



An  
Bord  
Pleanála

**Board Direction**  
**BD-009812-22**  
**ABP-311399-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/01/2022.

The Board decided to treat this case under section 139 of the Planning and Development Act, 2000. The Board also decided, based on the Reasons and Considerations set out below that the planning authority be directed, as follows:

Remove condition number 5 and condition number 6.

#### **Reasons and Considerations**

Having regard to the Regulation of Commercial Institutional Investment in Housing, Guidelines for Planning Authorities (May 2021), the Board considered that the two upper apartment units within the existing three storey building fronting onto the square and Castlemaine Road did not come within the definition of duplex units set out in section 4.0 of the Guidelines and as a consequence, the housing development, which contained less than 5 or more houses and/or duplex units was not subject to the need to apply planning condition 5 in accordance with the provisions of section 39(2) and 47 of the Planning and Development Act (2000) as amended.

Furthermore, in relation to condition number 6, the Board considered that there are no considerations arising in the development as permitted which would require the preclusion of the exempted development provisions as set out in the Planning and

Development Regulation, 2001, as amended, as they pertain to provision of overnight commercial guest accommodation.

**Board Member:** Maria Fitzgerald **Date:** 20/01/2022  
Maria Fitzgerald