



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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

6th

November 2024


OTE Solutions
Dublin Road
Arklow
Co. Wicklow

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000
(As Amended) – EX95/2024 – Richard Steadman

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



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Suíomh / Website: www.wicklow.ie

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

Applicant: Richard Steadman

Location: Knocton Lodge, Kilcarra West, Arklow Co. Wicklow Y14 F437

Reference Number: EX95/2024

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1328

Section 5 Declaration as to whether "construction of rear 40sqm extension" at Knocton Lodge, Kilcarra West, Arklow Co. Wicklow Y14 F437 constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

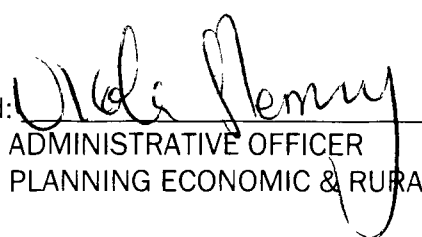
- (a) The details submitted with the Section 5 Declaration.
- (b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- (c) Article 6, 9 and Schedule 2, Part 1 : Class 1 of the Planning and Development Regulations 2001 (as amended)

Main Reasons with respect to Section 5 Declaration:

- i. The construction of a 40sqm extension would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000 (as amended), and would be development having regard to Section 3(a) of the Planning and Development Act 2000 (as amended)
- ii. The 40sqm extension would come within the description and limitations set out under Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iii. Nothing under Article 9 of the Planning and Development Regulations 2001(as amended) would be applicable.

The Planning Authority considers that "construction of rear 40sqm extension" at Knocton Lodge, Kilcarra West, Arklow Co. Wicklow Y14 F437 is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  November 2024

WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2024/1328

Reference Number: EX95/2024

Name of Applicant: Richard Steadman

Nature of Application: Section 5 Declaration request as to whether or not: -
"construction of rear 40sqm extension" is or is not
development and is or is not exempted development.

Location of Subject Site: Knocton Lodge, Kilcarra West, Arklow Co. Wicklow Y14 F437

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "construction of rear 40sqm extension" at Knocton Lodge, Kilcarra West, Arklow Co. Wicklow Y14 F437 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.
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2, Part 1 : Class 1 of the Planning and Development Regulations 2001 (as amended)

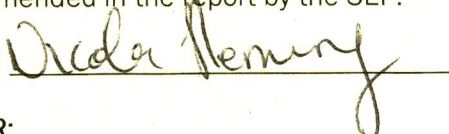
Main Reason with respect to Section 5 Declaration:

- i. The construction of a 40sqm extension would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000 (as amended), and would be development having regard to Section 3(a) of the Planning and Development Act 2000 (as amended)
- ii. The 40sqm extension would come within the description and limitations set out under Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).
- iii. Nothing under Article 9 of the Planning and Development Regulations 2001 (as amended) would be applicable.

Recommendation:

The Planning Authority considers that "construction of rear 40sqm extension" at Knocton Lodge, Kilcarra West, Arklow Co. Wicklow Y14 F437 is development and is exempted development as recommended in the report by the SEP.

Signed

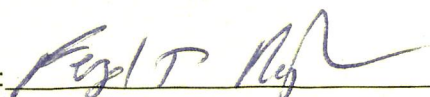


Dated 6th day of November 2024

ORDER:

I HEREBY DECLARE THAT "construction of rear 40sqm extension" at Knocton Lodge, Kilcarra West, Arklow Co. Wicklow Y14 F437 is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Engineer
Planning, Economic & Rural Development

Dated 06th day of November 2024

Section 5 Application EX 95/2024

Date : 4th November 2024

Applicant : Richard Steadman

Address : Knocton Lodge, Kilcarra West, Co.Wicklow, Y14 F43.

Exemption Whether or not :

rear 40m2 single storey extension

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)

"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;

"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 (ii)*;

"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, "development" means, except where the context otherwise requires,

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

Section 4 :

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.

Assessment :

The application seeks a declaration as to whether the construction of a 40sqm extension to the rear of the existing cottage Knocton Lodge, Kilcarra West, is exempted development within the meaning of the Planning and Development Acts 2000 (as amended).

The submission indicates that the extension measure on 40qm. The overall height of the extension is 4.5m. There is an existing single storey cottage on site. From the submitted details the original dwelling was extended prior to 1st October 1963.



