Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Aras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthan / Tel (0404) 20148
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Rphost / Email plandev@wicklowcoco.ie
Suíomh / Website www.wicklow.ie

Jodie Redmond,
1 Townville,
St. Mary's Road,
Arklow,
Co. Wicklow.
Y14 YF70

of October 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -EX117/2026

A Chara,

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

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 Elaine Byrne.

ADMINISTRATIVE OFFICER

PLANNING DEVELOPMENT & ENVIRONMENT.

Comhairle Contae Chill Mhantáin
Wicklow County Council

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Brendan Byrne Buck MIPL,
BPS Planning & Development Consultants Ltd,
PO Box 13658,
Dublin 14
D14 NY27

6TH of October 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) -EX117/2026

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 Daire Byrne
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.

Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Applicant: Helen Noble SC

Location: 1 Townville, St. Mary's Road, Arklow, Co. Wicklow Y14 YF70

Reference Number: EX117/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1220

A question has arisen as to whether

"(1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall:
(2) The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;
(3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards;
(4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;
(5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and
(6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EXI 0/2026 on this property." *at* 1 Townville, St. Mary's Road, Arklow, Co. Wicklow Y14 YF70 is or is not exempted development.

Having regard to:

a) Section 5 Declaration application details
b) Section 5 Declaration issued under EX 10/2026 and EX 97/2026
c) The date the single storey extension was constructed c. late 2025/ early 2026
d) Notice of Proposed Additions to the Record of Protected Structures : Wicklow People : 28th November 2007.
e) Sections 2 , 3, 4 , 55 and 57 of the Planning and Development Act 2000 (as amended)
f) Article 6,9 and Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (SI 600 of 2001),

Main Reasons with respect to Section 5 Declaration:

vi. The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, are all intrinsic elements and integral to the construction of the extension to the rear of 1 Townsville, and therefore come within the extension development.

vii. The construction of the rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended) and these works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).

viii. The rear extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (SI 600 of 2001), but as the rear private space is reduced to 21.42 sqm it would not meet Limitation 5 which provides that *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.*

ix. The alteration or removal of the shared roof-valley arrangement, down pipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain are works , and therefore development having regard to Section 2 and Section 3 of the Planning and Development Act 2000 (as amended). The works of alteration would 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, and therefore is exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

x. The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards, would not come within the definition of works, as the discharge of roof and surface water does not refer to any operation of construction, excavation, demolition, extension, alteration, repair or renewal, and is therefore not development given the definition under Section 2 of the Planning and Development Act 2000.

(iii) The Record of Protected Structures includes no 10 Townville St.Mary's Road, Arklow, with the associated picture referring to 11 Townville St Mary's Road. At the date of inclusion in the Record of Protected Structures of no. 1

Townville, St Mary's Road, the reference in the newspaper notice referred to 10 St. Mary's Road, Arklow and 11 Townville, St Mary's Road Arklow. Section 55 of the Planning and Development Act 2000(as amended) requires the Planning Authority to give notification of inclusion of a structure in the Record to the owner of the property. The identified flaw in the address of the Protected Structure in notices and subsequently in the Record, was such that the required notifications could not have issued to the correct address, and it is therefore concluded that 1 Townville has not been included in the Record of Protected Structures to accord with the legislation, and therefore could not form part of the Record given this legal impediment. Thus the provisions of Section 57 are not applicable in this instance.

(iv) The query as to whether

Queries (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX 10/2026 on this property,

would it is considered relate to the planning application process under Section 34 of the Planning and Development Act 2000 (as amended) and Related Regulations. A query on the administration of the planning application is not a matter for Section 5 and therefore this element does not form part of the assessment under this declaration.

The Planning Authority considers that

A : The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, which are form an extension is development and is **Not Exempted development.**

B : The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards **is Not Development**

C : The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain **is Development and is Exempted Development** at 1 Townville, St. Mary's Road, Arklow, Co. Wicklow Y14 YF70

Signed: Oonline Byrne Date: 05/10/2026

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1219

Reference Number: EX117/2026

Name of Applicant: Helen Noble SC

Nature of Application: Section 5 Referral as to whether

"(1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall:
(2) The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;
(3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards;
(4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;
(5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and
(6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EXI 0/2026 on this property." is or is not development and is or is not exempted development.

Location of Subject Site: 1 Townville, St. Mary's Road, Arklow, Co. Wicklow Y14 YF70

Report from: Edel Bermingham T/S.P.

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether

"(1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall:
(2) The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;

(3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards;
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(6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EXI 0/2026 on this property." at 1 Townville, St. Mary's Road, Arklow, Co. Wicklow Y14 YF70 is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

Having regard to:

a) Section 5 Declaration application details
b) Section 5 Declaration issued under EX 10/2026 and EX 97/2026
c) The date the single storey extension was constructed c. late 2025/ early 2026
d) Notice of Proposed Additions to the Record of Protected Structures : Wicklow People : 28th November 2007.
e) Sections 2 , 3, 4 , 55 and 57 of the Planning and Development Act 2000 (as amended)
f) Article 6,9 and Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (SI 600 of 2001),

Main Reasons with respect to Section 5 Declaration:

i. The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, are all intrinsic elements and integral to the construction of the extension to the rear of 1 Townsville, and therefore come within the extension development.
ii. The construction of the rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended) and these works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).
iii. The rear extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (SI 600 of 2001), but as the rear private space is reduced to 21.42 sqm it would not meet Limitation 5 which provides that *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.

iv. The alteration or removal of the shared roof-valley arrangement, down pipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain are works , and therefore development having regard to Section 2 and Section 3 of the Planning and Development Act 2000 (as amended). The works of alteration would 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, and therefore is exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

v. The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards, would not come within the definition of works, as the discharge of roof and surface water does not refer to any operation of construction, excavation, demolition, extension, alteration, repair or renewal, and is therefore not development given the definition under Section 2 of the Planning and Development Act 2000.

(i) The Record of Protected Structures includes no 10 Townville St.Mary's Road, Arklow, with the associated picture referring to 11 Townville St Mary's Road. At the date of inclusion in the Record of Protected Structures of no. 1 Townville, St Mary's Road, the reference in the newspaper notice referred to 10 St. Mary's Road, Arklow and 11 Townville, St Mary's Road Arklow. Section 55 of the Planning and Development Act 2000(as amended) requires the Planning Authority to give notification of inclusion of a structure in the Record to the owner of the property. The identified flaw in the address of the Protected Structure in notices and subsequently in the Record, was such that the required notifications could not have issued to the correct address, and it is therefore concluded that 1 Townville has not been included in the Record of Protected Structures to accord with the legislation, and therefore could not form part of the Record given this legal impediment. Thus the provisions of Section 57 are not applicable in this instance.

(ii) The query as to whether

Queries (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX 10/2026 on this property,

would it is considered relate to the planning application process under Section 34 of the Planning and Development Act 2000 (as amended) and Related

Regulations. A query on the administration of the planning application is not a matter for Section 5 and therefore this element does not form part of the assessment under this declaration.

Recommendation
The Planning Authority considers that

A : The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, which are form an extension is development and **is Not Exempted development.**

B : The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards **is Not Development**

C : The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain **is Development and is Exempted Development** at 1 Townville, St. Mary's Road, Arklow, Co. Wicklow Y14 YF70recommended in the planning reports.

Signed: Joanne Byrne Date: 05/10/2026

ORDER:
I HEREBY DECLARE: That
A : The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, which are form an extension is development and **is Not Exempted development.**

B : The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards **is Not Development**

C : The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain **is Development and is Exempted Development** at 1 Townville, St. Mary's Road, Arklow, Co. Wicklow Y14 YF70 within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: _____ Date: 5/10/2026.

T/Senior Planner
Planning, Economic & Rural Development

Section 5 Application EX 117/2026

Date : 5/10/2026

Applicant : Helen Noble

Address : 1 Townville, St. Mary's Road, Arklow, Co. Wicklow. .

Exemption : Query as set out in Section 5 Application i.e.

A question arises as to whether the following, taken separately and together. constitute development and are or are not exempted development:
(1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall:
(2) The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;

(3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall. including onto the car park of Ards;

(4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;

(5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and

(6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX 10/2026 on this property.

Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX10/2026 on this property.

Planning History :

ATC PRR 113/2000 permission granted for the demolition of part of existing house and alterations to the remaining part of Townville, and construction of 20 no. 2 bedroomed apartments. This permission was granted on the 20th January 2001.

UD 11012 - File closed on basis extension exempt.
UD11058 – Current UD.

Section 5 Declarations

EX 97/2026
The Planning Authority consider that the construction of a single storey extension to the rear of 1 Townville , St Mary's Road, Arklow **is Development and is Not Exempted development.**
Main Reasons with respect to Section 5 Declaration :

(i) The construction of a rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)

(ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).

(iii) Article 1 (3) of SI 338 of 2026 provides that
(3) These Regulations shall come into operation on the 27th day of July 2026,
there is no provision for these Regulations to be retrospective.

(iv) The relevant exemption at the date the single storey extension was constructed was that set out under Class 1 of Part 1 of Schedule 2 of SI 600 of 2001 Planning and Development Regulations 2001

(v) The extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (SI 600 of 2001), but as the rear private space is reduced to 21.42 sqm it would not meet Limitation 5 which provides that *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.*

(vi) The Record of Protected Structures , wherein the description refers to 10 Townville St.Mary's Road, Arklow, and the associated picture which refers to 11 Townville St Mary's Road, and not to 1 Townville, St Mary's Road

(vii) The provisions of Section 55 of the Planning and Development Act 2000(as amended), and the lack of confirmation that the notices required by reference to Section 55 of the Planning and Development Act 2000(as amended) were properly issued to the correct address. The protected status of 1 Townville , St Mary's Road is uncertain.

EX 10/2026

The construction of a rear flat roofed single storey extension at 1 Townville, St Mary's Road , Arklow **is Development and is Not Exempted development.**

The main considerations

(i) The construction of a rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended)

(ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).

(iii) The extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended), but as the rear private space is reduced to 21 sqm it would not meet Limitation 5 which provides that *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.*

(iv) The Record of Protected Structures , wherein the description refers to 10 Townville St.Mary's Road, Arklow, and the associated picture which refers to 11 Townville St Mary's Road, and not to 1 Townville, St Mary's Road

(v) The provisions of Section 55 of the Planning and Development Act 2000(as amended), and the lack of confirmation that the notices required by reference to Section 55 of the Planning and Development Act 2000(as amended) were properly issued to the correct address. The protected status of 1 Townville , St Mary's Road is uncertain.

An Coimisiun Pleanala

ABP-308995-20

An Bord Pleanala, hereby decides that the alteration of roof form and wall construction to a previously built late 20th century sunroom is development and is not exempted development as : the nature of the alterations undertaken is development and is not exempted development on the grounds that the works undertaken would materially affect the character of the building which is a protected structure, through the use of materials and design that is not found in the original house.

ABP-305579-19

An Bord Pleanála, hereby decides that the replacement of the existing ventilation system with a new ventilation extractor hood to the roof over the kitchen area located to the rear of 170 Rathmines Road Lower (protected structure), Dublin is development and is not exempted development as

(a) the erection of the subject ventilation extractor hood involved the carrying out of "works" and therefore constitutes development,

(b) this development, by reason of its scale, design, finish, and location where it is visible from the public realm, does not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, because it materially affects the external appearance of the structure

so as to render the appearance inconsistent with the character of the structure and of neighbouring structures (including other protected structures),

(c) as no Notice under Section 26 of the Air Pollution Act 1987 was served requiring the provision of the subject ventilation extractor hood, the exemption provided for under Class 41(d) of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, does not apply in this instance,

(d) however, it is considered that, even if such notice had been served, the subject extractor hood, by reason of its scale, design, finish and location, materially affects the character of the protected structure and accordingly any exemption provided for under Class 41 (d) of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, would be restricted pursuant to Section 57(1) of the Planning and Development Act, 2000, as amended.

In not accepting the Inspector s recommendation that the development in question should be deemed to be exempted development, the Board did not accept, for the reasons outlined in its Order, that the development comes within the scope of Section 4 (1)(h) of the Planning and Development Act 200, as amended, and noted that the status of the subject property as a protected structure relates to the entirety of its curtilage, and not just to the main building fronting onto Rathmines Road Lower. Furthermore, the Board is satisfied that the subject extractor hood, due to its scale, design and finish, does detract from the character of the protected structure and neighbouring protected structures, notwithstanding that it is located on a subsidiary and non-original building/extension.

County Development Plan 2022-2028

Record of Protected Structures

A18 10 Townville St Mary's Road : Semi-detached three-bay two-storey
A19 11 Townville St. Mary's Road : Semi-detached three-bay two-storey

			century.	
A18 ***16322031***	St.Marys Road, Arklow	**10 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled	
A19 ***16322031***	St.Marys Road, Arklow	**11 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening; and framed with a open gabled porch supported on timber brackets. To	

Sustainable Residential Development and Compact Settlements Guidelines

Private Open Space:
An outdoor open area that is exclusively for use by the occupants of a residential unit (and their visitors). Does not include areas used exclusively for access (e.g. side passages) or storage (including car parking).

Relevant legislation :

Planning and Development Act 2000 (as amended)

"exempted development" has the meaning specified in *section 4*;

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—
(*a*) where the context so admits, includes the land on, in or under which the structure is situate, and
(*b*) in relation to a protected structure or proposed protected structure, includes—
(i) the interior of the structure,
(ii) the land lying within the curtilage of the structure,
(iii) any other structures lying within that curtilage and their interiors, and
(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i)* or *(iii)*;

"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3 :

3.—
(1) In this Act, except where the context otherwise requires, "development" means—
(a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or
(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4 :
4.—
(1) The following shall be exempted developments for the purposes of this Act—

(*h*) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

3) A reference in this Act to exempted development shall be construed as a reference to development which is—
(a) any of the developments specified in subsection (1), or
(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—
(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and
(b) as respects which an environmental impact assessment or an appropriate assessment is required, to be exempted development.

> **55.**—(1) A planning authority which proposes, at any time other than in the course of making its development plan under *Part II*, to make an addition to or a deletion from its record of protected structures shall—
> (*a*) serve on each person who is the owner or occupier of the proposed protected structure or the protected structure, as the case may be, a notice of the proposed addition or deletion, including the particulars,
> (*b*) send particulars of the proposed addition or deletion to the Minister for Arts, Heritage, Gaeltacht and the Islands and to any other prescribed bodies, and
> (*c*) cause notice of the proposed addition or deletion to be published in at least one newspaper circulating in its functional area.
> *(5) Within 2 weeks after making an addition to or a deletion from the record of protected structures, a planning authority shall serve on the owner and on the occupier of the structure concerned a notice of the addition or deletion, including the particulars.*

57.—(1) Notwithstanding *section 4(1)(a), (h), (i), (ia) (j), (k),* or *(l)* and any regulations made under *section 4(2),* the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—
(*a*) the structure, or
(*b*) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

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—

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

Schedule 2 : Part 1 :Class 1 (Planning &Development Regulations SI 600 of 2001)

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 submitted Section 5 Document identifies the following queries in respect to what is or is not development i.e.

> (1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall:
> (2) The alteration or removal of the shared roof-valley arrangement, dow1,pipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;
>
> (3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall. including onto the car park of Ards;
>
> (4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;

(5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and

(6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX 10/2026 on this property.

This query is the third Section 5 Declaration in respect to 1 Townville , St Mary's Road, Arklow . The Planning Authority in the last query EX 97/2026 identified that the extension constructed on site was development and was not exempted development. Query EX 10/2026 from current applicant also confirmed that the extension constructed on site was development and was not exempted development. It is noted that the submission on file states that the applicant does not accept the finding under EX 10/2026 that the building is off the Record of Protected Structures, and as that declaration did not decide whether the rear extension, the drain, the pillar or the party-wall works are development or exempted development, this Section 5 query is lodged.

Protected Status of 1 Townville , St Mary's Road

In respect to the assessment of this Section 5 the issue of the status of 1 Townville as a protected structure has been raised. The submission provides the following three points i.e.

First,
in 2006–2007 the planning authority itself named Ards as a proposed protected structure. That is the other half of the same pair as Townville. It is inconsistent with a later stance that only an address typo decides whether the pair is on the Record.

Second,
the authority then used 11 St Mary's Road for Ards. The RPS and Heritage Schedule use 10 Townville and 11 Townville for the pair. Reg. ref. P19/2000 labelled the Townville plot No. 10. EX10/2026 treated "1 Townville" as if it were a different building. Reg. ref. P.06/136 shows WCC has long known these are the two houses of one pair, and that numbering on the street and on the Record has moved. It does not show that Townville was never intended to be listed.

Third, works to Townville that cut the shared pillar, alter the shared valley and drain, and throw water onto Ards are works on the boundary of a structure WCC has already processed as a proposed protected structure. Even if the officer assessing reg. ref. 26/60808 and this referral repeats the EX10/2026 "uncertain" formula for 1 Townville, P.06/136 is still on the file as WCC's own treatment of Ards.

The comments are noted. The definition of Protected Structure in Section 2 of the P&D Act 2000 (as amended) is :

"protected structure" means—
(*a*) a structure, or

(*b*) a specified part of a structure, which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition;

Intrinsic to this definition is the inclusion of the structure in the record of protected structures . As already identified in EX 10/2026 and EX 97/2026 the Protected Status of 1 Townville is undermined by the legality of the processes in respect to inclusion of this structure in the Record of Protected Structures i.e.

> *As the notification of inclusion of 1 Townville on the Record of Protected Structures was not served on the right address, it would appear that processes undertaken had an administrative error which disenfranchised the owners right to participate in the process, as required by the legislation. This error is further exacerbated by the pictures referenced in the Record of Protected Structures for 10 Townville, St Mary's Road. Given that there appears to be a flaw in the address of the Protected Structure and in the notification, notwithstanding the mapping of the structure, it is considered that 1 Townville may not part form part of the Record of Protected Structures and as such is not further addressed in this assessment.*

The inclusion of a structure in the Record of Protected Structures is governed by Section 55 of the P&D Act 2000(as amended), of particular relevance are the following parts -

> (1) A planning authority which proposes, at any time other than in the course of making its development plan under *Part II*, to make an addition to or a deletion from its record of protected structures shall—
> (*a*) serve on each person who is the owner or occupier of the proposed protected structure or the protected structure, as the case may be, a notice of the proposed addition or deletion, including the particulars,
> (2) A notice under *paragraph (a)* or *(c)* of *subsection (1)* shall state the following—
> (*a*) that particulars of the proposed addition or deletion may be inspected at a specified place, during a specified period of not less than 6 weeks;
> (*b*) that, during such period, any person may make written submissions or observations, with respect to the proposed addition or deletion, to the planning authority, and that any such submissions or observations will be taken into consideration before the making of the addition or deletion
> concerned;
> (5) Within 2 weeks after making an addition to or a deletion from the record of protected structures, a planning authority shall serve on the owner and on the occupier of the structure concerned a notice of the addition or deletion, including the particulars.

No. 10 Townville and No. 11 Townville were added to the Record of Protected Structures in February 2008 by Arklow Town Council. The newspaper notice in respect to same refers to the structure as 10 St. Mary's Road, Arklow. Whilst the argument that a typo in address does not remove the protected status , the fundamental issue is the compliance with the procedure of Section 55 of the Planning and Development Act 2000(as amended). To be included in the Record of Protected Structures the owner or occupier shall be given notice, as the notice was not served on the right address, the processes undertaken had an administrative error which disenfranchised the owners right to participate in the process, as required by the legislation. This error is further exacerbated by the reference in the Record of Protected Structures for 10

Townville, St Mary's Road and the associated picture. It is noted that a new updated picture has been inserted in the recently adopted Arklow Local Planning Framework 2026, however no notices issued under the adoption of this plan to current owners of protected structures, and therefore the issue in respect to non-compliance with Section 55 still stands.

Given the legal requirement of the Planning and Development Act 2000(as amended), the flaw in the address of the Protected Structure and in the required notifications, it is considered that 1 Townville has not been included in the Record of Protected Structures to accord with the legislation, and therefore could not form part of the Register given this legal impediment.

Therefore, in light of the above assessment the provisions of Section 57 are not applicable in this instance.

Query (1), (4), and (5)

(1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall:

(4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;

(5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and

It is evident that Items (1), (4) and (5) are intrinsically linked to the construction of the extension structure, the disaggregation of them into individual elements would not be foreseen in the exempted legislation and their assessment is therefore all part of the examination of the extension.

Items (1), (4) and (5) would come within the definition of works as set out in Section 2 of the Planning and Development Act 2000(as amended) , and are therefore development given the provisions of Section 3 of the Planning and Development Act .

The relevant exemption at the date the works were undertaken are set out in SI 600 P&D Regulations 2001 Class 1 of Part 1; Schedule 2 i.e.

Class 1 provides for -
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.

The development would come within the description. This exemption is subject to a number of limitations and they are assessed below .

Limitation 1 – the extension is to the below 40sqm

Limitation 2 – no previous extension , this limitation is met.
Limitation 3 – Not applicable
Limitation 4 – The height of the walls do not exceed the side walls of the house.
Limitation 5 - The rear private open space is 21.42sqm and therefore this limitation is not met.
Limitation 6. – This limitation is met.
Limitation 7 – Not applicable.

The proposed extension given the above assessment is development and is not exempted development.

Query 2 - (2) The alteration or removal of the shared roof-valley arrangement, down pipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;

The works that have taken place are the alteration of the down pipe, there is no evidence of any alteration of the roof. The alteration of the down pipe and provision of an L-shaped pipe are works, and therefore development having regard to Section 2 and Section 3 of the Planinng and Development Act 2000 (as amended). The works of alteration would 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, and therefore is exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

Query 3 - (3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall. including onto the car park of Ards;

This query does not come within the definition of works, as it does not refer to any operation of construction, excavation, demolition, extension, alteration, repair or renewal, and is therefore not development given the definition under Section 3 of the P&D Act 2000.

Query (6) – (6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX 10/2026 on this property.

In respect to question (6) set out above, the following definitions are highlighted for clarity i.e.

Section 2 - "exempted development" has the meaning specified in *section 4*;

Section 5.—(1) If any question arises as to what, in any particular case, is or is not development or 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, and that person shall provide to the planning authority any information necessary to enable the authority

to make its decision on the matter.

