



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D52018 6

WHEREAS questions have arisen as to whether -

- (1) the construction of residential extension to the rear, and
- (2) the raising of the site levels to the rear,

at 15 Village View, Clashmore, Ballyheeny, County Waterford, is or is not development or is or is not exempted development:

AND WHEREAS E. Thorsch of 18 Village View, Ballyheeny, Clashmore, near Youghal, County Waterford requested a declaration on the questions from Waterford City and County Council and the Council issued a declaration on the 4th day of December, 2018 stating that -

- (1) the construction of residential extension to the rear is development and is exempted development, and
- (2) the raising of the site levels to the rear, is development and is not exempted development:

AND WHEREAS E. Thorsch referred the declaration for review to An Bord Pleanála on the 21st day of December, 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,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 1 and 6 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (1) the construction of residential extension to rear -
 - (a) would constitute the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000,
 - (b) would come within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, and
 - (c) would accord with the conditions and limitations of Class 1 of Part 1 of Schedule 2 to those Regulations; and

- (2) the raising of site levels to rear -
 - (a) would constitute the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000,
 - (b) would not come within the scope of Class 6 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as the ground levels were altered by more than one metre, and
 - (c) would not accord with the conditions and limitations of Class 6 of Part 1 of Schedule 2 to those Regulations;

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 at 15 Village View, Clashmore, Ballyheeny, County Waterford -

- (1) the construction of residential extension to the rear is development and is exempted development, and
- (2) the raising of the site levels to the rear 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.

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

Dated this day of 2019.