The first query therefore is the extension of the dwelling development. In this regard it is considered that the building of the extension is an act of construction/ extension and would come within the definition of works under Section 2 of the Planning and Development Act 2000 (as amended), and would therefore be development having regard to the provisions of Section 3 of that Act.

Class 1: Part 1 : Schedule 2 of the Planning and Development Regulations 2001 (as amended) is the relevant exemption with respect to the provision of extensions.

Class 1 of provides that -

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.

From review of the submitted details, and review of Google Street, location of front door and pathway from public road, it is evident that the main entrance to the dwelling faces the public road i.e. the northeast elevation.

The extension is to be located to the southwest to the rear of the front entrance, and therefore would come with the description set out under Class 1.

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

Limitation :

Limitation 1 – The extensions would not exceed 40sqm

Limitation 2 – n/a extensions pre 1963.

Limitation 3-n/a

Limitation 4 – The height of the walls would not exceed the height of the side walls, and therefore this limitation is met.

Limitation 5- Remaining rear garden in excess of 25sqm

Limitation 6-Limitation met.

Limitation 7 – No balcony being proposed

Having reviewed the provisions of Article 9 none of those restrictions would apply. Accordingly, the proposed extension would come within the limitation of Class 1 : Part 1 : Schedule 2 of the P&D Regulations 2001 (as amended).

Recommendation :

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

rear 40sqm single storey extension Knocton Lodge, Kilcarra West, Co.Wicklow, Y14 F43 constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority consider that :

Construction of rear 40sqm extension is Development and is Exempted Development

Main Considerations with respect to Section 5 Declaration :

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

Main Reasons with respect to Section 5 Declaration :

- i. The construction of a 40sqm extension would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000 (as amended), and would be development having regard to Section 3(a) of the Planning and Development Act 2000 (as amended)
- ii. The 40sqm extension would come within the description and limitations set out under Class 1, Part 1, Schedule 2 of the Planning and Development Regulations 2001(as amended).
- iii. Nothing under Article 9 of the Planning and Development Regulations 2001(as amended) would be applicable.

Seel Cunningham SEP

4/11 /2024

*Issue declaration as recommended
Karl T. May 2 83
4/11/24*



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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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).
EX95/2024**

I enclose herewith application for Section 5 Declaration received completed
on 24/10/2024

The due date on this declaration is 20th November 2024.



Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

**Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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25th October 2024

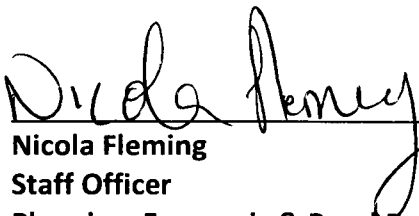
**OTE Solutions
Dublin Road
Arklow
Co. Wicklow**

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX95/2024 for Richard Steadman

A Chara

I wish to acknowledge receipt on 24/10/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 20/11/2024.

Mise, le meas



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



Wicklow County Council
County Buildings
Wicklow
0404-20100

24/10/2024 12 21 51

Receipt No L1/0/336261

OTE SOLUTIONS
DUBLIN ROAD
ARKLOW
CO WICKLOW

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

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

| | |
|----------|-------|
| Tendered | |
| Cheque | 80 00 |

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

Issued By Annmarie Ryan
From Customer Service Hub
Vat reg No 0015233H



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County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

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

1. Applicant Details

- (a) Name of applicant: Richard Steadman
Address of applicant: Kilcaran House, Kilgarran West,
Arklow Co Wicklow

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

WICKLOW COUNTY COUNCIL
24 OCT 2024
PLANNING DEPT.

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable) OFE Solutions
Address of Agent : Dustin Road, Arklow,
Co Wicklow

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

3. Declaration Details

i. Location of Development subject of Declaration Kinkora Lodge
Kilcanna West, Arklow Co Wicklow (Y14 F43)

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

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier _____

iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration _____
is the proposed 40m² single story extension considered
an exempt development within the meaning of
schedule 2, Part 1, class 1, Planning & Development Regs 2001,
1

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 _____
As Above (iv)

