



# 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](mailto:plandev@wicklowcoco.ie)  
Suíomh / Website [www.wicklow.ie](http://www.wicklow.ie)

Liam Kenna  
Moneystown  
Roundwood  
Co. Wicklow

13<sup>th</sup> Of April 2026

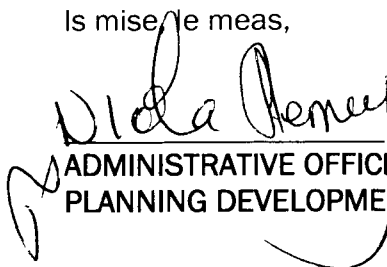
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts  
2000 (As Amended) -EX42/2026 for Kieran Burke**

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 / Je meas,

  
**ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT.**





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

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

Applicant: Kieran Burke

Location: 6 Belan Street, Baltinglass, Co. Wicklow

Reference Number: EX 42/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/397

A question has arisen as to whether “*the construction of a rear extension of 31.6sqm*” at 6 Belan Street, Baltinglass, Co. Wicklow is or is not exempted development.

#### Having regard to:

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

#### Main Reasons with respect to Section 5 Declaration:

- 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)
- These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000(as amended)
- The proposed extension to the rear of the existing dwelling would come within the description and limitations set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

**The Planning Authority considers that “the construction of a rear extension of 31.6sqm” at 6 Belan Street, Baltinglass, Co. Wicklow is development and IS exempted development.**

Signed: \_\_\_\_\_

ADMINISTRATIVE OFFICER  
PLANNING DEVELOPMENT & ENVIRONMENT

Date: \_\_\_\_\_

13/04/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)  
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/397

Reference Number: EX 42/2026

Name of Applicant: Kieran Burke

Nature of Application: Section 5 Referral as to whether "*the construction of a rear extension of 31.6sqm*" is or is not development and is or is not exempted development.

Location of Subject Site: 6 Belan Street, Baltinglass, Co. Wicklow

Report from: Edel Bermingham, T/SP

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the construction of a rear extension of 31.6sqm*" at 6 Belan Street, Baltinglass, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Act 2000 (as amended)

**Having regard to:**

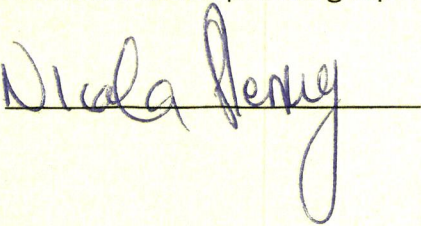
- a) The details submitted with the Section 5 Declaration Application
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6.9 and Class 1 of Schedule 2: Part 1 of the Planning and Development Regulations 2001(as amended).

**Main Reasons with respect to Section 5 Declaration:**

- (i) The construction of a 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 proposed extension to the rear of the existing dwelling would come within the description and limitations set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

**Recommendation**

The Planning Authority considers that "*the construction of a rear extension of 31.6sqm*" at 6 Belan Street, Baltinglass, Co. Wicklow is development and is exempted development as recommended in the planning reports.

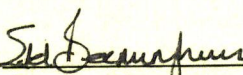
Signed: 

Date: 13/04/2026

ORDER:

I HEREBY DECLARE:

THAT "*the construction of a rear extension of 31.6sqm*" at 6 Belan Street, Baltinglass, Co. Wicklow is **development** and is **exempted** development within the meaning of the Planning & Development Acts 2000 (as amended).

Signed:   
T/Senior Planner  
Planning, Economic & Rural Development

Date: 13/11/2026

**Section 5 Application EX 42/2026**

Date : 1/4/2026

Applicant : Kieran Burke

Address : 6 Belan Street , Baltinglass, Co. Wicklow. .

Exemption Whether or not :

The construction of a rear extension of 31.6 sqm

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

**Planning History :**

N/A

**Relevant legislation :**

Planning and Development Act 2000 ( as amended)

"structure" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

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

(i) the interior of the structure,

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

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

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

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

Section 3 :

3.—

(1) In this Act, except where the context otherwise requires, "development" means—

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

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4 :

4.—

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

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

3) A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in subsection (1), or

(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

(4A) Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a) authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b) as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.

Planning and Development Regulations 2001(as amended).

Article 6

(1) Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9(1) Note see Regulations for full Article

Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

< See Regulations for List >

Schedule 2 : Part 1

CLASS 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 Section 5 application seeks a declaration as to whether the construction of a rear extension of 31.6sqm is or is not development or is or is not exempted development .

The extension is wholly to the rear of the existing two-storey dwelling which fronts onto Belan Street in Baltinglass. The extension is flat roofed with an overall height indicated as 2.65m, with French doors to the rear elevation and two windows along the side elevation.

The first question to be asked is whether the identified works are or are not development. It is evident that the provision of an extension involves operations of construction would be works having regard to Section 2 of the Planning and Development Act 2000(as amended). These works would come within the definition of development as set out in Section 3 (1)(a) of the Planning and Development Act 2000(as amended).

The relevant exemption with respect to the construction of the extension is Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) .

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 extension would come within the description set out under Class 1.

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

Limitations :

Limitation 1 – The extensions would not exceed 40sqm

Limitation 2 – n/a

Limitation 3-n/a

Limitation 4 – This limitation is met

Limitation 5- over 25sqm rear garden is retained.

Limitation 6- All distances met

Limitation 7 – No balcony being proposed

Nothing in Article 9 of the Regulations would de-exempt this development. In particular it is noted that the proposed extension would not be located within or adjoining any Natura 2000 site, and is not connected to any Natura 2000 site, therefore the need for a Stage 2 Appropriate Assessment is ruled out.

The proposed extension given the above assessment is exempted development.

**Recommendation :**

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

the construction of a rear extension of 31.6 sqm at 6 Belan Street , Baltinglass, Co. Wicklow

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

The Planning Authority consider that the construction of a rear extension of 31.6 sqm **is Development and is Exempted development.**

Main Considerations with respect to Section 5 Declaration :

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

Main Reasons with respect to Section 5 Declaration :

- (i) The construction of a 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 proposed extension to the rear of the existing dwelling would come within the description and limitations set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).

