

### Comhairle Contae Chill Mhantáin Ulicklow 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 Suiomh / Website www wicklow ie

Ben Mangan & Anne Heery

August 2025

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX96/2025 for Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow

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

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanala of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

Is mise, le meas,

ADMINISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT







## Comhairle Contae Chill Mhantáin Uicklow County Council

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: Ben Mangan & Anne Heery

Location: Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow

Reference Number: EX 96/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/917

A question has arisen as to whether "a) Renovation of existing dwelling including internal alterations, b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house. c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings, d) Removal of the existing rear and front chimney stack, e) Installation of new chimney on the rear facing new roof" at Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow 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 & Development) Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2: Part 1: Class 1, Class 2, and Class 50 of the Planning and Development Regulations 2001 (as amended).

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

- i) The renovation, removal of chimneys and rear porch, the provisions of an extension and erection of a chimney 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 renovation of existing dwelling, installation of external wall insulation with nap plaster finish, and removal of the existing rear and front chimney stack would affect both the interior and the exterior of the structure, but such works 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 would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended).
- iv) The construction of a rear extension of 33sqm would come within the description and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.
- v) The demolition of the rear porch in connection with the provision of an extension in accordance with Class 1would come within the description and limitations set out under Class 50(b) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.





vi) The installation of new chimney on the rear facing new roof as part of a heating system would come within the description and limitations set out under Class 2(a) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.

The Planning Authority considers that "a) Renovation of existing dwelling including internal alterations, b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house. c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings, d) Removal of the existing rear and front chimney stack, e) Installation of new chimney on the rear facing new roof" at Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow is development and is exempted development

Signed:

ADMINISTRATIVE OFFICER

PLANNING, ECONOMIC & RURAL DEVELOPMENT

Dated D August 2025

#### WICKLOW COUNTY COUNCIL

#### PLANNING & DEVELOPMENT ACTS 2000 (As Amended)

#### **SECTION 5**

#### CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/917

Reference Number:

EX 96/2025

Name of Applicant:

Ben Mangan & Anne Heery

Nature of Application:

Section 5 Referral as to whether or not "a) Renovation of existing dwelling including internal alterations, b) Removal of existing rearfacing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house. c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings, d) Removal of the existing rear and front chimney stack, e) Installation of new chimney on the rear facing new roof." is or is not development and is or is not exempted development.

Location of Subject Site:

Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow

Report from Billy Slater, AP & Edel Bermingham, A/SP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "a) Renovation of existing dwelling including internal alterations, b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house. c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings, d) Removal of the existing rear and front chimney stack, e) Installation of new chimney on the rear facing new roof" at Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow is or is not exempted development within the meaning of the Planning & Development Acts 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 & Development) Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2: Part 1: Class 1, Class 2, and Class 50 of the Planning and Development Regulations 2001 (as amended).

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

- i) The renovation, removal of chimneys and rear porch, the provisions of an extension and erection of a chimney 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 renovation of existing dwelling, installation of external wall insulation with nap plaster finish, and removal of the existing rear and front chimney stack would affect both the interior and the exterior of the structure, but such works 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 would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended).
- iv) The construction of a rear extension of 33sqm would come within the description and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.
- v) The demolition of the rear porch in connection with the provision of an extension in accordance with Class 1would come within the description and limitations set out under Class 50(b) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.
- vi) The installation of new chimney on the rear facing new roof as part of a heating system would come within the description and limitations set out under Class 2(a) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.

#### Recommendation:

The Planning Authority considers that "a) Renovation of existing dwelling including internal alterations, b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house. c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings, d) Removal of the existing rear and front chimney stack, e) Installation of new chimney on the rear facing new roof" at Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow is development and is exempted development as recommended in the report by the SEP.

ORDER:

I HEREBY DECLARE:

Dated Hay of August 2025

That "a) Renovation of existing dwelling including internal alterations, b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house. c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings, d) Removal of the existing rear and front chimney stack, e) Installation of new chimney on the rear facing new roof" at Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow is development and is exempted development within the

meaning of the Planning & Development Act 2000 (as amended).

Signed:

Director of Services

Planning, Economic & Rural Development

Dated 25 day of August 2025



# WICKLOW COUNTY COUNCIL PLANNING DEPARTMENT

To:

Edel Bermingham A/S.P. / Patrice Ryan S.E.P.

From:

Billy Slater A.P.

Type:

Section 5 Application

REF:

EX 96/2025

**Applicant:** 

Ben Mangan Anne Heery

Date of Application: Decision Due Date: 05/08/2025 01/09/2025

Address:

Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow

**Exemption Query:** 

- Renovation of existing dwelling including internal alterations
- Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house.
- Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings.
- Removal of the existing rear and front chimney stack.
- Installation of new chimney on the rear facing new roof.

**Application Site:** 

The application site is located centrally within the level 4 urban settlement of Rathdrum town, some 300m west of Rathdrum Main Street. The subject site is occupied by a detached single-story dwelling and is accessed off of the L-2127-0 Local Road. The site is at present defined by a low wall to the front with mature planting upon its rear and side site boundaries. The site is bound by Rathdrum Medical Practice to the north-west, with further dwellings present to the south and east.

