

Comhairle Contae Chill Mhantáin Ulicklow 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 ie Suíomh / Website: www.wicklow ie



Daniel Blake Rear No. 22 Ballywatrim Cottages Bray Co. Wicklow

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX22/2025

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 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 ECONOMIC & RURAL DEVELOPMENT







Comhairle Contae Chill Mhantáin Ulicklow County Council

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

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

Applicant: Daniel Blake

Location: Rear No. 22 Ballywaltrim Cottages, Bray, Co. Wicklow

Reference Number: EX22/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/238

Section 5 Declaration as to whether "the provision of rooflights to roof slope" at Rear No. 22 Ballywaltrim Cottages, Bray, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- a) The details submitted with the Section 5 Declaration Application
- b) PRR 18/1205
- c) An Bord Pleanala Declarations RL3544 ABP-303783-19
- d) 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 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) Condition 1 of PRR 18/1205 provided that -
- (iv) This permission refers to the development as described in the documents lodged, as revised by the plans and particulars received on 14/1/2019, save as the conditions hereunder require.
- (v) The drawings submitted with the Section 5 Declaration identify that the overall ground to ridge height is 6.65m. The plans and particulars received on the 14/1/2019 under PRR 18/1205 show that the dwelling was to have an overall ridge height of 6m.
- (vi) The provisions of the Planning and Development Act 2000 (as amended) cannot be relied upon where the structure to which the works are to be undertaken would not be compliant with the grant of planning permission, as is the case in this instance.

The Planning Authority considers that "the provision of rooflights to roof slope" at Rear No. 22 Ballywaltrim Cottages, Bray, Co. Wicklow. is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

ADMINISTRATIVE OFFICER

PLANNING ECONOMIC & RURAL DEVELOPMENT

Τ

Dated March 202





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

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/238

Reference Number:

EX22/2025

Name of Applicant:

Daniel Blake

Nature of Application:

Section 5 Declaration request as to whether or not: -

"the provision of rooflights to roof slope" is or is not development

and is or is not exempted development.

Location of Subject Site:

Rear No. 22 Ballywaltrim Cottages, Bray, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "the provision of rooflights to roof slope" at Rear No. 22 Ballywaltrim Cottages, 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) PRR 18/1205
- c) An Bord Pleanala Declarations RL3544 ABP-303783-19
- d) 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 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) Condition 1 of PRR 18/1205 provided that -

This permission refers to the development as described in the documents lodged, as revised by the plans and particulars received on 14/1/2019, save as the conditions hereunder require.

(iv) The drawings submitted with the Section 5 Declaration identify that the overall ground to ridge height is 6.65m. The plans and particulars received on the 14/1/2019 under PRR 18/1205 show that the dwelling was to have an overall ridge height of 6m.

(v) The provisions of the Planning and Development Act 2000 (as amended) cannot be relied upon where the structure to which the works are to be undertaken would not be compliant with the grant of planning permission, as is the case in this instance.

Recommendation:

The Planning Authority considers that the provision of rooflights to roof slope" at Rear No. 22 Ballywaltrim Cottages, Bray, Co. Wicklow is development and is NOT exempted development as recommended in the report by the SEP.

Signed \(\alpha \)

ORDER:

I HEREBY DECLARE THAT "the provision of rooflights to roof slope" at Rear No. 22 Ballywaltrim Cottages,
Bray, Co. Wicklow development and is NOT exempted development within the meaning of the Planning &
Development Act 2000 (as amended).

Signed: Senior Engineer

Planning, Economic & Rural Development

Dated 10 day of March 2025

day of March 2025

Section 5 Application EX 22/2025

Date:

6/3/2025

Applicant:

Daniel Blake

Address:

Rear of 22 Ballywaltrim Cottages, Bray, Co.Wicklow.

Exemption

Whether or not:

The installation of Rooflights to roof slopes

constitutes exempted development within the meaning of the Planning and

Development Acts, 2000(as amended).

Planning History:

18/1207

Permission granted for single storey dwelling as change of house type to that granted 10/113 (lapsed) with shared entrance and with connection of all services and all associated site works.

Condition 1 Required that -

1. This permission refers to the development as described in the documents lodged, as revised by the plans and particulars received on 14/1/2019, save as the conditions hereunder require.

REASON:

For clarification.

