



An  
Bord  
Pleanála

**Board Direction**  
**BD-016904-24**  
**ABP-318445-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 21/06/2024.

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

(Direction to issue with Order.)

### **Reasons and Considerations**

Having regard to the nature, scale and location of the development proposed to be retained, to the provisions of the Dublin City Development Plan 2022-2028, to the planning history and to the site context, the Board considered that subject to compliance with the conditions as set out below, the proposed development to be retained would not seriously injure the visual amenity of the area or the character of the designated Conservation Area or the adjacent protected structure (rail bridge), would not set an undesirable precedent and furthermore would be acceptable in terms of pedestrian and traffic safety. The development proposed to be retained would, therefore, 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, the Board was satisfied that, having regard to the nature, scale and use of materials and reversibility of the proposed development to be retained, that it would not have a detrimental effect on the visual amenities of the area or the character of the

Conservation Area or the adjacent protected structure (rail bridge). Furthermore, having regard to recently permitted developments in the area the Board considered that the structure will provide street animation and enhance the vibrancy of the street. The Board noted the pedestrianised nature of the adjoining railway underpass/ bridge and the availability of a second footpath opposite the restaurant and the lightly trafficked nature of the cul de sac and was satisfied that the proposed structure to be retained would not seriously impede pedestrians with impaired mobility and that sufficient width and alternative options were available. The Board considered therefore that the proposed development to be retained would be in accordance with the proper planning and sustainable development of the area.

### Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following condition.

**Reason:** In the interest of clarity.

2. This permission shall be for a period of two years from the date of this Order. The outdoor seating area structure shall then be removed unless, prior to the end of the period, permission for its retention shall have been obtained.

**Reason:** To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.

**Board Member**



Tom Rabbette

**Date:** 03/07/2024