



Planning and Development Acts 2000 to 2018

Planning Authority: Kerry County Council

Planning Register Reference Number: EX653

WHEREAS a question has arisen as to whether the conversion of attic space to living accommodation and the fitting of additional windows to the second floor of the dwellings under construction at Saint Anne's Road, Killarney, County Kerry is or is not development or is or is not exempted development:

AND WHEREAS Padraig Griffin and others care of Griffin Project Management of 51 New Street, Killarney, County Kerry requested a declaration on the said question from Kerry County Council and the said Council issued a declaration on the 17th day of April, 2018 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Padraig Griffin and others referred the declaration for review to An Bord Pleanála on the 10th day of May, 2018:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended.

AND WHEREAS An Bord Pleanála has concluded that the conversion of the attic level to residential accommodation and the addition of windows at this level to the subject dwellings do not come within the scope of section 4(1)(h) of the Local Government (Planning and Development) Act, 1963 because the works in question were carried out during the construction of the dwellings for which planning permission was granted on the basis of drawings and specifications which did not include the conversion of the attic and the addition of the specified windows:

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 attic space to living accommodation and the fitting of additional windows to the second floor of the dwellings under construction is development and is 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.

Paul Hyde

Member of An Bord Pleanála

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

Dated this day of 2018.