

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Authority Reference Number: 0276/15

An Bord Pleanála Reference Number: 29S.RL.3418

WHEREAS a question has arisen as to whether the proposed subdivision of the existing restaurant and bar, including associated works comprising removal of part of the basement mezzanine level, removal of staircase, and insertion of new staircases, into two number units to be used as (i) a restaurant at proposed Unit A and (ii) a bar and restaurant at proposed Unit B at numbers 130-133 Saint Stephen's Green West, Dublin (The Dandelion) is or is not development or is or is not exempted development:

AND WHEREAS Restrana care of John Spain Associates of 50 Upper Mount Street, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 15th day of September, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said Restrana referred the declaration for review to An Bord Pleanála on the 9th day of October, 2015:

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

- (a) sections 2, 3, 4 and 5 of the Planning and Development Act, 2000, as amended,
- (b) articles 5 and 10 of the Planning and Development Regulations, 2001, as amended,
- (c) the planning history of the site,
- (d) the submissions and documentation on file, and
- (e) the report of the Planning Inspector:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the proposed subdivision of the existing restaurant and bar, to create two separate units (a restaurant at proposed Unit A and a bar and restaurant at proposed Unit B) does not constitute a material change in the use of any structure or other land,
- (b) the proposed subdivision includes the removal of part of the basement mezzanine level, the removal of a staircase, and the insertion of new staircases which come within the definition of works under section 2 of the Planning and Development Act, 2000, as amended, and is, therefore, development,
- (c) the said works affect only the interior of the structure and do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures, and
- (d) the said subdivision of the existing restaurant and bar comes within the scope of the exempted development provisions of section 4(1)(h) of the Planning and Development Act, 2000:

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 proposed subdivision of the existing restaurant and bar, including associated works comprising removal of part of the basement mezzanine level, removal of staircase, and insertion of new staircases, into two number units to be used as (i) a restaurant at proposed Unit A and (ii) a bar and restaurant at proposed Unit B at numbers 130-133 Saint Stephen's Green West, Dublin (The Dandelion) is development and is 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.

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

Dated this day of 2016.