



## Board Direction

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**Ref: 25M.RL3491**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 9<sup>th</sup> January 2017.

The Board decided that the extension and alterations to an existing house at Annascannon, Thomastown, Killucan, County Westmeath, are development and are not exempted development.

**WHEREAS** a question has arisen as to whether an extension to the rear of an existing house at Annascannon, Thomastown, Killucan, County Westmeath, is or is not development, or is or is not exempted development:

**AND WHEREAS** Tom Keys, care of John Madden and Associates of Blackhall Street, Mullingar, County Westmeath, requested a declaration on the said question from Westmeath County Council, and the Council issued a declaration on 10<sup>th</sup> June 2016 that the matter constitutes development and is not exempted development:

**AND WHEREAS** Tom Keys referred the declaration for review to An Bord Pleanála on 22<sup>nd</sup> June 2016:

**AND WHEREAS** the Board decided to reformulate the question as follows:

“whether the extension and alterations to an existing house at Annascannon, Thomastown, Killucan, County Westmeath are or are not development, or are or are not exempted development”:

**AND WHEREAS** the Board, in considering this referral, had regard particularly to –

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) of the Planning and Development Regulations, 2001, as amended, and Classes 1 and 7 of Part 1 of Schedule 2 to those Regulations,
- (c) the submissions received by the Board, and the report of the Inspector, and

- (d) the nature, design and scale of the extension and alterations, including the removal of the original roof and its replacement with a roof having a flatter pitch, larger scale and ridgeline relocated to the rear, the provision of a roof dormer to the rear, the removal of the chimney and provision of a new chimney to the rear, the removal of the front door and its replacement with a smaller window, the removal of the lean-to front porch roof and its replacement with a pitched roof, the provision of a new side porch area, and the replacement of the roof materials:

**AND WHEREAS** An Bord Pleanála concluded that –

- (i) the extension and alterations to the house comprised works, which constitutes development,
- (ii) the extended area of the house fails to come within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, arising from its location partly to the side of the house,
- (iii) neither the extension nor the alterations undertaken come under the exemption under Section 4(1)(h) of the Planning and Development Act, 2000, arising from the nature and scale of the interventions made, which substantially exceed the scope of “maintenance, improvement or other alteration”,
- (iv) for the avoidance of doubt, the nature, design and scale of the extension and alterations have resulted in the removal of many of the original features of the house, which informed its simple vernacular character, and together with their replacement incorporating a substantially larger asymmetric form and modern materials, results in little of the original character of the house remaining; and therefore, it is considered that the extension and alterations undertaken materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the 2000 Act, hereby decides that the extension and alterations to an existing house at Annascannon, Thomastown, Killucan, County Westmeath, are development and are not exempted development.

*Note:*

The Board was not satisfied that the eaves of the original house have not been raised, that the elevations of the original house have not been re-clad, that the total extended area of the house would come within the conditions and limitations of Class 1, or whether or not an extension was previously constructed having regard to the planning history; however, it was decided not to pursue these matters further, arising from the nature of the substantive determination made.

Board Member: \_\_\_\_\_ Date: 10<sup>th</sup> January 2017  
Fionna O' Regan