*Shi Cunningham TSP*

1/4/2026



**Comhairle Contae Chill Mhantáin**  
**Wicklow County Council**

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

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**MEMORANDUM**

**WICKLOW COUNTY COUNCIL**

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**TO: Edel Bermingham**  
**A/Senior Planner**

**FROM: Nicola Fleming**  
**Staff Officer**

**RE:- EX42/2026 - 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 27/03/2026.

The due date on this declaration is the 23/04/2026.



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**Staff Officer**  
**Planning Development & Environment**





**Comhairle Contae Chill Mhantáin  
Wicklow County Council**

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Liam Kenna  
Moneystown  
Roundwood  
Co. Wicklow

1st April 2026

**RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX42/2026**

A Chara

I wish to acknowledge receipt on 27/03/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 23/04/2026.

Mise, le meas

---

Nicola Fleming  
Staff Officer  
Planning, Economic & Rural Development



Wicklow County Council  
County Buildings  
Wicklow  
0404-20100

31/03/2026 10 57 18

Receipt No L1/O/361346

LIAM KENNA  
MONEYSTOWN  
ROUNDWOOD  
CO WICKLOW

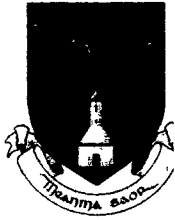
EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered  
Credit Card 80 00  
1

Change 0 00

Issued By VANESSA PORTER  
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: \_\_\_\_\_ KIERAN BURKE \_\_\_\_\_  
Address of applicant: \_\_\_\_\_

6 BELAN STREET, BALTINGLASS, CO. WICKLOW \_\_\_\_\_

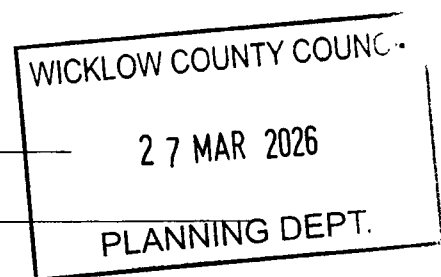
Note Phone number and email to be filled in on separate page.

**2. Agents Details (Where Applicable)**

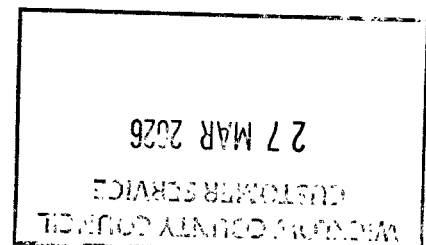
(b) Name of Agent (where applicable) LIAM KENNA \_\_\_\_\_

Address of Agent : \_\_\_\_\_

MONEYSTOWN, ROUNDWOOD, CO. WICKLOW \_\_\_\_\_



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



### **3. Declaration Details**

- i. Location of Development subject of Declaration  
6 BELAN STREET, BALTINGLASS, CO. WICKLOW
- ii. Are you the owner and/or occupier of these lands at the location under i. above ?  
Yes.
- iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier \_\_\_\_\_  
\_\_\_\_\_  
N/A  
\_\_\_\_\_
- iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration  
MY CLIENT WISHES TO BUILD A 31.6 SQM REAR EXTENSION AND WE BELIEVE THESE WORKS ARE EXEMPT UNDER CLASS 1 PART 1 OF SCHEDULE 2  
AND My clients now seek section 5 approval for the conversion under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001.  
*Additional details may be submitted by way of separate submission.*
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration  
CLASS 1 PART 1 OF SCHEDULE 2  
*Additional details may be submitted by way of separate submission.*

- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure ( or proposed protected structure) ? NO
- vii. List of Plans, Drawings submitted with this Declaration Application \_\_\_\_\_  
PLEASE SEE ATTACHED
- viii. Fee of € 80 Attached ? PLEASE CONTACT ME ON 0879636167 FOR PAYMENT

Signed : Luís LOMA Dated : 23/3/26

**Additional Notes :**

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

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

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

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000( as amended) there is a certification process with respect to land reclamation works as set out under the European Communities ( Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and

exact area of lands to be reclaimed, and an indication of the character of the land.

