

Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

Áras An Chontae / County Buildings Cill Mhantáin / Wicklow Guthán / Tel. (0404) 20148 Faics / Fax (0404) 69462 Rphost / Email plandev@wicklowcoco ii Suiomh / Website www wicklow ie

3) October 2024

Brenton & Leigh Harrison 42 Dunbar Park Wicklow Town Co. Wicklow A67 K592

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX90/2024

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 Pleanala 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 EQONOMIC & RURAL DEVELOPMENT







Comhairle Contae Chill Mhantáin Ulicklow County Council

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

Applicant: Brenton & Leigh Harrison

Location: 42 Dunbar Park, Wicklow Town

Reference Number: EX90/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1298

Section 5 Declaration as to whether "A). provision of a 3sqm rear extension to existing single storey detached dwelling and B). conversion of existing 12sqm garage for use as part of the house" at 42 Dunbar Park, Wicklow Town constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- i. The details submitted on 14/10/2024;
- ii. Sections 2, 3, and 4 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 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1. The provision of a rear extension and conversion of existing garage is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 2. The proposed 3sqm rear extension to existing single storey detached dwelling would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.
- 3. The conversion of existing 12sqm garage for use as part of the house would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

The Planning Authority considers that "A). provision of a 3sqm rear extension to existing single storey detached dwelling and B). conversion of existing 12sqm garage for use as part of the house" at 42 Dunbar Park, Wicklow Town is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

ADMINISTRATIVE OFFICER

PLANNING ECONOMIC &\RU\RAL DEVELOPMENT

Dated 33 October 2024





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

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1298

Reference Number:

EX90/2024

Name of Applicant:

Brenton & Leigh Harrison

Nature of Application:

Section 5 Declaration request as to whether or not: -

"A). provision of a 3sqm rear extension to existing single storey detached dwelling and B). conversion of existing 12sqm garage for use as part of the house" is or is not development and is or is not

exempted development.

Location of Subject Site:

42 Dunbar Park, Wicklow Town

Report from Dara Keane, AP & Suzanne White, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "A). provision of a 3sqm rear extension to existing single storey detached dwelling and B). conversion of existing 12sqm garage for use as part of the house" at 42 Dunbar Park, Wicklow Town 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 14/10/2024;

ii. Sections 2, 3, and 4 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 1 of the Planning and Development Regulations 2001 (as amended).

Main Reason with respect to Section 5 Declaration:

- 1. The provision of a rear extension and conversion of existing garage is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 2. The proposed 3sqm rear extension to existing single storey detached dwelling would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.
- 3. The conversion of existing 12sqm garage for use as part of the house would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Recommendation:

The Planning Authority considers that "A). provision of a 3sqm rear extension to existing single storey detached dwelling and B). conversion of existing 12sqm garage for use as part of the house" at 42 Dunbar Park, Wicklow Town is development and is exempted development as recommended in the report by the SEP.

oigned t

Dated day of October 2024

ORDER:

I HEREBY DECLARE THAT:

"A). provision of a 3sqm rear extension to existing single storey detached dwelling and B). conversion of existing 12sqm garage for use as part of the house" at 42 Dunbar Park, Wicklow Town 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 day of October 2024



WICKLOW COUNTY COUNCIL PLANNING DEPARTMENT

To: Fergal Keogh S.E / Edel Bermingham S.E.P. / Suzanne White S.E.P.

From: Dara Keane A.P.

Type: Section 5 Application

REF: EX 90/2024

Applicant: Brenton & Leigh Harrison

Date of Application: 14/10/2024 **Decision Due Date:** 10/11/2024

Address: 42 Dunbar Park, Wicklow Town A67 K592

Exemption Query: Proposed conversion of garage and 3sqm extension to rear of

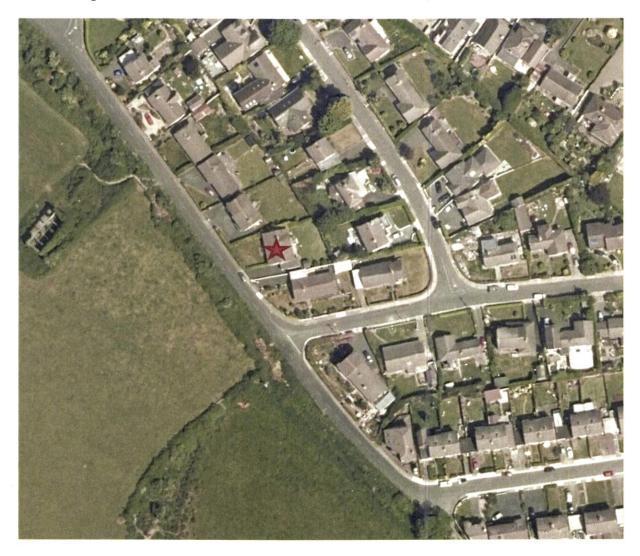
detached single storey dwelling

Application Site: The application site is a detached single storey dwelling in the

