



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: SF/582

APPEAL by Mark Magennis, Grasp Network Limited (trading as Insomnia) care of Vincent J.P. Farry and Company Limited of Suite 180, 28 South Frederick Street, Dublin against the decision made on the 11th day of June, 2019 by Dublin City Council to refuse to grant a licence.

Application: Licence for the placement of street furniture on the public footpath in front of the premises consisting of two small tables each with two chairs, either side of the front entrance and surrounded by a windbreaker. The total area to which the licence will apply will be four square metres, at 99A New Cabra Road, Dublin.

DECISION

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, An Bord Pleanála hereby ALLOWS the appeal based on the reasons and considerations under and directs the planning authority to grant a licence subject to the conditions set out below.

Reasons and Considerations

Having regard to the specific site location where the proposed street furniture is to be located, the area of the footpath required to remain available for pedestrian use after the street furniture has been positioned, and the limited scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed street furniture would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. This licence is for the use of two number tables and four number chairs only in an area which shall not extend more than one metre beyond the façade of the building, including the windbreak screens and support stands.

Reason: In the interests of orderly development and pedestrian safety.

2. A clear footpath distance of 1.8 metres shall be maintained beyond the street furniture at all times.

Reason: In the interest of pedestrian safety.

3. The windbreak screens shall be of a plain or neutral colour and shall not be more than one metre high. No advertising, apart from the name of the premises, shall be used on the screens without the prior written agreement of the planning authority.

Reason: In the interest of visual amenity.

4. This licence shall be valid for a period of three years only from the date of grant by the planning authority.

Reason: To enable the impact and acceptability of such street furniture at this location to be re-assessed and in the interests of amenity and public safety.

5. The appropriate rental and table charges shall be paid to Dublin City Council within three months of the date of this Order.

Reason: It is considered reasonable that the applicant contributes to Dublin City Council for the use of the public pavement.

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.

Chris McGarry

Member of An Bord Pleanála

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

Dated this day of 2019.