



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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Ronan McKeon,
The Flaggers,
Magheramore,
Co. Wicklow.
A67 WR63

15TH of October 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX119/2026

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,

pp Dianne Byrne.

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: Ronan McKeon

Location: The Flaggers, Magheramore, Co. Wicklow, A67 WR63

Reference Number: EX119/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1253

A question has arisen as to whether

"(1). Removal and replacement of chimney stack with a stainless steel flue ;

(2). Front and rear roof lights (velux);

(3). External wall insulation;

(4). Single storey extensions to rear of existing dwelling (42sqm) ;

(5). Ground floor side elevation bifold door 10m from property boundary"

at The Flaggers, Magheramore, Co. Wicklow, A67 WR63 is or is not exempted development.

Having regard to:

- a) The details submitted on the 24/09/2026;
- b) The Wicklow County Development Plan 2022-2028
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- e) Class 1, Class 1C, Class 2 and Class 2A of Part 1, Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026

Main Reasons with respect to Section 5 Declaration:

- viii. The Removal and replacement of a chimney stack with a stainless steel flue; Installation of front and rear roof lights (velux); the application of External wall insulation; the construction of Single storey extensions to rear of existing dwelling (42sqm); and the insertion of a ground floor side elevation bifold door 10m from property boundary at an existing detached dwelling; are operations of construction and demolition and would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).
- ix. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).



- ix. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- x. The installation of rear roof lights (velux); the application of External wall insulation; and the insertion of a ground floor side elevation bifold door 10m from property boundary at an existing detached dwelling, would involve works for maintenance and improvement of the existing dwelling, and would impact on the exterior of the structure, but would not materially affect the external appearance such that it would be inconsistent with the character of the structure or neighbouring structures, and therefore come within the description and limitations as set out under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and are therefore exempted development.
- xi. The proposed rear extensions (42sqm) would come within the description and limitations as set out under Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development
- xii. The installation of two front velux windows would come within the description and limitations set out under Class 1C of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development
- xiii. The Removal and replacement of a chimney stack with a stainless steel flue would come within the description and limitations set out in Class 2 and Class 2A, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development.
- xiv. Nothing within Article 9 of the Planning and Development Regulations 2001(as amended) would restrict the exemptions under the relevant classes

12/10/2026

The report of the Assistant Planner is noted, and I would generally concur with the assessment however the request seeks permission for removal and replacement of the Chimney with a metal flue. This removal and replacement would not come within Section 4(1)(h) as it would materially alter the external appearance. However, the Planning and Development Regulations 2001(as amended) provide for the following exemptions under Class 2 and Class 2A.

CLASS 2

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

CLASS 2A

The removal of a chimney from a house.

1. No chimney shall be removed where it forms part of a joint chimney stack with a separate dwelling house.

2. Roof finishes shall be the same as the existing roof.

3. This exemption is subject to compliance with Section 22 (protection of nests of wild birds) and Section 23 (breeding or resting places of protected wild animals including bats) of the Wildlife Act 1976, as amended.

It is considered that the works would come within the description and limitations set out in Class 2 and Class 2A, and is therefore exempted development.

Nothing in Article 9 would de-exempt the works identified. In addition the development given the nature would not give rise to any negative impacts on any Natura 2000 site and therefore the need for appropriate assessment is not applicable in this instance.

The Planning Authority considers that is development and is exempted development at The Flaggers, Magheramore, Co. Wicklow, A67 WR63

Signed: *Stanne Byrne*

Date: 13/10/2026

PP ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1253

Reference Number: EX119/2026

Name of Applicant: Ronan McKeon

Nature of Application: Section 5 Referral as to whether

- "(1). Removal and replacement of chimney stack with a stainless steel flue ;*
- (2). Front and rear roof lights (velux);*
- (3). External wall insulation;*
- (4). Single storey extensions to rear of existing dwelling (42sqm) ;*
- (5). Ground floor side elevation bifold door 10m from property boundary" at*
is or is not development and is or is not exempted development.

Location of Subject Site: The Flaggers, Magheramore, Co. Wicklow, A67 WR63

Report from: Maria Harte T/A.P.

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"(1). Removal and replacement of chimney stack with a stainless steel flue ;*

- (2). Front and rear roof lights (velux);*
- (3). External wall insulation;*
- (4). Single storey extensions to rear of existing dwelling (42sqm) ;*
- (5). Ground floor side elevation bifold door 10m from property boundary at" at The*

Flaggers, Magheramore, Co. Wicklow, A67 WR63 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- a) The details submitted on the 24/09/2026;
- b) The Wicklow County Development Plan 2022-2028
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- e) Class 1, Class 1C, Class 2 and Class 2A of Part 1, Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026

Main Reasons with respect to Section 5 Declaration:

- i. The Removal and replacement of a chimney stack with a stainless steel flue; Installation of front and rear roof lights (velux); the application of External wall insulation; the construction of Single storey extensions to rear of existing dwelling (42sqm); and the insertion of a ground floor side elevation bifold door 10m from property boundary at an existing detached dwelling; are operations of construction and demolition and would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).
- ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- iii. The installation of rear roof lights (velux); the application of External wall insulation; and the insertion of a ground floor side elevation bifold door 10m from property boundary at an existing detached dwelling, would involve works for maintenance and improvement of the existing dwelling, and would impact on the exterior of the structure, but would not materially affect the external appearance such that it would be inconsistent with the character of the structure or neighbouring structures, and therefore come within the description and limitations as set out under Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) and are therefore exempted development.
- iv. The proposed rear extensions (42sqm) would come within the description and limitations as set out under Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development
- v. The installation of two front velux windows would come within the description and limitations set out under Class 1C of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development
- vi. The Removal and replacement of a chimney stack with a stainless steel flue would come within the description and limitations set out in Class 2 and Class 2A, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development.
- vii. Nothing within Article 9 of the Planning and Development Regulations 2001(as amended) would restrict the exemptions under the relevant classes

12/10/2026

The report of the Assistant Planner is noted, and I would generally concur with the assessment however the request seeks permission for removal and replacement of the Chimney with a metal flue. This removal and replacement would not come within

Chimney with a metal flue. This removal and replacement would not come within Section 4(1)(h) as it would materially alter the external appearance. However, the Planning and Development Regulations 2001(as amended) provide for the following exemptions under Class 2 and Class 2A.

