An Coimisiún Pleanála

Commission Order
ACP-324045-26

Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Authority Reference Number: 0533/25

WHEREAS a question has arisen as to whether the:

(a) removal of internal partition wall between units for the purpose of amalgamating the units into a singular unit,

(b) the change of use from Restaurant to Retail use for Unit number 60-61 Dame Street, and

(c) works to shopfront,

is or is not development and is or is not exempted development:

AND WHEREAS Chambers Properties Limited requested a declaration on this question from Dublin City Council and the Council issued a split declaration on the 19th day of December 2025, stating that the matters listed as item (a) and (c) of the referral were deemed as development and were not exempted development; and matters listed as item (b) was deemed to be development and is exempt development.

AND WHEREAS Chambers Properties Limited referred this declaration for review to An Coimisiún Pleanála on the 23rd day of January 2026:

AND WHEREAS, in arriving at its decision, the Commission had regard particularly to:

(a) Section 2(1), Section 3(1), Section 4(1)(a), Section4(1)(h) and Section 57(1) of the Planning and Development Act, 2000, as amended,

(b) article 6(1) and article 9(1) of the Planning and Development Regulations, 2001, as amended,

(c) Parts 1 and 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,

(d) Class 14 (c) of Part 1 of Schedule 2 to the 2001 Regulations,

(e) the planning history of the site,

(f) the status of part of the building as a Protected Structure,

(g) previous declarations by An Bord Pleanála (now An Coimisiún Pleanála) under RL 3578, RL3214 and RL3056, with respect to the amalgamation of separate planning units,

(h) the report and recommendation of the Planning Inspector:

Dm

AND WHEREAS An Coimisiún Pleanála has concluded that:

(a) The alterations carried out under items (a) and (c) of the referral relates to 'works' to the interior and exterior of the building and enables the amalgamation of two retail units would constitute 'development' as defined under Section 3 of the Planning and Development Act 2000 (as amended);

(b) the change of use carried out under item (b) of the referral for units 60-61 from 'restaurant' to 'retail' constitutes a material change of use in the context of Section 3 of the Planning and Development Act 2000 (as amended) and therefore constitute 'development';

(c) the removal of a section of interior wall for the amalgamation of units under item (a) of the referral does not fall within the scope of Section 4(1)(h) of the Planning and Development Act 2000 as amended, as they would not involve works for maintenance, improvement or alteration to a structure, but two separate units;

(d) the change of use of Units 60-61 Dame Street from restaurant to retail use as depicted under item (b) of the referral is considered to be exempt under Schedule 2, Part 1, Class 14 (c) of the Planning and Development Regulations, 2001 as amended; and

(e) the external alterations made to the shopfront under item (c) of the referral are considered to be exempt because they do not render the external appearance and character of the buildings inconsistent with the character of the structure and with the character of neighbouring units along Dame Street.

NOW THEREFORE An Coimisiún Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides

(a) The removal of a section of internal wall for the purpose of amalgamating the units into a singular unit is development and is not exempt development,

(b) The change of use from 'Restaurant' to 'Retail' use for Unit 60-61 Dame Street is development and is exempted development.

(c) The works to the shopfront are development and are exempted development.

Declan Moore
Planning Commissioner of An Coimisiún Pleanála duly authorised to authenticate the seal of the Commission.

Dated this 13th **day of** August **2026**