



An  
Bord  
Pleanála

## Board Order 29N.RL.3598

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 0449/16**

**WHEREAS** a question has arisen as to whether physical works, as illustrated on Maughan and Associates drawing numbers 762(S5)-06 to 762(S5)-09, at 41 Belvedere Place, Dublin are or are not development or are or are not exempted development:

**AND WHEREAS** Mike Horgan care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on the question from Dublin City Council and the Council issued a declaration on the 12<sup>th</sup> day of April, 2017 stating that certain of the subject works were development and were exempted development, and certain of the subject works were development and were not exempted development:

**AND WHEREAS** Mike Horgan care of Chris Ryan Architects and Designers of Garland House, 28-30 Rathmines Park, Dublin referred that part of the declaration, in respect of the works that the Council had declared were not exempted development, as outlined in Appendix A of his referral submission, for review to An Bord Pleanála on the 9<sup>th</sup> day of May, 2017:

**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, as amended,
- (c) Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (d) Section 5(1) of the Planning and Development Act, 2000, as amended,
- (e) Section 57(1) of the Planning and Development Act, 2000, as amended,
- (f) the fact that the subject premises is a Protected Structure, as set out in the current Development Plan for the area, and is located within an Architectural Conservation Area as set out in this Development Plan, and
- (g) the report of the Senior Planning Inspector, including the details of the inspection of the subject property carried out by the Inspector, and the documentation submitted as part of the referral:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (a) the works constitute development within the meaning of Section 3 of the Planning and Development Act 2000, as amended,
- (b) the works would come within the scope of Section 4 (1)(h) of the Planning and Development Act, 2000, as amended, as it consists of the carrying out of works for the maintenance, improvement or other alteration of this structure, and

