

Board Order 09.RL.3555

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 24th 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 7th 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:

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 an extension to the rear of an existing single storey semi-detached dwelling at 8 River Lawns, Kill, County Kildare 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 2018

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