



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

Bernadette Kilpatrick,
17 Rockfield Park,
Brittas Bay,
Co. Wicklow.
A63N407

August 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 98/2026

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.





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

Applicant: Bernadette Kilpatrick

Location: 17 Rockfield Park, Brittas Bay, Co. Wicklow

Reference Number: EX 98/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1012

A question has arisen as to whether "the extension of existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling and new PVC sliding door to the rear of the dwelling" at 17 Rockfield Park, Brittas Bay, Co. Wicklow is or is not exempted development.

Having regard to:

- e) The details submitted with this application 12 August 2026
- f) Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- g) Sections 2 , 3, 4 of the Planning and Development Act 2000 (as amended)
- h) Article 6,9 and Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (SI 600 of 2001), as amended on 27th day of July 2026

Main Reasons with respect to Section 5 Declaration:

The extension of an existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling and new PVC sliding door to the rear of the dwelling 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.

- (a) The works would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 as amended and meets all of the limitations laid out under this class

The Planning Authority considers that "the extension of existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling and new PVC sliding door to the rear of the dwelling" at 17 Rockfield Park, Brittas Bay, Co. Wicklow is **Development** and **is Exempted Development**.

Signed: Deanne Byrne
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 18/08/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1012

Reference Number: EX 98/2026

Name of Applicant: Bernadette Kilpatrick

Nature of Application: Section 5 Referral as to whether "the extension of existing storage shed to the rear of the dwelling and it's conversion to an extension to the main dwelling and new PVC sliding door to the rear of the dwelling" is or is not development and is or is not exempted development.

Location of Subject Site: 17 Rockfield Park, Brittas Bay, Co. Wicklow

Report from: Michael Lynch, AP

With respect to the query under Section 5 of the Plainning & Development Act 2000 as to whether "the extension of existing storage shed to the rear of the dwelling and it's conversion to an extension to the main dwelling and new PVC sliding door to the rear of the dwelling" at 17 Rockfield Park, Brittas Bay, Co. Wicklow
Is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with this application 12 August 2026
- b) Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- c) Sections 2 , 3, 4 of the Planning and Development Act 2000 (as amended)
- d) Article 6,9 and Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (SI 600 of 2001), as amended on 27th day of July 2026

Main Reasons with respect to Section 5 Declaration:

The extension of an existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling and new PVC sliding door to the rear of the dwelling 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.

- (a) The works would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).

Recommendation

The Planning Authority considers that "(a) carrying out of internal alterations and refurbishment works, (b) replacement of existing windows and front doors, (c) installation of new timber fencing & (d) painting of the building's exterior" at CEART, Crinion Park, Wicklow Town is development and is exempted development as recommended in the planning reports.

Signed: Wicklow Planning Authority

Date: 18/05/2026

ORDER:

I HEREBY DECLARE:

THAT "(a) carrying out of internal alterations and refurbishment works, (b) replacement of existing windows and front doors, (c) installation of new timber fencing & (d) painting of the building's exterior" at CEART, Crinion Park, Wicklow Town is **development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Ed Samuels

T/Senior Planner

Planning, Economic & Rural Development

Date: 21/5/2026

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO:	EDEL BERMINGHAM S.P/ PATRICE RYAN S.E.P
FROM:	MICHAEL LYNCH A.P
SUBJECT REF:	EX 98/2026
DECISION DATE:	03/09/2026
APPLICANT:	BERNADETTE KILPATRICK
ADDRESS:	17 ROCKFIELD PARK, BRITTAS BAY, CO. WICKLOW
EXEMPTION QUERY:	SINGLE STOREY EXTENSION TO REAR

Site Location:

The subject site is located in an established residential development, accessible from Rockfield Park off the R750 approximately 250m north-west of the Level 8 settlement of Ballynacarrig-Brittass Bay. The site is located within the Level 10 – Open Countryside on lands categorized as the Coastal Areas AONB. The subject site consists of a dormer style detached dwelling.

