



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Elin Soderstrom & Ciaran Lynch

21h Of November 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX 116/2025

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,

Orla Flanagan
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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

Applicant: Elin Soderstrom and Ciaran Lynch

Location: Weavers Square, Baltinglass, Co. Wicklow

Reference Number: EX 116/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1300

A question has arisen as to whether *"partial demolition of pre-existing extension and provision of new extension to the rear of the dwelling"* at Weavers Square, Baltinglass, Co. Wicklow is or is not exempted development.

Having regard to:

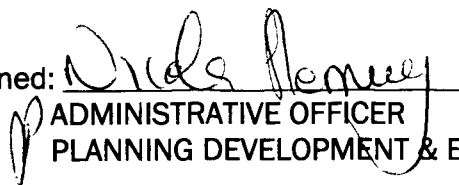
- a) The details submitted with the Section 5 Declaration Application on 09/10/2025 and further information received on 12/11/2025.
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6, 9, and Schedule 2: Part 1: Class 1 and Class 50 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

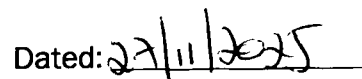
- i. The partial demolition of a pre-existing extension and provision of a new extension to the rear of existing dwelling would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. The construction of a new extension to the rear of the dwelling would come within the description and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development.
- iv. The partial demolition of a pre-existing extension in connection with the provision of an extension in accordance with Class 1 would come within the description and limitations set out under Class 50(b) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development.

The Planning Authority considers that "partial demolition of pre-existing extension and provision of new extension to the rear of the dwelling" at Weavers Square, Baltinglass, Co. Wicklow is development and IS exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated:


27/11/2025



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/1300

Reference Number: EX 116/2025

Name of Applicant: Elin Soderstrom and Ciaran Lynch

Nature of Application: Section 5 Referral as to whether "*partial demolition of pre-existing extension and provision of new extension to the rear of the dwelling*" is or is not development and is or is not exempted development.

Location of Subject Site: Weavers Square, Baltinglass, Co. Wicklow

Report from: Billy Slater, AP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*partial demolition of pre-existing extension and provision of new extension to the rear of the dwelling*" at Weavers Square, Baltinglass, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

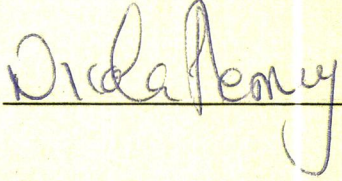
- a) The details submitted with the Section 5 Declaration Application on 09/10/2025 and further information received on 12/11/2025.
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6, 9, and Schedule 2: Part 1: Class 1 and Class 50 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The partial demolition of a pre-existing extension and provision of a new extension to the rear of existing dwelling would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. The construction of a new extension to the rear of the dwelling would come within the description and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development.
- iv. The partial demolition of a pre-existing extension in connection with the provision of an extension in accordance with Class 1would come within the description and limitations set out under Class 50(b) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development.

Recommendation

The Planning Authority considers that "*partial demolition of pre-existing extension and provision of new extension to the rear of the dwelling*" at Weavers Square, Baltinglass, Co. Wicklow is development and is exempted development as recommended in the planning reports.

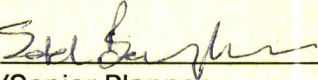
Signed: 

Dated: 26/11/2025

ORDER:

I HEREBY DECLARE:

That "*partial demolition of pre-existing extension and provision of new extension to the rear of the dwelling*" at Weavers Square, Baltinglass, Co. Wicklow **is development and is exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

Dated: 27/11/2025

T/Senior Planner

Planning, Economic & Rural Development



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To:	Edel Bermingham T/S.P. / Patrice Ryan S.E.P.
From:	Billy Slater A.P.
Type:	Section 5 Application
REF:	EX 116/2025
Applicant:	Elin Soderstrom and Cian Lynch
FI Received:	12/11/2025
Decision Due Date:	02/12/2025
Address:	Weavers Square, Baltinglass, Co. Wicklow
Exemption Query:	Partial demolition of pre-existing extension, and provision of new extension to the rear of dwelling

Assessment :

The issued further information sought clarification with regard to the following.

1. In order to confirm that the proposed partial demolition of the pre-existing extension falls within the definition and associated conditions and limitations set out under Class 50 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), further information is required concerning:

- a) Clarification concerning the nature of the 'galvanized structure' subject to demolition which is stated to form part of a pre-existing rear extension, with photographs of same to be provided.*
- b) Clarification as to whether the 'galvanized structure' subject to demolition 'abuts on' (is attached to) the neighbouring property to the south-east.*

2. In order to confirm that the proposed rear extension falls within the associated conditions and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), clarification is required concerning the height of the walls / roof of said extension relative to the rear wall of the original dwelling.

In response to above concerns, the applicant has provided the following information;

- A cover letter providing clarification on the nature of the 'galvanized structure' subject to demolition in addition to photographs of same.
- Proposed rear and side elevations.

It is noted that the Conditions and Limitations set out with regard to schedule 2, Pt.1 Class 50 states that "No such building or buildings shall abut on another building in separate ownership". In light of the further information submitted it has been clarified that the 'galvanized structure' subject to demolition does form part of a previously habitable rear extension and that same abuts on a rear boundary wall but **not** another building.

Concerning Item 2 of the Further Information Request, the submitted elevations have clarified that the height of the extension's walls shall not exceed the height of the rear wall of the house and that the height of the highest part of the roof of the extension shall not exceed the height of the eaves or parapet of the dwelling. The proposal is there in compliance with the associated conditions and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended).

