



An
Bord
Pleanála

Board Direction
ABP-307417-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/10/2020.

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

Board Order as follows:-

Pleanála has concluded that:

WHEREAS a question has arisen as to whether amendments to an existing hotel at basement and ground floor levels resulting in 10 no. additional bedrooms with ancillary uses and alterations to the eastern and western elevations is or is not development or is or is not exempted development:

AND WHEREAS Thornmont Ltd requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 26th day of May, 2016 stating that the alterations to the internal layout to provide 10 additional bedrooms was development and was not exempted development and that the external alterations was development and was exempted development under the provisions of Section 4(1)(h) of the Planning and Development Act, 2001 (as amended):

AND WHEREAS referred this declaration for review to An Bord Pleanála on the 19th day of June, 2020:

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

- a) Sections 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), and
- c) the submissions of the parties to the reference in relation to the uses described in the referral.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The amendments to the existing hotel at basement and ground floor levels resulting in 10 no. additional bedrooms with ancillary uses do not constitute a material change of use
- (b) The amendments would not constitute an intensification of use or have any material planning impacts over and above the existing operation of the established hotel use or any material consequences in terms of the proper planning and sustainable development of the area.
- (c) The use of the premises remains as established hotel use and is not development as defined under Section 3 of the Planning and Development Act, 2000 (as amended).
- (d) The alterations to the external elevations come under the provision of Section 4(1)(h) of the Planning and Development Act, 2001 (as amended) and, as such, are exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the amendments to an existing hotel at basement and ground floor levels resulting in 10 no. additional bedrooms with ancillary uses is not development and the alterations to the eastern and western elevations is development and is exempted development.

Board Member:

Date: 20/10/2020

Terry Prendergast