



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

Keith & Yvonne Callaghan
44 Delgany Park
Delgany
Co. Wicklow
A63 HF24

18th Of June 2026

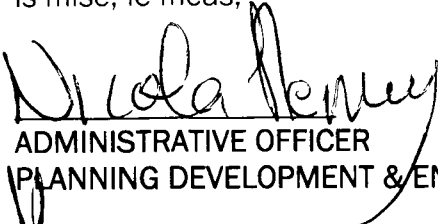
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX64/2026**

A Chara,

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

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

Is mise, le meas,


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: Keith & Yvonne Callaghan

Location: 44 Delgany Park, Delgany, Co. Wicklow

Reference Number: EX64/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/716

A question has arisen as to whether "extend wall out by 1.6m to the front of the dwelling" at 44 Delgany Park, Delgany, Co. Wicklow is or is not exempted development.

Having regard to:

- The details received with the Section 5 Declaration on the 22/05/2026
- Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- Schedule 2, Part.1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- The construction of the extension is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The proposal involves an extension to the front of a house, which is not provided for in Schedule 2, Part 1, of the Planning and Development Regulations 2001 (as amended).

The Planning Authority considers that "extend wall out by 1.6m to the front of the dwelling" at 44 Delgany Park, Delgany, Co. Wicklow is development and IS NOT exempted development.

Signed: 
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 18/06/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/716

Reference Number: EX64/2026

Name of Applicant: Keith & Yvonne Callaghan

Nature of Application: Section 5 Referral as to whether “*extend wall out by 1.6m to the front of the dwelling*” is or is not development and is or is not exempted development.

Location of Subject Site: 44 Delgany Park, Delgany, Co. Wicklow

Report from: Holly O'Connor, E.P, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether “*extend wall out by 1.6m to the front of the dwelling*” at 44 Delgany Park, Delgany, 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 received with the Section 5 Declaration on the 22/05/2026
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- d) Schedule 2, Part.1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- A. The construction of the extension is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- B. The proposal involves an extension to the front of a house, which is not provided for in Schedule 2, Part 1, of the Planning and Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that “*extend wall out by 1.6m to the front of the dwelling*” at 44 Delgany Park, Delgany, Co. Wicklow is development and is not exempted development as recommended in the planning reports.

Signed: 

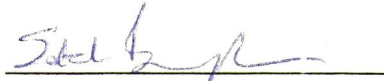
Date: 17/06/2026

ORDER:

I HEREBY DECLARE:

THAT "extend wall out by 1.6m to the front of the dwelling" at 44 Delgany Park, Delgany, Co. Wicklow is development and is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:



T/Senior Planner

Planning, Economic & Rural Development

Date:

18/11/2024

**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

PLANNING REPORT SECTION 5 APPLICATION

TO: EDEL BERMINGHAM S.P/ PATRICE RYAN S.E.P
FROM: HOLLY O'CONNOR E.P.
SUBJECT REF: EX 64/2026
DECISION DATE: 18/06/2026
APPLICANT: KEITH & YVONNE CALLAGHAN
ADDRESS: 44 DELGANY PARK, DELGANY
EXEMPTION QUERY: EXTENSION TO FRONT

Site Location:

The subject site is in the urban settlement area of Delgany, in the existing housing development 'Delgany Park' on land zoned re- Existing Residential. The subject site consists of a detached, single storey (dormer style) dwelling at the end of the row. All of the dwellings within the estate are uniform.

Land use:

Settlement: Greystones- Delgany & Kilcoole LPF 2022-2028
 Zoning RE- Existing Residential

Planning History:

01/4895: PP granted for a two storey extension to the west side of the house, a ground floor and dormer bedroom.

Relevant legislation:

Planning and Development Act 2000 (as amended)

Section 2:

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate,

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

Development -Section 3:

"development" means—

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

Section 4(2) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

Exempted Development Section 4:

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

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

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

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

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

4 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Planning & Development Regulations 2001 (as amended)

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

Article 9(1) (a) and (b) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

Schedule 2, Part 1, Exempted Development – General

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>Development within the curtilage of a house CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.</p>	<p>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.</p> <p>2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the</p>

	<p>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.</p> <p>(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.</p> <p>(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.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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.</p> <p>(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.</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>
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	<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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Declaration details submitted:

Extend wall out by 1.6m to the front of dwelling.

