



# 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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

Eric Graham  
5 Grange Manor Avenue  
Rathfarmham  
Dublin 14

11<sup>th</sup> Of December 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) – EX133/2025

A Chara,

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

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

Is mise, le meas,

  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT.





# Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

Applicant: Jonathan Cummins

Location: 11 Upper Dargle Road, Bray, Co. Wicklow

Reference Number: EX 133/2025

### CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1344

A question has arisen as to whether *"the construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling"* at 11 Upper Dargle Road, Bray, Co. Wicklow is or is not exempted development.

#### Having regard to:

- The details received with this Section 5 application (EX133/2025) on the 17<sup>th</sup> November 2025.
- Sections 2, 3, and 4 of the Planning and Development Act 2000(as amended).
- Article 6, 9 and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

#### Main Reasons with respect to Section 5 Declaration:

1. The construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
2. The construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling as indicated on the details submitted would be less than 2 meters from any party boundary; the height of the wall of the extension would exceed the height of the rear wall of the house; and the height of the highest part of the roof of the extension exceeds the height of the eaves of the house and therefore does not accord with the provisions of Schedule 2, Part 1, Class 1, condition/ limitation 3 & 4 (a) and (c) of the Planning and Development Regulations 2001 (as amended) and therefore is **not** exempted development.

The Planning Authority considers that "the construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling" at 11 Upper Dargle Road, Bray, Co. Wicklow is development and NOT exempted development.

Signed:   
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Dated: 11/12/2025



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1344

Reference Number: EX 133/2025

Name of Applicant: Jonathan Cummins

Nature of Application: Section 5 Referral as to whether *"the construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling"* is or is not development and is or is not exempted development.

Location of Subject Site: 11 Upper Dargle Road, Bray, Co. Wicklow

Report from: Maria Harte, GP, Patrice Ryan, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether *"the construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling"* at 11 Upper Dargle Road, Bray, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- The details received with this Section 5 application (EX133/2025) on the 17<sup>th</sup> November 2025.
- Sections 2, 3, and 4 of the Planning and Development Act 2000(as amended).
- Article 6, 9 and Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).

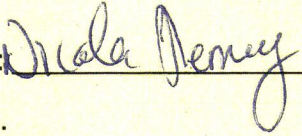
Main Reasons with respect to Section 5 Declaration:

- 1) The construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling as indicated on the details submitted would be less than 2 meters from any party boundary; the height of the wall of the extension would exceed the height of the rear wall of the house; and the height of the highest part of the roof of the extension exceeds the height of the eaves of the house and therefore does not accord with the provisions of Schedule 2, Part 1, Class 1, condition/ limitation 3 & 4 (a) and (c) of the Planning and Development Regulations 2001 (as amended) and therefore is **not** exempted development.



**Recommendation**


The Planning Authority considers that "the construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling" at 11 Upper Dargle Road, Bray, Co. Wicklow is development and is NOT exempted development as recommended in the planning reports.

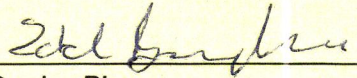
Signed: 

Dated: 10/12/2025

ORDER:

I HEREBY DECLARE:

 That "the construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling" at 11 Upper Dargle Road, Bray, Co. Wicklow **is development and is NOT exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

Dated: 11/12/2025

T/Senior Planner

Planning, Economic & Rural Development





**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

**Section 5 – Application for declaration of Exemption Certificate**

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<b>Ref:</b>	<b>EX133/2025</b>
<b>Name:</b>	Jonathan Cummins
<b>Development:</b>	Application for Certificate of Exemption under Section 5 of the Planning & Development Act 2000 (as amended).
<b>RE:</b>	Rear first floor extension
<b>Location:</b>	11 Upper Dargle Road, Bray. Co Wicklow A98 NT63.

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**The Site:** The subject site lies within the settlement boundary of the Level 1 Metropolitan Key Town of Bray. The dwelling is a two-storey terraced within an established residential area along the Upper Dargle Road. The terrace is elevated and accessed via steps; the dwellings are covered in a distinctive red leaf climber, are separated from the road by a high boundary wall and wrought iron railings. The dwelling is not a protected structure.



**Question:** *Whether or not:*  
The construction of a 10.5 sqm rear first floor extension is or is not development and constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

**WCC Planning History:**

Subject site                      There is no planning history associated with the subject site.

**Land use:**  
Settlement:                      Bray Municipal District LAP 2018.  
Zoning                              RE – Existing Residential

**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 which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

**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.

**Schedule 2, Part 1, Exempted Development – General**

<b>Column 1</b>	<b>Column 2</b>
<b>Description of Development</b>	<b>Conditions and Limitations</b>

**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 40 square meters.  
(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 meters.  
(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square meters.
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 meters.  
(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 meters.  
(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 meters.
3. Any above ground floor extension shall be a distance of not less than 2 meters 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.

	<p>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 meters.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 meter from the boundary it faces. (b) Any window proposed above ground level in any such extension shall not be less than 11 meters from the boundary it faces. (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square meters, any window proposed at above ground level shall not be less than 11 meters from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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**Declaration details submitted:**

Construction of new first floor extension to the rear measuring 10.5sqm above the footprint of the existing annexe.

**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 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.

I am satisfied that the proposed construction of *a new first floor extension to the rear measuring 10.5 sqm* would involve works of construction 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 construction of a rear first floor extension of 10.5sqm is considered to be development consisting of the carrying out of works for the maintenance, improvement or other alteration of the structure, being works 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; therefore the works are exempt as per S.4.1.(h).

Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) 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.*

<p><i>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square meters.</i></p> <p><i>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 meters.</i></p> <p><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 meters.</i></p>	<p>(a) Compliant. There is no planning history associated with this dwelling. The proposal for exemption is for a first floor 10.5 extension on top of the existing ground floor extension. This would give a gross floor area of 21sqm.</p> <p>(b) Compliant. Proposed 10.5sqm.</p> <p>(c) N/A. Terraced house.</p>
<p><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 40 square meters.</i></p> <p><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 meters.</i></p> <p><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 meters.</i></p>	<p>(a) Compliant. Total extension would fall below 40sqm.</p> <p>(b) Compliant. Proposed FFA 10.5sqm.</p> <p>(c) N/A. Terraced dwelling.</p>
<p><i>3. Any above ground floor extension shall be a distance of not less than 2 meters from any party boundary.</i></p>	<p><b>Non-compliant.</b> First floor extension is not 2 meters from the party boundary.</p>

<p><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></p> <p><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></p> <p><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 may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.</i></p>	<p><b>(a) Non-compliant.</b> Proposed rear extension wall exceeds the height of the rear wall of the existing house.</p> <p><b>(b)</b> N/A. The proposal does not include a gable aspect.</p> <p><b>(c)</b> <b>Non-compliant.</b> Height of the extensions roof exceeds the height of the eaves</p>
<p><i>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 meters.</i></p>	<p>Compliant. Sufficient open space retained.</p>
<p><i>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 meter from the boundary it faces.</i></p> <p><i>(b) Any window proposed above ground level in any such extension shall not be less than 11 meters from the boundary it faces.</i></p> <p><i>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square meters, any window proposed at above ground level shall not be less than 11 meters from the boundary it faces.</i></p>	<p>Compliant Compliant</p> <p>Compliant</p>
<p><i>7. The roof of any extension shall not be used as a balcony or roof garden.</i></p>	<p>Not proposed.</p>

It is noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per Article 9 (1).

**Recommendation:**

As the proposal does not meet Condition Limitation 3.- *Any above ground floor extension shall be a distance of not less than 2 meters from any party boundary;*

And

*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.*

*And*

~~As the proposal does not meet~~ Condition Limitation 4- (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;*

it is considered as a consequence that the proposed development falls outside the scope of Schedule 2 Part 1 Class1 of the Planning and Development Regulations 2001 (as amended).

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not the construction of a rear first floor extension of 10.5 sqm all to a two-storey terraced dwelling is or is not development and is or is not exempted development:

The Planning Authority considers that the construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling is development and is **NOT** exempted development.

**Main Considerations with respect to Section 5 Declaration:**

- The details received with this Section 5 application (EX133/2025) on the 17<sup>th</sup> November 2025.
- Sections 2, 3, *and 4 and 57 (1)* of the Planning and Development Act 2000(as amended).
- *Article 6, 9 and* Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended).
- ~~Bray MD LAP 2018 and Wicklow CDP 2022 – 2028~~

**Main Reasons with respect to Section 5 Declaration:**

- 1) The construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling would be development having regard to Section 3 of the Planning and Development Act 2000 (as amended), as set out in the documents lodged.
- 2) The construction of a rear first floor extension of 10.5sqm all to a two-storey terraced dwelling as indicated on the details submitted would be *less than 2 meters from any party boundary; the height of the wall of the extension would exceed the height of the rear wall of the house; and the height of the highest part of the roof of the extension exceeds the height of the eaves of the house and therefore* does not accord with the provisions of Schedule 2, Part 1, Class 1, condition/ limitation 3 & 4 (a) *and (c)* of the Planning and Development Regulations 2001 (as amended) and therefore is **not** exempted development.

*Maria Harte G.P.*

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Maria Harte (Graduate Planner)

Dated: 05/12/2025



Agreed as amended  
Patrice Ryan SEP  
08/12/2025



## Nicola Fleming

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**From:** Nicola Fleming  
**Sent:** Thursday 13 November 2025 09:06  
**To:** 'Eric Graham'  
**Subject:** RE: Planning Exemption Certificate Application - 11 Upper Dargle Road, A98 NT63

Hi Eric,

You have included the incorrect application form this form is for an Exemption from S.96 (which is Social Housing).

I have attached the correct form if you could complete same and return to me via email.

