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AN BORD PLEANÁLA	
LDG-	022315-19
ABP-	
09 DEC 2019	
Fee: €	220
Type:	depo
Time:	17:20
By:	hand

Monday, 9th December 2019

[By Hand]

RE: REFERENCE TO AN BORD PLEANÁLA UNDER SECTION 5(3)(A) OF THE PLANNING AND DEVELOPMENT ACTS 2000-2019 OF A DECLARATION FROM DCC ON A PROPOSED DEVELOPMENT AT ARDOYNE HOUSE, PEMBROKE PARK, DUBLIN 4. (DCC REF. 0489/19)

Dear Sir

1.0 INTRODUCTION

1.1 Purpose of this Reference – Exempted Development Works

Ardoyne House Management Limited¹ has retained Tom Phillips + Associates, Town Planning Consultants² in association with Once Consultant Engineers³ to refer to an Bord Pleanála for review under section 5 (3)(a) of the *Planning and Development Acts 2000-2019* a Declaration from Dublin City Council in respect of the proposed development at Ardoyne House, Pembroke Park, Dublin 4 (DCC Reg Ref. 0489/19). The location of the subject site is shown in Figure 1.1 below.

1.2 The Proposed Development for which a Referral is Sought

The proposed development, which is described in more detail in Section 5.0, entails the construction of a hardstanding area for the provision of permitted parking spaces.

On 11 November 2019 (DCC Ref. 0489/19) DCC issued a Declaration with regards to the proposed works stating that:

"I am satisfied, having examined the proposal that the proposed works do not constitute exempt development under the Planning and Development Act 2000 and subsequent amendments as it would result in a material change of use in the land, which is not covered by the exemptions listed in Schedule 2 of the Planning and Development Regulations."

We respectfully disagree with Dublin City Council's consideration and refer the matter to the Board for review. It is our opinion that the proposed development comprises exempted development under Class 6(b)(ii) of Schedule 2, Part 1 of the *Planning and Development Regulations 2001-2019*. The rationale for this Opinion is set out in Section 6.0 below, with photographs as appropriate to illustrate the change.

¹ Ardoyne House, Pembroke Park, Dublin 4.

² Tom Phillips + Associates, 80 Harcourt Street, Dublin 2, D02 F449.

³ 4 Bridgecourt Office Park, Walkinstown Avenue, Dublin 12, D12 Y981.

TOWN PLANNING CONSULTANTS

In summary, we request the Board review the Declaration from Dublin City Council (Ref. 0489/19) and issue a determination that the proposed works constitute exempted development under the provisions of the *Planning and Development Acts, 2000-2019* and the *Planning and Development Regulations, 2001-2019*.

1.3 Interpreting Ardoyne House

For clarity purposes we note from the outset that the wider 'Ardoyne House' Site comprises the following elements, which are under separate ownerships:

- Ardoyne House apartment block.
- Ardoyne Mews.

The section 5 Referral request refers specifically to land in the ownership/control of the Board of Management of the Ardoyne House apartment block, which is shown in the Site Location Map accompanying this request.

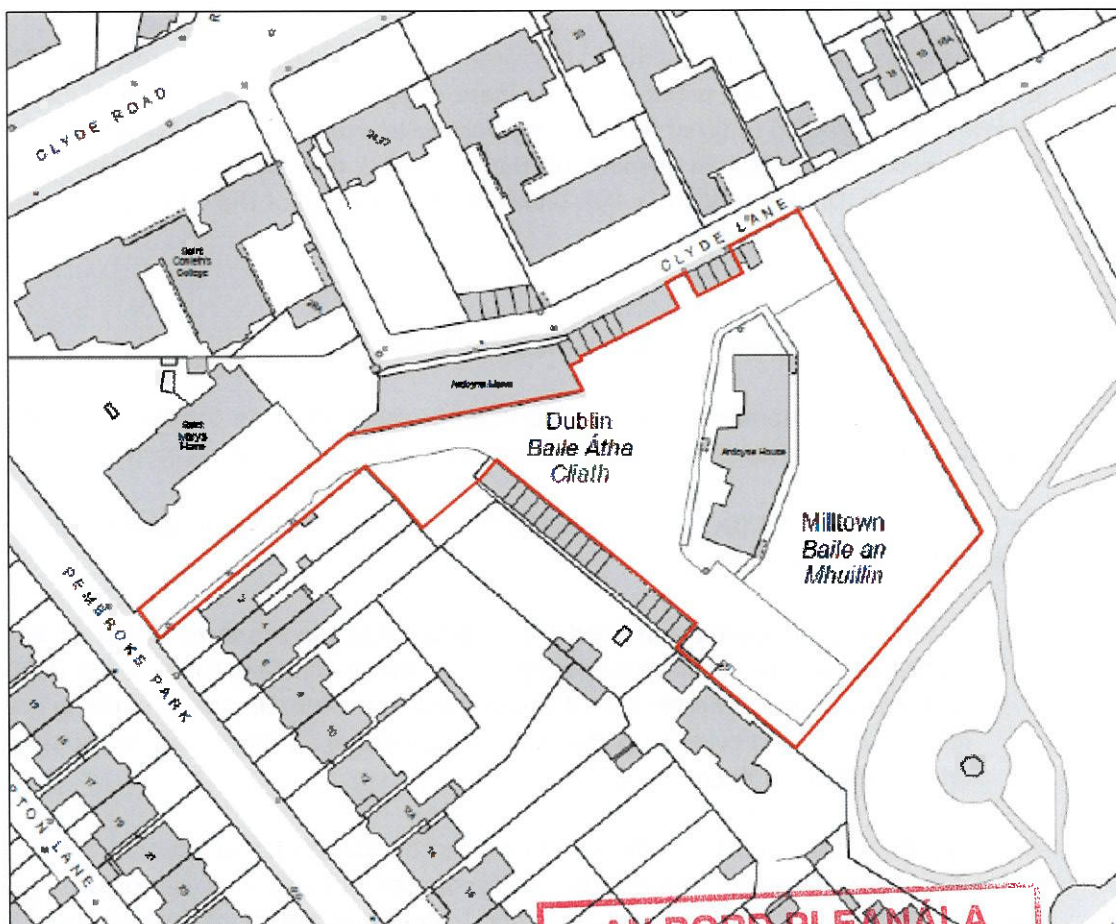


Figure 1.1: Extract of Site Location Map (Drawing No. TPA-AH-001 by Tom Phillips + Associates).

AN BORD PLEANALA

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2.0 BACKGROUND INFORMATION

2.1 SITE LOCATION AND URBAN CONTEXT

2.1 Ardoyne House and Ardoyne Mews

The 'Ardoyne House' site is located in Ballsbridge, Dublin 4 and measures approximately 0.92 hectares, of which 0.8 hectares⁴ are under the control of Ardoyne Management Limited.

The Ardoyne House property currently comprises a 12-storey residential block (including some 46⁵ No. apartment units) and associated parking. Some 49⁶ No. surface car parking spaces are located to the front of the building (western side).

The parking spaces are shared between residents of Ardoyne House apartment block and Ardoyne Mews.

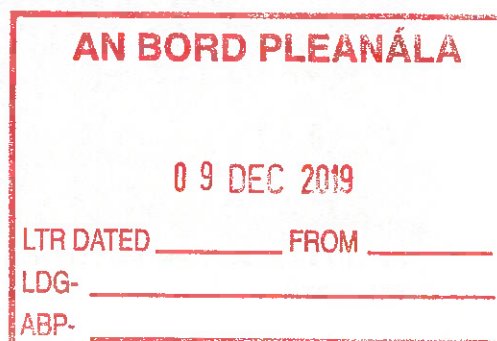
A landscaped area of approximately 0.26⁷ hectares extends to the back of the building (eastern side).

The site is bounded by: St. Mary's Home to the east; Ardoyne Mews and Clyde Lane to the north; the rear gardens of residential properties on Pembroke Park to the south and south-east; and Herbert Park to the east, north-east and south-east.