It is again 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 :

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

- a) Partial demolition of pre-existing extension, and
- b) Provision of new extension to the rear of dwelling

at Weavers Square, Baltinglass, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that the:

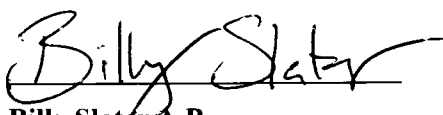
- a) Partial demolition of pre-existing extension **is Development and is Exempted Development.**
- b) Provision of new extension to the rear of dwelling **is Development and is Exempted Development.**

Main Considerations with respect to Section 5 Declaration:

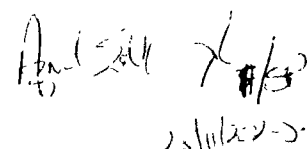
- a) The details submitted with the Section 5 Declaration Application on 09/10/2025 and further information received on 12/11/2025.
- b) Sections 2, 3 and 4 of the Planning & Development) Act 2000 (as amended)
- c) Article 6, 9, and Schedule 2: Part 1: Class 1 and Class 50 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- i. The partial demolition of a pre-existing extension and provision of a new extension to the rear of existing dwelling would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended).
- ii. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
- iii. The construction of a new extension to the rear of the dwelling would come within the description and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development.
- iv. The partial demolition of a pre-existing extension in connection with the provision of an extension in accordance with Class 1 would come within the description and limitations set out under Class 50(b) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended) and is therefore exempted development.



Billy Slater A.P.
25/11/2025



25/11/2025



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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Billy Slater
Assistant Planner

FROM: Nicola Fleming
Staff Officer

**RE:- EX116/2025 - 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 09/10/2025 along with FI received 12/11/2025.

The due date on this declaration is the 02/12/2025.

Staff Officer
Planning Development & Environment





Comhairle Contae Chill Mhantáin Wicklow County Council

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Elin Soderstrom & Ciaran Lynch

10th October 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX116/2025

A Chara

I wish to acknowledge receipt on 09/10/2025 details supplied by you in respect of the above Section 5 application along with Further Information received on 12/11/2025. A decision is due in respect of this application by 02/12/2025.

Mise, le meas

Nicola Fleming
Staff Officer

Planning, Economic & Rural Development



Nicola Fleming

From: Siobhan O'Brien
Sent: Wednesday 12 November 2025 14:34
To: Nicola Fleming; Aoife Kinsella
Subject: FW: Response to letter dated October 30th 2024 - Elin Soderstrom and Ciaran Lynch
Attachments: Q1 - Galvanised Structure.pdf; Q2 - Elevations.pdf

From: Ciaran Lynch
Sent: Wednesday 12 November 2025 14:23
To: Planning - Planning and Development Secretariat <plandev@wicklowcoco.ie>
Cc: ~
Subject: Response to letter dated October 30th 2024 - Elin Soderstrom and Ciaran Lynch

External Sender - From: (Ciaran Lynch

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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 Nicola and Aoife,

Regarding the property - Weavers Square, Baltinglass W91X0D2 - I'd like to respond to your letter dated October 30th 2025 addressed to Elin Soderstrom and Ciarán Lynch of 31 Seskin View Avenue, Old Bawn, Dublin 24, D24TK6V.

In your letter you asked 2 questions.

- For the answers to Q1a & b, please see attachment named **Q1 - Galvanised Structure**
- For Q2 and clarification of the height of the prospered rear extension, please see attachment named **Q2 - Elevations**

Please feel free to respond to this email if you require further clarification.

Thanks so much,

Ciarán

In relation to Q1a of the letter dated 30th of October:

The "Galvanised structure" is a timber frame structure which is clad by galvanised sheets. There is also a brick chimney stack which will also be removed during demolitions. Here are some pictures:

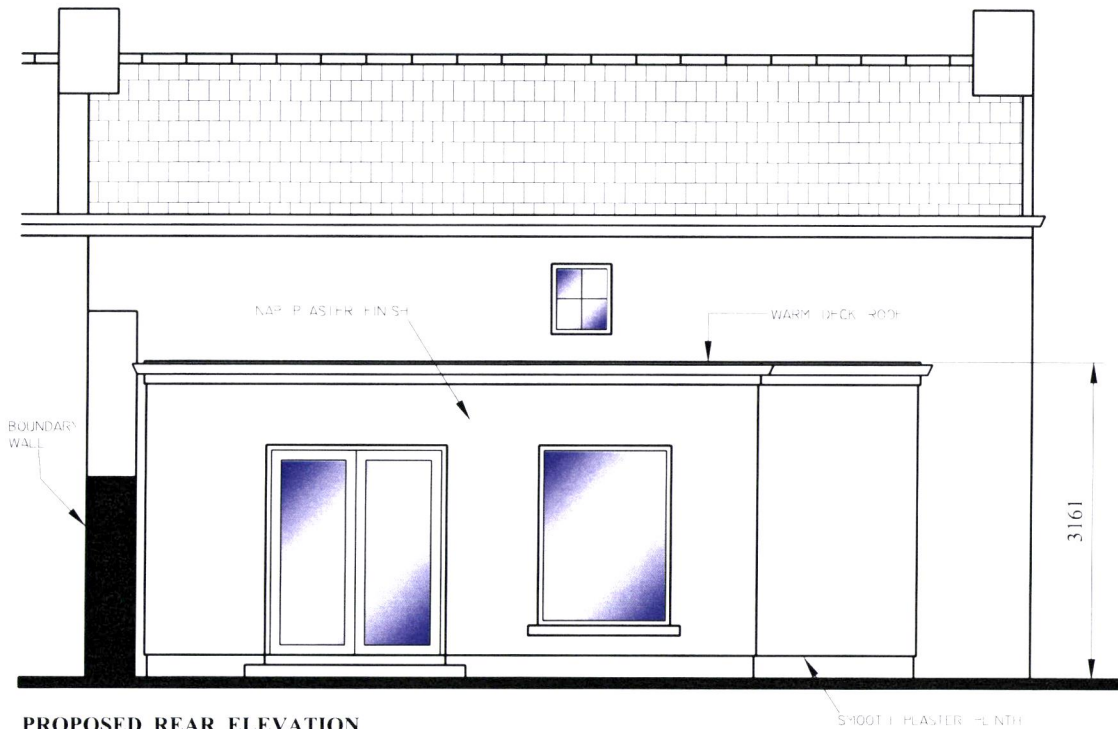


Back of Property.

