



An
Bord
Pleanála

Board Direction
29S.RL3547

The submissions on this file and the Inspector's report were considered at a Board meeting held on 22nd January 2018.

The Board decided, as set out in the following Order, that the simultaneous erection of an extension to the rear of a house at which has not yet been built but which is to be constructed beside No. 46 Beech Hill Drive, Donnybrook, Dublin 4, is development and is not exempt development.

Board Order as follows:-

WHEREAS a Question has arisen as to whether the simultaneous erection of an extension to the rear of a house which has not yet been built, but which is to be constructed beside No. 46 Beech Hill Drive, Donnybrook, Dublin 4, is or is not development or is or is not exempted development:

AND WHEREAS Margaret Purdy requested a declaration from Dublin City Council and the Council issued a Declaration 27th January, 2017 stating that the simultaneous erection of an extension to the rear of a house which has not yet been built is not exempt development;

AND WHEREAS Margaret Purdy referred this declaration for review to An Bord Pleanála on 7th February, 2017;

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended, in particular the definition of a house in Section 2.
- (b) Article 6 and Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended
- (c) The planning history of the site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works constitute development within the meaning of Section 3 of the Planning and Development Act, 2000,
- (b) having regard to the definition of a 'house' in Section 2 of the Planning and Development Act 2000, which states as follows:
"house" means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building',
the proposed extension cannot avail of the exemption under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, as no house has been constructed or occupied.
- (c) There is no other provision in the Act or Regulations by which the development would be classified as exempted development;

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the simultaneous erection of an extension to the rear of a house at which has not yet been built but which is to be constructed beside No. 46 Beech Hill Drive, Donnybrook, Dublin 4 is development and is not exempted development.

Board Member

Date: 22.01.2018

Terry Prendergast