

Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 0135/21

WHEREAS a question has arisen as to whether the construction of two number extensions to the rear of a house at number 3 Gilford Avenue, Sandymount, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Michelle Barrett of number 1 Gilford Avenue, Sandymount, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 14th day of May, 2021 advising of a split decision, and stating that the construction of the shed structure was development and was exempted development, and that the construction of an extension which the applicant states exceeds 40 square metres was development and was not exempted development:

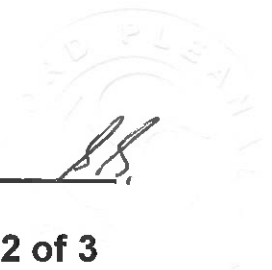
AND WHEREAS Roisin Curley care of Clancy Moore Architects of 66 Meath Street, Dublin referred the declaration for review to An Bord Pleanála on the 25th day of May, 2021:

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

- (a) Section 2, 3, and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1, Class 3 and Class 50 of Part 1 of Schedule 2 to those Regulations, and the conditions and limitations attached thereto,
- (d) the submissions on file, and
- (e) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of the extension to the house and the shed constitutes development,
- (b) the height of the wall of the subject extension exceeds the height of the rear wall of the house,
- (c) the subject extension, as constructed, does not comply with the conditions and limitations of (4)(a) as set out in Column 2 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and




- (d) the subject shed, as constructed, complies with the conditions and limitations as set out in Column 2 of Class 3, of Part 1 of Schedule 2 of those Regulations:

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 -

- (a) the construction of an extension to the rear of dwelling at number 3 Gilford Avenue, Sandymount, Dublin is development and is not exempted development, and
- (b) the construction of the shed to the rear of the dwelling at number 3 Gilford Avenue, Sandymount, Dublin is development and is 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.



Stephen Bohan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 16th day of November 2021.