



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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

2nd
July 2025

Ben Mangan & Anne Heery

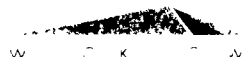
**RE: Declaration in accordance with Section 5 of the Planning & Development Acts
2000 (As Amended) – EX80/2025**

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

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

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT





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

Applicant: Benjamin Mangan & Anne Heery

Location: Ard Mhuire, Fair Green, Rathdrum, Co. Wicklow

Reference Number: EX80/2025

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/766

Section 5 Declaration as to whether "(i) renovation of existing dwelling to include internal alterations, (ii) removal of existing rear facing porch and construction of a single storey rear extension 33sqm, (iii) installation of external wall insulation with nap plaster finish, (iv) removal of the existing rear and front chimney stack (v) installation of steel flue to rear elevation of new extension" at Ard Mhuire, Fair Green, Rathdrum, Co. Wicklow, constitutes exempted development within the meaning of the Planning and Development Act, 2000(as amended).

Having regard to:

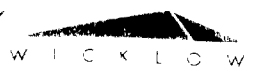
- a) The details submitted with the Section 5 Declaration Application
- b) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended)
- c) Article 6, 9 and Classes 1, 2 and 50 of Schedule 2: Part 1 of the Planning and Development Regulations 2001(as amended)

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, removal of rear porch, 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 set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended). However, the extension would not meet the Limitation set out under Part 4(a) of that Class as the proposed rear wall would exceed the rear wall of the existing dwelling.
- (v) The demolition of the rear porch not being in connection with the provision of an extension or porch in accordance with Class 1, would therefore not come within the description set out under Class 50 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended).



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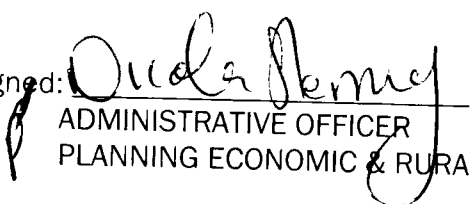
(vi) Inadequate details have been submitted to confirm that the chimney would come within the description set out under Class 2 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) .

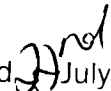
The Planning Authority considers that:-

- i. Renovation of existing dwelling to include internal alterations, is **Development and is Exempted development.**
- ii. removal of existing rear facing porch and construction of a single storey rear extension 33sqm, is **Development and is Not Exempted development.**
- iii. installation of external wall insulation with nap plaster finish, is **Development and is Exempted development.**
- iv. removal of the existing rear and front chimney stack is **Development and is Exempted development.**
- v. installation of steel flue to rear elevation of new extension is **Development and is Not Exempted development.**

All at Ard Mhuire, Fair Green, Rathdrum, Co. Wicklow within the meaning of the Planning & Development Act 2000 (as amended).

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated  July 2025



WICKLOW COUNTY COUNCIL
PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/2025/766

Reference Number: EX80/2025

Name of Applicant: Benjamin Mangan & Anne Heery

Nature of Application: Section 5 Declaration request as to whether or not: -
"(i) renovation of existing dwelling to include internal alterations, (ii) removal of existing rear facing porch and construction of a single storey rear extension 33sqm,(iii) installation of external wall insulation with nap plaster finish, (iv) removal of the existing rear and front chimney stack (v) installation of steel flue to rear elevation of new extension" is or is not development and is or is not exempted development.

Location of Subject Site: Ard Mhuire, Fair Green, Rathdrum, Co. Wicklow

Report from Edel Bermingham, SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether "(i) renovation of existing dwelling to include internal alterations, (ii) removal of existing rear facing porch and construction of a single storey rear extension 33sqm,(iii) installation of external wall insulation with nap plaster finish, (iv) removal of the existing rear and front chimney stack (v) installation of steel flue to rear elevation of new extension" at Ard Mhuire, Fair Green, Rathdrum, 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 Classes 1, 2 and 50 of Schedule 2: Part 1 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 , removal of rear porch, 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 set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) . However, the extension would not meet the Limitation set out under Part 4(a) of that Class as the proposed rear wall would exceed the rear wall of the existing dwelling.
- (v) The demolition of the rear porch not being in connection with the provision of an extension or porch in accordance with Class 1 , would therefore not come within the description set out under Class 50 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) .
- (vi) Inadequate details have been submitted to confirm that the chimney would come within the description set out under Class 2 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) .

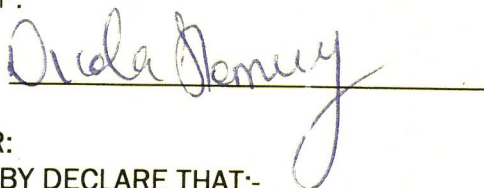
Recommendation:

The Planning Authority considers that: -

- i. Renovation of existing dwelling to include internal alterations, is **Development and is Exempted development.**
- ii. removal of existing rear facing porch and construction of a single storey rear extension 33sqm, is **Development and is Not Exempted development.**
- iii. installation of external wall insulation with nap plaster finish, is **Development and is Exempted development.**
- iv. removal of the existing rear and front chimney stack is **Development and is Exempted development.**
- v. installation of steel flue to rear elevation of new extension is **Development and is Not Exempted development.**

All at Ard Mhuire, Fair Green, Rathdrum, Co. Wicklow as recommended in the report by the SEP.

