



An
Bord
Pleanála

Board Direction
ABP-306660-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/07/2020.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the extension of an existing chalet by the addition of an extension of 9 sq. metres to the north elevation and a porch extension incorporating new access to the east elevation at "Mullarkeys", Cliff Road, Ardmore, County Waterford is or is not development and is or is not exempted development:

AND WHEREAS Richard Lincoln requested a declaration on this question from Waterford City and County Council and the Council did not issue a declaration within the appropriate period set out in Section 5 of the Planning and Development Act, 2000, as amended:

AND WHEREAS Richard Lincoln referred this declaration to An Bord Pleanála for determination on the 12th day of February, 2020:

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 and 4 of the Planning and Development Act, 2000, as amended
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Class 1 and 7 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended,
- (e) the nature of the development existing on the site and the planning and development history of the site,
- (f) the layout of development on the site and the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The existing structure on the site is not an unauthorised structure or use and comes within the definition of a 'house' under Section 2(1) of the Planning and Development Act, 2000 (as amended),
- (b) The provision of an extension and porch to this chalet involves the carrying out of works and therefore constitutes development,
- (c) Having regard to the pattern of development in the area, the orientation of the house relative to the coast and Cliff Road, the fenestration of the house with windows facing the sea and blank elevation facing Cliff Road and the fact that the existing access to the house is from the sea side (north), it is considered that the front of the house faces the sea,
- (d) The fact that the proposed porch extension would not be constructed outside of any existing external door,

- (e) The conservatory extension is, therefore, not exempted development under class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as this extension would be to the front rather than the rear of the dwelling, and
- (f) The porch extension is, therefore, not exempted development under Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended) as it would not serve an existing external door.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the extension of an existing chalet by the addition of an extension of 9 sq. metres to the north elevation and a porch extension incorporating new access to the east elevation is development and is not exempted development.

Board Member:

Date: 30/07/2020

Terry Prendergast