Comhairle Contae Chill Mhantáin
Wicklow County Council
Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

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Liam Kenna
Moneystown
Roundwood
Co. Wicklow

8th Of July 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -EX 77/2026 for Christina Van Der Does

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 Coimisiún Pleanála of such fee as may be prescribed, refer a declaration for review by the Coimisiún 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.

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

Applicant: Christina Van Der Does

Location: 3A Killadreen, Newtownmountkennedy, Co. Wicklow

Reference Number: EX 77/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/821

A question has arisen as to whether "*1. An extension of 39.3sqm to the rear of the dwelling, 2. Demolition of pre-existing extension to rear of the dwelling, 3. Demolition/removal of pre-existing shed, 4. Internal modifications of the existing dwelling, 5. Earthworks to rear of the dwelling*" at 3A Killadreen, Newtownmountkennedy, Co. Wicklow is or is not exempted development.

Having regard to:

a) The details submitted with the Section 5 Declaration Application
b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
c) Article 3, 6, and Classes 1, 6, and 50 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

(i) An extension of 39.3 sqm to the rear of the dwelling, demolition of pre-existing extension to rear of dwelling, demolition/removal of pre-existing shed, internal modifications to the existing dwelling, and earthworks to rear of dwelling are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000 (as amended).
(ii) The extension of 39.3sqm would come within the description and limitations of Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
(iii) The demolition of the pre-existing extension to rear of the dwelling would come within the description set out under Class 50 (b) as it would be in connection with an extension that comes within the provisions of Class 1: Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
(iv) The demolition/removal of pre-existing shed comes within the description and limitations of Class 50(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
(v) Internal modifications to the existing dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works either affect only the interior of the structure or 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.

<u>The Planning Authority considers that</u> "*1. An extension of 39.3sqm to the rear of the dwelling, 2. Demolition of pre-existing extension to rear of the dwelling, 3. Demolition/removal of pre-existing shed, 4. Internal modifications of the existing dwelling, 5. Earthworks to rear of the dwelling*" at 3A Killadreen, Newtownmountkennedy, Co. Wicklow **<u>is development and IS exempted development.</u>**

Signed: Nicola Kenny
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 07/07/2026

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/821

Reference Number:	EX 77/2026
Name of Applicant:	Christina Van Der Does
Nature of Application:	Section 5 Referral as to whether "*1. An extension of 39.3sqm to the rear of the dwelling, 2. Demolition of pre-existing extension to rear of the dwelling, 3. Demolition/removal of pre-existing shed, 4. Internal modifications of the existing dwelling, 5. Earthworks to rear of the dwelling*" is or is not development and is or is not exempted development.
Location of Subject Site:	3A Killadreen, Newtownmountkennedy, Co. Wicklow
Report from:	Michael Woods O'Rourke, EP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*1. An extension of 39.3sqm to the rear of the dwelling, 2. Demolition of pre-existing extension to rear of the dwelling, 3. Demolition/removal of pre-existing shed, 4. Internal modifications of the existing dwelling, 5. Earthworks to rear of the dwelling" at* 3A Killadreen, Newtownmountkennedy, 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 submitted with the Section 5 Declaration Application
b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
c) Article 3, 6, and Classes 1, 6, and 50 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

(i) An extension of 39.3 sqm to the rear of the dwelling, demolition of pre-existing extension to rear of dwelling, demolition/removal of pre-existing shed, internal modifications to the existing dwelling, and earthworks to rear of dwelling are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000 (as amended).

(ii) The extension of 39.3sqm would come within the description and limitations of Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

(iii) The demolition of the pre-existing extension to rear of the dwelling would come within the description set out under Class 50 (b) as it would be in connection with an extension that comes within the provisions of Class 1: Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended).

(iv) The demolition/removal of pre-existing shed comes within the description and limitations of Class 50(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

(v) Internal modifications to the existing dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works either affect only the interior of the structure or 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.

Recommendation

The Planning Authority considers that "*1. An extension of 39.3sqm to the rear of the dwelling, 2. Demolition of pre-existing extension to rear of the dwelling, 3. Demolition/removal of pre-existing shed, 4. Internal modifications of the existing dwelling, 5. Earthworks to rear of the dwelling*" at 3A Killadreen, Newtownmountkennedy, Co. Wicklow is development and is exempted development as recommended in the planning reports.

Signed: Nicola Fleming Date: 06/07/2026

ORDER:

I HEREBY DECLARE:

THAT "*1. An extension of 39.3sqm to the rear of the dwelling, 2. Demolition of pre-existing extension to rear of the dwelling, 3. Demolition/removal of pre-existing shed, 4. Internal modifications of the existing dwelling, 5. Earthworks to rear of the dwelling*" at 3A Killadreen, Newtownmountkennedy, Co. Wicklow is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: ______________ Date: 7/7/2026

T/Senior Planner

Planning, Economic & Rural Development

WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT
Section 5 – Application for declaration of Exemption Certificate

TO:	Edel Bermingham SP
FROM:	Michael Woods O'Rourke EP
REF:	EX 77/2026
DECISION DUE DATE:	20/07/2026
APPLICANT:	CHRISTINA VAN DER DOES
DEVELOPMENT:	39.3 SQM REAR EXTENSION
LOCATION:	3A KILLADREEN, NEWTOWNMOUNTKENNEDY, CO. WICKLOW

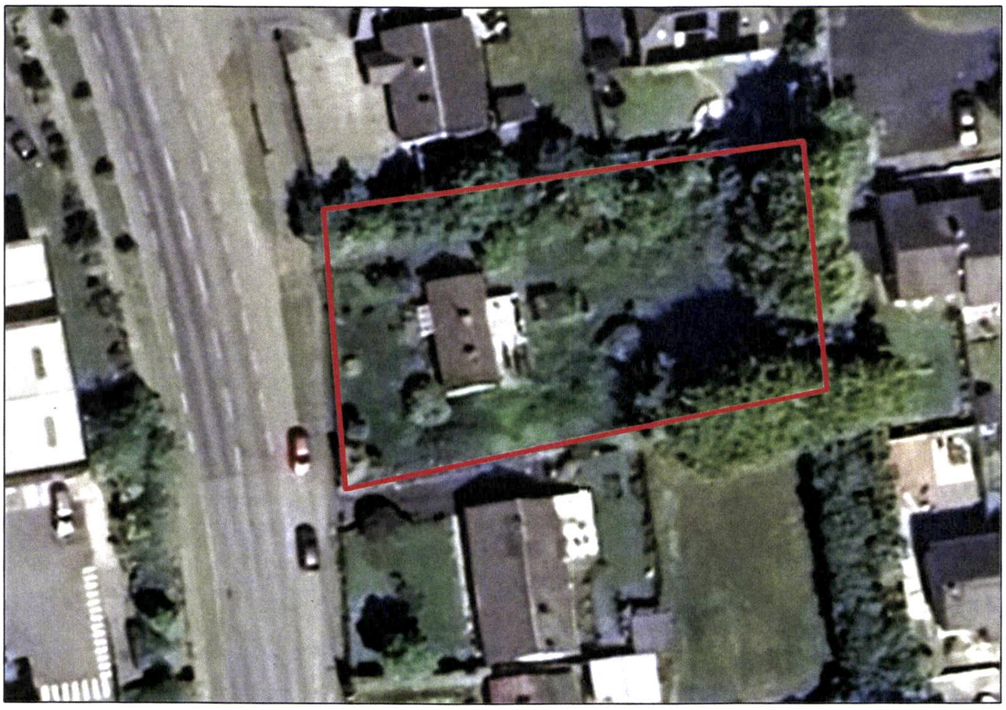


Figure 1: Site Location

Figure 2: View of 3A Killadreenan

Initial Exemption as per Section 5 Application

Whether or not:

- 39.3 sqm rear extension
- Conversion [of unstated] under Class 1 Part 1 of Schedule 2

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

Section 5 Application

The application documentation provided outlines further works required in order to facilitate the proposal, or indicates that other works may be likely, namely:

- The demolition of an existing extension to the rear of the dwelling
- The removal/demolition of an existing shed
- Internal modifications to the existing building (as indicated in green on the submitted drawings)
- Earthworks to rear of dwelling

Internal GIS resources indicate the presence of a 225mm concrete foul sewer running along the back of the existing dwelling in close proximity to the intended extension. EX60/2026 included works to this foul sewer as an element of assessment, however the submitted documentation in this request has surveyed this foul sewer and indicates that it is further from the rear of the dwelling than indicated on internal GIS mapping. The Planning Authority accepts that this is the case, and that no works to this foul sewer would be required to facilitate the extension. On this basis, works to this foul sewer will not be included as an element of this Section 5 request.

It is not clear from the details submitted that any garage, store, shed or other similar structure attached to the rear or to the side of the house would require conversion to use as part of the house.

As such, from examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows:

Whether or not:

1. An extension of 39.3 sqm to the rear of the dwelling,
2. Demolition of pre-existing extension to rear of dwelling,
3. Demolition/removal of pre-existing shed,
4. Internal modifications to the existing dwelling,
5. Earthworks to rear of dwelling,

at 3A Killadreenan, Newtownmountkennedy, Co. Wicklow.

constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Relevant Planning History:

EX60/2026 - 39.3 sqm rear extension – The Planning Authority issued a declaration on 8th June 2026 as follows:

1. *'An extension of 39.3 sqm to the rear of the dwelling is development and is **not exempted development**.*
2. *Demolition of pre-existing extension to rear of dwelling is development and is **not exempted development**.*
3. *Demolition/removal of pre-existing shed is development and **is** exempted development.*
4. *Internal modifications to the existing dwelling is development and **is** exempted development.*
5. *Works to a publicly owned Irish Water/Uisce Éireann asset is development and is **not exempted development**.*
6. *Earthworks to rear of dwelling is development and is **not exempted development**.'*

The main reasons with respect to this declaration were as follows:

- (i) *'An extension of 39.3 sqm to the rear of the dwelling, demolition of pre-existing extension to rear of dwelling, demolition/removal of pre-existing shed, internal modifications to the existing dwelling, works to a publicly owned Irish Water/Uisce Éireann asset, and earthworks to rear of dwelling are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000(as amended).*
- (ii) *The extension of 39.3sqm would come within the description set out in Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended), but would not meet the limitation set out in Part 4 (a) as the walls of the extension exceed the rear wall of the house, and therefore the extension would not be exempted development.*
- (iii) *The demolition of pre-existing extension to rear of dwelling would not come within the description set out under Class 50 (b) as it would not be in connection with an extension that comes within the provisions of Class 1 : Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended)*
- (iv) *The demolition/removal of pre-existing shed comes within the description and limitations of Class 50(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).*
- (v) *Internal modifications to the existing dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works either affect only the interior of the structure or 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;*
- (vi) *Where the extension works impact on the existing public foul sewer publicly owned Irish Water/Uisce Éireann asset such works would not come within the description set out in Class 58: Part 1 : Schedule 2 of the Planning and Development Regulations 2001(as amended).*
- (vii) *Insufficient information has been submitted in relation to earthworks to rear of dwelling to show whether such works would be exempted development.'*

77/1367 – Extension to dwelling at 3A Killadreenan, Newtownmountkennedy, Co. Wicklow.

Condition No. 3 attached to that permission stated the following *'It is to be clearly understood that this grant of planning permission shall not authorize the erection of any building over a public water main or sewer.'* Correspondence in relation to this condition resulted in the rear wall of the extension being moved back towards the house by 3ft (i.e. 0.9144m) from that originally granted.

Relevant legislation:

Planning and Development Act 2000 (as amended)

"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 situated, and
(*b*) in relation to a protected structure or proposed protected structure, includes—
(i) the interior of the structure,
(ii) the land lying within the curtilage of the structure,
(iii) any other structures lying within that curtilage and their interiors, and
(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i)* or *(iii)*;

"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.

Section 3:

3.—
(1) In this Act, except where the context otherwise requires, "development"
means—
(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4:
4.—
(1) The following shall be exempted developments for the purposes of this Act—

(*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;

3) A reference in this Act to exempted development shall be construed as a reference to development which is—
(a) any of the developments specified in subsection (1), or
(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—
(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
(b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

Planning and Development Regulations 2001(as amended).

Article 3 Note see Regulations for full Article

(3) In these Regulations, except where the context otherwise requires –
"gross floor space" means the area ascertained by the internal measurement of the floor space on each floor of a building (including internal walls and partitions), disregarding any floor space provided for the parking of vehicles by persons occupying or using the building or buildings where such floor space is incidental to the primary purpose of the building;

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) Note see Regulations for full Article

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—

< See Regulations for List>

Schedule 2: Part 1

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.

Conditions/ 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.
(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

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

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c)The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

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

(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden.

CLASS 6
(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.
Conditions/Limitations:
The level of the ground shall not be altered by more than 1 metre above or below the level of the adjoining ground.

CLASS 50
(a) The demolition of a building, or buildings, within the curtilage of—
(i) a house,
(ii) an industrial building,
(iii) a business premises, or
(iv) a farmyard complex.

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.

Conditions/Limitations:

1. No such building or buildings shall abut on another building in separate ownership.

2. The cumulative floor area of any such building, or buildings, shall not exceed:
   (a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
   (b) in all other cases, 100 square metres.
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

Assessment

As identified above the query to be addressed is whether or not

1. An extension of 39.3 sqm to the rear of the dwelling,
2. Demolition of pre-existing extension to rear of dwelling,
3. Demolition/removal of pre-existing shed
4. Internal modifications to the existing dwelling,
5. Earthworks to rear of dwelling,

at 3A Killadreenan, Newtownmountkennedy, Co. Wicklow.

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

The subject site is located in the settlement/townland of Newtownmountkennedy and is accessed directly from the R772. 3A Killadreenan, the dwelling subject of this Section 5, is a rendered single-storey three-bay dwelling, with an offset glazed porch entrance. Though no planning history can be found for the dwelling in question, the dwelling appears typical of local authority constructed rural labourer cottages from the mid-20th century. Information from Tailte Éireann (landdirect.ie) indicates that 3A Killadreenan is in the ownership of Christina Van Der Does. No wayleaves are indicated on the site. An existing extension permitted under PRR 77/1367 is present to the rear of the dwelling, extending from c. 80% of the rear of the dwelling. An existing storage shed of likely block-construction is located directly to the rear of the dwelling. The ground to the rear of the dwelling slopes upwards to the east, with the storage shed being at a higher level than the rest of the dwelling. The residential dwelling is not listed on the Record of Protected Structures, nor is it located within an Architectural Conservation Area. The site is zoned RE 'Existing Residential'. National Monument WI013124, an enclosure, is c. 460m to the northeast. The dwelling is outside the corresponding zones of notification. The residential dwelling is not considered to be visible from any view or prospect set out in Wicklow County Development Plan 2022-2028, including views No. 46 & No. 47, which are nearby. The residential dwelling is located in the 'Urban Areas' Landscape Category. The site is located in Flood Zone C.

Figure 3: View of rear of dwelling showing sloping ground, with existing shed raised above the level of the existing dwelling and extension (source: daft.ie)

Environmental Impact Assessment
Having regard to nature and scale of the development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Appropriate Assessment
The application site is located c. 4km metres west of the Murrough SPA/The Murrough Wetlands SAC, and c. 4km east of the Carrigower Bog SAC. There is a watercourse to the north of the site (the Newtownmountkennedy stream) that leads to the Murrough SPA/The Murrough Wetlands SAC, however the site falls to the west such that a source-receptor pathway is unlikely. Similarly, the site is downstream of the Carrigower Bog SAC. Having regard to the nature and scale of the proposed development, it is not considered that the proposed development would give rise to any adverse impacts on the qualifying interests and conservation objectives of the Murrough SPA/The Murrough Wetlands SAC/Carrigower Bog SAC or any other natura sites and therefore the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.