Planning History:

22/477

Chris & Bernadette Kilpatrick

Retention of a gazebo structure located over an existing decking area

Grant

Land use:

Settlement: Level 10 – The Rural Area

Category Coastal Area AONB

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, and

“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:

(1) In this Act, except where the context otherwise requires, “development” means—

(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4:

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

(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

(3); A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in subsection (1), or

(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

Planning & Development Regulations 2001 (as amended)

Article 6 (1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) (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 –

(a) if the carrying out of such development would—

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

Schedule 2 : Part 1 :Class 1 (Planning &Development Regulations SI 600 of 2001) as updated 27th of July 2026

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 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 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 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.

Declaration details submitted:

- Extension of an existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling
- New PVC sliding door

Assessment:

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 2 of the Act defines works as “works” alteration of the interior or exterior of a structure. 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. I am satisfied that the proposal would involve works to a structure and therefore the proposal does constitute 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 its associated Regulations.

The Extension of an existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling and installation of a sliding door 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 having regard to the minor nature of the works and the minor visual impact they would have. The works to the rear of the dwelling are not visible from the public realm and as such are inconsequential in this regard. Therefore, the work is exempt as per S.4.1.(h). The relevant exemption at the date the works were undertaken are set out in SI 600 P&D Regulations 2001 Class 1 of Part 1; Schedule 2 as amended on 27th day of July 2026 i.e.

Class 1 provides 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 development would come within the description. This exemption is subject to a number of limitations and they are assessed below .

Limitation 1 – the extension is below 45sqm (17.5sqm)

Limitation 2 – no previous extension, this limitation is met.

Limitation 3 – Not applicable as the extension is on the ground floor

Limitation 4 – The height of the walls do not exceed the side walls of the house, shown in photo 4

Limitation 5 - The site has open space of over 100sqm to the west side of the dwelling and therefore this limitation is met.

Limitation 6. – This limitation is met, there are no boundaries within 1m of the proposed extension

Limitation 7 – Not applicable.

Limitation 8 – The exemption is related to the principal house and not any other dwelling on the site

The proposed extension, given the above assessment, is development and is exempted development

Recommendation

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

- Extension of an existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling
- New PVC sliding door

to the dwelling known as 17 Rockfield Park, Brittas Bay is development and is exempted development.

The Planning Authority consider that:

The extension of an existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling and new PVC sliding door to the rear of the dwelling to the dwelling known as 17 Rockfield Park, Brittas Bay is development and is **exempted** development.

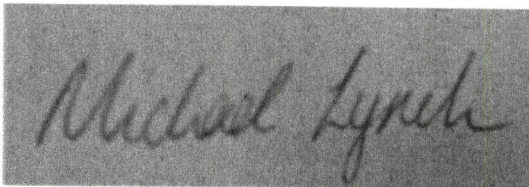
Main Considerations with respect to Section 5 Declaration:

- The details submitted with this application 12 August 2026
- Sections 2 and 3 of the Planning and Development Act 2000(as amended).
- Section 4(1)(h) of the Planning and Development Act 2000(as amended).
- Sections 2 , 3, 4 of the Planning and Development Act 2000 (as amended)
- Article 6,9 and Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (SI 600 of 2001), as amended on 27th day of July 2026

Main Reasons with respect to Section 5 Declaration:

The extension of an existing storage shed to the rear of the dwelling and its conversion to an extension to the main dwelling and new PVC sliding door to the rear of the dwelling 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.

