



Board Direction

Ref: RL29N.RL.3484

The submissions on this file and the Inspector's report were considered at a Board meeting held on December 8th, 2016.

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

the timber constructed, poly vinyl chloride clad, pitched roof, single storey shed of approximate area 20.30 square metres at 2 Spire View, Riverstown Abbey, Ashington, Dublin is development and is not exempted development.

WHEREAS a question has arisen as to whether a timber constructed, poly vinyl chloride clad, pitched roof, single storey shed of approximate area 20.30 square metres at 2 Spire View, Riverstown Abbey, Ashington, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Daniel Boylan care of Architectural Construction Technology of An Tigh, Ballyogan Avenue, Carrickmines, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 4th day of May, 2016 stating that the said matter is not exempted development:

AND WHEREAS the said Daniel Boylan referred the declaration for review to An Bord Pleanála on the 26th day of May, 2016:

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

- (a) sections 2(1), 3(1) and 4(1)(j) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and Part 1 of Schedule 2 to those Regulations, including Class 3,

- (c) the stated use of the shed on drawing titled 'Existing/Proposed Plans and Elevations' drawing number 2586-01-01 submitted to the planning authority, that use being a pigeon loft,
- (d) the design and appearance of the structure which was purpose built for the keeping of pigeons, and
- (e) the observations of the Inspector on the day of the site inspection carried out on the 26th day of October, 2016 regarding the use of the shed, that being the keeping of pigeons:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the shed comes within the scope of sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended, as the carrying out of works on, in, over or under land have taken place,
- (b) the shed is being used for the keeping of pigeons,
- (c) the shed does not come within the scope of section 4(1)(j) as works have been carried out comprising the construction of a single storey shed of approximate area 20.30 square metres and as the keeping of pigeons is not a use which is incidental to the enjoyment of the house on the site,
- (d) the development does not come within the scope of Class 3, Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, as the development does not comply with the Conditions and Limitations specified in column 2 of the said Part 1, specifically Conditions and Limitations number 6 as the shed is being used for the keeping of pigeons:

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 timber constructed, poly vinyl chloride clad, pitched roof, single storey shed of approximate area 20.30 square metres at 2 Spire View, Riverstown Abbey, Ashington, Dublin is development and is not exempted development.

Board Member: _____
Nicholas Mulcahy

Date: December 20th, 2016