CLASS 2

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

CLASS 2A

The removal of a chimney from a house.

1. No chimney shall be removed where it forms part of a joint chimney stack with a separate dwelling house.
2. Roof finishes shall be the same as the existing roof.
3. This exemption is subject to compliance with Section 22 (protection of nests of wild birds) and Section 23 (breeding or resting places of protected wild animals including bats) of the Wildlife Act 1976, as amended.

It is considered that the works would come within the description and limitations set out in Class 2 and Class 2A, and is therefore exempted development.

Nothing in Article 9 would de-exempt the works identified. In addition the development given the nature would not give rise to any negative impacts on any Natura 2000 site and therefore the need for appropriate assessment is not applicable in this instance.

Recommendation

The Planning Authority considers that

"(1). Removal and replacement of chimney stack with a stainless steel flue ;

(2). Front and rear roof lights (velux);

(3). External wall insulation;

(4). Single storey extensions to rear of existing dwelling (42sqm) ;

(5). Ground floor side elevation bifold door 10m from property boundary" at the Flaggers, Magheramore, Co. Wicklow, A67 WR63 is development and is exempted development as recommended in the planning reports.

Signed: Joanne Byrne

Date: 13/10/2026

ORDER:

I HEREBY DECLARE: That

"(1). Removal and replacement of chimney stack with a stainless steel flue ;

(2). Front and rear roof lights (velux);

(3). External wall insulation;

(4). Single storey extensions to rear of existing dwelling (42sqm) ;

(5). Ground floor side elevation bifold door 10m from property boundary"

is development and is exempted development at The Flaggers, Magheramore, Co. Wicklow, A67 WR63 within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____



T/Senior Planner

Planning, Economic & Rural Development

Date: _____

15/10/2026



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 Declaration

To: Edel Bermingham T/Senior Planner /
Patrice Ryan Senior Executive Planner
From: Maria Harte T/ Assistant Planner.
Ref: EX119/2026
Decision due: 24/09/2026
Name: Ronan McKeon
Development: Proposed development
(1). Removal and replacement of chimney stack;
(2). Front and rear roof lights (velux);
(3). External wall insulation
(4). Single storey extensions to rear of existing dwelling (42sqm)
(5). Ground floor side elevation bifold door 10m from property boundary.
Location: The Flaggers, Magheramore, Co. Wicklow. A67WR63.



Google maps 2019.

Subject site

The subject site is located at The Flaggers, Magheramore, Wicklow. The site is occupied by an existing single storey dwelling (PRR 87/2772); on site and workshops to rear (PRR 91/7114) Agricultural buildings can be seen to the rear of workshop (PRR 16/1063). Site located within Landscape Character Area -AONB Coastal Area (Southern)

Planning History

REF: PRR87/2772- Applicant - John & Anna Murphy- retention of chalet . Granted subject to 2 . conditions.

REF: PRR91/7114- Applicant K. Armitage- Provision of workshop & conservatory to dwelling. Granted subject to 3. Conditions.

Nearby Planning to rear of dwelling:

REF: PRR 16/1063- Applicant Tim Grummell- new slatted storage tank, the extension of a livestock shed over this tank, with an external feed passage, the upgrade of an existing cubicle shed with the provision of an extra 6 cubicle beds and associated site works

Exempted Development on site. 03/07/2026

REF: EX78/2026- The Planning Authority considers that:

The decommissioning, dismantling and removal of a redundant external chimney stack and subsequent make good of roof to match existing development **is development and is exempted development.**

Question

The applicant has applied to see whether or not the following is or is not development and is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended):

1. Complete removal of an existing structurally unsound masonry chimney stack (-2msq footprint) on the front roof slope to eliminate a structural hazard and recover internal floor area, making good the roof structure with matching roof finishes and the installation of a replacement insulated twin-wall stainless steel flue terminating below the main ridge line.
2. Front & Rear roof lights (Velux); Insertion of 2 no. flush-fitting roof lights (Velux) on the front roof plane, each measuring no greater than 100cm in length by 90cm in width to serve the converted attic space. Insertion of 2 flush fitting roof lights (Velux) on the rear roof plan.
3. External wall insulation (SWI Wrap) & gable verge extension: Application of external wall insulation with render finish to existing external walls, not exceeding 150mm in overall thickness, preserving the external architectural character and not encroaching on any public road. Includes minor extending /building-out of the roof verges and bargeboards on the gable elevations to accommodate the increased wall depth, ensure proper weatherproofing, and maintain standard roof drip edge detailing.
4. Utility room -Single storey extension **12msq** attached to the rear of the property behind the rear building plane, serving as a domestic utility room. Extends laterally behind the side wall line, but remains entirely behind the main rear building line.

30sqm single storey rear sunroom extension; Situated entirely to the rear of the principal dwelling, positioned wholly behind the rear building line and not extending beyond any side elevation or side wall.

Cumulative extension area = 42sqm.

Private open space retained > required 25sqm on the 0.75 acre plot.

5. Ground floor side Elevation Bifold door: 3m wall opening . Located 10m from side boundary.

Relevant Legislation:**Planning and Development Act 2000 (as amended)****Section 2:**

“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,

“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.

Development -Section 3:

"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

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations applicable in this case are Article 6 and Article 9 of the Planning and Development Regulations 2001 to 2026 together with Schedule 2, Part 1, Class 1 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026.

Exempted Development Section 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.

4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning & Development Regulations 2001 (as amended)

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9(1) (a) and (b) 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.