[https://www.wicklow.ie/Portals/0/adam/Content/Hb205mjW7kSVit2xU8MA\\_w/Text/Section%205%20application%202018.doc](https://www.wicklow.ie/Portals/0/adam/Content/Hb205mjW7kSVit2xU8MA_w/Text/Section%205%20application%202018.doc)

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](mailto:nfleming@wicklowcoco.ie)

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



Comhairle Chontae Chill Mhantáin  
Wicklow County Council

**From:** Eric Graham <[egraham2102@gmail.com](mailto:egraham2102@gmail.com)>  
**Sent:** Wednesday 12 November 2025 09:42  
**To:** Planning - Planning and Development Secretariat <[plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)>  
**Subject:** Planning Exemption Certificate Application - 11 Upper Dargle Road, A98 NT63

**External Sender - From: (Eric Graham  
<[egraham2102@gmail.com](mailto:egraham2102@gmail.com)>)**  
This message came from outside your organisation.

[Learn More](#)

*CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.*

Dear Sir/Madam.

Please find attached relevant documentation re the above.

If you have any queries, please do not hesitate to contact me.

Regards,

**Eric Graham**

RECEIVED 12 NOV 2025

**WICKLOW COUNTY COUNCIL**  
**APPLICATION FORM FOR CERTIFICATE OF EXEMPTION FROM THE PROVISIONS**  
**OF SECTION 96 OF THE PLANNING & DEVELOPMENT ACT 2000 ( AS AMENDED)**

1. Applicants Details

Applicant	Jonathan Cummins
Address	11 Upper Dargle Road, Bray, Co. Wicklow.
Telephone No	087 232 3070
E-Mail	jc@irelandy.com

2. Agents Details

Agent	Eric Graham
Address	5 Grange Manor Avenue, Rathfarnham, Dublin 16.
Telephone No	086 856 3371
E-Mail	egraham2102@gmail.com

Please advise where all correspondence in relation to this application is to be sent:

Applicant ( No )     Agent ( Yes )

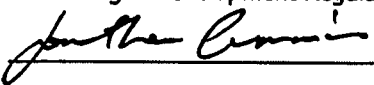
3. Company Details ( if applicable)

Company Name	N/A
Company Registration No.	
Address	
Telephone No	
E-Mail	
Company Directors:	

4. Details of proposed development Site:

Site Address	11 Upper Dargle Road, Bray. Co. Wicklow
Site Size	121.5m2
No of Dwellings	1
Description of Proposed Development	Construction of a rear First Floor Extension, measuring 10.5 square metres with a flat roof.

NOTE: This application must be accompanied by a copy of a site location map with the site clearly outlined and a **statutory declaration** giving the information required under Section 97 (5) of the Planning & Development Act 2000 (as amended) and Article 49 and (b) of the Planning & Development Regulations 2001 (as amended).

Signed:  Date: 7/11/25

The application form, signed and sworn Declaration and accompanying map should be submitted to

Planning Section,  
Wicklow County Council,  
County Building,  
Wicklow

Enquiries: Tele: 0404/20100

E Mail: [plandev@wicklowcoco.ie](mailto:plandev@wicklowcoco.ie)




### **STATUTORY DECLARATION**

I, Jonathan Cummins of

11 Upper Dargle Road, Bray, Co. Wicklow

Aged 18 years and upwards so solemnly and sincerely declare as follows:

1. I say that I am the applicant for a Certificate pursuant to Section 97 of the Planning & Development Act 2000 ( as amended) and I make this Statutory Declaration for that purpose.
2. The site the subject of the Statutory Declaration is situate at 11 Upper Dargle Road, Bray, Co. Wicklow and is shown clearly outlined in red on the map attached hereto.
3. I have set out in the first schedule to this Statutory Declaration in respect of the five years preceding the application, particulars of the legal and beneficial ownership of the said site to which the application relates.
4. I have set out in the second schedule here the identity of any persons ( if any) with whom I am acting in concert.
5. I have set out in the Third Schedule hereto details of any interest that I, or any person with whom I am acting in concert, has had during the previous five years in lands situate within 400 metres of the site the subject of this Statutory Declaration.
6. I have set out in the Fourth Schedule hereto details of any Certificates, still remaining in force, which has been granted within five years from the date hereof under Section 97 of the Planning & Development Act 200 ( as amended) to me, or to anyone with whom I am acting in concert.
7. I have set out in the Fifth Schedule hereto details of any permissions granted to me or to any person with whom I am acting in concert to carry out development consisting of four or fewer houses or of housing on land of 0.1 hectares or less within five years from the date hereof on the site to which this application relates or on land in its immediate vicinity (disregarding any development carried out or permission granted prior to November 2001).
8. I am not aware of any facts or circumstances which would constitute grounds under Section 97 (12) of the Planning & Development Act ( as amended) for refusal by Wicklow County Council to grant the Certificate sought .
9. I make this Statutory Declaration by virtue of the provisions of the Statutory Declaration Act 1938 and for the benefit of the County Council of the County of Wicklow, from facts within my own knowledge, save where otherwise appears and where so appearing I conscientiously believe the same to be true.



