

An  
Bord  
Pleanála

**Board Direction**  
**ABP-310347-21**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/11/2021.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the construction of 2 no. extensions to the rear of a house is or is not development or is or is not exempted development at No. 3 Gilford Avenue, Sandymount, Dublin 4, is or is not development or is or is not exempted development:

**AND WHEREAS** Michelle Barrett, No. 1 Gilford Avenue, Sandymount, Dublin 4 requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 14<sup>th</sup> day of May 2021 advising of a split decision and stating that the construction of the shed structure was development and was exempted development, and that the construction of an extension which the applicant states exceeds 40m<sup>2</sup> was development and was not exempted development:

**AND WHEREAS** Michael and Roisin Curley care of Colm Moore, Clancy Moore Architects, 66 Meath Street, Dublin 8, referred this declaration for review to An Bord Pleanála on the 25<sup>th</sup> day of May 2021:

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

- (a) Section 2, 3, 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1, Class 3 and Class 50 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and the conditions and limitations attached hereto,
- (d) The submissions on file, and
- (e) The report of the Inspector.


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

- (a) The construction of the extension to the house and the shed constitutes development.
- (b) The height of the wall of the subject extension exceeds the height of the rear wall of the house.
- (c) The subject extension, as constructed does not comply with the conditions and limitations of (4)(a) as set out in Column 2 of Class 1 of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001, as amended
- (d) The subject shed as constructed complies with the conditions and limitations as set out in Column 2 of Class 3, of Part 1 of Schedule 2 of the Planning & Development Regulations, 2001, as amended

**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 construction of an extension to the rear of dwelling at No. 3 Gilford Avenue, Sandymount, Dublin 4, is development and is **not** exempted development and that the construction of the

shed to the rear of the dwelling at No. 3 Gilford Avenue, Sandymount, Dublin 4, is development and is exempted development..

**Board Member:**

  
Stephen Bohan

**Date:** 10/11/2021

