

An
Bord
Pleanála

Board Direction
ABP-312301-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/09/2023.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether (a) the alterations to the fenestration of the rear extension, including the installation of sliding glazed doors, and (b) the provision of a substantial suspended deck/platform with a glazed balustrade to the rear of the extended dwelling at Fanaghans, Inver, Co. Donegal is or is not development or is or is not exempted development.

AND WHEREAS Paul Hayden requested a declaration on this question from Donegal County Council and the Council issued a declaration on the 9th day of December 2021 stating that the matter was development and is exempted development.

AND WHEREAS Paul Hayden referred this declaration for review to An Bord Pleanála on the 21st day of December 2021:

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, as amended
- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the planning history of the site:


AND WHEREAS An Bord Pleanála has concluded that:

- (a) The alterations to the fenestration of the rear extension, including the installation of sliding glazed doors, and the provision of a substantial suspended deck/platform with a glazed balustrade are integral to the project to construct this extension to the dwelling at Fanghans, Inver, Co. Donegal.
- (b) Only one continuous project has transpired and so, as this project is development that is not exempted development, all of its component parts, including the alterations to its fenestration and the provision of a deck/platform, are development that is not exempted development.

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 (a) the alterations to the fenestration of the rear extension, including the installation of sliding glazed doors, and (b) the provision of a substantial

suspended deck/platform with a glazed balustrade to the rear of the extended dwelling at Fanaghans, Inver, Co. Donegal is development and is not exempted development.

Board Member:



Mary Henchy

Date: 03/10/2023

