

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
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Suíomh / Website: www.wicklow.ie

STH

January 2025

Sean Toomey
20 Dargan Street
Bray
Co. Wicklow

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX03/2025 –

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

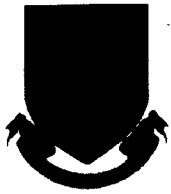
Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

Nicola Penney

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: Sean Toomey

Location: 20 Dargan Street, Bray, Co. Wicklow

Reference Number: EX03/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/72

Section 5 Declaration as to whether “the installation of external insulation to depth of 100mm to the external elevations of dwelling” at 20 Dargan Street, 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 & Development Act 2000 (as amended)
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).


Main Reasons with respect to Section 5 Declaration:

- The installation of external insulation would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

The Planning Authority considers that “the installation of external insulation to depth of 100mm to the external elevations of dwelling” at 20 Dargan Street, Bray, 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  January 2025



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

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/72

Reference Number: EX03/2025

Name of Applicant: Sean Toomey

Nature of Application: Section 5 Declaration request as to whether or not: -
"the installation of external insulation to depth of 100mm to the external elevations of dwelling" is or is not development and is or is not exempted development.

Location of Subject Site: 20 Dargan Street, Bray, Co. Wicklow

Report from Keara Kenendy, EP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the installation of external insulation to depth of 100mm to the external elevations of dwelling" a20 Dargan Street, 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 & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

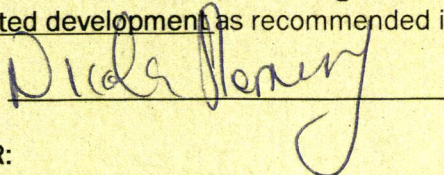
Main Reason with respect to Section 5 Declaration:

- (a) The installation of external insulation would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Recommendation:

The Planning Authority considers that "the installation of external insulation to depth of 100mm to the external elevations of dwelling" at 20 Dargan Street, Bray, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed

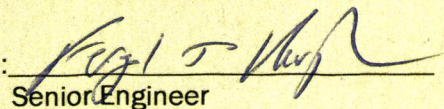


Dated 29th day of January 2025

ORDER:

I HEREBY DECLARE THAT "the installation of external insulation to depth of 100mm to the external elevations of dwelling" at 20 Dargan Street, Bray, 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 29th day of January 2025

Section 5 Application: EX 03/2025

Date: 27th January 2025
Applicant: Sean Toomey
Address: 20 Dargan Street, Bray, Co. Wicklow.

Whether or not:

The installation of external insulation to the dwelling is development and is exempted development. The thickness will be 100mm.

Planning History:

None available

Wicklow County Development Plan 2022-2028

Zoning Objective: RE: Existing Residential under Bray LAP 2018-2024
To protect, provide and improve residential amenities of existing residential areas

Appendix 1 – Section 1.2 outlines measures to address climate action.

Section 1.2.2 states:

'Energy efficiency' in building design relates to:
a. reducing the amount of energy used in the building and
b. Increasing the use of renewable sources of energy.

There are a number of ways in which both can be achieved:

- *High quality insulation, which will minimise heat loss and therefore reduce demand for heat generation;*

Relevant Legislation:

Planning and Development Act, 2000 (as amended):

Section 3 (1)(a) defines development as: "The carrying out of works on, in, over or under land or the making of any material change in the use of any land or structures on land";

Section 2 (1) defines works as 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 4 (1)(a) to (l) specifies various categories of development, which shall be exempted for the purposes of the Act;

In particular, section 4 (1) (h) is:

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) provides for certain classes of development to be designated as exempted development by way of legislation.

Planning and Development Regulations, 2001 (as amended):

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

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

Details of Current Proposal:

In accordance with the details submitted with Section 5 application:

It is proposed to install external insulation on the external walls of the terraced dwelling, to a depth of 100mm. It is stated that this depth will also include a render finish and that this will enhance energy efficiency. It is stated that similar works have been carried out on other properties on the street, establishing a precedent and that the dwelling is not a Protected Structure.

Assessment

The application seeks a declaration as to whether the:

Installation of external insulation to a depth of 100mm to the external elevations of the dwelling at 20 Dargan Street, Bray is development and is or is not exempted development:

The proposal identified that works of construction and alteration are to take place and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).

