



An
Bord
Pleanála

Inspector's Report RL29S.RL3523

Question

Whether a First Floor extension built at the side and to the rear is or is not development or is or is not exempt development.

Location

5 Church Avenue, Sandymount, Dn 4.

Declaration

Planning Authority

Dublin City Council

Planning Authority Reg. Ref.

0369/16

Applicant for Declaration

David & Peter Keenahan.

Planning Authority Decision

Not Exempt

Referral

Referred by

David & Peter Keenahan

Owner/ Occupier

Owner

Observer(s)

None

Date of Site Inspection

15th of March 2017

Inspector

Angela Brereton

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1.0 Site Location and Description

- 1.1.1. The appeal site is located at no.5 Church Avenue in Sandymount. The existing terrace comprises two storey period stone built dwellings. The site currently comprises the extended property no.5 Church Avenue. There is a two storey rendered extension with pitched roof to the side and rear of the property and a single storey element at the rear.
- 1.1.2. There is an existing laneway that runs to the north west and rear of the site and this connects Church Avenue with Bath Street. The area immediately to the west of this laneway, fronting onto Church Avenue is a landscaped green area and the north of this area bounds the curtilage of St Matthews Church and graveyard which is a protected structure. The site is proximate to Irishtown Garda Station on the opposite side of the Irishtown Road to the west of Church Avenue.
- 1.1.3. Church Avenue is a very heavily trafficked road that connects to the R131 in the Sandymount area with the access to the east Link bridge and the southern port. There is currently no on street parking on the Avenue and parking is limited in the surrounding area with a high demand due to the general lack of off street parking spaces to serve residential properties.

2.0 The Question

- 2.1.1. Whether a first floor extension built at the side and to the rear is or is not development or is or is not exempt development.

3.0 Planning Authority Declaration

3.1. Declaration

- 3.1.1. The development is not exempt from the requirement to obtain planning permission under Section 32 of the Planning and Development Act 2000 (as amended).

3.2. Planning Authority Reports

3.2.1. Planner's Report

The Planner considered that in the context of Sections 2 and 3 of the Planning and Development Act, and the definitions as set out therein that the first floor extension falls within the definition of 'works' and as such is 'development'. They also had regard to Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2000-2013. They noted the location of the extension and that neither the Planning Acts nor the Regulations give a specific definition on what is meant by the 'rear of the house' and the 'side of the house'. They have regard to other referrals regarding extensions and to the planning history of the subject property. They concluded that the extension constructed above the previously permitted single storey extension is located to the side of the main dwelling and not to the rear. As such it does not meet the criteria as set out in Schedule 2, Part 1, Class 1 of the Planning and Development Regulations 2000-2013 incl. and is not exempted development.

4.0 Planning History

4.1.1. The following concerns planning history relevant to the subject site:

Reg.Ref.2850/16 planning permission was refused by the Council and subsequently by the Board (Ref.PL29S.247014 refers) for the Construction of a three-bedroom house including areas of balcony and roof terrace with a four-storey stairwell giving access to the roof terrace, all on a site to the side of 5 Church Avenue, Sandymount, Dublin.

The Board's reason for refusal was as follows:

Having regard to the contemporary design approach of the development, to the zoning objective Z2 (residential conservation area) for the site and to the location of the site within a conservation area as set out in the current Dublin City Development Plan and in close proximity to a protected structure, it is considered that the design, scale and siting of the proposed dwelling would constitute a visually dominant and incongruous form of development that would adversely affect the character and setting of the conservation area in which it is located and the adjoining protected structure. The proposed development would, therefore, be contrary to Policy CHC4,

as set out in the Development Plan, which seeks to protect the character and appearance of conservation areas, would be contrary to the provisions of the Development Plan relating to corner/side gardens (16.10.9) and infill housing (16.10.10) as it does not adequately have regard to the existing character of the street and design of adjoining properties, would seriously injure the visual amenities of the area and of properties in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

Reg.Ref.3963/80 – Planning permission granted for a single storey extension to the side and rear of no.5 Church Avenue.

5.0 Policy Context

5.1. Development Plan

The relevant development plan is the Dublin City Development Plan, 2016-2022.

The following plan provisions are of relevance:

As shown on Land Use Zoning Map F the site is located in an area that is zoned Objective Z2, ‘*To protect and or improve the amenities of residential conservation areas*’. The plan states that the general objective for such area is to protect them from unsuitable new developments or works that would have a negative impact on the amenity or architectural quality of the area.

The site is located within a conservation area (red hatching on the land use zoning and objectives map).

The site is also located within a zone of archaeological interest.

Paragraph 11.1.5.4 relates to development in ACAs and Conservation Areas.

Policy CHC4 requires the protection of the special interest and character of all of the city’s conservation areas. Specifically, it is required that new development would not harm features that contribute to the special interest of the conservation area, harm the setting of a conservation area or constitute a visually obtrusive or dominant form.

Paragraph 11.1.5.6 requires that new development should have a positive impact on local character.

Paragraph 16.2.2.3 provides that: *Works of alteration and extension should be integrated with the surrounding area, ensuring that the quality of the townscape character of buildings and areas is retained and enhanced and environmental performance and accessibility of the existing building stock should also be enhanced.* The criteria for extensions includes that they should be confined to the rear in most cases, be clearly subordinate to the existing building in scale and design and be sustainable.

6.0 The Referral

6.1. Referrer's Submission to the Council

- 6.1.1. Peter Keenahan, Architect applied to the Council for a Section 5 Declaration and he provides that this is in respect of the house extension built at the side and to the rear of no. 5 Church Avenue. This includes the following:

The extension was built in 2011 over an earlier extension built in 1980. It is noted that the original extension was built on foot of, and they provide in compliance with Reg.Ref.3963/80 (they enclose photos).

In 2011 Peter Keenahan and his brother David, as joint owners, replaced the then decayed flat roof over the kitchen part of that extension. They designed and constructed a pitched roof replacement for the original flat roof and incorporated into this alteration a new bathroom and study bedroom at first floor level.

This scheme was specifically designed to comply with the 'Exempted Development' provisions of the Planning and Development Act 2000, i.e it was under 12sq.m floor area, it was below the roof height and did not infringe the distance to the boundary rules for windows. This first floor extension is located to the rear of the property, i.e beyond the mid-point of the depth of the original house, rather than at the rear.

They provide that they submitted the referral to determine whether they have interpreted the legislation correctly and that the first floor extension is exempted development by virtue of being towards the rear of the property, or not.

They understand that the wording of the legislation was specifically drafted to include within the exempted development provisions those extensions constructed at the

side of houses, but to (towards) the rear, i.e those that have little or no impact on the front subject to compliance with all other provisions.

They note that the original extension was built in full compliance with the 1980 grant of permission and the alterations to it, carried out in 2011, were designed to comply, in full, with the current exempted development provisions of the relevant legislation.

6.2. Referrer's Case to the Board

6.2.1. Subsequent to the Council's Section 5 Declaration that the first floor extension is not exempt development, Peter Keenhan, Architect has submitted a Section 5 Referral to the Board. This provides the following:

- The planner's report, pursuant to the Section 5 Declaration did not get to the root of the central issue in their case. It is their contention that the wording of the Exempted Development provisions ought to be read as specifically including extensions of this type that they have constructed.
- They have regard to Class 1, Part 1, Schedule 2, of the Planning and Development Regulations 2001 (as amended) and contend that the legislators chose the phrase.. '*to the rear of the house*' instead of the phrase.. '*at the rear of the house*', for the purposes of expanding the category of house extensions that would be considered exempted development beyond those constructed entirely behind the rear wall of the house.
- They contend that clearly this distinction would only come into play where the house in question had ground to the side as well as to the rear and was detached, semi-detached, or end-of-terrace. In these cases, it is reasonable to suppose that the rather vague term 'to', meaning towards the rear, was employed under the principle that any such exempted development would not impact on the front.
- The additional provision, by the inclusion of the term; '*or to the side of the house*' specifically in relation to a garage conversion, has been interpreted by local authorities as reinforcing the notion that the original provision in respect of a house extension was intended to mean only at the rear since it did not

refer to the side. They do not consider that this is correct and provide a number of reasons that include the following:

The original text for a Class 1 exempted development appears in the 1967 legislation:

Class 1 - The extension of a dwelling house by any addition to the rear thereof where the height of the extension does not exceed that of the dwellinghouse and the original floor area is not increased by more than 120sq.feet or, in the case of a two storey extension, 90sq. feet on each floor.

