



An  
Bord  
Pleanála

Board Order  
ABP-312301-21

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Donegal County Council**

**Planning Register Reference Number: S5 21/38**

**WHEREAS** a question has arisen as to whether:

- (a) the alterations to the fenestration of the rear extension, including the installation of sliding glazed doors, and
- (b) the provision of a substantial suspended deck/platform with a glazed balustrade to the rear of the extended dwelling

at Fanaghans, Inver, County Donegal is or is not development or is or is not exempted development:

**AND WHEREAS** Paul Hayden of Fanaghans, Inver, County Donegal requested a declaration on the said question from the planning authority and the said Council issued a declaration on the 9<sup>th</sup> day of December, 2021 stating that the matter is development and is exempted development:

**AND WHEREAS** Paul Hayden of Drumelis, Cavan referred the declaration for review to An Bord Pleanála on the 21<sup>st</sup> day of December, 2021:

**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) Section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the planning history of the site:

**AND WHEREAS** An Bord Pleanála has concluded that:

- (a) the alterations to the fenestration of the rear extension, including the installation of sliding glazed doors, and the provision of a substantial suspended deck/platform with a glazed balustrade are integral to the project to construct this extension to the dwelling at Fangahans, Inver, County Donegal, and

- (b) only one continuous project has transpired and so, as this project is development that is not exempted development, all of its component parts, including the alterations to its fenestration and the provision of a deck/platform, are development that is not exempted development:

**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 alterations to the fenestration of the rear extension, including the installation of sliding glazed doors, and
- (b) the provision of a substantial suspended deck/platform with a glazed balustrade to the rear of the extended dwelling

at Fanaghans, Inver, County Donegal is development and is not exempted development.



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**Mary Henchy**

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

Dated this *13<sup>th</sup>* day of *October* 2023.