Assessment:

The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2001. In this regard, Section 3 of the Planning and Development Act provides that: "*development*" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land. Section 2 of the Act defines works as "*works*" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure. I am satisfied that the proposal would involve works of construction and therefore the proposal does constitute development.

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

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.*

The proposed extension is to the front of the dwelling, therefore does not fall within the scope of Schedule 2, Pt.1. There is no class to allow for an extension to the front.

Recommendation:

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

- Extend wall out by 1.6m to the front of dwelling.

at 44 Delgany Park, Delgany A63 HF24, constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that the

The construction to the extension is **development** and is **NOT exempted development**.

Main Considerations with respect to Section 5 Declaration:

- a) The details received with the Section 5 Declaration on the 22/05/2026
- b) Sections 2, 3 and 4 of the Planning & Development Act 2000 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended).
- d) Schedule 2, Part.1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration

- The construction of the extension is works and is therefore development having regard to Section 3 of the Planning and Development Act 2000 (as amended).
- The proposal involves an extension to the front of a house, which is not provided for in Schedule 2, Part 1, of the Planning and Development Regulations 2001 (as amended).

Holly O'Connor

Date 15/06/2026

Holly O'Connor E.P

Apud *21/6/26*
T/SP
15/6/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

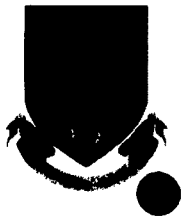
TO: Holly O'Connor **FROM: Aoife Kinsella**
Executive Planner **Clerical Officer**

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (as amended) -EX64/2026

I enclose herewith for your attention application for Section 5 Declaration received 22/05/2026.

The due date on this declaration is the 18/06/2026.

Aoife Kinsella
Clerical Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Keith & Yvonne Callaghan
44 Delgany Park
Delgany
Co. Wicklow
A63 HF24

25th of May 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX64/2026

A Chara

I wish to acknowledge receipt on 22/05/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 18/06/2026.

Mise, le meas



Aoife Kinsella
Clerical Officer
Planning, Economic & Rural Development



Ta an doiciméad seo ar fáil i bhformáid dhigítail.
This document is available in digital formats on request.

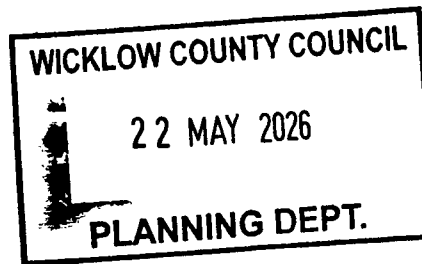
Ba chóir gach comhfhreagras a sheoladh chuig an Stúirthóir Seirbhísi, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development



W I C K L O W

22 May 2026

Wicklow County Council
Planning Office



RE : Keith & Yvonne Callaghan : 44 Delgany Park
Delgany Co Wicklow A63HF24

To whom it may concern

We wish to check if we are eligible for an exemption in planning to move our office wall out by 1.6m as per plans attached

This is moving our existing office wall forward to fall inline with the front of the building

The area currently houses our 3 waste bins.

Or would we need to apply for planning permission?

Plans and application fee of €80 enclosed.

Any help or guidance is greatly appreciated

Kind regards

Keith & Yvonne Callaghan

Wicklow County Council
County Buildings
Wicklow
0404-20100

22/05/2026 13 23 59

Receipt No L1/0/364055

KEITH CALLAGHAN
44 DELGANY PARK

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

Total 80 00 EUR

Tendered
Cheque 80 00

Change 0 00

Issued By Lea Anne Daniels
From Customer Service Hub
Val reg No 0015233H

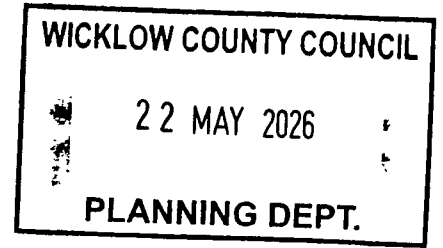


Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

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

YVONNE CALLAGHAN
(a) Name KEITH CALLAGHAN of _____ applicant:

Address of applicant: 44 DELGANY PARK
DELGANY CO WICKLOW A63 HF24

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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable)

-
Address of Agent :

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

3. Declaration Details

i. Location of Development subject of Declaration

44 DELGANY PARK
DELGANY
CO WICKLOW A63 HF24

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

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) ?

