

COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

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

Áras An Chontae / County Buildings
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Rphost / Email. plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Jimmy Burke & Niamh Paton

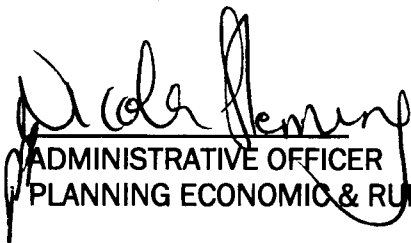
5th July 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX51/2024

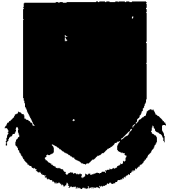
I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

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





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

Applicant: Jimmy Burke & Niamh Baton

CHIEF EXECUTIVE ORDER NO. CE/PERD/903/2024

Section 5 Declaration as to whether "A). Provision of new 37sqm extension to dwelling, B). Provision of 2sqm front porch and C). Demolition of an existing c. 18sqm single storey extension to rear of dwelling " at Lackareagh, Baltinglass, Co. Wicklow W91 K2D2 constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

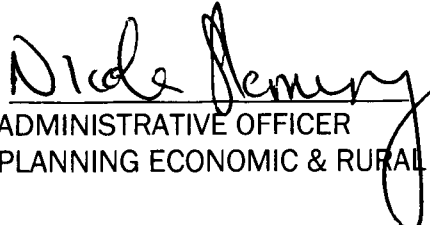
Having regard to:


- The details submitted on 11/06/2024;
- Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- Schedule 2, Pt.1 Class 1, Class 7, and Class 50(b) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The provision of a rear extension, front porch and the part demolition of existing extension to rear is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The rear extension 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 front porch would come within the description and limitations as set out under Schedule 2, Part 1, Class 7, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.
- The proposed demolitions would come within the description as set out under Schedule 2, Part 1, Class 50(b), of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

The Planning Authority considers that "A). Provision of new 37sqm extension to dwelling, B). Provision of 2sqm front porch and C). Demolition of an existing c. 18sqm single storey extension to rear of dwelling " at Lackareagh, Baltinglass, Co. Wicklow W91 K2D2 is development and is exempted development

Signed: 
ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  July 2024



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/903/2024

Reference Number: EX51/2024

Name of Applicant: Jimmy Burke & Niamh Paton

Nature of Application: Section 5 Declaration request as to whether or not: -
"A). Provision of new 37sqm extension to dwelling, B). Provision of 2sqm front porch and C). Demolition of an existing c. 18sqm single storey extension to rear of dwelling" is or is not development and is or is not exempted development.

Location of Subject Site: Lackareagh, Baltinglass, Co. Wicklow W91 K2D2

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 new 37sqm extension to dwelling, B). Provision of 2sqm front porch and C). Demolition of an existing c. 18sqm single storey extension to rear of dwelling " at Lackareagh, Baltinglass, Co. Wicklow W91 K2D2 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 11/06/2024;
- 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, Class 7, and Class 50(b) of the Planning and Development Regulations 2001 (as amended).

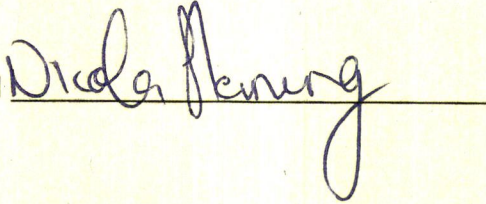
Main Reason with respect to Section 5 Declaration:

1. The provision of a rear extension, front porch and the part demolition of existing extension to rear is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
2. The rear extension 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 front porch would come within the description and limitations as set out under Schedule 2, Part 1, Class 7, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.
4. The proposed demolitions would come within the description as set out under Schedule 2, Part 1, Class 50(b), of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Recommendation:

The Planning Authority considers that "A). Provision of new 37sqm extension to dwelling, B). Provision of 2sqm front porch and C). Demolition of an existing c. 18sqm single storey extension to rear of dwelling " at Lackareagh, Baltinglass, Co. Wicklow W91 K2D2 is development and is exempted development as recommended in the report by the SEP.

