



An
Bord
Pleanála

Board Direction
ABP-307112-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/09/2020.

The Board decided, as set out in the following Order, that the construction of a smoking/beer garden to rear of pub, the use of upstairs rooms as student/short term letting and the raising of flat roof to rear and construction of a 2m high fence to create an outside amenity area is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the 1. Construction of a smoking/beer garden to rear of pub. 2. Use of upstairs rooms as student/short term letting. 3. Raising of flat roof to rear by c.600mm and construction of a 2m high fence to create an outside amenity area is or is not development or is or is not exempted development:

AND WHEREAS Andreas Brueggener requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 25th day of March, 2020 stating that the matter was development and was exempted development:

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 21st day of April, 2020:

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)(a) of the Planning and Development Act, 2000, as amended,
- (d) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that the construction of a smoking/beer garden to rear of pub, the use of upstairs rooms as student/short term letting and the raising of flat roof to rear and construction of a 2m high fence to create an outside amenity area is development and is not 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 construction of a smoking/beer garden to rear of pub, the use of upstairs rooms as student/short term letting and the raising of flat roof to rear and construction of a 2m high fence to create an outside amenity area is development and is not exempted development.

Board Member:

Date: 09/09/2020

Paul Hyde