



Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0819

Appeal by Panther Catering Limited care of Brock McClure, Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin against the decision made on the 12th day of December, 2022 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

Proposed Development: Temporary retention permission for development on a site of 0.0070 hectares. The development to be retained for a further five year period (two year temporary permission granted under Register Reference D20A/0861) comprises a single storey takeaway coffee kiosk (approximately 17 square metres) and associated outdoor seating area with boundary treatment, all occupying seven number car parking spaces in the existing car parking area adjoining the Mill House Pub at 1 Lower Kilmacud Road, Stillorgan, County Dublin.

Decision

Having regard to the nature of the condition the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to AMEND condition number 2 so that it shall be as follows for the reason set out.

2. The duration of the grant of permission shall expire five years from the date of this order. The use shall then cease, and the structure shall be removed, and lands reinstated unless a further grant of permission has been obtained.

Reason: In the interest of clarity.

Reasons and Considerations

Having regard to the site's zoning objective, the established pattern of development in the area as well as the nature and scale of the proposed development to be retained, the Board considered that the development would not be out of character with the surrounding area, would not seriously injure the existing residential or visual amenities of the area and would not impact negatively either on the capacity of the surrounding road network or car parking capacity. The Board was also satisfied that the continued use of the coffee kiosk for a temporary period of five years was reasonable and would not impede the comprehensive redevelopment of the overall site. The development proposed to be retained would, therefore, be in accordance with the proper planning and development of the area.



Joe Boland

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board

Dated this *19th* day of *February* 2024