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

Annemarie Miley,
C/o Ger Kelly,
Architectural Services,
Ballyknockan,
Valleymount,
Co. Wicklow.

12th Of November 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -EX 140/2026

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 Joanne Byrne.
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Annemarie Miley

Location: Castleruddery Lower, Stratford, Co. Wicklow

Reference Number: EX140/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1378

A question has arisen as to whether *"45sqm Extension to rear of existing cottage"* at Castleruddery Lower, Stratford, Co. Wicklow is or is not exempted development.

Having regard to:

a) The details received with the Section 5 Declaration on the 03/11/2026
b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
d) 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 a 45 sqm extension to rear of the existing dwelling is works and is therefore development having regard to the definitions set out in Section 2 and Section 3 of the Planning and Development Act 2000 (as amended) .

ii) The provision of a 45sqm rear extension to an existing dwelling would come within the description and limitations set out in Class 1: Part 1 of Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026, and nothing within Article 9 would alter this.

The Planning Authority considers that *"45sqm Extension to rear of existing cottage"* at Castleruddery Lower, Stratford, Co. Wicklow **is development and is exempted development.**

Signed: Joanne Byrne Date: 12/11/2026

pp ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1378

Reference Number:	EX 140/2026
Name of Applicant:	Annemarie Miley
Nature of Application:	Section 5 Referral as to whether *"45sqm Extension to rear of existing cottage"* is or is not development and is or is not exempted development.
Location of Subject Site:	Castleruddery Lower, Stratford, Co. Wicklow
Report from:	Lyndsey Blackmore E.P

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"45sqm Extension to rear of existing cottage"at* Castleruddery Lower, Stratford, Co. Wicklow *is* or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

a) The details received with the Section 5 Declaration on the 03/11/2026
b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
d) 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 a 45 sqm extension to rear of the existing dwelling is works and is therefore development having regard to the definitions set out in Section 2 and Section 3 of the Planning and Development Act 2000 (as amended) .

ii. The provision of a 45sqm rear extension to an existing dwelling would come within the description and limitations set out in Class 1: Part 1 of Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026, and nothing within Article 9 would alter this.

Recommendation
The Planning Authority, as recommended by the above named, considers that "*45sqm Extension to rear of existing cottage*" *at* Castleruddery Lower, Stratford, Co. Wicklow **is development and is exempted development** in accordance with reports prepared by the Planning Department.

Signed: Joanne Byrne Date: 12/11/2026

ORDER:
I HEREBY DECLARE:
THAT "*45sqm Extension to rear of existing cottage*" *at* Castleruddery Lower, Stratford, Co. Wicklow is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Edel Dempsey Date: 12/11/2026
T/ Senior Planner
Planning, Economic & Rural Development

Section 5 Declaration

Ref:	**140/2026**
Name:	**Annemaire Miley**
Development:	**45sqm Extension To Rear Of Dwelling**
Location:	**Castleruddery Lower, Stratford Co. Wicklow**

Observations: The applicant is seeking a Section 5 Declaration for a 45sqm extension to the rear of a dwelling

The site
The subject site is located at Castleruddery Lower, Stratford Co. Wicklow. Existing semi-detached dwelling on the site.

Relevant Planning History
No previous

Wicklow County Development Plan 2022- 2028
Site is located in an Area of High Amenity (Baltinglass Hills)

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

A 45sqm rear extension to dwelling

Relevant Legislation:
-Planning and Development Act, 2000 (as amended)::
Section 2 (1) defines works as including: *"Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal"*;
Section 3 (1) defines development as: *"The carrying out of works on, in, over or under land or the making of any material change in the use of structures or other land"*;

-Planning and 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) states that certain development to which article 6 relates shall not be exempted development for the purposes of the Act, when certain instances apply;

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	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.

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.	(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.

Assessment: The applicant is requesting a Declaration in accordance with Section 5 for a 45sqm rear extension to a dwelling.

The applicants propose:
Single storey rear extension of 45sqm with a ridge height of 4.975m.

The first assessment must be whether or not the works outlined above constitute development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that:

"development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

It should be noted that Section 2 of the Act defines works as:

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

The proposal involves construction of an extension and would therefore involve works within the meaning of Section 3 of the Act. As such it constitutes development.

The second stage of the assessment is to determine whether or not the proposal would be exempted development under the Planning and Development Act 2000 (as amended) or it's associated Regulations.

