



An
Bord
Pleanála

Board Order
ABP-308358-20

Planning and Development Acts 2000 to 2020

Planning Authority: Limerick City and County Council

Planning Register Reference Number: EC15-20

WHEREAS a question has arisen as to whether a garage/store to the side and single storey extension to the rear of house at 39 Kylemore, School House Road, Castletroy, County Limerick, is or is not development and is or is not exempted development:

AND WHEREAS Julie Ann Dowling requested a declaration on this question from Limerick City and County Council and the Council declined to issue a declaration:

AND WHEREAS the said question was referred to An Bord Pleanála by Limerick City and County Council on the 6th day of October, 2020:

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,
- (c) Section 4(1) of the Planning and Development Act, 2000, as amended,
- (d) Section 5 of the Planning and Development Act, 2000, as amended,

- (e) Article 3 of the Planning and Development Regulations, 2001, as amended,
- (f) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (g) Classes 1 and 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (h) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the existing side/rear single storey extension to the dwelling house at 39 Kylemore is development,
- (b) the existing side/rear single storey extension to the dwelling house at 39 Kylemore, which was the subject of planning application 17/684 and appeal ABP-301501-18, failed to receive retention permission and so is unauthorised development,
- (c) the proposed alterations to the existing side/rear single storey extension to the dwelling house at 39 Kylemore is development and is not exempted development under the Planning and Development Regulations, 2001-2021, as they would be to an unauthorised structure:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the garage/store to the side and single storey extension to the rear of house at 39 Kylemore, School House Road, Castletroy, County Limerick 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 *9th* day of *June* 2021.