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

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

## Drawing Schedule

001 Existing and Proposed Site Layout

A1 1: 250

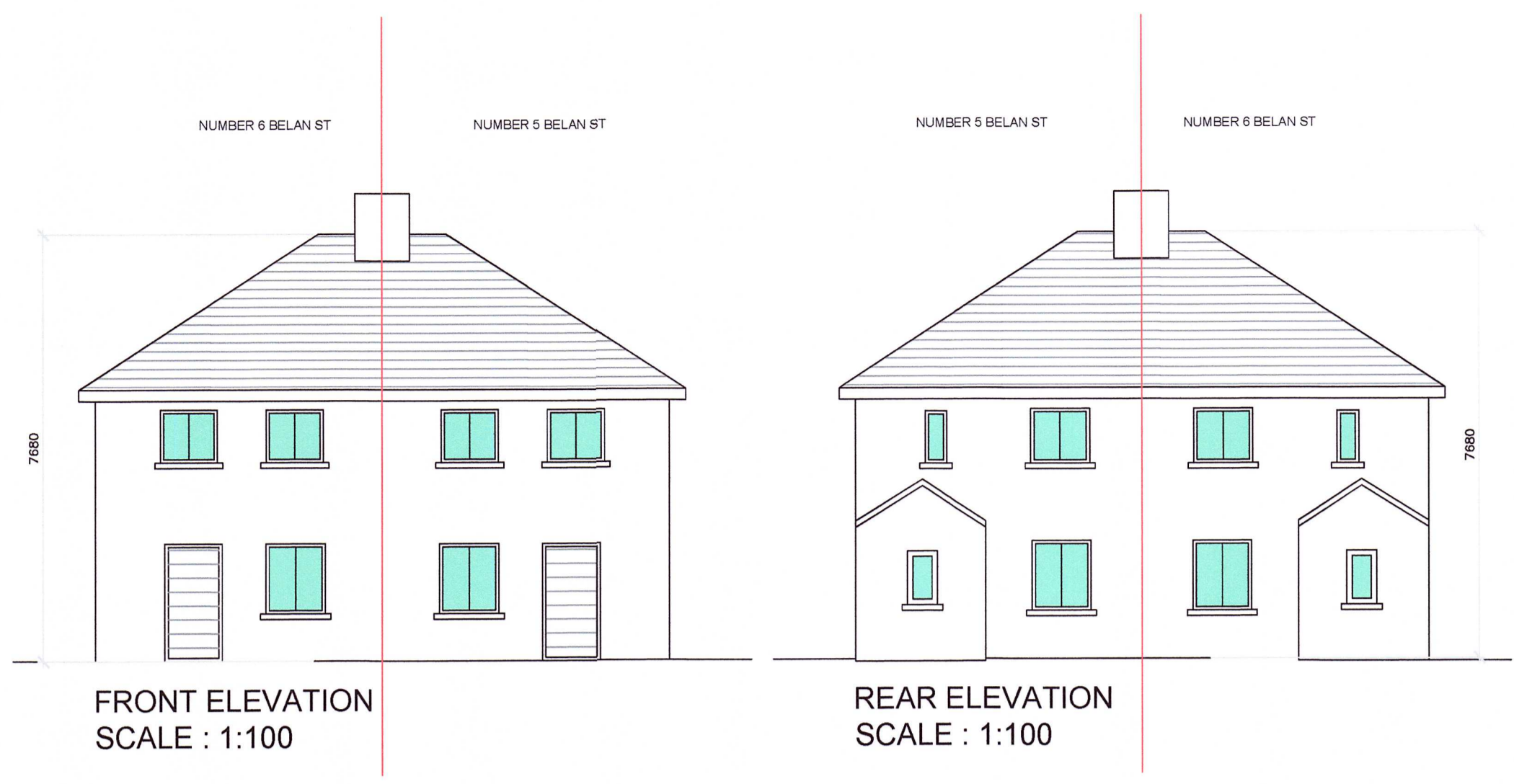
