



Planning and Development Acts 2000 to 2018

Planning Authority: Kilkenny County Council

Planning Register Reference Number: DEC458

WHEREAS a question has arisen as to whether the alteration of a roof space of a domestic dwelling, the structure of which allows for future habitable accommodation of that space, without changes to any external elevation(s) of the original permitted structure at Knockadeen, Clifden, County Kilkenny, constitute a development and if so is it exempted development:

AND WHEREAS Douglas Hamilton of Knockadeen, Clifden, County Kilkenny requested a declaration on this question from Kilkenny County Council and the Council issued a declaration on the 18th day of October, 2017 stating that the matter is development and is not exempted development:

AND WHEREAS Douglas Hamilton referred the declaration for review to An Bord Pleanála on the 8th day of November, 2017:

AND WHEREAS having regard to the nature of the question and the documentation submitted as part of the referral, the Board has decided to reformulate the question as follows:

“Whether the conversion of the attic of a completed domestic dwelling to habitable accommodation is or is not development and is or is not exempted development.”

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)(h) of the Planning and Development Act, 2000, as amended,
- (d) The fact that the conversion was undertaken subsequent to the construction of the dwelling, and
- (e) The planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The conversion of the attic of the completed dwelling involved the carrying out of works, as defined, and is, therefore, development;

- (b) The development undertaken comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, as it comprises works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure;

- (c) That development that has been undertaken does not come within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, having regard to the fact that the development does not involve the extension of the structure or conversion of any existing structure to the rear for use as part of the house.

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 attic of a completed domestic dwelling to habitable accommodation at Knockadeen, Clifden, County Kilkenny, is development and is exempted development.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.