



An
Bord
Pleanála

Board Direction
BD-002402-19
ABP-302175-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/02/2019.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether, following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 sq. metres and which is located to the rear of a dwelling at 3 Wellfield Close, Monkton Row, Wicklow, comprises exempted development. This referral specifically excludes the use of the roof of this structure for sitting out purposes.

AND WHEREAS Seamus Mitchell of 3 Wellfield Close, Monkton Row, Wicklow, (c/o Vincent JP Farry and Co Ltd of Suite 180, 28 South Frederick Street, Dublin 2) requested a declaration on this question from Wicklow County Council, and the Council issued a declaration on the 27th day of June 2018, stating that the matter is not exempted development.

AND WHEREAS Seamus Mitchell referred this declaration for review to An Bord Pleanála, on the 23rd day of July 2018.

AND WHEREAS An Bord Pleanála decided to rephrase the question as follows: whether, following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 sq. metres and which is located to the rear of a dwelling at 3 Wellfield Close, Monkton Row, Wicklow, with steps which lead from the surface within the site to the roof of the shed, 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) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) article 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Class 3 of Part 1 of Schedule 2 to those Regulations, and the conditions and limitations applicable,
- (c) the access to the roof of the shed for amenity purposes, by steps which lead from the surface within the site,
- (d) the planning history of the subject site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the construction of the subject shed constitutes “works” and is therefore “development” within the meaning of Section 3 of the Act, and
- (b) the shed is not a development of a type within the scope of the exempted development provisions of Class 3, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended, being a shed with access to the roof for amenity purposes.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby

decides that following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 sq. metres and which is located to the rear of a dwelling at 3 Wellfield Close, Monkton Row, Wicklow, with steps which lead from the surface within the site to the roof of the shed, is development and is not exempted development.

Board Member:

Date: 20/02/2019

John Connolly