



An
Bord
Pleanála

Board Direction
ABP-303954-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on August 30th, 2019.

The Board decided, as set out in the following Order, that the erection of an external boiler flue pipe on the Dungar Terrace elevation of the Dunnes Stores property at 22 – 25 Georges Street Upper, Dun Laoghaire, linked to the internal heating system of that property, is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the erection of an external boiler flue pipe linked to the store's internal heating system at Dunnes Stores, 22 – 25 Georges Street Upper, Dun Laoghaire, is or is not development or is or is not exempted development.

AND WHEREAS Better Value Unlimited Company of 46 - 50 South Great Georges Street, Dublin 2, requested a declaration on this question from Dun Laoghaire Rathdown County Council, and the Council issued a declaration on the 21st day of February 2019 stating that the matter is development and is not exempted development.

AND WHEREAS Better Value Unlimited Company referred this declaration for review to An Bord Pleanála, on the 15th day of March 2019.

AND WHEREAS An Bord Pleanála, in the light of the documentation submitted with the referral, decided to reformulate the question as follows:

“Whether the erection of an external boiler flue pipe on the Dungar Terrace elevation of the Dunnes Stores property at 22 – 25 Georges Street Upper, Dun Laoghaire, linked to the internal heating system of that property, is or is not development, or is or is not exempted development.”

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

- (a) Sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (c) The Planning and Development Regulations 2001, as amended.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The erection of the subject external boiler flue pipe involved the carrying out of works, and is therefore development;
- (b) This development involved the carrying out of works for the maintenance, improvement or other alteration of the structure, that is, the commercial store premises of Dunnes Stores;
- (c) However, having regard to the nature, design and external appearance of the structure/building on which the flue has been erected, and the general

surroundings of the neighbouring buildings on Dungar Terrace, it is considered that the development in question materially affects the external appearance of the structure so as to render that appearance inconsistent of the character of the structure and of neighbouring structures. The development, therefore, cannot avail of the exemption provided for in Section 4(1)(h) of the Planning and Development Act, 2000, as amended;

- (d) There are no other provisions in the Planning and Development Act or in the Planning and Development Regulations, 2001, as amended, whereby this development would be categorised as 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 erection of an external boiler flue pipe on the Dungar Terrace elevation of the Dunnes Stores property at 22 – 25 Georges Street Upper, Dun Laoghaire, linked to the internal heating system of that property, is development and is not exempted development.

Board Member

Date: 30th August 2019

Philip Jones