



Planning and Development Acts 2000 to 2018

Planning Authority: Dublin City Council

Planning Register Reference Number: 3889/18

Appeal by Rory O'Hagan care of Corr and Associates of Unit 4, First Floor, Saint Fintan's, North Street, Swords, County Dublin against the decision made on the 13th day of December, 2018 by Dublin City Council to grant subject to conditions a permission to Shane Carthy care of Smith and Kennedy Architects of 9 Clarinda Park North, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of: (1) Change of use of vacant unit (part of 114 Drumcondra Road Upper) at ground level from retail to public house, (2) the demolition and reinstatement of 50 square metres single storey side extension, (3) refurbishment and alterations of a further 81 square metres of the existing ground floor, (4) new shopfront treatment at street level and (5) signage and ancillary site works. All at The Ivy House, 114 Drumcondra Road Upper, Drumcondra, 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 objectives for the area, the established use on the site and 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 amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development in the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board agreed with the planning authority, and considered that the modest increase in the area of the public house, would not seriously injure the amenities of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 19th day of November, 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 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. The proposed development shall be amended as follows:
 - (a) The proposed shopfront treatment to the former shop within the Ivy House building shall be omitted, including the proposal to paint the granite piers.
 - (b) A window (or windows) and door shall be provided, in keeping with the character of the existing Ivy House shopfront and building.
 - (c) The development shall not extend to overhang the footpath.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Noise levels from the proposed development shall not be so loud, so continuous, so repeated, or such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or to a person lawfully using any public place. In particular, the rated noise levels from the proposed development shall not constitute reasonable grounds for complaint as provided for in B.S. 4142 "Method for rating and assessing industrial and commercial sound".

Reason: In the interest of residential amenity.

4. The outdoor beer garden shall be closed between the hours of 2330 and 1030 daily and there shall be no live musical performances or speakers erected externally or directly into external areas.
 - (a) All entrance doors in the external envelope shall be tightly fitting and self-closing.
 - (b) All windows and roof lights shall be double-glazed and tightly fitting.
 - (c) Noise attenuators shall be fitted to any openings required for ventilation or air conditioning purposes.

Details indicating the proposed methods of compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity.

5. The developer shall control odour emissions from the premises in accordance with measures including extract duct details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

6. 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.

7. Site development and building works shall be carried out only between the hours of 0700 to 1800 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 amenities of property in the vicinity.

8. (a) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.
- (b) All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer

Reason: In the interest of public safety.

9. 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.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.