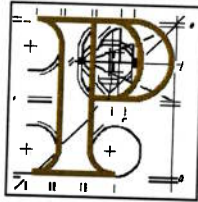


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Authority Reference Number: 0369/16

An Bord Pleanála Reference Number: 29S.RL.3523

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 is or is not development or is or is not exempted development:

AND WHEREAS Peter Keenahan and David Keenahan care of Peter Keenahan of 3 High Road, Kilmainham, Dublin requested a declaration on the said question from Dublin City Council and the Council issued a declaration on the 4th day of November, 2016 stating that the said matter does not constitute exempted development:

AND WHEREAS Peter Keenahan and David Keenahan referred the 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,
- (d) article 6(1) of the Planning and Development Regulations, 2001, as amended,
- (e) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001,
- (f) the planning history of the site,
- (g) the pattern of development in the area, and
- (h) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the first floor extension constitutes works, which come within the scope of Section 3(1) of the Planning and Development Act 2000, and, therefore, constitutes development,
- (b) the development does not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, and
- (c) the first floor extension does 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 it is positioned to the side rather than the rear of the existing house:

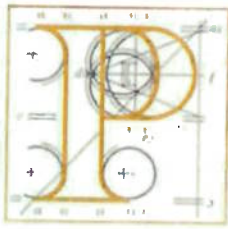
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the first floor extension built at the side and to the rear of 5 Church Avenue, Sandymount, Dublin is development and is not exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017.



An
Bord
Pleanála

Board Order
ABP-320098-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: ED24/65

WHEREAS a question has arisen as to whether an extension to the rear of the dwelling at Clonghnakeava, Gort, County Galway is or is not development or is or is not exempted development:

AND WHEREAS Tommy O'Donnell care of Grealish Glynn and Associates of 1 The Punch Bowl, Ennis Road, Gort, County Galway requested a declaration on this question from Galway County Council and the Council issued a declaration on the 6th day of June, 2024 stating that the matter was development and was not exempted development:

AND WHEREAS Tommy O'Donnell care of Grealish Glynn and Associates of 1 The Punch Bowl, Ennis Road, Gort, County Galway referred this declaration for review to An Bord Pleanála on the 2nd day of July, 2024:

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

- (a) Section 2(1), Section 3(1) and Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1)(viii) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the provisions of Galway County Development Plan 2022-2028,
- (e) the planning history of the site, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works to be carried out to facilitate the rear extension of the structure would constitute “works” that are “development” under Section 3(1) of the Planning and Development Act 2000, as amended,
- (b) the existing structure on the site, in a state of some disrepair but not derelict, would not constitute a change of use that is material.
- (c) having regard to the details of the proposed development, as per the plans submitted, and the potential for consequences in planning terms, it would, therefore, constitute development, which development does constitute exempted development.

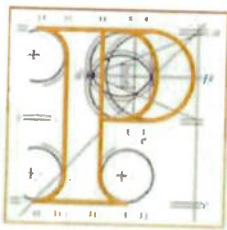
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that an extension to the rear of the dwelling at Clonghnakeava, Gort, County Galway is development and is exempted development.




Liam Bergin

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 20th day of December 2024.



An
Bord
Pleanála

Board Order
ABP-318242-23

Planning and Development Acts 2000 to 2022

Planning Authority: Fingal County Council

Planning Register Reference Number: FS5/050/23

WHEREAS a question has arisen as to whether the single storey residential extension attached to the rear of the existing dwelling at 4 River Walk, Clonshaugh, Belcamp, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Thomas Maneesh of 4 River Walk, Belcamp, Clonshaugh, Dublin requested a declaration on this question from Fingal County Council and the Council issued a declaration on the 25th day of September, 2023 stating that the matter was development and was not exempted development:

AND WHEREAS Thomas Maneesh referred this declaration for review to An Bord Pleanála, on the 13th day of October, 2023:

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, as amended,

- (c) Section 4(2)(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) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (f) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the development of a single storey domestic extension located and attached to the rear of the mentioned dwellinghouse is development as defined in section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) while this extension falls within Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, the larger part of it would in effect comprise a separate dwelling,
- (c) the existence of this additional dwelling would result in a material change in the use of the dwellinghouse in question, and
- (d) the development in question would, therefore, constitute development and not exempted development.

