



Planning and Development Act 2000, as amended

Planning Authority: Dublin City Council

Planning Register Reference Number: WEB6035/25

APPEAL by James McGovern against the decision made on the 19th day of February, 2026 by Dublin City Council to refuse permission.

Proposed Development: Change of use of existing single storey garden room (12 square metres) and ancillary garden shed (10 square metres) within the rear garden of number 5 to take-away café use for the sale of hot and cold beverages, and baked goods, and all other ancillary works necessary to facilitate the development, all on lands to the rear of 5 New Ireland Road, Rialto, Dublin.

Decision

REFUSE permission for the above proposed development for the reasons and considerations set out below.

Reasons and Considerations

1. Notwithstanding that the proposed use might be open for consideration in areas zoned Z1 Sustainable Residential Neighbourhoods, with the objective 'To protect, provide and improve residential amenities', as set out in the Dublin City Development Plan 2022-2028, having regard to the location of the site in the rear garden of a residential property, adjacent to other third-party residential properties, it is considered that the proposed commercial use of the subject property would negatively impact on the residential amenity of the site and of adjacent residential properties as a result of noise and general disturbance, would set a undesirable precedent for other non-residential uses to the rear of residential properties in the area, would be contrary to the Z1 zoning objective for the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. It is considered that the applicant has failed to demonstrate that the proposed development can be adequately serviced from the adjacent public road network. The proposed development would give rise to haphazard servicing activity and refuse collection thereby causing obstruction to pedestrians/cyclists and other road users both within the adjoining towpath public park and adjacent road network and would be likely to give rise to commercial activity on a residential street thereby negatively impacting residential amenity. The proposed development would be contrary to Policy SMT18 (Pedestrian Environment) and Appendix 5, Section 2.4 (Service Delivery and Access Strategy) of the Dublin City Development Plan 2022-2028, would be likely to set an undesirable precedent for similar developments within the vicinity and wider city area, and would, therefore, be contrary to the proper planning and sustainable development of the area.



Liam McGree

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



Dated this 21st day of JULY 2026.