



An  
Bord  
Pleanála

**Board Direction**  
**BD-016913-24**  
**ABP-316155-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/07/2024.

The Board decided by majority vote (2:1) to grant permission, for the following reasons and considerations, and subject to the following conditions.

**Reasons and Considerations**

Having regard to the nature and scale of the development comprising roof plant in the form of a kitchen extract duct system and a fridge condenser unit on the side wall of the existing restaurant, and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, including Objective 'NC' (neighbourhood centre) zoning of the site, and taking into account the planning history of the area and the detail submitted by the applicant including the noise assessments and architectural heritage and visual impact assessment, it is considered that the development would not detract from the amenities of the area or the character of the Architectural Conservation Area as a result of noise or visual impacts and the proposed development would otherwise be in accordance with the wider provisions of the statutory Development Plan for the area. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for both of the recommended reasons presented, in respect of the recommended reason number one, the Board was satisfied that the application satisfactorily

addressed the requirement of Section 12.9.2 'Noise Pollution and Noise Nuisance' and to Section 12.9.3 'Noise, Odour and Ventilation generation uses' of the development plan for the area. The board did not share the view of the inspector that the specific development comprising roof plant in the form of a kitchen extract duct system and a fridge condenser unit on the side wall of the existing restaurant would be detrimental to the amenities of the area. This was specifically so as the resultant noise level arising from the development at noise sensitive receptors would be below the appropriate limits, by reference to Table 5 of the Noise Assessment received by the planning authority on the 8<sup>th</sup> February 2023, which the Board accepted as being correct.

In respect of the inspector's recommended reason number two, the Board considered that the applicant had demonstrated sufficient legal interest in the land to lodge the planning application and based on a review of the documentation on file, the Board was satisfied that the application meets the requirement of Articles 18(1), 19(1) 22(1) and 22(2)(g) of the Planning and Development Regulations 2001, as amended.

### **Conditions**

As per planning authority.

**Board Member**

  
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Joe Boland

**Date:** 04/07/2024