It is necessary to consider in turn whether each element of the Section 5 request is or is not a) development and b) exempted development.

<u>Article 9 of the Planning and Development Regulations 2001 (as amended)</u>

It is not considered that the provisions of Article 9 are relevant in this case.

<u>Element (1):</u>

'An extension of 39.3 sqm to the rear of the dwelling'

(a) This element would consist of an act of construction/extension and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development**.

(b) The relevant exemption in respect to the extension to the rear of the property is Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

There are a number of limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitations:

Limitation 1(a) – The house appears to have been extended previously under PRR 77/1367. Therefore, this limitation is not relevant.
Limitation 1(b) – N/A
Limitation 1(c) – N/A
Limitation 2(a) – The house appears to have been extended previously under PRR 77/1367. As the previous extension is proposed to be demolished to facilitate the proposed extension (see Element 2 below), its floor area is not relevant to this

limitation. Measurements set out in the submitted documentation indicates that the proposed extension would have an internal floor area of c. 38.571 sqm (rather than the stated 39.3 sqm), noting the definition of gross floor space in Article 3 of the said regulations. This floor area is less than 40sqm, satisfying the limitation.

Limitation 2(b) – N/A

Limitation 2(c) – N/A

Limitation 3 – N/A

Limitation 4(a) –The rear wall does not include a gable, so this limitation is relevant. The submitted documentation indicates that the extension has a hipped roof with no gable ends. The walls of the extension do not exceed the height of the rear wall of the house. This limitation is therefore satisfied.

Limitation 4(b) – The rear wall does not include a gable, so this limitation is not relevant.

Limitation 4(c) – The submitted documentation indicates that the hipped roof of the extension does not exceed the height of the highest part of the roof of the dwelling, satisfying the limitation.

Limitation 5- Dimensions from the submitted documentation indicate that the area of the remaining garden is c. 700sqm. This exceeds 25 sqm, satisfying the condition.

Limitation 6(a) –All proposed windows are in excess of 1m from the boundaries they face, satisfying the condition.

Limitation 6(b) – N/A

Limitation 6(c) – N/A

Limitation 7 – No balcony is indicated in the submitted documents.

Based on the documents submitted, **it can be determined that Element (1) <u>does</u> constitute exempted development.**

<u>Element (2):</u>

'Demolition of pre-existing extension to rear of dwelling,'

(a) This element would consist of an act of demolition and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development**.

(b) The relevant exemption in respect to the demolition of the pre-existing extension to the rear of the property is Class 50(b) of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

As the proposed extension satisfies the criteria associated with Class 1 of Part 1 of Schedule 2 (refer to Element 1 above), the demolition of part of a habitable house is therefore in connection with the provision of an extension in accordance with Class 1.

There are a number of limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitation 1 – The pre-existing extension is not a 'building' but is part of a habitable house, therefore this limitation is not relevant.

Limitation 2(a) – The pre-existing extension is not a 'building' but is part of a habitable house, therefore this limitation is not relevant.
Limitation 2(b) – The pre-existing extension is not a 'building' but is part of a habitable house, therefore this limitation is not relevant.
Limitation 3 – The proposed demolition is not intended to facilitate development of any class prescribed for the purposes of section 176 of the Act, satisfying this limitation.

Based on the documents submitted, **it can be determined that Element (2) <u>does</u> constitute exempted development.**

<u>Element (3):</u>

'Demolition/removal of pre-existing shed'

(a) This element would consist of an act of demolition and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development.**

(b) The relevant exemption in respect to the demolition of the pre-existing extension to the rear of the property is Class 50(a) of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

There are a number of limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitations:

Limitation 1 –	The pre-existing shed does not abut on another building in separate ownership, satisfying this limitation.
Limitation 2(a) -	The pre-existing shed within the curtilage of a house has an area of c. 6.25sqm. This is less than 40sqm, satisfying this limitation.
Limitation 2(b) -	N/A
Limitation 3 -	The proposed demolition is not intended to facilitate development of any class prescribed for the purposes of section 176 of the Act, satisfying this limitation.

Based on the documents submitted, **it can be determined that Element (3) <u>does</u> constitute exempted development.**

<u>Element (4):</u>

'Internal modifications to the existing dwelling'

The submitted documentation does not provide an itemised list of internal modifications, however drawings submitted indicate at least the following:

I. Construction and demolition of internal walls to reconfigure room layout and facilitate the creation of a longer hallway.
II. The conversion of a bedroom into a dining room and the amalgamation of two other bedrooms into one bedroom.

(a) This element, including items I & II above, would consist of acts of demolition/alteration/construction and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development**.

(b) The relevant exemption in respect to this element is Section 4(1)(h) of the Planning and Development Act 2000 (as amended). This exemption requires that the works affect only the interior of the structure. As the internal modifications are entirely within the interior of the structure and will not be visible from the exterior, the conditions of this exemption are satisfied.

Based on the documents submitted, **it can be determined that Element (4) <u>does</u> constitute exempted development.**

<u>Element (5):</u>

'Earthworks to rear of dwelling'

The submitted documentation indicates that an alteration to ground level of 700mm is proposed to the sloping back garden to create a level area to the rear of the proposed extension.

(a) This element would consist of an act of excavation and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development**.

(b) The relevant exemption in respect to the extension to the rear of the property is Class 6 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended). Class 5 may also be relevant if any retaining wall were to be constructed, however no details have been submitted in this regard.

There is 1 No. limitation with respect to this exemption, and therefore the development must be assessed having regard to it as set out below.

Limitations:

This class requires that the level of the ground shall not be altered by more than 1 metre above or below the level of adjoining ground. The ground level is proposed to be altered by 700mm, satisfying the limitation.

Based on the documents submitted, **it can be determined that Element (5) <u>does</u> constitute exempted development.**

Recommendation:

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

1. An extension of 39.3 sqm to the rear of the dwelling,
2. Demolition of pre-existing extension to rear of dwelling,
3. Demolition/removal of pre-existing shed
4. Internal modifications to the existing dwelling,
5. Earthworks to rear of dwelling

at 3A Killadreenan, Newtownmountkennedy, Co. Wicklow.

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

The Planning Authority consider that the

1. An extension of 39.3 sqm to the rear of the dwelling is development and **is** exempted development.
2. Demolition of pre-existing extension to rear of dwelling is development and **is** exempted development.
3. Demolition/removal of pre-existing shed is development and **is** exempted development.
4. Internal modifications to the existing dwelling is development and **is** exempted development.
5. Earthworks to rear of dwelling is development and **is** exempted development.

at 3A Killadreenan, Newtownmountkennedy, Co. Wicklow.

Main Considerations with respect to Section 5 Declaration:

a) The details submitted with the Section 5 Declaration Application
b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
c) Article 3, 6, and Classes 1, 6, and 50 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

(i) An extension of 39.3 sqm to the rear of the dwelling, demolition of pre-existing extension to rear of dwelling, demolition/removal of pre-existing shed, internal modifications to the existing dwelling, and earthworks to rear of dwelling are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000 (as amended).
(ii) The extension of 39.3sqm would come within the description and limitations of Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
(iii) The demolition of the pre-existing extension to rear of the dwelling would come within the description set out under Class 50 (b) as it would be in connection with an extension that comes within the provisions of Class 1: Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended).
(iv) The demolition/removal of pre-existing shed comes within the description and limitations of Class 50(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
(v) Internal modifications to the existing dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended),

as the works either affect only the interior of the structure or 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.

Michael Woods O'Rourke

Michael Woods O'Rourke EP
02/07/26

Agreed

TEP

3/7/2026.

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: **Michael Woods O'Rourke**
Executive Planner

FROM: **Aoife Kinsella**
Clerical Officer

RE: - EX77/2026 - Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended)

I enclose herewith for your attention application for Section 5 Declaration received 23/06/2026.

The due date on this declaration is the 20/07/2026.

