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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Galway County Council**

**Planning Register Reference Number: ED18/09**

**WHEREAS** a question has arisen as to whether works comprising an extension 39 square metres to an existing cottage and laying out of existing entrance at Grace O'Malley's Cottage, Leenane, County Galway are or are not development or are or are not exempted development:

**AND WHEREAS** Keith Hughes care of Stephen Dowds Associates of 5 Mary Street, Galway requested a declaration on this question from Galway County Council and the Council issued a declaration on the 26th day of February, 2018 stating that the matter is development and is not exempted development:

**AND WHEREAS** Mr. Keith Hughes care of Stephen Dowds Associates referred this declaration for review to An Bord Pleanála on the 26<sup>th</sup> day of March, 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,
- (c) section 4(1)(h) of the Planning and Development Act, 2000,
- (d) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended, and
- (e) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

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

- (a) the extension to the cottage and laying out of an entrance constitutes works and is therefore, development, as defined in section 3(1) of the Act,
- (b) having regard to the layout of the original cottage, including the position of the access door and windows, it is not considered, for the purpose of the Planning and Development Regulations, 2001, as amended, that the extension to the cottage is to the rear of the cottage in the sense provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and, therefore, does not come within the scope of this class,
- (c) it has not been clearly established that a vehicular entrance pre-existed at the location of the vehicular entrance now in place, therefore, the entrance in question is a new entrance, and

- (d) this entrance is onto a public road, the surfaced carriage of which exceeds 4 metres in width and, therefore, is not exempt under Article 9(1)(a)(ii) 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 2000 Act, hereby decides that an extension 39 square metres to an existing cottage and laying out of existing entrance at Grace O'Malley's Cottage, Leenane, County Galway are development and are not 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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**Terry Prendergast**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**