Query (6) relates to the planning application process under Section 34 of the Planning and Development Act 2000 (as amended) and Related Regulations. A query on public notices is not a matter for Section 5 and therefore this element does not form part of the assessment under Section 5 and is omitted.

Recommendation

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

> (1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall:
>
> (2) The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;
>
> (3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards;
>
> (4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;
>
> (5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and
>
> (6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EXI 0/2026 on this property.

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

The Planning Authority consider that the

A : The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, which are form an extension is development and **is Not Exempted development.**

B : The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall including onto the car park of Ards **is not Development**

C : The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall. and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain **is Development and is Exempted Development**

Main Considerations with respect to Section 5 Declaration :

a) Section 5 Declaration application details
b) Section 5 Declaration issued under EX 10/2026 and EX 97/2026
c) The date the single storey extension was constructed c. late 2025/ early 2026
d) Notice of Proposed Additions to the Record of Protected Structures : Wicklow People : 28th November 2007.
e) Sections 2 , 3, 4 , 55 and 57 of the Planning and Development Act 2000 (as amended)
f) Article 6,9 and Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (SI 600 of 2001),

Main Reasons with respect to Section 5 Declaration :

i. The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall, which includes works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall and the excavation and foundation works for the extension adjoining the party wall and the structure at Ards, are all intrinsic elements and integral to the construction of the extension to the rear of 1 Townsville, and therefore come within the extension development.
ii. The construction of the rear extension would come within the meaning of works as set out in Section 2 of the Planning and Development Act 2000(as amended) and these works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended).

iii. The rear extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (SI 600 of 2001), but as the rear private space is reduced to 21.42 sqm it would not meet Limitation 5 which provides that *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.*

iv. The alteration or removal of the shared roof-valley arrangement, down pipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain are works , and therefore development having regard to Section 2 and Section 3 of the Planning and Development Act 2000 (as amended). The works of alteration would 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, and therefore is exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

v. The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards, would not come within the definition of works, as the discharge of roof and surface water does not refer to any operation of construction, excavation, demolition, extension, alteration, repair or renewal, and is therefore not development given the definition under Section 2 of the Planning and Development Act 2000.

(vi) The Record of Protected Structures includes no 10 Townville St.Mary's Road, Arklow, with the associated picture referring to 11 Townville St Mary's Road. At the date of inclusion in the Record of Protected Structures of no. 1 Townville, St Mary's Road, the reference in the newspaper notice referred to 10 St. Mary's Road, Arklow and 11 Townville, St Mary's Road Arklow. Section 55 of the Planning and Development Act 2000(as amended) requires the Planning Authority to give notification of inclusion of a structure in the Record to the owner of the property. The identified flaw in the address of the Protected Structure in notices and subsequently in the Record, was such that the required notifications could not have issued to the correct address, and it is therefore concluded that 1 Townville has not been included in the Record of Protected Structures to accord with the legislation, and therefore could not form part of the Record given this legal impediment. Thus the provisions of Section 57 are not applicable in this instance.

(vii) The query as to whether

Queries (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous

declaration EX 10/2026 on this property,

would it is considered relate to the planning application process under Section 34 of the Planning and Development Act 2000 (as amended) and Related Regulations. A query on the administration of the planning application is not a matter for Section 5 and therefore this element does not form part of the assessment under this declaration.

Sbl Bermingham TTS

5/10/2026

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ARKLOW TOWN COUNCIL

PLANNING AND DEVELOPMENT ACT 2000 (Section 55)

Notice of Proposed Additions to the Record of Protected Structures

Take notice that Arklow Town Council as the Planning Authority for its administrative area, in accordance with Section 55 of the Planning and Development Act 2000, proposes to add 82 proposed protected structures, as listed hereunder, to the Record of Protected Structures in the Arklow Town Development Plan 2005-2011.

Particulars of the each of the proposed protected structures may be inspected at the offices of the Planning Authority, Arklow Town Council at Town Hall, Main Street, Arklow, Co. Wicklow from 29th November 2007 to 11th January 2008 inclusive during the hours of 9 30 a.m to 12.30 p.m. and 2.30 p m to 4.30 p m. Monday to Friday, excluding bank and public holidays

Any submissions or observations in respect of the addition of one or more of the proposed protected structures to the Record of Protected Structures may be made in writing to the Town Clerk, Arklow Town Council, Town Hall, Arklow, Co Wicklow before 5.00 pm on 11th January 2008, and they will be taken into consideration before making the relevant addition(s)

Des Nichols, Town Clerk

SCHEDULE OF PROPOSED ADDITIONS TO THE RECORD OF PROTECTED STRUCTURES

Building Number or Name	Street	Ref No
St Saviours Church	Coolgreaney Road	16322001
3a	Vale Road	16322002
3b	Vale Road	16322002
6	Wexford Road	16322003
26 Shamrock House	Coolgreaney Road	16322004
Rosemont House	Coolgreaney Road	16322005
Clarmont House	Coolgreaney Road	16322005
11 Valeview House	Coolgreaney Road	16322006
4 Lamberton	Coolgreaney Road	16322007
Water Tower Lamberton	Coolgreaney Road	16322008
Gate Lodge	Coolgreaney Road	16322009
Cemetery Gate Lodge	Cemetery Road	16322011
Morgan Doyle Ltd	Main Street	16322013
St Mary s and St Peter s Church Fr Michael Murphy Statue	Parade Ground	16322014
Ormonde Cinema	Parade Ground	16322016
1	Upper Main Street	16322017
2	Upper Main Street	16322018
Rose's Florist	Upper Main Street	16322019
1 Gethsemane	St Mary's Terrace, St Mary's Road	16322020
2 St Mary's Terrace	St Mary's Road	16322021
3 St Mary's Terrace,	St Mary's Road	16322022
4 St Mary's Terrace,	St Mary's Road	16322023
5 St Mary's Terrace,	St Mary's Road	16322024
6 St Mary's Terrace,	St Mary's Road	16322025
7 St Mary's Terrace,	St Mary's Road	16322026
8 St Mary's Terrace,	St Mary's Road	16322027
Reenmore	St Mary's Road	16322028
Railway Station Buildings	St Mary s Road	16322029
Navigation Beacon	North Quay	16322030
10	St Mary's Road	16322031
11 Townville	St Mary s Road	16322031
12	St Mary's Road	16322032
Apartment Block Old Convent Bldg)	St Mary s Road	16322033
48	Main Street	16322034
86	Lower Main Street	16322036
85	Lower Main Street	16322037
71	Lower Main Street	16322039
62	Lower Main Street	16322040
13	Back Street	16322041
24-24a	Lower Main Street	16322042
23	Lower Main Street	16322043
2 The Nineteen Arches Pub	Lower Main Street	16322044
2	Bridge Street	16322045
Arklow Bridge	Bridge Street -Ferrybank	16322046
3	Tinahask	16322057
9 St Bridget s Terrace	Abbey Street	16322053
23 St Bridget's Terrace	Abbey Street	16322054
51 Rory O'Connor Place	Abbey Street	16322055
4 Rory O Connor Place	Abbey Street	16322056
12 St Bridget's Terrace	Abbey Street	16322057
Abercorn Masonic Hall	Ferrybank	16322058
58	Ferrybank	16322059
57	Ferrybank	16322060
56	Ferrybank	16322061
51	Ferrybank	16322062
39	Ferrybank	16322064
35	Ferrybank	16322065
33	Ferrybank	16322066
25 Virginia House	Ferrybank	16322067
24 Granan House	Ferrybank	16322068
23	Ferrybank	16322069
22 Glenthorne	Ferrybank	16322070
21 Beulah House	Ferrybank	16322071
20	Ferrybank	16322072
The Old Manse Arklow	Ferrybank	16322073
Methodist Church	Ferrybank	16322074
Doctor Surgery	Ferrybank	16322075
10 Ferrybank	Ferrybank	16322076
1 Ferrybank	Ferrybank	16322077
15 Wicklow Terrace	Wicklow Terrace	16322078
Kynoch Lodge	Sea Road	16322079
7 Park Terrace	Sea Road	16322080
8 Park Terrace	Sea Road	16322081
9 Park Terrace	Sea Road	16322082
10 Park Terrace	Sea Road	16322083
The Cottage	Sea Road	16322084
Beech Grove House	Ferrybank	16322085
Old School Place	Brigg's Lane	16322086
Old Church	Brigg's Lane	16322087
Kilbride Rectory	Dublin Road	16322088
27	Ferrybank	16322089

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
T/Senior Executive planner

FROM: Katie Finn
Clerical Officer

RE:- EX117/2026 - 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 17/09/2026.

The due date on this declaration is the **14/10/2026.**

Clerical Officer
Planning, Development & Environment

Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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

Brendan Byrne Buck MIPL
BPS Planning & Development Consultants LTD,
PO Box 13658,
Dublin 14
D14 NY27

18th of September 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX117/2026

A Chara

I wish to acknowledge receipt on 17/09/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 14/10/2026.

Mise, le meas

pp

Joanne Byrne
A/ Staff Officer
Planning, Economic & Rural Development

Wicklow County Council
County Buildings
Wicklow
0404-20100

17/09/2026 10 58 53

Receipt No L1/0/369783
***** REPRINT *****

BPS PLANNING CONSULTANTS LTD

EXEMPTION CERTIFICATES 80 00
GOODS 80.00
VAT Exempt/Non-vatable

Total 80 00 EUR

Tendered
Cheque 80 00
1 TOWNVILLE ST MARYS ROAD ARKL

Change . 0 00

Issued By Adain Copeland
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 WHAT IS OR IS NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT

1. Applicant Details

(a) Name of applicant: **Helen Noble SC.**

(b) Address of applicant: **Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow.**

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

WICKLOW COUNTY COUNCIL
17 SEP 2026
PLANNING DEPT.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable): **Brendan Byrne Buck MIPI.**

Address of Agent: **BPS Planning & Development Consultants LTD, PO Box 13658, Dublin 14, D14NY27.**

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

3. Declaration Details

i. Location of Development subject of Declaration: **1 Townville, St Mary's Road, Arklow, Y14YF70 or 10 St Mary's Road, Arklow (also historically Marlborough Terrace) (within the Wicklow County Council planning archives, the property has also been known as Townsville and 10 Townville – see the attached covering letter).**

ii. Are you the owner and/or occupier of these lands at the location under i. above? **No. Helen Noble SC is not the property owner.**

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier: **Jodie Redmond, 1 Townville, St Mary's Road, Arklow.**

iv. Section 5 of the Planning and Development Act provides that: If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration:

A question arises as to whether the following, taken separately and together, constitute development and are or are not exempted development: (1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall; (2) The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain; (3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards; (4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall; (5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and (6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX10/2026 on this property.

Additional details may be submitted by way of separate submission.

Please find a covering letter attached which has been prepared by BPS Planning & Development Consultants LTD.

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

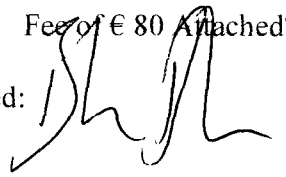
Please refer to the attached covering letter which has been prepared by BPS Planning & Development Consultants LTD.

vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure): **Disputed. The pair is entered on the Record / Heritage Schedule as A18 (10 Townville) and A19 (11 Townville). See covering letter. This referral does not re-open EX10/2026 but the authority cannot ignore those entries when testing exemption.**

vii. List of Plans. Drawings submitted with this Declaration Application:

- Copy of an OS based site location map with the subject lands outlined in red which has been submitted to WCC under planning application reg. ref. 2660808.
- Copies of drawings are attached which have been submitted by the property owner in respect of planning application reg. ref. 2660808.

viii. Fee of € 80 Attached? **Cheque for €80 attached.**

Signed:  Dated: 17/7/2026

BPS
Planning & Development
Consultants

M 087 261 5871
T 01 539 4960
E info@bpsplanning.ie
W www.bpsplanning.ie

PO Box 13658
Dublin 14

BY HAND

The Secretary,
Planning Department,
Wicklow County Council,
County Buildings, Station Road,
Whitegates, A67FW96,
Wicklow Town, County Wicklow.

17 September 2026

Dear Sir/Madam,

Section 5 referral / exemption declaration at 1 Townville, St Mary's Road, Arklow. A question arises as to whether the following, taken separately and together, constitute development and are or are not exempted development: (1) The construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall; (2) The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain; (3) The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards; (4) Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall; (5) Excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and (6) Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808. Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX10/2026 on this property.

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute accredited town planning consultants, has been retained by Helen Noble SC, Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow [hereafter "the client"] to prepare and lodge this section 5 referral with Wicklow County Council [hereafter "WCC"].

The referral relates to works carried out and proposed at the adjoining property known as 1 Townville, St Mary's Road, Arklow, County Wicklow, Y14 YF70 (also 10 St Mary's Road - the site notice spelling Townsville is a further variant) That property is also described in Council records, on historic OS extracts and in the Record of Protected Structures / Arklow Local Planning Framework Heritage Schedule as 10 Townville / Townville It forms one half of a Domestic Revival pair with Ards

Our client asks WCC to determine whether the works set out in the question below constitute development and are or are not exempted development

This referral arises because those works affect the party wall, the shared roof valley and drain, and the passage of water onto Ards Retention application PRR 26/60808, received by WCC on 8 September 2026, describes only the retention of an existing 15 70 sq.m single-storey rear extension and minor alterations to the rear elevation It does not describe, or seek to regularise, the drain, downpipe, pillar or party-wall works

WCC declaration EX10/2026 (23 February 2026) stated that protected status of 1 Townville was "uncertain," citing a mismatch between the RPS wording, the photograph and the postal address, and possible defects in section 55 notices The client does not accept that declaration as a finding that the building is not a protected structure. The pair has been entered on the Record as A18 – 10 St Mary's Road (Townville) and A19 – 11 St Mary's Road (Ards), NIAH 16322031, and remains on the Heritage Schedule of the Arklow Local Planning Framework adopted on 6 July 2026 In 2006–2007 Arklow Town Council granted P 06/136 for reinstatement of original use at Ards, described on the notice as a proposed protected structure at 11 St Mary's Road (now county register 06610136). The 2000 OS extract labels this plot No. 10. This referral does not try to re-open the EX10/2026 question It asks whether specified works are development and whether they are exempted development WCC, in assessing those works cannot reasonably ignore the RPS entry, the Heritage Schedule, or our client's position that the pair remains protected

The structure at 1 Townville is occupied. It is attached to Ards There is a planning history on the wider Townville / Reenmore lands (including P19/2000 / ATC 113/2000) Section 2 of this letter sets out that history and the documents on EX10/2026 so far as they are relevant to this question

Section 1 of this letter addresses validation Sections 2.0 to 6.0 set out the facts, drawings and legal tests required for the declaration Section 7.0 offers a conclusion and Section 8.0 a recommendation If WCC requires any further detail, it can be provided on request.

1 Validation of this Section 5

In terms of validation of this section 5, we refer to section 5.—(1) of the Planning and Development Act 2000 (as amended) which states

> *If any question arises as to what, in any particular case, is or is not development or 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, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter*

Please find a cheque for €80 attached, which is the statutory fee payable for a section 5

To support this referral, BPS has.

- Provided a completed WCC section 5 form
- Set out in this letter the question which has arisen, namely whether the following, taken separately and together, constitute development and are or are not exempted development.

  (1) the 15.70 sq m rear extension and rear-elevation works the subject of PRR 26/60808,
  (2) alteration or removal of the shared roof valley, downpipe and drain, and substitution of an L-shaped pipe on the flat roof,
  (3) discharge of water from the extension onto the Ards side of the party wall,
  (4) works to the party wall (pillar, building-in, capping and rendering),
  (5) excavation and foundations adjoining that wall, and
  (6) whether (2) to (5) form part of the development described in the notices for 26/60808.

Set out in this letter the facts relevant to that question, including EX10/2026, the RPS / Heritage Schedule entries for A18 – 10 St Mary's Road (Townville) and A19 – 11 St Mary's Road (Ards), PRR 26/60808, and our client's position that EX10/2026 is not accepted as a finding that the building is not protected

Attached an OS site location map with both Townville and Ards identified, copies of the 26/60808 drawings so far as they show the extension and wall, historic extracts (including the P.D. Lane drawing of 14 February 2000 labelling the plot No. 10), and photographs of the party wall, pillar, downpipe arrangement and water discharge onto Ards

WCC may require more detail Section 5(2)(b) allows the planning authority to request further information in order to issue the declaration. Any such request can be met promptly.

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Appendices

Appendix 1 Relevant details and drawings pertaining to planning application reg ref 26/60808
Appendix 2 P D Lane drawing of 14 February 2000 labelling the plot No 10
Appendix 3: Excerpts from the Wicklow County Development Plan's Record of Protected Structures
Appendix 4. Photographs of the party wall, pillar, downpipe arrangement and water discharge onto Ards
Appendix 5. Planning permission reg ref. 06610136 – relevant excerpts

1.0 Site location & description

This section 5 relates to 1 Townville, St Mary's Road, Arklow, County Wicklow, Y14 YF70, and to works on and against the party wall, roof and drain shared with Ards (see Appendix 4)

Postal and historic labels for this house have never been single St Mary's Road was Marlborough Terrace until June 1920. The client's ESB account for Ards is still addressed to 11 Marlborough Terrace The pair were built c 1900 as part of the Proby / Carysfort development and have been known as Ards and Townville (collectively the Carysfort Villas). Ards was the estate office Townville was the agent's house.

On the 1943 title map Ards is No. 11 on Marlborough Terrace P D Lane drawing H-46-1 (14 February 2000) marks this plot No 10 That number is 10 St Mary's Road, not "10 Townville" as a street name The ArcGIS Hub Record of Protected Structures for Arklow (updated 15 December 2025) and the Arklow Town Council minutes of 13 February 2008 (the list as voted onto the RPS) both enter the pair with 10 St Mary's Road as one of the two houses, under the same NIAH / schedule reference. A18 on the live map is given as 10 St Mary's Road

After 2002 the apartment scheme to the rear took the name Townville Duplex units there include 10 Townville and 11 Townville Those are not this house and not Ards The front pair was never "10 Townville" or "11 Townville" as a postal street EX10/2026 treated a mismatch between "1 Townville," the photograph and the RPS wording as leaving status "uncertain." A change of road name in 1920, a house name adopted after 1943, and later numbering of the rear estate do not take the pair off the Record This referral proceeds on the basis that the structure is the house entered as 10 St Mary's Road / Townville / A18, forming a pair with Ards (11 St Mary's Road / A19)

Townville and Ards are a Domestic Revival semi-detached pair, built c.1900, rendered, double-gabled to St Mary's Road In the Record of Protected Structures and in the Heritage Schedule of the Arklow Local Planning Framework (Variation No 6, adopted 6 July 2026) the pair is entered as A18 – 10 St Mary's Road (Townville) and A19 – 11 St Mary's Road (Ards), NIAH 16322031 The 1.1000 extract lodged with Arklow UDC application reg ref P19/2000 (P D Lane Associates drawing H-46-1, 14 February 2000) labels this plot No 10 (see Appendix 2). Historic views of the pair are at Figs. 12 and 13.

WCC declaration EX10/2026 (23 February 2026) recorded that the RPS wording, and photograph do not coincide with the postal address "1 Townville," that section 55 notices may not have been served at that address, and that protected status was "uncertain " That declaration is not accepted Our client proceeds on the basis that Townville remains the structure entered on the Record as 10 St Mary's Road / Townville / A18, forming a pair with Ards

Reg. ref. EX10/2026 did not determine whether the works now referred are development or exempted development. This referral does not re-ask the reg ref EX10/2026 question

Retention application PRR 26/60808, received 8 September 2026, describes only "retention of existing 15 70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation." The site notice uses the spelling "Townsville " The drawings (13-26-A to 13-26-H – see Appendix 1 of this letter and the case file[2]) show a flat-roofed rear extension of 15 70 sq.m, described as a sensory room, built to the party wall with Ards, with the original rear wall opened by uPVC doors (see Appendix 4 and the applicant's current planning application PRR 26/60808). Rear garden remaining is stated as 21 42 sq m

[1] References refer to https //revisedacts lawreform ie/eli/2000/act/30/revised/en/html#SEC4
[2] https //www eplanning ie/WicklowCC/AppFileRefDetails/2660808/0

Ards shares that party wall, the historic roof valley and the drain that collected water from both roofs and took it to the public system on the Townville side. Before the extension there was a rear wall and pillar between Townville and the Ards car park. The pillar has been cut and the extension built into or onto the wall. The shared downpipe arrangement has been replaced by an L-shaped pipe on the new flat roof with no connecting drop into the old drain. Water that previously soaked on the Townville side, or ran in that drain, now reaches the Ards side of the wall (see Appendix 4 of this letter). The reg. ref. 26/60808 drawings annotate capping and rendering of the "existing 2.0 m high boundary wall." The client does not consent to those works.

The pair fronts St Mary's Road. Access to the apartments at the rear of Townville / Reenmore runs past the side of the house (Figs. 2 & 3). Services to Townville are existing. This referral is concerned with the rear addition and with works to the shared wall, roof and drain, not with the front elevation to the road.

The rear wall between Townville and the Ards car park is not an accident of occupation. In 2000 the then owner of Ards objected to Arklow UDC P19/2000 (development at Townville and Reenmore). By indenture of 27 August 2002 Annie O'Toole conveyed the rear garden ground behind Ards to Conor Lawler and Patricia Nalty (then of Townville) for €140,000. The client's understanding, consistent with that sequence, is that the dividing wall and the second pillar were built about that time, when the deep garden of the pair was cut back and the apartment scheme proceeded. Before the extension now the subject of 26/60808, that wall and pillar still divided Townville from the Ards car park. Part of the pillar has been cut. The extension has been built to and into that line (see Appendix 4 of this letter).

Water that previously fell on the Townville side of that wall, or ran in the shared valley and drain to the public system on the Townville side, now reaches the Ards side. The client's position for this referral is the planning position: those works change how water is collected and discharged. They are not described in the planning application reg. ref. 26/60808 statutory notices. Whether they also engage private rights is not the question asked here.

If further photographs or a measured survey of the wall and drain are required, they can be provided.

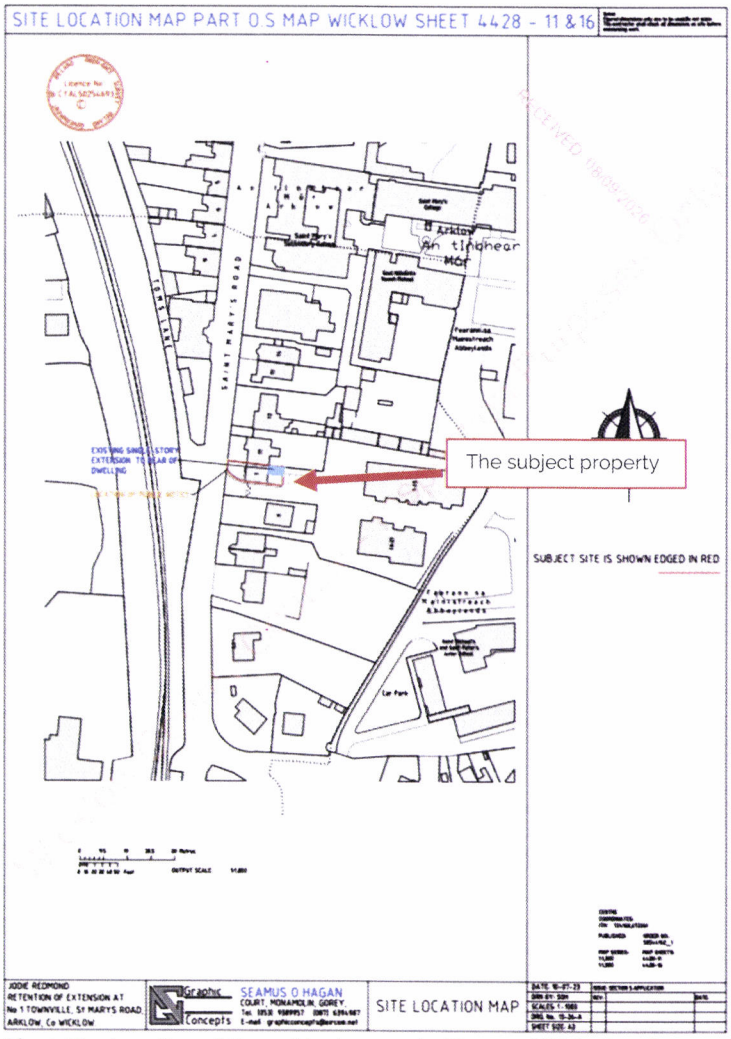


Fig. 1: The location of the subject property (Source: WCC planning application reg. ref. 2660808)



Fig. 2: The location of the subject property (Source: Google Maps 2026)



Fig. 3: The appearance of the subject property (Source: Google Streetview 2025)



Fig. 4: The original appearance of the back of the subject property and client's property (Source: Client's image)

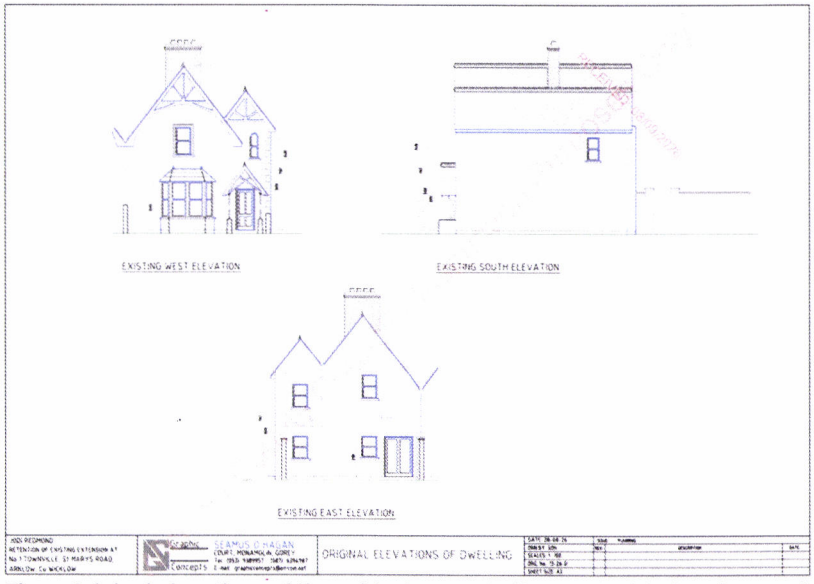


Fig. 5: Original elevations of the subject property (Source: WCC planning application reg. ref. 2660808)

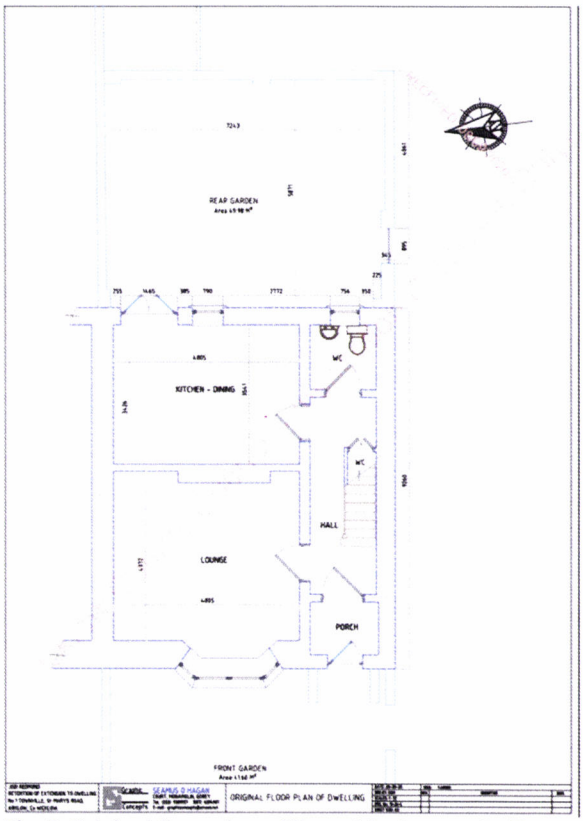


Fig. 6: Original floor plan of the subject property (Source: WCC planning application reg. ref. 2660808)

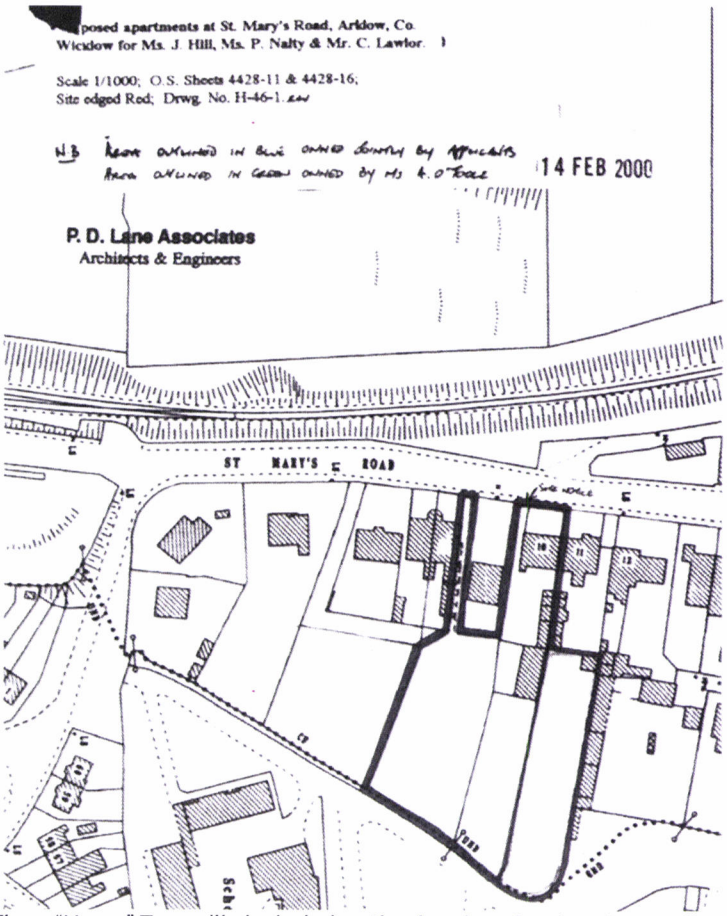


Fig. 7: "No. 10" Townville included on the drawings for planning application, reg. ref. P19/2000 (Source: WCC archives - P.D. Lane H-46-1, 14 Feb 2000 - plot marked No. 10)

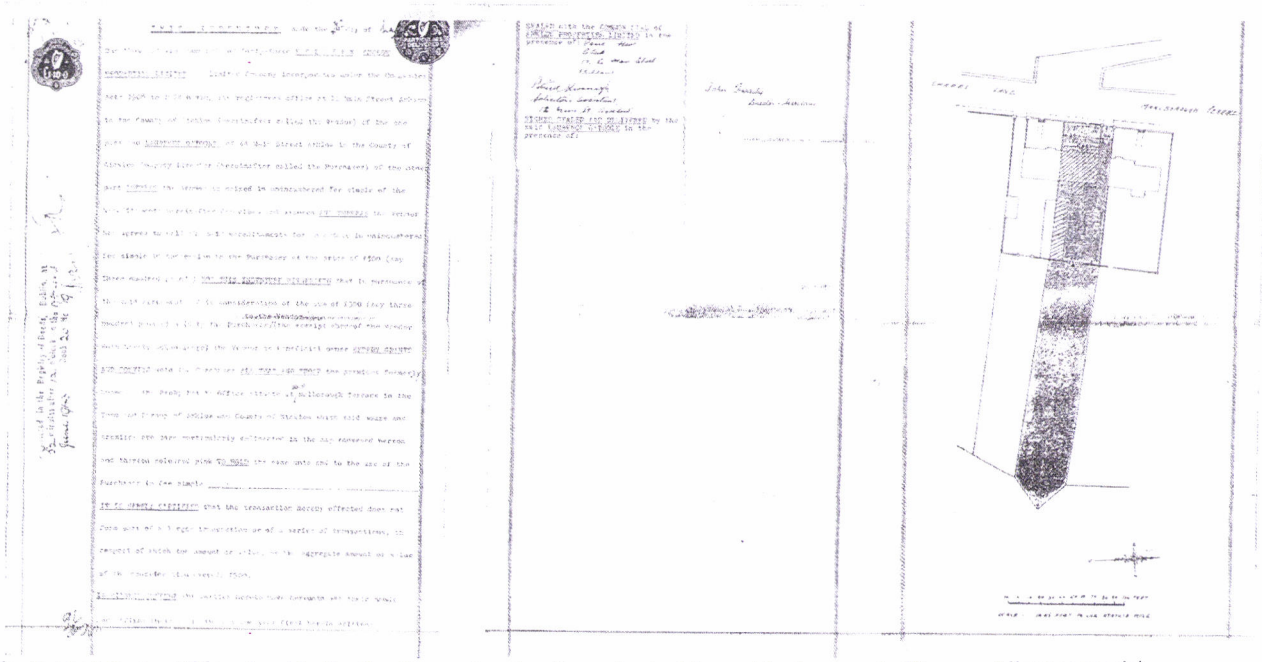


Fig. 8: 1943 Proby Office deed in the Section 5 showing the extent of the subject property (Source: Client records)

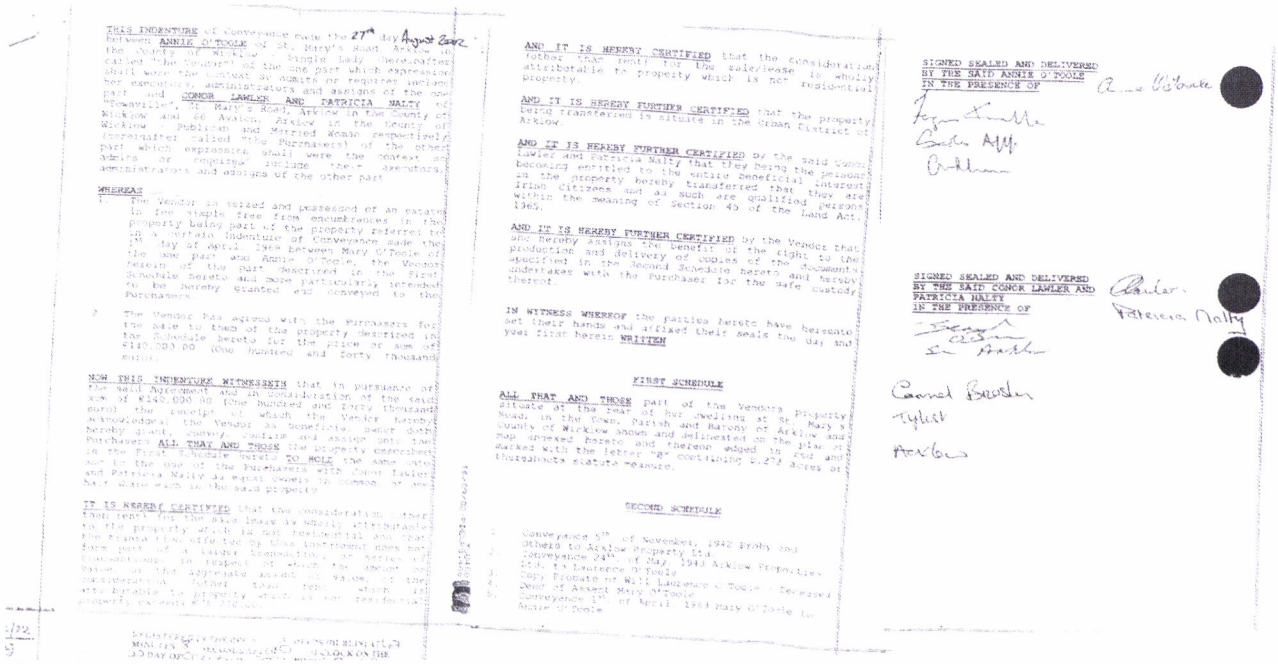


Fig. 9: Cover and schedule of the 27 August 2002 indenture - conveyance of rear ground from Ards, 27 August 2002 - context for the dividing wall (Source: Client records)

1.1 History of the pair, the Record, and recent works

BPS has reviewed the history and planning history of Ards and Townville which is a critical starting point for WCC's consideration of this Section 5. Townville and Ards are one pair. They were built c.1900 as Domestic Revival semi-detached houses on St Mary's Road. NIAH 16322031 records that pair. The Record of Protected Structures and the Heritage Schedule of the Arklow Local Planning Framework (Variation No. 6, 6 July 2026) enter them as A18 – 10 St Mary's Road (Townville) and A19 – 11 St Mary's Road (Ards). Historic photographs show the two houses as a single composition to the road (see above).

Postal numbering has not been consistent. The P.D. Lane drawing H-46-1 (14 February 2000), lodged with Arklow UDC P19/2000, labels this plot No. 10 (Fig. 7). Site notices and later files use Townville, 1 Townville and, on 26/60808, Townsville. EX10/2026 (23 February 2026) treated that mismatch, and possible defects in section 55 notices, as leaving protected status "uncertain." The client does not accept that as a finding that the building is off the Record. This referral does not re-open EX10/2026. It asks

whether specified works are development and whether they are exempted development. The entries on the Record and on the 2026 Heritage Schedule remain part of the description of the property.

In 2000, the then owner of Ards appealed planning decision reg. ref. ATC P19/2000 (development at Townville and Reenmore). Permission ATC reg. ref. 113/2000 (20 January 2001) allowed demolition of part of Townville and construction of apartments. By indenture of 27 August 2002 the rear ground behind Ards was sold to the then owners of Townville. The dividing wall and second pillar between Townville and the Ards car park date from that period. That wall still stood immediately before the extension now the subject of planning application reg. ref. 26/60808.

Planning application reg. ref. 26/60808, received by WCC on 8 September 2026, seeks retention of a 15.70 sq.m single-storey rear extension and "minor alterations to rear elevation." The drawings show the extension built to the party wall, the original rear wall opened, a flat roof, and proposed capping and rendering of the 2 m wall. They do not describe the shared valley, the replacement L-pipe, the cut pillar, or discharge of water onto Ards.

That is the history that matters for this declaration: a listed pair, an unresolved address on the Record, a wall built when the garden was sold, and a retention notice that names only 15.70 sq.m within the red line boundary for the planning application.

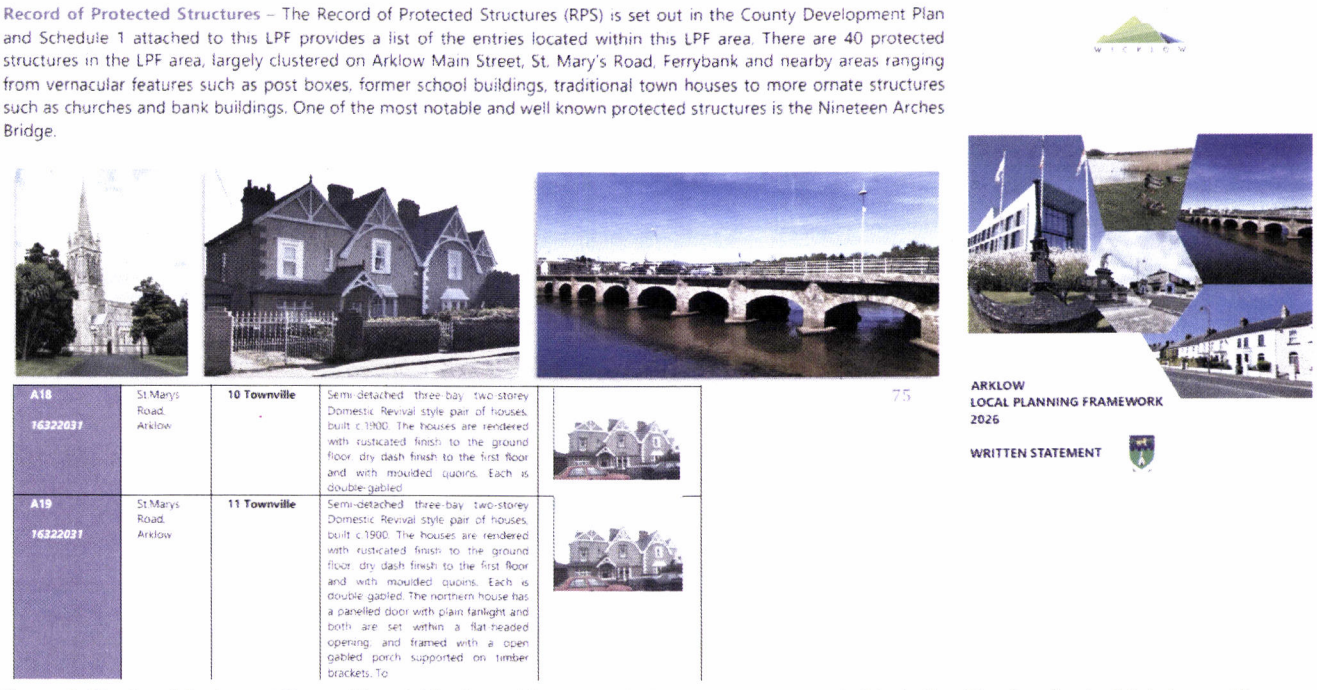


Fig. 10A: Photo of Ards and Townville within the Arklow Local Planning Framework (Variation No. 6, adopted 6 July 2026)

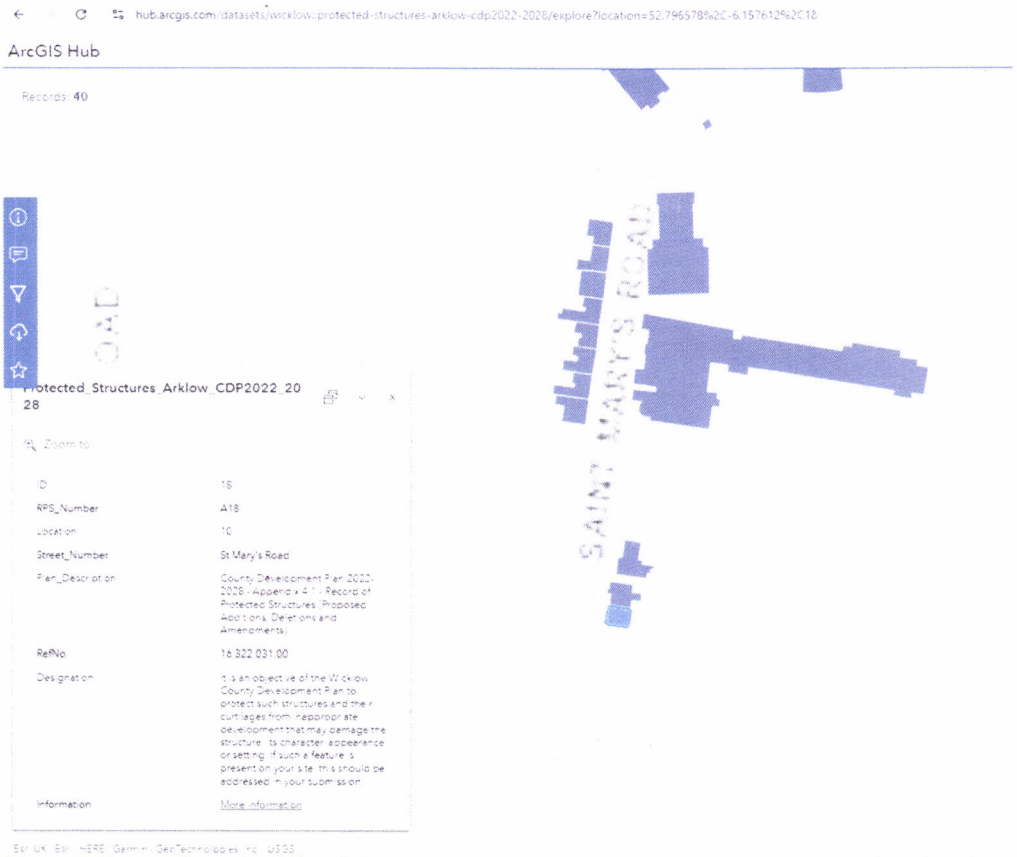


Fig. 10B: Extract from ArcGIS Hub Protected Structures Arklow CDP 2022–2028 (updated 15 December 2025) — A18 given as 10 St Mary's Road

