



Comhairle Contae Chill Mhantáin  
Wicklow County Council

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

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

Alison and Andrew Deverell  
11 Monteith Park  
Kilcoole  
Co. Wicklow  
A63 H765

*Dh*  
Of March 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) -EX29/2026

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,

*Dida Devery*

ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT.



Taispeáin an t-ábair seo ar an gceanglaíocht  
Inis dóibh seo an t-ábair seo ar an gceanglaíocht

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





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

**Applicant:** Alison and Andrew Deverell

**Location:** 11 Monteith Park, Kilcoole, Co. Wicklow

**Reference Number:** EX 29/2026

**CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/274**

A question has arisen as to whether “1. Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use, 2. Demolition of pre-existing sunroom and partial demolition of rear of dwelling, 3. Removal of timber decking and concrete footpath, 4. Internal modifications to the existing dwelling, 5. Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole” at 11 Monteith Park, Kilcoole, Co. Wicklow is or is not exempted development.

**Having regard to:**

- a) The details submitted with the Section 5 Declaration Application
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Classes 1, and 58 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

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

- (i) The construction of an extension of less than 40sqm, the demolition of pre-existing sunroom and partial demolition of rear of dwelling, the removal of timber decking and concrete footpath, internal modifications to the existing dwelling, and the relocation of foul sewer manhole and installation of rainwater pipe discharging to this manhole are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000(as amended).
- (ii) The extension of less than 40sqm satisfies the limitations set out in Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
- (iii) The demolition of pre-existing sunroom and partial demolition of rear of dwelling satisfies the limitations of Class 50(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
- (iv) The removal of timber decking and concrete footpath, and the internal modifications to the dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works either affect only the interior of the structure or 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;
- (v) It appears that the foul sewer manhole is a publicly owned Uisce Éireann asset, and development by other parties to this asset does not come within the provisions of Class 58(a) or 58(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended). No other exempted development provision is considered to apply to these works.



**The Planning Authority considers that:**

1. "Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development.**
2. "Demolition of pre-existing sunroom and partial demolition of rear of dwelling" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development.**
3. "Removal of timber decking and concrete footpath" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development.**
4. "Internal modifications to the existing dwelling" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development.**
5. "Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is not exempted development.**

Within the meaning of the Planning & Development Act 2000 (as amended)

Signed:

  
ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Date:



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/274

Reference Number: EX 29/2026

Name of Applicant: Alison and Andrew Deverell

Nature of Application: Section 5 Referral as to whether "1. Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use, 2. Demolition of pre-existing sunroom and partial demolition of rear of dwelling, 3. Removal of timber decking and concrete footpath, 4. Internal modifications to the existing dwelling, 5. Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole" is or is not development and is or is not exempted development.

Location of Subject Site: 11 Monteith Park, Kilcoole, Co. Wicklow

Report from: Michael Woods O'Rourke, AP, Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "1. Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use, 2. Demolition of pre-existing sunroom and partial demolition of rear of dwelling, 3. Removal of timber decking and concrete footpath, 4. Internal modifications to the existing dwelling, 5. Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole" at 11 Monteith Park, Kilcoole, 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
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Classes 1, and 58 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

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

- (i) The construction of an extension of less than 40sqm, the demolition of pre-existing sunroom and partial demolition of rear of dwelling, the removal of timber decking and concrete footpath, internal modifications to the existing dwelling, and the relocation of foul sewer manhole and installation of rainwater pipe discharging to this manhole are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000(as amended).
- (ii) The extension of less than 40sqm satisfies the limitations set out in Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
- (iii) The demolition of pre-existing sunroom and partial demolition of rear of dwelling satisfies the limitations of Class 50(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
- (iv) The removal of timber decking and concrete footpath, and the internal modifications to the dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works either affect only the interior of the structure or 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;

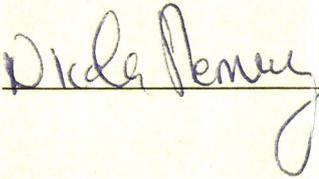
- (v) It appears that the foul sewer manhole is a publicly owned Uisce Éireann asset, and development by other parties to this asset does not come within the provisions of Class 58(a) or 58(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended). No other exempted development provision is considered to apply to these works.

#### Recommendation

The Planning Authority considers that:

1. "Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use" 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development**.
2. "Demolition of pre-existing sunroom and partial demolition of rear of dwelling" 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development**.
3. "Removal of timber decking and concrete footpath" 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development**.
4. "Internal modifications to the existing dwelling" 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development**.
5. "Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole" 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is not exempted development**.

Within the meaning of the Planning & Development Act 2000 (as amended)

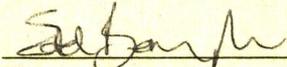
Signed: 

Date: 11/03/2026

#### ORDER:

I HEREBY DECLARE:

1. "Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development**.
2. "Demolition of pre-existing sunroom and partial demolition of rear of dwelling" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development**.
3. "Removal of timber decking and concrete footpath" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development**.
4. "Internal modifications to the existing dwelling" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is exempted development**.
5. "Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole" at 11 Monteith Park, Kilcoole, Co. Wicklow is development and **is not exempted development**.

Signed: 

T/Senior Planner

Planning, Economic & Rural Development

Date: 11/3/2026



**WICKLOW COUNTY COUNCIL  
PLANNING DEPARTMENT**

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

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**TO:** Edel Bermingham SP  
**FROM:** Michael Woods O'Rourke AP  
**REF:** EX 29/2026  
**DECISION DUE DATE:** 30/03/2026  
**APPLICANT:** ALISON & ANDREW DEVERELL  
**DEVELOPMENT:** EXTENSION TO REAR  
**LOCATION:** 11 MONTEITH PARK, KILCOOLE, CO. WICKLOW

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**Figure 1: Site Location**



**Figure 2: View of No. 11 Monteith Park (in centre)**

### **Initial Exemption as per Section 5 Application**

Whether or not:

Extension to the rear of existing dwelling of less than 40m<sup>2</sup> as per drawings and details supplied for domestic use (single storey kitchen/living room extension and reconfiguration of existing rooms)

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

### **Section 5 Application**

The application documentation provided outlines further works required in order to facilitate the proposal, namely:

- *'Existing Sun Room (11.2m<sup>2</sup>) to be demolished'*.
- *'Existing timber decking to be removed'*
- *'Existing manhole to be relocated as necessary to accommodate proposed extension'*
- *'All new roof areas to drain into existing manhole/drainage system'*.
- *'Proposed RWP [Rainwater pipe] with connection back to new manhole / existing sewer line'*
- *'Existing wall to be demolished as shown' [separate to demolition of sun room].*
- *'Section of wall and existing and existing window to be partially removed'*.
- The drawings state that the gross floor area of the proposed extension is 25m<sup>2</sup>, although dimensions on said drawing state it may be slightly larger, up to c.30m<sup>2</sup>.

