Comhairle Contae Chill Dara
Kildare County Council

Date: 16th October 2026
Our Ref: ED/1413

Sarah O'Brien,
13 Parklands Court,
Maynooth,
Co. Kildare W23 W1W1.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 13 Parklands Court, Maynooth, Co. Kildare W23 W1W1.

Dear Sir/Madam,

I refer to your correspondence received on 21st September 2026 in connection with the above.

Please find attached declaration made under Section 5 of Planning and Development Acts 2000 (as amended) in this regard.

Yours sincerely,

PP
Senior Executive Officer,
Planning Department.

Comhairle Contae Chill Dara
Kildare County Council

Declaration of Development & Exempted Development under Section 5 of the Planning and Development Act 2000 (as amended).

ED/1413

WHEREAS a question has arisen as to whether the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house at 13 Parklands Court, Maynooth, Co. Kildare W23 W1W1 is exempted development

AS INDICATED on the plans and particulars received by the Planning Authority on 21st September 2026

AND WHEREAS Sarah O'Brien requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

a. Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
b. Articles 6(1) and 9 (1)(a)(i) of the Planning and Development Regulations, 2001 (as amended),
c. The planning history pertaining to the subject site, in particular Condition No. 6 under Reg. Ref. 22/378, and
d. The plans and particulars submitted with the Declaration application and the nature, extent and purpose of the works

AND WHEREAS Kildare County Council has concluded that

a. The existing detached home office/garden rooms, which constitutes development under Section 3 of the Planning and Development Act 2000 (as amended), and
b. The development is contrary to Planning Condition No. 6, granted under Reg. Ref. 22/378 on the subject site and therefore the development does not comply with the provisions of Articles 6(1) and 9 (1)(a)(i) of the Planning and Development Regulations, 2001(as amended).

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house at 13 Parklands Court, Maynooth, Co. Kildare W23 W1W1 ***IS development and IS NOT EXEMPTED development*** pursuant to the provisions of Sections 2, 3 and 4 of the Planning and Development Act, 2000 (as amended) and Articles 6(1) and 9(1)(a)(i) of the Planning and Development Regulations, 2001 (as amended).

Comhairle Contae Chill Dara
Kildare County Council

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Board of the prescribed fee, refer a declaration to An Coimisiún Pleanála within 4 weeks of the issuing of the decision.

16th October 2026

PP **Senior Executive Officer,**
Planning Department.

KILDARE COUNTY COUNCIL

PLANNING, ENTERPRISE & ECONOMIC DEVELOPMENT DEPARTMENT

Section 5 referral & declaration on development and exempted development

Planning & Development Act 2000 (as amended)

Reference No. ED/1413

Name Of Applicant(s):	Sarah O'Brien
Address Of Development:	13 Parklands Court, Maynooth, Co Kildare W23 W1W1
Question to which this Declaration is sought:	Whether the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house, is exempted development under Section 4(1)(j) of the Planning and Development act 2000 (as amended) and Article 6 Part 1, Class 3 of Schedule 2 of the Planning and Development Regulations 2001 (as amended)
Due date	19/10/2026

Declaration Question

This is a request for a **DECLARATION** under Section 5(1) of the Planning and Development Act 2000, as amended, to establish whether under Section 5 of the Act:

1. *the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house*

is or **is not** development and **is** or **is not** exempted development.

Site Location

The site of the proposed development is located in Parklands Court, Maynooth, the site contains a two-storey semi-detached dwelling. The applicant has applied for an exempted development declaration for an existing home office/ garden room used for a purpose incidental to the enjoyment of the house.



Figure 1: Illustrative location of subject site bordered in yellow



Figure 2: Aerial image of subject site bordered in yellow

Planning History

Planning Application(s)

22/378 – Permission **granted** for construction of new two storey, two-bedroom extension over existing playroom and utility room to side and for single storey utility room, kitchen and living room extension to side and rear of house. New Velux roof light to side. Also, for single storey porch extension to front and widening of driveway to front for access and for all ancillary site and drainage works.

The permission was subject to 13 no. conditions. The following condition is relevant to this request under Section 5:

> 6. No building shall be constructed within 4m of the boundary treatment to the rear of the application site.
> **Reason:** This is to allow for the applicant to maintain their building without the need to enter Irish Rail Property in the interest of safety.

Enforcement Case Files

Unauthorised Development - UD9189

Relevant Legislative Background

Primary Legislation: Planning and Development Act 2000 (as amended)

Section 2(1)

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

Section 3(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.

Section 4(1)

The following shall be exempted development for the purposes of the Act-

(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;

Secondary Legislation: Planning and Development Regulations 2001 (as amended)

Article 6(1) [Exempted Development – General]

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

Article 9 (1)(a)(i) Restrictions on exemption.

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

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

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(b) [SAAO – none in County Kildare]

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,

(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

EIA and AA Screening

Section 5(7) EIA Screening
The proposed development is not specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. In any event, it is considered, having regard to nature, size and location, the proposed development would not be likely to have significant effects on the environment. Therefore, EIA is not required.

An Appropriate Assessment Screening accompanies this report.

Assessment

Question 1 - Is it development?

The first question to address is whether or not *the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house,* would constitute development in accordance with the provisions of the Planning and Development Act, 2000 (as amended).

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 3(1)) and defines "*'works' to include any act or operation of* construction, *excavation, demolition, extension, alteration, repair or renewal".*

Having regard to the question asked, which involves an ***act or operation of* construction**, it is therefore considered that this constitutes works as defined by Section 3 and would therefore constitute **development**.

Question 2 - Is it or is it not exempted development?

Is the development of *the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house* exempted development?

Having regard to:

Primary Legislation

It is considered that the development is exempted development under the Primary Legislation, Section 4(1), as the development is being used for the purpose incidental to the enjoyment of the house. A structure on lands within the curtilage of a dwelling for this purpose is considered exempt development.

Secondary Legislation

Under Article 9 (1)(a)(i) development, to which Article 6 relates, shall not be exempted development for the purposes of the Act 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.

Class 3 of Part 1, of Schedule 2 of the Planning and Development Regulations entitled- '*Exempted Development – General*' applies subject to the following limitations and conditions:

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 30 square metres.
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space reserved exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.
4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such.

As per the restrictions for exempt development, the development to which Article 6 relates shall not be exempted development for the purposes of the Act. The carrying out of such development, in this instance the placement of the existing home office/ garden room, would contravene a condition attached to a permission and would be inconsistent with any use specified in a permission under the Act.

Condition No. 6 attached to the grant of permission for Reg. Ref. 22/378 stated that no building shall be constructed within 4m of the boundary treatment to the rear of the application site. This condition is in place for safety reasons so as the applicant will not need to enter Irish Rail Property abutting the rear boundary.

The home office/ garden room is positioned to the rear of the subject site with a distance of 460mm from the rear boundary wall, as illustrated below.

