



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
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Suíomh / Website: www.wicklow.ie

John Kelly

16th December 2023

**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX81/2023**

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 méas,


**ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.**

*Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas.
This document is available in alternative formats on request.*

Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Forbairt Pleanála agus Comhshaol.
All correspondence should be addressed to the Director of Services, Planning Development & Environment.





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Wicklow County Council

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

Applicant: John Kelly

Location: Crehelp, Dunlavin, Co. Wicklow, W91 R8W3

CHIEF EXECUTIVE ORDER NO. CE/PDE/2112/2023

A question has arisen as to whether "single storey extension to rear" at Crehelp, Dunlavin, Co. Wicklow, W91 R8W3" is or is not exempted development.

Having regard to:

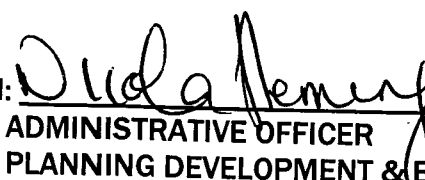
- a) Details submitted with the Section 5 Declaration application ,
- b) Section 2,3, 4 of the Planning and Development Act 2000(as amended)
- c) Article 6, 9 and Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

- (a) The single storey extension are work sand therefore development having regard to the provisions of Section 3 of The Planning & Development Act 2000, as amended.
- (b) The extension comes within the scope of Class 1:Part 1: Schedule 2 of the Planning & Development Regulations 2001 (as amended).

The Planning Authority considers that "single storey extension to rear" at Crehelp, Dunlavin, Co. Wicklow, W91 R8W3 is development and is exempted development.

Signed:


ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Dated 14 December 2023



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PDE/2112/2023

Reference Number: EX 81/2023
Name of Applicant: John Kelly
Nature of Application: Section 5 Referral as to whether "single storey extension to rear" is or is not exempted development
Location of Subject Site: Crehelp, Dunlavin, Co. Wicklow, W91 R8W3

Report from Holly O'Connor, EP and Edel Bermingham, SEP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "single storey extension to rear" at Crehelp, Dunlavin, Co. Wicklow, W91 R8W3 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

- (a) Details submitted with the Section 5 Declaration application ,
- (b) Section 2,3, 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)

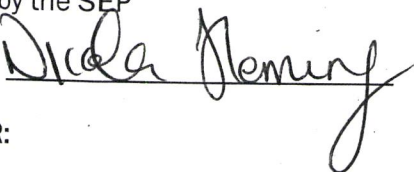
Main Reason with respect to Section 5 Declaration:

- (a) The single storey extension are work sand therefore development having regard to the provisions of Section 3 of The Planning & Development Act 2000, as amended.
- (b) The extension comes within the scope of Class 1:Part 1: Schedule 2 of the Planning & Development Regulations 2001 (as amended).

Recommendation

The Planning Authority considers that "single storey extension to rear" at Crehelp, Dunlavin, Co. Wicklow, W91 R8W3 is development and is exempted development as recommended in the report by the SEP

Signed



Dated 14th day of December 2023

ORDER:

I HEREBY DECLARE:

That "single storey extension to rear" at Crehelp, Dunlavin, Co. Wicklow, W91 R8W3 is development and is exempted development within the meaning of the Planning & Development Act 2000

Signed:


Senior Engineer
Planning Development & Environment

Dated 14th day of December, 2023

PLANNING REPORT SECTION 5 APPLICATION

TO: FERGAL KEOGH S.E. / EDEL BERMINGHAM S.E.P
FROM: HOLLY O'CONNOR E.P.
SUBJECT REF: EX 21/2023
DECISION DATE: 03/02/2023
APPLICANT: JOHN KELLY
ADDRESS: CREHELP, DUNLAVIN, CO.WICKLOW **W91 R8W3**
EXEMPTION QUERY: SINGLE STOREY EXTENSION TO REAR

Site Location:

The subject site is located in the rural town land of Crehelp, c.5km to the north- east of Dunlavin town. The site is accessed via the L83392-0. The subject site consists of a single storey dwelling which is visible on the historic 6" maps. A large agri-shed is on the adjoining site.

