



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
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Suíomh / Website www.wicklow.ie

30 April 2025

Katarzyna Kostanska
4 Rivendell Grove
Greystones
Co. Wicklow
A63 VF90

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX37/2025**

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

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

Is mise, le meas,

Nickie Semery

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

[Handwritten mark]





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

Applicant: Katarzyna Kostanska

Location: 4 Rivendell Grove, Greystones, Co. Wicklow

Reference Number: EX37/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/422

Section 5 Declaration as to whether "the constructed c. 4 sqm extension" at 4 Rivendell Grove, Greystones, Co. Wicklow constitutes exempted development within the meaning of the Planning and 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 6, 9 and Schedule 2, Part 1 : Class 1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The construction of an extension comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- ii. The 4sqm utility extension to the rear of the dwelling would come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

The Planning Authority considers that "the constructed c. 4 sqm extension" at 4 Rivendell Grove, Greystones, Co. Wicklow, is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  April 2025



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/422

Reference Number: EX37/2025

Name of Applicant: Katarzyna Kostanska

Nature of Application: Section 5 Declaration request as to whether or not: -
"the constructed c. 4 sqm extension" is or is not
development and is or is not exempted development.

Location of Subject Site: 4 Rivendell Grove, Greystones, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the constructed c. 4 sqm extension" at 4 Rivendell Grove, Greystones, 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 6, 9 and Schedule 2, Part 1: Class 1 of the Planning and Development Regulations 2001 (as amended)

Main Reason with respect to Section 5 Declaration:

- i. The construction of an extension comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000 (as amended).
- ii. The 4sqm utility extension to the rear of the dwelling would come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

Recommendation:

The Planning Authority considers that "the constructed c. 4 sqm extension" at 4 Rivendell Grove, Greystones, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

Signed: 

Dated 30th day of April 2025

ORDER:

I HEREBY DECLARE THAT the "the constructed c. 4 sqm extension" at 4 Rivendell Grove, Greystones, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

Senior Engineer
Planning, Economic & Rural Development

Dated 30th day of April 2025

Section 5 Application EX 37/2025

Date : 23rd April 2025

Applicant : Katarzyna Kostanska

Address : 4 Rivendell Grove, Greystones, Co.Wicklow

Exemption Whether or not :

Utility room extension c. 4sqm

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

Planning History :

89/5015 Exemption query whether Garden shed at 4 Rivendell Grove, indicated required permission.

Relevant legislation :

Planning and Development Act 2000 (as amended)

"habitable house" means a house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied;

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

- (a) where the context so admits, includes the land on, in or under which the structure is situate, and
- (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, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 :

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 5

“house” does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 specified in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a 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.

Assessment :

The application seeks a declaration as to whether the constructed single storey utility room is exempted development within the meaning of the Planning and Development Acts 2000 (as amended).

The applicant has submitted drawings which show the utility extension. The overall extension is c. 4 sqm with an overall height of c. 2.4m.

In the first instance it is considered that the construction of an extension would come within the definition of works under the Planning and Development Act 2000 (as amended), and would therefore be development having regard to the provisions of Section 3 of that Act.

The relevant exemption is Class 1: Part 1 : Schedule 2 is the relevant exemption with respect to the provision of extensions. This exemption is for :

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

The submitted documents indicate that the extension wholly to the rear and therefore would come within the description set out under Class1. The Limitations to this

Limitation 1. – Extension 4sqm at ground level and therefore comes within limitation.

Limitation 2 – No previous extensions.

Limitation 3 – Not applicable as ground floor extension

Limitation 4 – Height of extension accords with this limitation.

Limitation 5 - Extension will not reduce POS below 25sqm.

Limitation 6- No side windows to be provided.

Limitation 7- Roof not to be used as balcony.

Accordingly, the extension would come within the provisions of Class 1.

None of the provisions of Article 9 of the Planning and Development Regulations would apply to the extensions, such that it would no longer be exempted development.

Recommendation :

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

the constructed c. 4 sqm extension at 4 Rivendell Grove, Greystones, Co.Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the constructed c.4 sqm extension is development and is exempted development.

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 6, 9 and Schedule 2, Part 1 : Class 1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration :

- i. The construction of an extension comprises works and is therefore development having regard to the definition set out in Section 3 of the Planning and Development Act 2000(as amended).
- ii. The 4sqm utility extension to the rear of the dwelling would come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

Seal Cunningham SP.