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 _____

- Existing Drawings
- Proposed Drawings
- Site Layout Plan
- OSI Map

viii. Fee of € 80 Attached ? Yes

Signed : [Signature] Ajeel Dated : 23/10/24

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

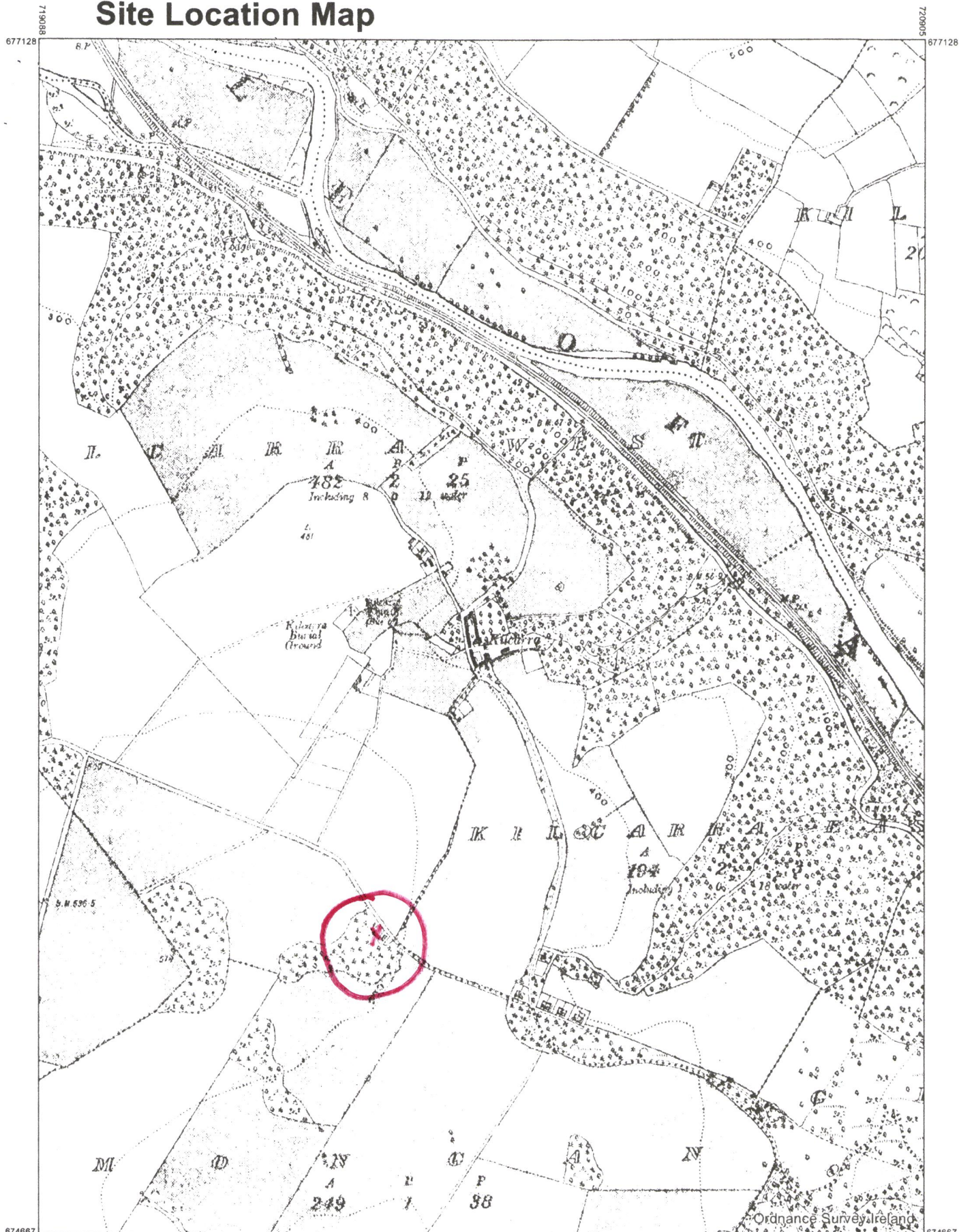
governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) 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.

