



An  
Bord  
Pleanála

**Board Direction**  
**ABP-304129-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/08/2019.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the proposed extension to the rear of Rockwell Cottage, Spanish Point, Miltown Malbay, County Clare, is or is not development or is or is not exempted development.

**AND WHEREAS** Mary Irving, 35 Butterfield Drive, Rathfarnham, Dublin 14, requested a declaration on this question from Clare County Council, and the Council issued a declaration on the 26th day of March 2019, stating that the matter is development and is not exempted development.

**AND WHEREAS** Mary Irving referred this declaration for review to An Bord Pleanála, on the 4th day of April 2019.

**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) Class 1, including the Conditions and Limitations set out in Column 2, of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001 (as amended),
- (c) Article 9(1)(a)(vi) of the Planning and Development Regulations 2001 (as amended), and
- (d) the provisions of the Clare County Development Plan 2017-2023,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the construction of an extension at Rockwell Cottage, as per the drawings and associated documentation submitted with the referral, would constitute development;
- (b) the construction of an extension at Rockwell Cottage, as per the drawings and associated documentation submitted with the referral, would fall within the definition of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and the relevant conditions and limitations as set out under Column 2;
- (c) the proposed extension would be located in an area wherein an objective of the statutory development Plan relating to landscape character applies;
- (d) the proposed extension would be visible in views from the public road and from other locations within the designated landscape area and it has not been demonstrated, on the basis of the documentation submitted with the referral, that the proposed extension would not interfere with the character of the landscape at this location;

**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 the proposed extension is development and is not exempted development.

**Board Member:**

**Date:** 02/08/2019

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Chris McGarry