



Board Direction

Ref: RL29N.RL.3485

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 that –

the timber constructed, poly vinyl chloride clad, pitched roof, single storey shed of approximate area 16.5 square metres at 2a Spire View, Riverstown Abbey, Ashington, Dublin is development and is not exempted development.

In deciding not to accept the Inspector's recommendation to seek further information the Board considered that there was adequate information on file in order to make a decision.

WHEREAS a question has arisen as to whether a timber constructed, poly vinyl chloride clad, pitched roof, single storey shed of approximate area 16.5 square metres at 2a 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 design and appearance of the structure which was purpose built for the keeping of pigeons but which, as confirmed by the applicant's agent, is now a shed and is no longer in use for the keeping of pigeons, and
- (d) the observations of the Inspector on the day of the site inspection carried out on the 26th day of October, 2016 which indicated that the shed was no longer in use for 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 not 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 16.5 square metres, and
- (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 Condition and Limitation number 2 as the shed has a total (external) floor area of c. 19 square metres and the existing adjacent shed at No. 2a Spire View has a total (external) floor area of c.13 square metres giving a total area of such structures in excess of 25 square metres:

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 16.5 square metres at 2a Spire View, Riverstown Abbey, Ashington, Dublin is development and is not exempted development.

Board Member: _____
Nicholas Mulcahy

Date: December 20th, 2016