



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Amy & Derek Ford,
89 Pebble Bay,
Wicklow,
Co. Wicklow.

29th July 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX75/2025 for Amy & Derek Ford

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

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

Is mise, le meas,



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



*To an doic, mead seo ar fáil i bhformáid eile ar iarratas
This document is available in alternative formats on request*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, 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: Amy & Derek Ford

Location: 89 Pebble Bay, Wicklow, Co. Wicklow

Reference Number: EX 75/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/808

A question has arisen as to whether "A single storey extension to the rear measuring 21.780sqm" at 89 Pebble Bay, Wicklow, Co. Wicklow is or is not exempted development.

Having regard to:

- The details submitted to the Planning Authority on 27/06/2025
- Sections 2(1), 3(1) and 4(1), of the Planning and Development Act 2000 (as amended)
- Articles 6 & 9 of the Planning and Development Regulations 2001 as amended
- Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

- The construction of an extension comes within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- The works are development having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended)
- The development does meet the conditions and limitations of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) being to the rear of the dwelling that was not previously extended, with a gross floor area of 21.7sqm, being single storey and 3.6m high and with no windows proposed within 1 metre from the boundary it faces. The private open space will remain in excess of 25 square metres.

The Planning Authority considers that "A single storey extension to the rear measuring 21.780sqm" at 89 Pebble Bay, Wicklow, Co. Wicklow is development and is exempted development

Signed: *Joanne Byrne*

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

Dated *29th* July 2025



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5
CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/808

Reference Number: EX 75/2025

Name of Applicant: Amy & Derek Ford

Nature of Application: Section 5 Referral as to whether or not "A single storey extension to the rear measuring 21.780sqm" is or is not development and is or is not exempted development.

Location of Subject Site: 89 Pebble Bay, Wicklow, Co. Wicklow

Report from Hollie O'Connor, EP & Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "A single storey extension to the rear measuring 21.780sqm" at 89 Pebble Bay, Wicklow, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- i. The details submitted to the Planning Authority on 27/06/2025
- ii. Sections 2(1), 3(1) and 4(1), of the Planning and Development Act 2000 (as amended)
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 as amended
- iv. Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended)

Main Reason with respect to Section 5 Declaration:

- a) The construction of an extension comes 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 having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended)
- c) The development does meet the conditions and limitations of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) being to the rear of the dwelling that was not previously extended, with a gross floor area of 21.7sqm, being single storey and 3.6m high and with no windows proposed within 1 metre from the boundary it faces. The private open space will remain in excess of 25 square metres.

Recommendation

The Planning Authority considers that "A single storey extension to the rear measuring 21.780sqm" at 89 Pebble Bay, Wicklow, Co. Wicklow is development and is exempted development as recommended in the report by the SEP

Signed: Danue Byrne

Dated 29th day of July 2025

ORDER:

I HEREBY DECLARE:

That "A single storey extension to the rear measuring 21.780sqm" at 89 Pebble Bay, Wicklow, Co. Wicklow is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: [Signature]
Senior Engineer
Planning, Economic & Rural Development

Dated 29th day of July 2025

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO: FERGAL KEOGH S.E. / EDEL BERMINGHAM S.E.P
FROM: HOLLY O'CONNOR E.P.
SUBJECT REF: EX 75/2025
DECISION DATE: 07/08/2025
APPLICANT: AMY & DEREK FORD
ADDRESS: 89 PEBBLE BAY, WICKLOW TOWN, CO. WICKLOW
EXEMPTION QUERY: EXTENSION TO REAR

Site Location:

The subject site is located in the settlement boundary of Wicklow Town/Rathnew in the housing estate Pebble Bay, on lands zoned RE Existing residential. The site is accessed via the Local Road L10985-25. The subject site is that of no.89, all of the dwellings are uniform in scale and style.

Planning History:

None of subject site, the estate was developed in the 1990s.

