



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3600/18

Appeal by Clontarf Baths and Assembly Rooms Company Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 20th day of September, 2018 by Dublin City Council in relation to the application by the said Clontarf Baths and Assembly Rooms Company Limited for permission for development comprising retention for minor alterations to the permitted development (planning register reference number 2975/11, An Bord Pleanála reference number PL 29N.240131 and planning register reference number 4196/16, An Bord Pleanála reference number PL 29N.248522), comprising (1) the construction of a new draught lobby (circa 13.5 square metres) at main entrance to restaurant on north elevation, (2) the addition of glazing on western and eastern corners of restaurant to enclose circa 75.4 square metres of permitted restaurant space and partial realignment of southern façade, (3) the addition of a retractable pergola structure over permitted restaurant space on upper terrace, and (4) the addition of screened roof level plant area (circa 20 square metres), all at Clontarf Baths, Clontarf Road, Dublin. In accordance with the plans and particulars lodged with the said application (which decision was to grant subject to conditions a permission for retention of (1) the construction of a new draught lobby (circa 13.5 square metres) at main entrance to restaurant on north elevation, (2) the addition of glazing on western and eastern corners of

restaurant to enclose circa 75.4 square metres of permitted restaurant space and partial realignment of southern façade, and (3) the addition of screened roof level plant area (circa 20 square metres) and to refuse permission for the addition of a retractable pergola structure over permitted restaurant space on upper terrace).

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 planning permissions pertaining to the site, the nature of the alterations to the permitted development and the limited scale of the proposed works, it is considered that, subject to compliance with the conditions set out below, the proposed development would not conflict with the land use zoning objective for the area, would not seriously injure the visual or recreational amenities of the area or the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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. Plans and elevations of the screened roof level plant area shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of clarity and the visual amenities of the area.

3. Other than the alterations indicated on submitted drawings, the development shall be carried out and completed in accordance with the previous permissions, granted under planning register reference number 2975/11 (An Bord Pleanála reference number PL 29N.240131 and planning register reference number 4196/16 (An Bord Pleanála reference number PL 29N.248522).

Reason: In the interest of clarity.

4. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2019