



An
Bord
Pleanála

Inspector's Report

ABP-318296-23

Development	Construction of coffee kiosk and all associated site works.
Location	7A Londonbridge Road, Dublin 4
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4239/23
Applicant(s)	Susan O'Neill
Type of Application	Retention
Planning Authority Decision	Refusal
Type of Appeal	First Party
Appellant(s)	Susan O'Neill
Observer(s)	Lynn Betson & Michael Byrne Michael Morrissey Eddie Bohan
Date of Site Inspection	3 rd May 2024
Inspector	Frank O'Donnell

1.0 Site Location and Description

- 1.1. The subject Appeal site is located at no. 7A Londonbridge Road, Dublin 4, to the south of Irishtown Garda Station. The site has a stated area of 86.3 sqm and comprises an existing ground floor Sports Injury Clinic and an associated front yard/landing area. The site contains a two-storey red brick mid-terrace building an apartment on the first floor. The unit forms part of a row of residential properties and is the sole commercial property within that said row. The area is predominantly residential in character.

2.0 Proposed Development

- 2.1. The proposed development comprises of the following main elements:
- Construction of a Coffee Kiosk which measures 1.25 metres in width by 0.8 metres in depth (1 sqm in area) and 2.6 metres in height.
 - Construction of a Canopy which including the abovementioned Coffee Kiosk measures 5.35 metres in length, 0.8 metres in depth and 2.6 metres in height.
 - The erection of an 1.8 metre high timber fence along the eastern party boundary with no. 7 Londonbridge Road.
 - Customer seating to front paving area of the permitted Sports Injury Clinic. This landing area is shown to measure 5.4 metres in width by 3.8 metres in depth which equates to 20.53 metres in area.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority issued a decision to Refuse permission for the following reason:

1. *Having regard to the nature, scale of the proposed development, the restricted multi-functional use of the site and its location in a residential area proximate to existing houses, it is considered that the proposed development by reason of the potential for noise and general disturbance would be*

seriously injurious to the residential and visual amenities of the area. Having regard to the residential zoning of the site, the proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Local Authority Planner** considers that the proposed development is not acceptable in this location. The proposals would serve to result in a visually and physically congested space, would impede access to the existing units within the building and would result in poor residential amenity for the neighbouring residential units. The development is not in compliance with condition no. 2 of planning reg. ref. no. 3605/21 as there is no bicycle parking provided. It was considered therefore that the proposed development is not in accordance with the objectives and proposals of the Dublin City Development Plan and that permission should be refused.

3.2.2. Other Technical Reports

- The Transportation Planning Division raise no objection to the proposed development subject to the following conditions:
 1. *Prior to the commencement of the use provision shall be made for 1 no. Sheffield type bicycle stand, allowing for 2 no. cycle parking spaces to the front of the site. The Sheffield stand shall be positioned to ensure pedestrian access to no. 7A is not obstructed and that parked bikes do not overspill onto the public footpath.*
 2. *The development shall be fully contained within the site and no part of the development shall encroach on the public footpath.*
 3. *All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.*
 4. *The developer shall be obliged to comply with the requirements set out in the Code of Practice.*

3.3. Prescribed Bodies

- **Uisce Eireann:** No Response received.
- **Irish Rail:** No Response received.

3.4. Third Party Observations

3.4.1. A total of 4 no. Observations were received from the following:

- Eddie Bohan
- Michael Morrissey
- Lynn Betson & Michael Byrne
- Noel Robert Callaghan

3.4.2. The issues raised are covered in the Appeal Observations received.

4.0 Planning History

- **3605/21:** Permission for a change of use from ground floor shop to sports injury clinic including new entrance screen and signage to the front and associated works. Permission was GRANTED on 23rd November 2021 subject to 8 no. conditions.

Condition no. 2 reads as follows:

‘2. Prior to the commencement of the clinic use provision shall be made for 1 no. Sheffield type bicycle stand to the front of the clinic (within the boundary of the site).

