

An
Bord
Pleanála

Board Order
ABP-321565-25

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire Rathdown County Council

Planning Register Reference Number: REF15424

WHEREAS a question has arisen as to whether (1) the conversion of garage into home office with bathroom, (2) replace garage door with window (similar to neighbours), (3) removal of the rear porch and add the rear porch space to kitchen, and (4) add a garden rear entrance (with metal garden gate about 100 centimetres to 200 centimetres) to use the laneway/footpath at the back of the site (similar to neighbours) at 140 Balally Drive, Dundrum, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Dongfang Qu of 140 Balally Drive, Dundrum, Dublin requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a split declaration on the 17th day of December 2024 stating that (1) the conversion of garage into home office with bathroom, (2) replace garage door with window (similar to neighbours), and (3) removal of the rear porch and add the rear porch space to kitchen is development and is exempted development,

and (4) add a garden rear entrance (with metal garden gate about 100 centimetres to 200 centimetres) to use the footpath at the back of the site (similar to neighbours) is development and is not exempted development:

AND WHEREAS Dongfang Qu referred this declaration for review to An Bord Pleanála, on the 23rd day of December, 2024:

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

- (a) Section 2(1), 3(1), and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 and Class 5, Part 1 of Schedule 2 to those Regulations,
- (d) the Roads Act, 1993,
- (e) the pattern of development in the area, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The conversion of a garage to home office with bathroom does constitute the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, which is exempted development by way of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, being attached to the side of the house and the total floor area does not exceed 40 square metres.

- (b) The replacement of the garage door with a window similar to the neighbouring property comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, which is exempted development under section 4(1)(h) of the Planning and Development Act 2000, as amended. The works will not materially alter the external appearance of the house so as to render the appearance inconsistent with the character of the neighbouring houses.
- (c) The removal of rear porch and adding rear porch space to kitchen comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000, as amended, which is exempted development under Section 4(1)(h) of the Planning and Development Act 2000, as amended. The works proposed are limited to the internal space layout of the house and will not alter the external appearance of the house.
- (d) The rear garden entrance to use the laneway/footpath constitute the carrying out of works which comes within the meaning of development in Section 3(1) of the Planning and Development Act, 2000 as amended, which is exempted development by way of Class 5 of Part 1 of Schedule 2 to the Planning and Development Regulations, 200, as amended, and is not de-exempted because of Article 9 of the Planning and Development Regulations 2001, as amended.

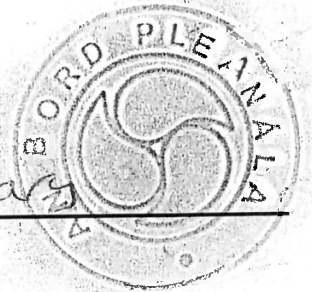
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that (1) the conversion of garage into home office with bathroom, (2) replace garage door with window (similar to neighbours), (3) removal of the rear porch and add the rear porch space to kitchen, and (4) add a garden rear entrance (with metal garden gate about 100 centimetres to 200 centimetres) to use the footpath at the back of the site (similar to neighbours) at 140 Balally Drive, Dundrum, Dublin are each development and exempted development.

Patricia Calleary

Patricia Calleary

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this *24* day of *April* 2025