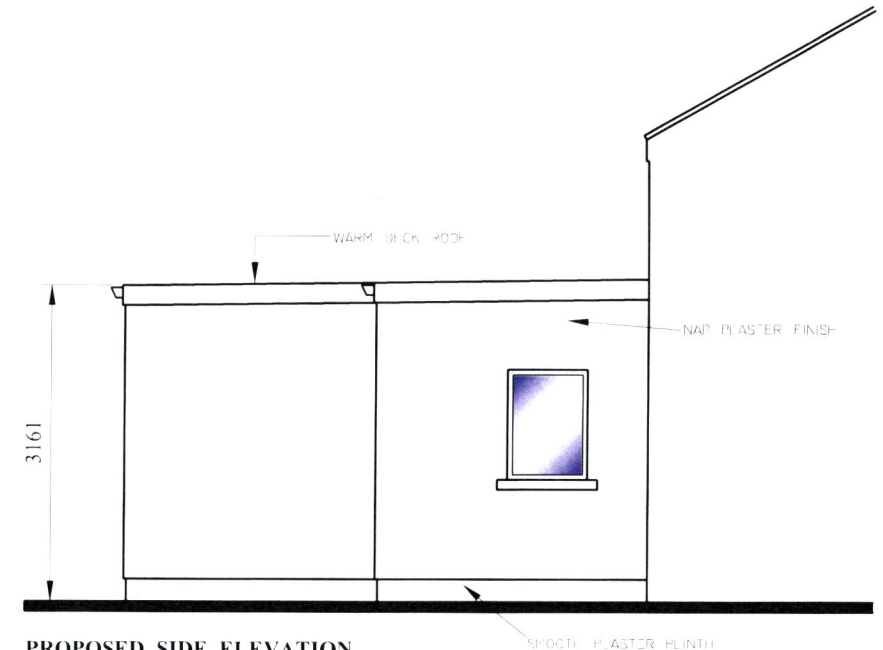
In relation to Q1b of the letter dated 30th of October:

The "galvanised structure" does not abut on the neighbouring property. However, it is joined to the boundary wall as pictured above.

RECEIVED 12 NOV 2025

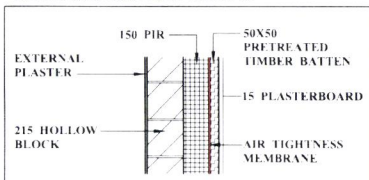


PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION

WALL CONSTRUCTION MAKE UP



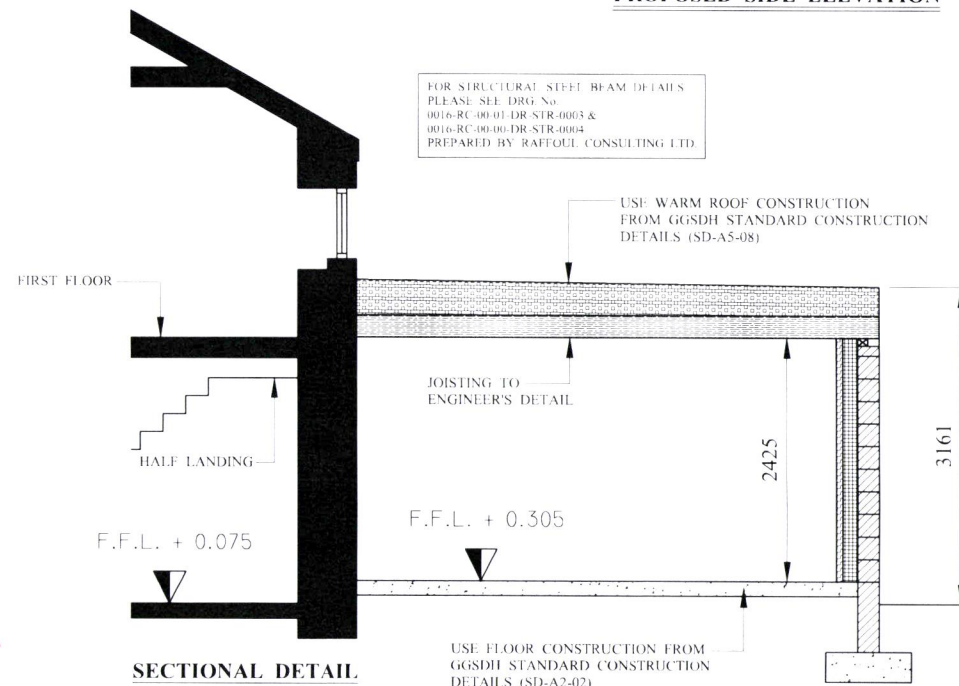
ALL FOUNDATIONS TO BE INSPECTED BY ENGINEER PRIOR TO POURING OF CONCRETE

ALL STRUCTURAL ELEMENTS TO BE AS PER ENGINEER'S SPECIFICATION

FOR LARGE SCALE DETAILS PLEASE SEE ATTACHED GGSDH STANDARD CONSTRUCTION DETAILS

■ DENOTES EXISTING BUILDING

RECEIVED 12 NOV 2025



SECTIONAL DETAIL

FOR STRUCTURAL STEEL BEAM DETAILS PLEASE SEE DRG No. 0016-RC-00-01-DR-STR-0003 & 0016-RC-00-00-DR-STR-0004 PREPARED BY RAFTOUL CONSULTING LTD.

