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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 3729/19**

**APPEAL** by Wenqin Chen care of CPD Architecture of 4 The Mall, Main Street, Lucan Village, County Dublin against the decision made on the 4<sup>th</sup> day of October, 2019 by Dublin City Council to refuse permission.

**Proposed Development:** Change of use from retail use to one number 67.8 square metres restaurant use (with ancillary takeaway) at ground floor level, with the provision of one number 158.3 square metres five bedroom staff accommodation unit at first and second floor level associated with the restaurant/takeaway below at ground floor level and associated mechanical plant to the rear of the building. All at Unit 3, Block K, The River Centre, Rathborne Place, 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**

1. Having regard to the nature of the River Centre as a local centre, the narrow road network, parking arrangements and the predominantly residential nature of the area, it is considered that the proposed use as a takeaway food outlet would seriously injure the residential amenity of property in the vicinity, by reason of late-night activity, noise and general disturbance associated with such use, and would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the zoning objective and the policy for takeaway uses as set out in the current Dublin City Development Plan and would not be in accordance with the proper planning and sustainable development of the area.

2. The proposed residential development, which would have a potential occupancy of 10 persons, by reason of the failure to provide a satisfactory means of access to the apartment and the absence of private amenity open space, would result in a substandard form of development and would, therefore, seriously injure the amenity of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

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**Michelle Fagan**

**Member of An Bord Pleanála**

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

**Dated this            day of            2020.**