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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FS5W/18/20**

**WHEREAS** a question has arisen as to whether the construction of a wooden structure within the rear garden of 79 Castlefield Woods, Clonsilla, Dublin which is occupied as habitable accommodation, is or is not development or is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Fingal County Council on the 27<sup>th</sup> 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, as amended,

- (c) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001-2021,
- (d) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001-2021, which relates to the extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house:

**AND WHEREAS** An Bord Pleanála has concluded that the construction of a wooden structure within the rear garden of 79 Castlefield Woods, Clonsilla, Dublin, which is occupied as habitable accommodation, does not constitute a rear extension in accordance with Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001-2021, as the subject structure is detached from the main house and is separately accessible and is also functionally separate from the main house:

**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 construction of a wooden structure within the rear garden of 79 Castlefield Woods, Clonsilla, Dublin, which is occupied as habitable accommodation, 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.

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

**Dated this            day of            2021**