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

-

viii. Fee of € 80 Attached ?

-

-

Signed :

Dated :



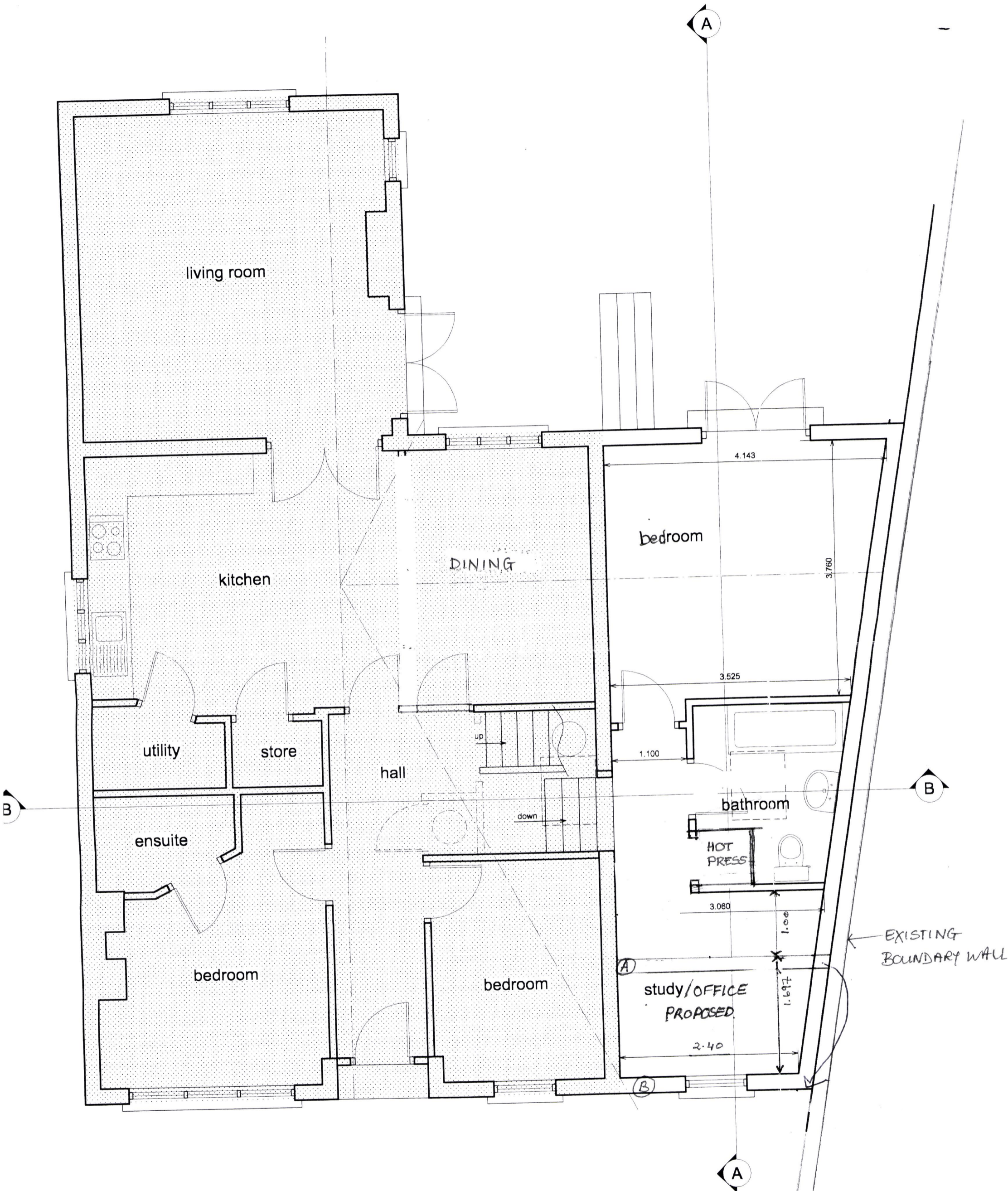
MOVING (A) TO BE LOCATION.

MAY 2026



MAY 8 2016

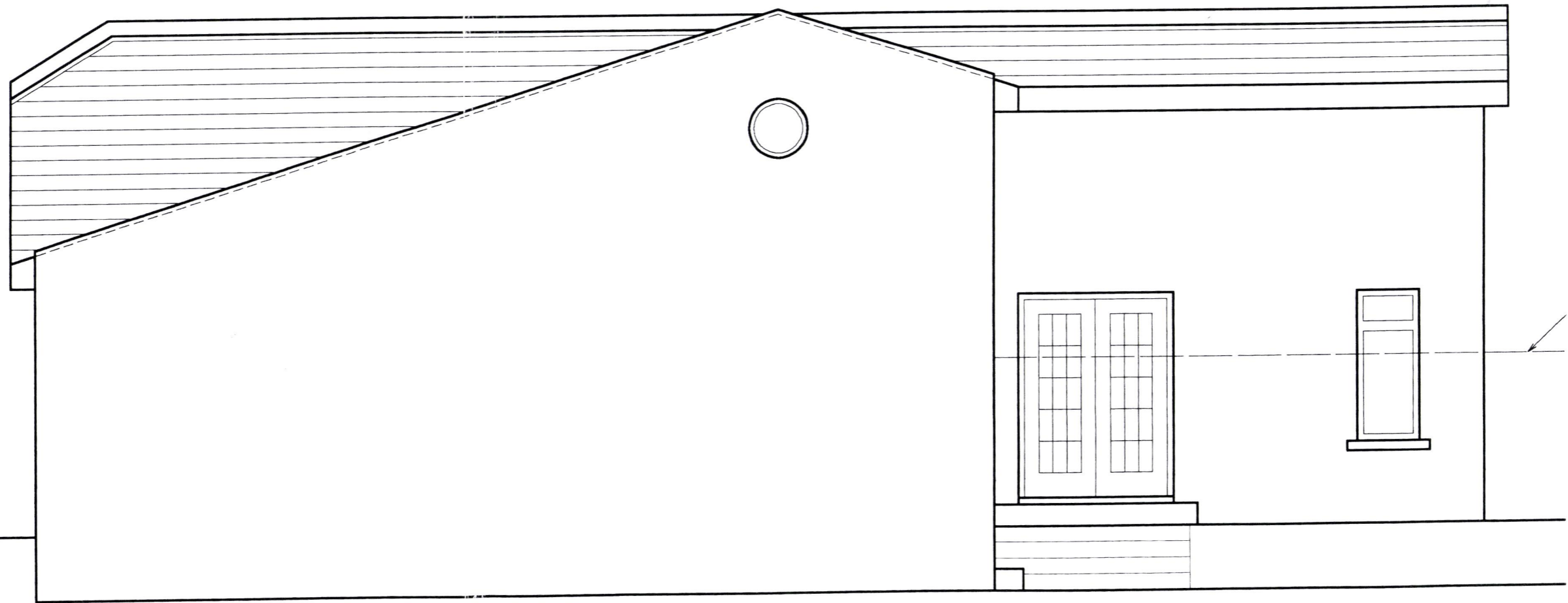




Plan - Ground Floor

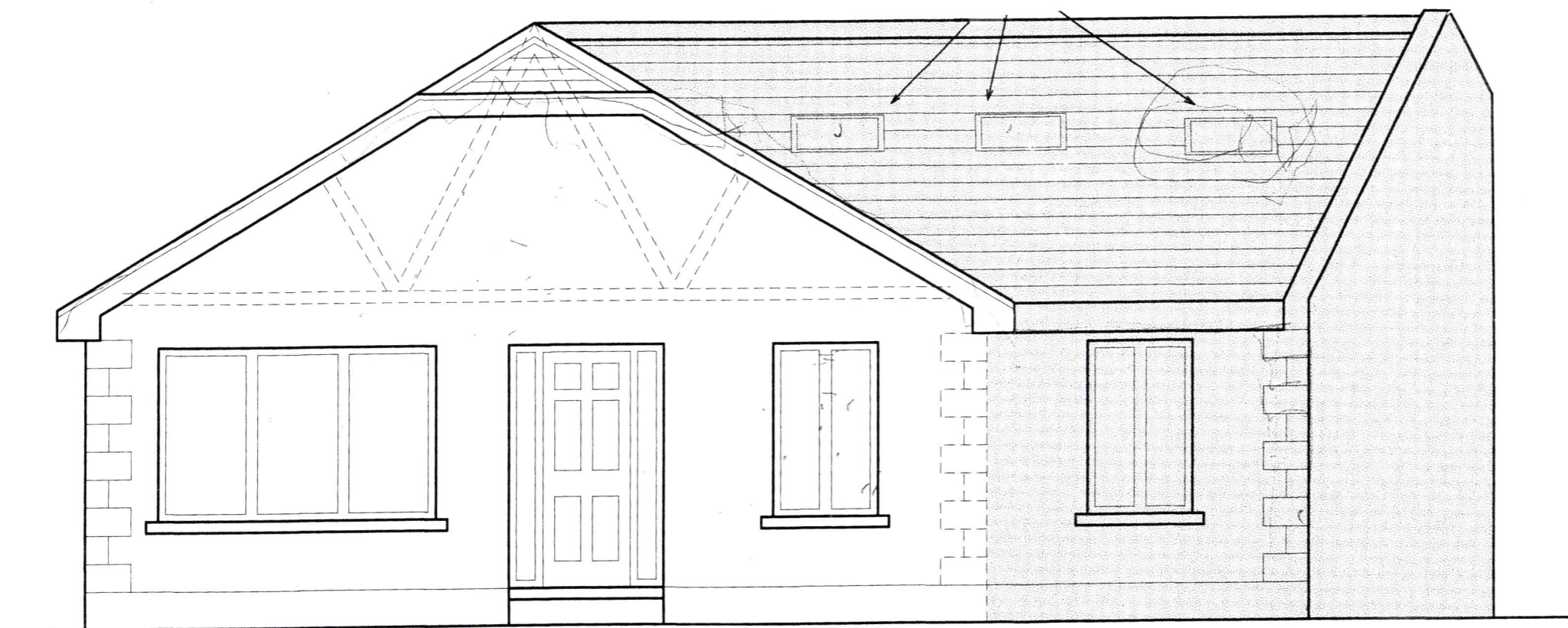
- Proposed New AREA.