Site Location Map



COMPILED AND PUBLISHED BY:
National Mapping Division of
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
D08F6E4

www.tailte.ie

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OUTPUT SCALE: 1:10,560



**CENTRE
COORDINATES:**
ITM 719997.675898

PUBLISHED:
27/10/2023

MAP SERIES:
6 Inch Raster

ORDER NO.:
50365185_1

MAP SHEETS:
WW040

CAPTURE RESOLUTION:
The map objects are only accurate to the
resolution at which they were captured.
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www.osi.ie; search 'Capture Resolution'
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**Tailte
Éireann**

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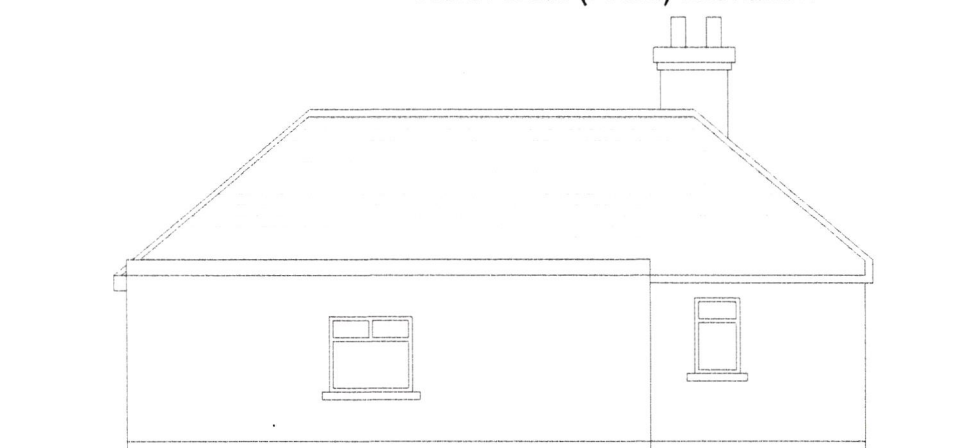
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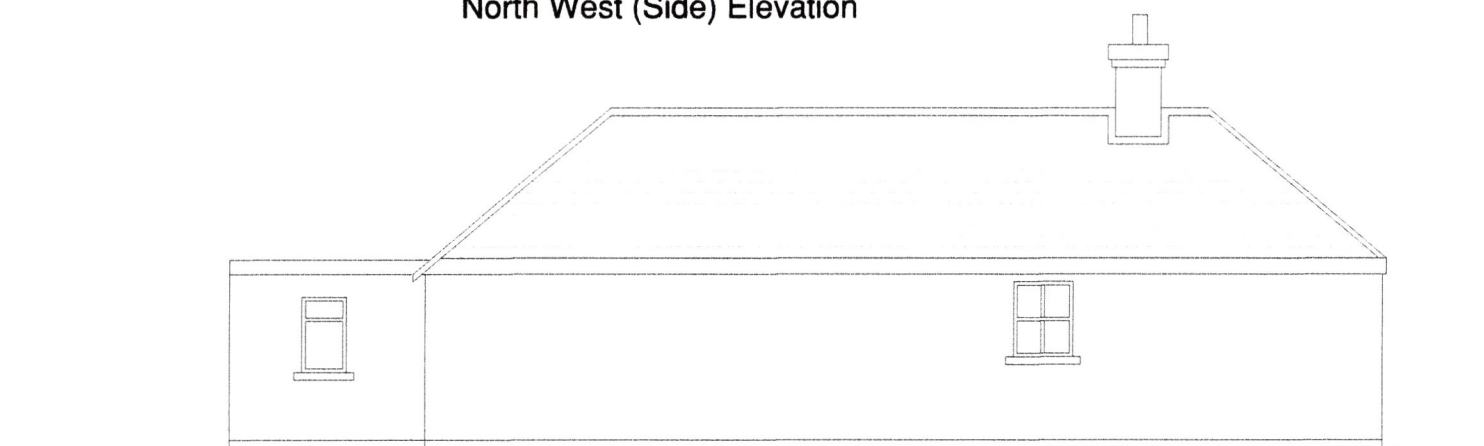
AS-BUILT



