

Matt Barnes

Architect Project Manager



An Bord Pleanála,
64 Marlborough Street
Dublin 1

AN BORD PLEANALA	
LDG-	0091806-18
ABP-	
07 NOV 2018	
Fee: €	220.00
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By:	Post

**Re : Appeal against a Section 5 Decision by Wicklow
County Council**
Exemption ref no : EX 49/18
Client : : Roman Jaferov
Address : 8 Herbert Pk
Bray,
Co Wicklow

ref : 2329
date : 1.11.18

Dear Sir/Madam

On behalf of my client Roman Jafarov, he wishes to appeal Part 2 of the decision. There are two parts to the decision:

Part 1: The 14m² extension to the house is exempt from planning.
Part 2: The outhouse use is not exempt from planning.

Submission for Part 1: My client agrees with reason D that the 14m² extension is exempt from Planning Permission.

There are three reasons for the declaration on Part 2 of the Section 5 application:

Response to Reason A: The outhouse is used as a gym and ancillary storage, which is incidental to the enjoyment of the house. My client requests that these two uses are declared exempt from planning permission.

My client has allowed his brother to use the outhouse for temporary accommodation (rent free), due to the accommodation crisis in Dublin, however he is not requesting a decision from An Bord Pleanála that this temporary accommodation use is exempt from Planning Permission. The request is that the temporary accommodation is not confused with the

use as a gym and ancillary storage. It is submitted that the Section 5 Decision can acknowledge the clear representation of uses by my client in order to differentiate between exempt uses and those that are not exempt.

Response to Reason B: My client agrees that the outhouse is not an extension to the existing dwelling house.

Response to Reason C: My client submits that there is an inappropriate confusion of uses in the Section 5 Declaration as defined in our response to reason A above. It is requested that a concise definition and separation of uses be addressed by An Bord Pleanála.

Please find attached a cheque for €220 and we look forward to a decision in due course.

Best regards


Matt Barnes



COMHAIRLE CONTAE CHILL MCHANTÁIN
Wicklow County Council

Forbairt Pleanála agus Comhshaol
Planning Development and Environment

Áras An Chontae / County Building
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
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15 October 2018

**RE: Declaration in accordance with Section 5
of the Planning & Development Acts 2000 - 2011**

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

Exemption Ref. No: EX 49/18

Applicant: Roman Jafarov

Nature of Application: Question whether (1) the 14m² extension and (2)
"outhouse" to the rear of No. 8 Herbert Park, Bray is or is not exempted development.

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,

C. Cantelero

**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT**

Encl.

REG POST



COMHAIRLE CONTAE CHILL Mhantáin Wicklow County Council

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

Applicant: Roman Jafarov
Location 8 Herbert Park, Bray

DIRECTOR OF SERVICES ORDER NO. 1820/18

A question has arisen as to whether or not (1) the 14m² extension and (2) "outhouse" to the rear is or is not exempted development.

Having regard to:

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000 as amended
- (b) Class 1 and Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended)
- (c) The details submitted on 19th September 2018
- (d) Site inspection carried out on 9th October 2018
- (e) An Bord Pleanála RL 2484 and RL2001.

Main Reasons with respect to the S5 Declaration

A The "outhouse" is used for temporary accommodation, as a gym and for ancillary storage. Therefore it is considered that the outhouse does not come within the provisions of Class Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended) in particular having regard to Condition and Limitation no. 6 and its use as for human habitation.

B. The "outhouse" is not an extension of the existing dwelling and therefore the provisions of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended) do not apply.

C The use of the "outhouse" is not considered to be use incidental to the enjoyment of the house. Therefore, the use of the outhouse does not come within the scope of Section 4(1) (j) of the Planning and Development Act 2000 (as amended).

D The 14m² extension would come with the provisions of class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended and would comply with the conditions and limitations contained therein.

The Planning Authority considers that

- (1) The 14m² extension to the rear of No. 8 Herbert Park, Bray is development and is exempted development.

(2) The "outhouse" to the rear of No. 8 Herbert Park, Bray is development and is not exempted development.

Signed: C Canterbury
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 15 day of October 2018