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

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii);

Section 3:

(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, ⁱⁿ ~~in~~ over or under land or the making of any material change in the use of any ~~structures or other land or~~ ^{structures situated on land or}

Section 4:

(2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

(i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development,

Planning & Development Regulations 2001 (as amended)*Schedule 2, Part 1- Exempted Development**Development within the curtilage of a house – CLASS 1***CLASS 1:**

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

Conditions and Limitations:

1. a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.
b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.
c) (c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.
2. a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.
b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.
c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.
3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
4. a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.
b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed

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

The applicants are applying for a Section 5 Declaration in relation to the following;

1. Extension of 21.78sqm to the rear of existing dwelling.

Assessment:

This Section 5 application seeks a declaration as to whether an extension to the rear of an existing dwelling is exempt development as per the conditions and limitations of Class 1, Part 1 of Schedule 2 of the P&D Regulations.

There are two questions to consider, the first is in relation to whether or not development is taking place, the second question is whether or not the development is exempted development?

In relation to the first the question, "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 and "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. The extension is a structure which will be constructed (works), therefore it is considered to be development.

The second assessment is to determine whether or not the works would be exempt development under the Planning and Development Act 2000 (as amended) or the Planning and Development 2001 (as amended). An extension to a dwelling is provided for under Schedule 2, Part 1, Class 1. The dwelling has not been previously extended. The proposed extension is 21sqm which does not exceed 40sqm. The proposed extension is single storey. The height of the walls of the proposed extension does not exceed the height of the rear wall of the house. The height of the highest part of the proposed roof does not exceed the height of the highest part of the roof of the dwelling. Private amenity space remains in excess of 100sqm. Windows are proposed on the west elevation, which are not less than 1m from the boundary. The roof is not to be used as a balcony or roof garden.

Recommendation:

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

A single storey extension to the rear measuring 21.780sqm at 89 Pebble Bay, Wicklow, Co. Wicklow is or is not exempt development.

The Planning Authority considers that:

The Planning Authority considers that the 21.780sqm extension is development and is exempt development.

Main Considerations with respect to Section 5 Declaration:

- The details submitted to the Planning Authority on 27/06/2025
- Sections 2(1), 3(1) and 4(1), of the Planning and Development Act 2000 (as amended)
- Articles 6 & 9 of the Planning and Development Regulations 2001 as amended
- Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

- C. The development does meet the conditions and limitations of Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) being to the rear of the dwelling that was not previously extended, with a gross floor area of 21.7sqm, being single storey and 3.6m high and with no windows proposed within 1 metre from the boundary it faces. The private open space will remain in excess of 25 square metres.

Holly O'Connor

Holly O'Connor E.P. Date: 29/07/2025

Appl as submitted

29/7/2025

of the Planning and Development Act 2000 (as amended)

B. The works are development having regard to the definition set out in Section 3(1) of the Planning and Development Act 2000 (as amended)

*Issue declaration is granted
Log 1 T. May 2025
29/07/25*



**Comhairle Contae Chill Mhantáin
Wicklow County Council**

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MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Holly O'Connor
Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX75/2025**

I enclose herewith application for Section 5 Declaration received completed
on 11/07/2025

The due date on this declaration is 7th August 2025.



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



Comhairle Contae Chill Mhantáin
Wicklow County Council

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Amy & Derek Ford
89 Pebble Bay
Wicklow

25th March 2025

Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX75/2025

A Chara

I wish to acknowledge receipt on 11th July 2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 7th August 2025.

Mise, le meas

STAFF OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT



cola Fleming

From: francis ford <francis.ford@wcc.ie>
Sent: Friday 11 July 2025 09:53
To: Planning - Planning and Development Secretariat
Subject: Proposed residential extension at 89 Pebble Bay Wicklow

External Sender - From: (francis ford <francis.ford@wcc.ie>)
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 be advised that the proposed development is exactly as follows,

3 Declaration Details Part iv,

The proposed residential development consists of an extension to 89 Bebble Bay incorporating

a) Dining Area, b) Ventilation Lobby / Toilet, c) Study Area having a total floor area of 21.780 sq metres as described on drawings nos 2025-120-1, 2, 3, and 4 is within the permitted 40 sq metres, Planning and Development Regulations.