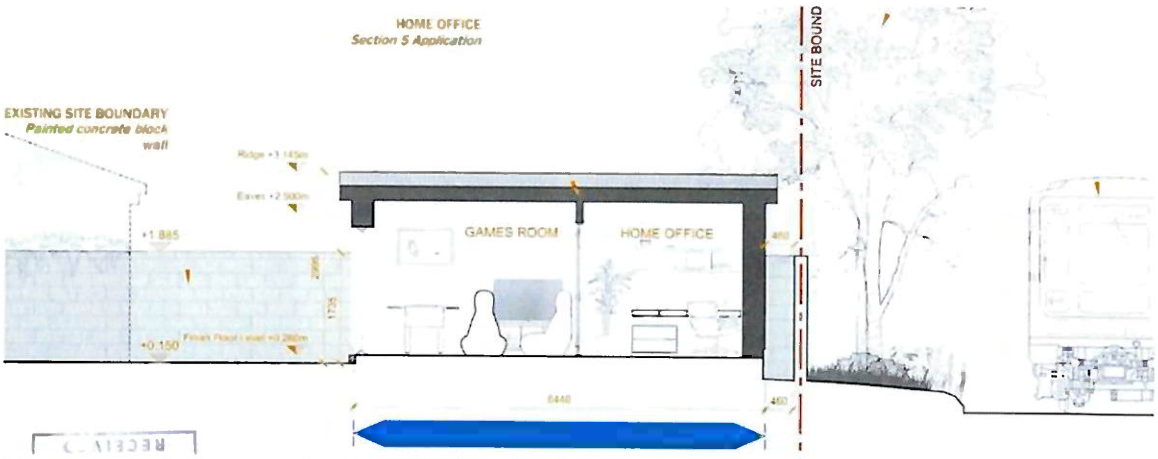


Figure 2: Aerial image of subject site bordered in yellow

Conclusion and Recommendation

Having regard to:

a. Sections 2,3 and 4 of the Planning and Development Act 2000 (as amended),
b. Articles 6(1) and 9 (1)(a)(i), of the Planning and Development Regulations, 2001(as amended),
c. The planning history pertaining to the subject site, in particular Condition No. 6 under Reg. Ref. 22/378, and
d. The plans and particulars submitted with the Declaration application and the nature, extent and purpose of the works

It is considered that:

a. The existing *detached home office/garden rooms*, which constitutes development under Section 3 of the Planning and Development Act 2000 (as amended), and
b. The development is contrary to Planning Condition No. 6, granted under Reg. Ref. 22/378 on the subject site and therefore the development does not comply with the provisions of Articles 6(1) and 9 (1)(a)(i) of the Planning and Development Regulations, 2001(as amended).

And therefore, it is concluded that:

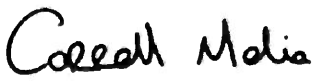
The *existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house* **constitutes development** as defined in Section 3(1) of the Planning and Development Act 2000 (as amended) and is **not exempted development** as defined by the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).



Signed: **Isobel O'Beirne Morrissey**

Assistant Planner

Date **02/10/2026**



Signed: **Carroll Melia**

Senior Executive Planner

Date: **16/10/2026**

Declaration of Development & Exempted Development under

Section 5 of the Planning and Development Act 2000 (as amended)

WHEREAS a question has arisen as to whether the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house

AS INDICATED on the plans and particulars received by the Planning Authority on the 21st of September 2026

AND WHEREAS *Sarah O'Brien* requested a declaration on the said question from Kildare County Council,

AND WHEREAS Kildare County Council as the Planning Authority, in considering this application for a declaration under Section 5 of the Planning and Development Act 2000 (as amended), had regard to;

a. Sections *2, 3, and 4* of the Planning and Development Act 2000 (as amended);
b. Articles 6(1) and 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended,
c. The planning history pertaining to the subject site, in particular Condition No. 6 of planning permission 22/378
d. The nature, extent and purpose of the development,

AND WHEREAS Kildare County Council has concluded that:

a. The existing *detached home office/garden room*s, which constitutes development under Section 3 of the Planning and Development Act 2000 (as amended), and
b. The development is contrary to Planning Condition No. 6, granted under Reg. Ref. 22/378 on the subject site and therefore the development does not comply with the provisions of Articles 6(1) and 9(1)(a)(i) of the Planning and Development Regulations, 2001(as amended).

NOW THEREFORE Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended), hereby decides that -

the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house

IS development and IS NOT EXEMPTED development pursuant to the provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended).

Please note that any person issued with a declaration under Section 5 of the Planning and Development Act 2000 (as amended) may on payment to the Comission of the prescribed fee, refer a declaration to An Coimisiún Pleanála within 4 weeks of the issuing of the decision.

Appendix 1

APPROPRIATE ASSESSMENT SCREENING REPORT AND CONCLUSION STATEMENT	
(A) Project Details	
Planning File Ref	ED 1413
Applicant name	*Sarah O'Brien*
Development Location	13 Parklands Court, Maynooth, Co. Kildare
Site size	Not stated on application
Application accompanied by an EIAR (Yes/NO)	No.
Distance from Natura 2000 site in km	The closest designated Natura 2000 site to the application site is c. 1km (Rye Water Valley/Carton SAC)
Description of the project/proposed development: *existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house*	
(B) Identification of Natura 2000 sites which may be impacted by the proposed development	

			Yes/No **If answer is yes, identify list name of Natura 2000 site likely to be impacted.**
1	**Impacts on sites designated for freshwater habitats or species.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh lake	*Is the development within a Special Area of Conservation whose qualifying interests include freshwater habitats and/or species, or in the catchment*	No

		(upstream or downstream) of same?	
2	**Impacts on sites designated for wetland habitats - bogs, fens, marshes and heath.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Mouds Bog, Ballynafagh Bog, Red Bog, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include wetland habitats (bog, marsh, fen or heath), or within 1 km of same?*	Yes
3	**Impacts on designated terrestrial habitats.** Sites to consider: River Barrow and Nore, Rye Water/Carton Valley, Pollardstown Fen, Ballynafagh Lake	*Is the development within a Special Area of Conservation whose qualifying interests include woodlands, dunes or grasslands, or within 100m of same?*	No
4	**Impacts on birds in SPAs** Sites to consider: Poulaphouca Reservoir	*Is the development within a Special Protection Area, or within 5 km of same?*	No

Conclusion:

If the answer to all of the above is **No**, significant impacts can be ruled out for habitats and bird species.

(C) Identification of Potential Impacts on Habitats and Birds.		
1	**Impacts on designated rivers, streams, lakes and fresh water dependent habitats and species.** ***Answer the following if the answer to question 1 in table B was YES*** *Does the development involve any of the following:*	
1.1	Works within the boundary of a Special Area of Conservation excluding small extensions/alterations to existing buildings.	**N/A**
1.2	Discharge to surface water or groundwater within 5km of SAC.	**N/A**

1.3	Abstraction from surface water or groundwater within 5km of SAC.	**N/A**
1.4	Removal of topsoil within 500m of watercourses	**N/A**
1.5	Infilling or raising of ground levels within 100m of watercourses	**N/A**
1.6	Construction of drainage ditches within 1km of SAC.	**N/A**
1.7	Installation of wastewater treatment systems; percolation areas; septic tanks within 500 m of watercourses	**N/A**
1.8	Construction within a floodplain or within an area liable to flood	**N/A**
1.9	Crossing or culverting of rivers or streams within 5km of SAC	**N/A**
1.10	Storage of chemicals, hydrocarbons or organic wastes within 1km of a watercourse	**N/A**
1.11	Development of a large scale which involves the production of an EIS	**N/A**
1.12	Development of quarries/mines	**N/A**
1.13	Development of windfarms	**N/A**
1.14	Development of pumped hydroelectric stations	**N/A**
1.15	Construction of roads or other infrastructure on peat habitats within 1km rivers, streams, lakes and freshwater dependent habitats	**N/A**
2	**Impacts on designated wetlands - bogs, fens, marshes and heath.** ***Answer the following if the answer to question 2 in table B was YES*** *Does the development involve any of the following:*	
2.1	Works within the boundary of a Special Area of Conservation excluding small extensions/alterations to existing buildings.	**No**
2.2	Construction of roads or other infrastructure on peat habitats within 1km of bog, marsh, fen or heath habitat within a Natura 2000 site	**No**

2.3	Development of a large scale within 1km of bog, marsh, fen or heath habitat within a Natura 2000 site which involves the production of an EIAR	**No**
3	**Impacts on other designated terrestrial habitats (woodland, grasslands)** ***Please answer the following if the answer to question 3 in table B YES*** *Does the development involve any of the following:*	
3.1	Works within the boundary of a Special Area of Conservation.	**N/A**
3.2	Development within 200m of Natura 2000 site with woodland, grassland or coastal habitats.	**N/A**
3.3	Development of a large scale within 1km of Natura 2000 site with woodland, grassland or coastal habitats which involves the production of an EIS.	**N/A**

Conclusion:

If the answer to all of the above is **No**, significant impacts on habitats within Natura 2000 sites can be ruled out. No further assessment is required in relation to habitats.

If the answer is **Yes**, you will require further information, which should be provided in the form of a Natura Impact Statement which should address the particular issues of concern as identified through the above.

Name:	Isobel O'Beirne Morrissey
Position:	Assistant Planner
Date:	02/10/2026

COMHAIRLE CONTAE CHILL DARA

KILDARE COUNTY COUNCIL

Director of Services Order

I, Alan Dunney, Director of Services of Planning, Enterprise & Economic Development, by the powers conferred on the Chief Executive of Kildare County Council under Section 151 of the Local Government Act 2001, as amended by the Local Government Reform Act 2014, and which powers are delegated to me pursuant to Section 154 of the Local Government Act 2001 (as amended) by Chief Executive's Order number: CE63325, do hereby make the following Order:

ORDER NO: DO68419 **Section:** Planning

SUBJECT: ED/1413
Sarah O'Brien of 13 Parklands Court, Maynooth, Co. Kildare W23 W1W1. Exempt Development Application for whether the existing detached home office/garden room, used for a purpose incidental to the enjoyment of the house at 13 Parklands Court, Maynooth, Co. Kildare W23 W1W1 is exempt development.

SUBMITTED: File Ref. ED1413 with recommendation from the Senior Executive Planner and reports from the Council's Technical Officers.

ORDER: **I hereby order the following** Kildare County Council, in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act 2000 (as amended) hereby decides that the proposed development is development and is not exempted development.

MADE THIS 16th DAY OF October YEAR 2026

SIGNED: Alan Dunney

DIRECTOR OF SERVICES

Comhairle Contae Chill Dara
Kildare County Council

Date: 21st September 2026.
Our Ref: ED/1413.

Sarah O'Brien,
13 Parklands Court,
Maynooth,
Co Kildare.
W23 W1W1.

RE: Application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) for development at 13 Parklands Court, Maynooth, Co. Kildare. W23 W1W1.

Dear Sir/Madam,

I acknowledge receipt of your application for a Declaration of Exempted Development under Section 5 of Planning and Development Act 2000 (as amended) received on 21st September 2026 in connection with the above.

Yours sincerely,

Senior Executive Officer,
Planning Department.

Kildare County Council

Declaration of Exempt Development under Section 5, of the Planning and Development Act 2000 as amended

Incomplete application forms will be deemed invalid and returned	All responses must be in block letters

Section 1	Details of Applicants

1. Name of Applicant(s) A. Surname……**O'BRIEN**……..
Forenames……**SARAH**…… Phone No……[redacted]…..
E-Mail Address ……[redacted]……..
2. Address ……**13 PARKLANDS COURT, MAYNOOTH, CO. KILDARE W23 W1W1**……
……..

Section 2	Person/Agent acting on behalf of applicant (if applicable) N/A

1. Name of Person/Agent: Surname…….. Forenames……..
Phone No…… E-Mail Address ……
2. Address……

Section 3	Company Details (if applicable) N/A

1. Name of Company ……
Phone No…… E-Mail Address ……..
2. Company Reg. No……
3. Address……

Section 4	Details of Site

1. Planning History of Site……..

THERE IS 1 NO. PREVIOUS PLANNNING APPLICATIONS ON THE SITE: PLANNING REF: 22378. PLANNING FOR THIS APPLICATION WAS GRANTED ON 21.07.2022.
PLEASE NOTE THAT DESPITE THE GRANT OF PERMISSION, THE WORKS WERE NEVER CARRIED OUT DUE TO UNFORSEEN PERSONAL CIRCUMSTANCES OF THE APPLICANT.

2. Address of Subject Site (including Eircode) ……

13 PARKLANDS COURT, MAYNOOTH CO. KILDARE. W23 W1W1

3. Ordnance Survey Sheet No……..

3192-B

4. Please state the Applicants interest in the site ……

OWNER / REGISTERED OWNER

Kildare County Council
Planning Department
21 SEP 2026
RECEIVED

5. What is the question to which this Declaration is sought

.....

WHETHER THE EXISTING DETACHED HOME OFFICE/GARDEN ROOM, USED FOR A PURPOSE INCIDENTAL TO THE ENJOYMENT OF THE HOUSE, IS EXEMPTED DEVELOPMENT UNDER SECTION 4(1)(J) OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED, AND ARTICLE 6, PART 1, CLASS 3 OF SCHEDULE 2 TO THE PLANNING AND DEVELOPMENT REGULATIONS 2001, AS AMENDED.

6. Under what Section of the Planning and Development 2000 as amended and/or what provision of the Planning and Development Regulations 2001 as amended is exemption sought *(specific details required)*

.....

SECTION 4(1)(J) OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED, AND ARTICLE 6, PART 1, CLASS 3 OF SCHEDULE 2 TO THE PLANNING AND DEVELOPMENT REGULATIONS 2001, AS AMENDED BY S.I. NO. 338 OF 2026.

&

CLASS 3 – CONSTRUCTION, ERECTION OR PLACING WITHIN THE CURTILAGE OF A HOUSE OF A GARAGE, STORE, SHED OR OTHER SIMILAR STRUCTURE, SUBJECT TO THE CONDITIONS AND LIMITATIONS OF CLASS 3, INCLUDING A MAXIMUM COMBINED FLOOR AREA OF 30M², RETENTION OF AT LEAST 25M² PRIVATE OPEN SPACE, HEIGHT LIMITATIONS, AND USE FOR A PURPOSE INCIDENTAL TO THE ENJOYMENT OF THE HOUSE AND NOT FOR HUMAN HABITATION.