Signed



Dated 22nd day of July 2025

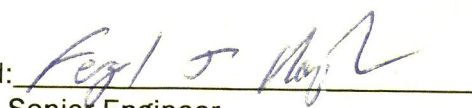
ORDER:

I HEREBY DECLARE THAT:-

- i. Renovation of existing dwelling to include internal alterations, is **Development and is Exempted development.**
- ii. removal of existing rear facing porch and construction of a single storey rear extension 33sqm, is **Development and is Not Exempted development.**
- iii. installation of external wall insulation with nap plaster finish, is **Development and is Exempted development.**
- iv. removal of the existing rear and front chimney stack is **Development and is Exempted development.**
- v. installation of steel flue to rear elevation of new extension is **Development and is Not Exempted development.**

All at Ard Mhuire, Fair Green, Rathdrum, Co. Wicklow within the meaning of the Planning & Development Act 2000 (as amended).

Signed:



Senior Engineer
Planning, Economic & Rural Development

Dated 22nd day of July 2025

Section 5 Application EX 80/2025

Date : 17/7/2025

Applicant : Benjamin Mangan & Anne Heery

Address : Ard Mhuire, Fair Green , Rathdrum, Co. Wicklow. .

Exemption Whether or not :

- i. Renovation of existing dwelling to include internal alterations,
- ii. removal of existing rear facing porch and construction of a single storey rear extension 33sqm,
- iii. installation of external wall insulation with nap plaster finish,
- iv. removal of the existing rear and front chimney stack
- v. installation of steel flue to rear elevation of new extension

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.

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.

Limitation

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.

Conditions/ 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 class prescribed for the purposes of section 176 of the Act

Assessment

The Section 5 application seeks a declaration as to

- i. Renovation of existing dwelling to include internal alterations,
- ii. removal of existing rear facing porch and construction of a single storey rear extension 33sqm,
- iii. installation of external wall insulation with nap plaster finish,
- iv. removal of the existing rear and front chimney stack
- v. installation of steel flue to rear elevation of new extension

is or is not development or 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 question to be asked is whether the various elements of the referral are development. In this regard from the submitted details it is evident that the referral involves operations of demolition/ construction / alteration to the existing dwelling, and would therefore 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 to Section 3 (1)(a) of the Planning and Development Act 2000(as amended).

Assessment of works under part i,iii, and iv

- i. Renovation of existing dwelling to include internal alterations,
- iii. installation of external wall insulation with nap plaster finish,
- iv. removal of the existing rear and front chimney stack

The renovation works are identified to be internal works only, w the removal of both the rear and front chimney stacks and installation of external insulation with a nap plaster finish would have external impacts. It is provided for under Section 4(1) (h) that the following works are exempted i.e.

(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;

Given the works identified which are for maintenance/ improvement, and whilst the removal of the chimneys and the placement of external insulation would effect the exterior of the structure, it is considered that given the character of the existing dwelling and adjoin development, the nature of the works, and the finish to the external insulation that they would not materially affect the external appearance and would not render this structure inconsistent

with the character of the structure or of neighbouring structures and is therefore exempted development.

Assessment of works under part ii

ii. removal of existing rear facing porch and construction of a single storey rear extension 33sqm,

The relevant exemptions in respect to the removal of the porch and construction of the extension are Class 1 and Class 50 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 with 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 – The existing rear wall is not a gable, and therefore limitation 4(a) is applicable i.e. 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. The height of the rear wall of the extension would exceed the height of the existing wall given it is proposed to be a gable, and therefore this limitation is not met.

Limitation 5- Remaining rear garden in excess of 25sqm

Limitation 6- Windows 1.9m from eastern boundary, and 5m from the western boundary i.

Limitation 7 – No balcony being proposed

Accordingly Limitation No. 4(b) is not met and therefore the extension is not exempt.

The removal of the porch would not come

The removal of the rear porch would not come within the provisions of Class 50 as it would not come within the description given the extension is not exempted development i.e.

Class 50 (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.

Assessment of works under part element v

v. installation of steel flue to rear elevation of new extension

CLASS 2 of the Regulations provide -

(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.

Limitation

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

The submitted details only reference the provision of a chimney but do not confirm that it is part of the heating system of the house, and there is no evidence on the plans of such a system, and given lack of details it cannot be confirmed it comes within the exemption.