An Bord Pleanala Referrals

ABP-303783-19

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the refurbishment of the existing dwelling, the construction of an extension and the conversion of the attic to provide accommodation would all involve the carrying out of works and would, therefore, constitute development,
- (b) the internal refurbishment of the dwelling, and the provision of the Velux type rooflights would come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended and would, therefore, be exempted development, the conversion of the attic to provide accommodation would not come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, as it would not consist of the carrying out of works for the maintenance, improvement or other alteration of the structure, but would rather involve the extension of the residential floorspace of the existing dwelling,
- (d) the construction of the proposed extension would generally come within the scope of the exemption provided for under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, but would not be exempted development because it would not comply with Condition and Limitation number 2 (a) to which this Class is subject, in that the

combined areas of the attic conversion and of the proposed extension would exceed the limit of 40 square metres, and

(e) accordingly, as all of the works are inter-related, the development that is the subject of the question would not be exempted development:

In not accepting the recommendation of the Inspector that the development would be exempted development, the Board had regard to case law as to the correct meaning of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, and did not accept that the attic conversion came within the scope of the exemption afforded by this legislative provision. Furthermore, the Board had regard to previous referral decisions made by it, which determined that the limit of 40 square metres in Condition and Limitation 2 (a) of Class 1 applied to any floorspace that was not part of the original floor area of the house, including the floor area of an attic that had been converted after the construction of the original house (for example, referral register reference number 06D.RL.2477).

06D.RL.3544

An Bord Pleanála, hereby decides that the construction of an extension to the rear of the existing house, and the conversion of part of the attic of the existing house and of the attic area of the extension for residential accommodation, is development and is not exempted development.

An Bord Pleanála has concluded that:

- (a) the extension to the existing house and the attic conversion both involve the carrying out of 'works' which come within the meaning of section 2(1) of the Planning and Development Act, 2000, as amended, and therefore constitute development,
- (b) the extension is to the rear of the dwelling and therefore comes within the scope of the exemption provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, but by reason of its scale and extent, comprising a ground floor area of 50 square metres and a first floor area of circa 28 square metres, exceeds the relevant thresholds set out in conditions and limitations 1(a) and 1(c) respectively of Class 1, and is therefore not exempted development,
- (c) the existing extensions to the rear of the house, whether or not they were constructed or erected prior to 1st October 1964, cannot be taken into account in respect of the floor area of the extension that is the subject matter of this referral, as these extensions were demolished and removed prior to the construction of the subject extension, and
- (d) the attic conversion does not come within the scope of section 4(1)(h) of the Planning and Development Act 2000, not being the carrying out of works for the maintenance, improvement or other alteration of an existing structure, but rather for the provision of additional floor space and a first floor extension to the existing house, and is therefore not 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 (iii);

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure. Section 3:

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

Section 4:

4.— (1) The following shall be exempted developments for the purposes of this Act— (h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Assessment

The Section 5 application seeks a declaration as to whether the provision of rooflights to roof slope is or is not development or is or is not exempted development.

Drawings identify the installation of five rooflights located within the northern roof plane, with the attic is identified for use as storage.

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

From review of the submitted drawings, and on review of PRR 18/1205 it is evident that the dwelling on site does not accord with the development permitted by reference to Condition 1 i.e. the further information submitted on the 14/1/2019 (see attached drawings). The development was permitted with an overall ground to ridge height of 6m, and the Section 5 Declaration drawings identify a dwelling with an overall height of 6.650m. Therefore, the works identified are not to a structure that accords with its planning permission, and the exemption under Section 4(1)(h) cannot be relied upon as this is based on the premise that the structure to which works are being undertaken has the requisite consents.

The works are therefore development, and are not exempted development.

Recommendation:

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

• the provision of rooflights to roof slope to dwelling at the rear of No. 22 Ballywaltrim Cottages, Bray

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

The Planning Authority consider that the provision of rooflights to roof slope to dwelling at the rear of No. 22 Ballywaltrim Cottages, Bray is development and is Not exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration Application
- b) PRR 18/1205
- c) An Bord Pleanala Declarations RL3544 ABP-303783-19
- d) 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 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) Condition 1 of PRR 18/1205 provided that -

This permission refers to the development as described in the documents lodged, as revised by the plans and particulars received on 14/1/2019, save as the conditions hereunder require.