7. Please give any additional information that may be relevant (*Use separate page if necessary*) .....

THE EXISTING DETACHED STRUCTURE IS LOCATED WITHIN THE CURTILAGE OF THE DWELLING AND IS POSITIONED BEHIND THE FRONT WALL OF THE HOUSE. THE STRUCTURE IS LOCATED WITHIN THE REAR GARDEN BEHIND THE HOUSE, IN THE NORTH-WESTERN CORNER OF THE SITE, AS INDICATED ON THE SITE LAYOUT PLAN AND ACCOMPANYING DRAWINGS. THERE ARE NO OTHER SHEDS OR BUILT STRUCTURES IN THE BACK GARDEN.

- **THE STRUCTURE HAS A GROSS FLOOR AREA OF 29M² (6.440M² x 4.490M²).**
- **A MAXIMUM OVERALL HEIGHT OF 2.995M².**
- **ONLY EXTERNAL DOOR IS 1.240M AWAY FROM CLOSEST BOUNDARY WITH ADJOINING PROPERTY.**
- **WINDOWS FACING INTO REAR GARDEN ARE 8.3M² TO OPPOSITE BOUNDARY.**
- **REAR WALL BOUNDARY BEING AT AN ANGLE TO THE OFFICE RESULTING IN THE DISTANCE TO THE SAID BOUNDARY BEING 460MM & 1.410M RESPECTIVELY.**
- **CLOSEST MIN. DISTANCE TO DWELLING ON SITE IS 2.3M².**
- **THE DEVELOPMENT DOES NOT REDUCE THE PRIVATE OPEN SPACE AVAILABLE TO THE OCCUPANTS OF THE HOUSE TO LESS THAN 25M². IT TAKES UP 29.0M² (19%) of the BACKGRADEN SPACE AND LEAVES 147.0M² (81%).**
- **THE STRUCTURE IS USED SOLELY AS A HOME OFFICE FOR PURPOSES INCIDENTAL TO THE ENJOYMENT OF THE HOUSE AND IS NOT USED FOR HUMAN HABITATION.**

Kildare County Council
Planning Department
21 SEP 2026
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Section 5	The following must be submitted for a valid application

(Please Tick)

1.	Site Location Map (1:2500 Rural Areas) (1:1000 Urban Areas)	✓
2.	A Site Layout Plan (Scale 1:500) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
3.	Drawings of the development (Scale 1:50) in full compliance with Article 23 of Planning and Development Regulations 2001 as amended	✓
4.	All drawings to differentiate between the original building, all extensions and proposed development	✓
5.	Fee of 80 Euro	✓

Section 6	Declaration

I, Sarah O'Brien certify that all of the above information is correct, and I have submitted all the required documents as outlined at Section 6 above.

Signature: Sarah O'Brien Date: 21/09/26



Comhairle Contae Chill Dara
Kildare County Council

Kildare County Council
Planning Department
21 SEP 2026
RECEIVED

Data Protection Act 2018
PRIVACY STATEMENT

Who are we?

Kildare County Council (the Council) is the democratically elected unit of Local Government in County Kildare and is responsible for providing a range of services to meet the economic, social and cultural needs of the people of our County. In order to provide the most effective and targeted services to meet the needs of the citizens, communities and businesses of County Kildare we will be required to collect, process and use certain types of information about people and organisations. Depending on the service being offered, information sought may include 'personal data' as defined by the Data Protection Acts and the General Data Protection Regulation (GDPR) and may relate to current, past and future service users; past; current and prospective employees; suppliers; and members of the public who may engage in communications with our staff. In addition, staff may be required, from time to time, to collect process and use certain types of personal data to comply with regulatory or legislative requirements or to carry out functions in the public interest.

Why do we have a Privacy Statement?

This privacy statement has been created to demonstrate the Council's commitment that personal data you may be required to supply to us, to enable us to provide services, is;

- Obtained lawfully, fairly and in a transparent manner
- Obtained for only specified, identified and legitimate purposes
- Processed for purposes which we have identified or purposes compatible with the purposes that we have identified.
- Adequate, relevant and limited to what is necessary for purpose for which it was obtained
- Personal data collected and processed must be accurate and (where necessary) kept up to-date.
- Kept only for as long as is necessary for the purposes for which it was obtained.
- Processed in a manner that ensures the appropriate security of the personal data including protection against unauthorised or unlawful processing.

More detail is available in our Data Protection Policy at http://kildare.ie/CountyCouncil/DataProtection/ or you can request a hard copy at 045 980 200.

What is the activity referred to in this Privacy Statement?

Kildare County Council performs the role of Planning Authority for the County. The planning application process is a statutory requirement which allows for the relevant parties and public to participate in the proper development of the lands in the County.

Comhairle Contae Chill Dara
Kildare County Council

What is the basis for making the processing of this personal data lawful?

Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in Kildare County Council in accordance with Article 6(1)(e) of the General Data Protection Regulation,2016. Specifically the lawful basis for this process is the Planning & Development Acts 2000- 2017 and the Planning and Development Regulations 2001 - 2017. In addition there are also certain delegated functions under the local Government Reform Act 2014.

We require contact details

In order to communicate with you, you will be asked for contact details. You do not have to provide all contact details but providing more, such as email, phone, address, makes it easier to communicate. Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data. These contact details may also be used to verify your identity.

What other types of personal data do we need to undertake this activity?

(a) Data subject - Name, address, contact number, copy of payment receipt, local needs information & supporting documentation which may include documents such as birth certificate, baptismal certificate, credit union details, copy of driving license, copy of passport, school documentation etc.
(b) Third parties related to the land - name, address, land ownership
(c) Third parties - information related to submissions made to the Planning Authority (Elected Representatives)
Medical records and potentially other sensitive data can be processed under the rural housing local need aspect of this activity. This information is not requested; however it may be voluntarily submitted as part of the application.

What will happen if the personal data is not provided?

All information requested as part of the application process, (excluding the **rural housing** local need information) is mandatory as part of the application process and is required for the application to be considered valid. Any application deemed invalid will not proceed. If the local need information is not submitted, the planner may refuse or request further information on the file in order to satisfy the Planning Authority that the applicant is compliant with the Rural Housing policy of the Kildare County Development Plan 2023-2029.

Am I the only source of this personal data?

In some instances to assist with the delivery of the activity or to comply with regulatory or legislative requirements personal data is sourced from a third party. This **may apply** to this activity.

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Data may be sourced during the planning application process from public sources such as the Property Registration Authority and other publicly available information that Kildare County Council may hold.

Is personal data submitted as part of this activity shared with other organisations?

The Council may, to fulfil statutory or regulatory obligations or in the public interest, from time to time, have to share personal data with other organisations or entities (in Ireland or abroad). Where this is required the Council shall have regard to your rights, to the security and integrity of the data and will minimise the data shared.

Sharing **APPLIES** to this activity.

