

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

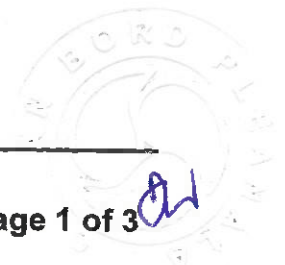
Planning Register Reference Number: Ref11520

WHEREAS a question has arisen as to whether the replacement of an existing log cabin at Number 6 Glenalua Road, Killiney, County Dublin is or is not development or is or is not exempted development and whether works to the existing boundary is or is not development or is or is not exempted development:

AND WHEREAS Owen and Gina Lavery care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 4th day of January, 2021 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Owen and Gina Lavery referred the declaration for review to An Bord Pleanála on the 28th day of January, 2021:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –



- (a) Sections 2(1) and 3(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 4(1)(h) and Section 82(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, as amended,
- (d) Class 3 and Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the character and pattern of development in the area,
- (f) the planning history of the site, and
- (g) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the alterations to the boundary wall would materially affect the external appearance of the structure so as to render the appearance inconsistent with neighbouring structures as defined under Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) the replacement log cabin directly on top of the stone boundary wall, with a higher structure with a large window in the side elevation, painted a bright colour on this elevated and prominent site, would materially effect the character of the Killiney Conservation Area,
- (c) the replacement log cabin does not fall within the scope of Class 3 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as it is located forward of the front wall of a house at

Number 7 Glenalua Road and the finishes do not conform with the existing house, and

- (d) the alterations to the side boundary do not fall within the scope of Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as the overall height of both the existing stone wall and the log cabin which now forms part of the boundary wall at this location exceeds 2 metres:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the replacement of an existing log cabin at Number 6 Glenalua Road, Killiney, County Dublin is development and is not exempted development and that the works to the existing boundary 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.



Dave Walsh

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *23rd* day of *July* 2021

