



An
Bord
Pleanála

Board Order 29S.RL.3524

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 0387/16

WHEREAS a question has arisen as to whether the provision of a partial roof structure to replace an existing canopy and metal clad roof structure in an external beer garden at 47 Temple Bar (a protected structure), Dublin is or is not development or is or is not exempted development:

AND WHEREAS Temples Inns Limited care of Thornton O'Connor Town Planning Limited of Paradigm House, Dundrum Office Park, Main Street, Dundrum, Dublin requested a declaration on the said question from Dublin City Council and the said Council issued a declaration on the 18th day of November, 2016 stating that the said matter is development and is not exempted development:

AND WHEREAS Temples Inns Limited referred the declaration for review to An Bord Pleanála on the 1st day of December, 2016:

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

- (a) section 2(1) of the Planning and Development Act, 2000, as amended,
- (b) section 3(1) of the Planning and Development Act, 2000,
- (c) section 4(1)(h) of the Planning and Development Act, 2000, and
- (d) the planning history of the site,

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the provision of a partial roof structure to replace an existing canopy and metal clad roof structure constitutes development, being works which come within the meaning of section 3 of the Planning and Development Act, 2000,
- (b) the development does not come within the scope of section 4(1)(h) not being works for the maintenance or improvement or other alteration of a structure, but consists of the provision of a new structure onto existing structures,
- (c) the development constitutes an extension to the internal seating area of the existing public house, and, having regard to the Supreme Court judgement in Michael Cronin (Readymix) Ltd - v - An Bord Pleanála (Supreme Court Appeal No. 304/2010, 30th May 2017), an extension is a development that does not come within the exemption provisions of Section 4(1)(h) of the Planning and Development Act 2000, and
- (e) there are no other provisions in the Act or Regulations by which the development would be exempted:

