

The Secretary,  
An Bord Pleanála,  
64 Marlborough Street,  
Dublin 1.

Dear Sir / Madam,

**AN BORD PLEANÁLA**

LDG- 060815-25  
ABP- \_\_\_\_\_

16 JUN 2025

Fee: € 220.00 Type: CD Date: 16<sup>th</sup> June 2025  
Our Ref: TD JN 25103

Time: 3.29 By: HAMS

**RE: REFERRAL OF A DECLARATION UNDER SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000, AS AMENDED, AS TO WHETHER THE PAINTING OF THE EXTERNAL FAÇADES OF UNIT 3 AND 4, RICHVIEW OFFICE PARK, CLONSKEAGH ROAD, CLONSKEAGH, DUBLIN 14, IS OR IS NOT EXEMPTED DEVELOPMENT.**

**Dún Laoghaire-Rathdown County Council Ref.: REF7925**

## **1.0 INTRODUCTION / EXECUTIVE SUMMARY**

On behalf of the applicant, Cantrouk Ltd, 66 Lower Baggot Street, Dublin 2, we, John Spain Associates, 39 Fitzwilliam Place, Dublin 2, hereby submit to An Bord Pleanála a referral of the Section 5 Declaration by Dún Laoghaire-Rathdown County Council dated the 19<sup>th</sup> May 2025, for review by An Bord Pleanála under Section 5 of the Planning and Development Act 2000 (as amended). A cheque made payable to ABP for the statutory referral fee of €220 is enclosed.

The following appendices are submitted in support of this referral:

- **Appendix 1:** Copy of the Dún Laoghaire-Rathdown County Council decision (19th May 2025)
- **Appendix 2:** Copy of the DLRCC Planner's Report
- **Appendix 3:** Original Section 5 Declaration request, including the Planning Statement by JSA and drawings prepared by Fingal Planning Consultants
- **Appendix 4:** Copy of planning permission Reg. Ref. 89A/2308

This referral seeks An Bord Pleanála to make a declaration on:

*"Whether the proposed repainting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour at Units 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14, is or is not exempted development."*

The Section 5 Declaration made by Dún Laoghaire-Rathdown County Council on 19<sup>th</sup> May 2025 under REF7925 considered that the proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed

grey colour constituted development which was not exempted development. The reason cited is:

*Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended) restricts exempted development where it would contravene a condition attached to a planning permission. Condition No. 22 of Reg. Ref.: 89A/2308 requires that details of the proposed materials for external elevations be agreed with the Planning Authority prior to recommencement of development, in the interest of visual amenity. The proposed works would contravene this condition and adversely impact the visual amenity of the office park.*

However, it is respectfully submitted that this interpretation is flawed. Condition 22 is a "prior-to-commencement" condition and does not impose an ongoing restriction on routine maintenance or minor works such as repainting. The condition does not explicitly prohibit future changes to colours or materials, nor does it require continued engagement with the Planning Authority post-completion. It is a spent condition, relevant only at the time development was recommencing.

Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended) disallows exempted development where it would contravene a condition of a planning permission. However, such disqualification only applies where a live, operative condition is clearly breached. In this case, Condition 22 cannot be interpreted as a permanent or ongoing restriction. This position aligns with relevant case law (e.g., *Briargate and Killross*), which requires that Article 9(1)(a)(i) be applied in context and not used to override exemptions for minor, routine works.

Furthermore, the DLRCC assessment itself acknowledges that the proposed repainting could fall under the exemption provided in Section 4(1)(h), as the works "do not materially affect the external appearance of the structure so as to render it inconsistent with the character of the structure or neighbouring structures." Despite this, exemption was denied on the basis of Condition 22, a reasoning which we argue is not legally or logically sustainable.

The Planner's Report fails to consider Class 12 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), which explicitly provides that the painting of any external part of a building is exempted development except where it involves the creation of a mural or is otherwise explicitly restricted. No such exclusions apply in this case. The proposed works involve only the repainting of building elements in a neutral grey tone, without any advertising, mural, or impact on a protected structure. The intention is simply to refresh and maintain the building's appearance in a manner that is visually appropriate and consistent with its commercial surroundings.

Accordingly, we request An Bord Pleanála to issue a declaration on the following:

1. *Whether the proposed repainting of the external window frames, doors, and part of the cladding constitutes development as defined under Section 3 of the Planning and Development Act 2000 (as amended), and*
2. *If considered development, whether or not it is exempted development, having regard to Section 4(1)(h) and Class 12 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).*

In summary, it is our position that the proposed repainting of external elements at Units 3 and 4, Richview Office Park constitutes **exempted development** under both Class 12 and Section 4(1)(h). The referenced planning condition (Condition 22 of Reg. Ref. 89A/2308) does not contain a continuing restriction that would lawfully or reasonably prevent the exercise of this exemption.

## 2.0 SITE LOCATION AND CONTEXT

This referral relates to Unit 3 and Unit 4 at Richview Office Park, both existing office buildings located within an established commercial development. The site is accessed from Clonskeagh Road and lies approximately 6km south of Dublin City Centre, immediately adjacent to the University College Dublin (UCD) campus.

Richview Office Park comprises 14 no. office buildings, with Units 3 and 4 located on the northern edge of the park. These units consist of two individual two-storey office blocks, currently in established office use.

The existing façades of Units 3 and 4 feature a colour scheme of white painted cladding and blue window frames at ground floor level and blue painted cladding at first floor level, as illustrated in Figures 2.2 and the submitted architectural drawings.

Clonskeagh Bridge, located to the north of the subject site and outside its boundary, is recorded on the Record of Monuments and Places (Reg. Ref.: 022-090). While noted in heritage records, it is not listed as a protected structure. The proposed works – limited to minor repainting of the buildings' façades – will have no impact on this structure or its setting.

**Figure 2.1: Subject Site and Surrounding Context (Approximate Boundary only)**



**Figure 2.2: Existing Unit 3 Side Elevation**



**Figure 2.3: Proposed Elevation Showing painting**



### **3.0 SECTION 5 DECLARATION FROM DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL**

The Section 5 application requested a Declaration from Dún Laoghaire-Rathdown County Council in respect to the following:

*"The proposed repainting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour at Units 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14, constitutes development and is exempted development within the meaning of Section 4(1)(h) the Planning and Development Act 2000 (as amended) and Class 12 of Schedule 2, Part 1, Planning and Development Regulations 2001 (as amended)."*

Dún Laoghaire-Rathdown County Council issued a declaration in its determination of the Section 5 application stating that *"The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed*

*grey colour is considered development and is not exempted development". (Emphasis added)*

Dún Laoghaire-Rathdown County Council in determining their decision stated the following:

*"The proposed painting of the external window frames, doors, and part of the cladding is exempt development under Section 4(1) (h) as it does "not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures." The proposed works are not for the purpose of creating a mural, branding, or artistic installation, it solely relates to the uniform repainting of the facades". (Emphasis added)*

However, in coming to their decision the Planning Authority states:

*"However, Article 9 (l)(a)(i) of the Planning and Development Regulations, 2001 (as amended) states that the following would restrict exempted development in this case as it would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. Condition no.22 of 89A-2308 stated details of the proposed materials to be used on the external elevations of the office blocks shall be agreed with the Planning Authority prior to the recommencement of development.*

*REASON: In the interest of visual amenity. The proposed works would contravene this condition and impact the visual amenity of the office park."*

The development permitted under Reg. Ref.: 89A/02308 related to the construction of two-storey office blocks, the conversion and extension of three existing houses, and the demolition of one house. This development has been fully implemented on site.

Condition 22 of the permission required that the materials to be used on the external elevations of the office blocks be agreed with the Planning Authority prior to the recommencement of development. It is important to note that this condition was clearly framed as a pre-commencement requirement and does not impose any ongoing restriction on routine maintenance works such as repainting. There is no condition in the permission stating that *"no alteration to the external finishes or colours shall be undertaken without the prior written agreement of the Planning Authority."* As such, the application of Article 9(1)(a)(i) to de-exempt the proposed works is, in our view, misplaced and incorrect.

This referral therefore concerns the Planning Authority's determination that Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended) applies to the proposed repainting works.

Specifically, the referral seeks clarification on whether the painting of the external window frames, doors, and part of the cladding:

- constitutes exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended), and
- is otherwise permitted under Class 12, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended),
- and whether the restriction under Article 9(1)(a)(i) has been correctly applied in this instance.

#### 4.0 LEGISLATIVE FRAMEWORK

The legislative provisions of relevance to this referral are set out below.

### Definition of Development

Under Section 3 of the Planning and Development Act 2000 (as amended):

*"Development" means the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

Under Section 2 of the Act:

*"Works' includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal... and includes any act involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from surfaces of the interior or exterior of a structure."*

On this basis, the proposed painting of the exterior façades constitutes "works" and therefore falls within the definition of "development" under Section 3 of the Act.

### Exempted Development – Section 4(1)(h)

Under Section 4(1)(h) of the Act:

*"Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which... do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures."*

The proposed works consist of repainting the external window frames, doors, and part of the cladding in a darker grey tone, replacing the existing blue colour. These works are minor in nature, do not involve any structural alteration, and are consistent with the existing architectural character of the development and surrounding office buildings. As such, they do not materially affect the external appearance in a way that would render the development inconsistent with its context.

Accordingly, the works fall within the scope of Section 4(1)(h), being works for the maintenance or alteration of a structure that do not materially alter its appearance in planning terms.

As outlined in Section 3 of this submission and in Appendix 1, Dún Laoghaire-Rathdown County Council acknowledged that the proposed painting could be considered exempted development under Section 4(1)(h). However, they concluded that the exemption was overridden by a condition attached to the original grant of permission, Condition No. 22, and thus referenced Article 9 of the Planning and Development Regulations 2001 (as amended).

