



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

**Desmond Strelzow,
10 Millbank,
Killincarrig,
Greystones,
Co. Wicklow
A63P799**

September 2025

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX98/2025 for 10 Millbank, Killincarrig, Co. Wicklow**

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

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

Is mise, le meas,

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





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
Suíomh / Website: www.wicklow.ie

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

Applicant: Desmond Strelzow

Location: 10 Millbank, Killincarrig, Co. Wicklow

Reference Number: EX 98/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/954

A question has arisen as to whether "the construction of a 25sqm garage to the front of dwelling" at 10 Millbank, Killincarrig, 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 Class 3 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 a garage 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 the garage forward of the front of the existing dwelling would result in the development not meeting the Limitation of Class 3 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended). However, the extension would not meet the Limitation set out under Part 4(a) of that Class as the garage is to be located forward of the front wall of the dwelling.

The Planning Authority considers that "the construction of a 25sqm garage to the front of dwelling" at 10 Millbank, Killincarrig, Co. Wicklow is development and is Not exempted development

Signed:

ADMINISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated 4th September 2025



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/954

Reference Number: EX 98/2025

Name of Applicant: Desmond Strelzow

Nature of Application: Section 5 Referral as to whether or not "the construction of a 25sqm garage to the front of dwelling." is or is not development and is or is not exempted development.

Location of Subject Site: 10 Millbank, Killincarrig, Co. Wicklow

Report from Edel Bermingham, A/SP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "the construction of a 25sqm garage to front of dwelling" at 10 Millbank, Killincarrig, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 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 Class 3 of Schedule 2: Part 1 of the Planning and Development Regulations 2001(as amended)

Main Reason with respect to Section 5 Declaration:

- (i) The construction of a garage 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 the garage forward of the front of the existing dwelling would result in the development not meeting the Limitation of Class 3 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) . However, the extension would not meet the Limitation set out under Part 4(a) of that Class as the garage is to be located forward of the front wall of the dwelling.

Recommendation:

The Planning Authority considers that "the construction of a 25sqm garage to front of dwelling" at 10 Millbank, Killincarrig, Co. Wicklow is development and is Not exempted development as recommended in the report by the A/SP.

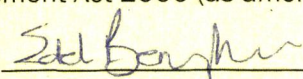
Signed 

Dated 4th day of September 2025

ORDER:

I HEREBY DECLARE:

That "the construction of a 25sqm garage to the front of dwelling" at 10 Millbank, Killincarrig, Co. Wicklow is development and is Not exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed: 

A/Senior Planner

Planning, Economic & Rural Development

Dated 4th day of September 2025

Section 5 Application EX 98/2025

Date : 28/8/2025

Applicant : Desmond Strelzow

Address : 10 Millbank, Killincarrig, Co. Wicklow. .

Exemption Whether or not :

the construction of a 25sqm garage to the front of dwelling

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

Planning History :

N/A

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 situate, and

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

(i) the interior of the structure,

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

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

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

"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 3

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions / Limitations

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

Assessment

The Section 5 application seeks a declaration as to whether the construction of a 25sqm garage to the front of this dwelling is or is not development or is or is not exempted development .

The first question to be asked is whether the erection of a garage is development. In this regard the proposed garage would consist of an operation of construction, and therefore would come within the definition of works having regard to Section 2 of the Planning and Development Act 2000(as amended). These works would be development given the definition as set out in to Section 3 (1)(a) of the Planning and Development Act 2000(as amended).

The relevant exemption in respect to the construction of a garage is set out under Class 3 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) .

Class 3 provides for -

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

The development would come within the description set out under Class 3.

Limitations :

Limitation 1 – The garage is located forward of the front wall of the dwelling and therefore would not come within the requirements of Limitation 1.

Note as the development is forward of the front of the dwelling it is not exempted development, and therefore no further assessment of the other limitations is required, as it has failed Limitation 1.

