

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Authority Reference Number: 0201/16

An Bord Pleanála Reference Number: 29S.RL.3497

WHEREAS a question has arisen as to whether the structure constructed to the rear of the house at 66 Derravaragh Road, Terenure, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Julian Judge care of Doyle Kent Planning Partnership Limited of 71 Carysfort Avenue, Blackrock, County Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 28th day of June, 2016 stating that:

- (a) the structure constitutes development,
- (b) the storage/side passage/roofed barbeque area to the rear and along the northern side of the structure is not exempted development, and
- (c) the enclosed habitable area of the structure is exempted development:

AND WHEREAS the said Julian Judge referred the declaration for review to An Bord Pleanála on the 21st day of July, 2016:

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

- (a) sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Classes 1, 3 and 7 of Part 1 of Schedule 2 to those Regulations, and
- (c) the submissions received by the Board, and the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction of the structure to the rear of the house comprised works, which constitutes development,
- (b) the structure constitutes in its entirety an extension to the house, incorporating a rear porch, to which Classes 1 and 7 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, might apply,
- (c) the extension does not come within the scope of the conditions and limitations set out under Class 1, as it exceeds 40 square metres in floor area, and
- (d) the rear porch does not come within the scope of the conditions and limitations set out under Class 7, as it exceeds two square metres in floor area:

