



An  
Bord  
Pleanála

**Board Direction**  
**ABP-301276-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 29/11/2018.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether works comprising an extension 39sq.m to an existing cottage and laying out of entrance at Grace O Malley's cottage, Leenane, Co. Galway, is or is not development or is or is not exempted development:

**AND WHEREAS** Mr Keith Hughes C/O Stephen Dowds Associates requested a declaration on this question from Galway County Council and the Council issued a declaration on the 26th day of February 2018 stating that the matter was development and was not exempted development:

**AND WHEREAS** Mr Keith Hughes C/O Stephen Dowds Associates referred this declaration for review to An Bord Pleanála on the 26<sup>th</sup> day of March, 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) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The extension to the cottage and laying out of an entrance constitutes works and is therefore, development, by virtue of the provisions of section 3(1) of the act,
- (b) Having regard to the layout of the original cottage, including the position of the access door and windows, it is not considered, for the purpose of the Planning and Development Regulations, 2001, that the extension to the cottage is to the rear of the cottage in the sense provided for under class 1 of part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and therefore is not within the scope of this class.
- (c) It has not been clearly established that a vehicular entrance pre-existed at the location of the vehicular entrance now in place, therefore the entrance in question is a new entrance.
- (d) this entrance is onto a public road the surfaced carriage of which exceeds 4 metres in width and therefore is not exempt under Article 9(1)(a)(ii).

**Board Member:**

**Date:** 03/12/2018

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Terry Prendergast