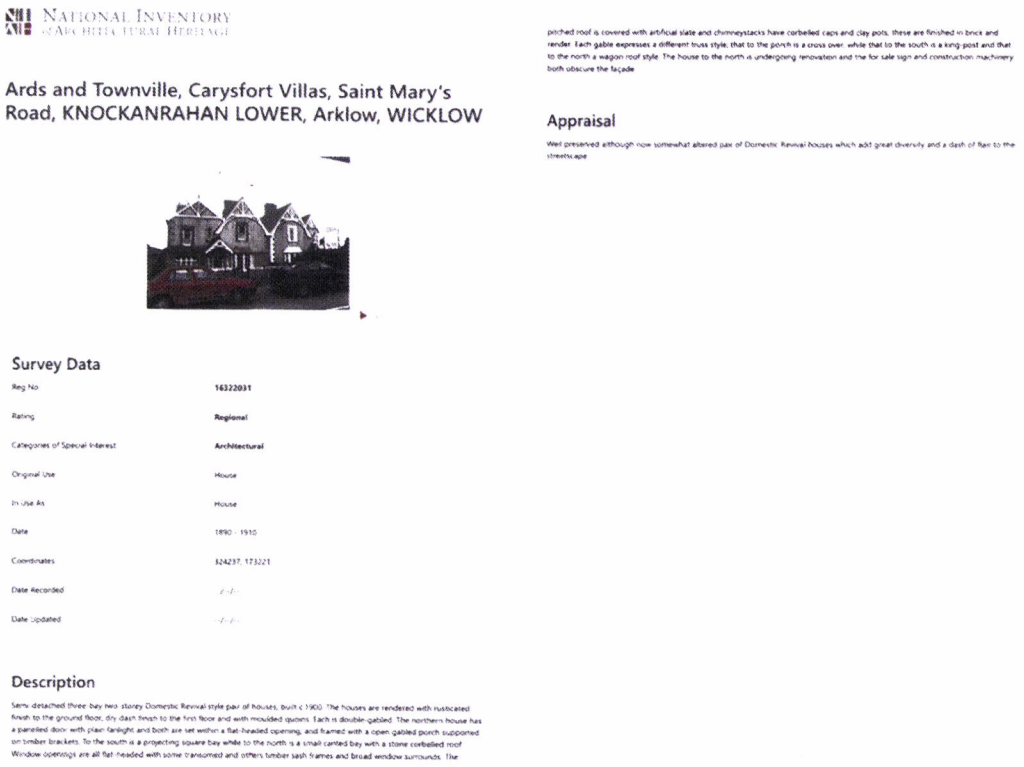


Fig. 11: The inclusion of Ards and Townville within the National Inventory of Architectural Heritage



Fig. 12: Historic print of Ards and Townville (Source: Client's own image)

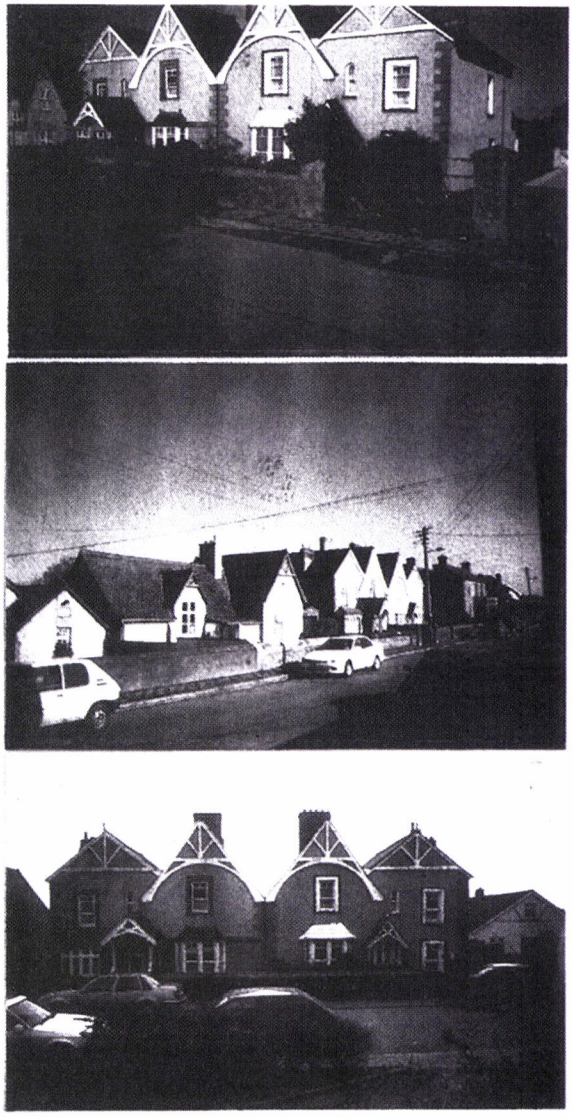


Fig. 13: Historic photo of Ards and Townville (Source: Wicklow Co. Co. planning archives)

2.0 Section 5 question arising

The question referred to the planning authority pursuant to section 5(1) of the Planning and Development Act, 2000, as amended ("the Act") for review is, as follows: A question arises as to whether the following, taken separately and together, constitute development and are or are not exempted development.

1. The construction and retention of the single-storey rear extension of stated area 15 70 sq m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall,

2 The alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;

3 The discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards;

4 Works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;

5 Excavation and foundation works for the extension adjoining the party wall and the structure at Ards, and

6 Whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808

Each item is asked having regard to sections 2, 3, 4 and 5 of the Planning and Development Act 2000, to articles 6, 9 and 10 of the Planning and Development Regulations 2001, and to Wicklow County Council's previous declaration EX10/2026 on this property

3.0 Background to the referral

3.1 Planning history

The history that matters for this declaration is the pair, the 2000–2002 apartment scheme that cut the gardens, the Record, EX10/2026, and a current live retention planning application (see below) Other permissions on St Mary's Road are not included excepting that pertaining to our client's adjoining property, 'Ards'.

3.1.1 The pair and the planning record

Townville and Ards are the Domestic Revival pair on St Mary's Road, c 1900, NIAH 16322031 They appear on the Record of Protected Structures and on the Heritage Schedule of the Arklow Local Planning Framework (Variation No 6, adopted 6 July 2026) as

- A18 – 10 St Mary's Road (Townville) - (also described in records as Townville, 1 Townville, and on the 2000 OS extract provided in Appendix 2 as plot No. 10).
- A19 – 11 St Mary's Road (Ards)

The same pair is shown as Nos 10 and 11 on historic maps and in the NIAH Postal and application addresses have since used Townville, 1 Townville and Townsville That is a labelling issue. It is not a separate building.

3.2 P19/2000 / ATC 113/2000 - Townville and Reenmore

Arklow Urban District Council file P19/2000 (P D Lane Associates) sought apartments on lands at Townville and Reenmore, St Mary's Road Drawing H-46-1 (14 February 2000, OS sheets 4428-11 and 4428-16) edges the application site in red, marks other land in blue/green, and labels the Townville plot No. 10.

Anne O'Toole of Ards appealed the Urban District Council grant to An Bord Pleanála by letter of 23 May 2000 (fee receipt B938) The appeal described Ards as the semi-detached double-fronted house adjoining Townville.

ATC PRR 113/2000 was granted on 20 January 2001 for demolition of part of the existing house, alterations to the remainder of Townville, and construction of 20 no two-bedroom apartments WCC's EX10/2026 declaration records that development commenced on 10 June 2002. The OS sheet with that application identified the structure as No 10. The site notice used "Townville." The layout used "1 Townville "

3.3 Conveyance 27 August 2002

By indenture of 27 August 2002 Annie O'Toole conveyed the rear ground behind Ards to Conor Lawler and Patricia Nalty (then of Townville and Avalon) for €140,000 That sale sits after the appeal and during the build-out of 113/2000 The dividing wall and second pillar between Townville and the Ards car park date from that period The 1943 conveyance of the former Proby Estate Office (Arklow Proprietary Limited to Laurence O'Toole) is title background only. It does not determine the present wall.

3.4 EX10/2026 - 23 February 2026

The client sought a declaration as to whether works were exempted development under section 4(1)(h) and section 57 where the structure is a protected structure. WCC determined that the RPS description refers to 10 Townville and the associated picture to 11 Townville, not to 1 Townville, that section 55 notices may not have been served at the correct address, and that the protected status of 1 Townville was "uncertain."

That declaration is not accepted as a finding that the building is off the Record It did not decide whether the rear extension, the drain, the pillar or the party-wall works are development or exempted development Those questions are asked now

3.5 PRR 26/60808 – received by WCC 8 September 2026

Jodie Redmond applied for retention of an existing 15 70 sq m single-storey rear extension and minor alterations to the rear elevation at "No 1 Townville / Townsville," St Mary's Road. Drawings 13-26-A to 13-26-H (Seamus O Hagan, 4 September 2026) show the as built extension built to the 2 m party wall, original rear wall opened, flat roof, and proposed capping and rendering of that wall WCC acknowledged the file on 9 September 2026 The five-week period for observations runs from 8 September 2026

The public description does not name the shared valley, the L-pipe, the cut pillar, building into the wall, or discharge of water onto Ards

3.6 Arklow Town Council P.06/136 / Wicklow 06610136 - Ards as a proposed protected structure

On 1 December 2006, Larry and Deirdre Burke applied for permission for reinstatement of original use of premises at "Ards," a proposed protected structure at 11 St Mary's Road, Arklow. The application was made through Emmet Duggan Architects Arklow Town Council validated it as reg ref P 06/136 On the county register it is reg ref 06610136

Kevin Scanlon, Town Engineer, recommended a grant on 1 February 2007. The Order of 1 February 2007 granted permission subject to six conditions The decision notice describes the development in the same words reinstatement of original use at "Ards," a proposed protected structure at 11 St Mary's Road

Three points follow for this section 5

- *First*, in 2006–2007 the planning authority itself named Ards as a proposed protected structure. That is the other half of the same pair as Townville It is inconsistent with a later stance that only an address typo decides whether the pair is on the Record

- *Second*, the authority then used 11 St Mary's Road for Ards The RPS and Heritage Schedule use 10 Townville and 11 Townville for the pair. Reg ref P19/2000 labelled the Townville plot No. 10. EX10/2026 treated "1 Townville" as if it were a different building Reg ref P 06/136 shows WCC has long known these are the two houses of one pair, and that numbering on the street and on the Record has moved It does not show that Townville was never intended to be listed

- *Third*, works to Townville that cut the shared pillar, alter the shared valley and drain, and throw water onto Ards are works on the boundary of a structure WCC has already processed as a proposed protected structure. Even if the officer assessing reg. ref. 26/60808 and this referral repeats the EX10/2026 "uncertain" formula for 1 Townville. P.06/136 is still on the file as WCC's own treatment of Ards

A copy of the decision notice, the Town Engineer's memo and the ePlan header for reg ref. 06610136 are included in Appendix 5 of this letter.



Fig. 14: Results of a search of the WCC Planning Applications Online Database

3.2 Enforcement History

BPS has reviewed the enforcement history of the site. The summary details are as follows.

3.2.1 UD11012 - complaint 28 November 2025, closed 6 January 2026

The client registered a Part VIII complaint on 28 November 2025 in respect of the rear extension at 1 Townville. WCC opened UD11012.

The enforcement report of 11 December 2025 recorded a flat-roofed rear extension measured on site at 12 sq.m, with remaining rear amenity space about 21 sq.m. The recommendation was that a domestic extension of that size was exempt, that no action was required, and that the file should close.

WCC wrote on 6 January 2026 that the file was closed under section 152. A letter of 15 January 2026 confirmed UD11012 remained closed, that closure of an enforcement file is separate from a section 5, and that there was no obligation to issue a warning letter. FOI papers (February 2026) include a redacted note by Ciara Ruane and the 11 December report.

UD11012 did not determine the shared drain, the pillar or discharge of water onto Ards. It treated the as built extension as an ordinary small extension. EX10/2026 later used those same site measurements.

3.2.2 UD11058 - complaint 24 March 2026, still open when 26/60808 was lodged

After EX10/2026, the client registered a further complaint on 24 March 2026. WCC opened UD11058 for alleged unauthorised development at 1 Townville / 10 St Mary's Road, including the extension and a shed to the front.

Acknowledgement letters (including 6 May 2026, refs AH/BD and AH/MD) state that a file is open, that complainants are not generally updated unless an Enforcement Notice issues, and that investigation can take about six weeks. The client's position in April–May 2026 was that no warning letter had been copied to her within the section 152 six-week period. Correspondence from the neighbour's side in the brief treats UD11058 as open in respect of the extension and the front shed.

Planning application reg. ref. 26/60808 was lodged on 8 September 2026 while that file was live. The retention notices describe a 15.70 sq.m extension. That is not the 12 sq.m figure on the UD11012 inspection. The notices still do not describe the drain, L-pipe, pillar or water onto Ards.

3.2.3 UD134A - historic file on Ards

The enforcement history contains an older enforcement register entry UD134A tied to P.06/136 / 06/610136 (Burke, Ards), including an enforcement notice (14 December 2010) and a warning letter (6 September 2013). That file is about Ards, not Townville. It is relevant only as further evidence that WCC has processed this pair through enforcement and as a proposed protected structure.

3.2.4 What this referral asks of enforcement

WCC is asked to place on this section 5 file the UD11012 closure letter, the 11 December 2025 inspection measurements, and the current status of UD11058. A grant of reg. ref. 26/60808 for a 15.70 sq.m as built extension would not, without more, close UD11058 on the drain, pillar, capping or water. Those works are, *inter alia*, the subject of this Section 5.

4.0 Policy Context

4.1 Land Use Plan

Settlement: Arklow - Level 3 Key Town (Wicklow County Development Plan 2022–2028, Chapter 4).

Operative plans:

- Wicklow County Development Plan 2022–2028 (in effect 23 October 2022), including Appendix 4 Record of Protected Structures.
- Variation No. 6, including the Arklow Local Planning Framework 2026, made and in effect 6 July 2026.
- The Arklow and Environs LAP 2018–2024 no longer stands alone. Townville and Ards sit inside the LPF boundary, on St Mary's Road, between the Parade Ground / St Mary's and St Peter's Church and St Mary's Park.

Zoning (LPF Map No. 1)

St Mary's Road in this block is established housing in the built-up envelope. On the LPF zoning map it is zoned Existing Residential (RE). Pull the colour from Map No. 1 and insert it here. If it is RE, the objective is to protect, provide and improve residential amenity of existing residential areas, including house improvements, alterations and extensions that respect amenity. Either zoning still requires the works to be authorised or exempt.

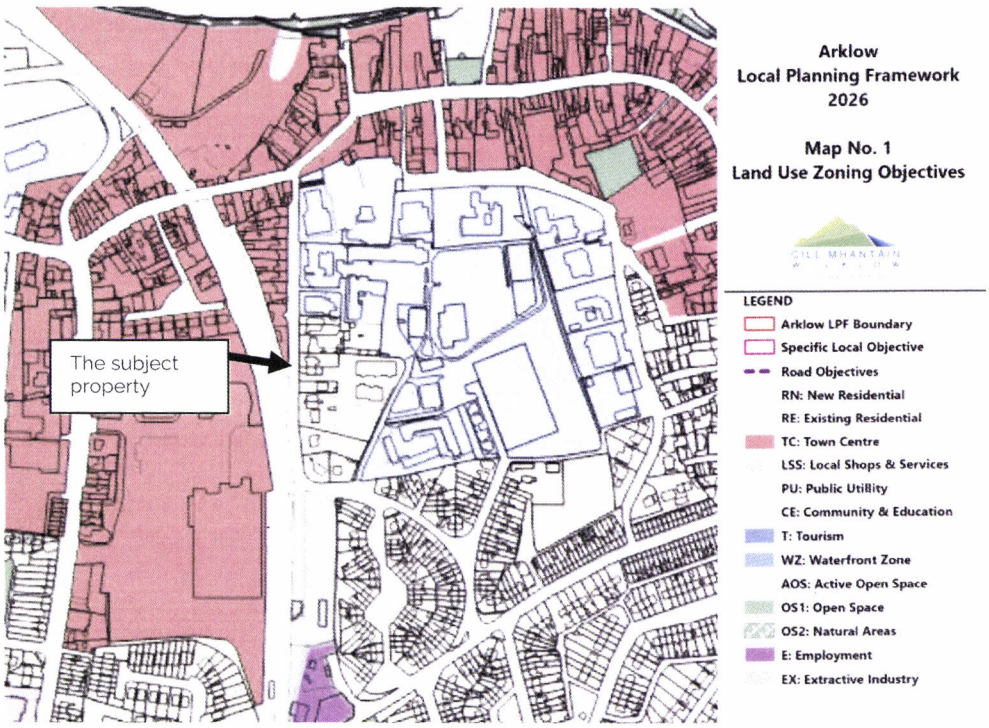


Fig. 15: The zoning of the subject property under Map 1 of Variation No. 6, including the Arklow Local Planning Framework 2026

4.2 Built heritage

Chapter 8 of the County Plan and the LPF Heritage Schedule apply:

- *CPO 8.13* - protect all structures, items and features on the Record of Protected Structures.
- *CPO 8.14* - alterations to protected structures may be considered where they keep the building in viable use, subject to architectural quality.
- *Appendix 4 / LPF Heritage Schedule* - A18 - 10 St Mary's Road (Townville) and A19 - 11 St Mary's Road (Ards), NIAH 16322031.
- *Section 57 of the Act* - works that materially affect the character of a protected structure are not exempt under section 4(1)(h).

The client's position is that those entries still describe this pair. Reg. ref. EX10/2026 is not accepted as taking Townville off the Record. This section 5 does not re-ask that question. It asks whether identified works are development and whether they are

exempted development. The Record and CPO 8.13 remain part of the description of the property against which exemption is tested.

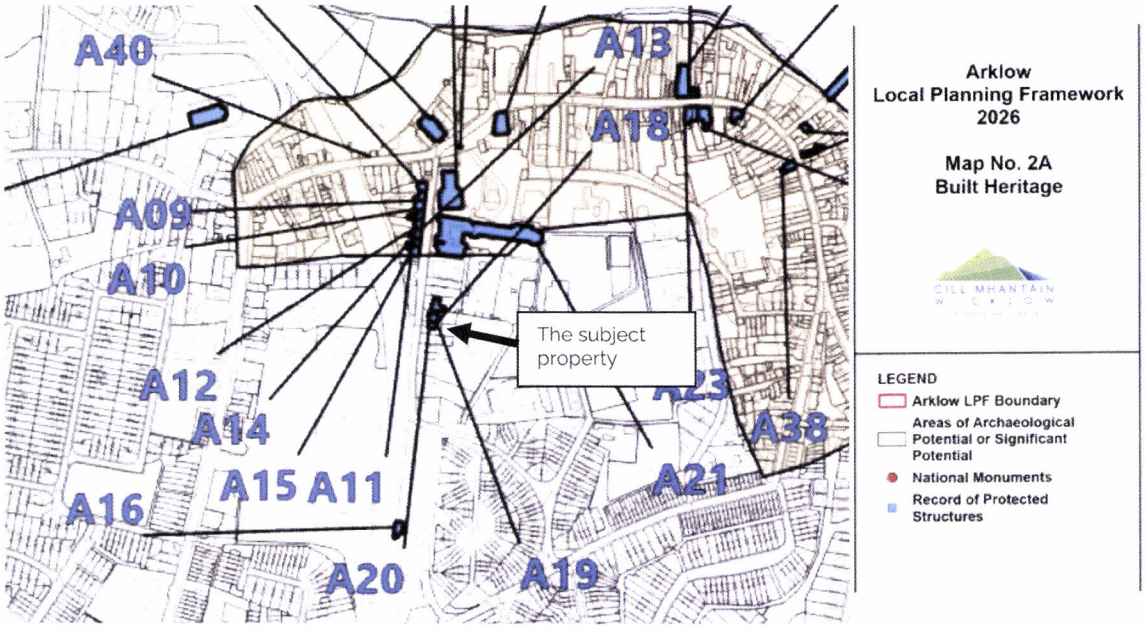


Fig. 16A: The protected structure status of the subject property under Map 1 and the Record of Protected Structures of Variation No. 6, including the Arklow Local Planning Framework 2026

A18 *16322031*	St.Marys Road, Arklow	**10 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled	
A19 *16322031*	St.Marys Road, Arklow	**11 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening; and framed with a open gabled porch supported on timber brackets. To	

Fig. 16B: The protected structure status of the subject property under Map 1 and the Record of Protected Structures of Variation No. 6, including the Arklow Local Planning Framework 2026

4.3 Residential amenity and drainage

Development on an existing house, including an extension, must not seriously injure the amenity of adjoining property. Water that previously fell or drained on the Townville side of the party wall and now reaches Ards is a planning matter as well as a private one. County water and SuDS objectives require runoff to be managed on the site that generates it.

5.0 Statutory Provisions

5.1 PDA - Planning and Development Act 2000 (as amended)[3]

References are to the Planning and Development Act 2000 as revised (Law Reform Commission consolidated text).

Section 2(1) - definitions

"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—

[3] References refer to: https://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html#SEC4

(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)

"protected structure" means—

(a) a structure, or
(b) a specified part of a structure,
which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition

"proposed protected structure" means a structure in respect of which a notice is published under section 55 proposing to add it to the record

"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.

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate includes a building designed for use as 2 or more dwellings or a flat, apartment or other dwelling within such a building
"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
"use", in relation to land, does not include the use of the land by the carrying out of any works thereon

Section 3 - development

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.
"alteration" includes—
(a) plastering or painting or the removal of plaster or stucco, or
(b) the replacement of a door, window or roof,
that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures

Section 4 - exempted development

Section 4(1)(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".

Section 4(1)(j) "development consisting of the use of any structure or other land within the curtilage of a house for any purpose incidental to the enjoyment of the house as such "

Section 4(2) "The Minister may by regulations provide for any class of development to be exempted development Those regulations are the Planning and Development Regulations 2001 They are set out in section 5.2 of this letter They do not apply, or apply only with restrictions, where the structure is a protected structure (article 9 and section 57)."

