



An  
Bord  
Pleanála

## Board Order 09.RL.3555

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Kildare County Council**

**Planning Register Reference Number: ED/00615**

**WHEREAS** a question has arisen as to whether an extension to the rear of an existing single storey semi-detached dwelling at 8 River Lawns, Kill, County Kildare is or is not development or is or is not exempted development:

**AND WHEREAS** Laura Foley care of Conor Furey and Associates of Old World Cottage, Rathasker Road, Naas, County Kildare requested a declaration on the said question from Kildare County Council and the said Council issued a declaration on the 24<sup>th</sup> day of February, 2017 stating that the said matter is development and is not exempted development:

**AND WHEREAS** Laura Foley referred the declaration for review to An Bord Pleanála on the 7<sup>th</sup> day of March, 2017:

**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, as amended,
- (c) section 4(1)(a) of the Planning and Development Act, 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Classes 1 and 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) condition number 4(c) of Conditions and Limitations under Column 2 of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, and
- (g) the submissions on file and the report of the Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that the height of the highest part of the roof of the extension, being a flat roofed extension, exceeds the height of the eaves of the dwellinghouse. The development does not, therefore, come within the scope of the exemption set out in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001:

