



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
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Rphost / Email. plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

Peter Rogers
Duneen,
Parknasillogue,
Enniskerry,
Co. Wicklow

14th of September 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX106/2026

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,

pp Stanne Byrne.
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: Peter Rogers

Location: Duneen, Parnasillogue, Enniskerry, Co. Wicklow

Reference Number: EX106/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1077

A question has arisen as to whether "45 SQM rear detached habitable dwelling" at Duneen, Parknasilloge, Enniskerry, Co. Wicklow is or is not exempted development.

Having regard to:

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

Main Reasons with respect to Section 5 Declaration:

- 1 The construction of a detached habitable dwelling would involve operations of construction and would therefore come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
- 2 These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- 3 The construction of the detached habitable dwelling would come within the description set out in Class 3A: Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

The Planning Authority considers that "45 SQM rear detached habitable dwelling" at Duneen, Parknasilloge, Enniskerry, Co. Wicklow is development and IS exempted development.

Signed: Dáine Byrne

PP ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 04/09/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1077

Reference Number: EX106/2026

Name of Applicant: Peter Rogers

Nature of Application: Section 5 Referral as to whether "*45 SQM rear detached habitable dwelling*" is or is not development and is or is not exempted development.

Location of Subject Site: Duneen, Parknasilloge, Enniskerry, Co. Wicklow

Report from: Shane McCormack EP, Edel Bermingham T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*45 SQM rear detached habitable dwelling*" at Duneen, Parknasilloge, Enniskerry, 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 Class 1: Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

1. The construction of a detached habitable dwelling would involve operations of construction and would therefore come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)
2. These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
3. The construction of the detached habitable dwelling would come within the description set out in Class 3A: Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.

Recommendation

The Planning Authority considers that "*45 SQM rear detached habitable dwelling*" at Duneen, Parknasilloge, Enniskerry, Co. Wicklow is development and is exempted development as recommended in the planning reports

Signed: Janine Byrne.

Date: 04/09/2026

ORDER:

I HEREBY DECLARE:

THAT "45 SQM rear detached habitable dwelling" at Duneen, Parknasilloge, Enniskerry, Co. Wicklow is **development and is exempted development** within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: Sid Senanayake

T/Senior Planner

Planning, Economic & Rural Development

Date: 14/9/2026



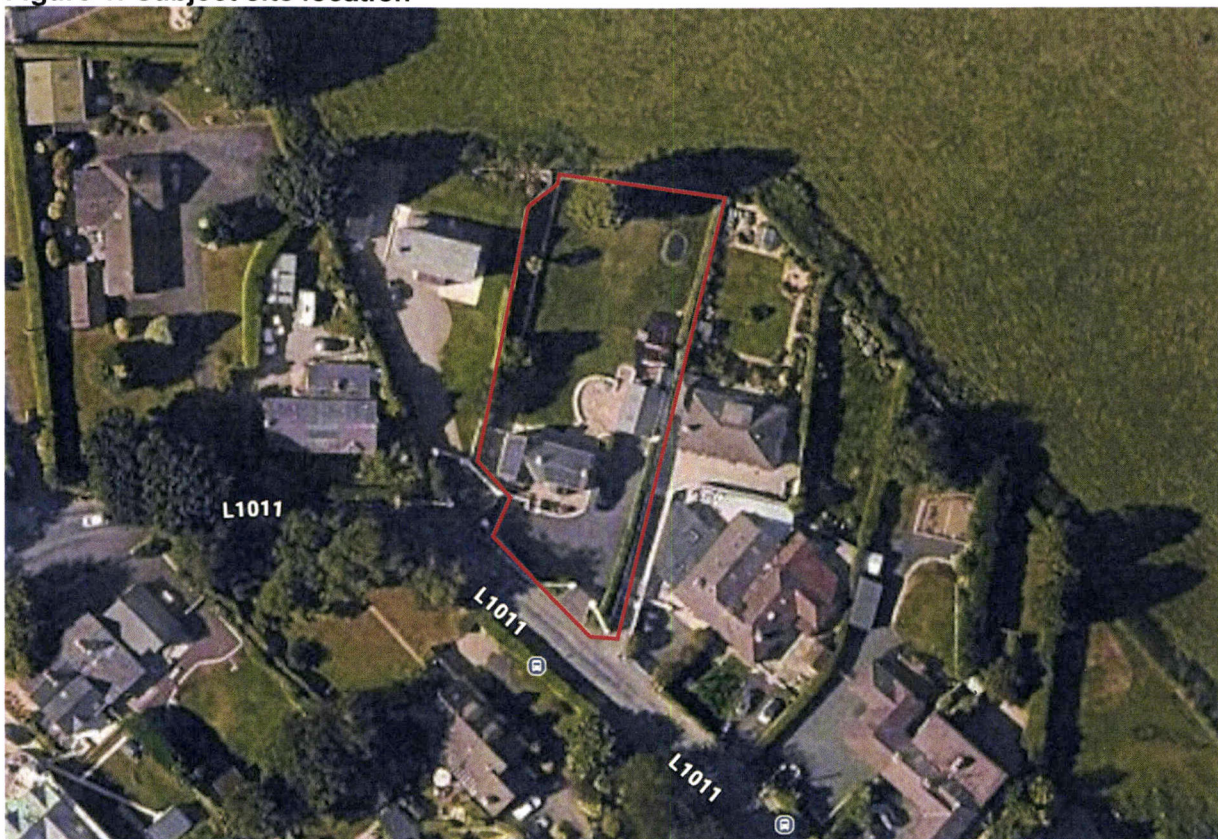
**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

TO:	Edel Bermingham SP
FROM:	Shane McCormack EP
REF:	EX 106/2026
DECISION DUE DATE:	24/09/2026
APPLICANT:	PETER ROGERS
DEVELOPMENT:	45 SQM REAR DETACHED HABITABLE DWELLING

The subject site is located in Duneen, Parknasilloge, Enniskerry, co. Wicklow as shown in Figure 1.

Figure 1: Subject site location



Exemption: Whether or not:

The construction of a detached, single-storey, 45sq.m. auxiliary dwelling in the rear garden of the principal dwelling for use as ancillary residential accommodation in conjunction with the principal dwelling, constitutes exempted development within the meaning of the Planning and Development Act 2000 (as amended).

Planning History

REG. REF.: 16620
Applicant: Peter & Alena Rogers
Development: an additional gateway at the south-east corner of the site of the residential property, altered ground levels & a 34sqm detached garage located 1.4m from the eastern boundary & 2.4m from the garage attached to the neighbouring house
Decision: Grant (conditional)

REG. REF.: 09685
Applicant: David & Siobhan Downes
Development: 2-bedroom dormer bungalow, garage and the reopening of previously used entrance and all associated site works
Decision: Refused

REG. REF.: 873134
Applicant: Michael Simonds
Development: demolition of fire damaged dwelling and replacement of same with new dwelling
Decision: Grant (conditional)

REG. REF.: 07789
Applicant: Keith Manning
Development: two storey rear extension of kitchen and sitting room, upstairs bathroom, bedroom and front porch to existing dwelling house, 120 sqm extension to existing 60 sqm and associated site works
Decision: Grant (conditional)

REG. REF.: 894853
Applicant: Christopher Ager
Development: Two storey extension to house
Decision: Grant (conditional)

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, 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 :

"habitable house" means a house which—

- (a) is used as a dwelling,
- (b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
- (c) was provided for use as a dwelling but has not been occupied;

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) 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

CLASS 3A

The construction, erection or placing of a detached house in the rear garden of a principal house.

Conditions / Limitations

1. For the purposes of this exemption, the relevant period begins on the date that this Regulation is signed and ends on 31 December 2030.
2. This exemption shall apply only to development that is commenced and completed during the relevant period.
3. The detached dwelling may only be occupied in conjunction with the main dwelling house and cannot be sold or subdivided separate to the principal dwelling.
4. For the avoidance of doubt, the relevant building control legislation shall apply (such as Building Regulations (including Fire Safety) and Building Control Regulations).
5. The construction of the detached house shall not be temporary in nature, such as a caravan or mobile home.
6. 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.
7. The total area of such structures constructed, erected or placed within the rear garden of the curtilage of a detached house shall not be less than 32 square metres. Taken together with any other such structures previously constructed, erected or placed under Class 3 within the said curtilage, shall not exceed 45 square metres.
8. This exemption shall not be used in cases where there has been a subdivision of the principal house.
9. The construction, erection or placing within the curtilage of the principal house of any such structure shall not reduce the total amount of private open space reserved exclusively for the use of the occupants of the house to less than 25 square metres.
10. No new vehicular or pedestrian access onto a road shall be constructed under this class.
11. Independent pedestrian and/or wheelchair access to the detached house shall be provided within the curtilage of the principal house.
12. There shall be no separate connection to utilities, including water or wastewater utilities, subject to paragraph 13.
13. In the case of non -piped waste water treatment, the structure shall not encroach on any approved percolation area. On site waste water, treatment shall be of sufficient capacity to meet the additional loading and shall comply with the EPA Code of Practice for Domestic Waste Water Treatment Systems. There shall be no additional waste water treatment units installed as part of this class.

