



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

Derek Byrne
3 St. Manntan's Road
Wicklow Town
Co. Wicklow
A67 NW10

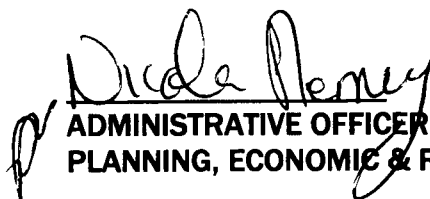
 September 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX106/2025**

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

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

Is mise, le meas,


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





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

Applicant: Derek Byrne

Location: 3 St. Manntan's Road, Wicklow Town

Reference Number: EX 106/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1043

A question has arisen as to whether "proposed single storey extension of 30.6sqm to the north of existing dwelling" at 3 St. Manntan's Road, Wicklow Town is or is not exempted development.


Having regard to:

- The details submitted on 11/09/2025;
- Sections 2, 3, and 4 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 provision of a 30.6sq.m single storey extension to the north of No. 3 St. Manntan's, Road, Wicklow Town is works and therefore is development, having regard to Section 3 of the Planning and Development act 2000(as amended).
- When viewed from the public road, the dwelling reads as having its frontage onto St. Manntan's Road to the west with the front garden characterised by the presence of low front boundary walls. The private rear amenity space of the dwelling reads as been to the east of the dwelling, which is considered to be the rear of the dwelling. The proposed extension is therefore considered to be located to the side of the dwelling and not to the rear of the dwelling where the main private amenity space serving the dwelling is located. The proposal does not comprise of 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 proposed development therefore does not fall within the description as set out under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) which refers to "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". There are no exemptions available for the construction/erection of an extension to the side of a dwelling.*

The Planning Authority considers that "proposed single storey extension of 30.6sqm to the north of existing dwelling" at 3 St. Manntan's Road, Wicklow Town is development and is NOT exempted development

Signed: 
ADMINISTRATIVE OFFICER
PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated  25th September 2025



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

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1043

Reference Number: EX 106/2025

Name of Applicant: Derek Byrne

Nature of Application: Section 5 Referral as to whether or not "proposed single storey extension of 30.6sqm to the north of existing dwelling" is or is not development and is or is not exempted development.

Location of Subject Site: 3 St. Manntan's Road, Wicklow Town

Report from Patrice Ryan, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "proposed single storey extension of 30.6sqm to the north of existing dwelling" at 3 St. Manntan's Road, Wicklow Town is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- i. The details submitted on 11/09/2025;
- ii. Sections 2, 3, and 4 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).

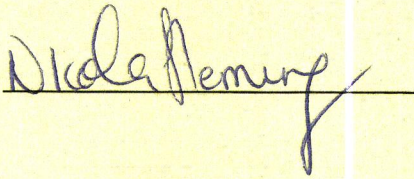
Main Reason with respect to Section 5 Declaration:

- 1) The provision of a 30.6sq.m single storey extension to the north of No. 3 St. Manntan's, Road, Wicklow Town is works and therefore is development, having regard to Section 3 of the Planning and Development act 2000(as amended).
- 2) When viewed from the public road, the dwelling reads as having its frontage onto St. Manntan's Road to the west with the front garden characterised by the presence of low front boundary walls. The private rear amenity space of the dwelling reads as been to the east of the dwelling, which is considered to be the rear of the dwelling. The proposed extension is therefore considered to be located to the side of the dwelling and not to the rear of the dwelling where the main private amenity space serving the dwelling is located. The proposal does not comprise of 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 proposed development therefore does not fall within the description as set out under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) which refers to "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".* There are no exemptions available for the construction/erection of an extension to the side of a dwelling.

Recommendation:

The Planning Authority considers that "proposed single storey extension of 30.6sqm to the north of existing dwelling" at 3 St. Manntan's Road, Wicklow Town is development and is NOT exempted development as recommended in the report by the SEP.