- (a) The works would be operations of construction and alteration, and therefore such operations would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- (b) The works are development given the provisions of Section 3(1) (a) of the Planning and Development Act 2000 (as amended).
- (c) The extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (SI 600 of 2001), ^{as amended} ~~as amended on the 27th day of July 2026~~ and meets all of the limitations laid out under this class



Michael Lynch A.P

18/08/2026

Apal S. P. TKP
18/08/2026

Wicklow County Council
County Buildings
Wicklow
0404-20100

12/08/2026 15 08 58

Receipt No L1/0/368236
***** REPRINT *****

BERNADETTE KILPATRICK
17 ROCKFIELD PARK
BRITTAS BAY
CO WICKLOW
A63 N407

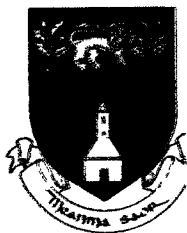
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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17 ROCKFIELD PARK BRITTAS BAY

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WICKLOW COUNTY COUNCIL

12 AUG 2026

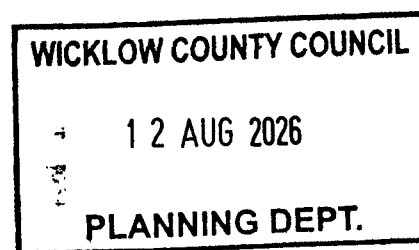
PLANNING DEPT.

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

1. Applicant Details

- (a) Name of applicant: Bernadette Kilpatrick
Address of applicant: 17 Rockfield Park
Brittas Bay Co Wicklow A63 N407

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



2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) _____
Address of Agent : _____

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

3. Declaration Details

i. Location of Development subject of Declaration 17 Rockfield Park
Brutus Bay Co Wicklow A67 N403

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

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, 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 This extension falls
under the scope of permitted development
without the need to apply for planning
permission under the 45m allowed

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) ? NO

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

- (1) Existing Plan
- (2) Proposed development
- (3) Photo of current elevation
- (4) Photo of current elevation showing patio
- (5) Photo of front elevation which will not change
- (6) Site location map folio WW15491 F
- (7) Folio WW38898 F - showing rest of site owned by applicant

viii. Fee of € 80 Attached ? Yes

Signed : B. Kelpatnick Dated : 12/8/26

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.

6

Folio Number: WW15491F

Application Number: P2018LR061441J

731950 mE, 686130 mN

**The Property
Registration Authority**
An tÚdarás
Clárúcháin Maoine



Folio: WW15491F

This map should be read in conjunction with the folio.

Registry maps are based on OSI topographic mapping. Where registry maps are printed at a scale that is larger than the OSI published scale, accuracy is limited to that of the original OSI map scale.

For details of the terms of use and limitations as to scale, accuracy and other conditions relating to Land Registry maps, see www.pra.ie.

This map incorporates Ordnance Survey Ireland (OSi) mapping data under a licence from OSi. Copyright © OSi and Government of Ireland.

(centre-line of parcel(s) edged)

- Freehold
- Leasehold
- SubLeasehold

Burdens (may not all be represented on map)

- Right of Way / Wayleave
- Turbary
- Pipeline
- Well
- Pump
- Septic Tank
- Soak Pit

A full list of burdens and their symbology can be found at: www.landdirect.ie

The registry operates a non-conclusive boundary system. The Registry Map identifies properties not boundaries meaning neither the description of land in a register nor its identification by reference to a registry map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006.