Aerial / Site Image





#### Relevant Planning History:

No relevant planning history on site.



#### Question:

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

- a) Renovation of existing dwelling including internal alterations
- b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house.
- c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings.
- d) Removal of the existing rear and front chimney stack.
- e) Installation of new chimney on the rear facing new roof.

at Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow is or is not exempted development:

#### **Legislative Context:**

#### Planning and Development Act 2000 (as amended)

**Section 2(1)** of the Act states the following in respect of the following:

"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

"works" includes Any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

**Section 3(1)** of the Act states the following in respect of 'development':

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

**Section 4** sets out the types of works that while considered 'development', can be considered 'exempted development' for the purposes of the Act.

#### Section 4 (1) (h) states:

"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(2)** makes provision for ministerial regulations to set out further exemptions. The 2001 Planning Regulations as amended derive from this section and designate further works as being exempted development for the purposes of the act.

#### Planning and Development Regulations, 2001 (as amended)

Article 6(1) states that certain classes of development which are specified in Schedule 2 shall be exempted development for the purposes of the Act, subject to compliance with any associated conditions and limitations;

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.

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**Schedule 2, Part 1** outlines classes of exempt development as well as associated conditions and limitations. The following are of relevance.

#### 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.

#### Associated conditions and 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.
- 3. (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.
- 4. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- 5. (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.
- 6. 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.
  - (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.

#### CLASS 2

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

#### Associated conditions and limitations:

The capacity of an oil storage tank shall not exceed 3,500 litres.

#### CLASS 50

- (a) The demolition of a building, or buildings, within the curtilage of
  - i. a house,
  - ii. an industrial building,
  - iii. a business premises, or
  - iv. a farmyard complex.
- (b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

#### Associated conditions and limitations:

1.No such building or buildings shall abut on another building in separate ownership.

- 2. The cumulative floor area of any such building, or buildings, shall not exceed:
  - a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and
  - b) in all other cases, 100 square metres.
- 3. No such demolition shall be carried out to facilitate development of any classprescribed for the purposes of section 176 of the Act

#### Details submitted in support of the application:

- Cover letter
- Section 5 Application Form
- Eircode finder site map
- Floor plans and elevations of the existing garage / proposed dwelling.
- Site Photographs

#### Assessment:

The Section 5 declaration application seeks an answer with respect to the following question:

#### Whether the;

a) Renovation of existing dwelling including internal alterations



- b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house.
- c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings.
- d) Removal of the existing rear and front chimney stack.
- e) Installation of new chimney on the rear facing new roof.

at Ard Mhuire, 16 Fairgreen, Rathdrum, is or is not exempted development:

The residential dwelling the subject of the referral is located in Rathdrum accessed off Brewery Lane, and consists of a single storey structure ,with a plaster finish, brown tiles, and a hipped roof. The dwelling is not a Protected Structure and neither is it located within an Architectural Conservation Area.

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 2001. 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.

It should be noted that 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 would involve works of construction, demolition, alteration, and repair, and therefore the proposal does constitute development.

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

With regard to an assessment of the following elements;

- A. Renovation of existing dwelling including internal alterations
- C. Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings.
- D. Removal of the existing rear and front chimney stack.

The renovation of existing dwelling including internal alterations, installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings, and the removal of the existing rear and front chimney stack would affect both the interior and the exterior of the structure, but such works would not be considered to 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 aforementioned elements of the



subject section 5 query would therefore be exempt having regard to Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house.

#### Provision of extension:

Schedule 2, Pt.1 Class 1 of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

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.

Relevant Schedule 2, Pt.1 Class 1 Checklist	
1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.	Extension of 33sqm in gross floor area.
b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any	N/A
extension above ground level shall not exceed 12 square metres.	N/A
(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.	N/A
(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.	N/A
(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	N/A



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.	Extension ground floor only.
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.	Proposed walls doe 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.	N/A
(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.	Height of the extensions roof does 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.	In excess of 25sqm if private open space is retained to the rear of the dwelling.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.	Proposed rear and side facing windows are in excess of one meter from their relative site boundaries.
(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.	N/A
(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.	N/A
7. The roof of any extension shall not be used as a balcony or roof garden.	It is not indicated that the existing roof is to be used as a balcony or roof garden.

#### Demolition of rear porch:

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Schedule 2, Pt.1 Class 50 (b) of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

#### Relevant Schedule 2, Pt.1 Class 50 Checklist

1. No such building or buildings shall abut on another building in separate ownership.	Dwelling is detached.
2. The cumulative floor area of any such building, or buildings, shall not exceed:	Proposed demolition measures less than 40sqm.
a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and	
b) in all other cases, 100 square metres.	4
3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.	N/A

It is noted that the rear porch is to be demolished as to accommodate extension under Class 1.

#### E. Installation of new chimney on the rear facing new roof.

Schedule 2, Pt.1 Class 2(a) of the Planning and Development Regulations 2001 (as amended) states that the following constitutes exempted development:

(a) The provision as part of a heating system of a house, of a chimney or flue, boiler house or fuel storage tank or structure.

