



An  
Bord  
Pleanála

Board Order  
ABP-312586-22

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## **Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB5054/21**

**Appeal** by Patrick Coyne of 7 Arran Street East, Saint Michan's Parish, Inns Quay Ward, Dublin and by Lilian Munteanu of The Moldovan Retail Store Limited care of R.G. Green and Associates, Consulting Engineers of Caher House, Loughrea, County Galway, against the decision made on the 4<sup>th</sup> day of January, 2022 by Dublin City Council to grant subject to conditions a permission to the said Lilian Munteanu of The Moldovan Retail Store Limited in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Part off-licence use in the existing retail unit at Moldova Shop, 38 Capel Street, 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 nature and scale of the proposed off-licence which would be ancillary to an existing retail use and to the pattern of development in the area, it is considered that the proposed development would not give rise to an overconcentration of similar uses in this area, would not undermine the objectives of the Capel Street Architectural Conservation Area, would accord with the provisions of the Dublin City Development Plan 2016 – 2022 and 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. This permission excludes the existing projecting sign on the front elevation.

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

3. The off-licence area shall not exceed 10% of the trading area of the existing retail unit.

**Reason:** To comply with the provisions of the development plan.

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 buildings 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.

DR. Maria Fitzgerald

**Maria FitzGerald**

**Member of An Bord Pleanála**

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

Dated this 19<sup>th</sup> day of April 2022