BPS
Planning & Development
Consultants

Section 127 'Provisions as to making of appeals and referrals' of the Planning and Development Act 2000 (as amended) Referral to An Coimisiún Pleanála - CHECKLIST

Section 127 'Provisions as to making of appeals and referrals' of the Planning and Development Act 2000 (as amended). Referral to An Coimisiún Pleanála – CHECKLIST
Section 127(1). An appeal or referral shall—

AN COIMISIÚN PLEANÁLA
LDG- 090726-26
ACP-
20 OCT 2026
Fee: € 220 Type: Chq
Time: 9:16 By: Reg post

(a) be made in writing.

Response: Please find a written referral attached.

(b) state the name and address of the appellant or person making the referral and of the person, if any, acting on his or her behalf.

Response: The person making the referral is Helen Noble SC of Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow, Y14 W586. The person acting on her behalf is Brendan Byrne Buck of BPS Planning & Development Consultants Ltd, PO Box 13658, Dublin 14, D14 NY27.

(c) state the subject matter of the referral.

Response: This is a referral under section 5(3)(a) and section 127 of the Planning and Development Act 2000 (as amended) of the declaration issued by Wicklow County Council under reference EX117/2026 (Chief Executive Order CE/PERD/2026/1220). The order is dated 5 October 2026. It was issued under cover of the Council's letter of 6 October 2026. The year "2006" on the signature line is a clerical error.

The declaration concerns works at 1 Townville, St Mary's Road, Arklow, County Wicklow, Y14 YF70 (also known as 10 St Mary's Road / Townville), adjoining Ards. The question referred was whether the following, taken separately and together, are or are not development and are or are not exempted development: the construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall; the alteration or removal of the shared roof-valley arrangement, downpipe and drain, and the substitution of an L-shaped pipe on the new flat roof; the discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards; works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall; excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808.

(d) state in full the grounds of referral and the reasons, considerations and arguments on which they are based.

Response: Please find a written referral attached. It sets out the grounds of referral and the reasons, considerations and arguments on which they are based.

- The referrer accepts conclusion A, that the rear extension, including the party-wall and foundation works which the Council treated as part of it, is development and is not exempted development.
- She does not accept conclusion B, that the discharge of water onto Ards is not development.
- She does not accept conclusion C, that the works to the shared roof valley, downpipe and drain are exempted development under section 4(1)(h).

- She does not accept the finding that 1 Townville has not been included in the Record of Protected Structures and that section 57 does not apply.

- She does not accept the refusal to determine item (6).

The declaration is referred so that the Commission determines the question.

(e) in the case of an appeal under section 37 by a person who made submissions or observations in accordance with the permission regulations, be accompanied by the acknowledgement by the planning authority of receipt of the submissions or observations.

Response: This is not applicable. This is a referral of a section 5 declaration, not an appeal under section 37. A copy of the declaration, and of the section 5 request, is attached.

(f) be accompanied by such fee (if any) as may be payable in respect of such appeal or referral in accordance with section 144.

Response: Please find the statutory fee of €220 attached.

(g) be made within the period specified for making the referral.

Response: The declaration was issued under cover of the Council's letter of 6 October 2026. This referral is made within four weeks of that date. The last day is 3 November 2026.

(2) (a) An appeal or referral which does not comply with the requirements of subsection (1) shall be invalid.

Response: This referral complies with the requirements of subsection (1).

(b) The requirement of subsection (1)(d) shall apply whether or not the appellant or person making the referral requests, or proposes to request, in accordance with section 134, an oral hearing of the appeal or referral.

Response: This referral complies with subsection (1)(d). Please refer to the attached letter. An oral hearing is not requested.

(3) Without prejudice to section 131 or 134, an appellant or person making the referral shall not be entitled to elaborate in writing upon, or make further submissions in writing in relation to, the grounds of appeal or referral stated in the appeal or referral or to submit further grounds of appeal or referral and any such elaboration, submissions or further grounds of appeal or referral that is or are received by the Board shall not be considered by it.

Response: The referrer has been advised of this.

(4) (a) An appeal or referral shall be accompanied by such documents, particulars or other information relating to the appeal or referral as the appellant or person making the referral considers necessary or appropriate.

Response: This referral includes:

- the declaration EX117/2026, Order CE/PERD/2026/1220, and the Council's covering letter of 6 October 2026;
- the section 5 request form and the covering letter of 17 September 2026, with the drawings, map and appendices lodged with that request;

- the Council's acknowledgement of 18 September 2026; and
- this checklist.

(b) Without prejudice to section 132, the Board shall not consider any documents, particulars or other information submitted by an appellant or person making the referral other than the documents, particulars or other information which accompanied the appeal or referral.

Response: The referrer has been advised of this.
(5) An appeal or referral shall be made—

(a) by sending the appeal or referral by prepaid post to the Board,

(b) by leaving the appeal or referral with an employee of the Board at the offices of the Board during office hours (as determined by the Board), or

(c) by such other means as may be prescribed.

Response: This referral is lodged by hand.

Signed,



BPS Planning & Development Consultants LTD
Members of the Irish Planning Institute
19 October 2026

BPS
Planning & Development Consultants

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PO Box 13658
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Submitted by hand to the Commission

The Secretary
An Coimisiún Pleanála
64 Marlborough Street
Dublin 1
D01 V902

AN COIMISIÚN PLEANÁLA
LDG- 090726-26
ACP-
20 OCT 2026
Fee: € 220 Type: Chq
Time: 9:15 By: hand post

19 October 2026

Dear Sir or Madam,

Section 5(3)(a) and section 127 of the Planning and Development Act 2000 (as amended). Referral of the declaration issued by Wicklow County Council under reference EX117/2026 (Chief Executive Order CE/PERD/2026/1220), 1 Townville, St Mary's Road, Arklow, County Wicklow, Y14 YF70.

BPS Planning & Development Consultants Ltd, a firm of Irish Planning Institute chartered town planning consultants, has been retained by Helen Noble SC of Noble Shipping Law, Ards, St Mary's Road, Arklow, County Wicklow, Y14 W586 [hereafter "our client"] to prepare and lodge a referral to An Coimisiún Pleanála [hereafter "the Commission"] of the declaration issued by Wicklow County Council [hereafter "WCC"] under reference EX117/2026.

The order is dated 5 October 2026. The year "2006" on the signature line is a clerical error. The declaration was issued under cover of the Council's letter of 6 October 2026, addressed to this office as agent for our client. The applicant named on the declaration is Helen Noble SC.

The question referred was whether the following, at 1 Townville, St Mary's Road, Arklow, taken separately and together, is or is not development and is or is not exempted development:

- the construction and retention of the single-storey rear extension of stated area 15.70 sq.m shown edged red on the drawings submitted with PRR 26/60808, including the flat roof, fascia, rear doors and windows, and the opening of the original rear wall;
- the alteration or removal of the shared roof-valley arrangement, downpipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain;
- the discharge of roof and surface water from the extension and altered rear elevation onto the Ards side of the party wall, including onto the car park of Ards;
- works to the party wall between Townville and Ards, including the cutting or removal of the wall pillar, building the extension into or onto that wall, filling of the gap, and the proposed capping and rendering of the wall;
- excavation and foundation works for the extension adjoining the party wall and the structure at Ards; and
- whether any of (2) to (5) form part of the development described in the public notices for PRR 26/60808.

WCC decided, in summary, that the extension, treating the party-wall and foundation works as part of it, is development and is not exempted development; that the discharge of water onto Ards is not development, and that the works to the shared roof valley, downpipe and drain are development and are exempted development under section 4(1)(h). It also concluded that 1 Townville has not been included in the Record of Protected Structures, so that section 57 does not apply, and that item (6) is not a question for section 5.

Our client accepts the conclusion that the rear extension is development and is not exempted development. She does not accept the conclusions on the discharge of water, on the shared valley, downpipe and drain, on the Record of Protected Structures, or on item (6). She refers the declaration so that the Commission determines the question.

I. Validation

The statutory basis is section 5(3)(a) of the Planning and Development Act 2000 (as amended), which provides:

(3) (a) Where a declaration is issued under this section, any person issued with a declaration under subsection (2)(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Our client is the person who requested the declaration. It was issued to her, by the letter of 6 October 2026 addressed to her agent. The referral is lodged within four weeks of that date. The last day is 3 November 2026. If time runs from the date on the order, 5 October 2026, the last day is 2 November 2026. The referral is in time on either reckoning.

Section 5(3)(b) does not arise. A declaration was issued. Section 5(4) does not arise. This is not a reference by the planning authority.

Section 127(1) is complied with. The referral is accompanied by:

- a completed section 127 checklist;
- the prescribed fee of €220;
- a copy of the declaration, Order CE/PERD/2026/1220, and the Council's covering letter of 6 October 2026;
- a copy of our client's section 5 request of 17 September 2026, including the form, the covering letter, and the drawings, map and appendices lodged with it;
- the Council's acknowledgement of 18 September 2026;
- our client's letters to Wicklow County Council of 17 April 2026 and 27 April 2026;
- this letter, which sets out the grounds; and
- a site location map.

Please direct all correspondence to this office.

II. Grounds

The Commission is asked to confirm that the rear extension at 1 Townville, including the works to the party wall and the excavation and foundations, is development and is not exempted development. It is asked to set aside the remainder of Order CE/PERD/2026/1220. The grounds are these.

1. The extension, the party wall and the foundations

The single-storey rear extension is a new structure. It has a flat roof, a fascia, new rear doors and windows, and it is built by opening the original rear wall. It is not works for the maintenance, improvement or other alteration of the house. Section 4(1)(h) does not apply to it. Wicklow County Council was right to hold that it is development under section 3(1) and is not exempted development, and to treat the party-wall works and the excavation and foundations as part of it.

Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 does not save it. The extension is to a semi-detached house. The private open space remaining to the rear, as shown on the drawings submitted with PRR 26/60808, is approximately 21.42 square metres. Class 1 requires that this area not be reduced below 25 square metres. That limitation is not met. The enforcement inspection on UD11012, recorded on 11 December 2025, put the remaining rear amenity space at about 21 square metres. On either figure the limitation is not met. There is no other class which describes a rear extension built into a party wall.

The wall works are the cutting or removal of the pillar, building the extension into or onto the party wall, filling the gap, and the proposed capping and rendering. The foundations are excavated against that wall and against Ards. These are works under section 2(1). They are not interior works. They change the rear of Townville and the party wall shared with Ards. They should be confirmed as development and as not exempted development, so that they are not left inside the section 4(1)(h) finding made on the drainage.

2. The shared valley, downpipe and drain

The second finding should be set aside. The works are the removal of the shared roof valley, downpipe and drain, which took water from both roofs to the public system on the Townville side of the wall, and the substitution of an L-shaped pipe resting on the new flat roof, with no downpipe back into that drain.

These are not works for the maintenance or improvement of Townville. They remove a shared arrangement and replace it with a different one. The pipe exists only because of the unauthorised flat roof. It is part of that extension. It is not a separate alteration of the original house.

Section 4(1)(h) exempts works which affect only the interior, or which do not materially affect the external appearance so as to render it inconsistent with the character of the structure or of neighbouring structures. These works do not affect only the interior. The downpipe and valley are gone from the rear elevation. The new pipe sits on a flat roof that was not there before. The neighbouring structure is Ards, the other half of the pair. The test is not whether the pipe is prominent from the public road. The declaration uses prominence. That is not the statutory test. The valley formerly took the water of both roofs to the public system. What is there now is a pipe on the new flat roof discharging onto Ards. That is inconsistent with the character of this pair.

Article 9(1)(a)(viii) does not restrict section 4(1)(h). It does restrict Article 6. The pipe and the further wall works are alterations of a structure for which no permission has been granted. PRR 26/60808 is a retention application. It has not been granted. Article 6 cannot exempt those alterations.

3. The discharge onto Ards

The fourth finding should be set aside. The question was not whether water, in the abstract, is development. It was whether the works which send roof and surface water onto Ards, including onto the car park, are development and are exempted development.

Section 2(1) defines works as including any act or operation of construction, demolition, extension, alteration, repair or renewal. Removing the connection to the public drain is such an operation. Putting the L-shaped pipe in its place is such an operation. The discharge is what those works do. Reason (ii) of the declaration holds that the alteration of the drainage is development. Reason (iv) holds that the discharge produced by that alteration is not development. Those findings cannot stand together.
The declaration then says that, because the means of discharge are exempt, the discharge is not development. The means are not exempt, for the reasons in ground 2. Even if they were, an exemption of a pipe would not decide that the discharge onto a third party's land is outside section 3. The works are on the boundary and the water is delivered onto Ards. Our client has not been asked to receive it, and she is not liable for it. Her letters of 17 and 27 April 2026 recorded the same facts before this declaration was made.

4. The Record of Protected Structures, and section 57

The third finding should be set aside. A protected structure is a structure included in the Record. The Arklow Local Planning Framework, adopted on 6 July 2026, carries the pair on the Heritage Schedule as A18, 10 St Mary's Road (Townville), and A19, 11 St Mary's Road (Ards). NIAH 16322031 is that pair. They are the Domestic Revival houses on St Mary's Road. The duplexes known as 10 Townville and 11 Townville are in the apartment scheme built on the rear ground after 2002. They are not this house and they are not Ards. The address point relied on in the declaration confuses the two. NIAH 16322031 relates to the same group. Arklow Town Council permission P.06/136, now 06610136, described Ards as a proposed protected structure.

Inclusion is an entry in the Record. It is not undone by a wrong photograph caption, or by an address discrepancy in a notice given in 2007. An entry is removed under section 54, either when a development plan is made or by the procedure in section 55. That procedure requires notice to the owner and the occupier. The decision is a reserved function. None of that has been done. Neither has been done. A declaration under section 5 answers whether particular works are development and whether they are exempt. It does not amend the Record, and it cannot declare that a structure which appears in the Record "has not been included" and "could not form part of the Record".

Declaration EX10/2026, made on 23 February 2026, went no further than "may not form part", and then did not address the point. The Heritage Schedule was adopted after that declaration and still includes the pair. Order CE/PERD/2026/1220 converts a doubt into a concluded deletion. That was outside the jurisdiction.

The reason given is that a flaw in the address meant the required notices "could not have issued to the correct address", so that the owner's right to take part was defeated. The declaration does not find, as a fact, that the owner of 1 Townville was not served. It infers that service could not have happened. Our client asked for the notices. She was shown a selection of letters, and a spreadsheet which noted that the pair were in separate ownership and that separate letters were sent, including a letter noted to D. Burke, solicitor, then acting for the owner of Ards, at 11 Townville. A copy of the spreadsheet was refused. An inference of that kind, nineteen years after the entry, is not a basis for treating the entry as void.

Section 57 applies for so long as the structure is on the Record. No section 57 declaration has been issued for these works. The extension, the new roof, the opening of the rear wall, the works to the party wall and the valley, and the proposed capping and rendering, would materially affect the character of the house and of the group. Section 4(1)(h) is excluded by section 57(1).

5. Ards

Ards is the other half of the same entry. The Council has treated Ards as a protected structure. The same address point is now said to take Townville off the Record and to leave Ards on it. A18 and A19 are one pair. They cannot be read so that Ards remains protected and Townville does not, because a later duplex scheme reused the numbers 10 and 11.

The party wall, the valley and the drain are elements of both houses. The water now falls on Ards. Works which materially affect the character of Ards, or of an element of Ards which contributes to its interest, are not exempted development. That conclusion follows even if, which is denied, 1 Townville were held not to be on the Record. Section 57 is engaged by Ards in any event.

6. The public notices for PRR 26/60808

The Council refused to answer item (6). It said that whether works form part of the development described in a planning notice is a matter for that application, and not for section 5. That was wrong. The question referred included item (6). Section 5(2) required a declaration on the question. The Commission should answer it.

PRR 26/60808 was received on 8 September 2026. The notices describe retention of an existing single-storey flat-roof extension of 15.70 square metres and minor alterations to the rear elevation. They do not describe the removal of the shared valley, downpipe and drain, the L-shaped pipe, the discharge onto Ards, the cutting of the pillar, building into the party wall, the capping and rendering, or the excavation. Items (2) to (5) are not part of the development described in those notices. The application does not authorise them, and it does not make them exempt. Leaving them out of the notices does not take them outside sections 2 and 3.

