

An
Coimisiún
Pleanála

Direction
ABP-321734-25

The submissions on this file and the Inspector's report were considered at a meeting held on 14/11/2025.

The Commission decided, generally as recommended by the Inspector, and on the facts of the case as presented, that the proposed extension, based solely on an exceedance of the floor area limit of that proposed extension by 0.3 sq.m., is not exempted development. Consequently, the demolition of the domestic extensions is not exempted development. The renovation to the existing cottage and the demolition of the boiler house and water tank are exempted development, all as indicated hereunder.

(Note: Direction to issue with Order.)

WHEREAS a question has arisen as to whether renovation of an existing dwelling, the demolition of 37m² of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48m²) to the side of dwelling, and construction of 40.3m² extension to the rear is or is not development or is or is not exempted development:

AND WHEREAS Rory Foy requested a declaration on this question from Galway County Council and the Council issued a declaration on the 03rd

day of January, 2025 stating that the matter was development and was not exempted development:

AND WHEREAS Rory Foy referred this declaration for review to An Coimisiún Pleanála on the 22nd day of January, 2025:

AND WHEREAS An Coimisiún 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) Section 4(2) of the Planning and Development Act, 2000, as amended,
- (e) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) The planning history of the site,
- (h) The pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) renovation of the existing dwelling, demolition of 37m² of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48m²) to the side of dwelling, and construction of 40.3m² extension to the rear constitutes works;

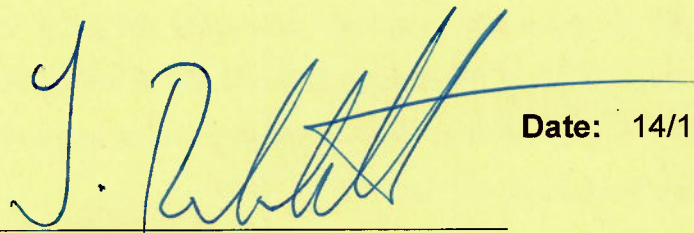
- (b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000;
- (c) the development would not be likely to have a significant effect on the integrity of a European site and would not, therefore, require appropriate assessment, the restriction of article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended, does not apply;
- (d) renovation of the existing dwelling comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000;
- (e) demolition of the boiler house and water tank comes within the scope of Class 50(a) of Part 1 of Schedule 2 to the Planning and Development Regulations 2001;
- (f) the proposed extension comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 but does not meet the conditions and limits set out in Column 2 as it would exceed 40m² floorspace (specifically, it would not meet Condition and Limitation No. 1(a) of said Class as the floor area exceeds the limit by 0.3 sq.m.);
- (g) demolition of the existing domestic extensions does not come within the scope of Class 50(b) of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 as it would not be connected to provision of an extension in accordance with Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as Condition and Limitation No. 1(a) of Class 1 is not met as indicated above at (f));

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(4) of the 2000 Act, hereby decides that

- (a) renovation of the existing cottage and the demolition of the boiler house and water tank is development and is exempted development.

(b) the demolition of 37m² of domestic extensions to the rear of dwelling and construction of 40.3m² extension to the rear is development and is not exempted development.

**Planning
Commissioner:**



Date: 14/11/2025

Tom Rabbette