#### Relevant Schedule 2, Pt.1 Class 2 Checklist

1. The capacity of an oil storage tank shall not exceed 3,500 litres.	N/A

It is noted that the proposed chimney is stated to form p[art of the heating system of the house.

It is also noted that the proposed works to which article 6 relates shall not be exempted development for the purposes of the Act if the carrying out of such works would contravene with the limitations as set out per Article 9 (1).

#### **Recommendation:**

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

- a) Renovation of existing dwelling including internal alterations
- b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house.



- c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings.
- d) Removal of the existing rear and front chimney stack.
- e) Installation of new chimney on the rear facing new roof.

at Ard Mhuire, 16 Fairgreen, Rathdrum, Co. Wicklow constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

The Planning Authority considers that the:

- a) Renovation of existing dwelling including internal alterations is **Development** and is **Exempted Development**.
- b) Removal of existing rear-facing porch and construction of a single storey rear extension with overall additional floor area of 33m2 and same wall height as the existing rear wall of the house is Development and is Exempted Development.
- c) Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings is Development and is Exempted Development.
- d) Removal of the existing rear and front chimney stack is Development and is Exempted Development.
- e) Installation of new chimney on the rear facing new roof 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 & Development) Act 2000 (as amended)
- c) Article 6, 9 and Schedule 2: Part 1: Class 1, Class 2, and Class 50 of the Planning and Development Regulations 2001 (as amended).

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

- i. The renovation, removal of chimneys and rear porch, the provisions of an extension and erection of a chimney 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 renovation of existing dwelling, installation of external wall insulation with nap plaster finish, and removal of the existing rear and front chimney stack would affect both the interior and the exterior of the structure, but such works 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 would therefore come within the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended).
- iv. The construction of a rear extension of 33sqm would come within the description and limitations set out under Class 1 of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.
- v. The demolition of the rear porch in connection with the provision of an extension in accordance with Class 1 would come within the description and limitations set out under Class 50(b) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.



vi. The installation of new chimney on the rear facing new roof as part of a heating system would come within the description and limitations set out under Class 2(a) of Part 1: Schedule 2 of the Planning and Development Regulations 2001(as amended), and nothing within Article 9 would negate this exemption.

Billy Slater A.P.

22/08/2025

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Creat Decree Del



# Comhairle Contae Chill Mhantáin Ulicklow 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

#### **MEMORANDUM**

#### WICKLOW COUNTY COUNCIL

TO: Billy Slater
Assistant Planner

FROM: Joanne Byrne
Assistant Staff Officer

RE:- Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). EX96/2025

I enclose herewith application for Section 5 Declaration received completed on  $5^{\rm th}$  August 2025.

The due date on this declaration is 1<sup>st</sup> September 2025.

Assistant Staff Officer
Planning, Economic & Rural Development







# 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

6<sup>th</sup> August 2025

Ben Mangan & Anne Heery,

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Act 2000 (as amended). – EX96/2025 – Ben Mangan & Anne Heery

A Chara

I wish to acknowledge receipt on 05/08/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 01/09/2025.

Mise, le meas

Nicola Fleming
Staff Officer

Planning, Economic & Rural Development





#### Joanne Byrne

From:

ben mangan

Sent:

Tuesday 5 August 2025 19:38

To:

Planning - Planning and Development Secretariat

Cc:

Anne Heery

Subject:

Re: Ard Mhuire Section 5 Exemption Declaration Request

)

Attachments:

Ard Mhuire Section 5 Declaration Request 02.zip

#### External Sender - From: (ben mangan

This message came from outside your organisation.

Learn More

CAUTION This email originated from outside Wicklow County Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

Please see attached zip file with all documents for section 5 exemption declaration request for Ard Mhuire, 16 Fairgreen, Rathdrum A67 PD93.

Please note this is a new application following a previous application made in July (reference number: EX80/2025). Let me know if you need anything further.

We will make the €80 payment tomorrow over the phone.

Cheers,

Ben

From: ben mangan

Sent: Thursday 10 July 2025 14:19

To: plandev@wicklowcoco.ie <plandev@wicklowcoco.ie>

Cc: Anne Heery

Subject: Ard Mhuire Section 5 Exemption Declaration Request

Hi,

Please see attached zip file with all documents for section 5 exemption declaration request for Ard Mhuire, Fairgreen, Rathdrum A67 PD93.

Please note we made payment via phone today for €80.Please let me know if you need anything further.

Cheers,

Ben

Planning Department
Wicklow County Council
County Buildings
Whitegates
Co. Wicklow

Re: Request for Declaration under Section 5 of the Planning and Development Act 2000

To whom it may concern,

I am writing to request a Declaration under Section 5 of the Planning and Development Act 2000. The property is and has been vacant for a number of years and it is hoped that the renovation and extension to the house can progress without the need for planning permission. The declaration is required for the application to the Vacant Property Grant.

