

Planning and Development Acts 2000 to 2021

Planning Authority: Fingal County Council

Planning Register Reference Number: FS5W/010/21

WHEREAS a question has arisen as to whether the weatherproofing of a structure which fronts the Lower Lucan Road at Strawberry Beds, Castleknock, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Peter Rafter of 32 Block, Southmede, Ballinteer Road, Dundrum, Dublin requested a declaration on the said question from Fingal County Council and the said Council issued a declaration on the 14th day of June 2021 stating that the said matter is development and is not exempted development:

AND WHEREAS Peter Rafter referred the declaration for review to An Bord Pleanála on the 5th day of July 2021:

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

- (a) the nature, scale, extent and scope of works proposed,
- (b) the existing and past site context,

- (c) Sections 2(1), 3(1) and 4(1)(h) of the Planning and Development Act 2000, as amended,
- (d) Article 6(1) and Article 9(1) of the Planning and Development Regulations 2001, as amended,
- (e) Class 1 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (f) the planning history of the site,
- (g) the provisions of the Fingal County Development Plan, 2017-2023, and
- (h) the pattern of development in the area:

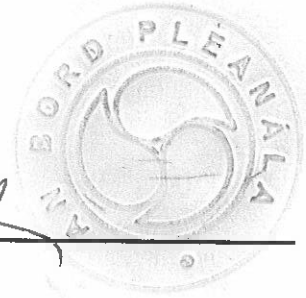
AND WHEREAS An Bord Pleanála has concluded that:

- (a) the works and alterations to be carried out to facilitate the weatherproofing of the now derelict structure would constitute “works” that are “development” as defined in Section 3(1) of the Planning and Development Act 2000, as amended, and
- (b) the nature, scope and extent of external works associated with the weatherproofing of a structure, which is in a ruinous as well as derelict state, with such a state previously concluded upon by the Board in its determination of An Bord Pleanála case reference number, ABP-308807-20, would not come within the scope of section 4(1)(h) of Planning and Development Act 2000, as amended, as these works would comprise the alteration of this structure in a manner that would materially affect the external appearance of the structure so as to render the appearance inconsistent with its character.

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 weatherproofing of a structure which fronts the Lower Lucan Road at Strawberry Beds, Castleknock, 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.



Chris McGarry

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

Dated this 15th day of February 2022.