002 OSI Map and Existing Dwelling

A1 1:5000, 1000, 100

003 Proposed Dwelling

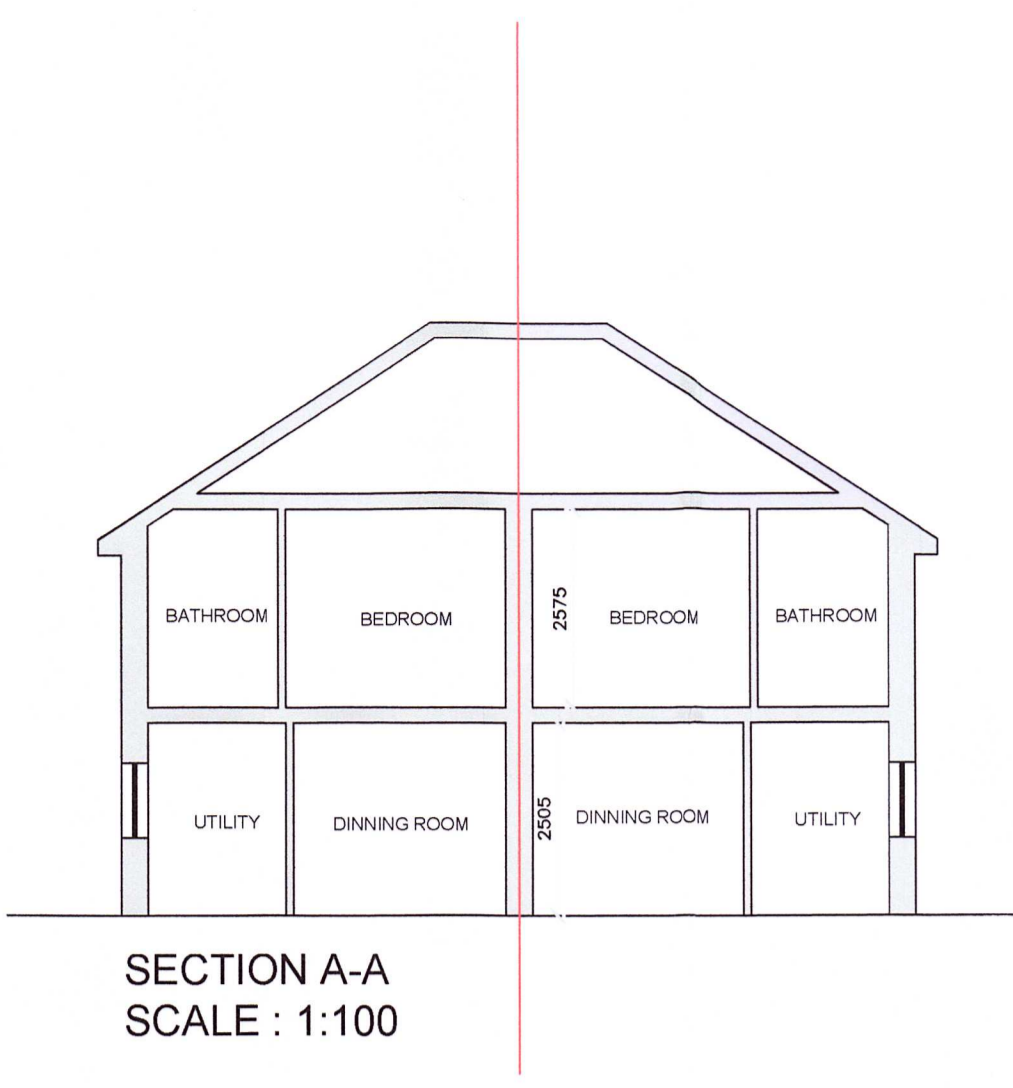
A1 1:1000, 100



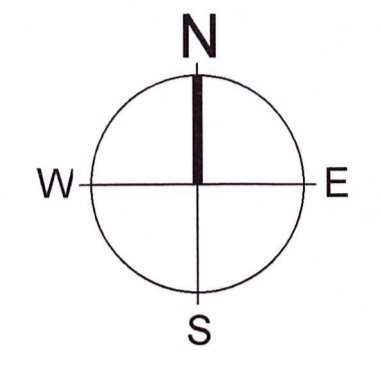
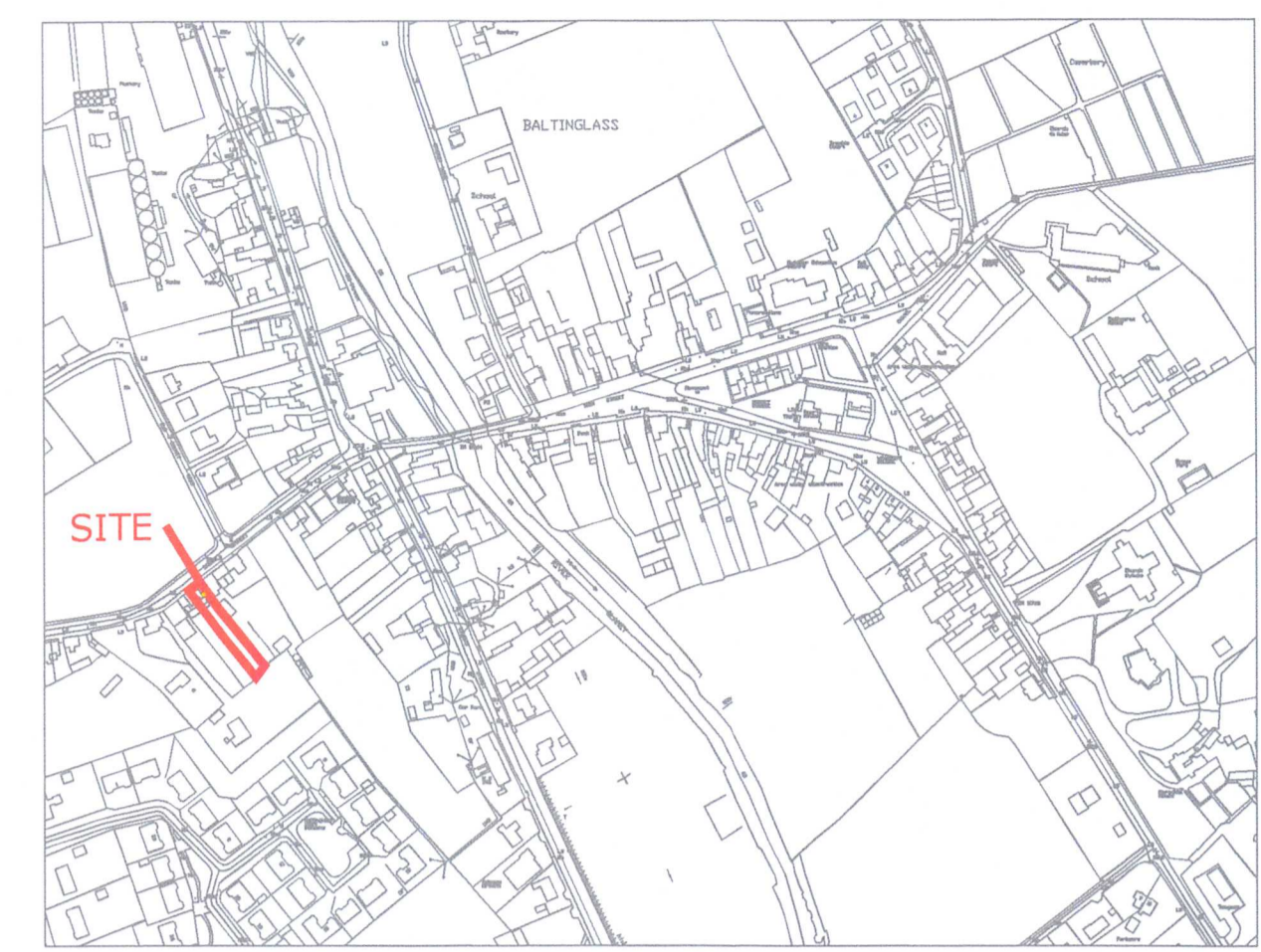


