



An  
Bord  
Pleanála

**Board Order**  
**PL 29S.247786**

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**Planning and Development Acts 2000 to 2016**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3570/16**

**Appeal** by Junaid and Juwayriyah Nayyar care of Liam Cullen Planning and Design of 44 Ballinteer Crescent, Dublin against the decision made on the 2<sup>nd</sup> day of December, 2016 by Dublin City Council to refuse permission.

**Proposed Development:** Integration of Unit B (53.31 square metres) and Unit C (36.37 square metres) into one unit (combined floor area of 92.60 square metres) and use of unit as a hot food take-away outlet incorporating the provision of a public seating and eating area (previously approved under planning register reference numbers 4724/07 and 4140/09) at Units B and C, Pier 19, Usher's Island, Dublin.

## **Decision**

**REFUSE** permission for the above proposed development in accordance with 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 location of the unit directly below windows and the private amenity space of an established apartment development, and to the guidance set out in Section 16.24 of the Dublin City Development Plan 2016 – 2022 for the appropriate location of take-aways, it is considered that the proposed development would seriously injure the residential amenities of the area by reason of odour and noise emissions and would, therefore, be contrary to the proper planning and sustainable development of the area

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

**Dated this        day of                                2017**