



An
Bord
Pleanála

Board Order
ABP-315145-22

Planning and Development Acts 2000 to 2022

Planning Authority: Wicklow County Council

Planning Register Reference Number: EX57/2022

WHEREAS a question has arisen as to whether a 16 square metre and three metre high existing flat roof domestic shed in the rear garden of Number 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is or is not development, or is or is not exempted development:

AND WHEREAS Derek and Martina McLoughlin Number 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 8th day of November, 2022 stating that a 16 square metre and three metre high flat roof domestic shed located in the rear garden of a dwelling house at 4 Hazlewood, Dargle Road, Bray, County Wicklow is development and is not exempted development:

AND WHEREAS Derek and Martina McLoughlin referred this declaration for review to An Bord Pleanála on the 18th day of November, 2022:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 3 of Part 1 of Schedule 2 of those regulations,
- (d) the documentation on file, including the submission from the referrer,
- (e) relevant precedent referrals and judgements, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the existing flat roof shed to the rear of Number 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is development;
- (b) as the amount of private open space to the rear of Number 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is less than 25 square metres, the shed does not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended;
- (c) as the ground levels to the rear of Number 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow are not uniform, the ground level for determining the height of the shed is the level of the lowest part of the ground adjacent to it as set out in Article 5(2) of the Planning and

Development Regulations, 2001, as amended;

- (d) as the height of the existing flat roof shed to the rear of Number 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is more than three metres above the lowest part of the ground adjacent to it, the shed does not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the 16 square metre and three metre high existing flat roof domestic shed in the rear garden of Number 4 Hazlewood, Upper Dargle Road, Bray, County Wicklow is development and is not exempted development.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

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

Dated this *28th* day of *March*, 2024.

