



An
Bord
Pleanála

Board Direction
ABP-300501-17

The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/08/2018.

The Board decided, as set out in the following Order, that

Board Order as follows:-

WHEREAS a question has arisen as to whether the car parking spaces granted under Reg Ref D98A/0022 / ABP Ref PL06.106187 enable them to be used for public use and / or does their use as public spaces amount to being a material change in their use and intensification that would require permission to be sought is or is not development or is or is not exempted development at Killiney Hill Place, Killiney Hill Road, Killiney, Co. Dublin.

AND WHEREAS Killiney Hill Plaza Management Ltd requested a declaration on this question from Dun Laoghaire Rathdown County Council and the Council issued a declaration on the 17th day of November 2017, stating that the matter was not development:

AND WHEREAS Killiney Hill Plaza Management Ltd referred this declaration for review to An Bord Pleanála, on the 14th day of December, 2017.

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) Article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (d) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the planning history of the site

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the car parking sites in question were identified in planning permission Reg Ref NoD98A/0022 (ABP No 06D.106187) as visitor parking spaces specifically to serve the apartment development to which the permission relates;
- (b) The change of use of these car parking spaces from being solely for visitors to the apartment development to use by the general public is a change of use from the permitted use;
- (c) This change of use would represent an intensification of use of these spaces from a low turnover of private residential/visitor car use serving Killiney Hill Plaza only to a high turnover of public car use serving Killiney Village and its associated uses, and is therefore a material change of use;
- (d) There are no exemptions for the change of use from use as a private car park to use as a public car park or vice versa in Schedule 2 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 Planning and Development Act, 2000, as amended, hereby decides that the use of the car parking spaces granted under Reg Ref D98A/0022 / ABP Ref PL06.106187 for public use at Killiney Hill Place, Killiney Hill Road, Killiney, Co. Dublin is development and is not exempted development.

Board Member:

Date: 31/08/2018

Terry Prendergast