North East (Front) Elevation



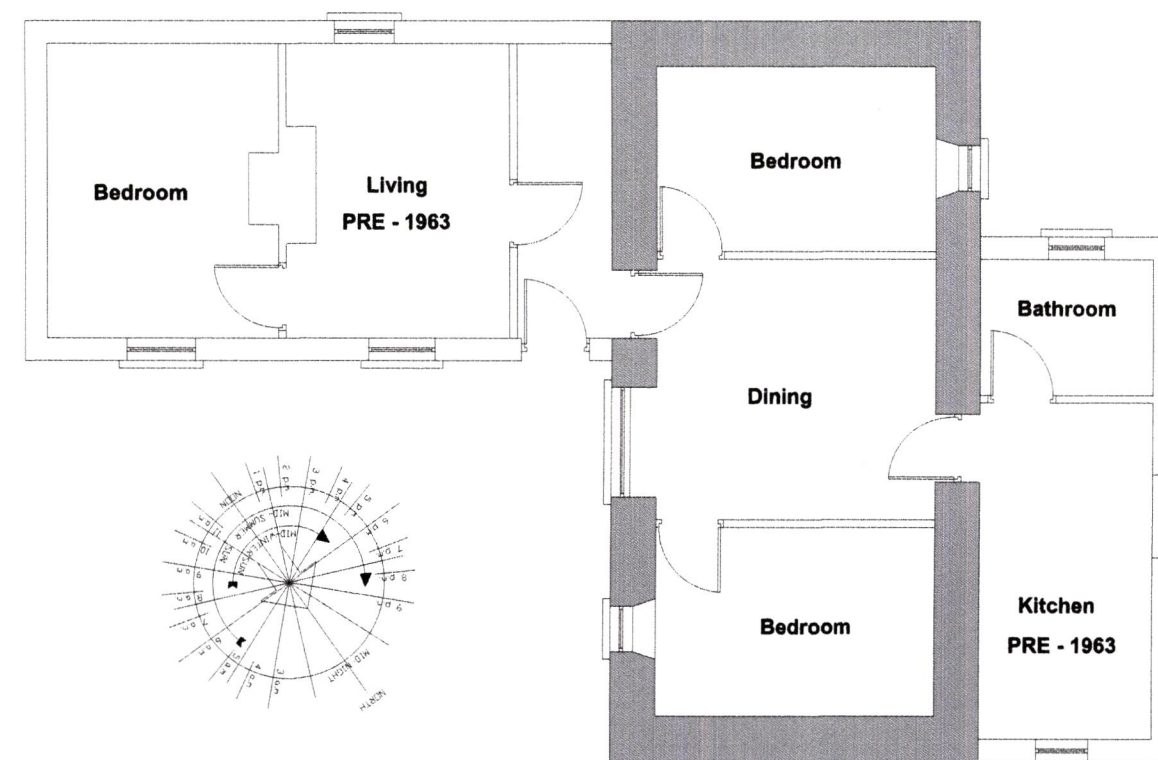
North West (Side) Elevation



South West (Rear) Elevation



South East (Side) Elevation



Existing Floor Plan (77m2)