Ⓐ THIS EXISTING OUTSIDE WALL TO BE REMOVED
REPLACED WITH Ⓑ



PROPOSED
Side Elevation

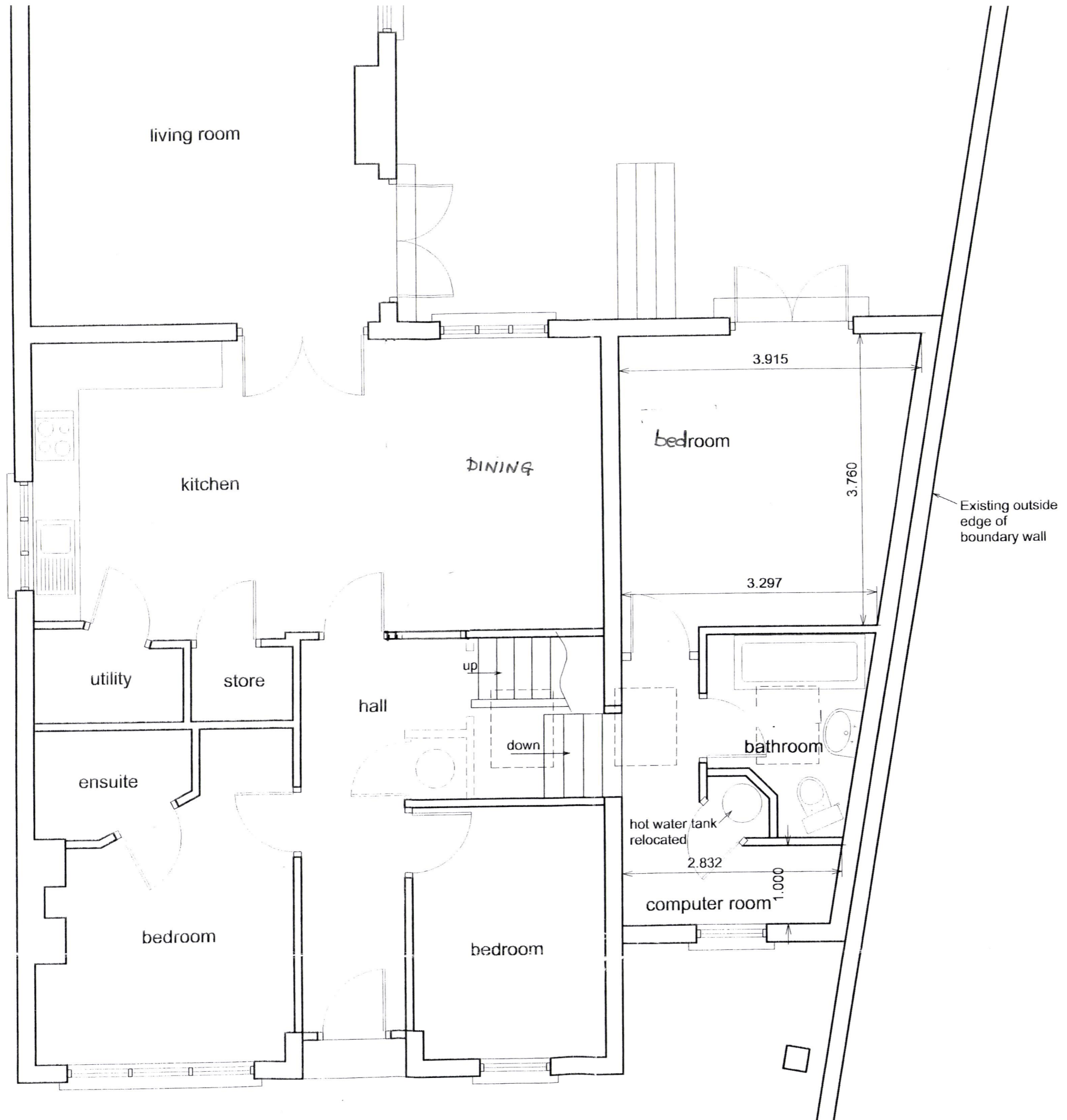




