



An
Bord
Pleanála

Inspector's Report ABP-306870-20

Question

Whether the recent extension which includes large windows at the western elevation to the western facade of 18 Oakley Square constitutes development having regard to planning condition 14 attached to a previous planning application Ref ABP 29.0572471.

Location

18, Oakley Square, Ranelagh, Dublin 6

Declaration

Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	0042/20
Applicant for Declaration	Cliona Cleary
Planning Authority Decision	Is exempted development

Referral

Referred by	Cliona Cleary
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Owner/ Occupier	Mauro Fiorio & Giorgia De Maio
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Observer(s)

None

Date of Site Inspection

14/08/2020

Inspector

Gillian Kane

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1.0 Site Location and Description

- 1.1. The subject site is located in the north-western corner of a small gated development of 26 no. two-storey dwellings. Oakley Square comprises three terraces and one pair of semi-detached dwellings around a central landscaped square. There is no vehicular access to the properties, with car parking centred around the vehicular access of Oakley Road.

2.0 The Question

- 2.1. Whether the recent extension which includes large windows at the western elevation to the western façade of 18 Oakley Square constitutes development having regard to planning condition no. 14 attached to a previous planning application ref ABP PL29/05/7241

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. On the 25th February 2020, the Planning Authority issued a notification of declaration stating that on the question of “whether the recent extension which includes large windows at the western elevation to the western façade of 18 Oakley Square constitutes development having regard to planning condition 14 attached to a previous planning application ref. ABP PL29/5/72471”, that the proposed development is EXEMPT from the requirement to obtain planning permission under section 32 of the Planning and Development Act 2000, as amended.
- 3.1.2. The reasons and considerations for the declaration state: “The construction of the proposed extension to the rear of no. 18 Oakley Square, meets the conditions and limitations of Class 1 of Schedule 2, Part 1 and Article 9(1)(a) of the Planning and Development Regulations 2001, as amended.”

3.2. Planning Authority Reports

- 3.2.1. **Planning Report:** The proposed extension complies with the relevant parts of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended, namely, the extension is less than 40sq.m., the property has not been previously extended, the height of the highest part of the roof of the proposed extension would not exceed the height of the highest part of the roof of the dwelling,

the rear amenity space is not reduced to less than 25sq.m. and all proposed windows are more than 1m away from any neighbouring boundary. Regarding condition no. 14 of the parent permission, this condition does not limit glazing within future extensions nor does it remove exempted development rights for rear extensions. The subject extension would not contravene condition no. 14. Recommendation that the proposed development is declared development and exempted development.

4.0 Planning History

- 4.1.1. **PL529/5/2471**: Decision by An Bord Pleanála on the 10th February 1987 to grant permission for the demolition no. nos. 15,16 and 17 Oakley Road Ranelagh and the construction 26 no. two storey units around landscaped gardens. Condition no. 14 of the decision stated:

“No windows shall be provided, now or in the future, in the indicated blank facades of the new residential blocks, save where such are shown on the lodged plans.

Reason: in the interests of residential amenity”.

- 4.1.2. Planning Authority reg. ref. **0005/20**: A section 5 request was submitted regarding: “Whether a single storey flat roof extension to the rear of the house totalling 26.5sq.m. is or is not development, and is or is not exempted development. The declaration of the City Council, dated 21/01/2020 states: “The extension as described is development, and is exempted development, within the meaning of the Planning and Development Act 2000, as amended.”

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The subject site is zoned Z2 Residential, with the stated objective: to protect and / or improve residential conservation areas.

6.0 The Referral

6.1. Referrer’s Case

- 6.1.1. An agent on behalf of the owner / resident of no. 26 Charleston Avenue, Ranelagh has submitted

- The question is whether the recent extension which includes large windows on the western elevation of no. 18 Oakley Square constitutes development, and if so, if it constitutes exempted development having regard to condition no. 14 of a previous An Bord Pleanála decision PL29/5/72471 (decision date 10th February 1987)
- The referrer notes that the planning status of the development has been challenged pursuant to section 160 of the Planning and Development Act 2000, as amended.
- The owners of no. 18 Oakley submitted a section 5 declaration to Dublin City Council (ref. 0005/20), however the question asked is different in that it referred only to a single storey flat roof extension to the rear of the subject house. It is noted that 1987 planning history was not mentioned in the section 5 referral submitted but was noted by the Planning Authority.
- It is submitted that the propose development conflicts with or is contrary to a condition attached to a previously implemented decision. Condition no. 14 of An Bord Pleanála decision PL/29/5/72471 states:

“No windows shall be provided, now or n the future, in the indicated blank facades of the new residential blocks, save where such are shown on the lodged plans.
Reason: In the interest of residential amenity”.
- Condition no. 14 was added was to protect the residential amenity of neighbouring properties. The proposed extension is contrary to the letter and purpose of condition no. 14 and therefore is not exempted development.
- The referrer shares a boundary with and their property faces no. 18. The proposed glazed façade extension would adversely impact the amenity and privacy of no. 18. It would give rise to close line-of-sight views from the kitchen and dining area of no. 18 into bedrooms, bathroom and the landing of the referrers property at no. 26 Charleston Avenue. The sliding glass door, when open would lead to noise pollution.
- There is no precedent for similar development on the west facing side of Oakley Square. There are no extensions on the properties running parallel to Charleston Avenue (no.s 15, 16, 17 and 18 Oakley Square). The conservatory extension on

the north side of Oakley Square is not visible from any property and therefore does not provide a precedent to the subject development.

- The proposed development involves the installation of large floor to ceiling glazing over the full extent of the blank western façade. This is entirely inconsistent with the existing dwelling, the entire west-facing line of Oakley Square and the terrace. This is contrary to section 4(1)(h) of the Planning and Development Act 2000, as amended.
- The reports the owners of no. 18 undertook do not refer to the planning history and are not supported by case law.
- It is submitted that the consideration of the declaration request by Dublin City Council did not adequately address the issues raised by the referrer, namely:
 - The proposed extension is an extension of the existing west-facing façade and therefore is covered by condition no. 14.
 - The reasons for condition no. 14 is to protect residential amenity. The judgment of *Kenny v Dublin City Council* held that it is appropriate to adopt a purposive approach to interpreting planning conditions.
 - The planner failed to consider or attach due weight to the principles applying to the interpretation of a planning permission. The judgement of *Lanigan v Barry* held that “the text in context approach requires the county to consider the text used in the context of circumstances in which the document concerned was produced, including the nature of the document itself”.
 - The planner failed to address why the original facade of no. 18 was windowless – in the interest of residential amenity. The proposed extension is the same distance from the original façade.
- In light of the above, the proposed windows on the extension are contrary to the purpose of the condition, which the Board was satisfied to include.
- It is submitted that no reasons are given for the rejection of the referrers case and that this is contrary to the decision of *Balz v An Bord Pleanála* and *Sliabh Luachra v An Bord Pleanála*. The Court held that relevant submissions should be addressed and an explanation given why they are not accepted if that is the case.

- It is submitted that the Planning Authority disregarded the significance of the prior planning permission and the impact of the development on neighbouring properties.
- The Board is requested to find that the extension to the western façade of the property at 18 Oakley Square constitutes development and is not exempted development, as it contravenes a condition attaching to An Bord Pleanála ref. PL29/5/72471. It is submitted that it would be illogical to prevent the installation of windows in one part of the western faced and at the same time allow the installation of windows in another part of the western façade.

6.1.2. The referral is accompanied by the following:

- Appendix 1: copy of Dublin City Council declaration of 14/02/2020 and planners report
- Appendix 2: section 5 application dated 17/01/2020 with copies of photos of no. 18 Oakley Square, An Bord Pleanála decision PL29/5/2471, composite drawings and report, extracts from Dublin City Development Plan 1980 and site location map
- Appendix 3: section 5 application made by owners of no. 18 dated 02/01/2020 and planners report
- Appendix4: submission made on behalf of owners of Oakley Square
- Case Law:
 - McCabe v CIE and Iarnód Éireann,
 - Kenny v Dublin City Council & Others
 - Lanigan & anor t/a Tullamaine Castle Stud v Bary & anor t/a Tipperary Raceway and another
 - McArdle v Carroll
 - Krikke and Others v Barranafaddock Sustainability Electricity Limited
 - Blaz v An Bord Pleanála
 - Sliabh Luachra v An Bord Pleanála

