



An
Bord
Pleanála

Inspector's Report ABP-305802-19

Question	Whether works consisting of demolition and construction is or is not development or is or is not exempted development.
Location	6 Florence Terrace, Leeson Park Avenue, Dublin 6
Declaration	
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	0315/19
Applicant for Declaration	Damien Keaney and others
Planning Authority Decision	Is exempted development
Referral	
Referred by	Damien Keaney
Owner/ Occupier	Colman O'Flynn and Mary Ring
Observer(s)	None
Date of Site Inspection	14 th February 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The site is located on the corner of Appian Way and Leeson Park Avenue, an attractive mature residential road dating from the mid-19th century approximately 2.5 kilometres south of Dublin City Centre.
- 1.2. The site is triangular in shape and accommodates a two-storey semi-detached redbrick dwelling. The site also accommodates a triangular shaped side garden with detached garage/store structure.

2.0 The Question

- 2.1. The question to the Board is:

Whether works consisting of demolition and construction is or is not development or is or is not exempted development.

3.0 Planning Authority Declaration

3.1. Declaration

The Declaration issued by the planning authority concluded:

The works as described are development, and are exempted development, within the meaning of the Planning and Development Act 2000 (as amended).

The construction of the subject extensions to the rear of No. 6 Florence Terrace, meet the conditions and limitations of Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended). However, it is noted insufficient information has been provided to conclude if the construction of said development has violated Class 50(B) of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

3.2. Planning Authority Reports

- 3.2.1. Planning Reports
- 3.2.2. The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes the zoning objectives for the area and that the relevant planning

history. Following a request for scaled drawings with precise measurements, the applicants stated they cannot provide drawings as they do not live at the address in question. It is set out that Dublin City Council Planning Enforcement Section recently closed an enforcement case against No. 6 Florence Terrace. Enforcement Reference E0275/19 assessed whether there was a breach of a Section 5 Declaration, reference 0103/18. This Section 5 (reference 0103/18) had determined a rear extension that was 22.16sqm in floor area at ground level and 7.6 sqm in floor area at first floor level (29.76sqm in total) at No. 6 Florence Terrace was exempted development. Enforcement Reference E0275/19 was closed by the Enforcement Section on the 10th September 2019 as it was determined works that have been undertaken at No. 6 Florence Terrace are exempted development.

3.2.3. The Planning Officer's report sets out that Insufficient information has been provided to determine whether the demolition of the two-storey rear annex, an area abutting the adjoining property No. 5 Florence Terrace, (which is not in the ownership of No. 6 Florence Terrace) is or is not exempted development. Therefore, a Section 5 declaration cannot be issued for this element. However, it is noted that the Enforcement Section have already determined that this element was exempt development under Enforcement Reference E0275/19 and closed the enforcement file on the 10th September 2019.

3.2.4. Other Technical Reports

None

4.0 Planning History

Site

DCC Reg. Ref. 0103/18 - The following works were declared exempted development

- Extension at ground level - 22.16 sqm
- Extension at first floor level - 7.6 sqm
- 29.76 sqm in total.

The Planners report stated that:

The current exemption certificate is not materially different from the previous request under 0059/18. However, the difference in this instance is that the drawings provide clarity and confirm that the proposed works would not result in a breach of Class 50(B). The proposed extension works would be considered exempt development under Class 1 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

DCC Reg. Ref. 0002/18 - The following works were declared not exempted development:

- Demolition of existing 2 storey rear annex and single storey lean to and replacement with extended 2 storey rear annex and single storey with mono pitch roof.

Site Enforcement History

DCC Reg. Ref. E0275/19 - Breach of a section 5 reference 0103/18 – Closed 10th September 2019 as it was determined exempt development.

DCC Reg. Ref. E0801/15 – Re. Structure in the side garden – closed on the 12th November 2015 as it was determined exempted development.

4.1. Relevant Referrals

4.1.1. The following recent referrals decided by the Board are considered relevant:

ABP Ref. ABP- 29N.RL.3313 – In March 2015 the Board decided the demolition of a single storey return and the construction of a new single storey extension to the rear of the property at 135 Castle Avenue, Clontarf, Dublin is development and is exempted development.

ABP Ref. ABP- PL29S.245003 – In October 2015 the Board decided that the extension of the house at No. 18 Parnell Street, Tullamore is development which is not exempted development. The Board had regard to the matters set out in the Inspector's report and had particular regard to the fact that the previous extension to the rear of the dwelling has been demolished and, therefore, cannot be considered to be relevant to the question before the Board.

Case Law

4.1.2. The following case law is of relevance:

Referral reference ABP 301055-18 and ABP 301064-18 was the subject of a High Court Judicial between Norconon Trust & An Bord Pleanala & Meath County Council & Ballivor Community Group. Of relevance to this question Mr. Justice Heslin stated:

“When performing its functions in accordance with Section 5, the Board lacks the power to decide a question if that question is, in fact, an attempt to question the validity of a prior decision by a local authority made by same in the performance of a function under the 2000 Act, other than in accordance with the mandatory requirements of s.50 of the same Act, including s. 50(2)”.

5.0 Policy Context

5.1. Development Plan

The site is governed by the policies and provisions contained in the Dublin City Development Plan 2016 – 2022.

The site is governed by the zoning provision Z2 “to protect and improve the amenities of residential conservation areas”.

Extensions to dwellings

16.10.12 Extensions and Alterations to Dwellings: Extension’s to dwellings must not have an adverse impact on the scale and character of the dwellings or adversely affect the amenities of the occupants of adjacent buildings in terms of privacy, access to daylight and sunlight.

Appendix 17: Guidelines to extensions to dwellings

5.2. Natural Heritage Designations

The site is located 2.8km west of the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. Having regard to the nature and scale of the development, which relates to a small scale domestic extension in an established and serviced area outside of and separated from any Natura 2000 sites, I am satisfied that no appropriate assessment issues arise and it is not considered that the development

would be likely to have a significant effect individually or in combination with other plans or projects on a European site

6.0 The Referral

6.1. Referrer's Case

The referrer's submission dated the 24th October 2019 outlines the following:

- A description of all development works carried out on site noting that the scale of the works cannot be overstated. The works overshadow no. 5 Florence Terrace and is located approx. 45mm from the boundary wall.
- It is set out that that DCC incorrectly refused to deal with the demolition works.
- The demolition works are not exempted development under Class 50(2)(b).
- DCC incorrectly determined that the new return to the rear "wraps" around the pre-existing return, and, as such, is within the threshold's limits for extension in Class 1, Schedule 2, Part 1.
- The new return is significantly larger compared to the previous demolished rear return.
- Once demolition of the previous return occurred, I could no longer be considered part of an existing site.
- The entire footprint of the new extension should have been taken into account.
- It is set out that the extension is not exempt having regard to conditions and limitations 3 in Class.
- DCC failed to address the insertion of four windows in the redbrick gable wall of the front of the house.
- DCC failed to address the shed in the side garden of no. 6.
- The planning history of referrals on the site is set out.

- It is out that all “activities” the subject matter of this referral constitute “works” and “development” and this would appear to have been accepted by DCC. DCC were incorrect to determine the works to be exempted development.
- It is stated that there was a misunderstanding that once the shared boundary wall with no. 5 was not demolished, the demolition that did occur fell within Class 50(2)(b). However, this completely overlooks the first limitation in Column 2 where demolition abuts another building. The house clearly abuts no.5. Demolition in such circumstances requires planning permission.
- It is set out that the enforcement sections opinion is in no way binding or indicative.
- The new two-storey annex bears no resemblance to what it replaced. The newly built area is less than two metres from the boundary with no. 5 Florence Terrace and no. 11 Appian Way. The extension reduces the private open space to the rear of the house to less than 25sqm. There is no exemption for the gable windows in the original house or the garage on site in terms of location and finishes.

6.2. **Planning Authority Response**

None

6.3. **Owner/ occupier’s response**

The owner’s submission dated the 2nd December 2019 outlines the following:

- It is not disputed that works have been carried out at No. 6 Florence Terrace.
- It is set out that the contention by the referrers that the development overshadows no. 5 and can be viewed from Appian Way are not relevant to the Section 5 Referral.
- It is set out that the exemptions are contained in Section 4 of the Planning Act.
- DCC determined the works meet the conditions and limitations set out in Class 1 of Schedule 2 of Part 1 of the Planning Regulations.

