



An  
Bord  
Pleanála

## Inspector's Report RL06D.RL3544

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### Question

Whether the construction of a domestic extension is or is not development or is or is not exempted development

### Location

10 Seapoint Avenue, Blackrock,  
County Dublin

### Declaration

Planning Authority

Dun Laoghaire Rathdown County  
Council

Planning Authority Reg. Ref.

146/16

Applicant for Declaration

Rob and Lena Collins

Planning Authority Decision

Is not exempted development

### Referral

Referred by

Rob and Lena Collins

Owner/ Occupier

Rob and Lena Collins

Observer(s)

None

Date of Site Inspection

26<sup>th</sup> May 2017

## **1.0 Site Location and Description**

- 1.1.** The site is located at the western (Blackrock) end of Seapoint Avenue, on the northern (sea) side of the road. It consists of a single-storey detached house within a row of similar such houses. The house is gable-ended with the ridge line running parallel to the street. There is a north-facing rear garden, the boundary of which backs onto the rear garden of Newtown House. This is a large Georgian House which fronts onto Newtown Avenue with landscaped gardens to the rear.
- 1.2.** The house has been extended at the rear with a pitched roof extension. The new build area is stated to be 50sq.m, of which 12sq.m represents a replacement of a pre-1963 extension. The eaves and ridge height are stated to match those of the main dwelling.
- 1.3.** From my observations on site, the rear extension (which is partially constructed) has a hipped roof with a large rear-facing dormer window, (although the ridgeline is flat), and a single-storey projecting annex with a flat roof. Internally, the ground floor has been extended with an open plan room incorporating a bay window (the annex) and a new staircase leading to the first floor. The ground floor extension also includes a utility room. The western side elevation has two newly inserted ground floor windows, one in the original side wall of the house and the other at the base of the new staircase (extension wall). The eastern elevation also has two new openings, a window (cloakroom) in the original side wall and a door (opaque glass) to the newly formed utility room. There is an existing window in the side wall of No. 12 directly opposite the utility door.
- 1.4.** The first floor consists of an attic room within the original roof of the main dwelling. The floor to ceiling height appeared to be less than standard in this room and there is a new rooflight in the rear facing slope. In addition, there is a further room within the roof of the new extension which has a gable wall supporting the dormer window. The floor-to-ceiling height seemed to be higher in this room and there are two rooflights, one on each of the on the eastern slope. There is a lobby separating the two rooms and access is gained to a new bathroom which also has a velux roof light.

## **2.0 The Question**

- 2.1.** The question has arisen as to whether the erection of an extension circa 38sq.m and the conversion of the roof space over the rear extension to a habitable space with a dormer style window, 11 metres from the rear boundary, is or is not development or is or is not exempted development.

## **3.0 Planning Authority Declaration**

### **3.1. Declaration**

- 3.1.1.** The P.A. made the following declaration on 16<sup>th</sup> January 2017

[that] “the proposed works which comprise the construction of a rear extension circa 38sq.m, conservation of attic and window in 11 metres from boundary at 10, Seapoint Avenue, Blackrock, Co. Dublin is not considered to be exempt development and is considered to be development under the provisions of the Planning and Development Regulations 2001, as amended and the Planning and Development Act 2000, as amended.”

### **3.2. Planning Authority Reports**

#### **3.2.1. Class 1, Schedule 2, Part 1 of the Planning and Development Regulations 2001**

- 3.2.2.** The Planning Report noted that Class 1 relates to the extension of a house by either the erection of an extension to the rear or by the conversion of a garage, store, shed or similar structure attached to the rear or side of the house. There are a number of conditions and limitations, the most relevant of which are summarised below (7.2). The Area Planner noted that the rear extension that was demolished had a floor area of 38m<sup>2</sup>, of which 12m<sup>2</sup> was pre-1963 and 26m<sup>2</sup> was post-1963. It is pointed out, however, that as the ground floor area of the extension, as constructed on site, is 50m<sup>2</sup>, it does not come within the scope of Class 1, by reason of Cond 2(a). This condition restricts the floor area of the extension to 40m<sup>2</sup> including any previous extensions.

