



Planning and Development Acts 2000 to 2019

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D5/2019-5

WHEREAS a question has arisen as to whether the extension of chalet to the rear of structure by nine square metres, finishes to match existing structure and new entrance door to eastern elevation at “Mullarkeys”, Cliff Road, Ardmore, County Waterford is or is not development or is or is not exempted development:

AND WHEREAS Richard Lincoln of Star Cottage, Ardmore via Youghal, County Waterford requested a declaration on the question from Waterford City and County Council and no declaration issued by the planning authority:

AND WHEREAS having regard to the nature of the question and the documentation submitted as part of the referral, the Board has decided to reformulate the question as follows -

WHEREAS whether the extension of an existing chalet by the addition of an extension of nine square metres to the north elevation and a porch extension incorporating new access to the east elevation at “Mullarkeys”, Cliff Road, Ardmore, County Waterford 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(1), 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 7 of Part 1 of the Second Schedule to those Regulations,
- (d) the nature of the development existing on the site, and the planning and development history of the site, and
- (e) the layout of development on the site and the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the existing structure on the site is not an unauthorised structure or use and comes within the definition of a 'house' under section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) the provision of an extension and porch to this chalet involves the carrying out of works and therefore constitutes development,
- (c) having regard to the pattern of development in the area, the orientation of the house relative to the coast and Cliff Road, the fenestration of the house with windows facing the sea and blank elevation facing Cliff Road and the fact that the existing access to the house is from the sea side (north), it is considered that the front of the house faces the sea,

- (d) the fact that the proposed porch extension would not be constructed outside of any existing external door,
- (e) the conservatory extension is, therefore, not exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as this extension would be to the front rather than the rear of the dwelling, and
- (f) the porch extension is, therefore, not exempted development under Class 7 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as it would not serve an existing external door:

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 the extension of an existing chalet by the addition of an extension of nine square metres to the north elevation and a porch extension incorporating new access to the east elevation at “Mullarkeys”, Cliff Road, Ardmore, County Waterford 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 2020