



Planning and Development Acts 2000 to 2017

Planning Authority: Dublin City Council

Planning Register Reference Number: 2764/17

Appeal by Bernadette Ward of 206 Botanic Avenue, Glasnevin, Dublin against the decision made on the 13th day of June, 2017 by Dublin City Council to grant subject to conditions a permission to Garrett McMahon care of Clonliffe Architects of Botanic Court, 30-32 Botanic Road, Glasnevin, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of use of ground floor level as coffee shop (previously used as an off-licence), change of use of first floor level from residential unit to kitchen and storage associated with coffee shop, construction of a two-storey flat roof extension (22 square metres total area) to the rear/south of the property and all associated site works at McMahon's of Botanic Avenue, 191 Botanic Road, Glasnevin, 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 Z3 zoning objective for the site which seeks to provide for and improve neighbourhood facilities, and to the established pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development for which retention is sought would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development and the development for which retention is sought would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out, completed and retained 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 the commencement of development and the development shall be carried out, completed and retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. No advertisement or advertisement structures shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

3. The developer shall control odour emissions from the premises in accordance with measures including extract duct detail which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

4. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

5. 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.

6. The site development works and construction works shall be carried out in such a manner to ensure that the adjoining streets are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: In the interest of visual amenity.

7. Within six months of the date of this order, the developer shall implement a landscaping scheme to improve the character of the rear yard, in accordance with the prior written agreement of the planning authority.

Reason: In the interests of the visual and residential amenities of adjoining properties.

