

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dublin City

Planning Register Reference Number: 3729/16

An Bord Pleanála Reference Number: PL 29S.247686

APPEAL by Iain Willis of 53 Reuben Street, Dublin against the decision made on the 10th day of November, 2016 by Dublin City Council to grant subject to conditions a permission to Marc Godart care of Edward Fitzgerald Selby of 32 Butterfield Grove, Rathfarnham, Dublin.

PROPOSED DEVELOPMENT: Change of use from retail to use as a food-take-away premises, of the 35 square metres left-hand-side, corner ground floor unit. The unit is to have a new entrance door off Reuben Street. The extractor vent is to be ducted up the exterior of the rear wall and discharge at roof-top level. Refuse disposal to be provided for in the basement of the Reuben Square Development, all at Reuben House, Reuben Street, Dolphin's Barn, Dublin.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations 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 proposed change of use of this unit from retail to a take-away use with late evening opening hours,
- the proximity of residential development including balconies opposite in Earls Court,
- the communal access to the residential apartments in Reuben House above, and
- the visual impact to these apartments of the large ventilation pipe at the rear,

it is considered that the proposed use in this location would negatively impact on the residential amenities of the area. Furthermore, it would also impact adversely on property in the vicinity by reason of noise and general disturbance proximate to the junction of Reuben Street and Dolphin's Barn Street and would, as such, be contrary to Section 16.24 of the Dublin City Development Plan 2016-2022 relative to the controls on Take-aways, and would set an undesirable precedent for this type of use on Reuben Street. In addition, the traffic associated with the take-away use risks undue impact on the safety and convenience of road users as a result of inappropriate parking on this corner. The proposed development would, therefore, seriously injure the amenities of the area and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2017.