Aoife Kinsella.
Clerical 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
Suíomh / Website www wicklow ie

Liam Kenna
Moneystown
Roundwood
Co. Wicklow

23rd of June 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) - EX77/2026 for Christina Van Der Does

A Chara

I wish to acknowledge receipt on 23/06/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 20/07/2026

Mise, le meas

Aoife Kinsella
Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development

L/K DESIGN
Moneystown,
Roundwood,
Co. Wicklow
E-mail: liam@kse.ie
Mob: 0879636167

10.06.26

Wicklow County Council
Planning Department,
County Council Buildings,
Wicklow Town.

RE: Section 5 application for Christina Van Der Does, 3A Kiladreen, Newtownmountkennedy, Co. Wicklow.

Dear Sir / Madame,

Please find enclosed a section 5 application for Christina Van Der Does, 3A Killadreen, Newtownmountkennedy, Co. Wicklow.

My Client previously sent in a section 5 application on the same site under reference EX 60/2026. In that application the planning authorthy has some inssues with the exempt development – which were

1. The extension did not comply with part 4 (a) of class 1 of schedule 2: Part 1
2. Works in close proximity to a publicly owned Irish water asset is not exempt
3. Earthworks to the rear of the dwelling.

This current application is being lodged to over come these issues.

1. We have changed the roof on the proposed extension to a hipped roof so now it comes within the scope for an exemption
2. We have attached a section drawing showing the max digging for the extension is 700 mm and now comes within the scope for an exemption.
3. The Irish water pipe is not correctly shown in the map, the pipe is actually another 5 meters to the East. We have surveyed the location of the existing manhole and pipe with GPS and shown it's true location on the attached drawings. The proposed extension is not coming within 5 meters of the pipe, this is over the required 3 meters wayleave from an Irish water asset. We have also attached a photo of the location of the manhole which clearly shows it's location on the site.

I hope you find this satisfactory and look forward to hearing form you.

Kind Regards

Signed:____________________

Liam Kenna

Wicklow County Council
County Buildings
Wicklow
0404-20100

23/06/2026 10 46 18

Receipt No L1/0/365629
***** REPRINT *****

LIAM KENNA
MONLYSTOWN
ROUNDWOOD
CO WICKLOW

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

Total 80 00 EUR

Tendered
Credit Card 80 00
SECTION 5

Change 0 00

Issued By Adam Copeland
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 ______ WICKLOW COUNTY COUNCIL

Fee Received ______ 23 JUN 2026

PLANNING DEPT.

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: _____CHRISTINA VAN DER DOES__________

Address of applicant: ____

3A KILLADREEN, NEWTOWNMOUNTKENNEDY, 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) LIAM KENNA_______

Address of Agent : ____

MONEYSTOWN, ROUNDWOOD, CO. WICKLOW

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

3. Declaration Details

i. Location of Development subject of Declaration
3A KILLADREEN, NEWTOWNMOUNTKENNEDY, CO. WICKLOW

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes.

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier

N/A

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration
MY CLIENT WISHES TO BUILD A 39.3 SQM REAR EXTENSION AND WE BELIEVE THESE WORKS ARE EXEMPT UNDER CLASS 1 PART 1 OF SCHEDULE 2
AND My clients now seek section 5 approval for the conversion under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.
Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration
CLASS 1 PART 1 OF SCHEDULE 2
Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? NO

vii. List of Plans, Drawings submitted with this Declaration Application ___________ PLEASE SEE ATTACHED

viii. Fee of € 80 ~~Attached~~ ? PLEASE CONTACT ME ON 0879636167 FOR PAYMENT

Signed : Liam Lennon Dated : 15/6/26

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.

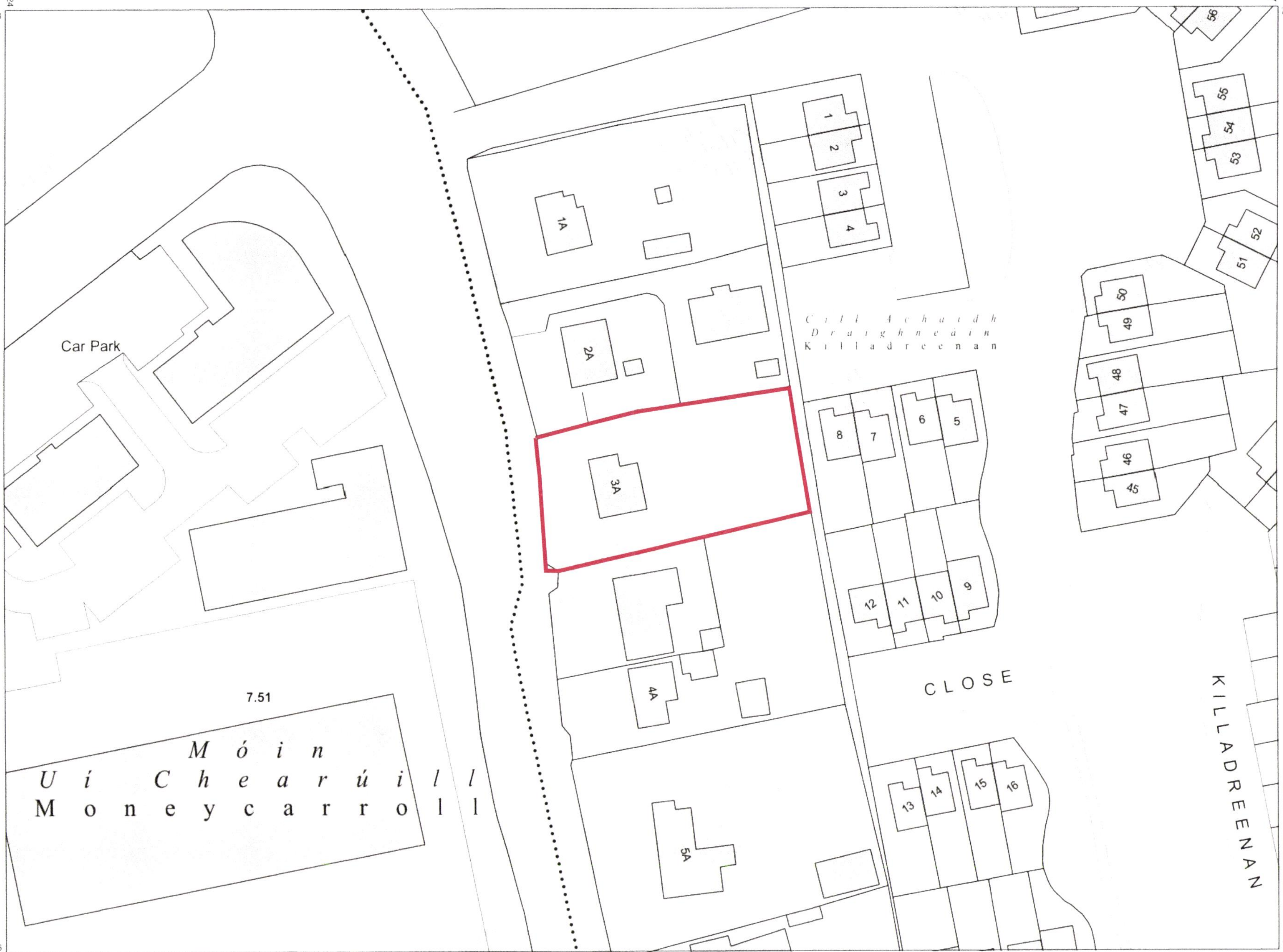
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.