The principal entrance to the subject site is an unnamed laneway connecting to Pembroke Park. There is also a gated entrance to the site from Clyde Lane. However, this is a service vehicle entrance that is rarely in operation. Residents' access through that gate is not permitted.

There are currently 49 No. spaces provided on site. However, that provision is not sufficient to accommodate the current parking needs of all the residents (apartments' and mews').

The under-provision of parking on site *vis a vis* the existing needs for parking spaces and the quantum of car parking permitted creates a significantly constrained scenario, which the Ardoyne House Board of Management is seeking to alleviate through the construction of a hardstanding area for the provision of car parking.



⁴ Area measured by Tom Phillips + Associates using www.myplan.ie.

⁵ Source: finder.eircode.ie.

⁶ Source: An Bord Pleanála's Inspector's Report for ABP. Ref. PSL29S.119212.

⁷ Area measured by Tom Phillips + Associates using www.myplan.ie.



Figure 2.1: Image of a car parked blocking a pedestrian access. Due to the constrained parking provision, residents sometimes park on inappropriate locations.



Figure 2.2: Cars parked to the front of Ardoyne Mews on non-designated spaces, potentially blocking the access of larger vehicles.

2.1.1 Ardoyne Mews

Located on lands previously forming part of Ardoyne House, Ardoyne Mews is a development comprising 8 No. two-storey, two and three-bedroom dwellings with surface and underground car parking on the north western edge of the site. An Bord Pleanála granted

permission for this development on 23rd November 2000. The dwellings replaced 9 No. garages associated with Ardoyne House, similar to those that exist on the south-western and northern edge of the site.



Figure 2.3: Entrance to the 'Ardoyne House' site off Pembroke Park. (Source: TPA, October 2019.)

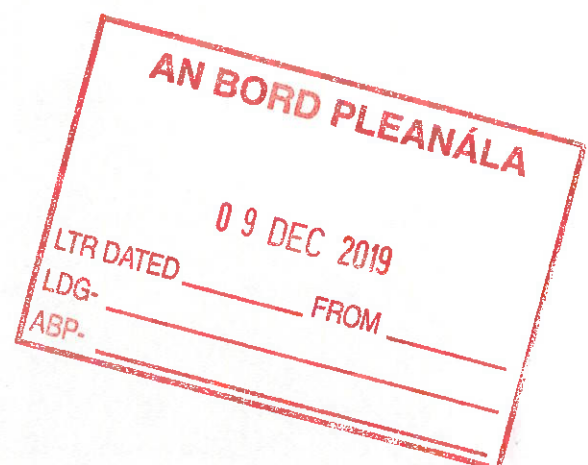




Figure 2.4: Signage at the entrance of the 'Ardoyne House' site informing drivers that parking onsite is restricted to residents only. (Source: TPA, December 2019.)



Figure 2.5: Eastward view of the site with Ardoyne House in the background, part of the Ardoyne Mews are visible to the left and the end of the line of garages that run along the western boundary is visible to the right. (Source: TPA, December 2019.)

2.2 Historical Context – Over 50 years old (Ardoyne House) with Ardoyne Mews almost 18 years old

We understand that Ardoyne House was designed by the architect John L. Griffith and constructed by Sisk & Sons from 1964 to 1965. The internal configuration consisted of 4 No. two or three-bedroom apartments on each floor and 2 No. penthouse apartments on the 11th floor, while each apartment had an east facing balcony. The apartment block had been described by an estate agent as “Dublin’s Trump Tower.”⁸ (See Figures 2.6 and 2.7.)

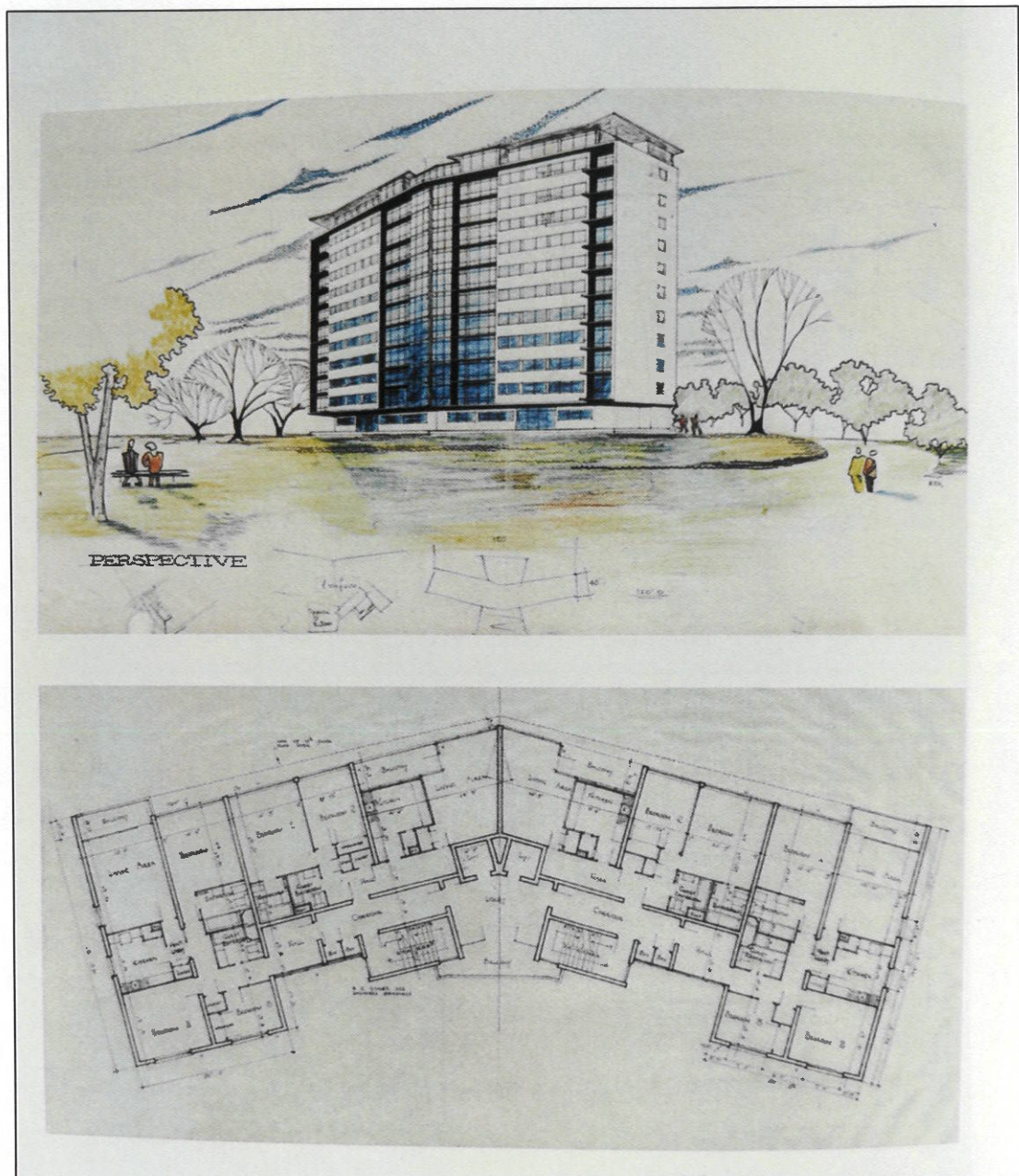


Figure 2.6: Concept drawing of Ardoyne House and internal layout drawing. (Source: O’Riordan, C. (2016). *House and Home, Residential Projects from the Collections of the Irish Architectural Archive*, Irish Architectural Archive.)

⁸ O’Riordan, C. (2016). *House and Home, Residential Projects from the Collections of the Irish Architectural Archive*, Irish Architectural Archive.



Figure 2.7: Photograph of Ardoyne House after its completion. (Source: *Irish Building Survey 1969-1972*, The Irish Architectural Archive.)