### Exempted Development – Class 12, Schedule 2, Part 1

Further support for the exemption is provided under the Planning and Development Regulations 2001 (as amended), Article 6 of the Planning and Development Regulations, 2001 (as amended), provides that *"subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1."*

Class 12, Part 1, Schedule 2 specifically states *'The painting of any external part of any building or other structure'*

The proposed development involves only the repainting of parts of the external elevations of the structure. It does not involve any branding, mural, artistic work, or advertising, nor is the subject building a protected structure. The proposed change involves the application of a uniform dark grey tone in place of the existing blue finish. As such, it clearly falls within Class 12, and none of the limitations set out under Article 9 apply, other than the one referenced by the Planning Authority (Article 9(1)(a)(i)), which, as argued elsewhere in this referral, has been incorrectly applied.

The proposed works are not for the purpose of creating a mural, branding, or artistic installation, and solely involve uniform repainting of façades in dark grey, replacing existing light blue tones.

### **Summary of Legislative Compliance**

The proposed painting of the external window frames, doors, and part of the cladding:

- Qualifies as “works” and therefore as “development” under Sections 2 and 3 of the Act,
- Falls within the exemption under Section 4(1)(h) as it does not materially affect the external appearance,
- Clearly meets the criteria of Class 12, Schedule 2, Part 1 of the Regulations as exempted development,
- And is not excluded by any operative planning condition or limitation under Article 9, properly interpreted.

It is therefore submitted that the proposed works are exempted development under both primary and secondary legislation.

### **Relevant Case Law**

Case law provides clear guidance on the interpretation of planning conditions, particularly in distinguishing between pre-commencement conditions and ongoing operational requirements.

In *McCoy v Shillelagh Quarries Ltd* [2015] IEHC 867, the High Court held that the temporal nature of planning conditions is critical. The Court recognised that conditions tied to a specific point in time, such as prior to commencement, do not impose continuing obligations unless the language of the condition clearly states so. The absence of such express wording supports the conclusion that the condition is “spent” once its purpose is fulfilled. Accordingly, routine maintenance or minor works, such as repainting, are not captured by such conditions.

While Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended) provides that exempted development does not apply where it would contravene a condition of a planning permission, the Courts have adopted a contextual and purposive approach to its application.

In *Briargate Developments Ltd v An Bord Pleanála* [2021] IEHC 706, the High Court clarified that Article 9(1)(a)(i) applies only where a condition remains active or operative. A condition that has been fulfilled and is no longer in effect cannot be contravened, and thus cannot be used to remove the exemption provided by Article 6 or Section 4(1)(h) of the Act.

Similarly, in *Killross Properties Ltd v ESB* [2021] IEHC 408, the Court recognised that not all conditions operate as an absolute bar to exempted development. Even where a condition technically exists, the nature and scale of the proposed development must be examined to determine whether it actually conflicts with the intent or effect of the condition. In that case,

the Court reinforced the view that minor or routine works, such as maintenance or cosmetic alterations, do not automatically trigger Article 9 unless they defeat the purpose of a live and enforceable condition.

In the present case, Condition 22 of Reg. Ref. 89A/2308 requires that the external materials be agreed with the Planning Authority *"prior to the recommencement of development."* This is a classic pre-development compliance condition. It served a specific and limited purpose: to control the external materials before construction resumed. There is no indication, either express or implied, that this condition was intended to operate in perpetuity or to restrict future maintenance such as repainting.

Since the condition was fulfilled at the appropriate time and there is no continuing requirement for Planning Authority consent in respect of external finishes, it cannot now operate retrospectively to remove an otherwise lawful exemption. Unless a condition explicitly states that no changes to finishes or colours shall be made without prior approval, it cannot be relied upon to de-exempt minor or routine alterations under Article 9(1)(a)(i).

## 5.0 PRECEDENT CASES

The following precedent decisions by An Bord Pleanála support the position that the painting of external surfaces, where it does not materially affect the external appearance or character of a structure, is exempted development under Section 4(1)(h) of the Planning and Development Act 2000 (as amended).

*ABP Ref.: 301518-18*

This case involved a referral from Longford County Council regarding various alterations to a house, including repainting internal and external surfaces. The Council determined that the works constituted development that was not exempted.

An Bord Pleanála issued a split decision, distinguishing between works. Significantly, the Board found:

*"The painting of the interior and exterior surfaces comprise works for the maintenance, improvement or other alteration of the structure which only affect the interior of the structure and do not materially affect the external appearance of the structure, and are, therefore, exempted development under section 4(1)(h) of the Planning and Development Act 2000 (as amended)."*

This decision confirms that painting external surfaces is exempted development where it does not materially alter the character or appearance of the structure.

In contrast, other works in the same case (such as extensions and material replacements) were found not to be exempted, demonstrating the Board's clear ability to distinguish between minor and substantive works.

*ABP-304774-19*

This case involved the painting of the entrance portico of the Royal Irish Yacht Club (a Protected Structure) in a blue-grey colour.

While the Board concluded that the painting constituted development, it was determined not to be exempt under Section 4(1)(h), due to the impact on the character of a Protected Structure under Section 57. The Board stated:

*"The works would materially affect the character of an element of the structure which contributes to its special architectural interest... and cannot, therefore, avail of any exemption."*

This case is clearly distinguishable from the present referral, as Units 3 and 4 at Richview Office Park are not protected structures, and no equivalent protections or sensitivities arise. The painting in this instance involves a tonal shift from blue to grey and does not materially alter the commercial character of the buildings or the wider office park context.

Together, these ABP decisions reinforce that external painting is exempted development under Section 4(1)(h) unless the structure's status or the nature of the changes triggers a material alteration or conflict with statutory protections.

#### *DLRCC Precedent Section 5 Declarations*

The following provides a number of recent Section 5 decisions by Dún Laoghaire-Rathdown County Council support the view that external alterations involving repainting and alterations to the finishes of an existing building, where they do not materially alter the character of the building, constitute exempted development, as outlined below.

#### **REF: 7521**

A declaration under Section 5 of the Planning and Development Act 2000 (as amended) was issued by Dun Laoghaire Rathdown County Council on the 8<sup>th</sup> of July 2021 in respect of external alteration works at 1, Dalkey Court, Barnhill Road, Dalkey, Co. Dublin, which consisted of the following:

*"Changing the colour of the external windows, keeping same profile and changing the colour of front door."*

The Planner's Report states *"Having regard to the proposed works, which consist of a change of colour of the fenestration, it is considered that the proposed works would 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 in accordance with Section 4(l)(h) of the Planning and Development Act 2000(as amended)"*

This Section 5 declaration determined that the works relating to external alterations works in relation to a change of colour for windows constituted exempted development.

#### **REF: 7921**

A declaration under Section 5 of the Planning and Development Act 2000 (as amended) was issued by Dun Laoghaire Rathdown County Council on the 6<sup>th</sup> of July 2021 in respect to external alteration works at 5, Saval Park Road, Dalkey, Co. Dublin, which consisted of the following:

*"Change existing decorative external render finish to front dwelling to a smooth render finish, painted in a selected colour."*

This Section 5 declaration determined that the works relating to external alterations works in relation to an alteration to the external finishes to the unit constituted exempted development.

**REF: 7420**

A declaration under Section 5 of the Planning and Development Act 2000 (as amended) was issued by Dun Laoghaire Rathdown County Council on the 30<sup>th</sup> of September 2020 in respect to external alteration works at 20, Arkendale Road, Glenageary, Co. Dublin, which consisted of the following:

1. Increased size of front window.
2. Modification to external finish.
3. Omission of link roof structure from the existing garage to the rear extension."

The declaration under Section 5 notified that Items 1 and 2 of the request was development and exempted development, but that Item 3 was development and not exempted development.

In respect to Item no. 2 'modification to the external finish' the Planner's Report states "*Minor changes to the proposed finishes which will be keeping with the development as granted under Reg. Ref. D18A/0770 would therefore be considered exempted development.*

This Section 5 declaration determined that the external works relating to the alteration to the external finishes to the unit constituted exempted development.

**REF: 7018**

A declaration under Section 5 of the Planning and Development Act 2000 (as amended) was issued by Dun Laoghaire Rathdown County Council on the 24<sup>th</sup> of July 2018 in respect to external alteration works at 53 - 54, Georges Street Lower, Dun Laoghaire, Co. Dublin, which consisted of the following:

*"Works to replace existing shop fronts with new traditional painted shop fronts"*

The Planner's Report states "*Having regard to the provisions of Section 4(l)(h) and of the Planning and Development Act 2000 (as amended), these works would therefore constitute exempted development.*"

This Section 5 declaration determined that the external works relating to the alteration to the external front elevations of the units constituted exempted development.

In none of the above Section 5 declarations issued by Dún Laoghaire-Rathdown County Council did the Planning Authority raise or apply planning conditions attached to the parent permissions as a basis to deny exempted status under Article 9(1)(a)(i).

Notably, the Council did not rely on any conditions relating to materials or finishes to de-exempt proposed works involving painting or changes to the external appearance, even in cases involving render finishes, shopfront replacements, or fenestration colour changes. This highlights a clear and consistent practice by the Council not to treat pre-commencement or historical conditions as ongoing limitations on exempted development, unless explicitly worded to do so.

In contrast, the current case appears to represent a departure from this precedent, where a condition (Condition 22) that is clearly a pre-development compliance requirement has been invoked as a bar to exemption, despite the absence of any language indicating an ongoing restriction. This inconsistency further reinforces the applicant's position that the proposed painting should properly be regarded as exempted development under both Section 4(1)(h)

and Class 12, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

## 6.0 GROUNDS OF REFERRAL

This referral is submitted to An Bord Pleanála under Section 5 of the Planning and Development Act 2000 (as amended), in respect of the declaration issued by Dún Laoghaire-Rathdown County Council (DLRCC) on 19th May 2025. The Council concluded that the proposed partial repainting of the external elevations and windows at Units 3 and 4, Richview Office Park, constitutes development that is not exempted development.

DLRCC's decision was based on Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended), on the grounds that the proposed works would contravene Condition No. 22 of the original permission (Reg. Ref.: 89A/2308). That condition required agreement with the Planning Authority on external materials *prior to the recommencement of development*.

