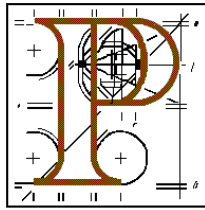


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Kildare County

Planning Authority Reference Number: ED/00603

An Bord Pleanála Reference Number: 09.RL.3508

WHEREAS a question has arisen as to whether:

- (a) works which affect only the interior of the structure,
- (b) works which are for the conversion of a structure attached to the rear or side of a house for use as part of a house, and
- (c) works involving the raising of part of the roofline, not involving an extension as such, and which do not materially affect the external appearance of the house so as to render the appearance consistent with the character of the house and/or neighbouring structures,

at Ballygoran, Maynooth, County Kildare are not development or are or are not exempted development:

AND WHEREAS Elaine Duignan care of Liam Madden of Convent Road, Longford requested a declaration on the question from Kildare County Council and no declaration issued by the planning authority:

AND WHEREAS Darren Duignan and Elaine Duignan referred the question for decision to An Bord Pleanála on the 12th day of October, 2016:

AND WHEREAS An Bord Pleanála in considering this referral, reformulated the question as follows:

Whether:

- (a) works to the interior of the structure,
 - (b) works which are for the conversion of a structure attached to the rear or side of a house for use as part of a house, and
 - (c) works involving the raising of part of the roofline,
- at Ballygoran, Maynooth, County Kildare are or are not exempted development:

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

- (a) sections 3 and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1)(a)(viii) of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) all submissions and documentation on file including in respect of the planning history of the site, and
- (e) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the works are development under section 3 of the Planning and Development Act 2000,
- (b) works to the interior of the structure would materially affect the external appearance to render it inconsistent with the character of the structure and are not exempted development under section 4(1)(h) of the Planning and Development Act 2000,

- (c) works for the conversion of a structure attached to the side of the house comes within the scope of exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended, however, the development would not be exempted development having regard to Article 9(1)(a)(viii) of the Regulations as it would consist of the alteration of an unauthorised structure, and
- (d) works involving the raising of part of the roofline, not involving an extension, and which do materially affect the external appearance of the house so as to render the appearance inconsistent with the character of the house is not exempted development under section 4(1)(h) of the Planning and Development Act 2000, as amended:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (b) of the 2000 Act, hereby decides that the said:

- (a) works to the interior of the dwelling is development and is not exempted development,
- (b) works for the conversion of a structure attached to the rear or side of a house for use as part of a house is development and is not exempted development, and
- (c) works involving the raising of the roofline is development and is not exempted development,

at Ballygoran, Maynooth, Co. Kildare.

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.

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

Dated this day of 2017.