



An  
Bord  
Pleanála

**Board Direction  
ABP-304362-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on October 9<sup>th</sup>, 2019.

The Board decided, as set out in the following Order, that (i) the construction of a part two-storey, part single storey extension to the rear elevation and (ii) alterations to the rear and side elevations at Florence House, 199 Strand Road, Merrion, Dublin 4, is development and is exempted development.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether (i) the construction of a part two-storey, part single storey extension to the rear elevation and (ii) alterations to the rear and side elevations at Florence House, 199 Strand Road, Merrion, Dublin 4, is or is not development or is or is not exempted development.

**AND WHEREAS** Richard Crowe, of Knockaburra, 199B Strand Road, Merrion, Dublin 4, requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 5<sup>th</sup> day of April 2019 stating that the matter was development and was exempted development.

**AND WHEREAS** Richard Crowe referred this declaration for review to An Bord Pleanála, on the 30<sup>th</sup> day of April 2019.

**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) Articles 6 and 9 of the Planning and Development regulations, 2001, as amended, and Class 1 of Part 1 of the Second Schedule to those Regulations, and
- (c) The planning history of the site and the documentation submitted with the referral by the referrer and by the owner/occupier.

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

- (a) The erection of the extension and the carrying out of the alterations both comprise works, and therefore constitute development;
- (b) The rear extension comes within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and complies with all of the relevant conditions and limitations to which this Class is subject, and is therefore exempted development;
- (c) The restrictions on exemption provided for in Article 9 (1)(a)(i) of the Regulations do not apply in this instance, because planning permission register reference number 1091/08, which was cited by the referrer, relates to a different development than the rear extension that is the subject of the present referral, and the permission in question was not implemented and has expired;

- (d) The alterations to the house are limited to the internal works, being the opening up of the games room, kitchen and hallway window to connect into the rear extension all come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, and are therefore 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, hereby decides that (i) the construction of a part two-storey, part single storey extension to the rear elevation and (ii) alterations to the rear and side elevations at Florence House, 199 Strand Road, Merrion, Dublin 4, are development and are exempted development.

**Board Member**

**Date:** 9<sup>th</sup> October 2019

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Philip Jones