



Planning and Development Acts 2000 to 2020

Planning Authority: Waterford City and County Council.

Planning Register Reference Number: D5/220/8.

WHEREAS a question has arisen as to whether the conversion of the attic of the original single storey house following the granting of planning permission under planning register reference number 04/537 and the implementation of that permission, to provide additional habitable living accommodation, and all works associated with the attic conversion including altering, repositioning and additional roof lights at 31 Marian Park, Waterford are or are not development or are or are not exempted development:

AND WHEREAS William Giddens care of Peter Thomson Planning Solutions of 4 Priory Grove, Kells, County Kilkenny requested a declaration on the question from Waterford City and County Council and no declaration issued by the planning authority:

AND WHEREAS William Giddens referred the question for decision to An Bord Pleanála on the 22nd day of July, 2020:

AND WHEREAS An Bord Pleanála reformulated the question as follows;-

“whether the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford are or are not development or are or are not exempted development”:

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, and
- (c) the submission made by the owner/occupier in response to this referral:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the attic was converted to provide additional habitable accommodation before the granting of planning permission under planning register reference number 04/537 and the implementation of that permission and, therefore, the question should be restated as follows:

“whether the works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford are or are not development or are or are not exempted development”, and

- (b) the works associated with the renovation of the existing habitable accommodation, including the altering, repositioning and addition of roof lights, constitute development which comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000 and is, therefore, exempted development:

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 works associated with the renovation of the existing habitable accommodation, including altering, repositioning and additional roof lights in the attic of the original single storey house at 31 Marian Park, Waterford 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.

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

Dated this day of 2021.