



Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: Ref 14616

WHEREAS a question has arisen as to whether the construction of an extension to the rear of the existing house, and the conversion of part of the attic of the existing house and of the attic area of the extension for residential accommodation, at 10 Seapoint Avenue, Blackrock, County Dublin is or is not development or is or is not exempted development:

AND WHEREAS Rob and Lena Collins care of GF Irvine Architect of 11 Mather Road South, Mount Merrion, County Dublin requested a declaration on this question from Dún Laoghaire Rathdown County Council, and the Council issued a declaration on the 16th day of January, 2017 stating that the matter was development and was not exempted development:

AND WHEREAS Rob and Lena Collins referred this declaration for review to An Bord Pleanála, on the 30th day of January, 2017:

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

- (a) sections 2, 3 and 4 (1)(h) of the Planning and Development Act 2000, as amended,

- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and
- (d) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the extension to the existing house and the attic conversion both involve the carrying out of 'works' which come within the meaning of section 2(1) of the Planning and Development Act, 2000, as amended, and therefore constitute development,
- (b) the extension is to the rear of the dwelling and therefore comes within the scope of the exemption provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, but by reason of its scale and extent, comprising a ground floor area of 50 square metres and a first floor area of circa 28 square metres, exceeds the relevant thresholds set out in conditions and limitations 1(a) and 1(c) respectively of Class 1, and is therefore not exempted development,
- (c) the existing extensions to the rear of the house, whether or not they were constructed or erected prior to 1st October 1964, cannot be taken into account in respect of the floor area of the extension that is the subject matter of this referral, as these extensions were demolished and removed prior to the construction of the subject extension, and

