



Board Direction

Ref: PL61.245970

The submissions on this file and the Inspector's report were considered at a Board meeting held on April 1st, 2016.

The Board decided to refuse permission generally in accordance with the Inspector's recommendation, subject to the amendments to the Inspector's draft reasons and considerations set out below.

REASONS AND CONSIDERATIONS

1. The retention of the dining/seating area in combination with the basement kitchen represents an overdevelopment and intensification of uses within this site which has resulted in the displacement of dry, waste and cold storage areas. If permitted, this would facilitate the use of communal areas for purposes detrimental to residential amenity, would fragment and adversely impact upon the usability and functionality of the area specifically designated as a communal open space intended to be used for the enjoyment of the occupiers of the apartment building and would be contrary to the proper planning and sustainable development of the area.
2. The retention of the use of the external shed as a cold room and storage area, contravenes a requirement of a previous permission, PA Ref. No. 11/184 (ABP Ref. PL61.240222), for this area to accommodate waste storage for the residential element of this building. The applicant has failed to adequately demonstrate that this use would not adversely impact upon the residential amenities of the area and its continued usage, due to its external location, divorced from the main restaurant would require access to the rear communal area on a regular basis for business activities associated with the restaurant which would be detrimental to the residential amenities of the apartments.
3. The proposed development, in particular the retention of the use of the external store and the basement kitchen, if permitted, would facilitate a development without the benefit of planning permission,

namely the vents, ducting and access holes through the communal areas, these elements are considered to be invasive and would fragment the communal open space. These works, which the applicants have not demonstrated sufficient legal interest to carry out, would be detrimental to the residential amenity of the communal open space.

Board Member: _____
Nicholas Mulcahy

Date: April 11th, 2016