Relevantly, Figure 2.8 below (also on Appendix B) shows the original plan by John L. Griffith of the building as permitted in 1965. That drawing evidences that the subject area to the side of

Ardoyne House was historically permitted as a hardstanding area to access the garages along the eastern boundary.

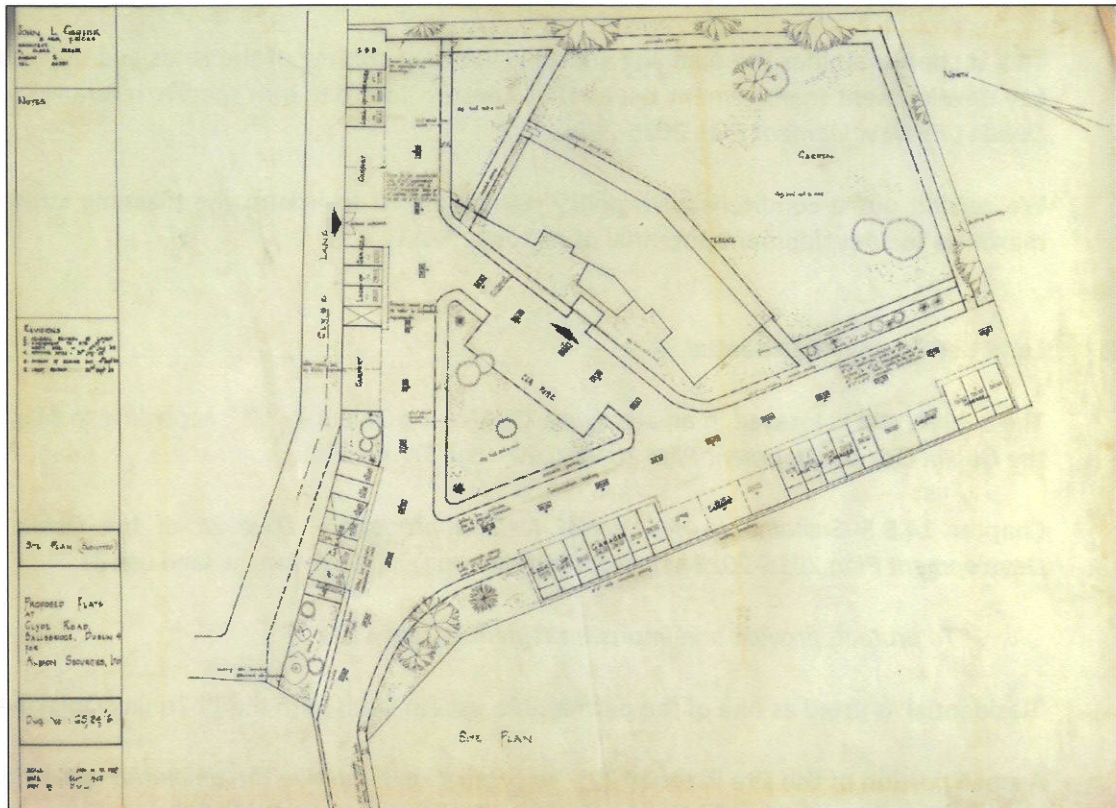
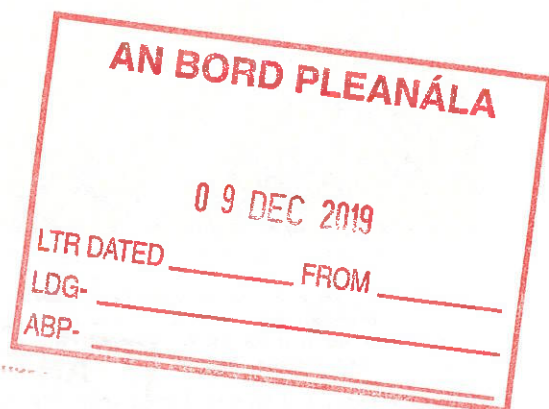


Figure 2.8: Extract of Drawing No. 65/24/6 by John L. Griffith showing the original layout of Ardoyne House, retrieved from the Irish Architectural Archive.





3.0 PLANNING POLICY

3.1 Overview: Relevant Development Management issues

This Section examines the planning and development context of the lands and outlines the key development management issues that concern the site, with specific reference to the *Dublin City Development Plan 2016-2022*.

We carried out a comprehensive policy review aimed to inform the planning strategy to maximise the development potential of Ardoyne House.

3.2 Land Use Zoning - Residential

The subject site is located in an area with the Zoning Objective 'Z1', according to Map H of the *Dublin City Development Plan 2016-2022*. (See Figure 3.1.)

Chapter 14.8.5 *Sustainable Residential Neighbourhoods – Zone Z1* of the *Dublin City Development Plan 2016-2022* sets out the following Objective for the land use Z1:

"To protect, provide and improve residential amenities."

'Residential' is listed as one of the permissible uses in lands with the Z1 Zoning Objective.

A small portion of the site is zoned Z2: *"to protect and improve the amenities of residential conservation areas"*. 'Residential' is also listed as one of the permissible uses in lands with the Z2 Zoning Objective.

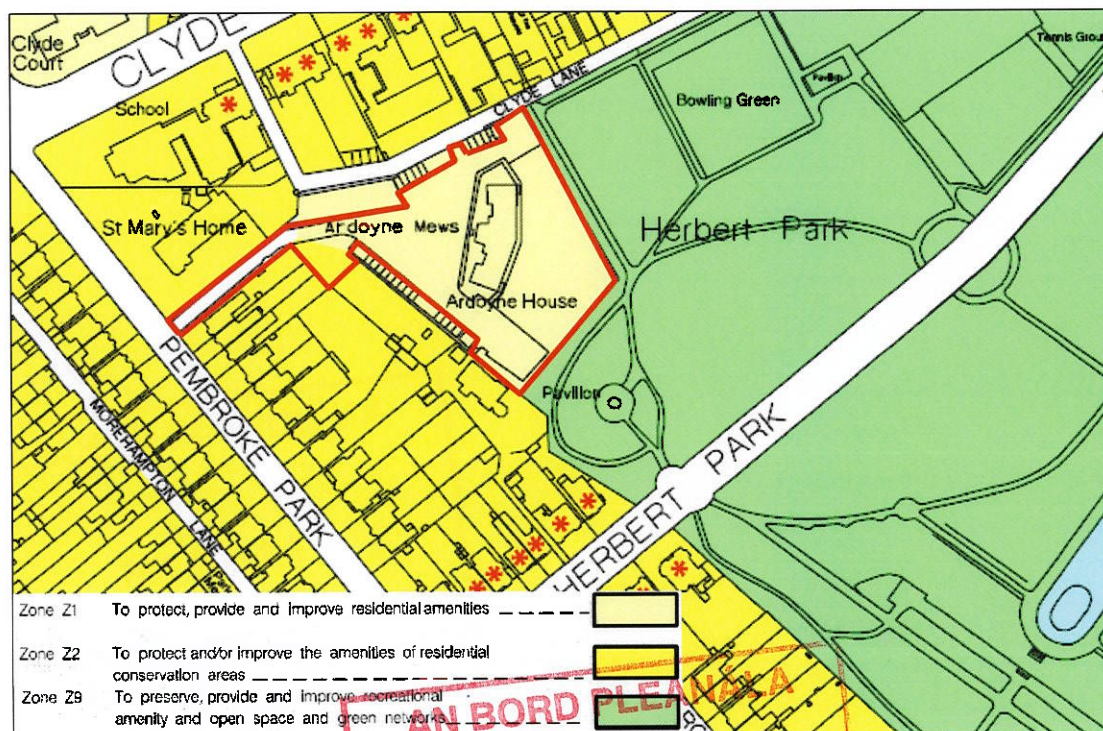


Figure 3.1: Extract of Map H of the *Dublin City Development Plan 2016-2022* (annotated by TPA, 2019).