Section 4(4) "A development is not exempted development if an appropriate assessment or an environmental impact assessment is required That is not the issue on this house, but the subsection shows that section 4(1)(h) is not an open door"

Section 5 - 5.—(1) If any question arises as to what, in any particular case, is or is not development or 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.

Part IV - protected structures

Section 51 - each planning authority shall include in its development plan a record of protected structures

Section 57(1) - Notwithstanding section 4(1)(h), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—
(a) the structure, or

(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.

Section 58 - each owner and occupier shall ensure that the structure, or any element of it specified in the RPS, is not endangered

5.2 PDR - Planning and Development Regulations, 2001 (as amended)

This section sets out the provisions that can apply.

Article 5

"house" does not, as regards development of classes 1, 2, 3, 4, 6(b)(ii), 7 or 8 in column 1 of Part 1 of Schedule 2, or development to which articles 10(4) or 10(5) refer, include a building designed for use or used as 2 or more dwellings or a flat, an apartment or other dwelling within such a building.

Townville is a house The apartments behind, permitted under ATC 113/2000, are separate structures.

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 in column 2 opposite that class The class that can arise on a rear domestic extension is Class 1

Schedule 2, Part 1, Class 1

Column 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

Column 2 limitations include, in summary:

- Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres
- Subject to the 40 square metre cap, the floor area of an extension above ground-floor level shall not exceed 12 square metres (terraced) or 20 square metres (semi-detached or detached)
- Any above ground-floor extension shall be a distance of not less than 2 metres from any party boundary.
- The height of an extension with a flat or monopitch roof shall not exceed the eaves or the existing house.
- The height of any eaves of an extension shall not exceed the height of the eaves of the existing house
- Rear garden remaining shall not be reduced to less than 25 square metres
- Windows in an extension more than 1 metre above ground and within 11 metres of a boundary shall not overlook that boundary
- A roofed porch to the front is a separate class

Planning application reg ref. 26/60808 describes a single-storey rear site of 15 70 sq m. UD11012 measured 12 sq m Remaining rear amenity is stated as 21 42 sq m on the retention drawings and about 21 sq m on the enforcement inspection. Those figures sit against Class 1 column 2.

Class 1 does not describe works to a shared valley, a replacement L-pipe, cutting a pillar, capping and rendering a party wall, or discharging water onto the adjoining house. Those works, if development, need their own exemption or they need permission

Article 9(1)(a) - restrictions on article 6 exemptions

Development to which article 6 relates shall not be exempted development if the carrying out of such development would—

- contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act ATC 113/2000 and P.06/136 are on the pair. Conditions on those files must be checked
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan.
- (vii) consist of or comprise the excavation, alteration or demolition of places, sites, features or other objects of historical interest the preservation of which is an objective of a development plan.
- (xii) further to section 82 of the Act, consist of or comprise works to the exterior of a structure in an architectural conservation area that would materially affect the character of the area St Mary's Road is not understood to be an ACA. Confirm on the LPF maps.

The other heads of article 9(1)(a) (access to a wide public road, traffic hazard, European sites, NHA, demolition that kills an existing use) are recited for completeness They are unlikely to be the live tests on this rear site.

Protected structures and the Regulations

Article 6 / Class 1 is subject to section 57 of the Act Works to a protected structure or proposed protected structure are not exempt under section 4(1)(h) or under Class 1 if they materially affect the character of the structure or of an element that contributes to its special interest. A section 57 declaration is a separate instrument. None is on the Townville file.

Article 10 - change of use

Article 10 is about change of use within Part 4 classes. This referral is about works. There is no proposed change of use of Townville from house to something else Article 10(6) (vacant commercial to residential) does not arise

6.0 Assessment

The purpose of this assessment is not to determine the acceptability or otherwise of the matters raised in respect of the proper planning and sustainable development of the area, but rather **whether or not** the matter in question constitutes development, and **if** so, falls within the scope of exempted development within the meaning of the relevant legislation

6.1 Assessment under the PDA

6.1.1 Is or is not development

Section 3(1) of the Act defines development as 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 2(1) defines works as any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, for a protected or proposed protected structure, includes the application or removal of plaster, paint or other material to or from interior or exterior surfaces
There is no change of use of Townville as a house The questions are about works as follows.

1. The 15 70 sq.m single-storey rear extension (12 sq m on the UD11012 measure), including opening of the original rear wall and construction of a flat roof.

   Assessment. This is construction and extension of a structure. It is works on land. It is development.

2. Removal, rerouting or replacement of the shared roof valley, downpipe and drain, and the L-shaped pipe on the new flat roof.

   Assessment This is alteration, demolition and construction of drainage fixtures that form part of the structure and of the party arrangement with Ards. It is works It is development

3. Collection and discharge of water from the new roof and from the Townville side of the wall onto Ards

   Assessment If this is only the consequence of (1) and (2), it is part of those works. If a new outlet has been formed so that water that previously soaked or drained on the Townville side now leaves the site onto Ards, that outlet is works on, over or under land. It is development

4. Cutting of the pillar, building to or into the party wall, and capping and rendering of that wall.

   Assessment Section 2 treats demolition, extension, alteration and, on a protected or proposed protected structure, the application of render as works. The pillar and wall are structures These operations are works They are development

5. Excavation against the party wall and the Ards side,

   Assessment Excavation is named in the definition of works It is development.

6. Whether (2) to (5) fall outside the development described in 26/60808

   Assessment: This is not a section 3 question It is a question of what the public notices describe The notices name only retention of a 15 70 sq m extension and minor alterations to the rear elevation Items (2) to (5) are still development. They are not brought inside the Act's definition of development by being omitted from a retention description They are also not taken outside it.

6.1.2 Conclusion re. 'development'

It is the professional opinion of BPS that each of items (1) to (5) is development within the meaning of section 3 Item (6) does not change that finding Whether any of those works is exempted development is a separate question under section 4, section 57 and the 2001 Regulations

6.2 Is or is not exempted development

There is no change of use Article 10 and the vacant-building provisions do not apply. The only exemptions that can arise are section 4(1)(h), Class 1 of Schedule 2 Part 1 (article 6), and, if the structure is protected or proposed protected, section 57.

6.2.1 Section 4(1)(h)

Section 4(1)(h) exempts works for maintenance, improvement or other alteration that affect only the interior, or that do not materially affect external appearance so as to render it inconsistent with the character of the structure or of neighbouring structures

Item (1) is a new rear volume with a flat roof, new openings and a new junction to the original house It is not interior-only It changes the rear elevation of Townville and the relationship with Ards That is a material effect on external appearance

Items (2) to (5) are not maintenance of Townville alone. They alter a shared valley, a drain, a pillar and a party wall, and they change where water goes. They affect Ards. They are not section 4(1)(h) works

If section 57 applies, section 4(1)(h) does not apply at all unless the works would not materially affect the character of the structure or of an element of special interest No section 57 declaration has been issued in respect of this property and/or this matter.

6.2.2 Class 1 - rear extension of a house

Article 6(1) exempts Class 1 only if every limitation in column 2 is met and article 9 does not remove the exemption.

On assessment of this case.

- *Floor area:* 15 70 sq m on 26/60808, 12 sq.m on the UD11012 inspection Either figure is under 40 sq.m and, as a single-storey extension to a semi-detached house, under the 20 sq.m above-ground cap Floor area alone does not fail Class 1
- *Remaining rear garden* 21.42 sq m on the retention drawings, about 21 sq m on the enforcement measure Column 2 requires the garden not to be reduced to less than 25 sq.m That limitation is not met.
- *Distance from a party boundary for any above-ground-floor extension:* the as built extension is single storey, so the 2 metre rule for first-floor extensions is not applicable The development is nonetheless built to and into the party wall
- *Flat roof height relative to existing eaves* the section drawing shows a low flat roof against the original rear wall That limitation may be met It does not save a Class 1 failure on garden area.

Class 1 therefore does not exempt item (1).

Class 1 does not describe items (2) to (5) at all There is no class for cutting a pillar, replacing a shared drain, or discharging water onto the next house.

6.2.3 Article 9(1)(a)

Even if Class 1 were otherwise met, article 9(1)(a)(viii) removes exemption where the development is the extension, alteration, repair or renewal of an unauthorised structure The as built extension was built first Reg ref 26/60808 is a retention application Until permission is granted, the structure being extended or altered is capable of being unauthorised Article 9(1)(a)(viii) is engaged on that basis

Article 9(1)(a)(i) requires a check of conditions on reg refs ATC 113/2000 and P 06/136 If any condition on those permissions is inconsistent with the rear works, exemption is also lost under (i)

6.2.4 Section 57.

The Heritage Schedule still lists A18 – 10 St Mary's Road (Townville) and A19 – 11 St Mary's Road (Ards) Reg ref P.06/136 described Ards as a proposed protected structure. The client does not accept reg ref. EX10/2026 as taking Townville off the Record.

If the authority treats Townville as a protected or proposed protected structure, works that materially affect character - a new rear volume on the original rear wall, a new roof, new openings, works to the party wall and valley - are not exempt unless a section 57 declaration says otherwise There is none

This referral does not ask WCC to reverse reg. ref EX10/2026. It asks the authority, when testing exemption, to say whether section 57 is applied.

6.2.5 Item (6)

Works that are development and that are not exempted development do not become exempt because they were left out of a retention notice Reg. ref 26/60808 cannot confer exemption on (2) to (5)

6.2.6 Exempted development - conclusion

It is the professional opinion of BPS that:

- items (1) to (5) are development.
- item (1) is not exempted development under Class 1, because the remaining rear garden is below 25 sq m, and is not exempted development under section 4(1)(h)
- items (2) to (5) are not exempted development under section 4(1)(h) or under any class in Schedule 2.
- article 9(1)(a)(viii) is a further reason why article 6 does not apply to the as built extension
- if section 57 applies, exemption is also lost in the absence of a section 57 declaration

WCC is asked to declare accordingly.

7.0 Conclusion

It is the professional opinion of BPS that.

- The construction of the rear extension at 1 Townville (15 70 sq m on PRR 26/60808, 12 sq m on the UD11012 measure), including opening of the original rear wall and construction of a flat roof, is development and is not exempted development
- Works to the shared roof valley, downpipe and drain, including the L-shaped pipe on the new flat roof, are development and are not exempted development.
- Works that collect and discharge water from the new roof and from the Townville side of the wall onto Ards are development and are not exempted development
- Cutting of the pillar, building to or into the party wall, and capping and rendering of that wall are development and are not exempted development.
- Excavation against the party wall and the Ards side is development and is not exempted development.
- Items 2 to 5 are not described in PRR 26/60808. That application does not make them exempted development

These conclusions follow from sections 2, 3, 4 and 57 of the Act, articles 6 and 9 and Class 1 of Schedule 2 to the 2001 Regulations, the remaining rear garden of about 21 sq.m (below the 25 sq.m Class 1 limit), the fact that the as built extension was built before permission was sought, and the absence of a section 57 declaration

8.0 Recommendation

BPS asks Wicklow County Council to decide this referral in the following terms.

WHEREAS a question has arisen as to whether the following at 1 Townville, St Mary's Road, Arklow, County Wicklow, Y14 YF70, is or is not development and is or is not exempted development

1. the 15 70 m^2 single-storey rear extension constructed to the rear of the dwelling, including opening of the original rear wall and construction of a flat roof

2 works to the shared roof valley, downpipe and drain between Townville and Ards, including the L-shaped pipe on the new flat roof

3. works that collect and discharge water from the new roof and from the Townville side of the party wall onto Ards

4 cutting of the pillar, building to or into the party wall, and capping and rendering of that wall

5 excavation against the party wall and the Ards side

6. whether (2) to (5) fall outside the development described in PRR 26/60808

AND WHEREAS Wicklow County Council, in considering this referral, has had regard particularly to:

(a) sections 2(1), 3(1), 4(1), 4(2), 5 and 57 of the Planning and Development Act 2000, as amended.

(b) articles 5, 6 and 9 of, and Class 1 of Part 1 of Schedule 2 to, the Planning and Development Regulations 2001, as amended
(c) the Wicklow County Development Plan 2022–2028, Variation No 6 and the Arklow Local Planning Framework 2026, including Heritage Schedule entries A18 and A19

(d) declaration EX10/2026 dated 23 February 2026.

(e) enforcement files reg refs UD11012 and UD11058.

(f) PRR 26/60808, received by WCC on 8 September 2026

(g) Arklow Town Council reg. refs. P 06/136 / 06610136 and ATC 113/2000

(h) the submissions of the referrer and the documents attached to this request

AND WHEREAS the planning authority has concluded that

(a) each of items (1) to (5) comprises works and is development within the meaning of section 3(1) of the Act

(b) item (1) does not come within section 4(1)(h) of the Act

(c) item (1) does not come within Class 1 of Part 1 of Schedule 2 to the Regulations, having regard in particular to the limitation that the area of the rear garden remaining shall not be less than 25 square metres

(d) article 9(1)(a)(viii) of the Regulations further provides that article 6 shall not apply where the development consists of the extension or alteration of an unauthorised structure

(e) items (2) to (5) do not come within section 4(1)(h) of the Act or within any class specified in Part 1 of Schedule 2 to the Regulations

(f) no declaration under section 57 of the Act is in force

(g) PRR 26/60808 does not describe items (2) to (5) and does not render those works exempted development

NOW THEREFORE Wicklow County Council, in exercise of the powers conferred on it by section 5 of the Planning and Development Act 2000, as amended, hereby decides that the said works are development and are not exempted development.

9.0 Finally

We trust that sufficient information has been provided to allow this section 5 to be fully assessed

Please direct all correspondence to this office

If you have any questions, please call BPS on 01-5394960 or 087-2615871.

Best wishes,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
Managing Director
BPS Planning & Development Consultants LTD
Corporate Member of the Irish Planning Institute

Encl

- Completed WCC section 5 Form
- Maps and drawings as listed in this letter
- Payment of the €80 fee

Appendix 1: Relevant details and drawings pertaining to planning application reg. ref. 26/60808

WICKLOW COUNTY COUNCIL

SITE NOTICE

I, **Jodie Redmond** intend to apply for **retention permission**

for development at the site No 1 Townsville, Saint Marys Road, Arklow, Co Wicklow

The development will consist/consists of: Permission for retention of existing 15.70 m² single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation.

The planning application may be inspected, or purchased at a fee not exceeding the reasonable cost of making a copy, at the offices of the planning authority during its public opening hours.

A submission or observation in relation to the application may be made in writing to the planning authority on payment of the prescribed fee (€20) within the period of 5 weeks beginning on the date of receipt by the authority of the application, and such submissions or observations will be considered by the planning authority in making a decision on the application. The planning authority may grant permission subject to or without conditions, or may refuse to grant permission.

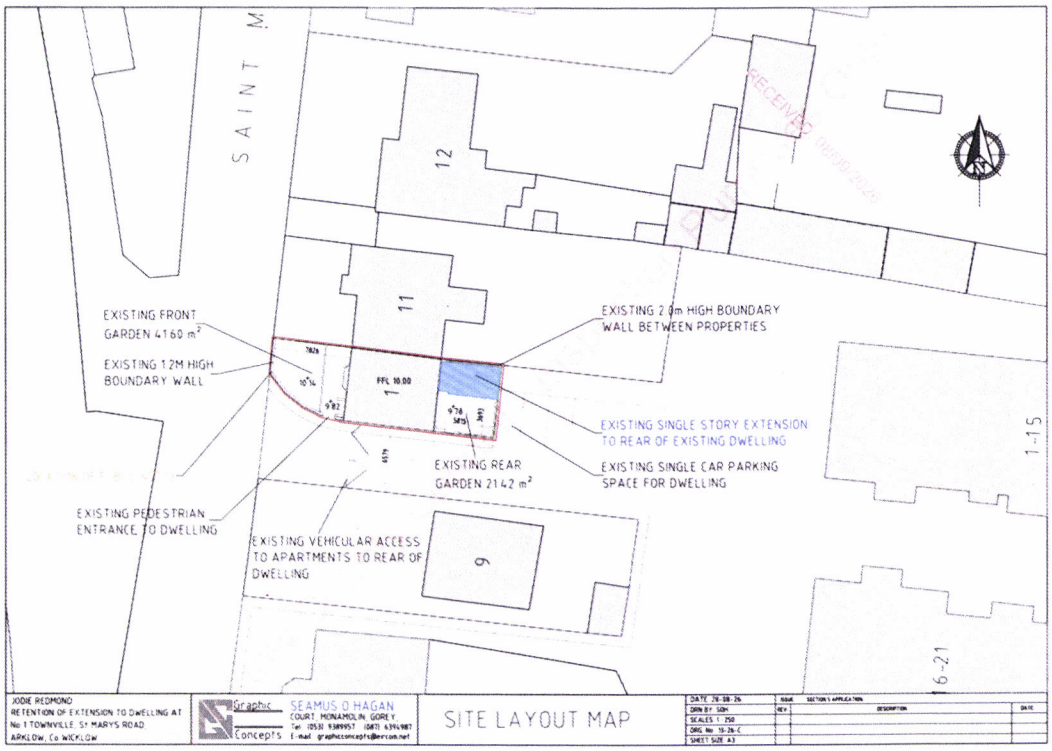
Signed: Seamus O Hagan.

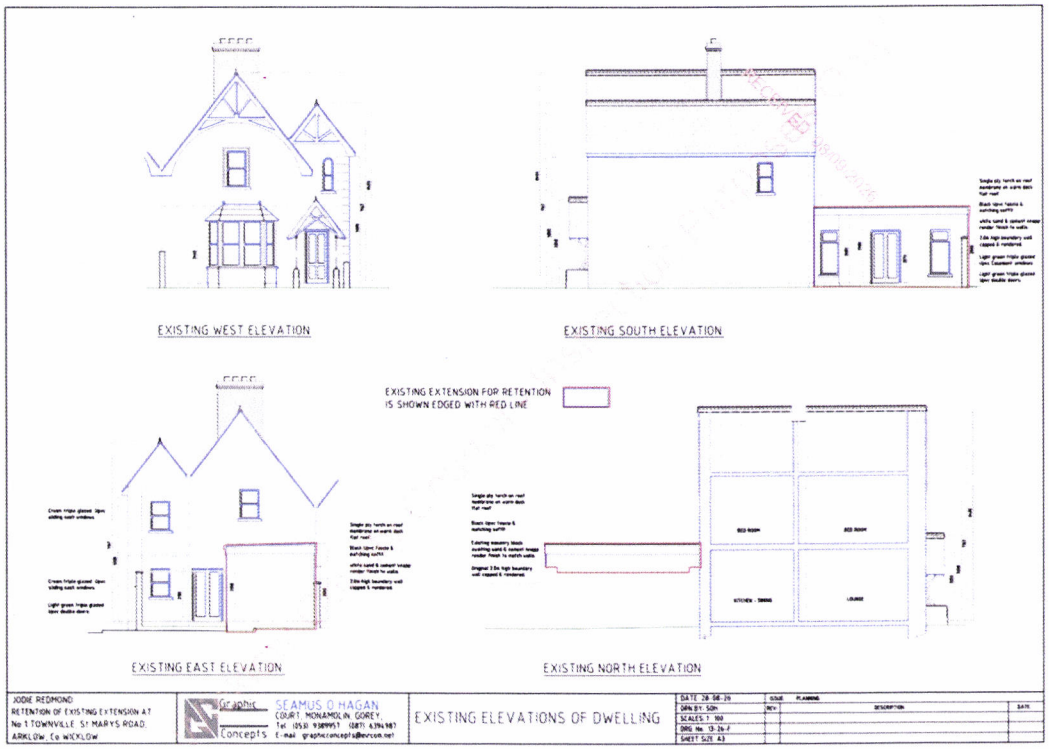
Seamus O Hagan. Court, Monamolin, Gorey, Co Wexford.