Please advise text is satisfactory.

Francis Ford MARh UD (Washington U) DipArch RIBA

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**Amy & Derek Ford
89 Pebble Bay
Wicklow**

25th March 2025

Re: Application for a Declaration in accordance with Section 5 of the Planning & Development Act 2000 (as amended) : - EX75/2025

A Chara

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 for the above proposal on 27th June 2025. Email was forwarded on 1st July 2025 for which no reply has been received.

You Section 5 application form is incomplete as per our additional notes section: -

- Under 3. Declaration Details part 3. iv you need state what question you are asking ? Can you advise what is the question you are asking us is exempt 'confirmation , the proposed development is exempted development' will not suffice you need to state what the proposed development is exactly.

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

Mise, le meas

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



Nicola Fleming

From: Nicola Fleming
Sent: Tuesday 1 July 2025 09:20
To:

I wish to acknowledge receipt of your application for a declaration in respect of Section 5 on 27/06/2025

We received your Section 5 application form however this is incomplete as per our additional notes section: -

- Under 3. Declaration Details part iv you need state what question you are asking ? Can you advise what is the question you are asking us is exempt 'confirmation , the proposed development is exempted development' will not suffice you need to state what the proposed development is exactly.

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

Regards,

Nicola Fleming

Staff Officer

Planning, Economic & Rural Development

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

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

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



Comhairle Chontae Chill Mhantáin

Wicklow County Council

Wicklow County Council
County Buildings
Wicklow
0404-20100

27/06/2025 14:26:26

Receipt No L1/O/347518
***** REPRINT *****

Amy & Derek Ford
89 Pebble Bay
Wicklow Town

PLANNING APPLICATION FEES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Credit Card	80.00

Change	0.00
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Wicklow County Council
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Date Received _____

Fee Received _____

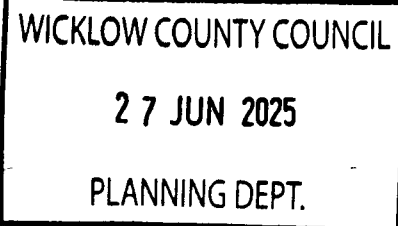
**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: AMY & DEREK FORD

Address of applicant: 89 PEBBLE BAY, WICKLOW

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



2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) FRANCIS FORD

Address of Agent : 15 CABINTEELY CRESCENT DIST 227

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

3. Declaration Details

i. Location of Development subject of Declaration _____
89 PEBBLE BAY,

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 _____

CONFIRMATION, THE PROPOSED DEVELOPMENT IS
EXEMPTED DEVELOPMENT

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 _____
CLASS 1 PART 1 OF SCHEDULE 2

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? NO

vii. List of Plans, Drawings submitted with this Declaration Application _____
SITE LOCATION MAP, GROUND FLOOR PLAN,
ELEVATIONS, SECTION, ROOF PLAN

