



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  
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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

Ciaran McKenna

30<sup>th</sup> May 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Act 2000 (As Amended) – EX41/2024

A Chara,

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,

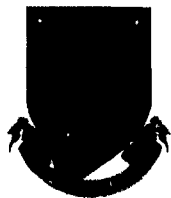
ADMINISTRATIVE OFFICER/  
PLANNING DEVELOPMENT & ENVIRONMENT.



Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas  
This document is available in alternative formats on request.

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe.  
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.





# 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 AS AMENDED

Applicant: Ciaran McKenna

Location: 11 Glenvale Park, Wicklow Town

CHIEF EXECUTIVE ORDER NO. CE/PERD/771/2024

A question has arisen as to whether "25sqm rear extension and conversion of existing 11.6sqm attached garage to a bedroom" at 11 Glenvale Park, Wicklow Town is or is not exempted development.

### Having regard to:

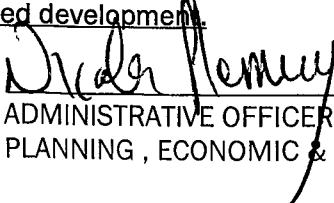
- i. The details submitted on 08/05/2024;
- ii. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

### Main Reasons with respect to Section 5 Declaration:

- 1) The provision of a 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom at 11 Glenvale Park, Wicklow Town, Co. Wicklow is works and therefore is development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 2) The provision of a 25sq.m rear extension is considered to be an extension above ground level to a detached house. Having regard to the proposed floor area of 25m<sup>2</sup>, the separation distance of less than 2m to a party boundary, and the separation distance of less than 11m from the boundary that the proposed rear window faces, it is considered that the proposed extension would not comply with the Conditions and Limitations of Class1, Part 1 of Schedule 2, namely, 1. (c) which limits the above ground level to less than or equal to 20m<sup>2</sup>, 3. which specifies a minimum separation distance of 2m and 6. (b) which specifies a minimum separation distance of 11m

The Planning Authority considers that "25sqm rear extension and conversion of existing 11.6sqm attached garage to a bedroom" at 11 Glenvale Park, Wicklow Town is development and is not exempted development and "conversion of the attached garage 11.6sqm to a bedroom" at 11 Glenvale Park, Wicklow Town is development and is exempted development.

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING , ECONOMIC & RURAL DEVELOPMENT

Dated <sup>31st</sup> May 2024

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All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/771/2024

Reference Number: EX41/2024

Name of Applicant: Ciaran McKenna

Nature of Application: Section 5 Referral as to whether "25sqm rear extension and conversion of existing 11.6sqm attached garage to a bedroom" is or is not development and is or is not exempted development.

Location of Subject Site: 11 Glenvale Park, Wicklow Town

Report from Patrice Ryan, EP & Suzanne White, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "25sqm rear extension and conversion of existing 11.6sqm attached garage to a bedroom" at 11 Glenvale 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 08/05/2024;
- 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, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

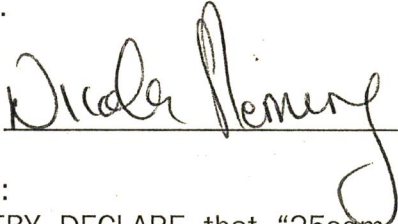
Main Reasons with respect to Section 5 Declaration:

1. The provision of a 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom at 11 Glenvale Park, Wicklow Town, Co. Wicklow is works and therefore is development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).
2. The provision of a 25sq.m rear extension is considered to be an extension above ground level to a detached house. Having regard to the proposed floor area of 25m<sup>2</sup>, the separation distance of less than 2m to a party boundary, and the separation distance of less than 11m from the boundary that the proposed rear window faces, it is considered that the proposed extension would not comply with the Conditions and Limitations of Class1, Part 1 of Schedule 2, namely, 1. (c) which limits the above ground level to less than or equal to 20m<sup>2</sup>, 3. which specifies a minimum

separation distance of 2m and 6. (b) which specifies a minimum separation distance of 11m

**Recommendation:**

The Planning Authority considers that “25sqm rear extension and conversion of existing 11.6sqm attached garage to a bedroom” at 11 Glenvale Park, Wicklow Town is development and is not exempted development and “conversion of the attached garage 11.6sqm to a bedroom” at 11 Glenvale Park, Wicklow Town is development and is exempted development as recommended in the planning reports.

Signed  Dated 31<sup>st</sup> day of May 2024

**ORDER:**

I HEREBY DECLARE that “25sqm rear extension and conversion of existing 11.6sqm attached garage to a bedroom” at 11 Glenvale Park, Wicklow Town is development and is not exempted development and “conversion of the attached garage 11.6sqm to a bedroom” at 11 Glenvale Park, Wicklow Town is development and is exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:  Dated 31<sup>st</sup> day of May 2024  
Senior Engineer  
Planning, Economic & Rural Development



**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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**To:** Fergal Keogh S.E / Edel Bermingham S.E.P. / Suzanne White S.E.P.  
**From:** Patrice Ryan EP.  
**Type:** Section 5 Application  
**REF:** EX 41/2024  
**Applicant:** Ciaran McKenna  
**Date of Application:** 08/05/2024  
**Decision Due Date:** 04/06/2024  
**Address:** 11 Glenvale Park, Wicklow Town, Co. Wicklow  
**NOTE:** 11 Glendale Park stated on the Section 5 Application. Site located using the Site Location Map submitted.

**Exemption Query:** Proposed single storey extension to the rear of the dwelling with a floor 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom.

**Application Site:** The application site is a detached two storey dwelling with an attached garage to one side located along Glenvale Park in Wicklow Town.

**Relevant Planning History:** None

**Question:**

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

*“Proposed 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom at their dwelling 11 Glenvale Park, Wicklow Town, Co. Wicklow”*

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,*

*(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, 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.*

##### **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.*

**Assessment:**

The Section 5 declaration application seeks an answer with respect to the following question: Whether or not the "Proposed 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom at their dwelling 11 Glenvale Park, Wicklow Town, Co. Wicklow", 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 its associated Regulations. 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.*

**Assessment against Schedule 2, Part 1 Class 1 –Exempted Development General of the Planning and Development Regulations 2001 (as amended) :**

*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.**

Has not been extended previously.

Proposed 2 storey extension to rear with 22.52sq.m storage area at ground floor level to the rear, a first floor living kitchen dining extension of 25sq.m a first floor to the rear and the conversion of an attached garage of 11.6sq.m –Total new habitable floor area 36.6sq.m

**(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.**

N/A

**(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.**

Detached House.  
Ground level extension -23.52sq.m.  
Above ground level extension – 25sq.m

**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.**

Has not been extended previously.

**(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.**

N/A



*(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.*

Not extended previously.

Current proposed above ground floor extension – 25sq.m.

**3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.**

Proposed above ground floor extension to the rear is less than 2 metres from the northern and southern shared party boundaries.

**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.**

Rear wall includes a gable.

**(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.**

Rear wall includes a gable. The height of the wall of the extension does 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.**

Flat roof extension does not exceed the height of the eaves or parapet.

**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.**

70sq.m of private rear garden retained.