Planning History:

None on subject site. Dwelling visible on historic maps.

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—

"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:

(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 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;

Planning & 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 2 opposite the mention of that class in the said column 1.

Article 9 (1) - 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—

(i) Contravene a condition attached to a permission under Act or be inconsistent with any use specified in permission under the Act,

(iii) Endanger public safety by reason of traffic hazard or obstruction of road users,

(viii) Consist of or compromise the extension, alteration, repair or renewal of an unauthorized structure or a structure the use of which is an unauthorized use

Schedule 2, Part 1- Exempted Development- Development within the curtilage of a house –

CLASS 1 The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, storeshed 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.

Submission:

The applicants are applying for a Section 5 Declaration in relation to the following;

To determine whether the extension of the dwelling to the rear of 39.25sqm at Crehelp Co. Wicklow, is or is not development and is or is not exempted development within the meaning of the Planning and Development Act, 2000 (as amended).

Assessment:

This Section 5 application seeks a declaration as to whether the extension of a house, is or is not exempted development.

Firstly, an extension is considered to be works to an existing structure therefore this constitutes development. The second assessment is to determine whether or not the development would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

The development is the type of development which could come under Class 1 of the Planning & Development Regulations 2001 (as amended). The extension is;

- 39.25sqm- less than 40sqm;
- The original dwelling does not appear to have been previously extended;
- The extension is at ground level/ ground floor;
- The detailed height of the walls do not exceed the height of the rear wall of the house;
- The detailed height of the roof does not exceed the highest part of the roof/ the height of the highest part of the roof of the dwelling;
- As per the site layout plan the private open space has not been reduced to less than 25 square metres;
- All windows are not less than 1 metre from the boundary it faces;
- The roof is not shown to be used as a balcony or roof garden.

Recommendation:

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

The extension of a house, at Crehelp, Dunlavin, Co. Wicklow,

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

The Planning Authority considers that:

In consideration of the above, the Planning Authority considers the extension to the rear of the existing dwelling is development and is exempt development.

Main Considerations with respect to Section 5 Declaration:

- (a) Details submitted with the Section 5 Declaration application ,
- (b) Section 2,3, 4 of the Planning and Development Act 2000(as amended)
- (c) ^{Article 6, 7 and} Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001(as amended)

Main Reasons with respect to Section 5 Declaration:

- The details submitted under Section 5 Declaration on 29/11/2023;
- Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2001 as amended;

single storey extension are works and therefore development having regard to the provisions of Section 3 of the P&D Act 2000 (as amended)

By the extension A x The proposed development is works for the extension of a house; this development comes within the scope of Class 1 and meets the conditions and limitations of same. On this basis, the proposed works is development and is exempted development. *Part 1: Schedule 2 of*

at No. Planning and Development Regulations 2001 (as amended).

Holly O'Connor

Date: 08/12/2023

Holly O'Connor EP

As the works would not be de-exempted by any of the provisions of Article 9

SHL

8/12/2023

*Issue as modified
14/12/23*

MEMORANDUM
WICKLOW COUNTY COUNCIL

TO: Holly O'Connor
Executive Planner

FROM: Nicola Fleming
Staff Officer

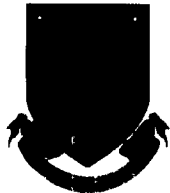
**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX81/2023 – John Kelly**

I enclose herewith application for Section 5 Declaration received 29/11/2023

The due date on this declaration is 5th January 2024.



Staff Officer
Planning Development & Environment



Comhairle Contae Chill Mhantáin Wicklow County Council

**Forbairt Pleanála agus Comhshaol
Planning Development and Environment**

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Suíomh / Website: www.wicklow.ie

5th December 2023

John Kelly

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX81/2023

A Chara

I wish to acknowledge receipt on 29/11/2023 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 05/01/2024.

