

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council.

Planning Register Reference Number:

WHEREAS a question has arisen as to whether

- (a) the demolition of a two-storey extension measuring 92 square metres to the rear of dwelling, (46 square metres on each floor),
- (b) the construction of new two-storey extension measuring 129 square metres to the rear of dwelling, (73 square metres at ground floor and 56 square metres at first floor),
- (c) the demolition of a single-storey sunroom measuring five square metres on the western side elevation,
- (d) the construction of a single storey extension measuring two square metres on the western side elevation,
- (e) the construction of lean-to roof on the western elevation measuring approximately 6900 millimetres long and 160 millimetres wide, and

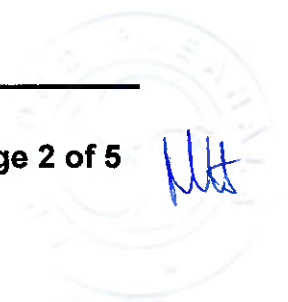
- (f) the construction of a wooden fence measuring two metres in height along the western boundary in the front garden of the house,

at 10 Burrow Road, Sutton, Dublin is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Fingal County Council on the 19th day of July, 2023:

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 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1, Class 3, Class 5 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the documentation on file, including submissions on behalf of the referrer, (Fingal County Council) and the owner/occupier of the property, Philip Farrelly,
- (e) relevant precedent referrals and judgements,
- (f) the pattern of development in the area, and
- (g) the report of the Planning Inspector.



AND WHEREAS An Bord Pleanála has concluded that -

- (a) the referred elements of demolition and construction constitute development as defined in Section 3 of the Planning and Development Act 2000, as amended;
- (b) the demolition of a two-storey extension and single storey sunroom do not come within the scope of Class 50(b) of the Planning and Development Regulations, 2001, as amended as the said works of demolition did not occur in connection with the provision of an extension or porch in accordance with Class 1 or 7 of those Regulations, respectively, or in accordance with a permission for an extension or porch under the Planning and Development Act 2000, as amended;
- (c) the construction of the new two-storey extension does not come within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as:
 - (i) the extension projects significantly to the side of the house and not solely to the rear of the house, and therefore does not meet the definition of Class 1 extension set out in Column 1, and
 - (ii) the extension does not meet the conditions and limitations set out in column 2 of Class 1, namely conditions 1(a) and (b), and 6 (b) as:
 - (a) the floor area of the extension exceeds the limitations set out in condition 1(a) and (b). In consideration of this matter, the Board concluded that the pre-existing extension to the rear of the house, whether or not it was constructed or erected prior to 1st day of October 1964, cannot be taken into account in respect of the floor area of the new two-storey extension, the subject matter of this referral, as it was demolished and



removed prior to the construction of the subject extension;
and,

- (b) the extension includes windows above ground floor level that are not less than 11 metres from the boundary they face;
- (d) the demolition of the sunroom and the construction of a single storey extension measuring two square metres on the western side elevation, do not come within the scope of Section 4(1)(h) of the Planning and Development Act 2000 as amended,
- (e) the construction of lean-to roof on the western elevation measuring approximately 6900 millimetres long and 160 millimetres wide does not come within the scope of Section 4(1)(h) of the Planning and development Act 2000 as amended, and
- (f) the construction of a wooden fence measuring two metres in height along the western boundary in the front garden of the house does not come within the scope of Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, as the height of the fence exceeds 1.2 metres.

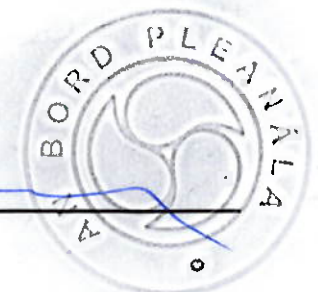
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that, in respect of a development at 10 Burrow Road, Sutton, Dublin -

- (a) the demolition of a two-storey extension measuring 92 square metres to the rear of dwelling, is development and is not exempted development,
- (b) the construction of new two-storey extension measuring 129 square metres to the rear of dwelling, is development and is not exempted development,

- (c) the demolition of a single storey sunroom measuring five square metres on the western side elevation, is development and is not exempted development,
- (d) the construction of a single storey extension measuring two square metres on the western side elevation, is development and is not exempted development,
- (e) the construction of lean-to roof on the western elevation measuring approx. 6900 millimetres long and 160 millimetres wide is development and is not exempted development, and
- (f) the construction of a wooden fence measuring two metres in height along the western boundary in the front garden of the house is development and is not exempted development.



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



Dated this 14th day of August 2024.