Signed



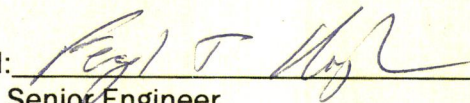
Dated 5th day of May 2024

ORDER:

I HEREBY DECLARE:

That "A). Provision of new 37sqm extension to dwelling, B). Provision of 2sqm front porch and C). Demolition of an existing c. 18sqm single storey extension to rear of dwelling " at Lackareagh, Baltinglass, Co. Wicklow W91 K2D2 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 5th day of July 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 51/2024
Applicant: Jimmy Burke & Niamh Paton
Date of Application: 11/06/2024
Decision Due Date: 08/07/2024
Address: Lackareagh, Baltinglass, Co. Wicklow W91K2D2
Exemption Query: Revised extension to existing rear extension

Application Site: The application site is a detached two storey dwelling located on the L-8282-0 local road in the townland of Lackareagh, Baltinglass, Co. Wicklow.

Aerial Image



Section 5 Referral

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

- A. *Provision of a new 40sqm two storey extension to detached dwelling,*
- B. *Provision of a 2sqm front porch.*
- C. *Part demolition of existing single storey extensions to rear of dwelling,*

at Lackareagh, Baltinglass, Co. Wicklow W91K2D2.

Relevant Planning History:

Section 5 Application- EX34/2024- 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 new 37sqm extension to dwelling,
- B. Provision of a 2sqm front porch,
- C. Demolition of an existing c.18sqm single storey extension to rear of dwelling

at Lackareagh, Baltinglass Co. Wicklow is or is not exempted development:

Decision:

- The provision of a rear extension and front porch and the demolition of existing extension is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The rear extension would not 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) as the extensions gable wall exceeds the height of the rear wall and is inclusive of a window at first floor level which is less than 11m from the boundary it faces.
- The front porch would come within the description and limitations as set out under Schedule 2, Part 1, Class 7, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.
- The proposed demolitions would not come within the description as set out under Schedule 2, Part 1, Class 50(b), of the Planning and Development Regulations 2001 (as amended) as such works would not be on foot of the provision of an extension in accordance with Class 1 or Class 7 or in accordance with a permission for an extension.

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 new 40sqm two storey extension to detached dwelling,*
- B. *Provision of a 2sqm front porch.*
- C. *Part demolition of existing single storey extension to rear of dwelling,*

At Lackareagh, Baltinglass, Co. Wicklow W91K2D2 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 a permission under Act or be inconsistent with any use specified in a 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,*
- And so on.*

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.

CLASS 7

The construction or erection of a porch outside any external door of a house.

Associated conditions and limitations:

1. Any such structure shall be situated not less than 2 metres from any road.
2. The floor area of any such structure shall not exceed 2 square metres.
3. The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.

CLASS 50 (b)

The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Associated conditions and limitations:

None

Details submitted in support of the application

Existing Dwelling GFA: 124sqm

Proposed Extensions GFA: 42sqm (40sqm rear extension & 2sqm front porch)

Total: 161sqm (as part demolition existing extension of c.5sqm is subtracted)

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

It is stated in the Section 5 Application form that the applicant is currently in the process of purchasing the property and that the proposed works come as part of a vacant property refurbishment grant.

Assessment:

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

- A. Provision of a new 40sqm two storey extension to detached dwelling,*
- B. Provision of a 2sqm front porch.*
- C. Part demolition of existing single storey extension to rear of dwelling,*

at Lackareagh, Baltinglass, Co. Wicklow W91K2D2 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:

"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.

It should be noted that Section 2 of the Act defines works as:

“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.

I am satisfied that the proposal would involve 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.

Provision of a new 40sqm two storey extension to detached dwelling

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

<i>Is the extension to the rear?</i>	Yes
<i>Was the house extended previously? Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</i>	Yes – from floor plans provided and on foot of a site visit, an existing extension is present to the rear which shall be partly demolished to make way for the proposed extension.
<i>Would the 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, exceed 40 square metres.</i>	No - Unknown if extension is pre 1964, however following the part demolition (5sqm) of the existing extension which would be required due to its citing to the rear, the extension shall not surpass 40sqm (40sqm).
<i>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.</i>	No – First floor extensions total 16sqm.
<i>Is any part of the extension above ground floor and would its distance be less than 2 metres from any party boundary.</i>	No - The extension is in excess of 2m from site boundaries.

