

---

**Planning and Development Act 2000, as amended**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: WEB2021/25**

**Appeal** by Viorel Ianus care of GPRA Consultants of 77 Lower Camden Street, Dublin against the decision made on the day of 25<sup>th</sup> day of June 2025 by Dublin City Council to refuse permission for development comprising of the retention of (1) tarmac finish to front driveway, (2) altered barbecue structure to rear garden, (chimney removed, pipe flue used), (3) 4.02 metre vehicle entrance width, at 6 Shanowen Avenue, Santry, Dublin.

## **Decision**

**GRANT** permission for the altered barbecue structure to the rear garden (chimney removed, pipe flue used) contrary to the Inspector's recommendation, for the reasons and considerations marked (1) under and subject to the conditions set out below in accordance with the said plans and particulars. **REFUSE** permission for the tarmac finish to the front driveway and for the 4.02 metre vehicle entrance width for the reasons and considerations marked (2) under.

## Reasons and Considerations (1)

The Commission is satisfied, based on the submissions made in connection with the application and the appeal, that the proposed development of an altered barbecue structure with flue in the rear garden of number 06 Shanowen Avenue would not be an unusual feature in a rear garden and would not impact adversely on the residential amenity of properties in the area. The development proposed for retention, therefore, would not be contrary to the Z1 Zoning Objective which seeks “to protect, provide and improve residential amenities” as set out in the Dublin City Development Plan 2022-2028, and would therefore comply with the provisions of the development plan and the proper planning and sustainable development of the area.

In deciding not to accept the Inspector’s recommendation to refuse the altered barbecue structure the Commission agreed with the Inspector that the removal of the chimney structure and replacement with the proposed flue would be visually less dominant and would not impact on the visual amenity of the neighbouring properties given its proposed location at the rear of the garden, however the Commission was not satisfied the domestic barbecue would cause sufficient nuisance to the amenity of neighbouring properties to warrant a refusal. The Commission was satisfied this permission given the specific particulars of the proposed development and setting would not cause a precedent in the area.

## Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, received by the planning authority on 21<sup>st</sup> day of July 2025, except as may otherwise be required in order to comply with the following conditions.

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

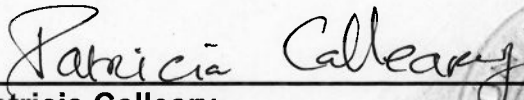
2. The barbecue structure shall not exceed 1.6 metres in height and the flue structure shall be 0.1 metres in diameter and shall not extend more than 0.75m further above the barbecue.

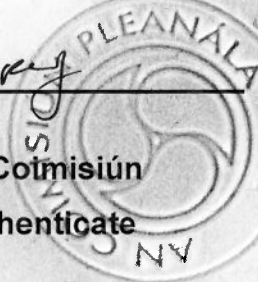
**Reason:** In the interests of visual and residential amenity.

## **Reasons and Considerations (2)**

The retention of the non-permeable tarmacked driveway and hardstanding, without additional sufficient drainage measures would be contrary to policy SI24 of the Dublin City Development Plan 2022-2028 which requires all private driveways to be managed through the use of SuDS and would be inconsistent with the guidance at Section 4.3.4 of Appendix 5 of the development plan. The development proposed to be retained would, therefore, be contrary to the proper planning and sustainable development of the area.

The retention of the 4.02 metre vehicular entrance would be contrary to Section 4.3. of Appendix 5 of the Dublin City Development Plan 2022-2028, which states that for a single residential dwelling, the vehicular opening proposed shall be at most three metres. The entrance, if retained at its as built width, would, therefore, result in the creation of conflict with pedestrian safety by facilitating hazardous manoeuvring at increased speed and extensive dishing of the footpath. The proposed development would, therefore, endanger public safety by reason of traffic hazard and be contrary to the proper planning and sustainable development of the area.

  
**Patricia Calleary**  
**Planning Commissioner of An Coimisiún**  
**Pleanála duly authorised to authenticate**  
**the seal of the Commission.**



Dated this 19<sup>th</sup> day of November 2025