



COMHAIRLE CONTAE CHILL Mhantáin  
Wicklow County Council

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

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

Jimmy Burke & Niamh Paton  
Lackareagh,  
Baltinglass,  
Co Wicklow.

1st May 2024

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 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.



DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING &

DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Jimmy Burke & Niamh Paton

Location: Lackareagh, Baltinglass, Co Wicklow.

CHIEF EXECUTIVE ORDER NO. CE/PERD/EX342024

A question has arisen as to whether

A. Provision of a new 37sqm rear extension to dwelling, - B. Provision of a 2sqm front porch, and - C. Demolition of existing c.18sqm single storey extension to rear of dwelling is or is not exempted development.

**Having regard to:**

- v. The details submitted on 26/04/2024;
- vi. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- vii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- viii. 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:**

- (a) 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).
- (b) 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.
- (c) 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.
- (d) 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.



**The Planning Authority considers that**

A. Provision of a new 37sqm rear extension to dwelling, - C. Demolition of existing c.18sqm single storey extension to rear of dwelling **is development and is not exempted development.**

B. Provision of a 2sqm front porch, is **development and it is exempted development**

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated: 5<sup>th</sup> day of May 2024

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/714/2024

Reference Number: EX34/2024

Name of Applicant: Jimmy Burke & Niamh Paton

Nature of Application: Section 5 Referral as to whether ".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" is or is not development and is or is not exempted development.

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

Report from: Billy Slater (AP), Edel Bermingham (SEP).

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "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." 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 26/04/2024;
- 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:

- (a) 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).
- (b) 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.
- (c) 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.

- (d) 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.

#### Recommendation

The Planning Authority considers that

- A. Provision of a new 37sqm rear extension to dwelling,  
C. Demolition of existing c.18sqm single storey extension to rear of dwelling,  
is development and is not exempted development as recommended in the planning reports.

The Planning Authority considers that

- B. Provision of a 2sqm front porch.  
is development and is exempted development as recommended in the planning reports.

Signed  Dated 01<sup>st</sup> day of May 2024

ORDER:


I HEREBY DECLARE:

- That A. Provision of a new 37sqm rear extension to dwelling,  
C. Demolition of existing c.18sqm single storey extension to rear of dwelling,

is development and is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

- That B. Provision of a 2sqm front porch.

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

Signed:   
Senior Engineer  
Planning, Economic & Rural Development

Dated 21<sup>st</sup> day of May 2024



**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

**To:** Fergal Keogh S.E / Suzanne White S.E.P. / Edel Bermingham S.E.P.  
**From:** Billy Slater A.P.  
**Type:** Section 5 Application  
**REF:** EX 34/2024  
**Applicant:** Jimmy Burke and Niamh Paton  
**Date of Application:** 26/04/2024  
**Decision Due Date:** 24/05/2024  
**Address:** Lackareagh, Baltinglass Co. Wicklow  
**Exemption Query:** Extension to detached 1950's house less than 40sqm.

**Application Site:** The application site is occupied by a detached two-story dwelling and is located in a level 10 rural area c.4.5km north-west of Baltinglass Town.

**Aerial / Site Image**



**Section 5 Referral**

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

- A. Provision of a 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.

**Relevant Planning History:** No planning history on site.

**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 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:

### **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.*

**Associated conditions and limitations:**

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.*
3. (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.*
4. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*
5. (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.*
6. *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.*  
  
(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 structures GFA: 124sqm

Proposed extension GFA: 39sqm

Total GFA: c.145sqm (as existing extension of c.18sqm is subtracted)

Private open space retained: In excess of c.1000sqm available to the front alone

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

#### **Assessment:**

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

- A. Provision of a new 37sqm rear extension to dwelling,
- B. Provision of a 2sqm front porch, and
- 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:

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.

A. Provision of a new 37sqm rear extension to 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?</i>	Yes – from floor plans provided and review of areal imagery / street view imagery and existing extension is present and shall be 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 demolition of the existing extension which would be required due to its citing to the rear the extension shall not surpass 40sqm (37sqm).
<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 15sqm

<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.
<i>Would the height of the walls of the extension exceed the height of the rear wall of the house?</i>	Yes – proposed rear facing gable exceeds the height of the rear wall of the house
<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>	No, pitched roof extension which does not exceed existing building height.
<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>	No - In excess of c.1000sqm available to the front alone
<i>Would the window proposed at ground level in the extension be less than 1 metre from the boundary it faces?</i>	No – all windows are in excess of 1 metre from the boundary it faces
<i>Would the window proposed at first floor level in the extension be less than 11 metre from the boundary it faces?</i>	Yes – south facing first floor window is within 11m of site boundary.
<i>Would the roof of the extension be used as a balcony or roof garden?</i>	No - no means of access onto the flat roofed single storey portion of the extension is proposed.

#### B. Provision of a 2sqm front porch,

Schedule 2, Pt.1 Class 7 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 1 Checklist

<i>Any such structure shall be situated not less than 2 metres from any road.</i>	Yes - The porch is setback in excess of 2m from the adjoining road.
<i>The floor area of any such structure shall not exceed 2 square metres.</i>	Yes - Proposed porch is 2qm.
<i>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.</i>	Yes - The proposed front porch is a tiled or slated pitched roof and does not exceed 4 meters in height (3.280m)

C. Demolition of an existing c.18sqm single storey extension 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 shortcomings under Schedule 2, Pt.1 Class 1, the proposed demolitions would also fall outside of the remit of Schedule 2, Part 1, Class 50(b) as such works to a habitable structure relates only to demolitions in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively.