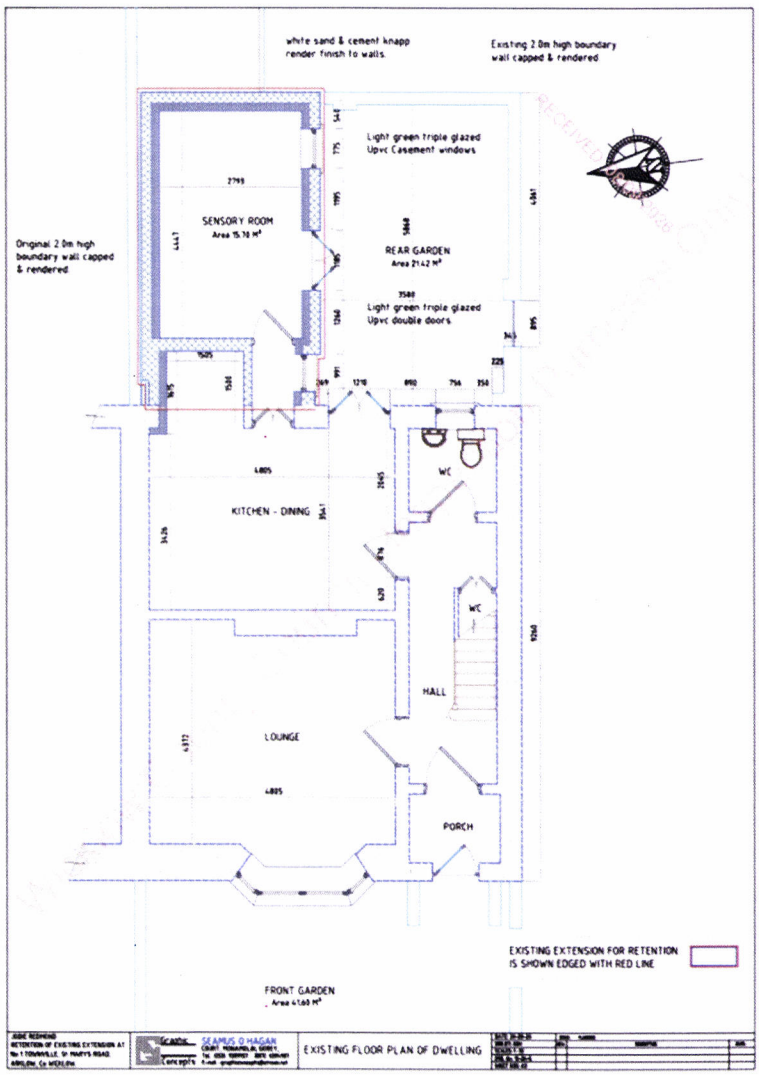
Date of erection of site notice: 03rd September 2026

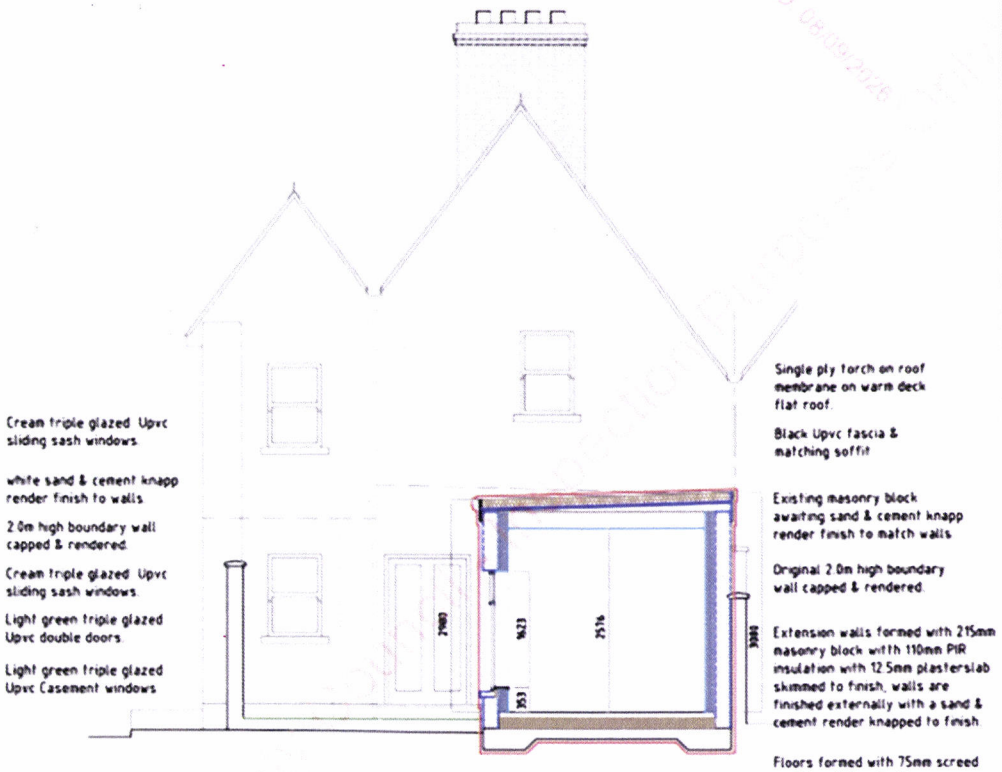
WICKLOW COUNTY COUNCIL

Page 13 of 14




EXISTING WEST ELEVATION
EXISTING SOUTH ELEVATION
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
EXISTING EAST ELEVATION
EXISTING NORTH ELEVATION
JODIE REDMOND
RETENTION OF EXISTING EXTENSION AT
No 1 TOWNVILLE, ST MARYS ROAD,
ARKLOW, Co WEXLOW
Graphic Concepts
SEAMUS O HAGAN
COURT, MONAMOLIN, GOREY.
Tel. (053) 9389957 (087) 6394987
E-mail graphicconcepts@eircom.net
EXISTING ELEVATIONS OF DWELLING
DATE 28-08-20
DRN BY: SOH
SCALES 1: 100
DRG No. 13-26-F
SHEET SIZE: A3
ISSUE PLANNING
REV DESCRIPTION DATE


white sand & cement knapp render finish to walls
Existing 2.0m high boundary wall capped & rendered
Light green triple glazed Upvc Casement windows
SENSORY ROOM
Area 15.10 M²
REAR GARDEN
Area 21.42 M²
Light green triple glazed Upvc double doors
Original 2.0m high boundary wall capped & rendered
WC
KITCHEN - DINING
WC
HALL
LOUNGE
PORCH
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
FRONT GARDEN
Area 41.60 M²
SEAMUS O HAGAN
EXISTING FLOOR PLAN OF DWELLING

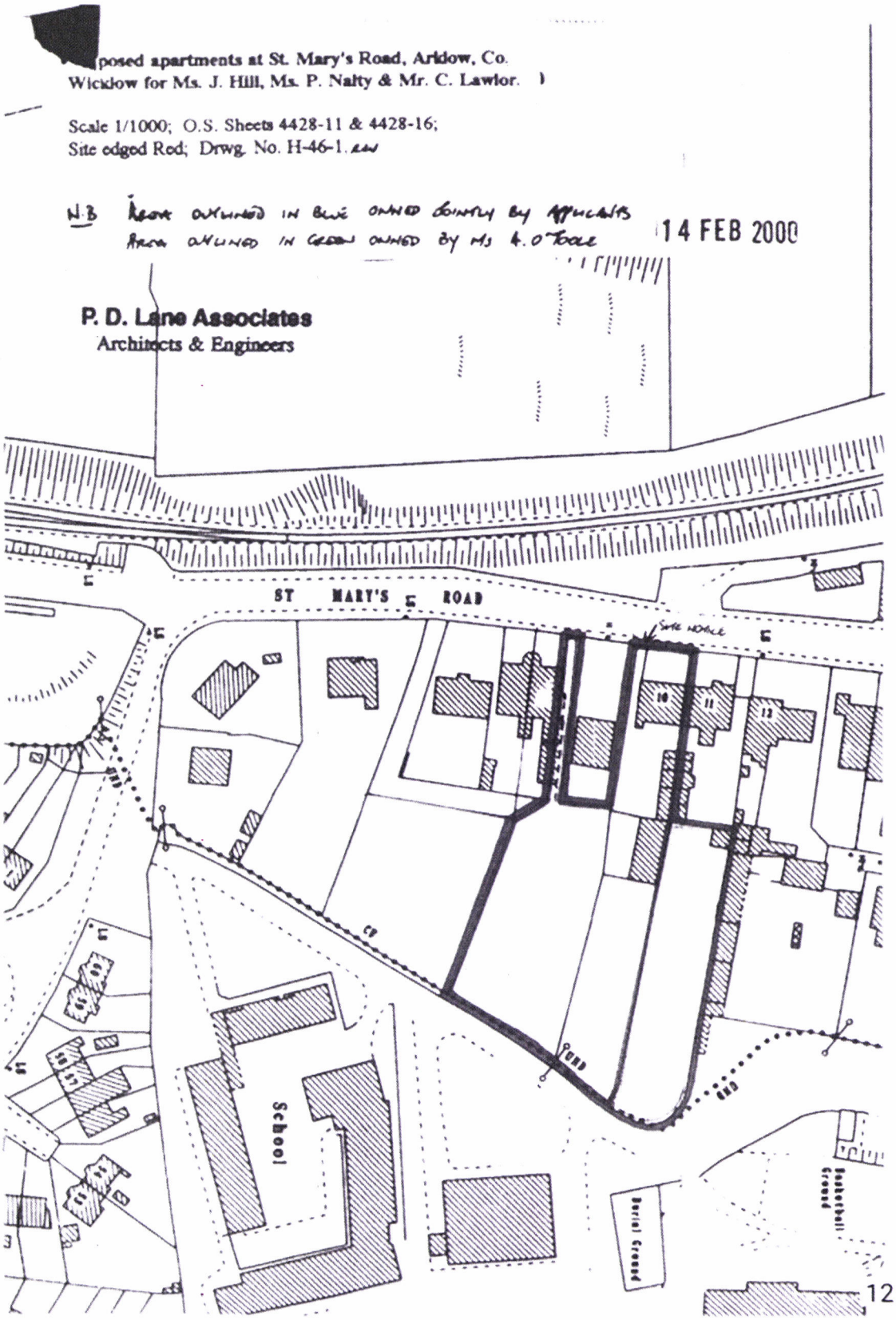


SECTION A - A

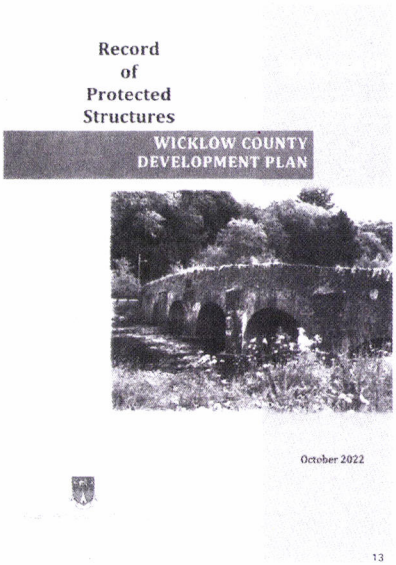
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE

JOINT PROPOSAL RETENTION OF EXISTING EXTENSION AT No 1 TOWNVILLE, ST MARYS ROAD, ARKLOW, Co WICKLOW	Graphic Concepts	SEAMUS O HAGAN	SECTION A - A THROUGH EXTENSION

Appendix 2: P.D. Lane drawing of 14 February 2000 labelling the plot No. 10



Appendix 3: Excerpts from the Wicklow County Development Plan's Record of Protected Structures & Arklow Town Council minutes, 13 February 2008



			heavy moulded surround with keystone motif	
A16 ***16322029***	Arklow	**Arklow Railway Station**	Detached four-bay two-storey Railway Station, built 1863. The building is finished in roughcast render with surrounds to the openings; to the north and south are small lean-to and flat roofed recent additions. The timber sheeted door opening on to the platform is set below a gabled bracketed roof. Window openings are flat-headed and mainly with two over two timber sash frames.	
A17 ***16322030***	North Quay, Arklow	**Navigation Beacon,**	Free standing tall navigation beacon set on the north quay of the Arklow harbour within the tidal estuary of the Avoca River, built in the first half of the 20th	
A18 ***16322031***	St Marys Road, Arklow	**10 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled	
A19 ***16322031***	St Marys Road, Arklow	**11 Townville**	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening, and framed with a open gabled porch supported on timber brackets. To	
A20 ***16322032***	Saint Mary's Road	**Arklow School (Former)**	Detached four-bay two-storey former school, built 1878, and now in use as a house. The building is finished in roughcast render with a projecting two-storey gabled bay to the south side. The front door is now covered with a glazed porch addition which abuts a flat-roofed addition.	
A21 ***16322033***	St Marys Road, Arklow	**Saint Marys and Saint Peters Convent (Apartments)**	Detached nine-bay two-storey former convent built c.1880, and now converted to apartments. The building is constructed in squared semi-coursed basalt rubble with straw coloured brick dressings. To either side is a projecting hipped roof square bay in symmetrical arrangement. To the south is a chapel addition dating from the 1930s while to the rear north is a very long return	
A22 ***16322034***	Main Street , Arklow	**48 Main Street**	Terraced five-bay two-storey former house, built c.1840, now in use as two shops. The façade is finished in painted render, whilst the pitched roof is slated and has a large rendered chimneystack to the east. To the ground floor are two non-identical timber shopfronts of c.1880	

Arklow Town Council minutes 13 February 2008

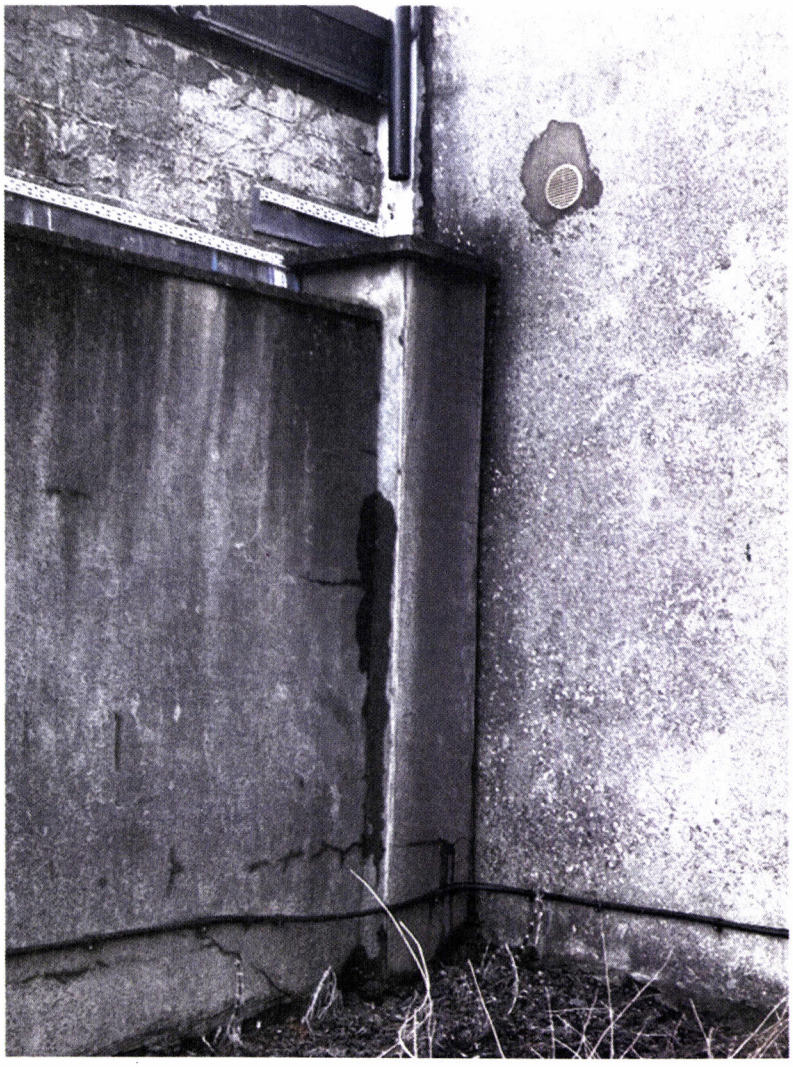
Schedule of Proposed Additions to the Record of Protected Structures

Building Number or Name	Street	Ref No
St Saviours Church	Coolgreaney Road	16322001
3a	Vale Road	16322002
3b	Vale Road	16322002
6	Wexford Road	16322003
26 Shamrock House	Coolgreaney Road	16322004
Rosemont House	Coolgreaney Road	16322005
Clarmont House	Coolgreaney Road	16322005
11 Valeview House	Coolgreaney Road	16322006
4	Coolgreaney Road	16322007
Lamberton Water Tower	Coolgreaney Road	16322008
Lamberton Gate Lodge	Coolgreaney Road	16322009
Cemetery Gate Lodge	Cemetery Road	16322011
Morgan Doyle Ltd	Main Street	16322013
St Mary's and St Peter's Church	Parade Ground	16322014
Fr Michael Murphy Statue	Parade Ground	16322015
Ormonde Cinema	Parade Ground	16322016
1	Upper Main Street	16322017
2	Upper Main Street	16322018
Rose's Florist	Upper Main Street	16322019
1 Gethsemane	St Mary's Terrace, St Mary's Road	16322020
2	St Mary's Terrace, St Mary's Road	16322021
3	St Mary's Terrace, St Mary's Road	16322022
4	St Mary's Terrace, St Mary's Road	16322023
5	St Mary's Terrace, St Mary's Road	16322024
6	St Mary's Terrace, St Mary's Road	16322025
7	St Mary's Terrace, St Mary's Road	16322026
8	St Mary's Terrace, St Mary's Road	16322027
Reenmore	St Mary's Road	16322028
Railway Station Buildings	St Mary's Road	16322029
Navigation Beacon	North Quay	16322030
10	St Mary's Road	16322031
11 Townville	St Mary's Road	16322031
12	St Mary's Road	16322032
Apartment Block (Old Convent Bldg)	St Mary's Road	16322033
48	Main Street	16322034
86	Lower Main Street	16322036
85	Lower Main Street	16322037
71	Lower Main Street	16322039
62	Lower Main Street	16322040
13	Back Street	16322041
24-24a	Lower Main Street	16322042
23	Lower Main Street	16322043
2 The Nineteen Arches Pub	Lower Main Street	16322044
2	Bridge Street	16322045

Arklow Town Council minutes 13 February 2008

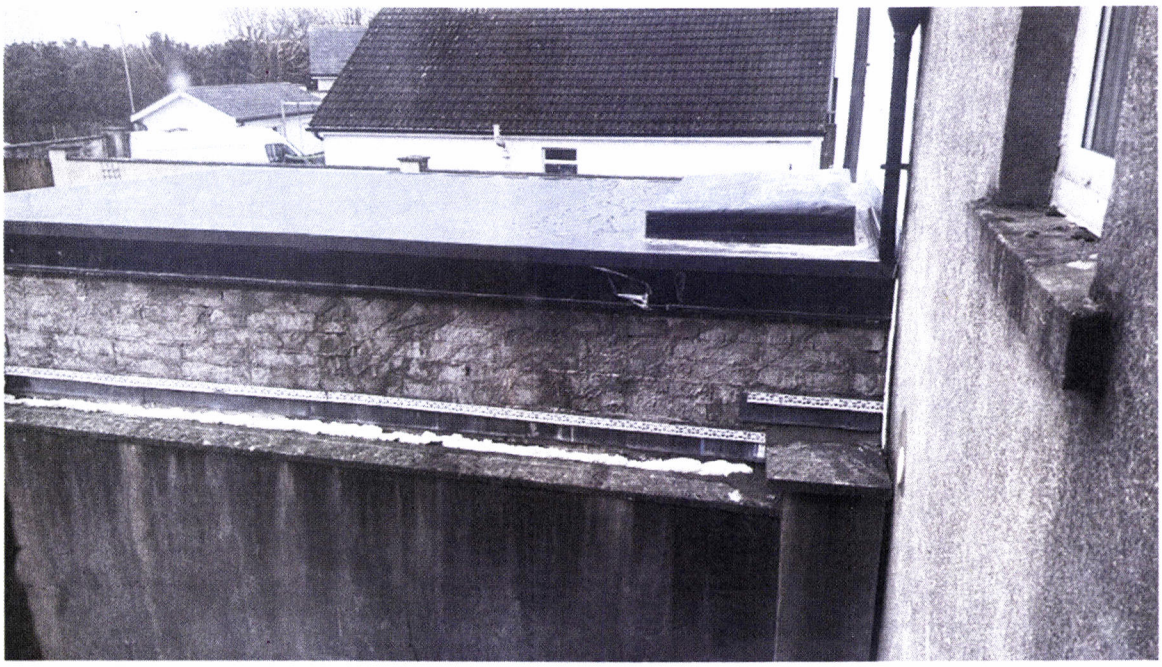
Appendix 4: Photographs of the party wall, pillar, downpipe arrangement and water discharge onto Ards













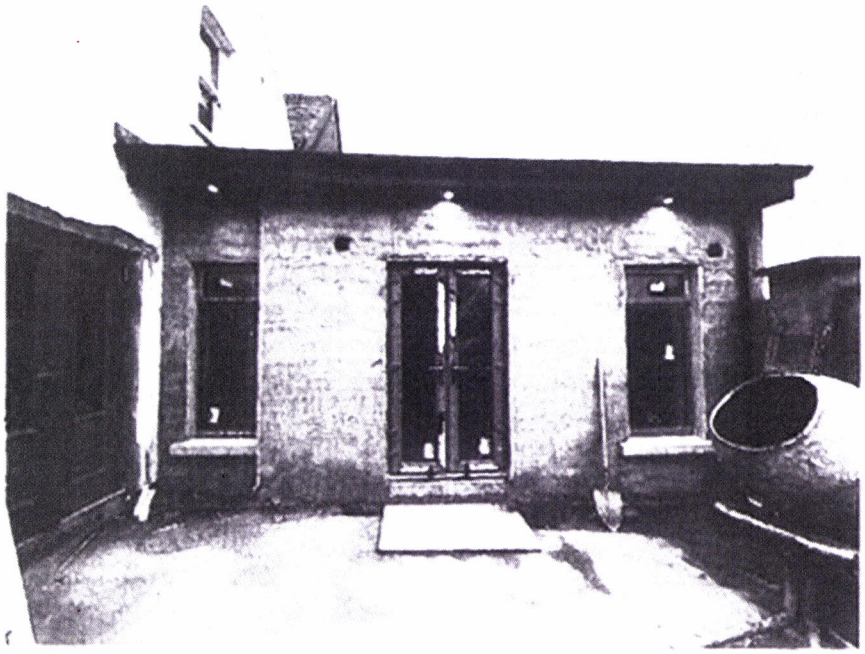






Appendix A - Site Inspection Photographs

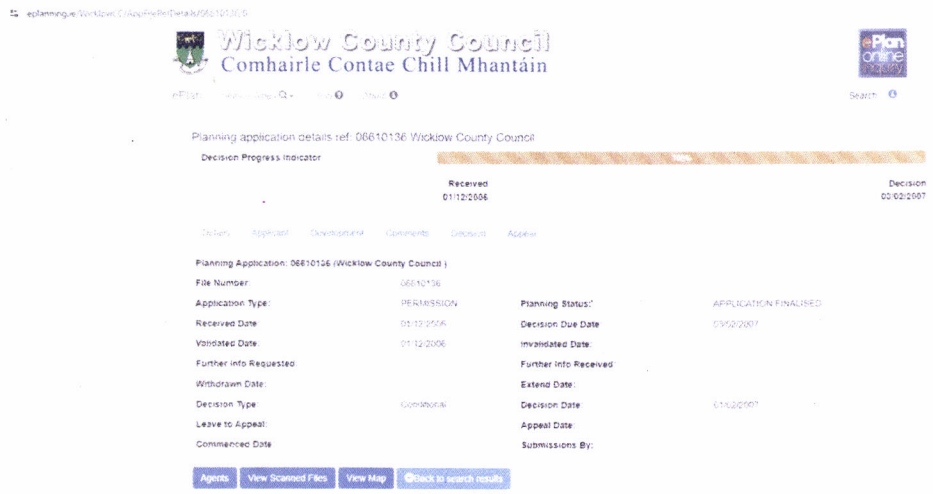
(Inspection undertaken on 10/12/2025- 3.30 pm)



Photograph 1 – Outside (taken on 11/12/2025)

Wicklow County Council's Site Inspection Photograph of the site on 10/12/2025

Appendix 5: Planning permission reg. ref. 06610136 – relevant excerpts



Wicklow County Council
Comhairle Contae Chill Mhantáin

Planning application details ref: 06610136 Wicklow County Council

Decision Progress Indicator

Received	Decision
01/12/2006	02/02/2007

Planning Application: 06610136 (Wicklow County Council)

File Number:	06610136		
Application Type:	PERMISSION	Planning Status:	APPLICATION FINALISED
Received Date:	01/12/2006	Decision Due Date:	05/02/2007
Validated Date:	01/12/2006	Invalidated Date:	
Further Info Requested:		Further Info Received:	
Withdrawn Date:		Extend Date:	
Decision Type:	Conditional	Decision Date:	02/02/2007
Leave to Appeal:		Appeal Date:	
Commenced Date:		Submissions By:	

Agents | View Scanned Files | View Map | Back to search results

MEMO

Ref: KS/CMcC

1st February 2007

TO: D. Nichols,
TOWN CLERK

Re: Planning Application Reg. Ref. P.06/136.

Permission for reinstatement of original use of premises at "Ards," a proposed protected structure at 11 St. Mary's Road, Arklow, Co. Wicklow
- Mr. & Mrs. Larry & Deidre Burke.

A Chara,

I recommend a decision to grant permission to the above planning application subject to conditions as set out in the attached schedule.

Mise le meas,

Kevin Scanlon,
TOWN ENGINEER.

Wicklow County Council - Inspection Purposes Only

P136-2006 Burke
Report on the submitted Planning Application.

Consideration of this application is subject to the Arklow Town Development Plan 2005-2011.

Application Received 01/12/06

Development Reinstatement of usage of the property. The building is currently a dwelling house. The application proposes office usage along with 4 car parking spaces to the rear.

Location "Aida", 1, St Mary's Road, Arklow
Applicant Larry and Deirdre Burke

Planning History No relevant history

Site Inspection Site notice was in place

Objections received None

Observations received None

Site Description The site is a 2-storey semi-detached dwelling on a residential/commercial street, St Mary's Road. The site is relatively level, rising gently from front to rear.

The site is bounded by :
North-Dwelling (12 St. Mary's Road);
East-St Michael's Girls School buildings;
South-Dwelling (10 St. Mary's Road);
West-Public road (St. Mary's Road).

Zoning RA Existing Residential
The proposed development of Offices (approx. 121m2 nett floor area) within Land Use Zoning RA is open for consideration in accordance with Section 5.2 of the Arklow Town Development Plan 2005.

It is considered that the proposed development would be compatible with the overall policies and objectives for the Zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

Site Details
The site is located in an area, which is defined on Map No. 1 of the Arklow Town Development Plan 2005 as a Town Centre location.

Site size = 548m2

Area covered by the existing buildings i.e. the existing building footprint = 104.6m2
Area covered by the proposed buildings i.e. the proposed building footprint = 0m2
Area covered by the existing plus the proposed buildings i.e. the building footprint = 104.6m2
Site Coverage = 104.6/548 = 19%
This is acceptable

Gross floor area of the existing = 241.8m2
Gross floor area of the proposed = 0m2
Gross floor area of the existing plus the proposed buildings = 241.8m2
Plot Ratio = 203.8/548 = 0.37
This is acceptable

Flooding: Not Applicable

Residential Development Density Not Applicable

Proposed Boundary Treatment No proposed alterations. The existing details are to remain. This is acceptable

Building Height of the proposed No proposed alterations. This is acceptable

Proposed building finishes No proposed alterations. This is acceptable

Appearance: No proposed alterations. This is acceptable

Overlooking Assessed as having no impact

Public Open Space provision Not Applicable

Private Open Space provision Not Applicable

Archaeology The site is not within a zone of Archaeological Potential

Protected Structure The site contains a proposed protected structure, reference number 16322031, as recommended by the Minister for Arts, Culture, Heritage and the Gaeltacht.

This application relates to a change of use and no other alterations to the property. It is my opinion that, for the purposes of this application and considering the building's status as a PPS, the proposed development is acceptable.

It should be noted, however, that at the time of reporting, the owners of the property had commenced work inside the building and ATC are currently treating this as unauthorised development and following up on the works in accordance with Section 57 of the P & D Act. This issue is not strictly associated with this application for change of use.

Roads Report There is an existing vehicle access from St Mary's Road to the rear of the property. This access is narrow, at 2.7m, along the gable end. However, it is my opinion that the volume of traffic using the property will be small enough to accommodate this single lane.

Sanitary Services Report No objections, subject to the usual requirements of the sanitary authority and subject to the adequate protection of existing sewers, drains and water supply apparatus.

However, the details of all connections to utilities shall be agreed with ATC.

Public Lighting Not Applicable

On site Parking In accordance with the requirements of Table 6.3, within Section 6.11.1 of the Arklow Town Development Plan 2005 the proposed development requires the provision of **xx** on site car parking spaces in order to facilitate the development.
This is calculated as :-
Office
121 x 3 / 1000 = 1.33 car parking spaces. This is based on the requirement of 3 spaces per 300m2 of nett office area in Town Cntl locations.

The application proposes 5 spaces to the rear of the building. This is acceptable.

Health Officer's Report: Requested, but no reply

Chief Fire Officer's Report Requested, but no reply. However, it is my opinion that the proposed development should be subject to a Fire Cert.

Section 96 of P&D Act 2000 Not Applicable

Bond: A cash bond of **€2,000** is required for the satisfactory completion of works carried out to Adjacent public road and footpath, which will be affected by the proposed development and which will require restoration:
(a) Sanitary Services (sewers, watermains, pumping facilities, stormwater attenuation facilities and associated facilities for the provision of sanitary services facilities)
(b) Roads
(c) Footpaths

Development Contributions
A) In accordance with the Town Council's Development Contribution Scheme, adopted on 8th March 2004, as modified by Section 5.4 of the Scheme by way of Manager's Order no. 03/2006 dated 24/03/06, the following contributions, in respect of the provision of proposed infrastructure, which benefits the proposed development, are applicable to the proposed development. The Contribution Scheme is in accordance with Section 48(1) of the Planning and Development Act 2000.

Commercial
€43 per m2
201.8m2 @ €43 per m2 **€8,677.40**

The contribution due is **€8,677.40 (A)**

General assessment
The proposal to use residentially zoned buildings as small (< 200m2) offices is open to consideration.

It is my opinion that, considering the location of the building and proximity to the Town Centre, the proposal is acceptable.

In relation to the PPS, there are no alterations being made to the building. Although there is currently an application under Section 57 of the P & D Act to carry out works, it is my opinion that the proposed use will not adversely affect the architectural and heritage importance of the site. The Section 57 application should be considered separately to this development.

I Recommend a Decision to Grant permission subject to the following conditions:

Preamble: (as amended)

Condition 1: P01 (as amended 01/12/06) ✓
Condition 2: P02 ✓
Condition 3: C01 xx = €8,677.40 yy = €0 zz = €8,677.40 ✓
Condition 4: B01 (delete (a) and (c) = €2,000) ✓
Condition 5: OC04 ✓
Condition 6: The details of all water, surface water and foul sewer connections shall be agreed, in writing, with the Planning Authority prior to the commencement of development.
Reason: In the interests of the proper management of the water supply distribution and sewerage network system.

Signed: Kevin Speed Date: 01/02/07

1/2/07

DRAWING SCHEDULE

CLIENT: JODIE REDMOND
RETENTION OF EXISTING EXTENSION AT
No 1 TOWNVILLE, St MARYS ROAD,
ARKLOW, Co WICKLOW.

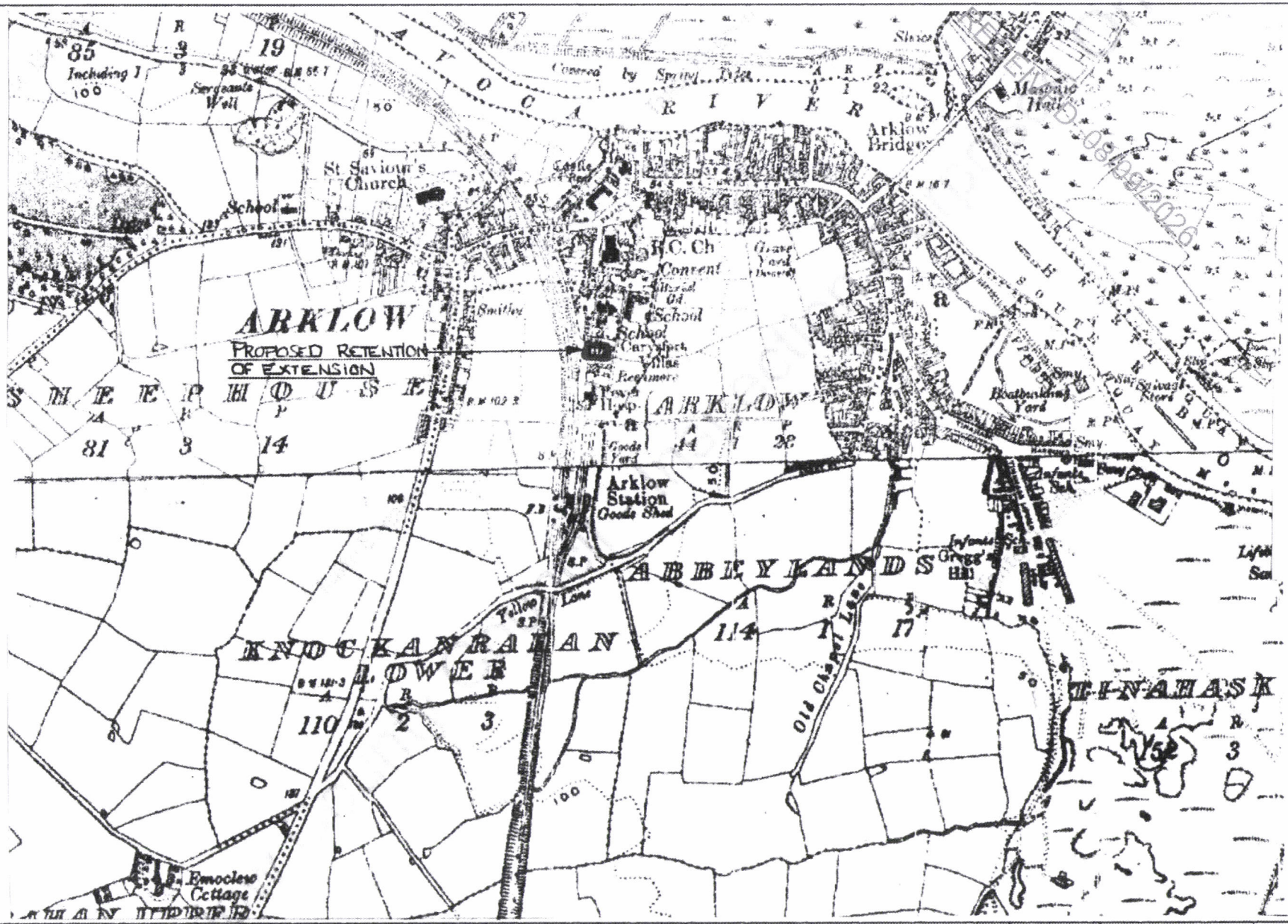
Graphic Concepts
SEAMUS O HAGAN
COURT, MONAMOLIN, GOREY,
Tel. (053) 9389957 (087) 6394987
E-mail : graphicconcepts@eircom.net

DATE : 04-09-26
REV :
DRN BY: SOH

RECEIVED 26/09/2013

DRG. No.:	SCALE	TITLE	REVISIONS 1 2 3 4 5 6 7 8 9 10 11	ISSUE	Size
13-26-A	1 : 10560	SITE LOCATION MAP		Planning	A4
13-26-B	1 : 1000	SITE LOCATION MAP		Planning	A3
13-26-C	1 : 500	SITE LAYOUT MAP		Planning	A3
13-26-D	1 : 100	ORIGINAL ELEVATIONS OF DWELLIG		Planning	A3
13-26-E	1 : 50	ORIGINAL FLOOR PLAN OF DWELLING		Planning	A3
13-26-F	1 : 100	EXISTING ELEVATIONS OF DWELLING		Planning	A3
13-26-G	1 : 50	EXISTING FLOOR PLAN OF DWELLING		Planning	A3
13-26-H	1 : 50	SECTION A - A THROUGH REAR EXTENSION.		Planning	A3

SITE LOCATION MAP PART O.S MAP WEXFORD SHEET 40



ORDNANCE SURVEY IRELAND
Licence No CYAL50254693
GOVERNMENT OF IRELAND

JODIE REDMOND
RETENTION OF EXTENSION TO DWELLING
No 1 TOWNVILLE, St MARYS ROAD,
ARKLOW, Co WICKLOW.

Graphic Concepts
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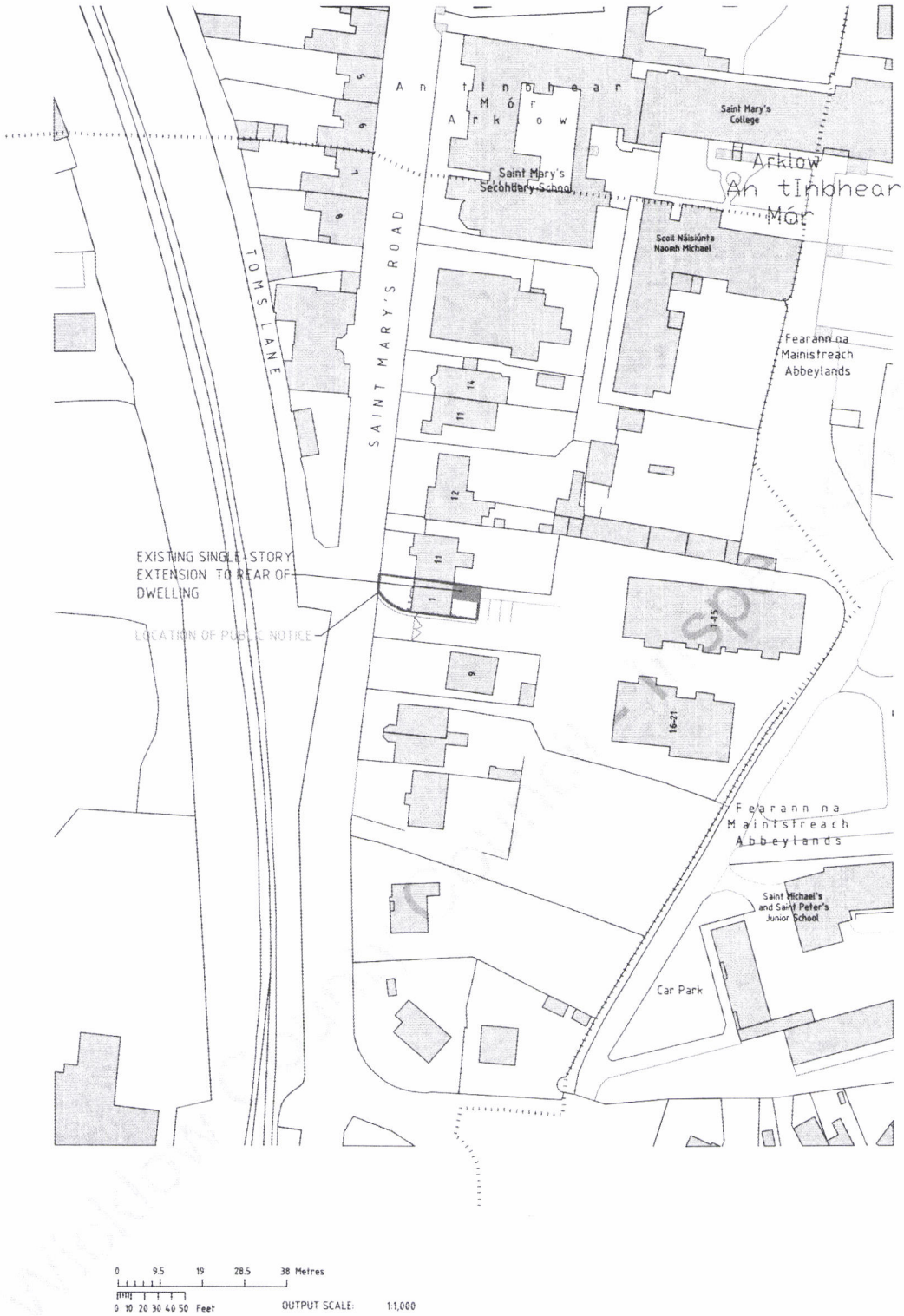
SITE LOCATION MAP

DATE: 20-08-26	ISSUE: PLANNING	
DRN BY: SOH	REV:	DATE:
SCALES: 1 : 10560		
DRG. No.: 13-26-A		
SHEET SIZE: A4		

SITE LOCATION MAP PART O.S MAP WICKLOW SHEET 4428 - 11 & 16

Notes
Figured dimensions only are to be used.Do not scale
The contractor shall check all dimensions on site before commencing work.

IRELAND ORDNANCE SURVEY IRELAND GOVERNMENT
Licence No CYAL50254693
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RECEIVED: 08/09/2026

N

SUBJECT SITE IS SHOWN EDGED IN RED

CENTRE COORDINATES:
ITM 724168,673261

PUBLISHED: ORDER NO.: 50544162_1

MAP SERIES:	MAP SHEETS:
1:1,000	4428-11
1:1,000	4428-16

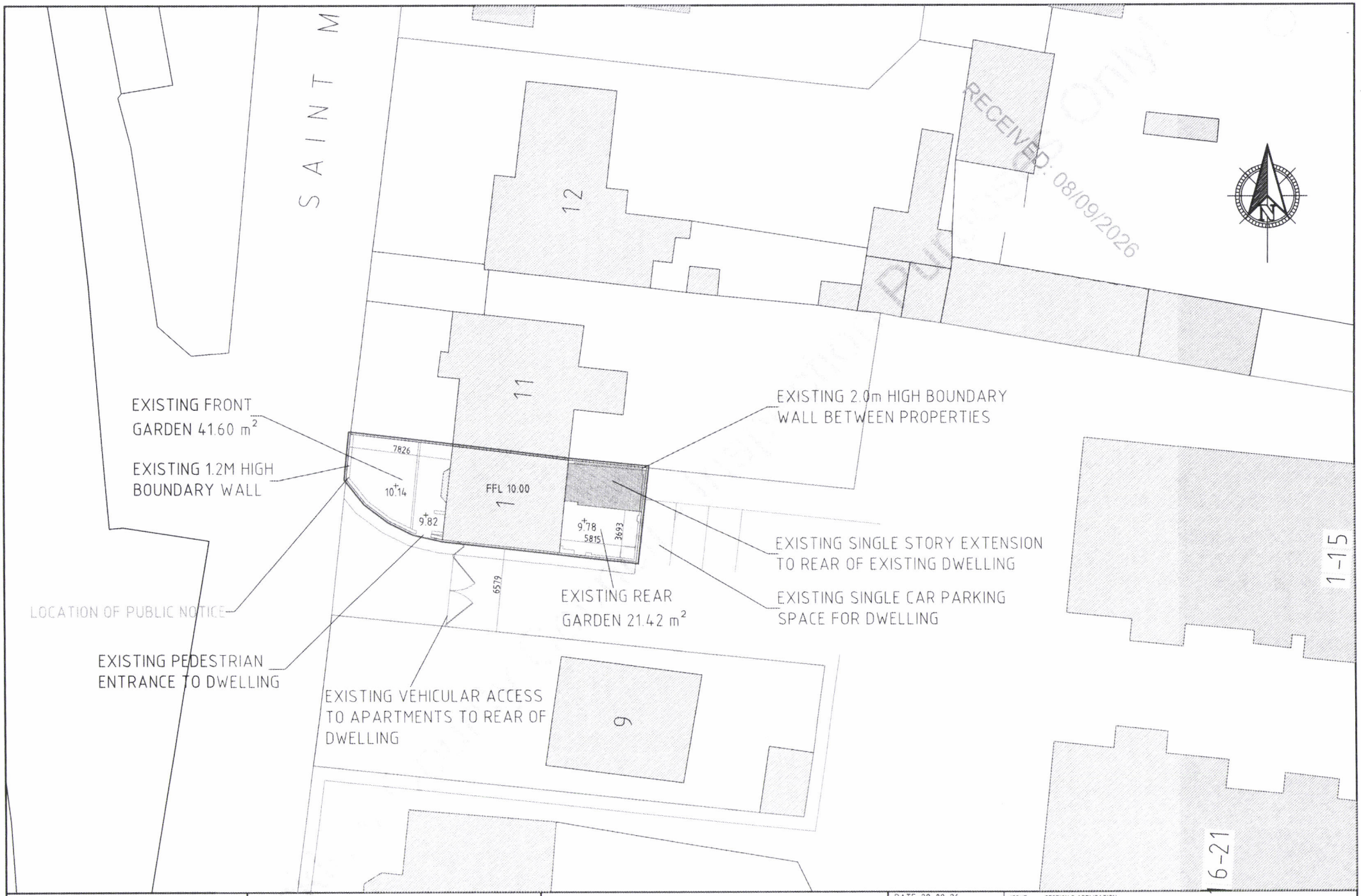
JODIE REDMOND
RETENTION OF EXTENSION AT
No 1 TOWNVILLE, St MARYS ROAD,
ARKLOW, Co WICKLOW.

Graphic Concepts

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SITE LOCATION MAP

DATE: 10-07-23	ISSUE: SECTION 5 APPLICATION		
DRN BY: SOH	REV:		DATE:
SCALES: 1 : 1000			
DRG. No.: 13-26-A			
SHEET SIZE: A3			



JODIE REDMOND
RETENTION OF EXTENSION TO DWELLING AT
No 1 TOWNVILLE, St MARYS ROAD,
ARKLOW, Co WICKLOW.