Land Registry Compliant Map

Tailte Éireann

726824 705638 727057 705638



705466 726824 705466 727057

0 10 20 30 40 Metres

0 20 40 60 80 100 Feet

OUTPUT SCALE: 1:1,000

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; search 'Capture Resolution'

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

N

CENTRE COORDINATES:
ITM 726941,705552

PUBLISHED: 07/05/2026

ORDER NO.: 50534494_1

MAP SERIES: 1:2,500

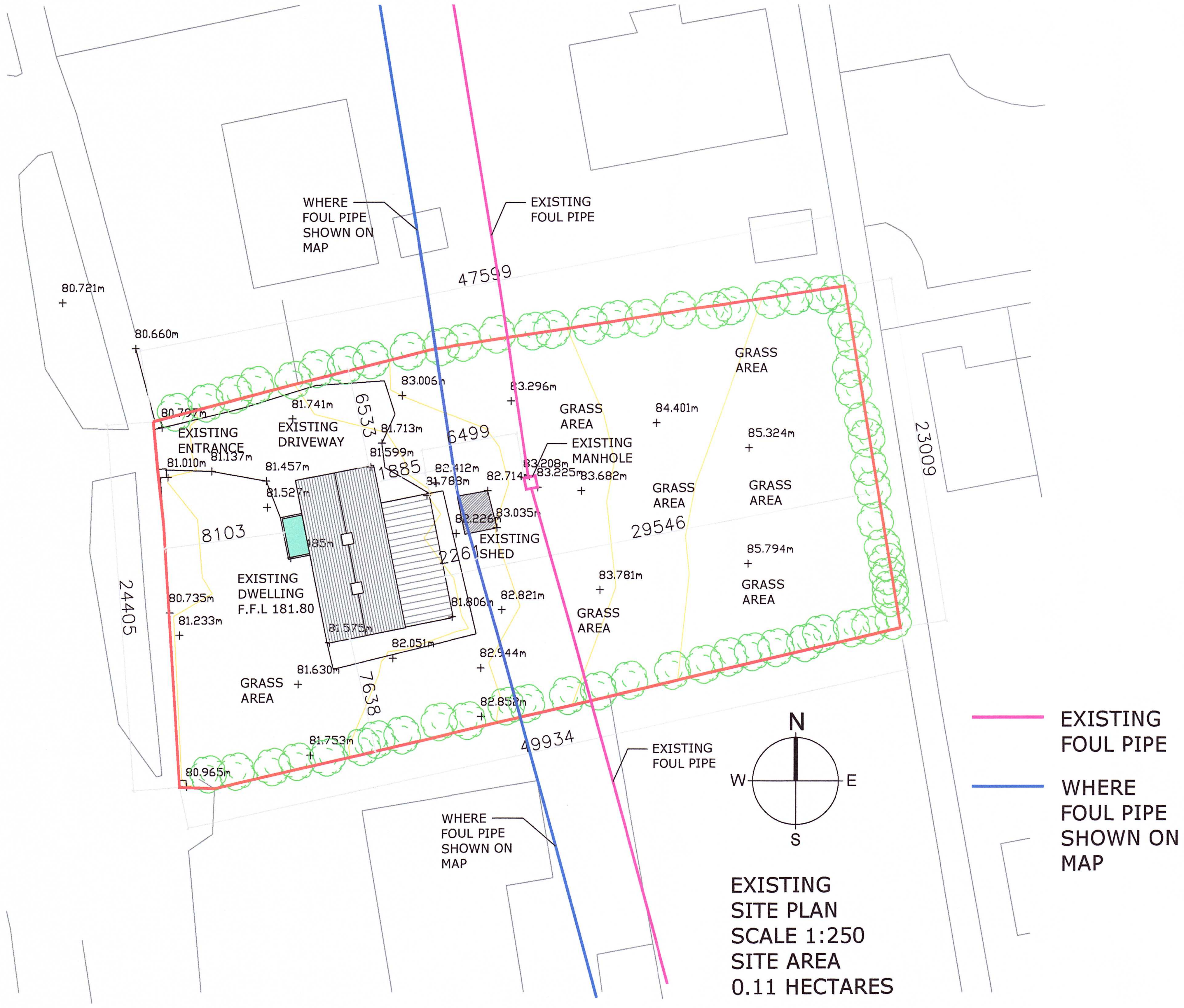
MAP SHEETS: 3789-D

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

