

## Board Order 06D.RL.3605

Planning and Development Acts 2000 to 2017 Planning Authority: Dún Laoghaire-Rathdown County Council Planning Register Reference Number: 5617

WHEREAS a question has arisen as to whether the conversion of the garage to the side of the house for use as part of the house at House 2, Eagle House, Killiney Village, Killiney Hill Road, Killiney, County Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Tony McDonnell care of Donal McNally Architects of 6 White Swan Business Centre, South Circular Road, Dublin requested a declaration on the said question from Dún Laoghaire-Rathdown County Council and the said Council issued a declaration on the 19<sup>th</sup> day of June, 2017 stating that the said matter is development and is not exempted development:

**AND WHEREAS** Tony McDonnell care of Donal McNally Architects of 6 White Swan Business Centre, South Circular Road, Dublin referred the declaration for review to An Bord Pleanála on the 17<sup>th</sup> day of July, 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) Article 6(1) and Article 9(1) of the Planning and Development Regulations,2001, as amended, and
- (d) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the conversion of the garage for an extension to the house comprises works which constitute development, and
- (b) the conversion of the garage for an extension to the house comes within the scope of the exempted development provided for under Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

**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 conversion of the garage to the side of the house for use as part of the house at House 2, Eagle House, Killiney Village, Killiney Hill Road, Killiney, County Dublin is development and is exempted development.

In deciding not to accept the Inspector's recommendation that the development is not exempted development, the Board considered that the removal of the dedicated car parking space at this location would not endanger public safety by reason of traffic hazard or obstruction of road users.

## **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