



An
Bord
Pleanála

Board Direction
ABP-311644-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/08/2022.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether the removal of a hall door and installation in a side/ gable wall of house, insert window in place of current hall door with sill at same level as current window and dash lower part under window at 1 Mayor Street Upper, North Wall, Dublin 1, is or is not development or is or is not exempted development:

AND WHEREAS Tony and Hilda McDonnell requested a declaration on this question from Dublin City Council and the Council decided to issue a declaration on the 13th day of September 2021 stating that the matter is development and is not exempted development:

AND WHEREAS Tony and Hilda McDonnell referred this declaration for review to An Bord Pleanála on the 11th day of October 2021:

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) the planning history of the site, and
- (c) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that the removal of the hall door and the installation of the door in the side/ gable wall of house, the insertion of a window in place of current hall door with sill at same level as current window and dash lower part comprise works and development in accordance with the provisions of Section 2(1) and Section 3(1) of the Planning and Development Act, 2000, as amended.

AND WHEREAS An Bord Pleanála has concluded that the development would not constitute exempted development as it is considered that the works in question would 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 and the development is therefore not in accordance with the exempted development provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

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 as described is development and is not exempted development.

Board Member:

Maria FitzGerald
Maria FitzGerald

Date: 12/08/2022