

An
Bord
Pleanála

Board Order
ABP-314440-22

Planning and Development Acts 2000 to 2022

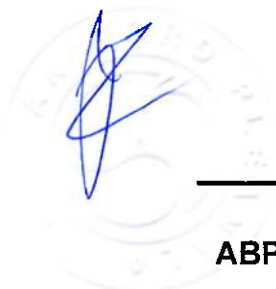
Planning Authority: South Dublin County Council

Planning Register Reference Number: ED22/0023

WHEREAS a question has arisen as to whether the partial conversion of existing derelict public lounge to contain two apartments at Blue Gardenia, McDonaghs Lane, Brittas, County Dublin is or is not development or is or is not exempted development,

AND WHEREAS Edward Fahy care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on this question from South Dublin County Council and the said Council issued a declaration on the 28th day of July, 2022 stating that the matter is development and is not exempted development,

AND WHEREAS the said question was referred to An Bord Pleanála by the said Edward Fahy on the 22nd day of August, 2022,



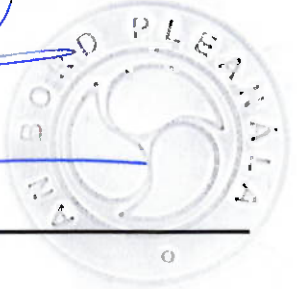
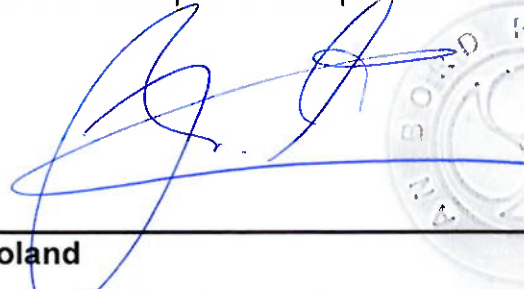
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1) and 3(1)(a) of the Planning and Development Act 2000, as amended,
- (b) Articles 9(1) and 10(6) of the Planning and Development Regulations 2001, as amended,
- (c) Class 12 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the planning history of the Public House, and
- (e) relevant precedent referrals and judgments,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the proposed residential use is a material change in the use of the derelict public lounge at 'Blue Gardenia' Public House being development,
- (b) the proposed works to the derelict public lounge at 'Blue Gardenia' Public House to facilitate the proposed use is development, and
- (c) the proposed development would come within the scope of exempted development under Article 10(6)(c) as it would consist of a change of use of part of a Public House within Class 12 of Part 4 of Schedule 2 of the said regulations to residential use,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the partial conversion of the existing derelict public lounge to contain two apartments at Blue Gardenia, McDonagh's Lane, Brittas, County Dublin is development and is exempted development.



Joe Boland

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this *12TH* day of *December* 2023.