



An
Bord
Pleanála

Board Direction
ABP-300176-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/07/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the alteration of a roof space of a domestic dwelling, the structure of which allows for future habitable accommodation of that space, without changes to any external elevation(s) of the original permitted structure, constitute a development and if so, is it an exempt development:

AND WHEREAS Douglas Hamilton of Knackadeen, Clifden, County Kilkenny requested a declaration on this question from Kilkenny Council and the Council issued a declaration on the 18th day of October, 2017 stating that the matter was development and was not exempted development:

AND WHEREAS Douglas Hamilton referred this declaration for review to An Bord Pleanála on the 8th day of November, 2017:

AND WHEREAS having regard to the nature of the question and the documentation submitted as part of the referral, the Board has decided to reformulate the question as follows:

“Whether the conversion of the attic of a completed domestic dwelling to habitable accommodation is or is not development and is or is not exempted development”

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) The fact that the conversion was undertaken subsequent to the construction of the dwelling,
- (e) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The conversion of the attic of the completed dwelling involved the carrying out of works, as defined, and is therefore development;
- (b) The development undertaken comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, as it comprises works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure;
- (c) That development that has been undertaken does not come within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, having regard to the fact that the development does not involve the

extension of the structure or conversion of any existing structure to the rear for use as part 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 conversion of the attic of a completed domestic dwelling to habitable accommodation is development and is exempted development.

Board Member:

Date: 26/07/2018

John Connolly