



An
Bord
Pleanála

Board Direction
ABP-312523-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 26/09/2023.

The Board decided, as set out in the following Order, that the changes made to the fenestration of the house during the course of construction, compared to that as permitted under PA. Ref. 13/94, and extended under PA. Ref. 18/178 is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether drawing number DoE2 (elevations/fenestration patter) is materially consistent with the granted planning under planning register reference numbers PP13/94 and 18/178 at 63 Threadneedle Road, Salthill, Galway, is or is not development, or is or is not exempted development.

AND WHEREAS Cormac Small and Rosemary Casey requested a declaration on this question from Galway City Council and the Council issued a declaration on the 14th day of December 2021 stating that the development is development and is not exempted development:

AND WHEREAS Cormac Small & Rosemary Casey referred this declaration for review to An Bord Pleanála on the 19th day of January 2022:

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) (h) of the Planning and Development Act, 2000, as amended,
- d) Section 4(4) of the Planning and Development Act, 2000, as amended,
- e) Article 6(1) and Article 9(1)(a)(i) and (viiB) of the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the referral concerns changes made to the fenestration of a house during the course of construction, which comprises works, and therefore comes within the scope of the definition of development as set out at Section 3 of the Planning and Development Act, 2000, as amended;
- (b) the development carried out differs from that for which planning permission was granted under PA. Ref. 13/94, as extended under PA. Ref. 18/178, and the Board is satisfied that the deviations from the permitted development are significant and material, and are not immaterial or de minimis, and are not, therefore, within the scope of the development granted planning permission;
- (c) there are no exemptions in the Planning and Development Act, 2000, as amended, or in the Planning and Development Regulations, 2001, as amended, whereby such material deviations would constitute exempted development;
- (d) the works which are the subject of this referral are not likely to have significant effects on any European sites,

- (e) the works which are the subject of this referral do not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, and therefore are not subject to EIA requirements.

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 changes made to the fenestration of the house during the course of construction is development and is not exempted development.

Board Member:



Date: 26/09/2023

Una Crosse