3.3 Subject Site is located in the 'Outer City'

Ardoyne House is located outside the Inner City, according to Map K of the *Development Plan* (see Figure 5.2 below). Therefore, the development management standards set in the *Development Plan* relate to an "Outer City" location apply.

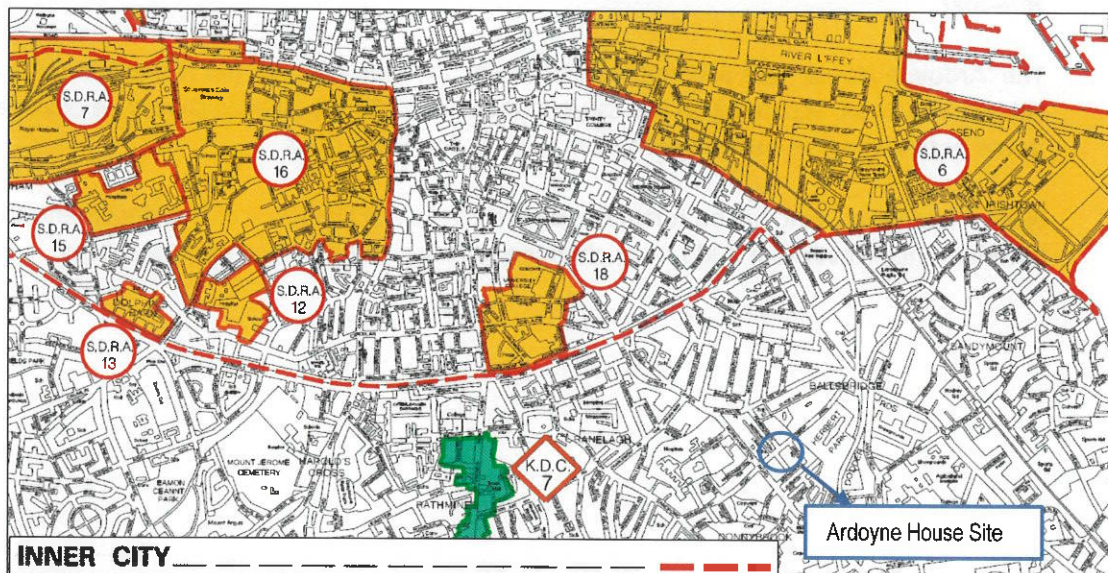


Figure 3.2: Extract of Map K of the *Dublin City Development Plan 2016-2022* (annotated by TPA, 2019).

3.4 Car Parking

According to Map J of the *Development Plan*, Ardoyne House is located in Area 2 in relation to the car parking standards (see Figure 4.4).

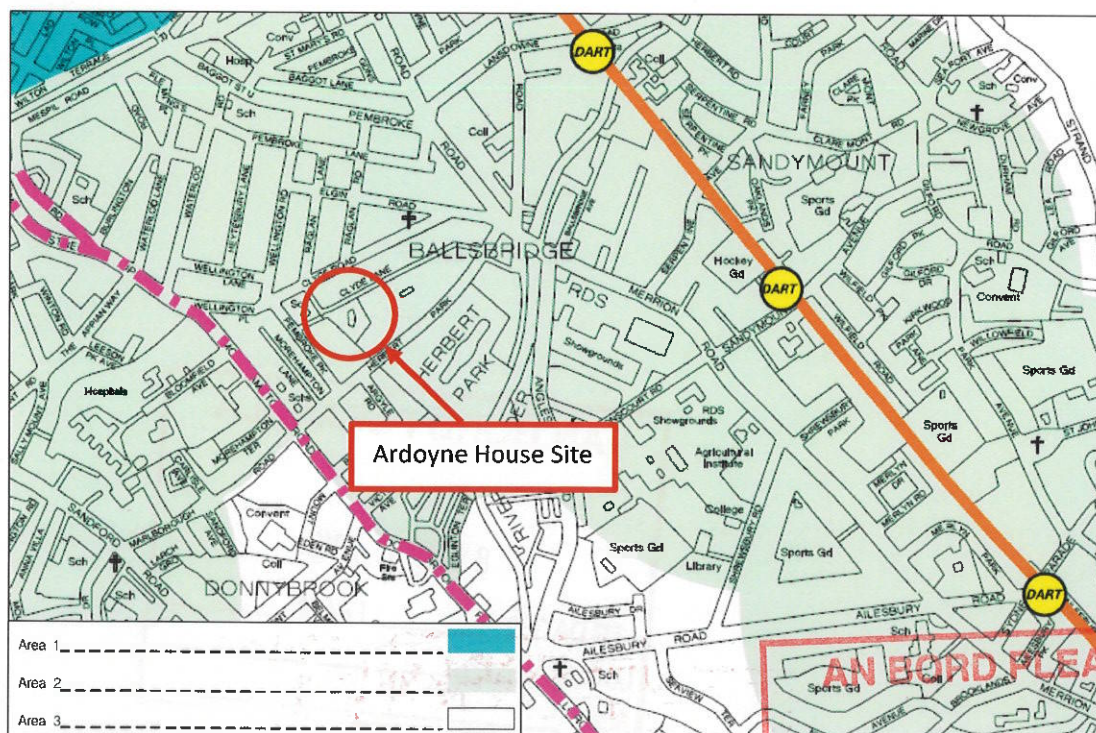


Figure 3.3: Extract of Map J of the *Dublin City Development Plan 2016-2022* (annotated by TPA, 2019).



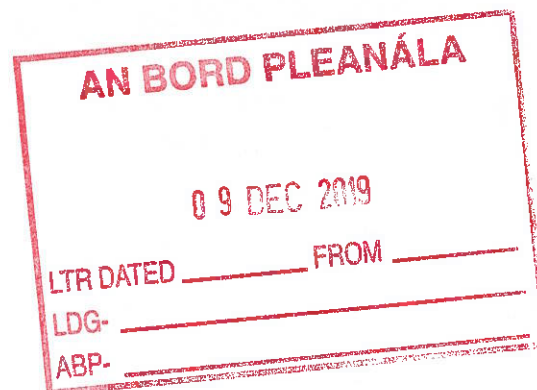
According to Table 16.1 the following standard is of relevance:

Land-Use	Zoning	Car spaces (maximum)
Residential	1 and 2	1 per dwelling

Source: Table 16.1 *Maximum Car Parking Standards for Various Land-Uses of the Dublin City Development Plan 2016-2022*.

The 'Ardoyne House' Site accommodates 54 No. dwellings on site (46 No. apartments and 8 No. Mews). Thus, according to the *Development Plan*, 54 No. spaces should be provided. As noted before the Site currently provides parking for 49 No. cars.

Notwithstanding, as it will be further explained below in Section 4 of this document, the site benefits since November 2000 from planning permission for 87 No. parking spaces.





4.0 PLANNING HISTORY

4.1 Methodology: Desktop and review of DCC and ABP Files

TPA carried out a desktop review of the planning history of the subject site and that of adjacent landholdings using Dublin City Council's E-planning tool and An Bord Pleanála's website, respectively.

Unfortunately, many of the Applications associated with Ardoyne House are relatively old and due to inadequate file-keeping largely due to the lack of legislation to do so at the time, the associated files had little or no information, with the exception of the Grant of Planning Permission.

We contacted the Department of Housing, Planning and Local Government to seek records of the grants made by the Minister for Local Government for Reg. Ref. 929/63 and 1013/61. However, the Department identified that any records made prior to 1964 may not have been saved in the archives.

4.2 Summary of Key Planning History Issues associated with Ardoyne House

We provide an overview of the planning history associated with Ardoyne House in Table 4.1 below.

It appears that only two Applications have been lodged since 2000. The majority of Applications relate to amendments to Ardoyne House.

The site has had a singular use as a 'residential premises', since 1961.