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. *(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.*	No previous extensions. The proposed ground floor extension is 45 sqm in gross floor area.
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.*	(a) 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.
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.	The existing dwelling retains sufficient amenity space.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.	N/A

(b) Any window proposed above ground level in any such extension shall not be less than 8 metres from the boundary it faces.	N/A
(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.	N/A
7. The roof of any extension shall not be used as a balcony or terrace.	It is not indicated that the roof is to be used as a balcony or roof garden.
8. This exemption shall only be used on the principal house and not any additional detached house within the curtilage of the principal house.	N/A. There is no additional detached house within the curtilage of the principal house.

Recommendation:
With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether the construction of a 45sqm single storey extension to rear of existing cottage at Castleruddery Lower, Stratford Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Act 2000 (as amended).

The Planning Authority considers that:

The construction of a 45sqm single storey extension to the rear of existing cottage ~~a dwelling~~ is development and is exempted development

Main Considerations with respect to Section 5 Declaration:

a) The details received with the Section 5 Declaration on the 03/11/2026
b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
d) 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 a 45 sqm extension to rear of the existing dwelling is works and is therefore development having regard to the definitions set out in Section 2 and Section 3 of the Planning and Development Act 2000 (as amended) .
ii. The provision of a 45sqm rear extension to an existing dwelling would come within the description and limitations set out in Class 1: Part 1 of Schedule 2 of the Planning and Development (Exempted Development (Act of 2000)) Regulations 2026, and nothing within Article 9 would alter this.

Lyndsey Blackmore
Executive Planner
11/11/26

Agreed 12/11/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Lyndsey Blackmore
Executive Planner

FROM: Joanne Byrne
A/ Staff Officer

RE:- EX140/2026 - 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 03/11/2026.

The due date on this declaration is the **30/11/2026.**

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

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Ger Kelly,
Architectural Services,
Ballyknockan,
Valleymount,
Co. Wicklow.

5th November 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX140/2026

A Chara

I wish to acknowledge receipt on 03/11/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 30/11/2026.

Mise, le meas

Joanne Byrne

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

GKAS

Ger Kelly
Architectural Services
Ballyknockan
Valleymount
Co. Wicklow

Wicklow Co. Co,
Planning Dept,
County Buildings,
Wicklow Town,
Co Wicklow

WICKLOW COUNTY C...
03 NOV 20...
PLANNING DEPT

02.11.2026

Ref: Section 5 application for a 45sqm extension to the rear for Annemarie Miley at Castle Ruddery Lower, Stratford, Co. Wicklow.

Dear Sire/ Madam;

Please find enclosed an application for section 5 exempt development in support of this application we have enclosed the following;

- Completed application form & fee
- Proposed Drawings
- Existing Drawings
- Site Plan
- OS Map
- Site Location Map

Should you have any queries regarding the above please do not hesitate to contact me on 0876639771.

Kind regards,

Ger Kelly
BSc Hons Arch

03 NOV 2026
Original Sighted

Wicklow County Council
County Buildings
Wicklow
0404-20100

03/11/2026 10 24 00

Receipt No L1/0/371641
***** REPRINT *****

GER KELLY
ARCHITECTURAL SERVICES
BALLYKNOCKAN
VALLEYMOUNT
CO WICKLOW

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

Total 80 00 EUR

Tendered
Cheque 80 00
A MILEY CASTLERUDDERY LWR STRA

Change 0 00

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

(a) Name of applicant: Annemarie Miley

Address of applicant: Castle Ruddery Lower, Stratford

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) Ger Kelly, GKAS

Address of Agent : Main Street, Blessington, Co. Wicklow W91AT88

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

WICKLOW COUNTY COUNCIL
03
PLANNING

3. Declaration Details

i. Location of Development subject of Declaration Castleruddery Lower Stratford, Co. Wicklow

ii. Are you the owner and/or occupier of these lands at the location under i. above ? Yes/ ~~No~~ XX

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

Seeking a section 5 for a 45 sqm single storey extension to the rear of existing cottage

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

Planning & Development regulations 2001 Class 1

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
Existing drawings
Proposed Drawings
Site plan & Os maps

viii. Fee of € 80 Attached ? €80.00

Signed : Dated : 2-11-26

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.

Description:
==========
Digital Landscape Model (DLM)

Publisher / Source:
==========
Tailte Éireann

Data Source / Reference:
==========
PRIME2

File Format:
==========
Autodesk AutoCAD (DWG_R2013)

File Name:
==========
v_50568221_1.dwg

Clip Extent / Area of Interest (AOI):
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LRX,LRY= 690490.429,693435.4826
ULX,ULY= 689907.429,693865.4826
URX,URY= 690490.429,693865.4826

Projection / Spatial Reference:
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Projection= IRENET95_Irish_Transverse_Mercator

Centre Point Coordinates:
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X,Y= 690198.929,693650.4826

Reference Index:
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Map Series | Map Sheets
1:2,500 | 4010-C
1:2,500 | 4010-D

Data Extraction Date:
==========
Date= 02-Nov-2026

Source Data Release:
==========
DCMLS Release V1.204.121

Product Version:
==========
Version= 1.4

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of a road, track or footpath
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of a right of way.

