

An
Bord
Pleanála

Board Direction ABP-315281-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/09/2024.

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

Board Order as follows:-

WHEREAS a question has arisen as to whether:

- (a) the erection of signage on the façade of the property facing Whitworth Road,
- (b) the alteration to the façade of the property facing Prospect Road and provision of a point of sale for takeaway items,
- (c) the instillation of a trailer and structure on the area facing Prospect Road,
- (d) the provision of three number covered picnic benches, eight number picnic bench style seating and street furniture consisting of planters and sandwich board signs on the area facing Prospect Road, and
- (e) the erection of 15 number windbreakers screens with signage placed along the boundary facing Prospect Road and Whitworth Road,

all at The Bernard Shaw, Whitworth Road, Dublin is or is not development or is or is not exempted development,

AND WHEREAS Liacondar Limited care of Knapton Consulting Engineers of 76 Upper George's Street, Dun Laoghaire, County Dublin requested a declaration on this matter from Dublin City Council and the Council issued a declaration on the 8th day of November, 2022 stating that the matter is development and is not exempted development,

AND WHEREAS Liacondar Limited care of Knapton Consulting Engineers of 76 Upper George's Street, Dun Laoghaire, County Dublin referred this declaration for review to An Bord Pleanála on the 6th day of December, 2022,

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

- (a) Section 2(1) of the Planning and Development Act 2000, as amended,
- (b) Section 3 of the Planning and Development Act 2000, as amended,
- (c) Section 4 of the Planning and Development Act 2000, as amended,
- (d) Articles 6, 9 and 10 of the Planning and Development Regulations 2001, as amended,
- (e) Part 1 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (f) Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (g) Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (h) S.I. No 92 of 2020 (Planning and Development Act 2000 (Exempted Development) (no. 2) Regulations 2020,
- (i) the planning history of the site,
- (j) the pattern of development in the area, and
- (k) the report and recommendation of the Inspector,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the erection of signage on the façade of the property facing Whitworth Road, the alteration to the façade of the property facing Prospect Road and provision of a point of sale for takeaway items, the instillation of a trailer and structure on the area facing Prospect Road, the provision of three number covered picnic benches, eight number picnic bench style seating and street furniture consisting of planters and sandwich board signs on the area facing Prospect Road, and the erection of 15 number windbreakers screens with signage placed along the boundary facing Prospect Road and Whitworth Road constitutes development as defined under section 3(1)(a) of the Planning and Development Act 2000, as amended,
- (b) it is not exempted development as it does not come within the scope of Section 4 (1) (j) and (k) of the Planning and Development Act 2000, as amended, or

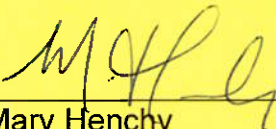
Parts 1, 2 and 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,

(c) there are no exemptions provided for in the Planning and Development Act 2000, as amended, and the Planning and Development Regulations 2001, as amended, and

(d) restrictions on exemptions provided for in Article 9 (1)(a)(i) would apply and carrying out of such development would contravene a condition attached to a permission under the Act and be inconsistent with any use specified in a permission under the Act,

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 erection of signage on the façade of the property facing Whitworth Road, the alteration to the façade of the property facing Prospect Road and provision of a point of sale for takeaway items, the instillation of a trailer and structure on the area facing Prospect Road, the provision of three number covered picnic benches, eight number picnic bench style seating and street furniture consisting of planters and sandwich board signs on the area facing Prospect Road, and the erection of 15 number windbreakers screens with signage placed along the boundary facing Prospect Road and Whitworth Road, all at The Bernard Shaw, Whitworth Road, Dublin is development and is not exempted development.

Board Member:


Mary Henchy

Date: 03/09/2024