PLANNING AND DEVELOPMENT (EXEMPTED DEVELOPMENT (ACT OF 2000)) REGULATIONS 2026

Schedule 2, Part 1, Exempted Development – General

Column 1 Description of Development	Column 2 Conditions and Limitations
Development within the curtilage of a house 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.	1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 45 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 45 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 maybe 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 total area of private open space within the curtilage of the house, reserved exclusively for the use of the occupants 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 8 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 8 metres from the boundary it faces. 7. The roof of any extension shall not be used as a balcony or terrace. 8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.
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Amendment of Part 1 of Schedule 2 of the Principal Regulations

3. Part 1 of Schedule 2 of the Principal Regulations is amended by the insertion after Class 1 of:

CLASS 1B A dormer roof extension and insertion of a dormer window to the side or rear of the house.	1. The internal volume of the development either singularly or in combination with other dormer roof extensions shall not exceed 30 cubic metres. 2. The dormer extension shall be no higher than the roof ridge and there shall be at least 20 centimeters eaves setback.
CLASS 1C The insertion of roof lights on the existing front roof plane of the dwelling.	1. There shall be a maximum of two roof lights on the front roof plane. 2. The roof lights shall not exceed 100 centimetres in length and 90 centimetres in width.

Declaration details submitted:

- Proposed Drawings
- Existing drawings
- Site plan
- Os Map
- Site identification map
- Application form & fee

Assessment:

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

Whether the Proposed development

- (1). Removal of chimney stack
- (2) Front and rear roof lights (velux);
- (3). External wall insulation;
- (4). Single storey extensions to rear of existing dwelling;
- (5). Ground floor side elevation bifold door 10m from property boundary

At the Flaggers, Magheramore, Co Wicklow , A67WR63 is or is not exempted development

- (A) 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.

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. Therefore, it is considered that the proposal would involve works of construction and therefore the proposal does constitute development.

- (B) 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.

Section 4 (1) (h) of the Planning and Development Act 2000 (as amended) states:

“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.”

The proposed **removal of the chimney(etc) and the application of external wall insulation and the ground floor side elevation bifold door** at an existing detached dwelling relatively remote from neighbouring dwellings is considered to come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000 (as amended) as although the works would affect the external appearance of the property, the impact would 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. Therefore, the works listed at (1) and (3)& (5) are considered **exempt development** as per Section 4 (1) (h) of the Planning and Development Act 2000 (as amended).

Schedule 2, Pt.1 Class 1 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026 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.

As the structure is an existing dwelling Class 1 of Part 1, Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026 would apply.

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 45 square metres.	There does not appear to be any previous extensions. The proposed ground floor extension is 42 sqm in gross floor area.
(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.	N/A – detached dwelling.

<i>(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.</i>	N/A-ground floor extension
<i>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 45 square metres.</i> <i>(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.</i> <i>(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.</i>	N/A- no previous extensions. N/A . Dwelling is detached. N/A
<i>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i>	N/A
<i>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.</i> <i>(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.</i> <i>(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 maybe appropriate, or, in any other</i>	(a) provided details state that the proposed rear extension wall does not exceed the height of the rear wall of the house. (b) N/A (c) Height of the roof of the proposed extension does not exceed the height of the eaves or exceed the highest part of the roof of the dwelling.

<i>case, shall not exceed the height of the highest part of the roof of the dwelling.</i>	
<i>5. The construction or erection of any such extension to the rear of the house shall not reduce the total area of private open space within the curtilage of the house, reserved exclusively for the use of the occupants of the house to less than 25 square metres.</i>	The existing dwelling retains sufficient amenity space.
<i>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i>	10m from facing boundary.
<i>(b) Any window proposed above ground level in any such extension shall not be less than 8 metres from the boundary it faces.</i>	N/A
<i>(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 8 metres from the boundary it faces.</i>	N/A
<i>7. The roof of any extension shall not be used as a balcony or terrace.</i>	It is not indicated that the roof is to be used as a balcony or roof garden.
<i>8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.</i>	N/A. There is no additional detached house within the curtilage of the principal house.

Dormer Extension

As the structure is an existing dwelling Class 1C of Part 1, Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) (No. 7) Regulations 2026 would also apply.

Amendment of Part 1 of Schedule 2 of the Principal Regulations

Part 1 of Schedule 2 of the Principal Regulations is amended by the insertion after Class 1 of:

CLASS 1C	
The insertion of roof lights on the existing front roof plane of the dwelling.	
1. There shall be a maximum of two roof lights on the front roof plane.	1. There are 2 no. rooflights proposed for the front roof plane.
2. The roof lights shall not exceed 100 centimetres in length and 90 centimetres in width.	2. The proposed rooflights measure 100cm X 90cm.

Recommendation:

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

- (1). Removal and replacement of chimney stack with a stainless steel flue ;
- (2). Front and rear roof lights (velux);
- (3). External wall insulation;
- (4). Single storey extensions to rear of existing dwelling (42sqm) ;
- (5). Ground floor side elevation bifold door 10m from property boundary at

The Flaggers, Magheramore, Co. Wicklow. A67WR63,

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

The Planning Authority considers that:

- (1). Removal and replacement of chimney stack with a stainless steel flue is development and is exempted development
- (2). Front and rear roof lights (velux) is development and is exempted development
- (3). External wall insulation is development and is exempted development
- ;(4). Single storey extensions to rear of existing dwelling (42sqm) is development and is exempted development
- (5). Ground floor side elevation bifold door 10m from property boundary is development and is exempted development.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted on the 24/09/2026;
- b) The Wicklow County Development Plan 2022-2028
- c) Section 2, 3, 4(1)(h) of the Planning and Development Act 2000 (as amended);
- d) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended);
- e) Class 1 and Class 1C(e), Class 2 and Class 2A of Part 1, Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026

Main Reasons with respect to Section 5 Declaration:

- i. The Removal and replacement of a chimney stack with a stainless steel flue; Installation of front and rear roof lights (velux); the application of External wall insulation; the construction of Single storey extensions to rear of existing dwelling (42sqm); and the insertion of a ground floor side elevation bifold door 10m from property boundary at an existing detached dwelling; are operations of construction and demolition and would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended).
- ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- iii. The ~~Removal of chimney stack~~; Installation of ~~front and~~ rear roof lights (velux); the application of External wall insulation; and the insertion of a ground floor side elevation bifold door 10m from property boundary at an existing detached dwelling, would involve works for maintenance and improvement of the existing dwelling, and would impact on the exterior of the structure, but would not materially affect the external appearance such that it would be inconsistent with the character of the structure or neighbouring structures, and therefore come within the description and limitations as set out under Section 4 (1) (h) of

the Planning and Development Act 2000 (as amended) and are therefore exempted development.

