



An  
Bord  
Pleanála

**Board Direction**  
**PL04.RL3587**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 11<sup>th</sup> May 2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the construction of an extension to the rear of dwelling at 103 Coopers Grange, Old Quarter, Ballincollig, Co. Cork, is or is not development or is or is not exempted development:

**AND WHEREAS** Anne Etienne & Julien Nargeolet, 104 Cooper's Grange, Old Quarter, Ballincollig, Co. Cork requested a declaration on this question from Cork County Council and the Council issued a declaration on the 4th day of May, 2017 stating that the matter was development and was not exempted development:

**AND WHEREAS** Michael and Maria Finn care of Barnes Murray de Bhail, The Old Forge, Innishannon, Co. Cork referred this declaration for review to An Bord Pleanála on the 25<sup>th</sup> day of May, 2017:

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

- (a) Section 2, 3, 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 and Class 50 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and the conditions and limitations attached hereto,

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) The demolition of part of the house and the construction of the extension constitutes development.
- (b) The height of the wall of the subject extension exceeds the height of the rear wall of the house, being the gabled single storey family area projection.
- (c) The extension would come within the description of development in Column 1 of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, but does not comply with the conditions and limitations (4)(b) and (4)(c) as set out in Column 2.

**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 the the construction of an extension to the rear of dwelling at 103 Coopers Grange, Old Quarter, Ballincollig, Co. Cork, is development and is not exempted development.

**Board Member**

**Date:** 11<sup>th</sup> May 2018

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John Connolly