



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
Suíomh / Website www.wicklow.ie

319

April 2025

Rachael Cullen

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX31/2025**

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

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord 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**



*Ta an doiciméad seo ar fáil i bhformáid 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

W I C K L O W



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

Applicant: Rachael Cullen

Location: Westcot, Briggs Lane, Arklow, Co. Wicklow

Reference Number: EX31/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/324

Section 5 Declaration as to whether “the construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling” at Westcot, Briggs Lane, Arklow, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

- The details received with this Section 5 application (EX31/2025) on the 11th March 2025.
- Sections 2, 3, and 4 of the Planning and Development Act 2000(as amended).
- Article 6, 9 and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- The construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling would be works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling accords with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and therefore is exempted development.

The Planning Authority considers that “the construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling” at Westcot, Briggs Lane, Arklow, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 3rd April 2025



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

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/324

Reference Number: EX31/2025

Name of Applicant: Rachael Cullen

Nature of Application: Section 5 Declaration request as to whether or not: -
"the construction of a single storey extension comprising
an area of 9.84sqm all to the rear of a detached dwelling"
is or is not development and is or is not exempted
development.

Location of Subject Site: Westcot, Briggs Lane, Arklow, Co. Wicklow

Report from Andrew Spence, EP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether
"the construction of a single storey extension comprising an area of 9.84sqm all to the rear of a
detached dwelling" at Westcot, Briggs Lane, Arklow, Co. Wicklow is or is not exempted
development within the meaning of the Planning & Development Act 2000 (as amended).

Having regard to:

- (a) The details received with this Section 5 application (EX31/2025) on the 11th March 2025.
- (b) Sections 2, 3, and 4 of the Planning and Development Act 2000(as amended).
- (c) Article 6, 9 and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Main Reason with respect to Section 5 Declaration:

- 1. The construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling would be works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- 2. The construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling accords with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and therefore is exempted development.

Recommendation:

The Planning Authority considers that "the construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling" at Westcot, Briggs Lane, Arklow, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed 


Dated  day of April 2025

ORDER:

I HEREBY DECLARE THAT "the construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling" at Westcot, Briggs Lane, Arklow, Co. Wicklow 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  day of April 2025

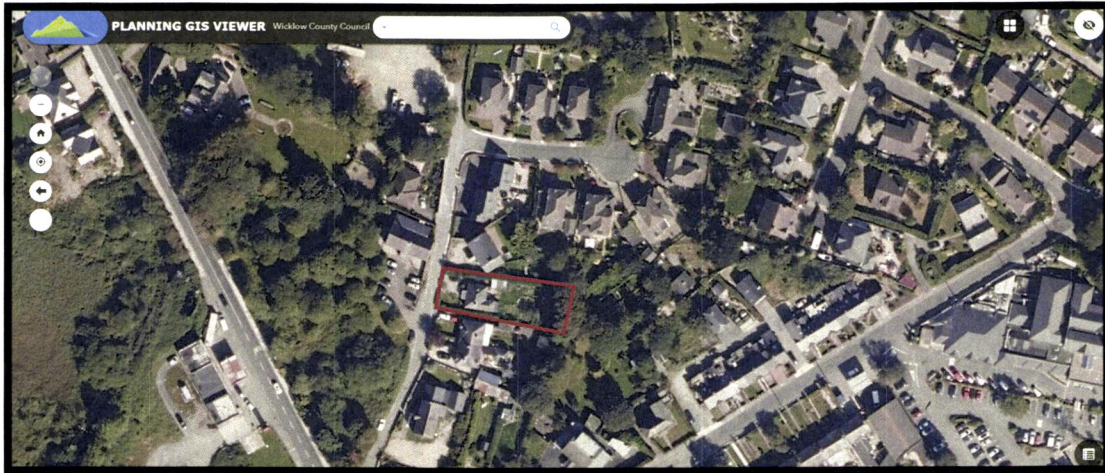


**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

REF: EX 31/2025
NAME: RACHEL CULLEN
DEVELOPMENT: GROUND FLOOR REAR EXTENSION
LOCATION: WESTCOT BRIGGS LANE ARKLOW

Google Earth Photo:



The Site: Existing single storey detached house on a rectangular shaped site, c.0.076ha in area located on Briggs Lane, off the Dublin Road and c.750m north east of Arklow town centre.

Planning History (subject site): None.

Question:

The applicant has applied to see whether or not the following is or is not development; and is or is not exempted development:

- 1) The construction of a rear ground floor extension comprising of a floor area of 9.84sqm all to the rear of a single storey detached dwelling.

Legislative Context:

Planning and Development Act, 2000 (as amended):

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 2(1) of the Act states the following in respect of the following:

'Works' include "Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 4 sets out the types of works that while considered 'development', can be considered '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 details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act - *None are considered applicable in this instance.*

Schedule 2: Part 1

<p>CLASS 1</p> <p>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.</p>	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>(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.</p> <p>(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.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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.</p> <p>(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.</p> <p>(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed</p>
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	<p>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.</p> <p>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.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(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.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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Assessment:

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 for the construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling involves works and therefore constitutes development.

