



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

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

Áras An Chontae / County Buildings  
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Rphost / Email: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

John Angel & Silvia Segales Angel


2<sup>nd</sup> April 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX22/2024

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

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT





# 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: John Angel & Silvia Segales Angel

Location: Townview, Ticknock Lane, Arklow, Co. Wicklow

CHIEF EXECUTIVE ORDER NO. CE/PERD/424/2024

A question has arisen as to whether "construction of 39sqm extension with double height pitched roof " at Townview, Ticknock Lane, Arklow, Co. Wicklow is or is not exempted development.

Having regard to:

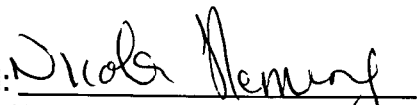
- The details submitted with the Section 5 Declaration.
- An Bord Pleanála Declaration RL 3523, RL3491, RL2506
- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- Schedule 2, Part 1: Class 1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The construction of a new extension and pitched roof comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- The extension to the house would not come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, as the proposed 39sqm extension with double height pitched roof is positioned to the side rather than the rear of the existing house.

The Planning Authority considers that "construction of 39sqm extension with double height pitched roof " at Townview, Ticknock Lane, Arklow, Co. Wicklow " is development and is not exempted development

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 2<sup>nd</sup> April 2024



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

**CHIEF EXECUTIVE ORDER NO. CE/PERD/424/2024**

Reference Number: EX22/2024

Name of Applicant: John Angel & Silvia Segales Angel

Nature of Application: Section 5 Referral as to whether or not "construction of 39sqm extension with double height pitched roof" is or is not development and is or is not exempted development.

Location of Subject Site: Townview, Ticknock Lane, Arklow, Co. Wicklow

Report from Dara Keane, AP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "construction of 39sqm extension with double height pitched roof " at Townview, Ticknock Lane, Arklow, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

**Having regard to:**

- a) The details submitted with the Section 5 Declaration.
- b) An Bord Pleanála Declaration RL 3523, RL3491, RL2506
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) Schedule 2, Part 1: Class 1 of the Planning and Development Regulations 2001 (as amended)

**Main Reason with respect to Section 5 Declaration:**

1. The construction of a new extension and pitched roof comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
2. The extension to the house would not come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, as the proposed 39sqm extension with double height pitched roof is positioned to the side rather than the rear of the existing house.

**Recommendation:**

The Planning Authority considers that construction of 39sqm extension with double height pitched roof" at Townview, Ticknock Lane, Arklow, Co. Wicklow is development and is not exempted development as recommended in the report by the SEP.

Signed Carol Murphy

Dated 2<sup>nd</sup> day of April ~~March~~ 2024

**ORDER:**

**I HEREBY DECLARE:**

That "construction of 39sqm extension with double height pitched roof" at Townview, Ticknock Lane, Arklow, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: Fergal O'Neil  
Senior Engineer  
Planning, Economic & Rural Development

Dated 2<sup>nd</sup> day of April 2024



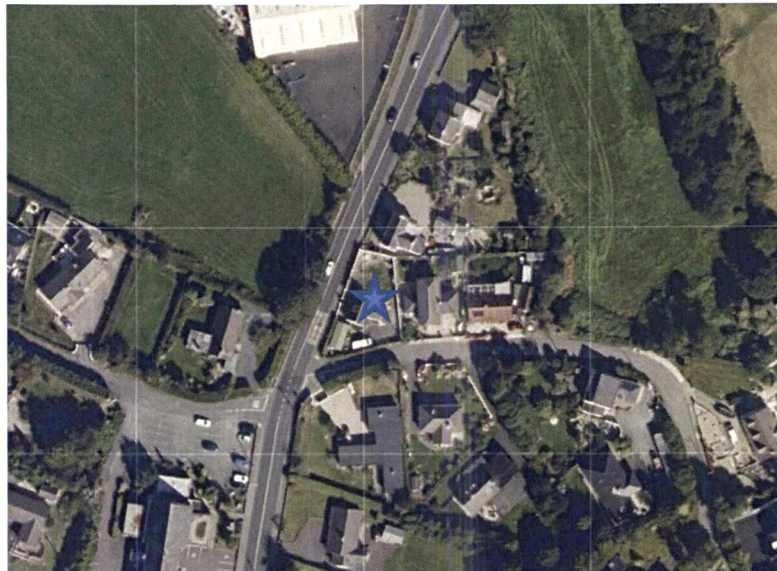
**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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**To:** Fergal Keogh S.E / Edel Bermingham S.E.P. / Suzanne White S.E.P.  
**From:** Dara Keane A.P.  
**Type:** Section 5 Application  
**REF:** EX 22/2024  
**Applicant:** John Angel & Silvia Segales Angel  
**Date of Application:** 06/03/2024  
**Decision Due Date:** 07/04/2024  
**Address:** Townview, Ticknock Lane, Arklow Co. Wicklow.  
**Exemption Query:** Construction of 39sqm extension with double height pitched roof

