



An  
Bord  
Pleanála

**Board Order**  
**ABP-307649-20**

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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2391/20.**

**Appeal** by Paddy Tico Real Estate Limited care of Horan Rainsford Architects of 36 Main Street, Blackrock, County Dublin against the decision made on the 22<sup>nd</sup> day of June, 2020 by Dublin City Council to refuse permission for the proposed development.

**Proposed Development:** Permission is sought for: (a) Change of use of the existing taxi business totalling 40 square metres to return to residential use as a part of an existing dwelling and (b) retention of amendments to the former shopfront, re-instatement of pedestrian gateway and metal railing along the boundary onto South Circular Road and all associated site works at 410/412 South Circular Road, 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 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 provisions of the Dublin City Development Plan 2016-2022, the existing pattern of development in the area, and the nature of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development to be retained would not undermine the vitality and viability of the Dolphin's Barn District Centre/Urban Village, would not seriously injure the amenities of the area or of property in the vicinity and would provide an acceptable level of residential accommodation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The development shall be completed and retained in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 20<sup>th</sup> day of July, 2020, 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 completed and retained in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The existing dwelling and the converted area proposed as living/dining space shall be jointly occupied as a single residential unit only and the converted area shall not be sold, let or otherwise transferred or conveyed, save as part of the dwelling.

**Reason:** To restrict the use of the converted area and the dwelling in the interest of residential amenity.

3. Within three months of the date of this Order, the developer shall submit to, and agree in writing with, the planning authority the following-

(a) Revised drawings suitably scaled, showing the provision of the development in accordance with the appeal submission dated the 20<sup>th</sup> day of July, 2020.

(b) A maximum of five bedrooms throughout the dwelling

**Reason:** In the interests of clarity, residential amenity and visual amenity.

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.

**Reason:** In the interest of public health.

5. 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 the 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.

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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.**