6.2. Planning Authority Response

6.2.1. None on file.

6.3. Owner/ occupier's response

6.3.1. An agent for the owners of no. 18 Oakley Square have responded to the referral.

The response can be summarised as follows:

- It is submitted that the primary function of condition no. 14 of the Board decision under PL29/05/72471 is protect the residential amenity of the dwellings within Oakley Square, given their very short separation distances from each other.
- Condition no. 14 is clear, concise and directional. It clearly only refers to the original buildings, as set out in plans under the original application. The condition states "in the indicated blank facades of the new residential blocks" i.e. clearly only to the development as applied for and permitted by the Board.
- The board should have regard to the clear absence of any restriction with regard to future development. the clear interpretation of the planning permission, as per the principles applicable, does not restrict the development of the rear extension.
- It is submitted that the rear extension at no. 18 Oakley Square does not contravene condition no. 14 and that condition no. 14 places no restriction on future exempted development.
- No.s 10, 14 and 23 Oakley Square have extended to the rear, in a similar fashion to no. 18. None of these properties sought planning permission as the rear extensions are unambiguously exempted development. The extension at no. 18 is comparable in size, shape, materials and context and therefore is fully consistent with adjoining development.
- The subject extension is not inconsistent with the west facing line of Oakley Square (houses 15, 16 and 17). These dwellings have large windows / doors at ground floor level that face west to the appellants dwelling.
- The appellants suggestion that their submission was not assessed by the Planning Authority is rejected. No deficiencies in the Planning Authority's assessment of the section 5 referral are apparent. None of the case law presented by the appellant is comparable to the subject development.

- The section 5 declaration Planning Authority reg. ref. 0005/20 has been fully determined by the Planning Authority and cannot be set aside by An Bord Pleanála.
- The Board is requested to determine that the rear extension to 18 Oakley Square is development and is exempted development within the meaning of the Planning and Development Act 2000, as amended.

6.4. Further Responses

6.4.1. The appellants responded to the submission made on behalf of the owners of no. 18 Oakley Square. The further response can be summarised as follows:

- Condition no. 14 clearly provides that “no windows shall be provided, now and in the future, other than where indicated”, a condition which is explicitly oriented towards the future.
- Development cannot be considered exempt if it contravenes a condition attached to a planning permission. A restriction on exemption does not have to be specified.
- The purpose / reason for the condition has been overlooked or misunderstood. This is contrary to the ‘text in context’ approach.
- The comparables suggested by the owners agent are on the north side of the square and not overlooked by the dwellings on Charleston Avenue. The said extensions are actually small conservatories and therefore not comparable to the substantial extension at no. 18.
- The west facing properties in Oakley Square are standard sliding doors of 4sq.m. The glazing to the rear of no. 18 is 10.1sq.m. and exposes the kitchen and dining area of no. 18.
- That the case law submitted by the referrer relates to larger sites does not result in their being not of relevance.
- The Board was not requested to set aside the determination under PA reg. ref. 0005/20, only that they have regard to it.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000

- 7.1.1. The following statutory provisions are relevant in this instance.
- 7.1.2. Section 2(1): In this Act, except where the context otherwise requires "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...;
- "structure" means any building, structure, excavation or other thing constructed or made on, in or under any land, or any part of a structure so defined and (a) Where this context so admits, includes the land on, in or under which the structure is situated".
- 7.1.3. Section 3(1): in this Act, "development" means, except where the context otherwise requires, the carrying out of any works on, in, or under land or the making of any material change in the use of any such structures or other land.
- 7.1.4. Section 4(1): sets out developments that shall be exempted development for the purposes of this Act.
- 7.1.5. Section 4(1)(h): The following shall be exempted developments for the purposes of this Act— development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;
- 7.1.6. Section 5(1): If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.
- 7.1.7. Section 5(3)(a) Where a declaration is issued under this section, any person issued with a declaration under subsection (2)(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration. (b) Without prejudice to subsection (2), in the

event that no declaration is issued by the planning authority, any person who made a request under *subsection (1)* may, on payment to the Board of such fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued under *subsection (2)*.

