



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3769/19

Appeal by Donnachadh Byrne of 81 Bargy Road, East Wall, Dublin against the decision made on the 16th day of December, 2019 by Dublin City Council in relation to an application by Darring Limited care of Stevenson Maguire Design Limited of 11 Dornden Park, Booterstown, County Dublin for changes to the north elevation, to include replacement of two number windows with doors, remodelling of entrance on East Road to include demolition of existing external stair tower and change of use of off-licence to public house, all at Seabank House, East Wall Road, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for change of use of off-licence to public house and to refuse permission for changes to the north elevation, to include replacement of two number windows with doors, remodelling of entrance on East Road to include demolition of existing external stair tower).

Decision

GRANT permission for change of use of off-licence to public house in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for changes to the north elevation, to include replacement of two number windows with doors, remodelling of entrance on East Road to include demolition of existing external stair tower based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the zoning objectives for the area and to the pattern of development in the area, the Board considered that, subject to compliance with the conditions set out below, this element of the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This element of the development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received on the 19th day of November, 2019, except as may otherwise be required in order to comply with the following condition. Where such condition requires details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

Reasons and Considerations (2)

1. The remodelling of the entrance on East Wall Road facilitates an increase to the balcony/terrace. Having regard to the use of the balcony/terrace as a smoking area and its proximity to residential property on the upper levels of Seabank House and in the vicinity, it is considered that the increase in area to the balcony/terrace would seriously injure the residential amenities of these properties, by reason of noise and general disturbance and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The description of the development and the works seeking permission have not been accurately described. The replacement of two number windows with doors to the north elevation along East Wall Road is to facilitate the provision of a new smoking section. This is not included within the public notices. Modifications to the north elevation and the provision of a smoking area should be subject to a separate application. This element of the development, by itself and by the precedent for which a grant of permission would set, would be contrary to the stated provisions of the Dublin City Development Plan 2016-2022 and to the proper planning and sustainable development of the area.

Paul Hyde

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

Dated this day of 2020.