



An
Bord
Pleanála

Board Direction
ABP-304059-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20th. August, 2019.

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

WHEREAS a question has arisen as to whether the provision of a timber fence around and a retractable awning over the first-floor function room smoking area which sits above and behind the glazed roofed car park level beer garden at The Goat Public House and Paddy Powers Complex, junction of Lower Kilmacud Road and Taney Road, Goatstown, Dublin, D14 PY 56, is or is not development or is or is not exempted development:

AND WHEREAS Mr. Gary Solan, Architectural Construction Technology, An Tigh, Ballyogan Avenue, Carrickmines, Dublin, D18 V6X9, on behalf of Mr. Charles Chawke, The Dropping Well Public House, Classon's Bridge, Milltown, Dublin 6, requested a declaration on this question from Dún Laoghaire Rathdown Council and the Council issued a declaration on the day of 28th February, 2019 stating that the matter was development and was not exempted development:

AND WHEREAS Mr. Gary Solan, Architectural Construction Technology, An Tigh, Ballyogan Avenue, Carrickmines, Dublin, D18 V6X9, on behalf of Mr. Charles Chawke, The Dropping Well Public House, Classon's Bridge,

Milltown, Dublin 6, referred this declaration for review to An Bord Pleanála on the 22nd day of March, 2019:

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, as amended,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- a) the provision of the timber lattice-type fencing and a retractable awning involved the carrying out of works and therefore constitutes development within the meaning of sections 2 and 3 of the Planning and Development Act, 2000;
- b) the development in question does not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended, not being works for the maintenance, improvement or other alteration of an existing structure but rather the provision of new structures and is therefore not exempted development;
- c) there are no other provisions in the Act or Regulations, by which the subject development is 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 the provision of the timber lattice-type fencing and a retractable awning over the first-floor function room smoking area at The Goat Public House and Paddy Powers Complex, junction of Lower Kilmacud Road and Taney Road, Goatstown, Dublin, D14 PY 56, is development and is not exempted development.

Board Member:

Date: 20/08/2019

Terry Ó Niadh