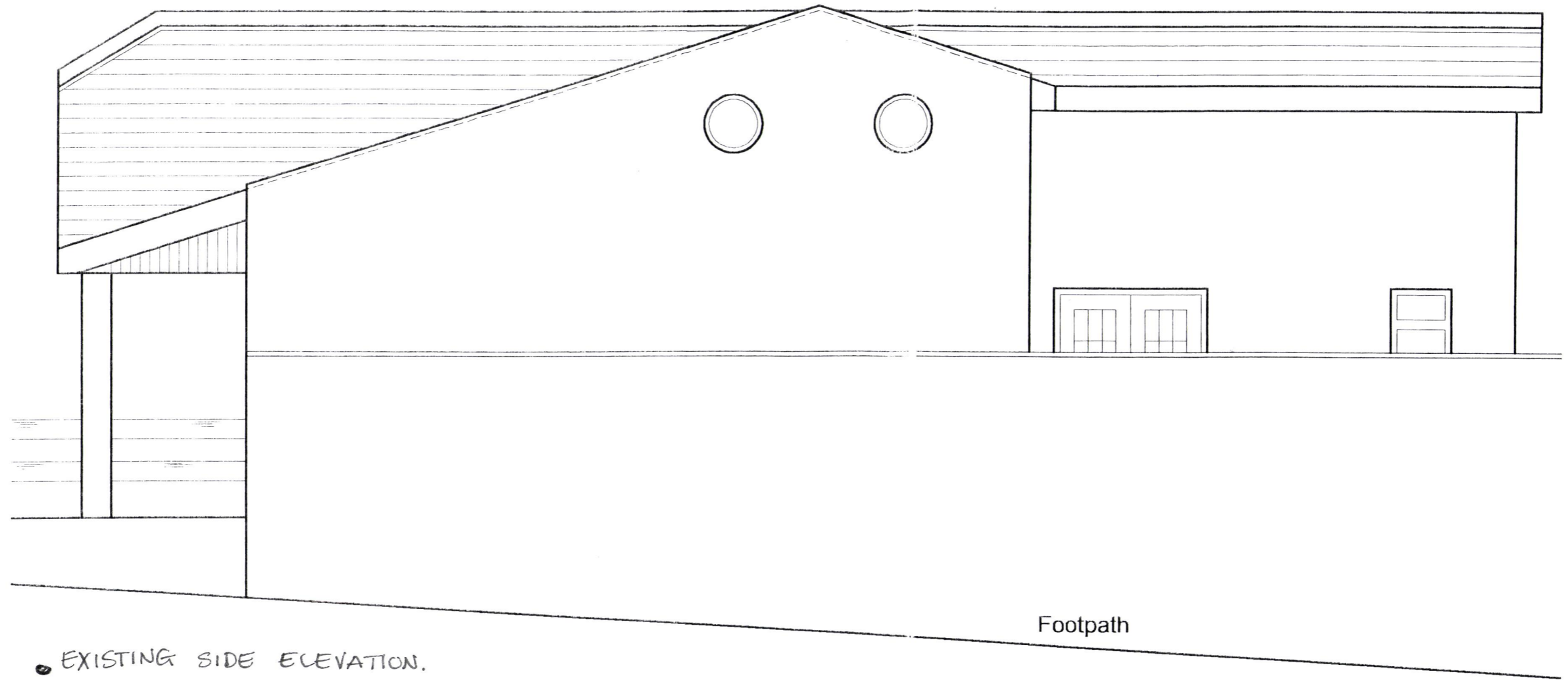
Front Elevation

PROPOSED FRONT VIEW





● EXISTING FLOOR PLAN

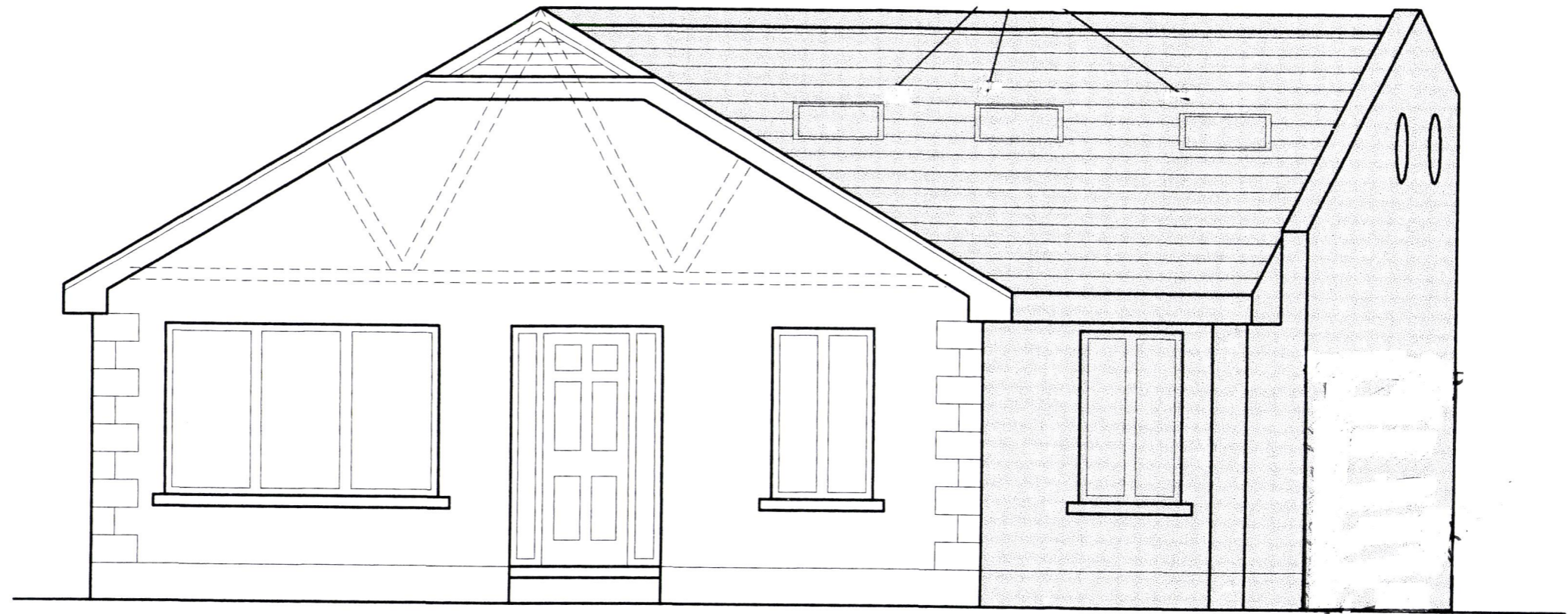


EXISTING SIDE ELEVATION.

Footpath

MAY 2026 - K.K. DELGANY PARK DELGANY CO WICKLOW A63 HE24

EXISTING GROUND FLOOR PLAN



Front Elevation - *EXISTING*

MAY 2026