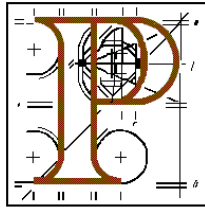


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Authority Reference Number: 7815**

An Bord Pleanála Reference Number: 06D.RL.3396

**WHEREAS** a question has arisen as to whether three number rooflights in the front roof plane and three number rooflights in the rear roof plane at “Beechtrees”, Torquay Road, Foxrock, Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** John and Patricia Fitzpatrick care of Optimise Design of 65 Merrion Square, Dublin requested a declaration on the said question from Dún Laoghaire-Rathdown County Council and the said Council issued a declaration on the 30<sup>th</sup> day of July, 2015 stating that the said matter is development and is not exempted development:

**AND WHEREAS** the said John and Patricia Fitzpatrick care of David Mulcahy Planning Consultants Limited of 67 The Old Mill Race, Athgarvan, Newbridge, County Kildare referred the declaration for review to An Bord Pleanála on the 26<sup>th</sup> day of August, 2015:

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

- (a) sections 2, 3, 4 and 82 of the Planning and Development Act, 2000, as amended,
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (c) the submissions on file, and
- (d) the report of the Planning Inspector:

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

- (a) the installation of three number rooflights in the front roof plane and the three number rooflights in the rear roof plane of 'Beechtrees', is development, in accordance with the provisions of sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) the installation of three number rooflights in the front roof plane and the three number rooflights in the rear roof plane of 'Beechtrees' does not alter the external appearance of the structure so as to render its appearance inconsistent with the character of the structure or of neighbouring structures and is, therefore, in accordance with the provisions of section 4 (1)(h) of the said Act, and
- (c) the installation of three number rooflights in the front roof plane and the three number rooflights in the rear roof plane of 'Beechtrees' would not materially affect the character of the Foxrock Architectural Conservation Area.

**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 three number rooflights in the front roof plane and three number rooflights in the rear roof plane at “Beechtrees”, Torquay Road, Foxrock, Dublin is development and is exempted development.

### **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.**