This referral sets out the grounds for disagreeing with that conclusion and submits that the proposed works do not contravene any operative planning condition, are consistent with both Section 4(1)(h) of the Planning and Development Act 2000 (as amended), and fall within Class 12 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

### Grounds of Referral and Response to DLRCC's Planner's Report and Declaration

#### 1. Misapplication of Article 9(1)(a)(i)

DLRCC have incorrectly applied Article 9(1)(a)(i) to the proposed painting works, asserting that the exemption is disqualified due to a breach of Condition No. 22 of Reg. Ref.: 89A/2308.

Condition No. 22 states:

*"Details of the proposed materials to be used on the external elevations of the office blocks shall be agreed with the Planning Authority prior to the recommencement of development. Reason: In the interest of visual amenity."*

This is a pre-commencement condition, requiring one-time compliance during the original development stage. It does not impose an ongoing restriction on future maintenance or minor alterations such as repainting. Once the condition was complied with during construction, it was spent.

The proposed works, limited to repainting from blue to grey, do not involve a change of materials or any structural alterations, and therefore do not engage the original condition. To apply Article 9(1)(a)(i) in this context stretches the provision beyond its intended purpose and is contrary to established case law, which requires such conditions to be operative and relevant to the proposed works in order to trigger a loss of exemption.

#### 2. Compliance with Section 4(1)(h)

The proposed repainting involves a tonal change (blue to grey) across existing window frames, doors, and elements of cladding. No new materials are introduced, and no alterations to the form, structure, or architectural features of the buildings are proposed. DLRCC's own assessment acknowledges that:

*"The proposed painting... is exempt development under Section 4(1)(h) as it does not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures."*

This confirms that the proposed works satisfy the criteria for exemption under Section 4(1)(h). As such, they should not be disqualified from exemption on the basis of a past, time-limited condition that has already been fulfilled.

### 3. Omission of Relevant Legislative Basis – Class 12

Notably, DLRCC's Planner's Report fails to reference Class 12, Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), which explicitly states:

*"The painting of any external part of any building or other structure" is exempted development, except in specified circumstances (e.g., advertising, murals, or works to protected structures).*

The proposed works fall squarely within Class 12. They do not involve advertising, branding, artistic murals, or a protected structure. The repainting is limited in scope, applied in a consistent grey tone, and does not detract from the existing design or the visual character of the site or surrounding office park.

The omission of this relevant legislative provision in the Planner's Report is a material oversight and undermines the reasoning behind the declaration.

## 7.0 CONCLUSIONS

This Section 5 referral is submitted to An Bord Pleanála on behalf of Cantrouk Ltd to seek a formal declaration in respect of the proposed repainting works at Units 3 and 4, Richview Office Park, Clonskeagh, Dublin 14. The referral responds to Dún Laoghaire-Rathdown County Council's declaration (Ref. 7925), which incorrectly determined that the proposed works are not exempted development due to an alleged contravention of Condition No. 22 of the original planning permission (Reg. Ref. 89A/2308).

It is respectfully submitted that:

- **Condition No. 22** is a pre-commencement compliance condition that was fulfilled during the construction phase and does not impose any ongoing restriction on repainting or routine maintenance.
- The proposed works, being limited to a change in colour from blue to grey—do not materially affect the external appearance of the buildings and fall within the exemption provided under **Section 4(1)(h)** of the Planning and Development Act 2000 (as amended).
- The works also fall squarely within **Class 12** of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), which expressly exempts the painting of any external part of a structure, and no exclusions apply in this case.
- The application of **Article 9(1)(a)(i)** by the Planning Authority is incorrect, as the cited condition is no longer operative, and case law (including *Briargate* and *Killross*) affirms that only live, enforceable conditions can trigger the loss of exemption.

The proposed painting works are minor in nature, do not involve any protected structure, and are entirely consistent with the existing character of the buildings and their wider commercial setting.

In light of the above, we respectfully request that An Bord Pleanála to issue a declaration outlining the following:

*Having regard to:*

- *The provisions of Section 2(1), Section 3(1), and Section 4(1)(h) of the Planning and Development Act 2000, as amended,*
- *Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,*
- *Class 12, Part 1 of Schedule 2 to those Regulations,*
- *The nature, scale and extent of the proposed works,*
- *The planning history of the site, including Condition No. 22 of Reg. Ref. 89A/2308,*
- *The pattern of development in the area, and*
- *The documentation submitted with the referral, including the report of the Planning Authority,*

*An Bord Pleanála concludes:*

1. *The proposed works, namely, the repainting of the external window frames, doors, and part of the cladding on all elevations of Units 3 and 4, Richview Office Park, from the existing blue colour to a proposed grey colour, constitute development within the meaning of Section 3(1) of the Planning and Development Act 2000, as amended.*
2. *The proposed works come within the scope of Section 4(1)(h) of the Act, being works for the maintenance or alteration of a structure which do not materially affect its external appearance so as to render it inconsistent with the character of the structure or that of neighbouring structures.*
3. *The proposed works also fall within the class of exempted development specified under Class 12 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended), and none of the restrictions on exemption under Article 9(1)(a)(i) apply in this instance, as the condition cited (Condition No. 22 of Reg. Ref. 89A/2308) was a pre-commencement requirement that does not constitute an ongoing restriction.*

***Accordingly, An Bord Pleanála determines that the repainting of the external window frames, doors, and part of the cladding at Units 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14, is development and is exempted development.”***

Yours faithfully,



**John Spain Associates**

**APPENDIX 1: DECISION FROM DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL**



John Spain Associates  
39, Fitzwilliam Place  
Dublin 2  
D02ND61

**Planning Department**

An Rannóga Pleanála  
Decision Section  
Direct Tel: 01 2054700  
Email: [planning@dlrcoco.ie](mailto:planning@dlrcoco.ie)

**Reference No:** REF7925

**Application Type:** Declaration on Development and Exempted Development Act – Section 5, Planning & Development Act (as amended)

**Registration Date:** 25-Apr-2025

**Decision Date:** 19-May-2025

**Location:** Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14

**Development Works:** The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour.

**NOTIFICATION OF DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT**

In pursuance of its functions under the planning & Development Act, 2000 (as amended), Dún Laoghaire-Rathdown County Council has, by Order No. Ref.P/0943/25 dated 19-May-2025 decided to issue a Declaration that:

Having regard to Sections 3(1) and 4(1)(h) of the Regulations 2001(as amended),

The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour is considered **DEVELOPMENT** and is **NOT EXEMPTED DEVELOPMENT**.

Date of issue: 20-May-2025

Signed: *Maria Nasrat Malik*  
For Senior Executive Officer

**NOTE:** Where a Declaration is issued under Section 5, any Person issued with such a Declaration, may, on payment to An Bord Pleanala, 64 Marlborough Street, Dublin 1, of a fee of €220, refer the Declaration for review, within 4 weeks of the date of issue of the Declaration.

## Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

PLANNING & DEVELOPMENT ACT, 2000 (as amended)SECTION 5 PLANNING & DEVELOPMENT ACT 2000 (as amended)**Reference No:** REF7925**Applicant:** Cantrouk Ltd Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14**Agent:** John Spain Associates 39, Fitzwilliam Place, Dublin 2 D02ND61**Registration Date:** 25-Apr-2025**Location:** Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14**Agent:** John Spain Associates 39, Fitzwilliam Place, Dublin 2, D02ND61**Description of Works:** The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour.**Report:**Laura Hederman  
s.5 REF: 7925**Query**

A section 5 referral has been submitted in relation to the works Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14.

**Proposal**

The submitted declaration as stated in the submitted documentation, seeks a determination as to whether or not the proposed works are development and if so, are they exempted development. The following works are proposed:

*'The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour.'*

The extent of works as detailed in the submitted Application prepared by John Spain Associates is noted.

# Dún Laoghaire-Rathdown County Council

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### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### Submission

This Section 5 Declaration application includes:

- Completed Application Form
- Cover Letter
- Proposed elevations
- Drawing schedule
- Proposed Site Layout
- Site Location Map

#### Matter for Determination

The matter for determination is whether the proposed works at Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh would or would not constitute development, and whether the proposal would or would not constitute exempted development.

#### Site Description

The subject site is located in Richview Office Park and comprises of two units on the western boundary of the office park. This application related to unit 3 & 4 at Richview Office Park. The site is accessed off the Clonskeagh Road and is situated 6km north of Dublin City Centre, immediately adjacent to University College Dublin Campus (UCD).

Richview Office Park comprises of 14. No office buildings, with Units 3 & 4 located on the northern edge of the park. The facades of unit 3 & 4 consist of white painted cladding and blue window frames at ground floor level and blue painted cladding at first floor level.

The existing units are served by off street parking and are enclosed within the site by a boundary wall along Clonskeagh Road. In the vicinity of the subject site there are multiple retail/office units of similar size and appearance to the units subject to this section 5 application.

The stated site area is 794 sqm.

#### Zoning of Site

Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective E, which seeks 'to provide for economic development and employment'.

#### Planning History

##### Richview Office Park Clonskeagh Road, Clonskeagh, Dublin 14

**89A-2308:** Planning permission was GRANTED at the subject site for 2 storey office blocks, (Blocks 1, 2, and 4), adjoining Clonskeagh Road, storey blocks, (Blocks 5, 6, 7, and 9), and conversion of three houses with extensions and demolition of one house.

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

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#### **Notable conditions:**

22. *That details of the proposed materials to be used on the external elevations of the office blocks shall be agreed with the Planning Authority prior to the recommencement of development.*  
*REASON: In the interest of visual amenity.*

#### **Previous Declarations**

No previous declarations on file.

#### **Enforcement History**

No current enforcement files found.

#### **Departmental Reports**

None.

#### **Planning Comment**

The Council is requested to determine, in accordance with Section 5 of the Planning and Development Act 2000 (as amended) whether or not the proposed works constitute development or not, and if so, whether said works are exempted development.

