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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Fingal County Council**

**Planning Register Reference Number: SFL/016/2022**

**APPEAL** by Jonathan Law of 40 St Margaret's Road, Malahide, County Dublin against the decision of Fingal County Council to renew the grant of a licence to KOA, T/A Kitchen of Asia (MURI Limited), of 4 Main Street, Malahide, County Dublin.

**APPLICATION:** Licence for seven number tables, 24 number chairs, three number parasols, three number windbreaks, and three heaters in an area of nine square metres, subject to a minimum footpath clearance of 1.8 metres, at KOA, 4 Main Street, Malahide, County Dublin.

**Decision**

In exercise of the powers conferred on it under section 254 of the Planning and Development Act, 2000, as amended, An Bord Pleanála, based on the reasons and considerations under, allows the appeal and directs the planning authority to **REFUSE** a licence subject to the conditions set out below.



## Reasons and Considerations

Having regard to the provisions of Section 254 of the Planning and Development Act 2000, as amended, the Board was not satisfied that the applicant had furnished sufficient information including plans and other required information to facilitate the Board's consideration of the application for a licence under this section. The Board in these circumstances was not able to ascertain that the proposed street furniture would not negatively impact on the amenities of the area, would be acceptable in terms of pedestrian and traffic safety and convenience or would be 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 7<sup>th</sup> day of Sept. 2022.

