



Planning and Development Acts 2000 to 2022

Planning Authority: Waterford City and County Council

Planning Register Reference Number: D5/2022/4

WHEREAS a question has arisen as to whether the construction of two extensions to a house of 36.88 square metres at Ballynalahessery North, Dungarvan, County Waterford is or is not development or is or is not exempted development:

AND WHEREAS Thomas Gibson of Ballynalahessery North, Dungarvan, County Waterford requested a declaration on the question from Waterford City and County Council and no declaration issued by the planning authority:

AND WHEREAS Thomas Gibson referred the question for decision to An Bord Pleanála on the 29th day of April, 2022:

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

- (a) Section 2(1), Section 3(1), and 4(1)(h) of the Planning and Development Act, 2000, as amended,

- (b) articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Classes 1 and 7 of Part 1 of Schedule 2 to those Regulations,
- (d) the planning history of the site,
- (e) the submissions on file, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of the front and rear extensions would constitute development under Section 3(1) of the Planning and Development Act 2000, as amended,
- (b) the proposed rear extension would fall within the description of development and the conditions and limitations as set out in Columns 1 and 2 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and would constitute exempted development,
- (c) the proposed front extension would not fall within the description of development as provided in the exemption in Column 1 of Class 1 of Part 1 of Schedule 2 of those Regulations, and
- (d) the proposed front extension would not fall within the scope of the exemption as provided by 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) (b) of the 2000 Act, hereby decides that

- (a) the construction of an extension to the rear of a dwelling at Ballynahessery North, Dungarvan, County Waterford is development and is exempted development, and
- (b) the construction of an extension to the front of a dwelling at Ballynahessery North, Dungarvan, County Waterford is development and is not exempted development.




Liam Bergin

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

Dated this 1st day of October 2023.