As such, from examining the submitted particulars, it is noted that the section 5 query should be re-worded as follows:

Whether or not:

1. Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use,
2. Demolition of pre-existing sunroom and partial demolition of rear of dwelling,
3. Removal of timber decking and concrete footpath,
4. Internal modifications to the existing dwelling,
5. Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole

at 11 Monteith Park, Kilcoole, Co. Wicklow.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

### **Relevant Planning History:**

No recent relevant planning history.

### **Relevant legislation:**

Planning and Development Act 2000 (as amended)

“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 situated, and

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

- (i) the interior of the structure,
- (ii) the land lying within the curtilage of the structure,
- (iii) any other structures lying within that curtilage and their interiors, and
- (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

“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.

Section 3:

3.—

(1) In this Act, except where the context otherwise requires, “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
- (b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4:

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.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

- (a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
- (b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

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) Note see Regulations for full Article

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—

< See Regulations for List >

## **Schedule 2: Part 1**

### **CLASS 1**

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

#### Conditions/ 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.

(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 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.

#### Conditions/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.

#### **CLASS 58**

Development by Irish Water, for the purpose of the provision of water services, consisting of one or more of the following:

(a) the inspection, maintenance, repair, renewal or removal of pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes, kiosks, intakes, overhead wires, meters and other apparatus, including the excavation of any street or other land for that purpose;

(b) the installation of either or both— (i) underground pipes, cables, water mains, sewers, including associated accessories, service connections, boundary boxes and meters, and, (ii) above ground kiosks, meters and other apparatus and overhead wires,

including the excavation of any street or other land for that purpose;

[...]

Conditions/Limitations:

The volume above ground level of any such kiosk, meter or other apparatus shall not exceed 13 cubic metres in rural areas (being areas as defined in Article 6(3)) or 2 cubic metres in other areas, measured externally.

## Assessment

As identified above the query to be addressed is whether or not

1. Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use,
2. Demolition of pre-existing sunroom and partial demolition of rear of dwelling,
3. Removal of timber decking and concrete footpath,
4. Internal modifications to the existing dwelling,
5. Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole

at 11 Monteith Park, Kilcoole, Co. Wicklow.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The subject site is located in the settlement/townland of Kilcoole and is accessed from the L-10486 within Monteith Park, which is accessed directly from the R-761 just south of the junction with Sea Road. No. 11 Monteith Park, the dwelling subject of this Section 5, is an inward facing corner unit in the northwest corner of the estate. It is a rendered two-storey three-bay dwelling, with the bay containing the doorway recessed from the front façade and terraced with its immediate neighbour to the south (No. 12). Though no planning history can be found for the dwelling in question, recent listings<sup>1</sup> for other properties in Monteith Park indicate a construction date c. 1967-1970. Information from Tailte Éireann (landdirect.ie) indicates the housing estate was developed by Wicklow County Council, which remains in freehold ownership of the site. No. 11 Monteith Park is in the **leasehold** ownership of Alison Donnelly and Andrew Deverell. No wayleaves are indicated on the site. An existing extension is present to the rear of the dwelling, in the form of a sunroom/conservatory. Aerial imagery also indicates either an additional extension or possibly shed structure extending from the rear of the recessed bay that is not shown on the submitted drawings, this will be addressed below. The residential dwelling is not listed on the Record of Protected Structures, nor is it located within an Architectural Conservation Area. National Monument WI03444, an burnt spread, is c. 320m to the northwest and a series of National Monuments corresponding to the ruined Old Kilcoole Church is c. 300m to the north-east. The dwelling is outside both corresponding zones of notification. The residential dwelling is not considered to be visible from any view or prospect set out in Wicklow County Development Plan 2022-2028 or the Greystones-Delgany & Kilcoole LPF 2026. The residential dwelling is located in the 'Urban Areas' Landscape Category. The site is located in Flood Zone C.

## Environmental Impact Assessment

Having regard to nature and scale of the development there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## Appropriate Assessment

The application site is located c. 1.5km metres west of the Murrough SPA/The Murrough Wetlands SAC. The documentation submitted with this application has included an Appropriate Assessment Screening, which has been reviewed. To the west of the site, the land gently slopes down to a watercourse c. 150 distant that flows to the above-mentioned SPA/SAC. While this could potentially

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<sup>1</sup> <https://www.myhome.ie/residential/brochure/1-monteith-park-kilcoole-co-wicklow/4703833> ;  
<https://www.myhome.ie/rentals/brochure/6-monteith-park-kilcoole-wicklow/4484411>

provide a source-receptor pathway, considering that the proposed works would be taking place entirely within the curtilage of the dwelling surrounding by hedging, and having regard to the nature and scale of the proposed development, it is not considered that the proposed development would give rise to any adverse impacts on the qualifying interests and conservation objectives of the Murrough SPA/The Murrough Wetlands SAC or any other natura sites and therefore the proposed development would not necessitate the carrying out of an Appropriate Assessment in accordance with the requirements of Article 6(3) of the EU Habitats Directive.

It is necessary to consider in turn whether each element of the Section 5 request is or is not a) development and b) exempted development.

Article 9 of the Planning and Development Regulations 2001 (as amended)

It is not considered that the provisions of Article 9 are relevant in this case.

Element (1):

*'Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use'*

- (a) This element would consist of an act of construction/extension and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development.**
- (b) The relevant exemption in respect to the extension to the rear of the property is Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

There are a number of limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitations:

Limitation 1(a) – The house does appear to have been extended previously. This limitation is therefore not relevant.

Limitation 1(b) – N/A

Limitation 1(c) – N/A

Limitation 2(a) – The house appears to have been extended previously, namely a sunroom/conservatory and unidentified extension to the rear of the recessed bay. As both these elements are proposed to be demolished to facilitate the proposed extension (see Element 2 below), their floor area is not relevant to this limitation. The proposed extension, of c. 30sqm is less than 40sqm, satisfying this limitation.

Limitation 2(b) – N/A

Limitation 2(c) – N/A

Limitation 3 – N/A

Limitation 4(a) – The rear wall does not include a gable so this limitation is relevant. The submitted documentation indicates that the extension walls do not exceed the height of the rear wall of the house, therefore satisfying this limitation.

Limitation 4(b) – The rear wall does not include a gable so this limitation is not relevant.

- Limitation 4(c) – The submitted documentation indicates that the pitched roof of the extension does not exceed the height of the eaves/parapet or the highest part of the roof of the dwelling, satisfying the limitation.
- Limitation 5- The area of the remaining garden is stated as being 245.6sqm. This exceeds 25 sqm, satisfying the condition.
- Limitation 6(a) –All proposed windows are in excess of 1m from the boundaries they face, satisfying the condition.
- Limitation 6(b) – N/A
- Limitation 6(c) – N/A
- Limitation 7 – No balcony is indicated in the submitted documents.

