



An
Bord
Pleanála

Board Direction
ABP-300772-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 13/08/2018.

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

WHEREAS a question has arisen as to whether the minor increase in parapet height of a two storey dwelling, as constructed over that permitted under An Bord Pleanála Reg. Ref. PL29S.246883 is or is not development and is or is not exempted development is or is not development or is or is not exempted development:

AND WHEREAS John McCarthy requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 13th day of December, 201 stating that the matter was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 18th day of January, 2018:

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) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,

(d) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

(a) The construction of the dwelling involved works and is therefore development,

(b) The drawings for planning permission PL29S.246883 did not give specific dimensions but allowed for variation through the use of approximate dimensions,

(c) The deviation in this instance between what has been constructed and the approximate figure dimensions is minor in the context of the development, does not have any material impacts on adjoining property and therefore is *de minimus*, and is exempted development

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 minor increase in parapet height of a two storey dwelling, as constructed over that permitted under An Bord Pleanála Reg. Ref. PL29S.246883 is development and is exempted development

Board Member:

Date: 14/08/2018

Maria FitzGerald