- iv. The proposed rear extensions (42sqm) would come within the description and limitations as set out under Class 1 and Class 1(e) of Part 1, Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2001 (as amended) and is therefore exempted development
- v. The installation of two front velux windows would come within the description and limitations set out under Class 1C of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development
- vi. The Removal and replacement of a chimney stack with a stainless steel flue would come within the description and limitations set out in Class 2 and Class 2A, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.
- vii. Nothing within Article 9 of the Planning and Development Regulations 2001 (as amended) would restrict the exemptions under the relevant classes.

Maria Harte

Maria Harte
T/ Assistant Planner
Date: 12/10/2026

12/10/2026

The report of the Assistant Planner is noted, and I would generally concur with the assessment however the request seeks permission for removal and replacement of the Chimney with a metal flue. This removal and replacement would not come within Section 4(1)(h) as it would materially alter the external appearance. However, the Planning and Development Regulations 2001 (as amended) provide for the following exemptions under Class 2 and Class 2A.

CLASS 2

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

CLASS 2A

The removal of a chimney from a house.

1. No chimney shall be removed where it forms part of a joint chimney stack with a separate dwelling house.
2. Roof finishes shall be the same as the existing roof.
3. This exemption is subject to compliance with Section 22 (protection of nests of wild birds) and Section 23 (breeding or resting places of protected wild animals including bats) of the Wildlife Act 1976, as amended.

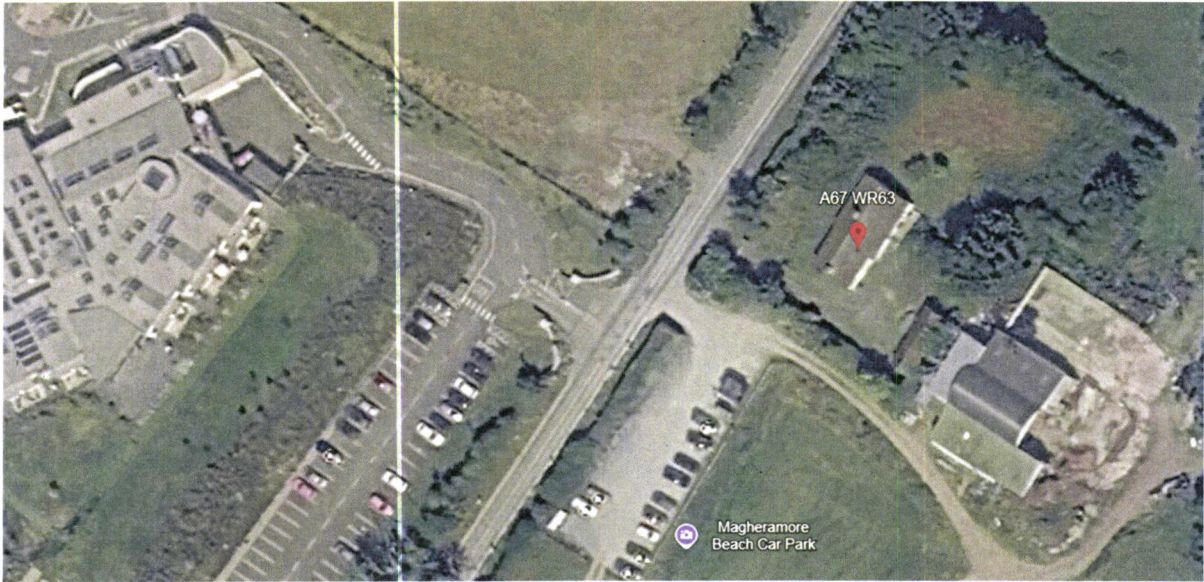
It is considered that the works would come within the description and limitations set out in Class 2 and Class 2A, and is therefore exempted development. Nothing in Article 9 would de-exempt the works identified. In addition the development given the nature would not give rise to any negative impacts on any Natura 2000 site and therefore the need for appropriate assessment is not applicable in this instance.

See Birmingham T/S

Agreed as amended.
12/10/2026

Google Streetview 2025





MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Maria Harte
Executive planner

FROM: Joanne Byrne
A/ Staff Officer

RE:- EX119/2026 - 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 24/09/2026.

The due date on this declaration is the **21/10/2026**.

Joanne Byrne.

A/Staff Officer
Planning, Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

Ronan McKeon,
The Flaggers,
Magheramore,
Co. Wicklow.
A67 WR63

28th of September 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended) – EX119/2026

A Chara

I wish to acknowledge receipt on 24/09/2026 full details supplied by you in respect of
the above Section 5 application. A decision is due in respect of this application by
21/10/2026.

