



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 2967/19

APPEAL by Ming Gao care of Vincent JP Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 5th day of July, 2019 by Dublin City Council to refuse permission.

Proposed Development: Change of use from motor factors to pizza takeout, new signage to front, demolition of single storey extension to rear and construction of new single storey extension to rear, together with new extract duct on rear elevation and all associated site works at 25D Malahide Road, Artane, 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 development is located in a small parade of retail units, which has a zoning objective Z3, to provide for and improve neighbourhood facilities, as set out in the Dublin City Development Plan 2016-2022. In addition, Section 16.25 of the development plan sets out as an objective (in order to maintain an appropriate mix of uses and protect night-time amenities in a particular area and to promote a healthier and more active lifestyle), to prevent an excessive concentration of takeaways and to ensure that the intensity of any proposed takeaway is in keeping with both the scale of the building and the pattern of development in the area. Furthermore, section 16.25 states that the provision of such facilities will be strictly controlled, having regard to certain criteria including the need to safeguard the vitality and viability of shopping areas and to maintain a suitable mix of retail uses, the number/frequency of such facilities in the area, the number and frequency of such facilities within a one kilometre radius of the proposed development. This small neighbourhood centre, within which the proposed development is located, currently accommodates two takeaways with a third within a short distance. It is considered that the proposed development would result in the loss of a retail unit and would lead to an overconcentration of takeaway uses, to the detriment of the vitality and range of retail uses at this Z3 neighbourhood location. The proposed development would seriously injure the residential amenities of the area including residential property in the

vicinity, by reason of the intensification of takeaway use at this location and the loss of retail diversity. The proposed development 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.