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)*.

**Conclusion:**

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

- A. Provision of a new 37sqm rear extension to dwelling,
- B. Provision of a 2sqm front porch, and
- C. Demolition of existing c.18sqm single storey extension to rear of dwelling,

at Lackareagh, Baltinglass Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that:

- A. Provision of a new 37sqm rear extension to dwelling **is development and is NOT exempted development.**
- B. Provision of a 2sqm front porch **is development and is exempted development.**
- C. Demolition of an existing c.18sqm single storey extension to rear of dwelling **is development and is NOT exempted development.**

Main Considerations with respect to Section 5 Declaration:

- i. The details submitted on 26/04/2024;
- 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 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.

Billy Slater

---

**Billy Slater A.P.**  
16/05/2024

April 21/05/2024

Issue is recommended  
April 21/05/24  
SS

**Appendix 1 – Additional Google Street View imagery of rear extension dated 2023**



# MEMORANDUM

## WICKLOW COUNTY COUNCIL

---

**TO: Billy Slater**  
**Assistant Planner**

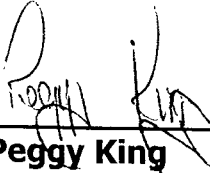
**FROM: Peggy King**  
**A/Assistant Staff Officer**

---

**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX34/2024**

I enclose herewith application for Section 5 Declaration received 26th April 2024.

The due date on this declaration is 24<sup>th</sup> May 2024

  
\_\_\_\_\_  
**Peggy King**  
**A/Assistant Staff Officer**  
**Planning Development & Environment**



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

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

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

26th April 2024

**Jimmy Burke & Niamh Paton**  
**Sparrow Road**  
**Dunlavin**  
**Co Wicklow**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX34/2024**

A Chara

I wish to acknowledge receipt on 24/04/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 24/05/2024.

Mise, le meas

---

**PEGGY KING**  
**A/Assistant Staff Officer**  
**PLANNING ECONOMIC & RURAL DEVELOPMENT**





# MEMORANDUM

## WICKLOW COUNTY COUNCIL

---

**TO: Billy Slater**  
**Assistant Planner**

**FROM: Peggy King**  
**A/Assistant Staff Officer**

---

**RE:- Application for Certificate of Exemption under Section 5 of the  
Planning and Development Acts 2000 (as amended).  
EX34/2024**

I enclose herewith application for Section 5 Declaration received 26th April 2024.

The due date on this declaration is 24<sup>th</sup> May 2024

  
\_\_\_\_\_  
**Peggy King**  
**A/Assistant Staff Officer**  
**Planning Development & Environment**

Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

25/04/2024 09:51:18

Receipt No L170/328399  
\*\*\*\*\* REPRINT \*\*\*\*\*

JILLY BURK & NIAMH PATON  
SPARROW RD  
DUNLAVIN  
CO WICKLOW

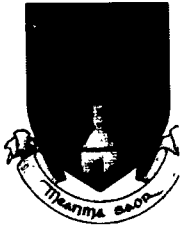
PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

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**

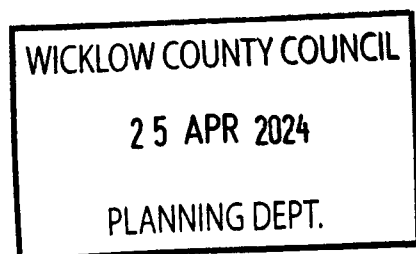
- (a) Name of applicant: Jimmy Burke + Niamh Paton  
Address of applicant: Sparrow Road Dunlavin  
Co. Wicklow

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 W91K202

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, on 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

Vacant Property Refurbishment Grant / Derelict  
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 to detached 1950's house  
less than 40 sqm