Reason: In order to promote sustainable modes of transport.’

- **3704/01:** Permission for a self-contained apartment located at 7A to 7D Londonbridge Road, to the rear of 7A Londonbridge Road with access from the common entry of apartments 7B & 7C. A Request for FURTHER INFORMATION was issued on 25th March 2002.

- **2282/98:** Permission for a change of use of existing shop to pizza take away with new shop signage. Permission was REFUSED on 01st October 1998 for the following reasons:
 1. *Take away shops such as is proposed, are neither normally permissible nor open for consideration in an A1 zone (such as that in which the applicant site is located) under the provisions of the 1991 Dublin City Development Plan. The proposal is therefore contrary to the provision of the current statutory Development Plan.*
 2. *The location of a take-away food outlet in a residential terrace is unacceptable and is likely to be seriously injurious to the residential amenity of adjoining properties by virtue of noise, smells, late night activity and shopping traffic.*

5.0 Policy Context

5.1. Development Plan (Dublin City Development Plan, 2022 to 2028)

- 5.1.1. The Appeal site is zoned Z1 – Sustainable Residential Neighbourhoods in the Dublin City Council Development Plan, 2022 to 2028. The stated zoning objective for Z1 lands is: *'To protect, provide and improve residential amenities.'* A 'Café/ Tearoom' and a 'Restaurant' are identified as uses which are 'Open for Consideration' on lands zoned Z1 – Sustainable Residential Neighbourhoods. A 'Take-Away' use is not identified as use which is either 'Permitted in Principle' or 'Open for Consideration' on lands zoned Z1.
- 5.1.2. Chapter 15 relates to Development Standards. Section 15.14.7 relates to development management standards for Retail, Food and Beverage and Leisure uses. Section 15.14.7.2 relates to Restaurants/ Cafes and states the following:

'The positive contribution of café and restaurant uses and the clusters of such uses to the vitality of the city is recognised.

In considering applications for restaurants, the following will be taken into consideration:

- *The effect of noise, general disturbance, hours of operation and fumes on the amenities of nearby residents.*
- *Traffic considerations.*
- *Waste storage facilities.*
- *Hours of operation.*
- *The number/frequency of restaurants and other retail services in the area.*
- *The contribution to the vitality and viability of the area.*

For proposals relating to outdoor dining, applicants will be required to demonstrate whether temporary or permanent outdoor dining facilities are provided. These areas should be fully contained within the site boundary. Temporary dining should ensure all fixtures and fittings are fully removable outside operating hours and should not impede access or create undue clutter or trip hazard in the streetscape.

Permanent structures should be included in all plans and elevations submitted with the application. Details of ventilation and heating of the area will also be required.

See also Section 15.17.4 relating to outdoor seating and street furniture.'

5.1.3. Section 15.14.7.3 relates to Fast Food/ Take Aways.

5.1.4. Section 15.14.7.4 relates to Noise, Odour, Ventilation for Restaurant / Café / Take – Away and reads as follows:

'Café, restaurant and take away uses should be designed having regard to the appropriate noise and ventilation guidelines. All ventilation proposals should avoid direct extracts at street level, where possible. Where extract odour and ventilation is required on main street frontages, careful design solutions should be provided to extract does not interfere with pedestrians and road users in terms of noise and odour.

Similarly, noise associated with the use of a café / restaurant / take away should be minimised as to ensure no overspill to street level occurs.'

5.1.5. Section 15.17.4 relates to Outdoor Seating and Street Furniture and reads as follows:

‘Certain uses in the public realm, including elements of street furniture, can lead to problems of visual clutter and to obstruction of public footpaths for pedestrians, in particular people with disabilities. These elements include newspaper stands, telephone kiosks, traffic and bus signs etc. It is an objective of Dublin City Council to control the location and quality of these structures in the interests of creating a high-quality public domain.

All street furniture provided by private operators including retailers, publicans and restaurateurs, etc., and utility companies should be to the highest quality, preferably of good contemporary design avoiding poor historic imitation and respect the overall character of the area and quality of the public realm and be so located to prevent any obstruction or clutter of all footpaths and paved areas including landings.

In this regard, street furniture requires either a licence under Section 254 of the Planning and Development Act, 2000 (as amended) or planning permission (including street furniture erected on private lands). In both instances, the applicant is required to submit details of the location, design, specification and quality of the proposed elements of street furniture.

Details of maintenance and cleansing schedules, together with a certificate of structural stability, may also be required. Street furniture should be designed to be accessible to disabled persons where possible.

In considering applications for outdoor furniture, the planning authority shall have regard to the following:

- *Size and location of the facility.*
- *Concentration of existing street furniture in the area.*
- *The visual impact of the structure, particularly in relation to the colour, nature and extent of advertising on all ancillary screens.*
- *Impact on the character of the streetscape.*

- *The effects on the amenities of adjoining premises, particularly in relation to hours of operation, noise and general disturbance.*
- *Impact on access and visibility.'*

5.1.6. Section 15.17.4 relates to Shopfront and Façade Design.

5.1.7. The following Appendices are of relevance:

- Appendix 17: Advertising and Signage Strategy

5.1.8. The following Guidance is of relevance:

- Dublin City Council – Shopfront Design Guide (2001)

5.2. **Guidelines/ Circulars/ Regulations**

- Circular Letter PL 03/2024 (Planning and Development (Street Furniture) Regulations 2024 (S.I. 196 of 2024))

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within or adjacent to a Natura 2000 site.

5.4. **EIA Screening**

5.4.1. The proposed development is not a class of development for the purposes of EIA.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. 1 no. First Party Appeal was received from the Applicant (Susan O'Neill) in respect of the decision of Dublin City Council to Refuse Planning Permission.

6.1.2. The following is a summary of the main Grounds of Appeal:

- *Impacts on the Amenity of nearby by residents in terms of noise, general disturbance, hours of operation and fumes.*

6.1.3. The Applicant states that it is proposed to provide a 1.8-metre-high timber fence along the eastern site boundary and that this is to ensure that the transfer of fumes and noise from the adjacent kiosk is minimised. A 1.2-metre-high planter is proposed

along the western site boundary in order to further minimise disturbance to the immediate neighbours.

- 6.1.4. The Applicant refers to the proposed Landscape Plan and the proposed 600 mm solid planter along the existing footpath. The Applicant considers that the planter will serve to reduce seating to a maximum of 8 no. persons, contain customers to within this area, provide an edge to the otherwise open street frontage by replacing the existing bollards, will serve to contain any litter or refuse on the site, will greatly improve the amenity of the area and will minimise disturbance. The Landscape Plan also includes an additional bicycle parking stand and refuse bins.

- *Traffic Considerations*

- 6.1.5. The report of DCC considers the proposal will have no negative impact on traffic and recommended parking for 2 no. bicycles. The landscape plan allows for unrestricted access to the sports injury clinic.

- *Waste Storage Facilities*

- 6.1.6. The amended plan provides grey and green waste bins which will be collected by a contracted waste company.

- *Hours of Operation*

- 6.1.7. The proposed hours of operation of the kiosk are between 8am and 4pm Monday to Saturday. Outside of business hours, furniture will be locked away within the kiosk. There will be no seating on match days in the Aviva Stadium, when the street is closed to traffic and only a take-away service will be provided on said days. No hot food will be served.

- *Extent of existing Restaurants and other Retail Facilities in the Area*

- 6.1.8. The area is not well served by places to buy or to have a coffee. Having a coffee kiosk is both a practical and social addition to the those working from home and living in the immediate area.

- *Contribution to the vitality and viability of the area*

- 6.1.9. The subject Appeal site previously served as a local shop (which rented videos and sold lasagne as well as newspapers and groceries) until the year 2000. The proposal

will serve to return the building to its former focus as a neighbourhood meeting place. The kiosk is of a small size appropriate to this catchment area.

