



An
Bord
Pleanála

Board Direction
ABP-304765-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 24/02/2020.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the conversion of an existing retail unit to 2 no. one bedroom apartments is or is not development and is or is not exempted development:

AND WHEREAS Conor McCarthy requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 29th day of May, 2019 stating that the matter was development and was not exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 25th day of June, 2019:

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

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

- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Planning and Development (Amendment) (No 2) Regulations 2018 (S.I. No. 30 of 2018)
- (d) Sustainable Urban housing: Design Standards for New Apartments – Guidelines for Planning Authorities (March 2018)
- (e) Arklow & Environs Local Area Plan 2018 - 2024
- (f) the report of the Inspector

AND WHEREAS An Bord Pleanála has concluded that the conversion of an existing retail unit to 2 no. one bedroom apartments is development and is exempted development as:

- (a) The external and internal works to facilitate the residential use of the ground floor unit would constitute “works” that are “development” under Section 3 of the Planning and Development Act 2000 (as amended).
- (b) The external and internal works and alterations come within the scope of Article 10 (6)(d)(ii) and (iii) of the Regulations and are consistent with the fenestration details and architectural and streetscape character of the remainder of the structure and are not considered to materially affect the external appearance of the structure.
- (c) Having regard to Article 10 (6)(d)(iv) of the Regulations, the use of the ground floor unit for residential use accords with the TC Town Centre land use zoning objectives for the site as set out in the Arklow & Environs Local Area Plan 2018 – 2024.
- (d) Having regard to Article 10 (6)(d)(vi) and (vii) the amended plans and particulars submitted with the referral comply with the requirements of the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities in terms of provision

of storage for each unit and the rooms for use, or intended for use, as habitable rooms have adequate natural lighting.

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 that conversion of an existing retail unit to two number one bedroom apartments at 2 South Quay, Arklow, County Wicklow is development and is exempted development.

Board Member:

Date: 24/02/2020

Terry Prendergast