Mise, le meas

Joanne Byrne

Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

24/09/2026 11:40.51

Receipt No L1/0/370062
***** REPRINT *****

RONAN MCKEON
THE FLAGGERS
MAGHERAMORE
A67 WR63

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

Total .	80 00 EUR
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Tendered
Postal Order 80 00
THE FLAGGERS MAGHERAMORE A67WR

Change	0 00
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Issued By Nicola Byrne
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

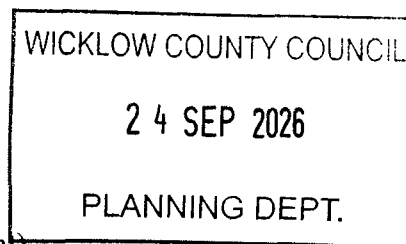
- Name of Applicant: Ronan McKeon
- Address of Applicant: The Flaggers, Magheramore, Co. Wicklow, A67 WR63

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) N/A (Direct Applicant)

Address of Agent :) N/A



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

3. Declaration Details

- i. Location of Development subject of Declaration: The Flaggers, Magheramore, Co. Wicklow, A67 WR63

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, 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

Whether the following proposed domestic development works at The Flaggers, Maghermore, Co. Wicklow (Eircode: A67 WR63) constitute development, and if so, whether said works constitute exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended) and Schedule 2 (Part 1) of the Planning and Development Regulations 2001 to 2026:

- 1) Complete removal of an existing structurally unsound masonry chimney stack ($\approx 2 \text{ m}^2$ footprint) on the front roof slope to eliminate a structural hazard and recover internal floor area, making good the roof structure with matching roof finishes, and the installation of a replacement insulated twin-wall stainless steel flue terminating below the main ridge line.
- 2) Front & Rear Roof Lights (Velux): Insertion of 2 flush-fitting roof lights (Velux) on the front roof plane, each measuring no greater than 100cm in length by 90cm in width to serve the converted attic space. Insertion of 2 flush-fitting roof lights (Velux) on the rear roof plan..

Exemption Basis: Class 1C (for front lights), Class 1(for rear lights), Schedule 2 (Part 1) Schedule 2 (Part 1) (inserted via S.I. No. 344 of 2026).

- 3) External Wall Insulation (EWI Wrap) & Gable Verge Extension: Application

of external wall insulation (EWI) with render finish to existing external walls, not exceeding 150 mm in overall thickness, preserving the external architectural character and not encroaching on any public road. Includes the minor extending/building-out of the roof verges and bargeboards on the gable elevations to accommodate the increased wall depth, ensure proper weatherproofing, and maintain standard roof drip edge detailing.

Exemption Basis: Class 63, Schedule 2 (Part 1) (inserted via S.I. No. 341 of 2026). Insulation thickness will not exceed 150mm on front, rear, or gable walls, does not encroach on any public road, and does not materially affect external character.

- 4) Utility room - single-storey extension 12m² attached to the rear of the property behind the rear building plane, serving as a domestic utility room (housing washing machine, dryer, domestic heating unit, water filtration, and plumbing manifolds). Extends laterally behind the side wall line, but remains entirely behind the main rear building line.

30m² Single-Storey Rear Sunroom Extension: Construction of a single-storey domestic sunroom/conservatory extension (30m² gross floor area) situated entirely to the rear of the principal dwelling, positioned wholly behind the rear building line and not extending beyond any side elevation or side wall.

Cumulative Extension Floor Area: The combined total gross floor area of all proposed rear single-storey extensions (Item 5 + Item 6) is 42m² (12+30m²), which strictly complies with the statutory 45m² floor area ceiling for single-storey rear extensions.

Private Open Rear Space: The 0.67-acre site retains significantly more than the required minimum 25m² of private, unbuilt open space to the rear of the dwelling.

Exemption Basis: Class 1, Schedule 2 (Part 1) (substituted by S.I. No. 338 of 2026). **Cumulative Class 1 Total: Combined (12m² + 30m² = 42m²), the total rear extension area is 42m², sitting within the expanded 45m² ceiling under S.I. 338 of 2026. Private open space retained is well above 25 m² on the 0.75-acre plot.**

- 5) **Ground-Floor Side Elevation Bifold Door:** Creation of a 3-metre structural wall opening on the side elevation for a bifold glass door system, situated > 10 metres from the side property boundary.

Exemption Basis: Section 4(1)(h) of the Planning and Development Act 2000. Located over 10 metres from the side boundary (far exceeding the 1m boundary clearance rule for ground floor windows under Class 1(6)(a)).

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

- 1) **Chimney Removal & Stainless Flue Replacement:** Exemption Basis: **Class 2A, Schedule 2 (Part 1)** (inserted via **S.I. No. 343 of 2026**) for the full removal of the chimney stack, **Class 2(a), Schedule 2 (Part 1)** of the Planning and Development Regulations 2001 for the replacement flue, and **Section 4(1)(h)** of the Planning and Development Act 2000 (as amended). Situated on a 0.75-acre plot set back over 10metres from all boundaries. Roof finish made good to match existing finish and flue certified to Part J of Building Regulations.
- 2) **Front & Rear Velux Windows:** Exemption Basis: **Class 1C, Schedule 2 (Part 1)** (inserted via **S.I. No. 344 of 2026**) for the 2 front roof lights (Velux), each measuring 100 cm length X 90 cm width. **Class 1(for rear lights).**
- 3) **External Wall Insulation (EWI Wrap) & Gable Verge Extensions:** Exemption Basis: **Class 63, Schedule 2 (Part 1)** (inserted via **S.I. No. 341 of 2026**) for insulation render thickness ≤ 150 mm, and **Section 4(1)(h)** of the Planning and Development Act 2000 (as amended) for the minor extending of gable roof verges/overhangs to weather-seal and cap the insulation layer without materially altering external appearance.
- 4) **12 m² Single-Storey Rear Utility Extension:** Exemption Basis: **Class 1, Schedule 2 (Part 1)** of the Planning and Development Regulations 2001 (as substituted by **S.I. No. 338 of 2026**). Constructed single-storey behind the rear building line. Housing internal utilities (laundry, heating equipment, water filtration, solar inverter/battery controls). Total structure height pitched roof) / ≤ 3.0 m (flat roof/eaves).