23/4/2025

*Issue declaration is recommended
by J.T. May 12
30/04/25*





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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Edel Bermingham
Senior Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX37/2025**

I enclose herewith application for Section 5 Declaration received completed on 07/04/2025.

The due date on this declaration is 4th May 2025.



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





Comhairle Contae Chill Mhantáin Wicklow County Council

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**Katarzyna Kostanska
4 Rivendell Grove
Greystones
Co. Wicklow
A63 VF90
8th April 2025**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Acts 2000 (as amended). – EX37/2025**

A Chara

I wish to acknowledge receipt on 07/04/2025 full details supplied by you in respect of the
above Section 5 application. A decision is due in respect of this application by 04/05/2025.

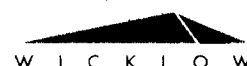
Mise, le meas

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



*Ta an doicimeá seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



English | Gaeilge

4 RIVENDELL GROVE

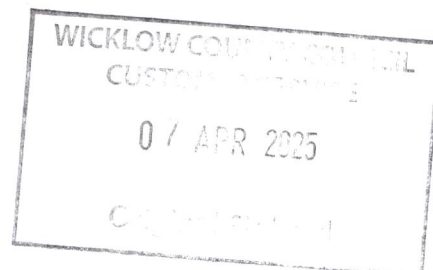
GREYSTONES

CO. WICKLOW

A63 VF90



EIRCODE







Comhairle Contae Chill Mhantáin Wicklow County Council

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1st April 2025

**Katarzyna Kostanska
4 Rivendell Grove
Greystones
Co. Wicklow
A63 VF90**

Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX37/2025

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 26th March 2025.

We received your Section 5 application form however this is incomplete (email sent on 26/03/2025 for which I have received no reply) as per our additional notes section the following is required: -

- site location map (eircode map will suffice).

We need this document to be able to access the application.

Application is currently classed as incomplete and decision date cannot be noted until the above documentation is received.

Mise, le meas

**STAFF OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT**



Nicola Fleming

From: Nicola Fleming
Sent: Wednesday 26 March 2025 11:51
To:

I refer to your application for a declaration in accordance with Section 5 of P&D Act 2000 (as amended) and to advise that site location map is required. An eircode map will suffice.

Application is currently classed as incomplete and decision date cannot be noted until the above documentation is received.

Regards,

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

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

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

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



Comhairle Chontae Chill Mhantáin
Wicklow County Council

Wicklow County Council
County Buildings
Wicklow
0404 20100

18/03/2025 13:11:38

Receipt No L1/0/342444
***** REPRINT *****

ATARZYNA KOSKINSKA
4 RIVENDELL GROVE
GREYSTONES
WICKLOW

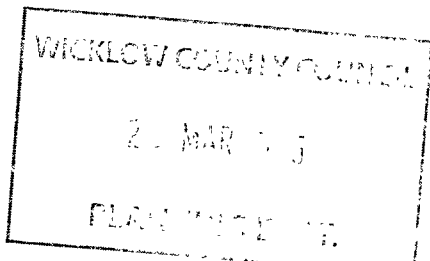
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GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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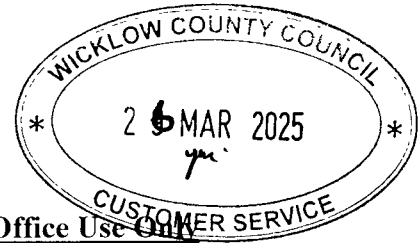
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4 RIVENDELL GROVE	

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



Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

- (a) Name of applicant: Katarzyna Kostanska
Address of applicant: 4 Rivendell Greystones , Co Wicklow A63VF90

Greystones

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

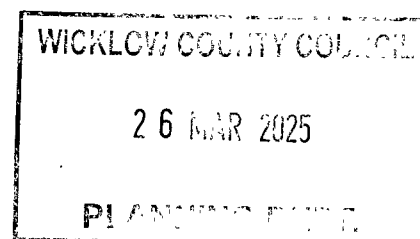
2. Agents Details (Where Applicable)

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

Address of Agent : _____

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

3. Declaration Details



i. Location of Development subject of Declaration 4 Rivendell Greystones , Co Wicklow A63VF90

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

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

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration - Extension build to my house – Utility room
Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? _____

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

viii. Fee of € 80 Attached ? paid by phone

Signed : Kendrick Dated : 24.03.25.

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

