



An
Bord
Pleanála

Board Order ABP-318445-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: 4373/23

Appeal by Osteria Lucio care of McGill Planning of 22 Wicklow Street, Dublin against the decision made on the 19th day of October, 2023 by Dublin City Council to refuse permission.

Proposed Development: Temporary retention (for three years) of outdoor seating area structure (circa 23.2 square metres) comprising aluminium and glass enclosure with retractable roof (circa 2.9 metres height, circa 1.74 metres width and circa 11.1 metres length) permitted under planning register reference number 3447/19 (An Bord Pleanála reference number 305391-19) and retention (for three years) of exterior signage, all at The Malting Tower, Grand Canal Quay, Clanwilliam Terrace, Dublin. The property fronts onto Clanwilliam Terrace to the west and is south of Grand Canal Quay Railway Bridge which is a protected structure (RPS reference number 883/3276). A small area of the site falls within the North Lotts and Grand Canal Dock strategic development zone planning scheme area; however, the majority of the site is outside the strategic development zone planning scheme area.

Decision

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

Reasons and Considerations

Having regard to the nature, scale and location of the development proposed to be retained, the provisions of the Dublin City Development Plan 2022-2028, and the planning history and site context, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the visual amenity of the area or the character of the designated Conservation Area, or the adjacent protected structure (rail bridge), would not set an undesirable precedent, would be acceptable in terms of pedestrian and traffic safety, and 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, the Board was satisfied that, having regard to the nature, scale and use of materials and reversibility of the development proposed to be retained, it would not have a detrimental effect on the visual amenities of the area or the character of the Conservation Area, or the adjacent protected structure (rail bridge). Furthermore, having regard to recently permitted developments in the area, the Board considered that the structure would provide street animation and enhance the vibrancy of the street. The Board noted the pedestrianised nature of the adjoining railway underpass/bridge and the availability of a second footpath opposite the restaurant and the lightly trafficked nature of the cul-de-sac and was satisfied that the structure proposed to be retained would not seriously impede pedestrians with impaired mobility and that sufficient width and alternative options were available. The Board considered, therefore, that the development proposed to be retained would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following condition.

Reason: In the interest of clarity.

2. This permission shall be for a period of two years from the date of this Order. The outdoor seating area structure shall then be removed unless, prior to the end of the period, permission for its retention shall have been obtained.

Reason: To allow for a review of the development having regard to the circumstances then pertaining and in the interest of visual amenity.



Tom Rabbette

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

Dated this 9th day of July 2024.