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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0098/20**

**WHEREAS** a question has arisen as to whether 1. The construction of a smoking/beer garden to rear of pub, 2. Use of upstairs rooms as student/short term letting, 3. Raising of flat roof to rear by circa 600 millimetres and construction of a two metres high fence to create an outside amenity area is or is not development or is or is not exempted development:

**AND WHEREAS** Andreas Brüggener care of Peter P. Gillet and Associates of 55 Glencarrig, Sutton, Dublin requested a declaration on the question from Dublin City Council and the Council issued a declaration on the 27<sup>th</sup> day of March, 2020 stating that the matter is exempted development:

**AND WHEREAS** Andreas Brüggener care of Peter P. Gillett and Associates of 55 Glencarrig, Sutton, Dublin referred the declaration for review to An Bord Pleanála on the 21<sup>st</sup> day of April, 2020:

**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)(a) of the Planning and Development Act, 2000, as amended,
- (d) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (e) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that the construction of a smoking/beer garden to rear of pub, the use of upstairs rooms as student/short term letting, the raising of flat roof to rear by circa 600 millimetres and the construction of a two metres high fence to create an outside amenity area is development and is not 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 construction of a smoking/beer garden to rear of pub, the use of upstairs rooms as student/short term letting, the raising of flat roof to rear by circa 600 millimetres and the construction of a two metres high fence to create an outside amenity area 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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**Paul Hyde**

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

**Dated this            day of            2020**