BALLYNACARRIG

193

731630 mE, 685870 mN
Date Printed: 11/07/2018

Creation Date: 11 July 2018 13:23:20

Application Number: P2018LR061441J

1:1000 Scale



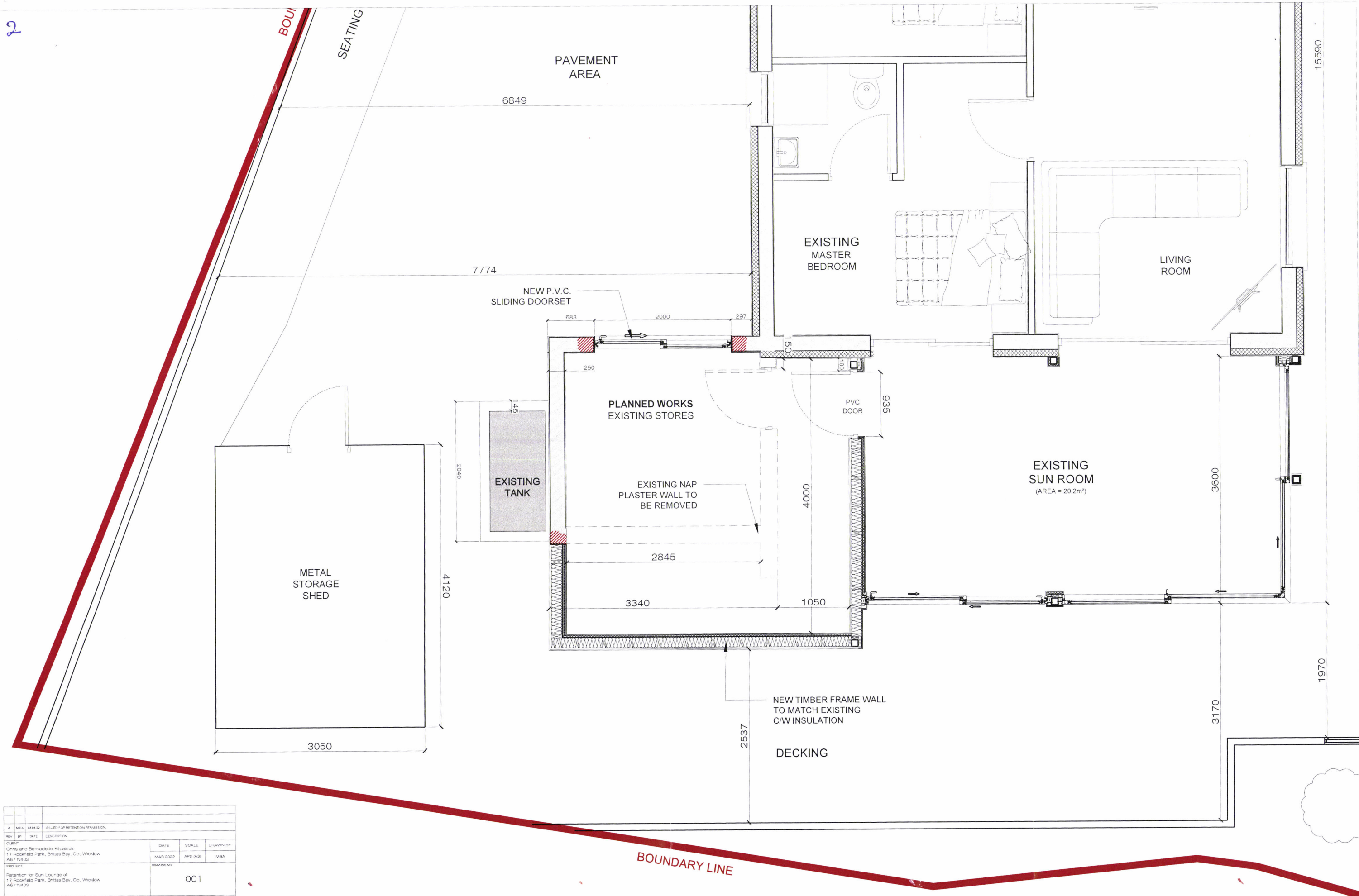
Page 6 of 6

7

Folio 2



2



A	MBA	08/04/22	ISSUE FOR RETENTION PERMISSION		
REV	BY	DATE	DESCRIPTION		
CLIENT					
Chris and Bernadette Kipatrick			DATE	SCALE	DRAWN BY
17 Rockfield Park, Brittas Bay, Co. Wicklow			MAR 2022	APE (A3)	MBA
A67 N403			DRAWING NO.		
PROJECT			001		
Retention for Sun Lounge at 17 Rockfield Park, Brittas Bay, Co. Wicklow A67 N403					

PROPOSED PART SITE LAYOUT PLAN @ GROUND FLOOR LEVEL	
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PROPOSED PART SITE LAYOUT PLAN
@ GROUND FLOOR LEVEL

SCALE 1:50



4