viii. Fee of € 80 Attached ? Cash - Yes

Signed : Niamh Paton Dated : 22/4/2024

**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.

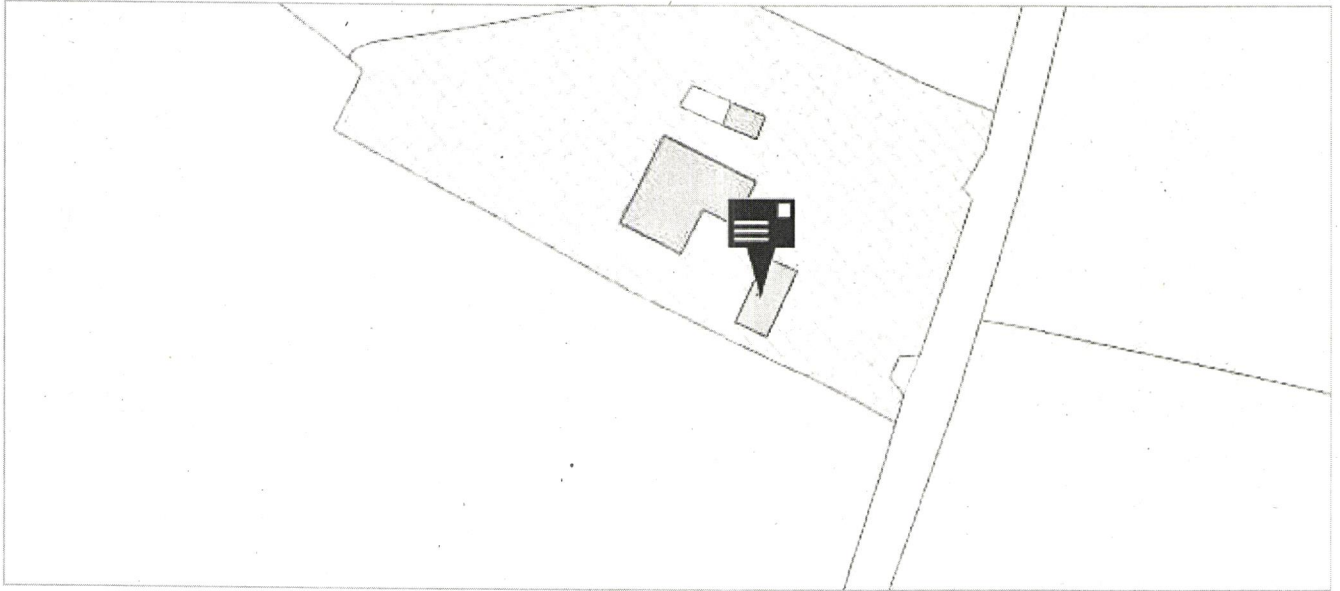
English | Gaeilge

LACKAREAGH

BALTINGLASS

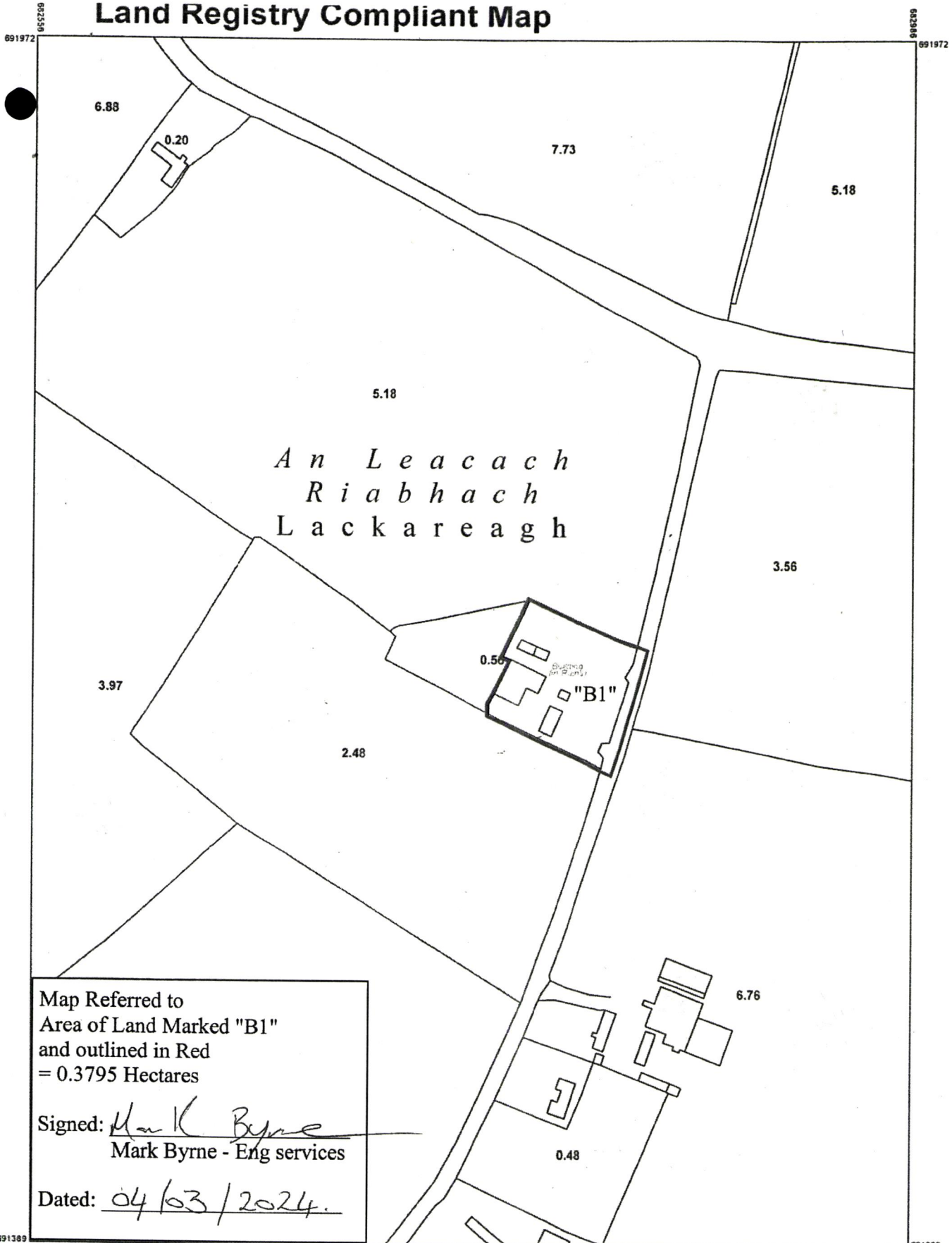
CO. WICKLOW

**W91 K2D2**



**EIRCODE**

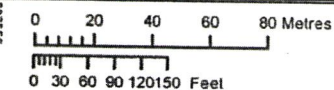
# Land Registry Compliant Map



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  
MAP SERIES: 1:5,000  
1:2,500

ORDER NO.: 50386359\_1  
MAP SHEETS: 4067  
4067-B

CAPTURE RESOLUTION:  
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: [www.tailte.ie](http://www.tailte.ie); search 'Capture Resolution'

LEGEND: To view the legend visit [www.tailte.ie](http://www.tailte.ie) and search for 'Large Scale Legend'

COMPILED AND PUBLISHED BY:  
Tailte Éireann,  
Phoenix Park,  
Dublin 8,  
Ireland.  
008F6E4

No part of this publication may be copied, reproduced or transmitted in any form or by any means without the prior written permission of the copyright owner.

