

An
Coimisiún
Pleanála

Direction
ACP-322821-25

The submissions on this file and the Inspector's report were considered at a meeting held on 16/10/2025.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether an extension to the rear of a dwellinghouse at 8 Clonmore, Kilteragh, Dooradoyle, County Limerick is or is not development or is or is not exempted development.

AND WHEREAS Mubin Merchant care of AK Planning and Development Limited of Millside, Mill Road, Corbally, Limerick, requested a declaration on this question from Council, and the Council issued a declaration on the 28th day of May 2025 stating that the matter is development and is not exempted development.

AND WHEREAS Mubin Merchant care of AK Planning and Development Limited of Millside, Mill Road, Corbally, Limerick referred the declaration for review to An Coimisiún Pleanála on the 16th day of June, 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 of the Planning and Development Act 2000, as amended,
- (c) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
- (d) Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (e) the planning history of the site,
- (f) the existing buildings on the site,
- (g) the pattern of development in the area, and
- (h) the report and recommendation of the Inspector,

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) an extension to the rear of a dwelling constitutes development as defined under section 3(1) of the Planning and Development Act 2000, as amended,
- (b) the proposed development would be connected to the house and is an extension,
- (c) the proposed extension does not include above ground habitable space and is a single storey extension,
- (d) the floor area of the proposed extension does not exceed 40 square metres. Notwithstanding that there is an area of garden to the side of the proposed extension, the private open space, reserved exclusively for the use of the occupants of the house, remaining to the rear of the proposed extension would be reduced to less than 25 square metres,
- (e) the height of the extension does not exceed the height of the rear wall of the main house, and
- (f) the proposed extension, therefore, does not come within the scope of Schedule 2 Part 1 Class 1 of the Planning and Development Regulations 2001, as amended, as the private open space, reserved exclusively for the use of the

occupants of the house, remaining to the rear of the proposed extension would be reduced to less than 25 square metres,

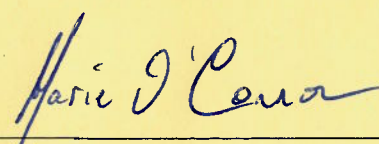
NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the proposed extension to the rear of a dwellinghouse at 8 Clonmore, Kilteragh, Dooradoyle, County Limerick is development and is not exempted development.

In deciding not to accept the Inspectors recommendation the Commission considered that the wording of Schedule 2 Part 1, Class 1, Condition & limitation 5 '*The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres*' did not refer to the open space to the rear of the original house or provide for the open space to be located to the side of the extension.

Planning

Commissioner:

Date: 17/10/2025



Marie O'Connor