



An
Coimisiún
Pleanála

Inspector's Report ABP-321393-24

Development

Construction of enclosed canopy and doors to outdoor seating area, construction of stud wall and door at attic level. Change of use for existing service area to storage and change of use for existing storage space to additional seating and service space. Repair works to roof and all associated site works.

Location

Bob Griffin's Bar, Strand Street,
Dingle, Co. Kerry

Planning Authority

Kerry County Council

Planning Authority Reg. Ref.

2413

Applicant(s)

EHD Ltd

Type of Application

Permission and Retention

Planning Authority Decision

Refuse

Type of Appeal

First Party

Appellant(s)

EHD Ltd

Observer(s)

Nuala Moore and Others

Date of Site Inspection

04th November 2025

Inspector

Lorraine Dockery

1.0 Site Location and Description

- 1.1. The subject site, which has a stated area of 0.06 hectares, is located on Strand Street, Dingle, Co. Kerry.
- 1.2. This two-storey property is currently in use as a public house. This is a town centre location and the area is characterised by a mix of commercial and residential uses.
- 1.3. The existing property is designated as a Protected Structure (Ref. RPS-KY-0318), stated by the applicants to date to 1865.

2.0 Proposed Development

- 2.1. The proposed development, as amended by significant Further Information to the planning authority, comprises:
 - (i) Provision of glazed and lobbied extension to rear of premises in order to provide for additional bar seating area
 - (ii) Internal alterations including change of use for existing service area to storage at rear ground floor level
 - (iii) Change of use for existing storage space to additional seating and service space at first floor level
 - (iv) Provision of new lobby stud wall and fire rated door at attic level
 - (v) Repair works including re-slating of existing main roof of original building (a Protected Structure)
 - (vi) All associated site development works

The proposal also includes for the retention of side door.

3.0 Planning Authority Decision

3.1. Decision

REFUSE permission for 3 reasons as follows:

1. On the basis of the information provided, it is considered that the proposed development would contravene objective KCDP 11-36 as the planning

authority is not satisfied that the proposed development provides suitable measures to mitigate any noise nuisance and as a result would seriously injure the residential amenities and depreciate the value of residential properties in the vicinity of the premises due to the noise and disturbance generated. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided, it is considered that the proposed development would materially contravene Condition 8 of grant of planning permission ABP 312291-21 and contravene objective KCDP 13-35 of Kerry County Development Plan 2022-28 as the planning authority is not satisfied that the proposed development would adequately provide for the management of waste generated. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. It is considered the proposed development would materially contravene objectives KDCP 8-40 and KDCP 8-42 of Kerry County Development Plan 2022-28 as the planning authority is not satisfied, based on the information provided, that the proposed development is compatible with the protected structure and would not negatively impact the character of the protected structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Further Information was requested by the planning authority in relation to (i) query regarding unauthorised paved seating area (ii) compliance with conditions of ABP-312291-21 and (iii) clarity on noise assessment criteria/scope of Report and (iv) management of mitigation measures. The FI was deemed significant by the planning authority and they requested the submission of revised public notices, which were duly furnished by the applicants.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planner's Report- Two reports on file. The first report recommends a Further Information request. The second report reflects decision of planning authority, refusal recommended

3.2.2. Other Technical Reports

Executive Planner (Conservation)- Not satisfied that the proposal would not negatively impact the character of the Protected Structure. Proposed works to interior are lacking in detail, proposed re-roofing is not clear and proposed development to the rear would materially impact the character of the structure by reason of its design and finish which would render it an incongruous feature materially interfering with the character and setting of the Protected Structure. Proposal would materially contravene Objectives KCDP 8-40 and KCDP 8-42 of Kerry County Development Plan (dated 07/11/2024)

Environment Section- Concerns regarding potential for noise nuisance remain. Proposal would represent an additional intensification of the use of the premises and in context of nearby residential properties, it is clear that there is potential for noise nuisance arising. Elements pose an unacceptable risk of noise nuisance to the public and a risk of significant interference with the use and enjoyment of residential properties in the vicinity of the premises. Recommend that parts (a) and (c) of the proposal relating to proposed glazed canopy area and proposed change of use of first floor area be refused. No objections to remaining elements of proposal (dated 06/11/2024).

