

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dublin City

Planning Register Reference Number: 2519/16

An Bord Pleanála Reference Number: PL 29N.246939

APPEAL by Michael Tuite of 17 Alma Road, Monkstown, County Dublin against the decision made on the 23rd day of June, 2016 by Dublin City Council to grant subject to conditions a permission to Thorepeview Limited care of Millimetre Design of 3D Main Street, Ongar Village, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Replacement of part of existing pitched roof with a retractable roof. Works will also include modifications to shop-front, replacing existing external fascia signage with new raised and pin mounted back lit signage to both elevations. Works will include replacing existing projecting signage to both elevations at Smyth's Pub, 12 Fairview and Fairview Avenue Lower, Dublin.

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 location of the bar in an area zoned District Centre, the pattern of development in the area, and the nature and scale of the development proposed, 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, would not represent a traffic hazard, and 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 issue a split decision (refusing the roof modifications and neon signage), taking into consideration the established nature of the business and the land use zoning, the Board was satisfied that, given the separation distance to residential property and the conditions limiting the extent of roof openings, requiring no amplified music and controlling opening hours of the retractable roof elements, the amenities of surrounding property would be adequately protected, and that the signage as proposed would not be offensive. The Board agreed with the planning authority in relation to the omission of projecting signage.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 30th day of May, 2016, 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 development shall be amended as follows:
 - (a) the proposed retractable roof panes to the northern roof plane shall be omitted from the development. The proposed retractable roof to the southern roof plane shall be constructed as shown on the submitted plans, and

- (b) the projecting signage to the south facing and west facing elevations shall be omitted.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual and residential amenity.

3. No speaker announcements, amplified music or other audible material shall be played or broadcast in the first floor room served by the retractable roof.

Reason: To protect the amenities of the area and of adjacent property.

4. The retractable sections of the roof shall be closed after 11.30 pm every night and shall not re-open before 10.00 am the following day.

Reason: To protect the amenities of the area and of adjacent property.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 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 residential amenities of property in the vicinity.

6. Water supply and drainage arrangements, including the attenuation and 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.