14. The structure shall be a distance of not less than 0.6 metres from any wall or party boundary . Any windows proposed in the structure should be at least 0.6 metres from the boundary they face.
15. Subject to paragraph 17, a notification shall be submitted to the relevant Planning Authority not less than 14 days prior to the commencement of the works informing them of the intention to use this Class of exemption, confirming that the site meets the requirements under these Regulations and stating the reason for the intended use.
16. A notification under Paragraph 16 shall include the location of the proposed use of this class of exemption and the Eircode of the relevant property.
17. The Planning Authority shall maintain a record of all notifications under this exemption and report annually to the Minister on the number of notifications received under this Class.
18. The detached dwelling may not be used for the purposes of Short Term Letting.
19. The exemption shall only apply where the principal dwelling house is the sole or main residence of the property owner at the time the development is commenced.

Assessment:

The Section 5 application seeks a declaration as to whether the construction of a 44.7 sq.m. detached dwelling to the rear of the existing dwelling for habitation is or is not development or is or is not exempted development.

The details submitted outline the proposal will consist of the construction of a detached habitable dwelling to the rear of the existing property.

It is considered that the construction of a detached dwelling would constitute works having regard to section 2 of the Planning and Development Act (2000). The works are therefore development given the definition set out in Section 3 of the Act.

Class 3A allows for the construction, erection or placing of a detached house in the rear garden of a principal house given that it meets the limitations and conditions. These limitations and conditions are assessed below.

1. Confirmation that the structure is located in the rear garden of your principal private residence i.e. the dwelling where you ordinarily reside?

Response: Yes, the structure is located to the rear.

2. Confirmation that works will be commence and be completed between the 27th July 2026 and 31 December 2030?

Response: The applicant has confirmed the works would be completed before the end of 2030.

3. Confirmation that the detached dwelling will only be occupied in conjunction with the main dwelling?

Response: The applicant confirmed it will be occupied only in conjunction with the main dwelling and will not be sold or subdivided.

4. Confirmation that the works will comply with the relevant Building Control legislation (Building Regulations and Fire Safety)?

Response: The applicant confirms all works will comply with Building Regulations, fire safety and Building Control Regulations.

5. Confirmation that the construction of the detached house shall not be temporary in nature, such as a caravan or mobile home?

Response: Yes, the detached house will be permanent.

6. Confirmation that 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?

Response: Yes, the maximum height will be 4 meters.

7. (a) Confirmation that the total area of such structures constructed, erected or placed within the rear garden of the curtilage of a detached house shall not be less than 32 square metres?

Response: Yes, the proposed dwelling has a floor area of 44.7 sqm.

(b) Confirmation that the total area of such structures taken together with any other such structures previously constructed, erected or placed under Class 3 within the said curtilage, shall not exceed 45 square metres?

Response: Yes, the existing garage located to the rear was granted permission (Reg. Ref. 16620) and was not exempted under class 3.

8. Confirmation that this exemption shall not be used in cases where there has been a subdivision of the principal house?

Response: Yes, the applicant has confirmed the principal house has not been subdivided.

9. Confirmation that the construction, erection or placing of the 'Detached House' within the curtilage of the principal house shall not reduce the total amount of private open space reserved exclusively for the use of the occupants of the house to less than 25 square metres?

Response: Yes, the applicant has confirmed the proposal shall not reduce the total amount of private open space reserved exclusively for the use of the occupants of the house to less than 25 square metres.

10. Confirmation that no new vehicular or pedestrian access onto a road shall be constructed under this class?

Response: Yes, no new entrances are proposed.

11. Confirmation that where independent pedestrian and/or wheelchair access to the detached house is to be provided, this shall be within the curtilage of the principal house?

Response: Yes, the applicant has confirmed independent pedestrian and/or wheelchair access to the detached house is to be provided within the curtilage of the principal house.

12. There shall be no separate connection to utilities, including water or wastewater utilities?

Response: Yes, the applicant has confirmed there will be no separate water or wastewater connection.

13. (a) Confirmation that in the case of non-piped waste water treatment, the structure shall not encroach on any approved percolation area? N/A

Response: Yes, the applicant confirmed the structure will not encroach on an approved percolation area.

(b) Confirmation that the on site waste water, treatment shall be of sufficient capacity to meet the additional loading and shall comply with the EPA Code of Practice for Domestic Waste Water Treatment Systems. There shall be no additional waste water treatment units installed as part of this class?

Response: Yes, the applicant has confirmed that there is existing capacity and no additional waste water treatment units will be installed.