**For Information
Purposes Only**
**All dimensions to
be checked on site**

Drawing Number: 2024-RS-00B



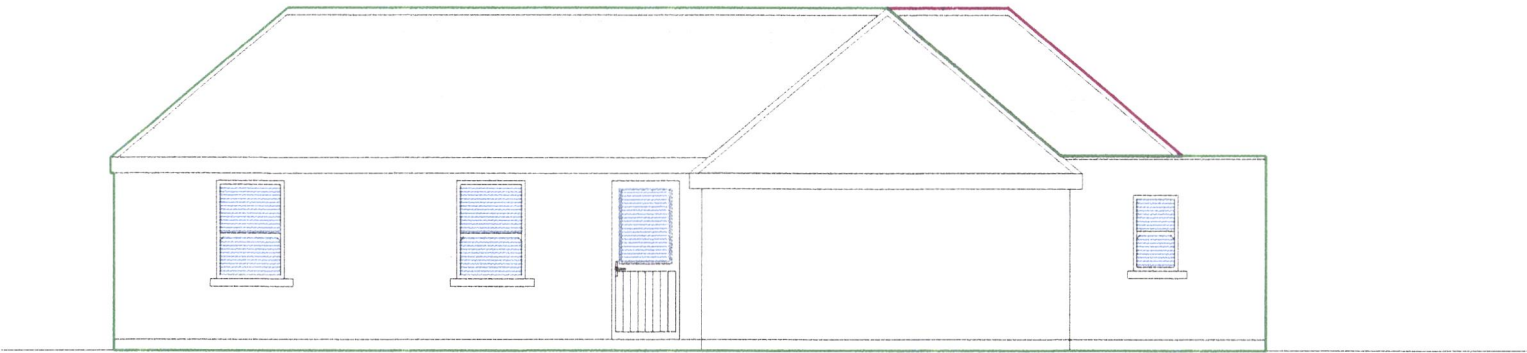
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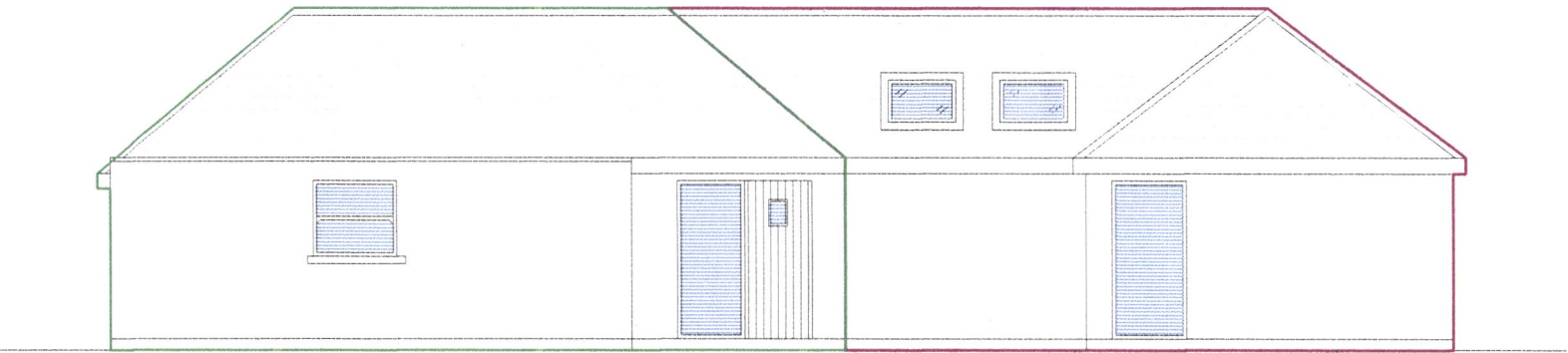
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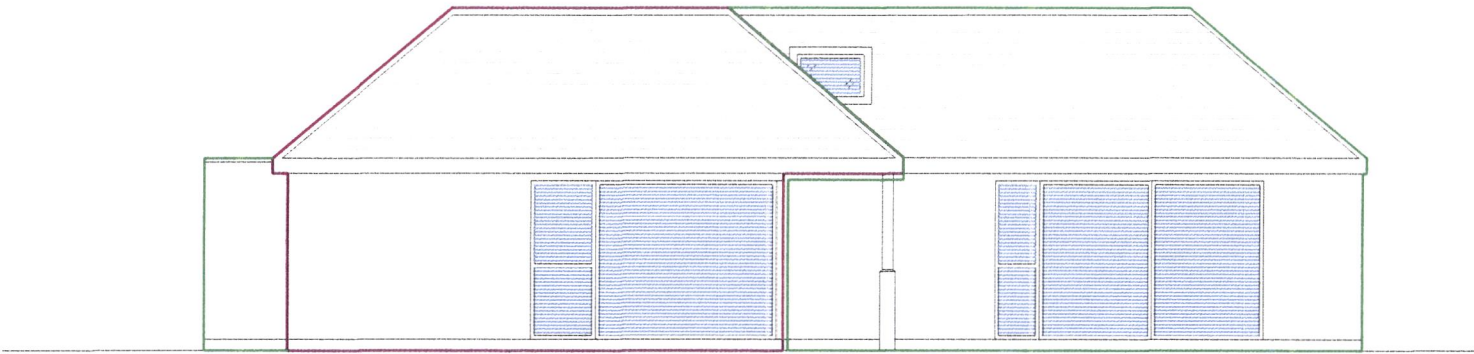
- Existing Dwelling outlined in green
- Proposed 40m2 Exempt Extension outlined in red



