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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Planning Register Reference Number: 11717**

**WHEREAS** a question has arisen as to whether the installation of illuminated strip lighting on the north-western and north-eastern elevations at Unit G9 Pottery Business Centre, Pottery Road, Dun Laoghaire, County Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** Celtory Limited care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin requested a declaration on the said question from Dun Laoghaire Rathdown County Council and the Council issued a declaration on the 23<sup>rd</sup> day of October, 2017 stating that the matter was development and was not exempted development:

**AND WHEREAS** Celtory Limited referred this declaration for review to An Bord Pleanála on the 16<sup>th</sup> day of November, 2017:

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

- (a) sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act, 2000. as amended,
- (b) the planning history of the site,
- (c) the design of the building itself before and after the installation of the lighting, and
- (d) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the erection of the illuminated strip lighting to the north-western and north-eastern elevations constitutes 'works' to the exterior of the structure and is, therefore, 'development' within the meaning of section 3 of the Act,
- (b) the changes introduced to the building by the neon lighting strips – particularly during darkness - are considered to materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure itself,
- (c) the changes introduced to the building by the neon lighting strips – particularly during darkness - are considered to materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures, none of which have a similar approach to lighting of the façade, and,
- (d) therefore, the development in question does not come within the scope of the exemption provided under section 4(1)(h) of the Act.

**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 installation of illuminated strip lighting on the north-western and north-eastern elevations at Unit G9, Pottery Business Centre, Pottery Road, Dun Laoghaire, County Dublin is development and is not exempted development.

### **Matters Considered**

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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**Conall Boland**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this            day of            2018.**