**6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.**

No windows proposed at ground level.

**(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.**

Windows are proposed in rear elevation of above ground level extension which will be 10.150 metres from the boundary they face.

**(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.**

Extension above ground level exceeds 12sq.m. Windows are proposed in rear elevation of above ground level extension which will be 10.150 metres from the boundary they face.

*7. The roof of any extension shall not be used as a balcony or roof garden.*

Given the proposed rear extension will be built on a ground level storage area to the rear of the existing dwelling at a FFL of c.2m from ground level, the proposed rear extension is considered to be above ground level.

With this in mind, the proposed rear extension falls under Sections 1(c) and section 3 of the conditions and limitations set out for Schedule 2, Part 1, Class 1 for Exempted Development.

In particular, the proposal put forward for extension to rear of No.11 Glenvale Park, Wicklow Town, Co. Wicklow will exceed the maximum floor area (20sqm) for an extension above ground level for a detached dwelling. The proposed above ground floor area of 25sqm would not be in accordance with section 1(c) of the conditions and limitations set out for class 1 of Exempted Development which states ***'where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.***

Furthermore, the proposals would result in an above ground floor extension which is located less than 2 metres from any party boundary and so does not accord with section 3 of the conditions and limitations set out for class 1 of Exempted Development which states that *'any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.'*

Finally the proposal would result in an above ground floor level extension which exceeds 12 square metres where the proposed windows above ground level are less than 11 metres from the boundary they face. In this regard the windows will be 10.150metres from the boundary they face. The proposal therefore does not accord with Section 6 (b) and 6(c) of the conditions and limitations set of for Class 1 Exempted Development-General which states

**Recommendation:**

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the *'Proposed 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom at their dwelling 11 Glenvale Park, Wicklow Town, Co. Wicklow'*, is or is not exempted development.

The Planning Authority considers that:

The Proposed extension to the rear of the dwelling with a floor area of 25sq.m and the conversion of the attached garage 11.6sq.m to a bedroom at *11 Glenvale Park, Wicklow Town, Co. Wicklow* is development and **is not exempted development.**

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 08/05/2024;
- 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, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The provision of a 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom at 11 Glenvale Park, Wicklow Town, Co. Wicklow is works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The development of an above ground extension to the rear of the dwelling with a floor area of 25sqm would not accord with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and therefore is not exempted development.

- The development of an extension to the rear of the dwelling with a floor area of 25sqm as shown on the drawings submitted is considered to be above ground level and so the development would not accord with the maximum floor area of 20sqm for an extension above ground level as set out in 1(c) of the conditions and limitations of Schedule 2, Part 1, Class 1.
- The development would also be located within 2 metres of a party wall which is the minimum separation distance for an above ground extension and so the development would not satisfy condition 3 as set out in the conditions and limitations of Schedule 2, Part 1, Class 1 which states that any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- The development would result in an above ground floor level extension which exceeds 12 square metres where the proposed windows above ground level are less than 11 metres from the boundary they face. In this regard the windows of the above ground floor extension will be 10.150metres from the boundary they face. The proposal therefore does not accord with Section 6 (b) and 6(c) of the conditions and limitations set of for Class 1 which state (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces and (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.




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**Patrice Ryan**  
**Executive Planner**  
**30/05/2024**

Noted. The declaration request included 2 questions, one relating to the extension to the rear and the other to the conversion of the attached garage. The above assessment and recommendation does not deal with the 2<sup>nd</sup> question.

The submitted drawings show the converted garage as a bedroom. The garage is attached to the side of the house. From the site visit it would appear the garage is an original construction attached to the side of the dwelling. No windows are proposed in the side of the garage. Having regard to the conditions and limitations of Class1, I consider that the conversion of the garage comes within the scope of Class 1 and is therefore exempted development.

Having regard to the above I recommend that the following declaration is issued:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the *'Proposed 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom at their dwelling 11 Glenvale Park, Wicklow Town, Co. Wicklow'*, is or is not exempted development.

The Planning Authority considers that:


The Proposed extension to the rear of the dwelling with a floor area of 25sq.m at *11 Glenvale Park, Wicklow Town, Co. Wicklow* is development and **is not exempted development** and the conversion of the attached garage 11.6sq.m to a bedroom at *11 Glenvale Park, Wicklow Town, Co. Wicklow* is development and **is exempted development**.

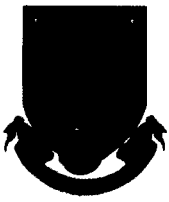
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Main Reasons with respect to Section 5 Declaration:

1. The provision of a 25sq.m rear extension and conversion of existing 11.6sq.m attached garage to a bedroom at 11 Glenvale Park, Wicklow Town, Co. Wicklow is works and therefore is development, having regard to Section 3 of the Planning and Development Act 2000 (as amended).
2. The provision of a 25sq.m rear extension is considered to be an extension above ground level to a detached house. Having regard to the proposed floor area of 25m<sup>2</sup>, the separation distance of less than 2m to a party boundary, and the separation distance of less than 11m from the boundary that the proposed rear window faces, it is considered that the proposed extension would not comply with the Conditions and Limitations of Class1, Part 1 of Schedule 2, namely, 1. (c) which limits the above ground level to less than or equal to 20m<sup>2</sup>, 3. which specifies a minimum separation distance of 2m and 6. (b) which specifies a minimum separation distance of 11m

Kejla T. May   
31/05/24



**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**

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**TO: Patrice Ryan**  
**Executive Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).**  
**EX41/2024**

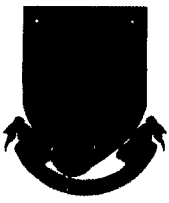
I enclose herewith application for Section 5 Declaration received 8<sup>th</sup> May 2024.

The due date on this declaration is 4<sup>th</sup> June 2024.

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**Staff Officer**  
**Planning Development & Environment**





# Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Cill Mhantáin / Wicklow  
Guthán / Tel: (0404) 20148  
Faics / Fax: (0404) 69462  
Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

9<sup>th</sup> May 2024

Liam Kenna  
Moneystown  
Roundwood  
Co. Wicklow

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX41/2024 for Ciaran McKenna**

A Chara

I wish to acknowledge receipt on 08/05/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 04/06/2024.

Mise, le meas

---

Nicola Fleming  
Staff Officer  
Planning, Economic & Rural Development



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

09/05/2024 09 34 41

Receipt No L1/0/329000

L MCKENNA  
MONEYSTOWN  
ROUNDWOOD  
CO WICKLOW

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

Total 80 00 EUR

Tendered  
Credit Card 80 00  
PLANNING PART 5

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  
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Date Received \_\_\_\_\_

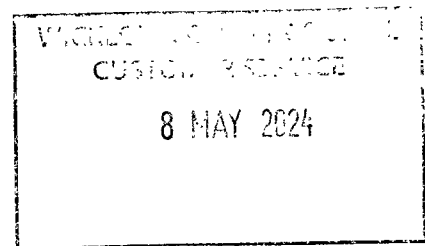
Fee Received \_\_\_\_\_

**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: CIARAN MC KENNA  
Address of applicant: \_\_\_\_\_  
\_\_\_\_\_

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



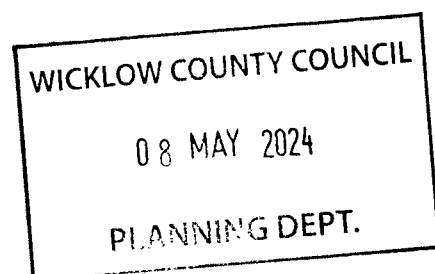
**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) LIAM KENNA

Address of Agent : \_\_\_\_\_

MONEYSTOWN, ROUNDWOOD, CO. WICKLOW

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





### 3. Declaration Details

- i. Location of Development subject of Declaration  
11 GLENDALE PARK, WICKLOW TOWN, CO. WICKLOW
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
Yes.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier \_\_\_\_\_  
\_\_\_\_\_  
N/A  
\_\_\_\_\_
- 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  
MY CLIENT CIARAN MC KENNA WISHES TO BUILD A 25 SQM REAR EXTENSION AND CONVERT THE EXISTING 11.6 SQM ATTACHED GARAGE INTO A BEDROOM IN HIS DWELLING AND WE BELIEVE THESE WORKS ARE EXEMPT UNDER CLASS 1 PART 1 OF SCHEDULE 2 AND My clients now seek section 5 approval for the conversion under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.  
*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 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 \_\_\_\_\_  
PLEASE SEE ATTACHED
- viii. Fee of € 80 Attached ? PLEASE CONTACT ME ON 0879636167 FOR PAYMENT

Signed : Liam Lema Dated : 26 /4 /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.

Drawing Schedule

001 OS Maps, Existing and Proposed Site Layout

A1 1:10560, 2500, 250

002 Existing Dwelling

A1 1:100

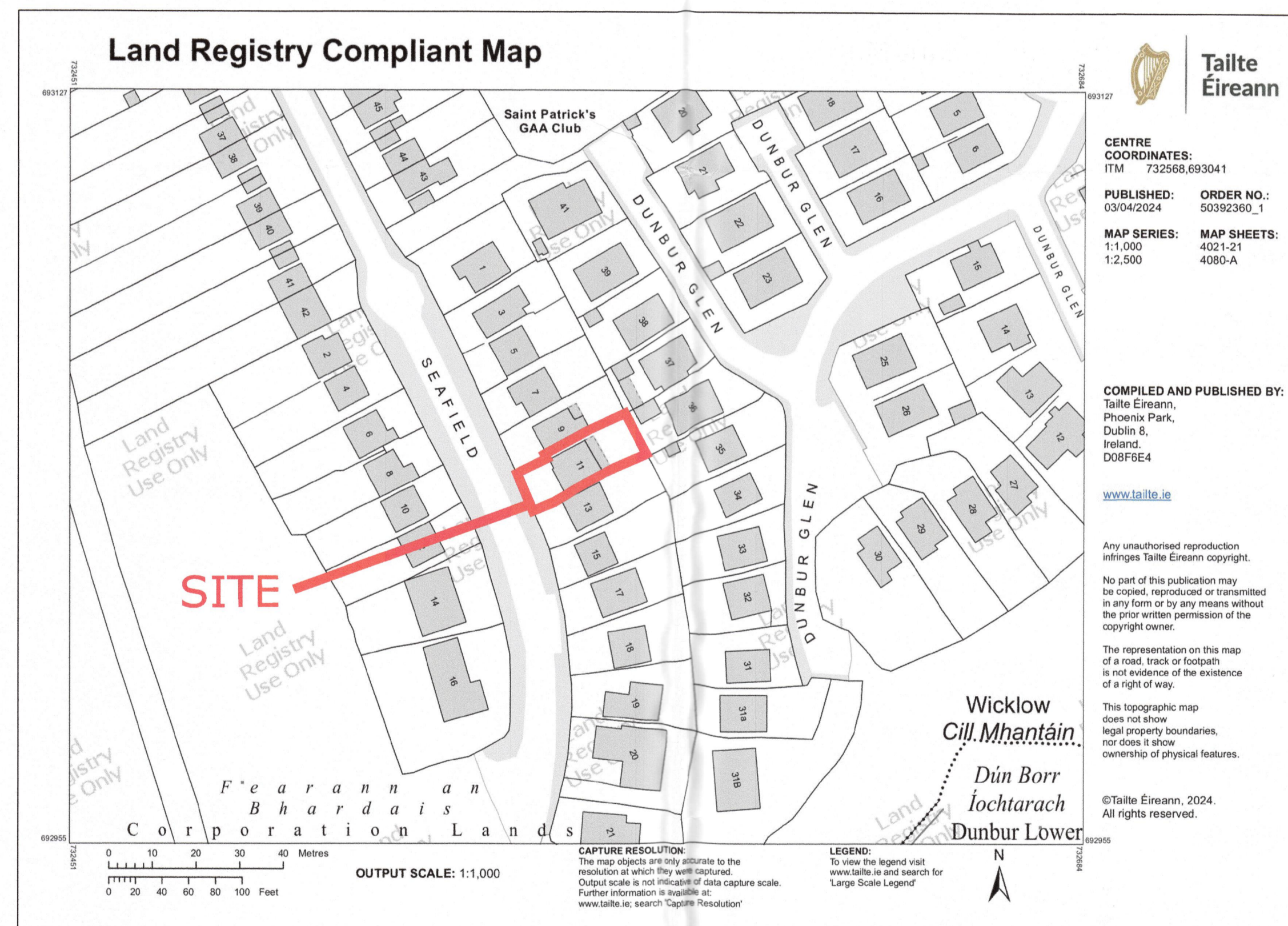
003 Proposed Dwelling

A1 1:100



NOTE : FIGURED DIMENSIONS ONLY.  
DO NOT SCALE DRAWING.  
CONTRACTOR TO CHECK DIMENSIONS  
ON SITE BEFORE CONSTRUCTION.  
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TO ATTENTION OF THE SURVYORS  
PIOR TO THE COMMENCEMENT OF  
WORK.

DRAWING IS INTENDED SOLEY FOR  
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MAP SHEETS: 4021-21  
1:2,500 4080-A

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Wicklow  
Cill Mhantáin  
Dún Borr  
Iochtarach  
Dunbur Lower

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[www.tailte.ie](http://www.tailte.ie) search 'Capture Resolution'

