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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 5371/22**

**Appeal** by Martin Tynan care of MacCabe Durney Barnes Limited of 20 Fitzwilliam Place, Dublin against the decision made on the 7<sup>th</sup> day of February, 2023 by Dublin City Council to refuse permission.

**Proposed Development:** The enclosure of an outdoor smoking area/yard (circa 32 square metres) linking the main bar to the rear bar of the public house with removal of the existing roof structure and retractable canopy and replacement with a pitched roof, including roof lights. The area is proposed to be incorporated within the overall internal bar floor space of the premises, at Kennedy's Public House, 132-134 Lower Drumcondra Road, Drumcondra, Dublin.

**Decision**

**GRANT permission for the above proposed development based on the reasons and considerations under and subject to the conditions set out below.**

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## Reasons and Considerations

Having regard to the zoning of the site for mixed service facilities under objective Z4 of the Dublin City Development Plan 2022-2028, the established use of the site as a public house, and the scale of the proposed works and their position away from the boundaries of the site with residential properties, it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute over-development of the site and would not seriously injure the amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

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

2. The proposed development shall be carried out and shall operate in accordance with the conditions set out under An Bord Pleanála reference number ABP-310877-21.

**Reason:** To ensure orderly development and to protect the amenities of properties in the vicinity.

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3. 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 the 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.

  
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Oonagh Buckley

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board

Dated this 7<sup>th</sup> day of July 2023

