



An  
Bord  
Pleanála

**Board Direction**  
**BD-018695-25**  
**ABP-319531-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/01/2025.

The Board decided, as set out in the following Order, that

**WHEREAS** a question has arisen as to

- (1) Whether the change from hotel bedroom accommodation to ancillary hotel restaurant (with bar) use at 3<sup>rd</sup> floor, is or is not exempted development
- (2) Whether an increase in additional floor area at 3<sup>rd</sup> floor level is or is not exempted development
- (3) Whether an increase in additional floor area at lower ground floor level, is or is not exempted development

at the Dean Hotel, 80, 82, 84, 86 Bohermore, Galway City.

**AND WHEREAS** Advanced Vision Ltd requested a declaration on this question from Galway City Council and the Council determined that each of the matters to which the question relates is development and is not exempted development.

**AND WHEREAS** Advanced Vision Ltd referred this request to An Bord Pleanála on the 16th day of April, 2024:

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

- a) Section 2(1) of the Planning and Development Act, 2000, as amended,
- b) Section 3(1) of the Planning and Development Act, 2000,
- c) section 4(1) of the Planning and Development Act, 2000, as amended,
- d) Article 3 of the Planning and Development Regulations, 2001, as amended,
- e) Article 6(1) and Article 9(1) of the Planning and Development Regulations, 2001, as amended,
- f) Parts 1 and 3 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- g) the planning history of the site, and
- h) the report and recommendation of the planning inspector.

**AND WHEREAS** An Bord Pleanála has concluded that -

On the basis of the information on file the original hotel was not fully constructed in accordance with the planning permission (Reference 17/41) granted by the Planning Authority, the change in location of bar/restaurant and increase in gross floor area at lower ground floor level and third floor level is a material change from the parent permission, and the changes made by the developer in this instance do not accord with Article 9(1)(a)(i) of the Planning and Development Regulations 2001 (as amended) and therefore -

- (a) The change from hotel bedroom accommodation to ancillary hotel restaurant (with bar) use at 3<sup>rd</sup> floor, is development and is not exempted development.
- (b) The increase in additional floor area at 3<sup>rd</sup> floor level is development and is not exempted development
- (c) The increase in floor area at first floor level is development and is not exempted development.

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5(3)(a) of the 2000 Act, hereby decides that the

- (a) The change from hotel bedroom accommodation to ancillary hotel restaurant (with bar) use at 3rd floor, is development and is not exempted development.
- (b) The increase in additional floor area at 3rd floor level is development and is not exempted development
- (c) The increase in floor area at first floor level is development and is not exempted development.

**Board Member:**

Mary Gurrie  
Mary Gurrie

**Date:** 27/01/2025