



An
Bord
Pleanála

Board Direction
ABP-307712-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/02/2021.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the conversion of the attic of the original single storey house at 31 Marian Park, Waterford following the granting of planning permission 04/537 and the implementation of that permission, to provide additional habitable living accommodation, and all works associated with the attic conversion including altering, repositioning and additional roof lights is or is not development or is or is not exempted development:

AND WHEREAS William Giddens, C/O Peter Thomson Planning Solutions, requested a declaration on this question from Waterford City and County Council, and the Council did not issue a declaration:

AND WHEREAS William Giddens, C/O Peter Thomson Planning Solutions, referred the question to An Bord Pleanála on the 22nd day of July 2020:

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(1) and 9(1) of the Planning and Development Regulations 2001, as amended, and
- (c) the evidence supplied by the owner/occupier in response to this referral,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the attic was converted to provide additional habitable accommodation before the granting of planning permission 04/537 and the implementation of that permission and, therefore, the question should be restated as follows:
‘whether the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights, in the attic of the original single storey house at 31 Marian Park, Waterford is or is not development or is or is not exempted development’, and
- (b) the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights, is development which comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000,

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 works associated with the renovation of the existing habitable

accommodation, including altering, repositioning and additional roof lights, in the attic of the original single storey house at 31 Marian Park, Waterford is development and is exempted development.

Board Member:

Date: 18/02/2021

John Connolly