Based on the documents submitted, **it can be determined that Element (1) does constitute exempted development.**

Element (2):

*'Demolition of pre-existing sunroom and partial demolition of rear of dwelling'*

- (a) This element would consist of an act of demolition and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development.**
- (b) The relevant exemption in respect to the extension to the rear of the property is Class 50(b) of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), the works would constitute the demolition of part of a habitable house in connection with the provision of an extension in accordance with Class 1 of the same Part/Schedule (refer to Element 1 above).

There are a number of limitations with respect to this exemption, and therefore the development must be assessed having regard to them as set out below.

Limitations:

1. The decision of An Coimisiún Pleanála under ACP Reg. Ref. 305802, a referral on whether the demolition of a rear return and construction of an extension, is relevant in this case. The Coimisiún found that:

*'the demolition of the previous rear return to the house on the site occurred in connection with development in accordance with Class 1, and so was in accordance with Class 50(b) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended. The description of development for Class 50(b) refers to the demolition of part of a habitable house, in contrast to Class 50(a) which refers to the demolition of a building or buildings. As Condition and Limitation number 1 on Class 50 refers only to "such building or buildings" and does not refer to "part of a habitable house", it therefore restricts the scope of the exemption under Class 50(a) but not that under Class 50(b). Therefore, the abutment or otherwise or the previous rear return to the house with a building in separate ownership does not affect the exempted status of its demolition'*

On this basis, Limitation No. 1 does not apply in this case, as the demolition in question is that of part of a habitable house. Regardless, although the dwelling is terraced, that part of the habitable house proposed to be demolished does not abut on another building in separate ownership.

2. The decision of An Coimisiún Pleanála under ACP Reg. Ref. 305802, a referral on whether the demolition of a rear return and construction of an extension, is relevant in this case. As described above, the limitation refers to the demolition of a building/buildings, and not part of a habitable house, therefore Limitation No. 2 does not apply in this regard. Regardless, the area of the sunroom (11.2 sqm) and unidentified extensions (c. 7.4sqm) to be demolished is less than 40sqm.
3. As set out above, the development is not of a class prescribed for the purposes of Section 176 of the Planning and Development Act 2000 (as amended) and accompanying regulations.

Based on the documents submitted, **it can be determined that Element (2) does constitute exempted development.**

Element (3):

*'Removal of timber decking and concrete footpath'*

- (a) This element would consist of an act of demolition/alteration/excavation and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, **it is therefore considered that this element is development.**
- (a) The relevant exemption in respect to this element is Section 4(1)(h) of the Planning and Development Act 2000 (as amended). The identified works are alterations to the external elements of the structure, and this exemption therefore requires that the works 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. As this development takes place entirely within the hedged rear curtilage of the dwelling, it is considered that external appearance of the overall dwelling is not materially affected. The decision of An Coimisiún Pleanála under ACP Reg. Ref. 302175 is of relevance and similarly concluded that the removal of a concrete walkway, railings, and timber structures constituted exempted development under the same provision.

Based on the documents submitted, **it can be determined that Element (3) does constitute exempted development.**

Element (4):

*'Internal modifications to the existing dwelling'*

The submitted documentation does not provide an itemised list of internal modifications, however drawings submitted indicate at least the following:

- I. Conversion of a utility room to a WC (as it relates to the existing floorspace of the dwelling),
- II. Extension of Kitchen into previous WC and removal of intervening internal wall.

- (a) This element, including items I & II above, would consist of acts of demolition/alteration/construction and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, it is therefore considered that this element is development.
- (b) The relevant exemption in respect to this element is Section 4(1)(h) of the Planning and Development Act 2000 (as amended). This exemption requires that the works affect only the interior of the structure. As the internal modifications are entirely within the interior of the structure and will not be visible from the exterior, the conditions of this exemption are satisfied.

Based on the documents submitted, it can be determined that Element (4) **does** constitute exempted development.

Element (5):

*'Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole'*

- (a) This element would consist of an act of excavation/demolition/construction and would therefore constitute 'works' as defined under Section 2 of the Planning and Development Act 2000 (as amended). As the carrying out of works constitutes development under Section 3(1)(a) of the said Act, it is therefore considered that this element is development.
- (b) The relevant exemption with respect to the relocation of public foul sewer manhole and connection of rainwater pipe to this manhole is Class 58 (a) & (b) of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

There is 1 No. limitation with respect to these sections (a) & (b) of this exemption, however this is in relation to 'kiosks, meters, and other apparatus and overhead wires' and is not considered relevant to a standard manhole.

The main consideration with respect to this exemption is the party undertaking the works. The exemption is clear that it refers to 'Development by Irish Water' and does not include, in the relevant sections, language such as 'on behalf of Irish Water' that would allow for a separate authorisation process to render this development exempt.

Internal GIS resources indicate that the manhole in question is in relation to a 100m uncombined foul sewer line that starts to the rear of No.11 Monteith Park, and runs behind Nos. 12-15 before passing through open space and local road in Monteith Park before joining the wider foul sewer network on Kilcoole Main Street. The inclusion of this foul sewer in an Uisce Éireann/Irish Water GIS dataset confirms that it is a **public** foul sewer/Irish Water asset. It is also not clear from the documentation submitted whether the relocation of the manhole would also involve the relocation of a section of the foul sewer around the proposed extension, or whether the manhole is being moved to a different point on the foul sewer and the extension being built over a section of the line. I do not consider that any other exempted development provision would allow this element of the development to be exempted.

Based on the documents submitted, it can be determined that Element (5) **does not** constitute 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:

1. Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use,
2. Demolition of pre-existing sunroom and partial demolition of rear of dwelling,
3. Removal of timber decking and concrete footpath,
4. Internal modifications to the existing dwelling,
5. Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole

at 11 Monteith Park, Kilcoole, Co. Wicklow.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that the

1. Extension to the rear of existing dwelling of less than 40m<sup>2</sup> for domestic use is development and is exempted development.
2. Demolition of pre-existing sunroom and partial demolition of rear of dwelling is development and is exempted development.
3. Removal of timber decking and concrete footpath is development and is exempted development.
4. Internal modifications to the existing dwelling is development and is exempted development.
5. Relocation of public foul sewer manhole and installation of rainwater pipe discharging to this manhole is development and is **not exempted development**.