3.2.4 It was further considered that the attic conversion and first floor extension do not come within the scope of Class 1, by reason of Condition 2(c). In respect of detached dwellings which have been previously extended, this condition restricts the floor area of an extension above ground floor, (taken together with the floor area of any extension), to 20m<sup>2</sup>. Having regard to the size of the ground floor extension, it was considered that the attic conversion and associated extension, which extends out from the ridge line with a gable-end elevation, does not comply with the conditions and limitations of 2(a) and (c). It was considered that condition 4(a) also restricts any exemption in respect of the attic conversion/first floor extension as the rear wall of the house does not include a gable, and the height of the wall exceeds the height of the rear wall of the house.

3.2.6 It was noted that Condition 6 restricts the exemption in respect of a window which would be less than 1m from a boundary at GF level or an above ground floor window at 11m from any boundary it faces. It was considered that as there are no side windows and that the first floor window would be 11m from the rear boundary, these limitations do not apply. However, there were no issues raised in respect of the requirements to retain a minimum of 25m<sup>2</sup> of garden space or in respect of the roof being used as a balcony or roof garden (conditions 5 and 7 respectively).

### **3.2.8 Section 4(1)(h) of the Planning and Development Act 2000 (as amended)**

It was noted that the applicant had claimed that the conversion of the attic to useable space would qualify under this section. It was considered that whilst the principle of the attic conversion within the confines of the roof could be considered exempted development under S4(1)(h), the current proposal involves the conversion of the attic space and the extension of this space over the ground floor extension. As such it does not fall within the scope of Section 4(1)(h) of the Act.

## **4.0 Planning History**

4.1 **ENF 22116** – Warning Letters issued were issued under Section 152 of the Planning and Development Act 2000, as amended, on 9<sup>th</sup> November and 2<sup>nd</sup> December 2016 regarding “the construction of an extension to the rear, which may not comply with Class 1 Exempted Development Conditions and Limitations, and without the benefit of a valid planning permission”.

## 5.0 Policy Context

### 5.1. Development Plan

The lands are zoned Residential in the Dun Laoghaire Rathdown County Development Plan 2016-2022. The zoning objective is “to protect and/or improve residential amenity.”

### 5.2 Natural Heritage Designations

South Dublin Bay cSAC – lies immediately to the north of the railway line, which in turn, lies immediately to the north of Newtown House.

South Dublin Bay and Tolka Estuary SPA – lies immediately to the north of the railway line which in turn, lies immediately to the north of Newtown House.

## 6.0 The Referral

### 6.1. Referrer’s Case

- 6.1.1 **Background** – The planning authority had issued a Warning Letter, which had arisen from a complaint from the neighbour at No. 12 regarding the realignment of the former return wall. It is stated that there is a clear glass window to a bedroom at No. 12 which faces the newly inserted utility door.
- 6.1.2 **Inclusion of pre-64 floor area** – The Referrer disputes the P.A’s position that the pre-64 return should not be included in the calculations. It is submitted that the 40sq.m exemption should be allowable over and above the floor area of the now demolished pre-1964 return (12m<sup>2</sup>). Although the new-build area is 50sq.m, the additional floor area (beyond the footprint of the previous return) would only be 38m<sup>2</sup> and would therefor comply with the conditions of Class1 of Schedule 2, Part 1 of the P & D Regulations, 2001 (as amended).
- 6.1.3 **Flat roof extension** – it is disputed that the extension has a flat roof. It is submitted that the extension is “a pitched roof design with a small flat roof element over a dining area bay window projection”. It is acknowledged that there is also a small gable feature window/wall half way up the rear hip pitch to provide light to the new

attic space. It is also accepted that the flat roof section has a slightly raised parapet over the eaves but submits that the height is less than that of the previous extension.