Environmental Assessment Unit- Considered that AA is not and would not have been required for the development concerned (no realistic or meaningful pathway for significant impact on the environment). Considered that the development concerned would not have required either an EIA or EIA Screening (no real significant effects on the environment arising from the development) (dated 04/11/2024)

Fire Services Department – No objections, subject to conditions (dated 23/01/2024)

3.3. Prescribed Bodies

Transport Infrastructure Ireland: No observations

3.4. Third Party Observations

A number of observations were received by the planning authority which raised matters similar to those contained in the observation received.

4.0 Planning History

There is quite a protracted history pertaining to the site. The most recent, relevant application is as follows:

ABP 312291-21 (21760)

Split Decision

Permission GRANTED to retain change of use within the premises and extension to the rear

- Condition No. 6: Noise Management
- Condition 8:

A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular recyclable materials shall be submitted shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment.

- Condition No. 9: Landscaping
- Condition No. 10: Payment of financial contribution

Permission REFUSED for the retention of the outdoor beer garden and serving area and associated works and structure, for one reason as follows:

The proposed development would seriously injure the residential amenities and depreciate the value of residential properties in the vicinity due to the noise and disturbance generated. The proposed development would therefore be contrary to the proper planning and sustaining about development of the area

PL.08 248170 (16/998)

Permission GRANTED on appeal for renovation and extension of public bar (Protected Structure)

ENF 7919

Enforcement file relating to purported noise and development from the premises including from and at the rear of the public house

5.0 Policy Context

5.1 National Planning Policy

Section 28 Ministerial Guidelines

The following list of section 28 Ministerial Guidelines are considered to be of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Delivering Homes, Building Communities 2025-2030: An Action Plan on Housing Supply and Targeting Homelessness
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Architectural Heritage Protection, Guidelines for Planning Authorities
- Appropriate Assessment Guidelines for Planning Authorities
- Climate Action Plan

Other policy documents of note:

- National Planning Framework, First Revision

- Regional Spatial & Economic Strategy for the Southern Region

5.2 Local Planning Policy

Development Plan

Kerry County Development Plan 2022-2028 applies

Structure is designated as a Protected Structure (RPS-KY-0318) – protected for its architectural category of special interest

Objective KCDP 11-36 Ensure that any application with the potential to create noise nuisance is appropriately assessed and that suitable measures to mitigate any nuisance are proposed and implemented.

Objective KCDP 13-35 Require the appropriate provision for the management of waste within developments, including the provision of facilities for the storage, separation and collection of such waste.

Objective KCDP 8-40 Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting including designed landscape features and views, is compatible with the special character of that structure.

Objective KCDP 8-42 Prohibit demolition or inappropriate alterations and replacement of elements of protected structures where they would adversely affect the essential character of a protected structure

Corca Dhuibhne Electoral Area Local Area Plan 2021-2027 applies

Dingle is designated as the principal town.

Zoning: M2- Town Centre

The site abuts a residential zoning- R2- Existing residential development

Town centre: (section 3.2.5.3) In order to maintain a vibrant town centre it is essential that the level of retail provision in the town centre is maintained and enhanced. The historic built fabric character of Dingle / Daingean Uí Chúis including its shopfronts also create a unique traditional streetscape and ambience. It is important therefore to ensure that new development enhances the existing streetscapes and that existing landmark buildings are maintained to the highest

standards. It is essential that a balance is maintained between residential and commercial uses within the town centre. It is the policy of the Council to protect existing and encourage additional residential uses and areas within the town centre in order to maintain vibrant local neighbourhoods

5.3 Natural Heritage Designations

The nearest sites are Mount Brandon SAC 000375 to the north of the town at a distance of 700m and Dingle Peninsula SPA 004153 to the south of the harbour at a distance of around 2.2km.

5.4 EIA Screening

The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2, in the Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of the potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

5.5 AA Screening

5.5.1 I have considered the proposed development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

5.5.2 Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because it could not have any effect on a European Site. The reason for this conclusion is as follows:

- Scale and size of the proposed development
- Distance to the nearest European site
- AA Screening of the planning authority

I conclude, on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in

combination with other plans or projects. Likely significant effects are excluded and therefore Appropriate Assessment (under Section 177V of the Planning and Development Act 2000) is not required.

5.6 Water Framework Directive

5.6.1 The proposed development comprises works to an existing structure on Strand Street, Dingle, Co. Kerry.

5.6.2 I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seeks to protect and, where necessary, restore surface & ground water body in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively. The reason for this conclusion is as follows.