Main Considerations with respect to Section 5 Declaration:

- a) The details submitted with the Section 5 Declaration Application
- b) Sections 2, 3 and 4, of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9, and Classes 1, and 58 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The construction of an extension of less than 40sqm, the demolition of pre-existing sunroom and partial demolition of rear of dwelling, the removal of timber decking and concrete footpath, internal modifications to the existing dwelling, and the relocation of foul sewer manhole and installation of rainwater pipe discharging to this manhole are works and therefore development having regard to the definition set out in Section 2 and Section 3(a) of the Planning and Development Act 2000(as amended).
- (ii) The extension of less than 40sqm satisfies the limitations set out in Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).
- (iii) The demolition of pre-existing sunroom and partial demolition of rear of dwelling satisfies the limitations of Class 50(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended).

- (iv) The removal of timber decking and concrete footpath, and the internal modifications to the dwelling would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works either affect only the interior of the structure or 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;
- (v) It appears that the foul sewer manhole is a publicly owned ~~Water~~ Uisce Éireann asset, and development by other parties to this asset does not come within the provisions of Class 58(a) or 58(b) of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended). No other exempted development provision is considered to apply to these works.

*Michael Woods O'Rourke*

---

Michael Woods O'Rourke AP  
06/03/26

*Agreed to [Signature]*  
TWP  
6/3/2026

# MEMORANDUM

## WICKLOW COUNTY COUNCIL

---

**TO: Michael Woods O'Rourke  
Assistant Planner**

**FROM: Aoife Kinsella  
Clerical Officer**

**RE: - EX29/2026 - 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 03/03/2026.

The due date on this declaration is the 30/03/2026.

Aoife Kinsella

**Clerical Officer  
Planning Development & Environment**



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

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

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

Alison & Andrew Deverall  
11 Monteith Park  
Kilcoole  
Co. Wicklow  
A63 H765

05<sup>th</sup> of March 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX29/2026**

A Chara

I wish to acknowledge receipt on 03/03/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 30/03/2026.

Mise, le meas

*Aoife Kinsella*

\_\_\_\_\_  
Aoife Kinsella  
Clerical Officer  
Planning, Economic & Rural Development



Ta an t-áras seo a fíorúil a dhéanamh le h-ádhúlachtaí  
The documents in this folder are intended for internal use only

Ba chóir gach comhfhreagras a sheoladh chuig an Stúirthóir Seirbhísí, 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

Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

02/03/2026 13 49 21

Receipt No L 1/0/359814

ALISON DEVEREUX  
11 MONTEITH PK  
KILCOOLE  
CO WICKLOW

PLANNING APPLICATION FEES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
-------	-----------

Tendered	
Credit Card	80 00

Change	0 00
--------	------

Issued By VANESSA PORTER  
From Customer Service Hub  
Vat reg No 0015233H



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

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Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

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

**1. Applicant Details**

(a) Name of applicant: \_\_\_\_\_ Alison & Andrew Deverell \_\_\_\_\_

Address of applicant: \_\_\_\_\_ 11 Monteith Park, Kilcoole, Co. Wicklow, A63H765 \_\_\_\_\_  
\_\_\_\_\_

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

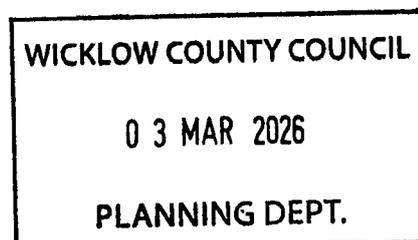
**2. Agents Details (Where Applicable)**

(b) Name of Agent (where applicable) \_\_\_\_\_ n/a \_\_\_\_\_

Address of Agent : \_\_\_\_\_ n/a \_\_\_\_\_  
\_\_\_\_\_

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

**3. Declaration Details**



i. Location of Development subject of Declaration 11 Monteith Park,  
Kilcoole, Co. Wicklow, A63H765  
\_\_\_\_\_  
\_\_\_\_\_

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

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or  
occupier Currently unoccupied  
\_\_\_\_\_  
\_\_\_\_\_

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 Seeking declaration that  
proposed works at our property constitute exempted development -  
Extension to the rear of existing dwelling of less than 40m<sup>2</sup> as per drawings and  
details supplied for domestic use (single storey kitchen/living room extension and  
reconfiguration of existing rooms)  
\_\_\_\_\_

*Additional details may be submitted by way of separate submission.*

Indication of the Sections of the Planning and Development Act or Planning  
Regulations you consider relevant to the Declaration \_\_\_\_\_  
Section 2, Part 1, Class 1 of the Planning and Development Regulations  
2001 (as amended)  
\_\_\_\_\_  
\_\_\_\_\_

*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 \_\_\_\_\_

1. Site Location Map \_\_\_\_\_

2. Existing & Proposed Site Plan \_\_\_\_\_

3. Existing & Proposed Plans \_\_\_\_\_

4. Existing & Proposed Elevations Sheet 1 \_\_\_\_\_

5. Existing & Proposed Elevations Sheet 2 \_\_\_\_\_

6. Existing & Proposed Section \_\_\_\_\_

\_\_\_\_\_

viii. Fee of € 80 Attached ? paid via phone (2<sup>nd</sup> March 2026)

