



An
Bord
Pleanála

**Board Order
06D.RL.3582**

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: 2517

WHEREAS a question has arisen as to whether internal works comprising the full closure of a single door connection within the party wall/separating wall at both the ground and first floor levels to the adjoining building at Unit 4, Burton Hall Avenue, Sandyford Industrial Estate, Sandyford, Dublin is or is not development or is or is not exempted development:

AND WHEREAS PhoneWatch care of IMG Planning of 75 Fitzwilliam Lane, Dublin requested a declaration on the said question from Dún Laoghaire-Rathdown County Council and the said Council issued a declaration on the 19th day of April, 2017 stating that the said matter is development and is not exempted development:

AND WHEREAS PhoneWatch referred the declaration for review to An Bord Pleanála on the 16th day of May, 2017:

AND WHEREAS An Bord Pleanála, in the light of the documentation on the file, and the content of the declaration, has reformulated the question as follows:

whether the vertical sub-division of units numbers 3 and 4 by the closure of two internal door openings in the party wall between the units at ground and first floor level at Unit 4, Burton Hall Avenue, Sandyford Industrial Estate, Sandyford, Dublin is or is not development or is or is not exempted development:

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

- (a) Sections 2(1), 3(1) and 4(1(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6(1) and 9(1) of the Planning and Development Regulations, 2001, as amended, and
- (c) Part 1 and Part 4 of Schedule 2 to the Planning and Development Regulations, 2001, as amended, and
- (d) the planning history of the site:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the proposed internal works comprising the closure of two internal door openings in the party wall between units numbers 3 and 4 would constitute “works” that are “development” under Section 3 of the Planning and Development Act, 2000, as amended,
- (b) the works necessary to subdivide the unit into two office units come within the scope of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, being works which affect only the interior of the structure and are, therefore, exempted development, and
- (c) the subdivision into two office units would not give rise to increased traffic movements or any other activity that would have material consequences in terms of the proper planning and sustainable development of the area and, therefore, would not constitute a material change of use:

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 vertical sub-division of units numbers 3 and 4 by the closure of two internal door openings in the party wall between the units at ground and first floor level at Unit 4, Burton Hall Avenue, Sandyford Industrial Estate, Sandyford, Dublin 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 2018