

An
Bord
Pleanála

Board Direction
ABP-310767-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/02/2022.

The Board decided, as set out in the following Order, that the works as described is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the weatherproofing of a structure which fronts the Lower Lucan Road at Strawberry Beds, Castleknock, Dublin 15, is or is not development or is or is not exempted development.

AND WHEREAS Peter Rafter requested a declaration on this question from Fingal County Council on the 19th day of May 2021, and the Council issued a declaration on the 14th day of June 2021, stating that the matter was development and was not exempted development:

AND WHEREAS Peter Rafter referred this declaration for review to An Bord Pleanála on the 5th day of July 2021:

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

- (a) The nature, scale, extent and scope of works proposed,

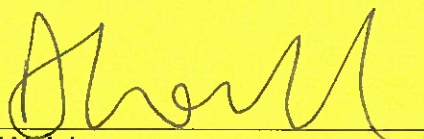
- (b) The existing and past site context,
- (c) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (e) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (f) The planning history of the site,
- (g) The provisions of the Fingal County Development Plan, 2017-2023, and
- (h) 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 weatherproofing 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 nature, scope and extent of external works associated with the weatherproofing of a structure, a structure that is in a ruinous as well as derelict state, with such a state previously concluded upon by the Board in its determination of An Bord Pleanála case reference, ABP-308807-20, would not come within the scope of section 4(1)(h) of Planning and Development Act 2000, as amended, as these works would compromise of the alteration of this structure in a manner that would materially affect the external appearance of the structure so as to render the appearance inconsistent with its character.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 of the 2000 Act, as amended, hereby decides that the works as described is development and is not exempted development.

Board Member:

A handwritten signature in black ink, appearing to read 'Dave Walsh', written over a horizontal line.

Dave Walsh

Date: 04/02/2022