7. The enforcement files, and the Adaptation Grant

Complaint UD11012 was made on 28 November 2025 and closed on 6 January 2026. Complaint UD11058 was made on 24 March 2026 and was open when PRR 26/60808 was received. The extension was inspected. The area was measured. The shared pipework had already been removed.

The extension was part-funded by the Council under the Housing Adaptation Grant. On 17 April 2026, and again on 27 April 2026, our client told the Council that the valley and downpipe had been removed and that water was discharging onto her car park, and asked that reinstatement be required. The declaration now holds that removal to be exempt and that discharge not to be development. The letters are attached. They are relied on as notice of the facts, not as a separate claim. The funding of the works is not a reason to treat them as exempt.

8. No consent

Our client owns and occupies Ards. She has not consented to the opening of the party wall, to the removal of the shared valley and drain, to the L-shaped pipe, or to the discharge of water onto her land. She has not been asked to accept that discharge, and she is not liable for damage caused by it. The correspondence with the Council in April 2026 is attached. It is separate from the civil position. It is recorded so that the Commission knows the effects on Ards are not accepted.

The Commission is asked to declare that items (1), (4) and (5) are development and are not exempted development; that items (2) and (3) are development and are not exempted development; that section 57 applies; and that items (2) to (5) do not form part of the development described in the notices for PRR 26/60808.

III. Decision sought

The Commission is asked to confirm so much of Order CE/PERD/2026/1220 as holds that the rear extension at 1 Townville, including the works to the party wall and the excavation and foundations, is development and is not exempted development.

It is asked to set aside the remainder of that order. In its place, the Commission is asked to decide that:

- the alteration or removal of the shared roof valley, downpipe and drain, and the substitution of the L-shaped pipe, are development and are not exempted development;
- the works by which roof and surface water are discharged onto Ards are development and are not exempted development;
- 1 Townville is a protected structure by its inclusion in the Record, section 57 applies to these works, and section 57 also applies because the works materially affect Ards;
- the removal of the shared valley and drain, the discharge onto Ards, the works to the party wall and the excavation do not form part of the development described in the public notices for PRR 26/60808, and that application does not exempt them; and
- planning permission is required for each of those works.

IV. Finally

Please direct all correspondence to this office.

If anything further is required, it can be provided on request.

With best wishes,

Brendan Byrne Buck

Brendan Byrne Buck MIPI
Managing Director
BPS Planning Consultants LTD

Attachments

- Fee of €220.
- Section 127 checklist.
- Declaration EX117/2026, Order CE/PERD/2026/1220, and Wicklow County Council's covering letter of 6 October 2026.
- Our client's section 5 request of 17 September 2026, including the form, the covering letter, and the drawings, map and appendices lodged with it.
- Wicklow County Council's acknowledgement of 18 September 2026.
- Our client's letters to Wicklow County Council of 17 April 2026 and 27 April 2026.
- Site location map.

Comhairle Contae Chill Mhantáin
Wicklow County Council

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

Áras An Chontae / County Buildings
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Suíomh / Website: www.wicklow.ie

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

18th of September 2026

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

A Chara

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

Mise, le meas

PP

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

AN COIMISIÚN PLEANÁLA
20 OCT 2026
LTR DATED _____ FROM REF. Appeal
LDG-
ACP-324736-26

Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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Brendan Byrne Buck MIPL,
BPS Planning & Development Consultants Ltd,
PO Box 13658,
Dublin 14
D14 NY27

6TH of October 2026

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

A Chara,

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

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

Is mise, le meas,

pp Dianne Byrne
ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT.

Tá an dáileadh seo de fáil - bhfoinsiú eile ar iarratas
This document is available in alternative formats on request
Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanail, Forbairt Eacnamaíochta agus Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.
WICKLOW

Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED

Applicant: Helen Noble SC

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

Reference Number: EX117/2026

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

A question has arisen as to whether

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

Having regard to:

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

Main Reasons with respect to Section 5 Declaration:

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

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

viii. The rear extension would come within the description of Class 1 of Part 1; Schedule 2 of the Planning and Development Regulations 2001 (SI 600 of 2001), but as the rear private space is reduced to 21.42 sqm it would not meet Limitation 5 which provides that *the construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.*

ix. The alteration or removal of the shared roof-valley arrangement, down pipe and drain that previously collected water from the roofs of Townville and Ards and discharged it to the public system on the Townville side of the party wall, and the substitution of an L-shaped pipe resting on the new flat roof without a connecting downpipe into that drain are works , and therefore development having regard to Section 2 and Section 3 of the Planning and Development Act 2000 (as amended). The works of alteration would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and therefore is exempted development having regard to the provisions of Section 4(1)(h) of the Planning and Development Act 2000(as amended)

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

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

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

(iv) The query as to whether

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

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

The Planning Authority considers that

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

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

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

Signed: Doreen Byrne Date: 05/10/2026

for ADMINISTRATIVE OFFICER
PLANNING DEVELOPMENT & ENVIRONMENT

Noble Shipping Law

AN COIMISIÚN PLEANÁLA
20 OCT 2026
LTR DATED _____ FROM BGE.
LDG-_____
ACP-324736-26

BY EMAIL

Administrative Officer,
Planning Enforcement Department,
Wicklow County Council
County Buildings
Whitegates
Wicklow Town
A67 FW96

Your ref: AH/BD

10 April 2026

RE: UD11058: Unathorised development at – 1 Townville, Townville, 10 St Mary's Road, Arklow consisting of the construction of a flat roofed extension to the rear of the property without authorisation by planning permission

Dear Sir/Madam

I refer to the above and my letter of 31 March 2026.

I have been advised today by C.J. Louth & Sons, solicitors who act on behalf of Ms Jodie Redmond, the owner of 1 Townville, 10 St. Mary's Road, that the extension captioned above was built

> *"with the assistance of an Adaptation Grant from Wicklow County Council, that it was built to the Council's specifications and approved and signed off by their engineer."*

I am extremely concerned that if this allegation is correct, the Council would permit works to be carried allegedly to their "specification" and approve and sign off on completion of those works without planning permission in circumstances that *inter alia*:

1. Result in an extension that reduces the rear private space to 21 sqm and outside of the limitation 5 in Class 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

2. Authorise building into a boundary wall without consent of the adjoining owner.

3. Authorise an extension that would remove the drainage from the joint valley of the two properties (one of which is a Protected Structure) without any consultation or approval of myself as the owner of the adjoining property affected by such works.

'Ards', St. Mary's Road, Arklow, Co. Wicklow. Y14 W586, Ireland. Tel: +353 (0)402 28567
www.nobleshippinglaw.com
Helen Noble SC

4. Authorise works to the footings of a semi-detached property, one of which is a Protected Structure without conservation guidance and input and which could result in structural damage (and has resulted in damage) to the neighbouring property.
5. Permit water from the joint valley to be re-directed into my property post completion of the works without any review of the drainage facilities on my property and without consultation with me or my consent.

6. Permit the use of unsightly and deficient building materials.

If an engineer from the Council specified the works that my neighbour could do and signed off on them on completion as alleged, they did so without any regard whatsoever to my property, a semi-detached Protected Structure. Significantly. At no point in time has any engineer sought access to my property to review the drainage facilities on my property to see if the roof water could be re-directed, to review the completed works (and which are only visible on myside from my property) and to even ascertain if permission was given by me to build into the boundary wall. A sign-off from the council in such circumstances would be astonishing.

Given the gravity of this matter, and aside from your unathorised development investigation, I request confirmation is provided to me by return as to whether the Council did:

(a) Specify the extension works and if so on what date. Please provide me with copies of all drawings and plans pertaining to any such specification.

(b) Who approved and sign-off on the works and on what date.

(c) As you will appreciate, any application for a housing adaptation grant requires approval before the works commence. Please confirm if such approval was given, the date of the same.

My clear understanding in relation to any Adaption Grant is that the council should require evidence of planning permission or that a certificate of exemption under the Planning Acts should be submitted. As per the Section 5 Declaration issued on 23 February 2026, the extension is not an exempted development under the Planning Acts. Planning permission should be property sought for the development in accordance with the Planning Acts and in accordance with the regulations for the granting of an Adaptation Grant. I trust in light of these additional circumstances and the points already set out that the Council will now take all appropriate Enforcement steps.

I await hearing from you on the issues raised above.

Yours sincerely



Helen Noble SC
Noble Shipping Law

Noble Shipping Law

BY EMAIL

Administrative Officer,
Planning Enforcement Department,
Wicklow County Council
County Buildings
Whitegates
Wicklow Town
A67 FW96

Your ref: AH/ROC

27 April 2026

RE: Unathorised Development 1 Townville, Townville, 10 St Mary's Road, Arklow consisting of the construction of a flat roofed extension to the rear of the property without authorisation by planning

Dear Sir/Madam

I refer to my letter of 17 April 2026 and note, other than your acknowledgment of receipt, I have not had a substantive response from you to the very serious issues raised.

As you are aware, the extension built by my neighbour is not an exempted development. It requires planning permission. I refer in this regard to the Section 5 declaration issued by the Council on 23 February 2026. As I have identified to you on multiple occasions, the extension has caused and continues to cause damage to my adjoining property, a Protected Structure. In addition, the extension is built into and onto my property without consent.

I have raised the issue repeatedly with the council. I have also raised the matter separately with my neighbour, in circumstances where it has been suggested to me by your Heritage Officer that it may be a private civil matter between neighbours. As indicated in my letter of 10 April 2026, my neighbour' solicitor has denied in writing any liability whatsoever for the issues raised on the basis that the extension was built

> *"with the assistance of an Adaptation Grant from Wicklow County Council, that it was built to the Council's specifications and approved and signed off by their engineer."*

It is clear from this statement that not only has public money been used to fund an unlawful development, it is further alleged by my neighbour that the council are responsible for the specifications of the extension and have signed off on the extension. I have set out in my letter why, if this is correct, this would be extraordinary. It is however implicit from this response that my neighbour considers any damage to my property and/or trespass is an issue for the council to address and not her.

Ards, St. Mary's Road, Arklow, Co. Wicklow, Y14 W586, Ireland. Tel. +353 (0)402 28567
www.nobleshippinglaw.com
Helen Noble SC

I have reasonably asked the council to confirm in light of my neighbour's position whether they

(a) Specified the extension works and if so on what date. If they did specify the works I have reasonably sought copies of all drawings and plans pertaining to any such specification.

(b) Who approved and sign-off on the works and on what date.

(c) As you will appreciate, any application for a housing adaptation grant requires approval before the works commence. Please confirm if such approval was given, the date of the same

The response to these issues is required independently of any enforcement action of the council in respect of the unathorised development. I have taken the liberty of copying this letter also to the council's Social Development Department on the basis that perhaps that department, as opposed to the Planning Department, was involved in the specification and sign-off of the unathorised extension as alleged by my neighbour

I should be grateful if this matter would now receive your urgent attention, and I accordingly await your response by return.

Yours sincerely



Helen Noble SC
Noble Shipping Law

CC. grants@wicklowcoco.ie

BPS
Planning & Development Consultants

AN COIMISIÚN PLEANÁLA
20 OCT 2026
LTR DATED _____ FROM REFER
LDG-_____
ACP-324736-26

Attachment: Copy of Section 5 Submitted to Wicklow County Council

Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

APPLICATION FORM FOR A DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING & DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT

1. Applicant Details

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

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

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

2. Agents Details (Where Applicable)

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

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

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

3. Declaration Details

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

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

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

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

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

Additional details may be submitted by way of separate submission.

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

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

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

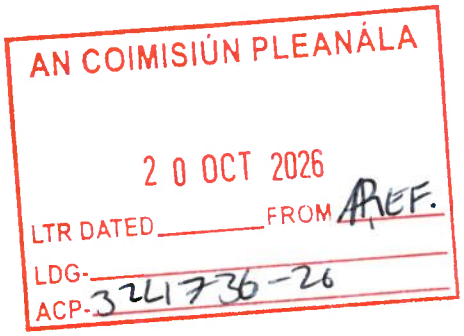
vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure): **Disputed. The pair is entered on the Record / Heritage Schedule as A18 (10 Townville) and A19 (11 Townville). See covering letter. This referral does not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

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

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

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

Signed: Dated:



ADDITIONAL CONTACT INFORMATION
NOT TO BE MADE AVAILABLE WITH APPLICATION

Please note:

- **This page will not be published as part of the planning file.**

Applicant:

Telephone No	**0402 28567**
Email Address	**Helen@nobleshippinglaw.com**
Fax No.	**N/A**

Person/Agent acting on behalf of the Applicant (if any):

Telephone No.	**087-2615871**
Email Address (if any)	**info@bpsplanning.ie**
Fax No. (if any)	**N/A**

BPS
Planning & Development
Consultants

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T 01 539 4960
E info@bpsplanning.ie
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PO Box 13658
Dublin 14

BY HAND

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

17 September 2026

Dear Sir/Madam,

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

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

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

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

This referral arises because those works affect the party wall, the shared roof valley and drain, and the passage of water onto Ards. Retention application PRR 26/60808, received by WCC on 8 September 2026, describes only the retention of an existing 15.70 sq.m single-storey rear extension and minor alterations to the rear elevation. It does not describe, or seek to regularise, the drain, downpipe, pillar or party-wall works.

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

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

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

1 Validation of this Section 5

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

> *If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.*

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

To support this referral, BPS has:

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

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

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

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

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

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Appendices

Appendix 1: Relevant details and drawings pertaining to planning application reg. ref. 26/60808
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Appendix 4: Photographs of the party wall, pillar, downpipe arrangement and water discharge onto Ards
Appendix 5: Planning permission reg. ref. 06610136 – relevant excerpts

1.0 Site location & description

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

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

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

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

Townville and Ards are a Domestic Revival semi-detached pair, built c.1900, rendered, double-gabled to St Mary's Road. In the Record of Protected Structures and in the Heritage Schedule of the Arklow Local Planning Framework (Variation No. 6, adopted 6 July 2026) the pair is entered as A18 – 10 St Mary's Road (Townville) and A19 – 11 St Mary's Road (Ards), NIAH 16322031. The 1:1000 extract lodged with Arklow UDC application reg. ref. P19/2000 (P.D. Lane Associates drawing H-46-1, 14 February 2000) labels this plot No. 10 (see Appendix 2). Historic views of the pair are at Figs. 12 and 13.

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

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

Retention application PRR 26/60808, received 8 September 2026, describes only "retention of existing 15.70 sq.m single storey extension constructed to the rear of dwelling house including minor alterations to rear elevation." The site notice uses the spelling "Townsville." The drawings (13-26-A to 13-26-H – see Appendix 1 of this letter and the case file[2]) show a flat-roofed rear extension of 15.70 sq.m, described as a sensory room, built to the party wall with Ards, with the original rear wall opened by uPVC doors (see Appendix 4 and the applicant's current planning application PRR 26/60808). Rear garden remaining is stated as 21.42 sq.m.