viii. Fee of € 80 Attached ? YES

Signed : *Dennis Dwyer* Dated : 27.06.2025

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 Map



Additional Notes

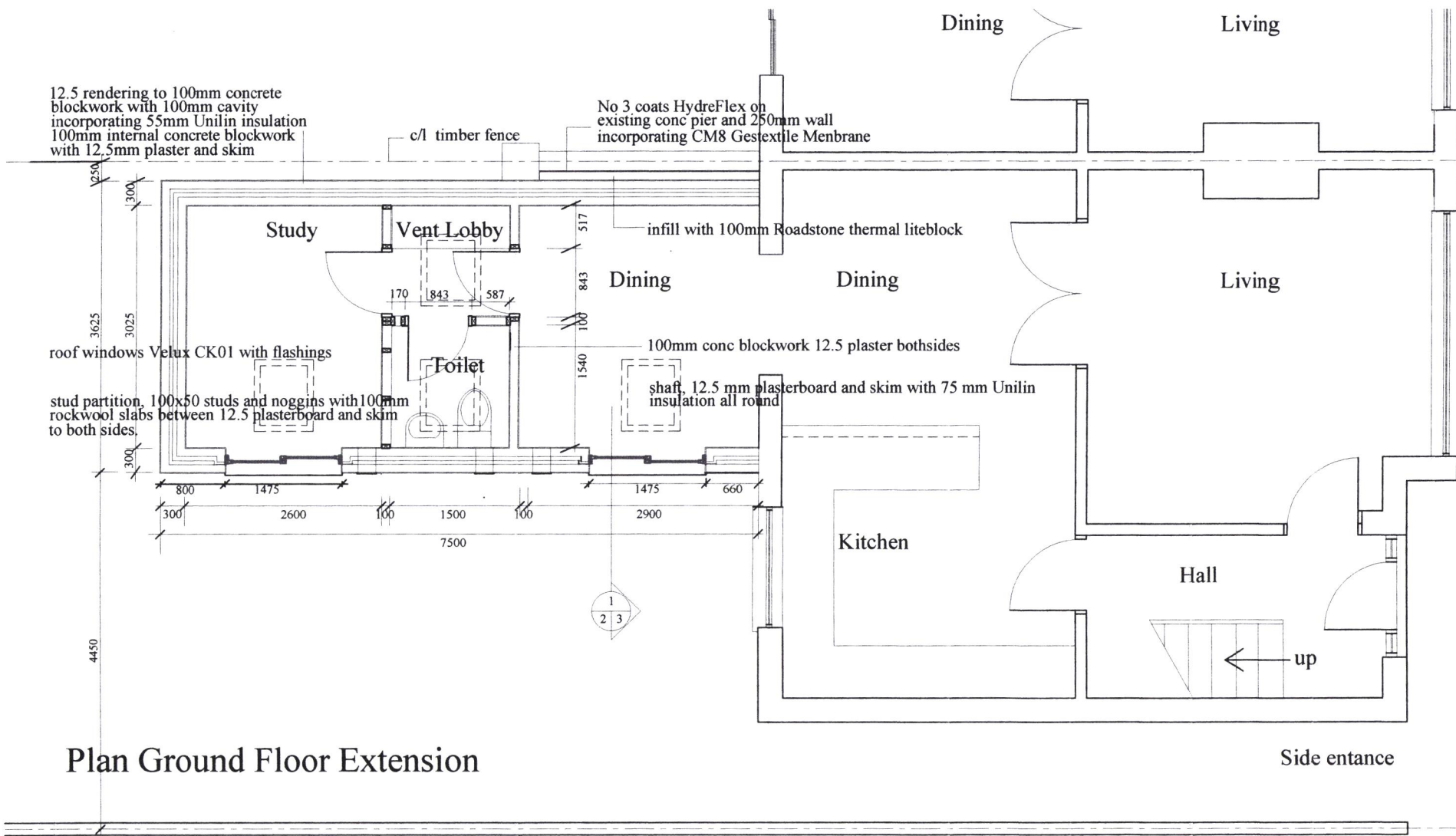
Referral under Section 5, Class 1 Part 1 of Schedule 2

Floor area of Proposed Extension : 21.780 sq meters

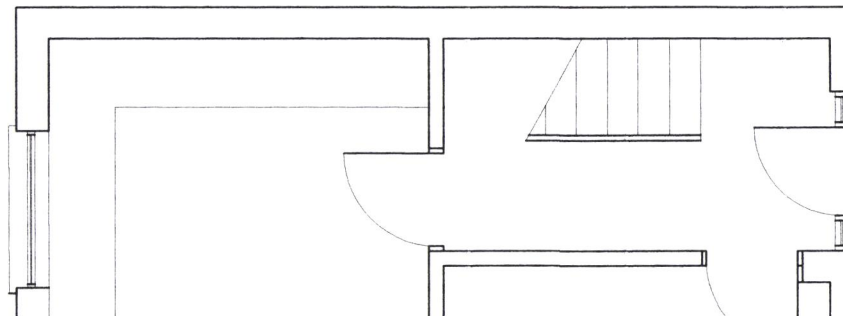
Floor are of Existing Dwelling : 106.080 sq meters