- The works of demolition are an integral part of, and are ancillary to, the works deemed exempted development. It is impossible to separate the refurbishment works and the works are ancillary to the extension works.
- Class 50(b) expressly provides for the demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1.
- It is argued that that works are also exempt in so far as the works do not materially alter the character of the dwelling so as to render it inconsistent with its own character or the character of the adjoining structures in accordance with Section 4 (1)(h) of the Planning Act.
- It is set out that the referrer misconstrues the decision of DCC. It is set out that the house has not been previously extended, and the development is for an rear extension of a house with a floor area under 40sqm and falls within the exemption development provisions as set out in the Planning and Development Regulations.
- The floor area of the dwelling as it existed prior to the development works are less than 40sqm.
- It is set out that the owners of no. 6 Florence Terrace engaged in detail with DCC to ensure they met the requirements of the planning authority such as to allow a Section 5 referral to issue. The works were carried out on this basis.
- The area reserved exclusively for use of the occupants of the house at the rear is not less than 25sqm.
- The windows in the side elevation are exempt having regard to Section 4 (1)(h) of the Act as they do not alter the character.
- It is noted that the house is not a protected structure.
- The exemption criteria for the shed/garage on site was correctly applied by DCC.
- It is set out that a decision deeming the extension to be exempted development was given on the 17th April 2018. This decision was not appealed or challenged. Accordingly, Section 50(2) applies which provides

that a person shall not question the validity of any decision made or other act done by a planning authority or a local authority in the performance of a function under the Act other than by way of judicial review under Section 50(6) within a period of 8 weeks beginning on the date of the decision of the planning authority.

- It is set out that there is no basis to review the decision of DCC.

6.4. **Further Responses**

None

7.0 **Statutory Provisions**

7.1. **Planning and Development Act, 2000**

7.1.1. Planning and Development Act 2000, as amended

Section 2(1) of the 2000 Act states the following:

- ‘development’ has the meaning assigned to it by Section 3;
- ‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal’

Section 3(1) states that:

- In this Act, ‘ development’ means, except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or over land’.

7.1.2. Section 4(1) of the Act sets out various forms and circumstances in which development is exempted development for the purposes of the Act, including Section 4(1)(h) providing for the carrying out of works for the maintenance, improvement or alteration of any structure that only affect the interior of the structure or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures.

7.1.3. Section 4(2) of the Act provides that the Minister may, by regulations, provide for any class of development to be exempted development. The main regulations made under this provision are the Planning and Development Regulations 2001-2019.

7.1.4. Under section 32 of the Act there is a general obligation to obtain permission in respect of any development of land not being exempted development and in the case of development which is unauthorised for the retention of that unauthorised development.

7.2. **Planning and Development Regulations 2001(as amended)**

7.2.1. Article 6(1) of the Planning and Development Regulations 2001(as amended) (hereinafter 'the 2001 Regulations') provide that 'subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1'.

7.2.2. As provided for in Article 9(1)(a), the following development to which article 6 relates, shall not be exempted development, if the carrying out of such development would, inter alia:

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act;

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.

7.2.3. **Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations reads as follows –**

Column 1 Description of Development

The extension of a house, by the construction or erection of an extension (including a conservatory) to the rear of the house or by the conversion for use as part of the house of any garage, store, shed or other similar structure attached to the rear or to the side of the house.

Column 2 Conditions and Limitations

1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached, the floor area of any extension above ground level shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20 square metres.

2. (a) Where the house has been extended previously, the floor area of any such extension, taken together with the floor area of any previous extension or extensions constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40 square metres.

(b) Subject to paragraph (a), where the house is terraced or semi-detached and has been extended previously, the floor area of any extension above ground level taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 12 square metres.

(c) Subject to paragraph (a), where the house is detached and has been extended previously, the floor area of any extension above ground level, taken together with the floor area of any previous extension or extensions above ground level constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 20 square metres.

3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.

4. (a) Where the rear wall of the house does not include a gable, the height of the walls of any such extension shall not exceed the height of the rear wall of the house.

(b) Where the rear wall of the house includes a gable, the height of the walls of any such extension shall not exceed the height of the side walls of the house.

(c) The height of the highest part of the roof of any such extension shall not exceed, in the case of a flat roofed extension, the height of the eaves or parapet, as may be appropriate, or, in any other case, shall not exceed the height of the highest part of the roof of the dwelling.

5. The construction or erection of any such extension to the rear of the house shall not reduce the area of private open space, reserved exclusively for the use of the occupants of the house, to the rear of the house to less than 25 square metres.
6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.
- (b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.
- (c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres, any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.
7. The roof of any extension shall not be used as a balcony or roof garden

Class 3

Column 1 Description of Development

The construction, erection or placing within the curtilage of a house of any tent, awning, shade or other object, greenhouse, garage, store, shed or other similar structure.

Conditions and Limitations

1. No such structure shall be constructed, erected or placed forward of the front wall of a house.
2. The total area of such structures constructed, erected or placed within the curtilage of a house shall not, taken together with any other such structures previously constructed, erected or placed within the said curtilage, exceed 25 square metres
3. The construction, erection or placing within the curtilage of a house of any such structure shall not reduce the amount of private open space exclusively for the use of the occupants of the house to the rear or to the side of the house to less than 25 square metres.