DRAWING BY: LIAM KENNA	DATE: 02.04.24
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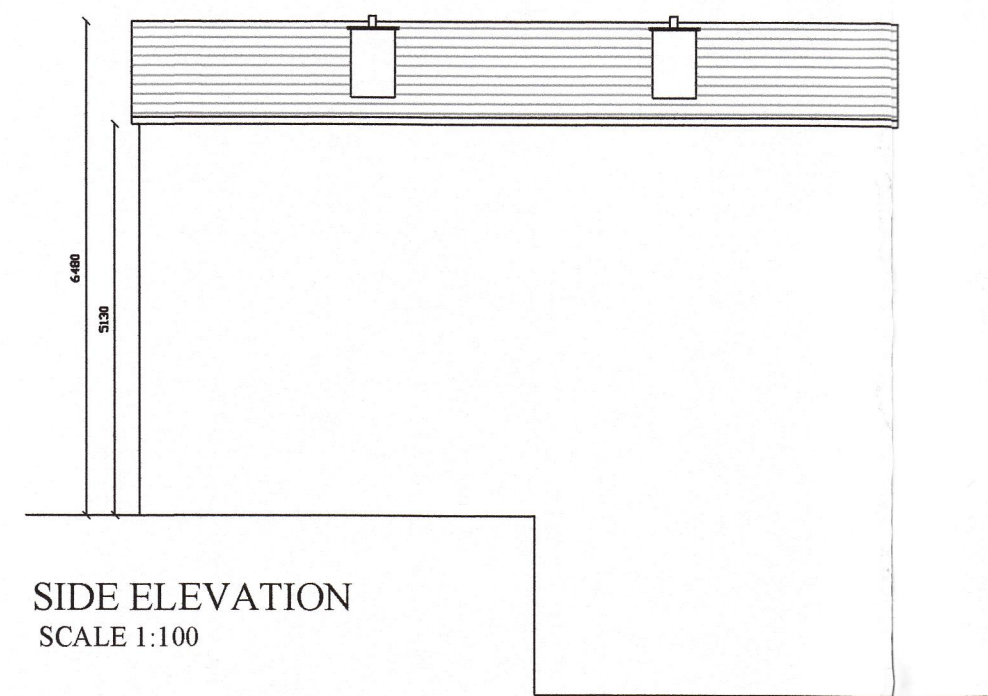
DRAWING: OSI MAPS AND EXISTING AND PROPOSED SITE LAYOUT SCALE 1:10560, 1000, 250
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PROJECT: CIARAN MC KENNA, 11 GLENDALE PARK, WICKLOW TOWN, CO. WICKLOW.
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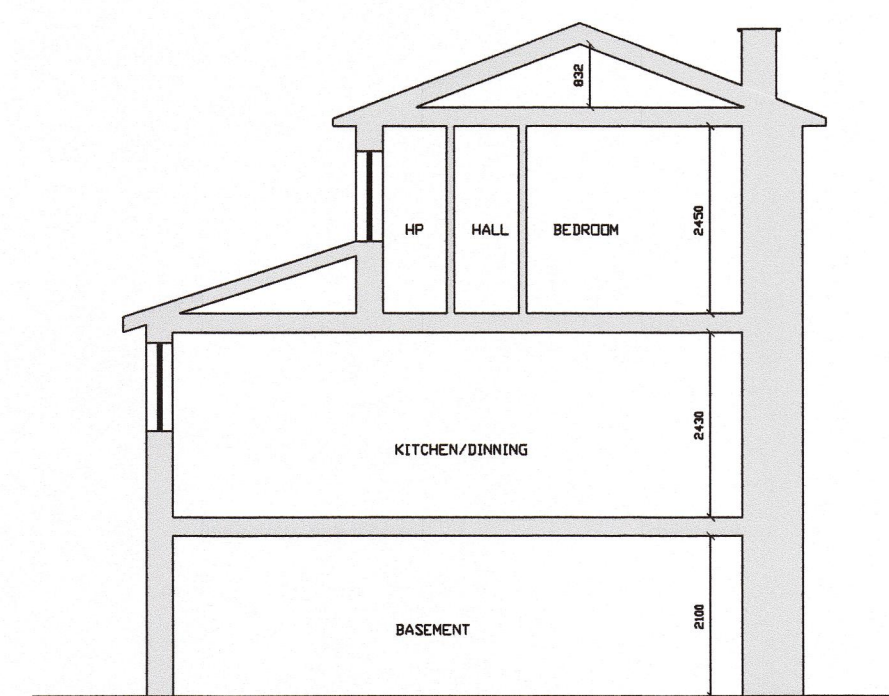
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FRONT ELEVATION  
SCALE 1:100



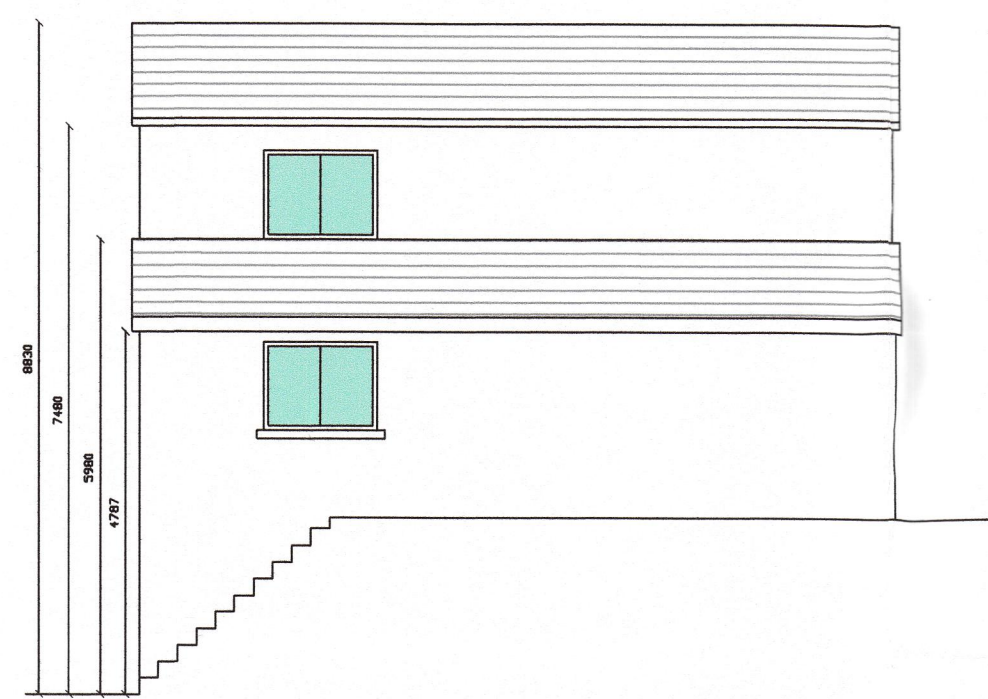
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SCALE 1:100



