



An
Bord
Pleanála

**Board Direction
RL06D.RL3605**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23rd 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 conversion of the garage to the side of the house for use as part of the house is or is not development or is or is not exempted development:

AND WHEREAS Tony McDonnell requested a declaration on this question from Dún Laoghaire Rathdown County Council and the Council issued a declaration on the 19th day of June, 2017 stating that the matter was not exempted development:

AND WHEREAS Tony McDonnell referred this declaration for review to An Bord Pleanála on the 17th day of July, 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, as amended,
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the conversion of the garage for an extension to the house comprised works, which constitutes development,
- (b) the conversion of the garage for an extension to the house comes within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

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 conversion of the garage to the side of the house and use as part of the house is development and is exempted development.

In deciding not to accept the Inspector's recommendation that the development is not exempted development, the Board considered that the removal of the dedicated car parking space at this location would not endanger public safety by reason of traffic hazard or obstruction of road users.

Board Member

Date: 23rd May 2018

John Connolly