Mise, le meas



NICOLA FLEMING

STAFF OFFICER

PLANNING DEVELOPMENT AND ENVIRONMENT



Wicklow County Council
County Buildings
Wicklow
0404-20100

29/11/2023 09:13:43

Receipt No L1/0/322104

Mr John Kelly
Crehelp
Dunlavin
Co Wicklow

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-valable	

Total	80.00 EUR
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Tendered	
Cheque	80.00

Change	0.00
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Issued By Lorraine Byrne
From Customer Service Hub
Vat reg No 0015233H



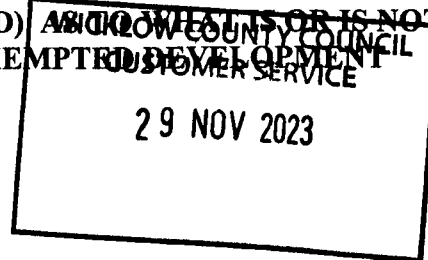
Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

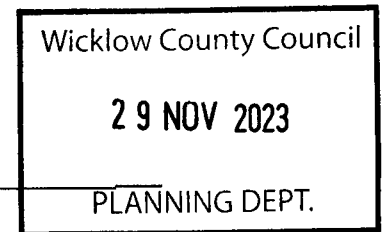
**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000 (AS AMENDED) AS TO WHETHER IT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED FROM DEVELOPMENT**



1. Applicant Details

(a) Name of applicant: JOHN KELLY

Address of applicant:



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

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) N/A _____

Address of Agent : _____

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

3. Declaration Details

- i. Location of Development subject of Declaration CREHELP, DUNLAVIN
Co. WICKLOW

- ii. Are you the owner and/or occupier of these lands at the location under i. above ?

YES

- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier N/A

- 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

EXEMPTION OF SINGLE STOREY REAR EXTENSION

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

CLASS 1 (EXTENSION TO REAR UNDER 40 m2)

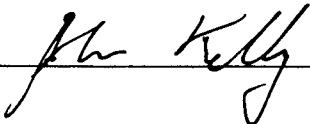
Additional details may be submitted by way of separate submission.

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

SITE LOCATION MAP 1:10560
SITE LOCATION MAP 1:2500
SITE LAYOUT PLAN 1:500
FLOOR PLAN 1:100
FRONT & REAR ELEVATIONS 1:100
SIDE ELEVATIONS 1:100

