



An
Bord
Pleanála

Board Direction
ABP-303124-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2019.

The Board decided, by a majority of 2:1, as set out in the following Order, that

WHEREAS a question has arisen as to whether the installation of 3 No. rooflights on a flat roof at a site adjacent to No. 24 Ardbrough Road, Dalkey, Co. Dublin, is or is not development or is or is not exempted development:

AND WHEREAS Mr. Darragh Fegan requested a declaration on this question from Dún Laoghaire Rathdown County Council and the Council issued a declaration on the 12th day of November, 2018 stating that the matter was development and was exempted development:

AND WHEREAS Mr. Darragh Fegan referred this declaration for review to An Bord Pleanála on the 29th day of November, 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, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) the planning history of the site; and
- (e) when the works were carried out.

AND WHEREAS An Bord Pleanála has concluded that:

- a) the construction of the three rooflights involved the carrying out of works and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended,
- b) the construction of the three rooflights to the subject dwelling does not come within the scope of section (4)(1)(h) of the Planning and Development Act, 2000, as amended, because the works in question were carried out during the construction of the dwelling house for which planning permission was granted on the basis of drawings and specifications which did not include the installation of the three rooflights in the location in question and, therefore, do not constitute works for the maintenance, improvement or alteration of an existing structure.
- c) There are no other provisions in the Planning and Development Act 2000, as amended, and the Planning and development regulations, 2001, as amended by which this development would be 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 installation of 3 No. rooflights on a flat roof at a site adjacent to No. 24

Ardbrugh Road, Dalkey, Co. Dublin, is development and is not exempted development.

Board Member:

Date: 15/05/2019

Terry Prendergast