<p><i>Would the height of the walls of the extension exceed the height of the rear wall of the house?</i></p> <p><i>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?</i></p>	<p>No– Heights of the walls of the extension do not exceed the height of the rear wall of the house.</p> <p>No, pitched roof extension which does not exceed existing building height.</p>
<p><i>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.</i></p>	<p>No – More than 25sqm available to the rear.</p>
<p><i>Would the window proposed at ground level in the extension be less than 1 metre from the boundary it faces?</i></p> <p><i>Would the window proposed at first floor level in the extension be less than 11 metre from the boundary it faces?</i></p>	<p>No – all windows are in excess of 1 metre from the boundary it faces</p> <p>No – all windows are in excess of 11 metres from the boundary it faces</p>
<p><i>Would the roof of the extension be used as a balcony or roof garden?</i></p>	<p>No – proposed is a pitched roof with no balcony or roof garden included in proposal.</p>

Accordingly, the extension 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.

B. Provision of a porch. 7

Schedule 2, Pt.1 Class 6 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

The construction or erection of a porch outside any external door of a house.

Relevant Schedule 2, Pt.1 Class 7 Checklist

Any such structure shall be situated not less than 2 metres from any road.	Yes- Proposed porch is situated more than 2 metres from any road.
The floor area of any such structure shall not exceed 2 square metres	Yes- Proposed porch has a total floor area of 2sqm
The height of any such structure shall not exceed, in the case of a structure with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.	Yes- Proposed porch has a max ridge height of 3.280m.

It is noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per Article 9 (1).

C. Part demolition of existing single storey extensions to rear of dwelling

Schedule 2, Pt.1 Class 50(b) of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

No associated limitations apply. Subsequent to the proposed extensions accordance with the provisions of class 1, the proposed demolitions would be considered to be within the remit of Schedule 2, Part 1, Class 50(b) as such works to a habitable structure relates to demolitions in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively.

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 new 40sqm two storey extension to detached dwelling,*
- B. *Provision of a 2sqm front porch.*
- C. *Part demolition of existing single storey extension to rear of dwelling*

at Lackareagh, Baltinglass, Co. Wicklow W91K2D2 is or is not development and is or is not exempted development:

The Planning Authority considers that:

- A. Provision of a new 40sqm two storey extension to detached dwelling **is development and is exempted development.**
- B. Provision of a 2sqm front porch **is development and is exempted development.**
- C. Part demolition of existing single storey extension to rear of dwelling **is development and is exempted development.**

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 11/06/2024;
- 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, Class 7, and Class 50(b) of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The provision of a rear extension, front porch and the part demolition of existing extension to rear is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The rear extension 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 front porch would come within the description and limitations as set out under Schedule 2, Part 1, Class 7, of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

- The proposed demolitions would come within the description as set out under Schedule 2, Part 1, Class 50(b), of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Dara Keane

Dara Keane
Assistant Planner
04/07/2024

Agreed
Shirley SSP
05/07/24

Issue decision
is recommended
Agd T. King
05/07/24

Site Photos



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).
EX51/2024**

I enclose herewith application for Section 5 Declaration received 11th June 2024.

The due date on this declaration is 8th July 2024.



**Staff Officer
Planning Development & Environment**

Wicklow County Council
County Buildings
Wicklow
0404-20100

11/06/2024 15:43:22

Receipt No L1/0/330446

JIMMY BURKE & NIAMH PATON
SPARROW RD
DUNLAVIN
CO WICKLOW

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

Total 80 00 EUR

Tendered
Cash 80 00

Change 0 00

Issued By VANESSA PORTER
From Customer Service Hub
Vat reg No 0015233H



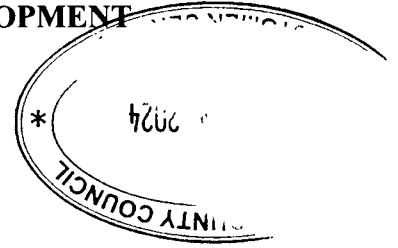
Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

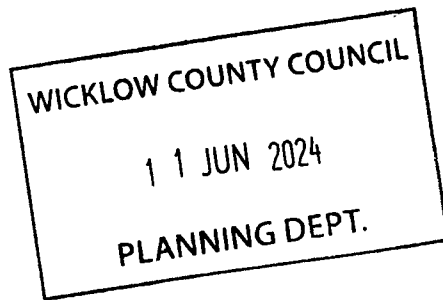
**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**



1. Applicant Details

(a) Name of applicant: Jimmy Burke and Niamh Paton
Address of applicant: Sparrow Road Onlawin
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) _____
Address of Agent : _____

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

3. Declaration Details

i. Location of Development subject of Declaration Lackareagh
Baltinglass Co. Wicklow W91K2D2

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes No
Purchase in Process

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier Patrick Burke Lackareagh Baltinglass
Co. Wicklow

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 Revised extension to
existing extension on rear of house
Sec 5 needed for Vacant Property Refurbishment
Grant / Derelect Top Up

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 Planning Permission / Section 5 Exemption

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

Drawings - Extension with extension already on Building

viii. Fee of € 80 Attached ? Yes - Cash

Signed : Niamh Pater Dated : 10/6/24

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.