FRONT ELEVATION  
SCALE : 1:100

REAR ELEVATION  
SCALE : 1:100



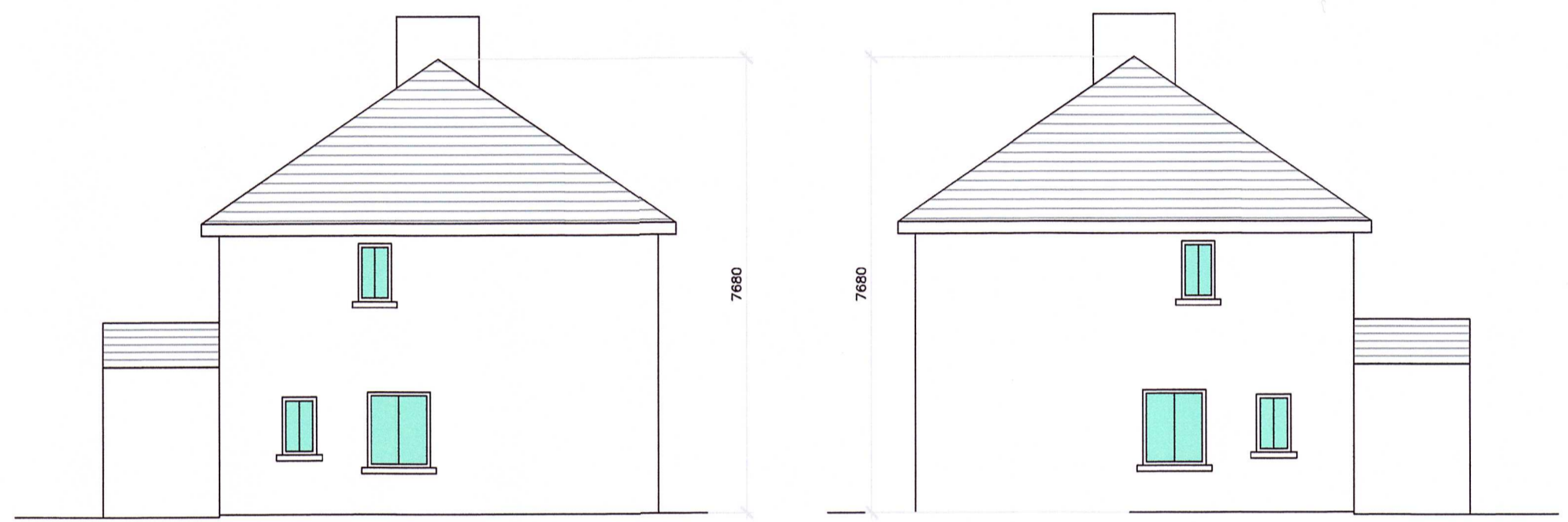
SECTION A-A  
SCALE : 1:100



PROPOSED  
LOCATION MAP  
SCALE 1:5000

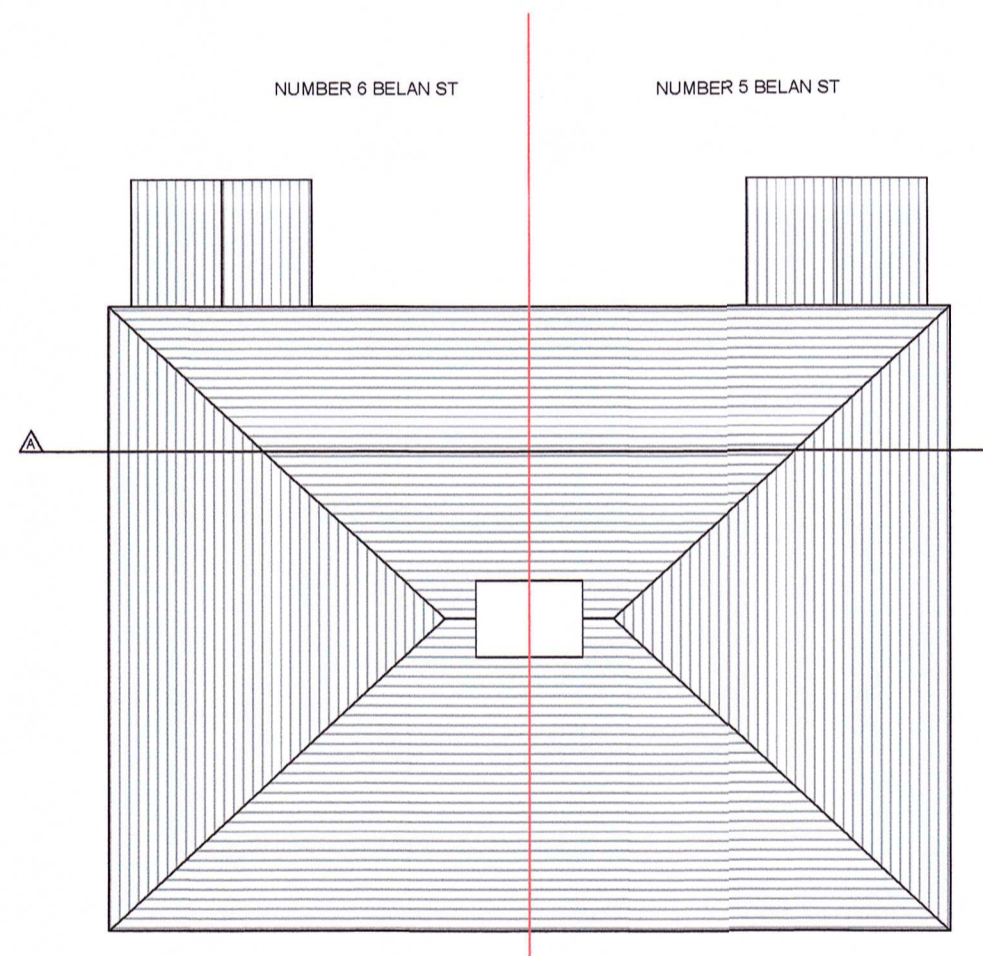
# EXISTING

- FINISHES:  
 ROOF: Brown Tiles  
 WALLS: Plaster render  
 CILLS: Concrete  
 WINDOWS: White PVC