As part of this process, the planning application data which is publicly available may be forwarded to external agencies/consultees such as ESB, Irish Rail, etc. to review and make a submission if they wish. If an application is to be appealed Kildare County Council are required under the Planning and Development Acts to give all details submitted as part of the planning application to An Coimisiún Pleanála, who then become the joint data controller for the information they hold.

Data **IS NOT** transferred to another country.

Data is transferred to (if there are no countries listed, it is not intended to transfer the personal data abroad)

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How long is my data kept for?

The Council has a detailed record retention policy which outlines time periods for which your personal data will be retained and what will happen to it after the required retention period has expired. A copy of Record Retention Policy can be accessed via the following link: http://www.lgma.ie/sites/default/files/2002_national_retention_policy_for_local_authority_records_2.pdf

Do you need to update your records?

Kildare County Council must take reasonable steps to ensure that personal data we have about our customers is correct and up to date.
In addition, if the data held by us is found to be inaccurate you have the right to rectify/correct this.
If you find that personal data we have about you is inaccurate or needs to be updated (for instance, you may have changed your name, address, contact details etc.) then please contact us so that we can correct it. You can do this by:

Comhairle Contae Chill Dara
Kildare County Council

Writing to us at: Kildare County Council, Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F
Emailing us at customercare@kildarecoco.ie

When making a request to update your record please provide evidence to support this - for example a copy of a document containing your new address – utility (Gas, Electricity, Phone) bill etc.

Your rights:

You have the right to obtain confirmation as to whether data concerning you exists, to request access to personal data held about you, to be informed of the content and source of data and check its accuracy.
If the data held by us is found to be inaccurate you have the right to rectify/correct this – see above on how to update your records.

You also, subject to certain conditions being met, have the right to object to or seek restriction of the processing of personal data and to request the erasure of personal data held by the Council.

Please note that to help protect your privacy, we take steps to verify your identity before granting access to personal data.
To exercise these rights logon to **http://kildare.ie/CountyCouncil/DataProtection/** , use one of the forms at our Counter or contact us.

Kildare County Council - Access to Information Officer

Phone	045 982 200
E-mail	dataprotection@kildarecoco.ie or customercare@kildarecoco.ie
Postal Address	Áras Chill Dara, Devoy Park, Naas, Co Kildare. W91 X77F.



Right of Complaint to the Data Protection Commissioner

If you are not satisfied with the outcome of the response received by the Council you are entitled to make a complaint to the Data Protection Commissioner who may investigate the matter for you. The Data Protection Commissioner's website is **www.dataprotection.ie** or you can contact their Office at:

Comhairle Contae Chill Dara
Kildare County Council

Lo Call Number	1890 252 231
E-mail	info@dataprotection.ie
Postal Address	Data Protection Commissioner Canal House Station Road Portarlington, Co. Laois. R32 AP23.

Changes to Privacy Statement

We may make changes to this Statement. If we make any changes they will be posted on this page and we will change the "Last Updated" date below.

Last Updated 25 May 2018.

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Senior Administrative Officer,
Planning Department,
Kildare County Council
Áras Chill Dara, Devoy Park,
Naas,
Co. Kildare,
W91 X77F.

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19th September 2026

Re: **SECTION 5 DECLARATION APPLICATION** – 13 PARKLANDS COURT, MAYNOOTH, CO. KILDARE. W23 W1W1. &
ENFORCEMENT REF: UD9189

Dear Sir/Madam,

On behalf of the owner of the above property in relation to a Declaration under Section 5 of the Planning and Development Act 2000, as amended.

This application is submitted in seeking a formal determination as to whether the existing detached structure within the rear garden of the dwelling constitutes exempted development. It will also serve as a response to the planning enforcement matter referenced above.

The structure is located within the curtilage of the dwelling and is positioned behind the front wall of the house, in the north-western corner of the rear garden. It is to be used solely as a home office for a purpose incidental to the enjoyment of the dwelling and is not used for human habitation or as a separate residential unit.

The accompanying drawings and documentation provide details of the structure, including its floor area, dimensions, height, location within the site, relationship to the site boundaries and the extent of private open space remaining within the curtilage.

The declaration is sought with reference to Section 4(1)(j) of the Planning and Development Act 2000, as amended, and Article 6, Part 1, Class 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended.

We respectfully request that Kildare County Council consider the enclosed application and issue a declaration under Section 5 in respect of the question identified in the application form.

The application is being submitted in connection with the above enforcement matter and within the timeframe specified by the Planning Authority.

The following documents are included to support the application:

- Section 5 Application
- 2602-100 - OSI Site Location Map
- Receipt for Proof of Purchase of OSI Map
- 2602-110 - Existing Site Layout
- 2602-200 - Existing Floor Plan & Roof Plan
- 2602-300 - Existing Front Elevation
- 2602-301 - Existing Side Elevation
- 2602-310 - Existing Section B-B
- 2602-311 - Existing Section A-A



Yours sincerely,

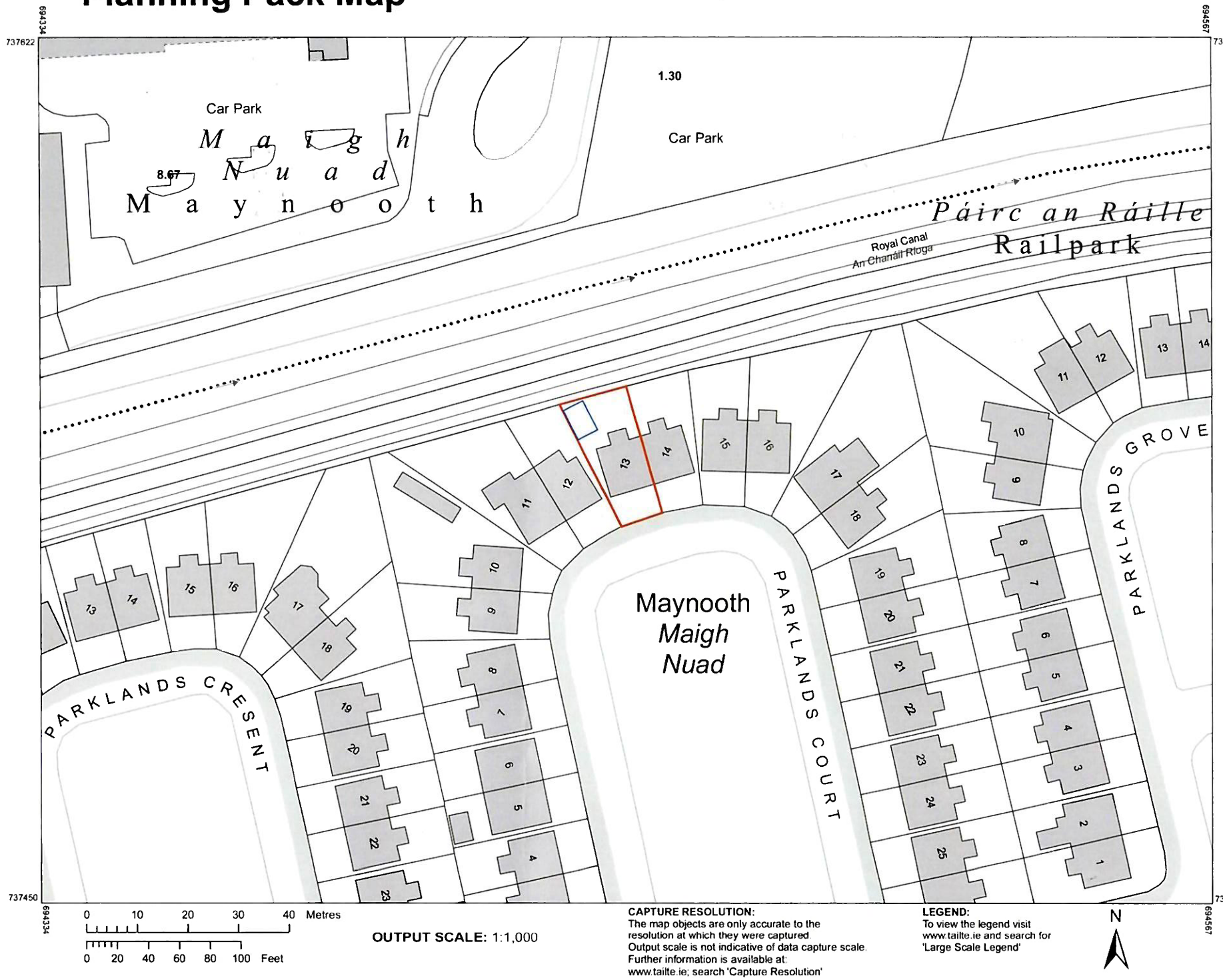
Paul Carberry
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Bachelor of Architecture.
Registered No. 20075