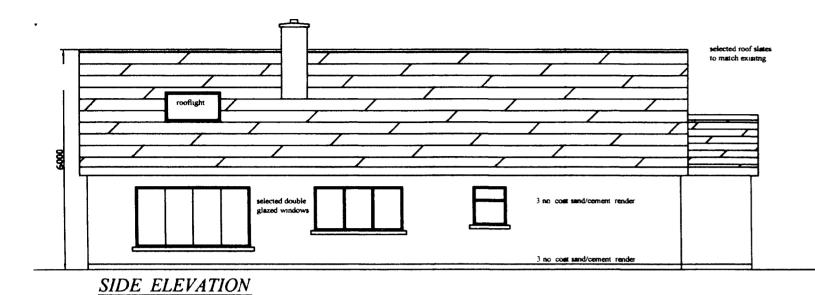
- (iv) The drawings submitted with the Section 5 Declaration identify that the overall ground to ridge height is 6.65m. The plans and particulars received on the 14/1/2019 under PRR 18/1205 show that the dwelling was to have an overall ridge height of 6m.
- (v) The provisions of the Planning and Development Act 2000 (as amended) cannot be relied upon where the structure to which the works are to be undertaken would not be compliant with the grant of planning permission, as is the case in this instance.

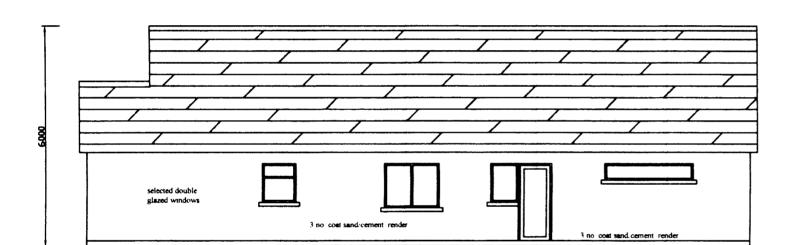
Sel Lamplan 28 6/3/2025

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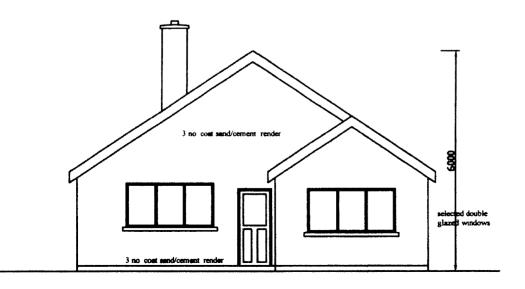
[5] My Loss

[6]/03/25

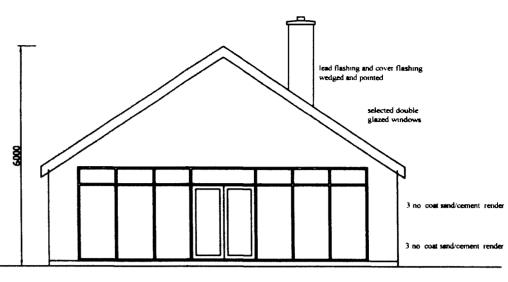




SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION



ROOF
ROOF FINISH TO MATCH EXISTING ON
50 x25 TERATED BATTENS ON
UNTERRABLE ROOFING FELT ON
150 x 4.4 RAFTERS CONTINUOUS TO VENT EAVES
AT 400 C/C ON 100 x 75 WALL PLATES BOLTED TO
WALLS AND WITH STRAPS