14. Confirmation that the structure shall be a distance of not less than 0.6 meters from any wall or party boundary?

Response: Yes, the proposal is more than 0.6m from the boundary.

15. Confirmation that any windows proposed in the structure should be at least 0.6 metres from the boundary they face?

Response: Yes, the proposed windows are more than 0.6m from the boundary.

16. Confirmation that the application will submit a notification to the Wicklow Planning Authority not less than 14 days prior to the commencement of the works informing them of the intention to use this Class of exemption, confirming that the site meets the requirements under these Regulations and stating the reason for the intended use. (please see website www.wicklow.ie for notification form) Any notification shall include the location of the proposed use of this class of exemption and the Eircode of the relevant property.

Response: Yes, the applicant has confirmed they will submit the required notification prior to commencement.

17. Confirmation that the detached house will not be used for the purpose of Short Term Letting?

Response: Yes, the applicant has confirmed the dwelling will not be used for short-term letting.

18. Confirmation that the principal Dwelling house is your sole or main residence at the date the construction of the detached house commences or when it was commenced?

Response: Yes, the applicant has confirmed that the principal dwelling is, and will remain at commencement, the owners sole or main residence.

Appropriate Assessment

Having regard to the nature and scale of the proposed development, connected to existing services within the curtilage of an existing dwelling, it is not considered that the proposed development would give rise to any adverse impacts on the qualifying interests and conservation objectives of any European/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.

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 detached, single-storey, 45sq.m. habitable dwelling in the rear garden of the principal dwelling for use as ancillary residential accommodation in conjunction with the principal dwelling, at Enniskerry, 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 detached, single-storey, 45sq.m. auxiliary dwelling in the rear garden of the principal dwelling for use as ancillary residential accommodation in conjunction with the principal dwelling, at Enniskerry, Co. Wicklow is **Development** and is **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 1: Part 1: Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Main Reasons with respect to Section 5 Declaration:

- (i) The construction of a detached habitable dwelling would involve operations of construction and would therefore 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 detached habitable dwelling would come within the description set out in Class 3A: Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) and is therefore exempted development.


Shane McCormack EP
Date: 04/09/2026


81 P. J. B. 4/9.2025



Comhairle Contae Chill Mhantáin Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Shane McCormack
Executive Planner

FROM: Katie Finn
Clerical Officer

RE:- EX106/2026 - 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 28/08/2026.

The due date on this declaration is the **24/09/2026**.

Clerical Officer
Planning, Development & Environment





Comhairle Contae Chill Mhantáin Wicklow County Council

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Suíomh / Website: www.wicklow.ie

Peter Rogers
Duneen,
Enniskerry,
Co. Wicklow
A98 FP80

28th of August 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX106/2026

A Chara

I wish to acknowledge receipt on 28/08/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 24/09/2026.

Mise, le meas

Katie Finn
Clerical Officer
Planning, Economic & Rural Development



Wicklow County Council
County Buildings
Wicklow
0404-20100

28/08/2026 12 14 48

Receipt No L1/D/368990
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PETER ROGERS
DUNEEN
ENNISKERRY
CO WICKLOW

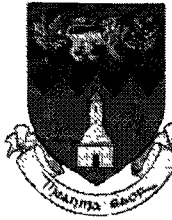
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GOODS	80 00
VAT Exempt/Non-vatable	

Total	80 00 EUR
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Tendered	
Credit Card	80 00
DUNEEN, ENNISKERRY	

Change	0 00
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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
CLASS 3A (Detached house)**

1. Applicant Details

- (a) Name of applicant: Peter Rogers
Address of applicant: Duneen, Enniskerry, Co, Wicklow, A98FP80

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

WICKLOW COUNTY COUNCIL

28 AUG 2026

PLANNING DEPT.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) N/A - applicant acting in own capacity

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 _____
Duneen, Enniskerry, Co, Wicklow, A98FP80

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____
N/A - applicant is the owner/occupier

iv. Please set out the question under Section 5 of the Planning and Development Act with respect to the query in respect to what is or is not development and is or is not exempted development, within the meaning of this act?

Whether the construction of a detached, single-storey, 45 sq. m auxiliary dwelling
in the rear garden of the principal house at Duneen, Enniskerry, Co. Wicklow,
A98 FP80, for use as ancillary residential accommodation in conjunction with the
principal dwelling, is development and, if so, is exempted development within the
meaning of the Planning and Development Act 2000 (as amended).

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration _____

Sections 4(2), 5 and 262 of the Planning and Development Act 2000 (as amended).
Articles 6(1) and 9, and Class 3A of Part 1 of Schedule 2 to the Planning and
Development Regulations 2001-2026, as inserted by S.I. No. 340 of 2026.

