

An
Coimisiún
Pleanála

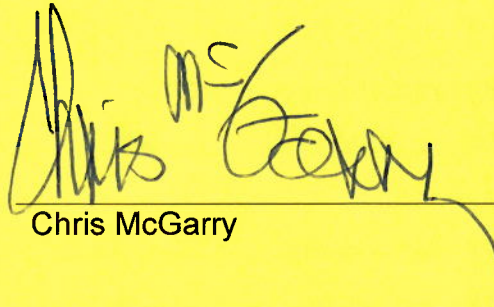
Direction
CD-020266-25
ABP-322337-25

The submissions on this file and the Inspector's report were considered at a meeting held on 18/07/2025.

The Commission decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Chris McGarry

Date: 18/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the urban context of the subject site, including a range of commercial and residential uses, and to the location of the site along a busy road corridor, to the modest, scale and form of the proposed development and its design legibility by reference to the established restaurant use of the ground floor of the adjoining premises, and to the extent of public footpath which would remain available, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area including residential property in the vicinity and would constitute an acceptable form of development at this urban location. The proposed development 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 Commission considered the totality of the documentation on file, the modest scale and form of the proposed development, its intrinsic link to the established use at ground floor of the subject premises, the location of the subject site within an area containing a range of commercial and residential uses and alongside a main road with significant traffic and transport movements. On these facts, the Commission considered that the proposed development, which provides an area for managed outdoor dining within this dynamic urban context, would provide a positive contribution to the vitality of the area, and by its modest scale and management (including hours of operation) would not adversely impact on the existing amenities of properties in the vicinity including residential uses, which at this location will be attuned to use mix and broader activities and sound from this busy urban district. In this regard the Commission did not share the opinion of the inspector that there was a risk the proposed development would lead to an unacceptable increase in noise affecting nearby residential accommodation.

On the issue of visual impact, the Commission noted the opinion of the inspector that the proposed development would break the established building line. However, the Commission considered that no building line in terms of specific architectural form or character exists at this location such that any breach would be inappropriate. In reaching this conclusion the Commission also noted the conclusion of the Planning authority (Transport Planning) by reference to the sufficiency of public footpath remaining at this location subsequent to the receipt of drawings submitted at further information stage.

Furthermore the Commission determined that the proposed development constituted a modest, legible and separately designed structural element at this location that would be readily understood as a component of the established restaurant use here and would not be detrimental to the visual amenity of the streetscape, which at this location continues both elements of broad rhythm and differing forms and scale and with elements of advertising along this stretch of streetscape.

Conditions

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 3rd day of March 2025, 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 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. Site development and building works shall be carried out only between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of properties in the vicinity.

3. The outdoor seating area shall be for dining purposes only and shall be closed between the hours of 21:00 and 09:00 daily. There shall be no live musical performances or speakers erected externally or directly into external areas.

Reason: In the interest of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

5. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or adjoining properties.

Reason: to prevent flooding or pollution.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

7. ADD IN S 49 CONDITION IN RELATION TO THE LUAS.