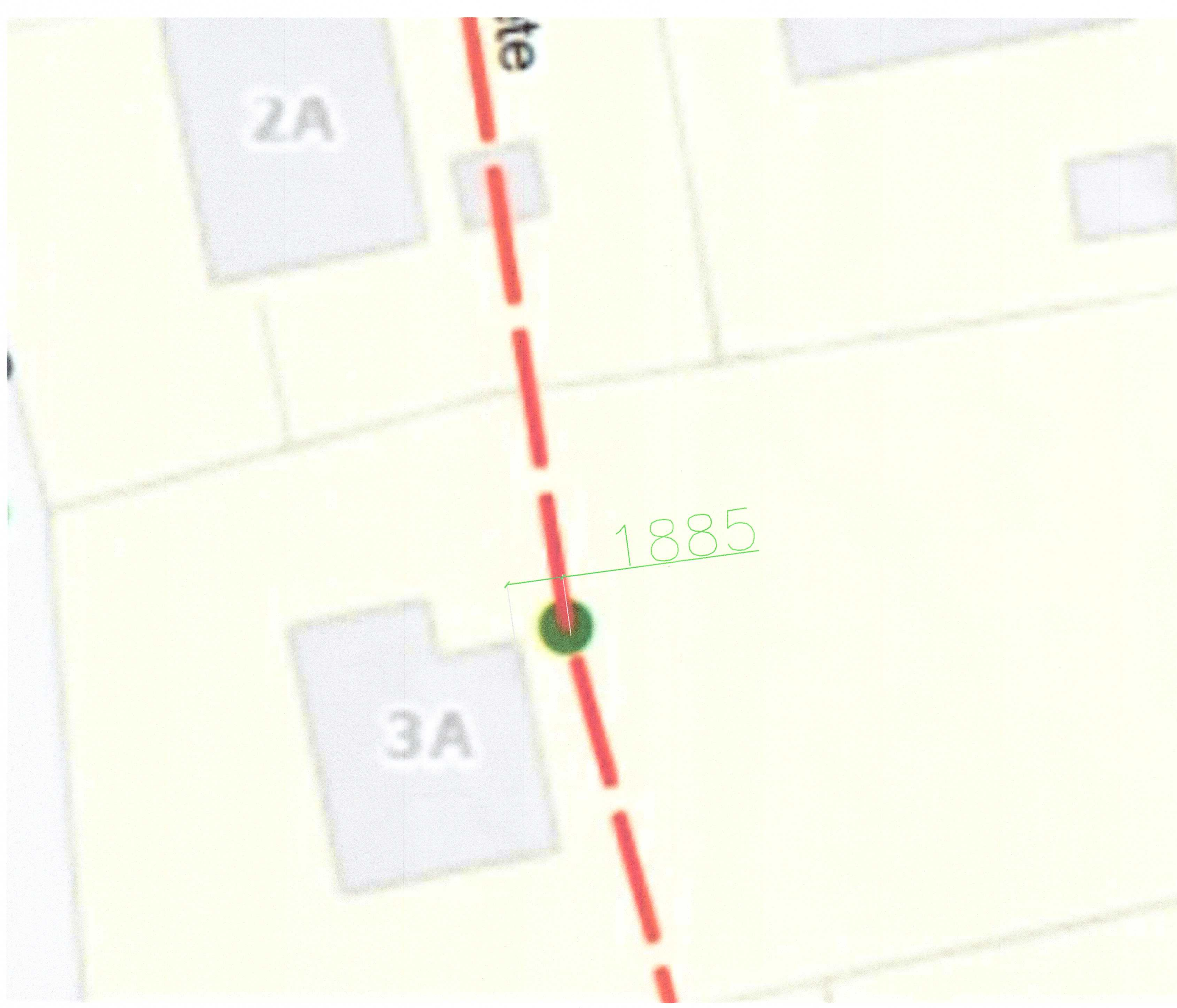
www.tailte.ie

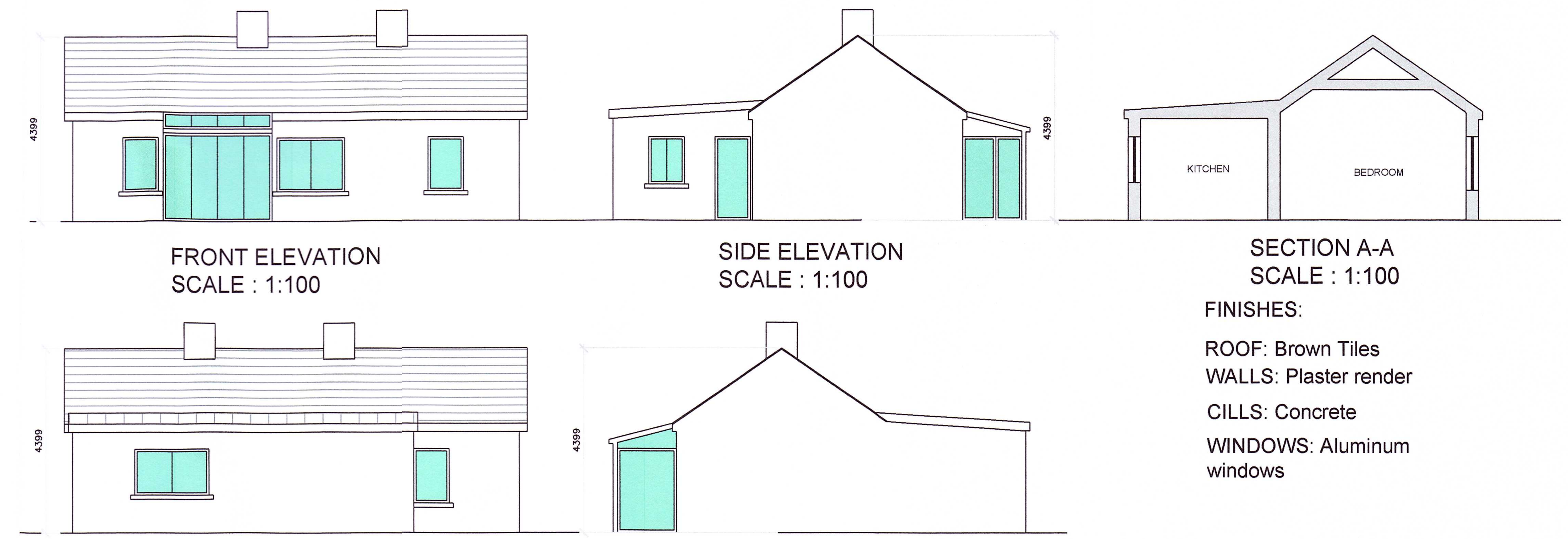
The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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



EXISTING SITE PLAN
SCALE 1:250
SITE AREA 0.11 HECTARES





FRONT ELEVATION
SCALE : 1:100

SIDE ELEVATION
SCALE : 1:100

SECTION A-A
SCALE : 1:100

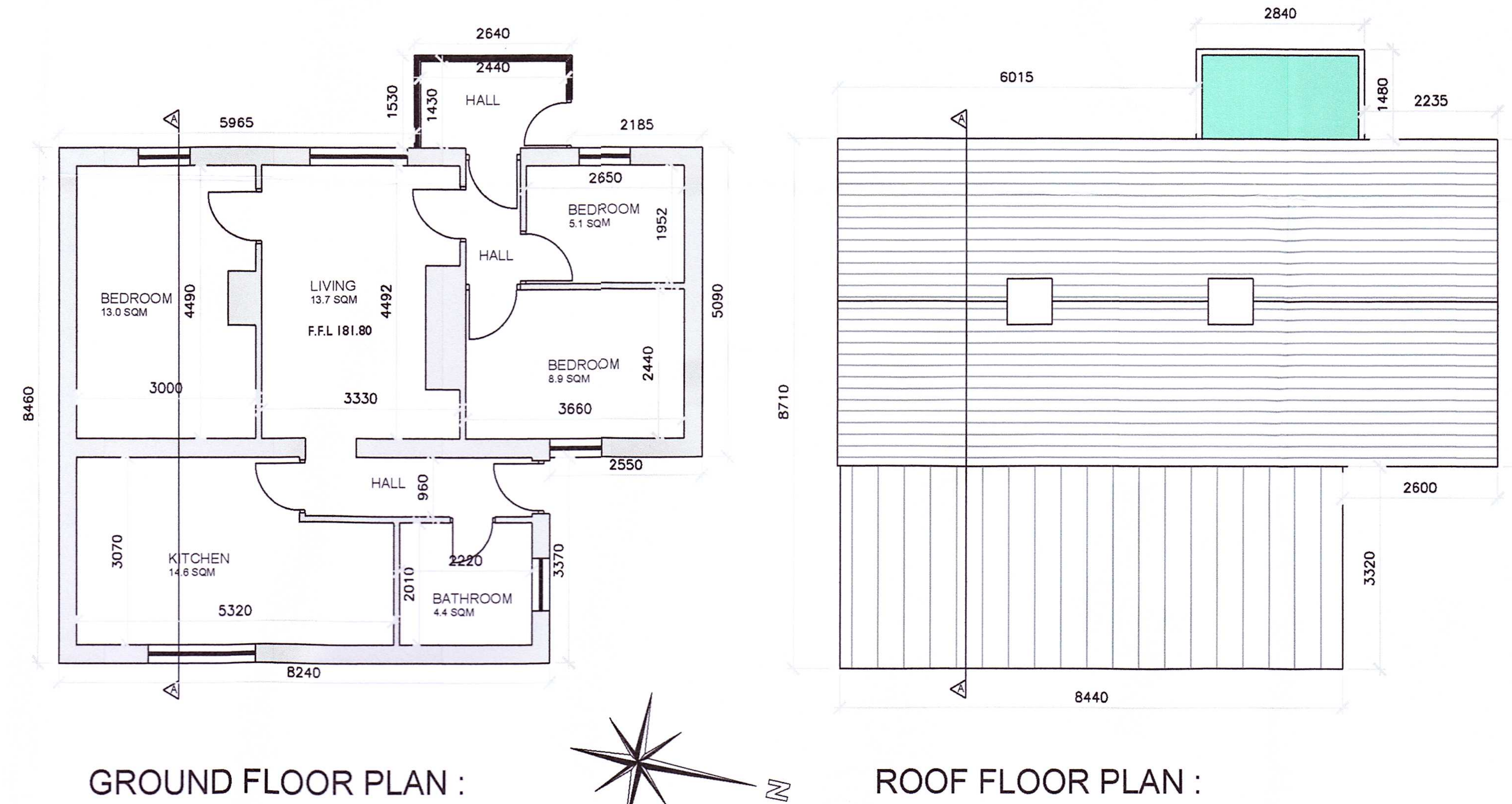
REAR ELEVATION
SCALE : 1:100

SIDE ELEVATION
SCALE : 1:100

FINISHES:

ROOF: Brown Tiles
WALLS: Plaster render
CILLS: Concrete
WINDOWS: Aluminum windows