#### **Legislative Context**

##### Planning and Development Act 2000 (as amended)

Consideration as to whether a development constitutes exempted development or not is governed by Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Under Section 2(1), the following is the interpretation of 'works':

"...includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 3 (1) states as follows:

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4(1) of the Act states that the following shall be exempted developments for the purposes of this Act:

"(h) development consisting of the use of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

the appearance inconsistent with the character of the structure or of neighbouring structures.

#### Planning and Development Regulations 2001 (As amended)

Article 6 (1) of the Planning and Development Regulations 2001, (as amended), states:

'Subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1'

Under Class 12, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), The painting of any external part of any building or other structure comprises exempted development subject to the following Conditions and Limitations:

1. Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

#### **Assessment**

##### **Is the proposal development?**

The first matter for determination is whether the proposal would or would not constitute development.

In consideration of the submitted documentation it is considered that the proposed development as detailed in the Section 5 Declaration submission would be considered to comprise 'works' as defined in Sections 2(1) of the Act.

The subject development(s) involves the carrying out of 'works':

- and are therefore considered to be - 'Development'.

Having regard to the above, it is considered that the proposed development as detailed in the Section 5 Declaration submission would constitute the carrying out of works and can therefore be considered to comprise 'works' and 'development' as defined in Sections 2 and 3(1) of the Act.

# Dún Laoghaire-Rathdown County Council

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### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### **Is the proposal exempted development?**

The second matter for determination is whether the proposal would or would not constitute exempted development.

The following legislation is considered to be relevant in this regard.

Section 4(1) of the Planning and Development Act, 2000 (as amended) sets out a list of development that is exempt, under which Section 4(1)(h) outlines;

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

Section 4(2)(a) of the Planning and Development Act provides that the Minister may by regulations provide for any class of development to be exempted development for the purposes of the Act.

Having regard to the submitted details, it is considered that the proposed works provide for alterations to the external appearance of the buildings. Consideration as to whether a development constitutes exempted development or not is governed by Sections 2, 3 and 4 (1)(h) of the Planning and Development Act, 2000 (as amended).

The applicant proposes to paint the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour.

The proposed painting of the external window frames, doors, and part of the cladding is exempt development under Section 4(1) (h) as it does "not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures." The proposed works are not for the purpose of creating a mural, branding, or artistic installation, it solely relates to the uniform repainting of the facades.

However, Article 9 (1)(a)(i) of the Planning and Development Regulations, 2001 (as amended) states that the following would restrict exempted development in this case as it would contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act. Condition no.22 of 89A-2308 stated details of the proposed materials to be used on the external elevations of the office blocks shall be agreed with the Planning Authority prior to the recommencement of development. REASON: In the interest of visual amenity. The proposed works would contravene this condition and impact the visual amenity of the office park.

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### (Other) Restrictions to Exempted Development

Article 9 (1) (a) (i) of the Planning and Development Regulations, 2001 (as amended) states that the following would restrict exempted development: '(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site'.

The proposed development has been screened for Appropriate Assessment (report on file) and it has been determined that the proposed development will not significantly impact upon a European Site. The proposed development has been assessed against all the restrictions to exempted development as set out within Article 9 (1) and that there are no restrictions that would prevent the works subject of this Section 5 from being exempt development, under that Article of the regulations.

#### (Other) Restrictions to Exempted Development

Article 9 (1) (a) (viiB) of the Planning and Development Regulations, 2001 (as amended) states that the following would restrict exempted development: '(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site'.

#### **Appropriate Assessment (AA) Screening**

The development subject to this assessment has been screened for AA (report on file) and it has been determined that the development would not significantly impact upon a Natura 2000 Site.

#### **Environmental Impact Assessment (EIA) Screening**

Having regard to the nature of the development subject to this assessment, which comprises of proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour, it is considered that there is no real likelihood of significant effects on the environment arising from the development. The need for environmental assessment can, therefore, be excluded at preliminary examination and as such a screening determination is not required.

#### **Conclusion**

Having regard to the documentation submitted in support of the declaration, and to the above assessment, the applicant's proposal to paint the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour is '**development**' and is **not exempted development**.

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### RECOMMENDATION

I recommend that the applicants agent, John Spain Associates 39, Fitzwilliam Place, Dublin 2, D02ND61, be informed that:

Having regard to Sections 3(1) and 4(1)(h) of the Regulations 2001(as amended),

The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour is considered **development** and is **not exempted development**.

  
Sharon Kennedy  
Administrative Officer

Executive Planner

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### ORDER

The issuing of a Declaration pursuant to Section 5 of the Planning & Development Act 2000, (as amended) to John Spain Associates 39, Fitzwilliam Place, Dublin 2, D02ND61, that

Having regard to Sections 3(1) and 4(1)(h) of the Regulations 2001(as amended),

The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour is considered **development** and is **not exempted development**.

Signed:

  
Approved Officer

Dated: 19/05/2025

Thereunto empowered by order of PríomhFheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2630, dated 16/5/2025, delegating to me all his powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

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**APPENDIX 2: DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL PLANNER'S REPORT**

# Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

### PLANNING & DEVELOPMENT ACT, 2000 (as amended)

#### SECTION 5 PLANNING & DEVELOPMENT ACT 2000 (as amended)

<b>Reference No:</b>	REF7925
<b>Applicant:</b>	Cantrouk Ltd Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14
<b>Agent:</b>	John Spain Associates 39, Fitzwilliam Place, Dublin 2 D02ND61
<b>Registration Date:</b>	25-Apr-2025
<b>Location:</b>	Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14
<b>Agent:</b>	John Spain Associates 39, Fitzwilliam Place, Dublin 2, D02ND61

**Description of Works:** The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour.

#### **Report:**

Laura Hederman  
s.5 REF: 7925

#### **Query**

A section 5 referral has been submitted in relation to the works Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14.

#### **Proposal**

The submitted declaration as stated in the submitted documentation, seeks a determination as to whether or not the proposed works are development and if so, are they exempted development. The following works are proposed:

*'The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour.'*

The extent of works as detailed in the submitted Application prepared by John Spain Associates is noted.

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### **Submission**

This Section 5 Declaration application includes:

- Completed Application Form
- Cover Letter
- Proposed elevations
- Drawing schedule
- Proposed Site Layout
- Site Location Map

#### **Matter for Determination**

The matter for determination is whether the proposed works at Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh would or would not constitute development, and whether the proposal would or would not constitute exempted development.

#### **Site Description**

The subject site is located in Richview Office Park and comprises of two units on the western boundary of the office park. This application related to unit 3 & 4 at Richview Office Park. The site is accessed off the Clonskeagh Road and is situated 6km north of Dublin City Centre, immediately adjacent to University College Dublin Campus (UCD).

Richview Office Park comprises of 14. No office buildings, with Units 3 & 4 located on the northern edge of the park. The facades of unit 3 & 4 consist of white painted cladding and blue window frames at ground floor level and blue painted cladding at first floor level.

The existing units are served by off street parking and are enclosed within the site by a boundary wall along Clonskeagh Road. In the vicinity of the subject site there are multiple retail/office units of similar size and appearance to the units subject to this section 5 application.

The stated site area is 794 sqm.

#### **Zoning of Site**

Under the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the site is subject to zoning objective E, which seeks 'to provide for economic development and employment'.

#### **Planning History**

##### **Richview Office Park Clonskeagh Road, Clonskeagh, Dublin 14**

**89A-2308:** Planning permission was GRANTED at the subject site for 2 storey office blocks, (Blocks 1, 2, and 4), adjoining Clonskeagh Road, storey blocks, (Blocks 5, 6, 7, and 9), and conversion of three houses with extensions and demolition of one house.

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#### Notable conditions:

22. *That details of the proposed materials to be used on the external elevations of the office blocks shall be agreed with the Planning Authority prior to the recommencement of development.*  
*REASON: In the interest of visual amenity.*

#### Previous Declarations

No previous declarations on file.

#### Enforcement History

No current enforcement files found.

#### Departmental Reports

None.

#### Planning Comment

The Council is requested to determine, in accordance with Section 5 of the Planning and Development Act 2000 (as amended) whether or not the proposed works constitute development or not, and if so, whether said works are exempted development.

#### Legislative Context

##### Planning and Development Act 2000 (as amended)

Consideration as to whether a development constitutes exempted development or not is governed by Sections 2, 3, and 4 of the Planning and Development Act 2000 (as amended).

Under Section 2(1), the following is the interpretation of 'works':

"...includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal..."

Section 3 (1) states as follows:

"In this Act, 'development' means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land."

Section 4(1) of the Act states that the following shall be exempted developments for the purposes of this Act:

"(h) development consisting of the use of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

the appearance inconsistent with the character of the structure or of neighbouring structures.

#### Planning and Development Regulations 2001 (As amended)

Article 6 (1) of the Planning and Development Regulations 2001, (as amended), states:

'Subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1'

Under Class 12, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended), The painting of any external part of any building or other structure comprises exempted development subject to the following Conditions and Limitations:

1. Such painting may not, except in the case of a hoarding or other temporary structure bounding land on which development consisting of works is being or will be carried out in pursuance of a permission granted under Part III of the Act or as exempted development, be for the purposes of creating a mural.

#### **Assessment**

##### **Is the proposal development?**

The first matter for determination is whether the proposal would or would not constitute development.

In consideration of the submitted documentation it is considered that the proposed development as detailed in the Section 5 Declaration submission would be considered to comprise 'works' as defined in Sections 2(1) of the Act.

The subject development(s) involves the carrying out of 'works':

- and are therefore considered to be - 'Development'.

Having regard to the above, it is considered that the proposed development as detailed in the Section 5 Declaration submission would constitute the carrying out of works and can therefore be considered to comprise 'works' and 'development' as defined in Sections 2 and 3(1) of the Act.

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### **Is the proposal exempted development?**

The second matter for determination is whether the proposal would or would not constitute exempted development.

The following legislation is considered to be relevant in this regard.