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

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

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

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

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

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

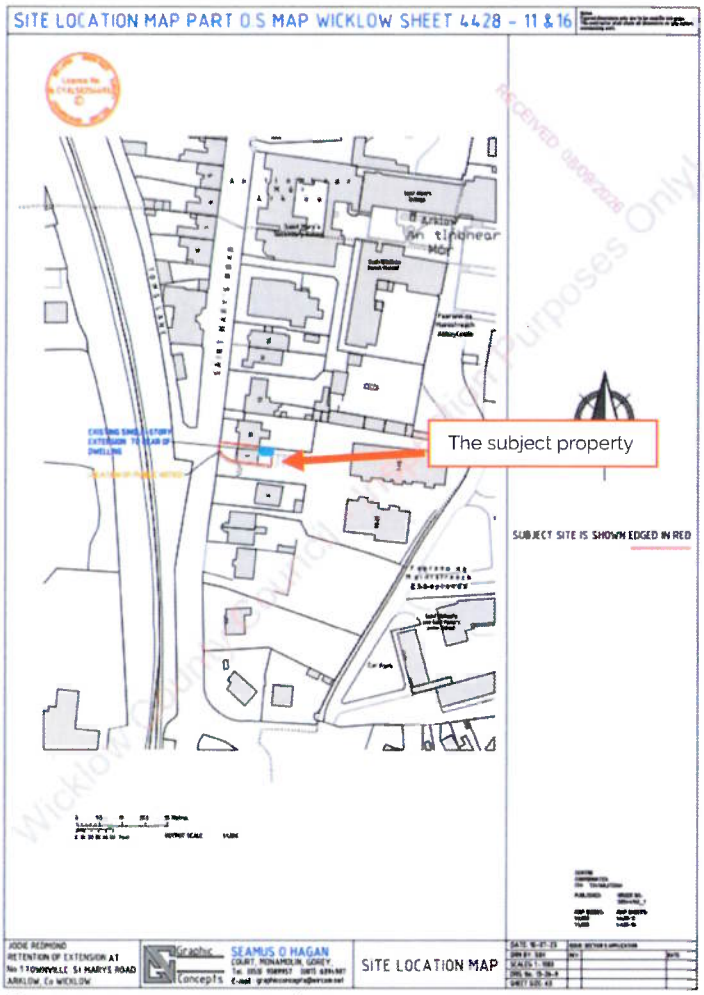


Fig. 1: The location of the subject property (Source: WCC planning application reg. ref. 2660808)



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



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



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



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

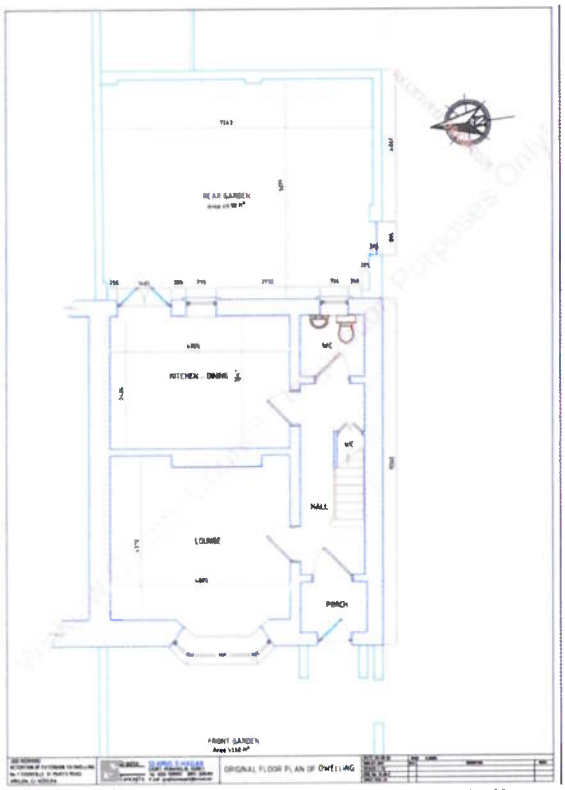


Fig. 6: Original floor plan of the subject property (Source: WCC planning application reg. ref. 2660808)

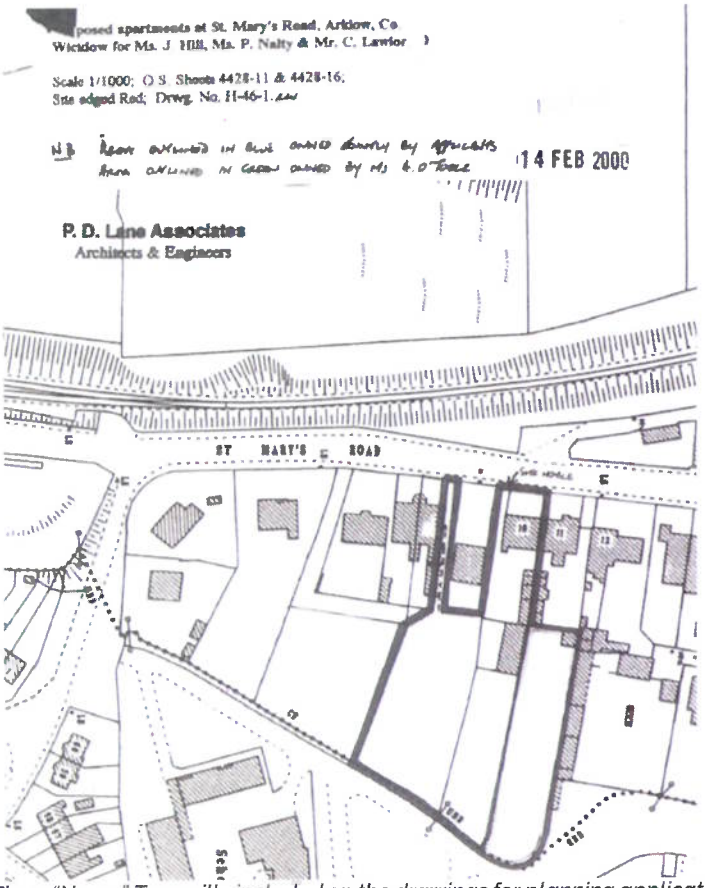


Fig. 7: "No. 10" Townville included on the drawings for planning application, reg. ref. P19/2000 (Source: WCC archives - P.D. Lane H-46-1, 14 Feb 2000 - plot marked No. 10)

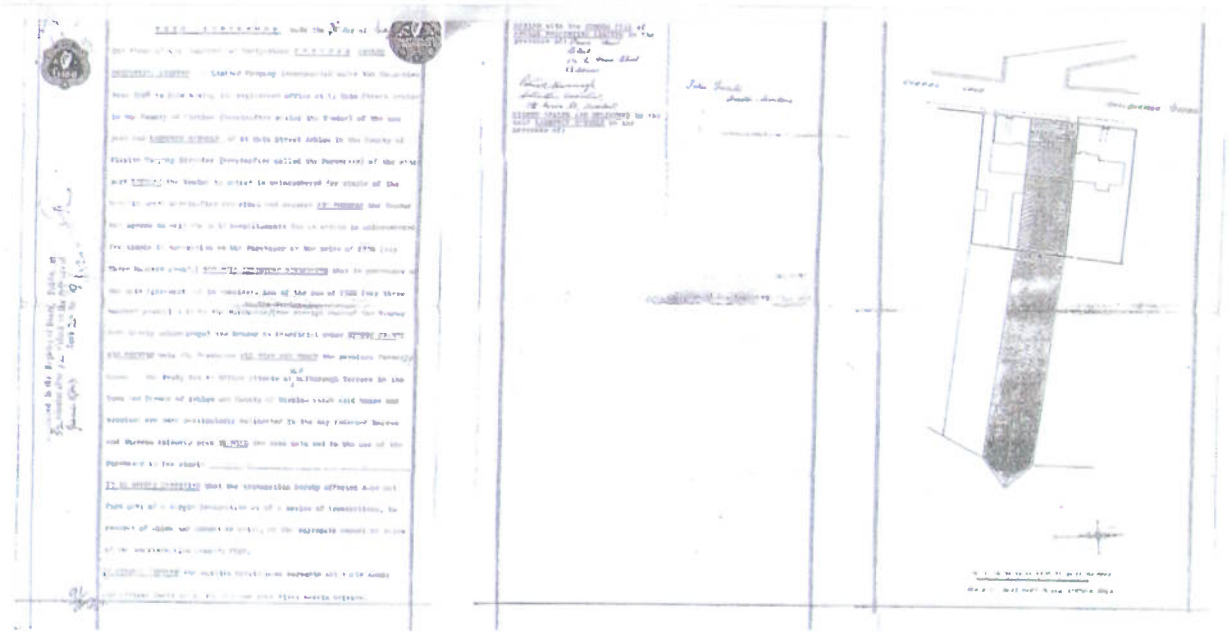


Fig. 8: 1943 Proby Office deed in the Section 5 showing the extent of the subject property (Source: Client records)

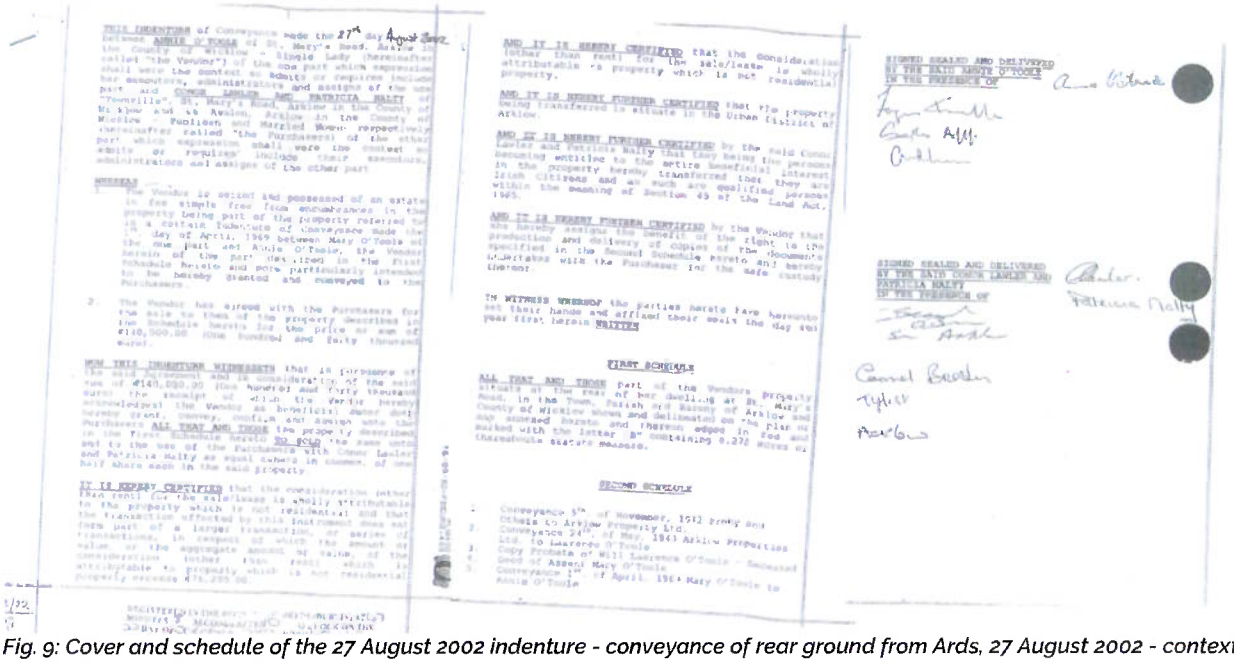


Fig. 9: Cover and schedule of the 27 August 2002 indenture - conveyance of rear ground from Ards, 27 August 2002 - context for the dividing wall (Source: Client records)

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

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

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

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

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

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

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

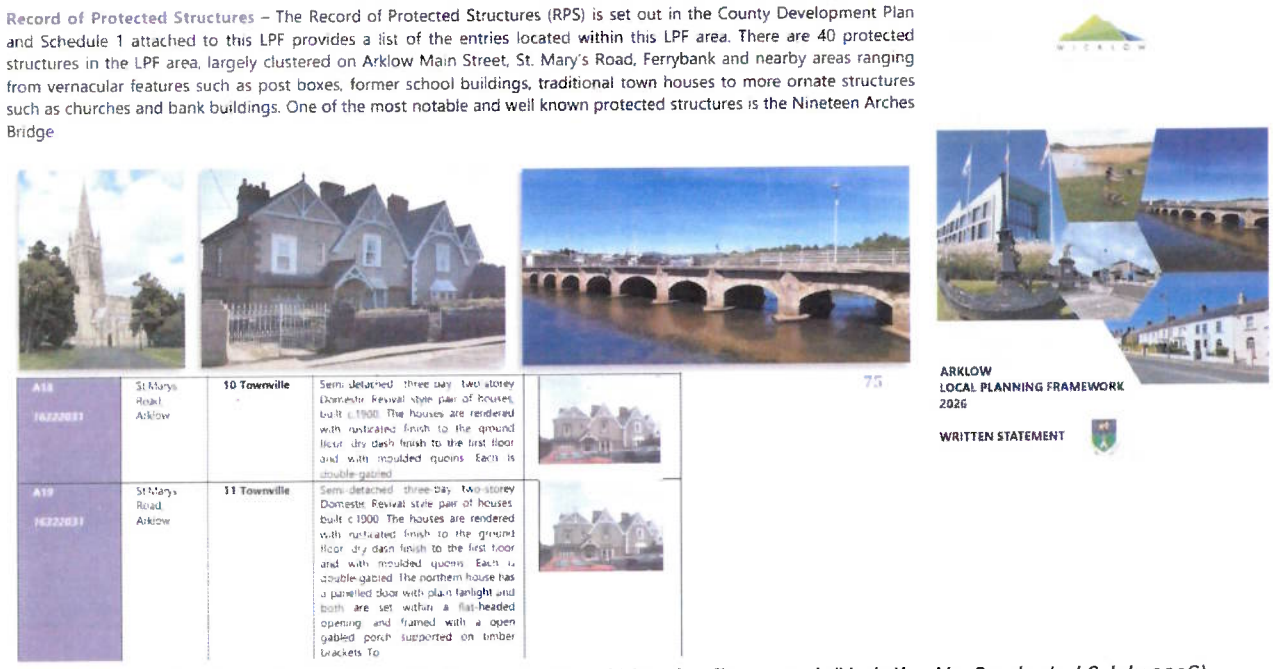


Fig. 10A: Photo of Ards and Townville within the Arklow Local Planning Framework (Variation No. 6, adopted 6 July 2026)

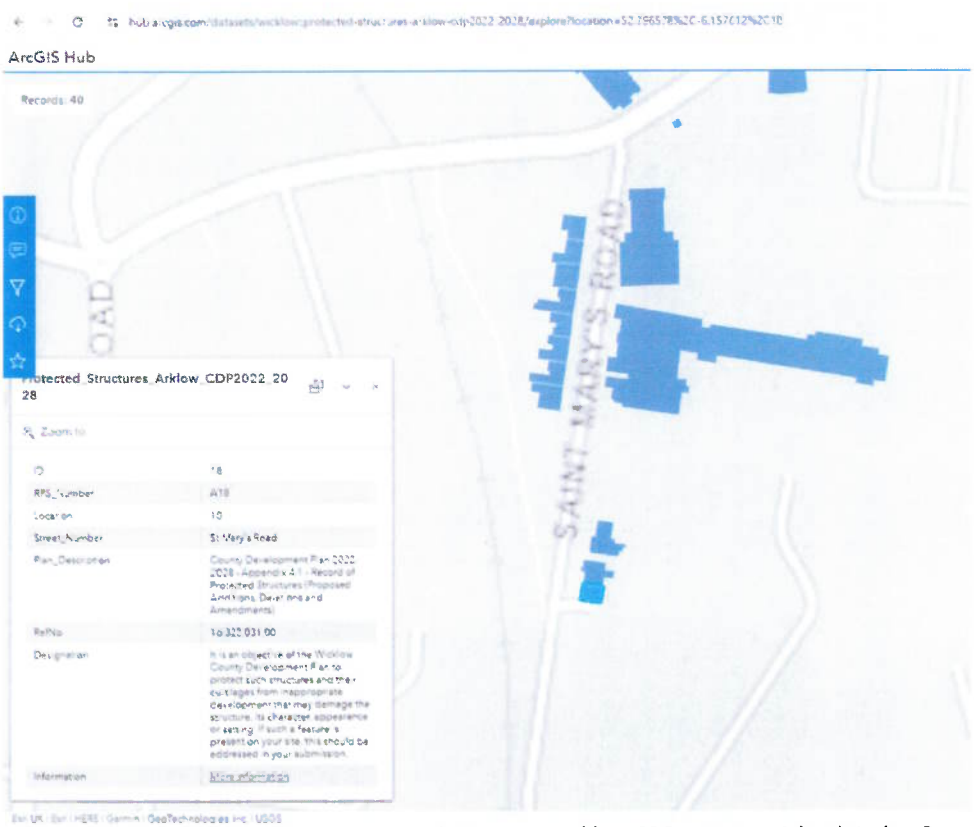


Fig. 10B: Extract from ArcGIS Hub Protected Structures Arklow CDP 2022–2028 (updated 15 December 2025) — A18 given as 10 St Mary's Road

