

An
Coimisiún
Pleanála

Direction
ABP-322042-25

The submissions on this file and the Inspector's report were considered at a meeting held on 20/06/2025.

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

Commission Order as follows:-

WHEREAS a question has arisen as to whether the change of use from science and technology to bakery and installation of chimneys/extraction hoods at Unit 10, Docklands Innovation Park, 128-130 East Wall Road, Dublin 3, as detailed in submissions made to the planning authority on the 14th January, 2025, is or is not development or is or is not exempted development:

AND WHEREAS Thomas Murphy, requested a declaration on this question from Council, and the Council issued a declaration on the 10th day of February, 2025 stating that the matter was development and was exempted development.

AND WHEREAS Thomas Murphy referred this declaration for review to An Coimisiún Pleanála, on the 6th day of March, 2025, and An Coimisiún Pleanála reformatted the question, having regard to the specific question addressed to the planning authority, to read as follows:

whether the installation of extractor fans/ air ventilation units / chimney to deal with fumes is or is not development or is or is not exempted development.

AND WHEREAS An Coimisiún 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(1) of the Planning and Development Act, 2000, as amended;
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended; and
- (d) the pattern of development in the area.

AND WHEREAS An Coimisiún Pleanála has concluded that the installation of extractor fans/ air ventilation units / chimney to deal with fumes at Unit 10, Docklands Innovation Park, 128-130 East Wall Road, Dublin 3, as detailed in submissions made to the planning authority on the 14th January, 2025, is development and is exempted development, having regard to the fact that the works constitute alteration of the subject premises, but are works 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 and is therefore exempted having regard to the provisions of section 4(1)(h) of the Planning and Development Act, 2000, as amended.

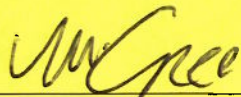
NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by Section 5 (3)(a) of the Planning and Development Act, 2000, as amended, hereby decides that the installation of extractor fans/ air ventilation units / chimney to deal with fumes at Unit 10, Docklands Innovation Park, 128-130 East Wall Road, Dublin 3, as detailed in submissions made to the planning authority on the 14th January, 2015, is development and is exempted development.

Note: The Coimisiún noted that the referrer raised the use of the subject premises in the referral. However, having regard to the provisions of section 5(3)(a) of the Planning and Development Act 2000, as amended, the Coimisiún decided to limit the referral to those matters raised in the declaration issued by the planning authority under section 2(a) of the Act.

Planning

Commissioner:

Date: 20/06/2025



Liam McGree