The proposed development includes the following:

- Renovation of the existing dwelling, including internal alterations.
- Removal of the existing rear-facing porch and construction of a single-storey rear extension with an overall additional floor area of 33 m<sup>2</sup>
- Installation of external wall insulation with a nap cement plaster finish, consistent with the existing appearance of the property and neighbouring dwellings.
- Removal of the existing rear and front chimney stack and installation of a new chimney

We believe these works may fall under the scope of exempted development, in accordance with the Planning and Development Act 2000 and Planning and Development Regulations 2001, and respectfully request a formal declaration from the planning authority to confirm this. The dwelling is a private residence and is not a protected structure, nor is it located within an Architectural Conservation Area (ACA).

Please find enclosed the completed Section 5 application form, site location map, and drawings for your consideration.

Yours faithfully,

Ben Mangan

WICKLOW COUNTY COUNCIL

D 5 Æ∃G 2025

PLANNING DEPT.

Wicklow County Council County Buildings Wicklow 0404-20100

06/08/2025 10 22 27

Receipt No L1/0/349494

BEN MANGAN 8 CASTLE STREET DUBLIN 8

EXEMPTION CERTIFICATES
GOODS 80 00
VAT Exempt/Non-vatable

fotal 80 00 EUR

80.00

Tendered
Credit Card 80 00
16 FAIRGREEN RATHDRUM

Change 0.00

Issued By Annmarie Ryan 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:
BEN MANGAN & ANNE HEERY
Address of applicant:
8. CA FHERINE STREET, DUBLIN 8

WICKLOW COUNTY COUNCIL

0 5 AUG 2025

PLANNING DEPT.

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

Name of Agent (where applicable)
IAN HEFFERNAN BENG, MIELCERTIFIED SITE ASSESSOR
Address of Agent:
CNOC DUBH, BALLYMANUS, BLACKHILL, GLENEALY CO. WICKLOW

#### 3. Declaration Details

- i. Location of Development subject of Declaration
  ARD MHUIRE, 16 FAIRGREEN, RATHDRUM, CO.WICKLOW, A67 PD93
- ii. Are you the owner and/or occupier of these lands at the location under i. above? Yes/ No.

YES

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

NA

- 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
  - Renovation of the existing dwelling, including internal alterations
  - Removal of the existing rear-facing porch and construction of a single-storey rear extension with an overall additional floor area of 33 m<sup>2</sup> and same wall height as the existing rear wall of the house
  - Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings
  - Removal of the exis ing rear and front chimney stack
  - Installation of new chimney on the rear facing new roof
- v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration
  - Renovation of the existing dwelling, including internal alterations
    - o Relevant Legislation: Section 4(1)h Planning and Development Act 2000
    - Justification: it is exempt development as the alteration works affect only the interior
  - Removal of the exis ing rear-facing porch and construction of a single-storey rear extension with an overall additional floor area of 33 m<sup>2</sup> and same wall height as the existing rear wal of the house
    - Relevant Legislation: Class 1 Part 1: Schedule 2 of the Planning and Development Regulations
    - Justification: it is exempt development as the house has not been extended previously (1), it is a ground floor extension (3), the extension walls does not exceed the height of the rear wall (4a), the extension roof does not exceed roof of the dwelling (4c), there is more than 25sq meter of garden (5) and all windows are greater than 1m from the boundary (6)
  - Installation of external wall insulation with a nap cement plaster finish consistent with the existing appearance of the property and neighbouring dwellings
    - o Relevant Legislation: Section 4(1)h Planning and Development Act 2000
    - O Justification: it is exempt development as the it does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighboring structures
  - Removal of the exist ng rear and front chimney stack
    - o Relevant Leg slation: Section 4(1)h Planning and Development Act 2000
    - Justification: it is exempt development as the it does not materially affect
      the external appearance of the structure so as to render the appearance
      inconsistent v ith the character of the structure or of neighboring structures

- Installation of new chimney on the rear facing new roof
  - Relevant Legislation: Class 2 of Part 1; Schedule 2 of the Planning and Development Regulation 2007
  - Justification: a chimney falls under the provision as part of a heating system of a house

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
  - Cover Letter
  - Site Location Map
  - Site Layout Plan
  - Proposed and exiting elevations & plans.
  - Current pictures: chimney, scullery and neighbour buildings

viii. Fee of € 80 Attached? NO, PAYMENT MADE OVER PHONE

Signed: 8 (n Mangan Dated: 05/08/2025	Signed: Bon Mangan	Datad . 05	108/2025
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#### **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 -

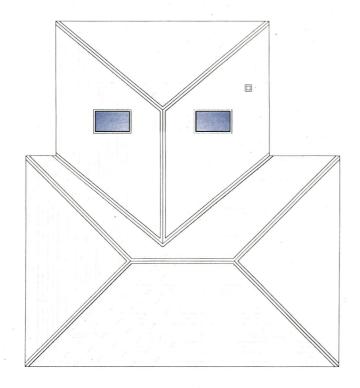
The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 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.

