



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

Lynn & Michael Smullen,
3 Mill View,
Killincarrig,
Greystones,
Co. Wicklow,
A63HK27

30th of September 2026

RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) -EX111/2026

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 Joanne Byrne.

ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.





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

Applicant: Lynn & Michael Smullen

Location: 3 Mill View, Killincarrig, Greystones, Co. Wicklow, A63HK27

Reference Number: EX111/2026

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1193

A question has arisen as to whether *"the installation of a flat roof box canopy above the front entrance door"* at 3 Mill View, Killincarrig, Greystones, Co. Wicklow, A63HK27 is or is not exempted development.

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)

Main Reasons with respect to Section 5 Declaration:

- (i) The installation of a canopy falls within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- (iii) The construction of a canopy would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works 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.

The Planning Authority considers that is development and is exempted development at
3 Mill View, Killincarrig, Greystones, Co. Wicklow, A63HK27

Signed: Deanne Byrne

PP ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Date: 30/09/2026



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2026/1193

Reference Number: EX111/2026

Name of Applicant: Lynn & Michael Smullen

Nature of Application: Section 5 Referral as to whether "*the installation of a flat roof box canopy above the front entrance door*" is or is not development and is or is not exempted development.

Location of Subject Site: 3 Mill View, Killincarrig, Greystones, Co. Wicklow, A63HK27

Report from: Laoise O'Connor T/A.P.

With respect to the query under Section 5 of the Planning & Development Act 2000 as to whether "*the installation of a flat roof box canopy above the front entrance door*" at 3 Mill View, Killincarrig, Greystones, Co. Wicklow, A63HK27 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)

Main Reasons with respect to Section 5 Declaration:

- (i) The installation of a canopy falls within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- (iii) The construction of a canopy would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works 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.

Recommendation

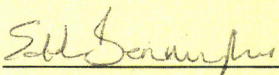
The Planning Authority considers that "*the installation of a flat roof box canopy above the front entrance door*" is **development** and **is exempted development** at 3 Mill View, Killincarrig, Greystones, Co. Wicklow, A63HK27 as recommended in the planning reports.

Signed: Deanne Byrne.

Date: 30/09/2026

ORDER:

I HEREBY DECLARE: That *"the installation of a flat roof box canopy above the front entrance door"* is development and is exempted development at 3 Mill View, Killincarrig, Greystones, Co. Wicklow, A63HK27 within the meaning of the Planning & Development Acts 2000 (as amended).

Signed: 

T/Senior Planner
Planning, Economic & Rural Development

Date: 21/4/2020.



**WICKLOW COUNTY COUNCIL
PLANNING DEPARTMENT**

Section 5 – Application for declaration of Exemption Certificate

To: Edel Bermingham S.P/ Patrice Ryan S.E.P
From: Laoise O Connor T/A.P
REF: EX111/2026
Applicant: Lynn & Michael Smullen
Exemption Query: Installation of a flat roof box canopy above existing front entrance door
Address: 3 Mill View, Killincarrig, Greystones, Co. Wicklow, A63HK27

Site Location:

The subject site is located in a residential cul de sac of 4 similar style dwellings (reg ref 12/6777) accessed off Mill Road (R-762-4) in Greystones. The dwelling on site is a detached two storey of a contemporary urban design comprising a rectangular, gable-fronted design with a pitched roof. There is parking to the front of the dwelling a large garden to the rear. The surrounding dwellings comprise a mixture of single and two storey/dormer and gable-fronted designs.

Site Location:





Planning History:

REF: 12/6777
Applicant: Jerome O'Connor
Development: demolition of two existing houses and the construction of four new two storey houses and associated site works including access road to the site
Decision: Grant

REF: 17/1119
Applicant: T Peare & Sons Ltd
Development: Change of house design to include for the raising of the finished floor levels (FFL) of the two front proposed houses and alterations to the communal access road layout in relation to the previously approved planning application ref 12/6777 together with all associated site works
Decision: Grant

Relevant legislation:

Planning and Development Act 2000 (as amended)

Section 2:

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

(a) where the context so admits, includes the land on, in or under which the structure is situated, 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 (1)(a) to (i) specifies various categories of development, which shall be exempted for the purposes of the Act;

In particular, section 4 (1) (h) is:

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 & 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) (a) and (b) details a number of circumstances under which the development to which Article 6 relates shall not be exempted development for the purposes of the Act.