STATUS OF DRAWING

CONSTRUCTION

PURPOSES ONLY

ALL DIMENSIONS TO BE VERIFIED ON SITE
ANY DISCREPANCIES TO BE NOTIFIED TO
BACKWALL BUILDING COMPANY
IMMEDIATELY

Client	Barrack Street, Ballymore Eustace, Co. Kildare.		
Site Address	WEAVER'S SQUARE, BALTINGLASS, Co. WICKLOW.		
Drawing Title	PROPOSED FLOOR LAYOUT		
Drawn by	Wicklow Architects	Scale	1:50
Checked by	Wicklow Architects	Rev. No.	25 / 15 - 01
Author	Wicklow Architects	Rev.	
Date	NOV 25	Sheet	A3
Page No.	25 / 15	Year	© 2025



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Elin Soderstrom & Ciaran Lynch

30TH of October 2025

Re: Application for Certificate of Exemption under Section 5 of the Planning & development Acts 2000 (as amended) - EX116/2025

A Chara,

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended) received on the 09th of October 2025, as to whether the partial demolition of pre-existing extension, and the provision of new extension to the rear of dwelling at Weavers Square, Baltinglass, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

To fully assess the Section 5 query, you are requested to submit further details concerning the proposed development, as follows:

1. In order to determine if the proposed partial demolition of the pre-existing extension falls within the definition and associated conditions and limitations set out under Class 50 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), further information is required concerning:
 - a) Clarification concerning the nature of the 'galvanized structure' subject to demolition which is stated to form part of a pre-existing rear extension, with photographs of same to be provided.
 - b) Clarification as to whether the 'galvanized structure' subject to demolition 'abuts on' (is attached to) the neighbouring property to the south-east.
2. In order to confirm that the proposed rear extension falls within the associated conditions and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), clarification is required concerning the height of the walls / roof of said extension relative to the rear wall of the original dwelling.

Mise, le meas

Nicola Fleming

Nicola Fleming
Staff Officer
Planning, Development and Environment





**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

To: Edel Bermingham T/S.P. / Patrice Ryan S.E.P.
From: Billy Slater A.P.
Type: Section 5 Application
REF: EX 116/2025
Applicant: Elin Soderstrom and Cian Lynch
Date of Application: 09/10/2025
Decision Due Date: 05/11/2025
Address: Weavers Square, Baltinglass, Co. Wicklow
Exemption Query: Extension to the rear of the house

Application Site: The application site is located centrally within the level 4 urban settlement of Baltinglass town and is accessed off of the R-747-8 Regional Road (Weavers Square). The subject site is occupied by an end of terrace two-story three-bay dwelling with private rear garden. The site is bound by further dwellings to the north-west and south-east.

Aerial / Site Image



Section 5 Referral

The application form provided outlines further 'works' required in order to facilitate the proposal, namely the demolition of a galvanised portion of the pre-existing extension. As such, from examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows.

- a) Partial demolition of pre-existing extension, and
- a) Provision of new extension to the rear of dwelling

at Weavers Square, Baltinglass, Co. Wicklow, Co. Wicklow

Relevant Planning History:

No relevant planning history on site.

Question:

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

- a) Partial demolition of pre-existing extension, and
- b) Provision of new extension to the rear of dwelling

at Weavers Square, Baltinglass, Co. Wicklow 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) states:

“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) 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 outlines classes of exempt development as well as associated conditions and limitations. The following are of relevance.

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.

Associated 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) *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.*
3. (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.*
4. *Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.*
5. (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.*
6. *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.*

(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 11 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.*

CLASS 50

(a) *The demolition of a building, or buildings, within the curtilage of—*

- i. a house,*
- ii. an industrial building,*
- iii. a business premises, or*
- iv. a farmyard complex.*

(b) *The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.*

Associated conditions and limitations:

- 1. No such building or buildings shall abut on another building in separate ownership.*
- 2. The cumulative floor area of any such building, or buildings, shall not exceed:*
 - a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and*
 - b) in all other cases, 100 square metres.*
- 3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act*

Details submitted in support of the application:

- Section 5 Application Form
- Eircode finder site map
- Floor plans of the proposed extension.

Assessment:

The Section 5 declaration application seeks an answer with respect to the following question:

Whether the;

- a) Partial demolition of pre-existing extension, and
- b) Provision of new extension to the rear of dwelling

at Weavers Square, Baltinglass, Co. Wicklow is or is not exempted development:

The residential dwelling the subject of the referral is located off of Weavers Square in Baltinglass town and consists of an end of terrace two-storey, three-bay structure, with a plaster finish and roof of slate. The dwelling is not a Protected Structure and neither is it located within an Architectural Conservation Area, although it is noted that the structure is included within the 'National Inventory of Architectural Heritage' (NIAH).

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 of construction / demolition, 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 it's associated Regulations.

A. Partial demolition of pre-existing extension

Schedule 2, Pt.1 Class 50 (b) of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Relevant Schedule 2, Pt.1 Class 50 Checklist

<i>1. No such building or buildings shall abut on another building in separate ownership.</i>	Unclear from plans if the proposed extension to be demolished is adjoining (attached-to) the neighbouring dwelling to the southeast.
<i>2. The cumulative floor area of any such building, or buildings, shall not exceed:</i> <i>a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and</i> <i>b) in all other cases, 100 square metres.</i>	Proposed demolition measures less than 40sqm.
<i>3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.</i>	N/A

It is noted that the portion of the pre-existing extension is to be demolished as to accommodate an extension under Class 1. However, from the limited information provided it is unclear if the proposed demolition is adjoining (attached to) the neighbouring dwelling to the south-east and further information is required as to ensure that the proposed works would accord with the associated conditions and limitation of Schedule 2, Pt.1 Class 50 (b) of the Planning and Development Regulations 2001 (as amended).

