



Planning and Development Acts 2000 to 2020

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB1915/20

Appeal by Helen Cunningham of 16 Wesley Road, Dublin and by Roisin O'Donovan of 9 Wesley Road, Rathgar, Dublin against the decision made on the 10th day of February, 2021 by Dublin City Council to grant subject to conditions a permission to Charles Cosgrave care of Declan Scullion of 10 Herbert Street, Grand Canal Dock, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Change of use of existing ground floor retail unit to veterinary reception and consultation room, change of use of existing first floor offices to veterinary treatment rooms and associated internal modifications at 89, Rathgar Road, Rathgar, 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 pattern of permitted development in the area, to the provisions of the Dublin City Development Plan 2016-2022, and to the established commercial use of the property, it is considered that, subject to compliance with the conditions set out below, the proposed change of use to a veterinary clinic would not materially contravene the Z1 zoning objective afforded to the site, would not seriously injure the residential or visual amenities of adjoining properties 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, 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. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 residential amenities of property in the vicinity.

3. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

4. 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 building 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.

5. The veterinary clinic shall be restricted to between the following opening hours -

0800 hours to 2000 hours Monday to Saturday

1000 hours to 1700 hours Sundays and Bank Holidays.

Reason: In the interest of protecting the residential amenities of the area.

6. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and organic waste, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable and organic materials, in the interest of protecting the environment.



Paul Hyde

Member of An Bord Pleanála

duly authorised to authenticate
the seal of the Board

Dated this 22nd day of June 2021