This topographic map does not show legal property boundaries nor does it show ownership of physical features.

[www.tailte.ie](http://www.tailte.ie)  
Any unauthorised reproduction infringes Tailte Éireann copyright.

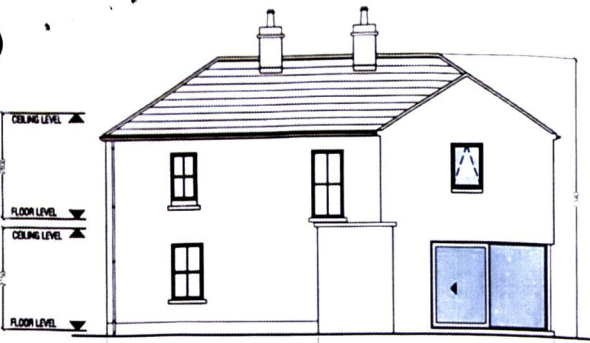
The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

© Tailte Éireann, 2024  
All rights reserved



**Tailte Éireann**

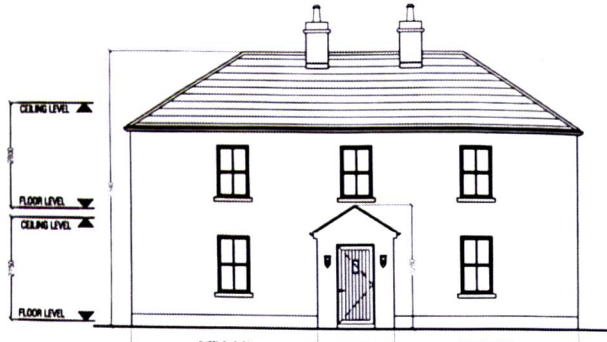




REAR ELEVATION – west elevation  
scale 1:100



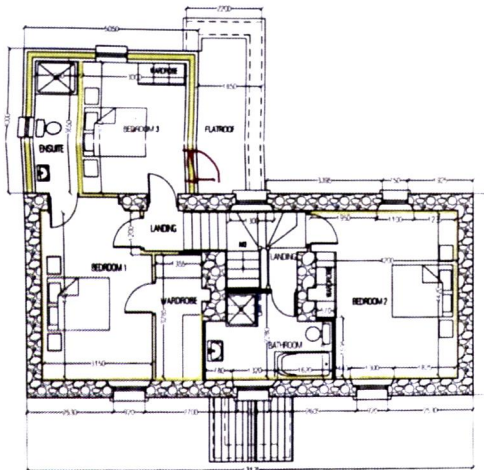
SIDE ELEVATION – south elevation  
scale 1:100