Recommendation :

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

- i. Renovation of existing dwelling to include internal alterations,
- ii. removal of existing rear facing porch and construction of a single storey rear extension 33sqm,
- iii. installation of external wall insulation with nap plaster finish,
- iv. removal of the existing rear and front chimney stack
- v. installation of steel flue to rear elevation of new extension

at Ard Mhuire, Fairgreen, Rathdurm, Co. Wicklow A67 PD 93,

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

The Planning Authority consider that the

- i. Renovation of existing dwelling to include internal alterations, is **Development and is Exempted development.**
- ii. removal of existing rear facing porch and construction of a single storey rear extension 33sqm, is **Development and is Not Exempted development.**
- iii. installation of external wall insulation with nap plaster finish, is **Development and is Exempted development.**
- iv. removal of the existing rear and front chimney stack is **Development and is Exempted development.**
- v. installation of steel flue to rear elevation of new extension is **Development and is Not 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 Classes 1, 2 and 50 of Schedule 2: Part 1 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 , removal of rear porch, 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 set out in Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) . However, the extension would not meet the Limitation set out under Part 4(a) of that Class as the proposed rear wall would exceed the rear wall of the existing dwelling.
- (v) The demolition of the rear porch not being in connection with the provision of an extension or porch in accordance with Class 1 , would therefore not come within the description set out under Class 50 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) .
- (vi) Inadequate details have been submitted to confirm that the chimney would come within the description set out under Class 2 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (as amended) .

St. L. Cunningham

18/7/2025

*Issue declaration as recommended
for 1st Aug 25
22/07/25*



Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Suíomh / Website: www.wicklow.ie

MEMORANDUM

WICKLOW COUNTY COUNCIL

TO: Edel Bermingham
Senior Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX80/2025**

I enclose herewith application for Section 5 Declaration received completed on 10th July 2025.

The due date on this declaration is 6th August 2025.

Staff Officer
Planning, Economic & Rural Development





Comhairle Contae Chill Mhantáin Wicklow County Council

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

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Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

15th July 2025

Ben Mangan & Anne Heery

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Act 2000 (as amended). – EX80/2025 – Ard Mhuire, Fair Green, Rathdrum, Co. Wicklow

A Chara

I wish to acknowledge receipt on 10/07/2025 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 06/08/2025.

Mise, le meas

**Nicola Fleming
Staff Officer
Planning, Economic & Rural Development**



Ben Mangan and Anne Heery
16 Fairgreen
Rathdrum
Co. Wicklow
A67 PD93

Planning Department
Wicklow County Council
County Buildings
Whitegates
Co. Wicklow

**Re: Request for Declaration under Section 5 of the Planning and Development Act 2000
(as amended)**

To whom it may concern,

I am writing to request a Declaration under Section 5 of the Planning and Development Act 2000 (as amended). 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 m²
- 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 steel flue to the rear elevation of the new extension and terminating below the ridge height

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 (as amended), 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 any relevant drawings for your consideration. I have also included a detailed explanation of the legislative provisions that I believe are relevant to this request.

Yours faithfully,

Ben Mangan

RECEIVED 14 JUL 2025

Wicklow County Council
County Buildings
Wicklow
0404-20100

10/07/2025 14:11:41

Receipt No: L1/0/348181

BEN MANGAN
NO 8, CATHERINE ST
DUBLIN 8

EXEMPTION CERTIFICATES	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total	80.00 EUR
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Tendered	
Credit Card	80.00

Change	0.00
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Issued By: Joanne Tighe
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 _____

RECEIVED
10 JUL 2025

**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: **Benjamin Mangan & Anne Heery**
Address of applicant

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

2. Agents Details (Where Applicable)

- (b) Name of Agent (where applicable): **Ian Heffernan BEng, MIEI, Certified Site Assessor**

Address of Agent : **Cnoc Dubh, Ballymanus, Blackhill, Glenealy Co. Wicklow**

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

3. Declaration Details

i. Location of Development subject of Declaration_____

_____ **Ard Mhuire, Fair green, Rathdrum, Co.Wicklow**

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, 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 _____

_____ **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 m², _____**

_____ **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 steel flue to the rear elevation of the new extension and terminating below the ridge height**

_____ *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 _____

Proposed Work: Internal alterations / renovation — **Relevant Legislation:** Section 4(1)(h) of the Planning and Development Act 2000 (as amended) — **Justification:** Internal works that do not materially affect the external appearance of the structure or its consistency with neighbouring properties are exempt _____

Proposed Work: Removal of rear scullery — **Relevant Legislation:** Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) — **Justification:** Scullery is being removed as part of general alterations; such removals are allowed under Class 1 alterations. _____

Proposed Work: Rear extension (33 m² additional floor area) — **Relevant Legislation:** Class 1, Schedule 2, Part 1 — **Justification:** Extension to rear under 40 m² is exempt, subject to floor area, height, and private open space limits. _____

Proposed Work: Removal of existing chimney stack — **Relevant Legislation:** Section 4(1)(h) of the Planning and Development Act 2000 (as amended) — **Justification:** Alteration that does not materially affect the external appearance of the structure. Supported by Section 5 precedents from various authorities. _____

