



Board Direction

Ref: RL 09 .RL.3439

The submissions on this file and the Inspector's report were considered at a Board meeting held on 14th April 2016.

The Board decided by a margin of 2:1 that the matter the subject of the referral was development and was exempted development in accordance with the reasons as follow.

WHEREAS a question has arisen as to

WHETHER a proposal to construct a ground floor extension to the rear of no. 3 Rinawade Avenue, Leixlip, Co. Kildare, is or is not development or is not exempted development.

AND WHEREAS Angela Carpenter, 3 Rinawade Avenue, Leixlip, Co. Kildare, requested a Declaration on the said question from Kildare County Council, and the said Council issued a declaration on the 10th day of November 2015 stating that the said matter is not exempted development.

AND WHEREAS the said Angela Carpenter referred the declaration for review to An Bord Pleanála on the 4th December 2015.

AND WHEREAS the Board decided to reformulate the question as follows:

- (a) Whether a ground floor extension to the rear of the house as proposed is or is not development and is or is not exempted development or
- (b) Whether the relocation as proposed of a wall to a ground floor extension is or is not development or is or is not exempted development

All at 3 Rinawade Avenue, Leixlip Co. Kildare

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

- (i) Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended);
- (ii) Articles 6 and 9 and Schedule 2 of the Planning and Development Regulations 2001 (as amended);
- (iii) Class 1 of Part 1 of Schedule 2 of the said Regulations;

AND WHEREAS An Bord Pleanála has concluded that -

(i) The works described at (a) and (b) above would constitute works which would come within the scope of Section 3(1) of the Planning and Development Act, 2000, as amended and therefore constitute development,

(ii) The development described at (a) above comes within the scope of the exemptions provided in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(iii) The development described at (b) above comes within the scope of Section 4 (1) h of the Planning and Development Act, 2000, as amended,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 of the Planning and Development Act 2000 (as amended), hereby decides that

(a) a ground floor extension to the rear of the house as proposed and

(b) the relocation of a wall to a ground floor extension as proposed

to the rear of 3 Rinawade Avenue are development and are exempted development.

Board Member: _____ Date: 14th April 2016
Michael Leahy

Note: The Board considered that the issue of whether part of the wall of the existing premises was constructed within the curtilage of the parent premises was not one which fell to be considered by it.