- 6.1.4 **Converted attic space** – this space is within the pitched roof profile of the new ground floor extension and contains a slightly height-restricted, but workable space for a bedroom (25m<sup>2</sup>) with a small bathroom. The ridge height of this rear attic space has not exceeded the height of the main roof. Although the area would be strictly non-habitable space under building regulation height restriction, it would qualify under S4(1)(h) of the Planning and Development Act 2000 (as amended).
- 6.1.5 **Windows and rooflights** - Some high level velux roof lights have been provided to the new roof spaces. The rear-facing dormer window is approx. 12m from the rear boundary. Thus the limitations and conditions of Class 1 are complied with.
- 6.1.6 **No height increases of material changes to elevations** – the submitted drawings show that the original roof ridge heights have been maintained and that no material changes have been made to the exterior at the front or sides. Compatible materials have also been used in the rear extended areas.

## 6.2. Planning Authority Response

The P.A. responded on 13<sup>th</sup> February 2017. The P.A. urges the Board to refer to the contents of the Planner's report and to uphold the decision of the planning authority.

## 7.0 Statutory Provisions

### 7.1. Planning and Development Act, 2000

#### 7.1.1 Section 2 (1)

“Works” are defined in this section as including 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 the context so admits, includes the land on, in or under which the structure is situate,”

**7.1.2 Section 3 (1)** of the Act defines “*Development*” as, ‘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’.

**7.1.3 Section 4** of the Act refers to ‘*Exempted Development*’ and Subsection (1) sets out categories of development that shall be exempted development for the purposes of this Act. Subsection (1) (h) states the following:

‘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’.

In addition to specified exemptions in the Act, Subsection (2) of the Act provides that the Minister may by regulations provide for any class of development being exempted development.

## **7.2. Planning and Development Regulations, 2001**

**7.2.1 Article 6** of Part 2 of the Regulations provides that subject to Article 9 (1) (a), development specified in Column 1 of Part 1 of the Second Schedule shall be exempted development for the purposes of the Act subject to the conditions and limitations specified in Column 2. The only class of relevance is Class 1 which refers to development within the curtilage of a house as follows:

**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 to the side of the house.

7.2.2 There are seven conditions and limitations of this class, the most relevant of which may be summarised as follows:

- Cond 1(a) – Where the house has not been extended previously, the floor area of any such extension shall not exceed 40sq.m.
- Cond 1(c) – Subject to paragraph (a), where the house is detached, the floor area of any extension above ground level shall not exceed 20sq.m.
- Cond 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(s) constructed or erected after 1 October 1964, including those for which planning permission has been obtained, shall not exceed 40sq.m.
- Cond 2 (c) – Subject to para 2(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 extensions above ground level constructed or erected after 1 October 1964, (including those for which planning permission has been obtained), shall not exceed 20sq.m.
- Cond. 3 - Any above ground floor extension shall be a distance of not less than 2 metres from any party boundary.
- Cond 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.
- Cond 4(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.
- Cond 4(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.
- Cond 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 25sq.m.



- Cond 6 – any window at GF level shall not be less than 1m from the boundary that it faces. Any window above GF level shall be less than 11m from the boundary that it faces.
- Cond 7 – roof of extension shall not be used as a balcony or roof garden.

7.2.3 Article 9 (1) (a) lists the exceptions where development would not be exempted development (by virtue of Article 6).

7.2.4 Article 11 provides that development which commenced prior to the coming into operation of this Part and which was exempted development for the purposes of the Act of 1963 or the 1994 Regulations, shall notwithstanding the repeal of that Act and the revocation of those Regulations, continue to be exempted development for the purposes of the Act.

**8.0 Relevant Board Decisions** The following Board decisions in relation to Section 5 Reference/Referral cases are considered to be of relevance.