Relevant Planning: Wicklow County Development Plan 2022-2028

Zoning Objective:

RE: Existing Residential under Greystones-Delgany & Kilcoole Local Planning Framework 2026

To protect, provide and improve residential amenities of existing residential areas.

Declaration details submitted:

The proposal is for the installation of a flat roof box canopy fixed to the front elevation of the dwelling above the existing front door. The dimensions of the canopy are c.2.0m in width, c. 0.3m in height and c.0.8m depth. The proposed canopy will consist of a fabricated aluminium finished in Anthracite grey and will incorporate 2 no. recessed downlights within the canopy soffit.

Assessment

As identified above the query to be addressed is whether or not

1. Installation of a grey aluminium flat roof box canopy fixed above the front door of dimensions not exceeding 2m x 0.3m

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

- (a) The first assessment must be whether or not the proposal outlined above constitutes development within the remit of Section 3 of the Planning and Development Act 2000. In this regard, Section 3 of the Planning and Development Act provides that: "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 2 of the Act defines works as "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.

I am satisfied that the proposal involves acts of alteration/construction and therefore **does** constitute development.

- (b) The second stage of the assessment is to determine whether or not the development would be exempted development under the Planning and Development Act 2000 (as amended) or its associated Regulations.

There is no specific exemption set out in the Act or Regulations in relation to door canopies. While Class 7 of Part Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended) may be relevant, it is clear from the associated limitations that this is in relation to enclosed porches with a discernible floor area as opposed to a protruding canopy. Therefore, the relevant exemption in respect to this element is Section 4(1)(h) of the Planning and Development Act 2000 (as amended). This exemption requires that the development consist 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.

In this case, the replacement porch canopy would be a grey aluminium flat rectangular box structure with recessed downlights in the ceiling/soffit. As external works, this does affect the external appearance of the structure, however, in relation to the character of the structure, the effect would be marginal to the degree that it may not be a material effect.

Noting the similar but not uniform nature of the surrounding residential dwellings, and the existing presence of front door canopies on neighbouring dwellings along the roadside boundary, it is determined that the proposed canopy, while different in material, does not affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures. Therefore, it is considered that this canopy meets the definition of this exemption.

Based on the documents submitted, **it can be determined that the flat roof box canopy above the front entrance door does constitute exempted development.**

Article 9 of the Planning and Development Regulations 2001 (as amended)

It is not considered that the provisions of Article 9 are relevant in this case.

Recommendation:

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

The installation of a flat roof box canopy above the front entrance door the constitutes exempted development within the meaning of the Planning and Development Act 2000 (as amended).

~~Noting the above,~~ the Planning Authority consider that the installation of a canopy above the front entrance door at 3 Mill View, Killincarrig, Greystones, Co. Wicklow **is development and is exempt 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 3 and 6 and Class 7 of Schedule 2: Part 1 of the Planning and Development Regulations 2001 (as amended)~~ *The location and character*

Main Reasons with respect to Section 5 Declaration:

- (i) The installation of a canopy falls within the meaning of works as set out in Section 2 of the Planning and Development Act 2000 (as amended)
- (ii) These works are development having regard to the provisions of Section 3 of the Planning and Development Act 2000 (as amended).
- (iii) The construction of a canopy would be exempted development having regard to the provisions of Section 4(1) (h) of the Planning and Development Act 2000 (as amended), as the works 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.

Laoise O'Connor

Laoise O'Connor T/AP
Date: 29/09/2026

Agreed *SR* *hsk* *TKS*
29/9/2026

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Laoise O'Connor
Graduate Planner

FROM: Joanne Byrne
A/Staff Officer

RE:- EX111/2026 - 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 09/09/2026.