6.1.10. The Applicant also states that the first fix for the kiosk (electricity, water and wastewater) was provided at the time of the recent renovation of the premises to a Sports Injury Clinic (planning reg. ref. no. 3605/21). The purpose of this was to minimise disruption to the sports injury clinic while providing for a possible future coffee kiosk (subject to planning permission).

6.1.11. A Café use is Open for Consideration on lands zoned Z1. There is no community focus in the area since the closure of the shop in the year 2000. The proposal represents a positive local development. The landscaping plan now submitted with improved screening, reduced seating, improved bicycle and bin storage serve to address the concerns raised by the Local Authority in the Planners assessment.

6.1.12. The Applicant indicates that should the Board deem it necessary to restrict the permission to a 2-year temporary period in order to assess the impact to the local area they would consider this to be acceptable.

6.2. Applicant Response

- None

6.3. Planning Authority Response

- The Planning Authority request the Bord to uphold its decision to refuse permission. The Planning Department request that if permission is granted that the following conditions(s) be applied,
 - A condition requiring the payment of a Section 48 development contribution.

6.4. Observations

6.4.1. A total of 3 no. Observations were received in relation to the Appeal, as follows:

- Lynn Betson & Michael Byrne
- Michael Morrissey

- Eddie Bohan

6.4.2. The main issues raised in the Observations can be summarised as follows:

- The proposals represent overdevelopment and are out of character with the established residential terrace. The proposed development has no relevance or connection to the existing use as a Sports Injury Clinic.
- The proposals will serve to impact negatively upon established residential amenities.
- There is no resident reserved parking in the area. The proposals will serve to increase parking demand.
- The proposals will lead to additional noise disturbance for residents of the area and will lead to loitering outside residents' homes during events at the Aviva Stadium.
- Concern is raised as to the potential future use of this area in terms of late night opening, anti-social behaviour, alcohol sales, extra footfall, litter and disturbances from deliveries.
- Exacerbation of existing parking issues in the area.
- Insufficient bike parking at present. The proposals will result in an increase in bike parking demand.
- Impacts on adjoining properties/ residents. The Planning Officer is requested to visit the site and speak to the neighbours directly affected by the proposals before any decision is made.
- The proposals for a 1.8 metre screen are not acceptable and will serve to block light and create an ugly visual effect to the adjacent dwelling, no. 7, which dates back to the 1800's. The proposals serve to devalue the heritage of the property. Railings may be acceptable as per the front of No. 7.
- Landscaping proposals are not sufficient to adequately address the issues of the visual impact of the proposed kiosk on a restricted site, very close to existing homes, noise impacts, fumes, litter or waste issues.
- Unauthorised bike parking already occurs. Existing and proposed Bike Parking arrangements will serve to block a fire exit and restrict access for

potential mobility impaired customers of the Sports Injury Clinic. The bike racks imposed under condition no. 2 of planning reg. ref. no. 3605/21 have not been installed. Compliance with this said condition will conflict with the proposed seating area. The provision of an additional bike stand is considered to be irrelevant.

- Waste bins are proposed in a confined area adjacent to the seating area. The bins will inevitably become a hazard when moved to the public roadside/ footpath.
- Concern is raised in respect of a possible future change to the proposed operating hours.
- There is no shortage of coffee shops, restaurants, cafes, take aways and public houses in the general locality and not shortage of choice. The new community centre on Newbridge Avenue serves local community needs well. There are also established active Residents Associations and Tidy Towns Committees in the area. There is no need for the proposed Coffee Kiosk.
- There is no mention as to toilet facilities for the customers of the proposed Coffee Kiosk.
- There is no previous history of a Coffee Kiosk at this location.
- A temporary 2-year permission is unacceptable based on the issues raised in the submissions.
- The proposals are not compliant with the Z1 land use zoning objective. The take-away element, in particular, is neither 'permitted in principle' or 'open for consideration' on lands zoned Z1. As per paragraph 14.3 of the Plan, there is a presumption against uses not listed under the permitted in principle/ open for consideration categories on lands zoned Z1, Z2, Z6, Z8, Z9, Z11, Z12 and Z15. The proposals clearly seek to provide a take-away service on match days.
- The proposals do not constitute a Café as described in Appendix 14 of the Development Plan. Acceptability or otherwise of such a use in any case needs to have due regard to the established context.