townland of Corporation Lands, Wicklow Town, Co, Wicklow. The proposed site is accessed via the L-5725-15 and is located within the

residential area of Dunbar Park.

Aerial Image



Section 5 Referral

From examining the submitted particulars, it is noted that the section 5 query should be re worded as follows:

- A. Provision of a 3sgm rear extension to existing single storey detached dwelling.
- B. Conversion of existing 12sqm garage for use as part of the house.

at No. 42 Dunbar Park, Wicklow Town A67 K592.

Relevant Planning History:

PRR74/620655 (Maguire) - Permission GRANTED for Conversion of garage to bedroom and new toilet

Question:

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

- A. Provision of a 3sgm rear extension to existing single storey detached dwelling.
- B. Conversion of existing 12sqm garage for use as part of the house.

at No. 42 Dunbar Park, Wicklow Town A67 K592 is or is not development and is or is not exempted development:

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)

"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 permission under Act or be inconsistent with any use specified in 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.
 - (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Schedule 2, Part 1 outlines classes of exempt development as well as associated conditions and limitations. The following are of relevance.

CLASS 1

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

The conditions and limitations include:

- 1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
- (b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
- (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
- 2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

- (b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
- (c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
- 3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- 4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
- (b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.
- (c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.
- 5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
- 6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
- 7. The roof of any extension shall not be used as a balcony or roof garden.

Details submitted in support of the application

Existing Extensions: 4sqm

Proposed Extensions GFA: 12sqm (3sqm & 12sqm Garage conversion)

Private open space retained in excess of c.100sqm to rear alone.

Proposed ridge height will not exceed that of the existing bungalow dwelling onsite.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question: Whether the:

- A. Provision of a 3sqm rear extension to existing single storey detached dwelling,
- B. Conversion of existing 12sqm garage for use as part of the house.

at No. 42 Dunbar Park, Wicklow Town A67 K592 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:

<u>"development"</u> 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:

<u>"works"</u> 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.

I am satisfied that the proposal would involve \underline{works} to the existing structure and therefore the proposal does constitute development.

The second stage of the assessment is to determine whether or not the proposed works would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations.

<u>A. Provision of a new rear extension to dwelling & B. Conversion of existing 12sqm garage</u> Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Relevant Schedule 2, Pt.1 Class 1 Checklist

	3sqm extension to rear & Conversion of existing 12sqm Garage
Is the extension to the rear?	Yes- 3sqm Extension to rear, Garage conversion to the side
Was the house extended previously? Where the house	Yes, Mo − The existing dwelling was previously

has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.	extended 4sqm to the rear to provide a utility room. Existing Utility & Proposed extension & conversion does not exceed 40sqm (19sqm).
Where the house is detached, the floor area of any extension above ground level, (taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained), shall not exceed 20 square metres.	No- No extensions proposed above ground level.
Is any part of the extension above ground floor and would its distance be less than 2 metres from any party boundary.	No- No extensions proposed above ground level.
Would the height of the walls of the extension exceed the height of the rear wall of the house?	No- Heights of the walls of the extension do not exceed the height of the rear wall of the house.
Is the roof flat and does the height of the highest part of the roof of the extension exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, exceed the height of the highest part of the roof of the dwelling?	No, pitched roof extension which does not exceed existing building height.
Would the construction or erection of the extension to the rear of the house reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.	No – Sufficient private open space available to the rear.
Would the window proposed at ground level in the extension be less than 1 metre from the boundary it faces?	No – all windows are in excess of 1 metre from the boundary it faces
Would the window proposed at first floor level in the extension	N/A- No windows proposed above ground level.

be less than 11 metre from the boundary it faces?	
Would the roof of the extension be used as a balcony or roof garden?	