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

**V. THE FOLLOWING DETAILS SHOULD ACCOMPANY THE QUERY UNDER CLASS 1A .
NOTE FAILURE TO SUBMIT THIS DOCUMENTATION / INFORMATION MAY RESULT IN
INSUFFICIENT DETAILS TO ASSESS THE APPLICATION OR DELAYS**

Included Tick ✓	Documentation
✓	Site location map
✓	Site layout
✓	Floor area of the structure
✓	Elevations
Confirmation of the Following (Please Answer all queries 1 - 19	
1 : Confirmation that the structure is located in the rear garden of your principal private residence i.e. the dwelling where you ordinarily reside ? <u>YES - the proposed dwelling is in the rear garden of the principal residence.</u>	
2 : Confirmation that works will be commence and be completed between the 27th July 2026 and 31 December 2030? <u>YES - works will commence and be completed between 27 November 2026 and 31 December 2030.</u>	
3 : Confirmation that the detached dwelling will only be occupied in conjunction with the main dwelling house and will not be sold or subdivided separate to the principal dwelling <u>YES - it will be occupied only in conjunction with the main dwelling and will not be sold or subdivided separately from the principal dwelling.</u>	
4 : Confirmation that the works will comply with the relevant Building Control legislation (Building Regulations and Fire Safety ? <u>YES - all works will comply with applicable Building Regulations, fire safety requirements and Building Control Regulations.</u>	

5: Confirmation that the construction of the detached house shall not be temporary in nature, such as a caravan or mobile home ?

YES - the detached house will be permanent and will not be a caravan or mobile home.

6: Confirmation that 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?

YES - height will not exceed 4 m with a slated pitched roof.

7 : (a) Confirmation that the total area of such structures constructed, erected or placed within the rear garden of the curtilage of a detached house shall not be less than 32 square metres?

YES - the proposed detached dwelling has a floor area of 45 sq. m.

(b) Confirmation that the total area of such structures taken together with any other such structures previously constructed, erected or placed under Class 3 within the said curtilage, shall not exceed 45 square metres?

YES - the aggregate area, including any qualifying Class 3 structures, will not exceed 45 sq. m.

8 : Confirmation that this exemption shall not be used in cases where there has been a subdivision of the principal house?

YES - the principal house has not been subdivided.

9 : Confirmation that the construction, erection or placing of the 'Detached House' within the curtilage of the principal house shall not reduce the total amount of private open space reserved exclusively for the use of the occupants of the house to less than 25 square metres?

YES - at least 25 sq. m of private open space will remain exclusively for the occupants of the principal house.

10. Confirmation that no new vehicular or pedestrian access onto a road shall be constructed under this class?

YES - no new vehicular or pedestrian access onto a road will be constructed.

11. Confirmation that where independent pedestrian and/or wheelchair access to the detached house is to be provided, this shall be within the curtilage of the principal house?

YES - independent pedestrian and/or wheelchair access will be provided wholly within the curtilage of the principal house.

12. There shall be no separate connection to utilities, including water or wastewater utilities?

YES - there will be no separate water or wastewater utility connection.

13.

(a) Confirmation that in the case of non-piped waste water treatment, the structure shall not encroach on any approved percolation area?

YES, where applicable - the structure will not encroach on an approved percolation area.

(b) Confirmation that the on site waste water, treatment shall be of sufficient capacity to meet the additional loading and shall comply with the EPA Code of Practice for Domestic Waste Water Treatment Systems. There shall be no additional waste water treatment units installed as part of this class?

YES, where applicable - the on-site system will have sufficient capacity, comply with the EPA Code of Practice and no additional treatment unit will be installed

14. Confirmation that the structure shall be a distance of not less than 0.6 meters from any wall or party boundary?

YES - the structure will be at least 0.6 m from every wall or party boundary.

15. Confirmation that any windows proposed in the structure should be at least 0.6 metres from the boundary they face ?

YES - every proposed window will be at least 0.6 m from the boundary it faces.

16. Confirmation that the application will submit a notification to the Wicklow Planning Authority not less than 14 days prior to the commencement of the works informing them of the intention to use this Class of exemption, confirming that the site meets the requirements under these Regulations and stating the reason for the intended use. (please see website www.wicklow.ie for notification form)

Any notification shall include the location of the proposed use of this class of exemption and the Eircode of the relevant property.

YES - the required notification will be submitted to Wicklow County Council at least 14 days before works commence, identifying Duneen, A98 FP80, and stating the intended use as ancillary family accommodation with the principal dwelling

16. Confirmation that the detached house will not be used for the purpose of Short Term Letting ?

CONFIRMED - the detached dwelling will not be used for short-term letting.