PROVIDE TIMBER FILLET INSERT TO "JACK-UP" SLOPING
ROOF SECTION TO ALLOW FOR INSULATION OVER
EXTERNAL WALL

12 5 PLASTERBOARD CEILING
WITH SKIM FIMSH

RISING
RISING

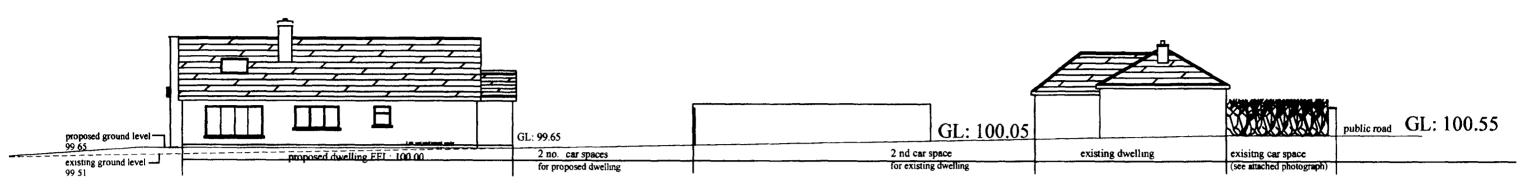
RISING WALLS OF LOW THERMAL
CONDUCTIVITY BLOCKS = 0 12 WM/K
RC STRIP FOUNDATION

CROSS SECTION

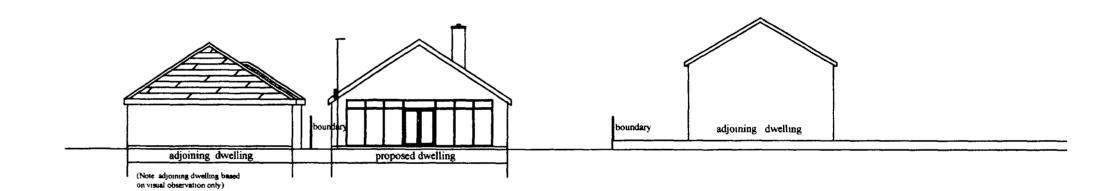
·

FLOOR SLAB U-VALUE = 0.155 W/M K
SELECTED FLOOR FINSH /UNDERLAY
AIRTIGHT SEAL CONNECTING BLOCK WALL WITH CONCRETE SLAB
LOW THERNAL CONDUCTIVITY BLOCKS = 0 12W/MK OVERLAPPING CAVITY AND
UNDERFLOOR INSULATION
50 SCREED ON 150 CONCRETE SLAB ON
ROCKWOOL FLOOR INSULATION
WATERPROOF MEMBRANE
50 DRY SAND BLINDING
150 HINNHAM IMPAIRTY FREE COMPACTED
BROKEN STONE HARDCORE OF MAX. 100 MH DIAM
WITH RADON BARNER BY SPECIALISTS

MICHAEL CARROLL Architectural & Energy Design Glenherbert, Dargle Road, Bray. tel: (01) 286 3858	PROPOSED ELEVATIONS & CROSS SECTION (REVISED)		
PROPOPSED DWELLING AT REAR NO. 22 BALLYWALTRIM	I/I00 SCALE	P/1822/02A	
COTTAGES, BRAY.	OCT. 2018	1	
	DATE	NUMBER	

