



An
Bord
Pleanála

Board Direction
ABP-308807-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/04/2021.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the restoration of the previously permitted pre 1963 dwelling to its previous condition at Somerton Lane/Lower Lucan Road, Strawberry Beds, Dublin 15 is or is not development or is or is not exempted development:

AND WHEREAS Fingal County Council referred this case to An Bord Pleanála on the 1st day of December 2020:

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

- (a) Sections 2 (1), 3(1) and 4(1)(h) of the Planning and Development Act 2000, as amended,
- (b) article 6(1) and article 9(1)(b)(i) of the Planning and Development Regulations, 2001, as amended,

- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) The provisions of the Fingal County Development Plan 2017-2023,
- (e) the planning history of the site, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works and alterations to be carried out to facilitate the residential use of the now derelict structure would constitute “works” that are “development” under Section 3(1) of the Planning and Development Act 2000 (as amended).
- (b) The existing structure on the site, in respect of which the restoration works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this structure including in recent times, or for a significant period of time, and the resumption of such residential use of the subject building which is now in a derelict condition, would now constitute a change of use that is material, having regard to the potential for consequences in planning terms, including the potential for implications in terms of servicing the site including wastewater, the potential for the intensification of use of the access and the local road network in the vicinity and the impact on visual amenity in this sensitive area would, therefore, constitute development, which development does not come within the scope of any of the provisions for exempted development, as set out in the Planning and Development Regulations, 2001 (as amended), and
- (c) The external works and alterations to reconstruct and restore the structure would not come within the scope of section 4(1)(h) of the Act, being works which would materially affect the external appearance of the structure.

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 restoration of the previously permitted pre 1963 dwelling to its previous condition at Somerton Lane/Lower Lucan Road, Strawberry Beds, Dublin 15 is development and is not exempted development.

Board Member:

Date: 09/04/2021

Maria FitzGerald