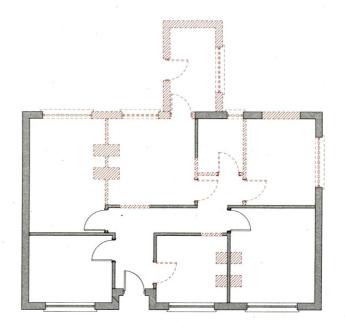
#### C. Farm Structures - Class 6 - Class 10 Part 3 of Schedule 2.

- 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.

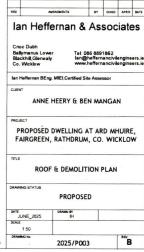
Folio Number: WW1507F Application Number: P2025LR039707T 718750 mE, 688350 mN Tailte Clárúchán, Luacháil, Sulrbhéireacht Registration, Valuation, Surveying Folio: WW1507F This map should be read in conjunction with the folio. Tailte Éireann (TÉ) Registration mapping is based on TÉ Surveying mapping. Where TÉ Registration maps are printed at a scale that is larger than the TÉ Surveying scale, accuracy is limited to that of the TÉ Surveying map scale. For details of the terms of use and limitations of scale, accuracy and other conditions relating to TÉ Registration maps, see www.tailte.ie. This map incorporates TÉ Surveying map data under licence from TÉ. Copyright © Tailte Éireann and Government of Ireland. (centre-line of parcel(s) edged) Freehold Leasehold SubLeasehold Burdens (may not all be represented on map) Right of Way / Wayleave Turbary Pipeline Well Pump Septic Tank Soak Pit A full list of burdens and their symbology can be found at: www landdirect.ie Tailte Éireann Registration operates a non-conclusive boundary system. The TÉ Registration map identifies properties not boundaries meaning neither the description of land in a folio nor its identification by reference to a TÉ Registration map is conclusive as to the boundaries or extent. (see Section 85 of the Registration of Title Act, 1964). As inserted by Section 62 of the Registration of Deed and Title Act 2006. 1.1000 Sodo 718430 mE, 688090 mN



PROPOSED ROOF PLAN SCALE 1 50



PROPOSED DEMOLITION PLAN SCALE 1.50





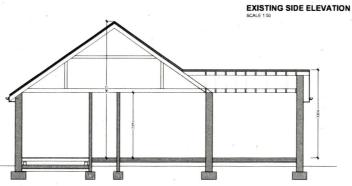
EXISTING FRONT ELEVATION SCALE 1.50



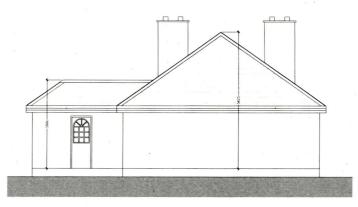
EXISTING REAR ELEVATION SCALE 1:50



EXISTING SIDE ELEVATION
SCALE 150

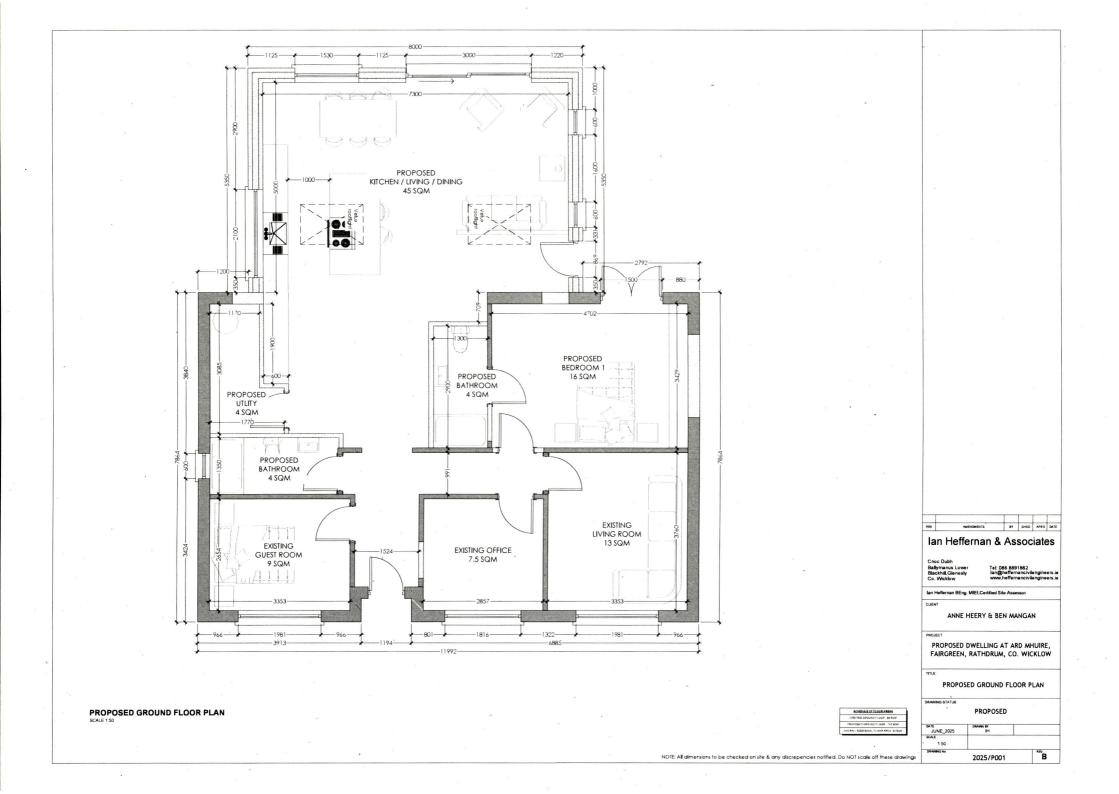


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NOTE: All dimensions to be checked on site & any discrepencies notified. Do NOT scale off these drawings





