



An  
Bord  
Pleanála

**Board Direction**  
**ABP-302770-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 27/02/2019.

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

**WHEREAS** a question has arisen as to whether the conversion of existing vacant office space and seminar room to a one-bedroom studio apartment is or is not development or is or is not exempted development.

**AND WHEREAS** K King Construction Claregalway Ltd, requested a declaration on this question from Galway City Council, and the Council issued a declaration on the 17th day of September 2018 stating that the matter is development and is not exempted development.

**AND WHEREAS** K King Construction Claregalway Ltd., referred this declaration for review to An Bord Pleanála, on the 15<sup>th</sup> day of October 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, as amended,

- (c) Section 4(1) and 4(2) of the Planning and Development Act, 2000, as amended,
- (d) Article 10(1) and 10(6) of the Planning and Development Regulations, 2001, as amended,
- (e) Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (f) Part 1 and Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (g) The planning history of the site, and

**AND WHEREAS** An Bord Pleanála has concluded that:

- (h) The conversion of the space, to a one-bedroom studio apartment would comprise a change of use which is material;
- (i) Part of the converted area comprises space which functions as a commons service area for the overall complex, which space is related to the ongoing maintenance and management of the building. It has not therefore been demonstrated by the referrer that the space has been vacant for two years or more immediately prior to the commencement of the proposed development;
- (j) The referrer has not demonstrated that the converted space was not granted permission for a use ancillary to the original student accommodation/residential function of the overall complex, nor that any subsequent planning permission has secured a change to that original use;

**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 conversion of the ground floor vacant office space and seminar room, for use as a one-bedroom studio apartment, is development and is not exempted development.

**Board Member:**

**Date:** 27/02/2019

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Chris McGarry