



An
Bord
Pleanála

Board Direction
ABP-306870-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/09/2020.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the recent extension which includes large windows at the western elevation to the western façade of 18 Oakley Square constitutes development having regard to planning condition no. 14 attached to a previous planning application ref ABP PL29/05/72471 is or is not development or is or is not exempted development:

AND WHEREAS Cliona Cleary, care of Terry Doyle of Malcolmson Law Solicitors, The Atrium, Shamrock Plaza, Carlow, requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 14th day of February, 2020 stating that the matter was development and was exempted development:

AND WHEREAS Cliona Cleary referred this declaration for review to An Bord Pleanála on the 11th day of March, 2020:

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

- (a) section 2(1), 3(1) and 4 (1) 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) the planning history of the site,
- (d) the pattern of development in the area,
- (e) the submissions on the file and the report of the inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The erection of the extension comprises works and therefore constitutes 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 Planning and Development Regulations, 2001, as amended, do not apply in this instance, because condition number 14 of planning permission register reference number PL29/5/72471, which was cited by the referrer, relates to the indicated blank façades permitted by that decision only.

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 recent extension which includes large windows at the western elevation to the western façade of 18 Oakley Square, having regard to planning condition no. 14 attached to a previous planning application ref ABP PL29/05/7241, is development and is exempted development.

Board Member:

Date: 18/09/2020

John Connolly