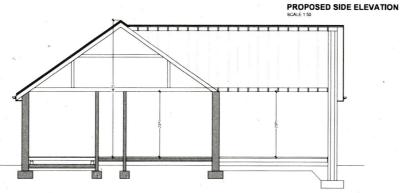
PROPOSED FRONT ELEVATION SCALE 150



PROPOSED REAR ELEVATION SCALE 150



PROPOSED SIDE ELEVATION SCALE 1 50



PROPOSED SECTION A-A

NOTE: All dimensions to be checked on site & any discrepencies notified. Do NOT scale off these drawings

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lan Heffernan BEng, MIEI, Certified Site Assessor

ANNE HEERY & BEN MANGAN

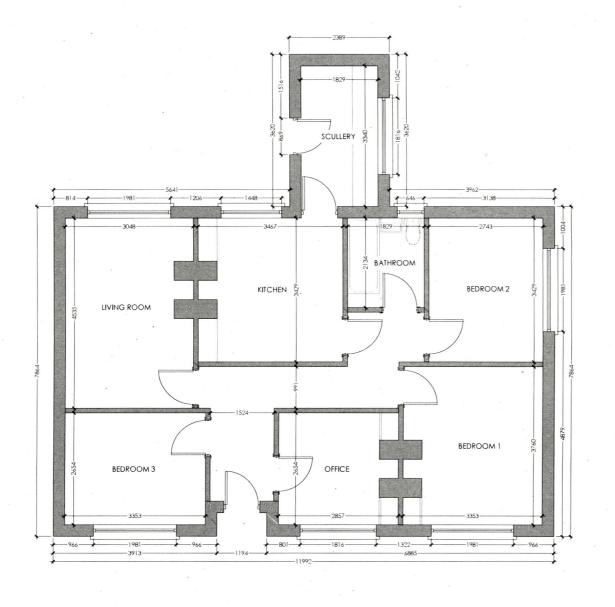
PROPOSED DWELLING AT ARD MHUIRE, FAIRGREEN, RATHDRUM, CO. WICKLOW

**ELEVATIONS & SECTION** 

DRAWING STATUS

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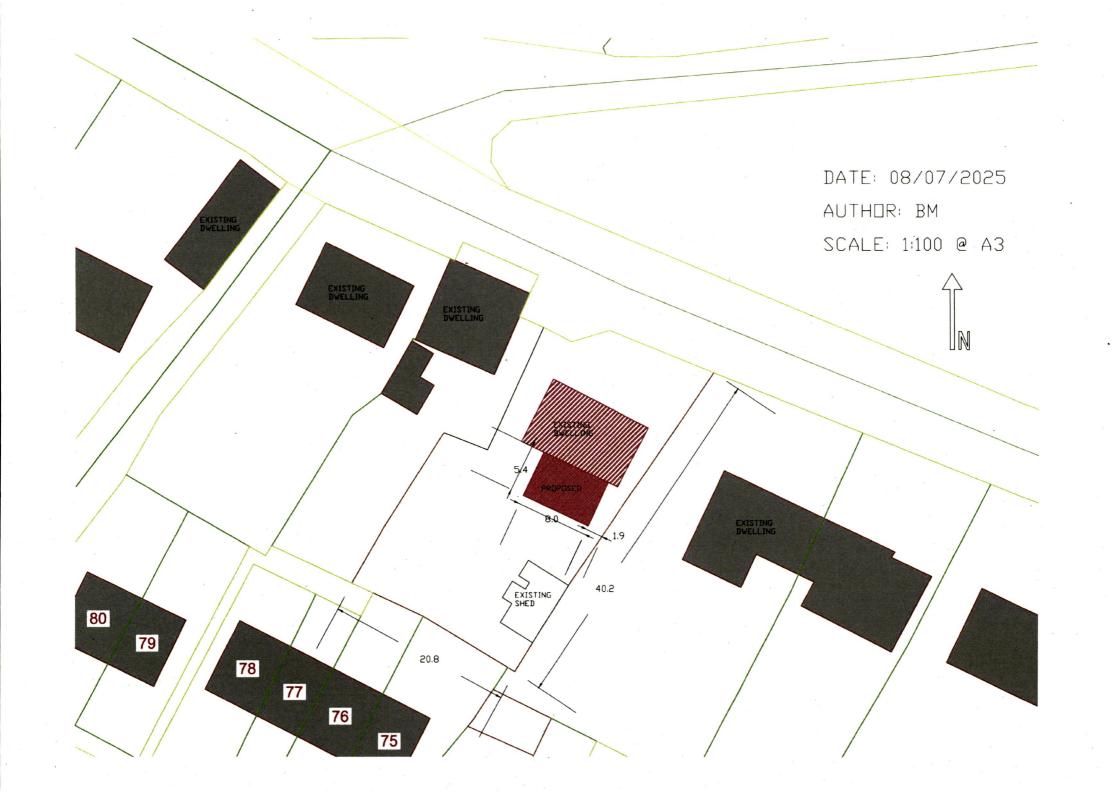