Section 4(1) of the Planning and Development Act, 2000 (as amended) sets out a list of development that is exempt, under which Section 4(1)(h) outlines;

*(h) development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;*

Section 4(2)(a) of the Planning and Development Act provides that the Minister may by regulations provide for any class of development to be exempted development for the purposes of the Act.

Having regard to the submitted details, it is considered that the proposed works provide for alterations to the external appearance of the buildings. Consideration as to whether a development constitutes exempted development or not is governed by Sections 2, 3 and 4 (1)(h) of the Planning and Development Act, 2000 (as amended).

The applicant proposes to paint the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour.

The proposed painting of the external window frames, doors, and part of the cladding is exempt development under Section 4(1) (h) as it does "not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures." The proposed works are not for the purpose of creating a mural, branding, or artistic installation, it solely relates to the uniform repainting of the facades.

However, Article 9 (1)(a)(i) of the Planning and Development Regulations, 2001 (as amended) states that the following would restrict exempted development in this case as it would *contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act*. Condition no.22 of 89A-2308 stated *details of the proposed materials to be used on the external elevations of the office blocks shall be agreed with the Planning Authority prior to the recommencement of development*. REASON: *In the interest of visual amenity*. The proposed works would contravene this condition and impact the visual amenity of the office park.

# Dún Laoghaire-Rathdown County Council

## LOCAL GOVERNMENT ACTS 1925 - 2014

### RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

#### (Other) Restrictions to Exempted Development

Article 9 (1) (a) (i) of the Planning and Development Regulations, 2001 (as amended) states that the following would restrict exempted development: '(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site'.

The proposed development has been screened for Appropriate Assessment (report on file) and it has been determined that the proposed development will not significantly impact upon a European Site. The proposed development has been assessed against all the restrictions to exempted development as set out within Article 9 (1) and that there are no restrictions that would prevent the works subject of this Section 5 from being exempt development, under that Article of the regulations.

#### (Other) Restrictions to Exempted Development

Article 9 (1) (a) (viiB) of the Planning and Development Regulations, 2001 (as amended) states that the following would restrict exempted development: '(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site'.

#### **Appropriate Assessment (AA) Screening**

The development subject to this assessment has been screened for AA (report on file) and it has been determined that the development would not significantly impact upon a Natura 2000 Site.

#### **Environmental Impact Assessment (EIA) Screening**

Having regard to the nature of the development subject to this assessment, which comprises of proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour, it is considered that there is no real likelihood of significant effects on the environment arising from the development. The need for environmental assessment can, therefore, be excluded at preliminary examination and as such a screening determination is not required.

#### **Conclusion**

Having regard to the documentation submitted in support of the declaration, and to the above assessment, the applicant's proposal to paint the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour is '**development**' and is **not exempted development**.

# Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

### RECOMMENDATION

I recommend that the applicants agent, John Spain Associates 39, Fitzwilliam Place, Dublin 2, D02ND61, be informed that:

Having regard to Sections 3(1) and 4(1)(h) of the Regulations 2001(as amended),

The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour is considered **development** and is **not exempted development**.

  
/ Brian Kennedy  
Administrative Officer

Executive Planner

# Dún Laoghaire-Rathdown County Council

LOCAL GOVERNMENT ACTS 1925 - 2014

## RECORD OF EXECUTIVE BUSINESS CHIEF EXECUTIVE'S ORDERS

### ORDER

The issuing of a Declaration pursuant to Section 5 of the Planning & Development Act 2000, (as amended) to John Spain Associates 39, Fitzwilliam Place, Dublin 2, D02ND61, that

Having regard to Sections 3(1) and 4(1)(h) of the Regulations 2001(as amended),

The proposed painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour is considered **development** and is **not exempted development**.

Signed:

  
Approved Officer

Dated: 19/05/2025

Thereunto empowered by order of Priomhheidhmeannach, Comhairle Contae Dhún Laoghaire-Ráth An Dúin, Order No. 2630, dated 16/5/2025 delegating to me all his powers, functions and duties in relation to the County Council of Dún Laoghaire-Rathdown in respect of this matter.

**APPENDIX 3: ORIGINAL SECTION 5 DECLARATION REQUEST**

Dun Laoghaire Rathdown County Council,  
Planning Department,  
Level 1, County Hall,  
Marine Road,  
Dun Laoghaire,  
Co. Dublin.

Date: 25 April, 2025  
Our Ref: TD JN 25103

Dear Sir/Madam

**RE: APPLICATION FOR SECTION 5 DECLARATION IN RESPECT TO PAINTING EXTERNAL FAÇADES OF UNIT 3 AND 4, RICHVIEW OFFICE PARK, CLONSKEAGH ROAD, CLONSKEAGH, DUBLIN 14.**

#### **1.0 INTRODUCTION**

On behalf of the applicant, Cantrouk Ltd., 66 Lower Baggot Street, Dublin 2, D02 FK85, we, John Spain Associates, 39 Fitzwilliam Place, D02ND61, hereby request a Section 5 Declaration from Dun Laoghaire Rathdown County Council to confirm whether painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour of Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14, is considered development and if it is considered development, whether it is exempted development.

The works involve the painting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour of Units 3 and 4. The new colour scheme proposes a change from the current neutral blue finish to a darker grey. No other structural modifications or signage are proposed.

The proposed painting of external facades is considered to be development and exempted development under Class 12 of Schedule 2, Part 1, Planning and Development Regulations 2001 (as amended) which states that '*The painting of any external part of any building or other structure*' is exempted development provided it is not for the purpose of creating a mural, except in limited cases such as temporary hoardings surrounding active construction sites. The proposed works do not involve any mural or artistic feature and are solely for the purpose of refreshing the building's external finish in a uniform colour. While the proposed colour change is of a darker tone, it does not introduce any incongruous or highly distinctive visual element and therefore does not materially alter the structure's appearance or character within its commercial context.

Section 4(1)(h) of the Planning and Development Act 2000 (as amended), also outlines that works for the alteration of the existing structure, which are minor in nature and do not materially affect the external appearance of the structure, is exempted development.

We respectfully request that the Planning Authority issue a declaration confirming the following:

Managing Director: P. Turley | Executive Directors: R. Kunz | S. Blair | B. Cregan | L. Wymer | K. Kerrigan  
Senior Associate Directors: M. Nolan | B. Coughlan | I. Livingstone | Associate Director: T. Devlin  
John Spain Associates Ltd. trading as John Spain Associates

Registered Address: 39 Fitzwilliam Place, Dublin 2 | Directors: A. Murphy | J. Brennan  
CRO No: 396306 | VAT No: IE 6416306U

*"The proposed repainting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour at Units 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14, constitutes development and is exempted development within the meaning of Section 4(1)(h) the Planning and Development Act 2000 (as amended) and Class 12 of Schedule 2, Part 1, Planning and Development Regulations 2001 (as amended)."*

The accompanying drawings prepared by Fingal Planning Consultants illustrate the extent of the proposed painting on the facades of Unit 3 and 4 within Richview Office Park. It is submitted that the change of colour of the window frames and part of the cladding from a neutral blue to a darker grey represents a tonal change from the existing finish, it is respectfully submitted that the nature of the works falls within the scope of Class 12 of the Planning and Development Regulations 2001 (as amended) and Section 4(1)(h) of the Planning and Development Act 2000 (as amended), as the works will not materially alter the character of the structure or its setting within the office park.

**Enclosures:**

We enclose the following information with this Section 5 application:

- A cheque for the statutory fee of €80;
- Section 5 Declaration Application Form;
- 2 no. copies of this Section 5 Cover Letter prepared by John Spain Associates;
- 2 no. copies of architectural drawings prepared by Fingal Planning Consultants.

**2.0 SITE LOCATION AND CONTEXT**

This Section 5 application relates to Unit 3 and Unit 4 at Richview Office Park, both existing office buildings located within an established commercial development. The site is accessed from Clonskeagh Road and lies approximately 6km south of Dublin City Centre, immediately adjacent to the University College Dublin (UCD) campus.

Richview Office Park comprises 14 no. office buildings, with Units 3 and 4 located on the northern edge of the park. These units consist of two individual two-storey office blocks, currently in established office use.

The existing façades of Units 3 and 4 feature a colour scheme of white painted cladding and blue window frames at ground floor level and blue painted cladding at first floor level, as illustrated in Figures 2.2 and 2.3 and the submitted architectural drawings.

Clonskeagh Bridge, located to the north of the subject site and outside its boundary, is recorded on the Record of Monuments and Places (Reg. Ref.: 022-090). While noted in heritage records, it is not listed as a protected structure. The proposed works – limited to minor repainting of the buildings' façades – will have no impact on this structure or its setting.

**Figure 2.1: Subject Site and Surrounding Context (Approximate Boundary only)**



**Figure 2.2: Unit 3 Side Elevation**



Source: Google Maps

**Figure 2.3: Unit 4 Front Elevation**



Source: Google Maps

### **3.0 PLANNING HISTORY**

This section sets out the relevant planning history relating to Richview Office Park

**Reg. Ref.: 86A/1658 – Original Office Park permission at Richview Office Park, Clonskeagh, Dublin 14.**

No details under Reg. Ref.: 86A/1658 are available on the online planning portal.

**Reg. Ref.: D02A/0033 – Permission for the erection of a satellite dish at Unit 3, Richview Business Park, Clonskeagh, Dublin 14.**

Dun Laoghaire Rathdown County Council issued a final grant of planning permission, subject to 1 no. condition, on the 10<sup>th</sup> of April 2002, the development was for the erection of a satellite dish under the existing eaves.

**Reg. Ref.: D24A/0310/WEB – Change of use at ground floor from office use to Medical Treatment use at Unit 4, Richview Office Park, Dublin 14.**

Dun Laoghaire Rathdown County Council issued a final grant of planning permission, subject to 6 no. conditions, on the 1<sup>st</sup> of August 2024, the development was for the change of use of part of the ground floor from Offices to Medical Treatment/Consulting.

### **4.0 COMPLIANCE WITH RELEVANT PLANNING LEGISLATIVE FRAMEWORK**

The legislative provisions of relevance to this application for a Section 5 Declaration are set out below.