**Application Site:** The application site is a detached two storey dwelling located on a corner plot on Ticknock Lane in the townland of Ticknock, Arklow.

**Aerial Image**



**Site Image**



## Section 5 Referral

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

- Proposed 39sqm extension with double height pitched roof at Townview, Ticknock Lane, Arklow Co. Wicklow

### Relevant Planning History:

**03610068 (Keogh)** - Construction Granted for 2 storey extension to side of existing dwelling. Also two roof windows to front of existing dwelling

**08/610069 (Angel)**- Construction GRANTED for 1.5 storey extension (42m<sup>2</sup>) of height 6.6m to north of existing dwelling, 4 no. dormers to front/roadside elevation together with interior alterations and ancillary works

**20/259 (Angel)**- Permission Granted for increasing the height of 'existing' three inherent pillars to 2 metres and increasing the height of the two 'existing' adjoining bay walls to 1.85 metres, on the northern part of the roadside boundary wall adjoining the R772

It would appear that none of the previously granted extensions to the existing dwelling on site have been carried out.

### Question:

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

- *Proposed 39sqm extension with double height pitched roof at Townview, Ticknock Lane, Arklow 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,*

It is considered that proposed 39sqm rear extension with double height pitched roof at Townview, Ticknock Lane, Arklow Co. Wicklow can be assessed as part of this section 5 under **Schedule 2, Pt.1 Class 1** of the Planning and Development Regulations 2001 (as amended) which 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.*

## Details submitted in support of the application

### Proposed Extension

GFA	39.29sqm
Ridge Height	Not Given

Exact ridge height of proposed extension not given however, from the drawings submitted the proposed ridge height does not appear to exceed that of the existing two storey dwelling onsite.

## An Bord Pleanála Referrals

### **RL3523**

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the first floor extension built at the side and to the rear of 5 Church Avenue, Sandymount, Dublin is development and is not exempted development. Whether a first floor extension built at the side and to the rear of 5 Church Avenue, Sandymount, Dublin is or is not development or is or is not exempted development.

The first floor extension constitutes works, which come within the scope of Section 3(1) of the Planning and Development Act 2000, and, therefore, constitutes development, (b) the development does not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, and (c) the first floor extension does not come within the scope of the exemption provided in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as it is positioned to the side rather than the rear of the existing house.

### **RL.3491**

An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the said extension and alterations to an existing house at Annascannon, Thomastown, Killucan, County Westmeath, are development and are not exempted development.

- (i) the extension and alterations to the house comprised works, which constitutes development,
- (ii) the extended area of the house fails to come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, arising from its location partly to the side of the house,
- (iii) neither the extension nor the alterations undertaken come under the exemption under section 4(1)(h) of the Planning and Development Act, 2000, as amended, arising from the nature and scale of the interventions made, which substantially exceed the scope of "maintenance, improvement or other alteration",

### **RL 2506**

An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said extension at 38 Ragoon Road, Shantalla, Galway is not exempted development.

An Bord Pleanála has concluded that - the extension would not come within the scope of the exemption provided in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, because it is positioned partly to the side, projecting beyond the side wall of the house by a distance of 1.95 metres.

### Extract Inspectors Report

The view can be taken that the "rear of the house" is confined to the area beyond the rear wall of the main house, excluding any additions by way of extensions, or structures ancillary to the residential use of the house that project beyond the side/gable wall. As such, the



extension would not fall within the definition of Class One in that an extension must extend from and beyond the rear of the house if it is to be in accordance with the description within Class One. On the basis of the foregoing, it can be concluded that there is no provision for exemptions for development to the side, even if the projection is at the rear of the house such as in the case of the development subject of the Question and therefore that the development is development and is not exempted development.

#### **Assessment:**

The Section 5 declaration application seeks an answer with respect to the following question: *Whether or not the 'proposed 39sqm extension with double height pitched roof, at Townview, Ticknock Lane, Arklow Co. Wicklow', is or is not exempted development.*

The applicant has submitted drawings which are for a House Extension with a Double Height Pitched Roof. Drawing No.6 indicates a proposed ground floor extension which also from the drawing sits to the side of the dwelling. The overall extension is 39 sqm from drawing details. Overall height of the proposed pitched roof extension has not been included in the details submitted.

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) is the relevant exemption with respect to the provision of extensions which 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>	No
<i>Was the house extended previously?</i>	No
<i>Is the house Detached, Does the floor area of any extension above ground level exceed 20 square metres.</i>	Yes & No
<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
<i>Would the height of the walls of the extension exceed the height of the rear wall of the house?</i>	No
<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 and No
<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 single storey
<i>Would the construction or erection of the extension to the rear of the house reduce the area of private open space, reserved</i>	No, the private open space would not be reduced to less than 25sqm.

<i>exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.</i>	
<i>Would the window proposed at ground level in the extension be less than 1 metre from the boundary it faces?</i>	<i>No, any windows in the extension would be more than 1m from the boundary it faces as currently proposed.</i>
<i>Would the roof of the extension be used as a balcony or roof garden?</i>	<i>No</i>

It is noted that the proposed site and existing dwelling has an unconventional layout and design in that there is limited private amenity space available to the rear of the dwelling and instead it is located to the side of the property whilst the site also has dual frontage both onto the Dublin Road to which the front of the dwelling faces and Ticknock Lane to which the southern elevation of the existing dwelling faces. However, given the orientation of the dwelling and the existing front façade which includes a front door addressing the Dublin Road, The western side elevation of the existing dwelling onsite is considered the front of the dwelling in this instance.

The submitted documents indicate that the extension will be within the side garden of the existing dwelling, which in this case appears to extend beyond the side wall of the existing dwelling by c. 5.21m. Whilst the extent of the rear is not defined, from a review of An Bord Pleanala Declarations it is evident that such relates to the rear wall of the house. In particular reference RL2506 indicated that the projections beyond the side wall of the house by 1.95m were not exempted development.

Therefore in light of the Declarations of An Bord Pleanala, and the details submitted the exemption would not come within the provisions of Class 1.  
*The proposed extension would not be to the rear => does not come within scope of Class 1.*

**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 39sqm extension with double height pitched roof, at Townview, Ticknock Lane, Arklow Co. Wicklow' is or is not exempted development,

The Planning Authority considers that:

The proposed 39sqm extension with double height pitched roof, at Townview, Ticknock Lane, Arklow Co. Wicklow' is development and is **not exempted development**.

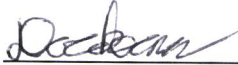
Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration.
- b) An Bord Pleanala Declaration RL 3523, RL3491, RL2506
- c) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- d) ~~Article 6, 9 and~~ Schedule 2, Part 1: Class 1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

1) ~~1)~~ The construction of a new extension and pitched roof comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).

2) The extension to the house would not come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, as the proposed 39sqm extension with double height pitched roof is positioned to the side rather than the rear of the existing house.



Dara Keane A.P.  
28/03/2024

Agreed as modified  
Agd to My L SE  
28/03/24

Issue declaration as recommended  
Agd to My L SE  
28/4/24

# MEMORANDUM

## WICKLOW COUNTY COUNCIL

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**TO: Dara Keane  
Assistant 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).  
EX22/2024**

I enclose herewith application for Section 5 Declaration received 7<sup>th</sup> March 2024

The due date on this declaration is 2<sup>nd</sup> April 2024.



---

**Staff Officer  
Planning Development & Environment**

## Nicola Fleming

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**From:** Nicola Fleming  
**Sent:** Tuesday 12 March 2024 08:49  
**To:** 'Johnny Angel'  
**Subject:** RE: Exemption application under Section 5

Thank you John a decision is due on your application on 03/04/2024.

Regards,

*Nicola Fleming*

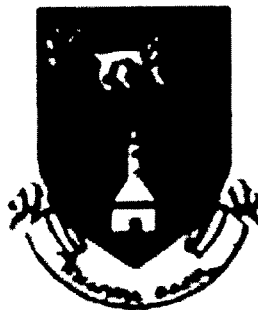
Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph ☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



**From:** Johnny Angel \_\_\_\_\_  
**Sent:** Thursday 7 March 2024 14:33  
**To:** Nicola Fleming  
**Subject:** Re: Exemption application under Section 5

Hi Nicola,  
Thanks for your email.  
Ahh, sorry, that's unclear.

We are planning to build a one-room extension on the garden side of the house. Although it will be within the 40 square metre allowed size, we were not sure if it would be a problem if the height of the extension roof went up to the level of the existing house.

PS We have already checked with our neighbour (who is also our builder), whose house is closest to us, and he does not have any issues with our plans' height.

We just wanted to check with the planning office to make sure about that.

Thanks, Nicola.

Johnn Angel  
087 2091324

On Thu, 7 Mar 2024 at 14:21, Nicola Fleming <[NFleming@wicklowcoco.ie](mailto:NFleming@wicklowcoco.ie)> wrote:

I refer to your application for an exemption certificate under Section 5 but it is not clear from the form submitted what you are seeking an exemption for is if for an extension to your house or is it for a change to the roof pitch.

Please clarify in order to process your application.

Regards.,

*Nicola Fleming*

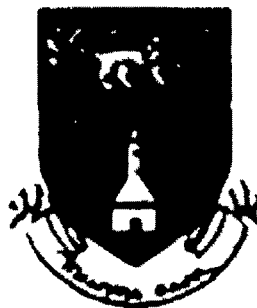
Staff Officer

Planning Department

WICKLOW COUNTY COUNCIL, COUNTY BUILDINGS, WICKLOW TOWN, A67 FW96

Ph☎: +353 (0404) 20148 | ✉: [nfleming@wicklowcoco.ie](mailto:nfleming@wicklowcoco.ie)

Website: <http://www.wicklow.ie>



## Nicola Fleming

---

**From:** Nicola Fleming  
**Sent:** Thursday 7 March 2024 14:15  
**To:**  
**Subject:** Exemption application under Section 5

I refer to your application for an exemption certificate under Section 5 but it is not clear from the form submitted what you are seeking an exemption for is it for an extension to your house or is it for a change to the roof pitch.

Please clarify in order to process your application.

Regards.,

*Nicola Fleming*

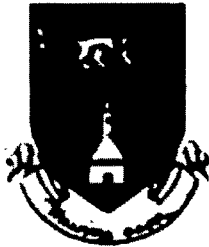
Staff Officer

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Website: <http://www.wicklow.ie>





Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

06/03/2024 12 15 38

Receipt No L1/0/326283

JOHN ANGEL  
TOWNVIEW  
TICKNOCK LANE  
DUBLIN ROAD  
ARKLOW

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

Total 80 00 EUR

Tendered  
Credit Card 80 00  
JOHN ANGEL

Change 0 00

Issued By Ruth Graham  
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: John Angel & Silvia Segales Angel

Address of applicant:

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

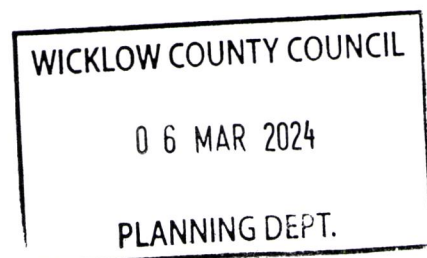
**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) \_\_\_\_\_

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**

Townview, Ticknock Lane, Dublin Road, Arklow, Co. Wicklow, Y14KH98

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** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

The elevation and roof pitch of the proposed extension should be as laid out as in the attached documents. If it is necessary to achieve the correct roof pitch for water flow off etc, are we allowed to elevate the proposed extension roof apex to the same height as the original house if needed?