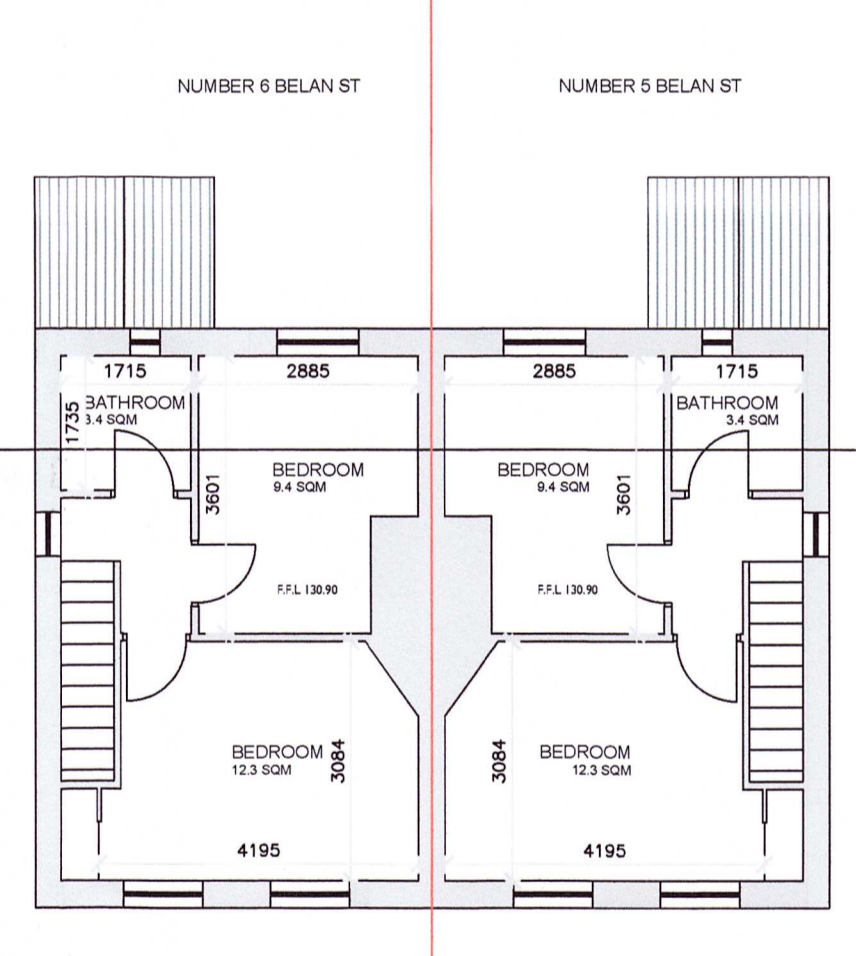


SIDE ELEVATION  
SCALE : 1:100

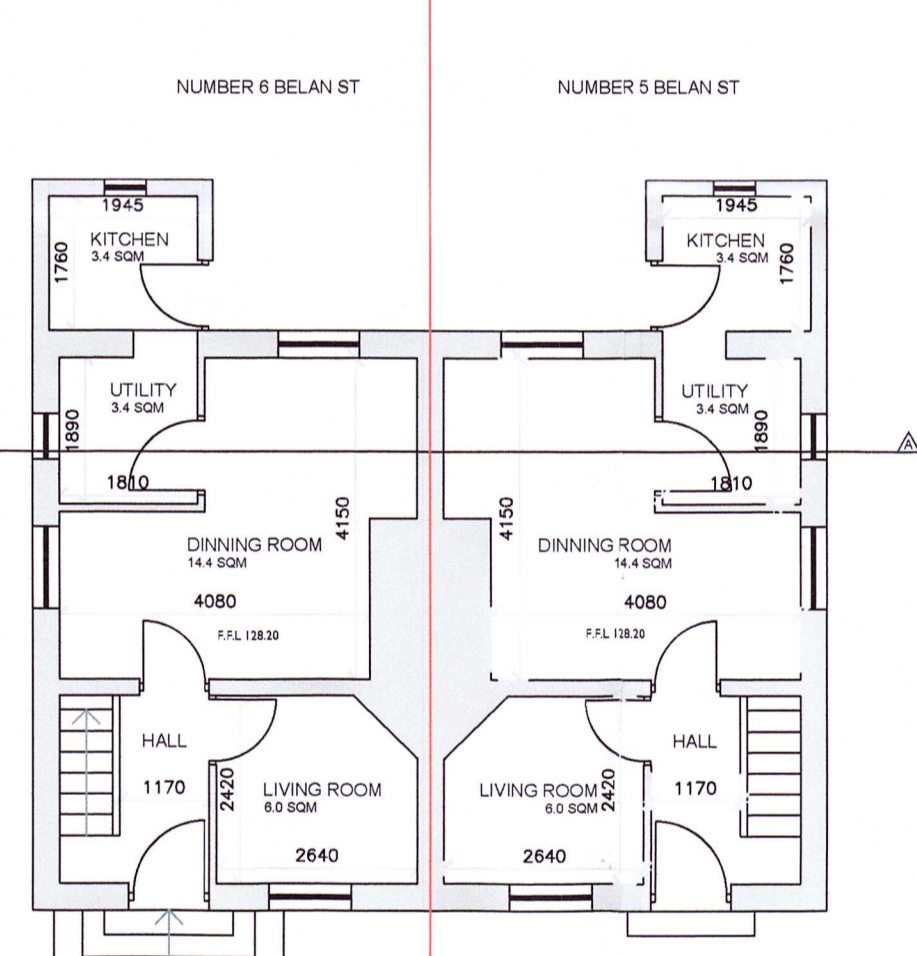
SIDE ELEVATION  
SCALE : 1:100



ROOF FLOOR PLAN :  
SCALE : 1:100

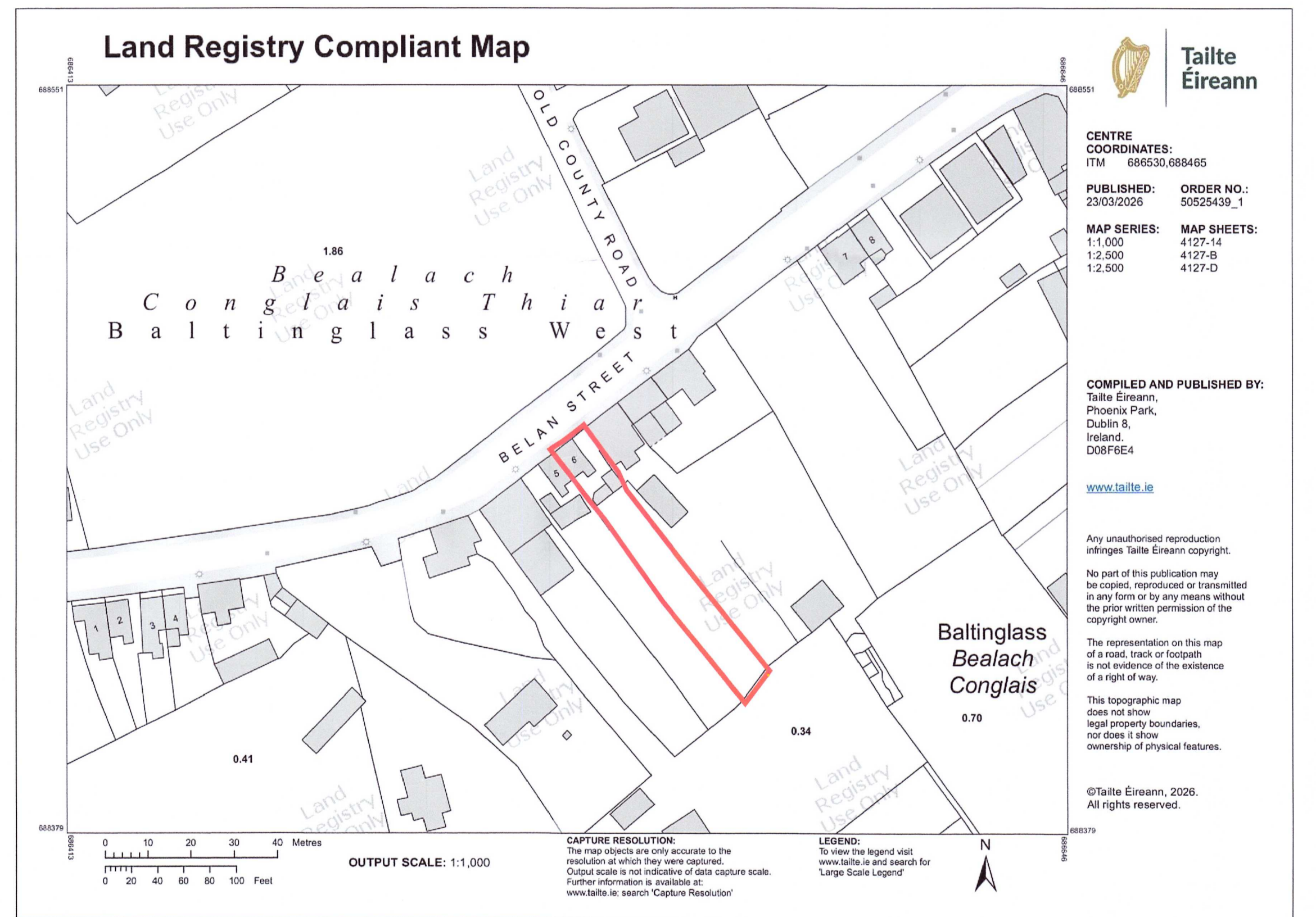


FIRST FLOOR PLAN :  
SCALE : 1:100



GROUND FLOOR PLAN :  
SCALE : 1:100

GROUND FLOOR AREA - 34.5 SQ.M  
 FIRST FLOOR AREA - 30.5 SQ.M  
 TOTAL FLOOR AREA - 65.0 SQ.M



## Land Registry Compliant Map



CENTRE COORDINATES:  
 ITM 686530.688465  
 PUBLISHED: 23/03/2026  
 ORDER NO.: 50525439\_1  
 MAP SERIES: 1:1,000 4127-14  
 1:2,500 4127-B  
 1:2,500 4127-D

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 Dublin 8,  
