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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 replacement of ground floor rear elevation window with single patio door to provide access to designated private open space of 10 nos. 2 bed ground floor units in Block nos. 2 and 3 at Riverwalk Court, Rathoath, Co. Meath, is development and whether such is exempted development.

AND WHEREAS the said question was referred to An Bord Pleanála by Denis Finn on the 06<sup>th</sup> day of July 2020:

AND WHEREAS An Bord Pleanála, in considering this reference, had particular regard to:

- a) Sections 2(1), 3(1) and 4(1) (h) of the Planning and Development Act, 2000 (as amended)
- c) the planning history of the site
- d) submissions of the parties to the reference

**AND WHEREAS** An Bord Pleanála has concluded

(a) that the replacement of ground floor rear elevation window with single patio door to provide access to the designated private open space of 10 no. 2 bed ground floor units in Block nos. 2 and 3 at Riverwalk Court, Rathoath, Co. Meath constitutes development being works to permitted structures pursuant to section 3 of the Planning and Development Act, 2000;

(b) the works would be exempt under Section 4(1)(h) of the Planning and Development Act, 2000 (as amended) as the works are proposed to all of the ground floor apartments in the northern elevation of Block 2 and in the western elevation of Block 3, thus being works that would not materially affect the external appearance of either Block 2 or Block 3 so as to render their appearance inconsistent with the character of the structures or of neighbouring structures.

NOW THEREFORE, An Bord Pleanála, in the exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the replacement of ground floor rear elevation window with single patio door to provide access to designated private open space of 10 no. 2 bed ground floor units in Block nos. 2 and 3, Riverwalk Court, Rathoath, Co. Meath, is development which is exempted development.

**Board Member:**

**Date:** 18/09/2020

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Terry Prendergast

In deciding not to accept the recommendation of the Inspector, the Board did not agree that Section 4(1)(h) did not apply or that the works in question would represent a significant alteration over the existing arrangement.