



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4016/18

Appeal by Brian King of 25 Leinster Road, Rathmines, Dublin against the decision made on the 19th day of November, 2018 by Dublin City Council to grant subject to conditions a permission to Josephine Leonard care of Delahunty and Harley Architects of 122 Merrion Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Retention of the single storey flat roof dog grooming premises to rear, accessed from rear laneway and advertisement 4.3 square metres to south-east side elevation and 1.4 square metres to existing rear entrance gates at 28 Chelmsford Avenue, 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 objective for the site and the policies of the Dublin City Development Plan 2016-2022, and to the scale and extent of the development proposed for retention, it is considered that, subject to compliance with the conditions set out below, the development proposed for retention would not seriously injure the residential or visual amenities of the area and would be acceptable in terms of traffic safety and convenience. The development proposed for retention would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 23rd day of January, 2019, 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 in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall also consult with Dublin City Council's Environmental Health Section and shall ascertain and comply with their requirements, if any, in regard to the prevention of a health hazard in the development.

Reason: In the interest of public health.

3. The advertisement (4.3 square metres) on the side (south-east) elevation, proposed for retention, shall be omitted. Notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, no advertisement signs other than hereby permitted, including any signs installed to be visible through the windows, advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage, or attached to the glazing without a prior grant of planning permission.

Reason: In the interest of visual amenity.

4. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The hours of operation shall be limited to between 0800 and 1800 Mondays to Saturdays. No pets associated with the dog grooming parlour shall be kept on the premises overnight.

Reason: In the interest of residential amenity.

6. 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 within six months of the date of this Order 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.

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

Dated this day of 2019.