B. Provision of new extension to the rear of dwelling

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.

Relevant Schedule 2, Pt.1 Class 1 Checklist

<i>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres</i> <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 metres.</i> <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 metres.</i>	Total Extension area (including pre-existing) of 32.7sqm N/A N/A
<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 metres.</i> <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 metres.</i> <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 metres.</i>	Total Extension area (including pre-existing) of 32.7sqm N/A N/A
<i>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</i>	Extension ground floor only.
<i>4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such</i>	Not stated

<i>extension shall not exceed the height of the rear wall of the house.</i> <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> <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>	N/A Not stated
<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 metres.</i>	In excess of 25sqm if private open space is retained to the rear of the dwelling.
<i>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</i> <i>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</i> <i>(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.</i>	Proposed new rear facing patio door is in excess of one meter from relative site boundaries. N/A N/A
<i>7. The roof of any extension shall not be used as a balcony or roof garden.</i>	It is not indicated that the existing roof is to be used as a balcony or roof garden.

Noted that insufficient information has been provided as to determine that the proposed extension would comply with the associated conditions and limitations of Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended).

It is also 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).

Conclusion:

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

- a) Partial demolition of pre-existing extension, and

b) Provision of new extension to the rear of dwelling

at Weavers Square, Baltinglass, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that:

The proposed partial demolition of a pre-existing extension and provision of new extension to the rear of the houses is development, and that Further Information is required in order to determine if the development is Exempted Development, as from review insufficient information has been provided as to determine if the proposal would come within the description and limitations set out under Class 1 and Class 50(b) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended),

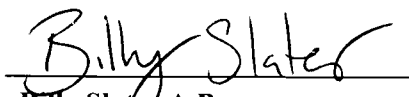
Recommendation:

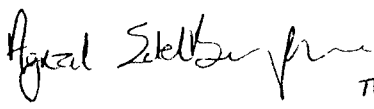
FURTHER INFORMATION

1. In order to determine if the proposed partial demolition of the pre-existing extension falls within the definition and associated conditions and limitations set out under Class 50 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), further information is required concerning:

- a) Clarification concerning the nature of the 'galvanized structure' subject to demolition which is stated to form part of a pre-existing rear extension, with photographs of same to be provided.
- b) Clarification as to whether the 'galvanized structure' subject to demolition 'abuts on' (is attached to) the neighbouring property to the south-east.

2. In order to confirm that the proposed rear extension falls within the associated conditions and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), clarification is required concerning the height of the walls / roof of said extension relative to the rear wall of the original dwelling.


Billy Slater A.P.
29/10/2025


TSP
29/10/2025

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Billy Slater
Assistant Planner

FROM: Nicola Fleming
Staff Officer

**RE:- EX116/2025 - 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 09/10/2025.

The due date on this declaration is the 05/11/2025.



Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel (0404) 20148
Faics / Fax (0404) 69462
Rphost / Email. plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

Elin Soderstrom & Ciaran Lynch

10th October 2025

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX116/2025

A Chara

I wish to acknowledge receipt on 09/10/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 15/11/2025.

Mise, le meas

Nicola Fleming
Staff Officer

Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

09/10/2025 12:54:12

Receipt No L11/0/352831

CIARAN LYNCH
31 SESKIN VIEW AVENUE
OLD BAWN
DUBLIN 24
D24 PK6V

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non vatable	

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

Tendered

Credit Card	80.00
-------------	-------

WEAVERS SQUARE: BALTINGLASS

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

Issued By Ruth Graham
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 09 OCT 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: Elin Soderstrom & Ciaran Lynch
Address of applicant: _____

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

2. Agents Details (Where Applicable)

- N/A

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

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

3. Declaration Details

i. Location of Development subject of Declaration Weaver's Square
Baltinglass, Wicklow, W91X0D2

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

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 We are applying for the Vacant Property Returbishment Grant. We are adding an extension to the rear of the house and the ~~VPRG~~ VPRG officer asked we provide a Section 5 Declaration

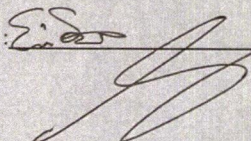
Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration The property has a current extension at the rear of the house. We will be demolishing part of this and also extending the house further. ~~with approx 15sqm~~. The total extension (including current and new) will be less than 39sqm. * We will be demolishing the galvanised structure.
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
- Plans showing proposed works
- ~~Plans~~ Image detailing new area and old areas of house
- Certificate from an MCoIB for existing extension

viii. Fee of € 80 Attached ? Please provide bank transfer details

Signed:  Dated: 09-10-2025
9/10/25.