Recommendation :

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

the construction of a 25sqm garage to the front of 10 Millbank, Killincarrig, Co. Wicklow

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

The Planning Authority consider that the construction of a 25sqm garage to the front of 10 Millbank, Killincarrig, Co. Wicklow **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 Class 3 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 a garage 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 the garage forward of the front of the existing dwelling would result in the development not meeting the Limitation of Class 3 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) . However, the extension would not meet the Limitation set out under Part 4(a) of that Class as the garage is to be located forward of the front wall of the dwelling.

Handwritten signature

28/8/2025



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

MEMORANDUM

WICKLOW COUNTY COUNCIL


**TO: Edel Bermingham
Senior Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX98/2025**

I enclose herewith application for Section 5 Declaration received completed on 13th August 2025.

The due date on this declaration is 9th September 2025.



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





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

15th August 2025

**Desmond Strelzow
10 Millbank
Killincarrig
Greystones
Co. Wicklow
A63 P798**

**RE: Application for Certificate of Exemption under Section 5 of the Planning and
Development Act 2000 (as amended). – EX98/2025 –**

A Chara

I wish to acknowledge receipt on 13/08/2025 details supplied by you in respect of the above
Section 5 application. A decision is due in respect of this application by 09/09/2025.

Mise, le meas

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



Dear Sir or Madam;

I am writing to see if I can apply for exempted development. I have a vintage car needing restoration being imported that I would like to work on with my sons. In order to do so I would like to build a 25 sq meter garage in the front of my residential property. I have approx. 205 sq meters of usable area in front of my house currently used as a parking area (17m x 12m). It is shielded on all sides by mature hedges leading to a 50m long driveway exit that leads to the main road. I would like to apply for exempted development because it will save considerable costs and time in hiring an architect. Additionally, I have inquired at several local car storage solutions in and around Greystones and all are full. Without a garage I would be forced to store and work on the vehicle further afield and at greater expense.

I feel this is a relative simple project with minimum wider impact. The location is shielded from public view, is not obstructing anyone else and is relatively straight forward. For further information please see attached maps, locations and drawings.

For clarity I am seeking to build:

- 6.20m x 4m one car garage with a 4 meter high pitched roof. It will be finished with a white painted cement render and pantile roof which matches my existing residence and conforms to neighboring buildings.

- It will be set back from neighboring property boundary by 1 meter. I intend to keep all screening hedges in place.

- Garage will be used for the personal use stated above (non-commercial) and non-residential.