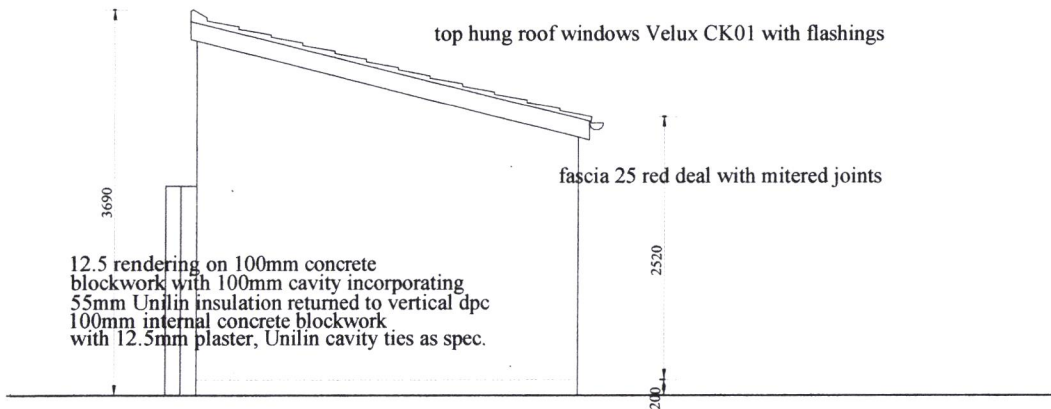
Site Area : 302.600 sq meters

Area of Rear Garden : 130.050 sq metres

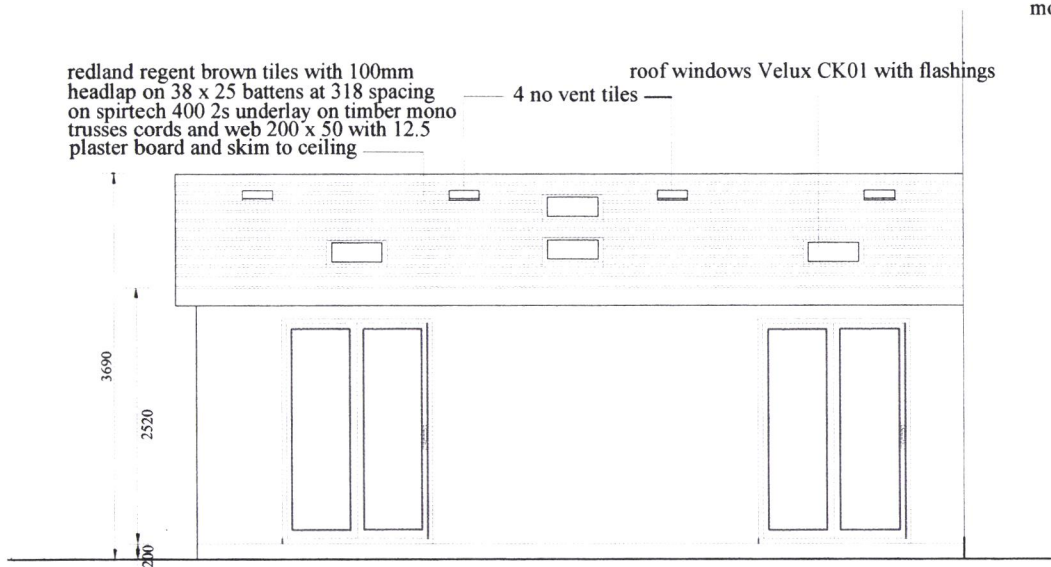


Plan Ground Floor Extension

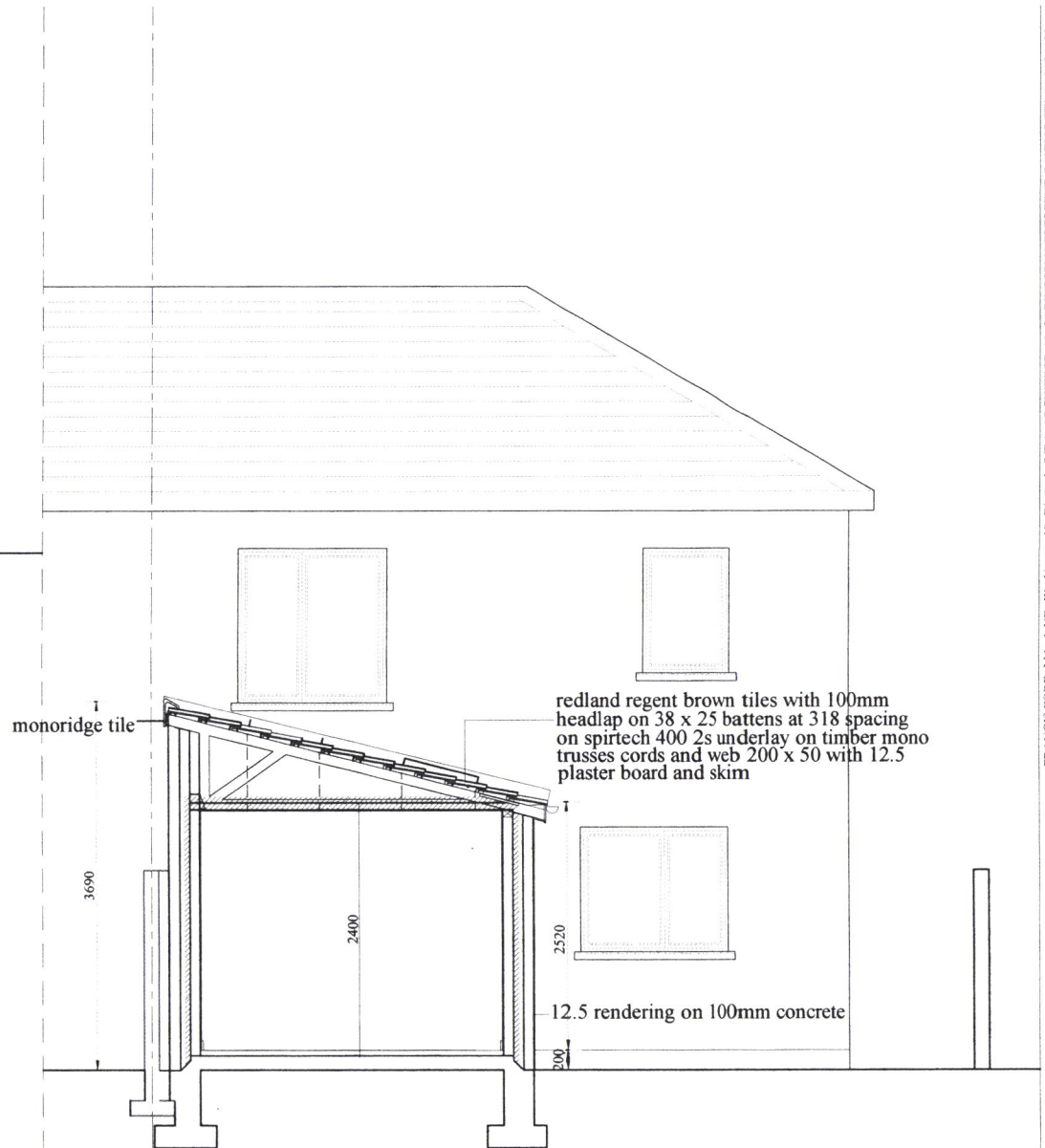




