

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Authority Reference Number: 0369/16

An Bord Pleanála Reference Number: 29S.RL.3523

WHEREAS a question has arisen as to whether a first floor extension built at the side and to the rear of 5 Church Avenue, Sandymount, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Peter Keenahan and David Keenahan care of Peter Keenahan of 3 High Road, Kilmainham, Dublin requested a declaration on the said question from Dublin City Council and the Council issued a declaration on the 4th day of November, 2016 stating that the said matter does not constitute exempted development:

AND WHEREAS Peter Keenahan and David Keenahan referred the declaration for review to An Bord Pleanála on the 1st day of December, 2016:

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

- (a) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000,

- (c) section 4(1)(h) of the Planning and Development Act, 2000,
- (d) article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (f) the planning history of the site,
- (g) the pattern of development in the area, and
- (h) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the first floor extension constitutes works, which come within the scope of Section 3(1) of the Planning and Development Act 2000, and, therefore, constitutes development,
- (b) the development does not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, and
- (c) the first floor extension does not come within the scope of the exemption provided in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001 as it is positioned to the side rather than the rear of the existing house:

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 first floor extension built at the side and to the rear of 5 Church Avenue, Sandymount, Dublin is development and is not 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.

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

Dated this day of 2017.