*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**

Unsure ?

*Additional details may be submitted by way of separate submission.*



## 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.

1

# Existing House



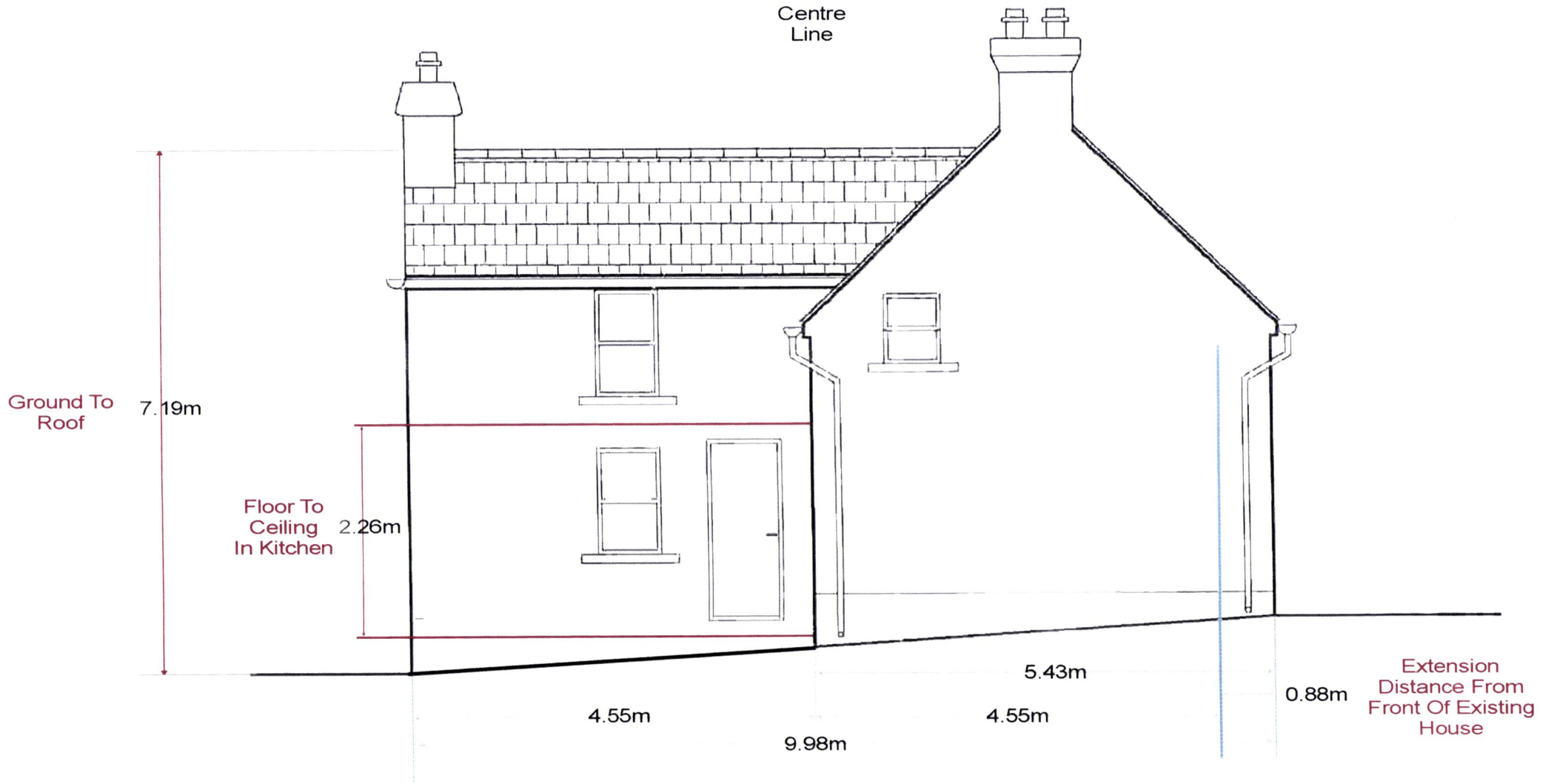
2

Existing House

Proposed Extension

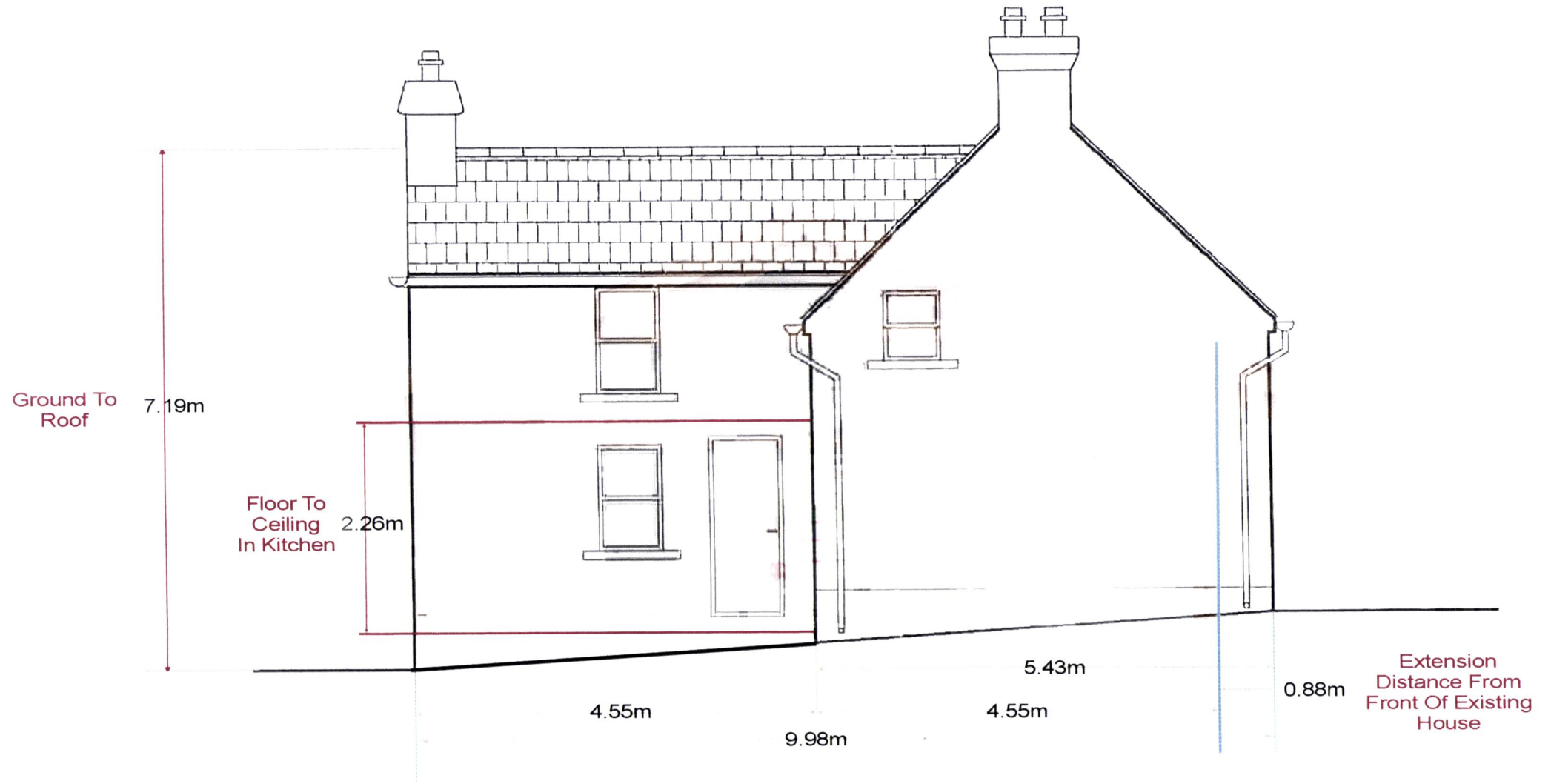


3





4



(S)