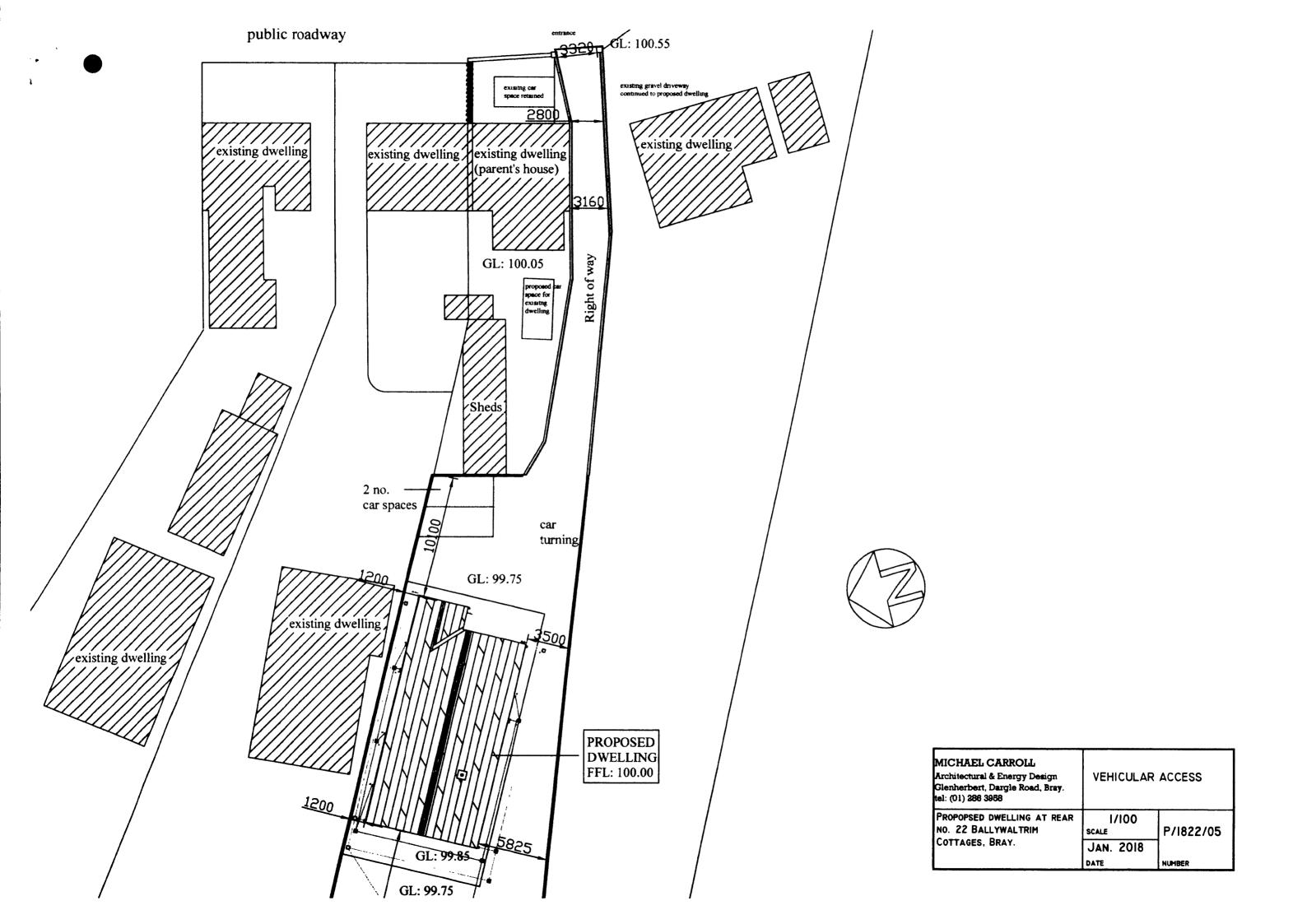


EAST - WEST SECTION THROUGH SITE



NORTH - SOUTH SECTION THROUGH SITE

MICHAEL CARROLL Architectural & Energy Design Glenherbert, Dargle Road, Bray. tel: (01) 286 3988	SITE SECTIONS	
PROPOPSED DWELLING AT REAR NO. 22 BALLYWALTRIM COTTAGES, BRAY.	I/200 SCALE	P/1822/04
	JAN. 2019	NUMBER





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
Senior Executive Planner

FROM:

Nicola Fleming Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX22/2025

I enclose herewith application for Section 5 Declaration received completed on 21/02/2025

The due date on this declaration is 20th March 2025

Staff Officer

Planning, Economic & Rural Development







Comhairle Contae Chill Mhantáin Ulicklow County Council

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

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Michael Carroll
1 Glenherbert
Dargle Road
Bray
Co. Wicklow

25th February 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX22/2025 – Daniel Blake

A Chara

I wish to acknowledge receipt on 21/02/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 20/03/2025.

Mise, le meas

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development





Wicklov^{, ∩}ounty Council County Idings Wicklow 0404-20100

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21/02/2025 13 19 32

Receipt No L1/0/341286

DANIEL BLAKE REAR NO 22 BALLYWALTRIM COTTAGES BRAY CO WICKLOW

CO WICKEOW

EXEMPTION CERTIFICATES
GOODS 80 00

VAT Exempt/Non-vatable

Total 30 00 FUR

80.00

80 00

Tendered Credit Card

Change 0.00

Issued By Cashier5MW

Issued By Cashier5MW 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
Tr.
Date Received
Fee Received
To the state of th

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. A	pplica	nt D	etails

(a)	Name of applicant: Address of applicant:	Daniel Blake Rear No.22 Ballywaltrim Cottages, 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) Michael Carroll
	Address of Agent: 1 Glenherbert, Dargle Road, Bray, Co. Wicklow.

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

3. Declaration Details

Location of Development subject of Declaration Rear No. 22 Ballywaltrim Cottages, Bray, Co. Wicklow
Are you the owner and/or occupier of these lands at the location under i. above? Yes/No.
If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier
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
Additional details may be submitted by way of separate submission.
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.

List of Plans	s, Drawings s	submitted v	vith this I	Declaration	Application
Exis	ting Floor Pla	ans, sectior	and elev	ation: PP/C	0125/01 - 1:100
					<u>/0125/02 - 1:100</u>
Site	Layout: PP/0	125/03 - 1	/250		
Site	Layout: PP/0	125/04 - 1	/500		
Loca	tion Map				
		,			
Fee of € 80	Attached?	755			

Additional Notes:

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below:

