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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Leitrim County Council**

**Planning Register Reference Number: 24-PSD-02**

**WHEREAS** a question has arisen as to whether works affecting a Protected Structure at Tullaghan House, Duncarbery, Tullaghan, County Leitrim would or would not materially affect the character of the Protected Structure:

**AND WHEREAS** James Maston and Santosh Pillai of 297 Woodbine Avenue, Toronto ON, M4L3P3, Canada requested a declaration on the said question from Leitrim County Council and the said Council issued a declaration on the 28<sup>th</sup> day of November 2024, stating that proposed works,

- (a) including the replacement of a number of windows and doors including double glazed glass would alter the exterior surfaces of this Protected Structure and would materially affect the character of the Protected Structure and as a result require planning permission; and
- (b) the repair of window numbers 3-9, 13-26, 31-35 and 40, 41 are works which would not materially affect the character of the Protected Structure and as a result would not require planning permission.

**AND WHEREAS** James Maston and Santosh Pillai submitted a referral for review to An Bord Pleanála on the 23<sup>rd</sup> day of December 2024, requesting an amendment, to the declaration made by Leitrim County Council, to allow the use of ultra-thin double glazing as part of the window replacement process:

## **Decision**


**DISMISS** the said appeal under subsection (1)(b) of section 138 of the Planning and Development Act, 2000, based on the reasons and considerations set out below.

## **Reasons and Considerations**

The Commission considered that there was a lack of clarity as to the exact nature and grounds of the referral. To enable a determination of the referral, the Commission sought to clarify what aspect exactly of the planning authority's declaration the referrer wanted the Commission to review. In that regard, the Commission issued a notice pursuant to section 132 of the Planning and Development Act 2000, as amended, on the 13<sup>th</sup> day of May 2025, seeking clarification from the referrer as to the exact grounds of the referral. The specified period for the submission of the information sought was on or before the 9<sup>th</sup> day of June 2025. As the Commission has not received the information sought in the said section 132 notice, and as the referral cannot be determined in the absence of that information, the Commission determined that the referral should be dismissed.



In deciding not to accept the Inspector's recommendation to determine the referral, the Commission considered that there was a lack of clarity as to the exact nature and grounds of the referral. The Commission considered that a determination of the referral was not possible in the absence of clarification sought regarding the questions raised in the referral.



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**Tom Rabbette**

**Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.**

Dated this 14<sup>th</sup> day of July 2025.