



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 0315/19

WHEREAS a question has arisen as to whether works consisting of demolition and construction at 6 Florence Terrace, Leeson Park Avenue, Dublin are or are not development or are or are not exempted development:

AND WHEREAS Damien Keaney and others of 2 Florence Terrace, Leeson Park Avenue, Dublin requested a declaration on this question from Dublin City Council and the Council issued a declaration on the 2nd day of October, 2019 stating that the matter is exempted development:

AND WHEREAS Damien Keaney and others referred the declaration for review to An Bord Pleanála on the 29th day of October, 2019:

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) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 and Class 50 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and the Conditions and Limitations attached thereto, and
- (d) the planning history of the site and the documentation submitted with the referral:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works as carried out constitute development,
- (b) the gross floor area of the extension does not exceed 40 square metres,
- (c) the extension, therefore, comes within the scope of Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, and all Conditions and Limitations attached to this Class, and

(d) the demolition of the previous rear return to the house on the site occurred in connection with development in accordance with Class 1, and so was in accordance with Class 50(b) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended. The description of development for Class 50(b) refers to the demolition of part of a habitable house, in contrast to Class 50(a) which refers to the demolition of a building or buildings. As Condition and Limitation number 1 on Class 50 refers only to “such building or buildings” and does not refer to “part of a habitable house”, it therefore restricts the scope of the exemption under Class 50(a) but not that under Class 50(b). Therefore, the abutment or otherwise or the previous rear return to the house with a building in separate ownership does not affect the exempted status of its demolition:

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 works consisting of demolition and construction at 6 Florence Terrace, Leeson Park Avenue, Dublin are development and are 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 Prendergast
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2020.