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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0446/17**

**WHEREAS** a question has arisen as to whether the minor increase in parapet height of a two-storey dwelling, as constructed over that permitted under An Bord Pleanála reference number PL 29S.246883 at 16 Cullenswood Park, Ranelagh, Dublin, is or is not development or is or is not exempted development:

**AND WHEREAS** John McCarthy care of Auveen Byrne Associates of Lioscarran House, 32 Dale Road, Kilmacud, Stillorgan, County Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 14<sup>th</sup> day of December, 2017 stating that the said matter is not exempted development:

**AND WHEREAS** John McCarthy referred the declaration for review to An Bord Pleanála on the 18<sup>th</sup> day of January, 2018:

**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) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended, and
- (d) The planning history of the site.

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

- (a) The construction of the dwelling involved works and is, therefore, development,
- (b) the drawings submitted in respect of planning permission granted under An Bord Pleanála reference number PL 29S.246883 did not give specific dimensions but allowed for variation through the use of approximate dimensions, and
- (c) the deviation in this instance between what has been constructed and the approximate figure dimensions is minor in the context of the development, does not have any material impacts on adjoining property and is, therefore, de minimus, and is exempted development

**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 minor increase in parapet height of a two-storey dwelling, as constructed over that permitted under An Bord Pleanála reference number PL 29S.246883 at 16 Cullenswood Park, Ranelagh, Dublin, 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.

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**Maria FitzGerald**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**