FIRST SCHEDULE

(Particulars of ownership of the site)

*Jonathan Cummins owner of house/site  
for past 5 years.*

SECOND SCHEDULE

(Details of persons acting in concert)

THIRD SCHEDULE

(Details of interest of applicant or others in concert with application, in lands within 400 metres of the site)

FOUR SCHEDULE

(Details of Certificate previously granted)

FIFTH SCHEDULE

(Details of Permissions previously granted)

Declared by the said Jonathan Cummins


This day of 8 November 2025

At Blackrock in the County of Dublin BEFORE

Me a ~~Peace Commissioner~~/Commissioner for Oaths and I know the deponent



Peace Commissioner/Commissioner for Oaths

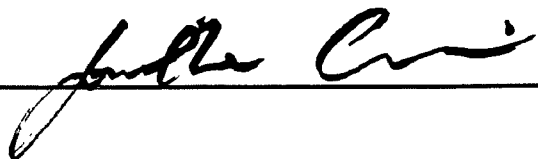
  
Joseph Regan - Solicitor  
Regan Law

12 Garrysfort Avenue

1 Stock Village, Co. Dublin

01 454 1347/0

WARNING: it is an offence for a person to knowingly or recklessly make a Statutory Declaration that is false or misleading in a material respect.





# 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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

## MEMORANDUM

### WICKLOW COUNTY COUNCIL

---

**TO: Maria Harte**  
**Graduate Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

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**RE:- EX133/2025 - 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 17/11/2025.

The due date on this declaration is the 14/12/2025.

---

**Staff Officer**  
**Planning Development & Environment**







# Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe  
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Suíomh / Website: [www.wicklow.ie](http://www.wicklow.ie)

**Eric Graham  
5 Grange Manor Avenue  
Rathfarmham  
Dublin 14**

**18<sup>th</sup> November 2025**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX133/2025 for Jonathan Cummins**

A Chara

I wish to acknowledge receipt on 17/11/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 14/12/2025.

Mise, le meas

**Nicola Fleming  
Staff Officer**

**Planning, Economic & Rural Development**



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

12/11/2025 12:15:18

Receipt No L1/0/354568

ETG Consulting Structural Engineers Limited  
5 Grange Manor Avenue,  
Dublin 16,  
Rathfarnham,  
Dublin 16

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
-------	-----------

Tendered	
Credit Card	80.00

Change	0.00
--------	------

Issued By VANESSA PORTER  
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 \_\_\_\_\_

RECEIVED 17 NOV 2025

**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: Jonathan Cummins  
Address of applicant: 11 Upper Dargle Road, Bray, Co. Wicklow. A98 NT63.

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

**2. Agents Details (Where Applicable)**

- (b) Name of Agent (where applicable) Eric Graham  
Address of Agent : 5 Grange Manor Avenue, Rathfarnham, Dublin 14.

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

**3. Declaration Details**

- i. Location of Development subject of Declaration: 11 Upper Dargle Road, Bray,  
Co. Wicklow. A98 NT63.

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 \_\_\_\_\_

The existing building is a 2 storey terraced dwelling with a rear annexe at Ground Floor. The intention is to construct a rear first floor extension measuring 10.5 square metres above the footprint of the existing rear annexe.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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 \_\_\_\_\_

The proposed development is located to the rear of the property and only measures 10.5 square metres.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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 \_\_\_\_\_  
01 Ground Floor Plan \_\_\_\_\_  
02 First Floor Plan \_\_\_\_\_  
03 Roof Plan \_\_\_\_\_  
04 Sections \_\_\_\_\_  
05 Elevations \_\_\_\_\_  
06 Site Plan \_\_\_\_\_

