



## Board Direction

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**Ref: 29S.RL3497**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30<sup>th</sup> November 2016.

The Board decided that the structure constructed to the rear of the house at 66 Derravaragh Road, Terenure, Dublin 6W, is development and is not exempted development.

**WHEREAS** a question has arisen as to whether the structure constructed to the rear of the house at 66 Derravaragh Road, Terenure, Dublin 6W, is or is not exempted development:

**AND WHEREAS** Julian Judge, care of Doyle Kent Planning Partnership Ltd of 71 Carysfort Avenue, Blackrock, County Dublin, requested a declaration on the said question from Dublin City Council, and the Council decided on 28<sup>th</sup> June 2016 that—

- (a) the structure constitutes development,
- (b) the storage/side passage/roofed barbeque area to the rear and along the northern side of the structure is not exempted development, and
- (c) the enclosed habitable area of the structure is exempted development:

**AND WHEREAS** Julian Judge referred the declaration for review to An Bord Pleanála on 21<sup>st</sup> July 2016:

**AND WHEREAS** the Board, in considering this referral, had regard particularly to —

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Classes 1, 3 and 7 of Part 1 of Schedule 2 to those Regulations,
- (c) the submissions received by the Board, and the report of the Inspector:

**AND WHEREAS** An Bord Pleanála concluded that –

- (i) the construction of the structure to the rear of the house comprised works, which constitutes development,
- (ii) the structure constitutes in its entirety an extension to the house, incorporating a rear porch, to which Classes 1 and 7 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, might apply,
- (iii) the extension does not come within the scope of the conditions and limitations set out under Class 1, as it exceeds 40 m<sup>2</sup> in floor area,
- (iv) the rear porch does not come within the scope of the conditions and limitations set out under Class 7, as it exceeds 2 m<sup>2</sup> in floor 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 structure constructed to the rear of the house at 66 Derravaragh Road, Terenure, Dublin 6W, is development and is not exempted development.

Board Member: \_\_\_\_\_ Date: 21<sup>st</sup> December 2016  
Fionna O' Regan