

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2639/16

An Bord Pleanála Reference Number: PL 29N.246842

APPEAL by James Madigan and Sons care of Peadar Nolan of 2 Glandore, Pilot View, Dalkey, County Dublin against the decision made on the 3rd day of June, 2016 by Dublin City Council in relation to an application for permission for retention of the intermittent use of the existing car park of 746 square metres at the side and back of the Horse Show House as a beer garden, including temporary structures to provide bar and catering facilities, a covered stage and an entrance canopy, retention of boundary treatment of timber clad fences and graphic wall linings to the beer garden area, retention of the existing external smoking deck of 41 square metres with canopy over and retention of the existing two flagpoles and advertising flags to the front of the building at the Horse Show House, 34-36 Merrion Road, Ballsbridge, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission for retention of the smoking deck of 41 square metres with canopy and to refuse permission for retention of the intermittent use of the existing car park of 746 square metres at the side and back of the Horse Show House as a beer garden, including temporary structures to provide bar and catering facilities, a covered stage and an entrance canopy, retention of boundary treatment of timber clad fences and graphic wall linings to the beer garden area and retention of the existing two flagpoles and advertising flags to the front of the building).

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the provisions of the current Development Plan including the zoning objective for the area and to the pattern of development in the area, 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 or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, 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. The proposed entrance canopy erected to the side of the public house and the proposed flag poles with flags on the front elevation shall be omitted. The structure with external staircase leading to an outdoor seating area on the roof of the temporary structures providing bar and catering facilities and the wooden gate/boundary separating the side from the rear of the beer garden shall both be removed unless authorised by a prior grant of planning permission

Reason: In the interest of clarity.

3. The proposed beer garden shall be used for purposes and functions connected with the public house only, and shall not be used, sold, let or leased for events and functions independent of the public house.

Reason: In the interest of clarity

4. Notwithstanding the provisions of the Planning and Development Regulations 2001, as amended, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.