7.1.8. **Section 5(4):** Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.

7.2. Planning and Development Regulations, 2001

7.2.1. Article 6(1) of the Planning and Development Regulations, 2001 states that “Subject to Article 9 development of a class specified in Column 1 and Part 1 of Schedule 2 shall be exempted development for the purposes of the Act”.

7.2.2. Those relevant to the subject referral include:

9(1)(a)(i) if the carrying out of such development would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

7.2.3. Schedule 2 of Part 1 to the Regulations set out the classes of exempted development including those pertaining to ‘general development within the curtilage of a house’:

Column 1 - Description of Development	Column 2 - Conditions and Limitations
Class 1 - 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	<p>1. (a) Where the house has not been extended previously, the floor area of any such extension shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>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</p>

to the side of the house.

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.
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7.3. Relevant Referrals

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

- ABP Ref. ABP-301320-18 – In May 2019 the Board decided the extension to the rear of a house at 26 Estuary Road, Malahide, County Dublin is development and is exempted development.
- ABP Ref. PL04.301363 – in November 2018 the Board decided that the extension to the rear of a house at 80 Woodview, Pinecroft, Grange, Co. Cork is development and is exempted development.
- ABP Ref. PL09.RL3555 – in April 2018 the Board decided that the extension to the rear of an existing single-storey semi-detached house at 8 River Lawns, Kill, Co. Kildare is development and is not exempted development.
- ABP Ref. PL03.RL3506 – in May 2017 the Board decided that the reconstruction and extension of a house at Gurraun, Kilkee, County Clare is development and is not exempted development.
- ABP Ref. PL29S.RL3523 – in April 2017 the Board decided that the first-floor side and rear extension to a house at 5 Church Avenue, Sandymount, Dublin 4 is development and is not exempted development.
- ABP Ref. PL29S.RL3497 – in December 2016 the Board decided that the rear extension to a house at 66 Derravaragh Road, Terenure, Dublin 6W is development and is not exempted development.
- ABP-304362-19- in October 2019, the Board decided that the extension to the side and rear of 199 Strand Road Merrion, Dublin 4 are development and are exempted development.

8.0 Assessment

- 8.1.1. The purpose of this referral is not to determine the acceptability or otherwise of the above proposal in terms 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.
- 8.1.2. The issues raised by the referrer regarding the assessment of the subject referral by the Planning Authority are not within the remit of this referral and are not a matter for assessment by the Board.

8.2. Is or is not development

- 8.2.1. The Board has been requested to determine whether a recently constructed extension which includes large windows at the western elevation to the western façade of 18 Oakley Square is or is not development and is or is not exempted development, having regard to planning condition no. 14 attached to a previous planning application ref ABP PL29/05/7241
- 8.2.2. The first question that must be determined is whether the construction the extension is or is not development. This has not been disputed by any of the parties to the referral however, in the interests of clarity, the following refers. In Section 2 of the Planning and Development Act 2000, as amended, the definition of "works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. It is considered that the construction of an extension is "works" as it is clearly an act of construction.
- 8.2.3. As per section 3(1) of the Act, "development" is the carrying out of any works on, in, or under land or the making of any material change in the use of any such structures or other land. I am satisfied that the construction of an extension is works, and that such works would be carried out on land and therefore constitute "development" as per section 3(1) of the Planning and Development Act 2000, as amended.

8.3. Is or is not exempted development

- 8.3.1. The second question to be addressed is whether that development constitutes exempted development. The section 5 request submitted to the Board refers to one instance under which the subject development is not exempt – namely that the subject development contravenes a condition attached to a planning permission

(article 9(1)(a)(i) of the Regulations). In the course of the documentation submitted to the Board, the referrer also raises a second de-exemption – that the subject development does not qualify under section 4(1)(h) of the Act. I propose to address each separately.

8.3.2. The subject's extension, which is not visible from the front / streetscape. I am satisfied that the subject extension does not materially alter the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

8.3.3. It is considered that the subject extension is exempted development under section 4(1)(h) of the Planning and Development Act 2000, as amended.

