



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D19A/0520

Appeal by Tim Lloyd of 16 Idrone Terrace, Blackrock, County Dublin against the decision made on the 23rd day of October, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Bryan and Martina Greene care of Horan Rainsford Architects of 36 Main Street, Blackrock, County Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Construction of a three storey mews building to the rear of number 38, containing a one-bed apartment at each of first and second floor levels with courtyard facing balconies, two number car parking spaces, bin, bicycle and general stores at lower ground level, all accessed from Idrone Lane; (2) a shared external courtyard between two structures, (3) alterations to the existing retail unit at ground and basement level to accommodate the construction of the new structure and change of use from retail to restaurant/café; (4) minor alterations to the ground floor entrance hall of number 38 to provide separation for the first floor residential unit, granted under register reference D16A/0794, from the restaurant/café use, and all associated site works at 38 Main Street and Idrone Lane, Blackrock, County Dublin (a Protected Structure).

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 conditions 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 zoning objective for the area as set out in the current Dún Laoghaire-Rathdown County Development Plan 2016-2022, and the Blackrock Local Area Plan 2015-2021, the location of the site within the defined core retail area under the Local Area Plan and to the nature, design and limited scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not unduly impact upon the character and setting of number 38 Main Street which is a Protected Structure (RPS number 192) and would not seriously injure the residential or visual amenities of the area. 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 particulars lodged with the application, as amended by the further plans and particulars submitted on the 27th day of September 2019, 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 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. The design of the façade onto Idrone Lane shall be in accordance with the Proposed Elevations and Sections plan drawing number 461-P-04-01 as submitted to the planning authority on the 18th day of July, 2019. The modification at further information stage comprising a minor stepped back profile at roof height shall be omitted.

Reason: In the interests of clarity and the residential amenity of future occupants.

3. (a) The café/restaurant and takeaway facility shall only be operated between 0700 hours to 2300 hours Monday to Sunday (inclusive) and shall not be operated at any other time.
- (b) The premises shall be used as a sit-down café/restaurant exclusively and there shall be no sale of hot food for consumption off the premises.
- (c) The café/restaurant shall not serve food after 2200 hours.

Reason: In the interests of residential amenity and orderly development.

4. No additional advertising sign or structure shall be erected on site except those which are exempted development, without the prior written agreement of the planning authority.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

6. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

7. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

8. Details of all air conditioning and extraction units associated with the proposed café/restaurant use shall be submitted to, and agreed in writing with, the planning authority prior to commencement of the development.

Reason: In the interest of protecting architectural heritage and residential and visual amenity.

9. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, between 0800 to 1400 on Saturdays and not at all on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the amenities of adjoining residential occupiers.

10. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction and demolition waste.

Reason: In the interests of public safety and residential amenity.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2020.