viii. Fee of € 80 Attached ? Paid by ETG Ltd

Signed : *Jonathan Curran* Dated : 14/11/25

**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 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.

# Site Location

Crescent

Upr Dargle Rd

UGHT

LITTLE BRAY

R918

Saint

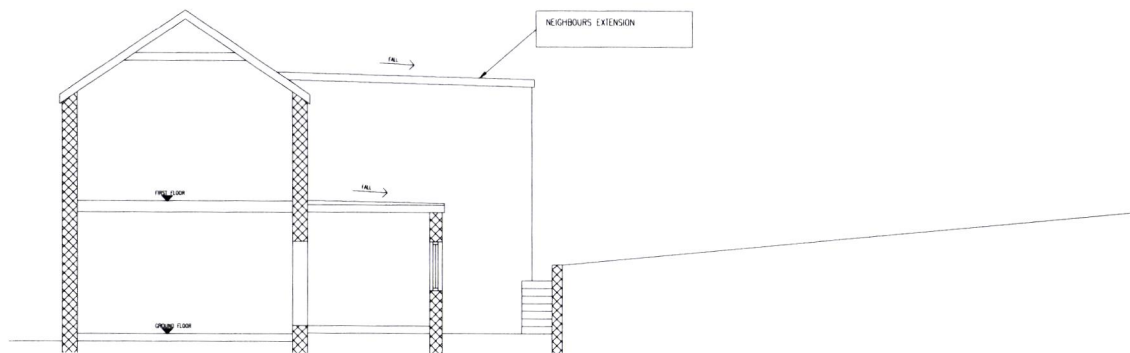


Upr Dargle Rd R918

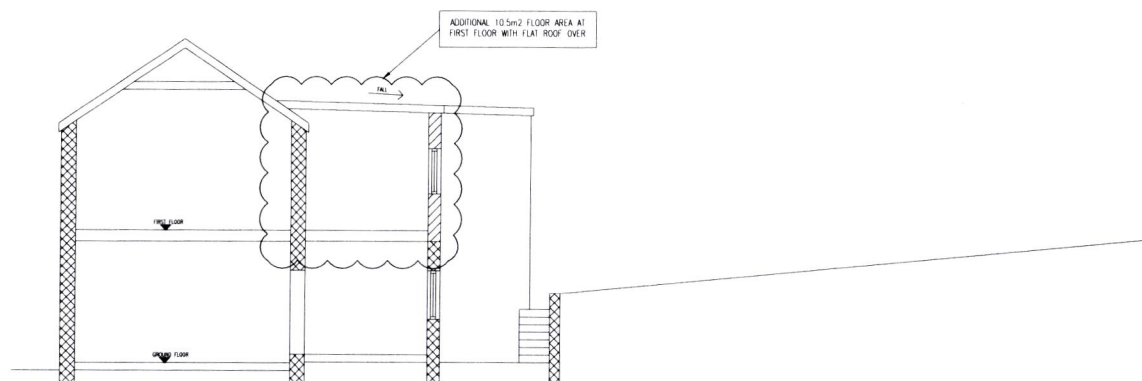
12

67

9



EXISTING SECTION  
(SCALE 1:50)



PROPOSED SECTION  
(SCALE 1:50)

NOTES

A1

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE.
2. ALL LEVELS RELATE TO DATUM 0.000m ON THE GROUND FLOOR (F.F.L. (F.F.L. = T.B.C.)).
3. ALL FOUNDATIONS TO BE TAKEN DOWN ONTO SOLID GROUND & TO BE AGREED WITH THE ENGINEER ON SITE. THE DEPTH OF THE LEAN MASS CONCRETE UNDER THE FOUNDATIONS WILL BE ADJUSTED ACCORDINGLY.
4. BLOCKWORK:  
215mm AND 100mm DENSE CONCRETE BLOCKS TO IS EN 771-3  
MINIMUM DENSITY 2000kg/m<sup>3</sup>  
RISING BLOCKWORK TO BE 13 N/mm<sup>2</sup> THROUGHOUT.  
BLOCKWORK ABOVE DPC TO BE TBC N/mm<sup>2</sup>.
5. CONCRETE GRADES IN ACCORDANCE WITH IS EN 206-1:2002.

	COMPRESSIVE STRENGTH CLASS	MAX. SIZE	MINIMUM SLUMP	EXPOSURE CLASS
FOUNDATIONS	C28/35	020	S2	XC2
GROUND FLOOR SLAB	C28/35	020	S2	XC1
LEAN MASS UNDER FND	C8/10	020	S2	XC2
EXPOSED ROOF SLAB	C28/35	010	S2	XC1
	C28/35	020	S2	XC1

6. REFER TO ARCHITECT'S DRAWING FOR BLOCKWORK SETTING OUT WHERE THEY ARE NOT INDICATED ON THESE DRAWINGS.

Rev. Date

Status  
FOR EXEMPTION

Client  
TBC

Project  
11 UPPER DARGLE ROAD

Orig. Title  
SECTIONS

ETG CONSULTING STRUCTURAL  
ENGINEERS LTD.  
TEL 086 856 3371  
E-Mail egraham2102@gmail.com

Drawn By EG Scale AS SHOWN  
Checked By EG Date 16.10.25  
Dwg No. E25032- 04 Rev. -



1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE.
2. ALL LEVELS RELATE TO DATUM 0.000m ON THE GROUND FLOOR F.F.L. (F.F.L. = T.B.C.).
3. ALL FOUNDATIONS TO BE TAKEN DOWN UNTO SOLID GROUND & TO BE AGREED WITH THE ENGINEER ON SITE. THE DEPTH OF THE LEAN MIX CONCRETE UNDER THE FOUNDATIONS WILL BE ADJUSTED ACCORDINGLY.
4. BLOCKWORK:  
215mm AND 100mm DENSE CONCRETE BLOCKS TO IS EN 771-3 MINIMUM DENSITY 2000kg/m<sup>3</sup>.  
RISING BLOCKWORK TO BE 13 N/mm<sup>2</sup> THROUGHOUT.  
BLOCKWORK ABOVE DPC TO BE TBC N/m<sup>2</sup>.
5. CONCRETE GRADES IN ACCORDANCE WITH IS EN 206-1:2002.