8.4. Restrictions on exempted development

Article 9(1)(a)(i)

8.4.1. The referrer has submitted that the subject extension is not exempt as it contravenes condition no. 14 of the parent permission that permitted the construction of the dwellings on Oakley Square (ABP 29/5/72471). As noted above condition no. 14 states:

“No windows shall be provided, now or in the future, in the indicated blank facades of the new residential blocks, save where such are shown on the lodged plans.

Reason: in the interests of residential amenity”.

8.4.2. The referrer submits that the reasons for this condition, namely the protection of residential amenity, is such that it applies to any extension of the facades. Responding to that submission, on behalf of the owner of the dwelling in question no. 18 Oakley Square, the agent states that that residential amenity to be protected is the dwellings in Oakley Square. The Board will note that the Inspector's report is not available due to the age of the file, so speculation as to the reason the Inspector or the Board attached a condition is moot.

8.4.3. What is clear and unambiguous is the wording of the condition. Condition no. 14 states that no windows shall be provided, now or in the future in the indicated blank facades of the new residential blocks. The key word in this condition is ‘indicated’. The drawings are not available to this Inspector, but a reasonable and fair reading of the condition is that some facades of the new blocks were shown as blank. Those indicated facades are to remain without windows – now (in 1987) and in the future.

- 8.4.4. The subject extension is not one of the indicated blank facades. Therefore the restriction created by no. 14 does not apply to a newly constructed façade. It is considered that the extent of the condition is clear – only the indicated blank facades are to remain without windows. I am satisfied that condition no. 14 of the parent permission does not apply to newly constructed facades and as such the restriction on windows imposed by condition no. 14 does not apply to newly constructed facades.
- 8.4.5. Therefore, it is considered that the subject development does not contravene a condition of a planning permission and can be considered exempted development, as article 9(1)(a)(i) of the Planning and Development Regulations 2001, as amended does not apply.
- 8.4.6. The total floor area of the extension is therefore less than 40sqm. The floor area is therefore in compliance with **criteria 1 and 2** (c) of Class 1 of Schedule 2 of Part 1 of the Regulations. The height of the subject extension also complies with **criteria 4** (c) of the Planning Regulations 2001 in so far as the maximum ridge height of the extension does not exceed the maximum ridge of the highest part of the roof of the dwelling. The size of the remaining garden will exceed 25sq.m and therefore in compliance with **criteria 5** of Class 1 of Schedule 2 of Part 1 of the Planning Regulations 2001, whereby 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 25sq.m.
- 8.4.7. There are no windows on the side elevation at ground level within 1 metre of the boundary it faces. The works are at ground floor only. No works are proposed above ground floor level. No roof level access is proposed. Therefore, I am satisfied that the extension is in compliance with **criteria 6 and criteria 7** of Class 1 of Schedule 2 of Part 1 of the Planning Regulations 2001. The referrer does not contest the above.
- 8.4.8. Having regard to the above, it is my opinion that the proposed extension would constitute exempted development in accordance with Class 1 of Part 1 of the Second Schedule to the 2001 Regulations.

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 the recent extension which includes large windows at the western elevation to the western façade of 18 Oakley Square constitutes development having regard to planning condition no. 14 attached to a previous planning application ref ABP PL29/05/7241 is or is not development or is or is not exempted development:

AND WHEREAS Cliona Cleary requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 14th day of February, 2020 stating that the matter was development and was exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 11th day of March, 2020:

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,
- (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) the planning history of the site,
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The erection of the extension comprises works and therefore constitute development
- (b) the rear extension comes within the scope of Class 1 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, and complies with all of the relevant Conditions and Limitations to which this Class is subject, and is therefore exempted development,
- (c) the restrictions on exemption provided for in Article 9(1)(a)(i) of the Planning and Development Regulations, 2001, as amended, do not apply in this instance, because planning permission register reference number PL29/5/72471, which was cited by the referrer, relates to the indicated blank facades permitted by that development only, and does not refer to any future newly constructed facades,

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 recent extension which includes large windows at the western elevation to the western façade of 18 Oakley Square, having regard to planning condition no. 14 attached to a previous planning application ref ABP PL29/05/7241, is development and is exempted development.

Gillian Kane
Senior Planning Inspector

17 August 2020