



An
Bord
Pleanála

Board Direction
ABP-303321-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19th July 2019.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether 1) the development of the residential extension to the rear of 15 Village View and 2) that the raising of the site levels to the rear of 15 Village View, is or is not development and is or is not exempted development, at 15 Village View, Clashmore, Ballyheeny, Co. Waterford, is or is not development or is or is not exempted development:

AND WHEREAS Ms. E. Thorsch requested a declaration on this question from Waterford City & County Council and the Council issued a declaration on the 4th day of December, 2018 stating that the matter in relation to 1) was development and was exempted development and 2) was development and was not exempted development:

AND WHEREAS Ms. E. Thorsch referred this declaration for review to An Bord Pleanála on the 31st day of December, 2018:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 and Class 6, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

- 1) the construction of the extension to the rear of the house:
 - (a) Would constitute the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000
 - (b) Would come within the scope of Class 1, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, and
 - (c) Would accord with the conditions and limitations of Class 1, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001
- 2) the raising of the site levels:
 - (a) Would constitute the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000
 - (b) That the ground levels were altered by more than 1m and therefore, would not come within the scope of Class 6, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, and
 - (c) Would not accord with the conditions and limitations of Class 6, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,

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:

- 1) the development of the residential extension to the rear of 15 Village View, Clashmore, Ballyheeny, Co. Waterford, is development and is exempted development, and
- 2) that the raising of the site levels to the rear of 15 Village View, Clashmore, Ballyheeny, Co. Waterford, is development and is not exempted development.

Board Member:

Date: 19/07/2019

Stephen Bohan