**8.1 RL2321 – Whether an extension to the rear of 4 Urney Grove, Killiney Road, Co. Dublin is or is not development and is or is not exempted development.**

The Board concluded (2006) that the 2-storey extension to the rear of a dormer style house does not come within the scope of Section 4(1)(h) of the P & D Act 2000 as amended and does not comply with the conditions and limitations of Class 1 Part 1 of Schedule 2 of the P & D Regulations (as amended), by virtue of Condition 4(a). In respect of S 4(1)(h), the Inspector's report had considered that the development materially affected the external appearance and that such an effect would render it inconsistent with the character of the structure or neighbouring structures. In respect of Class 1, it was considered that as the rear of the house does not include a gable and the height of the walls of the extension exceed the height of the rear wall of the house, the proposal did not comply with the requirements of condition 4 (a). It was therefore concluded that the works were development and were not exempted development.

**8.3 RL3115 – whether an existing extension and alterations to the rear of a semi-detached single-storey cottage at Baltray, Drogheda, Co. Louth, are or are not development or are or are not exempted development.**

The Board concluded (2013) that the said 2-storey extension does not satisfy Cond 1(a) of class 1 in that the extension exceeds 40sq.m. It was further concluded that the extension did not qualify under Class 1 as it was not fully to the rear of the building and that the alterations to the front came within the scope of Section 4(1)(h). The Inspector's report indicated that the ground floor area was calculated to be c.42.169sq.m and the first floor, 21.29sq.m, which exceeded the 40sq.m limitation.

In addition, the referring party had sought to have the floor area of the extension which had been demolished included in the calculation. However, the Inspector noted that "the area demolished.....no longer exists and there is no allowance in

the P & D Regulations for any extension of a house in excess of 40sq.m”. The Board agreed. It was therefore concluded that the works comprising the extension were development and were not exempted development.

**8.4 RL3173 – Whether the extension to the rear of a house at Seapoint, Termonfeckin, Co. Louth is or is not development or is or is not exempted development.**

The Board (April 2014) concluded that the extension incorporating an attic and a pitched roof with a ridge height and eaves height the same as those of the original house was development and was exempted development as it came within the scope of Class 1 and complied with the conditions and limitations. The Inspector’s report noted that although there was a stair access to the roof space, the floor to ceiling height would not allow the provision of habitable accommodation under the building regulations. The Inspector stated that “it should be assumed that the occupier will comply with any obligations under any other statutory codes”. The Board considered that the extension comprised a single-storey extension with ancillary, non-habitable attic space overhead, that it did not include an above ground floor extension and that it complied with the conditions and limitations of Class 1.

**8.5 RL3313 – Whether the demolition of a single storey return and the construction of a new single storey extension to the rear of a two-storey terraced house at 135 Castle Avenue Clontarf, Co. Dublin is or is not development or is or is not exempted development.**

The Board (2015) concluded that the construction of a rear extension is exempted development as the floor area of the extension is less than 40sq.m and that the demolition of a rear return is exempted development under Class 50(b) and as it occurred in connection with development in accordance with Class1. The Board, therefore, concluded that the demolition of a rear return and the construction of a new extension is development and is exempted development.

## 9.0 Assessment

The questions arising from this referral fall into three main parts. Firstly, whether the works of extension are development; secondly, whether the extension is exempted development under Class 1 and whether it complies with the conditions and limitations of Class 1 (exempted development); and thirdly, whether the extension at first floor level affects only the interior of the structure and/or whether there has been a material change in the external appearance of the structure which renders it inconsistent with the character of the structure or of neighbouring structures. However, it is noted that there is no dispute between the parties as to whether the works constitute 'development' within the meaning of Sections 2 and 3 of the Planning and Development Act 2000 (as amended). It is considered, therefore that the question should be restated as follows:

- Are the works of conversion of the attic space exempted development under S4(1)(h) of the P & D Act 2000 (as amended)?
- Is the extension to the dwelling house exempted development under Class 1 of Part 1 of Schedule 2 of the P & D Regulations 2001 (as amended) and are there any restrictions on such exemption?