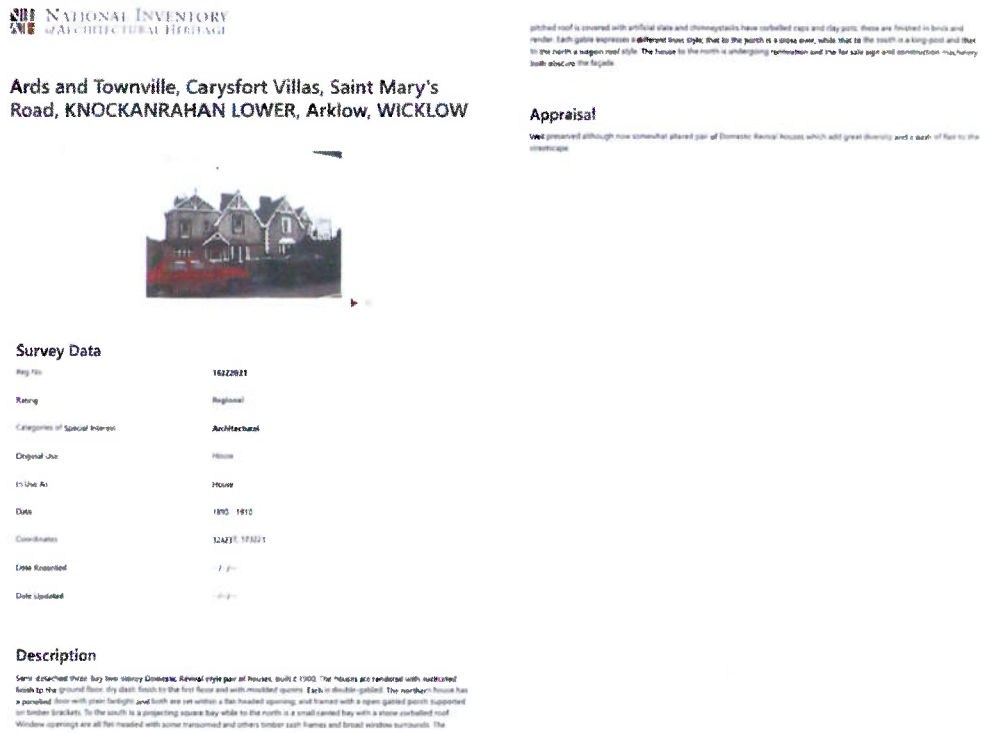


Fig. 11: The inclusion of Ards and Townville within the National Inventory of Architectural Heritage



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

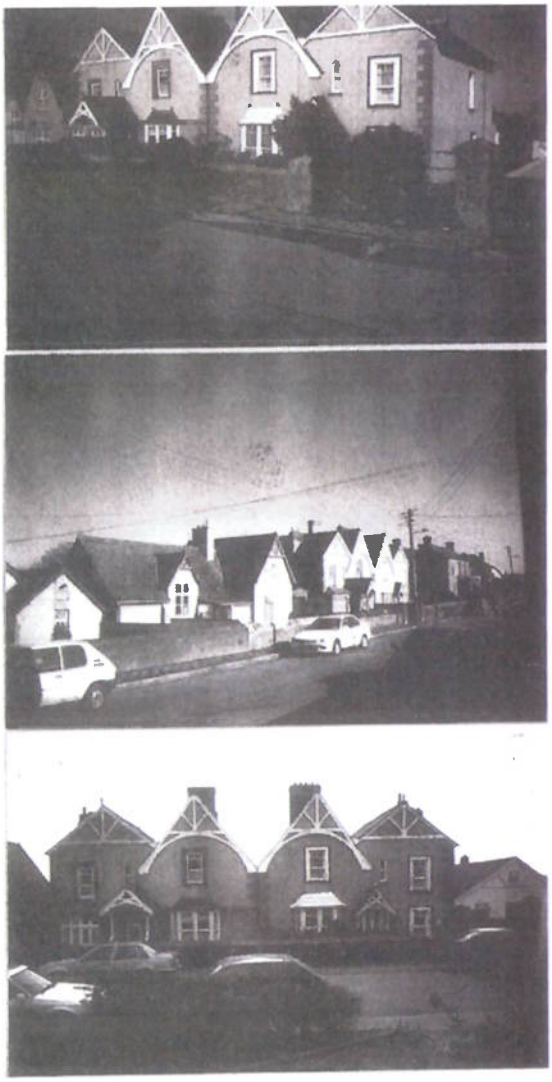


Fig. 13: Historic photo of Ards and Townville (Source: Wicklow Co. Co. planning archives)

2.0 Section 5 question arising

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

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

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

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

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

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

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

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

3.0 Background to the referral

3.1 Planning history

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

3.1.1 The pair and the planning record

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

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

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

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

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

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

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

3.3 Conveyance 27 August 2002

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

3.4 EX10/2026 - 23 February 2026

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

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

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

Jodie Redmond applied for retention of an existing 15.70 sq.m single-storey rear extension and minor alterations to the rear elevation at "No 1 Townville / Townsville," St Mary's Road. Drawings 13-26-A to 13-26-H (Seamus O Hagan, 4 September 2026) show the as built extension built to the 2 m party wall, original rear wall opened, flat roof, and proposed capping and rendering of that wall. WCC acknowledged the file on 9 September 2026. The five-week period for observations runs from 8 September 2026.

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

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

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

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

Three points follow for this section 5:

- *First*, in 2006–2007 the planning authority itself named Ards as a proposed protected structure. That is the other half of the same pair as Townville. It is inconsistent with a later stance that only an address typo decides whether the pair is on the Record.
- *Second*, the authority then used 11 St Mary's Road for Ards. The RPS and Heritage Schedule use 10 Townville and 11 Townville for the pair. Reg. ref. P19/2000 labelled the Townville plot No. 10. EX10/2026 treated "1 Townville" as if it were a different building. Reg. ref. P.06/136 shows WCC has long known these are the two houses of one pair, and that numbering on the street and on the Record has moved. It does not show that Townville was never intended to be listed.
- *Third*, works to Townville that cut the shared pillar, alter the shared valley and drain, and throw water onto Ards are works on the boundary of a structure WCC has already processed as a proposed protected structure. Even if the officer assessing reg. ref. 26/60808 and this referral repeats the EX10/2026 "uncertain" formula for 1 Townville, P.06/136 is still on the file as WCC's own treatment of Ards.

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

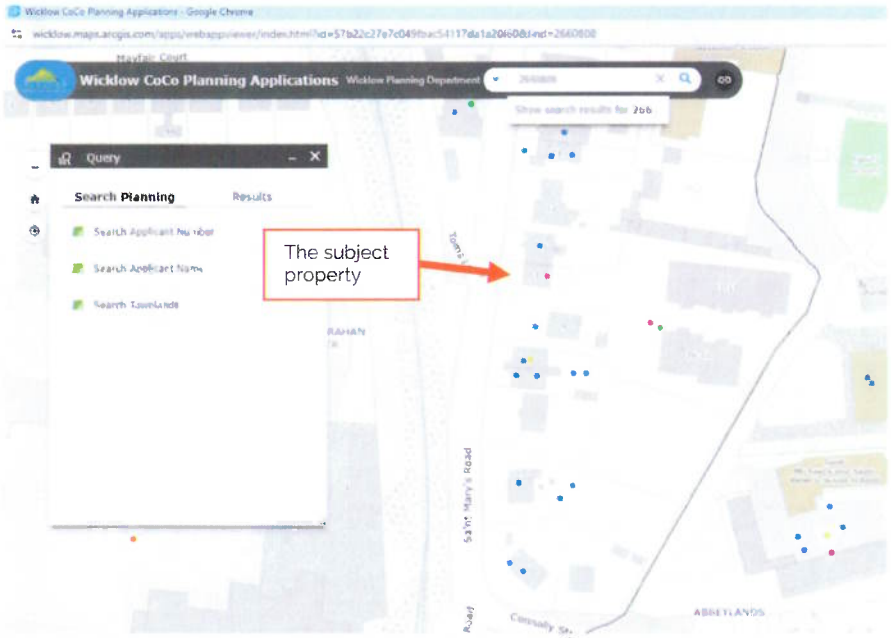


Fig. 14: Results of a search of the WCC Planning Applications Online Database

3.2 Enforcement History

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

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

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

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

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

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

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

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

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

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

3.2.3 UD134A - historic file on Ards

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

3.2.4 What this referral asks of enforcement

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

4.0 Policy Context

4.1 Land Use Plan

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

Operative plans:

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

Zoning (LPF Map No. 1)

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

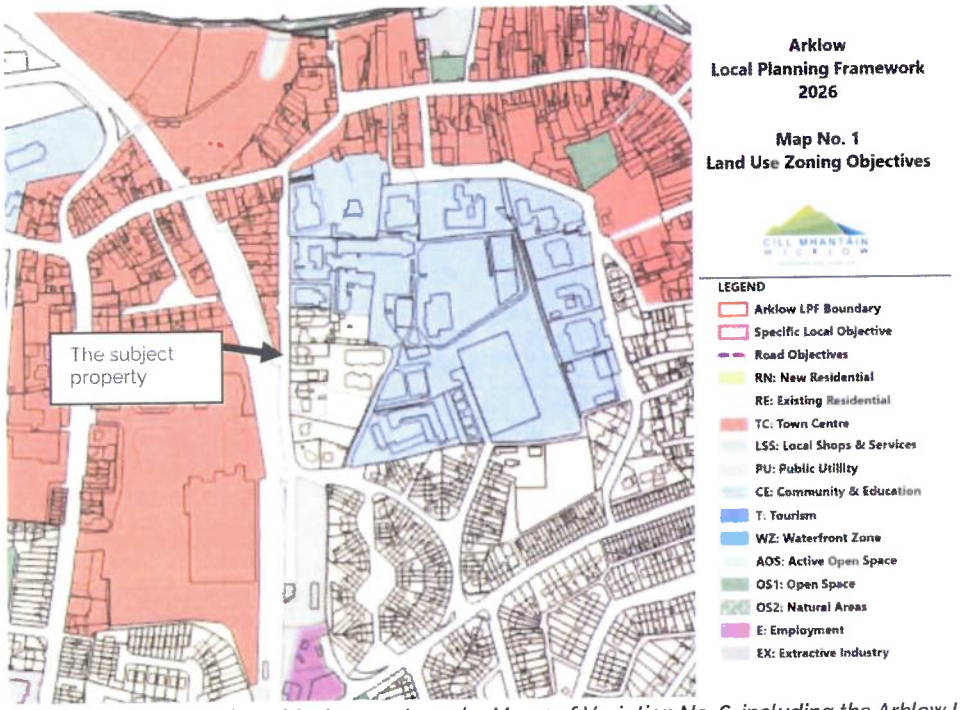


Fig. 15: The zoning of the subject property under Map 1 of Variation No. 6, including the Arklow Local Planning Framework 2026

4.2 Built heritage

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

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

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

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

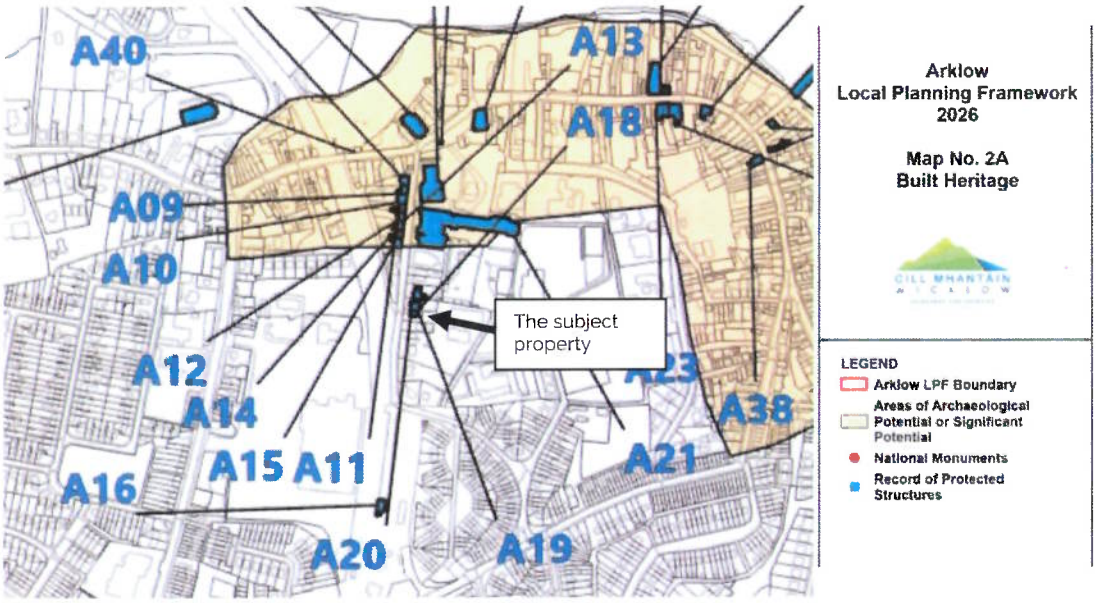


Fig. 16A: The protected structure status of the subject property under Map 1 and the Record of Protected Structures of Variation No. 6, including the Arklow Local Planning Framework 2026

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

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

4.3 Residential amenity and drainage

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

5.0 Statutory Provisions

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

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

Section 2(1) - definitions

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

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

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

"protected structure" means—

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

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

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

"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate includes a building designed for use as 2 or more dwellings or a flat, apartment or other dwelling within such a building.
"habitable house" means a house which—
(a) is used as a dwelling,
(b) is not in use but when last used was used, disregarding any unauthorised use, as a dwelling and is not derelict, or
(c) was provided for use as a dwelling but has not been occupied.
"use", in relation to land, does not include the use of the land by the carrying out of any works thereon.

Section 3 - development

3.—(1) In this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.
"alteration" includes—
(a) plastering or painting or the removal of plaster or stucco, or
(b) the replacement of a door, window or roof,
that materially alters the external appearance of a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

Section 4 - exempted development

Section 4(1)(h): "development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures".

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

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

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

Section 5 - 5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question.

Part IV - protected structures

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

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

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

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

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

This section sets out the provisions that can apply.

Article 5

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

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

Article 6(1)

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations in column 2 opposite that class. The class that can arise on a rear domestic extension is Class 1.

Schedule 2, Part 1, Class 1

Column 1: The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Column 2 limitations include, in summary:

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

Planning application reg. ref. 26/60808 describes a single-storey rear site of 15.70 sq.m. UD11012 measured 12 sq.m. Remaining rear amenity is stated as 21.42 sq.m on the retention drawings and about 21 sq.m on the enforcement inspection. Those figures sit against Class 1 column 2.

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

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

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

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

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

Protected structures and the Regulations

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

Article 10 - change of use

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

6.0 Assessment

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

6.1 Assessment under the PDA

6.1.1 Is or is not development

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

1. The 15.70 sq.m single-storey rear extension (12 sq.m on the UD11012 measure), including opening of the original rear wall and construction of a flat roof.

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

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

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

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

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

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

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

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

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

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

   Assessment: This is not a section 3 question. It is a question of what the public notices describe. The notices name only retention of a 15.70 sq.m extension and minor alterations to the rear elevation. Items (2) to (5) are still development. They are not brought inside the Act's definition of development by being omitted from a retention description. They are also not taken outside it.

6.1.2 Conclusion re. 'development'

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

6.2 Is or is not exempted development

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

6.2.1 Section 4(1)(h)

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

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

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

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

6.2.2 Class 1 - rear extension of a house

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

On assessment of this case:

- *Floor area:* 15.70 sq.m on 26/60808, 12 sq.m on the UD11012 inspection. Either figure is under 40 sq.m and, as a single-storey extension to a semi-detached house, under the 20 sq.m above-ground cap. Floor area alone does not fail Class 1.
- *Remaining rear garden:* 21.42 sq.m on the retention drawings, about 21 sq.m on the enforcement measure. Column 2 requires the garden not to be reduced to less than 25 sq.m. That limitation is not met.
- *Distance from a party boundary for any above-ground-floor extension:* the as built extension is single storey, so the 2 metre rule for first-floor extensions is not applicable. The development is nonetheless built to and into the party wall.
- *Flat roof height relative to existing eaves:* the section drawing shows a low flat roof against the original rear wall. That limitation may be met. It does not save a Class 1 failure on garden area.

Class 1 therefore does not exempt item (1).

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

6.2.3 Article 9(1)(a)

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

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

6.2.4 Section 57.

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

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

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

6.2.5 Item (6)

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

6.2.6 Exempted development - conclusion

It is the professional opinion of BPS that:

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

WCC is asked to declare accordingly.