- The nature of the proposed development due to size and scale.
- The location of the nearest water bodies,
- Reports of the planning authority

6.0 The Appeal

6.1 Grounds of Appeal

A first party appeal was received which may be summarised as follows:

- In relation to 1st reason for refusal by PA, proposal will provide for a contemporary and innovative design solution to mitigate adverse noise impacts on its surrounding context by incorporating a fully enclosed noise insulated glazed structure; rear of site no longer in use as beer garden
- Acknowledges previous noise complaints; proposal seeks to create a sympathetic noise insulated extension to the rear of property in order to avoid further noise complaints and ensure their business remains viable

- Proposal will not result in a noise nuisance and mitigation measures/noise control measures are proposed
- Noise Impact Assessment (NIA) undertaken, which included a review of previous noise measurements undertaken. Noise emission criteria for development were set by ACP under PL08.248140
- NIA states that paved seating area to rear of development outside of enclosed beer garden has not been included in assessment as it is understood this space will not be used for patrons in the future only as an emergency exit
- Unattended Background Noise Study, Technical Note and Noise Management Plan was also prepared as part of response to PA request for CFI
- NIA concludes that proposed development including mitigation measures were designed to meet the stringent noise criteria set out by ABP and PA and assessment was thorough, robust and compliant with industry standards. Concludes that proposal will not provide a negative noise impact providing all mitigation outlined in reports are incorporated
- In relation to 2nd reason for refusal by PA, sufficient space on site to appropriately manage waste; willing to accept a condition relating to waste management plan
- In relation to 3rd reason for refusal by PA, proposed works will result in drastic improvement and will complement existing Protected Structure and its setting
- Condition Report & Method Statement submitted to PA in response to CFI- cites extracts in appeal submission; site not located in ACA
- Minimal impact on visual amenities in surrounding area; achieved through innovative design; not visible from Strand Street; suitably scaled to ensure it does not detract from area; designed to avoid overbearance and is subordinate to height of existing structure; self-supporting lightweight structure; materially and physically distinct from original structure
- Proposal is consistent with 'Mixed Use- town Centre' zoning; does not have adverse impact on adjoining residential amenities and accords with proper planning and sustainable development of the area; public house permitted in

principle under zoning objective; public house first started operating on this site in 1937; character of area has changed to top tourist destination and proposal is consistent with his character

- Notes policies and objectives of CDP and Corca Dhuibhne Electoral Area LAP relating to arts, craft, tourism, retail, development of public house, urban renewal and regeneration; hours of operation will remain unchanged
- Precedents cited for open-air beer gardens in close proximity to residential areas within proximity to the site and nationwide
- A number of appendices were included with the appeal documentation including an appeal response from Wave Dynamics (noise) and an Architectural Conservation note prepared by OC Architects (conservation).

6.2 Applicant Response

N/A

6.3 Planning Authority Response

None

6.4 Observations

An observation was received from Nuala Moore and Others, which may be summarised as follows:

- Similar concerns to those expressed in ABP-312291-21
- Noise monitoring report, carried out by Kerry CoCo in Aug 2021 attached to submission
- Concerns regarding intensification of use
- Concerns regarding noise nuisance/pollution; impossible for proposal to remain within noise limits; no details in relation to limiting the output of any speaker or amplification, including no details of manufacturer specifications/configuration of proposed noise limiter equipment; questions accuracy of noise survey

- Disturbance and impacts on residential amenities; impacts on health; subject site bounds residential properties
- No visual impact assessment undertaken by applicants
- Concern regarding compliance with conditions of previous permissions
- Concerns regarding unauthorised development; notes section 35 of Planning and Development Act 2000 in relation to refusal of permission for past failures to comply; issues with planning authority and examination of documentation submitted
- Other Matters- purported vexatious application; inaccurate wording of public notices; concerns that proposal would not be built in accordance with attached conditions; fire safety concerns
- Includes details of correspondence with PA; submissions to previous planning applications on site; USB and CD also included in submission

6.5 Further Responses

None

7.0 Assessment

- 7.1 I highlight to An Coimisiún that there is a protracted planning and enforcement history on this site. The observation received, signed primarily by local residents, has raised serious concerns in relation to the planning history of the site and previous alleged unauthorised development and alleged non-compliance with conditions. This is clearly a matter that has excited public interest. Notwithstanding section 35 of the Planning and Development Act, 2000 (as amended), I am of the opinion that any matters of alleged unauthorised development and alleged non-compliance with conditions of previous grants of permission, are a matter for the enforcement section of the planning authority and the Courts, if necessary. Additionally, compliance with conditions relating to any future grant of permission is also a matter for the enforcement section of the planning authority.