30 m² Single-Storey Rear Sunroom Extension: Exemption Basis: **Class 1, Schedule 2 (Part 1)** of the Planning and Development Regulations 2001 (as substituted by **S.I. No. 338 of 2026**). Constructed single-storey attached behind the rear building line. Combined cumulative floor area with Item 5 is 42m² (12+30) , strictly within the 45m² single-storey rear extension ceiling. Over 25m² of private open space retained within the curtilage.
- 5) **Ground-Floor Side Elevation Bifold Door:** Exemption Basis: **Section 4(1)(h)** of the Planning and Development Act 2000 (as amended) covering internal structural wall opening and window/door alterations for maintenance or improvement. Opening

measures 3 by 1 metres and is situated over 10 metres from the side property boundary.

vi. *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 _____

Site Location Map

Site Layout plan

Sketches / Elevations

Photographs

viii. Fee of € 80 Attached ? Paid with an Post – receipt attached

Signed :  Dated : 23/09/2026

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.

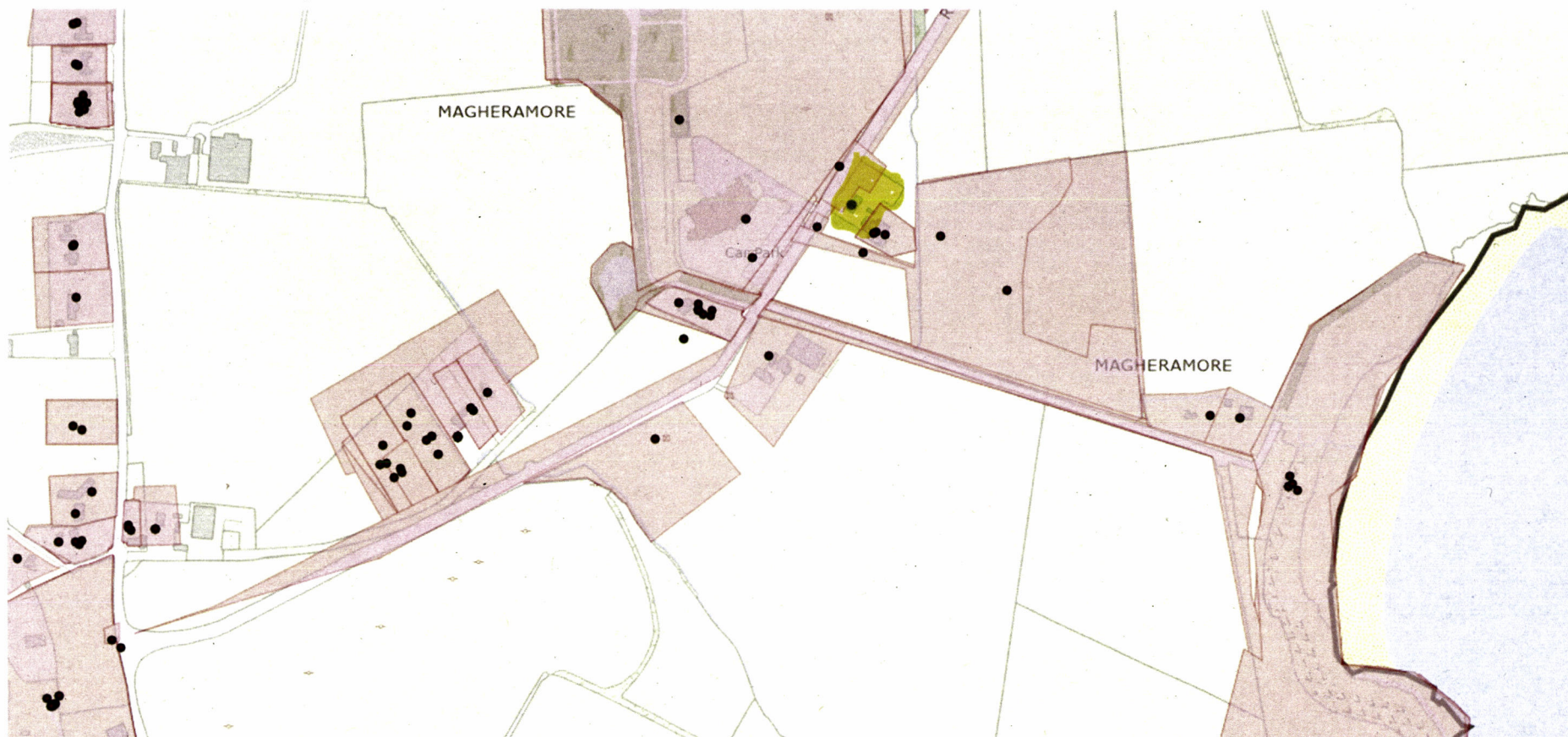
B. Land Reclamation -

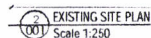
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 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.

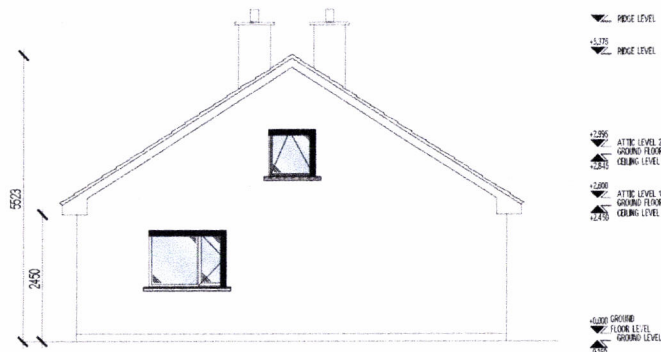
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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

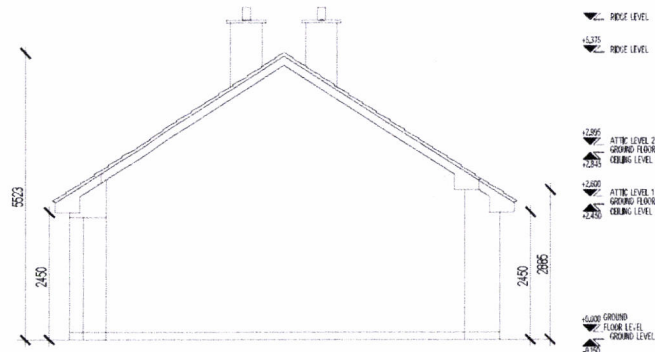
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



