

An
Bord
Pleanála

Board Direction
ABP-313461-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 05/10/2023.

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

WHEREAS a question has arisen as to whether the construction of two extensions to a house of 36.88sq.m at Ballynalahessery North, Dungarvan, Co. Waterford, is or is not development or is or is not exempted development:

AND WHEREAS Thomas Gibson requested a declaration on this question from Waterford City and County Council and the Council did not issue a declaration.

AND WHEREAS Thomas Gibson, requested a declaration on this question from An Bord Pleanála on the 29th day of April, 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,

- (c) Section 4(1)(h) 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) Class 1 and Class 7 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the submissions on file, and
- (h) the report of the Inspector

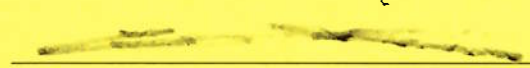
AND WHEREAS An Bord Pleanála has concluded that:

- (a) The construction of the front and rear extensions would constitute development under Section 3(1) of the Planning and Development Act 2000, as amended.
- (b) The proposed rear extension would fall within the description of development and the conditions and limitations as set out in Columns 1 and 2 of Class 1, of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would constitute exempted development.
- (c) The proposed front extension would not fall within the description of development as provided in the exemption in Column 1 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended.
- (d) The proposed front extension would not fall within the scope of the exemption as provided by Section 4(1)(h) of the Planning and Development Act , 2000, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3)(b) of the 2000 Act, hereby decides that –

- (a) the construction of an extension to the rear of a dwelling at Ballynalahessery North, Dungarvan, Co. Waterford is development and is exempted development, and
- (b) the construction of an extension to the front of a dwelling at Ballynalahessery North, Dungarvan, Co. Waterford is development and is not exempted development.

Board Member:


Liam Bergin

Date: 06/10/2023