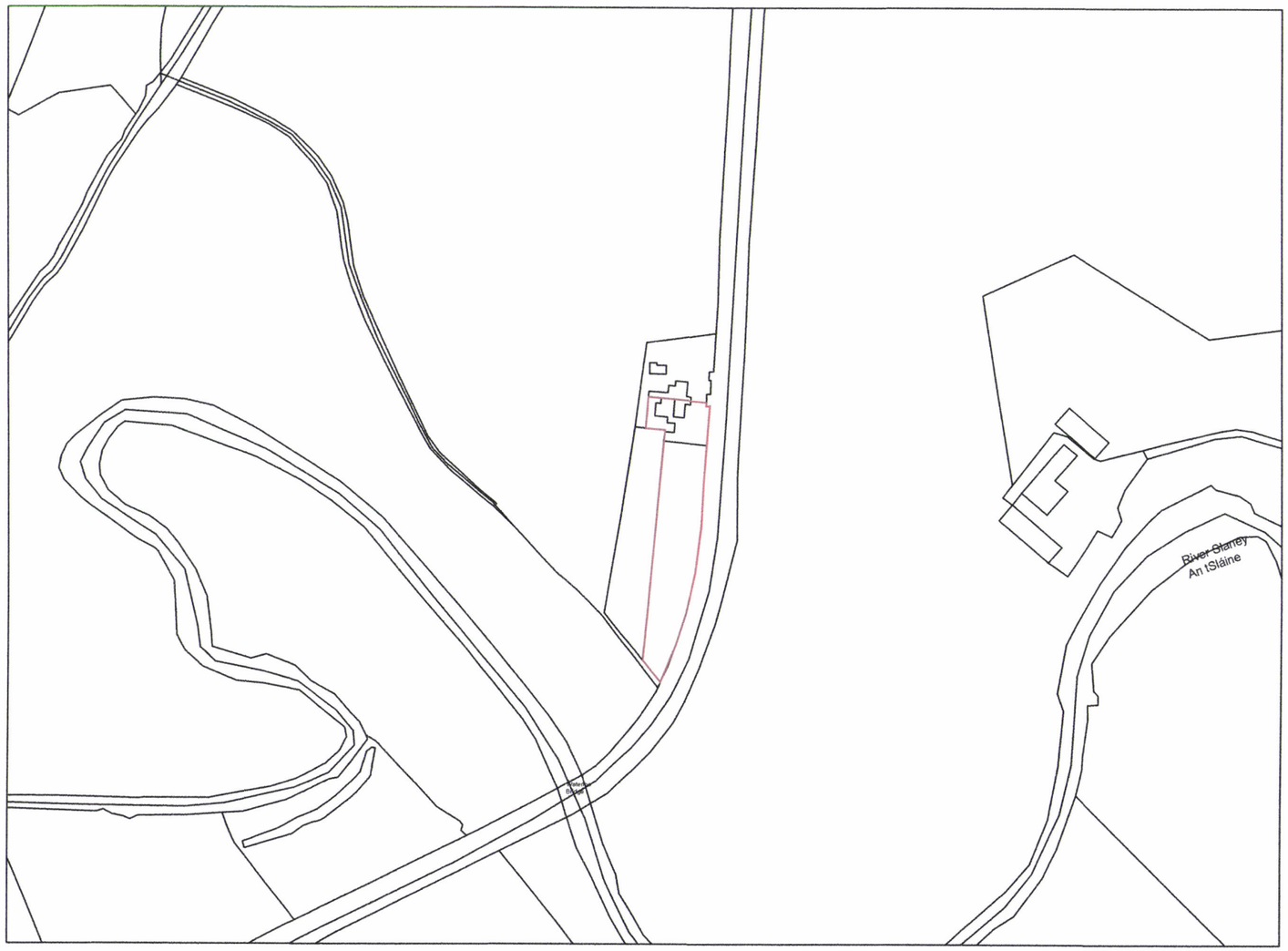
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does not show
legal property boundaries,
nor does it show
ownership of physical features.