7.0 Conclusion

It is the professional opinion of BPS that:

- The construction of the rear extension at 1 Townville (15.70 sq.m on PRR 26/60808, 12 sq.m on the UD11012 measure), including opening of the original rear wall and construction of a flat roof, is development and is not exempted development.
- Works to the shared roof valley, downpipe and drain, including the L-shaped pipe on the new flat roof, are development and are not exempted development.
- Works that collect and discharge water from the new roof and from the Townville side of the wall onto Ards are development and are not exempted development.
- Cutting of the pillar, building to or into the party wall, and capping and rendering of that wall are development and are not exempted development.
- Excavation against the party wall and the Ards side is development and is not exempted development.
- Items 2 to 5 are not described in PRR 26/60808. That application does not make them exempted development.

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

8.0 Recommendation

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

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

1. the 15.70 m^2 single-storey rear extension constructed to the rear of the dwelling, including opening of the original rear wall and construction of a flat roof.

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

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

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

5. excavation against the party wall and the Ards side.

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

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

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

(b) articles 5, 6 and 9 of, and Class 1 of Part 1 of Schedule 2 to, the Planning and Development Regulations 2001, as amended

(c) the Wicklow County Development Plan 2022–2028, Variation No. 6 and the Arklow Local Planning Framework 2026, including Heritage Schedule entries A18 and A19.

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

(c) enforcement files reg. refs. UD11012 and UD11058.

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

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

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

AND WHEREAS the planning authority has concluded that:

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

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

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

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

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

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

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

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

9.0 Finally

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

Please direct all correspondence to this office.

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

Best wishes,

Brendan Byrne Buck

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

Encl:

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

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

WICKLOW COUNTY COUNCIL [1]

SITE NOTICE

I Jodie Redmond intend to apply for retention permission

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

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

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

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

Signed: [signature]

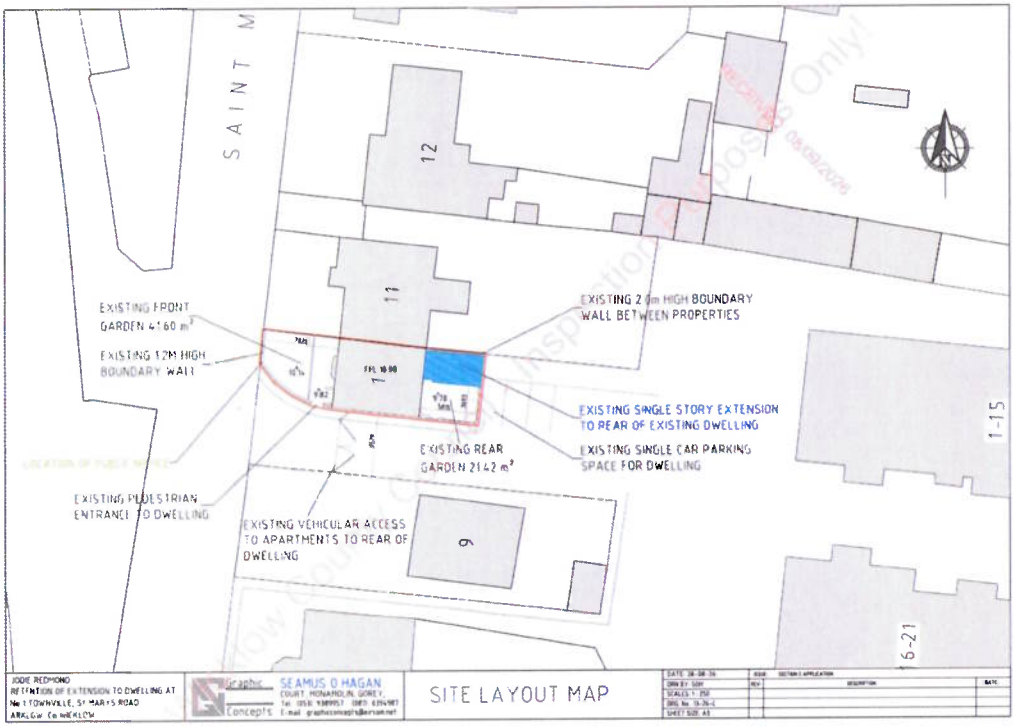
Seamus O Hagan Court, Monamolin, Gorey, Co Wexford.

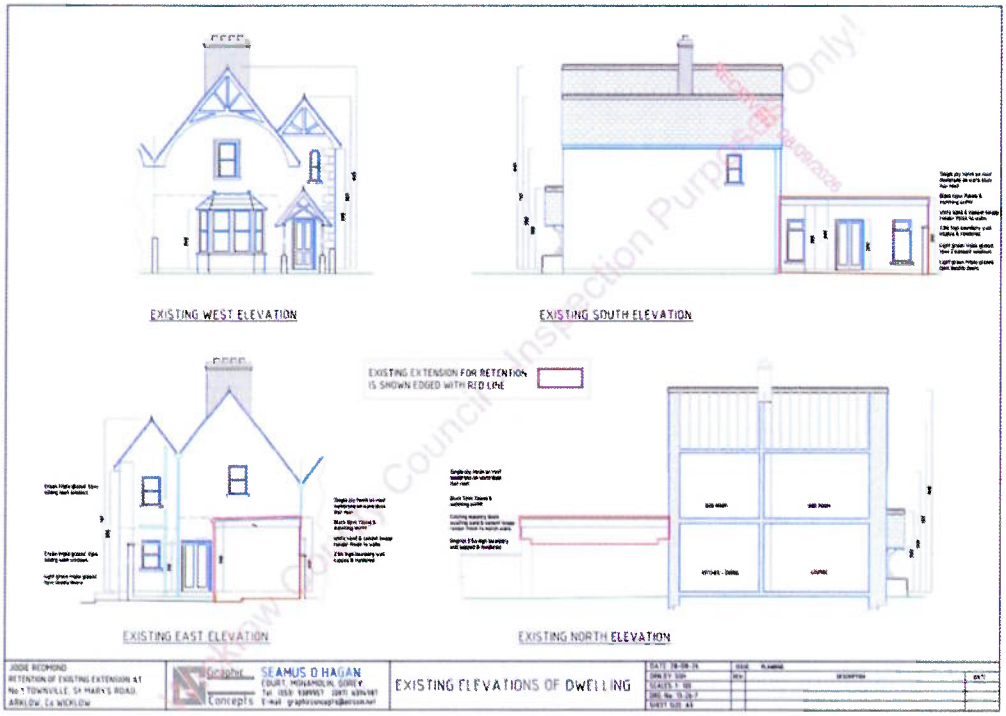
Date of erection of this notice 03rd September 2026

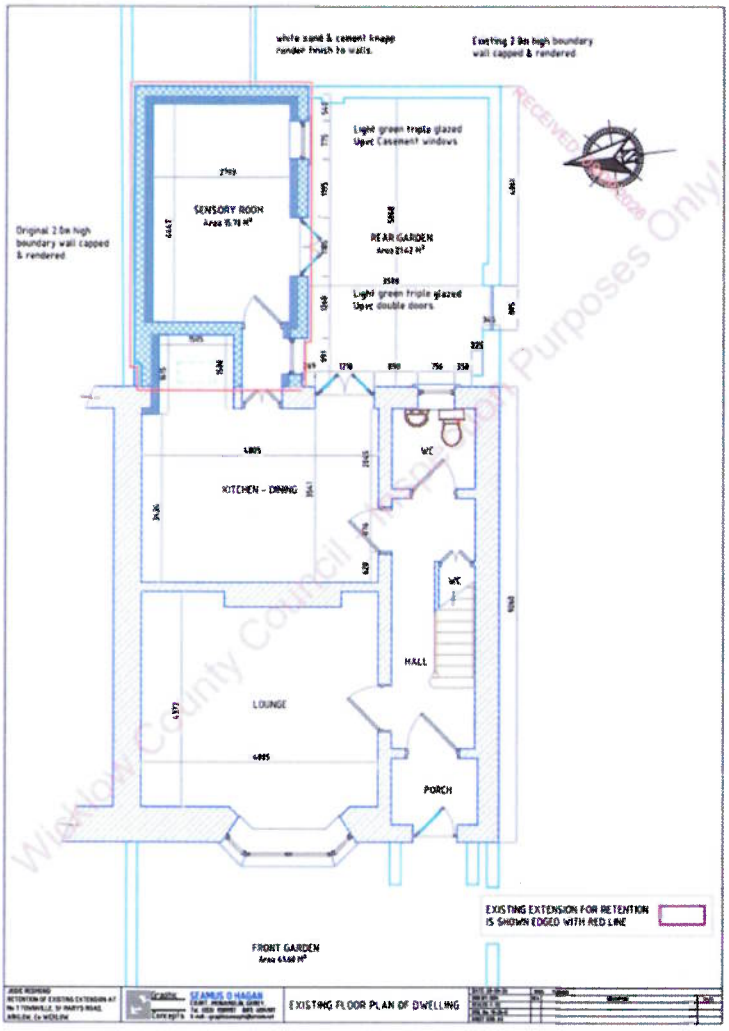
[1] WICKLOW COUNTY COUNCIL

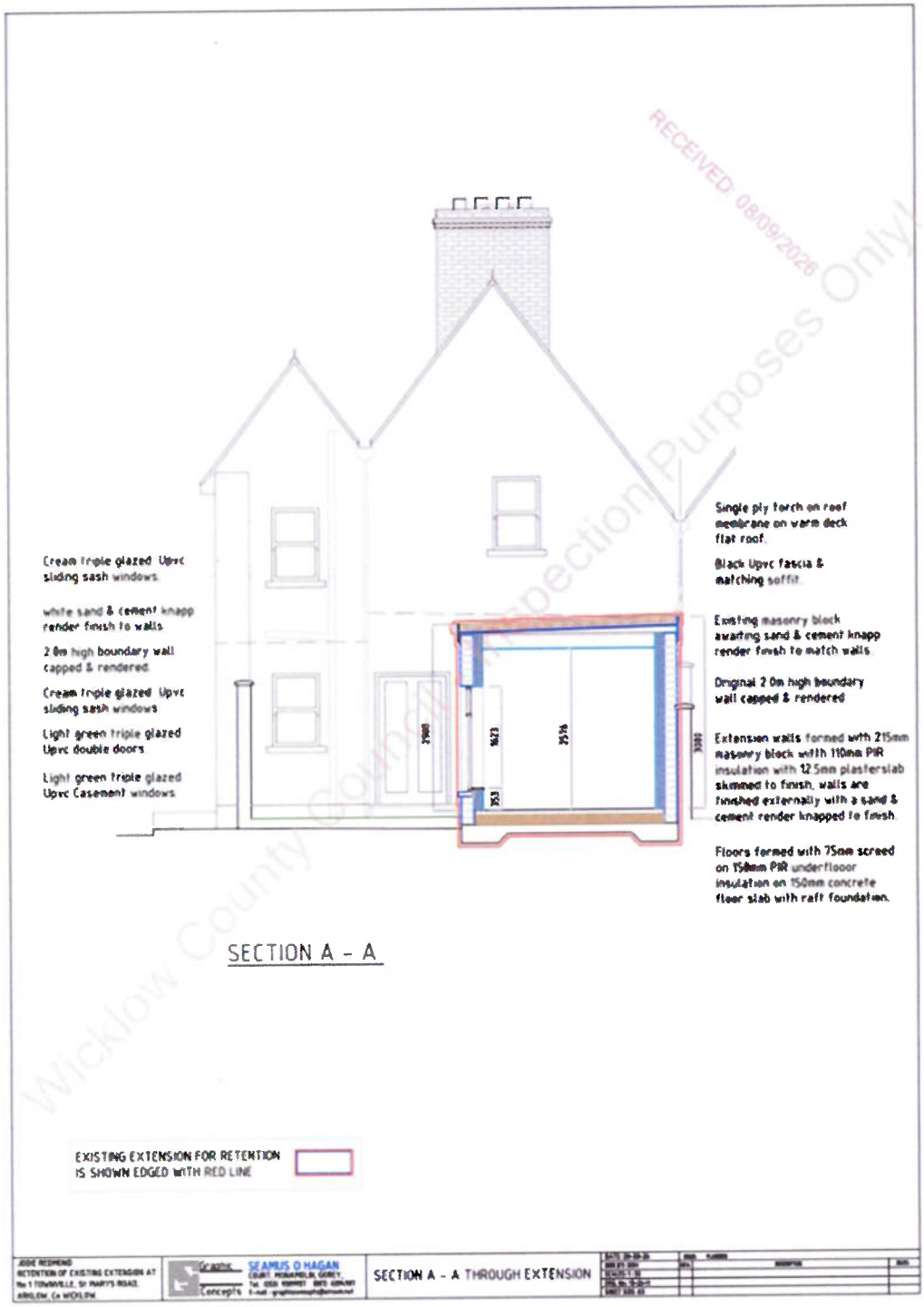
Page 13 of 14

AN COIMISIÚN PLEANÁLA
2 0 OCT 2026
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LDG-_____
ACP-324736-26

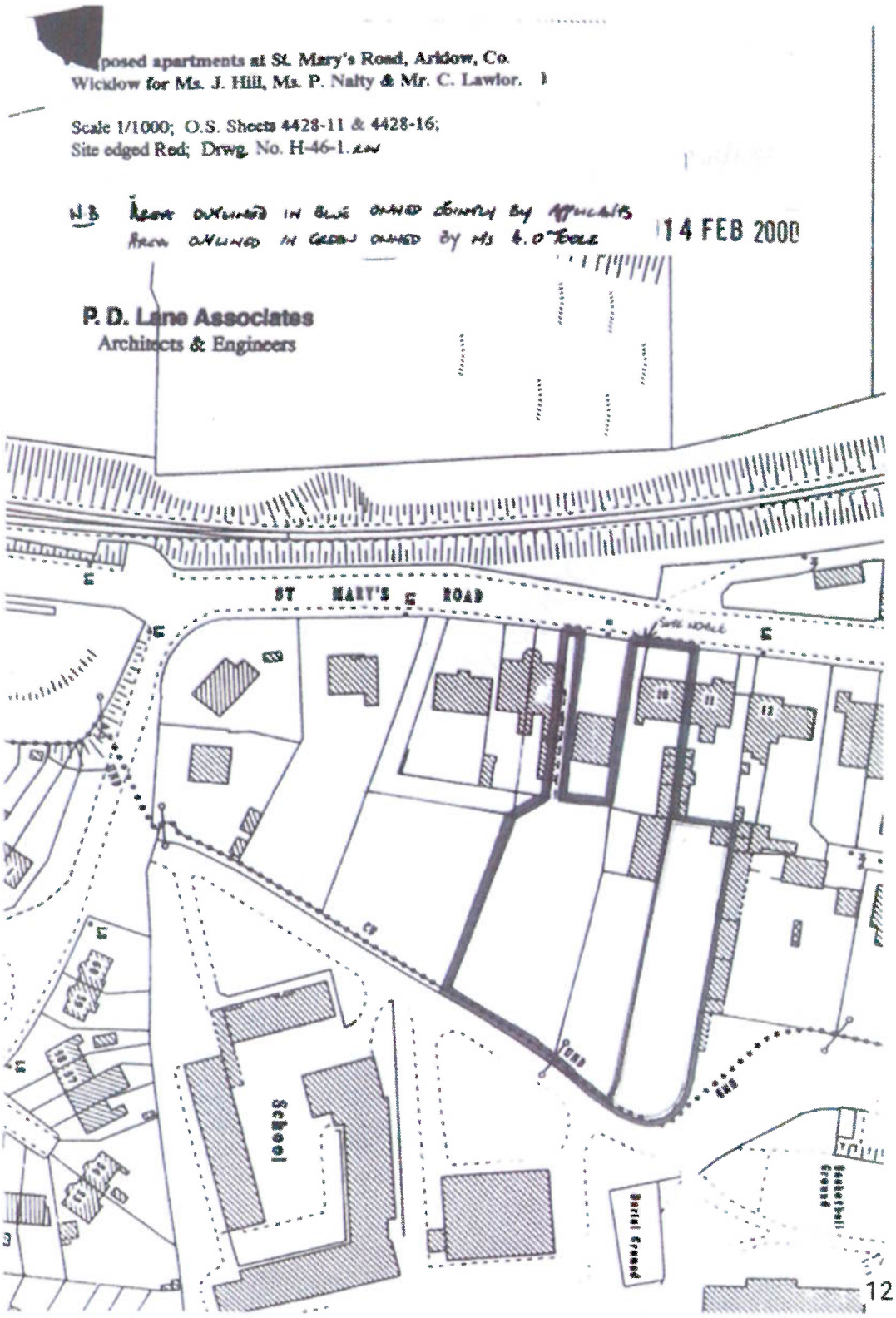



EXISTING WEST ELEVATION
EXISTING SOUTH ELEVATION
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
EXISTING EAST ELEVATION
EXISTING NORTH ELEVATION
SEAMUS O HAGAN
EXISTING ELEVATIONS OF DWELLING

