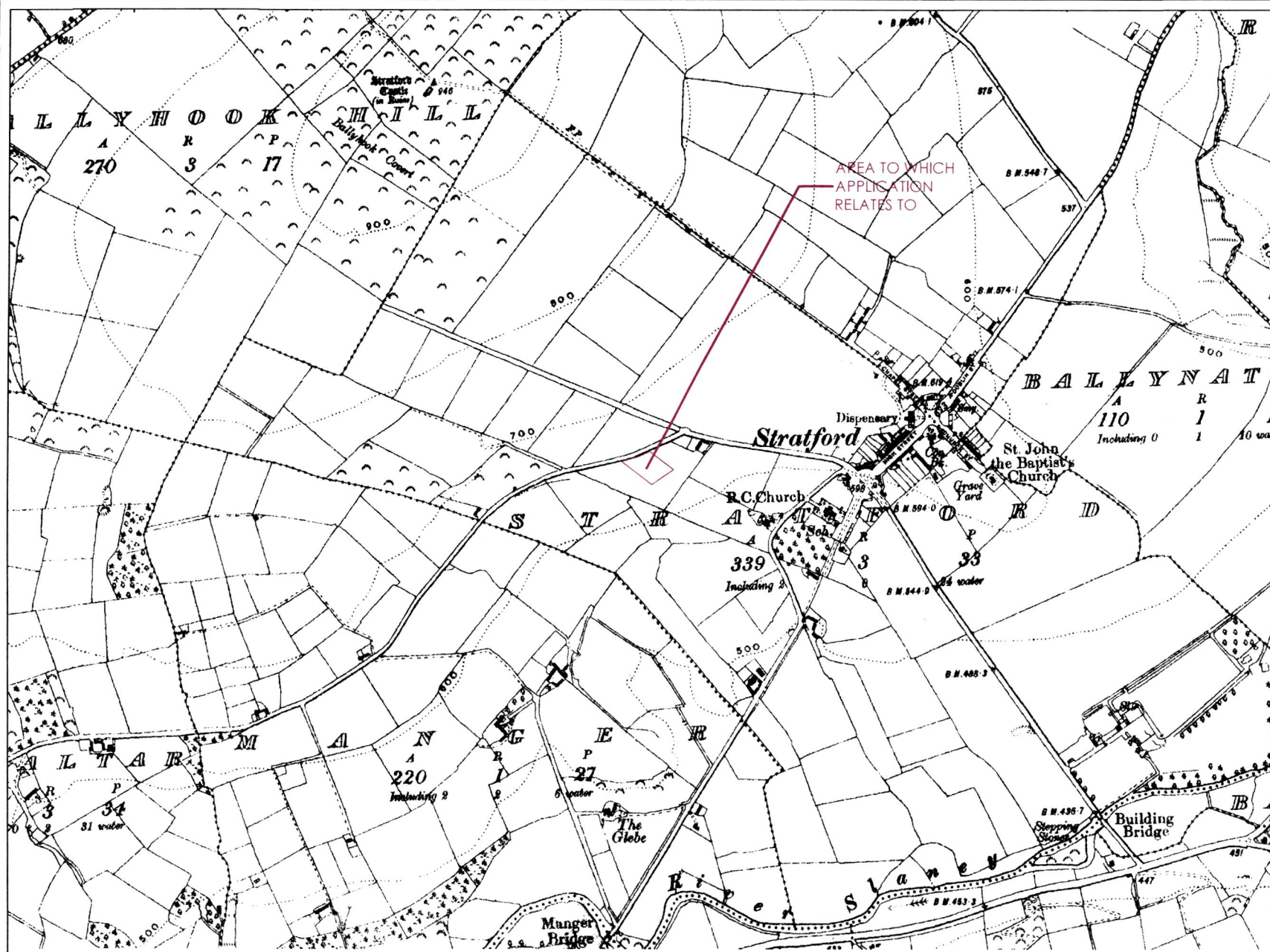
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SITE LOCATION
SCALE: 1:2500

Revisions		
No.	Date	Description
TITLE		
SITE LOCATION MAP		
CLIENT		
KAREN BYRNE		
PROJECT		PREPARED BY
Zno velux windows at Manger Stratford on Slaney Co. Wicklow		KAREN BYRNE Arch. Tech. Manger Stratford on Slaney Co. Wicklow
SCALE	REVISION	DATE
M SHEET - 12500	01	Dec 2024
DRG. No		
KB-02-24		



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 RASTER

Output File:
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WW021
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 SURVEY DATE = 31-Dec-1838

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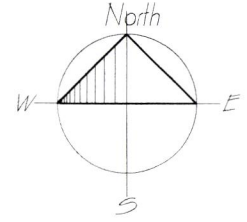
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 ITM

ITM Centre Point Co-ordinate:
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 X,Y = 688512,693828

Extraction Date:
 =====
 15-Aug-2016

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Revision	Date	Description

TITLE SITE LOCATION MAP	
CLIENT KAREN BYRNE	
PROJECT 2nd velux windows at Manger Stratford on Slaney Co. Wicklow	PREPARED BY KAREN BYRNE Arch. Tech. Manger Stratford on Slaney Co. Wicklow
SCALE 1:10560	REVISION 01
DATE Dec 2024	DRG No. KB-01-24

 **SITE LOCATION**
 SCALE: 1:10560