

Board Order 29S.RL.3608

Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 0233/17

WHEREAS a question has arisen as to whether a three-sided flat roof metal shed at the end of the site of Waterloo Garage at 85 Waterloo Lane, Ballsbridge, Dublin is or is not development or is or is not exempted development:

AND WHEREAS Errol Dunne care of Martin Reynolds of 41 Upper Leeson Street, Dublin requested a declaration on the question from Dublin City Council and the Council issued a declaration on the 30th day of June, 2017 stating that the matter is development and is not exempted development:

AND WHEREAS Errol Dunne care of Martin Reynolds of 41 Upper Leeson Street, Dublin referred the declaration for review to An Bord Pleanála on the 27th day of July, 2017:

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

- (a) Sections 2, 3 and 4 of the Planning and Development Act 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended, and the Classes set out in Part 1 of Schedule 2 to these Regulations,
- (c) the planning history of the site, and
- (d) the Inspector's report, including the report of her inspection of the subject site.

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the subject shed is located within an overall property that has an established use as a motor vehicle repair workshop, which property is not part of the curtilage of number 85 Waterloo Road, a protected structure,
- (b) the subject shed is, based on the inspection carried out by the Inspector, and on the submissions on file, in use as part of the overall motor vehicle repair workshop business, and is used, inter alia, for the storage of goods related to this business,
- (c) the erection of this shed constituted works, as defined in Section 2 of the Planning and Development Act 2000, as amended, and, therefore, constitutes development within the meaning of Section 3 of that Act,

- (d) the shed is not located within the curtilage of a dwellinghouse, and accordingly would not come within the scope of Class 3 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended, and
- (e) there are no other provisions in the Planning and Development Regulations, 2001, as amended, by which the subject shed would be classified as 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 a three-sided flat roof metal shed at the end of the site of Waterloo Garage at 85 Waterloo Lane, Ballsbridge, Dublin is development and is 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

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