



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: Ref719

WHEREAS a question has arisen as to whether the provision of a timber fence around and a retractable awning over the first-floor function room smoking area which sits above and behind the glazed roofed carpark level beer garden at The Goat public house and Paddy Powers Complex at the junction of Lower Kilmacud Road and Taney Road, Goatstown, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Charles Chawke care of Architectural Construction Technology, An Tigh, Ballyogan Avenue, Carrickmines, Dublin requested a declaration on this question from Dún Laoghaire-Rathdown County Council and the Council issued a declaration on the 28th day of February, 2019 stating that the matter is development and is not exempted development:

AND WHEREAS Charles Chawke referred the declaration for review to An Bord Pleanála on the 22nd day of March, 2019:

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, as amended,
- (c) section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) the planning history of the site, and
- (e) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that –

- (a) the provision of the timber lattice-type fencing and a retractable awning involved the carrying out of works and, therefore, constitutes development within the meaning of sections 2 and 3 of the Planning and Development Act, 2000, as amended,
- (b) the development in question does not come within the scope of section 4(1)(h) of the Planning and Development Act, 2000, as amended, not being works for the maintenance, improvement or other alteration of an existing structure but rather the provision of new structures and is, therefore, not exempted development, and

- (c) there are no other provisions in the Act or Regulations, by which the subject development is 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 provision of a timber fence around and a retractable awning over the first-floor function room smoking area which sits above and behind the glazed roofed carpark level beer garden at The Goat public house and Paddy Powers Complex at the junction of Lower Kilmacud Road and Taney Road, Goatstown, 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.

Terry Ó Niadh

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

Dated this day of 2019.