	COMPRESSION STRENGTH CLASS	MAX UPPER AGG. SIZE	NOMINAL UPPER AGG. CLASS	SLUMP EXPOSURE CLASS
FOUNDATIONS	C25/35	D20	S2	XC2
GROUND FLOOR SLAB	C25/35	D20	S2	XC1
LEAN MIX UNDER FND (SCURED)	C25/35	D10	S2	XC1
ROOF SLAB	C25/35	D20	S2	XC1

6. REFER TO ARCHITECTS DRAWING FOR BLOCKWORK SETTING OUT WHERE THEY ARE NOT INDICATED IN THESE DRAWINGS.

Rev	Date	Drawn By	Checked By	Revision

Status  
**FOR EXEMPTION**

Client  
**JONATHAN CUMMINS**

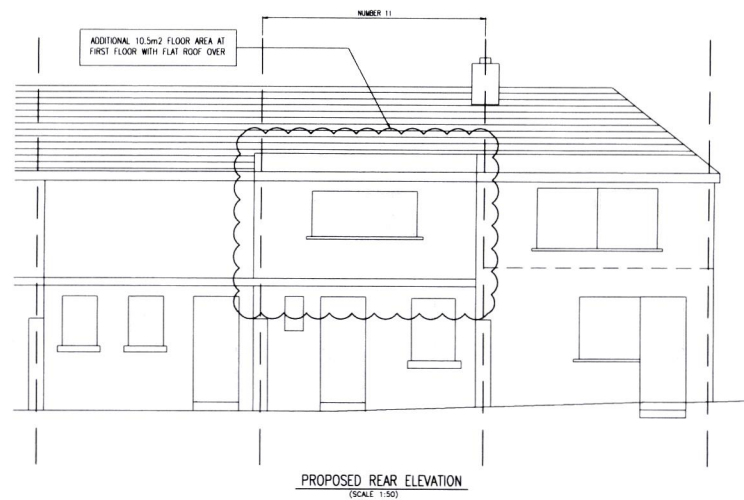
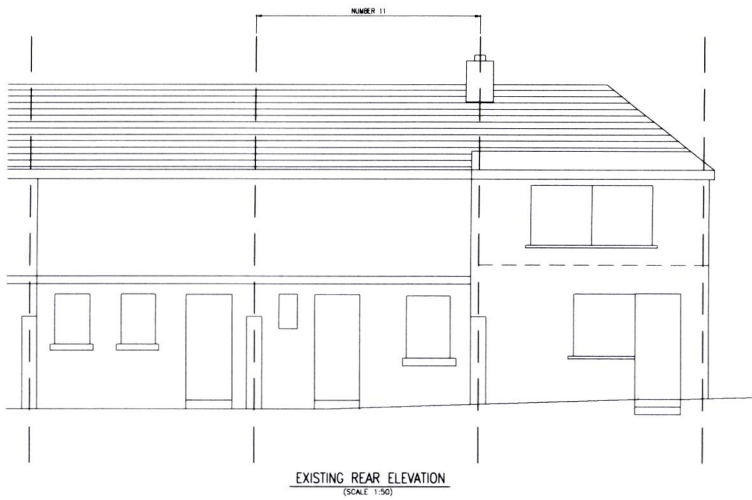
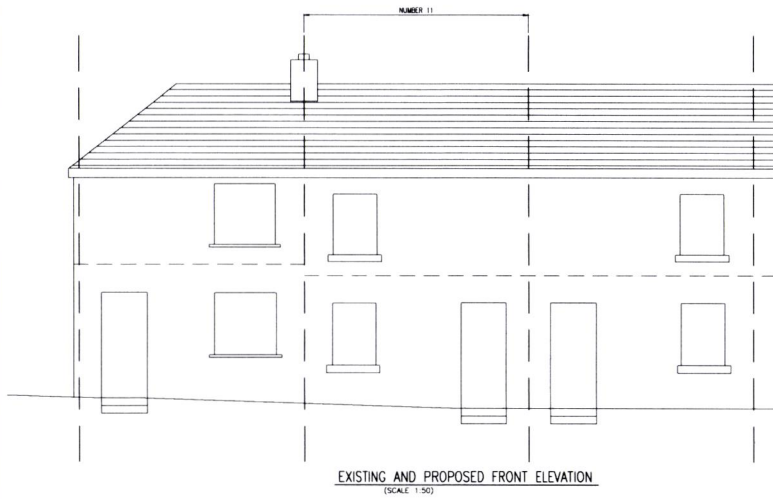
Project  
**11 UPPER DARGLE ROAD**

Drg Title  
**ELEVATIONS**

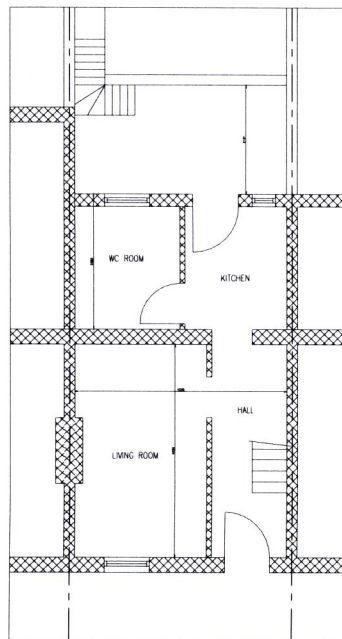
ETG CONSULTING STRUCTURAL ENGINEERS LTD.

