



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 0111/19

WHEREAS a question has arisen as to whether (i) the construction of a part two-storey, part single storey extension to the rear elevation and (ii) alterations to the rear and side elevations at Florence House, 199 Strand Road, Merrion, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Richard Crowe of Knockaburra, 199B Strand Road, Merrion, Dublin, requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 5th day of April, 2019 stating that the matter was development and was exempted development:

AND WHEREAS Richard Crowe referred this declaration for review to An Bord Pleanála, on the 30th day of April, 2019.

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 1 of Part 1 of the Second Schedule to those Regulations, and
- (c) the planning history of the site and the documentation submitted with the referral by the referrer and by the owner/occupier:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the erection of the extension and the carrying out of the alterations both comprise works, and therefore constitute development,
- (b) the rear extension comes within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and complies with all of the relevant Conditions and Limitations to which this Class is subject, and is therefore exempted development,
- (c) the restrictions on exemption provided for in Article 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended, do not apply in this instance, because planning permission register reference number 1091/08, which was cited by the referrer, relates to a different development than the rear extension that is the subject of the present referral, and the permission in question was not implemented and has expired, and
- (d) the alterations to the house are limited to the internal works, being the opening up of the games room, kitchen and hallway window to connect into the rear extension all come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, and are therefore exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that (i) the construction of a part two-storey, part single storey extension to the rear elevation and (ii) alterations to the rear and side elevations at Florence House, 199 Strand Road, Merrion, Dublin 4, are development and are 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.

Philip Jones

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

Dated this day of 2019.