Signed



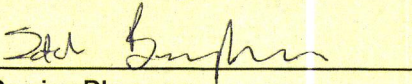
Dated 24th day of September 2025

ORDER:

I HEREBY DECLARE:

That "proposed single storey extension of 30.6sqm to the north of existing dwelling" at 3 St. Manntan's Road, Wicklow Town is development and is NOT exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Dated 25th day of September 2025

A/Senior Planner

Planning, Economic & Rural Development



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

From: Patrice Ryan SEP.
Type: Section 5 Application
REF: EX 106/2025
Applicant: Derek Byrne
Date of Application: 11/09/2025
Decision Due Date: 08/10/2025
Address: 3 St. Manntans Road , Wicklow Town.

Exemption Query: Proposed single storey extension of 30.6 sq.m to existing dwelling.

Application Site: The application site is a detached two storey gable fronted dwelling. The dwelling fronts onto St. Manntans Road to the north west which it is noted is a steep hill with the dwellings along the south western side constructed in a stepped fashion along this hill. No. 2 is located to the northern side of the subject site while No. 4 is located to the south. The dwelling on site has a south east facing rear garden.

Relevant Planning History

Application site

73/620564: Planning permission GRANTED for the erection of 5 dwelling houses.

No. 4 St. Manntan's Road. Dwelling to the South.

13/623487: Planning permission GRANTED for a new new single storey extension (27sqm) to the north side of the existing dwelling house.

Question:

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

- *Proposed 30.6sq.m extension to the northern side of the existing detached dwelling, No. 4 St. Manntan's Road.*

is or is not development and is or is not exempted development:

Legislative Context

Planning and Development Act 2000 (as amended)

Section 2(1) of the Act states the following in respect of the following:

"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..."

Section 3(1) of the Act states the following in respect of 'development':

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

Section 4 sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

Section 4 (1) (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."

Section 4(2) makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

Planning and 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):

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 –

- (i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in a permission under the Act,*
- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,*
- (iii) Endanger public safety by reason of traffic hazard or obstruction of road users,*
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area.*

Schedule 2, Part 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.

The conditions and limitations include:

1. (a) *Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.*

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.

6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.

(b) Any window proposed above ground level in any such extension shall not be less than 1 metres from the boundary it faces.

(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.

7. The roof of any extension shall not be used as a balcony or roof garden.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question: Whether or not:

- A proposed single storey extension of 30.6 sq.m to the north of the existing dwelling, No. 3 St. Mannans Road, is or is not exempted development.

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.

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

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

I am satisfied that the proposal would involve works to the existing structure and therefore the proposal does constitute development.

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

Schedule 2, Part 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”.

The applicant has submitted that the northern side of the dwelling is the rear of the dwelling.

From an assessment of the information submitted, this is not considered to be the case. The rear of the dwelling is considered to be the eastern side of the dwelling where the main private amenity space of the dwelling is located. While it is noted that the main entrance door to the dwelling is located in the southern side elevation of the dwelling, the dwelling has its main frontage addressing St. Manntans Road to the west characterised further by the presence of low front boundary walls and the vehicular entrance to the property. It is considered that the northern side of the dwelling, clearly reads as to the side of the dwelling and not the rear.

The proposed extension is therefore considered to be located to the side of the dwelling and not to the rear/east of the dwelling where the main rear private amenity space is located. The proposed extension to the side is a new construction and does not involve 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 proposed extension is therefore not considered to be exempted development.