FRONT ELEVATION – east elevation  
scale 1:100

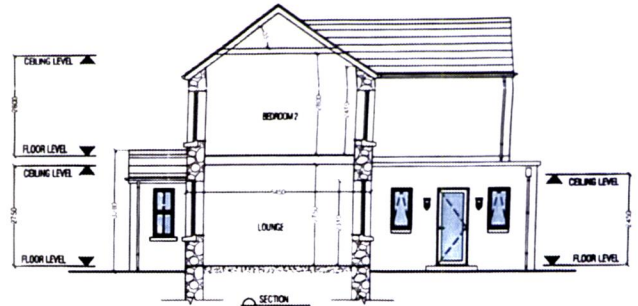


SIDE ELEVATION – north elevation  
scale 1:100

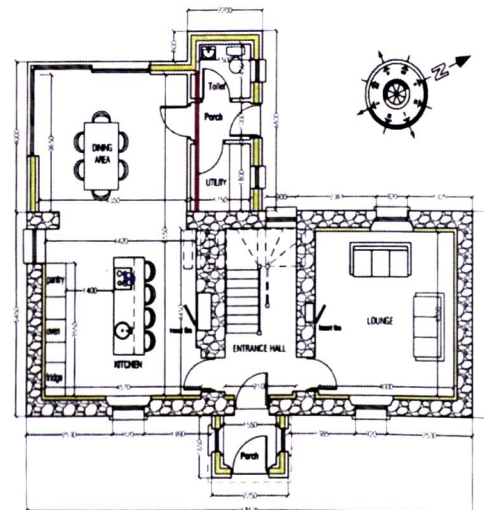


PROPOSED FIRST FLOOR PLAN  
scale 1:100

Existing area – 53 Sq m 570 Sq ft  
Proposed area – 15 Sq m 161 Sq ft



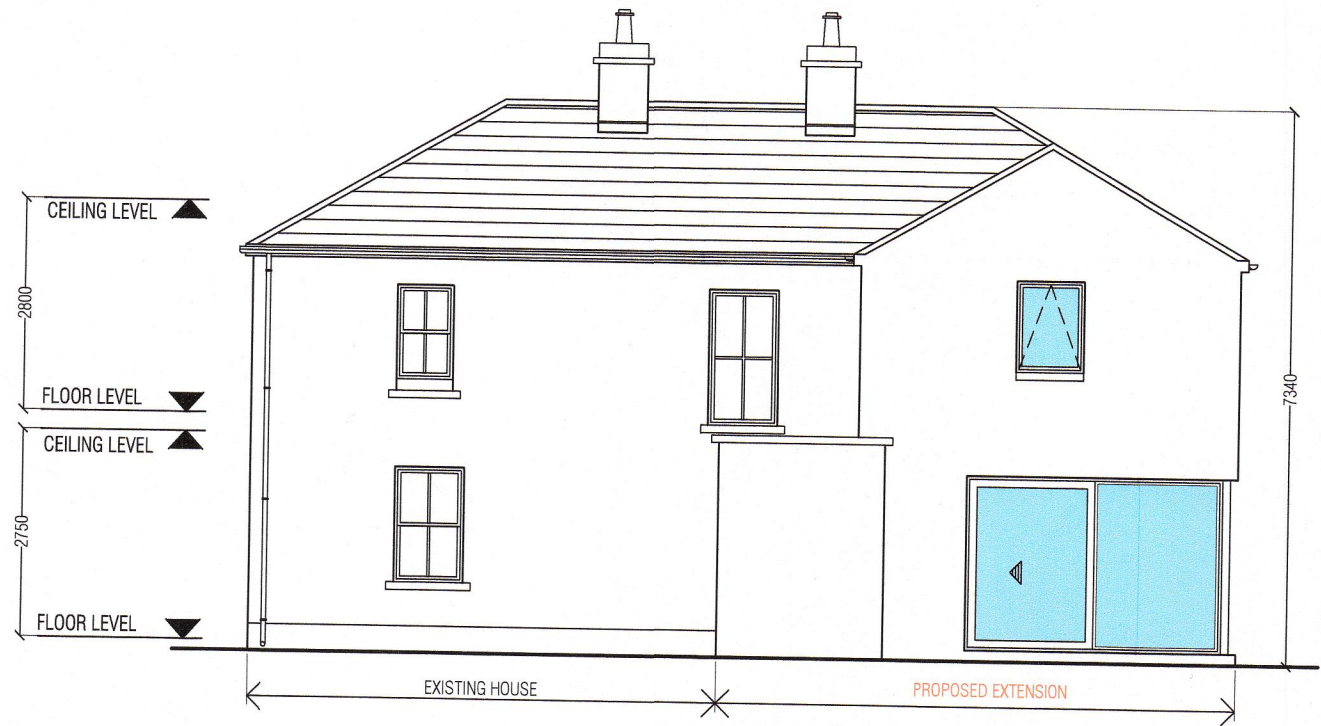
SECTION  
scale 1:50



PROPOSED GROUND FLOOR PLAN  
scale 1:100

Existing area – 71 Sq m 763 Sq ft  
Proposed area – 24 Sq m 258 Sq ft

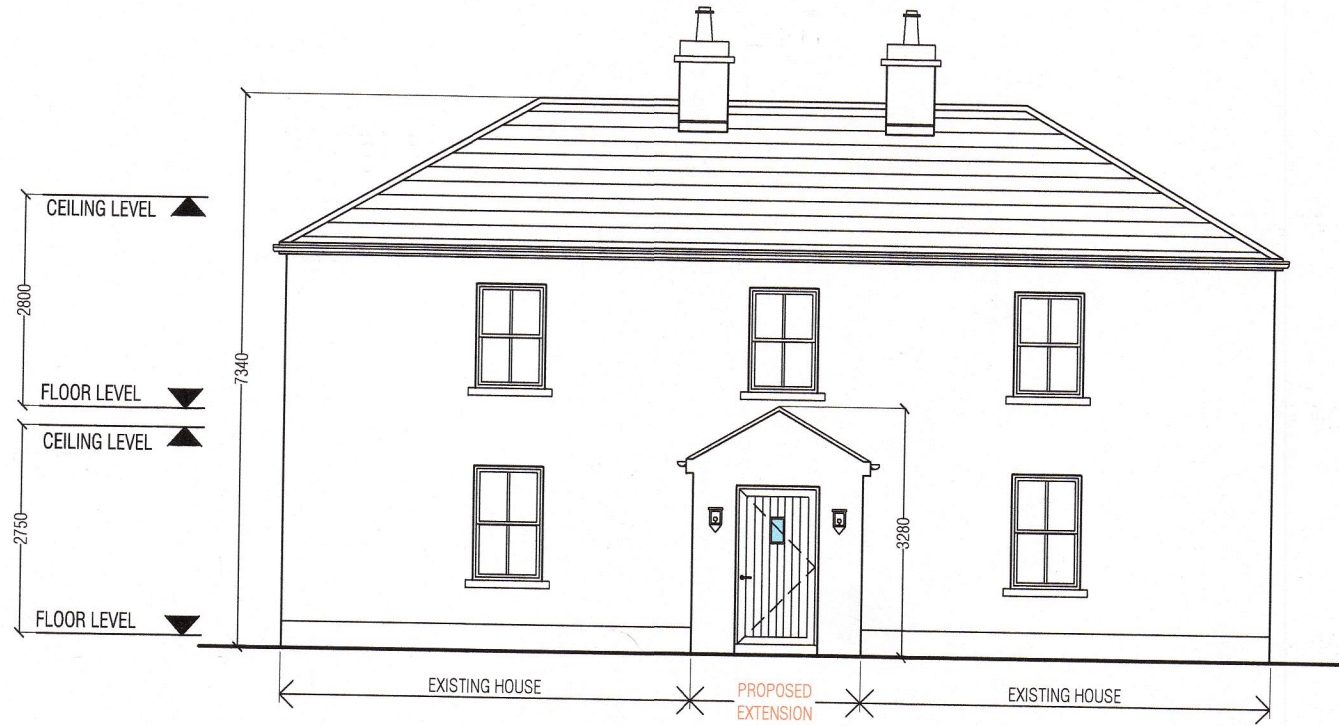
SKETCH DESIGN		
No.	Revision	Date
Prepared By: <b>MARK BYRNE ENG SERVICES</b> <b>CONSULTING ENG &amp; PROJECT MANAGEMENT</b> GORMANSTOWN/KILCULLLEN, CO.KILDARE Tel 086-833 4907		
Title: <b>PROPOSED PLANS &amp; ELEVATIONS</b>	Client: Jimmy Burke & Niamh Patton	Scale: 1:100 @ A2 Sheet
Address: Proposed two storey extension to rear of existing house at Lackareagh, Baltinglass, Co. Wicklow, <del>IR</del>	Date: 15th March 2024	Sheet No: 2 of 2
Dwg No: 002		