17. Confirmation that the principal Dwelling house is your sole or main residence at the date the construction of the detached house commences or when it was commenced ?

CONFIRMED - the principal dwelling is, and will remain at commencement, the owner's sole or main residence.

viii. Fee of € 80 Attached ? YES - fee to accompany application

Signed : Peter Rogers Dated : 16/08/2026

Prepared by: Peter Rogers.

Applicant: Peter Rogers

Principal dwelling: Duneen, Parknasilloge, Enniskerry, Co. Wicklow, A98 FP80

21 August 2026

Planning, Economic and Rural Development

Wicklow County Council

County Buildings, Whitegates

Wicklow Town, Co. Wicklow. A67 FW96

Re: Section 5 declaration - proposed Class 3A detached auxiliary dwelling

Dear Sir/Madam,

I write in support of the accompanying application for a declaration under section 5 of the Planning and Development Act 2000 (as amended). The question for determination is whether the proposed detached auxiliary dwelling described below constitutes exempted development under Article 6(1) and Class 3A of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended), including S.I. No. 340 of 2026.

Full details and description of the proposed development

The proposed development comprises the construction of a permanent, single-storey detached auxiliary dwelling with a gross floor area of 44 m² in the rear garden of the existing detached principal dwelling. The accommodation will provide living, sleeping, kitchen and sanitary facilities for use by members of the applicant's growing family. The exact internal arrangement, dimensions and position are shown on the accompanying drawings.

The structure will have a pitched roof finished with interlocking roof slates to match the existing house, with a ridge height not exceeding 4.0 m. The external walls will be finished in treated timber cladding fixed to treated timber battens, including a breathable membrane, counter-battens and insect mesh. Windows, doors, fascia and soffit linings will be uPVC or timber finished by painting or staining, and rainwater goods will be uPVC or aluminium. Low-level glazing will be safety glazing where required.

Pedestrian and wheelchair access will be provided entirely within the existing residential curtilage. No new vehicular or pedestrian access onto the public road is proposed. Water, wastewater and other utilities will be connected through the principal dwelling and no separate utility connection will be formed. Associated development consists of drainage and utility connections, paving, landscaping and all ancillary site works.

Reason for the intended use

The dwelling is proposed to provide secure, long-term accommodation for members of a growing family. It will allow the family to remain together on the same property while providing appropriate living space, privacy and day-to-day independence. The dwelling will remain ancillary to, and occupied in conjunction with, the principal dwelling. It is not intended for separate sale, subdivision, short-term letting or use as an independent commercial property.

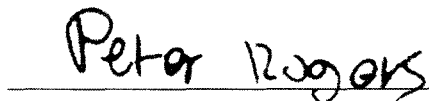
Class 3A compliance particulars

Matter	Proposed arrangement
Location and use	The permanent dwelling will be located in the rear garden of the detached principal dwelling and occupied only in conjunction with it. The principal dwelling has not been subdivided under Class 1A.
Area and height	The proposed auxiliary dwelling will have a floor area of 44 m ² . Taken together with any structures previously erected under Class 3, the relevant combined area will not exceed 45 m ² . The pitched-roof ridge height will not exceed 4.0 m.
Existing permitted garage	The existing 34 m ² detached domestic garage was authorised under Wicklow County Council Planning Register Reference 16/620. It will be retained and used for private domestic purposes only, in accordance with the permission.
Open space and boundaries	At least 25 m ² of private open space will remain for the principal dwelling. The structure will be at least 0.6 m from any wall or party boundary, and proposed windows will be at least 0.6 m from the boundary they face.
Access and services	Access will remain within the existing curtilage, with no new road access and no separate water, wastewater or other utility connection.
Wastewater, if applicable	Where non-piped wastewater treatment applies, the structure will not encroach on an approved percolation area. The existing system will have sufficient capacity for the additional loading and no additional treatment unit will be installed under this class.
Ownership and occupation	The principal dwelling will be the property owner's sole or main residence when works commence. The auxiliary dwelling will not be sold or subdivided separately and will not be used for short-term letting.
Timing and building control	The works are intended to commence and be completed within the statutory relevant period ending 31 December 2030 and will comply with applicable Building Regulations and Building Control Regulations.

Documents submitted with the application: completed Class 3A Section 5 application form, site location map, site layout plan, floor plan and area calculation, elevations, and the prescribed fee of €80.

