

An
Bord
Pleanála

Board Order

ABP-321139-24

Planning and Development Acts 2000 to 2022

Planning Authority: Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D24A/0039

Appeal by Paula Morgan and Others care of 13 Stonebridge Close, Shankill, County Dublin against the decision made on the 1st day of October 2024 by Dun Laoghaire-Rathdown County Council in relation to an application by Knockfodda Enterproses Limited care of Frank Ennis and Associates of 63 York Road, Blackrock, County Dublin for permission for development comprising Permission and Retention: (1) retention of planter boxes and pergola with retractable roof and timber screening to external seating area to the side of the existing public house; and (2) permission for the provision of two number loading bays to service the existing public house which will include modification of the existing service yard boundary wall and relocation of the existing service yard gates to facilitate the loading bays at Brady's of Shankill, Dublin Road, Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant permission subject to conditions for the retention of the planter boxes and pergola with retractable roof and timber screening to external seating area on the southern side of the existing public house and to refuse permission for the two number loading bays, modifications to the service yard boundary wall and relocation of the service yard gates.

Decision

GRANT permission for the retention of planter boxes and pergola with retractable roof and timber screening to external seating area to the side of the public house in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below.

REFUSE permission for provision of two number loading bays to service the existing public house which will include modification of the existing service yard boundary wall and relocation of the existing service yard gates to facilitate the loading bays based on the reasons and considerations marked (2) set out below.

Reasons and Considerations (1)

Having regard to the grounds of appeal, the existing public house use on site, the separation distance to adjacent properties and the provisions of the Dun Laoghaire-Rathdown Development Plan 2022-2028, it is considered that the development proposed to be retained, subject to compliance with the conditions set out below, would not negatively impact upon the residential amenity or traffic safety of pedestrians along the footpath. The development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development for the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority and the development shall be retained, carried out and completed in accordance with

the agreed particulars.

Reason: In the interest of clarity.

2. The developer shall ensure that a minimum of 2.2 metres wide pedestrian pathway is maintained along Stonebridge Close adjacent to the planter boxes and pergola for which retention permission is sought.

Reason: To maintain pedestrian safety.

3. The developer shall remove the additional planter boxes and seating area along the southern boundary of the site which are indicated as outside of the proposed outdoor area to be retained. Revised evidence showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority, within one month from the date of this Order.

Reason: In the interests of residential amenity and pedestrian safety.

4. (a) During the operational phase of the retention development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 1030 to 2100 Monday to Saturday and 1230 to 2100 on Sundays, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times (corrected for a tonal or impulsive component) as measured at the nearest noise sensitive location. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) There shall be no piped music, live music or any electronic noise sources (for examples televisions) in the area proposed to be retained that would be likely to cause significant disturbances to local residents.

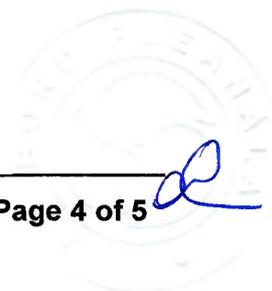
Reason: To protect the residential amenities of property in the vicinity of the site.

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5. The operating hours for the outdoor seating area shall only open between the hours 1030 to 2100 Monday to Saturday and 1230 to 2100 hours on Sundays. No activity shall take place outside these hours.

Reason: In order to protect the residential amenity of property in the vicinity of the site.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within one month of the date of this Order or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Reasons and Considerations (2)

It is considered that the scale and location of the proposed development of two number loading bays along a residential cul-de-sac would be seriously deficient and would lead to an unacceptable increase in vehicular protrusion and activity onto the public footpath, thereby leading to conditions which would be prejudicial to public safety. It is considered that the proposed development would endanger pedestrian and traffic safety, would contravene policy objective T28: Road Safety of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, and would, therefore, be contrary to the proper planning and sustainable development of the area.



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

Dated this *12th* day of *April* 2025