



An
Bord
Pleanála

**Board Direction
RL91.RL3543**

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 19th 2017.

The Board decided, as set out in the following Order, that the construction of a tree house in rear garden is, at Rosbrien Road, Limerick, is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the construction of a tree house in the rear garden is or is not development or is nor is not exempted development:

AND WHEREAS Limerick City and County Council requested a declaration on this question from An Bord Pleanála on the 25th January 2017:

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

- (a) Section 2(1) Planning & Development Act 2000, as amended.
- (b) Section 3(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(j) of the Planning and Development Act, 2000, as amended,

- (d) Article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the said timber structure comes within the scope of section 4(1)(j) of the Planning and Development Act, 2000, being a structure whose use is for a purpose incidental to the enjoyment of the house at the said address,
- (b) the said timber structure complies with the conditions and limitations specified in Column 2 of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, in particular, the height of the mono pitched roof does not exceed generally four metres.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the construction of a tree house in the rear garden is development and is exempted development.

Board Member:

Date: 19.09.17

Paul Hyde