



An
Bord
Pleanála

Inspector's Report

ABP-306287-19

Development	Extension of area for the placement of street furniture outside restaurant.
Location	50-51 Dame Street, Dublin 2
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	SF/470
Applicant(s)	John Sweeney
Type of Application	Licence Application
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	John Sweeney
Observer(s)	None
Date of Site Inspection	11 th May 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The site is located on Dame Street between Temple Lane South and Crow Street opposite the Mercantile Hotel. The site is located on the footpath to the front of Bo Bo's restaurant, 50-51 Dame Street.
- 1.2. Access to the Bo Bo's restaurant is provided via Dame Street. The site is located in the City Centre and Dame Street is heavily trafficked in terms of vehicular and pedestrian movements linking College Green to Dublin Castle, Christchurch Cathedral etc. The footpath on Dame Street is approx. 4.2metres wide fronting the site.

2.0 Proposed Development

- 2.1. The appeal relates to the extension of the existing street furniture.
- 2.2. The existing street furniture on site consists of 3 tables and 6 chairs (plus 1 table and 2 chairs on the private landing area) in a screened area measuring 7.23sqm (4.76m L x 1.3m W and 1.3W, less private landing measuring 2.2sqm).
- 2.3. The current proposal seeks to place 7 tables and 14 chairs in two screened areas measuring 11.25sqm in area (4.76L x 1.6m/1.8mL and 2.5mL x 1.3mW) on the public footpath outside Bo Bo's restaurant, 50-51 Dame Street.

3.0 Planning Authority Decision

3.1. Decision

REFUSE permission on the grounds that to extend the area of street furniture on the footpath at this location on the grounds of pedestrian safety as the placing of street furniture on the footpath at this location would cause an obstruction to pedestrians.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Roads and Traffic Planning – No objection– With the street furniture in place approx./ 2.4m of unobstructed public footpath remains.

Planning and Development – Recommendation to Refuse - It is considered that given that Dame Street is a category 2 shopping street and is a busy throughfare

with high pedestrian footfall that the footpath width should be above the minimum standard where possible.

Dublin Fire Brigade – No objection. The seating location does not obstruct or reduce width of escape route from building or adjoining buildings.

4.0 **Planning History**

Site

DCC Reg. Ref. SF 470 – Licence Application granted for street furniture consisting of 3 tables and 6 chairs (plus 1 tables and 2 chairs on the private landing) in a screened area measuring 7.23sqm (4.76m L x 1.3m W and 1.3W, less private landing measuring 2.2sqm) public footpath outside Bo Bo’s restaurant, 50-51 Dame Street. This permission expires on 4th July 2020.

5.0 **Policy Context**

5.1. **Development Plan**

Dublin City Development Plan 2016-2022

- 5.1.1. Land use zoning – objective Z5 which seeks to “consolidate and facilitate the development of the central area, to identify, reinforce, strengthen and protect its civic design character and dignity”.
- 5.1.2. The subject site is identified as a Category 2 shopping street in the Dublin City Development Plan 2016 – 2022.
- 5.1.3. Development Management Standards - S.16.30 Street furniture
- 5.1.4. The building is a protected structure RPS Ref. No 2113 and located within a Conservation Area.

5.2. **Natural Heritage Designations**

None

5.3. **EIA Screening**

The proposed development is not of a class for the purpose of EIAR. The nature and scale of the development would not result in a real likelihood of significant effects on the environment.

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the minimum width of footpath required by the original Licence SF 470 is 2435mm and this width has been applied to the length of the footpath with the remaining area used for seating.
- It is set out that the south facing seating area is popular with patrons.

6.2. Planning Authority Response

None

7.0 Assessment

- 7.1. The reason for refusal primarily relates to the fact that the placing of street furniture on the footpath at this location would cause an obstruction to pedestrian safety. I note the argument put forward by the applicant with regards the retention of 2.4m of unobstructed public footpath with the street furniture in place.
- 7.2. However, I note that Dame Street is heavily trafficked pedestrian street in the City Centre and is designated a category 2 shopping street, where the purpose is to protect the primary retail function of these streets as the principal shopping streets in the retail core and control the extension of provision of non-retail uses at ground floor level.
- 7.3. Dame Street is heavily trafficked in terms of pedestrian movement and the increase in depth of the seating area with screen panels at this location in the City Centre linking College Green and Temple Bar with Dublin Castle and Christchurch Cathedral, in addition to other major tourist attractions would further reduce the width of the footpath at this location along the pedestrian desire line so as to impact on the primary function of the street to provide for passage of movement and would represent a barrier/obstacle on the street. I would also have concerns regarding the impact of a reduction in the depth of the public footpath at this location adjacent to a heavily trafficked public road and the potential for pedestrians to step out onto the public road to avoid each other, with the potential to be struck by passing traffic.
- 7.4. The site is a prominent city centre location in a designated Architectural Conservation Area and no. 50-51 Dame Street is listed as a protected structure in

the Dublin City Development Plan 2016-2022. Street furniture should in essence contribute to the street scene and help contribute to a 'sense of place'. The increase in the floor area of the seating area would represent visually prominent feature on Dame Street. I consider the proposed development would represent a visual intrusion at this location and contrary to Section 16.30 of the Development Plan.

8.0 Recommendation

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

9.0 Reasons and Considerations

The proposal to extend the existing street furniture would reduce the width of the footpath at this location along the pedestrian desire line so as to impact on the primary function of the street to provide for passage of movement and would represent a barrier/obstacle on Dame Street and cause an obstruction to pedestrians and pedestrian safety in this area. The proposal would also represent a visual intrusion at this location in a designated Architectural Conservation Area, would adversely affect the character and setting of a Protected structure and would be contrary to Section 16.30 of the Dublin City Development Plan 2016-2022. As such the proposal would be contrary to the proper planning and development of the area. As such the proposal would be contrary to the proper planning and development of the area.

Irené McCormack

Planning Inspector

11th May 2020