BYRNE Engineering Services

Gormanstown,
Kilcullen,
Co.Kildare.

Wicklow County Council
Planning, Economic and Rural Developments
County Buildings
Whitegates
Wicklow Town
A67 FW96

30th May 2024

FURTHER INFORMATION

**Re: Declaration in accordance with section 5 of the Planning & Development Acts 2000
(As Amended) – EX342024 – Jimmy Burke & Niamh Paton,
Lackareagh, Baltinglass, Co. Wicklow.**

- (a) Rear extension incorporating the existing extension footprint, with partial demolition.
- (b) (b) Rear extension gable wall – replaced with a slate roof and does not exceed the height of the rear wall.

First floor window is now removed and replaced with a rooflight.

- (c) Front porch meets the exempted development criteria.
- (d) The existing extension footprint floor slab is incorporated into the rear extension.

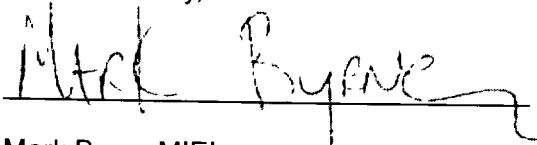
The aggregated floor area meets the minimum area.

The floor areas:

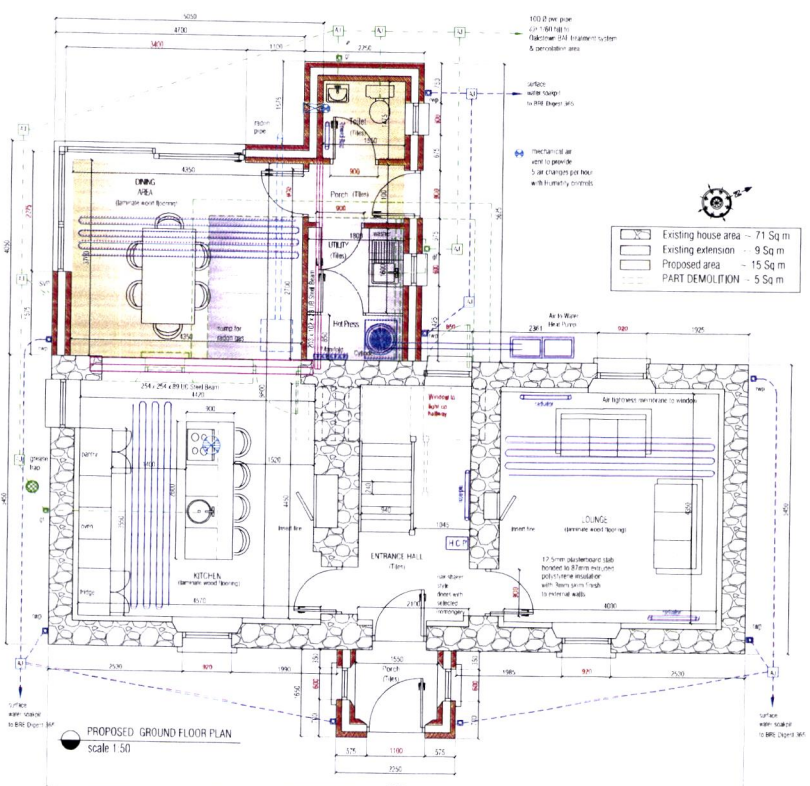
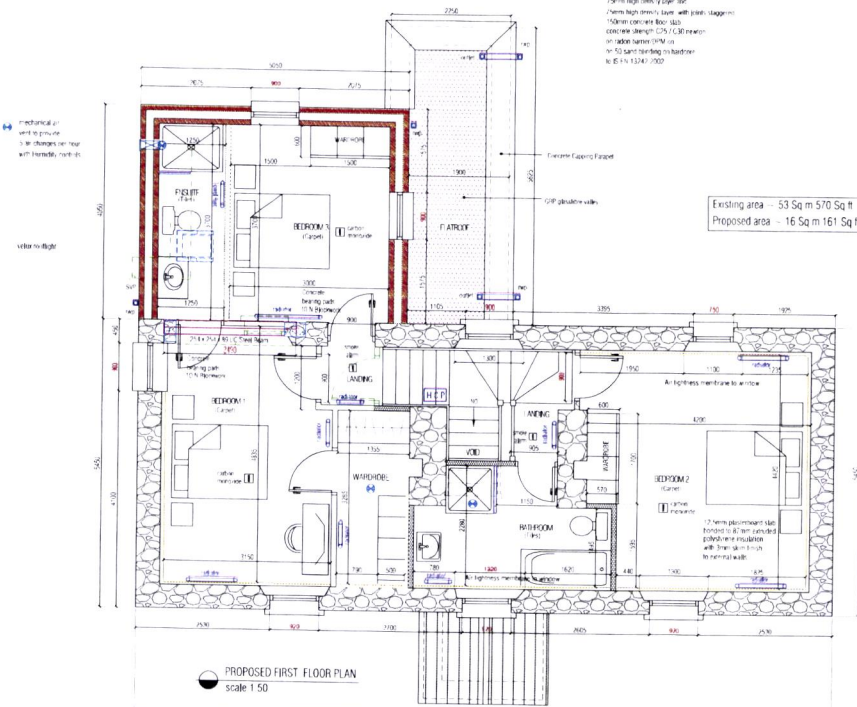
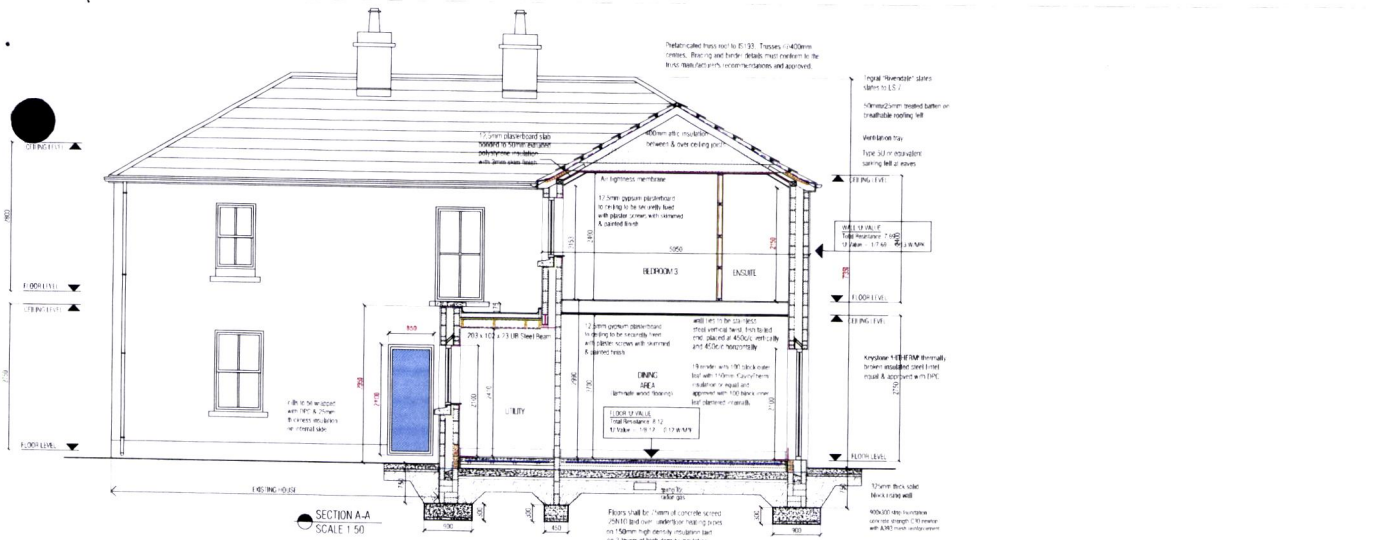
Existing rear extension floor area is not 18 sqm it is 14 Sqm
Part of that floor area is incorporated into the extended extension 9 sqm
Part demolition floor area is 5 sqm
The total extended floor area on the ground floor is 15 sqm
The total first floor area is 16 sqm

Total Floor area to the rear is 9 sqm (Existing Area) + additional 31 sqm = 40 sqm

