



An  
Bord  
Pleanála

**Board Direction  
ABP-308358-20**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/05/2021.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether a garage/store to the side and single storey extension to the rear of house at 39 Kylemore, School House Road, Castletroy, Co. Limerick, is or is not development and is or is not exempted development:

**AND WHEREAS** Julie Ann Dowling requested a declaration on this question from Limerick City & County Council and the Council declined to issue a declaration:

**AND WHEREAS** Limerick City & County Council referred this request to An Bord Pleanála on the 6<sup>th</sup> day of October, 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(1) of the Planning and Development Act, 2000,
- (c) Section 4(1) of the Planning and Development Act, 2000, as amended,
- (d) Section 5 of the Planning and Development Act, 2000, as amended,
- (e) Article 3 of the Planning and Development Regulations, 2001, as amended,
- (f) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (g) Classes 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (h) The planning history of the site:

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

- (a) The existing side/rear single storey extension to the dwelling house at 39 Kylemore is development.
- (b) The existing side/rear single storey extension to the dwelling house at 39 Kylemore, which was the subject of planning application 17/684 and appeal ABP-301501-18, failed to receive retention permission and so is unauthorised development.
- (c) The proposed alterations to the existing side/rear single storey extension to the dwelling house at 39 Kylemore is development and is not exempted development under the Planning and Development Regulations, 2001 – 2021, as they would be to an unauthorised structure.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the garage/store to the side and single storey extension to the rear of house at 39 Kylemore is development and is not exempted development.

Board Member: *Terry Prendergast* Date: 31/05/2021  
Terry Prendergast