Signed : Miss Deverall Dated : 02/03/2025

AD

**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.

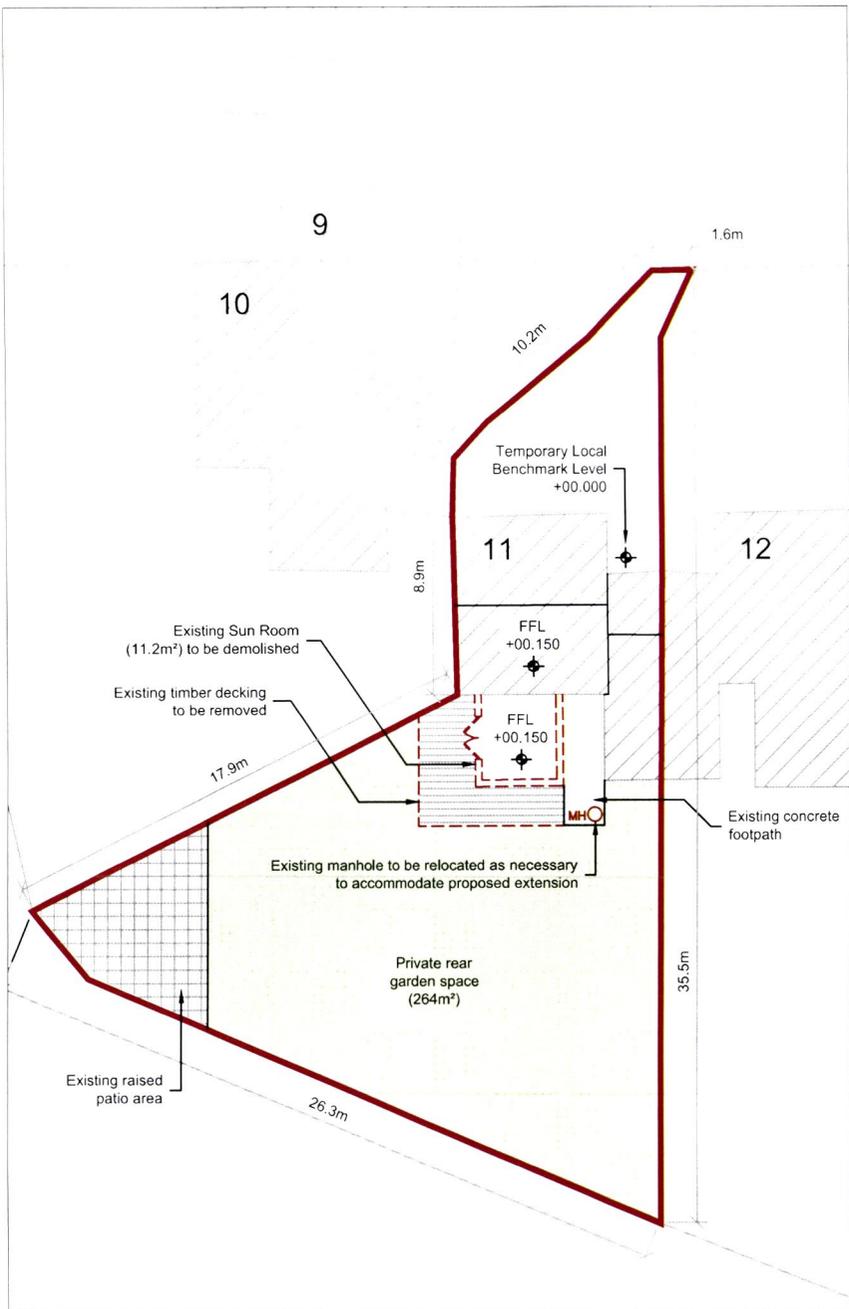
Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

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

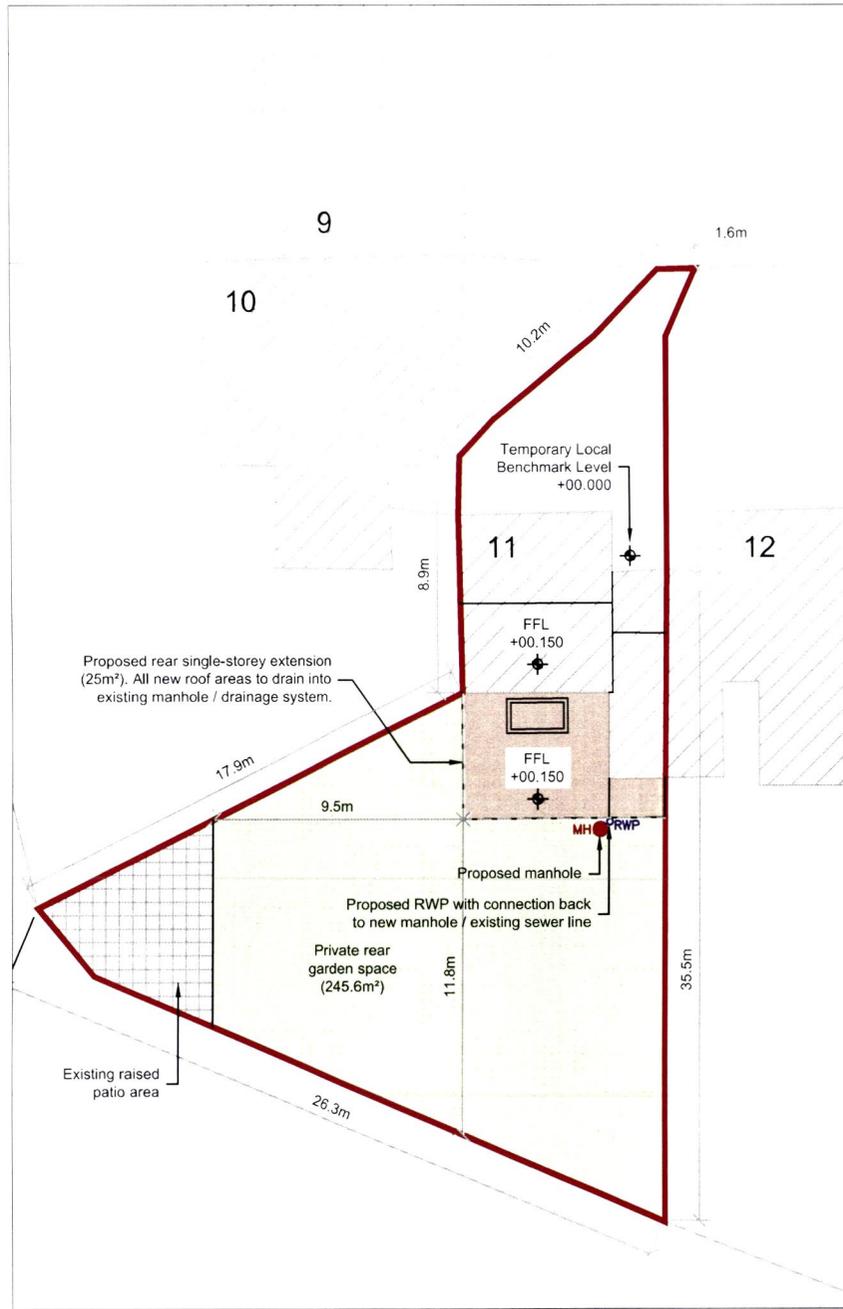
- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.



- NOTES:
1. Do not scale drawing - Use figured dimensions only.
  2. All dimensions are in millimeters unless noted otherwise.
  3. All dimensions to be verified on site.
  4. Any discrepancies to be reported to draughtsman prior to commencement of works.
  5. This drawing is to be read in conjunction with other consultant drawings & specifications for this project.
  6. This drawing is intended solely for the purpose of issue and may not be used for any other purpose.
  7. This drawing is the copyright of the draughtsman and may not be altered or reproduced without prior written consent.
  8. This drawing should be printed in colour for clarity.
  9. These drawings have been prepared for the purposes of a Section 5 Declaration and planning assessment only and are not intended for construction.
  10. Levels shown are to local benchmark of +0.00m taken just outside main entrance of property.



**EXISTING SITE PLAN**  
SCALE 1:200 / SITE AREA: 380.76 sq mtrs (0.0380 Ha)



**PROPOSED SITE PLAN**  
SCALE 1:200 / SITE AREA: 380.76 sq mtrs (0.0380 Ha)



All new areas of roofing to be drained back into existing system as shown.