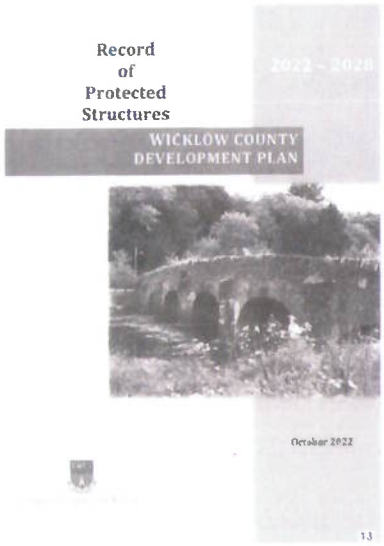

white sand & cement finish/ render finish to walls.
Existing 2.0m high boundary wall capped & rendered
Light green triple glazed Upvc Casement windows
SENSORY ROOM
REAR GARDEN
Light green triple glazed Upvc double doors
Original 2.0m high boundary wall capped & rendered
WC
KITCHEN - DINING
WC
HALL
LOUNGE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


RECEIVED: 08/09/2026
For Inspection Purposes Only!
Wicklow County Council
Cream triple glazed Upvc sliding sash windows
white sand & cement knapp render finish to walls
2.0m high boundary wall capped & rendered
Cream triple glazed Upvc sliding sash windows
Light green triple glazed Upvc double doors
Light green triple glazed Upvc Casement windows
Single ply torch on roof membrane on warm deck flat roof.
Black Upvc fascia & matching soffit
Existing masonry block awaiting sand & cement knapp render finish to match walls
Original 2.0m high boundary wall capped & rendered
Extension walls formed with 215mm masonry block with 110mm PIR insulation with 12.5mm plasterslab skimmed to finish, walls are finished externally with a sand & cement render knapped to finish.
Floors formed with 75mm screed on 150mm PIR underfloor insulation on 150mm concrete floor slab with raft foundation.
2900
1823
2576
3300
350
SECTION A - A
EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE
SEAMUS O HAGAN
SECTION A - A THROUGH EXTENSION

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



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



			heavy moulded surround with keystone motif	
A16 16322029	Arklow	Arklow Railway Station	Detached four-bay two-storey Railway Station, built 1861. The building is finished in roughcast render with surrounds to the openings, to the north and south are small lean-to and flat-roofed recent additions. The timber sheeted door opening on to the platform is set below a gabled bracketed roof. Window openings are flat-headed and mainly with two over two timber sash frames.	
A17 16322030	North Quay, Arklow	Navigation Beacon.	Free standing tall navigation beacon set on the north quay of the Arklow harbour within the tidal estuary of the Avoca River, built in the first half of the 20th	
A18 16322031	St Marys Road, Arklow	10 Townville	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled	
A19 16322031	St Marys Road, Arklow	11 Townville	Semi-detached three-bay two-storey Domestic Revival style pair of houses, built c.1900. The houses are rendered with rusticated finish to the ground floor, dry dash finish to the first floor and with moulded quoins. Each is double-gabled. The northern house has a panelled door with plain fanlight and both are set within a flat-headed opening and framed with a open gabled porch supported on timber brackets. To	
A20 16322032	Saint Mary's Road	Arklow School (Former)	Detached four-bay two storey former school, built 1878, and now in use as a house. The build ng is finished in roughcast render with a projecting two-storey gabled bay to the south side. The front door is now covered with a glazed porch addition which abuts a flat-roofed addition	
A21 16322033	St Marys Road, Arklow	Saint Marys and Saint Peters Convent (Apartments)	Detached nine-bay two-storey former convent built c.1880, and now converted to apartments. The building is constructed in squared semi-coursed basalt rubble with straw coloured brick dressings. To either side is a projecting hipped roof square bay in symmetrical arrangement. To the south is a chapel addition dating from the 1930s while to the rear north is a very long return	
A22 16322034	Main Street, Arklow	48 Main Street	Terraced five-bay two storey former house, built c.1840, now in use as two shops. The facade is finished in painted render, whilst the pitched roof is slated and has a large rendered chimneystack to the east. To the ground floor are two near identical timber shopfronts of c.1880	

Arklow Town Council minutes 13 February 2008

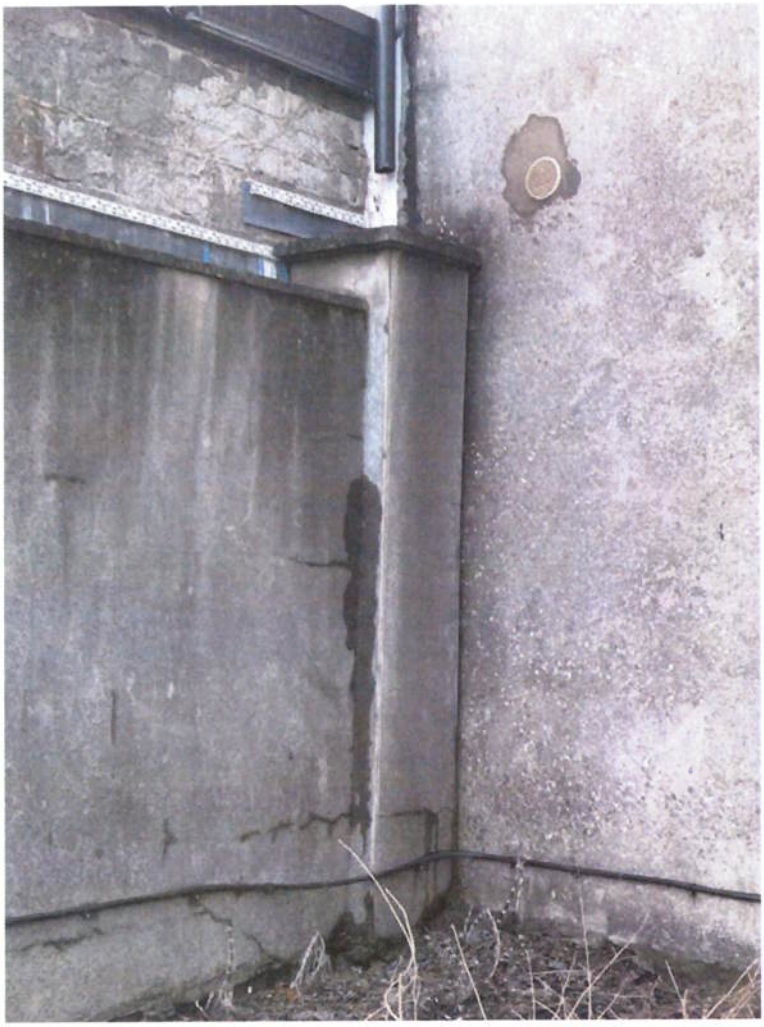
Schedule of Proposed Additions to the Record of Protected Structures

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

Arklow Town Council minutes 13 February 2008

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

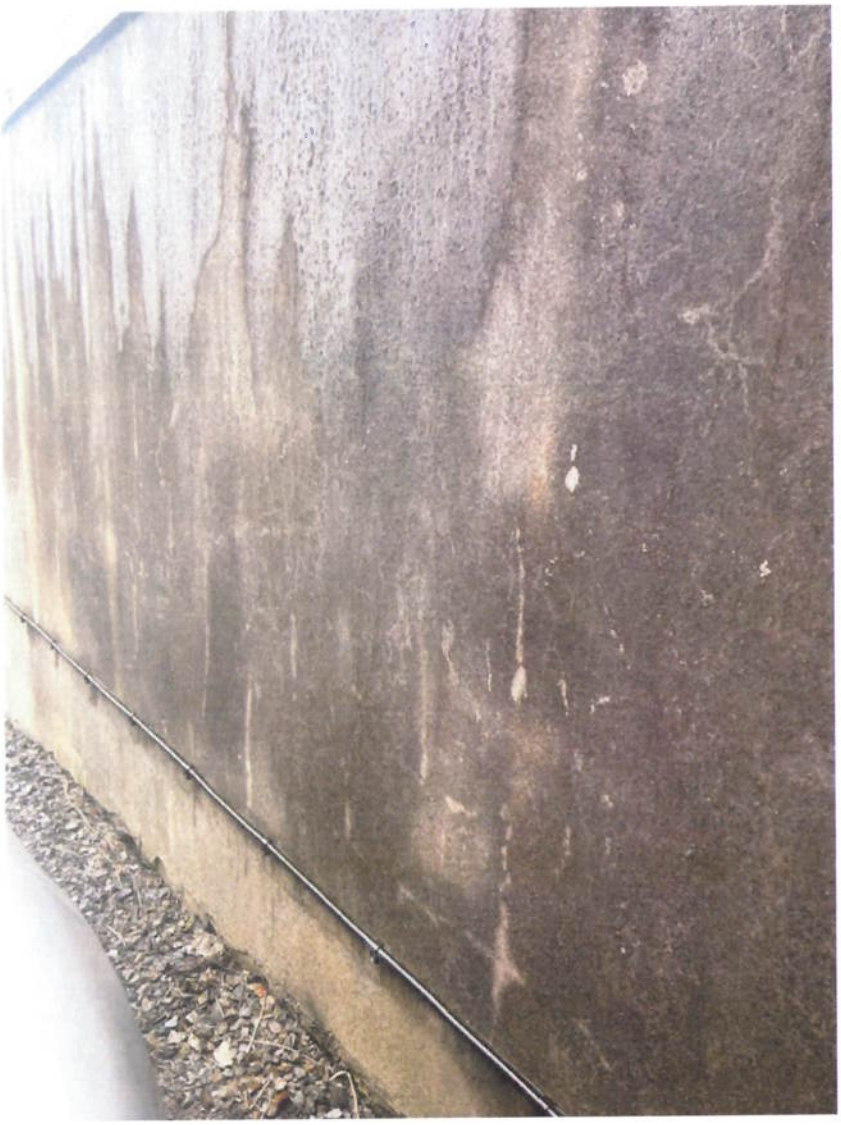


















Appendix A – Site Inspection Photographs

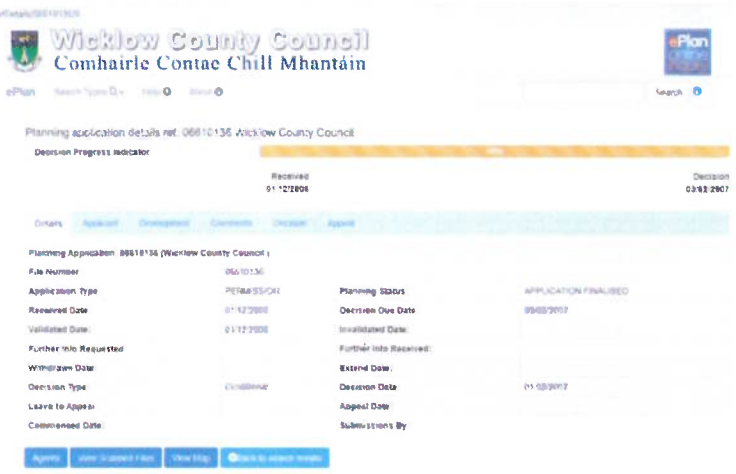
(Inspection undertaken on 10/12/2025- 3.30 pm)



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

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

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


Wicklow County Council
Comhairle Contae Chill Mhantáin

ePlan

Planning application details ref. 06610136 Arklow County Council

Decision Progress Indicator

Received 01/12/2006 — Decision 03/02/2007

Orders | Applicant | Development | Comments | Decision | Appeal

Planning Application: 06610136 (Wicklow County Council)

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

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

MEMO

Ref: KS/CMcC

1st February 2007

TO: D. Nichols,
TOWN CLERK

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

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

A Chara,

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

Mise le meas,

Kevin Scanlon,
TOWN ENGINEER.

Wicklow County Council - Inspection Purposes Only!



P136-2006 Burke

Report on the submitted Planning Application.

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

Application Received 01/12/06

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

Location 1 Arde[illegible] St Mary's Road, Arklow
Applicant Larry and Deirdre Burke

Planning History No[illegible] on[illegible]

Site Inspection Site notice was in place

Objections received None

Observations received None

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

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

Zoning RA (Existing Residential)
The proposed development at 1 Ville[illegible] approx. [illegible] sq.m sort [illegible] area[illegible] within Land Use Zoning RA is open for consideration in accordance with Section 5.2 of the Arklow Town Development Plan 2005

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

Site Details
The site is located in an area, which is defined as Map 5 of the Arklow Town Development Plan 2005 as a Town Centre location.

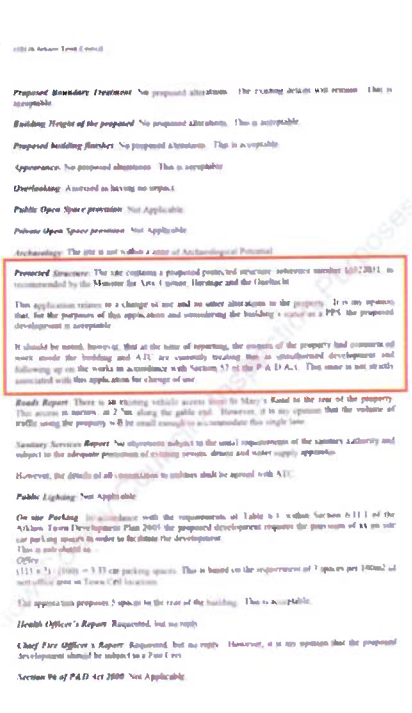
Site area = 545m2

Area covered by the existing buildings i.e. the existing building footprint = 164.4m2
Area removed by the proposed buildings i.e. the proposed building footprint = 0m2
Area covered by the existing plus the proposed buildings i.e. the building footprint = 164.4m2
Site Coverage = 164.4/545 = 30%
This is acceptable

Gross floor area of the existing = 291.3m2
Gross floor area of the proposed = 0m2
Gross floor area of the existing plus the proposed buildings = 291.3m2
Plot Ratio = 291.3/545 = 0.53
This is acceptable

Floodings Not Applicable

Residential Development Density Not Applicable



Proposed Boundary Treatment No proposed alterations. The existing details will remain. That is acceptable

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

Proposed building finishes No proposed alterations. This is acceptable

Appearance No proposed alterations. This is acceptable

Overlooking Assessed as having no impact

Public Open Space provision Not Applicable

Private Open Space provision Not Applicable

Archaeology The site is not within a zone of Archaeological Potential

Protected Structure The site contains a protected postal structure reference number [illegible]/2001 as recommended by the Minister for Arts Culture, Heritage and the Gaeltacht

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

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

Roads Report There is no existing vehicle access from St Mary's Road to the rear of the property. This access is narrow, at 2.7m along the gable end. However, it is my opinion that the volume of traffic using the property will be small enough to accommodate this single lane.

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

However, the details of all connections to mains shall be agreed with ATU.

Public Lighting Not Applicable

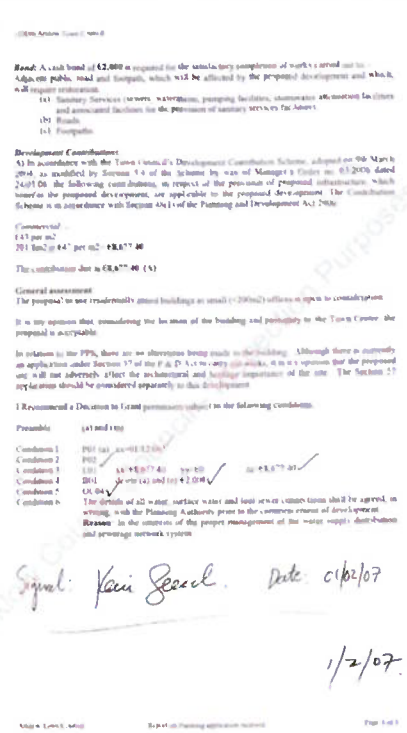
On site Parking In accordance with the requirements of Table 6.1 within Section 6.11.1 of the Arklow Town Development Plan 2005 the proposed development requires the provision of xx no. on site car parking spaces in order to facilitate the development
This is not shown on
Office
1111 x 2 / 10000 = 3.33 car parking spaces. This is based on the requirement of 1 space per 100m2 of net office area on Town Centre locations.

