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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: FS5W/20/20**

**WHEREAS** a question has arisen as to whether the restoration of the previously permitted pre-1963 dwelling to its previous condition at Somerton Lane/Lower Lucan Road, Strawberry Beds, Dublin is or is not development or is or is not exempted development:

**AND WHEREAS** the said question was referred to An Bord Pleanála by Fingal County Council on the 1<sup>st</sup> day of December, 2020:

**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)(b)(i) of the Planning and Development Regulations, 2001, as amended,
- (c) Class 1 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended,
- (d) the provisions of the Fingal County Development Plan 2017 - 2023,
- (e) the planning history of the site, and
- (f) the pattern of development in the area:

**AND WHEREAS** An Bord Pleanála has concluded that –

- (a) The works and alterations to be carried out to facilitate the residential use of the now derelict structure would constitute “works” that are “development” under section 3(1) of the Planning and Development Act 2000 (as amended);

- (b) The existing structure on the site, in respect of which the restoration works are proposed, is not in residential use and, on the basis of the documentation submitted, there is no evidence on file of any residential use of this structure including in recent times, or for a significant period of time, and the resumption of such residential use of the subject building which is now in a derelict condition, would now constitute a change of use that is material, having regard to the potential for consequences in planning terms, including the potential for implications in terms of servicing the site including wastewater, the potential for the intensification of use of the access and the local road network in the vicinity and the impact on visual amenity in this sensitive area would, therefore, constitute development, which development does not come within the scope of any of the provisions for exempted development, as set out in the Planning and Development Regulations, 2001 (as amended); and
- (c) The external works and alterations to reconstruct and restore the structure would not come within the scope of section 4(1)(h) of the Act, being works which would materially affect the external appearance of the structure.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (4) of the 2000 Act, hereby decides that the restoration of the previously permitted pre-1963 dwelling to its previous condition at Somerton Lane/Lower Lucan Road, Strawberry Beds, 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.

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

**Dated this            day of            2021.**