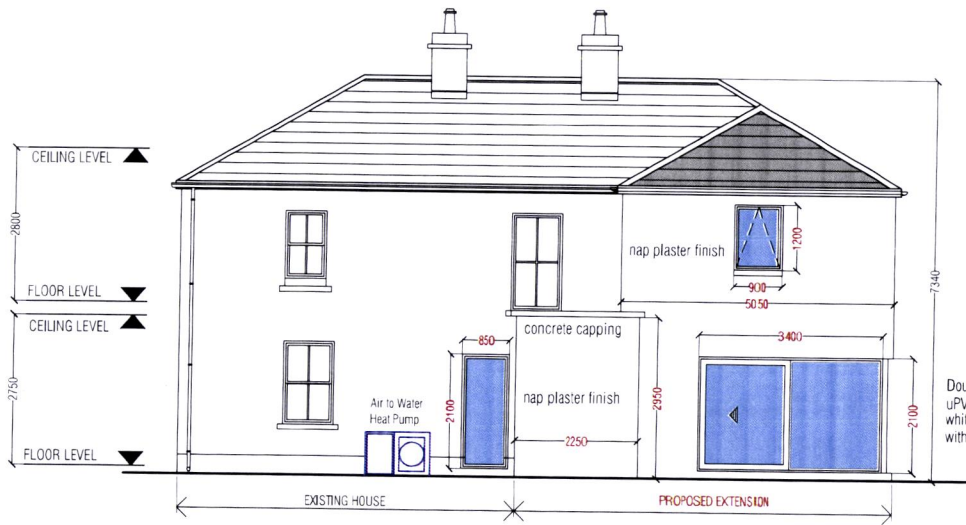
Yours faithfully,



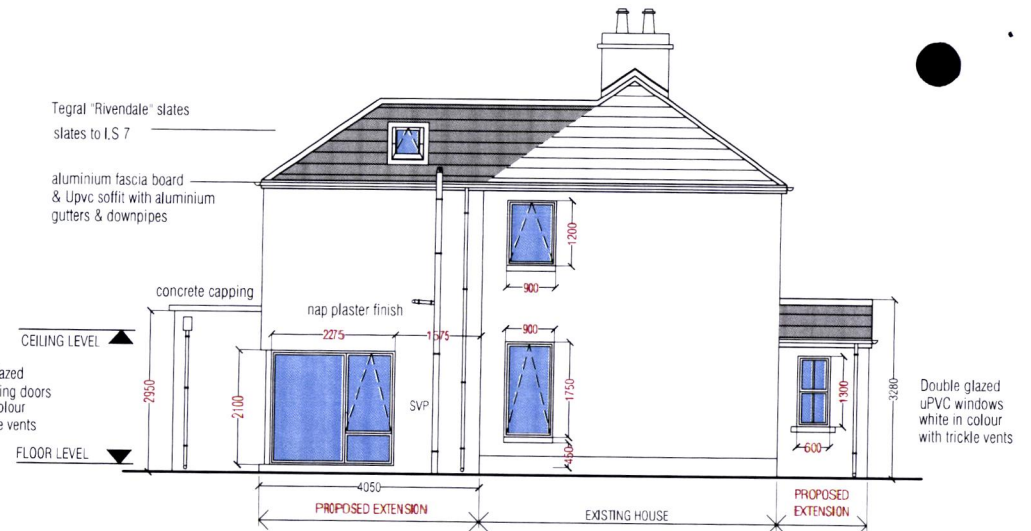
Mark Byrne MIEI
BYRNE Engineering Services.