SECTION A-A  
SCALE 1:100



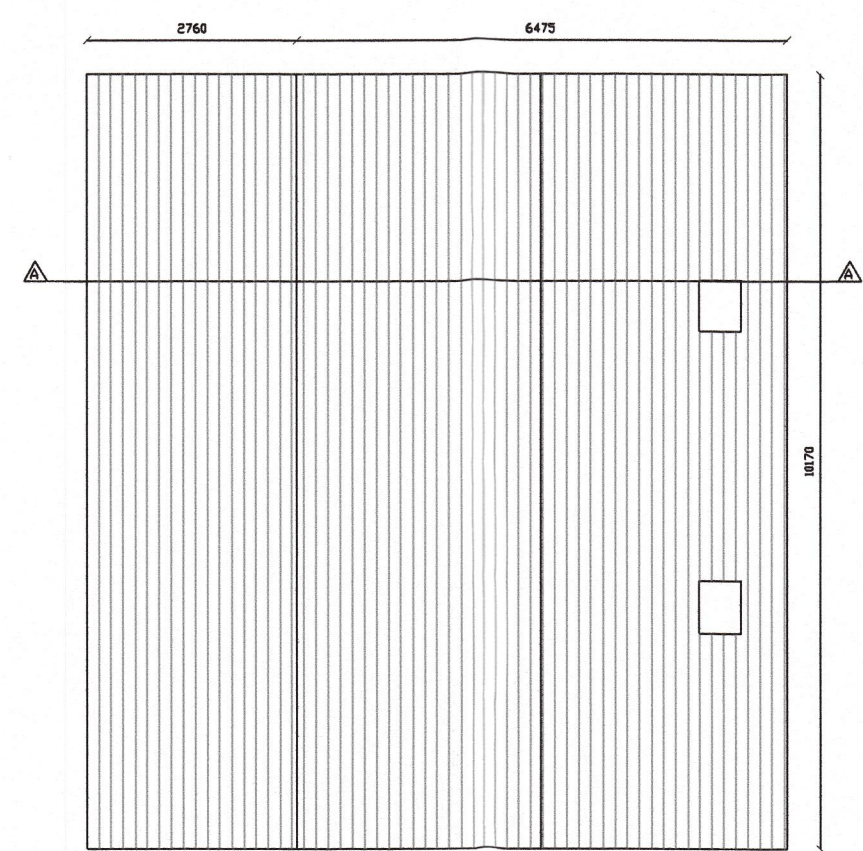
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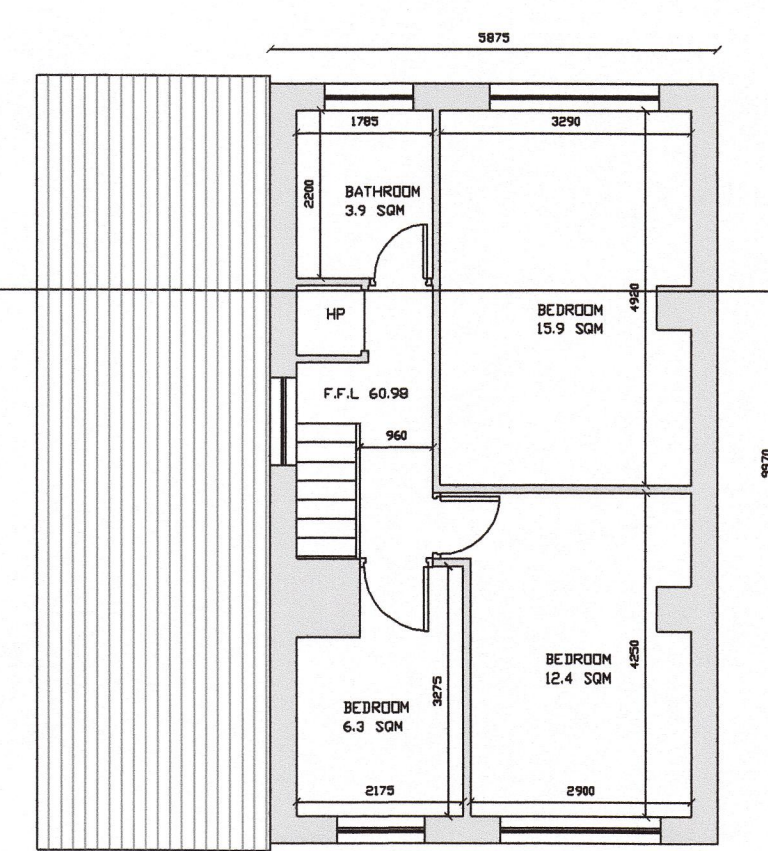
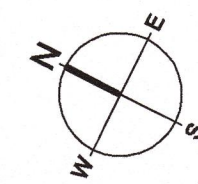
SIDE ELEVATION  
SCALE 1:100

FINISHES:  
ROOF: BROWN ROOF TILES  
CILLS: Concrete  
WINDOWS: PVC glazed windows  
WALLS: NAP PLASTER

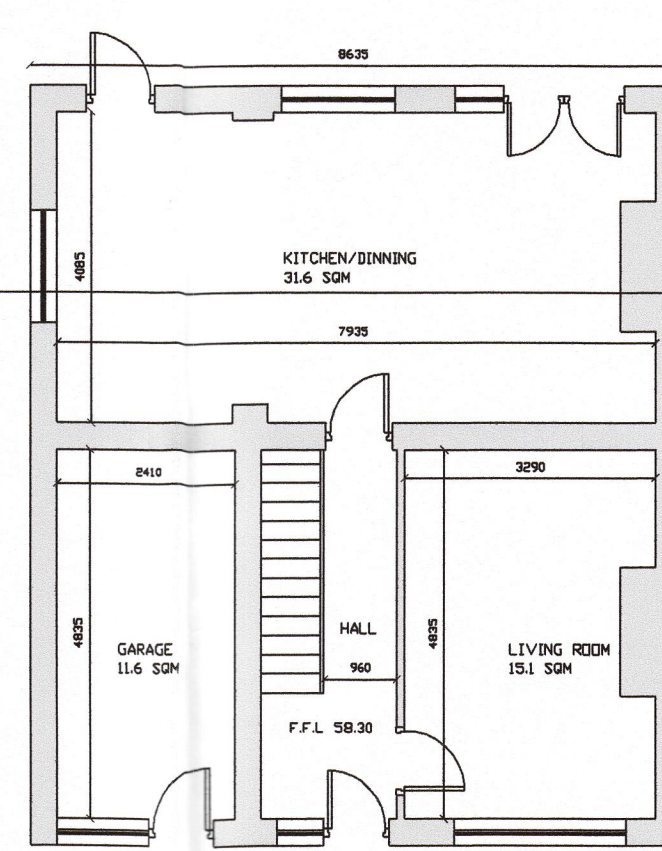
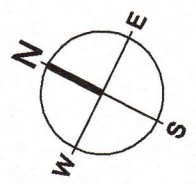
EXISTING  
DWELLING



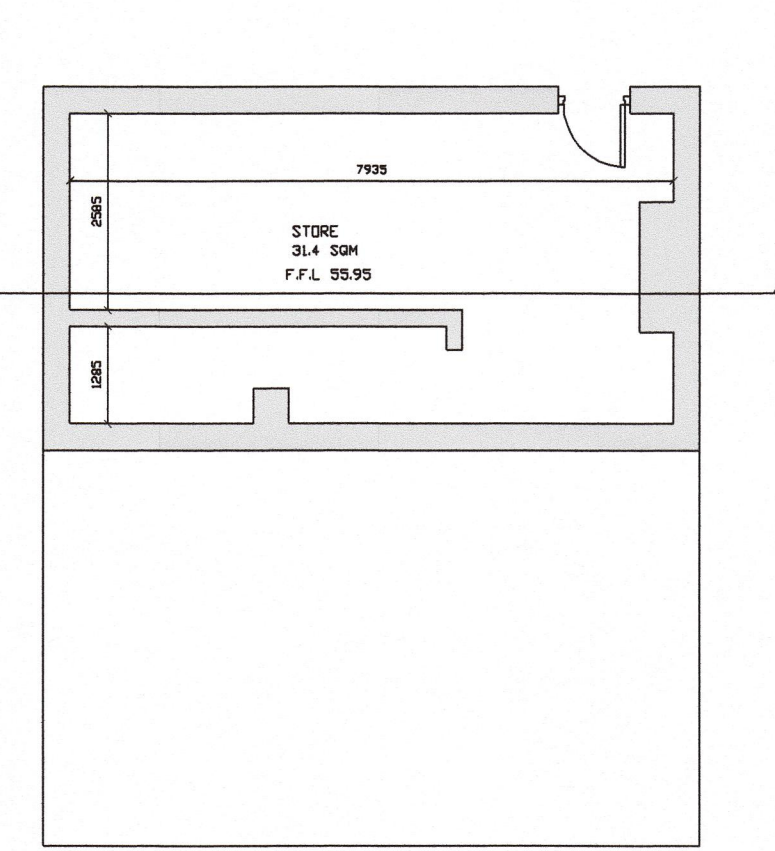
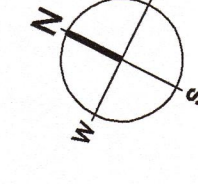
ROOF PLAN  
SCALE 1:100  
TOTAL FLOOR  
AREA 150 SQM