**LEGEND:**

- Site boundary
- Landscaping
- Existing manhole
- Proposed Rainwater pipe
- Spot level

Rev	Date	Description	By	Check
PH	01.03.2026	ISSUED FOR SECTION 5 APPLICATION	CG	CG

**SECTION 5 DECLARATION**

Project Name: 11 MONTEITH PARK, KILCOOLE, CO. WICKLOW

Drawing Title: EXISTING & PROPOSED SITE PLAN

Architect: -

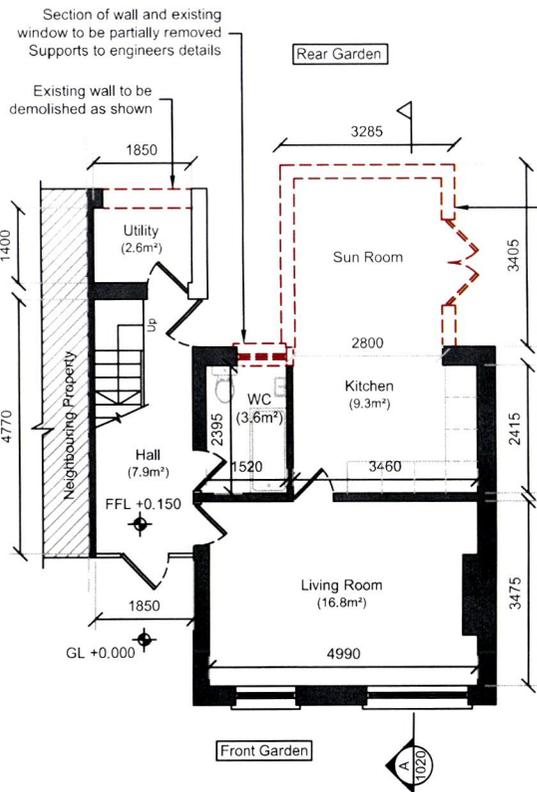
Client: ANDREW & ALISON DEVERELL

Drawn: CG  
Checked: CG  
Scale: 1:200 @ A1

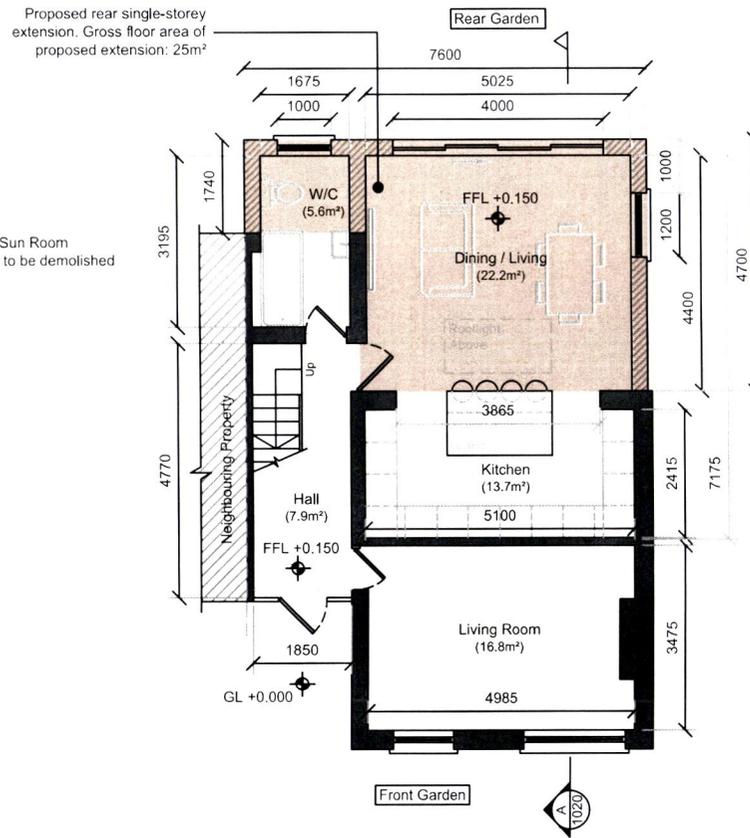
Drawings by: CAD Drawings Online  
Address: Bray, Co. Wicklow  
Email: caddrawingsonline@hotmail.com

Project No.	Originator	Volume	Level	Type	Role	Check
0045	CG	00	XX	DR	I	0002 - P1

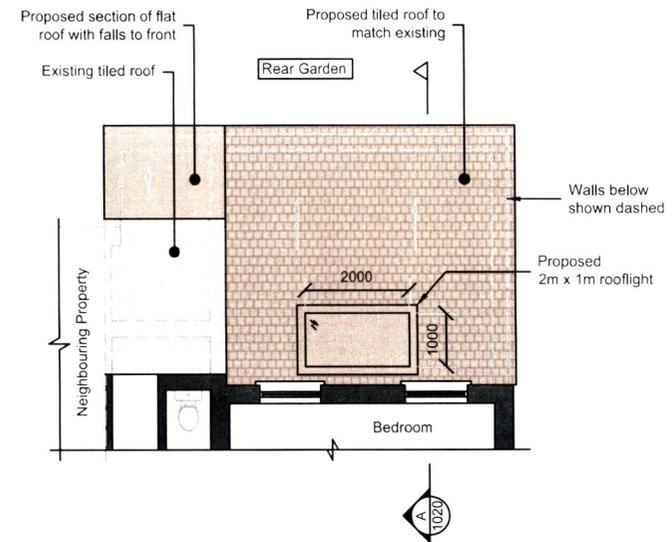
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**Existing Ground Floor Plan**  
Scale: 1:100



**Proposed Ground Floor Plan**  
Scale: 1:100



**Proposed Extension Roof Plan**  
Scale: 1:100



**LEGEND:**

- Existing construction
- Existing to be demolished
- New construction
- Proposed extension

Rev.	Date	Description	By	Check
P1	01.03.2026	ISSUED FOR SECTION 5 APPLICATION	CG	CG