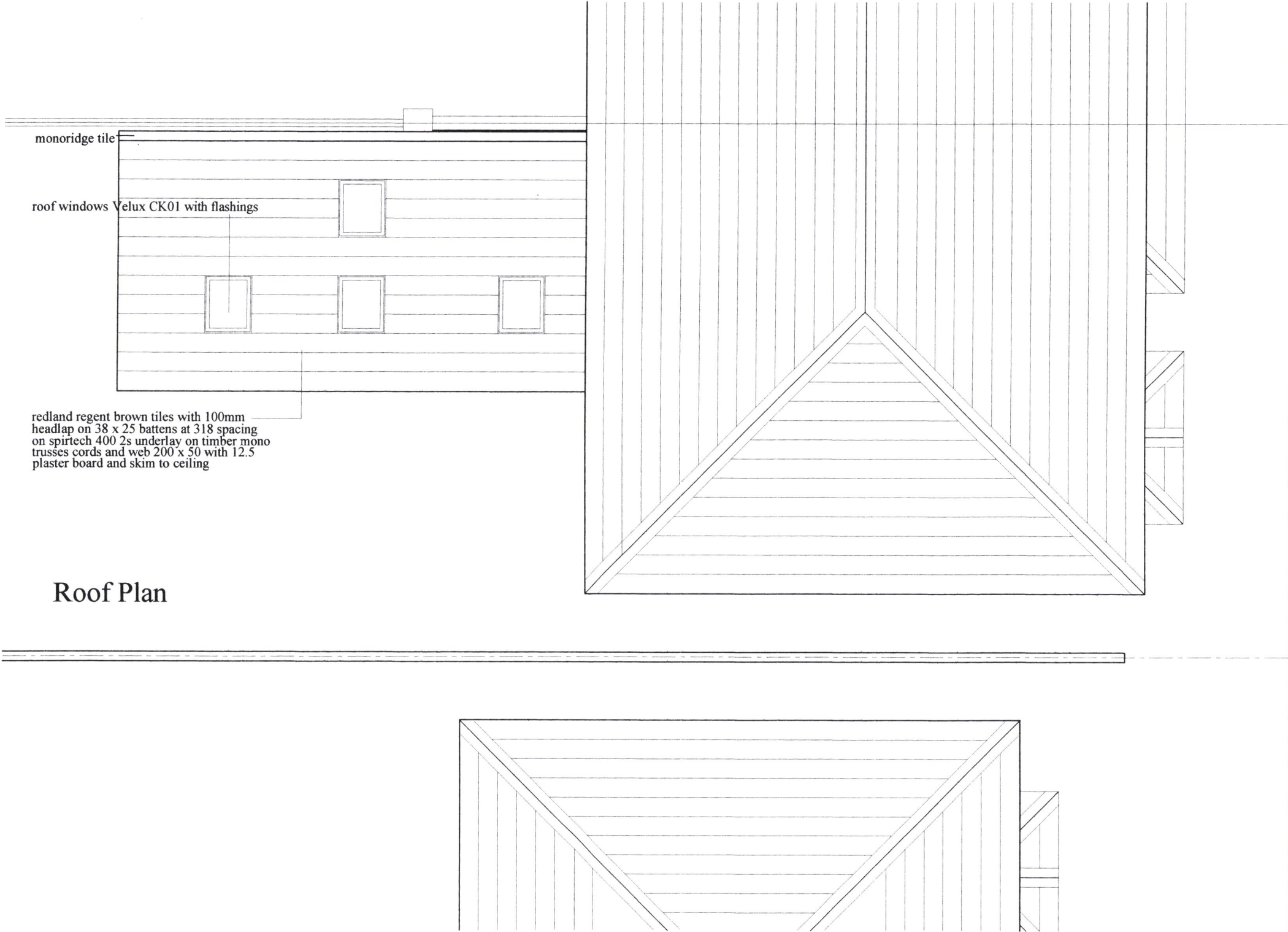
North Elevation



West Elevation



Section $\frac{1}{2/3}$ / Rear Elevation of Dwelling



monoridge tile

roof windows Velux CK01 with flashings

redland regent brown tiles with 100mm headlap on 38 x 25 battens at 318 spacing on spiritech 400 2s underlay on timber mono trusses cords and web 200 x 50 with 12.5 plaster board and skim to ceiling

Roof Plan