



Board Direction

Ref: RL06D.RL.3396

The submissions on this file and the Inspector's report were considered at a Board meeting held on January 7th, 2016.

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

the 3 no. rooflights in the front roof plane and the 3 no. rooflights in the rear roof plane of 'Beechtrees', Torquay Road, Foxrock, Dublin 18, is development and is exempted development.

WHEREAS a question has arisen as to whether 3 no. rooflights in the front roof plane and the 3 no. rooflights in the rear roof plane of 'Beechtrees', Torquay Road, Foxrock, Dublin 18, located within Foxrock Architectural Conservation Area, is development and is exempted development:

AND WHEREAS John and Patricia Fitzpatrick c/o Catherine Crowe, Optimise Design, 65 Merrion Square, Dublin 2 requested a declaration on the said question from Dun Laoghaire - Rathdown County Council and the said Council issued a declaration on the 30th of July 2015 stating that the said works are not considered to be exempt development and are considered to be development under the provisions of Section 4(1)(h) and Section 57(10) of the Planning and Development Act, 2000, as amended:

AND WHEREAS John and Patricia Fitzpatrick c/o David Mulcahy Planning Consultants Limited, 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare, referred the declaration for review to An Bord Pleanála dated August 26th, 2015:

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

- (a) sections 2, 3, 4 & 82 of the Planning and Development Act, 2000, as amended,

- (b) articles 6, 9 of the Planning and Development Regulations, 2001, as amended,
- (c) the submissions on file, and
- (d) the report of the planning inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the installation of 3 no. rooflights in the front roof plane and the 3 no. rooflights in the rear roof plane of 'Beechtrees', is development, in accordance with the provisions of Section 2 and 3 of the Planning and Development Act, 2000, as amended;
- (b) the installation of 3 no. rooflights in the front roof plane and the 3 no. rooflights in the rear roof plane of 'Beechtrees' does not alter the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures and is, therefore, in accordance with the provisions of section 4 (1)(h) of the said Act,
- (c) the installation of 3 no. rooflights in the front roof plane and the 3 no. rooflights in the rear roof plane of 'Beechtrees' would not materially affect the character of the Foxrock Architectural Conservation Area.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said 3 no. rooflights in the front roof plane and the 3 no. rooflights in the rear roof plane of 'Beechtrees', Torquay Road, Foxrock, Dublin 18, is development and is exempted development.

Board Member: _____
Nicholas Mulcahy

Date: January 12th, 2016