viii. Fee of € 80 Attached ? YES

Signed :  Dated : 27/11/23

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



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 690734,703164

PUBLISHED: 16/11/2023
ORDER NO.: 50368784_1

MAP SERIES: 6 Inch Raster
MAP SHEETS: KE033
6 Inch Raster WW015

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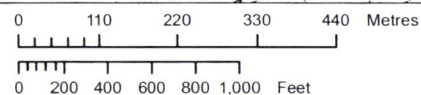
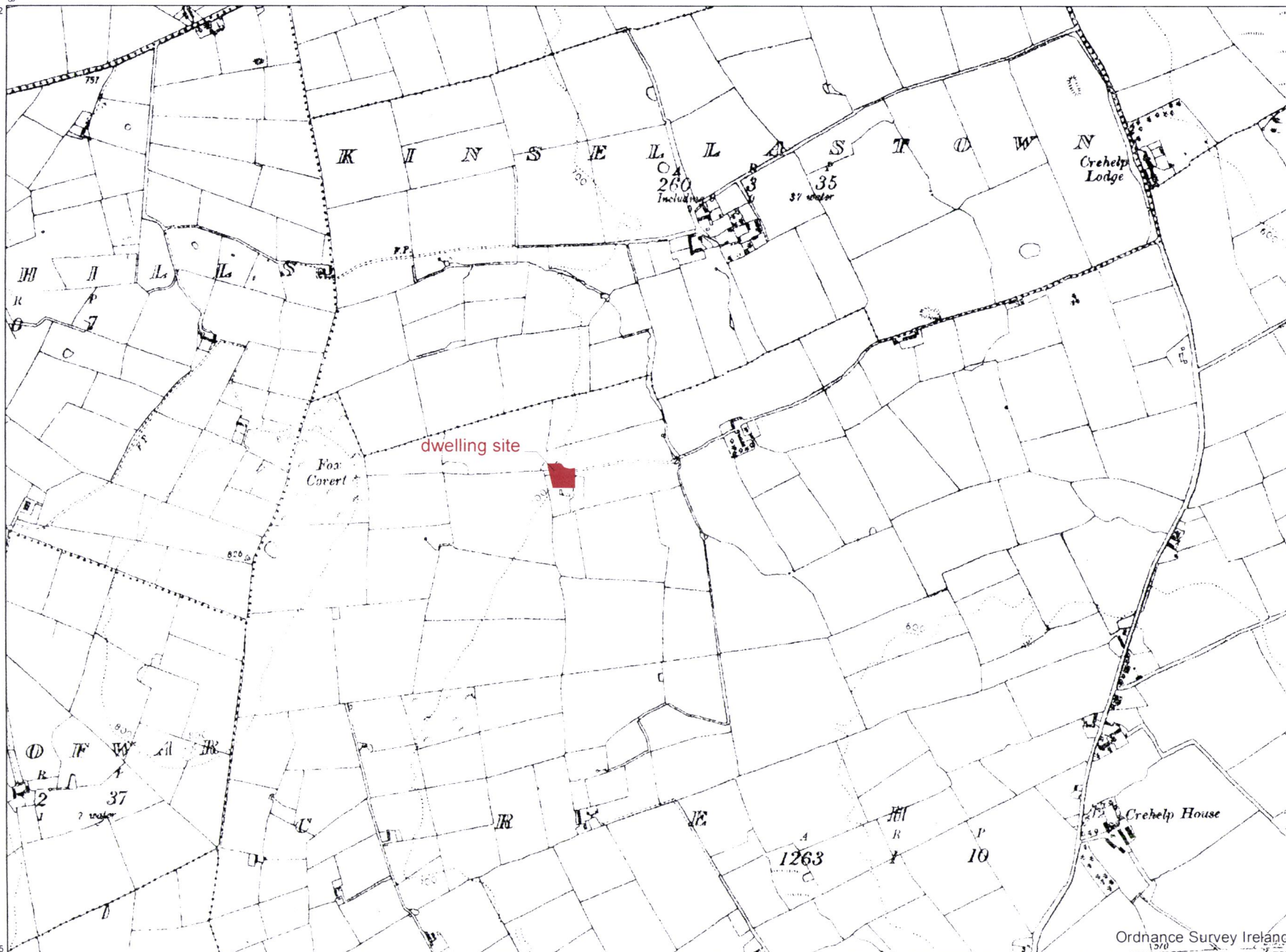
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Planning Pack Map