Recommendation:

With respect to the query under Section 5 of the Planning and Development Act 2000 (as amended), as to whether or not:

- A proposed single storey extension of 30.6 sq.m to then north of the existing dwelling, No. 3 St. Manntans Road, is or is not exempted development,

The Planning Authority considers that:

The Proposed extension of 30.6sq.m is located to the side of the dwelling and **is development and is NOT exempted development** as the construction of an extension to the side of a dwelling does not fall within the description as set out under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Main Considerations with respect to Section 5 Declaration:

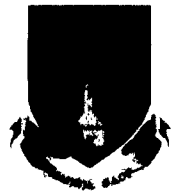
- i. The details submitted on 11/09/2025;
- ii. Sections 2 , 3 , and 4 of the Planning and Development Act 2000 (as amended);
- iii. Articles 6 & 9 of the Planning and Development Regulations 2001 (as amended);
- iv. Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The provision of a 30.6sq.m single storey extension to the north of No. 3 St. Manntan's, Road, Wicklow Town is works and therefore is development, having regard to Section 3 of the Planning and Development act 2000(as amended).
2. When viewed from the public road, the dwelling reads as having its frontage onto St. Manntan's Road to the west with the front garden characterised by the presence of low front boundary walls. The private rear amenity space of the dwelling reads as been to the east of the dwelling, which is considered to be the rear of the dwelling. The proposed extension is therefore considered to be located to the side of the dwelling and not to the rear of the dwelling where the main private amenity space serving the dwelling is located. The proposal does not comprise of 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 proposed development therefore* does not fall within the description as set out under Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 (as amended) which refers to *"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"*. There are no exemptions available for the construction/erection of an extension to the side of a dwelling.



Patrice Ryan
Senior Executive Planner
24/09/2025



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Patrice Ryan
Senior Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX106/2025**

I enclose herewith application for Section 5 Declaration received completed on 11th September 2025.

The due date on this declaration is 8th October 2025.



Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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12th September 2025

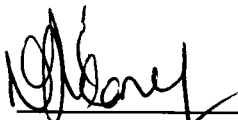
**Derek Byrne
3 St. Manntans Road
Wicklow Town
Co. Wicklow
A67 NW10**

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Act 2000 (as amended). – EX106/2025

A Chara

I wish to acknowledge receipt on 11/09/2025 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 08/10/2025.

Mise, le meas



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



*To an dóir níos seirbhíse ar fáil, cuir mairbh le ar riagtas
This document is available in alternative formats on request*

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



Wicklow County Council
County Buildings
Wicklow
0404-20100

11/09/2025 14 40 07

Receipt No L1/0/351393
***** REPRINT *****

DEREK BYRNE
3 ST MANNANS ROAD
WICKLOW TOWN
A67 NW10

EXEMPTION CERTIFICATES	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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Issued By Joanne Tighe
From Customer Service Hub
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Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received 11 Sep 2025

Fee Received €80 paid

**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: Derek Byrne
Address of applicant: 3 St Mannan's Road
Wicklow town, Co. Wicklow. A67NW10

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

WICKLOW COUNTY COUNCIL
11 SEP 2025
PLANNING DEPT.

i. Location of Development subject of Declaration 3 St
MANNING'S Road Wicklow
W67NW10

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

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 My Neighbour
Done the same extension to his property
and it is less than 1 Metre for our boundary
line. THE Gable of these properties faces the
Road the back of the House faces the Sea
and would appear to be the Side of the house but it is Not.
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 Map.
HAND sketched drawing of Proposed extension
to the Rear of My Property.
Extension floor Area 30.6 Square Meters

viii. Fee of € 80 Attached ? Yes.

Signed : Derek Byrne Dated : 05.09.2025

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. 30.6 sqm ✓
- Floor area of all relevant structures e.g. previous extensions. N/A
- 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.**

Land Registry Compliant Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 731395,693870

PUBLISHED: 03/09/2025
ORDER NO.: 50488362_1

MAP SERIES: 1:1,000
MAP SHEETS: 4020-20

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

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3 St Martin's Rd
Wicklow, County Wicklow

Google Street View

May 2023 See more dates



location of proposed extension to the rear of my property.