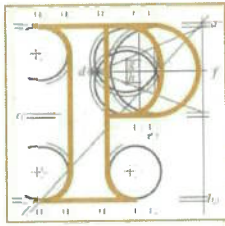
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5(3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the single storey residential extension to the rear of the existing dwelling at 4 River Walk, Clonshaugh, Belcamp, Dublin is development and is not exempted development.



Joe Boland

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 13th day of June 2024



An
Bord
Pleanála

Board Order
ABP-304362-19

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 0111/19

WHEREAS a question has arisen as to whether (i) the construction of a part two-storey, part single storey extension to the rear elevation and (ii) alterations to the rear and side elevations at Florence House, 199 Strand Road, Merrion, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Richard Crowe of Knockaburra, 199B Strand Road, Merrion, Dublin, requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 5th day of April, 2019 stating that the matter was development and was exempted development:

AND WHEREAS Richard Crowe referred this declaration for review to An Bord Pleanála, on the 30th day of April, 2019.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,

- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and Class 1 of Part 1 of the Second Schedule to those Regulations, and
- (c) the planning history of the site and the documentation submitted with the referral by the referrer and by the owner/occupier:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the erection of the extension and the carrying out of the alterations both comprise 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 1091/08, which was cited by the referrer, relates to a different development than the rear extension that is the subject of the present referral, and the permission in question was not implemented and has expired, and
- (d) the alterations to the house are limited to the internal works, being the opening up of the games room, kitchen and hallway window to connect into the rear extension all come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, and are therefore exempted development:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that (i) the construction of a part two-storey, part single storey extension to the rear elevation and (ii) alterations to the rear and side elevations at Florence House, 199 Strand Road, Merrion, Dublin 4, are development and are exempted development.

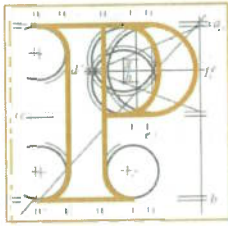
Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Philip Jones

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.



An
Bord
Pleanála

**Board Order
ABP-301363-18**

Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: D/228/18

WHEREAS a question has arisen as to whether the proposed single storey extension to the rear of an existing dwelling at 80 Woodview, Pinecroft, Grange, County Cork is or is not development and is or is not exempted development:

AND WHEREAS Noel Quinlan of 78 Woodview, Pinecroft, Grange, County Cork requested a declaration on this question from Cork County Council and the Council issued a declaration on the 12th day of March, 2018 stating that the matter was development and was exempted development:

AND WHEREAS Noel Quinlan referred the declaration for review to An Bord Pleanála on the 6th day of April, 2018:

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) Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) The development is connected to the house and is an extension.
- (b) The extension does not include above ground habitable space and is a single storey extension.
- (c) The floor area of the extension does not exceed 40 square metres or reduce the area of garden remaining to less than 25 square metres.
- (d) The height of the extension does not exceed the height of the rear wall of the main house.
- (e) The glazed panel closest to the rear wall of the main house, and which is less than one metre from the shared boundary, is neither capable of being opened nor does it allow people to see through.
- (f) All windows are over one metre from the shared boundary.
- (g) The extension, therefore, comes within the scope of Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and all Conditions and Limitations attached to this Class.

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 proposed single storey extension to the rear of an existing dwelling at 80 Woodview, Pinecroft, Grange, County Cork is development and is exempted development

Matters Considered

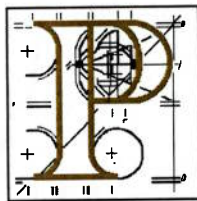
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

John Connolly

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2018.

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cork City

Planning Authority Reference Number: R394/15

An Bord Pleanála Reference Number: 28.RL.3399

WHEREAS a question has arisen as to whether construction of a single storey extension to the rear of 3 Inniscarrig Terrace, Western Road, Cork is or is not development or is or is not exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Cork City Council on the 31st day of August, 2015:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and
- (c) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the single storey extension would constitute the carrying out of works which come within the meaning of development as defined in section 3(1) of the Planning and Development Act 2000, and
- (b) the extension comes within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that construction of a single storey extension to the rear of 3 Inniscarrig Terrace, Western Road, Cork is development and is exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.