



## Board Direction

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**Ref: 61.RL3435**

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 9<sup>th</sup> 2016.

The Board decided, as set out in the following Order, that the extension and the two flues are development and are exempted development.

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the construction of an extension to the rear, including side elevation window, and the provision of two flues, at 29 Ros Caoin, Roscam, Galway, are or are not development or are or are not exempted development;

**AND WHEREAS** Ray Waters and Paul Glynn requested a declaration on this question from Galway City Council on the 16<sup>th</sup> day of September 2015, and the Council issued a declaration on the 29<sup>th</sup> day of October 2015, stating that these matters were development and were exempted development;

**AND WHEREAS** Ray Waters and Paul Glynn referred this declaration for review to An Bord Pleanála on the 23<sup>rd</sup> day of November, 2015;

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

- (a) Sections 2, and 3 of the Planning and Development Act, 2000, as amended;
- (b) Article 6 and Classes 1 and 2 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (c) The nature, scale and height of the existing house and the nature and extent of the extension and flues that are the subject matter of the referral.

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

- (a) The construction of the extension and the provision of the two flues involves works, and therefore constitutes development under the provisions of section 3(1) of the Planning and Development Act, 2000, as amended;
- (b) The extension comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and the side elevation window is more than one metre from the boundary it faces, and is therefore exempted development;
- (c) The two flues come within the scope of Class 2 (a) of Part 1 of Schedule 2 to 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)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the construction of an extension to the rear, including side elevation window, and the provision of two flues, at 29 Ros Caoin, Roscam, Galway, is development and is exempted development.

Board Member: \_\_\_\_\_ Date: 9<sup>th</sup> May 2016  
Philip Jones