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

Health Officer's Report Requested, but no reply

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

Section 96 of P&D Act 2000 Not Applicable



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

Development Contributions
It is in accordance with the Town Council's Development Contribution Scheme, adopted on 9th March 2004, as modified by Section 4.4 of the Scheme by way of Manager's Order no. 03.2006 dated 24/01/06 the following contributions, in respect of the provision of proposed infrastructure which benefit the proposed development, are applicable to the proposed development. The Contribution Scheme is in accordance with Section 48(1) of the Planning and Development Act 2000.

Commercial
143 per m2
291.3m2 @ €47 per m2 = €13,677.00

The contribution due is €13,677.00 (A)

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

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

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

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

Preamble (a) and (c)

Condition 1 P01 (a) xx=01/12/06
Condition 2 P02 ✓
Condition 3 L01 xx=€13,677.00 yy=€0 zz=€13,677.00 ✓
Condition 4 D01 xx=(a) and (c) =€2,000 ✓
Condition 5 O1.04 ✓
Condition 6 The details of all water surface water and foul sewer connections shall be agreed, in writing, with the Planning Authority prior to the commencement of development
Reason: In the interests of the proper management of the water supply distribution and sewerage network system

Signed: Kevin Seerel Date: 01/02/07

1/2/07

DRAWING SCHEDULE

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

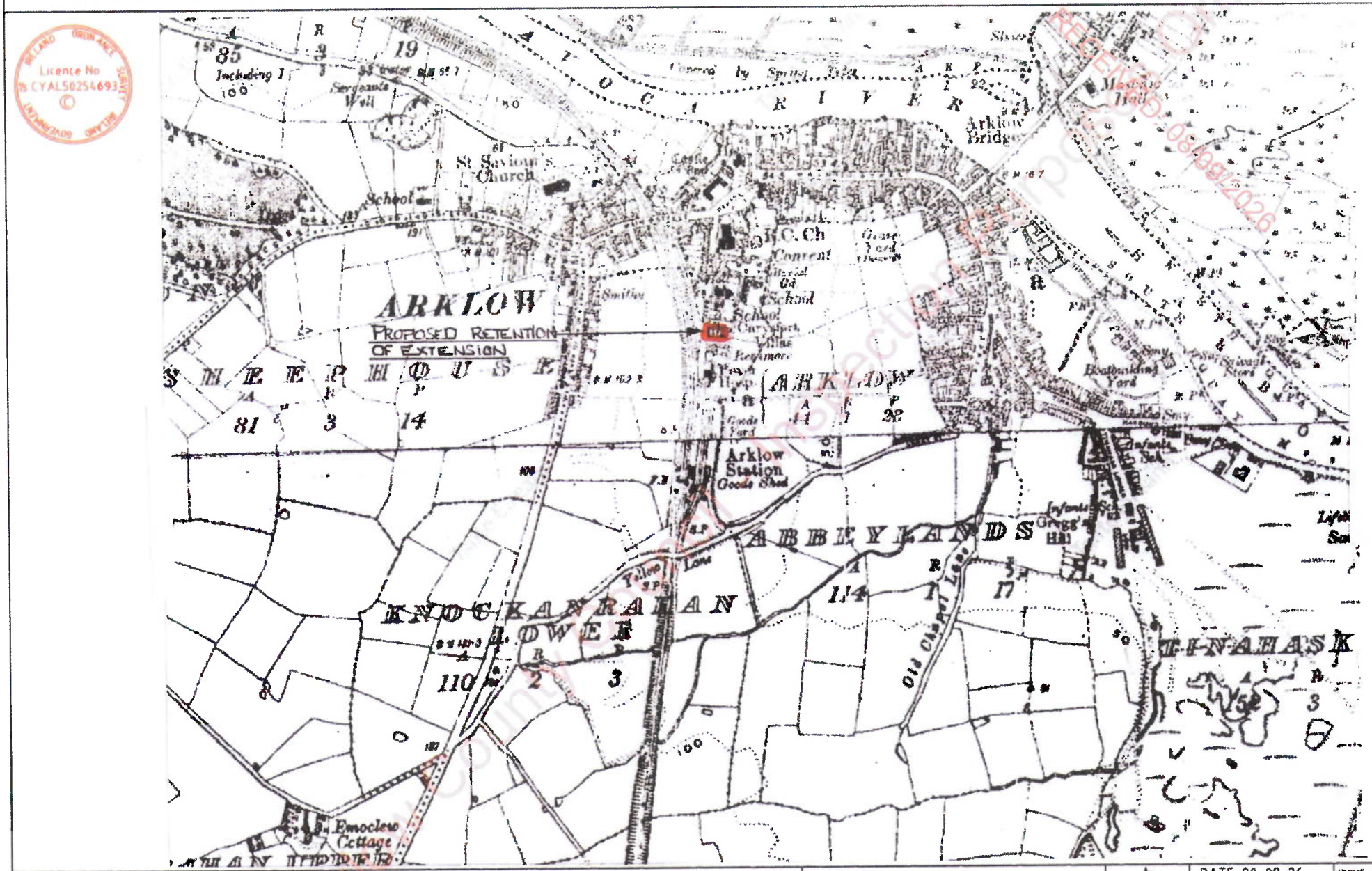
Graphic Concepts
SEAMUS O HAGAN
COURT, MONAMOLIN, GOREY,
Tel. (053) 9389957 (087) 6394987
E-mail : graphicconcepts@eircom.net

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

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

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SITE LOCATION MAP PART O.S MAP WEXFORD SHEET 40

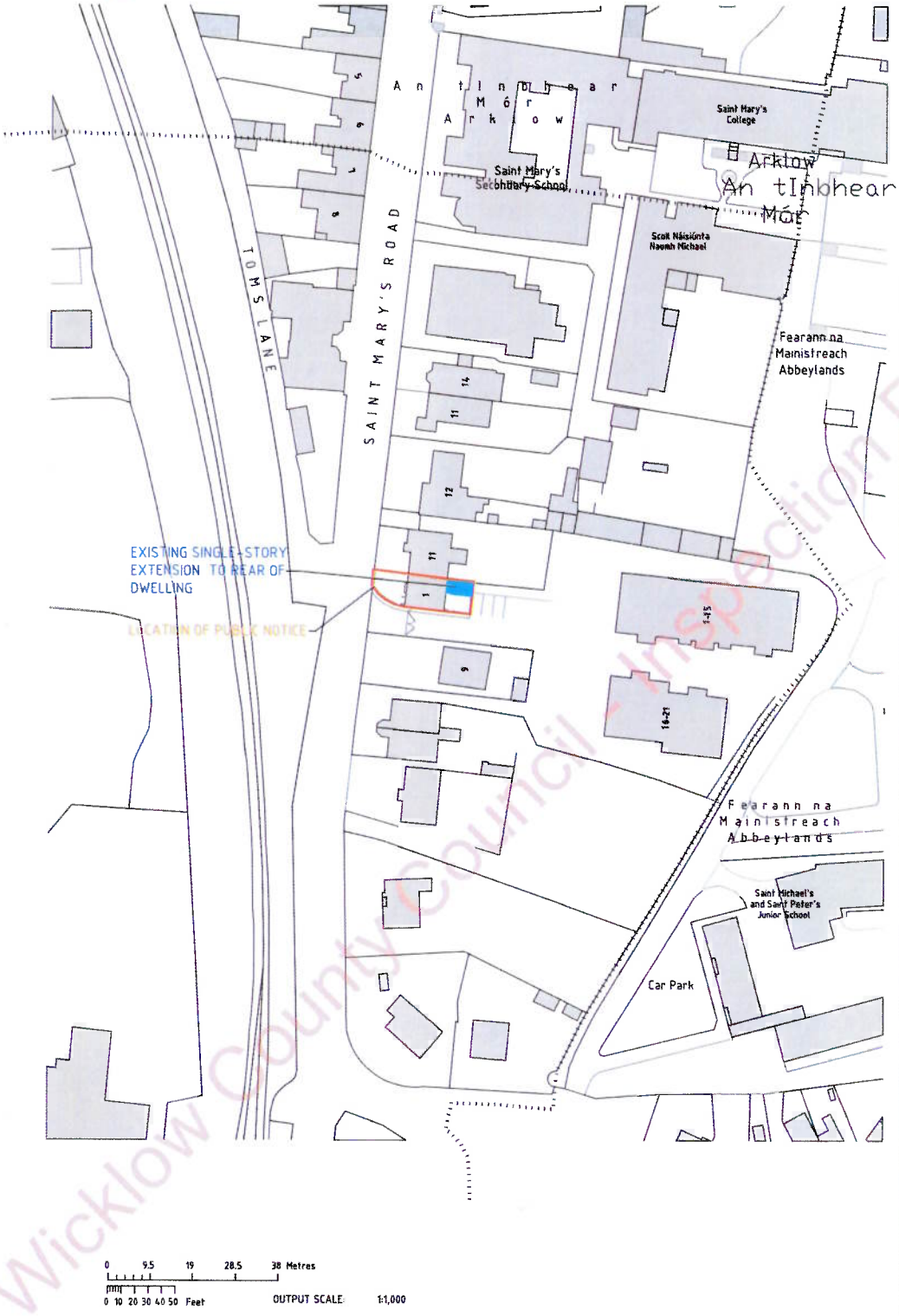

ARKLOW
PROPOSED RETENTION OF EXTENSION
S M E E C H O U S E
ARKLOW
ARKLOW
Arklow Station
Goods Shed
ARBEYLANDS
ENOCKANRAHAN
TINAHASK
Emoclew Cottage
Arklow Bridge
St Saviour's Church
School
R.C. Ch
Convent
Sergeants Well
Boatbuilding Yard
Yellow Lane
Old Chapel Lane
Sergeants Hill
Infants' Sch
Graves' Hill
Lifeboat Station
Including 1
Covered by Spring Dam
Masonic Hall
Smithy
Carnegie Library
Registry
Goods Yard
Gas Works
Slip
Pier
Lighthouse
Sand
Mud
Rocks
Dry
Shoal
Sand Bank
Mud Bank
Rocks
Dry
Shoal
Sand Bank
Mud Bank
Rocks
Dry
Shoal
Sand Bank
Mud Bank

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

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

ORDNANCE SURVEY IRELAND GOVERNMENT OF IRELAND
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0 9.5 19 28.5 38 Metres
0 10 20 30 40 50 Feet
OUTPUT SCALE: 1:1,000

SUBJECT SITE IS SHOWN EDGED IN RED

CENTRE COORDINATES:
ITM 724168,673261

PUBLISHED: ORDER NO.: 50544162_1

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

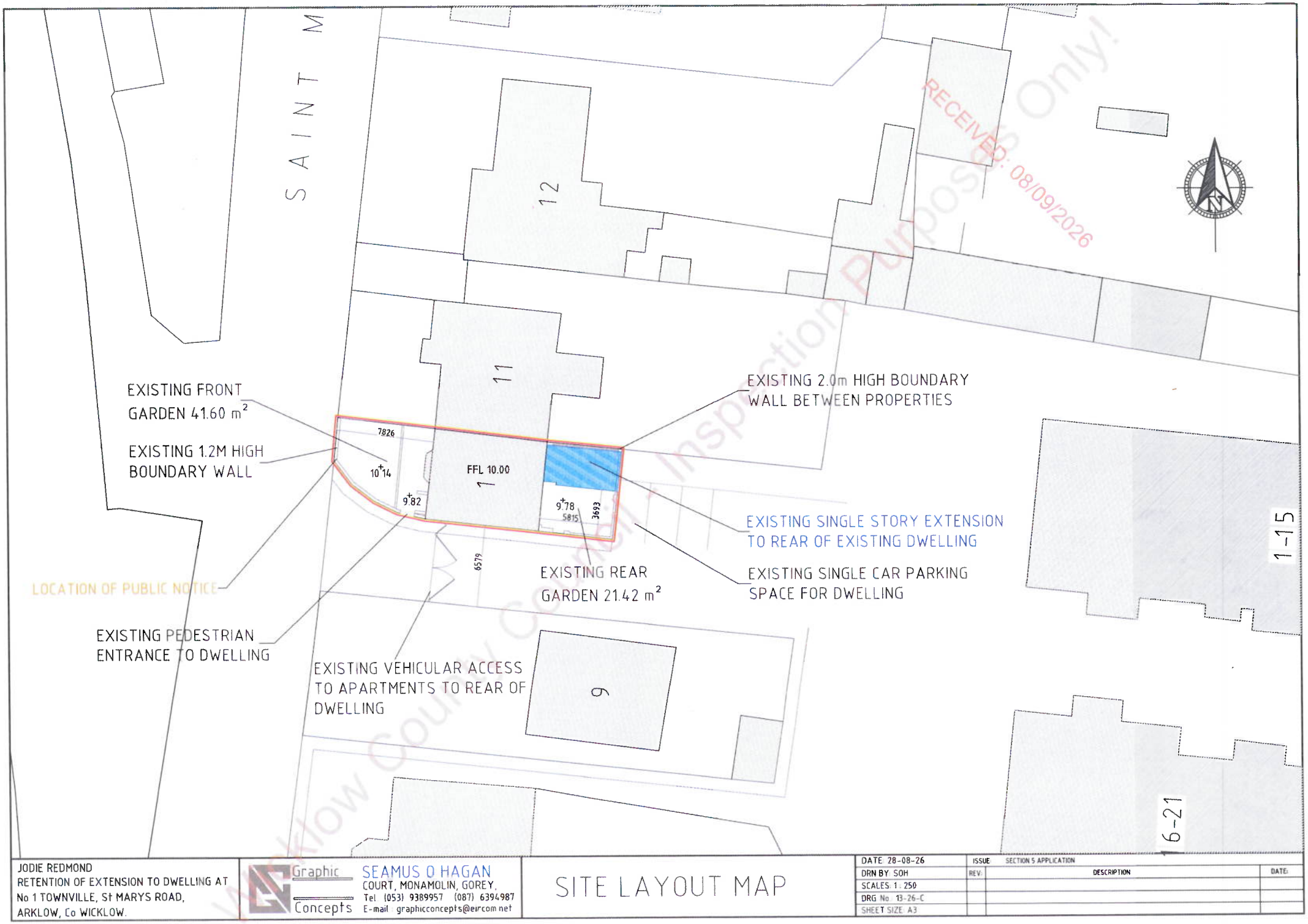
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JODIE REDMOND
RETENTION OF EXTENSION AT
No 1 TOWNVILLE, St MARYS ROAD,
ARKLOW, Co WICKLOW.

