



An
Bord
Pleanála

Board Direction
29S.RL3608

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 18th 2018.

The Board decided, as set out in the following Order, that a three sided flat roof metal shed at the end of the site of Waterloo Garage, 85 Waterloo Lane, Dublin 4 is development and is not exempted development.

Board Order as follows:-

WHEREAS a question has arisen as to whether a three sided flat roof metal shed at the end of the site of Waterloo Garage, 85 Waterloo Lane, Dublin 4 is or is not development or is or is not exempted development.

AND WHEREAS Errol Dunne, c/o Martin Reynolds, Architect, requested a declaration on this question from Dublin City Council, and the Council issued a declaration on the 3rd day of July 2017 stating that the matter is development and is not exempted development.

AND WHEREAS Errol Dunne, c/o Martin Reynolds, Architect, referred this declaration for review to An Bord Pleanála on the 27th day of July 2017.

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and the Classes set out in Part 1 of Schedule 2 to these Regulations,
- (c) The planning history of the site, and
- (d) The Inspector's report, including the report of her inspection of the subject site.

AND WHEREAS An Bord Pleanála has concluded that:

- (a) The subject shed is located within an overall property that has an established use as a motor vehicle repair workshop, which property is not part of the curtilage of number 85 Waterloo Road, a protected structure;
- (b) The subject shed is, based on the inspection carried out by the Inspector, and on the submissions on file, in use as part of the overall motor vehicle repair workshop business, and is used, inter alia, for the storage of goods related to this business;
- (c) The erection of this shed constituted works, as defined in Section 2 of the Planning and Development Act 2000, as amended, and therefore constitutes development within the meaning of Section 3 of that Act.;
- (d) The shed is not located within the curtilage of a dwellinghouse, and accordingly would not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and

- (e) There are no other provisions in the Planning and Development Regulations, 2001, as amended, by which the subject shed would be classified as 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 a three sided flat roof metal shed at the end of the site of Waterloo Garage, 85 Waterloo Lane, Dublin 4, is development and is not exempted development.

Board Member

Date: 18th May 2018

Philip Jones