

Board Order 29N.RL.3598

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 12th 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 9th 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

(c) however, the development constitutes works that would materially affect the character of this protected structure and of elements of the protected structure which contribute to its special architectural interest (including works affecting the interior and the exterior), and, therefore, the restriction on exemption provided for under Section 57 of the Planning and Development Act, 2000, as amended, applies in this instance, and the subject works are, therefore, not exempted development:

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 physical works, as illustrated on Maughan and Associates drawing numbers 762(S5)-06 to 762(S5)-09, and as outlined in Appendix A to the referral submission received by An Bord Pleanála on the 9th day of May, 2017, at 41 Belvedere Place, Dublin are development and are not 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