



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: Ref519

WHEREAS a question has arisen as to whether the erection of an external boiler flue pipe linked to the store's internal heating system at Dunnes Stores, 22 – 25 Georges Street Upper, Dún Laoghaire, County Dublin is or is not development or is or is not exempted development:

AND WHEREAS Better Value Unlimited Company of 46 - 50 South Great Georges Street, Dublin requested a declaration on the question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 21st day of February, 2019, stating that the matter is development and is not exempted development:

AND WHEREAS Better Value Unlimited Company referred the declaration for review to An Bord Pleanála on the 15th day of March, 2019:

AND WHEREAS An Bord Pleanála, in the light of the documentation submitted with the referral, decided to reformulate the question as follows:

“Whether the erection of an external boiler flue pipe on the Dungar Terrace elevation of the Dunnes Stores property at 22–25 Georges Street Upper, Dún Laoghaire, County Dublin linked to the internal heating system of that property, is or is not development, or is or is not exempted development.”

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

- (a) sections 2, 3 and 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (b) the Planning and Development Regulations 2001, as amended:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) The erection of the subject external boiler flue pipe involved the carrying out of works, and is therefore development;
- (b) This development involved the carrying out of works for the maintenance, improvement or other alteration of the structure, that is, the commercial store premises of Dunnes Stores;
- (c) However, having regard to the nature, design and external appearance of the structure/building on which the flue has been erected, and the general surroundings of the neighbouring buildings on Dungar Terrace, it is considered that the development in question materially affects the external appearance of the structure so as to render that appearance inconsistent of the character of the structure and of neighbouring

structures. The development, therefore, cannot avail of the exemption provided for in section 4(1)(h) of the Planning and Development Act, 2000, as amended;

- (d) There are no other provisions in the Planning and Development Act or in the Planning and Development Regulations, 2001, as amended, whereby this development would be categorised as exempted development.

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 erection of an external boiler flue pipe on the Dungar Terrace elevation of the Dunnes Stores property at 22 – 25 Georges Street Upper, Dun Laoghaire, linked to the internal heating system of that property, 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.

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

Dated this day of 2019.