



Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Planning Register Reference Number: SF/470

Appeal by John Sweeney of 97 Sandymount Avenue, Dublin on behalf of John Zui, BoBo's Burgers Restaurant against the decision made on the 5th day of December, 2019 by Dublin City Council to refuse a licence.

Application: Extension to existing licence to place street furniture on the public footpath at the front of premises at 50-51 Dame Street (Protected Structure), Dublin. The street furniture will consist of seven tables and 14 chairs, an area of 14.1 square metres.

Decision

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, based on the reasons and considerations under, **ALLOWS the appeal and directs the planning authority to grant a licence 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

In coming to its decision, the Board had regard to the following:

- the provisions of the Dublin City Development Plan 2016-2022,
- the subject site being identified in the development plan as within a Category 2 shopping street,
- the Development Management Standards as set out in the development plan – Section 16.30 Street furniture,
- the building being a protected structure (RPS reference number 2113) and located within a Conservation Area.
- the pattern of development in the area and the recent planning history,
- the submissions on file, and
- the report of the Inspector

the Board was satisfied that the proposal, subject to compliance with the conditions set out below, would be acceptable in terms of visual amenity, would not adversely affect the character and setting of a Protected Structure, and would not cause an obstruction to pedestrians and pedestrian safety in the area. The proposal would,

therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to disallow the appeal, the Board was satisfied that the proposal would not represent a barrier/obstacle on Dame Street, would not cause an obstruction to pedestrians and pedestrian safety in this area, and having regard to its minor and temporary nature would not have a negative impact on the visual amenities of the area.

Conditions

1. The proposal shall be carried out and completed in accordance with the plans and particulars lodged with the application.

Reason: In the interest of clarity.

2. The licence shall be valid for a period of three years from the date of granting of the licence.

Reason: In the interest of clarity, and to enable the planning authority to review the matter in the light of the circumstances then prevailing.

Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2020.