



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 0410/18

WHEREAS a question has arisen as to whether the proposed installation of two additional windows in the rear façade of bedrooms 2 and 3 at second floor level, and the existing door/long window which has been installed in the rear façade at second floor level at 2 Brabazon Street, The Coombe, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Andreas Bruggener care of Peter P. Gillett and Associates of 55 Glencarrig, Sutton, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 6th day of November, 2018 stating that the matter is development and is not exempted development:

AND WHEREAS Andreas Bruggener referred this declaration for review to An Bord Pleanála on the 28th day of November, 2018:

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 external appearance and character of the existing structure, and the pattern of development and character of neighbouring structures,
- (c) the nature and appearance of the subject windows and door/long window, and
- (d) relevant case law, including Cairnduff - v - O'Connell [1986] ILRM 465:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the installation of the existing door/long window and the proposed installation of the two windows involves the carrying out of works, and is therefore development;
- (b) the development in question would come within the scope of the exemption afforded under Section 4 (1)(h) of the Planning and Development Act 2000, as amended, being works for the improvement or other alteration of the existing structure, and in the particular circumstances of this case, it is considered that the development would not materially affect the external appearance of the structure so as to render that appearance inconsistent with the character of the structure or of neighbouring structures:

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 installation of two additional windows in the rear façade of bedrooms 2 and 3 at second floor level, and the existing door/long window which has been installed in the rear façade at second floor level at 2 Brabazon Street, The Coombe, Dublin is development and is 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.

Philip Jones

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

Dated this day of 2019.