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**Planning and Development Acts 2000 to 2019**

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D19A/0513**

**Appeal** by Longford Terrace Residents Association care of ARC Architectural Consultants Limited of 30 Dalkey Park, Dalkey, County Dublin against the decision made on the 19<sup>th</sup> day of December, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Avoca Handweavers care of McElroy Associates of 72 Haddington Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Retention of change of use of an existing two-storey crèche facility to café with enclosed part-covered outdoor seated courtyard area to front and associated works, all at 13A Monkstown Crescent, Monkstown, County Dublin, as revised by the further public notice received by the planning authority on the 22<sup>nd</sup> day of November, 2019.

## **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 provisions for the site, as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the nature and extent of the development proposed and to the pattern of land use in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not injure the viability and mix of uses in the area, would not lead to an overconcentration of café/restaurant uses in the area, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not adversely affect the character of the Architectural Conservation Area or of the neighbouring Protected Structures and would be acceptable in terms of traffic safety and convenience. 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 22<sup>nd</sup> day of November 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 rear yard of the building shall not be accessible to the public.

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

3. This permission relates solely to the change of use and stated and illustrated changes. It does not include any existing or proposed wall-mounted, roof-located, air-handling/vents for the unit or adjoining units and does not include any ground mounted water storage units and enclosures.

**Reason:** In the interest of clarity and to ensure that the development shall be in accordance with the permission.

4. 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. A grease trap shall be fitted on the kitchen drain to the satisfaction of the planning authority.

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

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the buildings, unless authorised by a further grant of planning permission.

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

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**Paul Hyde**

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

**Dated this            day of            2020.**