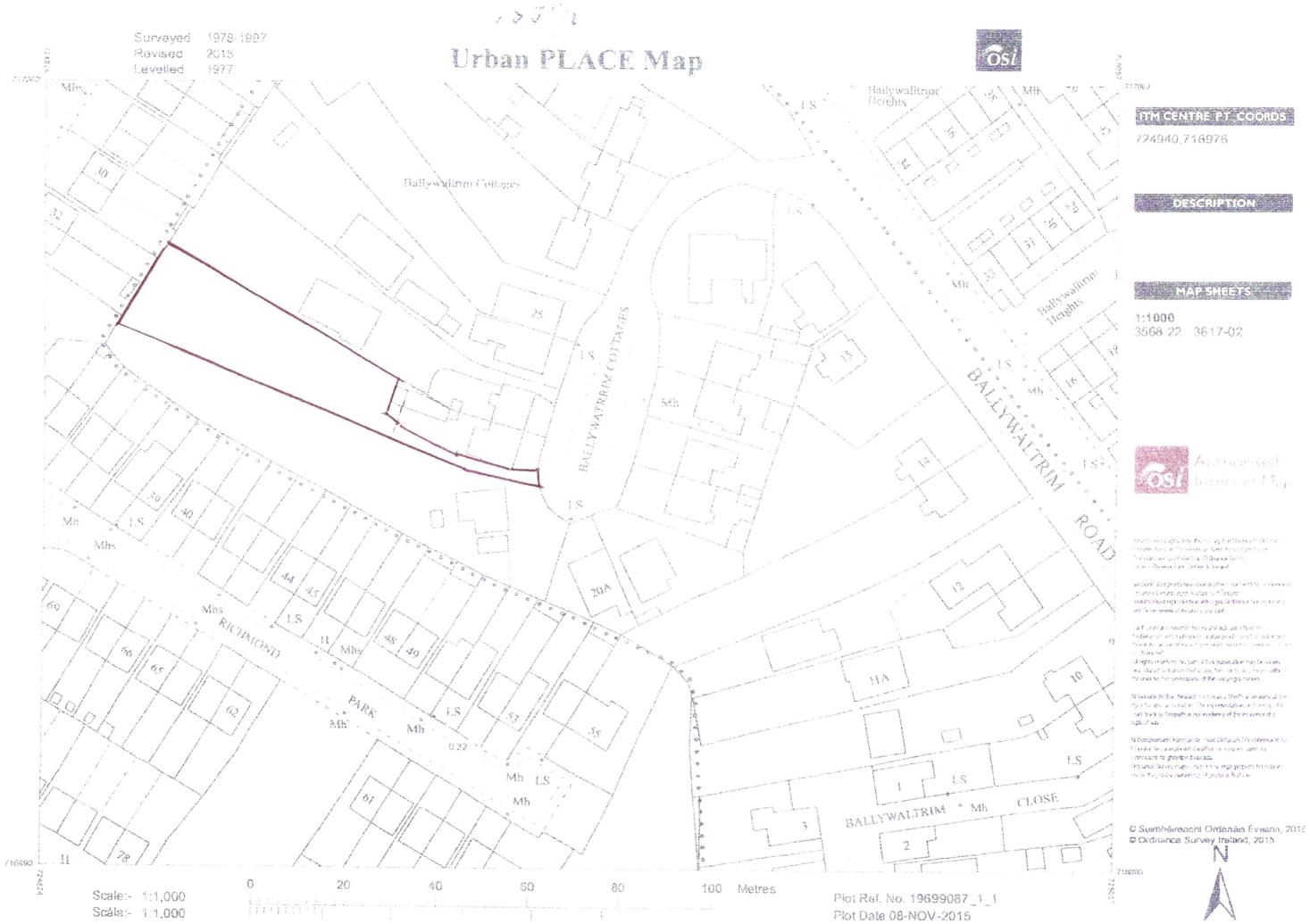
- A. Extension to dwelling Class 1 Part 1 of Schedule 2
 - Site Location Map
- Floor area of structure in question whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.
- B. Land Reclamation -

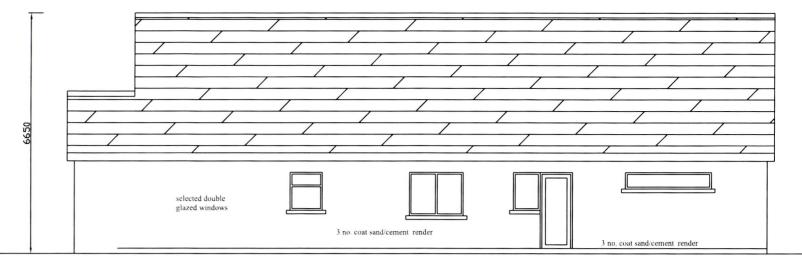
governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) 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.