Under Section 3 of the Planning and Development Act 2000 (as amended):

*“Development” means the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

Under Section 2 of the Act:

**"Works'** includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal... and includes any act involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from surfaces of the interior or exterior of a structure."

The proposed works—painting of the exterior façades—therefore constitute "works" and thus fall within the definition of "development" under the Act.

The question arises as to if the proposed development is exempted development, which is the subject of this Declaration Request.

Under Section 4(1)(h) of the Act:

*"Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which... do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures."*

While the proposed works involve repainting all façades, they are minor in nature, do not involve structural changes, and do not materially affect the external appearance to such a degree that the buildings would become inconsistent with the character of adjacent office units. The change is limited to a tonal shift within a consistent architectural expression.

Therefore, it is considered that the proposed external works would fall under the provisions of Section 4(1)(h) which provides for works for the improvement or alteration of a structure which do not materially affect the external appearance of the structure.

Article 6 of the Planning and Development Regulations, 2001 (as amended), provides that "subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1." In turn, Part 1 of Schedule 2 Class 12, of the Planning and Development Regulations 2001 (as amended) reads as follows: '*The painting of any external part of any building or other structure*'

As set out above, the proposed works are considered to be exempt in accordance with the relevant provisions under Schedule 'Exempted Development' of the Planning and Development Regulations 2001 (as amended) as the proposed works fall within Part 1, Class 12 "*The painting of any external part of any building or other structure*". The proposed works are only for the **partial** painting of the external evaluations and fall within Class 12 as outlined above.

The proposed works are not for the purpose of creating a mural, branding, or artistic installation, and solely involve uniform repainting of façades in dark grey, replacing existing light blue tones.

### **Summary of Legislative Compliance**

- The works constitute development under Section 3 of the Act.
- The works fall **within** Section 4(1)(h) as they are minor alterations that do not materially affect the character of the structure or of neighbouring buildings.
- The works qualify as exempted development under Class 12, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

Accordingly, it is respectfully submitted that the repainting of Units 3 and 4 constitutes exempted development under both legislative provisions.

### **Relevant Precedent Examples**

A number of recent Section 5 decisions by Dún Laoghaire-Rathdown County Council support the view that external alterations involving repainting and finishes, where they do not materially alter the character of the building, constitute exempted development, as outlined below.

#### **REF: 7521**

A declaration under Section 5 of the Planning and Development Act 2000 (as amended) was issued by Dun Laoghaire Rathdown County Council on the 8<sup>th</sup> of July 2021 in respect of external alteration works at 1, Dalkey Court, Barnhill Road, Dalkey, Co. Dublin, which consisted of the following:

*“Changing the colour of the external windows, keeping same profile and changing the colour of front door.”*

The Planner's Report states *“Having regard to the proposed works, which consist of a change of colour of the fenestration, it is considered that the proposed works would 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 in accordance with Section 4(l)(h) of the Planning and Development Act 2000(as amended)”*

This Section 5 declaration determined that the works relating to external alterations works in relation to a change of colour for windows constituted exempted development.

#### **REF: 7921**

A declaration under Section 5 of the Planning and Development Act 2000 (as amended) was issued by Dun Laoghaire Rathdown County Council on the 6<sup>th</sup> of July 2021 in respect to external alteration works at 5, Saval Park Road, Dalkey, Co. Dublin, which consisted of the following:

*“Change existing decorative external render finish to front dwelling to a smooth render finish, painted in a selected colour.”*

This Section 5 declaration determined that the works relating to external alterations works in relation to an alteration to the external finishes to the unit constituted exempted development.

#### **REF: 7420**

A declaration under Section 5 of the Planning and Development Act 2000 (as amended) was issued by Dun Laoghaire Rathdown County Council on the 30<sup>th</sup> of September 2020 in respect to external alteration works at 20, Arkendale Road, Glenageary, Co. Dublin, which consisted of the following:

1. Increased size of front window.
2. Modification to external finish.
3. Omission of link roof structure from the existing garage to the rear extension.”

The declaration under Section 5 notified that Items 1 and 2 of the request was development and exempted development, but that Item 3 was development and not exempted development.

In respect to Item no. 2 'modification to the external finish' the Planner's Report states "*Minor changes to the proposed finishes which will be keeping with the development as granted under Reg. Ref. D18A/0770 would therefore be considered exempted development.*

This Section 5 declaration determined that the external works relating to the alteration to the external finishes to the unit constituted exempted development.

#### **REF: 7018**

A declaration under Section 5 of the Planning and Development Act 2000 (as amended) was issued by Dun Laoghaire Rathdown County Council on the 24<sup>th</sup> of July 2018 in respect to external alteration works at 53 - 54, Georges Street Lower, Dun Laoghaire, Co. Dublin, which consisted of the following:

*"Works to replace existing shop fronts with new traditional painted shop fronts"*

The Planner's Report states "*Having regard to the provisions of Section 4(l)(h) and of the Planning and Development Act 2000 (as amended), these works would therefore constitute exempted development.*"

This Section 5 declaration determined that the external works relating to the alteration to the external front elevations of the units constituted exempted development.

#### **5.0 CONCLUSION**

We hereby request a Section 5 Declaration from Dun Laoghaire Rathdown County Council to confirm that the painting external façades of Unit 3 and 4, Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14, is development and is exempted development under Class 12 of Schedule 2, Part 1, Planning and Development Regulations 2001 (as amended) which states that '*The painting of any external part of any building or other structure*' is exempted development provided it is not for the purpose of creating a mural, except in limited cases such as temporary hoardings surrounding active construction sites.

Section 4(1)(h) of the Planning and Development Act 2000 (as amended), also outlines that works for the alteration of the existing structure, which are minor in nature and do not materially affect the external appearance of the structure, is exempted development.

The works involve the painting of the external façades of Units 3 and 4, including cladding and window frames. The new colour scheme proposes a change from the current neutral blue finish to a darker grey. No other structural modifications or signage are proposed. The proposed works do not involve any mural or artistic feature and are solely for the purpose of refreshing the building's external finish in a uniform colour. While the proposed colour change is of a darker tone, it does not introduce any incongruous or highly distinctive visual element and therefore does not materially alter the structure's appearance or character within its commercial context.

We respectfully request that the Planning Authority issue a declaration confirming the following:

*"The proposed repainting of the external window frames, doors, and part of the cladding on all elevations from the existing blue colour to the proposed grey colour at Units 3 and 4,*

*Richview Office Park, Clonskeagh Road, Clonskeagh, Dublin 14, constitutes development and is exempted development within the meaning of Section 4(1)(h) the Planning and Development Act 2000 (as amended) and Class 12 of Schedule 2, Part 1, Planning and Development Regulations 2001 (as amended)."*

Please do not hesitate to contact us should you require any clarification of the documentation enclosed.

Yours sincerely,



---

**John Spain Associates**

**APPENDIX 4: COPY OF DECISION UNDER REG. REF.: 89A/2308**

Dublin County Council Comhairle Chontae Atha Cliath

Planning Department



Block 2  
Irish Life Centre  
Lower Abbey Street  
Dublin 1  
Telephone (01) 727777  
Fax No. 724896

McCrosan O'Rourke Architects,  
4 Berkeley Street,  
Dublin 7.

Our Ref. 89A/2308

Your Ref.

Date 21/2/90

RE: Proposed office development, consisting 4 two storey blocks, 5 three storey blocks, change of use to offices of 3 existing houses including 2 new extensions, demolition of one existing house and new E.S.B Substation at Richview, Clonskeagh Road, Clonskeagh.

I, the undersigned, hereby acknowledge receipt of Notificat of Decision by Order No. P/787/90, dted 21/2/90, in connection with the above.

Signed: \_\_\_\_\_

On behalf of (Name) \_\_\_\_\_

*Left in Letterbox,  
N. Reilly.*

(Address) \_\_\_\_\_

I hereby certify that the above Notification dated 21/2/90, was handed by me to the above signed today.

SIGNED

DATED:

*Joe Lass.*

*21/2/90.*

# DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

PLANNING DEPARTMENT,  
BLOCK 2,  
IRISH LIFE CENTRE,  
LR. ABBEY STREET,  
DUBLIN 1.

## Notification of Decision to Grant Permission/Annex

### Local Government (Planning and Development) Acts, 1963-1983

To... **McCrossan O'Rourke Architects,** Decision Order **P/787/90 21.2.90**  
..... **4 Berkeley Street,** Number and Date .....  
..... **Dublin 7.** Register Reference No. **89A/2308**  
..... Planning Control No. ....  
..... Application Received on **22.12.89**

Applicant... **Flynn. & O'Flaherty Properties Limited.** ....

In pursuance of its functions under the above-mentioned Acts, the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to grant Permission/Annex for:-

..... office development, consisting 4. two storey blocks, 5. three storey blocks, change of use to.....  
..... offices of 3 existing houses including 2 new extensions, demolition of one existing house and  
..... new E.S.B. Substation at Richview, Clonskeagh Road, Clonskeagh, .....

#### SUBJECT TO THE FOLLOWING CONDITIONS

CONDITIONS	REASONS FOR CONDITIONS
1. The development to be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.	1. To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. That before development commences approval, under the Building Bye-Laws be obtained and all conditions of that approval be observed in the development.	2. In order to comply with the Sanitary Services Acts, 1878-1964.
3. That a financial contribution in the sum of £40,800 be paid by the proposer to the Dublin County Council towards the cost of provision of public services in the area of the proposed development and which facilitate this development; this contribution to be paid before the commencement of development on the site.	3. The provision of such services in the area by the Council will facilitate the proposed development. It is considered reasonable that the developer should contribute towards the cost of providing the services.
4. That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.	4. To protect the amenities of the area.
	Over .....

Signed on behalf of the Dublin County Council .....

*[Signature]*  
For Principal Officer

21 February 1990

Date.....

