

Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: 12320

WHEREAS a question has arisen as to whether the installation of external insulation to the front of the dwellinghouse at number 16 Beech Park Avenue, Foxrock, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Thomas Clarke care of MHP Solicitors of 9/10/11 Bindon Street, Ennis, County Clare requested a declaration on this question from Dún Laoghaire Rathdown County Council and the Council restated the question as to whether the installation of external insulation to the exterior of the dwellinghouse at number 16 Beech Park Avenue, Foxrock, Dublin is or is not development or is or is not exempted development and issued a declaration on the 15th day of January, 2021 stating that the matter is development and is exempted development:

AND WHEREAS Thomas Clarke care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin referred the declaration for review to An Bord Pleanála on the 8th day of February, 2021:

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

- (a) sections 2, 3 and 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (b) the character and pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the installation of external insulation to the exterior of the dwellinghouse constitutes works which are development, as defined in section 3 of the Planning and Development Act, 2000, as amended,
- (b) the installation of external insulation to the exterior of the dwelling house constitutes “works for the maintenance, improvement or other alteration of any structure” as defined in section 4(1)(h) of the said Act,



- (c) the installation of external insulation to the exterior of the dwellinghouse constitutes works which amount to the entire concealment of exterior details and finishes which are defining characteristics of the semi-detached housing along Beech Park Avenue and which, therefore, materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure and that of neighbouring structures, and

- (d) the installation of external insulation to the exterior of the dwellinghouse accordingly does not come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

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 installation of external insulation to the exterior of the dwellinghouse at number 16 Beech Park Avenue, Foxrock, Dublin is development and is not exempted development.



Matters Considered

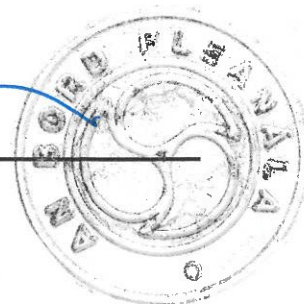
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.



John Connolly

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *14th* day of *JUNE* 2021.