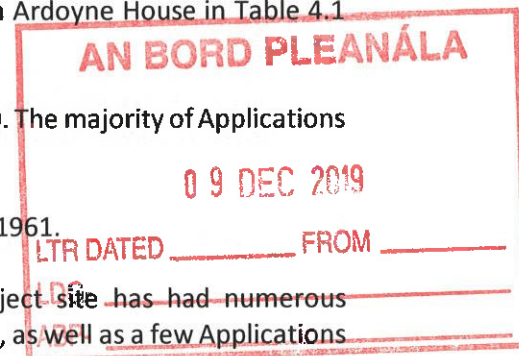
During our desktop site analysis, we identified that the subject site has had numerous Applications for alterations and upgrades to the existing building, as well as a few Applications for the development of town houses.

It would appear that the parent permission for Ardoyne House was made in 1961 under the references 1013/61 and A30.22.11.61. The Minister for Local Government granted Permission to Albion Securities Limited on the 4th March, 1963 which overruled the Council's decision to refuse planning permission. Those case files predated the appointed day of 1st October 1964 when the *Local Government (Planning and Development) Act, 1963* commenced.

Upon further inspection at the National Library of Ireland of *Thom's Commercial Directory 1961-1972*, Ardoyne House was listed in the 1967 edition. We note that at the time the 1966 version was not available, but that the 1965 version did not list Ardoyne House under 'Clyde Lane', nor the 'Pembroke Park' addresses.

Therefore, it is in our planning opinion that Ardoyne House was lodged under the Application reference 1013/61 and A.30.22.11.61 with subsequent amendments in 1965 and was constructed by 1967 as it is listed under Pembroke Park in *Thom's Commercial Directory 1967*.

The original Site Plan by John L. Griffith of the building as permitted in 1965 (Appendix B) evidences that the subject area to the side of Ardoyne House was historically permitted as a hardstanding area to access the garages along the eastern boundary.



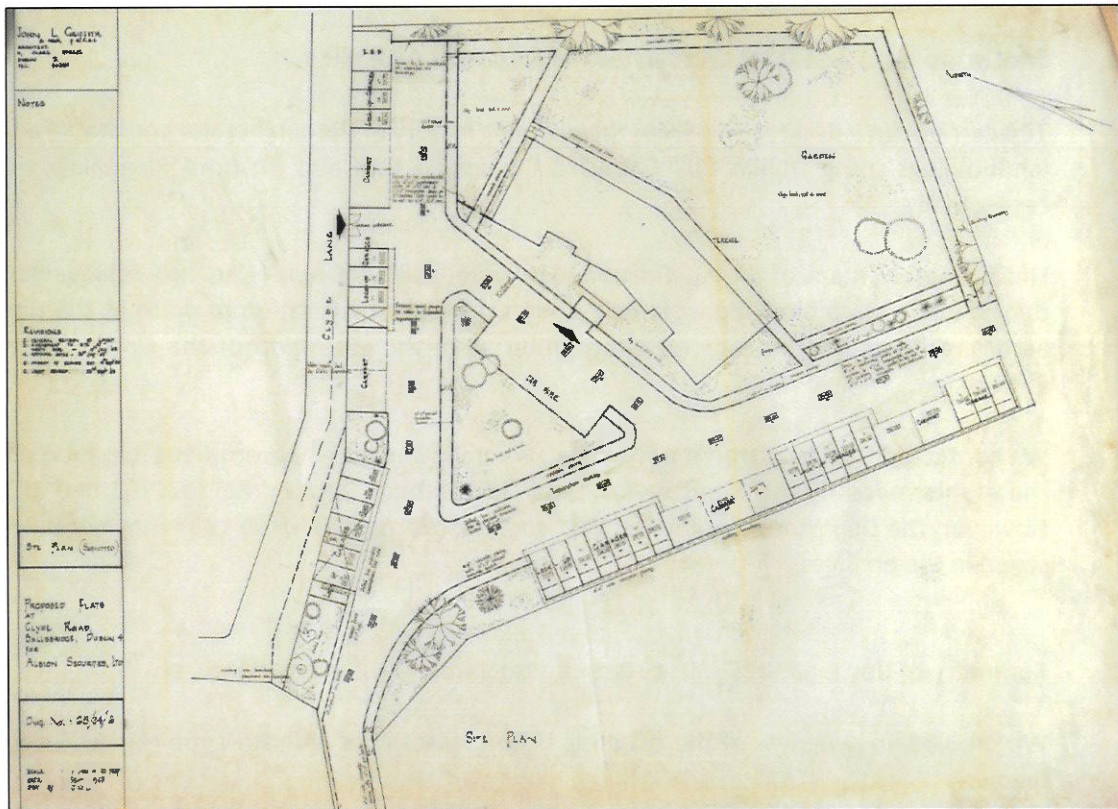


Figure 2.8: Extract of Drawing No. 65/24/6 by John L. Griffith showing the original layout of Ardoyne House, retrieved from the Irish Architectural Archive.

A table outlining the Planning History for the site is included in Appendix C.

4.3 Planning History of Ardoyne Mews

As part of our planning history search, we also carried out a review of the below applications associated with Ardoyne Mews.

4.3.1 Overview of Reg. Ref. 4000/00 (ABP PL29S.119212) – Ardoyne Mews

Ardoyne House Management Company Ltd. applied for planning permission on 21st February 2000 for the development of an 11 No. unit scheme comprising 10 No. two-bedroom duplex apartments and 1 No. three-bedroom duplex apartment.

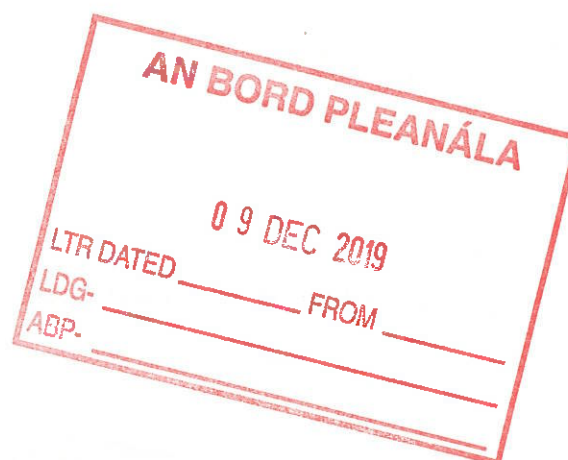
The Council decided to Grant Permission on 14th April 2000 where it was then appealed by Mr James O'Reilly and others, and by Mr Philip Kelly care of George C. Hannigan to An Bord Pleanála where it came to a split decision by the Board. The Board then granted permission on 23rd November 2000 for 8 No. two-bedroom duplex apartments and refused 2 No. two-bedroom duplex apartments and 1 No. three-bedroom duplex apartment.



We have not been able to obtain drawings or reports of the Scheme in order to ascertain the quantum of parking proposed as they were missing from DCC's file. However, in his assessment the Board Inspector noted the following:

"The parking provision of 87 spaces for 57 units is to an acceptable standard."

Whilst the Board decision and its conditions attached are clear insofar as which 8 No. dwelling units were permitted out of the 11 No. proposed, it made no reference to any parking spaces being removed from the permitted scheme. Accordingly, in our opinion, it is appropriate to assume that the 87 No. parking spaces referenced by the Inspector were permitted for the entire 'Ardoyne House' Site site (including Ardoyne House and Ardoyne Mews).