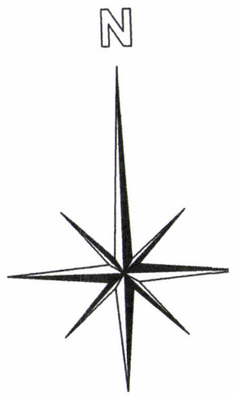
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Gach cead ar cosnamh.

Ní ceadmhach aon chuid
den fhoilseachán seo
a chóipeáil, a atáirgeadh nó a tharchur
in aon fhoirm ná ar aon
bhealach gan cead i scríbhinn roimh
ré ó Ghníomhaireacht an chóipchirt

Ní hionann bóthar,
bealach nó cosán a bheith
ar an léarscáil seo agus
fianaise ar chead slí.

Ní thaispeánann an léarscáil
topagrafach seo teorainneacha
réadmhaoine dlíthiúla,
agus ní léiríonn sé úinéireacht
ar ghnéithe fisiceacha.





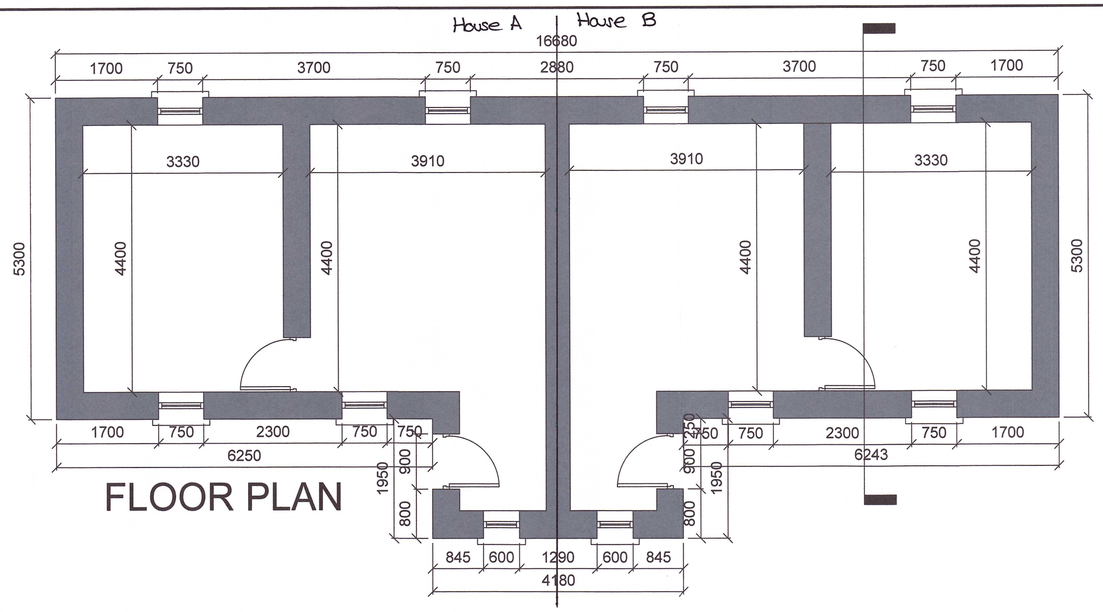
Planning Drawings

Arch Services

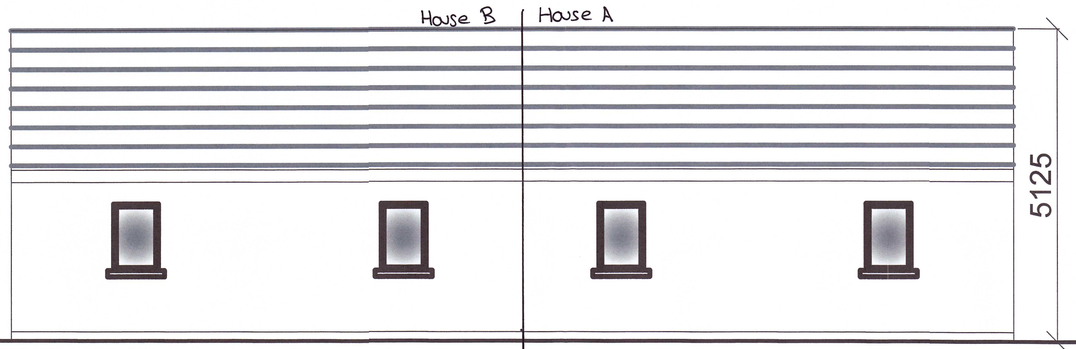
GKAS
Main Street Blessington, Co Wicklow.
W91 AT88

