



An
Bord
Pleanála

Board Order
ABP-313575-22

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 3424/21

Appeal by Sawbridge Limited care of Magahy Broderick Associates of 123 Lower Baggot Street, Dublin against the decision made on the 21st day of April, 2022 by Dublin City Council to grant subject to conditions a permission to Lucia Paduano care of GWA Architects of 145 Benmadigan Road, Drimnagh, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The development consists of the provision of a new single storey canopy structure to the rear of the property to create a new outdoor dining and drinks terrace area at existing first-floor level roof. Retractable glazed roof and sliding glazed screen to sides to allow use in different weather conditions. Provision for improved access by customers from ground to first-floor level including new lobby and toilets to first floor landing and improved access to terrace area. Upgrade of existing rear return extension at first-floor level with new façade and raised roof with compliant fire escape strategy head height requirements. Removal of the existing fire escape roof platform and escape ladder and provision for a new compliant emergency stair with existing final exit onto shared laneway to the rear. Removal of redundant and relocation of some existing roof mechanical and

electrical services. Renovation and improvements of existing restrooms at ground floor level to provide compliant level access to a new wheelchair accessible WC. Provision for a new lobby for fire safety to stair landing. To include renovation, alterations to the existing building, including all associated site works. All at 208 Rathmines Road Lower, Rathmines, Dublin 6.

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.

Reasons and Considerations

Having regard to the 'Z4' zoning objective pertaining to the site, the Board considers that, subject to compliance with the conditions set out below, the proposed development would generally be consistent with the Dublin City Development Plan 2022 – 2028 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, as amended by further information received by the planning authority on the 25th day of March 2022, 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. Prior to first use of the new outdoor dining terrace hereby permitted, the extraction flues and associated equipment for the effective control of fumes and odours from the premises shall be installed and made fully operational.

Reason: In the interest of residential amenity.

3. The new outdoor dining terrace hereby permitted shall be used only between the hours of 0700 and 2200 hours from Sundays to Thursdays inclusive and between the hours of 0700 and 2300 on Fridays and Saturdays.

Reason: In the interest of neighbouring amenity.

4. Notwithstanding the provisions of the Planning & Development Regulations 2001 (as amended), no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting element shall be displayed or erected on the building or within the curtilage or attached to the glazing without the prior grant of planning permission.

Reason: In the interest of visual amenity.

5. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of all intended construction practice for the development, including measures for protection of existing development and boundary walls, construction traffic routing and

management, construction parking, materials storage, site compound, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

6. Site development and building works shall be carried out only between the hours of 0700 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 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.

7. Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

8. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from the carrying out the works.

Reason: In the interest of orderly development.

9. The developer shall comply with the requirements set out in the Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise and Air Pollution Section of the planning authority.

Reason: To ensure a satisfactory standard of development.

10. Water supply and drainage arrangements, including the attenuation and 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.

11. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

12. A plan containing details for the management of waste, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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, especially recyclable materials, in the interest of protecting the environment.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.


Mary Cregg

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 25th day of October 2023.