Tailte
Éireann

**CENTRE
COORDINATES:**
ITM 690734,703164

PUBLISHED: 16/11/2023
ORDER NO.: 50368784_1

MAP SERIES: 1:5,000
MAP SHEETS: 3838

COMPILED AND PUBLISHED BY:
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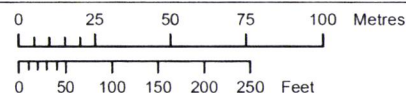
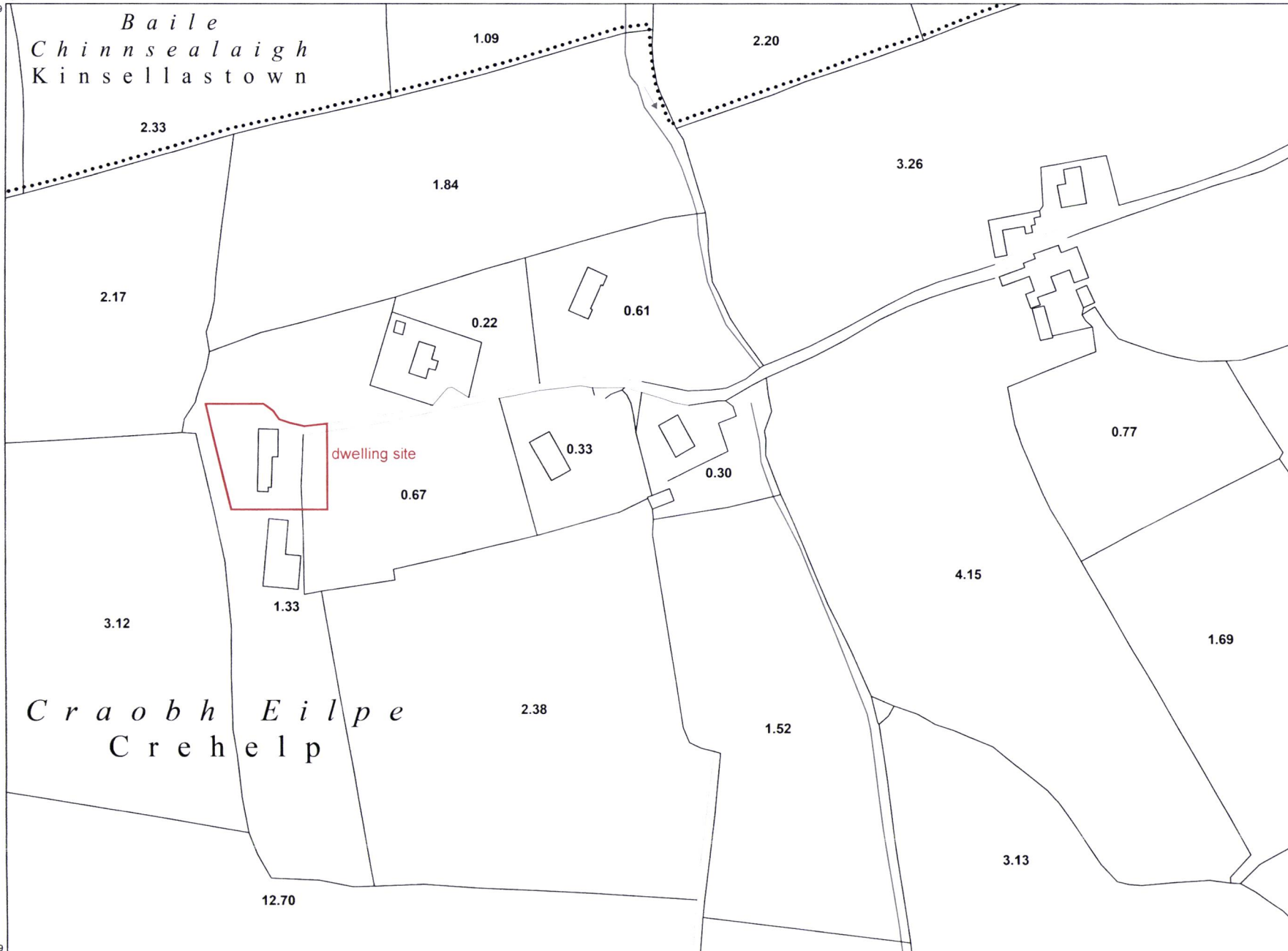
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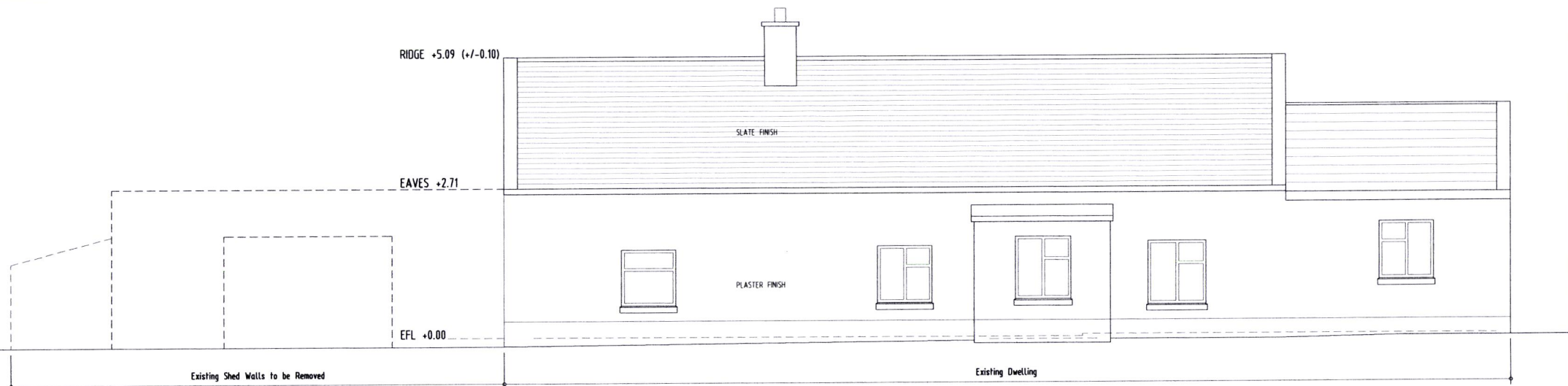


