



Planning and Development Acts 2000 to 2021

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D21A/0866

Appeal by UTC Developments Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 24th day of November, 2021 by Dun Laoghaire-Rathdown County Council to grant subject to conditions permission for development comprising retention of the change of use of lands to the front of premises from car parking spaces to an outdoor seating and dining area (37 square metres), the provision of a food and beverage kiosk with a maximum height of three metres to the front of the premises (18 square metres), the erection of a glazed windbreak around the outdoor seating and dining area to the front of the premises and the erection of a pergola-type structure on the south-eastern side of the car park adjacent to the entrance from Dundrum Road (16 square metres) in accordance with plans and particulars lodged with the said Council and to refuse permission for the change of use of lands to the north of the premises from car park to outdoor seating and dining area (67 square metres), the erection of a further pergola-type structure together with tables and chairs to the west of the premises next to the car park (58 square metres), the provision of two modified shipping containers with a maximum height of 3.64 metres placed on the northern elevation of the premises facing the car park for the preparation of food (34 square metres), the provision of an outdoor seating and dining area

on lands to the south-east of the premises and next to the boundary wall between the public house and adjoining Advance Pitstop (77 square metres) and the change of use of lands to the north of the site from car parking spaces to a garden centre (560 square metres) and the erection of a garden centre office building (11 square metres) with a maximum height of 2.5 metres, and all ancillary site development works, all on a site of circa 2,786 square metres at Uncle Tom's Cabin, Dundrum Road, Dundrum, Dublin.

Decision

GRANT permission for retention of the change of use of lands to the front of premises from car parking spaces to an outdoor seating and dining area (37 square metres), the provision of a food and beverage kiosk with a maximum height of three metres to the front of the premises (18 square metres), the erection of a glazed windbreak around the outdoor seating and dining area to the front of the premises and the erection of a pergola-type structure on the south-eastern side of the car park adjacent to the entrance from Dundrum Road (16 square metres) in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for the change of use of lands to the north of the premises from car park to outdoor seating and dining area (67 square metres), the erection of a further pergola-type structure together with tables and chairs to the west of the premises next to the car park (58 square metres), the provision of two modified shipping containers with a maximum height of 3.64 metres placed on the northern elevation of the premises facing the car park for the preparation of food (34 square metres), the provision of an outdoor seating and dining area on lands to the south-east of the premises and next to the boundary wall between

the public house and adjoining Advance Pitstop (77 square metres), the change of use of lands to the north of the site from car parking spaces to a garden centre (560 square metres) and the erection of a garden centre office building (11 square metres) with a maximum height of 2.5 metres, and all ancillary site development works based on the reasons and considerations marked (2) under.

Reasons and Considerations (1)

Having regard to the zoning objectives for the area in the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the established use on the site, and the nature and scale of the development proposed to be retained, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential amenities of the wider area in terms of excessive noise and general disturbance or traffic congestion, would not be prejudicial to public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained 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 and the development shall be retained and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This planning permission excludes the change of use of lands to the north and east of the premises from car parking to outdoor seating and dining area; the erection of a pergola-type structure with tables and chairs to the rear of the premises next to the car park; the provision of two shipping containers for the preparation of food and pizzas; the change of use of lands to the north of the site from car parking spaces to a garden centre; the provision of outdoor seating and dining area on lands to the south-east of the premises and next to the boundary wall between the public house and Advance Pitstop; and the erection of a garden centre office building.

Reason: In the interest of clarity.

3. The outdoor seating areas and café kiosk fronting onto Dundrum Road proposed to be retained shall not operate later than 11:30 p.m. Mondays to Thursdays, 12:30 a.m. on Sundays and 11:00 p.m. on Sundays.

Reason: In order to protect the amenities of residential property in the vicinity.

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.

Reasons and Considerations (2)

On the basis of the information provided with the planning application and the appeal, and in the absence of a commensurate risk assessment of the potential flooding impacts the proposed development may have, the Board is not satisfied that the development proposed to be retained would not be prejudicial to public health. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *29* day of *May* 2023.