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 This topographic map does not show legal property boundaries, nor does it show ownership of physical features.

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NOTE : FIGURED DIMENSIONS ONLY.  
 DO NOT SCALE DRAWING.  
 CONTRACTOR TO CHECK DIMENSIONS ON SITE BEFORE CONSTRUCTION.  
 DISCREPANCIES ARE TO BE BROUGHT TO ATTENTION OF THE SURVYORS PRIOR TO THE COMMENCEMENT OF WORK.

DRAWING IS INTENDED SOLEY FOR PURPOSE NOTED. ONLY DRAWINGS MARKED CONTRACT ARE TO BE USED FOR CONSTRUCTION.

DRAWING:  
 EXISTING DWELLING AND OSI MAPS  
 SCALE 1:5000, 1:000, 1:00

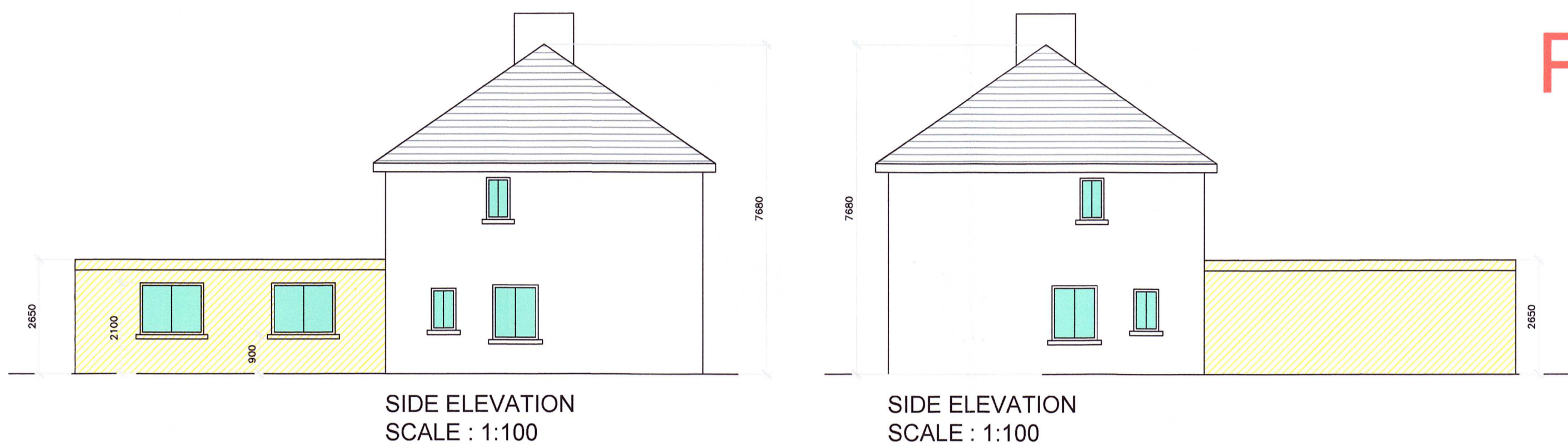
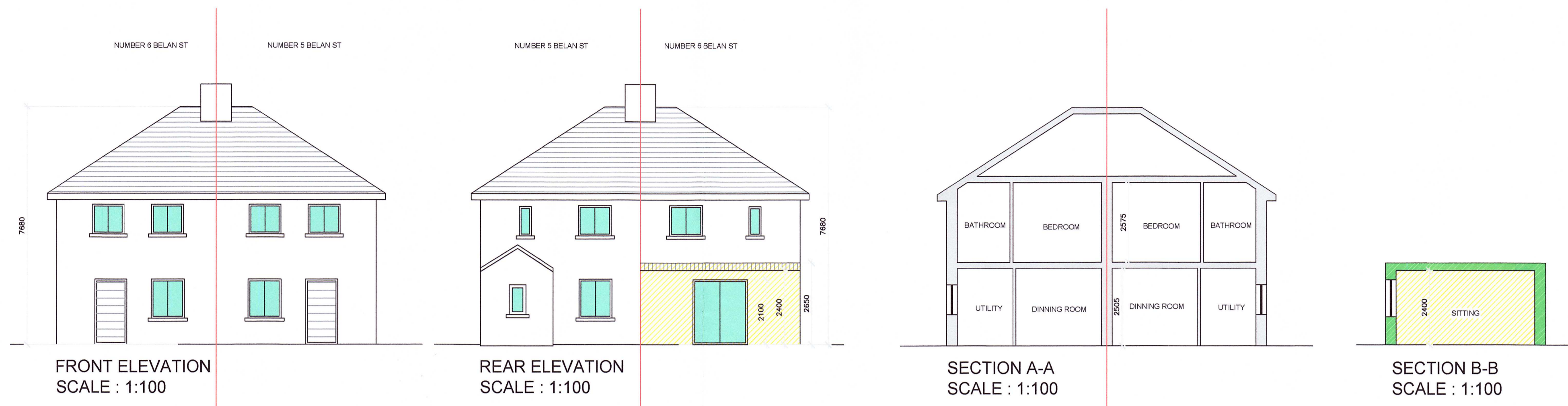
DRAWING BY:  
 LIAM KENNA

DATE:  
 04.03.26

PROJECT:  
 KIERAN BURKE,  
 6 BELAN STREET,  
 BALTINGLASS  
 CO. WICKLOW.

