

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

**Dublin City Council**

**Planning Register Reference Number: 3819/17**

An Bord Pleanála Reference Number: ABP-300332-17

**APPEAL** by Kirkenvale Limited care of Manahan Planners of 38 Dawson Street, Dublin against the decision made on the 2<sup>nd</sup> day of November, 2017 by Dublin City Council to refuse permission for the proposed development.

**PROPOSED DEVELOPMENT:** Change of use of existing retail store to café located at ground and first floor only. Internal alterations which include provision of new ground floor w.c.'s including a wheelchair accessible w.c., storage area, office, servery counter and food display, minor repair, drainage provisions and general internal redecoration, minor repair and full re-decoration of the front façade and historic canopy, lighting upgrade and for modifications to the existing signage. The works are being carried out within a conservation area. All at 16 Clare Street, Dublin (a Protected Structure, RPS Number 1891).

## **DECISION**

**GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 zoning objective for the site and the policies of the Dublin City Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would not be detrimental to the integrity of the Protected Structure, would not detract from the character or setting of any nearby Protected Structures, and would represent an appropriate use within this city centre location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out 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. All works to the interior and exterior of the subject building shall be carried out under the supervision of an accredited Grade 1 or Grade 2 Conservation Architect, and shall ensure that all existing historic fabric is retained, and that all new works are carried out in accordance with best conservation practice, in compliance with the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011.

**Reason:** To secure the authentic preservation of the Protected Structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

3. The change of use hereby permitted is for a café/restaurant use only, and the premises shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway).

**Reason:** In order to delimit the extent and nature of the proposed use, having regard to the character of the Protected Structure, and in the interests of visual and residential amenity.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertising signs of any kind whatsoever shall be erected on the exterior of the subject building, nor be located within the interior of the building, without a separate grant of planning permission.

**Reason:** It is considered that, as insufficient details have been provided in the current planning application regarding the nature and extent of any signage, and having regard to the necessity of ensuring that any signage that may be proposed, to replace existing signage or otherwise, does not detract from the character of the Protected Structure, all signage shall be the subject of a separate planning permission.

5. No external seating, tables, or enclosures, whether temporary or permanent, and no storage of goods, and no advertising hoardings, structure or devices, shall be erected forward of the existing front wall/glazing of the building, whether or not within the site ownership, without prior planning permission or a licence under the appropriate legislation.

**Reason:** In the interest of visual amenity, and to allow the planning authority to control the extent of such structures (if any), having regard to the need to retain the character and historic appearance of this protected structure.

6. 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 amenities of property in the vicinity, and in the interest of pedestrian safety.

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

**Dated this            day of            2018.**