- 7.2 I note that the Planning Report, prepared by Hughes Planning, references an Architect's Design Statement (page18). It would appear that there is no such statement included in the documentation, instead the document referred to is a Conservation Method Statement- Bob Griffin's Bar prepared by OC Architects & Design, as referenced in list of documentation submitted with the application by Hughes Planning (dated 12/01/24).
- 7.3 I note that at the time of my site visit, the outdoor paved area with seating, together with serving area (albeit the serving area was in use for storage) which were previously refused permission under ABP-312291-21 were in situ.
- 7.4 I am examining the current proposal before me. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the report/s of the local authority, having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal are as follows:
- Principle of proposed development
 - Refusal reasons- impact of residential amenity; waste management and impacts on architectural heritage
 - Other Matters

7.5 Principle of proposed development

- 7.5.1 The subject site is located on Strand Street, Dingle within the settlement boundary of the town. Dingle is designated as a regional town within the Corca Dhuibhne Electoral Area LAP. I note Objective WK-RT-2 which seeks to 'Promote a vibrant and culturally-rich town centre with enhanced social inclusion, sustainable neighbourhoods and a high level of environmental quality to ensure an excellent quality of life for all'. Section 3.2.1 states that the vision for the town, includes inter alia that 'the town should develop in a sustainable manner and in a way that will improve the quality of life for residents and visitors alike'. The Plan further states that in order for Dingle / Daingean Uí Chúis to develop in a sustainable manner it is important that...An improved quality of life is provided for the residents of the town by creating attractive public realms and amenities.

7.5.2 The site is located within a 'M2- Town Centre' zoning. Table 2.6 Zoning Matrix of the LAP does not specifically reference 'public house' but I note that 'night-club' is 'Permitted in Principle'. The site is stated to be in use as a public house since 1937 and there is an established use as such on the site. I highlight to An Coimisiún that the site is immediately bound by zone R2- Existing residential development and therefore notwithstanding its town centre location, a balance needs to be achieved between encouraging commercial activity whilst protecting existing residential amenity. I shall deal with the matter of impacts on residential amenity below. However, I consider that the principle of the proposed development is generally consistent with the zoning objective and is acceptable in principle in this mixed-use, town centre location.

7.6 Impacts on Residential Amenity

7.6.1 The first reason for refusal which issued from the planning authority stated that 'On the basis of the information provided, it is considered that the proposed development would contravene objective KCDP 11-36 as the planning authority is not satisfied that the proposed development provides suitable measures to mitigate any noise nuisance and as a result would seriously injure the residential amenities and depreciate the value of residential properties in the vicinity of the premises due to the noise and disturbance generated. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area'.

7.6.2 The first party appellants acknowledge previous noise complaints and state that the current proposal seeks to create a sympathetic noise insulated extension to the rear of their property in order to avoid further noise complaints and ensure their business remains viable. They contend that the proposal will not result in a noise nuisance and highlight the mitigation measures/noise control measures proposed and reference the contents of the Noise Impact Assessment undertaken, which included a review of previous noise measurements. They note that noise emission criteria for development were set by ACP under PL08.248140. The NIA concludes that proposed development including mitigation measures were designed to meet the stringent noise criteria set out by ABP and PA and assessment was thorough, robust and compliant with industry standards. It concludes that proposal will not provide a negative noise impact providing all mitigation outlined in reports are incorporated.

An Unattended Background Noise Study, Technical Note and Noise Management Plan was also prepared as part of response to PA request for CFI.

- 7.6.3 I highlight to An Coimisiún that this is the matter which has been raised as greatest concerns in the observation received and appears to be a long-standing issue in the substantial planning history pertaining to the site. The third-party submission received included USB/CD of noise impacts on their property, purporting to be originating from the subject site.
- 7.6.4 Objective KCDP 11-36 of the operative County Development Plan seeks to ensure that any application with the potential to create noise nuisance is appropriately assessed and that suitable measures to mitigate any nuisance are proposed and implemented.
- 7.6.5 Condition No. 8 of PL08.248140 stated that the noise level shall not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location that being the adjoining rear garden of the residence to the east of the appeal site between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time. 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.
- 7.6.6 I consider that there are two issues at play here, namely the increase in floor area of the public house use associated with the proposed development and the subsequent impacts on the amenities of the area. The stated floor area of the proposed works is stated in the application form as being 112m². While measurements are shown on the submitted drawings, details are vague as to exact floor areas of different elements of the proposed development. I highlight to An Coimisiún that a significant intensification of the public house element is proposed, over and above that currently authorised on site. This intensification includes for the proposed ground floor area under glazed canopy and the first floor element of the existing premises. This is considered to be a significant intensification of use over an above that currently permitted on site. It is noted that the existing paved seating area and serving area to the rear was refused permission under ABP-312291-21 although the outdoor paved seating area was in place at the time of my site visit.