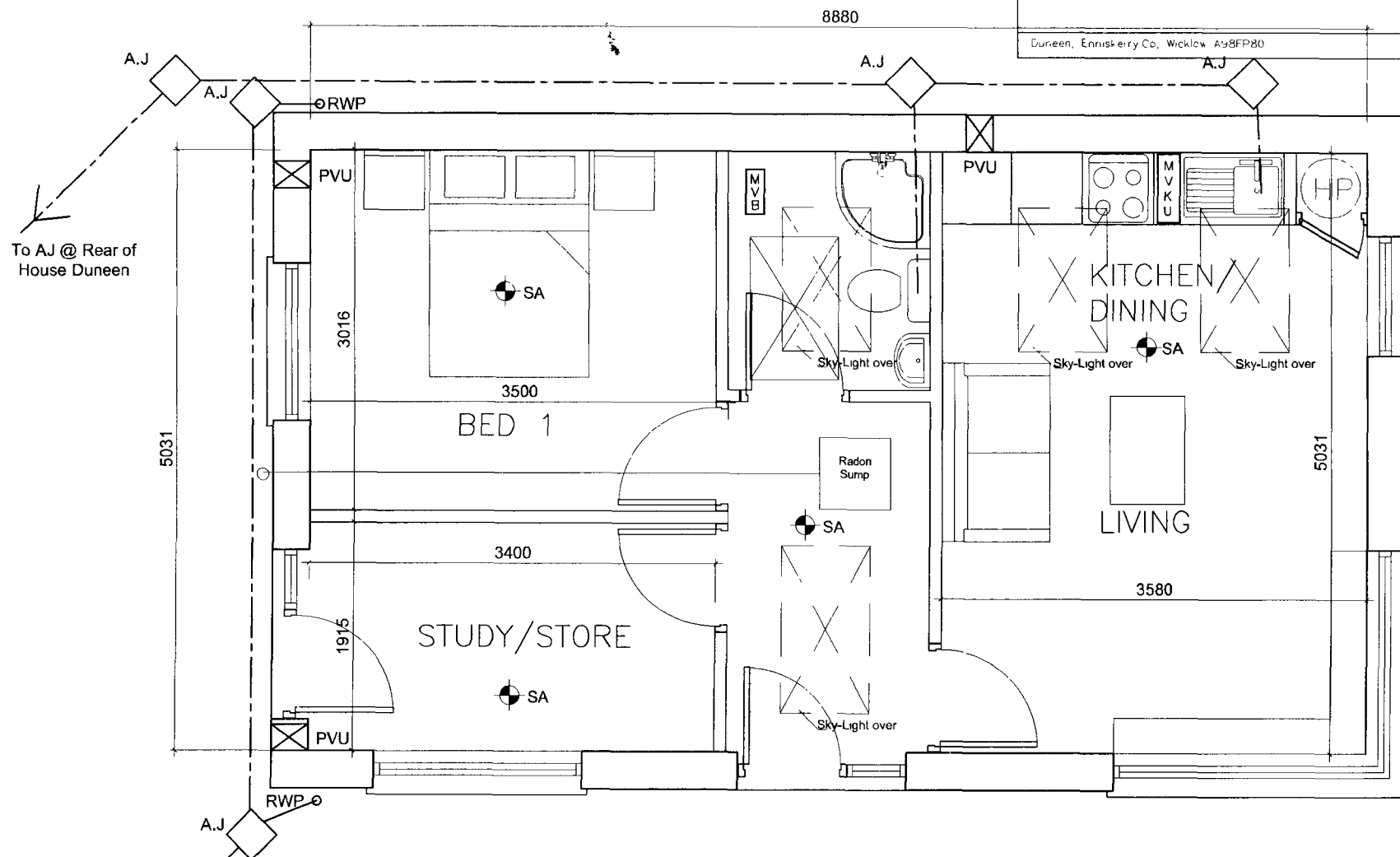
I trust the enclosed information is sufficient to allow the Planning Authority to determine the question. Please contact if any clarification or further information is required.

Yours faithfully,



Peter Rogers

PROJECT TITLE	DUNEEN	DATE	21-08-26	DRAWN BY	P.R.
DRAWING TITLE	FLOOR-PLAN	SCALE	1:50		
Duneen, Enniskerry Co, Wicklow A98FP80		JOB NO	00101	DRAWING NO	EX-003