Neighbours property with similar extension

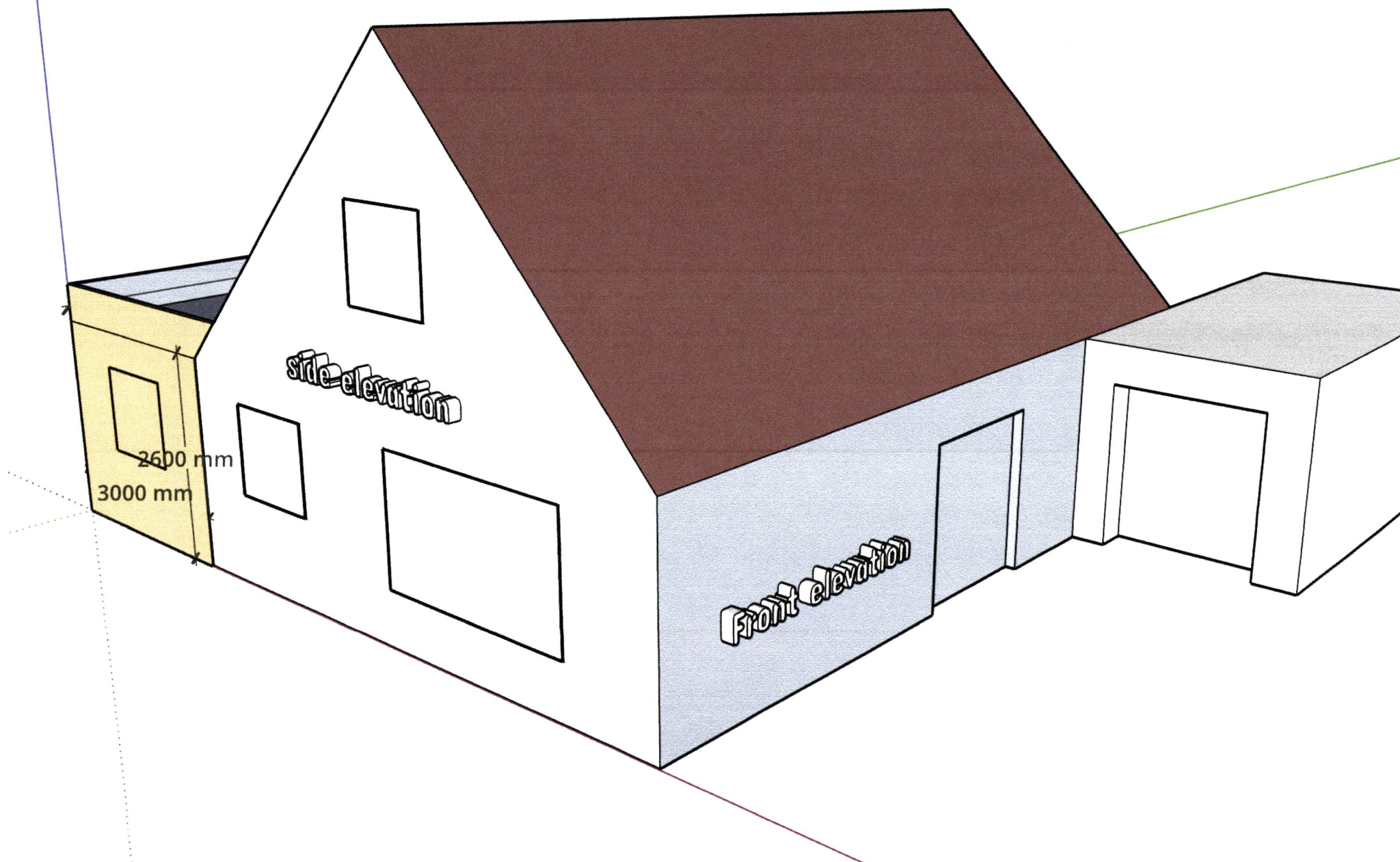