- 7.6.7 I acknowledge the information put forward in the submitted NIA reports, including Acoustic Assessment and Noise Management Plan in relation to the proposed glazed area to the rear, together with the mitigation measures put forward to reduce noise impacts. I also acknowledge the justification for the proposed works. The assessment included a full 3D noise model using latest software and modelling techniques. Attended noise measurements were taken in November 2023 while unattended noise surveys were undertaken in April 2024. The assessments sought to achieve compliance with ABP criteria contained in PL08.248140 which was that noise not exceed 55dB(A) rated sound level at the nearest noise sensitive location (that being the adjoining rear garden of the residence to the east of the appeal site) between 08.00 and 20.00 hours Monday to Friday inclusive and shall not exceed 45 dB(A) at any other time. The conclusions of the assessment acknowledge that mitigation measures are required to ensure compliance with BS4142 criteria (standard for compliance) and as a result enhanced mitigation measures have been put forward. With these mitigation measures in place, the noise impact from the subject site at all noise sensitive locations are predicted to be considerably lower than the ABP compliance criteria set out in PL08.248140 and noise impacts are predicted . The proposed development will be fully enclosed within a high-performance acoustic façade except for a small smoking area to the front of the development. The sound insulation performance of the enclosure will be better than the existing windows on the existing pub. Other mitigation measures include music noise limiter and lobbied entrances/exists. Break out from the building for people entering/exiting the outdoor serving area has also been considered. It is unclear why this element is included given that this outdoor serving area is proposed to be removed. Monitoring is also proposed. The NIA states that paved seating area to rear of development outside of enclosed beer garden has not been included in assessment as it is understood this space will not be used for patrons in the future only as an emergency exit. I am of the opinion that to ensure the use of this area for emergency access only may be difficult to enforce.
- 7.6.8 I note section 3.2.5.3 of the Local Area Plan states that 'It is essential that a balance is maintained between residential and commercial uses within the town centre. It is the policy of the Council to protect existing and encourage additional residential uses and areas within the town centre in order to maintain vibrant local neighbourhoods'.

Objective D-T-8 which seeks to 'Protect the residential uses/ neighbourhoods in the town centre' while Objective D-TC-2 seeks to 'Facilitate a mix of compatible uses that will contribute to an enhanced range of town centre uses and which will consolidate the retail core around Strand St/John St/ Main Street as the primary activity and business centre for the town'. I note the town centre location of the site, its existing use as a public house and I consider that a balance needs to be achieved between encouraging such existing uses to develop and thrive whilst at the same time protecting residential amenity. I note that there are residentially zoned lands immediately adjoining the subject site on two sides and a number of residential properties in the immediate vicinity. Many of the signatories to the observation received appear to live in The Colony area which is located to the west of the subject site. This Colony Area is designated as Housing Protection Area within the operative LAP. Section 3.2.10 Housing Protection Areas of the operative LAP which states that the town has maintained a significant permanent population in lanes and streets adjacent to the Town Core. The protection and enhancement of the town's built residential environment will be achieved through the designation of Housing Protection Areas. Such protective status for these laneways includes that the residential nature of such areas will be protected from inappropriate uses. The Colony, which is a designated laneway/Housing Protection Area is located in close proximity to the subject site. Given the proximity of the proposed development, which includes for an intensification of use of the existing premises at both ground and first floor level, from the existing residential development, and notwithstanding the measures put forward in the various assessments, I have serious reservations that the residential nature of these areas will not be protected from inappropriate use and I consider that a grant of permission would have negative impacts on maintaining the vibrant local neighbourhood that currently exists. If residential amenity is compromised, in particular by way of regular excessive noise, it may become difficult to maintain the significant permanent population of this area, which would not be in accordance with section 3.2.10 of the Plan. Given the proximity of the subject site to existing residential development and residentially zoned lands, I consider the further intensification of this site for public house uses, with its associated noise and disruption to be inappropriate.