Proposed Work: External wall insulation with plaster finish — **Relevant Legislation:** Section 4(1)(h) of the Planning and Development Act 2000 (as amended) — **Justification:** Works for improvement which do not materially alter the external appearance; widely accepted as exempt where render is neutral and appropriate. _____

Proposed Work: Installation of rear steel flue (new) — **Relevant Legislation:** Class 2, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended) — **Justification:** Class 2 allows the construction of a chimney, boiler house or oil storage tank for heating, provided it is to the rear and meets height limits. _____

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 Layout,
Proposed and exiting elevations & plans,
Roof and demolition, Site Layout Plan,
Pictures of chimney, scullery and neighbour buildings

viii. Fee of € 80 Attached ? _____ **YES** PAID BY PHONE ON 10/07/2025 14 10 _____

Signed : Ben Mangan Dated : 10/07/2025

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.

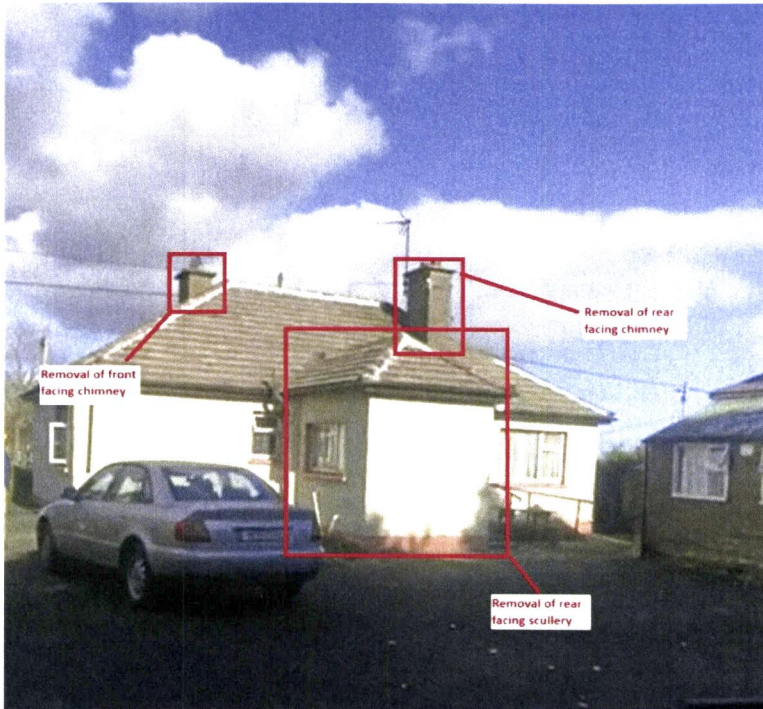
B. Land Reclamation -

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.



