

**AN BORD PLEANÁLA**  
LOG- \_\_\_\_\_  
ADP- \_\_\_\_\_  
**16 MAR 2025**  
Fee: € 20.00 Type: CARD  
Time: 12:30 By: HAMP

1 Ashfield Avenue  
Ranelagh  
Dublin 6

6<sup>th</sup> March / 2025

**Re: Development at Unit 2, 128-130 Docklands Innovation Park, East Wall Road, Dublin 3.**

DCC 0016-25 <sup>TM</sup>

To Whom it May Concern,

I wish to appeal the decision of Dublin City Council application no 0016-25 <sup>TM</sup> of 10 February 2025 at Unit 2, 128-130 Docklands Innovation Park, East Wall Road, Dublin 3. Dublin City Council determined that the installation of chimneys/extraction hoods is development but decided that it is exempted development.

Unit 2 128-130 Docklands Innovation Park East Wall Road D3 is in use as a bakery for the sale off premises. Retention permission was sought in 2019 under Planning Ref. 4327/19 for the retention of the uses within the units 2, 7, 9, 13, 14, 15, 17 and 19. Permission was granted by the City Council and that decision was appealed by a third party to An Bord Pleanála (ABP Ref. PL29N.308391). The application indicated that the existing use of unit 2 was as a dance studio, and was indicated as a cultural / recreational use, and this part of the application was removed as part of the applicants further information response. This led to condition no. 2 of the Dublin City Council decision stating that the use of unit 2 shall be retained as light industrial use. This was upheld in the positive decision by the Board who attached a similar condition. No other applications have been lodged for the unit, and the current use is as a bakery. A critical aspect of the consideration of whether the unit can be considered as being light industrial or not is whether the use could be undertaken any residential area without detriment to the amenity of that area.

In this regard it should be noted that three air handling units / flues extend above the ridge level and their sole purpose is to facilitate the use within the unit - please see attached photo. The vents and the fumes they expel have negative impact that they would have on the amenity of the area and in particular the school and the play areas associated with the school which is in close vicinity.

Works are defined in the Planning and Development Act 2000 (as amended) as including any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal. The installation of vents would constitute "alteration", "repair", and "renewal" as such it can reasonably be concluded that works have been carried out as defined in the Act. This constitutes development.

When considering whether the works in terms of the flues can be deemed to be exempted development under the requirements of Section 4(1)(h) of the Planning and Development Act 2000 (as amended), all works which are not specifically listed as exempted development under the Act would require planning permission. In this instance the relevant exemptions which may apply in the case of the unit relate to Section 4(1)(h) of the Act. This extends an exemption for planning permission where the works consist of development for the maintenance, improvement or other alteration of any structure where these works do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

It is clear that the vents are visible. They extend well above the ridge line and materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures. As such, the vents cannot avail of the exemptions set out under Section 4(1)(h) and must be considered as being unauthorised development.

Thomas Murphy





Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

An Roinn Pleanála & Forbairt Maoine, Bloc 4, Urlár 3, Oifigi na  
Cathrach, An Ché Adhmaid, Baile Átha Cliath 8.

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

T: (01) 222 2288

E. [Planning@dublincity.ie](mailto:Planning@dublincity.ie)

11-Feb-2025

Thomas Murphy  
1, Ashfield Avenue  
Ranelagh  
Dublin 6  
D06A008

Application Number	0016/25
Application Type	Section 5
Registration Date	14-Jan-2025
Decision Date	10-Feb-2025
Decision Order No.	P2280
Location	Unit 2, Docklands Innovation Park, 128-130 East Wall Road, Dublin 3
Proposal	EXPP: Does the installation of chimneys/extraction hoods constitute development, and is it exempted development?
Applicant	Thomas Murphy

- If you have any queries regarding this Decision, please contact the email 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 Acts 2000 (as amended), Dublin City Council has by order dated 10-Feb-2025 decided to issue a Declaration that the above proposed development is EXEMPT from the requirement to obtain planning permission under Section 32 of the Planning & Development Acts 2000 (as amended).

**Reasons & Considerations:**

The installation of chimneys/extraction hoods on the roof of Unit 2 constitutes development and is exempted development with regard to Section 4(1)(h) of the Planning & Development Act 2000 (as amended).

Signed on behalf of Dublin City Council

  
for Administrative Officer



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

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