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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3497/19**

**Appeal** by Basil Whelan care of AKM Design of Unit 4, Orchard Business Centre, 2009 Orchard Avenue, Citywest Business Campus, Dublin against the decision made on the 9<sup>th</sup> day of September, 2019 by Dublin City Council to refuse permission for development comprising retention permission for change of use from shop to restaurant, including associated alterations, signage and shop front, at ground level and retention of two twenty-foot shipping containers (6.1 metres by 2.44 metres each) in place of original sheds, rear store/staff room, wc's, open seating area with canopy, bin store at front corner and permission for relocation and replacement of chimney flue, removal of painted timber panels to front boundary and replacement with boundary treatment with flower boxes, alterations to the internal layout including repositioning of internal stairs and new access door to Ringsend Road for dwelling and associated works at 95 Ringsend Road, Dublin in accordance with the plans and particulars lodged with the said Council.

## **Decision**

**GRANT permission for the alterations to the internal layout including the repositioning of internal stairs and new access door on the front elevation of number 95 Ringsend Road in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for retention of the restaurant use and associated development (including the outdoor seating area, two twenty-foot containers, replacement chimney flue and boundary treatment) based on the reasons and considerations marked (2) under.**

## **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 (1)**

Having regard to the established residential use on the upper floors, it is considered that the internal and external alterations sought to number 95 Ringsend Road would not seriously injure the amenities of the area or of property in the vicinity. The proposed development 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 lodged with the application, 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 the 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 all external finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

## **Reasons and Considerations (2)**

It is considered that the retention of the restaurant use and its associated development including the outdoor seating area would, by virtue of its proximity to adjoining residential properties, give rise to unacceptable levels of noise and general disturbance and, as such, would seriously injure the amenities of residential property in the vicinity. As such, the development for which retention is sought and the proposed development would be contrary to the proper planning and sustainable development of the area.

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**Terry Prendergast**

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

**Dated this            day of            2020.**