### 9.1. Do the works of conversion of attic rooms to habitable space constitute exempted development?

9.1.1 The Referring Party has submitted that the works above ground floor are all within the attic space, which includes both the original roof and the roof over the new extension. It is claimed that such works do not materially affect the external appearance of the structure and as such come within the exemption conferred by Section 4(1)(h) of the 2000 Act (as amended). I would accept that the conversion of the original attic space to a useable roofspace would come within the scope of this section of the Principal Act. However, the roof space has been substantially extended. Firstly, the main roof space has been extended by c. 7.25m<sup>2</sup> to provide a shower room and lobby and secondly, the ground floor extension has been provided with an additional floor (c.19.92m<sup>2</sup>).

9.1.2 The referring party states that the additional space is strictly non-habitable space under the building height restrictions. However, this space is accessed by means of a newly constructed staircase, is to be used as the master bedroom and is lit by means of a large dormer and velux roof lights. The roof profile would be altered from a simple gable-end, (with a ridge line of 8.5m in length), to a T-shaped roof with a ridge line of approx. 7.5m in length. The wall of the dormer element, with a full sized window extends across the roofspace from ridge to ridge of the hipped roof and this new feature faces the Protected Structure (Newtown House) to the rear. It is considered that the works would materially affect the external appearance of the structure as the roof profile has been changed substantially and it would be inconsistent with the roof profile of both the original building and of the adjoining properties.

9.1.3 It is therefore considered that the additional space at attic level constitutes a first floor extension, albeit within the roof space. The works do not solely affect the interior of the structure and would materially affect the external appearance of the structure, so as to render the appearance inconsistent with the character of the structure and/or of neighbouring structures. I am satisfied that the works do not come within the scope of Section 4(1)(h) of the said Act and cannot be considered to be exempted development by virtue of this section.

## **9.2. Is the extension to the dwelling house exempted development under Class 1 and are there any restrictions on the exemption?**

9.2.1 As the extension is to the rear of the house, it is considered to fall within the scope of Class 1 of Schedule 2, Part 1 of the P & D Regulations 2001 (as amended). The Referring Party submits that there was an extension at the rear which was partly constructed prior to 1964 (Appointed Day) - 12sq.m - and partly after 1964 – 26sq.m, and that there should be an allowance for the footprint of the pre-64 element. However, the said return, together with the post-64 extension have been demolished. It is considered, therefore, that no allowance can be made for the footprint of the pre-64 structure as it no longer exists.

9.2.2 The exemption under Class 1 is constrained by a number of factors, one of which is floor area. There does not appear to be any exception for allowing an exemption for an extension which exceeds 40sq.m. As the proposed extension at ground floor level is 50sq.m, it exceeds this limit, which is set by both Condition 1(a) and Condition 2(a). The distinction between these two conditions is whether or not the house has been extended previously. The P.A. had considered that Cond 2(a) was the relevant limitation. However, I note that although the house had been extended in the past, it would appear that each of these extensions has been completely removed. As such it is considered that Cond 1(a) "where a house has not been extended previously" is the relevant limitation in this instance. The extension above ground floor level comprising the bathroom/lobby (7.245m<sup>2</sup>) and the master bedroom (19.92m<sup>2</sup>) amounts to 27.165m<sup>2</sup>. Condition 1(c) restricts the exemption for a detached house that has not been extended previously to 20m<sup>2</sup> for an above ground level extension, subject to paragraph 1(a). Thus the proposed extension at both ground and first floor level would come to just under 78m<sup>2</sup>, with 50m<sup>2</sup> at ground level and 28m<sup>2</sup> at first floor level. The floor area is therefore well in excess of the limits imposed by Conditions 1(a) and 1(c) under this class.

