



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: 3696/19

Appeal by Farmer Browns Eatery Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 30th day of September, 2019 by Dublin City Council to refuse permission for the proposed development.

Proposed Development: Retention of a retractable demountable rectangular parasol at lower ground floor level to front of 170 Rathmines Road Lower (Protected Structure), Dublin.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the condition 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

Having regard to the relevant provisions set out in the Dublin City Development Plan 2016–2022, and to the nature, scale and positioning of the existing parasol which is a demountable structure, the Board considered that the existing parasol for which retention permission is sought, subject to compliance with the condition set out below, would not seriously injure the amenities of residential properties in the area or the architectural integrity and character of the protected structure or other such structures in the area and would not set an undesirable precedent.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the demountable nature of the structure which is not attached to the main protected structure or site boundary structures and which is positioned at the lower patio area and is a reversible intervention, would not seriously injure the architectural integrity and character of the protected structure. Furthermore, it was noted that the statutory notice for the development for which retention permission is sought is confined to the parasol structure only, and the appeal before the Board is not related to the use of the patio area.

Condition

The development shall be retained in accordance with the plans and particulars lodged with the planning application.

Reason: In the interest of clarity.

Stephen Bohan

Member of An Bord Pleanála

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

Dated this day of 2020.