

An  
Bord  
Pleanála

**Board Order**  
**ABP-318242-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FS5/050/23**

**WHEREAS** a question has arisen as to whether the single storey residential extension attached to the rear of the existing dwelling at 4 River Walk, Clonsaugh, Belcamp, Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Thomas Maneesh of 4 River Walk, Belcamp, Clonsaugh, Dublin requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 25<sup>th</sup> day of September, 2023 stating that the matter was development and was not exempted development:

**AND WHEREAS** Thomas Maneesh referred this declaration for review to An Bord Pleanála, on the 13<sup>th</sup> day of October, 2023:

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

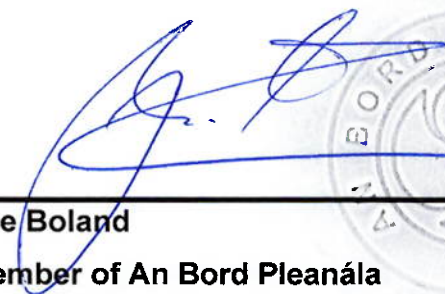

- (a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) Section 3(1) of the Planning and Development Act, 2000, as amended,

- (c) Section 4(2)(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) Class 1 of 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 development of a single storey domestic extension located and attached to the rear of the mentioned dwellinghouse is development as defined in section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) while this extension falls within Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, the larger part of it would in effect comprise a separate dwelling,
- (c) the existence of this additional dwelling would result in a material change in the use of the dwellinghouse in question, and
- (d) the development in question would, therefore, constitute development and not exempted development.

**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 single storey residential extension to the rear of the existing dwelling at 4 River Walk, Clonshaugh, Belcamp, Dublin is development and is not exempted development.

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

Dated this *13<sup>th</sup>* day of *June* 2024