**SECTION 5 DECLARATION**

Project Name: 11 MONTEITH PARK, KILCOOLE, CO. WICKLOW

Drawing Title: EXISTING & PROPOSED PLANS

Architect: -

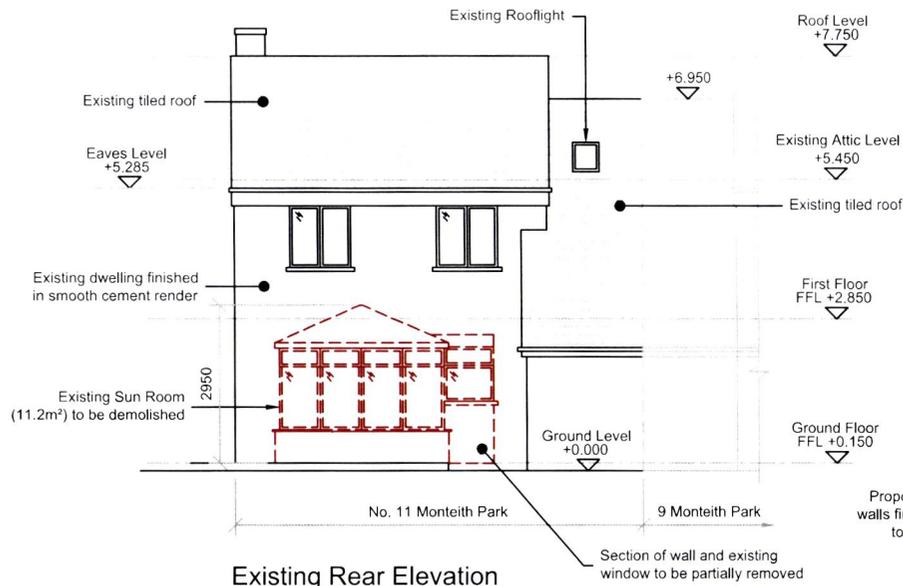
Client: ANDREW & ALISON DEVERELL

Drawn: CG  
Checked: CG  
Scale: 1:100 @ A3

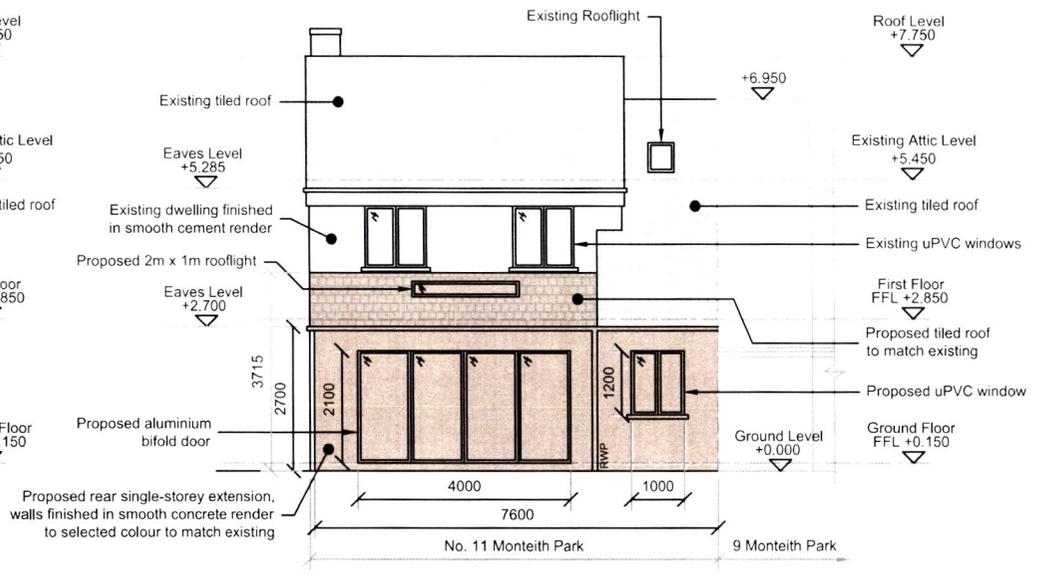
Drawings by: CAD Drawings Online  
Address: Bray, Co. Wicklow  
Email: caddrawingsonline@hotmail.com

Project No.	Originator	Volume	Level	Type	Role	Scale	Rev.
0045	CG	00	XX	DR	I	1000	P1

- NOTES:**
1. Do not scale drawing - Use figured dimensions only.
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**Existing Rear Elevation**  
Scale: 1:100



**Proposed Rear Elevation**  
Scale: 1:100

**LEGEND:**

- Existing construction
- Existing to be demolished
- New construction
- Proposed extension

Rev	Date	Description	By	Check
P1	01.03.2026	ISSUED FOR SECTION 5 APPLICATION	CG	CG

**SECTION 5 DECLARATION**

Project Name: 11 MONTEITH PARK, KILCOOLE, CO. WICKLOW  
 Drawing Title: EXISTING & PROPOSED ELEVATIONS SHEET 1  
 Architect: -  
 Client: ANDREW & ALISON DEVERELL

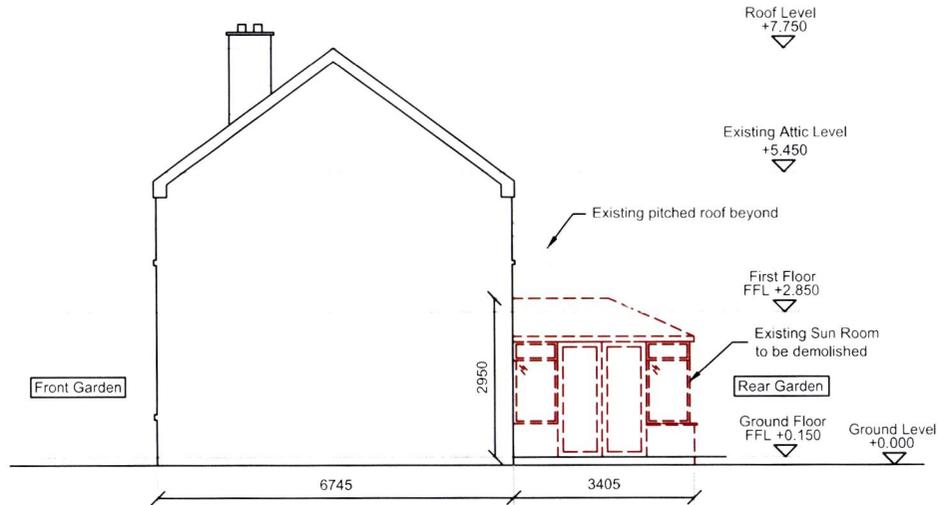
Drawn: CG  
 Checked: CG  
 Scale: 1:100 @ A3

Drawings by: CAD Drawings Online  
 Address: Bray, Co. Wicklow  
 Email: caddrawingsonline@hotmail.com

Project No: 0045 - Originator: CG - Volume: 00 - Level: XX - Type: DR - Role: I - Number: 1010 - Rev: P1

