



An
Bord
Pleanála

Inspector's Report ABP-302470-18

Development	Application for a licence to place 4 tables, 4 chairs and 1 bench in a screened area of public footpath.
Location	Wishbone, 16 Montague Street, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	SF 568
Applicant(s)	Wish Bone
Type of Application	Licence Application
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Wishbone
Observer(s)	None
Date of Site Inspection	14 th November 2018.
Inspector	Ronan O'Connor

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision.....	3
3.1. Decision	3
3.2. Planning Authority Reports	3
4.0 Planning History.....	4
5.0 Policy Context.....	4
5.1. Development Plan.....	4
5.2. Natural Heritage Designations	4
6.0 The Appeal	4
6.1. Grounds of Appeal	4
6.2. Planning Authority Response	5
7.0 Assessment.....	5
8.0 Recommendation.....	6
9.0 Reasons and Considerations.....	6

1.0 Site Location and Description

- 1.1. The site is located on the southern side of Montague Street, which provides a link between Wexford Street/Camden Street and Harcourt Street. The site is located approximately 35m from the junction of Montague Street and Harcourt Street and there is currently a restaurant operating from the site.
- 1.2. Montague Street is a one-way street with traffic restricted to a left-hand turn at the junction of Montague Street and Harcourt Street. The street and footpaths on either side are relatively narrow. The road is flush with the footpath and there are bollards on either side of the road.
- 1.3. My site visit was carried out at 12pm and my observations were that the road is not heavily trafficked and this is possibly due to the one way nature of the road and the restrictions on a right turn onto Harcourt Street, which limits its use as a thoroughfare. It was also not the 'rush-hour' period which may have impacted traffic levels.

2.0 Proposed Development

- 2.1. The appeal relates to the placement of 4 tables, 4 non-fixed outdoor chairs, 1 long bench and 2 windbreakers on the public pavement outside the Wishbone restaurant.

3.0 Planning Authority Decision

3.1. Decision

REFUSE permission on the grounds that the footpath at this location is very narrow and the proposed seating occupies the full width of the footpath, and would constitute a traffic hazard as pedestrians are required to step into the roadway to pass.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

Roads and Traffic Planning – Recommendation to refuse – proposal would require pedestrians to step onto the road to pass.

Planning and Development – Objection to the tables, chairs and screen. Bench would be acceptable – proposal occupies the full width of the footpath.

Dublin Fire Brigade – No objection on condition not to obstruct or reduce width of escape route from building or adjoining buildings.

4.0 Planning History

- 4.1.1. 0284/01 – Grant - Construction of a single room at first floor level above an existing throughway and the construction of a new stairs and WC on the ground floor.

5.0 Policy Context

5.1. Development Plan

Dublin City Development Plan 2016-2022

Land use zoning – objective Z8 ‘To protect the existing architectural and civic design character, and to allow only for limited expansion consistent with the conservation objective’.

Development Management Standards - S.16.30 Street furniture

5.2. Natural Heritage Designations

None.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The main grounds of appeal may be summarised as follows:

- Building has had street furniture outside with no previous problems.
- Proposals to improve the area, including pedestrianisation of this street.

- No incident in previous 27 years when street furniture has been in place/street is not regularly used due to traffic restrictions.
- Road and footpath are flush with each other, encouraging the free flow of pedestrians along the thoroughfare.
- Removal of street furniture has made the street less inviting in the evenings/fall in casual passers by since furniture was removed.

6.2. Planning Authority Response

6.2.1. None.

7.0 Assessment

- 7.1. The reason for refusal primarily relates to the fact that pedestrians will be required to step into the road in order to avoid the screening, tables and chairs proposed by the applicant, as they occupy the full width of the pavement. I have some sympathy with the assertions made by the applicant that the road is lightly trafficked, given the traffic restrictions in place. However, this does not overcome the safety concerns raised by the proposal, and it is clear that the proposal forces pedestrians to walk for a time on the road, with the potential to be struck by passing traffic. These concerns are shared raised by the Roads and Planning Departments of the planning authority.
- 7.2. In relation to the proposals for pedestrianisation of the street, the evidence put forward by the applicant indicates that any plans to pedestrianise the street have been put on hold due to funding issues. Notwithstanding this, the proposals to place tables and chairs in this location is premature prior to the implementation of any plans that may be in place for the pedestrianisation of the area.
- 7.3. In relation to creating a safer environment for pedestrians in the evening time, as a result of increased activity at street level, again I concur to some degree with the applicants in this regard, and a safer environment can be created with such activity. However, this does not overcome the overriding safety concerns that result from pedestrians being forced into the road, which are increased during periods of darkness.

8.0 Recommendation

- 8.1. I recommend that permission be refused for the reasons and considerations set out below.

9.0 Reasons and Considerations

The proposal to place of 4 tables, 4 outdoor chairs, 1 long bench and 2 windbreakers would result in a traffic hazard, as a result of pedestrians being required to step onto the roadway to pass. As such the proposal would be contrary to the proper planning and development of the area.

Rónán O'Connor
Planning Inspector

22nd November 2018