- They contend that clearly the term '*to the rear*' rather than the more prescriptive '*at the rear*' has been in the legislation from the start. They note that there was no mention of the side of the dwelling house at this stage. Subsequent amendments to the legislation increased the floor area from 120sq.feet (18sq.m) to 23sq.m in 1981 {S.I No. 154 of 1981} and later this was again increased to the present 40sq.m.
- They consider that there was nothing in these subsequent amendments to suggest that the intention was to restrict or curtail any aspect of the original exempted provisions, but rather to modestly expand the exempted development provisions, as least in so far as they pertained to domestic extensions.
- They note that the inclusion of garage conversion under the umbrella of a Class 1 exempted development occurred by an amendment to the Local Government Planning and Development legislation in 1994. This left unchanged the original description of a domestic extension '*to the rear of the dwellinghouse*' but added the reference '*to the rear or to the side of the dwellinghouse*', specifically in connection with the new inclusion of garage conversions within the provisions of exempted development.
- The 1981 extension has just over 25sq.m of floor area and planning permission was applied for in 1980 because it exceeded the then exempted development floor area provision of 18sq.m.

- They note details relative to interpretation and provide that the actual phrase in the current legislation is *'attached to the rear or to the side of the house'* which is completely different use of the word 'to'.
- It is commonly understood in the use of language that terms like to the right and to the left refer to from the midpoint right and left respectively. They refer to the Oxford English Dictionary in this regard i.e 'in the direction of'.
- The subsequent inclusion of side garage conversions in the exempted development provisions, after 1994, would tend to support the view that those drafting planning legislation have always been more relaxed about domestic extension on the sides of houses, rather than enforcement in such cases.
- They designed the 2011 intervention specifically to comply with the Exempted Development rules. Their intention was to resolve the issue of a decaying flat roof and modestly improve the accommodation and facilities in the house. They were happy to accept the constraints of the exempted development provision as being reasonable and fair.

6.3. Planning Authority's Response

- 6.3.1. They provide that the assessment and reasoning for the determination issued with regard to the Section 5 query for 5 Church Avenue, Sandymount is clearly set out in the report to accompany the decision issued. Also that it is not intended to respond in detail as the Planning Authority considers that the comprehensive planning report deals fully with all the issues raised and justifies its decision.

7.0 Statutory Provisions

7.1. Planning and Development Act, 2000 (as amended)

Under Section 2(1), the following is the interpretation of 'works':

"...includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

‘unauthorised development’ includes the “carrying out of unauthorised works (including the construction, erection or making of any unauthorised structure) or the making of any unauthorised use.”

‘unauthorised works’ means any works on, in over or under land commenced on or after the 1st of October 1964, being development other than –

(a) Exempted development (within the meaning of section 4 of the Act of 1963 or section 4 of this Act), or.....

Section 3 (1) states as follows:

“In this Act, ‘development’ means, except where the context otherwise requires, 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.”

Section 4(1) of the Act includes that the following shall be exempted developments for the purposes of this Act:

“(h) development consisting of the use 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;

Section 4 (2)(a) of the Act enables certain classes of development to be deemed exempted development by way of regulation.

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

Article 5. Part 2 refers to Exempted Development and provides an interpretation for this Part.

Article 6 (1) provides: 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.

Article 9 (1) provides: Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(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.

SCHEDULE 2

Part 1 relates to Exempted Development – General - Development within the curtilage of a house.

Column 1 Description of Development	Column 2 Conditions and Limitations
<p>Development within the curtilage of a house</p> <p>CLASS 1</p> <p>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.</p>	<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 those for</p>

	<p>which planning permission has been obtained, shall not exceed 40 square metres.</p> <p>(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.</p> <p>(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.</p> <p>3. Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.</p> <p>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</p>
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	<p>house.</p> <p>(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.</p> <p>(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.</p> <p>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.</p> <p>6. (a) Any window proposed at ground level in any such extension shall not be less than 1 metre from the boundary it faces.</p> <p>(b) Any window proposed above ground level in any such extension shall not be less than 11 metres from the boundary it faces.</p> <p>(c) Where the house is detached and the floor area of the extension above ground level exceeds 12 square metres,</p>
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	<p>any window proposed at above ground level shall not be less than 11 metres from the boundary it faces.</p> <p>7. The roof of any extension shall not be used as a balcony or roof garden.</p>
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8.0 Assessment

