



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD19A/0135

APPEAL by Three Castle Investments Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 12th day of June, 2019 by South Dublin County Council to refuse permission.

Proposed Development: (1) Change of use of vacant first floor level restaurant approved under planning register reference number SD02A/0482 to provide a residential use comprising a total of six apartments, including two one bedroom and four two bedroom units with apartments 1, 2 and 5 served by private balconies, (2) minor alterations to northern, western and southern elevations, (3) provision of new access to communal open space at first floor level, (4) provision of six vehicular parking spaces at basement level, six dedicated bicycle/storage units at mezzanine level and dedicated bin storage area at ground floor level and (5) all ancillary works necessary to facilitate the development. All at Kiltipper Cafe Bar, Marlfield, Tallaght, 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

The proposed change of use would provide for residential development located directly above, and within the same building, as a large established public house/licensed premises and off-licence, that also incorporates an outdoor seating area. On the basis of the information submitted with the planning application and the appeal, the Board is not satisfied that there would not be a likely adverse impact on the residential amenity of prospective residents, from the operations of the public house/licensed premises, especially with regard to potential noise impact. Furthermore, the proposed change of use would not be in accordance with the relevant provisions of the South Dublin County Development Plan 2016-2022, including, Policy H17 Residential Consolidation, and section 11.3.2 (the requirement for mitigation measures, to address possible sources of external noise in 'living over the shop' cases). The proposed development would, therefore, in the absence of detailed noise mitigation measures, seriously injure the residential amenity of prospective residents and 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.