- Permission was previously refused on this site for a pizza takeaway on the basis of traffic impact and impact on established residential amenity, as planning reg. ref. 2282/98 refers.
- The existing 2 no. Apartments are currently unoccupied but when occupied will serve to place additional demand on scarce parking spaces.
- The proposal is forward of the established building line on the terrace.
- Due regard should be had to Sections 15.14.7.2 and 15.14.7.4 of the Plan in the assessment of this appeal. The Applicant has failed to appraise the proposed development having regard to the criterion set out in Section 15.14.7.4 (Restaurants/ Café) of the Plan.
- If the proposal does not comply with the zoning objective it materially contravenes the Plan.
- The proposals are not ancillary or incidental to the primary ground floor use as a Sports Injury Clinic. The proposed over-intensification will present material consequences to the proper planning and sustainable development of the area and the established amenities of the area.
- The proposals will lead to a devaluation of residential properties in the area.

6.5. Further Responses

- None.

7.0 Assessment

7.1. Introduction

- 7.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and having inspected the site, and having regard to relevant local/ regional/ national policies and guidance, in my opinion, the substantive issues in this appeal are as follows:

- Zoning
- Development Plan Recommendations

- Design, Layout and Character of the Area
- Other issues
 - Appropriate Assessment
 - Devaluation of Property

7.2. Zoning

7.2.1. The subject Appeal site is zoned Z1 - Sustainable Residential Neighbourhoods, the zoning objective for which is *'To protect, provide and improve residential amenities'*. A 'Café/ Tearoom' and a 'Restaurant' are identified as uses which are 'Open for Consideration' on lands zoned Z1 - Sustainable Residential Neighbourhoods, subject to assessment against normal planning considerations. These matters are discussed in turn below.

7.3. Development Plan Recommendations

- 7.3.1. The subject site is located within a residential area and is not located within an urban village centre. I would agree with the Local Authority Planner that the nearest urban village is Irishtown, located 500 metres to the north. I would further agree, as per Section 15.14.7 of the Development Plan, that the location of these services (Retail / Retail Services and Food and Beverage) is usually within the urban village centres as well as the main City core.
- 7.3.2. Excluding the ground floor of the subject building, which is in use as a commercial Sports Injury Clinic, the remainder of the immediate area is in residential use, including the upper floor of the subject property.
- 7.3.3. Section 15.14.7.2 of the Plan (Restaurants/ Cafes) and Section 15.17.4 (Outdoor Seating and Street Furniture) are both of relevance to the assessment of the subject proposal.
- 7.3.4. Although I note the stated proposed opening hours (8am to 4 pm, Monday to Saturday), I also note the Applicant's intention to cater for patrons on match days at the Aviva Stadium. I have reviewed forthcoming events at the Aviva Stadium, and I note that from 22nd May 2024 to 30th November 2024, a total of 17 no. events are scheduled to take place (12 no. sporting events and 5 no. concerts). With the exception of 3 no. sporting events, the remaining events are all due to commence at

17:00 pm or later. This means that as per the Applicants' stated opening hours, the proposed business will be close at 4 pm, prior to the majority of events schedule to take place at the Aviva Stadium. It is further noted that of the said 17 no. events, 1 no. concert and 1 no. sporting event are scheduled to take place on a Sunday, at a time when the Applicant states the proposed business will be closed.