8.1. Is or is not development

8.1.1. The first matter relates to whether or not the works comprises development. Having regard to sections 2 and 3 of the Planning and Development Act 2000, I consider that the erection of the first floor extension to the side and rear of no.5 Church Avenue constitutes 'development' within the meaning of the Act, being the carrying on of an act of construction (i.e. 'works') on land. I note that this is not disputed by the parties.

8.2. Is or is not exempted development

8.2.1. Development can be exempted from the requirement for planning permission by either section 4 of the Planning and Development Act, 2000 (the Act), or article 6 of the Planning and Development Regulations 2001 (the Regulations).

8.2.2. Firstly, with regard to section 4(1)(h) of the Act, which I consider to be the only subsection of section 4 that could have any potential relevance to this referral, I note that the provision relates to works for the maintenance, improvement or other alteration of a structure 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 neighbouring structures. In this case the external appearance of the structure has been changed with the addition of the first floor extension above the permitted single storey extension. The extension is finished in white painted render with pitched roof which is different to the stone finish of the existing house and appears quite distinct from this building. It is also very visible along Church Avenue to the west and in the

context of the Protected Structure St. Matthews Church. Therefore the extension would not fall within the exemption provided by section 4(1)(h).

8.3. Restrictions on exempted development

8.3.1. Regard is had to *Exempted Development within the curtilage of a house* and to the description of development and the conditions and limitations on that exemption as provided by Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended). This is of particular relevance to this Referral as has been outlined in the Referrer's case above. They have outlined their rationale to build over the 1981 single storey extension and provide that their alterations, constructed in 2011 are located at the side, but also to the rear, of the original house, i.e beyond the mid-point of the side elevation. They provide that they considered that the first floor extension was exempt development in this respect.

8.3.2. Regard is had to the description of development provided in Class 1 above i.e:

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.

The Referrer contends that 'to the rear' should not be interpreted to have the same connotation of 'at the rear'. They consider that 'to' should be interpreted as 'towards' rather than at the back of something. This is open to interpretation and it of note that that the description of Class 1 falls into two parts with the construction or erection of an extension described as being *to the rear* of the house and the conversion for use as part of the house of any garage, store, shed or other similar structure being attached *to the rear of or to the side of the house*. Therefore while grouped together in the description, it could be interpreted that they bring two separate considerations. However 'at' the rear is not included anywhere in this description. It is similarly not included in the conditions and limitations of the exemption. Nor is there any mention of a 'mid-way point' or what is mean't by such. Therefore it would be an interpretation that if it is not specifically mentioned in the Regulations then it is not exempt.

It is noted that no.5 Church Avenue is a two storey end of terrace property. In this case it is provided that the extension above ground level should not exceed 12sq.m (1(b) of Class 1 refers). The Referrer provides that the first floor extension does not exceed this floor area. However having regard to the floor plans submitted at scale 1:100 it would appear that the extension is marginally greater. Details showing floor plans of the total extension including the existing single storey element to the rear have not been submitted so it is difficult to ascertain if the 40sq.m (2(a) of Class 1 refers) has been exceeded in this case. Also 2(b) of Class 1 is also of relevance to the specified 12sq.m for a first floor extension. However regard is had to the history of the site. It is noted that the Inspector's Report relative to the recent Board decision on this site (Ref. PL29S.247014 refers) notes that based on the information then submitted (on the application form of Reg.Ref. 2850/16) the existing house at No.5 Church Avenue has a stated floor area of 141.8 sq. metres and this includes a two storey rear extension which is stated to have a floor area of 39.8 sq. metres. The total site has a stated area of 290.1 sq. metres.

Therefore it is considered that the issue relative for consideration of this Referral remains as to whether the first floor extension located above the permitted single storey extension partly to the side and rear of this end of terrace property is or is not exempted development. Regard is had to Board decisions in precedent cases relative to previous Referrals on similar type issues below.