7.6.9 I would concur with the opinion of the Environment Section of the planning authority in this regard and highlight that my concerns regarding potential for noise nuisance, notwithstanding the proposed mitigation measures put forward. The Environment Section state that the proposal would represent an additional intensification of the use of the premises and in context of nearby residential properties, it is clear that there is potential for noise nuisance arising. I would concur with this and also that elements of the proposed development, namely the ground floor glazed area and public house use at first floor level, pose an unacceptable risk of noise nuisance to the public and a risk of significant interference with the use and enjoyment of residential properties in the vicinity of the premises. The Environment Section of the planning authority recommend that parts (a) and (c) of the proposal relating to proposed glazed canopy area and proposed change of use of first floor area be refused. I would concur with this assertion. I consider that the concerns of local residents are justified in this instance, given the overall scale of development proposed and notwithstanding the proposed mitigation measures the potential for noise disturbance is high. It would be difficult to enforce many of the mitigation measures put forward. This is especially pertinent given the proximity of residential properties to the subject site.

7.6.10 Having regard to all of the information before me, I consider that the previous reason for refusal which issued on this site has not been overcome by the proposed development, notwithstanding the mitigation measures put forward and I consider that the proposed development would seriously injure the residential amenities and depreciate the value of residential properties in the vicinity due to the potential for additional noise and disturbance generated. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

7.7 Waste Management

7.7.1 The second reason for refusal which issued from the planning authority stated that on the basis of the information provided, it is considered that the proposed development would materially contravene Condition 8 of grant of planning permission ABP 312291-21 and contravene objective KCDP 13-35 of Kerry County Development Plan 2022-28 as the planning authority is not satisfied that the proposed development would adequately provide for the management of waste

generated. They proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

- 7.7.2 Condition No. 8 of ABP-312291-21 stated that 'A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular recyclable materials shall be submitted shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The reason is to provide for the appropriate management of waste and, in particular recyclable materials, in the interests of protecting the environment'.
- 7.7.3 Objective KCDP 13-35 requires the appropriate provision for the management of waste within developments, including the provision of facilities for the storage, separation and collection of such waste.
- 7.7.4 The planning authority states that the applicant failed to comply with this condition of ABP-312291-21 and state that they failed to submit a waste management plan, prior to commencement of development as required by Condition No. 8. In response, the applicant states that they have no difficulty accepting a condition requiring the preparation of a waste management plan associated with this current development. It is unclear why a plan was not submitted in accordance with Condition No. 8 of ABP-312291-21. They further state that a suitable internal area within the site is proposed to be used for bin storage and when collection is required, staff will bring waste to the front of the site where collection can be facilitated along Strand Street. No further details have been put forward. Notwithstanding the first party response, I consider that the proposal lacks adequate details in relation to the provision of facilities for the storage, separation and collection of the waste. In some cases, if all other matters were acceptable in relation to the proposed development, I consider it may be appropriate to accept recommending a condition in relation to this matter. Given that the applicants did not previously comply with a condition in relation to this matter, I consider that a condition is not appropriate in this instance. I concur with the opinion of the planning authority in this regard and consider that the proposal materially contravenes Objective KCDP 13-35 in relation to the appropriate provision for the management of waste within this development including the provision of

facilities for the storage, separation and collection of such waste and I recommend a refusal of permission in this regard.

7.8 Impacts on Architectural Heritage

7.8.1 The third reason for refusal which issued from the planning authority stated that it was considered that the proposed development would materially contravene objectives KDCP 8-40 and KCDP 8-42 of Kerry County Development Plan 2022-28 as the planning authority is not satisfied, based on the information provided, that the proposed development is compatible with the protected structure and would not negatively impact the character of the protected structure. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

7.8.2 Objective KCDP 8-40 seeks to 'Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting including designed landscape features and views, is compatible with the special character of that structure'. Objective KCDP 8-42 seeks to 'Prohibit demolition or inappropriate alterations and replacement of elements of protected structures where they would adversely affect the essential character of a protected structure'.

7.8.3 I note the report of the Conservation Officer of the planning authority, subsequent to the submission of FI which states that they are not satisfied that the proposal would not negatively impact the character of the Protected Structure. The proposed works to the interior are lacking in detail, the proposed re-roofing is not clear and the proposed development to the rear would materially impact the character of the structure by reason of its design and finish which would render it an incongruous feature materially interfering with the character and setting of the Protected Structure. The Conservation section further consider that the proposal would materially contravene Objectives KDCP 8-40 and KCDP 8-42 of Kerry County Development Plan.

