



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3686/17

Appeal by Kintbury Investments Limited care of BMA Planning of 128 Lower Baggot Street, Dublin against the decision made on the 9th day of March, 2018 by Dublin City Council to grant subject to conditions a permission to John and Sandy Wyer care of Red Dot Architecture of 26 Thornhill Road, Mount Merrion, County Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission was previously granted (planning register reference number 2587/15) for a single storey extension to the rear to provide extra dining facilities, WC and services to existing restaurant. That application proposed a particular layout of plant equipment, water tank and roof lights on the rear extension. These facilities were built in a different configuration . Permission was refused for their retention (planning register reference number 2767/16). Permission is now sought to alter these elements so as to provide a more acceptable layout for the plant equipment, water tank, amended roof pitch, and boundary treatment with adjoining property. Retention is also sought for retention of one number roof light and roof vents, all at 126 Upper Leeson Street (Protected Structure), 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 location of the proposed development on the roof of the single storey flat roofed extension to the rear of number 126 Upper Leeson Street, which is in use as a restaurant, to the established pattern and layout and nature of use of existing development in the immediate vicinity, to the proposed configuration and layout and the submitted design specifications for the modifications and additions which ameliorate adverse visual, odour and noise impacts, it is considered that the proposed development, subject to compliance with the conditions set out below, would not adversely affect the integrity of the elements of the structure at number 126 Upper Leeson Street which are included on the Record of Protected Structures, would not seriously injure the amenities of the area, would not be contrary to the zoning objective Z2 - "to protect and/or improve the amenities of residential conservation areas" provided for in the Dublin City Development Plan, 2016-2022 and, would, otherwise, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 22nd day of January, 2018 and by the further information received by An Bord Pleanála on the 8th day of May, 2018, 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Drainage arrangements shall be in accordance with the requirements of the planning authority.

Reason: In the interest of clarity.

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

Dated this day of 2018.