



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 4233/18

APPEAL by Linda Hickey of 8 Lennox Street, Portobello, Dublin against the decision made on the 13th day of December, 2018 by Dublin City Council to grant subject to conditions a permission to Bernard Shaw Taverns Limited care of ODKM Architects of 39 Fitzwilliam Street Upper, Dublin for the proposed development.

Proposed Development: Retention and temporary continuation of use (for a period of three years) of semi-covered smoking area and beer garden/outdoor dining area (previously permitted under planning register reference number 4332/08 and planning register reference number 3497/13 (An Bord Pleanála appeal reference PL29S.242944) and “The Big Blue Bus” pizza kitchen and dining area of 43 square metres (as previously permitted by planning register reference number 3334/12 (An Bord Pleanála appeal reference PL29S.242235) and planning register reference number 2207/14 at The Bernard Shaw Public House, 11-12 Richmond Street South (a protected structure reference 7361 on the Record of Protected Structures) and numbers 13-14 Richmond Street South, Dublin.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations 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

1. Having regard to the planning history of the subject site (including a series of permissions granted solely on a temporary basis), the fact that these uses have now been in place for a significant period of time and have continued notwithstanding the expiration of the allowable time periods under their respective temporary permissions, and having regard to the material change in circumstances since temporary permission for these uses were first granted including, significant regeneration of lands immediately to the east of the subject site for mixed use development including residential use and to alterations in the statutory zoning objective of the Dublin City Development Plan 2016-2022, as it applies to the subject site, it is considered that to grant retention permission and permission for any further temporary continuation of use at the subject site, would be likely to delay or undermine the comprehensive regeneration of the subject site and adjoining lands, and would be inconsistent with the emerging pattern of development in the vicinity, would be contrary to the provisions of the Development Plan and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the evidence submitted with the planning application and appeal, the Board is not satisfied that the development, for which retention permission and permission for temporary continuation of use is sought, would not seriously injure the residential amenity of properties in the vicinity, by reason of noise and disturbance. The development for which retention permission and permission for temporary continuation of use is sought would, therefore, be contrary to the proper planning and sustainable development of the area.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.