Dublin Road

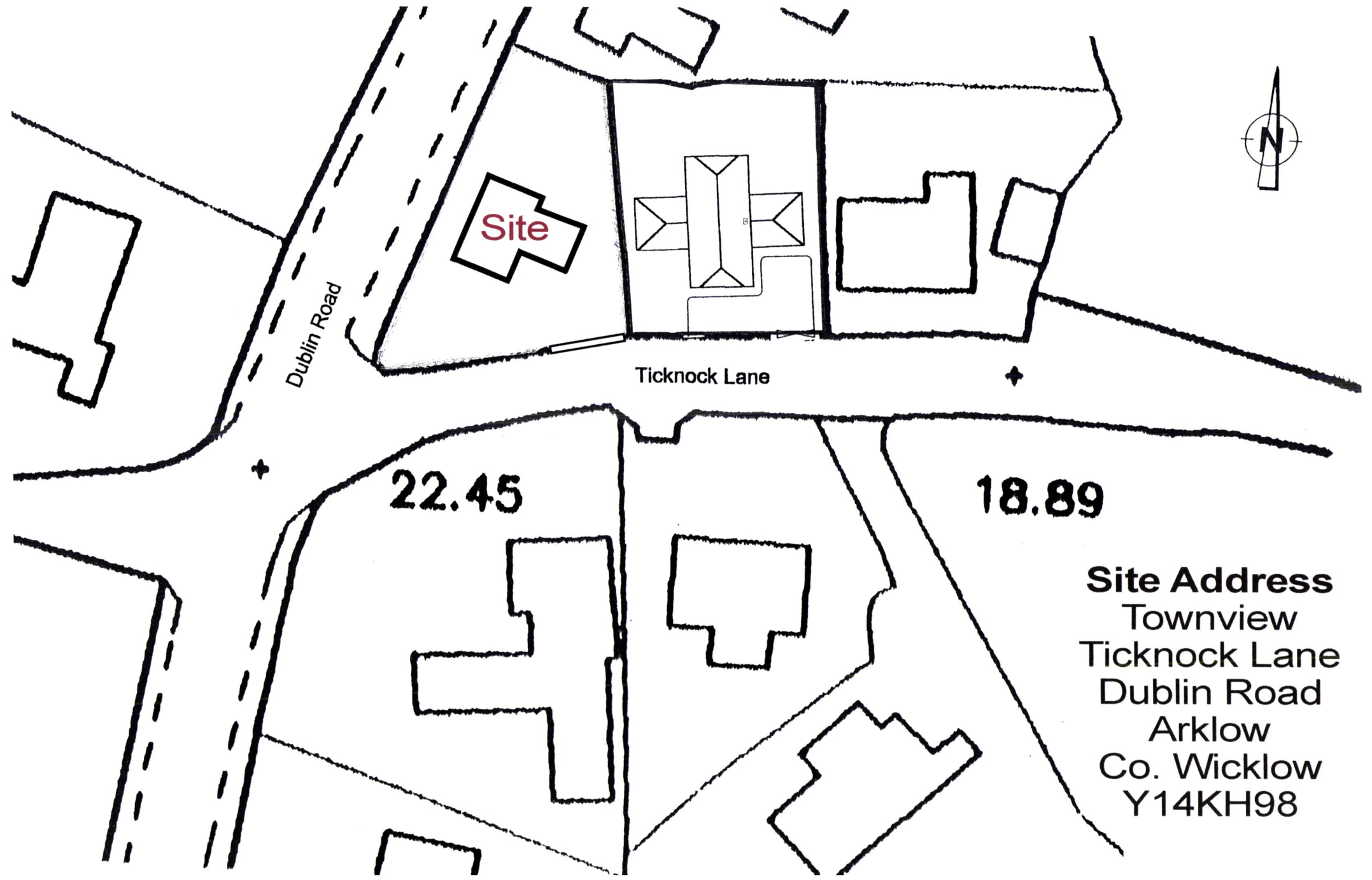
Site

Ticknock Lane

22.45

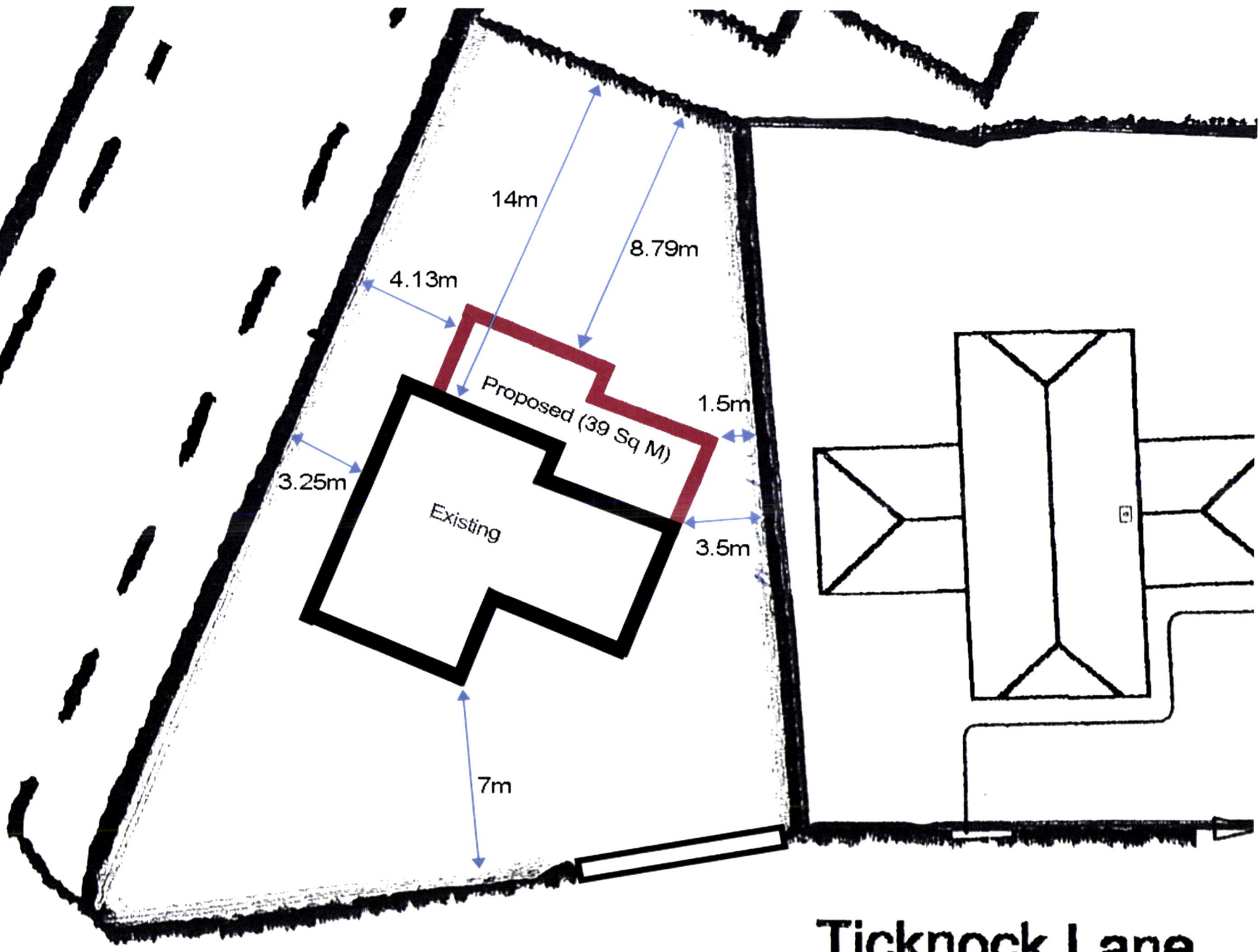
18.89

**Site Address**  
Townview  
Ticknock Lane  
Dublin Road  
Arklow  
Co. Wicklow  
Y14KH98



6

Dublin Road



Ticknock Lane

Dublin Road

Ticknock Lane

Dublin Road

Existing Building

Opening to existing kitchen

39.29 m<sup>2</sup>

Rear Garden

Dublin Road



8