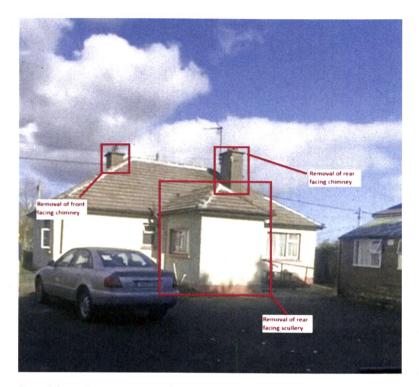
EXISTING GROUND FLOOR PLAN SCALE 150

	Blackhill,Glenealy lan@heffernancivilengineers.ie Co. Wicklow www.heffernancivilengineers.ie
	lan Heffernan BEng, MIEI,Certified Site Assessor
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NOTE: All dimensions to be checked on site & any discrepencies notified. Do NOT scale off these drawings	2025/E001 REV.

Ian Heffernan & Associates

Tel: 086 8891862





Rear View: Removal of chimney and scullery



Front View: Removal of chimney



Front View: Neighbouring houses



Front View: Neighbouring houses



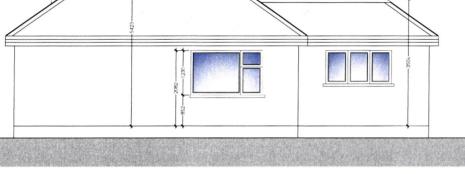
EXISTING FRONT ELEVATION SCALE 1.50

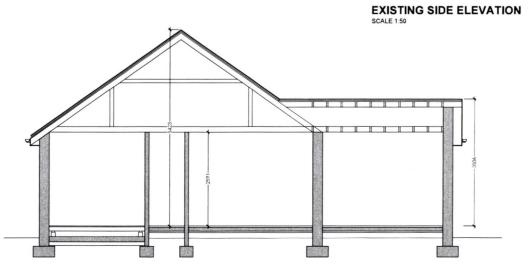
EXISTING SIDE ELEVATION SCALE 1:50



**EXISTING REAR ELEVATION** 





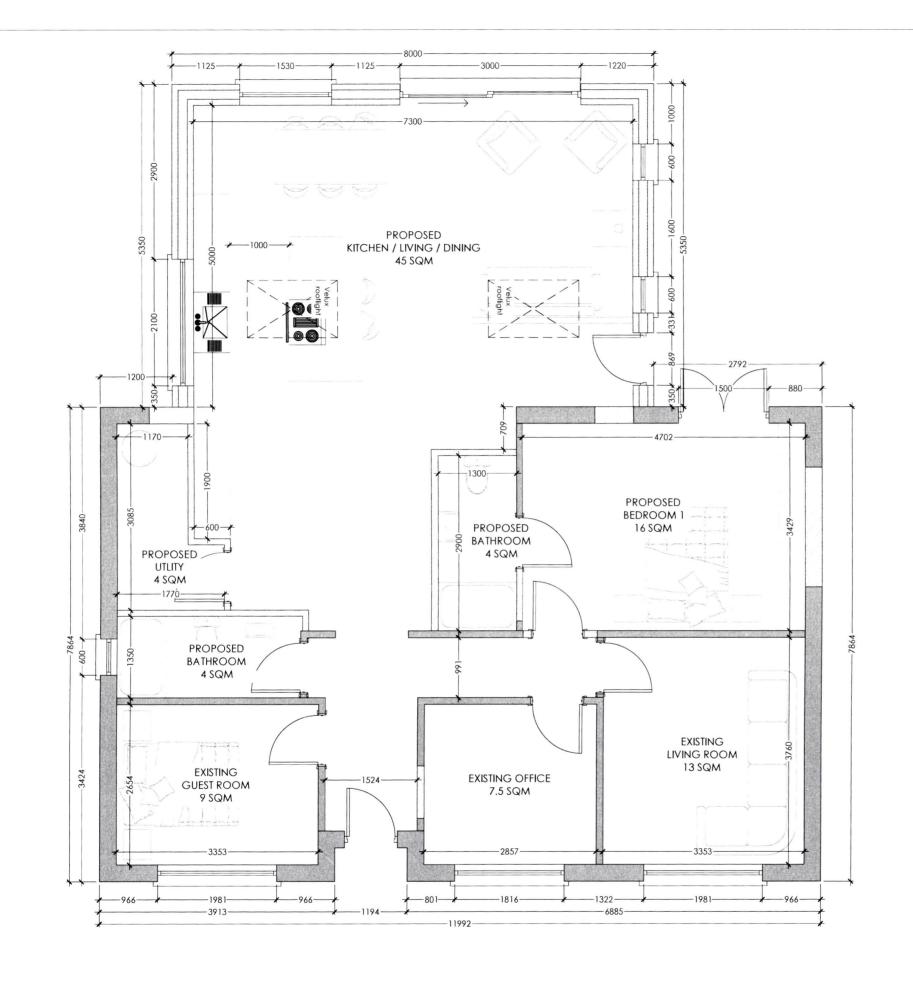


EXISTING SECTION A-A SCALE 1:50

Cnoc Dubh Ballymanus Lower Blackhill,Glenealy Co. Wicklow Tel: 086 8891862 lan@heffernancivilengineers.ie www.heffernancivilengineers.ie lan Heffernan BEng, MIEI, Certified Site Assessor CLIENT ANNE HEERY & BEN MANGAN EXISTING DWELLING AT ARD MHUIRE, FAIRGREEN, RATHDRUM, CO. WICKLOW TITLE **ELEVATIONS & SECTION EXISTING** JUNE\_2025
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Ian Heffernan & Associates

NOTE: All dimensions to be checked on site & any discrepencies notified. Do NOT scale off these drawings



PROPOSED GROUND FLOOR PLAN SCALE 1:50