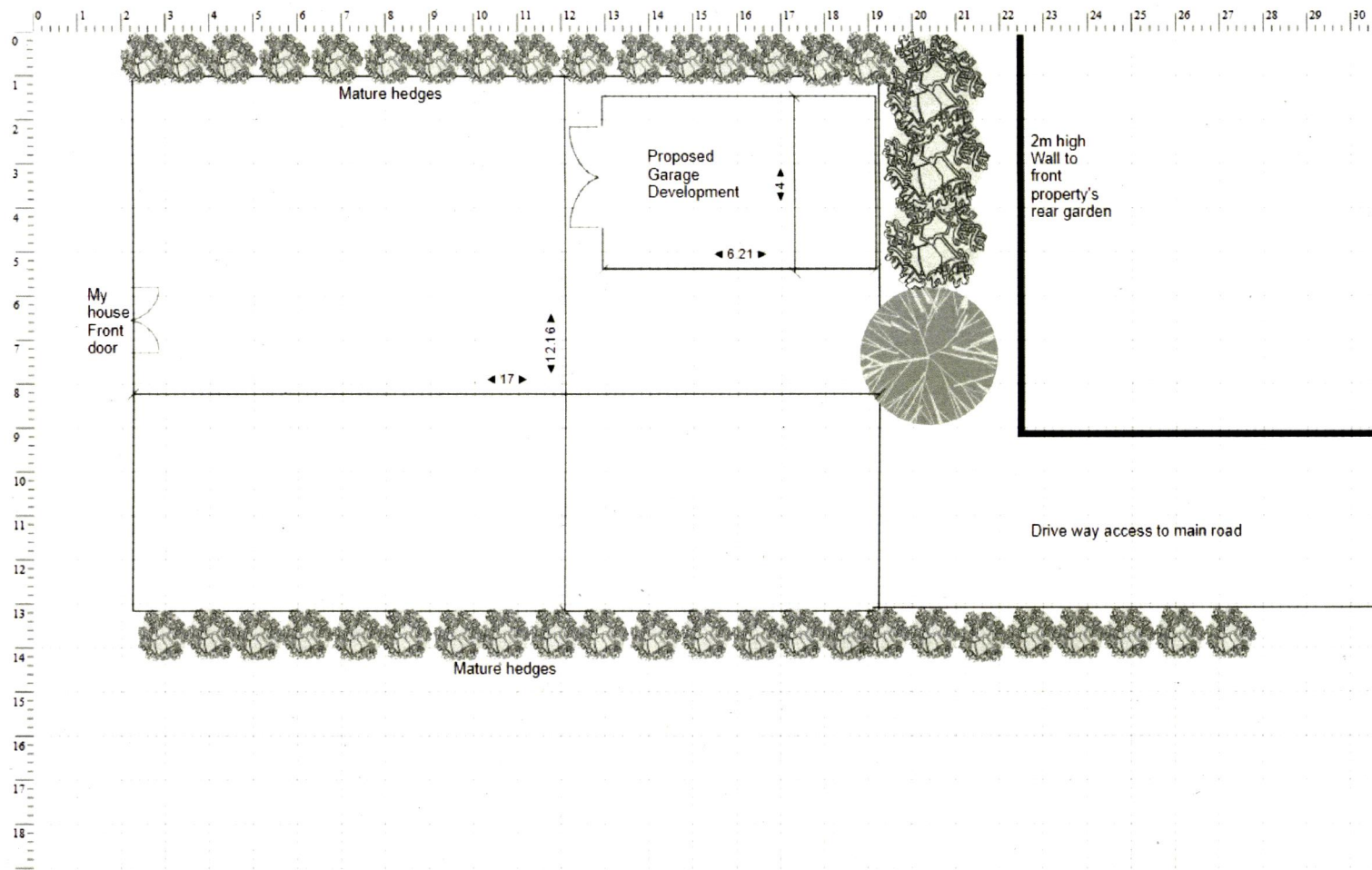
Thank you for your consideration, I eagerly await your response.

Desmond Strelzow

Proposed Contiguous Section Thro D (scale 1:100)



Simple drawing of garage in area with dimensions and pictures of site



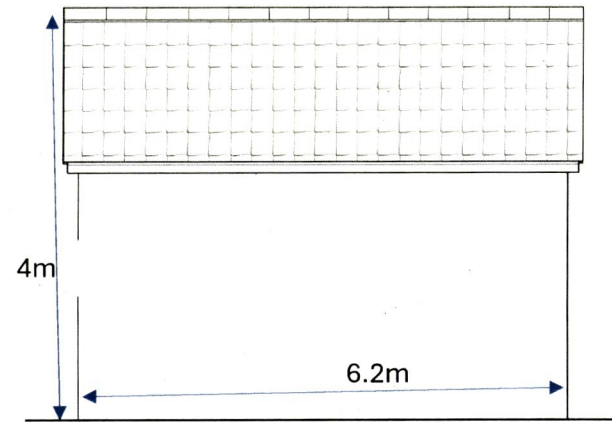
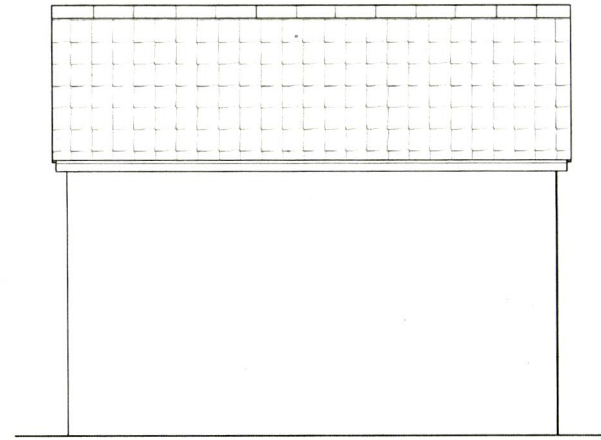
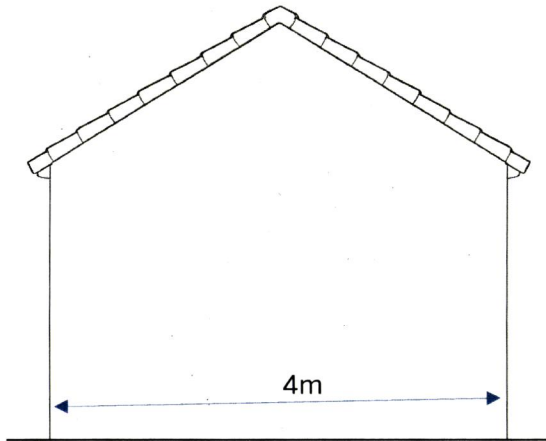
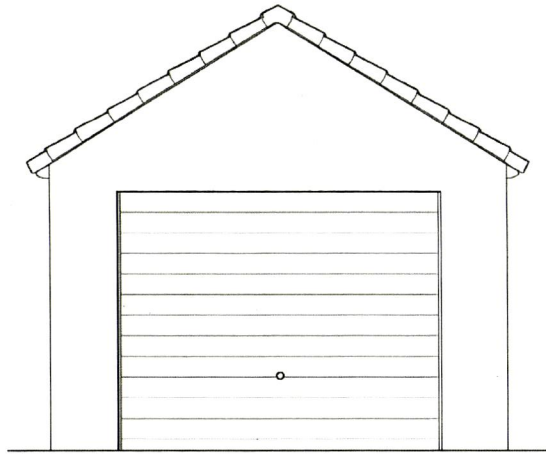
Picture taken looking towards my residence:



Picture taken from my front step. Garage will go where wood fence panels and wood shelter are sitting in this picture in front of larger hedge. All hedges to be retained.

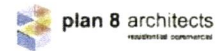


Elevations and Computer rendering showing style of proposed garage.





Land Registry Compliant Map



Tailte
Éireann

CENTRE
COORDINATES:
ITM 728788,710810

PUBLISHED: 08/04/2024
ORDER NO.: 50392970_1

MAP SERIES: 1:2,500
MAP SHEETS: 3732-A

No. 10A Millbank, Killincarrig,
Delgany, Co. Wicklow [Edged RED]
having an area of 0.031 Hectares.
Right of Way Shown **YELLOW**

Greystones
Na Clocha
Liatha



Any unauthorised reproduction
infringes Tailte Éireann copyright

No part of this publication may
be copied, reproduced or transmitted
in any form or by any means without
the prior written permission of the
copyright owner

The representation on this map
of a road, track or footpath
is not evidence of the existence
of a right of way.

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

©Tailte Éireann, 2024
All rights reserved.



OUTPUT SCALE: 1:1,000

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'

Wicklow County Council
County Buildings
Wicklow
L1/0/34-20100

13/08/2025 14:25:12

Receipt No L1/0/349877

DESMOND STRELZOW
10 MILLBANK
KILLINCARRIG
GREYSTONES
CO WICKLOW

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

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

Tendered	
Credit Card	80 00

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

Issued By Annmarie Ryari
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 13 AUG 2025

RECEIVED 13 AUG 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: _____ Desmond Strelzow _____

Address of applicant: _____ 10 Millbank, Killincarrig. Greystones. A63 P798 _____

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 _____
_____ 10 Millbank, Killincarrig. Greystones. A63 P798 _____

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

YES

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, an
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 : I want to build a One car
25m2 Garage in the front area of my House. The area is away from the public
road and surrounded by mature hedges. Do I need to apply for planning
permission.

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 _____

Planning Regulations: Exempted development. Part 1 & 2

Additional details may be submitted by way of separate submission.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? _____

NO

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

Please see attached

viii. Fee of € 80 Attached ? _____ YES

Signed :  Dated : 07 / 08 / 2025

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

A. Extension to dwelling - Class 1 Part 1 of Schedule 2

- Site Location Map
- Floor area of structure in question - whether proposed or existing.
- Floor area of all relevant structures e.g. previous extensions.
- Floor plans and elevations of relevant structures.
- Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a

certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

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

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

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