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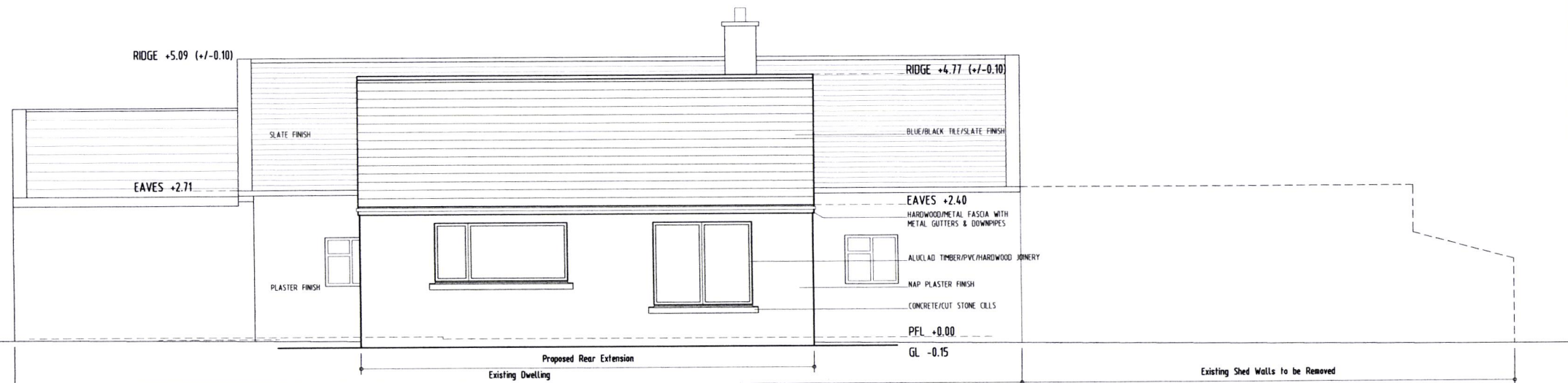
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Further information is available at:
www.osi.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit
www.osi.ie and search for
'Large Scale Legend'





front elevation - east



rear elevation - west

LEGEND:

	PROPOSED REAR EXTENSION ELEVATION
	EXISTING FINISHED FLOOR LEVEL THUS
	PROPOSED FINISHED FLOOR LEVEL THUS

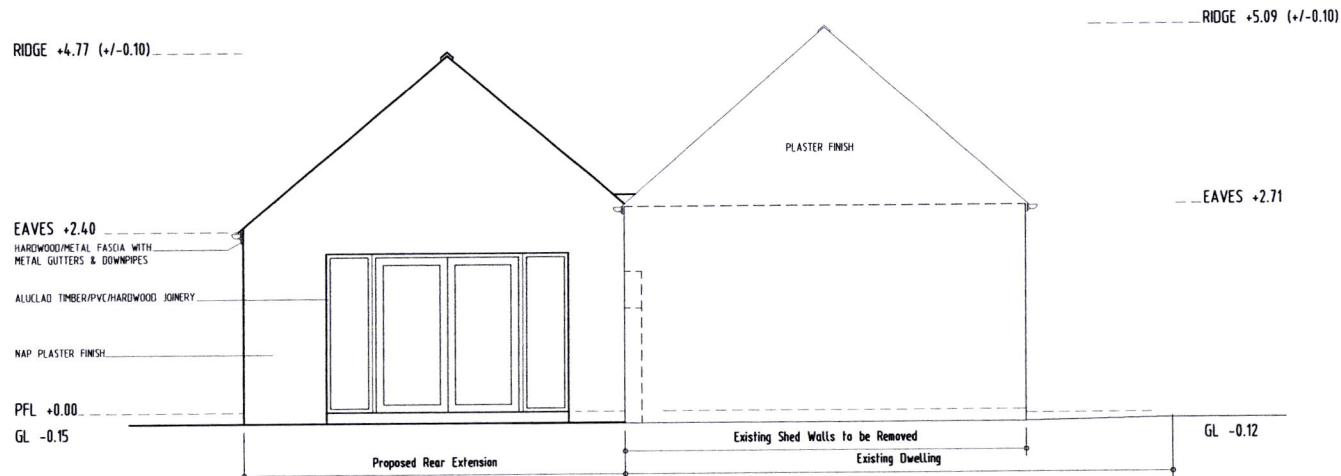
title
front & rear elevations

applicant
john kelly

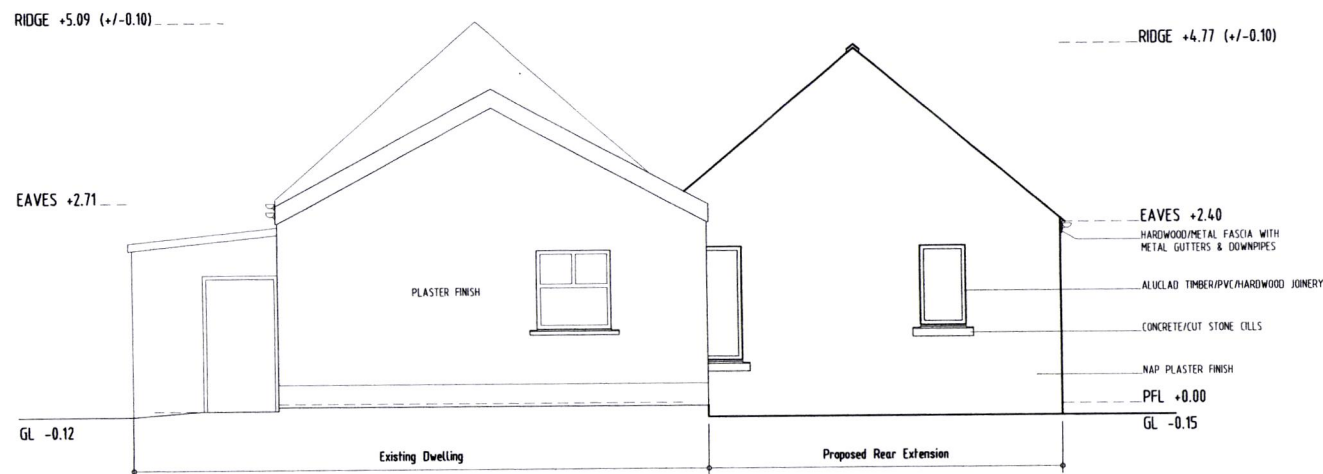
project
exempt development extension at:
crehelp, dunlavin, co. wicklow

scale
1:100

date
nov. '23



side elevation - south



side elevation - north

LEGEND:

	PROPOSED REAR EXTENSION ELEVATION
EFL=100.00	EXISTING FINISHED FLOOR LEVEL THUS
PFL=100.00	PROPOSED FINISHED FLOOR LEVEL THUS

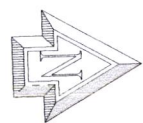
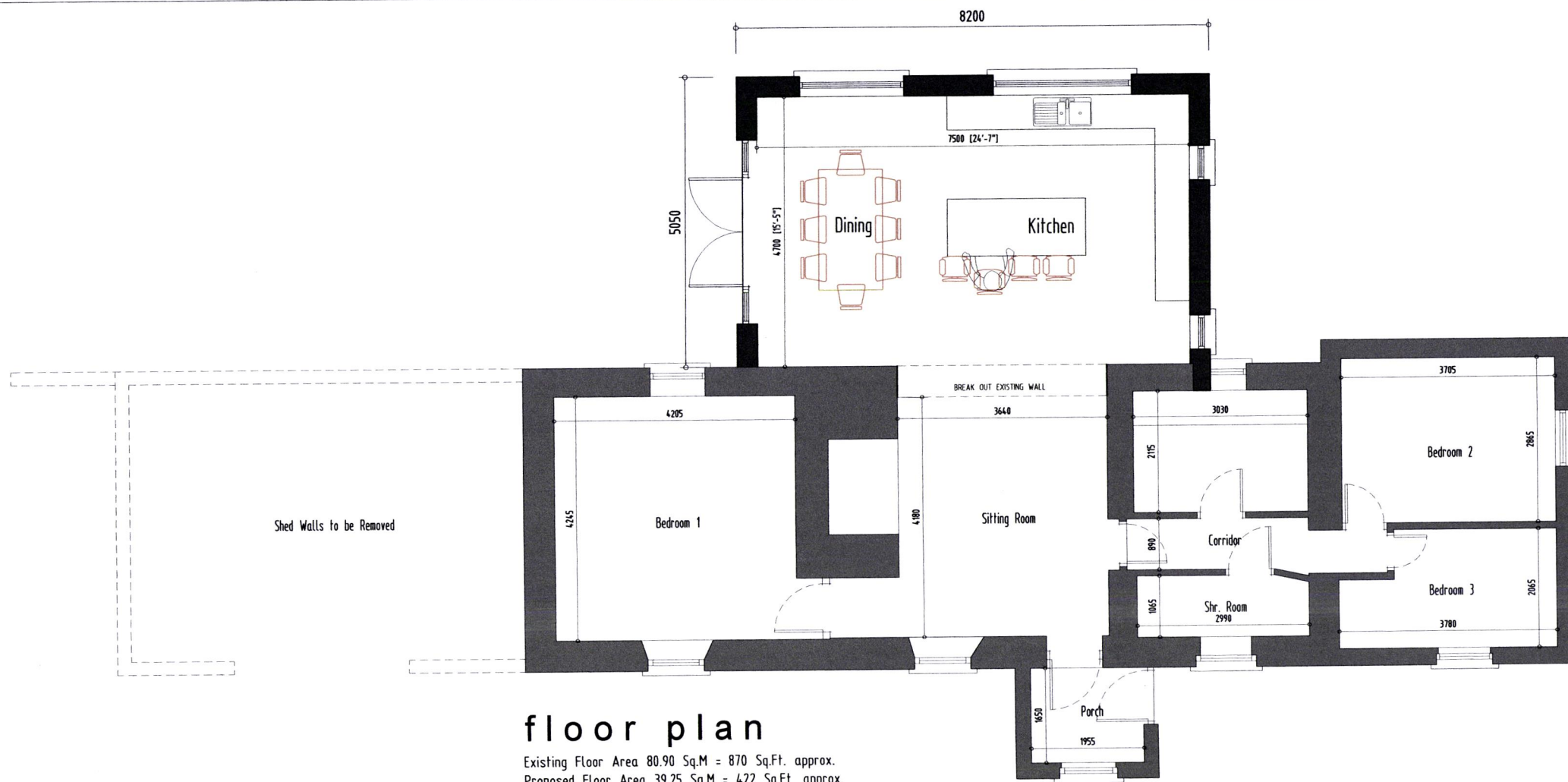
title
side elevations

applicant
john kelly

project
exempt development extension at:
crehelp, dunlavin, co. wicklow

scale
1:100

date
nov. '23



LEGEND:

- EXISTING WALLS IN PLAN THUS
- PROPOSED CONSTRUCTION IN PLAN THUS
- PROPOSED NEW FLOOR AREA
- EFL=100.00 EXISTING FINISHED FLOOR LEVEL THUS
- PFL=100.00 PROPOSED FINISHED FLOOR LEVEL THUS

title
floor plan

applicant
john kelly

project
exempt development extension at:
crehelp, dunlavin, co. wicklow

scale
1:100

date
nov. '23



title site layout plan	applicant john kelly	project exempt development extension at: crehelp, dunlavin, co. wicklow	scale 1:500	date nov. '23
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