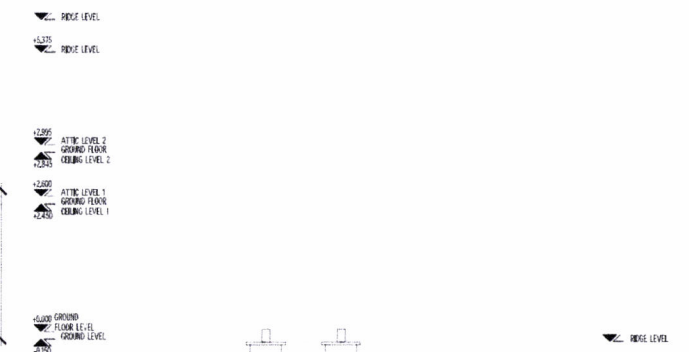




1 EXISTING SIDE (NORTH WEST ELEVATION)
Scale 1:50



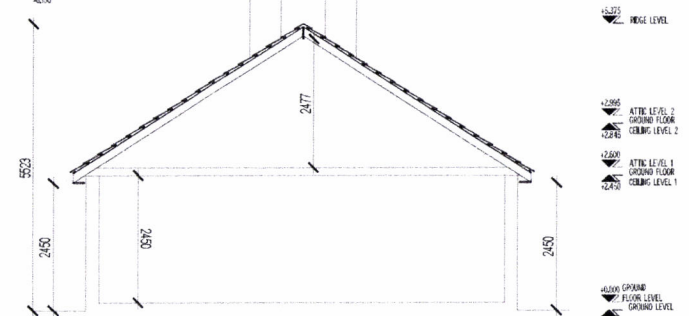
4 EXISTING SIDE (SOUTH EAST ELEVATION)
Scale 1:50



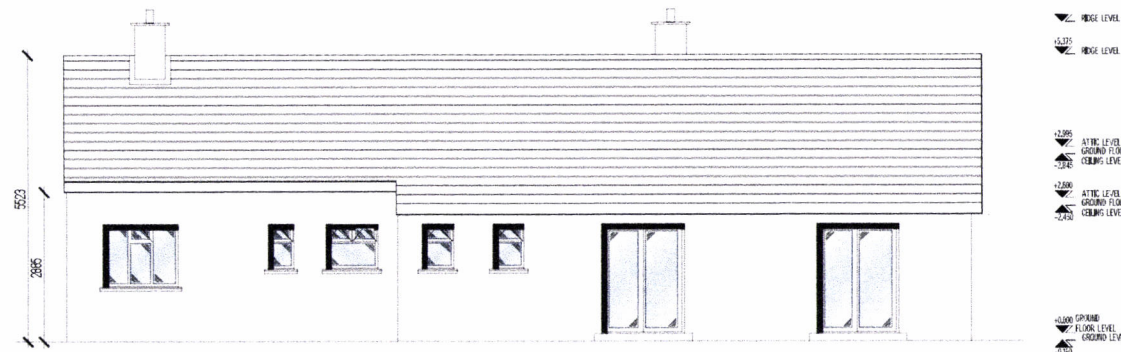
5 EXISTING SECTION AA
Scale 1:50



2 EXISTING FRONT (SOUTH WEST ELEVATION)
Scale 1:50



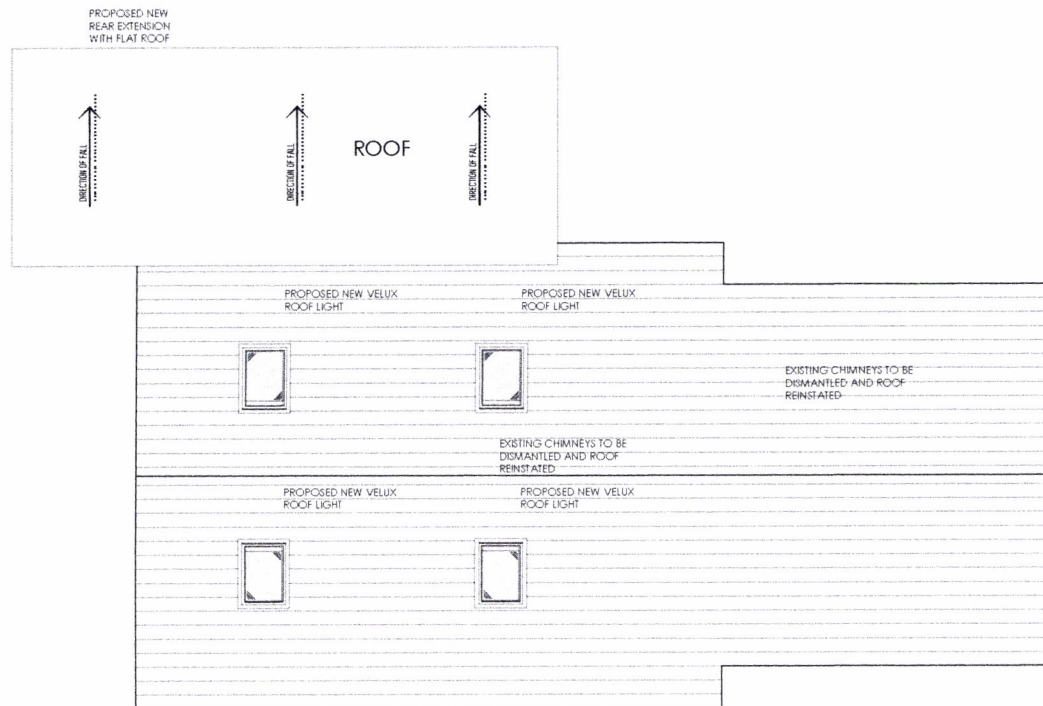
6 EXISTING SECTION BB
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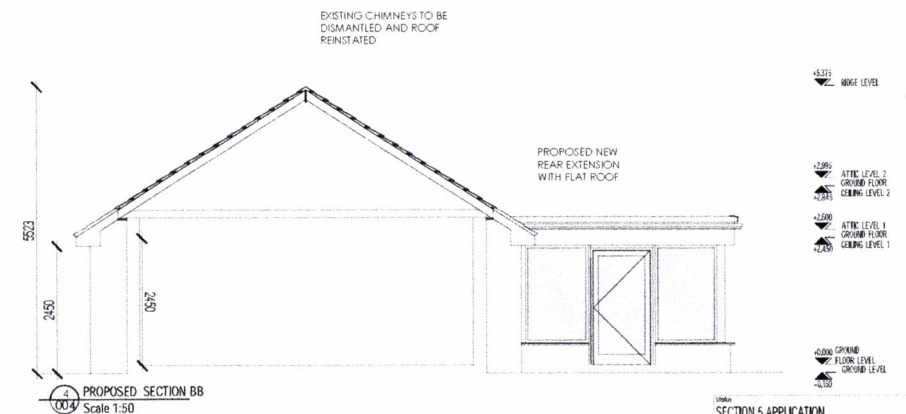
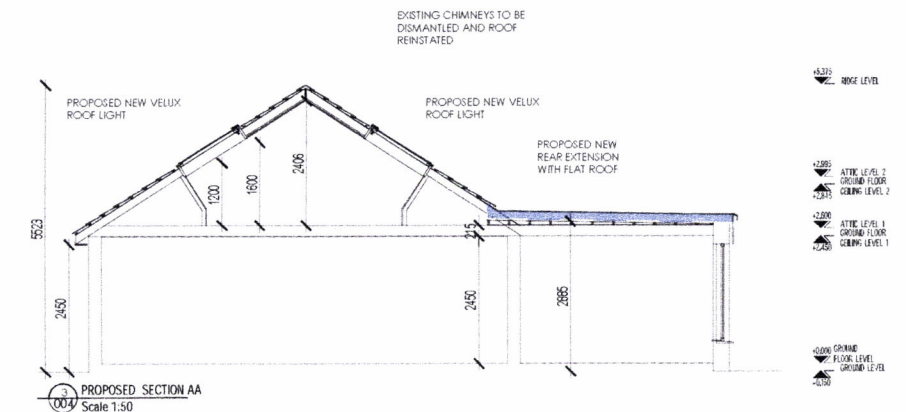
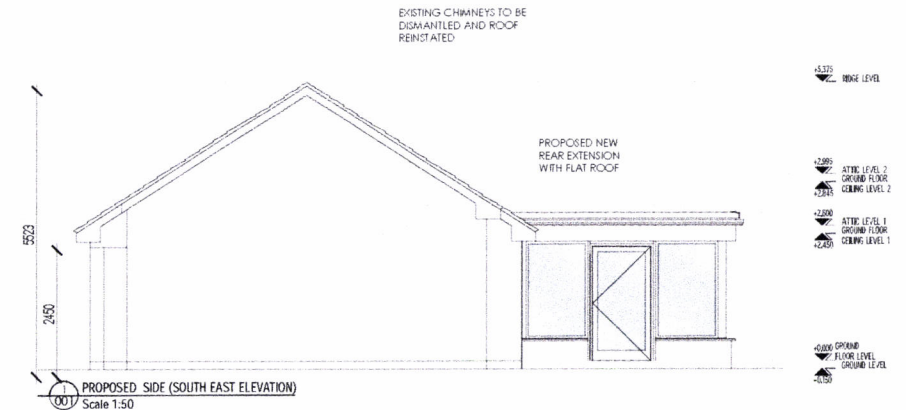
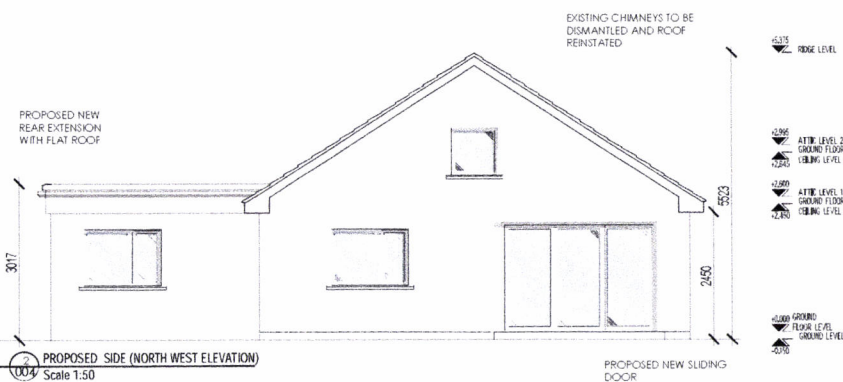
3 EXISTING REAR (NORTH EAST ELEVATION)
Scale 1:50

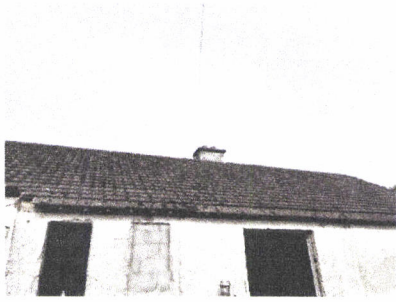
SECTION 5 APPLICATION

Project:
Flaggers Pavilion
Client:
Ramon & Linda McKeen
Site:
Existing Section AA, Existing Northeast, Northwest, Southeast, Southwest
Elevations
Project Number: Section Application No. 1002 Scale: Page 5 of 10
2503204 1:50 11/27/2024 Sheet: A1



004 PROPOSED ROOF PLAN
Scale 1:50





Chimney Rear View



Chimney rear view



Chimney Front View



Chimney Front - side view

Bifold wall side view



North East view – Utility will sit where the large gravel bags are

Conservatory will sit on the pre existing pad/ where clothes are



Bifold door wall view, side profile of Chimney



Front Chimney

Rear Chimney to the right already taken down with last section 5 – granted in July



Chimney with multiple cracks crack all the way up center, no lintel, crack also to right.