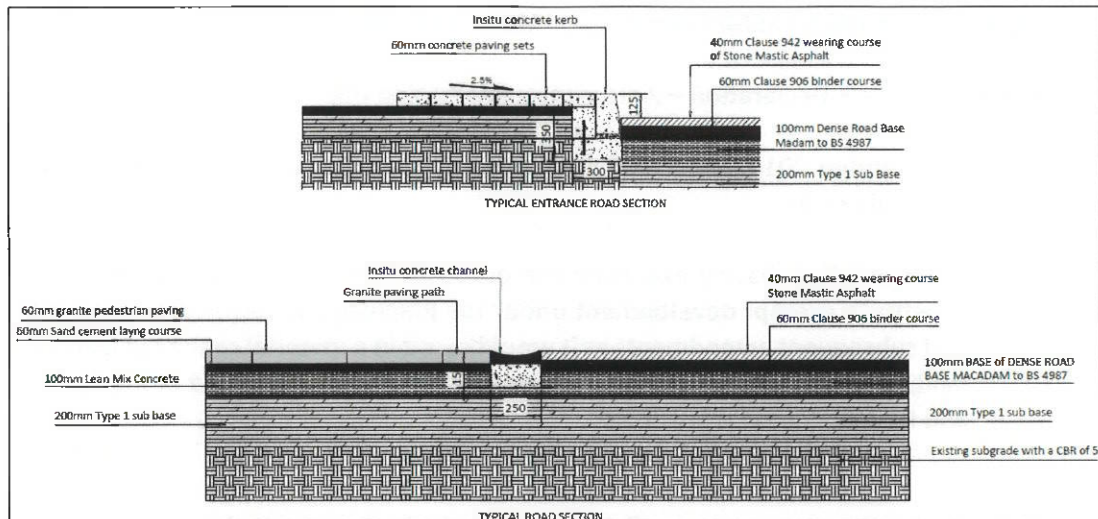
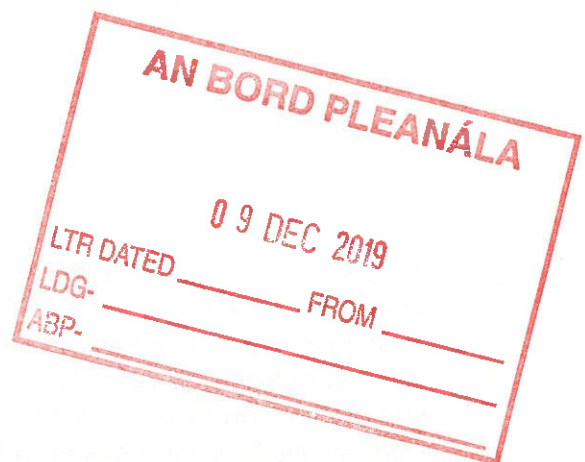


Figure 5.2: Extract of Drawing No. 626-19-01, Rev C, prepared by ONCE Consultant Engineers showing the details of the proposed hard surface.

As set out by ONCE Consultant Engineers in their Drawing the following details will form part of the provision of the hard surface:

1. Adequate excavation and subgrade to be excavated to form suitable bearing for the road asphalt finished surface.
2. Concrete kerbs to be securely fitted into place.
3. Root protection of the existing mature trees of the boundary to be assessed.
4. Surface water drainage to fall to gulley in the parking area discharging to 2 No. soakaways within the green area.





6.0 COMPLIANCE WITH EXEMPTED DEVELOPMENT PROVISIONS

6.1 Critique of DCC's Declaration – 2 elements: Works and Use

On 11th November 2019 DCC issued a Section 5 Declaration on the proposed development stating the following:

"I am satisfied, having examined the proposal that the proposed works do not constitute exempt development under the Planning and Development Act 2000 and subsequent amendments as it would result in a material change of use in the land, which is not covered by the exemptions listed in Schedule 2 of the Planning and Development Regulations."

[Our emphasis.]

DCC's Declaration appears to conflate works (and whether or not these comprise exempted development) with use (and intensification of same), which, in our opinion, should be dealt with separately. We refer to Sections 6.2 and 6.3 below.

In order to understand the reasoning behind that opinion, we reviewed DCC's Planner Report, which states, *inter alia*, in its Appraisal section:

"The applicant has put forward an argument that the apartment development comes under the definition of a 'house' as per Section 2, (1) of the Planning and Development Act 2000-2019, and as such the exemptions under Class 6 should apply."

Although the Planning Act does not specifically define what an 'apartment development' is, I am of the opinion that by scale alone the Ardoyne House development does not fall within the definition of a house as per Section 2, (1) of the Planning and Development Act. The development includes a 12 storey building with 46 separate apartment units and was built as a large scale residential development. Therefore I do not accept that the provisions of Class 6 can be applied in this instance."

[Our emphasis.]

We respectfully disagree with DCC's interpretation of section 2(1) of the *Planning Acts*. As noted before, the definition of a 'house' states clearly that it:

"includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building"

DCC Planner states that the reason why Ardoyne House does not fall under the definition of a "house" is due to its scale. We submit that section 2(1) does not make any distinction or establishes any limitations to the definition of a 'house' on the basis of its scale. The definition refers to a building designed for use as two or more dwellings. Ardoyne House is currently in use as 46 No. dwellings. Thus, we submit it can be classified as a 'house' as per s.2(1) of the *Planning and Development Acts 2000-2019*.

DCC Planner states that the Act does not specifically define what an 'apartment development' is. We submit that it does in s.2(1) when it defines what a 'house' is.



If one were to follow DCC Planner's interpretation, then the planning fee applicable for the construction of an apartment building would be Class 4, in accordance with Schedule 9 Section 2 of the *Planning and Development Regulations 2001-2019*, which sets the fee for:

"The provision of buildings other than buildings coming within class 1, 2 or 3."

We submit that calculating the planning fee for an apartment building on the basis of Class 4 would be fundamentally incorrect.

The planning fee applicable for that type of development would be Class 1, which sets the fee for:

"The provision of a house."

The reason why Class 1 of Schedule 9 Section 2 of the *Planning and Development Regulations 2001-2019* is applicable for calculating the planning fee for the provision of an apartment block lies in the definition of a 'house' of 2(1) of the Act.

Accordingly, the same principle (i.e. the same definition) is applicable in this instance and the exemptions provided in Class 6(b)(ii) of Part 1, Schedule 2 of the *Planning and Development Regulations 2001-2019* are applicable to Ardoyne House. These particular matter is further explored below.

6.2 Works: Is the provision of a hardstanding area exempt under Class 6 of Part 1 of Schedule 2 of the *Planning and Development Regulations 2001-2019*?

The proposed development comprising works involving the provision of a hard surface to accommodate permitted car parking spaces, should be considered in terms of Class 6 of Schedule 2 Part 1 of the *Planning and Development Regulations 2000-2019*, defined as follows:

a) *"The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house."*

b) ***Any works within the curtilage of a house for—***

i. *the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,*

ii. ***the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such."***

[TPA emphasis in bold.]

As demonstrated before, the subject area comprised a hardstanding area, not green space, on the originally permitted plans.

We note the definition of a 'house' set out in section 2 (1) of the *Planning and Development Act 2000-2019*:



““House” means a building or part of a building which is being or has been occupied as a dwelling or was provided for use as a dwelling but has not been occupied, and where appropriate, includes a building which was designed for use as 2 or more dwellings or a flat, an apartment or other dwelling within such a building”

Accordingly, we submit that the Ardoyne House apartment block falls under the definition of a ‘house’ as per the *Planning Acts*.

Therefore, in our opinion, in accordance with Class 6 the provision of a hard surface area in the area of the garden to the side of the side building line of Ardoyne House for purposes incidental to the enjoyment of the house as such, namely the provision of permitted parking spaces should be deemed exempted development.

Notwithstanding, we note that the following conditions apply to the consideration a hard surface as exempted development under Class 6:

“Provided that the area of the hard surface is less than 25 square metres or less than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, whichever is the smaller,

or

if the area of the hard surface is 25 square metres or greater or comprises more than 50% of the area of the garden forward of the front building line of the house, or 50% of the area of the garden to the side of the side building line of the house, as the case may be, it shall be constructed using permeable materials or otherwise allow for rainwater to soak into the ground.”

[TPA emphasis in bold.]

