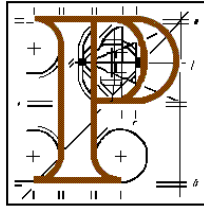


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Galway City**

**Planning Authority Reference Number: P/DC/3/13/15**

An Bord Pleanála Reference Number: 61.RL.3435

**WHEREAS** a question has arisen as to whether the construction of an extension to the rear, including side elevation window, and the provision of two flues at 29 Ros Caoin, Roscam, Galway are or are not development or are or are not exempted development:

**AND WHEREAS** Ray Waters and Paul Glynn care of 28 Ros Caoin, Roscam, Galway requested a declaration on this question from Galway City Council and the Council issued a declaration on the 29<sup>th</sup> day of October, 2015 stating that the matters were development and were exempted development:

**AND WHEREAS** Ray Waters and Paul Glynn care of 28 Ros Caoin, Roscam, Galway referred the declaration for review to An Bord Pleanála on the 23<sup>rd</sup> day of November, 2015:

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

- (a) sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) article 6 of the Planning and Development Regulations, 2001,

- (c) Classes 1 and 2 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) the nature, scale and height of the existing house and the nature and extent of the extension and flues that are the subject matter of the referral:

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

- (a) the construction of the extension and the provision of the two flues involves works, and, therefore, constitutes development under the provisions of section 3(1) of the Planning and Development Act, 2000,
- (b) the extension comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, and the side elevation window is more than one metre from the boundary it faces, and is, therefore, exempted development, and
- (c) the two flues come within the scope of Class 2 (a) of Part 1 of Schedule 2 to 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 the construction of an extension to the rear, including side elevation window, and the provision of two flues at 29 Ros Caoin, Roscam, Galway are development and are exempted development.