- 7.3.5. In my view, passing trade generated as a result of events at the Aviva Stadium, is likely to account for a considerable portion of the overall sales from the proposed new business. The proposed development, particularly on the days of events at the Stadium, has the potential to serve as a focal point where crowds are likely to congregate, an issue which appears to be acknowledged by the Applicant by reason of the proposed removal of seating at such times.
- 7.3.6. I would be concerned, notwithstanding the Applicant's stated operating hours, that the proposed development, located within a predominantly residential area will, by reason of noise and general disturbance, serve to impact negatively upon the established residential amenities of the area. I am satisfied that the proposed development, as presented, conflicts with the Z1 zoning objective of the site which is *'to protect, provide and improve residential amenities.'*
- 7.3.7. I note there are no car parking proposals presented. I further note, as per the Report from the Transportation Planning Division, that as per Appendix 5 of the Development Plan, Table 3, the proposed development is not considered to raise any car parking requirements. I agree with the assessment of the Transportation Planning Division in this regard with respect to the issue of Car Parking requirements.
- 7.3.8. The total landing area is of restricted size, estimated to be a maximum of 20.53 sqm. Within this space the proposed ground floor plan shows a pedestrian access to the existing Sports Clinic, the proposed coffee kiosk and a total of 5 no. tables seating a maximum of 15 no. customers. In addition, an existing bike stand is shown along the western site boundary.
- 7.3.9. It is noted that Condition no. 2 of planning reg. ref. no. 3605/21, as quoted above in Section 4.0 of this Report, relates to the issue of Bicycle Parking. I would agree with the assessment of the Transportation Planning Division that the location of this said bike stand along the access, due to its positioning, only allows for the parking of 1

no. bike. I further note recommended condition no. 1 of the same report, as quoted above in Section 3.2.2 of this Report, relating to the provision of 1 no. Sheffield type bicycle stand, allowing for 2 no. cycle parking spaces to the front of the site.

7.3.10. I note that the plans, as presented to the Local Authority, do not show any proposals for waste storage facilities and I further note there are no proposals presented for toilet facilities for customers of the Coffee Kiosk.

7.3.11. I would have a concern as to the restricted size and configuration of the proposed development, which is concentrated to the landing area to the front of an existing and established Sports Injury Clinic. I would have a further concern as to the compatibility of the said established Sports Injury Clinic use with that of the proposed Coffee Kiosk and associated seating area. In my view, the proposed development, as presented, and noting the proposed hours of operation, has the potential to conflict with the safe and orderly operation of the established Sports Injury Clinic and the two proposed uses in this case are not, in my opinion, readily compatible. I consider the proposed development, when considered together with the established business, represents an overdevelopment of the site.

7.3.12. Owing to the location of the proposed development within an established residential area, removed from any nearby established urban village or indeed the main city core, together with the scale and nature of the proposed development, which does not propose to serve any hot food, it is my view that the proposals would not serve to negatively impact on the viability of other established restaurants and retail services in the area. Having regard to the same considerations as set out above, it is my view that the issue of a contribution to the vibrancy and viability of the area is not of particular relevance to the assessment of the subject proposals particularly having regard to the location of the subject site in a residential area, removed from the nearest urban village centre.

7.4. Design, Layout and Character of the Area

7.4.1. The proposed kiosk and the associated canopy is shown to project 0.8 metres from the established building line/ front elevation of the subject property and is indicated to have a maximum height of 2.6 metres. The canopy extends for the full width of the site over the proposed kiosk and the entrance and associated front glazing of the existing Sports Injury Clinic.