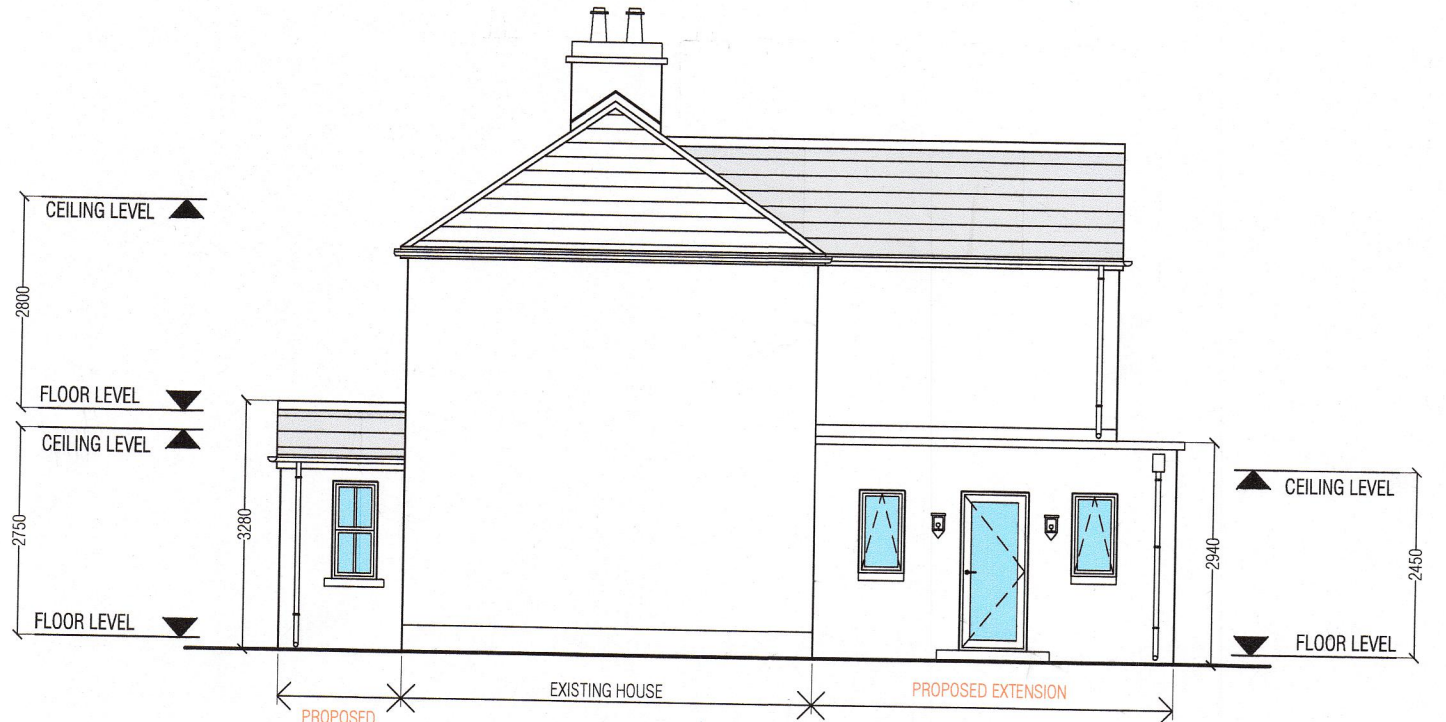
REAR ELEVATION ~ west elevation  
scale 1:100