EXISITNG



GROUND FLOOR PLAN :
SCALE : 1:100

TOTAL FLOOR AREA - 75.7 sq.m

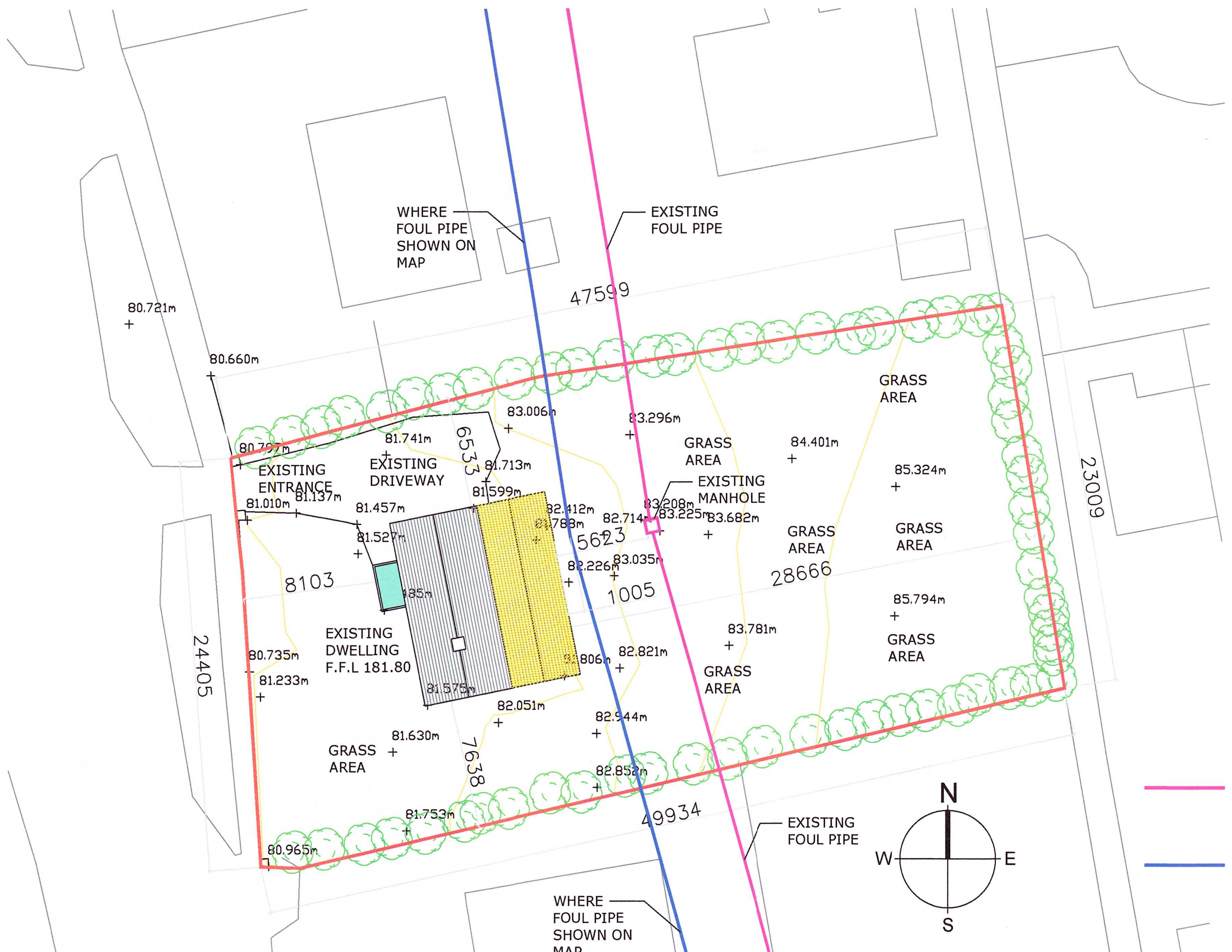
ROOF FLOOR PLAN :
SCALE : 1:100

TOTAL FLOOR AREA - 75.7 sq.m

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

DRAWING IS INTENDED SOLEY FOR PURPOSE NOTED. ONLY DRAWINGS MARKED CONTRACT ARE TO BE USED FOR CONSTRUCTION.

DRAWING BY: LIAM KENNA	DATE: 04.11.25	DRAWING: EXISTING SITE LAYOUT AND DWELLING SCALE 1:500, 100	PROJECT: CHRISTINA VAN DER DOES, 3A KILLADREEN, NEWTOWNMOUNTKENNEDY CO. WICKLOW.	DRAWING NO. 001	SHEET NO. 01

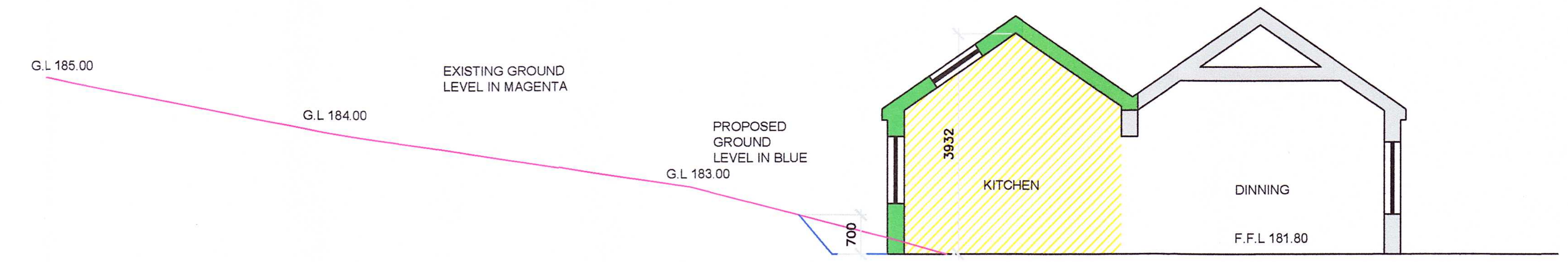


PROPOSED EXTENSION 39.3 SQM

PROPOSED SITE PLAN
SCALE 1:250
SITE AREA
0.11 HECTARES

EXISTING FOUL PIPE

WHERE FOUL PIPE SHOWN ON MAP



SECTION A-A
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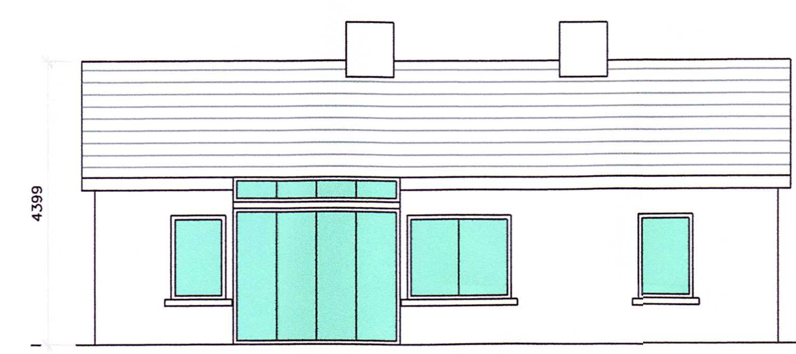
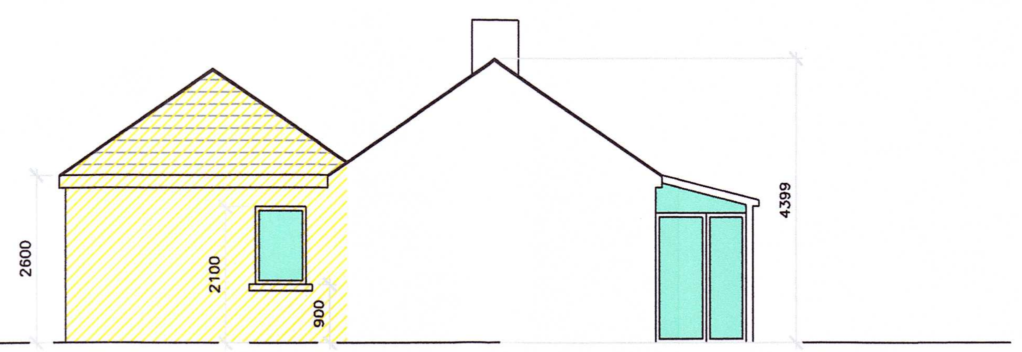
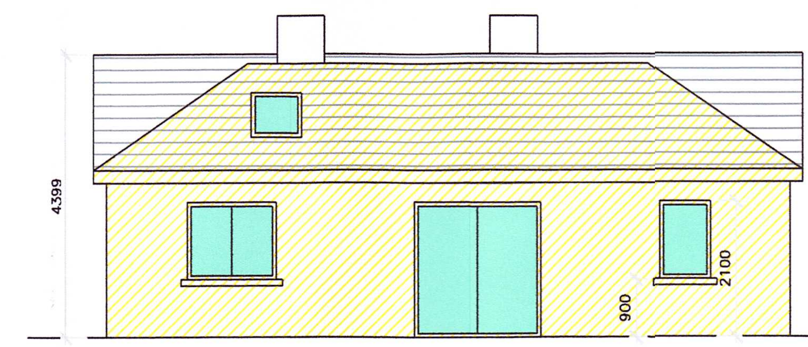