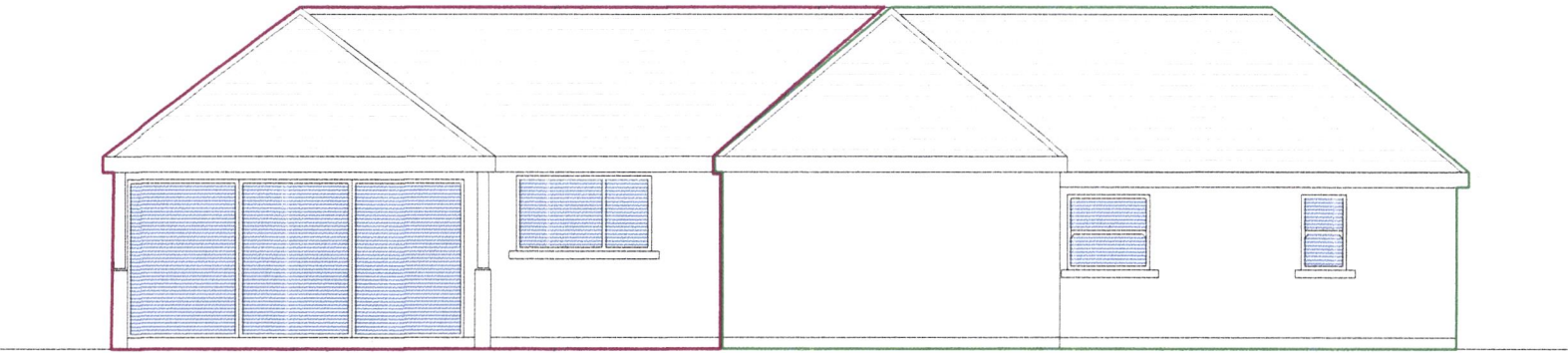
North East (Front) Elevation



North West (Side) Elevation



South West (Rear) Elevation



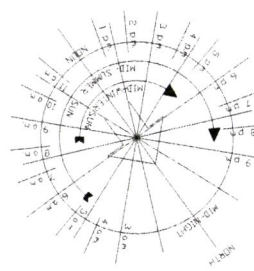
South East (Side) Elevation

PROPOSED

**For Information
Purposes Only
All dimensions to
be checked on site**

Drawing Number: 2024-RS-002







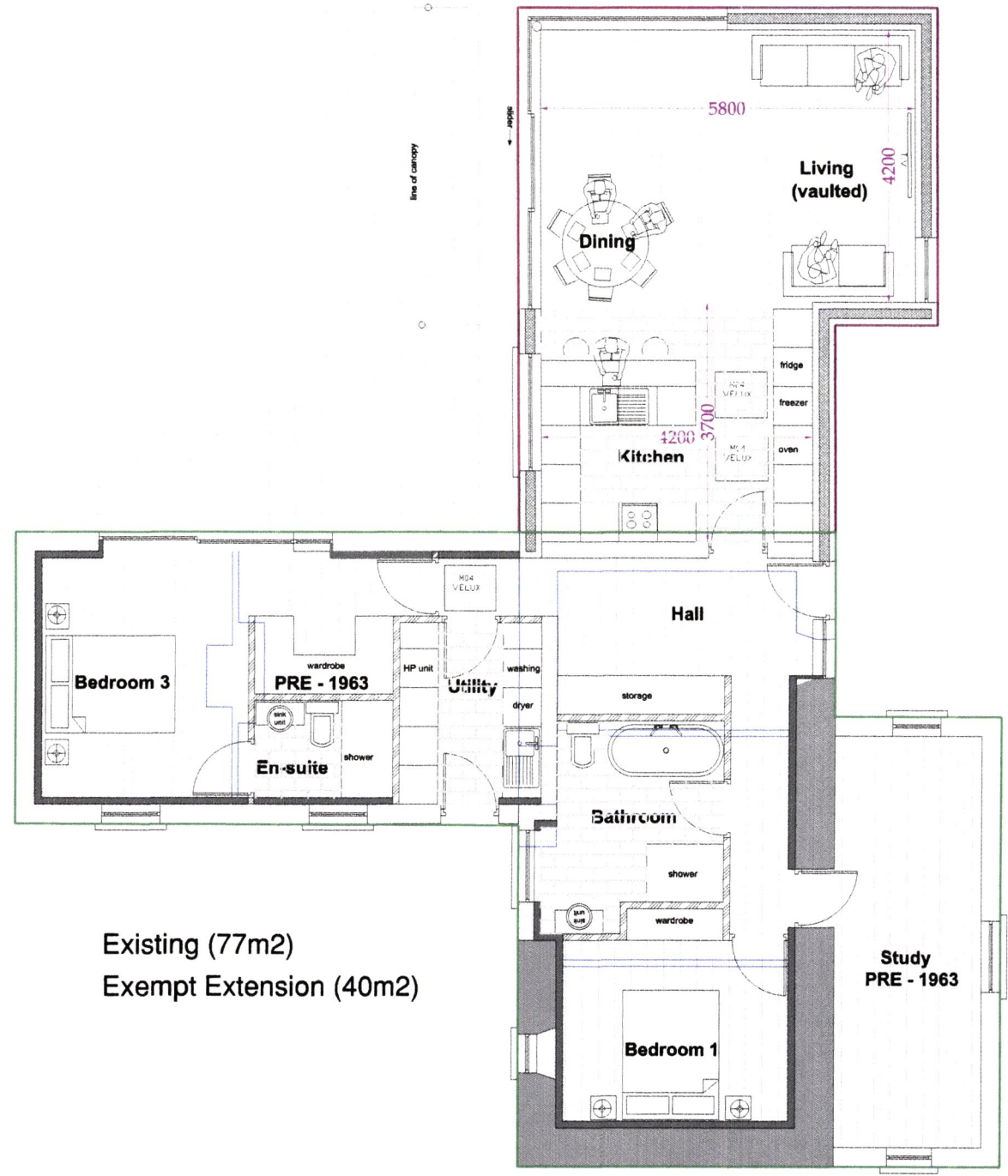
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Any drawing errors or divergences should be brought to the attention of OTE Solutions at the address shown below.