The hard surface proposed is 406 sq m, thus, greater than 25 square metres. Therefore, a surface water drainage system is proposed by which water will fall to a gully in the parking area discharging to 2 No. soakaways within the green area. That provision will allow for rainwater to soak into the ground.

6.3 Use: The “Planning Unit”

We refer to the *Carroll and Colley v Brushfield Ltd* case (relating to the Clarence Hotel in 1992) as synthesised in the O’Sullivan and Shepherd’s *Irish Planning Law and Practice* (Issue 40) as it provides a widely-used clarification of the concept of the ‘Planning Unit’ and how the relocation of uses within same does not constitute a material change of uses within the context of the permitted unit and therefore, does not require planning permission:

“The conversion of a hotel garage to use as public bar did not constitute a material change of use as the entire hotel constituted the planning unit and it was permissible to relocate separate uses within the overall building. Uses like bars, restaurants, bedrooms, storerooms and garage were all ancillary to the overall



use which was that of a hotel. The conversion therefore of the garage to use as a bar was acceptable within the overall context of use as a hotel". (Source: IPLP, pg. DC/24, issue 40.)

Following the principle applied in the *Carroll and Colley v Brushfield Ltd* case, the 'Ardoyne House' Site comprises the 'Planning Unit' and within which, the relocation of uses (i.e. permitted parking spaces in part of the open space area) does not comprise a material change of use. Therefore, we submit that planning permission is not required in this instance.

6.5 Appropriate Assessment/Environmental Impact Assessment are Not Required

Section 4(4) of the Acts stipulates a further 'de-exemption' in circumstances where an Appropriate Assessment (AA) or an Environmental Impact Assessment (EIA) would be required in respect of proposed development:

"Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required."

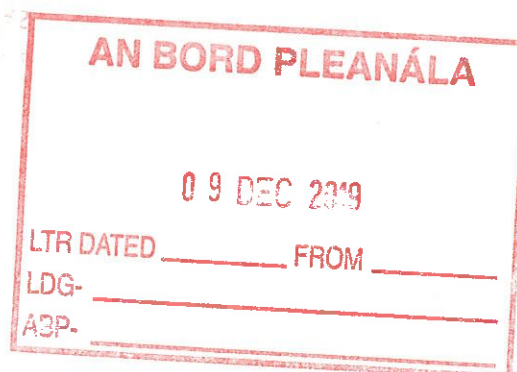
Appropriate Assessment

The proposed development comprises relatively minor works to an existing permitted building residential site. Having regard to the nature, scale and location of the proposed development it is not considered that a requirement for Appropriate Assessment can arise in this instance.

Environmental Impact Assessment (EIA)

The various classes and thresholds of development for which an EIA is required are listed in Schedule 5 of the Regulations. Since the proposed development relates to relatively minor works for the provision of a hard surface area, it is not a form of development which would require EIA, nor is it considered likely to have a 'significant effect on the environment'.

Having regard to the above, it is our professional planning opinion that the restrictions on exemption relating to AA and EIA as set out under the Acts are not applicable in respect of the development which is the subject of this Section 5 referral.





7.0 CONCLUSION

7.1 Proposed Hard Surface Area Comprises Exempted Development

It is our professional planning opinion that the proposed development comprises exempted development under Class 6(b)(ii) of Part 1, Schedule 2 of the *Planning and Development Regulations 2001-2019*.

The use of hard standing area as parking does not comprise an intensification of use since the parking spaces to be provided benefit from planning permission.

The proposed hard surface area will assist in addressing the current traffic constraints on site by providing already permitted parking spaces. The hard surface is designed in a manner that would allow for surface water to soak into the ground.

Please do not hesitate to contact me should you require any further information or clarification on the proposal.


Yours faithfully

Tom Phillips
Managing Director
Tom Phillips + Associates

Encl.



APPENDIX A – DECLARATION ISSUED BY DUBLIN CITY COUNCIL ON 11TH NOVEMBER 2019 IN RELATION TO reg. ref. 0489/19



**Cathairle Cathrach
Bhaile Átha Cliath
Dublin City Council**

An Roinn Pleanála & Forbairt Mearna, Bloc 4, Uirlar 3, Oifig na Cathrach, An Ché Adhmaid, Baile Átha Cliath 6.

Planning & Property Development Department, Block 4, Floor 3, Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2280

E: planning@dublincity.ie

12-Nov-2019

**Tom Phillips,
Tom Phillips & Associates
80, Mercant Street
Dublin 2**

0489/19

Section 5

15-Oct-2019

11-Nov-2019

P5605

Ardayne House, Pembroke Park, Dublin 4

EXPP: Construction of a hard surface area of c.408 sq m. of the garden to the side of the side building line of Ardayne House for the provision of permitted parking spaces.

Ardayne House Management Limited

Application Number

Application Type

Application Date

Decision Date

Decision Order Number

Location

Proposed

Applicant Details

If you have any queries regarding this Decision, please contact the number shown above

NOTE:

Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by A Bord Pleanála within four weeks of the date of the issuing of the declaration.

NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT

In pursuance of its functions under the Planning & Development Act 2000 (as amended), Dublin City Council has by order dated 11-Nov-2019 decided to issue a Declaration that the proposed development is NOT EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Act 2000 (as amended) for the following reason:

I am satisfied, having examined the proposal that the proposed works do not constitute exempt development under the Planning and Development Act 2000 and subsequent amendments as it would result in a material change of use in the land, which is not covered by the exemptions listed in Schedule 2 of the Planning and Development Regulations.

NOT sections/Refuse Exemption)

01 222 2222

www.dublincity.ie

An Roinn Pleanála & Forbairt Mearna, Bloc 4, Uirlar 3, Oifig na Cathrach, An Ché Adhmaid, Baile Átha Cliath 6.

Planning & Property Development Department, Block 4, Floor 3, Dublin City Council, Civic Offices, Wood Quay, Dublin 8.

