



An  
Bord  
Pleanála

**Board Direction**  
**BD-015769-24**  
**ABP-315145-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 08/03/2024.

The Board decided this referral generally in accordance with the Inspector's recommendation and the following draft order.

**WHEREAS** a question has arisen as to whether the existing flat roof shed to the rear of No. 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is or is not development, or is or is not exempted development:

**AND WHEREAS** Derek and Martina McLoughlin requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 8<sup>th</sup> day of November, 2022 stating that a 16 square metre and 3 metre high flat roof domestic shed located in the rear garden of a dwelling house at 4 Hazlewood, Dargle Road, Bray, County Wicklow is development and is not exempted development:

**AND WHEREAS** Derek and Martina McLoughlin referred this declaration for review to An Bord Pleanála on the 18<sup>th</sup> day of November, 2022:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the documentation on file, including the submission from the referrer,
- (e) relevant precedent referrals and judgements, and
- (f) the pattern of development in the area:

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

- (a) the existing flat roof shed to the rear of No. 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is development;
- (b) as the amount of private open space to the rear of No. 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is less than 25 square metres, the shed does not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (c) as the ground levels to the rear of No. 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow are not uniform, the ground level for determining the height of the shed is the level of the lowest part of the ground adjacent to it as set out in Article 5(2) of the Planning and Development Regulations, 2001, as amended;
- (d) as the height of the existing flat roof shed to the rear of No. 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is more than 3 metres above the lowest part of the ground adjacent to it, the shed does not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and 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 existing flat roof shed to the rear of No. 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is development and is not exempted development.

**Board Member** *Eamonn James Kelly* **Date:** 11/03/2024  
Eamonn James Kelly