TEL 086 856 3371  
E-Mail egraham2102@gmail.com

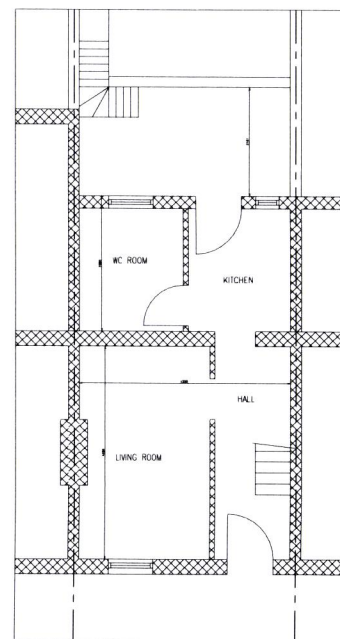
Drawn By	EG	Scale	AS SHOWN
Checked By	EG	Date	16.10.25
Drg No.	E25032- 05	Rev	-







EXISTING GROUND FLOOR PLAN  
(SCALE 1:50)



PROPOSED GROUND FLOOR PLAN  
(SCALE 1:50)

## NOTES

A1

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE.
2. ALL LEVELS RELATE TO DATUM 0.000m ON THE GROUND FLOOR F.F.L. (F.F.L. = T.B.C.).
3. ALL FOUNDATIONS TO BE TAKEN DOWN ONTO SOLID GROUND & TO BE AGREED WITH THE ENGINEER ON SITE. THE DEPTH OF THE LEAN MASS CONCRETE UNDER THE FOUNDATIONS WILL BE ADJUSTED ACCORDINGLY.
4. BLOCKWORK:  
75mm AND 100mm DENSE CONCRETE BLOCKS TO IS EN 771-3  
MINIMUM DENSITY 2000kg/m<sup>3</sup>  
RISING BLOCKWORK TO BE 13 N/mm<sup>2</sup> THROUGHOUT  
BLOCKWORK ABOVE DPC TO BE 10C N/mm<sup>2</sup>
5. CONCRETE GRADES IN ACCORDANCE WITH IS EN 206-1:2002.

	COMPRESSIVE STRENGTH CLASS	MAX. UPPER AGG. SIZE	NOMINAL CLASS	SUMP EXPOSURE CLASS
FOUNDATIONS	C28/35	0/20	S2	XC2
GROUND FLOOR SLAB	C28/35	0/20	S2	XC1
LEAN MASS UNDER FND	C8/10	0/20	S2	XC2
SCREED	C28/35	0/10	S2	XC1
ROOF SLAB	C28/35	0/20	S2	XC1

6. REFER TO ARCHITECTS DRAWING FOR BLOCKWORK SETTING OUT WHERE THEY ARE NOT INDICATED ON THESE DRAWINGS.

Rev Date Drawn By Checked By Revision

Status  
FOR EXEMPTION

Client  
TBC

Project  
11 UPPER DARGLE ROAD

Dwg Title  
GROUND FLOOR PLAN

ETG CONSULTING STRUCTURAL ENGINEERS LTD.  
TEL 086 856 3371  
E-Mail egraham2102@gmail.com

Drawn By	EG	Scale	AS SHOWN
Checked By	EG	Date	16.10.25
Dwg No.	E25032-01	Rev	-

1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE.
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215mm AND 100mm DENSE CONCRETE BLOCKS TO IS EN 771-3  
MINIMUM DENSITY 2000kg/m<sup>3</sup>  
POURING BLOCKWORK TO BE 13 N/mm<sup>2</sup> THROUGHOUT.  
BLOCKWORK ABOVE DPC TO BE TBC N/da
5. CONCRETE GRADES IN ACCORDANCE WITH IS EN 206-1:2002

	COMPRESSIVE STRENGTH CLASS	MAX. NOMINAL SIZE	UPPER AGG. CLASS	SUMP EXPOSURE CLASS
FOUNDATIONS	C30/35	020	S2	XC2
GROUND FLOOR SLAB	C30/35	020	S2	XC1
LEAN MASS UNDER FND	C30/35	020	S2	XC2
SCAFFOLD ROOF SLAB	C30/35	010	S2	XC1
	C30/35	020	S2	XC1