T: (01) 222 2280

E: planning@dublincity.ie

12-Nov-2019

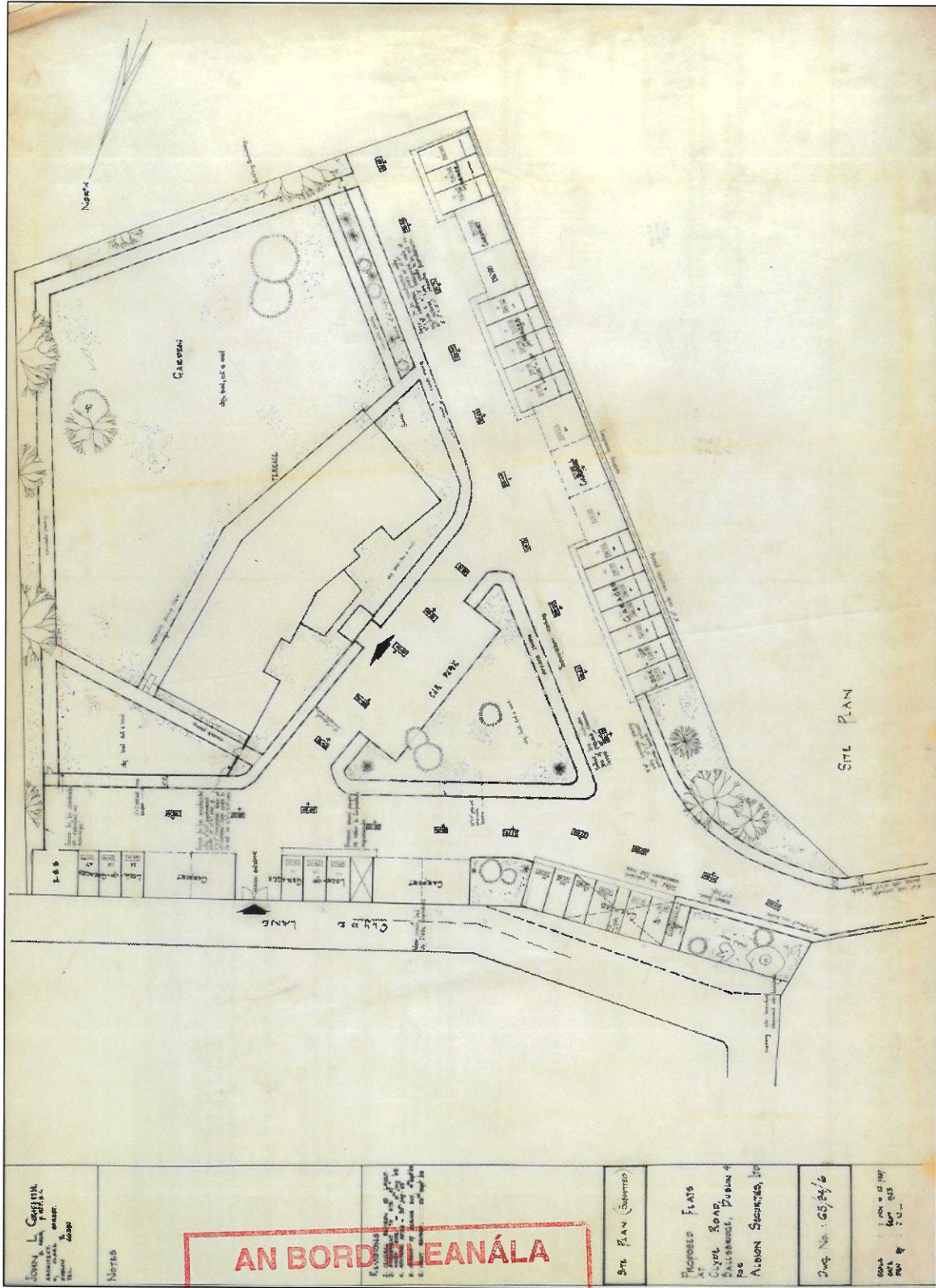
Signed on behalf of Dublin City Council

For Assistant Chief Executive

Note: Any person issued with a declaration on development and exempted development, may, on payment of the prescribed fee, refer a declaration for review by A Bord Pleanála within four weeks of the date of the issuing of the declaration.

NOT sections/Refuse Exemption)

APPENDIX B – DRAWING 65/24/6 JOHN L GRIFFITH



AN BORD PLEANÁLA

09 DEC 2019

LTR DATED _____ FROM _____

LDG- _____

APD. _____

9th December 2019

Section 5 Referral: Provision of hardstanding area
 Ardoyne House, Pembroke Park, Dublin 4
 APPENDICES

APPENDIX C – PLANNING HISTORY

Reg. Ref.	Address	Development Description	DCC Decision	ABP
4095/17	Garage Numbers 1 and 2, Ardoyne House, Pembroke Park, Ballsbridge, Dublin 4.	Change of use of two garages to a 2 bed 2 storey townhouse residence including a new first floor.	Refuse Permission (13 th December, 2017) 1. Development is not in accordance with Development Plan standards for private open space. 2. Visual impact and piecemeal design approach, leading to unsatisfactory level of residential amenity for future occupants.	Ref. 300719-18 First Party Appeal Refuse Permission due to 2 No. Reasons. 2 nd August 2018
0400/00	Ardoyne House, Pembroke Park, Ballsbridge, Dublin 4.	Planning permission for 10 No. two bedroom duplex apartments and 1 No. 3 bedroom duplex apartment in two storeys on an enlarged site at the existing apartment development. The proposal will involve the demolition of an existing structure comprising of one disused apartment and 9 No. garages.	Grant Permission (14 th April, 2000)	Ref. PL28S.119212 Grant Permission for 8 No. units only. 23 rd November 2000
4031/99	Ardoyne House, Pembroke Park, Ballsbridge, Dublin 4.	10 No. 2 bedroom duplex apartments and 1 No. 3 bedroom duplex apartment in two storeys above underground car parking, on an enlarged site at the existing apartment development. The proposal will involve the demolition of an existing structure comprising of one disused apartment and 9 No. garages.	Grant Permission (17 th February, 2000) (Only 7 No. units were granted)	PL29S.118728 Grant Permission
2530/99	Site of Ardoyne House, Pembroke Park, Ballsbridge, Dublin 4.	Construction of 2 No. two storey town houses.	Refuse Permission (1 st October, 1999)	N/A
2471/99	Apartment No. 92 Ardoyne House, Pembroke Park, Ballsbridge, Dublin 4.	Alterations to rear elevation including glazing of balcony areas and replacement of existing windows to 9 th floor apartment.	Grant Permission (27 th September, 1999)	N/A
1842/99	Site of Ardoyne House, Pembroke Park, Ballsbridge, Dublin 4.	Construction of 5 No. 2 storey townhouses with pedestrian access to Clyde Lane.	Refuse Permission (11 th August, 1999)	PL29S.112838 Refuse Permission

AN BORD PLEANÁLA

Section 5 Referral: Provision of hardstanding area
Ardoyne House, Pembroke Park, Dublin 4

APPENDICES

09 DEC 2019

LTR DATED _____ FROM _____
LDG- _____

9th December 2019

					4 th January, 2000
2968/97	73/74 Ardoyne House, Pembroke Park, Dublin 4.	Retention of enclosure of balcony incorporated into residential apartment.	Grant Permission (5 th February, 1998)		N/A
2045/97	Apartment 82, Ardoyne House, Pembroke Park, Dublin 4.	Retention permission for enclosure of balcony forming extension to living room.	Grant Permission (23 rd September, 1997)		N/A
0178/97	Ardoyne House, Pembroke Park, Dublin 4.	Retention of conversion of apartment Nos. 51 and 52 into 1 No. apartment including infill of balcony to No. 52 and proposed alterations at fifth floor.	Grant Permission (5 th March, 1997)		N/A
2716/90	Ardoyne House, Pembroke Park, Dublin 4.	Change of use from existing car port (6 No. car spaces) to 1 No. dwelling unit with access from Pembroke Park via Ardoyne house and backing onto Clyde Lane.	Unknown		N/A
2482/89	Ardoyne House, Pembroke Park, Dublin 4.	Change of use of existing carport to 2 No. dwelling units with frontage onto Clyde Lane.	Unknown		N/A
449/87	Ardoyne House, Pembroke Park, Dublin 4.	Refurbishment of external fabric by means of protective membrane generally and cladding of both gable area.	Unknown		N/A
4588/82	Ardoyne House, Pembroke Park, Dublin 4.	Reconstruction as offices and 2 No. flats above with frontage to Clyde Lane.	Unknown		N/A
647/81	Ardoyne House, Pembroke Park, Dublin 4.	Reconstruction of gate.	Unknown		N/A
3285/79	Ardoyne House, Pembroke Park, Dublin 4.	Additional Mews and alterations and extension to gate lodge.	Unknown		N/A
3286/79	Ardoyne House, Clyde Lane, Dublin 4.	Houses.	Unknown		N/A
1751/65	Ardoyne House, Clyde Lane, Dublin 4.	Flats.	Unknown		N/A
742/64	Ardoyne House, Clyde Lane, Dublin 4.	Flats.	Unknown		N/A
929/63 & A34.13.3.63	Ardoyne House, Clyde Lane, Dublin 4.	Minor alterations to previously permitted Application Reg. Ref. 1013/61 for the development of flats.	Refuse Permission (18 th December, 1963)		N/A
929/63A &	Ardoyne House, Clyde Lane, Dublin 4.	Flats.	Refuse Permission (13 th March, 1963)		Minister for local Government

09 DEC 2019

9th December 2019

Section 5 Referral: Provision of hardstanding area
Ardoyne House, Pembroke Park, Dublin 4

APPENDICES

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

A7.18.9.63					Granted Permission on 23 rd October, 1963
1013/61 & A30.22.11.61	Clyde Lane, Dublin 4.	Block of Flats.		Refuse Permission	Minister for local Government granted Permission on 4 th March, 1963