Graphic Concepts
SEAMUS O HAGAN
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Tel. (053) 9389957 (087) 6394987
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SITE LOCATION MAP

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



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

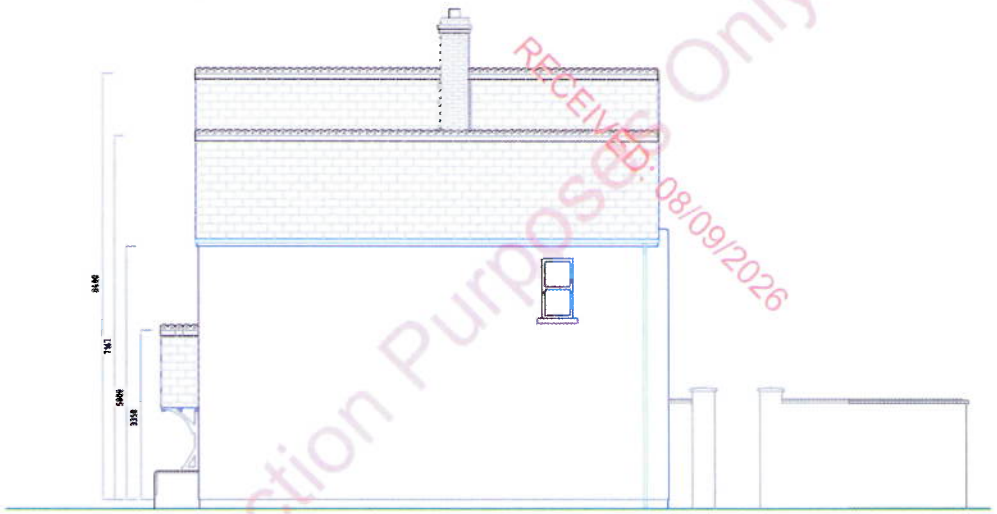
Graphic Concepts
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SITE LAYOUT MAP

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



EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION

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

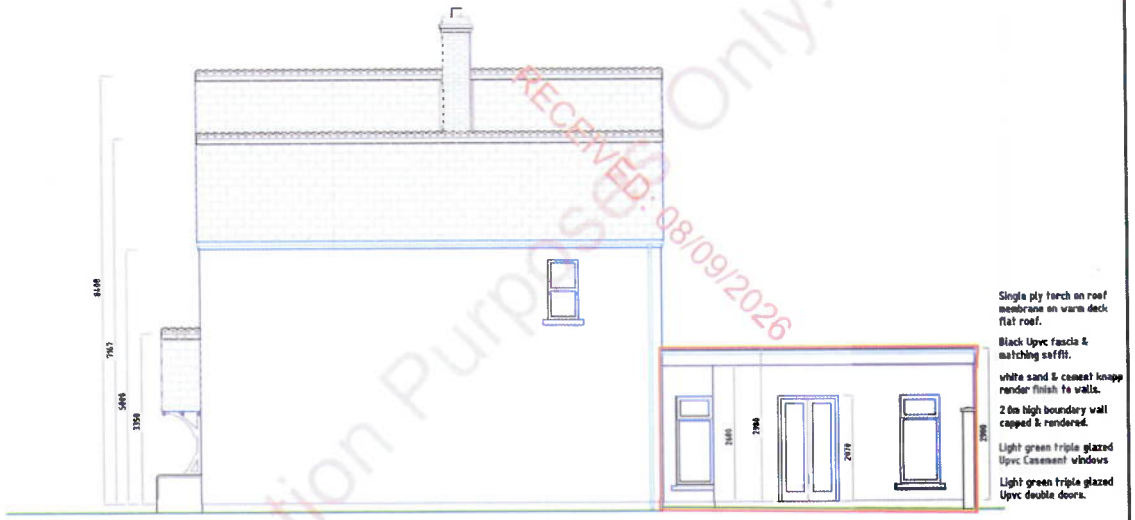
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ORIGINAL ELEVATIONS OF DWELLING

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



EXISTING WEST ELEVATION

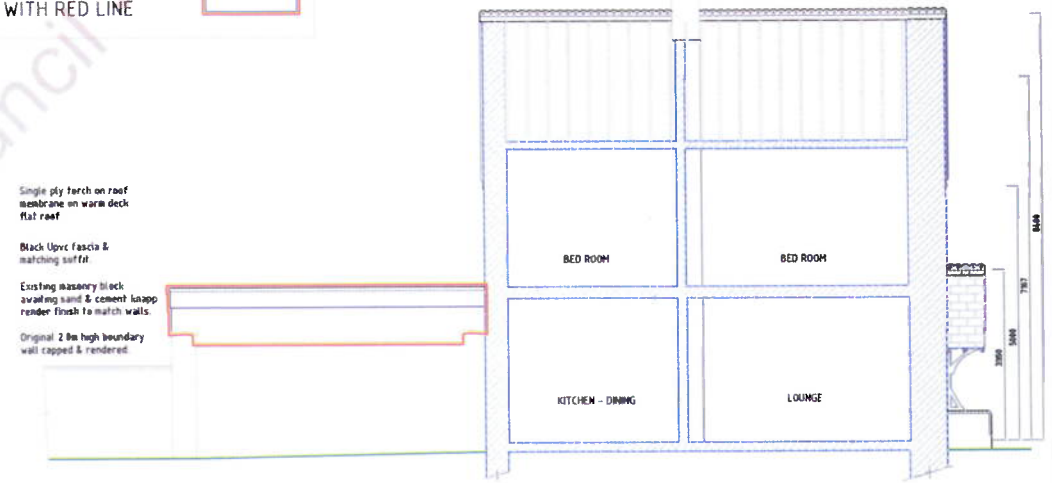


EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION

EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE



EXISTING NORTH ELEVATION

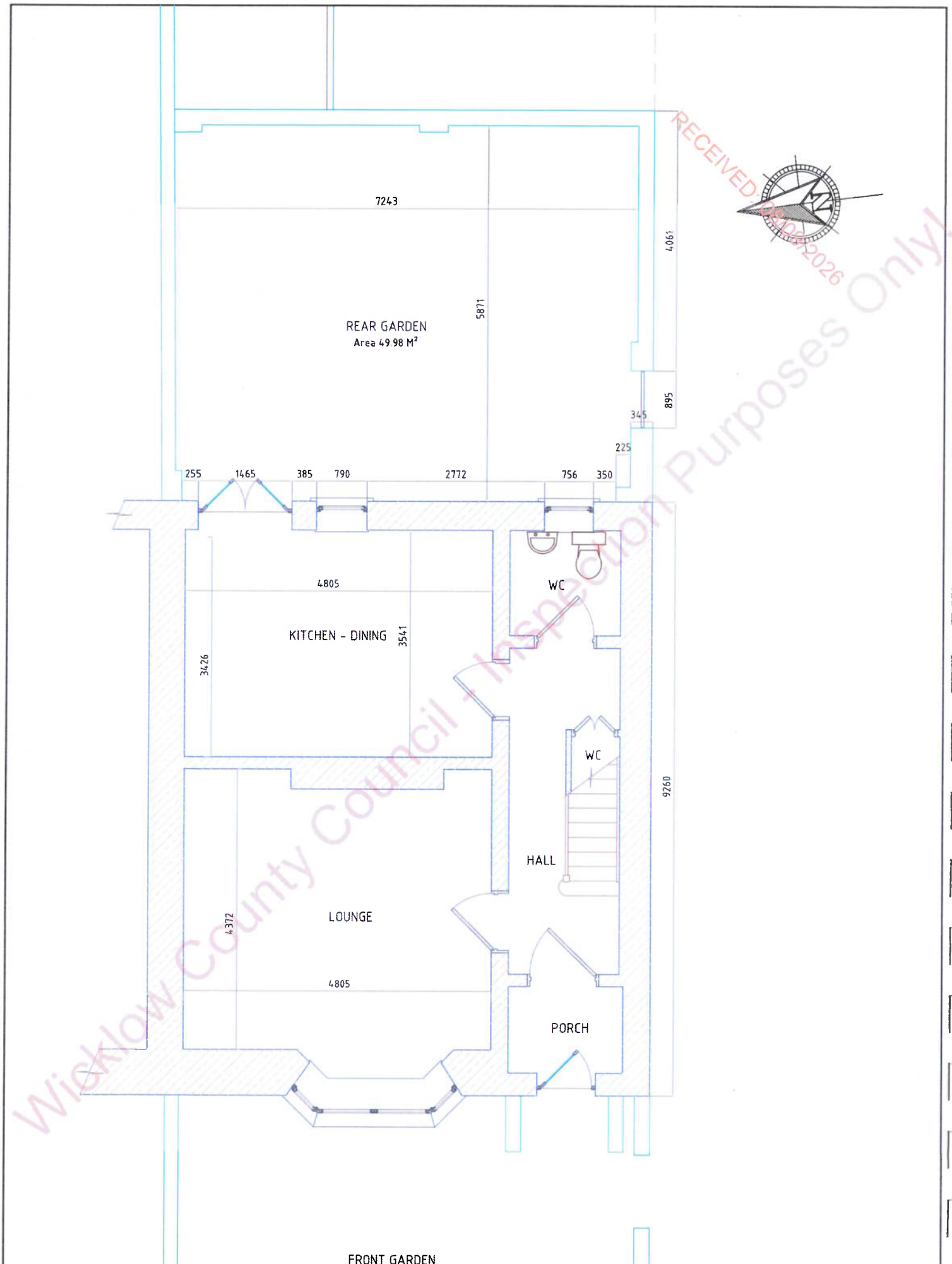
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JODIE REDMOND
RETENTION OF EXISTING EXTENSION AT
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ARKLOW, Co WICKLOW.

Graphic Concepts
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EXISTING ELEVATIONS OF DWELLING

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



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Wicklow County Council - Inspection Purposes Only!

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

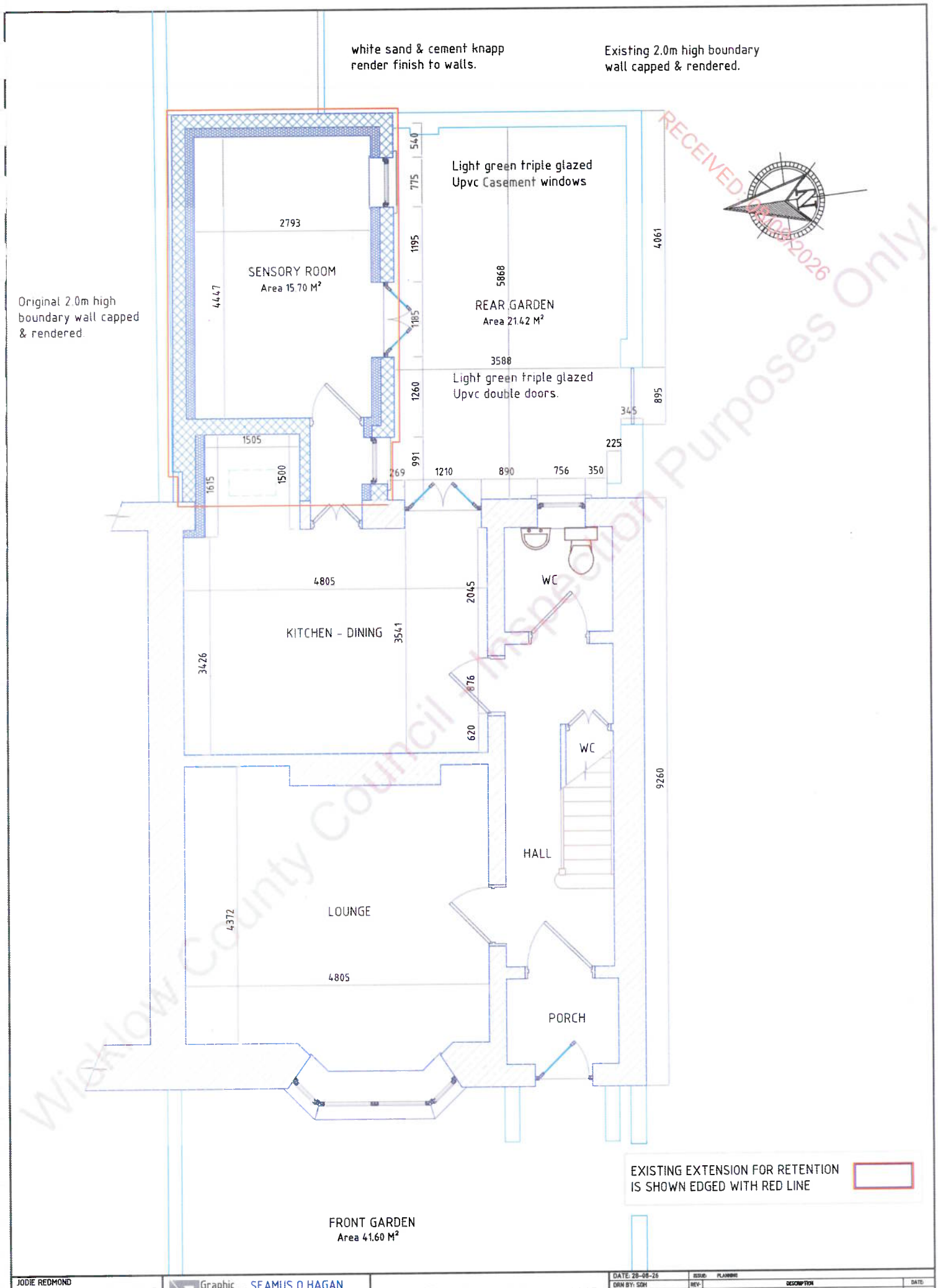
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ORIGINAL FLOOR PLAN OF DWELLING

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

ISSUE: PLANNING

REV	DESCRIPTION	DATE



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

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EXISTING FLOOR PLAN OF DWELLING

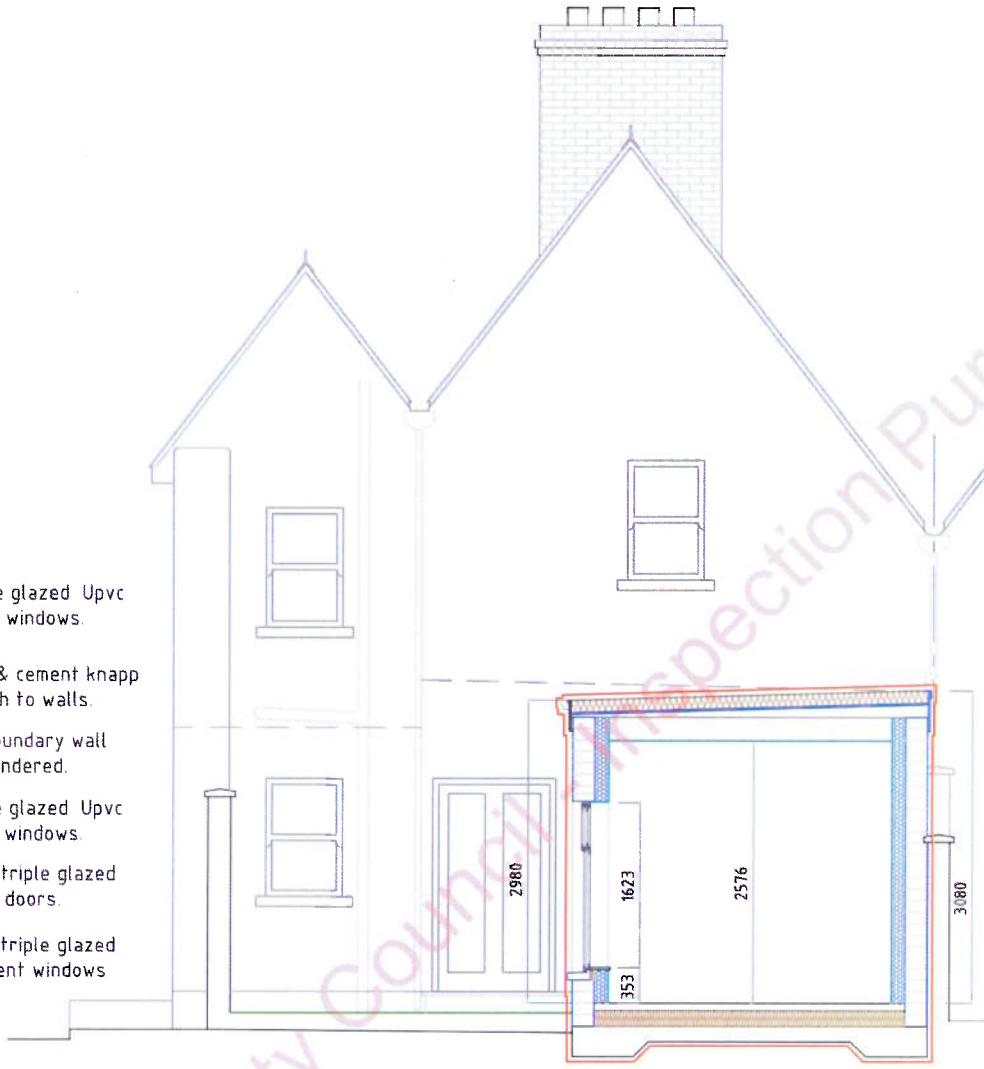
DATE: 28-08-26
DRN BY: SOH
SCALES: 1:50
DRG. No.: 13-26-G
SHEET SIZE: A3

ISSUED: PLANNING

REV.	DESCRIPTION	DATE

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Cream triple glazed Upvc sliding sash windows.

white sand & cement knapp render finish to walls.

2.0m high boundary wall capped & rendered.

Cream triple glazed Upvc sliding sash windows.

Light green triple glazed Upvc double doors.

Light green triple glazed Upvc Casement windows

Single ply torch on roof membrane on warm deck flat roof.

Black Upvc fascia & matching soffit.

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

Original 2.0m high boundary wall capped & rendered.

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

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

SECTION A - A

EXISTING EXTENSION FOR RETENTION IS SHOWN EDGED WITH RED LINE

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

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SECTION A - A THROUGH EXTENSION

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