NOTE: All dimensions to be checked on site & any discrepencies notified. Do NOT scale off these drawings

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Cnoc Dubh Ballymanus Lower Blackhill,Glenealy Co. Wicklow Tel: 086 8891862 lan@heffernancivilengineers.ie www.heffernancivilengineers.ie

Ian Heffernan BEng, MIEI, Certified Site Assessor

CLIENT

ANNE HEERY & BEN MANGAN

PROJECT

PROPOSED DWELLING AT ARD MHUIRE, FAIRGREEN, RATHDRUM, CO. WICKLOW

TITLE

PROPOSED GROUND FLOOR PLAN

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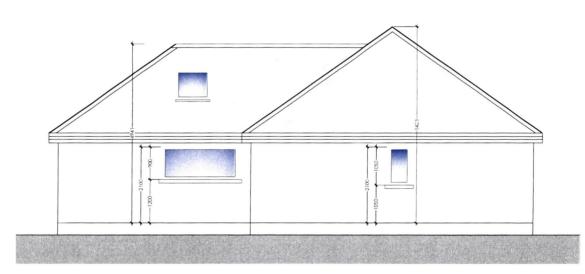


PROPOSED REAR ELEVATION
SCALE 1:50



PROPOSED FRONT ELEVATION SCALE 1:50

PROPOSED SIDE ELEVATION SCALE 1:50



# PROPOSED SIDE ELEVATION SCALE 150 PROPOSED SECTION A-A SCALE 150

Cnoc Dubh
Ballymanus Lower
Blackhill, Glenealy
Co. Wicklow

Ian Heffernan BErg. MIEI, Certified Site Assessor

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ANNE HEERY & BEN MANGAN

PROJECT

PROPOSED DWELLING AT ARD MHUIRE,
FAIRGREEN, RATHDRUM, CO. WICKLOW

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ELEVATIONS & SECTION

DRAWING STATUS

PROPOSED

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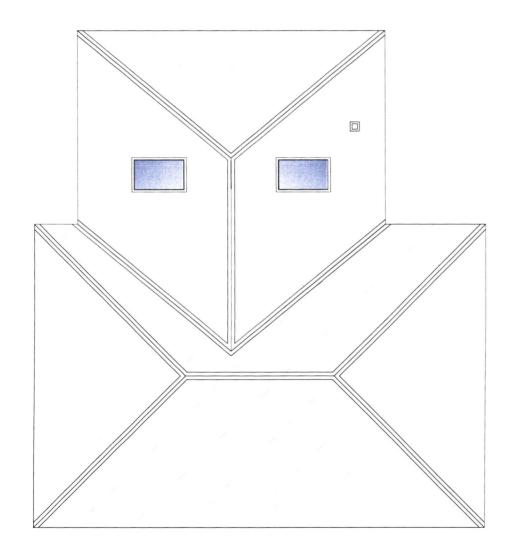
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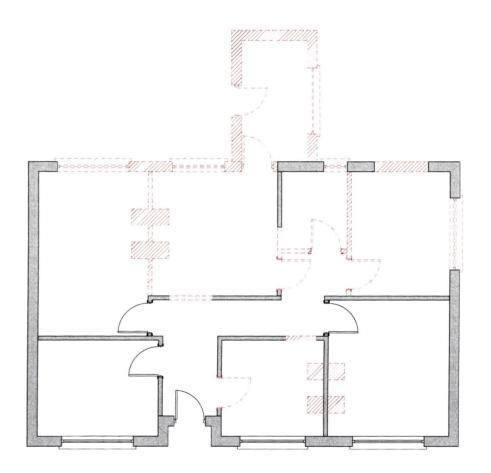
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Ian Heffernan & Associates



PROPOSED ROOF PLAN SCALE 1:50



PROPOSED DEMOLITION PLAN SCALE 1:50

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