FIRST FLOOR PLAN  
SCALE 1:100  
FLOOR AREA  
46.6 SQM



GROUND FLOOR PLAN  
SCALE 1:100  
FLOOR AREA  
72.0 SQM



LOWER FLOOR PLAN  
SCALE 1:100  
FLOOR AREA  
31.4 SQM

NOTE : FIGURED DIMENSIONS ONLY.  
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DRAWING:  
EXISTING DWELLING  
SCALE 1:100

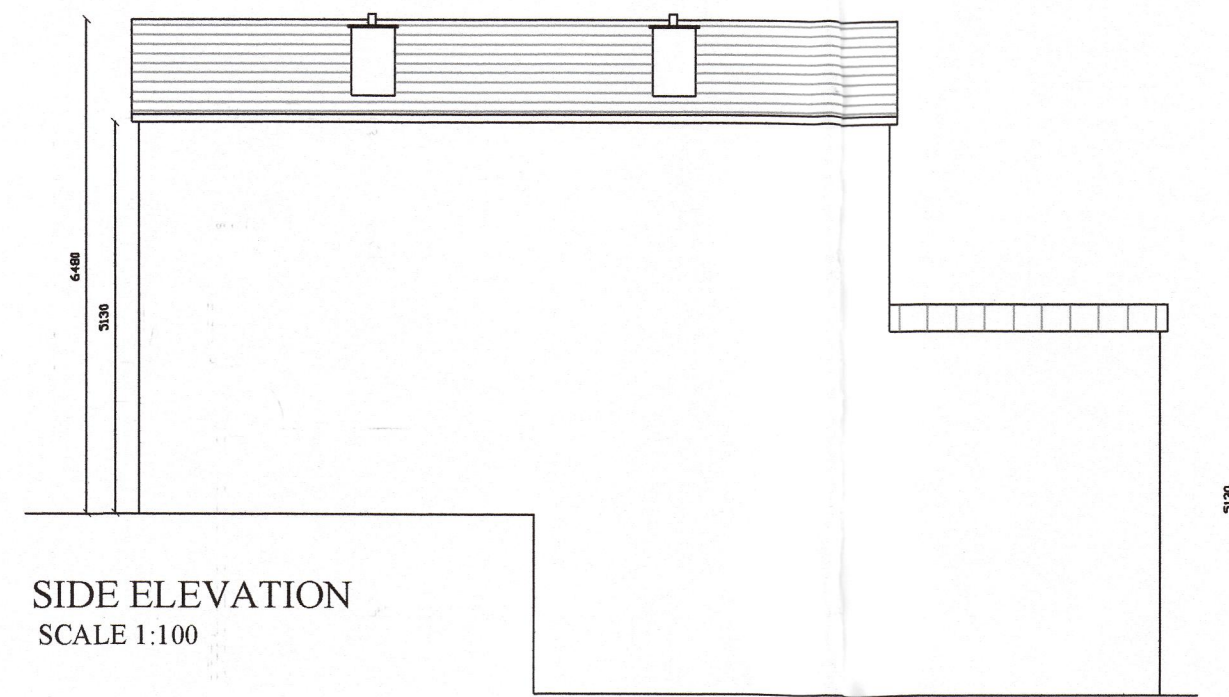
PROJECT:  
CIARAN MC KENNA,  
11 GLENDALE PARK,  
WICKLOW TOWN,  
CO. WICKLOW.

DRAWING NO. 002  
SHEET NO. 02

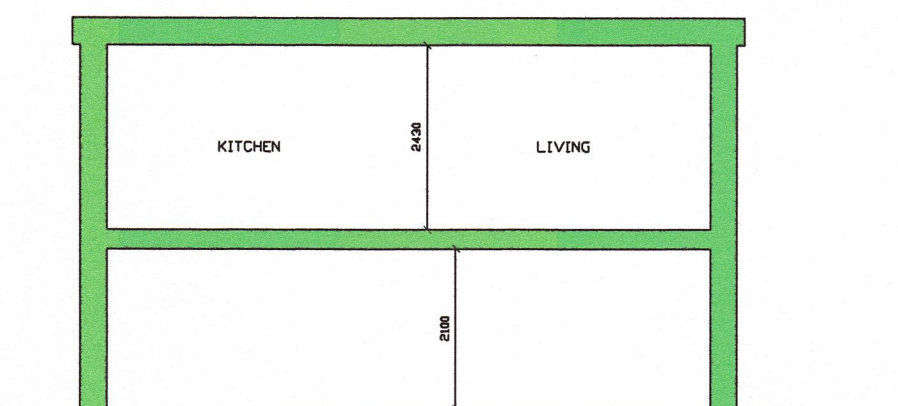
DRAWING BY:  
LIAM KENNA  
DATE:  
02.04.24