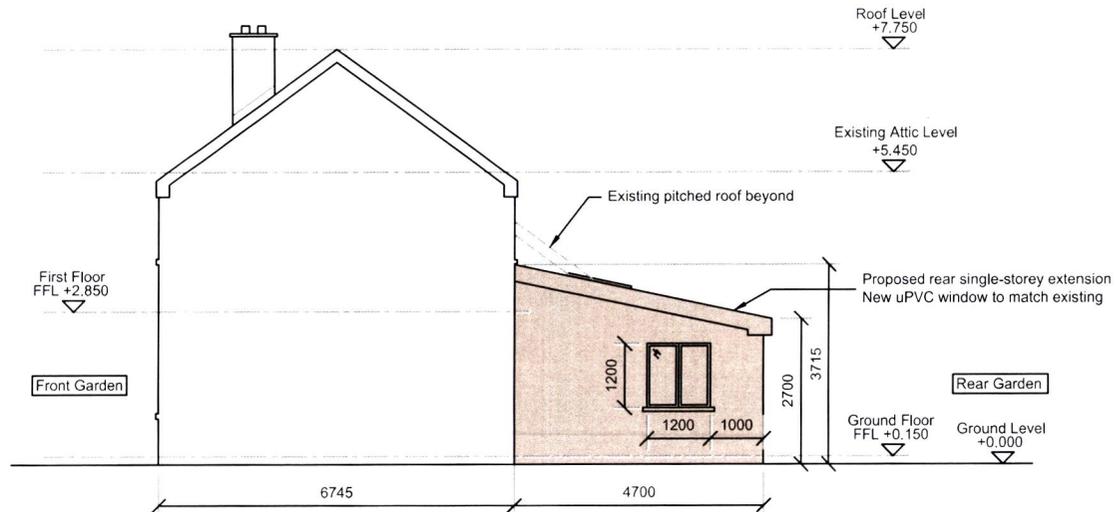


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**Existing Side Elevation**

Scale: 1:100



**Proposed Side Elevation**

Scale: 1:100

**LEGEND:**

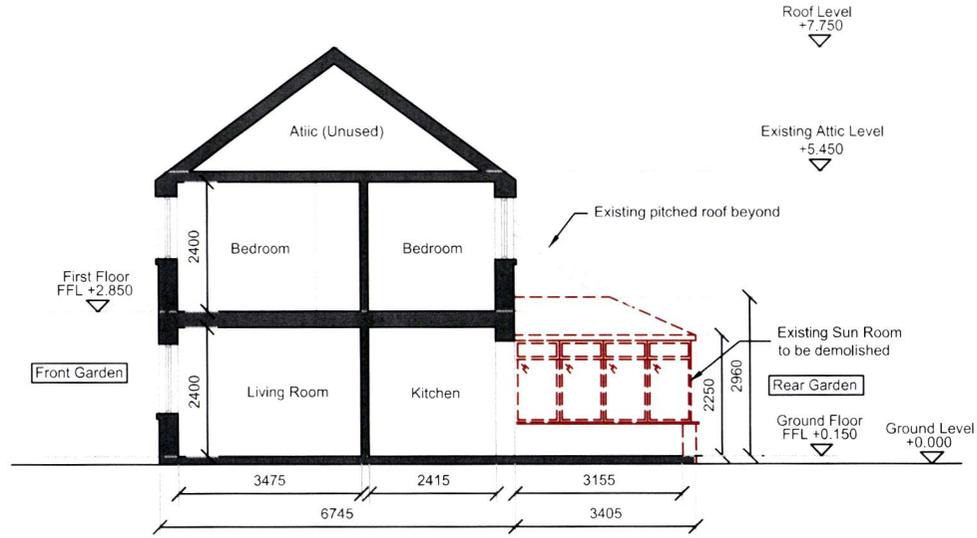
	Existing construction
	Existing to be demolished
	New construction
	Proposed extension

Rev	Date	Description	By	Check
P1	01/03/2028	ISSUED FOR SECTION 5 APPLICATION	CG	CG

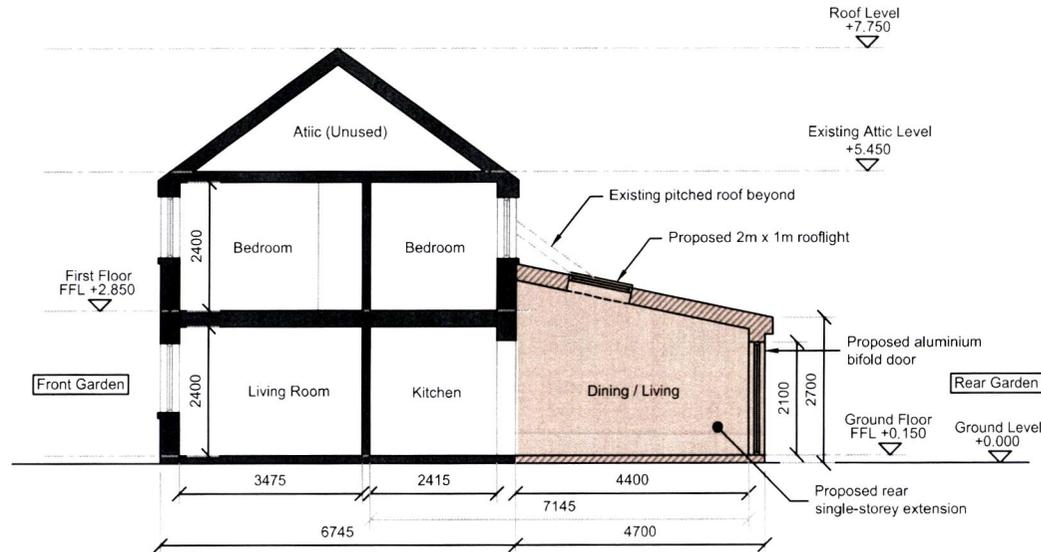
**SECTION 5 DECLARATION**

Project Name		11 MONTEITH PARK, KILCOOLE, CO. WICKLOW													
Drawing Title		EXISTING & PROPOSED ELEVATIONS SHEET 2													
Architect		-													
Client		ANDREW & ALISON DEVERELL													
Drawn	CG	Drawings by CAD Drawings Online													
Checked	CG	Address Bray, Co. Wicklow													
Scale	1:100 (B.A.3)	Email: cad Drawings Online@hotmail.com													
Project No.	0045	Originator	CG	Volume	00	Level	XX	Type	DR	Rev	1	Number	1011	rev	P1

- NOTES:
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**Existing Section A-A**  
Scale: 1:100



**Proposed Section A-A**  
Scale: 1:100

**LEGEND:**

	Existing construction
	Existing to be demolished
	New construction
	Proposed extension

Rev	Date	Description	By	Check
P1	01/03/2026	ISSUED FOR SECTION 5 APPLICATION	CG	CG

**SECTION 5 DECLARATION**

Project Name: 11 MONTEITH PARK, KILCOOLE, CO. WICKLOW

Drawing Title: EXISTING AND PROPOSED SECTION

Architect: -

Client: ANDREW & ALISON DEVERELL

Drawn: CG  
Checked: CG  
Scale: 1:100 (@ A3)

Drawings by: CAD Drawings Online  
Address: Bray, Co. Wicklow  
Email: cad@drawingsonline@hotmail.com

Project No.	Originator	Volume	Level	Type	Role
0045	CG	00	XX	DR	I - 1020 - P1