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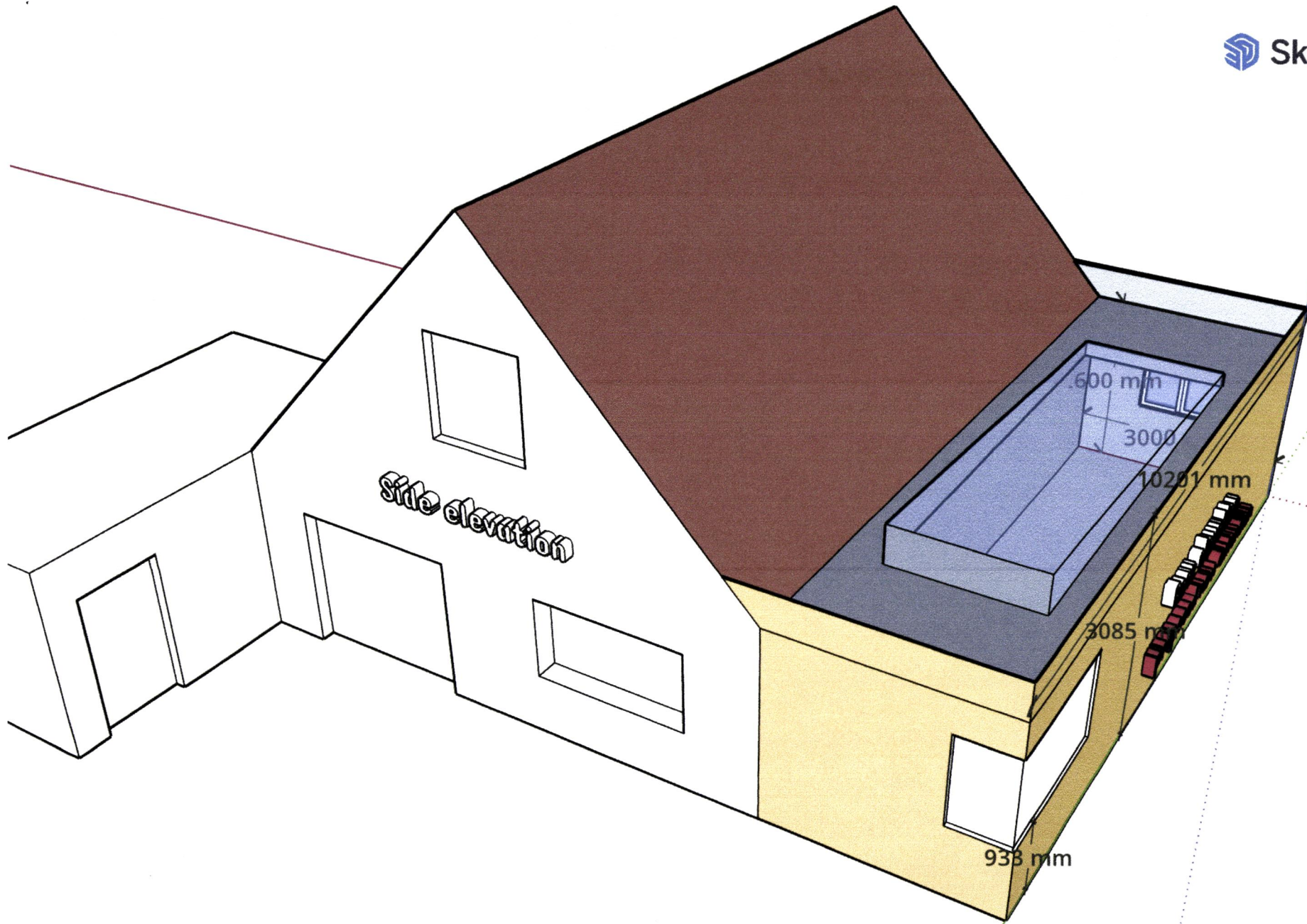
