



An  
Bord  
Pleanála

**Board Direction**  
**BD-004915-20**  
**ABP-305564-19**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/01/2020.

The Board decided to make a split decision, to

- (1) refuse permission for retention of the restaurant use and associated development (including the outdoor seating area, twenty-foot containers, replacement chimney flue and boundary treatment)

generally in accordance with the Inspector's recommendation, for the following reasons and considerations.

### **Reasons and Considerations**

It is considered that the retention of the restaurant use and its associated development including the outdoor seating area would, by virtue of its proximity to adjoining residential properties, give rise to unacceptable levels of noise and general disturbance and, as such, would seriously injure the amenities of residential property in the vicinity. As such, the development for which retention is sought and the proposed development would be contrary to the proper planning and sustainable development of the area.

and

- (2) grant permission, for the following reasons and considerations, and subject to the following conditions, for the alterations to the internal layout including the repositioning of internal stairs and a new access door on the front elevation of No. 95 Ringsend Road

### **Reasons and Considerations**

Having regard to the established residential use on the upper floors, it is considered that the internal and external alterations sought to No. 95 Ringsend Road would not seriously injure the amenities of the area or of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **1.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 the 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. Details of all external finishes shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

**Board Member:**

**Date:** 15/01/2020

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Terry Prendergast