Accordingly, the extension to rear and conversion of existing garage would come within the provisions of Class 1.

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:

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

- A. Provision of a 3sqm rear extension to existing single storey detached dwelling,
- B. Conversion of existing 12sqm garage for use as part of the house.

at No. 42 Dunbar Park, Wicklow Town A67 K592 is or is not development and is or is not exempted development:

The Planning Authority considers that:

- A. Provision of a 3sqm rear extension to existing single storey detached dwelling is development and is exempted development.
- B. Conversion of existing 12sqm garage for use as part of the house is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 14/10/2024;
- ii. Sections 2, 3, and 4 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 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The provision of a rear extension and conversion of existing garage is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The 3sqm rear extension to existing single storey detached dwelling would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

The conversion of existing 12sqm garage for use as part of the house would come within the description and limitations as set out under Schedule 2, Part 1, Class 1, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Dara Keane

Assistant Planner

23/10/2024

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Comhairle Contae Chill Mhantáin Wicklow County Council

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Dara Keane Assistant Planner FROM:

Nicola Fleming

Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX90/2024

I enclose herewith application for Section 5 Declaration received 14th October 2024.

The due date on this declaration is 10th November 2024.

Staff Officer

lanning Development & Environment







Comhairle Contae Chill Mhantáin Ulicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe Planning, Economic and Rural Development

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15th October 2024

Brenton & Leigh Harrison 42 Dunbar Park Wicklow Town A67 K592

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX90/2024

A Chara

I wish to acknowledge receipt on 14/10/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 10/11/2025.

Mise, le meas

Nicola Fleming

lanning, Economic & Rural Development





Nicola Fleming

From: Brenton Harrison <b

Sent: Sunday 13 October 2024 21:32

To: Planning - Planning and Development Secretariat

Cc: Leigh Harrison

Subject: Exempted Development application

Attachments: Land Registry Compliant Map.pdf; 42 dunbar original floor plan.pdf; 42 dunbar

updated floor plan.pdf; 42 Dunbar areal view.pdf; Section 5 application_2018-

Harrison- 42 Dunbar park.pdf

External Sender - From: (Brenton Harrison

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CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good day Wicklow planning

We are in the process of purchasing our house and have applied for the vacant property grant.

Some of the renovation/changes we are wanting to complete would require an exempt planning application. (as these are in class 1, part 1 of schedule 2)

Address:

42 Dunbar park, Wicklow Town.

The house has a garage that we are wanting to convert into habitable space. Please see attached application form including updated floor plans for the changes.

Can you confirm how I go about doing the €80 payment.

If you need any other information, please let me know.

regards

Brenton and Leigh Harrison

Wicklow County Council County Buildings Wicklow 0404-20100

15/10/2024 12 02 34

Receipt No L1/0/335843

BRETON & LEIGH HARRISON 42 DUNBAR PARK WICKLOW TOWN

EXEMPTION CERTIFICATES
GOODS 80 00
VAT Exempt/Non-vatable

80.00

Total 80 00 EUR

Tendered
Credit Card 80 00
EX90/2024

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

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

N/A

1. Applicant	Details
--------------	---------

(a) Name of applicant: **Brenton & Leigh Harrison** Address of applicant:

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

2. Agents Details (Where Applicable)

Address of Agent:

RECEIVED 14 OCT 2024

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

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

3. Declaration Details

i.	Location of Development subject of Declaration
	42 Dunbar park, Wicklow Town, CO Wicklow A67 K592

- ii. Are you the owner and/or occupier of these lands at the location under i. above? Yes, in final stages.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier

Awaiting transfer of house.

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:

Converting existing 12m2 garage into a Walkin wardrobe and bathroom, including a 3m2 extension to bedroom at the rear of the 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

Class 1, of 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
Site Location Map
Original floor plan
Updated floor plan
Arial view of current and updated layouts

viii.	Fee of € 80 Attached?	Please contact me for payment	
Signed	l:	Dated :	

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.