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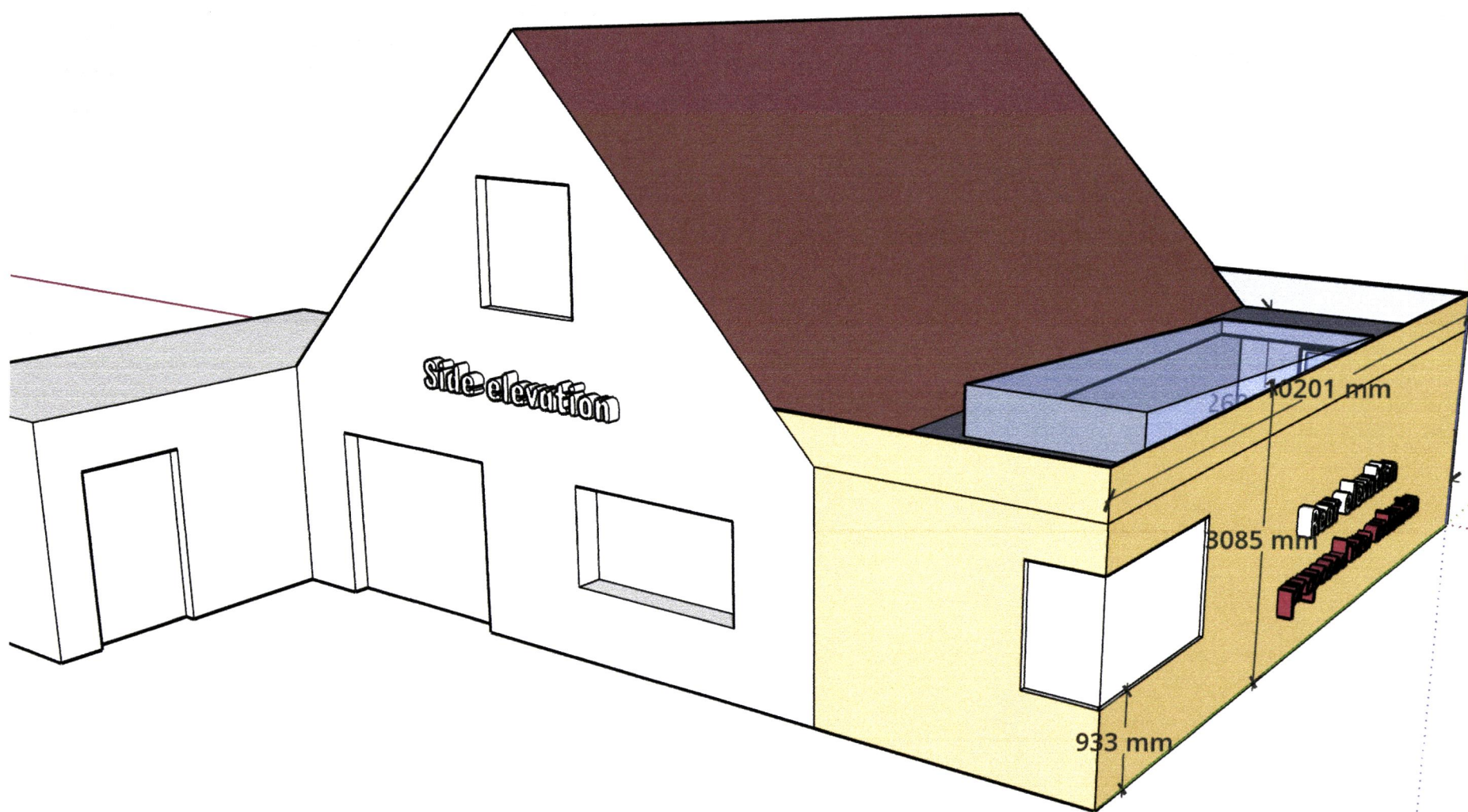