Phone: 087 6639771
Ph/Fax: 045-867902
E: ger@gkas.ie
W:www.gkas.ie

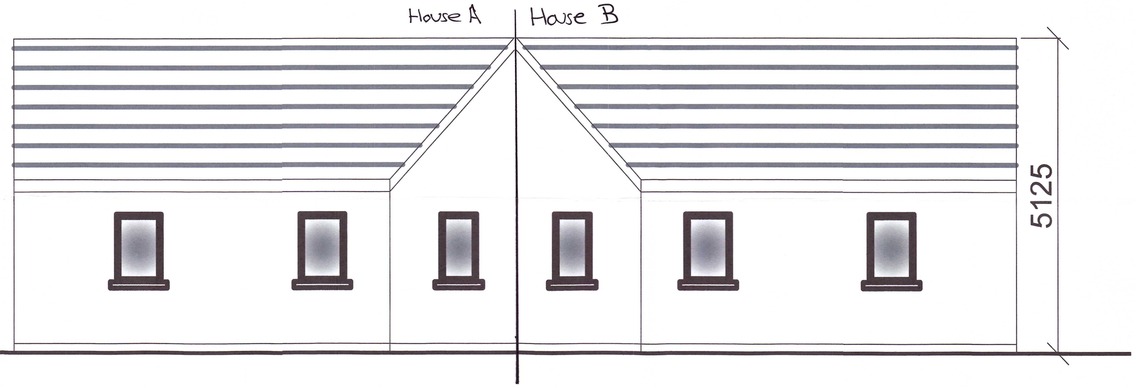
Client- Annmarie Miley	
Job- Extension and Renovation	
Location- Co.Wicklow	
Title- OS Map	
Date: September 2026	Scale-1:2500
Dwg no. 26.004	Drawn by E.C



FLOOR PLAN



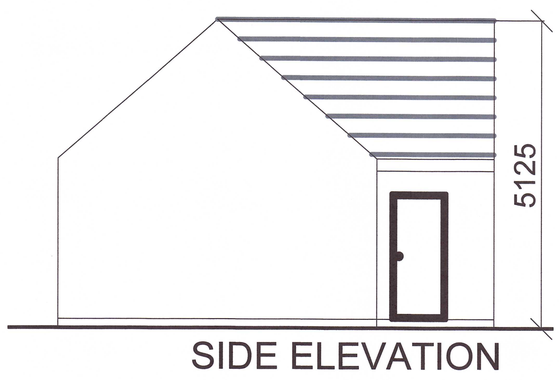
REAR ELEVATION



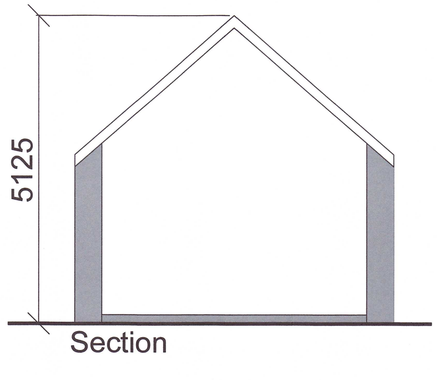
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