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 -

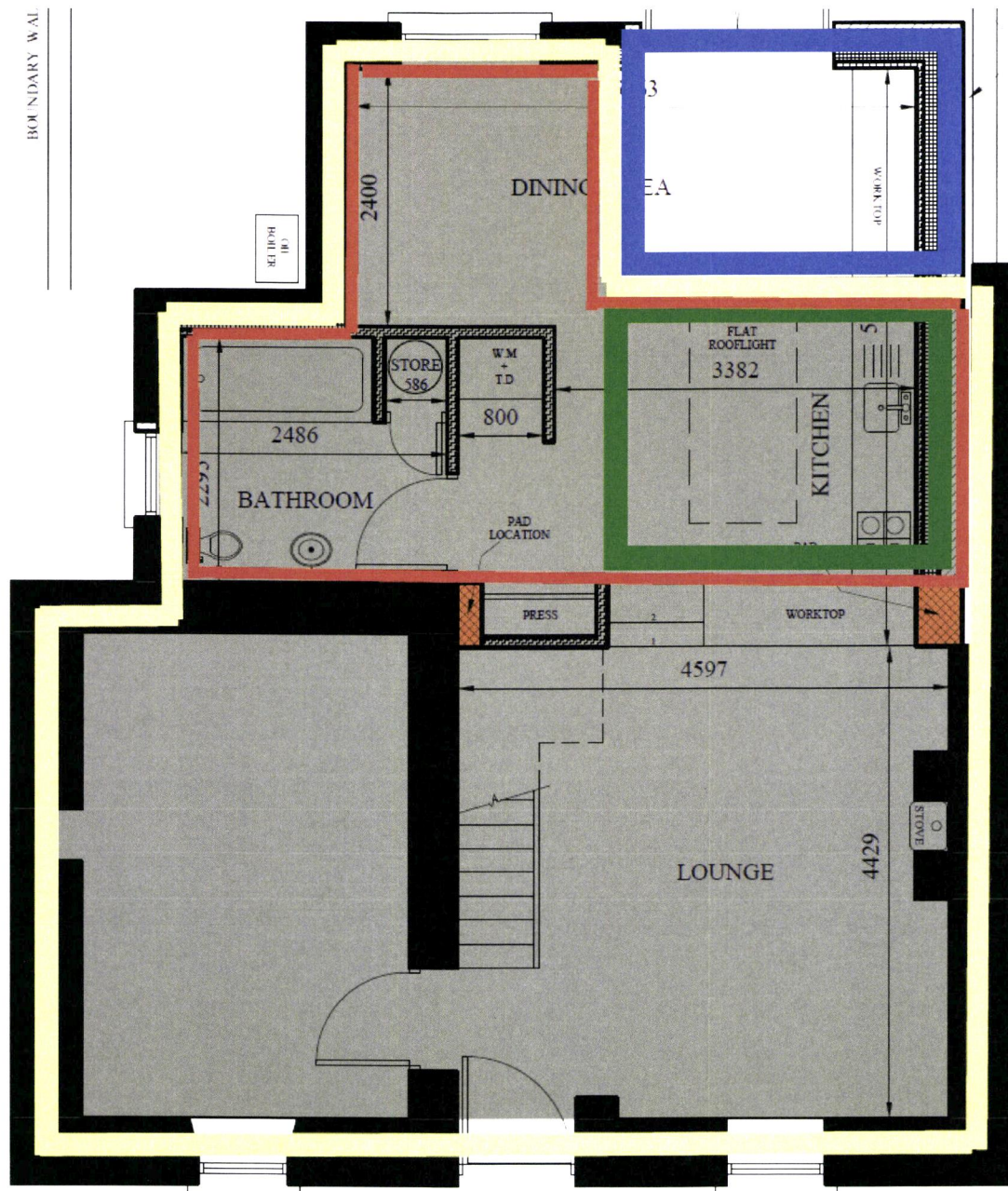
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 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.

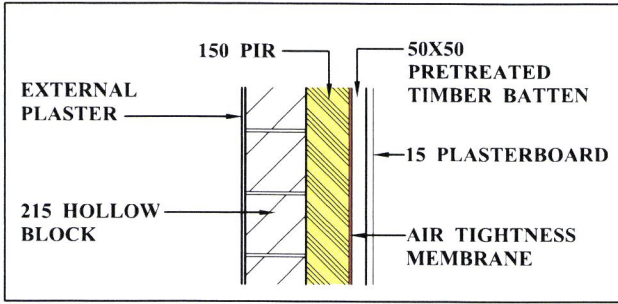
C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- 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.



- The yellow line is the outer walls of the existing dwelling
- The orange line is the existing extension
- The green box is the galvanised structure that needs to be demolished
- The blue box will be an extension we are adding