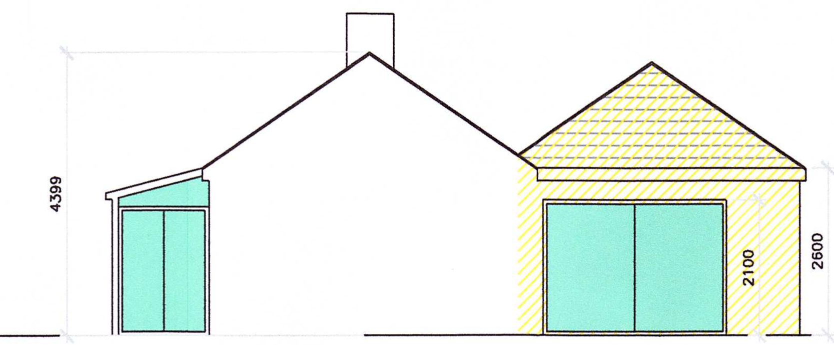
FRONT ELEVATION
SCALE : 1:100



SIDE ELEVATION
SCALE : 1:100



REAR ELEVATION
SCALE : 1:100



SIDE ELEVATION
SCALE : 1:100

FINISHES:

ROOF: Brown Tiles
WALLS: Plaster render
CILLS: Concrete
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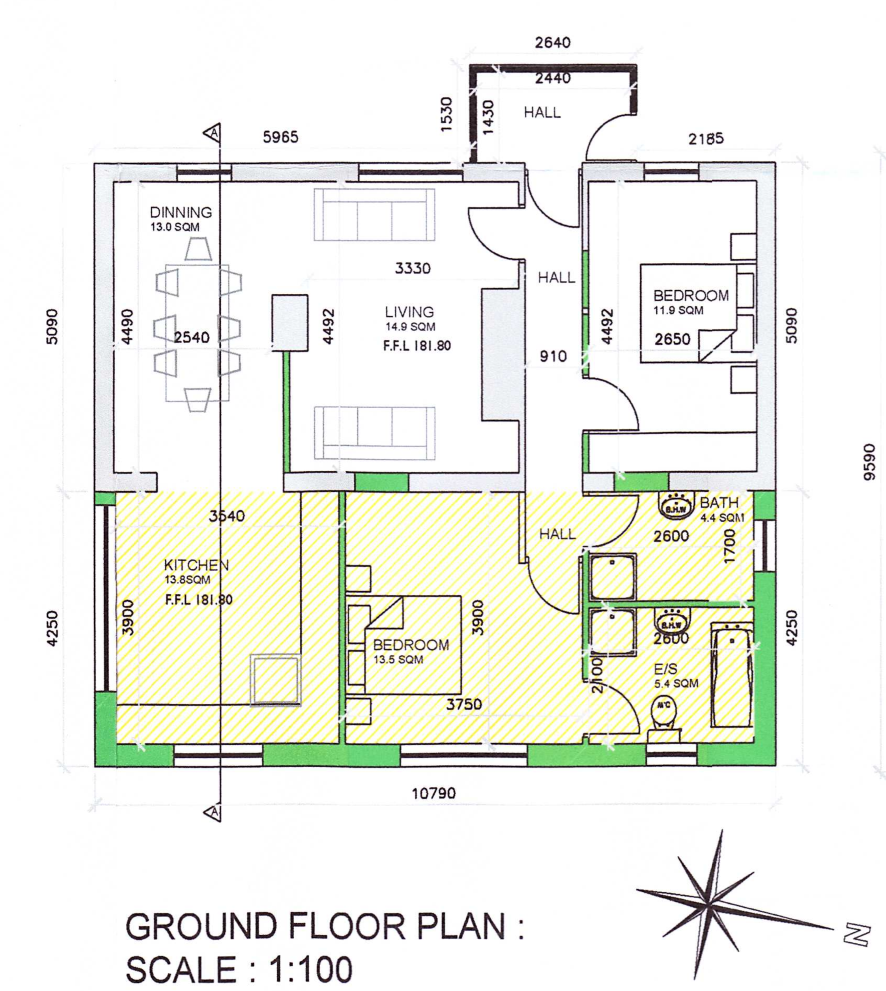
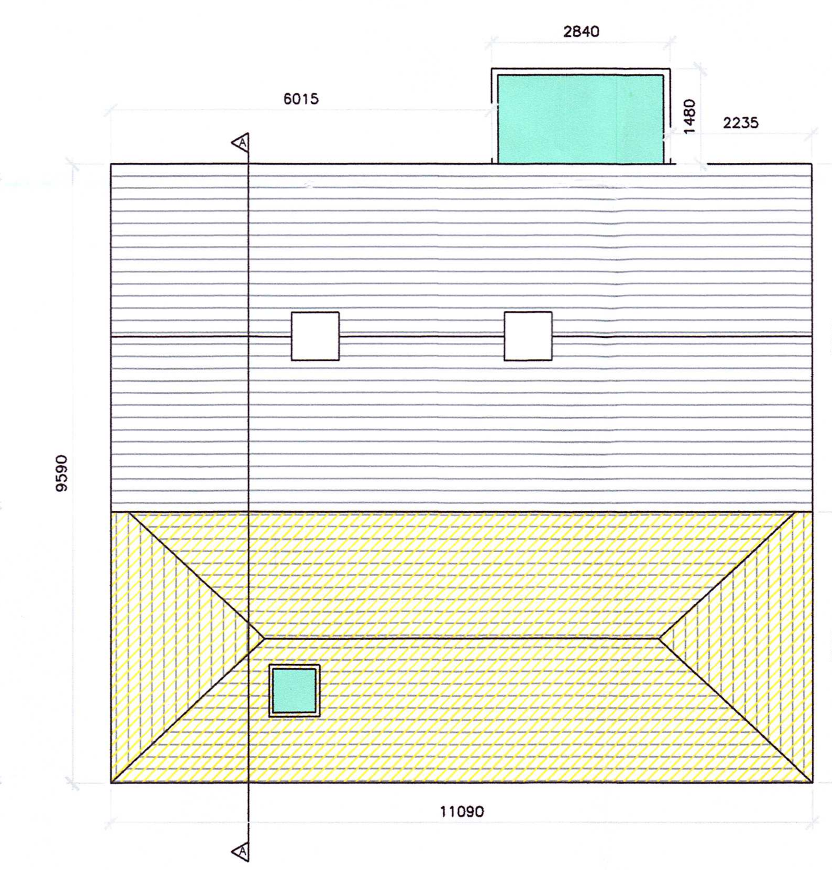


GROUND FLOOR PLAN :
SCALE : 1:100

TOTAL FLOOR AREA - 92.1 sq.m



ROOF FLOOR PLAN :
SCALE : 1:100

TOTAL FLOOR AREA - 92.1 sq.m

PROPOSED

PROPOSED EXTENSION 39.3 SQM

IMAGE SHOWS CORRECT LOCATION OF MANHOLE AND MAINS FOUL PIPE

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

DRAWING IS INTENDED SOLEY FOR PURPOSE NOTED. ONLY DRAWINGS MARKED CONTRACT ARE TO BE USED FOR CONSTRUCTION.

DRAWING BY:	DATE:	DRAWING:	PROJECT:	DRAWING NO.	SHEET NO.
LIAM KENNA	04.11.25	PROPOSED SITE LAYOUT AND DWELLING SCALE 1:500, 100	CHRISTINA VAN DER DOES, 3A KILLADREEN, NEWTOWNMOUNTKENNEDY CO. WICKLOW.	002	02