### **9.3 Are there other restrictions on the exemption?**

9.3.1 Limitation 4 relates to the height of the walls and roof of an extension relative to the height of the roof and walls of the main dwelling. 4(a) relates to a house where the rear wall is not a gable wall, as in this case. The restriction is that the height of the walls of the extension shall not exceed the height of the rear wall of the house. 4(c) relates to the height of the roof of an extension and draws a distinction between a flat roof and any other type of roof. The restriction in the case of a flat roof is that the height of the highest part of the roof shall not exceed the height of the eaves or parapet and in the case of a pitched roof, shall not exceed the height of the highest part of the roof of the dwelling.

9.3.2 In respect of the rear wall of the house, it is arguable that the rear wall of the dormer could be considered to be a "wall". However, as it does not extend down to the eaves, it is considered that it should not be counted as a wall for the purposes of this limitation. As such, it complies with 4(a). I was unable to view the junction of the existing and new roof ridgelines, but the submitted drawings indicate that the height

of the new pitched roof matches, and does not exceed, the height of the original main roof. However, the flat roof is slightly higher than the eaves of the extension, which in turn match the eaves of the original house. Thus the height of the highest part of the flat roof exceeds the height of the eaves (or parapet) and as such, does not comply with 4(c).

## 9.4 Conclusion

9.4.1 It is accepted that the works of conversion constitute development within the meaning ascribed by the 2000 Act. The conversion of the attic space of the main dwelling comes within the scope of Section 4(1)(h) of the 2000 Act but the extension of the dwelling above ground level does not come within the scope of this section. However, the rear extension comes within the scope of Class 1 of Schedule 2, Part 1 of the Planning and Development Regulations, 2001 (as amended), but the extension fails to comply with conditions and limitations of this class, namely Cond. 1(a), Cond. 1(c) and Cond. 4(c). Thus the proposed development is development and is not exempted development.

## 10 Recommendation

10.1 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) conversion of the attic space is exempted development under S4(1)(h) of the Planning & Development Act 2000 (as amended), and (b) the construction of an extension to the rear of the dwelling house is or is not development or is or is not exempted development under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended).

**AND WHEREAS** GF Irvine on behalf of Rob and Lena Collins requested a declaration on this question from Dun Laoghaire Rathdown County Council and the Council issued a declaration on the 16<sup>th</sup> day of January, 2017 stating that the matter was development and was not exempted development:

**AND WHEREAS** GF Irvine on behalf of Rob and Lena Collins referred this declaration for review to An Bord Pleanála on the 30<sup>th</sup> day of January, 2017:

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

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (c) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Class 1 of Part 1 of Schedule 2 to 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 works of extension of the dwelling come within the scope of 'development' as set out in Section 3 of the Planning and Development Act 2000 (as amended);
- (b) The extension is to the rear of the dwelling and therefore comes within the scope of the exemption under Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 as amended.
- (c) The overall floor area of the extension is c. 78m<sup>2</sup>, with the extension at ground floor (50m<sup>2</sup>) and at first floor (c.28m<sup>2</sup>), which exceeds the thresholds imposed by conditions 1(a) and 1(c) respectively.



- (d) The height of the parapet of the flat roof element of the rear extension exceeds the height of the eaves of the dwelling house and does not therefore comply with condition 4(c) of class 1.
- (e) The said extension does not comply with the conditions and limitations of Class 1 and does not therefore come within the scope of the exemptions provided by Class 1.
- (f) The conversion of the attic floor space to useable accommodation comes within the scope of Section 4(1)(h) of the Planning and development Act 2000 as amended;
- (g) The provision of additional floorspace within the roof space over the ground floor extension constitutes a first floor extension to the dwelling house, which would materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure and of neighbouring structures.
- (h) The said above ground extension does not come within the scope of the exemptions provided by Section 4(1)(h) of the Planning and Development Act 2000 and is not therefore exempted development.

**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 (a) the said extension to the rear of the dwelling house is development and is not exempted development; and (b) the provision of additional floorspace within the roof space of the extension is development and is not exempted development.

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Mary Kennelly  
Planning Inspector

30<sup>th</sup> May 2017