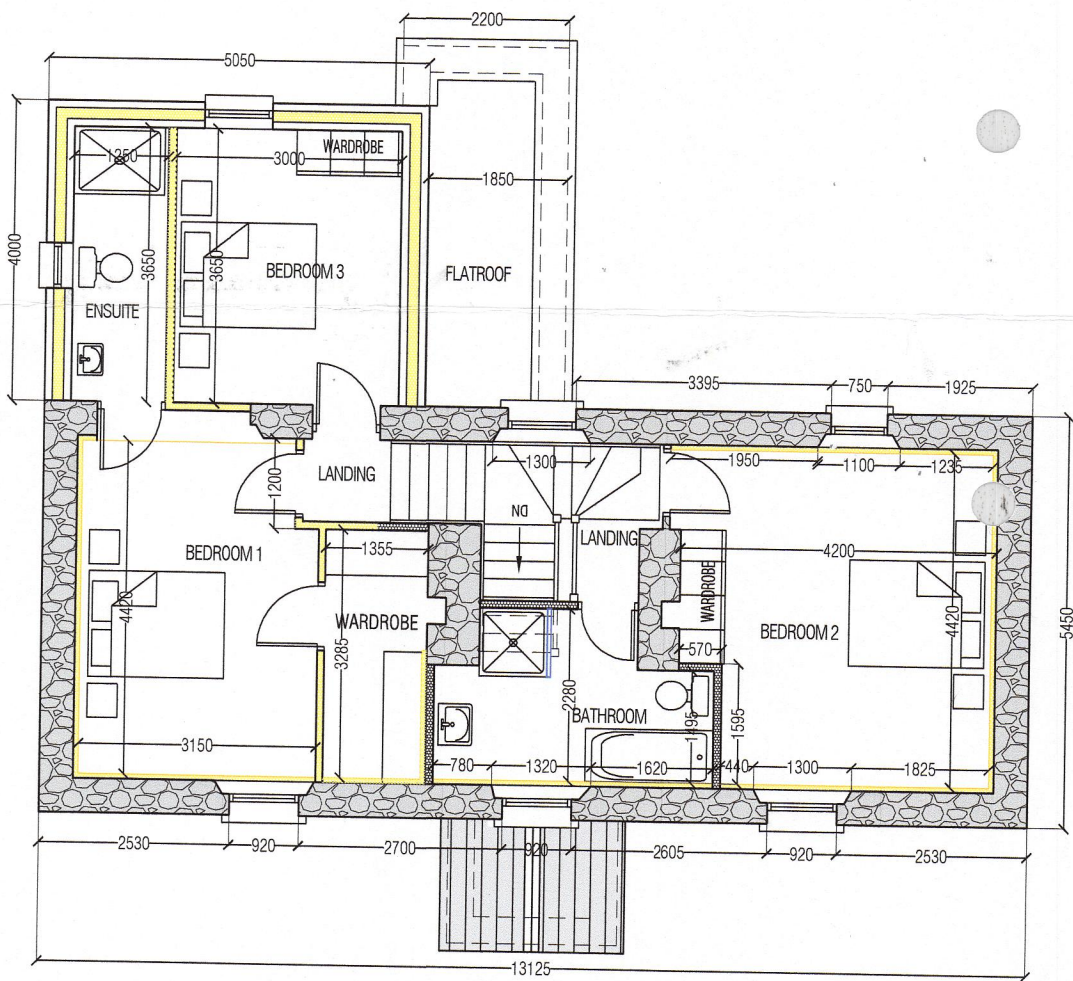
SIDE ELEVATION ~ south elevation  
scale 1:100



