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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Wicklow County Council**

**Planning Register Reference Number: EX 49/18**

**WHEREAS** a question has arisen as to whether (a) the 14 square metres extension and (b) the 'outhouse' to the rear at 8 Herbert Park, Bray, County Wicklow is or is not development or is or is not exempted development:

**AND WHEREAS** Roman Jafarov care of Matt Barnes of Coolamber, Stocking Lane, Ballyboden, Dublin requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 15<sup>th</sup> day of October, 2018 stating that the (a) the 14 square metres extension to the rear of Number 8 Herbert Park, Bray, County Wicklow is development and is exempted development and (b) the 'outhouse' to the rear of Number 8 Herbert Park, Bray, County Wicklow is development and is not exempted development:

**AND WHEREAS** Roman Jafarov referred the declaration for review to An Bord Pleanála on the 7<sup>th</sup> day of November, 2018:

**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, and
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and Part 1 of Schedule 2 to those Regulations, including Class 1 and Class 3:

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

- (a) the provision of the single storey extension and ‘outhouse’ structure involved the carrying out of works and, therefore, is development within the meaning of section 3(1) of the Planning and Development Act 2000, as amended,
- (b) the single storey extension comes within the scope of Class 1 Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 (as amended), and is, therefore, exempted development,
- (c) the ‘outhouse’ would come within the scope of Class 3 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended, if used as a gym or other purpose incidental to the enjoyment of the house as such and would, therefore, be exempted development, and

- (d) the 'outhouse' would not come within the scope of Class 3 of Part 1 of the Second Schedule of the Planning and Development Regulations 2001, as amended, if used for human habitation as it would not comply with condition and limitation number 6, to which this class is subject and would, therefore, not be 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 single storey extension at Number 8 Herbert Park, Bray, County Wicklow is development and is exempted development and that the 'outhouse' structure at Number 8 Herbert Park, Bray, County Wicklow is development and is exempted development if used as a gym but is development and is not exempted development if used for habitable purposes.

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

**Dated this            day of            2019.**