



An
Coimisiún
Pleanála

Commission Order
ABP-321734-25

Planning and Development Act 2000, as amended

Planning Authority: Galway County Council

Planning Authority Reference Number: ED24/141

WHEREAS a question has arisen as to whether renovation of an existing dwelling, the demolition of 37 square metres of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48 square metres) to the side of dwelling, and construction of 40.3 square metres extension to the rear at Kileenavara, Kinvara, County Galway, is or is not development and is or is not exempted development:

AND WHEREAS Rory Foy care of Gavin Doheny, Derryleigh, Newport, County Tipperary requested a declaration on this question from Galway County Council, and the Council issued a declaration on the 3rd day of January 2025 stating that the matter is development and is not exempted development:

AND WHEREAS Rory Foy referred this declaration for review to An Bord Pleanála on the 22nd day of January 2025:

AND WHEREAS An Coimisiún Pleanála, in considering this referral, had regard particularly to:

- (a) Sections 2(1), 3(1), 4(1)(h) and 4(2) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Coimisiún Pleanála has concluded that:

- (a) renovation of the existing dwelling, demolition of 37 square metres of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48 square metres) to the side of dwelling, and construction of 40.3 square metres extension to the rear constitutes works;
- (b) the works constitute development pursuant to section 3 of the Planning and Development Act, 2000, as amended;
- (c) the development would not be likely to have a significant effect on the integrity of a European site and would not, therefore, require appropriate assessment, the restriction of article 9(1)(a)(viiB) of the Planning and Development Regulations, 2001, as amended, does not apply;
- (d) renovation of the existing dwelling comes within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended;

- (e) demolition of the boiler house and water tank comes within the scope of Class 50(a) of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended;
- (f) the proposed extension comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 but does not meet the conditions and limits set out in Column 2 as it would exceed 40 square metres floorspace (specifically, it would not meet Condition and Limitation number 1(a) of said Class as the floor area exceeds the limit by 0.3 square metres);
- (g) demolition of the existing domestic extensions does not come within the scope of Class 50(b) of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 as it would not be connected to provision of an extension in accordance with Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as Condition and Limitation number 1(a) of Class 1 is not met as indicated above at (f));

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, as amended, hereby decides renovation of an existing dwelling, the demolition of 37 square metres of domestic extensions to the rear of dwelling, demolition of water tank and shed (combined 10.48 square metres) to the side of dwelling, and construction of 40.3 square metres extension to the rear at Kileenavara, Kinvara, County Galway is development and is not exempted development.



Tom Rabbette

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

Dated this 18th day of Nov. 2025.