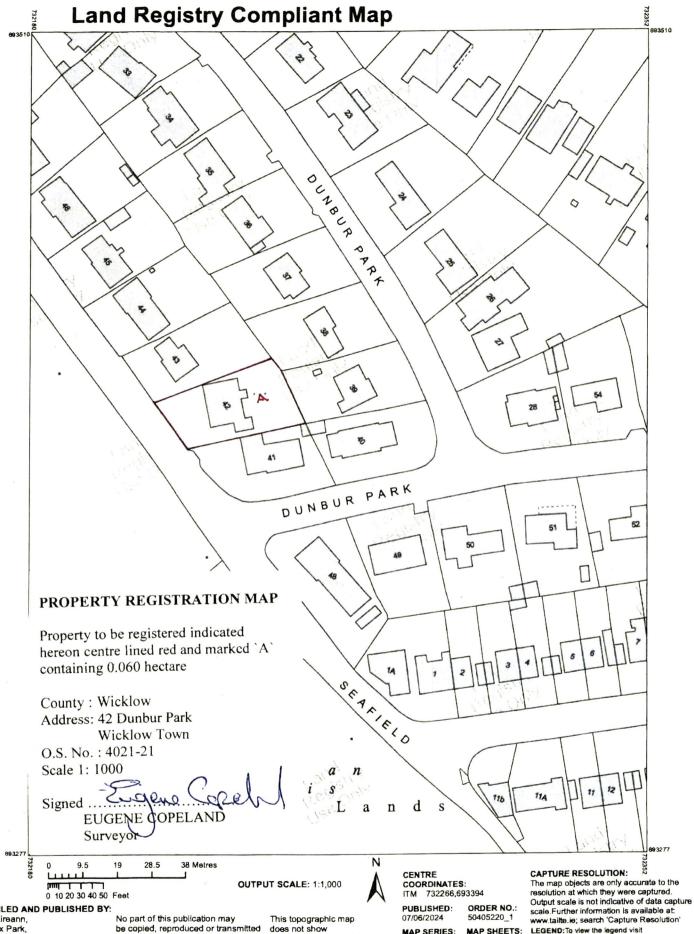
B. Land Reclamation -

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.



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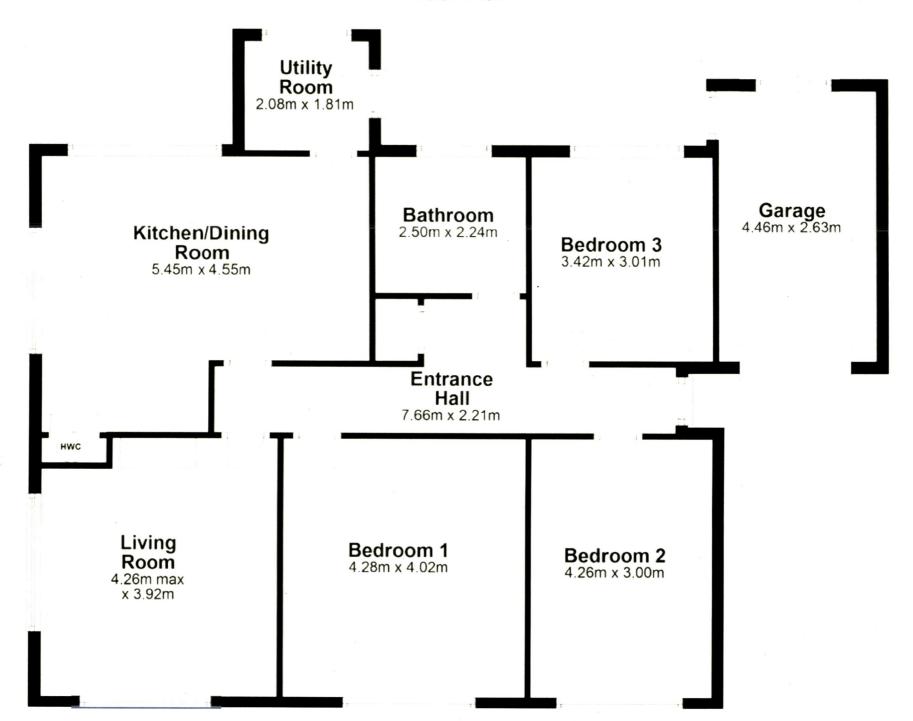


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Floor Plan



Floor Plan Utility Room 2.08m x 1.81m Walkin wardrobe **Bathroom** 2.50m x 2.24m Kitchen/Dining Room 5.45m x 4.55m **Bedroom 3** 3.42m x 3.01m Bathroom Entrance Hall 7.66m x 2.21m Living **Bedroom 1** 4.28m x 4.02m **Bedroom 2** 4.26m x 3.00m Room 4.26m max x 3.92m



