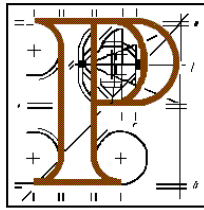


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Westmeath County

Planning Authority Reference Number: S5-2-16

An Bord Pleanála Reference Number: 25M.RL.3491

WHEREAS a question has arisen as to whether the construction of 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 the declaration on the 10th day of June 2016, stating that the said matter constitutes development and is not exempted development:

AND WHEREAS the said Tom Keys referred the declaration for review to An Bord Pleanála on 22nd day of 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, as amended, arising from the nature and scale of the interventions made, which substantially exceed the scope of “maintenance, improvement or other alteration”, and

- (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 said extension and alterations to an existing house at Annascannon, Thomastown, Killucan, County Westmeath, are development and are not exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.