

An
Bord
Pleanála

Board Direction
ABP-315247-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/05/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether

- (a) cleaning and painting the front (east) wall and side (south) wall of the house,
- (b) the replacing of the front windows to match the existing and glazing same,
- (c) the repair of the roof using stone slates on the front (south-east) elevation,
- (d) erections of internal walls and doors and internal floor in the original house area,
- (e) the fitting of a replacement/relocated internal stairs within the area of the original house,
- (f) the erection of a boiler house
- (g) the erection of internal walls and doors within the boiler house (in f. above),
- (h) the erection of a concrete path to the rear and side of the boiler house,
- (i) the installation of 12sqm of solar panels, is or is not development and is or is not exempted development.

AND WHEREAS John Joe Fitzpatrick requested a declaration on this question from Clare County Council and the Council issued a declaration on the 9th day of November, 2022, stating that the matter is development and is exempted

development by reference to items (a), (b), (c), (d), (e) and (h), and is development and is not exempted development, by reference to items (f), (g) and (i).

AND WHEREAS John Joe Fitzpatrick referred this declaration for review to An Bord Pleanála, only insofar as it relates to items (f), (g) and (i) on the 2nd day of December 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) 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, and
- (e) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

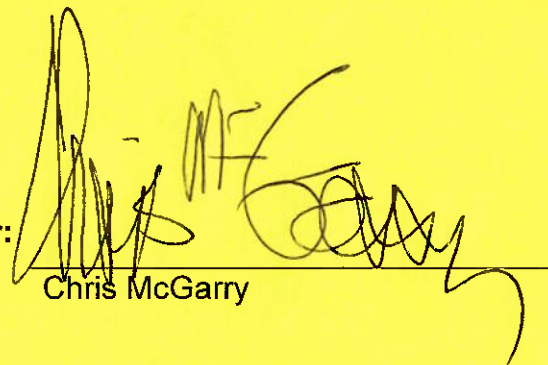
- (a) the erection of a boiler home, the erection of internal walls and doors within the boiler home and the installation of 12 square metres of solar panels constitute works and constitute development within the meaning of section 2(1) and section 3(1) of the Planning and Development Act 2000, as amended;
- (b) based on an inspection of the site by the inspector for An Bord Pleanála and on the documentation on file, the erection of a stated boiler house provides for a number of rooms and circulation areas and is not considered to be part of a heating system of a house and is not considered to fall within the scope

of Schedule 2, Part 1, Class 2(a) of the Planning and Development Regulations 2001 (as amended).;

- (c) the erection of internal walls and doors within the stated boiler house and the installation of 12m² of solar panels on the roof of the stated boiler house is not exempted development having regard to Article 9(1)(a)(viii) of the Planning and Development Regulations 2001 (as amended).;

1.1. **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 erection of a boiler house, the erection of internal walls and doors within the boiler house and the installation of 12sqm of solar panels is development and is not exempted development.

Board Member:



Chris McGarry

Date: 03/05/2024