



Planning and Development Acts 2000 to 2022

Planning Authority: Kildare County Council

Planning Register Reference Number: ED/1004

WHEREAS a question has arisen as to whether or not the new gable window has been constructed in accordance with the permitted grant of planning permission, and if not then secondly, if the window as constructed constitutes development, and thirdly, if development, then can this be considered as exempted development or not exempted development at number 16, The Park, Wolstan's Abbey, Celbridge, County Kildare:

AND WHEREAS Robert McDonald care of Patrick Kerr of 39A Maynooth Road, Celbridge, County Kildare requested a declaration on this question from Kildare County Council and the Council issued a declaration on the 13th day of March, 2023 stating that the matter was development and was exempted development:

AND WHEREAS Robert McDonald referred this declaration for review to An Bord Pleanála on the 11th day of April, 2023:

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

- (a) Section 2(1), 3(1) and 4(1) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1)(a)(iii) and (viiB) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) the planning history of the site;

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the referral relates to changes made to the existing gable window on the second floor of the south-east facing elevation of the existing dwelling during the course of construction, which comprise works, as defined under Section 2(1) of the Planning and Development Act 2000, as amended, and is therefore development pursuant to Section 3(1) of the Planning and Development Act 2000, as amended;
- (b) the development carried out to the existing gable window is constructed pursuant to the provisions of condition number 3 of planning authority register reference number 18/1356.

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 the existing gable window on the second floor of the south-east facing elevation of the existing dwelling, at number 16 The Park, Wolstan's Abbey, Celbridge, County Kildare is development and is permitted development.



Stephen Brophy

Member of An Bord Pleanála

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

Dated this 29th day of May 2024.