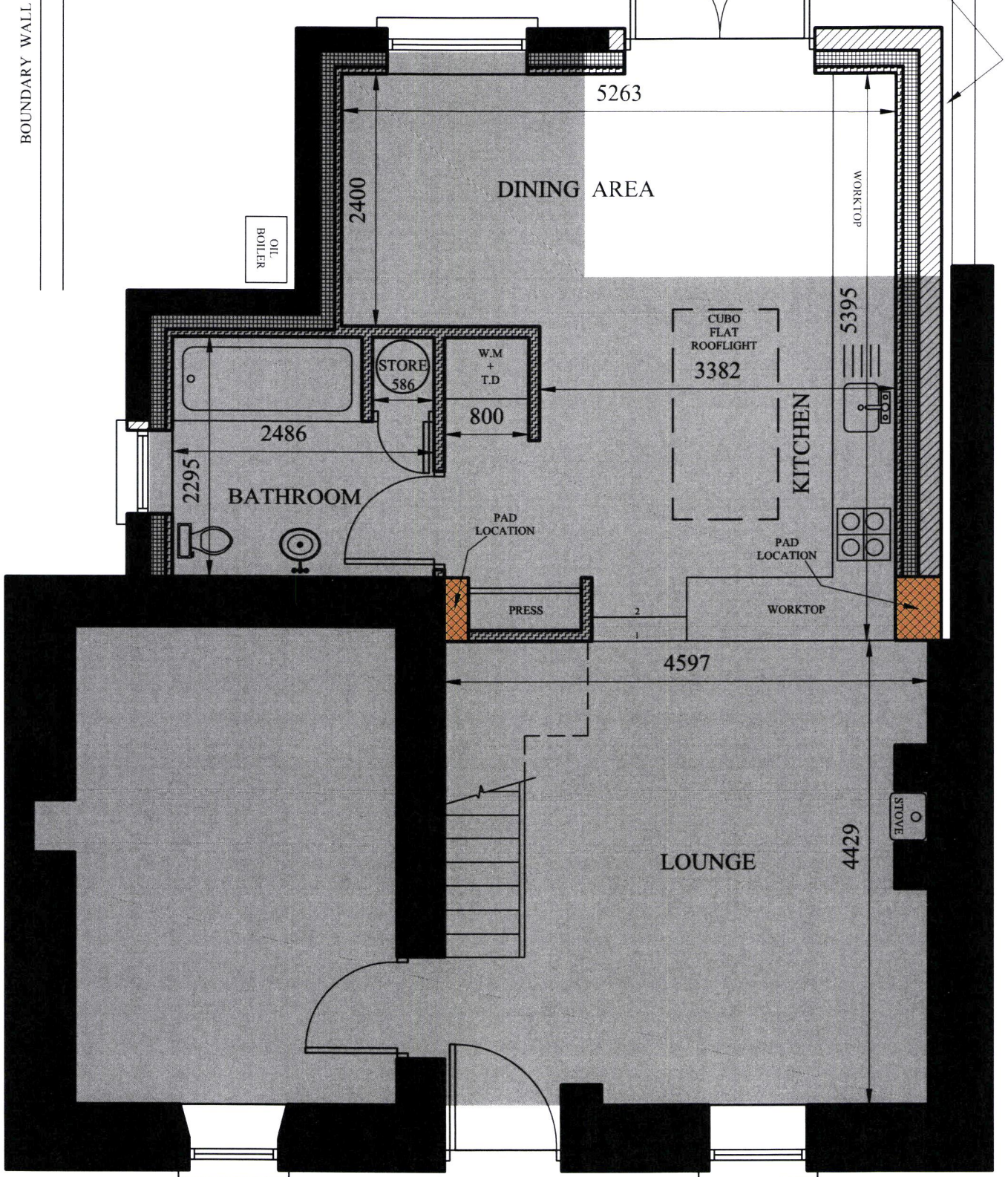
WALL CONSTRUCTION MAKE UP



**EXISTING FOOTPRINT
SHADED GREY**

100mm OF FLEXCELL OR SIMILAR APPROVED EXPANSION MATERIAL WITH LEAD FLASHING FROM NEIGHBOURING BUILDING TO PROPOSED NEW ROOF

Existing extension floor area: 30.54sqm
Proposed new floor area: 5.73sqm
Final Total floor area after insulation: 32.70sqm





Buttle

Design & Planning Consultants Ltd.
27 MAIN STREET, CARNEW, CO. WICKLOW.
TEL: (053) 9426961

VAT NO.: IE9661935C

E-MAIL: buttleplanning@gmail.com

24th October 2024

Leonora Doyle,
Doyle Murphy & Co.
Solicitors,
Weaver's Square,
Baltinglass,
Co. Wicklow.
W91 KWK3.

**RE: Estate of Elizabeth McMurrin Deceased, Weavers Square
Baltinglass, Co. Wicklow W91X0D2.**

Dear Leonora,

Further to instruction from Peter Gorman, please find enclosed the following:

- Original Land Registry Compliant Map suitable for First Registration.
- Declaration of Identity.
- Certificate of Exemption

If you have any further queries on the above, please do not hesitate to contact us.

Yours sincerely,

Thomas Buttle,
MCIOB



Buttle

Design & Planning Consultants Ltd.
27 MAIN STREET, CARNEW, CO. WICKLOW.
TEL: (053) 9426961

VAT NO.: IE9661935C

E-MAIL: buttleplanning@gmail.com

DECLARATION OF IDENTITY

**RE: Estate of Elizabeth McMurrin deceased, Weavers Square
Baltinglass, Co. Wicklow W91X0D2**

I THOMAS BUTTLE of Buttle Design and Planning Consultants Ltd., Main St., Carnew, Co. Wicklow aged twenty-one and upwards do solemnly and sincerely declare as follows:

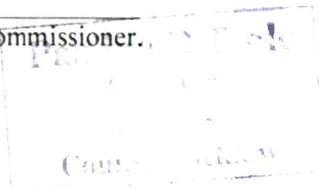
1. I have been in independent Architectural practice on my own account for upwards of twenty years. I am a member of the Chartered Institute of Building and hold professional indemnity insurance to the amount of €1,000,000 and my policy number is API0002902.
2. I refer to Area "B" outlined in red on attached copy Land Registry Complaint Map dated 22nd of October 2024.
3. I have inspected Map presented to me as being the map attached to 1995 Deed for the above property. I have surveyed the boundaries and I can confirm that the Land Registry Compliant Map prepared by me reflects the boundaries of the map attached to Deed and the boundaries on the ground.
4. I confirm that the dwellinghouse, extension and domestic stores are wholly comprised within the boundaries of Area "B".
5. I confirm that the property is connected to public watermain and sewer.
6. I confirm that there is access to rear of property by Right of Way over Area shaded yellow "X" to "Y" on attached Land Registry Compliant Map of which same was referred to on Map attached to deed.
7. I make this solemn Declaration from facts within my own knowledge for the benefit of the Estate of Elizabeth McMurrin deceased her heirs and successors in title conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

DECLARED by THOMAS BUTTLE

This 22nd day of October 2024
before me a Practising Solicitor/
Commissioner for Oaths/
Peace Commissioner and I know the Declarant.

Practising Solicitor/Peace Commissioner,
Commissioner for Oaths.