The second assessment is to determine whether or not the works would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

The development is the type of development which could come under Class 1 of the Planning & Development Regulations 2001.

Development Description:

- 1). The construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling.

Relevant Conditions and Limitations:

1. (a) Floor area does not exceed 40 square metres? Yes.
- (b) First floor area doesn't exceed 12sqm for semidetached dwelling? n/a.

2. Total area of extensions since 1/10/1964 doesn't exceed 40sqm? Yes.
3. Above ground floor extension not less than 2m from boundary wall? n/a.
4. (a) Height of the walls of any such extension shall not exceed the height of the rear wall of the house? – Yes.
5. Open space to the rear of the house reduced to less than 25 square metres? No.
6. (a) Window proposed at ground level not less than 1 metre from the boundary it faces? Yes
- (b) Window proposed above ground level not less than 11 metres from the boundary it faces? n/a
7. Roof used as balcony or roof garden? No.

Noting under Article 9 of the Planning and Development Regulations 2001 would restrict this exemption.

As the proposed extension meets the relevant conditions and limitations as above it is considered as a consequence that the proposed development comes within the scope of Schedule 2 Part 1 Class1 of the Planning and Development Regulations 2001 (as amended).

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not

the construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling dwelling

at Briggs Lane Arklow Co. Wicklow is or is not development and is or is not exempted development:

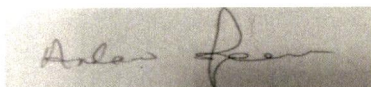
The Planning Authority considers that the construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling is development and **is** exempted development.

Main Considerations with respect to Section 5 Declaration:

- (a) The details received with this Section 5 application (EX31/2025) on the 11th March 2025.
- (b) Sections 2, 3, and 4 of the Planning and Development Act 2000(as amended).
- (c) Article 6, 9 and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- 1) The construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling would be works and therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended), ~~as set out in the documents lodged.~~
- 2) The construction of a single storey extension comprising an area of 9.84sqm all to the rear of a detached dwelling accords with the provisions of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) and therefore is exempted development.



Andrew Spencer
Executive Planner

31/3/2025

Agreed 1/4/2025

*Issue declaration as recommended
15/4/25
03/04/25*

MEMORANDUM
WICKLOW COUNTY COUNCIL

TO: Andrew Spencer
Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX31/2025**

I enclose herewith application for Section 5 Declaration received completed on 11/03/2025.

The due date on this declaration is 7th April 2025.



Staff Officer
Planning, Economic & Rural Development



Comhairle Contae Chill Mhantáin Wicklow County Council

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Rachael Cullen

11th March 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX31/2025 for Westcot, Briggs Lane, Arklow, Co. Wicklow

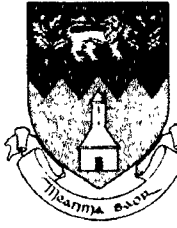
A Chara

I wish to acknowledge receipt on 11/03/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 07/04/2025.

Mise, le meas

**Nicola Fleming
Staff Officer
Planning, Economic & Rural Development**





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

Office Use Only

Date Received _____

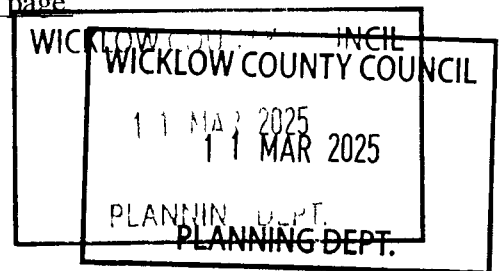
Fee Received _____

**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: RACHAEL CULLEN
- Address of applicant: 64 DELBROOK MANOR,
DUNDRUM D16 W8K3

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 WESTCOT, BRIGGS
LANE ARKLOW (Co WICKLOW)
Y14 K798
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes/~~No~~.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier _____

- 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 I AM SEEKING
EXEMPTION AS EXTENSION IS UNDER THE
REQUIRED AREA NECESSARY FOR PLANNING
PERMISSION
PLEASE SEE ATTACHED BUILDER DRAWING
3M X 3.4M
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 _____

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) ?

N/A

vii. List of Plans, Drawings submitted with this Declaration Application

THREE DRAWINGS ATTACHED:

① ORIGINAL HOUSE PLAN

② SEAN COLLINS BUILDERS DRAWINGS

③ LAND REGISTRY COMPLIANT MAP

viii. Fee of € 80 Attached ?

Signed :

Richard Cullen

Dated :

09.03.2024

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.



WESTCOT, BRIGGS LANE, ARKLOW

Co. Wicklow

Y14 K798

2

Existing
Back
Hall.

1.5m
Window

new
Extension

3.0m *
3.28m.

3.28m x
3.29m.

Existing.

Kitchen.

Kitchen units

Kitchen

Proposed

Utility.

2m wide.

Long.

1.900m.

