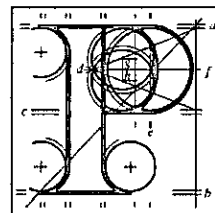


Our Case Number: ABP-314440-22

Planning Authority Reference Number: ED22/0023



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24

Date: 12 DEC 2023

Re: Whether the partial conversion of existing derelict public lounge to contain 2 apartments is or is not development or is or is not exempted development
Blue Gardenia, McDonaghs Lane, Brittas, Co. Dublin


Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2022. A copy of the order is enclosed.

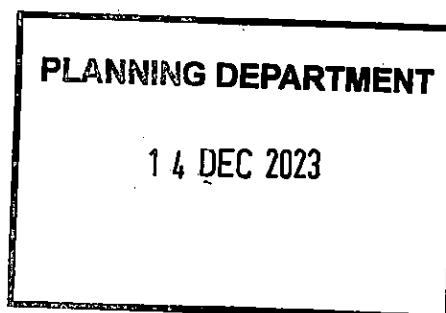
In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,


Kieran Somers
Executive Officer

RL100n



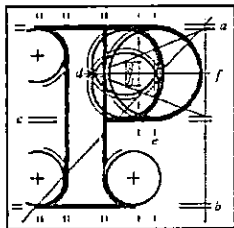
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An
Bord
Pleanála

Board Order
ABP-314440-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: ED22/0023

WHEREAS a question has arisen as to whether the partial conversion of existing derelict public lounge to contain two apartments at Blue Gardenia, McDonaghs Lane, Brittas, County Dublin is or is not development or is or is not exempted development,

AND WHEREAS Edward Fahy care of Farry Town Planning Limited of Suite 180, 28 South Frederick Street, Dublin requested a declaration on this question from South Dublin County Council and the said Council issued a declaration on the 28th day of July, 2022 stating that the matter is development and is not exempted development,

AND WHEREAS the said question was referred to An Bord Pleanála by the said Edward Fahy on the 22nd day of August, 2022,

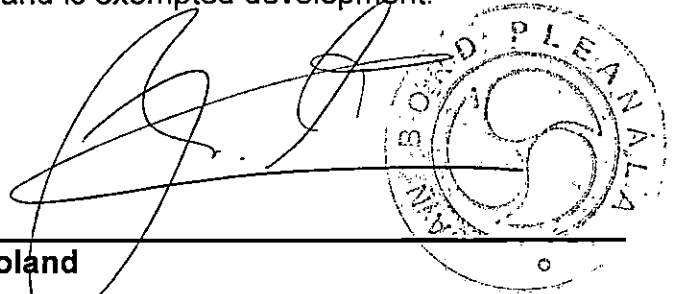
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Sections 2(1) and 3(1)(a) of the Planning and Development Act 2000, as amended,
- (b) Articles 9(1) and 10(6) of the Planning and Development Regulations 2001, as amended,
- (c) Class 12 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001, as amended,
- (d) the planning history of the Public House, and
- (e) relevant precedent referrals and judgments,

AND WHEREAS An Bord Pleanála has concluded that:

- (a) the proposed residential use is a material change in the use of the derelict public lounge at 'Blue Gardenia' Public House being development,
- (b) the proposed works to the derelict public lounge at 'Blue Gardenia' Public House to facilitate the proposed use is development, and
- (c) the proposed development would come within the scope of exempted development under Article 10(6)(c) as it would consist of a change of use of part of a Public House within Class 12 of Part 4 of Schedule 2 of the said regulations to residential use,

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the Planning and Development Act 2000, as amended, hereby decides that the partial conversion of the existing derelict public lounge to contain two apartments at Blue Gardenia, McDonagh's Lane, Brittas, County Dublin is development and is exempted development.

A handwritten signature in black ink is written over a horizontal line. To the right of the signature is a circular official seal of An Bord Pleanála. The seal features a central triskelion symbol and the text 'AN BORD PLEANÁLA' around the perimeter.

Joe Boland

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this *12TH* day of *December* 2023.