4. The external finishes of any garage or other structure constructed, erected or placed to the side of a house, and the roof covering where any such structure has a tiled or slated roof, shall conform with those of the house.
5. The height of any such structure shall not exceed, in the case of a building with a tiled or slated pitched roof, 4 metres or, in any other case, 3 metres.
6. The structure shall not be used for human habitation or for the keeping of pigs, poultry, pigeons, ponies or horses, or for any other purpose other than a purpose incidental to the enjoyment of the house as such

Class 50

Column 1 Description of Development

(a) The demolition of a building, or buildings, within the curtilage of—

(i) a house,

(ii) an industrial building,

(iii) a business premises, or

(iv) a farmyard complex.

(b) The demolition of part of a habitable house in connection with the provision of an extension or porch in accordance with Class 1 or 7, respectively, of this Part of this Schedule or in accordance with a permission for an extension or porch under the Act.

Conditions and Limitations

1. No such building or buildings shall abut on another building in separate ownership.

2. The cumulative floor area of any such building, or buildings, shall not exceed:

(a) in the case of a building, or buildings within the curtilage of a house, 40 square metres, and

(b) in all other cases, 100 square metres.

3. No such demolition shall be carried out to facilitate development of any class prescribed for the purposes of section 176 of the Act.

8.0 Assessment

- 8.1.1. The purpose of this referral is not to determine the acceptability or otherwise of the demolition and construction of a replacement rear extension in respect of the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development. Likewise, planning enforcement is a matter for the planning authority and does not fall within the jurisdiction of the Board.
- 8.1.2. The question posed is whether 'works consisting of demolition and construction is or is not development or is or is not exempted development'.
- 8.1.3. The Planning Authority assert that the extension is exempt from planning permission, as the extension complies with the limitations and conditions set out in Class 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) insofar as the proposed rear extension complies with the conditions and limitations set out in Column 2 of Class 1. There are 7 criteria set out in column 2 - conditions and limitations.

8.2. Is or is not development

- 8.2.1. The initial question that arises is, whether the demolition of the original extension and lean-to is or is not development. The second question is whether the extension is or is not development. Section 3 of the 2000 Act defines development as 'the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land'. As defined in section 2(1) of the 2000 Act, works include 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'. The act of extending the house therefore constitutes development. This would not appear to be an issue, as the Planning Authority is in agreement with same.

8.3. Is or is not exempted development

- 8.3.1. The main issue that arises is whether the development is or is not exempted development.
- 8.3.2. According to the planning authority and the occupier, the development did not increase the floor area of the house by more than 40m².

- 8.3.3. Class 1 of Part 1 of Schedule 2 provides for a domestic extension of 40sqm where the house has not been extended previously subject to conditions and limitations. I note that the terms of this provision states that 'where the house has not been extended previously' and I note that the house has not been extended previously.
- 8.3.4. It would appear from the photographs submitted by the referrer and the assessment of the planning authority that the demolition works related to the roof, one side wall and the rear gable of the original rear annex and a lean-to shed. The partial demolition of the rear annex does not reduce or remove the established floor area of the house. The exempted development provisions are provided in addition to the floor area of the original house.
- 8.3.5. In this regard, I note that the two-storey extension has a stated internal ground floor area of 22.16sq.m and a stated above ground floor area of 7.6sq.m. The total floor area of the extension is therefore less than 40sqm and the floor area of the extension above ground floor level is less than 20sqm. The extension works were deemed to be exempt by the planning authority under DCC Reg. Ref. 0103/18. The site was the subject on a number of planning enforcement proceedings which determined the floor area of the extension to be in accordance with Class 1 of Schedule 2 of Part 1 of the Regulations pertaining to 'general development within the curtilage of a house'.
- 8.3.6. Furthermore, the referrer has expressed concern with regards two new windows at first floor level on the gable end of the original house. I note the windows are a significant distance from the site boundary. The house is not a protected structure and in my opinion the windows do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures. I am satisfied that the windows in this instance constitute exempted development in accordance with Section 4(1)(h) of the Planning and Development Act 2000 (as amended) providing for the carrying out of works for the maintenance, improvement or alteration of any structure that only affect the interior of the structure or which do not materially affect the external appearance so as to render it inconsistent with the character of neighbouring structures. I further note that the gable windows in the side elevation of the original house were indicated on the drawings submitted with DCC Reg. Ref. 0103/18.

