



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: 0208/21

WHEREAS a question has arisen as to whether the installation of two new velux balconies at 25 Mountain View Road, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Geert Jan Huysmans and Maria Pilar Duncan of 64 Merton Drive, Ranelagh, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 29th day of June 2021 stating that the said matter was development and was exempted development:

AND WHEREAS the said Geert Jan Huysmans and Maria Pilar Duncan referred the declaration for review to An Bord Pleanála on the 22nd day of July, 2021:

AND WHEREAS An Bord Pleanála, having considered the nature of the question, is satisfied that the referral should not be further considered by it:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 138(1) of the Planning and Development Act, 2000, as amended, hereby dismisses the said referral under subsection (1)(b)(i) of section 138 of the said Act, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the previous referral under section 5 of the Planning and Development Act 2000, as amended, determined by Dublin City Council on the 24th day of January 2020 under planning register reference number 0011/20, which declared that the installation of two velux windows to the rear roof of 25 Mountain View Road, Ranelagh, Dublin is development and is exempted development under section 4(1)(h) of the Planning and Development Act 2000, as amended, and having regard to the identical matter now submitted to the Board for determination on appeal and to relevant case law on the matter, it is considered that, in the particular circumstances, the appeal of the referral request should not be further considered, having regard to the nature of the appeal and the previous valid declaration by Dublin City Council on the matter.

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 13th day of September 2021.