FRONT ELEVATION  
SCALE 1:100



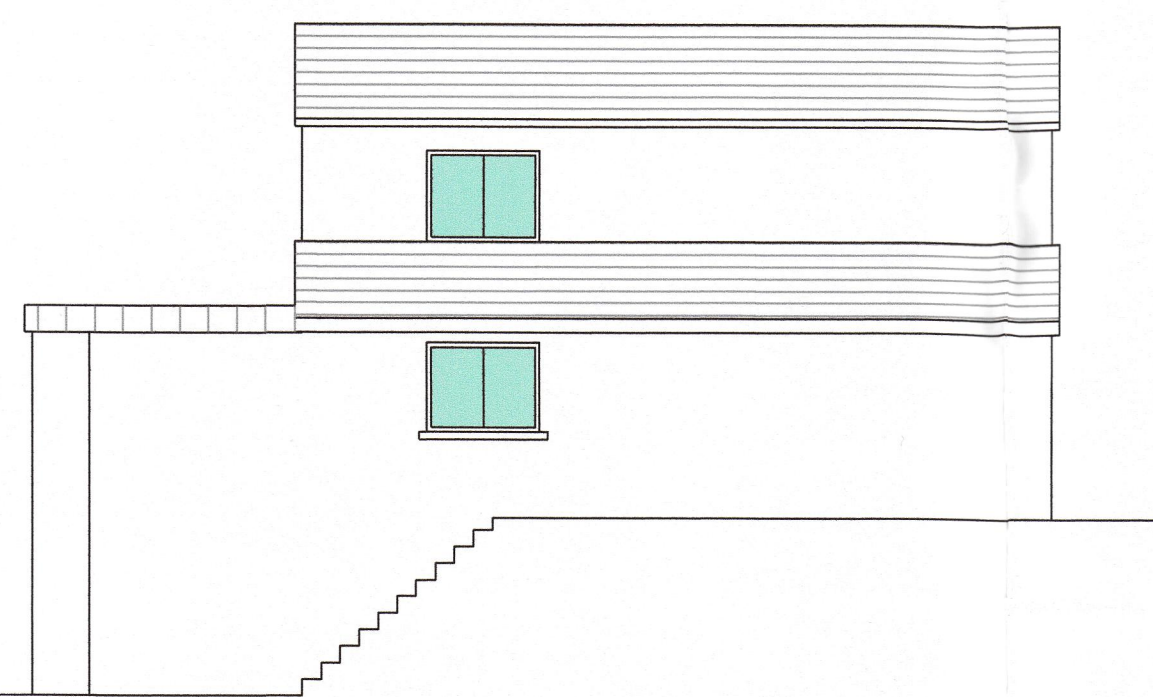
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SCALE 1:100



SECTION A-A  
SCALE 1:100



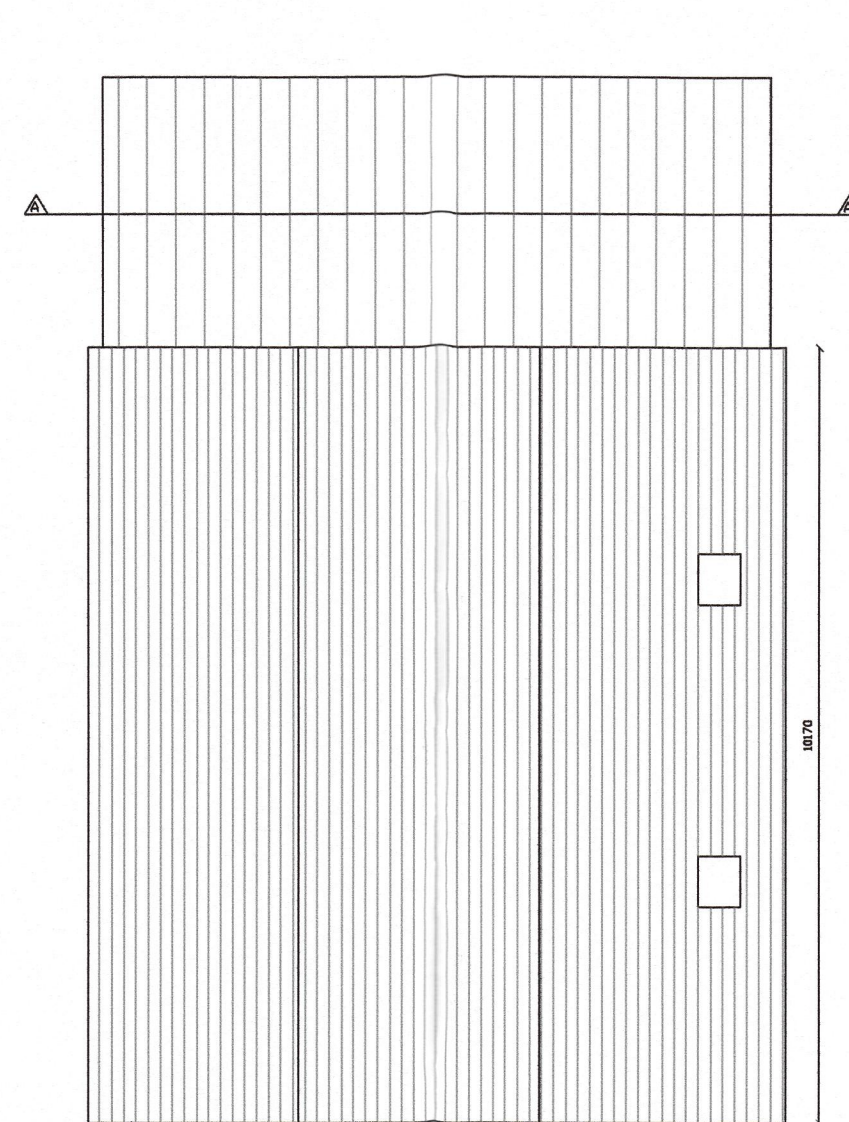
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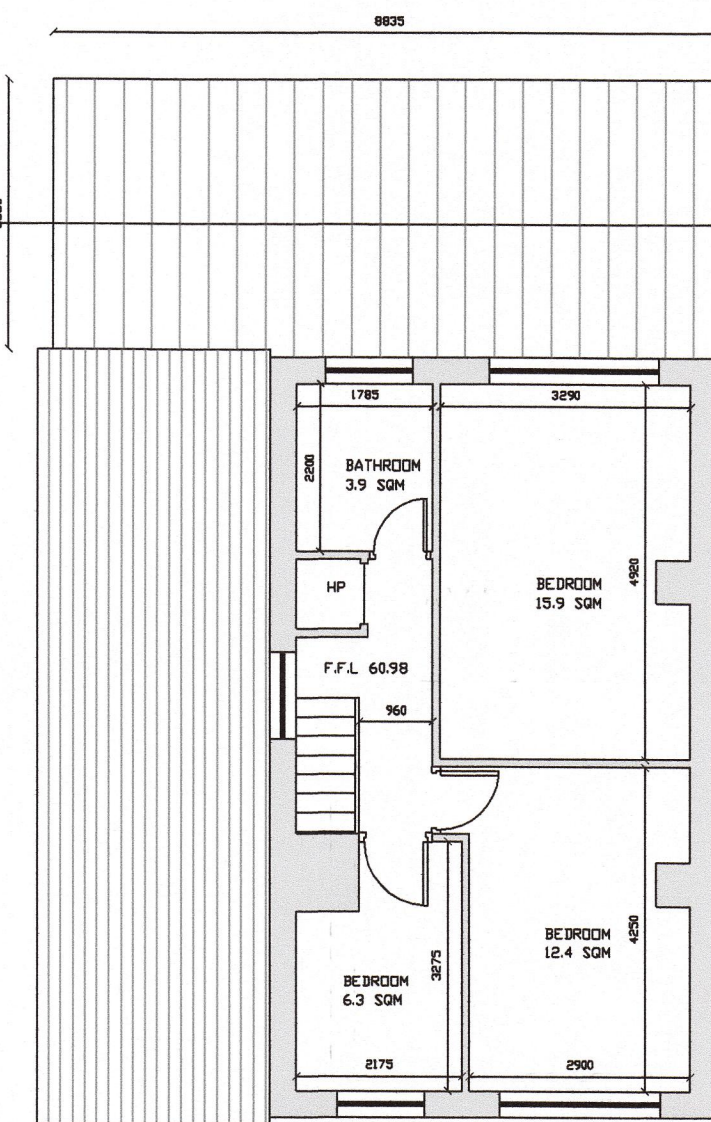
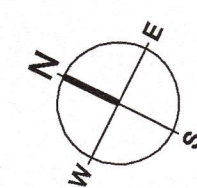
SIDE ELEVATION  
SCALE 1:100