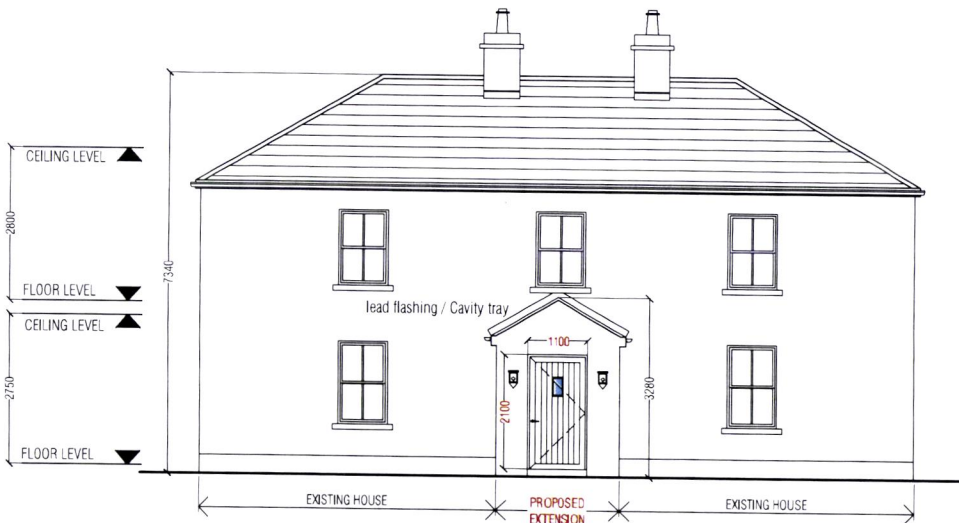
EXEMPT DEVELOPMENT		
No.	Revision	Date
Prepared By: MARK BYRNE ENG SERVICES CONSULTING ENG & PROJECT MANAGEMENT GORMISTON & KILPATRICK 111 KILPATRICK T: 086 811 4987		
Title: FLOOR PLANS & SECTION	Client: Jimmy Burke & Niamh Patrice	
Address: Proposed two-story extension to rear of existing house at Lackanagh, Balnashane, Co. Wicklow, R56 PX70	Scale: 1:50 for A1 Sheet	Date: 5th May 2024
Dwg No: 001	Sheet No: 1 of 2	



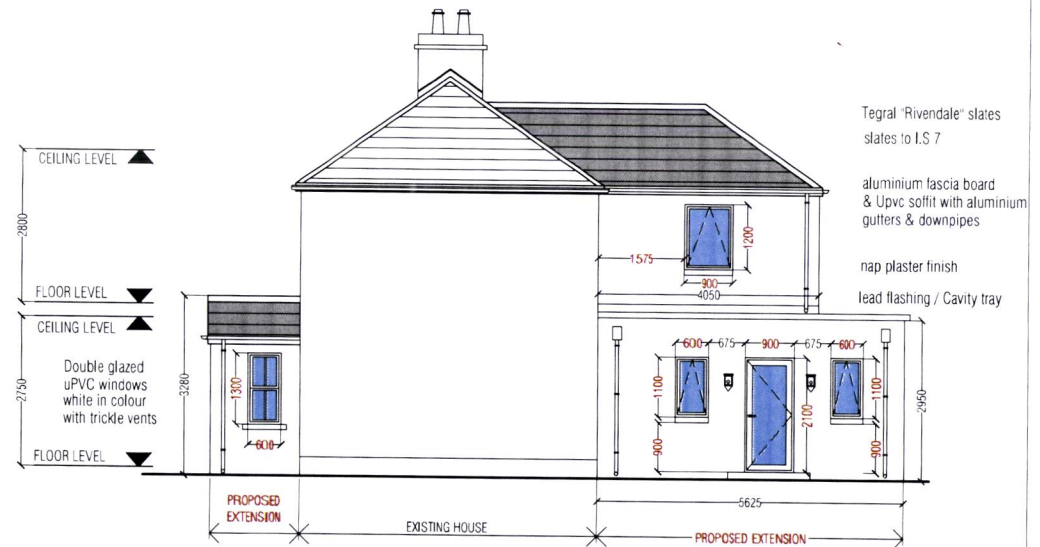
● REAR ELEVATION ~ west elevation
scale 1:100



● SIDE ELEVATION ~ south elevation
scale 1:100



● FRONT ELEVATION ~ east elevation
scale 1:100



● SIDE ELEVATION ~ north elevation
scale 1:100

Title:	ELEVATIONS	Client:	Jimmy Burke & Niamh Patton	EXEMPT DEVELOPMENT	
Address:	Proposed two storey extension to rear of existing house at Lackareagh, Baltinglass, Co. Wicklow, R56 PX70	Scale:	1:100 @ A3 Sheet		
Drng No:	002	Date:	30th May 2024	No.	Revision
		Sheet No:	2 of 2	Prepared By: MARK BYRNE ENG SERVICES CONSULTING ENG & PROJECT MANAGEMENT GORMANSTOWN, KILCULLEN, CO. KILDARE.	
				Tel 087 6351207 E - MAIL markbyrneengservices@gmail.com	