Thomas Buttle
MCIOB



Land Registry Compliant Map



**Tailte
Éireann**

**CENTRE
COORDINATES:**
ITM 888989,688531

PUBLISHED: 18/10/2024
ORDER NO.: 50429187_1

MAP SERIES: 1:1,000
MAP SHEETS: 4127-14

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

www.tailte.ie

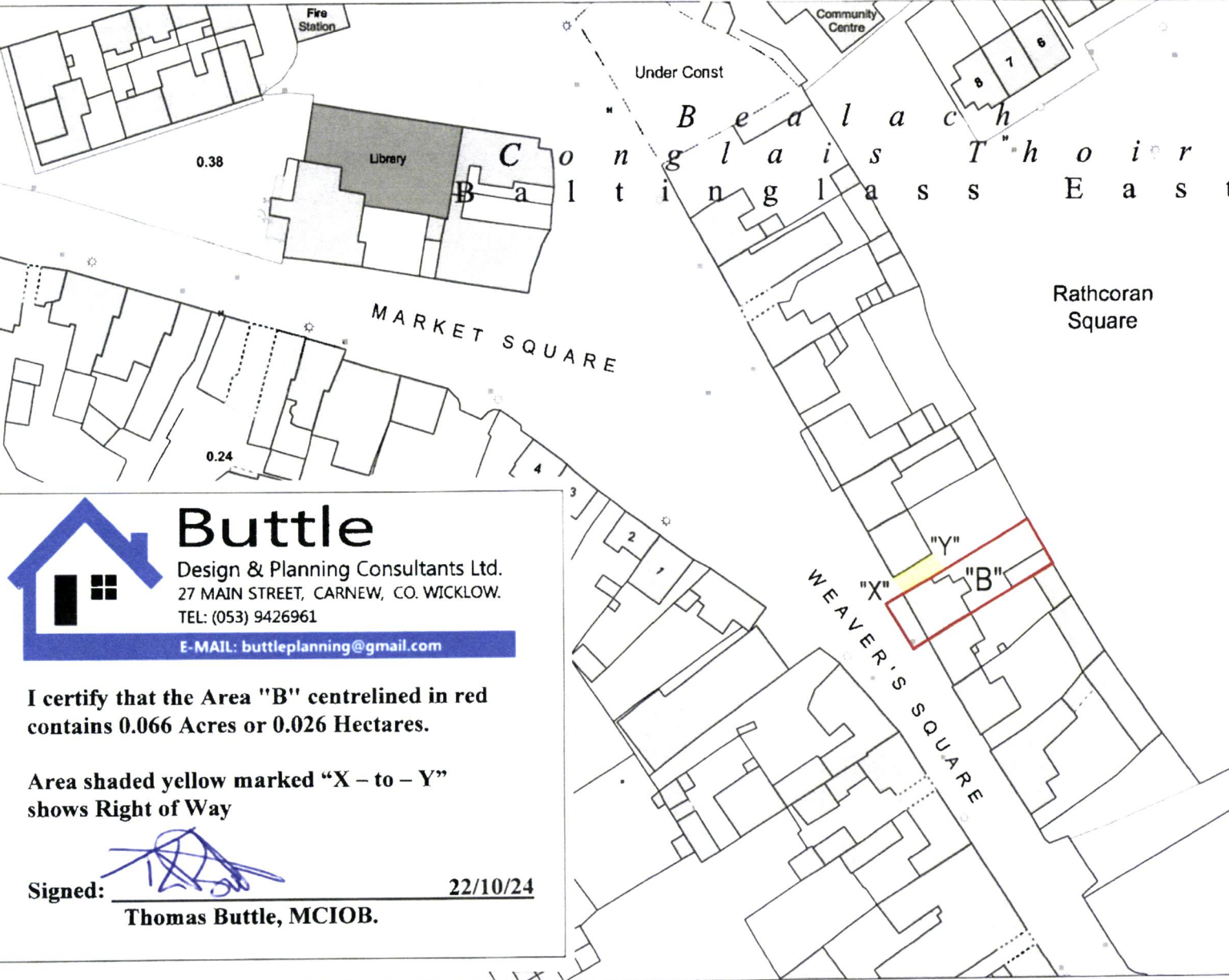
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of a right of way.

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

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 **Buttle**
Design & Planning Consultants Ltd.
27 MAIN STREET, CARNEW, CO. WICKLOW.
TEL: (053) 9426961
E-MAIL: buttleplanning@gmail.com

I certify that the Area "B" centrelined in red
contains 0.066 Acres or 0.026 Hectares.

Area shaded yellow marked "X – to – Y"
shows Right of Way

Signed:  22/10/24
Thomas Buttle, MCIQB.

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.tailte.ie and search for
'Large Scale Legend'

OUTPUT SCALE: 1:1,000



Buttle

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TEL: (053) 9426961

VAT NO.: IE9661935C

E-MAIL: buttleplanning@gmail.com

24th October 2024

CERTIFICATE OF EXEMPTION **FOR EXTENSION TO DWELLINGHOUSE**

RE: Estate of Elizabeth McMurrin deceased, Weavers Square
Baltinglass, Co. Wicklow W91X0D2.

I, Thomas Buttle, of Buttle Design & Planning Consultants Ltd., Main St., Carnew, Co. Wicklow hereby certify as follows:

1. I have been in an independent Architectural Practice on my own account for upwards of twenty years. I am a member of the Chartered Institute of Building (MCIOB) and hold Professional Indemnity Insurance to the amount of €1,000,000 and my policy number is API0002902.
2. On the 18th October 2024, I examined the above-mentioned property which consists of a semi-detached two storey townhouse, with a ground floor extension to the rear of same consisting of Kitchen, Bathroom and Toilet.
3. Having measured the extension to the rear of the dwelling, I am satisfied that the extension is an exempted development within the meaning of the term in Class 1 of Part 1 of the Second Schedule of the Planning and Development Regulations, 2001 (S.I. No. 600/2001).
4. The extension was constructed prior to coming into force of Building Regulations. My inspection was visual only and this inspection did not entail any opening up of works and it should be noted that I did not supervise the construction of the said extension.
5. I confirm that this Certificate was made for the benefit of the Estate of Elizabeth McMurrin deceased, her heirs and successors in title.

Yours sincerely,

Thomas Buttle,
MCIOB.