

An
Bord
Pleanála

**Board Direction
ABP-309030-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/06/2021.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the conversion of the existing ground floor retail unit to 1 no. two-bedroom apartment is or is not development or is or is not exempted development:

AND WHEREAS Timo Barry requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 26th Day of November 2020 stating that the matter was development and was not exempted development:

AND WHEREAS Timo Barry referred this declaration to An Bord Pleanála on the 21st day of December 2020:

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

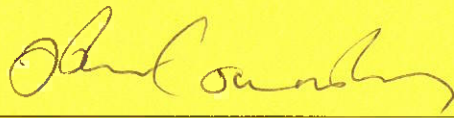
- (a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) Planning and Development (Amendment) (No 2) Regulations 2018 (S.I. No. 30 of 2018)
- (d) Sustainable Urban housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2020)
- (e) Arklow & Environs Local Area Plan 2018 – 2024, and
- (f) the report of the Inspector

AND WHEREAS An Bord Pleanála has concluded that the conversion of the existing ground floor retail unit to 1 no. two-bedroom apartment is development and is not exempted development as:

- (a) the 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), and
- (b) the works do not come within the scope of Article 10(6)(d)(vi) of the Regulations as the floor area of 63 sq.m. would be substandard having regard to the lack of overall residential amenities as required in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.

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 conversion of the existing ground floor retail unit to 1 no. two-bedroom apartment is development and is not exempted development.

Board Member:



John Connolly

Date: 09/06/2021