



An
Bord
Pleanála

Board Direction
BD-001430-18
ABP-301262-18

The submissions on this file and the Inspector's further report were further considered at a Board meeting held on 23/10/2018 in light of Section 37(1)(b) of the Planning and Development Act, 2000.

The Board decided, generally, in accordance with the Inspector's recommendation, to make a split decision, to

- 1 **grant permission** for new garden railings and planting, internal alterations in seating at the servery, and works consequent on new Fire Safety Certificate and Disabled Access Certificate applications 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.

and

- 2 **refuse permission** for new retractable canopy at the front and change in the hours of opening from between 0800 and 1800 hours on Monday to Friday only, to between 0800 and 2300 hours on Monday to Wednesday, to between 0800 and 2330 hours on Thursday and Friday, to between 1000 and 2330 hours on Saturday, and to between 1000 and 2300 on Sunday based on the reasons and considerations marked (2) under.

Reasons and Considerations 1

Having regard to the planning history and established use on the site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development comprising new garden railings

and planting, internal alterations to the seating and servery, would not seriously injure the amenities of the area or of property in the vicinity and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the Planning Authority, except as may otherwise be required in order to comply with the following conditions. Where such conditions require 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. The hours of operation shall be restricted to the operating hours as per condition 2 of 1402/07 and shall not be used between the hours of 6.00pm and 8.00 am on a daily basis.

Reason: In the interest of the residential amenities of property in the vicinity.

3. No speaker announcements, amplified music or other audible material shall be played or broadcast in the external seating area.

Reason: In the interest of environmental amenity.

4. No advertisements or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

Reasons and Considerations (2)

1. Having regard to the location of the premises in an area zoned Z2, where the core objective is “to protect and/or improve the amenities of residential conservation areas” the Board considers that the proposed extension of opening hours would be seriously injurious to the residential amenities of the area and of properties in the vicinity, would materially contravene the objectives of the development plan and would not be in accordance with the proper planning and sustainable development of the area.
2. The proposed retractable canopy would have a significant negative visual impact on the existing residential terrace and on architectural integrity of the Z2 residential conservation area. The proposed development would be contrary to the zoning for the site would materially contravene the objectives of the development plan and would be contrary to the proper planning and sustainable development of the area.

Board Member:

Date: 23/10/2018

Terry Ó Niadh

