



An  
Bord  
Pleanála

**Board Direction**  
**ABP-301584-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/11/2018.

The Board decided, as set out in the following Order, that the conversion of attic space to living accommodation and the fitting of additional windows to the second floor of the dwellings under construction at St. Anne's Road, Killarney, County Kerry constitutes development and is or is not exempted development

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the conversion of attic space to living accommodation and the fitting of additional windows to the second floor of the dwellings under construction at St. Anne's Road, Killarney, County Kerry constitutes development and is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Padraig Griffin of Griffin Project Management on the 10<sup>th</sup> day of May, 2018:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to sections 2, 3 and 4 of the Planning and Development Act, 2000 (as amended):

**AND WHEREAS** An Bord Pleanála has concluded that the conversion of the attic level to residential accommodation and the addition of windows at this level to the subject dwellings do not come within the scope of section 4(1)(h) of the Local Government (Planning and Development) Act, 1963 because the works in question were carried out during the construction of the dwellings for which planning permission was granted on the basis of drawings and specifications which did not include the conversion of the attic and the addition of the specified windows:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act (as amended), hereby decides that the conversion of attic space to living accommodation and the fitting of additional windows to the second floor of the dwellings under construction is development and is not exempted development.

**Board Member:**

**Date:** 16/11/2018

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Paul Hyde