



An  
Bord  
Pleanála

**Board Direction**  
**ABP-300216-17**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/08/2018.

The Board decided, generally in accordance with the inspector's recommendation, as set out in the following Order, that the illuminated strip lighting was development and was not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether or not the proposed works to Unit G9 Pottery Business Park, Pottery Road, Dun Laoghaire, Co. Dublin comprising illuminated strip lighting on the north-western and north-eastern elevations, are or are not development or are or are not exempted development:

AND WHEREAS Celtory Limited requested a declaration on this question from Dun Laoghaire Rathdown County Council and the Council issued a declaration on the 23<sup>rd</sup> day of October, 2017 stating that the matter was development and was not exempted development:

WHEREAS Celtory Limited referred this declaration for review to An Bord Pleanála on the 16<sup>th</sup> day of November, 2017:

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

- (a) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000 (as amended),

- (b) the planning history of the site,
- (c) the design of the building itself before and after the installation of the lighting, and the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The erection of the illuminated strip lighting to the north-western and north-eastern elevations constitutes 'works' to the exterior of the structure and is therefore 'development' within the meaning of Section 3 of the Act;
- (b) The changes introduced to the building by the neon lighting strips – particularly during darkness - are considered to materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure itself;
- (c) The changes introduced to the building by the neon lighting strips – particularly during darkness - are considered to materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures, none of which have a similar approach to lighting of the façade, and
- (d) Therefore the development in question does not come within the scope of the exemption available under section 4(1)(h) of the Act.

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 erection of illuminated strip lighting is development and is not exempted development.

**Board Member:**

**Date:** 30/08/2018

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Conall Boland