



Planning and Development Acts 2000 to 2018

Planning Authority: Fingal County Council

WHEREAS a question has arisen as to whether the amendments to the ground and first floor extension to the rear at 26 Estuary Road, Malahide, County Dublin are or are not development or are or are not exempted development:

AND WHEREAS this question was referred to An Bord Pleanála by Fingal County Council on the 29th day of March, 2018:

AND WHEREAS An Bord Pleanála, in the light of the documentation on the file, and the content of the declaration, has reformulated the question as follows:

Whether the existing ground and first floor extension works to the rear of the house at 26 Estuary Road, Malahide, County Dublin are or are not development or are or are not exempted development:

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

- (a) sections 2(1) and 3(1) of the Local Government (Planning and Development) Act, 1963, as amended,
- (b) sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (c) Article 9(1) and Article 10(1) of the Local Government (Planning and Development) Regulations, 1994 and Classes 1, 3 and 7 of Part 1 of the Second Schedule to those Regulations,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001-2018 and Classes 1, 3 and 7 of Part 1 of Schedule 2 to those Regulations,
- (e) the planning and development history of the site,
- (f) the submission of the planning authority, and
- (g) the report of the Planning Inspector, including measurements taken on site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works as carried out constitute development,
- (b) the gross floor area of the extensions do not exceed 23 square metres or reduce the area of garden remaining to less than 25 square metres or exceed the height of the rear eaves or parapet to the house,
- (c) the extension, therefore, comes within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 1994, as amended, and all Conditions and Limitations attached to this Class,
- (d) the roofed structure open to the rear is not internal habitable space and is not a porch,
- (e) the roofed structure to the rear, in combination with the shed to the rear, do not exceed 25 square metres or reduce the area of garden remaining to less than 25 square metres or exceed four metres in height,
- (f) the roofed structure, therefore, comes within the scope of Class 3 of Part 1 of the Second Schedule to the Planning and Development Regulations 1994, as amended, and Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 1994, as amended, and all Conditions and Limitations attached to these Classes, and
- (g) the modifications to the extensions and the roofed structure come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the existing ground and first floor extension works to the rear of the house at 26 Estuary Road, Malahide, County Dublin are development and are 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.

Terry Ó Niadh

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

Dated this day of 2019.