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**Planning and Development Acts 2000 to 2019**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD18A/0255**

**Appeal** by Mary Bugler care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 1<sup>st</sup> day of April, 2019 by South Dublin County Council to refuse permission for the proposed development.

**Proposed Development:** (i) Construction of a single storey extension (219.9 square metres) to rear of existing public house comprising additional bar and seating area, enclosed smoking area, new ground floor w.c. and new rear entrance from existing car park; (ii) provision of beer garden along the southern elevation of the existing public house; (iii) construction of covered smoking area along the northern elevation of the existing public house; (iv) erection of single storey storage unit (100 square metres) ancillary to the public house; (v) provision of new vehicular entrance from rear car park to serve storage unit; (vi) change of use of existing male bathroom to provide additional kitchen space (14 square metres); and all ancillary works necessary to facilitate the proposed development including boundary treatments and landscaping at Buglers Ballyboden House, Ballyboden Road, Rathfarnham, 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 established public house use on this site; the pattern of development in the area; the extent of the site, and the limited nature of the proposed alterations; it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of property in the vicinity, would not be prejudicial to public health, would be acceptable in terms of traffic safety and convenience, and 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, as amended by further plans and particulars submitted on the 4<sup>th</sup> day of March, 2019, and by the further plans and particulars received by An Bord Pleanála on the 29<sup>th</sup> day of April, 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 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. Details of external finishes of the proposed extensions to the public house, shall be submitted for the written agreement of the planning authority, prior to commencement of development.

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

3. Apart from the signage shown on the submitted drawings, no further advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, 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:** In the interest of visual amenity, and to allow the planning authority to assess any further signage through the statutory planning process.

4. Provision shall be made for parking for eight number bicycles, immediately adjacent to the public house building. Revised proposals shall be submitted for the written agreement of the planning authority, and the rack shall be installed prior to commissioning of the new extension to the public house.

**Reason:** In the interest of traffic safety and amenity.

5. Water supply and drainage arrangements shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government, in July 2006.

**Reason:** In the interest of sustainable waste management.

7. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1600 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 residential property in the vicinity.

8. Piped music/radio shall not be broadcast externally within the site.

**Reason:** In the interest of residential amenity and the wider amenities of the area.

9. 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.

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**John Connolly**

**Member of An Bord Pleanála**

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

**Dated this            day of            2019**