

Planning and Development Acts 2000 to 2021

Planning Authority: Louth County Council

Planning Register Reference Number: 21306

APPEAL by Anne Deary, Niamh Louet Feisser and Aideen McKeivitt care of Anne Deary of Blue House, Dundalk Street, Carlingford, County Louth against the decision made on the 24th day of June, 2021 by Louth County Council to grant subject to conditions a permission to Paul Farnon care of The Deli Bar Limited care of P. Herr and Associates of Block 4, Third Floor, Quayside Business Park, Mill Street, Dundalk, County Louth.

Proposed Development: Retention of works carried out relating to the increase in floor area at ground and first floor level, a connection of the front façade between the existing retail outlet to the residential accommodation at first floor level. Permission for the extension to an existing retail outlet by way of: the change of use of the ground floor of an adjacent dwelling house to retail use, the extension of the existing structure and change of use of part side and rear domestic yard to retail use, the provision of an external stairs in rear yard to provide access to the first floor residential accommodation and extension in floor area of residential accommodation, and associated site development work, all at Dundalk Street, Carlingford, County Louth. Further public notices were received by the planning authority on the 4th day of June, 2021.

Decision

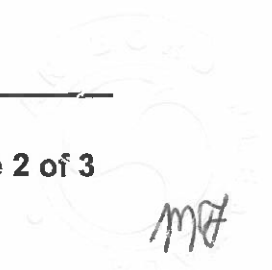
REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

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

The Board was not satisfied on the basis of the information on the file, that the established operation of a café/bistro within two amalgamated retail units within the adjacent Trinity Mews development is not unauthorised, and where this uncertainty exists the Board considered that it was not appropriate to facilitate the consolidation and expansion of this existing use by granting permission for a connection between both properties at ground level in conjunction with a change of use from residential to retail use of the ground floor unit. In these circumstances, the Board considered that the proposed development was not in accordance with the proper planning and sustainable development of the area.



In deciding not to accept the Inspector's recommendation to grant permission, the Board was concerned, on the basis of the information on the file, that the established operation of a café/bistro within two amalgamated retail units within the adjacent Trinity Mews development was not permitted development. The Board noted in particular the submission from the planning authority received in response to the Section 137 Notice which noted that "it may not be appropriate to facilitate the consolidation and expansion of this existing use by granting permission for a connection between both properties at ground floor level ... while this unauthorised development has not been authorised". In these circumstances, the Board considered that the proposed development was not in accordance with the proper planning and sustainable development of the area.

DR. Maria FitzGerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 21st day of March 2022