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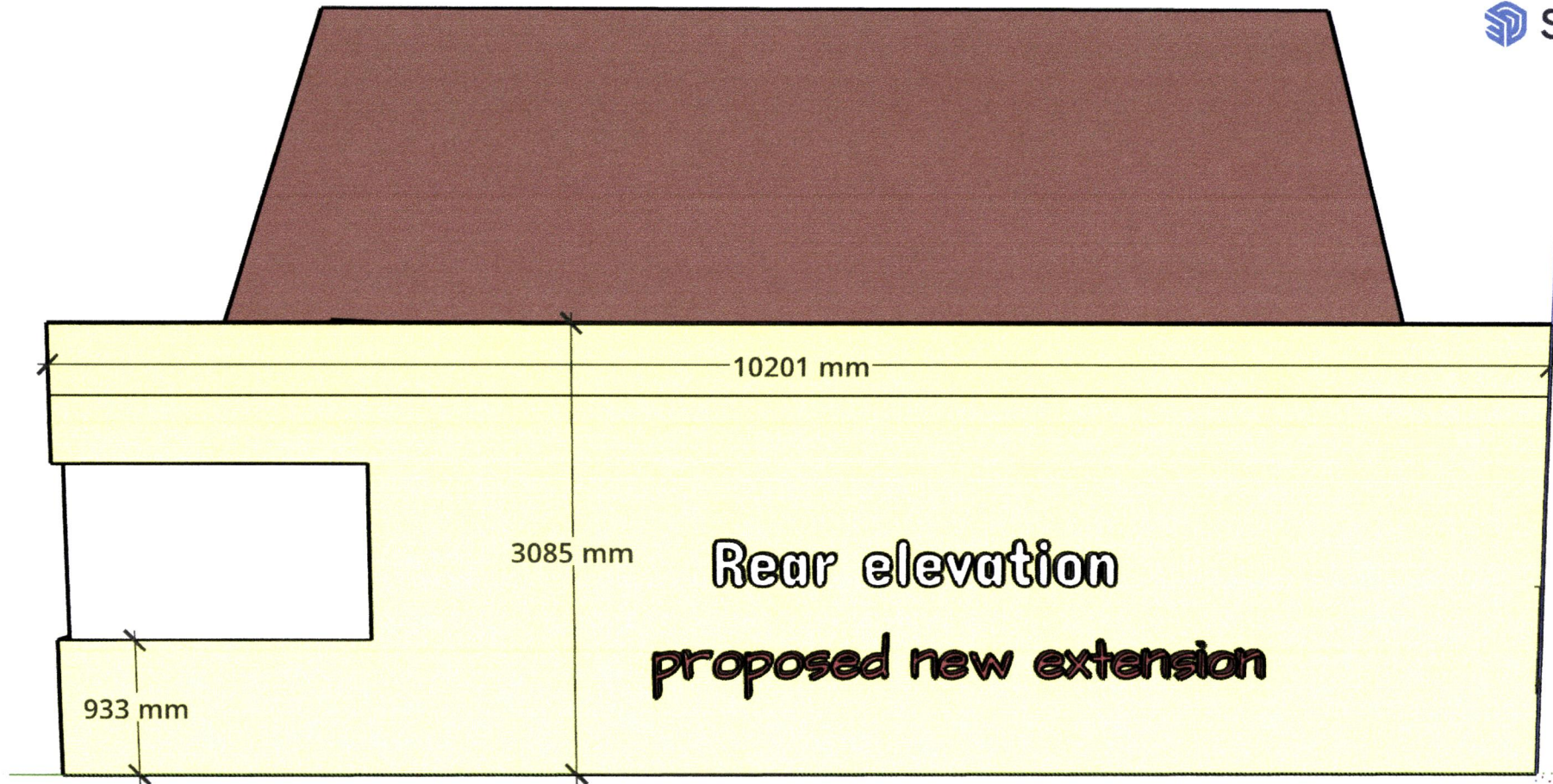