FINISHES:  
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CILLS: Concrete  
WINDOWS: PVC glazed windows  
WALLS: NAP PLASTER

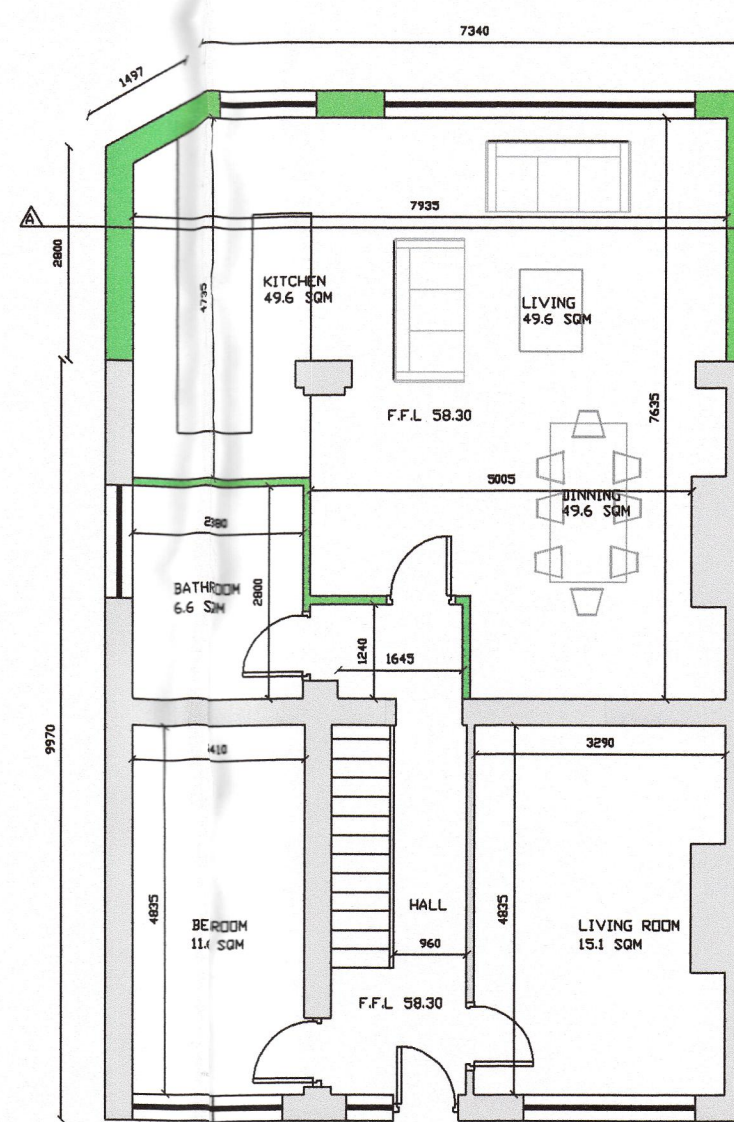
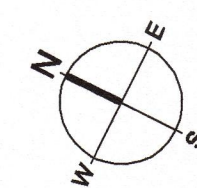
**PROPOSED DWELLING**



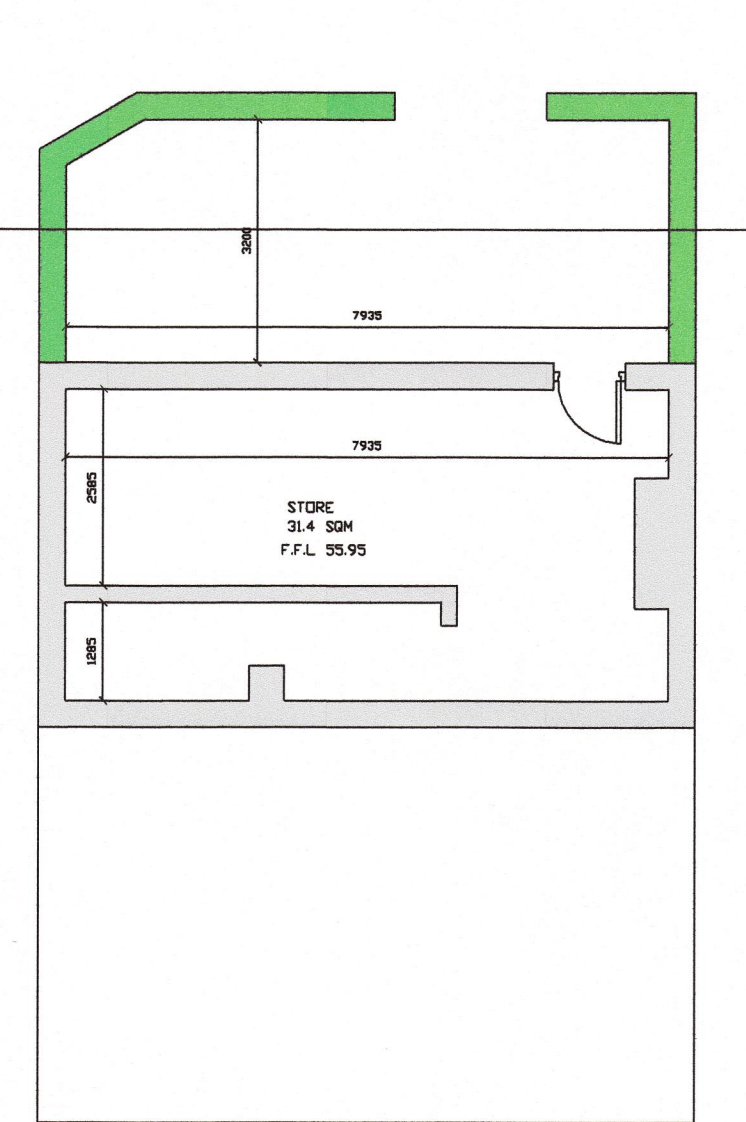
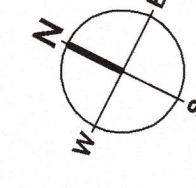
ROOF PLAN  
SCALE 1:100  
TOTAL FLOOR AREA 178 SQM



FIRST FLOOR PLAN  
SCALE 1:100  
FLOOR AREA 46.6 SQM



GROUND FLOOR PLAN  
SCALE 1:100  
FLOOR AREA 10.0 SQM



LOWER FLOOR PLAN  
SCALE 1:100  
FLOOR AREA 31.4 SQM

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DRAWING:  
EXISTING DWELLING  
SCALE 1:100

PROJECT:  
CIARAN MC KENNA,  
11 GLENDALE PARK,  
WICKLOW TOWN,  
CO. WICKLOW.

DRAWING NO. 003  
SHEET NO. 03

DRAWING BY:  
LIAM KENNA

DATE:  
02.04.24