IMPORTANT: Turn overleaf for further information

CONDITIONS	REASONS FOR CONDITIONS
5. That all public services to the proposed development, including electrical, telephone cables and equipment, be located underground throughout the entire site.	5. In the interest of amenity.
6. That the requirements of the Chief Fire Officer be ascertained and strictly adhered to in the development.	6. In the interest of safety and the avoidance of fire hazard.
7. That the requirements of the Supervising Environmental Health Officer be ascertained and strictly adhered to in the development.	7. In the interest of health.
8. That no office unit be occupied until all the services have been connected thereto and are operational.	8. In the interest of the proper planning and development of the area.
9. That an acceptable scheme of public lighting shall be agreed with the Planning Authority and shall be provided prior to the occupation of the offices.	9. In the interest of amenity and public safety.
10. That the areas shown as open space be fenced off during construction work and shall not be used for the purpose of site compounds or for the storage of plant, materials or spoil.	10. In the interest of the proper planning and development of the area.
11. That a Bond or Cash lodgement of £10,000, shall be lodged with the Planning Authority before recommencement of development to ensure the adequate protection and treatment of trees to be retained on site.	11. In the interest of amenity.
12. All necessary tree surgery remedial works shall be completed before the occupation of the office units.	12. In the interest of amenity and safety.
13. Prior to the commencement of development of Blocks 1, 2, 3 and 4, an acceptable scheme for tree planting along the Clonskeagh Road and Beech Hill Road frontage shall be submitted for the agreement of the Planning Authority and the planting scheme shall be implemented prior to the occupation of these blocks.	13. In the interest of amenity.

Over .....

**NOTE:**

If there is no appeal to An Bord Pleanala against this decision PERMISSION/APPROVAL will be granted by the Council as soon as may be after the expiration of the period for the taking of such appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/APPROVAL after the withdrawal.

An appeal against the decision may be made to An Bord Pleanala. The applicant may appeal within one month from the date of receipt by him of this notification. ANY OTHER PERSON may appeal within twenty-one days beginning on the date of the decision.

An appeal shall be in writing and shall state the subject matter and grounds of the appeal. It should be addressed to:—  
An Bord Pleanala, Blocks 6 and 7, Irish Life Centre, Lower Abbey Street, Dublin 1.

(1) An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by a fee of £36 (Thirty-six Pounds). (2) A party to an appeal making a request to An Bord Pleanala for an Oral Hearing of an appeal must, *in addition* to (1) above, pay to An Bord Pleanala a fee of £36 (Thirty-six Pounds). (3) A person who is not a party to an appeal must pay a fee of £10 (Ten Pounds) to An Bord Pleanala when making submissions or observations to An Bord Pleanala in relation to an appeal.

Approval of the Council under Building Bye-Laws must be obtained and the terms of the approval must be complied with before the carrying out of the work before any development which may be permitted is commenced.

# DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

PLANNING DEPARTMENT,  
BLOCK 2,  
IRISH LIFE CENTRE,  
LR. ABBEY STREET,  
DUBLIN 1.

## Notification of Decision to Grant Permission/Approval

Local Government (Planning and Development) Acts, 1963-1983

To..... **McCrossan O'Rourke Architects,** Decision Order ..... **P/787/90 21.2.90**  
..... **4 Berkeley Street,** Number and Date .....  
..... **Dublin 7.** Register Reference No. ..... **89A/2308**  
..... Planning Control No. .....  
..... Application Received on **22.12.89**

Applicant **Flynn & O'Flaherty Properties Limited.**

In pursuance of its functions under the above-mentioned Acts, the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to grant Permission/Approval for:-

..... office development, consisting 4. two storey blocks, 5. three storey blocks, change of use to.....  
..... offices of 3 existing houses including 2 new extensions, demolition of one existing house and  
..... new E.S.B. Substation at Richview, Clonskeagh Road, Clonskeagh.

### SUBJECT TO THE FOLLOWING CONDITIONS

CONDITIONS	REASONS FOR CONDITIONS
14. That the drainage arrangements, including the disposal of surface water, shall be in accordance with the requirements of the County Council and this shall include adequate provision of gullies to the car parking areas, adequate falls to car parking areas and channels, and location of all main sewers at a minimum distance of 5 metres from the buildings.	14. In order to comply with the Sanitary Services Acts, 1878-1964.
15. All watermain tappings, branch connections, swabbing, and chlorination shall be carried out by Dublin Corporation, Sanitary Services Department and that the cost shall be paid to the Corporation before development recommences.	15. To comply with public health requirements and to ensure adequate standards of workmanship. As the provision of these services by Dublin Corporation will facilitate the proposed development it is considered reasonable that the Corporation should recoup the cost.
16. The boundary wall at the junction of Clonskeagh Road and Beech Hill Road shall be set back as indicated on Drawing No. 9052/01, received on 22nd December, 1989, and the land made available shall be paved to match the existing pavement and handed over to the Council free of charge.	16. In the interest of visual amenity and road safety.
17. That the boundary wall with Richview Lodge shall be raised to 2.75 metres and shall be faced with rubble stone unless otherwise agreed in writing with the Planning Authority.	17. In the interest of visual amenity and the amenities of property in the vicinity.
	Over ....

Signed on behalf of the Dublin County Council .....

*[Signature]* *J.O.* *For Principal Officer*

Date... **21 February 1990** .....

IMPORTANT: Turn overleaf for further information

CONDITIONS	REASONS FOR CONDITIONS
<p>18. The existing stone wall along the frontage with Clonskeagh Road shall be retained and refurbished to the satisfaction of the Planning Authority.</p> <p>XX</p>	<p>18. In the interest of visual amenity.</p>

**NOTE:**

If there is no appeal to An Bord Pleanala against this decision PERMISSION/APPROVAL will be granted by the Council as soon as may be after the expiration of the period for the taking of such appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/APPROVAL after the withdrawal.

An appeal against the decision may be made to An Bord Pleanála. The applicant may appeal within one month from the date of receipt by him of this notification. ANY OTHER PERSON may appeal within twenty-one days beginning on the date of the decision.

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Approval of the Council under Building Bye-Laws must be obtained and the terms of the approval must be complied with the carrying out of the work before any development which may be permitted is commenced.

# DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

PLANNING DEPARTMENT,  
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..... office development, consisting 4. two storey blocks, 5. three storey blocks,.....  
..... change of use to offices of 3 existing houses including 2 new extensions,.....  
..... demolition of one existing house and new E.S.B. Substation at Richview,.....  
..... Clonskeagh Road, Clonskeagh.

SUBJECT TO THE FOLLOWING CONDITIONS

CONDITIONS	REASONS FOR CONDITIONS
19. Blocks 4 and 3 shall be relocated 5 metres to the south while maintaining their distance from Clonskeagh Road and alternative positions for parking spaces 48 to 50 inclusive shall be arranged elsewhere in the vicinity.	19. In the interest of visual amenity and to reduce the prominence of Block 4.
20. The south facing window to the west of the stairwell on the upper floor of Block 3 shall be obscure glazed to the satisfaction of the Planning Authority and the first floor fenestration of the west elevation of Block 2 shall be revised to preclude overlooking of the existing lodge either by the omission of windows or by provision of obscure glazing. Details shall be submitted to and agreed by the Planning Authority prior to the recommencement of development.	20. In the interest of residential amenity.
21. That no advertising signs shall be erected on the site save with the prior approval of the Planning Authority.	21. In the interest of visual amenity and to prevent unauthorised development.

Contd/.....

Signed on behalf of the Dublin County Council .....

*John O'Brien*  
For Principal Officer

Date..... **21st February, 1990.** .....

IMPORTANT: Turn overleaf for further information

CONDITIONS	REASONS FOR CONDITIONS
22. That details of the proposed materials to be used on the external elevations of the office blocks shall be agreed with the Planning Authority prior to the recommencement of development.	22. In the interest of visual amenity.
23. The proposed parking spaces, nos. 4 to 12 and 49 to 69 inclusive adjoining Clonskeagh Road shall be set back at a minimum of 2 metres from the boundary wall and the intervening space landscaped and protected with a kerb to the satisfaction of the Planning Authority and this may entail an adjustment to the position of office blocks 1 and 3. OR. The ground level within the site shall be adjusted as necessary to ensure that the car parks are a minimum of 1.5 metres below the top of the boundary wall and the wall shall be protected from impact by a vehicle crash barrier in the car park areas. Details of such adjustments shall be agreed with the Planning Authority in order to minimise adverse effects on existing trees.	23. In the interest of visual amenity and public safety.
24. That before development commences, a comprehensive landscaping and planting scheme shall be submitted and agreed with the Planning Authority and this shall provide for the protection of open space, new planting and existing trees during construction and for the location of the builders site compound and storage of materials away from trees and amenity areas.	24. To ensure the provision and protection of adequate landscaping in the interest of amenity.
25. All existing trees on site shall be retained and protected during development to the satisfaction of the Planning Authority with the exception of tree numbers 756 to 762 inclusive and the deceased elm trees.	25. In the interest of amenity.
26. That the gas main which crosses the site shall be relocated to the satisfaction of An Bord Gais and that no structure shall be located within 5 metres of this main. Details of necessary wayleave and access arrangements shall be submitted to and agreed with An Bord Gais.	26. In the interest of public safety.

**NOTE:**

If there is no appeal to An Bord Pleanala against this decision PERMISSION/APPROVAL will be granted by the Council as soon as may be after the expiration of the period for the taking of such appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/APPROVAL after the withdrawal.

An appeal against the decision may be made to An Bord Pleanala. The applicant may appeal within one month from the date of receipt by him of this notification. ANY OTHER PERSON may appeal within twenty-one days beginning on the date of the decision.

An appeal shall be in writing and shall state the subject matter and grounds of the appeal. It should be addressed to:—  
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(1) An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by a fee of £36 (Thirty-six Pounds). (2) A party to an appeal making a request to An Bord Pleanala for an Oral Hearing of an appeal must, *in addition* to (1) above, pay to An Bord Pleanala a fee of £36 (Thirty-six Pounds). (3) A person who is not a party to an appeal must pay a fee of £10 (Ten Pounds) to An Bord Pleanala when making submissions or observations to An Bord Pleanala in relation to an appeal.

