



An  
Bord  
Pleanála

**Board Direction**  
**06D.RL3544**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on August 29<sup>th</sup> 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 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 25<sup>th</sup> 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:**

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Philip Jones

**Date:** 29<sup>th</sup> August 2017