

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

## Westmeath County

**Planning Authority Reference Number: S5-5-15**

An Bord Pleanála Reference Number: 25M.RL.3392

**WHEREAS** questions have arisen as to whether in relation to:

Front Elevation:

- the increase in size of two number existing window openings,
- the increase in size of two number bedroom windows, broken out to box windows,
- installation of one number velux window (roof light),
- alterations to front door, and
- the erection of a front boundary fence to a height of 1.546 metres,

Side Elevation:

- a decrease in size of one number existing side window,
- one number side window which has been blocked up,
- installation of one number velux window (roof light), and
- the erection of a block boundary wall, 2.1 metres high, along the boundary of Lynnderry Court,

Rear Elevation:

- the erection of an extension as constructed,
- the erection of a concrete post timber panels 2.13 metres in height,
- the removal of a chimney,
- the installation of stove flue in the extension, and
- the installation of two number velux windows (roof lights), and

to the House and front entrance:

- the replacement of concrete tiles with slates to the entire roof, and
- demolition of the entrance gates piers and their subsequent replacement,

at 1 Lynnderry Court, Ballinderry, Mullingar, County Westmeath are or are not development or are or are not exempted development:

**AND WHEREAS** Madge Martin care of Sean Lucy and Associates of 23E Lough Sheever Corporate Park, Mullingar, County Westmeath requested a declaration on the said questions from Westmeath County Council and the said Council issued a declaration on the 22<sup>nd</sup> day of July, 2015 stating that:-

- (a) (i) works to Front Elevation consisting of:
- two number windows increased in size,
  - two number bedroom windows broken out to box windows,
  - one number velux window (roof light),
  - alterations to front door,
- (ii) works to Side Elevation consisting of:
- window made smaller,
  - window blocked up,

- one number velux window (roof light),
- (iii) works to Rear Elevation:
- construction of an extension,
  - two number velux windows (roof lights),
  - installation of a stove flue in the extension,
  - removal of the chimney,
- (iv) works to House and Front Entrance:
- reroofing of whole dwelling by removing existing concrete tiles and replacing with slates,

are development and are exempted development, and

- (b) works consisting of concrete post and timber panel fence, block boundary wall with Lynnderry Court and front boundary fence

are development and are not exempted development,

all at 1 Lynnderry Court, Mullingar, County Westmeath:

**AND WHEREAS** the said Madge Martin referred the declaration for review to An Bord Pleanála on the 18<sup>th</sup> day of August, 2015:

**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) Classes 1, 2, 5 and 50 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, and the Conditions and Limitations in these Classes,

- (d) the documentation and submissions on file, and
- (e) the report of the Planning Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that:-

(a) the works to the front elevation consisting of:

- two number windows increased in size,
- two number bedroom windows broken out to box windows,
- one number velux window (roof light),
- alterations to front door,

the works to the side elevation consisting of:

- window made smaller,
- window blocked up,
- one number side velux window (roof light),
- reroofing of whole dwelling by removing existing concrete tiles and replacing with slates, and
- the two number rear velux windows (roof lights),

constitute development which comes within the scope of section 4(1)(h) of the Planning and Development Act 2000,

(b) the works comprising the construction of:

- a rear extension,
- the installation of a stove flue in the extension, and
- the removal of a chimney

come within the scope of Classes 1, 2 and 50, respectively, of Part 1 of the Schedule 2 to the Planning and Development Regulations 2001, as amended, and no restriction on exemption under Article 9 of the said Regulations is applicable, and

(c) works consisting of:

- concrete post and timber panel fence between numbers 1 and 2 Lynnderry Court, the block boundary wall with Lynnderry Court and the front boundary fence at 1 Lynnderry Court,

are development and are not exempted development as per Class 5 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended:

**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:

(a) (i) the works to the front elevation consisting of:

- two number windows increased in size,
- two number bedroom windows broken out to box windows,
- one number velux window (roof light),
- alterations to front door,

(ii) the works to the side elevation consisting of:

- window made smaller,
- window blocked up,
- one number velux window (roof light),

(iii) works to the rear elevation:

- construction of a rear extension,
- two number velux windows (roof lights),

- installation of a stove flue,
- removal of a chimney, and

(iv) works to House and Front Entrance:

- reroofing of whole dwelling by removing existing concrete tiles and replacing with slates,

are development and are exempted development, and

(b) work consisting of:

- concrete post and timber panel fence, block boundary wall with Lynnderry Court and front boundary fence at 1 Lynnderry Court,

are development and are not exempted development,

all at 1 Lynnderry Court, Mullingar, County Westmeath.

### **MATTERS CONSIDERED**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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

**Dated this        day of                                2016.**