- 7.4.2. I note the front elevation of the subject building is recessed 0.47 metres from the front elevation of the adjacent dwellings to the east, no's 7, 5 and 3 Londonbridge Road and that the kiosk and canopy will extend 0.33 metres beyond the said front elevations.
- 7.4.3. The said 3 no. dwellings, No's 3, 5 & 7, although not listed as Protected Structures or located within an Architectural Conservation Area are nonetheless, in my opinion, of Built Heritage significance. The structures are understood to date back to the 1800's and retain many of their original features including the original brick frontages, window openings (timber sash windows in the front elevation of no's 7 & 5), ornate door cases and fan lights (no's 5 & 3), pedestrian entrances, gates and front garden spaces enclosed behind black metal railings.
- 7.4.4. I note the guidance provided in the Shopfront Guidelines, 2012, and, in particular, Section 5 on page 28, which relates to Canopies and states the following:

'5 Canopies

If the shopfront requires protection from the sun, a traditional-style, open-ended blind should be incorporated into the design of the shopfront with the blind box recessed. Perambulator-style, close-end canopies seriously detract from the streetscape, reducing the view to adjacent shopfronts, and are unacceptable. Shop names or advertising on the blind are not permitted.'

- 7.4.5. The canopy, which is of a closed end style, is proposed to be built forward of the established building lines of both the subject property and that of the adjacent 3 no. dwellings to the immediate east and does not therefore, in my opinion, adhere to the above recommendations. Also, in my opinion, the proposed kiosk together with the associated canopy and seating will serve to detract from the established design character of the area and, if permitted, would serve to set an undesirable precedent for similar proposals into the future. The proposed development would serve to impact negatively upon the established visual amenities of the area and is therefore not acceptable, in my opinion.
- 7.4.6. I note the suggestion of the Observers that the Planning Case Officer is requested to speak directly to the neighbours directly affected by the proposals before any decision is made. In my opinion, there is no requirement to do so in this instance.

7.5. Material Contravention

- 7.5.1. A submission on behalf of one of the Observers considers that if the proposed development does not adhere to the Z1 zoning objective, which is '*to protect, provide and improve residential amenities*', that it therefore materially contravenes the said zoning objective.
- 7.5.2. I am satisfied that the proposed development, as presented, conflicts with the aforementioned Z1 zoning objective. I do not however agree with the Observer that the proposal Materially Contravenes the said zoning objective, particularly as the proposals, although entirely outdoors, share certain characteristics of a Café/ Tearoom and a Restaurant, uses which are Open for Consideration on lands zoned Z1.

7.6. Other Issues

- *Appropriate Assessment*

- 7.6.1. Having regard to the nature and scale of the proposed development and the distance from the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the proposed development would be likely to have a significant effect, individually, or in combination with other plans or projects, on a European site.

- *Devaluation of Property*

- 7.6.2. I note the concerns raised in the Observations in respect of the devaluation of neighbouring property. In the absence of any definitive supporting evidence to the contrary, I cannot say with certainty that the proposed development would adversely affect the value of property in the vicinity.

8.0 Recommendation

8.1. Recommendation

- 8.1.1. I recommend that permission be REFUSED for the following reason.

9.0 Reasons and Considerations

1. Having regard to the Z1 zoning objective for the site '*to protect, provide and improve residential amenities*' and Section 15.14.7.2 (Restaurants/ Cafes) and

Section 15.17.4 (Outdoor Seating and Street Furniture) of the Dublin City Development Plan 2022-2028, and to the location of the site within an established residential area, the established character of the area, the design and layout of the proposed development, it is considered that the development would be out of character in comparison with the prevailing architectural context, would appear visually incongruous on the streetscape, and would serve to negatively impact established visual and residential amenities in the area. The proposed development would, therefore, by itself and by reason of the undesirable precedent it would set for similar development, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Frank O'Donnell
Planning Inspector

17th May 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318296-23		
Proposed Development Summary	Construction of coffee kiosk and all associated site works.		
Development Address	7A Londonbridge Road, Dublin 4		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	✓
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		N/A	EIA Mandatory EIAR required
No	✓	Class 10(b)(iv)/ min. an area greater than 10 ha	Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No	✓	Class 10(b)(iv)/ min. an area greater than 10 ha	No EIAR or Preliminary Examination required
Yes			Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ **Date:** _____