



An
Bord
Pleanála

Board Direction
BD-012003-23
ABP-311482-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/04/2023.

The Board decided, as set out in the following Order, that the works outlined in Works Items 1 to 8 is development and is exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether the following works at Apartment Q, Coliemore Apartments, Dalkey, Co. Dublin, constitutes development and if so whether that development can be considered exempt development':

Works Item No. 1

Internal alterations to consist of infill of the circular floor void at upper (3rd floor level) and removal of internal staircase to provide an additional 16 sq.m. of internal floor area.

Works Item No. 2

Internal layout alterations to consist of removal / addition of walls / partitions and doors (on 2nd and 3rd floor level); relocating of Bedroom No. 3 from 2nd to 3rd floor to create open plan living / dining / kitchen area at 2nd floor.

Works Item No. 3

Alterations to the external elevation of the rotunda at 3rd floor to consist of lowering of the curved window sill by 0.5m. This faces north to south-west on the rear (seaward) and side elevations.

Works Item No. 4

Alterations to the external elevation of the rotunda at 3rd floor to consist of changing of 7 no. groups of 3 no. windows to 7 no. curved fixed windows and replacement of 3rd floor aluclad windows to rotunda / north east (rear) elevation to aluminium windows with a dark grey powder coated finish (RAL 7043 / Traffic Grey). This faces north to south-west on the rear (seaward) and side elevations.

Works Item No. 5

A combination of Works Item Nos. 3 and 4 above to consist of lowering of rotunda sill and changing 7 no. groups of 3 no. windows to 7 no. curved fixed windows.

Works Item No. 6

Lowering of rotunda sill as per Works Item No. 3 but retaining the same fenestration division with replacement of 3rd floor aluclad windows to rotunda / north east (rear) elevation to aluminium windows with a dark grey powder coated finish (RAL 7043 / Traffic Grey).

Works Item No. 7

Changing of window on north-east elevation at 2nd floor to double doors to access existing rear facing roof terrace.

Works Item No. 8

Changing of fenestration division of 4 no. windows on north-east elevation at 2nd floor.

AND WHEREAS Ms. Bridget Regina Walsh, care of Bright Design Architects, 4 Seafield Park, Booterstown, Co. Dublin, requested a declaration on this question from Dun Laoghaire-Rathdown County Council

and the Council issued a declaration on the 10th day of September 2021 stating that Works Items 1 and 2 constitute development and exempted development, and that Works Items 3, 4, 5, 6, 7, and 8 constitute development and do not constitute exempted development:

AND WHEREAS the said question was referred to An Bord Pleanála by Ms. Bridget Regina Walsh on the 22nd day of September, 2021:

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

- (a) Section 2(1), 3(1), and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, and 9 of the Planning and Development Regulations 2001, as amended
- (c) the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028,
- (d) the planning history of the site and the pattern of development in the area, and
- (e) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that Works Items 1 to 8 are works involving the improvement or alteration of the structure which would affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act 2000, as

amended, hereby decides that the works outlined in Works Items 1 to 8 is development and is exempted development.

Board Member: Una Crosse Date: 04/04/2023
Una Crosse