



Board Direction

Ref: RL29S.RL.3418

The submissions on this file and the Inspector's report were considered at a Board meeting held on February 29th, 2016.

The Board decided, for the reasons and considerations set out below and generally in accordance with the Inspector's recommendation, that –

the proposed sub-division of the existing restaurant and bar, including associated works comprising removal of part of the basement mezzanine level, removal of staircase, and insertion of new staircases, at Nos. 130 – 133 St. Stephen's Green West, Dublin 2 (The Dandelion), into two units to be used as (i) a restaurant at proposed Unit A, and (ii) a bar and restaurant at proposed Unit B is development and is exempted development.

WHEREAS a question has arisen as to whether the proposed sub-division of the existing restaurant and bar, including associated works comprising removal of part of the basement mezzanine level, removal of staircase, and insertion of new staircases, at Nos. 130 – 133 St. Stephen's Green West, Dublin 2 (The Dandelion), into two units to be used as (i) a restaurant at proposed Unit A, and (ii) a bar and restaurant at proposed Unit B is development or is not development and is or is not exempted development.

AND WHEREAS Restrana c/o John Spain Associates, 50 Upper Mount Street, Dublin 2 requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 15th of September 2015 stating that the said subdivision and works are not considered to be exempt development and are considered to be development under the provisions the Planning and Development Act, 2000, as amended:

AND WHEREAS Restrana c/o John Spain Associates, 50 Upper Mount Street, Dublin 2 referred the declaration for review to An Bord Pleanála dated October 9th, 2015:

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

- (a) Sections 2, 3, 4 and 5 of the Planning and Development Act, 2000 – 2015,
- (b) Articles 5, and 10 of the Planning and Development Regulations, 2001 – 2015,
- (c) The planning history of the site,
- (d) The submissions and documentation on file, and
- (e) the report of the planning inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) The proposed subdivision of the existing restaurant and bar, to create two separate units (a restaurant at proposed Unit A and a bar and restaurant at proposed Unit B) does not constitute a material change in the use of any structure or other land;
- (b) The proposed subdivision includes the removal of part of the basement mezzanine level, the removal of a staircase, and the insertion of new staircases which come within the definition of works under Section 2 of the Planning and Development Act and is, therefore, development;
- (c) The said works affect only the interior of the structure and 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
- (d) The said subdivision of the existing restaurant and bar comes within the scope of the exempted development provisions of Section 4(1)(h) of the Planning and Development Act, 2000:

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 proposed sub-division of the existing restaurant and bar, including associated works comprising removal of part of the basement mezzanine level, removal of staircase, and insertion of new staircases, at Nos. 130 – 133 St. Stephen's Green West, Dublin 2 (The Dandelion), into two units to be used as (i) a restaurant at proposed Unit A, and (ii) a bar and restaurant at proposed Unit B is development and is exempted development.

Board Member: _____
Nicholas Mulcahy

Date: March 1st, 2016