EXTENT OF SITE BOUNDARY
SHOWN IN RED

EXISTING HOME OFFICE BOUNDARY
(SHOWN IN BLUE)
AND BEING THE BASIS OF
THIS SECTION 5 APPLICATION

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Planning Pack Map



OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured
Output scale is not indicative of data capture scale.
Further information is available at:
www.tailte.ie; search 'Capture Resolution'

LEGEND:
To view the legend visit www.tailte.ie and search for 'Large Scale Legend'

N

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CENTRE COORDINATES:
ITM 694451,737536

PUBLISHED: 17/09/2026
ORDER NO.: 50559955_1
MAP SERIES: 1:2,500
MAP SHEETS: 3192-B

COMPILED AND PUBLISHED BY:
Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
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The representation on this map of a road, track or footpath is not evidence of the existence of a right of way.

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

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Revision	
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F	DATE-HERE
E	DATE-HERE
D	DATE-HERE
C	DATE-HERE
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Project	NO. 13 PARKLANDS COURT HOME OFFICE
Drawing Title	OSI SITE LOCATION
Client	SARAH O'BRIEN



EXISTING SITE LAYOUT
SCALE: 1:100

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- SITE BOUNDARY
- BOUNDARY OF AREA THAT PERTAINS TO SECTION 5 APPLICATION
- BOUNDARY OF BACK GARDEN

- BACK GARDEN TOTAL SQM : **147m²**
- HOME OFFICE TOTAL SQM : **29m²**
- REMAINING SQM OF PRIVATE OPEN SPACE : **118m²**
- REMAINING PERCENTAGE OF PRIVATE OPEN SPACE : **81%**

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Project	NO. 13 PARKLANDS COURT HOME OFFICE
Drawing Title	EXISTING SITE LAYOUT
Client	SARAH O'BRIEN

13 PARKLANDS COURT

TRAIN TRACKS

EXISTING VEGETATION

EXISTING HOUSE
Main Property not part of this Section 5 Application

TRAIN TRACKS

HOME OFFICE
Section 5 Application

SITE BOUNDARY

EXISTING SITE BOUNDARY
Painted concrete block wall

Ridge +3.145m

Eaves +2.500m

+1.885

2995

1735

+0.150

Finish Floor Level +0.280m

GAMES ROOM

HOME OFFICE

460

6440

460

EXTENT OF SECTION 05 APPLICATION

EXTENT OF SITE

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EXISTING SECTION A-A
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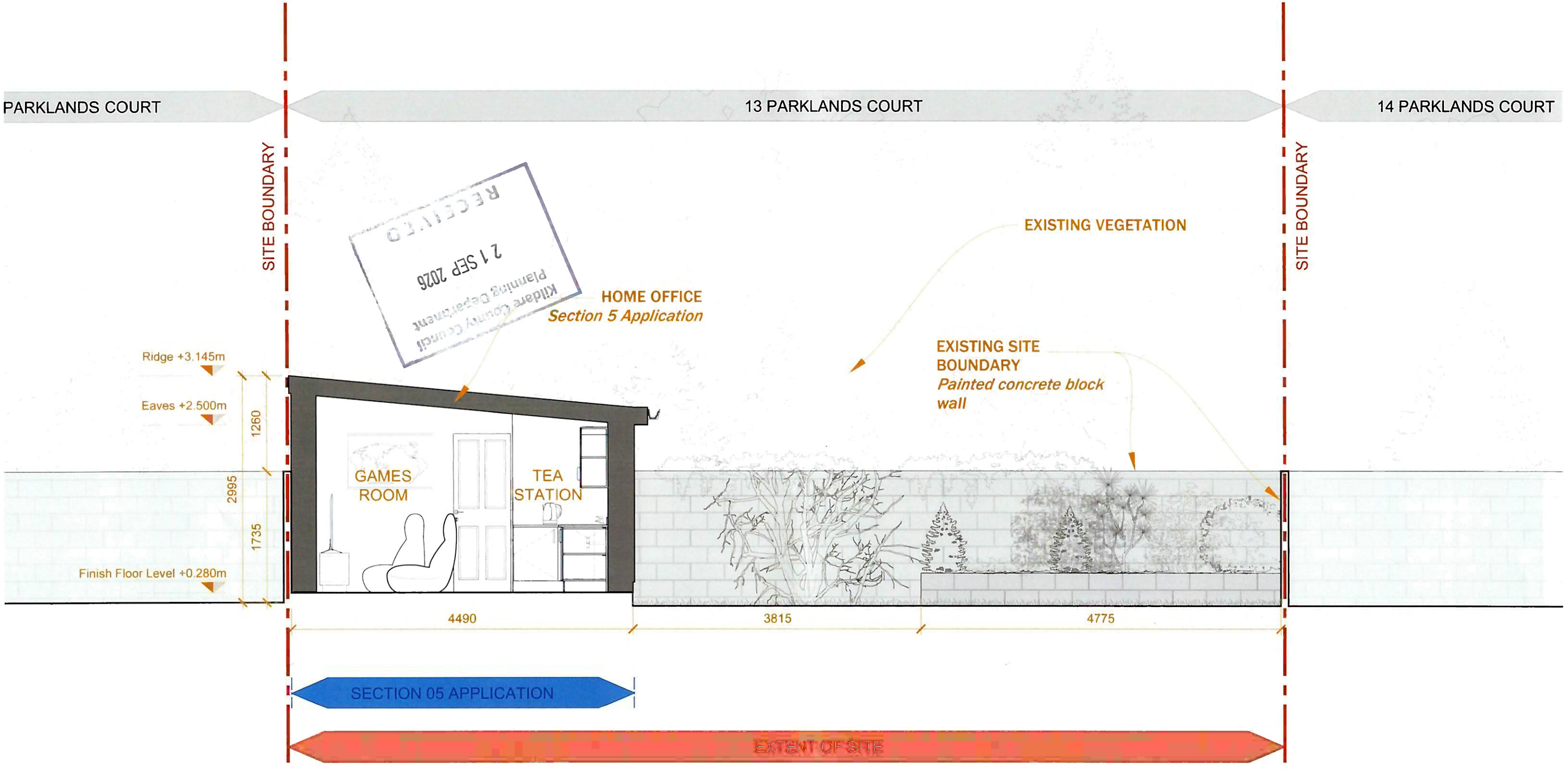
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Project	NO. 13 PARKLANDS COURT HOME OFFICE
Drawing Title	**PROPOSED** SECTION A-A
Client	SARAH O'BRIEN