8.4. Precedent cases

- 8.4.1. While the Referrer has not referred to such, the Council has referred to two specific cases. These are included in the following Board decisions which are of note:
- 8.4.2. A Question arose in Ref.29N. RL3313 as to whether the demolition of a single storey return and construction of a new single storey extension to the rear of no.135 Castle Avenue, Clontarf, Dublin is or is not development or is or is not exempted development. The Board concluded that this is development and is exempted development. In this case it is of note that the Assessment in the Inspector's Report included that: *The 'rear of the house' for the purposes of the description of the development exempted under class 1 of part 1 of schedule 2 of the planning regulations does not refer only to the area beyond the ultimate extent of any projecting rear element of that house. It is to be determined in the context of the*

house and the site as a whole. Regard is had to the plans submitted in that case and it is of note that the single storey extension was shown entirely to the rear of the mid-terrace house, i.e there would be no scope for a side extension.

8.4.3. Also referred to is Ref. 06D.RL2354 where a Question arose as to whether the demolition of part of a house and replacement with extension at 39 Rock Road, Blackrock, Co. Dublin is or is no exempt development. The Board concluded that this constitutes development and in view of non-compliance with 4(a)(refers to height of an extension) as set out in Column 2 of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 is development and is not exempted development. In relation to 4(a) it was queried to as to what constitutes the '*rear wall of the house*' as opposed to '*the main rear wall*' in the context of the plans submitted with that referral. In this case the Inspector noted that the Regulations make no such distinction. They provided that: *the exempted development provisions of the Regulations must be interpreted strictly, having regard to the provisions of Section 4(2) of the Act, which is the basis for these exempted development provisions in the Regulations.* They considered that the notion that the term 'rear wall of the house' refers to the 'main rear wall' is outside the provisions of the Regulations.

8.4.4. In Ref.27. RL3358 a Question arose as to whether the as built extension of 13 square metres in the rear garden – private open space – of a block of four dwellings, in particular 10 Ballynoe Grove, Bray, Co. Wicklow is or is not development or is or is not exempted development. This house does not have a rear garden and the extension was built in the side garden. The Board conclusion included that: *the extension to the house has been built within the side garden of the subject house, and does not come within the scope of the exemption provided in Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, which provides for development to the rear of a house only.* The extension was considered development and not exempted development.

8.4.5. In Ref. 29M.RL3491 a Question arose as to whether an extension to the rear of an existing house at Annascannon, Thomastown, Killucan, County Westmeath, is or is not development, or is or is not exempted development. The Board's conclusion included: *the extended area of the house fails to come 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, arising from its location*

partly to the side of the house. The extension was considered development and not exempted development.

- 8.4.6. In Ref.61.RL2506 a Question arose as to whether a single storey extension to the rear of a house with a projection to the side of the house at 38 Ragoon Road, Shantilla, Galway, is or is not development or is or is not exempted development. In this case the Board concluded that: *the extension would not come 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, because it is positioned partly to the side projecting beyond the side, projecting beyond the side wall of the house by a distance of 1.95 metres.* The extension was considered development and not exempted development.

8.5. **Appropriate Assessment**

- 8.5.1. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely a suburban and fully serviced location, no appropriate assessment issues arise.

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 a first floor extension built at the side and to the rear of 5 Church Avenue, Sandymount, Dublin 4 is or is not development or is or is not exempted development:

AND WHEREAS Peter and David Keenahan requested a declaration on this question from Dublin Council and the Council issued a declaration on the 4th day of November, 2016 stating that the matter was development and was not exempted development:

AND WHEREAS Peter and David Keenahan referred this declaration for

review to An Bord Pleanála on the 1st day of December, 2016:

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)(h) 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) Class 1, Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (f) the planning history of the site,
- (g) the pattern of development in the area,
- (h) the Report of the Planning Inspector.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The first floor extension constitutes works, which would not come within the scope of Section 3(1) of the Planning and Development Act 2000, as amended, and, therefore constitutes development.
- (b) the first floor extension would not come within the scope of the exemption provided in Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, because it is positioned partly to the side, i.e. above the permitted side and rear extension (Reg.Ref.3963/80) which projects into the side garden and beyond the side wall of the original dwellinghouse.

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 said first floor extension is development and is not exempted development.

Angela Brereton,
Planning Inspector

22nd of March 2017