Section

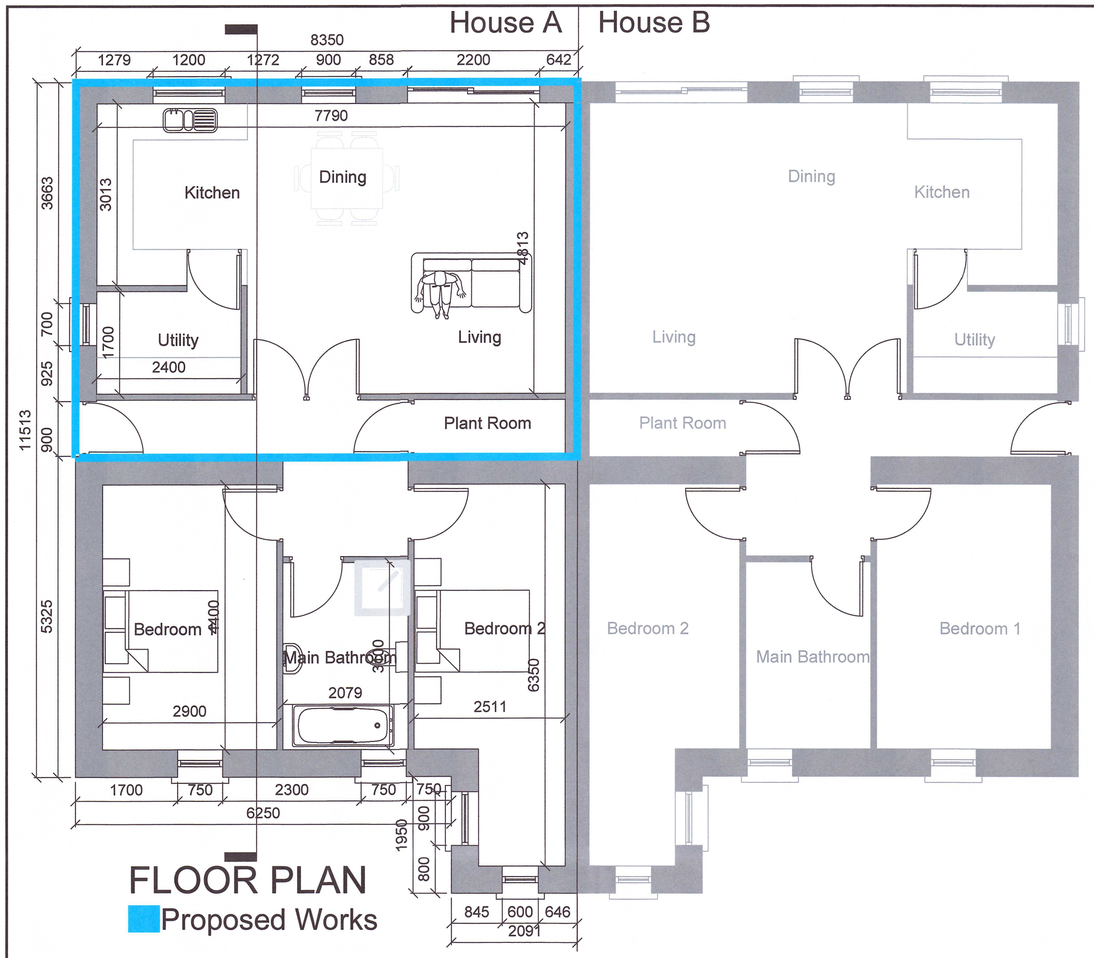
Planning Drawings

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E: ger@gkas.ie
W:www.gkas.ie

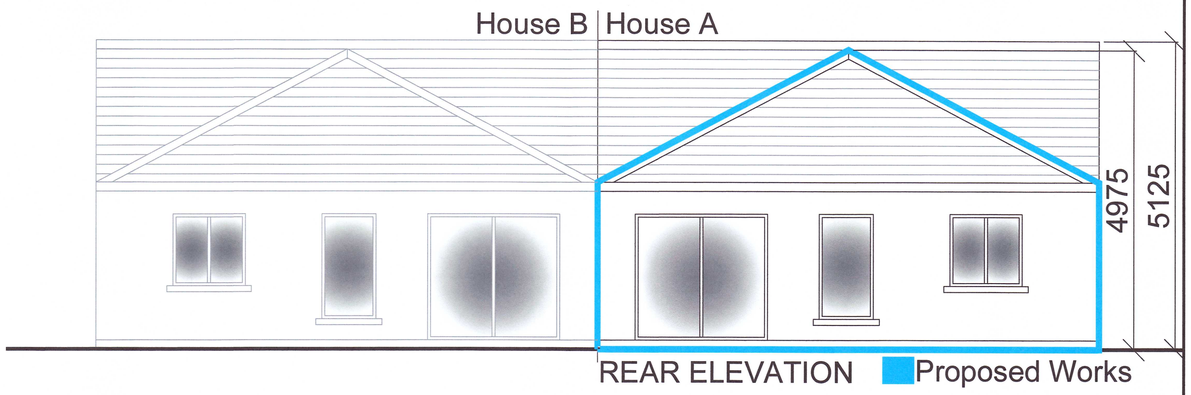
Arch Services

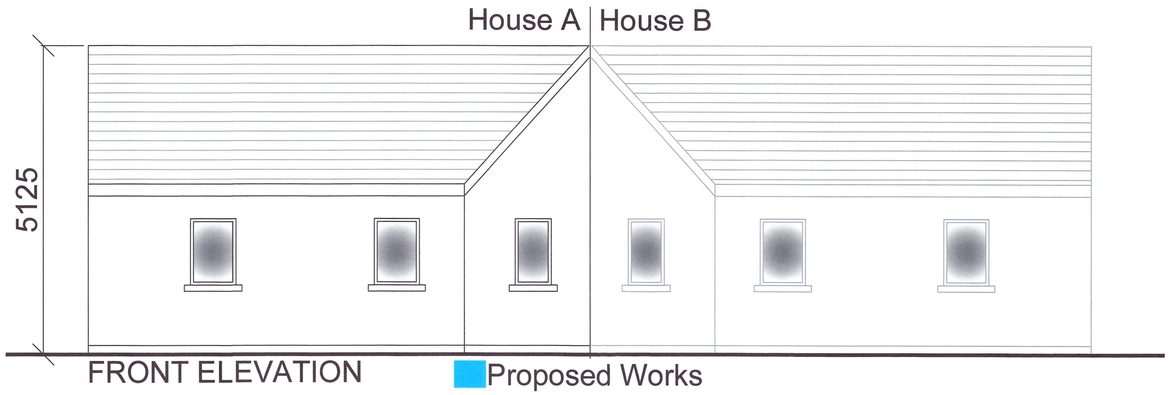
Client- Annmarie Miley	
Job- Extension and Renovation	
Location- Co.Wicklow	
Title- Existing Drawings	
Date: September 2026	Scale-1:50
Dwg no. 26.001	Drawn by E.C