-  Existing Dwelling outlined in green
-  Proposed 40m2 Exempt Extension outlined in red



Existing (77m2)
Exempt Extension (40m2)

Proposed Floor Plan (117m2)

PROPOSED

**For Information
Purposes Only**
All dimensions to
be checked on site

Drawing Number: 2024-RS-005



ote solutions
planning design energy
DUBLIN ROAD, ARKLOW, CO. WICKLOW

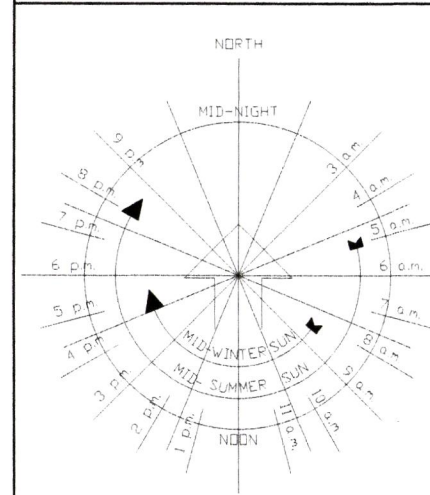


Site outlined in red
(0.25 hectares)

Existing well

Existing septic tank

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All dimensions should be checked on site.
Do not scale from this drawing.
Any drawing errors or divergences should be brought to the attention of OTE Solutions at the address shown below.



**For Tender
Purposes Only**
**All Dimensions to
be checked on site**

| REVISIONS: | DATE: | DRAWN BY: |
|------------|-------|-----------|
| | | |

*NOTE:
DRAWINGS ARE FOR PLANNING PURPOSES ONLY.
ALL WORKS TO BE STRICTLY CARRIED OUT IN ACCORDANCE WITH
THE CURRENT BUILDING REGULATIONS.



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DUBLIN ROAD, ARKLOW, CO. WICKLOW
TEL/FAX: 0402-22263 E-MAIL: INFO@OTESOLUTIONS.IE

| | |
|-------------|--|
| CLIENT: | MR. RICHARD STEADMAN |
| TITLE: | PROPOSED 40M2 EXTENSION TO THE REAR OF THE EXISTING 62M2 DWELLING ALONG WITH MINOR ALTERATIONS TO THE INTERNAL LAYOUT AT KNOXTON LODGE, KILCARRA WEST, ARKLOW, CO. WICKLOW |
| DRAWING: | PROPOSED SITE LAYOUT PLAN |
| SCALE: | 1:250 @ A3 |
| SHEET No: | 7 OF 7 |
| DRAWN BY: | J OTOOLE |
| DATE: | 04.09.2024 |
| DRAWING No: | 2024 - RS - 007 |