



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: Ref11618

WHEREAS a question has arisen as to whether the installation of three number rooflights on a flat roof at a site adjacent to Number 24 Ardbrough Road, Dalkey, County Dublin is or is not development or is or is not exempted development:

AND WHEREAS Darragh and Alison Fegan of Shamrock Cottage, Ardbrough Road, Dalkey Hill, Dalkey, County Dublin requested a declaration on the question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 12th day of November, 2018 stating that the installation of three number rooflights on a flat roof is development and is exempted development:

AND WHEREAS Darragh and Alison Fegan referred the declaration for review to An Bord Pleanála on the 29th day of November, 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, as amended;
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended;
- (d) the planning history of the site, and
- (e) when the works were carried out:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the construction of the three rooflights involved the carrying out of works and is, therefore, development within the meaning of the Planning and Development Act 2000, as amended,
- (b) the construction of the three rooflights to the subject dwelling does not come within the scope of section (4)(1)(h) of the Planning and Development Act, 2000, as amended, because the works in question were carried out during the construction of the dwelling house for which planning permission was granted on the basis of drawings and specifications which did not include the installation of the three rooflights in the location in question and, therefore, do not constitute works for the maintenance, improvement or alteration of an existing structure, and
- (c) there are no other provisions in the Planning and Development Act 2000, as amended, and the Planning and Development Regulations, 2001, as amended, by which this development would 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 installation of three number rooflights on a flat roof at a site adjacent to Number 24 Ardbrough Road, Dalkey, County Dublin, 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.

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

Dated this day of 2019.