7.8.4 The first party appeal submission states that proposed works will result in drastic improvement and will complement the existing Protected Structure and its setting. They highlight that a Condition Report & Method Statement was submitted to PA in response to Further Information and cite extracts from same. They note that the site is not located in the Dingle Architectural Conservation Area; that there will be

minimal impact on visual amenities in the surrounding area and that the proposal is not visible from Strand Street. In relation to the proposed rear extension, the first party state that this is an innovative design, a self-supporting lightweight structure that is materially and physically distinct from original structure. They further state that it is suitably scaled to ensure it does not detract from area, has been designed to avoid overbearance and is subordinate to the height of the existing structure.

7.8.5 The subject site is designated as a Protected Structure in the operative Kerry County Development Plan (RPS-KY-0318), protected in the Architectural category of special interest. There are a number of Protected Structures within the town centre area. The Dingle Architectural Conservation Area encompasses the central town core with outliers along Goat Street, John Street, Strand Street and Emlagh Cottages. The subject site is proximate to but is not located within the Dingle Architectural Conservation Area. I agree with the first party that the proposed works to the rear would not be visible from the front of the property, although they would be visible from vantage points to the rear. The proposal includes for repair works to include for re-slating of existing main roof. I have examined the Architectural Heritage Protection Guidelines and I note that Chapter 9 relates specifically to Roofs. This acknowledges that in many buildings, the roof is a major element that gives the building its distinctive profile. The Guidelines state that the aspects of a roof, which may contribute to the special interest of a protected structure or a structure within an ACA, include the profile and structure of the roof, the cladding materials used and other details associated with the roof. The guidelines further state that the unnecessary removal of a roof, or part of a roof, in order to replace it in replica, should not generally be permitted. Where this is proposed, the applicant should be required to demonstrate the necessity for the proposed works. In my opinion, inadequate definitive details have been provided in relation to the proposed works to this Protected Structure and a lack of adequate demonstration for the need for its replacement.

7.8.6 I note that Condition Report & Method Statement were submitted as part of the response to the Further Information request from the planning authority. While the Condition Report element relates to the subject site, the Method Statement section is simply generic information containing limited specifics to the subject site. It lacks detail and is considered to be inadequate in nature. Furthermore, a Conservation

Method Statement was submitted as part of the application documentation. Again, it lacks technical detail in relation to the works proposed, and the methodology/materials to be used as in any such works.

- 7.8.7 As an aside, I note that Condition 2(c) of grant of permission ABP-312291-21 which required the removal of the timber shopfront from the front elevation and facade signage reinstated within three months of the date of the Order has not been complied with. The first party in their response to the planning authority state that it is an element of this permission to reinstate the previously existing shopfront. I note that these works to the front elevation are not referenced in the submitted public notices, as part of this current application.
- 7.8.8 I welcome in principle the upgrade and maintenance of this Protected Structure, however I am not satisfied that based on the information before me that the proposed works would be sympathetic in nature and would not have a negative impact on the character and setting of the protected Structure, given the lack of information provided in relation to the works proposed. I would concur with the opinion of the planning authority and I consider that the proposal materially contravenes Objective KCDP 8-40 of the operative County Development Plan in that it has not been adequately demonstrated that the proposed development, which includes for modification, alteration, and extension of a Protected Structure and/or its setting is compatible with the special character of the structure. Additionally, it has not been adequately demonstrated based on the information before me that the proposed works do not comprise of inappropriate alterations and replacement of elements of this protected structure, which would adversely affect its essential character. The proposal is therefore considered to materially contravene Objective KCDP 8-42 of the operative County Development Plan and I recommend a refusal of permission in this regard.

7.9 Other Matters

- 7.9.1 Concerns are expressed in the observation received relating to the wording of the public notices and inaccuracies in same. I note that the FI submission to the PA was deemed to be significant and the applicant was requested to submit revised public notices, which included for modification of the description of the proposed development. I consider the wording of the revised public notices to more accurately

reflect the development proposed, particularly in relation to the rear paved seating area. The nature of the public notices is to alert the general public that an application has been received. I am satisfied that this has been achieved.