- 8.3.7. With respect to the extension works and the addition of gable windows on the side elevation of the existing house, the current submission is not based on any new or changed planning facts or circumstances since the Council issued its 2018 Declaration. I am satisfied that the question put to the Council in the s. 5 application by Colman O’Flynn and Mary Ring under DCC Reg. Ref. 0103/18 is the same, in substance, as the question put to the Council by the referrer in this instance. Which the Council previously answered by way of the Council’s declaration, dated 22nd November 2018, wherein the Council declared the extension works to be exempt.
- 8.3.8. In terms of relevant case law, High Court Judicial Review between Norconon Trust & An Bord Pleanala & Meath County Council & Ballivor Community Group (2019), Mr. Justice Heslin states that:
- “When performing its functions in accordance with Section 5, the Board lacks the power to decide a question if that question is, in fact, an attempt to question the validity of a prior decision by a local authority made by same in the performance of a function under the 2000 Act, other than in accordance with the mandatory requirements of s.50 of the same Act, including s. 50(2)”.
- 8.3.9. In relation to the partial demolition of the rear annex such works, in my opinion do not reduce, amend or modify the established floor area of the house. The partial demolition of the original rear return to the house occurred as part of a development that was exempted under class 1. Class 1 of Part 1 of Schedule 2 provides for a domestic extension of 40sqm where the house has not been extended previously subject to conditions and limitations. Therefore, the demolition works were exempt under class 50(b) of the part 1 of schedule 2 of the regulations. Class 50(b) refers to the demolition of part of a habitable house. The word “building” does not appear in the description of development for class 50(b), but in class 50(a). The condition and limitation no 1 refers to “such building or buildings”. It should therefore be interpreted as restricting the exemption for the demolition of buildings set out in class 50(a), rather than the parts of habitable houses under class 50(b). In this regard, the demolition of the rear return would be exempted development, even if it did about the neighbour’s house.

8.3.10. In relation to the store/garage on site, I note the structure is located behind the front boundary line of the house, the indicative floor area as per the site layout plan would indicate that the structure is less than 25sqm, I was unable to make a definitive conclusion in terms of the ridge height but it would appear not to be in excess of 4m with a slate roof and plaster finish. The external finish is consistent with the extension. I further note that the structure in the side garden of the house was determined to be exempt under DCC Reg. Ref. E0801/15.

8.3.11. Regarding private open space, I am satisfied that remaining private open space to the side and rear of the site will be in excess of 25 square metres.

8.3.12. Conclusion

The works to which this case refers are exempted development under Class 1 and Class 50(b) of Part 1 of Schedule 2 of the planning regulations, as they comply with the descriptions of development for those classes set out in column 1 of the schedule and with the conditions and limitations set for the exemption of extensions under Class 1 of Part 1 of the Second Schedule to the 2001 Regulations. I recommend that the board make a declaration to that effect in the manner set out below.

9.0 Recommendation

9.1. I recommend that the Board should decide this referral in accordance with the following draft order.

WHEREAS a question has arisen as to whether works consisting of demolition and construction at Florence Terrace, Leeson Park Avenue, Dublin 6 is or is not development or is or is not exempted development:

AND WHEREAS Damien Keaney requested a declaration on this question on the 29th October 2019 from An Bord Pleanála:

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

- (a) section 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) article 6(1) and article 9(1) of the Planning and Development Regulations 2001-2019, and
- (c) Class 1 and class 50 of Part 1 of Schedule 2 to the said regulations and the conditions and limitations attached thereto,
- (d) the planning history of the site and the documentation submitted with the referral.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the development as carried out constitutes development.
- (b) the gross floor area of the extension does not exceed 40 square metres.
- (c) the extension, therefore, comes within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations 2001, as amended, and all Conditions and Limitations attached to this Class.
- (d) the demolition of the previous rear return to the house on the site occurred in connection with development in accordance with class 1, and so was in accordance with class 50(b) of part 1 of schedule 2 of the regulations. The description of development for Class 50(b) refers to the demolition of part of a habitable house, in contrast to class 50(a) which refers to the demolition of a building or buildings. As condition and limitation no. 1 on class 50 refers only to “such building or buildings” and does not refer to “part of a habitable house”, it therefore restricts the scope of the exemption under Class 50(a) but not that under Class 50(b). Therefore, the abutment or otherwise or the previous rear return to the house with a building in separate ownership does not affect the exempted status of its demolition.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(4) of the Planning and Development Act 2000, as amended, hereby decides that the development as carried out is development and is exempted development.

Irené McCormack
Planning Inspector

10th March 2020