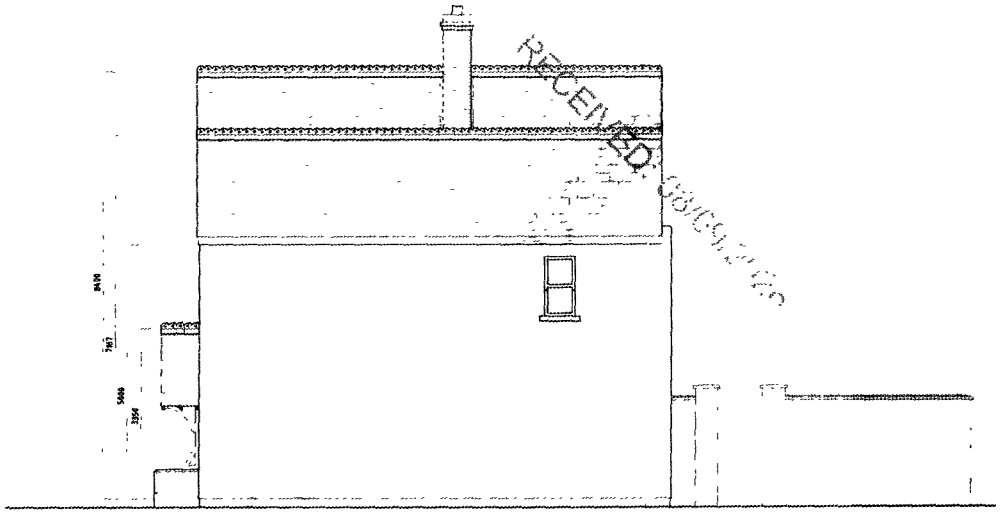
Graphic Concepts
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Tel. (053) 9389957 (087) 6394987
E-mail : graphicconcepts@eircom.net

SITE LAYOUT MAP

DATE: 28-08-26	ISSUE:	SECTION 5 APPLICATION	
DRN BY: SOH	REV:	DESCRIPTION	DATE:
SCALES: 1: 250			
DRG No. 13-26-C			
SHEET SIZE: A3			



EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION



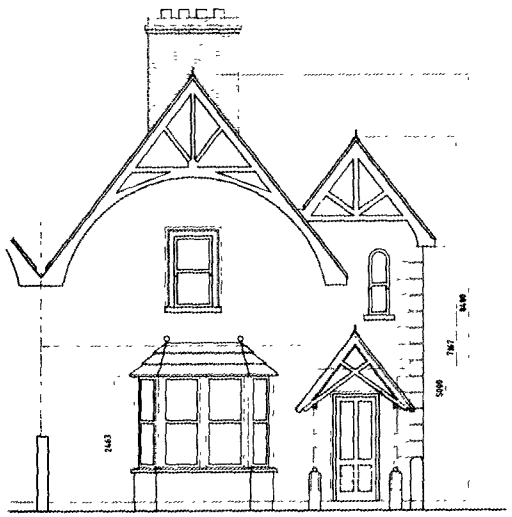
EXISTING EAST ELEVATION

JODI REDMOND
RETENTION OF EXISTING EXTENSION AT
No 1 TOWNVILLE, St MARYS ROAD,
ARKLOW, Co WICKLOW.

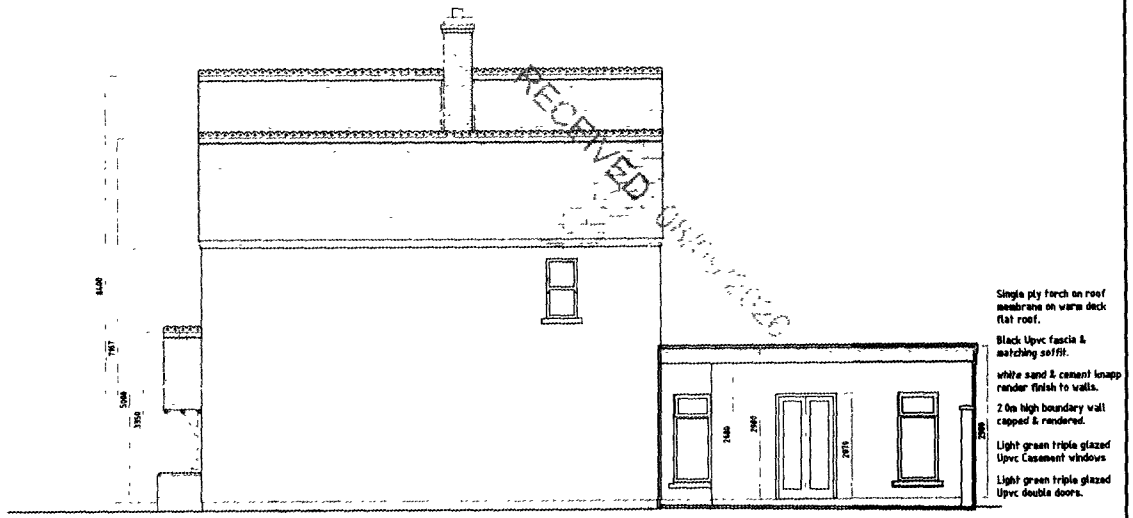
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ORIGINAL ELEVATIONS OF DWELLING

DATE 28-08-26	ISSUE	PLANNING	
DRN BY SOH	REV	DESCRIPTION	DATE:
SCALES 1 100			
DRG No 13-26-D			
SHEET SIZE A3			

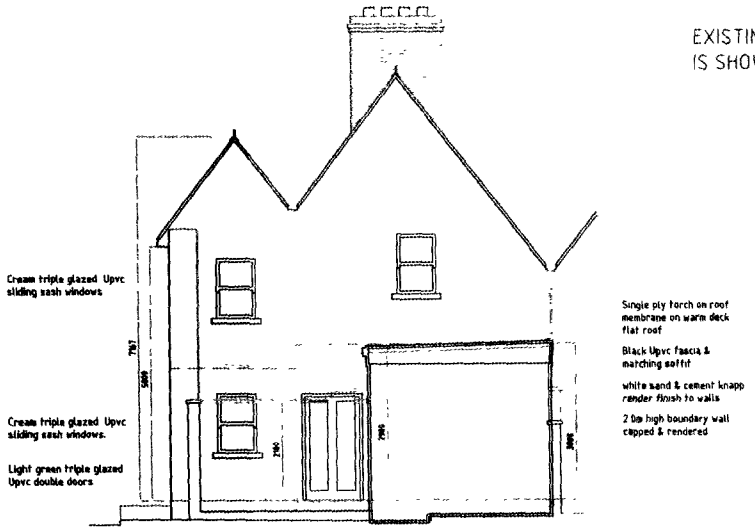


EXISTING WEST ELEVATION



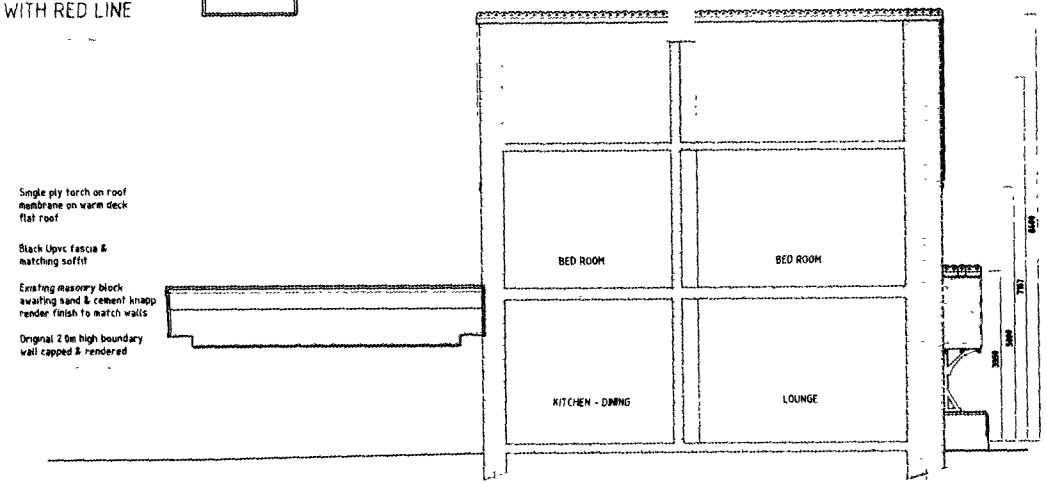
RECEIVED: 01/09/2026

EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION

EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE



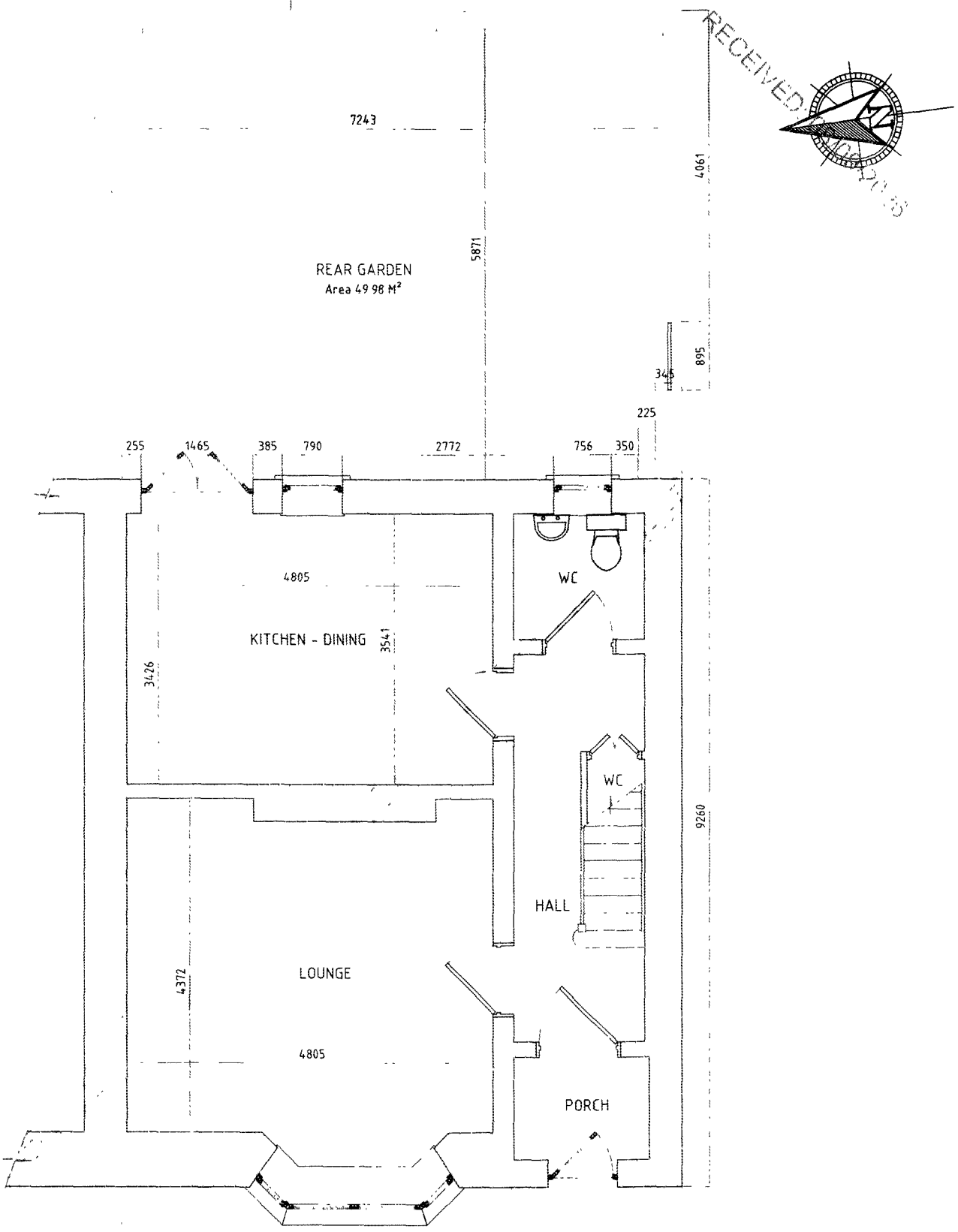
EXISTING NORTH ELEVATION

JODIE REDMOND
RETENTION OF EXISTING EXTENSION AT
No 1 TOWNVILLE, St MARYS ROAD,
ARKLOW, Co WICKLOW.

Graphic Concepts
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EXISTING ELEVATIONS OF DWELLING

DATE 28-08-26	ISSUE	PLANNING	
DRN BY SOH	REV	DESCRIPTION	DATE:
SCALES 1 100			
DRG No 13-26-F			
SHEET SIZE A3			



FRONT GARDEN
Area 41.60 M²

JODI REDMOND
RETENTION OF EXTENSION TO DWELLING
No 1 TOWNVILLE, St MARYS ROAD,
ARKLOW, Co WICKLOW

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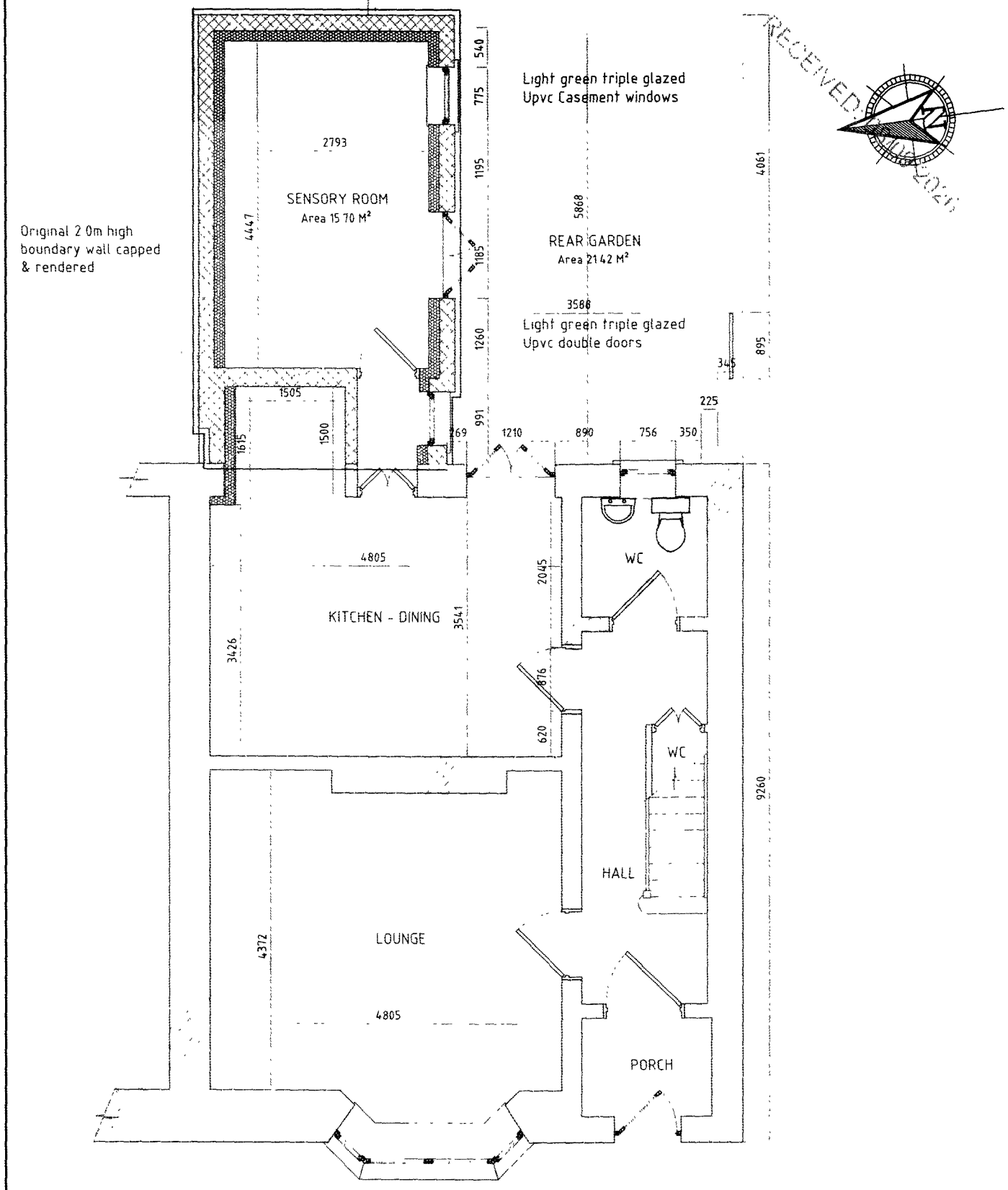
ORIGINAL FLOOR PLAN OF DWELLING

DATE 28-08-26
DRN BY: SOH
SCALES: 1 : 50
DRG. No.: 13-26-E
SHEET SIZE: A3

ISSUED PLANNING			
REV	DESCRIPTION	DATE

white sand & cement knapp render finish to walls.

Existing 2.0m high boundary wall capped & rendered.

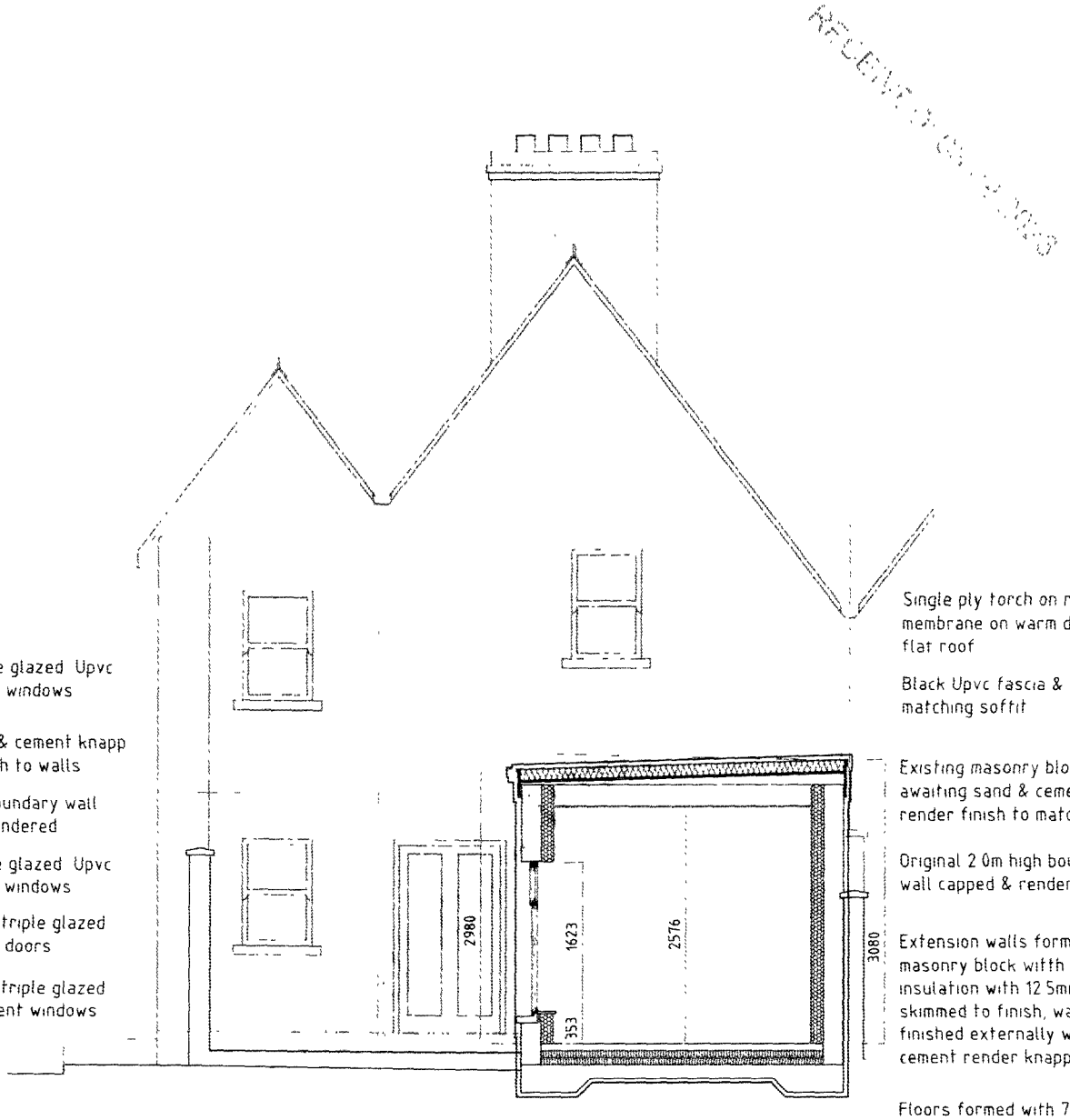


RECEIVED 2 JUNE 2026

EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE

JODIE REDMOND RETENTION OF EXISTING EXTENSION AT No 1 TOWNVILLE, St MARYS ROAD, ARKLOW, Co WICKLOW	Graphic Concepts	SEAMUS O HAGAN COURT, MONAMOLIN, GOREY, Tel (053) 9389957 (087) 6394987 E-mail . graphicconcepts@eircom.net	EXISTING FLOOR PLAN OF DWELLING	DATE: 28-08-26 DRN BY: SOH SCALES: 1:50 DRG. No: 13-26-G SHEET SIZE: A3

ISSUED: PLANNING		
REV	DESCRIPTION	DATE



Cream triple glazed Upvc sliding sash windows

white sand & cement knapp render finish to walls

2.0m high boundary wall capped & rendered

Cream triple glazed Upvc sliding sash windows

Light green triple glazed Upvc double doors

Light green triple glazed Upvc Casement windows

Single ply torch on roof membrane on warm deck flat roof

Black Upvc fascia & matching soffit

Existing masonry block awaiting sand & cement knapp render finish to match walls

Original 2.0m high boundary wall capped & rendered

Extension walls formed with 215mm masonry block with 110mm PIR insulation with 12.5mm plasterslab skimmed to finish, walls are finished externally with a sand & cement render knapped to finish

Floors formed with 75mm screed on 150mm PIR underflooor insulation on 150mm concrete floor slab with raft foundation

SECTION A - A

EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE

JODIE REDMOND
RETENTION OF EXISTING EXTENSION AT No 1 TOWNVILLE, ST MARYS ROAD, ARKLOW, Co WICKLOW.

Graphic Concepts
SEAMUS O HAGAN
COURT, MONAMOLIN, GOREY,
Tel. (053) 9389957 (087) 6394987
E-mail : graphicconcepts@eircom.net

SECTION A - A THROUGH EXTENSION

DATE 28-08-26	ISSUE: PLANNING		
DRN BY: SOH	REV	DESCRIPTION	DATE
SCALES: 1:50			
DRG. No: 13-26-H			
SHEET SIZE: A3			