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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB1022/18**

**Appeal** by Rathgar Residents' Association care of Philip O'Reilly of Post Office Box Number 9574, Dublin against the decision made on the 14<sup>th</sup> day of March, 2018 by Dublin City Council to grant subject to conditions a permission to Brendan O'Brien care of Paul O'Brien Associates of Seaview, Forth Mountain, County Wexford in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Alterations to the existing shopfront at O'Brien's Wine, 105 Rathgar Road, 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 nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenities of the area or detract from the character of Rathgar Village. 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 the 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. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the building or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area.

3. The proposed shopfront shall be in accordance with the following requirements:
  - (a) No awnings, canopies or projecting signs or other signs shall be erected on the premises without a prior grant of planning permission.
  - (b) An external roller shutter shall not be erected, any internal shutter shall be only of the perforated type, coloured to match the shopfront colour.
  - (c) No adhesive material shall be affixed to the windows or the shopfront.

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

4. A schedule and appropriate samples of all materials to be used in the external treatment of the development to include proposed brick, shopfront materials, roofing materials, windows, doors and gates shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure an appropriate standard of development/conservation.

5. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 residential amenities of property in the vicinity.

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

**Dated this            day of            2018.**