EXISTING SECTION B-B
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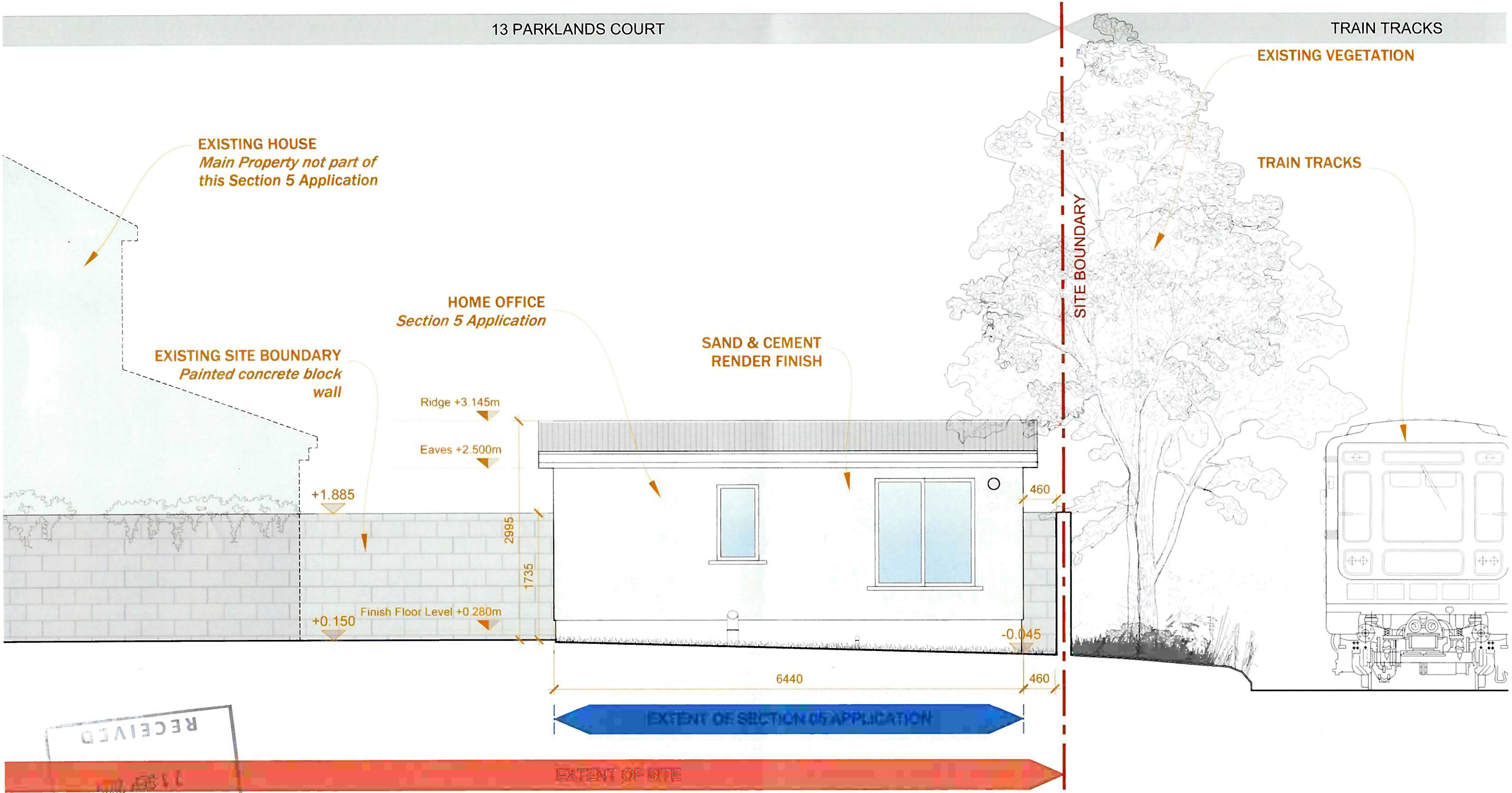
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Project	NO. 13 PARKLANDS COURT HOME OFFICE
Drawing Title	EXISTING SECTION B-B
Client	SARAH O'BRIEN



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EXISTING | HOME OFFICE - SIDE ELEVATION