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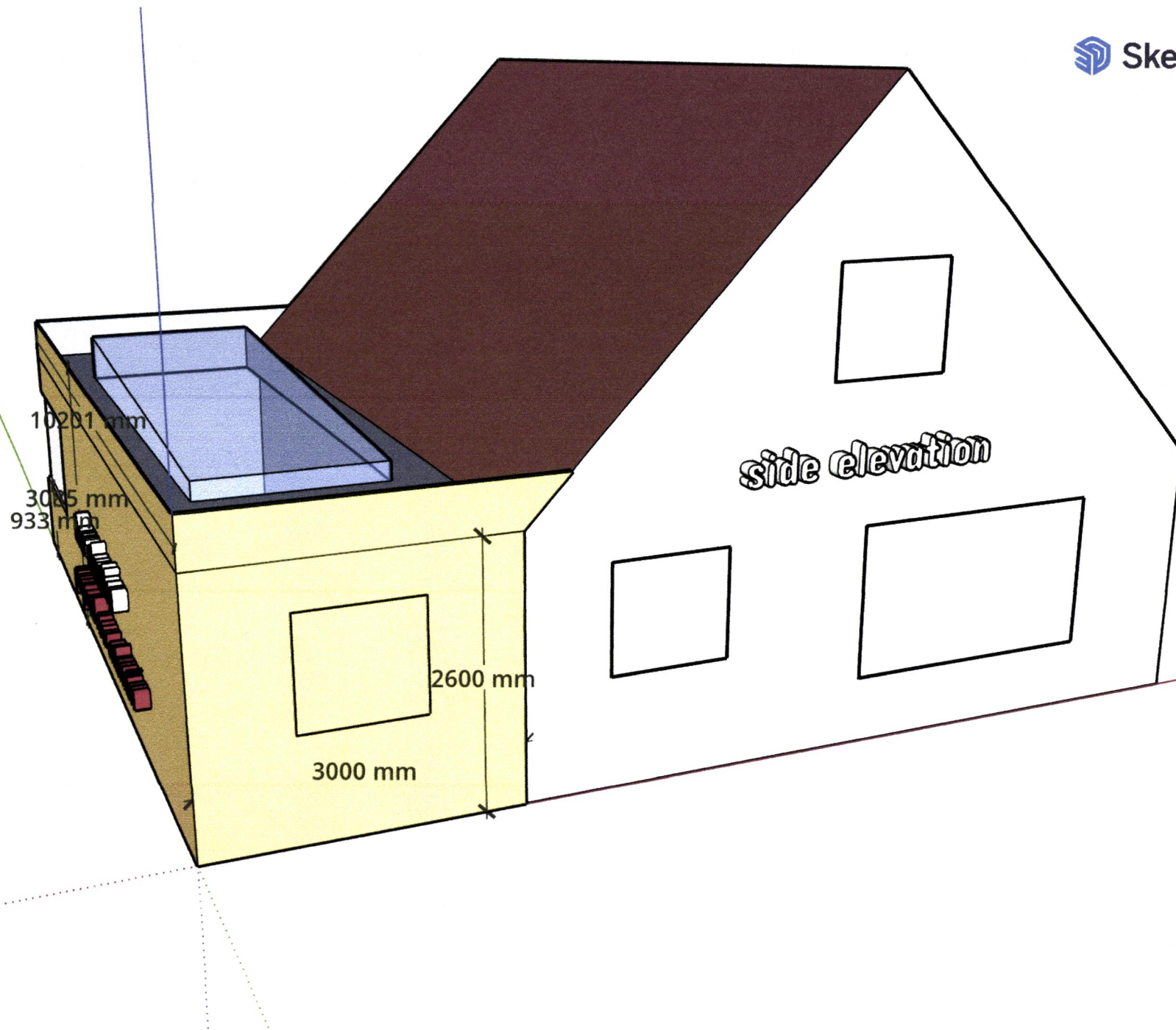












bing maps

Notes

