



Planning and Development Acts 2000 to 2018

Planning Authority: Wicklow County Council.

Planning Register Reference Number: EX 50/18

WHEREAS a question has arisen as to whether, following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 square metres and which is located to the rear of a dwelling at 3 Wellfield Close, Monkton Row, Wicklow is or is not exempted development. This referral specifically excludes the use of the roof of this structure for sitting out purposes and expressly entails the removal of steps which lead from the surface within the site to this roof.

AND WHEREAS Seamus Mitchell care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on the question from Wicklow County Council and no declaration issued by the planning authority for the stated reason that it had effectively already undertook an assessment and issued a declaration regarding this matter under register reference number EX 28/18:

AND WHEREAS Seamus Mitchell referred the question for decision to An Bord Pleanála on the 31st day of October, 2018:

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

whether, following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 square metres and which is located to the rear of a dwelling, and the removal, by infilling, of steps which lead from the surface within the site to the roof of the shed at 3 Wellfield Close, Monkton Row, Wicklow is or is not development or is or is not exempted development:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Class 3 of Part 1 of Schedule 2 to those Regulations, and the Conditions and Limitations set out in Column 2 thereof, and
- (c) the planning history of the subject site, including the concurrent referral, An Bord Pleanála reference number ABP-302175-18, register reference number EX 28/18:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of the subject shed and the infilling of the steps constitutes “works” and is, therefore, “development” within the meaning of Section 3 of the Planning and Development Act, 2000, as amended,
- (b) the shed is a development of a type that comes within the scope of the exempted development provisions of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and
- (c) the infilling of the steps is development of a type that comes within the scope of the exempted development provisions 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 (3) (b) of the 2000 Act, hereby decides that following the removal of three features comprising a walkway (between the house and the roof of the shed), a railing atop this shed and a timber fence beside the roof of this same feature, the retention of a garden shed which contains 19.1 square metres and which is located to the rear of a dwelling, and the removal, by infilling, of steps which lead from the surface within the site to the roof of the shed at 3 Wellfield Close, Monkton Row, Wicklow is development and is exempted development.

In deciding not to accept the recommendation of the Inspector, that the retention of a shed is not exempted development, the Board had particular regard to the permitted and as built levels, marked in red in hand on drawing number 1010-C2B, received with the concurrent referral, An Bord Pleanála reference number ABP-302175-18, register reference number EX 28/18.

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 2019.