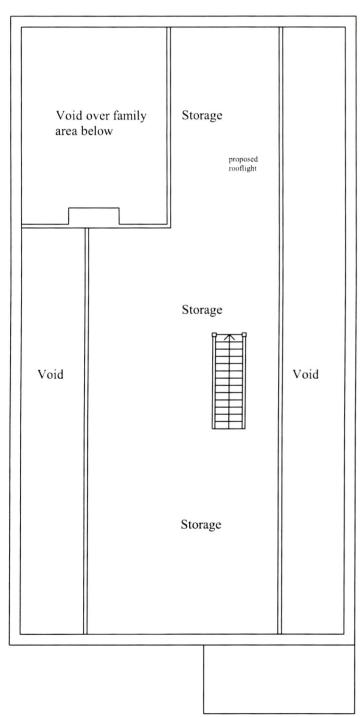
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

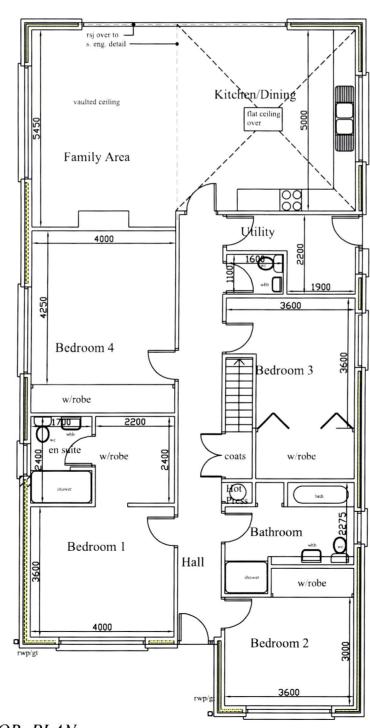
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
-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

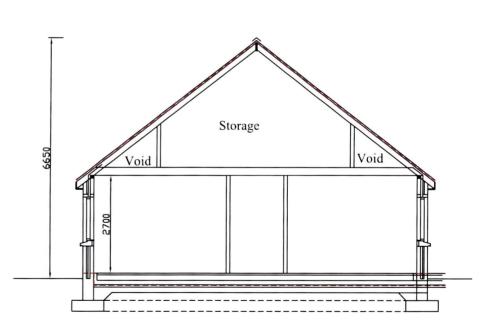




SIDE ELEVATION





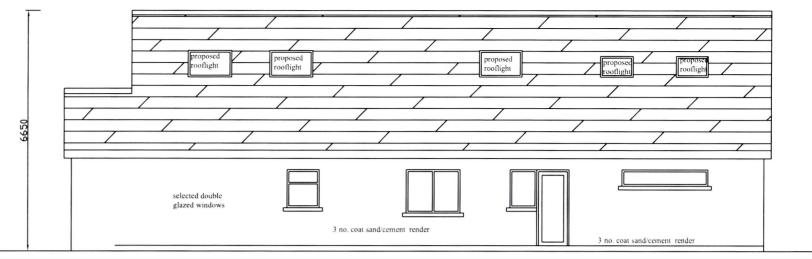


CROSS SECTION

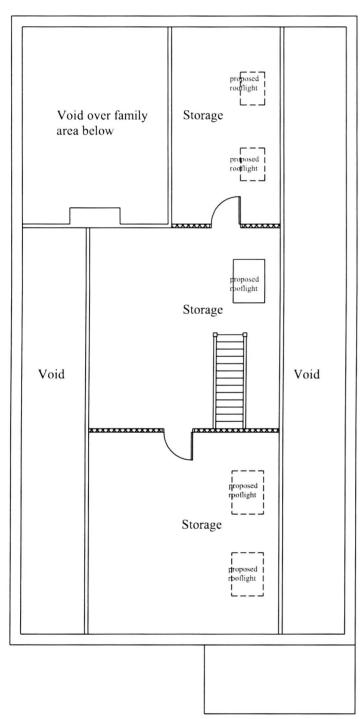
MICHAEL CARROLL Architectural & Energy Design Glenherbert, Dargle Road, Bray. tel: 087 982 0283 email: 2mcarroll1@gmail.com	EXISTING FLOOR PLANS CROSS SECTI ELEVATION	
PROPOPSED ROOFLIGHTS TO DWELLING AT REAR NO. 22	I/I00 SCALE	PP/0125/01 NUMBER
BALLYWALTRIM COTTAGES, BRAY.	JAN. 2025 DATE	PRE PLANNING ONLY