FRONT ELEVATION ~ east elevation  
scale 1:100

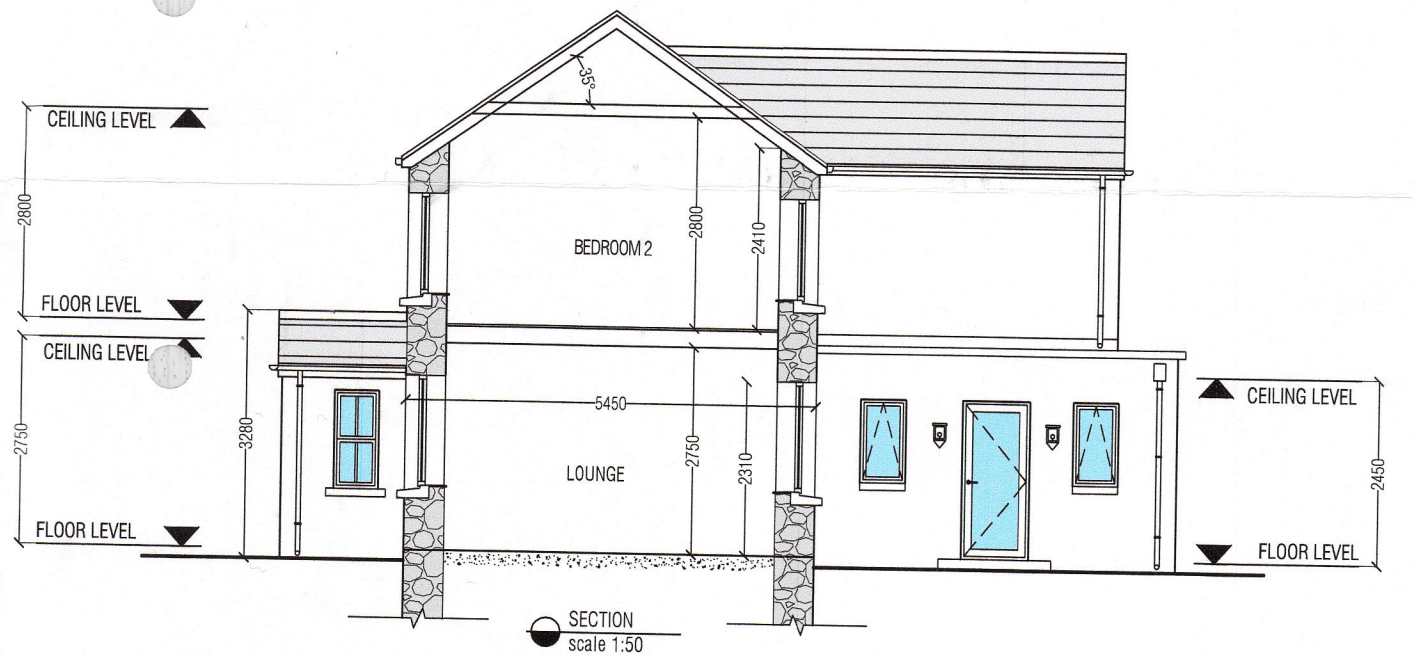


SIDE ELEVATION ~ north elevation  
scale 1:100

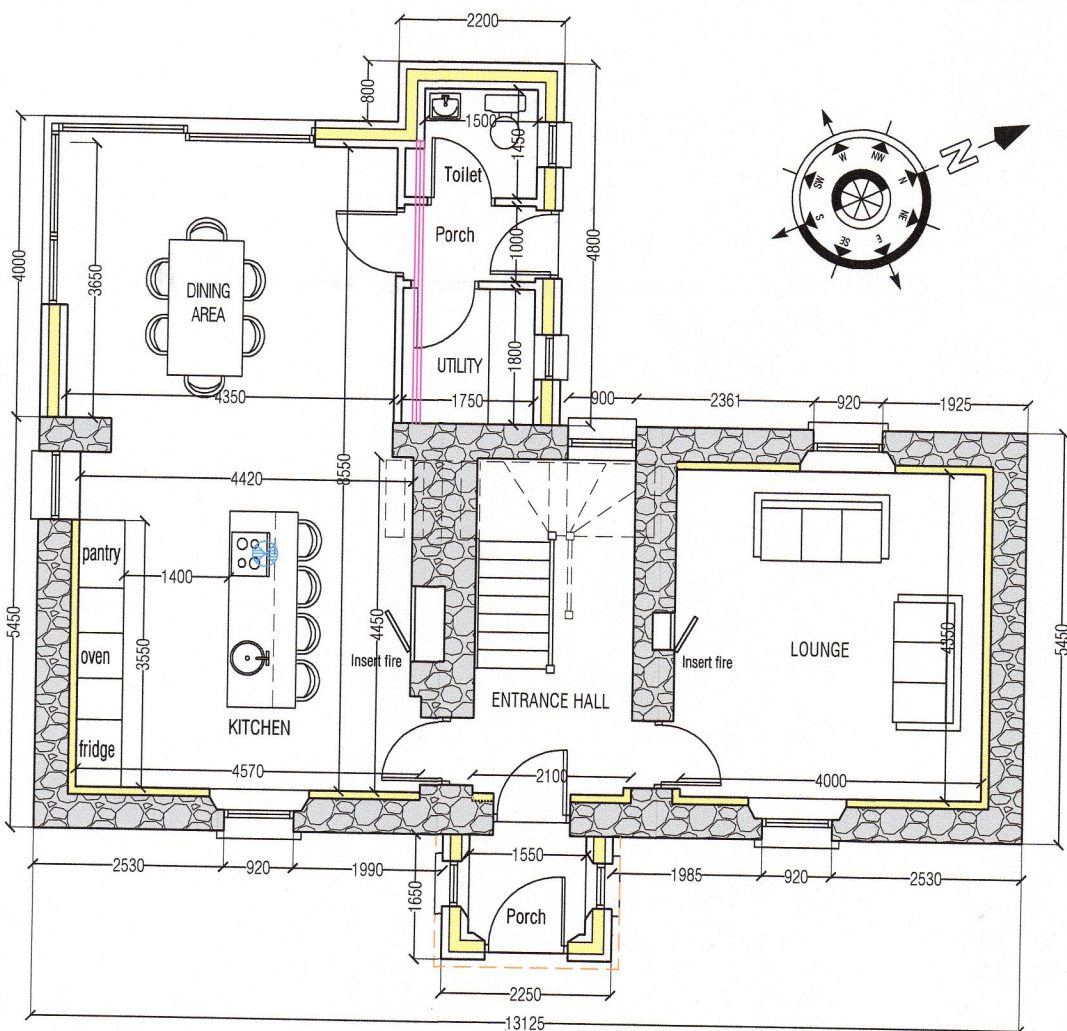


PROPOSED FIRST FLOOR PLAN  
scale 1:100

Existing area ~ 53 Sq m 570 Sq ft  
Proposed area ~ 15 Sq m 161 Sq ft



SECTION  
scale 1:50



PROPOSED GROUND FLOOR PLAN  
scale 1:100

Existing area ~ 71 Sq m 763 Sq ft  
Proposed area ~ 24 Sq m 258 Sq ft

SKETCH DESIGN

No.	Revision	Date
Prepared By: <b>MARK BYRNE ENG SERVICES</b> CONSULTING ENG & PROJECT MANAGEMENT GORMANSTOWN, KILDARE, CO. KILDARE. Tel 086 - 833 4907		
Title: <b>PROPOSED PLANS &amp; ELEVATIONS</b>		Client: Jimmy Burke & Niamh Patton
Address: Proposed two storey extension to rear of existing house at Lackareagh, Baltinglass, Co. Wicklow, R56 PX70		Scale: 1:100 @ A2 Sheet
Drg No: 002		Date: 15th March 2024
		Sheet No: 2 of 2