



An
Bord
Pleanála

**Board Direction
ABP-302959-18**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/04/2019.

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

in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, that the single storey extension at No: 8 Herbert Park, Bray, County Wicklow is development and is exempted development and that the outhouse structure at the same address is development and is exempted development if used as a gym but is development and not exempted development if used for habitable purposes.

Board Order as follows: -

WHEREAS a question has arisen as to “Whether (a) the 14m² extension and (b) outhouse to the rear, at 8 Herbert Park, Bray, County Wicklow is or is not development and is or is not exempted development”.

AND WHEREAS Mr. Roman Jaferov, requested a declaration on this question from Wicklow County Council, who issued a declaration on the 15th October 2018, to the effect that the (a) 14m² extension to the rear of no. 8 Herbert Park, Bray is

development and is exempt development, and (b) the 'outhouse' to the rear of no. 8 Herbert Park, Bray is development and is not exempted development.

AND WHEREAS Mr Roman Jaferov referred this declaration for review to An Bord Pleanála, on the 7th November, 2018.

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

- a. Section 2,3 and 4 of the Planning and Development Act 2000 (as amended),
- b. Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended) and Part 1 of Schedule 2 to those Regulations, including Class 1 and Class 3,

AND WHEREAS An Bord Pleanála has concluded that:

1. the provision of the single storey extension and outhouse structure involved the carrying out of works and therefore is development within the meaning of section 3(1) of the Planning and Development Act 2000 (as amended);
2. the single storey extension comes within the scope of Class 1 Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), and is therefore exempted development,
3. the outhouse would come within the scope of Class 3 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended if used as a gym or other purpose incidental to the enjoyment of the house as such and would, therefore, be exempted development.

4. The outhouse would not come within the scope of Class 3 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended if used for human habitation as it would not comply with condition and limitation number 6, to which this class is subject and would, therefore, not be exempted development.

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, that the single storey extension at No: 8 Herbert Park, Bray, County Wicklow is development and is exempted development and that the outhouse structure at the same address is development and is exempted development if used as a gym but is development and not exempted development if used for habitable purposes

Board Member:

Date: 03/04/2019

Terry Ó Niadh