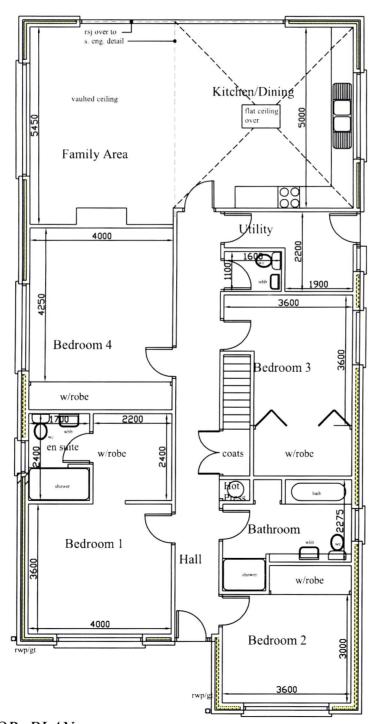
ROOF SPACE PLAN

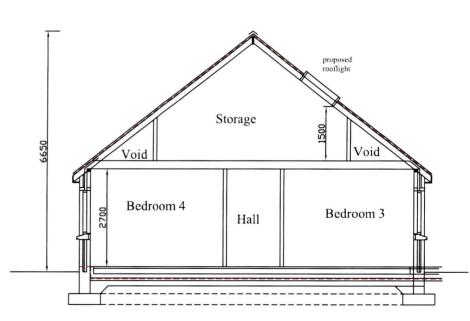
FLOOR PLAN



SIDE ELEVATION





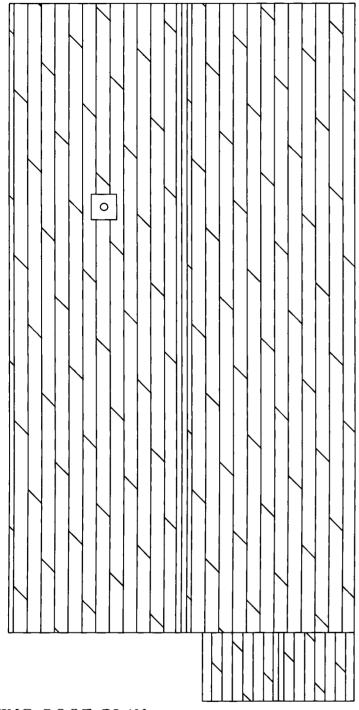


CROSS SECTION

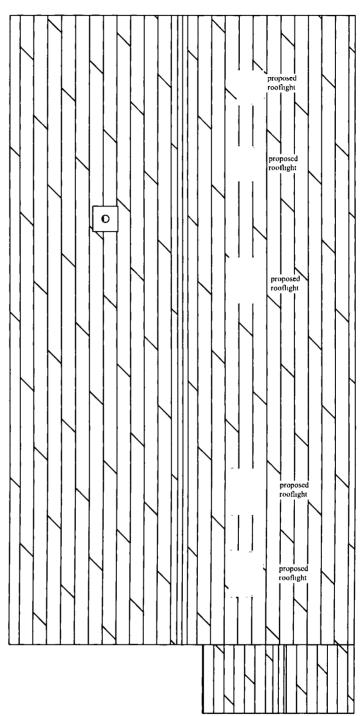
MICHAEL CARROLL Architectural & Energy Design Glenherbert, Dargle Road, Bray. tel: 087 982 0283 email: 2mcarroll1@gmail.com	PROPOSED FLOOR PLANS CROSS SECTI ELEVATION	ON &
PROPOPSED ROOFLIGHTS TO DWELLING AT REAR NO. 22	I/I00 SCALE	PP/0125/02
BALLYWALTRIM COTTAGES, BRAY.	JAN. 2025 DATE	PRE PLANNING ONLY

ROOF SPACE PLAN

FLOOR PLAN



EXISTING ROOF PLAN



PROPOSED ROOF PLAN

MICHAEL CARROLL Architectural & Energy Design Glenherbert, Dargle Road, Bray. tel: 087 982 0283 email: 2mcarroll1@gmail.com	EXISTING & PROPOSED ROOF PLANS		
PROPOPSED ROOFLIGHTS TO DWELLING AT REAR NO. 22	I/I00 SCALE	PP/0125/03 NUMBER	
BALLYWALTRIM COTTAGES, BRAY.	JAN. 2025	PRE PLANNING ONLY	