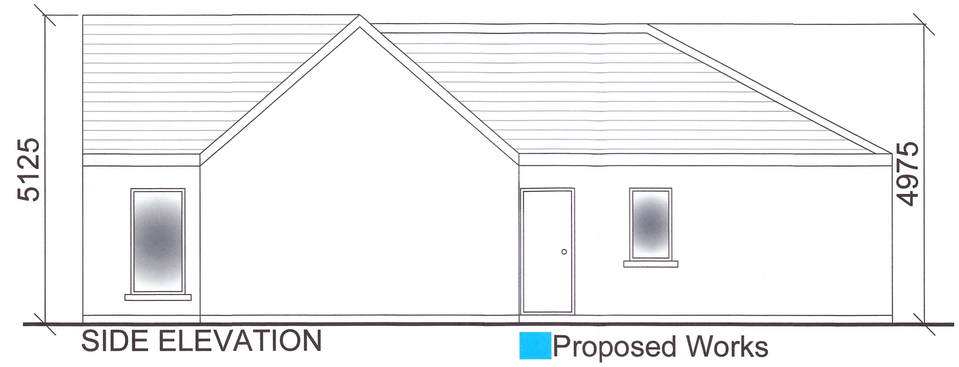


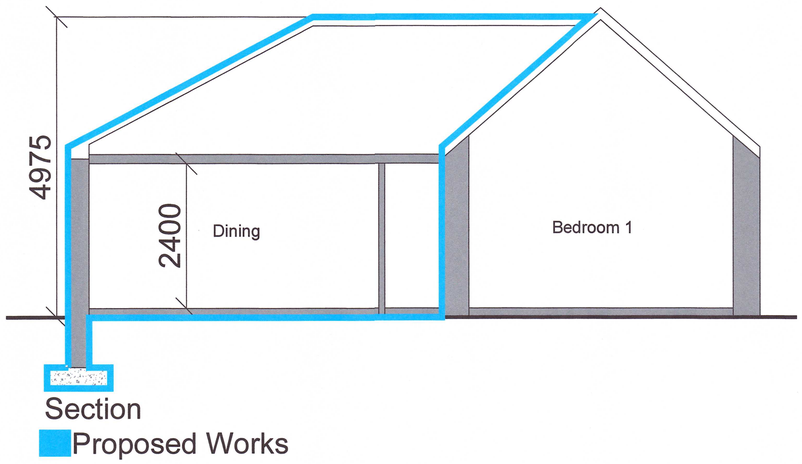
FLOOR PLAN

Proposed Works



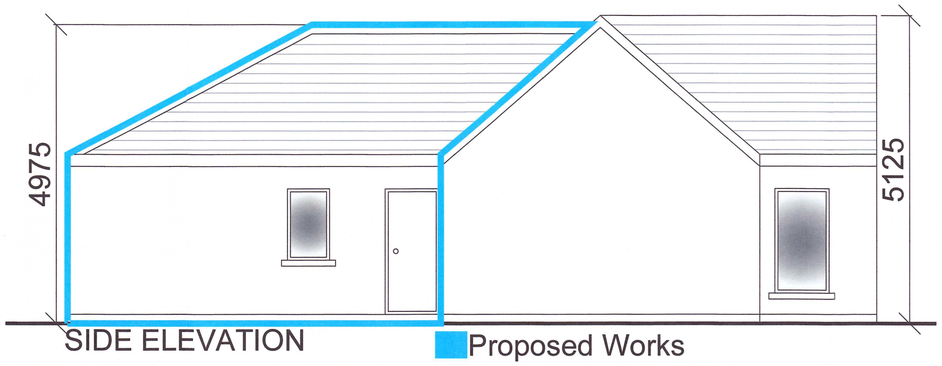






Section

Proposed Works

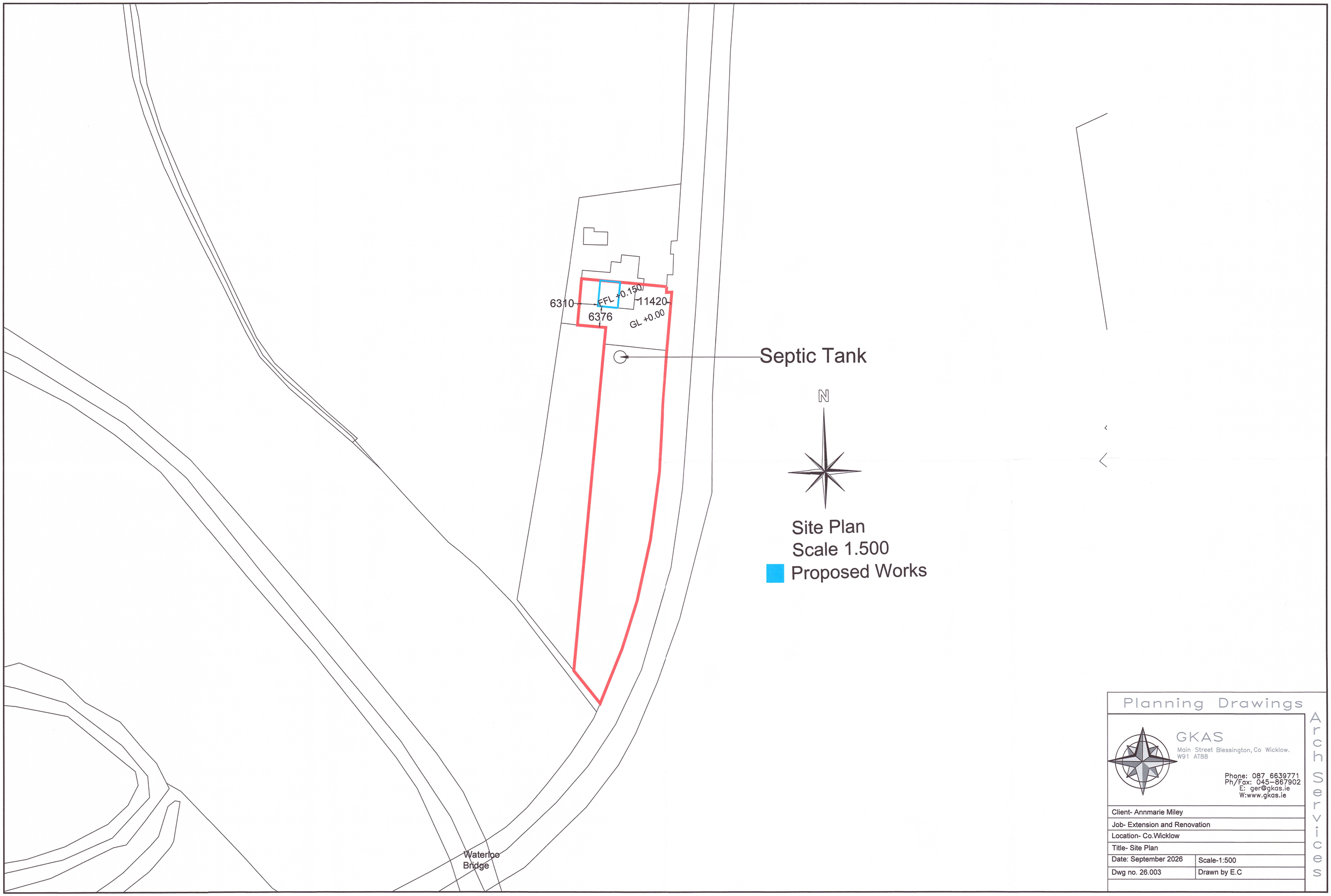


Planning Drawings

GKAS
Main Street Blessington, Co Wicklow.
W91 AT88
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Client- Annmarie Miley	
Job- Extension and Renovation	
Location- Co.Wicklow	
Title- Proposed Drawings	
Date: September 2026	Scale-1:50
Dwg no. 26.002	Drawn by E.C

Arch Services



Site Plan
Scale 1.500
Proposed Works

Planning Drawings

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Arch Services

Client- Annmarie Miley	
Job- Extension and Renovation	
Location- Co.Wicklow	
Title- Site Plan	
Date: September 2026	Scale-1:500
Dwg no. 26.003	Drawn by E.C