

---

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 5020/22**

**Appeal** by Martin Tynan care of MacCabe Durney Barnes of 20 Fitzwilliam Place, Dublin against the decision made on the 7<sup>th</sup> day of July, 2023 by Dublin City Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** The development consists of the retention of the existing one number fire escape door and two number roller shutter doors. All doors are situated on the rear west elevation along Victoria Lane, at Kennedy's Public House, 132 and 134 Lower Drumcondra Road, Drumcondra, Dublin.


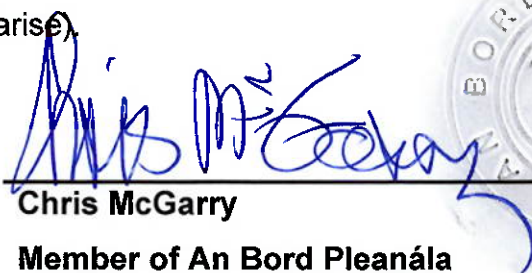
**Decision**

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 ATTACH condition number 2 and the reason therefor.

## Reasons and Considerations

Having regard to the nature and extent of the development for which retention permission is sought, including the specific description in the statutory notices of 'fire escape door', and to the overall documentation submitted with the application and appeal, it is considered that the attachment of condition 2 is warranted, as it ensures clarity as to what is permitted consistent with the development to which the application relates.

In deciding not to accept the recommendation of the Inspector to amend condition number 2, the Board did not share his view that the condition is not capable of being complied with. In the view of the Board the condition as attached by the planning authority is clear and implementable. The Board also noted the commentary of the applicant that exit 4 'is for the escape of customers from the premises in the event of a fire or fire drill'. This is reasonable, appropriate and consistent with the use for which retention permission was sought. Reference to use of the door by customers 'during busy match days/gigs... to decrease the number of customers accessing the premises from Lower Drumcondra Road' is not understood (in planning terms) as it is assumed that the management of capacity will, at all times, be central to the operational of the premises. In addition, it is noted that the condition allows for the use of the door as an emergency exit (perhaps should some issue of capacity contingency arise).



**Chris McGarry**

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

Dated this 20<sup>th</sup> day of March 2024.