



An  
Bord  
Pleanála

**Board Direction**  
**ABP-304774-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 31/10/2019.

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

Board Order as follows:-

**WHEREAS** a question has arisen as to whether the decorative works to the front elevation of the Royal Irish Yacht Club, Harbour Road, Dún Laoghaire is or is not development or is or is not exempted development:

**AND WHEREAS** Royal Irish Yacht Club Board of Trustees requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 4<sup>th</sup> day of June, 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 26<sup>th</sup> day of June, 2019:

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

- (a) Section 2, 3, 4 and 57 of the Planning and Development Act, 2000, as amended,
- (b) Architectural Heritage Protection, Guidelines for Planning Authorities, Department of Environment Heritage and Local Government, 2011.

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

- (a) the works of painting of all walls within the entrance portico of the building a blue-grey colour constitute development which comes within the meaning of section 2(1) and section 3(1) of the Planning and Development Act, 2000, as amended,
- (b) these works might have come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, however these works cannot avail of the exemption having regard to Section 57 of the Planning and Development Act, 2000, as amended,
- (c) such development would materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure, and would materially affect the character of the Royal Irish Yacht Club protected structure, the uniform off-white paint finish to the exterior is an element of the structure which contributes to its special architectural interest,
- (d) works have therefore been undertaken to a protected structure that materially affect the character of an element of the structure which contributes to its special architectural interest, and the subject works cannot therefore avail of any exemption provided for under the relevant legislation:

(e) the said development does not, accordingly, come within the scope of section 4(1)(h) and section 57(1) of the Planning and Development Act, 2000, as amended.

**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 said works to the front elevation of the Royal Irish Yacht Club, Harbour Road, Dún Laoghaire, specifically the painting of all walls within the entrance portico a blue-grey colour is development and is not exempted development.

**Board Member:**

**Date:** 31/10/2019

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Terry Prendergast