



---

**Planning and Development Acts 2000 to 2017**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 4199/17**

**Appeal** by John Morris of 45-47 James Street, Dublin against the decision made on the 9<sup>th</sup> day of January, 2018 by Dublin City Council to grant subject to conditions a permission to Christian Fraunfelter and Tanya Quinn care of A2 Architects of 3 Great Strand Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Change of use of existing ground floor vacant retail unit to restaurant for consumption of hot food on and off the premises.

Alterations to internal layout to provide seating, kitchen and toilets.

Modifications to elevations comprising replacement of existing shopfront including signage, alteration of existing projecting signage and replacement of ground floor windows and doors to front elevation and new fan extract flue to rear elevation. The development includes replacement of flat roof to rear and sundry other minor works, development all at 43-33 James's Street, 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 zoning of the site location, 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 the residential amenities of property in the vicinity and would 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 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. Prior to commencement of development, details of the proposed arrangements for installation of ventilation and extraction facilities serving the development, inclusive of the proposed location for the flue, shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of clarity and amenity.

3. No external security shutters shall be erected on the premises unless authorised by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

4. The proposed shopfront shall be in accordance with the following requirements: -
  - (a) Signs shall be restricted to a single fascia sign in hand-painted lettering or individually mounted lettering.
  - (b) Lighting of the fascia and shopfront shall be by means of external illumination only.
  - (c) The existing projecting sign shall be removed prior to occupation of the unit. No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
  - (d) No adhesive material shall be affixed to the windows or the shopfront.

- (e) No free-standing advertising structures may be erected in front of the premises.

**Reason:** In the interest of visual amenity.

5. The premises shall not be used as an independent take-away facility. Take-away facilities shall be confined to those which are ancillary to the main use as a restaurant.

**Reason:** In the interest of amenity.

6. Waste within the development, including the provision of facilities for the storage, separation and collection of the waste and recyclable materials shall be in accordance with the requirements of the planning authority. Details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the appropriate management of waste and recyclable materials.

---

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

**Dated this            day of            2018.**