

An
Bord
Pleanála

Board Order
ABP-309030-20

Planning and Development Acts 2000 to 2020

Planning Authority: Wicklow County Council

Planning Register Reference Number: 68/2020

WHEREAS a question has arisen as to whether the conversion of the existing ground floor retail unit to one number two-bedroom apartment at number 45 Ferrybank, Arklow, County Wicklow is or is not development or is or is not exempted development:

AND WHEREAS Timo Barry care of OTE Solutions of Dublin Road, Arklow, County Wicklow requested a declaration on this question from Wicklow County Council and the Council issued a declaration on the 26th day of November, 2020 stating that the matter is development and is not exempted development:

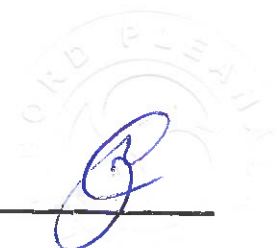
AND WHEREAS Timo Barry referred the declaration for review to An Bord Pleanála on the 21st day of December, 2020:

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

- (a) sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
- (b) Articles 5, 6, 9 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) the Planning and Development (Amendment) (No. 2) Regulations, 2018 (S.I. No. 30 of 2018),
- (d) the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December, 2020),
- (e) the Arklow and Environs Local Area Plan 2018 – 2024, and
- (f) the report of the Inspector:

AND WHEREAS An Bord Pleanála has concluded that the conversion of the existing ground floor retail unit to one number two-bedroom apartment is development and is not exempted development as:

- (a) the works to facilitate the residential use of the ground floor unit would constitute “works” that are “development” under section 3 of the Planning and Development Act. 2000, as amended, and



- (b) the works do not come within the scope of Article 10(6)(d)(vi) of the Planning and Development Regulations, 2001, as amended, as the floor area of 63 square metres would be substandard having regard to the lack of overall residential amenities as required in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December, 2020):

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 conversion of the existing ground floor retail unit to one number two-bedroom apartment at number 45 Ferrybank, Arklow, County Wicklow is development and is not exempted development.

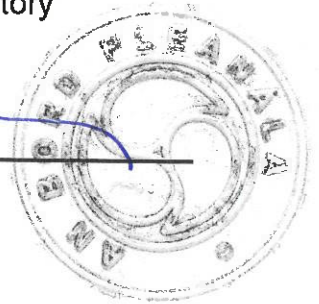
Matters Considered

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.



John Connolly

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



Dated this 11th day of June 2021.