



An
Bord
Pleanála

Board Direction
ABP-318772-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/06/2024.

The Board decided, as set out in the following Order, that (a) the alterations to the front façade of the Southern Star public house comprising (i) the repainting of the façade and the replacement of windows and doors, is development and is exempted development, and (ii) the replacement of the flagpoles and flags is development and is not exempted development, and (b) the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar) is development and is not exempted development,

Board Order as follows:-

WHEREAS a question has arisen as to whether

- (a) the alterations to the façade of the Southern Star Public House involving the upgrade of fenestration and signage fall within the scope of Section (4)(1)(h) of the Planning and Development Act 2000, as amended, and are therefore exempted development
- (b) the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch

and the canopy over the raised section at the northern end of the garden bar),

at The Southern Star Public House, 9 Southern Road, Cork are or are not development or are or are not exempted development:

AND WHEREAS Conor Murphy care of McCutchen Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork requested a declaration on this question from Cork City Council and the Council issued a declaration on the 27th day of November, 2023 stating that (1) the replacement of the windows, doors and the repainting is consistent with the neighbouring properties and these elements can be considered to come under Section (4)(1)(h) of the Planning and Development Act 2000, as amended, and are therefore considered exempted development; (2) the replacement of signs and flags do not fall under Section (4)(1)(h) of the Planning and Development Act 2000, as amended, and are not exempted development; and (3) the alterations and improvements to the garden bar of the Southern Star comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar) do not fall under Section (4)(1)(h) of the Planning and Development Act 2000, as amended, and are not exempted development:

AND WHEREAS Conor Murphy care of McCutchen Halley Planning Consultants of 6 Joyce House, Barrack Square, Ballincollig, County Cork referred this declaration for review to An Bord Pleanála, on the 28th December, 2023:

AND WHEREAS the Board reformulated the question as follows:

- (a) Whether the alterations to the façade of the Southern Star public house involving (i) repainting, the replacement of windows and doors, and (2) the replacement of pre-existing flags and flagpoles at The Southern Star Public House, 9 Southern Road, Cork, is or is not development and is or is not exempted development, and

- (b) Whether the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar), is or is not development and is or is not exempted development.

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

- (a) Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended,
- (b) Section 4(1)(h) of the Planning and Development Act 2000, as amended,
- (c) Part 2 of Schedule 2 of the Planning and Development Regulations 2001, as amended, and
- (d) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the alterations to the front façade of the Southern Star public house comprising (i) the repainting of the façade and the replacement of windows and doors, is development and is exempted development, and (ii) the replacement of the flagpoles and flags is development and is not exempted development, and
- (b) the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar) is development and is not exempted development,

all at The Sothern Star Public House, 9 Southern Road, Cork.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the development as set out at (a)(i) the repainting, and the replacement of windows and doors is development and is exempted development, and that the said development as set out at (a)(ii) the replacement of pre-existing flags and flagpoles and (b) the alterations and improvements to the garden bar of the public house comprising the upgrade of furniture and fittings and the replacement of roof structures with canvas awnings with a similar footprint (but excluding the arch and the canopy over the raised section at the northern end of the garden bar), is development and is not exempted development, all at The Southern Star Public House, 9 Southern Road, Cork.

Board Member:



Una Crosse

Date: 21/06/2024