6. REFER TO ARCHITECTS DRAWING FOR BLOCKWORK SETTING OUT WHERE THEY ARE NOT INDICATED ON THESE DRAWINGS

Rev	Date	Drawn By	Checked By	Revision

Status  
**FOR EXEMPTION**

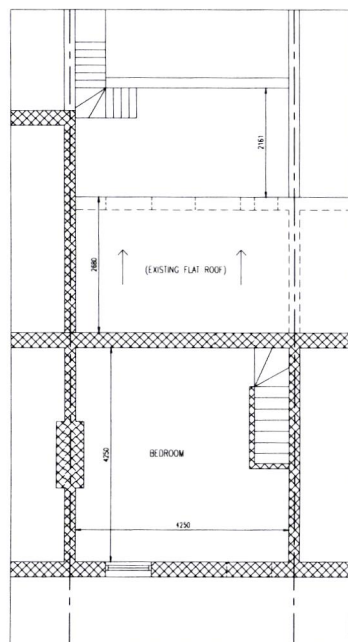
Client  
**TBC**

Project  
**11 UPPER DARGLE ROAD**

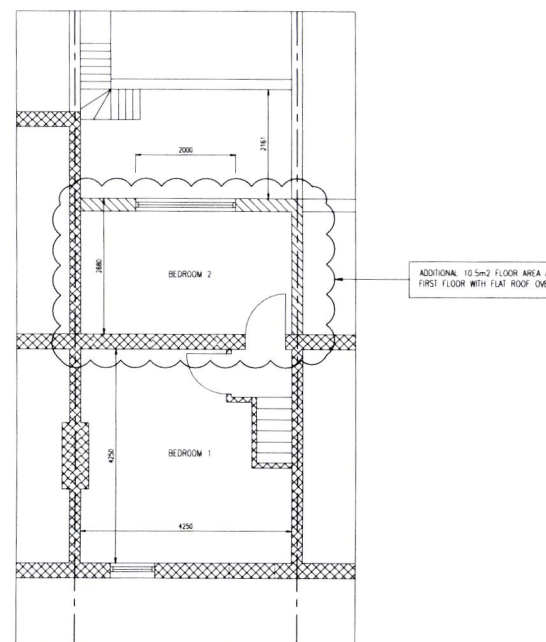
Dwg Title  
**FIRST FLOOR PLAN**

ETG CONSULTING STRUCTURAL ENGINEERS LTD.  
TEL 086 856 3371  
E-Mail [egraham2102@gmail.com](mailto:egraham2102@gmail.com)

Drawn By	EG	Scale	AS SHOWN
Checked By	EG	Date	16.10.25
Dwg No.	E25032- 02	Rev.	-

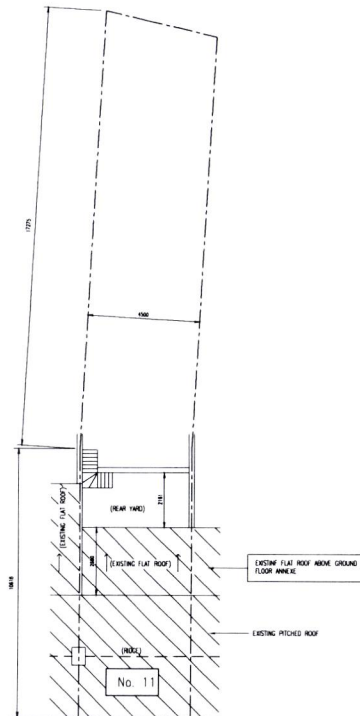


**EXISTING FIRST FLOOR PLAN**  
(SCALE 1:50)

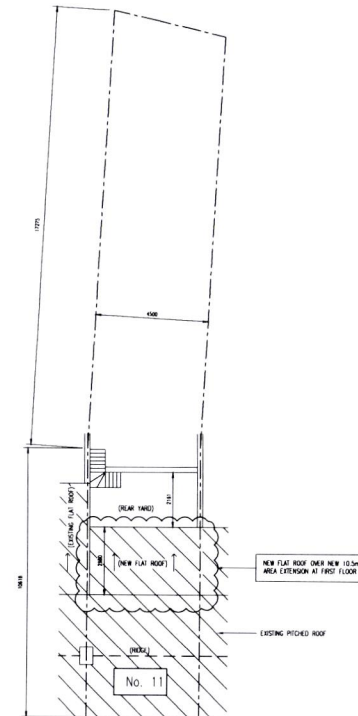


**PROPOSED FIRST FLOOR PLAN**  
(SCALE 1:50)





SITE PLAN - EXISTING  
(SCALE 1:100)



SITE PLAN - PROPOSED  
(SCALE 1:100)

## NOTES

A1

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- BLOCKWORK:  
215mm AND 100mm DENSE CONCRETE BLOCKS TO IS EN 771-3  
MINIMUM DENSITY 2000kg/m³  
RISING BLOCKWORK TO BE 13 N/mm² THROUGHOUT.  
BLOCKWORK ABOVE DPC TO BE 18C N/mm².

5. CONCRETE GRADES IN ACCORDANCE WITH IS EN 206-1:2002

	COMPRESSIVE STRENGTH CLASS	MAX. NOMINAL SIZE	SUMP EXPOSURE CLASS
FOUNDATIONS	C28/35	020	S3
GROUND FLOOR SLAB	C28/35	020	S2
LEAN MIX UNDER FND	C8/10	020	S2
SORED ROOF SLAB	C28/35	020	S2

6. REFER TO ARCHITECT'S DRAWING FOR BLOCKWORK SETTING OUT WHERE THEY ARE NOT INDICATED ON THESE DRAWINGS

Rev. Date Drawn By Checked By Revision

Status  
**FOR EXEMPTION**

Client  
**JONATHAN CUMMINS**

Project  
**11 UPPER DARGLE ROAD**

Org. Title  
**SITE PLAN**

ETG CONSULTING STRUCTURAL ENGINEERS LTD.

TEL 086 856 3371  
E-Mail egraham2102@gmail.com

Drawn By	EG	Scale	AS SHOWN
Checked By	EG	Date	16.10.25
Drawn No.	E25032-06	Rev.	-