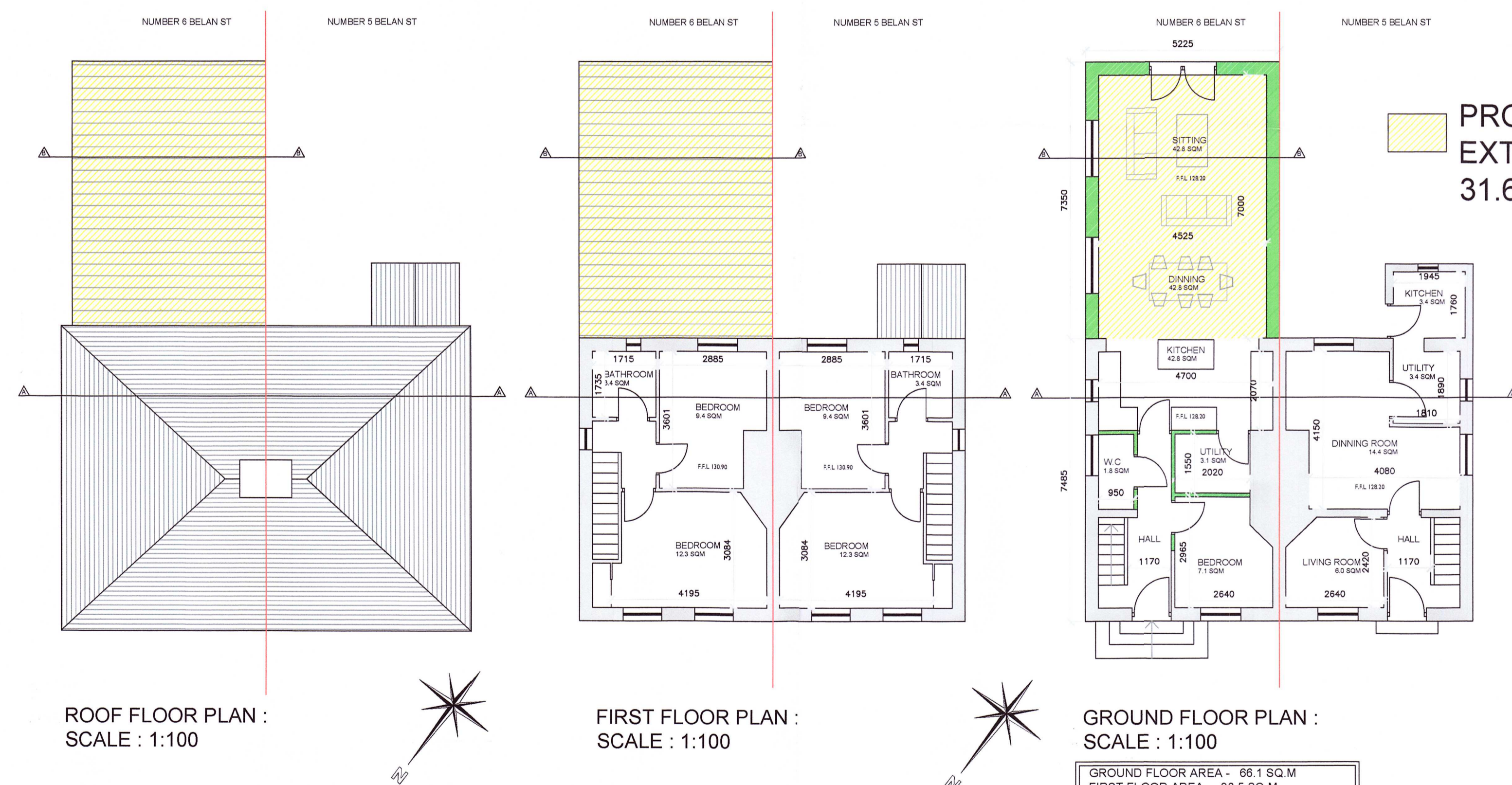
DRAWING NO.  
 002

SHEET NO.  
 02



# PROPOSED

FINISHES:  
 ROOF: Fibre Glass Flat Roof  
 WALLS: Plaster render  
 CILLS: Concrete  
 WINDOWS: White PVC



PROPOSED  
EXTENSION  
31.6 SQM

GROUND FLOOR AREA - 66.1 SQ.M  
 FIRST FLOOR AREA - 30.5 SQ.M  
 TOTAL FLOOR AREA - 96.6 SQ.M

NOTE : FIGURED DIMENSIONS ONLY.  
 DO NOT SCALE DRAWING.  
 CONTRACTOR TO CHECK DIMENSIONS  
 ON SITE BEFORE CONSTRUCTION.  
 DISCREPANCIES ARE TO BE BROUGHT  
 TO ATTENTION OF THE SURVYORS  
 PRIOR TO THE COMMENCEMENT OF  
 WORK.

DRAWING IS INTENDED SOLEY FOR  
 PURPOSE NOTED. ONLY DRAWINGS  
 MARKED CONTRACT ARE TO BE USED  
 FOR CONSTRUCTION.

DRAWING BY: LIAM KENNA		DATE: 04.03.26	
DRAWING: PROPOSED DWELLING SCALE 1:100		PROJECT: KIERAN BURKE, 6 BELAN STREET, BALTINGLASS CO. WICKLOW.	
DRAWING NO. 003	SHEET NO. 03		