Rear View: Removal of chimney and scullery



Front View: Removal of chimney



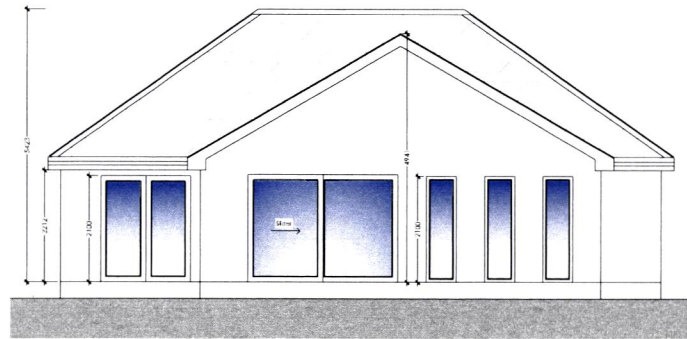
Front View: Neighbouring houses



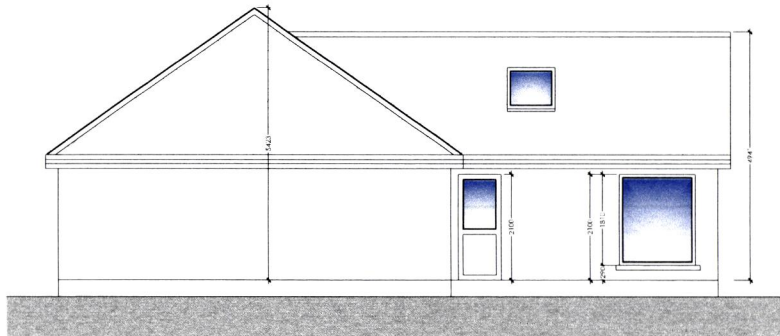
Front View: Neighbouring houses



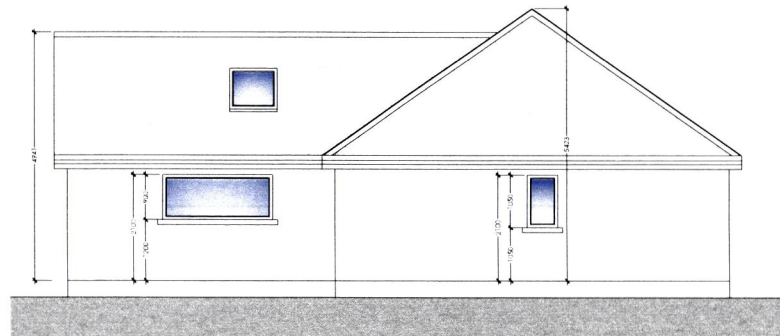
PROPOSED FRONT ELEVATION
SCALE 1:50



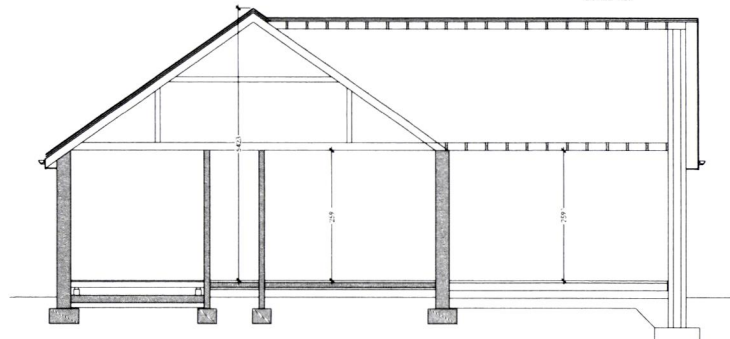
PROPOSED REAR ELEVATION
SCALE 1:50



PROPOSED SIDE ELEVATION
SCALE 1:50



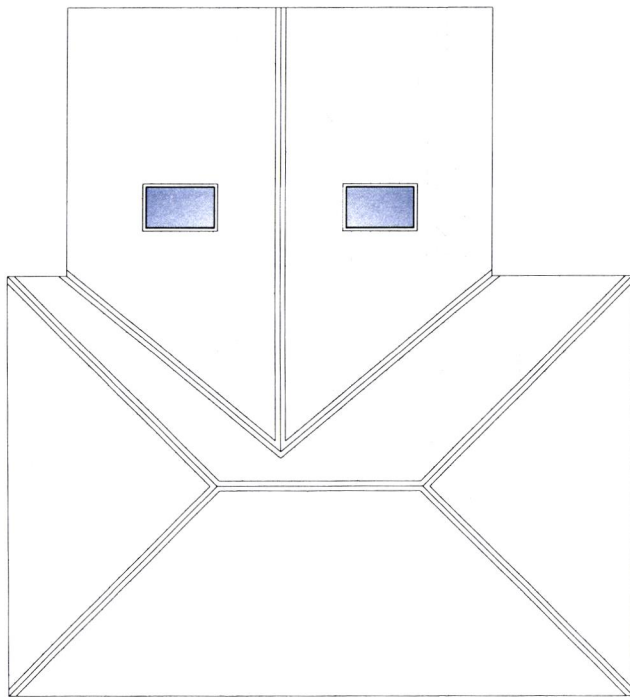
PROPOSED SIDE ELEVATION
SCALE 1:50



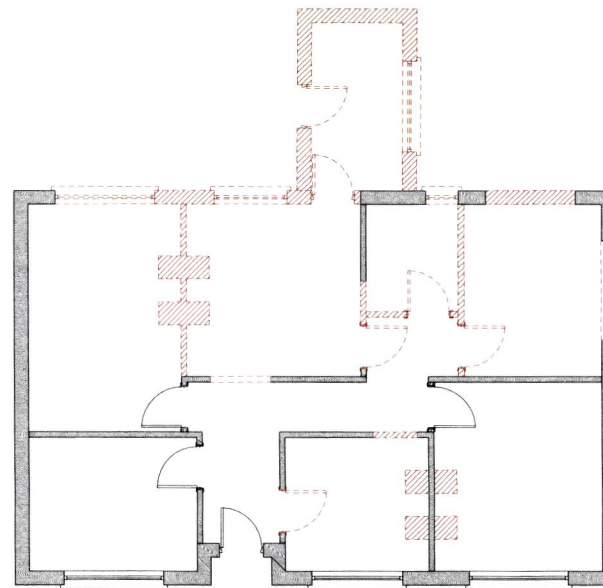
PROPOSED SECTION A-A
SCALE 1:50

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

REV	AMENDMENTS	BY	CHKD	APRD	DATE
Ian Heffernan & Associates					
Cnoc Dubh Ballymanus Lower Blackhill, Glenealy Co. Wicklow Tel: 086 8891862 ian@heffernancivilengineers.ie www.heffernancivilengineers.ie					
Ilan Heffernan BEng, MIEI, Certified Site Assessor					
CLIENT ANNE HEERY & BEN MANGAN					
PROJECT PROPOSED DWELLING AT ARD MHUIRE, FAIRGREEN, RATHDRUM, CO. WICKLOW					
TITLE ELEVATIONS & SECTION					
DRAWING STATUS PROPOSED					
DATE JUNE 2025	DRAWN BY IH				
SCALE 1:50					
DRAWING NO. 2025/P002	REV A				



