



An
Bord
Pleanála

Board Direction
29N.RL3598

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 3rd 2018.

The Board decided, as set out in the following Order, that physical works to number 41 Belvedere Place, as illustrated on Maughan and Associates drawing numbers 762(S5)-06 to 762(S5) 09, and as outlined in Appendix A to the referral submission received by An Bord Pleanála on the 9th day of May 2017, are development and are not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether physical works to number 41 Belvedere Place, as illustrated on Maughan and Associates drawing numbers 762(S5)-06 to 762(S5) 09, are or are not development or are or are not exempted development.

AND WHEREAS Mike Horgan requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 12th day of April 2017 stating that certain of the subject works were development and were exempted development, and certain of the subject works were development and were not exempted development.

AND WHEREAS Mike Horgan referred that part of the declaration, in respect of the works that the Council had declared were not exempted development, as outlined in Appendix A of his referral submission, for review to An Bord Pleanála, on the 9th day of May 2017.

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(1) of the Planning and Development Act, 2000,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 5(1)(a) of the Planning and Development Act, 2000, as amended,
- (e) Section 57(1) of the Planning and Development Act, 2000, as amended,
- (f) The fact that the subject premises is a Protected Structure, as set out in the current Development Plan for the area, and is located within an Architectural Conservation Area as set out in this Development Plan,
- (g) the report of the Senior Planning Inspector, including the details of the inspection of the subject property carried out by the Inspector, and the documentation submitted as part of the referral.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The works constitute development within the meaning of Section 3 of the Planning and Development Act 200, as amended;
- (b) The development would come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, as it consists of the carrying out of works for the maintenance, improvement or other alteration of this structure;

- (c) However, the development constitutes works that would materially affect the character of this protected structure and of elements of the protected structure which contribute to its special architectural interest (including works affecting the interior and the exterior), and therefore the restriction on exemption provided for under Section 57 of the Planning and Development Act, 2000, as amended, applies in this instance, and the subject development is therefore not exempted development;

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 physical works to number 41 Belvedere Place, as illustrated on Maughan and Associates drawing numbers 762(S5)-06 to 762(S5) 09, and as outlined in Appendix A to the referral submission received by An Bord Pleanála on the 9th day of May 2017, are development and are not exempted development.

Board Member

Date: 3rd May 2018

Philip Jones