



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3447/19

Appeal by Osteria Lucio care of McGill Planning Limited of 45 Herbert Lane, Dublin against the decision made on the 2nd day of September, 2019 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Retention (for two years) of outdoor seating area structure (circa 23.2 square metres) comprising aluminium and glass enclosure with retractable roof (circa 2.9 metres in height, circa 1.74 in width and circa 11.1 metres length). The property fronts onto Clanwilliam Terrace to the west and is south of Grand Canal Quay Railway Bridge which is a Protected Structure (RPS Reference 883/3276). A small area of the site falls within the North Lotts and Grand Canal Dock Strategic Development Zone Planning Scheme area, however the majority of the site is outside of the SDZ Planning Scheme area. The specific development, the subject of this retention application, is located outside the SDZ Planning Scheme area, all at "Osteria Lucio", The Malting Tower, Grand Canal Dock, Clanwilliam Terrace, Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to the nature, scale and location of the development proposed to be retained, to the provisions of the Dublin City Development Plan 2016-2022, to the planning history, and to the site context, the Board considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the visual amenity of the area or of the character of the designated Conservation Area, would not set an undesirable precedent, and would be acceptable in terms of pedestrian and traffic safety. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board was satisfied that, having regard to the nature, scale and use of materials and reversibility of the proposed development to be retained, that it would not have a detrimental effect on the visual amenities of the area or of the character of the Conservation Area. Furthermore, having regard to recently permitted developments in the area, the Board considered that the structure will provide street animation and enhance the vibrancy of the street. The Board noted the pedestrianised nature of the adjoining railway underpass/bridge and the availability of a second footpath opposite the restaurant and the lightly trafficked nature of the cul-de-sac and was satisfied that the proposed structure to be retained would not seriously impede pedestrians with impaired mobility and that sufficient width and alternative options were available. The Board considered, therefore, that the development proposed for retention would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. This permission shall be for a period of two years from the date of this Order. The outdoor seating area structure shall then be removed unless, prior to the end of the period, permission for its retention shall have been obtained.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

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

Dated this day of 2020