English | Gaeilge

LACKAREAGH

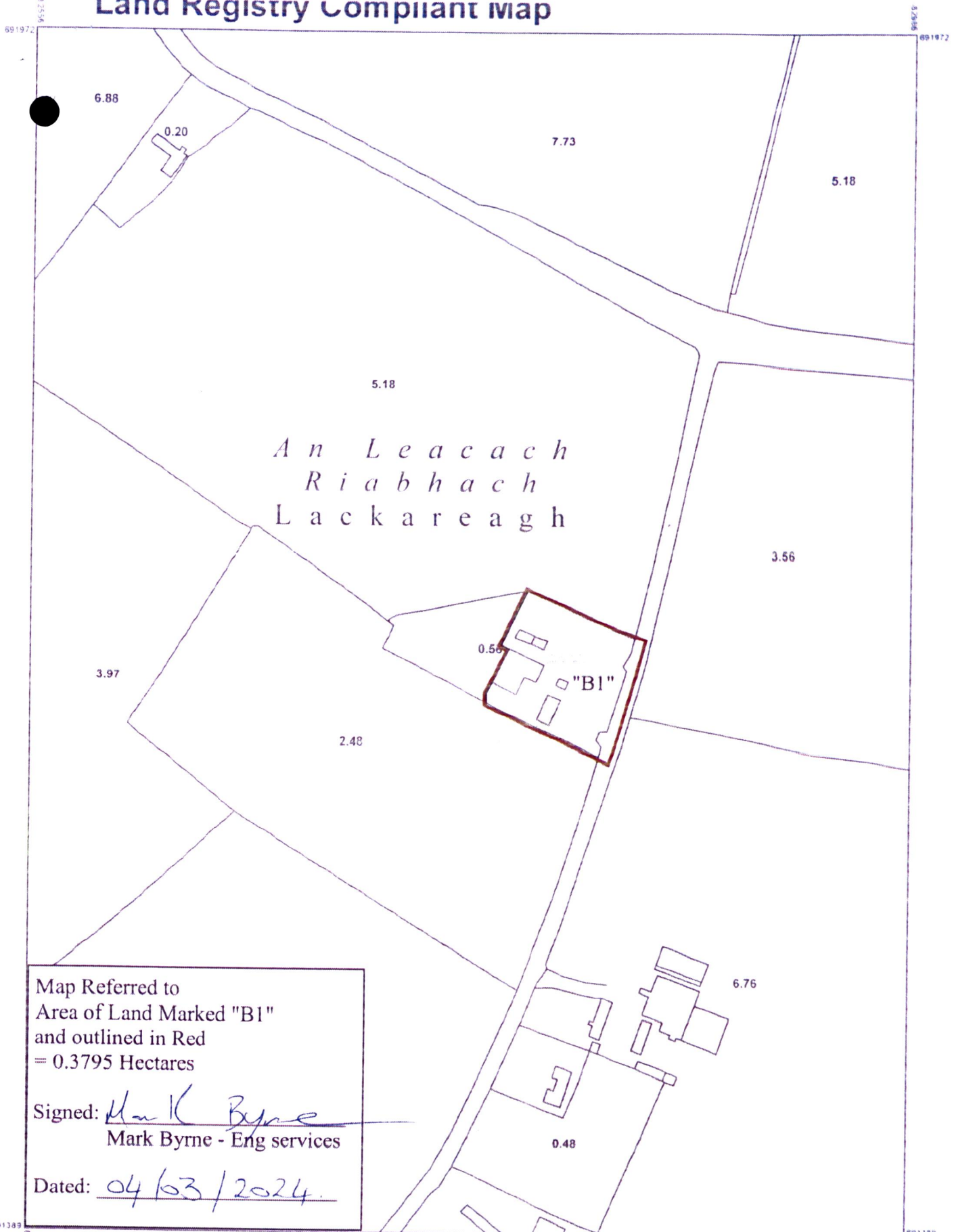
BALTINGLASS

CO. WICKLOW

W91 K2D2



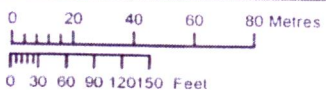
Land Registry Compliant Map



Map Referred to
 Area of Land Marked "B1"
 and outlined in Red
 = 0.3795 Hectares

Signed: Mark Byrne
 Mark Byrne - Eng services

Dated: 04/03/2024



OUTPUT SCALE: 1:2,500



CENTRE COORDINATES:
 ITM 682771,691681

PUBLISHED: 01/03/2024
 ORDER NO.: 50386359_1
 MAP SERIES: 1:5,000 4067
 1:2,500 4067-B

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LEGEND: To view the legend visit www.taiite.ie and search for 'Large Scale Legend'

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