- 7.9.2 I have no information before me to believe that the application/appeal is vexatious in nature.
- 7.9.3 The proposal also includes for the retention of side door. It is not clear from the submitted drawings, which door is proposed for retention.
- 7.9.4 Matters of fire safety relate to Building Regulations and are outside the remit of this planning appeal.
- 7.9.5 Administrative matters of the planning authority in relation to dealing with third-party submissions are outside the remit of this planning appeal.

8.0 Recommendation

I recommend a REFUSAL of permission for the reasons set out below.

9.0 Reasons

1. Section 3.2.5.3 of the Corca Dhuibhne Electoral Area Local Area Plan states that 'It is essential that a balance is maintained between residential and commercial uses within the town centre. It is the policy of the Council to protect existing and encourage additional residential uses and areas within the town centre in order to maintain vibrant local neighbourhoods'. Furthermore, Objective WK-RT-2 of the Plan seeks to 'Promote a vibrant and culturally-rich town centre with enhanced social inclusion, sustainable neighbourhoods and a high level of environmental quality to ensure an excellent quality of life for all'. The proposed development, by virtue of the intensification of the public house use on the site, would seriously injure the residential amenities and depreciate the value of residential properties in the vicinity of the site due to the potential for additional noise and disturbance to be generated. The proposed development would not be in compliance with

the Corca Dhuibhne Electoral Area LAP 2021-2027 and therefore be contrary to the proper planning and sustainable development of the area.

2. Objective KCDP 8-40 of the Kerry County Development Plan 2022-2028 seeks to 'Ensure that any development, modification, alteration, or extension affecting a protected structure and/or its setting including designed landscape features and views, is compatible with the special character of that structure'. Objective KCDP 8-42 seeks to 'Prohibit demolition or inappropriate alterations and replacement of elements of protected structures where they would adversely affect the essential character of a protected structure'. An Coimisiún Pleanála is not satisfied, based on the information provided, that the proposed development would not impact on the character of the Protected Structure (RPS-KY-0318). The proposed development is considered to materially contravene Objectives KDCP 8-40 and KCDP 8-42 of Kerry County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Objective KCDP 13-35 of the Kerry County Development Plan 2022-2028 requires the appropriate provision for the management of waste within developments, including the provision of facilities for the storage, separation and collection of such waste. Given the inadequate details submitted in relation to the storage, separation and collection of such waste including the lack of submission of a waste management plan, it is considered that the proposal materially contravenes Objective KCDP 13-35 of the Kerry County Development Plan 2022-2028 and is therefore considered to be inconsistent with 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.

Lorraine Dockery
Senior Planning Inspector

18th December 2025

Appendix 1- Form 1 - EIA Pre-Screening

Case Reference	
Proposed Development Summary	ABP-321393-24
Development Address	Strand Street, Dingle, Co. Kerry
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	<p>State the Class and state the relevant threshold</p>
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Urban development</p>

<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: Lorraine Dockery **Date:** 18/12/2025

Appendix 2- Form 2 - EIA Preliminary Examination

Case Reference	ABP-321393-24
Proposed Development Summary	Works to existing structure.
Development Address	Strand Street, Dingle, Co. Kerry
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
<p>Characteristics of proposed development</p> <p>(In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>Proposed development is described in section 2.0 above. The site area of 0.0636 ha.</p> <p>The development has a modest footprint and comes forward as a stand-alone project, does not require the use of substantial natural resources, or give rise to significant risk of pollution or nuisance. The development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change. Concerns relating to noise concerns are from a planning perspective as opposed to an environmental perspective.</p>
<p>Location of development</p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>This is a brownfield site within an established urban area. The development is removed from sensitive natural habitats and designated sites and landscapes of identified significance in the County Development Plan. It is considered that the proposed development would not be likely to have a significant effect, individually or in-combination with other plans and projects, on a European Site.</p>
<p>Types and characteristics of potential impacts</p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>Having regard to the nature of the proposed development, its location removed from sensitive habitats/features, its location, likely limited magnitude and spatial extent of effects, and absence of in-combination effects, there is no potential for significant effects on the environment factors listed in section 171A of the Act</p>
Conclusion	

Likelihood of Significant Effects	Conclusion in respect of EIA
There is no real likelihood of significant effects on the environment.	EIA is not required.
There is significant and realistic doubt regarding the likelihood of significant effects on the environment.	
There is a real likelihood of significant effects on the environment.	

Inspector: Lorraine Dockery **Date:** 18/12/2025