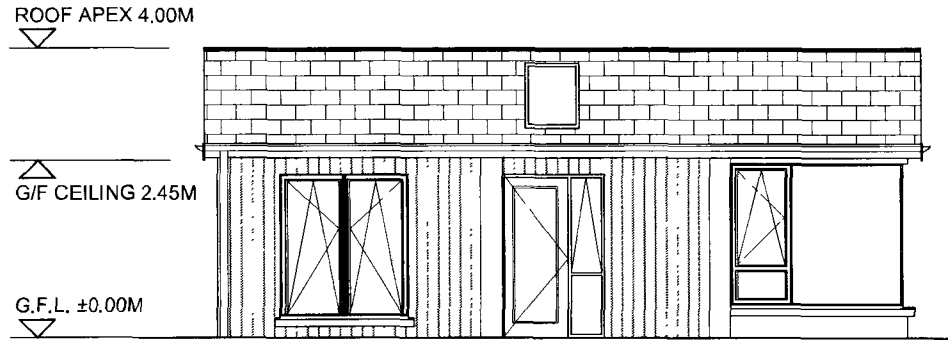
GROUND FLOOR PLAN
Total floor area - 44sqm

To soak pit Rear of House Duneen

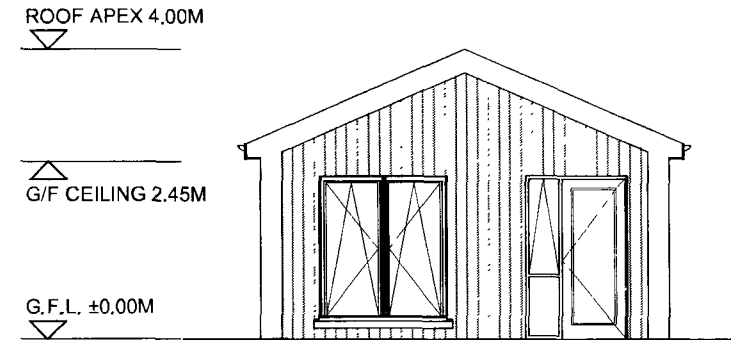
NOTES ON FINISHES

ROOF	TO BE FINISHED WITH CONCRETE INTERLOCKING ROOF SLATE TO MATCH EXISTING HOUSE
WALLS	To be finished in treated timber cladding fixed to treated timber battens, including breathable membrane, counter-battens, and insect mesh
JOINERY	ALL WINDOWS, DOORS, FSCIA / SOFFIT LININGS TO BE UPVC OR TIMBER FOR PAINTING / STAINING
RAINWATER GOODS	TO BE UPVC OR ALUMINIUM

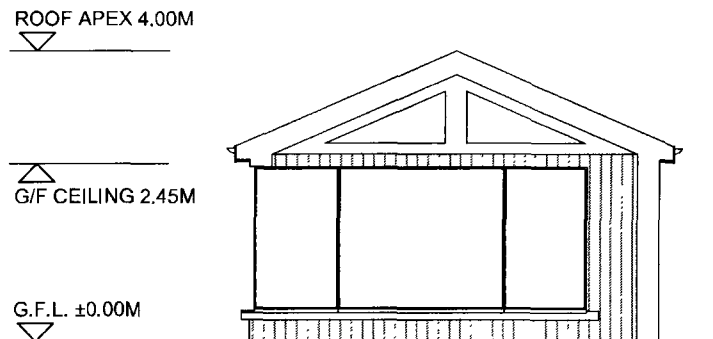
PROJECT TITLE DUNEEN	DATE 21-08-26	DRAWN BY P.R.
DRAWING TITLE ELEVATIONS	SCALE 1:100	REVISION -
Duneen, Enniskerry Co., Wicklow A95FP80	SUB NO 00101	DRAWING NO EX-004



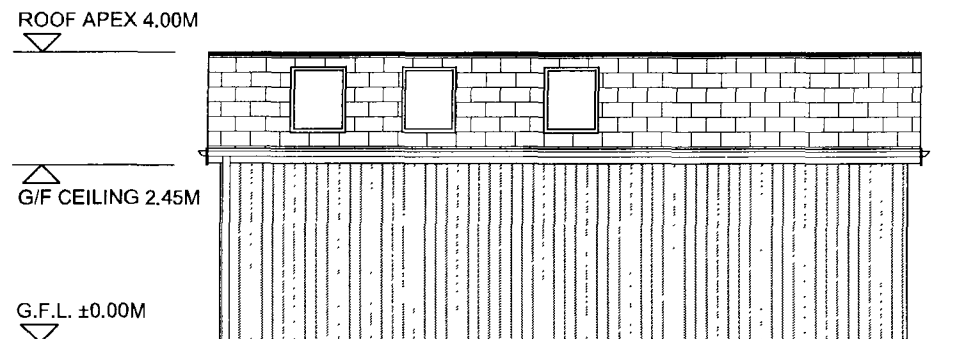
FRONT EAST ELEVATION



FRONT SOUTH ELEVATION



FRONT NORTH ELEVATION



REAR WEST ELEVATION