

An  
Bord  
Pleanála

## Board Order ABP-316155-23

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### Planning and Development Acts 2000 to 2022

**Planning Authority: Dun Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D22A/0597**

**Appeal** by Longford Terrace Residents' Association care of 14 Longford Terrace, Monkstown, County Dublin and by Dave Quinn care of ARC Architectural Consultants Limited of 30 Dalkey Park, Dalkey, County Dublin against the decision made on the 3<sup>rd</sup> day of March, 2023 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Terry Doyle care of John Duffy Design Group of 23-24 The Crescent, Monkstown, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of existing roof plant and modification to the plant arrangement and positioning, the existing kitchen extract duct to be replaced with the proposed Entropic Type K fan with dispersion system and vertical extract and new acoustic timber baffle to cover the existing condenser unit serving the cold room, all at Cinnamon Restaurant, 23 Monkstown Crescent, Monkstown, County Dublin (a property within the Area of Architectural Conservation).

## **Decision**

**GRANT permission for the above 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 nature and scale of the development comprising roof plant in the form of a kitchen extract duct system and a fridge condenser unit on the side wall of the existing restaurant, and the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including Objective 'NC' (Neighbourhood Centre) zoning of the site, and taking into account the planning history of the area and the details submitted by the applicant, including the noise assessments and architectural heritage and visual impact assessment, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development would not detract from the amenities of the area or the character of the Architectural Conservation Area as a result of noise or visual impacts, and the development would otherwise be in accordance with the wider provisions of the development plan for the area. The development proposed to be retained and proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission for both of the recommended reasons presented, in respect of the recommended reason number one, the Board was satisfied that the application satisfactorily addressed the requirements of Section 12.9.2 'Noise Pollution and Noise Nuisance' and Section 12.9.3 'Noise, Odour and Ventilation Generation Uses' of the development plan for the area. The Board did not share the view of the Inspector that the specific development comprising roof plant in the form of a kitchen extract duct system and a fridge condenser unit on the side wall of the existing restaurant would be detrimental to the amenities of the area. This was specifically so as the resultant noise level arising from the development at noise sensitive receptors would be below the appropriate limits, by reference to Table 5 of the Noise Assessment received by the planning authority on the 8<sup>th</sup> day of February, 2023, which the Board accepted as being correct.

In respect of the Inspector's recommended reason number two, the Board considered that the applicant had demonstrated sufficient legal interest in the land to lodge the planning application and, based on a review of the documentation on file, the Board was satisfied that the application meets the requirements of Articles 18(1), 19(1), 22(1), and 22(2)(g) of the Planning and Development Regulations 2001, as amended.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 12<sup>th</sup> day of December, 2022 and on the 8<sup>th</sup> day of February, 2023, 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 and the development shall be retained, carried out and completed in accordance with the agreed particulars.


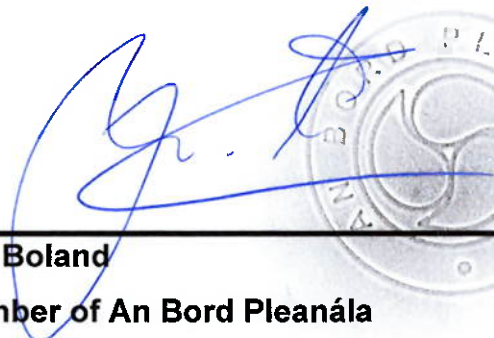
**Reason:** In the interest of clarity.

2. The development hereby permitted shall comply with the following requirements:
  - (a) The ventilation system shall be regularly maintained and degreased as per the relevant specifications/guidelines. Records in this regard shall be maintained and shall be provided to the planning authority.
  - (b) Clearly audible impulsive or tonal noise at noise sensitive locations during evening and nighttime hours shall be avoided.
  - (c) Noise resulting from the development affecting nearby noise sensitive locations shall not exceed the background level by 10dB(A) or more and shall not exceed the Environmental Protection Agency's NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits, whichever is lesser, as measured from the façade of the nearest noise sensitive location.

**Reason:** To protect the residential amenities of property in the area.

3. No additional development shall take place above roof/parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of permission.

**Reason:** To protect the residential amenities of property in the area and in the interest of visual amenity.



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**Joe Boland**

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

Dated this *16<sup>TH</sup>* day of *July* 2024.