



An
Bord
Pleanála

Board Direction
BD-010287-22
ABP-310908-21

The submissions on this file and the Inspector's report were considered at Board meetings held on 31/01/2022 and 16/03/2022.

At the meeting of 31/01/2022 the Board decided to defer consideration of this case and to issue a Section 137 notice to the parties. At the meeting of the 16/03/2022, the Board considered the submissions received in response to the Section 137 notice and decided to refuse permission for the following reasons and considerations.

Reasons and Considerations

The Board was not satisfied on the basis of the information on the file, that the established operation of a café/bistro within two amalgamated retail units within the adjacent Trinity Mews development is not unauthorised, and where this uncertainty exists the Board considered that it was not appropriate to facilitate the consolidation and expansion of this existing use by granting permission for a connection between both properties at ground level in conjunction with a change of use from residential to retail use of the ground floor unit. In these circumstances, the Board considered that the proposed development was not in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to grant permission, the Board was concerned, on the basis of the information on the file, that the established operation of a café/bistro within two amalgamated retail units within the adjacent Trinity Mews development was not permitted development. The Board noted in

particular the submission from the Planning Authority received in response to the Section 137 Notice which noted that "it may not be appropriate to facilitate the consolidation and expansion of this existing use by granting permission for a connection between both properties at ground floor level while this unauthorised development has not been authorised". In these circumstances, the Board considered that the proposed development was not in accordance with the proper planning and sustainable development of the area.

Board Member

Maria FitzGerald
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Date: 16/03/2022