



An
Bord
Pleanála

Board Direction
ABP-318165-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/06/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the installation the installation of french doors at No 42 Monastery Crescent, Clondalkin, Dublin 22, is or is not development and is or is not exempted development.

AND WHEREAS Paula and Martin Carey of 42 Monastery Crescent, Clondalkin, Dublin requested a declaration from South Dublin County Council and the Council issued a declaration on the 8th day of September 2023 stating that the matter is not exempted development,

AND WHEREAS Paula and Martin Carey of No 42 Monastery Crescent, Clondalkin, Dublin 22, referred the declaration for review to An Bord Pleanála on the 3rd day of October 2024,

AND WHEREAS the Board reformulated the question as follows – Whether the installation of french doors and associated small balcony, at first floor level of the rear elevation of two storey house, at No 42 Monastery Crescent, Clondalkin, Dublin 22, is or is not development and is or is not exempted development.

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

–

- (a) Section 2(1), 3(1), and 4(1)(h) of the Planning and Development Act, 2000, as amended;
- (b) Article 6 and 9 of Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (c) Class 1 of Part 1 of Schedule 2 of the said Regulations;
- (d) The installation of french doors and a small balcony on the rear elevation;
- (e) The character and pattern of development on the adjacent properties.

AND WHEREAS An Bord Pleanála has concluded that –

- (a) The development would constitute works which would come within the scope of Section 3 (1) of the Planning and Development Act, 2000, as amended;
- (b) The development does not come within the scope of exemptions provided in Section 4(1)(h) of the Planning and Development Act 2000, as amended
- (c) The development does not come within the scope of exemptions provided in Article 9 of those Regulations;

The development does not come within the scope of restrictions on exemption provided in Article 9 of the Planning and Development Regulations 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 of the Planning and Development Act 2000 (as amended), hereby decides that the installation of french doors and associated small balcony, at first floor level of the rear elevation of two storey house, at No 42 Monastery Crescent, Clondalkin, Dublin 22, is development and is not exempted development.

Note:

The Board noted that the development did not relate to an extension to the rear of the dwelling and therefore did not come within the scope of Part 1, Schedule 2 – Class 1, development within the curtilage of a house

Board Member:



Liam Bergin

Date: 19/06/2024