SCALE: 1:50

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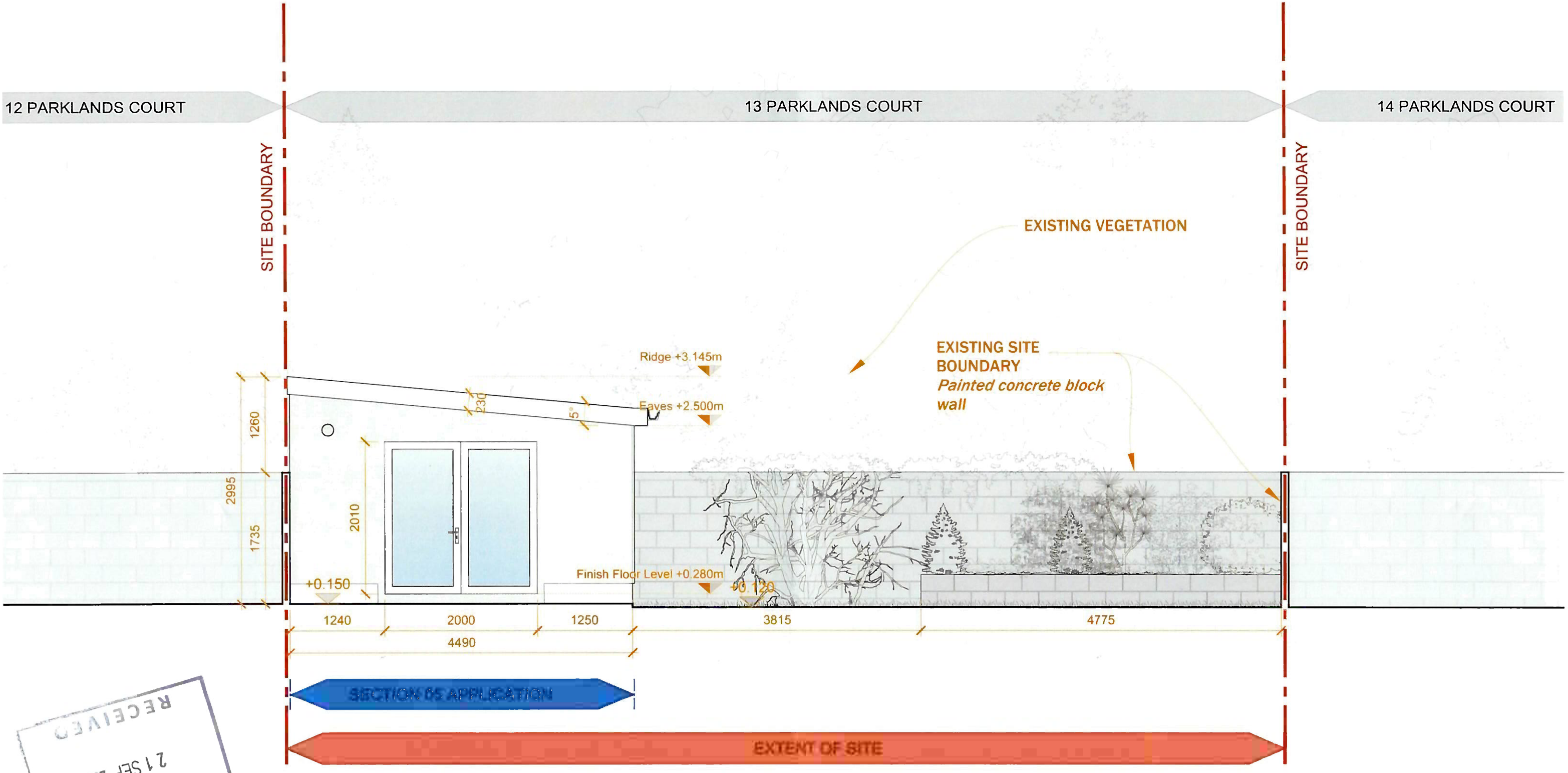
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Project	NO. 13 PARKLANDS COURT HOME OFFICE
Drawing Title	EXISTING SIDE ELEVATION
Client	SARAH O'BRIEN



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EXISTING | HOME OFFICE FRONT ELEVATION

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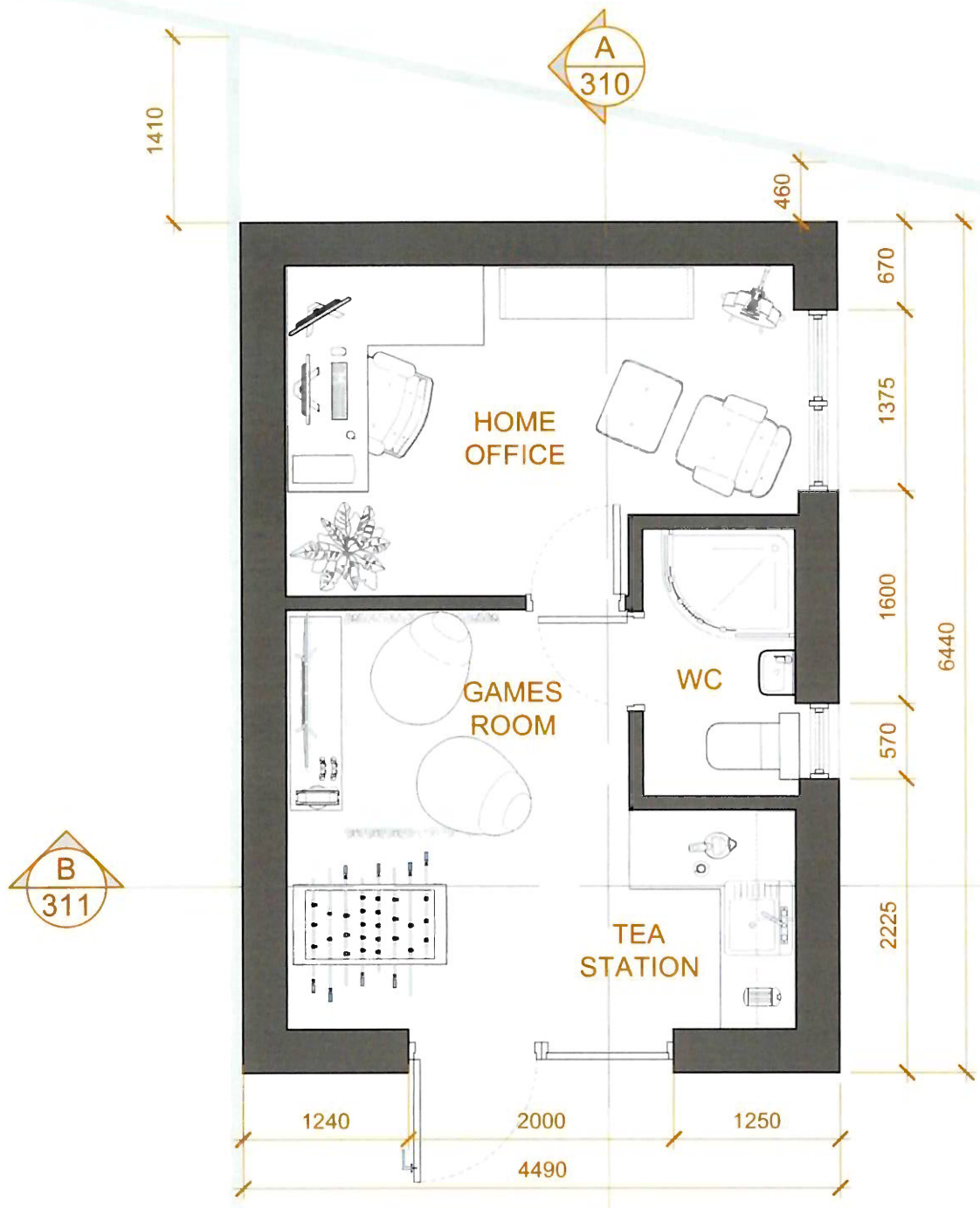
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Project	NO. 13 PARKLANDS COURT HOME OFFICE
Drawing Title	EXISTING FRONT ELEVATION
Client	SARAH O'BRIEN





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EXISTING | HOME OFFICE - GF PLAN & ROOF PLAN
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Project	NO. 13 PARKLANDS COURT HOME OFFICE
Drawing Title	EXISTING GROUND FLOOR & ROOF PLAN
Client	SARAH O'BRIEN

FINANCE CASH OFFICE
Kildare County Council
Áras Chill Dara
Devoy Park
Naas
Co. Kildare
21/09/2026 10:23:30

Receipt No. : FIN1/0/528529

Section 5 Sarah O'Brien

PLANNING EXEMPT DEVELOP FEES		80.00
GOODS	80.00	
VAT Exempt/Non-vatable		

Total : 80.00 EUR

Tendered :
Credit Card 80.00