



An  
Bord  
Pleanála

**Board Direction**  
**BD-005434-20**  
**ABP-306439-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/03/2020.

The Board decided to make a split decision, to

- (1) grant permission, for the following reasons and considerations and subject to the following conditions for the change of use of off-licence to public house

### **Reasons and Considerations (1)**

Having regard to the zoning objectives for the area and the pattern of development in the area, the Board considered that, subject to compliance with conditions below, 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.

and

- (2) refuse permission for the remodelling of the entrance on East Road facilitates and an increase to the balcony/terrace

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

### **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.

**Board Member:**

**Date:** 18/03/2020

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Paul Hyde