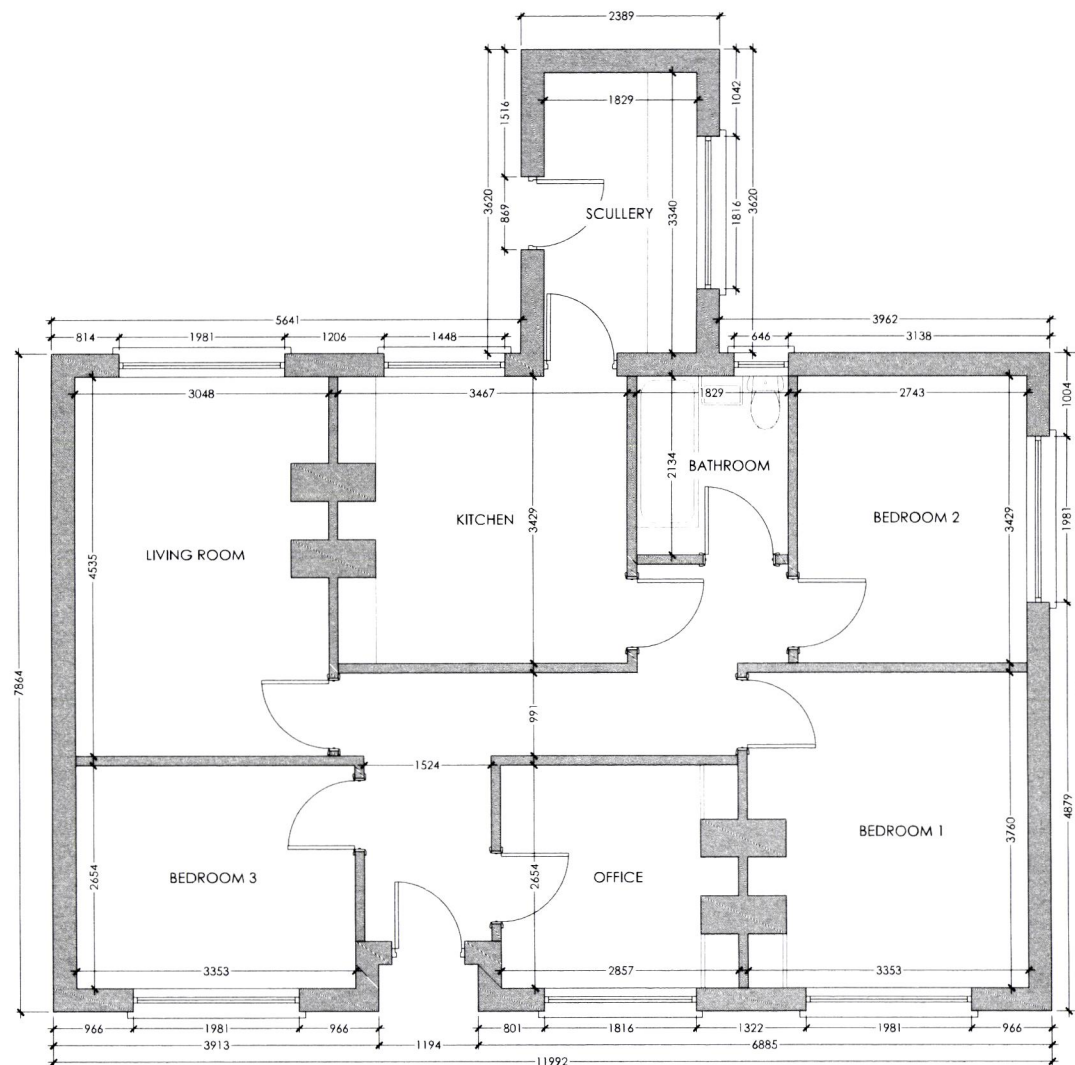
PROPOSED ROOF PLAN
SCALE 1:50



PROPOSED DEMOLITION PLAN
SCALE 1:50

REV	AMENDMENTS		BY	CHKD	APRD DATE
Ian Heffernan & Associates					
Cnoc Dubh Ballymanus Lower Blackhill, Glenealy Co. Wicklow			Tel: 086 8891852 ian@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 ROOF & DEMOLITION PLAN					
DRAWING STATUS PROPOSED					
DATE JUNE_2025		DRAWN BY IH			
SCALE 1:50					
DRAWING NO. 2025/P003				REV A	