The due date on this declaration is the **06/10/2026**.

A/ Staff Officer
Planning, Development & Environment



Comhairle Contae Chill Mhantáin
Wicklow County Council

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

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Lynn & Michael Smullen,
3 Mill View,
Killincarrig,
Greystones,
Co. Wicklow.
A63HK27

9th of September 2026

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended) – EX111/2026

A Chara

I wish to acknowledge receipt on 09/09/2026 full details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 06/10/2026.

Mise, le meas

Joanne Byrne.

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



Joanne Byrne

From: Smullen, Michael <
Sent: Wednesday 9 September 2026 13:33
To: Planning - Planning and Development Secretariat
Subject: Section 5 to County Buildings - Re. 3 Mill View Killincarrig Greystones Co. Wicklow
Attachments: Xerox Scan_09092026124422.pdf

External Sender - From: ("Smullen, Michael"

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<'
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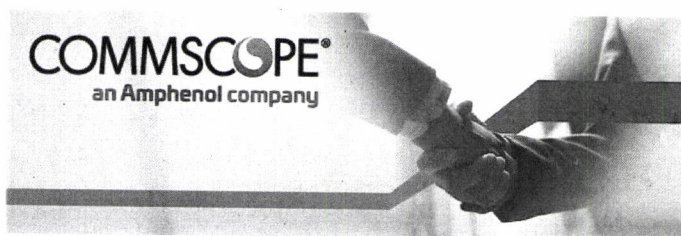
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To whom it may concern,

Please see our Section 5 application attached.

Kind regards.

Michael Smullen,
Facilities / EHS Manager.



Corke Abbey Avenue
Bray, Co. Dublin, A98 FY03, Ireland
Office: +353-1-204-2063
Mobile +353-86-8293159
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Wicklow County Council
County Buildings
Wicklow
0404-20100

09/09/2026 11 49 05

Receipt No L1/0/369462
***** REPRINT *****

MICHAEL SMULLEN
3 MILLVIEW
KILLINCARRIG
GREYSTONES

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

Total	80 00 EUR
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Tendered	
Credit Card	80 00
SECTION 5 PAYMENT	

Change	0 00
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**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

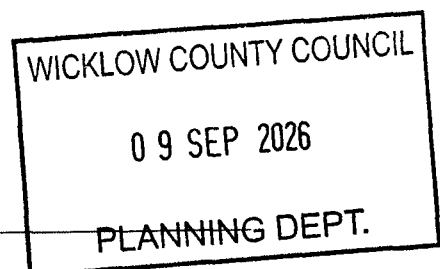
(a) Name of applicant:
Lynn & Michael Smullen

Address of applicant:
A63HK27, 3 Mill View, Killincarrig, Greystones, 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) _____
Address of Agent : _____



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

3. Declaration Details

- i. Location of Development subject of Declaration
A63HK27
- 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
I am seeking a Section 5 Declaration as to whether the installation of a flat-roof box canopy above the existing front entrance door of my dwelling constitutes development and, if so, whether it is exempted development under the Planning and Development Act.

The proposed canopy will be fixed to the front elevation of the dwelling above the existing front door. The canopy dimensions are approximately 2.0 metres in width, 0.8 metres in projection (depth), and 0.3 metres in height.

The canopy will be constructed from fabricated aluminium finished in Anthracite Grey (RAL 7016) and will incorporate two recessed downlights within the canopy soffit/ceiling. An illustration of the proposed canopy is attached for reference.

I request a declaration from the Planning Authority as to whether this proposal constitutes development and, if so, whether it qualifies as exempted development.

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
Section 5 general application

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
See below

- viii. Fee of € 80 Attached
Payment by CC

Signed : Michael Smullen Dated : 9/9/26
Michael Smullen 09.09.26

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 - N/A

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. - N/A

- 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.

Geographic Address

Postal Address

English | Gaeilge

3 MILL VIEW
KILLINCARRIG
GREYSTONES
CO. WICKLOW
A63 HK27

[Address Query?](#)

23B

23

New Rd

13

14

15

5

4

Mill View