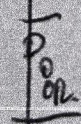
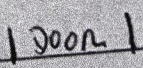
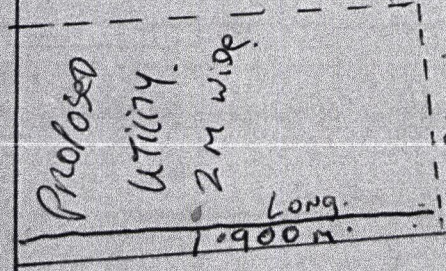
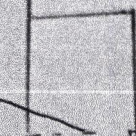
Door in.

Door

Dining Room.

Window.

Door



Land Registry Compliant Map

Tailte Éireann

**CENTRE
COORDINATES:**
ITM 724984,674085

PUBLISHED: 26/08/2024 **ORDER NO.:** 50418648_1

MAP SERIES: 1:1,000 **MAP SHEETS:** 4428-07

2024

Registered Architect

RIAI

Michael Connolly

Member No. 00010
COMPILED AND PUBLISHED BY:
Tailte Éireann
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

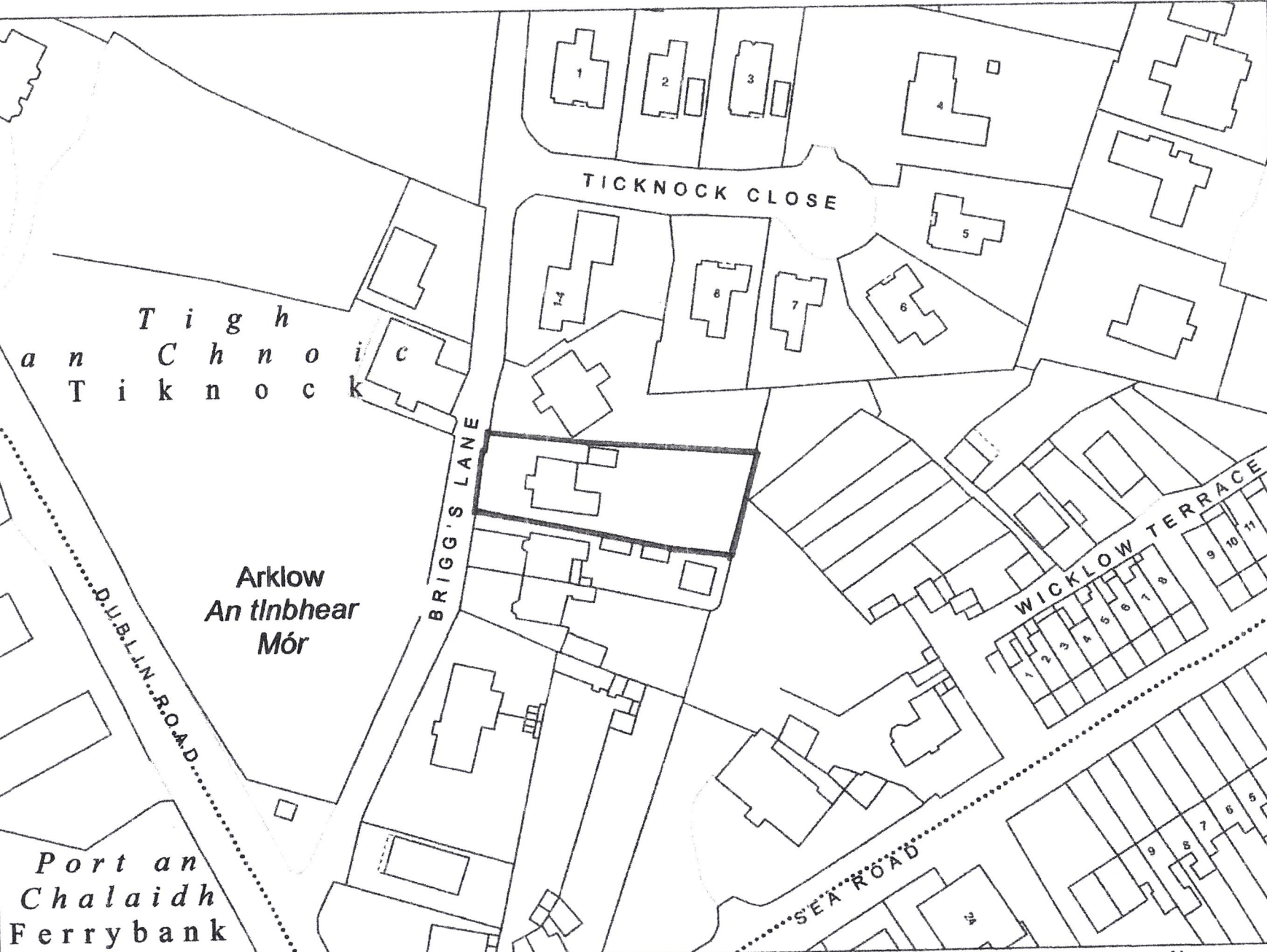
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Further information is available at:
www.tailte.ie; search 'Capture Resolution'

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

