



An
Bord
Pleanála

Board Order 29S.RL.3547

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 0470/16

WHEREAS a question has arisen as to whether the simultaneous erection of an extension to the rear of a house which has not yet been built but which is to be constructed beside Number 46, is or is not development or is or is not exempted development at Number 46 Beech Hill Drive, Donnybrook, Dublin:

AND WHEREAS Margaret Purdy care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 27th day of January, 2017 stating that the said matter is not exempted development:

AND WHEREAS Margaret Purdy care of Vincent JP Farry and Company referred the declaration for review to An Bord Pleanála on the 7th day of February, 2017:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended, in particular the definition of a house in Section 2.
- (b) Article 6 and Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended.
- (c) The planning history of the site.

AND WHEREAS An Bord Pleanála has concluded that -

- (a) The works constitute development within the meaning of Section 3 of the Planning and Development Act, 2000,
- (b) Having regard to the definition of a 'house' in Section 2 of the Planning and Development Act, 2000, which states as follows:

“house” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as two or more dwellings or a flat, an apartment or other dwelling within such a building’,

the proposed extension cannot avail of the exemption under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, as no house has been constructed or occupied.

- (c) There is no other provision in the Act or Regulations by which the development would be classified as exempted development.

