



An
Bord
Pleanála

**Board Direction
ABP-315174-22**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/09/2024.

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 a 25 square metre garage, a 40 square metre boiler house, photovoltaic panels 12 square metres, and an open pergola to the rear of the dwellinghouse at Castle View, Moydrum, Athlone, County Westmeath is or is not development or is or is not exempted development,

AND WHEREAS John Hayden care of Vitruvius Hibernicus of Convent Road, Longford requested a declaration on this matter from Westmeath County Council and the Council issued a declaration on the 22nd day of November, 2022 stating that the matter is development and is not exempted development,

AND WHEREAS John Hayden care of Vitruvius Hibernicus of Convent Road, Longford referred this declaration for review to An Bord Pleanála on the 24th day of November, 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 of the Planning and Development Act 2000, as amended,
- (c) Section 4 of the Planning and Development Act 2000, as amended,
- (d) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (e) Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (f) the planning history of the site, and
- (g) the report and recommendation of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the construction of a 25 square metre garage, a 40 square metre boiler house, photovoltaic panels 12 square metres, and an open pergola, indicated to the rear of the dwellinghouse, constitutes development as defined under section 3(1)(a) of the Planning and Development Act 2000, as amended,
- (b) it is not exempted development as it does not come within the scope of Classes 2 and 3 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, as the overall area of the structure exceeds the area specified in the conditions and limitations and the placing of the photovoltaic panels 12 square metres in area on such a structure, which is not exempted development, would not constitute exempted development,
- (h)
- (i)

(j)

- (c) there are no exemptions provided for in the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended, and
- (d) restrictions on exemptions provided for in Article 9 (1)(a)(viii) would apply as the installation of photovoltaic panels 12 square metres in area and carrying out of such development would be on an unauthorised and non-exempted structure,

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 the construction of a 25 square metre garage, a 40 square metre boiler house, photovoltaic panels 12 square metres, and an open pergola to the rear of the dwellinghouse at Castle View, Moydrum, Athlone, County Westmeath is development and is not exempted development.

Board Member:


Mary Henchy

Date: 13/09/2024