



An
Bord
Pleanála

Board Direction
09.RL.3508

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 22nd, 2017.

The Board decided, as set out in the following Order, and generally as per the inspector's recommendation, that

- a) Works to the interior of the dwelling is development and is not exempted development,
- b) Works for the conversion of a structure is development and is not exempted development,
- c) Works involving the raising of the roofline is development and is not exempted development,

at Ballygoran, Maynooth, Co. Kildare.

Board Order as follows:-

WHEREAS the following questions have arisen as to whether:

- a) Works which affect only the interior of the structure,
- b) Works which are for the conversion of a structure attached to the rear or side of a house for use as part of a house,
- c) Works involving the raising of part of the roofline, not involving an extension as such, and which do not materially affect the external appearance of the

house so as to render the appearance consistent with the character of the house and/or neighbouring structures,
are, or are not, exempted development,

AND WHEREAS Liam Madden, Vetrivius Hibernicus, on behalf of his client Elaine Duignan of Ballygoran, Maynooth, Co. Kildare, requested a declaration on these questions from Kildare County Council and the Council failed to issue a declaration in the appropriate time,

AND WHEREAS Liam Madden, Vetrivius Hibernicus, on behalf of his client Elaine Duignan referred this declaration for review to An Bord Pleanála on the 12th day of October, 2016,

AND WHEREAS An Bord Pleanála in considering this referral, amended the question as follows:

Whether,

- a) Works to the interior of the structure,
- b) Works which are for the conversion of a structure attached to the rear or side of a house for use as part of a house,
- c) Works involving the raising of part of the roofline,

are, or are not, exempted development,

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

- a) Section 3 of the Planning and Development Act, 2000, as amended,
- b) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- c) Article 6(1) & Article 9(1)(a)(viii) of the Planning and Development Regulations 2001, as amended,
- d) Class1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- e) all submissions and documentation on file including in respect of the planning history of the site, and

f) the report of the planning inspector:

AND WHEREAS An Bord Pleanála has concluded that –

- a) The works are development for the purposes of Section 3 of the Planning and Development Act 2000, as amended.
- b) Works to the interior of the structure materially affect the external appearance to render it inconsistent with the character of the structure and are not exempt development under Section 4(1)(h) of the Planning and Development Act 2000, as amended.
- c) Works for the conversion of a structure attached to the side of the house come within the scope of exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended. The development would not be exempted development having regard to Article 9(1)(a)(viii) as it would consist of the alteration of an unauthorised structure.
- d) Works involving the raising of part of the roofline, not involving an extension as such, and which do materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house is not exempt development under 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(3)(a) of the 2000 Act, hereby decides that,

- a) Works to the interior of the dwelling is development and is not exempted development,
- b) Works for the conversion of a structure attached to the rear or side of a house for use as part of a house is development and is not exempted development,
- c) Works involving the raising of the roofline is development and is not exempted development,

at Ballygoran, Maynooth, Co. Kildare.

Board Member:

Date: Feb. 23rd, 2017

Nicholas Mulcahy