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



EXISTING GROUND FLOOR PLAN
SCALE 1:50

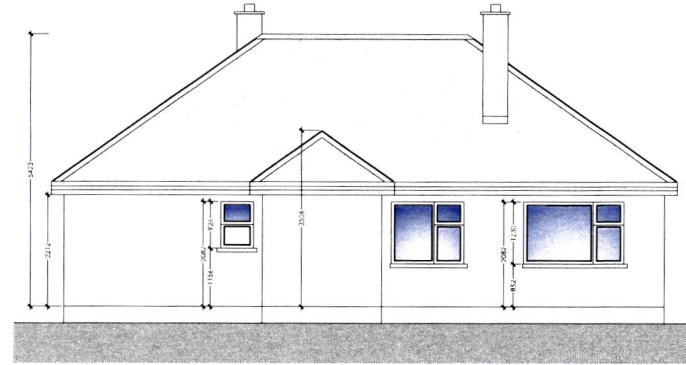
SCHEDULE OF FLOOR AREAS	
EXISTING GROUND FLOOR	11992

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

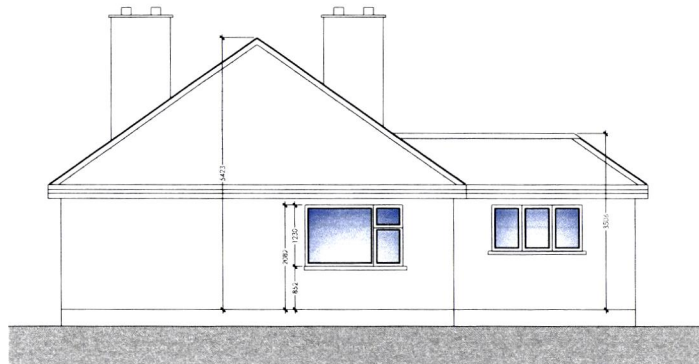
REV	AMENDMENTS	BY	CHKD	DATE
Ian Heffernan & Associates Crac Dubh Ballymanus Lower Blackhill, Glenealy Co. Wicklow Tel: 086 8891862 ian@heffernancivilengineers.ie www.heffernancivilengineers.ie				
Ian Heffernan BEng, MIEI, Certified Site Assessor				
CLIENT ANNE HEERY & BEN MANGAN				
PROJECT EXISTING DWELLING AT ARD MHUIRE, FAIRGREEN, RATHDRUM, CO. WICKLOW				
TITLE EXISTING GROUND FLOOR PLAN				
DRAWING STATUS EXISTING				
DATE	JUNE 2025	DRAWN BY	BH	
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DRAWING NO.	2025/E001	REV		



