



An
Bord
Pleanála

**Board Direction
09.RL3555**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18th April 2018.

The Board decided, as set out in the following Order, that the proposed rear extension is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether an extension to the rear of an existing single storey semi-detached dwelling is or is not development or is or is not exempted development;

AND WHEREAS Laura Foley (care of Conor Furey and Associates Ltd) requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 24th day of February, 2017 stating that the matter was development and was not exempted development;

AND WHEREAS Ms Foley referred this declaration for review to An Bord Pleanála, on the 7th day of March, 2017;

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

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000,

- (c) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) Condition 4(c) of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.
- (g) The submissions on file and the report of the Inspector;

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The height of the highest part of the roof of the extension, being a flat roofed extension, exceeds the height of the eaves of the dwellinghouse. The development does not therefore come within the scope of the exemption set out in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001.

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 said extension is development and is not exempted development.

Board Member

Date: 18th April 2018

Conall Boland