The works are therefore development given the provisions of Section 3(1) (a) i.e.

the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land

The external insulation would it is considered come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as they would affect the external appearance however the impact would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures .From a review of google maps, it can be seen that the adjoining dwellings, no's 19 and 21 Dargan Street have had external insulation installed, as the front elevation juts out slightly on either side. As such, the proposed works would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures.

It is also noted that the proposed works are supported by appendix 1 of the Wicklow CDP 2022-2028, which supports energy efficiency in building design, which includes high quality insulation to minimise heat loss. It is

noted that the structure has been in situ for a number of years and is likely to have a low energy rating and works to improve its energy efficiency are supported.

Recommendation

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

the installation of external insulation to a depth of 100mm to the external elevations of the dwelling at 20 Dargan Street, Bray is development and is or is not exempted development:

The Planning Authority consider that:

The installation of external insulation **is development and is 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 & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration :

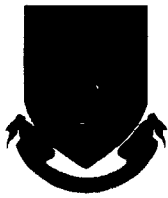
- (a) The installation of external insulation would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are therefore development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The external insulation is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended) as it would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

Keara Kennedy

Keara Kennedy
Executive Planner
27/01/2025

Agreed
Shelagh SSP
27/1/25

Issue declaration as recommended.
For J T M J L 83
29/01/25



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Wicklow County Council**

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Keara Kennedy **FROM: Nicola Fleming**
Executive Planner **Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX03/2025**

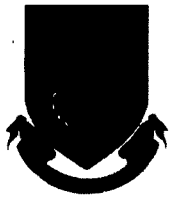
I enclose herewith application for Section 5 Declaration received completed on 08/01/2025

The due date on this declaration is 4th February 2025.



Staff Officer
Planning, Economic & Rural Development





COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

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8th January 2025

Sean Toomey
20 Dargan Street
Bray
Co. Wicklow

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX03/2025.

A Chara

I wish to acknowledge receipt on 08/01/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 04/02/2025.

Mise, le meas

Nicola Fleming
Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404 20100

08/01/2025 12:17:04

Receipt No L110/339284

SEAN TWOOMEY

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

Total 80 00 EUR

Tendered
Credit Card 80 00
20 DARGAN STREET

Change 0 00

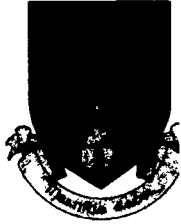
Issued By Ruth Graham
From Customer Service Hub
Vat reg No 0015233H



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

Office Use Only

Date Received _____

Fee Received _____

RECEIVED
08 JAN 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: Sean Toomey
Address of applicant: 20 Dargan Street, Bray, 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 : N/A

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

3. Declaration Details

- i. Location of Development subject of Declaration
ii. 20 Dargan Street, Bray, Co. Wicklow



iii. 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

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

I seek a determination under Section 5 of the Planning and Development Act 2000 (as amended) on whether the proposed installation of external insulation on the property is considered development and, if so, whether it is exempted development under the Planning and Development Regulations 2001 (as amended).

The proposed works involve the addition of external insulation to the external walls of the property. The thickness of the insulation and render finish will add approximately 100mm to the external walls. The primary purpose of the works is to enhance the energy efficiency of the property, contributing to sustainability goals and reducing energy consumption. It is also to enhance the heat of the home which is currently too cold.

While the property is directly adjacent to the public path, similar works have been completed on other properties along the street, establishing a precedent. The property is not a protected structure or of cultural significance.

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

Article 6 and Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended), which relates to exempted development for works that do not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or of neighboring structures.

vi.

Additional details may be submitted by way of separate submission.

vii. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ?

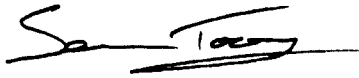
The property is not a protected structure, nor is it located within the curtilage of a protected structure.

viii. List of Plans, Drawings submitted with this Declaration Application

N/A it is just adding a 100mm skin and similar to existing render.

ix. Fee of € 80 Attached ? Yes paid by phone receipt # 339284

Signed :



Dated : 07/01/2025

Pearse Rd

Dargan St

27

12

11

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9

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1

23

2

Lw

Vale
Tre