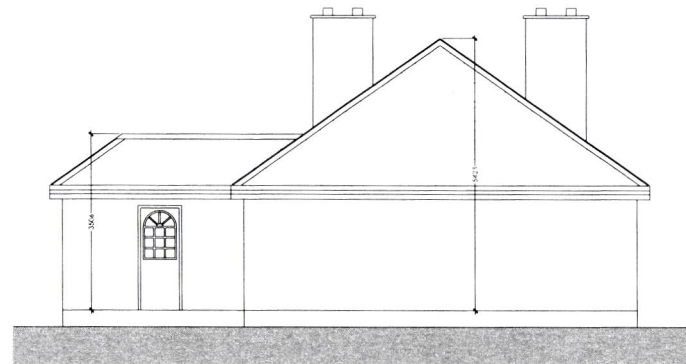
EXISTING FRONT ELEVATION
SCALE 1:50



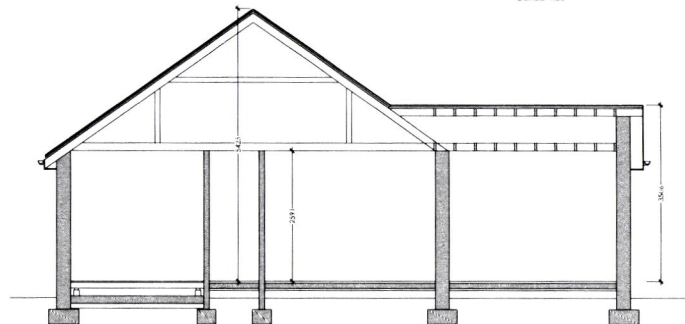
EXISTING REAR ELEVATION
SCALE 1:50



EXISTING SIDE ELEVATION
SCALE 1:50



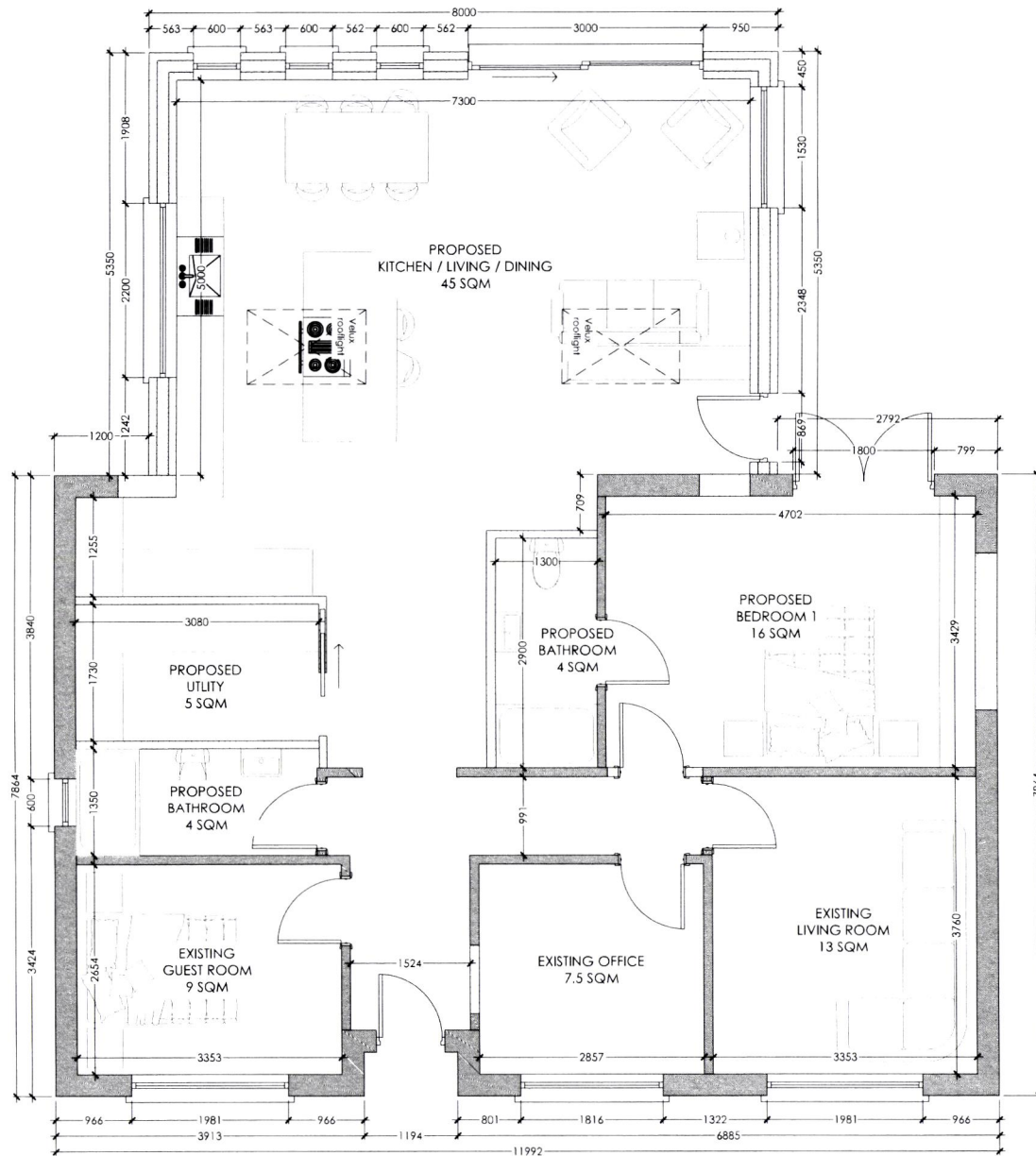
EXISTING SIDE ELEVATION
SCALE 1:50



EXISTING SECTION A-A
SCALE 1:50

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

REV	AMENDMENTS	BY	CHKD	APRD	DATE
Ian Heffernan & Associates					
Cnoc Dubh Ballymanus Lower Blackhill, Glenealy Co. Wicklow		Tel: 086 8891852 ian@heffernancivilengineers.ie www.heffernancivilengineers.ie			
Ian Heffernan BEng, MIEI, Certified Site Assessor					
CLIENT ANNE HEERY & BEN MANGAN					
PROJECT EXISTING DWELLING AT ARD MHUIRE, FAIRGREEN, RATHDRUM, CO. WICKLOW					
TITLE ELEVATIONS & SECTION					
DRAWING STATUS EXISTING					
DATE	JUNE_2025	DRAWN BY	JH		
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DRAWING NO.	2025/E002		REV	-	



PROPOSED GROUND FLOOR PLAN
SCALE 1:50

SCHEDULE OF FLOOR AREAS		
EXISTING GROUND FLOOR	49 SQM	
PROPOSED GROUND FLOOR	122 SQM	
PROPOSED MEZZANINE FLOOR	11 SQM	

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

REV	AMENDMENTS	BY	CHECK	DATE
Ian Heffernan & Associates Cnoc Dubh Ballymanus Lower Blackhill, Glenside Co. Wicklow Tel: 086 8891862 ian@heffernancivilengineers.ie www.heffernancivilengineers.ie				
Ian Heffernan BEng, MIEI, Certified Site Assessor				
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PROJECT PROPOSED DWELLING AT ARD MHUIRE, FAIRGREEN, RATHDRUM, CO. WICKLOW				
TITLE PROPOSED GROUND FLOOR PLAN				
DRAWING STATUS PROPOSED				
DATE	JUNE_2025	DRAWN BY	IM	
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DRAWING NO.	2025/P001	REV	A	

SCALE: 1:100 @ A3

