



## Board Direction

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**Ref: RL25M.RL.3392**

The submissions on this file and the Inspector's report were considered at a further Board meeting held on February 24<sup>th</sup>, 2016.

The Board decided, for the reasons and considerations set out below and generally in accordance with the Inspector's recommendation, that –

The works to the front elevation consisting of 2 no. windows increased in size, 2 no. bedroom windows broken out to box windows, 1 no. velux roof light, alterations to front door, works to the side elevation consisting of side window made smaller, side window blocked up, 1 no. velux roof light, construction of a rear extension, 2 no. velux roof lights, installation of a stove flue, the removal of chimney and reroofing of whole dwelling by removing existing concrete tiles and replacing with slates at 1 Lynnderry Court, Mullingar, County Westmeath is development and is exempted development.

And that

The works consisting of concrete post and timber panel fence, block boundary wall with Lynnderry Court and front boundary fence at 1 Lynnderry Court, Mullingar, County Westmeath is development that is not exempted development.

**WHEREAS** a question has arisen as to 'whether external works: rear extension, elevation modifications, rooflights, chimney removal and stone flue installation is or is not development or is or is not exempted development' at No.1 Lynnderry Court, Ballinderry, Mullingar, Co. Westmeath'.

**AND WHEREAS** Madge Martin of No. 2 Lynnderry Court requested a declaration on the said question from Westmeath County Council and the said Council issued a declaration on the 13<sup>th</sup> July 2015 stating that:

'Westmeath County Council in exercise of its powers conferred on it, by Section 5 of the Planning & Development Act 2000, as amended, hereby decides that works to the front elevation consisting of 2 no. windows increased in size, 2 no. bedroom windows broken out to box windows, 1 no. velux roof light, alterations to front door, works to the side elevation consisting of side window made smaller, side window blocked up, 1 no. velux roof light, construction of a rear extension, 2 no. velux roof lights, installation of a stove flue and reroofing of whole dwelling by removing existing concrete tiles and replacing with slates at 1 Lynnderry Court, Mullingar, County Westmeath is development and is exempt development.

Westmeath County Council in exercise of its powers conferred on it, by Section 5 of the Planning & Development Act 2000, as amended, hereby decides that works consisting of concrete post and timber panel fence, block boundary wall with Lynnderry Court and front boundary fence at 1 Lynnderry Court Mullingar County Westmeath is development and is not exempted development'.

**AND WHEREAS** the said Madge Martin referred the declaration for review to An Bord Pleanála dated the 18<sup>th</sup> August 2015.

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

- (a) Sections 2, 3, and 4 of the Planning and Development Act, 2000 as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended
- (c) Class 1, Class 2, Class 5 and Class 50 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, and the conditions and limitations in these classes;
- (d) The documentation and submissions on file; and
- (e) The report of the planning inspector;

**AND WHEREAS** An Bord Pleanála has concluded that –

- (a) The works to the front elevation consisting of 2 no. windows increased in size, 2 no. bedroom windows broken out to box windows, 1 no. velux roof light, alterations to front door, works to the side elevation consisting of side window made smaller, side window blocked up, 1 no. velux roof light, 2 no. velux roof lights, and reroofing

of whole dwelling by removing existing concrete tiles and replacing with slates at 1 Lynnderry Court, Mullingar, County Westmeath constitute development which comes within the scope of S.4(1)(h) of the Planning and Development Act;

- (b) The works comprising the construction of a rear extension, the installation of a stove flue and the removal of a chimney come within the scope of Class 1, Class 2 and Class 50, respectively, of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended and no restriction on exemption under Article 9 of said Regulations is applicable;
- (c) And that works consisting of concrete post and timber panel fence between Nos. 1 and 2 Lynnderry Court, the block boundary wall with Lynnderry Court and the front boundary fence at 1 Lynnderry Court Mullingar County Westmeath is development which is not exempted development as per Class 5 of Part 1 of the Second Schedule 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 (3) (b) of the 2000 Act, hereby decides that the works to the front elevation consisting of 2 no. windows increased in size, 2 no. bedroom windows broken out to box windows, 1 no. velux roof light, alterations to front door, works to the side elevation consisting of side window made smaller, side window blocked up, 1 no. velux roof light, construction of a rear extension, 2 no. velux roof lights, installation of a stove flue, removal of a chimney and reroofing of whole dwelling by removing existing concrete tiles and replacing with slates at 1 Lynnderry Court, Mullingar, County Westmeath is development and is exempted development.

And that works consisting of concrete post and timber panel fence, block boundary wall with Lynnderry Court and front boundary fence at 1 Lynnderry Court Mullingar County Westmeath is development and is not exempted development.

Board Member: \_\_\_\_\_  
Nicholas Mulcahy

Date: February 24<sup>th</sup>, 2016