Approval of the Council under Building Bye-Laws must be obtained and the terms of the approval must be complied with in the carrying out of the work before any development which may be permitted is commenced.

FUTURE PP

# DUBLIN COUNTY COUNCIL

Tel. 724755 (ext. 262/264)

PLANNING DEPARTMENT,  
BLOCK 2,  
IRISH LIFE CENTRE,  
LR. ABBEY STREET,  
DUBLIN 1.

## Notification of Decision to Grant Permission/Annex 1

### Local Government (Planning and Development) Acts, 1963-1983

To..... **McCrossan O'Rourke Architects,** Decision Order ..... **P/787/90 21.2.90**  
..... **4 Berkeley Street,** Number and Date .....  
..... **Dublin 7.** Register Reference No. .... **89A/2308**  
..... Planning Control No. ....  
..... Application Received on .... **22.12.89**

Applicant **Flynn & O'Flaherty Properties Limited.**

In pursuance of its functions under the above-mentioned Acts, the Dublin County Council, being the Planning Authority for the County Health District of Dublin, did by Order dated as above make a decision to grant Permission/Annex 1 for:-

..... office development, consisting 4. two storey blocks, 5. three storey blocks, change of use to.....  
..... offices of 3 existing houses including 2 new extensions, demolition of one existing house and  
..... new E.S.B. Substation at Richview, Clonskeagh Road, Clonskeagh.

#### SUBJECT TO THE FOLLOWING CONDITIONS

CONDITIONS	REASONS FOR CONDITIONS
27. A financial contribution in the sum of £60,000 shall be made towards the cost of necessary road improvements and traffic management arrangements in the area required to facilitate the development. This contribution to be paid to the County Council prior to commencement of development.	27. In the interest of the proper planning and development of the area.
28. That a management plan be submitted to and agreed with Planning Authority prior to commencement of development with regard to the maintenance of internal roads, footpaths, car parking areas, open space, public lighting, sewers, watermains and drains, forming a part of the development.	28. To ensure a satisfactory standard of maintenance.
29. That details of a revised access be submitted for the agreement of the Planning Authority prior to the recommencement of development and such details shall include the relocation of the access at a point opposite the access to Clonskeagh Square together with proposals for revising the landscaping, car parking and boundary treatment so far as is necessary to provide for the revised access arrangement.	29. In order to ensure an adequate and safe flow of traffic.
	Over .....

Signed on behalf of the Dublin County Council .....

*[Signature]*  
For Principal Officer

21 February 1990  
Date.....

IMPORTANT: Turn overleaf for further information

CONDITIONS	REASONS FOR CONDITIONS
<b>NOTE:</b> The applicant is advised to consult with Roads Department prior to the preparation of the proposals for the revised access.	
30. Provision shall be made in the landscaping scheme for the future provision of car parking spaces if required and details of the location and amount of such spaces shall be agreed with the Planning Authority prior to the occupation of any of the offices.	30. In order to ensure adequate provision of parking spaces as the proposed provision of parking is less than the required standard.
31. That a wall 1.5 metres high and stone faced on its south eastern side shall be erected along the south eastern boundary where it abounds the car parking area to the rear of Block 9.	31. In the interest of the amenities of the adjoining property.

**NOTE:**

If there is no appeal to An Bord Pleanala against this decision PERMISSION/APPROVAL will be granted by the Council as soon as may be after the expiration of the period for the taking of such appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/APPROVAL after the withdrawal.

An appeal against the decision may be made to An Bord Pleanala. The applicant may appeal within one month from the date of receipt by him of this notification. ANY OTHER PERSON may appeal within twenty-one days beginning on the date of the decision.

An appeal shall be in writing and shall state the subject matter and grounds of the appeal. It should be addressed to:—  
An Bord Pleanala, Blocks 6 and 7, Irish Life Centre, Lower Abbey Street, Dublin 1.

(1) An appeal lodged by an applicant or his agent with An Bord Pleanala will be invalid unless accompanied by a fee of £36 (Thirty-six Pounds). (2) A party to an appeal making a request to An Bord Pleanala for an Oral Hearing of an appeal must, *in addition* to (1) above, pay to An Bord Pleanala a fee of £36 (Thirty-six Pounds). (3) A person who is not a party to an appeal must pay a fee of £10 (Ten Pounds) to An Bord Pleanala when making submissions or observations to An Bord Pleanala in relation to an appeal.

Approval of the Council under Building Bye-Laws must be obtained and the terms of the approval must be complied with in the carrying out of the work before any development which may be permitted is commenced.

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## EXISTING BUILDING

WHITEBEAM ROAD

CLONSKEAGH

1

100

4

SITE AREA 3

100

P

BEACH HILL R

Richview  
Office Pa

AN COIMISIÚN PLEANÁLA

SCALE	DATE	DRAWING NUMBER	NAME
1:250	APRIL 25	25716/1	
<b>DOCUMENT WORKING STATUS</b>			
<input type="checkbox"/> FOR APPROVAL	<input type="checkbox"/> FOR REVIEW	<input checked="" type="checkbox"/> FOR PLANNING	
<input type="checkbox"/> FOR TENDER	<input type="checkbox"/> FOR CONSTRUCTION	<input type="checkbox"/> AS BUILT	
 <b>FINGAL PLANNING CONSULTANTS</b>			
<b>7C DALBRIDGE STREET, BUERRIES, CO. DUBLIN, D14 KPH9.</b> <b>Phone: 01 849 1316</b> <b>Mob: 086 854 6914</b> <b>Email: info@fpc.ie</b> <a href="http://www.fpc.ie">www.fpc.ie</a>			
<p>Figured dimensions only to be taken from this drawing.          All dimensions to be checked on site. Do not scale - If in doubt ask. Fingal Planning Consultants to be informed immediately of any discrepancies before work proceeds.          Drawing to be used only for purpose intended.</p>			
<b>CLIENT</b> <b>CANTROUK LTD.</b>			
<b>PROJECT</b> <b>SECTION 5 APPLICATION @</b> <b>UNIT 3 &amp; 4 RICHVIEW OFFICE PARK</b>			
<b>TITLE</b> <b>PROPOSED SITE LAYOUT</b>			

# SECTION 5 DRAWING

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EXISTING FRONT ELEVATION  
SCALE 1:100



EXISTING REAR ELEVATION  
SCALE 1:100



EXISTING SIDE ELEVATION  
SCALE 1:100



EXISTING SIDE ELEVATION  
SCALE 1:100

AN BORD PLEANÁLA	
16 JUN 2025	
LTR DATED _____ FROM 1 <sup>st</sup> PARTY	
LDG- _____	
ABP- 322779-25	

ITEM	REASON FOR ISSUE	ISSUED DATE
DOCUMENT WORKING STATUS		
<input type="checkbox"/> FOR APPROVAL	<input type="checkbox"/> FOR REVIEW	<input checked="" type="checkbox"/> FOR PLANNING
<input type="checkbox"/> FOR DESIGN	<input type="checkbox"/> FOR CONSTRUCTION	<input type="checkbox"/> AS BUILT
<b>FINGAL PLANNING CONSULTANTS</b> <b>7C BALBRIGGAN STREET,</b> <b>BAKERSFIELD, CO. DUBLIN</b> <b>104 KPS.</b> <b>Phone: 01 849 1316</b> <b>Mob: 086 854 6914</b> <b>Email: info@fpc.ie</b> <a href="http://www.fpc.ie">www.fpc.ie</a>		
<small>Figured dimensions only to be taken from this drawing.          All dimensions to be checked on site. Do not scale - If in doubt ask. Fingal Planning Consultants to be informed immediately of any discrepancies before work proceeds.          Drawing to be used only for purpose intended.</small>		
CLIENT	CANTROUK LTD.	
PROJECT	PROPOSED CHANGE OF USE @ UNIT 3 & 4 RICHVIEW OFFICE PARK	
AREA	EXISTING ELEVATIONS	
SCALE	DATE	DRAWING NUMBER
1:100	APRIL 25	25/718/2

# SECTION 5 DRAWING

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PROPOSED FRONT ELEVATION

SCALE 1:100



PROPOSED COLOUR RAL7021



PROPOSED REAR ELEVATION

SCALE 1:100



PROPOSED SIDE ELEVATION

SCALE 1:100



PROPOSED SIDE ELEVATION

SCALE 1:100

DATE	REASON FOR ISSUE	DRAWN	DATE
DOCUMENT WORKING STATUS			
<input type="checkbox"/> FOR APPROVAL	<input type="checkbox"/> FOR REVIEW	<input checked="" type="checkbox"/> FOR PLANNING	
<input type="checkbox"/> FOR READING	<input type="checkbox"/> FOR CONTRACT	<input type="checkbox"/> ASSIST	
<b>FINGAL PLANNING CONSULTANTS</b> <b>7C BALKERIGGAN STREET, SKERRIES, CO. DUBLIN, F04 K995.</b> <b>Phone: 01 849 1316</b> <b>Mob: 086 854 8914</b> <b>Email: info@fpc.ie</b> <a href="http://www.fpc.ie">www.fpc.ie</a>			
<small>Figured dimensions only to be taken from this drawing.          All dimensions to be checked on site. Do not scale - If in doubt ask. Fingal Planning Consultants to be informed immediately of any discrepancies before work proceeds.          Drawing to be used only for purpose intended.</small>			
CIAT			
CANTROUK LTD.			
PROJECT PROPOSED CHANGE OF USE @ UNIT 3 & 4 RICHVIEW OFFICE PARK			
DRAWN PROPOSED ELEVATIONS			
SCALE	DATE	DRAWING NUMBER	SCALE
1:100	APRIL 25	25/7183	

**AN BORD PLEANÁLA**

16 JUN 2025

LTR DATED \_\_\_\_\_ FROM 1<sup>ST</sup> PARTY

LDG- \_\_\_\_\_

ABP- 322779-25